



Livingston City Commission Agenda

April 03, 2018

6:30 PM

City – County Complex, Community Room

1. Call to Order

2. Roll Call

3. Moment of Silence

4. Pledge of Allegiance

5. Consent Items

A. CONSENT - Approve minutes from regular 3.20.18 City Commission meeting Page 4

B. CONSENT - Approve Bills and Claims Page 8

6. Proclamations

A. PROCLAMATION - Public Safety Communication Officers Week Page 21

B. PROCLAMATION – Week of the Young Child Page 23

7. Scheduled Public Comment

A. Scheduled Public Comment - In honor of longtime Sacajawea Park gardening volunteer Eileen Berrum

B. Scheduled Public Comment - Leslie Feigel, from the Livingston Chamber of Commerce regarding requests for 1) construction banner cost share; and 2) letter of support regarding amending Montana Department of Transportation administrative rule ARM 18.6.238

8. Public Hearings

9. Ordinances

10. Resolutions

A. RESOLUTION NO. 4787 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH PARK COUNTY COMMUNITY FOUNDATION CONCERNING THE PARK COUNTY EARLY CHILDHOOD COALITION. Page 25

11. Action Items

A. DISCUSS/APPROVE/DENY - Planning Board recommendations for amendment to Parkland Dedication Requirements in Subdivision Regulations

Page 31

- B. **DISCUSS/APPROVE/DENY** - Request from Chamber of Commerce for cost share on construction banners Page 46
- C. **DISCUSS/APPROVE/DENY** – Request from Chamber of Commerce for letter of support regarding amending Montana Department of Transportation administrative rule ARM 18.6.238 Page 49
- D. **DISCUSS/APPROVE/DENY** - Memorandum of Understanding between Park County Ministerial Association and the Livingston Park County 911 Dispatch Center. Page 53
- E. **DISCUSS** - Review and discuss URA background and current status (Information from recent joint City Commission and URA meetings - pages 58-102; additional URA background information - pages 103-146; current URA financial information - pages 147-148) Page 58

12. Public Comments

Individuals are reminded that public comments should be limited to items over which the City Commission has supervision, control, jurisdiction, or advisory power (MCA 2-3-202).

13. City Manager Comment

14. City Commission Comments

15. Adjournment

Supplemental Material

Calendar of Events

March 30, 2018 - Public Works Office and Transfer Station closed

April 3, 2018 - 6:30 p.m. - City Commission regular meeting, Community Room, City/County Complex

April 4, 2018 - 8:30 a.m. - Weekly downtown construction progress meeting, Livingston Center for Arts and Culture, 119 S. Main

April 10, 2018 - 3:30 p.m. - Historic Preservation regular meeting, Community Room, City/County Complex

April 10, 2018 - 7:00 p.m. - Board of Adjustments regular meeting, Community Room, City/County Complex

April 11, 2018 – 8:30 a.m. - Weekly downtown construction progress meeting, Livingston Center for Arts and Culture, 119 S. Main

April 12, 2018 - National Big Wind Day

April 17, 2018 - 6:30 p.m. - City Commission regular meeting, Community Room, City/County Complex

April 18, 2018 – 8:30 a.m. - Weekly downtown construction progress meeting, Livingston Center for Arts and Culture, 119 S. Main

April 18, 2018 - 8:30 a.m. - Urban Renewal Agency regular meeting, East Room, City/County Complex

April 18, 2018 - 4:00 p.m. - Livingston - Park County Library, regular meeting, Livingston - Park County Library, 228 W. Callender

April 18, 2018 - 5:30 p.m. - Planning Board regular meeting, Community Room, City/County Complex

April 18, 2018 – 12:30 p.m. – Tree Board regular meeting, East Room, City/County Complex

April 25, 2018 - 1:30 p.m. - Transportation Coordinating Committee, Community Room, City/County Complex

April 28, 2018 - 8:30 a.m. - Breakfast with the Commissioners, Livingston Food Resource Center

Notice

- **Public Comment:** The public can speak about an item on the agenda during discussion of that item by coming up to the table or podium, signing-in, and then waiting to be recognized by the Chairman. Individuals are reminded that public comments should be limited to items over which the City Commission has supervision, control, jurisdiction, or advisory power (MCA 2-3-202).
- **Meeting Recording:** An audio and/or video recording of the meeting, or any portion thereof, may be purchased by contacting the City Administration. The City does not warrant the audio and/or video recording as to content, quality, or clarity.
- **Special Accommodation:** If you need special accommodations to attend or participate in our meeting, please contact the Fire Department at least 24 hours in advance of the specific meeting you are planning on attending.

Backup material for agenda item:

- A. CONSENT - Approve minutes from regular 3.20.18 City Commission meeting**

**LIVINGSTON CITY COMMISSION
MINUTES**

March 20, 2018

6:30 p.m.

City- County Complex, Community Room

- 1. Call to Order**
- 2. Roll Call**
 - Hoglund, Schwarz, Friedman, Sandberg and Mabie were present.
- 3. Moment of Silence**
- 4. Pledge of allegiance**
- 5. Consent Items (00:01:10)**
 - A. CONSENT -Approve minutes from regular 3.6.18 Commission meeting**
 - B. CONSENT - Approve Bills and Claims**
 - C. CONSENT - Approve the application of James Bennett to the Skate Park Committee**
 - D. CONSENT – Approve the application of Ray Sundling to the City/County Airport Board**
 - Schwarz made a motion to approve Consent Items A-D. Friedman seconded.
 - All in favor, motion passed 5-0.
- 6. Proclamations**
- 7. Scheduled Public Comment**
 - A. SCHEDULED PUBLIC COMMENT - Parks and Trails Committee representatives Mike Gomez and Jeanne - Marie Souvigney with update regarding Parks and Trails (00:02:12)**
 - B. SCHEDULED PUBLIC COMMENT - Karla Pettit, Urban Renewal Agency regarding URA bonding recommendation (00:18:10)**
- 8. Public Hearings**
 - A. ORDINANCE NO. 2068- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, ESTABLISHING A CIVIL OFFENSE OF INTERFERRING WITH THE STREET SWEEPER AND ESTABLISHING A PENALTY.**

- Don Platek made comments (00:23:05)
- Patricia Grabow made comments (00:26:00)
- Bob Ebinger made comments (00:28:50)
- Jan Lukenbill made comments (00:29:10)
- Sonia Tlampko made comments (00:32:10)
- Ron Tlampko made comments (00:36:10)

- Mabie made a motion to pass Ordinance No. 2068. Schwarz seconded.
 - All in favor, motion passed 5-0.

9. Ordinances

10. Resolutions

A. RESOLUTION NO. 4786 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A GENERAL SERVICES AGREEMENT WITH CASELLE, INC. (00:45:45)

- Don Platek made comments (00:51:31)
- Jay Kiefer made comments (00:52:06)

- Friedman made a motion to pass Resolution No. 4786. Mabie seconded.
 - All in favor, motion passed 5-0.

11. Action Items

A. DISCUSS/APPROVE/DENY - Urban Renewal Agency recommendation for 15 year bond (00:57:15)

- Karla Pettit made comments (01:14:05)
- Bob Ebinger made comments (01:23:23)

- Friedman made a motion to approve Action Item A. Schwarz seconded.
 - Motion passed 4-1. (Sandberg opposed.)

B. ACTION - Discuss schedule for next strategic planning meeting (01:35:10)

- City Manager is still waiting for potential dates from the Local Government Center, anticipating he will have potential dates at the next meeting.

12. Public Comment

13. City Manager Comments (01:36:35)

14. City Commission Comments

- Sandberg made comments (01:40:00)
- Friedman made comments (01:42:10)
- Schwarz made comments (01:44:20)
- Hogle made comments (01:44:50)

15. Adjournment (01:48:48) 8:21 p.m.

Backup material for agenda item:

B. CONSENT - Approve Bills and Claims

03/27/18
13:27:20

CITY OF LIVINGSTON
Claim Details
For the Accounting Period: 3/18

Page: 1 of 9
Report ID: AP100

For doc #s from 35214 to 35294, Operating Cash
* ... Over spent expenditure

Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
35214	85935S	54 GATEWAY OFFICE SUPPLY		226.07					
1	40079	03/15/18 Calculator		90.00*			1000 102 410360	200	101000
2	40053	03/14/18 Office Supplies		136.07*			1000 102 410360	200	101000
35215	85938S	3037 JOHNSTON ELECTRIC, LLC		320.05					
1	6863	02/05/18 37% Conference Room		320.05*			1000 121 411230	360	101000
35216	85934S	1750 FIRE SUPPRESSION SYSTEMS		318.20					
1	84230	01/29/18 37% Annual Alarm/Sprinkler Ser		318.20*			1000 121 411230	365	101000
35217	85937S	102 INDUSTRIAL TOWEL		71.45					
1	48242	03/15/18 Rug maint, towels		38.65*			1000 121 411230	360	101000
2	48495	03/15/18 Rug Maint.		32.80*			1000 121 411230	360	101000
35218	85932S	2660 COLJ CONFERENCE REGISTRATION		300.00					
1	17-18	03/20/18 Spring 2018 Conference		300.00			1000 102 410360	380	101000
35219	85953S	3237 WHISTLER TOWING, LLC		187.50					
1	8218	03/02/18 Tow 2005 Suzuki 4Wheeler		187.50			1000 131 420100	350	101000
35220	85949S	3390 TD&H ENGINEERING, INC		13,089.00					
1	12251	03/19/18 034 Water Master Plan		9,758.50			5210 502 430520	960	102190
2	12252	03/19/18 035 Transfer Station Main Ext.		49.75			5410 504 430835	960	101000
3	12252	03/19/18 033 Discovery Vista		44.83			5310 503 430610	352	101000
4	12252	03/19/18 033 Discovery Vista		44.83			5210 502 430515	350	101000
5	12252	03/19/18 033 Discovery Vista		44.84			2500 151 430220	352	101000
6	12252	03/19/18 029 LHC		524.50			5310 503 430610	352	101000
7	12252	03/19/18 029 LHC		524.50			5210 502 430515	350	101000
8	12252	03/19/18 029 LHC		524.50			2500 151 430220	352	101000
9	12252	03/19/18 036 Northside Transportation		1,572.75			2399 151 430240	960	102075
35221	85927S	2 A-1 MUFFLER, INC.		752.00					
1	63827	03/12/18 49-627 Oil Change		210.00			5410 504 430830	362	101000
2	63798	03/07/18 49-9971A Radio/Ignition Switch		542.00			2500 151 430240	362	101000
35222	85939S	1390 KEN'S EQUIPMENT REPAIR, INC		991.00					
1	50568	02/22/18 Hyd Filter		180.00			5410 504 430830	362	101000
2	50567	02/22/18 Photo Switch		175.50			5410 504 430830	362	101000
3	50607	02/28/18 G1 Sensor		180.00			5410 504 430830	362	101000
4	50599	02/27/18 Data Link		450.00			5410 504 430830	362	101000
5	50558	02/22/18 Yard Dog		5.50			5410 504 430830	232	101000

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35223	85941S	2830	LEHRKIND'S COCA-COLA	16.50					
1	1509744	03/14/18	Water	16.50			2500 151 430240	231	101000
35224	85945S	2346	MONTANA DEPT OF ENVIRONMENTAL	1,500.00					
1	5L1801497	02/28/18	MT00-Outfall Charge	1,500.00*			1000 155 460445	540	101000
35225	85946S	151	NORTHWESTERN ENERGY	370.11					
1	3120133	03/09/18	110 South B St	224.31			1000 121 411230	341	101000
2	3120134	03/09/18	112 South B St	145.80			1000 121 411230	341	101000
35226	85946S	151	NORTHWESTERN ENERGY	305.34					
1	0709891	03/14/18	15 Fleshman Creek	20.01			1000 155 430950	341	101000
2	0709870	03/14/18	422 South G	219.78			1000 155 430950	341	101000
3	0709878	03/12/18	227 River Drive -Concession	18.95			1000 155 430950	341	101000
4	0709879	03/09/18	227 River Drive - Softball	7.35			1000 155 430950	341	101000
5	1906055	03/15/18	815 North 13th	1.55			1000 155 430950	341	101000
6	0720176	03/14/18	Weimer Park	7.69			1000 155 430950	341	101000
7	1155965	03/14/18	229 River Dr.	6.22			1000 155 430950	341	101000
8	2138754	03/14/18	G Street Park	17.94			1000 155 430950	341	101000
9	3210240	03/14/18	616 River Dr.	5.85			1000 155 430950	341	101000
35227	85946S	151	NORTHWESTERN ENERGY	4,940.07					
1	0709873	03/14/18	800 W Cambridge	26.55			5310 503 430625	344	101000
2	0719058	03/09/18	3 Rogers Lane	101.08			5310 503 430625	344	101000
3	0709914	03/08/18	1011 River Dr.	20.84			5310 503 430625	344	101000
4	1452951	03/08/18	Monroe Lift Station	454.20			5310 503 430625	344	101000
5	1594141	03/08/18	9th & 10th Lift Station	24.37			5310 503 430625	344	101000
6	3258086	03/14/18	2800 East park	399.91			5310 503 430625	344	101000
7	3258262	03/07/18	320 Alpenglow	213.81			5310 503 430625	344	101000
8	0709892	03/14/18	40 Water Tower Ave.	46.53			5210 502 430515	341	101000
9	0709876	03/09/18	132 South B	1,257.79			5210 502 430515	341	101000
10	0709886	03/14/18	200 E Reservoir	114.26			5210 502 430515	341	101000
11	0709894	03/07/18	56 Water Tower	436.90			5210 502 430515	341	101000
12	1441030	03/09/18	D & Geyser Well House	1,511.02			5210 502 430515	341	101000
13	0709874	03/08/18	Werner Addition Pump	185.76			5210 502 430515	341	101000
14	0709875	03/08/18	900 River Dr.	147.05			5210 502 430515	341	101000
35228	85946S	151	NORTHWESTERN ENERGY	1,605.67					
1	0709871	03/14/18	Star Additon - Lights	297.72			2400 420100	340	101000
2	3287727	03/14/18	320 Alpenglow Ln	40.96			2400 420100	340	101000
3	3386783	03/14/18	G & H on Clark	57.37			2400 420100	340	101000
4	3386845	03/14/18	I & K on Callender	55.81			2400 420100	340	101000
5	3386846	03/14/18	7th & 8th on Summit	30.25			2400 420100	340	101000
6	1498936	03/14/18	I90 & 89S Street Lighting	5.85			2400 420100	340	101000

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Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
7	0709796	03/14/18	97 View Vista Dr.	5.85			2400 420100	340	101000
8	1893530	03/14/18	600 W Park	85.96			2400 420100	340	101000
9	1493850	03/14/18	412 W Callender	75.36			2400 420100	340	101000
10	3141997	03/14/18	C & D on Lewis	23.86			2400 420100	340	101000
11	2023484	03/15/18	1100 W Geysers St. School	5.85			2400 420100	340	101000
12	2023479	03/15/18	900 W Geysers St. School	5.85			2400 420100	340	101000
13	2114861	03/14/18	132 South B	170.95			2400 420100	340	101000
14	1893536	03/14/18	E st. & Alley	58.06			2400 420100	340	101000
15	1893541	03/14/18	18 W Park	121.87			2400 420100	340	101000
16	1747572	03/14/18	F & G on Callender	28.64			2400 420100	340	101000
17	1747570	03/14/18	D & E on Callender	62.37			2400 420100	340	101000
18	1613803	03/14/18	M & N on Callender	81.65			2400 420100	340	101000
19	1290352	03/14/18	School Flasher Park & 13th	8.37			2400 420100	340	101000
20	1134879	03/14/18	N 7th & Montana & Chinook	50.45			2400 420100	340	101000
21	1134866	03/14/18	N 2nd & Montana & Chinook	78.85			2400 420100	340	101000
22	0709869	03/14/18	Carol Lane	118.71			2400 420100	340	101000
23	3093027	03/14/18	105 West Park	56.28			2400 420100	340	101000
24	3093023	03/14/18	320 North Main	18.84			2400 420100	340	101000
25	3093003	03/14/18	114 West Summit	34.18			2400 420100	340	101000
26	3184602	03/14/18	202 South 2nd	25.76			2400 420100	340	101000
35229	85935S	54	GATEWAY OFFICE SUPPLY	27.77					
1	40038	03/12/18	Office Supplies	27.77			1000 123 411700	211	101000
35230	85946S	151	NORTHWESTERN ENERGY	166.80					
1	3286284	03/07/18	101 Star Rd	166.80			1000 121 411230	341	101000
35231	85930S	162	CENTURYLINK	696.54					
1	3850	03/04/18	Sewer Plant	177.85			5310 503 430640	343	101000
2	5606	03/04/18	Utility Billing	18.33			5210 502 430520	343	101000
3	5606	03/04/18	Utility Billing	18.33			5310 503 430620	343	101000
4	5606	03/04/18	Utility Billing	18.33			5410 504 430820	343	101000
5	5570	03/04/18	Utility Billing	61.25			5210 502 430520	343	101000
6	5570	03/04/18	Utility Billing	61.25			5310 503 430620	343	101000
7	5570	03/04/18	Utility Billing	61.25			5410 504 430820	343	101000
8	5240	03/04/18	Scale House	92.00			5410 504 430870	346	101000
9	4903	03/04/18	Planning Dept.	82.98			1000 106 411030	343	101000
10	6436	03/04/18	Park Dept.	104.97*			1000 109 460449	343	101000
35232	85952S	879	VERIZON WIRELESS	594.29					
1	9802887338	03/04/18	Air Cards - February	594.29			1000 131 420100	347	101000

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Page: 4 of 12
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35233	85937S	102	INDUSTRIAL TOWEL	38.65					
1	46877	03/01/18	Rug maint, towels	38.65*			1000 121 411230	360	101000
35234	85951S	292	UPS STORE #2420, THE	221.56					
1	17-18	02/28/18	Postage	221.56*			1000 131 420100	310	101000
35235	85951S	292	UPS STORE #2420, THE	37.95					
1	9261	03/12/18	Postage	37.95*			5510 142 420730	310	101000
35236	85940S	662	L.N. CURTIS & SONS	1,326.00					
1	INV164978	02/28/18	Compressor Maint./Air Quali	1,326.00			1000 141 420400	350	101000
35237	85947S	574	RANGER PLUMBING & HEATING, INC.	490.95					
1	9006	03/12/18	Building Repair	490.95*			1000 141 420400	365	101000
35238	85943S	55	LIVINGSTON HEALTH CARE-MEMORIAL	205.00					
1	17137	03/12/18	Patient Supplies	205.00*			1000 141 420400	235	101000
35239	85928S	2662	BOUND TREE MEDICAL, LLC	504.98					
1	82803127	03/13/18	Patient Supplies	504.98			5510 142 420730	235	101000
35240	85929S	682	CENTRON SERVICES	20.01					
1	3069	02/26/18	Parking Ticket collections	6.67			1000 351033		101000
2	3069	02/09/18	Parking Ticket collections	13.34			1000 351033		101000
35241	85931S	3761	CHAPMAN, KIRK	157.50					
1	17-18	03/13/18	Futsal Instructor - 10.5 hours	157.50			1000 109 460449	316	101000
35242	85933S	3298	EXEC U CARE SERVICES, INC.	1,593.87					
1	1495	02/27/18	Civic Center - February	1,593.87*			1000 109 460442	231	101000
35243	85936S	541	HAEFS, BRAD	61.04					
1	17-18	03/14/18	Conference Travel	61.04			1000 143 420403	380	101000
35244	85942S	26	LIVINGSTON ACE HARDWARE -	166.30					
1	C45613	03/08/18	Station Supplies	41.97			1000 141 420400	220	101000
2	C41372	02/24/18	Civic Center Supplies	55.76*			1000 109 460442	231	101000
3	B49877	12/14/17	Rec Supplies	68.57*			1000 109 460442	231	101000

03/27/18
13:27:20

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Claim Details
For the Accounting Period: 3/18

Page: 5 of 5
Report ID: AP100

For doc #s from 35214 to 35294, Operating Cash
* ... Over spent expenditure

Claim	Vendor #/Name/	Document \$/	Disc \$						Cash
Line #	Check Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object Proj	Account		
35245	85948S 3586 TARR, MARGARET	118.48							
1	17-18 03/09/18 Costco Concessions Reimb.	118.48			1000 109 460449	226	101000		
35246	85950S 2823 THOMSON REUTERS - WEST	574.00							
1	837655554 03/01/18 Information Charge - Feb	287.00			1000 107 411100	334	101000		
3	1003558438 02/01/18 Information Charge - Jan.	287.00			1000 107 411100	334	101000		
35247	85944S 3184 MASTERCARD	13,731.83							
1	Schweigert 02/05/18 MT Rural Water System	180.25*			5210 502 430515	380	101000		
2	Schweigert 02/23/18 Best Western heritage	155.58*			5210 502 430515	370	101000		
3	Schweigert 02/23/18 Best Western heritage	155.58			5310 503 430640	370	101000		
4	Johnson 02/01/18 Fort Harrison Inn	94.50			1000 131 420100	370	101000		
5	Johnson 02/05/18 CMI Inc.	197.95			1000 131 420100	220	101000		
6	Emter 02/05/18 MT Rural Water System	180.25			5310 503 430640	380	101000		
7	Emter 02/08/18 Office of Water Programs	245.00			5310 503 430640	380	101000		
8	Emter 02/23/18 Steve's Cafe	26.25			5310 503 430640	370	101000		
9	Emter 02/28/18 Murdoch's Ranch & Home	14.99			5310 503 430640	231	101000		
10	Grady 02/14/18 Stamps.com	15.99			2220 201 460100	310	101000		
11	Lowy 02/06/18 Amazon	121.86			1000 109 410450	255	101000		
12	Lowy 02/08/18 Mustang Fresh Food	46.70			1000 109 410450	350	101000		
13	Lowy 02/09/18 Getsling.com	10.46			1000 109 410450	255	101000		
14	Lowy 02/15/18 Amazon	41.26			1000 109 410450	255	101000		
15	Lowy 02/22/18 Amazon	19.81			1000 109 410450	255	101000		
16	Lowy 02/22/18 Amazon	10.94			1000 109 410450	255	101000		
17	Lowy 02/22/18 Amazon	22.21			1000 109 410450	255	101000		
18	Lowy 02/24/18 Home Depot	64.20*			1000 109 460442	231	101000		
19	Lowy 02/27/18 Amazon	12.57			1000 109 410450	255	101000		
20	Singer 02/08/18 Amazon	9.95			2300 132 420160	220	101000		
21	Singer 02/08/18 Amazon	679.89			2300 132 420160	220	101000		
22	Singer 02/08/18 Amazon	17.90			1000 107 411100	200	101000		
23	Singer 02/08/18 Amazon	22.98			1000 123 411700	211	101000		
24	Singer 02/10/18 Amazon	50.31			2300 132 420160	220	101000		
25	Johansson 02/11/18 Costco.com	349.99			5310 503 430620	361	101000		
26	Johansson 02/13/18 Staples	34.41			2500 151 430220	200	101000		
27	Johansson 02/13/18 Staples	34.40			5210 502 430510	220	101000		
28	Johansson 02/13/18 Staples	34.40			5310 503 430610	210	101000		
29	Johansson 02/13/18 Staples	34.40			5410 504 430810	210	101000		
30	Johansson 02/13/18 Staples	7.06			1000 155 430100	220	101000		
31	Johansson 02/15/18 Staples	2.94			5310 503 430610	210	101000		
32	Johansson 02/15/18 Staples	8.98			1000 155 430100	220	101000		
33	Johansson 02/15/18 Staples	8.98			2500 151 430220	200	101000		
34	Johansson 02/15/18 Staples	8.98			5210 502 430510	220	101000		
35	Johansson 02/15/18 Staples	8.98			5310 503 430610	210	101000		
36	Johansson 02/15/18 Staples	8.98			5410 504 430810	210	101000		

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For doc #s from 35214 to 35294, Operating Cash
* ... Over spent expenditure

Claim Line #	Check	Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
37	Johansson	02/20/18 USA Blue Book	344.47*			5210 502 430515	231	101000
38	Johansson	02/26/18 American Public Works	16.01			5210 502 430510	380	101000
39	Fetterhoff	02/03/18 Fedex	52.95*			5310 503 430640	940	101000
40	Fetterhoff	02/06/18 Stamps.com	24.99			1000 123 411700	310	101000
41	Fetterhoff	02/22/18 Government Finance Off	435.00*			1000 104 410540	333	101000
42	Fetterhoff	02/22/18 USPS Postage	100.00			1000 123 411700	310	101000
43	Fetterhoff	02/22/18 The Murray	30.00			1000 103 410400	370	101000
44	Whitman	02/05/18 Amazon	30.99			5210 502 430510	212	101000
45	Whitman	02/07/18 Albertsons	29.97			2500 151 430240	231	101000
46	Whitman	02/13/18 Albertsons	3.98			5410 504 430820	220	101000
47	Whitman	02/14/18 Radioshack	45.98			2500 151 430240	361	101000
48	Whitman	02/19/18 Amazon	158.38			5310 503 430610	210	101000
49	Whitman	02/28/18 Amazon	18.27*			5310 503 430625	361	101000
50	Tarr	02/02/18 Farmgirl Pizza	16.25			1000 109 460449	370	101000
51	Tarr	02/11/18 Amazon	33.00			1000 109 460449	226	101000
52	Tarr	02/14/18 Town & Country	2.99			1000 109 460449	226	101000
53	Tarr	02/22/18 Walmart	13.93			1000 109 460449	226	101000
54	Tarr	02/22/18 Custom Ink	159.50			1000 109 460449	226	101000
55	Tarr	02/22/18 Michaels Stores	8.96			1000 109 460449	226	101000
56	Tarr	02/23/18 Redbox	0.25			1000 109 460449	226	101000
57	Porteen	02/01/18 Staples	49.90			1000 123 411700	211	101000
58	Porteen	01/31/18 National Business Inst.	349.00			1000 107 411100	380	101000
59	Porteen	02/21/18 Howard Johnson Inn	79.54			1000 107 411100	370	101000
60	Schneider	02/06/18 Shopko	29.99			1000 155 460430	231	101000
61	Schneider	02/07/18 Home Depot	81.12*			1000 155 460442	231	101000
62	Schneider	02/14/18 Staples	38.90			1000 155 430930	361	101000
63	Schneider	02/15/18 Zoro Tools	140.52			1000 155 460430	231	101000
64	Schneider	02/15/18 Portcatello Supply	916.82			1000 155 430930	361	101000
65	Schneider	02/22/18 Intl Soc Arboriculture	89.90			2700 460430	800	102009
66	Schneider	02/24/18 Intl Soc Arboriculture	204.80			1000 155 460430	402	101000
67	Schneider	02/28/18 Shopko	80.97			1000 155 460430	231	101000
68	Schneider	02/28/18 ISA Rocky Mountain	625.00			1000 155 430950	380	101000
69	MacInnes	02/14/18 Extrication Gloves	538.84			1000 141 420400	220	101000
70	MacInnes	02/14/18 Extrication Gloves	500.00*			1000 141 420410	220	101000
71	MacInnes	02/14/18 Sawzall Blades	18.99			1000 141 420400	220	101000
72	MacInnes	02/15/18 Protocol Books	672.00*			5510 142 420730	320	101000
73	MacInnes	02/19/18 Manual	98.00*			1000 141 420410	380	101000
74	MacInnes	02/21/18 Medwrite - January	4,600.63*			5510 142 420730	350	101000
75	MacInnes	02/22/18 Turnout Cleaner	151.16			1000 141 420400	220	101000

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For doc #s from 35214 to 35294, Operating Cash
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Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
35249	85954S	3762 CASH		200.00					
1	17-18	03/21/18 Alcohol Compliance		200.00			1000 131 420100	350	101000
35250	85978S	3275 MSU EXTENSION SERVICE		8,159.00					
1	53950	02/01/18 February MSU Economic Dev		4,079.50			1000 103 410400	824	101000
2	53950	03/01/18 March MSU Economic Dev		4,079.50			1000 103 410400	824	101000
35251	85986S	3519 OPPORTUNITY BANK OF MONTANA		1,775.00					
1	2018-4	04/01/18 Business Office Rent -April		1,775.00			1000 121 411230	530	101000
35252	85987S	272 PARK COUNTY		27,900.00					
1	3rd Qtr	03/31/18 Quarterly Payment - Sanitaria		8,150.00			1000 125 440110	394	101000
2	3rd Qtr	03/31/18 Quarterly Payment -Maintenanc		4,075.00			1000 121 411230	398	101000
3	3rd Qtr	03/31/18 Quarterly Payment -GIS		10,972.50			1000 106 411030	394	101000
4	3rd Qtr	03/31/18 Quarterly Payment -GIS		1,567.50			2500 151 430210	394	101000
5	3rd Qtr	03/31/18 Quarterly Payment -GIS		1,567.50			5210 502 430510	394	101000
6	3rd Qtr	03/31/18 Quarterly Payment -GIS		1,567.50			5310 503 430610	394	101000
35253	85974S	3407 LIVINGSTON DAYCARE, LLC		2,700.00					
1	04/01/18	Parking Lot Lease 4/18-6/18		2,700.00			1000 121 411230	532	101000
35254	85988S	2939 PARK COUNTY IT		19,890.00					
Quarterly IT payment									
1	2018_03	03/31/18 Quarterly IT Payment		702.00*			1000 101 410130	368	101000
2	2018_03	03/31/18 Quarterly IT Payment		234.00			1000 102 410360	368	101000
3	2018_03	03/31/18 Quarterly IT Payment		702.00			1000 103 410400	368	101000
4	2018_03	03/31/18 Quarterly IT Payment		234.00			1000 104 410540	368	101000
5	2018_03	03/31/18 Quarterly IT Payment		468.00			1000 104 410550	368	101000
6	2018_03	03/31/18 Quarterly IT Payment		702.00*			1000 106 411030	368	101000
7	2018_03	03/31/18 Quarterly IT Payment		468.00*			1000 107 411100	368	101000
8	2018_03	03/31/18 Quarterly IT Payment		1,872.00			1000 109 460442	368	101000
9	2018_03	03/31/18 Quarterly IT Payment		3,276.00			1000 123 411700	368	101000
10	2018_03	03/31/18 Quarterly IT Payment		3,510.00			1000 131 420100	368	101000
11	2018_03	03/31/18 Quarterly IT Payment		702.00			1000 141 420400	368	101000
12	2018_03	03/31/18 Quarterly IT Payment		234.00			1000 143 420403	368	101000
13	2018_03	03/31/18 Quarterly IT Payment		187.20			1000 154 440640	368	101000
14	2018_03	03/31/18 Quarterly IT Payment		355.68*			1000 155 430950	368	101000
16	2018_03	03/31/18 Quarterly IT Payment		1,872.00			2300 132 420160	368	101000
17	2018_03	03/31/18 Quarterly IT Payment		121.68*			2500 151 430210	368	101000
18	2018_03	03/31/18 Quarterly IT Payment		526.50			2500 151 430240	368	101000
19	2018_03	03/31/18 Quarterly IT Payment		140.40*			5210 502 430510	368	101000
20	2018_03	03/31/18 Quarterly IT Payment		526.50			5210 502 430515	368	101000
21	2018_03	03/31/18 Quarterly IT Payment		234.00*			5210 502 430570	368	101000
22	2018_03	03/31/18 Quarterly IT Payment		177.84*			5310 503 430610	368	101000

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For doc #s from 35214 to 35294, Operating Cash
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Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
23	2018_03	03/31/18	Quarterly IT Payment	292.50			5310 503 430625	368	101000
24	2018_03	03/31/18	Quarterly IT Payment	234.00			5310 503 430640	368	101000
25	2018_03	03/31/18	Quarterly IT Payment	234.00*			5310 503 430670	368	101000
26	2018_03	03/31/18	Quarterly IT Payment	140.40*			5410 504 430810	368	101000
27	2018_03	03/31/18	Quarterly IT Payment	339.30			5410 504 430830	368	101000
28	2018_03	03/31/18	Quarterly IT Payment	702.00*			5410 504 430870	368	101000
29	2018_03	03/31/18	Quarterly IT Payment	702.00			5510 142 420710	368	101000
35255	85968S	54	GATEWAY OFFICE SUPPLY	34.94					
1	40069	03/15/18	Magazine File	25.00			1000 123 411700	211	101000
2	40044	03/13/18	Step File	9.94			1000 123 411700	211	101000
35256	85955S	3763	CASELLE	26,887.00					
1	03/22/18	CONVERSION FEES - 50%		7,250.10*			1000 123 411700	357	101000
2	03/22/18	CONVERSION FEES - 50%		228.73*			1000 154 440640	357	101000
3	03/22/18	CONVERSION FEES - 50%		228.73*			1000 155 430930	357	101000
4	03/22/18	CONVERSION FEES - 50%		957.60*			2300 132 420160	357	101000
5	03/22/18	CONVERSION FEES - 50%		1,673.66*			2500 151 430240	357	101000
6	03/22/18	CONVERSION FEES - 50%		4,467.43*			5210 502 430570	357	101000
7	03/22/18	CONVERSION FEES - 50%		5,204.87*			5310 503 430670	357	101000
8	03/22/18	CONVERSION FEES - 50%		4,971.37*			5410 504 430870	357	101000
9	03/22/18	CONVERSION FEES - 50%		1,904.51*			5510 142 420710	357	101000
35257	85977S	3536	MONTANA DEPARTMENT OF	7,876.00					
1	11898	03/21/18	TA Project - Impact Fees	7,876.00			2399 151 430240	960	102075
35258	85957S	630	ANDERSON PRECAST & SUPPLY	2,125.00					
1	0082579-IN	02/15/18	Manhole Kit	2,125.00			5410 504 430835	960	101000
35259	85967S	2919	FOUR CORNERS RECYCLING, LLC	1,967.90					
1	1279	02/28/18	Plastic	232.40			5410 504 430840	388	101000
2	1279	02/28/18	Pull fees	1,925.00			5410 504 430840	388	101000
3	1279	02/28/18	Decommission Fees	625.00			5410 504 430840	388	101000
4	1279CM	02/28/18	Credit Memo	-814.50			5410 504 430840	388	101000
35260	85976S	999999	MISKA, DIANE	40.00					
1	CR2016-002	03/21/18	Restitution - JoAnn Murno	20.00			1000 351030		101000
2	CR2016-001	03/21/18	Restitution - Darwin Murno	20.00			1000 351030		101000
35261	85979S	999999	MUELLER, BRIAN	150.00					
1	TK20160268	03/21/18	Restitution - Ryan Fields	100.00			1000 351030		101000
2	TK20160268	03/21/18	Restitution - Ryan Fields	50.00			1000 351030		101000

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Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
35262	85965S	999999	FLEEGE, JASON P.	20.00					
1	TK20170357	03/21/18	Restitution - C. Morrnick	20.00			1000 351030		101000
35263	85993S	999999	SULLIVAN, MICHAEL	302.00					
1	TK20170269	03/21/18	Restitution - Eirik Knutse	302.00			1000 351030		101000
35264	85984S	151	NORTHWESTERN ENERGY	2,525.48					
1	0709868	03/14/18	37% Facility	8.44			1000 121 411230	341	101000
2	0709935	03/09/18	37% Facility	2,517.04			1000 121 411230	341	101000
35265	85959S	2268	BIG BEAR CONTRACTING, LLC	838.05					
1	1165	12/01/17	37% Adult Probation Paint	838.05*			1000 121 411230	365	101000
35266	85970S	63	HOUSE OF CLEAN	90.97					
1	203234	02/05/18	37% Janitorial supplies	21.18			1000 121 411230	231	101000
2	204003	02/22/18	37% Janitorial supplies	69.79			1000 121 411230	231	101000
35267	85962S	162	CENTURYLINK	160.55					
1	0082	03/16/18	City Shop 50%	30.81			2500 151 430220	343	101000
2	0082	03/16/18	City Shop 12%	7.39			5310 503 430620	343	101000
3	0082	03/16/18	City Shop 38 %	23.41			5410 504 430820	343	101000
4	0149	03/15/18	Civic Center	98.94*			1000 109 460449	346	101000
35268	85972S	3768	KOKOT, ABIGAIL	76.00					
1	REF 03/26/18		Yth BB Referee 2018	76.00			1000 109 460449	316	101000
35269	85985S	3770	OPITZ, BAILEY	27.00					
1	REF 03/26/18		Yth BB Scorekeeper 2018	27.00			1000 109 460449	316	101000
35270	85981S	3771	NELSON, BEN	115.50					
1	REF 03/26/18		Yth BB Referee 2018	115.50			1000 109 460449	316	101000
35271	85956S	3772	AMUNDSON, BRADEN	9.00					
1	REF 03/26/18		Yth BB Referee 2018	9.00			1000 109 460449	316	101000
35272	85980S	3773	MURPHY, BUDDY	18.00					
1	REF 03/26/18		Yth BB Scorekeeper 2018	18.00			1000 109 460449	316	101000
35273	85975S	3765	MCKENZIE, COLIN	138.00					
1	REF 03/26/18		Yth BB Referee 2018	138.00			1000 109 460449	316	101000

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Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
35274	85969S	3766 HAMPSON, DENIE RAELYNN		99.00					
1	REF 03/26/18	Yth BB Scorekeeper 2018		99.00			1000 109 460449	316	101000
35275	85996S	3774 WADDELL, JACK		112.50					
1	REF 03/26/18	Yth BB Referee 2018		112.50			1000 109 460449	316	101000
35276	85997S	3775 WADDELL, JOHN		117.00					
1	REF 03/26/18	Yth BB Referee 2018		117.00			1000 109 460449	316	101000
35277	85990S	3769 SAAREL, LARISSA S.		48.00					
1	REF 03/26/18	Yth BB Referee 2018		48.00			1000 109 460449	316	101000
35278	85982S	3776 NETLEY, MATT		93.00					
1	REF 03/26/18	Yth BB Referee 2018		93.00			1000 109 460449	316	101000
35279	85960S	3767 BURNS, MEGAN		420.00					
1	REF 03/26/18	Yth BB Referee 2018		420.00			1000 109 460449	316	101000
35280	85989S	3777 ROSBERG, MORGAN		117.00					
1	REF 03/26/18	Yth BB Referee 2018		117.00			1000 109 460449	316	101000
35281	85992S	3701 STENSETH, TRISTAN		148.50					
1	REF 03/26/18	Yth BB Referee 2018		148.50			1000 109 460449	316	101000
35282	85958S	3371 BALCO UNIFORM COMPANY, INC.		59.00					
1	49117-2 03/22/18	Uniform - Gunderson		59.00			1000 131 420100	153	101000
35283	85991S	2213 SALT LAKE WHOLESALE SPORTS		241.00					
1	43436 03/22/18	Ammunition		241.00			1000 131 420100	228	101000
35284	85964S	999999 DAVIS, RODNEY		63.57					
1	16307 03/26/18	Overpayment Account 00016307		63.57			5210 343021		101000
35285	85994S	2595 TOWN & COUNTRY FOODS -		72.53					
1	8236002 03/25/18	Transfer Station Supplies		72.53			5410 504 430870	210	101000
35286	85966S	3644 FORT HARRISON BILLETING		355.00					
1	404 03/23/18	Lodging - Emanuel/Labaty		355.00			1000 131 420100	370	101000

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35287	85961S	1747	CANON FINANCIAL SERVICES, INC	76.10					
1	18441444	03/24/18	Canon lease	76.10			1000 109 460442	368	101000
35288	85963S	3364	CITY OF LIVINGSTON	161.95					
1	17-18	03/26/18	Skate Night Reimbursement	161.95			1000 109 460449	226	101000
35289	85962S	162	CENTURYLINK	160.74					
5	0083	03/16/18	Building Dept.	160.74			1000 143 420403	343	101000
35290	85971S	102	INDUSTRIAL TOWEL	68.34					
1	49170	03/23/18	Slate WRF	24.50			5310 503 430610	224	101000
2	49170	03/23/18	Mat cleaning	8.77			5310 503 430610	224	101000
3	49170	03/23/18	Mat cleaning	8.77			5210 502 430510	224	101000
4	49170	03/23/18	Mat cleaning	8.77			5410 504 430820	224	101000
5	49170	03/23/18	Mat cleaning	8.77			2500 151 430220	224	101000
6	49170	03/23/18	Mat cleaning	8.76			1000 106 411030	200	101000
35291	85973S	26	LIVINGSTON ACE HARDWARE -	15.89					
1	C51150	03/22/18	Tube Vinyl	7.90*			2500 151 430240	232	101000
2	C50497	03/20/18	Nipple 3/8"x3" RBRS	7.99			2500 151 430240	231	101000
35292	85983S	64	NEWMAN SIGNS INC.	656.53					
1	TRFINV0000	03/12/18	Traffic Signs	656.53*			2820 210 430240	241	101000
35293	85995S	1568	TWENTERPRISES, INC.	227.50					
1	35338	02/01/18	Generator Repair	806.00*			5310 503 430625	361	101000
2	10499	02/01/18	Credit Memo	-578.50*			5310 503 430625	361	101000
35294	85984S	151	NORTHWESTERN ENERGY	12,990.86					
1	0709793-4	03/14/18	406 Bennett 50%	556.53			2500 151 430220	341	101000
2	0709793-4	03/14/18	406 Bennett 50%	556.53			5410 504 430820	341	101000
3	2171060-3	03/14/18	Scale House 408 Bennett	113.55			5410 504 430820	341	101000
4	1728687-3	03/07/18	Transfer Station 408 Bennet	619.77			5410 504 430820	341	101000
5	3267010-1	03/07/18	Compactor 330 Bennett	129.53			5410 504 430820	341	101000
6	0709794-2	03/08/18	WWTP 316 Bennett	9,659.13			5310 503 430640	341	101000
7	0720048-8	03/07/18	330 Bennett 1/4	293.86			5210 502 430520	341	101000
8	0720048-8	03/07/18	330 Bennett 1/4	293.86			5310 503 430620	341	101000
9	0720048-8	03/07/18	330 Bennett 1/4	293.86			5410 504 430820	341	101000
10	0720048-8	03/07/18	330 Bennett 1/4	293.86			1000 106 411030	341	101000
11	3015965-1	03/15/18	Fire Training Center	180.38*			1000 141 420400	341	101000

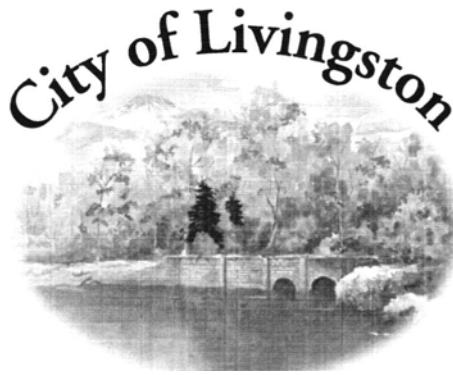
of Claims 80 Total: 166,055.88

Backup material for agenda item:

A. Public Safety Communication Officers Week

City Manager
Michael Kardoes

414 East Callender Street
Livingston, Montana 59047
(406) 823-6000 phone
(406) 222-4199 fax
citymanager@livingstonmontana.org
www.livingstonmontana.org



Chairperson
Dorel Hoglund

Vice Chairman
Quentin Schwarz

Commissioners
Mel Friedman
Sarah Sandberg
Warren Mabie

Incorporated 1889

PROCLAMATION

Whereas, emergencies that require immediate response from 911 centers, police, fire, and medical services could occur at any time; and,

Whereas, the prompt response of emergency equipment and personnel is critical to the protection and preservation of life and property; and,

Whereas, public safety communication officers are the first and most critical contact citizens have with emergency services; and,

Whereas, public safety communication officers are the single vital link for police officers and firefighters in monitoring their activities by radio, providing information, and ensuring their safety; and,

Whereas, public safety communication officers continually demonstrate compassion, understanding, and professionalism while enduring the stress of shift work and numerous emergencies; and,

Whereas, the community is fortunate to have diligent and dedicated professional public safety communication officers to provide these services.

Now, therefore, I Dorel Hoglund, Chairperson of the Livingston City Commission, do hereby proclaim;
**April 8-14, 2018 Public Safety Communication Officers Week
in the City of Livingston, Montana**

in honor and recognition of our Public Safety Communication Officers for their vital contributions to the safety and well-being of law enforcement officers, firefighter/EMT's and the citizens of Park County and the City of Livingston.

Dated this 3rd day of April, 2018

ATTEST:

Lisa Harreld, Recording Secretary

Dorel, Hoglund, Chairperson

LIVINGSTON
Montana

GO BEYOND YELLOWSTONE



Backup material for agenda item:

B. PROCLAMATION - WEEK OF THE YOUNG CHILD

City Manager
Michael Kardoes

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Livingston, Montana 59047
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Chairperson
Dorel Hoglund

Vice Chairman
Quentin Schwarz

Commissioners
Mel Friedman
Sarah Sandberg
Warren Mabie

Incorporated 1889

PROCLAMATION

WHEREAS, Community Health Partners, Child Care Connections, the Park County Health Department, Livingston Recreation Department, and other local early childhood organizations in conjunction with the National Association for the Education of Young Children, are celebrating the National Week of the Young Child, April 15-22, 2018; and

WHEREAS, these organizations are working to improve early learning opportunities, which are crucial to the growth and development of young children and to building better futures for everyone in Livingston, Montana; and

WHEREAS, quality childcare is directly connected to the success of our community and the ability for Livingston, Montana to be a great place to raise children; and

WHEREAS, early childhood professionals, and others who make a difference in the lives of young children in Livingston, Montana, deserve thanks and recognition; and

WHEREAS, making sure children thrive and are ready to learn is a community endeavor that involves parents, child care providers, policy makers, businesses and community agencies; and

WHEREAS, Livingston, Montana is dedicated to education and understands that early care and education is key to developing children who are more likely to finish school, attend college, and to be employed.

NOW, THEREFORE, I, CHAIRPERSON OF THE LIVINGSTON CITY COMMISSION, MONTANA, do hereby proclaim:

April 15 through April 22, 2018 as Week of the Young Child in the City of Livingston, Montana

in the county of Park County and encourage all citizens to work to make a good investment in early childhood development and education.

Dated this 3rd day of April, 2018

ATTEST:

Lisa Harreld, Recording Secretary

Dorel Hoglund, Chairperson City Commission



Backup material for agenda item:

- A. RESOLUTION NO. 4787 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH PARK COUNTY COMMUNITY FOUNDATION CONCERNING THE PARK COUNTY EARLY CHILDHOOD COALITION.**



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Ordinance/Resolution No: 4787

Requested by: Lisa Lowy, Administrative Services Director

Date of First Consideration/Status: 4/3/18

Purpose of Legislation: The purpose of Resolution 4787 is to provide a Memorandum of Understanding between Park County Community Foundation and the City of Livingston for the operation of the Early Childhood Coalition program and the hiring of an Early Childhood Coalition Coordinator through the City of Livingston Recreation Department.

Statutory Authority/Reference: N/A

Background: The mission of the Park County Community Foundation’s Early Childhood Coalition and the City of Livingston Recreation Department are well aligned in the services provided to young families and specifically children ages 0-8. Through this sharing of resources and having the position of Early Childhood Coalition Coordinator as a Grant Funded City of Livingston employee, it is the belief of both organizations that services provided to the residents of Livingston and Park County by both entities and our other community partners will be enhanced and have broader reach.

Staff Recommendation: Approval of Memorandum of Understanding.

Fiscal Impact: Not to exceed \$5,000 along with other in-kind donations which include office space, shared supplies and resources.

Regulatory Impact (local): None

Attachments: See attached MOU.

RESOLUTION NO. 4787

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH PARK COUNTY COMMUNITY FOUNDATION CONCERNING THE PARK COUNTY EARLY CHILDHOOD COALITION.

WHEREAS, the Park County Community Foundation and the City of Livingston share common goals and resources, concerning the health and wellbeing of young children in the local and broader county community;

WHEREAS, the Park County Early Childhood Coalition is a program funded by two independent grants from Project Launch and Montana Preschool Development Grant;

WHEREAS, the City of Livingston, through its Administrative Services and Recreation Departments, provides services to the local and broader county communities which focus on development of recreation programming including enhanced networking opportunities, specifically designed educational, health and recreational programming as well as providing integrated services in the community for the promotion of youth wellness and creation of safe spaces.

WHEREAS, City of Livingston and the Park County Community Foundation desire to work together and also desire to define their respective rights, duties and obligations concerning the Park County Early Childhood Coalition;

WHEREAS, the City Manager is ready and willing to sign the Agreement upon obtaining authorization from the Livingston City Commission.

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Livingston, Montana, as follows:

On the City of Livingston's behalf, the City Manager is hereby authorized to sign the Memorandum of Understanding between Park County Community Foundation and the City of Livingston Concerning the Park County Early Childhood Coalition.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this _____ day of April, 2018.

DOREL HOGLUND - Chairperson

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

JAY PORTEEN
City Attorney

Memorandum of Understanding
Between
Park County Community Foundation and City of Livingston
Concerning the
Park County Early Childhood Coalition

Whereas, the Park County Community Foundation and the City of Livingston share common goals and resources concerning the health and wellbeing of young children in the local and broader county community, they seek to strengthen the relationship between the entities as it pertains to the Park County Early Childhood Coalition by entering into this Memorandum of Understanding for the administration, reporting and operation of the program.

The Park County Early Childhood Coalition is a program funded by two independent grants from Project Launch and Montana Preschool Development Grant Program. Through these organizations and funding mechanisms Park County Community Foundation administers a program designed to improve networking, resource access, quality child care access, early childhood health intervention, trauma informed care, kindergarten readiness and wellness and health of the young children aged 0-8 and their families in Park County.

The City of Livingston, through its Administrative Services and Recreation Departments, provides services to the local and broader county communities which focus on development of recreation programming including enhanced networking opportunities, specifically designed educational, health and recreational programming as well as providing integrated services in the community for the promotion of youth wellness and creation of safe spaces. The City of Livingston works collaboratively with many non-profits, healthcare providers, educational institutions and governmental entities in the provision of these services.

Effective February 1, 2018, the Park County Community Foundation and the City of Livingston have agreed to partner through this Memorandum of Understanding for the provision of services provided by Park County Early Childhood Coalition to be administered by the City of Livingston through its Administrative Services and Recreation Departments. As means to the continued provision of services the parties agree to the following division of duties:

Park County Community Foundation agrees to:

1. Provide all funding received through Project Launch and Montana Preschool Development Grant program to the City of Livingston with the expressed purpose of hiring an Early Childhood Coalition Coordinator to administer the day to day deliverables of the program.
2. Provide reporting to funders where fiduciary reporting requirements mandate Park County Community Foundation to do so.
3. Participate in and otherwise direct the activities of the Early Childhood Coalition Guiding Council.
4. Provide access and use of any existing real assets currently in use in the program (ie, laptop etc) to the City of Livingston for continuation of the program efforts.

5. Agrees to provide at minimum annually measureable deliverables to determine efficacy of the program.

The City of Livingston agrees to:

1. Utilize all provided funding towards compensation for the Early Childhood Coalition Coordinator.
2. Hire, supervise and provide management direction to the Early Childhood Coalition Coordinator with the participation of Park County Community Foundation, the Early Childhood Coalition Guiding Council and other program stakeholders.
3. The Early Childhood Coalition Coordinator will be an employee of the City of Livingston and report to the Administrative Services Director or their designee.
4. Provide all programming, outreach and coordination as outlined in the Strategic Overview document and take guidance and direction about future programming from the Guiding Counsel.
5. Share assets and give budgetary contributions to the purchase of tangible property to be used by both Recreation as well as Early Childhood Coalition programming when such needs overlap.

Either party may at any time seek additional funding for further enhancement or sustainability of the Early Childhood Coalition program and agree that the administration of any awarded funding will be addressed through addendums to this MOU as need arises.

This MOU shall remain in force until written notice is provided by either party to the other with at least 60 days advance notice of termination. Changes to grant funding may or may not adversely impact the operation of the program and will be determined at the time a cancellation of grant funding or notice of reduction is received.

Signed on this day _____

Peter D. Fox, Executive Director
Park County Community Foundation

Michael J. Kardoes, City Manager
City of Livingston

Backup material for agenda item:

- A. DISCUSS/APPROVE/DENY - Planning Board recommendations for amendment to Parkland Dedication Requirements in Subdivision Regulations

Recommended Amendments to Parkland Dedication Requirements in Subdivision Regulations

Unanimous approval by Planning Board, January 17, 2018

Unanimous approval by Parks & Trails Committee, November 29, 2017

Subdivision regulations are contained in Chapter 28 of the City Codes, and Parkland Dedication regulations are in Chapter 28, Section VI-A-16.

1. Regulations determining cash-in-lieu value

Chapter 28, Section VI-A-16.g(i) currently reads:

- g. For the purposes off this park dedication requirement:
 - (i) “cash donation” means the fair market value of the unsubdivided, unimproved land;

This should be replaced with the following:

- g. For the purposes off this park dedication requirement:
 - (i) “cash donation” means the fair market value of the amount of land that would have been statutorily required to be dedicated. For the purpose of these regulations, the fair market value is the value of the unsubdivided, unimproved land based upon the zoning designation that will apply to the proposed subdivision (i.e. the existing zoning, if the subdivision application is not accompanied by a rezoning request or the new proposed zoning if the subdivision application is accompanied by a rezoning request). Fair market value must be determined by a Montana State certified general real estate appraiser (as provided under MCA 37-54-201 et seq) hired and paid for by the subdivider. For purposes of this Regulation, appraisals are valid if prepared within six (6) months of the date of the submittal of an application to the Office of Planning and Grants for final plat approval.

2. Standards for parkland dedication

The following three sections should be inserted into Chapter 28, between VI-A-16.a and VI-A-16.b.

1. Parks and Open Space Types & Standards: Parks, open space, and common area dedication shall meet at least one of the following criteria:
 - A. Provides for the preservation of a physical amenity such as a meadow, a stand of trees, significant wildlife habitat or a wildlife corridor, a scenic hillside with slopes less than 25%, a stream or other significant water body, an area of riparian resource or some other natural feature that the governing body

- determines is significant enough for parkland dedication. Open space shall be managed to remain in a near natural state when it has been dedicated for preservation or conservation purposes, and managed for weeds and public safety concerns such as wild land fire and hazard trees. Public trail connections are permitted if deemed appropriate by the governing body; or
- B. Provides a site for active recreation and public gathering (neighborhood park), which shall substantially conform to the following standards:
 1. Five acres or greater in size unless the opportunity for this size is not feasible or required;
 2. Centrally located within the proposed subdivision or adjacent to other planned or existing park or open space;
 3. Adjacent to public streets on at least 50% of the park's perimeter;
 4. Accessible to bicycle and pedestrian trails where possible; and
 5. At least 50% of the park shall have 2% or less slope to accommodate playing fields; or
 - C. Establishes a pedestrian/bicycle greenway corridor if such a corridor is determined by the Parks Department to have a primarily recreational and/or commuter function; or
 - D. Creates a courtyard of less than 1/2 acre, provided the courtyard shall be part of a common area dedicated to a private homeowners' association; or
 - E. Provides for other parks, open space, or common area designs which meet the intent of this section and meet the goals of the City Growth Policy and other applicable area plans.
2. Unless the governing body determines otherwise, the following areas within a subdivision will not count toward the parkland dedication:
 - A. Hillsides over 25% slope;
 - B. Areas of Riparian Resource and adjacent buffers associated with irrigation or roadside ditches;
 - C. Monument entry areas and central landscaped boulevards;
 - D. Storm water retention or detention ponds that are designed to hold storm water runoff from less than 100 year events.
 - E. Public utility easements.
 3. Provide as part of the required parkland, twenty (20) foot wide, pedestrian access easements to parkland or common area from public streets. Pedestrian access easements on hillsides may require additional width to accommodate switchbacks for trails, etc. Setbacks for structures other than fences adjacent to the access easement shall be a minimum of ten (10) feet. The governing body may require that the developer construct a trail leading into the park or common area.

References:

MT Policy Review, Fall 2011, Montana State University Local Government Center.
 Missoula Subdivion Design Standards, section 3-080. Available online.

Current Parkland Dedication Requirements

Livingston MT November 2017

Chapter 28, Section VI-A-16 of city codes.

VI-A-16. Park Land Dedication – Cash in Lieu – Waivers – Administration

- a. Except as provided below, the final plat of a residential subdivision must show that the subdivider has dedicated to the governing body a cash or land donation equal to:
 - (i) 11% of the area of the land proposed to be subdivided into parcels of one-half acre or smaller;
 - (ii) 7.5% of the area of the land proposed to be subdivided into parcels larger than one-half acre and not larger than one acre;
 - (iii) 5% of the area of the land proposed to be subdivided into parcels larger than one acre and not larger than three (3) acres; and
 - (iv) 2.5% of the area of the land proposed to be subdivided into parcels larger than three (3) acres and not larger than five (5) acres.
- b. A park dedication is not required for:
 - (i) minor subdivisions;
 - (ii) subdivision lots larger than five (5) acres;
 - (iii) nonresidential subdivision lots;

- (iv) subdivisions in which parcels of land will not be created, other than subdivisions that will provide permanent multiple spaces for recreational camping vehicles, mobile homes, or condominiums; or
 - (v) subdivisions which will create only one additional parcel.
- c. The governing body, in consultation with the subdivider and the Planning Board or park board that has jurisdiction, may determine suitable locations for parks and playgrounds and, giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation. The land dedicated for park use may be inside or outside the boundaries of the proposed subdivision.
- d. The governing body will waive the park dedication requirement if it determines that:
- (i) (A) the preliminary plat provides for a planned unit development or other development with land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development; and
 - (B) the area of the land and any improvements set aside for park and recreational purposes equals or exceeds the area of the dedication required under subsection (a);
 - (ii) (A) the proposed subdivision will provide for the long-term protection of critical wildlife habitat; cultural, historical, or natural resources; agricultural interests; or aesthetic values; and
 - (B) the provision of this long-term protection will result in the reduction of the area of the land proposed to be subdivided by an amount equal to or exceeding the area that would have had to be dedicated under (a) above;
 - (iii) (A) the area of the land proposed to be subdivided, by virtue of a combination of the provisions of subsections (d)(i) and (ii) above, is reduced by an amount equal to or exceeding the area of the dedication required under subsection (a); or
 - (iv) (A) the subdivider provides for land outside of the subdivision to be set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the subdivision; and

(B) the area of the land and any improvements set aside for park and recreational uses equals or exceeds the area of dedication required under subsection (a).

- e. The local governing body may waive the park dedication requirement if:
 - (i) the subdivider provides land outside the subdivision that affords long-term protections of critical wildlife habitat, cultural, historical, or natural resources, agricultural interests, or aesthetic values; and
 - (ii) the area of land to be subject to long-term protection, as provided in subsection (d)(ii), equals or exceeds the area of dedication required under subsection (a).
- f. The governing body will administer funds dedicated to the public under this Section in accordance with Section 76-3-621, MCA.
- g. For the purposes of this park dedication requirement:
 - (i) "cash donation" means the fair market value of the unsubdivided, unimproved land; and
 - (ii) "dwelling unit" means a residential structure in which a person or persons reside.

How To Acquire Quality Parks and Trails For Your Community

by Jacquelyn Corday

I joined the City of Missoula Parks & Recreation Department as the Open Space Program Manager in 2004 in the midst of the year-long process to draft the first comprehensive Master Parks & Recreation Plan (MPP). As a former planner for Missoula Office of Planning and Grants, I often felt frustrated by the City and County's subdivision regulations that did not adequately define standards for parkland dedication or how cash-in-lieu should be determined. As a result, developers often proposed dedication land for their parkland that included steep ravines, detention ponds, or small pocket parks surrounded by backyards. Dedications such as these represent a lost opportunity to provide citizens with parkland that functions for places of play and social interaction. Functional parks are more important than ever considering the obesity epidemic among other health problems. See for example: Solving the Problem of Childhood Obesity: Increasing Physical Activity: Community Recreation Venues: Parks and Playgrounds from the White House Task Force on Childhood Obesity (2010)¹ and also Parks, Playgrounds, and Active Living from Active Living Research (February, 2010).²

This article provides a case study of how the City of Missoula examined their regulatory framework and community planning strategies to facilitate the acquisition of better quality/functional parks and trails.

Adopt a Master Parks Plan (MPP)

The adoption of the MPP was a critical and necessary step that provided the foundation for amending and improving City ordinances related to parks and trails in addition to providing the documented support for numerous future park and trail projects. The planning boundaries for the MPP included the entire city and the surrounding semi-urban area (an approximately 3 mile donut area), thus the plan needed to be adopted by both the City Council and County Commissioners as an amendment to the Growth Policy. The City/County partnership was and is an important part of planning and preserving opportunities for future parks as the city grows outward.

This link takes you to the page with the pdf links to the MPP for the City of Missoula.³ The main elements of the MPP are:

- Comprehensive parkland inventory & recreation survey to determine citizens' needs; this plan provides a baseline inventory of parks & services and a blueprint for what the community desires for the future.
- Maps that show the level of parkland service for each neighborhood (acres of developed parkland/per 1000 people) and recommended locations for future parks based upon current and projected population data. (see Map on pg. 21)
- Standards for dedication of neighborhood parks — these standards were later incorporated into the subdivision regulations.
- Goals, Policies, and Implementation Actions that aim to increase the quality and quantity of urban parks and trails.
- Example Goal: "Provide 2.5 acres of Neighborhood Parks and 4.5 acres of Community Parks for every 1,000 residents." "Neighborhood Parks" are defined as parks that are about 2-5 acres in size intended to serve residents in the surrounding neighborhood—generally within a 1/2 mile radius. Community parks are larger multi-purpose parks that serve the entire community.

For smaller towns that may not have the resources to hire a consultant to help draft a MPP, there are now two other Montana cities that have adopted MPPs that can serve as good templates:

1 White House Task Force on Childhood Obesity, <http://www.letsmove.gov/white-house-task-force-childhood-obesity-report-president>

2 Active Living Research, www.activelivingresearch.org

3 City of Missoula, <http://www.ci.missoula.mt.us/index.aspx?nid=174>

Missoula's Lafray Park Grand Opening.



- Bozeman <http://www.bozeman.net/Departments-%281%29/Park--Rec-Cemetery/Parks/Home>
- Kalispell http://www.kalispell.com/parks_and_recreation/parks.php

An important element of preparing a MPP is conducting a survey of residents to determine their current and desired recreational needs. The University of Montana Bureau of Business and Economic Research is a great resource that can perform this type of service.⁴

Review and Revise Your Subdivision Regulations

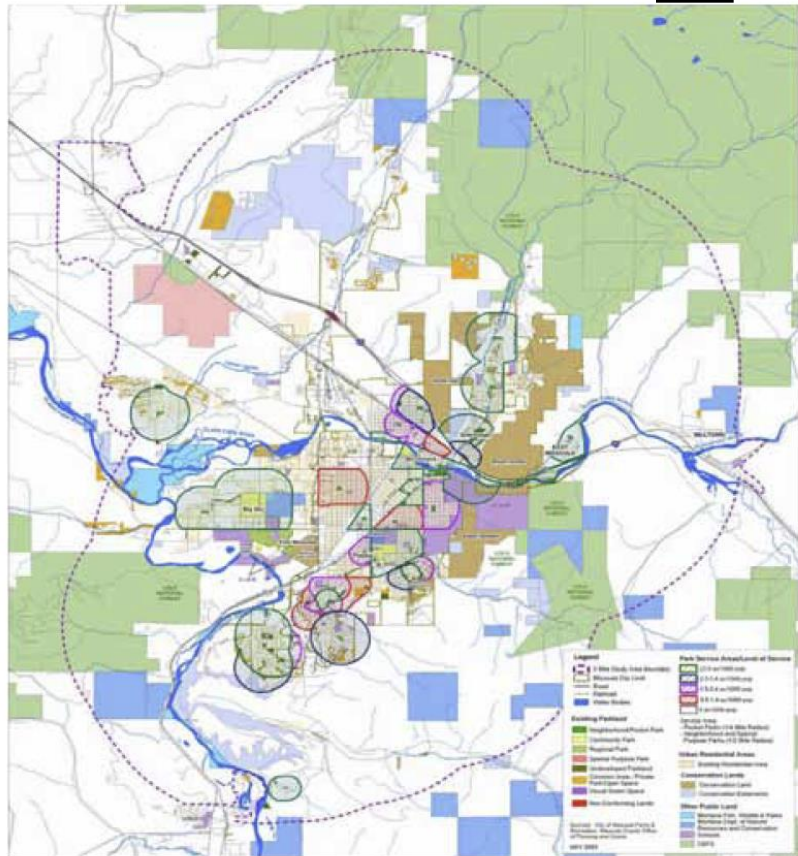
After adoption of the MPP, I began working on amending the city's subdivision regulations in order to improve the quantity and quality of parkland dedication. There were two fundamental changes that I believe could have universal application for cities and counties in Montana.

Require an Appraisal for Cash-in-lieu Determination

Montana state law, MCA 76-3-621, allows developers to offer to pay cash instead of dedicating land (the governing body makes the final decision). For example, if the 11 percent land dedication for a hypothetical subdivision equals .60 acres, the developer may pay the local government the value of the .60 acres instead of dedicating it in fee title. Because many development projects in or near the city involve small acreage parcels, cash-in-lieu of parkland dedication is often preferred when the 11 percent dedication equals less than 1 acre because small pocket parks generally are more expensive to maintain on a per acre basis and their size limits their utility for recreation. MCA 76-3-621(10) (a) does not set forth a required method for determining "fair market value of the unsubdivided, unimproved land" for cash-in-lieu purposes.

For many years, cash-in-lieu for both City of Missoula and Missoula County subdivisions was determined by the Montana Department of Revenue (DOR). When a developer gave the Office of Planning & Grants (OPG) notice that they were ready to record their final plat, OPG would submit a request to the DOR to give an estimate of value. Unfortunately, the DOR would base that value on how the land was currently classified for tax purposes, which was often agriculture land. So, for example, while developers were paying around \$80-100,000/acre for land that would be annexed into the city and rezoned for 4-6 dwelling units/acre, the DOR would come up with a value of around \$10-20,000/acre. Thus, the City was often receiving less than 1/4 of the fair market value to base the cash-in-lieu determination upon. Not only was this unfair to citizens, it was contrary to state law that requires "fair market value."

In order to change this situation, I began researching



The Master Parks and Recreation Plan for the greater Missoula area.

how other cities in Montana determined land value for cash-in-lieu purposes. Some had the same procedure as Missoula, but others had adopted a requirement in their subdivision regulations that developers must submit a current land appraisal (e.g. Bozeman, Gallatin, Lewis & Clark, and Flathead Counties). Based upon those examples and my own experience in working with appraisers, I drafted a proposed regulation and took it through the long public process of adoption. Ultimately, both the County and the City adopted the following:

Cash donation in-lieu of land dedication shall be equal to the fair market value of the amount of land that would have been statutorily required to be dedicated. For the purpose of these regulations, the fair market value is the value of the unsubdivided, unimproved land based upon the zoning designation that will apply to the proposed subdivision (i.e. the existing zoning, if the subdivision application is not accompanied by a rezoning request or the new proposed zoning if the subdivision application is accompanied by a rezoning request). Fair market value must be determined by a Montana State certified general real estate appraiser (as provided under MCA 37-54-201 et seq) hired and paid for by the subdivider. For purposes of this Regulation, appraisals are valid if prepared within six (6) months of the date of the submittal of an application to the Office of Planning and Grants for final plat approval.

⁴ Bureau of Business and Economic Research, University of Montana, <http://www.bber.umd.edu>



This regulation went into effect in 2005 and served us well during the boom years of 2006-2008. The City finally received cash-in-lieu equivalent to the fair market value of the land dedication, which has been put to good use improving parks and trails near the subdivided lands.

Standards for Parkland Dedication

During much of the past 30 years, the City's subdivision regulations included basic design criteria for parkland dedication, but were too vague and allowed the dedication of less than ideal land for parks. For example, the City and County accepted steep hillsides, ravines, monument entries, small narrow strips behind houses, and many pocket parks less than 1 acre in size. These "non-conforming" parklands are more expensive and often more difficult to maintain on a per acre basis than conforming parks and they usually do not provide much parkland benefits for the residents of the new subdivision.

The first step to providing the support to amend the regulations began with the research done in preparation for drafting the Master Parks Plan. We looked at national standards and peer cities throughout the Rocky Mountain Region to develop a list of criteria for neighborhood parks that included standards for location, grade, size, access, and design/shape. Those criteria included 1) central location in the subdivision, 2) 5-12 acres, 3) at least 1/2 of the park boarded by public streets, and 4) relatively flat grade.

After adoption of the MPP in 2004 and the appraisal requirement in 2005, I went to work on revising the subdivision regulations. Since the MPP criteria were only guidelines, we needed to amend the subdivision regulations in order for the MPP park criteria to have the force of law. Below are the amended regulations including track changes (using strikethrough) so the reader can see the significant amendments adopted by the Missoula City Council:

Article 3-8 Parks and Open Space Requirements:

- (7) **Parks and Open Space Types & Standards:** Parks, open space, and common area dedication shall meet at least one of the following criteria:
- (A) A central green or square, which is bordered by streets or paths on at least three sides (This is redundant and better defined by (B) now);
 - (B) A landscaped central boulevard or "parkway" within the Urban Growth Area at least 20 feet wide (up to 50% of the required dedication);
 - (C) A) Provides for the preservation of a physical amenity such as a meadow, a stand of trees, significant wildlife habitat or a wildlife corridor, a scenic hillside with slopes less than 25%, a stream or other significant water body, an area of riparian resource or some other natural feature that the governing body determines is significant enough for parkland dedication. Open space shall be managed to remain in a near natural state when it has been dedicated for preservation or conservation purposes, and managed for weeds and public safety concerns such as wild land fire and hazard trees. Public trail connections are permitted if deemed appropriate by the governing body; or
 - (D) B) A site for active recreation on slopes which average three percent (3%) or less. Grade standards will vary depending on the use proposed; Provides a site for active recreation and public gathering (neighborhood park), which shall substantially conform to the following standards:
 - 1) Five acres or greater in size unless the opportunity for this size is not feasible or required;
 - 2) Centrally located within the proposed subdivision or adjacent to other planned or existing park or open space;
 - 3) Adjacent to public streets on at least 50% of the park's perimeter;
 - 4) Accessible to bicycle and pedestrian trails where possible; and
 - 5) At least 50% of the park shall have 2% or less slope to accommodate playing fields; or
 - (E) C) Establishes a pedestrian/bicycle greenway corridor if such a corridor is determined by the Parks Department to have a primarily recreational and/or commuter function (up to 50% of the required dedication); or
 - (F) ~~Preservation of hillside lands within hillside development (up to 50% of the required dedication). If none of the other park criteria can be accomplished, then a percentage greater than 50% of park land may be for the preservation of hillsides, in combination with meeting the criterion of (H) below. (moved above to section (7) (A) with revisions);~~
 - (G) D) Creates a courtyard of less than 1/2 acre, provided the courtyard shall be part of a common area dedicated to a private homeowners' association; or

(H E) Provides for other parks, open space, or common area designs which meet the intent of this section and meet the goals of the Master Parks and Recreation Plan for the Greater Missoula Area, the Missoula Urban Area Open Space Plan, adopted neighborhood parks and open space, and other applicable area plans.

(7) Include where appropriate, open space intended for recreational or public use that is easily accessible to pedestrians and meets the needs of the handicapped and elderly:

(8) Open space shall remain substantially in a natural state when it has been dedicated for preservation or conservation purposes. This section shall not restrict or prevent public trail connections using open space designations, if deemed appropriate by the governing body. (moved above to section (7)(A)) Unless the governing body determines otherwise, the following areas within a subdivision will not count toward the parkland dedication:

(A) Hillsides over 25% slope;

(B) Areas of Riparian Resource and adjacent buffers associated with irrigation or roadside ditches;

(C) Monument entry areas and central landscaped boulevards;

(D) Storm water retention or detention ponds that are designed to hold storm water runoff from less than 100 year events; and

(9) Include linear parks to serve as pedestrian paths or trail systems. (redundant).

(H 9) Provide as part of the required parkland, twenty (20) foot wide, pedestrian access easements to parkland or common area from public streets. Pedestrian access easements on hillsides may require additional width to accommodate switchbacks for trails, etc. Setbacks for structures and other than fences adjacent to the access easement shall be a minimum of ten (10) feet. The governing body may require that the developer construct a trail leading into the park or common area.

Example of a “park” dedicated in the 1970’s that would no longer qualify under new parkland dedication standards.

As important as what CAN be dedicated under these new regulations is what CANNOT be dedicated as parkland – detention ponds, monument entries, central boulevards, steep hillsides, riparian areas along ditches, and parks surrounded by the backs of houses. It is important to spell this out in order to make sure functional parkland is obtained. These changes to the subdivision regulations have made a major improvement to what the city is now acquiring for dedicated parks in Missoula. Gone are the days of getting left-over undevelopable un-useable land behind backyards or in steep ravines.

Conclusion

In summary, the state law requirement for parkland dedication is one of the most important ways Montana cities acquire public parks, especially for large subdivisions where the 11 percent parkland dedication may equal 3 or more acres. Since state law does not set forth any standards for parkland dedication, it is critical for cities and counties to have standards in their subdivision regulations in order to obtain functional public parks and common areas. Adopting a Master Parks Plan is an important step for providing the standards, data, and support for amending your regulations.

JACKIE CORDAY IS THE CITY OF MISSOULA’S
OPEN SPACE PROGRAM MANAGER.
CORRESPONDENCE CAN BE DIRECTED TO
JCORDAY@CI.MISSOULA.MT.US.



ORDINANCE NO. 2069

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE CITY'S SUBDIVISION REGULATIONS AS ADOPTED BY ORDINANCE 1982 AND CODIFIED IN CHAPTER 28 OF THE LIVINGSTON MUNICIPAL CODE, BY MODIFYING THE PARKLAND DEDICATION REQUIREMENTS.

WHEREAS, 76-3-621 MCA establishes the requirements for the dedication of parkland or cash- in-lieu thereof in subdivisions; and

WHEREAS, the City Commission believes that clarifying the acceptable types of and standards for parkland dedication is in the best interest of the community.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Livingston, Montana, that Ordinance 1982, as codified in Chapter 28 of the Livingston Municipal Code, be and the same is hereby amended with deletion struck through and additions shaded, as follows:

SECTION 1

Section VI-A-16 Parkland Dedication – Cash in-lieu- Waivers- Administration

Section VI-A-16. a. - Unchanged

Sec. VI-A-16. b. – Standards for parkland dedication.

- 1. Parks and Open Space Types and Standards: Parks, open space, and common area dedication shall meet at least one of the following criteria:
 - a. Provides for the preservation of a physical amenity such as a meadow, a stand of trees, significant wildlife habitat or a wildlife corridor, a scenic hillside with slopes less than 25%, a stream or significant water body, an area of riparian resource or some other natural feature that the governing body determines is significant enough for parkland dedication. Open space shall be managed to remain in a near natural state when it has been dedicated for preservation or conservation purposes, and managed for weeds and public safety concerns such as wild

- land fire and hazard trees. Public trail connections are permitted if deemed appropriate by the governing body; or
- b. Provides a site for active recreation and public gathering (neighborhood park), which shall substantially conform to the following standards:
 - i. Five acres or greater in size unless the opportunity for this size is not feasible or required;
 - ii. Centrally located within the proposed subdivision or adjacent to other planned or existing park or open space;
 - iii. Adjacent to public streets on at least 50% of the park's perimeter;
 - iv. Accessible to bicycle and pedestrian trails where possible; and
 - v. At least 50% of the park shall have 2% or less slope to accommodate playing fields; or
 - c. Establishes a pedestrian/bicycle greenway corridor if such corridor is determined by the Parks Department to have a primarily recreational and/or commuter function; or
 - d. Creates a courtyard of less than ½ acre, provided the courtyard shall be part of a common area dedicated to a private homeowner's association; or
 - e. Provides for other parks, open space, or common area designs which meet the intent of this section and meet the goals of the City Growth Policy and other applicable area plans.
2. Unless the governing body determines otherwise, the following areas within a subdivision will not count toward the parkland dedication:
 - a. Hillside over 25% slope;
 - b. Areas of riparian resource and adjacent buffers associated with irrigation or roadside ditches;
 - c. Monument entry areas and central landscaped boulevards;
 - d. Storm water retention or detention ponds that are designed to hold storm water runoff from less than 100 year events;
 - e. Public utility easement.
 3. Provide as part of the required parkland, twenty (20) foot wide, pedestrian access easement to parkland or common area from public streets. Pedestrian access easements on hillsides may require additional width to accommodate switchbacks for trails, etc. Setbacks for structures other than fences adjacent to the access easement shall be a minimum of ten (10) feet. The governing body may require that the developer construct a trail leading into the park or common area.

Section VI-A-16 b. thru f. – Re-letter to c. thru g.

Section VI-A-16 g. h.

For the purposes of this park dedication requirement:

- a. “cash donation” means the fair market value of the unsubdivided, unimproved land
- b. Fair market value must be determined by a Montana State certified general real estate appraiser (as provided under MCA 37-54-201 et seq) hired and paid for by the subdivider. For the purposes of this regulation, appraisals are valid if prepared within six (6) months of the date of submittal of an application for final subdivision approval.
- c. “dwelling unit” means a residential structure in which a person or persons reside.

SECTION 2

Statutory Interpretation and Repealer:

Any and all resolutions, ordinances and sections of the Livingston Municipal Code and parts thereof in conflict herewith are hereby repealed.

SECTION 3

Severability:

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

SECTION 4

Savings Provision:

This ordinance does not affect the rights and duties that matured, penalties and assessments that were incurred or proceedings that began before the effective date of this ordinance.

SECTION 5

Effective Date:

This ordinance will become effective 30 days after second and final adoption.

PASSED by the City Commission of the City of Livingston, Montana, on first reading on the _____ day of April, 2018.

DOREL HOGLUND – Chairperson

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

JAY PORTEEN
Livingston City Attorney

PASSED, ADOPTED AND APPROVED by the City Commission of the City of Livingston, Montana, on second reading at a regular session thereof held on the _____ day of April, 2018.

DOREL HOGLUND - Chairperson

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

JAY PORTEEN
Livingston City Attorney

NOTICE

The public is invited to attend and comment at a public hearing to be held on April 17, 2018, at 6:30 p.m. in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on the second reading of **ORDINANCE NO. 2069** entitled **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE CITY'S SUBDIVISION REGULATIONS AS ADOPTED BY ORDINANCE 1982 AND CODIFIED IN CHAPTER 28 OF THE LIVINGSTON MUNICIPAL CODE, BY MODIFYING THE PARKLAND DEDICATION REQUIREMENTS**. A copy of the ordinance is available for inspection at the City Office, 414 East Callender Street, Livingston, MT 59047. For further information call the City Attorney at (406)823-6007.

(Notice must be published twice at least 6 days apart. (7-1-4127(6) and posted on the City Bulletin Board, and copies available for the public (7-5-103 MCA).

□

Backup material for agenda item:

B.

Delta Signs and Graphics

Box 1159

Livingston, MT 59047-1159

Invoice 47

<i>Date</i>	<i>Invoice #</i>
3/6/2018	1863

<i>Bill To</i>
Livingston Chamber of Commerce Leslie Feigel

<i>P.O. No.</i>	<i>Terms</i>	<i>Project</i>
	Due on receipt	

<i>Quantity</i>	<i>Description</i>	<i>Rate</i>	<i>Amount</i>
14	Flexible banner sign for construction notice	55.00	770.00
Total			\$770.00

Welcome to **LIVINGSTON**
MONTANA

Our Historic Downtown is 100% open for business.

Come visit us!

Our beautification project will be done soon!

Backup material for agenda item:

- C. DISCUSS/APPROVE/DENY - Chamber of Commerce request for letter of support



Brand or no Brand option.

Lisa Harreld

From: Michael Kardoes
Sent: Tuesday, March 27, 2018 11:47 AM
To: Lisa Harreld
Subject: FW: Montana Administrative Register Notice 18-167
Attachments: mdt sign amendment.pdf; welcome2.pdf

From: Leslie Feigel [mailto:info@livingston-chamber.com]
Sent: Friday, March 16, 2018 6:39 PM
To: Michael Kardoes <mkardoes@livingstonmontana.org>
Subject: FW: Montana Administrative Register Notice 18-167

Hi Mike,

I am asking for some assistance as we and many other communities, have been asking statewide for changes to MDT Outdoor Advertising Programs. The Dept. of Commerce Office of Tourism was instrumental in assisting up to this point, but we need more of a City level push. I am asking if you can write a letter in support of the proposed amendments, so we can get our Welcome to Livingston sign that we talked about. This will also help with our same day event banners at the 89/90 interchange area during high non-resident travel periods.

I have scanned the template that has been drawn up (very rough), and I believe I showed you at our meeting months ago but just wanted to remind you. The design was also sent on as a starting point idea to lay the ground work of the locations and ideas of style, so we know what we have to work with through the MDT dept. No electricity, solar lights, easy to mow around, easy to take down and spruce up over time due to weather, etc. Again, this is a starting point but simple, clean and natural with the use of boulders and railroad ties or simulation with heavy metal or imprinted lettering. The designer is local, and this is a very inexpensive way to do this. I believe this is a great start and we even put the brand on it as I hope you moved forward with that wonderful idea.

I also need to speak to you regarding the planning meeting as I believe there has been some big miscommunications as Matt and Shannon seemed to not know anything we have been discussing in regard to the banners, start dates and events.

Hope you have a great weekend

Thank you

Leslie Feigel
 Livingston Area Chamber of Commerce
 Convention & Visitors Bureau
 303 E. Park St.
 Livingston, MT 59047
 406-222-0850
www.discoverlivingston.com
info@livingston-chamber.com

From: Johnson, Kelly <keljohnson@mt.gov>
Sent: Wednesday, March 14, 2018 10:55 AM
Subject: Montana Administrative Register Notice 18-167

Dear Company Representative / Interested Person:

Pursuant to your request to receive notice of all or some of the Montana Department of Transportation's administrative rule notices, MDT's Outdoor Advertising Control program is proposing to amend ARM 18.6.238 on Community Welcome To Signs. The proposed amendments are in response to community requests for placement of welcome to signs at highway entry points into their communities. The proposed amendments will state allowable locations on and off government right-of-way; allow sponsor recognition plaques; impose size requirements, and other changes. MDT is accepting written comments to be received by 5:00 p.m. April 13, 2018. Please see the Notice for all proposed amendments, and instructions on where to send written comments, which can be accessed through the following link.

<http://www.mdt.mt.gov/pubinvolve/scripts/newsdata.pl?newname=20180312-181167.top&type=arms>

If you no longer wish to receive notices, please let me know by responding to this email.

Thank you,

Kelly Johnson, Paralegal
Montana Department of Transportation
406-444-9455
406-444-7206 - fax

Backup material for agenda item:

- D. DISCUSS/APPROVE/DENY - Memorandum of Understanding between Park County Ministerial Association and the Livingston Park County 911 Dispatch Center.

Memorandum of Understanding
Between
The Park County Ministerial Association
And
The Livingston Park County 911 Dispatch Center

PURPOSE: This Memorandum of Understanding (MOU) is entered into by the Park County Ministerial Association (PCMA) and the Livingston Park County 911 Dispatch Center (hereafter, "Dispatch Center") in order to provide temporary assistance to residents of Park County as well as transients passing through the area. The means of disbursing this assistance is a voucher program funded by the PCMA and Salvation Army (SA) and disbursed by the Dispatch Center.

BACKGROUND: In previous years, the PCMA has funded temporary emergency assistance for housing and transportation through an agreement between PCMA and Dispatch Center. In 2017 these funds ran out and the program was temporarily halted. In the meantime, the PCMA has developed new guidelines for this program in cooperation with SA using SA funds that have been raised in Park County, MT. In addition, PCMA has established some local funds to supplement this program as needed and as funds are available. To that end, the PCMA and the Livingston Park County 911 Dispatch Center would like to re-establish a MOU to delineate the responsibilities of each party.

ROLES AND RESPONSIBILITIES:

The Livingston Park County 911 Dispatch Center agrees to:

- 1) Verify ID, check for warrants and screen applicants to ensure they are not repeatedly making requests for funds
- 2) Fill out vouchers for needed assistance and forward a copy to PCMA
- 3) Provide information to the PCMA about difficulties with vendors accepting vouchers or known fraud with a type of assistance or vendor

The Park County Ministerial Association agrees to:

- 1) Provide the Dispatch Center with projected funding levels annually and as needed.
- 2) Provide the Dispatch Center with voucher forms
- 3) Provide a list of vendors and approved amounts annually
- 4) Pay (directly or through SA) approved vendors in a timely manner
- 5) Provide annual summaries of use, including number of persons helped, whether they were families or individuals, type of assistance provided and dates

TIMEFRAME: This MOU will renew annually unless either party submits written 30 day notification of the desire to terminate/modify this agreement.

See Appendix 1 for list of approved vendors and assistance amounts for 2018.

Livingston Park County 911 Dispatch Center

Authorized Official: _____

Signature Printed Name and Title

Date signed: _____

Address:

Telephone: _____ E-mail: _____

Park County Ministerial Association

Authorized Official: _____

Signature Printed Name and Title

Date signed: _____

Address:

Telephone: _____ E-mail: _____

Appendix 1: Approved Vendors and Assistance Amounts for 2018

FOOD:

During the week, applicants will be directed to Loaves and Fishes, 301 S. Main St., open 4pm – 6pm daily or the Food Resource Center at 202 S. 2nd St., 1-5pm, Tue. & Thur. Individual churches can contact the director of the Food Resource Center for an emergency food supply on other days, or may have an emergency food supply at their church.

FUEL:

\$25 per person gas cards for use at either Town Pump.

LODGING:

One night only; Call first to secure room.

Budget Host Parkway Motel: 1124 E. Park St. 222-3840

BUS TICKETS:

Currently no bus service in Livingston. This would be revisited if bus service resumes.

Record of Gas Cards Distributed

Livingston, MT

Park County Ministerial Association with Salvation Army

Please attach copy of Photo ID if available. Please print.

Date
Client Name
Address
City, State Zip
Reason
Verified DL and Insurance (Dispatch Initials):
Number of Cards / Value Card #

Date
Client Name
Address
City, State Zip
Reason
Verified DL and Insurance (Dispatch Initials):
Number of Cards / Value Card #

Date
Client Name
Address
City, State Zip
Reason
Verified DL and Insurance (Dispatch Initials):
Number of Cards / Value Card #

Date
Client Name
Address
City, State Zip
Reason
Verified DL and Insurance (Dispatch Initials):
Number of Cards / Value Card #

Backup material for agenda item:

- E. DISCUSS - Review and discuss URA background and current status (Information from recent joint meetings pages ; additional URA background information ; current URA financial information)**

Status of URA

Historical Documents

- Ordinance No 1932, 15 Dec 2003
 - o Effective 15 Jan 2004
- Bylaws of the Livingston Urban Renewal Agency
- Livingston Urban Renewal Plan
- Budget Alignment Policy, 19 Jul 2011

MCA Guidance

- Title 7. Local Government, Chapter 15. Housing and Constructing, Part 42. Urban Renewal
- 7-15-4233, Powers Which May Be Exercised by Urban Renewal Agency or Authorized Department
- 7-15-7288, Costs that May Be Paid by Tax Increment Financing
- 7-15-4289, Use of Tax Increments for Bond Payments
- 7-15-4292, Termination of Tax Increment Financing – Exception

Current Status

- TIF expires 15 Jan 2019
- Exception is for payment of bonds (MCA 2-15-4292 1(b))
- Projects available to bond against
 - o Downtown PER (See estimate)
 - o Residential sidewalks (See estimate)
- Bonding Financials

Suggested Way Forward

- Bond against all available projects
- Clearly define expected contributions from URA from bond
- Use excess tax revenue to offset URA contribution cost increases
- Develop annual grant program based on previous year excess tax revenue
 - o Create residential sidewalk program
- Public bathrooms

ORDINANCE NO. 1932**AN ORDINANCE OF THE CITY COMMISSION ADOPTING THE URBAN RENEWAL PLAN FOR THE LIVINGSTON URBAN RENEWAL DISTRICT WITH TAX INCREMENT FINANCING PROVISION, PURSUANT TO CHAPTER 7, PART 42 AND 43 OF THE MONTANA CODE ANNOTATED.**

Preamble.

The purpose of this Ordinance to promote the general health, safety and welfare of the community by defining the boundaries of the urban renewal area and adopting the Urban Renewal Plan for the redevelopment and rehabilitation of the urban renewal area in the City of Livingston, Montana with provision for tax increment financing.

WHEREAS, by Resolution No. 3437, the City of Livingston endorsed a study to determine the existence of blight in the City; and

WHEREAS, the Study for the City of Livingston has now been completed and submitted to the City, a copy of which is attached Resolution No. 3460 which defines the boundaries of the blighted area; and

WHEREAS, in Title 7, Chapter 42 and 43 of the Montana Code Annotated, the State of Montana provides for the redevelopment and rehabilitation of those portions of its cities which constitute a menace to public health and safety, constitute an economic and social liability and substantially impair the sound growth of a municipality; and

WHEREAS, the procedure provided in Title 7 Chapter 15, Parts 42 and 43 of the Montana Code Annotated (MCA) for Urban Renewal authorizes municipalities to exercise statutory urban renewal powers for redevelopment and rehabilitation through urban renewal plans and projects by creating Urban Renewal Plan with Tax Increment Financing provisions; and

WHEREAS, 7-15-4202 MCA provides that the City cannot proceed with the development of the Urban Renewal Plan with Tax Increment Financing provisions until the City has adopted a resolution finding that a blighted area exists and that rehabilitation or development of the area is necessary; and

WHEREAS, the Livingston City Commission following due notice, conducted a public hearing on December 1, 2003, and thereafter adopted Resolution No. 3462 finding that a blighted area exists within the City of Livingston, Montana, establishing the boundaries of the blighted area and declaring that rehabilitation and redevelopment of that area is necessary in the interest of public health, safety and welfare of the residents of Livingston, Montana pursuant to 7-15-4210 MCA; and

WHEREAS, the City Commission further finds that the continued existence of blighted areas within the City of Livingston substantially impairs or arrests the sound growth of the city or its environs; retards the provision of housing accommodations; constitutes an economic or social liability; aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and/or is detrimental or constitutes a serious and growing menace to the public health, safety, welfare, and morals in its present condition and use; and

WHEREAS, at the request of the Livingston City Commission, the Livingston Downtown Association prepared an Urban Renewal Plan for the rehabilitation and redevelopment of the blighted area defined by Resolution No. 3462; and

WHEREAS, in compliance with 7-15-4213 MCA, the Urban Renewal Plan was submitted to the Livingston Planning Board on November 26, 2003, for review which found the Urban Renewal Plan to be in conformity with the Livingston Comprehensive Plan; and

WHEREAS, 7-15-4215 MCA provides that notice by publication and by mailing to the persons whose names appear on the county treasurer's tax roll as owners, reputed owners or purchasers under contract for deed of property in the urban renewal area must be made not less than 10 days prior to the date of the hearing on the Urban Renewal Plan which will be held by the City Commission on December 15, 2003, at 7:30 p.m.

NOW, THEREFORE, BE IT ORDAINED by the Livingston City Commission as follows:

SECTION 1

Urban Renewal Area Defined:

That the Urban Renewal Area defined by Resolution No. 3462 is hereby adopted.

SECTION 2

Adoption of Urban Renewal Plan:

That the Urban Renewal Plan attached hereto as Exhibit A which is incorporated by this

Ordinance No. 1932

Adopting Urban Renewal Plan

Page 2

reference as though fully set forth herein for the urban renewal area of the City of Livingston, Montana, is hereby adopted by the Livingston City Commission based upon the following findings of the City Commission:

1. That a workable and feasible plan exists for making available adequate housing for the persons who may be displaced by the project;
2. The Urban Renewal Plan conforms to the Comprehensive Plan or partes thereof for the City of Livingston as a whole;
3. The Urban Renewal Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; and
4. That a sound and adequate financial program exists for financing projects in the urban renewal area, including special improvement districts, general obligation bonds and private financing.

SECTION 3

Tax Increment Financing Provision:

The Urban Renewal Plan contains a provision for the use of Tax Increment Financing (TIF) in the urban renewal district. The TIF district shall be created and administered pursuant to Section 7-15-4282 through 7-15-4292 MCA.

SECTION 4

Codification:

This Ordinance is not to be codified in the Livingston Municipal Code.

SECTION 5

Statutory Interpretation and Repealer:

Any and all resolutions, ordinances and sections of the Livingston Municipal Code and parts thereof in conflict herewith are hereby repealed.

SECTION 6

Severability:

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by a court having competent jurisdiction, such invalidity shall not affect the other

provisions of this ordinance which may be given effect without the invalid provisions or application, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 7

Savings provision:

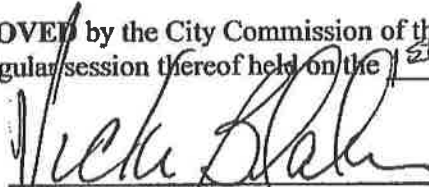
This ordinance does not affect the rights or duties that mature, penalties and assessments that were incurred or proceedings that begun before the effective date of this ordinance.

SECTION 8

Effective date:

This ordinance will become effective 30 days after the second and final adoption.

PASSED, ADOPTED AND APPROVED by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the 12th day of December, 2003.



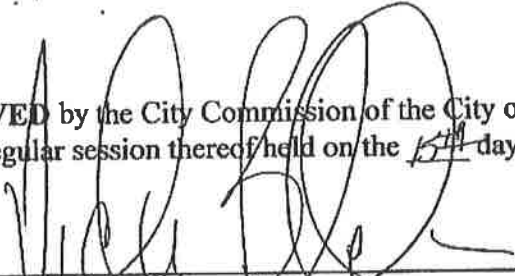
VICKI BLAKEMAN - Chairman

ATTEST:



PAM PAYOVICH
Recording Secretary

PASSED, ADOPTED AND APPROVED by the City Commission of the City of Livingston, Montana, on second reading at a regular session thereof held on the 15th day of December, 2003.




VICKI BLAKEMAN - Chairman

ATTEST:



PAM PAYOVICH
Recording Secretary

APPROVED AS TO FORM:



BRUCE E. BECKER
Livingston City Attorney

**BYLAWS OF THE
LIVINGSTON URBAN RENEWAL AGENCY**

* * * * *

ARTICLE I - PURPOSE

The Livingston Urban Renewal Plan (Plan) has been adopted by the Livingston City Commission (Ord. #1932) and pursuant to 7-15-4231 Montana Code Annotated (MCA) the City Commission has established the Livingston Urban Renewal Agency (Agency) to administer the Plan and to exercise the urban renewal project powers as set forth in Title 7, Chapter 15, Parts 42 and 43 of the MCA.

ARTICLE II – MEMBERSHIP

1. Membership of the Livingston Urban Renewal Agency. The Chairman of the Livingston City Commission shall appoint, by and with the advice and consent of the City Commission, each member of the Agency. The initial membership shall consist of one commissioner appointed for 1 year, one for 2 years, one for 3 years and two for 4 years. Each appointment thereafter shall be for 4 years. A certificate of the appointment or reappointment of the commissioners shall be filed with the clerk of the City of Livingston and shall be conclusive evidence of the due and proper appointment of such commissioner. Each commissioner shall hold office until his or her successor has been appointed and qualified.

2. Qualifications. To be a member of the Agency, the agency commissioner must reside within the City of Livingston, be at least 18 years of age, be a registered voter, be a citizen of Montana, and be a citizen of the United States of America. An agency commissioner shall not hold any public office under the City other than their commissionership with respect to the Urban Renewal Agency.

3. Compensation. An Agency commissioner shall receive no compensation for services rendered, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his or her duties.

4. Removal from office. An agency commissioner may be removed for inefficiency, neglect of duty, or misconduct in office.

5. Duties. The Agency shall administer the Livingston Urban Renewal Plan, and in so doing shall have all the powers and limitations as set forth in Title 7, Chapter 15, Parts 42 and 43 of the MCA, including, but not limited to 7-15-4233 MCA.

(a) The Agency shall file with the City of Livingston, on or before September 30 of each year, a report of its activities for the preceding fiscal year. The report shall include a complete financial statement setting forth its assets, liabilities, income and operating expenses as of the end of the fiscal year.

(b) At the time of filing the annual report, the agency shall publish in a newspaper of general circulation in the City of Livingston, a notice to the effect that such report has been filed

with the city and that the report is available for inspection during business hours in the office of the City Clerk and in the office of the Agency.

6. Conflict of Interest. An agency commissioner shall not have an interest in any urban renewal project as set forth in 7-15-4239 MCA:

(1)(a) No public official, no employee of a municipality or urban renewal agency, and no department or officers which have been vested by a municipality with urban renewal project powers and responsibilities under 7-15-4231 shall voluntarily acquire any interest, direct or indirect, in any urban renewal project of such municipality, or in any contract or proposed contract in connection with such urban renewal project.

(b) Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body.

(2) If any such official or department or division head owns or controls or owned or controlled within 2 years prior to the date of hearing on the urban renewal project any interest, direct or indirect, in any property which he knows is included in an urban renewal project, he shall immediately disclose this fact in writing to the local governing body and such disclosure shall be entered upon the minutes of the governing body. Any such official or department or division head shall not participate in any action on that particular project by the municipality or urban renewal agency, department, or officers which have been vested with urban renewal project powers by the municipality pursuant to the provisions of 7-15-4231.

ARTICLE III – OFFICERS

1. Officers. The Officers of the Agency shall consist of a Chairman, Vice Chairman and a Secretary.

A. The Chairman shall preside over all meeting of the Agency.

B. The Vice Chairman, in the absence of the chairman, will preside over the meeting.

C. The Secretary shall keep an accurate record of the proceedings and transactions of all regular or special meetings of the Agency and to provide the minutes thereof to all members.

2. Election of Officers. The officers shall be elected from the membership of the Agency at the Annual Meeting by a simple majority vote of the voting members of the board.

3. Vacancy. A vacancy in any of the aforementioned offices shall be filled by election by members of the Agency at either the next regularly scheduled meeting or at a special meeting duly called and noticed. The person so elected shall fill the vacancy until the next election.

ARTICLE IV – MEETINGS

1. Annual Meeting. The Annual Meeting shall be held in January of each year for the purpose of conducting election of officers.

2. Regular Meetings. Regular meetings shall be scheduled as determined by a simple majority vote of the voting members of the board.

3. Special Meetings. A special meeting may be called by the Chairman or at the request of 3 members of the Agency.

4. Place of Meetings. All meetings of the Agency shall be held in the City-County Complex, 414 East Callender Street, Livingston, Montana, unless otherwise specified and duly noticed.

5. Notice of Meetings / Open Meeting Law. Meetings of the agency are subject to Montana's Open Meeting Laws as set forth in 2-3-101 *et seq* MCA. Except for emergencies, written notice providing the date, time, and location for the meeting, and in the case of a special meeting the purpose thereof, shall be mailed to the members not less than 7 days prior to the meeting date. In addition, public notice shall be published in the local newspaper at least twice before the meeting date and posted on the City's Bulletin Board.

6. Quorum. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers and responsibilities of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present unless in any case the bylaws shall require a larger number.

ARTICLE V – RULES OF PROCEDURE

1. Rules of Procedure. The Agency shall use the same rules of procedure as the Livingston City Commission.

ARTICLE VI – AMENDING THE BYLAWS

1. Amending the Bylaws. The bylaws may be amended by a majority vote of the members following written notification of the proposed amendment made at least 30 days prior to the meeting at which the amendment will be considered and approval by the City Commission.

ARTICLE VII – ADOPTION OF BYLAWS

1. Adoption of bylaws. Accordingly, subject to the approval of the Livingston City Commission, we the undersigned, being all of the members of the Livingston Urban Renewal Agency, do hereby adopt the foregoing bylaws, dated this _____ day of _____, 2010.

_____ (Chairman)

_____ (Vice Chairman)

_____ (Agency Commissioner)

_____ (Agency Commissioner)

Attest:

_____ (Secretary)

Livingston

Urban Renewal Plan

12/10/2003

The Livingston Urban Renewal Study and Draft Urban Renewal Plan are the result of efforts by:

Citizens Coordinating Committee;

Vicki Blakeman	Sally Boe	Mark Bolin	Sue Denison
Bob Ebinger	Cindi Fargo	John Fryer	Steve Golnar
Michelle Goodwine	Dan Kaul	Bobby Parks	Mark Pesa
Joel Reinholz	Victor Robbins	Sarah Sandberg	Carol Schneider
Dana Taylor	Clint Tinsley	Dave Viers	Tom Vincent
Sharon Walker	Jim Walter	Dave Waylander	Carla Pettit

Livingston City Commission

Lenny Gregrey	Vicki Blakeman	Michelle Lee
Sheryl Dahl	Bob Ebinger	

Livingston City Planning Board

Technical support

Cindi Fargo - Alliance Development Corporation- administrative and technical assistance
 Fred Hall Surveying - legal description
 Missoula Redevelopment Agency Staff - background information
 Geoff Badenoch, Ad Hoc Inc. - consulting services
 Ray Rasker - Sonoran Institute- demographics
 Tony Ackerman/YCSI – computer troubleshooting

Interns from MSU;

Ryan Bergstrom	Bryn Long	Lacy Gray
Dan Jacobs	Faylene Petrick.	

Livingston City Staff

City Manager -Steve Golnar	Director of Public Works -Clint Tinsley
City Planner -Jim Woodhull	Administrative Recording Secretary -Pam Payovich
City Attorney -Bruce Becker	Communications Services Coordinator -Peggy Glass
Police Chief -Darren Raney	City County GIS coordinator -Carrie Harrapat
Fire Chief -Jim Mastin	

Financial Support (to date)

John Fryer	First Interstate Bank	Livingston Downtown Association
Joe Swindlehurst	Sterling Bank	Park County Board of Realtors
Bank of the Rockies	Livingston Federal Credit Union	
American Bank	Wells Fargo Bank	

Printing

First Interstate Bank,	Livingston Federal Credit Union	Crazy Mountain Cabinetry
------------------------	---------------------------------	--------------------------

Other Contributions

Murray Hotel – room donations for consultants
 Best Western Yellowstone Inn – conference and meeting rooms
 First Interstate Bank – conference rooms

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Chapter I -Introduction

Background & Statement of Purpose

A group of business people, property owners and citizens became concerned about the condition of the Downtown Livingston area and approached the Livingston City Commission about the possibility of creating an urban renewal district. On Sept. 15, 2003, the Livingston City Commission adopted Resolution No. 3437. Through this resolution, the City Commission authorized the Citizens Coordinating Committee to conduct a professional study for the purpose of determining if blight exists within the Downtown Livingston area.

The Study that was conducted revealed that blight exists in the area in accordance with Urban Renewal Law (7-15 Parts 42 & 43 M.C.A.). On December 1, 2003 the City Commission adopted Resolution No.3462 "declaring a blighted area exists within the City of Livingston, Montana" and directed the Citizens Coordinating Committee to complete the preparation of an urban renewal plan to address the conditions of blight discussed in the *Livingston Urban Renewal Study*. This Plan is the result of that directive.

An area is determined to be "blighted" if conditions are found which meet definitions set forth in the Urban Renewal Law. The statute declares that prevention and elimination of such areas is of public concern. Even though Urban Renewal Law recognizes it is in the public interest to eliminate blight, the blighting conditions that exist are faced most immediately by the citizens who reside, work or own property in the area. The idea that these private interests must be engaged in partnership with the City in order to correct blighting conditions and take advantage of opportunities is the underlying principle guiding this Plan.

Boundaries, Description and Map of the Urban Renewal District

The boundaries of the District as determined by the City Commission are based on factors including infrastructure conditions, building conditions, transportation corridors, existing and desired land use patterns, incidence of emergency service calls, as well as other considerations.

The proposed Urban Renewal District (District) is approximately 143 acres in size, though a broader district was initially studied. Total acreage in the City of Livingston is approximately 1664 acres. The Urban Renewal District is approximately 9% of the land area of the City of Livingston. The district's infrastructure, streets and buildings were laid out, for the most part, about 100 years ago. The area's features have taken shape based on the predominant modes of transportation at the time of the town's founding: rail, horse and foot. Park Street (Highway 89/10), Main Street, and the rail lines of Burlington Northern/Montana Rail Link are transportation corridors that shape the district, and just beyond the district lies Interstate 90. The Yellowstone River and Absarokee Mountains are the dominant landscape features. Platting of land and land use, access, traffic and circulation, development patterns and a host of other aspects of the plan area are defined by these features.

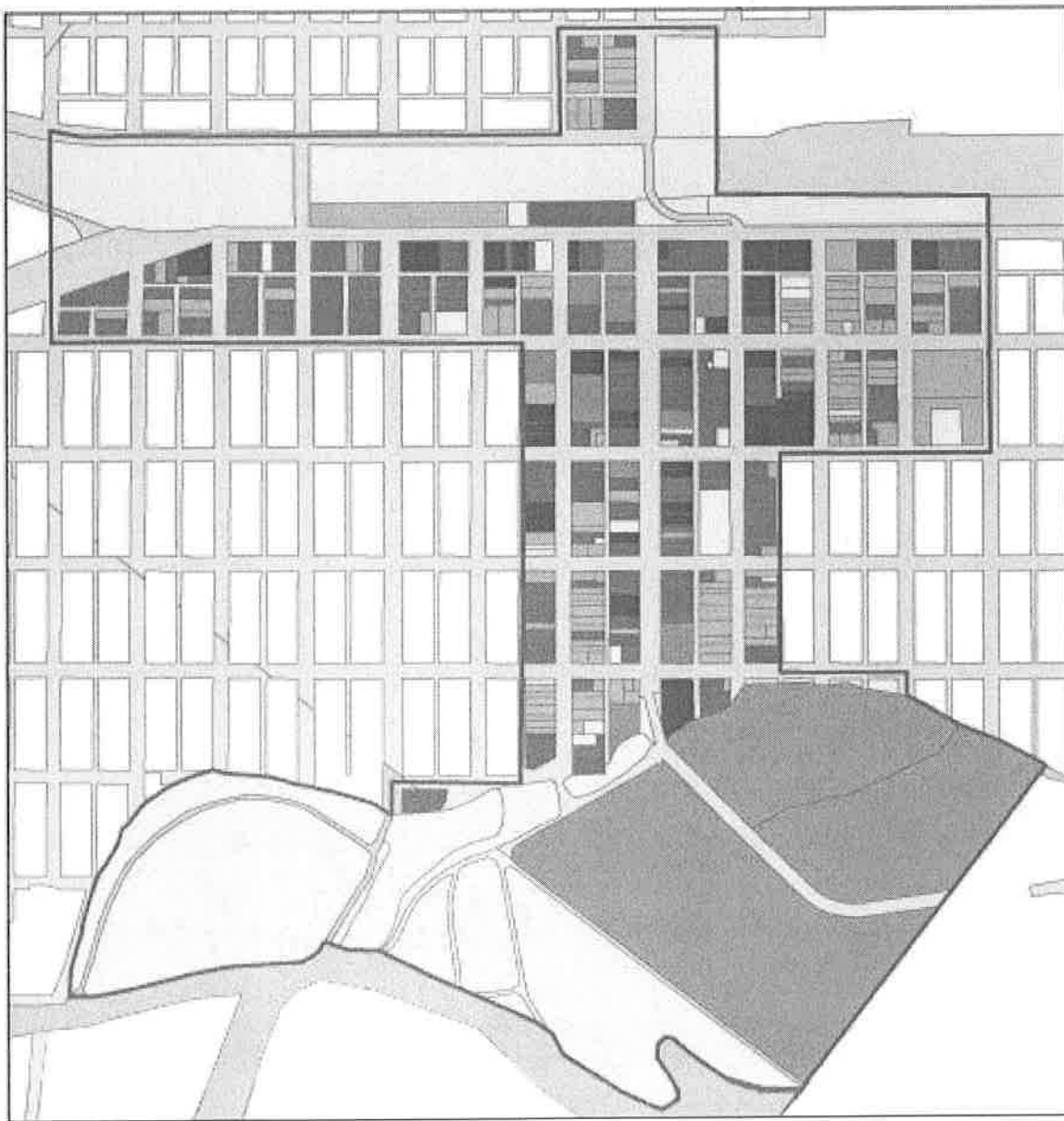
The legal description of the Urban Renewal District is as follows:

Urban Renewal District; being portions the Original Townsite of Livingston, all of the Sacajawea Park and Miles Park Additions to the City of Livingston, a portion of Certificate of Survey No. 1020, and Tract 1 of Certificate of Survey No. 984, (an unincorporated portion of Park County); located in portions of the NE1/4, SE1/4, SW1/4 and NW1/4 of Section 13, and the NE1/4 and NW1/4 of Section 24, all in Township 2 South, Range 9 East, P.M.M., City of Livingston, Park County, Montana; more particularly described as follows:

Beginning at the intersection of the center lines of E Street and Park Street; thence northerly along an extension of the center line of E Street, across the southerly half of the Burlington Northern Santa Fe (BNSF) Right-of-Way; thence westerly approximately 1,075 feet along the center line of the BNSF Main Line; thence northerly across the northerly half of the BNSF Right-of-Way; thence northerly approximately 144.4 feet along the westerly boundary of Tract A-1 of Certificate of Survey No. 970; thence continuing northerly approximately 255.4 feet across a portion of Tract A-1 of Certificate of Survey No. 970 to the southerly boundary of Chinook Street; thence westerly approximately 22.5 feet along the southerly boundary of Chinook Street; thence northerly along the southerly extension of the center line of B Street to the intersection of B and Chinook Streets; thence westerly along the center line of Chinook Street to the intersection of Chinook and 2nd Streets; thence southerly along the center line of 2nd Street to the intersection of 2nd and Front Streets; thence westerly along the center line of Front Street to the intersection of Front and 8th Streets; thence southerly along the southerly extension of 8th Street across all of the BNSF Right-of-Way, U.S. Highway 10, Out Lot No. 2 of the Original Townsite, and Park Street to the southerly boundary of Park Street; thence southerly along the center line of 8th Street to the intersection of 8th and Callender Streets; thence easterly along the center line of Callender Street; thence southerly along the center lines of the center alleys through Blocks 80, 94, 112, and 120 of the Original Townsite to the center line of Butte Street; thence westerly along the center line of Butte Street to the intersection of Butte and Yellowstone Streets; thence southerly along the center line of Yellowstone Street to the north bank of the North Channel of the Yellowstone River; thence southerly along a southerly extension of the center line of Yellowstone Street across the North Channel; thence westerly, southwestly, and southerly along the south bank of the North Channel, said south bank also being the northerly boundaries of the Sacajawea Park Addition; thence easterly along the north bank of the Main Channel of the Yellowstone River, said bank of the Main Channel being the southerly boundaries of the Sacajawea and Miles Parks Additions; thence northerly along the easterly boundary of the NE1/4 of Section 24, said section line also being the easterly boundary of the Miles Park Addition; thence northerly along the easterly boundary of the SE1/4 of Section 13, said section line also being the easterly boundary of the Park High School Tract as shown on Recorder's Plat No. 539; thence continuing northerly along said section line across View Vista Drive; thence continuing northerly along said section line across a portion of Tract 1 of Certificate of Survey No. 1020; thence continuing northerly along said section line along the line common to Tracts 1 and 2 of Certificate of Survey No. 1020 to the south bank of the North Channel; thence continuing northerly along said section line across the North Channel; thence westerly along the north bank of the North Channel to the center line of D

Street; thence northerly along the center line of D Street to the intersection of D and Geysler Streets; thence westerly along the center line of Geysler Street; thence northerly along the center lines of the center alleys through Blocks 109, and 97 of the Original Townsite to the center line of Lewis Street; thence easterly along the center line of Lewis Street to the intersection of Lewis and E Streets; thence northerly along the center line of E Street to the point of beginning.

The following is a map of the Urban Renewal District:



Brief History of the Area

Railroad construction in the late 1800's, the area's proximity to Yellowstone Park, and ranching and mining opportunities encouraged Livingston's early economy to thrive. Livingston became a hub of Northern Pacific/Burlington Northern railroad operations, and remained so until 1987. The town continued to grow modestly in the east, north, west and southwesterly directions with growth limited primarily by the Yellowstone River. The pattern of development has remained primarily concentrated along the original transportation corridors. Some development has occurred in the last 25 years farther to the east and west, and along the 89/90 interchange areas. Highway 89 remains a primary corridor to Yellowstone National Park. Development has continued to occur along these corridors, which affects commercial activities within the City limits.

Findings of Study

The following findings are taken from the *Livingston Urban Renewal Study*. They are organized according to the factors that define blight under Urban Renewal Law (M.C.A. 7-15-4206).

- (a) the substantial physical dilapidation; deterioration; defective construction, material, and arrangement; and/or age obsolescence of buildings or improvements, whether residential or nonresidential; **physical dilapidation in components of the area's infrastructure was "substantial". The area is characterized by aging infrastructure, both visual and underground. Sidewalks, curbs, gutters and alley areas are in noticeably deteriorating condition - cracked, broken and spalled. High curb cuts impede safe access. Some absence of sidewalks force pedestrians into the roadway. Basic services of water and wastewater distribution and collection are inadequate and in need of repair, upgrading or replacement. Municipal water services lines are reaching the end of their serviceable life, and in-ground sewer systems are in need of replacement, as are connecting private service lines. Many properties have plumbed roof drains that route storm water unnecessarily into the sewer treatment system. Some buildings lack compliance with current fire and life safety codes and several properties suffer from deferred maintenance and upkeep. Some upper floor spaces are vacant or underutilized. Access to most of these upper floor spaces is limited. Aging public and private properties, insufficient maintenance, building, fire and life safety codes and ADA compliance, and underutilization contribute to blighting conditions that erode the economic and social base downtown and promote a cycle of disinvestment.**

- (b) inadequate provision for ventilation, light, proper sanitation facilities, or open spaces as determined by competent appraisers on the basis of the building standards of the municipality; **no such appraisal was undertaken and no findings are made.**
- (c) inappropriate or mixed uses of land or buildings; **some examples of inappropriate and mixed uses of land exist in the study area. Where light industrial, and heavier commercial activity occurs immediately adjacent to residential uses, conflicts with noise, parking, deliveries, and employee activity arise. The city's Comprehensive Plan should address these issues. In addition, this situation should be examined in light of the existing uses and the community's need for light industrial and heavy commercial business expansion areas in the future. Commercial zoning underlies existing residential uses in established neighborhoods. These single-family neighborhoods are an important part of downtown's economy and should be maintained. Where these conditions occur, it is recommended that the transition of neighborhoods from residential to commercial not be hastened by any local action, and that the value of these modestly scaled residential structures and neighborhoods be underscored in the comprehensive plan as a desirable component in proximity to the downtown area.**
- (d) high density of population and overcrowding; **according to demographics, population loss, transition and aging has occurred significantly in the last 20 years, with the overall population remaining relatively stable. There is significant aging occurring in the Livingston population, and within the study area. This condition will result in continued increase in emergency service calls. This continued increase in demands for service contributes a blighting influence.**
- (e) defective or inadequate street layout; **there is evidence of inadequate railroad crossing opportunities and related street layout defects which may cause some traffic circulation problems and may be a contributing factor to automobile crashes as identified in the Livingston Transportation Study. This is a blighting influence.**
- (f) faulty lot layout in relation to size, adequacy, accessibility, or usefulness; **the placement of utilities and the narrowness of alleys in relationship to lot layout and lot coverage in the study area contributes to limits in alley usefulness and accessibility. The pattern of subdivision along the railroad tracks on the north side of Park Street and the limited services to those properties render some of the study area less useful and is a contributing factor to blight.**
- (g) excessive land coverage; **excessive land coverage was not examined in the study area.**
- (h) unsanitary or unsafe conditions; **there were a high number of emergency services calls in the Study Area in relation to the rest of the City. Also, lack of provisions for pedestrians, bicyclists and adequate access for those with mobility challenges can lead to unsafe conditions. These factors constitute a blighting influence.**

- (i) deterioration of site; **no glaring examples of deterioration of site were specifically identified.**
- (j) diversity of ownership; **the near singularity of ownership/control of railroad right-of-way creates conditions that impede normal market function, especially with regard to new development, maintenance and services to these properties. Conversely, great diversity in ownership within the study area creates additional challenges to accomplishing its management, improvements and land assemblage. This is a blighting influence.**
- (k) tax or special assessment delinquency exceeding the fair value of the land; **tax records were not reviewed for this type of information.**
- (l) defective or unusual conditions of title; **because of the vast number of properties involved in the Study Area, it was impossible to undertake a determination of whether defective or unusual condition of title exist.**
- (m) improper subdivision or obsolete platting; **no such conditions were examined.**
- (n) the existence of conditions which endanger life or property by fire or other causes; **fire and emergency service call data received suggests that the Study Area has a proportionately higher share of such incidences than that of the City as a whole. The study area encompasses 9% of the surface area of the city of Livingston, but has 25% of the service calls. This factor is a blighting influence.**
- (o) any combination of the factors listed in this subsection.

Chapter II - Problems & Opportunities (Policies and Goals)

Comprehensive Plan

It should be recognized that the Livingston Comprehensive Plan might change during the life of the Urban Renewal Plan (URP). The Comprehensive Plan is currently undergoing update per Montana State Law. Conversely, opportunities may arise in the Livingston Urban Renewal District that would prompt changes in the Comprehensive Plan or zoning. The two plans should inform one another. While the URP does not anticipate specific amendments to the Comprehensive Plan or the zoning code, it would be unreasonable to assume that over the course of 15 years opportunities would not arise requiring such changes or making such changes desirable. The URP and projects that may arise pursuant to carrying it out that require changes in either zoning or comprehensive land use planning will be required to follow whatever requirements exist at that time for such amendments or variances prior to being approved or funded by the Livingston Urban Renewal Agency.

Policies and Goals can be guided by the Livingston Comprehensive Plan, the Urban Design Plan and the Patterns Study and other planning documents listed in the Urban Renewal Study. These policies and goals may provide guidance for decisions related to, but not limited to:

- Infrastructure
- Transportation
- Design
- Access
- Public Safety
- Historic Preservation
- Open Space
- Public Art
- Landscaping

Infrastructure

A community's infrastructure is its collective solution to the problem of efficient movement of pedestrians, vehicles and other public services such as water and wastewater management. Failure to maintain and improve public infrastructure is a major disincentive to private investment and reinvestment. It stands to reason that the private sector will not invest in an area that does not command attention and investment by the public sector. Therefore, the Livingston Urban Renewal Plan envisions the creation of ongoing public/private partnerships that will enhance public infrastructure as a redevelopment strategy. Moreover, where public/private partnerships with the federal government, the State of Montana, Park County, the City of Livingston or other public entities may be formed to efficiently and economically improve or expand the ability of the public infrastructure to serve the community, those partnerships should be made.

Among the strategies deserving consideration are the following:

- A program that coordinates planned public improvements to sidewalks, curbs, gutters and alleys with remedial actions by private property owners is needed to assure that the community's most basic infrastructure is properly maintained. At the same time it is important to remain mindful of the significant costs to private property owners involved and consider appropriate financing mechanisms.
- Replacement of public and private service lines should occur at such time as the alleys are reconstructed or when incidents of system failure occur.
- Rerouting of storm water runoff from roof drains is recommended to eliminate excessive burden on the sanitary sewer system and reduce infiltration of storm water into the sewage treatment system, thereby reducing the cost of municipal wastewater treatment.
- At such time as the alleys in which the public and private water mains and service lines are located are reconstructed, both the mains and services should be replaced as needed. In addition, serious consideration should be given to providing adequate water service to

pressurize fire suppression systems to protect the lives and properties in the district, especially those properties that are in violation of building, fire and life safety codes.

- Appropriate, adequate lighting is recommended as an essential public amenity which will provide security for both people and property, improvement of pedestrian access and to extend the amount of time people are willing to spend in an area, during hours of darkness, on any given evening.
- Infrastructure design should be improved to be consistent with the standards created pursuant to the Americans with Disabilities Act (ADA). The ADA provides accessibility standards for citizens who are mobility challenged. The nearly total lack of ramps at street corners in the portions of the study area with sidewalks should be remedied. Barriers that impede access to Downtown buildings, walkways and facilities are specifically identified by the ADA as unacceptable and should be corrected. Barriers such as sidewalks with uncommonly high street-to-sidewalk elevation changes should be eliminated. Where sidewalks are absent, construction of paths or sidewalks should take place to get pedestrians out of the roadway and onto safe routes. The ADA addresses other situations, such as visual impairments, which should be considered when making improvements under this Plan.
- There is evidence that several sidewalks in the study area cover underground vaults. When these sidewalks over vaults deteriorate enough, a structural failure to the public right-of-way will occur. Death or serious injury could result, so this hazard that should be anticipated and a program developed to address it. Historic elements such as signs cast in the concrete have been identified in other studies as historically significant and those elements add to the character and value of the Study area. Where those artifacts can be preserved or incorporated in new sidewalks, consideration should be given to doing so.
- Historically, sidewalks are the legal responsibility of the adjoining property owner. Typically rehabilitation and renovation of structures creates a good opportunity to address sidewalk replacement. New entrances, rehabilitation of walls or display space, for example, may be benefited by new sidewalks. Completing the sidewalk work at the same time as other renovations are made will reduce disruption to the businesses and likely provide economy of scale that will benefit the property owner.
- The deteriorating condition of the public right-of-way, specifically the condition of sidewalks, curbs, and gutters, is a contributing blighting influence in the study area. A program which coordinates planned public improvements with remedial actions by private property owners to correct this situation is needed to assure that the community's most basic infrastructure is properly maintained while, at the same time, remaining mindful of the significant costs to private property owners involved.
- Drainage of storm water and snow melt from streets is a responsibility of the City. Streets that have insufficient slope, or gutters or storm drains in bad condition will reduce the effectiveness of storm water drainage. The effect of this condition is pooled water at

crosswalks and diminished street life cycle as the street surface is subjected to aggravated freeze-thaw cycles.

Transportation

- The *Livingston-Park County Transportation Study* (2000) observed that there was a parking deficiency in the Central Business District (CBD). Moreover, the Study observed that there was an increase in congestion and car crash rate in the study area that may be due to the arrangement of the on-street parking inventory. These parking arrangements may create an unsafe condition and may impede the sound functioning of the CBD and are therefore considered contributing factors of blight. Correcting the problems identified in the Livingston/Park County Transportation Study requires a coordinated approach that, first, deals with unsafe conditions such as deficient street markings, impairment of reasonable sight distances, etc, and second, effectively and efficiently manages existing on-street parking spaces, which will benefit both businesses and shoppers.
- Creation of publicly managed off-street parking facilities should be considered once parking management strategies have maximized the efficient use of existing parking resources.
- As necessary, development or improvement of railroad crossings should be considered to improve safety and circulation.

Community Amenities and Public Facilities

- The Study found that there are ample opportunities for enhancement of parks and riverfront, both in active and passive recreational activities. Public gathering places, either private or public, indoors or out, can be enhanced or developed, as can bike and pedestrian pathways and exercise routes. Facilities for walkers and bikers can be provided.
- Enhancing Main Street to be the corridor to the Yellowstone River is recommended. Identity of areas within the Downtown can be enhanced by the provision of landscape, public art, seating, etc. Replacement of waste receptacles is advised.
- Sacajawea Park is currently undergoing review with respect to flood plain/floodway issues. The City should resolve these issues as aggressively as possible to not only preserve a much-loved and much-used community asset, but to allow it to be improved and expanded for use by present and future generations of Livingston citizens and visitors. Needed improvements to the Park include upgraded power, irrigation, restrooms, and new trees. With proper care and attention, this park could shine like a jewel in the community.
- There are many successful events and activities that are poised to grow and still others proposed for our area, or in the idea stage. While smaller venues exist throughout the

Study area, it is extremely difficult to execute a large-scale special event, or event series. Many opportunities to host events remain unaddressed because venues are inadequate, sound is poor, and parking is unavailable. Existing special events in the community have, for the most part, met or exceeded their capacity. Development of a civic/arts/cultural/recreation complex with facilities for special events, concerts, performances, recreational activities, equestrian and sporting events would provide much needed opportunities to Livingston area residents and promote business growth. In addition, if properly designed, these facilities could be multi-purpose and provide convention and trade show opportunities.

Commercial Development

- The District provides a broad mix of commercial, professional, retail and hospitality services to the community. Some regional and national businesses exist as well. Many businesses rely heavily on easy access making available parking, alley access, good signage, lighting and sidewalks extremely important. Connectivity is a major issue for existing and new business. Implementation of this Plan should be undertaken in consideration of the general health of the District's commercial properties.
- Some façade improvement investments have taken place, and abundant opportunities for investment in downtown façade restoration and building rehabilitation still exist. Where vacant and underutilized space occurs (especially upper floor space) substantial investment opportunity exists. A building or fire code compliance program, with low cost loans, or grants in the form of matching contribution from the Agency would stimulate private investment in existing District programs. In addition, development of low cost financing programs that encourage private rehabilitation of existing structures is recommended. Low cost loans for façade improvements are also recommended.
- The Livingston Downtown Association has recently undertaken a planning process that will move the organization towards management of the Downtown as a business district, with comprehensive attention to organization, promotion, design and economic restructuring, using the Main Street model in its approach. It is recommended that the City adopt a local Main Street Program in partnership with the Livingston Downtown Association.
- Although the Study found no glaring examples of deterioration of site, many structures and improvements are showing signs of age and deferred maintenance. Encouraging and partnering to accomplish "clean and paint days," neighborhood improvement programs, hazardous materials amnesty days, and other building and property maintenance incentives and activities should be encouraged
- Much of Livingston's commercial activity is concentrated in the District, however development spreads out from the central business district along Park Street. It is recommended that the community consider the committed lands concepts and promote infill development and redevelopment within the District. Many towns are now considering how they wish to shape their community in the face of issues such as

potential big box development, the prevention of, or remedy to sprawl, the proliferation of signage, management of growth and other development related issues. It is recommended the community engage in earnest discussion on these important topics and develop policies and programs that encourage sound use of existing and planned public infrastructure and other resources. By focusing public policy on redevelopment strategies contained in this Plan, many of the ills that come from both growth and deterioration can be addressed.

Residential Development

- Livingston is experiencing a change in demographics to an increasingly older population with a need for housing with convenient access by all modes of transportation to shopping, recreational opportunities, and personal services. In addition, the need for assistance to elderly and low/moderate income households is currently being addressed by several other agencies. However, forming partnerships with other departments and agencies to accelerate this effort can be part of urban renewal efforts.
- Suitable planning and consideration should be undertaken to prevent incongruous development adjacent to neighborhoods, continued conversion of neighborhood homes to commercial establishments, and increased commercial traffic circulation within the neighborhood. Where live/work situations are desirable and do not detract from residential neighborhoods, they should be encouraged.
- Where suitable, property owners should be encouraged to consider redevelopment of upper level residential spaces. Many of these units would make a useful, affordable housing alternative.

Other Lands

- Bordering the study area and fully surrounded by the City of Livingston is the S Bar S trailer court. This property is not part of the City itself although the prospect of annexation into the City is under discussion. The S Bar S provides housing for some of Livingston's lowest income residents and seniors. As a neighborhood, S Bar S lacks much of the typical public municipal infrastructure such as streets, sidewalks, curbs and gutters within its boundaries. Also it is served by City water and sewer service, but is probably inadequate for any future development. The S Bar S is also subject to an inordinately high proportion of calls to the Park County Sheriff's office. It is clear that if the S Bar S property is annexed, the City will be annexing a neighborhood adjacent to the study area that clearly meets the statutory definition of blight. Once this area becomes annexed and part of the City of Livingston--now or some time in the future--a service plan to assure the residents that they will receive the benefits offered to all City residents will need to be prepared.

If the S Bar S property is annexed into the City of Livingston, and subsequently redeveloped as something other than housing for low and moderate income citizens,

great care should be taken to consider the housing needs of those who may be displaced. An urban renewal program is a logical place to coordinate consideration of those needs.

Financing

- The Agency is authorized to develop financing programs for the redevelopment projects from the City and State of Montana, property tax increments, Special Improvement Districts (SID), interest income, Agency bonds or any other available sources such as gifts and federal grants.
- Tax increment financing will become a major source of funding for redevelopment activities. The implementation of this feature will be in accordance with Title VII, Chapter 15, Part 42, Sections 4282-4292 MCA.
- The Agency will annually develop a program and budget to be reviewed and adopted by the Commission. During this procedure, specific actions will be proposed in detail for community review. This process will allow maximum community input to further the redevelopment interests of the community and to evaluate past actions of the Agency.

Some examples of Urban Renewal District Goals adopted by other communities:

- Encourage the continuance of vibrant residential neighborhoods through partnerships with existing agencies taking full advantage of the established network of services targeting residential development.
- Promote commercial development design that considers impacts to the residential neighborhoods.
- Create a vibrant commercial area typified by architectural excellence and neighborhood compatibility.
- Redevelop existing industrial and light industrial areas, when appropriate, to assure the community has adequate opportunity to develop businesses which create jobs and expand and diversify the tax base. Such redevelopment of industrial property should be mindful of community changes over the years and the existence of other uses nearby.
- Consider ways to effectively address commercial/residential interface.
- Preserve and enhance the diversity, integrity, and unique values of the community.
- Create a safe environment in which residents live and work – an environment that is reflective of the values of the community.
- Encourage interesting and innovative design of structures.
- Encourage upgrading and maintenance of private property and structures.
- Encourage development of vacant property in this area to promote infill of the urban core.
- Encourage the appropriate development of vacant and underutilized land where access and public facilities allow.

- Revisit the vision and goals of the Plan at regular intervals in addition to the regular annual review of the Annual Report, Budget and the Capital Improvement Plan.
- Adopt criteria for various areas of commercial/residential interface.
- Adopt a procedure for input by the general public, neighborhood groups and business owners.
- Work with the City and other entities to initiate neighborhood master plans that will include design criteria, zoning, transportation planning, etc.

In addition to policies and goals, an annual work plan with specific projects will be developed to guide the activities of the agency.

Chapter III- Public Involvement in Urban Renewal

This Urban Renewal Plan is to be viewed as a responsive, adaptable document that can accommodate changing conditions, discovery of new information or development opportunities as they may arise. It is envisioned that once the District is in place and before projects are conceived and monies spent, further planning and public involvement including business owners, property owners, neighborhood residents and the general public will take place. Ongoing planning for the District will allow the community to identify priorities based on current information, conditions and opportunities.

Chapter IV- Implementation

Introduction

The Urban Renewal Plan identifies community attitudes, problems and opportunities and sets a direction for achieving redevelopment of the urban core. After adoption, this document is the official policy guide for public action. These policies can only be transformed into action through an effective implementation. The implementation of community policies will depend on sound processes of administration, financing and evaluation.

Administration

The Livingston Redevelopment Agency (Agency) is hereby created pursuant to the provisions of 7-15-4232 MCA. The Livingston Redevelopment Agency is responsible for the administration of the redevelopment effort outlined in this Plan under the provisions of Title VII, Chapter 15, Parts 42-43, MCA.

The Livingston Redevelopment Agency may exercise project powers in accordance with 7-15-4233 MCA. Those specific powers are itemized as follows:

- a) to formulate and coordinate a workable program as specified in 7-15-4209 MCA;

- b) to prepare urban renewal plans;
- c) to prepare recommended modifications to an urban renewal project plan;
- d) to undertake and carry out urban renewal projects as required by the local governing body;
- e) to make and execute contracts as specified in 7-15-4251, 7-15-4255, 7-15-4281, MCA, with the exception of contracts for the purchase and sale of real or personal property;
- f) to disseminate blight clearance and urban renewal information;
- g) to exercise the powers prescribed by 7-15-4255, MCA, except the power to agree to conditions for federal financial assistance and imposed pursuant to federal law relating to salaries and wages shall be reserved to the local governing body;
- h) to enter any building or property in any urban renewal area in order to make surveys and appraisals in the manner specified in 7-15-4257, MCA;
- i) to improve, clear, or prepare for redevelopment any real or personal property in an urban renewal area;
- j) to insure real or personal property as provided in 7-15-4258, MCA;
- k) to effectuate the plans provided for in 7-15-4254, MCA;
- l) to prepare plans for the relocation of families displaced from an urban renewal area and to coordinate public and private agencies in such relocation;
- m) to prepare plans for carrying out a program of voluntary or compulsory repair or rehabilitation of buildings and improvements;
- n) to conduct appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of urban renewal projects;
- o) to negotiate for the acquisition of land;
- p) to study the closing, vacating, planning or re-planning of streets, roads, sidewalks, ways or other places and to make recommendations with respect thereto;
- q) to organize, coordinate and direct the administration of the provisions of this part and part 43;
- r) to perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and performance of the duties and responsibilities entrusted to the local governing body.

Any powers granted in this part or part 43 that are not enumerated above as powers of the Livingston Redevelopment Agency may only be exercised by the local governing body or other officers, boards, and commissions as provided under existing law. The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by the Agency with the consent of the City Commission or by the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions that are expressly for the benefit of owners of property in the Project area may be enforced by such owners.

In accordance with 7-15-4234 MCA, The Livingston City Commission shall appoint a board of commissioners to administer the Livingston Redevelopment Agency.

Agency Financial Transactions

The funds of the Livingston Redevelopment Agency derived from the tax increment provision, as well as any other funds acquired by the Agency, shall be held in trust for the Agency by the City of Livingston Treasurer in accordance with provisions in 7-15-4286 (2) (a) MCA.

Expenditures of the Livingston Redevelopment Agency shall be made in accordance with the procedures established by the City of Livingston with respect to claims made against, and paid by, the City of Livingston.

Agency Staff

Consistent with the provisions of 7-15-4239 MCA, the Agency may employ the necessary technical experts and other such agents and employees, as are required. Employees hired by the Agency shall be considered City of Livingston employees and shall be covered by the same work rules, rights, duties, privileges, and obligations of such employees. The cost of their employment, unless otherwise provided, shall be borne by Agency.

Annual Program Budget

The Agency shall prepare an annual work program and budget that will list the activities and costs of activities for the coming fiscal year, as well as the method of financing those activities. This program and budget may be amended during the course of the fiscal year, in light of funding and program changes. All budgets and revised budgets shall be reviewed and approved by the City of Livingston, and administered in accordance with City policies.

Annual Independent Audit

The Agency shall cause to be performed an annual independent audit covering the operations of the Agency in carrying out this Plan.

The first such audit shall occur within ninety (90) days of the close of the first fiscal year following the City Commission's adoption of this Plan. The audit shall occur as a component of the City of Livingston's annual audit.

All such annual independent audits shall be maintained as a part of the public records of the City of Livingston.

Evaluation

The Livingston Redevelopment Agency shall provide to the City Commission and the public an annual program evaluation as part of the Annual Report. Such evaluation shall review the Urban Renewal District Plan and the past annual work program.

Amendment

The Livingston Urban Renewal Plan may be amended in accordance with Montana statute. In addition, changes to the land use element shall be made consistent with Livingston zoning regulations.

The City Commission may modify and amend the Plan, including modifications and amendments to designate and approve urban renewal projects to be undertaken pursuant thereto, by enacting an ordinance providing for and setting forth the modification and amendment. No such ordinance shall be adopted until after a public hearing has been conducted thereon and notice of said hearing has been given in accordance with State Law.

If the modification or amendment involves the addition or deletion of land from the District, mailed notice shall be given to all persons owning property to be added or deleted at the time and the manner provided by Section 7-15-4215 (1), MCA. All notices shall provide the information regarding the modification required by Section 7015-4215 (1), MCA. Nothing herein shall limit or affect the authority of the Agency to undertake and carry out renewal activities on a yearly basis as provided by Section 7-15-4220, MCA.

Property Acquisition

It is contemplated that the Agency will not be purchasing most of the property in the District area, but will be assisting and encouraging public and private entities to eliminate blight or blighting influences and strengthening the City's economy by developing property in the District area consistent with the Plan.

Except as specifically exempted herein, the Agency may acquire, but is not required to acquire, all real property located in the District area by gift, devise, exchange, purchase, eminent domain or any other means authorized by law.

For the public interest and in order to eliminate the conditions requiring redevelopment and to execute the Plan, it may be necessary, from time to time, for the power of eminent domain to be exercised by the City to acquire real property in the Project area for redevelopment purposes. The power to exercise eminent domain for redevelopment purposes under this Plan is reserved to the City of Livingston.

The Agency shall not acquire interests in oil, gas or other mineral substances more than five hundred (500) feet from the surface nor the right to extract such substances through any opening or penetration for any purpose connected therewith more than five hundred (500) feet from the surface.

The Agency shall not acquire real property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than a fee.

The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless (1) such building requires structural alterations, improvements, modernization or rehabilitation; or (2) the site or lot on which the building situated requires modification in size, shape or use; or (3) it is necessary to impose upon such property any of the standards, restrictions and controls of the Plan and the owner fails or refuses to participate in the Plan by executing a participation agreement.

Acquisition of Personal Property

In general, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the District by any lawful means.

Acquisition Governed by Federal, State & Local Law

Any acquisition of property made under the Plan will be in accordance with appropriate federal, state and local law.

Participation by Owner & Tenants

Opportunities for Owner and Tenant Participation

The Agency may extend preferences to persons who are engaged in business in the District to reenter in business within the District if they otherwise meet the requirements prescribed by the Plan. The Agency may also extend preference to other owners and tenants in the District if they otherwise meet the requirements prescribed by the Plan. The Agency is authorized to permit business, residential, institutional and semi-public owners and tenants, if they so desire, to purchase and develop or re-develop real property in the District.

The Agency is also authorized to permit persons who are owners of residential, business and other types of real property in the District to be given the opportunity to participate in redevelopment by rehabilitation, by retention of improvements, or by new development, by retaining all or a portion of their properties, by acquiring adjacent or other properties from the Agency, and by purchasing other properties in the District.

In the event an owner-participant fails or refuses to rehabilitate or newly develop his real property pursuant to this Plan, the real property or any interest therein may be acquired by the Agency and sold or leased for rehabilitation or development in accordance with this Plan.

If conflicts develop between the desires of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the owners and tenants and to determine a solution by consideration of such factors as: length of time in the area, accommodation of as many participants as possible, ability to perform and conformity with intent and purpose of this Plan.

In addition to opportunities for participation by individual persons and firms, participation to the extent feasible shall be available for two or more persons, firms or institutions, to join together in partnerships, corporations or other joint entities.

Participation by as many businesses, residents, property owners and tenants as possible is desired in the redevelopment of the District. Participation opportunities shall necessarily be subject to and limited by such factors as the expansion of public facilities, elimination and changing of land uses, realignment of streets, the ability of owners to finance acquisition and development in accordance with the Plan, any reduction in the total number of individual parcels in the District, and assembly and development of areas for public and/or private development in accordance with this Plan.

Participation Agreements

Subject to the provisions below (Determination of Conformance), each person desiring to become a participant shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop or use the property in conformance with the Plan and to be subject to the provisions thereof. In such agreements, participants who retain real property shall be required to join in the recordation of such documents as are necessary to make the provisions of this Plan applicable to their properties.

Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the District.

Determination of Conformance

The District is large and contains many parcels of real property. As a result there is a need to simplify the availability of participation opportunities. Therefore, as an alternative to requiring a participation agreement for each property not to be purchased or subject to Agency acquisition by eminent domain, the Agency is authorized to make determinations of those properties that conform to the Plan. The Agency shall, in good faith, review the property contained in the Project area and issue Certificates of Conformance to qualifying properties when requested by the Owner of the property as soon as possible consistent with the redevelopment permitted by this Plan and specific designs for development adopted by the Agency pursuant to this Plan.

The Agency is authorized to enter into participation agreements regarding properties not purchased or not to be purchased by eminent domain by the Agency and not included in any Agency Determination of Conformance.

Cooperation with Public Bodies

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the Planning, undertaking, construction or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the

purposes of redevelopment and the highest public good. The Agency shall follow discretionary procedures in place in the City of Livingston. A Redevelopment Agency Board Member shall be designated to act in an advisory capacity to the City Planning Board.

The Agency, by law, is authorized to acquire real property owned by public bodies with the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies that own or intend to acquire property in the District. The Agency shall impose on all public bodies planning and design controls, as it may from time to time adopt, to ensure that present uses and any future development by public bodies will conform to the requirements and objectives of this Plan. Any public body that owns or leases property in the District will be afforded all the privileges of owner and tenant participation if such public body is willing to enter into a participation agreement with the Agency.

Relocation of Persons Displaced by the Urban Renewal Plan

Assistance in Finding Other Locations

The Agency shall assist all persons (including families, business concerns, and others) displaced by Agency acquisition of property in the District in finding other locations and facilities and shall pay relocation payments in accordance with the City of Livingston policy unless otherwise required by state or federal law.

Demolition, Clearance, Public Improvements, Building and Site Preparation

Demolition, Removal and Clearance

The Agency is authorized to demolish, remove and clear buildings, in whole or in part, structures and other improvements from any real property in the District as necessary to carry out the purposes of this Plan. Proposals for the demolition or removal of any building within the District shall be reviewed by the Historic Preservation Commission and approved by the Livingston City Commission.

Public Improvements, Public Facilities and Public Utilities

The Agency is authorized to install and construct or cause to be installed and constructed the public improvements, public facilities and public utilities (within or outside the District) as appropriate or necessary to carry out the Plan or of benefit to the District. Such improvements, facilities and utilities include, but are not limited to, over or underpasses, bridges, pedestrian walkways, malls, streets, curbs, gutters, sidewalks, street lights, sewers, storm drains, traffic signals, electrical distribution systems, natural gas distribution systems, water distribution systems, parks, plazas, playgrounds, telephone systems, motor vehicle parking facilities, landscaped area, civic buildings, bus or pedestrian shelters and transit facilities. All such public improvements will be undertaken in accordance with the standards, methods and means as permitted by the City of Livingston.

Preparation of Building Sites

The Agency is authorized to prepare, or cause to be prepared as building sites, any real property in the District owned or acquired by the Agency or subject to an approved development agreement.

Rehabilitation and Moving of Structures by the Agency

Rehabilitation

The Agency is authorized to rehabilitate or to cause to be rehabilitated any building or structure in the District. The Agency is also authorized to advise, encourage and assist in the rehabilitation of property in the District.

Moving of Structures

As necessary or appropriate in carrying out this Plan, the Agency is authorized to move or to cause to be moved any standard or habitable structure or building to a location within or outside the District.

Property Disposition and Development

Real Property Disposition

The City or Agency may sell, lease or otherwise transfer real property or any interest therein acquired within the District pursuant to this Plan for residential, recreational, commercial, industrial or other uses or for public use, and may enter into contracts with respect thereto, or may retain such property or interest only for parks and recreation, education, public transportation, public housing, public safety, health, highways, streets and alleys, administrative buildings or civic centers in accordance with the Plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of blighted areas or otherwise to carry out the purposes of the Plan. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the Plan and may be obligated to comply with such other requirements as the Agency may determine to be in the public interest, including the obligation to begin, within a reasonable time, any improvements on such real property required by the Plan. Such real property or interest shall be sold, leased, otherwise transferred or retained at not less than its fair value for uses in accordance with the Plan, the Agency shall take into account, and give consideration to the uses provided in such a Plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee, may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the Agency until he has completed the construction of any and all improvements which he has obligated himself to construct thereon. Real property acquired by the Agency which, in accordance with the provisions of the Plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the

carrying out of the provisions of the Plan. The inclusion restrictions or conditions (including the incorporation by reference therein of the provisions of the Plan or any part thereof) shall not prevent the recording of such contract or conveyance in the land records of the Clerk and Recorder of the County in such manner as to afford actual or constructive notice thereof.

The Agency may dispose of real property in District to private persons only under such reasonable procedures as it shall prescribe or as hereinafter provided. The Agency shall, by public notice by publication once each week for three consecutive weeks in a newspaper having a general circulation in the community, prior to the execution of any contract or deed to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite proposals from and make available all pertinent information to, private redevelopers or any person interested in undertaking to redevelop or rehabilitate a part of the District. Such notice shall identify the area, shall state that such further information as is available may be obtained at such office as shall be designated in said notice. The Agency may accept such proposals as it deems to be in the public interest and in furtherance of the purposes of this act and thereafter, contracts, deeds, leases and other instruments of transfer.

Actions by the City

The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Actions by the City shall include, but not be limited to the following:

1. Institution and completion of proceedings for opening, closing, vacating, widening or changing the grades of streets, alleys and other public rights-of-way and for other necessary modifications of the streets, the street layout and other public rights-of-way in the District. Such action by the City shall include the requirement of abandonment and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out this Plan.
2. Institution and completion of proceedings necessary for changes and improvements in publicly owned utilities within or affecting the District.
3. Revision of zoning within the District utilizing existing City process to permit land uses and development authorized by this Plan.
4. Performance of the above, and of all other functions and services relating to public health, safety and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the District to be commenced and carried to completion without unnecessary delays.
5. The undertaking and completing of any other proceedings necessary to carry out the provisions of this Plan.

Livingston MT
Urban Renewal Agency

Budget Alignment Policy
July 19, 2011

CITY OF LIVINGSTON 10 YEAR CAPITAL IMPROVEMENT PLAN LIVINGSTON, MONTANA

Drawn By MLJ
 Checked By MGW
 Date 12/2009
 CTA # XXX
 Cad File: COL2010CIP



Plan Overview

For each block on the CoL 10-year CIP:

First year

- CoL replaces service lines, paves streets.
- Building owners upgrade water lines, *with URA contribution.*
- Building owners install fire sprinklers, *with URA contribution.*

Second year

- Building owners replace sidewalks.

Third year

- *URA purchases* and installs street furniture.

URA plan is aligned with CoL 10-year CIP:

Saves \$5000+ for building owners for water line replacement.

year #	year	comment	# of water lines	# of sidewalks blocks	# of street furnitures
1	2011	T-alleys	17	0	4
2	2012	Main St.	3	0	0
3	2013	B St., Lincoln School	30	7	0
4	2014	D, Lewis, Main-B alleys	19	6	4
5	2015	Main, E, F	24	3	5
6	2016	Main-2 nd -3 rd alleys	61	6	2
7	2017	Callender-Lewis-2 nd -G	36	0	12
8	2018	3 rd -Lewis-2 nd	18	7	0
9	2019	Clark-SMain	0	6	16
10	2020	southern border of district	32	6	7
11	2021	finish sidewalks	0	7	0
12	2022		0		0

Plan Details

Water Line Replacement

Commercial water line:

- URA offers 75% of project costs, up to \$1500.
- Estimated average total cost: \$2000.

Commercial Basement Fire Sprinkler Systems

- URA offers 50% of project costs, up to \$2500.
- Estimated average total cost: \$7000.

Residential water line:

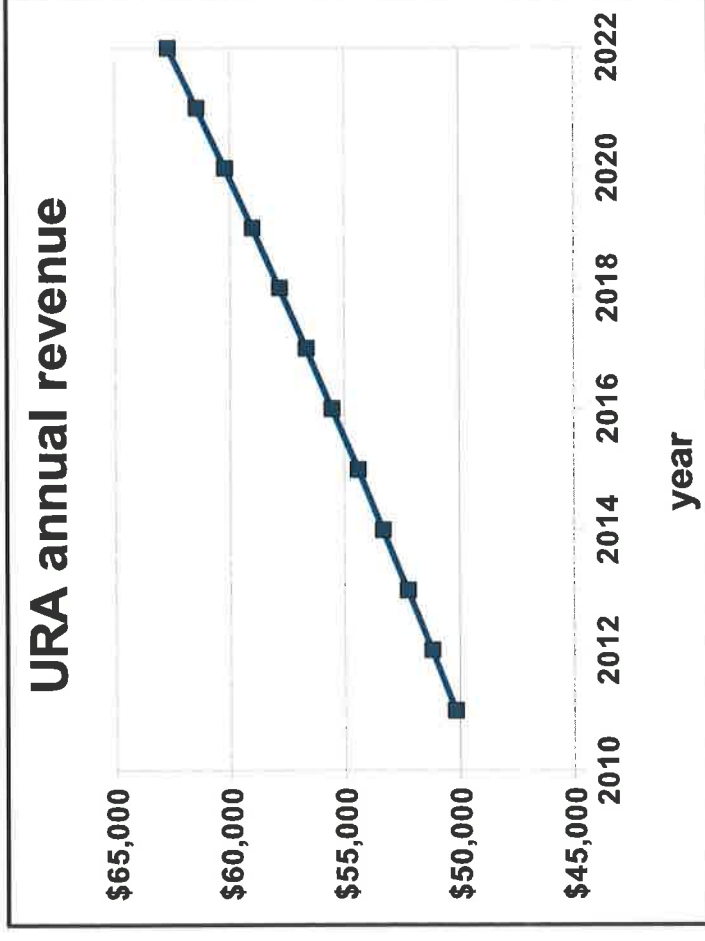
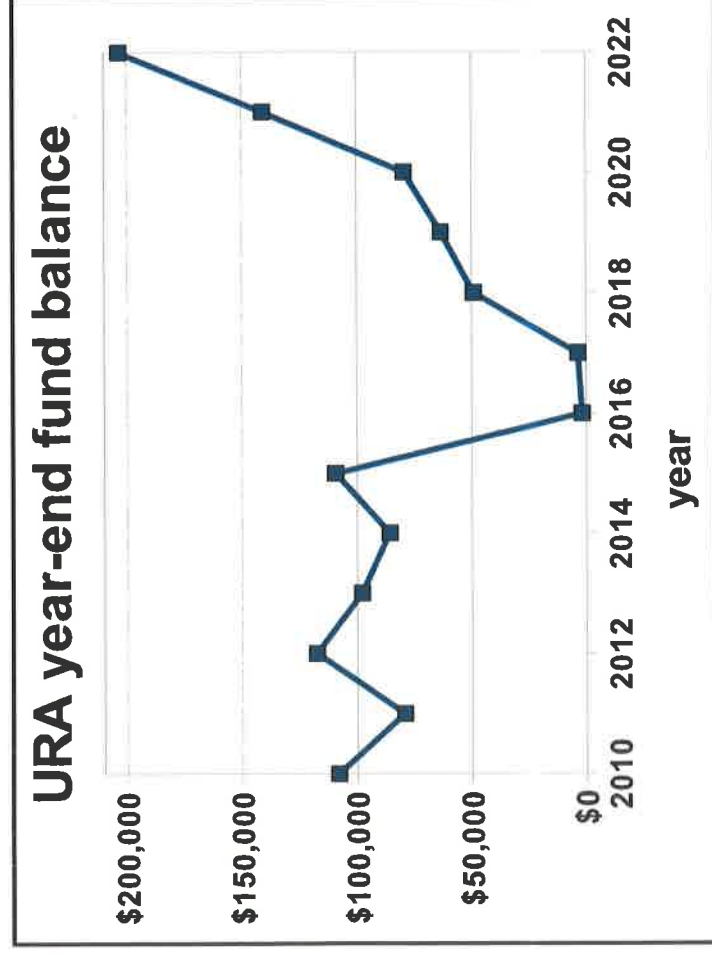
- URA offers 75% of project costs, up to \$500.
- Estimated average total cost: \$1000.

Street Furniture

- URA pays 100% of project costs.

Plan Financing

URA fund balance is predicted to be always greater than \$0.



Estimates are conservative

- Annual price increase: 4%
- Annual growth rate: 2%

Plan is to be evaluated and updated on an annual basis.

Project #1: Water lines

Commercial buildings:

Upgrade to 1½" line

- Provides capacity for basement fire safety sprinkler system.
- Basement fires are very dangerous situations for firefighters.

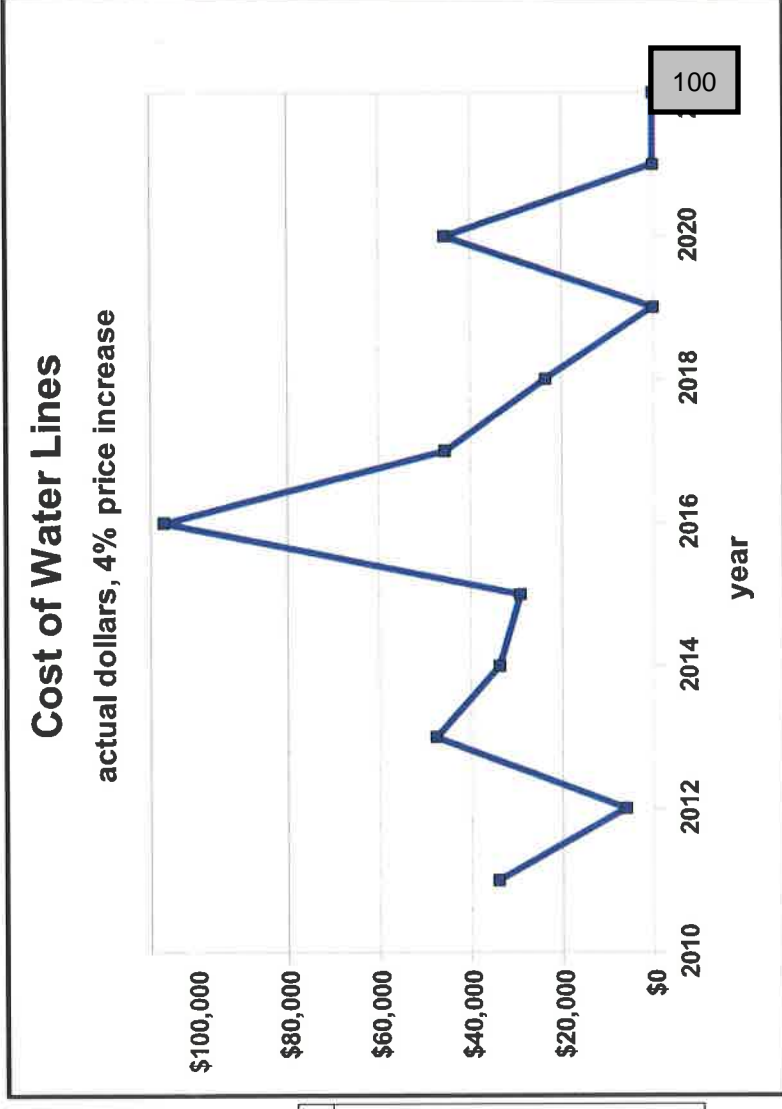
Upgrade during 10-year CIP

- Savings = \$5000+
- Avoids paying for digging up surface.

Total cost: \$388,000

Item	Cost per item, 2010 dollars
Commercial water line, 1½"	\$2,000
Residential water line, ¾"	\$1,000

year	year #	comment	# of com. lines	# of res. lines
2011	1	T-alleys	17	0
2012	2	Main St.	3	0
2013	3	B St., Lincoln School	14	16
2014	4	D, Lewis, Main-B alleys	11	8
2015	5	Main, E, F	1	23
2016	6	Main-2 nd -3 rd alleys	27	34
2017	7	Callender-Lewis-2 nd -G	0	36
2018	8	3 rd -Lewis-2 nd	0	18
2019	9	Clark-SMain	0	0
2020	10	southern border of district	0	32
2021	11		0	0



Project #2: Fire Sprinklers

Commercial buildings only

- \$2.50 - \$5.00 per square foot
- Additional cost: fire alarm: \$2500

Benefits

- Increased safety.
- Reduced insurance premiums.

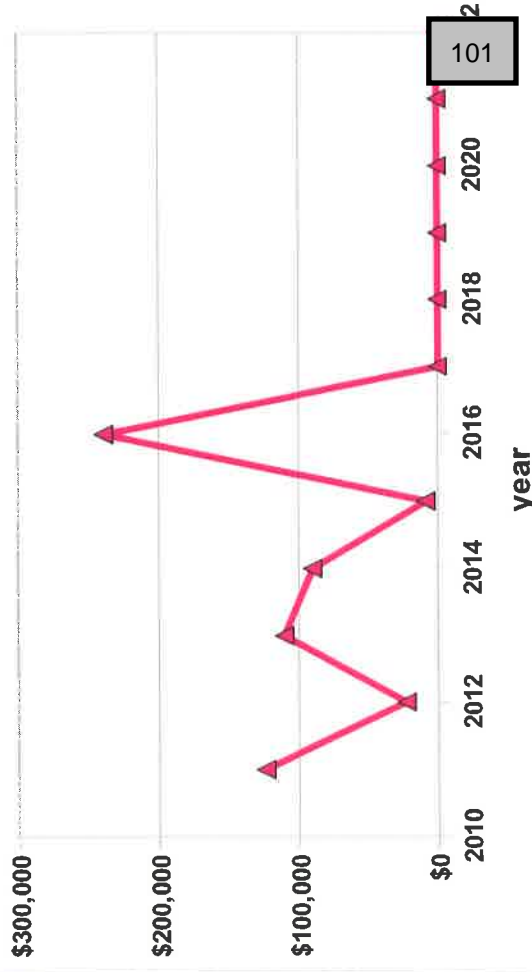
Total cost: \$594,000

Item	units	cost
Commercial fire sprinkler	per lot	\$7,000
Residential fire sprinkler	per lot	\$2,800

year	year #	comment	# of com. lines	# of res. lines
2011	1	T-alleys	17	0
2012	2	Main St.	3	0
2013	3	B St., Lincoln School	14	16
2014	4	D, Lewis, Main-B alleys	11	8
2015	5	Main, E, F	1	23
2016	6	Main-2 nd -3 rd alleys	27	34
2017	7	Callender-Lewis-2 nd -G	0	36
2018	8	3 rd -Lewis-2 nd	0	18
2019	9	Clark-SMain	0	0
2020	10	southern border of district	0	32
2021	11		0	0

Cost of Fire Sprinklers

actual dollars, 4% price increase



Project #3: Sidewalk furniture

1 set of street furniture:

1 bench

1 bicycle rack

1 trash can

Legend

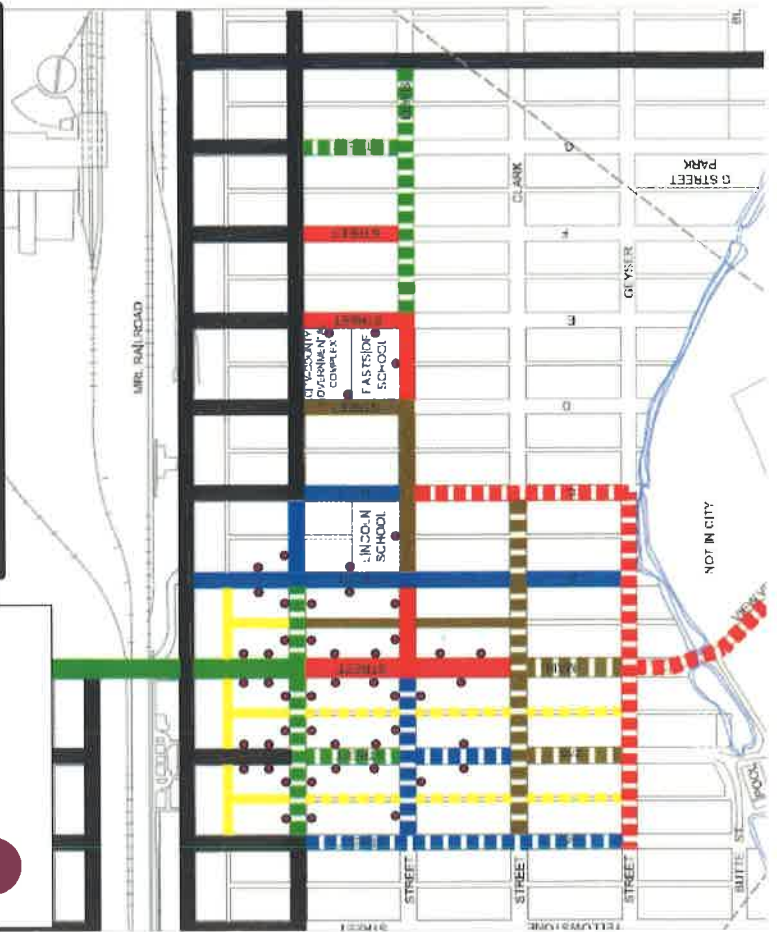
1 set of street furniture



LEGEND

COMPLETED AS OF THE YEAR 2010

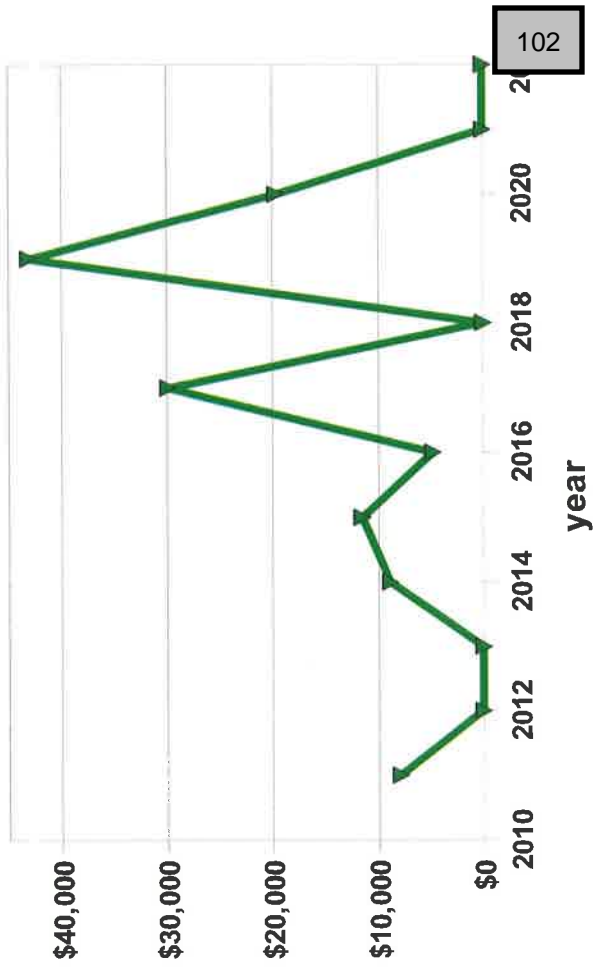
YEAR - 1	YEAR - 6
YEAR - 2	YEAR - 7
YEAR - 3	YEAR - 8
YEAR - 4	YEAR - 9
YEAR - 5	YEAR - 10



Total cost: \$131,000

Item	Cost per item, 2010 dollars
Garbage can frame	\$759
Garbage can liner	\$100
Benche	\$668
Bicycle rack	\$415
Sponsorship plaque	\$6
Installation hardware	\$20
Total	\$1,968

Cost of Street Furniture
actual dollars, 4% price increase



TITLE 7. LOCAL GOVERNMENT
CHAPTER 15. HOUSING AND CONSTRUCTION
Part 42. Urban Renewal

Powers Which May Be Exercised By Urban Renewal Agency Or Authorized Department

7-15-4233. Powers which may be exercised by urban renewal agency or authorized department. (1) In the event the local governing body makes such determination, such body may authorize the urban renewal agency or department or other officers of the municipality to exercise any of the following urban renewal project powers:

- (a) to formulate and coordinate a workable program as specified in 7-15-4209;
- (b) to prepare urban renewal plans;
- (c) to prepare recommended modifications to an urban renewal project plan;
- (d) to undertake and carry out urban renewal projects as required by the local governing body;
- (e) to make and execute contracts as specified in 7-15-4251, 7-15-4254, 7-15-4255, and 7-15-4281, with the exception of contracts for the purchase or sale of real or personal property;
- (f) to disseminate blight clearance and urban renewal information;
- (g) to exercise the powers prescribed by 7-15-4255, except the power to agree to conditions for federal financial assistance and imposed pursuant to federal law relating to salaries and wages shall be reserved to the local governing body;
- (h) to enter any building or property in any urban renewal area in order to make surveys and appraisals in the manner specified in 7-15-4257;
- (i) to improve, clear, or prepare for redevelopment any real or personal property in an urban renewal area;
- (j) to insure real or personal property as provided in 7-15-4258;
- (k) to effectuate the plans provided for in 7-15-4254;
- (l) to prepare plans for the relocation of families displaced from an urban renewal area and to coordinate public and private agencies in such relocation;
- (m) to prepare plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements;
- (n) to conduct appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of urban renewal projects;
- (o) to negotiate for the acquisition of land;
- (p) to study the closing, vacating, planning, or replanning of streets, roads, sidewalks, ways, or other places and to make recommendations with respect thereto;
- (q) to organize, coordinate, and direct the administration of the provisions of this part and part 43;

(r) to perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and performance of the duties and responsibilities entrusted to the local governing body. 104

(2) Any powers granted in this part or part 43 that are not included in subsection (1) as powers of the urban renewal agency or a department or other officers of a municipality in lieu thereof may only be exercised by the local governing body or other officers, boards, and commissions as provided under existing law.

History: En. Sec. 15, Ch. 195, L. 1959; R.C.M. 1947, 11-3915(b).

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TITLE 7. LOCAL GOVERNMENT
CHAPTER 15. HOUSING AND CONSTRUCTION
Part 42. Urban Renewal


Costs That May Be Paid By Tax Increment Financing

7-15-4288. Costs that may be paid by tax increment financing. The tax increments may be used by the local government to pay the following costs of or incurred in connection with an urban renewal area or targeted economic development district as identified in the urban renewal plan or targeted economic development district comprehensive development plan:

- (1) land acquisition;
- (2) demolition and removal of structures;
- (3) relocation of occupants;
- (4) the acquisition, construction, and improvement of public improvements or infrastructure, including streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and offstreet parking facilities, sewers, sewer lines, sewage treatment facilities, storm sewers, waterlines, waterways, water treatment facilities, natural gas lines, electrical lines, telecommunications lines, rail lines, rail spurs, bridges, publicly owned buildings, and any public improvements authorized by Title 7, chapter 12, parts 41 through 45; Title 7, chapter 13, parts 42 and 43; and Title 7, chapter 14, part 47, and items of personal property to be used in connection with improvements for which the foregoing costs may be incurred;
- (5) costs incurred in connection with the redevelopment activities allowed under **7-15-4233**;
- (6) acquisition of infrastructure-deficient areas or portions of areas;
- (7) administrative costs associated with the management of the urban renewal area or targeted economic development district;
- (8) assemblage of land for development or redevelopment by private enterprise or public agencies, including sale, initial leasing, or retention by the local government itself at its fair value;
- (9) the compilation and analysis of pertinent information required to adequately determine the needs of the urban renewal area or targeted economic development district;
- (10) the connection of the urban renewal area or targeted economic development district to existing infrastructure outside the area or district;
- (11) the provision of direct assistance to secondary value-adding industries to assist in meeting their infrastructure and land needs within the area or district; and
- (12) the acquisition, construction, or improvement of facilities or equipment for reducing, preventing, abating, or eliminating pollution.

History: En. 11-3921 by Sec. 1, Ch. 287, L. 1974; amd. Sec. 1, Ch. 452, L. 1975; amd. Sec. 2, Ch. 532, L. 1977; amd. Sec. 31, Ch. 566, L. 1977; R.C.M. 1947, 11-3921(part); amd. Sec. 1, Ch. 147, L. 1981; Sec. 9, Ch. 712, L. 1989; amd. Sec. 1, Ch. 737, L. 1991; amd. Sec. 1, Ch. 500, L. 1993; amd. Sec. 2, Ch. 269, L. 1999; amd. Sec. 16, Ch. 114, L. 2003; amd. Sec. 7, Ch. 566, L. 2005; amd. Sec. 5, Ch. 394, L. 2009; amd. Sec. 11, Ch. 214, L. 2013.

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TITLE 7. LOCAL GOVERNMENT
CHAPTER 15. HOUSING AND CONSTRUCTION
Part 42. Urban Renewal

Use Of Tax Increments For Bond Payments

7-15-4289. Use of tax increments for bond payments. The tax increment may be pledged to the payment of the principal of premiums, if any, and interest on bonds that the local government may issue for the purpose of providing funds to pay those costs.

History: En. 11-3921 by Sec. 1, Ch. 287, L. 1974; amd. Sec. 1, Ch. 452, L. 1975; amd. Sec. 2, Ch. 532, L. 1977; amd. Sec. 31, Ch. 566, L. 1977; R.C.M. 1947, 11-3921(part); amd. Sec. 9, Ch. 667, L. 1979; amd. Sec. 12, Ch. 214, L. 2013.

TITLE 7. LOCAL GOVERNMENT
CHAPTER 15. HOUSING AND CONSTRUCTION
Part 42. Urban Renewal

Termination Of Tax Increment Financing -- Exception

7-15-4292. Termination of tax increment financing -- exception. (1) The tax increment provision contained in an urban renewal plan or a targeted economic development district comprehensive development plan terminates upon the later of:

(a) the 15th year following its adoption; or

(b) the payment or provision for payment in full or discharge of all bonds for which the tax increment has been pledged and the interest on the bonds.

(2) (a) Except as provided in subsection (2)(b), any amounts remaining in the special fund or any reserve fund after termination of the tax increment provision must be distributed among the various taxing bodies in proportion to their property tax revenue from the area or district.

(b) Upon termination of the tax increment provision, a local government may retain and use in accordance with the provisions of the urban renewal plan:

(i) funds remaining in the special fund or a reserve fund related to a binding loan commitment, construction contract, or development agreement for an approved urban renewal project or targeted economic development district project that a local government entered into before the termination of a tax increment provision;

(ii) loan repayments received after the date of termination of the tax increment provision from loans made pursuant to a binding loan commitment; or

(iii) funds from loans previously made pursuant to a loan program established under an urban renewal plan or targeted economic development district comprehensive development plan.

(3) After termination of the tax increment provision, all taxes must be levied upon the actual taxable value of the taxable property in the urban renewal area or targeted economic development district and must be paid to each of the taxing bodies as provided by law.

(4) Bonds secured in whole or in part by a tax increment provision may not be issued after the 15th anniversary of tax increment provisions. However, if bonds secured by a tax increment provision are outstanding on the applicable anniversary, additional bonds secured by the tax increment provision may be issued if the final maturity date of the bonds is not later than the final maturity date of any bonds then outstanding and secured by the tax increment provision.

History: En. 11-3921 by Sec. 1, Ch. 287, L. 1974; amd. Sec. 1, Ch. 452, L. 1975; amd. Sec. 2, Ch. 532, L. 1977; amd. Sec. 31, Ch. 566, L. 1977; R.C.M. 1947, 11-3921(7); amd. Sec. 1, Ch. 251, L. 1985; amd. Sec. 11, Ch. 712, L. 1989; amd. Sec. 3, Ch. 441, L. 1991; amd. Sec. 3, Ch. 422, L. 1997; amd. Sec. 1, Ch. 545, L. 2005; amd. Sec. 9, Ch. 566, L. 2005; amd. Sec. 7, Ch. 394, L. 2009; amd. Sec. 15, Ch. 214, L. 2013.

RESOLUTION NO. 3437**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ENDORSING A PROFESSIONAL STUDY TO DETERMINE THE EXISTENCE OF BLIGHT IN LIVINGSTON, MONTANA.**

WHEREAS, a group of property owners, citizens and the Livingston Downtown Association have expressed interest in forming an urban renewal district for the downtown historic area, as well as portions of Park Street and such other areas as may be determined hereafter; and

WHEREAS, 7-15-4201 *et seq.* Montana Code Annotated (MCA) provides that the City Commission must first determine the existence of blight before establishing an Urban Renewal District; and

WHEREAS, a blighted area is defined by 7-15-4206(2) MCA as not only those areas of the community which are detrimental or constitute a menace to the public health, safety, welfare and morals of the community, but also those areas which substantially impair or arrest the sound growth of the city, retard the provision of housing accommodations or constitute an economic or social liability, including but not limited to physical deterioration of buildings or improvements; inadequate ventilation, light, proper sanitary facilities or open spaces; inappropriate or mixed uses of land or buildings; overcrowding; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness; excessive land coverage; and unsanitary or unsafe conditions; and

WHEREAS, the City Commission desires that a professional assessment of potentially blighted conditions in the proposed area be prepared to assist in making a finding of the existence of blight in accordance with the Montana Urban Renewal Law; and

WHEREAS, the Livingston Downtown Association is willing to organize a citizen's coordinating committee for the City to provide volunteers, staff and technical expertise and experience in conducting assessments for the purpose of determining the existence of blight in accordance with the Montana Urban Renewal Law and has the necessary professional personnel and other resources to conduct a professional assessment; and

WHEREAS, property owners within the proposed study area have agreed to provide up to \$1,200.00 in privately raised funding to fund the desired assessment.

* * * * *

Resolution No. 3437

Endorsement of privately funded assessment to determine the existence of blight.

Page 1

RESOLUTION NO. 3460

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO DECLARE THAT A BLIGHTED AREA IN NEED OF REDEVELOPMENT AND REHABILITATION EXISTS WITHIN THE CITY OF LIVINGSTON, MONTANA, TO DETERMINE THE BOUNDARIES OF THE BLIGHTED AREA AND TO ADOPT A RESOLUTION OF NECESSITY.

WHEREAS, by Resolution No. 3437, the City of Livingston endorsed a study to determine the existence of blight in the City; and

WHEREAS, the Urban Renewal District Study for the City of Livingston has been submitted to the City, a copy of which is attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein which defines the blighted area as well as its boundaries; and

WHEREAS, the State of Montana has provided for the redevelopment and rehabilitation of those portions of its cities which constitute a menace to public health and safety, constitute an economic and social liability and substantially impair the sound growth of a municipality; and

WHEREAS, the procedure provided in Title 7 Chapter 15, Parts 42 and 43 of the Montana Code Annotated (MCA) for Urban Renewal authorizes municipalities to exercise statutory urban renewal powers for redevelopment and rehabilitation through urban renewal plans and projects; and

WHEREAS, 7-15-4202 MCA provides that such authorization may be exercised, after the municipality has made a finding that a blighted area exists and that the continued existence of blighted areas substantially impairs or arrests the sound growth of the city or its environs; retards the provision of housing accommodations; constitutes an economic or social liability; aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and/or is detrimental or constitutes a serious and growing menace to the public health, safety, welfare, and morals in its present condition and use; and

WHEREAS, 7-15-4210 MCA provides that the Urban Renewal powers may not be exercised until the City Commission has adopted a resolution finding that:

1. One or more blighted areas exist in the City of Livingston; and
2. The rehabilitation, redevelopment, or a combination thereof of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City of Livingston; and

WHEREAS, a public hearing on this Resolution of Intent shall be held on December 1, 2003.

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Livingston, Montana, as follows:

Resolution No. 3460

Resolution of Intent to adopt a resolution declaring that one or more blighted areas exist in the City of Livingston and that rehabilitation or redevelopment is necessary in the interest of public health, safety, morals or welfare.

That it is the intent of the City Commission to adopt a resolution of necessity declaring that one or more blighted areas exist in the City of Livingston, describing the boundaries of the blighted area or areas and that the rehabilitation, redevelopment, or a combination thereof of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City of Livingston.

BE IT FURTHER RESOLVED that the Clerk publish notice of said public hearing which is attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 17th day of November, 2003.



VICKI BLAKEMAN - Chairman

ATTEST:



PAM PAYOVICH
Recording Secretary

APPROVED AS TO FORM:



BRUCE E. BECKER
City Attorney

Resolution No. 3460

Resolution of Intent to adopt a resolution declaring that one or more blighted areas exist in the City of Livingston and that rehabilitation or redevelopment is necessary in the interest of public health, safety, morals or welfare.

Page 2

NOTICE OF A PUBLIC HEARING

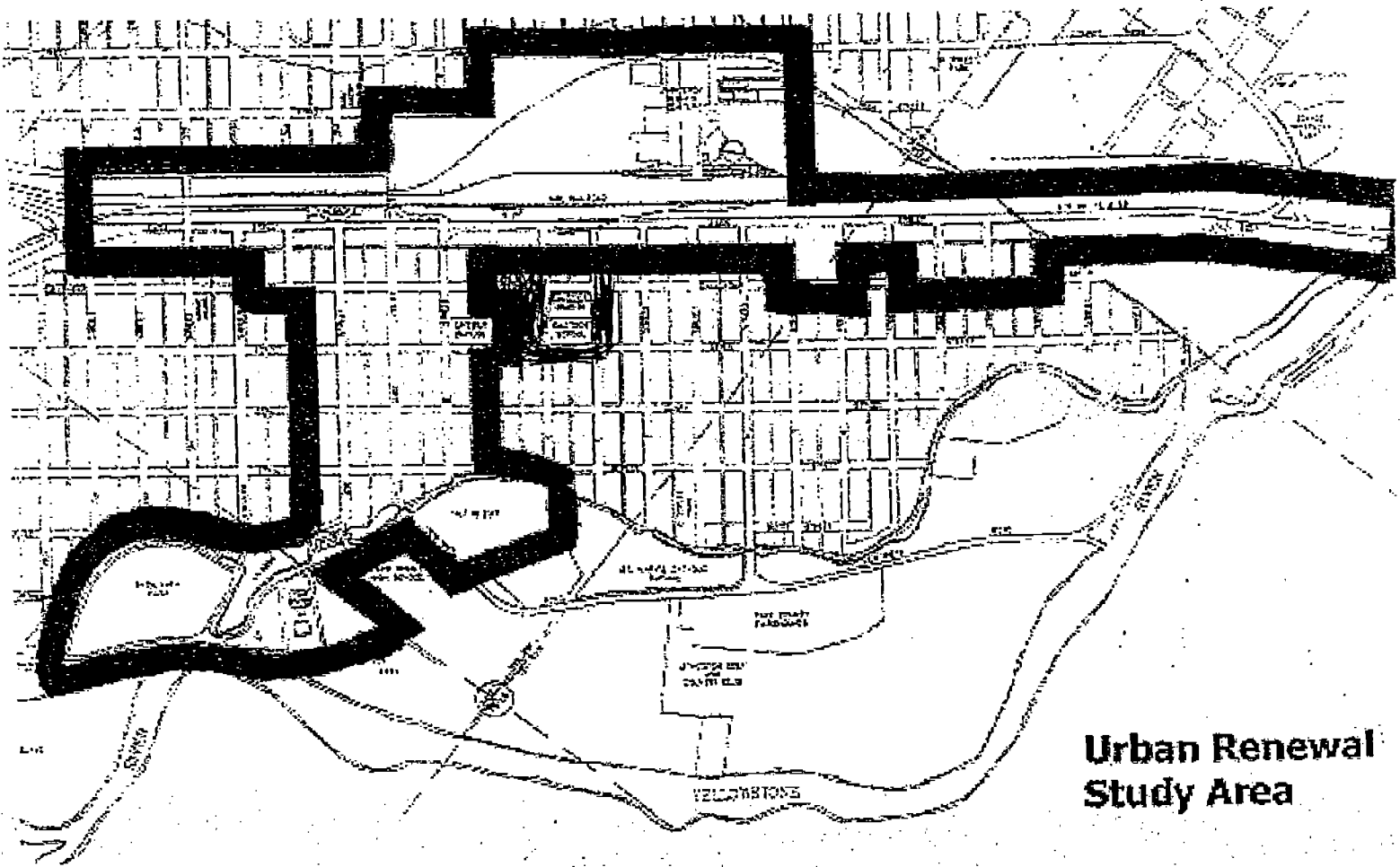
Notice is hereby given that the Livingston City Commission will conduct a public hearing in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on November 17, 2003, at the hour of 7:30 p.m. of its intent to adopt a resolution of necessity declaring that one or more blighted areas exist in the City of Livingston, describing the boundaries of the blighted area or areas and that the rehabilitation, redevelopment, or a combination thereof of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City of Livingston. The public is invited to attend and comment on the proposed budget amendment. For further information contact Pam Payovich, 414 East Callender Street, Livingston, Montana, or call 823-6001.

(Pam: must be published twice at least 6 days apart)

Resolution No. 3460

Resolution of Intent to adopt a resolution declaring that one or more blighted areas exist in the City of Livingston and that rehabilitation or redevelopment is necessary in the interest of public health, safety, morals or welfare.

Page 3



**Urban Renewal
Study Area**



Memo

Date: 11/13/03

To: City Commission/City Manager

From: City Attorney

Re: Conflict of Interest and urban renewal districts.

Question I: Is Commissioner Ebinger precluded from acting on matters pertaining to the development of an Urban Renewal District in the City of Livingston under Montana conflict of interest laws.

Relevant Facts. Commissioner Ebinger is on the Board of Directors of a non-profit corporation which operates a gallery and offers educational classes within the City. The organization leases a facility in the downtown area which would be part of the proposed urban renewal district.

Question II: Is Commissioner Blakeman precluded from acting on matters pertaining to the development of an Urban Renewal District in the City of Livingston under Montana conflict of interest laws.

Relevant Facts: Commissioner Blakeman owns property and operates a business which will be located within the boundaries of the proposed Urban Renewal District.

Statutes: There are two code of ethics/conflict of interest statutes which need to be reviewed in answering the questions. 7-15-4239 MCA is part of the urban renewal law and the Montana Code of Ethics is set forth at 2-2-101 *et seq.* MCA.

7-15-4239 MCA, enacted in 1959, deals specifically with conflicts of interest in Urban Renewal and provides as follows:

(1) (a) No public official, no employee of a municipality or urban renewal agency, and no department or officers which have been vested by a municipality with urban renewal project powers and responsibilities under 7-15-4231 shall voluntarily acquire any interest, direct or indirect, in any **urban renewal project** of such municipality, or in any contract or proposed contract in connection with such urban renewal project.

(b) Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body, and such disclosure shall be entered upon the minutes of he governing body.

(2) If any such official or department or division head owns or controls or owned or controlled within 2 years prior to the date of hearing on the **urban renewal project** any interest, direct or indirect, in any property which he knows is included in an **urban renewal project**, he shall immediately disclose this fact in writing to the local governing body and such disclosure shall be entered upon the minutes of the governing body. Any such official or department or division head shall not participate in any action on that particular **project** by the municipality or urban renewal agency, department, or officers which have been vested with urban renewal project powers by the municipality pursuant to the provisions of 7-15-4231. (emphasis added)

Discussion: Under the urban renewal conflict of interest statute, 7-15-4239 MCA, the key is whether the official has an interest in an "urban renewal project." The urban renewal statutes, 7-15-4201 MCA *et seq.*, set forth the procedures and requirements for adoption of both the "urban renewal plan" and for approving specific "urban renewal projects." I conclude from these statutes that there is a difference between a "plan" and a "project." **Therefore, under the urban renewal conflict of interest law, a commissioner in Question I and II would not have a conflict in adopting an urban renewal plan, but may have a conflict of interest with a specific urban renewal project if he has an interest in the "project."** Outside of the statutes, there is little Montana authority to review. I did find the following quote which would be considered persuasive authority for a Montana Court, not mandatory, and it seems to make good sense:

Local governments would be seriously handicapped if every possible interest, no matter how remote and speculative, would serve as a disqualification of an official. If this were so, it would discourage capable men and women from hold public office. Of course, courts should scrutinize the circumstances with great care and should condemn anything which indicates the likelihood of corruption or favoritism. But in doing so they must be mindful that to abrogate a municipal action at the suggestion that some remote and nebulous interest is present, would be to unjustifiably deprive a municipality in many important instances of the services of its duly elected or appointed officials. The determinations of municipal officials should not be approached with a general feeling of suspicion, for as Justice Holmes has said "Universal distrust creates universal incompetency. Actual proof of dishonesty need not be shown. An actual conflict of interest is not the decisive factor, nor is whether the public servant succumbs to the temptation, but rather whether there is a potential for conflict. **A conflicting interest arises when the public official has**

an interest not shared in common with the other members of the public. *Wyzykowski v. Rizas*, 132 No. 509, 626 A.2d 406, at 413 (N.J. 1993). (emphasis added).

While the urban renewal conflict of interest statute is probably dispositive of Question I and II for the adoption of the "plan," the Montana Code of Ethics for public officers and employees enacted in 1977, 18 years after the Urban Renewal ethics statute, needs to be reviewed as well.

Questions do arise when comparing statutes which both seem to apply to an existing circumstance. Does the Montana code of ethics repeal the urban renewal conflict of interests statute because it was enacted 18 years later, or supplement it? Implied repeal is not favored by the Courts. Under the rules of statutory interpretation, where a general provision and a specific provision are inconsistent, the specific will control the general. 1-2-102 MCA. The Urban Renewal ethics is the more specific of the two and therefore should control. However, another rule of statutory construction provides that where there are several provisions or particulars, such a construction is, if possible, to be adopted as will give effect to all. (1-2-101).

Code of Ethics 2-2-101 et seq. MCA: attached and paraphrased below with comments:

2-2-101 MCA et seq., the Montana Code of Ethics, **prohibits conflict between public duty and private interest.** (2-2-201 MCA) A public officer must carry out his duties for the benefit of the people of the State. A **private interest is defined as an ownership interest in a business or real property, a creditor's interest in a business, employment opportunities, a debtor's interest or a directorship or officership in a business** (2-2-102(6)MCA).

2-2-204-Rules of Conduct. A public officer breaches his public duty if:

uses or discloses confidential information in order to further substantially his personal economic interests.

Comment: does not apply to either Question I or Question II.

accepts a gift of substantial value (\$50) or a substantial economic benefit tantamount to a gift that would tend to improperly influence a person in performance of public duty; or is considered a reward for official action taken

Comment: does not apply to either Question I or Question II.

2-2-105-Ethical Requirements. A public officer or employee violates public trust/duty when:

1. Acquires an interest in any business or undertaking that the officer or employee has reason to believe may be directly and substantially affected to its economic benefit by official action taken by the officer or employee.

Comment: At first blush this statute would seem to apply, but I do not see that either commission in Question I or II would receive a direct and

substantial economic benefit by creating the urban renewal district. However, if either would have an interest in a project, a conflict under this statute may exist. This result would be consistent with the urban renewal conflict of interest.

2. Within 12 months of voluntary termination, an officer or employee may not obtain employment in which the officer or employee will take direct advantage, unavailable to others of matters with which the officer or employee was directly involved.

Comment: does not apply to either Question I or Question II.

3. Where a public employee is a member of a board or commission with rulemaking authority is required to take official action on a matter where a conflict is created between personal interest and public duty that would give appearance of impropriety, the employee shall disclose the interest prior to participating in the official action.

Comment: May apply but there is a get out of jail card by making disclosure before taking action. There does not appear to be a definition of rulemaking body which sounds like an administrative body, not legislative. While the Commission may sit as a quasi judicial body from time to time in making zone changes and variances, I do not see that this statute is applicable to the creation of an urban renewal district which is legislative, i.e. an urban renewal plan will be adopted by an ordinance (7-15-4216 MCA).

4. A public officer or employee may not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment where the officer or employee has a substantial personal interest in a competing firm or undertaking.

Comment: does not apply to either Question I or Question II.

2-2-121-Rules of conduct for public officers and public employees:

A public officer/employee may not:

2. (a) Use public time, facilities, equipment, supplies, personnel or funds for private business purposes.

Comment: does not apply to either Question I or Question II.

2. (b) Engage in a substantial financial transaction with another whom he inspects or supervises in the course of official duty.

Comment: does not apply to either Question I or Question II.

2. (c) Assist any person for a fee or other compensation in obtaining a contract, claim license or other economic benefit from the officer/employee's agency.

Comment: does not apply to either Question I or Question II.

2 (d) Assist any person for a contingent fee in obtaining a contract, claim license or other economic benefit from the officer/employee's agency.

Comment: does not apply to either Question I or Question II.

2. (e) Performs an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the officer or employee has a substantial financial interest or is engaged as counsel, consultant, representative or agent.

Comment: At first blush this statute would seem to apply, but I do not see that either commissioner in Question I or II would receive a direct and substantial economic benefit by creating the urban renewal district. However, if either would have an interest in a specific project, a conflict under this statute may exist. This result would be consistent with the urban renewal conflict of interest.

2. (f) Solicit or accept employment or engage in negotiations to consider employment with a person whom the officer/employee regulates in the course of official duty without giving written notification to the officer/employee's supervisor.

Comment: does not apply to either Question I or Question II.

3. Use public time, facilities, equipment, supplies, personnel or funds to solicit support or opposition to any political committee or nomination or election unless authorized by law or properly incidental to normal course of duties.

Comment: does not apply to either Question I or Question II.

4. May not participate in a proceeding when an organization, other than an organization of local government officials, of which the officer or employee is an officer or director is

a) involved in a proceeding before the employing agency that is within the scope of the duties;

Comment: At first blush this statute would seem to apply, but I do not see that either commission in Question I or II would receive a direct and substantial economic benefit by creating the urban renewal district. However, if either would have an interest in a specific project, a conflict under this statute may exist. This result would be consistent with the urban renewal conflict of interest.

b) attempting to influence a local, state or federal proceeding in which the officer/employee represents state or local government.

Comment: At first blush this statute would seem to apply, but I do not see that either commission in Question I or II would receive a

direct and substantial economic benefit by creating the urban renewal district. However, if either would have an interest in a specific project, a conflict under this statute may exist. This result would be consistent with the urban renewal conflict of interest.

5. No lobbying with exceptions.

Comment: does not apply to either Question I or Question II.

6. A department head or member of a quasi judicial or rulemaking board may perform an official act if participation is necessary to the administration of a statute if the person complies with the disclosure procedure.

Comment: May apply but there is a get out of jail card by making disclosure before taking action. There does not appear to be a definition of rulemaking body which sounds like an administrative body, not legislative. While the Commission may sit as a quasi judicial body from time to time in making zone changes and variances, I do not see that this statute is applicable to the creation of an urban renewal area which is legislative, i.e. an urban renewal plan will be adopted by an ordinance (7-15-4216 MCA).

8. A member of a local governing body may perform an official act if participation is necessary to obtain a quorum upon complying with disclosure requirements prior to performing official act when

Engage in a substantial financial transaction with another whom he inspects or supervises in the course of official duty.

Comment: does not apply to either Question I or Question II.

Perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the officer or employee has a substantial financial interest or is engaged as counsel, consultant, representative or agent

Comment: At first blush this statute would seem to apply, but I do not see that either commission in Question I or II would receive a direct and substantial economic benefit by creating the urban renewal district. However, if either would have an interest in a specific project, a conflict under this statute may exist. This result would be consistent with the urban renewal conflict of interest. There is a get out of jail card by making disclosure before taking action.

2-2-131-Disclosure: A public officer/employee shall, prior to acting in a manner that may impinge on public duty, including the award of a permit, contract, or license, disclose the nature of the private interest that creates the conflict. If the officer/employee then performs the official act, he shall state for the record the fact and summary nature of the interest disclosed.

Comment: There is a get out of jail card by making disclosure before taking action.

Conclusion: Both conflict of interest statutes can be read in such a fashion as to give effect to both. There is no conflict of interest in creation of an urban renewal plan for either Question I or II. There may be a conflict of interest in a project for both Question I and II if they have an interest in property which is subject to a project. However, the conflict is much less clear in the case of Commissioner Ebinger who is on the board of directors of a nonprofit corporation, while by definition he has a private interest in being a director or officer of a business, the issue of direct and substantial economic benefit is unclear.

- 2-2-140 and 2-2-141 reserved.
 2-2-142. Repealed.
 2-2-143. Repealed.
 2-2-144. Enforcement for local government.

Part 2 — Proscribed Acts Related to Contracts and Claims

- 2-2-201. Public officers, employees, and former employees not to have interest in contracts.
 2-2-202. Public officers not to have interest in sales or purchases.
 2-2-203. Voidable contracts.
 2-2-204. Dealings in warrants and other claims prohibited.
 2-2-205. Affidavit to be required by auditing officers.
 2-2-206. Officers not to pay illegal warrant.
 2-2-207. Settlements to be withheld on affidavit.

Part 3 — Nepotism

- 2-2-301. Nepotism defined.
 2-2-302. Appointment of relative to office of trust or emolument unlawful — exceptions — publication of notice.
 2-2-303. Agreements to appoint relative to office unlawful.
 2-2-304. Penalty for violation of nepotism law.

Chapter Cross-References

- Elected official's business disclosure statement, 2-2-106.
 Arrest of public officer in certain civil actions involving officer's act or omission, 27-16-102.

Part 1 Code of Ethics

Part Cross-References

- Impeachment, Art. V, sec. 13, Mont. Const.
 Judges — removal and discipline, Art. VII, sec. 11, Mont. Const.

2-2-101. Statement of purpose. The purpose of this part is to set forth a code of ethics prohibiting conflict between public duty and private interest as required by the constitution of Montana. This code recognizes distinctions between legislators, other officers and employees of state government, and officers and employees of local government and prescribes some standards of conduct common to all categories and some standards of conduct adapted to each category. The provisions of this part recognize that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the surrounding circumstances.

History: En. 59-1701 by Sec. 1, Ch. 569, L. 1977; R.C.M. 1947, 59-1701.

Cross-References

- Constitutional mandate to provide code of ethics, Art. XIII, sec. 4, Mont. Const.
 Code of fair campaign practices, 13-35-301.

2-2-102. Definitions. As used in this part, the following definitions apply:

- (1) "Business" includes a corporation, partnership, sole proprietorship, trust or foundation, or any other individual or organization carrying on a business, whether or not operated for profit.
- (2) "Compensation" means any money or economic benefit conferred on or received by any person in return for services rendered or to be rendered by the person or another.
- (3) (a) "Gift of substantial value" means a gift with a value of \$50 or more for an individual.
- (b) The term does not include:
 - (i) a gift that is not used and that, within 30 days after receipt, is returned to the donor or delivered to a charitable organization or the state and that is not claimed as a charitable contribution for federal income tax purposes;
 - (ii) food and beverages consumed on the occasion when participation in a charitable, civic, or community event bears a relationship to the public officer's or public employee's office or employment or when the officer or employee is in attendance in an official capacity;
 - (iii) educational material directly related to official governmental duties;
 - (iv) an award publicly presented in recognition of public service; or
 - (v) educational activity that:
 - (A) does not place or appear to place the recipient under obligation;
 - (B) clearly serves the public good; and
 - (C) is not lavish or extravagant.

(4) "Local government" means a county, a consolidated government, an incorporated city or town, a school district, or a special district.

(5) "Official act" or "official action" means a vote, decision, recommendation, approval, disapproval, or other action, including inaction, that involves the use of discretionary authority.

(6) "Private interest" means an interest held by an individual that is:

- (a) an ownership interest in a business;
- (b) a creditor interest in an insolvent business;
- (c) an employment or prospective employment for which negotiations have begun;
- (d) an ownership interest in real property;
- (e) a loan or other debtor interest; or
- (f) a directorship or officership in a business.

(7) "Public employee" means:

- (a) any temporary or permanent employee of the state;
- (b) any temporary or permanent employee of a local government;
- (c) a member of a quasi-judicial board or commission or of a board, commission, or

2-2-104. Rules of conduct for public officers, legislators, and public employees.

(1) Proof of commission of any act enumerated in this section is proof that the actor has breached the actor's public duty. A public officer, legislator, or public employee may not:

(a) disclose or use confidential information acquired in the course of official duties in order to further substantially the individual's personal economic interests; or

(b) accept a gift of substantial value or a substantial economic benefit tantamount to a gift:

(i) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or

(ii) that the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.

(2) An economic benefit tantamount to a gift includes without limitation a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of the services. Campaign contributions reported as required by statute are not gifts or economic benefits tantamount to gifts.

(3) (a) Except as provided in subsection (3)(b), a public officer, legislator, or public employee may not receive salaries from two separate public employment positions that overlap for the hours being compensated, unless:

(i) the public officer, legislator, or public employee reimburses the public entity from which the employee is absent for the salary paid for performing the function from which the officer, legislator, or employee is absent; or

(ii) the public officer's, legislator's, or public employee's salary from one employer is reduced by the amount of salary received from the other public employer in order to avoid duplicate compensation for the overlapping hours.

(b) Subsection (3)(a) does not prohibit:

(i) a public officer, legislator, or public employee from receiving income from the use of accrued leave or compensatory time during the period of overlapping employment; or

(ii) a public school teacher from receiving payment from a college or university for the supervision of student teachers who are enrolled in a teacher education program at the college or university if the supervision is performed concurrently with the school teacher's duties for a public school district.

(c) In order to determine compliance with this subsection (3), a public officer, legislator, or public employee subject to this subsection (3) shall disclose the amounts received from the two separate public employment positions to the commissioner of political practices.

History: En. 59-1704 by Sec. 4, Ch. 569, L. 1977; R.C.M. 1947, 59-1704; amd. Sec. 3, Ch. 562, L. 1995; amd. Sec. 1, Ch. 243, L. 1997.

Cross-References

Prohibited campaign practices, Title 13, ch. 35, part 2.

Reports of campaign contributions required, 13-37-225.

2-2-105. Ethical requirements for public officers and public employees. (1) The requirements in this section are intended as rules of conduct, and violations constitute a breach of the public trust and public duty of office or employment in state or local government.

(2) Except as provided in subsection (4), a public officer or public employee may not acquire an interest in any business or undertaking that the officer or employee has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by the officer's or employee's agency.

(3) A public officer or public employee may not, within 12 months following the voluntary termination of office or employment, obtain employment in which the officer or employee will take direct advantage, unavailable to others, of matters with which the officer or employee was directly involved during a term of office or during employment. These matters are rules, other than rules of general application, that the officer or employee actively helped to formulate and applications, claims, or contested cases in the consideration of which the officer or employee was an active participant.

(4) When a public employee who is a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority is required to take official action on a matter as to which the public employee has a conflict created by a personal or private interest

that would directly give rise to an appearance of impropriety as to the public employee's influence, benefit, or detriment in regard to the matter, the public employee shall disclose the interest creating the conflict prior to participating in the official action.

(5) A public officer or public employee may not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the officer or employee has a substantial personal interest in a competing firm or undertaking.

History: En. 59-1709 by Sec. 9, Ch. 569, L. 1977; R.C.M. 1947, 59-1709; amd. Sec. 4, Ch. 562, L. 1995.

Cross-References

Definitions of rules and contested cases relating to administrative rules, 2-4-102.

Public contracts generally, Title 18, ch. 1.

2-2-106. Disclosure. (1) (a) Prior to December 15 of each even-numbered year, each elected official or department director shall file with the commissioner of political practices a business disclosure statement on a form provided by the commissioner. An individual filing pursuant to subsection (1)(b) or (1)(c) is not required to file under this subsection (1)(a) during the same period.

(b) Each candidate for a statewide or a state office elected from a district shall, within 5 days of the time that the candidate files for office, file a business disclosure statement with the commissioner of political practices on a form provided by the commissioner.

(c) An individual appointed to office who would be required to file under subsection (1)(a) or (1)(b) is required to file the business disclosure statement at the earlier of the time of submission of the person's name for confirmation or the assumption of the office.

(2) The statement must provide the following information:

(a) the name, address, and type of business of the individual;

(b) each present or past employing entity from which benefits, including retirement benefits, are currently received by the individual;

(c) each business, firm, corporation, partnership, and other business or professional entity or trust in which the individual holds an interest;

(d) each entity not listed under subsections (2)(a) through (2)(c) in which the individual is an officer or director, regardless of whether or not the entity is organized for profit; and

(e) all real property, other than a personal residence, in which the individual holds an interest. Real property may be described by general description.

(3) An individual may not assume or continue to exercise the powers and duties of the office to which that individual has been elected or appointed until the statement has been filed as provided in subsection (1).

(4) The commissioner of political practices shall make the business disclosure statements available to any individual upon request.

History: En. Sec. 16, I.M. No. 85, approved Nov. 4, 1980; amd. Sec. 12, Ch. 562, L. 1995; Sec. 5-7-213, MCA 1993; redes. 2-2-106 by Code Commissioner, 1995; amd. Sec. 2, Ch. 114, L. 2003.

Compiler's Comments

2003 Amendment: Chapter 114 in (1)(a), (1)(b), and (4) after "commissioner" inserted "of political practices". Amendment effective October 1, 2003.

2-2-107 through 2-2-110 reserved.

2-2-111. Rules of conduct for legislators. Proof of commission of any act enumerated in this section is proof that the legislator committing the act has breached the legislator's public duty. A legislator may not:

(1) accept a fee, contingent fee, or any other compensation, except the official compensation provided by statute, for promoting or opposing the passage of legislation;

(2) seek other employment for the legislator or solicit a contract for the legislator's services by the use of the office; or

(3) accept a fee or other compensation, except as provided for in 5-2-302, from a Montana state agency or a political subdivision of the state of Montana for speaking to the agency or political subdivision.

History: En. 59-1705 by Sec. 5, Ch. 569, L. 1977; R.C.M. 1947, 59-1705; amd. Sec. 5, Ch. 562, L. 1995; amd. Sec. 1, Ch. 327, L. 2003.

Compiler's Comments

2003 Amendment: Chapter 327 inserted (3) relating to fees from state agencies or political subdivisions; and made minor changes in style. Amendment effective April 15, 2003.

2003 MCA

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Cross-References

Compensation of members of Legislature, Title 5, ch. 2, part 3.

2-2-112. Ethical requirements for legislators. (1) The requirements in this section are intended as rules for legislator conduct, and violations constitute a breach of the public trust of legislative office.

(2) A legislator has a responsibility to the legislator's constituents to participate in all matters as required in the rules of the legislature. A legislator concerned with the possibility of a conflict may briefly present the facts to the committee of that house that is assigned the determination of ethical issues. The committee shall advise the legislator as to whether the legislator should disclose the interest prior to voting on the issue pursuant to the provisions of subsection (5). The legislator may, subject to legislative rule, vote on an issue on which the legislator has a conflict, after disclosing the interest.

(3) When a legislator is required to take official action on a legislative matter as to which the legislator has a conflict created by a personal or private interest that would directly give rise to an appearance of impropriety as to the legislator's influence, benefit, or detriment in regard to the legislative matter, the legislator shall disclose the interest creating the conflict prior to participating in the official action, as provided in subsections (2) and (5) and the rules of the legislature. In making a decision, the legislator shall consider:

(a) whether the conflict impedes the legislator's independence of judgment;

(b) the effect of the legislator's participation on public confidence in the integrity of the legislature;

(c) whether the legislator's participation is likely to have any significant effect on the disposition of the matter; and

(d) whether a pecuniary interest is involved or whether a potential occupational, personal, or family benefit could arise from the legislator's participation.

(4) A conflict situation does not arise from legislation or legislative duties affecting the membership of a profession, occupation, or class.

(5) A legislator shall disclose an interest creating a conflict, as provided in the rules of the legislature. A legislator who is a member of a profession, occupation, or class affected by legislation is not required to disclose an interest unless the class contained in the legislation is so narrow that the vote will have a direct and distinctive personal impact on the legislator. A legislator may seek a determination from the appropriate committee provided for in 2-2-135.

History: En. 59-1708 by Sec. 8, Ch. 569, L. 1977; R.C.M. 1947, 59-1708; amd. Sec. 6, Ch. 562, L. 1995.

Cross-References

Legislature -- organization and procedure, Art. V, sec. 10, Mont. Const.

2-2-113 through 2-2-120 reserved.

2-2-121. Rules of conduct for public officers and public employees. (1) Proof of commission of any act enumerated in subsection (2) is proof that the actor has breached a public duty.

(2) A public officer or a public employee may not:

(a) use public time, facilities, equipment, supplies, personnel, or funds for the officer's or employee's private business purposes;

(b) engage in a substantial financial transaction for the officer's or employee's private business purposes with a person whom the officer or employee inspects or supervises in the course of official duties;

(c) assist any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the officer's or employee's agency;

(d) assist any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from any agency;

(e) perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the officer or employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or

(f) solicit or accept employment, or engage in negotiations or meetings to consider employment, with a person whom the officer or employee regulates in the course of official duties

without first giving written notification to the officer's or employee's supervisor and department director.

(3) (a) A public officer or public employee may not use public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue unless the use is:

(i) authorized by law; or

(ii) properly incidental to another activity required or authorized by law, such as the function of an elected public officer, the officer's staff, or the legislative staff in the normal course of duties.

(b) As used in this subsection (3), "properly incidental to another activity required or authorized by law" does not include any activities related to solicitation of support for or opposition to the nomination or election of a person to public office or political committees organized to support or oppose a candidate or candidates for public office. With respect to ballot issues, properly incidental activities are restricted to the activities of a public officer, the public officer's staff, or legislative staff related to determining the impact of passage or failure of a ballot issue on state or local government operations.

(c) This subsection (3) is not intended to restrict the right of a public officer or public employee to express personal political views.

(4) A public officer or public employee may not participate in a proceeding when an organization, other than an organization or association of local government officials, of which the public officer or public employee is an officer or director is:

(a) involved in a proceeding before the employing agency that is within the scope of the public officer's or public employee's job duties; or

(b) attempting to influence a local, state, or federal proceeding in which the public officer or public employee represents the state or local government.

(5) A public officer or public employee may not engage in any activity, including lobbying, as defined in 5-7-102, on behalf of an organization, other than an organization or association of local government officials, of which the public officer or public employee is a member while performing the public officer's or public employee's job duties. The provisions of this subsection do not prohibit a public officer or public employee from performing charitable fundraising activities if approved by the public officer's or public employee's supervisor or authorized by law.

(6) A department head or a member of a quasi-judicial or rulemaking board may perform an official act notwithstanding the provisions of subsection (2)(e) if participation is necessary to the administration of a statute and if the person complies with the disclosure procedures under 2-2-131.

(7) Subsection (2)(d) does not apply to a member of a board, commission, council, or committee unless the member is also a full-time public employee.

(8) Subsections (2)(b) and (2)(e) do not prevent a member of the governing body of a local government from performing an official act when the member's participation is necessary to obtain a quorum or to otherwise enable the body to act. The member shall disclose the interest creating the appearance of impropriety prior to performing the official act.

History: En. 59-1706 by Sec. 6, Ch. 569, L. 1977; R.C.M. 1947, 59-1706; amd. Sec. 1, Ch. 59, L. 1991; amd. Sec. 7, Ch. 562, L. 1995; amd. Sec. 3, Ch. 42, L. 1997; amd. Sec. 3, Ch. 122, L. 2001; amd. Sec. 1, Ch. 58, L. 2003.

Compiler's Comments

2003 Amendment: Chapter 58 in (4) near middle of introductory clause and in (5) near middle of first sentence after "organization" inserted "other than an organization or association of local government officials"; and made minor changes in style. Amendment effective February 28, 2003.

Cross-References

Quasi-judicial function defined, 2-15-102.

Unofficial use of state-owned motor vehicle — misdemeanor, 2-17-432.

Bribery, 45-7-101.

Compensation for past official behavior — misdemeanor, 45-7-103.

2-2-122 through 2-2-124 reserved.

2-2-125. Repealed. Sec. 6, Ch. 122, L. 2001.

History: En. 59-1707 by Sec. 7, Ch. 569, L. 1977; R.C.M. 1947, 59-1707; amd. Sec. 8, Ch. 562, L. 1995.

2-2-126 through 2-2-130 reserved.

2-2-131. Disclosure. A public officer or public employee shall, prior to acting in a manner that may impinge on public duty, including the award of a permit, contract, or license, disclose the nature of the private interest that creates the conflict. The public officer or public employee shall make the disclosure in writing to the secretary of state, listing the amount of private interest, if any, the purpose and duration of the person's services rendered, if any, and the compensation received for the services or other information that is necessary to describe the interest. If the public officer or public employee then performs the official act involved, the officer or employee shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act.

History: En. 59-1710 by Sec. 10, Ch. 569, L. 1977; R.C.M. 1947, 59-1710; amd. Sec. 9, Ch. 562, L. 1995.

2-2-132. Repealed. Sec. 22, Ch. 562, L. 1995.

History: En. 59-1711 by Sec. 11, Ch. 569, L. 1977; R.C.M. 1947, 59-1711.

2-2-133 and 2-2-134 reserved.

2-2-135. Ethics committees. (1) Each house of the legislature shall establish an ethics committee. The committee must consist of two members of each political party. The committees may meet jointly. Each committee shall educate members concerning the provisions of this part concerning legislators and may consider conflicts between public duty and private interest as provided in 2-2-112. The joint committee may consider matters affecting the entire legislature.

(2) Pursuant to Article V, section 10, of the Montana constitution, the legislature is responsible for enforcement of the provisions of this part concerning legislators.

History: En. Sec. 14, Ch. 562, L. 1995.

2-2-136. Enforcement for state officers, legislators, and state employees — referral of complaint involving county attorney. (1) (a) A person alleging a violation of this part by a state officer, legislator, or state employee may file a complaint with the commissioner of political practices. The commissioner does not have jurisdiction for a complaint concerning a legislator if a legislative act is involved in the complaint. The commissioner also has jurisdiction over complaints against a county attorney that are referred by a local government review panel pursuant to 2-2-144 or filed by a person directly with the commissioner pursuant to 2-2-144(6). The commissioner may request additional information from the complainant or the person who is the subject of the complaint to make an initial determination of whether the complaint states a potential violation of this part.

(b) The commissioner may dismiss a complaint that is frivolous, does not state a potential violation of this part, or does not contain sufficient allegations to enable the commissioner to determine whether the complaint states a potential violation of this part. If the issues presented in a complaint have been addressed and decided in a prior decision and the commissioner determines that no additional factual development is necessary, the commissioner may issue a summary decision without holding an informal contested case hearing on the complaint.

(c) Except as provided in subsection (1)(b), if the commissioner determines that the complaint states a potential violation of this part, the commissioner shall hold an informal contested case hearing on the complaint as provided in Title 2, chapter 4, part 6. The commissioner shall issue a decision based upon the record established before the commissioner.

(2) If the commissioner determines that a violation of this part has occurred, the commissioner may impose an administrative penalty of not less than \$50 or more than \$1,000, and if the violation was committed by a state employee, the commissioner may also recommend that the employing state agency discipline the employee. The employing entity of a state employee may take disciplinary action against an employee for a violation of this part, regardless of whether the commissioner makes a recommendation for discipline. The commissioner may assess the costs of the proceeding against the person bringing the charges if the commissioner determines that a violation did not occur or against the officer or employee if the commissioner determines that a violation did occur.

(3) A party may seek judicial review of the commissioner's decision, as provided in chapter 4, part 7, of this title, after a hearing, a dismissal, or a summary decision issued pursuant to subsection (1)(b).

(4) Except for records made public in the course of a hearing held under subsection (1) and records that are open for public inspection pursuant to Montana law, a complaint and records obtained or prepared by the commissioner in connection with an investigation or complaint are confidential documents and are not open for public inspection. The complainant and the person who is the subject of the complaint shall maintain the confidentiality of the complaint and any related documents released to the parties by the commissioner until the commissioner issues a decision. However, the person who is the subject of a complaint may waive, in writing, the right of confidentiality provided in this subsection. If a waiver is filed with the commissioner, the complaint and any related documents must be open for public inspection. The commissioner's decision issued after a hearing is a public record open to inspection.

(5) When a complaint is filed, the commissioner may issue statements or respond to inquiries to confirm that a complaint has been filed, to identify against whom it has been filed, and to describe the procedural aspects and status of the case.

(6) The commissioner may adopt rules to carry out the responsibilities and duties assigned by this part.

History: En. Sec. 15, Ch. 562, L. 1995; amd. Sec. 4, Ch. 42, L. 1997; amd. Sec. 4, Ch. 122, L. 2001.

Cross-References

Commissioner of Political Practices, Title 13, ch. 37, part 1.

2-2-137. Repealed. Sec. 6, Ch. 122, L. 2001.

History: En. Sec. 16, Ch. 562, L. 1995.

2-2-138. Repealed. Sec. 6, Ch. 122, L. 2001.

History: En. Sec. 17, Ch. 562, L. 1995.

2-2-139. Repealed. Sec. 6, Ch. 122, L. 2001.

History: En. Sec. 18, Ch. 562, L. 1995.

2-2-140 and 2-2-141 reserved.

2-2-142. Repealed. Sec. 6, Ch. 122, L. 2001.

History: En. Sec. 19, Ch. 562, L. 1995.

2-2-143. Repealed. Sec. 6, Ch. 122, L. 2001.

History: En. Sec. 20, Ch. 562, L. 1995.

2-2-144. Enforcement for local government. (1) Except as provided in subsections (5) and (6), a person alleging a violation of this part by a local government officer or local government employee shall notify the county attorney of the county where the local government is located. The county attorney shall request from the complainant or the person who is the subject of the complaint any information necessary to make a determination concerning the validity of the complaint.

(2) If the county attorney determines that the complaint is justified, the county attorney may bring an action in district court seeking a civil fine of not less than \$50 or more than \$1,000. If the county attorney determines that the complaint alleges a criminal violation, the county attorney shall bring criminal charges against the officer or employee.

(3) If the county attorney declines to bring an action under this section, the person alleging a violation of this part may file a civil action in district court seeking a civil fine of not less than \$50 or more than \$1,000. In an action filed under this subsection, the court may assess the costs and attorney fees against the person bringing the charges if the court determines that a violation did not occur or against the officer or employee if the court determines that a violation did occur. The court may impose sanctions if the court determines that the action was frivolous or intended for harassment.

(4) The employing entity of a local government employee may take disciplinary action against an employee for a violation of this part.

(5) (a) A local government may establish a three-member panel to review complaints alleging violations of this part by officers or employees of the local government. The local government shall establish procedures and rules for the panel. The members of the panel may not be officers or employees of the local government. The panel shall review complaints and may refer to the county attorney complaints that appear to be substantiated. If the complaint is

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against the county attorney, the panel shall refer the matter to the commissioner of political practices and the complaint must then be processed by the commissioner pursuant to 2-2-136.

(b) In a local government that establishes a panel under this subsection (5), a complaint must be referred to the panel prior to making a complaint to the county attorney.

(6) If a local government review panel has not been established pursuant to subsection (5), a person alleging a violation of this part by a county attorney shall file the complaint with the commissioner of political practices pursuant to 2-2-136.

History: En. Sec. 21, Ch. 562, L. 1995; amd. Sec. 5, Ch. 122, L. 2001.

Part 2

Proscribed Acts Related to Contracts and Claims

2-2-201. Public officers, employees, and former employees not to have interest in contracts. (1) Members of the legislature; state, county, city, town, or township officers; or any deputies or employees of an enumerated governmental entity may not be interested in any contract made by them in their official capacity or by any body, agency, or board of which they are members or employees if they are directly involved with the contract. A former employee may not, within 6 months following the termination of employment, contract or be employed by an employer who contracts with the state or any of its subdivisions involving matters with which the former employee was directly involved during employment.

(2) In this section, the term:

(a) "be interested in" does not include holding a minority interest in a corporation;

(b) "contract" does not include:

(i) contracts awarded based on competitive procurement procedures conducted after the date of employment termination;

(ii) merchandise sold to the highest bidder at public auctions;

(iii) investments or deposits in financial institutions that are in the business of loaning or receiving money;

(iv) a contract with an interested party if, because of geographic restrictions, a local government could not otherwise reasonably afford itself of the subject of the contract. It is presumed that a local government could not otherwise reasonably afford itself of the subject of a contract if the additional cost to the local government is greater than 10% of a contract with an interested party or if the contract is for services that must be performed within a limited time period and no other contractor can provide those services within that time period.

(c) "directly involved" means the person directly monitors a contract, extends or amends a contract, audits a contractor, is responsible for conducting the procurement or for evaluating proposals or vendor responsibility, or renders legal advice concerning the contract;

(d) "former employee" does not include a person whose employment with the state was involuntarily terminated because of a reduction in force or other involuntary termination not involving violation of the provisions of this chapter.

History: En. Sec. 1020, Pol. C. 1895; re-en. Sec. 368, Rev. C. 1907; re-en. Sec. 444, R.C.M. 1921; Cal. Pol. C. Sec. 920; re-en. Sec. 444, R.C.M. 1935; amd. Sec. 1, Ch. 43, L. 1973; R.C.M. 1947, 59-501; amd. Sec. 1, Ch. 377, L. 1979; amd. Sec. 1, Ch. 458, L. 1981; amd. Sec. 1, Ch. 65, L. 1991; amd. Sec. 1, Ch. 322, L. 1993; amd. Sec. 1, Ch. 181, L. 2001.

Cross-References

Ethical principles relating to interest in contract, 2-2-105, 2-2-121.

Transfers and collusion prohibited, 18-4-141.

2-2-202. Public officers not to have interest in sales or purchases. State, county, town, township, and city officers must not be purchasers at any sale or vendors at any purchase made by them in their official capacity.

History: En. Sec. 1021, Pol. C. 1895; re-en. Sec. 369, Rev. C. 1907; re-en. Sec. 445, R.C.M. 1921; Cal. Pol. C. Sec. 921; re-en. Sec. 445, R.C.M. 1935; R.C.M. 1947, 59-502.

2-2-203. Voidable contracts. Every contract made in violation of any of the provisions of 2-2-201 or 2-2-202 may be avoided at the instance of any party except the officer interested therein.

History: En. Sec. 1022, Pol. C. 1895; re-en. Sec. 370, Rev. C. 1907; re-en. Sec. 446, R.C.M. 1921; Cal. Pol. C. Sec. 922; re-en. Sec. 446, R.C.M. 1935; R.C.M. 1947, 59-503.

RESOLUTION NO. 3462

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING THAT A BLIGHTED AREA IN NEED OF REDEVELOPMENT AND REHABILITATION EXISTS WITHIN THE CITY OF LIVINGSTON, MONTANA, AND DETERMINING THE BOUNDARIES OF THE BLIGHTED AREA.

WHEREAS, by Resolution No. 3437, the City of Livingston endorsed a study to determine the existence of blight in the City; and

WHEREAS, the Urban Renewal District Study for the City of Livingston has now been completed and submitted to the City, a copy of which is attached Resolution No. 3460; and

WHEREAS, the Study has defined the boundaries of the blighted area as set forth in Exhibit A which is attached hereto and incorporated by this reference as though fully set forth herein.

WHEREAS, the Study determined the existence of blight in said area as follows:

Findings of Study :

- (a) **the substantial .physical dilapidation; deterioration; defective construction material, and arrangement; and/or age obsolescence of buildings or improvements, whether residential or nonresidential;** Physical dilapidation in components of the area's infrastructure was "substantial". The area is characterized by aging infrastructure, both visual and underground. Sidewalks, curbs, gutters and alley areas are in noticeably deteriorating condition - cracked, broken and spalled. High curb cuts impede safe access. Some absence of sidewalks force pedestrians into the roadway. Basic services of water and wastewater distribution and collection are inadequate and in need of repair, upgrading or replacement. Municipal water services lines are reaching the end of their serviceable life, and in-ground sewer systems are in need of replacement, as are connecting private service lines. Many properties have plumbed roof drains that route storm water unnecessarily into the sewer treatment system. Some buildings lack compliance with current fire and life safety codes and several properties suffer from deferred maintenance and upkeep. Some upper floor spaces are vacant or underutilized. Access to most of these upper floor spaces is limited. Aging public and private properties, insufficient maintenance, building, fire and life safety codes and ADA compliance, and underutilization contribute to blighting conditions that erode the economic and social base downtown and promote a cycle of disinvestment.
- (b) **inadequate provision for ventilation, light, proper sanitation facilities, or open spaces as determined by competent appraisers on the basis of the building standards**

Resolution No. 3462

Resolution declaring that one or more blighted areas exist in the City of Livingston and that rehabilitation or redevelopment is necessary in the interest of public health, safety, morals or welfare and defining the boundaries of the urban renewal area.

of the municipality; no such appraisal was undertaken and no findings are made.

- (c) **inappropriate or mixed uses of land or buildings; some examples of inappropriate and mixed uses of land exist in the study area.** Where light industrial, and heavier commercial activity occurs immediately adjacent to residential uses, conflicts with noise, parking, deliveries, and employee activity arise. The city's Comprehensive Plan should address these issues. In addition, this situation should be examined in light of the existing uses and the community's need for light industrial and heavy commercial business expansion areas in the future. Commercial zoning underlies existing residential uses in established neighborhoods. These single-family neighborhoods are an important part of downtown's economy and should be maintained. Where these conditions occur, it is recommended that the transition of neighborhoods from residential to commercial not be hastened by any local action, and that the value of these modestly scaled residential structures and neighborhoods be underscored in the comprehensive plan as a desirable component in proximity to the downtown area.
- (d) **high density of population and overcrowding;** According to demographics, population loss, transition and aging has occurred significantly in the last 20 years, with the overall population remaining relatively stable. There is significant aging occurring in the Livingston population, and within the study area. This condition will result in continued increase in emergency service calls. This continued increase in demands for service contributes a blighting influence.
- (e) **defective or inadequate street layout;** There is evidence of inadequate railroad crossing opportunities and related street layout defects which may cause some traffic circulation problems and may be a contributing factor to automobile crashes as identified in the Livingston Transportation Study. This is a blighting influence.
- (f) **faulty lot layout in relation to size, adequacy, accessibility, or usefulness;** The placement of utilities and the narrowness of alleys in relationship to lot layout and lot coverage in the study area contributes to limits in alley usefulness and accessibility. The pattern of subdivision along the railroad tracks on the north side of Park Street and the limited services to those properties render some of the study area less useful and is a contributing factor to blight.
- (g) **excessive land coverage;** Excessive land coverage was not examined in the study area.
- (h) **unsanitary or unsafe conditions;** There were a high number of emergency services calls in the Study Area in relation to the rest of the City. Also, lack of provisions for pedestrians, bicyclists and adequate access for those with mobility challenges I

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Resolution declaring that one or more blighted areas exist in the City of Livingston and that rehabilitation or redevelopment is necessary in the interest of public health, safety, morals or welfare and defining the boundaries of the urban renewal area.

can lead to unsafe conditions. These factors constitute a blighting influence.

- (i) **deterioration of site**; No glaring examples of deterioration of site were uncovered.
- (j) **diversity of ownership**; The near singularity of ownership/control of railroad right of way creates conditions that impede normal market function, especially with regard to new development, maintenance and services to these properties. Conversely, great diversity in ownership within the study area creates additional challenges to accomplishing management and improvements. This is a blighting influence.
- (k) **tax or special assessment delinquency exceeding the fair value of the land**; tax records were not reviewed for this type of information and no findings are presented.
- (l) **defective or unusual conditions of title**; because of the vast number of properties involved in the Study Area, it was impossible to undertake a determination of whether defective or unusual condition of title exist.
- (m) **improper subdivision or obsolete platting**; no such conditions were examined.
- (n) **the existence of conditions which endanger life or property by fire or other causes**; Fire and emergency service call data received suggests that the Study Area has a proportionately higher share of such incidences than that of the City as a whole. The study area encompasses 9% of the surface area of the city of Livingston, but has 25% of the service calls. This factor is a blighting influence.
- (o) **any combination of the factors listed in this subsection**; and

WHEREAS, the State of Montana has provided for the redevelopment and rehabilitation of those portions of its cities which constitute a menace to public health and safety, constitute an economic and social liability and substantially impair the sound growth of a municipality; and

WHEREAS, the procedure provided in Title 7 Chapter 15, Parts 42 and 43 of the Montana Code Annotated (MCA) for Urban Renewal authorizes municipalities to exercise statutory urban renewal powers for redevelopment and rehabilitation through urban renewal plans and projects by creating Urban Renewal Plan with Tax Increment Financing provisions; and

WHEREAS, 7-15-4202 MCA provides that the City cannot proceed with the development of the Urban Renewal Plan with Tax Increment Financing provisions until the City has adopted a resolution finding that a blighted area exists and that rehabilitation or development

Resolution No. 3462

Resolution declaring that one or more blighted areas exist in the City of Livingston and that rehabilitation or redevelopment is necessary in the interest of public health, safety, morals or welfare and defining the boundaries of the urban renewal area.

of the area is necessary; and

WHEREAS, after a finding of blight in the City and that the continued existence of blighted areas substantially impairs or arrests the sound growth of the city or its environs; retards the provision of housing accommodations; constitutes an economic or social liability; aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and/or is detrimental or constitutes a serious and growing menace to the public health, safety, welfare, and morals in its present condition and use; and

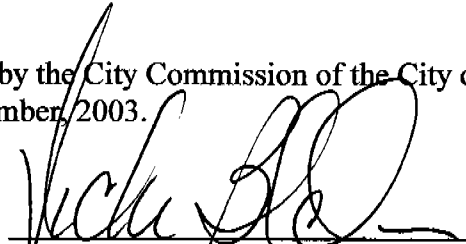
WHEREAS, following due notice, a public hearing on this Resolution of Intent was held by the City Commission on December 1, 2003.

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Livingston, Montana, as follows:

That pursuant to 7-15-4210 MCA the City Commission finds as follows:

1. Exhibit A describes the blighted area of the City of Livingston; and
2. That the continued existence of the blighted area substantially impairs or arrests the sound growth of the city or its environs; retards the provision of housing accommodations; constitutes an economic or social liability; aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and/or is detrimental or constitutes a serious and growing menace to the public health, safety, welfare, and morals in its present condition and use.
3. The rehabilitation, redevelopment, or a combination thereof of the above described blighted area is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City of Livingston.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 1st day of December, 2003.



VICKI BLAKEMAN - Chairman

Resolution No. 3462


Resolution declaring that one or more blighted areas exist in the City of Livingston and that rehabilitation or redevelopment is necessary in the interest of public health, safety, morals or welfare and defining the boundaries of the urban renewal area.

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ATTEST:


PAM PAYOVICH
Recording Secretary

APPROVED AS TO FORM:


BRUCE E. BECKER
City Attorney

Resolution No. 3462

Resolution declaring that one or more blighted areas exist in the City of Livingston and that rehabilitation or redevelopment is necessary in the interest of public health, safety, morals or welfare and defining the boundaries of the urban renewal area.

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NOTICE OF PUBLIC HEARING

Notice is hereby given that the Livingston City Commission will conduct a public hearing in the Community Room of the City/County Complex, 414 East Callender Street, Livingston, Montana, on December 1, 2003 at the hour of 7:30 p.m. of its intent to adopt a resolution of necessity declaring that one or more blighted areas exist in the City of Livingston, describing the boundaries of the blighted area or areas and that the rehabilitation, redevelopment, or a combination thereof of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City of Livingston. The public is invited to attend and comment on the proposed budget amendment. For further information contact Pam Payovich, Administrative/Recording Secretary, 414 East Callender Street, Livingston, MT 59047, or call 823-6001.

City of Livingston


Pam Payovich
Administrative/Recording Secretary

Please Publish November 20, 2003 and November 26, 2003.

Date: November 18, 2003

URBAN RENEWAL DISTRICT

City of Livingston

Description of District Boundary

December 1, 2003

Urban Renewal District; being portions the Original Townsite of Livingston, all of the Sacajawea Park and Miles Park Additions to the City of Livingston, a portion of Certificate of Survey No. 1020, and Tract 1 of Certificate of Survey No. 984, (an unincorporated portion of Park County); located in portions of the NE1/4, SE1/4, SW1/4 and NW1/4 of Section 13, and the NE1/4 and NW1/4 of Section 24, all in Township 2 South, Range 9 East, P.M.M., City of Livingston, Park County, Montana; more particularly described as follows:

Beginning at the intersection of the center lines of E Street and Park Street; thence northerly along an extension of the center line of E Street, across the southerly half of the Burlington Northern Santa Fe (BNSF) Right-of-Way; thence westerly approximately 1,075 feet along the center line of the BNSF Main Line; thence northerly across the northerly half of the BNSF Right-of-Way; thence northerly approximately 144.4 feet along the westerly boundary of Tract A-1 of Certificate of Survey No. 970; thence continuing northerly approximately 255.4 feet across a portion of Tract A-1 of Certificate of Survey No. 970 to the southerly boundary of Chinook Street; thence westerly approximately 22.5 feet along the southerly boundary of Chinook Street; thence northerly along the southerly extension of the center line of B Street to the intersection of B and Chinook Streets; thence westerly along the center line of Chinook Street to the intersection of Chinook and 2nd Streets; thence southerly along the center line of 2nd Street to the intersection of 2nd and Front Streets; thence westerly along the center line of Front Street to the intersection of Front and 8th Streets; thence southerly along the southerly extension of 8th Street across all of the BNSF Right-of-Way, U.S. Highway 10, Out Lot No. 2 of the Original Townsite, and Park Street to the southerly boundary of Park Street; thence southerly along the center line of 8th Street to the intersection of 8th and Callender Streets; thence easterly along the center line of Callender Street; thence southerly along the center lines of the center alleys through Blocks 80, 94, 112, and 120 of the Original Townsite to the center line of Butte Street; thence westerly along the center line of Butte Street to the intersection of Butte and Yellowstone Streets; thence southerly along the center line of Yellowstone Street to the north bank of the North Channel of the Yellowstone River; thence southerly along a southerly extension of the center line of Yellowstone Street across the North Channel; thence westerly, southwesterly, and southerly along the south bank of the North Channel, said south bank also being the northerly boundaries of the Sacajawea Park Addition; thence easterly along the north bank of the Main Channel of the Yellowstone River, said bank of the Main Channel being the southerly boundaries of the Sacajawea and Miles Parks Additions; thence northerly along the easterly boundary of the NE1/4 of Section 24, said section line also being the easterly boundary of the Miles Park Addition; thence northerly along the

easterly boundary of the SE1/4 of Section 13, said section line also being the easterly boundary of the Park High School Tract as shown on Recorder's Plat No. 539; thence continuing northerly along said section line across View Vista Drive; thence continuing northerly along said section line across a portion of Tract 1 of Certificate of Survey No. 1020; thence continuing northerly along said section line along the line common to Tracts 1 and 2 of Certificate of Survey No. 1020 to the south bank of the North Channel; thence continuing northerly along said section line across the North Channel; thence westerly along the north bank of the North Channel to the center line of D Street; thence northerly along the center line of D Street to the intersection of D and Geysler Streets; thence westerly along the center line of Geysler Street; thence northerly along the center lines of the center alleys through Blocks 109, and 97 of the Original Townsite to the center line of Lewis Street; thence easterly along the center line of Lewis Street to the intersection of Lewis and E Streets; thence northerly along the center line of E Street to the point of beginning.

Chapter IV- Implementation

Introduction

The Urban Renewal District Plan identifies community attitudes, problems and opportunities and sets a direction for achieving redevelopment of the urban core. After adoption, this document is the official policy guide for public action. These policies can only be transformed into action through an effective implementation. The implementation of community policies will depend on sound processes of administration, financing and evaluation.

Administration

The Livingston Redevelopment Agency is hereby created pursuant to the provisions of 7-15-4232 MCA is responsible for the administration of the redevelopment effort outlined in this Plan under the provisions of Title VII, Chapter 15, Section 42-43, and M.C.A.

The Livingston Redevelopment Agency may exercise project powers in accordance with 7-15-4233 M.C.A. Those specific powers are itemized as follows:

- a) To formulate and coordinate a workable program as specified in 7-15-4209 MCA;
- b) To prepare urban renewal plans;
- c) To prepare recommended modifications to an urban renewal project plan;
- d) To undertake and carry out urban renewal projects as required by the local governing body;
- e) To make and execute contracts as specified in 7-15-4251, 7-15-4255, 7-15-4281, with the exception of contracts for the purchase and sale of real or personal property;
- f) To disseminate blight clearance and urban renewal information;
- g) To exercise the powers prescribed by 7-15-4255, except the power to agree to conditions for federal financial assistance and imposed pursuant to federal law relating to salaries and wages shall be reserved to the local governing body;
- h) To enter any building or property in any urban renewal area in order to make surveys and appraisals in the manner specified in 70-15-4257;
- i) To improve, clear, or prepare for redevelopment any real or personal property in an urban renewal area;
- j) To top in sure real or personal property as provided in 7-15-4258;
- k) To effectuate the plans provided for in 7-15-4254;
- l) To prepare plans for the relocation of families displaced from an urban renewal area and to coordinate public and private agencies in such relocation;
- m) To prepare plans for the carrying out a program of voluntary or compulsory repair or rehabilitation of buildings and improvements;
- n) To conduct appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of urban renewal projects;
- o) To negotiate for the acquisition of land;

- p) To study the closing, vacating planning or replanning of streets, roads, sidewalks, ways or other places and to make recommendations with respect thereto;
- q) To organize, coordinate and direct the administration of the provisions of this part and part 43;
- r) To perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and performance of the duties and responsibilities entrusted to the local governing body.

Any powers granted in this part or part 43 that are not enumerated above as powers of the Livingston Urban Renewal Agency may only be exercised by the local governing body or other officers, boards, and commissions as provided under existing law. ~~Any powers granted in Title VII, Chapter 15, Section 42-43, M.C.A. that are not included in this section as powers of the Livingston Redevelopment Agency may only be exercised by the local governing body as provided under existing law.~~ The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, reentry, injunctions or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions that are expressly for the benefit of owners of property in the Project area may be enforced by such owners.

Agency Financial Transactions

The funds of the Livingston Urban Renewal Agency derived from the tax increment provision, as well as any other funds acquired by the Agency shall be held in trust for the Agency by the City of Livingston Treasurer in accordance with provisions contained in 7-15-4286 (2) (a).

Expenditures of the Livingston Urban Renewal Agency shall be made in accordance with the procedures established by the City of Livingston with respect to claims made against, and paid by, the City of Livingston.

Agency Staff

Consistent with the provisions of 7-15-4239 MCA, the Livingston Urban Renewal Agency may employ the necessary technical experts and other such agents and employees, as are required. Employees hired by the Livingston Urban Renewal Agency shall be considered City of Livingston employees and shall be covered by the same work rules, rights, duties, privileges, and obligations of such employees. The cost of their employment, unless otherwise provided, shall be borne by Livingston Urban Renewal Agency.

Annual Program Budget

The Agency shall prepare an annual work program and budget that will list the activities and costs of activities for the coming fiscal year, as well as the method of financing those

activities. This program and budget may be amended during the course of the fiscal year, in light of funding and program changes. All budgets and revised budgets shall be reviewed and approved by the City of Livingston, and administered in accordance with City policies.

Annual Independent Audit

The Agency shall cause to be performed an annual independent audit covering the operations of the Agency in carrying out this Plan.

The first such audit shall be completed within ninety (90) days of the close of the first fiscal year following the adoption of this Plan by City Commission.

All such annual independent audits shall be maintained as a part of the public records of the City of Livingston.

Evaluation

The Livingston Redevelopment Agency shall provide to the City Commission and the public an annual program evaluation as part of the Annual Report. Such evaluation shall review the Urban Renewal District Plan and the past annual work program.

Amendment

The Livingston Urban Renewal Plan ~~URD Plan~~ may be amended in accordance with Montana statute. In addition, changes to the land use element shall be made consistent with Livingston zoning regulations.

The City Commission may modify and amend the Plan, including modifications and amendments to designate and approve urban renewal projects to be undertaken pursuant thereto, by enacting an ordinance providing for and setting forth the modification and amendment. No such ordinance shall be adopted until after a public hearing has been conducted thereon and notice of said hearing has been given in accordance with State Law.

If the modification or amendment involves the addition or deletion of land from the District, mailed notice shall be given to all persons owning property to be added or deleted at the time and the manner provided by Section 7-15-4215 (1), M.C.A. All notices shall provide the information regarding the modification required by Section 7-15-4215 (1), M.C.A. Nothing herein shall limit or affect the authority of the Commission to undertake and carry out renewal activities on a yearly basis as provided by Section 7-15-4220, M.C.A.

November 26, 2003

Dear City Commissioners,

First, I regret that I'm unable to attend this commission meeting to show my support for the Urban Renewal Plan. I have been a member of the Citizen's Organizing Committee since the beginning. We have worked hard to assemble the package before you. This has been a great example of people working together and getting something done.

After seeing how other communities have benefited from establishing a tax increment district, I have become a believer. Establishing such a district is a vital tool for a successful downtown. With these new resources we have a great opportunity to insure the viability of our downtown into the future.

This group has enjoyed both the efforts and the financial help of a diverse group over a long period of time. From people inside the district to those outside of the city limits have worked hard because this is something that we can do to help ourselves.

I would like to thank the city commission for taking the time to inform themselves on this matter and their dedication to our community.

Sincerely,

Dan Kaul
The Murray Hotel

December 1, 2003
Agenda Item #5, C:

Resolution No. 3462 -- Declaring that a blighted area in need of redevelopment and rehabilitation exists within the City of Livingston, Montana, and determining the boundaries of the blighted area.

Enclosed is a proposed Resolution adopting the above finding. The Study has been provided separately at the last meeting. Please refer to that study which will be attached to this Resolution. The Surveyor, Fred Hall, is in the process of preparing a legal description for the boundaries of the proposed District. This legal description should be available on Monday, December 1, 2003.

I propose to introduce the legal description as an addendum to Resolution No. 3462 on December 1, 2003.

2310 TAX INCREMENT DISTRICT - DOWNTOWN

		Opening Balance	Change	Closing Balance
Assets				
2310.101000	CASH	257,849.52 (18.00)	257,831.52
2310.113014	2014 - REAL PROPERTY TAX REC	122.34		122.34
2310.113015	2015 - REAL PROPERTY TAX REC	(65.47)	(65.47)
2310.113016	2016 - REAL PROPERTY TAX REC	(2,908.74)	(2,908.74)
2310.113017	2017 - REAL PROPERTY TAX REC	67,726.06		67,726.06
2310.115008	2008 - PERSONAL PROPERTY TAX REC	87.37		87.37
2310.115009	2009 - PERSONAL PROPERTY TAX REC	1.89		1.89
2310.115010	2010 - PERSONAL PROPERTY TAX REC	64.73		64.73
2310.115011	2011 - PERSONAL PROPERTY TAX REC	43.79		43.79
2310.115012	2012 - PERSONAL PROPERTY TAX REC	247.28		247.28
2310.115013	2013 - PERSONAL PROPERTY TAX REC	705.87		705.87
2310.115014	2014 - PERSONAL PROPERTY TAX REC	7.87		7.87
2310.115016	2016 - PERSONAL PROPERTY TAX REC	50.69		50.69
2310.115017	2017 - PERSONAL PROPERTY TAX REC	4.33		4.33
2310.118015	2015 - ASSESSMENTS RECEIVABLE	126.02		126.02
2310.119014	2014 - DEFERRED ASSESSMENTS - SIDEWALKS	6,080.44		6,080.44
2310.119017	2017- DEFERRED ASSESSMENTS	15,954.22		15,954.22
2310.172000	REVENUES(Credit)	(126,632.22)	(126,632.22)
Total Assets		219,465.99 (18.00)	219,447.99
Liabilities and Fund Equity				
2310.223100	DEFERRED REVENUE - REAL PROPERTY TAXES	64,874.19		64,874.19
2310.223200	DEFERRED REVENUE - PERSONAL PROPERTY TAXES	1,213.82		1,213.82
2310.223300	DEFERRED REVENUE - SID ASSESSMENTS RECEIVABLE	126.02		126.02
2310.223810	DEFERRED REVENUE - OTHER	6,080.44		6,080.44
2310.233300	DEFERRED SPECIAL ASSESSMENTS	15,954.22		15,954.22
2310.242000	EXPENDITURES (Debit)	(190,711.82)	(18.00) (190,729.82)
2310.271000	UNASSIGNED FUND BALANCE	321,929.12		321,929.12
Total Liabilities and Fund Equity		219,465.99 (18.00)	219,447.99

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CITY OF LIVINGSTON
Trial Balance with Revenues and Expenditures
For the Accounting Period: 3 / 18

2310 TAX INCREMENT DISTRICT - DOWNTOWN

		Opening Balance	Change	Closing Balance
Revenue				
2310.311010	REAL PROPERTY TAXES	94,021.17		94,021.17
2310.312000	PEN & INT ON DELINQ TAXES	197.75		197.75
2310.335230	STATE ENTITLEMENT FUNDS	20,483.39		20,483.39
2310.363010	SPECIAL ASSESSMENTS	11,400.14		11,400.14
2310.371010	INTEREST & DIVIDEND EARNINGS	529.77		529.77
Total Revenue		126,632.22		126,632.22
Expenditures/Encumbrances				
2310.470300.331	LEGAL NOTICES	209.50	18.00	227.50
2310.470300.350	PROFESSIONAL SERVICES	105,868.59		105,868.59
2310.470300.940	CAPITAL OUTLAY	84,633.73		84,633.73
Total ECONOMIC DEVELOPMENT		190,711.82	18.00	190,729.82
Total Expenditures/Encumbrances		190,711.82	18.00	190,729.82