



# Livingston City Commission Agenda

October 03, 2017

6:30 PM

City – County Complex, Community Room

1. Call to Order

2. Roll Call

3. Moment of Silence

4. Pledge of Allegiance

5. Consent Items

A. CONSENT - Approve minutes from regular 9.19.17 commission meeting Page 4

B. CONSENT - Approve Bills and Claims Page 8

6. Proclamations

A. Proclamation - Keeping the Lights on After School Page 22

7. Scheduled Public Comment

A. Scheduled Public Comment - Margy Dorr, from Links for Learning regarding Lights On for After School Page 24

8. Public Hearings

A. RESOLUTION NO. 4760 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2016-2017, BY MAKING APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$1,016,950 AND REVENUE ADJUSTMENTS IN THE AMOUNT OF \$608, 550. Page 28

9. Ordinances

10. Resolutions

A. RESOLUTION NO. 4759 - RESOLUTION RELATING TO UP TO \$5,000,000 SEWER IMPROVEMENT REVENUE BOND ANTICIPATION NOTE (DNRC WATER POLLUTION CONTROL STATE REVOLVING LOAN PROGRAM), SERIES 2017; AUTHORIZING THE ISSUANCE THEREOF AND FIXING THE TERMS AND CONDITIONS OF THE BOND ANTICIPATION NOTE Page 52

11. Action Items

A. DISCUSS/APPROVE/DENY - Windrider Transit Bus request for designated bus stops Page 90

B. DISCUSS/APPROVE/DENY - HuffPost Road Trip stop in Livingston, MT and possible discussion topics of interest Page 93

12. City Manager Comment

13. City Commission Comments

14. Public Comments

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

15. Adjournment

## Calendar of Events

### Calendar of Events

October 3, 2017 - 6:30 p.m. - City Commission regular meeting, Community Room, City/County Complex

October 9, 2017 - Columbus Day/ Indigenous Peoples Day Holiday - City Offices Closed

October 10, 2017 - 3:30 p.m. - Historic Preservation regular meeting, Community Room, City/County Complex

October 10, 2017 - 7:00 p.m. - City Board of Adjustments, Community Room, City/County Complex

October 12, 2017 - 6:00 p.m. - Public Works Department public meeting re: upcoming Callender and Main Street Infrastructure Project

October 16, 2017 - 7:00 p.m. - Candidates Forum for City Judge and City Commission, Community Room, City/County Complex

October 17, 2017 - 6:30 p.m. - City Commission regular meeting, Community Room, City/County Complex

October 18, 2017 - 4:00 p.m. - Livingston - Park County Library Board regular meeting, Library meeting room, 228 West Callender Street

October 18, 2017 - 5:30 p.m. - City Planning Board regular meeting, Community Room, City/County Complex

October 25, 2017 - 1:30 p.m. - Transportation Coordination Committee, Community Room, City/County Complex

October 25, 2017 - 6:00 p.m. - Parks and Trails regular meeting, Civic Center meeting room

October 30, 2017 - 5:30 p.m. - City Commission and Urban Renewal Agency joint meeting, City/County Complex

## Supplemental Material

### Notice

- Public Comment: The public can speak about an item on the agenda during discussion of that item by coming up to the table or podium, signing-in, and then waiting to be recognized by the Chairman. Individuals

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

- Meeting Recording: An audio and/or video recording of the meeting, or any portion thereof, may be purchased by contacting the City Administration. The City does not warrant the audio and/or video recording as to content, quality, or clarity.
- Special Accommodation: If you need special accommodations to attend or participate in our meeting, please contact the Fire Department at least 24 hours in advance of the specific meeting you are planning on attending.

**Backup material for agenda item:**

- A. CONSENT - Approve minutes from regular 9.19.17 commission meeting

Livingston City Commission Meeting  
September 19, 2017  
6:30 PM  
City-County Complex

**1. Call to Order**

**2. Roll Call**

- Bennett, Hoglund, Friedman, Schwarz and Sandberg were present.

**3. Moment of Silence**

**4. Pledge of Allegiance**

**5. Consent Items (00:04:12)**

**A. Consent - Approve minutes from regular 9.5.17 City Commission meeting**

**B. Approve claims**

- Friedman made a motion to approve Consent Items A and B. Hoglund seconded.
  - All in favor, motion passed 5-0.

**6. Proclamations**

**7. Scheduled Public Comment**

**A. Scheduled Public Comment - Jacqueline Isaly and Maggie Tarr, Representatives from Live Well 49 Initiative (00:05:30)**

**8. Public Hearings**

**A. RESOLUTION NO. 4758 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, FIXING THE TAX LEVY FOR FISCAL YEAR 2017-2018.**

- Hoglund made a motion to pass Resolution No. 4758. Friedman seconded.
  - Motion passed 4-1. (Sandberg opposed.)

**9. Ordinances**

## 10. Resolutions

**A. RESOLUTION NO. 4757 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2016-2017, BY MAKING APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$1,016,950 AND REVENUE ADJUSTMENTS IN THE AMOUNT OF \$608, 550. (00:16:43)**

- Friedman made a motion to pass Resolution No. 4757. Hoglund seconded.
  - All in favor, motion passed 5-0.

**B. RESOLUTION NO. 4752 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, EXTENDING THE EXISTING CONTRACT BETWEEN THE CITY OF LIVINGSTON AND MONTANA WASTE SYSTEMS, INC. FOR THE DISPOSITION OF SOLID WASTE. (00:54:44)**

- Schwarz made a motion to pass Resolution No. 4752. Friedman seconded.
  - Motion passed 4-1. (Sandberg opposed.)

## 11. Action Items

**A. DISCUSS/APPROVE/DENY - Park High School request for fee waiver for parade on October 6, 2017 (01:02:02)**

- Schwarz made a motion to approve Park High School request for fee waiver for parade. Hoglund seconded.
  - All in favor, motion passed 5-0.

**B. DISCUSS/APPROVE/DENY - Schedule City Manager evaluation and prepare format (01:05:05)**

- The Commissioners and City Manager scheduled the evaluation for October 24, 2017 at 6:00 p.m. Completed evaluations are to be returned to Dorel Hoglund no later than October 3, 2017.

**C. DISCUSS/APPROVE/DENY – Forgoing 2017 Cycle for TIGER Grant Application (01:40:04)**

- Mike Gomez made comments (01:47:33)
- Schwarz made a motion to approve forgoing 2017 cycle for TIGER grant application. Friedman seconded.
  - All in favor, motion passed 5-0.

**12. City Manager Comment**

**13. City Commission Comments**

- Sandberg made comments. (02:05:33)
- Hoglund made comments. (02:08:58) Hoglund made a motion to put the traffic study on the agenda. Bennett seconded.

**14. Public Comments**

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

**15. Adjournment (8:38 PM)**

**Backup material for agenda item:**

- B. CONSENT - Approve Bills and Claims



09/26/17  
08:13:56

CITY OF LIVINGSTON  
Claim Approval List  
For the Accounting Period: 9/17

Page: 1 of  
Report ID: AP100

Operating Cash  
\* ... Over spent expenditure

Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
33692	948 BRIDGER ELECTRIC, INC. 893 09/01/17 Soccer field lighting	1,007.18 1,007.18			2400 420100	361	101000
33693	23 CARQUEST AUTO PARTS 1912390139 09/14/17 Headlight 1912383222 07/07/17 Parts 1912383222 07/07/17 Parts 191388461 08/28/17 Cabin Air Filter 1912388526 08/28/17 Cabin Air Filter	488.59 31.99 228.30 228.30 38.52 -38.52			5210 502 430515 5210 502 430515 5310 503 430625 2500 151 430240 2500 151 430240	232 232 232 232 232	101000 101000 101000 101000 101000
33694	424 ENERGY LABORATORIES, INC. 104401 09/11/17 Eff comp.	252.00 252.00			5310 503 430640	355	101000
33695	2904 FISHER SAND AND GRAVEL 46423 08/31/17 Flowfill concrete	544.00 544.00			2820 210 430240	476	101000
33696	528 GRAINGER 9543155916 08/31/17 Thermal unit 9543155924 08/30/17 Miniture lamp	117.95 106.29 11.66			5310 503 430640 5310 503 430640	231 231	101000 101000
33697	98 GRAYBEAL'S ALL SERVICE 87258 08/29/17 Explosion proof sensor	780.00 780.00			5310 503 430640	361	101000
33698	63 HOUSE OF CLEAN 191915 08/07/17 Toilet supplies	41.81 41.81			1000 155 460430	231	101000
33699	1783 J & H OFFICE EQUIPMENT 512302 09/08/17 Coiper maintenance 512302 09/08/17 Coiper maintenance 512302 09/08/17 Coiper maintenance 512302 09/08/17 Coiper maintenance 512302 09/08/17 Coiper maintenance	154.46 30.89 30.89 30.89 30.89 30.90			5210 502 430515 5310 503 430625 5410 504 430830 2500 151 430240 1000 106 411030	368 368 368 368 368	101000 101000 101000 101000 101000
33700	1390 KEN'S EQUIPMENT REPAIR, INC 49442 08/21/17 2017 curbtender 49287 08/01/17 570 48970 06/07/17 Tub grinder	1,315.35 135.00 497.00 683.35			5410 504 430830 5410 504 430830 5410 504 430830	362 362 362	101000 101000 101000
33701	776 KENYON NOBLE 6184439 09/12/17 Supplies	79.85 79.85			5310 503 430640	231	101000

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CITY OF LIVINGSTON  
Claim Approval List  
For the Accounting Period: 9/17

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Report ID: AP100

Operating Cash  
\* ... Over spent expenditure

Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
33702	26 LIVINGSTON ACE HARDWARE -	716.05					
	A96028 08/31/17 Vaccum and filter bag	109.98			2500 151 430240	231	101000
	B02657 09/12/17 Tripoxy sprayer	59.99			2500 151 430240	231	101000
	A99361 09/06/17 Supplies	37.71			5310 503 430640	231	101000
	B04463 09/15/17 Strap	10.77			5210 502 430515	231	101000
	216649 08/16/17 Coupler	0.50			5210 502 430515	231	101000
	B03380 09/13/17 Splash Park	74.94			1000 155 460445	231	101000
	B01717 09/11/17 Pool painting	120.25			1000 155 460445	231	101000
	A94680 08/29/17 Rope poly	101.50			1000 155 460430	231	101000
	A99835 09/07/17 Bench stain	107.96			1000 155 460430	231	101000
	A98672 09/05/17 Shop	29.39			1000 155 460430	231	101000
	B00252 09/08/17 Bolts picnic tables	6.09			1000 155 460430	231	101000
	B03409 09/13/17 Shop	56.97			1000 155 460430	231	101000
33703	12 NORMONT EQUIPMENT	517.98					
	15685 09/01/17 Compost venting	517.98			5310 503 430640	231	101000
33704	59 NORTHERN ENERGY	97.00					
	3068548706 08/31/17 500g tank	97.00			1000 155 430930	341	101000
33705	443 SHERWIN WILLIAMS	1,174.59					
	2262-9 09/06/17 Striping	35.09			2500 151 430240	232	101000
	3410-2 09/05/17 Pro park WB white	1,139.50			2820 210 430240	474	101000
33706	3346 SOIL CONTROL LAB	349.00					
	7080119 08/15/17 Finished compost - package	349.00			5310 503 430640	355	101000
33707	3353 STORY DISTRIBUTING	830.66					
	77933 09/12/17 Diesel fuel 357g	811.46*			1000 123 411700	236	101000
	77933 09/12/17 Additive 24 oz	19.20*			1000 123 411700	236	101000
33708	1718 SOLID WASTE SYSTEMS, INC.	715.41					
	0099160 09/11/17 Parts	715.41			5410 504 430830	232	101000
33709	533 T & E THE CAT RENTAL STORE	2,416.88					
	20170731 07/31/17 Credit	-1,633.81			2500 151 430240	362	101000
	9346809 09/12/17 Repair	4,050.69			2500 151 430240	362	101000
33710	292 UPS STORE #2420, THE	151.91					
	1101 08/02/17 Shipment	151.91			5310 503 430640	355	101000

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CITY OF LIVINGSTON  
Claim Approval List  
For the Accounting Period: 9/17

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Report ID: AP100

Operating Cash  
\* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
33711		54 GATEWAY OFFICE SUPPLY		15.65					
	37785	09/14/17 Tape		15.65			5310 503 430640	225	101000
33712		54 GATEWAY OFFICE SUPPLY		13.15					
	1Z597-069	09/18/17 MSE labs		13.15			5210 502 430515	355	101000
33713		3688 MURDOCH'S RANCH & HOME SUPPLY		79.96					
	A56110	09/15/17 Thermoplastic rubber		79.96			5210 502 430515	231	101000
33714		14 SHOPKO STORES, LLC		74.96					
	0829	09/15/17 Ink cartridges		74.96			2500 151 430240	231	101000
33715		3046 SPURLINE, INC.		20.00					
	14650	08/10/17 Strawbales for B st stormdrain		20.00			5310 503 430625	231	101000
33722		151 NORTHWESTERN ENERGY		6,212.32					
	0709793-4	09/14/17 406 Bennett 50%		112.36			2500 151 430220	341	101000
	0709793-4	09/14/17 406 Bennett 50%		112.36			5410 504 430820	341	101000
	2171060-3	09/14/17 Scale House 408 Bennett		30.13			5410 504 430820	341	101000
	1728687-3	09/08/17 Transfer Station 408 Bennet		318.86			5410 504 430820	341	101000
	3267010-1	09/08/17 Compactor 330 Bennett		97.62			5410 504 430820	341	101000
	0709794-2	09/08/17 WRF 316 Bennett		5,043.73			5310 503 430640	341	101000
	0720048-8	09/08/17 330 Bennett 1/4		106.27			5210 502 430520	341	101000
	0720048-8	09/08/17 330 Bennett 1/4		106.27			5310 503 430620	341	101000
	0720048-8	09/08/17 330 Bennett 1/4		106.27			5410 504 430820	341	101000
	0720048-8	09/08/17 330 Bennett 1/4		106.28			1000 106 411030	341	101000
	3015965-1	09/14/17 Fire Training Center		72.17			1000 141 420400	341	101000
33724		948 BRIDGER ELECTRIC, INC.		134.20					
	894	09/16/17 LH Lift station		134.20			5310 503 430625	361	101000
33725		2919 FOUR CORNERS RECYCLING, LLC		802.92					
	1130	08/27/17 Plastic baling		266.20			5410 504 430840	388	101000
	1130	08/27/17 Pull fees		3,795.00			5410 504 430840	388	101000
	1130	08/27/17 Decommison fees		1,225.00			5410 504 430840	388	101000
	1130CM	08/27/17 Plastic		-33.88			5410 504 430840	388	101000
	1130CM	08/27/17 Mixed Metals/white goods		-2,438.10			5410 504 430840	388	101000
	1130CM	08/27/17 ONP loose		-376.00			5410 504 430840	388	101000
	1130CM	08/27/17 OCC loose		-1,194.30			5410 504 430840	388	101000
	1130CM	08/27/17 Mixed cans		-441.00			5410 504 430840	388	101000

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CITY OF LIVINGSTON  
Claim Approval List  
For the Accounting Period: 9/17

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Report ID: AP100

Operating Cash  
\* ... Over spent expenditure

Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
33726	776 KENYON NOBLE 6189136 09/14/17 Parts and supplies	45.70 45.70			5310 503 430640	231	101000
33727	2863 KIMBALL MIDWEST 5820504 09/13/17 Work Light	59.90 59.90			2500 151 430240	232	101000
33728	2527 MSE TECHNOLOGY APPLICATIONS, 1707081 07/28/17 July Coliforms 1708116 08/29/17 August Coiliforms	352.00 176.00 176.00			5210 502 430515 5210 502 430515	355 355	101000 101000
33729	1017 STORY 78004 09/19/17 Diesel fuel 420g 78004 09/19/17 Additive 24oz	973.86 954.66* 19.20*			1000 123 411700 1000 123 411700	236 236	101000 101000
33730	1 TECH ELECTRIC, INC 38126 09/15/17 Elec. troubleshooting	97.50 97.50			5310 503 430640	361	101000
33731	3387 J & H, Inc. 498809 03/16/17 Copier lease	56.81 56.81			1000 109 460442	368	101000
33732	151 NORTHWESTERN ENERGY 3120133-8 09/11/17 110 South B St. 3120134-6 09/11/17 112 South B St. 709868-4 09/14/17 414 E. Callender St. 709935-1 09/11/17 414 E. Callender St.	2,555.24 148.24 100.17 8.51 2,298.32			1000 121 411230 1000 121 411230 1000 121 411230 1000 121 411230	341 341 341 341	101000 101000 101000 101000
33733	102 INDUSTRIAL TOWEL 30109 09/14/17 Towels, rugs	37.70 37.70			1000 121 411230	360	101000
33734	1747 CANON FINANCIAL SERVICES, INC 17731216 09/12/17 Copier lease	86.10 86.10*			1000 109 460442	320	101000
33735	682 CENTRON SERVICES 2164 08/28/17 Utility Collections 2164 08/28/17 Utility Collections 2164 08/28/17 Utility Collections	54.11 18.04 18.04 18.03			5210 342055 5310 342055 5410 342055		101000 101000 101000
33736	682 CENTRON SERVICES 3595 08/28/17 Time pay collections	323.61 323.61			1000 351036		101000

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CITY OF LIVINGSTON  
Claim Approval List  
For the Accounting Period: 9/17

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Report ID: AP100

Operating Cash  
\* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/ Line \$	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
33737		3585 KELLEY, DARREN		92.00					
	10-2017	09/19/17 Travel expense - training		92.00			5510 142 420730	370	101000
33738		958 HARRINGTON, KEVIN		92.00					
	10-2017	09/19/17 Travel expense - training		92.00			5510 142 420730	370	101000
33739		1550 MALCOTT, EILEEN		67.23					
	17-18	09/21/17 Flex account		67.23			7910 212970		101000
33740		3042 ARTISTIC LANDSCAPING,LLC		86.95					
	3197	08/28/17 Remove weeds - parking lot		27.75			1000 121 411230	360	101000
	3196	08/28/17 Mow lawn Courthouse		59.20			1000 121 411230	360	101000
33742		3391 WEED MASTERS		90.65					
	08-2017	08/23/17 Spray lawn - Courthouse		90.65			1000 121 411230	360	101000
33743		2662 BOUND TREE MEDICAL, LLC		117.06					
	82622485	09/13/17 Patient supplies		117.06			5510 142 420730	235	101000
33744		2662 BOUND TREE MEDICAL, LLC		536.21					
	82620816	09/12/17 Patient supplies		61.50			5510 142 420730	235	101000
	82620817	09/12/17 Patient supplies		474.71			5510 142 420730	235	101000
33745		26 LIVINGSTON ACE HARDWARE -		26.99					
	B02930	09/12/17 Digital Multimeter		26.99			1000 141 420400	220	101000
33746		3724 INVASIVE SPECIES ACTION NETWORK		6,000.00					
	2017	06/20/17 Weed Management-Trails & Rec.		6,000.00*			1000 155 430950	470	101000
33748		3725 MONTANA WEED CONTROL ASSOCIATION		930.00					
	202515	10/27/16 Weed awareness, membership, gu		930.00*			1000 155 430950	470	101000
33749		782 BRUCO, INC.		3,649.00					
	363757	08/28/17 Recoating service- gym		3,649.00*			1000 109 460442	924	101000
33750		3020 SECURITY SOLUTIONS, INC.		111.00					
	6856	09/06/17 Maint. Door lock install 37%		111.00			1000 121 411230	365	101000
33752		1783 J & H OFFICE EQUIPMENT		338.86					
	21274352	09/06/17 Copier lease		338.86			1000 123 411700	368	101000

09/26/17  
08:13:56

CITY OF LIVINGSTON  
Claim Approval List  
For the Accounting Period: 9/17

Page: 6 of 14  
Report ID: AP100

Operating Cash  
\* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
33753	B07053788	09/07/17	2907 SHI INTERNATIONAL CORP. 2016 Windows software	676.70 676.70*			1000 141 420400	357	101000
33754	19	09/12/17	2608 STATE OF MONTANA - ITSD 33% Video Conferencing	163.00 163.00			1000 102 410360	380	101000
33755	H775438	09/15/17	999999 CORE & MAIN Sewer pipe	355.32 355.32			5310 503 430625	231	101000
33756	15070	08/31/17	2096 FLATHEAD CONCRETE PRODUCTS, INC. K.B. Park vault toilet	10,477.00 10,477.00			1000 155 430950	940	101000
33757	9	09/19/17	2001 KARNATZ TREE SERVICE 206 south 9th trimming	275.00 275.00			1000 155 460430	402	101000
33758	502637	09/12/17	8 KNIFE RIVER Plant mix	1,194.16 1,194.16			2820 210 430240	471	101000
33759	B07686 B07863 B08020 B06799 B06150 B08018 B08126	09/20/17 09/21/17 09/21/17 09/19/17 09/18/17 09/21/17 09/21/17	26 LIVINGSTON ACE HARDWARE - Winterize Splash Park Nylon line Winterize toilets Cleaner Irrigation Park Winterize Splash Park Hex key	147.28 27.42 41.97 15.00 9.99 7.96 4.95 39.99			1000 155 460445 1000 155 460430 1000 155 460430 1000 155 460430 1000 155 460430 1000 155 460445 5210 502 430515	231 231 231 231 401 231 231	101000 101000 101000 101000 101000 101000 101000
33760			2939 PARK COUNTY IT	19,890.00					
			Quarterly IT payment						
	2018_01	09/30/17	Quarterly IT Payment	702.00			1000 101 410130	368	101000
	2018_01	09/30/17	Quarterly IT Payment	234.00			1000 102 410360	368	101000
	2018_01	09/30/17	Quarterly IT Payment	702.00			1000 103 410400	368	101000
	2018_01	09/30/17	Quarterly IT Payment	468.00			1000 104 410540	368	101000
	2018_01	09/30/17	Quarterly IT Payment	1,638.00			1000 104 410550	368	101000
	2018_01	09/30/17	Quarterly IT Payment	702.00			1000 106 411030	368	101000
	2018_01	09/30/17	Quarterly IT Payment	468.00			1000 107 411100	368	101000
	2018_01	09/30/17	Quarterly IT Payment	2,106.00			1000 109 460442	368	101000
	2018_01	09/30/17	Quarterly IT Payment	2,574.00			1000 123 411700	368	101000
	2018_01	09/30/17	Quarterly IT Payment	3,510.00			1000 131 420100	368	101000
	2018_01	09/30/17	Quarterly IT Payment	585.00			1000 141 420400	368	101000
	2018_01	09/30/17	Quarterly IT Payment	234.00			1000 143 420403	368	101000
	2018_01	09/30/17	Quarterly IT Payment	187.20			1000 154 440640	368	101000
	2018_01	09/30/17	Quarterly IT Payment	121.68			1000 155 430950	368	101000
	2018_01	09/30/17	Quarterly IT Payment	234.00*			2220 201 460100	368	101000

09/26/17  
08:13:56

CITY OF LIVINGSTON  
Claim Approval List  
For the Accounting Period: 9/17

Page: 7 of 15  
Report ID: AP100

Operating Cash  
\* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
	2018_01	09/30/17	Quarterly IT Payment	2,340.00			2300 132 420160	368	101000
	2018_01	09/30/17	Quarterly IT Payment	121.68*			2500 151 430210	368	101000
	2018_01	09/30/17	Quarterly IT Payment	468.00			2500 151 430240	368	101000
	2018_01	09/30/17	Quarterly IT Payment	140.40*			5210 502 430510	368	101000
	2018_01	09/30/17	Quarterly IT Payment	468.00			5210 502 430515	368	101000
	2018_01	09/30/17	Quarterly IT Payment	177.84*			5310 503 430610	368	101000
	2018_01	09/30/17	Quarterly IT Payment	234.00			5310 503 430625	368	101000
	2018_01	09/30/17	Quarterly IT Payment	234.00			5310 503 430640	368	101000
	2018_01	09/30/17	Quarterly IT Payment	140.40*			5410 504 430810	368	101000
	2018_01	09/30/17	Quarterly IT Payment	280.80			5410 504 430830	368	101000
	2018_01	09/30/17	Quarterly IT Payment	234.00			5410 504 430870	368	101000
	2018_01	09/30/17	Quarterly IT Payment	585.00			5510 142 420710	368	101000
33761		2908	GOMEZ, MIKE	856.12					
	20170920	09/20/17	150 gallon water tank	100.00			2700 460430	800	102009
	20170920	09/20/17	9 assorted trees	607.12			2700 460430	800	102009
	20170920	09/20/17	1 maple tree	149.00			2700 460430	800	102009
33762		3679	EVERGREEN SKATEPARKS LLC	1,500.00					
	1122	09/01/17	Construction Documents	1,500.00			2700 460430	250	101000
33763		26	LIVINGSTON ACE HARDWARE -	28.75					
	216313	08/09/17	Supplies	28.75			1000 155 460430	231	101000
33764		999999	MARSH CONCRETE LANDSCAPING LLC	3,828.00					
	CIT2025	09/20/17	G street pavilion pad	3,828.00			1000 155 460430	361	101000
33765		2212	NATIVE LANDSCAPES & RECLAMATION	58.00					
	2815	09/01/17	Pool	58.00			1000 155 460430	231	101000
33766		3688	MURDOCH'S RANCH & HOME SUPPLY	325.94					
	00425	09/22/17	Stihl supplies	325.94			2500 151 430240	231	101000
33769		162	CENTURYLINK	1,024.84					
	3850	09/04/17	Sewer Plant	177.44			5310 503 430640	343	101000
	0082	09/04/17	City shop 50%	30.56			2500 151 430220	343	101000
	0082	09/04/17	City shop 12%	7.33			5310 503 430620	343	101000
	0082	09/04/17	City shop 38%	23.22			5410 504 430820	343	101000
	5606	09/04/17	Utility 1/3	80.60			5210 502 430520	343	101000
	5570	09/04/17	Utility 1/3	80.60			5310 503 430620	343	101000
	5570	09/04/17	Utility 1/3	80.58			5410 504 430820	343	101000
	5240	09/04/17	Scale House	99.96			5410 504 430870	346	101000
	0149	09/04/17	Civic Center	98.94			1000 109 460449	343	101000
	6003	09/14/17	Finance Office 110 S. B	0.00			1000 122 411300	343	101000
	4903	09/04/17	Planning Dept.	82.18			1000 106 411030	343	101000

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CITY OF LIVINGSTON  
Claim Approval List  
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Operating Cash  
\* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
	0083	09/04/17	Building Dept.	159.08			1000 143 420403	343	101000
	6436	09/04/17	Park Dept	104.35*			1000 153 460430	343	101000
33770		22	ALL SERVICE TIRE & ALIGNMENT,	15.00					
	53179	09/21/17	Tire repair	15.00			1000 131 420100	360	101000
33771		2	A-1 MUFFLER, INC.	275.00					
	62870	09/13/17	Brakes, resurface rotors	120.00			1000 131 420100	360	101000
	62870	09/13/17	Brakes, resurface rotors	155.00			1000 131 420100	231	101000
33772		879	VERIZON WIRELESS	406.35					
	9792148546	09/04/17	Air Cards - August 17	406.35			1000 131 420100	347	101000
33773		642	MONTANA LAW ENFORCEMENT ACADEMY	1,545.00					
	10772	09/14/17	Tuition - O'Neill	1,375.00			1000 131 420100	370	101000
	10772	09/14/17	Meals lodging - O'Neill	170.00			1000 131 420100	380	101000
33774		3020	SECURITY SOLUTIONS, INC.	135.25					
	6868	09/12/17	Access Control - Service call	135.25			1000 131 420100	350	101000
33775		294	CHAPPELL'S BODY SHOP, INC.	60.00					
	286	09/11/17	Carwash prepaid cards	60.00			1000 131 420100	231	101000
33776		294	CHAPPELL'S BODY SHOP, INC.	20.00					
	287	09/11/17	Carwash prepaid cards	20.00			1000 131 420100	231	101000
33777		292	UPS STORE #2420, THE	20.62					
	84888822	08/14/17	First class pkg	1.63			1000 123 411700	310	101000
	301045396	08/21/17	First class pkg	9.71			1000 123 411700	310	101000
	0334254081	08/03/17	First class pkg	9.28			1000 123 411700	310	101000
33778		728	BRIDGER COMMUNICATIONS	255.52					
	45124	09/20/17	Radio repairs-water damage	255.52			1000 131 420100	220	101000
33780		146	LIVINGSTON ENTERPRISE	129.00					
	17-18	09/25/17	414 E. Callender subscription	129.00*			1000 123 411300	211	101000
33781		1839	MARATHON PRINTING	361.00					
	3681	09/20/17	#10 window envelopes 2500 1c	120.33			5210 502 430570	213	101000
	3681	09/20/17	#10 window envelopes 2500 2c	120.33			5310 503 430670	213	101000
	3681	09/20/17	#10 window envelopes 2500 2c	120.34			5410 504 430870	213	101000



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Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
33782		102 INDUSTRIAL TOWEL		32.00					
	31040	09/22/17 Rug Maintenance		32.00			1000 121 411230	360	101000
33783		999999 MUELLER, BRIAN		100.00					
	TK16-0268	09/25/17 Restitution R. Fields		100.00			1000 351036		101000
33784		999999 WHISKEY CREEK SALOON		182.00					
	TK14-0280	09/25/17 Restitution Scott Bullard		182.00			1000 351036		101000
33786		151 NORTHWESTERN ENERGY		1,406.22					
	0709871-8	09/14/17 Star Addition		301.09			2400 420100	340	101000
	0719358-4	Street lights		0.00			2400 420100	340	101000
	0720122-1	400 North M		0.00			2400 420100	340	101000
	0802599-1	608 W Chinook		0.00			2400 420100	340	101000
	0933715-5	710 W Callender		0.00			2400 420100	340	101000
	3287727-6	09/14/17 320 Alpenglow LN		41.42			2400 420100	340	101000
	3386783-9	09/14/17 Btwn G and H on Clark		49.30			2400 420100	340	101000
	3386845-6	09/14/17 Btwn I and K on Callender		46.18			2400 420100	340	101000
	3386846-4	09/14/17 Btwn 7th and 8th on Summit		24.17			2400 420100	340	101000
	1498936-2	09/14/17 Intersection I90 and 89S		6.34			2400 420100	340	101000
	0709796-7	09/14/17 97 View Vista Dr.		7.56			2400 420100	340	101000
	1893530-4	09/14/17 600 W Park		71.47			2400 420100	340	101000
	1493850-0	09/14/17 412 W Callender		65.46			2400 420100	340	101000
	3141997-1	09/14/17 C and D on Geyser		20.55			2400 420100	340	101000
	2023479-5	900 W Geyser - School		0.00			2400 420100	340	101000
	2114861-4	09/14/17 132 South B		144.75			2400 420100	340	101000
	1893536-1	09/14/17 E Street and Alley		47.36			2400 420100	340	101000
	1893541-1	09/14/17 18 W Park		97.13			2400 420100	340	101000
	1747572-4	09/14/17 F and G on Callender		27.61			2400 420100	340	101000
	1747570-8	09/14/17 D and E on Callender		51.73			2400 420100	340	101000
	1613803-4	09/14/17 M and N on Callender		66.50			2400 420100	340	101000
	1290352-2	09/14/17 School Flasher Park and 13t		8.34			2400 420100	340	101000
	1134879-4	09/14/17 N 7th and Montana and Chino		39.22			2400 420100	340	101000
	1134866-1	09/14/17 N 2nd and Montana and Chino		62.32			2400 420100	340	101000
	0709869-2	09/14/17 Carol Lane		120.06			2400 420100	340	101000
	3093027-5	09/14/17 105 West Park		46.01			2400 420100	340	101000
	3093023-4	09/14/17 320 North Main		15.74			2400 420100	340	101000
	3093003-6	09/14/17 114 West Summit		27.13			2400 420100	340	101000
	3184602-5	09/14/17 202 South 2nd		18.78			2400 420100	340	101000

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Operating Cash  
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Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
33789			151 NORTHWESTERN ENERGY	1,827.56					
	0709891-6	09/14/17	15 Fleshman Creek Cem. Shop	18.55			1000 155 430950	341	101000
	0709870-0	09/14/17	422 South G - Park	69.32			1000 155 430950	341	101000
	0709878-3	09/11/17	227 River Dr. Conc. stand &	84.02			1000 155 430950	341	101000
	0709885-8		400 River Dr. Tennis Court	0.00			1000 155 430950	341	101000
	0709884-1	09/13/17	616 River Dr. Pump	437.85			1000 155 430950	341	101000
	0709879-1	09/11/17	227 River Dr. Softball Fiel	668.25			1000 155 430950	341	101000
	1906055-7	09/14/17	815 North 13th - Soccer Fie	2.18			1000 155 430950	341	101000
	0720176-7	09/14/17	Weimer Park	56.14			1000 155 430950	341	101000
	0708370-2		8th and Park Sprinklers	0.00			1000 155 430950	341	101000
	1155965-5	09/14/17	229 River Dr.	8.54			1000 155 430950	341	101000
	0719373-3		229 River Dr.	0.00			1000 155 430950	341	101000
	0720113-0		229 River Dr. - CC Building	0.00			1000 155 430950	341	101000
	2138754-3	09/14/17	G Street Park	476.12			1000 155 430950	341	101000
	3210240-2	09/14/17	616 River Dr.	6.59			1000 155 430950	341	101000
	0709880-9		200 River Dr. - Pool	0.00			1000 155 460445	341	101000
	0709881-7		229 River Dr. - Civic Center	0.00			1000 155 460442	341	101000
33790			151 NORTHWESTERN ENERGY	9,427.15					
	0709873-4	09/14/17	800 W Cambridge - pump stat	27.01			5310 503 430625	344	101000
	0719058-0	09/11/17	3 Rogers LN Lift station	36.72			5310 503 430625	344	101000
	0709914-6	09/11/17	1011 River Dr.	11.45			5310 503 430625	344	101000
	1452951-5	09/11/17	Monroe Lift Station	138.29			5310 503 430625	344	101000
	1594141-2	09/11/17	9th and 10th Lift Station	19.44			5310 503 430625	344	101000
	3258086-2`	09/14/17	2800 East Park Lift Statio	87.26			5310 503 430625	344	101000
	3258262-9	09/08/17	320 Alpenglow Lift Station	149.41			5310 503 430625	344	101000
	0709892-4	09/14/17	40 Water Tower Ave.	46.60			5210 502 430515	341	101000
	0709876-7	09/11/17	B Street Well	2,181.80			5210 502 430515	341	101000
	0709886-6	09/14/17	200 E Reservoir	20.04			5210 502 430515	341	101000
	0709877-5		200 E Reservoir	0.00			5210 502 430515	341	101000
	0719271-9		601 Robin LN Well	0.00			5210 502 430515	341	101000
	0719272-7		4 Billman LN Well	0.00			5210 502 430515	341	101000
	0709882-5		229 River Dr. Pmp Civic Center	0.00			5210 502 430515	341	101000
	0709894-0	09/08/17	56 Water Tower	295.51			5210 502 430515	341	101000
	1441030-2	09/11/17	D and G Geyser Well House	1,783.97			5210 502 430515	341	101000
	0709874-2	09/11/17	Werner Addition Pump	1,474.01			5210 502 430515	341	101000
	0709875-9	09/11/17	900 River Dr. Pump	3,155.64			5210 502 430515	341	101000
33791			2840 DICK ANDERSON CONSTRUCTION	235,125.00					
	WRF pay app 1								
	1	08/31/17	WRF pay application 1	237,500.00*			5310 503 430640	940	101000
	1	08/31/17	Gross receipts tax withheld	-2,375.00*			5310 503 430640	940	101000

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Operating Cash  
\* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
33792		08/31/17 DAC Draw 1	429 DEPT OF REV. BUSINESS TAX BUREAU	2,375.00 2,375.00*			5310 503 430640	940	101000
33793		09/13/17 Wheel Snap Guide	3726 SWS EQUIPMENT	715.41 715.41			5410 504 430830	232	101000
			# of Claims	86	Total:				331,097.50

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CITY OF LIVINGSTON  
Fund Summary for Claims  
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Fund/Account	Amount
1000 GENERAL	
101000 CASH	\$52,236.16
2220 LIBRARY	
101000 CASH	\$234.00
2300 COMMUNICATIONS/DISPATCH SERVICES	
101000 CASH	\$2,340.00
2400 LIGHT MAINTENANCE	
101000 CASH	\$2,413.40
2500 STREET MAINTENANCE	
101000 CASH	\$3,846.23
2700 PARK IMPROVEMENT SPECIAL REVENUE FUND	
101000 CASH	\$1,500.00
102009 TREE DONATIONS	\$856.12
2820 GAS TAX	
101000 CASH	\$2,877.66
5210 WATER OPERATING	
101000 CASH	\$10,678.76
5310 SEWER OPERATING	
101000 CASH	\$247,383.12
5410 SOLID WASTE	
101000 CASH	\$5,242.55
5510 AMBULANCE SERVICES	
101000 CASH	\$1,422.27
7910 PAYROLL FUND	
101000 CASH	\$67.23
Total:	\$331,097.50

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CITY OF LIVINGSTON  
Claim Approval Signature Page  
For the Accounting Period: 9/17

MICHAEL KARDOES \_\_\_\_\_  
CITY MANAGER

**Backup material for agenda item:**

- A. Proclamation - Keeping the Lights on After School



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*Proclamation*

*Keeping the Lights on After School*

WHEREAS, the **City of Livingston** stands firmly committed to quality afterschool programs and opportunities because they:

- Provide safe, challenging, and engaging learning experiences that help children develop social, emotional, physical and academic skills.
- Support working families by ensuring their children are safe and productive after the regular school day ends.
- Build stronger communities by involving students, parents, business leaders and adult volunteers in the lives of young people, thereby promoting positive relationships among youth, families and adults.

WHEREAS, **LINKS for Learning** has provided significant leadership in the area of community involvement in the education and well-being of our youth, grounded in the principle that quality afterschool programs are key to helping our children become successful adults.

WHEREAS, *Lights On Afterschool*, the national celebration of afterschool programs held this year on **October 26, 2017**, promotes the importance of quality afterschool programs in the lives of children, families and communities.

WHEREAS, more than 28 million children in the U.S. have parents who work outside the home, and 15.1 million children have no place to go after school.

WHEREAS, many afterschool programs across the country are facing funding shortfalls so severe that they are being forced to close their doors and turn off their lights.

THEREFORE BE IT RESOLVED that the **City of Livingston** urges the citizens of **Livingston** to ensure that every child has access to a safe, engaging place where the lights are on after school.

NOW, THEREFORE, **I, James Bennett, Chairperson of Livingston City Commission** do hereby proclaim October 26, 2017 to be "*Lights On Afterschool Day*"; and am committed to innovative afterschool programs and activities that ensure that the lights stay on and the doors stay open for all children after school.

---

James Bennett, Chairperson Livingston City Commission

**Backup material for agenda item:**

- A. Scheduled Public Comment - Margy Dorr, from Links for Learning regarding Lights On for After School



# LINKS for Learning



401 View Vista Drive  
Livingston MT, 59047  
terri.hartly@livingston.k12.mt.us  
<http://www.livingston.k12.mt.us/links.html>

**Mission:** to provide after-school and summer enrichment activities for Livingston's youth designed to encourage success in school, a lifelong interest in learning, and a commitment to community involvement.

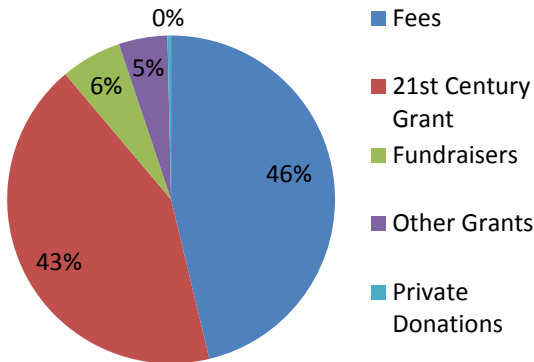
*"The LINKS teachers are a highly skilled group of dedicated professionals who really care about the children and provide help with homework, help children learn new and interesting things and nurture them educationally, physically, and emotionally."*

—Nancy Colyer, parent

## Impact

- 168 children enrolled in 2016-2017.
- 46% of children served qualified for full or partial scholarships.
- Full waitlist since 1999.
- 62 local businesses and their employees benefit from LINKS services.

## 2016-2017 Revenue Sources



# Educating, Engaging and Nurturing Livingston's Youth Afterschool Since 1999

**LINKS offers afterschool programs** at both of Livingston's elementary schools from 3:00 – 6:00 p.m. Mondays – Fridays. LINKS offers homework assistance, reading support, physical activity and a variety of enrichment opportunities including art, drama, science explorations, cooking and mentoring. The LINKS program is low cost, offers full and partial scholarships to families who qualify, and is available to all Park County children. Registration is required and children are expected to attend at least three days per week.



LINKS Robotics Team won the 2014-2015 1<sup>st</sup> Place Inspiration Award at the Montana FLL Championship Tournament.

## LINKS for Learning Six Bold Goals:

- I. Increase academic performance and commitment to school by providing homework support.
- II. Develop student interest and passion for learning by providing enrichment activities.
- III. Enhance student health by providing nutritious snacks and implementing nutrition curriculum.
- IV. Strengthen student well-being by providing daily physical activity with a focus on lifelong fitness.
- V. Promote family engagement in the schools and community by offering family based activities and events.
- VI. Foster student mental and emotional well-being through quality staffing and ongoing professional development.



LINKS Afterschool Funders



LINKS Afterschool Programming Partners



Western Sustainability Exchange



LIVINGSTON PARK COUNTY PUBLIC LIBRARY



**In America today, 11.3 million children are alone and unsupervised after school.** Afterschool programs keep kids safe, help working families and inspire learning. They provide opportunities to help young people develop into successful adults.

*Lights On Afterschool* was launched in October 2000 with celebrations in 1,200 communities nationwide. The following year 3,600 events took place. Today, more than 8,000 *Lights On Afterschool* rallies are held annually, attracting 1 million Americans and media coverage nationwide.

*Lights On Afterschool* is a project of the Afterschool Alliance, a nonprofit organization dedicated to ensuring that all children have access to quality, affordable afterschool programs. Former Governor Arnold Schwarzenegger has served as Chair of *Lights On Afterschool* since 2001.

The Afterschool Alliance salutes the many *Lights On Afterschool* partners and programs who make this event a success, in particular the After-School All-Stars, Boys & Girls Clubs of America, 4-H Afterschool, Junior Achievement, the 21st Century Community Learning Centers, Young Rembrandts, and the YMCA of the USA.

We invite you to join us and become a *Lights On Afterschool* partner this year.

Many communities and states have had success getting their mayor or governor to issue a proclamation in support of Lights On Afterschool. In fact, nearly every governor in the country signs a proclamation each year. This gesture is a simple way for elected officials to show their support for afterschool.

**LINKS for Learning would like to request** the support of the City of Livingston for Lights on Afterschool. We request that the Livingston City Commissioners sign a proclamation showing commitment to afterschool for all youth and announcing that October 26<sup>th</sup>, 2017 is "*Lights On Afterschool Day*".

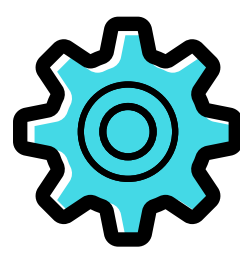
LINKS also invites the Livingston City Commissioners to attend the Lights On Afterschool event, on October 26<sup>th</sup>, held at East Side School from 5:00-6:30pm. LINKS will host a free and fun open house for all children, families and community members. The open house will highlight LINKS' various STEM (Science, Technology, Engineering and Math) enrichment activities that they offer to Park County Children, including a First Lego League Robotics demonstration. Free food and refreshments will also be provided. Please join us to highlight the importance of afterschool for all youth.



# Keep the Lights On After School for Park County youth!

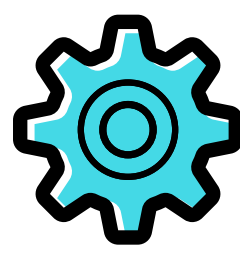
**THURS**  
**OCTOBER**  
**26** : 5:00-6:30 PM  
.....  
East Side  
School Gym  
401 View Vista Dr. Livingston

## Join LINKS for a free open house!

 Fun Science, Technology, Engineering & Math (STEM) games & activities for all ages!

 Free food and refreshments!

 First Lego League Robotics Demonstration!

 Support after school for all youth!



LINKS for Learning  
406 223-5288  
[www.livingston.k12.mt.us/links](http://www.livingston.k12.mt.us/links)

**Backup material for agenda item:**

- A. RESOLUTION NO. 4760 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2016-2017, BY MAKING APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$1,016,950 AND REVENUE ADJUSTMENTS IN THE AMOUNT OF \$608, 550.

**RESOLUTION NO. 4760**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2016-2017, BY MAKING APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$1,016,950 AND REVENUE ADJUSTMENTS IN THE AMOUNT OF \$608,550.**

**WHEREAS**, by Resolution No. 4685 the City of Livingston adopted its budget for Fiscal Year 2016-2017 (FY 16-17); and

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

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

**WHEREAS**, the budget for FY 16-17 requires a budget amendment by making appropriation adjustments in the amount of \$1,016,950 and revenue adjustments in the amount of \$608,550 as specified herein.

**NOW, THEREFORE**, be it resolved by the City Commission of the City of Livingston, Montana, that the budget for Fiscal year 2016-2017 is amended as follows:

**Revenue Estimate Adjustments  
Fund**

Department	Description/Purpose	Account	Amount
<b>General Fund</b>			
Building & Permits		1000.323010	\$ 48,750
Swimming Pool Fees		1000.346030	8,300
Police Department Fines		1000.351037	21,298
Recreational Dept Revenue		1000.361020	21,153
<b>Soccer Fields</b>		2211.365050	135,503
<b>Communications/Dispatch</b>			
DES Grant		2300.334020	124,346
County Contributions		2300.342040	66,000
<b>2016 Fire Truck GOB</b>		3002.311010	48,400
<b>Capital Improvement Fund</b>			
Fema Grant		4010.334010	134,800
		<b>TOTAL</b>	<b>\$ 608,550</b>

**Appropriation Adjustments  
Fund**

Department	Description/Purpose	Account	Fund Adjustment	Unanticipated Revenues	Unbudgeted Revenues
<b>General Fund</b>					
Legislative	School Nurse Contribtuion	1000.101.440000.394	\$ 11,000	X	
Legal Services	Professional Services	1000.107.411100.350	64,000	X	
Admin Services	Rec program expenses	1000.109.460445.110	12,000		X
Admin Services	Interim city manager	1000.109.460449.110	16,750	X	

**Resolution No. 4760**

**Amending the budget for Fiscal Year 2016-2017 by making appropriation adjustments in the amount of \$1,016,950 and revenue adjustments in the amount of \$608,550.**

Facility Admin/Complex	Building Repairs	1000.121.411230.365	11,100	X	
Facility Admin/Complex	Property Taxes	1000.121.411230.530	8,500	X	
Central Communications	Internet Service	1000.122.411300.346	17,800	X	
Central Stores	Black Mountain/IT Contract	1000.123.411700.368	26,000	X	
Law Enforcement	Overtime	1000.131.420100.120	10,000		X
Fire	Wages and Overtime	1000.141.420401.120	67,500	X	
Non-Departmental	Vault Infill	1000.160.520000.824	98,000	X	
<b>Soccer Fields</b>	Field House	2211.000.411810.940	27,000		X
<b>Communications/Dispatch</b>	Dispatch remodel	2300.132.420160.940	195,000	X	X
<b>Permissive Medical Levy</b>	Health Insurance	2372.160-510331.143	2,600	X	
<b>Street Maintenance</b>	Overtime	2500.151.430240.120	29,500	X	
	Pothole Patcher	2500.151.430240.960	38,500	X	
	Administrative Cost Allocation	2500.151.521000.392	32,300	X	
<b>Business Improvement District</b>	Professional Services	2650.470100.350	12,600	X	
<b>2016 Fire Truck GOB</b>	Debt service	3002.170.490100.610-630	48,000		X
<b>West End TIF</b>	Starlo booster station	3200.000.490200.940	56,500		X
<b>Capital Improvement Fund</b>	Radios for fire	4010.000.411810.900-940	135,000		X
<b>Railroad Crossing Levy</b>	Utility locates	4099.000.411850.940	2,300	X	
<b>Solid Waste</b>	Disposal Fees	5410.504.430840.396	95,000		
	<b>TOTAL</b>		<b>\$ 1,016,950</b>		

Dated this \_\_\_\_\_ day of October, 2017.

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**JAMES BENNETT – Chairman**

**ATTEST:**

**APPROVED AS TO FORM:**

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**LISA HARRELD**  
Recording Secretary

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**JAY PORTEEN**  
City Attorney

**Resolution No. 4760**

**Amending the budget for Fiscal Year 2016-2017 by making appropriation adjustments in the amount of \$1,016,950 and revenue adjustments in the amount of \$608,550.**

## 2017 Budget Review

The purpose of this report is to update the Commission on the status of the fiscal year 2017 budget and recommend any necessary amendments. A summary of the city's entire budget, as adopted, is shown below. A breakdown of the individual funds can be found in the last two pages of this report.

### SUMMARY OF BUDGETED REVENUES, EXPENDITURES AND OTHER FINANCING SOURCES/USES for the Fiscal Year Ended June 30, 2017

	Governmental Funds				Proprietary Funds	Trust & Agency Funds	Total All Funds
	General	Special Revenue	Debt Service	Capital Project			
<b>Beginning Balance</b>							
Reserve/Working Capital	\$ 518,068	\$ 2,680,690	\$ 688,378	\$ 135,446	\$ 1,459,599	\$ 237,268	\$ 5,719,449
Total Revenues	4,204,681	3,938,595	208,698	750,600	6,516,900	6,500	15,625,974
Total Expenditures	4,126,195	5,269,310	146,675	746,900	6,248,178	3,500	16,540,758
<b>Ending Balance</b>							
Reserve/Working Capital	<u>\$ 596,554</u>	<u>\$ 1,349,975</u>	<u>\$ 750,401</u>	<u>\$ 139,146</u>	<u>\$ 1,728,321</u>	<u>\$ 240,268</u>	<u>\$ 4,804,665</u>

### Overview

The city's budget includes 40 separate funds. Approximately 80% of the city's budget, however, is encompassed in the eight primary operating funds listed below. Most of the comments in this report will focus on these operating funds.

- General Fund
- Library Fund
- Communications & Dispatch Fund
- Street Maintenance District Fund
- Water Fund
- Wastewater Fund
- Solid Waste Fund
- Ambulance Fund

Shown on the following table is a summary of budgeted revenues and expenditures, year-to-date totals, year-end projections, and the variance for each of the city's eight primary operating funds. All funds combined resulted in revenues 43.56% greater than budgeted and expenditures were 40.24% over expenditure estimates for these funds. The net effect is a positive indicator.

**SUMMARY OF REVENUES AND EXPENDITURES**  
**MAJOR OPERATING FUNDS**  
**for the Fiscal Year Ended June 30, 2017**

	<b>General Fund</b>			
	Budgeted	YTD Actual	Variance	Percent Variance
<b>Beginning Reserve</b>	\$ 518,068	\$ 528,097	\$ 10,029	1.94%
Revenues	4,204,681	4,285,862	81,181	1.93%
Expenditures	4,126,195	4,319,600	193,405	4.69%
Net revenues over expenditures	78,486	(33,738)	(112,224)	-142.99%
<b>Ending Reserve</b>	\$ 596,554	\$ 494,359	\$ (102,195)	-17.13%
	<b>Library</b>			
	Budgeted	YTD Actual	Variance	Percent Variance
<b>Beginning Reserve</b>	\$ 145,618	\$ 172,442	\$ 26,824	18.42%
Revenues	382,531	379,576	(2,955)	-0.77%
Expenditures	467,089	438,010	(29,079)	-6.23%
Net revenues over expenditures	(84,558)	(58,434)	26,124	30.89%
<b>Ending Reserve</b>	\$ 61,060	\$ 114,008	\$ 52,948	86.71%
	<b>Communications &amp; Dispatch</b>			
	Budgeted	YTD Actual	Variance	Percent Variance
<b>Beginning Reserve</b>	\$ 239,224	\$ 290,037	\$ 50,813	21.24%
Revenues	512,460	777,714	265,254	51.76%
Expenditures	726,210	962,495	236,285	32.54%
Net revenues over expenditures	(213,750)	(184,781)	28,969	13.55%
<b>Ending Reserve</b>	\$ 25,474	\$ 105,256	\$ 79,782	313.19%
	<b>Street Maintenance District</b>			
	Budgeted	YTD Actual	Variance	Percent Variance
<b>Beginning Reserve</b>	\$ 244,665	\$ 290,157	\$ 45,492	18.59%
Revenues	992,100	983,245	(8,855)	-0.89%
Expenditures	726,193	905,122	178,929	24.64%
Net revenues over expenditures	265,907	78,123	(187,784)	-70.62%
<b>Ending Reserve</b>	\$ 510,572	\$ 368,280	\$ (142,292)	-27.87%



**SUMMARY OF REVENUES AND EXPENDITURES**  
**MAJOR OPERATING FUNDS**  
**for the Fiscal Year Ended June 30, 2017 (cont.)**

	<b>Water</b>			
	Budgeted	YTD Actual	Variance	Percent Variance
<b>Beginning Reserve</b>	\$ 182,323	\$ 513,956	\$ 331,633	181.89%
Revenues	1,522,250	1,577,828	55,578	3.65%
Expenditures	1,537,096	1,209,154	(327,942)	-21.34%
Net revenues over expenditures	(14,846)	368,674	383,520	2583.32%
<b>Ending Reserve</b>	\$ 167,477	\$ 882,630	\$ 715,153	427.02%
	<b>Sewer</b>			
	Budgeted	YTD Actual	Variance	Percent Variance
<b>Beginning Reserve</b>	\$ 1,158,680	\$ 1,519,768	\$ 361,088	31.16%
Revenues	2,233,250	3,652,704	1,419,454	63.56%
Expenditures	1,774,192	1,947,449	173,257	9.77%
Net revenues over expenditures	459,058	1,705,255	1,246,197	271.47%
<b>Ending Reserve</b>	\$ 1,617,738	\$ 3,225,023	\$ 1,607,285	99.35%
	<b>Solid Waste</b>			
	Budgeted	YTD Actual	Variance	Percent Variance
<b>Beginning Reserve</b>	\$ (99,026)	\$ (203,424)	\$ (104,398)	105.42%
Revenues	1,851,925	1,925,473	73,548	3.97%
Expenditures	1,922,140	1,947,449	25,309	1.32%
Net revenues over expenditures	(70,215)	(21,976)	48,239	68.70%
<b>Ending Reserve</b>	\$ (169,241)	\$ (225,400)	\$ (56,159)	33.18%
	<b>Ambulance</b>			
	Budgeted	YTD Actual	Variance	Percent Variance
<b>Beginning Reserve</b>	\$ 217,622	\$ 257,002	\$ 39,380	18.10%
Revenues	909,475	978,361	68,886	7.57%
Expenditures	1,014,750	1,007,410	(7,340)	-0.72%
Net revenues over expenditures	(105,275)	(29,049)	76,226	72.41%
<b>Ending Reserve</b>	\$ 112,347	\$ 227,953	\$ 115,606	102.90%

**SUMMARY OF REVENUES AND EXPENDITURES**  
**MAJOR OPERATING FUNDS**  
**for the Fiscal Year Ended June 30, 2017 (cont.)**

	All Funds			Percent Variance
	Budgeted	YTD Actual	Variance	
<b>Beginning Reserve</b>	\$ 5,719,449	\$ 6,582,627	\$ 863,178	15.09%
Revenues	15,625,974	18,101,599	5,492,927	43.56%
Expenditures	16,540,758	17,240,593	4,946,728	40.24%
Net revenues over expenditures	(914,784)	861,006	546,199	173.50%
<b>Ending Reserve</b>	\$ 4,804,665	\$ 7,443,633	\$ 1,409,377	23.36%

An analysis of each of these funds' revenues, expenditures, and variances is discussed in the following sections. Also included in the analysis are recommended budget amendments necessary to prevent actual expenditures from exceeding appropriations in any individual fund.

## Expenditure and Revenue Analysis

### Personnel – All Funds

A large component of governmental budgets is personnel. In municipalities, the significant nature of construction and infrastructure projects cause personnel to be a smaller percentage of the city's budget than in many other governmental entities (such as schools). Nevertheless, personnel costs remain a significant element of the city's budget.

Personnel costs, unlike infrastructure and construction projects, are highly predictable. We do have cyclical personnel costs in many areas such as part-time parks workers, seasonal street crew workers, etc., yet we are able to project personnel costs with a high degree of accuracy.

Shown below is a table which shows total budgeted salaries, overtime and benefits for all funds of the city. Also shown are actual expenditures for the year and the percent of the budget expended. As shown by the table, we expended a total of 98.3% of the personnel budget. Personnel costs, which represent \$7.3 million of the city's total budget, were on target.

Personnel Costs	Budgeted	Expended June 30, 2017	Percent Expended
Salaries & Wages	\$ 4,593,957	\$ 4,505,741	98.1%
Overtime	318,500	462,187	145.1%
Benefits	2,418,310	2,237,159	92.5%
	<u>\$ 7,330,767</u>	<u>\$ 7,205,087</u>	<u>98.3%</u>

Note: The State of Montana contributes toward the city's three retirement systems. The city does not actually receive or expend these funds, however, accounting rules require the city to record the state's contribution as both a revenue and an expenditure. Actual expenditures shown above have been adjusted based on the state's budgeted contribution

## General Fund Revenues

We estimated we would collect \$4,204,681 of general fund revenues for the year. For the past three years, we have collected an average of 103.1% of our general fund revenues for the year. This year we collected 101.7% of budgeted revenues. Our general fund revenues appear to be on-target for the year.

	<b>Budgeted</b>	<b>Received</b>	<b>Percent Received</b>
<b><u>Prior Three Years:</u></b>			
Fiscal Year 2014	\$ 3,803,587	\$ 4,110,305	108.1%
Fiscal Year 2015	4,234,475	4,246,915	100.3%
Fiscal Year 2016	4,187,454	4,246,243	101.4%
	<u>\$ 12,225,516</u>	<u>\$ 12,603,463</u>	<u>103.1%</u>
 <b><u>Budget Year:</u></b>			
Fiscal Year 2017	4,204,681	4,275,574	101.7%

Prudent budgeting dictates that we are somewhat conservative in our estimates, yet remain realistic. Our initial revenue estimates met these basic budgeting criteria. Listed below are some of the significant general fund revenue sources which warrant discussion.

### **Property Taxes**

The city's budget was based on an estimated mill value of \$10,668, which represented an increase in the mill value of 1%. The actual mill value was \$10,878, or a 2.99% increase in value.

This difference did not significantly change our anticipated property tax collections.

We estimated we would collect \$1,718,295 of general fund property taxes for the year. We actually collected a \$1,686,961, 98.2% of our estimate. For the past three years, we have collected an average of 100.7% of budgeted revenues. We were slightly behind this average in 2017 with only having collected 98.2% of budgeted revenues.

<b>General Fund Property Taxes</b>	<b>Budgeted</b>	<b>Received</b>	<b>Percent Received</b>
<b><u>Prior Three Years:</u></b>			
Fiscal Year 2014	1,497,891	1,562,976	104.3%
Fiscal Year 2015	1,576,100	1,555,000	98.7%
Fiscal Year 2016	<u>1,600,983</u>	<u>1,588,066</u>	<u>99.2%</u>
	<u>\$ 4,674,974</u>	<u>\$ 4,706,042</u>	<u>100.7%</u>
<b><u>Budget Year:</u></b>			
Fiscal Year 2017	1,718,295	1,686,961	98.2%

### **Building Permits**

We had budgeted of \$80,000 in building permit revenue for the year. We actually collected \$128,752 which was 161% great than anticipated. Building permit revenue is a good indicator of our local economy, in 2016 we issued 21 residential building permits compared to 41 in the current fiscal year.

### **State Entitlement/Reimbursement**

State entitlement is in essence state revenue sharing. Several years ago, cities and counties received several individual revenue sources including: beer tax, wine tax, personal property reimbursement, and a portion of video poker machine tax revenue. The state began receiving these tax revenues and in return distributed state entitlement revenues to cities and counties. This revenue source is highly predictable. We budgeted \$1,097,298 and received \$1,097,251, very close to 100% of our estimate. Significant revenue sources like this, certainly contributes to our ability to make accurate general fund revenue estimates.

### **Recreation Department Revenue**

In fiscal year 2016 a concerted effort was undertaken by our recreation manager to increase the number of programs offered by the department while ensuring the fees charged covered the cost of those programs being offered. The new programs were designed to support the community needs and were communicated widely through an increase in advertising. The result was an increase in revenues and that trend has continued. In 2017 we budgeted revenues of \$35,000 and \$52,000 for the city pool and recreations, respectively. Actual collections were \$43,307 and \$73,146. Combined we collected 134% of budgeted revenues.

### **Fines & Forfeitures**

Fine revenue can be difficult to budget for. We utilize historical data to determine conservative estimates, while taking into consideration any operational changes that may affect the revenues. There are three main types of fines that are collected by the City General Fund: Parking Tickets, Police Department Fines, and Time Payments. Police Fines are tickets that are issued and paid in full. Time Payments are Police fines that have been set up on a payment plan through the Livingston City Court. For FY 2017, Police Revenue was budgeted at \$20,000, a historically consistent collection rate. Actual collections were \$41,298. Police officers issued 640 citations in 2016 compared to 787 in 2017. Time payment revenue has historically been

close to the \$100,000 however this dropped dramatically in fiscal year 2015 to under \$60,000. That decreased continued in 2016 but has slowly been on the rise since that time. Budgeted revenues for fy 2017 were \$55,000 compared to actual collections of \$51,788. The City Court has jurisdiction over collection of these fines, and we have undertaken an administrative process to address the underlying issues in the collection procedures.

## **General Fund Expenditures**

General fund expenditures are typically highly predictable however there were some exceptions in fiscal year 2017. The city budgeted \$4,153,595 and spent \$4,319,330, or 104%. There were several items impacting this and are discussed in more detail below by department.

### **City Commission**

The city commission agreed in October 2015 to provide \$11,000 to the Livingston School District to help fund a school nurse. This contribution was agreed to after the budget was adopted.

### **Legal Services**

In August 2016 the city attorney resigned. During the process of filing this position, the City contracted with Courtney Lawellin, PC to provide legal services. This ended up being a significant additional expense to the city, approximately \$64,000 and was funded in part by vacancy savings. A budget amendment of \$29,000 will be necessary to cover this increased expense.

### **Administrative Services**

Due to the absence of a City Manager for the majority of fiscal year 2017, Lisa Lowy filled in as the interim city manager. As an employee within the administrative services team her salary was paid out of this department. This increased expense was funded by vacancy savings in the City Managers budget.

### **Recreation**

As the recreation department grows so does the staffing requirement and the supplies necessary to run successful programs. The increased expenses for the pool and the recreation department were just under \$16,000. The additional revenue of \$29,000, as discussed previously, more than offsets the costs.

### **Facility Admin**

This department is used to track the cost of occupying the City/County Complex as well as the Finance Office. In fiscal year 2017 actual costs were \$137,101 compared to budgeted costs of \$117,800, a \$19,301 difference. Several factors contributed to this. The cost of repairs and maintenance for the City/County complex of historically been budgeted for at \$3000 when actual costs have been closer to \$10,000. Actual repairs and maintenance expense was \$16,750 in 2017. Going forward the administration will look more carefully at actual costs to determine an appropriate budget amount.

The other major cost overrun was the result of property taxes the city is responsible for paying for the Finance Office. This expense is \$8,000 annually and was not included in the fiscal year 2017 budget.

### **Central Stores**

This department is used for the purchase of supplies for many departments and is part of the administrative cost allocation. The amount budgeted in this fund for computers and office machine repairs and maintenance only reflected the amount of our payments to Park County for IT support. Also included in this, however, is the city's annual fee to Black Mountain Software for accounting software and lease payments for office equipment. It appears these significant expenses were not included in the original budget process resulting in overruns of \$19,000.

**Law Enforcement**

One of the biggest challenges in 2017 was fully staffing the department. Because of this, there was unanticipated overtime within their budget.

**Fire Department**

Fire /EMS overtime has always been necessary to maintain minimum staffing levels due to additional calls, sick, vacation, and administrative leave coverage. Recently, however, the need for Overtime has increased, driving actual costs over budgeted amounts. Actual Fire overtime for FY 2017 was \$102,940 while budget was only \$62,000. A budget amendment for approximately \$40,9500 will be necessary to cover this overage. Because this has been a common scenario over the last several years, the fiscal year 2018 budget increases the overtime to a more appropriate amount.

**Other**

One of the largest costs in fiscal year 2017 was the vault infill project. As of June 30, the cost of this project to the city was \$98,000. While this was an unanticipated expense in the 2017 budget, it was included in 2018 and will be adjusted as needed to reflect this in the 2018 budget.

## Special Revenue Funds

### Library

In the current year we budgeted \$382,531 compared to collections of \$379,532. This is well within an acceptable range of budget variances.

### Dispatch

Dispatch revenues are primarily monthly transfers in from the City General fund along with quarterly payments from Park County and, therefore, are very consistent and predictable, with only slight variations in fee revenues. In the current year we budgeted \$512,460 and collected \$777,013. This increase in revenue was due to a previously unbudgeted remodel of the dispatch center. Sources of revenue for this project came from additional contributions from the county and city, grant funds, as well as an intercap loan. The remodel of the dispatch center resulted in unbudgeted expenditures of \$194,000.

### Street Maintenance

For the year we collected \$979,950 of our \$992,100 street maintenance revenue estimate or 99% of our budgeted revenue. This revenue is made up of mostly street maintenance assessments, collected along with the tax revenue. As with the tax collections, it appears street maintenance collections have been delayed by a month from historical collections.

The budget in street maintenance was exceeded by \$73,100 due to heavy snow in FY 2017 that increased the need for overtime as well as the purchase of a pothole patcher included in the 2018 budget. The City was able to obtain this piece of equipment in May 2017 saving roughly \$8000 that it would have cost to rent until it could have been purchased in July 2017. There is sufficient fund reserves available to cover the cost overruns in the street maintenance fund.

**Soccer Fields.** Phase 3 of the Soccer Fields project (construction of the fieldhouse) was started in mid FY 2016. The total cost of this phase is \$710,400. Contributions from the Livingston Youth Soccer Association will cover this amendment and therefore impact to city funds is neutral.

**Capital Improvement Fund.** The Park County/Livingston Youth Tennis Association completed the final upgrade for the tennis courts within Sacajawea Park. The revenue was raised by the Tennis Association and forwarded along to the City, who paid the contractor. A budget amendment will be necessary for both the revenue and the expenditures in the amount of \$163,138.



## Debt Service Funds

### 2016 Fire Truck GOB

In November 2015 voters in the City approved a \$750,000 debt issuance for the purchase of a new fire engine. Revenue for this bond is received through taxes approved by the tax payers. In 2017 we began receiving tax revenues for this bond as well as repaying the debt. This was not included in the original budget and will require a budget amendment to both revenue and expenditures for \$50,000.

### West End Tax Increment District

While this fund is primarily used to service debt, funds are also available for improvements to the area represented by the TIF. In FY 2017 the booster station in this district was replaced to prevent water supply failure, especially in the case of fire flows, to Printing For Less and the surrounding area. This is an appropriate use of these funds and there are sufficient reserves available to cover this budget overage of \$56,400.

## Capital Improvement Funds

### Capital Improvement Fund

In 2017 the fire department was awarded grant funds from FEMA to purchase radios. The received \$135,000 in grant funds, which is also what was spent to purchase the radios. The net effect to the city is zero however this will require a budget amendment for \$135,000.

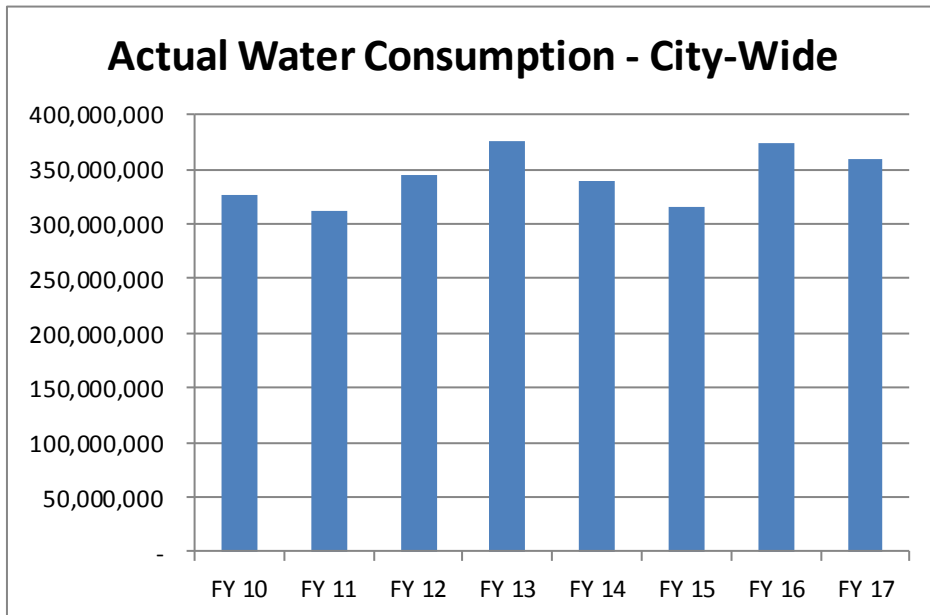
### Railroad Crossing Levy

The city had to perform certain utility locates related the location of a future railroad crossing. This unanticipated cost was \$2,700 and will require a budget amendment.

### Enterprise Fund Revenues

**Water Fund.** Water operating revenues (metered water sales) represent the vast majority of our water fund revenues. Total estimated metered water sales for the year were \$1,467,750. We collected a total of \$1,511,497 or 103% of our estimated revenue. On average for the past three years, we have collected 98.0% of our budgeted amount. Water revenues tend to be more variable, increasing or decreasing based on the weather and other factors. This variability can be seen with the water consumption graph shown below. The increase in consumption was most likely the factor that contributed the most to the increase in revenue.

Water Operating Revenues	Budgeted	Received	Percent Received
<b><u>Prior Three Years:</u></b>			
Fiscal Year 2014	1,438,200	1,369,447	95.2%
Fiscal Year 2015	1,407,600	1,329,743	94.5%
Fiscal Year 2016	1,346,000	1,407,922	104.6%
	<u>\$ 4,191,800</u>	<u>\$ 4,107,112</u>	<u>98.0%</u>
<b><u>Budget Year:</u></b>			
Fiscal Year 2017	1,467,750	1,511,497	103.0%



**Wastewater Fund** – Wastewater operating revenues (wastewater sales) represent the vast majority of our wastewater fund revenues. Total estimated wastewater revenues for the year are \$2,193,600. We collected \$2,279,457, or 104% of our estimate. On average, for the past three years, we have collected 100.7% of our budgeted wastewater revenues. This year we were slightly ahead of our 3 year trend at 103.9%.

<b>Wastewater Revenues</b>	<b>Budgeted</b>	<b>Received</b>	<b>Percent Received</b>
<b><u>Prior Three Years:</u></b>			
Fiscal Year 2014	1,864,375	1,884,799	101.1%
Fiscal Year 2015	2,105,600	2,099,888	99.7%
Fiscal Year 2016	<u>2,143,600</u>	<u>2,174,197</u>	<u>101.4%</u>
	<u>\$ 6,113,575</u>	<u>\$ 6,158,884</u>	<u>100.7%</u>
<b><u>Budget Year:</u></b>			
Fiscal Year 2017	2,193,000	2,279,457	103.9%

**Solid Waste Fund** – Garbage collection charges (including transfer station revenue) represent the vast majority of our Solid Waste Fund revenues. Total estimated garbage collection charges for the year are \$1,847,300. We collected a total of \$1,923,568 through year end, or 104.1% of our estimate. For the three prior years, we have collected 103.4% of our annual budget by year end. The unpredictability of the previous 3 years revenues is the result of a new and changing customer base: Park County Residents. As we have built a collection history with the addition of Park County residents we have been better able to predict revenues however increased customers over the scale, along with an increase in fees have helped to boost our revenue.

<b>Solid Waste Revenues</b>	<b>Budgeted</b>	<b>Received</b>	<b>Percent Received</b>
<b><u>Prior Three Years:</u></b>			
Fiscal Year 2014	1,555,195	1,681,832	108.1%
Fiscal Year 2015	1,675,000	1,768,978	105.6%
Fiscal Year 2016	<u>1,830,620</u>	<u>1,780,595</u>	<u>97.3%</u>
	<u>\$ 5,060,815</u>	<u>\$ 5,231,405</u>	<u>103.4%</u>
<b><u>Budget Year:</u></b>			
Fiscal Year 2017	1,847,300	1,923,568	104.1%

**Ambulance Fund** – Ambulance Service Revenues represent the vast majority of our Ambulance Fund revenues. Total estimated ambulance service revenues for the year are \$525,000. Actual collections for FY 2017 were \$621,944, or 118.5% of budgeted revenues.

<b>Ambulance Revenues</b>	<b>Budgeted</b>	<b>Received</b>	<b>Percent Received</b>
<b><u>Prior Three Years:</u></b>			
Fiscal Year 2014	407,700	469,973	115.3%
Fiscal Year 2015	453,600	550,936	121.5%
Fiscal Year 2016	<u>500,000</u>	<u>527,596</u>	<u>105.5%</u>
	<u>\$ 1,361,300</u>	<u>\$ 1,548,505</u>	<u>113.8%</u>
<b><u>Budget Year:</u></b>			
Fiscal Year 2017	525,000	621,944	118.5%

## Enterprise Fund Expenditures

For proprietary funds such as the enterprise funds, the basis of accounting is full accrual. The budgets are set using cash basis. This means that at year end it is necessary to convert the funds to full accrual. This involves capitalizing assets and recording depreciation among other items. The difference between the two normally leaves sufficient budget authority, but not always. In these cases a budget amendment is necessary.

### Water

Water expenditures for FY 17 were very close to budgeted amounts and will not need a budget amendment. Outstanding projects such as system upgrades, rate study, and infrastructure projects will be carried forward into FY 18.

### Sewer

Cash expenditures for the sewer fund came in significantly higher than budgeted due to engineering costs for the water reclamation facility. Due to the nature of enterprise funds, these costs will be capitalized and a budget amendment will not be required.

### Solid Waste Fund

Disposal fees, similar to the revenues are driven by a largely unknown customer base at the Transfer Station. In addition, as discussed throughout the year, a disparity exists between amounts charged to Park County and costs to dispose of Park County's garbage. An amendment in the amount of \$95,000 will be necessary to cover overages in budgeted disposal costs.

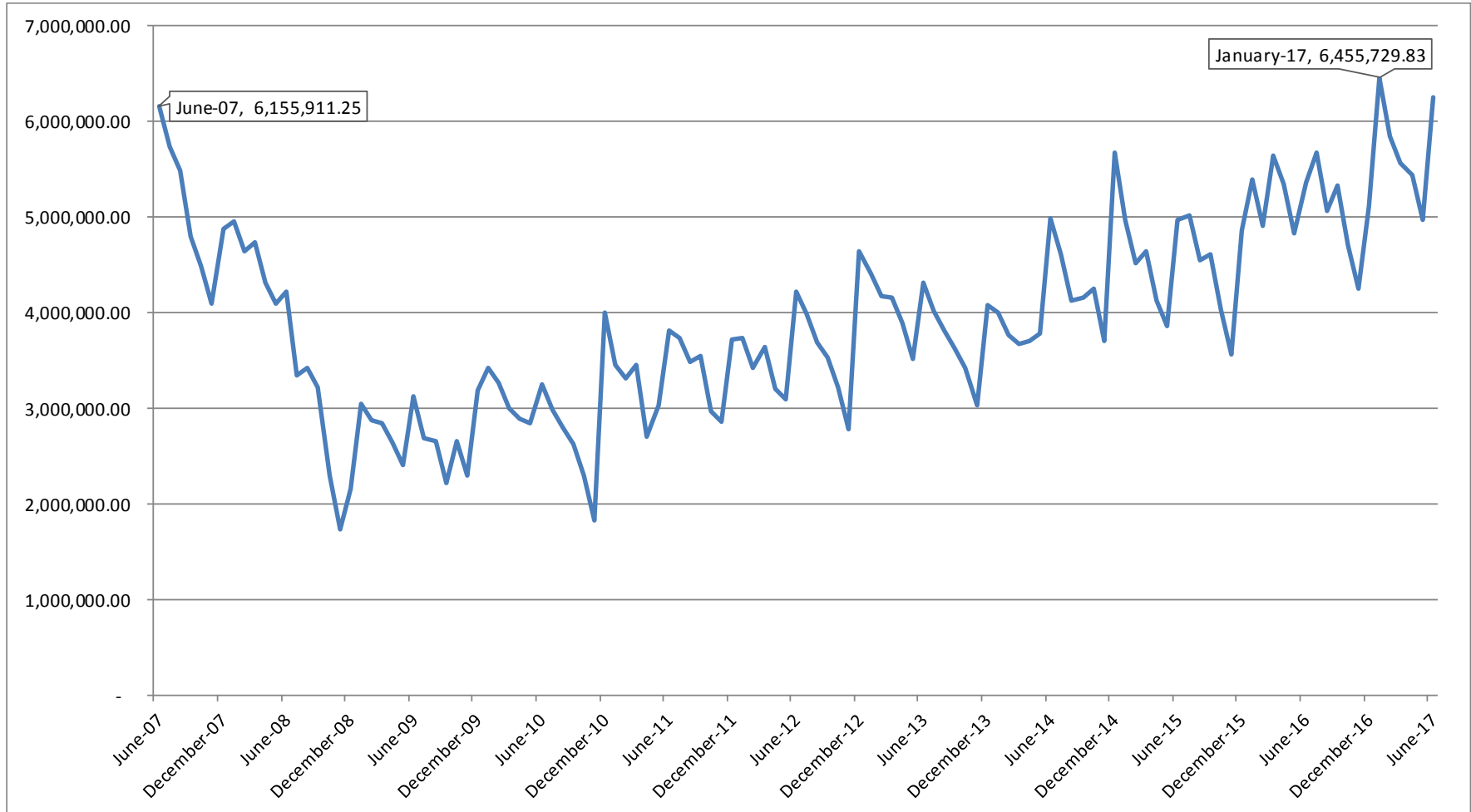
### Ambulance Fund

Ambulance operating expenditures for FY 17 were very close to budgeted amounts and will not need a budget amendment. As discussed above for fire, EMS overtime has always been necessary to maintain minimum staffing levels due to additional calls, sick, vacation, and administrative leave coverage. Recently, however, the need for Overtime has increased, driving actual costs over budgeted amounts. The City has budgeted more accurately for the upcoming fiscal year. In the meantime, actual EMS overtime for FY 2017 was \$110,950 while budget was only \$70,000. In addition to the large amount of overtime costs, the union negotiated transfer incentive pays for the EMS staff. The purpose of this is to encourage EMS drivers to accept transfers when not on duty. In fiscal year 2017 \$73,000 was paid as additional wages for the transfer a patients. A budget amendment for these costs is not necessary do to line item savings elsewhere within the EMS fund.

**SUMMARY OF ADOPTED BUDGET AND  
RECOMMENDED BUDGET AMENDMENTS**

	Adopted Budget	Capital Outlay Carryover	Recommended Amendments	Revised Budget
<b>Projected Beginning</b>				
Fund/Working Capital Balance	\$ 4,804,665	\$ 765,779		\$ 5,570,444
<b>Estimated Revenues</b>	15,625,974			15,625,974
Building and Related Permits			48,750	48,750
Recreation Programs			29,453	29,453
Police Department Fines			21,298	21,298
LYSA Fieldhouse			135,503	135,503
Dispatch - DES Grant			124,346	124,346
Dispatch - County Contributions			66,000	66,000
2016 Fire Truck GOB - Taxes			48,400	48,400
Capital Improvement Fund - Grants			134,800	134,800
<b>Total Amended Revenue Estimates</b>	15,625,974	-	608,550	16,234,524
<b>Budgeted Expenditures</b>	(16,540,758)			(16,540,758)
Capital Outlay Carryover		(765,779)		(765,779)
School Nurse Contribution			(11,000)	(11,000)
Professional Services - Legal			(64,000)	(64,000)
Recreation Program Expenses			(12,000)	(12,000)
Admin. Services Wages			(16,750)	(16,750)
Facilities - Repairs & Maint			(11,100)	(11,100)
Facilities - Rent			(8,500)	(8,500)
Internet Service			(17,800)	(17,800)
BMS Software & IT Support			(26,000)	(26,000)
Law Enforcement Overtime Costs			(10,000)	(10,000)
Fire Wage & Overtime Costs			(67,500)	(67,500)
Downtown Vaults			(98,000)	(98,000)
Soccer Field Fieldhouse			(27,000)	(27,000)
Dispatch Remodel			(195,000)	(195,000)
Health Insurance Costs			(2,600)	(2,600)
Street Main Overtime Costs			(29,500)	(29,500)
Capital Outlay - Pothole Patcher			(38,500)	(38,500)
Street Admin. Cost Allocation			(32,300)	(32,300)
BID Professional Services			(12,600)	(12,600)
2016 Fire Truck GOB			(48,000)	(48,000)
West End TIF - Booster Station			(56,500)	(56,500)
Capital Improvement Fund - Radios			(135,000)	(135,000)
Railroad Underpass - Utility Locates			(2,300)	(2,300)
Solid Waste Disposal Fees			(95,000)	(95,000)
<b>Total Amended Expenditures</b>	(16,540,758)	(765,779)	(1,016,950)	(18,323,487)
<b>Projected Ending</b>				
Fund/Working Capital Balance	\$ 3,889,881	\$ 0	\$ (408,400)	\$ 3,481,481

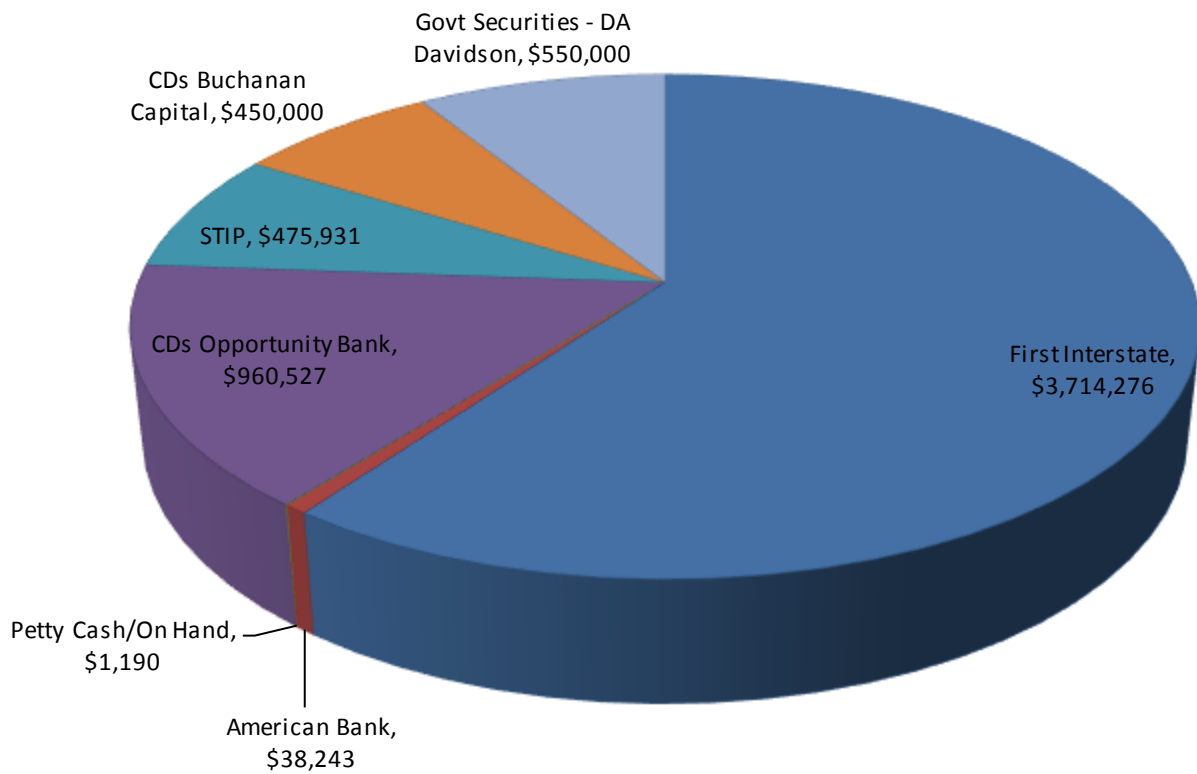
### Total City Cash Balance



Cash collection for the City of Livingston is cyclical. Major revenues are received in December (November tax payment) and June (May tax payment). As reserves are built back up, so too are the cash levels, resulting in the increasing trend in the recent past.

**City Cash on Hand & Investments  
as of June 30, 2017**

<b>Financial Institution</b>	<b>Amount</b>
First Interstate	\$ 3,714,276
American Bank	38,243
Petty Cash/On Hand	1,190
CDs Opportunity Bank	960,527
STIP	475,931
CDs Buchanan Capital	450,000
Govt Securities - DA Davidson	550,000
<b>Total</b>	<u><u>\$ 6,190,167</u></u>





**Appendix**

**Projected Changes in Fund and Working Capital Balances**

**All Funds**

**WORKING CAPITAL BALANCES**  
**DETAIL OF ALL FUNDS**  
**fiscal year ended June 30, 2017**

<b>Fund</b>	<b>Fund Name</b>	<b>Beginning Balance</b>	<b>Revenues</b>	<b>Expenditures</b>	<b>Ending Balance</b>
1000	General Fund	\$ 528,096	\$ 4,285,862	\$ 4,319,600	\$ 494,358
<b><u>SPECIAL REVENUE FUNDS</u></b>					
2190	Comprehensive Liability	52,414	183,379	174,526	61,267
2210	Recreation	0			0
2211	Soccer Fields	39,394	135,501	176,288	(1,393)
2212	SummerFest	(10,665)	15,990	15,065	(9,740)
2220	Library	172,442	436,358	438,010	170,790
2250	LFD/PCFRD Training Center	282	0	282	0
2260	Emergency/Disaster Fund	(20,796)	130	0	(20,666)
2270	Health-Sanitarian	24	5	0	29
2300	Communications/Dispatch Services	290,037	777,714	962,495	105,256
2310	Tax Increment District - Downtown	898,381	165,064	751,163	312,282
2311	Tax Increment District - West End	(2,360)	2,360		0
2320	Economic Development	(11,238)	49,873	48,954	(10,319)
2370	PERD	2,674	88,760	81,194	10,240
2371	Health Insurance	95,957	132,548	162,672	65,833
2372	Permissive Health Levy	32	336,618	336,618	32
2373	Police Pension	13,791	276,205	273,865	16,131
2374	Fire Pension	40,831	270,072	268,889	42,014
2397	CDBG Economic Dev Revolving	623,947	102,209	60,287	665,869
2399	Impact Fees - Fire	2,008	7,618	0	9,626
	Impact Fees - Transportation	215,414	64,932	82,364	197,982
	Impact Fees - Police	2,007	17,343	5,745	13,605
	Impact Fees - Parks	14,338	5,454	10,755	9,037
2400	S.I.D. Light Maintenance	56,458	136,584	101,100	91,942
2500	Street Maintenance	290,157	983,245	905,122	368,280
2600	Sidewalks	860	16,832	344	17,348
2650	Business Improvement District	17,996	42,810	57,797	3,009
2700	Park Improvement SRF	130,297	12,834	81,173	61,958
2750	Law Enforcement Joint Equipment Fund	6,379	40	0	6,419
2820	Gas Tax	55,817	159,741	117,661	97,897
<b>Total Special Revenue Funds</b>		<b>2,976,878</b>	<b>4,420,219</b>	<b>5,112,369</b>	<b>2,284,728</b>

**WORKING CAPITAL BALANCES**  
**DETAIL OF ALL FUNDS**  
**fiscal year ended June 30, 2017 (cont.)**

<b>Fund</b>	<b>Fund Name</b>	<b>Beginning Balance</b>	<b>Revenues</b>	<b>Expenditures</b>	<b>Ending Balance</b>
<b><u>DEBT SERVICE FUNDS</u></b>					
3002	2016 Fire Truck GOB	11	48,458	47,970	499
3003	2000 Fire Truck GOB	12,677	35,392	32,600	15,469
3200	West End Tax Increment District	568,976	127,904	131,148	565,732
3400	SID Revolving	26,181	163	0	26,344
3550	SID 179 - West End	16,862	34,562	33,113	18,311
3950	SID 178 - North N Street	11,988	75	0	12,063
3955	SID 180 - Carol Lane	(20,891)	4,188	139	(16,842)
<b>Total Debt Service Funds</b>		<b>615,804</b>	<b>250,742</b>	<b>244,970</b>	<b>621,576</b>
<b><u>CAPITAL PROJECT FUNDS</u></b>					
4010	Capital Improvement Fund	8,213	134,786	134,645	8,354
4020	Library Capital Improvement Fund	32,709	204	0	32,913
4099	Railroad Crossing Levy	131,989	687	34,108	98,568
4100	Fire Truck/Bond Proceeds	(83,862)	771,653	664,643	23,148
<b>Total Capital Project Funds</b>		<b>89,049</b>	<b>907,330</b>	<b>833,396</b>	<b>162,983</b>
<b><u>ENTERPRISE FUNDS</u></b>					
5210	Water Department	367,634	1,538,536	1,111,654	794,516
5210	Water Fund System Development Fees	146,322	39,291	97,500	88,113
5310	Sewer Department	1,219,575	3,610,279	2,518,131	2,311,723
5310	Sewer Fund System Development Fees	297,193	42,425	45,000	294,618
5410	Solid Waste Department	(203,424)	1,925,473	1,947,449	(225,400)
5510	Ambulance Services	257,002	1,079,579	1,007,410	329,171
<b>Total Enterprise Funds</b>		<b>2,084,302</b>	<b>8,235,583</b>	<b>6,727,144</b>	<b>3,592,741</b>
<b><u>TRUST FUNDS</u></b>					
8010	Perpetual Cemetery	235,843	6,357	3,396	238,804
<b>Total Trust Funds</b>		<b>235,843</b>	<b>6,357</b>	<b>3,396</b>	<b>238,804</b>
<b>Total All Funds</b>		<b>\$ 6,529,972</b>	<b>\$ 18,106,093</b>	<b>\$ 17,240,875</b>	<b>\$ 7,395,190</b>

**Backup material for agenda item:**

- A. RESOLUTION RELATING TO UP TO \$5,000,000 SEWER IMPROVEMENT REVENUE BOND ANTICIPATION NOTE (DNRC WATER POLLUTION CONTROL STATE REVOLVING LOAN PROGRAM), SERIES 2017; AUTHORIZING THE ISSUANCE THEREOF AND FIXING THE TERMS AND CONDITIONS OF THE BOND ANTICIPATION NOTE

## CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Livingston, Montana (the "Borrower") hereby certify that the attached resolution is a true copy of a Resolution entitled: "RESOLUTION RELATING TO UP TO \$5,000,000 SEWER IMPROVEMENT REVENUE BOND ANTICIPATION NOTE (DNRC WATER POLLUTION CONTROL STATE REVOLVING LOAN PROGRAM), SERIES 2017; AUTHORIZING THE ISSUANCE THEREOF AND FIXING THE TERMS AND CONDITIONS OF THE BOND ANTICIPATION NOTE" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City at a regular meeting on October 3, 2017 and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following City Commission members voted in favor thereof:

voted against the same:

abstained from voting thereon:

or were absent:

WITNESS my hand and seal officially this \_\_\_\_\_ day of October, 2017.

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City Clerk

SUPPLEMENTAL BOND RESOLUTION

Relating to

UP TO \$5,000,000 SEWER IMPROVEMENT REVENUE BOND ANTICIPATION NOTE  
(DNRC WATER POLLUTION CONTROL STATE REVOLVING LOAN PROGRAM),  
SERIES 2017

THE CITY OF LIVINGSTON, MONTANA

Dated October 3, 2017

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(For convenience of reference only, not a part of this Bond Resolution)

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RESOLUTION NO. 4759

RESOLUTION RELATING TO UP TO \$5,000,000 SEWER IMPROVEMENT REVENUE BOND ANTICIPATION NOTE (DNRC WATER POLLUTION CONTROL STATE REVOLVING LOAN PROGRAM), SERIES 2017; AUTHORIZING THE ISSUANCE THEREOF AND FIXING THE TERMS AND CONDITIONS OF THE BOND ANTICIPATION NOTE

WHEREAS, pursuant to the Montana Water Pollution Control State Revolving Fund Act, Montana Code Annotated, Title 75, Chapter 5, Part 11, as amended (the “State Act”), the State of Montana (the “State”) has established a revolving loan program (the “Program”) to be administered by the Department of Natural Resources and Conservation of the State of Montana, an agency of the State (the “DNRC”), and by the Department of Environmental Quality of the State of Montana, an agency of the State (the “DEQ”), and has provided that a water pollution control state revolving fund (the “Revolving Fund”) be created within the State treasury and all federal, state and other funds for use in the Program be deposited into the Revolving Fund, including, but not limited to, all federal grants for capitalization of a state water pollution control revolving fund under the Federal Water Pollution Control Act (the “Clean Water Act”), all repayments of assistance awarded from the Revolving Fund, interest on investments made on money in the Revolving Fund and payments of principal of and interest on loans made from the Revolving Fund; and

WHEREAS, the State Act provides that funds from the Program shall be disbursed and administered for the purposes set forth in the Clean Water Act and according to rules adopted by the DEQ and the DNRC; and

WHEREAS, the City of Livingston, Montana, a municipal corporation and a political subdivision of the State of Montana (the “Borrower”), has applied to the DNRC for a loan (the “Loan”) from the Revolving Fund to enable the Borrower to finance, refinance or reimburse itself for a portion of the costs of the 2017 Project (as hereinafter defined) which will carry out the purposes of the Clean Water Act; and

WHEREAS, the Borrower, pursuant to this Supplemental Resolution is authorized to issue revenue notes in an amount not to exceed the aggregate amount of \$5,000,000 to pay for a portion of the costs of making certain improvements to the Borrower’s sewer system (the “System”), such notes to be payable through Net Revenues of the System; and

WHEREAS, the United States Department of Agriculture - Rural Development (“USDA-RD”) has offered to make one or more permanent loans in the total principal amount of \$5,000,000 (the “USDA-RD Definitive Bond”) available to the Borrower under the terms of a Letter of Conditions dated December 27, 2016; and

WHEREAS, the Borrower will issue its Sewer Improvement Revenue Bond Anticipation Note (DNRC Water Pollution Control State Revolving Loan Program), Series 2017 (the “Series 2017 Note”), in the original aggregate principal amount of \$5,000,000 in advance of the issuance of the USDA-RD Definitive Bond; and

WHEREAS, once the 2017 Project is complete, the USDA-RD Definitive Bond will be issued in an amount equal in excess of the principal and interest outstanding on the Series 2017 Note; and

WHEREAS, the Borrower is authorized under applicable laws, ordinances and regulations to adopt this Supplemental Resolution, to authorize the issuance of the USDA-RD Definitive Bond and to issue the Series 2017 Note to evidence the Loan for the purposes set forth herein; and

WHEREAS, the Borrower is authorized under applicable laws and regulations to adopt this Supplemental Resolution, to authorize the issuance of the Series 2017 Note to evidence the Loan for the purpose set forth herein; and

WHEREAS, the Series 2017 Note will be issued on a parity basis with the Borrower's outstanding (i) Sewer Revenue Bonds (DNRC Water Pollution Control State Revolving Loan Program), Series 2009B (ARRA) (the "Series 2009B Bonds"), (ii) Sewer System Revenue Refunding Bonds, Series 2012 (the "Series 2012 Bonds"), and (iii) the Sewer Improvement Revenue Bond Anticipation Note (DNRC Water Pollution Control State Revolving Loan Program), Series 2016 (the "Series 2016 Note"), payable from the Net Revenues (as defined below); and

WHEREAS, the Borrower is authorized to charge just and equitable rates, charges and rentals for all services directly or indirectly furnished by the System, and to pledge and appropriate to the Series 2017 Note the net revenues to be derived from the operation of the System (the "Net Revenues"), including improvements, betterments or extensions thereof hereafter constructed or acquired, and the Net Revenues to be produced by such rates, charges and rentals during the term of the Series 2017 Note and the useful life of the improvements financed or refinanced thereby will be more than sufficient to pay the principal and interest when due on the Series 2017 Note, and to create and maintain reasonable reserves therefor and to provide an allowance for replacement and depreciation, as herein prescribed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AS FOLLOWS:

ARTICLE I  
DEFINITIONS, RULES OF CONSTRUCTION, APPENDICES AND FINDINGS

Section 1.1. Definitions. In this Supplemental Resolution, unless a different meaning clearly appears from the context:

“Accountant” or “Accountants” means an independent certified public accountant or a firm of independent certified public accountants satisfactory to the DNRC.

“Act” means Montana Code Annotated, Title 7, Chapter 7, Parts 44 and 45, as heretofore and hereafter amended or supplemented.

“Additional Bonds” means any Bonds issued pursuant to Article XV of the Original Resolution.

“Authorized DNRC Officer” means the Director of the DNRC or his or her designee.

“Bond Counsel” means Barnes & Thornburg LLP or any Counsel nationally recognized as experienced in matters relating to the issuance by states or political subdivisions of tax-exempt obligations selected by the Borrower and acceptable to the DNRC.

“Bonds” means the Series 2009B Bonds, the Series 2012 Bonds, the Series 2016 Note, the Series 2017 Note, and any Additional Bonds.

“Borrower” means the City of Livingston, Montana, or any permitted successor or assigns hereunder.

“Business Day” means any day which is not a Saturday or Sunday, a legal holiday in the State or a day on which banks in the State are authorized or required by law to close.

“Clean Water Act” means the Federal Water Pollution Control Act, 33 U.S.C. Sections 1251-1387, as amended, and all regulations, rules and interpretations issued by the EPA thereunder, as may be amended.

“Closing” means the date of delivery of the Series 2017 Note to the DNRC.

“Code” means the Internal Revenue Code of 1986, as amended.

“Collateral Documents” means any security agreement, guaranty or other document or agreement delivered to the DNRC securing the obligations of the Borrower under this Supplemental Resolution and the Series 2017 Note. If no Collateral Documents secure such obligations, any reference to Collateral Documents in this Supplemental Resolution shall be without effect.

“Commitment Agreement” means a commitment letter between the Borrower and the DNRC, relating to the agreement of the DNRC to purchase the USDA-RD Definitive Bond from the Borrower on certain terms and conditions.

“Committed Amount” means the amount of the Loan committed to be lent by the DNRC to the Borrower pursuant to Section 4.1 of this Supplemental Resolution, as such amount may be reduced pursuant to Sections 3.2(b) and 3.4 of this Supplemental Resolution.

“Construction Account” means the account created in the Sewer System Fund established pursuant to Section 10.2 of this Supplemental Resolution.

“Consultant” means a nationally recognized consultant or firm of consultants, or an independent engineer or firm of independent engineers, or an Accountant, which in any case is qualified and has skill and experience in the preparation of financial feasibility studies or projections for facilities similar to the System or the 2017 Project, selected by the Borrower and satisfactory to the DNRC.

“Counsel” means an attorney duly admitted to practice law before the highest court of any state and satisfactory to the DNRC.

“Debt” means, without duplication, (1) indebtedness of the Borrower for borrowed money or for the deferred purchase price of property or services, (2) the obligation of the Borrower as lessee under leases which should be recorded as capital leases under generally accepted accounting principal, and (3) obligations of the Borrower under direct or indirect guarantees of, and obligations (contingent or otherwise) to purchase or otherwise acquire, or otherwise to assure a creditor against loss in respect of, indebtedness or obligations of others of the kinds referred to in clause (1) or (2) above.

“Debt Service Account” means the account created in the Sewer System Fund pursuant to Section 11.4 of the Original Resolution.

“DEQ” means the Department of Environmental Quality of the State of Montana, an agency of the State, or any successor to its powers, duties and obligations under the State Act or the EPA Agreements.

“DNRC” means the Department of Natural Resources and Conservation of the State of Montana, an agency of the State, and any successor to its powers, duties and obligations under the State Act.

“Enabling Act” means Montana Code Annotated, Title 7, Chapter 13, Parts 44 and 45, and Section 7-7-109, as amended, which authorizes the Borrower to own and operate the 2017 Project, to undertake the 2017 Project and to issue the Series 2017 Note to finance costs of the 2017 Project.

“EPA” means the Environmental Protection Agency, an agency of the United States of America, and any successor to its functions under Clean Water Act.

“EPA Agreements” means all capitalization grant agreements and other written agreements between the DEQ, DNRC and the EPA concerning the Program.

“EPA Capitalization Grant” means a grant of funds to the State by the EPA under Title VI of the Clean Water Act and any grant made available by the EPA for deposit in the Revolving Fund pursuant to Section 205(m) of the Clean Water Act.

“Fund” means the Sewer System Fund established pursuant to Section 11.1 of the Original Resolution.

“Governmental Unit” means governmental unit as such term is used in Section 145(a) of the Code.

“Indenture” means the Indenture of Trust, dated as of May 1, 1998, between the Board of Examiners of the State and the Trustee, as such may be supplemented or amended from time to time in accordance with the provisions thereof, pursuant to which, among other things, the Series 2017 Note are to be or have been issued.

“Interest Payment Date” means each January 1 and July 1 or such other dates as set forth in a Supplemental Resolution.

“Loan” means the loan made to the Borrower by the DNRC pursuant to the Program in the maximum amount of the Committed Amount to provide funds to pay a portion of the costs of the 2017 Project.

“Loan Repayments” means periodic installments of principal and interest by the Borrower in repayment of the Series 2017 Note.

“Net Revenues” means the same as defined in the Original Resolution.

“Note Account” means the account within the Fund established pursuant to Section 10.3 of this Supplemental Resolution.

“Operating Account” means the account created in the Fund pursuant to Section 11.3 of the Original Resolution.

“Operating Expenses” means the current expenses, paid or accrued, of operation, maintenance and current repair of the System and its facilities, as calculated in accordance with sound accounting practices, and will include, without limitation, administrative expenses of the Borrower relating solely to the System, premiums for insurance on the properties thereof, labor and the costs of materials and supplies used for current operation and for maintenance, and charges for the accumulation of appropriate reserves for current expenses which are not recurrent but may reasonably be expected to be incurred in accordance with sound accounting practices, but does not include any allowance for interest expense or depreciation, renewals or replacements of capital assets of the System and will not include any portion of the salaries or wages to be paid to any officer or employee of the Borrower, except such portion as will represent compensation for the performance of duties necessary to the operation of the System.

“Original Purchaser” means, with respect any series of Bonds, the original purchaser or underwriter of such series of Bonds. The Original Purchaser of the Series 2017 Note is the DNRC.

“Original Resolution” means Resolution No. 3590, adopted by this Commission on December 6, 2004, as amended and supplemented by Resolution Nos. 3754, 4078, 4085, 4104, 4289, and 4711 adopted by this Commission on June 19, 2006, October 19, 2009, November 16, 2009, April 5, 2010, April 17, 2012, and December 6, 2016, respectively.

“Payment Date” means July 1 or such other date as set forth in a Supplemental Resolution.

“Person” means any individual, corporation, partnership, joint venture, limited liability company, limited liability partnership, association, joint stock company, trust, unincorporated organization or government or any agency or political subdivision thereof.

“Program” means the Water Pollution Control State Revolving Fund Program established by the State Act.

“Public Entity” means a State agency, city, municipality, irrigation district, county water and sewer district, a soil conservation district or other public body established by State law or an Indian tribe that has a federally recognized governing body carrying out substantial governmental duties and powers over any area.

“Rebate Account” means the account created in the Fund pursuant to Section 11.8 of the Original Resolution.

“Regulations” means the Treasury Department, Income Tax Regulations, as amended or any successor regulation thereto, promulgated under the Code or otherwise applicable to the Series 2017 Note.

“Reserve Account” means the account created in the Fund pursuant to Section 11.5 of the Original Resolution.

“Reserved Amounts” means any undisbursed Committed Amount which will or may be required to pay any remaining costs of the 2017 Project upon completion thereof as provided in Section 3.4(a).

“Resolution” means the Original Resolution, as amended and supplemented by this Supplemental Resolution and other supplemental resolutions adopted pursuant to Article IX of the Original Resolution.

“Series 2012 Bonds” means the Borrower’s \$1,825,000 Sewer System Revenue Refunding Bonds, Series 2012.

“Series 2016 Note” means the Borrower’s \$1,319,000 Sewer Improvement Revenue Bond Anticipation Note (DNRC Water Pollution Control State Revolving Loan Program), Series 2016.

“Series 2017 Note” means the Borrower’s \$5,000,000 Sewer Improvement Revenue Bond Anticipation Note (DNRC Water Pollution Control State Revolving Loan Program), Series 2017, issued to the DNRC to evidence the Loan.

“Series 2009B Bonds” means the Borrower’s \$359,300 Sewer System Revenue Bond (DNRC Water Pollution Control State Revolving Loan Program), Series 2009B.

“State” means the State of Montana.

“State Act” means Montana Code Annotated, Title 75, Part 6, Chapter 2, as amended from time to time.

“Supplemental Resolution” means this Supplemental Resolution No. 4759 of the Borrower, adopted on October 3, 2017, pursuant to Article IX of the Original Resolution.

“Surplus Account” means the account created in the Sewer System Fund contemplated pursuant to Section 11.7 of the Original Resolution.

“Surplus Net Revenues” means the same as defined in the Original Resolution.

“System” means the same as defined in the Original Resolution.

“Trustee” means U.S. Bank National Association, in Seattle, Washington, or any successor trustee under the Indenture.

“2017 Project” means the facilities, improvements and activities financed, refinanced or the cost of which is being reimbursed to the Borrower with proceeds of the Loan, described in Exhibit A hereto.

“USDA-RD” means the United States Department of Agriculture - Rural Development.

“USDA-RD Definitive Bond” means the Borrower’s Sewer Improvement Revenue Bonds authorized to be issued to the USDA-RD by Section 9.7 to provide a portion of the permanent financing for the 2017 Project.

Section 1.2. Other Rules of Construction. For all purposes of this Supplemental Resolution, except where the context clearly indicates otherwise:

- (a) All accounting terms not otherwise defined herein have the meanings assigned to them in accordance with generally accepted government accounting standards.
- (b) Terms in the singular include the plural and vice versa.
- (c) All references to time shall refer to Livingston, Montana time, unless otherwise provided herein.
- (d) All references to mail shall refer to first-class mail postage prepaid.
- (e) Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders.
- (f) “Or” is not exclusive, but is intended to permit or encompass one, more or all of the alternatives conjoined.

Section 1.3. Appendices. Attached to this Supplemental Resolution and hereby made a part hereof are the following Appendices:

- Appendix A: a description of the 2017 Project; and
- Appendix B: the form of the Series 2017 Note.

ARTICLE II  
AUTHORIZATION, FINDINGS, REPRESENTATIONS AND COVENANTS

Section 2.1. Authorization and Findings.

- (a) Authorization. Under the provisions of the Enabling Act, the Borrower is authorized to issue and sell its revenue bonds payable during a term not exceeding forty years from their date of issue, to provide funds for the reconstruction, improvement, betterment and extension of the System or to refund its revenue bonds issued for such purpose; provided that the bonds and the interest thereon are to be payable solely out of the net income and revenues to be derived from rates, fees and charges for the services, facilities and commodities furnished by the undertaking, and are not to create any general obligation for the payment of which taxes may be levied except to pay for services provided by the undertaking to the City.
- (b) The System. The Borrower, pursuant to the Enabling Act and other laws of the State, has established and presently owns and operates the System.
- (c) The 2017 Project. After investigation of the facts and as authorized by the Enabling Act, this Commission has determined it to be necessary and desirable and in the best interests of the Borrower to acquire and construct the 2017 Project.

(d) Outstanding Bonds. Pursuant to the Enabling Act and the Resolution, the Borrower has previously issued, and has outstanding, the Series 2009B Bond, the Series 2012 Bonds, and the Series 2016 Note. The Series 2009B Bond, the Series 2012 Bonds, and the Series 2016 Note are payable from Net Revenues of the System. No other bonds or indebtedness are outstanding that are payable from or secured by revenues of the System.

(e) Additional Parity Bonds. The Borrower reserved the right under Article XV of the Original Resolution to issue Additional Bonds payable from the Debt Service Account of the Fund on a parity as to both principal and interest with the outstanding Series 2009B Bond, the Series 2012 Bonds, and the Series 2016 Note if the conditions of Section 15.3 of the Original Resolution are satisfied. In no event shall any additional Bonds be issued and made payable from the Debt Service Account if the Borrower is then in default in any payment of principal of or interest on any outstanding Bonds payable therefrom, or if there then exists any deficiency in the balances required by the Original Resolution to be maintained in any of the accounts of the Fund, which will not be cured or restored upon the issuance of the additional Bonds. Based on a certificate executed or to be executed by the Mayor and the Administrative Services Director, or either of them, it is hereby determined that the Borrower is authorized to incur the Loan through the issuance of the Series 2017 Note as additional Bonds pursuant to Section 15.3 of the Original Resolution payable from and secured by the Net Revenues on a parity with the outstanding Bonds to be repaid at maturity through the issuance of USDA-RD Definitive Bond.

Section 2.2 Representations. The Borrower represents as follows:

(a) Organization and Authority. The Borrower:

(i) is duly organized and validly existing as a municipal corporation and a political subdivision of the State;

(ii) has all requisite power and authority and all necessary licenses and permits required as of the date hereof to own, construct and operate the 2017 Project, to adopt this Supplemental Resolution and to enter into the Collateral Documents and to issue the USDA-RD Definitive Bond and the Series 2017 Note in anticipation thereof and to carry out and consummate all transactions contemplated by the Resolution, the USDA-RD Definitive Bond, the Series 2017 Note and the Collateral Documents; and

(iii) is a Governmental Unit and a Public Entity.

(b) Litigation. Except as disclosed to the USDA-RD and DNRC with respect to Livingston Healthcare, there is no litigation or proceeding pending, or to the knowledge of the Borrower threatened, against or affecting the Borrower in any court or before or by any governmental authority or arbitration board or tribunal that, if adversely determined, would materially and adversely affect the existence, corporate or otherwise, of the Borrower, or the ability of the Borrower to make all payments and otherwise perform its obligations under this Supplemental Resolution, the USDA-RD Definitive Bond, the Series 2017 Note and the Collateral Documents, or the financial condition of the Borrower, or the transactions contemplated by this Supplemental Resolution, the USDA-RD Definitive Bond, the Series 2017 Note, and the Collateral Documents or the validity and enforceability of this Supplemental Resolution, the USDA-RD Definitive Bond, the Series 2017 Note and the Collateral Documents. If any such litigation should be initiated or threatened, the Borrower will forthwith notify in writing the DNRC, and will furnish the DNRC a copy of all documents, including pleadings, in connection with such litigation. No referendum petition has been filed with respect to any resolution or other action of the Borrower relating to the 2017 Project, the USDA-RD Definitive Bond, the Series 2017 Note, or any Collateral



Documents and the period for filing any such petition will have expired before issuance of the Series 2017 Note.

(c) Borrowing Legal and Authorized. The adoption of this Supplemental Resolution, the issuance of the USDA-RD Definitive Bond and the Series 2017 Note, and the execution and delivery of the Collateral Documents and the consummation of the transactions provided for in this Supplemental Resolution, the USDA-RD Definitive Bond, the Series 2017 Note and the Collateral Documents and compliance by the Borrower with the provisions of the Resolution, the USDA-RD Definitive Bond, the Series 2017 Note and the Collateral Documents:

(i) are within the powers of the Borrower and have been duly authorized by all necessary action on the part of the Borrower; and

(ii) do not and will not result in any breach of any of the terms, conditions or provisions of, or constitute a default under, or result in the creation or imposition of any lien, charge or encumbrance upon any property or assets of the Borrower pursuant to any ordinance, resolution, indenture, loan agreement or other agreement or instrument (other than the Resolution and any Collateral Documents) to which the Borrower is a party or by which the Borrower or its property may be bound, nor will such action result in any violation of the provisions of any laws, ordinances, governmental rules or regulations or court or other governmental orders to which the Borrower, its properties or operations are subject.

(d) No Defaults. No event has occurred and no condition exists that, upon execution and delivery of the Series 2017 Note and the Collateral Documents, would constitute a default under the Resolution or the Collateral Documents. The Borrower is not in violation of any term of any agreement, bond resolution, trust indenture, charter or other instrument to which it is a party or by which it or its property may be bound which violation would materially and adversely affect the transactions contemplated hereby or the compliance by the Borrower with the terms hereof or of the USDA-RD Definitive Bond and the Series 2017 Note and the Collateral Documents.

(e) Governmental Consent. The Borrower has obtained or made all permits, findings and approvals required to the date of adoption of this Supplemental Resolution by any governmental body or officer for the making and performance by the Borrower of its obligations under this Supplemental Resolution, the USDA-RD Definitive Bond, the Series 2017 Note and the Collateral Documents or for the 2017 Project, the financing or refinancing thereof or the reimbursement of the Borrower for the costs thereof. No consent, approval or authorization of, or filing, registration or qualification with, any governmental authority (other than those, if any, already obtained) is required on the part of the Borrower as a condition to adopting this Supplemental Resolution, issuing the Series 2017 Note or entering into the Collateral Documents and the performance of the Borrower's obligations hereunder and thereunder.

(f) Binding Obligation. The Resolution, the Series 2017 Note and any Collateral Document to which the Borrower is a party are the valid and binding special, limited obligations and agreements of the Borrower, enforceable against the Borrower in accordance with their terms, except to the extent that the enforceability thereof may be limited by laws relating to bankruptcy, moratorium, reorganization, insolvency or similar laws affecting creditors' rights and general principles of equity.

(h) The 2017 Project. The 2017 Project consists and will consist of the facilities, improvements and activities described in Exhibit A, as such Exhibit A may be amended from time

to time in accordance with the provision of Article III of this Supplemental Resolution. The 2017 Project comprises facilities of a type that, as determined by the EPA, will facilitate compliance with the national primary sewer system regulations applicable to the 2017 Project or will otherwise significantly further the health protection objectives of the Clean Water Act.

The 2017 Project and the System each constitutes a “sewer system” within the meaning of the State Act and the Clean Water Act in that it is a sewer system, comprising collection, treatment, storage and distribution facilities for the provision to the public of sewer services, that serves not less than 15 service connections used by year-round residents of the area served by the 2017 Project or the System or regularly serves not less than 25 year-round residents.

(h) Full Disclosure. There is no fact that the Borrower has not specifically disclosed in writing to the DNRC that materially and adversely affects or (so far as the Borrower can now foresee), except for pending or proposed legislation or regulations that are a matter of general public information, that will materially and adversely affect the properties, operations and finances of the 2017 Project, the Borrower’s status as a Public Entity and Governmental Unit, its ability to own and operate the 2017 Project or the Borrower’s ability to perform its obligations under the Resolution, the USDA-RD Definitive Bond, the Series 2017 Note and the Collateral Documents.

(i) Compliance With Law. The Borrower:

(1) is in compliance with all laws, ordinances, governmental rules and regulations and court or other governmental orders, judgments and decrees to which it is subject and which are material to the properties, operations and finances of the 2017 Project or its status as a Public Entity and Governmental Unit; and

(2) has obtained all licenses, permits, franchises or other governmental authorizations necessary to the ownership of the 2017 Project and the operation thereof and agrees to obtain all such licenses, permits, franchises or other governmental authorizations as may be required in the future for the 2017 Project and the operation thereof, which failure to obtain might materially and adversely affect the ability of the Borrower to conduct the operation of the 2017 Project as presently conducted or the condition (financial or otherwise) of the 2017 Project or the Borrower’s ability to perform its obligations under the Resolution, the Series 2017 Note and the Collateral Documents.

(j) Outstanding Debt. The Borrower currently has the following bonds outstanding bonds payable solely from Net Revenues of the System: (i) the Series 2009B Bonds; (ii) the Series 2012 Bonds; and (iii) the Series 2016 Note.

Section 2.3. Covenants.

(a) Right of Inspection and Notice of Change of Location. The DNRC, the DEQ and the EPA and their designated agents shall have the right at all reasonable times during normal business hours and upon reasonable notice to enter into and upon the property of the Borrower for the purpose of inspecting the 2017 Project or any or all books and records of the Borrower relating to the 2017 Project.

(b) Further Assurance. The Borrower shall execute and deliver to the DNRC all such documents and instruments and do all such other acts and things as may be necessary or required by the DNRC to enable the DNRC to exercise and enforce its rights under this Supplemental Resolution, the Series 2017 Note and the Collateral Documents and to realize thereon, and record and file and re-record and refile all such documents and instruments, at such time or times, in such manner and at such place or places, all

as may be necessary or required by the DNRC to validate, preserve and protect the position of the DNRC under this Supplemental Resolution, the Series 2017 Note and the Collateral Documents.

(c) 2017 Project Accounts. The Borrower shall maintain, or cause to be maintained, accounts relating to the 2017 Project in accordance with generally accepted government accounting standards.

(d) Records. After reasonable notice from the EPA or the DNRC, the Borrower shall make available, or cause to be made available, to the EPA or the DNRC such records as the EPA or the DNRC reasonably requires to review and determine compliance with the Clean Water Act as provided in Section 606(e) of the Clean Water Act.

(e) Compliance with Clean Water Act. The Borrower has complied and shall comply with all conditions and requirements of the Clean Water Act pertaining to the Loan and the 2017 Project, and shall maintain sufficient financial, managerial and technical capability to continue to effect such compliance.

(f) Compliance with DEQ Requirements. The Borrower shall comply with plan, specification and other requirements for public sewer systems established by the DEQ, as required by Section 75-5-1113 (1)(g) of the State Act.

ARTICLE III  
USE OF PROCEEDS; THE 2017 PROJECT

Section 3.1. Use of Proceeds. The Borrower shall apply the proceeds of the Loan from the DNRC solely as follows:

(a) The Borrower shall apply the proceeds of the Loan solely to the financing, refinancing or reimbursement of the costs of the 2017 Project as set forth in Appendix A hereto and this Section 3.1. The Loan will be disbursed in accordance with Article IV hereof and Article VII of the Indenture. If the 2017 Project has not been completed prior to Closing, the Borrower shall, as quickly as reasonably possible, complete the 2017 Project and expend the Series 2017 Note to pay the costs of completing the 2017 Project.

(b) No portion of the proceeds of the Loan shall be used to reimburse the Borrower for costs paid prior to the date of adoption of this Supplemental Resolution of a Project the construction or acquisition of which occurred or began earlier than June 1, 1993. In addition, if any proceeds of the Loan are to be used to reimburse the Borrower for Project costs paid prior to the date of adoption of this Supplemental Resolution, the Borrower shall have complied with Section 1.150-2 of the Regulations in respect of such costs.

(c) Any debt to be refinanced with proceeds of the Loan was incurred after June 1, 1993 for a Project the construction or acquisition of which began after June 1, 1993. No proceeds of the Loan shall be used for the purpose of refinancing an obligation the interest on which is exempt from federal income tax or excludable from gross income for purposes of federal income taxation unless the DNRC has received an Opinion of Bond Counsel, satisfactory to it, to the effect that such refinancing will not adversely affect the exclusion of interest on the Series 2017 Note from gross income for purposes of federal income taxation.

Section 3.2. The 2017 Project. Set forth in Appendix A to this Supplemental Resolution is a description of the 2017 Project, which describes the property which has been or is to be acquired, installed, constructed or improved and the other activities, if any to be funded from the Loan (the 2017 Project may

consist of more than one facility or activity). The 2017 Project may be changed and the description thereof in Appendix A may be amended from time to time by the Borrower but only after delivery to the DNRC of the following:

- (a) A certificate of the Borrower setting forth the amendment to Appendix A and stating the reason therefor, including statements whether the amendment would cause an increase or decrease in the cost of the 2017 Project, an increase or decrease in the amount of Loan proceeds which will be required to complete the 2017 Project and whether the change will materially accelerate or delay the construction schedule for the 2017 Project;
- (b) A written consent to such change in the 2017 Project by an Authorized DNRC Officer;
- (c) An Opinion or Opinions of Bond Counsel stating that the 2017 Project, as constituted after such amendment, is, and was at the time the Series 2017 Note were issued, eligible for financing under the State Act and is, and was at the time the Series 2017 Note was issued, eligible for financing under the State Act, such amendment will not violate the Enabling Act or the State Act and such amendment will not adversely affect the exclusion of interest on the Series 2017 Note or the Series 2017 Note from gross income for purposes of federal income taxation. Such an Opinion of Bond Counsel shall not be required for amendments which do not affect the type of facility to be constructed or activity to be financed.

The Borrower acknowledges and agrees that an increase in the principal amount of the Loan may be made only upon an application to the DEQ, the DNRC and the Trustee, in such form as the DEQ shall specify, which is approved by the DEQ and the DNRC, in their sole and absolute discretion, and adoption by the governing body of the Borrower of a resolution amendatory of or supplementary to the Resolution authorizing the additional loan and delivery of written certifications by officers of the Borrower to the DEQ, the DNRC and the Trustee to the effect that all representations and covenants contained in this Supplemental Resolution as it may be so amended or supplemented are true as of the date of closing of the additional loan and compliance with applicable provisions of the Enabling Act and the Resolution. No assurance can be given that any additional loan funds will be available under the Program at the time of any such application or thereafter. The Borrower acknowledges and agrees that neither the DEQ, the DNRC, the Trustee nor any of their agents, employees or representatives shall have any liability to the Borrower and have made no representations to the Borrower as to the sufficiency of the Loan to pay Project costs or as to the availability of additional funds under the Program to increase the principal amount of the Loan.

Section 3.3. 2017 Project Representations and Covenants. The Borrower hereby represents to and covenants with the DNRC that:

- (a) all construction of the 2017 Project has complied and will comply with all federal and state standards, including, without limitation, EPA regulations and standards;
- (b) all future construction of the 2017 Project will be done only pursuant to fixed price construction contracts, and the Borrower shall obtain a performance and payment bond from the contractor for each construction contract in the amount of 100% of the construction price and ensure that such bond is maintained until construction is completed to the Borrower's, the DNRC's and the DEQ's satisfaction;
- (c) all future construction will be done in accordance with plans and specifications on file with the DNRC and the DEQ, provided that changes may be made in such plans and specifications with the written consent of an Authorized DNRC Officer and the DEQ;

(d) all laborers and mechanics employed by contractors and subcontractors on the 2017 Project have been and will be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the United States Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code;

(e) the iron and steel products used in the 2017 Project comply with the “American Iron and Steele” requirements of Section 436 of the Consolidated Appropriations Act of 2014 (P.L. 113-76), as those requirements are further interpreted by applicable EPA guidance;

(f) the 2017 Project comprises a project of the type permitted to be financed under the Act, the State Act and the Program and Title IV of the Clean Water Act; and

(g) the Borrower will undertake the 2017 Project promptly after the Closing Date and will cause the 2017 Project to be completed as promptly as practicable with all reasonable dispatch, except only as completion may be delayed by a cause or event not reasonably within the control of the Borrower; it is estimated by the Borrower that the 2017 Project will be substantially completed by September 30, 2019.

Section 3.4. Completion or Cancellation or Reduction of Costs of the 2017 Project.

(a) Upon completion of the 2017 Project, the Borrower shall deliver to the DNRC a certificate stating that the acquisition and construction of the 2017 Project have been completed, stating the amount, if any, of the Reserved Amounts, and releasing the remaining amount, if any, of the Committed Amount. If any Reserved Amount is not later needed, the Borrower shall so inform the DNRC and release such amount. If Appendix A describes two or more separate projects as making up the 2017 Project, a separate completion certificate shall be delivered for each.

(b) If all or any portion of the 2017 Project is cancelled or reduced or its costs are reduced or for any other reason the Borrower will not require the full Committed Amount, the Borrower shall promptly notify the DNRC in writing of such fact and release the portion of the Committed Amount which will not be needed.

ARTICLE IV  
THE LOAN

Section 4.1. The Loan; Disbursement of Loan. The DNRC has agreed to lend to the Borrower, from time to time as the requirements of this Section 4.1 are met, an amount up to \$5,000,000 (the “Committed Amount”) for the purposes of temporarily financing, refinancing or reimbursing the Borrower for a portion of the costs of the 2017 Project and paying costs of issuance on the Series 2017 Note; provided the DNRC shall not be required to loan any proceeds of the Series 2017 Note to the Borrower after June 30, 2018. The Committed Amount may be reduced as provided in Sections 3.2 and 3.4. The Loan shall be disbursed as provided in this Section 4.1. The DNRC intends to disburse the Loan through the Trustee.

(a) In consideration of the issuance of the Series 2017 Note by the Borrower, the DNRC shall make, or cause the Trustee to make, a disbursement of all or a portion of the Loan upon receipt of the following documents:

(1) an Opinion of Bond Counsel as to the validity and enforceability of the Series 2017 Note and the security therefor and stating in effect that interest on the Series 2017 Note is not

includable in gross income of the owner thereof for purposes of federal income taxation, in form and substance satisfactory to the DNRC;

- (2) the Series 2017 Note, fully executed and authenticated;
- (3) a certified copy of this Supplemental Resolution;
- (4) any other security instruments or documents required by the DNRC or DEQ as a condition to their approval of the Loan;
- (5) if all or part of a Loan is being made to refinance a Project or reimburse the Borrower for the costs of a Project paid prior to the Closing, evidence, satisfactory to the DNRC and the Bond Counsel referred to in (1) above, (A) that the acquisition or construction of the 2017 Project was begun no earlier than June 1, 1993 or the debt was incurred no earlier than June 1, 1993, (B) of the Borrower's title to the 2017 Project, (C) of the costs of such Project and that such costs have been paid by the Borrower, and (D) if such costs were paid before adoption of this Supplemental Resolution that the Borrower has complied with Section 1.150-2 of the Regulations;
- (6) the items required by the Indenture for the portion of the Loan to be disbursed at Closing; and
- (7) such other certificates, documents and other information as the DNRC, the DEQ or the Bond Counsel giving the opinion referred to in subparagraph (1) may require (including any necessary arbitrage rebate instructions).

(b) In order to obtain a disbursement of a portion of the Loan to pay costs of the 2017 Project, the Borrower shall submit to the DNRC and the Trustee a signed request for disbursement on the form prescribed by the DNRC, with all attachments required by such form. The Borrower may obtain disbursements only for costs which have been legally incurred and are due and payable. All Loan disbursements will be made to the Borrower only upon proof that cost was incurred.

(c) For refinancings, a disbursement schedule complying with the requirements of the Clean Water Act shall be established by the DNRC and the Borrower at Closing. The Trustee shall disburse Loan amounts directly to the holder of the debt being refinanced according to such schedule. If the Borrower should repay all or a portion of the debt to be refinanced from other sources or should otherwise not need any portion of the Loan which was to have been used to refinance such debt, it shall inform the DNRC and the Trustee of such fact pursuant to Section 3.4(b) and a new disbursement schedule shall be drawn up by the DNRC. The DNRC shall obtain a receipt from the holder of the debt being refinanced for each disbursement made to pay or prepay a portion of such debt.

(d) If all or a portion of a Loan is made to reimburse a Borrower for 2017 Project costs paid by it prior to Closing, the Borrower shall present at Closing the items required by Section 4.1(b) relating to such costs. The Trustee shall disburse such amounts to the Borrower pursuant to a disbursement schedule complying with the requirements of the Clean Water Act established by the DNRC and the Borrower at the Closing.

(e) Notwithstanding anything else provided herein, the Trustee shall not be obligated to disburse the Loan any faster or to any greater extent than it has available EPA Capitalization Grants, Bond proceeds and other amounts available therefor in the Revolving Fund. The DNRC shall not be required to do "overmatching" pursuant to Section 5.04(b) of the Indenture, but may do so in its discretion. The Borrower acknowledges that if 2017 Project costs are incurred faster than the Borrower projected at

Closing, there may be delays in making Loan disbursements for such costs because of the schedule under which EPA makes EPA Capitalization Grant money available to the DNRC. The DNRC will use its best efforts to obtain an acceleration of such schedule if necessary.

(f) Upon making each Loan disbursement, the Trustee shall note such disbursement on Schedule A to the Series 2017 Note.

(g) The Borrower agrees that any portions of the Loan representing capitalized interest shall be advanced only on Payment Dates and shall be transferred by the Trustee on the Payment Date directly to the Interest Account. The amount of any such transfer shall be a credit against the interest payments due on the Series 2017 Note and interest thereon shall accrue only from the date of transfer.

(h) Compliance by the Borrower with its representations, covenants and agreements contained in this Supplemental Resolution and the Collateral Documents shall be a further condition precedent to the disbursement of the Loan in whole or in part. The DNRC and the Trustee, in their sole and absolute discretion, may make one or more disbursements, in whole or in part, notwithstanding such noncompliance, and without obligation to make any subsequent disbursement of the Loan.

Section 4.2. Commencement of Loan Term. The Borrower’s obligations under this Supplemental Resolution and the Collateral Documents shall commence on the date hereof unless otherwise provided in this Supplemental Resolution. However, the obligation to make payments under Article V hereof shall commence only upon the first disbursement by the Trustee of Loan proceeds.

Section 4.3. Termination of Loan Term. The Borrower’s obligations under this Supplemental Resolution and the Collateral Documents shall terminate upon payment in full of all amounts due under the Series 2017 Note and this Supplemental Resolution; provided, however, that the covenants and obligations provided in Article VII and Section 11.4 hereof shall survive repayment of the Series 2017 Note.

Section 4.4. Loan Closing Submissions. On or prior to the Closing, the Borrower will have delivered to the DNRC and the Trustee the closing submissions required by Section 7.05 of the Indenture.

ARTICLE V  
REPAYMENT OF LOAN

Section 5.1. Repayment of Loan. The Borrower shall repay the amounts lent to it pursuant to Section 4.1 hereof, plus interest on the unpaid amounts lent at the rate of 1.25% per annum, in the manner provided for payment of the Series 2017 Note in Section 9.3 hereof.

Section 5.2. Obligations of Borrower Unconditional. The obligations of the Borrower to make the payments required by this Supplemental Resolution and the Series 2017 Note and to perform its other agreements contained in this Supplemental Resolution, the Series 2017 Note and Collateral Documents shall be absolute and unconditional, except as otherwise provided herein or in such documents. The Borrower (a) shall not suspend or discontinue any payments provided for in this Supplemental Resolution and the Series 2017 Note, (b) shall perform all its other agreements in this Supplemental Resolution, the Series 2017 Note and the Collateral Documents, and (c) shall not terminate this Supplemental Resolution, the Series 2017 Note or the Collateral Documents for any cause, including any acts or circumstances that may constitute failure of consideration, destruction of or damage to the 2017 Project or the System, commercial frustration of purpose, any dispute with the DNRC or the EPA, any change in the laws of the United States or of the State or any political subdivision of either or any failure of the DNRC to perform

any of its agreements, whether express or implied, or any duty, liability or obligation arising from or connected with this Supplemental Resolution.

Section 5.3. Limited Liability. All payments of principal of and interest on the Loan and other payment obligations of the Borrower hereunder and under the Series 2017 Note shall be special, limited obligations of the Borrower payable solely out the proceeds of the USDA-RD Definitive Bond and other funds in the Note Account, and shall not be payable out of any other revenues or assets of the Borrower. The obligations of the Borrower under this Resolution and the Series 2017 Note shall never constitute an indebtedness of the Borrower within the meaning of any State constitutional provision or statutory or charter limitation and shall never constitute or give rise to a pecuniary liability of the Borrower or a charge against its general credit or taxing power. The taxing powers of the Borrower may not be used to pay principal of or interest on the Series 2017 Note, no funds or property of the Borrower other than proceeds of USDA-RD Definitive Bond may be required to be used to pay principal of or interest on the Series 2017 Note, and no funds or property of the Borrower other than the proceeds of USDA-RD Definitive Bond may be required to be used to pay principal of or interest, if any, on the Series 2017 Note.

## ARTICLE VI OTHER AGREEMENTS OF BORROWER

Section 6.1. Maintenance of 2017 Project; Other Agreements. Upon completion of the 2017 Project, the 2017 Project will be owned and operated by the Borrower and available for use by members of the general public on a substantially equal basis. The Borrower shall comply with all agreements and requirements of the DNRC, DEQ, and the USDA-RD and any and all other state or federal agencies providing funds for the 2017 Project.

Section 6.2. Maintenance of Existence; Merger, Consolidation, Etc.; Disposition of Assets. The Borrower shall maintain its corporate existence, except that it may consolidate with or merge into another Governmental Unit or permit one or more Governmental Units to consolidate with or merge into it or may transfer all or substantially all of its assets to another Governmental Unit and then dissolve if the surviving, resulting or transferee entity (if other than the Borrower) (i) is a Public Entity and (ii) assumes in writing all of the obligations of the Borrower under this Supplemental Resolution, the Series 2017 Note and the Collateral Documents, and (a) such action does not result in any default in the performance or observance of any of the terms, covenants or agreements of the Borrower under this Supplemental Resolution, the Series 2017 Note and the Collateral Documents, (b) such action does not violate the Act or the Clean Water Act and does not adversely affect the exclusion of interest on the Series 2017 Note or the Series 2017 Note from gross income for federal income tax purposes, and (c) the Borrower delivers to the DNRC on the date of such action an Opinion of Bond Counsel that such action complies with this Section 6.2.

Other than pursuant to the preceding paragraph, the Borrower shall not transfer the 2017 Project or any portion thereof to any Person, except for property which is obsolete, outmoded, worn out, is being replaced or otherwise is not needed for the operation of the 2017 Project, unless the provisions of (a) and (b) of the preceding paragraph are satisfied and the Borrower delivers to the DNRC an Opinion of Bond Counsel to that effect and, in addition, the DNRC consents to such transfer.

### Section 6.3. Covenants Relating to the Tax-Exempt Status of the Series 2017 Note.

(a) The Borrower covenants and agrees that it will not use or permit to be used any of the proceeds of the Series 2017 Note or any other funds of the Borrower, directly or indirectly, in a manner that would cause, or take any other action that would cause, any State Bond to be an “arbitrage bond” within



the meaning of Section 148 of the Code or would otherwise cause the interest on the Series 2017 Note to be included in gross income for purposes of federal income taxation.

(b) The Borrower agrees that it will not enter into, or allow any “related person” (as defined in Section 147(a)(2) of the Code) to enter into, any arrangement, formal or informal, for the purchase of the Series 2017 Note or any other obligations of the DNRC in an amount related to the amount of the Loan or the portion of the Loan derived directly or indirectly from proceeds of the Series 2017 Note.

(c) The Borrower shall not use or permit the use of the 2017 Project directly or indirectly in any trade or business carried on by any Person who is not a Governmental Unit. For the purpose of this subparagraph, use as a member of the general public shall not be taken into account and any activity carried on by a Person other than a natural person shall be treated as a trade or business.

(d) Any portion of the 2017 Project being refinanced or the cost of which is being reimbursed was acquired by and is now and shall, during the term of the Loan, be owned by the Borrower and not by any other Person. Any portion of the 2017 Project being financed shall be acquired by and shall, during the term of the Loan, be owned by the Borrower and not by any other Person. Notwithstanding the previous two sentences, the Borrower may transfer the 2017 Project or a portion thereof to another Governmental Unit which is also a Public Entity if such transfer is otherwise permitted hereunder and if such organization agrees with the DNRC to comply with Sections 2.2(f), 2.2(g) and this Section 6.3 and if the DNRC receives an Opinion of Bond Counsel to the effect that such transfer will not violate the Act or the Clean Water Act or adversely affect the exclusion of interest on the Series 2017 Note from gross income or purposes of federal income taxation. In addition, except as otherwise provided herein or in any Collateral Documents, the Borrower may sell or otherwise dispose of any portion of the 2017 Project which has become obsolete or outmoded or is being replaced or for other reasons is not needed by the Borrower or beneficial to the general public or necessary to carry out the purposes of the Clean Water Act.

(e) At the Closing of the Loan the DNRC will, if necessary, obtain the Opinion of Bond Counsel described in Section 7.05(a) of the Indenture, deliver to the Borrower instructions concerning compliance by the Borrower with the arbitrage rebate requirements of Section 148 of the Code (the “Arbitrage Rebate Instructions”). The Borrower shall comply with the Arbitrage Rebate Instructions, if any, delivered to it by the DNRC at Closing, as such Instructions may be amended or replaced by the DNRC from time to time. The Arbitrage Rebate Instructions may be amended or replaced by new Arbitrage Rebate Instructions delivered by the DNRC and accompanied by an Opinion of Bond Counsel to the effect that the use of said amended or new Arbitrage Rebate Instructions will not adversely affect the excludability of interest on the Series 2017 Note or any Additional Bonds (except Additional Bonds the interest on which the State did not intend to be excluded from gross income for federal income tax purposes) from gross income of the recipients thereof for federal income tax purposes.

(f) The Borrower agrees that during the Loan Term it will not contract with or permit any Private Person to manage the 2017 Project or any portion thereof except according to a written management contract and upon delivery to the DNRC of an opinion of Bond Counsel to the effect that the execution and delivery of such management contract will not violate the Act or the Clean Water Act or adversely affect the exclusion of interest on the Series 2017 Note from gross income or purposes of federal income taxation.

(g) The Borrower may not lease the 2017 Project or any portion thereof to any Person other than a Nonexempt Person which agrees in writing with the Borrower and the State not to cause any Default to occur under this Supplemental Resolution, provided the Borrower may lease all or any portion of the 2017 Project to a Nonexempt Person pursuant to a lease which in the Opinion of Bond Counsel delivered to the DNRC will not cause the interest on the Series 2017 Note to be included in gross income for purposes of federal income taxation.

(h) The Borrower shall not change the use or nature of the 2017 Project if (i) such change will violate the Clean Water Act, or (ii) so long as the Series 2017 Note are outstanding unless, in the Opinion of Bond Counsel delivered to the DNRC, such change will not result in the inclusion in gross income of interest on the Series 2017 Note for federal income tax purposes.

Section 6.4. Compliance with Resolution. The Borrower will hold the Fund as a trust fund, separate and apart from all of its other funds, and the Borrower, its officers and agents, will comply with all covenants and agreements contained in the Resolution.

Section 6.5. Construction of 2017 Project. The Borrower will do all acts and things necessary to enforce the provisions of the construction contracts and bonds and to ensure the completion of the 2017 Project for the benefit of the Borrower in accordance with the plans and specifications and within the time therein provided, and will pay all costs thereof promptly as incurred and allowed, out of the Fund and within the amount of the proceeds of the Series 2017 Note appropriated thereto.

ARTICLE VII  
INDEMNIFICATION OF DNRC AND DEQ

The Borrower shall, to the extent permitted by law, indemnify and save harmless the DNRC and the DEQ and their officers, employees and agents (each an “Indemnified Party” or, collectively, the “Indemnified Parties”) against and from any and all claims, damages, demands, expenses, liabilities and losses of every kind asserted by or on behalf of any Person arising out of the acts or omissions of the Borrower or its employees, officers, agents, contractors, subcontractors, or consultants in connection with or with regard or in any way relating to the condition, use, possession, conduct, management, planning, design, acquisition, construction, installation or financing of the 2017 Project. The Borrower shall, to the extent permitted by law, also indemnify and save harmless the Indemnified Parties against and from all costs, reasonable attorneys’ fees, expenses and liabilities incurred in any action or proceeding brought by reason of any such claim or demand. If any proceeding is brought against an Indemnified Party by reason of such claim or demand, the Borrower shall, upon notice from an Indemnified Party, defend such proceeding on behalf of the Indemnified Party.

ARTICLE VIII  
ASSIGNMENT

Section 8.1. Assignment by Borrower. The Borrower may not assign its rights and obligations under this Supplemental Resolution or the Series 2017 Note, except as provided in Section 6.2.

Section 8.2. Assignment by DNRC. The DNRC will pledge its rights under and interest in this Supplemental Resolution, the Series 2017 Note and the Collateral Documents (except to the extent otherwise provided in the Indenture) as security for the payment of the Series 2017 Note and may further assign such interests to the extent permitted by the Indenture, without the consent of the Borrower.

Section 8.3. Refunding Bonds. In the event the Series 2017 Note and Additional Bonds are refunded by bonds which are not Additional Bonds, all references in this Supplemental Resolution to Series 2017 Note and Additional Bonds shall be deemed to refer to the refunding bonds and any bonds of the Borrower on a parity with such refunding bonds (together, the “Refunding Bonds”) or, in the case of a crossover refunding, to the Series 2017 Note and Additional Bonds and the Refunding Bonds. In the event the Series 2017 Note is refunded by an issue of Additional Bonds, all references in this Supplemental

Resolution to the Series 2017 Note shall be deemed to refer to such Additional Bonds or, in the case of a crossover refunding, both the Series 2017 Note and such Additional Bonds.

ARTICLE IX  
THE SERIES 2017 NOTE

Section 9.1. Authorization; Authorization of USDA-RD Definitive Bond; Series 2017 Note. Under the provisions of the Enabling Act, the Borrower is authorized to issue and sell its revenue bonds payable during a term not exceeding forty years from their date of issue, to provide funds for the construction, improvement, betterment and extension of the 2017 Project or to refund its revenue bonds issued for such purpose; provided that the bonds and the interest thereon are to be payable solely out of the net income and revenues to be derived from rates, fees and charges for the services, facilities and commodities furnished by the undertaking or from special assessments levied in respect of improvements thereto, and are not to create any obligation for the payment of which taxes may be levied except to pay for services provided by the undertaking to the Borrower.

Pursuant to the Enabling Act and for the purpose of financing certain costs of the 2017 Project, the Borrower is authorized to issue the Series 2017 Note in the aggregate principal amount of \$5,000,000. This City Commission hereby finds, determines and declares that all conditions precedent to the offering for sale of the USDA-RD Definitive Bond in the aggregate principal amount of at least \$5,000,000 exist and the Borrower has applied for and received a commitment for a loan of funds from the DNRC. Pursuant to Section 7-7-109 of the Enabling Act, the Borrower is thus authorized to issue its bond anticipation note in anticipation of the issuance of the USDA-RD Definitive Bond. It is hereby determined to be in the best interests of the Borrower to issue and sell the Series 2017 Note to finance temporarily costs of the 2017 Project.

It is hereby found and determined to be necessary and expedient for the Borrower to authorize the issuance of the USDA-RD Definitive Bond, and such issuance is hereby authorized and approved, in the principal amount of \$5,000,000 or such amount thereof as may be required to provide funds, with other available funds in the Note Account, to pay principal of and interest on the Series 2017 Note upon the maturity or earlier redemption thereof.

Section 9.2. Issuance and Sale of the Series 2017 Note. The Borrower has investigated the facts necessary and hereby finds, determines and declares it to be necessary and desirable for the Borrower to issue the Series 2017 Note to evidence the Loan. The Series 2017 Note is issued to the DNRC without public sale pursuant to Montana Code Annotated, Section 7-13-2329.

Section 9.3. Terms. The Borrower shall forthwith issue the Series 2017 Note in the maximum principal amount of \$5,000,000. The Series 2017 Note shall be dated as of the date of its delivery. Upon each disbursement of the Series 2017 Note proceeds, the DNRC shall enter the amount advanced on Schedule A attached to the Series 2017 Note under “Advances” and the total amount advanced under the Resolution, including such disbursement, under “Total Amount Advanced.” The Series 2017 Note shall be lettered and numbered R-1 and shall mature, subject to redemption as herein provided, on July 1, 2019 (the “Stated Maturity”), and shall bear interest from the date of each disbursement of the principal of the Series 2017 Note at 1.25% per annum. Principal then disbursed and interest thereon shall be payable on the Stated Maturity or earlier date of redemption, if any. The principal of and interest on the Series 2017 Note shall be payable in lawful money of the United States of America by the Director of Finance of the Borrower (the “Registrar”) to the DNRC, the registered owner of the Series 2017 Note, at its address as it appears in the Note Register of the Borrower.

To obtain a disbursement of a portion of the principal of the Series 2017 Note to pay costs of the 2017 Project, the Borrower shall submit simultaneously to the DNRC a signed request for disbursement on the form or forms prescribed by the DNRC, with all attachments required by such form or forms. The DNRC will notify the Borrower whether the signed request warrants a disbursement under the Series 2017 Note. The Borrower may obtain disbursements only for costs which have been legally incurred and are due and payable. All disbursements of proceeds will be made to the Borrower only upon proof that cost was incurred. If all or a portion of a disbursement of principal of the Series 2017 Note is made to reimburse the Borrower for Project costs paid by it prior to the date of issuance of the Series 2017 Note, the Borrower shall present on such issuance date the items required by the above provisions of this Section 9.3 relating to such costs. Upon making each disbursement of principal, the DNRC shall note such disbursement on Schedule A to the Series 2017 Note. The Borrower's obligations under this Supplemental Resolution shall commence on the date hereof unless otherwise provided in this Supplemental Resolution. However, the obligation to make payments under this paragraph shall commence only upon the first disbursement by the DNRC of proceeds of the Series 2017 Note.

The Series 2017 Note shall be subject to redemption in whole but not in part, on any date, at the principal amount thereof plus accrued interest, without premium. Not less than 15 days before the date specified for redemption thereof, the Borrower or the Registrar shall mail notice of the redemption to the registered owner thereof at the address as it appears on the registration books of the Note Registrar.

Section 9.4. Negotiability, Transfer and Registration. The Series 2017 Note shall be fully registered as to both principal and interest, and shall be initially registered in the name of and payable to the DNRC. While so registered, principal of and interest on the Series 2017 Note shall be payable to the DNRC at the Office of the Department of Natural Resources and Conservation, 1625 Eleventh Avenue, Helena, Montana 59620-2301 or such other place as may be designated by the DNRC in writing and delivered to the Borrower. The Series 2017 Note shall be negotiable, subject to the provisions for registration and transfer contained in this section. No transfer of the Series 2017 Note shall be valid unless and until (1) the holder, or his duly authorized attorney or legal representative, has executed the form of assignment appearing on the Series 2017 Note, and (2) the Registrar, as Bond Registrar, has duly noted the transfer on the Series 2017 Note and recorded the transfer on the registration books of the Registrar. The Registrar may, prior to noting and recording the transfer, require appropriate proof of the transferor's authority and the genuineness of the transferor's signature. The Borrower and the Registrar shall be entitled to deem and treat the person in whose name the Series 2017 Note is registered as the absolute owner of the Series 2017 Note for all purposes, notwithstanding any notice to the contrary, and all payments to the registered holder shall be valid and effectual to satisfy and discharge the Borrower's liability upon such Note to the extent of the sum or sums so paid.

Section 9.5. Execution and Delivery. The Series 2017 Note shall be executed on behalf of the Borrower by the manual signatures of the Chairman, City Commission, City Manager and Director of Finance. Any or all of such signatures may be affixed at or prior to the date of delivery of the Series 2017 Note. In the event that any of the officers who shall have signed the Series 2017 Note shall cease to be officers of the Borrower before the Series 2017 Note are issued or delivered, their signatures shall remain binding upon the Borrower. Conversely, the Series 2017 Note may be signed by an authorized official who did not hold such office on the date of adoption of this Supplemental Resolution. The Series 2017 Note shall be delivered to the DNRC, or its attorney or legal representative.

Section 9.6. Form. The Series 2017 Note shall be prepared in substantially the form attached as Appendix B.

Section 9.7. Commitment Agreement; Issuance of USDA-RD Definitive Bond; Security for Series 2017 Note. The Borrower will observe and perform all of its obligations and duties under and do all acts

and things as may be necessary or appropriate to satisfy the terms and conditions of the Commitment Agreement and all other regulations and requirements of the DNRC and the DEQ relating to such loan and the receipt of the proceeds therefrom to the end that such loan may be closed and the USDA-RD Definitive Bond issued and delivered in evidence thereof on or before the stated maturity of the Series 2017 Note to the extent necessary to pay principal thereof and interest thereon when due.

The Series 2017 Note shall be payable solely from and secured by the proceeds of the USDA-RD Definitive Bond and other revenues pledged and appropriated and from time to time credited to the Note Account. The Series 2017 Note is issued in anticipation of the proceeds to be received upon the sale and issuance of the USDA-RD Definitive Bond authorized by Section 9.1 and to be issued and sold by the Borrower prior to the stated maturity of the Series 2017 Note to refund the principal amount thereof then outstanding and interest accrued thereon. The Series 2017 Note is not secured by a reserve account.

The Borrower hereby covenants and agrees for the benefit from time to time of the owners of the Series 2017 Note that on or before the stated maturity of the Series 2017 Note, it will authorize, issue and sell the USDA-RD Definitive Bond to the DNRC or another Person to refund the Series 2017 Note if other funds of the Borrower are not available and sufficient therefor. In the event the Borrower is unable to sell the USDA-RD Definitive Bond herein authorized, the owners of the Series 2017 Note shall be entitled, at their option, to exchange the Series 2017 Note for one or more USDA-RD Definitive Bonds, amortized in semiannual installments over a 30-year period and bearing interest at a rate equal to one and three eighths percent (1.375%) per annum, on a par-for-par basis, subject to such other or additional conditions as the holder of the Series 2017 Note may then, in its sole and absolute discretion, require.

The USDA-RD Definitive Bond shall be payable from the Net Revenues from operations of the System to be authorized by a subsequent resolution fixing the terms and conditions of the USDA-RD Definitive Bond, and shall be secured by a reserve account in the Fund. The Borrower hereby covenants and agrees that, upon issuance of the USDA-RD Definitive Bond, it will (i) establish a reserve account in the Fund and shall cause the balance therein to equal the reserve requirement for the USDA-RD Definitive Bond, and (ii) covenant to pledge Net Revenues from the operations of the System, in an amount of at least the aggregated principal amount of the USDA-RD Definitive Bond, on the terms and conditions as shall be specified in a subsequent resolution fixing the terms and conditions of the USDA-RD Definitive Bond.

So long as the Series 2017 Note is outstanding and unpaid, the Borrower will not incur, guarantee or assume any indebtedness (apart from the USDA-RD Definitive Bond) without the prior written consent of the DNRC.

## ARTICLE X THE SEWER SYSTEM FUND

Section 10.1. Fund. There was established pursuant to the Original Resolution the “Sewer System Fund,” which shall be maintained on the books and records of the Borrower separate and apart from all other funds of the Borrower. Within the Fund there shall be maintained two separate accounts, designated as the “Construction Account” and the “Note Account.”

Section 10.2. Construction Account. Upon the delivery of the Series 2017 Note, the proceeds of the Series 2017 Note shall be credited to the Construction Account and be applied to the payment of costs of the 2017 Project, including costs of issuance of the Series 2017 Note. Any earnings on investment of money in the Construction Account shall be retained therein. All costs and expenses of constructing the 2017 Project or any part thereof, including costs of issuance of the Series 2017 Note and any of the bonds and other incidental costs of the 2017 Project, including accrued interest, if any, on the Series 2017 Note

and the USDA-RD Definitive Bond, shall be paid from time to time as incurred and allowed from the Construction Account in accordance with the provisions of this Supplemental Resolution, and money in the Construction Account shall be used for no other purpose; provided that upon completion of the 2017 Project and after all claims and expenses with respect to the 2017 Project have been fully paid and satisfied, any money remaining in the Construction Account shall be transferred to the Note Account or, as appropriate, to the debt service accounts securing repayment of the USDA-RD Definitive Bond.

Section 10.3. Note Account. The Borrower hereby irrevocably appropriates to the Note Account, to the extent required to pay principal of or interest on the Series 2017 Note: (a) proceeds of the Series 2017 Note to be applied to pay interest on the Series 2017 Note or otherwise not applied to pay costs of the 2017 Project, (b) the proceeds of the USDA-RD Definitive Bond authorized to be issued pursuant to this Supplemental Resolution, (c) investment income on funds held in the Note Account, and (d) such other money as shall be appropriated to the Note Account from time to time.

Section 10.4. Deposit and Investment of Funds. The finance officer of the Borrower shall cause all money appropriated to the Fund to be deposited as received with one or more depository banks duly qualified in accordance with the provisions of Montana Code Annotated, Section 7-6-201, in a deposit account or accounts. The balance in such accounts, except such portion thereof as shall be guaranteed by federal deposit insurance, shall at all times be secured to its full amount by bonds or securities of the types set forth in said Section 7-6-201. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No money shall at any time be withdrawn from such deposit accounts except for the purposes of the Fund as defined and authorized in this Supplemental Resolution; except that money from time to time on hand in the Fund may at any time, in the discretion of the governing body of the Borrower, be invested in securities which are direct, general obligations of, or obligations the prompt payment of the principal of and the interest on which is fully and unconditionally guaranteed by, the United States of America, bank repurchase agreements with respect to such obligations, certificates of deposits of national banks having a combined capital and surplus of at least \$1,000,000 or in the Montana short-term investment program administered by the Board of Investments, which investments mature and bear interest at the times and in the amounts estimated to be required to provide cash when needed for the purposes of the respective accounts. Income received from the deposit or investment of moneys in said accounts shall be credited to the account from whose moneys the deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys in that account.

## ARTICLE XI TAX MATTERS

Section 11.1. Use of 2017 Project. The 2017 Project will be owned and operated by the Borrower and available for use by members of the general public on a substantially equal basis. The Borrower shall not enter into any lease, use or other agreement with any non-governmental person relating to the use of the 2017 Project or the System or security for the payment of the Series 2017 Note which might cause the Series 2017 Note to be considered a “private activity bond” or “private loan bond” within the meaning of Section 141 of the Code

Section 11.2. General Covenant. The Borrower covenants and agrees with the owners from time to time of the Series 2017 Note that it will not take or permit to be taken by the Borrower or any of their officers, employees or agents any action which would cause the interest on the Series 2017 Note to become includable in gross income for federal income tax purposes under the Code and the Regulations, and covenants to take any and all actions within its powers to ensure that the interest on the Series 2017 Note

will not become includable in gross income for federal income tax purposes under the Code and the Regulations.

Section 11.3. Arbitrage Certification. The Chairman, City Commission, City Manager and Director of Finance, being among the officers of the Borrower charged with the responsibility for issuing the Series 2017 Note pursuant to this Supplemental Resolution, are authorized and directed to execute and deliver to the DNRC a certificate in accordance with the provisions of Section 148 of the Code, and Section 1.148-2(b) of the Regulations, stating that on the basis of facts, estimates and circumstances in existence on the date of issue and delivery of the Series 2017 Note, it is reasonably expected that the proceeds of the Series 2017 Note will be used in a manner that would not cause the Series 2017 Note to be an “arbitrage bond” within the meaning of Section 148 of the Code and the Regulations.

Section 11.4. Arbitrage Rebate Exemption.

(a) The Borrower hereby represents that the Series 2017 Note qualifies for the exception for small governmental units to the arbitrage rebate provisions contained in Section 148(f) of the Code. Specifically, the Borrower represents:

(1) Substantially all (not less than 95%) of the proceeds of the Series 2017 Note (except for amounts to be applied to the payment of costs of issuance) will be used for local governmental activities of the Borrower.

(2) The aggregate face amount of all “tax-exempt bonds” (including warrants, contracts, leases and other indebtedness, but excluding private activity bonds) issued by or on behalf of the Borrower and all subordinate entities thereof during 2017 is reasonably expected not to exceed \$5,000,000. To date in 2017, the Borrower has issued no such tax-exempt bonds.

(b) If notwithstanding the provisions of paragraph (a) of this Section 11.4, the arbitrage rebate provisions of Section 148(f) of the Code apply to the Series 2017 Note, the Borrower hereby covenants and agrees to make the determinations, retain records and rebate to the United States the amounts at the times and in the manner required by said Section 148(f).

Section 11.5. Information Reporting. The Borrower shall file with the Secretary of the Treasury, not later than January 15, 2018, a statement concerning the Series 2017 Note containing the information required by Section 149(e) of the Code.

Section 11.6. “Qualified Tax-Exempt Obligation”. Pursuant to Section 265(b)(3)(B)(ii) of the Code, the Borrower hereby designates the Series 2017 Note as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Code. The Borrower has not designated any obligations in 2017 other than the Series 2017 Note under Section 265(b)(3). The Borrower hereby represents that it does not anticipate that obligations bearing interest not includable in gross income for purposes of federal income taxation under Section 103 of the Code (including refunding obligations as provided in Section 265(b)(3) of the Code and including “qualified 501(c)(3) bonds” but excluding other “private activity bonds,” as defined in Sections 141(a) and 145(a) of the Code) will be issued by or on behalf of the Borrower and all “subordinate entities” of the Borrower in 2017 in an amount greater than \$10,000,000.

ARTICLE XII  
CONTINUING DISCLOSURE

The Borrower understands and acknowledges that the DNRC is acquiring the Series 2017 Note under the Program pursuant to which the State issues from time to time Series 2017 Note to provide funds therefor. The Borrower covenants and agrees that, upon written request of the DNRC from time to time, the Borrower will promptly provide to the DNRC all information that the DNRC reasonably determines to be necessary or appropriate to offer and sell Series 2017 Note or to provide continuing disclosure in respect of Series 2017 Note, whether under Rule 15c2-12 (17 C.F.R. § 240.15c2-12) promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended, or otherwise. Such information shall include, among other things and if so requested, financial statements of the Borrower prepared in accordance with generally accepted accounting principles promulgated by the Financial Accounting Standards Board as modified in accordance with the governmental accounting standards promulgated by the Governmental Accounting Standards Board or as otherwise provided under Montana law, as in effect from time to time (such financial statements to relate to a fiscal year or any period therein for which they are customarily prepared by the Borrower, and, if for a fiscal year and so requested by the DNRC, subject to an audit report and opinion of an accountant or government auditor, as permitted or required by the laws of the State). The Borrower will also provide, with any information so furnished to the DNRC, a certificate of the Chairman, City Manager, and the Director of Finance of the Borrower to the effect that, to the best of their knowledge, such information does not include any untrue statement of a material fact or omit to state any material fact required to be stated therein to make the statements made, in light of the circumstances under which they are made, not misleading.

ARTICLE XIII  
MISCELLANEOUS

Section 13.1. Notices. All notices or other communications hereunder shall be sufficiently sent or given and shall be deemed sent or given when delivered or mailed by certified mail, postage prepaid, to the parties at the following addresses:

DNRC:	Department of Natural Resources and Conservation 1625 Eleventh Avenue P. O. Box 201601 Helena, Montana 59620-1601 Attn: Conservation and Resource Development Division
Trustee:	U.S. Bank National Association c/o Corporate Trust Services 1420 5th Avenue, 7th floor Seattle, Washington 98101 Attn: Corporate Trust Department
Borrower:	City of Livingston James Bennett, Chair 414 East Callender Street Livingston, Montana 59047

Any of the above parties may, by notice in writing given to the others, designate any further or different addresses to which subsequent notices or other communications shall be sent.



Section 13.2. Binding Effect. This Supplemental Resolution shall inure to the benefit of and shall be binding upon the DNRC, the Borrower and their respective successors and assigns.

Section 13.3. Severability. If any provision of this Supplemental Resolution shall be determined to be unenforceable at any time, it shall not affect any other provision of the Resolution or the enforceability of that provision at any other time.

Section 13.4. Amendments. This Supplemental Resolution may not be effectively amended without the written consent of the DNRC.

Section 13.5. Applicable Law. This Supplemental Resolution shall be governed by and construed in accordance with the internal laws of the State.

Section 13.6. Captions: References to Sections. The captions in this Supplemental Resolution are for convenience only and do not define or limit the scope or intent of any provisions or Sections of this Supplemental Resolution. References to Articles and Sections are to the Articles and Sections of this Supplemental Resolution, unless the context otherwise requires.

Section 13.7. No Liability of Individual Officers, Directors or Employees. No recourse under or upon any obligation, covenant or agreement contained in this Supplemental Resolution shall be had against any director, officer or employee, as such, past, present or future, of the DNRC, the DEQ or the Trustee, either directly or through the DNRC, the DEQ or the Trustee, or against any officer, or member of the governing body or employee of the Borrower, past, present or future, as an individual so long as such individual was acting in good faith. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such officer or member of the governing body or employee of the DNRC, the Trustee or the Borrower is hereby expressly waived and released by the Borrower and by the DNRC as a condition of and in consideration for the adoption of this Supplemental Resolution and the making of the Loan.

Section 13.8. Payments Due on Holidays. If the date for making any payment or the last date for performance of any act or the exercise of any right, as provided in this Supplemental Resolution or the Series 2017 Note, shall not be Business Day, such payments may be made or act performed or right exercised on the next succeeding Business Day with the same force and effect as if done on the nominal date provided in this Supplemental Resolution or the Series 2017 Note.

Section 13.9. Right of Others To Perform Borrower's Covenants. In the event the Borrower shall fail to make any payment or perform any act required to be performed hereunder, then and in each such case the DNRC or the provider of any Collateral Document may (but shall not be obligated to) remedy such default for the account of the Borrower and make advances for that purpose. No such performance or advance shall operate to release the Borrower from any such default and any sums so advanced by the DNRC shall be paid immediately to the party making such advance and shall bear interest at the rate of ten percent (10%) from the date of the advance until repaid. The DNRC and the provider of any Collateral Document shall have the right to enter the 2017 Project or the facility or facilities of which the 2017 Project is a part or any other facility which is a part of the 2017 Project in order to effectuate the purposes of this Section.

Section 13.10. Authentication of Transcript. The officers of the Borrower are hereby authorized and directed to furnish to the DNRC and to Bond Counsel certified copies of all proceedings relating to the issuance of the Series 2017 Note and such other certificates and affidavits as may be required to show the right, power and authority of the Borrower to issue the Series 2017 Note, and all statements contained in

and shown by such instruments, including any heretofore furnished, shall constitute representations of the Borrower as to the truth of the statements of fact purported to be shown thereby.

Section 13.11. Effective Date. This Supplemental Resolution shall take effect immediately. Passed and adopted this 3rd day of October, 2017.

CITY OF LIVINGSTON, MONTANA

---

James Bennett, Chairman

ATTEST:

---

City Clerk

## APPENDIX A

### Description of the 2017 Project

The costs of construction and improvements to the System, including:

- Improvements to the headworks
- Improvements to the influent pumping station
- Construction of a new sequencing batch reactor secondary treatment to replace the existing rotating biological contactors
- Modification of the existing chlorine contact basin to house a new UV disinfection system
- Improvements to solids handling by repurposing the existing secondary clarifier to WAS storage
- Installation of a rotary drum for solids thickening
- Addition of a 5<sup>th</sup> composing vessel and installation of pumping and polymer feed equipment
- Modification of the anaerobic digesters to aerobic digesters
- Extension of the City water supply to the System to replace the well currently used for non-potable processes
- Upgrades to the System's controls and electrical and emergency power generator capacity

**APPENDIX B**

**[Form of the Series 2017 Note]**

UNITED STATES OF AMERICA  
STATE OF MONTANA  
COUNTY OF PARK

CITY OF LIVINGSTON

SEWER IMPROVEMENT REVENUE BOND ANTICIPATION NOTE  
(DNRC WATER POLLUTION CONTROL STATE REVOLVING LOAN PROGRAM)  
SERIES 2017

No. R-1 \$5,000,000

Maturity	Date of Original Issue
July 1, 2019	_____, 2017

REGISTERED OWNER: DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION OF  
THE STATE OF MONTANA

PRINCIPAL AMOUNT: FIVE MILLION AND NO/100 DOLLARS

FOR VALUE RECEIVED, THE CITY OF LIVINGSTON, MONTANA (the “Borrower”), a political subdivision of the State of Montana, acknowledges itself to be indebted and hereby promises to pay to the registered owner named above, or registered assigns, but solely out of the Note Account (the “Note Account”) in its Sewer System Fund (the “Fund”), the principal sum equal to the sum of the amounts entered on Schedule A hereto under “Total Amount Advanced,” on the maturity date specified above, with interest on each such amount from the date the amount is advanced hereunder at the rate of 1.25% per annum on the amount advanced, until all principal and interest thereon is paid or discharged, all subject to the provisions hereof relating to the redemption of this Series 2017 Note before maturity. Interest shall be calculated on the basis of a 360-day year comprising 12 months of 30 days each. The interest hereon and the principal hereof are payable in lawful money of the United States of America to the registered owner of this Series 2017 Note as it appears in the Note Register of the Borrower. Capitalized terms used herein without definition shall have the meanings given them in the Resolution (as hereinafter defined).

Upon each disbursement of proceeds of this Series 2017 Note, the Holder shall enter the amount advanced on Schedule A attached hereto under “Advances” and the total amount advanced under the Resolution, including such disbursement, under “Total Amount Advanced.”

This Series 2017 Note is one in number and comprises all of a duly authorized issue of bond anticipation notes of the Borrower in the maximum authorized principal amount of \$5,000,000 (the “Series 2017 Note”) issued pursuant to, and in anticipation of the issuance by the Borrower to the United States Department of Agriculture - Rural Development (“USDA-RD”) of its Sewer Improvement Revenue Bonds (the “USDA-RD Definitive Bond”), authorized to be issued under Resolution No. 4759 adopted by the Board of Directors of the Borrower on October 3, 2017 (the “Resolution”), to which Resolution, copies of which are on file with the Borrower, reference is hereby made for a description of the nature and extent of the security for the Series 2017 Note, the conditions under which the Resolution may be amended and the rights of the Holders of the Series 2017 Note. The Series 2017 Note is issued to finance temporarily costs

of the architectural and engineering costs of certain sewer system improvements (the “2017 Project”) and to pay costs of issuance of the Series 2017 Note. The Series 2017 Note is issued pursuant to and in full conformity with the Constitution and laws of the State of Montana thereunto enabling, including Montana Code Annotated, Title 7, Chapter 13, Parts 44 and 45, as amended, and ordinances and resolutions duly adopted by the governing body of the Borrower. The Series 2017 Note is issuable only as a single, fully registered note.

This Series 2017 Note is payable from and secured by the Net Revenues of the operations of the System pledged to the Note Account in the Fund (the “Note Account”), including the proceeds of the USDA-RD Definitive Bond, which the Borrower has covenanted to issue and sell prior to the maturity of this Series 2017 Note in an amount sufficient, with other funds on hand, to pay the principal hereof and interest hereon.

The Borrower may redeem on any date, in whole but not in part, the unpaid principal of this Series 2017 Note at a price equal to the principal amount to be redeemed plus interest accrued to the date of redemption, without premium. Notice of any such prepayment will be mailed by the Borrower not less than 15 days prior to the date specified for payment, to the registered holder of this Series 2017 Note at its address as it appears on the Note Register maintained by the Registrar.

The Borrower has designated this Series 2017 Note as a “qualified tax-exempt obligation” within the meaning of Section 265(b) of the Internal Revenue Code of 1986, as amended.

The Borrower and the Registrar may deem and treat the person in whose name this Series 2017 Note is registered as the absolute owner hereof, whether this Series 2017 Note is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the Borrower nor the Registrar shall be affected by any notice to the contrary.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that the Borrower has duly authorized and will forthwith undertake the 2017 Project described in the Resolution; that the Borrower has covenanted to sell and issue its USDA-RD Definitive Bond at or prior to the maturity of this Series 2017 Note, either to the DNRC or otherwise pursuant to the Act and the Resolution in a principal amount necessary to provide funds sufficient, together with any money on deposit in the Note Account and available therefor, to pay in full the principal of and interest on this Series 2017 Note at maturity; that if this Series 2017 Note is not paid in full at maturity, the owner hereof may require the Borrower to issue, in exchange for the Series 2017 Note, on a par-for-par basis, one or more of such USDA-RD Definitive Bonds maturing over a 30-year term and bearing interest at a rate equal to 1.375% per annum, subject to such other or additional conditions as the holder of this Series 2017 Note may then, in its sole and absolute discretion, require; that all provisions for the security of the Holder of this Series 2017 Note set forth in the Resolution will be punctually and faithfully performed as therein stipulated; that all acts, conditions and things required by the Constitution and laws of the State of Montana and the ordinances and resolutions of the Borrower to be done, to exist, to happen and to be performed in order to make this Series 2017 Note a valid and binding special obligation of the Borrower according to its terms have been done, do exist, have happened and have been performed as so required; and that the issuance of the Series 2017 Note does not cause either the general or the special indebtedness of the Borrower to exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Livingston, Park County, State of Montana, by its Chairman, City Commission, City Manager and Director of Finance has caused this Series 2017 Note to be executed on its behalf, and has caused this Series 2017 Note to be dated as of this 3rd day of October, 2017.

\_\_\_\_\_  
Chairman, City Commission

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Director of Finance

REGISTRATION AND TRANSFER

This Series 2017 Note shall be fully registered as to both principal and interest. No transfer of this Series 2017 Note shall be valid unless and until (1) the registered holder of the Series 2017 Note, or his duly authorized attorney or legal representative, executes the form of assignment appearing on this Series 2017 Note, and (2) the Director of Finance of the City of Livingston, Montana, as note registrar (the "Registrar"), has duly noted the transfer on the Series 2017 Note and recorded the transfer on the Registrar's registration books. The Borrower and the Registrar shall be entitled to deem and treat the person in whose name this Series 2017 Note is registered as absolute owner thereof for all purposes, notwithstanding any notice to the contrary. Payments on account of the Series 2017 Note shall be made only to the order of the registered holder thereof, and all such payments shall be valid and effectual to satisfy and discharge the Borrower's liability upon the Series 2017 Note to the extent of the sum or sums so paid.

REGISTER

The ownership of the unpaid principal balance of this Series 2017 Note and the interest accruing thereon is registered on the books of the City of Livingston, Montana in the name of the registered holder appearing on the first page hereof or as last noted below:

Date of Registration	Name and Address of Registered Holder	Signature of Note Registrar
_____, 2017	Department of Natural Resources and Conservation 1625 Eleventh Avenue Helena, MT 59620	_____

THE FOLLOWING ENTRIES ARE TO BE MADE ONLY BY THE NOTE REGISTRAR UPON REGISTRATION OF EACH TRANSFER

The Director of Finance of the City of Livingston, Montana, acting as Note Registrar, has transferred, on the books of the Borrower, on the date last noted below, ownership of the principal amount of and the accrued interest on this Series 2017 Note to the new registered holder noted next to such date, except for amounts of principal and interest theretofore paid.

Date of Transfer	Name and Address of Registered Holder	Name of New Signature of Note Registrar
_____	_____	_____
_____	_____	_____

## FORM OF ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_ the within Series 2017 Note and does hereby irrevocably constitute and appoint \_\_\_\_\_ attorney to transfer the Series 2017 Note on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Series 2017 Note in every particular, without alteration or any change whatsoever.





**Backup material for agenda item:**

- A. DISCUSS/APPROVE/DENY - Windrider Transit Bus request for designated bus stops

Untitled Map  
Write a description for your map.

Legend  
Location 91 ton



Public Transit

S 3rd St

2nd Alley

S 2nd St

N Main St

Livingston

200 ft

Google Earth

©2017 Google



Option 1

Option 2

Option 3

2nd St

W Clark St

S 2nd St

S Main St

SB St

E Clark St

E Lewis St

Be Alley

300 ft

**Backup material for agenda item:**

- B. DISCUSS/APPROVE/DENY - HuffPost Road Trip stop in Livingston, MT and possible discussion topics of interest

**Lisa Harreld**

---

**From:** Michael Kardoes  
**Sent:** Tuesday, September 26, 2017 10:36 AM  
**To:** Lisa Harreld  
**Subject:** FW: Listen To America: A HuffPost Road Trip // Livingston

Another agenda item.

---

**From:** Quentin Schwarz  
**Sent:** Tuesday, September 26, 2017 10:14 AM  
**To:** James Bennett <jamesbennett@bridgeband.com>; Michael Kardoes <mkardoes@livingstonmontana.org>  
**Cc:** Dorel Hoglund <dhoglund@livingstonmontana.org>; Mel Friedman <mfriedman@livingstonmontana.org>; Sarah Sandberg <ssandberg@livingstonmontana.org>  
**Subject:** RE: Listen To America: A HuffPost Road Trip // Livingston

You have my second. Quentin

---

**From:** James Bennett [<mailto:jamesbennett@bridgeband.com>]  
**Sent:** Tuesday, September 26, 2017 6:52 AM  
**To:** Michael Kardoes <mkardoes@livingstonmontana.org>  
**Cc:** Dorel Hoglund <dhoglund@livingstonmontana.org>; Mel Friedman <mfriedman@livingstonmontana.org>; Sarah Sandberg <ssandberg@livingstonmontana.org>; Quentin Schwarz <qschwarz@livingstonmontana.org>  
**Subject:** Fwd: Listen To America: A HuffPost Road Trip // Livingston

Is there a second to place on next agenda as a discussion to see if there is anything we want to communicate or do when they arrive?

Begin forwarded message:

**From:** Emma Mustich <emma.mustich@huffpost.com>  
**Subject: Re: Listen To America: A HuffPost Road Trip // Livingston**  
**Date:** August 25, 2017 at 11:48:43 AM MDT  
**To:** James Bennett <jamesbennett@bridgeband.com>, "Teri D'angelo" <teri.dangelo@huffingtonpost.com>

Dear James,

Apologies for the delay.

We will be in Livingston on 10/16. You can find some more general information about our tour [here](#).

We'd love to invite any interested members of local leadership to write an op-ed piece for our Contributor Platform to coincide with HuffPost's visit. Topic selection would be totally up to you, but some starting points could be: What does a

national audience not understand about your city? What's the most under-reported story affecting your residents today? What makes you most proud of your constituents?

If you're interested, I'll be happy to connect anyone there with our Contributor team to get them set up.

Let me know!

Best,  
Emma

On Sun, Jul 30, 2017 at 11:47 AM, James Bennett <[jamesbennett@bridgeband.com](mailto:jamesbennett@bridgeband.com)> wrote:

Emma,

Could you provide a date range in which your tour could possibly be in Livingston Montana?

Sincerely,

James Bennett  
Chairman Livingston City Commission

Dear Members of the Livingston City Commission,

My name is Emma Mustich, and I work on the Editorial Partnerships team at HuffPost.

This fall, HuffPost will be sending a team across the country on a bus tour for a project called "Listen to America." The goal of our trip is to engage with citizens and understand how they define what it means to be American, and their hopes and concerns for the future. In each city we visit, we'll also partner with a media outlet for a joint reporting project to dig deep into an issue concerning the local community.

We're planning to stop in Livingston as part of the tour, and I wanted to get in touch to let you know about the project. Please let us know if you'd like more information or are interested in participating in some way. Just one caveat: We have not publicly announced the tour yet, so until we do, I hope we can keep initial conversations between us.

Let me know what you think -- I look forward to hearing from you!

Best,  
Emma

--

Emma Mustich  
Executive Editor, Editorial Partnerships | HuffPost

--

Emma Mustich  
Executive Editor, Editorial Partnerships  
**/HUFFPOST/**

**US**  
EDITION

## We're hitting the road on a 25-city tour to hear concerns from across the nation.

We want to know: What does it mean to be American today? To find out, we're hitting the road this fall to interview people about their hopes, dreams, fears and definition of "being American." By converting a tour bus into a mobile video studio, we'll capture conversations with people of all ages and backgrounds. Our goal: moving, multimedia storytelling that showcases what we share as Americans, rather than what divides us.

### WHY WE ARE DOING THIS

Trust in media has bottomed out. We hope to rebuild some of that — and learn from it — by listening to the

[ST. LOUIS \(9/12\)](#)  
[LITTLE ROCK, ARK. \(9/14\)](#)  
[OXFORD, MISS. \(9/15\)](#)  
[MEMPHIS, TENN. \(9/18\)](#)  
[BIRMINGHAM, ALA. \(9/20\)](#)  
[ATLANTA, GA. \(9/22\)](#)  
[ASHEVILLE, N.C. \(9/25\)](#)  
[CHARLOTTESVILLE, VA. \(9/26\)](#)  
[CHARLESTON, W.VA. \(9/27\)](#)  
[PITTSBURGH \(9/29\)](#)  
[AKRON, OHIO \(10/2\)](#)  
[DETROIT \(10/3\)](#)  
[FORT WAYNE, IND. \(10/5\)](#)  
[MILWAUKEE \(10/6\)](#)  
[DES MOINES, IOWA \(10/9\)](#)  
[KANSAS CITY \(10/10\)](#)  
[LINCOLN, NEB. \(10/11\)](#)  
[CASPER, WYO. \(10/13\)](#)  
[LIVINGSTON, MONT. \(10/16\)](#)  
[PROVO, UTAH \(10/18\)](#)  
[TUCSON, ARIZ. \(10/20\)](#)  
[ALBUQUERQUE, N.M. \(10/23\)](#)  
[ODESSA, TEXAS \(10/25\)](#)



public and elevating their stories through our massive distribution network.

HOUSTON (10/27)  
NEW ORLEANS (10/29-10/30)

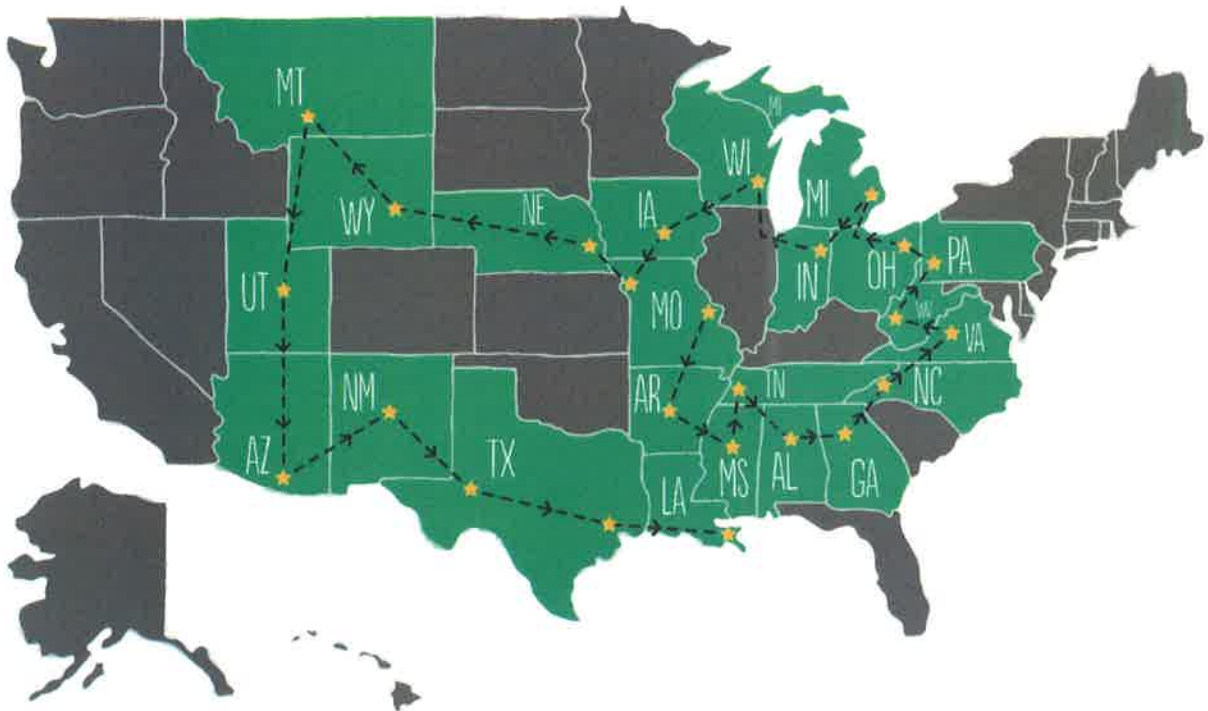
## HOW WE ARE MAKING IT HAPPEN

We will travel the old-fashioned way — via bus — to 20-plus states to hear from some of the under-heard, diverse Americans who make up the communities that form much of our nation. And by working on the ground with community leaders, nonprofits, educational institutions, local businesses and others, we'll make sure people know we're there to listen.

Not on the bus tour? Don't worry. You can follow us via our [daily newsletter](#) or [Facebook page](#).

Plus, you can [enter to win a \\$1,800 prize](#) toward a trip to New Orleans for the Listen To America closing event. To enter, just [tell us why you love your hometown](#).

## WHERE WE ARE GOING



## FROM OUR EDITOR

Dear readers,

I am so pleased to announce "Listen to America," a hugely ambitious, cross-country project we're undertaking at HuffPost to understand what's on the minds of Americans and what it means to be American in 2017. Consider this an invitation to our journey.



Lydia Polgreen  
Editor-in-Chief

For journalists, listening is more important than ever. Why? First, trust in the news media is at an all-time low. We want to address that head-on, and build trust in the work we do, by visiting communities that are often ignored by national media. We'll listen to what's most important to them, and help tell those stories to the vast HuffPost audience.

Second, political divisions between us seem starker than ever. But at HuffPost, we believe there's still so much that unites us as citizens. We aim to discover and highlight all that, and show what Americans have in common. As we visit 25 cities, we'll use our bus — built out as a mobile video studio — to listen and collect hundreds if not thousands of voices, and we'll share many of them along the way. We'll also create ways for you to make your voice heard too, even if we aren't coming to your hometown.

Third, as journalists, being good listeners, and getting out of our own way, are at the core of our practice. "Listen to America" is an opportunity to practice this skill over and over, and discover great stories out in the field, where they live.

We're popping our own bubbles in more ways than one. Join us! The bus hits the road on Sept. 12 in St. Louis. Check our [map](#) to see if we're coming to your town. Subscribe to our [newsletter](#). And shoot us any tips or thoughts at [listening@huffpost.com](mailto:listening@huffpost.com). We're here.

Best,  
Lydia Polgreen

**Backup material for agenda item:**

- C. DISCUSS/APPROVE/DENY - Transportation Study Update



TRANSPORTATION STUDY 100  
UPDATE

LIVINGSTON, MONTANA

Prepared for

**CITY OF LIVINGSTON**

Prepared by



**MARVIN & ASSOCIATES**

1300 North Transtech Way  
Billings, MT 59102

September 1, 2017

TRANSPORTATION STUDY UPDATE  
LIVINGSTON, MONTANA

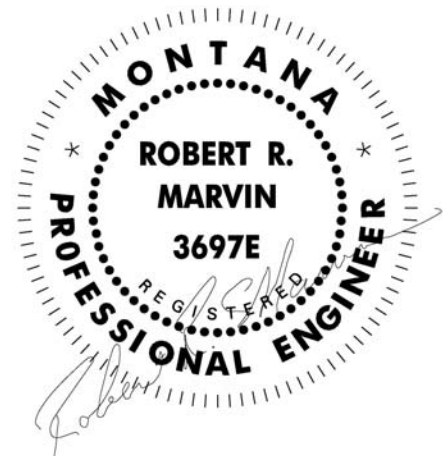
Prepared for

**CITY OF LIVINGSTON**

Prepared by



**MARVIN & ASSOCIATES**  
1300 North Transtech Way  
Billings, MT 59102



September 1, 2017  
P.T.O.E. # 259

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## INTRODUCTION

This report summarizes a Transportation Study Update for the City of Livingston. The original Transportation study was completed by Marvin & Associates in March of 2000. That study included typical planning level analysis along with extensive public information efforts involving both City and County officials. That study resulted in a number of short-term and long-term improvement project recommendations. Of those recommendations, two projects were eventually constructed (traffic signals on Park Street at 5<sup>th</sup> Street and 7<sup>th</sup> Street).

The study update differs from the original study in both scope and study area boundaries. The City of Livingston is intent on developing a capital improvements plan that includes transportation projects to be constructed with the next five to ten years. Thus, this study focuses on intersections and street corridors with definable operational deficiencies within the city limits. Intensive data collection efforts by TD&H Engineers and Marvin Associates were completed prior to completing capacity and crash analysis of all intersections and street corridors within the City. Problematic intersections and corridors were ranked according to safety and efficiency criteria which resulted in 4 corridors and 7 intersections being selected for evaluation of potential improvement projects. In addition, the study provides direction for incorporation of alternative transportation modes and parking within the Livingston Central Business District (CBD).

Figure 1 on the following page illustrates the approximate area included in the transportation study. The study area is somewhat smaller than the original transportation study since this study focuses on streets within the city limits, whereas the original study also included tracks of land within the jurisdiction of Park County.

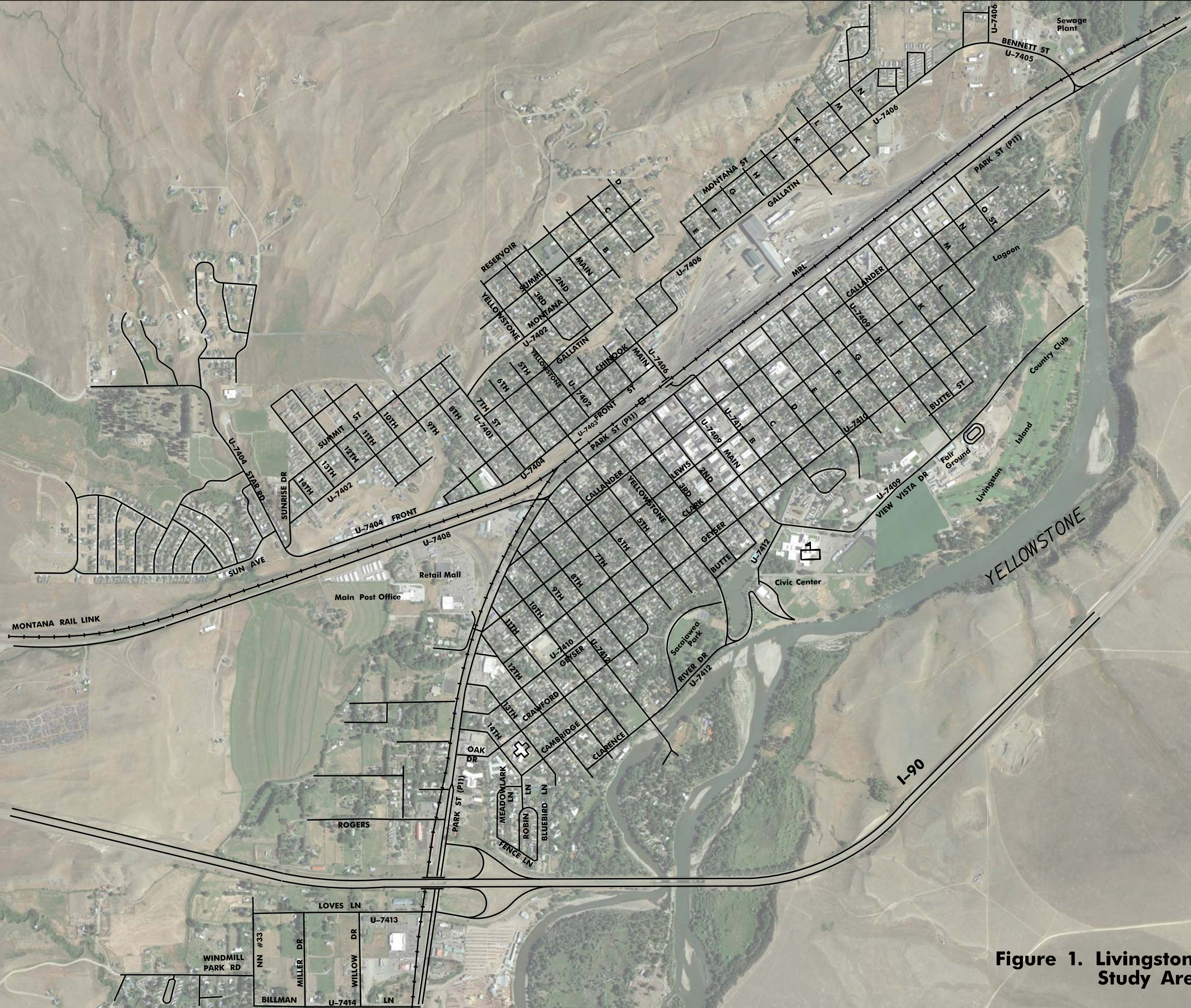


Figure 1. Livingston Transportation Study Area Street System

## EXISTING STREET SYSTEM

### 2017 Traffic Counts

TD&H Engineering provided Mio-vision camera files for 33 intersections within the City of Livingston. Twenty-seven intersection counts were taken in late November and December of 2016 and early January 2017. Subsequent to those counts, sorting of crash data lead to five additional intersections being counted in March 2017. Additional counts were taken in July of 2017 subsequent to review of the draft report by the City of Livingston. No tube counts were taken because of severe weather conditions during the course of the data collection study phase. However, it was determined that hourly traffic variation data from traffic counters used for two separate projects in 2005 and 2012 could provide reasonable factors to estimate current average annual daily traffic (AADT) volumes on specific street segments.

Figure 2 on the following page illustrates the intersection count locations and estimated AADT volumes on various street segments within the study area. The intersection reference numbers correspond to the chronological order of traffic count summaries contained in Appendix A of this report. Two hour counts were taken for both am and pm hour periods and the peak am and pm hour volumes were calculated. Also shown in Appendix A are the calculated peak hour factors, which are used in capacity analysis and represents the one hour equivalent of the highest 15-minute peak period.

AADT numbers were calculated by applying monthly and daily variation factors extracted from the latest Montana Department of Transportation (MDT) permanent count stations data on similar facilities within the proximity of Livingston. Monthly, daily, and hourly variation graphs contained in the original transportation study are similar to the 2016 factors used within this update. In comparing the AADT shown in Figure 2 to those contained in the year 2000 study, it can be seen that the most significant differences appear to be on Star Road, Front Street, and N 5<sup>th</sup> Street.



11 — Intersection Count Number  
5,000 — Average Annual Daily Traffic (AADT)

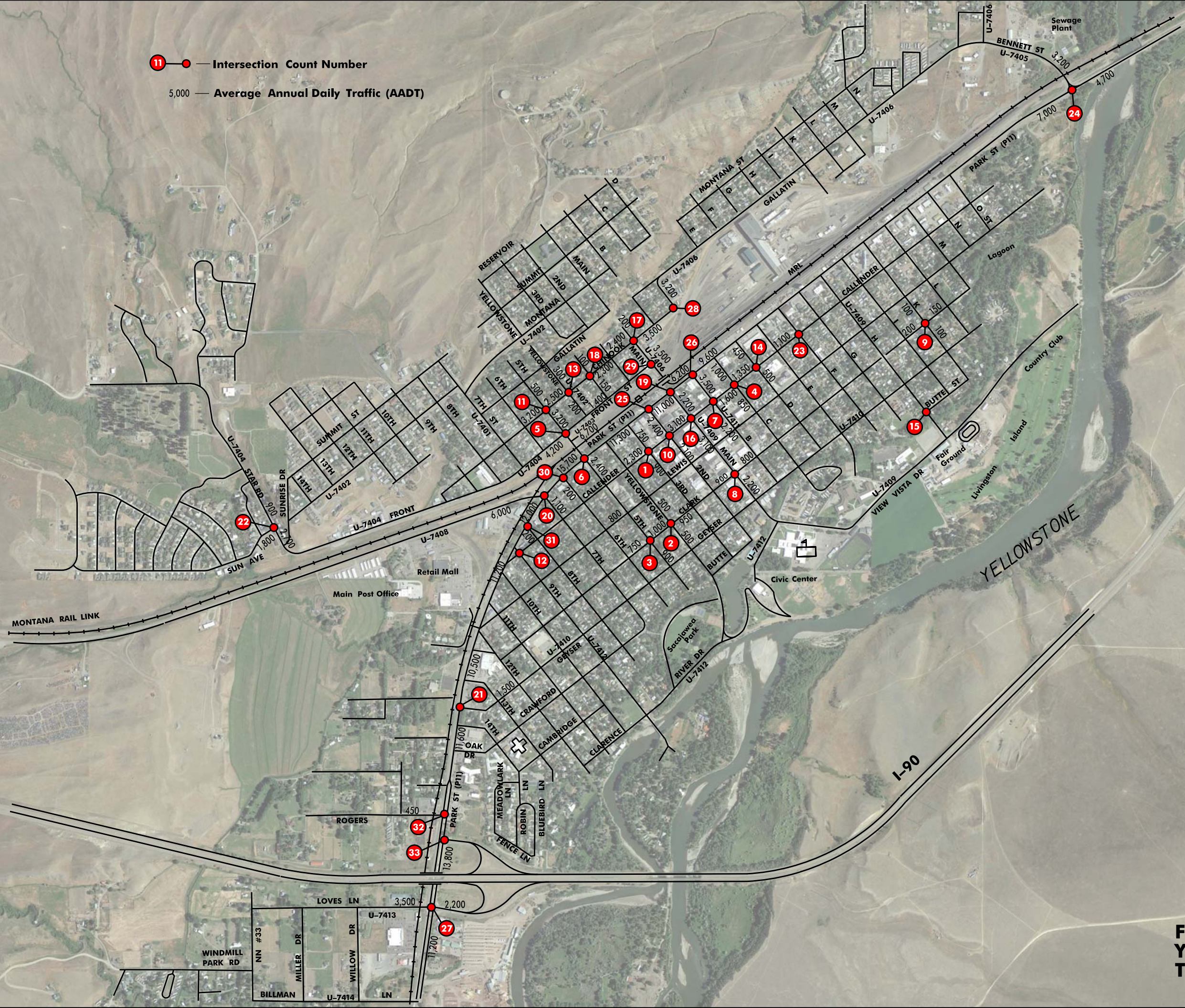


Figure 2.  
Year 2017  
Traffic Volumes

## Design Hour Traffic Estimates

The traffic count data contained in Appendix A was input to a traffic matrix spreadsheet used to calculate the AADT volumes. Monthly and daily traffic variations factors were used to determine the intersection traffic demand that is typically used for intersection design. Since traffic counts were taken in months where volumes are at their lowest levels, the design hour traffic volumes are appreciably higher than the count volumes. Because the peak pm hour counts were substantially higher than the am hour counts, design hour volume were only calculated for the pm hour periods. Appendix B contains the graphic illustration of year 2017 pm design hour traffic calculated for each of the intersections counted within this study. It should be mentioned that an additional count taken at the intersection of Park and 2<sup>nd</sup> Streets in July 2017 were slightly lower than design hour counts factored from the winter counts. Thus, the calculated design hour counts could be considered as a conservative estimate.

## Capacity Calculations

Peak pm hour existing capacity calculations were completed for the existing intersections using the *HCS7* software package (see Appendix D). Table 1, on the following page, summarizes the results of the capacity calculations. Table 1 only includes 21 of the 33 intersections counted, since 12 of the intersection were uncontrolled. There are no methods available for calculating capacity at uncontrolled intersections since it is assumed traffic and delay at uncontrolled intersections would be minimal. Measures in Table 1 include control delay (seconds/vehicle) and level of service (LOS) for each intersection approach and for the intersection as a whole. The calculation results indicate that all approach movements for all the intersections currently operate at or above a LOS “C”, with the exception of the westbound leg of the Park Street & I-90 Westbound Ramp intersection and the Front Street and 5<sup>th</sup> Street intersection.

Table 1 ranks the intersections by seconds of delay per vehicle entering the intersection. It was determined that the average delay for all intersections was 13.3 seconds per vehicle. Only 5 intersections exceeded the average, which qualified those intersections for additional analysis in the study. Since the Front Street and 5<sup>th</sup> Street Intersection has a movement that operates at a LOS less than LOS “C” and its operation is inter-related with operations at the Park and 5<sup>th</sup> Street intersection, it would also qualify for additional study.

Table 1. Year 2017 Average Design Hour Intersection Capacity Summary

Intersection	Rank by Delay	Eastbound		Westbound		Northbound		Southbound		Intersection	
		Delay (s/v)	LOS	Delay (s/v)	LOS	Delay (s/v)	LOS	Delay (s/v)	LOS	Delay (s/v)	LOS
Park Street & I-90 WB Ramps	1			55.8	F			10.9	B	45.5	F
Park St. & B St.	2	10.8	B	32.8	C	28.6	C	27.3	C	22.4	C
Park St.& 7th St.	3	21.1	C	16.1	B	14.1	B	26.7	C	20.5	C
Park St.& 5th St.	4	14.1	B	23.4	C	24.3	C	24.3	C	18.8	B
Park St.& Loves Lane	5	15.3	B	14.9	B	16.0	B	15.0	B	15.4	B
Front St. & 5th St.	6	11.8	B	27.7	D	8.0	A	7.7	A	11.4	B
Park St. & Main St.	7			9.0	A	20.7	C			11.0	B
Park St. & 2nd St.	8			9.4	A	20.4	C			10.6	B
Callander St. & B St.	9	7.6	A	7.4	A	14.2	B	11.9	B	10.4	B
Park St. & 6th St	10			10.2	B	19.7	C			10.3	B
Callander St. & Main St.	11	10.3	B	10.1	B	10.3	B	9.5	B	10.1	B
Sun Ave. & Star Road	12	8.6	A			7.4	A			10.0	B
Park St. & Rogers St.	13	21.2	C			9.5	A			9.8	A
Park St. & Geyser St.	14			16.6	C			8.7	A	9.7	A
Chinook St. & 5th St.	15	7.4	A	7.6	A	13.0	B	12.0	B	9.5	A
Callander St. & 2nd St.	16	9.1	A	9.6	A	9.3	A	9.1	A	9.4	A
Park St. & 8th St	17			14.9	B			9.0	A	9.1	A
Park St. & Old Clyde Park	18	8.1	A					11.4	C	9.0	A
Chinook St. & Main St.	19	8.3	A	9.5	A	9.2	A	7.9	A	8.7	A
Clark St. & 5th St.	20	10.0	B	9.7	A	7.3	A	7.3	A	8.5	A
Front St. & Main St.	21	11.6	B			7.6	A			8.3	A

Average Delay = 13.3

## Crash Statistics

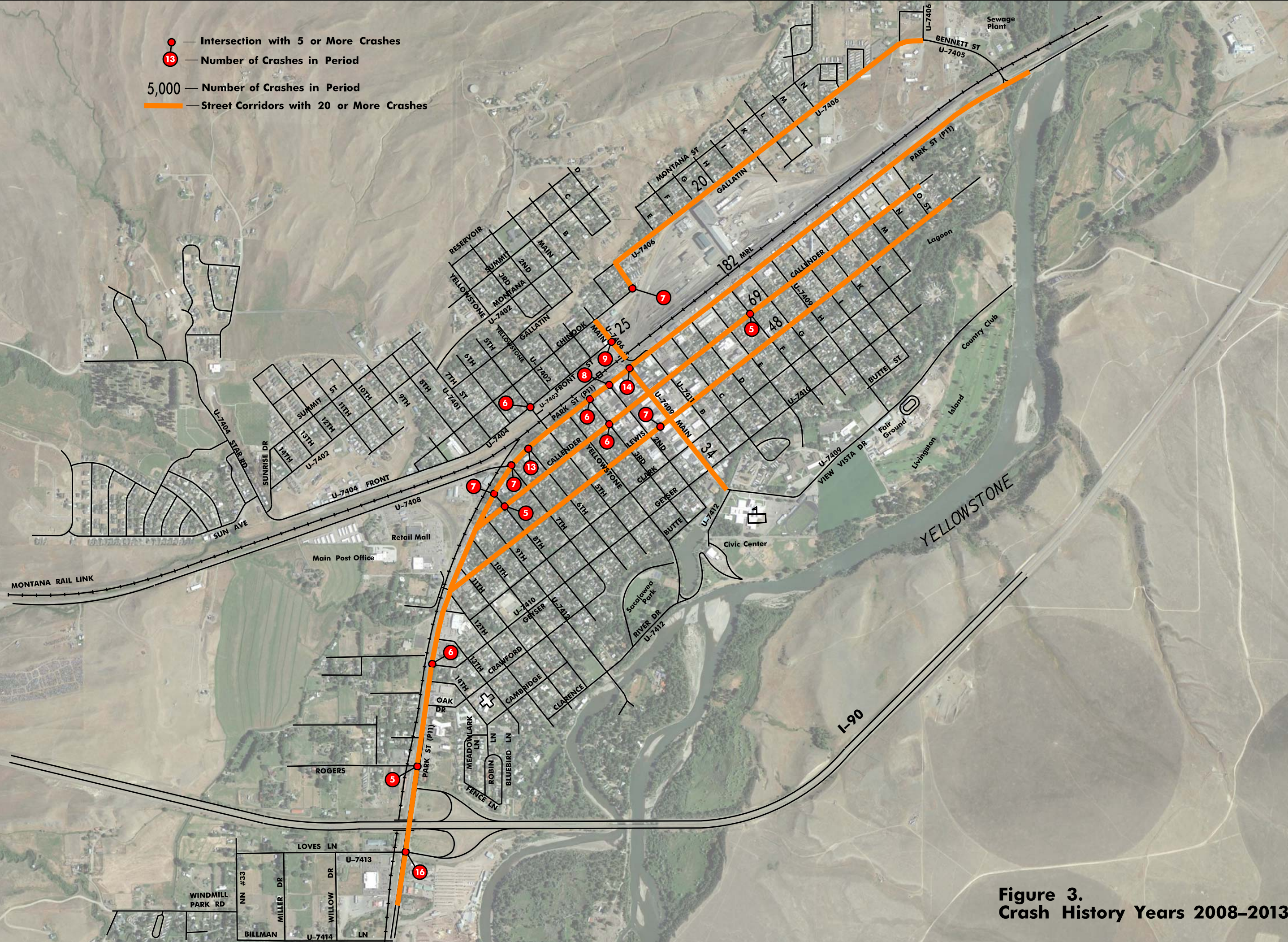
MDT Traffic Safety Section provided crash statistics for all Urban System Routes in Livingston for a five-year period between 2008 and 2013. The City of Livingston began using a separate crash reporting system in 2014 that was not compatible with the MDT system, so they were unable to provide data for years 2014 thru 2016. The City of Livingston provided crash data for the missing years, but that data did not provide the same level of detail as the MDT system data. Therefore, the city data was only used to determine if trends in the number of crashes at critical locations continued in the following three-year period.

There were approximately 640 crashes on the Livingston street system during the five-year reporting period. A number of data sorts were performed in order to categorize the data for statistical purposes and the following narratives and tables represent the crash analysis results. Figure 3 illustrates the location of intersections and street corridors that have higher than average crash rates.





- — Intersection with 5 or More Crashes
- 13 — Number of Crashes in Period
- 5,000 — Number of Crashes in Period
- Street Corridors with 20 or More Crashes



**Figure 3.**  
**Crash History Years 2008–2013**

## Intersection Crashes

All junction related crash data was sorted by intersection location. It was determined that intersections with at least one crash per year (five crashes during the reporting period) would provide a representative sample of intersections with a persistent crash history. Table 2 presents the crash experience of 17 intersections that have had 5 or more crash in the five-year reporting period. The crash and severity rates were calculated for each of the intersections based on the AADT volumes entering each intersection. Average number of crash for all intersections was calculated to be 7.82 while the average crash rate for all intersections was 0.92 crashes per million vehicles entering.

Table 2. Intersections with Five or More Crashes 2008 thru 2013

Intersection	# Crashes	AADT		Crashes/mve		Severity	
		Entering	mve	Rate	Rank	Possible Inj	Rate
Callander Street & F Street	5	800	1.46	3.42	1	0	0.00
Lewis & Alley Between 2nd & Main	7	1600	2.92	2.40	2	0	0.00
Callander Street & S 8th Street	5	1500	2.74	1.83	3	1	0.37
N Main Street & Front Street	9	3400	6.21	1.45	4	0	0.00
C Street & Chinook Street	7	3380	6.17	1.13	5	0	0.00
Callander Street & S 3rd Street	6	3500	6.39	0.94	6	0	0.00
Park Street & Main Street	14	11650	21.26	0.66	7	0	0.00
Callander Street & Main Street	6	5000	9.13	0.66	8	0	0.00
Park Street & Loves Lane	16	15500	28.29	0.57	9	4	0.14
Park Street & 5th Street	13	14150	25.82	0.50	10	3	0.12
Park Street & 2nd Street	8	11650	21.26	0.38	11	1	0.05
Park Street & 8th Street	7	11510	21.01	0.33	12	2	0.10
5th Street & Front Street	6	10360	18.91	0.32	13	1	0.05
Park Street & 3rd Street	6	11680	21.32	0.28	14	2	0.09
Park Street & W Park (7th Street)	7	14100	25.73	0.27	15	1	0.04
Park Street & Geyser Street	6	13700	25.00	0.24	16	0	0.00
Park Street & Rogers Lane	5	13690	24.98	0.20	17	1	0.04
Average of Intersections =	7.82	8657	15.80	0.92		0.94	0.06

Fortunately, there were not a lot of injury accidents at any of the intersections so the average severity rate was very low. The intersections in Table 2 were ranked by crash rate and it was determined that 6 intersections had crash rates higher than the average. Those intersections were evaluated further as potential improvement locations.

Table 3 provides specific crash statistics associated with the six highest ranked intersections. There were 39 crashes at the six intersections. Forty-one percent of the crashes were angle crashes while 33% were rear-end crashes. Only 44% of the crashes were on dry roads with 22% occurring on snow cover streets and 25% on icy streets. Very few crashes occurred during hours of darkness.

Table 3. Highest Ranked Intersections - Crash Statistics

Intersection	Number of Crashes by Type				Weather Conditions			Road Conditions				Light Conditions		
	Angle	Rear-end	Sideswipe	Left-turn	Clear	Cloudy	Snow	Dry	Wet	Snow	Ice	Day	Dusk	Dark
Callander Street & F Street	3	0	1	1	4	0	1	1	1	1	2	5	0	0
Lewis & Alley Between 2nd & Main	1	4	2	0	5	2	0	5	0	1	1	6	1	0
Callander Street & S 8th Street	4	1	0	0	3	1	1	3	0	2	0	4	1	0
N Main Street & Front Street	2	5	1	1	1	5	0	3	0	1	2	5	1	0
C Street & Chinook Street	5	0	2	0	1	0	6	0	0	2	5	5	1	1
Callander Street & S 3rd Street	1	3	2	0	5	0	1	4	1	1	0	5	0	1
Totals =	16	13	8	2	19	8	9	16	2	8	10	30	4	2
Percentages =	41%	33%	21%	5%	53%	22%	25%	44%	6%	22%	28%	83%	11%	6%

### Street Corridor Crashes

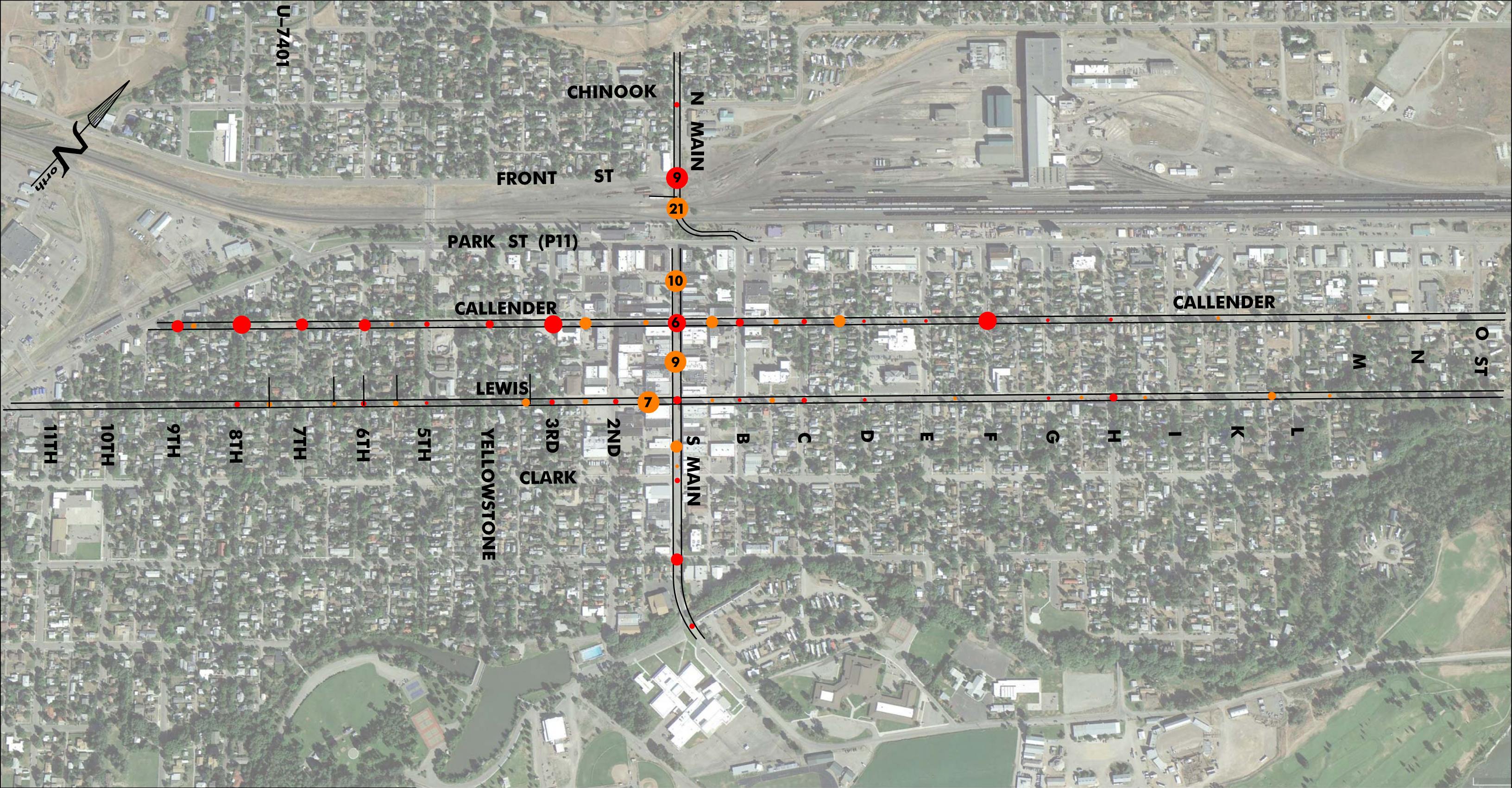
All crash data was sorted by street corridors. Approximately 40 corridors had crash records. All but six of the corridors had less than 20 crashes in the reporting period. Table 2 presents the crash experience on the six corridors with more than 20 crashes. The crash rates were calculated for each of the corridors based on the average AADT volumes on each corridor and the length of the corridor.

Table 4. Corridor Crashes 2008 to 2013

Corridor Name	No. Crashes	Average Per Year	Length Miles	Average AADT	Crash Rate/mvm
Callender Street	67	13.40	1.60	1300	17.65
S Main	35	7.00	0.50	2200	17.43
N Main Street	29	5.80	0.35	3500	12.97
Lewis Street	47	9.40	1.80	1600	8.94
Park Street	182	36.40	3.55	11450	2.45
Gallatin Street	20	4.00	1.40	3500	2.24

It can be seen in Table 2 that the number of crashes per million vehicle miles of travel for the first four corridors are significantly higher than the last two corridors. Thus, four street corridors were evaluated further for potential improvements. Figure 4 illustrates the crash locations and number of crashes at each location along each of the four corridor within this study.

An inventory of physical conditions was completed on each of the corridors to determine traffic controls and operational issues that could be involved in the crash history experience on those corridors. Appendix F contains a summary of physical and traffic control conditions noted at crash locations along all four corridors.



**Figure 4.**  
**Top Four Corridor**  
**Crash Rates**  
**Location Map**

## FUTURE OPERATIONS 2027

### Traffic Projections

Future traffic projections can be determined in a number of ways. In the original transportation study a computer model was developed to determine traffic increases based on anticipated land development and population growth. Prior to updating the model, it was decided to examine the overall level of population growth that has occurred since the year 2000. In examining official census data, it was determined that population has been stagnant. Within the City of Livingston, the 2000 census listed a population of 7,089 while in the year 2015 the estimate population was 7,302 or approximately 3% growth. During that same period, Park County went from a population of 15,694 to a population of 15,586, which resulted in negative growth of 0.6%.

Since traffic growth can have other influences other than population, especially in a region with a robust tourist industry, a comparison of traffic volumes on the street system was made to determine if traffic growth factors were similar to population growth. Table 5 provides a summary of historic traffic volumes on 20 different street segments between 2001 and 2015. Traffic volumes were extracted from the MDT “Traffic by Section Reports”. It can be seen that some street had traffic volume increases while other streets saw decreased volumes. Overall, there appears to have been a 25% increases in traffic on the Livingston street system. The calculated annual growth is 1.6% per year. At that annual growth rate, year 2027 traffic would be 17% greater than 2017 traffic and the year 2037 traffic would be 37% higher. Because of the flat population growth and unknown elements of the tourist industry along with other economic factors, extending traffic projections beyond the 20-year level would probably not produce meaningful information for long term improvements. Thus, the 10-year growth factor would be appropriate for the scope of this project. Appendix C contains the resultant year 2027 traffic projections at all intersections along with AADT volumes of the Livingston street system.

Table 5. Livingston Urban Streets - Historic Traffic Volumes\*

<i>* MDT Traffic by Section Reports</i>	2001	2003	2011	2012	2015	Difference 2001-2015	Percent Change
<b>Park Street (P-11)</b>							
S of Loves Lane	8015	10503	12580	15760	13460	5445	40%
N of I-90	10237	11771	12930	13060	11610	1373	12%
W of 7th	9560	10251	11960	12080	13030	3470	27%
W of 5th	4305	4765	5690	6040	5210	905	17%
W of Bennett	2560	3830	2030	2080	2315	-245	-11%
<b>5th Street (U-7403)</b>							
Park to Front	4830	5790	7750	9640	12090	7260	60%
<b>Front Street (U7404)</b>							
E of 5th	1200	1200	1300	1450	1370	170	12%
W of 5th	3000	3095	3380	3550	3690	690	19%
<b>Bennett (U-7405)</b>							
N of Park	2610	3190	2630	3290	2480	-130	-5%
<b>Gallatin (U-7406)</b>							
Park to Front	4050	4260	3810	4150	4080	30	1%
N of Front	3000	3095	3380	3350	3530	530	15%
W of Bennett	1340	1680	1250	1450	980	-360	-37%
<b>Rogers Lane (U-7407)</b>							
W of Park	530	320	470	470	560	30	5%
<b>West Park (U-7408)</b>							
W of Park	3195	3665	4650	4750	4940	1745	35%
<b>Main St (U-7409)</b>							
S of Park	2770	2770	2590	3470	2340	-430	-18%
N of Geyser	1054	1094	1190	980	1080	26	2%
<b>Geyser (U-7410)</b>							
9th to Main	2400	2410	2090	2030	2720	320	12%
Main to H	1210	1290	1140	1120	1260	50	4%
<b>B Street (U-7411)</b>							
S of Park	2050	1970	2810	2790	3200	1150	36%
<b>9th Street (U-7412)</b>							
S of Park	811	811	780	1270	1200	389	32%
<b>Totals =</b>	<b>68727</b>	<b>77760</b>	<b>84410</b>	<b>92780</b>	<b>91145</b>	<b>22418</b>	<b>25%</b>

*Calculated Overall Annual Growth = 1.6%*

## Capacity

Table 6 presents capacity analysis results for future traffic projections. Capacity calculations can be found in Appendix E of this report. All of the intersections and all of the approaches would operate at LOS “C” except for the westbound approaches at the intersections Park Street and I-90 WB Ramps and the Front Street and 5<sup>th</sup> Street intersection, which would operate at LOS “F” and “E” respectively.

Table 6. Year 2027 Average Design Hour Intersection Capacity Summary

Intersection	Rank by Delay	Eastbound		Westbound		Northbound		Southbound		Intersection	
		Delay (s/v)	LOS	Delay (s/v)	LOS	Delay (s/v)	LOS	Delay (s/v)	LOS	Delay (s/v)	LOS
Park St. & I-90 WB Ramps				155.4	F			12.0	B	169.0	F
Park St.& 7th St.	1	32.1	C	20.3	C	14.0	B	34.7	C	28.1	C
Park St. & B St.	2	15.0	B	30.9	C	30.2	C	28.9	C	24.0	C
Park St.& 5th St.	3	18.4	B	30.6	C	25.8	C	26.2	C	23.4	C
Park St.& Loves Lane	4	15.6	B	15.1	B	18.8	B	17.2	B	17.3	B
Front St. & 5th St.	5	13.2	B	35.9	E	8.2	A	7.8	A	12.6	B
Callander St. & B St.	6	7.6	A	7.4	A	14.2	B	11.9	B	11.4	B
Park St. & 6th St	7			10.2	B	19.7	C			11.1	B
Park St. & 2nd St.	8			9.4	A	20.4	C			10.9	B
Park St. & Main St.	9			9.0	A	20.7	C			10.7	B
Park St. & Rogers St.	10	21.2	C			9.5	A			10.3	B
Chinook St. & 5th St.	11	7.4	A	7.6	A	13.0	B	12.0	B	10.1	B
Callander St. & Main St.	12	10.3	B	10.1	B	10.3	B	9.5	B	9.9	A
Park St. & Geyser St.	13			16.6	C			8.7	A	9.7	A
Park St. & 8th St	14			14.9	B			9.0	A	9.5	A
Callander St. & 2nd St.	15	9.1	A	9.6	A	9.3	A	9.2	A	9.4	A
Chinook St. & Main St.	16	8.3	A	9.5	A	9.2	A	7.9	A	9.3	A
Park St. & Old Clyde Park	17	8.1	A					11.4	C	9.0	A
Clark St. & 5th St.	18	10.0	B	9.7	A	7.3	A	7.3	A	8.7	A
Front St. & Main St.	19	11.6	B			7.6	A			8.2	A
Sun Ave. & Star Road	20	8.6	A			7.4	A			7.7	A

Average Delay = 20.0



## IMPROVEMENT CONCEPTS

### Intersection Efficiency Improvements

Capacity calculations were performed for alternative concepts to improve efficiency of the Front Street and 5<sup>th</sup> Street intersection. The calculations can be found in Appendix F of this report and a summary of those calculation are presented in Table 7. The intersection of Front Street and 5<sup>th</sup> Street currently operates below a LOS “C” on the westbound approach with through traffic on 5<sup>th</sup> Street and stop signs on Front Street. The first improvement that could be considered would be changing the operation to an all-way stop condition. Table 7 indicates that the all-way stop would operate with all movements at LOS “C” or better. However, the maximum vehicle queue on the northbound approach would be approximately 7 vehicles. The separation between the intersection and the railroad tracks is only long enough to store 4 passenger vehicles. Thus, a safety problem would be created by using all-way stop control.

Table 7. Front Street & 5th Street Improvement Concepts Capacity

Intersection	MOE	EB		WB	NB	SB
Movement Group		TR	R	LT	L	L
<i>NB Left Turn Lane &amp; EB Right Turn Lane Stop Control on Front Street Peak PM Hour</i>	Control Delay (s/veh)	25.7	10.1	33.7	8.2	7.8
	LOS	D	B	D	A	A
	V/C Ratio	0.10	0.18	0.45	0.19	0.00
	Queue Length (95%)	1	1	3	1	0
Movement Group		LTR		LTR	LTR	LTR
<i>All-way Stop Control Existing Geometry Peak PM Hour</i>	Control Delay (s/veh)	10.6		10.5	23.1	11.0
	LOS	B		B	C	B
	V/C Ratio	0.26		0.18	0.77	0.33
	Queue Length (95%)	2		1	8	2
Movement Group		LTR		LTR	LTR	LTR
<i>All-way Stop Control Existing Geometry Peak AM Hour</i>	Control Delay (s/veh)	11.2		9.7	11.1	13.3
	LOS	B		A	B	B
	V/C Ratio	0.39		0.13	0.33	0.50
	Queue Length (95%)	2		1	2	3
Movement Group		LTR		LTR	LTR	LTR
<i>NB Left Turn Lane &amp; EB Right Turn Lane All-way Stop Control Peak PM Hour</i>	Control Delay (s/veh)	9.8		9.0	11.9	9.2
	LOS	A		A	B	A
	V/C Ratio	0.22		0.14	0.42	0.22
	Queue Length (95%)	1		1	3	1

An alternative would involve adding traffic lanes for the highest volume movements in the am and pm hours (westbound right turns and northbound left turns) while keeping stop

control on Front Street. Table 7 indicates that both the eastbound and westbound approach would operate at LOS “D”. Thus, the overall delay would not be improved.

It was determined that the combination of the additional turn lanes and the all-way stop control would result in significant efficiency improvements. Table 7 indicates that this concept would result in all movements being at LOS “B” or better and the maximum queue on the northbound approach would be 3 vehicles.

Because of the railroad tracks between Front Street and Park Street on N 5<sup>th</sup> Street, there is an overlap with safety and efficiency which involves operations at the Park Street and 5<sup>th</sup> Street Intersection. Table 8 presents capacity calculations for am and pm hour conditions (see Appendix F). It can be seen that during the am hour there would be a maximum queue of 10 vehicles in the southbound lanes, which is substantially more than the 4 vehicle storage available, south of the tracks. A concept that would add a southbound right turn lane on 5<sup>th</sup> Street at the signalized intersection was investigated. It was determined that the added lane would substantially improve overall operations of the intersection in the am and pm hour and would also reduce the maximum southbound queue to 7 vehicles during the peak am hour. Figure 5 on the following page illustrates the associated concept improvements for both Park Street and Front Street intersections with N 5<sup>th</sup> Street.

Table 8. Park Street & 5th Street Improvement Concepts Capacity

Intersection	MOE	EB	WB	NB	SB
<i>Movement Group</i>		<i>L TR</i>	<i>L TR</i>	<i>LTR</i>	<i>LTR</i>
<i>Year 2027 Peak AM Hour Existing Controls</i>	<i>Control Delay (s/veh)</i>	17.9 21.5	22.8 34.6	14.0	26.2
	<i>LOS</i>	B C	C C	B	C
	<i>V/C Ratio</i>	0.30 0.54	0.01 0.67	0.09	0.79
	<i>Queue Length (95%)</i>	5 8	0 7	1	10
<i>Movement Group</i>		<i>L TR</i>	<i>L TR</i>	<i>LTR</i>	<i>LT R</i>
<i>Year 2027 Peak AM Hour With SB Right Turn Lane Operations</i>	<i>Control Delay (s/veh)</i>	9.6 11.4	16.3 23.3	19.7	25.9 10.4
	<i>LOS</i>	A B	B C	B	C B
	<i>V/C Ratio</i>	0.20 0.43	0.01 0.54	0.13	0.64 0.16
	<i>Queue Length (95%)</i>	4 7	0 6	2	7 3
<i>Movement Group</i>		<i>L TR</i>	<i>L TR</i>	<i>LTR</i>	<i>LT R</i>
<i>Year 2027 Peak PM Hour With SB Right Turn Lane Operations</i>	<i>Control Delay (s/veh)</i>	25.6 15.3	17.3 31.5	22.0	20.6 10.1
	<i>LOS</i>	C B	B C	C	C B
	<i>V/C Ratio</i>	0.77 0.65	0.07 0.78	0.42	0.25 0.11
	<i>Queue Length (95%)</i>	8 10	1 10	4	2 2

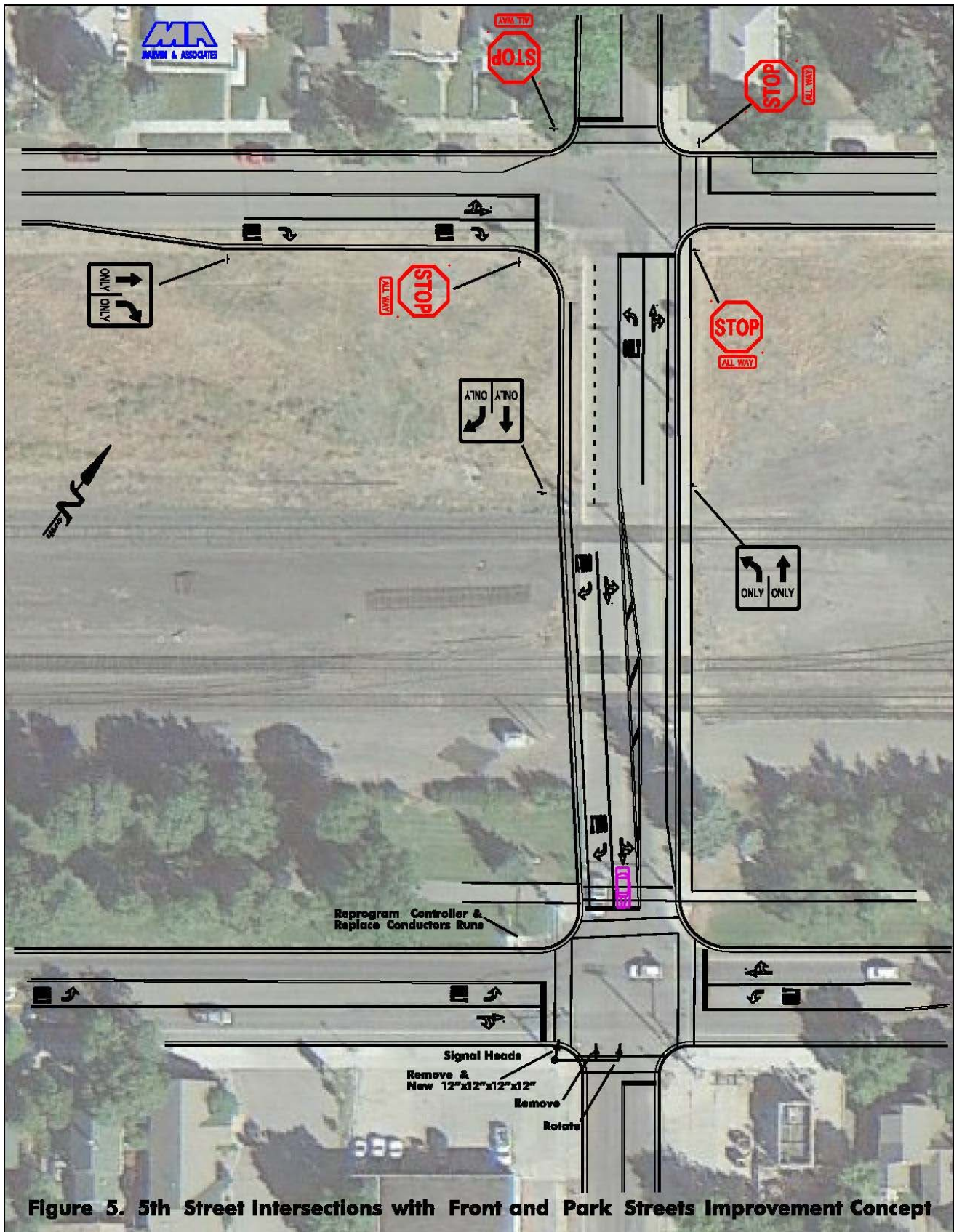


Figure 5. 5th Street Intersections with Front and Park Streets Improvement Concept

## Intersection Safety Improvements

### *Callender & F Street*

The intersection of F Street and Callender Street is currently uncontrolled. There were 5 crashes in the reporting period and 3 of them were angle crashes. Callender Street and F Street are relatively equal in terms of traffic volumes, but Callender Street has more extended continuity through the urban area. There are line-of-sight restrictions at the intersection, especially in the northwest corner where there are over-grown trees in the corner. Figure 6 illustrates the recommended safety improvements for this intersection. Stop control should be implemented on F Street and no parking signs should be installed on Callender Street to ensure that vehicles do not block sight distance for stopped vehicles. All trees and shrubbery should be trimmed to ensure clear sight lines on all approaches.



**Figure 6. Callender & F Street Improvements**

### ***Lewis & Alley Between 2nd & Main Streets***

There were 7 crashes recorded at the alley intersection with Lewis Street. Four of the crashes were rear-end crashes, 2 sideswipe crashes, and one angle crash. The one-way alley (northbound) has minimal traffic demand and because it is a one-way movement, there are very few conflicting movements. The visual inventory indicated that there are no permanent sight restrictions to vehicles on the alley approach for eastbound traffic on Lewis Street. A building in the southeast corner of the intersection presents some line of sight restrictions, but a vehicle entering Lewis Avenue should be able to see oncoming westbound traffic from a stopped position. It appears that there are small buses that park on the south side of Lewis near the alley, which severely limits sight distance (see photo).

The bus pictured at right is parked within a signed no parking zone, so it appears that parking enforcement needs to be increased. Also, the no parking zone length needs to be reviewed. Calculations for line of sight at this location indicates that the no parking zone should be at least 50' from the edge of the alley.

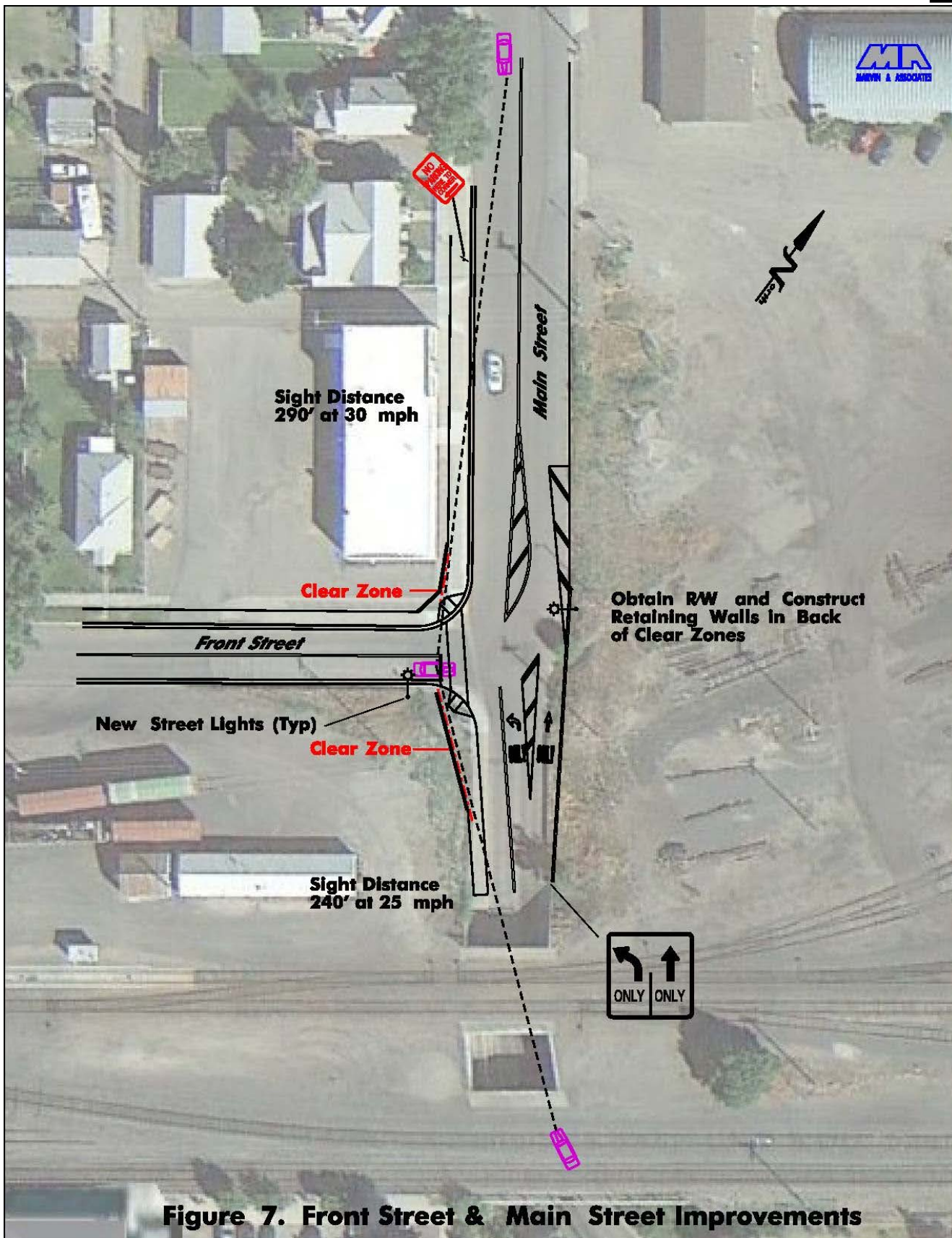


***Callender & 8th Street***

There were 5 crashes reported at the intersection of Callender Street and 8<sup>th</sup> Street. Four of the 5 crashes were angle crashes while the remaining incident was a rear-end crash. Currently, 8<sup>th</sup> Street is stop controlled. The visual inventory indicated that there are two conditions that contribute to the crash experience. The first is related to vegetation in the corners. There are overgrown trees in the northwest corner that restrict southbound traffic's line of sight to the stop sign and to the west when drivers are at the stop sign. The second condition involves cars parked too close to the intersection. It is recommended that over-grown trees be trimmed and curbs painted to delineate no parking zones according to the Montana Motor Vehicle Code.

***N Main & Front Street***

There were 9 crashes at the intersection of N Main Street and Front Street. There were only 2 angle crashes, 1 sideswipe, and 1 left-turn crash while 5 of the crashes were rear-end crashes. Rear-end crashes are not typically predominant at stop controlled intersections, especially at "T- intersections". When they do occur at T-intersections, it is usually due to limited sight distance or diverted attention. The crash data that was provided did not indicate whether the rear-end crashes occurred on Front Street or on Main Street. If they occurred on Front Street, the visual inventory indicated that there are critical sight distance restrictions in both the northwest and southwest corners of the intersection due to high berms in the corners. If the rear-end crashes occurred on Main Street, the likely cause would be the combination of a sharp horizontal curve in the underpass, prior to the intersection, and speeds too fast for conditions. Figure 7 illustrates recommendations to improve sight distance and provide a left-turn lane for northbound vehicles. Cutting the vertical obstructions down and installing retaining walls out of the clear sight zone would be essential. Because of tight geometrics the left-turn bay would be atypical. An alternative to this concept would be a mini roundabout, which would require more right-of-way and vertical grades may create maintenance concerns.



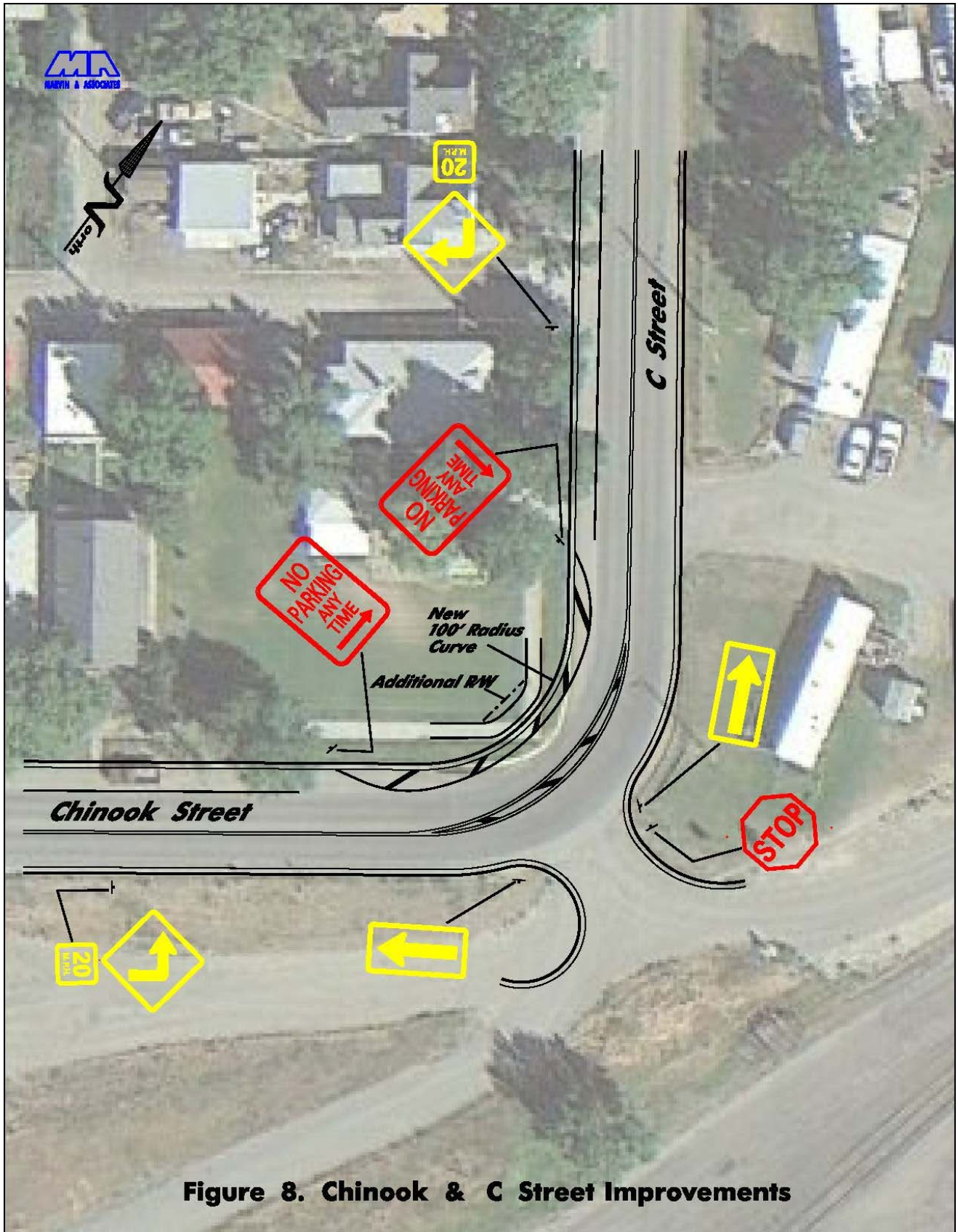
**Figure 7. Front Street & Main Street Improvements**

### ***C Street & Chinook Street***

There were 7 crashes at the intersection of C Street and Chinook Street. Five of the crashes were angle crashes while the remaining crashes were sideswipe crashes. Figure 8 shows the recommended improvements at this intersection and also illustrates the unusual intersection configuration, which is actually a 90-degree curve in the Chinook – C street alignment. An uncontrolled gravel approach enters the curve from the south, which may be a causation factor for the angle crashes.

Several different improvement concepts were evaluated and the improvements shown in Figure 8 were considered to be the most economically viable. Reconstructing the curve by using a 100' curb radius in the northwest corner would allow for operations of a 20 mph curve without needing to super-elevated the roadway. Discouraging left-turn movements into and out of the gravel access by using a painted island would minimize intersection conflicts. A curbed section on the gravel approach would restrict off-angle entries and departures to and from the gravel approach. Curve signing and parking restrictions would command attention to the unusual geometry encountered at this location. A minor amount of new right-of-way would be required along with cooperation from adjacent land owners in order to implement these improvements.





**Figure 8. Chinook & C Street Improvements**

***Callender & 3<sup>rd</sup> Street***

There were 6 crashes at the intersection of Callender Street and 3<sup>rd</sup> Street. Only 1 crash was an angle crash while 3 were rear-end crashes and 2 were sideswipe crashes. The intersection is currently uncontrolled. There is a bulb-out curb section on the east side of the intersection and a marked cross walk on that side of Callender Street. Buildings located in the southeast corner and northwest corners of the intersection inhibit sight distance for approach traffic. It is assumed that the resulting rear-end and sideswipe crashes may be related to crosswalk operations when following cars do not see a pedestrian and leading cars stop.

Figure 9 illustrates recommended improvements at this intersection. Since Callender Street has substantially more traffic than 3<sup>rd</sup> Street, Callender should be the through street and 3<sup>rd</sup> Street should be stop controlled. Parked cars on the west side of the intersection tend to park too close to the intersection and no parking signs should be installed to provide adequate lines of sight for the stop controlled operation. Crosswalk warning signs should be installed in advance and at the crosswalk as shown in Figure 9. This would help to alert drivers that a stop condition could occur on Callender Street.



**Figure 9. Callender & 3rd Street Improvements**

### **Park Street & I-90 Westbound Ramps**

This intersection was not included in the initial traffic counts and intersection study, but was counted in July of 2017 subsequent to a review meeting with City of Livingston staff. The "T" intersection has raised medians and traffic islands that provide a southbound left-turn bay and short right-turn departure islands for northbound and westbound traffic. Predominant movements at the intersection involve through traffic on Park Street and the northbound right-turn movement from Park Street to westbound I-90. While the westbound left-turn movement from the I-90 westbound exit ramp to southbound Park Street is rather minor in comparison, the continuous flow of traffic and variable vehicle speeds on Park Street creates long delays. Vehicle queues from three to five vehicles are common during most hours of the day. There were 5 crashes at the intersection of Park Street and I-90 Westbound Ramps in the 5 year reporting period, with only one angle type crash.

A preliminary traffic signal warrant study evaluation was performed based on peak hour counts and ADT estimates applied to typical hourly traffic variations at adjacent facilities (see Appendix H). It was determined that 2 of the 9 signal warrants would be met at this intersection: Warrant #1 "Eight Hour Traffic Volumes" Condition B and Warrant # 8 "Roadway Network". Based on the preliminary warrant evaluation the recommended improvement at this intersection would involve installation of a traffic signal. Figure 10 illustrates the preliminary layout for traffic signal construction that would be required. Because of the small area right turn islands westbound and northbound right-turn movements would need to be signalized to accommodate pedestrian movements along the eastside of Park Street. Alternatives to this concept would include geometric modifications to develop westbound and northbound right-turn lanes and eliminate the right-turn islands to improve pedestrian safety. Capacity calculations for the year 2017 indicate that the signalized intersection would operate at a LOS "B" in the year 2027 reducing delay for the westbound movement by 195 seconds per vehicle.



**Figure 10. Park Street & I-90 Westbound Ramps Signal Intallation**

## Corridor Safety Improvements

### *Callender Street*

Callender Street extends from Park Street west of 9<sup>th</sup> Street to a point east of O Street and runs parallel and adjacent to Park Street, which is the major arterial route through Livingston. Since Park Street is a two lane street from 5<sup>th</sup> Street to the east and carries in excess of 10,000 AADT, short segments of Callender Street tend to carry some overflow traffic from Park Street. Even though Callender Street is a local street its continuity allows it to function as a quasi-collector street. For that reason, it would be desirable to designate Callender Street as a through-street from Park Street to 2<sup>nd</sup> Street and from B Street to H street similar to Lewis Avenue. This would necessitate installing stop signs at several intersections that are currently uncontrolled.

The visual inventory of Callender Street indicates that there are numerous sight distance concerns along the entire length of Callender Street created by overgrown trees, hedges, buildings, and park cars. To improve safety on Callender Street it would be necessary to implement the following improvements:

- Create a maintenance program to check for sight obstructions and to trim trees and other vegetation within the right-of-way at least once per year and notify adjacent land owners of encroachments into clear vision zones.
- Check existing no-parking zones at intersections and alleys to make sure that they meet the minimum distance required in the Montana Motor Vehicle Code.
- Paint curbs yellow within the no-parking zones at all intersections and install signs in critical areas.

### ***Lewis Street***

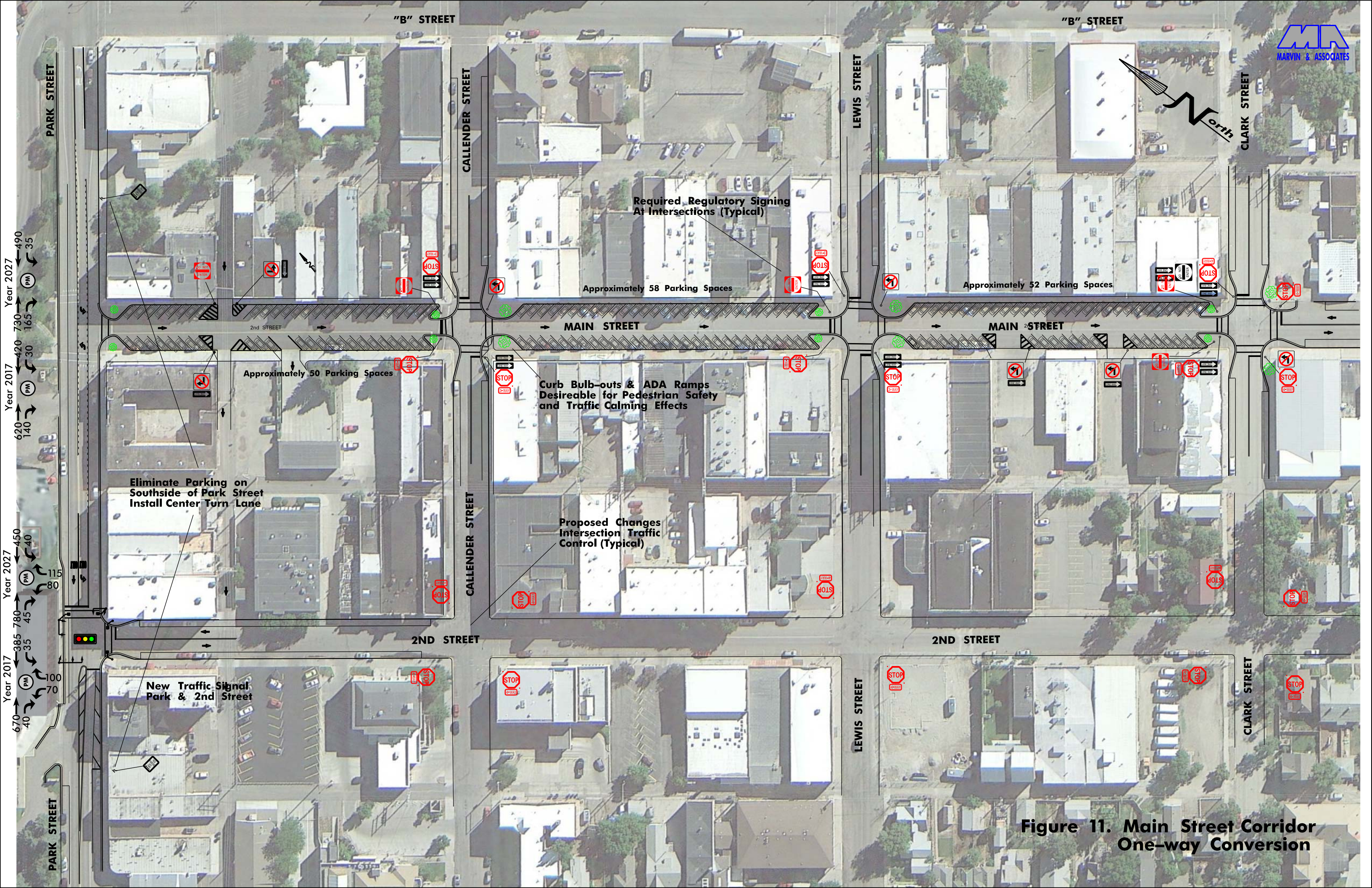
The Lewis Street corridor is similar to Callender Street except that Lewis is already designated as a through Street except in the central city core, where 4-way stop control is used. The same safety recommendations as Callender Street would apply to Lewis Street.

### ***N. Main Street***

The N Main corridor is a very short section of street with most of the crashes occurring at the intersections with Park Street and Front Street. Non-junction related crashes have occurred within the difficult geometry encountered in the underpass area. Some short term improvements, as recommended in the original year 2000 study, could be implemented at the intersection with Park Street and B Street, but any improvements to the underpass would be quite expensive and would be considered as a long-term improvement project.

### ***S. Main Street***

The majority of crashes on S Main Street are related to mid-block collisions related to angle parking. This trend has continued since the original year 2000 transportation study. It appeared that the original recommendations would still apply, which would convert 2<sup>nd</sup> Street and Main Street to one-way operations between Park and Callender. In discussions with City of Livingston staff another alternative emerged which was evaluated within this study. The alternative involved converting Main Street to single-lane one-way southbound traffic from Park Street to Clark Street and installing a traffic signal at the intersection of Park Street and 2<sup>nd</sup> Street to accommodate increased northbound traffic at that intersection. Figure 11 illustrates a detailed layout of the one-way conversion alternative concept.



**Figure 11. Main Street Corridor One-way Conversion**



One-way conversion on Main Street would accommodate approximately 160 45-degree angle parking spaces by using a single traffic lane and parking on both sides of the street. The center lane would be approximately 20' wide within a 55' street width and could accommodate shared bicycle operations. Curb bulb-outs are shown in Figure 11 to enhance safety at intersections by shortening pedestrian crossings, allowing visibility to and from pedestrians at the curb face, physical restricting parking near intersections.

The traffic signal at Park Street and 2<sup>nd</sup> Street would provide a signal controlled pedestrian crossing of Park Street at a location with heavy pedestrian demand. A continuous left turn lane would be recommended from 2<sup>nd</sup> Street to B Street to accommodate left turn movements at both Main Street and 2<sup>nd</sup> Street. A traffic distribution analysis was completed for this concept and Resulting peak pm traffic demand at both Park Street intersection for year 2017 and 2027 conditions are shown in Figure 11. A preliminary traffic signal warrant analysis for the intersection of Park Street and 2<sup>nd</sup> Street was completed (see Appendix H) and it was determined that three of the nine warrants would be met with additional northbound traffic added to 2<sup>nd</sup> Street: Warrant #1 - "Eight Hour Volumes", Warrant #2 – "Four Hour Volumes" and, Warrant #3 – "Peak Hour Volumes".

Capacity calculations for the intersection of Park Street and 2<sup>nd</sup> Street with existing volumes plus additional northbound traffic indicate that the northbound approach would operate at LOS "E" based on existing geometry. Capacity calculations associated with the signal, as indicated in Figure 11, would result in an overall LOS B (see Appendix F).

Figure 11 also indicates that traffic control changes at 2<sup>nd</sup> Street intersections with Callender Street, Lewis Street, and Clark Street would be required based on redirected traffic associated with one-way operations on Main Street. It would appear that overall operations in the downtown area could result from implementation of this concept.

## COST ESTIMATES

Cost estimates were prepared for the concept intersection and corridor improvement projects recommended within this report using the latest unit process data available (see Appendix I). Table 9 presents a summary of the individual projects construction costs, right-of-way costs, engineering design and construction services, and miscellaneous legal and administrated costs. The estimates are based on assumptions of average conditions without the benefit of surveys, base mapping, utility locations, and other unknown factors that could substantially affect engineering and construction costs. Therefore, project costs in Table 9 should be considered a mid-range estimate of actual cost in 2017 dollars. A wide range of Montana Department of Transportation (MDT) and local funding sources could be used for these projects.

**Table 9. Intersection & Corridor Improvement Project Costs**

<b>Project Description</b>	<b>Construction</b>	<b>R/W</b>	<b>Engineering Services</b>	<b>Legal &amp; Admin.</b>	<b>Total Project</b>
Main Street One-way Conversion, Angle Parking, 2nd & Park Signal	\$ 859,700.00	\$ -	\$ 171,900.00	\$42,985.00	\$1,074,585.00
Park Street & I-90 Westbound Traffic Signal Installation	\$ 346,000.00	\$ -	\$ 69,200.00	\$17,300.00	\$ 432,500.00
5th Street Reconstruction Front Street to Park Street	\$ 194,200.00	\$ 28,000.00	\$ 46,600.00	\$ 9,710.00	\$ 278,510.00
Front Street & Main Street Retaining Walls & Turn Lane	\$ 207,600.00	\$ 9,000.00	\$ 49,800.00	\$10,380.00	\$ 276,780.00
Chinook Street & C Street Intersection Realignment	\$ 36,600.00	\$ 9,000.00	\$ 9,500.00	\$ 1,830.00	\$ 56,930.00
Callender & 3rd Street Traffic Control Improvements	\$ 8,900.00	\$ -	\$ 1,800.00	\$ 445.00	\$ 11,145.00
Callender & F Street Traffic Control Change	\$ 4,800.00	\$ -	\$ 1,000.00	\$ 240.00	\$ 6,040.00
<b>PROJECT TOTALS =</b>	<b>\$ 1,657,800.00</b>	<b>\$ 46,000.00</b>	<b>\$ 349,800.00</b>	<b>\$82,890.00</b>	<b>\$2,136,490.00</b>

## BICYCLE & PEDESTRIAN FACILITIES

The year 2000 Livingston Transportation Study presented a plan structure for key bicycle routes within the City of Livingston based on connectivity to the existing path located on the north side of Park Street. Since that time, no additional bicycle facilities have been constructed. In reviewing the proposed bike/ped system structure, it appears that the paths and routes would still be viable as the key structure from which a future system can be developed. Subsequent to the year 2000, bicycle and pedestrian facility design has evolved dramatically and facility types have expanded beyond bike/pedestrian paths completely separated from motorized vehicles. Thus, the following narratives attempt to describe the types of bike facilities that could be incorporated in Livingston.

### **Bike Lanes**

Bicycle (bike) lanes are on-street facilities that generally consist of an allocated portion of the roadway surface delineated by longitudinal striping, in-lane pavement markings and roadside signs that all serve to dedicate that space for exclusive use by bicyclists.

There are four common types of modern bike lanes: 1) conventional; 2) buffered; 3) contra-flow; and 4) left-side. Conventional bike lanes are located adjacent to vehicle travel lanes and flow in the same direction as adjacent traffic. They are generally located on the right side of a street. Conventional bike lanes may be installed directly adjacent to curb and gutter or there may be parking or auxiliary right-turn lanes to the outside of the facility.

Buffered bike lanes are similar to conventional bike lanes, but they are paired with a designated buffer space between the bike lane and the adjacent travel lane(s) and/or parking lane. The buffer space provides additional shy distance to aid in safety, comfort and the ability of bicyclists to pass each other without encroaching on an adjacent travel

or parking lane. The buffer or buffers can vary considerably in width depending upon overall availability of right-of-way.

A contra-flow bike lane is configured to promote bicycle travel in the opposite direction of adjacent vehicular traffic. They are often implemented along one-way streets for which bicycle routing is predominantly in the opposite direction. The intent is to reduce the occurrence of wrong-way riding and to decrease trip distance caused by out-of-direction travel for bicyclists.

Left-side bike lanes are conventional bike lanes that are located on the left side of a one-way or two-way, median-divided street. They are advantageous along streets with frequent parking turnover, heavy delivery activity or transit use on the right side of the street.

### **Cycle Tracks**

A cycle track is an exclusive bike facility that combines the user experience of a separated path with the on-street feel of a conventional bike lane. Cycle tracks differ from bike lanes in that they are physically separated from vehicular traffic lanes using a variety of barrier alternatives. They may allow for one-way or two-way bicycle travel, and they may be installed at street level, sidewalk level or at an intermediate level.

There are three common types of modern cycle tracks: 1) one-way protected; 2) raised; and 3) two-way. One-way protected cycle tracks are at street level and use a variety of methods for physical separation from adjacent vehicular traffic, including parking lanes, raised medians or bollards.

Raised cycle tracks are vertically separated from adjacent vehicular traffic. They may be set at the level of adjacent sidewalks or at an intermediate level between the adjacent street and sidewalk. Raised cycle tracks that are at sidewalk level are often distinguished from the adjacent sidewalk through coloration or surface texture/material (such as concrete vs. asphalt). At intersections, raised cycle tracks can be dropped and merged onto the adjacent street to simplify intersection operations or the intersection crossings can be facilitated with dedicated bicycle facility signals.

Two-way cycle tracks are physically separated facilities that allow for two-way bicycle traffic flow. They may be at street level or raised and generally share similar characteristics with one-way protected and/or raised cycle tracks.

### **Bicycle Boulevards**

Bicycle boulevards are streets with low motorized vehicle demand that are designated and designed to give travel priority to bicycles. Bicycle boulevards use signs, pavement markings and traffic calming measures to discourage through trips by motorized vehicles, thereby creating a safer and more convenient pathway for bicycling. The routing of these facilities requires careful planning, because their use inherently impacts local access and mobility vehicles. Traffic calming measures on bicycle boulevards typical aim to serve the dual purposes of reducing vehicle speeds and lessening traffic demand. Typical speed reduction measures include vertical deflection installations such as speed humps, cushions or tables, and horizontal deflection measures such as bulb-outs, traffic circles, chicanes and pinch points.

Volume demand reduction measures typically consist of physical barriers that restrict vehicle movements or access at targeted intersection or mid-block locations. The barriers are often referred to as “diverters” or diverter islands. A diverter island restricts vehicular access while still allowing for bicycle and pedestrian access through the island. A more drastic volume management tactic would be full closure of a street in a targeted location,

leaving only a pedestrian and bicycle pathway through the closure area. Bicycle boulevards provide the added benefit in a residential neighborhood of calming traffic to create a safer and quieter living environment.

Planning, design, and implementation of the above noted bicycle facilities need to be completed on a case by case basis considering user type in terms of purpose, street operations, and other considerations. Numerous publications on planning, design, and operational guidelines for bicycle and pedestrian facilities can be found at the Institute of Transportation Engineers Web site ([ite.org](http://ite.org)). The MDT web site also provides links to a number of bicycle and pedestrian FHWA publications and guidelines.

## **SUMMARY & GENERAL RECOMMENDATIONS**

This transportation study update identified a number of intersections and street corridors that have the most issues in terms of safety and efficiency. Concept improvement presented herein should be considered priorities to advance the safety and efficiency of the Livingston transportation system.

This study identified issues on street corridors and proposed concepts for improvements to the Livingston street system, which did not include Park Street, which is the major arterial through the City of Livingston. Park Street is classified as a National Highway of Significance (NHS 11) also known as US Highway 89. AS such it is under the jurisdiction of MDT, and MDT is responsible for maintenance and operations. MDT performed an operational study on Park Street in the recent past and recently implemented a project to improve efficiency at the signalized intersections. It is anticipated that MDT will review the concepts presented within this study at intersections with I-90 Westbound Ramps, 5<sup>th</sup> Street, 2<sup>nd</sup> Street, and Main Street to determine what future improvements can be made that can enhance the safety and efficiency of the Park Street corridor.

Most of the improvement concepts contained herein are related to vehicular traffic operations simply because the current transportation system is designed to accommodate demand for vehicular travel. However, current transportation trends indicate that pedestrian and bicycle travel demand is increasing rapidly, especially when facilities are available for use. Thus, a concerted effort should be made to accommodate increasing demand for pedestrian and bicycle travel within the City of Livingston. Future improvements could include separate bike/ped paths, bike lanes, shared lanes, and any of the many other bike facilities.

Pedestrian facilities need to be improved especially at intersections where vehicles and pedestrians experience conflicts. Visibility is of paramount importance in the avoidance of pedestrian-vehicle conflicts. Line of sight between pedestrians and drivers can be enhanced by ensuring that conflict points are clear of obstructions. In cases where on-street parking is allowed on wide streets, the use of curb bulb-outs can dramatically reduce conflicts while reducing pedestrian exposure time at crosswalk locations. While capital intensive, curb bulb-outs provide physical barriers to enforce parking restrictions and insure clear lines of sight.

Crash records along all of the study corridors indicate that sight distance obstructions at street and alley intersections have been associated with numerous crashes that include angle and rear-end crashes. It was also noted that many of the sight obstructions are associated with either overgrown vegetation or parking too close to the intersection corners. Many communities in Montana have sight-triangle ordinances that specify line of sight distances along each street and detail enforcement procedures. It is recommended that the City of Livingston investigate model ordinances from other Montana communities to determine what would be appropriate for Livingston.

## APPENDIX A

### INTERSECTION TRAFFIC COUNTS