



Amended Livingston City Commission Agenda

October 17, 2023

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/83413997453?pwd=UkFDbWlwb3U0STQrY3E1d3o3RjJjZz09>

Meeting ID: 834 1399 7453

Passcode: 964887

1. Call to Order

2. Roll Call

3. Public Comment

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

4. Consent Items

A. APPROVAL OF MINUTES FROM OCTOBER 03, 2023, REGULAR CITY COMMISSION MEETING **PG.4**

B. APPROVAL OF CLAIMS PAID FOR 9.28.2023 TO 10.11.2023 **PG.19**

C. PLEDGED SECURITIES **PG.25**

5. Proclamations

A. PROCLAMATION: DECLARING OCTOBER 26TH 2023 AS LIGHTS ON AFTERSCHOOL DAY
PG.29

6. Scheduled Public Comment

A. PROSPERA BUSINESS NETWORK

7. Public Hearings

Individuals are reminded that testimony at a public hearing should be relevant, material, and not repetitious. (MCA 7-1-4131 and Livingston City Code Section 2-21)

8. Ordinances

9. Resolutions

A. RESOLUTION 5112: AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR PLANNING ACTIVITIES TO UPDATE THE CITY'S ZONING ORDINANCE **PG.31**

10. Action Items

A. LETTER OF SUPPORT FROM PROSPERA **PG.36**

B. GROWTH POLICY UPDATE **PG.43**

11. City Manager Comment

12. City Commission Comments

13. Adjournment

Calendar of Events

Supplemental Material

Notice

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

File Attachments for Item:

A. APPROVAL OF MINUTES FROM OCTOBER 03, 2023, REGULAR CITY COMMISSION MEETING



Amended Livingston City Commission Minutes

October 03, 2023

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/87529161415?pwd=bkVITS9uOUdKMkpMMWpjV0JnbmRKQT09>

Meeting ID: 875 2916 1415

Passcode: 786559

1. Call to Order

Chair Nootz called the meeting to order at 5:32pm

2. Roll Call

City Commission in attendance at start of meeting: Chair Nootz, Vice-Chair Kahle, Commissioner Friedman, Commissioner Schwarz, and Commissioner Lyons.

Staff in attendance: City Manager Grant Gager, Interim City Attorney Jon Hesse, City Clerk Emily Hutchinson, Policy Analyst Gregory Anthony, Chief Dale Johnson, Officer Daniel Lashinski, Planning Director Jennifer Severson, Public Works Director Shannon Holmes, Finance Director Paige Fetterhoff

3. Public Comment

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

4. Consent Items

- A. APPROVAL OF MINUTES FROM SEPTEMBER 19, 2023, REGULAR CITY COMMISSION MEETING** **PG. 4**
- B. CLAIMS PAID 9/13/23 -9/27/23** **PG. 18**
- C. APPLICATION FOR PHILIP C. LAWSON FOR SPECIAL PARKING SPACE FOR RESERVED FOR DISABLED PERSONS ON A PUBLIC STREET** **PG. 24**
- D. CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR OCTOBERFEST ON 10/14/2023** **PG. 30**

Motion to approve all consent agenda items was made by Commissioner Lyons and seconded by Commissioner Schwarz. The motion passed unanimously by the five members present.

5. Proclamations

- A. A PROCLAMATION RECOGNIZING THE 101st ANNIVERSARY OF NATIONAL FIRE PREVENTION WEEK, AND DECLARING OCTOBER 8-14, 2023, to be FIRE PREVENTION WEEK IN THE CITY OF LIVINGSTON.** **PG. 35**

Chair Nootz read the proclamation.

The City Manager reminded as the weather gets colder to clean your chimney and check your heating systems, and in a few weeks when we have the time change don't forget to change your smoke detector and carbon monoxide detector batteries.

6. Scheduled Public Comment

A. CRISIS RESPONSE COALITION

Chair Nootz called on the City Manager to introduce the item.

The City Manager reminded that at the last City Commission Meeting they approved the charter for the Park County Crisis Coalition. City Emergency Services have been working with other community mental heal and public safety providers. The City Manager introduced Janella Johnson and Officer Daniel Lashinsky.

Officer Lashinsky started off by explaining the program as CIT (Crisis Intervention Team) and it has been around since 1988 and really came to be more known in 2008. Around 2100 communities use this. The program is for de-escalation training, about 40 hours of training, primarily for law enforcement, second responders and fire department. The training is intended to help deal with people in crisis such as drug addiction. Studies have shown this program has reduced officer related injuries up to 80%. They are hoping to bring this training to Livingston in March 2024. Janella Johnson spoke about how officers are not mental health providers, but are often put in the situation as first line of defense in helping these people in crisis. This training program will help officers, but will also help not only members of the community, but other branches of crisis such as mental health providers, and hospitals. Officers will learn de-escalation skills using body language, words and how best to help and individual manage their own crisis and making their own decision of what resources they are willing to engage in. The benefits of hosting this training in Livingston will be making officers in the area aware of resources available within Park County. Goals include reducing injury, reduce potential for escalation leading to jail time or involuntary commitment. Grant opportunities are available for this CIT program from the State.

Commissioner Schwarz expressed he really likes this program and feels this will be really great to have in the community. Vice Chair Kahle asked how many seats are available for the class? Janella said the recommended cap is 25 participants and stated many different presenters come in to education for this class such as mental health providers, and many speaker panels, and live scenarios. Chair Nootz inquired if priority would be given to Livingston Police Officers since Livingston is hosting. Officer Lashinsky stated it's publicly advertised, but staff will be notified that training is coming, but seats will not be reserved for Livingston Officers only. Chair Nootz asked if they track measures for success for these trainings. Janella stated they will be starting to track that. Chair Nootz asked for the Commission to receive positive updates that come from this program and training. Janella stated that people can always request CIT trained Officer to respond.

7. Public Hearings

Individuals are reminded that testimony at a public hearing should be relevant, material, and not repetitious. (MCA 7-1-4131 and Livingston City Code Section 2-21)

8. Ordinances

A. ORDINANCE 3043, AN ORDINANCE OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING BY ADDING NEW

SECTION 30.47 ENTITLED PLANNED UNIT DEVELOPMENTS AND PROVIDING A REPEALER, SAVINGS, SEVERABILITY AND EFFECTIVE DATE. PG. 37

Chair Nootz called on the City Manager to introduce the item.

The City Manager reminded this ordinance came before the Commission in August and September and staff has updated this ordinance based on Commissioner feedback, and outreach to housing and development communities.

Planning Director Severson shared her presentation starting with Intent: Encourage more efficient use of land and public services than traditional zoning allows.

Changes include: (1) reducing the minimum size to .5 acre, (2) allowing PUDs in R-II, RII-MH, R-III, RMO, MU, CBD, and HC zoning districts and (3) Commercial Uses not are no longer required. Light Industrial Uses may be allowed, and Heavy Industrial Uses will not be allowed.

Commissioner Lyons inquired about height bonuses for PUDs that are entirely commercial and whether they would be entitled to a height increase. The City Manager referred to section B stating the administrative process would catch this situation and may not allow the application to move forward.

Commissioner Lyons also inquired about enforcement and tenure going forward. The City Manager stated that if an applicant is looking for affordable housing or deed restricted housing the public benefits are that the housing is deed restricted, the duration of the level of affordability would be included in the deed restriction.

Commissioner Lyons asked for clarification for the purpose of the max 50% on developed open space. The City Manager stated it is similar and consistent with the subdivision regulations, but understands it can be changed by the Commission if the 50% is not seen as appropriate for these types of developments.

Commissioner Lyons asked why are we considering this PUD Ordinance now when there is going to a whole overhaul of the Zoning Ordinance. The City Manager replied that the Zoning overhaul will be a lengthy process and they don't anticipate it be complete for 15 -18 months from today. Further, the Growth Policy called for this ordinance and provided a model template to follow which staff has modified for Livingston.

Vice Chair Kahle asked who is going to make the AMI determination in the application phase. The City Manager stated that achieving affordability in the current market where labor cost are high, material are high, and interest rates are high so creating units that are affordable at 60% AMI or lower is not feasible. The ability to create affordable units does fluctuate with the economic cycle. Vice Chair Kahle then questioned if that application goes through only staff or will it come through the Commission as well. The City Manager stated the application will be reviewed by staff, but can show the application to the Commission when submitted.

Chair Nootz asked if the commercial will be deed restricted. The City Manager stated when live work units are involved in PUD in order to achieve that public benefit of commercial use, in that situation they would want to have deed restriction. Chair Nootz asked about public review process. Chair Nootz asked the Manager to walk through a hypothetical situation to see where staff falls in the process. The City Manager stated the staff involvement begins in the pre-application phase, and they expect several points of contact before the application is even approved, to ensure it meets the PUD guidelines.

Commissioner Schwarz moved to approve the ordinance and Vice Chair Kahle seconded the motion

Public Comments were offered by:

- Katherine Daly on behalf of HRDC who thanked Commission and Staff for refinement on this PUD Ordinance. A letter was submitted late in the day from HRDC where it was expressed opposition to the proposed PUD Ordinance and feels this does not meet the needs for middle income community housing.
- Patricia Grabow thanked the Commission for the PUD Ordinance and expressed interest in reviewing the letter from HRDC.

Chair Nootz clarified when items and public comment need to be submitted to be included in the packet. The City Manager stated the packet goes out on the Thursday before a meeting so anything received before then will go in the packet, and anything received by noon the day of the meeting is forwarded to Commissioners via email, and anything that comes in after noon the day of the meeting is not always guaranteed to be reviewed by Commissioners before a meeting.

Commissioner Lyons expressed concern about (1) not including thresholds for affordability and regulation, (2) Commercial Height Increases, and (3) clarifying language in the Ordinance to remove any ambiguity.

Vice Chair Kahle agreed with Commission Lyons about clearing up language in the Ordinance, and setting thresholds. The thresholds being 80 – 120% of Area Median Income and including that in the Ordinance. Vice Chair Kahle would like to figure out who gets in these properties, how they qualify for them, reaching the targeted population, and what is deed restricted and what is not.

Chair Nootz appreciates that this PUD is moving forward, and feels this ordinance has come a long way. Chair Nootz inquired if AMI was presented this way based on outreach that was done. The City Manager stated they spoke to affordable housing groups and heard that there are times that 60% affordable housing is possible and can be built. Chair Nootz agreed with Vice Chair Kahle on the topic of who gets into property and how, and wondered how that part the application is going to be handled. The City Manager talked with nonprofits including HRDC.

7:05 PM Vice Chair Kahle motioned for a 10 minute break seconded by Commissioner Lyons. Unanimously approved.

(Starts at Video Mark 1:31:57)

Commissioner Friedman wondered how PUD are successful in other communities and does staff have any insight on where they are being used, or how they are benefiting the communities. The City Manager stated PUD Ordinance are utilized all over even in Montana to create affordable units. He understands why the Growth Policy used this model ordinance because it is one the most concrete land use recommendations within the Growth Policy.

Vice Chair Kahle asked the City Manager about his past experience with a PUD Ordinance and he explained the City he came from previously had one for over 20 years and he remember 3 that came through while he was there and all of them had a noticeable component of affordable units and come were created at the 60% level and some created at the 80 – 120%. It was stated by the City Manager that we cannot make walkable neighborhoods if we don't give people something to walk to. He feels this PUD Ordinance will really achieve many of the goals within the Growth Policy. Vice Chair Kahle asked the City Manager if they had specifically stated a percentage of AMI. The

City Manager stated they did not have affordability targets in the Ordinance where he was previously, they were adopted by City Council and Mayor in that community.

Commissioner Schwarz stated he is happy with the ordinance as is.

Chair Nootz indicated that finding the balance between what they put in ordinance and what is not is important, and understanding that changing an ordinance is harder than changing something via resolution. Overall indicating with some small edits she is comfortable with the PUD.

The Commission proposed amendments including:

1. Wording: A PUD shall further a majority of the follow objectives.
2. Section D.B 4. iii. Increased Open Space: delete ;*no more than half of dedicated open space may be for passive use as defined in LMC Sec 28-VI-A-16.b1.a*
3. Section C. 2. Adding *PUD shall include residential uses*

8:35 PM Vice Chair Kahle motioned for a 5 minute break seconded by Commissioner Schwarz. Unanimously approved.

(Starts at Video Mark 2:50:34)

Vice Chair Kahle moved to amend the original motion and Commissioner Schwarz seconded the motion.

The amended motion was approved unanimously by the five commissioners present.

The original motion as amended was then approved unanimously by the five commissioners present.

B. ORDINANCE 3045: AN ORDINANCE OF THE CITY OF LIVINGSTON MONTANA REMOVING FEES FROM THE MUNICIPAL CODE PG. 64

Chair Nootz called on the City Manager to introduce the item.

The City Manager stated this is the second reading of removing fee from Livingston Municipal Code that will be set by City Commission in separate resolution in the form of a Fee Schedule.

Vice Chair Kahle moved to approve the ordinance and Commission Lyons seconded the motion.

The item was approved unanimously by the five commissioners present.

9. Resolutions

A. RESOLUTION 5110: ESTABLISHING A FEE SCHEDULE AND CHARGES FOR ALL DEPARTMENTS PG. 82

Chair Nootz called on the City Manager to introduce the item.

The City Manager state this item is to adopt a Citywide Fee Resolution. He worked directly with Finance Director Paige Fetterhoff and department heads to identify current fees, and possible new fees to be collected. All fees have been compiled into this resolution.

Commissioner Schwarz asked about fees for construction vehicles downtown. He remembers there was a fee in the past, but cannot find one now in the current fee schedule. For example a lift occupying two spaces downtown, he wants to make sure we are charging enough to hold that space because it takes away parking space for downtown businesses. The City Manager called on the Finance Director who stated that fee did not make it onto this list.

Vice Chair Kahle had a question about the tree planting permit and the specifics on what and where this permit would be used. The City Manager stated this permit is intended for planting trees on the boulevards.

Commissioner Schwarz moved to approve the resolution and Commissioner Lyons seconded the motion.

Vice Chair Kahle doesn't want to discourage folks from planting trees with this \$50.00 tree planting permit fee. Commissioner Lyons understand the need for the permit process and doesn't feel this fee would an issue for the community. Chair Nootz agreed it would be a good idea to lower this fee. The City Manager indicated they could lower the fee to \$25.00 and reminded the City Arborist is out during Livingston Loves Trees event doing locates for boulevard tree. Chair Nootz and Vice Chair Kahle liked the idea of \$25.00 for the permit for those folks who didn't make it on list for the City Arborist during the Livingston Loves Trees event.

Chair Nootz asked about compost fees wondering if it was free. Public Works Director Shannon Holmes stated they implemented a fee of \$5.00 per front end loader and have asked that it be increased to \$10.00 as it takes away from operation in the Solid Waste Department. Chair Nootz and Commissioners appreciated the clarification about front end loader.

Commission Schwarz would like to add a fee for construction type vehicles taking up multiple spaces for longer periods of time in the downtown two hour parking zone. The City Manager offered that a good spot for this fee would be in Parking Space Rent, adding a line as Temporary Use of on Street Spot. Currently we charge \$10.00 per day for that. Commissioner Schwarz felt \$100.00 per day would be a sufficient amount for this parking permit.

Chair Nootz clarified the 3 amendments: (1) reducing tree planting permit from \$50.00 to \$25.00 and specifying the permit is for boulevard trees, (2) clarifying a front end loader bucket that costs \$10.00, and (3) under parking space rental adding temporary use of on street spot as \$50.00 for half day and \$100.00 for full day.

Commissioner Schwarz moved to approve the resolution with the three amendments and Commissioner Lyons seconded the motion.

The item with amendments was approved unanimously by the five Commissioners present.

The original item was approved unanimously by the five Commissioners present.

Chair Nootz thanked the City Manager and staff for updating the fees to this format

B. RESOLUTION 5111: AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR CONSTRUCTION OF WATER AND SEWER IMPROVEMENTS AT THE VIEW VISTA COMMUNITY. PG. 98

Chair Nootz called on the City Manager to introduce the item.

The City Manager stated this a follow up from the last meeting and stated they heard strongly from the View Vista Community and that the CDBG would be very helpful to them in upgrading their water and sewer infrastructure. They would like to move forward with the application and partnership with NeighborWorks Montana to pursue this grant for construction of water and sewer improvement in the View Vista Community.

Commissioner Lyons moved to approve the resolution and Vice Chair Kahle seconded the motion.

Commissioner Lyons stated the importance of maintaining existing affordable housing and feels our mobile home parks are huge asset to our community and they remain that way if they are functioning well. He expressed support for this project and grant.

Vice Chair Kahle expressed thanks to NeighborWorks in helping the mobile home parks become resident owned. Knowing the View Vista Community needs the help Vice Chair Kahle expressed full support of this project.

Chair Nootz expressed her gratitude toward NeighborWorks. Thanks was also given to City Staff in their collaboration with staff and residents of View Vista.

The item was approved unanimously by the five Commissioners present.

C. RESOLUTION 5113: AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE MONTANA COAL ENDOWMENT PROGRAM FOR A PRELIMINARY ENGINEERING REPORT REGARDING WATER SERVICES IN THE CITY OF LIVINGSTON. PG. 102

Chair Nootz called on the City Manager to introduce the item.

The City Manager stated the intent of the application is to create a preliminary engineering report related to the construction of water improvements in the City of Livingston, specifically in the Northeast part of the City. The City was approached by NeighborWorks Montana related to their work in the Sleeping Giant Community and improving the private water system that exists there. After discussions with City staff they realized property adjacent to the Sleep Giant Community could use some water improvements. Working with NeighborWorks and City staff they were able to come up with a joint application that would create a PER for larger portion of the City. This would be the first step to bringing water to certain subdivisions in the Northeast part as well as redoing the private water system that exists there.

Commissioner Lyons questioned the struggles to supply the demand on our water system, and what could be the impacts on that demand, but realizes this question may be answered the engineering report. The City Manager stated the engineering report will help identify how we extend water service to those portions of the City that are not currently served, but it is not intended to look at the overall capacity.

Vice Chair Kahle moved to approve the resolution and Commissioner Schwarz seconded the motion.

Chair Nootz stated the topic of Green Acres has been a long conversation and gratitude was expressed that the City kept its promise to the community that they would go after as much funding as possible to serve this part of the community and offset the cost to all taxpayers.

Vice Chair Kahle stated she was happy to see NeighborWorks help another mobile home community become resident owned. In this past this community was under boil water orders, and Vice Chair Kahle expressed just how important it is for everyone in the community to have clean drinking water.

The item was approved unanimously by the five Commissioners present.

10. Action Items

A. UPDATE ON CITY LOGO AND REBRANDING PROJECT.

PG. 105

Chair Nootz called on the City Manager to introduce the item.

The City Manager stated this item is an update on a project starting back in March to come up with a new logo for the City of Livingston. The came at the request of the Commission and some staff as it is hard to produce, the current logo does represent Livingston history, but is not ideal going forward for many reason. The Commission awarded the contract to Abbi Agency back in May to work on logo concepts. It has been narrowed down to five concepts that are being presented to Commission. The hope for this conversation is to gather input on the five concepts from Commissioners and then reach out again to the community to solicit further feedback on the presented concepts then staff will work with the design team to refine one or more of the concepts that the Commissioners approve.

Chair Nootz asked the City Manager to review an email they received from Jack where it was stated that the year 1889 was the incorporation date for the State of Montana, when actually land surveyors with the railroad arrived in Livingston in 1882. It was expressed by Jack that 1882 would be a more appropriate date to use than 1889. The City Manager stated they did find that 1882 was a valid date and felt it would be appropriate to use that date as another possibility instead of 1889.

Chair Nootz asked for clarification on where the logo will be used. The City Manager stated it will have widespread use not only letterhead and envelopes, but also used on the side of vehicles, signage, uniforms and promotional materials. The new logo will be created to use across departments. Chair Nootz asked if this logo would be included on a flag. The City Manager stated yes, and even on the tents we use at Farmers Markets.

Concept 1.

Chair Nootz lead the conversation with concerns about the direction the river flows and felt it was not an accurate representation of the river and this mountain range. It was felt that some of the detail would be hard to reproduce for embroidery. The font was brought up as potentially problematic as sizes are adjusted, and really felt is not a clean font. With the changes this one is her favorite.

Commissioner Lyons stated Concept 1 was his favorite. He did like the bend in Concept 4, and thought that would be nice to use that in Concept 1.

Vice Chair Kahle liked the blue/green color.

Concept 2.

Vice Chair Kahle stated she is not in favor of this logo, and Commissioner Lyons agreed in dislike for Concept 2.

Concept 3.

Commissioner Schwarz expressed thoughts that this looks like a “big city” logo which is something we are not. Chair Nootz agreed with that comment from Commissioner Schwarz.

Vice Chair Kahle stated she thought this design looked like Livingston wind, but is not in favor of this design.

Concept 4.

Commission Friedman stated he likes this design, and likes how the date reads.

Commissioner Schwarz also likes this design.

Vice Chair Kahle feels this designer was cleaner than Concept 1.

Commissioner Lyons humorously expressed that the sun in Concept 4 may be misleading to what it is really like in Livingston, but if the river bend was put into Concept 1 he felt that would make a good logo.

Chair Nootz stated the sun seems to be in the wrong places in this design as it rises a little further left.

Concept 5.

Commissioner Schwarz would like to lose the bridge and keep the mountains.

Vice Chair Kahle is not a fan of the L in this design.

Ultimately Chair Nootz stated the Commission is in favor of Concept 1 and 4.

Chair Nootz stated she would like to see some examples from the logo team that will be real time for the City such as email signatures, side of vehicle and possibly a flag, so they are able to see what it could potentially look like for us in real life.

Commissioner Lyons stated they are all great designs.

11. City Manager Comment

Thanks was given to Commission and staff for work on the PUD. The City Manager introduced Greg Anthony the Policy Analyst for the City. And reminded that the City has a new HR Director Cari Rubin.

12. City Commission Comments

Commissioner Lyons reminisced about how he met Greg on plane before he worked for the City. Commission Friedman and Commission Schwarz wished the community a nice evening. Vice Chair Kahle thanked fellow Commissioners for working through the new Ordinance. Chair Nootz stated it was about 1 year ago they were looking into the current City Manager on paper and it thankful for his hard work he has done in the year he has been here.

13. Adjournment

10:01 pm Commissioner Lyons motioned to adjourn the meeting seconded by Commissioner Friedman. Unanimously approved.

Calendar of Events

Supplemental Material

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**BUILDING A
BETTER
COMMUNITY**

HRDC

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e: hello@

October 3, 2023

Jennifer Severson
Planning Director
City of Livingston
220 E. Park St.
Livingston, MT 59047

Re: HRDC Comment on Proposed Planned Unit Development Ordinance

Ms. Severson and City of Livingston Commissioners:

Thank you for the continued opportunity to review and comment upon the proposed Planned Unit Development Ordinance. HRDC appreciates and supports the City of Livingston’s efforts to enact regulations that align with the City’s Growth Policy and its addendum, the 2022 Park County Housing Action Plan (HAP).

Despite HRDC’s support of this effort, we are writing to oppose the proposed draft ordinance. Our primary concern is significant: The draft lacks income targets, save one that is tied to waived impact fees. These other critical targets will be defined in the PUD application form rather than being clearly specified in the regulation. Regulations lose efficacy, transparency, and accountability when key criteria—in this case, affordability as defined through income targets—are only stipulated in an administrative document. Furthermore, other recommendations from HRDC and community partners related to objectives, incentives, compliance, and evaluation criteria are not present in this draft of the regulation.

There are two components to affordability: the cost of a home and the income of its inhabitants. A home must be put on the market at a price affordable to those whose earnings fall within specified income targets. That home must then be rented or sold to people whose incomes actually meet those targets. These targets are commonly expressed as a percentage of the area median income (AMI) established annually by the Department of Housing and Urban Development (HUD). The table on the following page shows HUD’s 2023 annual income limits for a household of two in Park County for the AMIs referenced in the proposed ordinance and this letter (along with the monthly rents these households can afford). Typically, similar ordinances match a studio to the AMI targets of a one-person household, a one-bedroom matched a two-person household, a three-bedroom matched to a four-person household and a four-bedroom match to a five-person household or larger.

Affordability by % of AMI for 2-Person Households in Park County		
AMI	Annual Income	Affordable Monthly Rent (30% of monthly income)
60%	\$42,000	\$1,050
80%	\$56,000	\$1,400
100%	\$70,000	\$1,750
120%	\$84,000	\$2,100
Estimated Monthly 2023 Market-Rate Housing Costs in Park County		
Rent for a 2-bedroom home		\$1,550 to \$1,700
Payment for a townhome/condominium		\$1,862 to \$2,212
Payment for a single-family home		\$3,152 to \$3,743

Market rent for a standard two-bedroom home in Livingston ranged from \$1,550 to \$1,700 this year. **Households of two earning \$56,000 or less (80% AMI) are cost-burdened by the current market rents for two-bedroom homes.** Households of two earning \$70,000 annually (100% AMI) can afford market rent for two-bedroom homes.

Median sales prices for single-family homes and condominiums/townhouses this year are about \$550,000 and \$324,950, respectively. Assuming an interest rate of 7.75% for a 30-year fixed-rate mortgage and down payments ranging from 5% to 20%, monthly costs for a single-family home would be range from \$3,152 to \$3,743; monthly costs for a condominium or townhouse would range from \$1,862 to \$2,212. It is worth mentioning the amount of a 20% down payment required for buyers to avoid mortgage insurance for homes offered at the median sales price: \$110,000 for single-family homes and \$64,990 for condominiums/townhomes. **No prospective buyers earning \$70,000 to \$84,000 annually (100% to 120% AMI) can afford single-family homes under current market conditions without assistance.** Therefore, both groups are competing for a limited number of condominiums and townhomes.

Our recommendations are detailed below.

1. HRDC recommends that the AMI targets generated during the August 29, 2023 meeting with the Planning Director, the City Manager, HRDC, and a group of regional affordable housing developers are incorporated into the proposed ordinance. These targets can provide necessary definition for the objective of “affordable housing,” so that the intent of the regulation is clear and its impact is measurable. These targets are:
 - Homes for rent priced to be affordable to those earning 80% AMI
 - Homes for sale priced to be affordable to those earning 120% AMI

2. HRDC recommends that the 60% AMI threshold for impact fee waivers be increased and targeted by tenancy, in accordance with feedback provided by developers during the August 29th meeting. These proposed targets are:

- Homes for rent priced to be affordable to those earning 80% AMI
- Homes for sale priced to be affordable to those earning 100% AMI

3. HRDC would like to see consideration given to the inclusion of parking reductions as an incentive. This was another idea generated during the meeting on August 29th.

4. Finally, we have proposed edits below that were detailed in our initial public comment on this project and generally endorsed by the City Commission during the August 1, 2023 public hearing, but do not appear to be incorporated into the most recent draft. These include the following:

a. Proposed Section 30.47.B - Objectives

At the August 1st hearing, the City Commission agreed (02:37:50 in [meeting recording](#)) that the objectives of the proposed ordinance should be “revisited” to ensure they are “comprehensive” and “are on the same page with goals.” The Commission voiced explicit support for HRDC’s recommendation to add an objective promoting the diversification of our community’s housing stock; Chair Nootz specified that the ordinance incorporate HRDC’s proposed language:

“Promote a mix of housing that supports a variety of household income levels, household sizes, household age groups, and housing types.”

Adding this objective would align with Growth Policy objective 5.1.4: “Promote a mix of housing within neighborhoods that supports a variety of household income levels, household age groups, and housing types.” The Growth Policy acknowledges that 73% of homes in Livingston are single-unit structures and that all of the building permits issued between 2008 and 2018 were for single-family or townhouse style homes. The HAP notes that average household sizes are small (2.07 persons) in the county and that there are 1.65 single-person households for every studio or one-bedroom unit.

b. Proposed Section 30.47.E

HRDC strongly recommends requiring additional information as part of PUD applications and specifying key components in the body of the regulation, rather than in the application. The proposed additional information will help ensure that the homes whose rent or sale prices have been calibrated to be affordable to people within certain income ranges are ultimately inhabited by those people, rather than those who earn more. Without these measures, it is possible that higher earners could filter into new homes that have been priced below market rate. This information includes:

- documentation ensuring units designated as affordable will remain so for a predetermined period,

- plans to ensure that prospective renters and/or owners do not exceed AMI limits for affordable units, and
- evidence that affordable units are to be exclusively occupied by the property owner or long-term leaseholder.

c. Proposed Sections 30.47.F.2.a, 30.47.F.2.b, and 30.47.F.2.c

HRDC recommends strengthening the proposed evaluation criteria for PUD applications to better reflect the objectives of the ordinance and spotlight the extent of public benefits provided. There are a couple of approaches that would meet this aim. The broader approach would be to provide a criterion for either or both the Zoning Commission and Planning Board that clearly references the PUD objectives, so that each of these objectives may be considered as part of the evaluation process. Alternatively, new Planning Board criteria could be added that are specific to the two public benefits for which there are no specific evaluation criteria (affordable housing and commercial use).

Example language: “The proposed PUD supports one or more objectives of the PUD Ordinance.”

Example language:

“The proposed PUD creates homes affordable to income targets specified in this ordinance.”

“The proposed PUD creates a mix of housing affordable to a variety of household income levels, household sizes, household age groups, and housing types.”

We look forward to collaborating with City staff to implement any proposed changes that are supported by both the staff and the City Commission. We understand how important it is to get regulations right prior to implementation and thank you for the consideration of these comments and commitment to this project.

Respectfully,

Katherine Daly

Park County Housing Coalition
Program Manager

Lila Fleishman

Community Development Director

p: 406.587.4486

e: hello@thehrdc.org

a: 32 South Tracy
Bozeman, Montana 59715



File Attachments for Item:

B. APPROVAL OF CLAIMS PAID FOR 9.28.2023 TO 10.11.2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
ABSOLUTE SOFTWARE INC							
10005	ABSOLUTE SOFTWARE INC	10071598	NMS COMPLETE SUBS	09/20/2023	1,627.87	1,627.87	09/29/2023
Total ABSOLUTE SOFTWARE INC:					1,627.87	1,627.87	
ALL SERVICE TIRE & ALIGNMENT							
22	ALL SERVICE TIRE & ALIGNME	66909	Flat repair	09/12/2023	20.00	20.00	09/29/2023
Total ALL SERVICE TIRE & ALIGNMENT:					20.00	20.00	
ALPINE ELECTRONICS RADIO SHACK							
402	ALPINE ELECTRONICS RADIO	10295684	Office Supplies	09/15/2023	70.00	70.00	09/29/2023
402	ALPINE ELECTRONICS RADIO	10295718	LIGHTNING CABLE	09/18/2023	10.00	10.00	09/29/2023
402	ALPINE ELECTRONICS RADIO	10295937	USB CABLE	09/22/2023	24.99	24.99	09/29/2023
Total ALPINE ELECTRONICS RADIO SHACK:					104.99	104.99	
ALSCO							
10005	ALSCO	LBIL1884619	MATS BENNETT ST	09/08/2023	15.14	15.14	09/29/2023
10005	ALSCO	LBIL1884619	MATS BENNETT ST	09/08/2023	15.14	15.14	09/29/2023
10005	ALSCO	LBIL1884619	MATS BENNETT ST	09/08/2023	15.15	15.15	09/29/2023
10005	ALSCO	LBIL1884619	MATS BENNETT ST	09/08/2023	15.15	15.15	09/29/2023
10005	ALSCO	LBIL1885518	MATS CIVIC CENTER	09/13/2023	135.11	135.11	09/29/2023
10005	ALSCO	LBIL1888221	MATS BENNETT ST	09/22/2023	15.14	15.14	09/29/2023
10005	ALSCO	LBIL1888221	MATS BENNETT ST	09/22/2023	15.14	15.14	09/29/2023
10005	ALSCO	LBIL1888221	MATS BENNETT ST	09/22/2023	15.15	15.15	09/29/2023
10005	ALSCO	LBIL1888221	MATS BENNETT ST	09/22/2023	15.15	15.15	09/29/2023
10005	ALSCO	LBIL1888516	MATS 220 E PARK	09/25/2023	100.86	100.86	09/29/2023
Total ALSCO:					357.13	357.13	
AMERIGAS							
10002	AMERIGAS	3154416876	TANK RENTAL	08/31/2023	129.73	129.73	09/29/2023
Total AMERIGAS:					129.73	129.73	
BALCO UNIFORM COMPANY, INC.							
3371	BALCO UNIFORM COMPANY, IN	76278-1	ALLEN UNIFORM	09/13/2023	698.90	698.90	09/29/2023
3371	BALCO UNIFORM COMPANY, IN	76306-1	CRANK UNIFORM	09/13/2023	471.00	471.00	09/29/2023
3371	BALCO UNIFORM COMPANY, IN	76529	CRANK BOOTS	09/15/2023	250.00	250.00	09/29/2023
Total BALCO UNIFORM COMPANY, INC.:					1,419.90	1,419.90	
BRIDGER GARAGE DOOR CO., INC.							
10003	BRIDGER GARAGE DOOR CO.,	32043	REPLACE PHOTO EYES	09/14/2023	475.00	475.00	09/29/2023
Total BRIDGER GARAGE DOOR CO., INC.:					475.00	475.00	
CANON FINANCIAL SERVICES, INC							
1747	CANON FINANCIAL SERVICES, I	31244866	Printer	09/11/2023	29.31	29.31	09/29/2023
1747	CANON FINANCIAL SERVICES, I	31244867	Printer	09/11/2023	29.75	29.75	09/29/2023
Total CANON FINANCIAL SERVICES, INC:					59.06	59.06	
CENTURYLINK							
162	CENTURYLINK	2023.9.16	406-222-0137- 441b	09/16/2023	85.65	85.65	09/29/2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total CENTURYLINK:					85.65	85.65	
CORE & MAIN LP							
3733	CORE & MAIN LP	S604170	ADPT CTSXFIPT	07/14/2023	225.28	225.28	09/29/2023
3733	CORE & MAIN LP	T394286	COLD ASPHALT	08/22/2023	1,344.00	1,344.00	09/29/2023
3733	CORE & MAIN LP	T552528	SEWER PIPE	09/13/2023	2,638.82	2,638.82	09/29/2023
Total CORE & MAIN LP:					4,208.10	4,208.10	
CRESCENDO PLANNING & DESGN LLC							
10005	CRESCENDO PLANNING & DES	23002-LDMP-0	PROFESSIONAL SERVICES	09/15/2023	6,550.00	6,550.00	09/29/2023
Total CRESCENDO PLANNING & DESGN LLC:					6,550.00	6,550.00	
D&R COFFEE SERVICE INC							
10002	D&R COFFEE SERVICE INC	171068	RENTAL FEE	09/25/2023	50.00	50.00	09/29/2023
Total D&R COFFEE SERVICE INC:					50.00	50.00	
DELL MARKETING L.P.							
745	DELL MARKETING L.P.	10700535472	COMPUTERS	09/25/2023	1,248.16	1,248.16	09/29/2023
745	DELL MARKETING L.P.	10700535472	COMPUTER	09/25/2023	1,248.16	1,248.16	09/29/2023
745	DELL MARKETING L.P.	10700535739	MONITOR	09/25/2023	244.99	244.99	09/29/2023
Total DELL MARKETING L.P.:					2,741.31	2,741.31	
DPHHS-FCSS							
10002	DPHHS-FCSS	2023.9.28	IGT CONTRACT	09/28/2023	9,472.29	9,472.29	10/05/2023
Total DPHHS-FCSS:					9,472.29	9,472.29	
DUVAL FORD							
10005	DUVAL FORD	PKD82465	2023 ford	09/15/2023	77,037.74	77,037.74	09/29/2023
Total DUVAL FORD:					77,037.74	77,037.74	
FRONTIER PRECISION INC							
10005	FRONTIER PRECISION INC	274899	UNDERGROUND LOCATOR	05/17/2023	9,028.00	9,028.00	09/29/2023
Total FRONTIER PRECISION INC:					9,028.00	9,028.00	
HANSER'S AUTOMOTIVE & WRECKER							
1687	HANSER'S AUTOMOTIVE & WR	LIV4342	Tow FORD	09/18/2023	100.00	100.00	09/29/2023
1687	HANSER'S AUTOMOTIVE & WR	LIV4743	Tow DODGE	09/18/2023	100.00	100.00	09/29/2023
Total HANSER'S AUTOMOTIVE & WRECKER:					200.00	200.00	
IBS INC							
10004	IBS INC	825784-1	NYLON TIE WRAP	09/11/2023	428.56	428.56	09/29/2023
Total IBS INC:					428.56	428.56	
INSTY-PRINTS							
250	INSTY-PRINTS	16771	BuDGET BOOKS	09/26/2023	1,157.19	1,157.19	09/29/2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total INSTY-PRINTS:					1,157.19	1,157.19	
JACOBS ENGINEERING GROUP INC							
10005	JACOBS ENGINEERING GROUP	D3699900-02	COPPER MIXING ZONE STUDY	09/20/2023	1,645.00	1,645.00	09/29/2023
Total JACOBS ENGINEERING GROUP INC:					1,645.00	1,645.00	
JENNIFER SEVERSON							
10004	JENNIFER SEVERSON	2023.9.20	REIMB-TRAVEL	09/20/2023	14.80	14.80	09/29/2023
10004	JENNIFER SEVERSON	2023.9.21	REIMB-TRAVEL	09/21/2023	144.10	144.10	09/29/2023
Total JENNIFER SEVERSON:					158.90	158.90	
KELLEY CONNECT							
10001	KELLEY CONNECT	IN1342928	JH206395	06/07/2023	180.00	180.00	09/29/2023
Total KELLEY CONNECT:					180.00	180.00	
KNIFE RIVER							
8	KNIFE RIVER	882140	Plant Mix	09/07/2023	1,708.70	1,708.70	09/29/2023
Total KNIFE RIVER:					1,708.70	1,708.70	
LEHRKIND'S COCA-COLA							
2830	LEHRKIND'S COCA-COLA	2080987	Water	09/20/2023	40.50	40.50	09/29/2023
2830	LEHRKIND'S COCA-COLA	2080988	Water	09/20/2023	23.00	23.00	09/29/2023
Total LEHRKIND'S COCA-COLA:					63.50	63.50	
LIVINGSTON DAYCARE, LLC							
3407	LIVINGSTON DAYCARE, LLC	2023.10	Parking Lease	09/15/2023	3,000.00	3,000.00	10/06/2023
Total LIVINGSTON DAYCARE, LLC:					3,000.00	3,000.00	
MICROCOMM							
10000	MICROCOMM	17740	RADIO	08/12/2023	751.75	751.75	09/29/2023
10000	MICROCOMM	17743	MODEM	08/12/2023	6,383.21	6,383.21	09/29/2023
Total MICROCOMM:					7,134.96	7,134.96	
MISC							
99999	MISC	2023.8.30	RESTITUTION TK640-2023-0000	08/30/2023	75.00	75.00	09/29/2023
99999	MISC	2023.8.30.1	RESTITUTION TK640-2023-0000	08/30/2023	200.00	200.00	09/29/2023
99999	MISC	2023.8.30.2	RESTITUTION TK640-2023-0000	08/30/2023	25.00	25.00	09/29/2023
99999	MISC	2023.8.30.3	RESTITUTION TK640-2023-0000	08/30/2023	65.00	65.00	09/29/2023
99999	MISC	2023.8.31.4	RESTITUTION TK640-2023-0000	08/31/2023	150.00	150.00	09/29/2023
99999	MISC	2023.9.13	JURY DUTY	09/13/2023	12.00	12.00	09/29/2023
99999	MISC	2023.9.13.1	JURY DUTY	09/13/2023	12.00	12.00	09/29/2023
99999	MISC	2023.9.13.10	JURY DUTY	09/13/2023	12.00	12.00	09/29/2023
99999	MISC	2023.9.13.11	JURY DUTY	09/13/2023	12.00	12.00	09/29/2023
99999	MISC	2023.9.13.2	JURY DUTY	09/13/2023	12.00	12.00	09/29/2023
99999	MISC	2023.9.13.3	JURY DUTY	09/13/2023	12.00	12.00	09/29/2023
99999	MISC	2023.9.13.4	JURY DUTY	09/13/2023	12.00	12.00	09/29/2023
99999	MISC	2023.9.13.5	JURY DUTY	09/13/2023	12.00	12.00	09/29/2023
99999	MISC	2023.9.13.6	JURY DUTY	09/13/2023	12.00	12.00	09/29/2023
99999	MISC	2023.9.13.7	JURY DUTY	09/13/2023	12.00	12.00	09/29/2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
99999	MISC	2023.9.13.8	JURY DUTY	09/13/2023	12.00	12.00	09/29/2023
99999	MISC	2023.9.13.9	JURY DUTY	09/13/2023	12.00	12.00	09/29/2023
99999	MISC	2023.9.15	RESTITUTION TK640-2023-0000	09/15/2023	25.00	25.00	09/29/2023
99999	MISC	2023.9.22	RESTITUTION TK6402-2017-000	09/22/2023	70.00	70.00	09/29/2023
99999	MISC	2023.9.22.1	RESTITUTION TK640-2015-0000	09/22/2023	50.00	50.00	09/29/2023
99999	MISC	2023.9.22.2	RESTITUTION TK640-2023-0000	09/22/2022	150.00	150.00	09/29/2023
99999	MISC	2023.9.22.3	RESTITUTION TK640-2020-00008	09/22/2023	80.00	80.00	09/29/2023
99999	MISC	TK-640-2023-0	BOND RELEASE	08/31/2023	885.00	885.00	08/31/2023
Total MISC:					1,919.00	1,919.00	
MUNICIPAL EMERGENCY SERVICES							
2604	MUNICIPAL EMERGENCY SERV	IN1935593	OPS FOAM	09/18/2023	2,581.00	2,581.00	09/29/2023
Total MUNICIPAL EMERGENCY SERVICES:					2,581.00	2,581.00	
OLD FAITHFUL DETAILING							
10005	OLD FAITHFUL DETAILING	946517	DETAIL DODGE	09/15/2023	240.00	240.00	09/29/2023
Total OLD FAITHFUL DETAILING:					240.00	240.00	
PIPESTONE EQUIPMENT							
10001	PIPESTONE EQUIPMENT	14628	ACTRATOR REPAIR	09/18/2023	4,900.08	4,900.08	09/29/2023
Total PIPESTONE EQUIPMENT:					4,900.08	4,900.08	
POLYDYNE INC.							
3144	POLYDYNE INC.	1772428	Clarifloc	09/18/2023	7,590.00	7,590.00	09/29/2023
3144	POLYDYNE INC.	1772563	Clarifloc	09/15/2023	3,611.00	3,611.00	09/29/2023
Total POLYDYNE INC.:					11,201.00	11,201.00	
STAFFORD ANIMAL SHELTER							
1439	STAFFORD ANIMAL SHELTER	375	Boarding AND VACC	08/10/2023	3,333.33	3,333.33	09/29/2023
Total STAFFORD ANIMAL SHELTER:					3,333.33	3,333.33	
STRATTON K9 LLC							
10004	STRATTON K9 LLC	2023.9.11	BOARDING	09/11/2023	90.00	90.00	09/29/2023
Total STRATTON K9 LLC:					90.00	90.00	
T & E THE CAT RENTAL STORE							
533	T & E THE CAT RENTAL STORE	42CS0464064	COUPLING	09/08/2023	180.37	180.37	09/29/2023
Total T & E THE CAT RENTAL STORE:					180.37	180.37	
USA BLUEBOOK							
1430	USA BLUEBOOK	INV00131684	FLOOD PROTECT TUBE	09/12/2023	243.61	243.61	09/29/2023
Total USA BLUEBOOK:					243.61	243.61	
Grand Totals:					153,731.97	153,731.97	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
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Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

File Attachments for Item:

C. PLEDGED SECURITIES

DEPOSITORY BONDS AND SECURITIES
September 30, 2022

	<u>MATURITY</u>	<u>CUSIP NO.</u>	<u>TOTAL AMOUNT PLEGGED</u>
FIRST INTERSTATE BANK			
All Accounts			
Federal Deposit Insurance Corporation			\$ 250,000.00
FMNT	4/27/2029	3134GWEL6	7,000,000.00
FMNT	7/29/2030	3134GWGJ9	6,000,000.00
FFNT	11/18/2030	31422B2Z2	100,000.00
TOTAL - First Interstate Bank			<u><u>\$ 13,350,000.00</u></u>
 OPPORTUNITY BANK			
All Accounts			
Federal Deposit Insurance Corporation			\$ 250,000.00
Manhattan MT School District	7/1/2025	563113AN9	90,000.00
Marion OH LTD Tax GO	12/1/1931	569832MU9	390,000.00
TOTAL - Opportunity Bank			<u><u>\$ 730,000.00</u></u>

PLEDGED SECURITIES AND CASH IN BANK
As of
September 30, 2023

First Interstate Bank

	<u>Total</u>
Cash & CD's on Deposit	\$ 10,529,954.98
FDIC Coverage	250,000.00
Amount Remaining	<u>10,279,954.98</u>
Pledges required @ 50%	5,139,977.49
Actual Amount of Pledges	13,100,000.00
Over (Under) Pledged	<u><u>\$ 7,960,022.51</u></u>

PLEDGED SECURITIES AND CASH IN BANK
As of
September 30, 2022

Opportunity Bank of Montana

	<u>Total</u>
Cash & CD's on Deposit	\$ 730,827.77
FDIC Coverage	250,000.00
Amount Remaining	<u>480,827.77</u>
Pledges required @ 50%	240,413.89
Actual Amount of Pledges	480,000.00
Over (Under) Pledged	<u><u>\$ 239,586.12</u></u>

File Attachments for Item:

A. PROCLAMATION: DECLARING OCTOBER 26TH 2023 AS LIGHTS ON AFTERSCHOOL DAY



Proclamation

of the Livingston City Commission

Declaring October 26, 2023, as Lights On After School Day in the City of Livingston

WHEREAS the citizens of Livingston stand firmly committed to quality afterschool programs and opportunities because they:

- Provide safe and engaging learning experiences that help children realize their full potential.
- Support working families by ensuring their children are safe and productive when they are out of their classrooms.
- 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.
- Engage families, schools, and community partners in advancing the welfare of our children.

WHEREAS, afterschool programs provide critical support for the academic growth and well-being of youth and offer new experiences and opportunities that help young people learn and grow. Afterschool programs provide innovative, hands-on opportunities for youth to engage in learning and connect with caring adults and peers in a safe and supportive environment; and

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

WHEREAS, Livingston is committed to investing in the health and safety of all young people by providing expanded learning opportunities that help our children learn and grow, while helping them develop the skills essential for success in life and work.

NOW, THEREFORE, BE IT RESOLVED on behalf of the Livingston City Commission, I, Melissa Nootz, Chair, do hereby declare October 26, 2023, to be:

LIGHTS ON AFTERSCHOOL DAY IN LIVINGSTON, MONTANA

Signed this ____ day of October, 2023.

MELISSA NOOTZ, Chair
Livingston City Commission

EMILY HUTCHINSON
City Clerk

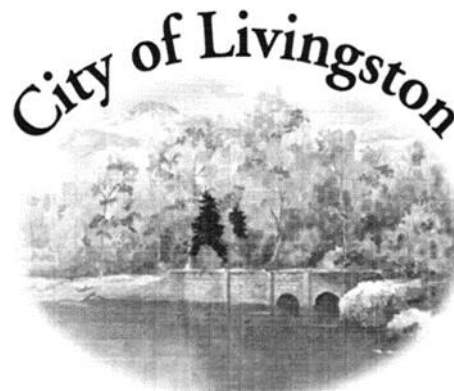
File Attachments for Item:

A. RESOLUTION 5112: AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR PLANNING ACTIVITIES TO UPDATE THE CITY'S ZONING ORDINANCE

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



Incorporated 1889

Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

Date: 10/17/2023
To: Chair Nootz and City Commissioners
From: Grant Gager, City Manager

Staff Report for Resolution 5112 Authorizing the Submission of a Community Development Block Grant Application for Planning Activities to update the City’s Zoning Ordinance.

Recommendation and Summary

Staff recommends the Commission approve Resolution 5112 by adopting the following motion:

“I move to approve Resolution 5112 and authorize the Chair to sign.”

The reason for the recommendation is as follows:

- The City is seeking a Community Development Block Grant to fund updates to the zoning ordinance so that it better aligns with and supports the adopted 2021 Growth Policy.

Introduction and History

The Community Development Block Grant (CDBG) program awards grants to cities, towns, and counties to develop and preserve affordable housing, to provide services to the most vulnerable in our communities, and to create and retain jobs. In 2021, the City adopted a Growth Policy to serve as a comprehensive plan to guide future land use decisions; however, zoning code updates are still needed to provide the regulatory capacity to implement the Growth Policy.

Analysis

This CDBG-Planning Grant will be used to update the City of Livingston’s Zoning Ordinance to support the goals, objectives and strategies identified in the 2021 Growth Policy. The proposed code updates will result in a zoning ordinance that better addresses the future land use needs of the community as outlined in the Growth Policy. The expected outcome of the code update will be a zoning ordinance that supports the adopted Growth Policy and provides the basis for its successful implementation.

Fiscal Impact

For a \$50,000 grant award, a \$16,667 funding match is required. The City’s FY 2024-25 budget for the Planning Department includes \$125,000 to update the zoning code. After deducting the required funding match, \$33,333 will be available from the grant to reimburse the City for costs incurred for the code update.

Strategic Alignment

Planning Activities made possible by the grant will support the implementation recommendation in Growth Policy Chapter 11 that *All definitions should be updated to meet the intent of the zoning*

code, recommendations of the Growth Policy and compliance with state, county, and local laws. A code update also directly addresses Strategy 2.1.2.2 to Update codes to promote traditional neighborhood designs that are compatible with existing neighborhoods, and Strategy 2.1.2.4 update codes to Encourage following Livingston’s historic block and alley development pattern.

Attachments

- Attachment A: Resolution 5112

RESOLUTION NO. 5112

A RESOLUTION OF THE CITY COMMISSION OF LIVINGSTON, MONTANA, AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR PLANNING ACTIVITIES TO UPDATE THE CITY’S ZONING ORDINANCE.

WHEREAS, the City of Livingston has adopted certain provisions related to zoning in its municipal code of ordinances; and

WHEREAS, the City of Livingston has adopted a Growth Policy that recommends an evaluation of the zoning provisions of its municipal code of ordinances to ensure that the municipal code and Growth Policy are in alignment; and

WHEREAS, the City of Livingston is applying to the Montana Department of Commerce for financial assistance through the Community Development Block Grant Program (CDBG) for Planning Activities to support an update to the zoning provisions of the City’s municipal code of ordinances; and

WHEREAS, The City of Livingston agrees to comply with all applicable federal laws and regulations, and all state laws and regulations and the requirements described in the CDBG Application Guidelines and those that are described in the CDBG Grant Administration Manual; and

WHEREAS, Matching funds from the City of Livingston are committed in the FY 2024 budget to this review of the zoning provisions of the Livingston municipal code of ordinances;

NOW THEREFORE BE IT RESOVLED, that the City Manager, is authorized to submit this application to the Montana Department of Commerce.

Dated this 17th day of October, 2023.

MELISSA NOOTZ, Chair

ATTEST:

APPROVED TO AS FORM:

EMILY HUTCHINSON,
City Clerk

JON HESSE,
City Attorney

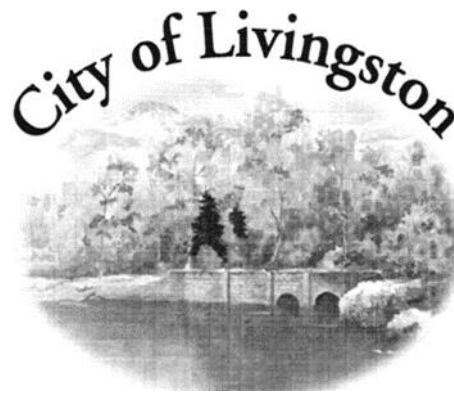
File Attachments for Item:

A. LETTER OF SUPPORT FROM PROSPERA

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



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Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

Date: 10/17/2023
To: Chair Nootz and City Commissioners
From: Grant Gager, City Manager

Staff Report for Letter of Support for Prospera Business Network

Recommendation and Summary

Staff is recommending the Commission approve a letter of support for Prospera Business Network’s application to retain its designation as Park County’s Certified Regional Development Corporation by adopting the following motion:

“I move to approve a letter of support for Prospera Business Network’s application to the MT Department of Commerce and authorize the City Manager to sign the letter.”

The reasons for the recommendation are as follows:

- Prospera has served as Park County’s Certified Regional Development Network since 2012.
- Prospera Business Network is seeking a letter of support to retain its designation as Park County’s Certified Regional Development Corporation.

Introduction and History

The Montana Department of Commerce designates Certified Regional Development Corporation’s for multi-county areas throughout the state. The designation is for a four-year period. Prospera has served as the Certified Regional Development Network for Park and Gallatin Counties since 2012.

Analysis

Propsera has requested the City’s support for their application and a brief description of their work is attached.

Fiscal Impact

There is no fiscal impact to the letter of support

Strategic Alignment

Supporting businesses and economic activity are objectives of the Growth Policy.

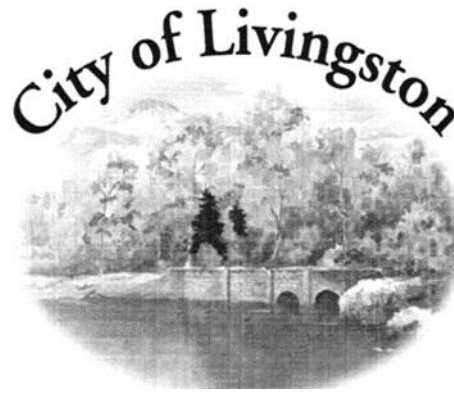
Attachments

- Attachment A: Prospera Background information
- Attachment B: Draft Letter of Support

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Liane Taylor, Division Administrator
MT Department of Commerce
301 S. Park Ave.
Helena, MT 59620

Re: Support for Prospera Business Network’s 2024 CRDC Application

The City of Livingston is pleased to provide a letter of support for Prospera Business Network to continue serving as our Certified Regional Development Corporation (CRDC) for the Park and Gallatin County region.

Prospera provides vital business development services that help strengthen local businesses, and they offer a variety of professional trainings that help business owners navigate a fast-changing economy.

Over the years, Prospera has been a helpful partner supporting Livingston’s economic and community development goals. They have worked collaboratively with Park Local and the Livingston Chamber of Commerce to support local businesses during flood recovery and secured business development grants for several local projects.

Prospera’s experience and track record supporting positive community impacts illustrates why the City supports Prospera’s application to continue serving as our regional CRDC.

Thank you for considering our letter of support.

Sincerely,

Grant Gager
City Manager

2023 Factsheet

Founded in 1985, **Prospera Business Network** is one of the leading non-profit business and community development organizations in Montana.

We help people and communities achieve their goals by acting as the navigators, problem-solvers and catalysts for Montana entrepreneurs, business owners, food producers and others that are looking to grow and strengthen their community.

We do this by offering:

- **No-cost business assistance.** Prospera offers start-up support, business counseling, and professional training to anyone looking to start or grow their business.
- **Loan financing.** Prospera offers business loans for start-ups or in collaboration with bank financing to help people reach their business goals.
- **Professional referrals.** Prospera knows the experts and can make vital connections for people so they can take their business to the next level.
- **Business development grants.** Prospera can tap funding support from state and federal agencies that can transform local companies and community projects.
- **Regional economic development.** Prospera engages with partner organizations, cities, and rural communities so that we help meet local needs and assist with navigating a fast-changing economy.

Prospera has served as the CRDC for Gallatin & Park counties since 2012. **The CRDC (Certified Regional Development Corporation)** is a designation made by the Montana Department of Commerce – and we are required to reapply every four years.

Business Impact

Prospera works with about 1200 business clients annually and has helped many navigate business challenges, receive vital training, or secure loans or development grants. Many of our clients live in;

- Belgrade
- Three Forks
- Bozeman
- Gardiner
- Big Sky
- Amsterdam
- Clyde Park
- Livingston
- Four Corners
- Lewistown
- Townsend
- Big Timber
- West Yellowstone



Community Impact

Prospera works with organizations, local governments, and business groups to advance projects that have a positive economic impact on the region. Here are a few examples.

- **56Strong:** organize a statewide mentoring program for women-owned businesses that aims to connect business leaders in all 56 counties across MT.
- **Yellowstone Fiber:** provided a vital loan that helped launch an open-access fiber optic network that aims to connect every home and business to high-speed internet.
- **Homeward Point (HRDC):** provided a community impact loan for HRDC’s new emergency housing project that will build a 170-unit housing assistance facility.
- **Livingston:** secured planning grant funds, from the states BSTF program that helped plan the upgrades to **Callender St.** and laid the groundwork for the building redevelopment of the **Yellowstone Grain Elevator.**
- **MSU Innovation Campus:** played a leadership role to bring this long-time project to reality and get the site construction started.
- **WBC Impact Grants:** raise private funds and have awarded 17 business development grants in communities across MT.
- **MT Photonics Industry Alliance:** organized and built support to an internationally recognized business sector that now employs over 800 people in SW Montana.
- **Headwaters Tech Hub:** Prospera is part of a statewide effort to create a tech hub leveraging area science and technology companies with the university system.

Prospera is home to a Small Business Development Center, the MT Women’s Business Center, and a Food and Ag Development Center – all aimed at helping our local businesses to thrive.



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File Attachments for Item:

B. GROWTH POLICY UPDATE

City Manager
Grant Gager

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Chairperson
Melissa Nootz

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Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

Date: 10/17/2023
To: Chair Nootz and City Commissioners
From: Grant Gager, City Manager

Staff Report for Growth Policy Implementation Update

Recommendation and Summary

Staff is providing an update to the City Commission on the implementation of the Growth Policy. As such, no motion is requested or required though feedback and direction from the Commission is appreciated.

The reasons for the recommendation are as follows:

- The Growth Policy was adopted by the Livingston City Commission on June 15, 2021.
- City staff presented a plan to being implementing the recommendations of the Growth Policy on February 7, 2023, and is providing an update.

Introduction and History

Part 6 of Chapter 1 of Title 76 of the Montana Code Annotated establishes growth policies and provides for the contents of the document. Section 605 of that Part, requires that the City Commission “be guided by and give consideration to the general policy and pattern of development set out in the growth policy” in certain actions, including the “adoption of zoning ordinances and resolutions.” The City of Livingston most recently updated its Growth Policy on June 15, 2021.

Analysis

The City of Livingston Growth Policy contains 21 goals, 74 objectives and 219 strategies in nine topic areas. Additionally, Chapter 11 of the Growth Policy includes four land use recommendations, including, most specifically, the adoption of an ordinance for planned unit developments. City staff presented a plan to being implementing the recommendations of the Growth Policy on February 7, 2023, and is providing an update.

Fiscal Impact

There is no fiscal impact arising from this update.

Strategic Alignment

Implementing the Growth Policy will help to align city operations, policies and projects with the goals and objectives identified by the community.

Attachments

None