



Livingston City Commission Agenda

November 19, 2019

5:30 PM

City – County Complex, Community Room

1. Call to Order

2. Roll Call

3. Moment of Silence

4. Pledge of Allegiance

5. 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)

6. Consent Items

- A. APPROVE MINUTES FROM NOVEMBER 5, 2019, REGULAR CITY COMMISSION MEETING. Pg. 5**
- B. RATIFY CLAIMS PAID NOVEMBER 1, 2019 THROUGH NOVEMBER 15, 2019. Pg. 34**
- C. CONSENT - JUDGES MONTHLY REPORT FOR SEPTEMBER 2019 Pg. 43**
- D. CONSENT - PLEDGED SECURITIES FOR SEPTEMBER 2019 Pg. 45**
- E. APPLICATION FOR SPECIAL PARKING SPACE FOR JANET MASKINS, REQUESTING RESERVED PARKING SPACE FOR DISABLED PERSON. Pg. 49**
- F. APPLICATION FOR SPECIAL PARKING SPACE FOR SHIRLEY ROSS, REQUESTING RESERVED PARKING SPACE FOR DISABLED PERSON. Pg. 56**

7. Proclamations

8. Scheduled Public Comment

- A. JEANNE MARIE SOUVIGNEY PRESENTS 2019 REPORT FROM PARKS AND TRAILS COMMITTEE. Pg. 60**
- B. KATE MCINNERNEY OR ADAM STERN PRESENTS 2019 REPORT FROM CITY PLANNING BOARD. Pg. 62**

9. Public Hearings

10. Ordinances

11. Resolutions

12. Action Items

- A. DISCUSS/APPROVE/DENY: COMPASSIONATE NEIGHBORS APPLICATION AND REQUEST FOR FEE WAIVER FOR 2019 COMMUNITY CHRISTMAS DINNER. Pg. 64**

- B. **DISCUSS/APPROVE/DENY: LIVINGSTON CHAMBER OF COMMERCE REQUEST FOR OPEN CONTAINER WAIVER DURING 2019 CHRISTMAS STROLL.** Pg. 69
- C. **DISCUSS/APPROVE/DENY: REVIEW SNOW REMOVAL ORDINANCE NO. 1929 (A) AND DISCUSS DRAFTING REVISING TO ENCOURAGE CITY RESIDENTS TO SHOVEL SIDEWALKS.** Pg. 71
- D. **DISCUSS: SCHEDULING VENUE FOR DECEMBER LISTENING SESSION.** Pg. 115

- 13. City Manager Comment
- 14. City Commission Comments
- 15. Adjournment

Calendar of Events

NOVEMBER 2019

CALENDAR MONTH	NOVEMBER
CALENDAR YEAR	2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	27	28	29	30	31	1 2
	3	4	5	6	7	8 9
Daylight Saving Time Ends		City Commission Meeting Dan Clark presentation 5:30pm Election Day				Commissioners Listening Session 8:30am Pickle Barrel
	10	11	12	13	14	15 16
Marine Corps Birthday	Veteran's Day observed City offices and facilities closed				National Philanthropy Day	Business Leaders Gala 5pm Livingston Depot Center
	17	18	19	20	21	22 23
		We Will Park County (PCCF) 1:30-2:30 Shane Center City Commission Mtg. 5:30pm	Library Board Mtg. 4pm Planning Board Mtg 5:30pm Sister City Board Mtg. 7PM	Montana DEQ meeting on rail yard clean up 6:30-9:30	We Will Park County Gardiner Community Center 3-4 pm	
	24	25	26	27	28	29 30
	Airport Board Meeting Park Co. Commission Chambers Noon		Parks and Trails Committee Meeting 6:00pm	Thanksgiving Day Observed City Offices and Facilities Closed		

For more information about any events listed above visit
www.livingstonmontana.org

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.

Item Attachment Documents:

- A. APPROVE MINUTES FROM NOVEMBER 5, 2019, REGULAR CITY COMMISSION MEETING.**

LIVINGSTON CITY COMMISSION MINUTES

**Tuesday, November 5, 2019, 5:30 pm
City-County Complex, Community Room**

1 Call to Order

2 Roll Call

* Hogleund, Friedman, Mabie, and Nootz were present. Schwarz was absent.

3 Moment of Silence

4 Pledge of Allegiance

5 Public Comments

* Leslie Fiegle (00:01:41)

6 Consent Items (00:02:36)

* Mabie motioned to approve consent items A-C, Friedman seconded

* All in favor, motion passed 5-0.

7 Proclamations

8 Scheduled Public Comment

A. The City of Livingston invites Burton Planning Services to provide project update to the Community on the City Growth Policy. (00:03:27)

B. The City of Livingston invites Dan Clark, Director of MSU Extension Local Government Center, to present information to the community of different forms of local government. (00:29:14)

9 Public Hearings

10 Ordinances

11 Resolutions

12 Action Items

13 City Manager Comments (01:48:05)

* Burton Planning website, listserv capability, email updates, will be on City's webpage, Board openings and recruitment.

14 City Commissioner Comments (01:51:09)

* Nootz made comments (01:51:10)

* Mabie abstained

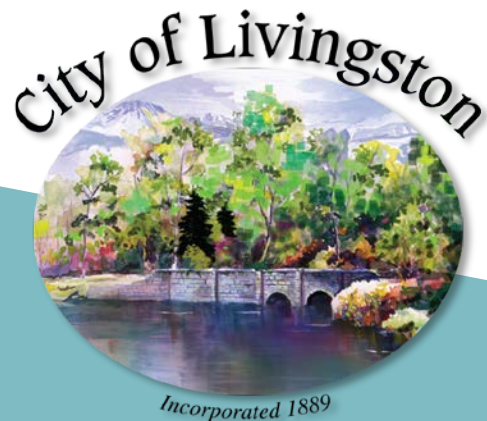
* Friedman made comments (01:53:45)

* Hogleund made comments (01:54:18)

15 Adjournment (01:56:09) 07:26 pm

City of Livingston Growth Policy City Commission Presentation

November 5, 2019 | 5:30pm



Tonight's Purpose

Overview Of Growth Policy Process

Discuss Work Completed

Ensure Commission Can Ask Questions

Team Introduction

City of Livingston

Burton Planning Services

Applied Communications

Burton Planning Services

Amelia Mansfield
Planning Manager



Jim Lenner
Community and Economic
Development Director



Applied Communications

Kate McMahon
Partner



What is a Growth Policy?

- Will serve as an **integral land use planning guidance tool** as the community, including the 2-mile extraterritorial jurisdiction, grows and develops.
- It is **essential** that the Growth Policy reflect the desires and needs of the community as well as the existing and future capacity of the city's infrastructure, economy, and natural environment.
- The Growth Policy will name the best locations for growth and **assist the City with ensuring** that development and investment occurs appropriately.

Work Has Begun

Livingston
City Tour
(Monday)

Stakeholder
Listening
Sessions
(Monday)

Project
Kickoff
Meeting
(Tuesday)

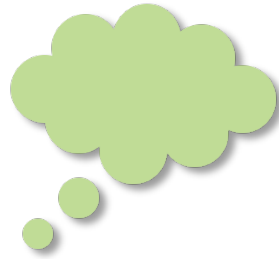
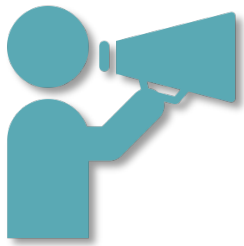
City
Commission
Presentation
(Tuesday)

Growth Policy Process



Public Involvement Is Critical

Public Involvement Will Be *Ongoing* During Entire Process



On Site | Website | Online | Survey Email

What Will Growth Policy Address?

- Land Use
- Population
- Housing
- Public Facilities
- Policies, Regulations, and Other Measures

- Transportation
- Natural Resources
- Local Services
- Economy
- Intergovernmental Coordination

Growth Policy Timeline

Project Start: October 2019



Project Finish: September 2020

TASK	START	END	2019			2020										
			Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	16	ep		
1: Project Initiation and Management	Tue, 10/15/19	Wed, 9/30/20	[Green bar spanning from Oct 2019 to Sep 2020]													
Project Initiation	Tue, 10/15/19	Fri, 11/15/19	[Green bar]													
Ongoing Project Management	Tue, 10/15/19	Wed, 9/30/20	[Green bar spanning from Oct 2019 to Sep 2020]													
Project Close-Out	Tue, 9/1/20	Wed, 9/30/20														[Green bar]
2: Needs Assessment	Tue, 10/15/19	Tue, 3/31/20	[Green bar]													
Review 2017 Growth Policy	Tue, 10/15/19	Tue, 10/15/19	[Green bar]													
Collect Base Information	Tue, 10/15/19	Fri, 11/29/19	[Green bar]													
Establish Goals and Objectives	Mon, 12/2/19	Fri, 1/31/20			[Green bar]											
Analyze Base Information	Thu, 1/2/20	Fri, 2/28/20				[Green bar]										
Project Trends	Mon, 2/3/20	Tue, 3/31/20					[Green bar]									
Identify Needs	Mon, 3/2/20	Tue, 3/31/20						[Green bar]								
3: Growth Policy Update	Mon, 3/2/20	Tue, 6/30/20						[Green bar]								
Identify Strategies	Mon, 3/2/20	Fri, 5/29/20							[Green bar]							
Create Implementation Plan	Wed, 4/1/20	Tue, 6/30/20								[Green bar]						
Other Inclusions	Mon, 3/2/20	Fri, 5/29/20							[Green bar]							
4: Growth Policy Review & Adoption	Wed, 7/1/20	Wed, 9/30/20														[Green bar]
Review of Draft Growth Policy	Wed, 7/1/20	Fri, 7/31/20														[Green bar]
Review of Final Growth Policy	Mon, 8/3/20	Mon, 8/31/20														[Green bar]
Adoption	Tue, 9/1/20	Wed, 9/30/20														[Green bar]
5: Public Involvement	Tue, 10/15/19	Wed, 9/30/20	[Green bar spanning from Oct 2019 to Sep 2020]													

Next Steps

Accumulate Data and Information Collection

Analysis of Base Information

Draft Goals & Objectives

Identify Needs

Project Trends

Feedback by City Commission

What are we missing?

What specific areas should we target?

Is there growth you don't want?

Contact

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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

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

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:

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

(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.

2.1 ROLES AND RESPONSIBILITIES

2.101 The Chief Executive

- **Mayor is chief executive.** In the commission-executive (council-mayor) and commission-chairman form of municipal government, the *mayor is the chief executive* as a matter of law or as provided in the locally adopted charter. In the Commission-manager form of municipal government the *city manager is the chief executive officer and the mayor serves primarily as the presiding officer of the commission* with some ceremonial responsibilities.

- **Duties of the mayor.** The primary duties of the mayor as the chief-executive officer of the city or town government are detailed at [7-3-203](#), [7-4-4303](#) and [7-5-4102](#), MCA *unless otherwise altered by a locally adopted charter*. Foremost among these duties of the mayor is the duty to *enforce state laws and the ordinances and resolutions* adopted by the council. In meeting this responsibility the mayor is empowered to administer the affairs of the government and supervise all departments and all employees of the city or town. In this regard, it is important to note that in most council-mayor governments the mayor is required to obtain council approval to hire the department heads. However, the mayor has the authority to terminate *for just cause* all non-elected employees of the government, including department heads, and *to do so without reference to the council* ([7-3-213\(3\)](#) and [7-3-113\(1\)\(e\)](#), MCA).

- **Presiding officer of council.** In most municipal governments the mayor serves as the presiding officer of the council but the *mayor is not a member of the council and may not be counted among the number necessary to make a quorum*. As the presiding officer of the council the mayor usually prepares the meeting agenda with the assistance of the clerk. The mayor may take part in the discussions of the council but must take care that established council procedures are followed and that each member of the council is treated fairly and with the respect due an elected representative of the community. *The mayor may not vote as other council members but may vote only to break a tie vote of the council*. As presiding officer the mayor must ensure that members of the public who appear before the council are accorded a reasonable opportunity to present their views and are treated with respect.

- **Mayor's veto authority.** Although seldom used, the mayor's authority to veto ordinances and resolutions is an important check and balance in the council-mayor form of municipal government. (The veto is not available to the mayor in the commission-manager form of government.) To exercise veto authority the *mayor must submit in writing his veto and all objections to the pending ordinance or resolution to the council at the next regular meeting*. The council may only *override the mayor's veto of a measure by a two thirds vote of the whole number of council members*. If the council fails to override the veto, the ordinance or resolution *must not go into effect* ([7-3-214\(2\)](#), [7-3-113\(1\) \(f\)](#) and [7-5-4206](#), MCA).

- **Budget preparation.** In most council-mayor forms of municipal government the mayor, with assistance from the clerk-treasurer, has the lead role in assembling the annual budget. However, the relevant statute requires that the mayor prepare the budget “... in consultation with the commission and departments heads” ([7-3-215\(2\)](#), MCA and [7-3-113\(1\)\(g\)](#), MCA). More often than not, a committee of council members serves as the council's

working participants in the budgeting process. Although the assembly of budget details is usually accomplished by the executive branch (primarily the clerk) for the mayor's approval, *only the council can finally approve the budget for execution by the executive branch* (7-3-203(10), MCA).

2.102 The Council (Commission)

In all forms of municipal government in Montana the *council (which may be called the commission) is the governing body*. The term commission is often used in commission-manager form of municipal government, whereas the term council is commonly used to refer to the governing body in the council-mayor form of government. The two terms are interchangeable.

● **Legislative powers.** All local legislative powers are vested by law in the governing body ([7-1-4122, MCA](#)) and specifically include the legislative power, subject to state law, *to adopt, amend and repeal ordinances and resolutions* required to: ([7-1-4123, MCA](#))

1. Preserve peace and order and secure freedom from dangerous or noxious activities;
2. Secure and promote the general public health and welfare;
3. Provide any service or perform any function authorized or required by state law;
4. Exercise any power granted by state law;
5. Levy any tax, subject to the limits imposed by [15-10-420](#), authorized by state law for public or governmental purposes as described in [7-6-2527, MCA](#) ;
6. Appropriate public funds;
7. Impose a special assessment reasonably related to the cost of any special service or special benefit provided by the municipality or impose a fee for the provision of a service;
8. Grant franchises; and
9. Provide for its own organization and the management of its affairs.

● **Quorum required.** All of the powers indicated above and any other power exercised by the governing body may only be exercised by the *affirmative vote of a majority of the council members physically present in a lawful meeting of the council comprised of no less than a quorum (majority) of the whole number of council members*. A city or town council of four members requires the physical presence of at least three of its members (not including the mayor) to constitute a quorum. In turn, that quorum of three must deliver at least a majority of two affirmative votes to adopt any measure. (Some measures require a super majority for adoption.) If the entire council of four members is present, a majority of three votes would be required to adopt a measure.

● **Voting is council member's governing power.** Upon reflection, a prudent council member will realize that the only governing power he or she possesses is the power to vote on issues before the commission. A vote for or against a measure is the extent of an individual council member's governing power.

President of the council. The council is enabled by law to elect from among its number an individual member to serve as presiding officer of the council *in the absence of the mayor* ([7-4-4403](#) and [7-3-220, MCA](#)). This position is commonly referred to as the *president of the*

council. The individual retains all of the voting rights of a council member and does not assume any other responsibility of the mayor.

- **Legislative committees.** Although not required by law, most municipal councils in the council-mayor form of government establish working committees comprised of some number of members less than a quorum of the whole council. The members of these legislative committees should be appointed for a term by resolution of the council.

The role of these legislative committees is to study pending issues in detail in order to make knowledgeable recommendations to the whole council. The most frequently encountered legislative committees are: budget and finance; public works; parks and recreation; and streets and alleys committees. Encountered in some governments is a “personnel” or “human resource” committee. In general, the creation of such a committee opens the door to significant conflict with the executive branch and may expose the government to considerable risk of violating the privacy rights of individual employees. *The creation of a “personnel committee” is not recommended.* A grievance committee, on the other hand, may serve a useful appellate function to review certain employee grievances arising in the executive branch. Such a committee should only be created as an integral component of a carefully crafted and *legally sufficient grievance policy* developed by the executive branch for consideration by the council. (See Chapter III Human Resource Management for a detailed discussion of municipal grievance policies.)

2.103 The Municipal Clerk

See Part II of this Handbook for a comprehensive and detailed presentation of the duties and responsibilities of the municipal clerk and clerk-treasurer along with model polices and standard operating procedures.

- **Clerk of the council.** In virtually all of Montana’s 129 municipal governments, the clerk is critical to communication and coordination between the two branches of government. The city or town clerk usually serves as the *recording clerk of the council* responsible for posting the legally required notice of the council meetings and the preparation of the legally required minutes of all council meetings. As well, the clerk is responsible for the authentication of all ordinances and resolutions adopted by the council and entering these into a systematic file of resolutions or into the required “Ordinance Book,” which must be re-codified every five years ([7-4-4501](#), [7-4-4511](#), [7-4-4512](#), [7-4-4513](#), [7-5-107](#) and [7-5-4201, MCA](#)).

- **Officer of the executive branch.** Even though providing essential administrative support to the council, the *clerk is also an executive branch officer* and department head who usually serves as *administrative assistant to the mayor*; for example, assisting with the budget and preparing the agenda for the council meetings.

- **Clerk-Treasurer.** In almost all units of the council-mayor form of municipal government in Montana the city or town clerk also serves as the “treasurer” and is referred to as the “*clerk-treasurer.*” Most often in this role the *clerk-treasurer is essentially the “chief financial officer”* of the municipality. As such, the clerk-treasurer is responsible to the mayor for

the municipal accounting system, the billing and collecting of all utility fees (such as the water and waste water service fees), the processing of all claims for payment for approval by the council and mayor, and the assembly of the annual operating budgets for as many as 20 separate governmental funds. At the conclusion of the fiscal year, the clerk-treasurer is responsible for the preparation of the required Annual Financial Report (AFR) for submission to the state Department of Administration. (See [7-4-4101](#), [4102](#) and [4103](#), MCA and especially [7-4-4106, MCA](#) for authority to consolidate the offices of clerk and treasurer)

2.104 City Attorney

The appointment of a city attorney is not required by law but is thought by many local officials to be a practical necessity and is common practice in all classes of cities and towns. To be appointed as a city attorney the person must have been licensed to practice as an attorney in Montana. If the attorney is to serve as an independent contractor, rather than as an in-house employee in the larger municipalities, the two-year appointment required by law is made by the mayor and is subject to the approval of the city or town council. The *appointment should take the form of a two-year written contract* that specifies the duties expected to be performed for the government by the city attorney, the amount and type of compensation, and the supervising official.

The duties of the city attorney that are required by law ([7-4-4604, MCA](#)) include:

1. Appear before the city court and other courts and prosecute on behalf of the city;
2. Serve upon the attorney general within 10 days of the filing or receipt a copy of any notice of appeal that the city attorney files or receives in a criminal proceeding;
3. When required, draft for the city council contracts and ordinances for the government of the city;
4. When required, give to the mayor or city council written opinions on questions pertaining to the duties and the rights, liabilities, and powers of the city; and
5. Perform other duties that pertain to the functions of the city council or that the city council prescribes by resolution.

The engagement of a city attorney does not prevent the city or town council from retaining separate legal counsel to provide additional legal services such as specialized representation or litigation.

2.105 The Department Heads

In all cities and towns the delivery of essential municipal services is provided by the several departments that comprise the operating capacity of a municipal government. With significant variation depending upon the size of the government, these service delivery departments usually include:

- Police Department
- Fire Department (required only in Class 1 and Class 2 Cities)
- Public Works Department

- Public Utilities Departments
- Parks and Recreation
- Planning Department
- Administration Department
- Finance Department

The duties and responsibilities of each of these departments are generally defined in state law and should be detailed in local operating policies prepared by the executive and approved by the council. Here it is important to note that the heads of these departments in the council-mayor form of government are *appointed (hired) by the mayor with the consent of the commission* and are supervised by the mayor unless otherwise provided by ordinance. However, the *department heads may be terminated for "just cause" by the mayor without reference to the council*, as is the case with all other employees of the municipal government.

Prudent council members will take care to *deal with department heads through the mayor* so as to avoid any possibility of disrupting the supervisory chain of command. The individual likely to be compromised in such a circumstance, as too often occurs in municipal government, is not the council member nor the mayor but the department head, who is, after all, *supervised solely by the mayor*.

2.106 Executive Supervisory Role vs. Legislative Oversight Role

One of the most persistent and disabling problems encountered in the council-mayor form of municipal government is confusion concerning the proper roles of the mayor and council members in supervising employees of the government, especially the department heads.

The *supervisory powers of the mayor* are set forth in some detail at 7-3-113, 7-3-213(3), 7-3-216(2), and 7-4-4303, MCA. It is reasonably clear that these sections of law contemplate that the mayor, not the council, is to exercise supervisory responsibility for all departments and employees.

On the other hand, the *legislative oversight* responsibilities of the council are set forth primarily at 7-3-203 (4), (6), (7) and (8), MCA and even more directly at 7-5-4101, MCA. These sections of law make clear that the *council's role is to set policy in the form of ordinances and resolutions* and then to ensure that those policies are carried into effect by empowering the council to require the mayor to report to the council on the affairs and financial condition of the government and *such other matters as the council may require*.

Perhaps because the citizen-volunteers who have been elected to govern their community are real people who may or may not have had previous experience in government or any other complex organization, the challenge of maintaining a *working balance between executive supervision and legislative oversight is problematic*. It may be helpful for these elected officials to think of the corporate model of the C.E.O. who runs the business and the Board of Directors that sets the goals and policies of the firm. This is the model that most Montana school boards employ quite successfully and is the model that characterizes the commission-manager form of municipal government wherein the commission is specifically admonished in law to refrain from

giving any orders to the municipal employees or even dealing with employees except through the city manager.

While such rigid separation of the executive and legislative roles may not be functionally practical in the smaller units of the council-mayor form of government, it is nevertheless critical that council members, especially newly elected council members, refrain from involving themselves in the supervision of the municipal staff. That is the mayor's job. The council's job is to work through the mayor to ensure that the council's policies are being carried out as the council intended.

Effective and efficient governance in the municipal council-mayor form of government depends upon reciprocal *respect for the municipal officials who comprise the "fragile triangle" of governing responsibilities: the council - the mayor - the department heads*. Reciprocal respect among these municipal officials will almost certainly result in a more efficient municipal government. And when absent, the ability of these officials to govern as a team will almost certainly be lost and will probably result in paralysis of the government and an erosion of citizen trust in the ability of the government to serve its community.

2.107 Boards and Commissions

A number of boards and commissions are either required or enabled by law to be created and staffed by appointment of the governing body. Additionally, both the mayor and the council have wide discretion to create virtually any advisory committees viewed as necessary or convenient to promote the public health, safety and welfare and to appoint citizens to serve on these committees. Such citizen advisory committees should be created by resolution of the council, which should include the appointment process to be followed by the mayor and council. These ad hoc, *citizen advisory committees* should not be confused with the *legislative committees* described in Section 2.102.

The size, membership tenure and scope of responsibility of most of the required boards or commissions are set forth in statute, as cited below:

<u>Board Name</u>	<u>Enabling Statute</u>
Board of Adjustment	76-2-321, MCA
Cemetery District Board of Trustees	7-35-2131, MCA
Library Board of Trustees	22-1-308, MCA
Planning Board	76-1-221, MCA
Police Commission	7-32-4151, MCA
Zoning Commission	76-2-307, MCA

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

7-3-114. Statutory basis for municipal commission-manager 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 municipal commission-manager form of government shall be governed by the following sections:

- (a) [7-3-301](#);
- (b) [7-3-302](#)(1);
- (c) [7-3-303](#);
- (d) [7-3-304](#);
- (e) [7-3-305](#);
- (f) [7-3-312](#)(3);
- (g) [7-3-313](#)(1);
- (h) [7-3-314](#)(2);
- (i) [7-3-315](#)(2);
- (j) [7-3-316](#)(2);
- (k) [7-3-317](#)(2);
- (l) [7-3-318](#).

(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 five members.

Part 3. Commission-Manager Government

7-3-301. Commission-manager form. The commission-manager form, which may be called the council-manager form, consists of an elected commission, which may be called the council, and a manager appointed by the commission, who is the chief administrative officer of the local government. The manager is responsible to the commission for the administration of all local government affairs placed in the manager's charge by law, ordinance, or resolution.

7-3-302. 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.

7-3-303. Appointment of manager. The manager shall be appointed by the commission for an indefinite term on the basis of merit only and removed only by a majority vote of the whole number of the commission.

7-3-304. Duties of manager. The manager shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform the duties required by law, ordinance, or resolution;
- (3) administer the affairs of the local government;

**BOLD = Statutory basis for municipal commission-manager government.
MCA 7-3-114 (The Recipe)**

- (4) direct, supervise, and administer all departments, agencies, and offices of the local government unit except as otherwise provided by law or ordinance;
- (5) carry out policies established by the commission;
- (6) prepare the commission agenda;
- (7) recommend measures to the commission;
- (8) report to the commission on the affairs and financial condition of the local government;
- (9) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (10) report to the commission as the commission may require;
- (11) attend commission meetings and may take part in the discussion but may not vote;
- (12) prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;
- (13) appoint, suspend, and remove all employees of the local government except as otherwise provided by law or ordinance;
- (14) appoint members of temporary advisory committees established by the manager.

7-3-305. Employees of commission-manager government. (1) Employees appointed by the manager and the manager's subordinates must be administratively responsible to the manager.

(2) Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the manager or any of the manager's subordinates are empowered to appoint.

(3) Except for the purpose of inquiry or investigation under this title, the commission or its members shall deal with the local government employees who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor its members may give orders to the employee, either publicly or privately.

7-3-311. 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 [7-3-312](#) through [7-3-318](#).

7-3-312. Appointment to boards. All members of boards, other than temporary advisory committees established by the manager, must be appointed by:

- (1) the presiding officer with the consent of the commission;
- (2) the manager with the consent of the commission;** or
- (3) the commission.

7-3-313. 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

**BOLD = Statutory basis for municipal commission-manager government.
MCA 7-3-114 (The Recipe)**

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.

7-3-314. Type of election. Local government elections shall be conducted on a:

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

7-3-315. 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) elected by the qualified electors for a term of office;** or
- (3) selected as provided by ordinance.

7-3-316. Terms of commission members. Commission members shall be elected for:

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

7-3-317. 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.**

7-3-318. 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.

Item Attachment Documents:

B. RATIFY CLAIMS PAID NOVEMBER 1, 2019 THROUGH NOVEMBER 15, 2019.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
ADVANCED ENGINEERING &							
3605	ADVANCED ENGINEERING &	64503	WRF Upgrade Design	08/13/2019	19,841.81	19,841.81	11/06/2019
Total ADVANCED ENGINEERING &:					19,841.81	19,841.81	
ALL SERVICE TIRE & ALIGNMENT							
22	ALL SERVICE TIRE & ALIGNME	57982	Mount Tires	10/08/2019	40.00	40.00	11/12/2019
22	ALL SERVICE TIRE & ALIGNME	58104	Mount & Balance	10/28/2019	30.00	30.00	11/12/2019
22	ALL SERVICE TIRE & ALIGNME	58118	New Tires	10/30/2019	216.00	216.00	11/12/2019
22	ALL SERVICE TIRE & ALIGNME	58149	Oil Change	11/04/2019	45.00	45.00	11/12/2019
22	ALL SERVICE TIRE & ALIGNME	58179	Oil Change	11/07/2019	45.00	45.00	11/12/2019
Total ALL SERVICE TIRE & ALIGNMENT:					376.00	376.00	
ALPINE ELECTRONICS RADIO SHACK							
402	ALPINE ELECTRONICS RADIO	10259189	Batteries	10/29/2019	5.49	5.49	11/12/2019
Total ALPINE ELECTRONICS RADIO SHACK:					5.49	5.49	
BOUND TREE MEDICAL, LLC							
2662	BOUND TREE MEDICAL, LLC	83386396	Patient Supplies	10/17/2019	21.29	21.29	11/06/2019
2662	BOUND TREE MEDICAL, LLC	83402304	Patient Supplies	11/01/2019	240.79	240.79	11/06/2019
Total BOUND TREE MEDICAL, LLC:					262.08	262.08	
BRIDGER COMMUNICATIONS							
728	BRIDGER COMMUNICATIONS	45515	Radio repairs	12/17/2018	563.08	563.08	11/12/2019
Total BRIDGER COMMUNICATIONS:					563.08	563.08	
BRUCE E. BECKER, P.C.							
10000	BRUCE E. BECKER, P.C.	2019_10	Contracted service	10/31/2019	1,452.50	1,452.50	11/06/2019
Total BRUCE E. BECKER, P.C.:					1,452.50	1,452.50	
CARQUEST AUTO PARTS							
23	CARQUEST AUTO PARTS	1912-457516	Cleaning Supply	10/24/2019	12.86	12.86	11/06/2019
23	CARQUEST AUTO PARTS	1912-457891	Diesel Supplement	10/29/2019	36.78	36.78	11/06/2019
23	CARQUEST AUTO PARTS	1912-458026	LED Work Lamp	10/30/2019	108.78	108.78	11/06/2019
23	CARQUEST AUTO PARTS	1912-458171	Cold-Ck Ant Tester	10/31/2019	22.60	22.60	11/06/2019
Total CARQUEST AUTO PARTS:					181.02	181.02	
CASELLE							
3763	CASELLE	98627	Support and Maint.	11/01/2019	3,566.00	3,566.00	11/06/2019
Total CASELLE:					3,566.00	3,566.00	
CHARTER COMMUNICATIONS							
3440	CHARTER COMMUNICATIONS	019544510181	Phones	10/18/2019	256.26	256.26	11/06/2019
Total CHARTER COMMUNICATIONS:					256.26	256.26	
CITY OF LIVINGSTON							
131	CITY OF LIVINGSTON	TK2018-0359	Bond Conversion - R. Luther	10/31/2019	140.00	140.00	11/06/2019

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total CITY OF LIVINGSTON:					140.00	140.00	
COFFMAN'S PEAK ELECTRIC, LLC							
3491	COFFMAN'S PEAK ELECTRIC, L	1643	6th/Park St. Repairs	10/31/2019	1,144.36	1,144.36	11/12/2019
Total COFFMAN'S PEAK ELECTRIC, LLC:					1,144.36	1,144.36	
COMDATA							
2671	COMDATA	20318828	AGI7E - EMS	11/01/2019	2,772.04	2,772.04	11/06/2019
2671	COMDATA	20318839	AGI6P - Police	11/01/2019	1,997.24	1,997.24	11/12/2019
2671	COMDATA	20318841	BZR70 - Library	11/01/2019	123.52	123.52	11/12/2019
2671	COMDATA	20318849	AGI78 - Code Enforcement	11/01/2019	2,561.96	2,561.96	11/06/2019
Total COMDATA:					7,454.76	7,454.76	
COURTNEY LAWELLIN, PC							
10001	COURTNEY LAWELLIN, PC	5230	Legal Fees	11/11/2019	4,580.00	4,580.00	11/12/2019
Total COURTNEY LAWELLIN, PC:					4,580.00	4,580.00	
DELL MARKETING L.P.							
745	DELL MARKETING L.P.	10346806405	CJIN3	10/16/2019	1,052.10	1,052.10	11/06/2019
Total DELL MARKETING L.P.:					1,052.10	1,052.10	
DELTA SIGNS & GRAPHICS							
509	DELTA SIGNS & GRAPHICS	2151	Sign	10/29/2019	10.00	10.00	11/06/2019
Total DELTA SIGNS & GRAPHICS:					10.00	10.00	
DEPARTMENT OF REVENUE							
122	DEPARTMENT OF REVENUE	21	DAC - Gross Receipts	09/30/2019	1,042.04	1,042.04	11/06/2019
Total DEPARTMENT OF REVENUE:					1,042.04	1,042.04	
DICK ANDERSON CONSTRUCTION							
2840	DICK ANDERSON CONSTRUCTI	21	Gross receipts tax	09/30/2019	103,162.41	103,162.41	11/06/2019
Total DICK ANDERSON CONSTRUCTION:					103,162.41	103,162.41	
EARLE, RIKKI							
3835	EARLE, RIKKI	2019_10_31	Mandarins	10/31/2019	9.98	9.98	11/06/2019
Total EARLE, RIKKI:					9.98	9.98	
ENERGY LABORATORIES, INC.							
424	ENERGY LABORATORIES, INC.	274256	Eff Comp	10/29/2019	430.00	430.00	11/06/2019
Total ENERGY LABORATORIES, INC.:					430.00	430.00	
EXEC U CARE SERVICES, INC.							
3298	EXEC U CARE SERVICES, INC.	2025	Janitorial Services	10/31/2019	1,595.00	1,595.00	11/06/2019
Total EXEC U CARE SERVICES, INC.:					1,595.00	1,595.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
FISHER SAND AND GRAVEL							
2904	FISHER SAND AND GRAVEL	3269	Flow-Fill Concrete	10/19/2019	1,710.00	1,710.00	11/06/2019
Total FISHER SAND AND GRAVEL:					1,710.00	1,710.00	
FLOYD'S TRUCK CENTER							
10000	FLOYD'S TRUCK CENTER	X401135571	Ratchet Binder	11/04/2019	277.50	277.50	11/12/2019
Total FLOYD'S TRUCK CENTER:					277.50	277.50	
FORT HARRISON BILLETING							
3644	FORT HARRISON BILLETING	26	Lodging - Hard	10/28/2019	97.50	97.50	11/12/2019
Total FORT HARRISON BILLETING:					97.50	97.50	
GATEWAY OFFICE SUPPLY							
54	GATEWAY OFFICE SUPPLY	46344	UPS	10/22/2019	17.74	17.74	11/06/2019
54	GATEWAY OFFICE SUPPLY	46453	CD	11/05/2019	3.60	3.60	11/12/2019
Total GATEWAY OFFICE SUPPLY:					21.34	21.34	
GENERAL DISTRIBUTING COMPANY							
1845	GENERAL DISTRIBUTING COM	812813	Oxygen	10/31/2019	15.19	15.19	11/06/2019
Total GENERAL DISTRIBUTING COMPANY:					15.19	15.19	
GLASS, PEGGY							
306	GLASS, PEGGY	2019_09_27	Notarary Renewal	09/27/2019	25.00	25.00	11/06/2019
306	GLASS, PEGGY	2019_10_10	Travel - APCO Conf.	10/28/2019	175.16	175.16	11/06/2019
Total GLASS, PEGGY:					200.16	200.16	
HAEFS, BRAD							
541	HAEFS, BRAD	519348	ICC Renewal	11/05/2019	175.00	175.00	11/06/2019
Total HAEFS, BRAD:					175.00	175.00	
HANSER'S AUTOMOTIVE & WRECKER							
1687	HANSER'S AUTOMOTIVE & WR	0449	LPD Tow	11/04/2019	170.00	170.00	11/12/2019
Total HANSER'S AUTOMOTIVE & WRECKER:					170.00	170.00	
INDUSTRIAL COMM & ELEC OF BOZEMAN							
3455	INDUSTRIAL COMM & ELEC OF	31893	Cable Repair	10/07/2019	89.25	89.25	11/06/2019
Total INDUSTRIAL COMM & ELEC OF BOZEMAN:					89.25	89.25	
INDUSTRIAL TOWEL							
102	INDUSTRIAL TOWEL	02656	Finance Office	09/12/2019	35.12	35.12	11/12/2019
102	INDUSTRIAL TOWEL	07870	Bennett Street	11/01/2019	43.30	43.30	11/06/2019
102	INDUSTRIAL TOWEL	08347	Finance Office	11/07/2019	35.12	35.12	11/12/2019
Total INDUSTRIAL TOWEL:					113.54	113.54	
INSTY-PRINTS							
250	INSTY-PRINTS	32796	Stamp - Bruce Becker	11/04/2019	38.26	38.26	11/12/2019

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total INSTY-PRINTS:					38.26	38.26	
J & H, Inc.							
3387	J & H, Inc.	570577	Annual Maint. - Dispatch Copier	10/29/2019	1,247.10	1,247.10	11/06/2019
Total J & H, Inc.:					1,247.10	1,247.10	
KEN'S EQUIPMENT REPAIR, INC							
1390	KEN'S EQUIPMENT REPAIR, IN	53380	Vac Truck	09/23/2019	1,407.40	1,407.40	11/06/2019
1390	KEN'S EQUIPMENT REPAIR, IN	54097	Vac Truck	09/23/2019	945.00	945.00	11/06/2019
Total KEN'S EQUIPMENT REPAIR, INC:					2,352.40	2,352.40	
KENYON NOBLE							
776	KENYON NOBLE	7391955	Premix Concrete	10/21/2019	15.16	15.16	11/06/2019
Total KENYON NOBLE:					15.16	15.16	
KIMBALL MIDWEST							
2863	KIMBALL MIDWEST	7513414	Medicine cabinet supplies	10/30/2019	26.64	26.64	11/06/2019
Total KIMBALL MIDWEST:					26.64	26.64	
LABATY, MIKE							
10001	LABATY, MIKE	2019_10	Meals	11/02/2019	706.60	706.60	11/13/2019
Total LABATY, MIKE:					706.60	706.60	
LIVINGSTON ENTERPRISE							
146	LIVINGSTON ENTERPRISE	160634	Coffee With A Cop	09/27/2019	31.40	31.40	11/06/2019
146	LIVINGSTON ENTERPRISE	160683	Ordinance No. 2083	09/27/2019	42.25	42.25	11/06/2019
146	LIVINGSTON ENTERPRISE	160684	2nd Reading Ordinance 2082	09/27/2019	174.00	174.00	11/06/2019
146	LIVINGSTON ENTERPRISE	160919	Commpletion of O St. Connector	10/04/2019	26.00	26.00	11/06/2019
146	LIVINGSTON ENTERPRISE	160920	City Comm. Public Works Session	10/04/2019	35.75	35.75	11/06/2019
146	LIVINGSTON ENTERPRISE	161021	911 Comm. Request for Proposal	10/08/2019	492.00	492.00	11/06/2019
146	LIVINGSTON ENTERPRISE	161059	Ordinance of the City Comm.	10/10/2019	42.25	42.25	11/06/2019
146	LIVINGSTON ENTERPRISE	161060	Leadership 49 Lunch Conf.	10/10/2019	22.75	22.75	11/06/2019
146	LIVINGSTON ENTERPRISE	161087	Ordinance No. 2082 & 2049	10/11/2019	114.00	114.00	11/06/2019
Total LIVINGSTON ENTERPRISE:					980.40	980.40	
LIVINGSTON FIRE SERVICE, INC							
468	LIVINGSTON FIRE SERVICE, IN	AC000050	Extinguisher Annual Maint.	11/08/2019	32.85	32.85	11/12/2019
Total LIVINGSTON FIRE SERVICE, INC:					32.85	32.85	
LIVINGSTON HEALTH CARE							
55	LIVINGSTON HEALTH CARE	17306	Patient Supplies	10/28/2019	27.47	27.47	11/06/2019
55	LIVINGSTON HEALTH CARE	4098558	Patient Supplies	10/28/2019	26.60	26.60	11/06/2019
Total LIVINGSTON HEALTH CARE:					54.07	54.07	
MACINNES, KEN							
3622	MACINNES, KEN	COSTCO 2019	Halloween Candy	10/31/2019	127.97	127.97	11/06/2019

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total MACINNES, KEN:					127.97	127.97	
MARLIN BUSINESS BANK							
3651	MARLIN BUSINESS BANK	17469842	5 Getac Rugged Comp	10/24/2019	1,273.21	1,273.21	11/12/2019
Total MARLIN BUSINESS BANK:					1,273.21	1,273.21	
MISC, (999999)							
99999	MISC, (999999)	9001900	Over Payment on Acct	10/31/2019	103.94	103.94	11/06/2019
99999	MISC, (999999)	TK2018-0359	Bond Release - R. Luther	10/31/2019	100.00	100.00	11/06/2019
99999	MISC, (999999)	TK2019-0195	Jury Duty	11/01/2019	12.00	12.00	11/06/2019
99999	MISC, (999999)	TK2019-0234	Bond Release - L. Cloward	10/31/2019	2,255.00	2,255.00	11/06/2019
99999	MISC, (999999)	TK2019-0288	Bond Release - S. Anglin	10/29/2019	1,090.00	1,090.00	11/12/2019
99999	MISC, (999999)	TK2019-0360	Bond Release - B. White	11/08/2019	185.00	185.00	11/12/2019
99999	MISC, (999999)	TK2019-0368	Payment Refund	10/21/2019	150.00	150.00	11/12/2019
Total MISC, (999999):					3,895.94	3,895.94	
MONTANA APCO							
3850	MONTANA APCO	2019_11	Peggy Glass	10/29/2019	225.00	225.00	11/06/2019
Total MONTANA APCO:					225.00	225.00	
MONTANA RAIL LINK							
112	MONTANA RAIL LINK	453077	Agreement 602054 - Water Pipe	11/01/2019	25.00	25.00	11/12/2019
Total MONTANA RAIL LINK:					25.00	25.00	
MT WATERWORKS							
3016	MT WATERWORKS	30592	Brass Saddle	10/29/2019	1,201.54	1,201.54	11/06/2019
3016	MT WATERWORKS	30625	MJ Sleeves	11/01/2019	833.72	833.72	11/06/2019
Total MT WATERWORKS:					2,035.26	2,035.26	
MUNICIPAL CODE CORPORATION							
3058	MUNICIPAL CODE CORPORATI	336081	Subscription	11/06/2019	150.00	150.00	11/12/2019
Total MUNICIPAL CODE CORPORATION:					150.00	150.00	
MURDOCH'S RANCH & HOME SUPPLY							
3688	MURDOCH'S RANCH & HOME S	K00025	DNRC Tree Grant	11/04/2019	324.95	324.95	11/12/2019
3688	MURDOCH'S RANCH & HOME S	K00112	DNRC Tree Grant	10/25/2019	64.99	64.99	11/12/2019
3688	MURDOCH'S RANCH & HOME S	K101519	Hose	10/15/2019	49.99	49.99	11/12/2019
Total MURDOCH'S RANCH & HOME SUPPLY:					439.93	439.93	
NORTHWESTERN ENERGY							
151	NORTHWESTERN ENERGY	0708370-2	8th & Park Sprinklers	01/15/2019	6.47	6.47	11/06/2019
151	NORTHWESTERN ENERGY	0709877-5	200 E Reservoir (north side hill)	01/08/2019	636.94	636.94	11/06/2019
151	NORTHWESTERN ENERGY	0709880-9	200 River Drive - Pool	01/10/2019	8,022.20	8,022.20	11/06/2019
151	NORTHWESTERN ENERGY	0709881-7	229 River Drive - Civic Center	01/10/2019	796.89	796.89	11/06/2019
151	NORTHWESTERN ENERGY	0709882-5	229 River Drive - Pump Civic Cent	01/17/2019	15.37	15.37	11/06/2019
151	NORTHWESTERN ENERGY	0719271-9	601 Robin Lane - Well	01/09/2019	1,236.46	1,236.46	11/06/2019
151	NORTHWESTERN ENERGY	0719272-7	4 Billman Lane - Well	01/09/2019	1,695.50	1,695.50	11/06/2019
151	NORTHWESTERN ENERGY	0719358-4	Street Lights - Livingston	01/16/2019	3,858.74	3,858.74	11/06/2019
151	NORTHWESTERN ENERGY	0719373-3	229 River Drive	01/15/2019	9.30	9.30	11/06/2019

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
151	NORTHWESTERN ENERGY	0720113-0	229 River Drive - CC Building	01/10/2019	66.05	66.05	11/06/2019
151	NORTHWESTERN ENERGY	0720122-1	400 North M	01/15/2019	13.60	13.60	11/06/2019
151	NORTHWESTERN ENERGY	0802599-1	608 W Chinook	01/15/2019	64.81	64.81	11/06/2019
151	NORTHWESTERN ENERGY	0933715-5	710 W Callender	01/15/2019	49.35	49.35	11/06/2019
Total NORTHWESTERN ENERGY:					16,471.68	16,471.68	
O'REILLY AUTOMOTIVE, INC							
2437	O'REILLY AUTOMOTIVE, INC	1558-184788	Dorman OE Solutions	10/30/2019	47.05	47.05	11/12/2019
2437	O'REILLY AUTOMOTIVE, INC	1558-184975	Window Handle	11/01/2019	6.68	6.68	11/12/2019
Total O'REILLY AUTOMOTIVE, INC:					53.73	53.73	
PARK COUNTY HEALTH DEPT							
255	PARK COUNTY HEALTH DEPT	067	Influenza Vaccines	11/06/2019	200.00	200.00	11/06/2019
Total PARK COUNTY HEALTH DEPT:					200.00	200.00	
PARK COUNTY TREAS/HB 176							
1702	PARK COUNTY TREAS/HB 176	2019_09	September 2019 Collections	09/30/2019	320.00	320.00	11/06/2019
Total PARK COUNTY TREAS/HB 176:					320.00	320.00	
PARK COUNTY TREASURER/M.L.E.A.							
2156	PARK COUNTY TREASURER/M.	2019_09	September 2019 Collections	09/30/2019	360.00	360.00	11/06/2019
Total PARK COUNTY TREASURER/M.L.E.A.:					360.00	360.00	
PARK COUNTY VICTIM WITNESS							
1544	PARK COUNTY VICTIM WITNES	2019_09	September 2019 Collections	09/30/2019	709.00	709.00	11/06/2019
Total PARK COUNTY VICTIM WITNESS:					709.00	709.00	
PHILIPS HEALTHCARE INC.							
2978	PHILIPS HEALTHCARE INC.	943189862	Service Agreement	10/22/2019	2,195.70	2,195.70	11/06/2019
Total PHILIPS HEALTHCARE INC.:					2,195.70	2,195.70	
RDO Equipment Co.							
3592	RDO Equipment Co.	W09433	Cab Window Glass	11/05/2019	1,314.25	1,314.25	11/12/2019
Total RDO Equipment Co.:					1,314.25	1,314.25	
REDSTONE LEASING							
3842	REDSTONE LEASING	2019_12	235 - Copier Lease 14 of 60	12/01/2019	203.07	203.07	11/06/2019
Total REDSTONE LEASING:					203.07	203.07	
RIVERSIDE HARDWARE LLC							
3659	RIVERSIDE HARDWARE LLC	85818	Fasteners	11/01/2019	3.00	3.00	11/12/2019
3659	RIVERSIDE HARDWARE LLC	85847	Building Repair	11/01/2019	27.13	27.13	11/06/2019
3659	RIVERSIDE HARDWARE LLC	85865	Building Repair	11/01/2019	5.28	5.28	11/06/2019
3659	RIVERSIDE HARDWARE LLC	86505	Insulator Window Kit	11/08/2019	59.97	59.97	11/12/2019
3659	RIVERSIDE HARDWARE LLC	86683	Return	11/11/2019	39.98-	39.98-	11/12/2019
Total RIVERSIDE HARDWARE LLC:					55.40	55.40	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
SAFETRAC							
3143	SAFETRAC	28054	CDL Services	11/01/2019	330.80	330.80	11/06/2019
Total SAFETRAC:					330.80	330.80	
SECURE WARRANT							
3797	SECURE WARRANT	24	Annual Subscription	04/01/2019	1,950.00	1,950.00	11/12/2019
Total SECURE WARRANT:					1,950.00	1,950.00	
SELECT ADVANTAGE CONSULTING							
3173	SELECT ADVANTAGE CONSULT	10345839	Dispatch Assessment	10/01/2019	25.00	25.00	11/06/2019
Total SELECT ADVANTAGE CONSULTING:					25.00	25.00	
SERVICE ELECTRIC, INC							
3543	SERVICE ELECTRIC, INC	38351	Filter Pump Repair	09/11/2019	60.26	60.26	11/12/2019
Total SERVICE ELECTRIC, INC:					60.26	60.26	
SHI INTERNATIONAL CORP.							
2907	SHI INTERNATIONAL CORP.	B10850115	911 Dispatch	11/06/2019	255.50	255.50	11/12/2019
Total SHI INTERNATIONAL CORP.:					255.50	255.50	
SLEEPING GIANT ANIMAL CLINIC							
3645	SLEEPING GIANT ANIMAL CLINI	21233	Kent Kittens	10/23/2019	405.67	405.67	11/12/2019
Total SLEEPING GIANT ANIMAL CLINIC:					405.67	405.67	
STAFFORD ANIMAL SHELTER							
1439	STAFFORD ANIMAL SHELTER	2019_10	Boarding, Vaccines, Euthanasia	11/04/2019	1,848.75	1,848.75	11/12/2019
Total STAFFORD ANIMAL SHELTER:					1,848.75	1,848.75	
T & E THE CAT RENTAL STORE							
533	T & E THE CAT RENTAL STORE	441582	Element - CCB	10/08/2019	185.66	185.66	11/12/2019
533	T & E THE CAT RENTAL STORE	441583	Element - CCB	10/08/2019	92.64	92.64	11/12/2019
Total T & E THE CAT RENTAL STORE:					278.30	278.30	
TECH ELECTRIC, INC							
1	TECH ELECTRIC, INC	40971	Wallpacks	10/31/2019	241.76	241.76	11/12/2019
Total TECH ELECTRIC, INC:					241.76	241.76	
TISCHLERBISE, INC.							
10000	TISCHLERBISE, INC.	2019110026	2019 Impact Study Fee	11/01/2019	5,924.00	5,924.00	11/06/2019
Total TISCHLERBISE, INC.:					5,924.00	5,924.00	
TRANSUNION RISK & ALTERNATIVE							
3376	TRANSUNION RISK & ALTERNA	380349-20191	380349 Investigative Research	11/01/2019	50.00	50.00	11/12/2019
Total TRANSUNION RISK & ALTERNATIVE:					50.00	50.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
UPS STORE #2420, THE							
292	UPS STORE #2420, THE	6085	LPD Shipment	10/29/2019	10.53	10.53	11/12/2019
Total UPS STORE #2420, THE:					10.53	10.53	
UTILITIES UNDERGROUND LOCATION							
3472	UTILITIES UNDERGROUND LO	9105083	Excavation Notifications	10/31/2019	131.88	131.88	11/06/2019
Total UTILITIES UNDERGROUND LOCATION:					131.88	131.88	
W L CONSTRUCTION SUPPLY, INC.							
3731	W L CONSTRUCTION SUPPLY, I	23722	Sawzall Blades	09/11/2019	479.80	479.80	11/06/2019
Total W L CONSTRUCTION SUPPLY, INC.:					479.80	479.80	
WHISTLER TOWING, LLC							
3237	WHISTLER TOWING, LLC	10179	LPD Tow	11/04/2019	75.00	75.00	11/12/2019
3237	WHISTLER TOWING, LLC	10180	LPD Tow	11/08/2019	75.00	75.00	11/12/2019
3237	WHISTLER TOWING, LLC	10181	LPD Tow	11/08/2019	75.00	75.00	11/12/2019
3237	WHISTLER TOWING, LLC	9858	LPD Tow	10/24/2019	300.00	300.00	11/12/2019
Total WHISTLER TOWING, LLC:					525.00	525.00	
WISPWEST.NET							
2087	WISPWEST.NET	518309	CC internet	11/01/2019	50.12	50.12	11/06/2019
Total WISPWEST.NET:					50.12	50.12	
Grand Totals:					198,070.36	198,070.36	

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Item Attachment Documents:

C. CONSENT - JUDGES MONTHLY REPORT FOR SEPTEMBER 2019

**LIVINGSTON CITY COURT
FINANCIAL REPORT**

September
2019

Date PD Monthly Report Received from City of Livingston Finance Office #####

Tickets/Criminal Complaints Cleared: **53**

Dismissed-Plea Agreement:	1	
Dismissed-Pretrial Diversion/Deferred:	2	
Dismissed-Miscellaneous:	12	
Paid-Bond Forfeit/Fine:	17	\$3,150.00
Paid-Time Payments:	21	\$6,218.00
Warrant Fees:		
		Total
		\$9,368.00
		Parking Tickets:
		\$990.00
		Total:
		\$10,358.00

Surcharges/Costs/Fees:

	MLEA Surcharge:		\$360.00
	TECH Surcharge:		\$320.00
	Victim/Witness Surcharge:		\$709.00
	MISD Surcharge:		\$575.00
	Court Costs:		\$110.00
	Public Defender Fee:	0 x \$150.00	
	Public Defender Fee:	0 x \$250.00	\$ -
102-410360-390	Jury Fees	0 x \$295.00	\$ -
102-410360-390	Interpreter	0 x \$50.00	\$ -
		Total	(\$2,074.00)

Total amount credited to City of Livingston General Fund: \$8,284.00

*I hereby certify that this is a true and correct statement of the amount of fines/fees/costs which were fully paid and credited with the Livingston City Court during the month of: **Sept.2019***

Prepared by: _____

Hon. Holly Happe
Livingston City Judge

Date: _____

10-25-19

Item Attachment Documents:

D. CONSENT - PLEDGED SECURITIES FOR SEPTEMBER 2019

DEPOSITORY BONDS AND SECURITIES
September 30, 2019

	<u>MATURITY</u>	<u>CUSIP NO.</u>	<u>TOTAL AMOUNT PLEDGED</u>
FIRST INTERSTATE BANK			
All Accounts			
Federal Deposit Insurance Corporation			\$ 250,000.00
FNNT	1/24/2020	3136G1B24	2,000,000.00
FNNT	3/25/2037	3136B43E6	5,000,000.00
TOTAL - First Interstate Bank			<u><u>\$ 7,250,000.00</u></u>
OPPORTUNITY BANK			
All Accounts			
Federal Deposit Insurance Corporation			\$ 250,000.00
Montgomery County PA	10/1/2027	613579Z20	490,000.00
TOTAL - Opportunity Bank			<u><u>\$ 740,000.00</u></u>

PLEGGED SECURITIES AND CASH IN BANK
As of
September 30, 2019

First Interstate Bank

	<u>Total</u>
Cash & CD's on Deposit	\$ 4,770,370.76
FDIC Coverage	250,000.00
Amount Remaining	<u>4,520,370.76</u>
Pledges required @ 50%	2,260,185.38
Actual Amount of Pledges	7,000,000.00
Over (Under) Pledged	<u><u>\$ 4,739,814.62</u></u>

PLEGGED SECURITIES AND CASH IN BANK
As of
September 30, 2019

Opportunity Bank of Montana

	<u>Total</u>
Cash & CD's on Deposit	\$ 459,941.74
FDIC Coverage	250,000.00
Amount Remaining	<u>209,941.74</u>
Pledges required @ 50%	104,970.87
Actual Amount of Pledges	490,000.00
Over (Under) Pledged	<u><u>\$ 385,029.13</u></u>

Item Attachment Documents:

- E. APPLICATION FOR SPECIAL PARKING SPACE FOR JANET MASKINS, REQUESTING RESERVED PARKING SPACE FOR DISABLED PERSON.**

City of Livingston
Application for Special Parking Spaces
Reserved for Disabled Persons On a Public Street
(Please note this process may take up to 90 days from date of submission)

Name of Applicant: Janet L. MASKINS

Address: 114 S. "M" STREET Phone: 220-1970

Type of Special Parking Space Requested:

General Public Use Reserved for Personal Use of a Disabled Person. (\$50 fee)

Specific Location of the Requested Space: 114 S. "M" STREET

Reason for the Request:

I HAVE TO USE A WALKER. Because of Back Problems, I can't walk far with out it, AS I HAVE TO SIT down when I feel BACK + legs tighten up. There is a Business ACROSS the Street + People come off of Park Street + PARK IN FRONT OF my House. OR PARK there Because Pine tree offers shade. -HAVE BEEN on disability since 2005.

If requesting a "special parking space" reserved for personal use in a residential area, please answer the following questions:

1. Do you operate a vehicle displaying a specialty inscribed license plate issued by the state of Montana to disabled persons and displaying a wheelchair symbol, or the letters "DV" issued to disabled veteran's, or do you possess a special parking permit issued by the State of Montana to persons with a disability? (Please provide a copy of the vehicle registration). Yes No
2. Is the requested parking space adjacent to your permanent residence? Yes No
3. Does reasonably accessible and practicable off street parking exist? Yes No
4. License plate number of vehicle(s) designated to use the space: 49-8077 - 49-6628 A
5. Are the designated vehicles operated by you? Yes No

Administrative Use Only

Date application received: 11-4-19 Reviewed by: Craig Hahn

Does request meet criteria? Yes No

Comments _____

City Commission Action: Approved Denied Date: _____

Installation of Sign:

Sign installed by: _____ Date: _____

Amount Collected: _____ Check no. _____

Removal of Sign

Sign removed by: _____ Date _____

Reason for Removal: _____

Montana Vehicle Registration Receipt

Valid Through Date 12/31/9999

County Park Regular
Usage Regular
Reg Usage Regular
Reg Type Permanent

Issue Date 08/26/2011
User pj4903
Fleet Nbr
OTN

Tab Nbr 496628A129901
Plate Nbr 496628A
Plate Type: Std County Lg (PC)

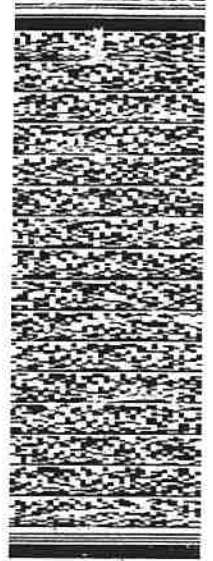
Owners / Lessors
Janet Leistiko Haskins
114 S M St
Livingston, MT 590472824

VIN 1NXBR18E8WZ104754 Year 1998
Veh Type Passenger (PC) Style 4D
Weight 2414 Ton Code
Decl GVV GVV Class GVV Beg GVV End

Make Toyota
Color White
Model COA
Ext Model
Veh Nbr 2251610

Janet Leistiko Haskins
PO Box 214
Livingston, MT 590470214

By Registering this vehicle the applicant acknowledges having knowledge of the FMCSR and FHMR, if applicable.



PEEL HERE
INSTR
1) Remove decal by bending paper along dotted line.
2) Lift edge of decal and slowly peel.

PLATE 49 8077 DATE 06282007 L503025
 MONTANA VEHICLE REGISTRATION AND PAYMENT RECEIPT
 TAXES PAID THROUGH 99999999 VALID THROUGH 99999999

 -VEHICLE INFORMATION:-----

TYP YR MAKE MODL STYL COLOR VIN
 VN 1994 GMC VAN VN MAR 1GDEG2SK2RF521041
 TTL E801918 SLDT 06262001 TKTRC GCW/MGVW 000000
 BRAND ORIGINAL
 PLT1 49 8077 TYP PC BCK ND06 SPEC TAB PX1533113
 FUEL TYPE 1 EQUIP NO UNLADEN WGT 03799 TON 000

HASKINS, JANET, L
 PO BOX 214
 LIVINGSTON MT 59047

 -FEE INFORMATION:-----

72 MHPFEE 5.00 62 PERMLV 67.50 14 COOPT 51.18
 99 CNVFEE 10.00

 -COUNTY INFORMATION:-----

TAXVAL 2047.24 CO 49 SCH PRORT 00 FEE N
 VEHVAL 15748.00 MILL 0.000 POC TREAS DEP 03
 CALCVAL ASSD DATE 06282007 ASSD BY
 REGISTRATION TYPE: PERMANENT

UNLAWFUL TO OPERATE VEH W/OUT VALID VEH LIABILITY INSURANCE
 POLICY, CERTIFICATE OF SELF-INSURANCE, OR POSTED INDEMNITY
 BOND, AS REQUIRED BY 61-6-301, UNLESS EXEMPT BY 61-6-303.

STATE OF MONTANA DEPARTMENT OF JUSTICE MOTOR VEH DIVISION

OPID 4903

STATE \$ 92.50 COUNTY \$ 61.18 TOTAL AMT \$ 153.68
 ORIGINAL - OWNER FILE/1 COPY - OWNER

IMPORTANT: REMOVE BEFORE DRIVING VEHICLE

IMPORTANT: REMOVE BEFORE DRIVING VEHICLE

Any Alteration Voids Permit

Any Alteration Voids Permit

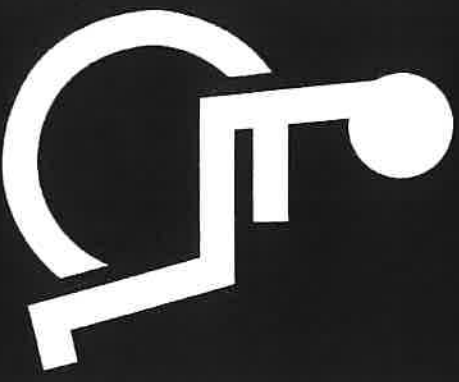
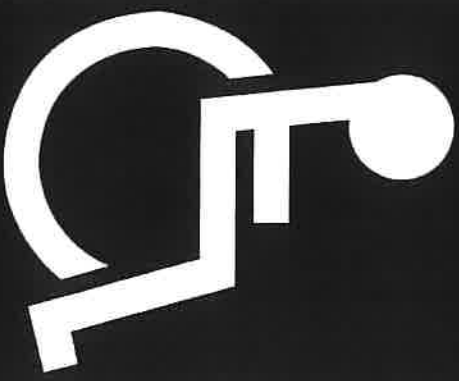
0407324

0407323

Disabled Persons Parking Identification Permit

Disabled Persons Parking Identification Permit

YEAR	EXPIRES	MONTH	MONTH	EXPIRES	YEAR
17		JAN	JAN		17
18		FEB	FEB		18
19		MAR	MAR		19
20		APR	APR		20
21		MAY	MAY		21
22		JUN	JUN		22
23		JUL	JUL		23
24		AUG	AUG		24
25		SEP	SEP		25
26		OCT	OCT		26
27		NOV	NOV		27
28		DEC	DEC		28



ILLEGAL TO DUPLICATE THIS PERMIT

ILLEGAL TO DUPLICATE THIS PERMIT

J.L.H.

J.L.H.





Item Attachment Documents:

- F. APPLICATION FOR SPECIAL PARKING SPACE FOR SHIRLEY ROSS, REQUESTING RESERVED PARKING SPACE FOR DISABLED PERSON.**

City of Livingston
Application for Special Parking Spaces
Reserved for Disabled Persons On a Public Street
(Please note this process may take up to 90 days from date of submission)

Name of Applicant: Shirley J Ross

Address: 109 No D Street Liv. Phone: 222-4170 work

Type of Special Parking Space Requested:

General Public Use Reserved for Personal Use of a Disabled Person. (\$50 fee)

Specific Location of the Requested Space: 109 No D Street Liv.

Reason for the Request: Medical

If requesting a "special parking space" reserved for personal use in a residential area, please answer the following questions:

1. Do you operate a vehicle displaying a specialty inscribed license plate issued by the state of Montana to disabled persons and displaying a wheelchair symbol, or the letters "DV" issued to disabled veteran's, or do you possess a special parking permit issued by the State of Montana to persons with a disability?
(Please provide a copy of the vehicle registration). Yes No
2. Is the requested parking space adjacent to your permanent residence? Yes No
3. Does reasonably accessible and practicable off street parking exist? Yes No
4. License plate number of vehicle(s) designated to use the space: 49-1535C
5. Are the designated vehicles operated by you? Yes No

Administrative Use Only

Date application received: 10-25-19 Reviewed by: Craig Nahn

Does request meet criteria? Yes No

Comments _____

City Commission Action: Approved Denied Date: _____

Installation of Sign:

Sign installed by: _____ Date: _____

Amount Collected: _____ Check no. _____

Removal of Sign

Sign removed by: _____ Date _____

Reason for Removal: _____

Montana Vehicle RegistrationValid Through Date **01/31/2020**Renewal Cust Nbr **2481740**

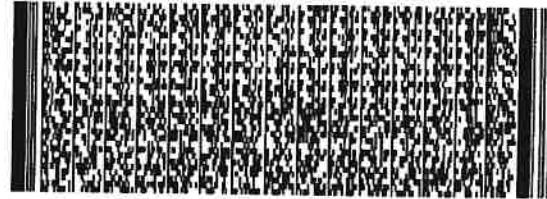
County	Park	Issue Date	01/14/2019	Tab Nbr	A01944895	Park Fee Paid
Usage	Regular	User	pj49a000	Plate Nbr	491535C	
Reg Usage	Regular	Fleet Nbr		Plate Type	Std County Lg (PC)	
Reg Type		OTN	004808636			

Owners / Lessors

Shirley J Ross
 Jennifer L Glass
 109 N D St
 Livingston, MT 590472709

VIN	2FMDK48C38BB21175	Year	2008	Make	Ford	Model	EDG
Veh Type	Rugged Terrain (LL)	Style	LL	Color	Light Blue	Ext Model	
Weight	4282	Ton Code				Veh Nbr	2470681
Decl GVW 0		GVW Class		GVW Beg		GVW End	

Shirley J Ross
 109 N D St
 Livingston, MT 590472709



By regis
 knowled

49-1535 C

wedges having
 ble.

Tab N
 A019

Month Number
 01



State of Montana Attention Vehicle Owner

When applying tab to rear license plate:

1. Thoroughly clean license plate.
2. Peel tab from backing.
3. Place tab where indicated on face of dry, clean plate or over the top of the prior year's tab.
4. Firmly rub tab and edges down.

This registration receipt must be in the motor vehicle or trailer to which it pertains at all times. The driver or person in control of the vehicle or trailer must display this receipt to a peace officer or any officer or employee of the Montana Department of Justice or Department of Transportation, upon demand of the officer or employee.

Montana law requires the owner of any motor vehicle that is registered and operated on a public highway or a private way commonly used by the public in this state to continuously maintain mandatory motor vehicle liability insurance in the amounts specified by law. Unless this vehicle qualifies for an exemption under Mont. Code Ann. § 61-6-303, such as a motorcycle or quadricycle, mandatory motor vehicle liability insurance is required.

Proof of compliance with the mandatory liability insurance law must be in the motor vehicle. The owner or driver of the motor vehicle must display the insurance card or other proof of compliance to any peace officer, judge or other authorized individual upon demand. Violation of this requirement is a misdemeanor that carries the same penalties as a no insurance violation.

Next time, you may renew your vehicle registration online at <https://app.mt.gov/vrr/>

Public Safety is a Partnership: Buckle Up Slow Down - Dont Drink and Drive

dojmt.gov/driving



Item Attachment Documents:

- A. JEANNE MARIE SOUVIGNEY PRESENTS 2019 REPORT FROM PARKS AND TRAILS COMMITTEE.

Livingston Park & Trails Committee

Commissioner Briefing

November 19, 2019

- Background on Committee
 - Membership
 - [Bylaws](#) – adopted by Commission Oct 2018
 - Strategic Plan – adopted by Committee March 2019:
 - Actively engage with the Commission, primary stakeholders and city departments to ensure that parks and trails are regularly considered and addressed in their decisions, including through the City’s Growth Plan.
 - Educate and involve the community to drive support for parks and trails in Livingston.
 - Expand and improve the current network of parks, trails and other outdoor recreational areas.
- 2019 accomplishments and continued priorities:
 - Priorities for 2019: Improve connectivity, safety, access and public use throughout Livingston:
 - O Street
 - Mayors Landing – continue in 2020
 - Sackett Park/Transfer station – may continue in 2020
 - Review city priorities and citizen requests
 - Adopt-A-Trail
 - Cooperative efforts with others
 - Advocate
 - Livingston/Park County Parks & Trails Recreation Map
 - Survey
 - Naming parks and trails process – continue in 2020
 - Social Media – ongoing
 - Other business: Forum for public comments; maintaining an active and full committee; stay apprised of other connected city and county activities; involve the community.
- Potential 2020 priorities based on need to continue certain ongoing projects, consideration of the Parks & Trails Master Plan, city priorities and budgets, citizen requests, survey results and opportunities.

Item Attachment Documents:

B. KATE MCINNERNEY OR ADAM STERN PRESENTS 2019 REPORT FROM CITY PLANNING BOARD.

Through February, Planning and Zoning were one board looking at the following:

- Policies governing Large Retail Establishments
- Examination of land uses in Highway Commercial zones
- Green Acres subdivision annexation
- Parkland dedication regulations
- Paradise Ridge subdivision

During March and April, the City helped facilitate separation of the combined board into two distinct committees: Planning Board and Zoning Commission.

- Planning Board Purpose (bylaws):

The Livingston City Planning Board is organized for the purpose of encouraging local units of government to improve the present health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end that highway systems be carefully planned; that new community centers grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community be commensurate with and promotive of the efficient and economical use of public funds.

The Livingston City Planning Board serves to advise the Livingston City Commission. The Board may propose policies for: subdivision plats; development of public ways, places, structures, and utilities; issuance of improvement location permits; and laying out public ways and services. Upon request of the governing body, the planning board will prepare a growth policy to promote public health, safety, morals, convenience, general welfare, efficiency, and the economy.

- Orientation
 - Training - Jim Woodhull and Mike Kardoes
 - Documents (2017 Growth Policy, 2015 Economic Profile, 2018 Transportation Plan, etc.) - Adam Stern

Public Hearing (April)

- Paradise Ridge Subdivision
 - Recommended for approval by Planning Board; rejected by the Commission
 - Application raised concerns about allowed uses within Highway Commercial, and inadequacy of the Parkland Dedication language

From May to the present, the Planning Board has focused on the following priorities

Growth Policy

- Two members of the PB were involved in selection of Burton Planning
- Planning Board presentation by Burton has not yet occurred
- Future Coordination with interested groups: Zoning, Parks & Trails, PCEC, Chamber

Large Retail Establishments

- Report to City Commission on 8/20 by Adam Stern
- Discuss whether to recommend moratorium at next meeting
 - New vs. existing
 - Impacts to the donut area

Other Priorities:

- State historic preservation for general land development (Subdivision Review process - Staff Report Findings of Fact: Effect on Natural Environment)
- Look at annexation/de-annexation needs
- Planned Unit Development regulations (coordinate with Zoning Commission, Burton Planning)
- Development of a Community Plan for the area east of the KPRK bridge
- Coordinate with other City of Livingston boards: Zoning, Parks & Trails, Urban Renewal Agency
- Affordable housing
- Vacation rentals

Item Attachment Documents:

- A. **DISCUSS/APPROVE/DENY: COMPASSIONATE NEIGHBORS APPLICATION AND REQUEST FOR FEE WAIVER FOR 2019 COMMUNITY CHRISTMAS DINNER**

City of Livingston Special Event Permit Application

The City of Livingston Special Event Permit Application applies to City of Livingston Streets, Facilities, Parks and Trails; this does NOT include private property. Completed applications must be submitted **at least 6 weeks** prior to the event date. (8 weeks if requesting fee waivers, see Section 7 for eligibility)

Applications **are not considered complete** until the following items have been submitted:

- Signed Application
- Non-refundable application fee: \$50 resident / \$80 non-resident
- Refundable Deposit if utilizing any COL equipment or Facility
- Proof of Liability Insurance
 - \$1,500,000 and \$750,000 per occurrence
 - Fire Casualty and Property loss insurance on the premises in the minimum amount of \$500,000.00 with a loss payable provisions to the City.
- Proposed maps/layout of event
 - If run/walk, include locations of water stations/volunteers/traffic control devices

Application Information (should also serve as the event day contact)

Renter/Contact Name: Joe and Sally Magalsky or Helen Longshore

Organization: Community Christmas Dinner

Email Address: joemagalsky@gmail.com Tax ID Number: Compassionate Neighbors

Address: 6 Queen Lane City, State, Zip: Livingston, MT 59047

Mobile Phone: 220-4482 or 220-0798 Work Phone: N/A

Group insuring event: Compassionate Neighbors

Insurance Company: Key Insurance of Livingston, Inc. Policy Number:

Insurance Agent: Alice Senter Insurance Phone: 406-222-0944

Insurance Address: 124 W. Lewis Street Livingston, MT 59047

Event Information

Name of Event: Community Christmas Dinner Date of Event: December 23, 24, 25, 2019

Event Type: Community Christmas Dinner Approx # of Attendees: 300-600 at any given time

Proposed Route(s) and/or Map(s) Attached: N/A Time(s) of event:

Set up	Event	Event	Cleanup
Begins: <u>December 23, 2019</u>	Begins: <u>8:00 am</u>	ends: <u>December 25, 2019</u>	Complete: <u>December 25, 2019</u>

Please provide a brief description of your event: (use additional sheet if you need more space)

Community Christmas Dinner

Free to all

Event: December 25, 2019

12:00pm - 2:00pm

Carryout begins at 10:30am

Please identify any safety / security issues:

standard risk management

Do you plan for your event to:

Have food: If yes, have you contacted the Park County Sanitarian at 406-222-4145 and followed all requirements?

Yes

Accumulate waste: If yes, please notate your disposal plan (We recommend 1 – 96 Gallon can per 200 people):

Yes

The City of Livingston will supply additional trash cans for your event, if utilizing, please notate quantity:

_____ Mon – Fri, 7am – 4pm: \$20 for first can; \$10 per additional can

_____ Mon – Fri, 4pm-10pm; Saturday & Sunday: \$30 for first can; \$15 per additional can

Need restrooms: If yes, how do you plan to accommodate? (We recommend one toilet per 250 people)

Yes

Need electricity: If yes, what for and what source do you plan to use?

Yes

Utilize parking: If yes, how do you plan to accommodate?

Yes

Utilize City park/facility/space: YES If yes, please name the space and provide record of reservation. Contact the Recreation Department at 406-223-2233 to reserve.

Civic Center

Use a stage, bleachers, tents or other temporary structures:

If yes, please attach a drawing of proposed location(s) and sizes. \$30 irrigation locate fee applies when in parks.

***Utilize Cones, A-frames or Barricades from the City of Livingston:** NO

Candlestick Cones: _____ @ \$3 each A-Frames: _____ @ \$7 each Barricades: _____ @ \$12 each

Construction Fencing: _____ @ \$15 / 100 feet

**When rented individually these items do require a \$100 refundable deposit upon return of items*

Street Closure: NO If yes, please notate number of streets* in accurate space provided as well as on the route map

_____ Mon – Fri, 7am – 4pm: \$110 each (up to 2 streets) \$50 per street over 2

_____ Mon – Fri, 4pm-10pm; Saturday & Sunday: \$200 each (up to 2 streets) \$100 per street over 2

**A street is considered one city block. Permit Holder understands responsibility to notify ALL residents / businesses affected by closure*

Alcohol to be served at event: NO If yes, describe the location of sales, liquor license to be used and measures to insure proper ID for purchases and persons supervising the operation:

Liquor Liability Attached as described in Section 7

Proof of Alcohol Server Training as described in Section 7

Requests for special animal policy considerations as described in Section 7: NO If yes, please describe:

Will the event require camping or temporary housing: No If yes, have you the Park County Sanitarian at 406-222-4145 to set up a temporary housing plan and answer the following questions:

_____ Date(s) Camping will occur _____ Location of camp site(s) _____ Number of campers
_____ Number of tents _____ Location of tent(s) _____ Fire Ring(s) needed? *(must be authorized by Fire Dept)*

Please describe plan for water/sanitation facilities and parking:

Agreement to the City of Livingston Special Event conditions. Application hereby agrees to comply with the City of Livingston Special Event Conditions (Policy & Fee Schedule – Section 7). Upon signing this application, the applicant agrees not to violate any state or city codes in the presentation of the requested special event.

In consideration for permission to conduct its activity as requested, applicant agrees to indemnify, defend and hold harmless the City of Livingston, its officers, agents, employees and volunteers from damage to property and for injury to or death of any person from all liability claims, actions or judgements which may arise from the activity. Applicants also agree to obtain valid save or hold harmless agreements from all participants in its activity, protecting the City of Livingston from all losses arising out of its activity, including damages of any kind or nature.

I, Helen Longshore hereby agree to the terms of insurance as set forth by the City of Livingston for my special event, and realize I must attach proof of insurance with this document in order for my application to be considered complete.

[Signature] _____ 11.1.19
Responsible Party (must have authority to sign) Date

[Signature] _____ 11.1.19
City of Livingston Parks & Recreation Date

City of Livingston Recreation Department
229 River Drive
Livingston, MT 59047
406-223-2233
rec@livingstonmontana.org
http://www.livingstonmontana.org/



Registration/Payment Receipt 18680850

11/04/2019 12:07 PM

Account Information
Community Christmas Dinner
Joe Magalsky
6 Queen Lane
Livingston, MT 59047

Received By
Maggie Tarr at Civic Center

Item	Quantity	BalanceAmount	
		Due	Paid
Civic Center Civic Center Gym Dec 23, 2019 12:00 AM-Dec 24, 2019 12:00 AM - Full Day Special Event - Resident -: \$260/Block - PERMIT #2546	1.00	\$260.00	\$0.00
Civic Center Civic Center Gym Dec 24, 2019 12:00 AM-Dec 25, 2019 12:00 AM - Full Day Special Event - Resident -: \$260/Block - PERMIT #2546	1.00	\$260.00	\$0.00
Civic Center Civic Center Gym Dec 25, 2019 12:00 AM-Dec 26, 2019 12:00 AM - Full Day Special Event - Resident -: \$260/Block - PERMIT #2546	1.00	\$260.00	\$0.00
1st Garbage Can Evening/Wkend	1.00	\$30.00	\$0.00
Addtl Garbage Can Evening/Wkend	3.00	\$45.00	\$0.00
Change in Balance			\$855.00
Account Balance			\$855.00
<i>(As of 11/04/2019 12:07 PM)</i>			

Facility Notes

Civic Center Civic Center Gym

Livingston Civic Center Rules:

1. Absolutely NO use of TAPE on gym floors
2. No use of nails or tacks on walls without the permission of the Rec Department Manager
3. No Helium Balloons (they get stuck in the fans)
4. No personal wheels (bikes, scooters, skateboards, roller blades) *Only approved Roller Skates may be used when checked by Rec Staff during skate parties only (roller skater still must have a waiver signed)*
5. No Climbing ON or BEHIND bleachers
6. All Food and Drink to remain in area Rec Staff designates
7. Please LIFT all tables and chairs, do not drag
8. No GUM or sticky candies on gym floor
9. Inflatables are allowed – host must purchase proof of additional liability insurance from provider
10. No Glass

*IF any of the above rules are broken - facility deposit will be forfeited and additional charges may apply.

Item Attachment Documents:

- B. DISCUSS/APPROVE/DENY: LIVINGSTON CHAMBER OF COMMERCE REQUEST FOR OPEN CONTAINER WAIVER DURING 2019 CHRISTMAS STROLL.**



LIVINGSTON
AREA
CHAMBER OF COMMERCE
CONVENTION & VISITORS BUREAU

October 30, 2019

City of Livingston
414 E. Callender
Livingston, MT 59047

Request to the City Commission,
Re: Christmas Stroll 2019

I would like to request the Livingston City Commission to waive the open container ordinances under Article II Sec. 10-7 & 10-8 Ord.1721-1722, during the Annual Christmas Stroll on December 6th, from 5-9pm.

The Stroll in the past many years has been made to be a safe event by closing the streets to through traffic and making the event a closed walkable event with lighting a focus. The establishments are open late for shopping, dining and entertainment. Walking between shops, wagon rides or just caroling around the fireplaces often have drinks from cocoa to warm ciders some with alcohol.

There has never been a problem in the past and this is not a beer party, however an evening with the streets closed for the Christmas celebration would have a few community members walking around with plastics cups or such.

We hope we can continue the event with out changing the event by imposing new restrictions that have always been acceptable.

Thank you,

Leslie Feigel, CEO

Livingston Area Chamber
Convention and Visitors Bureau
TBID
303 East Park St, Livingston, MT 59047
406-222-0850 Info@Livingston-Chamber.com

Item Attachment Documents:

- C. DISCUSS/APPROVE/DENY: REVIEW SNOW REMOVAL ORDINANCE NO. 1929 (A) AND DISCUSS DRAFTING REVISIONS TO ENCOURAGE CITY RESIDENTS TO SHOVEL SIDEWALKS.**

ORDINANCE NO. 1929 (A)

AN ORDINANCE OF THE LIVINGSTON CITY COMMISSION DELETING SECTION 10 ENTITLED ABUTTING OWNER TO KEEP SIDEWALK CLEAN AND SAFE OF CHAPTER 14-HEALTH AND SANITATION, AND ENACTING A NEW SECTION IN CHAPTER 26-STREETS AND SIDEWALKS BY ESTABLISHING A CIVIL OFFENSE FOR FAILURE TO REMOVE ICE, SLUSH AND SNOW AND ESTABLISHING A CIVIL PENALTY FOR VIOLATION.

Purpose

The purpose of this Ordinance is to provide for the public health, safety and welfare by requiring property owners or tenants which abut sidewalks to keep them free from ice, slush or snow and establishing enforcement sanctions and civil penalties for failure to comply.

WHEREAS, 7-14-4105(3) Montana Code Annotated provides that the City has the power to require the owners of property adjoining public sidewalks to keep the sidewalks free from snow or other obstructions.

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

SECTION 1

That Sec. 14-10 entitled "Abutting owner to keep sidewalks clean and safe; snow and ice removal by city" of Chapter 14 Health and Sanitation of the Livingston Municipal Code be and the same is hereby deleted as follows:

~~Sec. 14-10. Abutting owner to keep sidewalks clean and safe; snow and ice removal by city.~~

~~It shall be the duty of the occupant of any premises within the City, or in case the same~~

Ordinance No. 1929

Snow Removal

Page 1

~~are unoccupied, then the owner or his agent, to keep the sidewalks adjoining his premises clean and safe for pedestrians, and to repair the same from time to time; and such occupant, or owner or agent shall remove snow, ice, slush, mud and other impediment to safe and convenient foot travel, within twenty-four (24) hours after such snow, ice, slush or other impediment accumulates thereon, and prevent the continuance and accumulation of the same. Accumulations of snow and ice upon sidewalks adjacent to property owned by persons not residing in the City, or by corporations not represented by an officer or agent residing in the City, may be removed under the direction of the City, which shall keep a record of the cost of such removal with a description of the property adjacent to which such snow and ice are removed, and file such report with the City at the end of each month. The City shall each year prepare and present to the City Council, on or before the regular meeting in August, a resolution containing a list of all lots and parcels of land in the City, the sidewalks adjacent to and from which snow and ice have been removed, with the names of the owners thereof, and the cost of removal of the snow and ice. When the resolution is passed by the council and approved by the Mayor, the assessments therein provided shall constitute a lien upon and against such lots and parcels of land. A copy of the resolution shall be, by the City certified to the county treasurer for collection in the same manner as are other taxes. Every person failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor and of committing a nuisance. (Code 1958, 26-5)~~

SECTION 2

That new sections to Chapter 26 of the Livingston Municipal Code be and the same are hereby added as follows:

Ordinance No. 1929
Snow Removal
Page 2

Section 26-11 Ice, Slush and Snow upon a public sidewalk is a Nuisance.

Ice, slush or snow remaining upon a public sidewalk is hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting private property within twenty-four (24) hours after such ice, slush or snow has been deposited. The ice, slush or snow which is removed from the sidewalk shall be deposited either upon the boulevard or upon private property such as a yard where the boulevard or private property abuts the sidewalk. In areas of the city, such as the downtown business district, where there is no boulevard and no private property upon which the ice, slush or snow may be deposited and the sidewalk abuts the street, the ice, slush or snow may then be spread upon the street in such a fashion so as not to create any piles or berms of snow.

Section 26-12. Failure to remove, municipal infraction and civil penalty.

It is a municipal infraction and punishable as hereinafter set forth for the responsible person to refuse, neglect or fail to remove ice, slush or snow from the public sidewalk as required by Section 26-11. Upon proof of the charge by clear and convincing evidence, any such defendant may be punished by a civil penalty not to exceed \$25.00 for the first offense, not to exceed \$50.00 for the second offense committed within 365 days from the first offense and not to exceed \$300.00 for the third or any subsequent offenses committed within 365 days from the first offense. Each day that the infraction is allowed to continue constitutes a separate and punishable infraction.

Section 26-13. Enforcement.

The Code Enforcement Officer or any duly appointed assistant shall issue a summons and

complaint to the responsible party. The proceedings for municipal infractions set forth in 7-1-4151 Montana Code Annotated, as amended, shall govern the proceedings for municipal infractions charged hereunder.

SECTION 3

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 4

Severability:

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

SECTION 5

Savings provision:

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

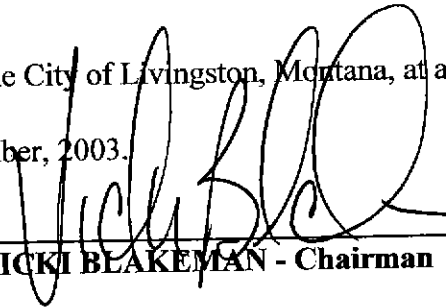
SECTION 6

Effective date:

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

* * * * *

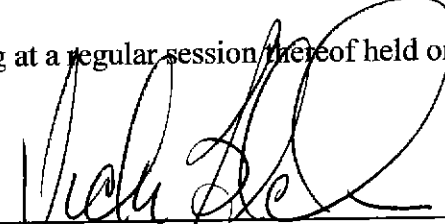
PASSED by the City Commission of the City of Livingston, Montana, at a regular session thereof held on the 3rd day of November, 2003.


VICKI BLAKEMAN - Chairman


ATTEST:


PAM PAYOVICH
Recording Secretary


PASSED, ADOPTED AND APPROVED by the City Commission of the City of Livingston, Montana, on second reading at a regular session thereof held on the 2nd day of ~~November~~ ^{February}, 2003.


VICKI BLAKEMAN - Chairman

ATTEST:


PAM PAYOVICH
Recording Secretary

APPROVED AS TO FORM:


BRUCE E. BECKER
Livingston City Attorney

NOTICE

The public is invited to attend and comment at a public hearing to be held at 7:30 p.m. on November 17, 2003, on the second reading of ORDINANCE NO. 1929, entitled:

AN ORDINANCE OF THE LIVINGSTON CITY COMMISSION DELETING SECTION 10 ENTITLED ABUTTING OWNER TO KEEP SIDEWALK CLEAN AND SAFE OF CHAPTER 14-HEALTH AND SANITATION, AND ENACTING A NEW SECTION IN CHAPTER 26-STREETS AND SIDEWALKS BY ESTABLISHING A CIVIL OFFENSE FOR FAILURE TO REMOVE ICE, SLUSH AND SNOW AND ESTABLISHING A CIVIL PENALTY FOR VIOLATION.

A copy of the ordinance is available for inspection at the City Office, 414 East Callender Street, Livingston, MT 59047. For further information call Pam at 823-6001.

(Publish twice at least 6 days apart 7-1-4127(6)MCA and post the ordinance needs on the City bulletin board and copies need to be made available to the public 7-5-103 MCA)

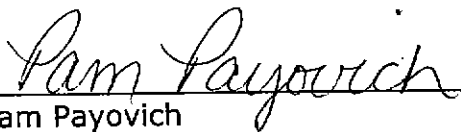
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City of Livingston



Pam Payovich
Recording Secretary

Please Publish November 6, 2003 and November 12, 2003.

Date: November 4, 2003

NOTICE

The public is invited to attend and comment at a public hearing to be held at 7:30 p.m. on February 2, 2004, on the second reading of ORDINANCE NO. 1929 entitled:

AN ORDINANCE OF THE LIVINGSTON CITY COMMISSION DELETING SECTION 10 ENTITLED ABUTTING OWNER TO KEEP SIDEWALK CLEAN AND SAFE OF CHAPTER 14-HEALTH AND SANITATION, AND ENACTING A NEW SECTION IN CHAPTER 26-STREETS AND SIDEWALKS BY ESTABLISHING A CIVIL OFFENSE FOR FAILURE TO REMOVE ICE, SLUSH AND SNOW AND ESTABLISHING A CIVIL PENALTY FOR VIOLATION.

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A copy of the Ordinance is available for inspection at the City Office, 414 East Callender Street, Livingston, MT 59047. For further information you can call Pam Payovich at 823-6001.

City of Livingston



Pam Payovich
Recording Secretary

Please Publish January 23, 2004 and January 28, 2004.

Date: January 21, 2004

**CITY OF LIVINGSTON
CITY COURT
JUDGE NEIL M. TRAVIS
414 EAST CALLENDER STREET
LIVINGSTON, MT 59047
PHONE: 823-6013**

October 30, 2003

To: City Attorney
City Manager

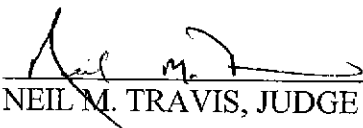
Re: Draft Ordinance
Removal of snow, etc. from walkways

I have reviewed the copy of the purposed ordinance for maintaining snow and ice-free sidewalks. I believe that making this ordinance a civil infraction is a positive step, however, I trust that certain administrative steps will be taken before a summons is issued for a violation of this ordinance.

I trust that the council and the city administration understand that many of our citizens are older, and that it is difficult, if not impossible, for them to either remove the snow and ice from their walkways, and do not have the disposable income necessary to hire someone to perform this job. How the council addresses this issue and the response of the enforcement division will be very important.

I note in the draft ordinance that enforcement will be given to the code enforcement officer, and that he will issue a summons and complaint. Since this is a civil issue the summons and complaint must comply with the Rule 4 of the Montana Justice and City Court Rules for Civil Procedure. The current 'citation' that is used by the Livingston Police Department will not meet the requirements of a civil summons and complaint.

I would make one final comment on this purposed ordinance. If the city anticipates that the citizens will comply with these requirements it is essential that the city government cleans its own sidewalks and public ways. The city government cannot anticipate home and business owners will be willing to perform a task that local government is failing to perform.



NEIL M. TRAVIS, JUDGE

LIVINGSTON POLICE DEPARTMENT

414 East Callender Street
Office of the Chief of Police
Livingston, MT 59047

222-2050 * fax: 222-6121 * e-mail: policechief@ci.livingston.mt.us

MEMORANDUM

Date: 16 January, 2004
To: Steve Golnar, City Manager
From: Darren *Daren*
Subject: Snow Removal Ordinance

The last City Commission requested that we conduct a public awareness campaign to encourage compliance, prior to aggressively enforcing any ordinance requiring snow removal. My understanding is that they also wanted the City to provide information on options that are available to assist people with snow removal who are unable to do it themselves. I submitted a snow removal plan that I feel addresses what we are trying to do. We have also drafted a revised ordinance that, in my opinion, is well written and should be adopted. We have put out a public service announcement that is being aired on KPRK radio this month. The Enterprise is willing to print an article, however we have not done it yet.

I feel we should visit the issue with the new City Commission, and provide them with the ordinance that is currently being proposed. If they are comfortable with it, we can proceed with our public awareness campaign and put an article in the paper. We should advise the public, including the Chamber of Commerce, of the new ordinance that is being proposed, and our desires to enforce it. They will have the opportunity to comment or offer suggestions and attend the scheduled public hearing when the ordinance is brought back before the City Commission for final adoption. I think we can offer alternatives to people who are unable to shovel their walks for some reason, but the City simply does not have the resources to shovel people's walks or find alternatives for them. The exception may be the fire department's senior assist program.

The bottom line is that the sidewalks are public rights of way, and I feel we have an obligation to make reasonable efforts to make sure they are safe for travel. The only reasonable means of keeping them clear of snow and ice is to require property owners to assume this responsibility through City ordinance. As any other ordinance, we'll enforce it the best we can. Currently, this will probably be done on a case by case basis and by citizen complaint. If we want to aggressively enforce it, we will have to hire someone to do it. I am prepared to offer further comment to the City Commission and address any concerns they or anyone else may have.

CITY OF LIVINGSTON
SNOW REMOVAL COMPLIANCE PLAN
AND PUBLIC AWARENESS CAMPAIGN
(DRAFT)

Purpose:

1. To enhance public safety and provide more efficient pedestrian travel by adopting a reasonable and enforceable ordinance requiring the timely removal of snow, slush and ice from City sidewalks.
2. To provide an effective means of enforcing such an ordinance that encourages compliance, allows for a reasonable penalty for non-compliance, and also considers the undue hardships that may be imposed on some citizens on a case by case basis.
3. To generate support and acceptance from the community, and encourage voluntary compliance through an aggressive public awareness campaign.

I. Adopting an ordinance

- A. The City Attorney has drafted Ordinance No. 1929, which was last brought before the City Commission on November 17, 2003. The ordinance provides for mandatory removal of snow, slush or ice from sidewalks by the abutting property owner or tenant. It also provides for a civil penalty that may imposed by a person who fails to comply, upon proof of the charge by clear and convincing evidence, and also addresses enforcement.
- B. Ordinance No. 1929, either as written or any revised version that may be recommended by the City Commission and/or City Staff, should be adopted within a reasonable time period, but no later than February of 2004.

II. Public Awareness Campaign Plan

- A. Prior to adopting Ordinance No. 1929, the City should foster community support through a public awareness campaign. The campaign should be conducted for the following reasons;
 1. Notify the public of the City's intent to adopt a new ordinance, clearly advising citizens what their responsibilities are and what penalties may be imposed on them for non-compliance.
 2. Clearly state the City's intent to enforce the ordinance, specifically identifying those individuals who willfully refuse, neglect or fail to comply.
 3. Provide sufficient time for the community and individual residents to prepare for the removal of snow, slush and ice from sidewalks abutting their property.
 4. To generate support from the community by emphasizing the desire to enhance pedestrian safety and provide more efficient foot travel for citizens using our public sidewalks. Gaining public support may increase voluntary compliance.
 5. Encourage citizens, community groups, and civic organizations to identify and help those individuals who may need assistance in removing snow, slush and ice from sidewalks abutting their property.

- B. Information can be conveyed to the public through local media sources and other means. Specific plans include:
1. Release a detailed news story in the Livingston Enterprise, prepared by City administrative staff and an Enterprise staff writer. This will be a one time news article, provided at no cost to the City.
 2. Free public service announcements aired over KPRK radio several times daily and over the period of about one month. The announcements will be prepared by City staff, in coordination with KPRK staff.
 3. Place the ordinance on the City's Web site for public review and comment. Comments could be sent via e-mail.
 4. Send out public notices and information with City water bills.
 5. Provide information to the public through regularly scheduled City Commission meetings that address the issue, and receive public comment during public hearings. Encourage local news media sources to notify the public when the issue will be on the agenda and encourage members of the public to attend the meetings.
 6. Provide information to the Chamber of Commerce and Livingston Downtown Business Association, requesting input from the affected business community and seeking support of the ordinance and their assistance with promoting compliance.

III. Enforcement

- A. Ordinance No. 1929 specifies that violations are a civil infraction, enforced by the City Code Enforcement Officer or a duly appointed assistant. Although the City should take a serious approach to addressing violations, enforcement will be limited to available resources and other demands for service. Realistically, the City lacks the resources (personnel) to aggressively and consistently enforce many ordinances. We simply do not have the personnel to proactively identify and deal with the majority of violations that can be expected. For this reason we will rely on continued publicity campaigns to encourage voluntary compliance. In many, if not most cases, enforcement will be initiated through citizen complaints. This is the case with most City ordinance violations.
- B. Warnings, either written or verbal, can be issued at the Code Enforcement Officer's discretion. Procedures that require warnings prior to enforcement action being taken, such as warnings for first offenses, are discouraged. This system would involve a great deal of paperwork and records management, bogging down and weakening the process. We can also expect that voluntary compliance would be significantly less. For example: Would our roads be safer if the law mandated that everyone was issued one warning each year for a traffic violation before being ticketed? Obviously, voluntary compliance with traffic laws would be less.

Enforcement should be consistent, and warnings given when appropriate and reasonable to do so. Such factors to consider include, but are not limited to, the person's inability to comply due to age or physical handicap, and their ability to hire someone. In cases of warnings, the City should offer recommendations and options to prevent repeat violations. However, it is the citizen's personal responsibility to comply. As with any violation of our laws and ordinances, citizens have the right to present their case to a judge. The judge has the authority to consider the circumstances of each specific offense and render a fair decision.

KPRK

PSA. TO RUN

DURING MONTH
OF JANUARY

84

**City of Livingston
Public Service Announcement**

The City of Livingston would like to remind residents of their responsibility to keep public sidewalks abutting their property free of snow and ice. Current City ordinance requires removal of snow within 24 hours of accumulation. As a community, we all have a responsibility to keep our walkways clear and safe for pedestrian travel. The City is requesting that all residents and property owners voluntarily do their part. This winter, don't let your walk be an obstacle for a child walking to school, an elderly person enjoying a leisurely stroll or anyone else using the public walkways. When the snow flies, get the shovels out and show your civic responsibility. Please help out friends or neighbors who are unable to maintain their own sidewalks.

January 20, 2004
(Tuesday)
Agenda Item #8, B:

Review Ordinance No. 1929 – Deleting Section 10 entitled abutting owner to keep sidewalk clean and safe of Chapter 14 – Health and Sanitation, and enacting a new section in Chapter 26 – Streets and Sidewalks by establishing a civil offense for failure to remove ice, slush and snow and establishing a civil penalty for violation.

The Ordinance is being brought back to the City Commission for it's consideration after Staff has developed a public information program related to the City's concerns with keeping the sidewalks clean. Outside assistance was also to be secured to allow for alternatives for some property owner's to pursue getting their sidewalks clean in the event that they are sick or elderly or out of town owner's.

Police Chief, Darren Raney, will give a summary of the current status of the public information program. The City Manager in coordination with the Police Chief and Public Works Director will talk about alternatives snow shoveling resources.

RECOMMENDATION:

If the Commission decides that there are no major changes needed in the proposed Ordinance, then they should consider re-noticing this Ordinance for second reading.

November 3, 2003
Agenda Item #6, A:

Ordinance No. 1929 – Deleting Section 10 entitled abutting owner to keep sidewalk clean and safe of Chapter 14 – Health and Sanitation, and enacting a new section in Chapter 26 – Streets and Sidewalks by establishing a civil offense for failure to remove ice, slush and snow and establishing a civil penalty for violation.

Enclosed is Ordinance #1929 proposed for 1st reading after the Attorney corrections from the Commission in response to their concerns from last meeting. Also enclosed are comments from the City Court Judge who reviewed this proposed Ordinance. The Ordinance has also been distributed to the Public Works Director who will provide additional comment, if necessary, on or before the meeting on Monday night.

RECOMMENDATION: Pass Ordinance No. 1929 on first reading.

November 17, 2003
Agenda Item #5, A:

Ordinance No. 1929 – Deleting Section 10 entitled abutting owner to keep sidewalk clean and safe of Chapter 14 – Health and Sanitation, and enacting a new section in Chapter 26 – Streets and Sidewalks by establishing a civil offense for failure to remove ice, slush and snow and establishing a civil penalty for violation.

After further discussion with Staff relating to the implementation of this Ordinance and with the City Judge relating to his enforcement of citations, we should post-poner this Ordinance until we address how snow can be removed prior to the issuance of citations. I suggest that the City initiate a publicity campaign identifying our concern for keeping sidewalks clean and seeking block volunteers to help clean sidewalks for those who are not able to. We can also seek the assistance of outside organizations on the supplementary basis to assist in cleaning sidewalks. It seems to be unreasonable for the City to take on the responsibility of coordinating snow removal on a wholesale basis for all individuals who are sick or disabled. If we can establish a volunteering approach first and then fill the holes that community volunteers are covering then we may be more successful in achieving our goals of keeping the sidewalks clean.

RECOMMENDATION:

No action on second reading of Ordinance No. 1929. Direct Staff to initiate a publicity campaign to encourage neighbors to assist those that are not able to clean their sidewalks and to develop supplementary support for when necessary. Once we get this process going it will be easier to move forward with a sidewalk cleaning enforcement code. I suggest that we bring this up for review in March 2004.

LIVINGSTON
CITY COMMISSION MEETING
NOVEMBER 3, 2003
7:30 p.m.

The Livingston City Commission met in regular session on Monday, November 3, 2003 at 7:30 p.m. in the Community Room in the City/County Complex. City Commissioners present were Vicki Blakeman, Sheryl Dahl, Lenny Gregrey, Michelle Lee and Bob Ebinger.

Staff members present were Bruce Becker, Steve Golnar, Shirley Ewan, Darren Raney, Jim Mastin, Jim Woodhull, Peggy Glass and Pam Payovich. Absent was Clint Tinsley.

Motion was made by Dahl, second by Lee, to approve the consent items as follows:

- Approve October 21, 2003 regular City Commission meeting minutes.
- Approve October 30, 2003 special City Commission meeting minutes.
- Approve Bills and Claims for 2nd half of October 2003.
- Appoint Skate Park Committee.
- Approve City Manager's Nomination of Frank L. Minnick for Police Commission.
- Review proposals for purchase of East Side School Original 1902 Building.

Steve Golnar made comment that the City did not receive any proposals for the East Side School Original 1902 Building and suggested to revise bid specifications and put the School back out for bid.

Bob Ebinger stated that he had received a phone call from someone that was interested in the Building but wanted to know if the bid could be extended.

Mr. Golnar stated that he felt the School should be re-advertised and that the bid specifications should be revised, rather than extending the current bid period again.

Sheryl Dahl commented that with the City's financial state that this should be put on hold due to the fact that additional expenses would be incurred for re-advertising the School for bid. She suggested that the City should wait until cash flow improves and to let the new Commission pursue the bidding of the School at a future date.

Lenny Gregrey asked what the expense would be going through the re-advertising process.

Steve Golnar stated that it would depend on where the City re-advertised. If the City chooses to advertise in the Historic Preservation Magazine it would cost an additional \$475.00 for a two (2) month advertising fee.

Sheryl Dahl commented that the cost of advertising of the East Side School Building has cost the City around \$1,200.00 to \$1,500.00 for expenses.

Sheryl Dahl asked in response to the comments made by Lenny Gregrey at the last meeting relating to whether Vicki and Bob could be a part of the Urban Renewal Citizen Coordinating Committee decision process relating to the finding of "blight". Bruce Becker commented that he was working on this. Ms. Dahl commented because Vicki and Bob are business owners that they should be able to state whatever they would like to about the finding of "blight", but she did not know about them being a part of the Citizens Coordinating Committee. Mr. Becker commented that there is not a case law on this determination of conflict. He stated that there is a technical determination that needs to be made as to whether City Commissioners, who are business owners, or property owners within the district, can be involved or not and that he would follow-up on this.

Sheryl Dahl asked to have a word changed on page 6 of the minutes to read "blight" instead of light so as to read: "Sheryl Dahl stated that Livingston is not a boarded up downtown nor was Bozeman when they established that "blight" existed, and suggested to look at what Bozeman has done with their tax increment district".

Lenny Gregrey asked to add a sentence on page 4 of the minutes to read: "Mr. Gregrey concluded that he feels that this definition of "blight" is a scheme that was put in by the Federal Government to circumvent the U.S. Constitution allowing for condemning of private property for Government use."

Mr. Gregrey also asked for page 13 of the minutes to be changed from "brought" to "purchases" so as to read: "He did not realize this; his understanding was that the Subdivision just purchases the water from the City."

Mr. Gregrey asked that he would like to add the comments made by Carlo Cieri in the minutes when Mr. Cieri talked about the acquaintances of Ms. LaDuke being related to anyone on the City Commission or the City and if she was their girlfriend and doing a favor for her and that Mr. Gregrey's reply was that Ms. LaDuke was not his girlfriend nor did he even know who she was personally.

Bob Ebinger stated that on page 14 of the minutes he wanted to clarify his statement and what he meant to say was: "He believed in annexation but wanted to consider the rights of the residents to say whether they wanted to be annexed or not so they would not be unhappy citizens." Ms. Blakeman

asked if what he meant was that he would like to see the City Commission and Staff deal with the concerns of the citizens first before proposing annexation. Mr. Ebinger concurred.

All in favor of consent items, Motion passed.

Zone Change:

A discussion of a zone change and a public hearing for the zone change request was held.

Jim Woodhull, City Planner, gave background information relating to this zone change request. The request is for the Livingston Community Hospital, owner of property described as all of Lots 21 & 22 and the West 60 feet of Lots 29-32, all in Block 28, Park Addition currently zoned at Medium Density Residential (RII) and to change this to High Density Residential (RIII) to allow the Hospital to use these two houses as office space. Mr. Woodhull stated that the Zoning Commission recommended approval of this zone change request.

Sheryl Dahl mentioned that she had driven around in that area and made the comment that she felt the zone request looked like spot zoning and asked if the City could address this as such to allow them to use the space and gave an example of these circumstances. Jim Woodhull stated that the example that she gave was for a home office. Mr. Woodhull stated there are three (3) conditions that have to exist simultaneously to constitute spot zoning and the fact that both of these zones are residential would lead to the determination spot zoning did not exist.

Sheryl Dahl stated that she objected to putting two (2) RIII buildings in the middle of an RII area in order to allow the Hospital to have their business offices when if the Hospital expands elsewhere then these lots will continue to be RIII zone within an RII zoned block. Mr. Woodhull commented that these parcels are 6000' and 7000' square feet respectively which means that the maximum build out allowed by current RIII zoning would be a duplex on either parcel.

Bob Ebinger stated that he had talked to Mr. Woodhull about this request and wanted to know whether a variance was a more appropriate approach rather than a zone change. Mr. Ebinger asked is it possible to buy a lot next to these parcels and combine the properties and build something bigger. Mr. Woodhull stated that the lot next to these parcels is still in an RII zone so they would have to come and ask the Commission for a zone change in the case of combining the parcels.

Sheryl Dahl asked about the height requirement in an RIII zoning area and that even though they could only build a duplex, could they build it three (3) stories high. Jim Woodhull stated that three (3) stories cannot exceed 36' in

height for a RIII and 27' is allowed for height for RII is what the Ordinance states.

Michelle Lee asked if the City Commission could condition this zone change request for the purposes of not being able to go over 27' in height. Jim Woodhull commented that the Commission would have to change the Ordinance to limit height to 27'. Bruce Becker asked what kind of conditions does Ms. Lee want to put on this zone change. Michelle Lee commented that she would like to have the height changed on this to not allow over 27' in height. Michelle Lee mentioned that she did not want to see a huge building in one of these lots. Mr. Becker commented that would be awkward and that the Commission would have to come up with a different zoning height requirement for RIII.

Michelle Lee asked if the City could condition the Hospital's business license. Jim Woodhull stated that the City doesn't issue business licenses to hospitals.

Bruce Becker suggested that the City Commission consider creating a hospital corridor zoning that this would encourage all of the medical professional's to come together in the same area such as Billings and Missoula do with their medical professional's.

Lenny Gregrey asked Mr. Woodhull if the hospital indicated to him what the use of these spaces were going to be. Mr. Woodhull replied by saying computer and administrative offices.

Michelle Lee stated that she was very uncomfortable with the findings of fact in this instance because it states "short-term solution" and "interim solution" and she would like to have a permanent solution. She asked if it would be appropriate to amend these statements.

Sheryl Dahl asked why they could not have a variance instead of a zone change.

Jim Woodhull stated that variances are not used to allow uses in a zone that it was not designated for and "hospital", under our zoning code, is not allowed in a RII, variances apply to physical parameters such as set-backs and height limitations.

Michelle Lee asked if in fact this is for hospital use. She realized that they are administrative offices but could they in fact change the name of the intent so that the City would not have to have a zone change, possibly administrative addition. Mr. Woodhull stated that the use is secondary to the hospital and if the hospital didn't own these parcels, RIII wouldn't work for just any business office. If the hospital were to rent these offices to someone else they would have to make a special exception request to do so.

Vicki Blakeman asked if the hospital was RIII. Mr. Woodhull stated "yes" it is RIII.

Ms. Blakeman asked if there were other properties in this area that are RIII's also. Mr. Woodhull stated that the hospital, the Convalescent Center, the Clinic to the south and about six (6) lots to the north where the apartment buildings are across the street from the hospital were all currently zoned RIII.

Lenny Gregrey commented that the City has a situation here where the hospital about a year ago was probably considering folding up and stated that the City does have a new surgeon here who is generating a lot of work in the hospital for orthopedic work and they probably need extra space to continue an expansion in order to keep the facility in this area. He also stated that it is nice to have a hospital in Livingston and that everybody loves their local hospital and citizens use this facility.

Bob Ebinger commented that he is not against keeping the hospital in Livingston but what he is against is setting precedent by changing a residential area to a RIII. He just asks if the City could put a restriction on the height so that they know that the area will stay the same.

Sheryl Dahl asked again if the height could be reduced for RIII zoning.

Bruce Becker stated that the Commission would have to amend the RIII zoning height to accommodate this situation.

Sheryl Dahl asked why they couldn't reduce the height on a conditional use of the hospital.

Bruce Becker suggested that Jim Woodhull and him investigate this and bring it back to the Commission at the next meeting.

Sheryl Dahl and Michelle Lee suggested to have the hospital state specifically that this use is for their business offices only.

Mr. Gregrey stated that the discussion of this was a determination of height of the RII and RIII and made comment that it is only a nine (9) foot difference where RII is 27' and RIII is 36'. Bob Ebinger stated that could be another floor added.

Vicki Blakeman asked if there was any urgency for the hospital on this zone change request.

Jim Woodhull stated that he assumed there was because they have already requested permission to trench the street for their computer lines.

Michelle Lee asked if there was a way to have Staff bring back to the Commission a revised Ordinance No. 1930 and put in RII with conditions.

Bruce Becker stated that no matter what the Commission decided to do that notices of the Ordinance would have to be advertised three (3) times, so the soonest this could come back to the Commission for review would be December 1, 2003.

Mr. Gregrey stated that the discussion on building height is contrary to the fact that area is used to land helicopters in and he doesn't believe that the hospital is going to put up a 36' building for this reason and stated that he thinks that the Commission is hung up on something that doesn't exist.

Vicki Blakeman asked that the hospital is the only one that is requesting the use of these parcels and if someone else asked to use them for an office they would have to come back to the City Commission.

Jim Woodhull concurred with Ms. Blakeman's comments.

Vicki Blakeman stated that the fact is that this is in the hospital area anyway.

Bob Ebinger stated that he feels comfortable with this specific situation but he asked that Staff looked into the possibility of putting a limitation on the height requirements.

Vicki Blakeman asked Staff to develop something that addresses the height between RII and RIII.

Lenny Gregrey mentioned that there was no one that spoke against this zone change request at the Board of Adjustments meeting and he is certain everyone in that area was notified of this zone change request. When it was proposed to have the Branding Iron Subdivision zone changed the people from that area were concerned and showed up. The fact that there is no person present from the hospital area tonight leads him to believe that residents of the area are not concerned about this request. He concluded by stating that the Commission is making a "mountain out of a molehill".

Motion was made by Lee, second by Gregrey, to approve the Findings of Fact of the Zone Change request for the Livingston Community Hospital.

Motion was made by Lee, second by Dahl, to amend the Findings of Fact of the Zone Change Request for the Livingston Community Hospital to exclude in 2) the term interim solution and in 3) to delete the term short-term solution.

All in favor for the amendment of the Findings of Fact, Motion passed.

Sheryl Dahl asked for the use chart for RIII zoning and if in fact property with an RIII zoning designation could be occupied by a Lawyer when the hospital use ends. Jim Woodhull stated that he did not have a use chart for RIII zoning at hand and that a Lawyer could use these offices only if a special exception on the parcel were granted.

4 in favor of the Findings of Fact deleting the amendment and approving the original Findings of Fact as written; Lee, Gregrey, Ebinger and Blakeman, 1 opposed; Dahl, Motion passed.

Bob Ebinger stated that he would like to see Staff pursue a definition of RII ½ zoning that would apply to circumstances where the Commission would like to apply height restrictions.

The City Commission concurred with the request of Staff for a RII ½ zone.

A Proclamation was read by Chairman, Vicki Blakeman, for the recognition of Poppy Day on November 8, 2003 in honor of Veteran's Day, November 11, 2003 and Ms. Blakeman asked to add women to the sentence where it states: "I urge all patriotic citizens to wear a Buddy Poppy as mute evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedoms which we continue to enjoy as American citizens."

Ordinances:

Motion was made by Lee, second by Gregrey, to approve Ordinance No. 1929 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DELETING SECTION 10 ENTITLED ABUTTING OWNER TO KEEP SIDEWALK CLEAN AND SAFE OF CHAPTER 14 – HEALTH AND SANITATION, AND ENACTING A NEW SECTION IN CHAPTER 26 – STREETS AND SIDEWALKS BY ESTABLISHING A CIVIL OFFENSE FOR FAILURE TO REMOVE ICE, SLUSH AND SNOW AND ESTABLISHING A CIVIL PENALTY FOR VIOLATION.** This is the first reading. A public hearing will be held on November 17, 2003 relating to this Ordinance.

Bob Ebinger stating in reading this Ordinance he did not see where it stated anything about a warning before issuing a citation and thought that the Commission had concurred at the last meeting to have a warning.

Bruce Becker mentioned that it was his understanding that Clint Tinsley, Public Works Director, stated that he did not have the manpower to do that.

Sheryl Dahl stated that Mr. Tinsley stated to her understanding that the warning would be something in the nature of the weed violation letter.

Bob Ebinger thought as far as repetitive offenders that those people would be cited, but the City should have a warning given to other people who were not aware of this issue.

Steve Golnar asked if the City typically identifies when they are going to issue warnings prior to enforcing the law in the Ordinance's and is this what Mr. Ebinger is asking for a warning before a citation is issued placed into the Ordinance.

Bruce Becker stated that he feels that this is an enforcement nightmare because the person can state: "I didn't get a warning".

Bob Ebinger stated that a warning being issued makes the person aware that they need to shovel their sidewalk and then they will continue to do so, so as not to get a citation.

Bruce Becker asked how the warning would be issued.

Lenny Gregrey commented that if you send a warning it would have to be registered certified mail and this would be a notice of service.

Michelle Lee stated that she feels fines should double after ten (10) days of the warning and notice or if they don't pay it they get cited.

Bruce Becker stated that this couldn't possibly be done as a trial would not take place until six (6) months after warned and how could you double the fine then.

Lenny Gregrey stated that you have to have a trial before you can assess a fine. You cannot automatically assess the fine before the person is found guilty.

Michelle Lee commented that she would just like to see some incentive to get the citizens to pay for their fines.

Lenny Gregrey stated that the City Commission is trying to resolve two (2) problems. One being that they would like to see the sidewalks shoveled in a timely manner and the other if you give someone a \$25.00 ticket and they pay for it he guarantees that those citizens who are not disabled will be sure to shovel their sidewalks.

Mr. Gregrey also mentioned in the City Judge's letter that was provided in the packet for review he stated that the current citation that is used by the Livingston Police Department will not meet the requirements for a civil summons and complaint. He also stated that he would expect the City Government to clean its own sidewalks and public ways to comply with their own Ordinance.

Bruce Becker mentioned that in Judge Travis' statement may be the solution to this, as he states: "I trust that certain administrative steps will be taken before a summons is issued for a violation of this Ordinance."

Sheryl Dahl asked what administrative steps would this be?

Bruce Becker suggested to say direct Clint Tinsley to meet the personal service requirements, a note handed to the person stating this is a warning for shoveling your sidewalks, if you do not comply within 24 hours a citation will be issued. Mr. Becker's suggestion was to leave the Ordinance the way it is and to direct Staff to administer and issue warnings before a citation is noticed.

It was the concurrence of the City Commission that the Ordinance would pass on first reading as written and to have Staff develop administrative rules for enforcement. Disabled people would need to contact the City if they could not shovel their sidewalks for direction on who they may contact for assistance, such as the Fire and Rescue or having a group at the School or community services or even the Boy Scouts help.

All in favor of Ordinance as written, Motion passed.

Bruce Becker asked if it snows in December and the City issues a warning and then it snows in February do you need to issue another warning?

The Commission stated "no" that only one (1) warning per snow season.

Motion was made by Gregrey, second by Lee, to approve Ordinance No. 1930 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 3-.13 ENTITLED OFFICIAL ZONING MAP OF CHAPTER 30 ZONING OF THE LIVINGSTON MUNICIPAL CODE BY CHANGING THE ZONING DESIGNATION FOR LOT 21, LOT 22 AND THE WEST 60 FEET OF LOTS 29 THROUGH 32 OF BLOCK 28 OF THE PARK ADDITION TO THE CITY OF LIVINGSTON FROM MEDIUM DENSITY RESIDENTIAL (RII) TO HIGH DENSITY RESIDENTIAL (RIII)**. This is the first reading. A public hearing will be held on November 17, 2003 relating to this Ordinance.

Motion was made by Lee, to amend Ordinance No. 1930 to insert Section 3 – Severability to Section 1 and Section 1 to become Section 2 and then subsequent numbering to take place in that she feels Section 1 would simply state that there is a height restriction on this and what a severability clause allows you to do is that if any part of the plan is found invalid then the rest of it is not affected. No second.

Bruce Becker commented that this is a request for a zone change from a RII to a RIII and that this was not noticed for any other reason than for a zone change and puzzled with how to put a condition on a zone code that is not allowed without amending the zoning code.

LIVINGSTON
CITY COMMISSION MEETING
NOVEMBER 17, 2003
7:30 p.m.

The Livingston City Commission met in regular session on Monday, November 17, 2003 at 7:30 p.m. in the Community Room in the City/County Complex. City Commissioners present were Vicki Blakeman, Sheryl Dahl, Lenny Gregrey, Michelle Lee and Bob Ebinger.

Staff members present were Bruce Becker, Steve Golnar, Shirley Ewan, Darren Raney, Jim Mastin, Jim Woodhull, Clint Tinsley, Peggy Glass and Pam Payovich.

Motion was made by Lee, second by Ebinger, to approve the consent items as follows:

- Approve November 3, 2003 regular City Commission meeting minutes.
- Approve Bills and Claims for 1st half of November 2003.
- Department Heads Monthly Reports and Other Minutes.
- Approve Special Event request for the Christmas Stroll on December 12, 2003 sponsored by the Livingston Downtown Association and co-sponsored by the Livingston Chamber of Commerce.

Bob Ebinger asked about the claim for Brenntag West, Inc. for Ice Slicer of 32 tons and wanted to know what Ice Slicer was. Clint Tinsley stated that this is biodegradable material that the City combines with the sand that they spread on the streets at the Intersections during the snow season.

Bob Ebinger also asked about the claim for Invensy's Metering Systems for the Urban Design Framework. Steve Golnar stated that this was a typo that it should be described for software upgrade to the telemetry reading system for the water system.

Mr. Ebinger asked what the claim to Warmoth Enterprises for dust control oil was. Clint Tinsley stated the dust control oil is used on the streets that are too steep to asphalt over, in the coming year, for water run off.

Mr. Ebinger mentioned that it appears that the collections of the Livingston Fire/Ambulance claims are rising and that the City has collected 108% and the County 87% for the month. He asked if this was a chance occurrence, or if it was a reflection of improved collections. Mr. Golnar said it was more chance, a reflection of a significant amount of receivables and delayed collections.

Bob Ebinger asked about the Code Enforcement Monthly Report and wanted to know what the change of placement of garbage was due to. Clint Tinsley stated that when there are residents upset that their neighbors garbage cans

are placed by the resident property too close and so the City will move the cans for them.

Michelle Lee asked about the claim for Cellular One, Inc. for the pager service and wanted to know if the City could incorporate this into the cell phone system instead of having to continue to pay for both uses of the cell phones and the pagers. Mr. Mastin stated that this was cancelled last week and that it would not be in the claims any more.

Ms. Lee asked the claims for Rockin Micro of the computer maintenance and the computer replacement and what this was for. Mr. Mastin stated that the one claim for the computer replacement was for a computer in the main office of the Fire Department of their computer that crashed. Darren Raney stated that the claim for computer maintenance was the yearly computer maintenance contract for the sleuth software for the police department and dispatch that the City Commission approved at their last meeting.

Ms. Lee asked about the claim for Dr. Frank Seitz and what it was for. Mr. Golnar stated that this was for a personnel matter.

Vicki Blakeman asked about the claim for Insty-Prints for the Urban Design Framework and commented that she felt that it was pretty costly to have three (3) copies made for \$424.77. Pam Payovich, Recording Secretary, stated that there were 25 to 30 copies of colored prints in the book and that was why the cost was so high. Ms. Blakeman asked if this could be negotiated and Ms. Payovich replied by saying that these books were for the newly elected Commissioners and there would be no more copies made in the future.

All in favor of consent items, Motion passed.

Scheduled Public Comments:

Brian Sparks, the Director of the Yellowstone Gateway Museum gave a presentation of the Downtown Business Association Calamity Jane Productions Committee 100 year celebration involving staged gunfights in the Summer 2004.

Mr. Sparks asked if the Commission would have an official Resolution written up in supporting the work of Calamity Jane in the community that involves doing several street gunfights with professionally phased gunfighters and that this would involve City Police, Fire and the Utility Department to help for security and blocking off the streets in order to support the Downtown Business Association for this event. Mr. Sparks stated that what the Downtown Business Association is asking for is the support from the City for up-front costs relating to getting this project started so that it will be self-supporting for the gunfighters and asked about the possibility of writing a grant through Montana Travel that would result in Calamity Jane touring the

Country by Roger Neal Productions out of California in commemoration of the 100 year celebration of the death of Calamity Jane. Calamity Jane would travel around the country and appear on shows such as Jay Leno, Letterman, the "Today" Show, People Magazine, etc. and of that talking about Livingston being the home of Calamity Jane there would be a tremendous amount of exposure in drawing people to Livingston for the tourist season. Mr. Sparks provided the Commission a packet with detailed financial information relating to the proposal of the Calamity Jane shows during the summer months of 2004. He mentioned that Myron Kovash, owner of the Clarks Crossing, has stepped forward to support Calamity Jane in the respect of putting the money up front in order for Calamity to get started in performing in Livingston. These performances will be in the basement of Clark's Crossing which they will be remodeling. Calamity will also perform occasionally at the Fairgrounds and weekly presentation at the Museum without any funds but Mr. Sparks is asking for support in order to pay the gunfighters for matching funds for the grant. Calamity will put on two (2) drama shows during the day and they will be her sole income, which will be one at the Clark's Crossing and the other one hopefully at a downtown Business which will be identified at a later date.

Steve Golnar asked how much of a grant they were seeking for support and how soon would they need it.

Brian Sparks stated that the grant application has to be in by December 1, 2003 and the grant amount is \$50,000.00. Their need is for two (2) payments of \$10,000.00 each one due January 1, 2004 and the other due February 1, 2004 in order to accomplish their efforts of getting support for Calamity Jane to be at Livingston, Montana for her 100 year celebration. Their request is for upfront costs for posters of \$3,000.00, \$20,000 of potential loans as their money will be returned if the grant application is successful.

To conclude Mr. Sparks stated that the benefits of these performances would be for the motels, taverns, restaurants, downtown businesses, etc. Calamity Jane during her performances usually has had around 300 to 400 people showing up during her past efforts. He also mentioned that Calamity Jane has made a four (4) year commitment for performances at Clarks' Crossing in Livingston.

Michelle Lee asked if the organization had received their letter of support of the business grant application for this event.

Brian Sparks stated that they have not requested this yet as fund raising would be starting this week.

Steve Golnar suggested that a Resolution of support be drafted for the next City Commission meeting relating to Calamity Jane's coming to the City of Livingston with her gun-fighting performances.

Public Hearings:

A public hearing was held for Ordinance No. 1929 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, DELETING SECTION 10 ENTITLED ABUTTING OWNER TO KEEP SIDEWALK CLEAN AND SAFE OF CHAPTER 14 – HEALTH AND SANITATION, AND ENACTING A NEW SECTION IN CHAPTER 26 – STREETS AND SIDEWALKS BY ESTABLISHING A CIVIL OFFENSE FOR FAILURE TO REMOVE ICE, SLUSH AND SNOW AND ESTABLISHING A CIVIL PENALTY FOR VIOLATION.** This was the second reading relating to Ordinance No. 1929.

Herb Beadle of 79 Merrill Lane also property owner of 1203 and 1205 West Crawford Street asked if this Ordinance was for the removal of snow after the first snow fall or keeping sidewalks clear of snow. Vicki Blakeman stated that it is after a snowfall. Mr. Beadle asked if after the wind and drifting snow then what would be the rules. Bruce Becker stated that the Ordinance's intent is to keep the sidewalks clear of snow.

Lenny Gregrey commented that he lives on Crawford and 9th Street and does not have any problem keeping his sidewalk clear of snow and has to continue keeping it clear of snow even if the wind blows and drifts the snow.

Mr. Beadle commented that he felt that the Ordinance was poorly worded as it says first snowfall and that this would put a burden on senior citizens or disabled people not being able to shovel their sidewalks he stated that they would have to hire someone to do this for them.

Bob Ebinger commented that at the last City Commission meeting it was the concurrence of the City Commission that they had a problem with citing people for the first time offenders and would like to have a warning issued individuals were cited. Also they wanted to have a public campaign in order to make this ticketing policy known to people before the City Commission would initiate this action. He also stated that this is not a new City Code just the act of it being implemented is proposed to be changed.

Bruce Becker stated that the current Commission of this offense is a criminal offense and that the City Commission is proposing to change it to a civil offense.

Mr. Ebinger stated relating to the concerns about senior citizens and disabled people, that the City is looking into the possibility of programs involving volunteers to help them, and that the City has no intention of citing those people based on their disability.

Sheryl Dahl stated that the City Commission asked City Staff to have an administrative program that would work with this Ordinance that would work with the whole community. She also mentioned that as for the \$300.00 fine

the Ordinance states that this amount is the maximum fine not initially the amount cited.

Steve Golnar stated that his suggestion was for the Commission to take no action on the second reading of this Ordinance No. 1929 so that City Staff would have time to initiate a publicity campaign to encourage neighbors to assist those that are not able to clean their sidewalks and to develop supplementary support for when necessary. Mr. Golnar also stated that once the administrative process is developed by City Staff it will be easier to move forward with a sidewalk cleaning enforcement code. He stated that Staff will try to address in their administrative plan a method to reduce the impact on elderly and disabled people. His suggestion was to bring this back with the City Staffs administrative rules and after a support system is developed in order to better fulfill the goal of keeping sidewalks clean and knowing what our resources are in March 2004.

Bob Ebinger stated that it is important to have the residents of the City be known of this Ordinance and what the City Staff wants to initiate before proposing it as a law and he asked if it could be brought back to the City Commission's review before March 2004.

The City Commission asked for the review of City Staff's administrative rules report to be established and brought back by the end of January 2004 or sooner.

Motion was made by Dahl, second by Ebinger, to post-poned Ordinance No. 1929 until the last meeting in January 2004.

All in favor, Motion passed.

A public hearing was held for Ordinance No. 1930 - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 3-.13 ENTITLED OFFICIAL ZONING MAP OF CHAPTER 30 ZONING OF THE LIVINGSTON MUNICIPAL CODE BY CHANGING THE ZONING DESIGNATION FOR LOT 21, LOT 22 AND THE WEST 60 FEET OF LOTS 29 THROUGH 32 OF BLOCK 28 OF THE PARK ADDITION TO THE CITY OF LIVINGSTON FROM MEDIUM DENSITY RESIDENTIAL (RII) TO HIGH DENSITY RESIDENTIAL (RIII).** This was the second reading relating to this Ordinance No. 1930.

Lenny Gregrey commented that he received a phone call from Tara Eddy who lives on South 9th Street by the Water Plant and she was concerned about the RIII designation three (3) story building.

Bob Ebinger stated that he also had received a phone call from Tara Eddy concerned about the (hospital RIII) zone change in a residential area and had many concerns similar to those the Commission had at the last meeting and she suggested a conditional office use and to leave it a RII zoning.

**CITY OF LIVINGSTON
CITY COURT
JUDGE NEIL M. TRAVIS
414 EAST CALLENDER STREET
LIVINGSTON, MT 59047
PHONE: 823-6013**

October 30, 2003

To: City Attorney
City Manager

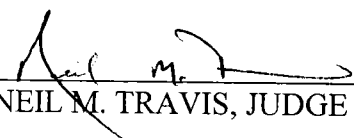
Re: Draft Ordinance
Removal of snow, etc. from walkways

I have reviewed the copy of the purposed ordinance for maintaining snow and ice-free sidewalks. I believe that making this ordinance a civil infraction is a positive step, however, I trust that certain administrative steps will be taken before a summons is issued for a violation of this ordinance.

I trust that the council and the city administration understand that many of our citizens are older, and that it is difficult, if not impossible, for them to either remove the snow and ice from their walkways, and do not have the disposable income necessary to hire someone to perform this job. How the council addresses this issue and the response of the enforcement division will be very important.

I note in the draft ordinance that enforcement will be given to the code enforcement officer, and that he will issue a summons and complaint. Since this is a civil issue the summons and complaint must comply with the Rule 4 of the Montana Justice and City Court Rules for Civil Procedure. The current 'citation' that is used by the Livingston Police Department will not meet the requirements of a civil summons and complaint.

I would make one final comment on this purposed ordinance. If the city anticipates that the citizens will comply with these requirements it is essential that the city government cleans its own sidewalks and public ways. The city government cannot anticipate home and business owners will be willing to perform a task that local government is failing to perform.


NEIL M. TRAVIS, JUDGE

January 20, 2004
(Tuesday)
Agenda Item #8, B:

Review Ordinance No. 1929 – Deleting Section 10 entitled abutting owner to keep sidewalk clean and safe of Chapter 14 – Health and Sanitation, and enacting a new section in Chapter 26 – Streets and Sidewalks by establishing a civil offense for failure to remove ice, slush and snow and establishing a civil penalty for violation.

The Ordinance is being brought back to the City Commission for it's consideration after Staff has developed a public information program related to the City's concerns with keeping the sidewalks clean. Outside assistance was also to be secured to allow for alternatives for some property owner's to pursue getting their sidewalks clean in the event that they are sick or elderly or out of town owner's.

Police Chief, Darren Raney, will give a summary of the current status of the public information program. The City Manager in coordination with the Police Chief and Public Works Director will talk about alternatives snow shoveling resources.

RECOMMENDATION:

If the Commission decides that there are no major changes needed in the proposed Ordinance, then they should consider re-noticing this Ordinance for second reading.

LIVINGSTON POLICE DEPARTMENT

414 East Callender Street
Office of the Chief of Police
Livingston, MT 59047

222-2050 * fax: 222-6121 * e-mail: policechief@ci.livingston.mt.us

MEMORANDUM

Date: 16 January, 2004
To: Steve Golnar, City Manager
From: Darren *Darren*
Subject: Snow Removal Ordinance

The last City Commission requested that we conduct a public awareness campaign to encourage compliance, prior to aggressively enforcing any ordinance requiring snow removal. My understanding is that they also wanted the City to provide information on options that are available to assist people with snow removal who are unable to do it themselves. I submitted a snow removal plan that I feel addresses what we are trying to do. We have also drafted a revised ordinance that, in my opinion, is well written and should be adopted. We have put out a public service announcement that is being aired on KPRK radio this month. The Enterprise is willing to print an article, however we have not done it yet.

I feel we should visit the issue with the new City Commission, and provide them with the ordinance that is currently being proposed. If they are comfortable with it, we can proceed with our public awareness campaign and put an article in the paper. We should advise the public, including the Chamber of Commerce, of the new ordinance that is being proposed, and our desires to enforce it. They will have the opportunity to comment or offer suggestions and attend the scheduled public hearing when the ordinance is brought back before the City Commission for final adoption. I think we can offer alternatives to people who are unable to shovel their walks for some reason, but the City simply does not have the resources to shovel people's walks or find alternatives for them. The exception may be the fire department's senior assist program.

The bottom line is that the sidewalks are public rights of way, and I feel we have an obligation to make reasonable efforts to make sure they are safe for travel. The only reasonable means of keeping them clear of snow and ice is to require property owners to assume this responsibility through City ordinance. As any other ordinance, we'll enforce it the best we can. Currently, this will probably be done on a case by case basis and by citizen complaint. If we want to aggressively enforce it, we will have to hire someone to do it. I am prepared to offer further comment to the City Commission and address any concerns they or anyone else may have.

CITY OF LIVINGSTON
SNOW REMOVAL COMPLIANCE PLAN
AND PUBLIC AWARENESS CAMPAIGN
(DRAFT)

Purpose:

1. To enhance public safety and provide more efficient pedestrian travel by adopting a reasonable and enforceable ordinance requiring the timely removal of snow, slush and ice from City sidewalks.
2. To provide an effective means of enforcing such an ordinance that encourages compliance, allows for a reasonable penalty for non-compliance, and also considers the undue hardships that may be imposed on some citizens on a case by case basis.
3. To generate support and acceptance from the community, and encourage voluntary compliance through an aggressive public awareness campaign.

I. Adopting an ordinance

- A. The City Attorney has drafted Ordinance No. 1929, which was last brought before the City Commission on November 17, 2003. The ordinance provides for mandatory removal of snow, slush or ice from sidewalks by the abutting property owner or tenant. It also provides for a civil penalty that may imposed by a person who fails to comply, upon proof of the charge by clear and convincing evidence, and also addresses enforcement.
- B. Ordinance No. 1929, either as written or any revised version that may be recommended by the City Commission and/or City Staff, should be adopted within a reasonable time period, but no later than February of 2004.

II. Public Awareness Campaign Plan

- A. Prior to adopting Ordinance No. 1929, the City should foster community support through a public awareness campaign. The campaign should be conducted for the following reasons;
 1. Notify the public of the City's intent to adopt a new ordinance, clearly advising citizens what their responsibilities are and what penalties may be imposed on them for non-compliance.
 2. Clearly state the City's intent to enforce the ordinance, specifically identifying those individuals who willfully refuse, neglect or fail to comply.
 3. Provide sufficient time for the community and individual residents to prepare for the removal of snow, slush and ice from sidewalks abutting their property.
 4. To generate support from the community by emphasizing the desire to enhance pedestrian safety and provide more efficient foot travel for citizens using our public sidewalks. Gaining public support may increase voluntary compliance.
 5. Encourage citizens, community groups, and civic organizations to identify and help those individuals who may need assistance in removing snow, slush and ice from sidewalks abutting their property.

- B. Information can be conveyed to the public through local media sources and other means. Specific plans include:
1. Release a detailed news story in the Livingston Enterprise, prepared by City administrative staff and an Enterprise staff writer. This will be a one time news article, provided at no cost to the City.
 2. Free public service announcements aired over KPRK radio several times daily and over the period of about one month. The announcements will be prepared by City staff, in coordination with KPRK staff.
 3. Place the ordinance on the City's Web site for public review and comment. Comments could be sent via e-mail.
 4. Send out public notices and information with City water bills.
 5. Provide information to the public through regularly scheduled City Commission meetings that address the issue, and receive public comment during public hearings. Encourage local news media sources to notify the public when the issue will be on the agenda and encourage members of the public to attend the meetings.
 6. Provide information to the Chamber of Commerce and Livingston Downtown Business Association, requesting input from the affected business community and seeking support of the ordinance and their assistance with promoting compliance.

III. Enforcement

- A. Ordinance No. 1929 specifies that violations are a civil infraction, enforced by the City Code Enforcement Officer or a duly appointed assistant. Although the City should take an serious approach to addressing violations, enforcement will be limited to available resources and other demands for service. Realistically, the City lacks the resources (personnel) to aggressively and consistently enforce many ordinances. We simply do not have the personnel to proactively identify and deal with the majority of violations that can be expected. For this reason we will rely on continued publicity campaigns to encourage voluntary compliance. In many, if not most cases, enforcement will be initiated through citizen complaints. This is the case with most City ordinance violations.
- B. Warnings, either written or verbal, can be issued at the Code Enforcement Officer's discretion. Procedures that require warnings prior to enforcement action being taken, such as warnings for first offenses, are discouraged. This system would involve a great deal of paperwork and records management, bogging down and weakening the process. We can also expect that voluntary compliance would be significantly less. For example: Would our roads be safer if the law mandated that everyone was issued one warning each year for a traffic violation before being ticketed? Obviously, voluntary compliance with traffic laws would be less.

Enforcement should be consistent, and warnings given when appropriate and reasonable to do so. Such factors to consider include, but are not limited to, the person's inability to comply due to age or physical handicap, and their ability to hire someone. In cases of warnings, the City should offer recommendations and options to prevent repeat violations. However, it is the citizen's personal responsibility to comply. As with any violation of our laws and ordinances, citizens have the right to present their case to a judge. The judge has the authority to consider the circumstances of each specific offense and render a fair decision.

KPRK

107

PSA. TO RUN

DURING MONTH
OF JANUARY

**City of Livingston
Public Service Announcement**

The City of Livingston would like to remind residents of their responsibility to keep public sidewalks abutting their property free of snow and ice. Current City ordinance requires removal of snow within 24 hours of accumulation. As a community, we all have a responsibility to keep our walkways clear and safe for pedestrian travel. The City is requesting that all residents and property owners voluntarily do their part. This winter, don't let your walk be an obstacle for a child walking to school, an elderly person enjoying a leisurely stroll or anyone else using the public walkways. When the snow flies, get the shovels out and show your civic responsibility. Please help out friends or neighbors who are unable to maintain their own sidewalks.

November 3, 2003
Agenda Item #6, A:

Ordinance No. 1929 – Deleting Section 10 entitled abutting owner to keep sidewalk clean and safe of Chapter 14 – Health and Sanitation, and enacting a new section in Chapter 26 – Streets and Sidewalks by establishing a civil offense for failure to remove ice, slush and snow and establishing a civil penalty for violation.

Enclosed is Ordinance #1929 proposed for 1st reading after the Attorney corrections from the Commission in response to their concerns from last meeting. Also enclosed are comments from the City Court Judge who reviewed this proposed Ordinance. The Ordinance has also been distributed to the Public Works Director who will provide additional comment, if necessary, on or before the meeting on Monday night.

RECOMMENDATION: Pass Ordinance No. 1929 on first reading.

November 17, 2003
Agenda Item #5, A:

Ordinance No. 1929 – Deleting Section 10 entitled abutting owner to keep sidewalk clean and safe of Chapter 14 – Health and Sanitation, and enacting a new section in Chapter 26 – Streets and Sidewalks by establishing a civil offense for failure to remove ice, slush and snow and establishing a civil penalty for violation.

After further discussion with Staff relating to the implementation of this Ordinance and with the City Judge relating to his enforcement of citations, we should post-pone this Ordinance until we address how snow can be removed prior to the issuance of citations. I suggest that the City initiate a publicity campaign identifying our concern for keeping sidewalks clean and seeking block volunteers to help clean sidewalks for those who are not able to. We can also seek the assistance of outside organizations on the supplementary basis to assist in cleaning sidewalks. It seems to be unreasonable for the City to take on the responsibility of coordinating snow removal on a wholesale basis for all individuals who are sick or disabled. If we can establish a volunteering approach first and then fill the holes that community volunteers are covering then we may be more successful in achieving our goals of keeping the sidewalks clean.

RECOMMENDATION:

No action on second reading of Ordinance No. 1929. Direct Staff to initiate a publicity campaign to encourage neighbors to assist those that are not able to clean their sidewalks and to develop supplementary support for when necessary. Once we get this process going it will be easier to move forward with a sidewalk cleaning enforcement code. I suggest that we bring this up for review in March 2004.

LIVINGSTON
CITY COMMISSION MEETING
February 2, 2004
7:30 p.m.

The Livingston City Commission met in regular session on Monday, February 2, 2004 at 7:30 p.m. in the Community Room in the City/County Complex. Commissioners present were Steve Caldwell, Mary Beebe and Vicki Blakeman. Bob Ebinger was absent.

Staff members present were Bruce Becker, Steve Golnar, Shirley Ewan, Darren Raney, Jim Mastin, Jim Woodhull, Clint Tinsley, Peggy Glass and Pam Payovich.

Motion was made by Caldwell, second by Beebe, to approve the January 20, 2004 regular City Commission meeting minutes.

All in favor, Motion passed.

The Oath of Office of the appointed Commissioner, Frank Horiel, was given by Pam Payovich, Recording Secretary.

Roll Call was given by Pam Payovich, Recording Secretary, for the new City Commissioners. Present were Mary Beebe, Frank Horiel, Vicki Blakeman and Steve Caldwell. Bob Ebinger was absent.

Positions of the remaining City Board vacancies were determined.

The Board of Adjustments vacancy will be re-advertised.

Vicki Blakeman, Chairman, nominated Frank Horiel to be the City Commission representative for the Infrastructure Replacement Committee.

Motion was made by Caldwell, second by Beebe, to accept Chairman, Vicki Blakeman's nomination of Frank Horiel to be the City Commission's representative for the Infrastructure Replacement Committee.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to accept the withdrawal of Bob Ebinger, City Commissioner, as a City representative for the Alliance Development Corporation Committee to eliminate any conflict of interest.

All in favor, Motion passed.

Vicki Blakeman, Chairman, nominated Frank Horiel to be the City Commission representative for the Sister Cities Committee.

Motion was made by Caldwell, second by Beebe, to approve Chairman, Vicki Blakeman's nomination of Frank Horiel to be the City Commission's representative for the Sister Cities Committee.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve the consent items as follows:

- Approve Bills and Claims for 2nd half of January 2004.
- Award bid for TV Camera Inspection, Vapor Root Killing and Cleaning of Sanitary Sewer Lines to Pace Construction in the amount of \$25,958.30.

Mary Beebe asked what Vapor Root Killing was. Clint Tinsley stated that the TV Camera Inspection, Vapor Root Killing and Cleaning of Sanitary Sewer Lines is all a part of the process for cleaning sewers. The root killing in sewer lines has increased over the course of 5 to 6 years due to the drought. The roots of trees are coming into household sewers. Vapor Root Killing is a foam process that goes down the sewer line and wraps around the tree roots and kills the roots. Mr. Tinsley concluded by stating that this process will start next month.

Steve Caldwell asked about the claim from Park County for the GIS share and the GIS Department Plotter Map budget. Steve Golnar stated that the City pays 1/3, the County pays 1/3 and the Rural District pays 1/3 of the GIS Coordinator position and also the City pays a 1/3 of the Map Plotter for the GIS Department.

All in favor of consent items, Motion passed.

Public Hearings:

Motion was made by Caldwell, second by Beebe, to approve Ordinance No. 1929 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DELETING SECTION 10 ENTITLED ABUTTING OWNER TO KEEP SIDEWALK CLEAN AND SAFE OF CHAPTER 14 – HEALTH AND SANITATION, AND ENACTING A NEW SECTION IN CHAPTER 26 – STREETS AND SIDEWALKS BY ESTABLISHING A CIVIL OFFENSE FOR FAILURE TO REMOVE ICE, SLUSH AND SNOW AND ESTABLISHING A CIVIL PENALTY FOR VIOLATION.**

Steve Golnar stated he had a visit from Lee Harris today in his office and Mr. Harris wanted to make some comments about this Ordinance but had another meeting to attend. On behalf of Mr. Harris of Callender and 7th Street absence Steve stated that Mr. Harris is concerned for those who were not able to clear the snow from their sidewalks and for physically the elderly and those who can't afford to pay for snow removal and would like to see these contingencies addressed in the Ordinance.

Mr. Golnar stated that the City Staff will encourage the City residents of Livingston to be more neighborly and that there is a current Senior Citizen's Assistance Program through the Fire Department but that the City could not commit to cleaning the sidewalks of the above people in all instances.

Vicki Blakeman stated that to her understanding the Commission had decided to go with Police Chief, Darren Raney's public awareness campaign in order to notify the public of the safety and health reasons as to why the Commission was going to enforce this Ordinance No. 1929. In this document she stated that Mr. Raney recommended that warnings would be combersum and slow down the process of accomplishing sidewalk snow removal and cause more paper work. Mr. Raney stated that discretion needs to be used in issuing tickets where there is an elderly disabled or financially constrained person involved. He stated that he didn't think that this would need to be in the Ordinance that this is just a procedure to follow in order to comply with the Ordinance adopted.

Frank Horiel asked how much of a problem snow removal was now? Vicki Blakeman stated that it is a significant issue and that there have been some complaints from residents.

Mr. Horiel asked if the City is taking the snow removal Ordinance off of a criminal offense and changing it to a civil offense. Ms. Blakeman confirmed this. Mr. Horiel asked if it would be easier to issue citations to those people who did not comply. Ms. Blakeman stated "yes" that's the reason why the Commission wanted the offense changed from criminal to civil was so that the Code Enforcement Officer could issue tickets. A criminal offense can only be enforced by the Police. Public Works Director, Clint Tinsley confirmed that no additional people will be hired in the City to enforce this Ordinance.

Steve Caldwell stated that he would like to see some way that the City could encourage both formal and informal efforts to help Senior Citizens and those disabled residents. This is what the media campaign was to do to provide awareness to the public.

No public comments were given at this time.

Later in the meeting Steve Golnar asked if Mr. Harris could make his comments about the Ordinance No. 1929 now that he had arrived at the meeting.

Mr. Harris asked if the Commission had made any provisions in this Ordinance for the people who are physically unable or financially unable.

Vicki Blakeman stated according to our Chief of Police that is within the discretion of Staff enforcing the Ordinance and will be addressed on a case-by-case basis.

Fire Chief, Jim Mastin, stated that the Fire Department has a Senior Citizens Assistance Program that they would be happy to help those in need of having their sidewalks shoveled.

All in favor of Ordinance No. 1929, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Ordinance No. 1933 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1915 AND CHAPTER 4, ANIMALS, OF THE LIVINGSTON MUNICIPAL CODE BY ALLOWING UNRESTRAINED DOGS UNDER VOICE OR OTHER CONTROL ON VIEW VISTA DRIVE AT THE DRIVING RANGE TO MAYOR'S LANDING, REQUIRING REMOVAL OF DOG FECES FROM CITY PROPERTY AND RIGHT OF WAYS AND CREATING A CRIMINAL OFFENSE FOR EXERCISING A DOG BY USING A MOVING MOTOR VEHICLE AND ESTABLISHING A PENALTY FOR VIOLATION.**

Lee Harris of 202 South 7th Street stated that he takes strong exception to this Ordinance that there was nothing in the Ordinance which recognizes the people who are physically unable to walk or run their dogs. He was personally aware of the past history of over 30 years that dogs have been able to run from the High School parking lot to Mayor's Landing along or beside their cars without having to use voice command. He asked why all of a sudden has this become a problem?

Vicki Blakeman stated that the Commission has had several complaints from people walking their dogs or just walking in that area that people walking their dogs beside their vehicles have no control of their dogs. For the safety of the dogs and the people walking they wanted this provision added to the Ordinance. The dogs could get run over or the dogs could attack people.

Mr. Harris stated that he is physically unable to walk his dog and asked what he could do to exercise his dog. Frank Horiel suggested that Mr. Harris take his dog in his car down to Mayor's Landing and then let the dog run within 20 yards from him which is allowed under the voice command Ordinance.

Vicki Blakeman stated that the City cannot have dogs running at large on City Streets.

View Vista Drive is a City Street now and greater control of dogs was requested by residents that walk their dogs and walk in that area and also by residents of the vicinity.

Gary Barnhart of 55 View Vista Drive stated on behalf of his mom and himself that he would like to thank the Commission for addressing this problem of the dogs and hopefully resolving the issues and concerns that he has had.

No action was taken to approve Ordinance No. 1933 as written.

Item Attachment Documents:

D. DISCUSS: SCHEDULING VENUE FOR DECEMBER LISTENING SESSION.

DECEMBER 2019

CALENDAR MONTH DECEMBER
CALENDAR YEAR 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
						7
		City Commission Meeting 5:30				Breakfast with Santa Shane Lalani Center
8	9	10	11	12	13	14
	Angel Line Board Mtg. 1:30 pm.	Historic Preservation Meeting 3:30 pm City Zoning Commission Meeting 5:30 pm.				Commissioner Listening Session venue TBD
15	16	17	18	19	20	21
		City Commission Meeting 5:30	Library Board Meeting 4PM Planning Board mtg 5:30PM Sister City Board Mtg. 7PM			
22	23	24	25	26	27	28
	City-County Airport Board Meeting Noon	Christmas Eve City Offices/Facilities Closed	Christmas Day City Offices/Facilities Closed			
29	30	31	1	2	3	4

New Years Eve

Item Attachment Documents:

Please enter your agenda item text here.



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BUTTE, MT
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thank
you FOR
being
SO VERY
AWESOME

Thank you for thinking
of us during our long
day, much appreciated!
Barb
*

You guys
Rock! We
love tacos!
And Dads!
Thank you
Jan

Thank you for Taco's
Very Thoughtful & Awesome
D. #.

Thank you City of
Livingston!

The tacos were great
& came at just the
right time!

Maritza