



Livingston City Commission Agenda

September 18, 2018

6:30 PM

City – County Complex, Community Room

1. Call to Order

2. Roll Call

3. Moment of Silence

4. Pledge of Allegiance

14. Public Comments

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

6. Proclamations

5. Consent Items

A. CONSENT- Approve minutes from regular 9.4.18 commission meeting Page 5

B. CONSENT - Approve Bills and Claims Page 9

C. CONSENT- Approve special parking space for Rosalie Deyerle. Page 21

D. CONSENT - Approve Special Event Application from Park High for homecoming parade September 28, 2018. Page 25

7. Scheduled Public Comment

8. Public Hearings

A. RESOLUTION NO. 4823- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DISCONTINUING AND VACATING A PORTION OF THE UNDEVELOPED NORTH D STREET BETWEEN MONTANA STREET AND THE LIVINGSTON DITCH, AND BETWEEN BLOCKS 23 AND 24, ALL LOCATED IN THE ORIGINAL TOWNSITE OF THE CITY OF LIVINGSTON, MONTANA. Page 41

9. Ordinances

10. Resolutions

A. RESOLUTION NO. 4824 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2018-2019, BY MAKING APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$13,285. Page 57

B. RESOLUTION NO. 4822-A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING CERTAIN PROPERTY AS SURPLUS AND DIRECTING THAT SAID PROPERTY BE SOLD. Page 60

11. Action Items

- A. ACTION DISCUSS/APPROVE/DENY- CITY OF LIVINGSTON COMMISSION TO CONSIDER MONTANA MAINSTREET PROGRAM Page 69**
- B. ACTION DISCUSS/APPROVE/DENY - PROVIDE DIRECTION TO CITY MANAGER FOR LEGISLATIVE PRIORITIES PAGE 77**
- C. ACTION DISCUSS/APPROVE/DENY- APPROVE CITY OF LIVINGSTON REMOTE PARTICIPATION POLICY PAGE 133**
- D. ACTION- DISCUSS/APPROVE/DENY DISCUSS THE FUTURE OF THE CITY OF LIVINGSTON SKATE PARK BOARD Page 138**
- E. DISCUSS/APPROVE/DENY- SCHEDULING DATES FOR LISTENING SESSIONS INVITING COMMUNITY COMMENTS REGARDING FUTURE GROWTH.**

12. City Manager Comment

13. City Commission Comments

15. Adjournment

Calendar of Events

September 18th, 2018- 5:30 p.m. - City Commission regular meeting, Community Room, City/County Complex

September 19th, 2018- 4:00 p.m.- Livingston-Park Co. Library, Library meeting room

September 19th, 2018- 5:30 p.m.- Park Co. Planning Board, Community Room, City/County Complex

September 21st, 2018- 6:00 p.m.- City of Livingston Surplus Property Auction, 330 Bennett St., preview begins at 5:00pm.

September 24st, 2018- 8:00 a.m.- Airport Board meeting, Mission Field

September 26th, 2018- 6:00 p.m.- Parks & Trails Meeting, Community Room, City/County Complex

October 2nd, 2018- 6:30 p.m.- City Commission regular meeting, Community Room, City/County Complex

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.

Backup material for agenda item:

- A. CONSENT- Approve minutes from regular 9.4.18 commission meeting**

**LIVINGSTON CITY COMMISSION
MINUTES**

**September 4, 2018
6:30 p.m.
City- County Complex, Community Room**

- 1. Call to Order**
- 2. Roll Call**
 - Hoglund, Schwarz, Friedman, Mabie were present. (Sandberg absent)
- 3. Moment of Silence**
- 4. Pledge of allegiance**
- 5. Public Comments**
 - Jay Keifer made comments (00:02:41)
- 6. Consent Items (00:06:34)**
 - A. CONSENT Approve minutes from 8.21.18 Commission Meeting**
 - B. CONSENT – Approve Bills and Claims**
 - Mabie made a motion to Approve Consent Items A and B with the amendment of the 08/21/18 minutes to include in-depth discussion of Commissioners legal right to vote remotely.
 - All in favor, motion passed 4-0.
- 7. Proclamations**
- 8. Scheduled Public Comment**
- 9. Public Hearings**
- 10. Ordinances**
- 11. Resolutions**
 - A. RESOLUTION NO. 4816 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2017-2018, BY MAKING APPROPRIATION**

**ADJUSTMENTS IN THE AMOUNT OF \$1,105,837 AND REVENUE
ADJUSTMENTS IN THE AMOUNT OF \$1,417,780. (00:12:20)**

- Friedman motioned to pass Resolution No. 4816. Mabie seconded.
 - All in favor, motion passed 4-0

**B. RESOLUTION NO. 4817 - A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF LIVINGSTON, MONTANA, FIXING THE TAX LEVY FOR FISCAL
YEAR 2018-2019. (00:13:32)**

- Friedman motioned to pass Resolution No. 4817. Schwarz seconded.
 - All in favor, motion passed 4-0

**C. RESOLUTION NO 4818 - RESOLUTION RELATING TO \$4,840,000 SEWER
IMPROVEMENT REVENUE BOND (DNRC WATER POLLUTION CONTROL STATE
REVOLVING LOAN PROGRAM), SERIES 2018D; AUTHORIZING THE ISSUANCE
AND FIXING THE TERMS AND CONDITIONS THEREOF. (00:11:55)**

- Schwarz motioned to pass Resolution No. 4818. Friedman seconded.
 - All in favor, motion passed 4-0

**D. RESOLUTION NO. 4819 - A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO
SIGN ALL DOCUMENTS REQUIRED TO EXECUTE THE CITY MANAGER'S
RECOMMENDATION FOR CHANGE ORDER NUMBER G-3 TO THE WATER
RECLAMATION FACILITY PROFESSIONAL SERVICES AGREEMENT WITH
AE2S. (00:14:00)**

- Jay Kiefer made comments (00:17:54)
- Friedman made motion to pass Resolution 4819. Mabie seconded.
 - All in favor, motion passed 4-0

**E. RESOLUTION NO. 4820 - A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO
SIGN AN AGREEMENT WITH LIVINGSTON SCHOOL DISTRICT NOS. 1 AND 4
FOR SCHOOL RESOURCE OFFICER FOR SCHOOL YEARS 2018-2019, 2019-
2020, AND 2020-2021. (00:22:20)**

- Schwarz made motion to pass Resolution 4820. Friedman seconded.
 - All in favor, motion passed 4-0

F. RESOLUTION NO. 4815 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO DISCONTINUE AND VACATE A PORTION OF THE UNDEVELOPED NORTH D STREET BETWEEN MONTANA STREET AND THE LIVINGSTON DITCH, AND BETWEEN BLOCKS 23 AND 24, ALL LOCATED IN THE ORIGINAL TOWNSITE OF THE CITY OF LIVINGSTON, MONTANA AND CALLING FOR A PUBLIC HEARING. (00:25:00)

- Schwarz made motion to pass Resolution 4815. Mabie seconded.
 - All in favor, motion passed 4-0

G. RESOLUTION NO. 4821 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ACCEPTING THE WATER AND SEWER EXTENSION FOR THE TRANSFER STATION SOLID WASTE DEPARTMENT. (00:34:32)

- Friedman made motion to pass Resolution No. 4821. Mabie seconded.
 - All in favor, motion passed 4-0

12. Action Items

A. Discuss/Approve/Deny Acceptance-City of Livingston Remote Participation Policy. (00:36:00)

- Jay Keifer made comments (00:45:33)
- Don Platek made comments (00:47:00)
- Schwarz made the motion to table Action Item until next meeting. Friedman seconded.
 - All in favor, motion passed 4-0

13. City Manager Comment (00:56:00).

14. City Commission Comments

- Commissioner Mabie made comments(00:58:41)
- Commissioner Schwarz made comments (01:02:16)
- Chairperson Hoglund made comments (01:04:10)
- Commissioner Friedman made comments (01:06:27)
- Chairperson Hoglund made comments (01:08:54)

15. Adjournment- (01:13:35) 7:46 p.m.

Backup material for agenda item:

B. CONSENT - Approve Bills and Claims

09/13/18
08:47:51

CITY OF LIVINGSTON
Claim Details
For the Accounting Period: 9/18

Page: 1 of 9
Report ID: AP100

For doc #s from 36596 to 36705, Operating Cash
* ... Over spent expenditure

Claim	Vendor #/Name/	Document \$/	Disc \$						Cash
Line #	Check Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object Proj	Account		
36596	87139S 1292 PARK COUNTY RURAL FIRE DISTRICT	15,468.51							
1	18-19 09/04/18 7/31-8/17 Barnard	15,468.51*			1000 141 420400	350		101000	
36597	87119S 54 GATEWAY OFFICE SUPPLY	22.26							
1	G398 08/31/18 Office Supplies	22.26			1000 123 411700	211		101000	
36598	87150S 879 VERIZON WIRELESS	1,996.43							
1	223-8483 08/20/18 Planning	19.14			1000 106 411030	347		101000	
2	222-8155 08/20/18 Rec. Dept	74.33			1000 109 460449	347		101000	
3	223-2233 08/20/18 ATS	58.97			1000 109 460449	347		101000	
4	223-4459 08/20/18 Childhood Development	58.85			1000 109 460449	347		101000	
5	823-9535 08/20/18 City Pool	18.58			1000 109 460449	347		101000	
6	823-9870 08/20/18 ATS	74.33			1000 109 460449	347		101000	
7	223-7422 08/20/18 City Manager	66.97			1000 122 411300	347		101000	
8	223-2114 08/20/18 Fire	74.33			1000 141 420400	347		101000	
9	223-3580 08/20/18 Fire	42.52			1000 141 420400	347		101000	
10	223-8255 08/20/18 Fire	42.54			1000 141 420400	347		101000	
11	224-0542 08/20/18 Fire	58.97			1000 141 420400	347		101000	
12	224-2053 08/20/18 Fire Chief	58.97			1000 141 420400	347		101000	
13	823-9928 08/20/18 Fire	42.52			1000 141 420400	347		101000	
14	823-9929 08/20/18 Fire	42.52			1000 141 420400	347		101000	
15	223-7258 08/20/18 Building	18.60			1000 143 420403	347		101000	
16	223-2197 08/20/18 Animal Control	74.33			1000 154 440640	347		101000	
17	223-2195 08/20/18 Roaming	161.63			1000 155 430950	347		101000	
18	223-1359 08/20/18 Parks	18.58			1000 155 430950	347		101000	
19	223-6974 08/20/18 Roaming - Jones	22.98			1000 155 430950	347		101000	
20	579-7702 08/20/18 Cemetery	31.03			1000 155 430950	347		101000	
21	570-0712 08/20/18 Dispatch	18.75			2300 132 420160	220		101000	
22	223-1823 08/20/18 Street	18.58			2500 151 430220	347		101000	
23	223-2196 08/20/18 Street	74.33			2500 151 430220	347		101000	
24	223-1469 08/20/18 Water Cell	74.33			5210 502 430515	347		101000	
25	223-1472 08/20/18 Water Cell	15.98			5210 502 430515	347		101000	
26	223-6565 08/20/18 Holmes - Water 1/2	34.48			5210 502 430515	347		101000	
27	223-8268 08/20/18 Whitman - Water 1/2	29.49			5210 502 430515	347		101000	
28	223-9101 08/20/18 Schweigert - Water 1/2	30.98			5210 502 430515	347		101000	
29	224-0836 08/20/18 McClure	18.58			5210 502 430515	347		101000	
30	224-5246 08/20/18 Tom's Ipad	30.02			5210 502 430515	347		101000	
31	223-1470 08/20/18 Sewer	23.98			5310 503 430620	347		101000	
32	223-6565 08/20/18 Holmes - Sewer 1/2	34.48			5310 503 430620	347		101000	
33	223-7857 08/20/18 Sewer	18.64			5310 503 430620	347		101000	
34	223-8268 08/20/18 Whitman - Sewer 1/2	29.48			5310 503 430620	347		101000	
35	223-9101 08/20/18 Schweigert - Sewer 1/2	30.99			5310 503 430620	347		101000	
36	224-5022 08/20/18 WWTP - Dan	58.97			5310 503 430620	347		101000	
37	224-8119 08/20/18 WWTP - Pager	18.60			5310 503 430620	347		101000	

09/13/18
08:47:51

CITY OF LIVINGSTON
Claim Details
For the Accounting Period: 9/18

Page: 2 of 2
Report ID: AP100

For doc #s from 36596 to 36705, Operating Cash
* ... Over spent expenditure

Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
38	223-6314	08/20/18	Scale House	18.60			5410 504 430820	347	101000
39	223-6948	08/20/18	Rich Stordalen	58.97			5410 504 430820	347	101000
40	224-0509	08/20/18	Solid Waste - Van	68.96			5410 504 430820	347	101000
41	224-2470	08/20/18	Transfer Station	19.83			5410 504 430820	347	101000
42	224-2471	08/20/18	Solid Waste Truck	18.58			5410 504 430820	347	101000
43	223-0167	08/20/18	EMS	60.07*			5510 142 420730	347	101000
44	223-0168	08/20/18	EMS	18.58*			5510 142 420730	347	101000
45	223-0169	08/20/18	EMS	18.58*			5510 142 420730	347	101000
46	223-0340	08/20/18	EMS	74.33*			5510 142 420730	347	101000
47	224-8678	08/20/18	Medic 2	18.58*			5510 142 420730	347	101000
36599	87129S	146	LIVINGSTON ENTERPRISE	443.25					
1	148288	07/30/18	PH Thomas O'Rour	48.75			1000 101 410130	331	101000
2	148287	07/30/18	PH Burrton Laure	48.75			1000 101 410130	331	101000
3	148290	07/31/18	Sex Offender - Landucci	45.00			1000 131 420100	324	101000
4	148333	08/02/18	Sex Offender - Landucci	45.00			1000 131 420100	324	101000
5	148426	08/07/18	Ordinance No. - 2071	45.50			1000 101 410130	331	101000
6	148425	08/07/18	Ordinance No. - 2070	42.25			1000 101 410130	331	101000
7	148584	08/17/18	PM Ordinance 2072	78.00			1000 101 410130	331	101000
8	1486646	08/21/18	Sex Offender - Cornwell	45.00			1000 131 420100	324	101000
9	148792	08/23/18	Sex Offender - Cornwell	45.00			1000 131 420100	324	101000
36600	87141S	3659	RIVERSIDE HARDWARE LLC	34.99					
1	51972	08/28/18	Heater	34.99*			1000 123 411700	221	101000
36601	87111S	162	CENTURYLINK	160.34					
1	0082	08/16/18	City Shop 50%	30.70			2500 151 430220	343	101000
2	0082	08/16/18	City Shop 12%	7.37			5310 503 430620	343	101000
3	0082	08/16/18	City Shop 38%	23.33			5410 504 430820	343	101000
4	0149	08/16/18	Civic Center	98.94*			1000 109 460449	343	101000
36602	87140S	2894	REVIZE LLC	500.00					
1	7241	09/05/18	Website Services	500.00			1000 122 411300	345	101000
36603	87106S	3633	BILLING DOCUMENT SPECIALISTS	70.00					
1	48757	08/31/18	Online Monthly Maintenance	23.33			5210 502 430570	213	101000
2	48757	08/31/18	Online Monthly Maintenance	23.33			5310 503 430670	213	101000
3	48757	08/31/18	Online Monthly Maintenance	23.34			5410 504 430870	213	101000
36604	87130S	1196	MAILFINANCE	661.53					
1	N7309838	08/30/18	Lease postage machine	165.39			5210 502 430570	310	101000
2	N7309838	08/30/18	Lease postage machine	165.38			5310 503 430670	310	101000
3	N7309838	08/30/18	Lease postage machine	165.38			5410 504 430870	310	101000
4	N7309838	08/30/18	Lease postage machine	165.38			1000 123 411700	310	101000

09/13/18
08:47:51

CITY OF LIVINGSTON
Claim Details
For the Accounting Period: 9/18

Page: 3 of 3
Report ID: AP100

For doc #s from 36596 to 36705, Operating Cash
* ... Over spent expenditure

Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
36605	87124S	1783 J & H OFFICE EQUIPMENT		275.29					
1	23295259	09/03/18 Copier Lease		275.29			1000 123 411700	368	101000
36606	87103S	3727 AAA CLEANING, LLC		300.00					
1	08-2018	08/31/18 B St. Cleaning - Aug.		300.00			1000 121 411230	360	101000
36607	87122S	102 INDUSTRIAL TOWEL		32.80					
3	64899	08/31/18 Rug Maint.		32.80			1000 121 411230	360	101000
36608	87116S	745 DELL MARKETING L.P.		2,384.00					
1	1026336751	08/28/18 City Manager Desktops		2,075.82			1000 123 411700	947	101000
2	1026329712	08/28/18 City Manager Desktops		308.18			1000 123 411700	947	101000
36609	87122S	102 INDUSTRIAL TOWEL		34.27					
1	64646	08/30/18 Rug maint, towels		34.27			1000 121 411230	360	101000
36610	87118S	3298 EXEC U CARE SERVICES, INC.		1,119.42					
1	1624	08/29/18 Janitorial Services - Aug		1,119.42			1000 121 411230	364	101000
36611	87123S	250 INSTY-PRINTS		24.95					
1	27207	08/24/18 BC - Faith Kinnick		24.95			1000 103 410400	200	101000
36612	87148S	2999 TEAR IT UP L.L.C.		226.00					
1	37167	08/29/18 1030X		226.00			1000 123 411700	360	101000
36613	87136S	3785 NETZER LAW OFFICE, P.C.		90.47					
1	24395	08/29/18 Legal Services		90.47*			1000 107 411100	351	101000
36614	87107S	2662 BOUND TREE MEDICAL, LLC		431.85					
1	82967391	08/29/18 Patient Supplies		431.85			5510 142 420730	235	101000
36615	87128S	26 LIVINGSTON ACE HARDWARE -		13.98					
1	D44587	08/28/18 Duct Tape		13.98			5510 142 420730	220	101000
36616	87134S	2604 MUNICIPAL EMERGENCY SERVICES		101.62					
1	1256222	08/22/18 Light		101.62			5510 142 420730	220	101000
36617	87105S	3056 ARDUS MEDICAL, INC.		160.00					
1	13005	08/20/18 IV pump repair		160.00			5510 142 420730	360	101000

09/13/18
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Page: 4 of 4
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For doc #s from 36596 to 36705, Operating Cash
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Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
36618	87125S	776 KENYON NOBLE		67.53					
1	6718491	08/26/18 Station Supplies		67.53			1000 141 420400	220	101000
36619	87149S	3429 UL LLC		2,741.55					
1	7202026689	08/14/18 Ladder Testing		2,741.55*			1000 141 420400	350	101000
36620	87151S	3237 WHISTLER TOWING, LLC		75.00					
1	8786	08/29/18 Tow Dodge Durango		75.00			1000 131 420100	350	101000
36621	87104S	22 ALL SERVICE TIRE & ALIGNMENT,		45.00					
1	55440	09/04/18 Oil Change		45.00			1000 131 420100	231	101000
36622	87147S	3579 SULLIVAN, PATRICK		141.70					
1	18-19	09/03/18 Travel - MLEA Training		141.70			1000 131 420100	370	101000
36623	87115S	2671 COMDATA		1,757.31					
1	20296888	09/01/18 Fuel Police Dept.		1,757.31			1000 131 420100	236	101000
36624	87151S	3237 WHISTLER TOWING, LLC		200.00					
1	8323	07/03/18 Tow 95 Ford Explorer		75.00			1000 131 420100	350	101000
2	8391	07/03/18 Tow Prowler		125.00			1000 131 420100	350	101000
36625	87138S	2437 O'REILLY AUTOMOTIVE, INC		3.99					
1	1558140710	08/28/18 2 Amp Glass		3.99			1000 131 420100	231	101000
36626	87142S	2419 ROCKY MOUNTAIN INFORMATION		50.00					
1	22576	08/27/18 RMIN Membership		50.00			1000 131 420100	334	101000
36627	87126S	3449 LEAF		27.60					
1	8647031	08/21/18 Kyocera Copier		27.60			2300 132 420160	220	101000
36628	87121S	3455 INDUSTRIAL COMM & ELEC OF		277.00					
1	31238	08/03/18 Garage Door		277.00			2300 132 420160	360	101000
36629	87110S	2571 CENTRAL SERVICES DIVISION		7,848.61					
1	201905104	07/03/18 CJIN fees & License		7,848.61*			2300 132 420160	311	101000
36630	87112S	634 CERTIFIED LABORATORIES		192.88					
ca									
1	3244144	08/21/18 Aerosol		192.88			2500 151 430240	231	101000

09/13/18
08:47:51

CITY OF LIVINGSTON
Claim Details
For the Accounting Period: 9/18

Page: 5 of 5
Report ID: AP100

For doc #s from 36596 to 36705, Operating Cash
* ... Over spent expenditure

Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
36631	87128S	26 LIVINGSTON ACE HARDWARE -		29.57					
1	D40773	08/21/18 PVC		29.57			2500 151 430240	232	101000
36632	87145S	1814 SPECIAL LUBE		37.00					
1	57147	08/28/18 49-627		37.00			5410 504 430830	362	101000
36633	87113S	422 CHEMSEARCH		919.76					
1	3223546	08/03/18 Gloves		919.76			5310 503 430640	225	101000
36634	87117S	424 ENERGY LABORATORIES, INC.		277.00					
1	179822	08/28/18 Effluent Composite		277.00			5310 503 430640	355	101000
36635	87128S	26 LIVINGSTON ACE HARDWARE -		19.55					
1	X15424	08/15/18 Battery		6.97			5310 503 430640	231	101000
2	D45015	08/29/18 Paint Roller		12.58			2820 210 430240	474	101000
36636	87146S	3353 STORY DISTRIBUTING		1,766.41					
1	81775	08/28/18 Diesel 645g		1,734.41*			1000 123 411700	236	101000
2	81775	08/28/18 Additive 40 oz		32.00*			1000 123 411700	236	101000
36637	87102S	2 A-1 MUFFLER, INC.		236.00					
1	64676	08/14/18 49-555 Brake Fluid		236.00*			1000 155 430950	362	101000
36638	87109S	23 CARQUEST AUTO PARTS		42.60					
1	1912420271	08/27/18 Bearing		23.07			1000 155 460430	231	101000
2	1912420522	08/29/18 Oil Filter		19.53			5410 504 430830	231	101000
36639	87128S	26 LIVINGSTON ACE HARDWARE -		202.79					
1	D45872	08/30/18 Tapcube		4.99			5310 503 430625	231	101000
2	D40296	08/20/18 Parts		85.22			5210 502 430515	231	101000
3	D44223	08/27/18 Shop Keys		11.96			1000 155 460430	231	101000
4	D44456	08/28/18 Splash Park		3.99			1000 155 460445	361	101000
5	D44695	08/28/18 Fasteners		0.65			1000 155 430930	361	101000
6	D45114	08/29/18 Bathroom Winterization		42.00			1000 155 460430	231	101000
7	D45462	08/29/18 Zone Mark		53.98			2820 210 430240	474	101000
36640	87131S	983 MONTANA DEPT OF LABOR & INDUSTRY		31.00					
1	14690	08/16/18 Operating Cert. Fee		31.00			1000 155 460445	540	101000

09/13/18
08:47:51

CITY OF LIVINGSTON
Claim Details
For the Accounting Period: 9/18

Page: 6 of 14
Report ID: AP100

For doc #s from 36596 to 36705, Operating Cash
* ... Over spent expenditure

Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
36641	87133S	3016 MT WATERWORKS		837.84					
1	27089	08/29/18 Parts		837.84			5210 502 430515	237	101000
36642	87135S	3688 MURDOCH'S RANCH & HOME SUPPLY		42.99					
1	K00152/37	08/28/18 Post Hole Digger		42.99			5210 502 430515	231	101000
36643	87137S	423 NORTHWEST PIPE FITTINGS, INC		961.20					
1	523479	08/27/18 Collission repair Kit		961.20			5210 502 430515	237	101000
36644	87144S	1718 SOLID WASTE SYSTEMS, INC.		954.22					
1	0107636	08/23/18 Harness		954.22			5410 504 430830	232	101000
36645	87145S	1814 SPECIAL LUBE		33.00					
1	57186	08/30/18 49-746		33.00			5210 502 430515	232	101000
36646	87108S	948 BRIDGER ELECTRIC, INC.		500.00					
1	901	08/31/18 Plan & Spec Review		500.00			2400 420100	960	101000
36647	87120S	470 HAWKINS, INC		2,969.37					
1	4342667	08/14/18 Peracetic Acid		2,969.37			5310 503 430640	222	101000
36648	87127S	2830 LEHRKIND'S COCA-COLA		42.45					
1	1562885	08/30/18 Water		42.45			5310 503 430640	225	101000
36649	87128S	26 LIVINGSTON ACE HARDWARE -		67.22					
1	D45674	08/30/18 Supplies		67.22			5310 503 430640	231	101000
36650	87103S	3727 AAA CLEANING, LLC		500.00					
2	08-2018	08/31/18 PW Cleaning - Aug		83.34			1000 106 411030	200	101000
3	08-2018	08/31/18 PW Cleaning - Aug		83.34			1000 155 430100	224	101000
4	08-2018	08/31/18 PW Cleaning - Aug		83.33			2500 151 430220	224	101000
5	08-2018	08/31/18 PW Cleaning - Aug		83.33			5210 502 430510	224	101000
6	08-2018	08/31/18 PW Cleaning - Aug		83.33			5310 503 430610	224	101000
8	08-2018	08/31/18 PW Cleaning - Aug		83.33			5410 504 430820	224	101000
36651	87114S	3491 COFFMAN'S PEAK ELECTRIC, LLC		3,492.54					
1	1286	06/28/18 B & Lewis Street Lights		3,492.54			2500 151 430240	361	101000
36652	87115S	2671 COMDATA		3,390.51					
1	20296873	09/01/18 Fuel		44.03			1000 143 420403	236	101000
2	20296873	09/01/18 Fuel		1,327.66			5210 502 430515	236	101000
3	20296873	09/01/18 Fuel		-200.00			5210 502 430515	236	101000
4	20296873	09/01/18 Fuel		302.53			5310 503 430625	236	101000
5	20296873	09/01/18 Fuel		949.87			1000 155 430950	236	101000

09/13/18
08:47:51

CITY OF LIVINGSTON
Claim Details
For the Accounting Period: 9/18

Page: 7 of 15
Report ID: AP100

For doc #s from 36596 to 36705, Operating Cash
* ... Over spent expenditure

Claim Line #	Check	Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
6	20296873	09/01/18 Fuel	584.65			2500 151 430240	236	101000
7	20296873	09/01/18 Fuel	268.52			5410 504 430830	236	101000
8	20296873	09/01/18 Fuel	113.25			1000 154 440640	236	101000
36653	87128S	26 LIVINGSTON ACE HARDWARE -	233.29					
1	D45921	08/30/18 Roller Cover	19.77			2820 210 430240	474	101000
2	D48588	09/04/18 Supplies	213.52			5410 504 430830	231	101000
36654	87132S	2731 MONTANA WASTE SYSTEMS, INC	93,457.48					
1	608425	08/31/18 Transfer fees	93,457.48			5410 504 430840	396	101000
36655	87143S	3827 SNYDER INDUSTRIES INC	4,898.37					
1	296846	08/28/18 Cans	4,898.37			5410 504 430830	227	101000
36656	87152S	2087 WISPWEST.NET	55.32					
1	430369	09/01/18 Civic Center	45.32			1000 155 430950	346	101000
2	432596	09/01/18 Pool	10.00			1000 155 430950	346	101000
36660	87157S	3293 BLACKFOOT COMMUNICATIONS	149.98					
1	166824	09/01/18 Internet	49.99			2500 151 430220	346	101000
2	166824	09/01/18 Internet	49.99			5310 503 430610	346	101000
3	166824	09/01/18 Internet	50.00			5410 504 430820	346	101000
36661	87175S	3387 J & H, Inc.	96.49					
1	539941	09/10/18 Civic Center copier maint.	96.49			1000 109 460449	368	101000
36662	87163S	3440 CHARTER COMMUNICATIONS	3,117.34					
1	0179852	09/04/18 414 E. Callender Internet	2,629.84			1000 122 411300	346	101000
2	0179852	09/04/18 414 E. Callender Internet	60.91*			1000 106 411030	346	101000
3	0179852	09/04/18 414 E. Callender Internet	60.94*			1000 143 420403	346	101000
4	0179852	09/04/18 414 E. Callender Internet	73.13*			1000 155 430100	346	101000
5	0179852	09/04/18 414 E. Callender Internet	73.13			2500 151 430220	346	101000
6	0179852	09/04/18 414 E. Callender Internet	73.13*			5210 503 430510	346	101000
7	0179852	09/04/18 414 E. Callender Internet	73.13			5310 503 430610	346	101000
8	0179852	09/04/18 414 E. Callender Internet	73.13			5410 504 430820	346	101000
36663	87161S	682 CENTRON SERVICES	99.76					
1	08/10/18	Utility Collections	33.26			5410 342055		101000
2	08/10/18	Utility Collections	33.25			5310 342055		101000
3	08/10/18	Utility Collections	33.25			5210 342055		101000

09/13/18
08:47:51

CITY OF LIVINGSTON
Claim Details
For the Accounting Period: 9/18

Page: 8 of 16
Report ID: AP100

For doc #s from 36596 to 36705, Operating Cash
* ... Over spent expenditure

Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
36665	87171S	3331	HOMEMAKE KITCHEN	121.00					
1	358545	09/06/18	Food - Infrastructure Meeting	121.00			1000 103 410400	370	101000
36666	87176S	776	KENYON NOBLE	11.90					
1	6731296	09/03/18	Building Supplies- Fire Dept.	11.90			1000 141 420400	220	101000
36667	87176S	776	KENYON NOBLE	29.44					
2	6725992	08/30/18	Building Supplies- Fire Dept.	9.99			1000 141 420400	220	101000
3	6725992	08/30/18	Building Supplies-Fire Dept.	19.45			1000 141 420400	220	101000
36668	87176S	776	KENYON NOBLE	13.84					
1	6731458	09/03/18	Building Supplies-Fire Dept.	13.84			1000 141 420400	220	101000
36669	87178S	26	LIVINGSTON ACE HARDWARE -	13.98					
1	D47992	09/03/18	5096656 Joist Nail 1/5"	6.99			1000 141 420400	220	101000
2	D47992	09/03/18	5608286 Nails N10D 1# Box	6.99			1000 141 420400	220	101000
36670	87164S	2671	COMDATA	2,887.46					
1	20296868	09/01/18	Fire Fuel - August	309.35			1000 141 420400	236	101000
2	20296868	09/01/18	EMS Fuel - August	2,578.11			5510 142 420730	236	101000
36671	87187S	3376	TRANSUNION RISK & ALTERNATIVE	44.20					
1	380349	09/01/18	Investigative research	44.20			1000 131 420100	350	101000
36672	87162S	294	CHAPPELL'S BODY SHOP, INC.	20.00					
1	358	08/31/18	Prepaid Carwash Card	20.00			1000 131 420100	231	101000
36673	87155S	3371	BALCO UNIFORM COMPANY, INC.	879.04					
1	50469	09/06/18	Uniform - Labaty	879.04			1000 131 420100	227	101000
36674	87153S	22	ALL SERVICE TIRE & ALIGNMENT,	185.00					
1	55180	08/02/18	Split Wheel Tire Repair	70.00			5410 504 430830	362	101000
2	55180	08/02/18	Tire Tube	25.00			5410 504 430830	362	101000
3	55180	08/02/18	Service Call- During Shop Hour	90.00			5410 504 430830	362	101000
36675	87158S	3820	BRIDGER ANALYTICAL LAB	28.00					
1	1808118	08/08/18	Coliform/ E. Coli	28.00			5210 502 430515	355	101000
36676	87160S	23	CARQUEST AUTO PARTS	7.35					
1	1912420558	08/30/18	Oil Filter	7.35			5410 504 430830	231	101000

09/13/18
08:47:51

CITY OF LIVINGSTON
Claim Details
For the Accounting Period: 9/18

Page: 9 of 17
Report ID: AP100

For doc #s from 36596 to 36705, Operating Cash
* ... Over spent expenditure

Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
36677	87177S	2863 KIMBALL MIDWEST		39.99					
1	6573237	08/28/18 EarPlugs 200 ct.		39.99			5310 503 430625	231	101000
36678	87178S	26 LIVINGSTON ACE HARDWARE -		41.13					
1	D51199	09/06/18 5365077 Chain Proof 5/16"		23.95			5410 504 430830	231	101000
2	D51199	09/06/18 5038575 Clevis Slip Hook 3/8"		17.18			5410 504 430830	231	101000
36679	87182S	16 PARISI WESTERN PLUMBING &		166.85					
1	T47874	07/27/18 Materials for Water Dept.		166.85			5210 502 430515	231	101000
36680	87178S	26 LIVINGSTON ACE HARDWARE -		13.58					
1	D50580	09/05/18 Battery Alkaline Duracell 9V		9.59			5210 502 430515	231	101000
2	D50580	09/05/18 Alkaline Battery AAA 4-pk		3.99			5210 502 430515	231	101000
36681	87182S	16 PARISI WESTERN PLUMBING &		29.90					
1	T47344	07/17/18 Brass Bushing Materials		29.90			5210 502 430515	231	101000
36682	87188S	3472 UTILITIES UNDERGROUND LOCATION		178.98					
1	8085089	08/31/18 Excavation Notifications		89.49			5210 502 430515	317	101000
2	8085089	08/31/18 Cost of Doing Business		89.49			5310 503 430625	317	101000
36683	87159S	999999 BURG, CARY		20.06					
1	09/07/18	Overpayment Account 0001519615		20.06			5210 343021		101000
36685	87169S	424 ENERGY LABORATORIES, INC.		147.00					
1	180570	08/31/18 Instream		60.00			5310 503 430640	355	101000
2	180570	08/31/18 Outfall Oil & Grease		75.00			5310 503 430640	355	101000
3	180570	08/31/18 Shipping charges		12.00			5310 503 430640	355	101000
36686	87170S	470 HAWKINS, INC		2,969.37					
1	4353223	08/29/18 Peracetic Acid		2,969.37			5310 503 430640	222	101000
36687	87172S	3044 HUBER TECHNOLOGY		1,300.00					
1	CD10017231	08/28/18 Maintenance contract		1,300.00			5310 503 430640	361	101000
36688	87173S	102 INDUSTRIAL TOWEL		61.53					
1	65559	09/07/18 WFR Slate rugs		18.10			5310 503 430610	224	101000
2	65559	09/07/18 Mat Cleaning		8.69			5210 502 430510	224	101000
3	65559	09/07/18 Mat Cleaning		8.69			5410 504 430820	224	101000
4	65559	09/07/18 Mat Cleaning		8.68			2500 151 430220	224	101000
5	65559	09/07/18 Mat Cleaning		8.68			1000 106 411030	220	101000
6	65559	09/07/18 Mat Cleaning		8.69			5310 503 430610	224	101000

09/13/18
08:47:51

CITY OF LIVINGSTON
Claim Details
For the Accounting Period: 9/18

Page: 10
Report ID: AP100

For doc #s from 36596 to 36705, Operating Cash
* ... Over spent expenditure

Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
36689	87185S	1	TECH ELECTRIC, INC	76.00					
1	39602	08/31/18	Troubleshoot Digester Pump	76.00			5310 503 430640	361	101000
36690	87163S	3440	CHARTER COMMUNICATIONS	885.12					
2	1798600904	09/04/18	110 S. B Internet	885.12			1000 122 411300	346	101000
36691	87166S	1611	CRESCENT ELECTRIC SUPPLY CO.	1,498.52					
1	s505492856	08/30/18	GE Lamp 13250	611.06			2400 420100	231	101000
2	s505492856	08/30/18	GE Lamp 12652	887.46			2400 420100	231	101000
36692	87181S	3058	MUNICIPAL CODE CORPORATION	150.00					
1	00316371	09/06/18	Subscription 9/1/18-9/30/18	150.00			1000 101 410130	333	101000
36693	87154S	679	BAINTER BACKHOE & CAT	386.67					
1	TCSR-001R	08/30/18	421 E. Summit Sewer Repair	386.67			5310 503 430625	361	101000
36694	87178S	26	LIVINGSTON ACE HARDWARE -	24.51					
1	D34240	08/08/18	1" Jack Chain	15.92			5210 502 430515	231	101000
2	D34240	08/08/18	Clear Caulk	8.59			5210 502 430515	231	101000
36695	87178S	26	LIVINGSTON ACE HARDWARE -	9.98					
1	D07409	08/10/18	Adhesive caulk clear	4.99			5210 502 430515	231	101000
2	D50580	08/10/18	Adhesive caulk white	4.99			5210 502 430515	231	101000
36696	87183S	3659	RIVERSIDE HARDWARE LLC	29.99					
1	50751	08/13/18	Milwaukee Measure Wheel	29.99			5210 502 430510	220	101000
36697	87179S	146	LIVINGSTON ENTERPRISE	667.50					
1	06/07/18		COMMISSION WORK SESSION	24.00			1000 101 410130	331	101000
2	06/04/18		PUB. HRG PFL ZONING COMMISSION	42.00			1000 101 410130	331	101000
3	08/27/18		PUB. HRG. O'ROURKE VARIANCE	48.75			1000 101 410130	331	101000
4	08/27/18		PUBLIC HRG. BURRTON VARIANCE	48.75			1000 101 410130	331	101000
5	08/24/18		RESOLUTION # 4813	432.00			1000 101 410130	331	101000
6	08/24/18		PUBLIC HRG. RESOL. NO. 4814	72.00			1000 101 410130	331	101000
36698	87184S	738	SIRCHIE	66.46					
1	0362911-in	08/30/18	Methamphetamine collection	66.46			1000 131 420100	220	101000
36699	87167S	3234	DANA SAFETY SUPPLY, INC.	465.00					
1	532036	08/31/18	In-car wireless watchguard kit	465.00			1000 131 420100	976	101000

09/13/18
08:47:51

CITY OF LIVINGSTON
Claim Details
For the Accounting Period: 9/18

Page: 11
Report ID: AP100

For doc #s from 36596 to 36705, Operating Cash
* ... Over spent expenditure

Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
36700	87156S	3069	BILLINGS CLINIC TRAINING CENTER	17.00					
1	15137	08/10/18	CPR/AED Training/Cards	17.00			1000 131 420100	380	101000
36701	87180S	278	MMIA	45.00					
1	718011	08/22/18	Deductible Recovery -Phillips	45.00			1000 160 510331	511	101000
36702	87168S	122	DEPARTMENT OF REVENUE	8,843.14					
1	4	08/31/18	COP - Gross Receipts Tax	521.74			5210 502 430520	960	101000
2	4	08/31/18	COP - Gross Receipts Tax	818.84			5310 503 430630	960	101000
3	4	08/31/18	COP - Gross Receipts Tax	3,804.10*			2500 151 430240	960	101000
4	4	08/31/18	COP - Gross Receipts Tax	174.77			2400 420100	960	101000
5	4	08/31/18	COP - Gross Receipts Tax	1,766.12*			2310 470300	940	101000
6	4	08/31/18	COP - Gross Receipts Tax	1,757.57*			2600 430240	914	101000
36703	87165S	3787	COP CONSTRUCTION LLC	875,471.00					
1	4	08/31/18	2018 CIP Pay App #4	52,174.48			5210 502 430520	960	101000
2	4	08/31/18	Gross Receipts Tax Withheld	-521.74			5210 502 430520	960	101000
3	4	08/31/18	2018 CIP Pay App #4	81,884.00			5310 503 430630	960	101000
4	4	08/31/18	Gross Receipts Tax Withheld	-818.84			5310 503 430630	960	101000
5	4	08/31/18	2018 CIP Pay App #4	380,409.26*			2500 151 430240	960	101000
6	4	08/31/18	Gross Receipts Tax Withheld	-3,804.09*			2500 151 430240	960	101000
7	4	08/31/18	2018 CIP Pay App #4	17,477.15			2400 420100	960	101000
8	4	08/31/18	Gross Receipts Tax Withheld	-174.77			2400 420100	960	101000
9	4	08/31/18	2018 CIP Pay App #4	176,612.12*			2310 470300	940	101000
10	4	08/31/18	Gross Receipts Tax Withheld	-1,766.12*			2310 470300	940	101000
11	4	08/31/18	2018 CIP Pay App #4	175,757.12*			2600 430240	914	101000
12	4	08/31/18	Gross Receipts Tax Withheld	-1,757.57*			2600 430240	914	101000
36704	87186S	2595	TOWN & COUNTRY FOODS -	69.38					
1	8236002	03/09/18	Supplies	11.61			1000 123 411700	211	101000
2	8236002	04/15/18	Supplies	5.90			1000 123 411700	211	101000
3	8236002	03/31/18	Supplies	24.58			1000 123 411700	211	101000
4	8236002	04/23/18	Supplies	19.91			1000 123 411700	211	101000
5	8236002	07/17/18	Supplies	7.38			1000 123 411700	211	101000
36705	87174S	1783	J & H OFFICE EQUIPMENT	213.00					
2	23280052	08/31/18	Canon Copier	213.00			1000 123 411700	368	101000
			# of Claims	105	Total: 1055,569.05				

Backup material for agenda item:

- C. CONSENT- Approve special parking space for Rosalie Deyerle.**

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

Name of Applicant: Rosalie M. Deyerle

Address: 416 N Yellowstone, Liv. Phone: 223-5465

Type of Special Parking Space Requested:

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

Specific Location of the Requested Space: Parking space in front of house

Reason for the Request: Already have a special parking space sign. I am moving and would like it to come with me. Moving 8/30/18

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

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

Administrative Use Only

Date application received: 8/29/18 Reviewed by: Craig Nahn

Does request meet criteria? Yes No

Comments Does not have a ramp close

City Commission Action: Approved Denied Date: _____

Installation of Sign:

Sign installed by: _____ Date: _____

Amount Collected: _____ Check no. _____

Removal of Sign

Sign removed by: _____ Date _____

Reason for Removal: _____

Montana Vehicle RegistrationValid Through Date **08/31/2019**Renewal Cust Nbr **2712737**

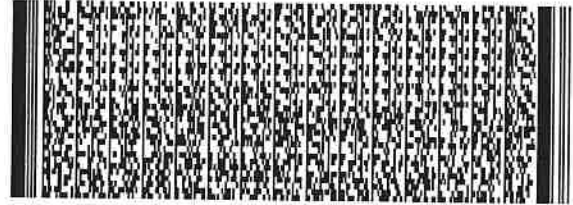
County	Park	Issue Date	08/28/2018	Tab Nbr	A01596996	Park Fee Paid
Usage	Regular	User	pj49a000	Plate Nbr	DEYERLE	
Reg Usage	Regular	Fleet Nbr		Plate Type	Std County Lg (PC)	
Reg Type		OTN				

Owners / Lessors

Rosalie Towne Deyerle
416 N Yellowstone St
Livingston, MT 590471937

VIN	1J4GW48S44C339854	Year	2004	Make	Jeep	Model	CHE
Veh Type	Rugged Terrain (LL)	Style	LL	Color	Blue	Ext Model	
Weight	3888	Ton Code				Veh Nbr	1736135
Ded GVW		GVW Class		GVW Beg		GVW End	

Rosalie Towne Deyerle
416 N Yellowstone St
Livingston, MT 590471937



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

Tab Number
A01596996

Month Number
08



State of Montana Attention Vehicle Owner

When applying tab to rear license plate:

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

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

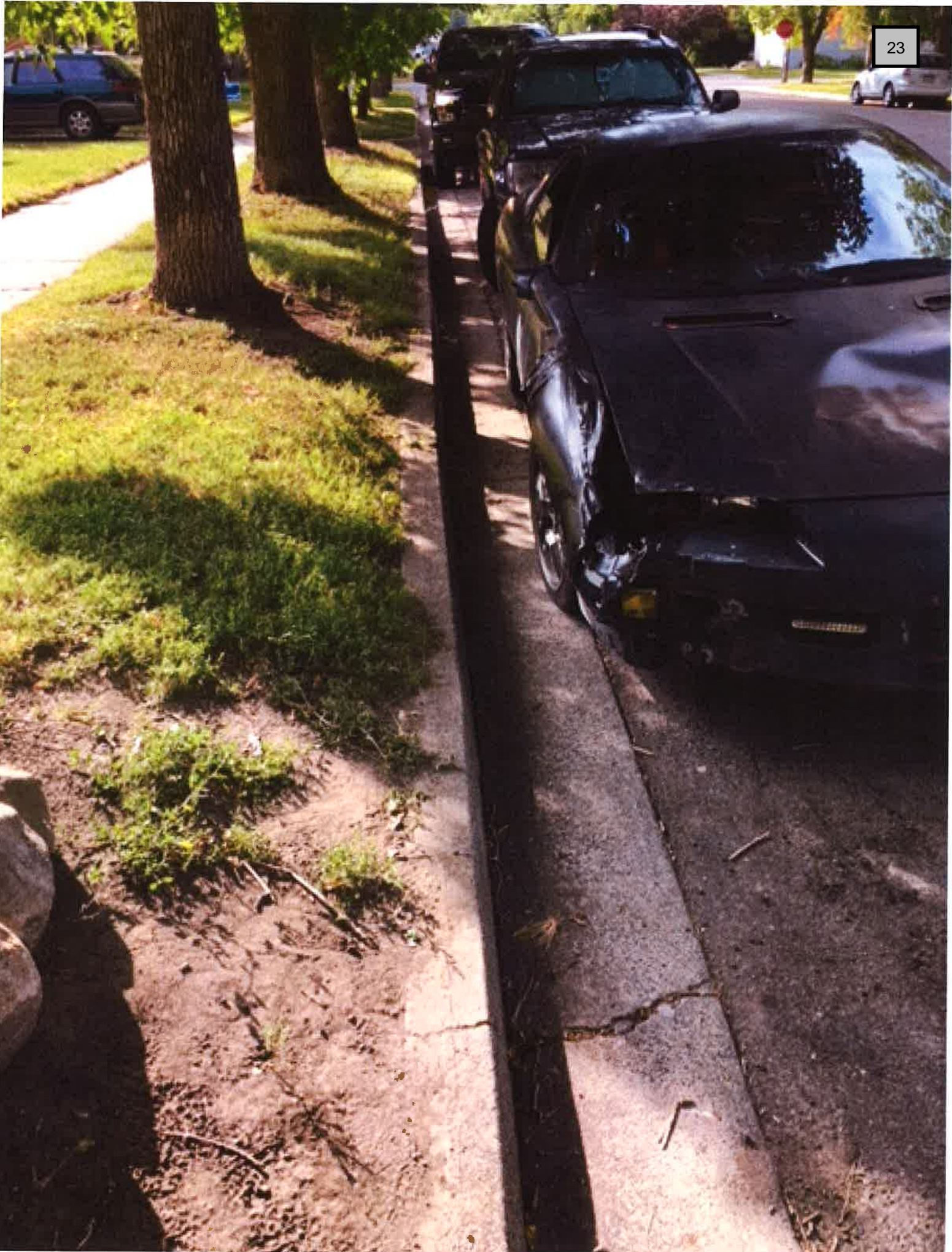
Montana law requires the owner of any motor vehicle that is registered and operated on a public highway or a private way commonly used by the public in this state to continuously maintain mandatory motor vehicle liability insurance in the amounts specified by law. Unless this vehicle qualifies for an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

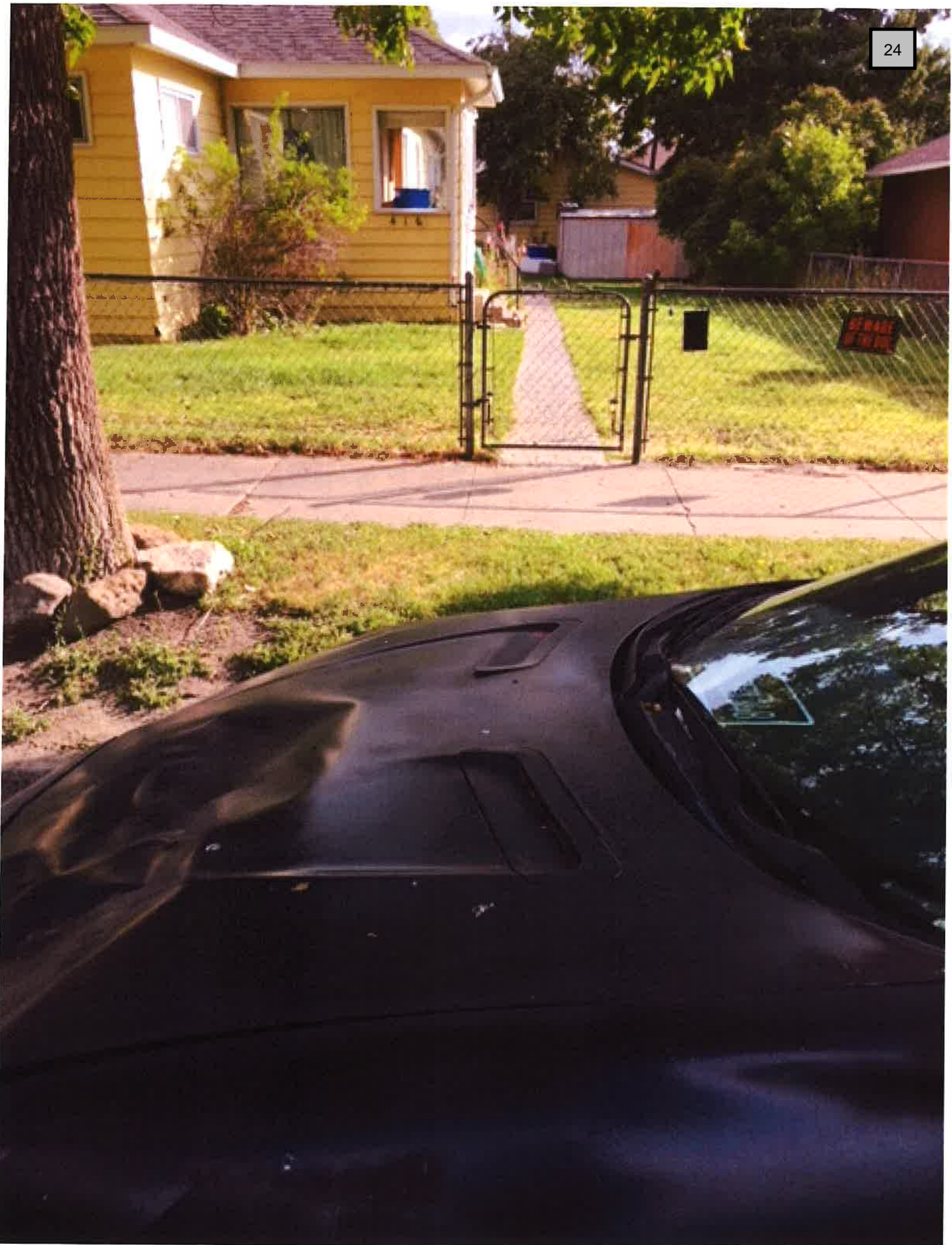
Proof of compliance with the mandatory liability insurance law must be in the motor vehicle. The owner or driver of the motor vehicle must display the insurance card or other proof of compliance to any peace officer, judge or other authorized individual upon demand. Violation of this requirement is a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

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

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

dojmt.gov/driving





Backup material for agenda item:

- D. CONSENT - Approve Special Event Application from Park High for homecoming parade September 28, 2018.**



2018

CITY OF LIVINGSTON Special Events Policy



*Photos by Livingston
Enterprise photographer,
Shawn Raecke*

Table of Contents

Special Event Conditions.....	3
Insurance Information.....	5
Special Event Application.....	6
Approval Signatures.....	9
Fees.....	10

Greetings and Disclaimer

Thank you for your interest in holding a special event in the City of Livingston. Please review the enclosed information carefully and fill out your application as completely as possible. All aspects of the application are important in the planning of a successful event. The City Administration will review and approve your application. No dates are secure until final approval.

A complete application and all necessary attachments must be submitted to the City of Livingston at least 30 days prior to the scheduled event. An untimely submittal may be summarily denied. The submittal of an application for a special event permit in no way obligates the City of Livingston to issue a special events permit. The issuance of a special event permit by the City of Livingston in no way is to be construed that the City of Livingston is sponsoring, sanctioning, or is in any way responsible for the special event.

Definition of a Special Event

If any of the following conditions are met, a Special Events Permit must be submitted to the City of Livingston.

- Event with 300 or more persons**
- Event which charges the public an entrance fee**
- Event which serves and charges the public for food, alcohol or other beverages**
- Event which requires a City street closure**

If the proposed event does not meet following specifications, but you still wish to use or rent City property (Civic Center, Band Shell, Miles Park), please contact the Recreation Department at (406)-222-8155 to obtain a rental form.

Special Event Conditions

- i. **Compliance with Law.** Permittees shall obey all City Ordinances, rules and the guidance of City supervisory employees pertaining to the use of City property, including the location and storage of vehicles and equipment, crowd control, and the restoration of premises to their original condition after use for special event purposes.
- ii. **Location Approval.** Permittee shall confine its activities to the locations and time schedules approved by the City of Livingston prior to a special event on City streets and in other public areas.
- iii. **Commercial Reference to City.** Reference to the City of Livingston and/or use of official City logo is prohibited on film or in other advertising of the event unless written approval is granted by the City of Livingston.
- iv. **Security for Costs.** Permittee shall reimburse City for costs incurred in the use of City equipment and assignment of municipal employees to duty in connection with special event activities. A schedule of expected costs shall be prepared by the Director of Public Works after identification of the municipal sites to be used for a special event. Permittee shall post a cash bond as a refundable deposit against such estimated costs when requested.
- v. **Relationship to Parties.** Neither Permittee, nor its agents, employees, servants or helpers shall be or deemed to be, the employee, agent or servant of the City. None of the benefits provided by the City to its employees, including, but not limited to, medical insurance, compensation insurance, and unemployment insurance are available to Permittee or its employees, agents, servants or helpers.
- vi. **Special Events.** *Fees shall be charged for use of City property.* Permittee shall not conduct any event on City property intended to attract or entertain the public or charge fees to spectators without the specific approval of the City in writing. No alterations or changes to City owned property will be allowed without prior written permission from the City Manager or his/her designee.
- vii. **Limitations.** Additional permits and fees may be required for use of facilities of the City and entry upon areas subject to special security requirements, such as municipal swimming pool and Civic Center. Use of such facilities and areas may be further conditioned upon provision of additional insurance coverage's, written assurance of compliance with security requirements and other requirements.
- viii. **Appointment of Agent.** Permittee shall designate a local agent to sign this License who shall have authority to represent Permittee in all matters relating to exercise of the privileges herein granted and who shall be responsible for compliance with these conditions.

- ix. **Use of City Property.** Arrangements for use of city property, i.e. building, streets/alleys, sidewalks, parks or other public places or property owned by the City must be approved by the City Manager in writing in advance of actual use.
- x. **Use of City Equipment.** If Permittee finds it necessary or desirable to use city equipment, only city employees will be allowed to operate said equipment, unless prior arrangements in writing are made and then only with the prior written approval of the City Manager.
- xi. **Use of City Employees.** The Permittee will be required to reimburse the City as provided for in the City of Livingston Fee Schedule for contracting/use of City Services/Equipment/Buildings, or if not addressed, for the wages due to employees, calculated at their hourly overtime rate and including public retirement, insurance, unemployment, workman's compensation and all withholdings required by the federal and state governments.
- xii. **City Animal Policy.** Permittee shall comply with all City Ordinances regarding animals permitted on City property. Dogs are excluded from Sacagawea Park with the exception of periods designated by the City Commission for dog shows (City Code Section 4-46). Dogs are excluded from Miles Park during special events, with the exception of licensed service animals, unless permission is granted through the special events application process (City Code Section 4-47). If Permittee finds it desirable to permit dogs at the event applied for, Permittee shall present a written request at the time the Special Event Application is made. The Permittee shall be responsible for cleaning up after dogs following a special event which allows dogs.

Insurance Information

Indemnity. Permittee does hereby covenant and agree to indemnify and hold harmless City from any and all loss, cost, damages and expenses of any kind, including attorney fees, on account of personal injury or property damage resulting from any activity of Permittee on municipal property or in connection with its use of municipal property.

Liability Insurance. In no way limiting the indemnity agreement above, Permittee will furnish to the City a Certificate of Insurance providing liability, casualty and property coverage acceptable to its Legal Department showing combined single limit coverage acceptable to its Legal Department showing combined single limit coverage for death or bodily injury, property damage or loss, marine and fire protection, or the equivalent of such coverage, not less than \$1,000,000.00. Applicant shall, if given permission to sell liquor, provide an insurance enforcement for liquor liability naming the City as additional insured for amount of at least \$1,000,000.00. The City, including its officials, employees and agents, shall be named an additional insured in the liability Policy. Contractual liability coverage insuring the obligations of this Agreement is also required. The insurance may not be canceled or substantially modified without 10 days written notice to the City Finance Officer.

Insurance Company Name	PayneWest Insurance, Inc.
Address P.O. Box 6127	
City Helena	
State Montana	
Zip 59604	
Phone Number 406-442-5360	
Contact Person	
Policy Number 64A3EX00000712	

Miya Tennant on behalf of Park High School Student Council

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

Miya Tennant

Digitally signed by Miya Tennant
DN: cn=Miya Tennant, o=Student Council,
ou=Park High
email=miya.tennant@livingston.k12.mt.us, c=US
Date: 2018.08.31.18:32:02 -0600

08/31/2018

Signature

Date



LIVISCH-01

KLANGEMO

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) **31**
09/07/2018

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

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

PRODUCER Helena Office PayneWest Insurance, Inc. P.O. Box 6127 Helena, MT 59604	CONTACT NAME: PHONE (A/C, No, Ext): (406) 442-5360		FAX (A/C, No):
	E-MAIL ADDRESS:		
INSURED Livingston School District Ellen Conley, District Clerk 132 South B St. Livingston, MT 59047	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : The Princeton Excess & Surplus Lines Insurance Company		10786
	INSURER B :		
	INSURER C :		
	INSURER D :		
	INSURER E :		
INSURER F :			

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR **See Note Below GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	X		64A3EX000000712	07/01/2018	07/01/2019	EACH OCCURRENCE	\$ 2,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 2,000,000
							GENERAL AGGREGATE	\$ 4,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in Nh) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					PER STATUTE OTH-ER	
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
See attached ENDORSEMENT - MONTANA TORT LIABILITY for restrictions to applicable limits

Livingston School District's 2018 Homecoming Parade

CERTIFICATE HOLDER City of Livingston 110 South B Street Livingston, MT 59047	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Kelsey Longenecker</i>

**THE PRINCETON EXCESS AND SURPLUS LINES
INSURANCE COMPANY**

Date Issued: 7/15/2017

This endorsement forms a part of the Policy to which attached, effective on the inception date of the Policy unless otherwise stated herein. (The following information is required only when this endorsement is issued subsequent to preparation of the Policy.)

INSURED Montana Schools Property and Liability Insurance Plan

Policy No. 64-A3-EX-0000007-11 Endorsement Effective: 7/1/2017
(12:01 A.M.)

Countersignature *Shelley C. Moore*
(Authorized Representative)

by THE PRINCETON EXCESS AND SURPLUS LINES INSURANCE COMPANY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

ENDORSEMENT – MONTANA TORT IMMUNITY

This endorsement modifies insurance under the following:

SCHOOLS ALL LINES AGGREGATE COVERAGE FORM – COVERAGE PARTS II AND III

This endorsement changes the policy effective on the inception date of the policy unless another date is indicated above.

In accordance with tort limitations that have been enacted on governmental liability for damages in tort under the substantive law of Montana (Montana Code Annotated 2014, 2-9-108) pursuant to a waiver of sovereign immunity, the following changes apply:

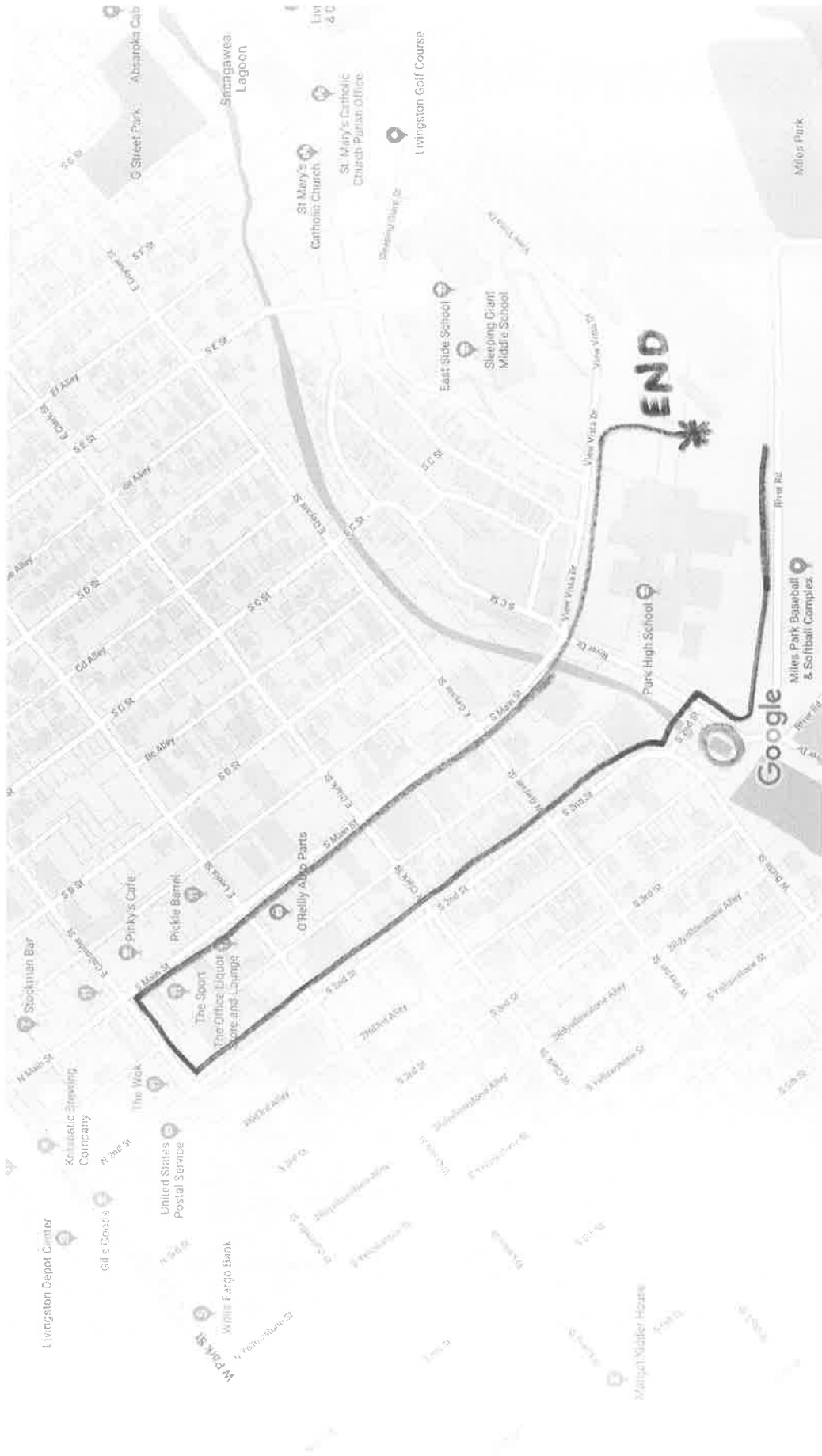
1. The following is added to Coverage Part II – Insurance For General Liability, Section II – Limits Of Insurance:
5. The following applies to Limits of Insurance only for Coverage II.A. shown in the Declarations under Limits Of Insurance Part A. Specific Excess Insurance:

The Limits of Insurance shown in the Declarations apply to "ultimate net loss".

However, the following limits apply only to "ultimate net loss" excluding legal expenses and defense costs. These limits are part of and not in addition to, and reduce, the Each "Occurrence" and applicable Annual Aggregate Limits of Insurance shown in the Declarations:

\$ 750,000 Each "Claim", \$ 1,500,000 Each "Occurrence" for the Pool

Google Maps



CIVIC CENTER
START by POOL

Special Event Application

Application Contact Name	Organization Name	Park High Student Council
Address	115 W. Chinook	Address 102 View Vista Dr.
City	Livingston	City Livingston
State	Montana	State Montana
Zip	59047	Zip 59047
Phone Number	406-224-8653	Phone Number 406-222-0448
Fax Number		Fax Number 406-222-9404
On-Site Manager Name	Miya Tennant	Alternate On-Site Manager Name Gabe Nohl
On-Site Manager Phone #	406-223-6207	Alternate On-Site Manager Phone # 309-202-7186

1. Describe the event proposed to take place in the City.

Student Council sponsored Park High School Homecoming Parade 2018; line up at 4:15pm and commence at 5:00pm

- 2. Total number of expected participants:..... 400
- 3. Total number of staff/workers: 30+
- 4. Total number of staff vehicles: 30+

a. Please describe parking requirements for staff vehicles. The City may lend barricades and cones for parking purposes if necessary:

Floats typically line up at the Civic Center Parking lot and run down into the PHS student parking lot. Parking is only needed for the start of the Parade.

5. Will the event necessitate the closure of a City street? Yes No

a. If yes, please fill out "Street Closure Form"

Please see attached map; parade will commence on the corner of Butte and Second St., head NW to Calendar St., NE to main St., finishing up View Vista and ending in the PHS Student Parking lot.

6. What are your plans for garbage removal? How many garbage containers will your event require? (See Fee Schedule on page 10. All special events will be charged \$8/container for garbage removal).

No garbage cans will be needed; volunteers and students will clean up after the parade. We may require a street sweeper as there will be horses in the parade.

7. Will the event require camping or temporary housing? Yes No

Camping is not encouraged in City Parks, but other City properties may be used.

- a. If YES, then contact the Park County Sanitarian at 406-222-4145 to set up a temporary housing plan and answer the following questions on a separate paper and attach it to this document:

- What dates will camping occur
- Location of camp sites
- Number of campers
- Number of tents
- Location of tents
- Will fire rings be needed (*must be authorized by Fire Department*)
- Plan for water/ sanitation facilities
- Parking plan

8. Will alcohol be served at the event? Yes No

- a. If yes, describe the location of alcohol sales or serving stations, liquor license to be used and measures to insure proper ID for purchases and persons supervising the operation.

b. Attach liquor liability insurance as described in Special Events Condition #5.

- c. Where alcohol is to be served at a special event, all alcohol servers, whether a licensee of the State of Montana or an employee thereof, or any other person serving alcohol are hereby required to complete an "Alcohol Server Training" program which complies with the "Montana Responsible Alcohol Sales and Services Act" and/or any administrative rule adopted pursuant to said Act. Attach proof of training that has taken place within the last year for each person that will be serving alcohol.

9. Will food or beverage be served at the event? Yes No

- a. If yes, contact Park County Sanitarian at 222-4145 to obtain a permit and attach a copy with this application)

11. Requests for special animal policy considerations (see Special Event Conditions #12):

Horses and dogs are typically a part of the parade for FFA and other organizations.

12. **Communications & Promotions:** What other agencies have you contacted regarding the event? Have you received permits from these agencies (if applicable)? Please circle applicable agencies and **attach permit copies.**

- Century Link
- Chamber of Commerce
- Charter Communications
- City/County Sanitarian
- MDT-MT Dept. of Transportation
- MRL – Railroad
- MT Fish, Wildlife & Parks
- Neighborhood Groups/Businesses
- Northwestern Energy
- Park County Commissioners
- Park County Fairgrounds
- Park County Sheriff Office
- Park Rural Co-op
- School District

Civic Center

13. Agreement to the City of Livingston Special Event conditions. Applicant hereby agrees to comply with the City of Livingston Special Event Conditions (attached and made a part of this application). UPON SIGNING OF THIS APPLICATION, THE APPLICANT AGREES NOT TO VIOLATE ANY STATE OR CITY CODES IN THE PRESENTATION OF THE REQUESTED SPECIAL EVENT.

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

08/31/2018

DATE

Miya Tennant

APPLICANT'S SIGNATURE

Digitally signed by Miya Tennant
DN: cn=Miya Tennant, o=Student Council, ou=Park High
cnsj=miya.tennant@livingston.k12.mt.us, c=US
Date: 2018.09.04 15:33:54 -0600

Reminder: Your Special Event Application will be considered incomplete until all of the following attachments have been submitted to the City (if applicable): liquor liability insurance documents, proof of alcohol server training, additional "Communications & Promotions" permits, food/beverage permits, camping plans, parking plans, street closure form.

Approval Signatures

Proposed Special Event: PHS Student Council Homecoming Parade

Dates of Special Event: Friday September 28th, 2018

Office Use Only

Approved: _____ Date: _____
City Attorney

Approved: _____ Date: _____
Public Works Director

Approved: _____ Date: _____
Police Chief

Approved: _____ Date: _____
City/County Sanitarian

Approved: _____ Date: _____
Fire Chief

Approved: _____ Date: _____
Parks Department Foreman

Approved: _____ Date: _____
Administrative Services Team

Approved: _____ Date: _____
Street Department Foreman

Approved: _____ Date: _____
City Manager

Special Events Fees

CIVIC CENTER FEES

City/County located business and citizen	TOTAL
Rate per day	\$120
Hourly Rate	\$15

Livingston Civic/Non-Profit Organization	
Rate per day	\$80
Hourly Rate	\$10

Concert Rate	
With sale of alcohol	\$350
Security Deposit.....	\$500

CONFERENCE ROOM RATES	
Day per room.....	\$45
Hour per room	\$10

PARTIES	
Birthday room & gym (2 hr).....	\$45
Skating w/ room & gym (2 hr)	\$100
Skating w/ room & gym (1 day).....	\$200

MISCELLANEOUS	
Small basketball rims	\$5/each
Scoreboard	\$5/hour
Youth basketball concessions	\$60/day
Event set-up by City employees	\$20 employee/hr

There is a \$100 Security/Damage required for anyone using the Civic Center at a daily rate. The security/damage deposit will be refunded after the rental is complete and if no damage has been incurred. Renter is responsible for table & chair set up and take-down. Higher rates may apply on weekends and holidays.

BAND SHELL FEES

Daily rate w/ power ...\$120.00 Mon-Fri.....\$220.00 Sat, Sun, Holidays	_____
Daily rate no power....\$75.00 Mon-Fri.....\$175.00 Sat, Sun, Holiday	_____

LAW ENFORCEMENT FEES

Standby rate (per officer).....	\$35/hour	_____
---------------------------------	-----------	-------

EMERGENCY MEDICAL SERVICE FEES

Standby rate(standard)	\$130/hr	_____
Standby rate (non-profit).....	\$65/hr	_____

MISCELLANEOUS

City park land use \$25/location _____
Street closure \$100/location _____

CITY PROPERTY SHUT-DOWN FEES

Miles Park Shut-Down

(includes the rental, delivery, set up and take down of the following: Two ticket booths, eight triple rail barricades, 30 small barricades with fencing)\$300/event

'Miles Park Shut-down (Overtime)

(Friday 4:01 p.m. – Monday 6:59 a.m.): Same equipment rental, delivery, set-up and take down as above, except \$350.00 should be added to cover overtime hours\$650/event

No Parking on South side of River Drive

City staff will install and take down "Please No Parking" signs (you may do this on your own at no charge if permission has been granted by the City – see question #6). \$40/event

*maps depicting the Miles Park Shut are available upon request

Please make checks payable to "City of Livingston."

Total of all Fee Payments _____

Park High School

40

102 View Vista Drive • Livingston, Montana 59047
(406) 222-0448 • Fax (406) 222-9404

Lynne Scalia
Principal

Lori Dust
Vice Principal

September 4th, 2018

Dear Board Members,

The Park High School (PHS) Student Council officers and representatives, as well as the student body are asking you all to consider waiving the fees associated with our ongoing tradition of the Park High Homecoming parade. Every year we have been gifted a waiver of fees for the parade and are hoping that this will be the case for this upcoming year. Student Council along with many community members, parents, students, and businesses have worked to establish a good foundation of PHS pride and we would like to keep this momentum going; your continued support has played a huge role in this.

The PHS Student Council has submitted the appropriate special events application. We hope this is enough time to look over and approve the parade. Homecoming 2018 will take place this year starting Sunday September 23rd and run till Saturday September 29th, 2018. This means that the parade will be scheduled for Friday, September 28th, 2018. Our route is planned out as follows: running up Butte and Second St, crossing over onto Calendar, and continuing down Main St. to the PHS student parking lot. Our biggest concern, as it has been in past years, is the cost of the whole event. It is our hope to continue to donate up to \$400 worth of supplies, such as tissue paper, etc., to get the floats going. Student Council recognizes that our small community takes on a large portion of financial support and for this reasons, we try to keep our fundraisers to a minimum; we only have a few during Homecoming, which include but are not limited to Powder Puff football and Iron Man Volleyball, where we typically get most of our money for the year. As a result, the organization does not have a lot of money and the money that we do have we use to host activities for students and to fund various projects and hopefully charities within our community.

We would be grateful to have the continued security of knowing we are able to pay for these activities throughout the school year, and thus, are asking for a waiver of all fees on the parade route closure. This continued support would be greatly appreciated by all who continue to work towards building school and community spirit through our Homecoming Parade. This year the parade will commence at 5:00pm in hopes that more individuals will support the PHS Football team in their game against Miles City that night at 7:00pm after the parade.

Thank you all so much for your time and consideration. We are very blessed to have such great community support and involvement. Park High Student Council is very thankful for all that the City of Livingston does to support us.

Sincerely,

Park High School Student Council

Home of the Rangers

Backup material for agenda item:

- A. RESOLUTION NO. 4823- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DISCONTINUING AND VACATING A PORTION OF THE UNDEVELOPED NORTH D STREET BETWEEN MONTANA STREET AND THE LIVINGSTON DITCH, AND BETWEEN BLOCKS 23 AND 24, ALL LOCATED IN THE ORIGINAL TOWNSITE OF THE CITY OF LIVINGSTON, MONTANA.**

RESOLUTION NO. 4823

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DISCONTINUING AND VACATING A PORTION OF THE UNDEVELOPED NORTH D STREET BETWEEN MONTANA STREET AND THE LIVINGSTON DITCH, AND BETWEEN BLOCKS 23 AND 24, ALL LOCATED IN THE ORIGINAL TOWNSITE OF THE CITY OF LIVINGSTON, MONTANA.

WHEREAS, Kathrine and Kelvin Hoover, of 320 East Montana Street, Livingston, Montana have petitioned the City to vacate a portion of the undeveloped North D Street right-of-way located between Montana Street and the Livingston Ditch, and between Blocks 23 and 24, all located in the Original Townsite to the City of Livingston, Montana, on file and of record in the office of the Clerk and Recorder of Park County, Montana; and

WHEREAS, that portion of undeveloped North D Street being proposed for vacation is described as being that portion of the undeveloped North D Street right-of-way east of Lots 13 through 22 on Block 24 and west of Lots 23 through 32 on Block 23, south of East Montana Street and north of the Livingston Ditch all according to the plat of the Original Townsite of the City of Livingston, Montana, on file and of record in the office of the Clerk and Recorder of Park County, Montana, and depicted by Exhibit A (aerial photograph) and B (drawing of Blocks 23 and 24 of the Original Townsite) attached; and

WHEREAS, the owners of all lots located adjacent to the undeveloped North D Street are as follows:

Kathrine and Kelvin Hoover, who own Lots 13-22 of Block 24 Original Townsite; and reside at 320 E. Montana St., Livingston; and

Kathrine Hoover and Anna Jean Miller, who own Lots 23-29 of Block 23 Original Townsite, and reside at 508 N. B. St., Livingston; and

Misty E. Raney, who owns Lots 30-32 and 13-15 of Block 23 Original Townsite, and reside at 515 N. E St., Livingston.

WHEREAS, § 70-16-202 Montana Code Annotated (MCA) provides that the owner of land bounded by a street is presumed to own to the center of the street, unless the contrary can be shown; and

WHEREAS, the Development Review Committee for the City has reviewed said petition

Resolution No. 4823

Vacating and discontinuing a portion of undeveloped D Street between Montana Street and the Livingston Ditch, and between Blocks 23 and 24, all located in the Original Townsite of the City of Livingston, Montana.

and has recommended that the vacation be granted as the above-described portion of the undeveloped North D Street right-of-way will never be developed; and

WHEREAS, § 7-14-4115 MCA provides that any discontinuance shall not affect the right of any public utility to continue to maintain its plant and equipment in any such street or alley so discontinued; and

WHEREAS, it appears that the street vacation can be done without detriment to the public interest; and

WHEREAS, § 7-14-4114 MCA requires the City to publish notice of its intent to discontinue said streets and alleys, providing an opportunity to comment on said proposed street vacation.

NOW, THEREFORE, be it resolved by the City Commission of the City of Livingston, Montana, as follows:

The City Commission discontinues and vacates the portion of the undeveloped D Street right-of-way east of Lots 13 through 22 on Block 24 and Lots 23 through 32 on Block 23 south of East Montana Street and north of the Livingston Ditch all according to the plat of the Original Townsite of the City of Livingston, Montana, on file and of record in the office of the Clerk and Recorder of Park County, Montana,

Dated this ____ day of September, 2018.

DOREL HOGLUND - Chairperson

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

JAY PORTEEN
City Attorney

Resolution No. 4823
Vacating and discontinuing a portion of undeveloped D Street between Montana Street and the Livingston Ditch, and between Blocks 23 and 24, all located in the Original Townsite of the City of Livingston, Montana.
Page 3

Exhibit C to Resolution No. 4815

NOTICE

A public hearing will be held by the City Commission of Livingston, Montana, on September 4, 2018 at 6:30 p.m. in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on **RESOLUTION NO. 4815** entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO DISCONTINUE AND VACATE A PORTION OF THE UNDEVELOPED D STREET BETWEEN MONTANA STREET AND THE LIVINGSTON DITCH, AND BETWEEN BLOCKS 23 AND 24, ALL LOCATED IN THE ORIGINAL TOWNSITE OF THE CITY OF LIVINGSTON, MONTANA, AND CALLING FOR A PUBLIC HEARING.**

All interested persons are invited to attend the public hearing, to make comments or make objections to said assessments. For additional information contact the City of Livingston at 414 East Callender Street, Livingston, MT, 59047, or by phone at 823-6007.

(Publish twice at least 6 days apart and the notice needs also to be posted and copies made available to the public and mail notice to Kathrine and Kelvin Hoover and Anna Jean Miller and Misty Raney)

APPLICATION FOR STREET/ALLEY VACATION*

1. Applicant's Name: KATHRINE AND KELVIN HOOVER

2. Applicant's Address: 320 E MONTANA ST
LIVINGSTON, MT 59047

3. Applicant's Telephone Number: 406 220 2143

4. Description of street/alley requested for vacation:
"D" ST BETWEEN MONTANA AND GALLATIN - (Actually
to the alley that runs between "D" and "E" as it is
already abandoned from the alley to GALLATIN)

5. Attach map/diagram of proposed vacation with the following:
a. location in city
b. the street/alley proposed for vacation
c. applicant's property
d. abutting property owners
e. utilities; and
f. adjacent buildings/fixtures

6. Attach names and addresses of all landowners adjacent to the street/alley being sought to be vacated.

7. Is the Street/Alley improved? (circle appropriate response):
Yes No

8. Attach statements from utility companies indicating whether they consent, consent with conditions and stating conditions or object to proposed vacation.

9. Attach title report showing all ownership interests and easements in property abutting the proposed vacation.

10. A nonrefundable Application Fee for street/alley vacation in the amount of \$ 225.00 must accompany the application.

*NOTE: A. Submission of Application for street/alley vacation with appropriate fees in no way obligates the City to vacate said street or alley; the City Council will ultimately decide whether the street/alley vacation can be done without detriment to the public interest.

B. The City reserves the right to maintain a strip of land in the vacated street or alley for purposes of a public thoroughfare.

Application For Street Vacation

May 11, 2018

Kathrine and Kelvin Hoover
320 E Montana St
Livingston, MT 59047
406 220 2143
kkhoover@aol.com

To Whom It May Concern,

We are requesting the **city vacate N. "D" St between E. Montana St and E. Gallatin St.** The section from E. Gallatin north to the alley has actually already been vacated according to city records so we're actually only requesting the remainder from the alley north to E Montana St.

The hill makes it seemingly impossible to ever utilize a road through this section.

Our long range plan is to work with the city to develop the lots between N. D St and N. E St that we also currently own. Kathrine and Kelvin Hoover have title to lots 13 – 22 of Block 24 of Original Townsite on which our house sits. Kathrine holds title with her Mother, Anna Jean Miller, to lots 16 – 29 of Block 23 of Original Townsite.

With the vacation of N. D St we may be able to build one more house up on the hill and then develop the rest of block 23 utilizing N. E St as the access point.

We are currently working with **Stahly Engineering** for the initial process for land use.

Property Owners Abutting This Section:

1. Kathrine and Kelvin Hoover – Lots 13 – 22 of Block 24 Original Townsite
320 E Montana St, Livingston, MT 59047
2. Kathrine Hoover and Anna Jean Miller – Lots 23 – 29 of Block 23 Original Townsite
Anna Jean Miller – 508 N. B St, Livingston, MT 59047
3. Misty E Raney – Lots 30 – 32 and 13 – 15 of Block 23 Original Townsite
515 N. E St, Livingston, MT 59047

Find Attached:

1. City Map of area with dwellings of abutting property drawn in and those who hold title to these lots.
2. Montana Catastral Map and Topo Map
3. Google Maps showing the area where N D St would be located.
4. Utility consent to abandon this section of N. D St



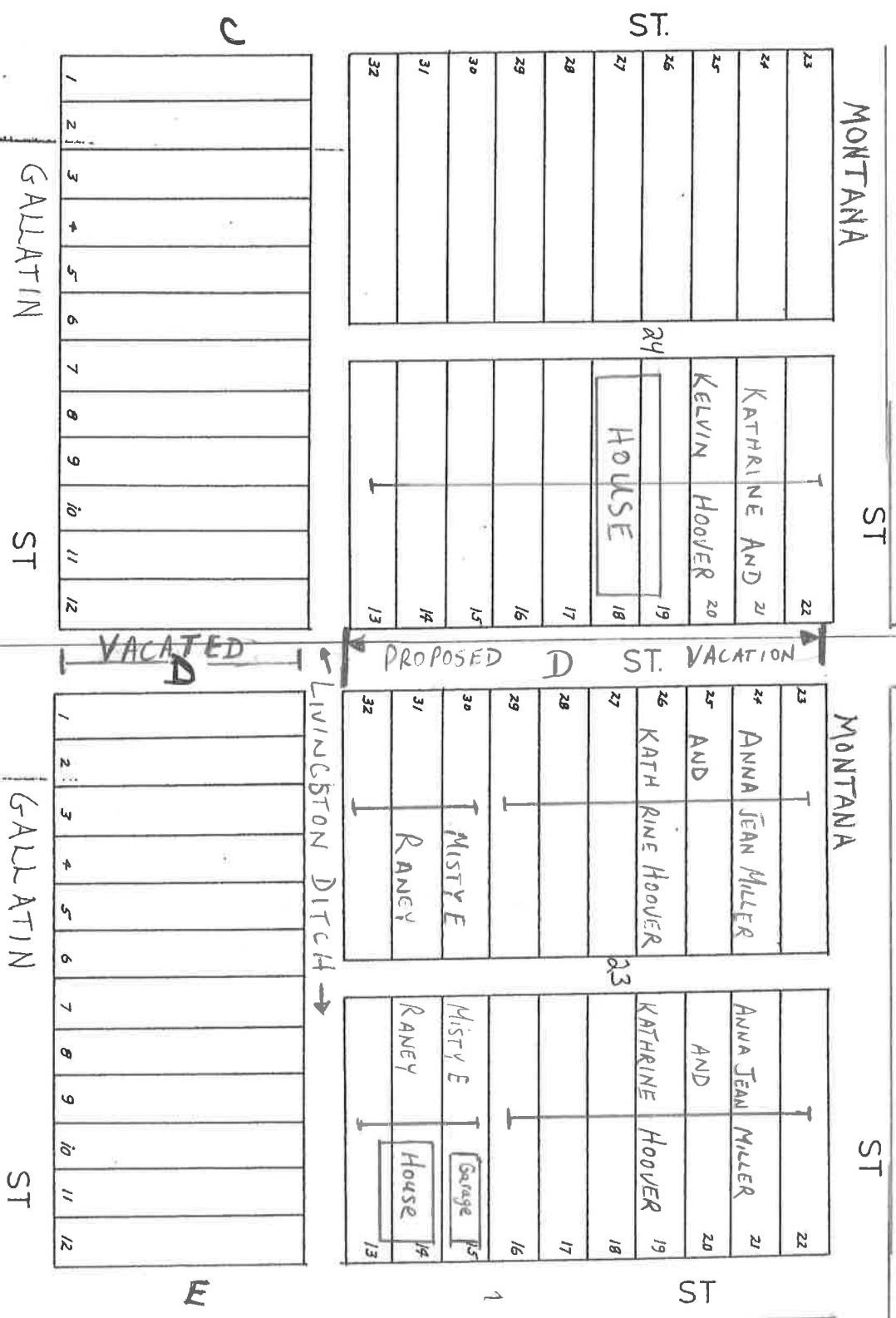
Imagery ©2018 Google, Map data ©2018 Google 100 ft

Our house on E. Montana + N D St.

Exhibit B

BLOCK 24
ORIGINAL TOWNSITE

BLOCK 23
ORIGINAL TOWNSITE



Michael Kardoes
City Manager
citymanager@livingstonmontana.org
(406) 823-6000 Phone



Chair
Dorel Hoglund
Vice Chair
Quentin Schwarz
Commissioners
Mel Friedman
Sarah Sandberg
Warren Mabie

50

June 1, 2018

MEMORANDUM

TO: City Manager

FROM: Development Review Committee

SUBJECT: Street Vacation; 500 Block North D Street

Mr. Kardoes,

At their meeting on May 29, 2018 the DRC reviewed the request by Mr. Hoover, to vacate the portion of D Street south of Montana Street to the "T" alley. D Street has already been vacated from the "T" alley south to Gallatin Street. The street has never been developed in this location due to the steep slope and the need for a ditch crossing.

The DRC recommends approval of this street vacation.



Our house at Montana + D St.



Google

Image capture: Aug 2012 © 2018 Google

Livingston, Montana

Google, Inc.

Street View - Aug 2012



This is on N. E St looking West toward N. D St showing the hill beginning to drop off.

Our house 320 E. Montana St.



Google

Image capture: Aug 2012 © 2018 Google

Livingston, Montana

Google, Inc.

Street View - Aug 2012



*This is E. Gallatin approximately where "D" st
 is currently vacated looking North up the hill
 with a little view of our house*

Tip of our house at Montana + D St.



Image capture: Aug 2012 © 2018 Google

Livingston, Montana

Google, Inc.

Street View - Aug 2012



This shows corner of C St + E. Gallatin looking North up the hill.

320 E. Montana St



Google

Image capture: Aug 2012 © 2018 Google

Livingston, Montana



Street View - Aug 2012



Corner of N. D St + E. Montana looking South where D St would go over the hill.



Kelvin Hoover
320 E. Montana Street
Livingston, MT 59047

May 1, 2018

RE: Vacation of N. D St., section between E. Montana St. to E. Gallatin St.

Dear Kelvin,

NorthWestern Energy does not currently have any electrical or gas facilities in the section of N. D St. between E. Montana St. and E. Gallatin St. For this reason, NorthWestern Energy is not opposed to the vacation of this section of N. D St. Please note, that if any future customers would like electrical or gas service in this area of N. D St., easements would need to be provided at that time.

Please let me know if you have any questions or require any further information.

Sincerely,

Matt Fettig, P.E.
Livingston District Manager

224 S. B Street
Livingston, MT 59047

Backup material for agenda item:

- A. RESOLUTION NO. 4824 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2018-2019, BY MAKING APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$13,285.**

RESOLUTION NO. 4824

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2017-2018, BY MAKING APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$13,285.

WHEREAS, by Resolution No. 4813 the City of Livingston adopted its budget for Fiscal Year 2017-2018 (FY 17-18); and

WHEREAS, Mont. Code Ann. §§ 7-6-4006(4), 7-6-4031(2) and 7-6-4006(3) provide that the budget may be amended by conducting a public hearing thereon; and

WHEREAS, any proposed budget amendment which provide for additional appropriations must identify the fund reserves, unanticipated revenue or previously unbudgeted revenue that will fund the appropriations; and

WHEREAS, the budget for FY 17-18 requires a budget amendment by making appropriation adjustments in the amount of \$13,285.

NOW, THEREFORE, be it resolved by the City Commission of the City of Livingston, Montana, that the budget for Fiscal year 2017-2018 is amended as follows:

Appropriation Adjustments

Fund	Description/ Purpose	Account	Amount	Fund Reserves	Unanticipated Revenues	Unbudgeted Revenues
LFD/PCRFD Training Center	Transfer to close fund	2250.141.521000.821	285	X		
Fire Truck Bond Proceeds	Fire engine tools & turnout gear	4100.141.520460.220	13,000	X		
		TOTAL	\$13,285			

Dated this 18th day of September, 2018.

DOREL HOGLUND - Chairperson

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

JAY PORTEEN
City Attorney

Resolution No. 4824

Amending the budget for Fiscal Year 2017-2018 by making appropriation adjustments in the amount of \$13,285.

Page 1

[Exhibit A to Resolution No. 4824]

NOTICE

A public hearing will be held by the City Commission of Livingston, Montana, on October 2nd, 2018, at 6:30 p.m. in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on **Resolution No. 4824** entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2017-2018, BY MAKING APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$13,285 AND CALLING FOR A PUBLIC HEARING** by making amendments as follows:

Appropriation Adjustments

Fund	Description/ Purpose	Account	Amount	Fund Reserves	Unanticipated Revenues	Unbudgeted Revenues
LFD/PCRFD Training Center	Transfer to close fund	2250.141.521000.821	285	X		
Fire Truck Bond Proceeds	Fire engine tools & turnout gear	4100.141.520460.220	<u>13,000</u>	X		
		TOTAL	\$13,285			

All interested persons are invited to attend and give their comments. For additional information contact Paige Fetterhoff, Finance Officer, 110 South B Street, Livingston, MT 59047, or by phone at 823-6003. (Publish twice at least 6 days apart and the notice needs also to be posted and copies made available to the public.)

Backup material for agenda item:

- B. RESOLUTION NO. 4822-A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING CERTAIN PROPERTY AS SURPLUS AND DIRECTING THAT SAID PROPERTY BE SOLD.**

RESOLUTION NO. 4822

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING CERTAIN PROPERTY AS SURPLUS AND DIRECTING THAT SAID PROPERTY BE SOLD.

WHEREAS, the administration of the City of Livingston has determined certain property in its possession, specifically those items listed on Exhibit A attached here to and incorporated herein, are no longer needed and should be disposed of; and

WHEREAS, Mont. Code Ann. § 7-1-4123 (3) authorizes the City to sell or dispose of any interest in personal property no longer needed for City operations; and

WHEREAS, the City intends to hold an auction for abandoned property and surplus property on September 21, 2018.

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

That the City Commission declares the property listed in Exhibit A as surplus property and hereby directs that said property be sold at the auction to be held on September 21, 2018.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this ____ day of September, 2018.

Dorel Hogle - Chairman

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

JAY PORTEEN
City Attorney

Items for City Auction September 21, 2018 6:00 PM

City Property

- (11) wood folding chairs
 - (18) metal folding chairs
 - (3) 8 foot long folding tables
 - (21) Streamlite Survivor Flashlights
 - (6) Chargers for Streamlite Survivor Flashlights
 - (2) Streamlite Waypoint 12 Volt Flashlights
 - (2) Streamlite box lights with charger bases
 - (1) Plastic carry case 14 inches X 18 inches
 - (1) Blue desk chair with wheels
 - (1) Conference phone – Polycom 2201-03308-001
 - (14) Office Phones Panasonic KX-T7731
 - (1) Brother Intelili Fax Machine 1270E with 2 refill rolls
 - (1) Cannon Imagerunner 1025N – printer count 50670
 - (2) Grasshopper riding lawn mowers, 0 turn and diesel engine
 - (1) Weed eater
- Several large light fixtures
- Silver tool box for truck
- (1) Panasonic 42 inch Plasma Display (good condition)
 - (2) Vehicle Mount Computer Docking Stations
- Logitech Speakers
- Numerous Leather Police Duty Holsters (Glock) and leather magazine pouches
- (6) Mag Lite Rechargeable Flashlights
- Old Police Radar Units

1 Wooden dinette table

1 Large Wood Veneer Desk

2 Green chairs

1 Blue Office Chair

1 red Office Chair

1 red tapestry chair

1 Kyocera KM 2560 Printer/Copier/Fax

1 Cannon ImageClassD1350 Printer/Copier

Abandoned Impounded Vehicles

2003 Gold Chev Cavalier Vin/ 1G1JC52F337356067

2001 Blue Chevy Malibu Vin/ 1G1ND52J91M672350

2001 Teal Chrysler CRU Vin/ 3C8FY4BB41T588819

1985 Silver Chevy TK Vin/ 1GCGC24M2FF333448

2008 Green Nissan Sentra Vin/ 3N1AB61E38L668873

1997 White Nissan 4DR Vin/ 3N1AB41D7VL022808

1998 Green Honda Civic Vin/ 1HGEJ8143WL011036

1999 Green Ford CNT Vin/ 1FAFP6530XK130117

1993 Black Isuzu AMG Vin/ JACCG07L2P9806774

1994 White Pontiac Grand Prix SE Vin/ 1G2WJ12M8RF285171

1993 White Mercury Sable Vin/ 1MELM5040PG660959

1988 Blue Chevy C15 TK Vin/ 1GCDC14HXJZ245738

1997 Brown Dodge TK Vin/ 1B7HF13Z5VJ624444

2003 Tan Saturn L200 Vin/ 1G8JU54F73Y514111 – have keys

1988 White Cadillac Deville Vin/ 1G6CD5150J4290553

1994 Blue GMC Sonoma TK Vin/ 1GTCS19Z9RK511223

1955 Dark Blue Homemade Trailer VIN/ SNTR28914MONT

1994 Blue Ford Ranger TK Vin/ 1FTCR10A0RPA07195

2003 Blue Audi A6 Vin/ WAULD64B63N068677

1996 White Nissan ALT Vin/ 1N4BU31D8TC135459

1997 Black Honda Civic Vin/ 1HGEJ824XVL092887

1977 Brown Dodge TK Vin/ W27BF8S177262 (No engine, front fender, box, bumper & doors)

1990's Gray Chevy Celebrity Vin/ 1G1AW51W4K6114627 (Passenger door wrinkled)

Brown 6 foot X 8 foot Flatbed Trailer

Black 4 foot X 8 foot utility trailer Vin / YMUL088M004890 (Missing one wheel)

1977 White Winnebago MH Vin/ 10163H184555

2006 Silver Chev Aveo Vin/ KL1TD66686B515087

2004 Green Dodge Stratus SE Vin/ 1B3EL36X04N193621

1982 Honda Acc Vin/ JHMSZ3335CC072044

1989 Blue Ford TK Vin/ 1FTDF15Y6KNB29306

1990 Maroon Mitsubishi MON Vin/ JA4GJ51S5LJ010430

1968 20 FOOT PROWLER Trailer/ NO Vin

Brown 4 foot X 8 foot box trailer / No VIN

1977 Brown Dodge TK Vin/ D14AB7S071932

Various Found Bikes

FOUND PROPERTY

Tanned Elk Hide

Tasco 3-7x20 Scope

Sleeping Bag

Sweater

Blanket

Misc Tools

Electrical Charges/Adapters

Plastic Kit with screws and tools

Tape Measurer

Black and Decker 18 V Drill with 2 Batteries

Allen Wrenches

Box of Drill Bits

(2) Clamps

Tow Strap

2 Black Backpack

Purple Backpack

Black Sierra Design Coat

Wool Cap

LED Light

Box of 24 Eight Track Tapes

Ceramic Pot

Smith Optic Googles

Belkin Am/FM Transmitter

2 Sunglasses

2 Pairs reading glasses

Ace Hardware folding knife

Blue/White case with cassette tapes

Fly Rod

Green VTech Smart Watch

1 Cannon EOS Camera 35MM

Dewalt Drill 12V

Blue Swede Jacket

Dirt Devil Vacuum

Several Purses/Wallets

LOGAN AUCTION SERVICE INC.
AUCTION CONTRACT AND AGREEMENT

This agreement entered into by and between City of Livingston,
whether one or more, hereafter referred to as SELLER(S) and Logan Auction Service,
Inc. at PO Box 168, Clyde Park, MT 59018, hereafter referred to as AUCTIONEERS.

SELLER(S) hereby employs and grants to the AUCTIONEERS the exclusive right to sell at public auction the items listed on the attached sheets as "Personal Property Lists". No item shall be sold or withdrawn from the auction prior to the auction except by mutual agreement between SELLER(S) and AUCTIONEERS. If any item is sold or withdrawn before the auction, AUCTIONEERS shall receive full commission on the fair market value of the item as well as related advertising costs. If auction is cancelled, SELLER(S) will pay ALL advertising expenses.

The Auction is to be held on Sept 21 at City Improvement Lot.
The time of the auction will be ~~10:00AM~~ with a preview at ~~8:00AM~~.
6:00pm 5:00pm

It is mutually agreed that all goods will be sold to the highest bidder. It is further mutually agreed that AUCTIONEERS may deduct all fees from the gross sales receipts resulting from the auction. Fees include commissions, labor, hauling, & advertising. AUCTIONEERS agree to turn the net proceeds from the auction over to the SELLER(S) within 10 business days of the auction along with auction records and receipts.

SELLER(S) also agrees to pay all expenses incurred for the advertisement, promotion, conducting of the auction, and rental facility. All expenses and fees will be paid first from the gross proceeds realized from the auction before payment and satisfaction of any and all liens or encumbrances.

AUCTIONEERS shall not be responsible if all or any part of the property is lost, stolen, damaged, or destroyed or for injuries to claims with respect to lost, stolen, damaged or destroyed property or injury to persons or property. However, all precautions will be taken. Logan Auction Service, Inc. is covered under a liability insurance policy. SELLER(S) must have their own insurance as well, when auction is held onsite.

SELLER(S) covenants and agrees that he/she owns, has full authority and lawful power to sell the goods, AND that the goods are free from all encumbrances. Items with encumbrances will be listed separately with the Lien Holder, address, and unpaid balance. If none, write none and initial. N/A

SELLER(S) agrees to provide merchantable title to all items sold and deliver title to Auctioneer at least two weeks prior to auction. If titles are not in order the vehicles will not be sold. SELLER(S) shall be responsible for and shall indemnify and hold AUCTIONEERS harmless from all liability resulting from any statements or representations in regard to future use, rentals, physical shape, condition, or improvements of any property described herein, except for damage caused to the property by the AUCTIONEERS during removal there of from the auction site. All items will be sold on a "As Is, Where Is" condition and with No Reserves.

SELLER(S) agrees to pay all auction expenses including:

AUCTIONEER COMMISSION: Using a commission of 25 for the personal property and 25 for title vehicles. AUCTIONEERS will keep accurate record of the sale and upon settlement shall deliver to SELLER(S). The settlement statement will show all the costs of conducting the auction and copies of all advertisements.

ADVERTISING: This includes posters, postage, porta potties, paper advertising, and any other expenses mutually agreed upon. The advertising budget will start at \$2,500.00 and will not exceed 2500.00. Auction proceeds will pay all expenses. A non-refundable down payment for advertising will be required for -0-.

CREDIT CARD FEES: This fee will be paid by the buyer.

LABOR:

CLEANING FEE: If more than normal cleaning is needed the charge is \$25.00/hr.

OTHER TERMS/CONDITONS: 1-porta-potty

It is agreed AUCTIONEERS are acting as agent only and represents the SELLER(S) in this transaction. Nothing herein contained shall be construed to or constitute the parties hereto as partners. In the event it becomes necessary for either party to collect any sum or sums due through legal action, SELLER(S) waives venue and agrees to pay all costs and expenses of such an action, including reasonable attorney's fees. This agreement will be exclusively construed and governed in accordance with the laws of the State of Montana, without regard to its conflict of laws principles. The exclusive jurisdiction and venue for any controversy or claim between the parties will be the County of Park in the State of Montana. Any action or suit of any kind must be commenced within one (1) year from the date when the cause of action or suit accrued or it will be forever barred. The right of action or suit will accrue, and the one (1) year limitation period will begin to run, on the date the breach, damage, or injury is sustained and not when the resulting cost, damage, harm, or loss is discovered.

This agreement shall bind and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and assigns. SELLER(S) have read the foregoing contract and thoroughly understand the contents thereof; and further represent the statements hereof are made by them as true to the best of their knowledge, and that is contract contains and sets out the entire agreement of the parties.

This agreement is a legally binding contract. If not understood, seek competent advice.

SIGNED AND SEALED THIS 20th DAY OF Aug 2018

AT Livingston COUNTY: Park

LOGAN AUCTION SERVICE, INC.
PO BOX 168
CLYDE PARK, MT 59018
406-686-4728

Logan Auction Service Inc
Bob J. Aron
Signature

SELLERS (ADDR/PHONE)

414 E. Callender St
Livingston, MT 59047
406-823-6000

Michael J Kardoes, City Manager
Michael J Kardoes

Signature represents personal guaranty

Backup material for agenda item:

- A. ACTION DISCUSS/APPROVE/DENY- CITY OF LIVINGSTON COMMISSION TO CONSIDER MONTANA MAINSTREET PROGRAM**



Affiliate Member Community Application

The Montana Main Street (MMS) program is dedicated to bettering the economic, historic, and cultural vitality of downtowns through community development, revitalization, and historic preservation. MMS will foster grassroots efforts through coordination and technical assistance focused on a comprehensive approach to restoring healthy community commercial districts and preserving the historic structures that contribute to Montana's unique sense of place.

Affiliate membership provides communities with access to the resources and services of the Montana Main Street Program. Please refer to the MMS Program Guidelines for more information about the benefits and requirements of becoming a Montana Main Street Affiliate Community. If you have any questions regarding the application and/or selection process, please contact Tash Wisemiller, Montana Main Street Program Coordinator, at (406) 841-2756 or twisemiller@mt.gov. Completed applications may be submitted by mail or via email using the address below:

Montana Department of Commerce
Montana Main Street Program
PO Box 200523
Helena, MT 59620-0523
DOCMTMainStreet@mt.gov

Applicant Information

City/Town

Organization Name

Designated Contacts (one contact must be affiliated with local government):

Contact No. 1

Name

Title/Affiliation

Address

Phone/Fax

Email

Contact No. 3

Name

Title/Affiliation

Address

Phone/Fax

Email

Contact No. 2

Name

Title/Affiliation

Address

Phone/Fax

Email

Mayor

Name of Mayor (*Mayor must certify/sign application page 5*):

Address

Phone/Fax

Email

Community/Downtown Information

Estimated number of buildings in downtown business district:

Estimated number of businesses in downtown business district:

City Population:

- **Please list the three most important revitalization goals that your community aims to achieve over the next two years with the Montana Main Street Program.**

- **Please describe the level of interest in your community for this program. This should include an assessment of current/potential volunteer sources, as well as participation by local government, economic development organizations, downtown associations & chambers of commerce, cultural and historical organizations, small businesses, non-profits, etc. It is important to provide a detailed list of all interested community organizations. Statements/letters in support of the Main Street Affiliate Community application are strongly encouraged as part of this submittal.**

- **Please describe the general condition of your downtown buildings and their historical/cultural significance. Are any listed on the National Register of Historic Places?**

- **Briefly explain how your community would employ the Main Street Center Four Point Approach™ in your downtown revitalization efforts.**

CERTIFICATION

The chief city official or executive director of the applicant community must sign to certify that to the best of the official's knowledge and belief, the information provided in the application and the attached documents is true and correct.

CERTIFICATION

To the best of my knowledge and belief, the information provided in this application and in the attached documents is true and correct.

Name: _____

Title: _____

Organization: _____

Signature: _____ Date: _____

Livingston's Montana Main Street – affiliate community application

September 12, 2018

Letters of support

1. Michael Inman, Planning Director, Park County Planning – 6/25/18
2. Dennis Glick, Director, Future West – 6/25/18
3. Michael Wojdylak, President, Park County Board of Realtors – 6/26/18
4. Michael McCormick, Executive Director, Livingston Food Resource Center – 7/8/18
5. Peter Fox, Executive Director, Park County Community Foundation – 7/11/18
6. Leslie Feigel, Director, Livingston Chamber of Commerce – 7/12/18
7. Katie Weaver, Extension Agent, MSU Extension – 7/17/18
8. Michelle Uberuaga, Executive Director, Park County Environmental Council – 7/18/18
9. Emily Post, former city/county staff, Livingston/Park County – 8/2/18
10. Jessica Wilcox, Community Health Coordinator, Livingston HealthCare – 8/2/18
11. Dale Sexton, owner, Timber Trails – 8/8/18
12. Andy Turner, branch manager, American Bank – 8/8/18
13. Bob Ebinger, Historic Preservation Commissioner, Livingston – 8/10/18
14. Park County Commissioners – 8/14/18
15. Adam Stern, Livingston City Planning Board – 8/22/18
16. Ivy Burford & LaNette Jones Dias, Vision Livingston – 9/5/18
17. Lill Erickson, Western Sustainability Exchange – 9/7/18
18. Brad Hanson, President, First Interstate Bank- 9/10/18

Backup material for agenda item:

B. ACTION discuss/approve/deny - Provide direction to City Manager for Legislative Priorities.

Legislative Initiatives

SJ 21: Study of EMS and Volunteer Firefighter Systems

- [LCVFF1](#) -- Workers' Comp Coverage
- [LCVFF2](#) -- Regulation of Paramedicien
- [LCVFF3](#) -- Fireworks Tax
- [SJ 21 Final Report to the Montana Legislature](#)

HJ 25: Study of Municipal Fire Departments

- LCMFD3 -- Second-Class Cities Fire
- LCMFD4 -- Regional Fire Authorities

Additional Drafts

- [LCLGR1](#) -- Changes in GAAP Requirements
- [LCSAA1](#) -- Single Audit Act Amendments
- [LChtc1](#) -- Workforce Housing Tax Credit
- [LChlcs](#) -- Coal Severance Trust Fund Housing Loans
- [LCahgr](#) -- Affordable Housing Grants

Tax Increment Financing Study Legislation

- [LCtif1](#): DOR and Working Group draft
- [LCtif2](#): Remittance draft
- [LCtif3](#): Personal property draft

Gateway Local Option Tax

Local Option Gas Tax

Minimum Wage Increase

Recreational Marijuana Legalization

Local Government Interim Committee Continuation

Infrastructure Bonding

Unofficial Draft Copy

As of: July 24, 2018 (9:04am)

LCahgr

79

**** Bill No. ****

Introduced By *****

By Request of the Local Government Interim Committee

A Bill for an Act entitled: "An Act providing funding for infrastructure costs for affordable housing projects; providing that big sky economic development program funds may be used for infrastructure costs of affordable housing projects; providing that treasure state endowment program funds may be used for infrastructure costs of affordable housing projects; amending sections 90-1-204 and 90-6-701, MCA; and providing an effective date."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 90-1-204, MCA, is amended to read:

"90-1-204. Priorities for funding -- rulemaking. (1) Under the big sky economic development program provided for in 90-1-201, the department must receive proposals for grants and loans from local governments and tribal governments. A local government shall work with an economic development organization on a proposal. The department shall work with the local government and the economic development organization or with an applicant tribal government in preparing cost estimates for a proposed project. In reviewing proposals, the department may consult with other state agencies with expertise pertinent to the proposal.

(2) (a) The department shall adopt rules necessary to implement the big sky economic development program. In adopting rules, the department shall look to the rules adopted for the treasure state endowment program and other similar state programs. To the extent feasible, the department shall make the rules compatible with those other programs. To the extent feasible, the department shall employ an approach pertaining to the use of funds so that, except as provided in subsection (2)(b), the needs of rural areas are balanced with the needs of the state's urban centers.

(b) For high-poverty counties, the department shall employ an approach pertaining to the use of funds that is intended to lower poverty levels in the county to a percentage at which the county no longer is defined as a high-poverty county.

(c) The rules must provide for the types of uses of funds available under the big sky economic development program. The types of uses of funds by:

(i) local governments and tribal governments include but are not limited to:

(A) a reduction in the interest rate of a commercial loan for the expansion of a basic sector company;

(B) a grant or low-interest loan for relocation expenses for a basic sector company; ~~and~~

(C) rental assistance or lease buy-downs for a relocation or expansion project for a basic sector company; and

(D) infrastructure costs of housing for low-income or moderate-income households as those terms are defined in 90-6-

132;

(ii) a certified regional development corporation or a tribal government include:

(A) support for business improvement districts and central business district redevelopment;

(B) industrial development;

(C) feasibility studies;

(D) creation and maintenance of baseline community profiles; and

(E) matching funds for federal funds, including but not limited to brownfields funds and natural resource damage funds.

(d) (i) The rules must provide for distribution methods for financial assistance available to local governments and tribal governments. The rules must provide for distribution based upon the number of jobs expected to be created because of the funding.

(ii) Funding may not exceed \$5,000 for each expected job, except that funding for a project in a high-poverty county may not exceed \$7,500 for each expected job.

(iii) The rules must require equal matching funds for a grant or loan, except that the rules for a grant or a loan in a high-poverty county may allow a 50% to 100% match requirement for the high-poverty county.

(e) The rules may provide for greater incentives for a high-poverty county.

(f) The rules must provide for the full or partial repayment of a grant if the new jobs or some of the new jobs for which a grant is given are not created.

(g) A grant or loan under the big sky economic development program may be made only for a new job that has an average weekly wage that meets or exceeds the lesser of 170% of Montana's current minimum wage or the current average weekly wage of the county in which the employees are to be principally employed. For purposes of this subsection (2)(g) and subject to subsection (2)(h), the department may consider the value of employee benefits in determining whether the wage requirements have been met.

(h) Nothing in subsection (2)(g) exempts an employer from minimum wage requirements."

{*Internal References to 90-1-204:*
17-5-703x 17-5-703x}

Section 2. Section 90-6-701, MCA, is amended to read:

"90-6-701. Treasure state endowment program created -- definitions. (1) (a) There is a treasure state endowment program that consists of:

(i) the treasure state endowment fund established in 17-5-703;

(ii) the infrastructure portion of the coal severance tax bond program provided for in 17-5-701(2).

(b) The treasure state endowment program may borrow from the board of investments to provide additional financial assistance for local government infrastructure projects under this part, provided that no part of the loan may be made from retirement funds.

(2) Interest from the treasure state endowment fund and from proceeds of the sale of bonds under 17-5-701(2) may be used to provide financial assistance for local government infrastructure projects under this part, to provide funding to the department of commerce for the administrative costs of the treasure state endowment program, and to repay loans from the board of investments.

(3) As used in this part, the following definitions apply:

(a) "Infrastructure projects" means:

(i) drinking water systems;

(ii) wastewater treatment;

(iii) sanitary sewer or storm sewer systems;

(iv) solid waste disposal and separation systems, including site acquisition, preparation, or monitoring; ~~or~~

(v) bridges; or

(vi) infrastructure costs of housing for low-income or moderate-income households as those terms are defined in 90-6-132.

(b) "Local government" means an incorporated city or town, a county, a consolidated local government, a tribal government, a county or multicounty water, sewer, or solid waste district, or an authority as defined in 75-6-304.

(c) "Treasure state endowment fund" means the coal severance tax infrastructure endowment fund established in 17-5-703(1)(b).

(d) "Treasure state endowment program" means the local government infrastructure investment program established in

subsection (1).

(e) "Tribal government" means a federally recognized Indian tribe within the state of Montana."

{*Internal References to 90-6-701:
90-6-710x*}

NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2019.

- END -

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Montana Code Annotated 2017

TITLE 7. LOCAL GOVERNMENT

CHAPTER 14. TRANSPORTATION

Part 3. Local Option Motor Fuel Excise Tax

Local Option Motor Fuel Excise Tax Authorized -- Definitions

7-14-301. Local option motor fuel excise tax authorized -- definitions. (1) A motor fuel excise tax may be imposed within a county:

(a) by the people of the county by initiative; or

(b) by the board of county commissioners by adoption of a resolution and referral to the people.

(2) The motor fuel excise tax must be imposed in increments of 1 cent a gallon and may not exceed 2 cents a gallon. The tax must be imposed on gasoline sold to the ultimate consumer within the county for use in motor vehicles operated on the public roads and highways of this state.

(3) The initiative or referendum must specify that the tax is to be collected by the county treasurer.

(4) The motor fuel excise tax may not be assessed sooner than 90 days from the date of passage of the initiative or referendum.

(5) By the 25th day of each month, each retail seller of gasoline shall render a monthly statement to the county treasurer of all gasoline sold during the preceding calendar month in the county in which it is sold to the ultimate consumer and other information that the county treasurer requires in order to administer the motor fuel excise tax.

(6) The county treasurer shall establish procedures to provide a refund to a person who has paid the tax but who can substantiate that the motor fuel was purchased for a use other than on the public roads and highways of this state.

(7) In this part, the terms "gasoline", "motor vehicle", "person", and "use" have the meanings ascribed to them in **15-70-401**.

History: En. Sec. 1, Ch. 621, L. 1979; amd. Sec. 1, Ch. 572, L. 1981; amd. Sec. 1, Ch. 381, L. 1983; amd. Sec. 8, Ch. 18, L. 1995; amd. Sec. 1, Ch. 539, L. 2005; amd. Sec. 1, Ch. 220, L. 2015.

Montana Code Annotated 2017

TITLE 7. LOCAL GOVERNMENT

CHAPTER 14. TRANSPORTATION

Part 3. Local Option Motor Fuel Excise Tax

Use Of Local Motor Fuel Excise Tax Revenue

7-14-302. Use of local motor fuel excise tax revenue. (1) A county or municipality receiving revenue from the tax authorized by **7-14-301** may use the revenue derived only for the construction, reconstruction, maintenance, and repair of public streets and roads.

(2) One percent of the motor fuel excise tax revenue collected in a county is to be reimbursed to the retail seller for the cost of compliance with this part.

History: En. Sec. 2, Ch. 621, L. 1979; amd. Sec. 2, Ch. 572, L. 1981; amd. Sec. 2, Ch. 539, L. 2005.

Montana Code Annotated 2017

TITLE 7. LOCAL GOVERNMENT

CHAPTER 14. TRANSPORTATION

Part 3. Local Option Motor Fuel Excise Tax

Allocation Of Revenue And Disposition Of Funds From County-Imposed Motor Fuel Excise Tax

7-14-303. Allocation of revenue and disposition of funds from county-imposed motor fuel excise tax. (1) A county that imposes a motor fuel excise tax shall establish a motor fuel excise tax account. When allocating the tax under subsection (2), county commissioners shall take into account any funding requested by a transportation district in the county.

(2) Revenue derived from a motor fuel excise tax imposed by a county under **7-14-301** must be deposited into the county's motor fuel excise tax account and apportioned among the county and municipalities in the county according to one of the following methods that is mutually agreed upon by the county and municipalities:

(a) by distributing 50% to the county and 50% to the incorporated cities and towns within the county apportioned on the basis of population. The distribution to a city or town must be determined by multiplying the amount of money available by the ratio of the population of the city or town to the total county population. The distribution to the county must be determined by multiplying the amount of money available by the ratio of the population of unincorporated areas within the county to the total county population.

(b) by basing the distribution upon the proportion of road miles outside municipalities and street miles within each municipality as a ratio of total road and street miles in the county, using the most recent public road miles available from the department of transportation; or

(c) by using any other method agreed upon by the affected county and municipalities as determined by an interlocal agreement.

(3) All taxes, interest, and penalties collected by the county treasurer under this part must be promptly deposited into the account established in subsection (1).

History: En. Sec. 3, Ch. 621, L. 1979; amd. Sec. 3, Ch. 572, L. 1981; amd. Sec. 1, Ch. 277, L. 1983; amd. Sec. 3, Ch. 512, L. 1991; amd. Sec. 3, Ch. 539, L. 2005.

Montana Code Annotated 2017

TITLE 7. LOCAL GOVERNMENT

CHAPTER 14. TRANSPORTATION

Part 3. Local Option Motor Fuel Excise Tax

Collection Of Delinquent Tax -- Interest And Penalty -- Statute Of Limitations

7-14-304. Collection of delinquent tax -- interest and penalty -- statute of limitations. (1) Motor fuel excise taxes imposed pursuant to **7-14-301** and collected by a retail seller but not transmitted to the county treasurer are delinquent after the date that they are due to the county treasurer and become a lien on all real and personal property owned by the retail seller in the county. The county shall collect the delinquent motor fuel excise taxes in the manner that delinquent personal property taxes are collected.

(2) Penalties and interest for a delinquent motor fuel excise tax are the same as provided for the gasoline tax under Title 15, chapter 70, part 4.

(3) Any action to recover a delinquent motor fuel excise tax must be initiated within 3 years from the due date of the return or the date of filing the return, whichever period expires later. Upon discovery of fraud, an action must be initiated within 3 years of the discovery.

History: En. Sec. 4, Ch. 621, L. 1979; amd. Sec. 4, Ch. 572, L. 1981; amd. Sec. 4, Ch. 539, L. 2005; amd. Sec. 2, Ch. 220, L. 2015.

Unofficial Draft Copy

As of: June 22, 2018 (1:08pm)

LCtiff2

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**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act revising tax increment financing laws; providing that tax increment may only be used for bond payments and to establish a reserve for bond payments after the 15th year following adoption of the tax increment provision unless a new finding of blight or infrastructure deficiency is made; amending sections 7-15-4288, 7-15-4289, and 17-6-316, MCA; and providing an immediate effective date and an applicability date."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 7-15-4288, MCA, is amended to read:

"7-15-4288. Costs that may be paid by tax increment financing. ~~The~~ (1) Subject to subsection (2), the tax increments increment may be used by the local government to pay the following costs of or incurred in connection with an urban renewal area or targeted economic development district as identified in the urban renewal plan or targeted economic development district comprehensive development plan:

- ~~(1)~~(a) land acquisition;
- ~~(2)~~(b) demolition and removal of structures;
- ~~(3)~~(c) relocation of occupants;
- ~~(4)~~(d) the acquisition, construction, and improvement of

public improvements or infrastructure, including streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and offstreet parking facilities, sewers, sewer lines, sewage treatment facilities, storm sewers, waterlines, waterways, water treatment facilities, natural gas lines, electrical lines, telecommunications lines, rail lines, rail spurs, bridges, publicly owned buildings, and any public improvements authorized by Title 7, chapter 12, parts 41 through 45; Title 7, chapter 13, parts 42 and 43; and Title 7, chapter 14, part 47, and items of personal property to be used in connection with improvements for which the foregoing costs may be incurred;

(5)(e) costs incurred in connection with the redevelopment activities allowed under 7-15-4233;

(6)(f) acquisition of infrastructure-deficient areas or portions of areas;

(7)(g) administrative costs associated with the management of the urban renewal area or targeted economic development district;

(8)(h) assemblage of land for development or redevelopment by private enterprise or public agencies, including sale, initial leasing, or retention by the local government itself at its fair value;

(9)(i) the compilation and analysis of pertinent information required to adequately determine the needs of the urban renewal area or targeted economic development district;

(10)(j) the connection of the urban renewal area or targeted economic development district to existing infrastructure outside

the area or district;

~~(11)~~(k) the provision of direct assistance to secondary value-adding industries to assist in meeting their infrastructure and land needs within the area or district; and

~~(12)~~(l) the acquisition, construction, or improvement of facilities or equipment for reducing, preventing, abating, or eliminating pollution.

(2) (a) After the [15th] year following adoption of the tax increment provision [and except as provided in subsection (3)], the tax increment may only be used:

(i) for the payment of the principal of premiums and interest on bonds; and

(ii) to establish a reserve amount of up to [XX%] of the maximum annual expected payment for principal of premiums and interest on bonds. The reserve may only be used to pay the principal of premiums and interest on bonds.

(b) Any remaining tax increment must be remitted as provided in 7-15-4291 by the end of the fiscal year.

[(3) An urban renewal district or a targeted economic development district may pay costs other than those provided for in subsection (2) after the [15th] year following adoption of the tax increment provision if:

(a) the municipality adopts a new resolution of necessity pursuant to 7-15-4210; or

(b) the local government that created the targeted economic development district adopts a new resolution of necessity pursuant to 7-15-4280]."

{Internal References to 7-15-4288:

7-15-4206x 7-15-4279 *x 7-15-4282 *x 7-15-4283 *x
7-15-4283 *x 7-15-4286 *x 7-15-4290x 7-15-4290x
7-15-4291x 7-15-4291 *x 7-15-4301 *x 7-15-4324 *x
7-15-4324x 17-6-316a}

Section 2. Section 7-15-4289, MCA, is amended to read:

"7-15-4289. Use of tax increments increment for bond payments. The tax increment may be pledged to the payment of the principal of premiums, if any, and interest on bonds that the local government may issue for the purpose of providing funds to pay those the costs allowable under 7-15-4288."

{Internal References to 7-15-4289:

7-15-4279 *x 7-15-4282 *x 7-15-4283 *x 7-15-4283 *x
7-15-4286 *x 7-15-4290x 7-15-4290x 7-15-4291x
7-15-4291 *x 7-15-4301 *x 7-15-4324 *x}

Section 3. Section 17-6-316, MCA, is amended to read:

"17-6-316. Economic development loan -- infrastructure tax credit. (1) A loan made pursuant to 17-6-309(2) must be used to build infrastructure, as provided for in 7-15-4288~~(4)~~(1)(d), such as water systems, sewer systems, water treatment facilities, sewage treatment facilities, and roads, that allows the location or creation of a business in Montana. The loan must be made to a local government that will create the necessary infrastructure. The infrastructure may serve as collateral for the loan. The local government receiving the loan may charge fees to the users of the infrastructure. A loan repayment agreement must provide for repayment of the loan from the entity authorized to charge fees for the use of the services of the infrastructure. Loans

made pursuant to 17-6-309(2) qualify for the job credit interest rate reductions under 17-6-318 if the interest rate reduction passes through to the business creating the jobs.

(2) A loan pursuant to 17-6-309(2) and this section may not be made until the board is satisfied that the condition in 17-6-309(2) will be met. If the condition contained in 17-6-309(2) is not met, any credits received pursuant to subsection (3) of this section must be returned to the state.

(3) A business that is created or expanded as the result of a loan made pursuant to 17-6-309(2) and subsection (1) of this section is entitled to a credit against taxes due under Title 15, chapter 30 or 31, for the portion of the fees attributable to the use of the infrastructure. The total amount of tax credit claimed may not exceed the amount of the loan. The credit may be carried forward for 7 tax years or carried back for 3 tax years."

{*Internal References to 17-6-316: None.*}

NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 5. Applicability.** [This act] applies to tax increment provisions adopted after [the effective date of this act].

- END -

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**** Bill No. ****

Introduced By *****

By Request of the Local Government Interim Committee

A Bill for an Act entitled: "An Act providing for workforce housing tax credits; providing the credits may be taken against the income tax or insurance premium taxes; providing for administration of the credits; limiting credits for projects financed with tax-exempt bonds; and providing an applicability date."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Workforce housing tax credit.**

(1) Except as provided in subsection (9), there is a credit against the taxes imposed by Title 15, chapter 31, 33-2-705, 33-2-709, 50-3-109, and this chapter for a taxpayer owning an interest in a qualified project issued an eligibility statement by the board of housing.

(2) The board of housing shall issue eligibility statements for qualified projects upon approval of a final cost certification. If the credit is claimed by a small business corporation as defined in 15-30-3301, a pass-through entity, or a partnership, the credit may be allocated to some or all shareholders, owners, or partners, regardless of whether the shareholder, owner, or partner is a partner for federal income tax purposes. The eligibility statement must specify the total

amount of the credit for which the qualified project is eligible and the allocation of the credit among shareholders, owners, or partners.

(3) Except as provided in subsection (8), the credit is equal to the federal low-income housing credit provided for in section 42 of the Internal Revenue Code, 26 U.S.C. 42, and is approved for each year of the credit period as determined in section 42(f)(1) of the Internal Revenue Code, 26 U.S.C. 42(f)(1).

(4) The aggregate amount of credits for qualified projects financed with tax-exempt bonds may not exceed \$8.5 million per tax year. The board of housing shall issue eligibility statements for projects financed with tax-exempt bonds on a first-come, first-served basis.

(5) If the amount of the credit exceeds the taxpayer's liability, the credit may be carried forward 5 years. The entire amount of the credit not used in the year must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

(6) A taxpayer claiming the credit shall submit the eligibility statement with the tax return. If the board of housing has not issued the eligibility statement at the time the taxpayer files the return, the taxpayer shall file an amended return to include the eligibility statement.

(7) If all or a portion of the federal low-income housing credit is recaptured or is otherwise disallowed during the credit period, the same portion of the Montana credit is also recaptured

or disallowed. Any credits recaptured or disallowed increase the tax liability of the taxpayer who claimed the credit in the same amount and must be included on the tax return of the taxpayer for the year in which the credit is recaptured or disallowed.

(8) The board of housing may not allocate to a project federal low-income housing credits and matching Montana credits that are more than is necessary to make the project financially feasible. Before approving the credit, the board of housing shall calculate the expected yield of the taxpayer from the investments in the entity owning the qualified project and shall limit the amount of the Montana credit to an amount that will result in a yield to the taxpayer of not more than 10 points over the 10-year treasury note. The yield calculation must be made based on the timing and amount of equity contributions to be made by the taxpayer to the owner of the qualified project.

(9) A developer of a qualified project, including the owner of a developer, may not claim a credit or receive any remuneration related to a credit except for the developer's fee and other distributions allowed by the board of housing.

(10) As used in this section, the following definitions apply:

(a) "Developer" means an individual or entity responsible for initiating and controlling the development process with respect to a qualified project and for ensuring that all or any material portion of all phases of the development process are accomplished.

(b) "Qualified project" means a qualified low-income

building as that term is defined in section 42 of the Internal Revenue Code, 26 U.S.C. 42, located in Montana and placed into service on or after January 1, 2020.

NEW SECTION. **Section 2. Workforce housing tax credit.**

There is a credit against the taxes imposed under this chapter for a taxpayer owning an interest in a qualified project, as defined in [section 1], issued an eligibility statement by the board of housing. The credit must be administered in accordance with the provisions of [section 1].

NEW SECTION. **Section 3. Workforce housing tax credit. (1)**

There is a credit for taxes due under 33-2-705 and 33-2-709 for a taxpayer owning an interest in a qualified project, as defined in [section 1], issued an eligibility statement by the board of housing. The credit must be administered in accordance with the provisions of [section 1].

(2) An insurance company claiming a workforce housing tax credit against the taxes imposed by 33-2-705 or 33-2-709 may not be required to pay any additional retaliatory tax as a result of claiming the credit. The credit may fully offset any retaliatory tax imposed by the state.

NEW SECTION. **Section 4. Workforce housing tax credit.**

There is a credit for taxes due under 50-3-109 for a taxpayer owning an interest in a qualified project, as defined in [section 1], issued an eligibility statement by the board of housing. The

credit must be administered in accordance with the provisions of [section 1].

NEW SECTION. **Section 5. Codification instruction.** (1)

[Section 1] is intended to be codified as an integral part of Title 15, chapter 30, and the provisions of Title 15, chapter 30, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 15, chapter 31, and the provisions of Title 15, chapter 31, apply to [section 2].

(3) [Section 3] is intended to be codified as an integral part of Title 33, chapter 2, part 7, and the provisions of Title 33, chapter 2, part 7, apply to [section 3].

(4) [Section 4] is intended to be codified as an integral part of Title 50, chapter 3, part 1, and the provisions of Title 50, chapter 3, part 1, apply to [section 4].

NEW SECTION. **Section 6. Applicability.** [This act] applies to tax years beginning after December 31, 2021.

- END -

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**SJ 21: PRESERVING AND
IMPROVING THE FUTURE OF
VOLUNTEER FIRE AND
EMERGENCY SERVICES IN
MONTANA**

LOCAL GOVERNMENT INTERIM COMMITTEE MEMBERS

Before the close of each legislative session, the House and Senate leadership appoint lawmakers to interim committees. The members of the Local Government Interim Committee, like most other interim committees, serve one 20-month term. Members who are reelected to the Legislature, subject to overall term limits and if appointed, may serve again on an interim committee. This information is included in order to comply with 2-15-155, MCA.

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This report is a summary of the work of the Local Government Interim Committee, as outlined in the Local Government Interim Committee’s 2017-18 work plan and Senate Joint Resolution 21 (2017). Members received additional information and public testimony on the subject, and this report is an effort to highlight key information and the processes followed by the Local Government Interim Committee in reaching its conclusions. To review additional information, including audio minutes and exhibits, visit the Local Government Interim Committee website: www.leg.mt.gov/lgic.

Special thanks to Legislative Services Division researchers Pat Murdo and Megan Moore for their research and contributions to this report and proposed legislation. In addition thanks to the stakeholders, including but not limited to the Montana Association of Counties, the Montana League of Cities and Towns, and Jim DeTienne, supervisor of the Department of Public Health and Human Services EMS and Trauma Systems Section, for their time and work on Senate Joint Resolution 21.

TABLE OF CONTENTS

Introduction..... 1

Findings and Recommendations 2

Stakeholder and Volunteer Participation 3

 July 2017 Information and Discussion 3

 November 2017 Information and Discussion..... 5

 EMS Grant Program..... 5

 EMS Audit Update 6

 DNRC County Cooperative Program..... 6

 2017 Fire Season Review 7

 Fire Entities by the Numbers 7

 March 2018 Information..... 8

 Legislative proposals to incentivize volunteer EMT/firefighter service since 2009..... 8

Workers’ Compensation for Volunteer Firefighters: LCVFF1 10

Regulating Community Paramedicine: LCVFF2 11

Fireworks Tax: LCVFF3..... 12

Conclusion 14

SJ 21: EMS AND VOLUNTEER FIRE SERVICES

INTRODUCTION

The preamble for [Senate Joint Resolution No. 21](#) focuses on the importance of quality emergency medical and volunteer firefighter services in Montana and attributes personnel shortages in critical areas to factors including changing demographics, employers' resistance to allowing volunteers to serve, and lack of incentives to serve. Challenges facing rural communities and the emergency medical and volunteer firefighter systems that protect them include lack of funding, recruitment and retention, training, and adequate communication and fire protection equipment.

During the 2017-2018 interim, the Local Government Interim Committee (LGIC) dedicated time on its agenda to assessing the current emergency medical care and volunteer fire protection systems in the state, understanding the statutory framework of these systems, discussing the 2017 fire season with fire chiefs and volunteer firefighters, hearing about specific challenges facing volunteer fire departments and emergency medical service providers, catching up with advancements and progress that has been made since a 2008 audit of the emergency medical services system, and reviewing work that has been completed and recommendations issued by previous legislative committees studying similar issues.

The discussion frequently turns to personnel shortages and volunteer incentives.

As has been the case with previous related studies, discussion frequently turns to personnel shortages and ways to provide incentives for people to serve in volunteer positions.

This report summarizes information provided to the committee, as well as providing a compilation of proposals from previous studies to provide incentives to volunteering. It also recaps discussions surrounding workers' compensation for volunteer firefighters, one component of firefighter recruitment and retention that has been before legislative committees, either in the form of a study or proposed legislation, since the 2011-2012 interim.

SJ 21: EMS AND VOLUNTEER FIRE SERVICES

FINDINGS AND RECOMMENDATIONS

At the committee's July 2018 meeting, members reviewed three bill drafts. The drafts include LCVFF1, LCVFF2, and LCVFF3. Ultimately, the committee opted to move forward with all three proposals, which will be presented to the 2019 Legislature for consideration.

- **LCVFF1:** This proposal requires workers' compensation coverage for volunteer firefighters beginning October 1, 2021. The LGIC agreed that workers' compensation coverage should be mandatory, and they agreed that volunteer entities would need a minimum of two years to prepare for and ultimately fulfill the mandate. Workers compensation benefits include:
 - An indemnity payment of 66 2/3% of an injured workers' salary for the period the worker is unable to work because of an injury incurred at work;
 - Medical payments at 100%, including the first visit to a hospital emergency department for treatment of the compensable injury (subsequent visits to an emergency department cost \$25);
 - Payments to surviving beneficiaries in the case of death. These are defined in statute. Benefits for a surviving spouse are for 500 weeks unless the surviving spouse remarries. Other beneficiaries—children—receive payments for as long as they are eligible.
 - Burial expenses not to exceed \$4,000.

- **LCVFF2:** This proposal allows, but does not require, emergency care providers to provide community-integrated health care within a scope of practice defined by the Board of Medical Examiners, which licenses emergency care providers. Current statutes limit emergency care providers to emergencies at the scene of an accident or illness and during transport. Because the Board of Medical Examiners changed the term "emergency medical technicians" to "emergency care providers" and references to emergency medical technicians were not changed in several other statutes, the bill is long, but necessary, if legislators intend to make certain that all types of emergency care providers are eligible for situations where now only one type are described in statute.

- **LCVFF3:** This proposal imposes a 5% tax on fireworks sold in Montana by a wholesaler. On an annual basis, \$250,000 is to be used for assisting local fire agencies with purchasing workers' compensation coverage for volunteer firefighters. The assistance is available in two-year increments. The remainder of the money is to be used for grants for emergency medical and trauma services in Montana. The grants are to be administered by the Department of Public Health and Human Services. The tax, assistance, and grant program sunset in 2023.

SJ 21: EMS AND VOLUNTEER FIRE SERVICES

STAKEHOLDER AND VOLUNTEER PARTICIPATION

July 2017 Information and Discussion

Prior to their first meeting in July, committee members received several documents intended to provide background and context for the wide-ranging SJ 21 study. Advance information included the following documents.

- ❖ A [report](#) prepared in 2011 by Harold Blattie of the Montana Association of Counties that discusses the types of fire protection provided for in the Montana Code Annotated. The document's intended audience was a 2011-2012 subcommittee of the Economic Affairs Interim Committee assigned to identify means to provide workers' compensation for volunteer firefighters. The document provides statutory references for the various types of fire protection and discusses how the statutes have evolved over time. The types of fire protection covered in the report are rural fire districts, fire service areas, fire companies, and municipal fire departments, all of which are governed by the provisions of Title 7, chapter 33, of the Montana Code Annotated.
- ❖ A [report](#) provided to the Education and Local Government Committee during the 2015-2016 interim by Jim DeTienne, supervisor of the Department of Public Health and Human Services EMS and Trauma Systems Section, detailing the structure of EMS service systems in the state, numbers of providers, coverage areas and response times, training and licensing, workforce, medical oversight, regionalized care, communications, and considerations for legislative action to improve the system.
- ❖ A portion of the 2007-08 Children, Families, Health, and Human Services Committee (CFHHS) [report](#) on its interim study of EMS services. Drafting instructions for SJ 21 were to use this study as the foundation.
- ❖ An excerpt from the 2008 Fire Suppression Committee (FSC) final [report](#). The FSC studied and made recommendations regarding numerous aspects of wildland fire suppression, including challenges facing volunteer fire departments.

Both CFHHS and FSC reports included proposals for providing incentives for volunteers. Descriptions of those proposals are included in this paper under the relevant heading. Testimony from the Montana Fire Alliance at the July 2017 meeting indicated that some form of assistance to volunteer fire departments to provide workers' compensation for volunteer firefighters topped that organization's list of desired outcomes from the SJ 21 study. Leonard Lundby, speaking on behalf of the Fire Alliance, estimated that of approximately 7,500 volunteer firefighters working in the state, about 2,500 do not have workers' compensation coverage. [House Bill No. 460](#), which died in the House Appropriations Committee late in the 2017 session, would have directed up to \$100,000 of the Fire Suppression Fund to this purpose.

SJ 21: EMS AND VOLUNTEER FIRE SERVICES

Types of Fire Protection-Related Entities in Montana			
Service Type	Known Numbers	Required to Provide Workers' Compensation	Of Which: Provide Emergency Care
Paid Government Departments (Required for all cities, but cities of third class may contract or consolidate with another fire protection provider. Governed by 7-33-4101 and 7-33-4109 , MCA.)	12 Cities of First or Second Class	Yes, because they are employees defined in 39-71-118 (1)(a), MCA.	At least 10 – based on data of those licensed for emergency medical services.
Paid /Volunteer Providers Mixed (with emergency medical service license)	9 services	Yes, if covered under 39-71-118 (1)(g) and if they meet the description in 7-33-4109 , MCA.	Data source was those who are licensed as emergency services.
Rural Fire Districts 7-33-2101 and 7-33-2105 , MCA (These have governing body status and may request property tax levies.)	199 (179 listed by Dept. of Administration)	Only if they contract with a fire department or fire company that provides workers' compensation.	NA
Volunteer Fire Departments (May be formed under Title 7, chapter 33, parts 21 through 24 or 41, MCA.)	94 (includes volunteer municipal fire depts.)	May purchase disability income insurance, which 7-6-621 , MCA, states is NOT workers' compensation; voters may adopt a levy for work comp. Does not apply to a volunteer fire department listed in 7-33-4109 , MCA (cities of second class).	24 fire departments or jurisdictions are licensed to provide emergency medical services.
Fire Services Areas 7-33-2401 , MCA – created by county commissioners upon petition of at least 30 property owners in the service area and public comment. County sets rates. Service may be by adjacent fire department or the service area itself.	36 (32 listed by Dept. of Administration)	Only if they contract with a fire department or fire company that provides workers' compensation.	The FSA in Three Forks has a license to provide emergency medical services.
Volunteer Fire Companies 7-33-2311 , MCA (unincorporated towns – basically private entities that may be created by a group of individuals or by a fire district or by a county governing body.)	35	No – status of volunteer means workers' compensation is not required. Also, statutes do not apply to volunteer companies in unincorporated towns and villages.	NA
Volunteer Rural Fire Control Crew (may offer rural land (not structure) protection under 7-33-2201 , MCA. County commissioners appoint rural fire chief and either provide direct fire protection for areas not under wildland fire protection or contract for wildland fire protection (7-33-2202 , MCA))		If county appoints volunteer rural fire control crews, the members are volunteers, not paid, and therefore do not have to be covered by workers' compensation insurance.	NA

SJ 21: EMS AND VOLUNTEER FIRE SERVICES

<p>Fire Relief Associations (Authorized under Title 19, chapter 18, MCA for incorporated city or town fire departments. Allows formation of disability and pension fund.)</p>	<p>90 listed but 85 cities and towns in 2017 that received money.</p>	<p>Serves as an alternate or perhaps a substitute for workers' compensation but statute fix may be needed for uses in 19-18-601, MCA. Current uses are for disability or pension. Amount is equal to 1.5 mills of total taxable value of the city or town and is paid out of the general fund as provided in 19-18-512, MCA.</p> <p>Under 19-18-203, MCA, the fund is restricted. May need to be amended to allow workers' compensation, which is allowed elsewhere.</p>	<p>No tie between Fire Relief Association and emergency medical services.</p>
<p>Sources: Harold Blattie, "Fire Protection in Montana", presentation to committee July 2017, Montana League of Cities and Towns for list of cities of first and second classes, State Auditor's Office for list of Fire Relief Associations, Department of Public Health and Human Services for links between fire departments and emergency medical services.</p>			

Others providing testimony specific to emergency medical services commented that facilitating the provision of community paramedicine or community-integrated health care similar to what [Senate Bill No. 104](#) (2017) would have accomplished would be most significant in helping emergency care providers offer necessary services to rural communities. SB 104 died in the House Human Services Committee toward the end of the 2017 session.

LGIC's work plan, adopted at the July meeting, envisioned more detailed discussions with volunteer firefighters from fire departments of different sizes and jurisdictions and with EMS providers to learn more about their experiences and needs. In addition, the committee requested information about the Emergency Medical Service grant program administered by the Department of Transportation and an update on the recommendations offered in a 2008 Legislative Audit Division report on EMS systems.

November 2017 Information and Discussion

The November meeting's SJ 21 agenda items included an overview of the EMS grant program administered by the Department of Transportation, an [update](#) on recommendations made in a 2008 audit of DPHHS EMS and Trauma Systems, a report on the Department of Natural Resources and Conservation's County Cooperative Program, a report on numbers of volunteer firefighters, and discussions with fire chiefs from around the state on mutual aid, interagency cooperation, the 2017 wildland fire season, and the difficulties associated with longer and more extreme fire seasons.

EMS Grant Program

Acting on a recommendation by the 2007-2008 CFHHS committee, the 2009 Legislature established a temporary EMS grant program. [House Bill No. 85](#) (2009) provided that the highway nonrestricted account be

SJ 21: EMS AND VOLUNTEER FIRE SERVICES

the source of the grant funds and that \$1 million each year of the biennium be awarded in grants to volunteer emergency medical service providers for purchase of vehicles and equipment. The 2013 Legislature made the grant program permanent.

A representative of the Department of Transportation reported that over the course of the program \$9.8 million has been provided through 149 grant awards. A 10% match is required for a grant award and MDT usually receives two to three times more requests for funding than it can award. MDT believes the program is working as it was intended and that no modifications are warranted.

EMS Audit Update

Since the release of the [2008 EMS audit](#), DPHHS has improved data systems and tracking, established a care committee that meets quarterly, and developed a strategic plan, among other activities to implement audit recommendations. Jim DeTienne discussed stresses in the system and identified four areas that need attention, some of which may require statutory solutions and others that do not. Improvements are needed in the management of volunteer entities, medical direction and technical support for volunteers, education and access to training, and removing barriers to community paramedicine. Regionalization may be one way to realize improvements to the system; another would be allowing for EMS personnel to conduct nonemergency calls in the community. Mr. DeTienne said this is being done in other states and to a certain extent in the Montana communities of Cut Bank and Red Lodge, but legislation similar to SB 104 (2017) would be necessary to clarify authority and responsibilities. The next step for the committee was learning more about innovative programs in other states, as well as in Montana, and exploring potential legislative solutions.

DNRC County Cooperative Program

The Department of Natural Resources and Conservation provides direct wildland fire protection on roughly 5.2 million acres, 3.5 million of which is state and private land and 1.7 million is federal land. Forty-five million acres are protected through the County Cooperative Program, an arrangement between the state and local governments in which a network of 400 fire departments throughout the state, consisting of thousands of volunteers, agree to provide initial attack resources in exchange for state-provided equipment and training. Mike DeGrosky, the department's Fire and Aviation Bureau chief, described the program and its important role in Montana's wildland fire protection system. The purpose of the program is to build capacity at the local level so that nearby resources can be deployed as quickly as possible. Four thousand people receive training through the program each year. According to Mr. DeGrosky, the two primary threats to continued success of the program are dwindling numbers of volunteers and increasing reluctance of employers to allow employees time off to volunteer.

When a county signs a Cooperative Fire Control Agreement with DNRC, it agrees among other things to "provide or ensure Workers' Compensation Insurance Coverage on drivers, passengers or workers using or working with any equipment loaned under this agreement." As evidenced by the estimated number of volunteer firefighters who do not have workers' compensation coverage, this does not always occur.

SJ 21: EMS AND VOLUNTEER FIRE SERVICES

2017 Fire Season Review

The following recurring themes emerged as the LGIC took comment from local fire chiefs and the DNRC Central Land Office:

- [Mutual aid](#) worked well.
- Interagency cooperation worked well.
- Preseason planning was valuable.
- Longer fire seasons are exacerbating personnel shortages—many firefighters employed by state and federal agencies are college students who have to return to school and employers of volunteers are increasingly reluctant to continue to allow employees to leave for volunteer duty.
- Lack of workers' compensation coverage is a disincentive to volunteering.
- There aren't many incentives to volunteer and numbers are dwindling as fire seasons become longer and fires become more extreme.

Fire Entities by the Numbers

The exact number of volunteer firefighters is difficult to determine. There is no central registry or required tracking and volunteer participation fluctuates significantly. Many volunteers participate in the retirement system and may be counted that way, but not all do, and some receive benefits through fire department relief associations, which are operated by local trustees.

Mr. Lundby, representing the Montana Fire Alliance, provided what he characterized as a best guess on the numbers, increased slightly from those provided to the committee in July. Mr. Lundby also offered information on numbers of fire organizations operating in the state. All are listed below.

Volunteer Firefighters	8,000 (est.)
Volunteers with workers' compensation coverage	6,000 (est.)
Volunteers with workers' compensation coverage through Montana Municipal Interlocal Authority (MMIA)	2,000 (est.)
Volunteers with workers' compensation coverage through State Fund (about 3,000), Montana Association	4,000 (est.)

SJ 21: EMS AND VOLUNTEER FIRE SERVICES

of Counties (about 900), or
Victory

Fire Service Areas	36
Rural Fire Districts	199
Volunteer Fire Companies	35
Volunteer Fire Departments	94

March 2018 Information

For its March meeting, the LGIC explored potential solutions to some of the problems highlighted at previous meetings. The committee requested three legislative proposals to review at the July meeting, as discussed in the findings and recommendations. Overviews of the three proposals are below, following the list of legislation proposed in the last 10 years aimed at providing incentives to volunteer.

Legislative proposals to incentivize volunteer EMT/firefighter service since 2009

Bill	Description	Committee or Member	Year	Outcome
SB 63	Provide tax credits to volunteer EMTs based on amount of service; provide tax deductions for employers who allow employees to leave work to respond to emergency calls	Children, Families, Health, and Human Services	2009 Session	Died on Senate floor
SB 64	Create special license plate for volunteer EMTs who provide service; tax credit for the plate	Children, Families, Health, and Human Services	2009 Session	Died on Senate floor
SB 99	Leave for state employee volunteer firefighters for incident response	Fire Suppression Committee	2009 Session	Died in Senate committee
SB 105	Income tax credit for volunteer firefighters and their employers	Fire Suppression Committee	2009 Session	Died in Senate committee

SJ 21: EMS AND VOLUNTEER FIRE SERVICES

Bill	Description	Committee or Member	Year	Outcome
SB 106	Provide special license plates and tax credits for volunteer firefighters	Fire Suppression Committee	2009 Session	Died in Senate committee
SB 110	Volunteer firefighter participation in county health insurance pool	Fire Suppression Committee	2009 Session	Died in Senate committee
HB 552	Allow levies used to fund public safety volunteers' disability income insurance to be used alternatively for workers' compensation coverage; provide coverage for volunteer emergency medical service providers under certain conditions	Rep. Hale	2011 Session	Enacted
SB 54	Require workers' compensation coverage for volunteer firefighters funded by county permissive levy	Economic Affairs Interim Committee	2013 Session	Died on Senate floor
SB 386	Allow certain local governmental fire agencies to provide workers' compensation coverage for volunteer firefighters; revise premium and benefit provisions for volunteer firefighters and certain emergency workers	Sen. Facey	2013 Session	Enacted
LC1382	Provide cost-of-living adjustment to benefits provided in the Volunteer Firefighters Compensation Act	Rep. Lynch	2015 Session	Not introduced
HB 555	Increase allowance that may be paid to volunteer firefighters from \$300 per year to \$3,000 per year	Sen. Fitzpatrick	2015 Session	Enacted

SJ 21: EMS AND VOLUNTEER FIRE SERVICES

Bill	Description	Committee or Member	Year	Outcome
LC416	12% of Fire Insurance Premium Tax revenue to account for cost-share assistance to fire departments to purchase workers' compensation insurance for volunteer firefighters	Sen. Cohenour	2017 Session	Not introduced
HB 460	Allow use of fire suppression funds for workers' compensation assistance for volunteer fire departments	Rep. Fitzgerald	2017 Session	Died in House committee
SB 16	Revises the base for determining if a fire relief association is soundly funded.	Sen. Jones SAVA	2017 Session	Enacted

WORKERS' COMPENSATION FOR VOLUNTEER FIREFIGHTERS: LCVFF 1

The committee requested requiring workers' compensation coverage for volunteer firefighters. This amounts to those firefighting jurisdictions with about 2,000 members, based on data given the LGIC. A detailed look at medical service providers, licensees, ambulance and fire departments licensed for emergency medical services, and fire department relief associations in 2017 is available [here](#), and was presented to the LGIC. A [list](#) specific to emergency response services licensed by DPHHS also was provided to LGIC in July 2018.

The issue of workers' compensation is not a new concept in terms of volunteer service systems. A snapshot of committee work on the subject is provided below.

2011 [House Joint Resolution No. 38](#) requests a study of local fire protection.

2011-2012 The Economic Affairs Interim Committee establishes a subcommittee to study the workers' compensation component of the HJ 38 study. The following is from EAIC's final report:

In requesting at the EAIC's first meeting in June 2011 that the EAIC consider working on HJR 38, a study of local fire protection, firefighters, and emergency medical technicians, Harold Blattie of the Montana Association of Counties told committee members that contracts being signed by counties for use of state-loaned firefighting equipment acknowledge that the firefighters, whether volunteer or not, have workers' compensation coverage. Given the variety of firefighting volunteer units in a county, not all of them funded by government or

SJ 21: EMS AND VOLUNTEER FIRE SERVICES

under government control, the signed acknowledgment in the contract may have been more hopeful than realistic. If a volunteer firefighter were to be injured and not have workers' compensation coverage, then the agreement might cause problems for both the counties and the Department of Natural Resources and Conservation (DNRC), which loaned out the firefighting equipment under the agreement. DNRC was similarly concerned that volunteer firefighting companies throughout the state might not get firefighting equipment if they failed to sign the agreement because they had no workers' compensation coverage, and that could increase the difficulty of speedily responding to wildfires.

- 2013** As a result of its study, EAIC requests [Senate Bill No. 54](#), which would have required workers' compensation coverage for volunteer firefighters funded by a county permissive levy for premium payments. SB 54 died on the Senate floor. [Senate Bill No. 386](#), which passed, retained some of the benefit components of SB 54, but the provisions requiring coverage and a permissive levy were not included.
- 2015** [Senate Joint Resolution No. 21](#) requests a study of local fire and emergency services.
- 2015-2016** The Education and Local Government Interim Committee conducts the assigned study, which did not result in committee-requested legislation. The committee reviews a series of background [reports and materials](#).
- 2017** A member of the ELG committee requests a bill the committee had studied and reviewed which would have directed 12% of the fire insurance premium tax to an account to provide for cost-share assistance to certain qualifying volunteer fire departments to purchase workers' compensation coverage for volunteer firefighters and would have required that coverage be provided for all volunteers. The bill fails in the 2017 Legislature.
- 2017** A bill is introduced to allow \$100,000 of the fire suppression fund to be directed to an account to provide cost-share assistance to certain qualifying volunteer fire departments to purchase workers' compensation coverage. The bill fails in the 2017 Legislature.
- 2017** SJ 21 requests a study of emergency medical and volunteer firefighter systems.
- 2017-2018** The LGIC conducts the study.

REGULATING COMMUNITY PARAMEDICINE: LCVFF2

In Montana, "Community Paramedicine (CP) is the provision of health care using patient-centered, mobile EMS resources in the out-of-hospital environment. CP is one or more preventive or primary care services

SJ 21: EMS AND VOLUNTEER FIRE SERVICES

provided by EMS agencies and providers who are administratively or clinically integrated with other healthcare entities.”¹

The LGIC received a [report](#) on the subject from Montana’s Department of Public Health and Human Services. They agreed to move forward with a request for bill drafts to review in July that incorporate the concept of community paramedicine as proposed in [Senate Bill No. 104](#) from the 2017 session and, if necessary, a bill that addresses definitional code cleanup.

The redrafted version of SB 104, nicknamed LCVFF2, used SB 104 as a starting point as it would have been amended by the Department of Labor and Industry to reflect the approach with which the Board of Medical Examiners was comfortable. As drafted, LCVFF2 retains all the definitional revisions in order to make clear that regardless of where the emergency care provider was operating—whether as a paramedic in a paid service or as an advanced emergency medical technician in a fire department, the terminology referred to broad group of individuals licensed by the Board of Medical Examiners to provide emergency care. The bill then included the changes that would allow—but not require—emergency medical services to provide community paramedicine as defined in rule by the Board of Medical Examiners. The bill references community-integrated health care as a broader term than community paramedicine.

FIREWORKS TAX: LCVFF3

During the interim, LGIC members requested information about fireworks taxes as a potential funding source for workers' compensation for volunteer firefighters, as well as other needs that may arise in schools and communities as a result of extreme wildland fire seasons.

Information was collected regarding states that impose a fireworks tax or fee that creates revenue in addition to the sales tax revenue realized from the sale of fireworks. Some states that had long banned the sale or use of fireworks have recently legalized those activities as a means of raising additional revenue through the state sales tax. With one exception, only those that impose or have in the past imposed a separate tax or fee are included in the table below.

The committee moved forward with a proposal that imposes a 5% tax on fireworks sold in Montana by a wholesaler. On an annual basis, \$250,000 is to be used for assisting local fire agencies with purchasing workers’ compensation coverage for volunteer firefighters.

¹ <https://dphhs.mt.gov/publichealth/EMSTS/chems/chemsterms>

SJ 21: EMS AND VOLUNTEER FIRE SERVICES

	Fireworks tax or fee %	Year enacted	State sales tax %	Revenue	Use of Revenue
<i>Indiana</i>	6% Public Safety Fee	2006	7%	\$2.8 million (2017)	Regional public safety training for firefighters and other public safety workers
<i>Michigan</i>	6% Safety Fee	2011	6%	\$2.9 million (2017)	Firefighter training
<i>Georgia</i>	5% Fireworks Excise Tax	2015	4%	\$1.24 million (2017)	Trauma care (55%), firefighter training and equipment (40%), and local government public safety programs (5%)
<i>Pennsylvania</i>	12% Fireworks Safety Fee	2017	6%	\$7.8 million (Estimated 2018)	One-sixth of the total revenue divided between an Emergency Medical Services Grant Program (75%) and volunteer firefighter training programs (25%)
<i>West Virginia</i>	12% Fireworks Safety Fee	2016	6%	\$755,000 (Half 2016)	75% to Veterans' Facility Support Fund; 25% to Fire Protection Fund intended to provide additional revenue to volunteer and part-volunteer fire departments. For a 7-year period, beginning in 2013, excess revenue deposited in the fund is directed to a Volunteer Firefighter Workers' Compensation Premium Subsidy Fund
<i>Texas</i>	2% Fireworks Tax (repealed 2015)	2001	6.25%	\$2.93 million (2014)	Rural Volunteer Firefighter Department Insurance Program to provide reimbursement grants to volunteer firefighters to obtain workers' compensation, death, disability insurance

SJ 21: EMS AND VOLUNTEER FIRE SERVICES

The states of Indiana, Michigan, Georgia, Pennsylvania, and West Virginia impose a fireworks tax or fee. Texas repealed its tax in 2015, but Texas information is included for comparison purposes. South Dakota does not impose a separate fee or tax but the state's Department of Revenue has compiled information on fireworks sales and the 4% state sales tax collected on those sales, which may also be useful for comparison purposes.

CONCLUSION

Sixty-nine percent of all firefighters in the U.S. are volunteers, according to the Maryland-based National Volunteer Fire Council, a nonprofit association representing the interests of volunteer fire, EMS, and rescue services. Towns throughout Montana face a shortage of trained firefighters and aging volunteer ranks. The LGIC agreed Montana should continue to work to keep up with the growing need for emergency and fire services, while battling a decline in volunteers.

The LGIC proposed two solutions, one is largely aimed at the issue of ensuring workers' compensation coverage for all volunteer firefighters in Montana, and the second focuses on the issue of paramedicine. A volunteer's ability to obtain workers' compensation or disability benefits for lost wages or injuries suffered during an emergency response was a significant issue for the LGIC. LCVFF1 and LCVFF3 demonstrate the committee's decision to move forward with proposals to ensure these benefits are available to volunteers.

LCVFF2 allows, but does not require, emergency care providers to provide community-integrated health care within a scope of practice defined by the Board of Medical Examiners, which licenses emergency care providers. By expanding the roles of EMTs and paramedics in rural areas through paramedicine, proponents of the proposal hope to see a reduction in emergency room transports, increased patient access to primary and preventative care, and ways to supplement the rural emergency care provider workforce while reducing the load on volunteers.

Unofficial Draft Copy

As of: June 26, 2018 (3:08pm)

LCGL01

119

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act authorizing a gateway local option tax by a vote of the qualified electors; providing that the gateway local option tax question define the geographic area where the tax is collected, the rate of the tax, and how the revenue will be split within the county; providing the goods and services subject to the tax; providing for a portion of gateway local option tax to be used for property tax relief; providing that an existing resort tax may remain in effect or may be discontinued; amending sections 7-7-4424 and 7-7-4428, MCA; and providing an immediate effective date."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Gateway local option tax -- definitions.** As used in [sections 1 through 9], the following definitions apply:

(1) "Gateway county" means a county that directly borders or includes a national park.

(2) "Gateway community" means a municipality in a gateway county that is included in a tourist impact zone.

(3) "Governing body" means the political subdivision that governs the tourist impact zone. The county is the governing body if the tourist impact zone encompasses both a gateway county and

gateway community.

(4) "Luxury" means any gift item, luxury item, or other item normally sold to the public or transient visitors or tourists. The term does not include food purchased unprepared or unserved, medicine, medical supplies and services, appliances, hardware supplies and tools, or any necessities of life.

(5) "Medical supplies" means items that are sold to be used for curative, prosthetic, or medical maintenance purposes, whether or not prescribed by a physician.

(6) "Medicine" means substances sold for curative or remedial properties, including both physician-prescribed and over-the-counter medications.

(7) "Outdoor gear" means gear for camping, hunting, hiking, skiing, biking, fishing, rafting, and other outdoor activities.

(8) "Qualified elector" means a person who is qualified to vote under 13-1-111 and is a resident of a tourist impact zone.

(9) "Tourist impact zone" means a geographic area in a gateway county defining where gateway taxes are collected. The area must:

- (a) have a high volume of tourist traffic;
- (b) follow approach corridors to a national park; and
- (c) have significant impacts from tourist traffic.

NEW SECTION. Section 2. Gateway local option taxing authority -- specific delegation. As required by 7-1-112, [sections 1 through 9] specifically delegate to the qualified electors of a tourist impact zone the power to authorize the

tourist impact zone to impose a gateway local option tax within the boundary of the tourist impact zone.

NEW SECTION. **Section 3. Limit on gateway local option tax rate -- goods and services subject to tax.** (1) The rate of a gateway local option tax must be established by the election petition or resolution provided for in [section 4], but the rate may not exceed 4%.

(2) (a) A gateway local option tax is a tax on the retail value of all goods and services sold, except for goods and services sold for resale, within a tourist impact zone by the following establishments:

(i) hotels, motels, and other lodging or camping facilities including vacation rentals;

(ii) restaurants, fast food stores, caterers, and other food service establishments;

(iii) taverns, bars, nightclubs, lounges, and other public establishments that serve beer, wine, liquor, or other alcoholic beverages by the drink;

(iv) destination ski resorts and other destination recreational facilities;

(v) outfitters, hunting guides, fishing guides, and rafting companies;

(vi) tour companies including but not limited to those that provide bus, car, or walking tours; and

(vii) art galleries.

(b) Establishments that sell luxuries shall collect a tax

on the luxuries.

(c) Establishments that sell outdoor gear shall collect a tax on the outdoor gear.

NEW SECTION. **Section 4. Gateway local option tax -- election required -- procedure -- notice.** (1) A gateway local option tax may not be imposed or, except as provided in [section 5], amended or repealed unless the gateway local option tax question has been submitted to the qualified electors of the tourist impact zone and approved by a majority of the qualified electors voting on the question.

(2) The gateway local option tax question may be presented to the qualified electors of a tourist impact zone by a petition of the qualified electors, as provided in 7-5-131 through 7-5-135 and 7-5-137, to the governing body of the tourist impact zone or by a resolution of the governing body of the tourist impact zone.

(3) The petition or resolution referring the gateway local option tax question must state:

(a) the rate of the gateway local option tax;

(b) the duration of the gateway local option tax;

(c) the boundaries of all tourist impact zones to be subject to the local option gateway tax;

(d) the dates the gateway local option tax will be collected;

(e) the date the gateway local option tax becomes effective, which may not be earlier than 35 days after the election;

(f) the purposes that may be funded by the gateway local option tax revenue; and

(g) how the gateway local option tax revenue will be split among the gateway county and gateway communities.

(4) Upon passage of a resolution or upon receipt of an adequate petition, the governing body shall hold an election in accordance with Title 13, chapter 1, part 5.

(5) (a) Before the gateway local option tax question is submitted to the qualified electors of a tourist impact zone, the governing body shall provide notice of the goods and services subject to the local option gateway tax by a method described in 13-1-108.

(b) The notice must be given two times, with at least 6 days separating the notices. The first notice must be no more than 45 days prior to the election, and the last notice must be no less than 30 days prior to the election.

(6) Notice of the election must be given as provided in 13-1-108 and must include the information contained in subsection (3) of this section.

(7) The question of the imposition of a gateway local option tax may not be placed before the qualified electors more than once in any fiscal year.

NEW SECTION. Section 5. Gateway local option tax administration. (1) Not less than 30 days prior to the date the gateway local option tax becomes effective, the governing body shall enact an administrative ordinance governing the collection

and reporting of the gateway local option tax. The administrative ordinance may be amended at any time as needed to effectively administer the gateway local option tax.

(2) The administrative ordinance must specify:

(a) the times that gateway local option taxes collected by businesses are to be remitted to the governing body;

(b) the office, officer, or employee of the governing body responsible for receiving and accounting for the gateway local option tax receipts;

(c) the office, officer, or employee of the governing body responsible for enforcing the collection of the gateway local option taxes and the methods and procedures to be used in enforcing the collection of gateway local option taxes due; and

(d) the penalties for failure to report gateway local option taxes due, failure to remit taxes due, and violations of the administrative ordinance. The penalties may include:

(i) criminal penalties not to exceed a fine of \$1,000 or 6 months imprisonment, or both;

(ii) if the governing body prevails in a suit for the collection of gateway local option taxes, civil penalties not to exceed 50% of the gateway local option taxes found due plus the costs and attorney fees incurred by the county in the action;

(iii) revocation of a county or municipal business license held by the offender; and

(iv) any other penalties that may apply for violation of an ordinance.

(4) The administrative ordinance may include:

(a) further clarification and specificity in the categories of goods and services that are subject to the gateway local option tax consistent with [section 3];

(b) authorization for business administration and prepayment discounts. The discount authorization may allow each vendor and commercial establishment to:

(i) withhold up to 5% of the gateway local option taxes collected to defray their costs of administering the tax collection; or

(ii) receive a refund of up to 5% of the gateway local option tax payment received from the vendor or establishment by the governing body 10 days prior to the collection due date established by the administrative ordinance.

(c) other administrative details needed to efficiently and effectively administer the tax.

NEW SECTION. Section 6. Use of gateway local option tax revenue -- bond issue -- pledge. (1) Unless otherwise restricted by the voter-approved tax authorization provided for in [section 4], a gateway county or gateway community may appropriate and expend revenue derived from a gateway local option tax for any activity, undertaking, or administrative service that the gateway county or gateway community is authorized by law to perform, including costs resulting from imposition of the tax.

(2) A gateway county or gateway community may issue bonds to provide, install, or construct any of the public facilities, improvements, or undertakings authorized under 7-7-4101,

7-7-4404, and 7-12-4102.

(3) Bonds issued under this section must be authorized by a resolution of the gateway county or gateway community stating the terms, conditions, and covenants that the gateway county or gateway community considers appropriate. The bonds may be sold at a discount at a public or private sale.

(4) A gateway county or gateway community may pledge for repayment of bonds issued under this section the revenue derived from a gateway local option tax, special assessments levied for and revenue collected from the facilities, improvements, or undertakings for which the bonds are issued, and any other source of revenue authorized by the legislature to be imposed or collected by the gateway county or gateway community. The bonds do not constitute debt for purposes of any statutory debt limitation provided that, in the resolution authorizing the issuance of the bonds, the gateway county or gateway community determines that the gateway local option tax revenue, special assessments levied for and revenue from the facilities, improvements, or undertakings, or other sources of revenue, if any, pledged to the payment of the bonds will be sufficient in each year to pay the principal and interest of the bonds when due.

(5) Bonds may not be issued that pledge proceeds of the gateway local option tax for repayment unless the gateway county or gateway community in the resolution authorizing issuance of the bonds determines that in any fiscal year the annual revenue expected to be derived from the gateway local option tax less the

amount required to reduce property taxes pursuant to [section 7] equals at least 125% of the average amount of the principal and interest payable from the gateway local option tax on the bonds and any other outstanding bonds payable from the gateway local option tax, except any bonds to be refunded upon the issuance of the proposed bonds.

NEW SECTION. **Section 7. Gateway local option tax -- property tax relief.** (1) Annually anticipated receipts from the gateway local option tax must be applied to reduce the tourist impact zone's property taxes for the fiscal year in an amount equal to at least 5% of the gateway local option tax revenues received during the preceding fiscal year.

(2) A gateway county or gateway community that receives more gateway local option tax revenue than is included in the annual budget shall establish a property tax relief fund. All gateway local option tax revenue received in excess of the budget amount must be placed in the fund. The entire fund must be used to replace property taxes in ensuing fiscal year.

NEW SECTION. **Section 8. Gateway local option tax -- revision of boundaries -- election.** (1) Property may be annexed into or removed from a tourist impact zone as provided in this section.

(2) The governing body may recommend that property be annexed into or removed from a tourist impact zone. Property annexed into a tourist impact zone must be contiguous to the

existing tourist impact zone.

(3) The governing body shall give notice as required in 13-1-108 of the election to be held in the area proposed to be annexed into or removed from the tourist impact zone. The election must be held in accordance with Title 13, chapter 1, part 5.

(4) If a majority of the votes cast by qualified electors on the question of annexation or removal of the property are in favor of annexation or removal, the governing body shall enter into its minutes an order, by resolution, annexing or removing the property and shall cause to be created a map of the tourist impact zone that shows the annexed property and the removed property. Immediately following the adoption of the resolution, the governing body shall file with the county clerk and recorder a copy of the resolution and the map.

NEW SECTION. Section 9. Coordination with other local option taxes. (1) A geographic area may only be included in one tourist impact zone.

(2) A gateway local option tax may not be imposed in a resort community, resort area, or resort area district that existed before [the effective date of this act]. However, an existing resort community, resort area, or resort area district may elect to terminate its resort tax and subject itself to a gateway local option tax.

Section 10. Section 7-7-4424, MCA, is amended to read:

"7-7-4424. Undertakings to be self-supporting. (1) (a)

Except as provided in subsections (1)(b) and (1)(c), the governing body of a municipality issuing bonds pursuant to this part shall prescribe and collect reasonable rates, fees, or charges for the services, facilities, and commodities of the undertaking and shall revise the rates, fees, or charges from time to time whenever necessary so that the undertaking is and remains self-supporting.

(b) The property taxes specifically authorized to be levied for the general purpose served by an undertaking ~~or~~, any resort taxes approved, levied, and appropriated to an undertaking in compliance with 7-6-1501 through 7-6-1509, or any gateway local option tax approved, levied, and appropriated to an undertaking in compliance with [sections 1 through 9] constitute revenue of the undertaking and may not result in an undertaking being considered not self-supporting.

(c) Revenue from assessments and fees enacted by local ordinance constitutes revenue of the undertaking and may not result in an undertaking being considered not self-supporting.

(2) The rates, fees, or charges prescribed, along with any appropriated property tax collections, gateway local option tax collections, or resort tax collections, must produce revenue at least sufficient to:

(a) pay when due all bonds and interest on the bonds for the payment of which the revenue has been pledged, charged, or otherwise encumbered, including reserves for the bonds; and

(b) provide for all expenses of operation and maintenance

of the undertaking, including reserves."

{*Internal References to 7-7-4424:*
7-7-4428a}

Section 11. Section 7-7-4428, MCA, is amended to read:

"7-7-4428. Covenants in resolution authorizing issuance of bonds. Any resolution or resolutions authorizing the issuance of bonds under this part may contain covenants as to:

(1) the purpose or purposes to which the proceeds of sale of the bonds may be applied and the disposition of the proceeds;

(2) the use and disposition of the revenue of the undertaking for which the bonds are to be issued, including the creation and maintenance of reserves and including the pledge or appropriation of all or a portion of the property and resort tax revenue referred to in 7-7-4424 or the gateway local option tax revenue referred to in [section 5];

(3) the transfer, from the general fund of the municipality to the account or accounts of the undertaking, of an amount equal to the cost of furnishing the municipality or any of its departments, boards, or agencies with the services, facilities, or commodities of the undertaking;

(4) the issuance of other or additional bonds payable from the revenue of the undertaking;

(5) the operation and maintenance of the undertaking;

(6) the insurance to be carried on the undertaking and the use and disposition of insurance money;

(7) books of account and the inspection and audit of the books; and

(8) the terms and conditions upon which the holders or trustees of the bonds or any proportion of the bonds are entitled to the appointment of a receiver by the district court having jurisdiction. The receiver may:

- (a) enter and take possession of the undertaking;
- (b) operate and maintain the undertaking;
- (c) prescribe rates, fees, or charges, subject to the approval of the public service commission; and
- (d) collect, receive, and apply all revenue thereafter arising from the undertaking in the same manner as the municipality itself might do."

{Internal References to 7-7-4428: None.}

NEW SECTION. Section 12. Codification instruction.

[Sections 1 through 9] are intended to be codified as an integral part of Title 7, chapter 6, and the provisions of Title 7, chapter 6, apply to [sections 1 through 9].

NEW SECTION. Section 13. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. Section 14. Effective date. [This act] is effective on passage and approval.

- END -

{Name : Megan M. Moore
Title : Research Analyst

Unofficial Draft Copy

As of: June 26, 2018 (3:08pm)

LCGLO1

132

Agency : Montana Legislative Services
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Backup material for agenda item:

C. ACTION discuss/approve/deny- Approve City of Livingston Remote Participation Policy

City of Livingston Remote Participation Policy

Pursuant to 7-5-4103 Montana Code Annotated (MCA) the City Commission of the City of Livingston, Montana, hereby adopts a remote participation policy.

Introduction

The purpose of the Remote Participation Policy is to provide the Commission with the guidance to allow remote participation of Commissioners in certain meetings. This policy cannot address every possible situation where remote participation may be desired and as such the Commission has the authority to suspend the rules of the remote participation policy by a 2/3 majority vote of those members present.

Background

The City of Livingston's responsibility under Title 2 Chapter 3 of the MCA and Article II Section 8 of the Montana Constitution to meet the requirements of open meetings and public participation are the primary consideration in the development of this policy. It is understood that any alternative method to Commissioners being physically present erodes the public's right to participation. However, under the rules of this policy the City Commission believes that remote participation meets the basic requirements set forth by the State of Montana. While individual Commissioners do not have the right to remote participation, the Commission may allow remote participation with any restrictions deemed appropriate.

Policies and Rules

1. Acceptable Means of Remote Participation

Acceptable means of remote participation include telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Text messaging, instant messaging, email and web chat without audio are not acceptable means of remote participation. Commissioners attending by an acceptable means of remote participation will be considered "present" for roll call.

2. Quorum & Voting

Commissioners attending meetings remotely will not be counted towards the required quorum. Remote participants may vote if they are present for the entirety of the issue being considered. If Commissioners are attending remotely they are expected to be present for the entirety of the meeting.

3. Expectation to Appear/Allowable Absence

There is an expectation that Commissioners will be physically present for Commission meetings if able. Remote participation will not be used for the convenience of a Commissioner. There are five (5) permissible reasons for remote participation. The chair (or other person chairing the

meeting) must make a determination that one or more of the following factors make the commissioners' physical attendance unreasonably difficult:

- (a) personal illness;
- (b) personal disability;
- (c) emergency;
- (d) military service; or
- (e) geographic distance

4. Approval for Remote Participation

Commissioners wishing to participate remotely must notify the Commission Chair a minimum of 48-hours prior to the meeting. The Chair will determine if the subject matter for that meeting will allow for effective remote participation and that the reason for the absence meets the criteria set forth in this policy. The Chair will notify the City Manager if accommodations for remote participation are necessary.

5. Meeting Procedures

At the start of the meeting, the chair (or other person chairing the meeting) must announce the name of any commissioner who will be participating remotely and the reason. All votes must be taken by a roll call and reflected in the minutes.

6. Procedures for Lost Connectivity

If during remote participation the communication connectivity is lost the following procedure will be followed:

- Announce to the room that connectivity has been lost and all discussion will stop
- There will be an automatic 5-minute recess to establish connectivity
- If connectivity is not re-established in 5-minutes the meeting will resume and the remote attendee will not be allowed to vote on that issue

If connectivity is subsequently re-established, the remote attendee may vote on any other issue where they are present for the entirety of the deliberation. If a remote participant loses connectivity three (3) times during a meeting their connection is considered unreliable, they will not be allowed to reconnect to the meeting, and Chair will announce that the remote participant is no longer present for the meeting. If a remote participant is difficult to hear or they are having difficulty hearing proceedings, at the discretion of the Chair their connection can be declared unreliable, they will be disconnected from the meeting and the Chair will announce the remote participant is no longer present for the meeting.

7. Meeting Minutes

Meeting minutes will annotate which Commissioners are participating remotely. Additionally, the minutes will reflect anytime a remote participant is disconnected from the meeting. If a remote participant leaves the meeting for technical or any other reasons it will be annotated in the minutes. A sworn affidavit from each commissioner participating remotely shall be attached

to the minutes for that meeting. The affidavit shall substantially be in the form attached hereto as Exhibit A.

8. Restrictions on Remote Participation

Remote participation will not be allowed for meetings where the Commission acts in a quasi-judicial capacity or during closed sessions.

Exhibit A

Sworn Affidavit

The undersigned, being first duly sworn, deposes and states:

1. That the undersigned is an active commissioner of the City of Livingston, Montana City Commission.
2. That the undersigned participated remotely in the public meeting of the City of Livingston City Commission held on _____, 20__ at _____ am/pm located at _____.
3. The undersigned hereby acknowledges that the City of Livingston City Commission is placing material reliance upon the representations rendered herein.

By: _____

Printed Name: _____

Dated: _____, 20__

State of Montana
County of Park

This instrument was signed and sworn before me on _____ by

(Name of signer)

(Notary Signature)
[Affix seal/stamp to the left or below]

Backup material for agenda item:

- D. ACTION- DISCUSS/APPROVE/DENY DISCUSS THE FUTURE OF THE CITY OF LIVINGSTON SKATE PARK BOARD**

Skate Park Committee

- Derek Smith, Chairman
- Chad Wistey, Vice Chair
- Robert Everson, Board Member
- Willow Bach-Hanson, Board Member
- B. Jan Lukenbill, Board Member
- Nathan Giambra, Board Member
- D. Drake Burford, Board Member
- Vasa White, Board Member
- Michael Pincon, Board Member
- Forrest Garlow, Board Member
- Lincoln Jamrog, Board Member
- Vacant, City Commissioner