Livingston City Commission Agenda

June 17, 2024 — 5:30 PM

City – County Complex, Community Room

https://us02web.zoom.us/j/89253787950?pwd=Gy4LhJHHZMrVG4K8lwMCF5R2RXdiKD.1

Meeting ID: 892 5378 7950
Passcode: 231932

---

1. Call to Order

2. Roll Call

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

4. Consent Items

   A. **APPROVAL OF MINUTES FROM JUNE 03, 2025, REGULAR MEETING** PG.5

   B. **APPROVAL OF CLAIMS PAID 5/29/25 - 6/11/25** PG.56

   C. **CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR A PRIVATE EVENT ON JUNE 20, 2025** PG.67

   D. **CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR THE LIVINGSTON ROUNDUP PARADE ON JULY 02, 2025** PG.75

   E. **CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR THE HOOTENANNY ON JULY 17, 2025** PG.81

   F. **APPROVAL OF CONVENTION AND VISITORS BUREAU ANNUAL BUDGET** PG.88

   G. **APPROVAL OF TOURISM BUSINESS IMPROVEMENT DISTRICT WORK PLAN AND BUDGET** PG.120

   H. **APPROVAL OF LIVINGSTON BUSINESS IMPROVEMENT DISTRICT WORK PLAN AND BUDGET** PG.131

   I. **APPROVAL OF AGREEMENT 20190 FOR ROPING ARENA LEASE** PG.142

   J. **APPROVAL OF AGREEMENT 20191 FOR REVOLVING LOAN FUND** PG.149

5. Proclamations

A. **A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING JUNE 15-21, 2025 AS FIREFIGHTER STAND DOWN WEEK IN LIVINGSTON, MONTANA**

PG.160

B. **A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RECOGNIZING JUNE 2025 AS PRIDE MONTH IN LIVINGSTON, MONTANA** **PG.162**

6. Scheduled Public Comment

A. **PRESENTATION FROM EXPLORE LIVINGSTON**

B. **PRESENTATION OF INITIAL CONSIDERATIONS FROM ZONING CODE UPDATE** **PG.164**

7. Action Items

A. **RESOLUTION NO. 5161: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET IN THE AMOUNT OF $31,775,333 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2025, AND ENDING JUNE 30, 2026, (FY 2026), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT www.livingstonmontana.org, AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS.** **PG.175**

B. **RESOLUTION NO. 5162: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO ADJUST ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM.** **PG.182**

C. **RESOLUTION NO. 5163: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ADJUST ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WASTEWATER SYSTEM.** **PG.189**

D. **ORDINANCE NO. 3061 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTION MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING THE RECENTLY ANNEXED PROPERTY ADDRESSED AT 38 LOVES LANE AND LEGALLY DESCRIBED AS LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC 23, T02S, R09E, P.M.M PARK COUNTY, MONTANA AS MIXED USE (MU).** **PG.196**

E. **ORDINANCE 3060: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 2, GOVERNMENT AND ADMINISTRATION, OF THE LIVINGSTON MUNICIPAL CODE, BY CREATING A PUBLIC PROPERTY AND WAYS ARTICLE AND ESTABLISHING CERTAIN REQUIREMENTS AND PROHIBITED ACTS.** **PG.226**

8. City Manager Comment

9. City Commission Comments

10. Adjournment

Calendar of Events

Supplemental Material

Notice

- Public Comment: The public can speak about an item on the agenda during discussion of that item by coming up to the table or podium, signing-in, and then waiting to be recognized by the Chairman. Individuals are reminded that public comments should be limited to items over which the City Commission has supervision, control, jurisdiction, or advisory power (MCA 2-3-202).

- Meeting Recording: An audio and/or video recording of the meeting, or any portion thereof, may be purchased by contacting the City Administration. The City does not warrant the audio and/or video recording as to content, quality, or clarity.

- Special Accommodation: If you need special accommodations to attend or participate in our meeting, please contact the Fire Department at least 24 hours in advance of the

File Attachments for Item:

A. APPROVAL OF MINUTES FROM JUNE 03, 2025, REGULAR MEETING

Livingston City Commission minutes

June 03, 2025 — 5:30 PM

City – County Complex, Community Room

https://us02web.zoom.us/j/83113808728?pwd=EoZbrIbYEQa4oOIubTL6TQ54tB1ZUX.1

Meeting ID: 831 1380 8728

Passcode: 931825

---

1. Call to Order

Chair Schwarz called the meeting to order at 5:34pm

2. Roll Call

- Chair Schwarz
- Vice Chair Nootz
- Commissioner Kahle
- Commissioner Willich

City Staff Present

- City Manager Grant Gager
- Policy Analyst
- Chief of Police Wayne Hard
- Planning Director Jennifer Severson
- Fire Chief Josh Chabalowski

3. Public Comment

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

Public Comment was offered by:

- Nancy Adkins expressed concern about Miles St. and Sheep Mountain Development.
- Jay Keifer expressed thoughts about oversight surrounding City flags. He also wondered about emergency care transfers.

- Patricia Grabow expressed excitement about 19 years of Yellowstone Bus Tours
- Linda Maher would like to see the City use microphones for meetings, and where they were at with the water rate time frame changes, and wondered about the opt out program for smart meters.

The City Manager answered questions from public comment and stated Sheep Mountain Development will be on the agenda 2 meetings from tonight's meeting. Parking in Brookstone is an issue of how the project closed out and it is all on private property to the City is limited to what it can do there. For emergency care transfers he stated he will review this with the Chief of Livingston Fire & Rescue, but believes that they do have to take patients to nearest appropriate facility. He stated he worked with the Finance Director about sewer charges and impacts to average users and any changes to this timeframe would come with the budget proposal. He also stated they working through the opt out program and allowing users to keep their current meters and what the steps are if one fails.

4. Consent Items

A. APPROVAL OF MINUTES FROM MAY 20, 2025, REGULAR MEETING PG.4

B. APPROVAL OF CLAIMS PAID 5/15/25 - 5/28/25 PG.23

C. JUDGES MONTHLY REPORT FOR APRIL 2025 PG.36

D. AGREEMENT 20186 FOR LEASE OF ROPING ARENA PG.38

Public Comment was offered by:

- Linda Maher pointed wording typo in consent item D.

The City Manager stated they will correct the date typo.

Commissioner Kahle motioned to approved Consent Items A-D seconded by Commissioner Willich. Unanimously approved.

5. Proclamations

A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, DECLARING JUNE 2025 AS HISTORIC PRESERVATION MONTH IN LIVINGSTON MONTANA PG.46

Chair Schwarz read the proclamation.

The City Manager stated Livingston is rich in history and is excited for the Yellowstone Bus Tours.

6. Scheduled Public Comment

7. Action Items

A. **ORDINANCE 3059: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY REZONING PROPERTY LEGALLY DESCRIBED AS MINOR SUB 677, S14, T02 S, R09 E, LOT 3B, ACRES 20.01, IN PARK COUNTY, MONTANA AND TO REZONE THE PARCEL FROM MEDIUM DENSITY RESIDENTIAL (R2) TO PLANNED UNIT DEVELOPMENT (PUD).** PG.48

The City Manager stated this item is the City first PUD application, and the PUD ordinance was the primary land use recommendation of the City's 2021Growth Policy. He reminded the City Commission passed the PUD ordinance in November of 2023. He stated the applicant received subdivision approval in late 2022, and during that approval process there were some comments from Commissioners wishing to see some different types of housing that more reflective of the Growth Policy such as multifamily and small units. The applicant this evening has been working with the City team over the past 2 years to ensure it was responsive to the Growth Policy and reflective of the needs in the community. The City Manager invited Planning Director Severson to review the application in detail.

Planning Director Severson gave a brief presentation regarding Northtown PUD.

The applicant Bill Muhlenfeld expressed how great it has been to work with Planning Director Severson and City Manager Gager through this long process. He spoke briefly on PUD's and his project.

Matt Faure is one of the developers on the project and an architect, and he gave a brief presentation on the design and steps they took to get where they are now.

Garrett Schultz from Headwaters Engineering is the engineer for this project, and gave a brief presentation on the project.

Bob Abelin from Abelin Traffic Services in Helena is the one who performed the traffic impact study, and he gave a brief description of the study.

Commissioner Kahle motioned to take a 10-minute break seconded by Vice Chair Nootz. Unanimously approved.

Commissioner Willich asked what Livingston's current vacancy rate is for rental units.

The City Manager stated he will do research and bring that back at the second reading.

Commissioner Willich ask what the population is of residents that live on the north side of the tracks.

The City Manager stated it's approaching 50% of the population.

Chair Schwarz asked why the water loop was introduced now.

The City Manager stated the requirement to loop the water lines exists in the City's design standards, and it states when practicable water should be looped, and if not, there is a provision for un-looped main. It is in the design standard and the operational preference.

Commissioner Kahle asked about clarity on condition #8 regarding improvements to the 5th Street and Front Street intersection.

The City Manager stated the condition was to restrict the left turning movement of northbound traffic through the 5th and Front intersection, and what discussed was a solar powered flashing sign.

Commissioner Kahle asked if there is an evacuation plan for the northside, and would that be made available to the public.

The City Manager stated he and both Chiefs have been meeting bi-weekly about the emergency operations plan, and they are making updates to that. He stated it is their goal to more clearly communicate with the public about emergency evacuation routes, and also affirm internally for staff that we know our rules and responsibilities in certain situations.

Commissioner Kahle asked what is in store for the 5th Street crossing.

The City Manager stated they have been working with MDT and BNSF regarding reconstruction of the 5th Street crossing and they are working through their traffic count process, and scheduled construction project in year 2028. The conversations of that construction include an expansion of that crossing to make two southbound travel lanes over the tracks moving from Front Street to Park Street, with one of those being a dedicated right turning lane, and the other being a share left turn and straight lane.

Commissioner Kahle asked where we are at with another separate grade crossing.

The City Manager stated that is more of the long-term crossing solution, and reminded that we have applied for the RAISE Grant and hope to have word by the end of the month. The goal is to look at the various studies that have been done, and he has reviewed them and noticed there is no real consensus on what the best location is for that crossing, so the goal is to come up with the best location.

Commissioner Kahle brought up a situation where there is a train on the tracks and a need to emergently get across town, is there a way to get through a train.

The City Manager stated that railroads do have procedure for moving trains off of tracks, if need be, to clear a crossing.

Commissioner Kahle asked for the definition of open space, and specifically if parking lots counted as open space

Planning Director Severson stated this is defined in subdivision code, and the PUD references this code number, and she reviewed the regulation naming each item within the definition. She stated that parking lots are not considered open space.

Commissioner Kahle asked with condition 8, if they correct this, does this satisfy the level service D problem.

Bob Abelin stated yes, the left turn restriction does solve the level service D problem.

Commissioner Kahle asked what the 14-month deadline she heard was for.

Matt Faure stated approximately 14 months on the first structure to occupancy.

Commissioner Kahle asked the applicant about the trails.

Garret Schultz stated trails are wrapping around on the west end and will snake up on the east side drainage and go through the planned park.

Commissioner Kahle asked about Wild Rye Rd. and what will happen with it.

The City Manager stated it would be an all-access road during construction.

Vice Chair Nootz asked if we can legally approve or deny a subdivision on the Northside based on conditioning a new railroad crossing.

The City Manager stated it is hard to say that a new development necessitates an entirely new crossing. He reminded we do have 3 crossings including one that is grade separated. He stated it would be problematic to stop an application or development like this based on that, while still approving residential building permits that are already platted in approved lots.

Vice Chair Nootz asked about the drive-thru coffee shop in this development as it pertains to car trips in mixed use.

Planning Director Severson stated a drive-thru at that location does not support or encourage multimodal. It does support part of the growth policy that says we should try to encourage more commercial developments on the Northside.

Vice Chair Nootz asked what the process is to approve commercial uses in that space.

The City Manager stated it would be a requested variance to the zoning regulations, so that would come to the Commission.

Vice Chair Nootz stated in mixed used they do not allow drive-thru's, but they are allowed in highway commercial, and asked if this final decision in this PUD for a drive-thru would be made by the City Commission or Administrative.

The City Manager stated it would be administrative if the City Commission did not place condition upon approval of PUD.

Planning Director Severson stated the PUD Ordinance stated that uses need to be consistent with neighborhood scale.

Vice Chair Nootz asked for a simplified explanation of traffic study information in regards to location and timing

The City Manager showed a google map of Livingston showing the left turn from 5th Street on to Front Street, and stated the traffic study recommended removing the left turn at Front Street and moving left turn ups one block to Chinook Street.

Vice Chair Nootz pointed out the issue at this intersection is coming home at the end of the day, and the turning left to get out to the new development is what will block and slow traffic at 5th Street. She stated which is kind of opposite of current issues they hear about where community members are trying to get to work or get kids to school in the morning.

The City Manager stated yes, the left turn will need to be addressed, and he explained again that the traffic heading towards Park Street does have the small right turn lane to help traffic flow.

Vice Chair Nootz asked about the Certificate of Occupancy and it was stated that phase one consists of 3 phased buildings, and how does that work when you want folks to be able to move into that building right away, and not wait until the 3rd building is completed.

The City Manager stated each building receives its own certificate of occupancy so it allows the phased move in.

Vice Chair Nootz asked how many commercial units there will be.

Bill Muhlenfeld stated he is unsure how many commercial units there will be as he has no way of knowing what the demand will be for those.

Vice Chair Nootz aske if these units will be Air Bnb

Bill Muhlenfeld stated no.

Vice Chair Nootz asked if these units would be sold like condos.

Bill Muhlenfeld stated no and his thoughts are the Livingston desperately needs rentals.

Vice Chair Nootz asked if they are planning to use the retention ponds for snow storage.

Bill Muhlenfeld stated they have done that in the past.

Vice Chair Nootz asked if western most pond likely to block the line of sight for drivers.

Bill Muhlenfeld stated it doesn't seem to be an issue.

Vice Chair Nootz asked about social trails and where people are and will be using them.

Garrett Schultz stated they placed trails on the map where they make sense with the PUD not necessarily where they are currently being used in that area.

Vice Chair Nootz asked that the applicant let the public know what will be happening with those social trails at that location.

Public comment was offered by:

- Mark Narden expressed disagreement with maintaining only 3 crossings, and expressed needing an additional crossing.
- Kemp O'Neill expressed that Chinook is not a great street to route traffic to and expressed concern for semi-truck drivers that do have to get out that way, stating Chinook would not be a good street to turn on to. He referenced a video he has the WRF overflow as it relates to emergencies.
- Patricia Grabow expressed understanding the need to grow and talked about needing an overpass at Northern Light Blvd.
- Amanda Herrera is glad to see this PUD considered on the Northside, but is saddened that the entire hillside will be excavated to accommodate this housing development, and she feels it does not conform to the Growth Policy in maintaining Livingston's character.
- Jessica Haas expressed that this PUD is not for the benefit of the community. She also expressed concern about emergency evacuation plan to evacuate the whole Northside.
- Karla Pettit expressed that her thoughts that the biggest concern is getting either an over or underpass. She stated she bought her home after researching what could go on around her, and expressed being upset that the zoning can just change now, and it will impact the value of her home.
- Bridget Yuvan expressed concern with putting more people on the Northside without another crossing.
- Susan Curry expressed agreement with other commenters, but understands we need additional housing, but doesn't think a PUD in that location is appropriate, and does not feel Chinook is a suitable location for heavy to traffic to travel.
- Linda Maher asked about special tax assessment. She expressed concern about needing an additional crossing. She wondered if we can ask the railroad to coordinate their trains with our peak hours.
- Bob Ballard expressed disagreement with moving traffic to Chinook Street, and would like to see a condition of no short-term rentals.

Vice Chair Nootz motioned for 5-minute break seconded by Commissioner Willich. Unanimously approved.

Vice Chair Nootz asked about infrastructure in that area and specifically the WRF.

The City Manager stated he was able to review the video with the commenter and that it was from June of 2022, and he stated that was a very difficult time for our WRF operations. He highlighted that the plant is operating much better due to good staffing and ability to quickly solve problems that arise in the facility.

Vice Chair Nootz asked about definitions of active transportation and connectivity.

The City Manager stated they are always interested in trail connections and pointed out at this point that area is all private property. So, they may be used as social trails it is in fact private property and people are trespassing. Applications like this that do offer trail use like this to the public is beneficial to the community.

Vice Chair Nootz asked about emergencies on the Northside in the PUD area and entire Northside

The City Manager stated under the building code these new developments are required to have a sprinkler system, so they are safer buildings to have on the Northside. The Fire Chief has worked with the applicant on hydrant locations and setting more than what are required. He stated they are currently working on enhancing our City emergency plan, and understands the concerns the commenters have brought up.

Vice Chair Nootz asked about zoning being in place then changing. And asked to hear about some of the changes that have happened at the State level and how it impacted RII zoning.

The City Manager stated in 2023 there was an allowance for duplexes anywhere a single-family home is allowed, and ADU's were also allowed, parking requirements for ADU's were removed, and they removed ability for municipalities to collect impact fees for ADU's. With those moves density was increased, and parking and ability to fund certain infrastructure was decreased. In 2025 there is a bill to allow fourplexes everywhere that a single-family home is allowed, and again would double density.

Vice Chair Nootz asked if there are legal recommendation for the Northside in terms of safety.

The City Manager stated no, there is no legal constraint. He noted there are 4 points of egress and listed 5th Street crossing, the underpass, Bennett Street crossing and Old Clyde Park Road.

Vice Chair Nootz asked how is in charge of the rubber mats at the 5th Street crossing.

The City Manager stated the section of road that is 5th Street between Park Street and Front Street is part of the MDT Urban Route, and the tracks are owned by BNSF. We do have a maintenance agreement with MDT that allows us to do certain work.

Vice Chair Nootz made it clear that our Public Works Street Division cannot just go and touch that piece of street without permission.

The City Manager confirmed this.

Vice Chair Nootz asked about the special tax assessment.

The City Manager stated the applicant has the responsibility to install infrastructure necessary to support the PUD, and this area would fall in the street and street light maintenance districts, so this entity would share those City-wide costs just the same as any other property.

Chair Schwarz asked about the potential for a future fire station.

The City Manager stated that fire stations are not cheap and there is real tax implication for city residents if the City choose to embark upon construction of a new fire station. He reminded of our Fire study and response times and expressed not being worried about out team reaching residents timely.

Chair Schwarz asked about conditions for short-term rentals, and about water looping at this PUD location.

The City Manager state that we do not currently deal with short-term rentals as a category in LMC or in the zoning provisions of LMC. They are not something we regulate, but at the next City Commission meeting they will look to explore regulation of short-term rentals. There are some solutions they have found at a staff level for the water looping. It's the City's hope to avoid dead-end water mains and the City Engineer would like to see it looped at the beginning, but loop could be deferred to a later location. He reviewed loop routes for review, and which route the City prefers.

Commissioner Willich asked how many lots are on the Northside that. are currently waiting and unconstructed.

The City Manager stated approximately 200.

Vice Chair Nootz expressed that what is in the recommendation for the water loop is the compromise, and the meeting in the middle is the one in the packet that goes west. She agreed with what the Chief wants.

City Commissioners asked the City Manager about the best way to do that and best timing.

The City Manager stated it would be good to see an either-or option and stated either 24 months from COO on the first phase or occupancy of the 2nd phase. He also recommends that looping occurs by the time they start to have occupancy in phase 2.

Chair Schwarz stated this is reasonable.

Commissioner Kahle asked if they would like to add a short-term rental condition put on this application.

Chair Schwarz stated he would like to see a condition put on for no short-term rentals.

Commissioner Willich expressed that it should be a condition for all PUD's, and this could be achieved through the zoning code update.

Chair Schwarz agreed, but would still like to condition this application so they don't' have to wait for the zoning code update.

Vice Chair Nootz wondered if the applicant has ideas about short-term rentals since they stated they don't want short-term rentals at this location.

Commissioner Kahle wondered if there were any more conditions they were thinking for this application.

Vice Chair Nootz stated she is interested in the commercial development and what that looks like. It's not defined, but they have an idea of what the community wants.

The City Manager reviewed LMC Chapter 30; Sec 30.47 as it talks about Commercial Uses for PUDs and reviewed Sec. 30.40 – List of uses.

Vice Chair Nootz expressed interest in knowing what the applicant is wanting to do here and what other Commissioners are thinking.

Commissioner Willich expressed the MU and NC are very similar and it will be just deciding what this will be.

Commissioner Kahle motioned for a 5-minute break seconded by Vice Chair Nootz. Unanimously approved.

Garrett Schultz agreed that zoning is between MU and NC and stated if he had to pick tonight it would be MU. He stated they have no interest in doing short-term rentals, and they would provide a provision in the covenants that says no short-term rentals are allowed. He explained that for the loop they would construct the full phase 1, which is 3 buildings, then prior to any occupancy of phase 2 building, the loop to the west is required, but if something happens then at the time of occupancy of phase 1, they will have 36 months to complete the loop. The applicant is open to meeting with the community about trails.

City Commission and City Manager were in agreement with the change from 24 months to 36 months on the loop. They shared agreement on MU for the zoning, and the applicant adding no short-term rentals to the covenants.

Commissioner Willich stated a health housing market requires a whole variety of types of houses and units. He feels this development provides housing opportunities that the City is lacking, and feels the

most important thing is the health, safety and well-being of the community. He has heard the community's concerns about traffic, but understand the housing is needed.

Commissioner Kahle agreed that we need a mix of housing. With housing prices the way, they are this housing development is good to have in the community. She expressed that with this development going in the City is on notice to fix the crossing and or create a new one.

Vice Chair Nootz thanked the applicant for working with the City for the past 2 years. She called feedback they received from working on the Growth Policy and PUDs were something the community wanted and interesting subdivisions. She stated she likes that the parking lots are not in front of the buildings, there is generous open space, and they are adding commercial, and she likes that it's more affordable for taxpayers in the future. She really thanked the applicant for working with the City Commission and the community on this project.

Chair Schwarz stated he is a fan of PUDs and stated this is ideal and something we've needed for a long time. He thinks this is a change for the better. He reminded the public that a new crossing is not as easy as it sounds, but knows there a way to accomplish this.

Vice Chair Nootz expressed the design and layout is very thoughtful in a lot of ways that the community may not be fully aware of.

Commissioner Willich stated he appreciates the large amount of open space.

Commissioner Kahle motioned to approve Ordinance 3059 with conditions included in the staff report amended as condition #7 that the water loop will be completed at occupancy of phase 2 or within 36 months with a financial guarantee put in place, the developer will add a restriction of any short-term rentals to covenants, and commercial development will follow MU zoning at time of approval, and developer will work with community and neighbors regarding trails. Seconded by Vice Chair Nootz. Unanimously approved.

B. AGREEMENT 20187 FOR TRANSFER OF A FLAG POLE

The City Manager stated this item is a continuation from the last meeting, and as discussed in the last meeting, the placement of a private flagpole, not owned and operated by the City does create legal liability. This agreement was reviewed with some Commissioners and members of the Legion and VFW.

Public comment was offered by:

- Eric Bradley stated this is the best solution and wondered who to give the key to.
- Linda Maher asked where she could find this agreement in the packet.

The City Manager stated most of this was discussed at the May 20th meeting, and a meeting on a meeting on May 28th with him the Chair, Vice Chair, Eric Bradely, and Bob Meechum. They discussed transferring ownership of the flagpole to the City. He reviewed the agreement section by section.

Vice Chair Nootz added some information about the meeting and stated they learned that the other flag in the park is not easy to use for ceremonies because of the way the base is. They learned that they are in support of the rendering they saw during the meeting, and would like to be at the table when discussions are had about what a memorial would look like, and they were open to a design that has one memorial instead of separate ones.

Commissioner Kahle motioned to approve this item seconded by Commissioner Willich.

Vice Chair Nootz expressed that she is glad to see that they were able to resolve this sooner than later, as this was a big issue for the City and community.

Unanimously approved.

C. ORDINANCE 3060: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 2, GOVERNMENT AND ADMINISTRATION, OF THE LIVINGSTON MUNICIPAL CODE, BY CREATING A PUBLIC PROPERTY AND WAYS ARTICLE AND ESTABLISHING CERTAIN REQUIREMENTS AND PROHIBITED ACTS. PG.118

The City Manager stated this item is related to prohibited actions on public property including the construction or erection of improvements, and also limits which flags may be flown on public property. At the direction of the Commission, they are limiting that to 4 flags that include the United States, State of Montana, City of Livingston and POW/MIA flags.

Commissioner Kahle stated this is something they needed to get into place for now and is excited to hear it can be amended at a later date if needed.

Commissioner Willich expressed that this was the gentlest way they could have gotten into this situation, and she happy they are getting on top of it.

Commissioner Willich motioned to approve Ordinance 3060 seconded by Commissioner Kahle. Unanimously approved.

D. CITY OF LIVINGSTON BOARD AND COMMISSION HANDBOOK UPDATE PG.175

The City Manager stated this is an update to the board and commission handbook, and staff has made changes to the handbook that include naming conventions, proper capitalization, and to more explicitly state the relation of the advisory boards and commissions to the City and City Commission, and to provide more firm guidelines upon removal of board members.

Public comment was offered by:

- Linda Maher asked for a summarized version of this handbook.

The City Manager gave a brief description of the handbook updates and ran through the sections of the handbook.

Commissioner Willich asked if there is a difference between board and commission.

The City Manager stated no, its just how they have been named, and stated it is confusing and used Historic Preservation Commission as an example of the confusion because they are named as a commission and we have THE City Commission.

Commissioner Willich suggested changing the name of HPC to Historic Preservation Board, so the advisory boards remain separate from the City Commission.

The City Manager stated that is a change we could make and reminded there are some changes that they will need to make to LMC specifically as it pertains to the Historic Preservation Commission, and that ordinance will be coming in a future meeting.

Vice Chair Nootz expressed really liking that the City Manager has assigned City staff to the boards. She asked if they need to add MCA reference to the HPC section.

The City Manger stated that for the local HPC boards there is not much in MCA that pertains to the municipal boards.

Vice Chair Nootz stated on page 182 she would like to see a change in #2 under Procedure to Conduct Business and remove "or other appropriate person". She wondered if they should include when Chairs should ask for Ex Parte communications.

The City Manager stated it should be added to step 1 under Procedure to Conduct Business.

Vice Chair Nootz asked for a change on page 184 #6 (3) change from City Clerk to City Staff present.

Vice Chair Nootz motioned to approve this item with edits that include asking only City staff to introduce item, add disclosures of Ex Parte to step 1, change City Clerk to staff appointed. Seconded by Commissioner Kahle. Unanimously approved.

E. CITY OF LIVINGSTON BOARD AND COMMISSION BYLAW UPDATES PG.193

The City Manager stated these include bylaws for all 3 boards: Urban Renewal Agency, Historic Preservation and Consolidated Land Use Board. City staff has standardized language across all boards with the exception of the purpose statement which is tied to underlying MCA or LMC guiding documents, and memberships has had some changes to reflect number of board members.

Commissioner Kahle pointed out a clerical error on page 200.

Vice Chair Nootz stated she is so happy to see these updates.

Commissioner Kahle expressed being happy to see these updates.

Vice Chair Nootz motioned to approve this item seconded by Commissioner Willich. Unanimously approved.

F. DIRECTION TO STAFF REGARDING 2025 SUMMER COMMISSIONER LISTENING SESSIONS PG.203

The City Manager stated that the Farmers Market begins on 6/4 and Commissioners have attended those for listening sessions for the Community as well as hosted listening sessions at other venues as well. He wanted to know if Commissioners would like to attend any Farmers Markets or other listening sessions.

Commissioners discussed attending Farmers Market.

Commissioner Willich stated his Saturday session last year was not well attended.

Vice Chair Nootz stated that listening session are best when both City Commission and City Staff are present and are presenting a goal or focus. She stated it's the easiest way for the public to engage.

8. City Manager Comment

The City Manager thanked the Commissioners for the meeting tonight.

9. City Commission Comments

Commissioner Willich said he will see some of them at the Farmers Market

Commissioner Kahle stated she will be at the Farmers Market, she expressed condolences to Jack and his family for their loss.

Vice Chair Nootz – no comment

Chair Schwarz – no comment

10. Adjournment

12:04 AM Commissioner Kahle motioned to adjourn seconded by Commissioner Willich Unanimously approved.

Calendar of Events

Supplemental Material

Notice

- Public Comment: The public can speak about an item on the agenda during discussion of that item by coming up to the table or podium, signing-in, and then waiting to be recognized by the Chairman. Individuals are reminded that public comments should be limited to items over which the City Commission has supervision, control, jurisdiction, or advisory power (MCA 2-3-202).

- Meeting Recording: An audio and/or video recording of the meeting, or any portion thereof, may be purchased by contacting the City Administration. The City does not warrant the audio and/or video recording as to content, quality, or clarity.

- Special Accommodation: If you need special accommodations to attend or participate in our meeting, please contact the Fire Department at least 24 hours in advance of the specific meeting you are planning on attending.

Northtown Planned Unit Development (PUD)

City Commission Meeting

June 3, 2025

PUD SUMMARY

- Rezone from R2 to PUD
- Current Use = Vacant
- Property Size = 20 acres
- Residential Dwelling Units = 240 , mix of studio, 1BD and 2BD
- Commercial Space = 12,850 sq. ft.

PUD ORDINANCE INTENT

The Planned Unit Development is a zoning district intended to encourage more efficient use of land and public services than is typically allowed under standard zoning application. Conventional area and density requirements are replaced by application of the PUD district to lands upon which an approved plan becomes the basis for control of land development. Zoning allows for flexible design that accounts for specific site constraints and challenges and encourages clustered development, diverse housing types, mixed land uses, and natural resource preservation.

PUD OBJECTIVES

To achieve the stated intent, a PUD shall further a majority of the following objectives:

1. Protect natural and cultural resources
2. Encourage open space and recreational areas beyond the minimum subdivision requirements
3. Promote a more effective use of land than the base zoning district would allow, resulting in clustered development and a more condensed network of utilities and streets
4. Encourage mixed uses in new developments as a means to improve convenience and access to daily necessities by area residents
5. Reduce vehicular trip generation through mixed use development and enhanced multi-modal connectivity
6. Encourage affordable/ workforce housing development
7. Support the adopted City of Livingston Growth Policy

LIVINGSTON
MONTANA

DEVELOPER INCENTIVE / PUBLIC BENEFIT

Development Incentives	Public Benefits
Residential Density Bonus	10% deed restricted Affordable Housing Units (min. 2 units)
	Deed restricted Affordable Housing units at or below 60% AMI
Height Increase	10% reduction in vehicular trips to be generated by the PUD
	Open Space area is at least 20% of PUD
Waived Impact Fees	Commercial Uses in at least 5% of total building floor area

- NO additional density is requested

  20 acres R2 = 498 dwelling units allowed 'by right' (24 units/ac x 20 ac = 480 units)

  PUD = 270 dwelling units proposed

LIVINGSTON MONTANA

ANALYSIS

- *Protect Natural and Cultural Resources* – PUD will cluster development on a portion of the property which minimizes disturbance to terrain vs. single family lots
- *Encourage Open Space beyond 11% minimum required for subdivision* – 63.5% of property will be designated as open space/ parkland
- *Promote a more effective use of land than the base zoning district would allow* – clustering development reduces area needed for utilities and streets and reduces disturbance
- *Encourage Mixed Uses to improve convenience and access to daily necessities* – PUD includes 12,850 sq. ft. of commercial space to serve PUD residents and surrounding neighborhoods
- *Reduce Vehicle Trips* – mixed uses, sidewalks and close proximity to transit will encourage alternate modes of transportation and fewer vehicular trips
- *Encourage Affordable/ Workforce Housing* – not included but additional housing supply could lead to lower market rental rates

LIVINGSTON
MONTANA

ANALYSIS (*cont.*)

- *Supports Growth Policy*

Strategy 3.1.1.6: Encourage residential developments to provide neighborhood commercial areas serving residents within walking distance.

Strategy 3.1.1.8: Reduce urban sprawl through compact development consistent with the Future Land Use Map of this Growth Policy.

Strategy 4.1.3.3: Reduce climate disruption through compact growth and increased transportation choices that reduce the need for driving.

Objective 5.1.4: Promote a mix of housing within neighborhoods that supports a variety of household income levels, household age groups, and housing types.

Strategy 5.1.1.2: Consider implementing the recommendations of the housing action plan;

HAP Recommendation #9: General Zoning Reform & Flexible Development Standards- removing barriers to building a variety of housing choices, which allows for homes of all shapes and sizes for people of all incomes.

LIVINGSTON
MONTANA

RECOMMENDATION

Staff recommends the City Commission accept the recommendation of the Consolidated Land Use Board and approve the first reading of Ordinance 3059 to approve the Northtown PUD with the conditions listed below:

1. The developer/ Northtown PUD HOA will be responsible for maintaining the open space and park land and these spaces must be dedicated for use by the general public.
2. Commercial development within the PUD may require Site Plan Review prior to issuance of a building permit and/or a business license for the commercial uses.
3. No Light Industrial or (Heavy) Industrial uses are allowed in the PUD.
4. New fencing installed along the Open Space boundaries must be wildlife-friendly to allow for continued safe passage of wildlife.
5. Enclosed trash receptacles and regular property maintenance must be required by the covenants to mitigate potential bear attractants and maintain a low likelihood of human/bear conflicts.
6. Native grasses and shrubs will be maintained by the HOA in undeveloped Open Space areas.
7. The PUD road and water line must be looped through Phase 4A of the Northtown subdivision to the west via the Wild Rye Drive right-of-way to connect to Scenic Trail prior to issuance of certificates of occupancy for Phase 1 of the PUD. This includes the installation and connection of required fire hydrants as directed by the Fire Department.
8. The developer must make improvements to the 5th and Front Street intersection prior to issuance of certificates of occupancy for Phase 1 of the PUD. The applicant must consult with the Public Works Department to determine appropriate improvements.
9. As PUD phases are completed, and until full build-out of the PUD, the developer shall coordinate with City Emergency Service Providers to ensure adequate emergency access and evacuation procedures are established.

QUESTIONS?

LIVINGSTON
MONTANA

NORTHTOWN APARTMENTS

PLANNED UNIT DEVELOPMENT

SEE SHEET A1.2 FOR LOCATION OF 3D VIEWS

1 OVERALL VIEW - FROM SCENIC TRAIL

2 36 UNIT RESIDENTIAL BUILDING

3 24 UNIT RESIDENTIAL BUILDING

4 COMMERCIAL / RESIDENTIAL BUILDING

© 2024 FHA. It is unlawful to use any of the plans, designs, drawings or other documents contained herein without the express written consent of Faure Halvorsen Architects PC.

FAURE HALVORSEN ARCHITECTS
ARCHITECTURE · PLANNING · DEVELOPMENT · INTERIORS
1428 N 19TH AVE · SUITE A · BOZEMAN, MONTANA · 59718
TELEPHONE (406) 551-0004 · EMAIL FHA@FHARCHITECTS.COM

JOB NO. 16-004
DATE 09/10/2024

NORTHTOWN APARTMENTS - PUD
SCENIC TRAIL
LIVINGSTON, MT
2024

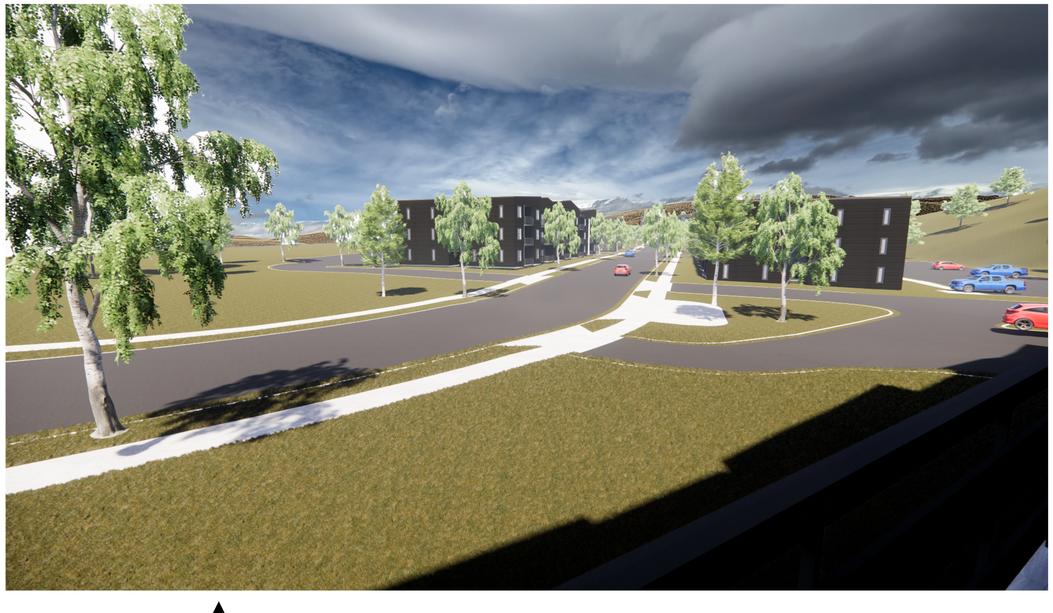
GO.1
COVER

© 2024 FHA. It is unlawful to use any of the plans, documents and ideas contained herein except as authorized by Faure Halvorsen Architects PC.

X SEE SHEET A1.2 FOR LOCATION OF 3D VIEWS

5 OVERALL VIEW - TOWARDS SCENIC TRAIL

6 VIEW UP PROPOSED ROAD



7 VIEW FROM BALCONY DOWN PROPOSED ROAD

8 VIEW FROM PARK TO RESIDENTIAL BUILDINGS

FAURE HALVORSEN ARCHITECTS
ARCHITECTURE · PLANNING · DEVELOPMENT · INTERIORS
1428 KEIM LANE · SUITE A · BOZEMAN, MONTANA · 59718
TELEPHONE (406) 551-0004 · EMAIL FHA@MCN.NET

JOB NO. 16-004
DATE 09/10/2024

NORTHTOWN APARTMENTS - PUD
SCENIC TRAIL
LIVINGSTON, MT
2024

G2.1
3D VIEWS

1 NORTHTOWN DEVELOPMENT - OVERALL MASTER PLAN
1" = 100'-0"

© 2024 FHA. It is unlawful to use any of the plans, designs, concepts, and ideas contained within this set of documents without the express written permission of Faure Halvorsen Architects PC.

FAURE HALVORSEN ARCHITECTS
ARCHITECTURE · PLANNING · DEVELOPMENT · INTERIORS
1438 KEIM LANE · SUITE A · BOZEMAN, MONTANA · 59718
TELEPHONE: (406) 551-0004 · EMAIL: FHA@FAUREHALVORSEN.COM

JOB NO. 16-004
DATE 09/10/2024

NORTHTOWN APARTMENTS - PUD
SCENIC TRAIL
LIVINGSTON, MT
2024

A1.1
MASTER PLAN

NORTH

BUILDING INFORMATION

	STORIES	FOOTPRINT SF	# OF BUILDINGS	TOTAL STUDIO	TOTAL 1-BED	TOTAL 2-BED	TOTAL # OF UNITS
*COMMERCIAL / 24 UNIT RESIDENTIAL	3	12,850	1	8	8	8	24
36 UNIT RESIDENTIAL	3	12,850	2	24	24	24	72
24 UNIT RESIDENTIAL	3	8,300	6	72	36	36	144
TOTAL		33,350	9	104	68	68	240

*COMMERCIAL LEASE SPACE ON 1ST LEVEL (12,250 SF)

PARKING

LOT #	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8	LOT 9	LOT 10	LOT 11	TOTAL
# OF SPACES	54	44	44	24	24	30	30	28	28	28	6	340

*1.4 PARKING SPOTS PER UNIT

© 2024 FHA. It is unlawful to use any of the plans, documents and/or ideas contained herein without the written permission of Faure Halvorsen Architects PC.

FAURE HALVORSEN
ARCHITECTS
ARCHITECTURE · PLANNING · INTERIORS
1428 KEIM BLVD · SUITE A · BOZEMAN, MONTANA · 59715
TELEPHONE (406) 551-0004 · EMAIL FHA@FAUREHALVORSEN.COM

JOB NO. 16-004
DATE 09/10/2024

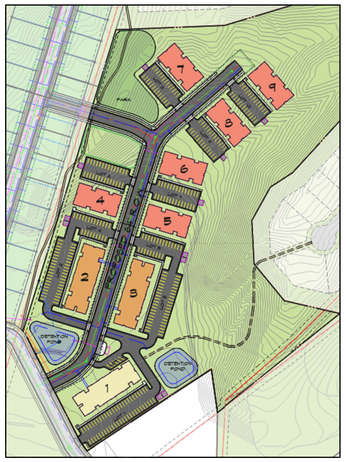
NORTHTOWN APARTMENTS - PUD

BOZEMAN TRAIL
LIVINGSTON, MT

2024

NORTH

A1.2
NORTHTOWN APARTMENTS PUD SITE PLAN



- 36 UNIT RESIDENTIAL
- COMMERCIAL / 24 UNIT RESIDENTIAL
- 24 UNIT RESIDENTIAL

1. COLORED METAL PANEL SIDING

2. HARDIE SELECT CEDERMILL IRON GRAY

3. 22 GAUGE SNAP SEAM METAL SIDING, COLOR REGAL WHITE

4. BLACK RAILING

2 36 UNIT RESIDENTIAL - MATERIALS

© 2024 FHA. It is unlawful to use any of the plans, specifications and/or concepts contained herein without the consent of Faure Halvorsen Architects PC.

FAURE HALVORSEN ARCHITECTS

ARCHITECTURE · PLANNING · DEVELOPMENT · INTERIORS
1438 West Main, Suite A · Bozeman, Montana 59715
Tel 406.587.1630 · Fax 406.587.1631 · www.fhaarchitects.com

JOB NO. 16-004
DATE 9/3/2025 3:47:46 PM

NORTHTOWN APARTMENTS
SONG TRAIL
LONGMONT

2025

G2.12
MATERIAL BOARD

- 36 UNIT RESIDENTIAL
- COMMERCIAL / 24 UNIT RESIDENTIAL
- 24 UNIT RESIDENTIAL

FIRST FLOOR CIRCULATION

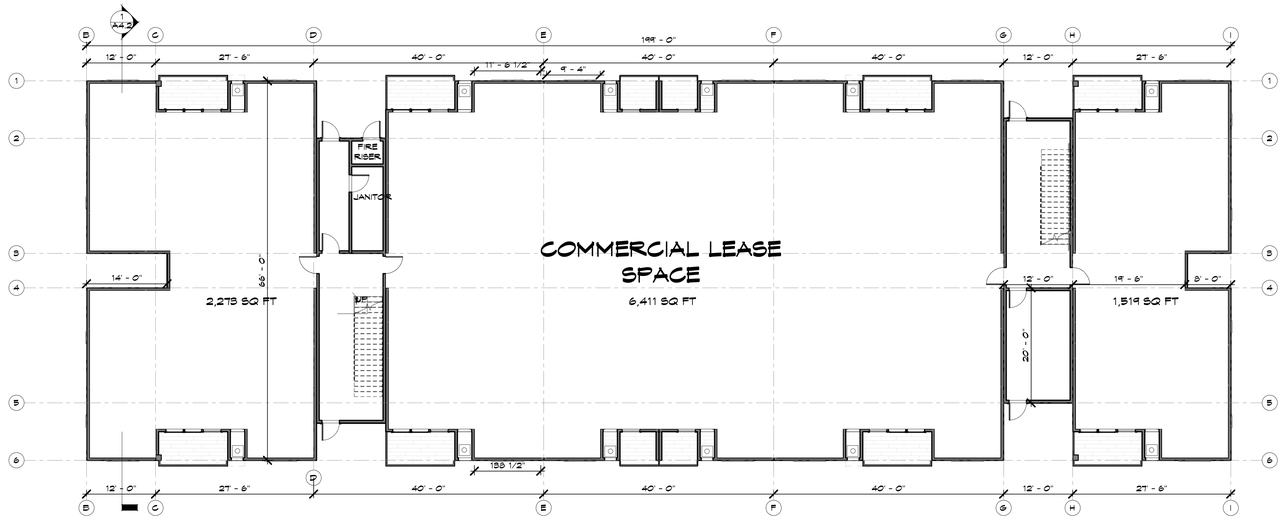
HALLWAY - 1,448 SQ FT
MECH - 340 SQ FT
JANITOR - 45 SQ FT
FIRE RISER - 56 SQ FT

SECOND FLOOR CIRCULATION

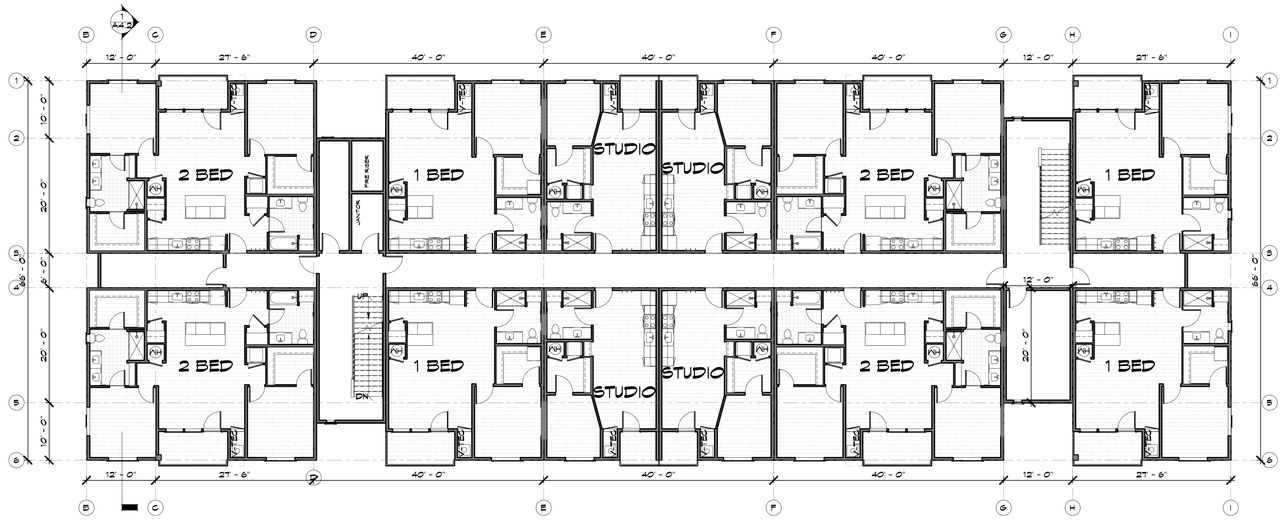
HALLWAY - 1,448 SQ FT
MECH - 395 SQ FT
JANITOR - 45 SQ FT

THIRD FLOOR CIRCULATION

HALLWAY - 1,448 SQ FT
MECH - 395 SQ FT
JANITOR - 45 SQ FT



1 FIRST LEVEL FLOOR PLAN COMMERCIAL
3/32" = 1'-0"



2 MAIN LEVEL FLOOR PLAN
3/32" = 1'-0"

3 THIRD LEVEL FLOOR PLAN
3/32" = 1'-0"

© 2024 FHA. It is unlawful to use any of the plans, documents, and/or ideas contained herein without the express written permission of Faure Halvorsen Architects PC.

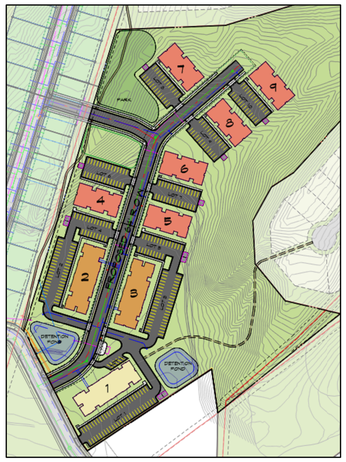
JOB NO. 16-004
DATE 6/3/2025 3:43:46 PM

FAURE HALVORSEN
ARCHITECTS
ARCHITECTURE · PLANNING · DEVELOPMENT · INTERIORS
1428 WEST MAIN · SUITE A · BOZEMAN, MONTANA · 59715
TELEPHONE (406) 551-0004 · EMAIL FHA@FAUREHALVORSEN.COM

NORTHTOWN APARTMENTS
SCRING TRAIL
LIVINGSTON, MT
2025

PLAN NORTH

A2.1
FLOOR PLANS

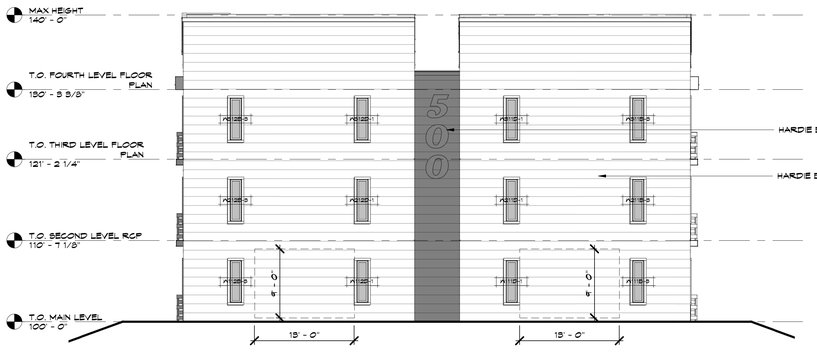


- 36 UNIT RESIDENTIAL

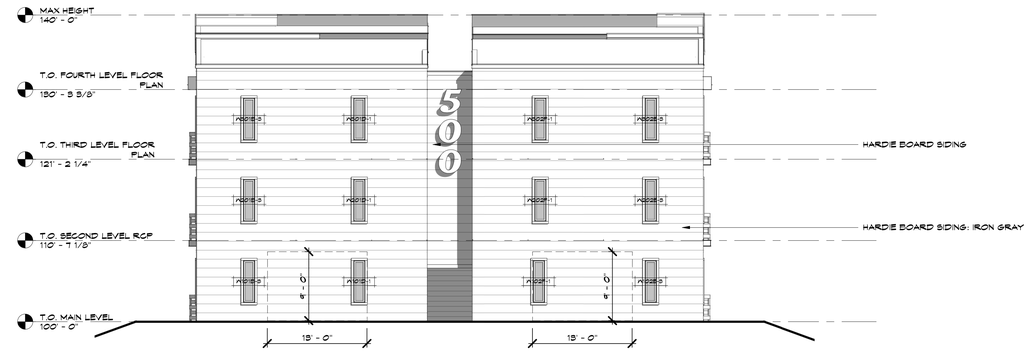
- COMMERCIAL / 24 UNIT RESIDENTIAL

- 24 UNIT RESIDENTIAL

1 NORTH
1/8" = 1'-0"



2 EAST
1/8" = 1'-0"



3 WEST
1/8" = 1'-0"

4 SOUTH
1/8" = 1'-0"

© 2024 FHA. It is unlawful to use any of the plans, specifications and other documents contained herein without the express written permission of Faure Halvorsen Architects PC.

JOB NO. 16-004
DATE: 6/2/2025 3:44:54 PM

FAURE HALVORSEN ARCHITECTS
ARCHITECTURE · PLANNING · DEVELOPMENT · INTERIORS
1428 WEST MAIN ST · SUITE A · BOZEMAN, MONTANA · 59715
TELEPHONE: (406) 551-0004 · EMAIL: FHA@FAUREHALVORSEN.COM

NORTHTOWN APARTMENTS

SCENIC TRAIL
LIVINGSTON, MT

2025

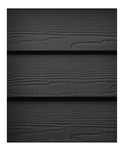
A3.1
EXTERIOR BUILDING ELEVATIONS

- 36 UNIT RESIDENTIAL

- COMMERCIAL / 24 UNIT RESIDENTIAL

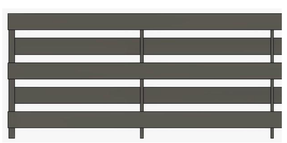
- 24 UNIT RESIDENTIAL

1. COLORED METAL PANEL SIDING



2. HARDIE SELECT CEDERMILL IRON GRAY

3. HARDIE SELECT CEDERMILL ARTIC WHITE



4. BLACK RAILING

2 36 UNIT RESIDENTIAL - MATERIALS

© 2024 FHA. It is unlawful to use any of the plans, specifications and/or concepts contained herein without the written consent of Faure Halvorsen Architects PC.

FAURE HALVORSEN ARCHITECTS
ARCHITECTURE · PLANNING · DEVELOPMENT · INTERIORS
1428 KIEF AVE, SUITE A BOZEMAN, MONTANA 59715
TELEPHONE (406) 551-0004 · EMAIL FHA@FAUREHALVORSEN.COM

JOB NO. 16-004
DATE 6/2/2025 3:33:15 PM

NORTHTOWN APARTMENTS

SCENIC TRAIL
LIVINGSTON, MT

2025

G2.2
MATERIAL BOARD

- 36 UNIT RESIDENTIAL
- COMMERCIAL / 24 UNIT RESIDENTIAL
- 24 UNIT RESIDENTIAL

FIRST FLOOR CIRCULATION

HALLWAY - 1,266 SQ FT
MECH - 211 SQ FT
JANITOR - 75 SQ FT
FIRE RISER - 26 SQ FT

SECOND FLOOR CIRCULATION

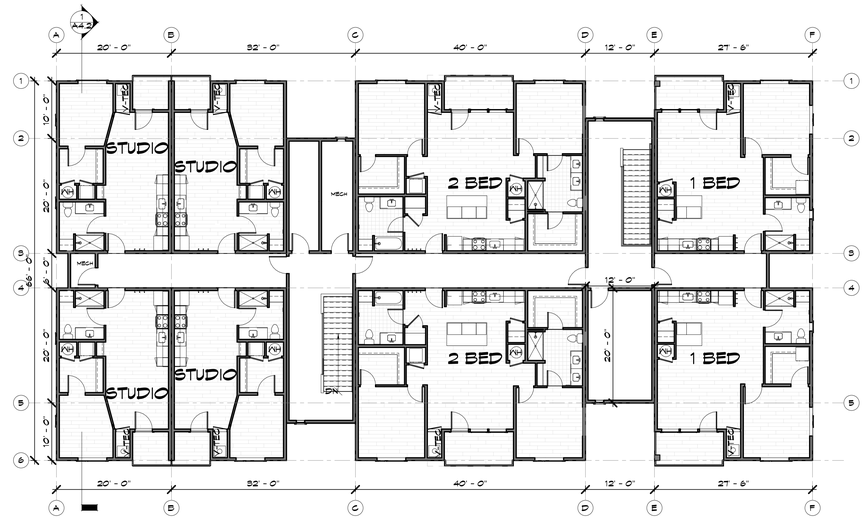
HALLWAY - 1,310 SQ FT
MECH - 341 SQ FT

THIRD FLOOR CIRCULATION

HALLWAY - 1,310 SQ FT
MECH - 341 SQ FT

1 FIRST LEVEL FLOOR PLAN
3/32" = 1'-0"

2 SECOND LEVEL FLOOR PLAN
3/32" = 1'-0"



3 THIRD LEVEL FLOOR PLAN
3/32" = 1'-0"

© 2024 FHA. It is unlawful to use any of the plans, documents, and/or designs contained herein without the express written permission of Faure Halvorsen Architects PC.

JOB NO. 16-004
DATE 6/3/2025 3:52:11 PM

FAURE HALVORSEN ARCHITECTS
ARCHITECTURE · PLANNING · DEVELOPMENT · INTERIORS
1428 RIBER LANE · SUITE A · BOZEMAN, MONTANA · 59718
TELEPHONE (406) 551-0004 · EMAIL FHA@MONTANA.COM

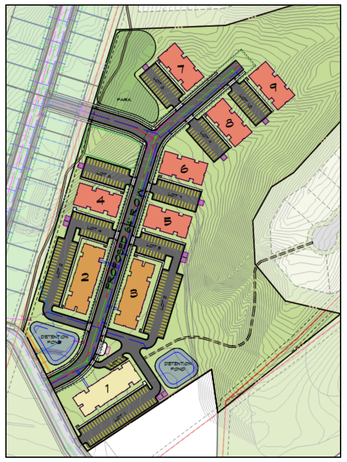
NORTHTOWN APARTMENTS

SCRING TRAIL
LIVINGSTON, MT

2025

PLAN NORTH

A2.1
FLOOR PLANS

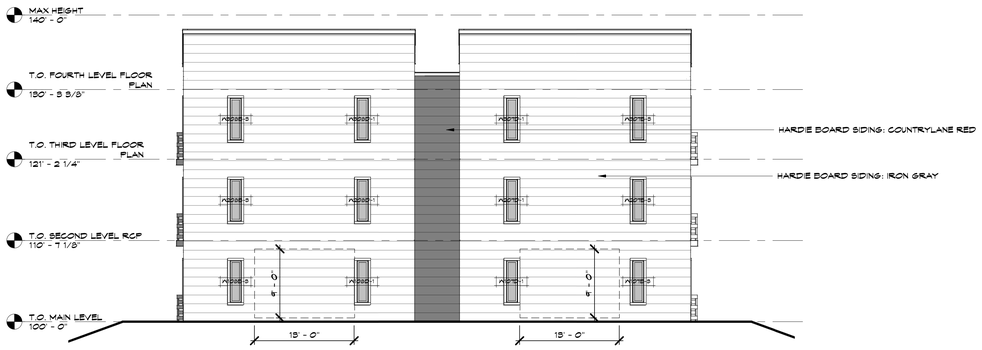


- 36 UNIT RESIDENTIAL

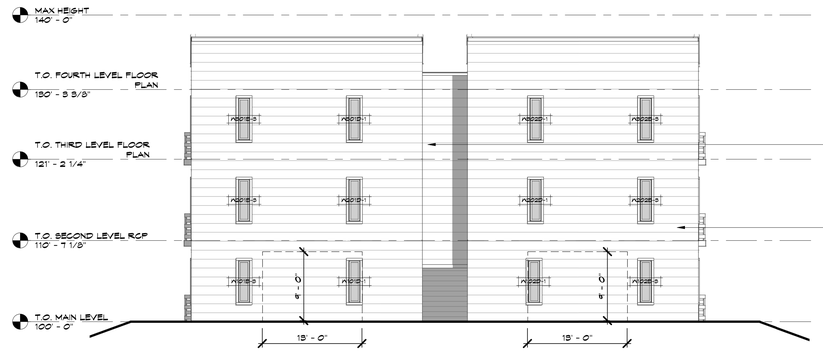
- COMMERCIAL / 24 UNIT RESIDENTIAL

- 24 UNIT RESIDENTIAL

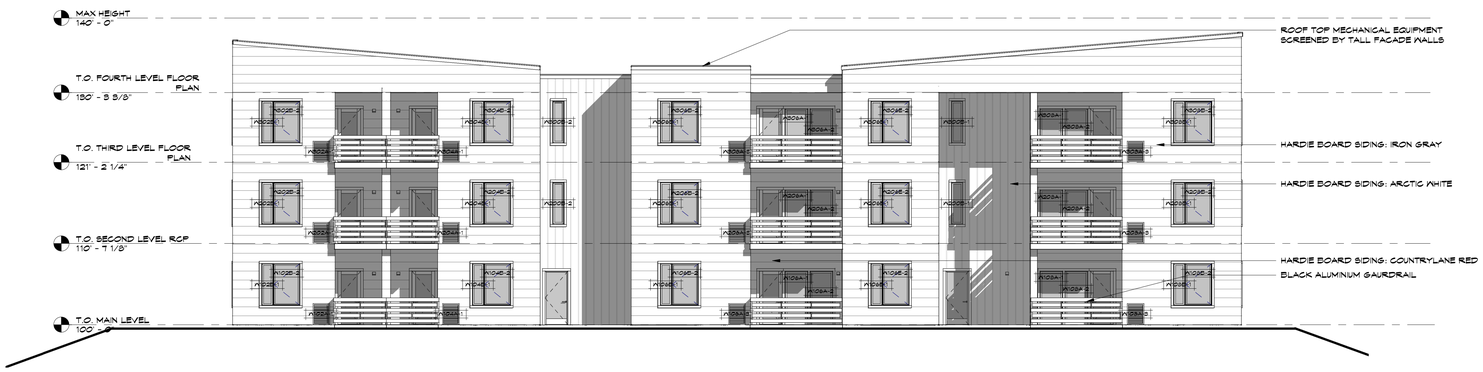
1 NORTH
1/8" = 1'-0"



2 EAST
1/8" = 1'-0"



3 WEST
1/8" = 1'-0"



4 SOUTH
1/8" = 1'-0"

© 2024 FHA. It is unlawful to use any of the plans, specifications and/or concepts contained herein except by written permission of Faure Halvorsen Architects PC.

JOB NO. 16-004
DATE: 6/2/2025 3:32:39 PM

FAURE HALVORSEN ARCHITECTS
ARCHITECTURE · PLANNING · INTERIORS
DEVELOPMENT
1428 WEST MAIN ST · SUITE A · BOZEMAN, MONTANA · 59715
TELEPHONE: (406) 551-0004 · EMAIL: FHA@FHARCHITECTS.COM

NORTHTOWN APARTMENTS

SCENIC TRAIL
LIVINGSTON, MT

2025

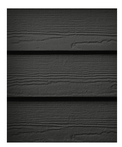
A3.1
EXTERIOR BUILDING ELEVATIONS

- 36 UNIT RESIDENTIAL

- COMMERCIAL / 24 UNIT RESIDENTIAL

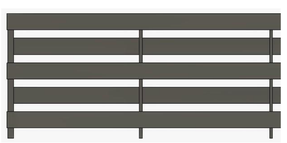
- 24 UNIT RESIDENTIAL

1. COLORED METAL PANEL SIDING



2. HARDIE SELECT CEDERMILL IRON GRAY

3. 22 GAUGE SNAP SEAM METAL SIDING, COLOR REGAL WHITE



4. BLACK RAILING

2 36 UNIT RESIDENTIAL - MATERIALS

© 2024 FHA. It is unlawful to use any of the plans, specifications and/or concepts contained in these documents without the express written consent of Faure Halvorsen Architects PC.

FAURE HALVORSEN ARCHITECTS

ARCHITECTURE · PLANNING · DEVELOPMENT · INTERIORS
1428 KEIM LANE · SUITE A · BOZEMAN, MONTANA · 59718
TELEPHONE: (406) 551-0004 · EMAIL: FHA@FAUREHALVORSEN.COM

JOB NO. 16-004
DATE 6/2/2025 3:37:36 PM

NORTHTOWN APARTMENTS

SCENIC TRAIL
LIVINGSTON, MT

2025

G2.2
MATERIAL BOARD

- 36 UNIT RESIDENTIAL
- COMMERCIAL / 24 UNIT RESIDENTIAL
- 24 UNIT RESIDENTIAL

FIRST FLOOR CIRCULATION

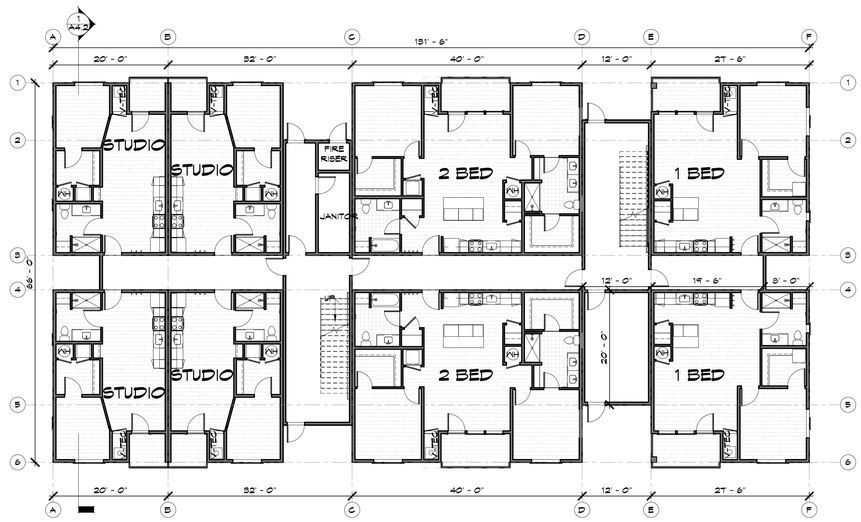
HALLWAY - 1,266 SQ FT
MECH - 211 SQ FT
JANITOR - 75 SQ FT
FIRE RISER - 26 SQ FT

SECOND FLOOR CIRCULATION

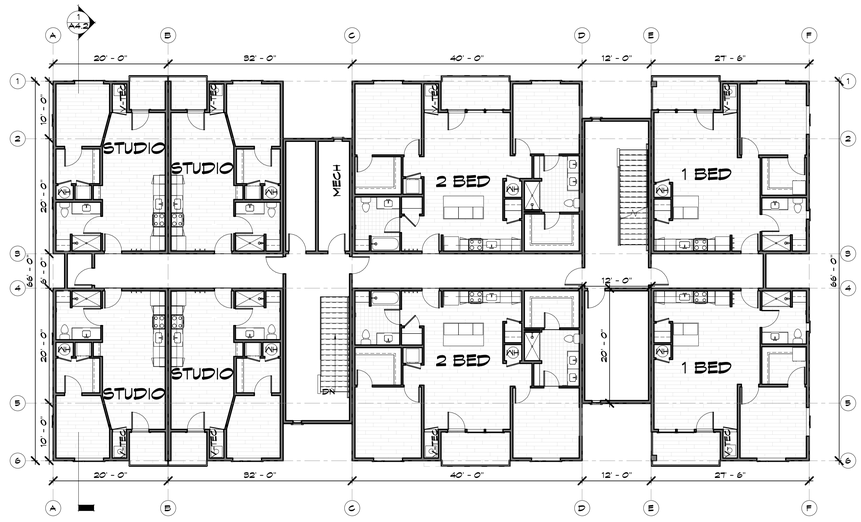
HALLWAY - 1,310 SQ FT
MECH - 341 SQ FT

THIRD FLOOR CIRCULATION

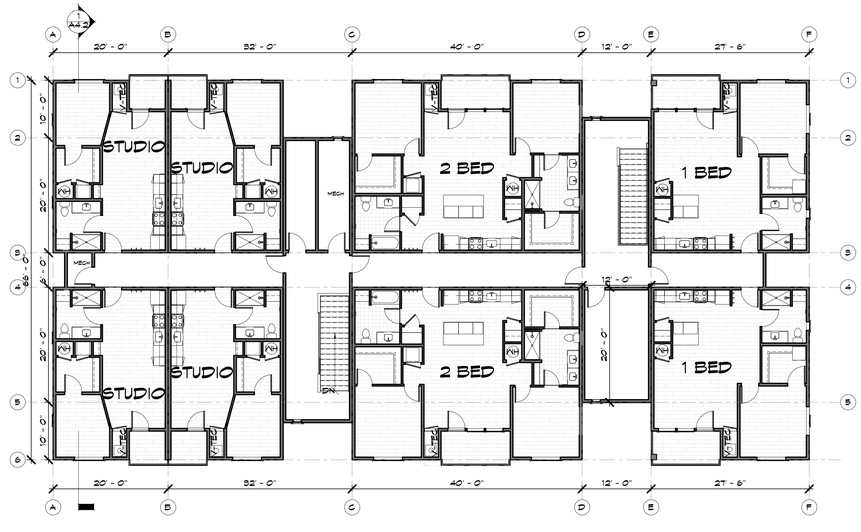
HALLWAY - 1,310 SQ FT
MECH - 341 SQ FT



1 FIRST LEVEL FLOOR PLAN
3/32" = 1'-0"



2 SECOND LEVEL FLOOR PLAN
3/32" = 1'-0"



3 THIRD LEVEL FLOOR PLAN
3/32" = 1'-0"

© 2024 FHA. It is unlawful to use any of the plans, specifications and other documents contained herein without the express written permission of Faure Halvorsen Architects PC.

JOB NO. 16-004
DATE 6/3/2025 3:36:33 PM

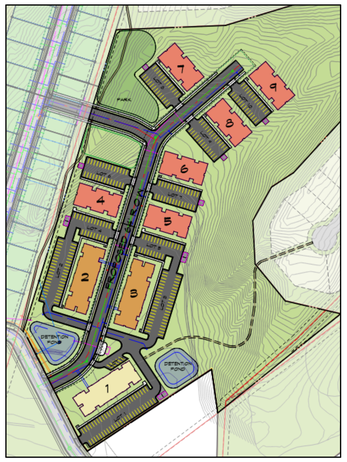
FAURE HALVORSEN ARCHITECTS
ARCHITECTURE · PLANNING · DEVELOPMENT · INTERIORS
1438 WEST MAIN ST · SUITE A · BOZEMAN, MONTANA · 59715
BOZEMAN (406) 587-0605 · BILLINGS (406) 294-9573

NORTHTOWN APARTMENTS
SKONG TRAIL
LIVINGSTON, MT

2025

PLAN NORTH

A2.1
FLOOR PLANS

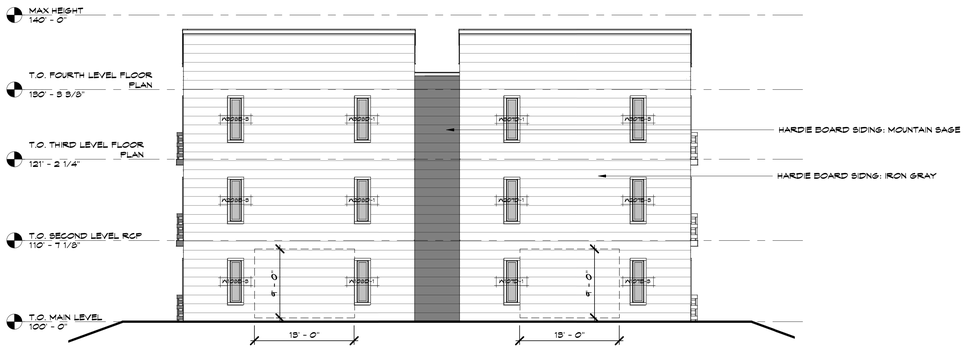


- 36 UNIT RESIDENTIAL

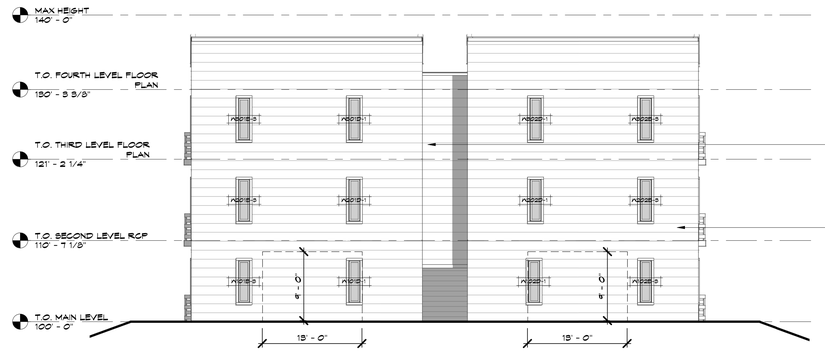
- COMMERCIAL / 24 UNIT RESIDENTIAL

- 24 UNIT RESIDENTIAL

1 NORTH
1/8" = 1'-0"



2 EAST
1/8" = 1'-0"



3 WEST
1/8" = 1'-0"

4 SOUTH
1/8" = 1'-0"

© 2024 FHA. It is unlawful to use any of the plans, specifications and/or designs contained herein for any purpose whatsoever without the written permission of Faure Halvorsen Architects PC.

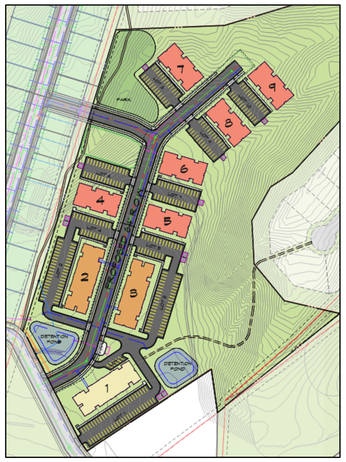
JOB NO. 16-004
DATE: 6/2/2025 9:57:06 PM

FAURE HALVORSEN ARCHITECTS
ARCHITECTURE · PLANNING · INTERIORS
DEVELOPMENT
1438 WEST MAIN ST · SUITE A · BOZEMAN, MONTANA · 59715
TELEPHONE: (406) 551-0004 · EMAIL: FHA@FAUREHALVORSEN.COM

NORTHTOWN APARTMENTS
SCENIC TRAIL
LIVINGSTON, MT

2025

A3.1
EXTERIOR BUILDING ELEVATIONS



- 36 UNIT RESIDENTIAL

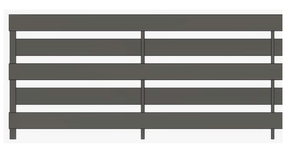
- COMMERCIAL / 24 UNIT RESIDENTIAL

- 24 UNIT RESIDENTIAL

1. COLORED METAL PANEL SIDING

2. HARDIE SELECT CEDERMILL IRON GRAY

3. 22 GAUGE SNAP SEAM METAL SIDING, COLOR REGAL WHITE



4. BLACK RAILING

2 36 UNIT RESIDENTIAL - MATERIALS

© 2024 FHA. It is unlawful to use any of the plans, specifications and/or concepts contained herein without the consent of Faure Halvorsen Architects PC.

FAURE HALVORSEN ARCHITECTS

ARCHITECTURE · PLANNING · DEVELOPMENT · INTERIORS
1428 KEIM WAY · SUITE A · BOZEMAN, MONTANA · 59718
TELEPHONE: (406) 551-0004 · EMAIL: FHA@FAUREARCHITECTS.COM

JOB NO. 16-004
DATE 6/3/2025 3:43:30 PM

NORTHTOWN APARTMENTS
SCENIC TRAIL
LIVINGSTON, MT
2025

G2.2
MATERIAL BOARD

- 36 UNIT RESIDENTIAL
- COMMERCIAL / 24 UNIT RESIDENTIAL
- 24 UNIT RESIDENTIAL

FIRST FLOOR CIRCULATION

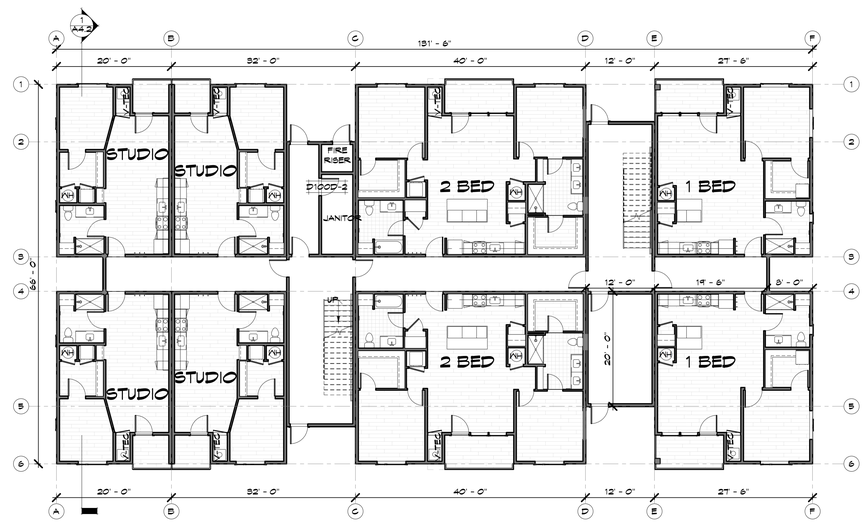
HALLWAY - 1,266 SQ FT
MECH - 211 SQ FT
JANITOR - 75 SQ FT
FIRE RISER - 26 SQ FT

SECOND FLOOR CIRCULATION

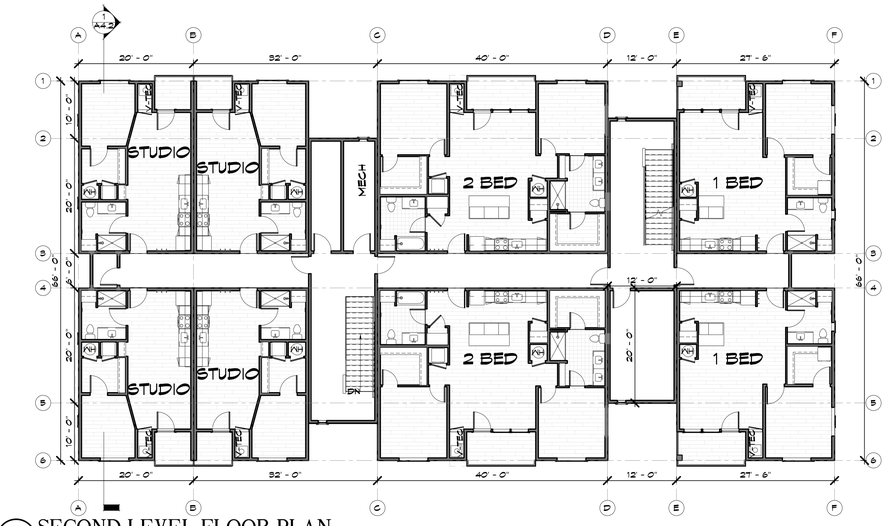
HALLWAY - 1,310 SQ FT
MECH - 341 SQ FT

THIRD FLOOR CIRCULATION

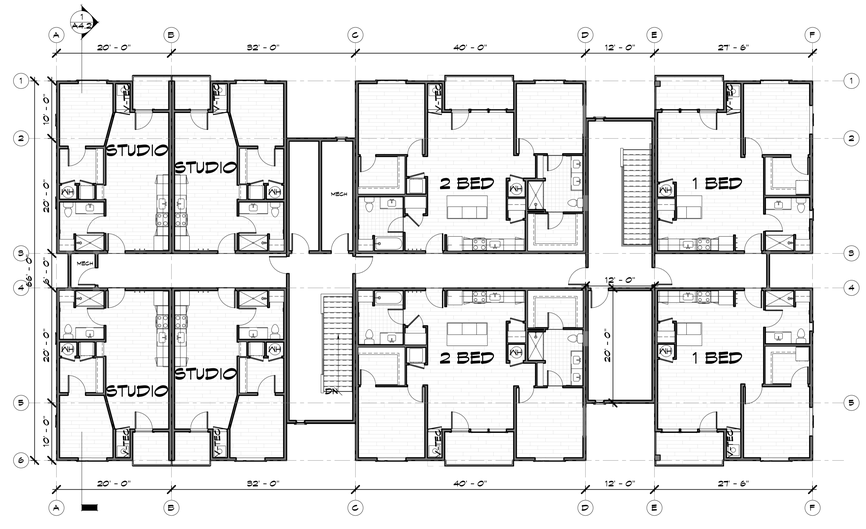
HALLWAY - 1,310 SQ FT
MECH - 341 SQ FT



1 FIRST LEVEL FLOOR PLAN
3/32" = 1'-0"



2 SECOND LEVEL FLOOR PLAN
3/32" = 1'-0"



3 THIRD LEVEL FLOOR PLAN
3/32" = 1'-0"

© 2024 FHA. It is unlawful to use any of the plans, documents, and/or ideas contained herein without the consent of Faure Halvorsen Architects PC.

JOB NO. 16-004
DATE 6/3/2025 3:46:56 PM

FAURE HALVORSEN ARCHITECTS
ARCHITECTURE · PLANNING · DEVELOPMENT · INTERIORS
1428 KEIM LANE · SUITE A · BOZEMAN, MONTANA · 59718
TELEPHONE (406) 587-8500 · EMAIL FHA@FHARCHITECTS.COM

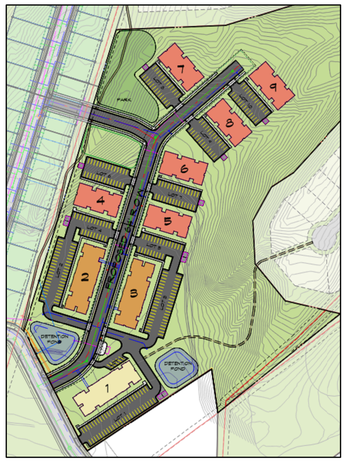
NORTHTOWN APARTMENTS

SCRING TRAIL
LIVINGSTON, MT

2025

PLAN NORTH

A2.1
FLOOR PLANS

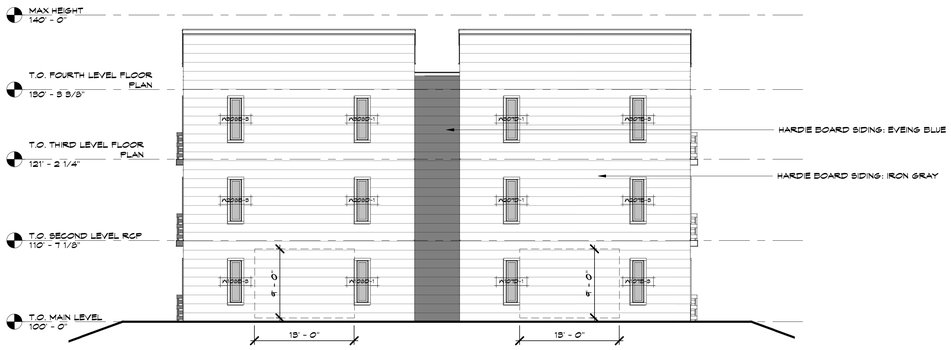


- 36 UNIT RESIDENTIAL

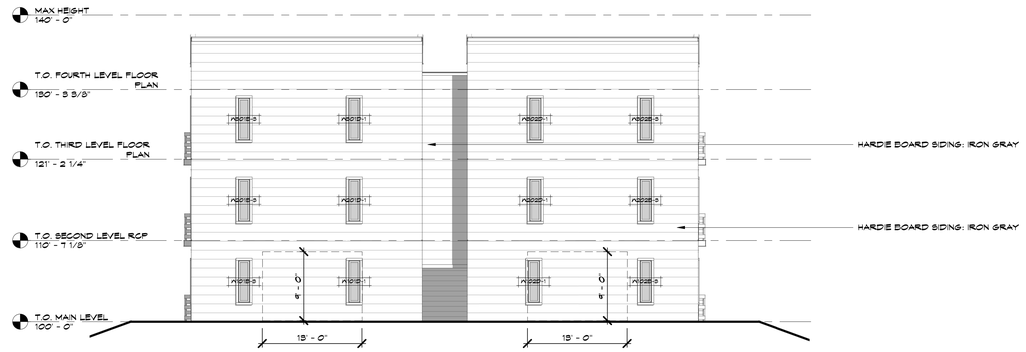
- COMMERCIAL / 24 UNIT RESIDENTIAL

- 24 UNIT RESIDENTIAL

1 NORTH
1/8" = 1'-0"



2 EAST
1/8" = 1'-0"



3 WEST
1/8" = 1'-0"

4 SOUTH
1/8" = 1'-0"

© 2024 FHA. It is unlawful to use any of the drawings, specifications and other documents without the permission of Faure Halvorsen Architects PC.

JOB NO. 16-004
DATE 6/2/2025 3:47:30 PM

FAURE HALVORSEN ARCHITECTS
ARCHITECTURE · PLANNING · INTERIORS
DEVELOPMENT
1428 WEST MAIN ST · SUITE A · BOZEMAN, MONTANA · 59715
TELEPHONE (406) 551-5000 · EMAIL FHA@FAUREHALVORSEN.COM

NORTHTOWN APARTMENTS
SCENIC TRAIL
LIVINGSTON, MT

2025

A3.1
EXTERIOR BUILDING ELEVATIONS

From: Livingston Montana <livingston-mt@municodeweb.com>
Sent: Tuesday, June 3, 2025 11:01 AM
To: webmaster <webmaster@livingstonmontana.org>
Subject: Form submission from: Contact Us

First Name Bridget

Last Name Yuvan

Question/Comment

Hello! I send a Word Document to the City Commission email, but just in case I will copy and paste my public comment again, in case this is how I am suppose to send public comment. I am new to this and not sure the correct procedure. I live at 817 North 12th Street here is Livingston. My comment is for Ordinance 3059 set for the Commission meeting tonight. Thanks! - Bridget

Dear City Commission Board Members,
My name is Bridget Yuvan and I live on the North Side at the end of North 12th Street. I am reaching out about the rezoning of the North Town land for the PUDs on North 9th and Scenic Trail (Action Item A, Ordinance 3059). I am asking that you do not rezone this area for this project and that this area is kept for single family homes like it was originally intended. Thank you for considering my reasons below.

My husband and I bought our home on North 12th in 2007. We fell in love with this house and area because of the openness, the mountain views, the promise of soccer fields, the wildlife and a quiet nature it had. One selling point listed for our house was the view of the Crazy Mountains from our porch and front windows. We also wanted to be outside of the main part of town with all the shopping and commercial aspects. I know many people bought their houses in the area and the surrounding Northside areas because of these facts as well. Building 9 PUDs with additional height will interfere with those amazing views. It will add major traffic issues, safety issues, light pollution, noise, garbage and take away from the natural beauty it contains. We moved here with the notion and promise that it would be single family homes, not 40’ apartments, especially 9 of them. This is what we had hoped to escape!

Another vital safety concern is the Railroad Crossing. I know that this has been an issue even before we moved here and nothing has been done about it! A good comparison of the situation is blowing up a balloon. You can blow more and more air into the balloon, but at some point it will burst. You can only put so many people on the north side of the tracks and not have enough ways to exit before an emergency occurs. Wildfires have taken a major turn in their intensity and destruction. Around the world, entire towns are being lost. If one were to start anywhere on the Northside and we had to evacuate and get fire crews in, there would not be enough time to get everyone out as we funnel down thousands of people to the two main crossings. What if there is a life or death situation for a person and they can’t make it to the hospital in time because the roads are blocked with traffic? I know a traffic study was done, but there are things to consider that the traffic study may not include:
1. Closing of the underpass due to water build up which occurs frequently in the springtime – has happened several times this May!
2. Trains blocking the tracks for extended periods of time that create major traffic build ups. This is historically a railroad town which is awesome, but I have sat countless times trying to get my kids to school and traffic is backed up all the way on North 7th street resulting in being late. You can’t access routes to the east because traffic is blocked in all directions. I have sat for over 30 minutes more times than I can count.
3. The integrity of the train tracks themselves. The more people driving over, the more they fall apart. Currently,

some of the tracks are a mess which is taking a toll on people's cars. Adding even more use will make destruction happen even faster.
4. Future traffic from other homes being built and for the new recreation center leading to more congestion.

For most of the day, the crossing is not a problem, but during those high use times, it is a nightmare, specifically the morning when getting kids to school and to work and coming home from work. In my opinion, NOW is a good time to be proactive with getting another crossing instead of putting it off until an actual situation arises. We know building and growth is going to keep happening so now is the time to be prepared for that. It is the town's responsibility to provide essential services for the taxpayers, including proper, well-maintained Railroad Crossings. There are legit reasons the people of North side are pleading for another crossing, but do not feel heard. Safety and being prepared for an emergency for the northside residents should be a top priority in this town first and foremost!
I understand that we are living in hard times. Covid took a toll on this community and not just as a disease. I don't think the town was prepared for this kind of sudden growth. I am sorry that the builder has had such a hard time selling the land for single family homes. Some of that is due to the rising cost of building as well as the overpricing for that land. People take risks in life and sometimes they pan out and sometimes they don't, but I don't think rules should be changed to benefit one person and leave a lasting effect on the thousands of residents who actually live in the area. I know affordable housing is a big issue for Livingston, but also for our entire country with rising costs. But this is NOT an issue to be rushed into. Thought and planning needs to be considered that benefit the whole town and those who live in the areas affected. If housing is the issue, then why add the commercial aspect as well? Our town has plenty of commercial stores like those that would be included and are in close proximity to Northside. In a struggling economy, why add even more competition to those businesses who are already struggling? If housing is what we need, then housing ONLY is what should be build there. Taxpayers bought their houses in North side knowing that we did not have those amenities are were ok with that. We do not need them now.

I think the real issue that needs to be considered is what do we want for the future of Livingston? Do we want to keep the small-town appeal which Livingston is so known and loved for or do we want to become like Bozeman or all those states that people are escaping from? These PUDs are just the start. I have watched my hometown in Illinois change in an instant due to rushed ideas and not good planning. Once it starts, there is no stopping it. Instead, take the time to do the research on what will benefit our town the most. How much housing do we actually need? Is the growth rate still rising as fast as before? What is our current vacancy rate and what is our actual need? A recent study in an article I saw last week said that the vacancy rate in Bozeman apartments is 12.7% and has been rising, yet they keep building. Are these apartments actually going to be affordable or just another lie? Are there options to keep both the builder and the residents happy? Survey the people living in the areas and see what they want for the future of Livingston so that the change that is inevitable happens in a responsible and controlled way. Communicate to all residents on current changes so all are aware.

As stated in the Mission of the City, "providing for growth in a manner, that is fiscally responsible, with integrity and compassion" and so I ask that this decision not be made in haste. Be responsible to take time to research, investigate, lay out options, ask the community opinions and then go from there, especially with a project as large as this. Show integrity that we as a community dictate how the city grows, not the outside world and be honest about what changes are happening and not keep them hidden. Show compassion to the residents who live in the area and who will be greatly affect by the changes that occur, listening and deeply considering their thoughts, concerns and opinions. Northside residents bought their homes with the notion it would be single family homes, and we want that promise honored and kept.

Thank you for representing our community and listening to our concerns. Thank you for being our voice in these matters! I appreciate your time and consideration.

Bridget and Jason Yuvan

From: Livingston Montana <livingston-mt@municodeweb.com>
Sent: Tuesday, June 3, 2025 7:02 AM
To: webmaster <webmaster@livingstonmontana.org>
Subject: Form submission from: Contact Us

First Name John

Last Name Kalmon

Question/Comment

RE: Livingston City Commission Agenda Item 7A: Rezoning for PUD
I would ask the City Commission to consider requiring 50% or more of the planned 240 units to be sold as owner-occupied housing. The existing RII zoning has been developed as for sale single family housing by the developer in adjoining parcels which is also in line with the surrounding neighborhoods. The ownership type would align with the precedent established in the area and provide equity building opportunity to lower income families and individuals as well as adding for lease units.
John Kalmon
106 S. Yellowstone St, Livingston

From: Imm. M.

To: Jennifer Severson

Subject: NorthTown PUD

Date: Monday, June 2, 2025 11:22:01 PM

Dear Members of the City Commission,

I am writing to express my concern about the Northtown Planned Unit Development (PUD) application. As currently proposed, the project does not meet the intent and design standards for a PUD outlined in the Livingston Municipal Code and conflicts with several key goals of the City's Growth Policy.

First, the PUD Code requires “context-sensitive design that conforms to topography and minimizes site impacts.” Instead, the proposal involves over 160,000 cubic yards of excavation on slopes as steep as 40%, drastically altering the land and ignoring Subdivision Regulation VI-A-2, which calls for preserving natural terrain and vegetation. Similarly, it contradicts **Goal 5 of the Housing Action Plan**, which emphasizes meeting future housing needs while protecting natural landscapes.

Second, the project disregards critical Growth Policy goals, including preserving Livingston’s natural character (Goal 2.1) and supporting walkable, connected neighborhoods (Goals 3.5, 8.1, and 8.2). The development omits required trail infrastructure, ignoring top priorities in the Trails and Active Transportation Plan, and forcing pedestrians and cyclists onto unsafe roadways.

Third, the open space plan is flawed. Although more open space is included than required, it is fragmented across steep, disconnected parcels, creating an "island effect" that disrupts wildlife movement and reduces recreational value. Continuous green corridors must be required across all phases to protect ecological health and ensure meaningful access to nature.

Fourth, workforce housing claims are misleading without enforceable deed restrictions. Without legal protections, nothing prevents future conversion to vacation rentals or corporate VRBO ownership. Verbal assurances are insufficient, especially in a gateway community where local housing markets behave differently, as seen in similar towns in Utah and Wyoming. The City should evaluate proposals through a worst-case lens and require concrete safeguards.

Finally, public safety concerns are being underestimated. Increased congestion, combined with limited evacuation routes, must be seriously addressed—especially considering new research (Headwaters Economics, *America’s Urban Wildfire Crisis*) listing Livingston among the 1,100 most wildfire-vulnerable towns nationwide.

In short, the current proposal is car-centric, environmentally damaging, and inconsistent with both the PUD framework and the Growth Policy. I respectfully urge the Board to vote **no** on this application unless major changes are made to reduce grading, legally secure workforce housing, update traffic studies, enhance evacuation planning, integrate safe trail systems, and create connected, functional open space.

Sincerely,

Immanuela Meijer

From: Keith Wickman

To: Jennifer Severson

Subject: Northtown PUD

Date: Monday, June 2, 2025 8:38:50 PM

Dear Members of the City Commission,

I am writing to express my concern about the Northtown Planned Unit Development (PUD) application. As currently proposed, the project does not meet the intent and design standards for a PUD outlined in the Livingston Municipal Code and conflicts with several key goals of the City's Growth Policy.

First, the PUD Code requires “context-sensitive design that conforms to topography and minimizes site impacts.” Instead, the proposal involves over 160,000 cubic yards of excavation on slopes as steep as 40%, drastically altering the land and ignoring Subdivision Regulation VI-A-2, which calls for preserving natural terrain and vegetation. Similarly, it contradicts **Goal 5 of the Housing Action Plan**, which emphasizes meeting future housing needs while protecting natural landscapes.

Second, the project disregards critical Growth Policy goals, including preserving Livingston’s natural character (Goal 2.1) and supporting walkable, connected neighborhoods (Goals 3.5, 8.1, and 8.2). The development omits required trail infrastructure, ignoring top priorities in the Trails and Active Transportation Plan, and forcing pedestrians and cyclists onto unsafe roadways.

Third, the open space plan is flawed. Although more open space is included than required, it is fragmented across steep, disconnected parcels, creating an "island effect" that disrupts wildlife movement and reduces recreational value. Continuous green corridors must be required across all phases to protect ecological health and ensure meaningful access to nature.

Fourth, workforce housing claims are misleading without enforceable deed restrictions. Without legal protections, nothing prevents future conversion to vacation rentals or

corporate VRBO ownership. Verbal assurances are insufficient, especially in a gateway community where local housing markets behave differently, as seen in similar towns in Utah and Wyoming. The City should evaluate proposals through a worst-case lens and require concrete safeguards.

Finally, public safety concerns are being underestimated. Increased congestion, combined with limited evacuation routes, must be seriously addressed—especially considering new research (Headwaters Economics, *America’s Urban Wildfire Crisis*) listing Livingston among the 1,100 most wildfire-vulnerable towns nationwide.

In short, the current proposal is car-centric, environmentally damaging, and inconsistent with both the PUD framework and the Growth Policy. I respectfully urge the Board to vote **no** on this application unless major changes are made to reduce grading, lower building heights, legally secure workforce housing, update traffic studies, enhance evacuation planning, integrate safe trail systems, and create connected, functional open space.

Sincerely, Keith Wickman

From: Celeste Mascari

To: Jennifer Severson

Subject: Northtown

Date: Monday, June 2, 2025 8:59:00 PM

Dear Members of the City Commission,

I am writing to express my concern about the Northtown Planned Unit Development (PUD) application. As currently proposed, the project does not meet the intent and design standards for a PUD outlined in the Livingston Municipal Code and conflicts with several key goals of the City's Growth Policy.

First, the PUD Code requires “context-sensitive design that conforms to topography and minimizes site impacts.” Instead, the proposal involves over 160,000 cubic yards of excavation on slopes as steep as 40%, drastically altering the land and ignoring Subdivision Regulation VI-A-2, which calls for preserving natural terrain and vegetation. Similarly, it contradicts **Goal 5 of the Housing Action Plan**, which emphasizes meeting future housing needs while protecting natural landscapes.

Second, the project disregards critical Growth Policy goals, including preserving Livingston’s natural character (Goal 2.1) and supporting walkable, connected neighborhoods (Goals 3.5, 8.1, and 8.2). The development omits required trail infrastructure, ignoring top priorities in the Trails and Active Transportation Plan, and forcing pedestrians and cyclists onto unsafe roadways.

Third, the open space plan is flawed. Although more open space is included than required, it is fragmented across steep, disconnected parcels, creating an "island effect" that disrupts wildlife movement and reduces recreational value. Continuous green corridors must be required across all phases to protect ecological health and ensure meaningful access to nature.

Fourth, workforce housing claims are misleading without enforceable deed restrictions. Without legal protections, nothing prevents future conversion to vacation rentals or corporate VRBO ownership. Verbal assurances are insufficient, especially in a gateway community where local housing markets behave differently, as seen in similar towns in Utah and Wyoming. The City should evaluate proposals through a worst-case lens and require concrete safeguards.

Finally, public safety concerns are being underestimated. Increased congestion, combined with limited evacuation routes, must be seriously addressed—especially considering new research (Headwaters Economics, *America’s Urban Wildfire Crisis*) listing Livingston among the 1,100 most wildfire-vulnerable towns nationwide.

In short, the current proposal is car-centric, environmentally damaging, and inconsistent with both the PUD framework and the Growth Policy. I respectfully urge the Board to vote **no** on this application unless major changes are made to reduce grading, lower building heights, legally secure workforce housing, update traffic studies, enhance evacuation planning, integrate safe trail systems, and create connected, functional open space.

Sincerely, Celeste Mascari

From: Erin Baker

To: Jennifer Severson
Subject: Northtown PUD
Date: June 2, 2025 8:39:15 PM

Dear Members of the City Commission,

I am writing to express my concern about the Northtown Planned Unit Development (PUD) application. As currently proposed, the project does not meet the intent and design standards for a PUD outlined in the Livingston Municipal Code and conflicts with several key goals of the City's Growth Policy.

First, the PUD Code requires “context-sensitive design that conforms to topography and minimizes site impacts.” Instead, the proposal involves over 160,000 cubic yards of excavation on slopes as steep as 40%, drastically altering the land and ignoring Subdivision Regulation VI-A-2, which calls for preserving natural terrain and vegetation. Similarly, it contradicts **Goal 5 of the Housing Action Plan**, which emphasizes meeting future housing needs while protecting natural landscapes.

Second, the project disregards critical Growth Policy goals, including preserving Livingston’s natural character (Goal 2.1) and supporting walkable, connected neighborhoods (Goals 3.5, 8.1, and 8.2). The development omits required trail infrastructure, ignoring top priorities in the Trails and Active Transportation Plan, and forcing pedestrians and cyclists onto unsafe roadways.

Third, the open space plan is flawed. Although more open space is included than required, it is fragmented across steep, disconnected parcels, creating an "island effect" that disrupts wildlife movement and reduces recreational value. Continuous green corridors must be required across all phases to protect ecological health and ensure meaningful access to nature.

Fourth, workforce housing claims are misleading without enforceable deed restrictions. Without legal protections, nothing prevents future conversion to vacation rentals or corporate VRBO ownership. Verbal assurances are insufficient, especially in a gateway community where local housing markets behave differently, as seen in similar towns in Utah and Wyoming. The City should evaluate proposals through a worst-case lens and require concrete safeguards.

Finally, public safety concerns are being underestimated. Increased congestion, combined with limited evacuation routes, must be seriously addressed—especially considering new research (Headwaters Economics, *America’s Urban Wildfire Crisis*) listing Livingston among the 1,100 most wildfire-vulnerable towns nationwide. We only have one underpass in town, and the traffic already gets backed up when the trains are running, adding and additional 240 units could be disastrous in the event of an emergency.

In short, the current proposal is car-centric, environmentally damaging, and inconsistent with both the PUD framework and the Growth Policy. I respectfully urge the Board to vote **no** on this application unless major changes are made to reduce grading, lower building heights, legally secure workforce housing, update traffic studies, enhance evacuation planning, integrate safe trail systems, and create connected, functional open space.

Sincerely, Erin Baker

Livingston resident

Agreement 20187

This Agreement 20187 is made and entered into this _____ day of _____, 2025, by and between City of Livingston, a Montana Municipal Corporation, with principal offices located at 220 E. Park Street, Livingston, Montana 59047 (hereinafter "CITY") and Veterans of Foreign Wars Post 2154, a Montana Corporation, with principal offices located at _____, (hereinafter called "VFW 2154") and American Legion Park Post 23, a Montana Corporation, with principal offices located at _____, (hereinafter called "AL 23"):

RECITALS

WHEREAS, VFW 2154 erected a flag pole on CITY property at the intersection of Yellowstone Street and River Drive; and

WHEREAS, the flag pole was erected by VFW 2154 without the knowledge or consent of CITY; and

WHEREAS, the construction means and methods used by VFW 2154 in erecting the flag pole are unknown to CITY; and

WHEREAS, CITY does not allow private entities to place private infrastructure on CITY-controlled pubic property; and

WHEREAS, CITY recognizes the contributions of Livingston's current and former armed forces service members; and

WHEREAS, CITY intends to replace the flag pole with a more honorable and suitable memorial honoring Livingston's veteran community;

NOW THEREFORE, the parties hereto agree as follows:

AGREEMENT

1. OWNERSHIP OF FLAG POLE: VFW 2154 hereby transfers ownership of the flag pole identified in Exhibit A to this Agreement including its base, all appurtenances and flag to CITY. In doing so, VFW 2154 hereby waives, releases and forever discharges any current or future claim of ownership of said flag pole, base, appurtenances and flag.

2. IMPROVEMENTS TO FLAG POLE: VFW 2154 and AL 23 hereby agree to provide material and labor support to CITY to enact any necessary improvements to the flag pole identified by CITY to ensure the safety of the public. CITY agrees to identify necessary improvements to the flag pole as soon as practicable.

   Known improvements at the time of this agreement include:
   a. Replacement of rope to vinyl sheathed braided steel cable, or mutually agreeable alternative.
   b. Modifications to flag pole to ensure its ability to accept impacts with lessened public injury.

3. CONTINUTED PLACEMENT UNTIL REPLACEMENT: CITY hereby agrees to maintain placement of the flag pole at the intersection of Yellowstone Street and River Drive until such time as a new memorial to the City's veteran community can be planned and constructed.

4. MAINTENANCE AND OPERATION OF FLAG POLE: Only the United States Flag or POW/MIA shall be displayed upon the flag pole. VFW 2154 and AL 23 hereby agree to operate and maintain the flag pole in accordance with the United States Flag Code. Adherence to the Flag Code is the goal but unintentional failure to adhere to the Code shall not be a breach of the Agreement.

5. COORDINATION: VFW 2154 and AL 23 hereby agree to coordinate its work and operation of the flag pole with CITY.

6. CONTACTS: The parties designate the following as primary points of contact for this agreement:
   a. For CITY:

      Grant Gager, City Manager

      (406) 223-4475

      CityManager@LivingstonMontana.org

   b. For VFW 2154:

      Eric Bradley

      (406) ___-_____

      ebrad501@gmail.com

   c. For AL 23

      Melody Mount

      (406) ___-_____

      mount.melody2@gmail.com

7. SEVERABILITY: Should any provision of this Agreement be determined to be unenforceable, all remaining terms and clauses shall remain in force and shall be fully severable.

8. INDEMNIFICATION: VFW 2154 hereby agrees to indemnify, defend, and hold CITY harmless from any and all claims, demands, costs, expenses, damages, and liabilities arising out of, resulting from, or occurring in connection with flag pole until the improvements in Section 2 can be made.

9. ENTIRE AGREEMENT AND COUNTERPARTS: This Agreement and related Exhibit A set forth the entire integrated agreement relating to the matter contained herein and supersedes all

prior and contemporaneous oral or written promises, representations, or negotiations relating to this Agreement. There have been no representations or agreements that have induced any party to enter into this Agreement other than those set forth herein. This Agreement may be executed in counterparts and shall be effective immediately upon exchange of counterpart signatures by facsimile, email, or otherwise.

Accepted on the date first written above, by:

CITY OF LIVINGSTON

_____

Quentin Schwarz, Chair

Veterans of Foreign Wars Post 2154

_____

Eric Bradley

American Legion Park Post 23

_____

Melody Mount

File Attachments for Item:

B. APPROVAL OF CLAIMS PAID 5/29/25 - 6/11/25

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
A-1 MUFFLER, INC.							
2	A-1 MUFFLER, INC.	75603	EXHAUST REPAIR	05/22/2025	70.00	70.00	06/05/2025
	Total A-1 MUFFLER, INC.:				70.00	70.00	
AAA CLEANING, LLC							
3727	AAA CLEANING, LLC	261	220 E PARK CLEANING	05/26/2025	2,000.00	2,000.00	06/05/2025
3727	AAA CLEANING, LLC	262	330 BENNETT CLEANING	05/26/2025	156.25	156.25	06/05/2025
3727	AAA CLEANING, LLC	262	330 BENNETT CLEANING	05/26/2025	156.25	156.25	06/05/2025
3727	AAA CLEANING, LLC	262	330 BENNETT CLEANING	05/26/2025	156.25	156.25	06/05/2025
3727	AAA CLEANING, LLC	262	330 BENNETT CLEANING	05/26/2025	156.25	156.25	06/05/2025
3727	AAA CLEANING, LLC	263	cIVIC CENTER	05/26/2025	2,600.00	2,600.00	06/05/2025
	Total AAA CLEANING, LLC:				5,225.00	5,225.00	
ADVANCED TECHNOLOGY PRODUCTS, INC							
3357	ADVANCED TECHNOLOGY PRO	42078	ACCU TAB	05/22/2025	11,326.45	11,326.45	06/05/2025
	Total ADVANCED TECHNOLOGY PRODUCTS, INC:				11,326.45	11,326.45	
ALL SERVICE TIRE & ALIGNMENT							
22	ALL SERVICE TIRE & ALIGNME	70134	Oil Change	05/27/2025	113.00	113.00	06/05/2025
22	ALL SERVICE TIRE & ALIGNME	70194	Oil Change-TIRES	06/04/2025	987.00	987.00	06/05/2025
	Total ALL SERVICE TIRE & ALIGNMENT:				1,100.00	1,100.00	
ALPINE ELECTRONICS RADIO SHACK							
402	ALPINE ELECTRONICS RADIO	10317627	Batteries	05/23/2025	27.98	27.98	06/05/2025
402	ALPINE ELECTRONICS RADIO	10317712	Office Supplies	05/28/2025	59.08	59.08	06/05/2025
402	ALPINE ELECTRONICS RADIO	10317957	Office Supplies	06/04/2025	15.00	15.00	06/05/2025
	Total ALPINE ELECTRONICS RADIO SHACK:				102.06	102.06	
AMAZON CAPITAL SERVICES							
10007	AMAZON CAPITAL SERVICES	1QP4-XNGG-3	PLANTRONICS HEADSET	06/03/2025	190.73	190.73	06/05/2025
	Total AMAZON CAPITAL SERVICES:				190.73	190.73	
ASSOCIATES IN EMERGENCY MEDICAL EDUCATIO							
10007	ASSOCIATES IN EMERGENCY	LPD 02-28-25	TRAINING	03/21/2025	130.00	130.00	06/05/2025
	Total ASSOCIATES IN EMERGENCY MEDICAL EDUCATIO:				130.00	130.00	
BALCO UNIFORM COMPANY, INC.							
3371	BALCO UNIFORM COMPANY, IN	82985-3	Uniform-CRANK	05/22/2025	99.20	99.20	06/05/2025
3371	BALCO UNIFORM COMPANY, IN	83799	Uniform-LASHINSKI	06/02/2025	252.00	252.00	06/05/2025
3371	BALCO UNIFORM COMPANY, IN	83820	Uniform-EMBLEMS	05/28/2025	414.00	414.00	06/05/2025
3371	BALCO UNIFORM COMPANY, IN	83864	Uniform-CRANK	06/02/2025	160.00	160.00	06/05/2025
3371	BALCO UNIFORM COMPANY, IN	83871	Uniform-ONEILL	05/23/2025	117.57	117.57	06/05/2025
3371	BALCO UNIFORM COMPANY, IN	83937	Uniform-oneill	05/23/2025	3.00	3.00	06/05/2025
	Total BALCO UNIFORM COMPANY, INC.:				1,045.77	1,045.77	
BETTER DAYS CLEANING							
10004	BETTER DAYS CLEANING	1386	CLEANING	05/30/2025	875.00	875.00	06/05/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
	Total BETTER DAYS CLEANING:				875.00	875.00	
BIG SKY FIRE EQUIPMENT							
3	BIG SKY FIRE EQUIPMENT	0505361	THERMAL IMAGER REPAIR	05/21/2025	708.12	708.12	06/05/2025
	Total BIG SKY FIRE EQUIPMENT:				708.12	708.12	
BOUND TREE MEDICAL, LLC							
2662	BOUND TREE MEDICAL, LLC	85771844	Patient Supplies	05/14/2025	1,619.99	1,619.99	06/05/2025
2662	BOUND TREE MEDICAL, LLC	85771845	Patient Supplies	05/14/2025	1,515.75	1,515.75	06/05/2025
2662	BOUND TREE MEDICAL, LLC	85773555	Patient Supplies	05/15/2025	41.85	41.85	06/05/2025
	Total BOUND TREE MEDICAL, LLC:				3,177.59	3,177.59	
BOZEMAN HEALTH							
1249	BOZEMAN HEALTH	71408	700000948	05/09/2025	600.00	600.00	06/05/2025
	Total BOZEMAN HEALTH:				600.00	600.00	
BRIDGER ANALYTICAL LAB							
3820	BRIDGER ANALYTICAL LAB	2504607	ANALYSIS	05/28/2025	290.00	290.00	06/05/2025
	Total BRIDGER ANALYTICAL LAB:				290.00	290.00	
BRUCE E. BECKER, P.C.							
10000	BRUCE E. BECKER, P.C.	2025.5.31	Contracted service	05/31/2025	4,000.00	4,000.00	06/05/2025
	Total BRUCE E. BECKER, P.C.:				4,000.00	4,000.00	
CANON FINANCIAL SERVICES, INC							
1747	CANON FINANCIAL SERVICES, I	40526030	Printer	05/12/2025	29.31	29.31	06/05/2025
1747	CANON FINANCIAL SERVICES, I	40533061	Printer	05/12/2025	29.75	29.75	06/05/2025
	Total CANON FINANCIAL SERVICES, INC:				59.06	59.06	
CARI RUBIN							
10005	CARI RUBIN	2025.5.10	REIMB-SUPPLIES	05/10/2025	21.98	21.98	06/05/2025
10005	CARI RUBIN	2025.5.10	REIMB-TRAVEL	05/10/2025	169.40	169.40	06/05/2025
	Total CARI RUBIN:				191.38	191.38	
CASELLE							
3763	CASELLE	INV-07015	APPLICATION SOFTWARE	06/01/2025	3,455.27	3,455.27	06/05/2025
3763	CASELLE	INV-07015	APPLICATION SOFTWARE	06/01/2025	108.29	108.29	06/05/2025
3763	CASELLE	INV-07015	APPLICATION SOFTWARE	06/01/2025	108.29	108.29	06/05/2025
3763	CASELLE	INV-07015	APPLICATION SOFTWARE	06/01/2025	209.00	209.00	06/05/2025
3763	CASELLE	INV-07015	APPLICATION SOFTWARE	06/01/2025	209.00	209.00	06/05/2025
3763	CASELLE	INV-07015	APPLICATION SOFTWARE	06/01/2025	318.29	318.29	06/05/2025
	Total CASELLE:				4,408.14	4,408.14	
CENGAGE LEARNING INC							
10001	CENGAGE LEARNING INC	86472115	1 BOOK	01/22/2025	31.15	31.15	06/05/2025
10001	CENGAGE LEARNING INC	87055805	4 BOOKS	03/20/2025	94.22	94.22	06/05/2025
10001	CENGAGE LEARNING INC	87083189	1 BOOK	03/25/2025	26.64	26.64	06/05/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
	Total CENGAGE LEARNING INC:				152.01	152.01	
CITY OF LIVINGSTON							
3364	CITY OF LIVINGSTON	2025.6.4	Petty Cash POOL	06/04/2025	200.00	200.00	06/05/2025
131	CITY OF LIVINGSTON	2025_05	Disbursement to City	05/30/2025	5,770.02	5,770.02	05/31/2025
	Total CITY OF LIVINGSTON:				5,970.02	5,970.02	
COMDATA							
2671	COMDATA	IB986-2042436	BZR70	03/01/2025	126.27	126.27	06/05/2025
2671	COMDATA	IB986-2042501	BZR70	04/01/2025	108.67	108.67	06/05/2025
2671	COMDATA	IB986-2042659	BZR70	06/01/2025	200.31	200.31	06/05/2025
2671	COMDATA	XW716-204266	CG72P	06/01/2025	157.48	157.48	06/05/2025
2671	COMDATA	XW716-204266	CG72P	06/01/2025	141.07	141.07	06/05/2025
2671	COMDATA	XW716-204266	CG72R	06/01/2025	106.82	106.82	06/05/2025
2671	COMDATA	XW716-204266	CG72R	06/01/2025	251.74	251.74	06/05/2025
2671	COMDATA	XW716-204266	CG73C	06/01/2025	1,033.27	1,033.27	06/05/2025
2671	COMDATA	XW716-204266	CG73H	06/01/2025	51.59	51.59	06/05/2025
2671	COMDATA	XW716-204266	CG73L	06/01/2025	284.80	284.80	06/05/2025
2671	COMDATA	XW716-204266	CG73S	06/01/2025	479.47	479.47	06/05/2025
2671	COMDATA	XW716-204266	CG73S	06/01/2025	410.01	410.01	06/05/2025
2671	COMDATA	XW716-204266	CG74G	06/01/2025	360.43	360.43	06/05/2025
2671	COMDATA	XW716-204266	CG74G	06/01/2025	106.71	106.71	06/05/2025
2671	COMDATA	XW717-204266	CG72S	06/01/2025	2,431.44	2,431.44	06/05/2025
	Total COMDATA:				6,250.08	6,250.08	
CRUX MED ED & CONSULTING							
10007	CRUX MED ED & CONSULTING	2025-2	TRAINING	05/25/2025	400.00	400.00	06/05/2025
	Total CRUX MED ED & CONSULTING:				400.00	400.00	
D&R COFFEE SERVICE INC							
10002	D&R COFFEE SERVICE INC	190572	RENTAL FEE	05/25/2025	50.00	50.00	06/05/2025
	Total D&R COFFEE SERVICE INC:				50.00	50.00	
DANA SAFETY SUPPLY, INC.							
3234	DANA SAFETY SUPPLY, INC.	965728	GRAPHICS	05/30/2025	1,902.00	1,902.00	06/05/2025
	Total DANA SAFETY SUPPLY, INC.:				1,902.00	1,902.00	
DEMCO INC							
199	DEMCO INC	7620371	Book Prep Supplies	03/20/2025	172.31	172.31	06/05/2025
	Total DEMCO INC:				172.31	172.31	
DEPARTMENT OF NATURAL RESOURCES							
10005	DEPARTMENT OF NATURAL RE	2025.7.1	LOAN 23-3757	06/01/2025	17,583.03	17,583.03	06/05/2025
10005	DEPARTMENT OF NATURAL RE	2025.7.1	LOAN 23-3757	06/01/2025	8,998.60	8,998.60	06/05/2025
	Total DEPARTMENT OF NATURAL RESOURCES:				26,581.63	26,581.63	
DEPARTMENT OF REVENUE							
122	DEPARTMENT OF REVENUE	2025_04ASKIN	DOWNTOWN CIP - 2ND & 3RD A	04/21/2025	139.39	139.39	05/30/2025
122	DEPARTMENT OF REVENUE	2025_04ASKIN	DOWNTOWN CIP - 2ND & 3RD A	04/21/2025	68.66	68.66	05/30/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
	Total DEPARTMENT OF REVENUE:				208.05	208.05	
EAGLE FENCE, LLC							
542	EAGLE FENCE, LLC	2202	GATE OPERATOR	02/27/2025	552.50	552.50	06/05/2025
542	EAGLE FENCE, LLC	2231	SERVICE CALL	04/25/2025	465.00	465.00	06/05/2025
	Total EAGLE FENCE, LLC:				1,017.50	1,017.50	
EDGAR SHERMAN DESIGN							
10007	EDGAR SHERMAN DESIGN	ES2982	ESD SLING BLACK	05/19/2025	503.00	503.00	06/05/2025
	Total EDGAR SHERMAN DESIGN:				503.00	503.00	
FERGUSON WATERWORKS #1701							
2386	FERGUSON WATERWORKS #17	0909092	BASE STATION	05/13/2025	33,512.78	33,512.78	06/05/2025
2386	FERGUSON WATERWORKS #17	0923374	Meters	05/27/2025	1,932.96	1,932.96	06/05/2025
2386	FERGUSON WATERWORKS #17	0924481	Meters	05/27/2025	12,802.07	12,802.07	06/05/2025
2386	FERGUSON WATERWORKS #17	0924707	ANTENNA	05/29/2025	1,500.00	1,500.00	06/05/2025
	Total FERGUSON WATERWORKS #1701:				49,747.81	49,747.81	
FISHER SAND AND GRAVEL							
2904	FISHER SAND AND GRAVEL	45703	ROAD MIX	05/10/2025	3,819.99	3,819.99	06/05/2025
	Total FISHER SAND AND GRAVEL:				3,819.99	3,819.99	
FLOYD'S TRUCK CENTER							
10000	FLOYD'S TRUCK CENTER	X301086246:0	MIRROR ASSEM	05/22/2025	620.71	620.71	06/05/2025
	Total FLOYD'S TRUCK CENTER:				620.71	620.71	
FOUR CORNERS RECYCLING, LLC							
2919	FOUR CORNERS RECYCLING,	5598	Pull fees	05/28/2025	8,728.50	8,728.50	06/05/2025
2919	FOUR CORNERS RECYCLING,	CM5598	Credit	05/28/2025	3,359.80-	3,359.80-	06/05/2025
	Total FOUR CORNERS RECYCLING, LLC:				5,368.70	5,368.70	
FRONTLINE AG SOLUTIONS, LLC							
2516	FRONTLINE AG SOLUTIONS, LL	1227124	HY GARD	05/21/2025	414.00	414.00	06/05/2025
2516	FRONTLINE AG SOLUTIONS, LL	1227772	CHAIN & CABLE LUBE	05/23/2025	21.16	21.16	06/05/2025
2516	FRONTLINE AG SOLUTIONS, LL	28436	john deere REPAIR	05/13/2025	6,000.00	6,000.00	06/05/2025
	Total FRONTLINE AG SOLUTIONS, LLC:				6,435.16	6,435.16	
HANSER'S AUTOMOTIVE & WRECKER							
1687	HANSER'S AUTOMOTIVE & WR	LIV6383	Towing	05/27/2025	100.00	100.00	06/05/2025
1687	HANSER'S AUTOMOTIVE & WR	LIV6691	Towing	05/22/2025	100.00	100.00	06/05/2025
	Total HANSER'S AUTOMOTIVE & WRECKER:				200.00	200.00	
HAWKINS, INC							
470	HAWKINS, INC	7066456	Chlor cylinder	05/15/2025	30.00	30.00	06/05/2025
470	HAWKINS, INC	7066942	Chlor cylinder	05/15/2025	60.00	60.00	06/05/2025
	Total HAWKINS, INC:				90.00	90.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
HORIZON AUTO PARTS							
1920	HORIZON AUTO PARTS	031940	IMPACT SOCKET	05/22/2025	20.99	20.99	06/05/2025
	Total HORIZON AUTO PARTS:				20.99	20.99	
IBS INC							
10004	IBS INC	876848-1	EAR PLUGS	05/23/2025	365.09	365.09	06/05/2025
	Total IBS INC:				365.09	365.09	
INDUSTRIAL COMM & ELEC OF BOZEMAN							
3455	INDUSTRIAL COMM & ELEC OF	35128	TRAVEL CHARGER	05/15/2025	115.00	115.00	06/05/2025
	Total INDUSTRIAL COMM & ELEC OF BOZEMAN:				115.00	115.00	
JON M HESSE PC							
10005	JON M HESSE PC	11065	PROFESSIONAL SERVICE	05/29/2025	5,322.80	5,322.80	06/05/2025
	Total JON M HESSE PC:				5,322.80	5,322.80	
KELLEY CREATE							
10006	KELLEY CREATE	39267782	AGREE 112-30752248	05/21/2025	281.49	281.49	06/05/2025
10006	KELLEY CREATE	IN1975726	JH13670	05/27/2025	103.93	103.93	06/05/2025
	Total KELLEY CREATE:				385.42	385.42	
KENYON NOBLE							
776	KENYON NOBLE	653210	HEX BOLT	05/02/2025	23.12	23.12	06/05/2025
776	KENYON NOBLE	662078	LOCKNUTS-2 MILL GEN	05/07/2025	32.47	32.47	06/05/2025
	Total KENYON NOBLE:				55.59	55.59	
KNIFE RIVER							
8	KNIFE RIVER	949817	Plant Mix	05/21/2025	807.34	807.34	06/05/2025
	Total KNIFE RIVER:				807.34	807.34	
LEHRKIND'S COCA-COLA							
2830	LEHRKIND'S COCA-COLA	2253437	Water	05/27/2025	24.00	24.00	06/05/2025
2830	LEHRKIND'S COCA-COLA	2253444	Water	05/28/2025	32.50	32.50	06/05/2025
2830	LEHRKIND'S COCA-COLA	2253445	Water	05/27/2025	13.50	13.50	06/05/2025
	Total LEHRKIND'S COCA-COLA:				70.00	70.00	
LIVINGSTON ACE HARDWARE - #122005							
26	LIVINGSTON ACE HARDWARE -	G05918	WALL REPAIR PATCH	04/26/2025	12.98	12.98	06/05/2025
26	LIVINGSTON ACE HARDWARE -	G07605	FLEXZLA SWVL HOSE	04/30/2025	49.99	49.99	06/05/2025
26	LIVINGSTON ACE HARDWARE -	G11593	BUCKET	05/06/2025	27.99	27.99	06/05/2025
26	LIVINGSTON ACE HARDWARE -	G12393	LONG HND	05/07/2025	26.99	26.99	06/05/2025
26	LIVINGSTON ACE HARDWARE -	G12924	BaIT	05/08/2025	53.96	53.96	06/05/2025
26	LIVINGSTON ACE HARDWARE -	G13205	CUT OFF WHL	05/08/2025	22.95	22.95	06/05/2025
26	LIVINGSTON ACE HARDWARE -	G13599	OUTLET ADAPTER	05/09/2025	131.32	131.32	06/05/2025
26	LIVINGSTON ACE HARDWARE -	G13885	ELEC TAPE	05/09/2025	29.98	29.98	06/05/2025
26	LIVINGSTON ACE HARDWARE -	G16021	QUICK COUPLER	05/12/2025	11.99	11.99	06/05/2025
26	LIVINGSTON ACE HARDWARE -	G16603	MOWING HEAD	05/13/2025	34.58	34.58	06/05/2025
26	LIVINGSTON ACE HARDWARE -	G16630	MICE BAIT	05/13/2025	16.99	16.99	06/05/2025
26	LIVINGSTON ACE HARDWARE -	G17160	OIL	05/14/2025	18.84	18.84	06/05/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
26	LIVINGSTON ACE HARDWARE -	G17713	KEY BLANK	05/15/2025	7.18	7.18	06/05/2025
26	LIVINGSTON ACE HARDWARE -	G21045	EXT WND DEICER	05/20/2025	17.98	17.98	06/05/2025
26	LIVINGSTON ACE HARDWARE -	G21095	FASTNERS	05/20/2025	7.78	7.78	06/05/2025
26	LIVINGSTON ACE HARDWARE -	G21244	WIRE PULLING	05/20/2025	47.94	47.94	06/05/2025
26	LIVINGSTON ACE HARDWARE -	G21323	UBOLT STEEL	05/20/2025	7.98	7.98	06/05/2025
26	LIVINGSTON ACE HARDWARE -	G21823	Fastners	05/21/2025	21.72	21.72	06/05/2025
26	LIVINGSTON ACE HARDWARE -	G21979	ELEC TAPE	05/21/2025	14.99	14.99	06/05/2025
26	LIVINGSTON ACE HARDWARE -	G22317	PRO LINE	05/22/2025	97.68	97.68	06/05/2025
26	LIVINGSTON ACE HARDWARE -	X48625	GAIN FLINGS	04/28/2025	13.97	13.97	06/05/2025
26	LIVINGSTON ACE HARDWARE -	X48693	FASTNERS	04/29/2025	21.02	21.02	06/05/2025
26	LIVINGSTON ACE HARDWARE -	X49047	COVERALL TYVEK	05/02/2025	104.93	104.93	06/05/2025
26	LIVINGSTON ACE HARDWARE -	X49478	MOWING HEAD	05/06/2025	31.99	31.99	06/05/2025
	Total LIVINGSTON ACE HARDWARE - #122005:				833.72	833.72	
LIVINGSTON HEALTH CARE							
55	LIVINGSTON HEALTH CARE	2025.6.1	MEDICAL DIRECTOR SERIVCES	06/01/2025	1,250.00	1,250.00	06/05/2025
	Total LIVINGSTON HEALTH CARE:				1,250.00	1,250.00	
MED ONE CAPITAL FUNDING LLC							
10007	MED ONE CAPITAL FUNDING LL	M00351786	CMS075884	05/21/2025	810.00	810.00	06/05/2025
	Total MED ONE CAPITAL FUNDING LLC:				810.00	810.00	
MES SERVICE COMPANY LLC							
10007	MES SERVICE COMPANY LLC	IN2264960	PPE	05/20/2025	234.21	234.21	06/05/2025
	Total MES SERVICE COMPANY LLC:				234.21	234.21	
MISC							
99999	MISC	202309779606	SEQUESTRATION OVERPAYME	05/13/2025	13.84	13.84	06/09/2025
	Total MISC:				13.84	13.84	
MONTANA AIR CARTAGE							
3808	MONTANA AIR CARTAGE	LVQ33125	Courier CONTRACT	04/01/2025	378.40	378.40	06/05/2025
	Total MONTANA AIR CARTAGE:				378.40	378.40	
MONTANA CORRECTIONAL ENTERPRISES							
1180	MONTANA CORRECTIONAL EN	91970	FURNATURE	05/08/2025	2,210.00	2,210.00	06/05/2025
	Total MONTANA CORRECTIONAL ENTERPRISES:				2,210.00	2,210.00	
MONTANA LAW ENFORCEMENT ACADEM							
925	MONTANA LAW ENFORCEMENT	25117	TRAINING-MANLEY	05/28/2025	1,944.00	1,944.00	06/05/2025
	Total MONTANA LAW ENFORCEMENT ACADEM:				1,944.00	1,944.00	
MONTANA LINEN SUPPLY LLC							
10007	MONTANA LINEN SUPPLY LLC	502146	FLOOR MAT	04/04/2025	55.25	55.25	06/05/2025
10007	MONTANA LINEN SUPPLY LLC	509539	330 BENNETT	05/16/2025	22.81	22.81	06/05/2025
10007	MONTANA LINEN SUPPLY LLC	509539	330 BENNETT	05/16/2025	22.81	22.81	06/05/2025
10007	MONTANA LINEN SUPPLY LLC	509539	330 BENNETT	05/16/2025	22.81	22.81	06/05/2025
10007	MONTANA LINEN SUPPLY LLC	509539	330 BENNETT	05/16/2025	22.82	22.82	06/05/2025
10007	MONTANA LINEN SUPPLY LLC	511992	CITY HALL	05/30/2025	126.95	126.95	06/05/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
10007	MONTANA LINEN SUPPLY LLC	511995	MATS 330 BENNETT	05/30/2025	22.81	22.81	06/05/2025
10007	MONTANA LINEN SUPPLY LLC	511995	MATS 330 BENNETT	05/30/2025	22.81	22.81	06/05/2025
10007	MONTANA LINEN SUPPLY LLC	511995	MATS 330 BENNETT	05/30/2025	22.81	22.81	06/05/2025
10007	MONTANA LINEN SUPPLY LLC	511995	MATS 330 BENNETT	05/30/2025	22.82	22.82	06/05/2025
	Total MONTANA LINEN SUPPLY LLC:				364.70	364.70	
MOTOROLA							
2634	MOTOROLA	8282105684	HANDHELD RADIO	04/02/2025	2,290.03	2,290.03	06/05/2025
2634	MOTOROLA	8282105684	HANDHELD RADIO	04/02/2025	2,290.03	2,290.03	06/05/2025
	Total MOTOROLA:				4,580.06	4,580.06	
NORDIC FIRE DEFENSE							
10006	NORDIC FIRE DEFENSE	1299	FIRE EXTINGUISHER	05/13/2025	36.00	36.00	06/05/2025
	Total NORDIC FIRE DEFENSE:				36.00	36.00	
NORTHWESTERN ENERGY							
151	NORTHWESTERN ENERGY	0708370-2 202	8th & Park Sprinklers	05/20/2025	6.55	6.55	06/05/2025
151	NORTHWESTERN ENERGY	0709877-5 202	200 E Reservoir (north side hill)	05/20/2025	907.43	907.43	06/05/2025
151	NORTHWESTERN ENERGY	0709880-9 202	200 River Drive - Pool	05/20/2025	169.31	169.31	06/05/2025
151	NORTHWESTERN ENERGY	0709881-7 202	229 River Drive - Civic Center	05/20/2025	986.01	986.01	06/05/2025
151	NORTHWESTERN ENERGY	0709882-5 202	229 River Drive - Pump Civic Cent	05/20/2025	46.23	46.23	06/05/2025
151	NORTHWESTERN ENERGY	0719271-9 202	601 Robin Lane - Well	05/20/2025	2,301.40	2,301.40	06/05/2025
151	NORTHWESTERN ENERGY	0719272-7 202	4 Billman Lane - Well	05/20/2025	2,232.47	2,232.47	06/05/2025
151	NORTHWESTERN ENERGY	0719358-4 202	Street Lights - Livingston	05/20/2025	2,496.71	2,496.71	06/05/2025
151	NORTHWESTERN ENERGY	0719373-3 202	229 River Drive	05/20/2025	8.49	8.49	06/05/2025
151	NORTHWESTERN ENERGY	0720113-0 202	229 River Drive - CC Building	05/20/2025	164.27	164.27	06/05/2025
151	NORTHWESTERN ENERGY	0720122-1 202	400 North M	05/20/2025	10.61	10.61	06/05/2025
151	NORTHWESTERN ENERGY	0802599-1 202	608 W Chinook	05/20/2025	32.05	32.05	06/05/2025
151	NORTHWESTERN ENERGY	0933715-5 202	710 W Callender	05/20/2025	23.32	23.32	06/05/2025
	Total NORTHWESTERN ENERGY:				9,384.85	9,384.85	
O'REILLY AUTOMOTIVE, INC							
2437	O'REILLY AUTOMOTIVE, INC	1558-392132	HITCH PIN	06/04/2025	17.99	17.99	06/05/2025
	Total O'REILLY AUTOMOTIVE, INC:				17.99	17.99	
PARK COUNTY							
272	PARK COUNTY	2025_05	COL CLEANING	05/31/2025	805.00	805.00	06/05/2025
272	PARK COUNTY	2025_05	CITY SHARE	05/31/2025	34.20	34.20	06/05/2025
272	PARK COUNTY	2025_05	CITY SHARE	05/31/2025	34.05	34.05	06/05/2025
272	PARK COUNTY	2025_05	CITY SHARE	05/31/2025	34.36	34.36	06/05/2025
272	PARK COUNTY	2025_05	DELL DOCKING STATION	05/31/2025	140.58	140.58	06/05/2025
272	PARK COUNTY	2025_05	INTERNET - CITY/COUNTY COM	05/31/2025	345.36	345.36	06/05/2025
272	PARK COUNTY	2025_05	INTERNET - CITY HALL	05/31/2025	2,712.18	2,712.18	06/05/2025
272	PARK COUNTY	2025_05	INTERNET - CITY HALL	05/31/2025	845.66	845.66	06/05/2025
272	PARK COUNTY	2025_05	INTERNET - PUBLIC WORKS	05/31/2025	196.67	196.67	06/05/2025
272	PARK COUNTY	2025_05	INTERNET - PUBLIC WORKS	05/31/2025	196.67	196.67	06/05/2025
272	PARK COUNTY	2025_05	INTERNET - PUBLIC WORKS	05/31/2025	196.66	196.66	06/05/2025
272	PARK COUNTY	2025_05	INTERNET - PUBLIC WORKS	05/31/2025	196.66	196.66	06/05/2025
272	PARK COUNTY	2025_05	INTERNET - CIVIC CENTER	05/31/2025	786.66	786.66	06/05/2025
272	PARK COUNTY	2025_05	INTERNET - TRANSFER STATIO	05/31/2025	231.49	231.49	06/05/2025
272	PARK COUNTY	2025_05	INTERNET - POOL	05/31/2025	231.49	231.49	06/05/2025
272	PARK COUNTY	2025_05	INTERNET - STREET SHOP	05/31/2025	77.16	77.16	06/05/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
272	PARK COUNTY	2025_05	INTERNET - STREET SHOP	05/31/2025	77.16	77.16	06/05/2025
272	PARK COUNTY	2025_05	INTERNET - STREET SHOP	05/31/2025	77.17	77.17	06/05/2025
272	PARK COUNTY	2025_05	ANALOG LINE - LOBBY ELEVAT	05/31/2025	9.64	9.64	06/05/2025
272	PARK COUNTY	2025_05	SWITCH REPLACEMENT	05/31/2025	2,700.00	2,700.00	06/05/2025
272	PARK COUNTY	2025_05	IT SUPPORT	05/31/2025	2,756.25	2,756.25	06/05/2025
272	PARK COUNTY	2025_05	SWITCH REPLACEMENT	05/31/2025	3,200.00	3,200.00	06/05/2025
272	PARK COUNTY	2025_05	DUO MFA	05/31/2025	2,808.00	2,808.00	06/05/2025
272	PARK COUNTY	2025_05	FLAG POLE PARTS	05/31/2025	286.56	286.56	06/05/2025
272	PARK COUNTY	2025_05	DELL SUPPORT - PURKETT	05/31/2025	101.02	101.02	06/05/2025
272	PARK COUNTY	2025_05	COMPUTER - PURKETT	05/31/2025	1,212.54	1,212.54	06/05/2025
272	PARK COUNTY	2025_05	COMPUTERS - RECREATION	05/31/2025	2,116.52	2,116.52	06/05/2025
272	PARK COUNTY	2025_05	DOCKING STATION - RECREATI	05/31/2025	154.28	154.28	06/05/2025
272	PARK COUNTY	2025_05	COMPUTER - HUTCHINSON	05/31/2025	1,058.26	1,058.26	06/05/2025
272	PARK COUNTY	2025_05	DOCKING STATION - HUTCHINS	05/31/2025	154.28	154.28	06/05/2025
272	PARK COUNTY	2025_05	DELL SUPPORT - FIRE	05/31/2025	241.57	241.57	06/05/2025
272	PARK COUNTY	2025_05	DELL SUPPORT - FIRE	05/31/2025	241.57	241.57	06/05/2025
272	PARK COUNTY	2025_05	COMPUTERS - LFR	05/31/2025	3,024.54	3,024.54	06/05/2025
272	PARK COUNTY	2025_05	COMPUTERS - LFR	05/31/2025	3,024.53	3,024.53	06/05/2025
272	PARK COUNTY	2025_05	ELEVATOR MAINTENANCE	05/31/2025	247.34	247.34	06/05/2025
272	PARK COUNTY	2025_05	CITY/COUNTY LAWN MAINT	05/31/2025	161.64	161.64	06/05/2025
272	PARK COUNTY	2025_05	CITY/COUNTY LAWN MAINT	05/31/2025	47.95	47.95	06/05/2025
272	PARK COUNTY	2025_05	APR - POWER BILL	05/31/2025	2,214.68	2,214.68	06/05/2025
272	PARK COUNTY	2025_05	MS OFFICE - LFR	05/31/2025	225.25	225.25	06/05/2025
272	PARK COUNTY	2025_05	MS OFFICE - LFR	05/31/2025	225.25	225.25	06/05/2025
272	PARK COUNTY	2025_05	MS OFFICE - REC	05/31/2025	1,351.50	1,351.50	06/05/2025
272	PARK COUNTY	2025_05	IT CITY PORTION - APR	05/31/2025	412.77	412.77	06/05/2025
272	PARK COUNTY	2025_05	VIDEO CONF - APR	05/31/2025	89.55	89.55	06/05/2025
272	PARK COUNTY	2025_05	STANDARD PHONE - APR	05/31/2025	67.22	67.22	06/05/2025
272	PARK COUNTY	2025_05	MAR-CELL PHONE	05/31/2025	533.44	533.44	06/05/2025
272	PARK COUNTY	2025_05	CITY/COUNTY LAWN MAINT	05/31/2025	40.25	40.25	06/05/2025
272	PARK COUNTY	2025_05	RECYCLING	05/31/2025	49.22	49.22	06/05/2025
	Total PARK COUNTY:				35,974.80	35,974.80	
RIVERSIDE HARDWARE LLC							
3659	RIVERSIDE HARDWARE LLC	250300	KEY BLANK	05/22/2025	16.00	16.00	06/05/2025
	Total RIVERSIDE HARDWARE LLC:				16.00	16.00	
ROCKY MOUNTAIN SUPPLY INC							
10006	ROCKY MOUNTAIN SUPPLY INC	01868	SUPERLUBE	05/14/2025	866.20	866.20	06/05/2025
10006	ROCKY MOUNTAIN SUPPLY INC	01915	MOLY XTREME	06/04/2025	59.00	59.00	06/05/2025
10006	ROCKY MOUNTAIN SUPPLY INC	01915	GREASE	06/04/2025	84.00	84.00	06/05/2025
10006	ROCKY MOUNTAIN SUPPLY INC	035164	DEF DRUM	05/08/2025	1,071.00	1,071.00	06/05/2025
10006	ROCKY MOUNTAIN SUPPLY INC	152890	DIESEL 614G	05/13/2025	1,736.21	1,736.21	06/05/2025
10006	ROCKY MOUNTAIN SUPPLY INC	7463	DIESEL 866G	05/23/2025	2,407.48	2,407.48	06/05/2025
	Total ROCKY MOUNTAIN SUPPLY INC:				6,223.89	6,223.89	
SALT LAKE WHOLESALE SPORTS							
2213	SALT LAKE WHOLESALE SPOR	104878	BONDED SOFT POINT	05/28/2025	484.27	484.27	06/05/2025
2213	SALT LAKE WHOLESALE SPOR	104903	MAGPUL	05/29/2025	116.55	116.55	06/05/2025
	Total SALT LAKE WHOLESALE SPORTS:				600.82	600.82	
SENSIT TECHNOLOGIES LLC							
10001	SENSIT TECHNOLOGIES LLC	SPI-1009146	GAS MONITOR REPLACEMENT	05/01/2025	2,391.80	2,391.80	06/05/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
	Total SENSIT TECHNOLOGIES LLC:				2,391.80	2,391.80	
SHAMROCK FOODS COMPANY							
10006	SHAMROCK FOODS COMPANY	8565896	STATION SUPPLIES	05/17/2025	370.00	370.00	06/05/2025
	Total SHAMROCK FOODS COMPANY:				370.00	370.00	
SPECIAL LUBE							
1814	SPECIAL LUBE	224-280-27535	Oil Change	06/02/2025	39.90	39.90	06/05/2025
	Total SPECIAL LUBE:				39.90	39.90	
THOMSON REUTERS - WEST							
2823	THOMSON REUTERS - WEST	852023064	SOFTWARE	06/01/2025	443.62	443.62	06/05/2025
	Total THOMSON REUTERS - WEST:				443.62	443.62	
TOWN & COUNTRY FOODS - LIVINGSTON							
2595	TOWN & COUNTRY FOODS - LI	10.2025	Station Supplies	05/20/2025	46.03	46.03	06/05/2025
	Total TOWN & COUNTRY FOODS - LIVINGSTON:				46.03	46.03	
TRANSUNION RISK & ALTERNATIVE							
3376	TRANSUNION RISK & ALTERNA	380349-20250	investigative resear	06/01/2025	75.00	75.00	06/05/2025
	Total TRANSUNION RISK & ALTERNATIVE:				75.00	75.00	
UPS STORE #2420, THE							
292	UPS STORE #2420, THE	12505312420A	Shipment	05/31/2025	27.77	27.77	06/05/2025
292	UPS STORE #2420, THE	2025.5.28	ShipPING	05/28/2025	13.90	13.90	06/05/2025
	Total UPS STORE #2420, THE:				41.67	41.67	
USA BLUEBOOK							
1430	USA BLUEBOOK	INV0067855	PAINT	04/10/2025	43.64	43.64	06/05/2025
1430	USA BLUEBOOK	INV0067855	PAINT	04/10/2025	43.64	43.64	06/05/2025
1430	USA BLUEBOOK	INV00715096	LIQUID DETERGENT	05/20/2025	182.00	182.00	06/05/2025
	Total USA BLUEBOOK:				269.28	269.28	
UTILITIES UNDERGROUND LOCATION							
3472	UTILITIES UNDERGROUND LO	5055098	Excavation Notifica	05/31/2025	114.91	114.91	06/05/2025
3472	UTILITIES UNDERGROUND LO	5055098	Excavation Notifica	05/31/2025	114.91	114.91	06/05/2025
3472	UTILITIES UNDERGROUND LO	5055098	Excavation Notifica	05/31/2025	114.93	114.93	06/05/2025
	Total UTILITIES UNDERGROUND LOCATION:				344.75	344.75	
WHISTLER TOWING, LLC							
3237	WHISTLER TOWING, LLC	9054	EMS 1	03/20/2025	576.38	576.38	06/05/2025
3237	WHISTLER TOWING, LLC	9068	OIL CHANGE MEDIC 3	03/28/2025	458.20	458.20	06/05/2025
3237	WHISTLER TOWING, LLC	9162	OIL CHANGE EMS 1	05/19/2025	333.80	333.80	06/05/2025
3237	WHISTLER TOWING, LLC	9169	OIL CHANGE M2	05/27/2025	313.31	313.31	06/05/2025
	Total WHISTLER TOWING, LLC:				1,681.69	1,681.69	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
YELLOWSTONE NEWS GROUP							
10005	YELLOWSTONE NEWS GROUP	606018	LAND USE	02/08/2025	52.00	52.00	06/05/2025
10005	YELLOWSTONE NEWS GROUP	612102	COMMISSION MEETING	03/01/2025	39.00	39.00	06/05/2025
10005	YELLOWSTONE NEWS GROUP	616951	COMMISSION MEETING	03/15/2025	26.00	26.00	06/05/2025
10005	YELLOWSTONE NEWS GROUP	617469	WORK SESSION	03/19/2025	78.00	78.00	06/05/2025
10005	YELLOWSTONE NEWS GROUP	624361	PUBLIC NOTICE	04/19/2025	48.00	48.00	06/05/2025
10005	YELLOWSTONE NEWS GROUP	627275	COMMISSION MEETING	04/19/2025	84.00	84.00	06/05/2025
10005	YELLOWSTONE NEWS GROUP	634726	WORK SESSION	05/10/2025	65.00	65.00	06/05/2025
10005	YELLOWSTONE NEWS GROUP	637125	COMMISSION MEETING	06/02/2025	39.00	39.00	06/05/2025
10005	YELLOWSTONE NEWS GROUP	640775	PUBLIC NOTICE	05/31/2025	52.00	52.00	06/05/2025
10005	YELLOWSTONE NEWS GROUP	641393	COMMISSION MEETING	06/02/2025	39.00	39.00	06/05/2025
Total YELLOWSTONE NEWS GROUP:					522.00	522.00	
Grand Totals:					221,229.52	221,229.52	

Dated: _____

Mayor: _____

City Council: _____

_____

_____

_____

_____

_____

City Recorder: _____

File Attachments for Item:

C. CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR A PRIVATE EVENT ON JUNE 20, 2025

LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE:	June 17, 2025
TO:	Chair Schwarz and City Commissioners
FROM:	Grant Gager, City Manager
RE:	Staff Report for Consideration of Request for a Special Event Exception to City of Livingston Alcohol Consumption Restrictions

Recommendation and Summary
Staff is recommending the Commission approve an exception to the enforcement of restrictions on consumption of beer or liquor during a private event on June 20, 2025, by adopting the following motion:

"I move to approve the request to create an exception to the enforcement of the restrictions on carrying or consuming alcohol during a private event on June 20, 2025."

The reasons for the recommendation are as follows:
- The Livingston Municipal Code allows the City Commission to provide exceptions for special events to allow public consumption of beer or liquor.
- The City has received a request from a special event operator for such an exception

Introduction and History
The applicant has submitted a Special Event Permit for a private event in Miles Park. The event is scheduled to include both music and food in addition to alcoholic beverages. The event organizer will provide security and ensure identification of all attendees.

Analysis
City departments have reviewed the request and are comfortable with the event as planned pending Commission approval of this waiver.

Fiscal Impact
Application fees will offset costs associated with the event.

Strategic Alignment

Growth Policy strategy 9.2.2.2. encourages the City to “Continue to provide public space and venues for community events and festivals.”

Attachments

- Attachment A: 2025 Event Application

City of Livingston Special Event Permit Application

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

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

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

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

Renter/Contact Name: Logan Stout

Organization: N/A

Email Address: ljstout33@gmail.com Tax ID Number:

Address: 403 N 7th St City, State, Zip: Livingston, MT, 59047

Mobile Phone: (719)404-6619 Work Phone: (719)404-6619

Group insuring event: Lloyds Syndicate 2623, Lloyds Syndicate 623

Insurance Company: Key Insurance of Livingston, Inc Policy Number: EH-771325-L3380185

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

Insurance Address: 124 W Lewis St, Livingston, MT, 59047

Event Information

Name of Event: Celebration of Pat and Alli Herald Date of Event: 06/20/2025

Event Type: Food and Music - Wedding Celebration Approx # of Attendees: 150-250

Proposed Route(s) and/or Map(s) Attached: YES Time(s) of event: 11am - 9pm

Set up Begins:	Event Begins:	Event ends:	Cleanup Complete:
9am	11:00am	9:00pm	10:00pm

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

The event is a BBQ with live music in celebration of Pat and Alli Herald's wedding. The event will have additional tables set up to sit down and have food prepared by ourselves, as well as utilizing the dance area at Miles Park to dance to the 2 or 3 live bands that will play throughout the evening at the Bandshell. Additional local visitors throughout the day are welcome to stop in and listen to music or have a beer provided by Neptunes Brewery. The expected number of people is a reach we received 25 RSVPs with the occasional local friend or passer by.

Live Music is planned to be played between hours of 2:00pm-9:00pm. I have received a copy of the sound ordinance and the rules will be followed. Have spoke with Rec Dept and will review plan and rules of the park the week prior to the event with Rec Dept. All individuals that need to be notified, with further instruction will be done in a timely manner prior to the event.

Please identify any safety / security issues:

No major notable safety or security issues with the event. The BBQ is being prepared the evening before and the food will be served to invite only individuals. All required fire extinguishers and further safety precautions at suggestion of the Rec Dept will be rented or purchased. We have notified Livingston Fire as well as the Police of the event and are willing to pay fees as necessary. Plan to use the Bandshell Parking/ Civic Center as seen in map.

Do you plan for your event to:

Have food: Yes If yes, have you contacted the Park County Sanitarian at 406-222-4145 and followed all requirements? Contacted Health Department. Know of Temp Food Permit if will be serving public

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

We will have Several Large 50 Gallon Cans for the event for food waste and recycling.

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

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

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

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

We have rented 2 Portable Restrooms for the event. As well as utilizing the local restrooms located onsite. Locations on the Map

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

We will need to utilize the Miles Park bandshell Electrical Outlets for Music Only

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

We will utilize the parking lot - Civic Center Area. Overflow will be shuttle or street

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

Record of Reservation, Is under Logan Stout with the Recreation Department for Bandshell

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

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

***Utilize Cones, A-frames or Barricades from the City of Livingston:** Yes

Candlestick Cones: 12 @ $3 each A-Frames: 4 @ $7 each Barricades: 4 @ $12 each

Construction Fencing: _____ @ $15 / 100 feet

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

Street Closure: Yes If yes, please notate number of streets* in accurate space provided as well as on the route map

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

8am-9pm Mon – Fri, 4pm-10pm; Saturday & Sunday: $200 each (up to 2 streets) $100 per street over 2

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

Alcohol to be served at event: Yes If yes, describe the location of sales, liquor license to be used and measures to insure proper ID for purchases and persons supervising the operation:

Alcohol provided will be beer only. The beer for the event will be provided by 3rd party vendor Neptunes Brewery who is a Miles Park Bandshell Approved Vendor.

☐ Liquor Liability Attached as described in Section 7

☐ Proof of Alcohol Server Training as described in Section 7

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

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

_____ Date(s) Camping will occur _____ Location of camp site(s) _____ Number of campers

_____ Number of tents _____ Location of tent(s) _____ Fire Ring(s) needed? *(must be authorized by Fire Dept)*

Please describe plan for water/sanitation facilities and parking:

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

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

I, Logan Stout 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.

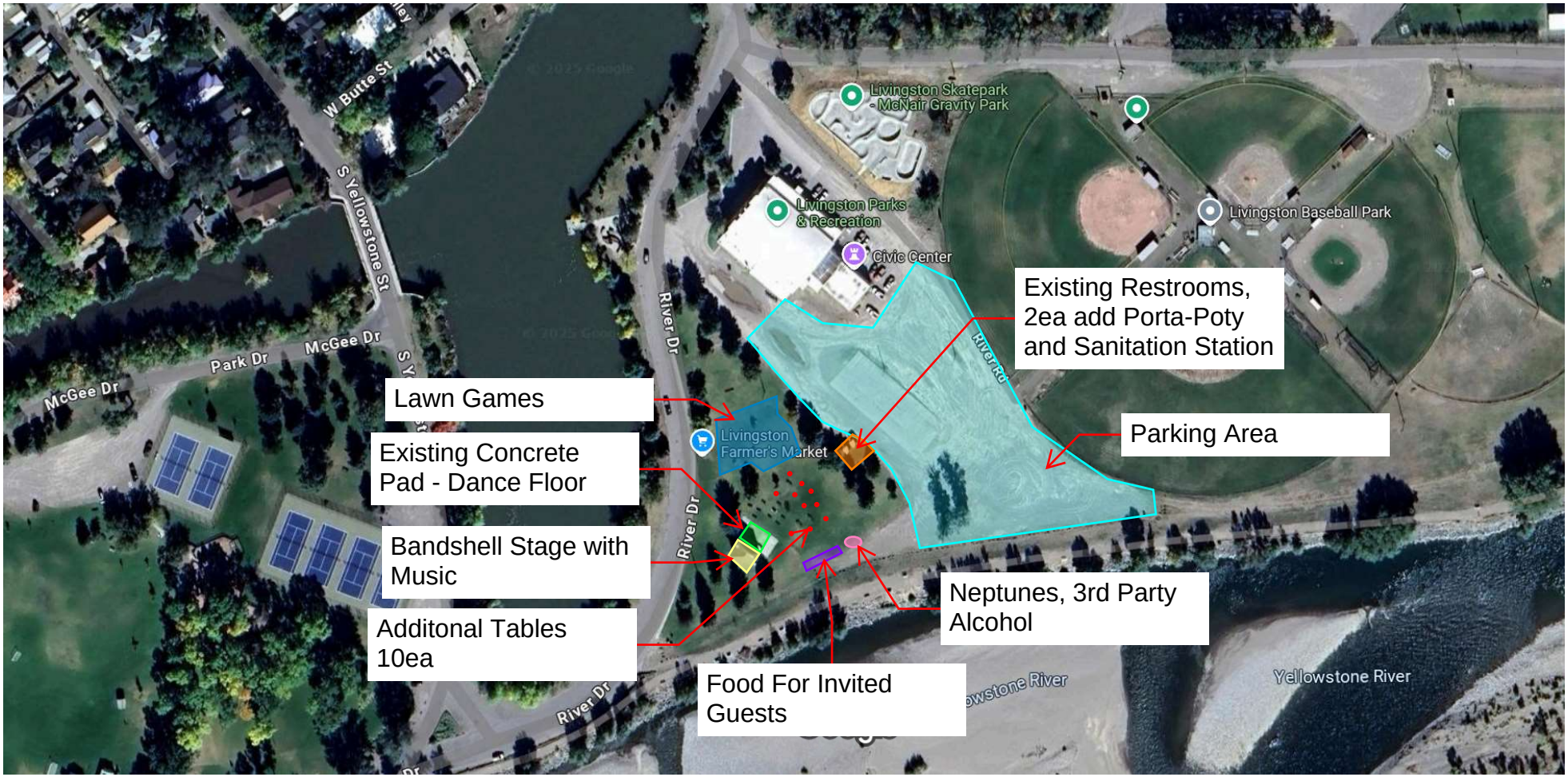
Logan Stout 5/19/2025

Responsible Party (must have authority to sign) **Date**

City of Livingston City Manager **Date**

Google Maps

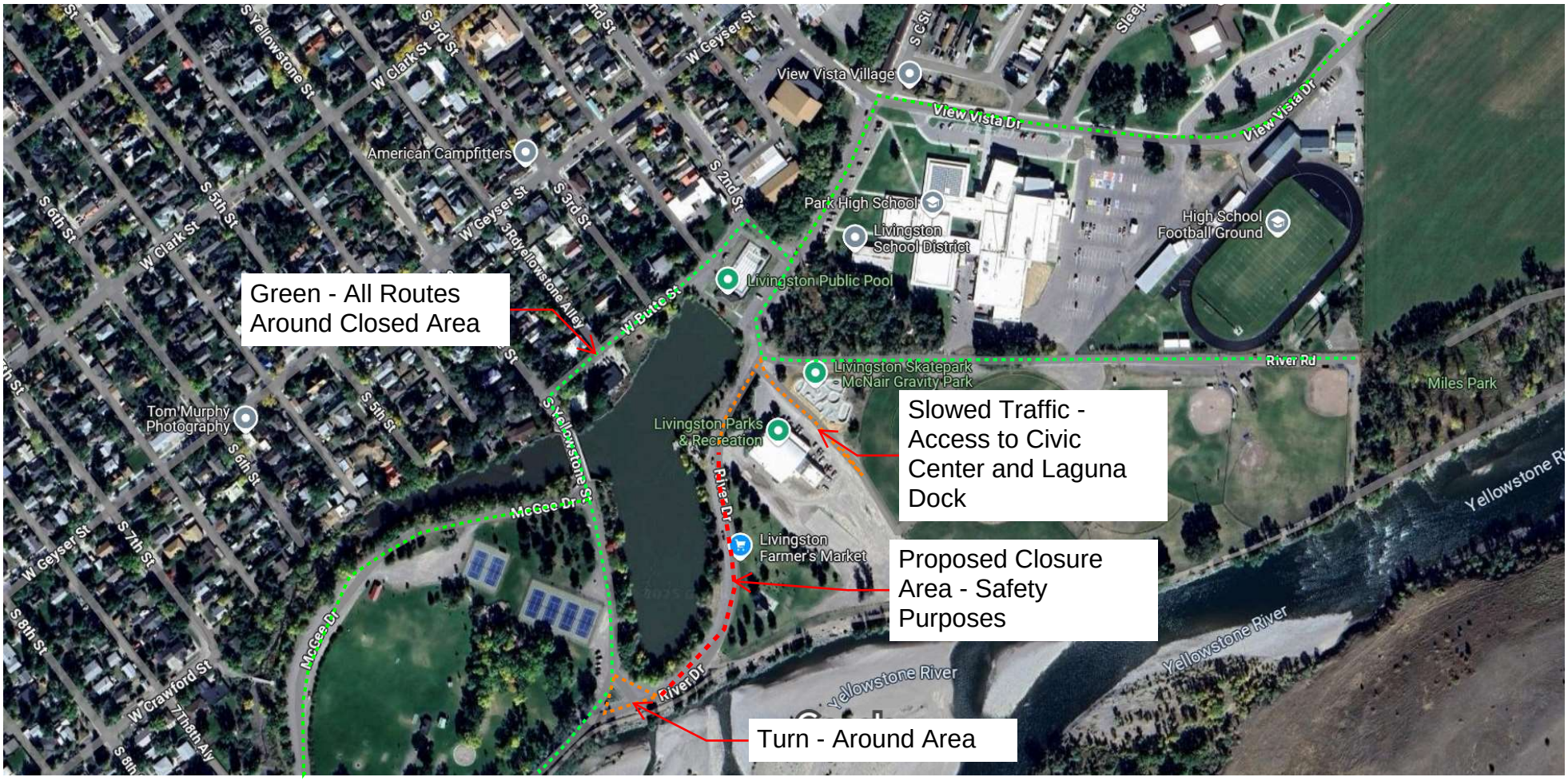
Pat and Alli's Wedding Layout



Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 100 ft

Google Maps

Road Closure and Alternate Route



Imagery ©2025 Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2025 200 ft

File Attachments for Item:

D. CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR THE LIVINGSTON ROUNDUP PARADE ON JULY 02, 2025

LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE:	June 17, 2025
TO:	Chair Schwarz and City Commissioners
FROM:	Grant Gager, City Manager
RE:	Staff Report for Consideration of Request for a Special Event Exception to City of Livingston Alcohol Consumption Restrictions

Recommendation and Summary
Staff is recommending the Commission approve an exception to the enforcement of restrictions on consumption of beer or liquor during the 2025 Livingston Roundup Parade event on July 2, 2025, by adopting the following motion:

"I move to approve the request to create an exception to the enforcement of the restrictions on carrying or consuming alcohol during the 2025 Livingston Roundup Parade."

The reasons for the recommendation are as follows:
- The Livingston Municipal Code allows the City Commission to provide exceptions for special events to allow public consumption of beer or liquor.
- The City has received a request from a special event operator for such an exception

Introduction and History
The applicant has submitted a Special Event Permit for a parade in downtown Livingston. The event has been successfully hosted in past years and includes a parade with both food alcoholic beverage vendors.

Analysis
City departments have reviewed the request and are comfortable with the event as planned pending Commission approval of this waiver.

Fiscal Impact
Application fees will offset costs associated with the event.

Strategic Alignment

Growth Policy strategy 9.2.2.2. encourages the City to “Continue to provide public space and venues for community events and festivals.”

Attachments

- Attachment A: 2025 Livingston Roundup Parade Application

City of Livingston Special Event Permit Application

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

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

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

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

Renter/Contact Name: Leslie Feigel

Organization: Livingston Area Chamber of Commerce

Email Address: Info@livingston-chamber.com Tax ID Number: 81-0160223

Address: 303 E. Park St City, State, Zip: Livingston MT 59047

Mobile Phone: 406-223-6603 Work Phone: 406-222-0850

Group insuring event: Nationwide General Insr Company

Insurance Company: The Hartford Policy Number: ACP BP013201704997

Insurance Agent: Harper West Insurance Phone:

Insurance Address: 17806 W. Interstate 10 , STE 300, San Antonio, Tx 78257

Event Information

Name of Event: 101 Annual Livingston Roundup Parade Date of Event: July 2nd 2025

Event Type: 4th of July Parade in Downtown Approx # of Attendees: 10k+

Proposed Route(s) and/or Map(s) Attached: YES Time(s) of event: 3pm

Set up Begins:	Event Begins:	Event ends:	Cleanup Complete:
12noon	3pm	5pm ish	6pm

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

This is the annual 101 yr. Parade on downtown Livingston. This tradition has grown, but as of 2020 remained stable on size. We message to the community regarding no pets off leash & p/s. leave at home. We hope to get much needed Volenteers this year to keep the parade safe & behind the chalk lines. This year we celebrate without theme — "Celebrating Montana's Treasures".

Please identify any safety / security issues:
Autos entering closure area, Streets being monitored for people running through the parade of moving entries, dogs not on leash or fighting. Harassment of the participants in the parade. Unauthorized vendors along the route. Protesters

Do you plan for your event to:

Have food: No If yes, have you contacted the Park County Sanitarian at 406-222-4145 and followed all requirements? All food is from restaurants.

Accumulate waste: Yes If yes, please notate your disposal plan (We recommend 1 – 96 Gallon can per 200 people):
26 cans placed throughout route.

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

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

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

Need restrooms: Yes If yes, how do you plan to accommodate? (We recommend one toilet per 250 people)
15 and local restrooms have been more than adequate.

Need electricity: Yes If yes, what for and what source do you plan to use?
for announcer booths but from local businesses.

Utilize parking: No If yes, how do you plan to accommodate?

Utilize City park/facility/space: No If yes, please name the space and provide record of reservation. Contact the Recreation Department at 406-223-2233 to reserve.

Use a stage, bleachers, tents or other temporary structures: No
If yes, please attach a drawing of proposed location(s) and sizes. $30 irrigation locate fee applies when in parks.

***Utilize Cones, A-frames or Barricades from the City of Livingston:** Yes
Candlestick Cones: ? @ $3 each A-Frames: ? @ $7 each Barricades: ? @ $12 each
Construction Fencing: ? @ $15 / 100 feet
**When rented individually these items do require a $100 refundable deposit upon return of items*

Street Closure: Yes If yes, please notate number of streets* in accurate space provided as well as on the route map

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

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

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

Alcohol to be served at event: No If yes, describe the location of sales, liquor license to be used and measures to insure proper ID for purchases and persons supervising the operation:
All covered alcohol is within closure areas and from local businesses that card patrons.

☐ Liquor Liability Attached as described in Section 7

☐ Proof of Alcohol Server Training as described in Section 7

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

We advertise to leave the pups at home.

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

_____ Date(s) Camping will occur _____ Location of camp site(s) _____ Number of campers

_____ Number of tents _____ Location of tent(s) _____ Fire Ring(s) needed? *(must be authorized by Fire Dept)*

Please describe plan for water/sanitation facilities and parking:

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

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

I, Leslie Feigel-Deckard, Ceo 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.

4-15-25

Responsible Party (must have authority to sign) **Date**

City of Livingston City Manager **Date**

File Attachments for Item:

E. CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR THE HOOTENANNY ON JULY 17, 2025

LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE:	June 17, 2025
TO:	Chair Schwarz and City Commissioners
FROM:	Grant Gager, City Manager
RE:	Staff Report for Consideration of Request for a Special Event Exception to City of Livingston Alcohol Consumption Restrictions

Recommendation and Summary
Staff is recommending the Commission approve an exception to the enforcement of restrictions on consumption of beer or liquor during the 2025 Hootenanny event on July 17, 2025, by adopting the following motion:

"I move to approve the request to create an exception to the enforcement of the restrictions on carrying or consuming alcohol during the 2025 Hootenanny."

The reasons for the recommendation are as follows:
- The Livingston Municipal Code allows the City Commission to provide exceptions for special events to allow public consumption of beer or liquor.
- The City has received a request from a special event operator for such an exception

Introduction and History
The applicant has submitted a Special Event Permit for a community event in Miles Park. The event has been successfully hosted in past years and includes fun in addition to alcoholic beverages.

Analysis
City departments have reviewed the request and are comfortable with the event as planned pending Commission approval of this waiver.

Fiscal Impact
Application fees will offset costs associated with the event.

Strategic Alignment

Growth Policy strategy 9.2.2.2. encourages the City to “Continue to provide public space and venues for community events and festivals.”

Attachments

- Attachment A: 2025 Hootenanny Application

City of Livingston Special Event Permit Application

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

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

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

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

Renter/Contact Name: Jennifer Norris

Organization: Montana Freshwater Partners

Email Address: jnorris@freshwaterpartners.org Tax ID Number: 45-2804436

Address: PO Box 338 City, State, Zip: Livingston MT 59047

Mobile Phone: 406-570-1661 Work Phone: (406) 298-7642

Group insuring event: Montana Freshwater Partners

Insurance Company: TBD Policy Number: TBD

Insurance Agent: TBD Insurance Phone: TBD

Insurance Address: TBD

Event Information

Name of Event: Hootenanny Date of Event: July 17, 2025

Event Type: community outreach/education Approx # of Attendees: 50

Proposed Route(s) and/or Map(s) Attached: Time(s) of event: 5:00-8:00PM

Set up Begins: 2:00PM Event Begins: 5:00PM Event ends: 8:00PM Cleanup Complete: 9:00PM

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

Community river party and BBQ.

Please identify any safety / security issues:

Do you plan for your event to:

Have food: Yes If yes, have you contacted the Park County Sanitarian at 406-222-4145 and followed all requirements? food and beverages will be served by JBTU chapter

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

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

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

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

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

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

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

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

Band Shell- Facility Permit 4349 2024-10-22

Use a stage, bleachers, tents or other temporary structures: No

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

***Utilize Cones, A-frames or Barricades from the City of Livingston:**

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

Construction Fencing: _____ @ $15 / 100 feet

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

Street Closure: If yes, please notate number of streets* in accurate space provided as well as on the route map

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

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

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

Alcohol to be served at event: Yes If yes, describe the location of sales, liquor license to be used and measures to insure proper ID for purchases and persons supervising the operation:

food and beverages will be served by JBTU chapter

☐ Liquor Liability Attached as described in Section 7

☑ Proof of Alcohol Server Training as described in Section 7

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

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

_____ Date(s) Camping will occur _____ Location of camp site(s) _____ Number of campers

_____ Number of tents _____ Location of tent(s) _____ Fire Ring(s) needed? *(must be authorized by Fire Dept)*

Please describe plan for water/sanitation facilities and parking:

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

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

I, Jennifer Norris 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.

Responsible Party (must have authority to sign) **Date** 4/24/25

City of Livingston City Manager **Date**

File Attachments for Item:

F. APPROVAL OF CONVENTION AND VISITORS BUREAU ANNUAL BUDGET

LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: June 17, 2025

TO: Chair Schwarz and City Commissioners

FROM: Grant Gager, City Manager

RE: Staff Report for Convention and Visitors Bureau Annual Report and Budget

---

Recommendation and Summary
Staff is recommending that the City Commission approve the Annual Report and Budget provided by the City's designated Convention and Visitors Bureau by adopting the following motion:

"I move to approve the Convention and Visitors Bureau Annual Work Plan and Budget"

The reasons for the recommendation are as follows:

- The new fiscal year for the Convention and Visitors Bureau begins on July 1, 2025.
- The City's designated Convention and Visitors Bureau has provided their annual report and budget as approved by its board.

Introduction and History
The City has designated Explore Livingston as its Convention and Visitors Bureau (CVB). Pursuant to Chapter 65 of Title 15 of the Montana Code Annotated (MCA), the annual marketing plan must be approved by the City Commission before the CVB may receive funds from the State.

Analysis
The Explore Livingston CVB Board has approved the attached budget and work plan and it is presented to the Commission as approved.

Fiscal Impact
There is no fiscal impact associated with this approval.

Strategic Alignment
This action is required by MCA in order for the CVB to receive funds.

Attachments

- Attachment A: Annual Plan and Budget

QUICK OVERVIEW OF DESTINATION MARKETING PLAN FY 25/26

The document outlines the Destination Marketing Organization (DMO) plan for Livingston, Montana, focusing on tourism development, management, and stewardship. It includes detailed descriptions of Livingston's strengths, opportunities, challenges, and alignment with the Montana brand. The plan emphasizes attracting high-value, low-impact visitors during cooler months, managing tourism impacts during peak seasons, and fostering economic resilience through strategic planning.

Key highlights include:

1. **Destination Overview**: Livingston is a historic train town and gateway to Yellowstone National Park, offering arts, culture, recreation, dining, and shopping. It aims to attract responsible travelers who appreciate its small-town charm and world-class amenities.
2. **Strengths**: Collaborative partnerships, proximity to Yellowstone, accessible location, historic downtown, unique shopping, and diverse lodging options.
3. **Opportunities**: Year-round recreation, arts and culture, foodie experiences, agritourism, and group travel.
4. **Challenges**: Seasonality of tourism, housing affordability, infrastructure impacts, negative perceptions due to legislative actions, and environmental concerns like flooding and wildfires.
5. **Strategic Roles**: Destination Marketing, Management, and Stewardship. Goals include increasing cooler season tourism, educating visitors on sustainable behavior, and completing a five-year strategic vision for economic resilience.
6. **Target Audiences**:
    - Cooler season visitors (Experience Seekers) from Montana and nearby states.
    - Warm season visitors focused on outdoor activities and national parks.
    - Local organizations for stewardship efforts.
7. **Emerging Markets**: Arts and culture enthusiasts, eco-tourists, foodies, and personal/professional group travelers.
8. **Metrics for Success**: Tracking lodging tax collections, website/social media traffic, and community engagement for strategic planning.
9. **Budget Allocation**: Includes funding for marketing campaigns, educational initiatives, and strategic planning.

The plan is supported by research from marketing analytics, tourism data, and stakeholder input, aiming to balance tourism growth with community and environmental sustainability.
Livingston plans to attract visitors through a combination of destination marketing, management, and stewardship strategies, focusing on its unique strengths and opportunities. Key tactics include:

1. **Cool Season Marketing Campaigns**:
    - Targeting "high-value, low-impact" visitors during cooler months (November–April) who enjoy arts, culture, recreation, and small-town experiences.
    - Highlighting Livingston’s mix of arts, history, food, events, and outdoor activities.
    - Using paid media (digital ads, social media, print), owned media (website content, email campaigns), and earned media (influencers, journalists).
2. **Promoting Unique Experiences**:
    - Showcasing Livingston’s historic downtown, vibrant arts and culture scene, foodie destinations, and year-round recreation opportunities.
    - Emphasizing its proximity to Yellowstone National Park and surrounding mountain ranges.
3. **Emerging Markets**:
    - Targeting arts and culture enthusiasts, eco-tourists, foodies, and group travelers (e.g., weddings, retreats).

- Expanding geographical reach to cities like Chicago and Phoenix.

4. **Educational Campaigns**:
   - Implementing the "Livingston Like A Local" campaign to educate visitors on sustainable tourism practices and encourage respectful behavior.
5. **Website Enhancements**:
   - Adding resources for weddings and retreats to attract personal and professional group travel.
6. **Collaborative Partnerships**:
   - Working with local organizations and stakeholders to promote Livingston's assets and ensure a cohesive visitor experience.

By leveraging its strengths—such as its historic charm, arts scene, and outdoor recreation—Livingston aims to attract responsible visitors who appreciate its unique offerings while supporting sustainable tourism growth.
The addition of Lodging Facility Sales Tax (LFST) funds will enhance Livingston's marketing goals by addressing high-priority needs, including:

1. **Video Content for Campaigns**: Supporting the creation of more video content for paid media campaigns, which can effectively showcase Livingston's unique experiences and attract visitors.
2. **"Livingston Like A Local" Campaign**: Providing resources to further develop and execute this educational campaign, aimed at encouraging sustainable tourism practices among visitors.
3. **Emergency Promotional Campaigns**: Offering flexibility to fund promotional campaigns in response to emergencies such as flooding, fires, pandemics, or other crises when grants may not be available.

These funds will help Livingston strengthen its marketing efforts, improve visitor education, and maintain resilience in the face of challenges, ultimately supporting its goal of attracting high-value, low-impact visitors year-round.
The budget supports the "Livingston Like A Local" campaign by allocating resources for the following:

1. **Owned Media Tactics**:
   - Creating and sharing content, videos, photography, and visuals on the Explore Livingston website, social media platforms, and email marketing campaigns to educate visitors about Livingston's unique culture and environmental assets.
2. **Community Engagement**:
   - Funding eye-catching visuals throughout the community to connect with visitors and locals, ensuring the campaign's message is visible and impactful.
3. **Visitor Communication**:
   - Supporting personal responses to phone calls, emails, and social media inquiries, which are increasingly frequent, to enhance visitor education and engagement.

These budget allocations ensure the campaign effectively educates visitors and locals, promoting sustainable tourism practices and preserving Livingston's small-town charm and environmental assets.

Rustic. Refined. Legendary.
Livingston
MT
DESTINATION
MANAGEMENT
ORGANIZATION
BOARD PACKET

EXPLORE LIVINGSTON FY 2023-2024 HIGHLIGHTS

- Cool season visitation up 12%
- Warm season visitation up 50%

WEBSITE TRAFFIC

Up 28% FY 23/24 from previous year

Up 50% FY 24/25 year to date

1,025 Business & Resource Listings in 25 categories on website.

No cost to businesses

explorelivingstonmt.com

Monthly Poster

EVENTS

Events calendar: 3,714 annual events

1,200 event posters distributed

winter signature events drew 5,500 people

EXPLORE

EXPLORE

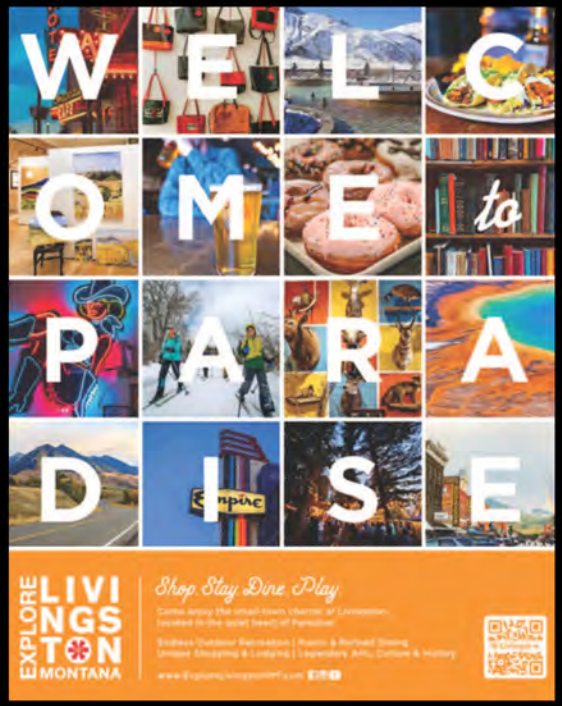
SOCIAL MEDIA

Facebook Reach up 49% year over fiscal year

Instagram Reach up 41% year over fiscal year

We developed a signature grid style for digital and print ads
Last year we ran 8 print ads and 45 digital ads

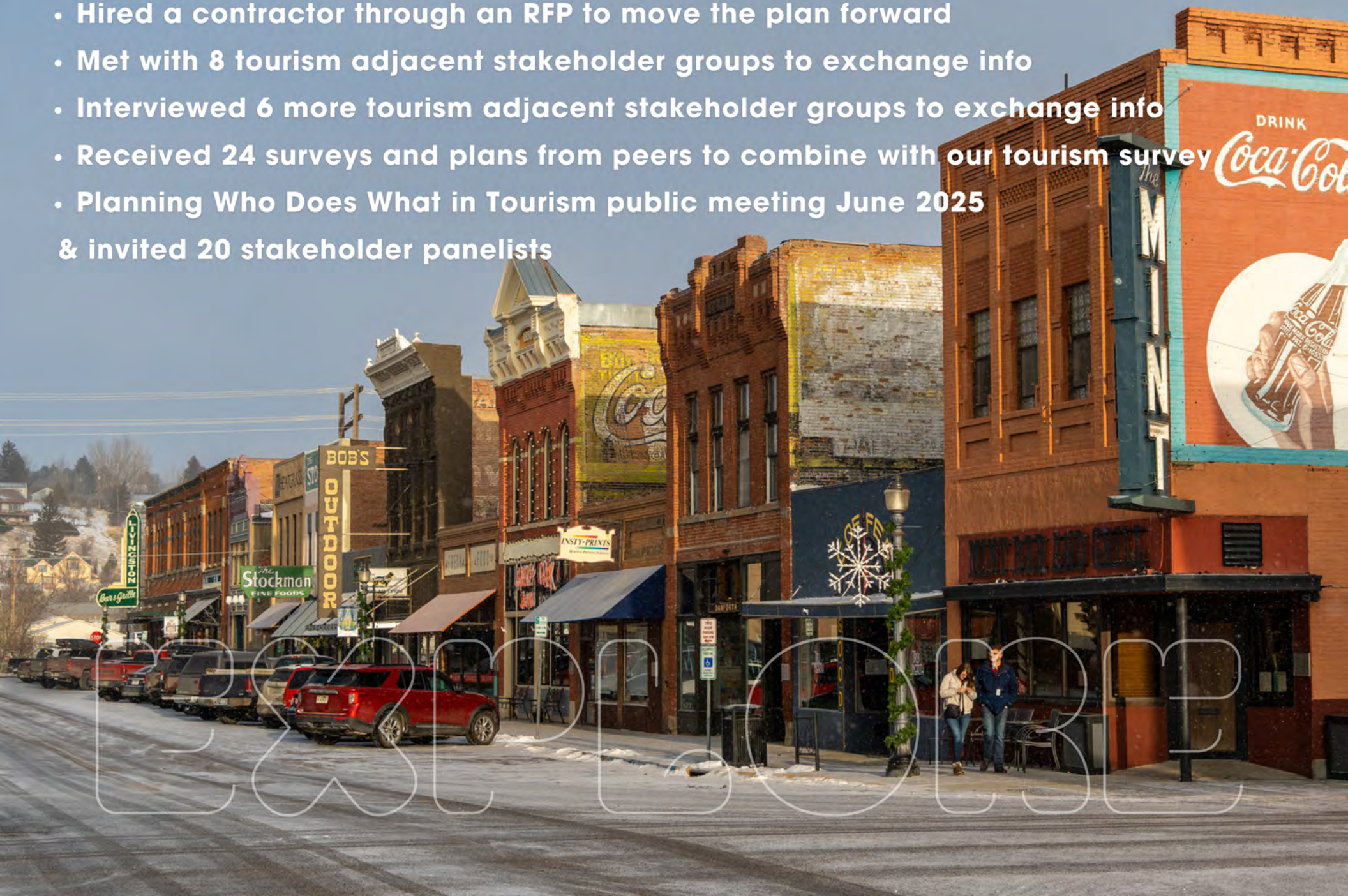
DEVELOPED GRID AD STYLE



DESTINATION STEWARDSHIP & TOURISM RESLIENCY PLAN ENGAGEMENT

- Hired a contractor through an RFP to move the plan forward
- Met with 8 tourism adjacent stakeholder groups to exchange info
- Interviewed 6 more tourism adjacent stakeholder groups to exchange info
- Received 24 surveys and plans from peers to combine with our tourism survey
- Planning Who Does What in Tourism public meeting June 2025

& invited 20 stakeholder panelists



BILLBOARDS

Last year we updated three billboards leading into Livingston with vibrant Downtown photos and our Explore Livingston Like a Local brand to both bring visitors off the highway and educate new residents and visitors about respecting local culture, people & places.

EXPLORE

NEW IN THE COMING YEAR: DEVELOPING CONVENTION, WEDDING & MEETINGS CAMPAIGN

After years of working to attract larger group visitation without a convention center, we are gaining market traction with our unique historic and scenic event venues, and abundant arts, culinary, and recreation amenities. We are working with peers to develop a new campaign including new website page, extensive booking information, and paid ads.

Photo Credit: Destinie Fuche

EXPLORE
LIVINGSTON
MONTANA
QUESTIONS?
contact: Kris King
info@explorelivingstonmt.com
cell: 406.222.4848

Livingston DMO

Allowable Method	Budget	% Budgeted	Amend +/-	Updated Budget	% Budgeted
Lodging Facility USE Tax (LFUT) Budget					
Administration	$14,428.00	20.00%		$14,428.00	20.00%
Agency Services	$5,500.00	7.62%		$5,500.00	7.62%
Education/Outreach	$1,500.00	2.08%		$1,500.00	2.08%
Joint Ventures	$2,000.00	2.77%		$2,000.00	2.77%
Marketing Resources	$500.00	0.69%		$500.00	0.69%
Paid Media	$13,524.00	18.75%		$13,524.00	18.75%
Marketing Personnel	$10,850.00	15.04%		$10,850.00	15.04%
Website Development (Online, Website, Mobile)	$9,500.00	13.17%		$9,500.00	13.17%
Research	$10,000.00	13.86%		$10,000.00	13.86%
TOTAL LFUT Budget	**$67,802.00**	**93.98%**	**$0.00**	**$67,802.00**	93.98%

Lodging Facility SALES Tax (LFST) Budget					
Opportunity Marketing	$3,473.00	4.81%		$3,473.00	4.81%
Administration	$867.00	1.20%		$867.00	1.20%
		0.00%		$0.00	0.00%
		0.00%		$0.00	0.00%
		0.00%		$0.00	0.00%
		0.00%		$0.00	0.00%
		0.00%		$0.00	0.00%
		0.00%		$0.00	0.00%
		0.00%		$0.00	0.00%
		0.00%		$0.00	0.00%
TOTAL LFST Budget	**$4,340.00**	6.02%	**$0.00**	**$4,340.00**	6.02%

TOTAL LFUT & LFST BUDGET	**$72,142.00**	100.00%	**$0.00**	**$72,142.00**	100.00%

LFST Revenue Projection	4,339.00
LFUT Revenue Projection	67,802.00
Funds not spent during previous fiscal year	0.00
LFST Rollover Funds at Commerce	0.00
LFUT Rollover Funds at Commerce	0.00
Allocated Following Audit	0.00
Budget total	**72,141.00**

LIVINGSTON DMO Plan Narrative

1. Describe Your Destination

Describe your destination addressing your strengths, opportunities, and potential challenges. Use the four text boxes below to provide the information.

1a. Destination. Describe who you are, who you wish to attract and why they would come.

Livingston, Montana is an historic train town, the year-round gateway to Yellowstone National Park, and a laidback home base for vibrant arts, epic recreation and an array of unexpectedly sophisticated dining, lodging, shopping, and cultural experiences. Livingston is looking to attract travelers who appreciate the welcoming, small-town vibe of a less populated Montana town, and who will recreate responsibly and relish Livingston as if it was their own.

The City of Livingston is more than the traditional gateway to Yellowstone National Park. It is a unique and desirable destination for international and national travelers, plus drive market visitors, with a wide range of interests that go beyond Yellowstone.

Livingston mixes casual small-town charm and world-class amenities with a twist of historic quirkiness and offers an impressive array of arts, culture, history, culinary, events, and recreation adventure amenities.

Livingston is the county seat of Park County and is situated in the middle of four stunning mountain ranges (Absaroka Beartooth Mountains, Crazy Mountains, Bangtail Mountains, and the Bridger Mountains) and is nestled along the Yellowstone River - the longest, free-flowing river in the lower 48 states.

We are interested in attracting high-value, low-impact visitors who appreciate all that Livingston has to offer, throughout all months of the year, but especially the cool weather season, including those visitors who live in Montana. As of April 2025, it's unclear how recent changes in U.S. federal government policies will impact tourism in Livingston and Yellowstone National Park, but we will continue to promote what we offer to our intended target audiences.

In addition to offering an incredible array of ways to "Stay. Play. Eat & Drink. Explore.", we have preserved one of Montana's most visually appealing and historic downtowns. Livingston is the original and year-round entrance into Yellowstone National Park, offering year-round appeal, and is conveniently located 30 minutes from booming Bozeman and its international airport and less than two hours from Billings, Montana's largest city. We continually attract out-of-state and in-state visitors.

Our town of just over 8,000 residents has richly layered distinctive cultures: railroad and pioneer history; gateway to Yellowstone; fly fishing mecca; recreation hub; historically preserved downtown; rustic and luxury destination lodging and dining; more movies were filmed in our area than anywhere in Montana in 2023 and the nearby Yellowstone Film Ranch offers tours as well as a popular filming location; we're home to more artists and writers per capita than anywhere in the state; thriving theatre, arts, culinary, and nightlife scenes for a town of its size; and in addition to tourists, Livingston attracts and serves a wide range of demographics from ranchers, travel influencers, eco-conscious outdoor enthusiasts, retirees and young families, to movie stars, renowned writers, artists, and music icons.

1b. Describe your strengths and assets that bring people to your area.

<u>Our Strengths</u>

Strong Collaborations, Communications, and Partnerships: Livingston DMO, the Livingston Tourism Business Improvement District and Downtown Livingston Business Improvement District work together as the Explore Livingston Coalition, sharing resources and one Executive Director. We consistently partner with Yellowstone Country Tourism Region, City of Livingston, Park County, Montana Downtown Directors, Montana Tourism Matters, Voices of Montana Tourism, Montana Department of Transportation, Montana Office of Tourism, the Tourism Advisory Council, Livingston's Historic Preservation Commission, Gallery Association, Park County Parks and Trails, Urban Renewal

District, Park Local Development Corp., Prospera, and a wide range of local organizations addressing everything from disaster response and recovery, passenger rail, public arts, local festivals, and museum exhibits. We also participate in the Park County Housing Coalition, Livingston Growth Policy, Upper Yellowstone Watershed Group, Yellowstone Gateway Business Coalition, Wild Livelihoods Coalition, Yellowstone Safe Passages, and Livingston's designation in the Montana Main Street Program and Downtown Master Plan, among others.

Close Proximity to Year-Round National Park Entrance: Historic gateway to Yellowstone National Park and 55 miles away to the year-round entrance that offers year-round recreation and visiting opportunities.

Easily Accessible Location: Conveniently located at the intersection of Interstate Highway 90 and Highway 89 to Yellowstone National Park, 30 minutes east of booming Bozeman and its international airport and less than two hours west of Billings, Montana's largest city. Also conveniently located between Paradise Valley to the south and Shields River Valley to the north.

Destination Lodging, Weddings, Retreats, and Hot Springs: In addition to rustic, historic, and family-friending lodging in Livingston, Park County is home to a wide range of unique short-term rentals, Sage Lodge, Chico Hot Springs, Mountain Sky Guest Ranch, Yellowstone Hot Springs, and numerous smaller dude ranches. These and other lodging options throughout Livingston and the greater area attract destination weddings, honeymooners, family reunions, corporate retreats, and other group travelers.

Historic Downtown: Preserved buildings and an Old West movie set aesthetic including many vintage neon signs and 'ghost signs' historic ads painted on brick buildings; attracting visitor photography and social media posts, and film scouts. We also actively promote our public art sculptures, murals, ghost and neon signs.

Small Town Shopping: Downtown has no chain stores and a wealth of unique and boutique shops; handicrafts, records, books, art center and galleries, photography and ceramic studios, new-age boutiques, home goods, kitchen store, souvenirs, gifts, toys, antiques, resale and thrift stores, vintage fashion, outdoor gear, and western wear. We are home to multiple independently-owned bookstores and a dozen independently-owned coffee shops and kiosks and participate in the #SipLocalCoffee campaign. Visitors enjoy small-town, friendly service; often the owner of the business will wait on customers. Every stop is an opportunity to connect with locals and score unique goods and experiences.

Exit 333 Infrastructure: The majority of national chain hotels and fast food are at this exit to Yellowstone National Park, but it also boasts: a large grocery store with pharmacy and sushi counter, a laundromat (with adjacent horse boarding), local meat shop and two ethnic eateries, gas stations, car wash, veterinarian, dog boarding, urgent care center, physical therapist, liquor store, smoke shop, casino, and bus stops for both free Livingston transport and an events bus to Paradise Valley music venues.

1c. Describe your opportunities and ways you can leverage them for the benefit of your area.

Our Opportunities

Still Small Town Feel and Easily Accessible: Although we've seen increased visitation, we're still less populated and less visited than some other parts of Montana and ideal for those who want to experience casual small-town charm and world-class amenities.

Cooler Season Recreation Hub: Hundreds of miles of trails for cross-country and backcountry skiing. Hiking and biking are accessible during much of the cool season. Livingston now has an indoor ice skating rink that is free, with free skate rental, and skating on the Lagoon when cold enough. Bridger Bowl is 30 miles away, plus access to eight state parks and several dozen trailheads are all under an hour drive from Livingston.

Warm Season Recreation Hub: On the banks of the Yellowstone River with blue-ribbon fishing, whitewater rafting, scenic floating, kayaking, tour boats, and paddleboarding. Hundreds of miles of trails for hiking at all skill levels, camping, rock climbing, and mountain biking. Access fourteen fishing access sites, eight state parks, several dozen

trailheads; all under an hour drive from Livingston. There is also a golf course, bowling alley, splash park, swimming pool, shooting range, and horseback riding dude ranches.

Year-Round Recreation Infrastructure: Strong recreation amenity infrastructure with robust rental and guide services: rent bikes, e-bikes, snowshoes, cross country and backcountry skis, kayaks, rafts, and stand-up paddleboards and book guides for fly fishing, white water rafting, horseback riding, and hunting.

Year-Round Foodie Paradise: We have over 50 eateries and specialty markets including vegan, fine dining, ethnic foods, rustic steakhouses, sushi and seafood, vintage burger joints, traditional and breakfast cafés, European style bakeries, numerous quirky coffee shops, diverse bars, two breweries, and gourmet wine shop. Come hungry, and thirsty!

Year-Round Arts and Culture Hub: Home to two live theatres, a community art center, three museums with history, train, and art exhibits, over a dozen art galleries, a vintage movie house, a dozen live music venues, and literary events at several of our four bookstores.

Year-Round Events: Catering to a wide range of interests and tastes; musical and dramatic theatre, arts festivals, art walks, music, beer, and film festivals, fun runs, holiday festivals, soapbox derby, western dance parties, rodeos, parades, auto show, and more.

Breadth of Other High-Value, Low-Impact Experiences

Agritourism: Access farm-to-table fare at restaurants, the farm-to-table hospital cafeteria, our warm season Farmer's Market has been voted Best in Montana, local food markets and caterers, local aquaponic growers, and farms and ranches.

Destination Weddings: Offering a range of scenic wedding venues, caterers, lodging, photographers and videographers, and florists.

Film Location: Downtown Livingston's intact historic visage has attracted commercials, television and movies for decades, the Yellowstone Film Ranch has extensive sets, Paradise Valley and various Park County vistas are scenic year-round, and Livingston is home to many set scouts, set designers, makeup artists, set photographers, actors, musicians and prop resources. Livingston has hosted more films in recent years than nearly any other community in Montana and has been named Film Community of the Year by the Department of Commerce three times, most recently in 2024.

Family-Friendly Amenities: Playgrounds, outdoor pool, splash park, tennis courts, Dino Dig Park, bowling alley, skating rink, skateboard park, ceramic painting studio, youth activities at museums and art centers, book readings, free public transport, golf course, winter indoor skating rink, dog parks, and trails and parks throughout town. In the summer, visitors can also enjoy 3 different weekly historic walking tours and Livingston Downtown Historic Bus Tours.

1d. Describe your challenges, what are you currently facing and what potential challenges do you see in the future? Are there ways to moderate or lessen these challenges?

Our Challenges

Economic Resilience Challenges: Livingston is experiencing increasing and unsustainable tourism, housing, workforce, small business, development, and recreation pressures. Demands outpace current capacity and without a robust plan, our celebrated community character, historic architecture, and fragile recreational and environmental assets are all imperiled. To retain our irreplaceable historic assets and build a sustainable economy we are in a narrow time window to create a strategic foundational plan to forge an achievable, resilient, and sustainable future.

Seasonality of Tourism: Overcrowding in the warm season months (May through October) and less tourist traffic in the cooler season months (November through April) makes keeping businesses open and staff employed year-round a challenge.

Housing and Affordability Issues: Increasing use of local housing as short-term rental, lack of inventory, and the recent spike in home sales due to telecommuters has made affordable workforce housing the biggest challenge for Park County's service and tourism industries. We will be participating with our partners on a "Housing Heros" campaign celebrating local efforts to offer workforce housing through ADU units and turning VRBO/AirBnB back into rental units for local workers.

Anticipating the Next Crisis: During the summer of 2022, our greater community was hit with significant flooding and the subsequent impacts that flooding had on tourism and the overall economic health of this area. More than ever, we need to consider and implement continued plans to be prepared for future crises, whether it be flooding, fires, global pandemics and more.

The lack of snowfall during the 2023-2024 winter led to a 70% decrease in ski sales at local shops, decrease in cross country skiing and dog sled visitors. Winters with low snowfalls contribute to wildfires and low river levels during the warm season months.

Perception of Only a Pass-Through Location: The perception that Livingston is a pass-through into Yellowstone National Park and not a destination in itself to explore.

Wayfinding Signs: Livingston lacks comprehensive wayfinding signs throughout our community including arriving in-town as well as in-town wayfinding signs.

Popularity of Yellowstone Series: The popular Yellowstone series is fictionally set in Paradise Valley, increasing interest in the area by a more general audience who may have false expectations of what the area's experience may be based on what's been portrayed in the series.

National and World Events: Including fluctuating gas prices, inflation, war, terrorism, infectious diseases, climate change (affecting water temps on our much loved and over-fished Yellowstone River) and natural disasters (floods and wildfires) all impact tourism.

Recent changes in U.S. government policies are also expected to impact Livingston and the surrounding areas as travelers start to modify their behaviors as a result of the tariffs and firings of federal workers.

Negative Perceptions: Recent Montana State legislative initiatives have led to negative national press and perception of Montana as an undesirable destination due to legislation impacting our trans citizens, women, county health departments and public health, and expansion of open carry laws. We have received direct communications from travelers who have canceled their visits to Montana due to legislative actions, and we are concerned that our "All Are Welcome" message may be increasingly inaccurate. This is difficult to measure, but is exacerbated by white supremacy and anti-LGBTQ activity in Livingston.

Impacts to Infrastructure and Resources: Managing greater numbers of visitors and traffic flow negatively impacts County and City infrastructure. There is not a current direct way for tourism dollars to mitigate the impacts of tourism on local resources.

Public Transportation Options: Lack of public transportation to and through Yellowstone National Park and increased tourist traffic to and from the park's entrance limit tourism and levy added burdens on local resources.

The WIND and Its Impacts: The average wind speed as measured at the airport is 15.2 mph, making it among the windiest towns in Montana. Livingston's severe crosswinds frequently shut down Interstate 90, rerouting interstate traffic through town on Park Street, and semis and train cars have blown over.

2. Align with Montana Brand

Briefly describe how your destination aligns with the Montana brand. Briefly describe how your destination aligns with the Montana brand or describe the Brand strategy for your DMO.

Livingston Exemplifies the Montana Brand

More spectacular unspoiled nature: Livingston's location among four mountain ranges, alongside the Yellowstone River and adjacent to Paradise Valley and the north entrance to Yellowstone National Park as well as easy access to state parks, hundreds of miles of trails, and Yellowstone River fishing access sites, make it an ideal getaway for lovers of outdoor experience year-round.

Vibrant and charming small town: Livingston's famous downtown is among the most vibrant and charming in Montana. The preserved historic businesses with vintage neon and "ghost signs" on historic buildings make it an attraction to film crews, photographers, and visitors. In the summer our Yellowstone Gateway Museum increases their Downtown historic tours and is currently developing a self-tour app. Livingston is developing a growing "Mural Trail" and actively increasing the number of murals to enhance the experience of both visitors and locals. Our niche and boutique shops, restaurants, museum and arts destinations, breweries, and bars offer a mix of traditional and contemporary products and experiences. Our popular Farmer's Market on the banks of the Yellowstone River includes live music, food, and beer vendors in addition to local agriculture products, arts and crafts, and is one of the many annual events that both attract visitors and improve the quality of life for locals.

Breathtaking experiences by day, relaxing hospitality at night: In Livingston, we have multiple types of breathtaking experiences during the daytime hours - from inspiring museums to extensive recreational pursuits. Livingston has three museums featuring art, train and regional history, and over a dozen local art galleries. We are home to more writers per capita than anywhere in the state with multiple bookstores; two of which host year-round literary events most weeks. Downtown art walks attract visitors throughout the warm season, and over a dozen art galleries are open year-round. Bars host trivia, bingo, karaoke, open mic, and live music events weekly throughout the year but these community-building events are strongest in the cool season when there is less live music and outdoor events. Livingston also offers unique and boutique shopping with everything from handicrafts to records, local honey, gifts, vintage fashion, antiques, western wear, and regional books.

Livingston is also a home base for river sports, hiking, hunting, rock climbing, skiing, horseback riding, and guided outdoor experiences. Visitors can also take a break to paint pottery with the kids, indulge in a spa treatment, or enjoy a local yoga class. Livingston has free public transport, historic walking tours, bikes for rent, a swimming pool, golf course, bowling alley, skate park, ice skating rink, playgrounds, trails, and parks throughout town.

At night, there are culinary options for every taste, live indoor and outdoor music venues, a vibrant theatre scene, movie theatre, hot springs to star-watch from, two breweries, and casual or raucous bars as memorialized in the Jimmy Buffet song "Livingston Saturday Night." We also host evening music, movie, theatre, and holiday lights festivals.

3. What are the strategic role(s) of your organization? Choose the option(s) that best define thes strategic role(s) of your organization.

Select all that apply: Destination Marketing, Destination Management, Destination Stewardship, Destination Development.

Destination Marketing, Destination Management, Destination Stewardship

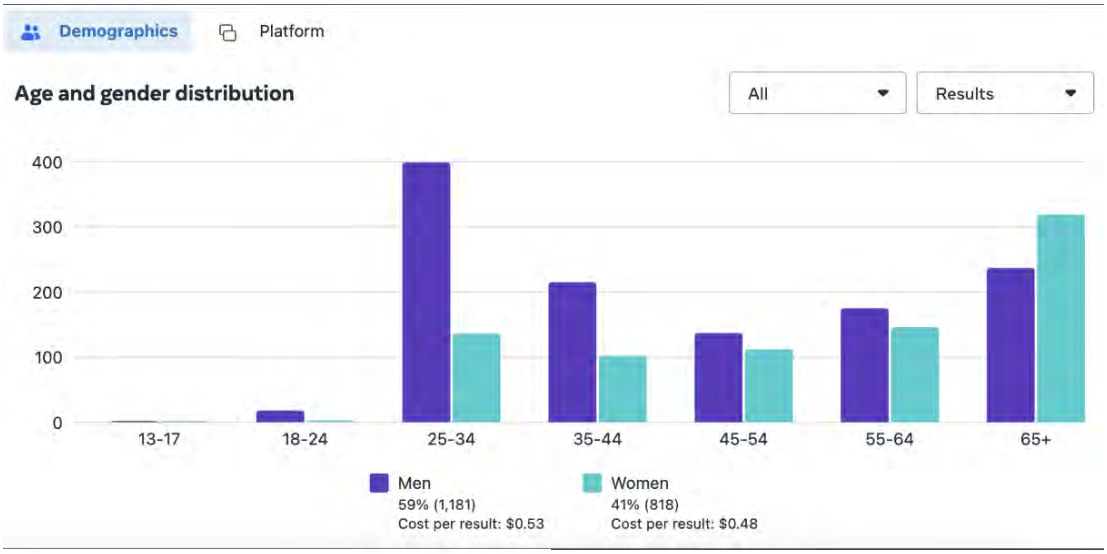
Based on the strategic roles(s) you serve to your destination, provide the following information:

3a. Define your audience(s) (demographic, geographic and psychographic)
When defining your audience's demographic, geographic and psychographic factors, include which strategic role(s) are being used.

Destination Marketing Organization: During the cooler season months, November through April, we are focused on marketing the Livingston area as an arts and culture and recreation destination and increasing the number of overnight visitors to our area - including those who live in Montana. Our focus is "high value, low impact" visitors who enjoy non-motorized winter recreation, spending at local small shops and restaurants, taking advantage of our arts and culture, and are informed and respectful of local culture and wild habitats. These visitors include fellow Montanans, as we've been investing in marketing to our neighbors and seeing those marketing efforts result in increased visitation from in-state residents.

Destination Management and Stewardship: During warm season months, May through October, we are focused on improving the visitor and resident experience through destination management and stewardship. Our hospitality business community is often at capacity during these months, and we are looking to develop a multi-stakeholder approach to educate visitors and to maintain the cultural, environmental, economic and aesthetic integrity of our community.

Findings from FY23 and FY24 Campaigns and Analytics: Demographic and Geographic Insights
Our successful FY23, FY24 and FY25 marketing campaigns have not only significantly increased traffic to our website, but they've also helped us to better understand who was interested in Livingston as a tourism destination and where they lived. For the FY25 cool season campaign, we specifically targeted three groups: singles (ages 25-34); families (ages 35-54) and empty nesters (ages 55+). Results showed that we were most successful in reaching singles and empty nesters (see attachment). Those who visited our website during the cool season months were most frequently from the following locations: Denver, Phoenix, Seattle, Billings, Salt Lake City and Minneapolis.



CITY	ACTIVE USERS
Denver	1.1K
Phoenix	823
Seattle	664
Livingston	581
Billings	537
Salt Lake City	491
Englewood	452

Source: Explore Livingston, Google Analytics

Destination Marketing Audience: High-Value, Low-Impact Cooler Season Visitors

Given our destination marketing organization's goal of attracting high-value, low-impact winter/cooler month visitors to the Livingston area, we are focused on "Experience Seekers," as outlined in the Montana Winter Brand, "Defining the Montana Winter Experience" and confirmed by Destination Analysts, "Montana Profile & Study of the Winter Enthusiast."

As Montana communities become busier, more populated, or are not thriving, Experience Seekers - whether they are out-of-state or in-state residents - long for an authentic experience where they will experience both nature plus access to modern and erudite amenities. Livingston is that rare place. Repeat and regional visitors are more likely to visit in shoulder seasons, return to favorite shops, eateries, and hotels and form connections and relationships in the area, creating a more stable income stream for Livingston and Park County year-round.

Below are characteristics of the Experience Seekers, based on the Montana Winter Brand audience and the Montana Winter Enthusiast as outlined by Destination Analysts, ITRR data from 2017 through 2022 during Q1 and Q4, plus Livingston's FY23, FY24 and FY25 marketing campaign results and our overall attributes as a vibrant, small-town destination for arts, culture, events, history, food and recreation.

DEMOGRAPHIC
+ Age: 25-75+ (sweet spots of ages 25-34 and 55+)
+ HHI: $50K-$100K or more
+ Couples (both younger and older)
+ Bachelor's degree or higher
+ Has taken 2+ domestic vacations in the past 12 months and was active on these trips

GEOGRAPHIC
+ Out-of-State: Colorado (Denver), Washington (Spokane, Seattle), Utah (Salt Lake City), Minnesota (Minneapolis), North Dakota (Bismarck), Idaho (Boise), Wyoming
+ In-State: Billings, Missoula, Helena, Great Falls.
+ International: We don't focus on marketing to Foreign Independent Travelers (FIT) because we don't have an extensive budget to effectively target them. However, we do see indicators (largely reporting from individual hospitality businesses) that FITs visit our area and we welcome an increase in visitation from these demographics and will be interested to see if recent U.S. federal government policies will impact their numbers.

PSYCHOGRAPHICS
Our visitors may often seek one specific outdoor activity but their trip is about much more than one activity. They are unlikely to choose a place that doesn't have good recreational opportunities - skiing, hiking, etc. - but what will excite them about a place is what else they can experience - i.e., hot springs, arts, culture, good food. This should not be mistaken for them wanting to pack in a little of everything; they don't. For each trip they want to do a few big things and they want to experience them fully. They also don't want to be around crowds.

+ Seeks balance between action and reflection
+ Motivated by outdoor recreation—but keeps in mind that outdoor recreation is only one of many activities they enjoy (e.g., wildlife viewing, history, culture, arts, events, food, hot springs)
+ Wants to do multiple activities and experience them fully
+ Feels a unique connection to the natural world that only the cooler season can bring
+ Seeks the authenticity of people and places
+ Doesn't want to be in booming (and more expensive) Bozeman but appreciates the convenience of it and its airport being nearby

Destination Management Audience: Warm Season Visitors

As a destination management organization, our goal is to work collaboratively with other Livingston area entities to educate warm season visitors to encourage high-value/low impact behavior. Although we aren't planning on marketing Livingston as a destination to this audience, it is helpful to understand who they are as we determine how to best educate them. According to ITRR data from 2017 through 2022, and confirmed by our website and social media analytics, plus our Pick Your Path to Paradise 2022 summer campaign results, overnight, out-of-state visitors to Livingston during Q2 and Q3 have the following characteristics.

DEMOGRAPHIC
+ Age: 25-75+ (sweet spot of ages 55-65+)
+ HHI: $50K-$200K or more
+ Couples and families (focused on women taking the lead in interactions with our marketing)

GEOGRAPHIC
+ Out-of-State: Minnesota, Wyoming, Washington, Idaho, Colorado, Oregon, California, New York, Florida, Texas, Arizona, Illinois

PSYCHOGRAPHICS
+ Wanting to experience national parks with Visiting Yellowstone National Park with some also making it Glacier National Park
+ Interested in spending time doing outdoor-related activities including: day hiking, camping, fishing, watching wildlife, visiting farmer's markets, biking and visiting hot springs, plus hiring an outfitter

Destination Stewardship Audience: Livingston Area Organizations

Livingston Tourism Business Improvement District (TBID), Downtown Livingston Business Improvement District (LBID), Yellowstone Country, City of Livingston, Park County Montana, Big Sky Passenger Rail Authority, Urban Renewal Agency, Yellowstone Gateway Museum, Livingston Depot Center, Livingston Gallery Association, Elk River Arts and Lectures, Park County Housing Coalition, HRDC, Park Local Development Corp, Northern Rocky Mountain Economic Development District, Prospera, Park County Community Foundation, Park County Environmental Council, Upper Yellowstone Watershed Group, Yellowstone Gateway Business Coalition, Wild Livelihoods Business Coalition, Take the Paradise Pledge, Yellowstone Safe Passages, and a wide range of other local organizations we interact with weekly.

Other key resources and partners include: Montana Downtown Directors, Montana Tourism Matters, Montana Department of Transportation, Montana Office of Tourism and Business Development, and the Montana Tourism Advisory Council. We are also looking to other DMOs who have seen success increasing visitation during shoulder seasons including Visit Billings.

Although not included within this budget, we partnered with the City of Livingston as they rebranded their logo and are developing wayfinding sign plans and have been closely involved in the Downtown Master Plan.

3b. What research supports your DMO strategy?
What research sources are you using to support your Plan strategy, include data demonstrating the research that is being used.

We use multiple sources to support our strategy including data from the following:
Sources:

Explore Livingston Marketing Campaign and Website Analytics
https://www.explorelivingstonmt.com/

Placer.ai
https://analytics-app.placer.ai/insights/complexes/666ef00d262c56a6231f5ed8/custom-report?competitor=%5B%5D&filter=%5B%7B%22date%22%3A%7B%22start%22%3A%222024-11-01%22%2C%22end%22%3A%222025-04-01%22%2C%22chosenLabel%22%3A%22%22%7D%7D%5D&utm_campaign=pdf_cover&utm_content=Civic%20Dashboard&utm_medium=share&utm_source=dashboard

Consumer Marketing Market Analysis
https://marketmt.com/Programs/Marketing/The-Montana-Brand

Institute for Tourism and Recreation Research (ITRR)
https://itrr.umt.edu/interactive-data/default.php

Bed Tax Revenue
https://brand.mt.gov/Programs/Office-Of-Tourism/Lodging-Facility-Use-Tax

Yellowstone National Park Visitation
http://www.tourismresearchmt.org/index.php?option=com_traveltrends&view=traveltrends&Itemid=108

Montana Department of Transportation: Airport Deboardings
http://www.tourismresearchmt.org/index.php?option=com_traveltrends&view=traveltrends&Itemid=106
Also see attachments

EXPLORE LIVINGSTON FY23 MARKETING CAMPAIGN ANALYTICS
Nov 1, 2022 through April 1, 2023

This chart captures the results from our FY23 paid social advertising campaign showing that those who live in Montana and our greater region - including Colorado and Minnesota - engaged most frequently in this marketing campaign.

Campaign name	Region	Results	Reach	Impressions	Cost per result	Amount spent
Path to Winter Paradise	All	9,488 Link clicks	444,970	1,327,997	$0.41 Link Click	$3,934.04
	Montana	3,071 [2] Link clicks	66,566	337,227	$0.34 [2] Link Click	$1,051.63
	Wyoming	1,509 [2] Link clicks	64,262	240,675	$0.40 [2] Link Click	$598.34
	Colorado	1,132 [2] Link clicks	93,193	191,164	$0.51 [2] Link Click	$581.76
	Minnesota	969 [2] Link clicks	76,679	165,814	$0.53 [2] Link Click	$517.48
	Utah	972 [2] Link clicks	57,861	140,661	$0.44 [2] Link Click	$422.99
	Idaho	731 [2] Link clicks	41,092	105,537	$0.45 [2] Link Click	$331.68
	Washington	781 [2] Link clicks	32,131	100,648	$0.39 [2] Link Click	$308.41
	North Dakota	299 [2] Link clicks	11,265	42,416	$0.37 [2] Link Click	$109.76
	Wisconsin	23 [2] Link clicks	1,920	3,843	$0.52 [2] Link Click	$11.98
	Unknown	1 [2] Link Click	—	12	$0.02 [2] Link Click	$0.02

EXPLORE LIVINGSTON FY24 MARKETING CAMPAIGN ANALYTICS

Oct 1, 2023 through March 1, 2024

This chart captures the results from our FY24 paid social advertising campaign showing that those who live in Montana and our greater region - including Colorado and Minnesota - engaged most frequently in this marketing campaign.

Campaign name	Region	Amount spent	Impressions	Reach	Results	Cost per result	Frequency
WINTER '24	All	$3,418.94	754,108	231,376	10,870 Link clicks	$0.31 Link Click	3.26
	Montana	$1,212.91	275,430	54,784	3,771 [2] Link clicks	$0.32 [2] Link Click	5.03
	Colorado	$523.38	104,424	43,443	1,778 [2] Link clicks	$0.29 [2] Link Click	2.40
	Minnesota	$498.17	107,110	44,212	1,608 [2] Link clicks	$0.31 [2] Link Click	2.42
	Wyoming	$420.94	105,640	27,937	1,259 [2] Link clicks	$0.33 [2] Link Click	3.78
	Idaho	$255.98	52,406	18,390	835 [2] Link clicks	$0.31 [2] Link Click	2.85
	Washington	$238.62	48,276	16,467	777 [2] Link clicks	$0.31 [2] Link Click	2.93
	Utah	$181.99	40,862	19,735	562 [2] Link clicks	$0.32 [2] Link Click	2.07
	North Dakota	$75.27	17,436	5,767	239 [2] Link clicks	$0.31 [2] Link Click	3.02
	Wisconsin	$11.68	2,523	641	41 [2] Link clicks	$0.28 [2] Link Click	3.94

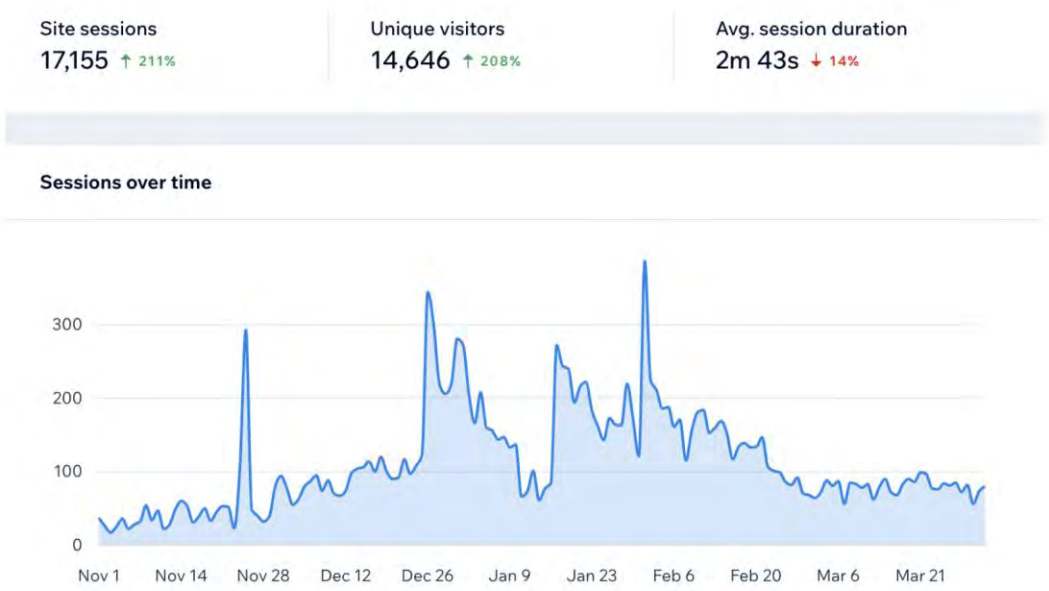
EXPLORE LIVINGSTON FY25 MARKETING CAMPAIGN ANALYTICS
Nov 1, 2024 through April 1, 2025

This chart captures the results from our FY25 paid social advertising campaign showing that those who live in Montana and our greater region - including Colorado, Minnesota, Utah and Wyoming - engaged most frequently in this marketing campaign.

Campaign name	Region	Results	Amount spent	Reach	Impressions	Cost per result	Frequency
WINTER '25	All	8,675 Link clicks	$4,513.00	387,581	1,278,470	$0.52 Link Click	3.30
	Montana	3,420 [2] Link clicks	$1,808.79	91,564	514,746	$0.53 [2] Link Click	5.62
	Colorado	1,511 [2] Link clicks	$773.77	74,928	207,012	$0.51 [2] Link Click	2.76
	Minnesota	1,419 [2] Link clicks	$737.76	84,654	206,967	$0.52 [2] Link Click	2.44
	Utah	667 [2] Link clicks	$377.38	42,871	93,159	$0.57 [2] Link Click	2.17
	Wyoming	637 [2] Link clicks	$309.99	29,498	103,222	$0.49 [2] Link Click	3.50
	Washington	464 [2] Link clicks	$225.36	24,443	68,408	$0.49 [2] Link Click	2.80
	Idaho	411 [2] Link clicks	$211.00	23,355	64,629	$0.51 [2] Link Click	2.77
	North Dakota	127 [2] Link clicks	$61.05	5,759	18,162	$0.48 [2] Link Click	3.15
	Wisconsin	19 [2] Link clicks	$7.90	1,088	2,163	$0.42 [2] Link Click	1.99
	Unknown	–	$0.00	–	1	–	–
	Distrito Fed...	–	$0.00	–	1	–	–
Total results 12 / 12 rows displa		**8,675** Link clicks	$4,513.00 Total spent	387,581 Accounts Center accounts	1,278,470 Total	**$0.52** Link Click	3.30 Per Accounts Center account

EXPLORE LIVINGSTON FY23 WEBSITE ANALYTICS
Nov 1, 2022 through April 1, 2023

These website analytics capture our success in increasing our website traffic during our FY23 marketing campaign.

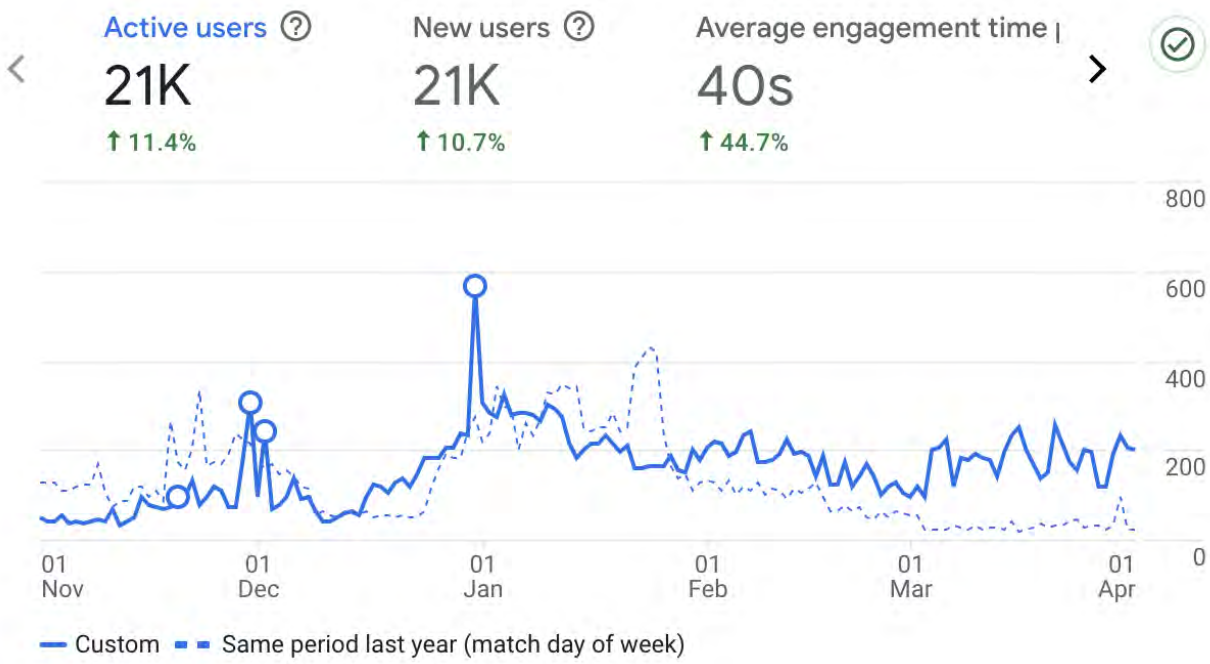


EXPLORE LIVINGSTON FY24 WEBSITE ANALYTICS
Oct 1, 2023 through March 1, 2024

These website analytics capture our success in increasing our website traffic during our FY24 marketing campaign.

EXPLORE LIVINGSTON FY25 WEBSITE ANALYTICS
Nov 1, 2024 through April 1, 2025

These website analytics capture our success in increasing our website traffic during our FY25 marketing campaign.



PLACERai DATA

BED TAX REVENUE: LIVINGSTON DMO/CVB

This chart shows the amount of bed tax revenue collected since 2017, a possible indicator to the success of the marketing campaigns.

2024	$570,766
2023	$539,929
2022	$501,510
2021	$519,818
2020	$221,836
2019	$270,735
2018	$270,776
2017	$297,629

Source: Montana Department of Commerce, Office of Tourism, as of April 2025

YELLOWSTONE NATIONAL PARK VISITATION

Although the Livingston DMO/CVB cannot take credit for visitation to Yellowstone National Park, we do track year-over-year visitation numbers to understand the greater trends in the area.

2024	4,744,353
2023	4,501,382
2022	3,290,242

2021	4,860,242
2020	3,806,306
2019	4,020,288
2018	4,115,000
2017	4,116,524

Source: National Park Service Public Use Statistics Office

AIRPORT DEBOARDINGS (BOZEMAN YELLOWSTONE AIRPORT)
Although the Livingston DMO/CVB cannot take credit for airport deboardings at the Bozeman Yellowstone Airport, we do track year-over-year deboardings to understand the greater trends in the area.

2024	1,321,246
2023	1,232,410
2022	1,129,016
2021	966,492
2020	443,466
2019	788,154
2018	671,367
2017	599,176

Source: Montana Department of Transportation

3c. What are your emerging markets? What new markets are emerging in your area? How can you utilize this information to draw people to your area?

Our destination marketing organization's primary target audience and emerging market is the Experience Seeker; the high-value, low-impact cooler season visitor, that we have outlined in 3a.

Emerging geographical markets for the Experience Seeker, based on ITRR data, our website analytics, and our marketing campaign data, include Chicago and Phoenix. Last year, our emerging markets included British Columbia, Alberta and Saskatchewan, but they are no longer a target based on changes to U.S. federal policies.

Other emerging segments that we are interested in attracting to Livingston are noted below, all of which either complement or are subsets within the Experience Seeker:

Arts and culture enthusiasts who appreciate arts pairing theatre, film festivals, music festivals, art walks, and book readings with restaurant and hotel stays. A subset of the arts audience is literary, history, and arts tourism with bookstore and art gallery visits, readings, self-guided or in-person history and walking tours, and information about Livingston's noted writers, with overlapping movie and music ties. Arts attractions have a lower impact on the environment and are less reliant on weather and other occurrences outside our control.

Year-round outdoor enthusiasts (cross country, backcountry and downhill skiers, snowshoers, Yellowstone winter visitors, hikers, campers, climbers, bikers, e-bikers, ice skaters) with access to rental equipment and locals' adventure recommendations.

Foodie and farm-to-table visitors who enjoy our restaurants, boutique health markets, farmer's markets, and farm-to-table programs (school, hospital, food pantry, local ranchers, aquaponic and greenhouse producers). Livingston's Campione Restaurant was the only restaurant in Montana (or the region) to be named on the 2023 *New York Times* top 50 restaurants in the U.S. and our culinary scene is an increasing attraction to both the regional drive market and visitors from around the world.

Eco-tourists focused on footprint reduction (including local public transport and bike rentals, minimizing single plastic use, recycling) and healthy food choices (some overlap with food-conscious marketing).

Two-wheel travelers including e-bikers, mountain and road bicyclists who are attracted to the many trails in Park County, especially during the months of April and November. A bucket list experience is also the brief Yellowstone National Park spring bicycling window to enjoy biking on roads without auto traffic.

Personal group travel including weddings, family reunions and friend groups and professional group travel for conferences, retreats and professional development. Construction of a lodging facility with conference capacity is planned, but not yet under construction, and will eventually provide additional capacity with a restaurant, conference space and additional lodging in one compound to support attracting this potential market. In the meantime, we have continued to partner and helped facilitate more retreats and conferences at our historic buildings, with attendees staying at multiple hotels including our two newest lodging properties, attracting those who want an authentic Montana personal or professional group experience.

4. Define and describe your overall goals.

A goal is an idea of the future or desired result that a person or group of people envisions, plans and commits to achieve.

4a. Describe proposed tactics and projects as related to overall goals and controlled by the organization in its financial statements. Describe the types of projects you will be doing, and the tactics used to reach your overall goals. Be mindful of the amounts budgeted to accomplish your goals.

Livingston DMO has three important overall goals in our sixth year, each related to our strategic roles, and supported by objectives, proposed tactics and projects.

Destination Marketing Goal: Continue to attract high-value, low-impact visitors to the Livingston area during the winter/cooler months to address our current seasonality challenges with overcrowding, flooding, and/or fire in the warm season months and lack of tourism in the cooler months.

Overall Objective: Increase year-over-year lodging tax collections and occupancy.

Proposed Tactics and Projects: Develop and execute a cool season marketing campaign, building on the success of the FY23, FY24 and FY25 cool season marketing campaigns, highlighting the mixture of small town experiences that includes arts, culture, events, history, food, and recreation, reaching the Experience Seeker target audience through paid, owned and earned media tactics. Update the Explore Livingston website to feature a new page on weddings and retreats, including available resources.

Paid media tactics to include: Digital advertising, social media, and print/magazine advertising reaching target audiences; plus TBD joint venture marketing opportunities.

Owned media tactics to include: Content, video, photography, and winter itineraries shared on website, social media platforms and email marketing campaigns - as well as highlighting weddings and retreats.

Earned media tactics to include: Working with influencers, journalists, and photographers to be included in their stories. Livingston DMO is tagged multiple times daily on social media by local and traveler media entities, providing a wide breadth of organic, timely, authentic content at no cost other than social media management time.

Destination Management Goal: Educate visitors to encourage them to embrace high-value/low-impact behavior in support of our sustainable tourism challenges.

Overall Objective: Create awareness of our "Livingston Like A Local" campaign among visitors, new residents and locals and increase year-over-year website traffic and social engagement.

Proposed Tactics and Projects: Develop and execute our "Livingston Like A Local" campaign, educating visitors and connecting with locals about Livingston's unique but imperiled small-town culture and environmental assets. Connect with our warm season visitors both before they arrive through our website, eblasts, and social media platforms and eye-catching visuals throughout the community. Communication includes personal responses to phone calls, emails, and social media contacts, which are increasingly frequent although our DMO is not the Visitors Center in Livingston.

Owned media tactics to include: Content, video, photography, and visuals shared on the website, social media platforms and email marketing campaigns.

Earned media tactics to include: Working with influencers, journalists, and photographers to be included in their stories.

Destination Stewardship Goal: Complete our five-year strategic vision and plan, working with other local organizations to increase the overall resiliency of Livingston's hospitality industry.

Overall Objective: Finish our strategic vision planning to build year-round economic resiliency with input from the Livingston area tourism and hospitality stakeholders.

Proposed Tactics and Projects: Tactics expected to include the following: incorporate key learnings and best practices from other strategic planning and resiliency work being conducted across the state; form a steering committee of stakeholders; review existing ITRR research and other community-wide data; distribute a follow-up survey (first survey was distributed right before the 2022 Flood) to understand and measure Livingston area hospitality and tourism related businesses' changing thoughts on tourism; conduct listening sessions with community members to gather input; analyze and summarize findings into key takeaways; outline plan and share with stakeholders for review and adoption.

4b. How will the addition of LFST funds enhance your overall goals?

These funds will allow Explore Livingston to address high priority needs including obtain more video for our paid media campaigns, support our "Livingston Like A Local" campaign or be used for emergency funds if grants aren't available to do a promotional campaign after flooding, fires and pandemics and other issues.

DMO Plan Objectives and Metrics

5. Define and describe your overall objectives. Objectives are formed from your goals. They are logical, attainable steps to achieve the goals and are able to be measured.

Using the table below, describe each of your objectives used to achieve your overall goals. Three to five objectives are preferred. Add the objective in the objective bos, add the measurable metric for success in the second field. The Report the metric achieved, and evaluation of successful metric fields will remain blank until the project is completed or at FYE. These two fields must be completed before the FY can be closed.

Destination Marketing Objective: Increase year-over-year lodging tax collections and occupancy levels at lodging properties.

> Proposed Tactics and Projects: Develop and execute a cool season marketing campaign, building on the success of the FY23, FY24 and FY25 cool season marketing campaigns, highlighting the mixture of small town experiences that includes arts, culture, events, history, food, and recreation, reaching the Experience Seeker target audience through paid, owned and earned media tactics. Update the Explore Livingston website to feature a new page on weddings and retreats, including available resources.

Destination Management Objective: Create awareness of our "Livingston Like A Local" campaign among visitors, new residents, and locals and increase year-over-year website traffic and social engagement.

> Proposed Tactics and Projects: Develop and execute our "Livingston Like A Local" campaign, educating visitors and connecting with locals about Livingston's unique but imperiled small town culture and environmental assets. Connect with our warm season visitors both before they arrive through our website, eblasts, and social media platforms and eye-catching visuals throughout the community. Communication includes personal responses to phone calls, emails, and social media contacts, which are increasingly frequent although our DMO is not the Visitors Center in Livingston.

Overall Objective: Proceed with strategic vision planning to build year-round economic resiliency with input from the Livingston area tourism and hospitality stakeholders.

> Proposed Tactics and Projects: Tactics expected to include the following: incorporate key learnings and best practices from other strategic planning and resiliency work being conducted across the state; form a steering committee of stakeholders; review existing ITRR research and other community-wide data; distribute survey to understand and measure Livingston area hospitality and tourism-related businesses's thoughts on tourism (our first sentiment survey was conducted right before the Summer 2022 flood); conduct listening sessions with community members to gather input; analyze and summarize findings into key takeaways; outline plan and share with stakeholders for review and adoption.

*Measurable Metrics for Success**

Due to the lack of consistent spending data, the Explore Livingston Coalition is focused on the metrics which it has the ability to track and measure and/or are readily accessible from existing sources.

Destination Marketing: Increase year-over-year lodging tax collections and occupancy levels at lodging properties.

https://marketmt.com/Programs/Industry-Services-and-Outreach/Lodging-Facility-Use-Tax.

Destination Management: Increase year-over-year traffic to Explore Livingston's website and social media platforms.

Destination Stewardship: Secure input from community members via stakeholder engagement, survey and listening sessions to complete the five-year strategic vision and plan. We've begun the process of developing the vision and plan and will be using the research we completed in year one as a baseline to compare with surveys and studies from regional partners to complete the process by 2027, remaining responsive and flexible to ongoing situations. Part of our reliance planning includes highlighting the arts and events as destination assets available even when weather events such as floods, fire, etc. impact visitors' access to outdoor recreation.

Will use findings from initial survey https://www.explorelivingstonmt.com/_files/ugd/cc5041_50637180935241a0a1b693f99aacf66a.pdf (completed pre-2022 floods) as reference for groundwork in Stewardship plan. We will track engagement with a minimum of 100+ community members and stakeholders and conduct, at a minimum, one public listening session. Will incorporate research and data from at least two other area entities doing similar work in order to save DMO funds and reduce duplication efforts, including Park County Community Foundation's annual "We Will" survey and report, and Yellowstone Country's Regional Tourism Resilience Plan and Resiliency Committee findings. Additionally, we will work closely with the Park County Community Foundation's brand new Park County Arts Council on their findings about arts opportunities, investments, and engagement.

File Attachments for Item:

G. APPROVAL OF TOURISM BUSINESS IMPROVEMENT DISTRICT WORK PLAN AND BUDGET

LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: June 17, 2025

TO: Chair Schwarz and City Commissioners

FROM: Grant Gager, City Manager

RE: Staff Report for Tourism Business Improvement District Annual Report and Budget

---

Recommendation and Summary
Staff is recommending that the City Commission approve the Annual Report and Budget of the City's designated Tourism Business Improvement District (TBID) by adopting the following motion:

"I move to approve the Tourism Business Improvement District Annual Work Plan and Budget."

The reasons for the recommendation are as follows:

- The new fiscal year for the Tourism Business Improvement District begins on July 1, 2025.
- The City's designated Tourism Business Improvement District has provided their annual work plan and budget as approved by its board.

Introduction and History
The City has designated Explore Livingston as its Tourism Business Improvement District (TBID). Pursuant to Chapter 12 of Title 7 of the Montana Code Annotated (MCA), the annual work plan and budget must be approved by the City Commission before the TBID may receive funds.

Analysis
The Explore Livingston TBID Board has approved the attached budget and work plan and it is presented to the Commission as approved.

Fiscal Impact
There is no fiscal impact associated with this approval.

Strategic Alignment
This action is required by MCA in order for the TBID to receive funds.

Attachments

- Attachment A: Annual Plan and Budget

QUICK TBID SUMMARY for FY25/26

Mission Statement

- Enhance economic vitality of Livingston by generating room nights for lodging facilities.
- Utilize effective sales and marketing strategies.
- Build collaborative partnerships to promote year-round tourism.

Vision

- Strengthen Livingston's economy by attracting overnight guests.
- Support projects and events that enhance visitor experiences.
- Market both warm and cooler seasons to increase visitation.

Funding Focus

- Funded by a $2 flat fee per room night for lodging.
- Grants available for projects that promote tourism and improve visitor experiences.
- Governed by a Board of Trustees of the hoteliers who collect the TBID assessments.

Achievements and Challenges

- Strong partnership with Explore Livingston Coalition.
- Increased collaboration with local and regional partners.
- Challenges include affordable workforce housing and inconsistent fee payments from some hotels.

Data Collection

- Partnership with DMO to purchase Placer.Ai subscription for visitor data analysis.
- Reports available to businesses for informed decision-making.

Marketing & Outreach

- Coordinated branding and tourism information website with a 93% increase in unique visitors.
- Continued marketing campaigns to counteract federal program cuts affecting tourism.
- Distribution of over 15,000 visitor pocket guides and monthly event calendars.

Events

- Successful events include Light Up Livingston and revived Oktoberfest.
- Significant marketing investment in holiday events and community engagement.

Grants

- Over $166,000 awarded in grants for various tourism-related projects and events.
- Grants support initiatives like art walks, festivals, and tourism advocacy.

Opportunities

- New hotel openings increasing available rooms and TBID funds.
- Recognition as a film location boosting off-season hotel occupancy.
- Educational outreach on tourism benefits and convention opportunities.

Challenges

- Workforce housing remains a significant challenge for hospitality businesses.
- Seasonal visitor fluctuations impact economic stability.
- Some hotels do not pay TBID fees, leading to revenue loss.

Budget

- Projected income down 20% due to national policies affecting tourism.
- Total projected budget of $145,000 for FY25/26.

Annual Report & Budget FY25/26

Mission Statement

Tourism Business Improvement District (TBID) Mission is to enhance the economic vitality of Livingston by generating room nights for the city's lodging facilities through effective sales and marketing strategies, building collaborative partnerships, and promoting Livingston as a year-round visitor, convention, and event destination.

Vision

The TBID seeks to strengthen Livingston's year-round economy by attracting visitors and overnight guests to stay in the hotels and motels within City Limits by supporting projects and events that draw visitors and enhances their stay. We seek to inform and inspire warm season visitors, and market the cooler season to increase visitation.

Funding and Focus

The Livingston TBID is funded by a flat fee of $2 per room night on individuals staying at lodging facilities within the Livingston city limits. In addition to marketing; event grant and project funding is available for events, programs, and projects that promote visitation, tourism, and improve the tourist experience within Livingston as specified by the Livingston TBID Board of Directors.

Board

TBID is governed by a Board of Trustees with each member serving a term of four years. The Livingston City Commission approves board members following recommendations by the TBID Board. Board Members must be Hotel/Motel owners (or their designees), up to date on TBID fees, strong collaborators, and we seek balanced representation from larger, midsized, and small lodging properties.

2025 TBID Board of Directors (board roles and alphabetically)

- Kathleen Kaul, Chair, Owner Murray Hotel
- Alex Reichert, Vice Chair, General Manager Fairfield Inn
- Melinda Zoeckler, Secretary/Treasurer, Assistant GM Fairfield Inn
- Angelika Amant, General Manager Country Motor Inn
- Deb Kowalkzek, General Manager, Home2 Suites
- Zoe Randall, Property Manager The Historic Murray Hotel

Annual Report & Budget FY25/26

TBID's Executive Director is overseen by and responsive to the Board. Director services, office and administration expenses are shared by the Explore Livingston Coalition.

Board Meeting agendas and Minutes are noticed at
https://www.explorelivingstonmt.com/tbid
Website https://www.explorelivingstonmt.com/
Facebook https://www.facebook.com/explorelivingstonmt
Instagram https://www.instagram.com/explore_livingston_mt
Hashtag #ExploreLivingstonMt

FY24/25 Achievements and Challenges

Strong productive partnership with Explore Livingston Coalition which includes the Downtown Livingston Business Improvement District (LBID) and Livingston Destination Management Organization (DMO) with shared administration and storage costs and office at 124 South Main Street, Suite 210. Explore Livingston has invested in forging new relationships and working closely with wide-ranging collaborative local, regional, and statewide partners.

Data Collection

In fiscal year 25/26 TBID has partnered with the DMO to purchase an annual subscription to Placer.Ai which combined cell phone pings and GPS data for endless custom reports that can be geofenced, date specific, and has compressive demographic details of visitor origin, age, income, where else they visited etc. **These reports will be available to any business or organization in Livingston at no cost by request to Explore Livingston so decisions can be made based on data, not conjecture.**

Marketing & Outreach

Explore Livingston Coalition has completed coordinated branding, and a tourism information website with weekly updates on an event calendar and ever-changing area restaurants and hospitality related businesses and resources, itinerary, and seasonal specific blogs and eblasts.

Livingston TOURISM BUSINESS IMPROVEMENT DISTRICT

Annual Report & Budget FY25/26

The top two web pages visited this past fiscal year is Events, then Film (last year was Events and Restaurants). **Website visits and unique visitors were up over 93% year over year following our 24/25 paid winter marketing. TBID will continue the DMO's Google Search and Social Media Marketing Campaigns from April through June 2025 to counter federal program and staffing cuts and international boycotting of US travel.** Take the Paradise Pledge is a recreation amenity pop-up for visitors to sign and learn more about recreating responsibly in our area. Website additions include a customized map of amenities by category, a Field Guide with itineraries, updating imagery and field guides by season, and film resource page including movies filmed here explorelivingstonmt.com/movies-filming (it's unclear why this page has been searched most often in the past two months).

TBID continues to distribute an evergreen, always up to date visitor's pocket guide (that locals can benefit from also.) Over 15,000 pocket-sized cards have been distributed to lodging and other hospitality locations for visitors with a QR code to our website with inclusive and extensive visitor amenities and resources. Last year we published and distributed winter event and summer event posters, table tents and coasters so that visitors (and locals) know of the many events.

In the past year, TBID printed and distributed over 1,000 monthly event calendars for both visitors and locals to easily access the recurring weekly and special events occurring in our area; there are over 350 events each month with all the events and details listed on our popular events page.

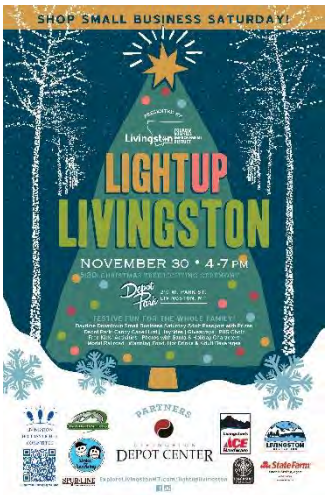
TBID continues to market our cooler/shoulder season visitation and events through multi-media marketing campaigns. Print and digital ads in: National/International platforms: Hermann Global *USA National Parks* Outreach to European market in English and German, *Adventure Outdoors, USA Today and USA Today National Parks, True West Magazine, Trip Advisor,* Teads, Sojern, *Travel Taste & Tours, Northwest Travel,* and digitally on *Pinterest. Regionally (for winter drive market and events): Montana Quarterly Magazine, Park County Community Journal's Traveler's Guide, the Livingston Enterprise, Bozone* plus holiday event Radio spots on Yellowstone Public Radio, KGLT, MPR and Townsquare Media (XL Country, KZMY, KMMS FM & AM.)

Livingston TOURISM BUSINESS IMPROVEMENT DISTRICT

Annual Report & Budget FY25/26

Events

~ Light Up Livingston will be in its 5th year in 2025. This Depot Park free event celebrating the Holiday Lights of Livingston coordinates with "Small Business Saturday" and a passport promotion organized in 2024 by Downtown business Hens & Chicks. The free family activities, refreshments, holiday characters, hayrides, model rail visits attract an average of 5,000 attendees. While marketing this event, **TBID invests significantly in marketing ALL holiday events (more than 2 dozen!) In addition to paid digital and print, social, and radio we did table tents, coasters, and posters last year with listings and QR codes to all events so that everywhere guests go they have easy access to info.**



~ 2024 was the 2nd year of the 2nd Street Oktoberfest (revived after a 20-year dormancy) that was a rousing success. It was expanded to a 1.5 block radius, included a live band, live llamas, a stein holding contest, free kids activities, food trucks, a no alcohol mocktail station, two hot dog vendors, and long community table shared by a diverse mix of the community; we hosted elders, disabled folks, wealthy residents, unhoused people, dogs, people on bikes, kids in strollers, and dozens of people in Bavarian costume. **There were an estimated 3,000 people in 3 hours, doubling last years' attendance.** We partnered with 2nd Street businesses, nonprofits, and food trucks and businesses throughout Downtown, not just 2nd Street, had Oktoberfest events and specials.

Grants – To date over $166,000 in grants have been awarded.

A spreadsheet of TBID funded events and projects is below but they include: Gallery Association ArtWalks, Livingston Songwriters Festival, LDBOBA Yellow Bus Tours, Oktoberfest, Light Up Livingston, Yellowstone Harvest Festival and ITRR tourism survey, Joy of the Journey film, Yellowstone Revealed All Nations Light-up Teepee Village and Rematriation performances, MHLA and Voices of Montana Tourism sponsorship, Electric Vehicle Charging Station Mural, Wishberry Hollow, Park County Recreation Rink, Night Owl Run, Livingston Braves American Legion Baseball, and co-paid for Google 360 photos for 20 area hospitality businesses. Several event Sponsorships included free TBID ads in the event program.

GRANTS by date starting with most recent

group	project	date	amount
Wishberry Hollow	Pixie Community Installation	4/15/2025	$3,500
Rocky Mountain Songwriter Festivals Inc.	Livingston Songwriters Festival	3/18/2025	$18,000
Livingston Depot Foundation, Inc.	Livingston Arts Week	3/18/2025	$8,000
City of Livingston	Chamber Stroll	1/21/2025	$625
Livingston Youth Soccer Association	Soccer Season	1/21/2025	$10,000
Montana Hospitality & Lodging Association	Tourism Advocacy	1/21/2025	$250
Park County Recreation Rink	Ice Skating Rink	1/21/2025	$1,000
Tourism Matters to Montana	Tourism Advocacy	1/21/2025	$1,000
Voices of Montana Tourism	Tourism Advocacy	1/21/2025	$1,000
Holiday Lights of Livingston	installing new electrical outlets for lights	10/23/2024	$10,000
Montana Media Coalition	Promoting Film Industry	10/21/2024	$5,500
Livingston Downtown Business Owners and Building Association	Yellowstone Bus Tours	5/21/2024	$4,000
Livingston Gallery Association	Annual ArtWalks	5/21/2024	$1,000
Rocky Mountain Songwriter Festivals Inc.	Livingston Songwriters Festival	5/21/2024	$5,000
Wishberry Hollow	Pixie Community Installation	4/5/2024	$3,000
Shane Center	2024 season	1/30/2024	$2,500
Voices of Montana Tourism	Legislative session	1/30/2024	$1,000
Montana Hospitality and Lodging	annual membership	1/2/2024	$250
Night Owl Run	15th Annual Fun Run	9/9/2023	$1,000
Wishberry Hollow	Pixie Community Installation	7/28/2023	$3,000
Tap Into Mt	Brew Fest	6/24/2023	$3,000
Yellowstone Gateway Museum	Yellowstone Art Exhibit	6/24/2023	$7,500
Ferry Landing Arts, Recreation & Events	Yellowstone Harvest Fest event	4/20/2023	$10,000
Joy of the Journey	Finishing edit of Livingston to YNP film	3/21/2023	$3,500
Park County Recreation Rink	Free Skating Sponsorship	2/1/2023	$400
Ferry Landing Arts, Recreation & Events	Windrider Transit to Yellowstone Harvest Festival	9/24/2022	$1,000
Ferry Landing Arts, Recreation & Events	Yellowstone Harvest Fest event infrastructure (tent, tables etc.)	9/24/2022	$5,000
Night Owl Run	14th Annual Fun Run	9/9/2022	$1,000
Joy of the Journey	Livingston to YNP film	8/23/2022	$6,000

Mountain Time Arts	All Nations Teepee Village in Gardiner	8/23/2022	$5,000
Wishberry Hollow	Pixie Community Installation	7/29/2022	$4,500
Shane Center	2023 Production of 2 Musicals	7/15/2022	$5,000
Voices of Montana Tourism	2022 Legislative session	7/7/2022	$1,000
Yellowstone Revealed	All Nations Light-up Teepee Village	7/5/2022	$5,000
Windrider Transit	Downtown Summer Eve Hotel Shuttle	6/2/2022	$7,500
Park County Recreation Rink	Free Skating Sponsorship	1/1/2022	$600
Park County Rec Dept.	Chamber fee waiver to shut down street for the Stroll	11/2/2021	$500
Creek to Peak	Soap Box Derby	10/15/2021	$6,412
Livingston Braves	American Legion Baseball	7/1/2021	$7,685
Livingston Area Chamber	July 2nd Parade portapotties	5/22/2021	$850
Creek to Peak	Soap Box Derby	4/18/2020	$5,000
		TOTAL	**$166,072**

Opportunities

+ Home2Suites opened June 2024, **increasing our city's available hotel rooms by 90, to a total of 470** (that does not include the Yellowstone Park Inn which is under construction.) This will also increase TBID funds, which are invested back in the economy.

+ Film location – Livingston was named by the Department of Commerce as the Film Community of the Year in 2024 and more movies were filmed in our region that anywhere else in the state in 2023. Film crews increase hotel occupancy, especially in the cool season when it is needed the most. **The recent Legislative session retained the Film Tax Credit program but did not increase the amount, so future filmmaking may be hard hit, we will continue to work closely with the newly formed Montana Media Coalition, a TBID grantee, in support of the industry.** Curious about movies filmed here? Check out our movie page, which includes City contact info, at https://www.explorelivingstonmt.com/movies-filming it has been the #1 webpage visited on our website in March and April, 2025.

+ Educating the public about the benefits of the tourism economy. **We have a new Explore Livingston Coalition brochure and are working with the Livingston Destination Management Organization on educational outreach including an upcoming "Who Does What in Tourism" public meeting and a Resilient Tourism Economy Strategic Plan that includes a dozen partner organizations, surveys, and stakeholder and community feedback**. *Park County Community Journal* also published an article explaining how each of Explore Livingston's three partnering nonprofits work together in December of 2024.

+ Conventions, Weddings, Meetings & Gatherings
In the coming fiscal year we will add new pages to our website highlighting the opportunities and resources to plan conventions, weddings, larger meetings, and family gatherings in the Livingston area. We are partnering with a range of venues and partners on content. **Livingston is finally being discovered as a desirable convention destination despite not having a convention center. Our Downtown Business Improvement District for the first time co-hosted the statewide Montana Main Street and Downtown Convention, Montana Economic Developers Association held their recent annual convention here and the Big Sky Rail Authority will hold their annual meeting in Livingston this fall.**

+ The first ever all-TBID Statewide meeting was productive – each TBID in the state has a different structure; some are stand-alone, some are with the Destination Management Organizations, and some with a Chamber, although a minority of TBIDs statewide are Chamber-affiliated. Montana TBIDs plan to share resources, create a website, work with attorneys who specialize in TBID issues, and work together during the State Legislative session when local hotelier control of TBID funds is often threatened. **We worked closely with our peers and Tourism education organizations to address and defeat six proposed state bills in the 2025 State Legislative Session that would have drastically undermined the tourism industry and each community's ability to determine what our specific communities need.**

TBID is in a unique position in that they collect funds directly from visitors not locals, spending decisions are entirely in the hands of local hoteliers and **without asking locals for funds, they underwrite events and projects that benefit locals; from marketing the cool season when visitation is desired (and not marketing summer when it's already busy), create or fund new events in the cool season that locals can enjoy** including Oktoberfest, Light Up Livingston and new in 2024 Livingston Songwriters Festival, spending funds to promote all area events (not just those with TBID grants), **offering grants to offset event expenses like the City's Street Closure fees, and educating visitors about recreating responsibly (the goal is to keep City and County funds from having to be used to rescue visitors) and not advertising already popular and over-accessed amenities like fishing the Yellowstone River or sold-out rodeos and concerts, to preserve as much local's access to these amenities as possible.**

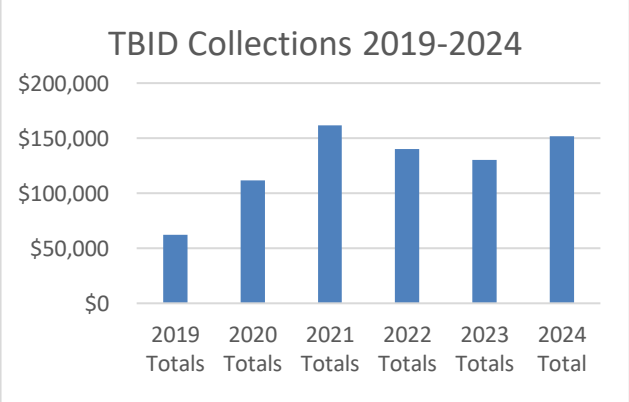
Challenges
- Affordable workforce housing, thus workforce, remains hospitality businesses' greatest challenge.
- Disproportionately busy summers, when historically there are few vacancies, and fewer visitors and destination events during the cool season undermines the economic stability of lodging properties.
- Several TBID hotels/motels chronically do not pay their fees, leading to increased admin time reminding them, and lost revenue. **We remain interested in the City collecting TBID assessments so they can put a lien on delinquent properties, we do not have any regulatory way to force payment.**

Livingston TOURISM BUSINESS IMPROVEMENT DISTRICT

Annual Report & Budget FY25/26

FY 25/26 Budget TO BE REVIEWED by the TBID Board at their 5/20/2025 meeting below. Projected income is down 20% due to National Policies and impact on Tourism. Followed by year-to-year assessment comparison. Profit and Loss for Fiscal Year to Date also attached.

FY24/25 Income/Expense Category & Budget	Budget
Income/Revenue Estimates	
Quarter 1 - TBID Assessment	$20,000
Quarter 2 - TBID Assessment	$40,000
Quarter 3 - TBID Assessment	$60,000
Quarter 4 - TBID Assessment	$25,000
3 years outstanding from Yellowstone Park Inn & Suites	*($75,000)*
Total Income	**$145,000**
Plus reserve, CD earning interest	$23,590
Expenses Projected	
Accounting Expenses, Bank Fees, Dues	$4,000
General Admin (office, rental, tech, insurance, supplies)	$14,000
Payroll & staffing	$36,000
Consultant/Contractor, including Design	$5,000
Events, Grants & Sponsorships	$66,000
Marketing, Print & Digital Advertising (State, National, Intn'l)	$20,000
Total Expenses	**$ 145,000**



File Attachments for Item:

H. APPROVAL OF LIVINGSTON BUSINESS IMPROVEMENT DISTRICT WORK PLAN AND BUDGET

LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: June 17, 2025

TO: Chair Schwarz and City Commissioners

FROM: Grant Gager, City Manager

RE: Staff Report for Business Improvement District Annual Report and Budget

---

Recommendation and Summary
Staff is recommending that the City Commission approve the Annual Report and Budget provided by the City's designated Business Improvement District (BID) by adopting the following motion:

"I move to approve the BID Annual Work Plan and Budget."

The reasons for the recommendation are as follows:

- The new fiscal year for the Business Improvement District begins on July 1, 2025.
- The City's designated Business Improvement District has provided their annual work plan and budget as approved by its board.

Introduction and History
The City has designated Explore Livingston as its Business Improvement District (BID). Pursuant to Chapter 12 of Title 7 of the Montana Code Annotated (MCA), the annual work plan and budget must be approved by the City Commission before the BID may receive funds.

Analysis
The Explore Livingston BID Board has approved the attached budget and work plan and it is presented to the Commission as approved.

Fiscal Impact
There is no fiscal impact associated with this approval.

Strategic Alignment
This action is required by MCA in order for the BID to receive funds.

Attachments

- Attachment A: Annual Plan and Budget

QUICK OVERVIEW LBID ANNUAL REPORT FY 25/26

The document outlines the mission, achievements, challenges, and budget of the Livingston Business Improvement District for FY25/26.

Mission Statement

- LBID enhances downtown Livingston's vitality through commerce facilitation, streetscape enhancement, maintenance, and security improvement.

Organizational Structure

- Formed in 2011 after 60% property owner support.
- Governed by a seven-member Board of Trustees.
- Funded by annual special assessments from property owners, totaling 222 contributors in 2024.

FY24/25 Achievements

- Successfully removed 2.69 tons of garbage from sidewalk receptacles.
- Raised funds through Give a Hoot for 35 new low-water baskets.
- Expanded number of nonprofits participating in banner program.

Challenges

- Seasonality of business traffic and economy.
- Unhoused population sleeping Downtown and interactions.

District Business Support

- Shared office space with Prospera for free business coaching.
- 10 new businesses opened in the Downtown District, netting 7 new businesses overall.

Budget

- Proposed budget for FY25/26 totals $65,000.
- Expected income includes $46,000 from tax assessments and $15,000 PENDING from city flower contributions.
- Total operating expenses estimated at $26,000, with program expenses at $39,000.

Livingston BUSINESS IMPROVEMENT DISTRICT
rustic. refined. legendary.

Annual Report & Budget FY25/26

Mission Statement

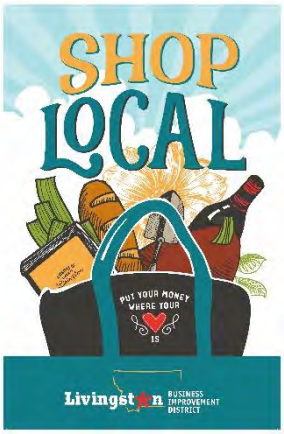
The Livingston Business Improvement District (LBID) enhances the vitality of downtown Livingston by facilitating commerce, enhancing streetscapes, conducting maintenance, and improving security and safety.

Vision

The LBID seeks to be one of the motivating forces behind a successful business district which preserves our historic downtown, enriches our culture, and continues to improve and maintain the physical appearance and aesthetics of the District to continue to attract long-term and viable businesses, invigorate community activity and enhance visitor experiences.

Organizational Structure

In 2011, more than 60% of property owners within the proposed LBID boundaries signed a petition in favor of a District and the Livingston City Commission approved its formation. The LBID was formed and boundaries within the District were established. The stated purpose of the LBID is to promote the health, safety, prosperity, security, and general welfare of the inhabitants of the City of Livingston and the District. Listed within the City of Livingston Resolution 4178, the LBID will also: 1) facilitate an improved business climate; 2) improve the functional characteristics of the business district; 3) conserve the historic district; and, 4) develop a strong, aggressive marketing program.



Pursuant to MCA 7-12-1141, on December 15, 2020, the LBID was unanimously renewed by Livingston City Commission Resolution 4932 from March 2021 to March 2031. oversight

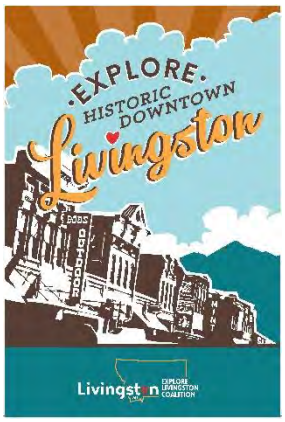
The LBID programs and services are funded by an annual special assessment of property owners within the District boundaries. Commercial and partially commercial properties are subject to the BID assessment. Exclusively residential properties, properties used for manufacturing and properties determined to be exempt from real estate taxes are not assessed. As of 2024, there were 222 property owners within the District contributing to the tax base. Taxes paid by property owners are based on the footprint of the property within the District. The LBID assessment is applied to the annual property tax bills and is collected by the City of Livingston as part of property taxes. The funds are held by City Finance Office in a segregated account and sent to the LBID checking account at a separate financial institution.

Livingston BUSINESS IMPROVEMENT DISTRICT
rustic. refined. legendary.

Annual Report & Budget FY25/26

LBID Board

The LBID is governed by a seven-member Board of Trustees with each member serving a term of four years. The Livingston City Commission approves new or re-applying board members when terms expire. The 2023 LBID Board includes District property owners (or their designees):

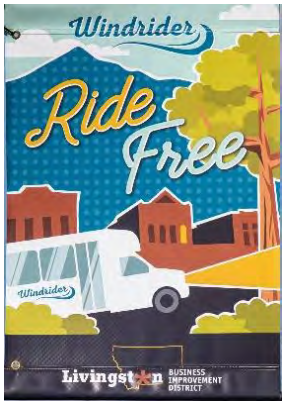


- Lauren Silano, Chair – Owner of Neptune's Taphouse & Eatery
- Dale Hopkins, Vice Chair – Owner of the Kitchen Shop on Main
- Megan Eubank, Secretary/Treasurer – Owner of Eubank Creative
- Jeff Galli – Owner of Campione Roman Kitchen
- James Langteaux – Owner of Tru North Café
- Alex Pinson – Owner of Fireflies Pottery & Art Studio
- Dale Sexton, Former Chair – Owner of Dan Baileys Outdoor Co.

LBID's Executive Director is supervised by the board and her services and administration expenses are shared by the Explore Livingston Coalition.

Board Meeting agendas and Minutes are noticed at
https://www.downtownlivingston.org/meeting-minute-archive

Website https://www.downtownlivingston.org/
Facebook https://www.facebook.com/DowntownLivingstonMontana/
Instagram https://www.instagram.com/livingston_bid/
Hashtags #DowntownLivingstonMT #LifeIsDowntown



Overview

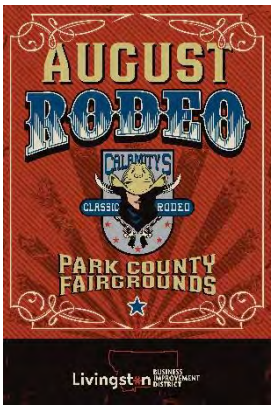
LBID's role is to fill the gap in downtown services that local government and other organizations have been unable to provide and which individual businesses cannot accomplish on their own. Primary projects include: marketing Downtown Livingston as a vibrant destination, advocating for District businesses, emptying Downtown District sidewalk garbage receptacles, maintaining Downtown light post banners for local nonprofits and community events, snowflake light decor, and flower baskets. LBID also maintains Explore Historic Downtown wayfinding light post banners spanning Park Street from 8th to O Street in addition to District banners.

FY24/25 Achievements and Challenges

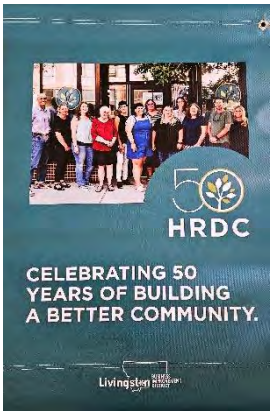
District Sidewalk Garbage Removal – The history of the sidewalk garbage receptacles predates the LBID, with individual businesses sponsoring the installation and emptying of the black metal containers

outside their business. Over the years, a total of 30 hand-crafted metal receptacles have been installed with the URA paying for the receptacle, the City of Livingston overseeing bolting them safely to the sidewalk, and the LBID hiring contract staff to empty thousands of pounds of garbage by hand. The City empties alley way garbage accessible by vehicle, but the sidewalk garbage must be emptied by hand. Last year the LBID Board identified removal of garbage from Downtown sidewalk receptacles as our #1 priority. The amount of garbage in these receptacles has increased as visitors and downtown residents use them to dump household and vehicle garbage bags, the unhoused population increases, and there are more Downtown public events with alcohol and food containers. **In 2024, 2.69 tons of garbage were with 485 garbage bags used.** The City of Livingston provides overflow bins for when the Transfer Station is closed on busy summer weekends. Having stable contract staffing to check them frequently, most days in the summer, continues has been a significant challenge.

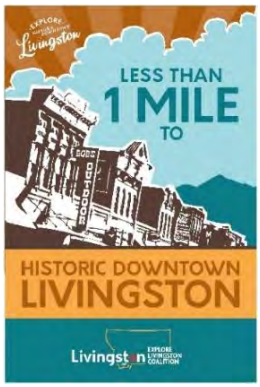
Flower Basket Program – Growing from its start of 24 baskets in 2016 we expanded to 34 baskets. However, these baskets were aging and minimal dirt space that they needed daily, if not twice daily watering. During Give a Hoot 2024, we raised enough funds for **35 new 'low water' baskets** that are larger single units that will be easier to put up and take down, maintain, and require less frequent watering leading to resource savings despite bigger baskets. The flowers are grown and maintained through a contract with a local grower Heather's Garden Service, now named Suncatcher. While the flower contractor is focused on flower health and the baskets thrive with more dedicated watering, this does require two work trucks; one for garbage and one for flowers which increases vehicle costs. **Thanks to the City of Livingston for stepping up as a partner in FY 23/24 to help fund the flower baskets after the Urban Renewal Agency (URA) stopped their partnership support.**



Banner Program - LBID has designed, approved, and had over a dozen banner designs produced since the program began. Spring/Summer-themed banners are installed from April through late September and winter-themed banners are installed from October through April. In 2023 we added wayfinding banners leading into the Downtown District on Park Street from 8th to O Streets with distances to Downtown. **In 2025, there are three new banners from; Calamity's Classic Rodeo, Park County Health Local Advisory Council and HRDC providing messaging, fresh designs, and more income to LBID at $1/day per banner.** The LBID Banner Program is intended to identify the downtown service area; add character and vitality to the downtown streetscapes; and, publicize a diverse range of events, activities, and attractions. Approved banners for local nonprofit events and programs can be displayed in the downtown area for a nominal fee. This funding mechanism supports future banner bracket purchases



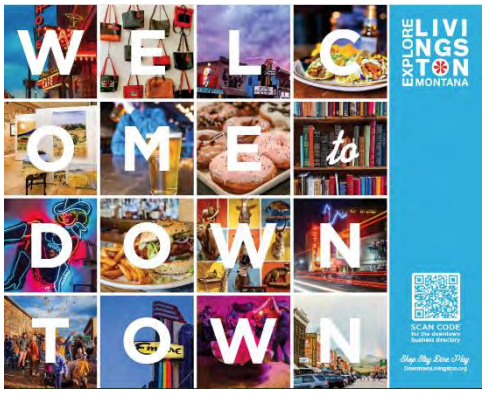
and other downtown equipment and beautification needs. LBID has paid for banner design and maintenance on: Welcome to Downtown (4 designs) Shop and Celebrate Local banners (warm and cool season designs), 4th of July/Rodeo banners, and the **Wayfinding "Explore Historic Downtown Livingston" banners**. Banner purchase and maintenance ($1/day per banner) paid for by nonprofit organizations include: Livingston Gallery Association ArtWalks, Park County Community Foundation Give a Hoot, Yellowstone Bus Tours, LiveWell49 Suicide Prevention month, TBID's Light Up Livingston, Montana Freshwater Partners Give Back to the Yellowstone, and Windrider Transit.



Lamp Post Holiday Snowflake Decorations – In a program begun in 2020, 4-foot and 3-foot LED snowflake lights are hung and lit on downtown lamp posts by LBID annually, from November to February. These were selected to withstand high winds and snow and have a timeless, classy winter appeal beyond just the holidays. In 2021, in collaboration with the Holiday Lights Committee and Tourism Improvement District (TBID) additional snowflake decorations were purchased (in a different design and size that complement the original snowflake designs) for a total of 89. **Downtown holiday lights are a perfect example of collaboration; the nonprofit Holiday Lights of Livingston does the Depot tree lights and Livingston's official Christmas tree, LBID does the Snowflake Lights, the Chamber does light pole wraps, and each business does their own holiday décor and it all looks great together!**

Graffiti Remediation – While graffiti incidents, especially in alleys, on the rise have struggled to hire contract labor with the skills and time to mitigate graffiti as much as we would like. We are open to partnerships and solutions from anyone with ideas to address the issue.

District Business Support - Including shop local banners and posters; information about relevant happenings such as downtown construction and safety issues; and, grant, support, training, business, and funding opportunities. **We are sharing our Downtown office space with Prospera at no cost so they can conduct free business coaching services in Livingston the 3rd Friday of each month.** We have expanded our business resource web information with business support services from Park Local Development Corporation, Prospera, and funding opportunities for buildings and businesses. Last year we added to our website a comprehensive business listing of Downtown District businesses. We have distributed posters and postcards with a QR code to our District business listing, as business turnover Downtown changes every month a printed list of businesses would be immediately out of date. **10 new businesses have opened in the Downtown District in the past 6 months**, *with 3*



closing for a net of 7 new businesses. Business types include: beauty shops (2), artist-operated galleries (3), and western wear/hats (2) the others include apparel and a coffee shop. Two businesses have expanded into neighboring businesses when those businesses moved, Drift Studio and the Fainting Goat. Four businesses moved within the district to more advantageous locations, including the Yellowstone Hat Company, Avery's Framing, Engine Room Pizza, and the Wok, and a Health Collaborative moved from Main to 2nd Street. The businesses closures were related to a nonprofit bakery that was not making enough to justify the cost to their mission to address hunger, and a hot bar 2nd location on Main that also cost more to staff and that Main Street location will be a prep kitchen only (not open to the public) for the main location outside of the district. One major mixed-use building, the Albemarle, has new ownership, as does the historic Empire Twin theatre, both purchased by people who expressed a dedication to community and engagement.

New in 2025 we hope to partner with the URA to **hang two 60" wide x 48" tall banners, printed on mesh to be lightweight so the wind can blow through them, on a construction fence at a blighted stalled construction project. The banners can be reused elsewhere when they are no longer needed at this construction site and can be a pilot project for how to enhance empty or under construction spaces** in the District. They include vibrant images of Downtown, a QR code to the Downtown business directory on LBID's website and a "celebrate local, put your money where your heart is" call to action.

Media Outlet Relationships - Frequent communication with television and print media to promote Livingston, the District, businesses, events, and area news. We pitch at least one Downtown story to television and print media monthly.

Online and Social Media Presence - Through social media posts and videos, we promote District businesses' events, products, and news - and the area - to increase commercial traffic to Downtown. **Social media promoting Downtown businesses, events, and news averages 75 posts per month**. We send out a periodic enewsletter with resources, news and opportunities for District businesses.

Co-hosting the 2024 Montana Main Street & Downtown Conference
For the first time, a larger town and smaller town co-hosted the annual statewide conference October 23-25, 2024. Bozeman hosted the afternoon of the 23rd and morning of the 25th and Livingston hosted the day of the 24th. There were 145 registered participants, two keynote speakers, 12 informational sessions and tours and 30 sponsors, and three awards given for practical Downtown

projects. The conference was a huge success, with high engagement levels, and compliments by participants as "the best conference I've been to." **Panelists include City Manager Grant Gager and City Planning Director, Jennifer Severson.**

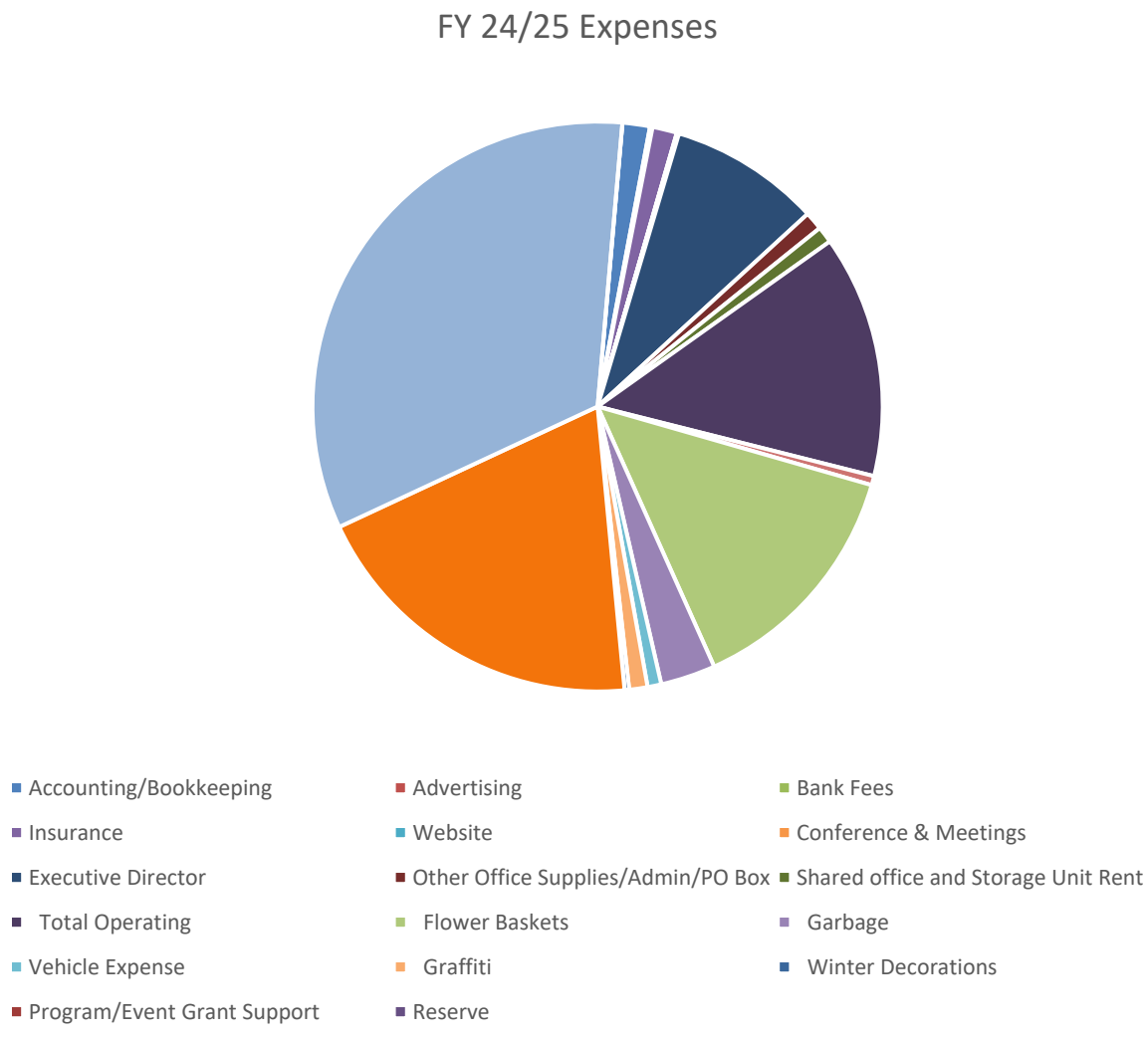
Co-hosting Who Does What Downtown Meeting with the URA
On April 8 2025. The goal was to clarify the roles of various downtown organizations. *Panelists from the URA, LBID, City of Livingston, Public Works, Police Chief, Historic Preservation Commission, Livingston Gallery Association, HRDC, Park Local Development Corporation, Livingston Downtown Building Owners and Business Association (LDBOBA), and the Livingston Area Chamber of Commerce* all gave summaries of their organizations and answered questions from about three dozen attendees. One outcome will be a Who Does What Downtown information and contact sheet available through all organizations.

Coordinating Tourism Effort Partnerships – LBID is the lead nonprofit organization in overseeing the Explore Livingston Coalition in partnership with the Livingston Destination Management Organization (DMO) and Tourism Business Improvement District (TBID). The three groups share administration, marketing, planning, and resource development to amplify their annual budgets and impact. Together they promote Livingston, including Downtown Livingston, through beautification, economic development, and marketing events to increase tourism, create visitor education campaigns, and Destination Management stewardship projects. We partner also on letters in support related to various Livingston and Park County community projects. **This past year the DMO updated three owned billboards with vibrant downtown images to bring people off the highway to Livingston, and Downtown.**

Downtown Planning
The LBID has been involved in supporting the Downtown Master Plan process overseen by the Livingston City Planning Department. We hosted the Downtown Master Plan webpage, helped design and hang community engagement posters, participated and invited Downtown businesses to community engagement sessions, and promoted engagement on our social media channels and eblasts. We have also been involved in code updates, walking tour audits and pilot project planning relative to the Downtown Master Plan, and communication about City parking, event street closure, educating folks about not riding bikes on sidewalks, street cleaning, construction projects and more.

BUDGET

Last fiscal year expenses below, followed by the proposed budget for fiscal year 2025/2026. Current Fiscal Year Profit and Loss vs. Actuals to April attached, the current fiscal year will end June 30.
NOTE: Executive Director payroll expenses are shared by TBID and DMO but as LBID is the financial nonprofit, the whole payroll shows in LBID's reports but they pay 20%; DMO and TBID cover the rest.



Proposed FY24/25 Budget - The current District assessment income for enhancement, facilitation, promotion, and maintenance is approximately $46,000 per year. The Draft Budget for fiscal year 2025/2026 was PENDING reviewed and approved by the LBID Board 5/27/2025.

Livingston BUSINESS IMPROVEMENT DISTRICT
rustic. refined. legendary.

Annual Report & Budget FY25/26

LBID FY24/25 Budget	Estimates	
Expected FY LBID Tax Assessments		$46,000
City Flower Contribution (pending approval)		$15,000
Banner Program Income		$2,000
Total Estimated Income	**$65,000**	
Operating		
Accounting/Bookkeeping		$4,000
Insurance		$2,000
Marketing/Design		$1,000
Office Supplies/Admin Expenses		$300
Annual Conferences, Meetings		$1,000
Shared Executive Director		$14,000
Hardware supplies & Vehicle Expenses		$2,900
Shared office and Storage Unit Rent		$800
Total Operating Expenses		**$26,000**
Program		
Banners		$1,500
Flower Baskets		$28,000
Garbage & Graffiti		$9,000
Winter Decorations		$500
Total Program Expenses		**$39,000**
Total Expenses for Fiscal Year	**$65,000**	

File Attachments for Item:

I. APPROVAL OF AGREEMENT 20190 FOR ROPING ARENA LEASE

LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: June 17, 2025

TO: Chair Schwarz and City Commissioners

FROM: Grant Gager, City Manager

RE: Staff Report for Agreement 20190 for Roping Arena Lease

Recommendation and Summary
The City Manager is recommending approval of Agreement 20190 which is for short-term lease of the City property commonly known as "the roping arena" by adoption of the following motion:

"I move to approve agreement 20190 and authorize the City Manager to execute the agreement."

The reasons for the recommendation are as follows:

- The City owns a parcel near the County Fairgrounds that is periodically used by event organizers to store equipment of performers and contestants.
- The City has received a request from an event operator for use of the parcel this summer.

Introduction and History
The City owns a parcel at 97 View Vista Drive, commonly referred to as "the old roping arena," that is periodically used by event organizers for equipment storage and camping. When not is such use, the parcel, which is adjacent to Mayor's Landing, is used as parkland.

Analysis
The City has received a request to use the parcel for an event. With no scheduled competing uses during the requested dates, the City has offered the use of the parcel at the rate historically charged ($100 per day). The City will not prepare or protect the parcel for the planned uses.

Fiscal Impact
The lease revenues included in the contract will be provided to the general fund.

Strategic Alignment
Clear lease agreements provide management the ability to effectively manage City affairs and assets in a manner consistent with Commission priorities.

Attachments

A. Proposed Agreement 20190

City of Livingston
Agreement 20190

LEASE AGREEMENT

AGREEMENT made and entered into as of the ____ day of _____, 2025, by and between the City of Livingston, a municipal corporation and political subdivision of the State of Montana, with its principal office located at 220 E. Park Street, Livingston, Montana 59047, hereinafter referred to as the "City," and Windy City Outlaws DBA Calamity's Classic Rodeo, of PO Box 2035, Livingston, Park County, Montana 59047, hereinafter referred as "Lessee."

Recitals.

WHEREAS, The City owns certain land located in Section 18, Township 2 South, Range 10 East, M.P.M. which is more particularly described by Certificate of Survey #1245 on file and of record in the office of the Clerk and Recorder of Park County, Montana; and more particularly described as the roping arena property at 97 View Vista Drive, Livingston Montana; and

WHEREAS, The City is desirous of leasing to LESSEE and LESSEE is desirous of leasing from the City said property under the terms and conditions contained in this agreement; and

WHEREAS, LESSEE is desirous of leasing the property for use associated with the Calamity's Classic Rodeo Event on August 16 and 17, 2025;

NOW THEREFORE; the lease of such property on such days by the Lessee is agreed as follows:

SECTION ONE
Description of Property

The City owns certain land located in Section 18, Township 2 South, Range 10 East, M.P.M. which is more particularly described by Certificate of Survey #1245 on file and of record in the office of the Clerk and Recorder of Park County, Montana; and more particularly described as the roping arena property at 97 View Vista Drive, Livingston Montana.

SECTION TWO
Inspection, Representations and Warranties

LESSEE hereby acknowledges and agrees that it leases the property based upon its own inspection, knowledge and judgment and has not relied upon any representations or warranties, either expressed or implied, from the City, its officers, employees, or agents. LESSEE hereby holds the City, its officers, employees or agents harmless and agrees to indemnify the City from any and all damage or destruction or property to and/or injury or death to persons growing out of the lease of said property.

SECTION THREE
Term and Rental Fees

The term of this lease shall be for two days on August 16 and 17, 2025. LESSEE agrees to pay, without demand, to the City as rent for the property the sum of $100.00 per day, on or before the 18th day of August. The LESSEE will have exclusive use of the premises on August 16 and 17, 2025.

SECTION FOUR
Insurance/Hold harmless

To the fullest extent allowed by law, LESSEE agrees to save, defend, indemnify and hold harmless the City, its officers, employees and agents from any and all claims, losses, expenses and damages, including, but not limited to, court costs and reasonable attorney fees, which may be asserted against the City arising of the negligence or negligent or intentional acts of LESSEE in connection with this agreement.

LESSEE agrees, at its sole expense, to obtain and keep in full force and effect adequate insurance against general liability, automobile liability and physical damage, naming the City as a named insured, with policy limits in the amount of not less than $750,000.00 per person and $1,500,000.00 per occurrence as currently provided by Mont. Code Ann. § 2-9-108, or such other amount as the State legislature may provide by amendment to said statute to cover loss, damage or injury to persons or property which might arise out of the performance of their duties under this agreement and shall provide a Certificate of

Insurance to the City.

SECTION FIVE
Quiet Enjoyment

City covenants that on paying the rent and performing the covenants herein contained, LESSEE shall peacefully and quietly have, hold and enjoy the demised premises for the agreed term.

SECTION SIX
Use of Premises

The demised premises shall be used and occupied by LESSEE for parking for contestants and temporary corralling of horses. LESSEE acknowledges hereby that the City hereby reserves the right to enter into additional leases with third parties, however, the City agrees that such leases shall not interfere with LESSEE's Calamity's Classic Rodeo event, or use of the leased property.

SECTION SEVEN
Assignment

Without the prior written consent of City, LESSEE shall not assign this Lease.

SECTION EIGHT
Alterations and Improvements

LESSEE may mow the grass and otherwise clean the site but no significant alterations or improvements are allowed without prior consent in writing from the City. All agreed upon alterations, changes, and improvements built, constructed, or placed on the demised premises by LESSEE, with the exception of fixtures removable without damage to the premises and moveable personal property, shall, unless otherwise provided by written agreement between City and LESSEE, be the property of City and remain on the demised premises at the expiration or sooner termination of this Lease.

SECTION NINE
Maintenance and Repair

LESSEE will, at their expense, keep and maintain the property in good condition and repair during the term of this Lease. Any structures replacement shall require the prior written approval of the City. LESSEE will remove organic and inorganic refuse, including manure by the end of August 18.

SECTION TEN
Dangerous Materials

LESSEE shall not keep or have on the leased premises any article or thing of a dangerous, inflammable, or explosive character that might unreasonably increase the damager of fire on the leased premises or that might be considered hazardous or extra hazardous by any responsible insurance company.

SECTION ELEVEN
Right of Inspection

City and its agents shall have the right at all reasonable times during the term of this Lease and any renewal thereof to enter the demised premises for the purpose of inspecting the premises and any improvements thereon.

SECTION TWELVE
Surrender of Premises

At the expiration of the Lease term, LESSEE shall quit and surrender the premises hereby demised in as good state and condition as they were at the commencement of this Lease, reasonable use and wear thereof and damages by the elements excepted.

SECTION THIRTEEN
Termination and Default

In the event that any of the equipment installed by LESSEE interferes with the City or other governmental agencies, private entities, residents or organizations located adjacent thereto which are in existence as of August 2025, this lease shall become null and void, if said interference cannot be corrected by LESSEE.

This lease may be terminated by either party by giving six (6) days written notice to the other party.

SECTION FOURTEEN
Binding Effect

The covenants and conditions herein contained shall apply to and bind the heirs, legal representatives, and assigns of the parties hereto, and all covenants are to be construed as conditions of this Lease.

SECTION FIFTEEN
Notice

Notices shall be mailed at the addresses set forth herein, or at such other address as the respective parties shall give to the other party by written notice of any such change. Notice shall be deemed complete when the notice is deposited into the United States Postal Service and addressed to the address provided by the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.

CITY OF LIVINGSTON

_____
GRANT GAGER
City Manager

WINDY CITY OUTLAWS
DBA: CALAMITY'S CLASSIC RODEO

_____
MICHAEL KLASING
President

APPROVED AS TO FORM:

_____
JON HESSE
Livingston City Attorney

File Attachments for Item:

J. APPROVAL OF AGREEMENT 20191 FOR REVOLVING LOAN FUND

LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: June 17, 2025

TO: Chair Schwarz and City Commissioners

FROM: Grant Gager, City Manager

RE: Staff Report for Agreement 20191 for Sub-Recipient Agreement for Community Development Block Grant Revolving Loan Fund

---

Recommendation and Summary

The City Manager is recommending the Commission approve a sub-recipient agreement for the Community Development Block Grant Revolving Loan Fund by adopting the following motion:

"I move to approve the sub-recipient agreement for the Community Development Block Grant Revolving Loan Fund and authorize the City Manager to sign the agreement."

The reasons for the recommendation are as follows:

- The City applied and was approved for a Community Development Block Grant.
- The sub-recipient agreement will enable the Park Local Development Corporation to administer the grant and associated revolving loan fund.

Introduction and History

The City of Livingston applied was approved by the Montana Department of Commerce for grant funds under that Montana Community Development Block Grant program. The application was to support and further develop the "CDBG Revolving Loan Fund" which is designed to leverage private investment in businesses for the purpose of generating new jobs within the City of Livingston and Park County.

Analysis

Approval of the agreement will enable the activities of the Park Local Development Corporation's work with the revolving loan fund supporting businesses in the City and County.

Fiscal Impact

There is no fiscal impact to the City arising from the agreement.

Strategic Alignment

Support for economic development activities aligns with the City's Growth Policy.

Attachments

A. Proposed Agreement 20191

SUB-RECIPIENT AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING LOAN FUND

THIS AGREEMENT is entered into this _____ day of _____ 2025, by The City of Livingston, Montana herein referred to as the "City" and Park Local Development Corporation, a nonprofit economic development corporation herein referred to as the "Sub-Recipient."

WITNESSETH THAT:

WHEREAS, The City of Livingston has applied to and has been approved by the Montana Department of Commerce ("Department") for the receipt of grant funds under that Montana Community Development Block Grant (CDBG); and

WHEREAS, the City wishes to use present and future CDBG grants and loan fund revenue to further develop the "CDBG Revolving Loan Fund" (RLF) which is designed to leverage private investment in businesses for the purpose of generating new jobs within the City of Livingston and Park County; and

WHEREAS, the City has entered in an Agreement with the Sub-Recipient dated _____, 2025, to subgrant the CDBG funds to the Sub-Recipient and engage the Sub-Recipient to administer the City of Livingston and Park County RLF jointly on their behalf for a period of sixty months from the end of the initial term of Agreement, the Agreement will continue until the City of Sub-Recipient provides 180 days written notice to the other; and

WHEREAS, the City expressly acknowledges that the funds are being managed as a pooled resource with those of the City of Livingston RLF, yet separately accounted for, and hereby further acknowledges that neither the City Commissioners nor any agents or employees of the County /City may override the loan authority granted herein to the Sub-Recipient; and

WHEREAS, the City desires to sub-grant the CDBG funds to the Sub-Recipient and engage the Sub-Recipient to administer the RLF on the City's behalf; and

WHEREAS, Park Local Development Corporation is qualified as a nonprofit organization serving the development needs of the communities of non-entitlement areas as defined by §105(a)(15) of Title I of the Housing and Community Development Act (the "Act"); and

WHEREAS, loan repayments made back to a qualified nonprofit entity defined by §105(a)(15) of the Act are considered miscellaneous revenue and would not be subject to federal program income requirements, except as mutually agreed to by the Sub-Recipient, the City, and the Department; and

WHEREAS, the parties to this Agreement understand that neither of them has in any way,

expressly or impliedly, abrogated any of its individual powers, and further agree that this Agreement does not create any new organization or legal entity.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set out in this Agreement, the parties agree the forgoing statement of fact are true and correct and further agree as follows:

A. SPECIAL PROVISIONS. The City agrees, under the terms and conditions of this Agreement, to sub-grant CDBG loan funds as a loan for gap financing and technical assistance to the Sub-Recipient.

B. INDEPENDENT SUB-RECIPIENT. It is understood by the parties hereto that the Sub-Recipient is an independent Sub-Recipient and that neither its principals nor its employees, if any, are employees of the City for purposes of tax, retirement system, or social security (FICA) withholding. It is further understood that pursuant to section 39-71-401, MCA, the Sub-Recipient has obtained, and will maintain at its expense for the duration of this Contract, coverage in a workers' compensation plan for its principals and employees for the services to be performed hereunder.

C. SUBCONTRACTORS. If Sub-Recipient hires or retains any subcontractors to preform duties and/or functions of this agreement the subcontractors shall be required to abide by the terms of this agreement. The Sub-Recipient shall be responsible for any and all actions of any subcontractors and shall indemnify, as set forth in this agreement, the City against any actions and/or claims arising from the contracting with subcontractors.

D. COMPENSATION. The Sub-Recipient will retain all program income including principal and interest as the result of this grant award. These funds will be used to enhance a Revolving Loan Fund for the benefit of all eligible businesses located within Park County. The Sub-Recipient will be responsible for administration, management, and recording of fund income.

For satisfactory completion of the services rendered under this Contract, the Sub-Recipient shall retain 1) the greater of $7,000 or all interest and none of the principal from loan repayments, plus 2) 18% of the interest earned on the unloaned principal balance. However, in the event of an early loan payoff, the Sub-Recipient shall retain 1% of the loan payoff amount as an administrative fee (in addition to all fees already paid/ due as set forth herein) rather than the aforementioned 18% fee on the loan principal and interest, the balance of which is being paid off early. The Sub-Recipient may retain and pay such compensation to itself in installments, not more frequently than monthly. In no case, except for the Sub-Recipient’s expenses for attorney fees and attorney costs related to collection efforts as described in subsection 6 of this section, shall the payment for services to the Sub-Recipient result in a decrease of the base principal amount of the fund as determined on a yearly basis.

E. SCOPE OF SERVICES. The Sub-Recipient will perform the following services:

1. The Sub-Recipient will be responsible for all aspects of the CDBG financing program, including the following:

    a. Develop, apply, and enforce written policies and procedures as they relate to the City and County RLF programs within the conditions established under the CDBG program, including the creation of a Program Income Management Plan and operation of an RLF loan committee to review and act upon loan requests;

    b. Manage the application process through loan approval, including:
        i. Providing assistance to prospective borrowers in completing loan application materials;
        ii. Conducting UCC lien searches, if applicable and pertinent to the proposed loan collateral;
        iii. Providing project analyses to the RLF loan committee;
        iv. Coordination of RLF loan committee meetings; and
        v. Presenting proposed projects to the RLF loan committee for loan approval or denial. Decisions as to loan approval or denial will be the sole responsibility of the RLF loan committee, and the City and County will have no authority or ability to intervene in the loan approval, loan management, or loan servicing and collections processes.

    c. Management of loan closing and documentation, including:
        i. Completion of loan documentation using appropriate loan documentation software;
        ii. Loan closing, to be conducted by the proposer, or by a title company;
        iii. Funds disbursement and payment processing, utilizing the GMS Loan Accounting or equivalent software; and
        iv. Collection and retention of loan fees and charges within defined policies and procedures.

    d. Loan servicing oversight, including:
        i. Gathering and analyzing monthly or quarterly financial reports from borrowers as required by the applicable loan agreement;
        ii. Tracking and monitoring the status of borrower insurance policies;
        iii. Tracking and monitoring UCC financing statement filings and renewals; and
        iv. Providing monthly loan updates to the RLF loan committee.

    e. Processing and adequately accounting for monthly loan payments. Including:
        i. Tracking, receiving, processing, and accounting for all monthly loan payments;

ii. Tracking late payments and mailing late notices and/or calling delinquent borrowers, as needed;
iii. Working with delinquent borrowers to cure defaults and, where appropriate, develop a work-out plan, subject to the approval of the RLF loan committee.

f. Monitoring and processing of all forfeitures of loan collateral and using commercially reasonable efforts to collect delinquent and defaulted loans, including the filing of creditor's claims in bankruptcy, where applicable, subject to the approval of the RLF loan committee.

2. During the term of this Agreement, the Sub-Recipient will maintain reasonable records of its performance under this Agreement in a manner consistent with generally accepted accounting principles. The Sub-Recipient will provide the City (or its authorized representatives) access to these records at any time during normal business hours. Upon written request of the City, the Sub-Recipient will submit to the City, in the format prescribed by the City, quarterly status reports on its performance under this Agreement.

3. Except as set forth in Section (4) below, the Sub-Recipient will retain, administer, manage, record, and account to the City for all RLF loan fund revenue received subsequent to the date of this Agreement, including principal and interest received from borrowers. Sub-Recipient will use such revenue to enhance the RLF program for the benefit of all eligible borrowers located within Park County.

4. Sub-Recipient is entitled to use RLF funds for any costs incurred by the Sub-Recipient in connection with the collection of delinquent or defaulted loans, including but not limited to any filing fees or legal fees and costs. It is specifically agreed and understood that any such use of RLF funds in this manner by the Sub-Recipient is separate and distinct from the payment the Sub-Recipient will be receiving for its services; that is to say, costs and fees incurred in connection with the collection of delinquent or defaulted loans will be paid by RLF funds and not by the Sub-Recipient.

5. The Sub-Recipient will comply with the Program Income Management Plan as approved by the City and Department. If the Sub-Recipient ceases to exist or an Event of Default occurs, all program income relating to this loan, including funds on hand and accounts or notes receivable, will revert to the City.

F. DURATION OF AGREEMENT. This Agreement supersedes all previous agreements, whether written or oral, between the City and the Sub-Recipient dealing with the City of Livingston/Park County RLF program. The term of this Agreement shall be sixty months, commencing on the date of execution by the parties. This Agreement will continue upon expiration of its initial term, unless terminated in writing by one of the parties, or if either party fails to meet the conditions of this Agreement or if an Event of Default occurs, after notice and opportunity to cure is provided.

G. CONFLICT OF INTEREST. The Sub-Recipient covenants that it presently has no interest and will not acquire any interest, direct or indirect, in the CDBG-ED project which would conflict in any manner or degree with the performance of its services hereunder. The Sub-Recipient further covenants that, in performing this Contract, it will employ no person who has any such interest.

H. DISPOSITION OF REAL PROPERTY OR EQUIPMENT ACQUIRED. Upon the expiration of the Agreement, the Sub-Recipient will transfer to The City of Livingston any CDBG-ED funds on hand at the time of expiration and any accounts receivable attributable from the use of CDBG-ED funds. With respect to any real property or equipment under the Sub-Recipient control that was acquired or improved in whole or in part with CDBG-ED funds in excess of $25,000, the Sub-Recipient will either:

1. Use the property to meet the national objectives contained in 24 CFR section 570.901 for five (5) years after expiration of the Agreement; or

2. Dispose of the property in a manner consistent with OMB Circular A-102 Attachment "n" and as approved by the Department. Reimbursement is not required after the period of time specified in the first paragraph of this section. The proceeds from such disposition will be subject to the applicable provisions of 24 CFR 570.504 (program income).

I. DOCUMENTS INCORPORATED BY REFERENCE. The City of Livingston's application to the Department for CDBG-ED funding and all applicable federal and state statutes and regulations are incorporated into this Contract by this reference and are binding upon the Sub-Recipient.

J. CIVIL RIGHTS ACT OF 1964. The Sub-Recipient will abide by the provisions of the Civil Rights Act of 1964 which states that under Title VI, no person may, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

K. SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. The Sub-Recipient will comply with the following provision:

No person in the United States may on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with the funds made available under this title. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in Section 504 of the Rehabilitation Act of 1973 will also apply to any such program or activity.

L. SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968. The Sub-Recipient will ensure that to the greatest extent feasible, opportunities for

training and employment arising in connection with this CDBG-ED assisted project will be extended to lower income project area residents. Further, the Sub-Recipient will, to the greatest extent feasible, utilize business concerns located in or substantially owned by residents of the project area, in the award of contracts and purchase of services and supplies.

M. MINORITY BUSINESS ENTERPRISE. Consistent with the provisions of Executive Order 11246, the Sub-Recipient will take affirmative steps to assure that minority businesses are used when possible as sources of supplies, equipment, construction and services. Additionally, the Sub-Recipient will document all affirmative steps taken to solicit minority businesses and will forward this documentation along with the names of the minority subcontractors and suppliers to the local government CDBG-ED recipient upon request.

N. NONDISCRIMINATION. The Sub-Recipient will not discriminate against any employee or applicant for employment on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin.

O. OWNERSHIP AND PUBLICATION OF MATERIALS. All reports, information, data, and other materials prepared by the Sub-Recipient pursuant to this Contract are the property of the City and the Department which have the exclusive and unrestricted authority to release, publish or otherwise use, in whole or part, information relating thereto. No material produced in whole or in part under this Contract may be copyrighted or patented in the United States or in any other country without the prior written approval of the City and the Department.

P. REPORTS AND INFORMATION. The Sub-Recipient will maintain accounts and records, including personnel, property and financial records, adequate to identify and account for all costs pertaining to this Contract and such other records as may be deemed necessary by the City to assure proper accounting for all project funds, both federal and non-federal shares. These records will be made available for audit purposes to the City or its authorized representative, and will be retained for three years after receipt of final payment for the services rendered under this Contract unless permission to destroy them is granted by the City.

Q. ACCESS TO RECORDS. It is expressly understood that the Sub-Recipient's records relating to this Contract will be available during normal business hours for inspection by the City, Department, the U.S. Department of Housing and Urban Development, the U.S. Comptroller General, and, when required by law, the Montana Legislative Auditor and Legislative Fiscal Analyst.

R. INDEMNIFICATION. The Sub-Recipient waives any and all claims and recourse against The City of Livingston including the right of contribution of loss or damage to person or property arising from, growing out of, or in any way connected with or incidental to the Sub-Recipient's performance of this Agreement, except claims arising from the concurrent or sole negligence of The City of Livingston or its officers, agents or

employees. The Sub-Recipient will indemnify, hold harmless, and defend The City of Livingston against any and all claims, demands, damages, costs, expenses, or liability arising out of the Sub-Recipient's performance of this Agreement except for liability arising out of the concurrent or sole negligence of The City of Livingston or its officers, agents, or employees.

S. INSURANCE. It is advised that Sub-Recipient consult with their insurer or attorney for more specific advice on provisions that they may want to include under this section, or any other section of this agreement.

T. TERMINATION OF AGREEMENT. If any of the following events occur, the City of Livingston may, in its sole discretion, declare such event a default under this Agreement:

1. Any representation or warranty made by the Sub-Recipient in this Agreement or in any request or certificate or other information furnished to the City under this Agreement proves to have been incorrect in any material respect; or

2. The Sub-Recipient fails in any material respect to carry out its obligations under its proposal to the City for the assistance provided under this Agreement.

If the Sub-Recipient fails to perform any of its duties under this Agreement or if any event of default occurs, the City may declare the Sub-Recipient to be in default and thereafter give the Sub-Recipient written notice setting forth the action or inaction which constitutes the default and giving the Sub-Recipient 45 days in which to correct the default. If the Sub-Recipient fails to correct the default within 45 days of receipt of this notice, may notify the Sub-Recipient in writing that any amount that is payable under this Agreement is due and payable in full within 45 days and this Agreement is terminated.

It is agreed by the parties that the provisions of this Agreement provide for reasonable and sufficient notice to be given to the Sub-Recipient in case of the Sub-Recipient's failure to comply with any of its covenants and that this notice is sufficient for the Sub-Recipient to rectify its actions or inactions of default.

The waiver by the City of any default by the Sub-Recipient does not constitute a waiver of a continuing breach or a waiver of a subsequent breach. Any agreement contrary to this Agreement is not binding upon either party unless it is in writing and signed by both parties.

U. CONSTRUCTION AND VENUE. This Agreement will be construed under and governed by the laws of the State of Montana. The City of Livingston and the Sub-Recipient agree that performance of this Agreement is in the County of Park, State of Montana and that in the event of litigation concerning it, venue is in the District Court of the 6th Judicial District in and for the County of Park, Montana.

V. ELIGIBILITY. The Sub-Recipient certifies that the Sub-Recipient's firm and the

firm's principals are not debarred, suspended, voluntarily excluded, or otherwise ineligible for participation in federally assisted contracts under Executive Order 12549, "Debarment and Suspension". (24 CFR 24.505)

This Sub-Recipient Agreement has been approved by the City of Livingston and Park Local Development Corporation Board of Directors.

IN WITNESS THEREOF, the parties hereto have executed this Agreement on the _____day of _____ 2025.

SUB-RECIPIENT:

_____
Trent Balestri, Director Date
Park Local Development Corporation

Attest:

_____
Sarah Skofield, President Date
Park Local Development Corporation

CITY:

_____
Grant Gager, City Manager Date
City of Livingston

Attest:

_____
Emily Hutchinson, City Clerk Date
City of Livingston

File Attachments for Item:

A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING JUNE 15-21, 2025 AS FIREFIGHTER STAND DOWN WEEK IN LIVINGSTON, MONTANA

PROCLAMATION

OF THE LIVINGSTON CITY COMMISSION

Declaring June 15 -21, 2025, as Firefighter Stand Down Week in Livingston, Montana

---

WHEREAS, Safety Stand Down Week is observed annually during the third full week of June, encouraging fire, EMS, dispatch, and rescue personnel to pause nonemergency duties and focus on critical safety and health training; and

WHEREAS, the 2025 theme, *Break the Stigma: Behavioral Health RESET*, promotes a focus on Recognize, Educate, Strategies, Empower, and Training to support behavioral health in emergency services; and

WHEREAS, behavioral health is a vital component of emergency response, impacting both the well-being of responders and the quality of care provided to the community; and

WHEREAS, Livingston Fire and Rescue, which includes a Fire Chief, two Battalion Chiefs, four Captains, four Engineers, four Firefighter Paramedics, one Community Paramedic and Registered Nurse Firefighter, and 24 Reserves, provides not only emergency response but also essential support for behavioral health needs in our community with professionalism, compassion, and care; and

WHEREAS, the City of Livingston recognizes and deeply appreciates Livingston Fire and Rescue's commitment to caring for their own health while also serving as a trusted source of support for residents experiencing behavioral health crises;

NOW, THEREFORE, BE IT RESOLVED, on behalf of the Livingston City Commission, I, Quentin Schwarz, Chair, do hereby proclaim June 15 - 21, 2025, to be Firefighter Stand Down Week in Livingston, Montana.

Further, I encourage all citizens to recognize the importance of behavioral health and to thank Livingston Fire and Rescue for the ongoing dedication to protecting lives and supporting the well-being of our community.

Signed this___ day of June, 2025

_____

Quentin Schwarz, Chair
Livingston City Commission

_____

Emily Hutchinson
City Clerk

File Attachments for Item:

B. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RECOGNIZING JUNE 2025 AS PRIDE MONTH IN LIVINGSTON, MONTANA

PROCLAMATION

OF THE LIVINGSTON CITY COMMISSION

Recognizing June 2025, as PRIDE Month

in Livingston, Montana

WHEREAS, each June, communities across the country come together to recognize and celebrate the LGBTQ+ community, honoring its contributions, resilience, and the ongoing movement for equality and human rights; and

WHEREAS, the theme for Pride Month 2025, *"Activism and Social Change,"* reflects the longstanding efforts of LGBTQ+ individuals and allies who have worked to advance acceptance, challenge injustice, and create more inclusive communities; and

WHEREAS, the City of Livingston is committed to fostering a welcoming, respectful, and supportive environment for all people, regardless of sexual orientation, gender identity, or gender expression; and

WHEREAS, when communities embrace diversity and inclusion, everyone benefits, from our neighborhoods and schools to workplaces and local businesses; and

WHEREAS, Pride Month provides an opportunity to recognize the value of civic activism, celebrate progress, and affirm our shared responsibility to ensure that all members of our community feel seen, safe, and supported;

NOW, THEREFORE, BE IT RESOLVED, on behalf of the Livingston City Commission, I, Quentin Schwarz, Chair, do hereby proclaim June 2025, to be PRIDE Month in Livingston, Montana.

Further, I encourage all residents to reflect on the ongoing work of equality, participate in community events, and stand together in support of dignity, visibility, and justice for all.

Signed this___ day of June, 2025

_____

Quentin Schwarz, Chair
Livingston City Commission

_____

Emily Hutchinson
City Clerk

File Attachments for Item:

B. PRESENTATION OF INITIAL CONSIDERATIONS FROM ZONING CODE UPDATE

LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: June 17, 2025

TO: Chair Schwarz and City Commissioners

FROM: Jennifer Severson, Planning Director

RE: Staff Report for Presentation of Initial Considerations from Zoning Code Update

Recommendation and Summary

City staff and the team from SCJ Alliance are presenting initial considerations from the zoning code update process to the Commission. As such, no motion is required or requested. However, City Commission feedback and direction is appreciated.

The reasons for the update are as follows:

- SCJ Alliance has been engaged to support the City's update of the zoning provisions of the Livingston Municipal Code.
- The team has completed several in-person and on-line forums and is seeking City Commission feedback and direction on the project.

Introduction and History

In August 2024, the City contracted SCJ Alliance for professional planning services to lead a comprehensive update to the City's Zoning Code. Through the fall of 2024, SCJ engaged the community through both in-person and on-line events to gather community input on the current zoning code. With the data gathered from both the in-person and on-line forums, the team at SCJ Alliance has worked with City Staff to organize the feedback into certain themes and areas of focus.

Analysis

The direction from the City Commission and Community will help inform future zoning text amendments.

Fiscal Impact

There is no fiscal impact arising from this update.

Strategic Alignment

Gathering City Commission and Community input on the initial areas of consideration will ensure that the proposed text and map amendments are suitable to the Commission and Community.

Attachments

- Update Presentation

Livingston's Zoning Code

City of Livingston: Zoning Code Update

LIVINGSTON
MONTANA

SCJ ALLIANCE
CONSULTING SERVICES

Agenda

Introductions

- **Mike Manning – SCJ Planner and Principal Code Writer**

What has led to this point

- Conducted and continue to host a series of stakeholder group interviews
- Hosted a public open house in November 2024
- Administered two community-wide surveys and received over 1,000 public comments

Short-Term Rentals

- Regulate permits and add a base annual fee for operating a STR
- Distinguish between Type 1 and Type 2 STR's
- STR's require a basic safety inspection
- STR's are allowed in all zones except for LI, I, and P(CF) and PUD

Parking

- In the CBD any commercial enterprise that is required to meet the minimum parking standards for off-street parking shall be required to have only fifty (50) percent of the parking space requirements in the Table of Minimum Standards.

- Further reduce commercial parking minimums in the CBD from 50% to 25%

- Consideration for allowing parking structures downtown

Livingston Heritage Overlay Zone

- Purpose: The Livingston Heritage Overlay (LHO) is intended to preserve and enhance the unique architectural, cultural, and environmental qualities of Livingston by applying supplemental design, preservation, and land use standards in key areas of the city for new projects and significant property improvements for existing developments. This overlay builds upon and replaces the previous Design Review Overlay, Preservation Zoning District, and Gateway Overlay.

Component	Integrated Concept
Design Standards (from Design Review Overlay)	Require new development, redevelopment, and façade changes to align with Livingston's design traditions (materials, massing, rooflines, streetscape interface).
Historic & Architectural Preservation (from PZD)	Promote adaptive reuse, landmark preservation, and context-sensitive infill. Identify historic or architecturally significant resources and encourage preservation incentives.
Gateway Standards (from Gateway Overlay)	Guide development along entry corridors (e.g., signage, setbacks, landscaping) to create welcoming, place-based transitions into town.
Use Prioritization	Emphasize local-serving businesses, arts, and culture-oriented uses. Potential to discourage formula retail or incentivize community-oriented uses.
Materials & Site Design	Promote use of natural and traditional materials, avoid blank walls, and incorporate pedestrian-friendly design.
Review Process	Use Administrative Review with clear guidelines in the code. Potential for tiered review based on scale of project.
Exemptions	Renovation or remodel projects will be exempt unless they significantly change the size/scale of the development.

Height Limitations

Proposed Zone	Character Notes	Height Limits	General Uses
Central Business District (CBD)	Historic Downtown	60 feet	Commercial, Residential, Public/Community
Light Commercial (C1)	Non-autocentric, smaller scale, community commercial uses.	36 feet	Commercial, but allows some medium/higher density housing.
General Commercial (C2)	Auto-centric general commercial on a medium to large scale	60 feet	Commercial only
Mixed Use (MU)	Active medium to large scale developments with both commercial and residential often paired together	60 feet	Commercial and Residential
Residential Transition (RT)	Primarily residential, but allows for transitional light commercial/ community uses as well.	36 feet	Residential but allows some small-scale commercial
Low Density Residential (R1)	Low density residential	30 feet, up to 36 feet with 3:12 roof pitch	Residential
Medium Density Residential (R2)	Medium density residential	30 feet, up to 36 feet with 3:12 roof pitch	Residential, but allows small-scale office/retail by special exception
High Density Residential (R3)	High density residential	50 feet	Residential, and allows small-scale office/retail by right
Light Industrial (LI)	Light industrial	60 feet	Industrial
Industrial (I)	Industrial	60 feet	Industrial
Community Facilities (CF)	Public facilities, schools, libraries, community centers, gathering spaces, parks, etc.	60 feet	Public/Community
Livingston Heritage Overlay	Overlay district requiring building design standard review by city staff	60 feet	Whatever is allowed by the underlying zone.

Reworked Zoning Districts

Current District	Proposed District	Notes
R I – Low Density Residential	RI (Low Density)	Retain.
R II – Medium Density Residential	RII (Medium Density)	Retain and broaden to include R II (MH).
R II (MH) – Medium Density Mobile Home	RII (Medium Density)	Merge into RII with explicit allowance for manufactured homes (see guidance below).
R III – High Density Residential	RIII (High Density)	Retain as-is. Consider special use provisions for mobile home parks.
RMO – Residential Mobile Home	Eliminate	Eliminate as a standalone district. Instead, allow mobile home parks as a conditional use in RII or RIII with performance standards.
CBD – Central Business District	CBD	Retain.
NC – Neighborhood Commercial	CI (Local Commercial)	Slight reframing into CI.
HC – Highway Commercial	CII (Highway Commercial)	Rename as CII.
LI – Light Industrial	LI	Retain.
I – Industrial	I	Retain.
MU – Mixed Use	MU	Retain. Consider allowing residential densities similar to RII or RIII depending on the context.
P – Public	CF	Rename and expand to include public and private community gathering spaces
PZD – Preservation Zoning District	Livingston Heritage Overlay (LHO)	Consolidate as part of the LHO District
Design Review Overlay	Livingston Heritage Overlay (LHO)	Consolidate as part of the LHO District
Gateway Overlay	Livingston Heritage Overlay (LHO)	Consolidate as part of the LHO District
Historic District Overlay	Historic District Overlay	Retain.
N/A	Residential Transition (RT)	New district to provide buffer between residential and C1 (local commercial) districts

Thoughts? Questions?

- What are your thoughts on the direction we are heading?
- Are there areas you would like to see us focus on more?
- Do you have any questions?
- Anything else?

Thank you.

PowerPoint images credit to Mattia Panciroli (CC BY-NC-ND 2.0) via Flickr.

LIVINGSTON MONTANA

SCJ ALLIANCE
CONSULTING SERVICES

File Attachments for Item:

A. RESOLUTION NO. 5161: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET IN THE AMOUNT OF $31,775,333 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2025, AND ENDING JUNE 30, 2026, (FY 2026), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT www.livingstonmontana.org, AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS.

LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: June 17, 2025

TO: Chair Schwarz and City Commissioners

FROM: Paige Fetterhoff

RE: Staff Report for Resolution 5161: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET IN THE AMOUNT OF $31,775,333 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2025, AND ENDING JUNE 30, 2026, (FY 2026), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT www.livingstonmontana.org, AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS.

Recommendation and Summary

Staff is recommending the Commission Approve Resolution 5161 to conduct a public hearing on the FY 2026 City Manager's Recommended Budget.

"I move to approve Resolution Number 5161 and authorize the Chair to sign the resolution."

The reasons for the recommendation are as follows:

- The Montana Code Annotated provides that the City Manager shall prepare and present a budget for approval by the City Commission.
- The new fiscal year is approaching and a budget is needed to provide for operations in the new fiscal year.

Introduction and History

Subpart 12 of Part 3 of Chapter 3 of Title 7 of the Montana Code Annotated provides that the City Manager shall "prepare and present the budget to the commission for its approval and execute the budget adopted by the commission[.]"

Analysis

Enclosed with this report is a copy of the City Manager's Recommended Budget for Fiscal Year 2026. The FY 2026 City Manager's Recommended Budget contains detailed information related to expenditures along with estimated revenues.

Fiscal Impact
When adopted, the City of Livingston budget will provide funding for City operations and projects for the period from July 1, 2025, through June 30, 2026.

Strategic Alignment
The budget provides funding for the operational and policy priorities of the City.

Attachments

- Resolution 5161
- City Manager's FY 2025-26 Recommended Budget

RESOLUTION NO. 5161

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET IN THE AMOUNT OF $31,775,333 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2025, AND ENDING JUNE 30, 2026, (FY 2026), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT www.livingstonmontana.org, AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS.

WHEREAS, the City Manager has presented the City Manager's Preliminary Budget recommendation for Fiscal Year 2025-2026 in the amount of $31,775,333 to the City Commission as required by 7-6-4020 Montana Code Annotated (MCA); and

WHEREAS, the City Commission has completed its Preliminary Budget for Fiscal Year 2025-2026, an overview of which is attached hereto as Exhibit A and incorporated into this Resolution by this reference as though fully set forth herein; and

WHEREAS, a copy of the completed Preliminary Budget for Fiscal Year 2025-2026 has been placed for public inspection in the office of the Finance Officer located at 220 E Park Street, Livingston, Montana, and on the City of Livingston's web page at www.livingstonmontana.org; and

WHEREAS, pursuant to 7-6-4001 *et seq*. MCA, the City Commission shall meet on July 15th, 2025, at which time a public hearing on the proposed preliminary budget will be held and any taxpayer or resident of the City will be heard for or against any part of the proposed preliminary budget; and

WHEREAS, the City Commission intends to consider the proposed preliminary budget for FY 2025-2026 and make revisions, reductions, additions and changes thereto as deemed appropriate and to establish spending limits at the level of appropriations detailed in Exhibit A which is attached hereto and incorporated by this reference as though fully set forth herein; and

WHEREAS, the City Commission intends to authorize and appropriate expenditures of governmental fund types (general fund, special revenue funds, debt service funds and capital project funds) and operating expenses for proprietary fund types (enterprise funds and internal service funds) and fiduciary fund types (permanent funds) for budget units and purposes set forth herein, in the amounts designated herein;

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

That the City Manager's Preliminary Budget recommendations for FY 2025-2026 have been received by the City Commission and the City Commission has made revisions, reductions, additions and changes thereto as they have deemed appropriate and the Preliminary Budget is now deemed completed and ready for public review and comment and a copy of the Preliminary Budget has been

placed on file and is open for public inspection in the City Finance Office located at 220 E Park Street, Livingston, Montana and at www.livingstonmontana.org.

BE IT FURTHER RESOLVED by the City Commission that a public hearing on the Preliminary Budget for FY 2025-2026 will be held on July 15th, 2025 at 5:30 p.m. in the Community Room of the City County Complex, 414 E Callender Street, Livingston, MT, at which time any taxpayer or resident may appear and be heard for or against any part of the preliminary budget which hearing may be continued from day to day and must be concluded and the budget finally approved and adopted by the later of the first Thursday after the first Tuesday in September or within 30 calendar days of receiving certified taxable values from the Montana Department of Revenue at which time the City Commission will adopt the Final Budget for Fiscal Year 2025-2026 and make appropriations accordingly.

BE IT FURTHER RESOVLED by the City Commission of the City of Livingston, Montana, that the notice attached hereto as Exhibit B be published and posted as required by 7-1-4127, MCA.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 17th day of June, 2025.

_____
QUENTIN SCHWARZ - Chairperson

ATTEST:

_____
EMILY HUTCHINSON
City Clerk

APPROVED AS TO FORM:

_____
JON HESSE
City Attorney

EXHIBIT A to Resolution No. 5161

CHANGES IN FUND BALANCE/WORKING CAPITAL					
Fund #	Fund Name	Beginning Fund Balance June 30, 2025	Budgeted Revenues	Budgeted Expenditures	Projected Ending Fund Balance June 30, 2026
GENERAL FUND					
1000	General Fund	3,040,266	8,422,434	8,868,060	2,594,640
SPECIAL REVENUE FUNDS					
2190	Comprehensive Liability	1	-	-	1
2220	Library	762,040	734,594	873,253	623,381
2260	Emergency/Disaster	-	-	-	-
2300	Communications/Dispatch Services	211,494	1,256,681	1,249,681	218,494
2310	Tax Increment District - Downtown	2,247,671	1,129,547	2,284,775	1,092,443
2372	Permissive Health Levy	-	908,661	906,161	2,500
2397	CDBG Economic Dev Revolving	649,921	28,500	14,000	664,421
2399	Impact Fees - Fire	280,663	90,244	370,907	-
	Impact Fees - Transportation	940,323	188,923	1,129,246	-
	Impact Fees - Police	18,632	9,855	28,487	-
	Impact Fees - Parks	148,014	69,020	217,034	-
	Unassigned	20,000	15,000	-	35,000
2400	Light Maintenance	111,684	101,500	130,000	83,184
2500	Street Maintenance	945,335	2,053,753	2,148,367	850,721
2600	Sidewalks	96,376	5,200	-	101,576
2650	Business Improvement District	16,293	44,600	60,892	1
2700	Park Improvement SRF	63,583	1,000	64,582	1
2750	Law Enforcement Joint Equipment	-	-	-	-
2820	Gas Tax	1,236,550	415,000	688,219	963,331
2850	911 Emergency	-	130,000	126,250	-
2991	American Rescue Plan	106,647	-	106,387	260
	TOTAL SPECIAL REVENUE FUNDS	**7,855,227**	**7,182,078**	**10,398,241**	**4,635,314**
DEBT SERVICE FUNDS					
3002	2016 Fire Truck GOB	13,252	58,005	52,157	19,100
3003	2000 Fire Truck GOB	-	-	-	-
3200	West End Tax Increment District	274,766	500	275,265	1
3400	SID Revolving	109,891	3,000	-	112,891
3550	SID 179 - West End	73	-	-	73
3600	SID 181 - Green Acres	23,990	58,469	53,008	29,451
3955	SID 180 - Carol Lane	1	-	-	1
	TOTAL DEBT SERVICE FUNDS	**421,973**	**119,974**	**380,430**	**161,517**
CAPITAL PROJECT FUNDS					
4010	Capital Improvement	123,316	2,000	125,316	-
4020	Library Capital Improvement	26,455	500	26,955	-
4099	Railroad Crossing Levy	-	-	-	-
4205	Regional Sewer	-	-	-	-
	TOTAL CAPITAL PROJECT FUNDS	**149,771**	**2,500**	**152,271**	**-**
ENTERPRISE FUNDS					
5210	Water	3,467,587	2,314,758	3,403,188	2,379,157
5310	Sewer	1,260,888	3,214,425	3,446,499	1,028,814
5410	Solid Waste	1,326,457	2,906,470	2,363,189	1,869,738
5510	Ambulance Services	1,793,785	2,696,356	2,753,014	1,737,127
	TOTAL ENTERPRISE FUNDS	**7,848,717**	**11,132,009**	**11,965,890**	**7,014,836**
PERMANENT FUNDS					
8010	Perpetual Cemetery	261,026	13,941	10,441	264,526
	TOTAL ALL FUNDS	**19,576,980**	**26,872,936**	**31,775,333**	**14,670,833**

EXHIBIT B to Resolution No. 5161

NOTICE

NOTICE is hereby given that the City Commission of Livingston, Montana, has completed its Preliminary Budget for Fiscal Year 2025-2026, that the budget is on file and open for public inspection in the office of the Finance Director, 220 E Park Street, Livingston, Montana and online at www.livingstonmontana.org and that a public hearing on **Resolution No. 5161** entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET IN THE AMOUNT OF $31,775,333 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2025, AND ENDING JUNE 30, 2026, (FY 2026), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT www.livingstonmontana.org, AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS,** which will be held by the City Commission on July 15th, 2025 in the Community Room of the City County Complex, 414 E Callender Street, Livingston, MT, at which time the public is invited to attend and comment thereon. For further information, contact Finance Director, Paige Fetterhoff, at (406) 823-6003.

(Publish notice twice at least 6 days apart and the notice needs also to be posted and copies made available to the public.)

File Attachments for Item:

B. RESOLUTION NO. 5162: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO ADJUST ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM.

LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: June 17, 2025

TO: Chair Schwarz and City Commissioners

FROM: Paige Fetterhoff

RE: Staff Report for Resolution 5162: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO ADJUST ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM.

Recommendation and Summary

Staff is recommending the Commission Approve Resolution 5162 to call for a public hearing to increase water rates for FY 2025-2026

"I move to approve Resolution Number 5162 and authorize the Chair to sign the resolution."

The reasons for the recommendation are as follows:

- Operating costs of the City's water system continue to rise.
- Capital costs are increasing at a rate that is making it difficult to fund the replacement of aging infrastructure.

Introduction and History

The City operates 6 wells, historically 2 are need from October through March then increasing each month from April to mid-July when water demand requires all wells to be running. Water connection fees and rates support the operations of the City's water system.

Analysis

Staff is recommending an increase of 4.22% which matches the observed rate of inflation over the past year. The increase will help offset increased costs of providing staff, operations and capital needs for water infrastructure and services.

For users the tiered rates will be charged as follows:

CITY OF LIVINGSTON PROPOSED WATER RATES			
GALLONS		PROPOSED	
FROM	TO	CONNECTION FEE	USAGE FEE
-	-	16.74	-
1	10,000	16.74	3.87
10,001	20,000	16.74	4.08
20,001	40,000	16.74	4.30
>40,001		16.74	4.54

A review of customer water usage for the past year shows the following data:

	TIER 1	TIER 2	TIER 3	TIER 4
% OF BILLING	62.17%	15.66%	5.93%	16.24%
% OF USERS	86.15%	10.18%	2.12%	1.55%

Fiscal Impact

The expected increase in revenue for the FY 2026 year is approximately $87,106. This projection is based on historical usage along with the implementation of tiered rates.

Strategic Alignment

Continue to support operations and the infrastructure of the City.

Attachments

- Resolution 5162

RESOLUTION NO. 5162

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO ADJUST ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM.

_____

WHEREAS, the City of Livingston operates water facilities and services as enterprise funds, i.e. that the cost of providing the services to the general public on a continuing basis are financed or recovered through user charges and are not supported by the general tax levy; and

WHEREAS, 69-7-101 *et seq.* Montana Code Annotated (MCA), authorizes increases in utility rates when deemed necessary by the City Commission; and

WHEREAS, the costs of providing water services, improving infrastructure, and meeting bonded debt coverage continues to rise necessitating a rate increase; and

WHEREAS, a 4.22% increase in the connection fee and the tiered usage rate which will result in a monthly increase of approximately $0.84 to $2.28, depending on the amount of water consumed by the customer all as set forth in Exhibit A, which is attached hereto and incorporated by this reference as though fully set forth herein; and

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

The City Commission of the City of Livingston, Montana intends to increase the water connection fee 4.22% and water usage rate 4.22% for its customers to become effective for water usage starting July 2025, to be billed in August 2025 and that a public hearing will be held by the City Commission at 5:30 p.m. on July 15th, 2025, at which time the public is invited to attend and comment on its intent.

BE IT FURTHER RESOLVED that Notice, attached hereto as Exhibit B and incorporated herein by reference, be published in accordance with law, and a copy of this Resolution be mailed to the Montana Consumer Counsel as required by 69-7-111(5) MCA.

BE IT FURTHER RESOLVED that Notice, attached hereto as Exhibit C, and incorporated herein by reference be mailed to each customer in accordance with law.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 17th day of June, 2025.

_____
QUENTIN SCHWARZ - Chairperson

ATTEST:

_____
EMILY HUTCHINSON
City Clerk

APPROVED AS TO FORM:

_____
JON HESSE
City Attorney

Exhibit A to Resolution No. 5162

Residential Rates
(based on a standard 5/8" meter)

CITY OF LIVINGSTON PROPOSED WATER RATES					
GALLONS		CURRENT		PROPOSED	
FROM	TO	CONNECTION FEE	USAGE FEE	CONNECTION FEE	USAGE FEE
-	-	16.06	-	16.74	-
1	10,000	16.06	3.71	16.74	3.87
10,001	20,000	16.06	3.91	16.74	4.08
20,001	40,000	16.06	4.13	16.74	4.30
>40,001		16.06	4.36	16.74	4.54

Commercial Rates

METER SIZE	GALLONS	BASE CHARGE	PER 1000 GALLONS
3/4"	Up to 7,000	$ 43.83	$3.71 for usage above 7,000 gallons
1"	Up to 15,000	$ 75.84	$3.91 for usage above 15,000 gallons
1 1/2"	Up to 25,000	$ 117.74	$4.13 for usage above 25,000 gallons
2"	Up to 42,000	$ 191.32	$4.36 for usage above 25,000 gallons
3"	Up to 60,000	$ 273.04	$4.36 for usage above 25,000 gallons
4"	Up to 100,000	$ 454.64	$4.36 for usage above 100,000 gallons
6"	Up to 275,000	$ 1,249.14	$4.36 for usage above 275,000 gallons

Exhibit B – Public Notice

NOTICE

Notice is hereby given that the Livingston City Commission will conduct a public hearing in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana on July 15th, 2025, at 5:30 p.m. on **Resolution No. 5162,** entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO ADJUST RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM**, resulting in an increase of approximately $0.84 to $2.28 for residential customers, depending on the amount of water consumed by the customer. All interested persons are invited to attend the public hearing, to make comments or make objections thereto. For additional information contact the City of Livingston Finance Department at 220 E Park Street, Livingston, MT, 59047, or by phone at (406) 222-1142.

Please publish three (3) times at least 6 (six) days apart, with the first publication being no more than 28 days prior to the hearing and the last being no less than 3 days prior to the hearing. In addition, please mail a copy to the Consumer Counsel in Helena.

Exhibit C- Public Notice Mailing

COMBINED NOTICE OF PUBLIC HEARINGS ON PROPOSED RATE INCREASES FOR WATER AND WASTE WATER EFFECTIVE JULY 2025

Notice is hereby given that the City Commission of Livingston, Montana, will conduct public hearings on Resolutions 5162 and 5163 in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on July 15th, 2025, at 5:30 p.m. of its intent to increase the Water Rate in the amount of 4.22% (approximately $0.84 to $2.28), depending on the amount of water consumed by the customer) and the Sewer Rate in the amount of 4.22% (approximately $0.97 to $4.77). See the attached schedules. The public is invited to attend and comment on the proposed rate increases. For further information, contact the City of Livingston Finance Department at 220 E Park Street, Livingston, MT, 59047, or by phone at (406) 222-1142.

Please mail at least 7 days and no more than 30 days prior to the hearing to each customer including an estimate of the amount the customer's average bill will increase.

CITY OF LIVINGSTON
PROPOSED WATER RATES

GALLONS		CURRENT		PROPOSED	
FROM	TO	CONNECTION FEE	USAGE FEE	CONNECTION FEE	USAGE FEE
-	-	16.06	-	16.74	-
1	10,000	16.06	3.71	16.74	3.87
10,001	20,000	16.06	3.91	16.74	4.08
20,001	40,000	16.06	4.13	16.74	4.30
>40,001		16.06	4.36	16.74	4.54

CITY OF LIVINGSTON
PROPOSED SEWER RATES

GALLONS	CURRENT	PROPOSED	INCREASE
0	$ 22.90	$ 23.87	$ 0.97
1000	$ 31.98	$ 33.33	$ 1.35
2000	$ 41.06	$ 42.79	$ 1.73
3000	$ 50.14	$ 52.25	$ 2.11
4000	$ 59.22	$ 61.71	$ 2.49
5000	$ 68.30	$ 71.17	$ 2.87
6000	$ 77.38	$ 80.63	$ 3.25
7000	$ 86.46	$ 90.09	$ 3.63
8000	$ 95.54	$ 99.55	$ 4.01
9000	$ 104.62	$ 109.01	$ 4.39
10000	$ 113.70	$ 118.47	$ 4.77

File Attachments for Item:

C. RESOLUTION NO. 5163: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ADJUST ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WASTEWATER SYSTEM.

LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: June 17, 2025

TO: Chair Schwarz and City Commissioners

FROM: Paige Fetterhoff

RE: Staff Report for Resolution 5163: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ADJUST ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WASTEWATER SYSTEM.

Recommendation and Summary

Staff is recommending the Commission Approve Resolution 5163 to call for a public hearing to increase wastewater rates for FY 2025-2026

"I move to approve Resolution Number 5163 and authorize the Chair to sign the resolution."

The reasons for the recommendation are as follows:

- Operating costs for the City's wastewater collection and treatment systems continue to rise.
- Capital costs are increasing at a rate that is making it difficult to fund the replacement of aging infrastructure.

Introduction and History

Wastewater connection fees and rates support the operations of the City's sewer system, including both the collection and treatment systems. Staff is recommending an increase to all sewer rates by the observed rate of inflation of 4.22%. The cost of providing staff, operating and capital needs for wastewater infrastructure and services continues to increase.

Analysis

User charges are the primary source of revenue for the wastewater system. Over the past several years, there has been a significant increase to the cost of providing wastewater services to the community. In addition, the Sewer Fund has several outstanding debt obligations with covenants that require the City to maintain debt service coverage equal to 125%. Because of this, as operating costs continue to rise, so must the rate system users are charged.

The average residential user will pay between $0.97 and $4.77 in additional costs as a result of this rate change.

Fiscal Impact
The expected increase in revenue for the FY 2026 year is approximately $125,230. This projection is based on historical usage.

Strategic Alignment
User rate structures must be set in a manner that enables the City to continue to support operations and the infrastructure of the City.

Attachments
- Resolution 5163

RESOLUTION NO. 5163

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ADJUST ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WASTEWATER SYSTEM.

_____

WHEREAS, the City of Livingston operates water and sewer facilities and services as enterprise funds, i.e. that the cost of providing the services to the general public on a continuing basis are financed or recovered through user charges and are not supported by the general tax levy; and

WHEREAS, 69-7-101 *et seq.* Montana Code Annotated (MCA), authorizes increases in utility rates when deemed necessary by the City Commission; and

WHEREAS, the costs of providing wastewater services, improving infrastructure, and meeting bonded debt coverage continues to rise necessitating a rate increase; and

WHEREAS, an 4.22% increase in sewer rates will result in a monthly increase of $0.97 to $4.77 depending on usage, all as set forth in Exhibit A, which is attached hereto and incorporated by this reference as though fully set forth herein; and

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

The City Commission of the City of Livingston, Montana intends to increase the wastewater rate for its customers in the amount of 4.22% to become effective for sewer usage starting July 2025, to be billed in August 2025 and that a public hearing will be held by the City Commission at 5:30 p.m. on July 15th, 2025, at which time the public is invited to attend and comment on its intent.

BE IT FURTHER RESOLVED that Notice, attached hereto as Exhibit B and incorporated herein by reference, be published in accordance with law, and a copy of this Resolution be mailed to the Montana Consumer Counsel as required by 69-7-111(5) MCA.

BE IT FURTHER RESOLVED that Notice, attached hereto as Exhibit C, and incorporated herein by reference be mailed to each customer in accordance with law.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 17th day of June, 2025.

_____
QUENTIN SCHWARZ - Chairperson

ATTEST:

_____
EMILY HUTCHINSON
City Clerk

APPROVED AS TO FORM:

_____
JON HESSE
City Attorney

Exhibit A- Sewer Rate changes based on 4.22% increase

CITY OF LIVINGSTON PROPOSED SEWER RATES			
GALLONS	CURRENT	PROPOSED	INCREASE
0	$ 22.90	$ 23.87	$ 0.97
1000	$ 31.98	$ 33.33	$ 1.35
2000	$ 41.06	$ 42.79	$ 1.73
3000	$ 50.14	$ 52.25	$ 2.11
4000	$ 59.22	$ 61.71	$ 2.49
5000	$ 68.30	$ 71.17	$ 2.87
6000	$ 77.38	$ 80.63	$ 3.25
7000	$ 86.46	$ 90.09	$ 3.63
8000	$ 95.54	$ 99.55	$ 4.01
9000	$ 104.62	$ 109.01	$ 4.39
10000	$ 113.70	$ 118.47	$ 4.77

Exhibit B- Public Notice

NOTICE

Notice is hereby given that the Livingston City Commission will conduct a public hearing in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana on June 17th, 2025, at 5:30 p.m. on **Resolution No. 5163**, entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE WASTEWATER RATE IN THE AMOUNT OF 4.22% TO BECOME EFFECTIVE FOR JULY 2024 SEWER USAGE, BILLED IN AUGUST 2024,** resulting in an increase of approximately $0.97 to $4.77, depending on the amount of wastewater used by the customer. All interested persons are invited to attend the public hearing, to make comments or objections thereto. For additional information contact the City of Livingston Finance Department at 220 E Park Street, Livingston, MT, 59047, or by phone at 222-1142.

Please publish three (3) times at least 6 (six) days apart, with the first publication being no more than 28 days prior to the hearing and the last being no less than 3 days prior to the hearing. In addition, please mail a copy to the Consumer Counsel in Helena.

Exhibit C- Public Notice Mailing

COMBINED NOTICE OF PUBLIC HEARINGS ON PROPOSED RATE INCREASES FOR WATER AND WASTE WATER EFFECTIVE JULY 2025

Notice is hereby given that the City Commission of Livingston, Montana, will conduct public hearings on Resolutions 5162 and 5163 in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on July 15th, 2025, at 5:30 p.m. of its intent to increase the Water Rate in the amount of 4.22% (approximately $0.84 to $2.28), depending on the amount of water consumed by the customer) and the Sewer Rate in the amount of 4.22% (approximately $0.97 to $4.77). See the attached schedules. The public is invited to attend and comment on the proposed rate increases. For further information, contact the City of Livingston Finance Department at 220 E Park Street, Livingston, MT, 59047, or by phone at (406) 222-1142.

Please mail at least 7 days and no more than 30 days prior to the hearing to each customer including an estimate of the amount the customer's average bill will increase.

CITY OF LIVINGSTON
PROPOSED WATER RATES

GALLONS		CURRENT		PROPOSED	
FROM	TO	CONNECTION FEE	USAGE FEE	CONNECTION FEE	USAGE FEE
-	-	16.06	-	16.74	-
1	10,000	16.06	3.71	16.74	3.87
10,001	20,000	16.06	3.91	16.74	4.08
20,001	40,000	16.06	4.13	16.74	4.30
>40,001		16.06	4.36	16.74	4.54

CITY OF LIVINGSTON
PROPOSED SEWER RATES

GALLONS	CURRENT	PROPOSED	INCREASE
0	$ 22.90	$ 23.87	$ 0.97
1000	$ 31.98	$ 33.33	$ 1.35
2000	$ 41.06	$ 42.79	$ 1.73
3000	$ 50.14	$ 52.25	$ 2.11
4000	$ 59.22	$ 61.71	$ 2.49
5000	$ 68.30	$ 71.17	$ 2.87
6000	$ 77.38	$ 80.63	$ 3.25
7000	$ 86.46	$ 90.09	$ 3.63
8000	$ 95.54	$ 99.55	$ 4.01
9000	$ 104.62	$ 109.01	$ 4.39
10000	$ 113.70	$ 118.47	$ 4.77

File Attachments for Item:

D. ORDINANCE NO. 3061 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTION MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING THE RECENTLY ANNEXED PROPERTY ADDRESSED AT 38 LOVES LANE AND LEGALLY DESCRIBED AS LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC 23, T02S, R09E, P.M.M PARK COUNTY, MONTANA AS MIXED USE (MU).

LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: June 17, 2025

TO: Chair Schwarz and City Commissioners

FROM: Jennifer Severson, Planning Director

RE: **Staff Report for a Map Amendment to Chapter 30 of the Livingston Municipal Code for the Parcel Located at 38 Loves Lane**

Recommendation and Summary
Staff recommends the Commission approve the proposed map amendment to the City of Livingston Zoning Code Chapter 30 by adopting the following motion:

"I move to approve the first reading of Ordinance 3061 to amend the City of Livingston Zoning Code Section 30.13 related to the Official Zoning Map and to authorize the Chair to sign Ordinance 3061."

The reasons for the recommendation are as follows:

- The City must amend its Official Zoning Map to zone newly annexed property.
- The Consolidated Land Use Board voted to recommend that the Commission approve the rezoning request.

Introduction and History
On April 15, 2025, the City Commission Adopted Resolution 5159 (Attachment B) approving the annexation of the property located at 38 Loves Lane and legally described as LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC 23, T02S, R09E, P.M.M PARK COUNTY, MONTANA. The parcel is 2.439 acres in size and includes a single-family residence and several accessory structures. A map of the annexed parcel is shown in Figure 1 below. An amendment is required to update the City's Official Zoning Map to include the newly annexed property.

Analysis

The subject property is adjacent to City limits at its southeast corner and is bordered by lands within unincorporated Park County on its east, south and west sides, and it is flanked by I-90 to the north, Miller Drive to the east, Loves Lane to the south and a private residential property to the west. The neighborhood surrounding the subject property includes private residences and suburban agricultural uses, a self-storage facility, townhomes and multifamily condominiums (zoned R3 High Density Residential), with Highway Commercial (HC) uses between the multifamily residential development and US 89 S (See Attachment C Zoning Map).

The applicant is under contract to sell the subject property to a third party; once zoning is established the property will be leased to the United States Department of Agriculture (USDA) through the third party. This will allow the USDA to move their existing office from its current location, at 5242 US Hwy 89S, to 38 Loves Lane. It is anticipated the move to a larger facility in a more central location will allow USDA to provide additional convenience and ease of access to the residents of Park County and the greater public, at large. The subject property is located within the area the City's Growth Policy identifies as the Extra-Territorial Jurisdiction (ETJ). However, the Future Land Use Map in the Growth Policy does not identify any recommended land use for the property (Attachment D). The property is currently served by well water and a septic system, and the owner is required to connect to City water and sewer at their expense before new or redevelopment can

occur.

Figure 1 – Annexed Property at 38 Loves Lane

Staff recommends the subject property be zoned Mixed Use (MU), which is defined in Chapter 30 of the Livingston Municipal Code as "*A district intended to accommodate a mix of residential, neighborhood scale commercial services and offices, and small-scale manufacturing*". As shown in the Table 30.40 (Attachment E), Business and Professional Offices are Allowed uses 'by right' in the MU zoning district and will enable the USDA to establish a new office facility at this location that complies with the code.

As required by Sec 2-110, the new USDA building must undergo Site Plan Review which will evaluate the new development and its potential impacts on the surrounding neighborhood, including: the safety of vehicular, bicycle and pedestrian ingress and egress; conformance with the City's Public Works Design Standards and Specification Policy; traffic; and landscaping and screening, among other criteria. The City may require conditions of approval to mitigate potential impacts the new development may have on its surroundings.

Consolidated Land Use Board Recommendation

At its May 14, 2025 meeting, the Land Use Board (LUB) unanimously recommended the City Commission approve the staff recommendation to zone the subject property Mixed Use (MU) by a vote of 4-0. No public comments were submitted. Board members briefly discussed concerns about anticipated increase to traffic on Loves Lane and the surrounding road network and the need for a Traffic Impact Study (TIS) at the time the future building undergoes Site Plan Review (SPR) and asked for clarification that the developer of the new office building will be responsible for the cost of connecting to City services. Staff confirmed that a TIS will be required for SPR and that the developer will be responsible for the cost of connecting to City water and sewer. Staff also confirmed that if the TIS determined road improvements are necessary as a result of the increased traffic, the developer will be responsible for the installation and costs of those improvements.

Findings of Fact

Criteria and Guidelines for Zoning Regulations (MCA 76-2-304):

(1) Zoning regulations must be:

(a) made in accordance with a growth policy:

The Future Land Use Map in the Growth Policy does not provide a recommendation for land use on the subject property, if annexed. However, the recommendation to zone the property MU is supported elsewhere the Growth Policy.

- *Strategy 3.1.1.2: Evaluate and amend the zoning ordinance to allow for higher densities and wider land uses in areas that can support such development.*
    - The property is directly accessed by Loves Lane and Miller Drive, and the City's water and sewer infrastructure currently extends to the southeast corner of the subject parcel, where these two streets intersect. This infrastructure can be easily extended to serve new development on the parcel and the property owner will be required to connect to City utilities at their own expense.
- *Strategy 3.4.3.2: Encourage development near transit routes and active transportation infrastructure to promote development that produces minimal strain on the environment and existing transportation infrastructure.*
    - The subject property is adjacent to Loves Lane, which provides access to the major transportation routes along US Hwy 89S and I-90, less than 1/3 of a mile to the east. Additionally, the Hwy 89 South multi-use trail provides direct access to downtown Livingston to the north and highway commercial services and Paradise Valley to the south.

- *Strategy 6.1.5.8: Dedicate resources to strategies designed to help the local economy by investing in local businesses.*
    - The establishment of expanded office space by USDA will allow for the retention of local jobs and continued support of local services by its employees, which will enhance the general welfare of the Livingston community.

(b) designed to:

(i) secure safety from fire and other dangers;

As stated above, the owner will be required to extend City water service to the property, which will improve fire protection and safety on site. All future development on this property will be required to meet all adopted fire and building codes, ensuring safe conditions on the property and surrounding areas.

(ii) promote public health, public safety, and the general welfare; and

All future development on this property will be required to meet adopted fire and building codes, ensuring safe conditions on the property and surrounding areas. Furthermore, retention of USDA jobs, and the local businesses supported by its employees, promotes the general welfare of the community and its citizens.

(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

As stated above, the property has direct access to US Hwy 89 S and the I-90 interchange via Loves Lane. Although the construction of new offices on the subject property may allow for some additional employment opportunities at this USDA facility, it is Staff's understanding that the majority of personnel will be from the existing USDA office located at 5242 Hwy 89 S. Any increase to enrollment at area Park County Schools is expected to be minimal and would not be a direct result of the zoning of the parcel. Sewer and water infrastructure needs for the new office building is be assessed during the analysis required during the Site Plan Review process.

(2) In the adoption of zoning regulations, the municipal governing body shall consider:
(a) reasonable provision of adequate light and air;

It is not anticipated that zoning the property to allow a mix of uses will inhibit the reasonable provision of adequate light and air to the subject parcel or the surrounding neighborhood. New buildings must comply with applicable property setbacks for the MU District in the City's zoning code, and with building setbacks as required by the International Building Code.

(b) the effect on motorized and nonmotorized transportation systems;

The property is accessed by Loves Lane and Miller Drive, and has direct access to US 89S and the I-90 interchange via Loves Lane and the existing Hwy 89 S multi-use trail provides bike and pedestrian access to downtown Livingston to the north and highway commercial services and Paradise Valley to the south. A new USDA office building will require a Traffic Impact Study (TIS) as part of the Site Plan Review process before a building permit will be issued.

Although there will be additional vehicular trips on Loves Lane generated by a new office building, Staff anticipates the peak travel times for existing residents and road users will not be significantly impacted, since it is likely the majority of USDA employees will be traveling westbound on Loves Lane in the morning (when neighborhood residents will likely be traveling eastbound to travel to work or school); conversely, it is likely the majority of USDA employees will be traveling eastbound on Loves Lane in the afternoon (when most neighborhood residents will be traveling westbound to return home). However, if the TIS indicates the level of service of the nearby transportation network will be negatively impacted by the new development, as staff anticipates it will, the property owner will be responsible for installing treatments that will mitigate these impacts.

(c) promotion of compatible urban growth;

The neighborhood surrounding the subject parcel includes single and multifamily residences, a self-storage facility, marijuana retail store, hotel, large grocery store, truck stop and casino, and several other auto-centric uses as allowed in the HC zoning district. Staff anticipates that the diversity of uses allowed in the MU district will provide a transition between higher intensity commercial businesses and multi-family development to the east and the existing suburban residential development to the south and west. Additionally, requirements for landscaping and screening that will be required for new commercial development on the subject parcel will help to buffer traffic noise from I-90 to the north toward the residential neighborhoods south of Loves Lane.

(d) the character of the district and its peculiar suitability for particular uses;

The City recently adopted a Gateway Overlay Design district for commercial development near key community gateways identified in the Growth Policy. The purpose of the overlay district is to define and celebrate Livingston's unique and character, provide welcoming entry points into town, and encourage buildings that reflect pedestrian scale. As required under Sec 30.46.C.2, new buildings in the district that are larger than those existing in the area shall establish a transition in scale to reduce the impact of building scale on the neighborhood. If the proposed MU zoning is approved, the parcel will be integrated into the Gateway Overlay District and the new USDA building will be subject to the building design standards in Sec 30.46.

(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The existing single-family residence and accessory structures will be removed to allow for the construction of the new USDA facility. Staff finds that the new office building and related improvements, combined with the owner's investment to extend the City's water infrastructure to service the new development, encourages the appropriate use of this annexed property.

Fiscal Impact

The developer will be responsible for the cost of connecting to City water and sewer infrastructure at the time of building permit for new development on the subject parcel, including the payment of City Impact Fees. Because the property will be leased to the USDA but owned and managed by a private company, the City will assess and collect property taxes on the future development.

Strategic Alignment

As discussed above, zoning this parcel as Mixed Use aligns with several strategies in the Growth Policy.

Staff Recommendation

For the reasons outlined above, Staff finds that the proposed Mixed Use (MU) zoning designation meets the requirements of the City of Livingston and State Statute. Staff recommends that the City Commission follow the recommendation of the Consolidated Land Use Board and approve the zoning of the property at 38 Loves Lane to Mixed Use (MU) and adopt the map amendment to the Official Zoning Map as proposed.

Attachments

A. Draft Ordinance 3061
B. Resolution 5159
C. Zoning Map
D. Growth Policy Future Land Use Map
E. Table 30.40 - Mixed Use

ORDINANCE NO. 3061

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTION MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING THE RECENTLY ANNEXED PROPERTY ADDRESSED AT 38 LOVES LANE AND LEGALLY DESCRIBED AS LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC 23, T02S, R09E, P.M.M PARK COUNTY, MONTANA AS MIXED USE (MU).

*** * * * ***

Purpose

The purpose of this Ordinance is to promote public health, safety and general welfare of the City by regulating the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location of buildings, structures, and land for trade, industry, residence or other purposes.

****

WHEREAS, Section 30.71 of the City of Livingston Code of Ordinances authorizes the City Commission to amend the officially adopted Zoning Map;

WHEREAS, the amendments meet the criteria and guidelines for zoning regulations as required by Section 76-2-304 of Montana Code Annotated;

WHEREAS, the City Commission of the City of Livingston, Montana annexed the Subject Parcel by adopting Resolution 5159 on April 15, 2025;

WHEREAS, being within the jurisdiction of the City, the parcel is required by the City's Zoning Ordinance to be given a zoning designation;

WHEREAS, the City of Livingston Consolidated Land Use Board, after a public hearing held on May 14, 2025, voted unanimously (4-0) to recommend the City Commission zone the subject parcel as Mixed Use (MU);

NOW, THEREFORE, BE IT ORDAINED by the City Commission that Sec. 30.13 of the Livingston Municipal Code entitled Official Zoning Map, be and the same is hereby amended as follows:

SECTION 1

ZONING OF PROPERTY ADDRESSED AT 38 LOVES LANE AND LEGALLY DESCRIBED AS LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC 23, T02S, R09E, P.M.M PARK COUNTY, MONTANA AS MIXED USE (MU)

SECTION 2

Statutory Interpretation and Repealer:

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

SECTION 3

Severability:

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

SECTION 4

Savings provision:

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

SECTION 5

Effective date:

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

PASSED by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the ____ day of June, 2025.

_____
QUENTIN SCHWARZ, CHAIR

ATTEST:

_____
Emily Hutchinson
City Clerk

****

PASSED, ADOPTED AND APPROVED, by the City Commission of the City of Livingston, Montana, on a second reading at a regular session thereof held on the _____ day of July, 2025.

_____
QUENTIN SCHWARZ, CHAIR

ATTEST:

_____
EMILY HUTCHINSON
City Clerk

APPROVED TO AS FORM:

_____
JON HESSE
City Attorney

LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: April 15, 2025

TO: Chair Schwarz and City Commissioners

FROM: Grant Gager, City Manager

RE: Staff Report for Resolution 5159

Recommendation and Summary
Staff recommends the Commission approve Resolution 5159 by adopting the following motion:

"I move to approve Resolution 5159 and authorize the Chair to sign."

The reasons for the recommendation are as follows:
- Montana Code Annotated establishes certain requirements for the annexation of land.
- The City has received a request from a property owner to be annexed into the City.

Introduction and History
Montana Code Annotated (MCA) has established procedures for the annexation of land in certain circumstances. Section 46 of Chapter 2 of Title 7 establishes the procedure for annexation of land by petition of owners. When a majority ownership interest requests annexation by petition, MCA 7-2-4601(3)(b) provides that "The governing body may approve or disapprove a petition submitted [...] on its merits. When the governing body approves the petition, it shall pass a resolution providing for the annexation."

This subject parcel, 38 Loves Lane, was the subject of a request that was presented to the Commission on March 18 and April 1. That application has been withdrawn due to legal review and conversations with the applicant. The current application is from the registered Manager/Member and Registered Agent of the owner of record for the parcel.

Analysis
The City of Livingston has received a petition for annexation from the owners of the parcel at 38 Loves Lane. The owners have requested annexation. The application is compliant with the City's adopted annexation policy.

Fiscal Impact

The City will receive additional property tax revenue from the annexation. The additional revenue is expected to have a minimal revenue impact to the General Fund adding less than 1%.

Strategic Alignment

The annexation of lands is required before the provision of utility service pursuant to the City's current Annexation Policy. The application is compliant with the City's adopted annexation policy.

Attachments

- Attachment A: Resolution 5159
- Attachment B: Revised Petition of Annexation
- Attachment C: 2025 Secretary of State Filling for Applicant
- Attachment D: City of Livingston Annexation Policy

RESOLUTION NO. 5159

A RESOLUTION OF THE CITY OF LIVNGSTON, MONTANA, ANNEXING THE PARCEL AT 38 LOVES LANE.

WHEREAS, Montana Code Annotated establishes procedures for the annexation of land pursuant to a petition by the owner in MCA 7-2-4601; and

WHEREAS, The City of Livingston has received a petition signed by more than 50% of the owners of the certain real property; and

WHEREAS, the City desires to annex such lands in accordance with its adopted Annexation Policy;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Livingston, Montana, that the land described in the attached Exhibit A is hereby annexed into and made a part of the City of Livingston, Montana.

PASSED AND ADOPTED by the City Commission of the City of Livingston, Montana, this 15TH day of April 2025.

_____

QUENTIN SCHWARZ – Chair

ATTEST:

_____

EMILY HUTCHINSON
City Clerk

APPROVED AS TO FORM:

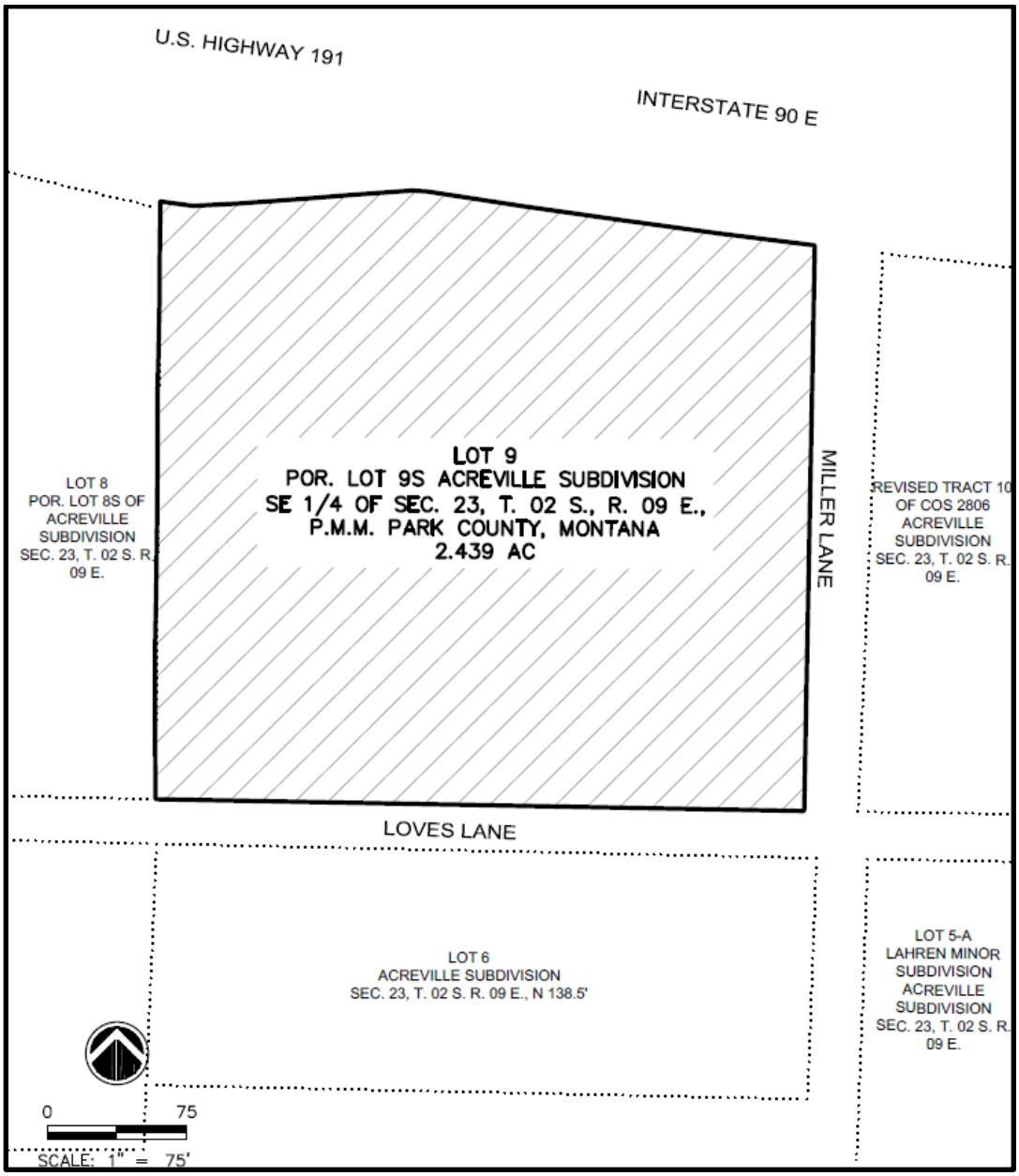
_____

JON HESSE
City Attorney

EXHIBIT A

Legal Description of Annexed Land

LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC. 23, T. 02 S., R. 09 E., P.M.M. PARK COUNTY, MONTANA



PETITION FOR ANNEXATION

Pursuant to 7-2-4601 *et seq.* Montana Code Annotated, we, the undersigned, being the owners of all of the property described on Exhibit A which is attached hereto and incorporated by this reference as though fully set forth herein, hereby petition the City of Livingston, Montana, to annex the property described by Exhibit A into the City of Livingston, Montana.

By executing this petition, we consent to said annexation and agree to cooperate fully with the officers and employees of the City of Livingston, Montana, to accomplish the annexation of the land described by Exhibit A.

Dated this 10th day of April, 2025.

PETITIONERS:

Signature _____ Printed name Tiera J. Groich

557 St. Andrew's Drive, Bozeman MT 59715
Address

Signature _____ Printed name _____

Address _____

STATE OF MONTANA)
: ss
County of Gallatin)

SIGNED AND SWORN before me on this 10th day of April, 2025, by Tiera J. Groich.

DIANE GLASFORD
Notary Public
for the State of Montana
Residing at:
Bozeman, Montana
My Commission Expires:
May 10, 2028

SEAL

Notary Public for the State of Montana

EXHIBIT A

LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC. 23, T. 02 S., R. 09 E., P.M.M. PARK COUNTY, MONTANA

PETITION TO ANNEX AND NOTICE OF WITHDRAWAL FROM RURAL FIRE DISTRICT

The undersigned hereinafter referred to as Petitioner respectfully petition the City Commission of the City of Livingston for annexation of a portion of the real property located at 38 Loves Lane, Livingston, Montana 59047, including the tract of record described as follows (referred to herein as "Property"):

[See attached Exhibit A]

The Petitioner requesting City of Livingston annexation of the Property described herein hereby mutually agree with the City of Livingston that immediately upon annexation of the land by the City of Livingston municipal water services will be provided to the Property described herein on substantially the same basis and in the same manner as such water services are provided or made available to other properties within the rest of the municipality. The Petitioner hereby states that there is no need to prepare a Municipal Annexation Service Plan for this annexation pursuant to Section 7-2-4610, M.C.A. since the parties agree as to the provision of municipal services to the property requested to be annexed.

The Petitioner further herein express an intent to have the Property as herein described withdrawn from the Park County RuralFire District under the provisions of Section 7-33-2127, M.C.A.; and that incorporated into this Petition to Annex is the Notice requirement pursuant to said Section; and that upon proper adoption of an ordinance or resolution of annexation by the City Commission of the City of Livingston, the Property shall be detracted from said district.

In the event the Property is not immediately annexed, the Petitioner further agrees that this covenant shall run to, with, and be binding upon the title of the said real property, and shall be binding upon our heirs, assigns, successors in interest, purchasers, and any and all subsequent holder or owners of the above-described Property.

This City hereby agrees to allow the Petitioner to connect and receive the utilities from the City of Livingston as provided herein.

TIERA GOICH PROPERTY MANAGEMENT LLC

Petitioner/ Owner

April 9th, 2025
Date

State of Montana County of Gallatin
Subscribed and sworn before me on April 9, 2025 (Date) by Tiera J. Goich

(Notary Signature)

ROBERT BRYAN KING
NOTARY PUBLIC for the
State of Montana
Residing at Belgrade, Montana
My Commission Expires
January 30, 2028

ROBERT BRYAN KING NOTARIAL SEAL STATE OF MONTANA

EXHIBIT A

LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC. 23, T. 02 S., R. 09 E., P.M.M. PARK COUNTY, MONTANA

STATE OF MONTANA

SECRETARY OF STATE

2025 ANNUAL REPORT

STATE OF MONTANA
-FILED-
SECRETARY OF STATE
File Number: 16525236
Date Filed: 2/18/2025 6:28:12 AM

Business Type

Business Type	Domestic Limited Liability Company
Business Sub-Type	Limited Liability Company

Business Name

Annual Report Year	2025
Name of Business Entity	Tiera Goich Property Management LLC
Montana File Number	C1184940
Country of Organization	United States
State of Organization	Montana
Business Purpose	property management

Business Mailing Address of Principal Office

Address

TIERA GOICH
557 ST ANDREWS DRIVE
BOZEMAN, MT 59715

Business Physical Address of Principal Office

Address

TIERA GOICH
557 ST ANDREWS DRIVE
BOZEMAN, MT 59715-8748

The registered agent on record is:

Registered Agent

Tiera Goich
Non-Commercial Registered Agent
Agent Number
RA1330806
Email Address
tiera0224@gmail.com
Website
Physical Address
557 ST ANDREWS DR
BOZEMAN, MT 59715-8748
Mailing Address
557 ST ANDREWS DR
BOZEMAN, MT 59715-8748

LLC Management

LLC Managed By	Managers

Managers

Name Of Individual Or Business Entity	Business Mailing Address	Email Address	Active Registered Entity
Tiera Goich	TIERA GOICH 557 ST ANDREWS DRIVE BOZEMAN, MT 59715	tiera0224@gmail.com	

Declarations

☒ I confirm I have reviewed the information set forth in this Annual Report and that all information is correct and factual.

☒ I have been authorized by the business entity to file this document online.

Page 1 of 2

B1394-5945 02/18/2025 6:28 AM Received by MT Secretary of State Christi Jacobsen

☒ I, HEREBY SWEAR AND/OR AFFIRM, under penalty of law, including criminal prosecution, that the facts contained in this document are true. I certify that I am signing this document as the person(s) whose signature is required, or as an agent of the person(s) whose signature is required, who has authorized me to place his/her signature on this document.

Signature

Self	*Tiera Goich*	*02/18/2025*
Signer's Capacity	Sign Here	Date

Position	Manager/Member

Daytime Contact

Phone Number	(406) 451-4291
Email	tiera0224@gmail.com

B1394-5946 02/18/2025 6:28 AM Received by MT Secretary of State Christi Jacobsen

Page 2 of 2

ANNEXATION PLAN

CITY OF LIVINGSTON, MONTANA

Adopted February, 1997
Revised September, 2006

Introduction

This plan is intended to guide the City and County governments in all decisions concerning the extension of Livingston's municipal boundaries. In doing so, it will delineate a set of annexation criteria and identify areas where the Governing Bodies would like to direct future growth.

The Plan

In the past, Livingston's lack of an annexation policy has precluded any long-range planning "vision" of the development pattern that we would like to create. By basing annexation decisions on the criteria listed in this plan, the City of Livingston can take a more forward looking and structured approach to maintaining a livable and functional land use pattern for the benefit of all of it's citizens.

The basic premise of this plan is that the City and County should, by being selective m their annexation decisions, direct growth to areas that have been identified as being economically and logistically easier to provide with sewer, water, solid waste, police and fire protection and other public services. The reasons for doing this are many. First, close proximity to public services means that those services can be provided more cheaply. Secondly, the City and County will be able to promote "in-fill" and avoid "sprawl" and "strip" commercial development while at the same titre conserve open space and slow the rate of land consumption. Lastly, by following such a plan, the City and County can create a sense of knowledge, both for government and any prospective developers, about the future location of growth and public facilities.

Annexation Criteria

The attached map, Figure 1., will be reexamined at least every five (5) years and upon such examination m1y be updated or altered to reflect any change in land use needs. As a result of recent annexations and infrastructure development, new tracts of land located outside of the City should be taken into consideration for future annexations as shown by the maps attached hereto as Exhibit A.

ANNEXATION GUIDELINES

Based upon the attached map (Figure 1.) and the combined Ordinances of the City, the following guidelines will be used in making determinations as to annexation requests and sewer and water extensions:

1. Generally, to be considered for annexation, the property in question must fall within the City Services Growth Area as shown on Figure 1. or be in an area that is identified as already receiving City Services.

2. The use of City utilities beyond City boundaries often times necessitates annexation to

occur in a hap-hazard manner. For this reason extension of City sewer and water utilities beyond the established Growth Area boundaries will not be allowed. This will help to preserve the more rural and less dense development pattern at the edges of the City while encouraging more dense development to occur in the established urban areas.

3. Where utility extensions are proposed to property which is contiguous to the City Limits annexation will occur prior to any utility work or land development.

4. Impacts on transportation systems, solid waste collection and emergency services will be considered in requests for annexations. The City may require, at the expense of the person(s) requesting annexation, that a community impact report be prepared which may include, among other things, technical studies related to the above mentioned services.

5. Priority will given to those annexation requests which will 'fill-in" the City boundary by bringing into the City properties which separate previously annexed parcels from the remainder of the City.

6. Utility extensions into areas that can not be immediately annexed because they are not contiguous to the City limits will only be allowed if, in the judgment of the governing body, such extension will be an overall benefit to the community by providing needed utility service to the intervening property or by furthering the Growth Policy by directing growth to a desirable location.

7. Any application for the extension of City utilities beyond municipal boundaries must be accompanied by a Waiver of Annexation Protest. A Waiver of SID Protest must accompany utility extension requests both inside and outside of the City Limits when the area to be served does not have in place any of the following improvements:

-Streets built to City standards
-Sidewalks
-Curbs and gutters
-Storm Sewer
-Street Lights

Timing of installation of infrastructure may be altered in the case of new subdivisions. These improvements will be a condition of final plat approval.

This Policy will not serve in any way to require the City of Livingston to disallow any annexation request which is deemed by the governing body to be in the best interest of the City. However, the City may disallow any annexation request which is determined not to comply with this Policy.

ADMINISTRATIVE PROCEDURE

The following procedure will apply when processing annexation requests:

1. All annexation requests, whether from a property owner or originating from the City, will be reviewed by the Development Review Committee (DRC). If the DRC recommends approval, the following list of materials will be forwarded to the City Manager:

The common name of the property with the address of the owner.

A map of the property to be used as a Resolution Exhibit.

If already signed, a copy of the annexation waiver and withdrawal from rural fire district. (If not already signed, a blank withdrawal from rural fire district to be sent to property owner for signature)

A brief description of the reason for the annexation (i.e. property is served by City water, property is surrounded by City, etc.)

2. Resolution of Intent to Annex approved by City Commission.

3. Recording Secretary publishes Notice of Intent to annex in legal section of the Livingston Enterprise as provided by law.

4. Recording Secretary sends Resolution of Intent to Annex to all property owners involved (include Exhibit).

5. Resolution Annexing the property is considered by the City Commission.

6. Upon approval of annexation, Recording Secretary sends copies of the Resolution annexing the property and exhibits to the County Assessor, City Fire Chief, City Police Chief, Director of Public Works and City Planner. The same package plus the signed withdrawal from Rural Fire District go to the Clerk and Recorder and Park County Rural Fire Dept.

7. Recording Secretary sends Welcome to the City of Livingston form letter along with resolution and map to newly annexed property owners.

ZONING MAP

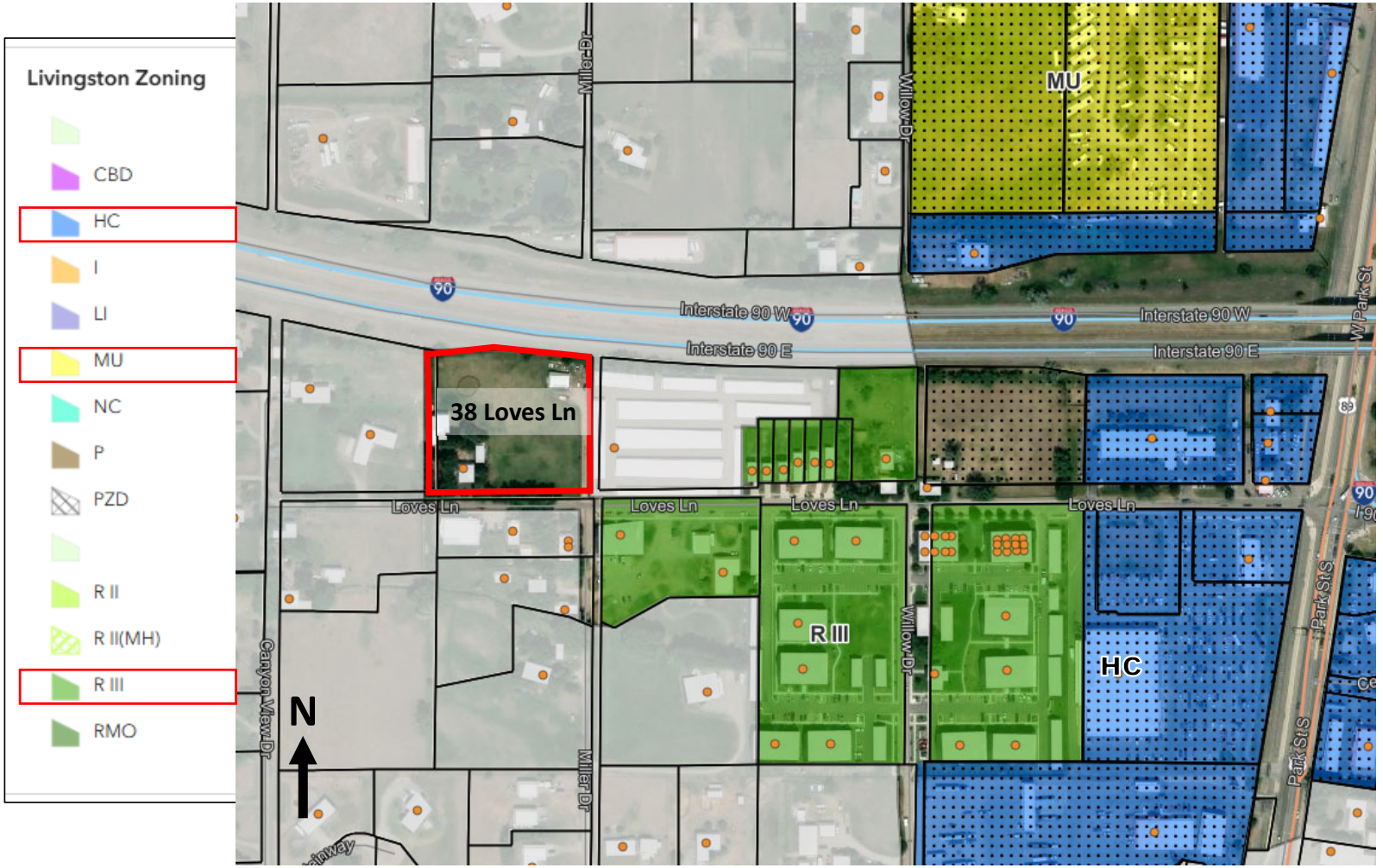

Livingston Zoning
CBD
HC
I
LI
MU
NC
P
PZD
R II
R II(MH)
R III
RMO
38 Loves Ln
MU
HC
R III
Interstate 90 W
Interstate 90 E
Loves Ln
Willow Dr
Miller Dr
Canyon View Dr
W Park St
Park Sts
N

Exhibit 11.1: Recommended Future Land Use Map

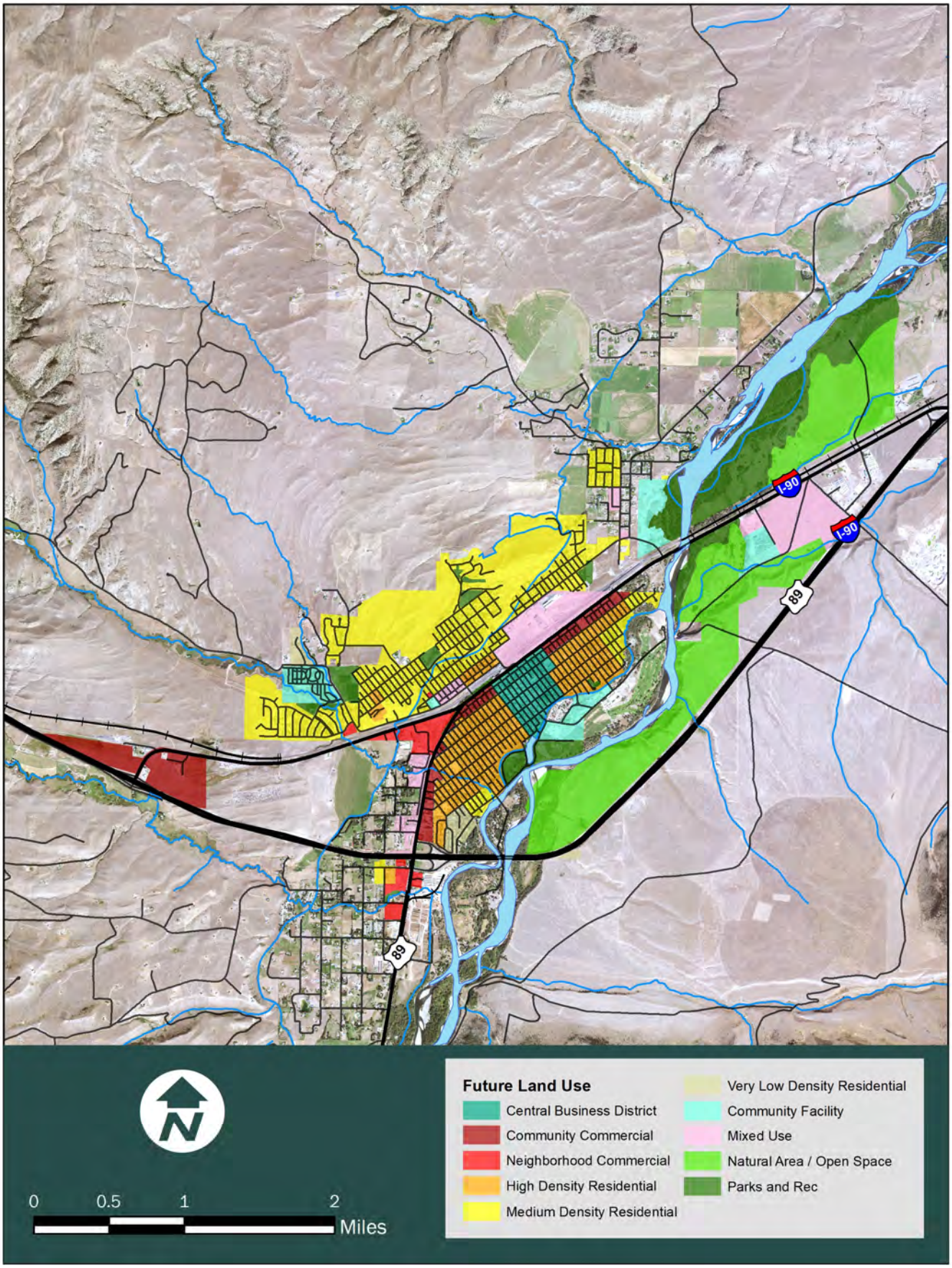
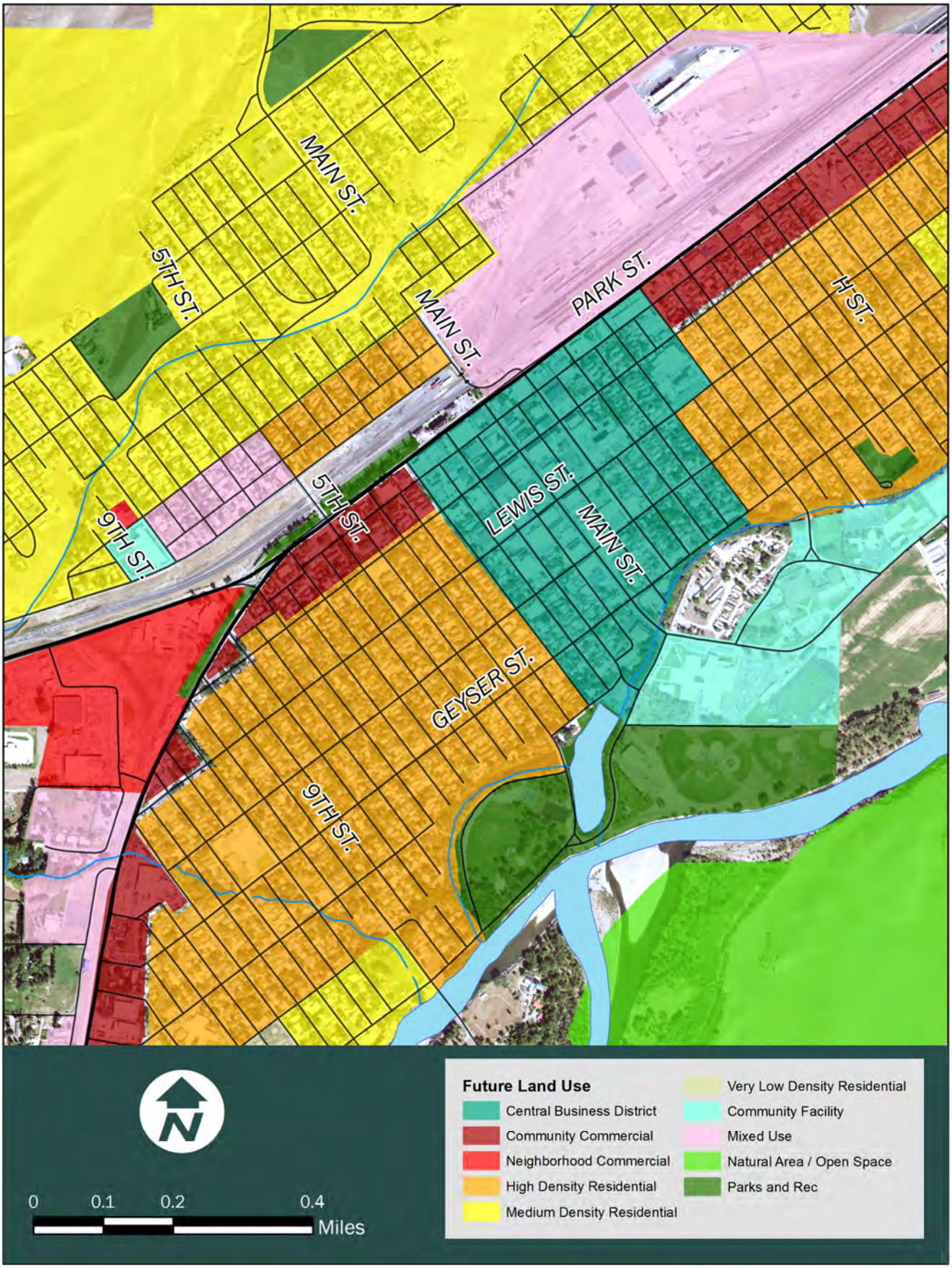


Exhibit 11.2: Recommended Future Land Use Map (Detailed)



A = Allowed S = Special Exception Permit Required N = Not Allowed

Table 30.40

List of Uses

	MU
One (1) Family Dwellings*	A
Two (2) Family Dwellings	A
Multifamily Dwellings	A
Accessory Dwellings	A
Townhouses	A
Tiny Homes	A
Accessory Buildings	A
Mobile Homes	N
Modular Homes	A
Churches	S
Schools, Public, Private and Parochial	S
Schools, Trade	S
Hospitals/Institutions	S
Medical/Dental Clinics	A
Adult Foster Care Center[3]	A
Personal Care Center	A
Child Care Center	A
Veterinarian Clinics	A
Kennels and Catterys	N
Laundromat	A
Bed and Breakfasts	A
Motels/Hotels	N
Travel Trailer Parks	N
Business and Professional Offices	A
Retail	A
Large-scale Retail	N
Personal Service Stores	A
Eating and Drinking Establishments (Sit-Down)	A
Drive-Thru Restaurants	N
Banks	A
Mortuary	S
Wholesale Businesses	N
Commercial Greenhouses	S
Gasoline Service Stations	N
Auto Repair Garage	N
Automobile Dealerships	N
Auto Salvage and Storage	N
Warehouse and Enclosed Storage	N
Machine Shop	N

A = Allowed S = Special Exception Permit Required N = Not Allowed

Artisan Manufacturing	A
Limited Manufacturing	A
General Manufacturing	N
Intensive Manufacturing	N
Cidery	A
Microbrewery/Microdistillery	A
Winery	A
Bowling Alley	S
Theater	S
Open-Air Stadiums, Sports Arenas and Amphitheaters	S
Lumberyards	N
Transportation Terminals	N
Radio Stations[4]	A
Utility Substations	S
Armory	N
Cemetery	N
Government Offices	A
Public Recreation Facility	S
Health and Exercise Establishment	A
Marijuana Production Facility	N
Sexually Oriented Business	N

File Attachments for Item:

E. ORDINANCE 3060: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 2, GOVERNMENT AND ADMINISTRATION, OF THE LIVINGSTON MUNICIPAL CODE, BY CREATING A PUBLIC PROPERTY AND WAYS ARTICLE AND ESTABLISHING CERTAIN REQUIREMENTS AND PROHIBITED ACTS.

LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: June 17, 2025

TO: Chair Schwarz and City Commissioners

FROM: Grant Gager, City Manager

RE: Staff Report for Ordinance 3060 Creating an Article Entitled Public Property and Ways in Chapter 2 of the Livingston Municipal Code

---

Recommendation and Summary

Staff recommends the Commission conduct the first reading of Ordinance 3060 by adopting the following motion:

"I move to approve the second reading of Ordinance 3060 and authorize the Chair to sign."

The reasons for the recommendation are as follows:

- A flag pole was recently placed on City property by a private organization with a flag displayed upon it.
- The City Manager is recommending that the City adopt a flag policy in accordance with the 2021 Shurtleff v. City of Boston decision of the United State Supreme Court.

Introduction and History

The City of Livingston is entrusted with the care and control of certain public property. In early May, a flag pole was placed on City property by a private organization with a flag displayed upon it. A private flag on public property has been deemed private speech that is not able to be regulated due to the 2021 Shurtleff v. City of Boston decision of the United State Supreme Court. In response to this court decision, many cities around the nation have adopted policies related to the display of flags on public property.

The City Commission conducted a first reading of the ordinance at its meeting on June 3, 2025.

Analysis

The adoption of a policy regarding the display of flags on public property will help the City manage liability associated with the placement of instruments of private speech on public property.

Fiscal Impact

There is no fiscal impact arising from the adoption of this ordinance.

Strategic Alignment

The adequate care and control of facilities is the responsibility of the City.

Attachments

- Attachment A: Ordinance 3060
- Attachment B: Shurtleff V. City of Boston Decision
- Attachment C: City of Boston Ordinance

ORDINANCE NO. 3060

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 2, GOVERNMENT AND ADMINISTRATION, OF THE LIVINGSTON MUNICIPAL CODE, BY CREATING A PUBLIC PROPERTY AND WAYS ARTICLE AND ESTABLISHING CERTAIN REQUIREMENTS AND PROHIBITED ACTS.

Preamble.

The purpose of this Ordinance is to establish a public property and ways article in the Livingston Municipal Code to establish certain requirements for public property and to also enumerate certain prohibited acts.

*****

WHEREAS, the Commission of the City of Livingston is entrusted with the care and control of certain parcels and rights-of-way; and

WHEREAS, the Commission of the City of Livingston desires to establish certain requirements for action and also enumerate certain prohibited acts; and

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Livingston, Montana, that Chapter 2 of the Livingston Municipal Code be hereby amended to include the new following language (ADDITIONS UNDERLINED AND DELETIONS ~~STRUCK-THROUGH~~):

ARTICLE IV PUBLIC PROPERTY AND WAYS

2-47 Public Property Generally

A. The City of Livingston is entrusted with the care and control of public property and rights-of-way. It shall be unlawful for any person to affix, construct, erect, make or place any alterations or improvements to or upon public property or rights-of-way, or cause another to do so, without prior approval of the City Commission.

B. Violations of this section shall by subject to the General Penalty provisions enumerated in Section 1-8 of the Livingston Municipal Code.

2-48 Display of Flags on City Property

A. In adopting this section, the Livingston City Commission declares that flagpoles owned or maintained by the City of Livingston are not intended to serve as a forum for free

expression by the public, but rather as a nonpublic forum for the display of the flags authorized herein, as government speech.

B. No flag other than the flags of the United States of America, State of Montana and City of Livingston and the POW/MIA flag may be flown or affixed on any properties owned by the City of Livingston.

C. The flying of flags on City property must be done in accordance with proper flag flying etiquette as outlined by the United States Government.

SECTION 2

Statutory Interpretation and Repealer:

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

SECTION 3

Severability:

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

SECTION 4

Savings Provision:

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

SECTION 5

Effective date:

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

*****

PASSED by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the ____ day of June, 2025.

_____
QUENTIN SCHWARZ, CHAIR

ATTEST:

_____
EMILY HUTCHINSON
City Clerk

APPROVED TO AS FORM:

_____
JON HESSE
City Attorney

PASSED by the City Commission of the City of Livingston, Montana, on second reading at a regular session thereof held on the ____ day of June, 2025.

_____
QUENTIN SCHWARZ, CHAIR

ATTEST:

_____
EMILY HUTCHINSON
City Clerk

APPROVED TO AS FORM:

_____
JON HESSE
City Attorney

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

SHURTLEFF ET AL. *v.* CITY OF BOSTON ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

No. 20–1800. Argued January 18, 2022—Decided May 2, 2022

Just outside the entrance to Boston City Hall, on City Hall Plaza, stand three flagpoles. Boston flies the American flag from the first pole and the flag of the Commonwealth of Massachusetts from the second. Boston usually flies the city's own flag from the third pole. But Boston has, for years, allowed groups to hold ceremonies on the plaza during which participants may hoist a flag of their choosing on the third pole in place of the city's flag. Between 2005 and 2017, Boston approved the raising of about 50 unique flags for 284 such ceremonies. Most of these flags were other countries', but some were associated with groups or causes, such as the Pride Flag, a banner honoring emergency medical service workers, and others. In 2017, Harold Shurtleff, the director of an organization called Camp Constitution, asked to hold an event on the plaza to celebrate the civic and social contributions of the Christian community; as part of that ceremony, he wished to raise what he described as the "Christian flag." The commissioner of Boston's Property Management Department worried that flying a religious flag at City Hall could violate the Establishment Clause and found no past instance of the city's having raised such a flag. He therefore told Shurtleff that the group could hold an event on the plaza but could not raise their flag during it. Shurtleff and Camp Constitution (petitioners) sued, claiming that Boston's refusal to let them raise their flag violated, among other things, the First Amendment's Free Speech Clause. The District Court held that flying private groups' flags from City Hall's third flagpole amounted to government speech, so Boston could refuse petitioners' request without running afoul of the First Amendment. The First Circuit affirmed. This Court granted certiorari to decide whether the flags Boston allows others to fly express government speech, and whether Boston could, consistent with the Free

Syllabus

Speech Clause, deny petitioners' flag-raising request.

Held: 1. Boston's flag-raising program does not express government speech. Pp. 5–12.

(a) The Free Speech Clause does not prevent the government from declining to express a view. See *Pleasant Grove City* v. *Summum*, 555 U. S. 460, 467–469. The government must be able to decide what to say and what not to say when it states an opinion, speaks for the community, formulates policies, or implements programs. The boundary between government speech and private expression can blur when, as here, the government invites the people to participate in a program. In those situations, the Court conducts a holistic inquiry to determine whether the government intends to speak for itself or, rather, to regulate private expression. The Court's cases have looked to several types of evidence to guide the analysis, including: the history of the expression at issue; the public's likely perception as to who (the government or a private person) is speaking; and the extent to which the government has actively shaped or controlled the expression. See *Walker* v. *Texas Div., Sons of Confederate Veterans, Inc.*, 576 U. S. 200, 209–213. Considering these indicia in *Summum*, the Court held that the messages of permanent monuments in a public park constituted government speech, even when the monuments were privately funded and donated. See 555 U. S., at 470–473. In *Walker*, the Court found that license plate designs proposed by private groups also amounted to government speech because, among other reasons, the State that issued the plates "maintain[ed] direct control over the messages conveyed" by "actively" reviewing designs and rejecting over a dozen proposals. 576 U. S., at 213. On the other hand, in *Matal* v. *Tam*, the Court concluded that trademarking words or symbols generated by private registrants did not amount to government speech because the Patent and Trademark Office did not exercise sufficient control over the nature and content of those marks to convey a governmental message. 582 U. S.___, ___. Pp. 5–6.

(b) Applying this government-speech analysis here, the Court finds that some evidence favors Boston, and other evidence favors Shurtleff. The history of flag flying, particularly at the seat of government, supports Boston. Flags evolved as a way to symbolize communities and governments. Not just the content of a flag, but also its presence and position have long conveyed important messages about government. Flying a flag other than a government's own can also convey a governmental message. For example, another country's flag outside Blair House, across the street from the White House, signals that a foreign leader is visiting. Consistent with this history, flags on Boston's City Hall Plaza usually convey the city's messages. Boston's flag symbol-

izes the city and, when flying at halfstaff, conveys a community message of sympathy or somber remembrance. The question remains whether, on the 20 or so times a year when Boston allowed private groups to raise their own flags, those flags, too, expressed the city's message. The circumstantial evidence of the public's perception does not resolve the issue. The most salient feature of this case is that Boston neither actively controlled these flag raisings nor shaped the messages the flags sent. To be sure, Boston maintained control over an event's date and time to avoid conflicts, and it maintained control over the plaza's physical premises, presumably to avoid chaos. But the key issue is whether Boston shaped or controlled the flags' content and meaning; such evidence would tend to show that Boston intended to convey the flags' messages as its own. And on that issue, Boston's record is thin. Boston says that all (or at least most) of the 50 unique flags it approved reflect particular city-endorsed values or causes. That may well be true of flying other nations' flags, or the Pride Flag raised annually to commemorate Boston Pride Week, but the connection to other flag-raising ceremonies, such as one held by a community bank, is more difficult to discern. Further, Boston told the public that it sought "to accommodate all applicants" who wished to hold events at Boston's "public forums," including on City Hall Plaza. App. to Pet. for Cert. 137a. The city's application form asked only for contact information and a brief description of the event, with proposed dates and times. The city employee who handled applications testified that he did not request to see flags before the events. Indeed, the city's practice was to approve flag raisings without exception—that is, until petitioners' request. At the time, Boston had no written policies or clear internal guidance about what flags groups could fly and what those flags would communicate. Boston's control is therefore not comparable to the degree of government involvement in the selection of park monuments in *Summum*, see 555 U. S., at 472–473, or license plate designs in *Walker*, see 576 U. S., at 213. Boston's come-one-come-all practice—except, that is, for petitioners' flag—is much closer to the Patent and Trademark Office's policy of registering all manner of trademarks in *Matal*, see 582 U. S., at ___, ___. All told, Boston's lack of meaningful involvement in the selection of flags or the crafting of their messages leads the Court to classify the third-party flag raisings as private, not government, speech. Pp. 6–12.

2. Because the flag-raising program did not express government speech, Boston's refusal to let petitioners fly their flag violated the Free Speech Clause of the First Amendment. When the government does not speak for itself, it may not exclude private speech based on "religious viewpoint"; doing so "constitutes impermissible viewpoint discrimination." *Good News Club* v. *Milford Central School*, 533 U. S.

Syllabus

98, 112. Boston concedes that it denied petitioners' request out of Establishment Clause concerns, solely because the proposed flag "promot[ed] a specific religion." App. to Pet. for Cert. 155a. In light of the Court's government-speech holding, Boston's refusal to allow petitioners to raise their flag because of its religious viewpoint violated the Free Speech Clause. Pp. 12–13.

986 F. 3d 78, reversed and remanded.

BREYER, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SOTOMAYOR, KAGAN, KAVANAUGH, and BARRETT, JJ., joined. KAVANAUGH, J., filed a concurring opinion. ALITO, J., filed an opinion concurring in the judgment, in which THOMAS and GORSUCH, JJ., joined. GORSUCH, J., filed an opinion concurring in the judgment, in which THOMAS, J., joined.

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 20–1800

HAROLD SHURTLEFF, ET AL., PETITIONERS *v.* CITY OF BOSTON, MASSACHUSETTS, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

[May 2, 2022]

JUSTICE BREYER delivered the opinion of the Court.

When the government encourages diverse expression—say, by creating a forum for debate—the First Amendment prevents it from discriminating against speakers based on their viewpoint. See *Rosenberger* v. *Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 828–830 (1995). But when the government speaks for itself, the First Amendment does not demand airtime for all views. After all, the government must be able to "promote a program" or "espouse a policy" in order to function. *Walker* v. *Texas Div., Sons of Confederate Veterans, Inc.*, 576 U. S. 200, 208 (2015). The line between a forum for private expression and the government's own speech is important, but not always clear.

This case concerns a flagpole outside Boston City Hall. For years, Boston has allowed private groups to request use of the flagpole to raise flags of their choosing. As part of this program, Boston approved hundreds of requests to raise dozens of different flags. The city did not deny a single request to raise a flag until, in 2017, Harold Shurtleff, the director of a group called Camp Constitution, asked to fly a

Christian flag. Boston refused. At that time, Boston admits, it had no written policy limiting use of the flagpole based on the content of a flag. The parties dispute whether, on these facts, Boston reserved the pole to fly flags that communicate governmental messages, or instead opened the flagpole for citizens to express their own views. If the former, Boston is free to choose the flags it flies without the constraints of the First Amendment's Free Speech Clause. If the latter, the Free Speech Clause prevents Boston from refusing a flag based on its viewpoint.

We conclude that, on balance, Boston did not make the raising and flying of private groups' flags a form of government speech. That means, in turn, that Boston's refusal to let Shurtleff and Camp Constitution raise their flag based on its religious viewpoint "abridg[ed]" their "freedom of speech." U. S. Const., Amdt. I.

I

A

The flagpole at issue stands at the entrance of Boston City Hall. See Appendix, *infra*. Built in the late 1960s, Boston City Hall is a raw concrete structure, an example of the brutalist style. Critics of the day heralded it as a public building that "articulates its functions" with "strength, dignity, grace, and even glamor." J. Conti, A New City Hall: Boston's Boost for Urban Renewal, Wall Street Journal, Feb. 12, 1969, p. 14. (The design has since proved somewhat more controversial. See, *e.g.*, E. Mason, Boston City Hall Named World's Ugliest Building, Boston Herald (Nov. 15, 2008), https://www.bostonherald.com/2008/11/15/boston-city-hall-named-worlds-ugliest-building.) More to the point, Boston City Hall sits on City Hall Plaza, a 7-acre expanse paved with New England brick. Inspired by open public spaces like the Piazza del Campo in Siena, the plaza was designed to be "'Boston's fairground,'" a "public gathering spac[e]" for the people. N. DeCosta-Klipa, Why Is

Boston City Hall the Way It Is? Boston.com (July 25, 2018), https://www.boston.com/news/history/2018/07/25/boston-city-hall-brutalism.

On the plaza, near City Hall's entrance, stand three 83-foot flagpoles. Boston flies the American flag from the first pole (along with a banner honoring prisoners of war and soldiers missing in action). From the second, it flies the flag of the Commonwealth of Massachusetts. And from the third, it usually (but not always) flies Boston's flag—a sketch of the "City on a Hill" encircled by a ring against a blue backdrop.

Boston makes City Hall Plaza available to the public for events. Boston acknowledges that this means the plaza is a "public forum." Brief for Respondents 27. The city's policy is, "[w]here possible," "to accommodate all applicants seeking to take advantage of the City of Boston's public forums," including the plaza and the area at the flagpoles' base. App. to Pet. for Cert. 133a, 137a.

For years, since at least 2005, the city has allowed groups to hold flag-raising ceremonies on the plaza. Participants may hoist a flag of their choosing on the third flagpole (in place of the city's flag) and fly it for the duration of the event, typically a couple of hours. Most ceremonies have involved the flags of other countries—from Albania to Venezuela—marking the national holidays of Bostonians' many countries of origin. But several flag raisings have been associated with other kinds of groups or causes, such as Pride Week, emergency medical service workers, and a community bank. All told, between 2005 and 2017, Boston approved about 50 unique flags, raised at 284 ceremonies. Boston has no record of refusing a request before the events that gave rise to this case. We turn now to those events.

B

In July 2017, Harold Shurtleff, the director of an organization called Camp Constitution, asked to hold a flag-

raising event that September on City Hall Plaza. The event would "commemorate the civic and social contributions of the Christian community" and feature remarks by local clergy. *Id.*, at 130a–131a. As part of the ceremony, the organization wished to raise what it described as the "Christian flag." *Id.,* at 131a. To the event application, Shurtleff attached a photo of the proposed flag: a red cross on a blue field against a white background.

The commissioner of Boston's Property Management Department said no. The problem was "not the content of the Christian flag," but "the fact that it was the Christian flag or [was] called the Christian flag." App. in No. 20–1158 (CA1), at 212–213 (deposition of then-commissioner Gregory T. Rooney, hereafter Rooney deposition). The commissioner worried that flying a religious flag at City Hall could violate the Constitution's Establishment Clause and found no record of Boston ever having raised such a flag. He told Shurtleff that Camp Constitution could proceed with the event if they would raise a different flag. Needless to say, they did not want to do so.

C

Shurtleff and Camp Constitution (petitioners) sued Boston and the commissioner of its Property Management Department (respondents). Petitioners claimed that Boston's refusal to let them raise their flag violated, among other things, the First Amendment's Free Speech Clause. They asked for an immediate order requiring Boston to allow the flag raising, but the District Court denied the request. See 337 F. Supp. 3d 66 (Mass. 2018), aff'd, 928 F. 3d 166 (CA1 2019). The parties engaged in discovery. At its close, they filed cross-motions for summary judgment. The parties agreed to all relevant facts and submitted a joint statement setting them out. App. to Pet. for Cert. 128a–160a.

On that record, the District Court held that flying private

groups' flags from City Hall's third pole amounted to government speech. See 2020 WL 555248, *5, ___ F. Supp. 3d ___, ___ (Mass., Feb. 4, 2020). Hence, the city acted within its constitutional authority in declining to raise Camp Constitution's flag. *Id.,* at *3, *5. The District Court therefore granted summary judgment for Boston. The First Circuit affirmed. See 986 F. 3d 78 (2021).

Shurtleff and Camp Constitution next petitioned this Court for certiorari. We agreed to decide whether the flags Boston allows groups to fly express government speech, and whether Boston could, consistent with the Free Speech Clause, deny petitioners' flag-raising request.

II

A

The first and basic question we must answer is whether Boston's flag-raising program constitutes government speech. If so, Boston may refuse flags based on viewpoint.

The First Amendment's Free Speech Clause does not prevent the government from declining to express a view. See *Pleasant Grove City* v. *Summum*, 555 U. S. 460, 467–469 (2009). When the government wishes to state an opinion, to speak for the community, to formulate policies, or to implement programs, it naturally chooses what to say and what not to say. See *Walker*, 576 U. S., at 207–208. That must be true for government to work. Boston could not easily congratulate the Red Sox on a victory were the city powerless to decline to simultaneously transmit the views of disappointed Yankees fans. The Constitution therefore relies first and foremost on the ballot box, not on rules against viewpoint discrimination, to check the government when it speaks. See *Board of Regents of Univ. of Wis. System* v. *Southworth*, 529 U. S. 217, 235 (2000).

The boundary between government speech and private expression can blur when, as here, a government invites the people to participate in a program. In those situations,

when does government-public engagement transmit the government's own message? And when does it instead create a forum for the expression of private speakers' views?

In answering these questions, we conduct a holistic inquiry designed to determine whether the government intends to speak for itself or to regulate private expression. Our review is not mechanical; it is driven by a case's context rather than the rote application of rigid factors. Our past cases have looked to several types of evidence to guide the analysis, including: the history of the expression at issue; the public's likely perception as to who (the government or a private person) is speaking; and the extent to which the government has actively shaped or controlled the expression. See *Walker*, 576 U. S., at 209–214.

Considering these indicia in *Summum*, we held that the messages of permanent monuments in a public park constituted government speech, even when the monuments were privately funded and donated. See 555 U. S., at 470–473. In *Walker*, we explained that license plate designs proposed by private groups also amounted to government speech because, among other reasons, the State that issued the plates "maintain[ed] direct control over the messages conveyed" by "actively" reviewing designs and rejecting over a dozen proposals. 576 U. S., at 213. In *Matal* v. *Tam*, 582 U. S. ___ (2017), on the other hand, we concluded that trademarking words or symbols generated by private registrants did not amount to government speech. *Id.*, at ___–___ (slip op., at 14–18). Though the Patent and Trademark Office had to approve each proposed mark, it did not exercise sufficient control over the nature and content of those marks to convey a governmental message in so doing. *Ibid.* These precedents point our way today.

B

Applying the government-speech analysis to this record,

we find that some evidence favors Boston, and other evidence favors Shurtleff.

To begin, we look to the history of flag flying, particularly at the seat of government. Were we to consider only that general history, we would find that it supports Boston.

Flags are almost as old as human civilization. Indeed, flags *symbolize* civilization. From the "primordial rag dipped in the blood of a conquered enemy and lifted high on a stick," to the feudal banner bearing a lord's coats of arms, to the standards of the Aztecs, nearly every society has taken a piece of cloth and "endow[ed] it, through the circumstances of its display, with a condensed power" to speak for the community. W. Smith, Flags Through the Ages and Across the World 1–2, 32, 34 (1975). Little wonder that the Continental Congress, seeking to define a new nation, "[r]esolved" on June 14, 1777, "[t]hat the Flag of the . . . United States be thirteen stripes, alternate red and white: that the union be thirteen stars, white in a blue field, representing a new constellation." 8 Journals of the Continental Congress 1774–1789, p. 464 (W. Ford ed. 1907). Today, the American flag continues to symbolize our Nation, a constellation of 50 stars standing for the 50 States.

Other contemporary flags, both state and local, reflect their communities. Boston's flag, for instance, bears the city's seal and motto rendered in blue and buff—the colors of the Continental Army's Revolutionary War uniforms. See Symbols of the City of Boston, City of Boston (July 16, 2016), https://www.boston.gov/departments/tourism-sports-and-entertainment/symbols-city-boston (Symbols of Boston).

Not just the content of a flag, but also its presence and position have long conveyed important messages about government. The early morning sight of the stars and stripes above Fort McHenry told Francis Scott Key (and, through his poem, he told the rest of us) that the great experiment—

the land of the free—had survived the British attack on Baltimore Harbor. See C. Lineberry, The Story Behind the Star Spangled Banner, Smithsonian Magazine (Mar. 1, 2007). No less familiar, a flag at halfstaff tells us that the government is paying its "respect to th[e] memory" of someone who has died. 4 U. S. C. §7(m). (Congress has explained, across several sections of the U. S. Code, the meaning we should take from the "position," "manner," "time," and "occasions" of the American flag's display. §§6, 7.) And the presence of the Royal Standard flying from Windsor Castle's Round Tower says the Queen is home. See Windsor Castle Today, Royal Collection Trust, www.rct.uk/visit/windsor-castle/windsor-castle-today.

The flying of a flag other than a government's own can also convey a governmental message. A foreign flag outside Blair House, across the street from the White House, signals that a foreign leader is visiting and the residence has "becom[e] a de facto diplomatic mission of the guest's home nation." M. French, United States Protocol: The Guide to Official Diplomatic Etiquette 298 (2010). And, according to international custom, when flags of two or more nations are displayed together, they cannot be flown one nation above the other "in time of peace." 4 U. S. C. §7(g).

Keeping with this tradition, flags on Boston's City Hall Plaza usually convey the city's messages. On a typical day, the American flag, the Massachusetts flag, and the City of Boston's flag wave from three flagpoles. Boston's flag, when flying there at full mast, symbolizes the city. When flying at halfstaff, it conveys a community message of sympathy or somber remembrance. When displayed at other public buildings, it marks the mayor's presence. See Symbols of Boston. The city also sometimes conveys a message by replacing its flag with another. When Boston's mayor lost a bet with Montreal's about whose hockey team would win a playoff series, Boston, duty-bound in defeat, hoisted the Canadiens' banner. See Tr. of Oral Arg. 54–55.

While this history favors Boston, it is only our starting point. The question remains whether, on the 20 or so times a year when Boston allowed private groups to raise their own flags, those flags, too, expressed the city's message. So we must examine the details of *this* flag-flying program.

Next, then, we consider whether the public would tend to view the speech at issue as the government's. In this case, the circumstantial evidence does not tip the scale. On an ordinary day, a passerby on Cambridge Street sees three government flags representing the Nation, State, and city. Those flags wave "in unison, side-by-side, from matching flagpoles," just outside "'the entrance to Boston's seat of government.'" 986 F. 3d, at 88. Like the monuments in the public park in *Summum*, the flags "play an important role in defining the identity that [the] city projects to its own residents and to the outside world." 555 U. S., at 472. So, like the license plates in *Walker*, the public seems likely to see the flags as "'conveying some message'" on the government's "'behalf.'" 576 U. S., at 212 (quoting *Summum*, 555 U. S., at 471).

But as we have said, Boston allowed its flag to be lowered and other flags to be raised with some regularity. These other flags were raised in connection with ceremonies at the flagpoles' base and remained aloft during the events. Petitioners say that a pedestrian glimpsing a flag other than Boston's on the third flagpole might simply look down onto the plaza, see a group of private citizens conducting a ceremony without the city's presence, and associate the new flag with them, not Boston. Thus, even if the public would ordinarily associate a flag's message with Boston, that is not necessarily true for the flags at issue here. Again, this evidence of the public's perception does not resolve whether Boston conveyed a city message with these flags.

Finally, we look at the extent to which Boston actively controlled these flag raisings and shaped the messages the flags sent. The answer, it seems, is not at all. And that is

the most salient feature of this case.

To be sure, Boston maintained control over an event's date and time to avoid conflicts. It maintained control over the plaza's physical premises, presumably to avoid chaos. And it provided a hand crank so that groups could rig and raise their chosen flags. But it is Boston's control over the flags' content and meaning that here is key; that type of control would indicate that Boston meant to convey the flags' messages.

On this issue, Boston's record is thin. Boston says that all (or at least most) of the 50 unique flags it approved reflect particular city-approved values or views. Flying flags associated with other countries celebrated Bostonians' many different national origins; flying other flags, Boston adds, was not "wholly unconnected" from a diversity message or "some other day or cause the City or Commonwealth had already endorsed." Brief for Respondents 8, 35. That may well be true of the Pride Flag raised annually to commemorate Boston Pride Week. See Brief for Commonwealth of Massachusetts et al. as *Amici Curiae* 25–26 (citing reports that the then-mayor of Boston gave remarks as the Pride Flag was raised). But it is more difficult to discern a connection to the city as to, say, the Metro Credit Union flag raising, a ceremony by a local community bank.

In any event, we do not settle this dispute by counting noses—or, rather, counting flags. That is so for several reasons. For one thing, Boston told the public that it sought "to accommodate all applicants" who wished to hold events at Boston's "public forums," including on City Hall Plaza. App. to Pet. for Cert. 137a. The application form asked only for contact information and a brief description of the event, with proposed dates and times. The city employee who handled applications testified by deposition that he had previously "never requested to review a flag or requested changes to a flag in connection with approval"; nor did he even see flags before the events. *Id.*, at 150a. The city's

practice was to approve flag raisings, without exception. It has no record of denying a request until Shurtleff's. Boston acknowledges it "hadn't spent a lot of time really thinking about" its flag-raising practices until this case. App. in No. 20–1158 (CA1), at 140 (Rooney deposition). True to its word, the city had nothing—no written policies or clear internal guidance—about what flags groups could fly and what those flags would communicate.

Compare the extent of Boston's control over flag raisings with the degree of government involvement in our most relevant precedents. In *Summum*, we emphasized that Pleasant Grove City always selected which monuments it would place in its park (whether or not the government funded those monuments), and it typically took ownership over them. 555 U. S., at 472–473. In *Walker*, a state board "maintain[ed] direct control" over license plate designs by "actively" reviewing every proposal and rejecting at least a dozen. 576 U. S., at 213. Boston has no comparable record.

The facts of this case are much closer to *Matal* v. *Tam*. There, we held that trademarks were not government speech because the Patent and Trademark Office registered all manner of marks and normally did not consider their viewpoint, except occasionally to turn away marks it deemed "offensive." 582 U. S., at ___, ___ (slip op., at 14, 22). Boston's come-one-come-all attitude—except, that is, for Camp Constitution's religious flag—is similar.

Boston could easily have done more to make clear it wished to speak for itself by raising flags. Other cities' flag-flying policies support our conclusion. The City of San Jose, California, for example, provides in writing that its "'flagpoles are not intended to serve as a forum for free expression by the public,'" and lists approved flags that may be flown "'as an expression of the City's official sentiments.'" See Brief for Commonwealth of Massachusetts et al. as *Amici Curiae* 18.

All told, while the historical practice of flag flying at government buildings favors Boston, the city's lack of meaningful involvement in the selection of flags or the crafting of their messages leads us to classify the flag raisings as private, not government, speech—though nothing prevents Boston from changing its policies going forward.

III

Last, we consider whether Boston's refusal to allow Shurtleff and Camp Constitution to raise their flag amounted to impermissible viewpoint discrimination.

Boston acknowledges that it denied Shurtleff's request because it believed flying a religious flag at City Hall could violate the Establishment Clause. And it admits this concern proceeded from the premise that raising the flag would express government speech. See Brief in Opposition 23 (explaining that "viewpoint neutrality" was "incompatible" with Boston's view of its program). But we have rejected that premise in the preceding pages. We must therefore consider Boston's actions in light of our holding.

When a government does not speak for itself, it may not exclude speech based on "religious viewpoint"; doing so "constitutes impermissible viewpoint discrimination." *Good News Club* v. *Milford Central School*, 533 U. S. 98, 112 (2001). Applying that rule, we have held, for example, that a public university may not bar student-activity funds from reimbursing only religious groups. See *Rosenberger*, 515 U. S., at 830–834. Here, Boston concedes that it denied Shurtleff's request solely because the Christian flag he asked to raise "promot[ed] a specific religion." App. to Pet. for Cert. 155a (quoting Rooney deposition). Under our precedents, and in view of our government-speech holding here, that refusal discriminated based on religious viewpoint and violated the Free Speech Clause.

* * *

For the foregoing reasons, we conclude that Boston's flag-raising program does not express government speech. As a result, the city's refusal to let Shurtleff and Camp Constitution fly their flag based on its religious viewpoint violated the Free Speech Clause of the First Amendment. We reverse the First Circuit's contrary judgment and remand the case for further proceedings consistent with this opinion.

It is so ordered.

APPENDIX TO OPINION OF THE COURT

The flagpoles outside Boston City Hall fly the American flag, the Commonwealth of Massachusetts flag, and the city flag, side by side, on an ordinary day.

Source: Preservation Priorities, Boston Preservation Alliance (Feb. 3, 2022), https://boston-preservation.org/news-item/preservation-priorities-letter-mayor-wu

SUPREME COURT OF THE UNITED STATES

No. 20–1800

HAROLD SHURTLEFF, ET AL., PETITIONERS *v.* CITY OF BOSTON, MASSACHUSETTS, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

[May 2, 2022]

JUSTICE KAVANAUGH, concurring.

This dispute arose only because of a government official's mistaken understanding of the Establishment Clause. A Boston official believed that the City would violate the Establishment Clause if it allowed a religious flag to briefly fly outside of City Hall as part of the flag-raising program that the City had opened to the public. So Boston granted requests to fly a variety of secular flags, but denied a request to fly a religious flag. As this Court has repeatedly made clear, however, a government does not violate the Establishment Clause merely because it treats religious persons, organizations, and speech equally with secular persons, organizations, and speech in public programs, benefits, facilities, and the like. See, *e.g., Zelman* v. *Simmons-Harris*, 536 U. S. 639 (2002). On the contrary, a government *violates* the Constitution when (as here) it *excludes* religious persons, organizations, or speech because of religion from public programs, benefits, facilities, and the like. See, *e.g., Espinoza* v. *Montana Dept. of Revenue*, 591 U. S. ___ (2020); *Good News Club* v. *Milford Central School*, 533 U. S. 98 (2001); *McDaniel* v. *Paty*, 435 U. S. 618 (1978). Under the Constitution, a government may not treat religious persons, religious organizations, or religious speech as second-class.

SUPREME COURT OF THE UNITED STATES

No. 20–1800

HAROLD SHURTLEFF, ET AL., PETITIONERS *v.* CITY OF BOSTON, MASSACHUSETTS, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

[May 2, 2022]

JUSTICE ALITO, with whom JUSTICE THOMAS and JUSTICE GORSUCH join, concurring in the judgment.

I agree with the Court's conclusion that Boston (hereafter City) violated the First Amendment's guarantee of freedom of speech when it rejected Camp Constitution's application to fly what it characterized as a "Christian flag." But I cannot go along with the Court's decision to analyze this case in terms of the triad of factors—history, the public's perception of who is speaking, and the extent to which the government has exercised control over speech—that our decision in *Walker* v. *Texas Div., Sons of Confederate Veterans, Inc.*, 576 U. S. 200 (2015), derived from *Pleasant Grove City* v. *Summum*, 555 U. S. 460 (2009). See *ante*, at 6–12. As the Court now recognizes, those cases did not set forth a test that always and everywhere applies when the government claims that its actions are immune to First Amendment challenge under the government-speech doctrine. And treating those factors as a test obscures the real question in government-speech cases: whether the government is *speaking* instead of regulating private expression.

I

The government-speech doctrine recognizes that the Free Speech Clause of the First Amendment "restricts government regulation of private speech" but "does not regulate

government speech." *Summum*, 555 U. S., at 467. That doctrine presents no serious problems when the government speaks in its own voice—for example, when an official gives a speech in a representative capacity or a governmental body issues a report. But courts must be very careful when a government claims that speech by one or more private speakers is actually government speech. When that occurs, it can be difficult to tell whether the government is using the doctrine "as a subterfuge for favoring certain private speakers over others based on viewpoint," *id.*, at 473, and the government-speech doctrine becomes "susceptible to dangerous misuse," *Matal* v. *Tam*, 582 U. S. ___, ___–___ (2017) (slip op., at 13–14).

In *Tam*, for example, the United States defended a statutory provision that permitted the Patent and Trademark Office to deny federal registration to "disparag[ing]" marks, 15 U. S. C. §1052(a), on the theory that "the registration of a trademark converts the mark into government speech." 582 U. S., at ___ (slip op., at 17). We rejected that argument and held that because the Government's role in registration was limited to applying a standard of assessment to marks generated by private parties, registered marks are not government speech. *Id.,* at ___–___ (slip op., at 12–14). But the Government's position had radical implications: If registration transforms trademarks into government speech, the same logic would presumably hold for other speech included on systems of government registration. Books on the copyright registry, for example, would count as the Government's own speech—presumably subject to editorial control. And the Government would be free to exclude authors from copyright protection based on their views. *Id.,* at ___–___ (slip op., at 17–18).

To prevent the government-speech doctrine from being used as a cover for censorship, courts must focus on the identity of the speaker. The ultimate question is whether the government is actually expressing its own views or the

real speaker is a private party and the government is surreptitiously engaged in the "regulation of private speech." *Summum*, 555 U. S., at 467. But our precedent has never attempted to specify a general method for deciding that question, and the Court goes wrong in proceeding as though our decisions in *Walker* and *Summum* settled on anything that might be considered a "government-speech analysis." *Ante*, at 6. In both cases, we employed a fact-bound totality-of-the-circumstances inquiry that relied on the factors that appeared helpful in evaluating whether the speech at issue was government or private speech. See *Walker*, 576 U. S., at 210–213; *Summum*, 555 U. S., at 470–478. We did not set out a test to be used in all government-speech cases, and we did not purport to define an exhaustive list of relevant factors. And in light of the ultimate focus of the government-speech inquiry, each of the factors mentioned in those cases could be relevant only insofar as it sheds light on the identity of the speaker. When considered in isolation from that inquiry, the factors central to *Walker* and *Summum* can lead a court astray.

Consider first "the extent to which the government has actively shaped or controlled the expression." *Ante*, at 6. Government control over speech is relevant to speaker identity in that speech by a private individual or group cannot constitute government speech if the government does not attempt to control the message. But control is also an essential element of censorship. Consider this example. The British Licensing Act of 1737, 10 Geo. II c. 28, §1, in 17 Eng. Stat. at Large 140 (1765), as amended by the Theatres Act of 1843, 6 & 7 Vict. c. 68, §2 (1843), prohibited the performance of any "interlude, tragedy, comedy, opera, play, farce, or other entertainment" without a patent issued by the King of England or a "License from the Lord Chamberlain of Her Majesty's Household." *Ibid.* This regime attracted criticism precisely because it gave the Lord Chamberlain extensive "control over the nature and content,"

ante, at 6, of covered performances. One of the leading critics of the Act—the playwright George Bernard Shaw—was denied permission to perform several plays, including Mrs. Warren's Profession, The Shewing-up of Blanco Posnet, and Press Cuttings.[1] But had the Lord Chamberlain approved these plays, would anyone seriously maintain that those plays were thereby transmuted into the government's speech?

As this illustration shows, neither "control" nor "final approval authority" can in itself distinguish government speech from censorship of private speech, and analyzing that factor in isolation from speaker identity flattens the distinction between government speech and speech tolerated by the censor. And it is not as though "actively" exercising control over the "nature and content" of private expression makes a difference, as the Court suggests, *ibid.* Censorship is not made constitutional by aggressive and direct application.

Next, turn to the history of the means of expression. *Ibid.* Historical practice can establish that a means of expression "*typically* represent[s] government speech." *Summum*, 555 U. S., at 470 (emphasis added); *Tam*, 582 U. S., at ___ (slip op., at 17). But in determining whether speech is the government's, the real question is not whether a form of expression is *usually* linked with the government but whether the speech *at issue* expresses the government's own message. Governments can put public resources to novel uses. And when governments allow private parties to use a resource normally devoted to government speech to express their own messages, the government cannot rely on historical expectations to pass off private speech as its own. Cf. *Summum*, 555 U. S., at 480 (explaining that even though monuments in parks are normally government speech, that

---

[1] See generally L. Hugo, Edwardian Shaw: The Writer and His Age 197–230 (1999).

would not be true if "a town created a monument on which all of its residents (or all those meeting some other criterion) could place the name of a person to be honored or some other private message").

This case exemplifies the point. Governments have long used flags to express government messages, so this factor provides prima facie support for Boston's position under the Court's mode of analysis. *Ante*, at 7–9. But on these facts, the history of flags clearly cannot have any bearing on whether the flag displays express the City's own message. The City put the flagpoles to an unorthodox use—allowing private parties to use the poles to express messages that were not formulated by City officials. Treating this factor as significant in that circumstance loads the dice in favor of the government's position for no obvious reason.

Now consider the third factor: "the public's likely perception as to who (the government or a private person) is speaking." *Ante*, at 6. Our earlier government-speech precedents recognized that "the correct focus" of the government-speech inquiry "is not on whether the . . . reasonable viewer would identify the speech as the government's," *Johanns* v. *Livestock Marketing Assn.*, 544 U. S. 550, 564, n. 7 (2005), and with good reason. Unless the public is assumed to be omniscient, public perception cannot be relevant to whether the government *is* speaking, as opposed merely *appearing* to speak. Focusing on public perception encourages courts to categorize private expression as government speech in circumstances in which the public is liable to misattribute that speech to the government. This case once again provides an apt illustration. As the Court rightly notes, "[a] passerby on Cambridge Street" confronted with a flag flanked by government flags standing just outside the entrance of Boston's seat of government would likely conclude that all of those flags "conve[y] some message on the government's behalf." *Ante*, at 9 (internal quotation marks

omitted). If that is the case, this factor supports the exclusion of private parties from using the flagpoles even though the government allows private parties to use the flagpoles to express private messages, presumably because those messages may be erroneously attributed to the government. But there is no obvious reason why a government should be entitled to suppress private views that might be attributed to it by engaging in viewpoint discrimination. The government can always disavow any messages that might be mistakenly attributed to it.

The factors relied upon by the Court are thus an uncertain guide to speaker identity. But beyond that, treating these factors as a freestanding test for the existence of government speech artificially separates the question whether the government is speaking from whether the government is facilitating or regulating private speech. Under the Court's factorized approach, government speech occurs when the government exercises a "sufficient" degree of control over speech that occurs in a setting connected with government speech in the eyes of history and the contemporary public, regardless of whether the government is actually merely facilitating private speech. This approach allows governments to exploit public expectations to mask censorship.

And like any factorized analysis, this approach cannot provide a principled way of deciding cases. The Court's analysis here proves the point. The Court concludes that two of the three factors—history and public perception—favor the City. But it nonetheless holds that the flag displays did not constitute government speech. Why these factors drop out of the analysis—or even do not justify a contrary conclusion—is left unsaid. This cannot be the right way to determine when governmental action is exempt from the First Amendment.

II

A

I would resolve this case using a different method for determining whether the government is speaking. In my view, the minimum conditions that must be met for expression to count as "government speech" can be identified by considering the definition of "government speech" and the rationale for the government-speech doctrine. Under the resulting view, government speech occurs if—but only if—a government purposefully expresses a message of its own through persons authorized to speak on its behalf, and in doing so, does not rely on a means that abridges private speech.

Defined in literal terms, "government speech" is "speech" spoken by the government. "Speech," as that term is used in our First Amendment jurisprudence, refers to expressive activity that is "intended to be communicative" and, "in context, would reasonably be understood . . . to be communicative." *Clark* v. *Community for Creative Non-Violence*, 468 U. S. 288, 294 (1984); see also *Hurley* v. *Irish-American Gay, Lesbian and Bisexual Group of Boston, Inc.*, 515 U. S 557, 569 (1995). Our government-speech precedents have worked with largely the same definition. See, *e.g.*, *Summum*, 555 U. S., at 472 (accepting monument for placement in a city park "constitute[d] government speech" because the monuments were "meant to convey and have the effect of conveying a government message"); *Walker*, 576 U. S., at 214 (similar). And although this definition of "speech" is not fully precise, the purposeful communication of the speaker's own message generally qualifies as "speech."

For "speech" to be spoken by the government, the relevant act of communication must be government action. Governments are not natural persons and can only communicate through human agents who have been given the power to speak for the government. When individuals charged with speaking on behalf of the government act

within the scope of their power to do so, they "are not speaking as citizens for First Amendment purposes." *Garcetti* v. *Ceballos*, 547 U. S. 410, 421 (2006). And because "speech" requires the purposeful communication of the speaker's own message, the message expressed must have been formulated by a person with the power to determine what messages the government will communicate. In short, the government must "se[t] the overall message to be communicated" through official action. *Johanns*, 544 U. S., at 562.

Government speech is thus the purposeful communication of a governmentally determined message by a person exercising a power to speak for a government. But not all governmental activity that qualifies as "government speech" in this literal and factual sense is exempt from First Amendment scrutiny. For although we have said that the Free Speech Clause "has no application" when a government is "engaging in [its] own expressive conduct," *Summum*, 555 U. S., at 467, we have also recognized that "the Free Speech Clause itself may constrain the government's speech" under certain conditions, as when a "government seeks to compel private persons to convey the government's speech." *Walker*, 576 U. S., at 208; see also *Wooley* v. *Maynard*, 430 U. S. 705 (1977); *West Virginia Bd. of Ed.* v. *Barnette*, 319 U. S. 624 (1943).

That is because the government-speech doctrine is not based on the view—which we have neither accepted nor rejected—that governmental entities have First Amendment rights. See *United States* v. *American Library Assn., Inc.*, 539 U. S. 194, 210–211 (2003); *Columbia Broadcasting System, Inc.* v. *Democratic National Committee*, 412 U. S. 94, 139, and n. 7 (1973) (Stewart, J., concurring).[2] Instead, the

[2] The text of the First Amendment also seems to exclude the possibility that the Federal Government has a constitutional right to speak, since it prohibits "Congress" and other federal entities and actors from "abridging the freedom of speech." A different analysis might be called for in a

doctrine is based on the notion that governmental communication—and the exercise of control over those charged by law with implementing a government's communicative agenda—do not normally "restrict the activities of . . . persons acting as private individuals." *Rust* v. *Sullivan*, 500 U. S. 173, 198–199 (1991); see also *Summum*, 555 U. S., at 467 ("The Free Speech Clause restricts government regulation of private speech"); *Rosenberger* v. *Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 833–835 (1995). So government speech in the literal sense is not exempt from First Amendment attack if it uses a means that restricts private expression in a way that "abridges" the freedom of speech, as is the case with compelled speech. Were it otherwise, virtually every government action that regulates private speech would, paradoxically, qualify as government speech unregulated by the First Amendment. Naked censorship of a speaker based on viewpoint, for example, might well constitute "expression" in the thin sense that it conveys the government's disapproval of the speaker's message. But plainly that kind of action cannot fall beyond the reach of the First Amendment.

It follows that to establish that expression constitutes government speech exempt from First Amendment attack, the government must satisfy two conditions. First, it must show that the challenged activity constitutes government speech in the literal sense—purposeful communication of a governmentally determined message by a person acting within the scope of a power to speak for the government. Second, the government must establish it did not rely on a

---

case in which the Federal Government attempts to restrict the speech of another sovereign. If the States had First Amendment rights against the Federal Government at the time of ratification, it is not obvious why that right would be eliminated by the incorporation of the speech rights of *private* citizens against the States through the Fourteenth Amendment.

means that abridges the speech of persons acting in a private capacity. It is only then that "the Free Speech Clause has no application." *Summum*, 555 U. S., at 467.

This framework explains the conditions under which government communication that relies on private parties can constitute government speech. Our precedents recognize two ways in which a government can speak using private assistance. First, the government can prospectively "enlis[t] private entities to convey its own message," *Rosenberger*, 515 U. S., at 833, by deputizing private persons as its agents. See *Johanns*, 544 U. S., at 560–562, and n. 4; *Rust*, 500 U. S., at 192–200. In that kind of situation, private persons assume a public or quasi-public capacity that empowers them to speak on behalf of the government. So long as this responsibility is voluntarily assumed, speech by a private party within the scope of his power to speak for the government constitutes government speech.

Second, the government can "adop[t]" a medium of expression created by a private party and use it to express a government message. *Summum*, 555 U. S., at 473–474. In that circumstance, private parties are not deputized by the government; instead a private person generates a medium of expression and transfers it to the government. *Id.*, at 472–474. For the adopted expression to qualify as the government's, the private party must alienate control over the medium of expression to the government. And government actors must put the medium to use to intentionally express a government message. Compare *id.*, at 473–475 (holding that a government adopted donated monument because it "took ownership of that monument and put it on permanent display in a park that it owns and manages"), with *Tam*, 582 U. S., at ___, ___–___ (slip op., at 5, 12–15) (no adoption occurred because governments neither produced nor took ownership of privately generated trademarks). Otherwise, the government is simply providing a forum for private parties to submit their own productions and usual First

Amendment principles apply. And to avoid running afoul of the prohibition on compelled speech, that alienation must be voluntary.[3]

This approach also explains the circumstances in which we have concluded that the government is *not* speaking. We have repeatedly held that the government-speech doctrine does not extend to private-party speech that is merely subsidized or otherwise facilitated by the government. See, *e.g.*, *Legal Services Corporation* v. *Velazquez*, 531 U. S. 533, 542 (2001); *Board of Regents of Univ. of Wis. System* v. *Southworth*, 529 U. S. 217, 229 (2000); *Rosenberger*, 515 U. S., at 833–834. Facilitating speech by private persons cannot constitute government speech unless the government assigns a power to speak to those persons or appropriates the products of their expressive activity to express its own message. When the government's role is limited to applying a standard of assessment to determine a speaker's eligibility for a benefit, the government is regulating private speech, and ordinary First Amendment principles apply. *Tam*, 582 U. S., at ___–___ (slip op., at 13–14).

For analogous reasons, private-party expression in any type of forum recognized by our precedents does not constitute government speech. A forum, by definition, is a space

---

[3]The place of *Walker* within this framework warrants comment. In that case, properly understood, the government claimed to have adopted specialty-license-plate designs submitted by private parties and actually did "ow[n] the designs on its license plates," *Walker* v. *Texas Div., Sons of Confederate Veterans, Inc.*, 576 U. S. 200, 212 (2015). But it was not obvious how designs such as "Rather Be Golfing" could possibly express a government message. *Id.*, at 222 (ALITO, J., dissenting). In other words, although the private parties alienated control over the plate designs, the government did not have any purpose to communicate, and instead allowed private parties to use personal plates to communicate their own messages. This expansive understanding of government speech by adoption should be confined to government-issued IDs. As we have said, *Walker* "likely marks the outer bounds of the government-speech doctrine." *Matal* v. *Tam*, 582 U. S. ___, ___ (2017) (slip op., at 17).

for private parties to express their own views. The government can of course speak as a participant in a forum, but the creation of a space for private discourse does not involve expressing a governmental message, deputizing private parties to express it, or adopting a private party's contribution as a vehicle of government speech. So when examination of the government's "policy and practice" indicates that the government has "intentionally open[ed] a nontraditional forum for public discourse," a court may immediately infer that private-party expression in the forum is not government speech. *Cornelius* v. *NAACP Legal Defense & Ed. Fund, Inc.*, 473 U. S. 788, 802 (1985). There is no need to consider history, public perception, or control in the abstract.

B

Analyzed under this framework, the flag displays were plainly private speech within a forum created by the City, not government speech. The record attests that the City's application materials—which were the only written form of guidance available on the program prior to the adoption of a written policy in 2018—characterized the flagpoles as one of the City's "public forums." App. to Pet. for Cert. 137a. The application guidelines did not enumerate any criteria for access to the flagpoles that go beyond those typical of a resource that has been made generally available to the public. *Id.*, at 137a–140a. The first rejection of an application was the denial of Camp Constitution's application in 2017. *Id.,* at 150a–158a. Prior to then, the City never rejected any request to raise a flag submitted by any private party. And private speakers accounted for 78% of the flag-raising applicants. See Reply Brief 8.

A program with this design cannot possibly constitute government speech. The City did nothing to indicate an intent to communicate a message. *Clark*, 468 U. S., at 294. Nor did it deputize private speakers or appropriate private-

party expressive content. The flags flown reflected a dizzying and contradictory array of perspectives that cannot be understood to express the message of a single speaker. For example, the City allowed parties to fly the gay pride flag, App. to Pet. for Cert. 142a, but it allowed others to fly the flag of Ethiopia, *id.*, at 174a, a country in which "homosexual act[s]" are punishable by "imprisonment for not less than one year." The Crim. Code of Fed. Democratic Republic of Eth. 2004, Arts. 629 and 630, Proclamation No. 414/2004. Indeed, the City disclaimed virtually all messages expressed by characterizing the flagpoles as a "public forum" and adopting access criteria consistent with generalized public use. The City's policy and practice thus squarely indicate an intent to open a public forum for any private speakers who met the City's basic criteria. The requirement of viewpoint neutrality applies to any forum of this kind. *Cornelius*, 473 U. S., at 802.

As the Court rightly holds, denying Shurtleff's application to use that forum constituted impermissible viewpoint discrimination. *Ante*, at 12–13. The City's stated reason for rejecting Camp Constitution's application was an unwritten "policy and practice" of "'refrain[ing] from flying non-secular flags on the City Hall flagpoles.'" App. to Pet. for Cert. 153a–154a. But as we have recognized, religion constitutes a viewpoint, and "speech discussing otherwise permissible subjects cannot be excluded from a limited public forum on the ground that the subject is discussed from a religious point of view." *Good News Club* v. *Milford Central School*, 533 U. S. 98, 112 (2001); *Rosenberger*, 515 U. S., at 835.

The City's decision was grounded in a belief that "[e]stablished First Amendment jurisprudence" prohibits a government from allowing a private party to "fly a [r]eligious flag on public property." App. to Pet. for Cert. 153a–154a. But "[m]ore than once," this Court has "rejected the position

that the Establishment Clause even justifies, much less requires, a refusal to extend free speech rights to religious speakers who participate in broad-reaching government programs neutral in design." *Rosenberger*, 515 U. S., at 839; see also *Good News Club*, 533 U. S., at 112; *Lamb's Chapel* v. *Center Moriches Union Free School Dist.*, 508 U. S. 384 (1993). Indeed, excluding religious messages from public forums that are open to other viewpoints is a "denial of the right of free speech" indicating "hostility to religion" that would "undermine the very neutrality the Establishment Clause requires." *Rosenberger*, 515 U. S., at 845–846; see also *Board of Ed. of Westside Community Schools* (*Dist. 66*) v. *Mergens*, 496 U. S. 226, 248 (1990) (plurality opinion).

Although developments in City policy postdating the denial of Shurtleff's application are not relevant to whether that act constituted a First Amendment violation, it should be emphasized that the City's adoption of a written policy in October 2018 did not to convert the flag displays into government speech. The policy's principal provision specified that the City will not "display flags deemed to be inappropriate or offensive in nature or those supporting discrimination, prejudice, or religious" viewpoints. App. in No. 20–1158 (CA1), p. 570 (App).[4] That provision did not identify a

[4]The policy included six other rules specifying that: (1) flag raisings must occur on "a normal business work day, generally between the hours of 10:00 am and 3:00 pm"; (2) flag raisings must be open to the public and "[g]uests must adhere to the City of Boston policy not to discriminate on the basis of sex, race, religion, etc."; (3) guests must deliver the "guest flag" to City personnel before the raising and retrieve it after; (4) events must be consistent with the City's "sustainability" policy; (5) flags may be lowered to comply with the U. S. Flag Code; and (6) flags will normally be flown for 24 hours or fewer. App. 570. These criteria do not suggest purposeful communication of a government message. The policy also reserved "sole and complete discretion" to refuse to fly any flag. *Id.,* at 569. But this reservation unbridled discretionary control over access to a government-owned medium of expression cannot establish that a speaker permitted to speak through the medium is speaking for the government.

message the City intended to express; it simply codified the City's prior exclusion of speakers expressing a "religious viewpoint" and extended it to messages deemed "offensive," despite the "bedrock First Amendment principle" that "[s]peech may not be banned on the ground that it expresses ideas that offend." *Tam*, 582 U. S., at ___–___ (slip op., at 1–2).

In briefing before this Court, counsel for the City argued that despite all appearances to the contrary, the City actually *did* intend to express a message through the flag-raising program: The City's support for "the diverse national heritage of the City's population." Brief for Respondents 19. All other flag raisings, the City claims, occurred "in connection with some publicly designated date of observance." *Ibid.* This argument is a transparent attempt to reverse engineer a governmental message from facts about the flag raisings that occurred. It is true that many of the flag raisings from 2007 to 2015 celebrated nationalities. App. to Pet. for Cert. 173a–187a. But these events were conducted by private organizations to express their own support for the relevant national communities. Neither the City's application guidance nor the 2018 written policy singled out a connection with a nationality commemoration as a condition of access to the flagpoles. The City never cited this purported requirement in its rejection of the applications it denied. And the City approved flags that had nothing to do with nationality or official holidays, such as the "Metro Credit Union Flag Raising" mentioned by the Court.

Even if the City *had* reserved the flagpoles for nationality commemorations and official holidays, that would only mean that the City had reserved the flagpoles "for certain groups or for the discussion of certain topics" and created a nonpublic forum, not that it had engaged in government

---

Instead, such discretionary authority is a hallmark of a standardless system of censorship.

speech. *Rosenberger*, 515 U. S., at 829; see also *Perry Ed. Assn.* v. *Perry Local Educators' Assn.*, 460 U. S. 37, 49 (1983) ("Implicit in the concept of the nonpublic forum is the right to make distinctions in access on the basis of subject matter and speaker identity"). Had the City restricted use of the flagpoles to these subject matters, it could have relied on the forum's topical limitations to deny applications to host events. But it could not have employed viewpoint-discriminatory criteria to bar otherwise-eligible speakers from expressing their own views on those subjects.

On this record, however, the only viable inference is that the City had no policy restricting access to the forum apart from the modest access conditions articulated in the application materials. Having created a forum with those characteristics, the City could not reject Shurtleff's application on account of the religious viewpoint he intended to express. For that reason, I agree with the Court's ultimate conclusion and concur in the judgment.

SUPREME COURT OF THE UNITED STATES

No. 20–1800

HAROLD SHURTLEFF, ET AL., PETITIONERS *v.* CITY OF BOSTON, MASSACHUSETTS, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

[May 2, 2022]

JUSTICE GORSUCH, with whom JUSTICE THOMAS joins, concurring in the judgment.

The real problem in this case doesn't stem from Boston's mistake about the scope of the government speech doctrine or its error in applying our public forum precedents. The trouble here runs deeper than that. Boston candidly admits that it refused to fly the petitioners' flag while allowing a secular group to fly a strikingly similar banner. And the city admits it did so for one reason and one reason only: It thought displaying the petitioners' flag would violate "'the [C]onstitution's [E]stablishment [C]lause.'" App. to Pet. for Cert. 157a; see also *id.*, at 153a–154a. That decision led directly to this lawsuit, all the years of litigation that followed, and the city's loss today. Not a single Member of the Court seeks to defend Boston's view that a municipal policy allowing all groups to fly their flags, secular and religious alike, would offend the Establishment Clause.

How did the city get it so wrong? To be fair, at least some of the blame belongs here and traces back to *Lemon* v. *Kurtzman*, 403 U. S. 602 (1971). Issued during a "'bygone era'" when this Court took a more freewheeling approach to interpreting legal texts, *Food Marketing Institute* v. *Argus Leader Media*, 588 U. S. ___, ___ (2019) (slip op., at 8), *Lemon* sought to devise a one-size-fits-all test for resolving Establishment Clause disputes. That project bypassed any

inquiry into the Clause's original meaning. It ignored longstanding precedents. And instead of bringing clarity to the area, *Lemon* produced only chaos. In time, this Court came to recognize these problems, abandoned *Lemon*, and returned to a more humble jurisprudence centered on the Constitution's original meaning. Yet in this case, the city chose to follow *Lemon* anyway. It proved a costly decision, and Boston's travails supply a cautionary tale for other localities and lower courts.

*

To see how all this unfolded, start with *Lemon* itself. *Lemon* held out the promise that any Establishment Clause dispute could be resolved by following a neat checklist focused on three questions: (1) Did the government have a secular purpose in its challenged action? (2) Does the effect of that action advance or inhibit religion? (3) Will the government action "excessive[ly] . . . entangl[e]" church and state? 403 U. S., at 612–613 (internal quotation marks omitted). But from the start, this seemingly simple test produced more questions than answers. How much religion-promoting purpose is too much? Are laws that serve both religious and secular purposes problematic? How much of a religion-advancing effect is tolerable? What does "excessive entanglement" even mean, and what (if anything) does it add to the analysis? Putting it all together, too, what is a court to do when *Lemon*'s three inquiries point in conflicting directions? More than 50 years later, the answers to all these questions remain unknown.

The only sure thing *Lemon* yielded was new business for lawyers and judges. Before *Lemon*, this Court had never held a flag or other similar public display to constitute an unconstitutional "establishment" of religion. See Congressional Research Service, C. Brougher, Public Display of the Ten Commandments and Other Religious Symbols 1–2 (2011) (Brougher); M. McConnell, No More (Old) Symbol

Cases, 2019 Cato Sup. Ct. Rev. 91 (2019) (Symbol Cases). After *Lemon*, cases challenging public displays under the Establishment Clause came fast and furious. And just like the test itself, the results proved a garble. May a State or local government display a Christmas nativity scene? Some courts said yes, others no.[1] How about a menorah? Again, the answers ran both ways.[2] What about a city seal that features a cross? Good luck.[3]

If anything, the confusion grew with time. In the years following *Lemon*, this Court modified its "effects" test by requiring lower courts to ask whether a "reasonable observer" would consider the government's challenged action to be an "endorsement" of religion. See, *e.g.*, *County of Allegheny* v. *American Civil Liberties Union*, *Greater Pittsburgh Chapter*, 492 U. S. 573, 593 (1989); *id.*, at 630 (O'Connor, J., concurring in part and concurring in judgment). But rather than fix *Lemon*'s problems, this new gloss compounded them. Some argued that any reasonable observer worthy of the name would consider all the relevant facts and law, just as a judge or jury must. See *Capitol Square Review and Advisory Bd.* v. *Pinette*, 515 U. S. 753, 778–781 (1995) (O'Connor, J., concurring in part). Others suggested that a reasonable observer could make mistakes about the law or fail to consider all the facts. See, *e.g.*, *American Atheists*, *Inc.* v. *Duncan*, 616 F. 3d 1145, 1160–1161 (CA10 2010). And that suggestion only raised even more questions. Just

---

[1] Compare *Lynch* v. *Donnelly*, 465 U. S. 668, 671–672 (1984) (yes), and *American Civil Liberties Union of Ky.* v. *Wilkinson*, 895 F. 2d 1098, 1099–1100, 1104 (CA6 1990) (yes), with *County of Allegheny* v. *American Civil Liberties Union*, *Greater Pittsburgh Chapter*, 492 U. S. 573, 578–579 (1989) (no), and *Smith* v. *County of Albemarle*, 895 F. 2d 953, 955, 958–960 (CA4 1990) (no).

[2] Compare *Allegheny*, 492 U. S., at 578–581 (yes), and *Skoros* v. *New York*, 437 F. 3d 1, 3–4 (CA2 2006) (yes), with *Kaplan* v. *Burlington*, 891 F. 2d 1024, 1025–1026, 1030–1031 (CA2 1989) (no).

[3] Compare *Murray* v. *Austin*, 947 F. 2d 147, 149 (CA5 1991) (yes), with *Harris* v. *Zion*, 927 F. 2d 1401, 1402 (CA7 1991) (no).

how mistake-prone might an observer be and still qualify as reasonable? On what authority may courts exercise the awesome power of judicial review to declare a duly enacted law unconstitutional thanks only to (admitted) errors about the relevant facts or law? See *American Atheists, Inc.* v. *Davenport*, 637 F. 3d 1095, 1108–1110 (CA10 2010) (Gorsuch, J., dissenting from denial of rehearing en banc).

Ultimately, *Lemon* devolved into a kind of children's game. Start with a Christmas scene, a menorah, or a flag. Then pick your own "reasonable observer" avatar. In this game, the avatar's default settings are lazy, uninformed about history, and not particularly inclined to legal research. His default mood is irritable. To play, expose your avatar to the display and ask for his reaction. How does he *feel* about it? Mind you: Don't ask him whether the proposed display actually amounts to an establishment of religion. Just ask him if he *feels* it "endorses" religion. If so, game over.

Faced with such a malleable test, risk-averse local officials found themselves in an ironic bind. To avoid Establishment Clause liability, they sometimes felt they had to discriminate against religious speech and suppress religious exercises. But those actions, in turn, only invited liability under other provisions of the First Amendment. The hard truth is, *Lemon*'s abstract and ahistoric test put "[p]olicymakers . . . in a vise between the Establishment Clause on one side and the Free Speech and Free Exercise Clauses on the other." *Pinette*, 515 U. S., at 767–768 (plurality opinion).

Our case illustrates the problem. The flags of many nations bear religious symbols. So do the flags of various private groups. Historically, Boston has allowed them all. The city has even flown a flag with a cross nearly identical in size to the one on petitioners' flag. It was a banner presented by a secular group to commemorate the Battle of Bunker Hill. See Appendix, *infra* (photographs). Yet when

the petitioners offered their flag, the city flinched. Perhaps it worried: Would the assigned judge's imagined "reasonable observer" bother to learn about its generous policy for secular groups? Would this observer take the trouble to consult the long tradition in this country allowing comparable displays? Or would he turn out to be an uninformed passerby offended by the seeming incongruity of a new flag flying beside those of the city, State, and Nation? Who could tell. Better to err on the safe side and reject the petitioners' flag. As it turned out, though, that route only invited years of litigation and a unanimous adverse decision because no government may discriminate against religious speech in a public forum. To avoid a spurious First Amendment problem, Boston wound up inviting a real one. Call it a *Lemon* trade.[4]

*

While it is easy to see how *Lemon* led to a strange world in which local governments have sometimes violated the First Amendment in the name of protecting it, less clear is why this state of affairs still persists. *Lemon* has long since

---

[4] It seems possible, too, that these spurious Establishment Clause concerns embolden government officials to treat religion with hostility even when they don't rely on *Lemon* by name. Sometimes colleges seek to prevent students from engaging in religious speech, labeling expressions of faith "fighting words." See *Uzuegbunam* v. *Preczewski*, 592 U. S. ___, ___–___ (2021) (slip op., at 1–3). Certain public transit systems that sell advertising space on trains and buses ban religious messages. See *Archdiocese of Washington* v. *Washington Metropolitan Area Transit Authority*, 589 U. S. ___, ___–___ (2020) (GORSUCH, J., respecting denial of certiorari) (slip op., at 1–2); *Northeastern Pa. Freethought Soc.* v. *County of Lackawanna Transit Sys.*, 938 F. 3d 424, 428–431 (CA3 2019). And some governments seek to exclude religious groups from using public facilities or designations available to others. See *InterVarsity Christian Fellowship/USA* v. *University of Iowa*, 5 F. 4th 855, 860–862 (CA8 2021); *Bronx Household of Faith* v. *Board of Ed.*, 750 F. 3d 184, 192 (CA2 2014). All of these trades resulted in less First Amendment protection and more needless litigation.

been exposed as an anomaly and a mistake.

From the birth of modern Establishment Clause litigation in *Everson* v. *Board of Ed. of Ewing*, this Court looked primarily to historical practices and analogues to guide its analysis. 330 U. S. 1, 9–15 (1947). So, for example, while the dissent in *Everson* disagreed with some of the majority's conclusions about what qualifies as an establishment of religion, it readily agreed that "[n]o provision of the Constitution is more closely tied to or given content by its generating history than the religious clause of the First Amendment." *Id.*, at 33–49 (Rutledge, J., dissenting). This approach fit, too, with this Court's usual course in other areas. Often, we have looked to early and long-continued historical practices as evidence of the Constitution's meaning at the time of its adoption.[5] And, in the years following *Everson*, the Court followed this same path when interpreting the Establishment Clause. Agree or disagree with the conclusions in these cases, there can be little doubt that the Court approached them in large part using history as its guide.[6]

---

[5] See, *e.g.*, *McDonald* v. *Chicago*, 561 U. S. 742, 767–770 (2010); *Giles* v. *California*, 554 U. S. 353, 358 (2008); see also *The Pocket Veto Case*, 279 U. S. 655, 689 (1929).

[6] See, *e.g.*, *Walz* v. *Tax Comm'n of City of New York*, 397 U. S. 664, 680 (1970) (upholding tax exemptions for churches because they were supported by "more than a century of our history and uninterrupted practice"); *School Dist. of Abington Township* v. *Schempp*, 374 U. S. 203, 294 (1963) (Brennan, J., concurring) ("[T]he line we must draw between the permissible and the impermissible is one which accords with history and faithfully reflects the understanding of the Founding Fathers"); *McGowan* v. *Maryland*, 366 U. S. 420, 437–440 (1961) (assessing "the place of Sunday Closing Laws in the First Amendment's history"); *Torcaso* v. *Watkins*, 367 U. S. 488, 490 (1961) (concluding that religious-test oaths were one of the elements of "the formal or practical" religious establishments that "many of the early colonists left Europe and came here hoping to" avoid). JUSTICE THOMAS has raised important questions about this Court's incorporation of the Establishment Clause against the States in these cases. But "[e]ven assuming" incorporation, the Clause "would only protect against an 'establishment' of religion as understood at the founding." *Espinoza* v. *Montana Dept. of Revenue*, 591 U. S. ___,

Lemon interrupted this long line of precedents. It offered no plausible reason for ignoring their teachings. And, as we have seen, the ahistoric alternative it offered quickly proved both unworkable in practice and unsound in its results. Nor is it as if *Lemon* vanquished the field even during its heyday. Often, this Court continued to look to history to resolve certain Establishment Clause disputes outside the context of religious displays.[7] And several early decisions applying *Lemon* were themselves rapidly overruled in part or in whole.[8] All of which in time led Justice after Justice to conclude that *Lemon* was "flawed in its fundamentals," "unworkable in practice," and "inconsistent with our history and our precedents." *County of Allegheny*, 492 U. S., at 655, 669 (Kennedy, J., concurring in judgment in part and dissenting in part).[9]

___ (2020) (THOMAS, J., concurring) (slip op., at 2).

[7] See, *e.g.*, *Marsh* v. *Chambers*, 463 U. S. 783, 786 (1983) (surveying history to determine that "[f]rom colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom").

[8] See, *e.g.*, *Agostini* v. *Felton*, 521 U. S. 203, 236 (1997) (overruling *School Dist. of Grand Rapids* v. *Ball*, 473 U. S. 373 (1985), and *Aguilar* v. *Felton*, 473 U. S. 402 (1985)); *Mitchell* v. *Helms*, 530 U. S. 793, 835 (2000) (plurality opinion) (overruling *Wolman* v. *Walter*, 433 U. S. 229 (1977), and *Meek* v. *Pittenger*, 421 U. S. 349 (1975)).

[9] See also, *e.g.*, *Salazar* v. *Buono*, 559 U. S. 700, 720–721 (2010) (plurality opinion of Kennedy, J., joined in full by ROBERTS, C. J., and in part by ALITO, J.); *Van Orden* v. *Perry*, 545 U. S. 677, 699–700 (2005) (BREYER, J., concurring) (noting "*Lemon*'s checkered career in the decisional law of this Court" (internal quotation marks omitted)); *id.*, at 692–693 (THOMAS, J., concurring) ("This case would be easy if the Court were willing to abandon the inconsistent guideposts it has adopted for addressing Establishment Clause challenges"); *McCreary County* v. *American Civil Liberties Union of Ky.*, 545 U. S. 844, 890 (2005) (Scalia, J., joined in full by Rehnquist, C. J., and THOMAS, J., and in part by Kennedy, J., dissenting) ("[A] majority of the Justices on the current Court . . . have, in separate opinions, repudiated the brain-spun '*Lemon* test'"); *Board of Ed. of Kiryas Joel Village School Dist.* v. *Grumet*, 512 U. S. 687, 720 (1994)

Recognizing *Lemon*'s flaws, this Court has not applied its test for nearly two decades. In *Town of Greece* v. *Galloway*, this Court declined an invitation to use the *Lemon* test. See 572 U. S. 565, 577 (2014); Brief for Respondents in *Town of Greece* v. *Galloway*, O. T. 2013, No. 12–696, pp. 58–60. Instead, the Court explained that the primary question in Establishment Clause cases is whether the government's conduct "accords with history and faithfully reflects the understanding of the Founding Fathers." 572 U. S., at 577 (internal quotation marks omitted). The Court observed that this form of analysis represents the rule rather than "an exception" within the "Court's Establishment Clause jurisprudence." *Id.*, at 575–577 (internal quotation marks omitted).

In *American Legion* v. *American Humanist Association* we underscored the message. 588 U. S. ___, ___ (2019) (plurality opinion) (slip op., at 25). Again we expressly refused to apply *Lemon*, this time in a challenge to a public display—the very kind of dispute *Lemon*'s test ushered into existence and where it once held sway. 588 U. S., at ___–___ (slip op., at 13–16). Again we explained that "[i]f the *Lemon* Court thought that its test would provide a framework for all future Establishment Clause decisions, its expectation has not been met."[10] *Id.*, at ___ (slip op., at 13).

(O'Connor, J., concurring in part and concurring in judgment); *Committee for Public Ed. and Religious Liberty* v. *Regan*, 444 U. S. 646, 671 (1980) (Stevens, J., dissenting) (disparaging "the sisyphean task of trying to patch together the 'blurred, indistinct, and variable barrier' described in *Lemon*").

[10] See also *American Legion*, 588 U. S., at ___ (THOMAS, J., concurring in judgment) (slip op., at 7) ("[B]ecause the *Lemon* test is not good law, we ought to say so"); *id.*, at ___ (GORSUCH, J., concurring in judgment) (slip op., at 7) ("*Lemon* was a misadventure. It sought a 'grand unified theory' of the Establishment Clause but left us only a mess"); *id.*, at ___ (KAVANAUGH, J., concurring) (slip op., at 1) ("As this case again demonstrates, this Court no longer applies the old test articulated in *Lemon*").

And again we stressed that the right place to look for guidance lies in "'"historical practices and understandings."'" *Id.*, at ___ (slip op., at 25) (quoting *Town of Greece*, 572 U. S., at 576).

*

With all these messages directing and redirecting the inquiry to original meaning as illuminated by history, why did Boston still follow *Lemon* in this case? Why do other localities and lower courts sometimes do the same thing, allowing *Lemon* even now to "si[t] up in its grave and shuffl[e] abroad"? *Lamb's Chapel* v. *Center Moriches Union Free School Dist.*, 508 U. S. 384, 398 (1993) (Scalia, J., concurring in judgment). There may be other contributing factors, but let me address two.

First, it's hard not to wonder whether some simply prefer the policy outcomes *Lemon* can be manipulated to produce. Just dial down your hypothetical observer's concern with facts and history, dial up his inclination to offense, and the test is guaranteed to spit out results more hostile to religion than anything a careful inquiry into the original understanding of the Constitution could sustain. *Lemon* may promote an unserious, results-oriented approach to constitutional interpretation. But for some, that may be more a virtue than a vice.

There is more than a little in the record before us to suggest this line of thinking. As city officials tell it, Boston did not want to "'display flags deemed to be inappropriate or offensive in nature or those supporting discrimination, prejudice, or religious movements.'" App. to Pet. for Cert. 160a. Instead, the city wanted to celebrate only "a particular kind of diversity." Tr. of Oral Arg. 85–86. And if your policy goal is to lump in religious speech with fighting words and obscenity, if it is to celebrate only a "particular" type of diversity consistent with popular ideology, the First Amendment is not exactly your friend. Dragging *Lemon* from its grave

may be your only chance.

To the extent this is why some still invoke *Lemon* today, it reflects poorly on us all. Through history, the suppression of unpopular religious speech and exercise has been among the favorite tools of petty tyrants. See *Pinette*, 515 U. S., at 760; *Feldman* v. *United States*, 322 U. S. 487, 501 (1944) (Black, J., dissenting). Our forebears resolved that this Nation would be different. Here, they resolved, each individual would enjoy the right to make sense of his relationship with the divine, speak freely about man's place in creation, and have his religious practices treated with respect. See *West Virginia Bd. of Ed.* v. *Barnette*, 319 U. S. 624, 642 (1943). The day governments in this country forage for ways to abandon these foundational promises is a dark day for the cause of individual freedom.

Besides, even for those whose policy ambitions run in this direction, invoking *Lemon* is a myopic tactic. For as long as the First Amendment means anything, government policies that discriminate against religious speech and exercise will only invite litigation and result in losses like Boston's. Today's case is just one more in a long line of reminders about the costs associated with governmental efforts to discriminate against disfavored religious speakers. See *Good News Club* v. *Milford Central School*, 533 U. S. 98, 120 (2001); *Lamb's Chapel*, 508 U. S., at 392–397; *Rosenberger* v. *Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 823–824, 845–846 (1995).

Second, it seems that *Lemon* may occasionally shuffle from its grave for another and more prosaic reason. By demanding a careful examination of the Constitution's original meaning, a proper application of the Establishment Clause no doubt requires serious work and can pose its challenges. *Lemon*'s abstract three-part test may seem a simpler and tempting alternative to busy local officials and lower courts. But if this is part of the problem, it isn't without at least a partial remedy. For our constitutional history

contains some helpful hallmarks that localities and lower courts can rely on.

Beyond a formal declaration that a religious denomination was in fact the established church, it seems that founding-era religious establishments often bore certain other telling traits. See M. McConnell, Establishment and Disestablishment at the Founding, Part I: Establishment of Religion, 44 Wm. & Mary L. Rev. 2105, 2110–2112, 2131 (2003) (Establishment and Disestablishment). First, the government exerted control over the doctrine and personnel of the established church. Second, the government mandated attendance in the established church and punished people for failing to participate. Third, the government punished dissenting churches and individuals for their religious exercise. Fourth, the government restricted political participation by dissenters. Fifth, the government provided financial support for the established church, often in a way that preferred the established denomination over other churches. And sixth, the government used the established church to carry out certain civil functions, often by giving the established church a monopoly over a specific function. See *id.*, at 2131–2181. Most of these hallmarks reflect forms of "coerc[ion]" regarding "religion or its exercise." *Lee* v. *Weisman*, 505 U. S. 577, 587 (1992); *id.*, at 640 (Scalia, J., dissenting); *Van Orden*, 545 U. S., at 693 (THOMAS, J., concurring).

These traditional hallmarks help explain many of this Court's Establishment Clause cases, too. This Court, for example, has held unlawful practices that restrict political participation by dissenters, including rules requiring public officials to proclaim a belief in God. See *Torcaso* v. *Watkins*, 367 U. S. 488, 490 (1961). It has checked government efforts to give churches monopolistic control over civil functions. See *Larkin* v. *Grendel's Den*, *Inc.*, 459 U. S. 116, 127 (1982). At the same time, it has upheld nondiscriminatory public financial support for religious institutions alongside

other entities. See *Espinoza* v. *Montana Dept. of Revenue*, 591 U. S. ___, ___–___ (2020) (slip op., at 18–22); *Trinity Lutheran Church of Columbia, Inc.* v. *Comer*, 582 U. S. ___, ___–___ (2017) (slip op., at 14–15); *Zelman* v. *Simmons-Harris*, 536 U. S. 639, 662–663 (2002). The thread running through these cases derives directly from the historical hallmarks of an establishment of religion—government control over religion offends the Constitution, but treating a church on par with secular entities and other churches does not. See Establishment and Disestablishment 2205–2208.

These historical hallmarks also help explain the result in today's case and provide helpful guidance for those faced with future disputes like it. As a close look at these hallmarks and our history reveals, "[n]o one at the time of the founding is recorded as arguing that the use of religious symbols in public contexts was a form of religious establishment." Symbol Cases 107. For most of its existence, this country had an "unbroken history of official acknowledgment by all three branches of government of the role of religion in American life." *Lynch*, 465 U. S., at 674.[11] In fact and as we have seen, it appears that, until *Lemon*, this Court had never held the display of a religious symbol to

---

[11] So, for example, when designing a seal for the new Nation in 1776, Benjamin Franklin and Thomas Jefferson proposed a familiar Biblical scene—Moses leading the Israelites across the Red Sea. J. Hutson, Religion and the Founding of the American Republic 50–51 (1998) (Hutson). The seal ultimately adopted by Congress in 1782 features "the Eye of Providence" surrounded by "glory" above the motto Annuit Coeptis—"He [God] has favored our undertakings." Dept. of State, Bureau of Pub. Affairs, The Great Seal of the United States 4–6 (July 2003). This Court has recognized that President Washington's 1789 Thanksgiving Day Proclamation referred to "a day of public thanksgiving and prayer" and the role of a "Supreme Being" in "the foundations and successes of our young Nation." *Van Orden*, 545 U. S., at 686–687. And President Jefferson allowed various religious groups to use the Capitol for weekly worship services. Hutson 84–94.

constitute an establishment of religion. See Brougher 1–2; Symbol Cases 91. The simple truth is that no historically sensitive understanding of the Establishment Clause can be reconciled with a rule requiring governments to "roa[m] the land, tearing down monuments with religious symbolism and scrubbing away any reference to the divine." *American Legion*, 588 U. S., at ___ (slip op., at 20). Our Constitution was not designed to erase religion from American life; it was designed to ensure "respect and tolerance." *Id.*, at ___ (slip op., at 31).

*

To justify a policy that discriminated against religion, Boston sought to drag *Lemon* once more from its grave. It was a strategy as risky as it was unsound. *Lemon* ignored the original meaning of the Establishment Clause, it disregarded mountains of precedent, and it substituted a serious constitutional inquiry with a guessing game. This Court long ago interred *Lemon*, and it is past time for local officials and lower courts to let it lie.

The Bunker Hill Flag

Source: App. to Pet. for Cert. 146a

The Camp Constitution Flag

Source: App. to Pet. for Cert. 132a

Offered by Councilors Bok, Louijeune, Flynn, Arroyo, Breadon, Coletta, Fernandes Anderson, Lara, Flaherty and Worrell

CITY OF BOSTON
IN CITY COUNCIL

ORDINANCE AMENDING CITY OF BOSTON CODE, ORDINANCES, SECTION 1, TO CODIFY CITY POLICY REGARDING THE DISPLAY OF FLAGS ON CITY HALL PLAZA

WHEREAS, The City of Boston traditionally displays three flags on City Hall Plaza: of the United States, the Commonwealth of Massachusetts, and the City of Boston; *and*

WHEREAS, Historically, the City of Boston has also on occasion flown various other flags in place of the flag of the City of Boston; *and*

WHEREAS, The question of what parameters could be legally applied to the selection of such other flags became a subject of dispute in 2017 when the City declined to fly the Christian flag of Camp Constitution, prompting the court case Shurtleff v. Boston, which was appealed all the way to the Supreme Court of the United States; *and*

WHEREAS, Since the matter came under consideration by the Supreme Court, flying of other flags on City Hall Plaza in place of the City of Boston flag has been suspended; *and*

WHEREAS, In June 2022, the Supreme Court released an opinion in Shurtleff v. Boston stating that the City of Boston's prior policy for determining which flags could fly on the third flagpole did not meet the standard of government speech, as it did not clearly limit such flag-raisings to expressing official messages of the City, and therefore this prior policy had to be regarded as creating a public forum for private speech to which all voices were entitled to access; *and*

WHEREAS, Writing for the Court, however, Justice Stephen Breyer laid out a test by which the raising of other flags on the City's flagpole could be properly limited to government speech, and stated explicitly that "nothing prevents Boston from changing its policies going forward"; *and*

WHEREAS, It is important that the City of Boston, as a city of immigrants, be able to express its official solidarity with people who have come to Boston from other nations, and to express other official, City-endorsed messages from the Mayor and City Council that may be appropriately accompanied by ceremonial flag-raising; *and*

WHEREAS, For these expressions of official City sentiment to be clearly construed by the residents of Boston, it is also important to clearly demarcate and codify that the City's flagpoles are not intended to serve as a forum for free expression by the public; *and*

WHEREAS, The clearest way to establish a new City of Boston policy in regard to the display of flags on City Hall Plaza is to enshrine our standards for such displays in city ordinance; *NOW, THEREFORE*

Be it ordained by the City Council of Boston as follows:

SECTION 1: City of Boston Code, Ordinances, Section 1, is hereby amended by inserting after Section 1-3, the following new subsection:

1-3A DISPLAY OF FLAGS ON CITY HALL PLAZA

The purpose of this Ordinance is to establish guidelines for the display by the City of Boston of (1) flags of governments recognized by the Federal Government, and (2) other flags on City Hall Plaza. Nothing herein shall be construed to conflict with City of Boston Code, Ordinances Sections 1-2.4 to 1-2.7, inclusive or Section 1-3.

1-3A.1 Policy.
It is the policy of the City of Boston that flags should be displayed in conformance with Federal and State policies, as stated in the Federal "Our Flag" publication of the Congress, House Document No. 96-144; Chapter 2, Section 6 of the Massachusetts General Laws and Chapter 2, Section 6A of the Massachusetts General Laws.

1-3A.2 Order of Precedence.
Outdoor flags will be flown at City facilities in the following order of precedence: first, the United States flag; second, the Commonwealth of Massachusetts flag; and third, the City of Boston flag.

1-3A.3 Special occasions of Federal, State and local proclamation.

a. Flags on City Hall Plaza shall be displayed in accordance with the above standards. However, the Mayor may order flags to be lowered to half staff including, but not limited to flags of the United States of America and the Commonwealth of Massachusetts in honor of the death of a City employee killed in the line of duty, or in observance of a specific event or circumstance.
b. Pursuant to proclamation of the Mayor, or resolution of the City Council, other flags may be flown by the City in place of the City of Boston flag

1-3A.4 Other Flags.
The City's flagpoles are not intended to serve as a forum for free expression by the public. The following flags may be displayed by the City as an expression of the City's official sentiments:

a. *Flags of Governments Recognized by the United States*. Flags of governments recognized by the United States may be displayed upon the proclamation of the Mayor or by resolution of the City Council.
b. *Flags Displayed in Conjunction With Official Events or Ceremonies as Announced by Mayoral Proclamation or City Council Resolution.* By proclamation of the Mayor or resolution of the City Council, other flags may be displayed as official City events or ceremonies.
c. *Flags of Professional Sports Teams*. The Mayor may order the display of the flag of a professional sports team in commemoration of a significant achievement involving the City of Boston.
d. *Ownership of Other Flags.* The City shall acquire ownership of all flags that it flies in place of the City of Boston flag.

SECTION 2: This Ordinance shall take effect upon passage.

In City Council AUG 10 2022
Passed
City Clerk
Approved AUG 11 2022
Mayor