



# Livingston City Commission Agenda

February 20, 2024

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/83773208485?pwd=Y2pjQmZ2Qlg2YzFclJTQXY1SIZKdz09>

Meeting ID: 837 7320 8485

Passcode: 289569

1. Call to Order

2. Roll Call

3. Public Comment

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

4. Consent Items

- A. APPROVAL OF MINUTES FROM JANUARY 30, 2024, JOINT CITY-COUNTY COMMISSION MEETING. PG.4**
- B. APPROVAL OF MINUTES FROM FEBRUARY 06, 2024, REGULAR MEETING. PG.37**
- C. APPROVAL OF CLAIMS PAID 2/1/24 - 2/14/24 PG.49**
- D. APPOINTMENT OF ANGELICA AMANT TO THE TBID BOARD PG.63**
- E. TRANSMITTAL OF CITY ATTORNEY OPINION ON OPEN MEETINGS LAWS PG.66**

5. Proclamations

6. Scheduled Public Comment

7. Action Items

- A. RESOLUTION 5126: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR AN ELECTION ON THE QUESTION OF CONDUCTING A LOCAL GOVERNMENT REVIEW AND ESTABLISHING A STUDY COMMISSION TO DO SO. PG.72**
- B. ORDINANCE 3051: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 10, CURFEW, DISTURBING THE PEACE, AND NOISE, OF THE LIVINGSTON MUNICIPAL CODE, BY AMENDING SECTIONS 10-5 AND 10-6. PG.99**
- C. AGREEMENT 20067 WITH 4 RANGES COMMUNITY RECREATION FOUNDATION INC. FOR LEASE OF KATIE BONNELL PARK PG.125**
- D. CLOSED SESSION PURSUANT TO 2-3-203(4)(B) TO DISCUSS LITIGATION STRATEGY**

8. City Manager Comment

## 9. City Commission Comments

## 10. Adjournment

## Calendar of Events

## Supplemental Material

### Notice

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- **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.

**File Attachments for Item:**

**A. APPROVAL OF MINUTES FROM JANUARY 30, 2024, JOINT CITY-COUNTY COMMISSION MEETING.**



# Joint City-County Commission Agenda

January 30, 2024

5:30 PM

City – County Complex, Community Room

**Access Information – Call in information 571-748-4021 ID 3047645#**

***Please mute your phone unless you are speaking. Dial \*6 to unmute.***

**You may also attend/participate in the meeting at <https://gomeet.com/parkcountycommission>**

## 1. Call to Order

County Chair Clint Tinsley called the meeting to order at 5:30pm

## 2. Roll Call

City Commission: Chair Kahle, Vice-Chair Nootz, Commissioner Schwarz, Commissioner Lyons, and Commissioner Willich

County Commission: Chair Tinsley, Commissioner Story, Commissioner Wells

City Staff in attendance: City Manager Grant Gager, Policy Analyst Greg Anthony, City Clerk Emily Hutchinson, Chief of Police Wayne Hard, Fire Chief Josh Chabalowski, Battalion Chief Josh Pierce, Community Paramedic Briana Caron, Finance Director Paige Fetterhoff

County Staff in attendance: Sherriff Brad Bichler, Executive Assistant to Commission Carly Ahern, Health Department Director Shannon Piccolo, Grants & Emergency Management Director Kristen Galbraith, Office of Emergency Management Director Greg Coleman.

## 3. Public Comment

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

## 4. Consent Items

## 5. Proclamations

## 6. Scheduled Public Comment

## 7. Action Items

### **A. DISCUSSION BETWEEN CITY AND COUNTY COMMISSIONERS AND THE CRISIS COALITION ABOUT FUNDING FOR THE SUSTAINABILITY OF THE MOBILE CRISIS RESPONSE TEAM.**

County Chair Tinsley introduced this item and handed it over to Joe Sexton the Crisis Response Coordinator for Park County.

Joe presented slides. *(Attached with meeting minutes)*

Fire Chief Chabalowski presented local data from December 1<sup>st</sup> – 31<sup>st</sup> stating they had 21 incidents involving 23 patients and all of those calls were suicidal ideation, attempts, behavioral, intoxication

with multiple methods such as alcohol and/or pills with attempted suicide, several suicide completions, motor vehicle accidents with alcohol and suicidal ideations, and behavioral incidents with intentional overdoses. Approximately 1/3 of these calls were in the County the rest were inside City limits.

City Vice-Chair Nootz clarified the data they are seeing in the slides from Joe are just completed acts, but what they are hearing from Fire Chief Chabalowski is completed and attempt.

Joe confirmed yes, that is correct. He stated this is the point of this meeting is to present the work and issues and make a plan on how to move forward.

Joe continued through the slides. (*Attached with meeting minutes*)

County Health Department Director Piccolo expanded what is involved with treatment court. She stated the County has been working with Judge Gilbert and the State of Montana and applied for a grant from the Federal Government to start treatment court in Park County. The need for treatment court came about through SIMS mapping process, which is sequence intercept mapping systems. She stated they have had treatment court now for several years.

Joe continued through the slides. (*Attached with meeting minutes*)

City Commissioner Schwarz asked for clarification on numbers listed in the budget slide, and wondered if that was the max total without any additional funding.

Joe confirmed yes.

County Health Department Director Piccolo stated through this process they have an expectation looking for other funding sources and other potential partners in the community.

City Commissioner Schwarz expressed that it doesn't look that expensive for what they would be getting and achieving.

County Health Department Director Piccolo invited Sherriff Bichler and Chief Hard to explain the law enforcement side of things on what a mobile crisis team could do for law enforcement when responding to these types of calls.

Sherriff Bichler expressed that mental health is a huge issue and the State of Montana is realizing it is not something that can be pushed back any longer; it's turning into something they have to act on now and make it a priority. In law enforcement they see mental health issues daily, and have created all of these policies, but understanding that jail is not where they need to be. Getting these folks the resources they need is important, and the mobile crisis unit would be very helpful because folks could make those initial contacts get stabilized in their homes, then two days later when they are starting to feel bad again the mobile crisis response team is calling back to help prop them back up, and build a relationship with the community member in need. He stated it has been hard since losing many resources in the area and in Bozeman such as the Hope House. He feels the mobile crisis unit is something we should put in place sooner than later to give the community and law enforcement some resources to rely upon. Realizing funding is always an issue and everyone always thinks this is a great idea, he expressed at some point someone needs to come forward and make this a priority for our community.

Police Chief Hard expressed agreement with Sherriff Bichler. He recalled when he started with law enforcement many years ago they didn't handle that many mental health calls because there were

resources nearby that community member could use. Western Mental Health closed and took their resources over to Bozeman, and having the Hope House close in Bozeman is just another lost resource for people in need. He stated law enforcement is not what these people need when experiencing a mental health crisis, but they are the people that get called, and have been the band aid for a really long time. He expressed if they can make this happen they will see a real positive boost in the community. Law enforcement, Sherriff Dept., and Fire Dept. are short staffed and struggling to handle calls that are meant for them, on top of taking calls for issues they don't always have the resources to help out on. Chief Hard recognized Jeanette as a Peer Support Specialist and a great resource for the community, and to law enforcement in helping a lot of folks with mental health needs. He encouraged both City and County to provide funding for this Mobile Crisis Response Team.

Fire Chief Chabalowski stated Missoula County uses this program with great success. He hopes for the 24/7 model and really would like to see support from the City and County to make this happen. He shared agreement with Sherriff Bichler and Chief Hard about 911 being the catch all for all calls, and they are finally reaching a breaking point answering so many calls all at the same time, they don't always have all the resources available to help in those situations where they don't have the tools to necessarily help someone in a mental health crisis. This Mobile Crisis Response Team would give them the resources they need and the community needs.

Kristen called on Bruce Whitefield the CEO of Livingston HealthCare and asked to clarify that LHC has in interest in being a third partner and possible funding source for this program.

Bruce Whitefield expressed it does impact LHC too when these folks in crisis are brought to the emergency room and they don't always have the correct resources to help them either, nor the staff that it requires.

City Chair Kahle asked if the 911 dispatchers would need special training to divert calls like this to the appropriate places.

County Health Department Director Piccolo stated yes, they would be trained on what team could handle which issues.

Joe stated a big part of that would be the technical assistance to work on this portion with first responders on outlining these processes.

Vice-Chair Nootz asked the City Manager if he had anything to add about this issue or program.

City Manager Gager stated at a staff level the City is ready to take the next step for this program if it is the will of the Commissions jointly. He recalls last budget season that this was something important to the City Commission and has since heard that from the newest member of the Commission as well. Realizing the City is not the only side involved it is a joint partnership between LHC, the City of Livingston and the County. The goal of the meeting today is get and understanding from everyone involved if there is a way to proceed with this program.

Commissioner Willich asked for a break down between responses in the City and County.

Fire Chief Chabalowski stated from the date in December 1/3 of the calls were in the County and the rest in the City.

County Chair Tinsley stated he has had conversations with the City Manager about this, and expressed the County is hurting for money. He stated they are close to \$1 Million in the hole and

the General Fund is about a half a million dollars in the hole, but they are working on it. He stated having been working with Shannon in the Health Department for 3 or 4 years, he knew this was coming, so it is his goal to fund this, but to do this there may have to be layoffs in Park County.

County Commissioner Wells stated he fully supports this program, but it does come down to the budget.

County Commissioner Story stated he comes from Fire and EMS and does see the benefits of this program, and thinks it's a very good program and will help eliminate calls for the Sherriff Dept. and people will be connected with the correct team that can help them. He stated they will have to look at the budget and see how they are going to do it, and is hoping to get grants to help pay for this.

City Commissioner Willich expressed he knows there is a problem in Park County around mental health. He stated he has a hard time understanding how they can't do something about this now, and stated they have to choose to do something and select a model of some kind that was presented tonight. He understand money is an issue and is happy to have further conversations about that, but expressed that they have to do something.

City Commissioner Lyons stated he appreciates the budget discussion, but understands tonight is to determine a plan moving forward and he is sensing there is a will to move forward with this program. From a policy standpoint he supports this program, and he expressed that he trusts the City Manager to work with the City Commission on the budget for this in a reasonable and sustainable way.

City Commissioner Schwarz expressed agreement with fellow City Commissioners and stated that they can't afford not to do this. Knowing they are going to be working on budget soon he wants to see this included in the budget for the City. He stated this is something they've been trying to work on for at least 7 years, and he expressed it is important that they do this program and they need to fund this.

City Vice-Chair Nootz thanked the Fire and Police staff and express agreement with fellow City Commissioners. She said in looking at what the City general fund is that this is totally affordable for the City. She also expressed trust in the City Manager and staff that they can figure this out for the City to fund this program. She expressed thanks to City staff for always rising to the occasion.

City Chair Kahle expressed agreement with fellow City Commissioners. She knows this has been a topic for a long time, and it is so needed. She expressed that they need to do something and looking at the budget they can do this and they need to make it work. She expressed understanding that this program will help take away some calls from the law enforcement and they will have the ability then to help the community in other ways, other than being tied up for hours on a call like this. She asked the City Manager to please help them figure this out so they can help the community.

The City Manager thanked the Commissioners for their input that expressed that was his goal for the evening to find if there is a willingness to move forward from the City, and has also heard tonight that the County has a willingness to move forward. He stated he looks forward to working with Joe and Shannon and the Crisis Response Coalition to move this forward.

Public Comment was offered by:

- Andrew Mitchell he stated the root cause of suicide is alienation and wondered how this program address that. He expressed that is seemed they would just be buying a bigger band aid and really doesn't see how this program will address the root cause.

County Chair Tinsley stated he has seem many groups try and start up around this and it starts really well, but they seem to fall a couple years later. He expressed starting something like this program may be the push they need to keep other programs going in the County.

County Health Department Director Piccolo stated that is a good point and stated the City and County with the Health Department are looking into primary prevention which is the root causes of what is going on, so people don't rise up to needing those crisis response services. She stated it does take time to implement those types of prevention activities.

- Jeanette Tecca stated she worked with Western Montana Mental Health here in Livingston and when it closed she never stopped working with those individuals. She built relationships with the people in this town, and does work on prevention every day and this program is needed.
- Brian Monahagn stated he thought we should not select the model without a Peer Support Specialist. He has seen Jeanette de-escalate people in crisis and she does a great job.

Joe Sexton stated Livingston HealthCare works directly with Jeanette and they know how helpful she is and that Peer Support Specialist position is to the community.

- Kent Hanawalt stated he has an EMS background and fully supports this program. He questioned the first slide about 23 hour stabilization and asked if that is available now at LHC.

Joe Sexton stated that is not available in SW Montana. Only 2 county across the State are working toward opening a receiving center. One of the things they are moving toward is working with surrounding counties to determine the best area for opening a crisis receiving center. He stated they are very costly to run, but they will be working toward this.

Sherriff Bichler stated that that State has indicated they need regional centers and he is happy they are working toward them, but further stated those are long term plans.

Fire Chief Chabalowski stated the State hospital is full at the moment and most of it is forensic. Meaning we have nowhere to talk these folks.

Sherriff Bichler confirmed there is a waiting list for that facility.

- Julie Anderson is a social worker at the Food Resource Center. She stated a grant they had ran out in December, and her being the only social worker left there, she indicated they have in some ways become a receiving center of some sort due to it being a place of safety and comfort, and ability to connect people to other services. She is seeing more and more crisis come into the Food Resource Center and is really feeling like she has an inability to respond, or even the hours in her day to help all the people that are in need.
- Christina Nelson stated she has rental properties and she sometimes sees folks in need and they contact her for rentals, and she feels it will be nice to see them get the proper help they need.
- Patricia Grabow feels this is a smart program for the community.
- Violet Bolstrage is the Special Population's Supervisor for DPHHS, and she oversees the crisis aversion grant funding and jail grant funding. She has worked closely with Joe, and wants to emphasize the work he has done to bring all of this together. They are excited about different



funding opportunities they can put forth to sustain services and other preventative services. Having a unified local approach is very important for the work they are going.

- Michelle Frederickson is LCSC and works with Expedition Church and wonders if there a place in the program where churches can be helpful.

County Health Department Director Piccolo stated Crisis Coalition meetings are held every second Tuesday at 11am in the City-County Complex Community Room.

7:04pm City Commissioner Schwarz motioned to adjourn the meeting seconded by County Commissioner Story.

Unanimously approved.

8. City Manager Comment

9. City Commission Comments

10. Adjournment

## Calendar of Events

## Supplemental Material

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Joint City-  
County  
Commission  
Meeting  
January 30,  
2024

# AGENDA

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Introductions

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Goals and Objectives for Meeting

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Crisis Now

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Project Overview----Coalition's  
Progress

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Crisis Data/Impact of Services  
(ROI Projections)

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Program Goals/ Mobile Crisis  
Team/Funding

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Questions/Discussion

# Introductions

## Roundtable introductions of coalition members

### • Law Enforcement

- Wayne Hard (LPD Police Chief)
- Dan Lashinski (LPD)
- Brad Bichler (Sheriff)
- Tad Dykstra ( Sergeant, Sheriff Department)
- Jay O’Neill (Captain, Detention Center)
- Kendra Lassiter (County Attorney)
- Katelyn Lavender (Victim/Witness Coordinator)

### • Health Care

- Lander Cooney (CEO Community Health Partners)
- Stacy Kohler (CNO, Livingston HealthCare)
- Shannan Piccolo (Director of Health Department)
- Joe Sexton (Livingston HealthCare-Crisis Coalition Coordinator)
- Ashley Wagner (Rural Health Clinic Director, Livingston HealthCare)
- Greg Dekker (Director of Emergency Services, Livingston HealthCare)
- Janella Johnson (LCSW, L’esprit)

### • FUNDERS

- DPHHS/BHDD (Crisis Diversion Grants)
- Montana Healthcare Foundation (Peer Support & Data Collection)
- Montana Public Health Institute (Facilitation and Technical Assistance)

### Fire Department/EMS/Emergencies Services

- Josh Chabalowski, (CoL Fire Chief)
- Briana Caron (Community RN)
- Greg Coleman (Disaster and Emergency Services Director)

### Peer Specialist

- Jeanette Tecca, (Peer Support Specialist, MCRT)

### Administrators

- Grant Gager (City Manager, CoL)
- Kristen Galbraith (Park County, Grants Director)

### Community Organizations

- Hannah Wologo (LiveWell 49)
- Amy Titgemeier (Behavioral Health Local Advisory Council)
- Julie Anderson (LCSW, Livingston Food resource Center)
- Kelly Miller (Program Director, The Phoenix)
- Rebecca Ruhd (Program Advocate, Aspen)
- Todd Wester (Director of Community Partnerships & School-Based Mental Health. Livingston Public Schools. )

# Overarching Reason Were Here Today

Select Indicator:  Select Start Year:  Select End Year:

[View Nonfatal Data](#)

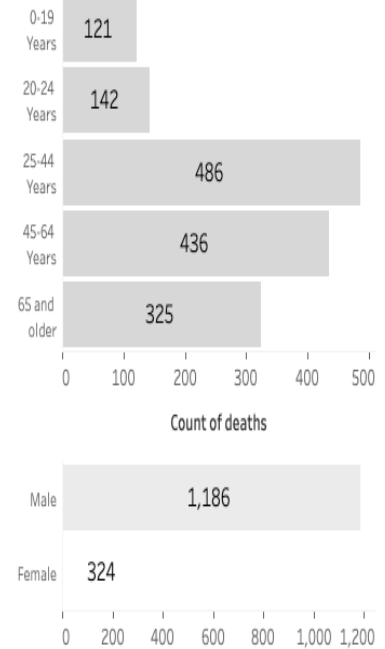
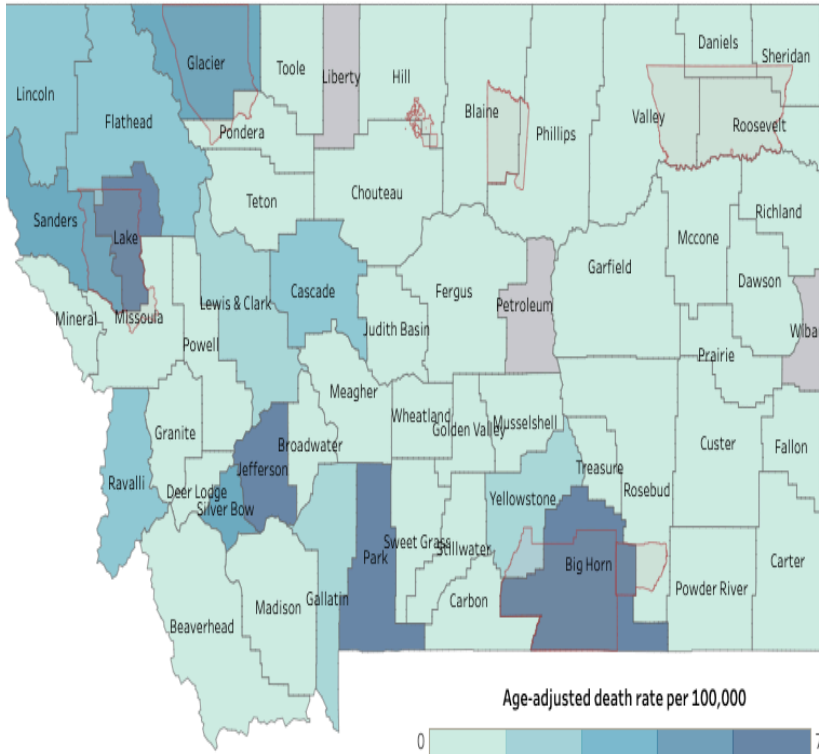
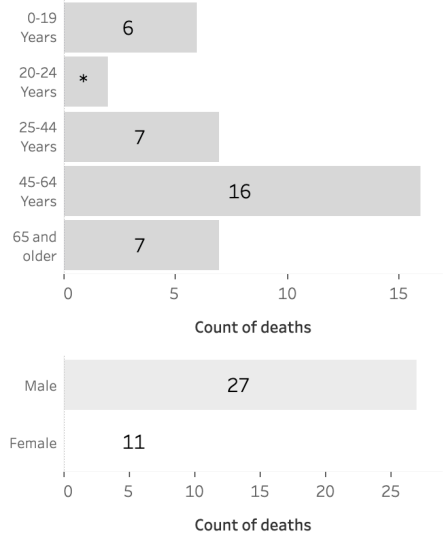
[View Nonfatal Data](#)

Map by Count of Deaths

Map by Age-Adjusted Death Rate

Montana, All Counties  
Suicide, 2017-2021  
1,510 deaths  
27.4 deaths per 100,000 residents

Park County  
Suicide, 2017-2021  
38 deaths  
42.3 deaths per 100,000 residents



# Fatalities

Deaths by Category by Month, January - September 2023

Month	Total number of deaths	Number of suicides	Number of poisonings	Number of accidental poisonings
Jan	10	1	0	0
Feb	11	0	0	0
Mar	10	0	0	0
Apr	16	1	0	0
May	11	1	0	0
Jun	9	1	0	0
Jul	6	0	0	0
Aug	12	0	0	0
Sep	3	0	0	0

Note: Data are from the Office of Vital Statistics. Numbers are subject to change due to latent data entry and updates.

# Goals and Objectives

Goal: Inform decision-makers on the history of the mission and work of the Park County Behavioral Health Crisis Response Coalition.

Present our recommendations on how together we can enhance crisis care and response to our community.

Objectives:

1. Overview and progress of Coalition’s work
2. Programmatic priorities in Crisis Response Services for 2024-2027
  - ROI data on MCRT
  - Review cost of operating a MCRT based on the Medicaid Tier Model, including funding gaps that will require additional funding to sustain operations.
3. Consider the allocation of local financial resources needed to sustain a Mobile Crisis Response Team

## Physical Health Emergency



## Behavioral Health Emergency



Agnew::Beck

# CRISIS NOW

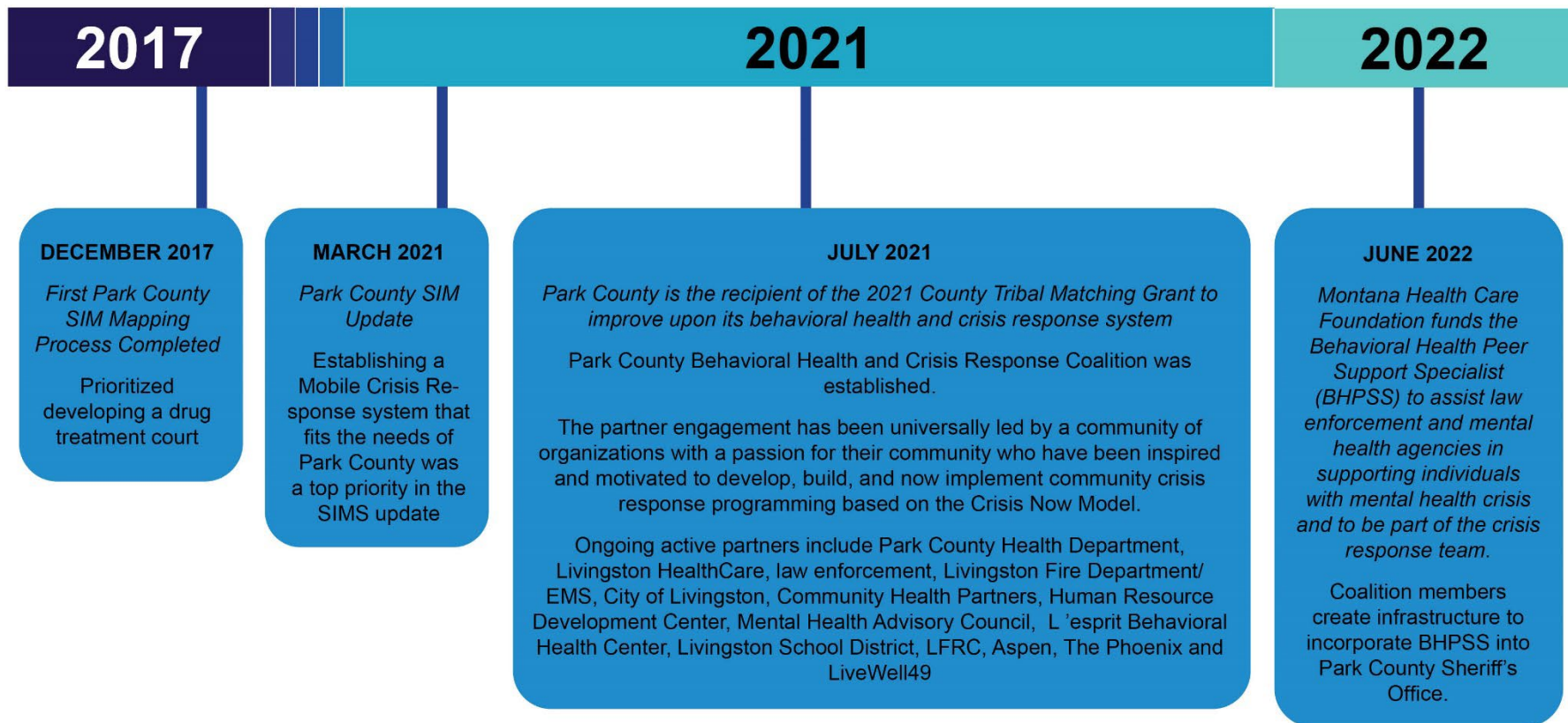
Model is endorsed by Substance Abuse Mental Health Services Administration (SAMHSA) National Guidelines for Behavioral Health Crisis Care Best Practice and the Montana DPHHS Mobile Response and Stabilization Services (MRSS) Policies for adults and youth





# Park County Behavioral Health and Crisis Response Coalition History

## *Timeline & Major Milestones*



# Park County Behavioral Health and Crisis Response Coalition History

## *Timeline & Major Milestones*

### 2023

**JANUARY 2023**

*Park County awarded an 18-month grant to continue funding the creation and implementation of a robust crisis response system.*

*Livingston Fire Department initiates Community Paramedic RN program, RN embedded with ambulance and fire unit.*

**MARCH 2023**

*Crisis Coalition working with CIT Montana to implement CIT Academy. Coalition Members Janella Johnson, behavioral health clinician and Livingston Police Officer Dan Lashinski are certified CIT Coordinators. CIT Academy to be held in March 2024*

**AUTUMN 2023**

*Preparing to apply for upcoming Crisis Diversion Grant*

*Discussions with local partner on housing the MCRT program*

*Livingston Fire and Rescues, expresses interest in housing and operating the MCRT and be the formal mobile crisis provider*

*Holding regional crisis receiving and stabilization center conversations*

**Moving Forward**

*Re-purpose Mobile Crisis Team to adapt to new Medicaid reimbursement model.*

*Capacity Building for implementing crisis response services*

# COALITION'S PROGRESS

SOMEONE TO CALL

Regional Crisis Call  
Center

Someone  
to respond

Mobile Crisis  
Response

Somewhere  
to go

Crisis Receiving and  
Stabilization Facilities

## Someone to call

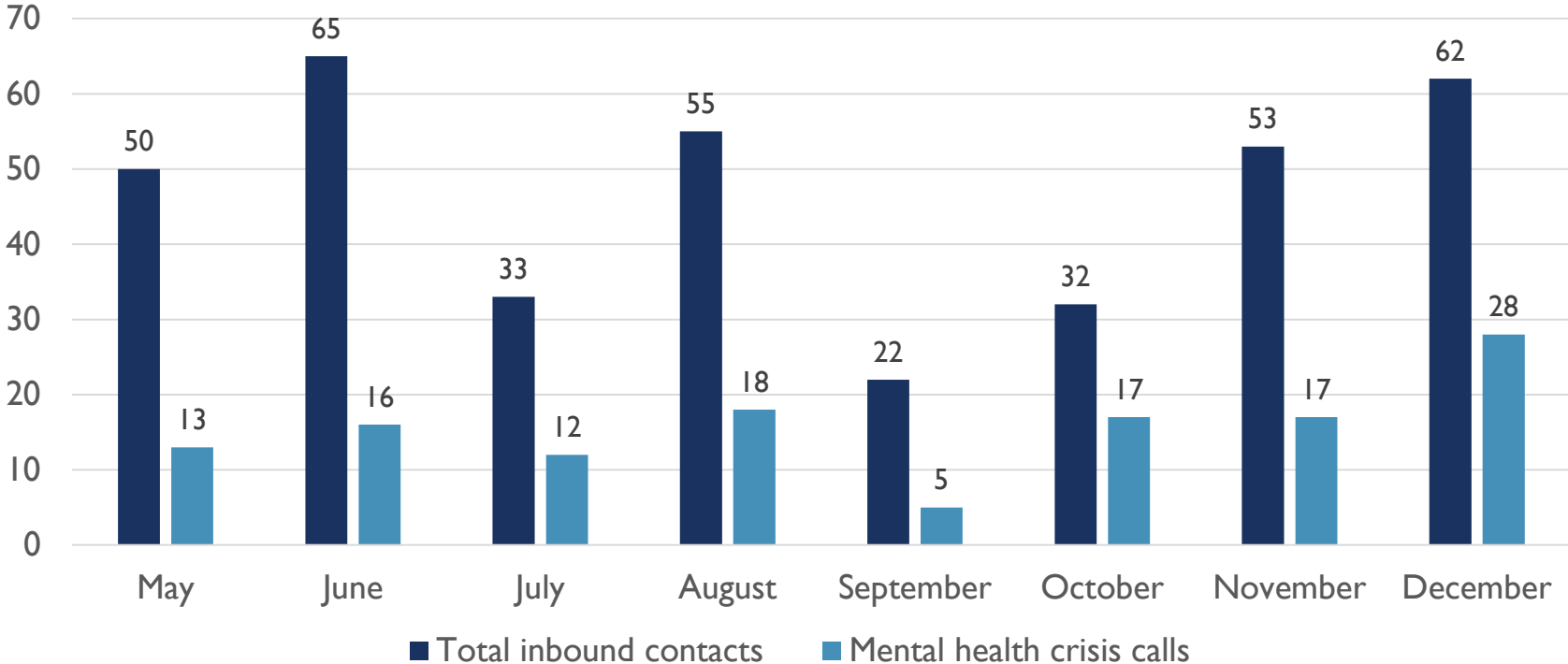
# 988: Montana's Suicide Prevention and Mental Health Crisis Lifeline

- The Help Center, our local 988/crisis line provider, gives real-time access to a live person every moment of every day for anyone who is in crisis, having suicidal thoughts, in emotional distress, or concerned about someone.
- In 2023 they answered a total of 512 calls. Approximately 35% of calls were related to a mental health concern. Generally, 988 can stabilize and de-escalate nearly 80% of those who call them. Using the caller's own strengths, support systems, the robust 211 and mental health database, and the Help Center's crisis follow-up services –their work reduces demand on other community services. For the other 20%, callers are referred to community and medical services. A very small percentage involve the need to call 911.

### CRISIS CALL RECEIVING

## PARK COUNTY BEHAVOIRAL HEALTH COALITION PROGRESS REPORT:

### Someone to Call 988 CALL VOLUME MAY – DEC 2023



CRISIS CALL RECEIVING

PARK COUNTY BEHAVOIRAL HEALTH COALITION PROGRESS REPORT:

Someone to Call

988 DISPOSITION DATA

OCT-DEC

HERE IS WHAT WE SEE

83.33% OF MENTAL HEALTH CRISIS CALLS WERE RESOLVED IMMEDIATELY OVER THE PHONE  
 3.33% OF CALLERS WENT TO THE EMERGENCY ROOM,  
 4.33% RESULTED IN A CALL TO 911/LAW ENFORCEMENT,  
 AND 9% HAD AN UNKNOWN DISPOSITION

	Number			Percentage		
	October	November	December	October	November	December
Resolved over the phone	14	16	20	82%	94%	74%
Went to Emergency Room	1	0	1	6%	0	4%
Called 911/LE	1	0	2	6%	0	7%
Unknown	1	1	4	6%	6%	15%
Totals	17	17	27	100%	100%	100%

# Someone to Respond

- ▶ Crisis System Funding
  - Awarded funds by the DPPS/BHDD Crisis Diversion Grants & Montana Healthcare Foundation
- ▶ Crisis System Capacity
  - Crisis training
  - Crisis Intervention Team
  - Crisis System Foundation - Coalition, Coalition Coordinator, Resource Mapping
  - Crisis Data
- ▶ Crisis Services
  - Mobile Crisis Response Services
  - Community-based Services
  - Crisis Infrastructure



# PARK COUNTY BEHAVOIRAL HEALTH COALITION PROGRESS REPORT: MAY 1 – OCTOBER 31, 2023

Peer support network had a total of **53** encounters with **20** unique individuals.

Month	May 23	June 23	July 23	Aug 23	Sept 23	Oct 23	Totals
<b>Total responses</b>	13	7	13	4	7	9	<b>53</b>
<b>Unique individuals</b>	7	5	5	1	2	6	<b>20</b>

Peer support network responded to **18** crisis calls for **15** unique individuals.

Month	May 23	June 23	July 23	Aug 23	Sept 23	Oct 23	Totals
<b>Total responses</b>	4	2	6	0	1	5	<b>18</b>
<b>Unique individuals</b>	4	2	4	0	1	4	<b>15</b>

# Somewhere to go Crisis Receiving and Stabilization Facilities

- ▶ Holding monthly planning discussions with regional partners (Gallatin, SweetGrass, Madison, and Jefferson Counties) regarding Development of Regional Crisis Stabilization Receiving Center
- ▶ As a region, plans to apply for technical assistance and start-up funding for a regional crisis stabilization facility in Southwest Montana
- ▶ Crisis Stabilization Program funded through Medicaid - short-term emergency treatment for crisis intervention and stabilization. It is a residential alternative to divert from Acute Inpatient Hospitalization. The service includes medically monitored residential services to provide psychiatric stabilization on a short-term basis.

## POTENTIAL IMPACT OF CRISIS SERVICES

ANNUAL PROJECTION OF DIVERSIONS WITH FULL MOBILE TEAM

BASED ON EMS AND CURRENT PEER SUPPORT DATA, IT'S PROJECTED THAT A FULLY OPERATIONAL MOBILE TEAM WOULD RESPOND TO 17 – 30 CRISIS CALLS PER MONTH.

17/MONTH = **204/YEAR**

30/MONTH = **360/YEAR**

# ANNUAL PROJECTION OF DIVERSIONS WITH FULL MOBILE TEAM JAIL DIVERSIONS

If 17/month: Estimated jail diversions: **34**

If 30/month: Estimated jail diversions: **68**

**Estimated jail diversions 34-68**

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## ANNUAL PROJECTION OF DIVERSIONS WITH FULL MOBILE TEAM ED DIVERSIONS

If 17/month: Estimated ED diversions: **22**

If 30month: Estimated ED diversions: **40**

**Estimated ED diversions 22-40**

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## ANNUAL PROJECTION OF DIVERSIONS WITH FULL MOBILE TEAM

Estimated mobile crisis response volume: **204 – 360** calls per year.

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If 17/month: Estimated cost savings: **\$52,188.62**

$$(22 * \$2,200) = \$48,400 + (34 * 111.43/\text{day}) = \$ 3,788.62 = \$52,188.62$$

If 30/month: Estimated cost savings: **\$95,577.24**

$$(40 * \$2,200) = \$88,000 + (68 * 111.43/\text{day}) = \$ 7,577.24 = \$95,577.24$$

$$(\$2,200/\text{ED visit} \times \# \text{ of avoided ED visits}) + (\$111.43/\text{day} \times \# \text{ of avoided jail stays})$$

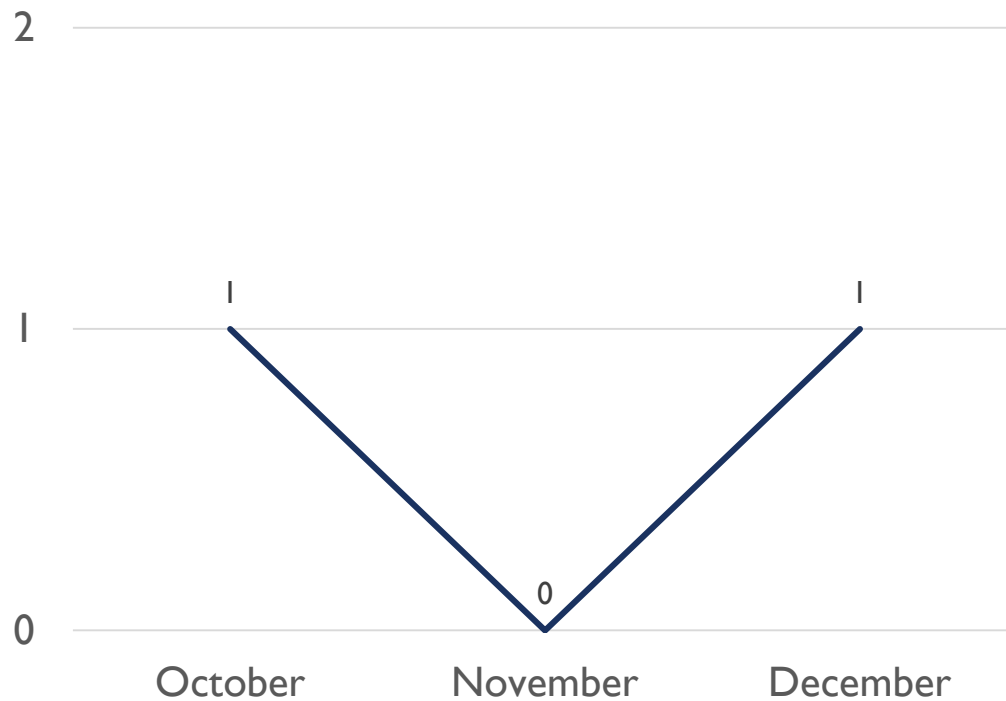
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**Estimated, projected cost savings: \$52,188.62 - \$95,577.24**

## CRISIS RESPONSE

### INVOLUNTARY COMMITTS

Involuntary Commits, October - December 2023



There were 18 involuntary commitments from January – September 2023

# FUNDING CRISIS PROGRAMMING

<b>DPHHS Crisis Diversion 23-101-74112-0 Grant Budget Adjustment Ideas</b>			
Budget Item Description	Quantity	Costs	Total
4WD SUV or Smaller Truck (with all terrain tires)	1	\$ 65,000.00	\$ 65,000.00
Wrap for Vehicle	1	\$ 3,000.00	\$ 3,000.00
Mobile Radio System with Installation	1	\$ 7,000.00	\$ 7,000.00
Portable Radio System	1	\$ 5,000.00	\$ 5,000.00
Vehicle Supplies	1	\$ 1,500.00	\$ 1,500.00
Smarttop Laptop	1	\$ 4,500.00	\$ 4,500.00
Mount & Cradle in Vehicle (with installation)	1	\$ 2,000.00	\$ 2,000.00
Marketing/Branding	1	\$ 1,000.00	\$ 1,000.00
Jackets for CI Team	6	\$ 125.00	\$ 750.00
			\$ -
<b>Total for Budget Adjustments FY23/24</b>			<b>\$ 89,750.00</b>





# Funding Crisis Programming

- Upcoming funding request will include 0.5 of technical assistance provider that has experience with and will support the program planning and training for a MCRT. Areas of consulting include:
  - Care Coordination details
  - How to grow your program early on so that first responders and others become aware of how to utilize the mobile teams— particularly important for rural areas.
  - Dispatching procedures
  - Safety on scene
  - Response protocols
  - Community Support
  - Program Development
- Potential of supplemental funding for operations may be offered through a one-time grant to existing and new MCRT providers through the Behavioral health System for Future Generations Commission.



Mobile Crisis Response Services			Model 1	Model II	Model III	Model IV	
<b>I. Labor Cost</b>							
			24/7 Mobile Crisis Team Model : 1 mental health professional and one paraprofessional. One team member must respond on-site.	24/7 Mobile Crisis Delivered by an individual responder. Mental Health Professional is the sole responder	10/7 Mobile Crisis Team Model	10/7 Mobile Crisis Team without Paraprofessional	
			Hours	24	24	10	10
			a. Hourly Wage	\$39.80	\$39.80	\$39.80	\$39.80
			b. Annual Wage	\$82,785.66	\$82,785.66	\$82,785.66	\$82,785.66
Program Manager (1 FTE)			c. ERE (as Percent of Wages)	25.00%	25.00%	25.00%	25.00%
			d. Hourly Compensation (Wages + ERE)	\$49.75	\$49.75	\$49.75	\$49.75
			e. FTE Assumption	1	1	1	1
			f. Annual Compensation (Wages + ERE)	\$103,480.00	\$103,480.00	\$103,480.00	\$103,480.00
<b>Clinical Mental Health Professional</b>							
Licensed Clinical Social			a. On-Call Wage	\$8.33/Per Hour Compensation	\$8.33/Per Hour Compensation	\$8.33/Per Hour Compensation	\$8.33/Per Hour Compensation
			Total Annual On Call Hours	8,556	8,556	3,446	3,446
			Total On Call Cost	\$71,271.48	\$71,271.48	\$28,705.18	\$28,705.18
			b. Hourly Response Wage	\$30/Per hour Compensation	\$30/Per hour Compensation	\$30/Per hour Compensation	\$30/Per hour Compensation
			Total Respons Hours (Baed on 17 responses per month/204 annual cases per year each at 1 hour of response time	204	204	204	204
			Total Response Cost	\$6,120.00	\$6,120.00	\$6,120.00	\$6,120.00
			c. Total Annual Compensation	\$77,391.48	\$77,391.48	\$34,825.00	\$34,825.00
<b>Paraprofessional, or Certified Behavioral Health Peer Support Specialist</b>							
Behavioral Specialist/Tech nician			a. On-Call Wage	4.17/Per Hour Compensation	4.17/Per Hour Compensation	4.17/Per Hour Compensation	4.17/Per Hour Compensation
			Total Annual On Call Hours	8,556	8,556	3,432	3,432
			Total On Call Cost	\$35,678.52	\$35,678.52	\$14,311.44	\$14,311.44
			b. Hourly Response Rate	\$20/Per Hour Compensation	\$20/Per Hour Compensation	\$20/Per Hour Compensation	\$20/Per Hour Compensation
			Total Respons Hours (Based on 17 responses per month/204 annual cases per year each at 1 hour of response time	204.00	204.00	204.00	204.00
			Total Response Cost	\$4,080.00	\$4,080.00	\$4,080.00	\$4,080.00
			c. Total Annual Compensation	\$39,759	\$39,759	\$18,391	\$18,391
<b>Care Coordination</b>							
			a. Hourly Wage	\$22	\$22	\$22	\$22
			b. Annual Wage	\$22,880	\$22,880	\$22,880	\$22,880
			c. ERE (as Percent of Wages)	25%	25%	25%	25%
			d. Hourly Compensation (Wages + ERE)	\$27.50	\$27.50	\$27.50	\$27.50
			e. FTE Assumption	0.50	0.50	0.50	0.50
			f. Total Annual Compensation	\$28,600.00	\$28,600.00	\$28,600.00	\$28,600.00
<b>Total Labor Cost</b>				\$249,230.48	\$209,471.48	\$185,296.00	\$166,907.07
<b>II. Potential revenue for mobile crisis response services</b>							
Response			Description	Description	Description	Description	
			UNIT RATE	RATE TBD	Unit Rate	Unit Rate	
			15 min \$113.18		15 min 75.18	15 min 47.72	
Total Response Revenue			\$92,355	\$92,355	61,346.88	61,346.88	
Care Coordination			Unit RATE	Unit RATE	Unit RATE	Unit RATE	
			15 Min \$14.09	15 Min \$14.09	15 Min \$14.09	15 Min \$14.09	
Total Care Coordination Revenue			\$2,874.36	\$2,874.36	\$2,874.36	\$2,874.36	
<b>Total MCRT Revenue</b>			\$95,229.24	\$95,229.24	\$64,221.24	\$64,221.24	
<b>Variance</b>			\$156,875.00	\$114,244.31	\$121,076.83	\$102,685.83	

# Questions/Discussion

**File Attachments for Item:**

**B. APPROVAL OF MINUTES FROM FEBRUARY 06, 2024, REGULAR MEETING.**



# Livingston City Commission Agenda

February 06, 2024

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/81569284132?pwd=Q0Vya2F2Q0hnOVdRVctPVkt3eXFRQT09>

Meeting ID: 815 6928 4132

Passcode: 179977

## 1. Call to Order

Chair Kahle called the meeting to order at 5:32p

## 2. Roll Call

City Commission in attendance at start of meeting: Chair Kahle, Vice-Chair Nootz, Commissioner Schwarz, Commissioner Lyons, and Commissioner Willich

Staff in attendance: City Manager Grant Gager, City Attorney Jon Hesse, Policy Analyst Greg Anthony, City Clerk Emily Hutchinson, Planning Director Jennifer Severson

## 3. Public Comment

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

Public Comment was offered by:

- Lindie Gibson addressed an issue of her neighbor’s dog barking and would like the dog ordinance reviewed. She also expressed concerns about the Civic Center when/if the new Wellness Center is built and would like it to be taken care of and maintained, and would like the City to keep the old swimming pool location.
- Patricia Grabow expressed concerns about the City Commissioners meeting with the City Manager.

The City Manager addressed some of the comments made during public comment, and stated he received one of them in written form yesterday, and have been reviewed by the City Attorney. He stated he also reached out to the Local Government Center and peers across the State, and reassured the community that they are not breaking any state laws in the conduct of business. All decisions and deliberations occur in the public. The City Manager clarified he does meet with City Commissioners outside of open session, but never meets with more than a quorum of the City Commissioners outside of public session, they strictly speak informationally on City matters including operational matters, and upcoming scheduling items on the agenda. He stated Commissioners do have a right to have a conversation with the City Manager regarding operational business of the City including prospective plans for capital projects, such as an overpass or wellness center. He confirmed the Local Government Center confirmed his right to meet with City Commissioners outside of open session as long as it is not a quorum, and not deliberating or

making any decisions outside of the public. A written response will be provided to the commenter, and made public and available to all members of the community.

Vice-Chair Kahle reminded that Commissioners add things to the agenda in the way they are supposed to, and recalled when Vice-Chair Nootz asked for something to be brought back to the agenda and received a second during a public City Commission meeting.

- Rick Van Aken expressed concerns about the Northside of town and would like to see the Northside improved including access to it.

4. Consent Items

- A. APPROVAL OF MINUTES FROM JANUARY 16, 2024, REGULAR MEETING** **PG.4**
- B. APPROVAL OF CLAIMS PAID 1/11/24 - 1/31/24** **PG.14**
- C. JUDGES MONTHLY REPORT 12/2023** **PG.39**
- D. CLG GRANT APPLICATION** **PG.41**

Motion to approve all consent agenda items was made by Commissioner Schwarz and seconded by Commissioner Lyons. The motion passed unanimously by the five members present.

5. Proclamations

- A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA RECOGNIZING FEBRUARY 6, 2024 AS NATIONAL CHOPSTICK DAY IN LIVINGSTON MONTANA.** **PG.52**

Chair Kahle read the proclamation.

The City Manager stated it is always fun and a pleasure to recognize the unique culinary options that exist in the City of Livingston amongst all of the small businesses in Livingston.

6. Scheduled Public Comment

7. Action Items

- A. RESOLUTION 5125: A RESOLUTION BY THE CITY OF LIVINGSTON CITY COMMISSION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO DOT - REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE), COMMITMENT OF NEEDED FUNDS AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER INTO REQUIRED CONTRACTS FOR GRAND FUNDS TO ENGAGE IN A CORRIDOR STUDY AND EVALUATION OF VIABLE AND SUSTAINABLE OPTIONS FOR A GRADE SEPARATED CROSSING.** **PG.54**

Chair Kahle called on the City Manager to introduce the item.

The City Manager stated this item is related to an upcoming grant application that staff will submit. He reminded this time last year they pursued the same US DOT grand funding program for a planning grant to evaluate a grade separated crossing, and while they were unsuccessful last year he did have a great opportunity to speak with staff at US DOT, and was able to learn where our

application lacking. Some revisions have been made and the application has been improved, and he does expect to be competitive this year.

Commissioner Lyons asked about the packet stating there will be co-sponsors and supporters, and wondered who that is referring to.

The City Manager stated they are working with a number of community partners, and co-sponsors would primarily be the railroad as well as the County. The numbers of supporters will be much more than that stating a City staff member is making direct contact with residents, business owners, and community groups that may benefit from the crossing.

Commissioner Willich moved to approve the resolution and Commissioner Lyons seconded the motion.

Public Comment was offered by:

- Steve Koontz stated that he and George Denton did a lot of work on this a few years back, and they learned an overpass is the way to go. The railroad supports an overpass per documentation on grade separated crossing.
- Rick Van Aken stated he hopes this City Commission can finally get this done. He understand the process of needing a study and public input, but expressed this really needs to get done.
- Patricia Grabow stated she appreciates the City Managers process for this project.
- Lindie Gibson expressed that doesn't want to see another study done for this, but does feel an overpass would be best.

Chair Kahle asked the City Manager for clarification on a public comment question stating there was another grant that had to be paid back if we didn't move forward and wondered if this was similar.

The City Manager stated no, that situation unique and distinctively different from this situation.

Commissioner Lyons stated that taking advantage of an existing funding source for a planning study will help their chances in going for other funding sources, if and when they get to an alternative that is deemed suitable to the Commission and Community. He clarified the difference between planning work and a traffic study, and stated there is more to just the impacts of traffic that a crossing might have that is critical to the overall impacts of what increasing accessibility to the Northside might have.

Commissioner Willich realizes this is the fourth or fifth time this project has taken the first step, expressed he is excited to see this through.

Commissioner Schwarz stated he felt this is very necessary, and is interested in what the study comes up with.

Vice-Chair Nootz expressed she feels they need to keep working for the Northside. She brought up concerns that all other Northside conversations stop when they are working on a crossing like this, and really hopes the many other issues on the Northside keep being worked on.

Chair Kahle thanked the City Manager for giving this a try again. She feels optimistic they will be successful this time.

The item was approved unanimously by the five Commissioners present.

**B. ORDINANCE 3046: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30, ZONING, OF THE LIVINGSTON MUNICIPAL CODE, BY ALTERING SECTION 30.40, AS IT RELATES TO RESIDENTIAL USES IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT. PG.59**

Chair Kahle called on the City Manager to introduce the item.

The City Manager stated that he and City staff originally crafted this ordinance in response to State mandated changes to zoning, and reminded two out the three bills that they were responding to were subject of an injunction that halted their implementation. Based on the Commissions direction in the last meeting changes have been removed that were related to two of the bills SB 323 and SB 528, and are only proceeding with the changes required to implement the provisions of SB 245 with the modifications deliberated upon by the Commission. He stated with the substitute nature of the changes this ordinance is coming back as a first reading.

Commissioner Lyons asked about a limit to number of units, and what is used to constrain that number.

The City Manager stated because of the reduced scope of this ordinance they are not touching any other sections, so the last version of the ordinance did include density tables for each district because they were not adjusting those, they fell off ordinance that is presented. He did clarify the primary mechanism or limiting factor that would reduce mass or bulk in the Neighborhood Commercial Zone is the 27 foot height restriction.

Commissioner Lyons asked where to find that height restriction.

The City Manager stated it is in Livingston Municipal Code under 30.42.

Commissioner Willich wondered if there are square footage minimums in terms of density as opposed to height.

The City Manager stated there are some requirements in the building code that would impact the minimum size of a unit.

Commissioner Lyons moved to approve the ordinance and Commissioner Schwarz seconded the motion.

Commissioner Schwarz thanked staff for putting this item together and with input from Commissioner Lyons he feels this ordinance looks good.

Commissioner Lyons stated he appreciates the limiting factor being height, and feels anytime there is ability to incorporate residential with commercial development that is a positive for the community.

Commissioner Willich agrees with the input given by Commissioner Lyons originally and appreciates the work staff has done on this.

Vice-Chair Nootz stated that Neighborhood Commercial is currently only on the Northside and this isn't adding commercial it is adding residential, so it's not changing the impact of commercial on the Northside. She feels when the State mandated they change this zone it's making the Neighborhood Commercial very similar to the Mixed Use Zone, and feels there is not a great distinction between those two zones now.



Chair Kahle thanked Vice-Chair Nootz for her input and thoughts. She expressed that she likes how quickly they are moving forward on housing issues.

The item was approved unanimously by the five commissioners present.

**C. ORDINANCE 3049: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING PROPERTY LOCATED AT 5284 US HWY 89 S, RECENTLY ANNEXED AND GENERALLY KNOWN AS RY TIMBER, AS LIGHT INDUSTRIAL (LI). PG.74**

Chair Kahle called on the City Manager to introduce the item.

The City Manager stated this item is a secondary action to an action that the Commission took in November 2023 to annex in the RY Timber property. Under State code they have the responsibility to zone the newly annexed land. Staff recommendation is zone this as Light Industrial, and includes several reasons why recommended Light Industrial. He invited Planning Director Severson to discuss more about her recommendation.

Planning Director Severson presented slides. **(Starts at Video Mark 1:08:28)**

Vice-Chair Nootz expressed concerns about neighbors to RY Timber and the impact of debris.

The City Manager stated in the State of Montana air quality is regulated by the Department of Environmental Quality, and the City does have certain air quality monitors in place, the nearest one being about 7 blocks from the facility.

Vice-Chair Nootz asked who the community should reach out to if they are impacted by this facility being up and running again.

The City Manager stated he is the best contact for those concerns.

Chair Kahle asked about river setbacks.

Planning Director Severson stated in the packet on attachment five is a map of the flood plain, so any development within that flood plain would have to comply with requirements for flood proofing. It is currently mapped as regulatory flood plain not flood way.

Commissioner Schwarz moved to approve the ordinance and Commissioner Willich seconded the motion.

Public Comment was offered by:

- Rick Van Aken agreed with Chair Kahle’s thoughts about river setbacks.
- Johnathan Hettinger expressed concerns about this the future for this location if or when the facility goes out of business.

Commissioner Schwarz asked if they were only doing Light Industrial for the life of the business, but once it is no longer used for a lumber mill will it go to Neighborhood Commercial.

The City Manager stated no this property will be zone as Light Industrial until it is rezoned by the City Commission.

Commissioner Lyons expressed concerns about the land after it is no longer being used as a lumber mill, and concerns about development near the river, and what kind of development it could possibly be.

Commissioner Willich stated he looks at this Light Industrial location as potential for jobs in the City of Livingston.

Vice-Chair Nootz asked if Planning Director Severson could review the flood plain map again.

Planning Director Severson reviewed the map in detail **(Starts at Video Mark 1:34:18)**

Vice-Chair Nootz thanked Planning Director Severson for the review. She talked through the lowest risk for flooding such as residential vs. businesses and zoning this area Light Industrial vs. Neighborhood Commercial.

Chair Kahle questioned if they do something different than what the future land use map is saying will they need to update the future land use map.

The City Manager stated there some cities in the State of Montana that don't do anything without updating their Growth Policy, but he stated they are in a unique situation with this property because it was annexation by petition, and under that provision of Montana Code Annotated the City has 90 days to establish what the zoning of the parcel is.

Chair Kahle expressed thoughts about flooding and doesn't want to see residential people flood, and ran through thoughts on Light Industrial vs. Neighborhood Commercial.

Commissioner Lyons appreciates the risks Vice-Chair Nootz discussed, and also brought up risks for the environment in Light Industrial as concerns he has.

Commissioner Willich addressed this thoughts on risk and stated in the event of a flood, he felt having a building out there with no people and only full of tools and material is far less risky than trying to figure out how to get families out of that flooded area.

Vice-Chair brought up concerns for the public and thinking about what they could put there to meet the needs of the citizens in a high-risk scenario.

The item was approved unanimously by the five commissioners present.

7:30pm Commissioner Schwarz motioned for a 10 minute break and seconded by Commissioner Lyons. Unanimously approved.

**(Starts at Video Mark 1:59:21)**

- D. ORDINANCE 3050: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING THE PROPERTY ADDRESSED AT 1 VIEW VISTA DRIVE AND LEGALLY DESCRIBED AS PARCEL 1 IN SECTION 13, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), CERTIFICATE**

**OF SURVEY 984, RECENTLY ANNEXED AND GENERALLY KNOWN AS THE VIEW VISTA COMMUNITY, AS MIXED USE (MU). PG.99**

Chair Kahle called on the City Manager to introduce the item.

The City Manager stated this is the zoning of a recently annexed property, and this property was annexed by petition of the owners. He invited Planning Director Severson to discuss the parcel.

Planning Director Severson presented slides. **(Starts at Video Mark 2:00:56)**

Commissioner Schwarz asked if there was 90 days from annexation to approve zoning.

The City Manager stated yes.

Vice-Chair Nootz asked if they have examined the potential impact on existing infrastructure if this was a maximum build out.

The City Manager stated one of the motivations for this annexation was to help the community be able to fund water and sewer improvements within the community. City staff is working with the community to completely re-do their water and sewer, and through that process making sure the community and engineers contemplate what the future of this property may look like to make sure there is adequate size of mains and adequate space in the mains that would allow possible future changes.

Vice-Chair Nootz asked there was anything to include about the river for this zoning.

Planning Director Severson stated that was brought up at the Zoning Commission meeting and a flood map is in the packet. She said this is a 500 year which is a non-regulatory flood plain for the Yellowstone, and stated Fleshman Creek is not currently a mapped flood plain, it is being included in the ongoing flood study. Being in a 500 year flood plain doesn't impact how you are required to build.

Commissioner Lyons asked if there is a sense of the number of developable units in reference to the difference between RII and Mixed Use.

The City Manager stated the parcel is about eleven acres, and the underlying density allowable on RII is approximately 13 units per acre, not including ADU's, just thirteen primary units. The base zoning in mixed use is approximately 42 primary units per acre.

Commissioner Lyons asked if that would expand the use, or diminish the uses.

The City Manager stated it would expand by approximately 29 units in Mixed Use and expanding that over the eleven acres brings it to about 319 units additional.

Commissioner Lyons asked if ADU's could be added to either scenario or just the RII.

The City Manager stated as discussed in January they had intended Ordinance 3046 to clarify that ADU's are for single family dwellings only and not for multi-family.

Chair Kahle clarified that one the reasons they are looking at Mixed Use is because of the apartment buildings on the property, and they wouldn't be allowed in RII. She stated many of those apartments are not inhabitable and would take a lot of work to make them livable, and stated if this was RII and those apartments went away they would not come back.

The City Manager stated yes, the City has been working through a Community Development Block Grant with NeighborWorks to assess the condition of the apartment buildings, and they do have a preliminary architectural report on the building that does show significant improvements that would be required to make all the units habitable.

Commissioner Schwarz moved to approve the ordinance and Vice-Chair Nootz seconded the motion.

Public Comment was offered by:

- Rebecca Heemstra works with NeighborWorks Montana, she represents the board members and residents of the View Vista Community. She stated this community has been resident owned since 2020 and they are very appreciative of the annexation. The board is in favor of the Mixed Use zoning because they feel that offers the greatest potential for future growth. She asked for clarification around manufactured homes for this community based on findings in the LMC.

The City Manager stated he realizes there is inconsistency in the Livingston Municipal Zoning Code, and this question that Rebecca pointed out is something they are aware of and intend to fix in the zoning update coming up. He stated at a staff level that they do agree that manufactured homes are allowed anywhere that a normal home is allowed.

Chair Kahle asked if they needed to move an existing home to make room for others could they do that.

The City Manager stated they will work within their administrative authority to accommodate any changes, and included there may be chance of a variance request if there is a change that needs to happen in the next several months before the zoning code is updated.

Vice-Chair Nootz asked what the process is for a variance request.

The City Manager stated an application is submitted to the zoning administrator then that application is presented to the City Commission.

Vice-Chair Nootz stated that it makes sense to lean toward Mixed Use vs. RII. She stated she appreciates previous comments about needing the ability to diversity the economy and Mixed Use allows for that. She likes that the infrastructure can handle it, and appreciates the partnership between the resident owned community and the City of Livingston.

Commissioner Willich asked that the difference is between Mixed Use and Neighborhood Commercial in this application other than a 60 ft. height vs. a 27 ft. height.

The City Manager stated prior this evening there were fairly substantial differences in the amount of residential that was allowed, and one of those differences is that in Neighborhood Commercial residential uses are only allowed in a building that also includes a commercial use, where as that is not a requirement of Mixed Use.

Commissioner Lyons stated his only hesitation with this is the potential for environmental injustice happening. He stated he does like Mixed Use development and thinks it's a great way to do land use planning.

Chair Kahle realizes the potential flood risk in this area and stated when the maps come out they will get to look at that. She stated seeing this resident owned community grow and develop is huge and likes the idea of Mixed Use.

Commissioner Willich stated he has an issue with the zone itself and stated Mixed Use zoning has a greater height allowance than RII, 60 ft. vs. 27 ft. and smaller minimum lot size than RII which is 3500 sq. ft. vs. 875 sq. ft., so he feels 60 ft. tall 875 sq. ft. buildings on eleven acres does not fit in with the City of Livingston.

Vice-Chair Nootz stated it may be helpful to compare RIII to RII because Mixed Use is a lot different, and comparing Central Business District.

The City Manager stated Mixed Use is predominantly on the Northside of the tracks. He then ran through the comparisons of these zones with a shared screen. **(Starts at Video Mark 2:41:32)**

Vice-Chair Nootz expressed it is helpful to have that comparison done and seeing it side by side. She feels it important to hear and understand what the community needs, and appreciates Commissioner Lyons bringing it up.

Commissioner Lyons asked about setbacks and noticed there are no setbacks required in Mixed Use, and is wondering if there is something in the Building Code that would prevent a building being built on an 875 sq. ft. lot that is 60 ft. tall, but wonders if that would be allowed.

The City Manager stated that parking is the main factor in development and the City of Livingston does require one parking spot for every unit of multi-family housing.

The item was approved unanimously by the five commissioners present.

8:32p Vice-Chair Nootz moved to extend the meeting and Commissioner Lyons seconded the motion. Unanimously approved by the five commissioners present.

7:30pm Vice-Chair Nootz motioned for a 5 minute break and seconded by Commissioner Schwarz. Unanimously approved.

**(Starts at Video Mark 2:50:10)**

**E. ORDINANCE 3051: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 10, CURFEW, DISTURBING THE PEACE, AND NOISE, OF THE LIVINGSTON MUNICIPAL CODE, BY AMENDING SECTIONS 10-5 AND 10-6. PG.116**

Chair Kahle called on the City Manager to introduce the item.

The City Manager stated this item something the City Commission discussed over the summer and asked that it be brought back. He stated they have in the current budget year increased Code Enforcement assets, and they have encountered some vagueness in the code that have made enforcement of the noise ordinance difficult. They have tried to add greater specificity for noise limits to provide clarity for uses and for Enforcement staff. The City Manager introduced Policy Analyst Greg Anthony to discuss the ordinance.

Policy Analyst Anthony presented slides **(Starts at Video Mark 2:52:12)**

Vice-Chair Nootz stated this noise ordinance is very comprehensive. She appreciates the administrative process included in this ordinance. She stated she looked at the Billing noise ordinance and she found a minimum and maximum permissible noise and wanted further clarification on that.

Policy Analyst Anthony stated he looked at multiple cities to see how they listed their decibel limits, and some do have a minimum and maximum, but his intent was to make it as standard as possible without creating variations and so it could be enforceable.

Vice-Chair Nootz moved to approve the ordinance and Commissioner Schwarz seconded the motion.

Public Comment was offered by:

- Erika Adams is the Executive Director for the Shane Center and stated if this were to pass they would need to guidance on how to comply. She pointed out specific questions of the ordinance where she had questions.

The City Manager stated this ordinance, if approved, will be enforced by the Code Enforcement Division, and would be occasionally supplemented by the Police Department. He stated the decibels that have been presented will be as measured at the property line, and if a complaint is received Code Enforcement would take a reading at the property line. They do have ANSI certified machines for readings.

Chair Kahle asked about the Shane Center having a Special Exception Permit and when the noise ordinance would come into place.

The City Manager stated that is when section A8 takes effect.

Commissioner Lyons asked about the waiver request and how it is granted.

The City Manager stated they are an administrative waiver.

Commissioner Willich asked about the change from 10pm to 8pm.

The City Manager stated it was included in the table Policy Analyst Anthony presented and they did discover that 8p is frequently when nighttime started, and they tried to match what was granted in Special Exceptions.

Vice-Chair Nootz reminded that the Special Exception permits would be for the types of events that would be going later into the evening. She stated she would caution against being overly specific. She feels this is a nice balance.

Chair Kahle stated she agrees with Vice-Chair Nootz and feels this ordinance is much better than the old one.

The item was approved unanimously by the five commissioners present.

## 8. City Manager Comment

The City Manager thanked the Commissioners for their time tonight.

## 9. City Commission Comments

Commissioner Willich expressed good steps forward tonight.

Vice-Chair Nootz reminded that there was training they just attended and brought up something she learned about that other municipalities have local conflict of interest polices, which seems useful for the City Commission. She would like to see this on an agenda in the future.

Vice-Chair Nootz motioned to bring a conflict of interest policy to later meeting seconded by Commissioner Schwarz.

Commissioner Willich stated he thought since we not a charter we would just follow what the State does.

The City Manager stated the State does have a Code of Ethics and Code of Conduct, but he will work with the City Attorney to find out if they can adopt an additional conflict of interest policy.

Chair Kahle thanked the Commissioner for the meeting tonight.

## 10. Adjournment

9:21 pm Commissioner Schwarz motioned to adjourn the meeting seconded by Commissioner Lyons. Unanimously approved.

## Calendar of Events

## Supplemental Material

### 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.

**File Attachments for Item:**

**C. APPROVAL OF CLAIMS PAID 2/1/24 - 2/14/24**



Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>ALL SERVICE TIRE &amp; ALIGNMENT</b>							
22	ALL SERVICE TIRE & ALIGNME	67637	Tires	01/30/2024	2,702.00	2,702.00	02/13/2024
Total ALL SERVICE TIRE & ALIGNMENT:					2,702.00	2,702.00	
<b>ALPINE ELECTRONICS RADIO SHACK</b>							
402	ALPINE ELECTRONICS RADIO	10300560	Office Supplies JUDGE	01/30/2024	16.50	16.50	02/13/2024
Total ALPINE ELECTRONICS RADIO SHACK:					16.50	16.50	
<b>BALCO UNIFORM COMPANY, INC.</b>							
3371	BALCO UNIFORM COMPANY, IN	58560	safety vest	11/06/2023	63.00	63.00	02/13/2024
3371	BALCO UNIFORM COMPANY, IN	76360-2	Uniform-ENGLE	11/27/2023	103.20	103.20	02/13/2024
3371	BALCO UNIFORM COMPANY, IN	76454-2	Uniform-BRANDT	11/27/2023	103.20	103.20	02/13/2024
3371	BALCO UNIFORM COMPANY, IN	77351	Uniform-BADGES	12/06/2023	820.40	820.40	02/13/2024
3371	BALCO UNIFORM COMPANY, IN	77994	Uniform-ALLEN	02/08/2024	308.99	308.99	02/13/2024
Total BALCO UNIFORM COMPANY, INC.:					1,398.79	1,398.79	
<b>BETTER DAYS CLEANING</b>							
10004	BETTER DAYS CLEANING	1282	CLEANING	02/01/2024	875.00	875.00	02/13/2024
Total BETTER DAYS CLEANING:					875.00	875.00	
<b>BIG STATE INDUSTRIAL SUPPLY</b>							
10006	BIG STATE INDUSTRIAL SUPPL	1542623	PPE	12/30/2023	1,399.60	1,399.60	02/13/2024
Total BIG STATE INDUSTRIAL SUPPLY:					1,399.60	1,399.60	
<b>BNSF RAILWAY COMPANY</b>							
10006	BNSF RAILWAY COMPANY	MR600249	LAND LEASE	01/12/2024	733.50	733.50	02/13/2024
Total BNSF RAILWAY COMPANY:					733.50	733.50	
<b>BOUND TREE MEDICAL, LLC</b>							
2662	BOUND TREE MEDICAL, LLC	85229479	Patient Supplies	01/25/2024	520.13	520.13	02/13/2024
2662	BOUND TREE MEDICAL, LLC	85229480	Patient Supplies	01/25/2024	1,718.30	1,718.30	02/13/2024
2662	BOUND TREE MEDICAL, LLC	85236149	Patient Supplies	01/31/2024	47.85	47.85	02/13/2024
Total BOUND TREE MEDICAL, LLC:					2,286.28	2,286.28	
<b>BRUCE E. BECKER, P.C.</b>							
10000	BRUCE E. BECKER, P.C.	2024.1	Contracted service	01/31/2024	4,000.00	4,000.00	02/13/2024
Total BRUCE E. BECKER, P.C.:					4,000.00	4,000.00	
<b>CANON FINANCIAL SERVICES, INC</b>							
1747	CANON FINANCIAL SERVICES, I	31918617	Printer	01/12/2024	29.31	29.31	02/13/2024
1747	CANON FINANCIAL SERVICES, I	31918618	Printer	01/12/2024	29.75	29.75	02/13/2024
Total CANON FINANCIAL SERVICES, INC:					59.06	59.06	
<b>CARQUEST AUTO PARTS</b>							
23	CARQUEST AUTO PARTS	1912-601626	ANTIFREEZE	01/04/2024	33.04	33.04	02/13/2024
23	CARQUEST AUTO PARTS	1912-602657	FILTER	01/16/2024	21.15	21.15	02/13/2024
23	CARQUEST AUTO PARTS	1912-602674	WASHER FLUID	01/16/2024	28.74	28.74	02/13/2024
23	CARQUEST AUTO PARTS	1912-602719	BATTERY	01/16/2024	150.06	150.06	02/13/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
23	CARQUEST AUTO PARTS	1912-602801	HEADLIGHT	01/17/2024	25.63	25.63	02/13/2024
23	CARQUEST AUTO PARTS	1912-602815	DEF	01/17/2024	228.00	228.00	02/13/2024
23	CARQUEST AUTO PARTS	1912-603145	DE ICER	01/19/2024	12.86	12.86	02/13/2024
23	CARQUEST AUTO PARTS	1912-603228	CABIN AIR	01/19/2024	20.49	20.49	02/13/2024
23	CARQUEST AUTO PARTS	1912-603239	HYDRAULIC HOSE	01/19/2024	55.50	55.50	02/13/2024
23	CARQUEST AUTO PARTS	1912-603428	AIR FILTER	01/22/2024	65.78	65.78	02/13/2024
23	CARQUEST AUTO PARTS	1912-603730	LUB SPIN ON	01/25/2024	81.52	81.52	02/13/2024
23	CARQUEST AUTO PARTS	1912-603735	FILTER	01/25/2024	8.32	8.32	02/13/2024
23	CARQUEST AUTO PARTS	1912-603811	BRUSH FLO	01/26/2024	35.86	35.86	02/13/2024
23	CARQUEST AUTO PARTS	1913-601427	CLR MKR LAMP	01/02/2024	67.03	67.03	02/13/2024
Total CARQUEST AUTO PARTS:					833.98	833.98	
<b>CASELLE</b>							
3763	CASELLE	130946	APPLICATION SOFTWARE	02/01/2024	2,895.16	2,895.16	02/13/2024
3763	CASELLE	130946	APPLICATION SOFTWARE	02/01/2024	95.10	95.10	02/13/2024
3763	CASELLE	130946	APPLICATION SOFTWARE	02/01/2024	95.10	95.10	02/13/2024
3763	CASELLE	130946	APPLICATION SOFTWARE	02/01/2024	183.51	183.51	02/13/2024
3763	CASELLE	130946	APPLICATION SOFTWARE	02/01/2024	183.51	183.51	02/13/2024
3763	CASELLE	130946	APPLICATION SOFTWARE	02/01/2024	278.62	278.62	02/13/2024
Total CASELLE:					3,731.00	3,731.00	
<b>CASEY'S CORNER</b>							
10001	CASEY'S CORNER	TK2021-0236	Restitution	01/31/2024	4.99	4.99	01/31/2024
Total CASEY'S CORNER:					4.99	4.99	
<b>CITY OF LIVINGSTON</b>							
131	CITY OF LIVINGSTON	2024_01	Disbursement to City	01/31/2024	9,329.00	9,329.00	01/31/2024
Total CITY OF LIVINGSTON:					9,329.00	9,329.00	
<b>COMDATA</b>							
2671	COMDATA	20405752	CG72P	02/01/2024	267.21	267.21	02/13/2024
2671	COMDATA	20405752	CG72R	02/01/2024	140.81	140.81	02/13/2024
2671	COMDATA	20405752	CG73C	02/01/2024	348.40	348.40	02/13/2024
2671	COMDATA	20405752	CG73H	02/01/2024	109.29	109.29	02/13/2024
2671	COMDATA	20405752	CG73L	02/01/2024	127.45	127.45	02/13/2024
2671	COMDATA	20405752	CG73S	02/01/2024	815.46	815.46	02/13/2024
2671	COMDATA	20405752	CG74G	02/01/2024	307.94	307.94	02/13/2024
2671	COMDATA	XW717/204059	CG72S	02/01/2024	2,000.94	2,000.94	02/13/2024
Total COMDATA:					4,117.50	4,117.50	
<b>CRASH CHAMPIONS</b>							
9	CRASH CHAMPIONS	612000811	2021 DODGE	01/02/2024	6,356.12	6,356.12	02/13/2024
Total CRASH CHAMPIONS:					6,356.12	6,356.12	
<b>DEPARTMENT OF LABOR &amp; INDUSTRY</b>							
2338	DEPARTMENT OF LABOR & IND	2023.2.1	Building code edu fu	02/01/2023	471.34	471.34	02/13/2024
Total DEPARTMENT OF LABOR & INDUSTRY:					471.34	471.34	
<b>DEPARTMENT OF REVENUE</b>							
122	DEPARTMENT OF REVENUE	2023_12WMC	Western Municipal - Gross Receipt	01/18/2024	1,340.40	1,340.40	02/05/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total DEPARTMENT OF REVENUE:					1,340.40	1,340.40	
<b>EXEC U CARE SERVICES, INC.</b>							
3298	EXEC U CARE SERVICES, INC.	3671	Janitorial Services	01/30/2024	2,381.96	2,381.96	02/13/2024
Total EXEC U CARE SERVICES, INC.:					2,381.96	2,381.96	
<b>FARSTAD OIL</b>							
3353	FARSTAD OIL	103448	Diesel 210G	01/30/2024	864.39	864.39	02/13/2024
Total FARSTAD OIL:					864.39	864.39	
<b>FRONTLINE AG SOLUTIONS, LLC</b>							
2516	FRONTLINE AG SOLUTIONS, LL	1102016	OIL	01/24/2024	144.00	144.00	02/13/2024
Total FRONTLINE AG SOLUTIONS, LLC:					144.00	144.00	
<b>GENERAL DISTRIBUTING COMPANY</b>							
1845	GENERAL DISTRIBUTING COM	0001338269	Patient Supplies	01/31/2024	118.33	118.33	02/13/2024
Total GENERAL DISTRIBUTING COMPANY:					118.33	118.33	
<b>GRAYBEAL'S ALL SERVICE</b>							
98	GRAYBEAL'S ALL SERVICE	15274	FURNACE PW	01/23/2024	30.00	30.00	02/13/2024
98	GRAYBEAL'S ALL SERVICE	15274	FURNACE PW	01/23/2024	30.00	30.00	02/13/2024
98	GRAYBEAL'S ALL SERVICE	15274	FURNACE PW	01/23/2024	30.00	30.00	02/13/2024
98	GRAYBEAL'S ALL SERVICE	15274	FURNACE PW	01/23/2024	30.00	30.00	02/13/2024
98	GRAYBEAL'S ALL SERVICE	15345	IGNITION MODULE	01/09/2024	83.40	83.40	02/13/2024
98	GRAYBEAL'S ALL SERVICE	15345	IGNITION MODULE	01/09/2024	83.40	83.40	02/13/2024
98	GRAYBEAL'S ALL SERVICE	15345	IGNITION MODULE	01/09/2024	83.40	83.40	02/13/2024
98	GRAYBEAL'S ALL SERVICE	15345	IGNITION MODULE	01/09/2024	83.40	83.40	02/13/2024
98	GRAYBEAL'S ALL SERVICE	15529	NATURAL GAS HEATER	01/24/2024	4,470.00	4,470.00	02/13/2024
Total GRAYBEAL'S ALL SERVICE:					5,007.00	5,007.00	
<b>GUY'S GLASS, INC.</b>							
529	GUY'S GLASS, INC.	16365-D	GLASS IN DOOR	01/31/2024	1,616.00	1,616.00	02/13/2024
Total GUY'S GLASS, INC.:					1,616.00	1,616.00	
<b>HANSER'S AUTOMOTIVE &amp; WRECKER</b>							
1687	HANSER'S AUTOMOTIVE & WR	LIV5253	Tow	02/05/2024	100.00	100.00	02/13/2024
1687	HANSER'S AUTOMOTIVE & WR	LIV5255	Towing Charge	02/05/2024	100.00	100.00	02/13/2024
1687	HANSER'S AUTOMOTIVE & WR	LIV5305	Towing Charge	02/06/2024	100.00	100.00	02/13/2024
Total HANSER'S AUTOMOTIVE & WRECKER:					300.00	300.00	
<b>HORIZON AUTO PARTS</b>							
1920	HORIZON AUTO PARTS	990838	ABSORBENT	01/25/2024	18.49	18.49	02/13/2024
1920	HORIZON AUTO PARTS	990840	ROCKER LED	01/25/2024	11.49	11.49	02/13/2024
1920	HORIZON AUTO PARTS	991167	FUEL FILTER	01/30/2024	13.82	13.82	02/13/2024
Total HORIZON AUTO PARTS:					43.80	43.80	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>HUGHES FIRE EQUIPMENT, INC</b>							
3721	HUGHES FIRE EQUIPMENT, INC	602037	REPAIRS	01/25/2024	973.73	973.73	02/13/2024
Total HUGHES FIRE EQUIPMENT, INC:					973.73	973.73	
<b>IRRIGATION INNOVATIONS</b>							
10002	IRRIGATION INNOVATIONS	8089	SNOW REMOVAL SERVICES	02/01/2024	360.00	360.00	02/13/2024
Total IRRIGATION INNOVATIONS:					360.00	360.00	
<b>J &amp; H OFFICE EQUIPMENT</b>							
1783	J & H OFFICE EQUIPMENT	35812483	AGREEMENT 015-1486424	01/29/2024	297.80	297.80	02/13/2024
Total J & H OFFICE EQUIPMENT:					297.80	297.80	
<b>JON M HESSE PC</b>							
10005	JON M HESSE PC	45762	PROFESSIONAL SERVICES	01/30/2024	3,269.47	3,269.47	02/13/2024
Total JON M HESSE PC:					3,269.47	3,269.47	
<b>KELLEY CONNECT</b>							
10001	KELLEY CONNECT	35834665	agreement 112-1689019	01/31/2024	658.14	658.14	02/13/2024
Total KELLEY CONNECT:					658.14	658.14	
<b>KELLEY CREATE</b>							
10006	KELLEY CREATE	IN1516955	JH16535	01/03/2024	94.06	94.06	02/13/2024
10006	KELLEY CREATE	IN1534856	JH13312	01/26/2024	190.99	190.99	02/13/2024
10006	KELLEY CREATE	IN1542226	JH16414	02/01/2024	5.42	5.42	02/13/2024
10006	KELLEY CREATE	IN1543956	JH120232	02/02/2024	121.53	121.53	02/13/2024
Total KELLEY CREATE:					412.00	412.00	
<b>KEN'S EQUIPMENT REPAIR, INC</b>							
1390	KEN'S EQUIPMENT REPAIR, IN	61675	RADIATOR	01/02/2024	7,004.10	7,004.10	02/13/2024
1390	KEN'S EQUIPMENT REPAIR, IN	61980A	DATA LINK	12/01/2023	2,562.55	2,562.55	02/13/2024
1390	KEN'S EQUIPMENT REPAIR, IN	61982	MIRROR	12/04/2023	15.00	15.00	02/13/2024
1390	KEN'S EQUIPMENT REPAIR, IN	61988	SENSORS	12/05/2023	4,442.80	4,442.80	02/13/2024
1390	KEN'S EQUIPMENT REPAIR, IN	62002	SIDE WALL WELLS	12/08/2023	2,310.50	2,310.50	02/13/2024
1390	KEN'S EQUIPMENT REPAIR, IN	62010	PROX SENSOR	12/11/2023	884.35	884.35	02/13/2024
1390	KEN'S EQUIPMENT REPAIR, IN	62011	SOLENOID CLEAN	12/12/2023	275.00	275.00	02/13/2024
1390	KEN'S EQUIPMENT REPAIR, IN	62046	FUEL LINE REPAIR	12/19/2023	178.95	178.95	02/13/2024
1390	KEN'S EQUIPMENT REPAIR, IN	62072	SERVICE	01/02/2024	697.00	697.00	02/13/2024
1390	KEN'S EQUIPMENT REPAIR, IN	62089	OIL COOLER	01/03/2024	426.25	426.25	02/13/2024
1390	KEN'S EQUIPMENT REPAIR, IN	62095	HUB LEAK	01/04/2024	110.00	110.00	02/13/2024
1390	KEN'S EQUIPMENT REPAIR, IN	62147	HYD ARM FUNCTION	01/15/2024	275.00	275.00	02/13/2024
1390	KEN'S EQUIPMENT REPAIR, IN	62162	AIR LINE FITTING	01/17/2024	139.55	139.55	02/13/2024
1390	KEN'S EQUIPMENT REPAIR, IN	62164	DATA LINK TO ECM	01/29/2024	4,342.25	4,342.25	02/13/2024
1390	KEN'S EQUIPMENT REPAIR, IN	62175	MHD	01/19/2024	379.90	379.90	02/13/2024
1390	KEN'S EQUIPMENT REPAIR, IN	62202	SLEEVE/HOSE	01/26/2024	221.45	221.45	02/13/2024
1390	KEN'S EQUIPMENT REPAIR, IN	62204	HYD ARM FUNCTION	01/29/2024	296.85	296.85	02/13/2024
Total KEN'S EQUIPMENT REPAIR, INC:					24,561.50	24,561.50	
<b>KENYON NOBLE</b>							
776	KENYON NOBLE	1341626	DRIVE BIT	12/29/2023	11.68	11.68	02/13/2024
776	KENYON NOBLE	1345769	COMPRESSION	01/02/2024	32.98	32.98	02/13/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
776	KENYON NOBLE	1347807	FLAGGING TAPE	01/03/2024	6.58	6.58	02/13/2024
776	KENYON NOBLE	1354308	GORILLA TAPE	01/08/2024	139.63	139.63	02/13/2024
776	KENYON NOBLE	1361606	HEATER	01/12/2024	92.97	92.97	02/13/2024
776	KENYON NOBLE	1369106	SHOP FAUCET	01/17/2024	23.38	23.38	02/13/2024
776	KENYON NOBLE	1370299	BRAID FLEX	01/18/2024	26.48	26.48	02/13/2024
776	KENYON NOBLE	1375076	STAKES	01/22/2024	47.98	47.98	02/13/2024
776	KENYON NOBLE	1377088	COUPLING	01/23/2024	33.15	33.15	02/13/2024
776	KENYON NOBLE	1379057	ACCESS FITTING	01/24/2024	31.67	31.67	02/13/2024
Total KENYON NOBLE:					446.50	446.50	

**LEHRKIND'S COCA-COLA**

2830	LEHRKIND'S COCA-COLA	2118922	Water	02/07/2024	51.00	51.00	02/13/2024
2830	LEHRKIND'S COCA-COLA	2118923	Water	02/07/2024	29.00	29.00	02/13/2024
Total LEHRKIND'S COCA-COLA:					80.00	80.00	

**LIVINGSTON ACE HARDWARE - #122005**

26	LIVINGSTON ACE HARDWARE -	D74532	CINCH DOOR	12/29/2023	59.97	59.97	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D74579	LUG XTREME	12/29/2023	51.94	51.94	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D76136	SPRAY PAINT	01/02/2024	13.00	13.00	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D76767	Fasteners	01/04/2024	2.78	2.78	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D77935	EXTENSION CORD	01/06/2024	449.97	449.97	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D78427	BRKR GE	01/08/2024	9.99	9.99	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D78528	TRASH BAG	01/08/2024	15.99	15.99	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D79244	TRAPS	01/10/2024	49.92	49.92	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D79357	BaLL VALVE	01/10/2024	42.99	42.99	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D79451	LINK CHAIN	01/10/2024	18.34	18.34	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D79744	VINYL TUBING	01/11/2024	87.94	87.94	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D80113	PROPANE	01/12/2024	26.97	26.97	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D80128	PROPANE	01/12/2024	28.73	28.73	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D80141	LED LINER	01/12/2024	34.99	34.99	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D803641	STAPLE	01/12/2024	6.99	6.99	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D81744	SUPPLIES	01/16/2024	13.99	13.99	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D82812	SNOW PUSHER	01/19/2024	39.98	39.98	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D82891	PROPANE	01/19/2024	59.85	59.85	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D84081	SUPPLIES	01/22/2024	17.98	17.98	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D84328	COVERALL	01/23/2024	33.98	33.98	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D84378	Station supplies	01/23/2024	91.14	91.14	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D84569	FIIM POLY	01/23/2024	59.99	59.99	02/13/2024
26	LIVINGSTON ACE HARDWARE -	D85335	BRAKE STRAP	01/25/2024	48.97	48.97	02/13/2024
26	LIVINGSTON ACE HARDWARE -	X05741	FASTNERS	12/28/2023	10.49	10.49	02/13/2024
26	LIVINGSTON ACE HARDWARE -	X05816	STATION SUPPLIES	12/30/2023	16.98	16.98	02/13/2024
26	LIVINGSTON ACE HARDWARE -	X06539	BaTTERIES	01/17/2024	119.50	119.50	02/13/2024
26	LIVINGSTON ACE HARDWARE -	X06565	COUPLER	01/17/2024	30.98	30.98	02/13/2024
26	LIVINGSTON ACE HARDWARE -	X06825	FILTER BAG	01/24/2024	115.95	115.95	02/13/2024
Total LIVINGSTON ACE HARDWARE - #122005:					1,560.29	1,560.29	

**MASTERCARD**

3184	MASTERCARD	2023_12 CHAB	Dues - MT Fire Chiefs Association	01/01/2024	75.00	75.00	01/12/2024
3184	MASTERCARD	2023_12 CHAB	station supplies	01/01/2024	19.98	19.98	01/12/2024
3184	MASTERCARD	2023_12 CHAB	award certs	01/01/2024	62.08	62.08	01/12/2024
3184	MASTERCARD	2023_12 FETT	EMPLOYEE GIFT CARD	01/01/2024	50.00	50.00	01/12/2024
3184	MASTERCARD	2023_12 FETT	POST CARDS FOR ANIMAL LIC	01/01/2024	135.89	135.89	01/12/2024
3184	MASTERCARD	2023_12 FETT	COA APPLICATION FEE	01/01/2024	460.00	460.00	01/12/2024
3184	MASTERCARD	2023_12 FETT	ANNUAL MEMBERSHIP	01/01/2024	170.00	170.00	01/12/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2023_12 FETT	CONTINUING EDUCATION	01/01/2024	439.20	439.20	01/12/2024
3184	MASTERCARD	2023_12 FETT	COFFEE	01/01/2024	50.88	50.88	01/12/2024
3184	MASTERCARD	2023_12 FETT	HEADSET	01/01/2024	64.95	64.95	01/12/2024
3184	MASTERCARD	2023_12 FETT	HEADSET	01/01/2024	17.49-	17.49-	01/12/2024
3184	MASTERCARD	2023_12 FETT	COFFEE	01/01/2024	44.97	44.97	01/12/2024
3184	MASTERCARD	2023_12 FETT	COFFEE	01/01/2024	44.97	44.97	01/12/2024
3184	MASTERCARD	2023_12 FETT	COFFEE	01/01/2024	44.97	44.97	01/12/2024
3184	MASTERCARD	2023_12 FETT	COFFEE	01/01/2024	44.97	44.97	01/12/2024
3184	MASTERCARD	2023_12 FETT	OFFICE SUPPLIES	01/01/2024	7.89	7.89	01/12/2024
3184	MASTERCARD	2023_12 FETT	OFFICE SUPPLIES	01/01/2024	50.32	50.32	01/12/2024
3184	MASTERCARD	2023_12 FETT	OFFICE SUPPLIES	01/01/2024	50.17	50.17	01/12/2024
3184	MASTERCARD	2023_12 FETT	RETURN FLAG SHIPPING	01/01/2024	17.63	17.63	01/12/2024
3184	MASTERCARD	2023_12 GAG	PARK COUNTY CLERK & RECO	01/01/2024	115.48	115.48	01/12/2024
3184	MASTERCARD	2023_12 GAG	PARK COUNTY CLERK & RECO	01/01/2024	25.73	25.73	01/12/2024
3184	MASTERCARD	2023_12 GAG	CHATGPT SUBSCRIPTION	01/01/2024	20.00	20.00	01/12/2024
3184	MASTERCARD	2023_12 GAG	EMPLOYEE GIFT CARD	01/01/2024	750.00	750.00	01/12/2024
3184	MASTERCARD	2023_12 GAG	EMPLOYEE GIFT CARD	01/01/2024	750.00	750.00	01/12/2024
3184	MASTERCARD	2023_12 GAG	EMPLOYEE GIFT CARD	01/01/2024	800.00	800.00	01/12/2024
3184	MASTERCARD	2023_12 GAG	EMPLOYEE GIFT CARD	01/01/2024	700.00	700.00	01/12/2024
3184	MASTERCARD	2023_12 GAG	EMPLOYEE GIFT CARD	01/01/2024	700.00	700.00	01/12/2024
3184	MASTERCARD	2023_12 GAG	Christmas Stockings	01/01/2024	72.24	72.24	01/12/2024
3184	MASTERCARD	2023_12 GAG	EMPLOYEE GIFT CARD	01/01/2024	50.00	50.00	01/12/2024
3184	MASTERCARD	2023_12 GAG	EMPLOYEE GIFT CARD	01/01/2024	50.00	50.00	01/12/2024
3184	MASTERCARD	2023_12 GAG	EMPLOYEE GIFT CARD	01/01/2024	50.00	50.00	01/12/2024
3184	MASTERCARD	2023_12 GAG	EMPLOYEE GIFT CARD	01/01/2024	50.00	50.00	01/12/2024
3184	MASTERCARD	2023_12 GAG	EMPLOYEE GIFT CARD	01/01/2024	50.00	50.00	01/12/2024
3184	MASTERCARD	2023_12 GAG	EMPLOYEE GIFT CARD	01/01/2024	50.00	50.00	01/12/2024
3184	MASTERCARD	2023_12 GAG	EMPLOYEE GIFT CARD	01/01/2024	50.00	50.00	01/12/2024
3184	MASTERCARD	2023_12 GAG	EMPLOYEE GIFT CARD	01/01/2024	500.00	500.00	01/12/2024
3184	MASTERCARD	2023_12 GAG	EMPLOYEE GIFT CARD	01/01/2024	700.00	700.00	01/12/2024
3184	MASTERCARD	2023_12 GAG	EMPLOYEE GIFT CARD	01/01/2024	700.00	700.00	01/12/2024
3184	MASTERCARD	2023_12 GAG	GAGER - FLIGHT	01/01/2024	78.00	78.00	01/12/2024
3184	MASTERCARD	2023_12 GAG	EMPLOYEE GIFT CARD	01/01/2024	650.00	650.00	01/12/2024
3184	MASTERCARD	2023_12 GILB	uniform caps	01/01/2024	270.00	270.00	01/12/2024
3184	MASTERCARD	2023_12 GILB	Dues - MT Fire Chiefs Association	01/01/2024	75.00	75.00	01/12/2024
3184	MASTERCARD	2023_12 GILB	PR - Santa Fire Truck	01/01/2024	42.37	42.37	01/12/2024
3184	MASTERCARD	2023_12 GILB	PR - Santa Fire Truck	01/01/2024	66.65	66.65	01/12/2024
3184	MASTERCARD	2023_12 GILB	PR - Santa Fire Truck	01/01/2024	22.72	22.72	01/12/2024
3184	MASTERCARD	2023_12 GILB	helmet shield	01/01/2024	78.30	78.30	01/12/2024
3184	MASTERCARD	2023_12 GILB	accountability name	01/01/2024	26.99	26.99	01/12/2024
3184	MASTERCARD	2023_12 GILB	R&M Medic 2	01/01/2024	209.00	209.00	01/12/2024
3184	MASTERCARD	2023_12 GLAS	FAX	01/01/2024	34.99	34.99	01/12/2024
3184	MASTERCARD	2023_12 GLAS	FAX TRANSACTION FEE	01/01/2024	.31	.31	01/12/2024
3184	MASTERCARD	2023_12 GRA	postage to 85013, 97140	01/01/2024	8.15	8.15	01/12/2024
3184	MASTERCARD	2023_12 GRA	postage to 59812	01/01/2024	4.43	4.43	01/12/2024
3184	MASTERCARD	2023_12 GRA	1 book	01/01/2024	12.00	12.00	01/12/2024
3184	MASTERCARD	2023_12 GRA	postage to 98661, 82190	01/01/2024	11.19	11.19	01/12/2024
3184	MASTERCARD	2023_12 GRA	5 books	01/01/2024	105.00	105.00	01/12/2024
3184	MASTERCARD	2023_12 GRA	toilet tissue	01/01/2024	7.99	7.99	01/12/2024
3184	MASTERCARD	2023_12 GRA	postage to 59812, 97230, 59725,	01/01/2024	15.59	15.59	01/12/2024
3184	MASTERCARD	2023_12 GRA	postage to 83814, 76645	01/01/2024	8.15	8.15	01/12/2024
3184	MASTERCARD	2023_12 GRA	postage to 56321, 19401	01/01/2024	8.15	8.15	01/12/2024
3184	MASTERCARD	2023_12 GRA	postage to 83642, 83814, 80631,	01/01/2024	20.73	20.73	01/12/2024
3184	MASTERCARD	2023_12 GRA	storage bins	01/01/2024	14.99	14.99	01/12/2024
3184	MASTERCARD	2023_12 GRA	long-reach stapler, stapler puller	01/01/2024	23.96	23.96	01/12/2024
3184	MASTERCARD	2023_12 GRA	1 dvd	01/01/2024	19.99	19.99	01/12/2024
3184	MASTERCARD	2023_12 GRA	books	01/01/2024	175.65	175.65	01/12/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2023_12 GRA	postage to 98446	01/01/2024	3.72	3.72	01/12/2024
3184	MASTERCARD	2023_12 GRA	label maker tape, external CD/DV	01/01/2024	63.84	63.84	01/12/2024
3184	MASTERCARD	2023_12 GRA	postage to 21042, 98226, 99775	01/01/2024	17.29	17.29	01/12/2024
3184	MASTERCARD	2023_12 GRA	postage to 83864	01/01/2024	3.72	3.72	01/12/2024
3184	MASTERCARD	2023_12 GRA	Prime Membership Fee	01/01/2024	139.00	139.00	01/12/2024
3184	MASTERCARD	2023_12 HAPP	postage	01/01/2024	8.56	8.56	01/12/2024
3184	MASTERCARD	2023_12 HAPP	cloud storage for court	01/01/2024	.99	.99	01/12/2024
3184	MASTERCARD	2023_12 HAR	targets	01/01/2024	313.98	313.98	01/12/2024
3184	MASTERCARD	2023_12 HAR	vehicle reg	01/01/2024	47.47	47.47	01/12/2024
3184	MASTERCARD	2023_12 HAR	chairs	01/01/2024	338.22	338.22	01/12/2024
3184	MASTERCARD	2023_12 HAR	online training	01/01/2024	125.00	125.00	01/12/2024
3184	MASTERCARD	2023_12 HAR	training	01/01/2024	311.00	311.00	01/12/2024
3184	MASTERCARD	2023_12 HAR	patches	01/01/2024	214.49	214.49	01/12/2024
3184	MASTERCARD	2023_12 JOHN	PO box	01/01/2024	226.00	226.00	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Subscription Services	01/01/2024	40.00	40.00	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Supplies	01/01/2024	14.97	14.97	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Supplies	01/01/2024	105.10	105.10	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Supplies	01/01/2024	20.05	20.05	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Mass airflow sensor wiring harn	01/01/2024	13.00	13.00	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Mass airflow sensor wiring harn	01/01/2024	7.90	7.90	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Subscription Services	01/01/2024	56.59	56.59	01/12/2024
3184	MASTERCARD	2023_12 KINNI	MT Urban Community Forestry As	01/01/2024	100.00	100.00	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Fuel- BacT Samples to Billings	01/01/2024	37.75	37.75	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Office Supplies- Conference Rm.	01/01/2024	245.87	245.87	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Office Supplies- Conference Rm.	01/01/2024	245.87	245.87	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Office Supplies- Conference Rm.	01/01/2024	245.87	245.87	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Office Supplies- Conference Rm.	01/01/2024	245.87	245.87	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Office Supplies- Conference Rm.	01/01/2024	245.86	245.86	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Sewer Vac Truck Supplies	01/01/2024	342.71	342.71	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Office supplies- water fountain filte	01/01/2024	35.78	35.78	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Office supplies- water fountain filte	01/01/2024	35.78	35.78	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Office supplies- water fountain filte	01/01/2024	35.78	35.78	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Office supplies- water fountain filte	01/01/2024	35.78	35.78	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Office supplies- water fountain filte	01/01/2024	35.78	35.78	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Repair/Maintenance supplies	01/01/2024	8.22	8.22	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Repair/Maintenance supplies	01/01/2024	8.22	8.22	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Repair/Maintenance supplies	01/01/2024	8.22	8.22	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Repair/Maintenance supplies	01/01/2024	8.23	8.23	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Parks Dept. Dog waste bags	01/01/2024	341.97	341.97	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Parks Dept. Dog waste bags	01/01/2024	647.94	647.94	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Repair/Maintenance supplies	01/01/2024	2.25	2.25	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Repair/Maintenance supplies	01/01/2024	2.25	2.25	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Repair/Maintenance supplies	01/01/2024	2.25	2.25	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Repair/Maintenance supplies	01/01/2024	2.24	2.24	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Cleaning Supplies	01/01/2024	1.95	1.95	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Cleaning Supplies	01/01/2024	1.95	1.95	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Cleaning Supplies	01/01/2024	1.94	1.94	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Cleaning Supplies	01/01/2024	1.94	1.94	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Subscription Services	01/01/2024	60.00	60.00	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Parks Dept. Dog waste bags	01/01/2024	215.98	215.98	01/12/2024
3184	MASTERCARD	2023_12 KINNI	Water Tech. Supplies	01/01/2024	45.57	45.57	01/12/2024
3184	MASTERCARD	2023_12 PIER	Quarterly Training	01/01/2024	399.90	399.90	01/12/2024
3184	MASTERCARD	2023_12 PIER	Quarterly Training	01/01/2024	45.20	45.20	01/12/2024
3184	MASTERCARD	2023_12 PIER	Call Log Book 2024	01/01/2024	240.00	240.00	01/12/2024
3184	MASTERCARD	2023_12 PIER	Office Supplies	01/01/2024	60.25	60.25	01/12/2024
3184	MASTERCARD	2023_12 PURK	November Medwrite	01/01/2024	4,992.62	4,992.62	01/12/2024
3184	MASTERCARD	2023_12 PURK	GFOA Conference	01/01/2024	500.00	500.00	01/12/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2023_12 R_ST	Dept. Breakfast Meeting	01/01/2024	58.41	58.41	01/12/2024
3184	MASTERCARD	2023_12 R_ST	Fuel- Garbage truck to billings an	01/01/2024	109.79	109.79	01/12/2024
3184	MASTERCARD	2023_12 RUBI	Zoom Membership to be able to h	01/01/2024	108.86	108.86	01/12/2024
3184	MASTERCARD	2023_12 RUBI	National HR Certification renewal	01/01/2024	169.00	169.00	01/12/2024
3184	MASTERCARD	2023_12 RUBI	Holiday Party Supplies	01/01/2024	98.35	98.35	01/12/2024
3184	MASTERCARD	2023_12 RUBI	Holiday Party Supplies	01/01/2024	24.96	24.96	01/12/2024
3184	MASTERCARD	2023_12 SEVE	Membership Dues	01/01/2024	65.00	65.00	01/12/2024
3184	MASTERCARD	2023_12 SKAG	Parks Dept. Garbage bags	01/01/2024	108.47	108.47	01/12/2024
3184	MASTERCARD	2023_12 SKAG	Parks Dept. Wheelbarrow	01/01/2024	116.98	116.98	01/12/2024
3184	MASTERCARD	2023_12 SKAG	2024 Calender	01/01/2024	24.49	24.49	01/12/2024
3184	MASTERCARD	2023_12 SKAG	Parks Dept. Disposable nitrile glove	01/01/2024	66.99	66.99	01/12/2024
3184	MASTERCARD	2023_12 SKAG	Office Supplies 2024 Calender	01/01/2024	25.92	25.92	01/12/2024
3184	MASTERCARD	2023_12 SKAG	Goverenment Applicator	01/01/2024	134.80	134.80	01/12/2024
3184	MASTERCARD	2023_12 TARR	Subscription	01/01/2024	12.00	12.00	01/12/2024
3184	MASTERCARD	2023_12 TARR	Youth Basketball Advertising	01/01/2024	112.62	112.62	01/12/2024
3184	MASTERCARD	2023_12 TARR	Movie Night Supplies	01/01/2024	30.24	30.24	01/12/2024
3184	MASTERCARD	2023_12 TARR	Movie Night Movie Rental	01/01/2024	4.99	4.99	01/12/2024
3184	MASTERCARD	2023_12 TARR	Holiday Event Materials	01/01/2024	55.89	55.89	01/12/2024
3184	MASTERCARD	2023_12 TIDW	Waiting for receipt	01/01/2024	241.66	241.66	01/12/2024
3184	MASTERCARD	2023_12 TIDW	Office Supplies 2024 Calender/Pla	01/01/2024	39.95	39.95	01/12/2024
3184	MASTERCARD	2023_12 TIDW	Repair/Maintence supplies	01/01/2024	223.94	223.94	01/12/2024
3184	MASTERCARD	2023_12 TIDW	Repair/Maintence supplies Ruptur	01/01/2024	104.46	104.46	01/12/2024
3184	MASTERCARD	2023_12 TOW	Water Dept. Repair/Maintence Su	01/01/2024	253.70	253.70	01/12/2024
3184	MASTERCARD	2023_12 TOW	Water Dept. Repair/Maintence Su	01/01/2024	256.01	256.01	01/12/2024
Total MASTERCARD:					23,996.29	23,996.29	
<b>MCLEAN FRIEDMANN PROPERTY</b>							
3719	MCLEAN FRIEDMANN PROPER	2024.1.29	URA Grant REIMBURSEMENT	01/29/2024	5,826.39	5,826.39	02/13/2024
Total MCLEAN FRIEDMANN PROPERTY:					5,826.39	5,826.39	
<b>MISC</b>							
99999	MISC	TK2020-0209	RESTITUTION	01/31/2024	22.66	22.66	01/31/2024
99999	MISC	TK2022-0050	RESTITUTION	01/31/2024	60.00	60.00	01/31/2024
Total MISC:					82.66	82.66	
<b>MOBILE REPAIR &amp; WELDING, INC</b>							
10	MOBILE REPAIR & WELDING, IN	34585	4 PLATES	01/18/2024	58.58	58.58	02/13/2024
Total MOBILE REPAIR & WELDING, INC:					58.58	58.58	
<b>MONTANA MUNICIPAL INTERLOCAL AUTHORITY</b>							
10002	MONTANA MUNICIPAL INTERLO	DR1005533	EV2023010731	01/31/2024	1,500.00	1,500.00	02/13/2024
Total MONTANA MUNICIPAL INTERLOCAL AUTHORITY:					1,500.00	1,500.00	
<b>MOUNTAIN AIR SPORTS</b>							
34	MOUNTAIN AIR SPORTS	11947	BASKETBALL UNIFORM	01/15/2024	4,190.00	4,190.00	02/13/2024
Total MOUNTAIN AIR SPORTS:					4,190.00	4,190.00	
<b>MSU EXTENSION SERVICE</b>							
3275	MSU EXTENSION SERVICE	22	ECONOMIC & COMMUNITY DEV	02/01/2024	4,488.89	4,488.89	02/13/2024
3275	MSU EXTENSION SERVICE	3	ECONOMIC & COMMUNITY DEV	09/25/2023	7,500.00	7,500.00	02/13/2024



Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total MSU EXTENSION SERVICE:					11,988.89	11,988.89	
<b>MUNICIPAL EMERGENCY SERVICES</b>							
2604	MUNICIPAL EMERGENCY SERV	IN1997530	CAP BAND ASSEM	01/25/2024	45.98	45.98	02/13/2024
Total MUNICIPAL EMERGENCY SERVICES:					45.98	45.98	
<b>MURDOCH'S RANCH &amp; HOME SUPPLY</b>							
3688	MURDOCH'S RANCH & HOME S	170179571723	DIGGING BAR	12/05/2023	72.87	72.87	02/13/2024
3688	MURDOCH'S RANCH & HOME S	170266464034	UTILITY JUG	12/15/2023	39.77	39.77	02/13/2024
3688	MURDOCH'S RANCH & HOME S	170371476598	TOOLS	12/27/2023	123.73	123.73	02/13/2024
3688	MURDOCH'S RANCH & HOME S	170473245693	hitch pin	01/08/2024	29.38	29.38	02/13/2024
3688	MURDOCH'S RANCH & HOME S	170482227629	TOOLS	01/09/2024	62.97	62.97	02/13/2024
3688	MURDOCH'S RANCH & HOME S	170491962060	NIPPLE	01/10/2024	4.99	4.99	02/13/2024
3688	MURDOCH'S RANCH & HOME S	370612262355	CALENDER	12/26/2023	124.99	124.99	02/13/2024
3688	MURDOCH'S RANCH & HOME S	TK2022-0149	RESTITUTION	01/31/2024	49.99	49.99	01/31/2024
Total MURDOCH'S RANCH & HOME SUPPLY:					508.69	508.69	
<b>OFFICE SOLUTIONS</b>							
10004	OFFICE SOLUTIONS	1356017-0	PAPER	01/25/2024	1,873.20	1,873.20	02/13/2024
Total OFFICE SOLUTIONS:					1,873.20	1,873.20	
<b>PARK COUNTY</b>							
272	PARK COUNTY	2023_12	TANK INSPECTION	12/31/2023	285.82	285.82	02/13/2024
272	PARK COUNTY	2023_12	CITY SHARE MATS	12/31/2023	47.13	47.13	02/13/2024
272	PARK COUNTY	2023_12	CITY SHARE MATS	12/31/2023	47.13	47.13	02/13/2024
272	PARK COUNTY	2023_12	CITY SHARE MATS	12/31/2023	47.13	47.13	02/13/2024
272	PARK COUNTY	2023_12	FALL LEAF CLEAN UP	12/31/2023	451.40	451.40	02/13/2024
272	PARK COUNTY	2023_12	PHONES - CITY/COUNTY COMP	12/31/2023	345.37	345.37	02/13/2024
272	PARK COUNTY	2023_12	INTERNET - CITY/COUNTY COM	12/31/2023	2,679.19	2,679.19	02/13/2024
272	PARK COUNTY	2023_12	INTERNET - CITY HALL	12/31/2023	835.69	835.69	02/13/2024
272	PARK COUNTY	2023_12	INTERNET - PUBLIC WORKS	12/31/2023	194.17	194.17	02/13/2024
272	PARK COUNTY	2023_12	INTERNET - PUBLIC WORKS	12/31/2023	194.17	194.17	02/13/2024
272	PARK COUNTY	2023_12	INTERNET - PUBLIC WORKS	12/31/2023	194.17	194.17	02/13/2024
272	PARK COUNTY	2023_12	INTERNET - PUBLIC WORKS	12/31/2023	194.18	194.18	02/13/2024
272	PARK COUNTY	2023_12	INTERNET - CIVIC CENTER	12/31/2023	776.69	776.69	02/13/2024
272	PARK COUNTY	2023_12	INTERNET - TRANSFER STATIO	12/31/2023	228.55	228.55	02/13/2024
272	PARK COUNTY	2023_12	INTERNET - POOL	12/31/2023	228.55	228.55	02/13/2024
272	PARK COUNTY	2023_12	INTERNET - STREET SHOP	12/31/2023	76.18	76.18	02/13/2024
272	PARK COUNTY	2023_12	INTERNET - STREET SHOP	12/31/2023	76.19	76.19	02/13/2024
272	PARK COUNTY	2023_12	INTERNET - STREET SHOP	12/31/2023	76.18	76.18	02/13/2024
272	PARK COUNTY	2023_12	ANALOG LINE - LOBBY ELEVAT	12/31/2023	9.47	9.47	02/13/2024
272	PARK COUNTY	2023_12	CITY SHARE	12/31/2023	168.75	168.75	02/13/2024
272	PARK COUNTY	2023_12	SERVER UPGRADES	12/31/2023	2,500.00	2,500.00	02/13/2024
272	PARK COUNTY	2023_12	WIRELESS CONTROLLER	12/31/2023	13,804.11	13,804.11	02/13/2024
272	PARK COUNTY	2023_12	NIBLE RENEWAL	12/31/2023	3,395.42	3,395.42	02/13/2024
272	PARK COUNTY	2023_12	UNDERGROUND TANK LICENSI	12/31/2023	39.96	39.96	02/13/2024
272	PARK COUNTY	2023_12	JANITORIAL SERVICE	12/31/2023	2,055.00	2,055.00	02/13/2024
272	PARK COUNTY	2023_12	FLAG POLE PARTS	12/31/2023	260.33	260.33	02/13/2024
272	PARK COUNTY	2023_12	RECYCLING	12/31/2023	92.50	92.50	02/13/2024
272	PARK COUNTY	2023_12	ELEVATOR MAINT	12/31/2023	720.79	720.79	02/13/2024
272	PARK COUNTY	2023_12	ELEVATOR MAINT	12/31/2023	720.79	720.79	02/13/2024
272	PARK COUNTY	2023_12	ELEVATOR MAINT	12/31/2023	720.79	720.79	02/13/2024
272	PARK COUNTY	2023_12	ELEVATOR MAINT	12/31/2023	715.57-	715.57-	02/13/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
272	PARK COUNTY	2023_12	REMOTE MANAGMENT & PLAT	12/31/2023	273.62	273.62	02/13/2024
272	PARK COUNTY	2023_12	DEC -Power Bill	12/31/2023	2,559.81	2,559.81	02/13/2024
272	PARK COUNTY	2023_12	DIFFUSERS	12/31/2023	148.74	148.74	02/13/2024
272	PARK COUNTY	2023_12	BUILDING DOOR LOCK MAINT	12/31/2023	92.50	92.50	02/13/2024
272	PARK COUNTY	2023_12	VIDEO CONF - OCT	12/31/2023	89.55	89.55	02/13/2024
272	PARK COUNTY	2023_12	STANDARD PHONE - OCT	12/31/2023	69.13	69.13	02/13/2024
272	PARK COUNTY	2023_12	IT CITY PORTION - OCT	12/31/2023	370.48	370.48	02/13/2024
272	PARK COUNTY	2023_12	VIDEO CONF - NOV	12/31/2023	89.55	89.55	02/13/2024
272	PARK COUNTY	2023_12	STANDARD PHONE - NOV	12/31/2023	67.11	67.11	02/13/2024
272	PARK COUNTY	2023_12	IT CITY PORTION - NOV	12/31/2023	375.77	375.77	02/13/2024
272	PARK COUNTY	2023_12	DEC- CELL PHONE	12/31/2023	533.42	533.42	02/13/2024
272	PARK COUNTY	2024.1	IT WAGES	02/01/2024	18,414.00	18,414.00	02/13/2024
272	PARK COUNTY	2024.1	GIS	02/01/2024	20,505.10	20,505.10	02/13/2024
272	PARK COUNTY	2024.1	GIS	02/01/2024	2,929.30	2,929.30	02/13/2024
272	PARK COUNTY	2024.1	GIS	02/01/2024	2,929.30	2,929.30	02/13/2024
272	PARK COUNTY	2024.1	GIS	02/01/2024	2,929.30	2,929.30	02/13/2024
272	PARK COUNTY	2024.1	SANITARIAN	02/01/2024	10,298.26	10,298.26	02/13/2024
272	PARK COUNTY	2024.1	BUILDING MAINT	02/01/2024	5,314.31	5,314.31	02/13/2024
272	PARK COUNTY	2024.1	MRDTF	02/01/2024	.00	.00	
272	PARK COUNTY	2024.2	IT Wages	02/01/2024	26,359.00	26,359.00	02/13/2024
272	PARK COUNTY	2024.2	GIS	02/01/2024	7,950.95	7,950.95	02/13/2024
272	PARK COUNTY	2024.2	GIS	02/01/2024	1,135.85	1,135.85	02/13/2024
272	PARK COUNTY	2024.2	GIS	02/01/2024	1,135.85	1,135.85	02/13/2024
272	PARK COUNTY	2024.2	GIS	02/01/2024	1,135.85	1,135.85	02/13/2024
272	PARK COUNTY	2024.2	SANITARIAN	02/01/2024	14,186.50	14,186.50	02/13/2024
272	PARK COUNTY	2024.2	Building Maint	02/01/2024	7,947.97	7,947.97	02/13/2024
Total PARK COUNTY:					158,591.45	158,591.45	
<b>PITNEY BOWES</b>							
10001	PITNEY BOWES	2024_01	meter refill	01/19/2024	1,000.00	1,000.00	01/23/2024
10001	PITNEY BOWES	3318475337	Lease - City/County Complex	12/19/2023	135.00	135.00	01/27/2024
Total PITNEY BOWES:					1,135.00	1,135.00	
<b>RIVERSIDE HARDWARE LLC</b>							
3659	RIVERSIDE HARDWARE LLC	214592	CONDUIT MATERIALS	01/24/2024	203.87	203.87	02/13/2024
3659	RIVERSIDE HARDWARE LLC	214616	CONDUIT	01/24/2024	287.45	287.45	02/13/2024
3659	RIVERSIDE HARDWARE LLC	215149	FASTNERS	01/31/2024	6.49	6.49	02/13/2024
Total RIVERSIDE HARDWARE LLC:					497.81	497.81	
<b>ROCKY MOUNTAIN PRINT SOLUTIONS</b>							
10001	ROCKY MOUNTAIN PRINT SOL	240109-041	UTILITY BILLS	02/01/2024	610.87	610.87	02/13/2024
10001	ROCKY MOUNTAIN PRINT SOL	240109-041	UTILITY BILLS	02/01/2024	610.87	610.87	02/13/2024
10001	ROCKY MOUNTAIN PRINT SOL	240109-041	UTILITY BILLS	02/01/2024	610.89	610.89	02/13/2024
Total ROCKY MOUNTAIN PRINT SOLUTIONS:					1,832.63	1,832.63	
<b>SAFETRAC</b>							
3143	SAFETRAC	42611	CDL Services	02/01/2024	520.30	520.30	02/13/2024
3143	SAFETRAC	42733	CDL Services	01/31/2024	218.45	218.45	02/13/2024
Total SAFETRAC:					738.75	738.75	
<b>SHANE CENTER, THE</b>							
3359	SHANE CENTER, THE	2024.2.13	RENTAL	02/13/2024	115.00	115.00	02/13/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total SHANE CENTER, THE:					115.00	115.00	
<b>SHANNON HOLMES</b>							
10006	SHANNON HOLMES	2023.9.17	TRAVEL REIM	09/17/2023	87.26	87.26	02/13/2024
10006	SHANNON HOLMES	2023.9.17	TRAVEL REIM	09/17/2023	87.27	87.27	02/13/2024
Total SHANNON HOLMES:					174.53	174.53	
<b>SPECIAL LUBE</b>							
1814	SPECIAL LUBE	224-280-16223	Oil Change	01/30/2024	60.00	60.00	02/13/2024
Total SPECIAL LUBE:					60.00	60.00	
<b>STERLING VOLUNTEERS</b>							
10006	STERLING VOLUNTEERS	9712699	BACKGROUND CHECK BB REF	01/31/2024	105.00	105.00	02/13/2024
Total STERLING VOLUNTEERS:					105.00	105.00	
<b>TARR, MARGARET</b>							
3586	TARR, MARGARET	2024.2.7	REIMB- MTRPA CONF	02/07/2024	316.00	316.00	02/13/2024
Total TARR, MARGARET:					316.00	316.00	
<b>TEAR IT UP L.L.C.</b>							
2999	TEAR IT UP L.L.C.	60274	Shredding Finance Office	02/07/2024	60.40	60.40	02/13/2024
2999	TEAR IT UP L.L.C.	60276	Shredding PW	02/07/2024	29.80	29.80	02/13/2024
Total TEAR IT UP L.L.C.:					90.20	90.20	
<b>THE EMBLEM AUTHORITY</b>							
10006	THE EMBLEM AUTHORITY	39491	UNIFORM PPE	01/29/2024	348.00	348.00	02/13/2024
Total THE EMBLEM AUTHORITY:					348.00	348.00	
<b>THE MAIN PRINT SHOP</b>							
10006	THE MAIN PRINT SHOP	40	SUPPLIES	08/24/2023	15.90	15.90	02/13/2024
Total THE MAIN PRINT SHOP:					15.90	15.90	
<b>THOMSON REUTERS - WEST</b>							
2823	THOMSON REUTERS - WEST	849673342	SOFTWARE	02/01/2024	396.09	396.09	02/13/2024
Total THOMSON REUTERS - WEST:					396.09	396.09	
<b>TOWN &amp; COUNTRY FOODS - LIVINGSTON</b>							
2595	TOWN & COUNTRY FOODS - LI	291	Water	08/02/2023	13.07	13.07	02/13/2024
2595	TOWN & COUNTRY FOODS - LI	40	Supplies	08/24/2023	15.90	15.90	02/13/2024
Total TOWN & COUNTRY FOODS - LIVINGSTON:					28.97	28.97	
<b>TRAFFIC AND PARKING CONTROL CO INC</b>							
10006	TRAFFIC AND PARKING CONTR	1771898	TRAFFIC	02/01/2024	28,168.48	28,168.48	02/13/2024
Total TRAFFIC AND PARKING CONTROL CO INC:					28,168.48	28,168.48	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>TRANSUNION RISK &amp; ALTERNATIVE</b>							
3376	TRANSUNION RISK & ALTERNA	380349-20240	investigative research	02/01/2024	75.00	75.00	02/13/2024
Total TRANSUNION RISK & ALTERNATIVE:					75.00	75.00	
<b>TRUE VALUE HARDWARE</b>							
10003	TRUE VALUE HARDWARE	D35525	MAILBOX	01/31/2024	38.67	38.67	02/13/2024
Total TRUE VALUE HARDWARE:					38.67	38.67	
<b>UPS STORE #2420, THE</b>							
292	UPS STORE #2420, THE	2024.2.5	Shipment	02/05/2024	10.06	10.06	02/13/2024
Total UPS STORE #2420, THE:					10.06	10.06	
<b>US BANK</b>							
10005	US BANK	7195825	0068485NS	01/25/2024	400.00	400.00	02/13/2024
Total US BANK:					400.00	400.00	
<b>USA BLUEBOOK</b>							
1430	USA BLUEBOOK	INV00251060	bUFFER PILLOWS	01/19/2024	656.26	656.26	02/13/2024
Total USA BLUEBOOK:					656.26	656.26	
<b>UTILITIES UNDERGROUND LOCATION</b>							
3472	UTILITIES UNDERGROUND LO	4015092	Excavation Notifica	01/31/2024	31.53	31.53	02/13/2024
3472	UTILITIES UNDERGROUND LO	4015092	Excavation Notifica	01/31/2024	31.53	31.53	02/13/2024
3472	UTILITIES UNDERGROUND LO	4015092	Excavation Notifica	01/31/2024	31.54	31.54	02/13/2024
Total UTILITIES UNDERGROUND LOCATION:					94.60	94.60	
<b>WESTERN DRUG</b>							
1396	WESTERN DRUG	452226	Patient Supplies	01/27/2024	87.59	87.59	02/13/2024
Total WESTERN DRUG:					87.59	87.59	
<b>WILLIAM JONES</b>							
10006	WILLIAM JONES	2024.1.29	CDL MED REIMB	01/29/2024	161.00	161.00	02/13/2024
Total WILLIAM JONES:					161.00	161.00	
<b>YELLOWSTONE NEWS GROUP</b>							
10005	YELLOWSTONE NEWS GROUP	476537	COMMISSION	02/03/2024	52.00	52.00	02/13/2024
Total YELLOWSTONE NEWS GROUP:					52.00	52.00	
Grand Totals:					327,009.64	327,009.64	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
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Dated: \_\_\_\_\_

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City Recorder: \_\_\_\_\_

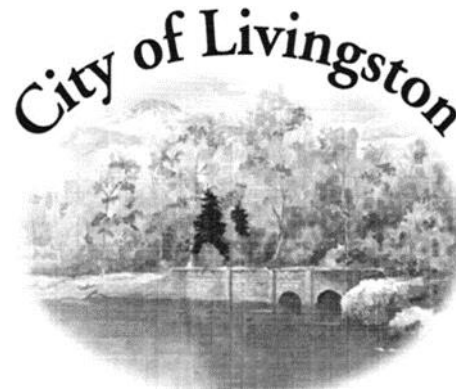
**File Attachments for Item:**

**D. APPOINTMENT OF ANGELICA AMANT TO THE TBID BOARD**

**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

citymanager@livingstonmontana.org  
www.livingstonmontana.org



*Incorporated 1889*

**Chairperson**  
Karrie Kahle

**Vice Chair**  
Melissa Nootz

**Commissioners**  
Quentin Schwarz  
Torrey Lyons  
James Willich

Date: 2/20/2024  
To: Chair Kahle and City Commissioners  
From: Grant Gager, City Manager

**Staff Report for Approving the Appointment of Angelica Amant to the Tourism Business Improvement District Board of Trustees.**

**Recommendation and Summary**

The City Manager is recommending the Commission approve the appointment of Angelica Amant to serve on the Tourism Business Improvement District Board of Trustees by adopting the following motion:

**“I move to approve the City Manager’s request to appoint the Angelica Amant to the Tourism Business Improvement District, as recommended by the TBID board.”**

The reasons for the recommendation are as follows:

- The TBID By-laws dictate the board of trustees shall nominate candidates for appointment to the board with consent of the City Commission in accordance with state code.

**Introduction and History**

The mission of the Livingston TBID is “to enhance the economic vitality of Livingston by generating room nights for the city’s lodging facilities through effective sales and marketing strategies, building collaborative partnerships and promoting Livingston as a year-round visitor, convention, and event destination.” The Livingston TBID is funded by a flat fee of \$2 per room night on individuals staying at lodging facilities within the Livingston city limits.

**Analysis**

A vacancy exists on the Board due to the passing of a former member. The property represented by the passed member has nominated a new member to fill the vacancy.

**Fiscal Impact**

The TBID is an uncompensated Board of volunteers so there is no fiscal impact from filling the vacancy.

**Strategic Alignment**

A fully staffed board will enable the TBID to execute its mission.

**Attachments**

- Attachment A: TBID Application received



CITY OF LIVINGSTON, MONTANA APPLICATION  
FOR THE LIVINGSTON TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) BOARD OF TRUSTEES

Date: 01/21/2024

Name: Angelica Kay Amant

Physical Address: 814 East Park St, Livingston MT 59047

Mailing Address (if different): \_\_\_\_\_

Email: COUNTRYINNLIVINGSTON@GMAIL.COM

Phone(s): 406-222-1923

Name of Property Owned within the District: Country Motor Inn

Address of Property: 814 East Park Street, Livingston, MT 59047

Are you the owner of the property within the District, or the designee of an owner of property within the District?  Yes  No

I Navitkumar Patel certify that I am a property owner within the District and I am duly authorized to either serve on the Board of Trustees or appoint Angelica Kay Amant as my designee.

Navitkumar Patel Property Owner Signature Date 01/21/2024

PLEASE NOTE: An application from the manager of a hotel must contain a signed statement from the owner indicating that the hotel manager is authorized to represent the owner or a note from the corporate officer authorized to represent the board.

Have you ever served on a City or County board? **No**  
(If so, where, what board, and how long?)

Please explain your relevant qualifications, interests, and experiences.

Angelica Amant has 10+ years of experience in the hospitality industry. Her experience spans various roles and responsibilities, giving her valuable insights into the industry's dynamics. Angelica has been a resident of Livingston, Montana, for the past two years. This local residency demonstrates her commitment to the community and her firsthand understanding of the area's unique characteristics.

References (Individual or Organization) Name:

Dan Patel, has worked with Angelica

Phone:

danpatel@rocketmail.com

Meet Patel, Supervisor

707.8497004

*This application is considered public record.*

Please print and sign this application where appropriate and mail to:  
Livingston Tourism Business Improvement District  
PO Box 348, Livingston, MT 59047  
or email to: [info@explorelivingstonmt.com](mailto:info@explorelivingstonmt.com)



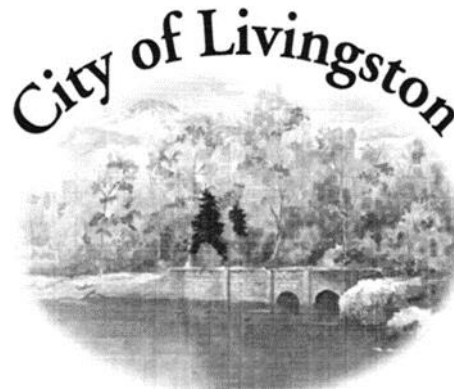
**File Attachments for Item:**

**E. TRANSMITTAL OF CITY ATTORNEY OPINION ON OPEN MEETINGS LAWS**

**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

citymanager@livingtonmontana.org  
www.livingstonmontana.org



*Incorporated 1889*

**Chairperson**  
Karrie Kahle

**Vice Chair**  
Melissa Nootz

**Commissioners**  
Quentin Schwarz  
Torrey Lyons  
James Willich

Date: 2/20/2024  
To: Chair Kahle and City Commissioners  
From: Grant Gager, City Manager

**Staff Report Regarding Recent Public Comment Concerning Meetings of the City Manager and City Commissioner**

**Recommendation and Summary**

The City Manager is providing the City Commission and community information regarding meetings between the City Manager and individual Commissioners in response to public comment that was made during the February 6, 2024, City Commission meeting. As such, no motion is required or requested.

The reasons for the provision of information are as follows:

- The City received a public comment alleging impropriety in the conduct of City business including purported violations of the Montana requirements for open public meetings.
- The City Attorney’s Office has provided research and case law indicating that the City is not in violation of the open meeting requirements.

**Introduction and History**

During the February 6, 2024, City Commission meeting, the City received public comment alleging several improprieties in the conduct of City business. Specifically, allegations of improper conduct were made regarding:

1. Meetings between the City Manager and individual City Commissioners
2. Provision of information to City Commissioners by the City Manager

**Analysis**

The City Attorney’s Office has created a legal opinion related to meetings between the City Manager and less than a quorum of City Commissioners and it is attached for reference. As detailed by the City Attorney’s Office, meetings between the City Manager and individual Commissioners (less than a quorum) do not constitute a violation of Montana open meetings laws.

Regarding the second allegation concerning the provision of information to City Commissioners outside of public meetings, there is no element of Montana Code Annotated that addresses the provision of information between appointed staff and elected officials. However, the efficient

function of government relies upon the flow of information between branches of government to ensure a common understanding of both laws and actions. Similarly, responsiveness to community issues dictates that information must necessarily be delivered between the Manager and Commissioners more frequently than public meetings occur. While the Montana Constitution establishes a public “Right to Know” it does not preclude government conversations outside of the public domain. Similarly, Montana Code Annotated does not contemplate or create an absolute barrier between the legislative and executive branches of government outside of public meetings.

**Fiscal Impact**

There is no fiscal impact to this report.

**Strategic Alignment**

Ensuring the legal and efficient function of government will increase operational alignment with policy.

**Attachments**

- A. Attachment A: City Attorney Legal Opinion

Jon M. Hesse  
Jon M. Hesse, P.C.  
ATTORNEY AT LAW  
POST OFFICE BOX 1078  
1201 U.S. HIGHWAY 10 WEST, SUITE A3  
LIVINGSTON, MT 59047

TELEPHONE (406) 222-6037  
EMAIL: [jhesse@jm-hesselaw.com](mailto:jhesse@jm-hesselaw.com)

FACSIMILE (406) 222-6040  
WEBSITE: <https://www.jmhesselaw.com>

February 5, 2025

Grant Gager  
City Manager  
Members of the City Commission  
City of Livingston  
220 E. Park Street  
Livingston, MT 59047

**Via Email Only**

***Re: One- On- One Meeting With Commission Member(s) Constituting Less Than a Quorum***

Dear Grant and Members of the City Commission:

**Question:** Does Montana’s Open Meeting Law Preclude the City Manager From Meeting with One or Two Members of the City Commission?

**Answer:** No.

**Discussion:**

**Section 2-3-201, MCA**, states as follows: “The legislature finds and declares that public boards, commissions, councils, and other public agencies in this state exist to aid in the conduct of the peoples' business. It is the intent of this part that actions and deliberations of all public agencies shall be conducted openly. The people of the state do not wish to abdicate their sovereignty to the agencies which serve them. Toward these ends, the provisions of the part shall be liberally construed.”

**Section 2-2-202, MCA**, defines “meeting” as follows: “As used in this part, “meeting” means the convening of a quorum of the constituent membership of a public agency or association described in 2-3-203, whether corporal or by means of electronic equipment, to hear, discuss, or act upon a matter over which the agency has supervision, control, jurisdiction, or

advisory power.”

The Montana Supreme Court addresses “one-on-one discussions” with members of a commission constituting less than a quorum in Williams, et al. v. State, 2014 MT 82, 374 Mont. 343, 325 P.3d 1204, ¶¶ 23 and 25 (2014) where it stated as follows:

“ ¶ 23 The open meeting statutes “shall be liberally construed,” § 2–3–201, MCA, and “apply to a ‘meeting,’ which occurs upon the ‘convening’ of a ‘quorum’ of the ‘constituent membership of a public agency.’ ” Boulder Monitor v. Jefferson High Sch. Dist. No. 1, 2014 MT 5, ¶ 19, 373 Mont. 212, 316 P.3d 848 (citing § 2–3–202, MCA). It is undisputed that the Commission consists of five members; thus, a gathering of three or more members of the Commission constitutes a quorum of the Commission.<sup>2</sup> Other jurisdictions recognize that their open meeting laws do not apply when a quorum is not present. See e.g. Dewey v. Redevelopment Agency of Reno, 119 Nev. 87, 64 P.3d 1070, 1077–78 (2003)...

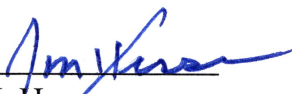
¶ 25 We decline to adopt the “constructive-quorum” rule under the facts presented here. Even liberally construing the statute, we determine that the language of § 2–3–202, MCA, is plain and unambiguous, and that the definition of “meeting” does not include “serial one-on-one discussions.” Plaintiffs disregard as “unfounded” any concern that the “constructive-quorum” rule would prohibit legislators from meeting in the halls of the Capitol and discussing pending legislation. However, if we accept Plaintiffs’ premise that accumulated one-on-one conversations among Commission members violate the open meeting statutes, then so too could the accumulated discussions of legislators. There is no evidence that a majority of Commissioners reached any agreement regarding the Jones Amendment prior to the February 12 meeting, and no decisions were made outside of the public meeting. In fact, Chairman Regnier testified that “for something to happen with Llew Jones, it required my vote ... but I wasn't going to make a decision on this until we actually had our meeting and had a discussion about it.” We conclude that the Commissioners’ one-on-one discussions prior to the February 12 meeting were not subject to Section 9 because a majority of Commission members never “convened” or “deliberated” as a “public body” outside of a public meeting. Thus, the District Court did not err in concluding that the Commission did not violate the public’s “right to know.”

Livingston has a five Member City Commission. Thus, a quorum consists of three Members. A meeting of one or two Members of the City Commission with the City Manager does not constitute a quorum. See, Section 2-2-202, MCA, and Williams, et al. v. State, id.

The Opening Meeting Law does not apply to “one-on-one discussions” between the City Manager and one or two Members of the City Commission. See, Williams, et al. v. State, id., ¶25.

If you have any questions, please email my office.

Sincerely yours,



\_\_\_\_\_  
Jon M. Hesse  
Attorney at Law

JMH/cw

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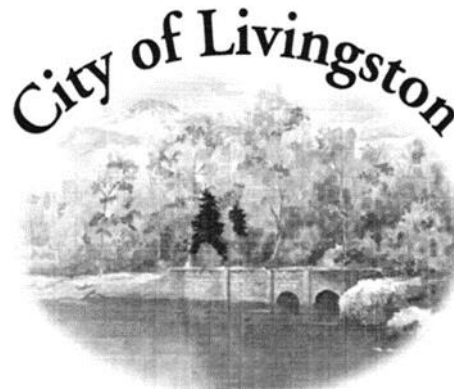
**File Attachments for Item:**

**A. RESOLUTION 5126: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR AN ELECTION ON THE QUESTION OF CONDUCTING A LOCAL GOVERNMENT REVIEW AND ESTABLISHING A STUDY COMMISSION TO DO SO.**

**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

citymanager@livingstonmontana.org  
www.livingstonmontana.org



*Incorporated 1889*

**Chairperson**  
Karrie Kahle

**Vice Chair**  
Melissa Nootz

**Commissioners**  
Quentin Schwarz  
Torrey Lyons  
James Willich

Date: 2/20/2024  
To: Chair Kahle and City Commissioners  
From: Grant Gager, City Manager

**Staff Report for Resolution 5126**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR AN ELECTION ON THE QUESTION OF CONDUCTING A LOCAL GOVERNMENT REVIEW AND ESTABLISHING A STUDY COMMISSION TO DO SO.**

**Recommendation and Summary**

Staff is recommending the Commission Approve Resolution 5126 calling for an election on the question of conducting a local government review at the June 4, 2024, general election, as required by State statute by adopting the following motion:

**“I move to approve Resolution 5126 and authorize the Chair to sign.”**

The reasons for the recommendation are as follows:

- The Local Government Review election is to be held by each city and county government every 10 years pursuant to the State Constitution and Montana Code Annotated.
- Calendar year 2024 is a statutorily required Local Government Review cycle.

**Introduction and History**

Established as part of the 1972 Constitution, the Local Government Review election is to be held by each city and county government every 10 years. As required under Montana Code Annotated (MCA) 7-3-173(2), “The governing body shall call for an election, to be held on the primary election date, on the question of conducting a local government review and establishing a study commission [...]” Given statutorily required timing, a governing body must call for an election on Local Government Review by March 11, 2024.

If a majority of voters voting on the question at the primary election vote in favor of the study commission, candidate filing will open on the date that the primary election results are certified (the primary canvass), and will close August 12, 85 days before the general election. The election



is a nonpartisan election, there will be no primary election, and there are no filing fees. Also, the candidates are not permitted to be elected officials of the local government.

Since the local government review election is for cities and counties, an elector who lives within the city limits will be presented with the question of whether to hold a local government review election twice (once for the county of residence and once for the city of residence.)

**Analysis**

The Local Government Review is intended to review both the form and function of local government and make recommendations to the City. Typically, such reviews consider the current form (Commission-Manager) and possible implications of changing that to another statutorily allowed form (e.g. Council-Mayor). Additionally, the function of government is reviewed including whether to establish a Charter and form a local government that is a self-government and not limited to the general powers provided by the MCA. Recommendations of the study commission may form the basis for future considerations by the City Commission including elections to modify the form or function of local government.

**Fiscal Impact**

If a study commission is formed, the City anticipates a cost not to exceed \$10,000 in FY 2024-5.

**Strategic Alignment**

Ensuring that the form and function of government match the will of the Livingston community will ensure strategic alignment between the community and its government.

**Attachments**

- A. Attachment A: Resolution 5126
- B. Attachment B: MSU Local Government Center Information Packet
- C. Attachment C: Montana Secretary of State FAQ and Calendar

**RESOLUTION NUMBER 5126**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR AN ELECTION ON THE QUESTION OF CONDUCTING A LOCAL GOVERNMENT REVIEW AND ESTABLISHING A STUDY COMMISSION TO DO SO.**

*WHEREAS*, Section 9, Article XI of the Constitution of the State of Montana requires that each unit of local government shall conduct an election once every ten years to determine whether the local government will undertake a local government review procedure; and

*WHEREAS*, 7-3-173(2) M.C.A. requires that the governing body shall call for an election, to be held on the primary election date, on the question of conducting a local government review and establishing a study commission; and

*WHEREAS*, the Livingston City Commission is the governing body of the City of Livingston.

***NOW THEREFORE BE IT RESOLVED THAT:***

1. The City Commission of Livingston hereby calls for an election on the question of conducting a local government review and electing a study commission to be held at the primary election on June 4, 2024.
2. If the voters decide in favor of conducting a local government review, a study commission comprised of three members shall be elected at the general election of November 5, 2024.
3. Pursuant to 7-3-175, M.C.A. the question of conducting a local government review shall be submitted to the electors in substantially the following form:

*Vote for one:*

FOR the review of the government of the City of Livingston and the establishment and funding, not to exceed ten thousand dollars, of a local government study commission consisting of three members to examine the government of City of Livingston and submit recommendations on the government.

AGAINST the review of the government of the City of Livingston and the establishment and funding, not to exceed ten thousand dollars, of a local government study commission consisting of three members to examine the government of the City of Livingston and submit recommendations on the government.

Passed and adopted by the City Commission of the City of Livingston, Montana meeting at regular session held on the \_\_\_\_\_ day of February, 2024.

\_\_\_\_\_  
Karrie Kahle, Chair

**ATTEST:**

\_\_\_\_\_  
Emily Hutchinson, City Clerk

**MONTANA’S 6TH LOCAL GOVERNMENT REVIEW – TIMELINE**

**Montana Code Annotated Title 7, Chapter 3, Part 1 (MCA 7-3-171 – 7-3-193)**

**February/March 2024**

Adopt resolution to place on the ballot the question of establishing a study commission that includes number of commissioners and amount of funding not to exceed \$X,XXX (MCA 7-3-173 & 7-3-175).

**June 2024**

Local Government Review election on the question of establishing a study commission (MCA 7-14-173). Ballot measure passes with a majority of those voting on the question.

**July-August 2024**

Citizens file with county election administrator to be a study commission candidates (MCA 7-3-174). MSU Local Government Center connects with mayor/manager or chair of county commission in jurisdictions that elect to conduct a Local Government Review to provide training and support.

**November 2024**

Election or appointment of Study Commissioners (MCA 7-3-174 & 7-3-176). Study Commissioners take office the day the election is declared or certified (MCA 7-3-178) Ex-officio member is appointed by the governing body, must be a current elected official or employee of the local government (MCA 7-3-177).

**November/December 2024**

Within 10 days after taking office the Study Commission meets to organize. Date set by the presiding officer (mayor/manager or chair of board of county commission), swear in, elect temporary presiding officer until a permanent presiding officer is selected. Discuss when, where, how to meet, develop budget, decide whether to cooperate with another jurisdiction and consider consolidation or collaboration of services (MCA 7-3-179 & 7-3-180).

**December 2024**

MSU Local Government Center hosts study commissioner training.

**December 2024 to November 2026**

MSU Local Government Center, Montana Association of Counties, Montana League of Cities and Towns, etc. supports study commission with technical assistance, training and community engagement.

Study Commission reviews power, form, and plan of government. Either chooses “no change” or makes recommendation to voters by November election in 2026 (MCA 7-3-192 and 7-3-149). Within 60 days of adoption of the Local Government Review report, submits reports to appropriate agencies and publishes findings (MCA 7-3-187 through 191).

## 2024-2026 Montana Local Government Review

### Sample Budget

	<b>Small Community Population ~1,000</b>	<b>Medium Community Population ~ 10,000</b>	<b>Large Community Population ~ 100,000</b>
Training	\$3,000	\$3,500	\$7,500
Consulting	\$750	\$1,500	\$2,300
Resource Materials	\$500	\$750	\$1,500
Survey	\$500	\$750	\$1,500
Community Engagement	\$500	\$1,000	\$5,000
Advertising/Notices	\$250	\$500	\$1,000
Support Staff	\$3,000 (\$20/hr x 150 hrs)	\$5,000 (\$20/hr x 250 hrs)	\$8,000 (\$20/hr x 400 hrs)
Election Expenses*	\$500	\$1,000	\$2,000
Publication (reports, summary, etc.)	\$250	\$500	\$1,000
Miscellaneous	\$500	\$1,000	\$1,000
<b>Total:</b>	<b>\$9,750</b>	<b>\$15,500</b>	<b>\$30,800</b>

*\*Check with the local election administrator for accurate estimated cost*

This sample 2024-2026 Montana Local Government Review budget is for educational purposes only. Each jurisdiction should estimate costs based on local needs and develop a budget that reflects the expectations of the Local Government Review in that municipality or county.

## Montana Local Governments with Self-Government Powers

	City or Town	Class	Population 2019	Type of Govt	Year of Incorporation	Year Adopted Self-Government Powers	Plan of Government	Charter
1	Anaconda/Deer-Lodge	2nd (Consolidated City-County)	9,131	Self	1888	1976	Comm-Ex	Yes
2	Belgrade	3rd	8,993	Self	1906	1987	Comm-Mgr	Yes
3	Billings	1st	109,550	Self	1885	1976	Comm-Mgr	Yes
4	Bozeman	1st	48,532	Self	1883	2000	Comm-Mgr	Yes
5	Bridger	Town	754	Self	1907	1976	Comm-Ex	Yes
6	Broadview	Town	188	Self	1929	1976	Comm-PO	No
7	Butte/Silver-Bow	1st (Consolidated City-County)	34,284	Self	1874	1976	Comm-Ex	Yes
8	Choteau	3rd	1,713	Self	1913	2006	Comm-Ex	Yes
9	Circle	Town	608	Self	1929	1976	Comm-Ex	Yes
10	Clyde Park	Town	325	Self	1913	1976	Comm-Ex	No
11	Colstrip	3rd	2,266	Self	1998	1998	Comm-Ex	Yes
12	Conrad	3rd	2,500	Self	1909	2006	Comm-Ex	Yes
13	Cut Bank	3rd	3,022	Self	1911	2006	Comm-Ex	Yes
14	Darby	Town	792	Self	1916	1996	Comm-Ex	Yes
15	Dillon	3rd	4,261	Self	1885	1996	Comm-Ex	Yes
16	Ennis	Town	997	Self	1956	1976	Comm-Ex	Yes
17	Fergus	County	11,221	Self	1885	1996	Comm	Yes
18	Forsyth	3rd	1,823	Self	1905	1996	Comm-Ex	Yes
19	Fort Benton	3rd	1,443	Self	1883	1996	Comm-Ex	No
20	Fort Peck	Town	240	Self	1986	1986	Comm-Ex	No
21	Fromberg	Town	462	Self	1902	1976	Comm-Ex	No
22	Glasgow	3rd	3,328	Self	1902	1976	Comm-Ex	No
23	Great Falls	1st	58,701	Self	1888	1986	Comm-Mgr	Yes
24	Havre	1st	9,715	Self	1893	2020	Comm-Ex	Yes
25	Helena	1st	32,315	Self	1867	1976	Comm-Mgr	Yes
26	Hingham	Town	118	Self	1918	1976	Comm-Ex	No
27	Laurel	3rd	6,766	Self	1908	2007	Comm-Ex	Yes
28	Lewistown	2nd	5,818	Self	1901	1996	Comm-Mgr	Yes
29	Libby	3rd	2,737	Self	1909	1989	Comm-Ex	Yes
30	Lima	Town	227	Self	1917	2006	Comm-Ex	Yes
31	Manhattan	Town	1,822	Self	1911	2006	Comm-Ex	Yes
32	Missoula	1st	74,428	Self	1883	1996	Comm-Ex	Yes
33	Neihart	Town	49	Self	1891	1976	Comm-Ex	No
34	Pinesdale	Town	985	Self	1986	1996	Town Mtg	Yes
35	Polson	3rd	5,018	Self	1910	2006	Comm-Mgr	Yes
36	Red Lodge	3rd	2,294	Self	1892	1986	Comm-Ex	Yes
37	Saco	Town	193	Self	1918	2006	Comm-Ex	Yes
38	Sunburst	Town	341	Self	1923	1976	Comm-Ex	Yes

	City or Town	Class	Population 2019	Type of Govt	Year of Incorporation	Year Adopted Self-Government Powers	Plan of Government	Charter
39	Superior	Town	851	Self	1948	1996	Comm-Ex	Yes
40	Three Forks	3rd	2,053	Self	1910	2006	Comm-Ex	Yes
41	Troy	3rd	930	Self	1915	1987	Comm-Ex	Yes
42	Virginia City	Town	221	Self	1864	1976	Comm-PO	No
43	West Yellowstone	Town	1,382	Self	1966	1980	Comm-Mgr	Yes
44	Whitefish	2nd	7,870	Self	1905	1980	Comm-Mgr	Yes
45	Wolf Point	3rd	2,743	Self	1918	2006	Comm-Ex	No

**Total Population 464,010**

Town	18
3rd city	16
2nd city	3*
1st city	7
County	1
<hr/>	
Total	45*



**TITLE 7. LOCAL GOVERNMENT  
CHAPTER 3. ALTERNATIVE FORMS OF LOCAL GOVERNMENT**

**Part 2. Commission-Executive Government**

**7-3-113. Statutory basis for municipal council-mayor government.** (1) For the purpose of determining the statutory basis of existing units of local government, each unit of local government organized under the general statutes authorizing the municipal council-mayor form of government, which does not adopt a new form, shall be governed after May 2, 1977, by the following sections:

- (a) [7-3-201](#);
- (b) [7-3-202](#)(1);
- (c) [7-3-203](#);
- (d) [7-3-212](#)(2);
- (e) [7-3-213](#)(3);
- (f) [7-3-214](#)(2);
- (g) [7-3-215](#)(2);
- (h) [7-3-216](#)(2);
- (i) [7-3-217](#)(1);
- (j) [7-3-218](#)(2);
- (k) [7-3-219](#)(1);
- (l) [7-3-220](#)(1);
- (m) [7-3-221](#)(3);
- (n) [7-3-222](#)(2);
- (o) [7-3-223](#)(2).

(2) This form has terms of 4 years for all elected officials. The size of the commission shall be established by ordinance, but it may not exceed 20 members.

**7-3-201. Commission-executive form.** The commission-executive form (which may be called the council-executive, the council-mayor, or the commission-mayor form) consists of an elected commission (which may be referred to as the council) and one elected executive (who may be referred to as the mayor) who is elected at large.

**7-3-202. Nature of government.** The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing:

- (1) **general government powers;** or
- (2) self-government powers.

**7-3-203. Duties of executive.** The executive shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform duties required by law, ordinance, or resolution;
- (3) administer affairs of the local government;
- (4) carry out policies established by the commission;
- (5) recommend measures to the commission;
- (6) report to the commission on the affairs and financial condition of the local government;

**BOLD = Statutory basis for municipal council-mayor government. MCA 7-3-113  
(The Recipe)**



- (7) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (8) report to the commission as the commission may require;
- (9) attend commission meetings and may take part in discussions;
- (10) execute the budget adopted by the commission; and
- (11) appoint, with the consent of the commission, all members of boards, except the executive may appoint without the consent of the commission temporary advisory committees established by the executive.

**7-3-204 through 7-3-210 reserved.**

**7-3-211. Structural suboptions.** The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in [7-3-212](#) through [7-3-224](#).

**7-3-212. Administrative assistants.** The executive:

- (1) shall appoint one or more administrative assistants to assist in the supervision and operation of the local government, and the administrative assistants are answerable solely to the executive; or
- (2) may appoint one or more administrative assistants to assist in the supervision and operation of the local government, and the administrative assistants are answerable solely to the executive.**

**7-3-213. Supervision of personnel.** The executive may:

- (1) appoint and remove all employees of the local government;
- (2) appoint and remove, with the consent of a majority of the commission, all employees of the local government;
- (3) appoint, with the consent of a majority of the commission, all department heads and remove department heads and may appoint and remove all other department employees; or**
- (4) appoint and remove, with the consent of a majority of the commission, all department heads and appoint and remove all other employees of the local government.

**7-3-214. Veto power.** The executive may:

- (1) veto ordinances and resolutions, subject to override by a majority plus one of the whole number of the commission;
- (2) veto ordinances and resolutions, subject to override by a two-thirds vote of the commission; or**
- (3) sign all ordinances and resolutions with no veto power.

**7-3-215. Preparation of budget.** The executive may:

- (1) prepare the budget and present it to the commission for adoption; or
- (2) prepare the budget in consultation with the commission and department heads.**

**7-3-216. Administrative supervision and control.** The executive may:

(1) exercise control and supervision of the administration of all departments and boards; or

**(2) exercise control and supervision of all departments and boards to the degree authorized by ordinance of the commission.**

**7-3-217. Financial officer.** A financial officer (who may be called the treasurer):

**(1) shall be elected;**

(2) shall be appointed by the executive with the consent of the council;

(3) shall be selected as provided by ordinance; or

(4) may, at the discretion of the commission, be selected as provided by ordinance.

**7-3-218. Selection of commission members.** The commission shall be:

(1) elected at large;

**(2) elected by districts in which candidates must reside and which are apportioned by population;**

(3) elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside; or

(4) elected by any combination of districts, in which candidates must reside and which are apportioned by population, and at large.

**7-3-219. Type of election.** Local government elections shall be conducted on a:

**(1) partisan basis; or**

(2) nonpartisan basis.

**7-3-220. Presiding officer of commission.** The commission must have a presiding officer who must be:

**(1) elected by the members of the commission from their own number for a term established by ordinance; or**

(2) selected as provided by ordinance.

**7-3-221. Presiding officer of commission.** The presiding officer of the commission:

(1) may vote as other members of the commission;

(2) is the executive, who may vote as the commissioners;

**(3) is the executive, who shall decide all tie votes of the commission but may not have another vote (the presiding officer of the commission shall preside if the executive is absent); or**

(4) is the executive but may not vote.

**7-3-222. Terms of commission members.** Commission members shall be elected for:

(1) concurrent terms of office; or

**(2) overlapping terms of office.**

**7-3-223. Size of commission and community councils.** The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and:

(1) community councils of at least three members shall be elected within each district to advise the commissioner from that district. Local governments conducting elections at large shall district according to population for the purpose of electing community councils; or

(2) **community councils to advise commissioners may be authorized by ordinance.**

**7-3-224. Terms of elected officials.** The term of office of elected officials may not exceed 4 years and shall be established when the form is adopted by the voters.

# Statutory Basis for Elected County Official Government

**7-3-105. Plan of government.** The approved plan filed with the secretary of state pursuant to subsection (3)(a) of section 14, Chapter 513, Laws of 1975, shall be the official plan and shall be a public record open to inspection of the public and judicially noticeable by all courts.

**7-3-111. Statutory basis for elected county official government.** (1) For the purpose of determining the statutory basis of existing units of local government after May 2, 1977, each unit of local government organized under the general statutes authorizing the elected county official form of government shall be governed by the following sections:

- (a) [7-3-401](#);
- (b) [7-3-402](#);
- (c) [7-3-412](#)(3);
- (d) [7-3-413](#)(1);
- (e) [7-3-414](#)(1);
- (f) [7-3-415](#)(2);
- (g) [7-3-416](#)(2);
- (h) [7-3-417](#)(2);
- (i) [7-3-418](#);
- (j) [7-3-432](#)(1);
- (k) [7-3-433](#)(1);
- (l) [7-3-434](#)(1);
- (m) [7-3-435](#)(1);
- (n) [7-3-436](#)(1);
- (o) [7-3-437](#)(1);
- (p) [7-3-438](#)(1);
- (q) [7-3-439](#)(1);
- (r) [7-3-440](#)(1);
- (s) [7-3-441](#)(1);
- (t) [7-3-442](#)(1) if the county has elected an auditor;
- (u) [7-3-442](#)(6) if the county has not elected an auditor.

(2) This form has terms of 4 years for all elected officials except commissioners who are elected to 6-year terms. The commission consists of three members.

## TITLE 7. LOCAL GOVERNMENT CHAPTER 3. ALTERNATIVE FORMS OF LOCAL GOVERNMENT

### Part 4. Commission Government

**7-3-401. Commission form.** The commission form consists of an elected commission (which may also be called the council) and other elected officers as provided in this part. All legislative, executive, and administrative powers and duties of the local government not specifically reserved by law or ordinance to other elected officers shall reside in the commission. The commission shall appoint the heads of departments and other employees, except for those appointed by other elected officials. Cities and towns which adopt this form may distribute by

**BOLD = Statutory basis for elected county official government as outlined in MCA 7-3-111**

ordinance the executive and administrative powers and duties into departments headed by individual commissioners.

**7-3-402. Nature of government.** Local governments that adopt this form shall have general government powers.

**7-3-403. Role of presiding officer of commission.** The presiding officer of the commission may be referred to as the mayor. All members of boards and committees must be appointed by the presiding officer with the consent of the commission. The presiding officer must be recognized as the head of the local government unit and may vote as other members of the commission.

**7-3-411. General structural suboptions.** The plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in [7-3-412](#) through [7-3-418](#).

**7-3-412. Selection of commission members.** The commission shall be:

- (1) elected at large;
- (2) elected by districts in which candidates must reside and which are apportioned by population;
- (3) elected at large and nominated by a plan of nomination that may not preclude the possibility of the majority of the electors nominating candidates for the majority of the seats on the commission from persons residing in the district or districts where the majority of the electors reside; or**
- (4) elected by any combination of districts, in which candidates must reside and which are apportioned by population, and at large.

**7-3-413. Type of election.** Local government elections shall be conducted on a:

- (1) partisan basis; or**
- (2) nonpartisan basis.

**7-3-414. Presiding officer of commission.** The presiding officer of the commission must be:

- (1) elected by the members of the commission from their own number for a term established by ordinance;**
- (2) selected as provided by ordinance; or
- (3) elected directly by the voters for a term established by ordinance.

**7-3-415. Administrative assistants.** The commission:

- (1) shall appoint one or more administrative assistants to assist them in the supervision and operation of the local government; or
- (2) may appoint one or more administrative assistants to assist them in the supervision and operation of the local government.**

**7-3-416. Terms of commission members.** Commission members shall be elected for:

- (1) concurrent terms of office; or
- (2) overlapping terms of office.**

**BOLD = Statutory basis for elected county official government as outlined in MCA 7-3-111**

**7-3-417. Size of commission and community councils.** The size of the commission, which shall be a number not less than three, shall be established when the form is adopted by the voters, and:

(1) community councils of at least three members shall be elected within each district to advise the commissioner from that district. Local governments conducting elections at large shall district according to population for the purpose of electing community councils; or

**(2) community councils to advise commissioners may be authorized by ordinance.**

**7-3-418. Terms of elected officials.** The term of office of elected officials may not exceed 4 years, except the term of office for commissioners in counties adopting the form authorized by Article XI, section 3(2), of the Montana constitution may not exceed 6 years. Terms of office shall be established when the form is adopted by the voters.

**7-3-431. Additional structural suboptions for county and consolidated governments.** In county and consolidated local governments, the plan of government submitted to the qualified electors shall further define the structural characteristics of the form by including one item from each of the choices listed in [7-3-432](#) through [7-3-442](#). The officers shall have the powers and duties established by ordinance. After the establishment of any office, the commission may consolidate, as provided by law, two or more of the offices.

**7-3-432. Legal officer.** A legal officer, who may be called the county attorney:

**(1) may be elected;**

(2) may be appointed by the local government commission;

(3) may be appointed by the presiding officer of the local government commission;

(4) may be selected as provided by ordinance;

(5) may at the discretion of the commission be selected as provided by ordinance; or

(6) may not be included in this form as a separate office.

**7-3-433. Law enforcement officer.** A law enforcement officer, who may be called the sheriff:

**(1) may be elected;**

(2) may be appointed by the local government commission;

(3) may be appointed by the presiding officer of the local government commission;

(4) may be selected as provided by ordinance;

(5) may at the discretion of the commission be selected as provided by ordinance; or

(6) may not be included in this form as a separate office.

**7-3-434. Clerk and recorder.** A clerk and recorder:

**(1) may be elected;**

(2) may be appointed by the local government commission;

(3) may be appointed by the presiding officer of the local government commission;

(4) may be selected as provided by ordinance;

(5) may at the discretion of the commission be selected as provided by ordinance; or

(6) may not be included in this form as a separate office.

**7-3-435. Clerk of district court.** A clerk of district court:

- (1) may be elected;**
- (2) may be appointed by the local government commission;
- (3) may be appointed by the presiding officer of the local government commission;
- (4) may be selected as provided by ordinance;
- (5) may at the discretion of the commission be selected as provided by ordinance; or
- (6) may not be included in this form as a separate office.

**7-3-436. Treasurer.** A treasurer:

- (1) may be elected;**
- (2) may be appointed by the local government commission;
- (3) may be appointed by the presiding officer of the local government commission;
- (4) may be selected as provided by ordinance;
- (5) may at the discretion of the commission be selected as provided by ordinance; or
- (6) may not be included in this form as a separate office.

**7-3-437. Surveyor.** A surveyor:

- (1) may be elected;**
- (2) may be appointed by the local government commission;
- (3) may be appointed by the presiding officer of the local government commission;
- (4) may be selected as provided by ordinance;
- (5) may at the discretion of the commission be selected as provided by ordinance; or
- (6) may not be included in this form as a separate office.

**7-3-438. Superintendent of schools.** A superintendent of schools:

- (1) may be elected;**
- (2) may be appointed by the local government commission;
- (3) may be appointed by the presiding officer of the local government commission;
- (4) may be selected as provided by ordinance;
- (5) may at the discretion of the commission be selected as provided by ordinance; or
- (6) may not be included in this form as a separate office.

**7-3-439. Assessor.** An assessor:

- (1) may be elected;**
- (2) may be appointed by the local government commission;
- (3) may be appointed by the presiding officer of the local government commission;
- (4) may be selected as provided by ordinance;
- (5) may at the discretion of the commission be selected as provided by ordinance; or
- (6) may not be included in this form as a separate office.

**7-3-440. Coroner.** A coroner:

- (1) may be elected;**
- (2) may be appointed by the local government commission;
- (3) may be appointed by the presiding officer of the local government commission;
- (4) may be selected as provided by ordinance;

- (5) may at the discretion of the commission be selected as provided by ordinance; or
- (6) may not be included in this form as a separate office.

**7-3-441. Public administrator.** A public administrator:

- (1) may be elected;**
- (2) may be appointed by the local government commission;
- (3) may be appointed by the presiding officer of the local government commission;
- (4) may be selected as provided by ordinance;
- (5) may at the discretion of the commission be selected as provided by ordinance; or
- (6) may not be included in this form as a separate office.

**7-3-442. Auditor.** An auditor:

- (1) may be elected;** (if the county has elected an auditor)
- (2) may be appointed by the local government commission;
- (3) may be appointed by the presiding officer of the local government commission;
- (4) may be selected as provided by ordinance;
- (5) may at the discretion of the commission be selected as provided by ordinance; or
- (6) may not be included in this form as a separate office.** (If the county has not elected an auditor.)



# NATURE OF SELF-GOVERNMENT IN MONTANA CONSTITUTION OF MONTANA -- ARTICLE XI – LOCAL GOVERNMENT

**Section 5. Self-government charters.** (1) The legislature shall provide procedures permitting a local government unit or combination of units to frame, adopt, amend, revise, or abandon a self-government charter with the approval of a majority of those voting on the question. The procedures shall not require approval of a charter by a legislative body.

(2) If the legislature does not provide such procedures by July 1, 1975, they may be established by election either:

- (a) Initiated by petition in the local government unit or combination of units; or
- (b) Called by the governing body of the local government unit or combination of units.

(3) Charter provisions establishing executive, legislative, and administrative structure and organization are superior to statutory provisions.

**Section 6. Self-government powers.** A local government unit adopting a self-government charter may exercise any power not prohibited by this constitution, law, or charter. This grant of self-government powers may be extended to other local government units through optional forms of government provided for in section 3.

## Title 7. Local Government Chapter 1. General Provisions Part 1. Nature of Self-Government Local Government

**7-1-101. Self-government powers.** As provided by Article XI, section 6, of the Montana constitution, a local government unit with self-government powers may exercise any power not prohibited by the constitution, law, or charter. These powers include but are not limited to the powers granted to general power governments.

History: En. 47A-7-101 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-101.

**7-1-102. Authorization for self-government services and functions.** A local government with self-government powers may provide any services or perform any functions not expressly prohibited by the Montana constitution, state law, or its charter. These services and functions include but are not limited to those services and functions which general power government units are authorized to provide or perform.

History: En. 47A-7-102 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-102.

**7-1-103. General power government limitations not applicable.** A local government unit with self-government powers which elects to provide a service or perform a function that may also be provided or performed by a general power government unit is not subject to any limitation in the provision of that service or performance of that function except such limitations as are contained in its charter or in state law specifically applicable to self-government units.

History: En. 47A-7-103 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-103.

**7-1-104. Legislative power vested in legislative bodies.** The powers of a self-government unit, unless otherwise specifically provided, are vested in the local government legislative body and may be exercised only by ordinance or resolution.

History: En. 47A-7-104 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-104.

**7-1-105. State law applicable until superseded.** All state statutes shall be applicable to self-government local units until superseded by ordinance or resolution in the manner provided in chapter 5, part 1 and subject to the limitations provided in this part.

History: En. 47A-7-105 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-105.

## Attorney General's Opinions

*Competitive Bidding Requirements Mandatory:* A local government unit with self-government powers cannot supersede by the passage of a resolution or ordinance the competitive bidding requirements set forth in 7-5-4302. 37 A.G. Op. 175 (1978).

*Self-Government Powers:* Section 7-4-2503 does not apply to self-government units since it may be superseded by ordinance or resolution of the Commission and is not prohibited by 7-1-114(1)(g). 37 A.G. Op. 68 (1977).

**7-1-106. Construction of self-government powers.** The powers and authority of a local government unit with self-government powers shall be liberally construed. Every reasonable doubt as to the existence of a local government power or authority shall be resolved in favor of the existence of that power or authority.

History: En. 47A-7-106 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-106.

**7-1-111. Powers denied.** A local government unit with self-government powers is prohibited from exercising the following:

- (1) any power that applies to or affects any private or civil relationship, except as an incident to the exercise of an independent self-government power;
- (2) any power that applies to or affects the provisions of 7-33-4128 or Title 39, except that subject to those provisions, it may exercise any power of a public employer with regard to its employees;
- (3) any power that applies to or affects the public school system, except that a local unit may impose an assessment reasonably related to the cost of any service or special benefit provided by the unit and shall exercise any power that it is required by law to exercise regarding the public school system;
- (4) any power that prohibits the grant or denial of a certificate of compliance or a certificate of public convenience and necessity pursuant to Title 69, chapter 12;
- (5) any power that establishes a rate or price otherwise determined by a state agency;
- (6) any power that applies to or affects any determination of the department of environmental quality with regard to any mining plan, permit, or contract;
- (7) any power that applies to or affects any determination by the department of environmental quality with regard to a certificate of compliance;
- (8) any power that defines as an offense conduct made criminal by state statute, that defines an offense as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of \$500, 6 months' imprisonment, or both, except as specifically authorized by statute;
- (9) any power that applies to or affects the right to keep or bear arms;
- (10) any power that applies to or affects a public employee's pension or retirement rights as established by state law, except that a local government may establish additional pension or retirement systems;
- (11) any power that applies to or affects the standards of professional or occupational competence established pursuant to Title 37 as prerequisites to the carrying on of a profession or occupation;
- (12) except as provided in 7-3-1105, 7-3-1222, 7-21-3214, or 7-31-4110, any power that applies to or affects Title 75, chapter 7, part 1, or Title 87;
- (13) any power that applies to or affects landlords, as defined in 70-24-103, when that power is intended to license landlords or to regulate their activities with regard to tenants beyond what is provided in Title 70, chapters 24 and 25. This subsection is not intended to restrict a local government's ability to require landlords to comply with ordinances or provisions that are applicable to all other businesses or residences within the local government's jurisdiction.
- (14) subject to 7-32-4304, any power to enact ordinances prohibiting or penalizing vagrancy;
- (15) subject to 80-10-110, any power to regulate the registration, packaging, labeling, sale, storage, distribution, use, or application of commercial fertilizers or soil amendments, except that a local government may enter into a cooperative agreement with the department of agriculture concerning the use and application of commercial fertilizers or soil amendments. This subsection is not intended to prevent or restrict a local government from adopting or implementing zoning regulations or fire codes governing the physical location or siting of fertilizer manufacturing, storage, and sales facilities.

(16) subject to 80-5-136(10), any power to regulate the cultivation, harvesting, production, processing, sale, storage, transportation, distribution, possession, use, and planting of **agricultural seeds or vegetable seeds** as defined in 80-5-120. This subsection is not intended to prevent or restrict a local government from adopting or implementing zoning regulations or building codes governing the physical location or siting of agricultural or vegetable seed production, processing, storage, sales, marketing, transportation, or distribution facilities.

(17) any power that prohibits the **operation of a mobile amateur radio station from a motor vehicle**, including while the vehicle is in motion, that is operated by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;

(18) subject to 76-2-240 and 76-2-340, any power that prevents the **erection of an amateur radio antenna at heights and dimensions** sufficient to accommodate amateur radio service communications by a person who holds an unrevoked and unexpired official amateur radio station license and operator's license, "technician" or higher class, issued by the federal communications commission of the United States;

(19) any power to require a fee and a permit for the movement of a vehicle, combination of vehicles, load, object, or other thing of a size exceeding the maximum specified in 61-10-101 through 61-10-104 on a highway that is under the jurisdiction of an entity other than the local government unit;

(20) any power to enact an ordinance governing the private use of an **unmanned aerial vehicle in relation to a wildfire**;

(21) any power as prohibited in 7-1-121(2) affecting, applying to, or regulating the use, disposition, sale, prohibitions, fees, charges, or taxes on **auxiliary containers**, as defined in 7-1-121(5);

(22) any power that provides for **fees, taxation, or penalties based on carbon or carbon use** in accordance with 7-1-116;

(23) any power to require an employer, other than the local government unit itself, **to provide an employee or class of employees with a wage or employment benefit that is not required by state or federal law**;

(24) any power to enact an ordinance prohibited in 7-5-103 or a resolution prohibited in 7-5-121 and any power to bring a retributive action against a private business owner as prohibited in 7-5-103(2)(d)(iv) and 7-5-121(2)(c)(iv); or

(25) any power to prohibit the sale of alternative nicotine products or vapor products as provided in 16-11-313(1).

History: En. 47A-7-201 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-201; amd. Sec. 3, Ch. 375, L. 1983; amd. Sec. 22, Ch. 418, L. 1995; amd. Sec. 1, Ch. 446, L. 2001; amd. Sec. 1, Ch. 217, L. 2003; amd. Sec. 2, Ch. 466, L. 2003; amd. Sec. 1, Ch. 561, L. 2003; amd. Sec. 2, Ch. 395, L. 2009; amd. Sec. 1, Ch. 56, L. 2013; amd. Sec. 1, Ch. 173, L. 2015; amd. Sec. 7, Ch. 456, L. 2015; amd. Sec. 2, Ch. 274, L. 2017; amd. Sec. 1, Ch. 420, L. 2017; amd. Sec. 2, Ch. 218, L. 2019; amd. Sec. 37, I.M. No. 190, approved Nov. 3, 2020; amd. Sec. 2, Ch. 220, L. 2021; amd. Sec. 2, Ch. 329, L. 2021; amd. Sec. 2, Ch. 354, L. 2021; amd. Sec. 4, Ch. 398, L. 2021; amd. Sec. 1, Ch. 408, L. 2021; amd. Sec. 2, Ch. 455, L. 2021.

### Case Notes:

*Butte-Silver Bow Self-Government Charter Held Not Superior to Wrongful Discharge From Employment Act:*  
When Babb was appointed the chief executive officer of the Butte-Silver Bow consolidated city-county government, he immediately fired both Johnston and Shea, who had been department heads of the consolidated government for many years. Johnston and Shea then sued Babb for violation of the Wrongful Discharge From Employment Act (WDEA). Babb argued that because the self-government charter of the consolidated government provided that department heads serve "at the pleasure of" the chief executive officer (CEO) of the local government and because self-government charters are superior to statute, Johnston and Shea were "at will" employees to whom the WDEA did not apply. The U.S. Magistrate Judge decided, citing *MacMillan v. St. Comp. Ins. Fund*, 285 M 202, 947 P2d 75 (1997), that the Montana Supreme Court has held that municipalities operating under self-government charters have limitations as provided in this part, which the self-government charter itself cited, and subsection (2) of this section, which applies Title 39 to local governments operating with self-government powers. Further, the Magistrate Judge decided that under Art. XI, sec. 5(3), Mont. Const., and *Billings Firefighters Local 521 v. Billings*, 1999 MT 6, 293 M 41, 973 P2d 222 (1999), the language of the self-government charter requiring department heads to serve "at the pleasure of" the CEO is not such a part of the structure and organization of local government that it is superior to statute. For these reasons, the Magistrate Judge decided that the WDEA did apply to the firing of Johnston and Shea and that they therefore could not be fired without good cause and granted Johnston and Shea's motion for summary judgment. *Johnston v. Babb*, Cause No. CV-05-03-BU-CSO (D. Mont. 2005).

**7-1-112. Powers requiring delegation.** A local government with self-government powers is prohibited the exercise of the following powers unless the power is specifically delegated by law:

- (1) the power to authorize a tax on income or the sale of goods or services, except that, subject to 15-10-420, this section may not be construed to limit the authority of a local government to levy any other tax or establish the rate of any other tax;
- (2) the power to regulate private activity beyond its geographic limits;
- (3) the power to impose a duty on another unit of local government, except that nothing in this limitation affects the right of a self-government unit to enter into and enforce an agreement on interlocal cooperation;
- (4) the power to exercise any judicial function, except as an incident to the exercise of an independent self-government administrative power;
- (5) the power to regulate any form of gambling, lotteries, or gift enterprises.

History: En. 47A-7-202 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-202; amd. Sec. 3, Ch. 584, L. 1999.

**Attorney General Opinions:**

*City Authority to Enact Photo-Radar Ordinance:* No state agency is given exclusive power to establish administrative rules governing speed of traffic in cities and towns, nor is the enforcement of speed regulations exclusively vested in a state agency. Therefore, the city of Billings, under its self-government charter, is not precluded by statute from enacting a photo-radar ordinance providing either for accountability on the part of the registered owner for illegal speeding by any person operating the vehicle with the owner's permission or for a permissive inference that the registered owner was the speeding violator. 45 A.G. Op. 7 (1993).

**7-1-113. Consistency with state regulation required.** (1) A local government with self-government powers is prohibited the exercise of any power in a manner inconsistent with state law or administrative regulation in any area affirmatively subjected by law to state regulation or control.

(2) The exercise of a power is inconsistent with state law or regulation if it establishes standards or requirements which are lower or less stringent than those imposed by state law or regulation.

(3) An area is affirmatively subjected to state control if a state agency or officer is directed to establish administrative rules governing the matter or if enforcement of standards or requirements established by statute is vested in a state officer or agency.

History: En. 47A-7-203 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-203.

**Attorney General Opinions:**

*Municipal Authority to Set Water and Sewer Service Rates -- Applicability of Human Rights Act to Setting of Water and Sewer Rates:* A provision in 7-13-4304 provides that the rates for municipal water and sewer charges may be fixed in advance and must be uniform for like services in all parts of the municipality. The city of Bozeman sought to provide discounts or preferential rates to senior citizens on water and wastewater charges. The question was whether the senior rates violated the statutory requirement for uniform or equitable rates. The Attorney General held that because water and sewer ratemaking is not an area affirmatively subject to state control, a local government with self-government powers may set rates for those services without regard to the requirements of 7-13-4304. However, the Attorney General noted that age discrimination does violate Title 49, ch. 2, commonly known as the Montana Human Rights Act, that Bozeman is subject to the Act despite its status as a self-governing municipality, and that discrimination in government services is affirmatively subject to state control. Without deciding whether Bozeman's proposed ordinance would meet the standard of strict construction of reasonable grounds based on age, the Attorney General nevertheless concluded that 49-2-308 of the Act did apply to the Bozeman ordinance setting senior rates for municipal water and sewer services. 50 A.G. Op. 10 (2004).

**7-1-114. Mandatory provisions.** (1) A local government with self-government powers is subject to the following provisions:

- (a) all state laws providing for the incorporation or disincorporation of cities and towns, for the annexation, disannexation, or exclusion of territory from a city or town, for the creation, abandonment, or boundary alteration of counties, and for city-county consolidation;

- (b) Title 7, chapter 3, part 1;
  - (c) all laws establishing legislative procedures or requirements for units of local government;
  - (d) all laws regulating the election of local officials;
  - (e) all laws that require or regulate planning or zoning;
  - (f) any law directing or requiring a local government or any officer or employee of a local government to carry out any function or provide any service;
  - (g) except as provided in subsection (3), any law regulating the budget, finance, or borrowing procedures and powers of local governments;
  - (h) Title 70, chapters 30 and 31.
- (2) These provisions are a prohibition on the self-government unit acting other than as provided.
- (3) (a) Notwithstanding the provisions of subsection (1)(g) and except as provided in subsection (3)(b), self-governing local government units are not subject to the mill levy limits established by state law.
- (b) The provisions of 15-10-420 apply to self-governing local government units.

History: En. 47A-7-204 by Sec. 1, Ch. 345, L. 1975; R.C.M. 1947, 47A-7-204; amd. Sec. 29, Ch. 42, L. 1997; amd. Sec. 4, Ch. 584, L. 1999; amd. Sec. 42, Ch. 278, L. 2001.

**7-1-115. Governmental right to sue firearms or ammunition manufacturer, trade association, or dealer in tort or for abatement or injunctive relief.** The governmental right to bring suit against a firearms or ammunition manufacturer, trade association, or dealer for abatement, injunctive relief, or tort damages resulting from or relating to the design, manufacture, marketing, or sale of firearms or ammunition sold to the public is reserved exclusively to the state and may not be exercised by a local governmental unit. The state may sue under this section on its own behalf or on behalf of a local governmental unit, or both.

History: En. Sec. 2, Ch. 581, L. 1999.

**7-1-116. Carbon fees, taxation, or penalties — prohibition.** (1) A local government may not enact, adopt, implement, enforce, or refer to the electorate a rule, order, ordinance, or policy that includes fees, taxation, or penalties based on carbon or carbon use.

- (2) (a) Fees, taxation, or penalties based on carbon or carbon use include formal or informal rules, orders, ordinances, or policies, including but not limited to:
  - (i) charges placed on resident or business electrical, natural gas, propane, or other energy bills or statements based on usage or carbon content; or
  - (ii) any other method, tax, or fee levied on the carbon content of fuels or electricity in the transportation or energy sector.
- (b) This subsection (2)(b) does not include energy conservation bonds as provided in 7-7-141 or energy performance contracts pursuant to Title 90, chapter 4, part 11.

(3) Nothing in this section prohibits a local government from participating in a service offered through a tariff approved by the public service commission.

(4) For the purposes of this section, "local government" includes a county, a consolidated government, an incorporated city or town, or a special district.

History: En. Sec. 1, Ch. 329, L. 2021.

**7-1-117 through 7-1-119 reserved.**

**7-1-120. Repealed. Sec. 10, Ch. 268, L. 2005.**

History: En. Sec. 1, Ch. 471, L. 2003.

**7-1-121. Statewide uniformity for auxiliary container regulations — local prohibitions — definitions.** (1) The purpose of this section is to preempt any local ordinance, resolution, initiative, or referendum regulating the use, disposition, sale, prohibitions, fees, charges, or taxes on certain containers.

(2) Except as provided in subsection (3), a local unit of government may not adopt or enforce any local ordinance, resolution, initiative, or referendum that:

- (a) regulates the use, disposition, or sale of auxiliary containers;

- (b) prohibits or restricts auxiliary containers; or
- (c) imposes a fee, charge, or tax on auxiliary containers.

(3) The prohibitions in subsection (2) may not be construed to prohibit, restrict, or apply to any of the following:

- (a) a curbside recycling program;
- (b) a designated residential or commercial recycling location;
- (c) a commercial recycling program;
- (d) an ordinance that prohibits littering; or
- (e) the use of auxiliary containers on property owned by a local unit of government.

(5) As used in this section, unless the context requires otherwise, the following definitions apply:

(a) "Auxiliary container" means a bag, cup, bottle, can, device, eating or drinking utensil or tool, or other packaging, whether reusable or single use, that is:

(i) made of cloth, paper, plastic, including foamed or expanded plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material, or similar material or substrates, including coated, laminated, or multilayer substrates; and

(ii) designed for transporting, consuming, or protecting merchandise, food, or a beverage to or from, or at, a food service, manufacturing, distribution or processing facility, or retail facility.

(b) "Local unit of government" means any county, municipality, school district, special district or other political subdivision of the state, including any agency or governing body of a local unit of government as defined by 7-4-502, or a similar unit of government of another state or nation.

History: En. Sec. 1, Ch. 220, L. 2021.



Montana Secretary of State Christi Jacobsen  
Elections and Government Services  
2024 Local Government Review Information

Frequently Asked Questions

**Q. What is the Local Government Review election?**

A. Established as part of the 1972 Constitution, the Local Government Review election is to be held by each city and county government every 10 years. If your city or county government has held a Local Government Review election any time after the 2014 general election until now, you should consult with your county attorney regarding your responsibility.

**Q. Where can I find the laws on the Local Government Review election?**

A. The applicable laws, 7-3-171 through 7-3-193, MCA, are found at [http://leg.mt.gov/bills/mca\\_toc/7\\_3\\_1.htm](http://leg.mt.gov/bills/mca_toc/7_3_1.htm).

**Q. Does the Local Government Review election apply only to city governments?**

A. No, local governments have been defined to include **both** city and county governments.

**Q. Is it a requirement that the governing body call for a local government review?**

A. Yes. As required under [7-3-173\(2\)](#), MCA, “The governing body shall call for an election, to be held on the primary election date, on the question of conducting a local government review and establishing a study commission ..... ” A governing body shall call for an election on Local Government Review by March 11, 2024.

**Q. Who pays the cost of putting the local government review question on the ballot?**

According to [13-1-302](#), MCA, each jurisdiction shall pay their proportionate cost. The county will bill the municipality for their proportionate cost, which cannot include the services of the election administrator or capital expenditures. The proportionate costs shall be only those **additional costs** incurred as a result of the political subdivision holding its election in conjunction with the primary or general election.

For uniformity purposes, those costs should be;

- any extra ballot costs,
- any extra equipment programming costs,
- any extra advertising costs, and;
- any other additional costs incurred because the municipal ballot issue appears on the primary ballot **and** the municipal local government review candidates appear on the general election ballot, if applicable.

**Q. What exactly will voters be asked to decide at the June 4 Primary?**

A. The ballot language is to be substantially as follows, under Section [7-3-175](#), MCA:

**[ ] FOR the review of the government of (*insert name of local government*) and the establishment and funding, not to exceed (*insert dollar or mill amount*), of a local government study commission**

consisting of *(insert number of members)* members to examine the government of *(insert name of local government)* and submit recommendations on the government.

**[ ] AGAINST** the review of the government of *(insert name of local government)* and the establishment and funding, not to exceed *(insert dollar or mill amount)*, of a local government study commission consisting of *(insert number of members)* members to examine the government of *(insert name of local government)* and submit recommendations on the government.

**Q. What happens if a voter is eligible to vote in the county election and in the city election?**

A. Since the local government review election is for cities **and** counties, an elector who lives within the city limits will be presented with the question of whether to hold a local government review election twice (once for the county of residence and once for the city of residence.)

**Q. Do we have to report the results to the Secretary of State's Office?**

A. Even though you do not provide the canvass for other local election results to the Secretary of State, according to Section [7-3-174\(2\)](#), MCA, the election administrator shall report the results of the local government review ballot question and the results of the election of commissioner members (if applicable) to the Secretary of State within 15 days of the official canvass. The report of results will have to be filed 15 days after the primary election canvass, and 15 days after the general election canvass (if applicable).

**Q. How many commission positions will be open after the primary, if the voters choose to have a commission?**

A. Under Section [7-3-177](#), MCA, the study commission must be an odd number of not less than three members, determined by resolution.

**Q. When will candidate filing open and close?**

A. If a majority of voters voting on the question at the primary election vote in favor of the study commission, candidate filing will open on the date that the primary election results are certified (the primary canvass), and will close **August 12, 85 days before the general election.**

**Q. Where are the candidate filing forms?**

A. Declaration for nomination forms can be found on the Secretary of State's [website](#).

**Q. Is this a partisan election? Will there be a primary? Are filing fees required? Can election officials of the local government be candidates for the study commission?**

A. According to Section [7-3-176](#), MCA, the election is a nonpartisan election, there will be no primary election, and there are no filing fees. Also, the candidates are not permitted to be elected officials of the local government.

**Q. Does a person have to live within the jurisdiction being studied to be a candidate?**

A. Yes, candidates for study commission positions must be electors of the local government for which the study commission has been established. Candidates may not be elected officials of the local government.



## Local Government Review Calendar

DATE	ACTION	MCA SECTION
March 11, 2024	Deadline for governing bodies to call for local government review	<a href="#">7-3-173(2)</a>
<b>June 4, 2024</b>	Primary election citizens vote on whether or not they want to conduct local government review	<a href="#">7-3-173(2)</a>
No later than June 18, 2024	Results canvassed and returned as provided in Title 13; beginning of study commission candidate filing (assuming vote is in favor of study commission)	<a href="#">7-3-174(1)</a>
July 3, 2024	Deadline for local government review results to be delivered to the Secretary of State (within 15 days of the date that the results become official)	<a href="#">7-3-174(2)</a>
August 12, 2024	Last day for local government review commission candidates to file declaration of nomination by 5:00 p.m. (assuming vote is in favor of study commission) **No filing fee **Nonpartisan declaration **No primary	<a href="#">7-3-176(2)</a>
<b>November 5, 2024</b>	Election for study commissioners	<a href="#">7-3-176</a>
No later than November 19, 2024	Results to be canvassed and returned as provided in Title 13	<a href="#">7-3-174(1)</a>
December 4, 2024	Deadline for local government review results to be delivered to the Secretary of State (within 15 days of the official canvass)	<a href="#">7-3-174(2)</a>

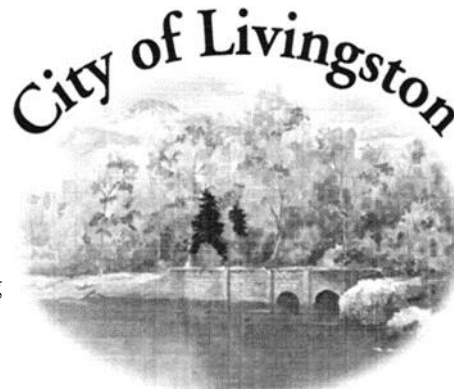
**File Attachments for Item:**

**B. ORDINANCE 3051: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 10, CURFEW, DISTRUBING THE PEACE, AND NOISE, OF THE LIVINGSTON MUNICIPAL CODE, BY AMENDING SECTIONS 10-5 AND 10-6.**

**City Manager**  
Grant Gager

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*Incorporated 1889*

**Chair**  
Karrie Kahle

**Vice Chair**  
Melissa Nootz

**Commissioners**  
Quentin Schwarz  
Torrey Lyons  
James Willich

Date: 02/20/2024  
To: Chair Kahle and City Commissioners  
From: Greg Anthony

**Staff Report for Ordinance 3051:**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 10, CURFEW, DISTURBING THE PEACE, AND NOISE, OF THE LIVINGSTON MUNICIPAL CODE, BY AMENDING SECTIONS 10-5 AND 10-6.**

**Recommendation and Summary**

Staff is recommending the Commission conduct a second reading and approve Ordinance 3051 to modify the City’s noise ordinance by adopting the following motion:

“I move to approve the second reading of Ordinance 3051 An Ordinance of the City Commission of the City of Livingston, Montana, Amending Chapter 10, Curfew, Disturbing the Peace, and Noise, of the Livingston Municipal Code, By Amending Sections 10-5 and 10-6 and authorize the Chair to sign.”

The reasons for the recommendation are as follows:

- The ordinance will significantly enhance the quality of life for residents by reducing noise pollution, leading to a more peaceful and comfortable living environment.
- The modifications provide clear guidelines and standards for noise levels, ensuring consistency in enforcement.

**Introduction and History**

The Noise Ordinance outlines specific regulations related to noise control within the City of Livingston. The ordinance sets forth clear rules and guidelines regarding the permissible levels and types of noise within the city limits, aiming to protect the comfort, health and safety of residents.

Historically, the development of noise ordinances is often driven by the need to balance urban development and community well-being. As cities grow and urban areas become denser, the potential for noise pollution increases, leading to the necessity for regulations that mitigate the impact of noise on residents. Such ordinances typically evolve over time, adapting to changes in the urban environment, technological advancements, and the needs of the community.

The ordinance is a reflection of Livingston's commitment to fostering a livable and harmonious community, recognizing the importance of noise control in ensuring a high quality of life for its residents.

**Analysis**

This ordinance provides clear guidelines and standards for noise levels, ensuring consistency in enforcement. This clarity is beneficial for both residents and businesses, as it sets defined expectations and reduces conflicts related to noise disturbances. Establishing allowable levels of noise within the City zoning districts also enhances the City's ability to enforce the municipal code.

The City Commission conducted a first reading of Ordinance 3051 on February 6, 2024, and the ordinance will become effective 30 days after its second reading.

**Fiscal Impact**

Staff does not anticipate the proposed noise ordinance will have a measurable financial impact to the City.

**Strategic Alignment**

Updating the Livingston Municipal Code to establish clear requirements will allow enforcement of those requirements.

**Attachments**

- Attachment A: Ordinance 3051: RED LINE
- Attachment B: Ordinance 3051: CLEAN COPY

**ORDINANCE NO. 3051**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 10, CURFEW, DISTURBING THE PEACE, AND NOISE, OF THE LIVINGSTON MUNICIPAL CODE, BY AMENDING SECTIONS 10-5 AND 10-6.**

**Preamble.**

This ordinance is established to maintain the tranquility and well-being of the City of Livingston by regulating noise levels and minimizing disturbances. It aims to balance the diverse activities within the city, including residential living, business operations, and recreational events, with the need for a peaceful environment. By setting clear guidelines and restrictions on noise production, this ordinance seeks to enhance the quality of life for all residents and ensure that Livingston remains a harmonious and vibrant community.

**WHEREAS**, the City of Livingston is committed to protecting the health, safety, and welfare of its residents through effective community standards; and

**WHEREAS**, Whereas, excessive noise adversely affects the quality of life, peaceful enjoyment of the environment, and public peace within the city; and

**WHEREAS**, it is essential to establish clear and enforceable noise regulations to maintain the city's tranquil and harmonious atmosphere.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Livingston, Montana, that Sections 10-5 and 10-6 of the Livingston Municipal Code be hereby amended with additions underlined and deletions struck through, as follows:

**SECTION 1**

Sec. 10-5. - Prohibited noises.

It is unlawful for any person to make, continue or cause to be made or continued any loud or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the City of Livingston, Montana.

A. *Enumeration of violations.* The following noises and acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

1. *Horns and signaling devices.* The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied to decelerate the vehicle.
2. *Locomotive Whistles.* The blowing of locomotive whistles within the City after ten (10) p.m. and before seven (7) a.m. and the ringing of locomotive bells while the engines are standing still, except in case of giving the necessary warning signals in conformity with laws of the state or ordinances of the City, and except to the extent necessary. When necessary to give communication signals, then such signals shall be by lights or ringing of the bell only, or by such means as will not disturb the peace and quiet of the neighborhood.
3. *Radios, phonographs, loudspeakers and sound amplifiers.* The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners. The operation of any such set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device in such a

manner as to be plainly audible at a distance of 50 feet from the property line of any building or structure or at a distance of 50 feet from any vehicle in which the same is located shall be prima facie evidence of a violation of this section.

4. *Animals.* The keeping of any animal which, by causing frequent or long continued noise, disturbs the peace, comfort or repose of any person in the vicinity.
5. *Exhaust.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises, which, by causing noise, disturbs the peace, comfort or repose of any person in the vicinity.
6. *Construction or repairing of buildings.* Any noise generated by construction, excavation or demolition activities or by repairing of buildings or other structures shall be a loud and unnecessary noise unless such noise is both created during the times allowed for construction set forth in subsection C.5 of this Code and does not exceed the noise levels set forth in subsection 9 of this section. This rule shall not apply in cases of urgent necessity in the interest of public health and safety. Additionally, the City of Livingston may waive or modify this rule for good cause shown and pursuant to an approved noise suppression plan.
7. *Hammers, concrete saws, etc.* Any noise generated by the use or operation of any pneumatic hammer, concrete saw or other appliance, blasting device or other explosive shall be a loud and unnecessary noise unless such noise is both created during the times allowed for construction set forth in subsection C.5 of this Code and does not exceed the noise levels set forth in subsection 9 of this section. This

rule shall not apply in cases of urgent necessity in the interest of public health and safety. Additionally, the City of Livingston may waive or modify this rule for good cause shown and pursuant to an approved noise suppression plan.

- 8. *Special community events.* Any noise generated by permitted special events or other events to which the public is invited which fails to meet the following conditions:
  - a. The maximum decibel level measured at the perimeter of the event does not exceed 100 decibels; and
  - b. Amplified noise shall be created only between the hours of 9:00 a.m. and 10:00 p.m.; and
  - c. Neighbors within 250 feet of the site of the proposed sound source are notified. Such notification must be done seven days prior to the starting time of the event; and
  - d. The arrangement of loudspeakers or the sound instruments must be such that it minimizes the disturbance to others resulting from the position or orientation of the speakers or from atmospherically or geographically caused dispersal of sound beyond the property lines; and
  - e. All reasonable measures are taken to baffle or reduce noise impacts on the neighbors; and
  - f. Event organizers agree to cooperate with the Livingston Police Department in addressing noise complaints from neighbors, which may include the termination of the event.
  - g. Organizers of special events governed by the City of Livingston may request a waiver from noise restrictions to the City of Livingston.



(1) The waiver request shall include reasons why the waiver should be granted, how the public good will outweigh impacts on neighbors and other factors supporting the request.

(2) If approved, the waiver shall contain all conditions upon which said waiver has been granted, including, but not limited to, the effective date(s), time(s) of day, location, sound pressure level, or equipment limitation. The City of Livingston may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.

9. Noise *levels*. Noises in excess of the following levels as measured at the property line in the following zones within the City during the following times unless permitted pursuant to an approved noise suppression plan or special community event permit:

Zone	Daytime 7:00 a.m. to 8:00 p.m.	Evening 8:00 p.m. to 7:00 a.m.
Residential	65 dBA	55 dBA
Commercial	80 dBA	60 dBA
Industrial	90 dBA	80 dBA

Note: dBA = Decibels, A weighted0

Noise Level Comparison Chart.

Decibel Level	Comparison

50 dBA	Average Room Noise, Moderate Rainfall, Refrigerator
60 dBA	Normal Conversation, Electric Toothbrush
70 dBA	Freeway Traffic, Washing machine, Dishwasher
75 dBA	Vacuum Cleaner
85 dBA	Heavy Traffic, Noisy Restaurant, Blender
90 dBA	Train Whistle at 500', Lawnmower, Shouted Conversation
100 dBA	Motorcycle, Snowmobile, Train

Note: dBA = Decibels, A weighted

B. Noise *suppression plans*.

1. If this title or any other portion of this Code allows or requires a noise suppression plan, such plan shall be approved pursuant to the following process and contain the following information:
  - a. Noise suppression plans shall be submitted to and approved by the City of Livingston.
  - b. Noise suppression plans shall include, without limitation:
    - (1) Contact information;
    - (2) Dates of activity;
    - (3) Hours of activity;
    - (4) Location of activity;
    - (5) Any equipment constraints that prevent common noise reduction measures;

- (6) Description of how sound blocking or reducing measures will be used;
- (7) Layout map of the locations of baffles and other sound blocking or reducing measures with relation to the source; and
- (8) Any additional information or conditions required by the City of Livingston.

c. Submittal must be timely for adequate review.

d. Approval may be granted upon sufficient showing of the following:

- (1) That the activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with other noise restrictions contained in this Code, and
- (2) That no reasonable alternative is available to the applicant.

e. The City of Livingston may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.

C. Exceptions. The following are excepted from the application of A.1 through A.9:

- 1. Noise from safety signals and warning devices;
- 2. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency;
- 3. Noise resulting from emergency work;
- 4. Noise resulting from the operating of motorized lawnmowers fitted with equipment-type mufflers between the hours of 7:00 a.m. and 8:00 p.m.;
- 5. Noise caused by home or building repair, construction, or grounds maintenance between the hours of 7:00 a.m. and 8:00 p.m.;

6. Activities on school grounds and public parks which are conducted in the manner in which such spaces are generally used including but not limited to school athletic and school entertainment events;
  7. Public park events. Athletic, musical and other events permitted in writing by the City of Livingston and such permit provides a waiver;
  8. Non-event non-amplified noise from public parks, schools, and recreational facilities between the hours of 7:00 a.m. and 8:00 p.m.;
  9. Special events for which a waiver has been granted;
  10. Noise from construction or maintenance activities performed by the city, or at the direction of the city, including but not limited to solid waste retrieval, street sweeping, road maintenance, and snow removal;
  11. Noise from construction or maintenance activities performed in the public right-of-way for which a waiver has been granted;
  12. Noise from construction or maintenance activities for which a waiver has been granted;
  13. City-sanctioned or permitted fireworks displays.
- D. Penalties. Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not exceeding \$300.00 or by imprisonment for not more than six months, or both such fine and imprisonment, pursuant to the general penalty provisions of Sec. 1-8 of this Code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Sec. 10-6. - Reserved

(Ord. 1911 § 2, 11/4/02)

**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 or duties that matured, penalties and assessments that were incurred or proceedings that begun before the effective dates 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 at a regular session thereof held on the \_\_\_\_ day of January, 2024.

\_\_\_\_\_  
**Karrie Kahle, CHAIR**

**ATTEST:**

\_\_\_\_\_  
**Emily Hutchinson**  
**City Clerk**

\*\*\*\*\*

**PASSED, ADOPTED AND APPROVED**, by the City Commission of the City of Livingston, Montana, on a second reading at a regular session thereof held on the \_\_\_\_\_ day of January, 2024.

**ATTEST:**

**APPROVED TO AS FORM:**

\_\_\_\_\_  
**Karrie Kahle, CHAIR**

\_\_\_\_\_  
**EMILY HUTCHINSON**  
**City Clerk**

\_\_\_\_\_  
**JON HESSE**  
**City Attorney**

**ORDINANCE NO. 3051**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 10, CURFEW, DISTURBING THE PEACE, AND NOISE, OF THE LIVINGSTON MUNICIPAL CODE, BY AMENDING SECTIONS 10-5 AND 10-6.**

**Preamble.**

This ordinance is established to maintain the tranquility and well-being of the City of Livingston by regulating noise levels and minimizing disturbances. It aims to balance the diverse activities within the city, including residential living, business operations, and recreational events, with the need for a peaceful environment. By setting clear guidelines and restrictions on noise production, this ordinance seeks to enhance the quality of life for all residents and ensure that Livingston remains a harmonious and vibrant community.

**WHEREAS**, the City of Livingston is committed to protecting the health, safety, and welfare of its residents through effective community standards; and

**WHEREAS**, Whereas, excessive noise adversely affects the quality of life, peaceful enjoyment of the environment, and public peace within the city; and

**WHEREAS**, it is essential to establish clear and enforceable noise regulations to maintain the city's tranquil and harmonious atmosphere.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Livingston, Montana, that Sections 10-5 and 10-6 of the Livingston Municipal Code be hereby amended with additions underlined and deletions struck through, as follows:

**SECTION 1**

Sec. 10-5. - Prohibited noises.

~~The creation of any unreasonably loud, disturbing or unnecessary noise that disturbs the peace in the City is prohibited.~~

The following acts, among others, are declared to be loud, disturbing and unnecessary noises, and noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:

- ~~A.—A. The blowing of locomotive whistles within the City after ten (10) p.m. and before seven (7) a.m. and the ringing of locomotive bells while the engines are standing still, except in case of giving the necessary warning signals in conformity with laws of the state or ordinances of the City, and except to the extent necessary. When necessary to give communication signals, then such signals shall be by lights or ringing of the bell only, or by such means as will not disturb the peace and quiet of the neighborhood.~~
- ~~B.—B. The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied to decelerate the vehicle.~~
- ~~C.—C. The playing of any radio, sound amplification equipment, or any musical instrument in such a manner or with such volume, particularly during the hours between ten (10) p.m. and seven (7) a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of any person in any hospital or in any dwelling, hotel or other type of residence, or of any person in the vicinity.~~
- ~~D.—D. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of ten (10) p.m. and seven (7) a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of any person in any hospital, dwelling, hotel or any other type of residence, or of any person in the vicinity.~~
- ~~E.—E. The keeping of any animal, bird or fowl which by causing frequent or long and continued noise shall disturb the comfort or repose of any person in the vicinity.~~
- ~~F.—F. The use of any automobile, motorcycle, or vehicle so out of repair, or carrying cargo so as to cause loud or unnecessary noise.~~



It is unlawful for any person to make, continue or cause to be made or continued any loud or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the City of Livingston, Montana.

A. *Enumeration of violations.* The following noises and acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:

1. *Horns and signaling devices.* The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied to decelerate the vehicle.
2. *Locomotive Whistles.* The blowing of locomotive whistles within the City after ten (10) p.m. and before seven (7) a.m. and the ringing of locomotive bells while the engines are standing still, except in case of giving the necessary warning signals in conformity with laws of the state or ordinances of the City, and except to the extent necessary. When necessary to give communication signals, then such signals shall be by lights or ringing of the bell only, or by such means as will not disturb the peace and quiet of the neighborhood.
3. *Radios, phonographs, loudspeakers and sound amplifiers.* The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants at any time with louder volume

than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners. The operation of any such set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device in such a manner as to be plainly audible at a distance of 50 feet from the property line of any building or structure or at a distance of 50 feet from any vehicle in which the same is located shall be prima facie evidence of a violation of this section.

- 4. *Animals.* The keeping of any animal which, by causing frequent or long continued noise, disturbs the peace, comfort or repose of any person in the vicinity.
- 5. *Exhaust.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises, which, by causing noise, disturbs the peace, comfort or repose of any person in the vicinity.
- 6. *Construction or repairing of buildings.* Any noise generated by construction, excavation or demolition activities or by repairing of buildings or other structures shall be a loud and unnecessary noise unless such noise is both created during the times allowed for construction set forth in subsection C.5 of this Code and does not exceed the noise levels set forth in subsection 9 of this section. This rule shall not apply in cases of urgent necessity in the interest of public health and safety. Additionally, the City of Livingston may waive or modify this rule for good cause shown and pursuant to an approved noise suppression plan.

7. *Hammers, concrete saws, etc.* Any noise generated by the use or operation of any pneumatic hammer, concrete saw or other appliance, blasting device or other explosive shall be a loud and unnecessary noise unless such noise is both created during the times allowed for construction set forth in subsection C.5 of this Code and does not exceed the noise levels set forth in subsection 9 of this section. This rule shall not apply in cases of urgent necessity in the interest of public health and safety. Additionally, the City of Livingston may waive or modify this rule for good cause shown and pursuant to an approved noise suppression plan.
8. *Special community events.* Any noise generated by permitted special events or other events to which the public is invited which fails to meet the following conditions:
  - a. The maximum decibel level measured at the perimeter of the event does not exceed 100 decibels; and
  - b. Amplified noise shall be created only between the hours of 9:00 a.m. and 10:00 p.m.; and
  - c. Neighbors within 250 feet of the site of the proposed sound source are notified. Such notification must be done seven days prior to the starting time of the event; and
  - d. The arrangement of loudspeakers or the sound instruments must be such that it minimizes the disturbance to others resulting from the position or orientation of the speakers or from atmospherically or geographically caused dispersal of sound beyond the property lines; and

- e. All reasonable measures are taken to baffle or reduce noise impacts on the neighbors; and
  - f. Event organizers agree to cooperate with the Livingston Police Department in addressing noise complaints from neighbors, which may include the termination of the event.
  - g. Organizers of special events governed by the City of Livingston may request a waiver from noise restrictions to the City of Livingston.
    - (1) The waiver request shall include reasons why the waiver should be granted, how the public good will outweigh impacts on neighbors and other factors supporting the request.
    - (2) If approved, the waiver shall contain all conditions upon which said waiver has been granted, including, but not limited to, the effective date(s), time(s) of day, location, sound pressure level, or equipment limitation. The City of Livingston may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.
9. Noise *levels*. Noises in excess of the following levels as measured at the property line in the following zones within the City during the following times unless permitted pursuant to an approved noise suppression plan or special community event permit:

Zone	Daytime 7:00 a.m. to 8:00 p.m.	Evening 8:00 p.m. to 7:00 a.m.
Residential	65 dBA	55 dBA
Commercial	80 dBA	60 dBA
Industrial	90 dBA	80 dBA

Note: dBA = Decibels, A weighted

Noise Level Comparison Chart.

Decibel Level	Comparison
50 dBA	Average Room Noise, Moderate Rainfall, Refrigerator
60 dBA	Normal Conversation, Electric Toothbrush
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85 dBA	Heavy Traffic, Noisy Restaurant, Blender
90 dBA	Train Whistle at 500', Lawnmower, Shouted Conversation
100 dBA	Motorcycle, Snowmobile, Train

Note: dBA = Decibels, A weighted

B. Noise *suppression plans*.

1. If this title or any other portion of this Code allows or requires a noise suppression plan, such plan shall be approved pursuant to the following process and contain the following information:
  - a. Noise suppression plans shall be submitted to and approved by the City of Livingston.
  - b. Noise suppression plans shall include, without limitation:
    - (1) Contact information;
    - (2) Dates of activity;
    - (3) Hours of activity;
    - (4) Location of activity;
    - (5) Any equipment constraints that prevent common noise reduction measures;
    - (6) Description of how sound blocking or reducing measures will be used;
    - (7) Layout map of the locations of baffles and other sound blocking or reducing measures with relation to the source; and
    - (8) Any additional information or conditions required by the City of Livingston.
  - c. Submittal must be timely for adequate review.
  - d. Approval may be granted upon sufficient showing of the following:
    - (1) That the activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with other noise restrictions contained in this Code, and
    - (2) That no reasonable alternative is available to the applicant.
  - e. The City of Livingston may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood.

C. Exceptions. The following are excepted from the application of A.1 through A.9:

1. Noise from safety signals and warning devices;
2. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency;
3. Noise resulting from emergency work;
4. Noise resulting from the operating of motorized lawnmowers fitted with equipment-type mufflers between the hours of 7:00 a.m. and 8:00 p.m.;
5. Noise caused by home or building repair, construction, or grounds maintenance between the hours of 7:00 a.m. and 8:00 p.m.;
6. Activities on school grounds and public parks which are conducted in the manner in which such spaces are generally used including but not limited to school athletic and school entertainment events;
7. Public park events. Athletic, musical and other events permitted in writing by the City of Livingston and such permit provides a waiver;
8. Non-event non-amplified noise from public parks, schools, and recreational facilities between the hours of 7:00 a.m. and 8:00 p.m.;
9. Special events for which a waiver has been granted;
10. Noise from construction or maintenance activities performed by the city, or at the direction of the city, including but not limited to solid waste retrieval, street sweeping, road maintenance, and snow removal;
11. Noise from construction or maintenance activities performed in the public right-of-way for which a waiver has been granted;

12. Noise from construction or maintenance activities for which a waiver has been granted;

13. City-sanctioned or permitted fireworks displays.

D. Penalties. Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not exceeding \$300.00 or by imprisonment for not more than six months, or both such fine and imprisonment, pursuant to the general penalty provisions of Sec. 1-8 of this Code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Sec. 10-6. - ~~Unlawful sound amplification from vehicles.~~ Reserved

~~A. A. Definitions.~~

~~"Amplified sound from vehicle" means the sound resulting from the playing or operation, or from permitting the playing, use or operation of any radio, tape player, cd player, loud speaker or other electronic device used for the amplification of sound located either inside or outside of a vehicle which is audible at a distance of fifty (50) feet or more from the vehicle.~~

~~"Audible" means a sound which can be heard or perceived by the human ear.~~

~~"Ways of the City open to the public" means any highway, road, alley, lane, parking area or other public or private place adapted and fitted for public travel that is in common use by the public.~~



- ~~B. Unlawful amplified sound from a vehicle. It is unlawful and punishable as herein provided to play, use or operate, or permit the playing, use or operation of any radio, tape player, cd player, loud speaker, or other electronic device to amplify sound from a vehicle while the vehicle is being operated or located on a way of the City open to the public when sound produced thereby is audible by any person from a distance of fifty (50) feet or more from the vehicle during the hours from ten (10) o'clock p.m. unto seven (7) o'clock a.m.~~
- ~~C. Exceptions. Emergency vehicles and car alarms are specifically exempted from the provisions of this Section.~~
- ~~D. Punishment. When sound violating this Section is produced, the person in control of the vehicle and any person who controls or assists with the production of the sound violating this Section shall be guilty of a misdemeanor. A person convicted of a first violation of this Section shall be punished by a fine not to exceed One Hundred Dollars (\$100.00). A person convicted of a second or subsequent violation shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00).~~
- ~~E. Violations deemed a nuisance. Violations of this Chapter are deemed a public nuisance. As an additional remedy, the City Attorney may, in a court of competent jurisdiction, seek appropriate equitable relief in enforcing this Chapter including, but not limited to, declaratory relief and/or injunctive relief.~~

(Ord. 1911 § 2, 11/4/02)

**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 or duties that matured, penalties and assessments that were incurred or proceedings that begun before the effective dates 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 at a regular session thereof held on the \_\_\_\_ day of January, 2024.

\_\_\_\_\_  
**Karrie Kahle, CHAIR**

**ATTEST:**

\_\_\_\_\_  
**Emily Hutchinson**  
**City Clerk**

\*\*\*\*\*

**PASSED, ADOPTED AND APPROVED**, by the City Commission of the City of Livingston, Montana, on a second reading at a regular session thereof held on the \_\_\_\_\_ day of January, 2024.

**ATTEST:**

**APPROVED TO AS FORM:**

\_\_\_\_\_  
**Karrie Kahle, CHAIR**

\_\_\_\_\_  
**EMILY HUTCHINSON**  
**City Clerk**

\_\_\_\_\_  
**JON HESSE**  
**City Attorney**

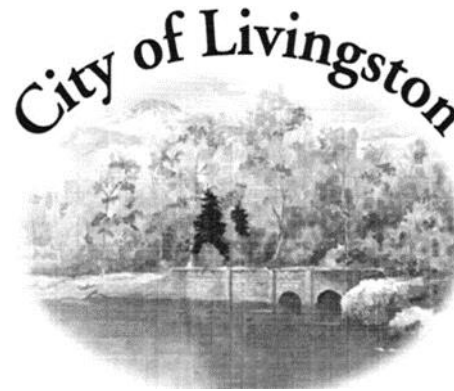
**File Attachments for Item:**

**C. AGREEMENT 20067 WITH 4 RANGES COMMUNITY RECREATION FOUNDATION INC. FOR LEASE OF KATIE BONNELL PARK**

**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

citymanager@livingstonmontana.org  
www.livingstonmontana.org



*Incorporated 1889*

**Chairperson**  
Karrie Kahle

**Vice Chair**  
Melissa Nootz

**Commissioners**  
Quentin Schwarz  
Torrey Lyons  
James Willich

Date: 2/20/2024  
To: Chair Kahle and City Commissioners  
From: Grant Gager, City Manager

**Staff Report for Agreement 20067**

**Recommendation and Summary**

Staff is recommending approval of a lease agreement for the Community Wellness Center project with the Four Ranges Community Recreation Foundation Inc. using the following motion:

“I move to approve Agreement 20067 with the Four Ranges Community Recreation Foundation Inc. and authorize the Chair to sign.”

The reasons for the recommendation are as follows:

- The City and Foundation have been working to construct a wellness center.
- A March 19 election regarding the creation of a district to fund the center has been called.
- If the project moves forward, the Foundation will need control of the property to construct the facility.

**Introduction and History**

The 4 Ranges Community Recreation Foundation (Foundation) was formed in 2018 to support the creation and operation of community recreation facilities in the City of Livingston. On March 7, 2023, the City and Foundation approved a memorandum of understanding to guide their work on the community wellness center project. On March 19, 2024, an election will be held to determine if a district to fund the operations of the Wellness Center will be created which would be another step forward to delivery of the project.

Previous Memoranda of Understanding, including Agreement 20055 which was approved on December 19, 2024, contemplated that the Foundation would be responsible for the design and construction of the Wellness Center. Agreement 20055 also specified that the Foundation would “Temporarily hold control of the property and subsequently return such control to the City upon the expiration of the requirements of the New Market Tax Credit Program.”

**Analysis**

The proposed Agreement 20067 has been drafted to move the project through the design and construction phase of the project. Specifically, the agreement requires the City to:

- Participate in the oversight of the design and construction.
- Cooperate with the Foundation related to the New Markets Tax Credit Program.
- Lease Katie Bonnell Park to the Foundation during the construction period and also for any holding period associated with the New Markets Tax Credit Program (7 years)

The agreement places all responsibility, including financial commitment, for design and construction of the facility on the Foundation. This agreement will be contingent upon passage of the Wellness Center district by electors on March 19, 2024.

**Fiscal Impact**

There is no fiscal impact arising from the agreement.

**Strategic Alignment**

The improvement of community recreation facilities is related to several objectives of the growth policy, including 2.2.2, and 3.2.1.

**Attachments**

- Attachment A: Agreement 20067
- Attachment B: Draft Building Layout

**AGREEMENT 20067 REGARDING THE  
DEVELOPMENT OF RECREATION AND COMMUNITY FACILITIES  
IN THE CITY OF LIVINGSTON**

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by and between **City of Livingston**, a political subdivision of the State of Montana. of 220 East Park Street, Livingston, Montana (“City”), and 4 Ranges Community Recreation Center Foundation Incorporated, a Montana non-profit corporation located at PO Box 1095, Livingston, Montana (“Foundation”).

**RECITALS**

**WHEREAS**, the FOUNDATION has raised funds to develop a well-maintained and publicly-accessible facility to support the CITY’s recreation programs; and,

**WHEREAS**, the CITY and FOUNDATION have previously agreed to evaluate opportunities for recreation facilities in Livingston, Montana, and have identified an opportunity to create a new recreation center at the City’s Katie Bonnell Park; and,

**WHEREAS**, an election will be held on March 19, 2024, to consider a referendum to establish a City wide special district to fund the operations of the recreation facility.

**NOW, THEREFORE**, be it resolved that the CITY and FOUNDATION agree to collaborate on the design and construction of a new recreation center to be owned and operated by the City of Livingston.

The CITY and FOUNDATION agree as follows:

**SECTION 1**

**Contingency**

This Agreement is contingent upon the voters approving a referendum to establish a City wide special district to fund the operations of the recreation facility. If the voters do not approve the referendum, this Agreement is terminated and deemed null and void.

**SECTION 2**

**General Responsibilities**

**2.1 Project Building Committee**

The parties have agreed to establish a Project Building Committee (“Committee”) to oversee the project programming, design and cost estimate/budget of what will be called the City of Livingston Wellness Center Project (“Project”). The Committee is composed of:

- Livingston City Manager
- Livingston City Recreation Director
- Foundation Board Chair, 4 Ranges Community Recreation Foundation Inc.

**2.2 Foundation’s Responsibilities.**

2.2.1 The FOUNDATION will have responsibility for all work, including the coordination and direction of the planning, design and construction of the Project. Such work shall be carried out with the agreement of the City through its representatives on the Project Building Committee.

2.2.2 The FOUNDATION will enter into all contracts required for the design and construction of the Project.

2.2.2. All contractual financial obligations related to the Project shall be the sole responsibility of the FOUNDATION, and except as specifically set forth in this AGREEMENT, the CITY shall have no obligation, financial or otherwise, to those architects, engineers, contract managers, contractors, workmen, suppliers or any person or firm involved with the FOUNDATION’s efforts relative to the Project.

2.2.3 The FOUNDATION will lease from the CITY those portions of what is known as the Katie Bonnell Park that are necessary to complete the Project as set forth in paragraph 3.1 below.



2.2.4 Upon completion of the Project, the FOUNDATION shall convey, transfer and contribute the Project and all improvements thereto to the CITY free of any encumbrances.

**2.3 CITY’s Responsibilities.**

2.3.1 The CITY shall provide assistance in the form of participation on the Project Building Committee. The City Manager, or a Project Manager appointed by him, will be the CITY’s chief representative.

2.3.1 The City agrees to cooperate with the Foundation and its donors to receive a tax credit under the New Markets Tax Credit Program, if used to finance the Project.

**SECTION 3**  
**Lease**

**3.1 Lease.**

3.3.1 The CITY will lease those portions of Katie Bonnell Park (“Park”) to the FOUNDATION as are necessary for footprint of the recreation center, outdoor recreation facilities and a parking area (“Premises”). The FOUNDATION shall not assign or sublease the Premises to anyone, nor shall the FOUNDATION use, or permit to be used, the Premises or any part thereof for any purpose or purposes other than the purpose or purposes for which the Premises are hereby leased, except as authorized in this Agreement.

3.3.2 The FOUNDATION shall permit the CITY and its authorized agents and employees to enter upon the Premises at any and all times to inspect the Premises or for any other purpose incidental to the CITY’s business.

3.3.3 Upon completion of the Project and the conveyance and transfer of the improvements made to the premises, the lease will be terminated.

3.3.4 To the extent that the FOUNDATION utilizes New Market Tax Credits to fund the project, the lease of the Park shall extend through the property holding period established by the New Market Tax Credit program. This period is estimated to be seven (7) years after the completion of construction.

3.3.5 In the event that the extended lease period described in Section 3.3.4 of this lease is utilized upon completion of construction, the FOUNDATION and CITY shall execute an operating agreement that provides the CITY exclusive use of the facility for the duration of the holding period.

**SECTION 4**

**Covenant Not to Sue – Assignment of Rights to the CITY.**

The CITY hereby covenants not to initiate any legal action or legal proceeding against the FOUNDATION, its officers, directors, agents and employees, because of faulty materials, equipment, installation or workmanship relating to the Wellness Center.

The FOUNDATION shall assign to the CITY all rights, including warranties of materials and construction services, and claims it may have against all contractors, suppliers or any persons or firms involved with the improvement projects. The CITY shall have the right to initiate any required legal action directly against construction contractors, suppliers or any person or firm by virtue of the assignment of such rights to the CITY by the FOUNDATION. The assignment of rights shall be accomplished by the FOUNDATION in writing at the time of the acceptance of the completed improvement projects by the CITY.

The FOUNDATION hereby covenants not to initiate any legal action or legal proceeding against the CITY, its officers, directors, agents and employees, arising out of the CITY’S actions in relation to this Agreement.

**SECTION 5**

**Funding**

The FOUNDATION has the responsibility for generating, accepting and managing the Project funds and contributions. The Project Building Committee will develop and approve the budget for all costs of the Project. The parties agree that the FOUNDATION must have sufficient funds identified to fully fund the entire budget for the Project before the contract for facility construction will be awarded though certain contracts for site preparation may be awarded earlier with City consent.

The CITY has no financial obligation for the Project or to the FOUNDATION unless the CITY authorizes such by action of the CITY’s Commission and set forth in writing. Sufficient accounts and records will be maintained by the FOUNDATION to enable the CITY to ascertain that funds by the FOUNDATION were in fact expended for the Project.

**SECTION 6**  
**Pre-Construction Phase and Scheduling**

**6.1 Plans and Specifications.** The FOUNDATION shall employ architects as necessary to develop plans, specifications and drawings for the Project. The FOUNDATION will submit copies of the plans, specifications and all other construction contract documents to the Project Building Committee for review and approval, and shall make those corrections required by the Committee. No construction shall commence without final approval of all plans, specifications and drawings by the Committee. Copies of the final plans, specifications and drawings shall be filed with the CITY prior to the commencement of any construction.

**6.2 Construction and Completion Schedules.** The FOUNDATION will submit to the Committee an overall completion schedule for the Project. Such schedule will reflect necessary approvals by the Project Building Committee, including but not limited to approval of all architect and construction contracts and related documents. The

following specific items must be presented to the Committee for approval:

- a. completion schedule;
- b. plans and specifications;
- c. construction contract and related documents, including certificates of insurance;
- d. estimated construction schedules and revised schedules, if any;
- e. authorization to commence construction; and
- f. project acceptance.

The overall goal for completion of the Project is October 1, 2025. The FOUNDATION will work diligently to meet this goal, but failure to do so shall not cause the FOUNDATION to incur any penalty or to be in default of this Agreement.

**6.3 Pre-construction Conference.** After the Project Building Committee has accepted the financial plan submitted by the FOUNDATION and the project completion schedule, but prior to the start of construction, the Committee and the FOUNDATION shall arrange a pre-construction conference to include representatives of design and coordination firms or individuals designated in the previous paragraph, and representative(s) of the principal construction firm to be involved in the design, coordination and construction phases of the Project. The FOUNDATION, through the FOUNDATION’s architect, will outline the responsibilities of these various entities during the progress of the Project for the Committee’s approval.

**6.4 Equipment Samples, Materials Lists.**

The FOUNDATION shall submit to the Project Building Committee, in a timely sequence and before orders are placed for equipment and materials, a list of items of materials and equipment, and any contributions, including the name of the manufacturer, to be incorporated into the project for review and approval by the Committee.

Materials and equipment to be furnished and installed shall be manufactured, fabricated or constructed to meet all federal, state and local safety requirements and all applicable building codes of the State of Montana.

**SECTION 7**  
**Construction Phase**

**7.1 Permits and Compliance with Applicable Laws and CITY Regulations.**

The FOUNDATION shall be responsible for obtaining all required permits and inspections, the giving of all required notices, and, payment of all applicable taxes and fees.

The FOUNDATION and all employees, contractors, subcontractors, suppliers and their employees shall comply with all applicable laws, ordinances, lawful orders and rules, regulations of public authorities having proper jurisdiction, including those rules and regulations duly promulgated by the CITY. The FOUNDATION’s obligations shall be satisfied by requiring compliance with each of the foregoing in its contract with each party performing services or providing materials for the Project and construction.

**7.2 Protection of Work and Property and Builders Risk Insurance.**

The FOUNDATION shall continuously maintain or cause to be maintained adequate insurance protection of all the work on the Project and shall protect the CITY’s property (including adjacent property) from injury or loss arising in connection with the project. The entire work of the Project shall be at the sole risk of the FOUNDATION until the Project completion. Any loss or damage covered by insurance shall be promptly repaired, replaced or rebuilt by the FOUNDATION at its sole cost using insurance proceeds. The FOUNDATION shall secure fire, extended coverage and vandalism insurance or all risk insurance to cover the work during the course of the project naming the CITY as an additional insured.

The FOUNDATION shall require its architect and contractors to comply with all applicable provisions of federal, state and municipal safety laws and building codes to prevent accidents or injury to person on, about or adjacent to the premises where the work is being performed. The FOUNDATION shall further require its architect and

contractors to erect and properly maintain at all times, all necessary safeguards as required by the conditions and progress of the work.

The work shall be done in such a manner as will cause a minimum of interruption to surrounding persons, structures or uses. All arrangements to care for such interruptions shall be the FOUNDATION's responsibility, with CITY assistance. All work shall be carried-on with due regard for the safety of the public generally

**7.2 Liability Insurance and Indemnification.** The FOUNDATION shall obtain and cause its contractors and subcontractors to obtain workers' compensation, employer's liability, bodily injury liability, property damage liability and comprehensive automobile bodily injury, and property damage liability insurance in amounts satisfactory to the CITY naming the CITY as an additional insured.

**7.3 Inspection.** The CITY will have full rights to inspect the Project site during the project for compliance with approved construction documents and the requirements of this Agreement .

**7.4 Utilities During Construction.** The FOUNDATION will provide all water, sewer gas, heat, light, power, telephone service, and other public utilities to be furnished to the Premises, and all other costs and expenses in connection with the use, operation and maintenance of the leased facilities on or adjacent to the Project site. The Contractor will make the necessary connections. The FOUNDATION will furnish all other utilities required for completion of the project as part of the project cost.

The FOUNDATION shall make reasonable efforts to minimize disruption of the utility services of the CITY and shall coordinate with the CITY representatives prior to the time that any connections are made, or if it is necessary to disrupt a utility service, such disruptions shall be at times designated by the CITY to minimize the effect of any such disruptions on the remainder of the City. The FOUNDATION shall allow the CITY maintenance access to utility service lines as required.

**7.5 Project Completion.** The CITY shall inspect and accept the Project: (i) when

completed according to approved construction documents, (ii) upon final walk through and inspection by the CITY and its staff, experts and engineers, (iii) upon completion of any final punch list items required by the CITY; (iv) on completion of upon any agreed to completion date. Prior to final acceptance of the Project by the CITY, the FOUNDATION shall deliver to the Wellness Center Project a set of reproducible mylar record prints and electronic drawing files in the AutoCad format of drawings showing significant changes made during the construction process, based on marked up prints, drawings and other data furnished by the Contractor to the FOUNDATION. The FOUNDATION shall also deliver two complete, bound sets of any operating manuals or instructions for any equipment installed as part of the project where such manuals and instructions are required or normally provided, upon completion of the project and prior to the termination of this AGREEMENT.

The FOUNDATION will not be required to provide any independent warranty for materials, equipment, installation, workmanship or other services undertaken as part of the construction of the Project.

**SECTION 8**  
**Miscellaneous**

**8.1 Right to Terminate AGREEMENT.** If the FOUNDATION should persistently or repeatedly refuse or should fail, except in cases for which extension of time is provided, to supply enough contractors or subcontractors or material or labor, or persistently disregard laws, ordinances of the CITY or otherwise be guilty of a substantial violation of any provision of this Agreement, the CITY may, without prejudice to any other right or remedy, and after giving the FOUNDATION and its surety, if any, seven (7) days written notice to cure the violation, terminate this Agreement, and take possession of the premises and of all materials, tools and appliances thereon, and finish the work by whatever method the CITY may deem expedient.

If this Agreement is terminated, any remaining funds, fund pledges, pledges for materials, services, equipment and other “gifts-in-kind,” and any other financial assurances shall be transferred or otherwise made available to the CITY to proceed with the Project.

**8.2 Audit Access.** The FOUNDATION agrees to abide by the audit access provisions in Section 18-1-118, MCA.

**8.3 Amendments.** This Agreement may be amended by mutual agreement in writing executed by the officials executing this Agreement, or their successors, and appended hereto.

**8.4 Notices.** All notices given by either Party to the other hereunder shall be mailed by certified or registered mail, or personally delivered as follows:

TO THE CITY:  
Grant Gager, City Manager  
220 E. Park Street  
Livingston, MT 59047

TO THE FOUNDATION  
Andrew Field, Chair  
4 Ranges Community Recreation Foundation, Inc.  
PO Box 1095  
Livingston, MT 59047

**8.5 Term.** This Agreement shall terminate upon Project completion unless terminated earlier pursuant to paragraph 8.1 above, or in the event that the contingency in paragraph 1.0 is not met.

**8.6 Indemnification.** The Parties agree to fully indemnify, defend and hold harmless each other and each other’s employees, officers, directors and agents from and against any claims, demands, damages, injuries, costs, expenses, losses, liabilities, causes of action, to the extent any such claims, demands, causes of action, etc. arise from the indemnifying party’s own negligent or other tortious acts or omissions, which



arise out of the Project covered by the terms of this Agreement.

Nothing in this Section shall constitute a waiver of either party’s insurer’s rights to seek indemnity, contribution or a tender of legal defense from the other party or the other party’s insurer to the extent permissible by law.

Entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**CITY OF LIVINGSTON**

**4 RANGES COMMUNITY RECREATION  
CENTER FOUNDATION INC.**

\_\_\_\_\_  
**Karrie Kahle, Chair**

\_\_\_\_\_  
**Andrew Field, Chair**

\_\_\_\_\_  
**Emily Hutchinson, City Clerk**

PRELIMINARY  
 NOT FOR  
 CONSTRUCTION



- Department Legend**
- BUSINESS
  - CIRCULATION
  - DAYCARE
  - EXERCISE SPACE
  - LOCKER ROOMS
  - POOL
  - UTILITY

1 MAIN LEVEL  
 1/8" = 1'-0"

**Four Ranges Wellness Center**  
 Livingston, Montana  
 FLOOR PLAN - LEVEL 1

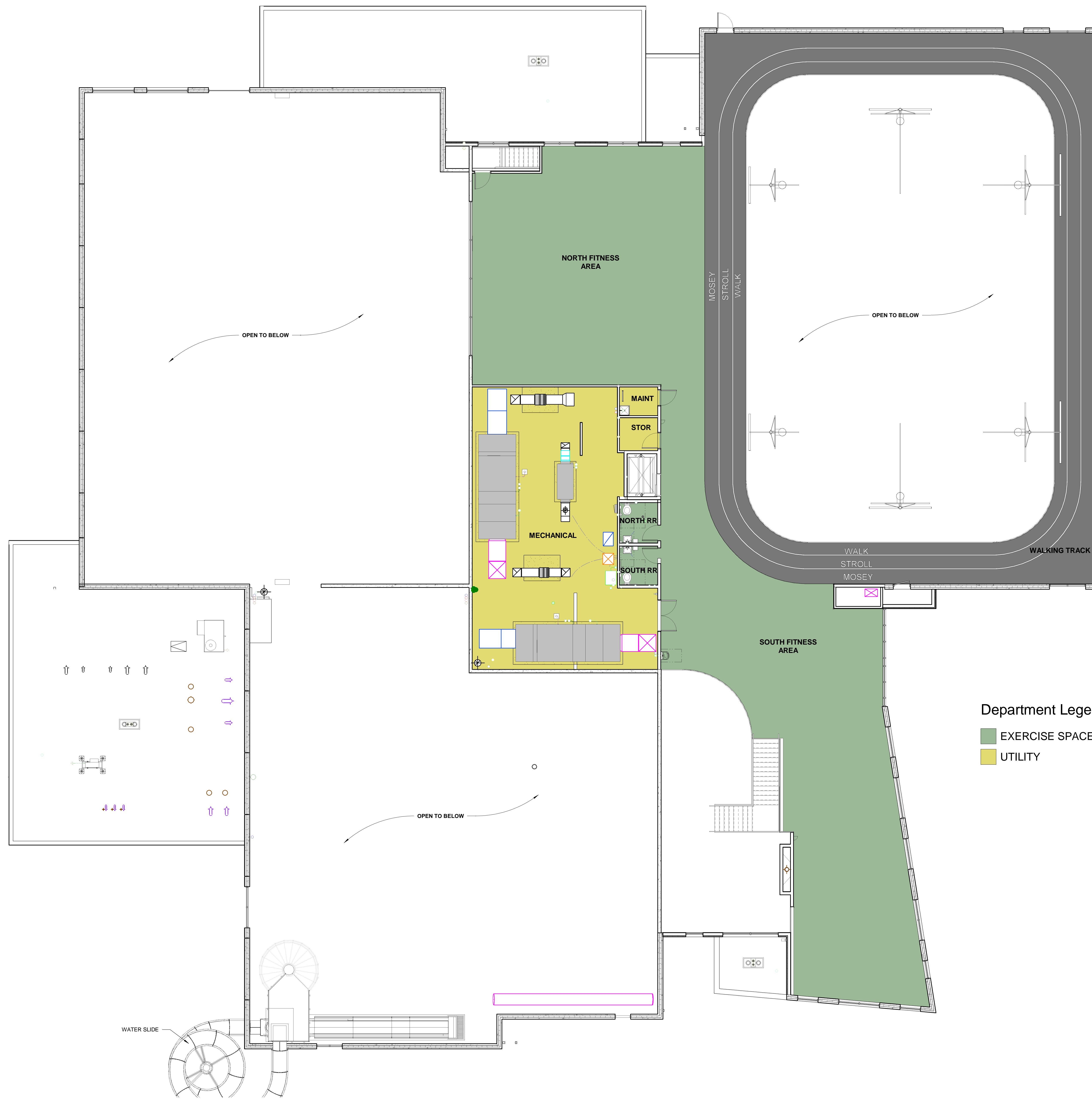
Revision Schedule		
No.	Revision	Date

Submittals		
No.	Item	Date

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CREATED BY:	LPW
CHECKED BY:	TMP
DATE:	02/08/2024
PROJECT NUMBER:	24-003
SHEET NUMBER:	A1.1

PRELIMINARY  
NOT FOR  
CONSTRUCTION



**Department Legend**

- EXERCISE SPACE
- UTILITY

**2nd LEVEL**  
1/8" = 1'-0"

**Four Ranges Wellness Center**  
Livingston, Montana  
FLOOR PLAN - LEVEL 2

No.	Revision	Date

No.	Submittal	Date

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CREATED BY:	LPW
CHECKED BY:	TMP
DATE:	03/04/2022
PROJECT NUMBER:	24-003
SHEET NUMBER:	A1.2