



Livingston City Commission Agenda

March 15, 2022

5:30 PM

VIA ZOOM

<https://us02web.zoom.us/j/81261239067?pwd=bHRyN1hmL0tQcjEzSkJmbzVjdC9hQT09>

Meeting ID: 812 6123 9067 Passcode: 090859 Call in: (669) 900-6833

1. Call to Order

2. Roll Call

3. Public Comment

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

4. Consent Items

- A. APPROVE MINUTES FROM MARCH 1, 2022 REGULAR MEETING. Pg. 4**
- B. RATIFY CLAIMS PAID 02/16/2022-03/03/2022. Pg. 13**
- C. ACCEPT CITY COURT REPORT FROM DECEMBER 2021 AND JANUARY 2022. Pg. 20**

5. Proclamations

- A. WEEK OF THE YOUNG CHILD PROCLAMATION APRIL 2-8, 2022. Pg. 23**

6. Scheduled Public Comment

- A. JESSIE WILCOX, CHAIR OF LIVINGSTON PLANNING BOARD PRESENTS 2021 ANNUAL REPORT. Pg. 25**
- B. MATT MCGEE OF TD&H PRESENTS A PROPOSAL OF ENGINEERING SERVICES FOR THE REGIONAL SEWER EXTENSION PROJECT. Pg. 27**

7. Public Hearings

8. Ordinances

- A. ORDINANCE NO. 3030: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND CITY ORDINANCE NO. 2041, 2049, 2055, 2098, AND 3024 AS CODIFIED BY CHAPTER 9, SECTION 242 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED TRAFFIC AND VEHICLES, BY ESTABLISHING A LOADING/UNLOADING ZONE FOR CORE CONTROL AT 116 EAST GEYSER STREET AND ESTABLISHING A PENALTY FOR VIOLATIONS THEREOF. Pg. 46**

9. Resolutions

- A. RESOLUTION NO. 5024: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA TO REQUIRE THE TRAVELODGE TO CONNECT TO CITY WATER. Pg. 55**

B. RESOLUTION NO. 5025: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN AN ADDENDUM TO THE PROFESSIONAL SERVICES AGREEMENT WITH THOMAS, DEAN & HOSKINS, INC. (TD&H ENGINEERING) EXTENDING THEIR CONTRACT FOR 2 YEARS, ENDING JUNE 30, 2024. Pg. 59

10. Action Items

- A. DISCUSS/APPROVE/DENY: MEMBERSHIP TO SERVE ON THE GUIDING PRINCIPALS STRATEGIC PLAN COMMITTEE. Pg. 62**
- B. DISCUSS/APPROVE/DENY: RESOLUTION NO. 5027, CREATING AD-HOC COMMITTEE FOR ARPA FUND DISTRIBUTION. Pg. 73**
- C. DISCUSS/APPROVE/DENY: CITY COMMISSIONER TO SERVE ON CITY-COUNTY JOINT AIRPORT BOARD. Pg. 76**
- D. DISCUSS/APPROVE/DENY: DETERMINE CITY/COUNTY JOINT COMPACT APPROVAL METHOD. Pg. 84**
- E. DISCUSS/APPROVE/DENY: STREET LIGHT MAINTENANCE DISTRICT ASSESSMENT METHOD. Pg. 94**
- F. ACTION ITEM: SCHEDULE CITY MANAGER ANNUAL EVALUATION.**

11. City Manager Comment

12. City Commission Comments

13. Adjournment

Calendar of Events

Supplemental Material

Notice

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

File Attachments for Item:

A. APPROVE MINUTES FROM MARCH 1, 2022 REGULAR MEETING.



Livingston City Commission Minutes

March 01, 2022

5:30 PM

Via Zoom

<https://us02web.zoom.us/j/82051155100?pwd=c0czNU1MUUVlYmw1eFRmVkRXUmY3QT09>

Meeting ID: 820 5115 5100 **Passcode: 425883** Call In: 1 669 900 6833

1. Call to Order

2. Roll Call

In attendance: Chair Nootz, Vice-Chair Kahle, Commissioner Friedman, Commissioner Schwarz, Commissioner Lyons. Staff in attendance: City Manager Michael Kardoes, City Attorney Courtney Lawellin, Public Works Director Shannon Holmes, Project Manager Martha O'Rourke and City Clerk Faith Kinnick.

Nootz requested to move Action Item A from the regular order of business, to immediately after the tree boards presentation. All concurred.

3. Public Comment

- Jessie Wilcox on behalf of the Livewell 49
 - Nootz asked clarifying question

4. Consent Items 5:39 p.m. (00:08:20)

A. APPROVE MINUTES FROM FEBRUARY 1, 2022 REGULAR MEETING.

B. RATIFY CLAIMS PAID 02/02/2022-02/15/2022.

C. APPROVE ALLOCATION OF SPECIAL PARKING SPACE RESERVED FOR DISABLED RESIDENT CHARLES FAY.

D. ACCEPTING LISA HARRELD'S APPLICATION TO SERVE ANOTHER TERM ON THE CITY TREE BOARD.

- Nootz motioned to approve B-D, pulling A for discussion, second by Kahle
- All in favor, passes 5-0
- Nootz regarding Consent Item A in the minutes from the Joint Resolution 2022-1, motion was made by Kahle, second by Lyons to table the item for consideration at next meeting, not reflected in minutes. Clerk will amend February 15, 2022 minutes.
- Kahle motioned to approve minutes with the amendment to add the vote. Second by Lyons.

All in favor, passes 5-0.

5. Proclamations

6. Scheduled Public Comment 5:42 p.m. (00:11:26)

A. MARSHALL SWEARINGEN OF CITY TREE BOARD PRESENTS 2021 ANNUAL REPORT.

- Kardoes gave opening statements
- Nootz made comments
- Schwarz made comments

10. Action Items 5:46 p.m. (00:15:14)

A. DISCUSS/APPROVE/DENY: CITY TREE BOARD RECOMMENDATION FOR TEXT AMENDMENTS TO CITY TREE BOARD BY-LAWS.

- Kardoes made opening statements
 - Motion by Schwarz, second by Friedman
 - No public comments
 - Nootz made comments
- All in favor, passes 5-0.

B. SHANNON HOLMES, PUBLIC WORKS DIRECTOR, WITH PUBLIC WORKS PROJECTS UPDATE. 5:49 p.m. (00:18:29)

- Nootz asked questions
- Lyons asked questions
- Schwarz made comments
- Kahle made comments
- Friedman made comments

7. Public Hearings

8. Ordinances (00:41:33)

A. ORDINANCE NO. 3027: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING PARCELS GENERALLY KNOWN AS 26 FLESHMAN CREEK ROAD AND LEGALLY DESCRIBED AS COS 543 IN SECTION 14, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), AS MEDIUM DENSITY RESIDENTIAL (R-II).

- Kardoes made opening statements
 - Kardoes noted errors in the staff report on page 42 read R-III, and after reviewing the Zoning Commission meeting recording, the recommendation was for R-II.
 - Nootz noted another reference to R-III and incorrect description in the findings of fact text on page 40 under objective 5.1.4.
 - Lyons made additional comments regarding noted errors.
 - Nootz asked clarifying question
 - Kardoes answered
 - Motion by Lyons, second by Schwarz.
 - No public comments
 - Lyons made comments, supports R-II designation
 - Kahle made comments, concurs with Lyons.
 - Schwarz made comments, concurs with Lyons.
- All in favor, passes 5-0.

C. ORDINANCE NO. 3028: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING PARCELS GENERALLY KNOWN AS 25 LOVES LANE AND LEGALLY DESCRIBED AS Lot 5-A OF THE LAHREN MINOR SUBDIVISION IN SECTION 23, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), AS HIGH-DENSITY RESIDENTIAL (R-III). 6:23 p.m. (00:52:37)

- Kardoes made opening statements
 - Nootz asked clarifying questions
 - Kardoes answered
 - Holmes made additional comments
 - Motion by Lyons, second by Kahle
 - No public comments
 - Lyons made comments, supports R-III
 - Kahle made comments, concurs
- All in favor, passes 5-0.

D. ORDINANCE NO. 3029: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING PARCELS WITHIN THE MONTAGUE SUBDIVISION NORTH OF BENNETT STREET EXCLUDING BLOCK 3, LOT 5-14 AND BLOCK 3 AND A PORTION OF LOTS 22-26, AND INCLUDING THE ADJACENT ISLAND IN THE YELLOWSTONE RIVER LOCATED IN THE NE1/4

OF SECTION 7 (S07), TOWNSHIP TWO SOUTH (T02S), RANGE TEN EAST (R10E)AS MIXED-USE (MU), MEDIUM DENSITY RESIDENTIAL (R-II), AND PUBLIC (P) AS SHOWN IN EXHIBIT A. 6:33 p.m. (01:02:56)

- Nootz asked clarifying questions regarding zoning R-III
 - Kardoes made opening statements
 - Nootz asked clarifying questions
 - Kardoes provided additional comments
 - Lawellin provided additional comments
 - Motion by Schwarz to approve with amendment from R-III to R-II, second by Friedman
 - No public comments
 - Lyons made comments supports Zoning Commission recommendation
 - Nootz made comments
 - Kahle concurs with Lyons
 - Schwarz concurs with Lyons
- All in favor, passes 5-0

** Ten-minute Recess**

9. Resolutions 7:09 p.m. (01:28:36)

A. RESOLUTION NO. 5019: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH TD&H ENGINEERING, FOR CONSTRUCTION ADMINISTRATION SERVICES FOR THE 6TH & 7TH STREET WATER PROJECT, AND AUTHORIZATION TO EXECUTE THE AGREEMENT TO INCLUDE THE USE OF CONTINGENCY FUNDS AS DEEMED NECESSARY.

- Kardoes turned meeting over to Holmes
 - Schwarz motioned to approve, second by Friedman
 - No public comment
 - Schwarz made comments
 - Kahle made comment
- All in favor, passes 5-0

B. RESOLUTION NO. 5020: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A GENERAL SERVICES AGREEMENT WITH ASKIN CONSTRUCTION, INC., FOR CONSTRUCTION OF THE 6TH & 7TH STREET WATER PROJECT, AND AUTHORIZATION TO EXECUTE THE AGREEMENT

TO INCLUDE THE USE OF CONTINGENCY FUNDS AS DEEMED NECESSARY. 7:15 p.m. (01:34:39)

- Kardoes made opening statements
 - Holmes made presentation
 - Kahle asked clarifying questions
 - Nootz inquired about contingency funds
 - Motion by Schwarz, second by Friedman
 - No public comment
 - Nootz would like to amend original Resolution by adding 10% language to contingency fund. Schwarz, Kahle and Lyons concur.
 - Schwarz made motion to amended Resolution by adding 10% contingency language, second by Kahle
- Roll call on amendment to the motion, all in favor, passes 5-0.
Roll call on original motion approving Resolution 5020, all in favor, passes 5-0.

C. RESOLUTION NO. 5021: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH TD&H ENGINEERING FOR ENGINEERING SERVICES FOR THE REGIONAL SEWER EXTENSION PROJECT, AUTHORIZATION TO EXECUTE THE AGREEMENT TO INCLUDE THE USE OF CONTINGENCY FUNDS AS DEEMED NECESSARY. 7:26 p.m. (01:45:07)

- Kardoes made opening statements
 - Holmes made presentation
 - Schwarz asked clarifying questions
 - Nootz made comments
 - Friedman made comments
 - Kahle motioned to approve with amendment adding 10% contingency fund, \$165,000. 00second by Friedman
 - No public comments
 - Schwarz made comments
 - Nootz made comments
- All in favor, passes 5-0

D. RESOLUTION NO. 5022: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH TD&H ENGINEERING FOR ENGINEERING SERVICES FOR THE STORM-WATER PRELIMINARY ENGINEERING REPORT, AUTHORIZE THE CITY MANAGER

TO EXECUTE THE AGREEMENT TO INCLUDE THE USE OF CONTINGENCY FUNDS AS DEEMED NECESSARY. 7:39 p.m. (01:58:42)

- Kardoes made opening statements
 - Holmes made presentation
 - Nootz asked for clarification about MS4 requirements
 - Kahle made comments
 - Schwarz motioned to approve, second by Kahle
 - No public comments
 - Holmes made additional comments
 - Nootz made comments
- All in favor, passes 5-0

E. JOINT RESOLUTION NO. 2022-01: A JOINT LOAN RESOLUTION OF THE CITY OF LIVINGSTON, AND PARK COUNTY, MONTANA, APPROVING A LOAN IN THE AMOUNT OF \$50,000.00, TOGETHER WITH INTEREST THEREON AT THE RATE OF 1.625 PER ANNUM ON THE UNPAID BALANCE OF THE PRINCIPAL UNTIL PAID, FROM THE AERONAUTICS DIVISION OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF MONTANA TO THE CITY OF LIVINGSTON, MONTANA, AND COUNTY OF PARK MONTANA, FOR THE PURPOSE OF CONSTRUCTION OF TAXIWAYS AT MISSION FIELD AIRPORT, IN LIVINGSTON MONTANA, PROVIDING FOR THE REPAYMENT OF THE LOAN TERMS THEREOF. 7:52 p.m. (02:10:06)

- Kardoes made request to remove Joint Resolution 2022-01 from the table, from previous meeting.
- Schwarz motioned, second by Friedman
- All in favor, passes 5-0.
- Kardoes made presentation
- Nootz disclosed Commission attended public meeting/tour of Mission Field Airport
- Kahle shared highlights from tour
- Friedman made comments
- Matt Whitman made comments
- Steve Koontz made comments
- Katie Weaver made comments
- Schwarz made comments
- Schwarz made motion to approve, second by Friedman
- Austin Timm made public comment
- Anne Buckley made public comment
- Sarah Stands made public comment
- Nootz asked for clarification from Whitman

- Lyons made comments
- Kahle made comments
- Schwarz made comments
- Nootz made comments
- All in favor, passes 5-0

F. JOINT RESOLUTION NO. 2022-02: A JOINT LOAN RESOLUTION OF THE CITY OF LIVINGSTON, AND PARK COUNTY, MONTANA, APPROVING A LOAN IN THE AMOUNT OF \$102,852.00, TOGETHER WITH INTEREST THEREON AT THE RATE OF 1.625 PER ANNUM ON THE UNPAID BALANCE OF THE PRINCIPAL UNTIL PAID, FROM THE AERONAUTICS DIVISION OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF MONTANA TO THE CITY OF LIVINGSTON, MONTANA, AND COUNTY OF PARK MONTANA, FOR THE PURPOSE OF REHABILITATING THE RUNWAY OF THE GARDINER AIRPORT, IN GARDINER MONTANA, PROVIDING FOR THE REPAYMENT OF THE LOAN TERMS THEREOF. 8:31 p.m. (02:50:48)

Motion to extend the meeting by Schwarz, second by Kahle, passes 5-0.

- Kardoos made opening statements
- Matt Whitman made comments
- Kahle asked clarifying questions
- Lyons asked clarifying questions of Whitman
- Motion by Kahle, second Schwarz
- Steve Koontz made comments
- Austin Timm made comments
- Kahle made comments
- Schwarz made comments
- All in favor, passes 5-0

G. RESOLUTION NO. 5023: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE MONTANA HISTORIC PRESERVATION OFFICE FOR LOCAL HISTORIC PRESERVATION OFFICE. 8:47 P.M. (03:06:19)

- Kardoos made opening statements
- Nootz made comments
- Schwarz made motion, second by Lyons
- No public comments
- Nootz made comments
- All in favor, passes 5-0

11. City Manager Comment 8:50 p.m. (03:10:08)

- City Newsletter, and Spring Flyer will be delivered in March, will include the street sweeper schedule, Hiring Seasonal employees, Cemetery Clean-up day before Memorial Day, will try podcast “The Invisible City” instead of Facebook Live.

12. City Commission Comments 8:56 p.m. (03:15:07)

- Lyons- yield
- Schwarz- yield
- Friedman made comments
- Kahle made comments
- Nootz made comments

13. Adjournment 9:00 p.m. (3:19:17)

Public in virtual attendance

1. Steve Koontz
2. Matt Whitman
3. Sarah Stands
4. Anne Buckley
5. Patricia Grabow
6. Livingston Enterprise
7. Kris Lahren
8. Marshall Swearingen
9. “SC”
10. “MRM”
11. Phone user
12. Katie Weaver
13. Jessie Wilcox
14. Austin Timm

File Attachments for Item:

B. RATIFY CLAIMS PAID 02/16/2022-03/03/2022.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
ADVANCED ELEMENTS OPERATIONAL TECH LLC							
10002	ADVANCED ELEMENTS OPERA	1465	MAINTENANCE	02/11/2022	5,000.00	5,000.00	02/24/2022
Total ADVANCED ELEMENTS OPERATIONAL TECH LLC:					5,000.00	5,000.00	
ADVANCED ENGINEERING &							
3605	ADVANCED ENGINEERING &	79042	PROFESSIONAL SERVICES	02/08/2022	1,447.00	1,447.00	02/24/2022
Total ADVANCED ENGINEERING &:					1,447.00	1,447.00	
CARQUEST AUTO PARTS							
23	CARQUEST AUTO PARTS	1912-532489	BATTERY	01/10/2022	116.57	116.57	02/24/2022
Total CARQUEST AUTO PARTS:					116.57	116.57	
CENGAGE LEARNING INC							
10001	CENGAGE LEARNING INC	77099006	2 BOOKS	02/02/2022	54.92	54.92	02/24/2022
Total CENGAGE LEARNING INC:					54.92	54.92	
CHARTER COMMUNICATIONS							
3440	CHARTER COMMUNICATIONS	019544501182	ELEVATOR PHONE	01/18/2022	50.75	50.75	02/24/2022
Total CHARTER COMMUNICATIONS:					50.75	50.75	
COMDATA							
2671	COMDATA	20369645	IB986 BZR70	02/01/2022	191.79	191.79	02/24/2022
Total COMDATA:					191.79	191.79	
DELTA SIGNS & GRAPHICS							
509	DELTA SIGNS & GRAPHICS	2601	BannER SIGNS	01/13/2022	183.00	183.00	02/24/2022
509	DELTA SIGNS & GRAPHICS	2613	Signs	02/16/2022	65.00	65.00	02/24/2022
Total DELTA SIGNS & GRAPHICS:					248.00	248.00	
DEMCO							
199	DEMCO	7072396	Book Prep Supplies	01/28/2022	425.83	425.83	02/24/2022
Total DEMCO:					425.83	425.83	
ENCODE CORPORATION							
1548	ENCODE CORPORATION	41769	QUARTERLY MAINT.	02/01/2022	1,988.00	1,988.00	02/24/2022
1548	ENCODE CORPORATION	41798	HVAC Maint Contract	02/01/2022	329.50	329.50	02/24/2022
Total ENCODE CORPORATION:					2,317.50	2,317.50	
ENERGY LABORATORIES, INC.							
424	ENERGY LABORATORIES, INC.	449627	Analysis parameter	01/21/2022	291.00	291.00	02/24/2022
Total ENERGY LABORATORIES, INC.:					291.00	291.00	
FARSTAD OIL							
3353	FARSTAD OIL	99761	Diesel252G	02/16/2022	1,188.97	1,188.97	02/24/2022
3353	FARSTAD OIL	IN-66694-22	Diesel 427G	02/18/2022	2,011.23	2,011.23	02/24/2022

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total FARSTAD OIL:					3,200.20	3,200.20	
FISHER SAND AND GRAVEL							
2904	FISHER SAND AND GRAVEL	60859	Gravel	02/05/2022	1,937.95	1,937.95	02/24/2022
Total FISHER SAND AND GRAVEL:					1,937.95	1,937.95	
FOUR CORNERS RECYCLING, LLC							
2919	FOUR CORNERS RECYCLING,	10005	Pull fees	01/28/2022	5,205.20	5,205.20	02/24/2022
2919	FOUR CORNERS RECYCLING,	CM10005	Credit	01/28/2022	2,597.30	2,597.30	02/24/2022
Total FOUR CORNERS RECYCLING, LLC:					7,802.50	7,802.50	
HILLYARD OF MONTANA							
63	HILLYARD OF MONTANA	14005488	Credit	09/28/2021	129.90-	129.90-	02/24/2022
63	HILLYARD OF MONTANA	604587349	Supplies	12/22/2021	241.33	241.33	02/24/2022
Total HILLYARD OF MONTANA:					111.43	111.43	
HORIZON AUTO PARTS							
1920	HORIZON AUTO PARTS	931104	ACETYLENE	02/09/2022	151.06	151.06	02/24/2022
Total HORIZON AUTO PARTS:					151.06	151.06	
INDUSTRIAL TOWEL							
102	INDUSTRIAL TOWEL	88674	Towel Service	02/01/2022	16.00	16.00	02/24/2022
Total INDUSTRIAL TOWEL:					16.00	16.00	
KENYON NOBLE							
776	KENYON NOBLE	8862065	SEALANT	02/07/2022	3.99	3.99	02/24/2022
Total KENYON NOBLE:					3.99	3.99	
LIVINGSTON UTILITY BILLING							
147	LIVINGSTON UTILITY BILLING	2022.2.3	1012100 2.2022	02/03/2022	122.26	122.26	02/24/2022
Total LIVINGSTON UTILITY BILLING:					122.26	122.26	
LIVINGSTONMONTANA.COM							
10000	LIVINGSTONMONTANA.COM	1785	YELLOW PAGES LISTING	02/01/2022	50.00	50.00	02/24/2022
Total LIVINGSTONMONTANA.COM:					50.00	50.00	
MEYER ELECTRIC AND GROUNDS REPAIR, LLC							
3812	MEYER ELECTRIC AND GROUN	847	LIFT STATION	02/01/2022	190.00	190.00	02/24/2022
3812	MEYER ELECTRIC AND GROUN	848	LIFT STATION	02/14/2022	237.50	237.50	02/24/2022
3812	MEYER ELECTRIC AND GROUN	850	TransER STATION	02/15/2022	889.49	889.49	02/24/2022
Total MEYER ELECTRIC AND GROUNDS REPAIR, LLC:					1,316.99	1,316.99	
MIDWAY RENTAL, INC.							
3040	MIDWAY RENTAL, INC.	1642070-0001	EDGE CUTTING	02/11/2022	235.55	235.55	02/24/2022
Total MIDWAY RENTAL, INC.:					235.55	235.55	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
MISC							
99999	MISC	TK2021-0277	Bond Release	02/17/2022	285.00	285.00	02/25/2022
Total MISC:					285.00	285.00	
MOBILE REPAIR & WELDING, INC							
10	MOBILE REPAIR & WELDING, IN	32937	ROLLER BRACKETS	02/16/2022	604.04	604.04	02/24/2022
Total MOBILE REPAIR & WELDING, INC:					604.04	604.04	
MONTANA AIR CARTAGE							
3808	MONTANA AIR CARTAGE	LVQ13122	Courier Service	02/01/2022	235.95	235.95	02/24/2022
Total MONTANA AIR CARTAGE:					235.95	235.95	
MOUNTAIN AIR SPORTS							
34	MOUNTAIN AIR SPORTS	11167	GREEN RECYCLING STICKERS	02/08/2022	525.00	525.00	02/24/2022
Total MOUNTAIN AIR SPORTS:					525.00	525.00	
MOUNTAIN EQUIPMENT TECHNOLOGY, INC							
10001	MOUNTAIN EQUIPMENT TECHN	3562	FLOW VERIFICATION	02/01/2022	1,800.00	1,800.00	02/24/2022
Total MOUNTAIN EQUIPMENT TECHNOLOGY, INC:					1,800.00	1,800.00	
MUNICIPAL CODE CORPORATION							
3058	MUNICIPAL CODE CORPORATI	00370192	Subscription	02/21/2022	150.00	150.00	02/24/2022
Total MUNICIPAL CODE CORPORATION:					150.00	150.00	
MURDOCH'S RANCH & HOME SUPPLY							
3688	MURDOCH'S RANCH & HOME S	K00131/37	WELDERS GLOVES	02/15/2022	34.98	34.98	02/24/2022
3688	MURDOCH'S RANCH & HOME S	K00604/37	PLUG	02/15/2022	37.47	37.47	02/24/2022
Total MURDOCH'S RANCH & HOME SUPPLY:					72.45	72.45	
NORMONT EQUIPMENT							
12	NORMONT EQUIPMENT	26812	CURB GUARD	02/10/2022	888.81	888.81	02/24/2022
Total NORMONT EQUIPMENT:					888.81	888.81	
NORTHWEST PIPE FITTINGS, INC							
423	NORTHWEST PIPE FITTINGS, I	5657205	BOILER REPAIR	01/06/2022	641.79	641.79	02/24/2022
423	NORTHWEST PIPE FITTINGS, I	5657205	BOILER REPAIR	01/06/2022	641.79	641.79	02/24/2022
Total NORTHWEST PIPE FITTINGS, INC:					1,283.58	1,283.58	
NORTHWESTERN ENERGY							
151	NORTHWESTERN ENERGY	0719272-7 202	4 Billman Lane - Well	02/11/2022	.00	.00	
151	NORTHWESTERN ENERGY	2022.2.8 01078	0107897-1 2.22	02/08/2022	1,323.02	1,323.02	02/24/2022
151	NORTHWESTERN ENERGY	3867654-0 202	2222 Willow Dr. Lt A	02/11/2022	.00	.00	
Total NORTHWESTERN ENERGY:					1,323.02	1,323.02	
PARK COUNTY							
272	PARK COUNTY	10553055555	COMPUTER LIBRARY	01/18/2022	985.73	985.73	02/24/2022
272	PARK COUNTY	166824	INTERNET LIBRARY	02/01/2022	399.96	399.96	02/24/2022

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total PARK COUNTY:					1,385.69	1,385.69	
PARK COUNTY TREASURER - TECH							
1702	PARK COUNTY TREASURER - T	2022.2.10.2	JAN 2022 COLLECTIONS	02/10/2022	260.00	260.00	02/16/2022
Total PARK COUNTY TREASURER - TECH:					260.00	260.00	
PARK COUNTY VICTIM WITNESS							
1544	PARK COUNTY VICTIM WITNES	2022.2.10.3	JAN 2022 collections	02/10/2022	470.01	470.01	02/16/2022
Total PARK COUNTY VICTIM WITNESS:					470.01	470.01	
QUILL CORPORATION							
694	QUILL CORPORATION	22116827	1 CASE PAPER	01/06/2022	35.99	35.99	02/24/2022
Total QUILL CORPORATION:					35.99	35.99	
RIVERSIDE HARDWARE LLC							
3659	RIVERSIDE HARDWARE LLC	158867	CONDUIT BODY	02/10/2022	22.98	22.98	02/24/2022
Total RIVERSIDE HARDWARE LLC:					22.98	22.98	
SHI INTERNATIONAL CORP.							
2907	SHI INTERNATIONAL CORP.	B14735146	IPAD PARKS	02/08/2022	343.33	343.33	02/24/2022
Total SHI INTERNATIONAL CORP.:					343.33	343.33	
SILVERTIP PROPANE							
3285	SILVERTIP PROPANE	89667	Propane	02/14/2022	12.95	12.95	02/24/2022
Total SILVERTIP PROPANE:					12.95	12.95	
SMARTCOVER SYSTEMS							
10000	SMARTCOVER SYSTEMS	5543	SMARTCOVER SYSTEM	02/08/2022	7,296.00	7,296.00	02/24/2022
Total SMARTCOVER SYSTEMS:					7,296.00	7,296.00	
THYSSENKRUPP ELEVATOR CORP							
264	THYSSENKRUPP ELEVATOR C	3006414610	Elevator	02/01/2022	1,040.88	1,040.88	02/24/2022
Total THYSSENKRUPP ELEVATOR CORP:					1,040.88	1,040.88	
TIM LARKEN							
10003	TIM LARKEN	193401	BALER REPAIR	02/03/2022	270.00	270.00	02/24/2022
10003	TIM LARKEN	193401	BALER REPAIR	02/03/2022	270.00	270.00	02/24/2022
Total TIM LARKEN:					540.00	540.00	
TOWN & COUNTRY FOODS - LIVINGSTON							
2595	TOWN & COUNTRY FOODS - LI	44	FOOD	02/15/2022	74.17	74.17	02/24/2022
2595	TOWN & COUNTRY FOODS - LI	44	FOOD	02/15/2022	74.17	74.17	02/24/2022
Total TOWN & COUNTRY FOODS - LIVINGSTON:					148.34	148.34	
US BANK EQUIPMENT FINANCE							
10001	US BANK EQUIPMENT FINANCE	464457464	PRINTER	02/03/2022	258.93	258.93	02/24/2022

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
WHISTLER TOWING, LLC							
3237	WHISTLER TOWING, LLC	6720	FREIGHLINER	02/09/2022	2,623.80	2,623.80	02/24/2022
Total WHISTLER TOWING, LLC:					2,623.80	2,623.80	
Grand Totals:					48,227.82	48,227.82	

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

File Attachments for Item:

C. ACCEPT CITY COURT REPORT FROM DECEMBER 2021 AND JANUARY 2022.

**LIVINGSTON CITY COURT
FINANCIAL REPORT**

Dec. 2021

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

Tickets/Criminal Complaints Cleared: **42**

Dismissed-Plea Agreement:	4	
Dismissed-Pretrial Diversion/Deferred:	6	
Dismissed-Miscellaneous:	12	
Paid-Bond Forfeit/Fine:	11	\$1,440.00
Paid-Time Payments:	9	\$5,733.01
Warrant Fees:		

	Total	\$7,173.01
Parking Tickets:		\$1,888.00
	Total:	\$9,061.01


Surcharges/Costs/Fees:

MLEA Surcharge:	\$350.00
TECH Surcharge:	\$260.00
Victim/Witness Surcharge:	\$470.01
MISD Surcharge:	\$430.00
Court Costs:	\$120.00
Public Defender Fee:	
Public Defender Fee:	\$
Jury Fees	\$
Interpreter	\$

Total **(\$1,630.01)**

Total amount credited to City of Livingston General Fund: \$7,431.00

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: Dec. 2021

Prepared by: 
Hon. Holly Happe
Livingston City Judge

Date: 2-10-22

**LIVINGSTON CITY COURT
FINANCIAL REPORT**

Jan. 2022

Date PD Monthly Report Received from City of Livingston Finance Office 2/14/2022

Tickets/Criminal Complaints Cleared: 47


Dismissed-Plea Agreement:	9	
Dismissed-Pretrial Diversion/Deferred:		
Dismissed-Miscellaneous:	7	
Paid-Bond Forfeit/Fine:	26	\$3,240.00
Paid-Time Payments:	5	\$2,349.08
Warrant Fees:		
		Total
		\$5,589.08
		Parking Tickets:
		\$2,505.00
		Total:
		\$8,094.08

Surcharges/Costs/Fees:

MLEA Surcharge:	\$270.00	
TECH Surcharge:	\$240.00	
Victim/Witness Surcharge:	\$248.99	
MISD Surcharge:	\$430.00	
Court Costs:	\$65.00	
Public Defender Fee:		
Public Defender Fee:	\$ -	
Jury Fees	\$ -	
Interpreter	\$ -	
		Total
		(\$1,254.07)

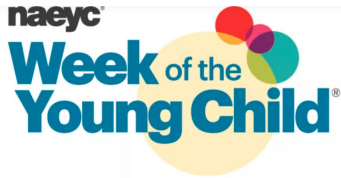
Total amount credited to City of Livingston General Fund: \$6,840.01

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: Jan. 2022

Prepared by:  Date: 2-15-22
Hon. Holly Happe
Livingston City Judge

File Attachments for Item:

A. WEEK OF THE YOUNG CHILD PROCLAMATION APRIL 2-8, 2022.



April 2-8, 2022

Proclamation

Week of the Young Child

April 2-8, 2022

WHEREAS, Community Health Partners, Child Care Connections, the Park County Health Department, Livingston Recreation Department, and other local early childhood organizations in conjunction with the National Association for the Education of Children, are celebrating the National Week of the Young Child April 2-8, 2022; and

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

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

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

WHEREAS, making sure children thrive and are ready to learn is a community endeavor that involves parent’s childcare providers, policy makers, businesses and community agencies; and

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

NOW THEREFORE BE IT RESOLVED, I, Melissa Nootz, Chair of City Commission of the City of Livingston Montana, do hereby declare the week of April 2 through 8, 2022, to be the Week of the Young Child, in Livingston, Montana, in Park County, and encourage all citizens to work to make a good investment in early childhood development and education.

Signed this ___ day of _____, 2022

Melissa Nootz, Chair
Livingston City Commission

Faith Kinnick,
Recording Secretary



File Attachments for Item:

A. JESSIE WILCOX, CHAIR OF LIVINGSTON PLANNING BOARD PRESENTS 2021 ANNUAL REPORT

December 15, 2021

City of Livingston Planning Board Annual Report 2021

Dear City Commission,

The Planning Board had a very busy beginning of the year with the review and edits of the draft Growth Policy. At the request of the Planning Board the City Commission approved the review of the Growth Policy timeline in December of 2020. The goal at that time was for a final Planning Board recommendation to be completed by the end of April 2021. Public Meetings were held every other Wednesday evening, starting in January and ending in April of 2021. The Planning Board spent an estimated 50 hours publicly reviewing the draft Growth Policy, chapter by chapter and listening to copious public comment along the way. Providing a virtual platform allowed for excellent public engagement which was appreciated by the Planning Board. In addition, significant written public comment was gathered through email and made public for the community to know their voices were heard. Recommendations were made by the Planning Board to modify the staff draft based on these comments. On April 7, 2021, the Planning Board finished review of all the chapters of the draft, and the Extra-Territorial Jurisdiction. Consistent with the City Commission’s requested approved timeline, and the robust Planning Board input process of reviewing the Growth Policy chapter-by-chapter, the Planning Board issued a resolution recommending adoption of the draft Growth Policy to the City Commission following the requirements of Montana State Statute. We are grateful that the City Commission approved the resolution in the June 15th Commission Meeting.

Since June, the Planning Board has recruited two non-freeholder Board members, received training on the Planning Boards role in subdivision regulations and approval, and learned about the PCEC Active Transportation Case Study through a presentation provided by three Park High Student Interns. We appreciate the opportunity to serve our community as representatives on the City Planning Board.

Thank you very much for all that you do,

Jessica Wilcox, Chair of City Planning Board

File Attachments for Item:

B. MATT MCGEE OF TD&H PRESENTS A PROPOSAL OF ENGINEERING SERVICES FOR THE REGIONAL SEWER EXTENSION PROJECT.

City of Livingston

GREEN ACRES SEWER EXTENSION STUDY

MARCH 15, 2022



INTRODUCTION & HISTORY

- Green Acres Subdivision was platted in 1959
- 2003 PER recommended Green Acres be connected to the sewer collection system
- Green Acres was annexed into the City in 2020
- 2020 PER listed this project as a priority for sewer extension
- 2021 Growth Policy acknowledged the large volume of septic tanks within the City, stating:

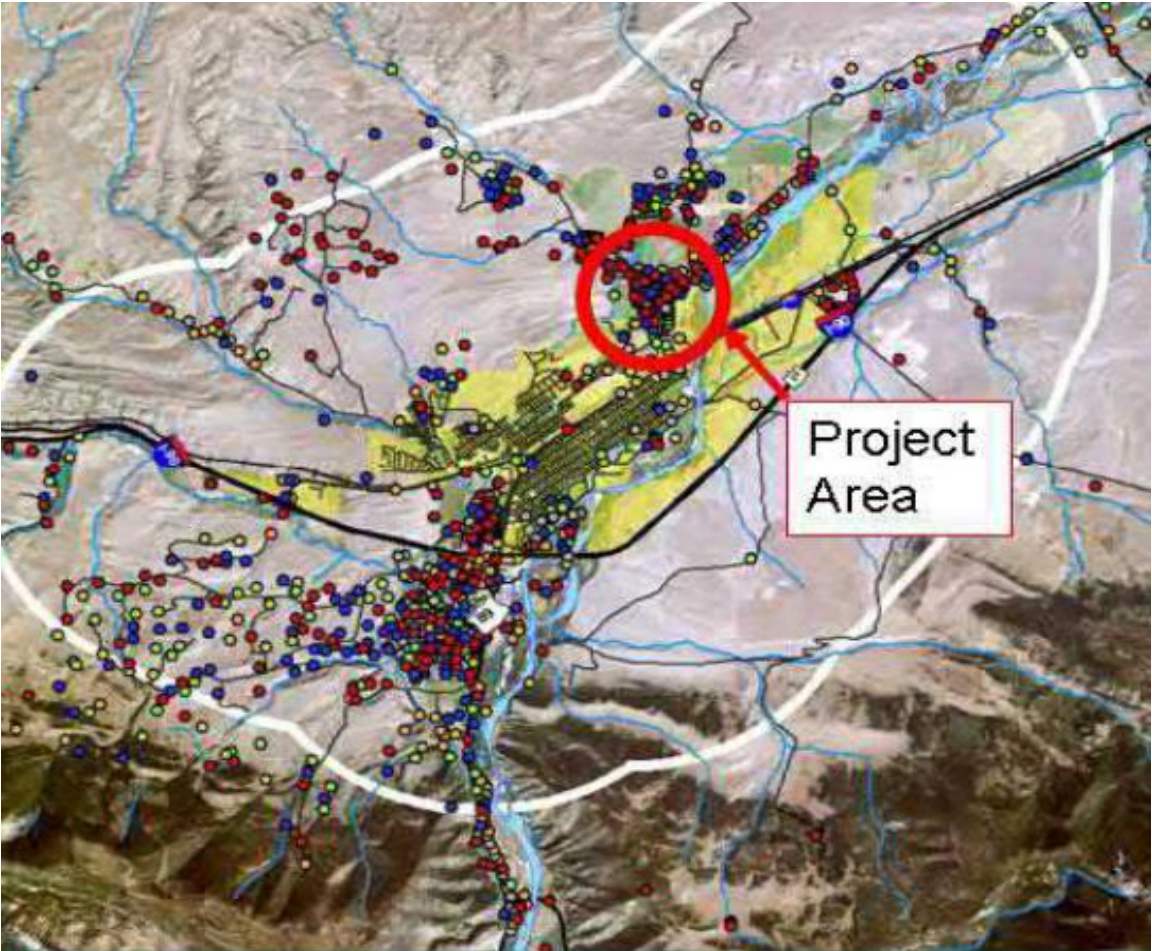
“Over 100 properties in the City utilize septic systems. They are mostly located in the southern half and north-eastern corner of the City, with concentrations in the Green Acres, south-eastern, and Fleshman Creek Neighborhoods.”

OVERVIEW

The primary goal for this project for Green Acres Subdivision is to provide reliable sewer services, protect drinking water, and protect environmental quality. Secondary goal is to update the existing water system to comply with current regulations and increase system reliability and increase fire flows. Public engagement was prioritized during this study. The outline for this presentation is:

- Reasons for the Project
- Alternatives
- Recommendations
- Next Steps
- Comments and Questions

REASONS FOR THE PROJECT



- **Sewer**
 - Provide City sewer service to Green Acres
 - Eliminate the high density of private septic systems. Support City, DEQ and Park County to eliminate septic systems
 - State subdivision requirements for private septic systems require connection to public system if the subdivision is located within 500 feet of a public system (ARM 17.36.328)
 - Eliminate contamination risk to ground water and surface water quality

REASONS FOR THE PROJECT



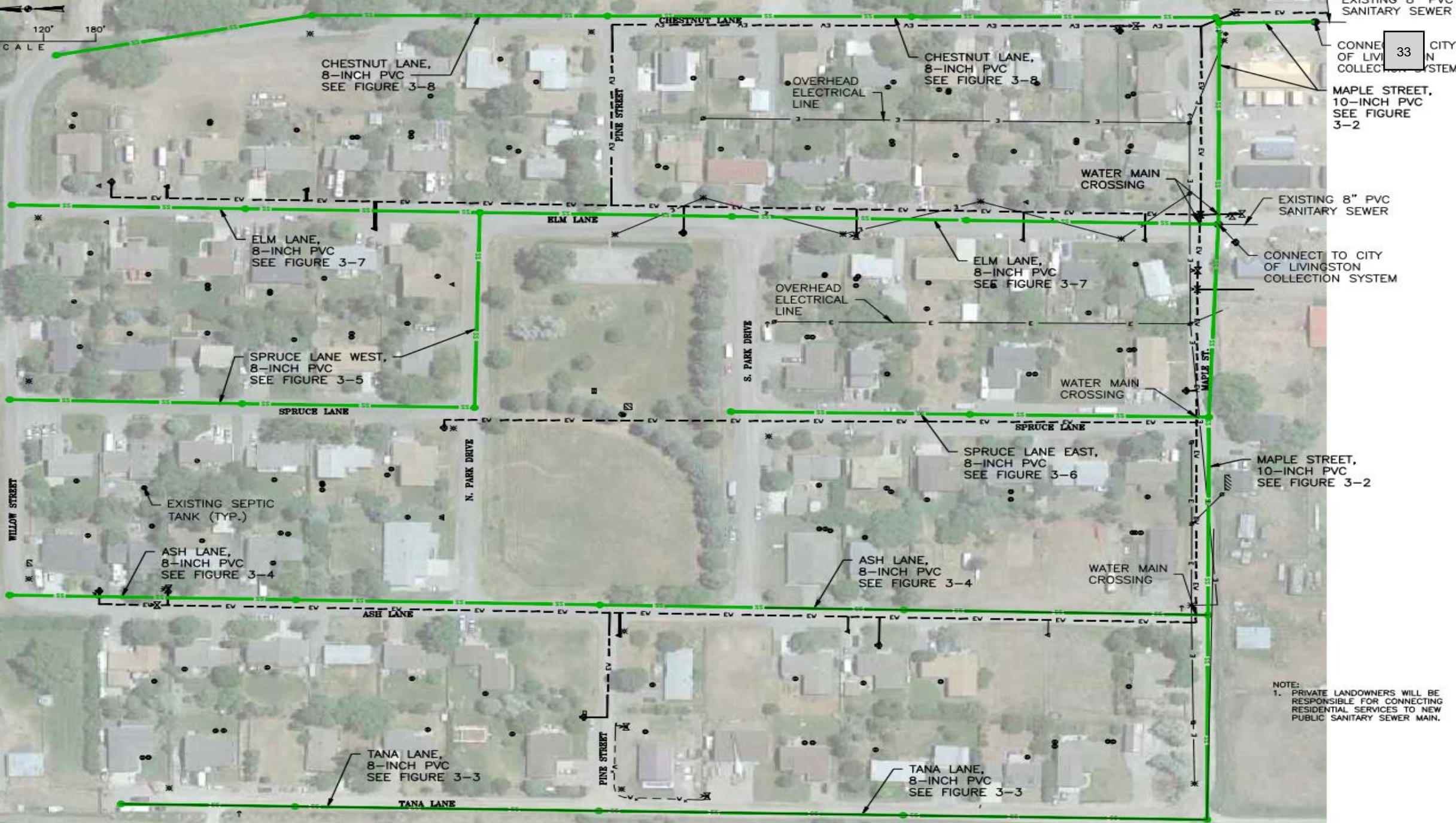
- **Water**
 - Aging water mains - roughly 60 years old, asbestos cement pipe
 - No water mains in Tana Lane and N. Park Street
 - Water services crossing property lines
 - Inadequate valving in the system
 - Inadequate number of fire hydrants
 - No looped water - dead-ends present

ALTERNATIVE 1

NEW SANITARY SEWER-STREET ALIGNMENT

- Install gravity mains within City street right-of-way
- Minor utility conflicts
- Routine operation and maintenance of system for Public Works staff
- Residents responsible for connecting sewer service in the street
- Traffic control and street closures expected during construction but access to homes will be required

	Estimated Cost
Construction Cost Estimate	\$1,974,000
Average Property Owner SID Contribution	\$21,500
City SID Contribution	\$196,000



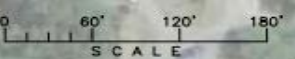
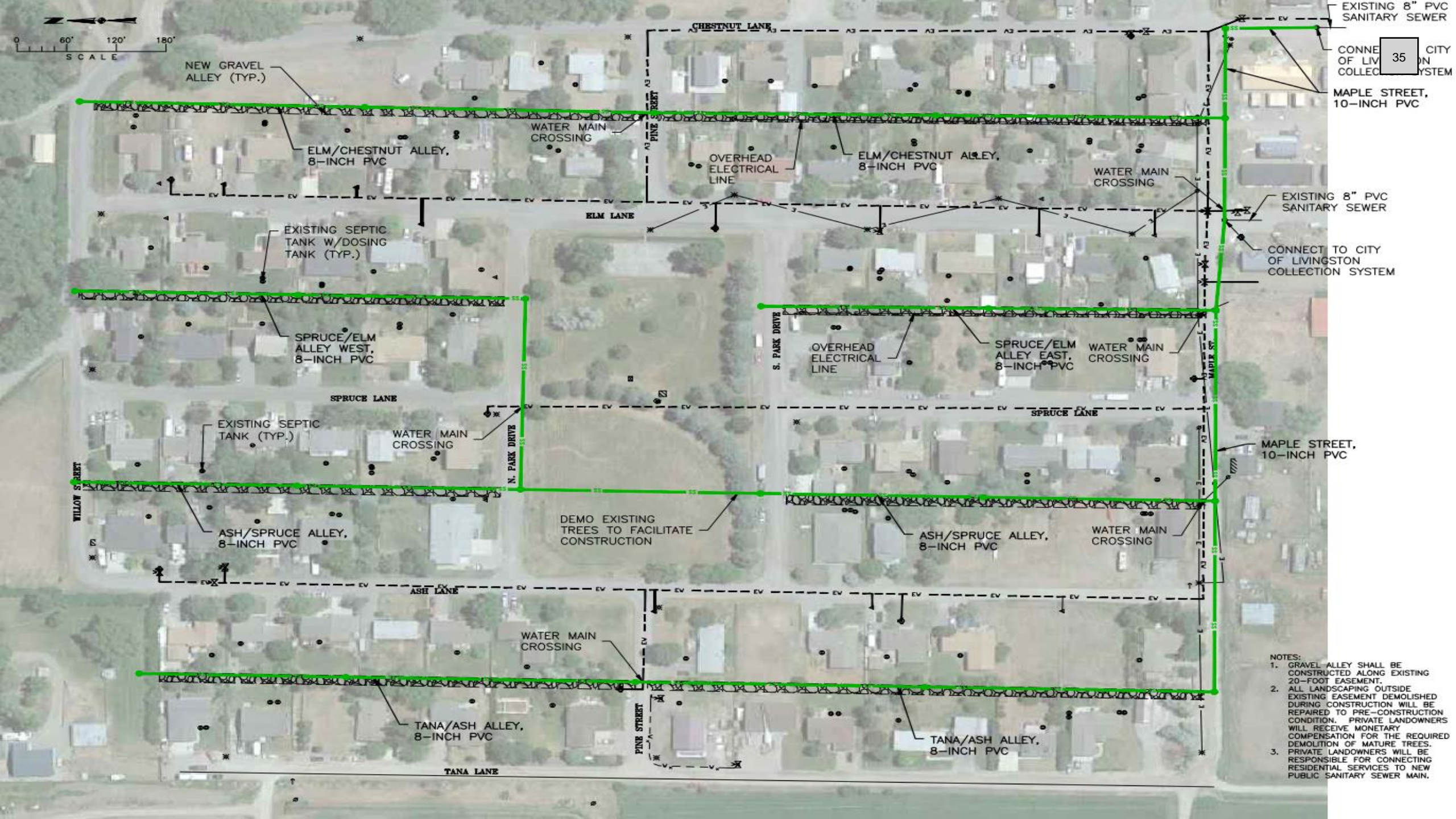
NOTE:
1. PRIVATE LANDOWNERS WILL BE RESPONSIBLE FOR CONNECTING RESIDENTIAL SERVICES TO NEW PUBLIC SANITARY SEWER MAIN.

ALTERNATIVE 2

NEW SANITARY SEWER-UTILITY EASEMENT ALIGNMENT

- Install sewer gravity mains within backyard utility easement
- Significant utility conflicts
 - Overhead power lines, underground utilities
- Create alleys for future maintenance of sewer mains - residents lose roughly 800 sf of backyard
- Construction activity occurring in backyards: 15-foot deep trench
- Loss of mature trees anticipated
- Minimal traffic control at street crossings and in Maple Street and Park Drive
- Simplified service connections

	Estimated Cost
Construction Cost Estimate	\$2,752,000
Average Property Owner SID Contribution	\$29,500
City SID Contribution	\$308,000



EXISTING 8" PVC SANITARY SEWER

CONN OF LIV 35 CITY OF LIVINGSTON COLLECTION SYSTEM

MAPLE STREET, 10-INCH PVC

EXISTING 8" PVC SANITARY SEWER

CONNECT TO CITY OF LIVINGSTON COLLECTION SYSTEM

MAPLE STREET, 10-INCH PVC

- NOTES:
1. GRAVEL ALLEY SHALL BE CONSTRUCTED ALONG EXISTING 20-FOOT EASEMENT.
 2. ALL LANDSCAPING OUTSIDE EXISTING EASEMENT DEMOLISHED DURING CONSTRUCTION WILL BE REPAIRED TO PRE-CONSTRUCTION CONDITION. PRIVATE LANDOWNERS WILL RECEIVE MONETARY COMPENSATION FOR THE REQUIRED DEMOLITION OF MATURE TREES.
 3. PRIVATE LANDOWNERS WILL BE RESPONSIBLE FOR CONNECTING RESIDENTIAL SERVICES TO NEW PUBLIC SANITARY SEWER MAIN.

ALTERNATIVE 3

MINIMAL WATER SYSTEM IMPROVEMENTS

- Install valves and fire hydrants to comply with today’s regulatory standards
- Allow City staff to isolate sections of main
- Increases fire protection
- Does not address dead ends

	Estimated Cost
Construction Cost Estimate	\$156,000
Average Property Owner SID Contribution	\$1,300
City SID Contribution	\$17,500

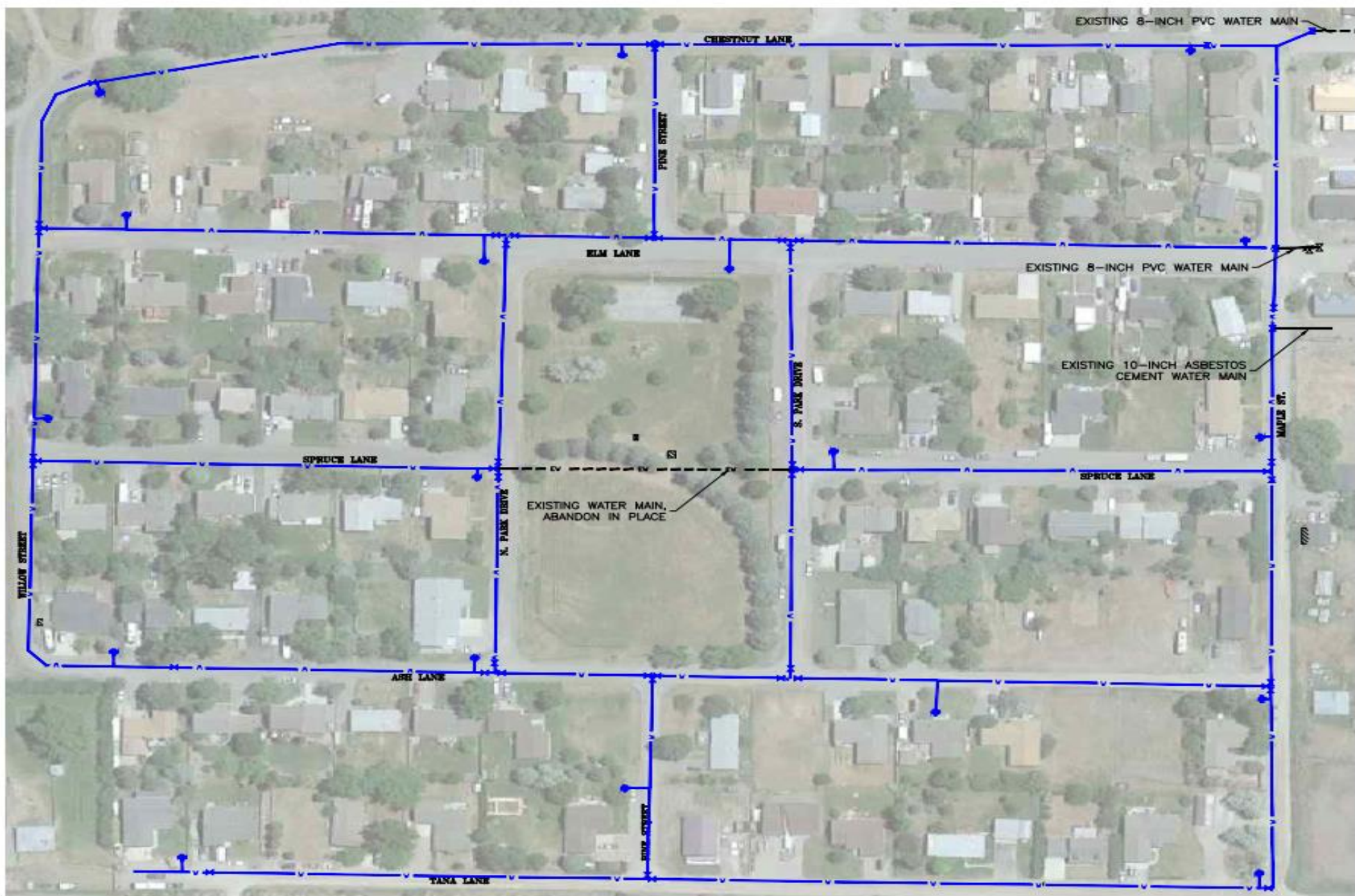


ALTERNATIVE 4

WATER SYSTEM REPLACEMENT AND EXPANSION

- Replaces existing, aging water mains
- Expands water system to reduce dead-end mains
- Adds required fire hydrants and water valves
- Eliminates service connections that cross neighboring properties
- Increases fire protection
- Allow City staff to isolate sections of main

	Estimated Cost
Construction Cost Estimate	\$3,004,000
Average Property Owner SID Contribution	\$25,000
City SID Contribution	\$336,000



39

LEGEND

- EV --- EXISTING WATER MAIN
- ⊕ EXISTING FIRE HYDRANT
- ⊕ EXISTING WATER VALVE
- V — NEW 8" WATER MAIN
- ⊕ NEW FIRE HYDRANT
- ⊕ NEW WATER VALVE

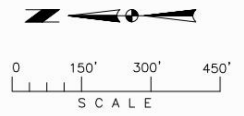
RECOMMENDED PROJECT SUMMARY

- **Alternative 1 - New Sanitary Sewer - Street Alignment**
 - Total Cost: \$1.97 Million
 - Average Property Owner SID Contribution: \$21,500 (includes \$4,506 for Impact Fees and \$2,040 for Brookstone Sewer Payback)
 - City SID Contribution: \$196,000
- **Alternative 3 - Minimal Water System Improvements**
 - Total Cost: \$156,000
 - Average Property Owner SID Contribution: \$1,300
 - City SID Contribution: \$17,500
- ARPA funding is being pursued to reduce costs to residents. Estimated costs presented do not include impact of grant funds that may be awarded.

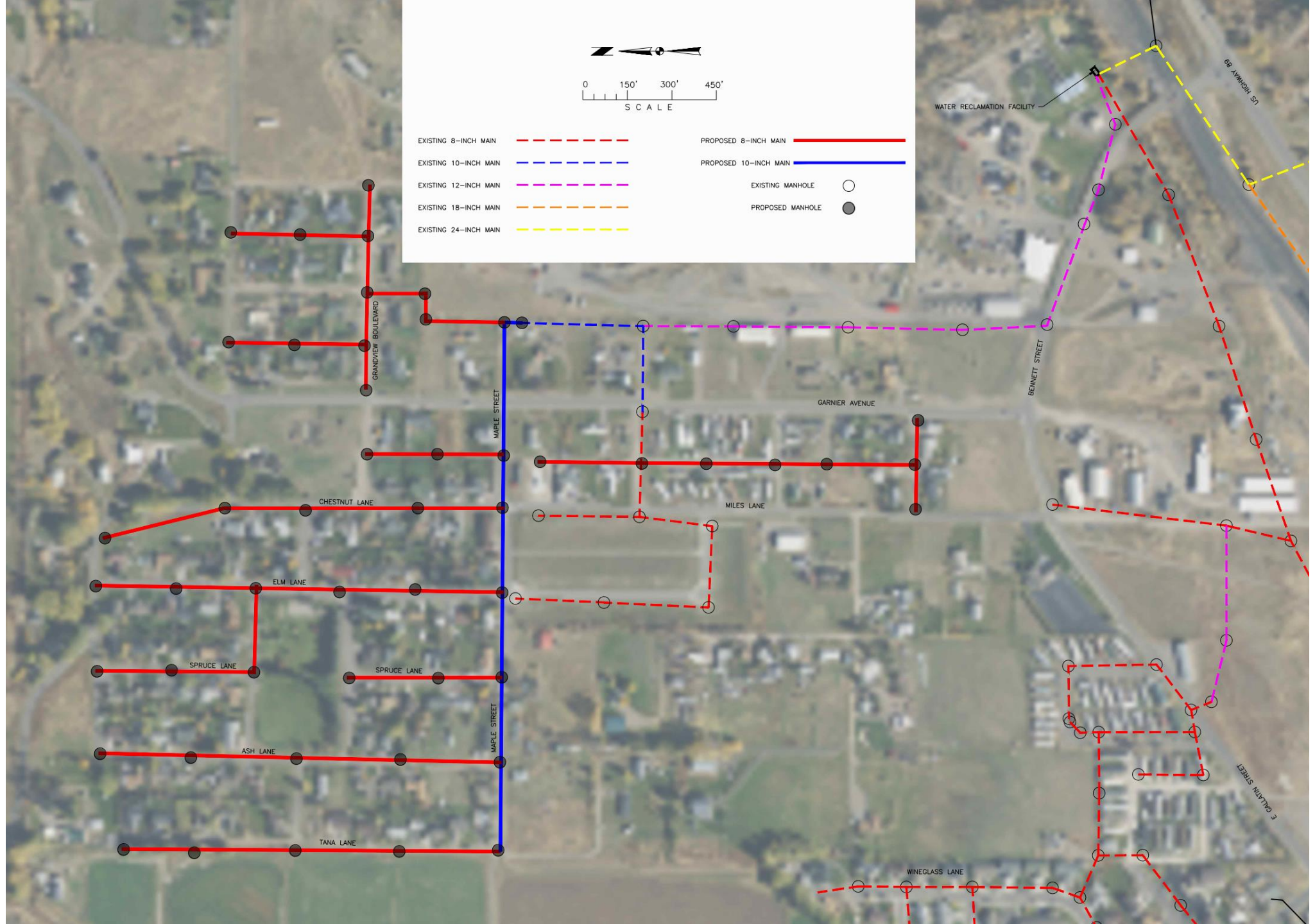
NEXT STEPS

- ARPA grant funding
 - ARPA funding is being pursued to reduce costs to residents. Estimated costs presented do not include impact of grant funds that may be awarded.
- Regional sewer extension to include Montague Subdivision
- Project schedule
- Special Improvement District (SID) creation to fund the project. SID amount will include impact fees and payback fees

Table 4-3 Proposed Implementation Schedule	
Task	Estimated Completion Date
ARPA Grant Application	January 2022
ARPA Grant Results	March 2022
Start Engineering Design	March 2022
Preliminary Construction Plans and Specifications Complete	May 2022
Agency Comments on Construction Plans and Specifications	June 2022
Final Construction Plans and Specifications Complete	July 2022
Advertise for Construction Bids	September 2022
Award Construction Contract	October 2022
Begin Construction	April 2023
Construction Complete	October 2023
Two-Year Warranty Inspection	October 2025



EXISTING 8-INCH MAIN	---	PROPOSED 8-INCH MAIN	—
EXISTING 10-INCH MAIN	---	PROPOSED 10-INCH MAIN	—
EXISTING 12-INCH MAIN	---	EXISTING MANHOLE	○
EXISTING 18-INCH MAIN	---	PROPOSED MANHOLE	●
EXISTING 24-INCH MAIN	---		



NEXT STEPS

- Future City Commission engagement and decision points
 - SID creation and administration
 - Requirement for time to connect to new sewer
 - Impact fee assessment – full amount or other?

COMMENTS & QUESTIONS?

Shannon Holmes, Public Works Director
Martha O'Rourke, Project Manager
Matt McGee, Project Manager TD&H
ImproveLivingston.com

File Attachments for Item:

A. ORDINANCE NO. 3030: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND CITY ORDINANCE NO. 2041, 2049, 2055, 2098, AND 3024 AS CODIFIED BY CHAPTER 9, SECTION 242 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED TRAFFIC AND VEHICLES, BY ESTABLISHING A LOADING/UNLOADING ZONE FOR CORE CONTROL AT 116 EAST GEYSER STREET AND ESTABLISHING A PENALTY FOR VIOLATIONS THEREOF.



Good Morning Craig,

It was good talking with you this morning. I'd like to respectfully request a curb side loading zone sign on 116 E Geyser St. alongside our store front. Core Control is a plumbing, Hvac, boiler and controls service company. We mobilize out front to load pallets, parts and equipment. I very much appreciate your consideration.

Best Regards,

Derek Stringer | Service Manager

m **406.595.7337** | o **406.582.9428 ext.**

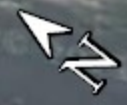
Core Control, Inc. | www.corecontrolmt.com

116 E Geyser St | Livingston MT 59047

Bozeman | **Butte** | **Helena** | **Livingston**



Loading Zone









Livingston Enterprise



Sherwood apartments



Core Control

Loading Zone



ORDINANCE NO. 3026

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND CITY ORDINANCE NO. 2041, 2049, 2055, 2098, AND 3024 AS CODIFIED BY CHAPTER 9, SECTION 242 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED TRAFFIC AND VEHICLES, BY ESTABLISHING A LOADING/UNLOADING ZONE FOR CORE CONTROL AT 116 EAST GEYSER STREET AND ESTABLISHING A PENALTY FOR VIOLATIONS THEREOF.

Preamble.

The purpose of this Ordinance is to amend the parking zones on the south side of the 100 block of West Geyser Street to accommodate the request for the establishment of a loading/unloading zone for Core Control at 116 East Geyser Street, to allow for commercial loading and unloading during business hours.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Livingston, Montana, that Ordinances No. 2041, 2044, 2055, 2098, and 3024 as codified in Chapter 9 of the Livingston Municipal Code be and the same is hereby amended with additions in red and underlined and deletions struck through, as follows:

SECTION I.

Sec. 9-242. - Loading/unloading zones established.

- A. A loading/unloading zone for one (1) parking spot is hereby established for the purpose of dropping off and picking up residents adjacent to Counterpoint on South. B St. No non-Counterpoint Vehicles shall park in this designated parking space. The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00)
- B. A loading/unloading zone for one (1) parking spot is hereby established for the purpose of dropping off and picking up children attending Dorothy’s Daycare at 905 W. Clark St. adjacent to Grace United Methodist Church. The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00)
- C. A loading/unloading zone for one (1) parking spot is hereby established for the purpose of commercial loading and unloading at 116 East Geyser Street adjacent to Core Control during business hours. The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00)

(Ord. 1999, 3/3/08; Ord. No. [2049](#), § 1, 3/18/14; Ord. No. 2070, § 1, 8/7/18; [Ord. No. 2078](#), § 1, 4/2/19; [Ord. No. 2079](#), § 1, 4/2/19) Ord. No. 3024 10/11/21

SECTION 5

Effective date:

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

PASSED by the City Commission of the City of Livingston, Montana, on first reading at regular session thereof held on the 15th day of March 2022.

MELISSA NOOTZ, CHAIR

ATTEST:

FAITH KINNICK
Recording Secretary

PASSED, ADOPTED, FINALLY APPROVED, by the City Commission of the City of Livingston, Montana, on a second reading at a regular session thereof held on the 19th day of April 2022.

MELISSA NOOTZ, CHAIR

ATTEST:

APPROVED TO AS FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

PUBLIC NOTICE

Notice is hereby given, a public hearing will be held by the Livingston City Commission on Tuesday, April 19th, 2022, during a second reading of **ORDINANCE NO. 3026: entitled AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, AMENDING CITY ORDINANCE NO. 2041, 2049, 2055, 2098, AND 3024 AS CODIFIED BY CHAPTER 9, SECTION 242 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED TRAFFIC AND VEHICLES, BY ESTABLISHING A LOADING/UNLOADING ZONE FOR CORE CONTROL AT 116 EAST GEYSER STREET. AND ESTABLISHING A PENALTY FOR VIOLATIONS THEREOF.**

This hearing will be conducted via Zoom, the public is welcome to give comment when appropriate.

Join Zoom Meeting

<https://us02web.zoom.us/j/84005139268?pwd=M1c0SXF0cnJEcFcxYzFjUUNUNIZ4UT09>

Meeting ID: 840 0513 9268

Passcode: 817826

Call in: (669) 900-6833

For additional information contact Faith Kinnick at 823-6002.

Please publish April 1st and 15th, 2022.

Faith Kinnick
City of Livingston
March 15, 2022

File Attachments for Item:

A. RESOLUTION NO. 5024: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA TO REQUIRE THE TRAVELODGE TO CONNECT TO CITY WATER.

RESOLUTION NO. 5024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA TO REQUIRE THE TRAVELODGE TO CONNECT TO CITY WATER.

WHEREAS, It is the public policy of this state to protect, maintain, and improve the quality and potability of water for public water supplies and domestic uses.¹ The City has the ability establish, construct, build, reconstruct, and/or extend municipal utilities under §7-13-4301, and has an obligation to maintain a high level of water quality, under standards provided by the Montana Department of Environmental Quality, for a public water supply including standards to maintain water quality which are reported to DEQ and the public and to eliminate cross connection; and

WHEREAS, a connection to City Sewer is required for buildings with public use, occupancy, or employment, within 500 feet of a sewer main². And, applicable standards and City Code require that properties with private water supplies, where a sanitary sewer is installed within 100 feet of a private well³, the property owner shall be required to connect to the City water system regardless of proximity to the nearest water main, in compliance with State regulations; and

WHEREAS, it is in the best interest of the City to have premises within the City connected to City water and City sewer in light of the applicable codes and standards and the Travelodge at 102 Rogers Lane has a water supply within 100 feet of the sanitary sewer, and there are notices of violation related to water quality for their public water system.

NOW, THEREFORE, be it resolved, that the City Commission authorizes the City Manager⁴ and the Public Works Director to contract with the owners of the property at 102 Rogers Lane to have them connect to City water.

¹ §75-16-101 MCA
² ARM 17.36.328 & Sec. 14-13.1
³ ARM 17.36.323
⁴ Section 13-1 & 13-2

PASSED AND ADOPTED, by the City Commission of the City of Livingston, Montana, this 15th day of March, 2022.

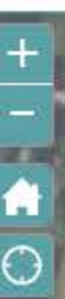
MELISSA NOOTZ, CHAIR

ATTEST:

APPROVED TO AS FORM:

FAITH KINNICK
Recording Secretary

COURNTEY LAWELLIN
City Attorney



File Attachments for Item:

B. RESOLUTION NO. 5025: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN AN ADDENDUM TO THE PROFESSIONAL SERVICES AGREEMENT WITH THOMAS, DEAN & HOSKINS, INC. (TD&H ENGINEERING) EXTENDING THEIR CONTRACT FOR 2 YEARS, ENDING JUNE 30, 2024.

RESOLUTION NO. 5025

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN AN ADDENDUM TO THE PROFESSIONAL SERVICES AGREEMENT WITH THOMAS, DEAN & HOSKINS, INC. (TD&H ENGINEERING) EXTENDING THEIR CONTRACT FOR 2 YEARS, ENDING JUNE 30, 2024.

WHEREAS, The City of Livingston’s previously entered into a Professional Services Agreement via Resolution No. 4599, 4827, 4870, and 4957 with Thomas, Dean & Hoskins, Inc. (TD&H Engineering) of Great Falls, Montana, with an office in Bozeman to provide engineering services to the City of Livingston, for Fiscal years of 2015-2022; and

WHEREAS, the Professional Services Agreement will expire June 30, 2022 sets forth the terms and conditions for providing engineering services is attached hereto as Exhibit A and which is incorporated by this reference as though fully set forth herein; and

WHEREAS, the parties have mutually agreed to extend the Professional Services Agreement for the period through June 30, 2024, which addendum is attached hereto and incorporated as Exhibit B; and

WHEREAS, the City Manager is ready and willing to sign the addendum attached hereto as Exhibit B upon the City Commission’s approval.

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

The Professional Services Agreement Addendum between the City and Thomas, Dean & Hoskins, Inc. is hereby approved and the City Manager is hereby authorized to sign said addendum upon behalf of the City of Livingston, Montana, which is attached hereto as Exhibit B.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 15th day of March, 2022.

MELISSA NOOTZ - Chair

ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

ADENDUM TO PROFESSIONAL SERVICES AGREEMENT

THIS IS AN ADENDUM TO THE PROFESSIONAL SERVICES AGREEMENT (“Agreement”) made and entered into as of the 24TH DAY OF June 2019, by and between the CITY OF LIVINGSTON, MONTANA, a municipal corporation and political subdivision of the state of Montana with its principal business office located at 330 Bennett Street, Livingston, Montana 59047 (hereinafter referred to as the “City”), and THOMAS, DEAN & HOSKINS, INC., a Montana corporation with its principal office located at 1800 River Drive North, Great Falls, Montana 59401 (hereinafter referred to as the “Engineer”; and together with the City, the “Parties”).

AMENDMENT

RECITALS:

- A. The City is seeking an engineer to provide general engineering services to the City for fiscal years 2019-2020, 2020, 2021, 2021-2022, [and 2022-2024](#), on an as requested basis.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be Amended and executed in Livingston, Montana, the _____ day of _____, 2022.

CITY OF LIVINGSTON

**THOMAS, DEAN & HOSKINS, INC.,
a Montana corporation**

Michael J. Kardoes

Name: _____

Its: _____

File Attachments for Item:

A. DISCUSS/APPROVE/DENY: MEMBERSHIP TO SERVE ON THE GUIDING PRINCIPALS STRATEGIC PLAN COMMITTEE.

RECEIVED
2/7/2022

City of Livingston
Application for Appointed Office
(Revised 3/20/20)

Appointed Position Seeking: Guiding Principles for Strategic Planning Ad-hoc Committee

Date of Application: 2/7/22

Name: James Willich

Signed: James Willich (sig)

Address: 108 S. F St

Telephone: daytime 5093807805

after 5:00 p.m.: 5093807805

Fax Number: N/A

e-mail address: willichn@gmail.com

- 1. Are you a resident of the City of Livingston? Yes
- 2. Are you a registered voter? Yes
- 3. Will you be at least 18 years of age at the time of the appointment? Yes
- 4. Describe the reasons you are interested in this appointment: Having lived in Livingston for 20 years

and with a school-aged child I feel I have a vested interest in the future of the City.

- 5. Describe any background, experience and interests that you have which may assist you in performing the responsibilities of this appointment:
 - A. Occupation: Project Manager - Commercial Construction, Sales Engineer - Industrial Construction
 - B. Education: MSU - BSMET, WSU - BASS
 - C. Experience: Have experience planning and executing short- and long-term projects for billion-dollar clients.

(please attach a detailed resume if desired)

- 6. Have you served on any previous boards or in any governmental positions in the past? No

- 7. Are you currently serving on any Community Boards? No

A. If yes, please describe those boards. _____

- 8. Current Employer? Self

- 9. Are you available for night meetings? Yes

- 10. Are you available for daytime meetings? Yes

- 11. Do you foresee any potential conflicts of interest that you might have in executing the duties of this appointed office? No

- 12. If conflict of interest arose for you, how would you deal with it as an appointed member of this board? Explain my conflict and recuse myself from proceedings. I have no issues with transparency.

THIS APPLICATION WILL BE KEPT ON FILE FOR 6 MONTHS AND THEN DISCARDED.

Return completed applications to Faith Kinnick at fkinnick@livingstonmontana.org or drop off in person at the City/County Complex 414 E. Callender St.

Faith Kinnick

From: James Willich <willichn@gmail.com>
Sent: Monday, February 7, 2022 9:05 AM
To: Faith Kinnick
Subject: 2022 Ad-hoc Planning Committee Application
Attachments: 2022 Application - James Willich.pdf

Hello Faith,

Please find the attached application for the ad-hoc planning committee. Thank you.

--
- James Willich

County Resident
Own's a bunch
of homes in
town.

City of Livingston
Application for Appointed Office
(Revised 3/20/20)

RECEIVED
2/16/22
64

Appointed Position Seeking: Strategic Planning Ad-Hoc Committee

Date of Application: 2-16-2022

Name: Christina Nelson

Signed: [Signature]

Address: 88 Falls Creek Rd, Livingston

Telephone: daytime 406-223-8518

after 5:00 p.m.: yes

Fax Number: _____

e-mail address: nelsonc23.cne@gmail.com

- Are you a resident of the City of Livingston? County, but have multiple rentals In Livingston & Business in town also
- Are you a registered voter? yes
- Will you be at least 18 years of age at the time of the appointment? yes
- Describe the reasons you are interested in this appointment: I grew up here and know what it was like as a child here, and would love to be able to help make it better. Also own monthly Rentals and know how hard that is on people. Also know about employee issues also.
- Describe any background, experience and interests that you have which may assist you in performing the responsibilities of this appointment:
 - Occupation: Bookkeeping Business, Electrical Company and Multiple Rentals
 - Education: High School Diploma and multiple education Courses
 - Experience: Served and Serving on Multiple Boards

(please attach a detailed resume if desired)

- Have you served on any previous boards or in any governmental positions in the past? yes, Amound School Board, Chamber of Commerce Board, Fairgrounds & Parks Board, Military Family Readiness Leader, Livingston Rodos Association Member, Elk's member
- Are you currently serving on any Community Boards? yes
 - If yes, please describe those boards. Fairgrounds & Parks Board, Chamber of Commerce
- Current Employer? Self (CN, UC / Amound Electric / JCN, UC Rentals)
- Are you available for night meetings? yes
- Are you available for daytime meetings? yes
- Do you foresee any potential conflicts of interest that you might have in executing the duties of this appointed office? no
- If conflict of interest arose for you, how would you deal with it as an appointed member of this board? Would notify the Board at the meeting that I will have no say, due to the Conflict of Interest

THIS APPLICATION WILL BE KEPT ON FILE FOR 6 MONTHS AND THEN DISCARDED.

Return completed applications to Faith Kinnick at fkinnick@livingstonmontana.org or drop off in person at the City/County Complex 414 E. Callender St.

City of Livingston
Application for Appointed Office
(Revised 3/20/20)

RECEIVED
2/22/22

Appointed Position Seeking: Strategic Planning Ad Hoc Committee

Date of Application: February 22, 2022

Name: Patricia Grabow

Signed: Patricia Grabow

Address: 204 East Callender #25

Telephone: daytime (406) 220-1056

after 5:00 p.m.: (406) 220-1056

Fax Number: none

e-mail address: thegrabow@gmail.com

1. Are you a resident of the City of Livingston? Yes
2. Are you a registered voter? Yes
3. Will you be at least 18 years of age at the time of the appointment? Yes
4. Describe the reasons you are interested in this appointment: I am vitally intested in Livingston's

Strategic Plan. I was one of the few citizens that was there for its formation and keep current on what is happening.

5. Describe any background, experience and interests that you have which may assist you in performing the responsibilities of this appointment:

A. Occupation: Downtown business. Retired School Principal and teacher, Writer

B. Education: Master's Degress in Administration

C. Experience: Former City Commissioner and a citizen who has attended most city commission meeting for 23 years.

(please attach a detailed resume if desired)

6. Have you served on any previous boards or in any governmental positions in the past?

City Commission, Historic Preservation Board, President of LDBOBA for 15 years.

7. Are you currently serving on any Community Boards? no

A. If yes, please describe those boards.

8. Current Employer? Self. Restored the Grabow Building and manage it.

9. Are you available for night meetings? Yes

10. Are you available for daytime meetings? Yes

11. Do you foresee any potential conflicts of interest that you might have in executing the duties of this appointed office? None

12. If conflict of interest arose for you, how would you deal with it as an appointed member of this board? I would step aside.

THIS APPLICATION WILL BE KEPT ON FILE FOR 6 MONTHS AND THEN DISCARDED.

Return completed applications to Faith Kinnick at fkinnick@livingstonmontana.org or drop off in person at the City/County Complex 414 E. Callender St.

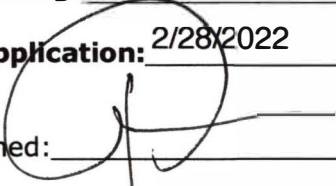
City of Livingston
Application for Appointed Office
(Revised 3/20/20)

RECEIVED
2/28/22

Appointed Position Seeking: Strategic Plan Advisory Committee

Date of Application: 2/28/2022

Name: Thomas Blurock
Address: 110 1/2 South Main Street
Telephone: daytime 949 285 2435
Fax Number: none

Signed: 
after 5:00 p.m.: 949 285 2435
e-mail address: tblurock@aol.com

- 1. Are you a resident of the City of Livingston? yes
- 2. Are you a registered voter? yes
- 3. Will you be at least 18 years of age at the time of the appointment? yes
- 4. Describe the reasons you are interested in this appointment: (see attached)

5. Describe any background, experience and interests that you have which may assist you in performing the responsibilities of this appointment:

- A. Occupation: Architect
- B. Education: Master of Architecture Harvard University
- C. Experience: 50 years private practice - Architecture and Urban Planning (see attached)

(please attach a detailed resume if desired)

6. Have you served on any previous boards or in any governmental positions in the past? _____

(see attached)

7. Are you currently serving on any Community Boards? (see attached)

A. If yes, please describe those boards. (see attached)

8. Current Employer? self

9. Are you available for night meetings? yes

10. Are you available for daytime meetings? yes

11. Do you foresee any potential conflicts of interest that you might have in executing the duties of this appointed office? no

12. If conflict of interest arose for you, how would you deal with it as an appointed member of this board? i would remove myself from discussion and recuse myself.

THIS APPLICATION WILL BE KEPT ON FILE FOR 6 MONTHS AND THEN DISCARDED.

Return completed applications to Faith Kinnick at fkinnick@livingstonmontana.org or drop off in person at the City/County Complex 414 E. Callender St.

Application for Strategic Plan Advisory Committee: supplementary material

Thomas Blurock FAIA- architect
110 1/2 South Main Street
Livingston Montana 59047

Answers to application questions:

4. Describe the Reasons you are Interested in this appointment: I have followed with interest the recent development of the Livingston Growth policy, attending most meetings and often giving testimony. I believe the growth policy is one of the best documents I have seen for protecting the community while providing for its growth. The implementation of this plan is a key part of the strategic planning process and I think I can provide valuable input to it. I am interested in preserving and enhancing the character of Livingston as it grows into the future.

5.C Experience: I brings 50 years of experience in design, planning and community involvement. I was senior principal of an award winning architectural firm for 35years.

- Early in my career, I was involved in developing historic preservation master plans for eight small towns in New England with the goal preserving the town character in the face of growth pressure.

-I was lead planner for a redevelopment agency in suburban Southern California with the goal preserving historic commercial centers in the face of aggressive urban growth.

-My primary architectural practice over 35 years specialized in the design and planning of urban schools in Southern California. During this time my firm produces over 100 completed school projects often requiring extensive facilitation of community involvement.

-Since moving to Livingston, I have renovated two downtown buildings renewing street level retail space and creating residential units in derelict space on upper levels.

-I hope to continue this kind of community building development when my current project, the old JC Penney Building is completed in the next few months. I am interested in how the revised city zoning can provide needed moderate income infill housing.

6. Have you served on any previous boards or in any government positions in the past?:

-Lead Planner: Anaheim Redevelopment Agency, Anaheim, California 1978-81

-Board of Directors, American Institute of Architects, Orange County Chapter

-Board of Directors, American Institute of Architects, California Council, Sacramento, CA

-Committee on Architecture for Education, American Institute of Architects, Washington, DC - steering committee 1996-2000, chair 2000

-Advisory Committee: American Architectural Foundation, Washington DC

7. Are you currently serving on any Community Boards:

8. If yes, please describe these boards:

-Historical Preservation Commission, Livingston MT- reviews applications for improvements in the downtown historic district.

-Friends of Park County Board of Directors – advocacy group concerned with the growth of Park County

-Teslow Board of Directors- A group concerned with preserving and repurposing the old Teslow grain elevator on Park Street.

City of Livingston
Application for Appointed Office
(Revised 3/20/20)

RECEIVED
2/28/22

Appointed Position Seeking: Strategic Planning Process

Date of Application: 2/27/2022

Name: Wyeth Windham Signed: _____

Address: 128 South Fst

Telephone: daytime 4065806021 after 5:00 p.m.: _____

Fax Number: _____ e-mail address: wyethw@gmail.com

1. Are you a resident of the City of Livingston? Livingston

2. Are you a registered voter? Yes

3. Will you be at least 18 years of age at the time of the appointment? Yes

4. Describe the reasons you are interested in this appointment: I have a great deal of

experience helping organization large and small with strategic planning processes.

5. Describe any background, experience and interests that you have which may assist you in performing the responsibilities of this appointment:

A. Occupation: Chief Executive Officer for Multiple Companies

B. Education: Two bachelors degrees, Marketing and Spanish Lit.

C. Experience: 18 yrs executive for PrintingForLess.com, CEO construction & energy

(please attach a detailed resume if desired)

6. Have you served on any previous boards or in any governmental positions in the past? NO

7. Are you currently serving on any Community Boards? Yes

A. If yes, please describe those boards. VP of Shane Center for the Arts

8. Current Employer? Basecamp Construction, Onsite Energy

9. Are you available for night meetings? Yes

10. Are you available for daytime meetings? Yes

11. Do you foresee any potential conflicts of interest that you might have in executing the duties of this appointed office? no

12. If conflict of interest arose for you, how would you deal with it as an appointed member of this board? Abstain from the vote and notify local government of that abstention.

THIS APPLICATION WILL BE KEPT ON FILE FOR 6 MONTHS AND THEN DISCARDED.

Return completed applications to Faith Kinnick at fkinnick@livingstonmontana.org or drop off in person at the City/County Complex 414 E. Callender St.

Faith Kinnick

From: Wyeth Windham <wyethw@gmail.com>
Sent: Sunday, February 27, 2022 8:19 PM
To: Faith Kinnick
Subject: Strategic planning process
Attachments: 2020_03_fillable_application_for_appointed_office.pdf

Faith,

I heard you needed volunteers for a citizens advisory committee for the Strategic Planning process. This sounds just like the type of committee I want to be involved in. In the last 4 months, I just helped the Shane Center go through its Strategic Planning process. Also, I have 18 years of experience as an executive with Printingforless.com and now run two companies as CEO. Given that I live just over on F street making meetings should not be an issue.

Attached is my application.

Sincerely,

Wyeth
406-580-6021-c

RESOLUTION NO. 5013

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING AN TEMPORARY AD-HOC COMMITTEE TO REVIEW THE MISSION, VISION, VALUES, AND GOALS STATEMENTS OF THE CITY OF LIVINGSTON ORGANIZATIONAL STRATEGIC PLAN 2019-2024.

WHEREAS, the Livingston City Commission acting through its duly elected officers is within its power to establish temporary committees hereby establishes a temporary ad-hoc committee; and

WHEREAS, the ad-hoc committee membership will consist of three (3) citizens and two (2) City Commissioners; and

WHEREAS, this ad-hoc committee will be known as Guiding Principles for Strategic Plan Committee; and

WHEREAS, it shall be the duty of the committee to review the Mission, Vision, Values, and Goals statements of the City of Livingston Organizational Strategic Plan 2019-2024, herein referred to as Strategic Plan and make a written recommendation to the Livingston City Commission regarding those statements; and

WHEREAS, City Administration, having knowledge of City operations, functions, funding, legal liabilities, is tasked with recommending the planning, implementation, and execution of the updated statements; shall develop the strategies and actions within the Strategic Plan, with approval of the Commission; and

WHEREAS, City Administration will open a 30-day recruitment for the temporary ad-hoc committee upon approval of this Resolution; and

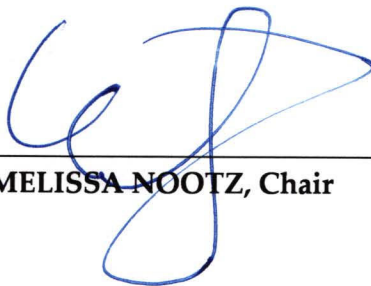
WHEREAS, the temporary ad-hoc committee shall have a written recommendation to the City Commission within 90 days from the date of creation for consideration, approval, and/or adoption; and

RESOLUTION NO. 5013: ESTABLISHING AN TEMPORARY AD-HOC COMMITTEE TO REVIEW THE MISSION, VISION, VALUES, AND GOALS STATEMENTS OF THE CITY OF LIVINGSTON ORGANIZATIONAL STRATEGIC PLAN 2019-2024.

WHEREAS, this ad-hoc committee will cease to exist upon transmission of the report to the Livingston City Commission.

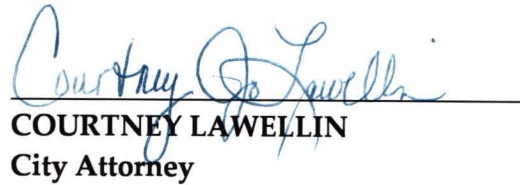
NOW THEREFORE BE IT RESOLVED, that City hereby creates a temporary ad-hoc committee to review and/or recommend changes to the Mission, Vision, Values, and Goals of the City of Livingston Organizational Strategic Plan.

PASSED AND ADOPTED by the City Commission of the City of Livingston, Montana, this 18th day of January 2022.



MELISSA NOOTZ, Chair

APPROVED AS TO FORM:


COURTNEY LAWELLIN
City Attorney

ATTEST:



FAITH KINNICK
Recording Secretary

File Attachments for Item:

B. DISCUSS/APPROVE/DENY: RESOLUTION NO. 5027, CREATING AD-HOC COMMITTEE FOR ARPA FUND DISTRIBUTION.

RESOLUTION NO. 5027

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING AN TEMPORARY AD-HOC COMMITTEE TO RECOMMEND A VISION FOR THE DISBURSEMENT OF THE NON-ENTITLEMENT UNIT AMERICAN RESCUE PLAN ACT FUNDS.

WHEREAS, the Livingston City Commission acting through its duly elected officers is within its power to establish temporary committees hereby establishes a temporary ad-hoc committee; and

WHEREAS, the ad-hoc committee membership will consist of _____ citizens and _____ City Commissioner(s); and

WHEREAS, this ad-hoc committee will be known as _____;
and

WHEREAS, it shall be the duty of the committee to review the State and Federal guidelines for non-entitlement unit (NEU) American Rescue Plan Act (ARPA) funds, and make a written recommendation to the Livingston City Commission on a vision for disbursement of those funds including:

- A list of recommended areas or “buckets” for funds disbursement
- A ranked priority for the recommended “buckets”
- A recommended approximate percentage of NEU, ARPA funds that should be reserved for each “bucket”
- Any additional recommendations to the City Commission

and

WHEREAS, City Administration will open a 30-day recruitment for the temporary ad-hoc committee upon approval of this Resolution; and

WHEREAS, the temporary ad-hoc committee shall have a written recommendation to the City Commission within 90 days from the date of creation for consideration, approval, and/or adoption; and

WHEREAS, this ad-hoc committee will cease to exist upon transmission of the report to the Livingston City Commission.

NOW THEREFORE BE IT RESOLVED, that City hereby creates a temporary ad-hoc committee to recommend a vision for the disbursement of NEU, ARPA funds.

PASSED AND ADOPTED by the City Commission of the City of Livingston, Montana, this 15th March 2022.

MELISSA NOOTZ, Chair

ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

File Attachments for Item:

C. DISCUSS/APPROVE/DENY: CITY COMMISSIONER TO SERVE ON CITY-COUNTY JOINT AIRPORT BOARD.

JOINT RESOLUTION

A JOINT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PARK COUNTY, MONTANA, AND THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, PERTAINING TO JOINT AIRPORTS AND LANDING FIELDS, CONTINUING A JOINT BOARD OR BODY FOR THE PLANNING, ACQUISITION, ESTABLISHMENT, DEVELOPMENT, CONSTRUCTION, ENLARGEMENT, IMPROVEMENT, MAINTENANCE, EQUIPMENT, OPERATION, REGULATION, PROTECTION AND POLICING OF SUCH JOINT AIRPORTS OR LANDING FIELDS AND DEFINING THE POWERS AND DUTIES OF SAID JOINT BOARD.

BE IT RESOLVED by the Board of County Commissioners of Park County, Montana, and the City Council of the City of Livingston, Montana, acting jointly, as follows:

1. That the planning acquisition, establishment, development, construction, enlargement, improvement, maintenance, equipment, operation, regulation, protection, and policing of the Airports and Landing Fields of Park County, excluding private airports and landing strips, be and the same are hereby declared to be a joint venture between the County of Park, State of Montana, and the City of Livingston.
2. There is hereby continued in existence that certain board heretofore created known as "City/County Joint Airport Board," to continue to have, and which shall have jurisdiction over the planning, acquiring, establishment, development, construction, enlargement, improvement, maintenance, equipment, operation, regulation, protection and policing of joint airports or landing fields or other air navigation facilities established, owned or controlled, or to be established, owned or controlled by the County and City, and which shall have, as well, jurisdiction over airport hazards as authorized by Title 67, Chapter 10, MCA.
3. Said Joint Airport Board shall consist of Five (5) members, residents of said Park County, Montana, Two (2) members thereof to be appointed by the Board of County Commissioners of Park County, and Two (2) members thereof to be appointed by the City Council of the City of Livingston, Montana, and the Fifth (5th) member to be selected by a majority of the other Four (4) members, whose appointment shall be made by the joint action of the Board of County Commissioners of Park County, Montana and the City Council of the City of Livingston, Montana. Each member of said Joint Airport Board shall be appointed for a term of Four (4) years

from the expiration of the term of the member whom such appointee is to succeed. Each member of said Joint Airport Board shall hold office until his successor is appointed and qualified.

Expense claims of board members shall be itemized showing in detail how, and for what the claim accrued, and shall be subscribed and sworn to by the claimant, as are other claims against the County and City. Such claims must be approved in writing by a majority of the Joint Airport Board, filed with the secretary of the Joint Airport Board, entered in the minutes, and paid as are other claims against the Joint Airport Fund, hereinafter created.

At the next regularly scheduled board meeting after notice of their appointment, the members of said Joint Airport Board shall meet and organize by the election of a chairman and a vice-chairman. Thereafter, said Board shall hold at least ten (10) regular meetings per year including at least two (2) per calendar quarter which shall be on days as designated by the Board. The Board shall elect officers annually. The names of the chairman and vice-chairman shall be certified to the City and County respectively, and shall be placed on file with the County Clerk and Recorder of the County of Park, Montana and with the Clerk of the City of Livingston, Montana, and this shall be done whenever any change takes place in any one or all of said offices.

Each member shall be entitled to compensation of not to exceed Twenty-five and no/100ths Dollars (\$25.00) per meeting, with the Chairman receiving Thirty-five and no/100ths (\$35.00) per meeting, plus mileage with provisions for annual review, but said compensation shall not be paid for more than Two (2) meetings per month.

Vacancies in the membership of the board for any reason shall be filled by the authority which appointed the member of the board whose office becomes vacant. Any person appointed to fill a vacancy on the Joint Airport Board shall hold that office for the remainder of the unexpired term and until his successor is appointed and qualified.

A joint fund is hereby created and continued in the office of the County Treasurer of Park County, Montana, and shall be designated as the "Joint Airport Fund." The Joint Airport Fund shall contain all funds received by the said Joint Airport Board arising out of the tax levies and appropriations made for its use by the County of Park, and the City of Livingston, Montana, and in addition shall contain all funds derived from the operation of said airport, and all funds contributed or loaned by the United States or the State of Montana.

The County Treasurer of Park County, Montana, shall be the sole custodian of said Joint Airport Fund and he shall pay monies there from only upon claims approved in writing by a majority of the Joint Airport Board, filed with the secretary of the Joint Airport Board, and entered in the minutes of the Joint Airport Board.

5. Subject to the approval of the Board of County Commissioners of Park County, Montana, and of the City Council of the City of Livingston, Montana, -- which shall be endorsed thereon over the signature of the chairman of the Board of County Commissioners and the Mayor of the City, -- the Joint Airport Board shall adopt rules and regulations for its own government, including the time and place of its meetings, both regular and special and the manner of calling special meetings; provided that the regular meetings of the board shall not be more than once every month; prescribing the duties of its officers, the number of board members which shall constitute a quorum, and for the conduct of its business and proceedings generally. A copy of such rules and regulations so adopted and approved shall be filed with the County Clerk and Recorder of Park County, Montana, and with the City Clerk of the City of Livingston, Montana. The Joint Airport Board shall keep a record of its proceedings, which shall at all times during regular office hours be open to the inspection of the Board of County Commissioners of the County of Park, Montana, and the City Council of the City of Livingston, or of any town or City or County official designated by any of said bodies, the state examiner, or any of his deputies, and the public generally.

6. The Joint Airport Board continued and established hereby shall have the following powers and duties;

(a) To provide for the planning, acquisition, establishment, development, construction, enlargement, improvement, maintenance, equipment, operation, regulation, protection and policing of Joint Airports or

Landing Fields and other air navigation facilities established or to be established, and all airport hazards, but the said Joint Airport Board shall make no contract nor incur any obligation for such purposes, nor for any one of them, which singly or in the aggregate shall involve an expenditure of any more money than is available under the Joint Airport Board Budget for such purposes.

(b) To fix fees and rentals for the use of said Joint Airports or Landing Fields.

(c) No contract or agreement for any expenditure of any sum in excess of Ten Thousand and no/100ths Dollars (\$10,000.00) shall be made or entered into unless bids for the work or equipment have been called for and notice stating the time and place when such bids will be opened and considered, and all such contracts shall be let to the lowest responsible bidder who, in the sole discretion of the Board can best complete the work, and bond required for the faithful performances of the contract, provided that members of the Joint Airport Board, their husbands, wives and children, and Employees of the Joint Airport Board shall not be interested either directly or indirectly in any contracts entered into by the said Joint Airport Board; provided further, the members of the Joint Airport Board are hereby specifically bound by the provision of Title 2, Chapter 2, MCA, commonly known as the nepotism act, in their appointments, if any, to any position of trust or emolument.

(d) Any agreement or contract, or rule or regulation for the improvement or maintenance, fixing fees and rentals, or for the control and regulation of the use of the Joint Airports or Landing Fields under the preceding clauses of this section shall be subject and subordinate to any and all Agreements or contracts made and entered into by the County of Park, Montana or the City of Livingston, Montana, with the United States Government for the improvement and use, maintenances and equipment of said Joint Airports or Landing Fields.

(e) To prescribe forms of claims against said Joint Airport Fund, which shall be certified by the oath of the claimant, and to prescribe the form of warrant to be drawn against said fund and to be payable by the County Treasurer of Park County, Montana. All such claims shall be audited and approved by the Joint

Airport Board before payment, entered upon the minutes of the Board and approval or rejection noted in said minutes and endorsed upon the claimant in such manner as the Joint Airport Board shall prescribe.

(f) To make rules and regulations for its own government and the conduct of its proceedings as set forth in Section 5 of this agreement not inconsistent with this agreement nor in violation of the laws of the State of Montana. Such rules and regulations when adopted, and any amendments to or repeal thereof shall be entered at large upon the minutes of the Board, and at all times open to public inspection.

- 7. The County of Park, Montana and the City of Livingston, Montana, shall have and be vested with equal interests in the property, facilities and privileges of the Joint Airports or Landing Fields, or other air navigation facilities established thereon or to be established thereon.
- 8. The total expenditures to be made by the Joint Airport Board for any purpose in any calendar year shall be determined by a budget approved by the governing bodies of its constituent public agencies. The right to alter, amend and repeal or terminate this agreement and Joint Resolution, and to abolish the Joint Airport Board set up hereby is expressly reserved to the County of Park, Montana, acting by and through its Board of County Commissioners and the City of Livingston, Montana, acting by and through its City Council, by Joint Resolution made and entered into for that purpose; provided, however, at least six (6) months notice of a desire to amend, alter, repeal, or terminate this agreement must be given to the other governing bodies.

384916 Fee: \$0.00 _____

Park County, MT Filed 12/8/2014 At 8:39 AM
Denise Nelson, Clk & Rcdr By DN *dn*

Appointed Board Members & Terms

Clint

Airport Board

4 YEAR TERM EXPIRES

Ray Sundling
28 Airport Road
Livingston, MT 59047
222-2002

12/31/2025 (at large)

Paul Lyman appointed 8/6/19
PO Box 182
Livingston, MT 59047
lymanmail@gmail.com
223-0316

12/31/22 (county)

Hunter Michelbrink - Chair
721 HWY 89 S
Gardiner, MT 59030
848-7200/907-232-9100 hmichelbrink@gmail.com

12/31/25 (county)

Steve Koontz - Co-Chair
1007 Eagle court
Livingston, MT 59047
220-8181 skoontz@q.com

(city)

Katie Weaver
414 W. Front Street
Livingston, MT 59047
(406) 599-4822 ktweaver@gmail.com

(city)

Lance Bowser - Project Mgr, Robert Peccia & Assoc Rep
3147 Saddle Drive
Helena, MT 59601
406-447-5000; lbrowser@rpa-hln.com

Gabriel Chandler - Yellowstone Air Service, Owner
gabriel@yellowstoneair.net
Big Timber (406) 932-4389
Livingston (406) 222-6504
Cell (701) 339-5843

Rosemary Madero - Airport Board Secretary
rmadero@parkcounty.org, (406) 222-4106

Commissioner	Current Seat
City Planning Board	Commissioner Lyons
City Tree Board	Chair Nootz
City/County Health Board	Commissioner Kahle
Library Board	Commissioner Friedman
Urban Renewal Agency	Commissioner Schwarz
Parks and Trails Committee	Commissioner Schwarz
City/County Airport Board	

File Attachments for Item:

D. DISCUSS/APPROVE/DENY: DETERMINE CITY/COUNTY JOINT COMPACT APPROVAL METHOD

City of Livingston and Park County Compact - July 2022

City of Livingston and Park County Compact

Compact made this ____ day of _____, 2022, by and between the City of Livingston, a municipal corporation and political subdivision of the State of Montana, hereinafter referred to as the City, and the County of Park, a political subdivision of the State of Montana, hereinafter referred to as the County.

Whereas, the City and County are local governmental units of the State of Montana which from time to time have entered into Interlocal Agreements pursuant to Title 7 *Local Government*, Chapter 11 *General Provision Related to Services*, Part 1. *Interlocal Agreements* Montana Code Annotated (MCA) *et seq.*; and

Whereas, to facilitate establishing and amending interlocal agreements, the parties believe that a single compact setting forth the process by which interlocal agreements will be entered and executed will enhance the efficiency and effectiveness of interlocal agreements for all residents; and

Whereas to keep clear records of all interlocal agreements each agreement shall be created as a separate Chapter within this compact and governed by the rules set forth here within; and

Whereas, the City and County believe that in addition to each entity’s public records, a single document consisting of all such agreements would be in the best interests of each unit of local government and their respective residents and will facilitate creating and amending said agreements as well as providing the public with a single source to review such agreements.

NOW THEREFORE IT BE AGREED by the City of Livingston and the County of Park as follows:

Preamble

It is the purpose of this Compact to permit the City and County to make the most efficient use of their powers by enabling them to cooperate with each other on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

1. There is hereby established this Compact between the City and County which shall set forth the general terms and conditions to create interlocal agreements between the City and the County. All such agreements shall be incorporated into this compact as separate chapters.
2. This Compact shall remain in effect perpetually. If no chapters to the Compact exist, it shall remain in effect to guide the creation of new chapters. Either party may, while no chapters are in effect, terminate this Compact by giving written notice to the other party at least 6 months prior to the requested termination date.
3. Any disputes arising out of this Compact will be resolved by the binding arbitration rules for chapters identified in paragraph 5.(17).

City of Livingston and Park County Compact - July 2022

4. The areas in which the City and County may establish an interlocal agreement are constrained only by mutual advantage and State Law.
5. General terms and conditions applicable to all chapters:
 - (1) **Duration.** Each Chapter will be assigned a specific expiration date. A chapter will not automatically renew unless such renewal is specifically set forth in the chapter.
 - (2) **Effective Date.** Each chapter shall become effective once signed by both the City and County representatives. The Effective Date will be annotated at the top of the signature page for the chapter.
 - (3) **Purpose.** The purpose or purposes of the interlocal contract will be specified in each chapter.
 - (4) **Organization.** If applicable, the precise organization, composition, and nature of any separate legal entity created by the contract will be specified in the applicable chapter.
 - (5) **Financing.** The manner of financing the joint or cooperative undertaking and establishing and maintaining a budget for the undertaking will be specified in each applicable chapter.
 - (6) **Termination and Property Disposition.** the permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and, if applicable, for disposing of property upon a partial or complete termination will be specified in each chapter.
 - (7) **Administration.** Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking, including representation of the contracting parties on the joint board will be specified in the applicable chapter.
 - (8) **Property.** if applicable, the manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking will be specified in the applicable chapter.
 - (9) **Retirement Contributions.** The contracting party responsible for reports and payment of retirement system contributions pursuant to 19-2-506 M.C.A will be specified in the applicable chapter.
 - (10) **Professional contracts.** If applicable, the manner of sharing the employment of a professional person licensed under Title 37 will be specified in the applicable chapter.
 - (11) **Nondiscrimination.** In signing (and in any performance of) this Compact or chapter, County and the City will hire on the basis of merit and qualifications. In awarding (and in any performance of) this Compact or chapter, the City or the County will not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin. In accepting (and in any performance of) this Compact or chapter, the City or the County, will hire on the basis of merit and qualifications. In signing (and in any performance of) this Compact or chapter, City and County will not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin.
 - (12) **Interpretation.** This Compact or chapter shall be governed by and interpreted according to the laws of the State of Montana. Section headings are for convenience only and are not intended to define or limit the scope of any provision of this Compact or chapter.
 - (13) **Severability.** The Chapters set forth in this Compact are independent and severable and the invalidity, partial invalidity or unenforceability of any one of the

provisions, or any portion thereof, shall not affect the validity or enforceability of any other provision.

- (14) **Hold Harmless.** The parties hereto agree to release, defend, indemnify and hold harmless the other party, its officers, employees, elected officials, agents and assigns from any and all actions, claims, liabilities, demands or assertions of liability, causes of action, losses, costs and expenses including, but not limited to, reasonable attorneys fees, involving or relating to any harm, injury or damage, suffered or sustained by any parties employees, elected officials, agents and representatives, or any third party which in any manner may arise or be alleged to have arisen, or resulted or alleged to have resulted from the performance of the terms and conditions of any chapter of this Compact.
- (15) **Insurance.** Each party will maintain liability insurance in compliance with 2-9-101 M.C.A., *et seq.*, naming each other as an additional insured.
- (16) **Entire Agreement.** This Agreement is the entire agreement between the parties. No alteration, amendment, modification, or addition shall be binding unless reduced to writing and signed by the parties.
- (17) **Binding Arbitration.** Any dispute arising out of this Compact shall be settled by binding arbitration with an arbitrator to be selected from a list of five (5) qualified commercial arbitrators of the American Arbitration Association, with each party striking two names from said list. The rules of the American Arbitration Association apply. Each party shall pay fifty percent of the costs of arbitration.
- (18) **Filing of Agreement.** Pursuant to Section 7-11-107 MCA this agreement shall be filed with the County Clerk and Recorder and the Montana Secretary of State.
- (19) **Format.** A template for the “Chapter” is attached as Appendix A and all subsequently approved “Chapters” to this Compact shall follow this format.
- (20) **Changes.** Any changes to a chapter must be ratified by both the City and County prior to becoming effective.
- (21) **Review.** Each chapter will be reviewed and both the City and the County will notify the other party of their intent to renew or abandon the agreement a minimum of 6 months prior to its expiration date.
- (22) **Expiration.** Any chapter that expires without an agreement to continue or abandon will invoke a 3-month expiration period to allow for negotiations to maintain the chapter. At the end of the 3-month expiration period the chapter is null and void and neither party is bound by the terms of that chapter.
- (23) **Administration.** The administration of the compact will be jointly accomplished by the City Manager and the County Commission. The Compact will include the approving legislation from the City as Appendix B and the approving legislation from the County as Appendix C. A public copy of the Compact and all current chapters will be maintained by both the City and the County.
- (24) **Miscellaneous.** Any other necessary and proper matters will be specified in the applicable chapter.

City of Livingston and Park County Compact - July 2022

* * * * *

DATED this _____ day of _____, 2022.

CITY OF LIVINGSTON

COUNTY OF PARK

Michael Kardoes – City Manager

Park County Commissioner

Park County Commissioner

Park County Commissioner

ATTEST:

ATTEST:

Faith Kinnick – Recording Secretary

Maritza Reddington
Park County Clerk and Recorder

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Courtney Lawellin
Livingston City Attorney

Shannan M. Piccolo
Deputy Park County Attorney

City of Livingston and Park County Compact

Compact made this _____ day of _____, 2012, by and between the City of Livingston, a municipal corporation and political subdivision of the State of Montana, hereinafter referred to as the City, and the County of Park, a political subdivision of the State of Montana, hereinafter referred to as the County.

Whereas, the City and County are local governmental units of the State of Montana which from time to time have entered into Interlocal Agreements pursuant to 7-11-101 Montana Code Annotated (MCA) *et seq.*; and

Whereas, said Interlocal Agreements have been entered into on an "as needed" basis, between the City and County with each entity recording and maintaining a separate registry for said agreements; and

Whereas, to facilitate establishing and amending Interlocal Agreements, the parties believe that a single, all inclusive compact setting forth the duties and responsibilities of each party in respect to specified services, infrastructure and/or facilities provided by each would be in the best interests of the residents; and

Whereas, the City and County believe that in addition to each entity's public records, a single document consisting of all such agreements would be in the best interests of each unit of local government and their respective residents and which will facilitate creating and amending said agreements as well as providing the public with a single source to review such agreements.

NOW THEREFORE IT BE AGREED by the City of Livingston and the County of Park as follows:

Preamble

It is the purpose of this Compact to permit the City and County to make the most efficient use of their powers by enabling them to cooperate with each other on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

1. That there is hereby established this Compact between the City and County which shall set forth all interlocal cooperation agreements between the City and County, and except for the separate chapters established hereby, establishes the general terms and conditions applicable to all such Chapters.
2. That the areas in which the City and County routinely cooperate are hereinafter identified as Chapters, and may include, but not limited to:
 - a. Roads, bridges (culverts)
 - b. Sanitation/Health
 - c. Ambulance
 - d. Law enforcement
 - e. Fire
 - f. Dispatch services
 - g. Solid waste
 - h. Emergency/disaster (10-3-401)
 - i. Library
 - j. GIS
 - k. IT
 - l. Planning/Zoning
 - m. City-County building
 - n. Quarterly transfers of all sums of money due and owing from one entity to the other
3. General terms and conditions applicable to all chapters:
 - (1) **Duration.** All interlocal agreements shall be for a maximum term of 5 years with actual term to coincide with expiration of the Compact. A chapter will not automatically renew unless such renewal is specifically set forth in the chapter.
 - (2) **Organization.** If applicable, the precise organization, composition, and nature of any separate legal entity created by the contract will be specified in the applicable chapter.
 - (3) **Purpose.** The purpose or purposes of the interlocal contract will be specified in the applicable chapter.
 - (4) **Financing.** The manner of financing the joint or cooperative undertaking and establishing and maintaining a budget for the undertaking will be specified in each applicable chapter.

(5) **Goals and Termination.** the permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and, if applicable, for disposing of property upon a partial or complete termination will be specified in each chapter.

(6) **Board membership.** Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking, including representation of the contracting parties on the joint board will be specified in the applicable chapter.

(7) **Property.** if applicable, the manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking will be specified in the applicable chapter.

(8) **Employment records.** The contracting party responsible for reports and payment of retirement system contributions pursuant to 19-2-506 M.C.A will be specified in the applicable chapter.

(9) **Professional contracts.** If applicable, the manner of sharing the employment of a professional person licensed under Title 37 will be specified in the applicable chapter.

(10) **Termination.** Any Chapter covered by this Compact may be terminated upon giving the other party written notice at least 6 months prior to any automatic renewal period.

(11) **Nondiscrimination.** In signing (and in any performance of) this Compact or chapter, County and the City will hire on the basis of merit and qualifications. In awarding (and in any performance of) this Compact or chapter, the City or the County will not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin. In accepting (and in any performance of) this Compact or chapter, the City or the County, will hire on the basis of merit and qualifications. In signing (and in any performance of) this Compact or chapter, City and County will not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin.

(12) **Interpretation.** This Compact or chapter shall be governed by and interpreted according to the laws of the State of Montana. Section headings are for convenience only and are not intended to define or limit the scope of any provision of this Compact or chapter.

(13) **Severability.** The Chapters set forth in this Compact are

independent and severable and the invalidity, partial invalidity or unenforceability of any one of the provisions, or any portion thereof, shall not affect the validity or enforceability of any other provision.

(14) **Hold Harmless**. The parties hereto agree to release, defend, indemnify and hold harmless the other party, its officers, employees, elected officials, agents and assigns from any and all actions, claims, liabilities, demands or assertions of liability, causes of action, losses, costs and expenses including, but not limited to, reasonable attorneys fees, involving or relating to any harm, injury or damage, suffered or sustained by any parties employees, elected officials, agents and representatives, or any third party which in any manner may arise or be alleged to have arisen, or resulted or alleged to have resulted from the performance of the terms and conditions of any chapter of this Compact.

(15)**Insurance**. Each party will maintain liability insurance in compliance with 2-9-101 M.C.A., *et seq.*, naming each other as an additional insured.

(16)**Entire Agreement**. This Agreement is the entire agreement between the parties. No alteration, amendment, modification, or addition shall be binding unless reduced to writing and signed by the parties.

(17)**Binding Arbitration**. Any dispute arising out of this Compact shall be settled by binding arbitration with an arbitrator to be selected from a list of five (5) qualified commercial arbitrators of the American Arbitration Association, with each party striking two names from said list. The rules of the American Arbitration Association apply. Each party shall pay fifty percent of the costs of arbitration.

(18)**Filing of Agreement**. Pursuant to Section 7-11-107 MCA this agreement shall be filed with the County Clerk and Recorder and the Montana Secretary of State.

(19)**Miscellaneous**. Any other necessary and proper matters will be specified in the applicable chapter.

(a) A template for the "Chapter" is attached as Exhibit A and all subsequently approved "Chapters" to this Compact shall follow this format.

* * * * *

DATED this _____ day of _____, 2012.

CITY OF LIVINGSTON

COUNTY OF PARK

Ed Meece – City Manager

Park County Commissioner

Park County Commissioner

Park County Commissioner

ATTEST:

ATTEST:

DAVID FINE – Recording Secretary

DENISE NELSON
Park County Clerk and Recorder

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Bruce Becker
Livingston City Attorney

Shannan M. Piccolo
Deputy Park County Attorney

File Attachments for Item:

E. DISCUSS/APPROVE/DENY: STREET LIGHT MAINTENANCE DISTRICT ASSESSMENT METHOD

RESOLUTION NO. 4161

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING LIMITS ON ASSESSMENTS FOR BENEFITTED PARCELS OF PROPERTY LARGER THAN ONE ACRE LOCATED WITHIN STREET MAINTENANCE DISTRICT NO. 1 AND STREET LIGHTING DISTRICT NO. 20 AND AMENDING RESOLUTION NOS. 4148, 4149 AND 4150.

WHEREAS, the City of Livingston has established Street Maintenance District No. 1 and Street Lighting District No. 20 which both encompass all parcels of property within the City of Livingston; and

WHEREAS, the City Commission has determined that all parcels of property within the City are benefitted by street lights which provide not only nighttime security, but lighted ways for safer nighttime travel for vehicles and pedestrians; and

WHEREAS, the City Commission has determined that maintained paved and improved gravel streets provide safer travel for all residents and therefore benefit all properties within the City; and

WHEREAS, 7-12-4323 and 7-12-4422 Montana Code Annotated (MCA) provides methods of assessment options for properties within the benefitted area; and

WHEREAS, larger parcels pay a disproportionately higher assessment than a smaller parcel while receiving substantially the same benefits if an adjustment is not made; and

WHEREAS, the City Commission has recently assessed parcels of property located within the City by Resolution No. 4148 and 4149 for maintaining, improving and providing electricity for Special Improvement Lighting District No. 20 and Resolution No. 4150 for maintaining and improving Street Maintenance District No. 1; and

WHEREAS, the City Commission believes that placing assessment limits on parcels in excess of one acre will provide a fair method of equalizing costs and benefits; and

WHEREAS, following notice, a public hearing on Resolution No. 4152 on its intent to limit assessments on parcels of property larger than 1 acre located in Street Maintenance District No. 1 and Special Lighting District No. 20 was held on September 21, 2010.

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

Resolution No. 4161

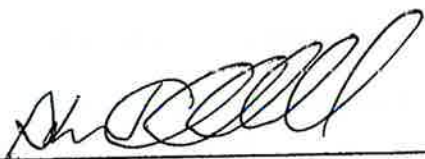
Limiting assessments on parcels larger than 1 acre in Street Maintenance District No. 1 and Street Lighting District No. 20

Page 1

That the City Commission hereby modifies the assessments made by Resolutions Nos. 4148 (Street lights) 4149 (Street light improvements) and 4150 (Street Maintenance) by placing limits on assessments for parcels or property located within Street Maintenance District No 1 and Special Lighting District No. 20 as follows:


- Parcels of one acre or less 100% of total square footage
- Parcels of one acre to five acres ~~100% of total square footage of one acre plus 40% of square footage in excess of one acre, not to exceed 5 acres~~ 50% of total square footage, but not less than one acre
- Undeveloped parcels over 5 acres 5 acres of square footage

21st PASSED AND ADOPTED by the City Commission of the City of Livingston, this day of September, 2010.




STEVE CALDWELL - Chairman

ATTEST:



ROBYN KEYES
Recording Secretary

APPROVED AS TO FORM:



BRUCE E. BECKER
City Attorney

**Exhibit A to Resolution No. 4152
NOTICE**

A public hearing will be held by the City Commission of Livingston, Montana, on September 21, 2010, at 6:30 p.m. in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on **RESOLUTION NO. 4152** entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTABLISH LIMITS ON ASSESSMENTS FOR BENEFITTED PARCELS OF PROPERTY LARGER THAN ONE ACRE LOCATED WITHIN STREET MAINTENANCE DISTRICT NO. 1 AND STREET LIGHTING DISTRICT NO. 20 AND AMENDING RESOLUTION NOS. 4148, 4149 AND 4150.** All interested persons are invited to attend the public hearing and to comment thereon. For additional information contact the City of Livingston at 414 East Callender Street, Livingston, MT, 59047, or by phone at 823-6001.

Please publish September 9, 2010 and September 15, 2010

Pam Payovich
City of Livingston

Date: September 8, 2010

ORDINANCE NO. 2032

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING SQUARE FOOTAGE CAPS FOR LOTS LOCATED IN MULE HAVEN SUBDIVISION FOR ASSESSMENTS FOR THE STREET MAINTENANCE DISTRICT AND STREET LIGHTING DISTRICT.

Preamble.

The purpose of this Ordinance is provide for the public health, safety and welfare by providing safe street travel and by equalizing assessments for similar benefits by setting caps for lots located in Mule Haven Subdivision for Street Maintenance and Street Lighting Districts

WHEREAS, the City of Livingston, by Ordinance No. 1940 the City Commission provided regulations for Street Maintenance District; and

WHEREAS, the City has only one Street Maintenance District and one Street Lighting District; and

WHEREAS, the average size of City lots are 3,500 square feet, however the lots in Mule Haven Subdivision greatly exceeds the city average lot size as follows:

Mule Haven Lot	Size
B	87,120
C	62,421
D	52,838
E	52,644
F	52,098
G	48,177
H	70,132
I	68,433
J	48,691
K	46,348
L	44,170
M	57,325

Ordinance No. 2032

Establishing square footage caps for lots located in Mule Haven Subdivision for assessments for the Street Maintenance and Street Lighting District.

WHEREAS, the City of Livingston has been using the square footage of assessment for the Street Maintenance District and the Street Lighting District; and

WHEREAS, the assessments from both the Street Maintenance District and Street Lighting District provide funds for the maintenance of streets and for supplying electrical current and fixtures for street lights which benefit all residents of the City; and

WHEREAS, while the benefits of having maintained and lighted streets for city residents is similar in nature, the City recognizes that those residents with larger lots in Mule Haven Subdivision do have longer streets to maintain; and

WHEREAS, the City recognizes that the square footage method of assessment may have a disproportionate impact upon the Mule Haven Subdivision resulting in larger assessments than the average city lot; and

WHEREAS, to equalize the assessments between city lots and Mule Haven Subdivision, the City Commission believes that setting a cap on the Mule Haven Subdivision lots would be appropriate.

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

SECTION 1

That Ordinance No. 1940 as codified in Section V Street Maintenance Districts of Chapter 26 of the Livingston Municipal Code is hereby amended, with additions underlined and deletions struck through, as follows:

Article V. Street Maintenance Districts and Street Lighting Districts

**Ordinance No. 2032
Establishing square footage caps for lots located in Mule Haven Subdivision for assessments for the Street Maintenance and Street Lighting District.
Page 2**

Sec. 26-87. Designation.

A. Any portion of the City may be designated as a street maintenance district and street lighting districts by resolution of the City Commission. When so designated, such district may be maintained for such time and in such manner, and under the supervision of the City.

B. "Maintenance" includes but is not limited to sprinkling, graveling, oiling, chip sealing, seal coating, overlaying, treating, general cleaning, sweeping, flushing, snow removal, and leaf and debris removal.

C. "Streets" in this article includes streets, alleys, curbs and gutters. (Ord. 1940, section 1 (part) 3/15/04)

Sec. 26-88. By whom work may be done.

Street maintenance as referred may be done by contract or by the City, or both. (Ord. 1940, section 1 (part) 3/15/04)

Sec 26-89. Determination of maintenance costs-when.

The City Manager shall certify to the Commission on or before the first Monday in October, of each year, the cost and expense of City and other forces used in each maintenance district of the City, together with an estimate of the cost for the portion of the time such forces may be required to be used in each district for the balance of the fiscal year. (Ord. 1940, section 1 (part) 3/15/04)

Sec. 26-90. Assessment of costs.

The anticipated costs and expenses of each maintenance district for each fiscal year, exclusive of the cost of maintaining public places and the intersections of streets with avenues or

alleys, shall in all cases be assessed and taxed to the lots or parcels of land within the district in such proportion as the City Commission may annually determine, but not less than seventy-five (75%) percent of such costs. The assessment shall be based upon square footage of lots, however such assessments for lots located in Mule Haven Subdivision (Subdivision Plat No. 495), whether developed or undeveloped shall be adjusted as follows:

<u>Mule Haven Lot</u>	<u>Size</u>
B	<u>70% of lot size</u>
C	<u>70% of lot size</u>
D	<u>70% of lot size</u>
E	<u>70% of lot size</u>
F	<u>70% of lot size</u>
G	<u>70% of lot size</u>
H	<u>70% of lot size</u>
I	<u>70% of lot size</u>
J	<u>70% of lot size</u>
K	<u>70% of lot size</u>
L	<u>70% of lot size</u>
M	<u>70% of lot size</u>

(Ord. 1940, section 1 (part) 3/15/04)

Sec. 26-91. Maximum annual assessment for parcels, tracts or lots which are undeveloped and unimproved.

The maximum annual assessment for street maintenance for any tract, parcel or lot which is undeveloped and unimproved shall be no more than seventy-five (75) percent of improved lots except as provided herein. (Ord. 1940, section 1 (part) 3/15/04)

Sec. 26-92. Certification of tax.

The taxes for maintenance districts assessed under Sections 26-90 and 26-91 shall be extended in the same manner as other special assessments and shall be certified to the County

**Ordinance No. 2032
Establishing square footage caps for lots located in Mule Haven Subdivision for assessments for the Street Maintenance and Street Lighting District.**

Treasurer for collection with regular real property taxes. (Ord. 1940, section 1 (part) 3/15/04)

SECTION 2

Statutory Interpretation and Repealer:

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

SECTION 3

Severability:

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

SECTION 4

Savings Provision:

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


SECTION 5

Effective date:

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

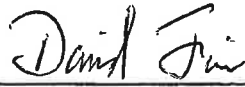
* * * * *

PASSED by the City Commission of the City of Livingston, Montana, upon first reading at a regular session thereof held on the 19th day of July, 2011.



STEVE CALDWELL - Chairman


ATTEST:



DAVID FINE
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 August, 2011.




STEVE CALDWELL - Chairman

ATTEST:



DAVID FINE
Recording Secretary

APPROVED AS TO FORM:



BRUCE E. BECKER
City Attorney

NOTICE

The public is invited to attend and comment at a public hearing to be held on August 2, 2011, at 6:30 p.m. in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on the second reading of **ORDINANCE NO. 2032** entitled **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING SQUARE FOOTAGE CAPS FOR LOTS LOCATED IN MULE HAVEN SUBDIVISION FOR ASSESSMENTS FOR THE STREET MAINTENANCE DISTRICT AND STREET LIGHTING DISTRICT**. A copy of the ordinance is available for inspection at the City Office, 414 East Callender Street, Livingston, MT 59047. For further information call the City Attorney at (406)823-6007.

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

Ordinance No. 2032

Establishing square footage caps for lots located in Mule Haven Subdivision for assessments for the Street Maintenance and Street Lighting District.

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Please publish July 21, 2011 and July 27, 2011.

Pam Payovich
City of Livingston

Date: July 20, 2011



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Ordinance/Resolution No: 2032

Requested by: Ed Meece, City Manager

Date of First Consideration/Status: July 19, 2011; Public Hearing on August 2, 2011.

Purpose of Legislation: To make changes to Ordinance 1940, which provides for the regulation of Street Maintenance District #1 and Street Lighting District # 20 – for the purpose of establishing a cap on the amount of square footage for which the lots in Mulehaven Subdivision will be charged within the districts. *As amended on July 19, 2011, Ordinance currently grants 70% relief to the property owners in question.*

Statutory Authority/Reference: Ordinance # 1940; Livingston City Code, Chapter 26, Section 5;

Background: For several years, the property owners of Mulehaven Subdivision have requested a substantial reduction in their Street Maintenance and Street Lighting District assessments – on the grounds that their larger lot size did not provide additional district benefits different from the average sized parcels in the same districts. Therefore, an annual policy discussion has ensued on this topic.

Staff Recommendation: While the Administration has not been supportive of granting relief to these property owners, for reasons stated in previous policy discussions, the amount of reduction given by these changes (and the removal of any need for repeated annual adjustments) does accomplish the purposes of the property owners AND minimizes the budgetary impact (reduction). Due to this, it seems a workable compromise for both the City and the affected property owners. Staff recommends approval.

Fiscal Impact: If the City Commission were to disapprove of the rate increase requested in Resolution 4217, and keep the budget for Street Maintenance District #1 equal to FY 11, 50% relief would result in a (-\$6,659.07) loss of revenue. Even at that point, the Administration would not recommend that all rates be increased to recover this amount.

Regulatory Impact (local): N/A

Attachments: N/A

Street and Light Maintenance Assessment Methods and Possible Future Methods

Current Method

Method:

- Watson property exempt until subdivision/development
- Mule Haven reduced to 70% (original intent might have been to reduce *by* 70%)
- All other properties
 - o One Acre or Less: 100% of square footage
 - o One Acre – Five Acres: 50% of square footage, one-acre minimum
 - o Undeveloped over 5 Acres: 5 Acres of square footage
- Undeveloped property is capped at 75% of developed property

Issues:

- Guidance found in multiple resolutions and in code
- Special treatment for Mule Haven owners
- One acre to two acres pays same amount
- No guidance for developed properties over 5 acres
- 5 acres pays for 2.5 acres; 5.1 acres pays for 5 acres
- Calculating rates for undeveloped properties is burdensome
- No known basis for method

Possible Future Methods

Possible Bases:

- Encourage development of large parcels (Somewhat progressive/Encourages infill)
 - o Assess on square footage; no reduction for size
 - o Assess on square footage; some relief for larger parcels
- Based on street usage (Progressive/Does not encourage infill)
 - o Different rates for Residential/Commercial
 - o Rates based on projected trips and/or units per parcel
 - o Rates based on linear street feet
- Equal Share (Regressive/Somewhat encourages infill)
 - o All parcels assessed equal amount; no reductions
 - o All parcels assessed equal amount; some reductions
- Property Value (Progressive/Does not encourage infill)
 - o Parcels assessed based on market value



CITY ATTORNEY

Counsel for the City of Livingston, Montana

MARCH 2022

Ad hoc, sine qua non.

For this purpose, essential.

IT TAKES A TEAM EFFORT

In this edition of the City Attorney's Newsletter we will focus on the team that is working to define and implement a response team for mental health. This team includes individuals from city and county law enforcement, city and county attorneys, Livingston Fire Rescue, Livingston Healthcare, L'Esprit, peer supporters, Livingston schools, Community Health Partners, the Food Resource Center, Western Montana Mental Health, ASPEN, DPHHS, and other state and local stakeholders. The team has started with a peer support model and recruiting for a peer support specialist has started.

In addition to this specific position geared to assist law enforcement and for crisis response, the team has also been working on expanding the community's ability to promote mental health through affordable access and case management. This includes a masters level mental health care professional in the emergency department, expanding the health care and case management offered through the Food Resource Center, the use of 211 and new 988 numbers, and the ability of team members to share information to improve stabilization and after care. The peer support program will be tracked and data collected to continue to analyze its efficacy and any need for change to the program, its scope and/or resources. Staffing shortages have closed Hope House and Shodair, though there are plans to make improvements in the next two years, we are closely monitoring the communities needs and the impact of the resources being deployed in the community.

Protect and Serve, Collaborating with LIVINGSTON POLICE DEPARTMENT

While there partners

day those addiction

patience center staff patrons to



"The prosecutor says you have to roll over."

is a great deal of cooperation among and between community directed toward crisis response and mental health, law enforcement and prosecutors still have to manage the day to interactions with our homeless population, and the results of interactions. Many of our homeless have mental health and concerns that make their presence at the warming shelter problematic. Officers are demonstrating a high degree of and creative problem solving when they assist the warming in managing unruly and intoxicated residents by diverting other lodgings and available local resources.

LEGAL

HUMOR

CORNER