



Livingston City Commission Agenda

November 18, 2025 — 5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/83508274304?pwd=WLDnt0PcUI6JzuMoKT1z2scEVk4rAR.1>

Meeting ID: 835 0827 4304

Passcode: 501530

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 NOVEMBER 04, 2025, REGULAR MEETING PG.4

B. APPROVAL OF MINUTES FROM APRIL 16, 2024, CLOSED SESSION

C. APPROVAL OF MINUTES FROM SEPTEMBER 3, 2024, CLOSED SESSION

D. APPROVAL OF MINUTES FROM NOVEMBER 6, 2024, CLOSED SESSION

E. APPROVAL OF MINUTES FROM NOVEMBER 19, 2024, CLOSED SESSION

F. APPROVAL OF CLAIMS PAID 10/30/25 - 11/12/25 PG.47

G. APPROVAL OF OCTOBER 2025 CITY COURT FINANCIAL REPORT PG.60

H. APPROVAL OF CONTRACT 20237 WITH CLEARY BUILDING CORPORATION PG.62

I. REAPPOINTMENT OF NICOLE MADDEN TO THE LIVINGSTON POLICE COMMISSION PG.78

J. REAPPOINTMENT OF JANELLA JOHNSON TO THE LIVINGSTON POLICE COMMISSION PG.81

5. Proclamations

A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RECOGNIZING NOVEMBER 29, 2025 AS SMALL BUSINESS SATURDAY IN LIVINGSTON, MONTANA PG.84



6. Scheduled Public Comment

7. Action Items

A. ORDINANCE 3065: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 29 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED "FLOODPLAIN REGULATIONS" BY REPEALING THE ENTIRETY OF CHAPTER 29 AND REPLACING IT WITH REVISED "FLOODPLAIN HAZARD MANAGEMENT REGULATIONS". PG.86

B. APPROVAL OF UPDATE TO LIVINGSTON CITY COMMISSION HANDBOOK PG.171

8. City Manager Comment

9. City Commission Comments

10. Adjournment

Calendar of Events

Supplemental Material

Notice

- Public Comment: The public can speak about an item on the agenda during discussion of that item by coming up to the table or podium, signing-in, and then waiting to be recognized by the Chair. 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 Clerk. 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 City Clerk at least 24 hours in advance of the specific meeting you are planning on attending.

File Attachments for Item:

A. APPROVAL OF MINUTES FROM NOVEMBER 04, 2025, REGULAR MEETING



Livingston City Commission minutes

November 4, 2025 — 5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/85446895515?pwd=ZArzRBR47h2gpwyZ6KJoEfBX6wehnT.1>

Meeting ID: 854 4689 5515

Passcode: 097335

1. Call to Order

5:32 PM Chair Schwarz called the meeting to order

2. Roll Call

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

City Staff Present

- City Manager Grant Gager
- Chief of Police Wayne Hard
- Planning Director Jennifer Severson

3. Public Comment

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

Public comment was offered by:

- Jackie Fiegel expressed concern about sidewalks on Yellowstone St. and around town. She also expressed concern about how some community members acted during the candidate forum.
- Jay Keifer asked about an item on the claims paid report. He also asked about street closure fees, frequency of City audits and fees associated, additional liability insurance and forensic audits.
- Adlita Shans expressed appreciation to the City Commission and City Manager for their hard work.
- Becky Bird expressed agreement with Adlita's comments, and wants to take a stand against violence in the community. She stated she would like the town to really understand that we have Kelly Miller working as the MCRT Program Manager as it's a benefit to the community and our first responders.



The City Manager addressed some comments and started off by saying sidewalks are the responsibility of the homeowner inside City limits.

Chair Schwarz stated if there is a really bad sidewalk you could make a formal complaint to the City and they would address that with the homeowner.

The City Manager stated in this year's budget there is a recommendation to provide some matching funds for homeowners, and this project would be launched in the spring. He stated the item on the claims report is not just for one planter but for multiple planters. Audit fees for the contractor are about \$34,000 per year, and the City is audited every fiscal year. Auditors were just here a few weeks ago and the audit results will come before the Commission in December. He stated forensic audits are typically done in response to a wrongdoing or investigation and that a general city-wide forensic audit would be costly.

Vice Chair Nootz stated that they have requested that auditors take a double look at certain large projects and gave the example of the Wellness Center. She stated that the Commission needed to know and the public wanted to know a lot about this project, so it was flagged for extra review for the auditors.

The City Manager discussed the fee schedule in regards to Special Events and street closures.

Vice Chair Nootz reminded that the City Manager doesn't set the fee schedule. She stated if there are questions about claims paid they can always email the City Manager for more detail.

4. Consent Items

A. APPROVAL OF MINUTES FROM OCTOBER 21, 2025, REGULAR MEETING [PG.4](#)

B. APPROVAL OF CLAIMS PAID 10/16/25 - 10/29/25 [PG.37](#)

Commissioner Willich motioned to approved consent items A & B, seconded by Vice Chair Nootz. Unanimously approved.

5. Proclamations

A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RECOGNIZING NOVEMBER 11, 2025 AS VETERANS DAY IN LIVINGSTON, MONTANA [PG.57](#)

Chair Schwarz read the proclamation.

The City Manager stated there are quite a few veterans that make up our City staff and thanked them for their service.

Commissioner Willich stated he has lots of friends that are veterans and he thanked them for their service.

6. Scheduled Public Comment

7. Action Items

A. ORDINANCE 3064: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE TEXT OF THE CITY'S OFFICIAL ZONING ORDINANCE BY REPEALING THE ENTIRETY OF THE TEXT OF CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE AND REPLACING IT WITH NEW ZONING CODE TEXT [PG.59](#)

Chair Schwarz introduced the item and asked for any disclosures.



Commissioner Kahle disclosed that she is a staff member for PCEC. She knows they made comment to the LUB, and she stated she does not participate in any work they do for the City. She has had a discussion with the City Manager and City Attorney and she is free to participate in this item and vote tonight.

The City Manager stated in discussing with the City Attorney he noted that the comments made by PCEC were largely omitted for the document before them tonight.

City Attorney Hesse stated if PCEC appeared tonight and made comment then Commissioner Kahle would no longer be able participate or vote on this item.

Commissioner Lyons stated his wife has made some comments to the LUB and he sees some in the packet.

City Attorney Hesse stated that he is not employed by that agency and there is not an economic issue such a review of contracts, so there does not appear to be a conflict of interest. He stated that changes immediately when money or contracts are involved.

Commissioner Willich stated his spouse is a manger of some short-term rentals and commercial properties.

City Attorney Hesse stated that is not conflict of interest.

The City Manager stated this is the first reading of Ordinance 3064 which is a text amendment to the LMC Zoning Provisions. He stated this item is before them as a result of the growth policy. He stated there have been over 1500 comments made from the community and he thanked them for their feedback.

Planning Director Severson gave a brief presentation.

Vice Chair Nootz motioned for a 10-minute break, seconded by Commissioner Willich. Unanimously approved.

Commissioner Willich asked about riparian setback removal request and wondered if it includes the Yellowstone River?

The City Manager stated at this time all riparian setbacks have been removed from the proposed text amendment chapter 30. We have several different types and sizes of rivers that move through the City and a one-size fits all would not be effective. They want to take the time and do analysis on each of those rivers and come up with specific recommendations for each of those.

Commissioner Willich asked if there are any properties that bisect the Yellowstone River.

The City Manager stated no.

Commissioner Willich asked if the creeks are navigable.

The City Manager stated no.

Commissioner Kahle asked for clarification on the federal flood plain.

The City Manager and Director Severson, the City's floodplain administrator, stated the Yellowstone River and Billman Creek have been mapped, and the floodways and floodplains that have been mapped still do have federal regulations.

Commissioner Kahle asked how quickly we could do that kind of analysis and do we have the funds.



The City Manager stated it really comes down to identifying the funding for that. They have found some grant opportunities, and some fund balance in the general fund that could be used. He stated this could be done in under a year if the Commission wishes to do that.

Commissioner Kahle asked if there was an update on the FEMA maps.

The City Manager stated that the state personnel have funding through the end of March. There is some level of work continuing, but our federal partners have mostly been called off of the project.

Commissioner Kahle asked if there are other communities in Montana that have riparian setbacks?

The City Manager stated there are a large number of communities in the state that have riparian setbacks.

Commissioner Lyons asked for clarification on the high-density residential classification and what other classifications are absorbing it.

Planning Director Severson stated the most direct correlation for R3 to be reflect in the new code and map would be the high density mixed use. It's the same height allowance, but the main difference is that the R3 doesn't allow any commercial uses, and they are proposing that the high density mixed use allows higher density residential and also the mixed uses.

Commissioner Lyons asked if residential uses are allowed in all districts except for industrial and public community.

Planning Director Severson stated that is correct.

Commissioner Lyons asked if short-term rentals would be allowed in every classification that allows residential development except for light industrial. He wondered why LI was chosen to exclude short-term rentals.

Planning Director Severson stated that 2 years ago the state passed a law that said that for commercial districts they have to allow 5 or more units of residential developments. When this change came before the Commission she reminded that they request that we not make it just 5 or more, we make it 1, 2, 3, 4, 5, so any number of residential uses whether they were mixed use or not could be allowed where the state said you have to allow them. LI with the new code is the only one where that applies.

The City Manager stated there are a few reasons with the first being a lack of clarity to a short-term renter that they are renting a unit that is located in a LI part of the City. LI has greater uses that may not be compatible with residential use, so putting short-term renters there could cause conflict with other users in the LI area. The City Manager also discussed land use competition with light industrial uses and the intent to protect the land for light industrial uses.

Public comment was offered by:

- Randy Carpenter is representing Friends of Park County and supports the new code.
- Tara Eddy expressed concern for private property rights and opposes private property being taken for public use.
- Becky Bird expressed it was smart to move riparian setbacks from the code.
- Linda Maher asked what to do about parking after the state made the change to require less parking.



- Jeanette Blank asked about the map amendment process. She appreciates the inclusion of the Ag zone.
- Katherine Daly spoke about the comments she sent in to the City in writing and expressed concern about down zoning.
- Jack Luther expressed concern about incorporating a J Street.

The City Manager stated the zoning map ordinances require 15 days between readings, so if the ordinance is approved tonight the 2nd reading of this ordinance would occur at the 1st meeting in December.

Vice Chair Nootz asked about conversations that happen with development community and staff and wondered what that looks like. She stated that state code requires certain things, but many developers want to do right by the community and make the developments appealing to the community they are building in.

The City Manager stated that state law and local zoning code provide the bare minimum standard for development. City staff and applicants meet before hand to make sure the project meets intent of the growth policy and any other guiding documents. People that build building do understand that they will need to sell or rent those buildings or spaces, so creating a building with lower parking space will lower the economic return.

Vice Chair Nootz reflected on past developers taking community feedback into consideration for their projects.

Vice Chair Nootz expressed concern about the Agricultural Zone (Ag Zone) and is concerned about a zone that is of single use. She wants to discuss the LMU zone, but she does see the balance for LMU with community character and the high-density development. She thinks some of these zones are real improvements into what the community need by tweaking certain things that can be happening on certain lands. When it comes to riparian areas, she thought it might be best to get more data that is specific to Livingston to help understand what makes sense for our community and how it impacts land owners that have currently built vs. undeveloped land.

Commissioner Lyons stated there is a lot to like in these changes. He expressed that mixed use is a good and moving R3 to mixed use is a good thing. He clarified that they are not voting on an Ag Zone section tonight.

The City Manager stated they did not fully incorporate ag into this.

Commissioner Lyons thanked the LUB bringing up the Ag Zone. He expressed concern about regulation of short-term rentals and stated they are allowed in any zone except one, so he doesn't think they are very regulated then. He thinks this is not the best plan and they should either not have it in the code at all, or do something about it. He expressed concern about R2 and incorporating neighborhood serving retail. He views this code as flattening density throughout Livingston and pointed out there is not a lot of difference you can do between R2 and CBD. He feels the equality of zones for density make a bad zoning code.

Commissioner Kahle expressed concern about the shrinking of the CBD. She does not want to stifle the economic ability of the downtown area. She realizes the importance of height restrictions, and she is hoping for a balance. She expressed concern about removing the environmental



protection sensitive areas section. She feels they need to be looking at that especially around the corridors around the river. She also expressed that an R1 zone is not the same as an Ag zone and maybe would like to see what revised for the next reading. She asked about manufactured homes being on a foundation. She pointed out some key points in in the comment from Explore Livingston that she liked. She expressed agreement with Commissioner Lyons about short-term rentals.

The City Manager stated what is put in the zoning code is a framework to regulate short-term rentals. The frameworks uses as a starting point the current status quo with short-term rentals. He pointed out that section 30.57 does introduce some regulation of short-term rentals such as type 1 and type 2 short-term rentals. He stated acknowledging short-term rentals is the first step in being able to regulate short-term rentals.

Vice Chair Nootz clarified they can still have a conversation about short-term rental location, and the fees could be addressed in the fee schedule. She wondered what the state says about short-term rentals.

The City Manager stated that the state classifies short-term rentals as a residential use, but that is for tax purposes and has nothing to do with zoning and land use.

Commissioner Kahle asked if that was something we need to codify into zoning code.

The City Manager stated it does make it difficult if the zoning code does not include short-term rentals.

Chair Schwarz understands keeping CBD the way it is, but does like the stepping down of heights. He expressed his big concerns are for the character, look of town and viewshed. For the Ag zone he thinks the 5 acre zone is too small.

Commissioner Willich stated he agrees that decreasing the size of CBD doesn't seem to work. He agrees with the height restrictions. He expressed that doing nothing at all for riparian zones feels irresponsible for the City of Livingston. He recognized this was a large undertaking and thanked the City Manager and Planning Director for their hard work.

Commissioner Willich motioned for a 10-minute break, seconded by Vice Chair Nootz. Unanimously approved.

Commissioner Lyons gave input on categories for discussion and they are height, uses, and lot size.

Vice Chair Nootz expressed concern about ag zone and changing the name so it is not just a single use zone.

Commissioner Lyons pointed out a regional example of Bridger Canyon zoning district. He wondered what ways equity could be considered in the ag zone they are discussing.

Commissioner Kahle expressed that Planning Director Severson is on the right path with the things she has in the ag district. She agrees that it maybe doesn't have to be an ag district, but does have larger lot sizes.

Vice Chair Nootz stated for this zone the goals are low intensity, open pastoral, not restricted to just Ag, and they want to see options with lot sizes.

Vice Chair Nootz pointed out they have framework for regulating short-term rentals.



Commissioner Lyons asked what the negative impacts for short-term rentals. He started by asking if they are worried that short-term rentals are taking away housing units.

Vice Chair Nootz stated some negatives are community character because people want to know their neighbors.

Commissioner Kahle stated short-term rentals can take away housing.

Commissioner Willich pointed out that some short-term rentals are because some folks are snowbirds.

Commissioner Kahle stated that some community members make their livelihood through short-term rentals.

Commissioner Lyons expressed they he was hoping they were going to make a more definitive plan for short-term rentals, but he recognizes this is a small step forward to being able to do that.

Commissioner Kahle understands that the data that could be reviewed after short-term rentals are required to register it with the City.

Commissioner Lyons asked how regulation would work.

The City Manager stated there are services that the City could contract with look for short-term rental sites and then provide a report of listing in the area. The City Manager also advised of other manual methods that he has employed in other cities.

Vice Chair Nootz and Commissioner Kahle are in agreement that wildlife corridors do not equal riparian zones and are two overlapping conversations.

Commissioner Kahle expressed that they are missing an opportunity by removing what was in the old policy.

The City Manager stated that language was not part of LMC it was being contemplated as part of this process. In conversation with FWP many of maps and corridors have not been identified within the City. The Manager requested direction from the Commission on what they are looking for in terms of wildlife corridors.

Vice Chair Nootz would like to see fireworks stands removed from the use table since we don't allow use of fireworks inside City limits.

Commissioners agreed to this suggestion.

Commissioner Lyons brought up mobile homes.

The City Manager stated that topic is something appropriately handled through building code.

Vice Chair Nootz brought up little to no traffic impacts.

The City Manager stated that section 30.54 deals noting that there were some comments about trip generation and there are a number of points in criteria B which actually do target and limit trip generation.

Vice Chair Nootz brought up CBD and what if they put LMU all around it.



Commissioner Lyons pointed out that could be addressed with the map when it comes before them. The issue tonight is height. He questioned if the right cap is 60 ft.

Vice Chair Nootz how tall the tallest building is.

The City Manager stated it is approximately 72 ft.

Commissioner Kahle wondered how high our fire trucks go.

The City Manager stated we have a 100ft ladder. He referenced part of the presentation that reviewed height.

Vice Chair Nootz recognized that there are not that many tall buildings downtown and recalled the Murray is below 60 ft. She stated she is comfortable with 60 ft in CBD.

Commissioner Willich and Chair Schwarz agreed they are okay with 60 ft in CBD.

Vice Chair Nootz recapped that the things coming back are open pastoral ag zone, no fireworks allowed, R2 fix definition, removing line support of transitional housing in the use table.

Vice Chair Nootz motioned to approve this item with edits: removing the supportive transitional housing of the residential uses in the list of uses table, removing firework stands as no allowed in all zones, amending the definition of R2 to remove the clause started with the word provided, also have staff bring back a proposal around ag zone addressing open pastoral lands, second by Commissioner Kahle. Unanimously approved.

Vice Chair Nootz motioned to enter closed session, seconded by Commissioner Kahle. Unanimously approved.

B. CLOSED SESSION TO DISCUSS LEGAL STRATEGY PURSUANT TO MCA 2-3-203(4)(b)

C. CLOSED SESSION TO DISCUSS MATTERS OF PERSONAL PRIVACY PURSUANT TO MCA 2-3-203(3)

8. City Manager Comment

The City Manager thanked the community for their support.

9. City Commission Comments

Commissioner Willich thanked everyone for a productive night.

Commissioner Lyons thanked the City Manager and staff for their work on the zoning code.

Commissioner Kahle expressed that she enjoyed the conversation tonight and thanked the City Manager and staff for their work on the zoning code.

Vice Chair Nootz expressed the importance of doing the hard work on this document and thanked the City Manager and staff. Addressed a letter that submitted and the seriousness of it. She thanked LPD and City staff for their support for the City Manager and his family during this time.

Vice Chair Nootz motioned to formalize a threat response policy that can be used in the future, seconded by Commissioner Willich.



Chair Schwarz agreed with everyone about the zoning code update. He gave congratulation to Jessica Wilcox, Cindy Daniels, and Kemp O'Neill on the City Commission election.

10. Adjournment

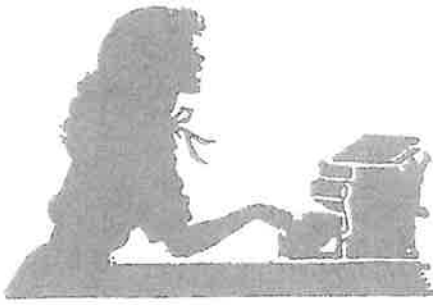
11:20pm Commissioner Lyons motioned to adjourn, Commissioner Kahle seconded by. Unanimously approved.

Calendar of Events

Supplemental Material

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from the desk of . . .

Thurs. Oct 22nd

Lindie Gibson

~~323 South B~~

Livingston, Montana 59047

dear Grant Gager

Quenton Schwartz

Melissa Nooty

Karrie Kahle

Tobey Lyons

and James Willich

(as well as all
city employees)

As each of you and all of
you know, I did a horrible and
almost unimaginable thing.

I was in a "dark place" for
a couple of hours - with my thoughts
focusing on the out-arts downtown
along with the survey on proposed
changes to our 14 city parks!



from the desk of ...

Lindie Gibson

~~323 South B~~

Livingston, Montana 59047

Being a life-long citizen of our community, I have witnessed and lived through a number of changes here, and some (not all) have not been for the best.

Historically, the City Commission was always retired "city fathers" who had also been small business owners.

During my mother's term (Jody Sink - a retired Justice of the Peace - Livingston native herself) it was determined that the current council or Mayor/Commission needed to change, and so they agreed



from the desk of . . .

to change to a Manager/Commissioner
 Iamat, fully understanding
 that as Livingston was growing like
 never before in its history - we needed
 someone with administrative ^{and other}
 understanding & qualification to
 help them make educated decisions
 for short-term and long-term decisions.
 During her time as Judge, our original
 courthouse was torn down & the new
 City County Complex was built, thereby
 simplifying our local government
 offices into one building - including
 the Montana Motor Vehicle Division

Linda Gibson

323 South B

Livingston, Montana 59047



from the desk of . . .

Lindie Gibson

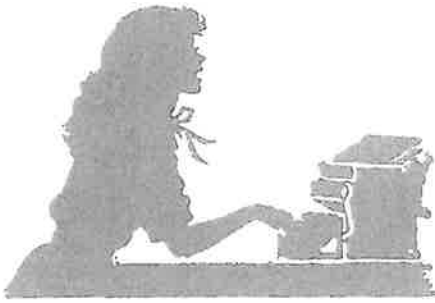
323 South B

Livingston, Montana 59047

Office (which we all know, is a
State Office - & we merely
charged them rent for their office..)

The fire hall was where the fire-
hall signers center is, the Police Dept
was on B behind it, in the white
Stucco building where our county
attorney is at present, and our city
offices were all ~~in~~ in the firehall
building. The Courthouse was County
only - prisoners were now in the base-
ment of the Courthouse, when there
was a population over flow.

A volunteer committee of several



from the desk of . . .

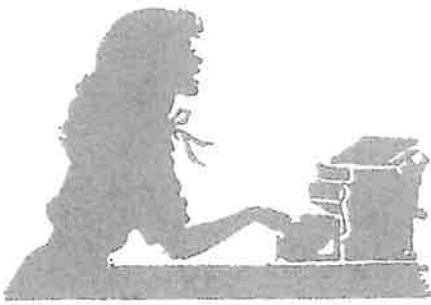
Lindie Gibson

323 South B

Livingston, Montana 59047

Local govt. employees, along with several ordinary citizens and business owners, worked tirelessly for a little over 4 years to plan & create the City/County complex as you all know it. They met for over 4 yrs once a month on their own time & on their "own dime" (their own time) to simplify and make it convenient for the public to have all their governmental needs met.

Fast forward to 2020 & Covid & Mike & Ardies, with ^a w/o anyone's true



from the desk of . . .

Lindie Gibson

~~525 South B~~

Livingston, Montana 59047

understanding of our local
Government's history, took
millions & moved some of the offices
to Park Street.

I think I can safely speak for
the hearts of the native locals - we
were heart sick. Without exaggeration
every wk for 4+ years, the City
County Complex ~~concept~~ was destroyed.

Without knowing his heart and
mind, Grant hired a company to evaluate
our City Parks & make recommendations
for changes or improvements on them.
To date, I don't know what will



from the desk of ...

Lindie Gibson

~~325 South B~~

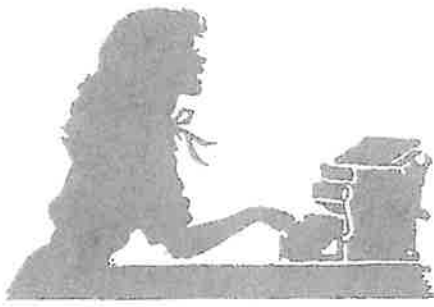
Livingston, Montana 59047

be the final results, because I know there has been transparency on let the public be made aware of this - plus give our input, I thank you for this, Grant.

As for the bulb-outs, I hope they were an experiment that failed.

From all the feed-back I have been exposed to - no one liked them.

For as much as I confess I know Grant's heart & thinking on these 2 crucial "proposed" changes to our downtown, I hope he, along with



from the desk of . . .

each of you - are listening to
the phone.

Lindie Gibson

323 South B

Livingston, Montana 59047

The last time I spoke at a
commission mtg. I mentioned these
2 issues, along with the bike path
through town.

Why am I telling you all this?



from the desk of . . .

Lindie Gibson

323 South B

Livingston, Montana 59047

"... because the "natives" are restless, and they're not happy.

I have a daily column that goes out ~~over~~ to over 3,000 Livingston natives, called "the Classmates Chapter" as well as 11 Facebook pages, one is mine, & the other 10 - feature Livingston again (pardon the redundancy). local natives don't want our downtown or city parks to change.

Linda Tang even presented each of you with a petition she



from the desk of . . .

circulated asking you to deny
the decision making on our parks &
downtown.

Lindie Gibson

323 South B

Livingston, Montana 59047

Real & imagined, the life-long
capitulation in our community feels
they are not being heard.

Now - back to my wrong and
horrible actions 2 weeks ago.

Feeling the stress & anxiety so
many are also feeling -

- in a last ditch effort "to be
heard", I wrote a very hateful &



from the desk of . . .

threatening letter to Grant, & to
Quenton (as chairman) & I disguised
my penmanship because I consider
both men my friends & I didn't
want them to know it was from me.

Lindie Gibson
323 South B
Livingston, Montana 59047

You can call me a liar, but
I am not; I consider them my
friends.

What I did to each of them
was with a hateful and a gain - came
from a moment when I was in a
dark place - desperate to not see.



from the desk of ...

Lindie Gibson

323 South B

Livingston, Montana 59047

downtown change. I have
coffee downtown every day - it has
been hard to see the ugliness almost
3 months - on a daily basis.

After I wrote the letters & put
them in the mailbox to be picked up,
I felt relieved... and then I started
to feel a sense of "wrongness" on
my part, as well as remorse for my
actions, & I went to get the letter
out of the mailbox (to throw away)
& found that my mail carrier had



from the desk of . . .

already picked them up.

Lindie Gibson

323 South B

Livingston, Montana 59047

I was sick + started to panic. I was sorry for what I'd done.

Now what do I do?! What do I do....?!

I got in my car + went down to the City offices - asked Grant for 2 minutes of his time, and I told him I'd done a terrible + hateful thing + had written him a letter ——— and would he



from the desk of . . .

Lindie Gibson

323 South B

Livingston, Montana 59047

please not open it. I showed
him another legal-sized
envelope like the one I'd mailed
him & showed him the stamp I
used (2 white roses) & showed him
the black felt tip pen I used - so
he'd know the letter was mine. I
had disguised my penmanship
so the men won't have a clue
who it came from.

I told him the letter was



from the desk of . . .

horrible & hurtful and that I
would never want to hurt him.

Lindie Gibson

323 South B

Livingston, Montana 59047

"Please tear up my letter &
don't read it". "I would rather
chop off my thumb than hurt you..."

and wish that, he said "OK"

Little did I know his wife
would open my letter and drink
the poison.



from the desk of . . .

Lindie Gibson

~~323 South B~~

Livingston, Montana 59047

Then I drove to Quentin
& Vickie's house & told
Quentin the same thing & said
I was so so sorry - that I had
acted out of frustration & anger.
And Quentin said he forgave me
and gave me a hug.

We visited for a few minutes
more & I told him how so many
people were upset over the bulb-out
& city parks issues & he told me that
actually, no decisions had been



from the desk of . . .

made yet.

Lindie Gibson

323 South B

Livingston, Montana 59047

The next day when I came home from the store, I had this card in my door. I called Taylor & said I had company & could I come down to the Station.

I went down & Taylor took me into a room & said he had an arrest warrant for me, & he was sorry, but he had to hand cuff me & place me under arrest.

He interrogated me for over half an hour - reading the charge



from the desk of . . .

against me, and I told him
minute by minute what I'd done.

Lindie Gibson

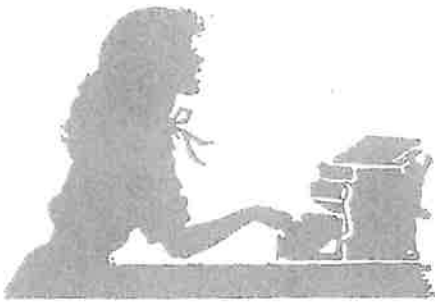
323 South B

Livingston, Montana 59047

I kind of went in to shock
- thinking that because I'd
repented & had a change of heart
and gone to Grant and then to Quark
that the issue had been resolved &
that I'd been forgiven.

That's when Taylor said that
a family member opened Grant's
letter & called the police.

I'm glad & relieved that I



from the desk of . . .

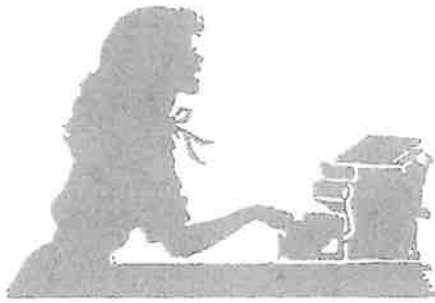
Lindie Gibson

323 South B

Livingston, Montana 59047

went to each friend, so they wouldn't be living in fear of their lives, that someone was going to shoot them. But now, a complete stranger entered the picture, & I said to Taylor "Oh no!!!" & felt terrible & immediately was filled with deep remorse & regret. I'd made a horrible mistake and now someone was paying for it . . .

They say "you can't unring a bell", and I had thought I'd stopped the bell from unringing



from the desk of . . .

So . . .

Lindie Gibson

323 South B

Livingston, Montana 59047

after being handcuffed & taken
down stairs to the jail, I was
processed in; picture taken - front &
side, finger printed.

Then, I was taken to a room
where I had to strip down naked
- with a security camera in the room
& I put on a black & white top & pants.
knocked on the door when I had



from the desk of . . .

changed clothes, & an officer
took me to a jail cell.

Lindie Gibson

~~323 South B~~

Livingston, Montana 59047

I said "hello" to a woman
that was already in there, & went
& laid on a bunk bed - the whole
time with my heart pounding &
feeling like I was living in a horror
movie. This couldn't really be
happening. This couldn't be happening
to me . . . I'm not a bad person . . .
I'm not a criminal . . .



from the desk of . . .

Lindie Gibson

323 South B

Livingston, Montana 59047

This all happened, began
 at 1 o'clock + at 3 a jailer knocked
 on the door + opened the little
 window + said, "Lindie Gibson - Get
 ready.... You're going to appear
 before the judge" + I got up +
 went to the door - still in shock,
 with my heart pounding, + said
 "OK"

Then he unlocked the door +
 led me to another room + I sat
 down with a TV screen in front



from the desk of . . .

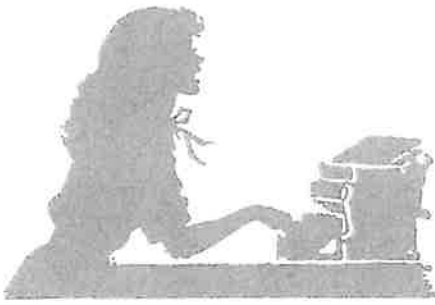
Lindie Gibson

323 South B

Livingston, Montana 59047

of me & Clay Herbst was in the
 courtroom & Deputy Attorney
 Steve Potenberg was to the left and
 Clay read the charges against me &
 I said, "well - I'm not going to lie to
 you". Clay interrupted me, and
 said, "Lindie, you're not here to enter
 a plea. You're here because the
 charges against you have been
 dismissed." "You are free to go"

Again, I went into shock &
 wondered what in the heck was
 happening"



from the desk of . . .

Lindie Gibson

323 South B

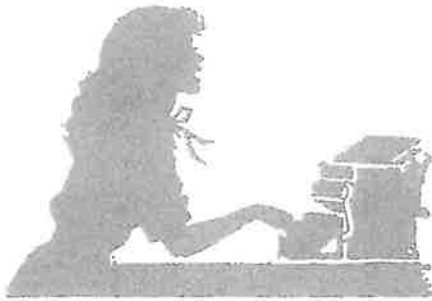
Livingston, Montana 59047

One of the jailers brought me my clothes in a tray & we went to a room where I got dressed & knocked on the door one of the jailers (there were 3 the whole time I was there)

I was given some paperwork & taken up stairs & left.

From start to finish, I was in shock - felt I was living a nightmare come true.

but wait - that's not all . . .



from the desk of . . .

I hadn't been home an hour + 2 police officers were at my door + Taylor was one of them and he said, "I'm sorry, but I have to serve you these two trespass warnings." One was Grant's address + one was Quintens.

Lindie Gibson

~~323 South B~~

Livingston, Montana 59047

The Shock and pain continued....

but wait — there's more....



from the desk of . . .

Lindie Gibson

~~323 South B~~

Livingston, Montana 59047

Across the street from my apartment is a lovely tree that was being cut down. I asked the young man 'who wanted the tree cut down?' . . . I couldn't imagine — and he said the City ordered it. There was a tree, perfectly shaped, with only 2 dead branches. And I said "but it's a beautiful tree." Can't you just cut out those 2 branches?" and he said "No mam" "We have an order ~~to~~ take out the whole tree". Needless to say, I



from the desk of . . .

Lindie Gibson

323 South B.

Livingston, Montana 59047

was upset.

So, I got it my car + thought
it'd be a good time to take my re-cycling
in & then stop in at the shops & ask
who ever's in charge - 'why the city
ordered the total removal of a whole,
healthy tree from our block'.

I dumped my recycling &
then went around the road to Mike
Stordallen's office (knowing he had
retired) & asked 3 men sitting there
eating & drinking - who was their
new boss, & told them why I wanted



from the desk of . . .

to talk to him & they said that ^{Lindie Gibson}
was Mike Slaggs' decision. So I went ^{323 South B}
down to the Civic Center to ask Mike ^{Livingston, Montana 59047}
what was going on, & no one was there.

A couple of things on my agenda
yesterday - was to talk to Steve
Potenberg & ask him why - and to thank
him that the felony charges had
been dismissed & ask him why and
who's idea was it to dismiss the
charges. I call the city & left a message
that I wanted to see Steve, & then
I headed out - to run several errands.

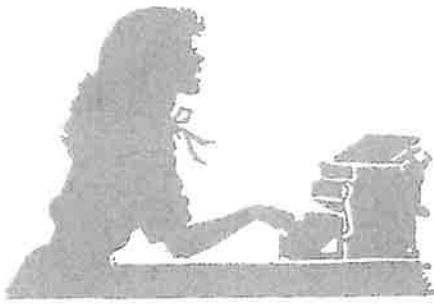


from the desk of . . .

After Mike wasn't in his office Lindie Gibson
323 South B

I headed over to the ~~City~~ County
offices (on B street where Steve is
after ringing the camera bell &
waiting a girl came & said Steve
wasn't available & that I was
supposed to call first. I told her
I did that. It's now 3:20 Thurs &
no one has called me back.

So anyway, I came home.
& a couple of hours later, two police
officers showed up at my door again.



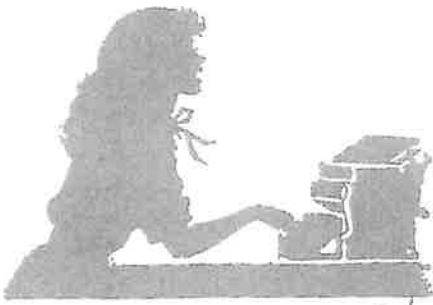
from the desk of . . .

Lindie Gibson

323 South B

Livingston, Montana 59047

It was sweet, apologetic
Officer Bauer again, & I
said, "hi! come on in!" I thought
it might be some "after my arrest,
serving time in jail for 4 hours & then
being released" paperwork, but no - it
was another no trespass warrant, this
time, it was for all City property.
All the parks . . . the civic center . . . or
any City property. "Even Shannon
Holmes doesn't want you on any City
property" he said. That really hurt.
Enough said . . . no, wait . . .



from the desk of ...

Lindie Gibson
323 South B

Livingston, Montana 59047

after attending the AAUW
Candidates forum the other night,
I was met out front of the City
County Complex by two police
officers & handed my 3rd out of 4
no dress pass orders & told I couldn't
come back on to the premises.

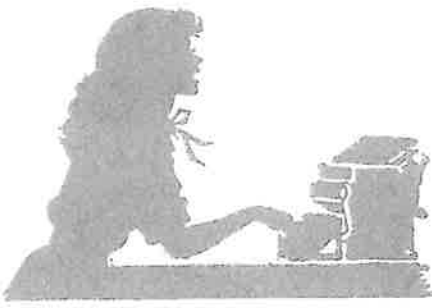
I'll say it again -

I was having a moment.

I am not a threat to anyone's

safety.

I am not a criminal.



from the desk of . . .

Lindie Gibson

323 South B

Livingston, Montana 59047

I am a human being
with a love for her hometown
and it's people, and it's places.

Livingston Montana is "small
town USA" & people think we are
worth visiting & worth moving to.
Let them come. I personally
welcome the growth, just please
don't change our downtown or
our city parks. These two - are the heart
& soul of who we are.

Thank you, Lindie Gibson



from the desk of ...

Lindie Gibson

323 South B

Livingston, Montana 59047

PS

I called the police department
to talk to Wayne about a recent
thing him & wife did. It was the
phone with 800 9123, the house
was burning in the night. I'll
have to go to the court, please
don't let me know a good attack
I'd had one last summer.

I'm not discussing a "party"
a meeting yet.

Please communicate with
Frank & stay the line - please...

File Attachments for Item:**F. APPROVAL OF CLAIMS PAID 10/30/25 - 11/12/25**

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
ALL SERVICE TIRE & ALIGNMENT							
22	ALL SERVICE TIRE & ALIGNME	71021	Flat repair	10/14/2025	50.00	50.00	11/07/2025
22	ALL SERVICE TIRE & ALIGNME	71118	Tire Repair	10/31/2025	20.00	20.00	11/07/2025
Total ALL SERVICE TIRE & ALIGNMENT:					70.00	70.00	
ALPINEPUPS GROOMING SPA LLC							
10007	ALPINEPUPS GROOMING SPA L	1001	GROOMING BRIGGS	06/09/2025	102.00	102.00	11/07/2025
Total ALPINEPUPS GROOMING SPA LLC:					102.00	102.00	
AMATICS CPA GROUP							
3348	AMATICS CPA GROUP	82909	Audit Work	10/31/2025	18,000.00	18,000.00	11/07/2025
Total AMATICS CPA GROUP:					18,000.00	18,000.00	
AMERIGAS							
10002	AMERIGAS	3182189857	PROPANE	10/10/2025	4,069.48	4,069.48	11/07/2025
10002	AMERIGAS	3182589055	PROPANE	10/24/2025	657.73	657.73	11/07/2025
Total AMERIGAS:					4,727.21	4,727.21	
BALCO UNIFORM COMPANY, INC.							
3371	BALCO UNIFORM COMPANY, IN	85641-3	Uniform-HARD	10/09/2025	268.00	268.00	11/07/2025
3371	BALCO UNIFORM COMPANY, IN	85641-4	Uniform-HARD	10/09/2025	80.00	80.00	11/07/2025
Total BALCO UNIFORM COMPANY, INC.:					348.00	348.00	
BOUND TREE MEDICAL, LLC							
2662	BOUND TREE MEDICAL, LLC	85970210	Patient Supplies	10/24/2025	53.34	53.34	11/07/2025
2662	BOUND TREE MEDICAL, LLC	85973893	Patient Supplies	10/28/2025	525.22	525.22	11/07/2025
Total BOUND TREE MEDICAL, LLC:					578.56	578.56	
BRUCE E. BECKER, P.C.							
10000	BRUCE E. BECKER, P.C.	2025.10.31	Contracted service	10/31/2025	4,000.00	4,000.00	11/07/2025
Total BRUCE E. BECKER, P.C.:					4,000.00	4,000.00	
CASELLE							
3763	CASELLE	INV-12751	APPLICATION SOFTWARE	11/01/2025	3,456.13	3,456.13	11/07/2025
3763	CASELLE	INV-12751	APPLICATION SOFTWARE	11/01/2025	108.29	108.29	11/07/2025
3763	CASELLE	INV-12751	APPLICATION SOFTWARE	11/01/2025	108.29	108.29	11/07/2025
3763	CASELLE	INV-12751	APPLICATION SOFTWARE	11/01/2025	209.00	209.00	11/07/2025
3763	CASELLE	INV-12751	APPLICATION SOFTWARE	11/01/2025	209.00	209.00	11/07/2025
3763	CASELLE	INV-12751	APPLICATION SOFTWARE	11/01/2025	317.29	317.29	11/07/2025
Total CASELLE:					4,408.00	4,408.00	
CIT INTERNATIONAL							
10008	CIT INTERNATIONAL	35762	REGISTRATION CURRICULUM-	10/29/2025	2,000.00	2,000.00	11/07/2025
Total CIT INTERNATIONAL:					2,000.00	2,000.00	
CITY OF LIVINGSTON							
131	CITY OF LIVINGSTON	2025_10	Disbursement to City	10/31/2025	8,870.76	8,870.76	11/03/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total CITY OF LIVINGSTON:					8,870.76	8,870.76	
COMDATA							
2671	COMDATA	20429569/XW7	CG72S	11/01/2025	2,331.90	2,331.90	11/07/2025
2671	COMDATA	20429592/IB98	BZR70	11/01/2025	154.85	154.85	11/07/2025
2671	COMDATA	XW716/204295	CG72P	11/01/2025	207.19	207.19	11/10/2025
2671	COMDATA	XW716/204295	CG72R	11/01/2025	102.21	102.21	11/10/2025
2671	COMDATA	XW716/204295	CG72R	11/01/2025	110.43	110.43	11/10/2025
2671	COMDATA	XW716/204295	CG73C	11/01/2025	642.64	642.64	11/10/2025
2671	COMDATA	XW716/204295	CG73H	11/01/2025	59.45	59.45	11/10/2025
2671	COMDATA	XW716/204295	CG73L	11/01/2025	228.49	228.49	11/10/2025
2671	COMDATA	XW716/204295	CG73S	11/01/2025	1,427.24	1,427.24	11/10/2025
2671	COMDATA	XW716/204295	CG74G	11/01/2025	501.17	501.17	11/10/2025
Total COMDATA:					5,765.57	5,765.57	
DEMCO INC							
199	DEMCO INC	7717190	Book Prep Supplies	10/24/2025	162.62	162.62	11/10/2025
Total DEMCO INC:					162.62	162.62	
DIVISION OF CRIMINAL INVESTIGATION							
10007	DIVISION OF CRIMINAL INVESTI	25-10-118	RESEARCH	10/21/2025	7,438.87	7,438.87	11/07/2025
Total DIVISION OF CRIMINAL INVESTIGATION:					7,438.87	7,438.87	
DOOR TECH							
10002	DOOR TECH	251487	BAY DOOR	10/28/2025	302.50	302.50	11/07/2025
Total DOOR TECH:					302.50	302.50	
ENCODE CORPORATION							
1548	ENCODE CORPORATION	47949	QUARTERLY MAINT.	11/03/2025	1,988.00	1,988.00	11/10/2025
Total ENCODE CORPORATION:					1,988.00	1,988.00	
END2END PUBLIC SAFETY							
10008	END2END PUBLIC SAFETY	25-005687-10	TICKETTRACK	11/03/2025	201.00	201.00	11/07/2025
Total END2END PUBLIC SAFETY:					201.00	201.00	
GLASS, PEGGY							
306	GLASS, PEGGY	2025.9.17	REIMB-TRAVEL	09/17/2025	362.40	362.40	11/07/2025
Total GLASS, PEGGY:					362.40	362.40	
GUNDERSON, JASON							
3729	GUNDERSON, JASON	2025.10.22	REIMB-TRAVEL	10/22/2025	175.00	175.00	11/07/2025
Total GUNDERSON, JASON:					175.00	175.00	
HANSER'S AUTOMOTIVE & WRECKER							
1687	HANSER'S AUTOMOTIVE & WR	LIV6556	Towing	11/03/2025	100.00	100.00	11/07/2025
Total HANSER'S AUTOMOTIVE & WRECKER:					100.00	100.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
HIGH COUNTRY WILDLIFE CONTROL							
10002	HIGH COUNTRY WILDLIFE CON	37612	PEST CONTROL	10/20/2025	210.00	210.00	11/07/2025
Total HIGH COUNTRY WILDLIFE CONTROL:					210.00	210.00	
HILLYARD OF MONTANA							
63	HILLYARD OF MONTANA	700686442	Cleaning supplies	10/29/2025	197.05	197.05	11/07/2025
Total HILLYARD OF MONTANA:					197.05	197.05	
INDUSTRIAL COMM & ELEC OF BOZEMAN							
3455	INDUSTRIAL COMM & ELEC OF	35380	MEYER FLAT REPAIR	10/07/2025	1,388.00	1,388.00	11/07/2025
Total INDUSTRIAL COMM & ELEC OF BOZEMAN:					1,388.00	1,388.00	
JENNIFER SEVERSON							
10004	JENNIFER SEVERSON	2025.9.24	REIMB/TRAVEL	09/24/2025	347.20	347.20	11/07/2025
Total JENNIFER SEVERSON:					347.20	347.20	
JON M HESSE PC							
10005	JON M HESSE PC	11216	PROFESSIONAL SERVICES	10/27/2025	5,651.46	5,651.46	11/07/2025
Total JON M HESSE PC:					5,651.46	5,651.46	
KELLEY CREATE							
10006	KELLEY CREATE	IN2131054	JH16535	11/03/2025	157.86	157.86	11/07/2025
Total KELLEY CREATE:					157.86	157.86	
KELLEY, DARREN							
3585	KELLEY, DARREN	2025.3.15	TRAINING	03/15/2025	434.50	434.50	11/07/2025
Total KELLEY, DARREN:					434.50	434.50	
KENYON NOBLE							
776	KENYON NOBLE	65577	RETURN	11/01/2025	31.98-	31.98-	11/07/2025
776	KENYON NOBLE	932607	HARNESS	09/26/2025	79.99	79.99	11/07/2025
776	KENYON NOBLE	932607	SCREWS	09/26/2025	7.49	7.49	11/07/2025
776	KENYON NOBLE	932610	THREADCUT OIL	09/26/2025	32.99	32.99	11/07/2025
776	KENYON NOBLE	936710	EAR PLUGS	09/29/2025	175.89	175.89	11/07/2025
776	KENYON NOBLE	936717	MAGNET	09/29/2025	192.90	192.90	11/07/2025
776	KENYON NOBLE	940340	cONCRETE SCR, DRILL BIT	09/30/2025	64.61	64.61	11/07/2025
776	KENYON NOBLE	965860	TUFFLINER	10/14/2025	160.44	160.44	11/07/2025
776	KENYON NOBLE	967853	DISH SOAP	10/15/2025	43.98	43.98	11/07/2025
776	KENYON NOBLE	968073	SHEET METAL	10/15/2025	114.53	114.53	11/07/2025
776	KENYON NOBLE	969303	CONDUIT	10/16/2025	21.81	21.81	11/07/2025
776	KENYON NOBLE	970813	COUPLING	10/17/2025	26.40	26.40	11/07/2025
776	KENYON NOBLE	971191	PREMIX MUD	10/17/2025	59.35	59.35	11/07/2025
776	KENYON NOBLE	971947	ELECTRICAL TAPE	10/17/2025	15.64	15.64	11/07/2025
776	KENYON NOBLE	980037	LED LIGHTS	10/22/2025	24.95	24.95	11/07/2025
776	KENYON NOBLE	981668	LUMBER	10/23/2025	20.41	20.41	11/07/2025
776	KENYON NOBLE	983653	SCRAPER	10/24/2025	4.97	4.97	11/07/2025
Total KENYON NOBLE:					1,014.37	1,014.37	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
LEHRKIND'S COCA-COLA							
2830	LEHRKIND'S COCA-COLA	2299694	Water	10/29/2025	54.00	54.00	11/07/2025
2830	LEHRKIND'S COCA-COLA	2299695	Water	10/28/2025	24.00	24.00	11/07/2025
Total LEHRKIND'S COCA-COLA:					78.00	78.00	
LIVINGSTON ACE HARDWARE - #122005							
26	LIVINGSTON ACE HARDWARE -	G97795	THREAD SEAL TAPE	09/26/2025	31.57	31.57	11/07/2025
26	LIVINGSTON ACE HARDWARE -	G98859	FASTNERS	09/29/2025	52.32	52.32	11/07/2025
26	LIVINGSTON ACE HARDWARE -	G99319	MOUNTING TAPE	09/30/2025	21.98	21.98	11/07/2025
26	LIVINGSTON ACE HARDWARE -	H00875	BIB HOSE	10/03/2025	33.98	33.98	11/07/2025
26	LIVINGSTON ACE HARDWARE -	H01019	TOILET PEPER HOLDER/CLEAN	10/03/2025	80.08	80.08	11/07/2025
26	LIVINGSTON ACE HARDWARE -	H02306	GROMMENT	10/06/2025	24.95	24.95	11/07/2025
26	LIVINGSTON ACE HARDWARE -	H02885	CHAINSAW CHAIN	10/07/2025	51.56	51.56	11/07/2025
26	LIVINGSTON ACE HARDWARE -	H02890	SPRAYPAINT	10/07/2025	21.97	21.97	11/07/2025
26	LIVINGSTON ACE HARDWARE -	H03114	RV/MARINE ANTIFREEZE	10/07/2025	6.50	6.50	11/07/2025
26	LIVINGSTON ACE HARDWARE -	H04018	SPRAYPAINT	10/09/2025	9.98	9.98	11/07/2025
26	LIVINGSTON ACE HARDWARE -	H04229	ANTIFREEZE	10/10/2025	28.49	28.49	11/07/2025
26	LIVINGSTON ACE HARDWARE -	H04348	CLEANING	10/10/2025	21.96	21.96	11/07/2025
26	LIVINGSTON ACE HARDWARE -	H07409	BATTERIES	10/17/2025	32.35	32.35	11/07/2025
26	LIVINGSTON ACE HARDWARE -	H09566	SMALL ENGINE OIL	10/22/2025	56.06	56.06	11/07/2025
26	LIVINGSTON ACE HARDWARE -	H09807	HEAT SHRINK	10/22/2025	88.95	88.95	11/07/2025
26	LIVINGSTON ACE HARDWARE -	H09807	GRINDER	10/22/2025	389.96	389.96	11/07/2025
26	LIVINGSTON ACE HARDWARE -	H10070	VELCRO	10/23/2025	5.99	5.99	11/07/2025
26	LIVINGSTON ACE HARDWARE -	H10489	RSTP SPRAY	10/24/2025	17.97	17.97	11/07/2025
26	LIVINGSTON ACE HARDWARE -	H10654	TANK VENT	10/24/2025	16.48	16.48	11/07/2025
26	LIVINGSTON ACE HARDWARE -	X64758	CEMENT PVC	09/30/2025	37.98	37.98	11/07/2025
26	LIVINGSTON ACE HARDWARE -	X64990	FastENERS	10/03/2025	4.38	4.38	11/07/2025
26	LIVINGSTON ACE HARDWARE -	X65451	Batteries	10/08/2025	41.97	41.97	11/07/2025
26	LIVINGSTON ACE HARDWARE -	X66126	CINR PINE	10/17/2025	16.99	16.99	11/07/2025
26	LIVINGSTON ACE HARDWARE -	X66163	STORAGE BOX	10/17/2025	14.99	14.99	11/07/2025
Total LIVINGSTON ACE HARDWARE - #122005:					1,109.41	1,109.41	
LIVINGSTON HEALTH CARE							
55	LIVINGSTON HEALTH CARE	2025.11.1	MEDICAL DIRECTOR SERIVCES	11/01/2025	1,250.00	1,250.00	11/07/2025
Total LIVINGSTON HEALTH CARE:					1,250.00	1,250.00	
MASTERCARD							
3184	MASTERCARD	2025_09 BALL	Software	10/01/2025	110.00	110.00	10/10/2025
3184	MASTERCARD	2025_09 BALL	Software	10/01/2025	110.00	110.00	10/10/2025
3184	MASTERCARD	2025_09 BALL	Software	10/01/2025	110.00	110.00	10/10/2025
3184	MASTERCARD	2025_09 CHAB	FIRE-Ops-Fire Inv Supply	10/01/2025	11.88	11.88	10/10/2025
3184	MASTERCARD	2025_09 CHAB	EMS-R&M Comp-Social Media	10/01/2025	15.00	15.00	10/10/2025
3184	MASTERCARD	2025_09 CHAB	FIRE-Travel-Chaba FI Conf	10/01/2025	291.52	291.52	10/10/2025
3184	MASTERCARD	2025_09 CHAB	FIRE-Travel-Chaba FI Conf	10/01/2025	153.20	153.20	10/10/2025
3184	MASTERCARD	2025_09 CHAB	EMS-Ops-IPAD keyboard	10/01/2025	61.10	61.10	10/10/2025
3184	MASTERCARD	2025_09 CHAB	FIRE-Meals-Training Meal	10/01/2025	45.00	45.00	10/10/2025
3184	MASTERCARD	2025_09 CHAB	FIRE-Ops-Annual Awards	10/01/2025	266.00	266.00	10/10/2025
3184	MASTERCARD	2025_09 CHAB	FIRE-Training-FI CE Confer	10/01/2025	250.00	250.00	10/10/2025
3184	MASTERCARD	2025_09 CHAB	FIRE-Dues-IAAI Chabalowski	10/01/2025	233.00	233.00	10/10/2025
3184	MASTERCARD	2025_09 DEM	Giveaway items for fire prevention	10/01/2025	643.81	643.81	10/10/2025
3184	MASTERCARD	2025_09 DEM	1in Binders for Police citizens aca	10/01/2025	41.18	41.18	10/10/2025
3184	MASTERCARD	2025_09 DEM	Kleenex for Police station	10/01/2025	51.25	51.25	10/10/2025
3184	MASTERCARD	2025_09 FETT	TRAVEL - AICPA CONFERENCE	10/01/2025	361.85	361.85	10/10/2025
3184	MASTERCARD	2025_09 FETT	TRAVEL - AICPA CONFERENCE	10/01/2025	33.31	33.31	10/10/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2025_09 FETT	AICPA CONERENCE REGISTRA	10/01/2025	1,745.00	1,745.00	10/10/2025
3184	MASTERCARD	2025_09 FETT	TRAVEL - AICPA CONFERENCE	10/01/2025	24.39	24.39	10/10/2025
3184	MASTERCARD	2025_09 FETT	LODGING - AICPA CONFERENC	10/01/2025	388.38	388.38	10/10/2025
3184	MASTERCARD	2025_09 FETT	OFFICE SUPPLIES	10/01/2025	69.36	69.36	10/10/2025
3184	MASTERCARD	2025_09 FETT	DVD'S - ATTORNEY'S OFFICE	10/01/2025	29.99	29.99	10/10/2025
3184	MASTERCARD	2025_09 FETT	COFFEE	10/01/2025	45.99	45.99	10/10/2025
3184	MASTERCARD	2025_09 FETT	COFFEE BREWER	10/01/2025	75.60	75.60	10/10/2025
3184	MASTERCARD	2025_09 FETT	TONER	10/01/2025	239.49	239.49	10/10/2025
3184	MASTERCARD	2025_09 FETT	PACKING TAPE	10/01/2025	34.97	34.97	10/10/2025
3184	MASTERCARD	2025_09 FETT	OFFICE SUPPLIES	10/01/2025	41.92	41.92	10/10/2025
3184	MASTERCARD	2025_09 FETT	SECURITY CAMERAS	10/01/2025	49.99	49.99	10/10/2025
3184	MASTERCARD	2025_09 FETT	BEHAVIOR HEALTH CONFEREN	10/01/2025	172.57	172.57	10/10/2025
3184	MASTERCARD	2025_09 FETT	CIT COORDINATOR COURSE	10/01/2025	450.00	450.00	10/10/2025
3184	MASTERCARD	2025_09 FETT	EMT COURSE	10/01/2025	995.00	995.00	10/10/2025
3184	MASTERCARD	2025_09 FETT	OFFICE SUPPLIES	10/01/2025	106.46	106.46	10/10/2025
3184	MASTERCARD	2025_09 FETT	TOWER FAN	10/01/2025	76.32	76.32	10/10/2025
3184	MASTERCARD	2025_09 GAG	Monthly Subscription (Zoom)	10/01/2025	40.00	40.00	10/10/2025
3184	MASTERCARD	2025_09 GAG	car trip	10/01/2025	40.76	40.76	10/10/2025
3184	MASTERCARD	2025_09 GAG	car trip	10/01/2025	38.38	38.38	10/10/2025
3184	MASTERCARD	2025_09 GAG	Food for Meeting	10/01/2025	18.98	18.98	10/10/2025
3184	MASTERCARD	2025_09 GAG	Monthly Subscription (ChatGPT)	10/01/2025	20.00	20.00	10/10/2025
3184	MASTERCARD	2025_09 GAG	Monthly Subscription (MailChimp)	10/01/2025	60.00	60.00	10/10/2025
3184	MASTERCARD	2025_09 GAG	tape & batteries	10/01/2025	44.55	44.55	10/10/2025
3184	MASTERCARD	2025_09 GAR	Trailer Tarps	10/01/2025	2,964.65	2,964.65	10/10/2025
3184	MASTERCARD	2025_09 GAR	Trailer Tarps	10/01/2025	56.19	56.19	10/10/2025
3184	MASTERCARD	2025_09 GAR	Trailer Tarps	10/01/2025	169.20	169.20	10/10/2025
3184	MASTERCARD	2025_09 GILB	FIRE-Meals-Training FI Gilbert	10/01/2025	27.00	27.00	10/10/2025
3184	MASTERCARD	2025_09 GILB	FIRE-Meals-Training FI Gilbert	10/01/2025	31.00	31.00	10/10/2025
3184	MASTERCARD	2025_09 GILB	FIRE-Fuel-Training FI Gilbert	10/01/2025	66.54	66.54	10/10/2025
3184	MASTERCARD	2025_09 GILB	FIRE-Meals-Training FI Gilbert	10/01/2025	50.00	50.00	10/10/2025
3184	MASTERCARD	2025_09 GILB	FIRE-Meals-Training FI Gilbert	10/01/2025	28.00	28.00	10/10/2025
3184	MASTERCARD	2025_09 GILB	FIRE-Meals-Training FI Gilbert	10/01/2025	30.00	30.00	10/10/2025
3184	MASTERCARD	2025_09 GILB	FIRE-Meals-Training FI Gilbert	10/01/2025	46.00	46.00	10/10/2025
3184	MASTERCARD	2025_09 GILB	FIRE-Meals-Training FI Gilbert	10/01/2025	22.00	22.00	10/10/2025
3184	MASTERCARD	2025_09 GILB	FIRE-Meals-Training FI Gilbert	10/01/2025	18.00	18.00	10/10/2025
3184	MASTERCARD	2025_09 GILB	FIRE-Fuel-Training FI Gilbert	10/01/2025	45.93	45.93	10/10/2025
3184	MASTERCARD	2025_09 GILB	FIRE-Travel-Gilbert FI Wyo	10/01/2025	915.04	915.04	10/10/2025
3184	MASTERCARD	2025_09 GILB	FIRE-Meals-Crew Meal HT	10/01/2025	64.28	64.28	10/10/2025
3184	MASTERCARD	2025_09 GILB	EMS-Office-Supplies	10/01/2025	18.82	18.82	10/10/2025
3184	MASTERCARD	2025_09 GILB	FIRE-Meals-Hose Test Crew	10/01/2025	89.75	89.75	10/10/2025
3184	MASTERCARD	2025_09 GLAS	Room-Glass-APCO	10/01/2025	386.00	386.00	10/10/2025
3184	MASTERCARD	2025_09 GLAS	Miller CTO Class	10/01/2025	500.00	500.00	10/10/2025
3184	MASTERCARD	2025_09 GLAS	Fax Monthly Charge	10/01/2025	34.99	34.99	10/10/2025
3184	MASTERCARD	2025_09 GLAS	Transaction Fee	10/01/2025	.31	.31	10/10/2025
3184	MASTERCARD	2025_09 GRA	irrigation	10/01/2025	55.44	55.44	10/10/2025
3184	MASTERCARD	2025_09 GRA	postage to 84121; 98027; 83422	10/01/2025	14.39	14.39	10/10/2025
3184	MASTERCARD	2025_09 GRA	desk calendars	10/01/2025	22.48	22.48	10/10/2025
3184	MASTERCARD	2025_09 GRA	1 book	10/01/2025	16.99	16.99	10/10/2025
3184	MASTERCARD	2025_09 GRA	postage to 91355; 97703; 06320	10/01/2025	14.88	14.88	10/10/2025
3184	MASTERCARD	2025_09 GRA	1 book	10/01/2025	17.94	17.94	10/10/2025
3184	MASTERCARD	2025_09 GRA	postage to 98368; 41071; 59812	10/01/2025	13.46	13.46	10/10/2025
3184	MASTERCARD	2025_09 GRA	refund	10/01/2025	36.88-	36.88-	10/10/2025
3184	MASTERCARD	2025_09 GRA	18 books	10/01/2025	289.61	289.61	10/10/2025
3184	MASTERCARD	2025_09 GRA	1 book	10/01/2025	18.99	18.99	10/10/2025
3184	MASTERCARD	2025_09 GRA	planner, accessories	10/01/2025	44.97	44.97	10/10/2025
3184	MASTERCARD	2025_09 GRA	postage to 84121; 96762; 59215	10/01/2025	13.46	13.46	10/10/2025
3184	MASTERCARD	2025_09 GRA	thermal receipt printer paper	10/01/2025	58.99	58.99	10/10/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2025_09 GRA	postage to 81231; 84121	10/01/2025	24.81	24.81	10/10/2025
3184	MASTERCARD	2025_09 GRA	5 books	10/01/2025	80.92	80.92	10/10/2025
3184	MASTERCARD	2025_09 GRA	postage to 59102; 28403; 98446;	10/01/2025	26.94	26.94	10/10/2025
3184	MASTERCARD	2025_09 GRA	refund	10/01/2025	18.99-	18.99-	10/10/2025
3184	MASTERCARD	2025_09 GRA	planner/calendars	10/01/2025	44.07	44.07	10/10/2025
3184	MASTERCARD	2025_09 GRA	postage to 86303; 44145; 41101	10/01/2025	12.75	12.75	10/10/2025
3184	MASTERCARD	2025_09 GRA	postage to 23909; 97124; 83864	10/01/2025	13.46	13.46	10/10/2025
3184	MASTERCARD	2025_09 GRA	postage to 52241; 95192; 59041;	10/01/2025	17.00	17.00	10/10/2025
3184	MASTERCARD	2025_09 GRA	refund	10/01/2025	22.49-	22.49-	10/10/2025
3184	MASTERCARD	2025_09 GRA	1 book	10/01/2025	16.99	16.99	10/10/2025
3184	MASTERCARD	2025_09 HAP	Hotel	10/01/2025	643.80	643.80	10/10/2025
3184	MASTERCARD	2025_09 HAR	Drug test kits	10/01/2025	101.56	101.56	10/10/2025
3184	MASTERCARD	2025_09 HED	cat food	10/01/2025	34.42	34.42	10/10/2025
3184	MASTERCARD	2025_09 HOFF	Starlink Mini Kit	10/01/2025	499.00	499.00	10/10/2025
3184	MASTERCARD	2025_09 HOFF	Aircard for engine one	10/01/2025	44.00	44.00	10/10/2025
3184	MASTERCARD	2025_09 HOFF	Transaction Fee	10/01/2025	.40	.40	10/10/2025
3184	MASTERCARD	2025_09 HOFF	Hard Disk Drive - LPD	10/01/2025	1,199.96	1,199.96	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Water Office Supplies	10/01/2025	47.36	47.36	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	16.43	16.43	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	16.43	16.43	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	16.43	16.43	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	16.44	16.44	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	16.44	16.44	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Sewer Division Op supplies	10/01/2025	26.98-	26.98-	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Sewer Division Op supplies	10/01/2025	26.98-	26.98-	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Subscription fees	10/01/2025	319.80	319.80	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Subscription fees	10/01/2025	2.88	2.88	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Street Dept. Safety/Risk Manage	10/01/2025	104.85	104.85	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	13.38	13.38	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	13.38	13.38	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	13.38	13.38	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	13.38	13.38	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	13.37	13.37	10/10/2025
3184	MASTERCARD	2025_09 KINNI	WRF- Operations supplies	10/01/2025	11.67	11.67	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Oversized mail	10/01/2025	1.90	1.90	10/10/2025
3184	MASTERCARD	2025_09 KINNI	WRF- Vehicle Maintenance	10/01/2025	21.00	21.00	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	1.50	1.50	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	1.50	1.50	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	1.50	1.50	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	1.50	1.50	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	1.49	1.49	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Water Office Supplies	10/01/2025	25.96	25.96	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Conference Registration	10/01/2025	86.66	86.66	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Conference Registration	10/01/2025	86.67	86.67	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Conference Registration	10/01/2025	86.67	86.67	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Phone supplies	10/01/2025	11.99	11.99	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Street Dept. Driver Training Servic	10/01/2025	77.63	77.63	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Water Meter/Operating Supplies	10/01/2025	11.69	11.69	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Sewer R&M- Vehicles	10/01/2025	32.99	32.99	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	17.88	17.88	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	17.88	17.88	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	17.88	17.88	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	17.88	17.88	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	17.89	17.89	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	13.06	13.06	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	13.06	13.06	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	13.06	13.06	10/10/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	13.06	13.06	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	13.06	13.06	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Sewer Division Op- Safety Risk M	10/01/2025	161.88	161.88	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	6.19	6.19	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	6.19	6.19	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	6.19	6.19	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	6.19	6.19	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	6.20	6.20	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Water Dept. Safety Risk Manage	10/01/2025	104.85	104.85	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	52.38	52.38	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	52.38	52.38	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	52.38	52.38	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	52.38	52.38	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	52.37	52.37	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	6.20	6.20	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	6.20	6.20	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	6.20	6.20	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	6.19	6.19	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Office Supplies	10/01/2025	6.19	6.19	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Water Dept. Op Supplies	10/01/2025	4.00	4.00	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Sewer Dept. Op Supplies	10/01/2025	3.99	3.99	10/10/2025
3184	MASTERCARD	2025_09 KINNI	Water Office Supplies	10/01/2025	22.99	22.99	10/10/2025
3184	MASTERCARD	2025_09 PIER	FIRE-R&M Supply-Wipes E1	10/01/2025	160.66	160.66	10/10/2025
3184	MASTERCARD	2025_09 PURK	E-File 941	10/01/2025	5.95	5.95	10/10/2025
3184	MASTERCARD	2025_09 PURK	Cameras at Impound Lot	10/01/2025	53.30	53.30	10/10/2025
3184	MASTERCARD	2025_09 PURK	Cameras at Impound Lot	10/01/2025	53.30	53.30	10/10/2025
3184	MASTERCARD	2025_09 PURK	Cameras at Impound Lot	10/01/2025	53.30	53.30	10/10/2025
3184	MASTERCARD	2025_09 PURK	Transaction Fee	10/01/2025	1.44	1.44	10/10/2025
3184	MASTERCARD	2025_09 PURK	Cameras at Impound Lot	10/01/2025	53.30	53.30	10/10/2025
3184	MASTERCARD	2025_09 PURK	Cameras at Impound Lot	10/01/2025	53.30	53.30	10/10/2025
3184	MASTERCARD	2025_09 PURK	Cameras at Impound Lot	10/01/2025	53.30	53.30	10/10/2025
3184	MASTERCARD	2025_09 PURK	Transaction Fee	10/01/2025	1.44	1.44	10/10/2025
3184	MASTERCARD	2025_09 PURK	Medwrite	10/01/2025	4,675.13	4,675.13	10/10/2025
3184	MASTERCARD	2025_09 PURK	Travel - Caselle Conference	10/01/2025	152.32	152.32	10/10/2025
3184	MASTERCARD	2025_09 PURK	Travel - Caselle Conference	10/01/2025	152.32	152.32	10/10/2025
3184	MASTERCARD	2025_09 PURK	Travel - Caselle Conference	10/01/2025	152.33	152.33	10/10/2025
3184	MASTERCARD	2025_09 PURK	Travel - Caselle Conference	10/01/2025	456.97	456.97	10/10/2025
3184	MASTERCARD	2025_09 RUBI	2025 Montana Arbitration and Lab	10/01/2025	400.00	400.00	10/10/2025
3184	MASTERCARD	2025_09 SEVE	SHPO Conference hotel	10/01/2025	571.21	571.21	10/10/2025
3184	MASTERCARD	2025_09 SEVE	SHPO Conference Dinner	10/01/2025	22.00	22.00	10/10/2025
3184	MASTERCARD	2025_09 SEVE	monthly subscription	10/01/2025	56.59	56.59	10/10/2025
3184	MASTERCARD	2025_09 SKAG	Repair & Maint. Supplies	10/01/2025	342.00	342.00	10/10/2025
3184	MASTERCARD	2025_09 SKAG	Repair & Maint. Supplies	10/01/2025	26.84	26.84	10/10/2025
3184	MASTERCARD	2025_09 SKAG	Repair & Maint. Supplies	10/01/2025	12.98	12.98	10/10/2025
3184	MASTERCARD	2025_09 SKAG	Parks Operating R&M	10/01/2025	204.75	204.75	10/10/2025
3184	MASTERCARD	2025_09 SKAG	Parks Operating R&M	10/01/2025	197.74	197.74	10/10/2025
3184	MASTERCARD	2025_09 SKAG	Parks Operating R&M	10/01/2025	283.50	283.50	10/10/2025
3184	MASTERCARD	2025_09 SKAG	Repair & Maint. Supplies	10/01/2025	108.62	108.62	10/10/2025
3184	MASTERCARD	2025_09 SKAG	Repair & Maint. Supplies	10/01/2025	48.04	48.04	10/10/2025
3184	MASTERCARD	2025_09 TARR	Night Owl Run / Skate Night Adve	10/01/2025	56.17	56.17	10/10/2025
3184	MASTERCARD	2025_09 TARR	Candy - Trunk or Treat	10/01/2025	499.64	499.64	10/10/2025
3184	MASTERCARD	2025_09 TARR	PNO Supplies	10/01/2025	4.77	4.77	10/10/2025
3184	MASTERCARD	2025_09 TARR	Pizza - PNO	10/01/2025	63.18	63.18	10/10/2025
3184	MASTERCARD	2025_09 TARR	Candy - Trunk or Treat	10/01/2025	46.62	46.62	10/10/2025
3184	MASTERCARD	2025_09 TARR	Candy - Trunk or Treat	10/01/2025	44.00	44.00	10/10/2025
3184	MASTERCARD	2025_09 TARR	Operations	10/01/2025	10.50	10.50	10/10/2025
3184	MASTERCARD	2025_09 TARR	Candy - Trunk or Treat	10/01/2025	34.29	34.29	10/10/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2025_09 TARR	Office Tool	10/01/2025	20.00	20.00	10/10/2025
3184	MASTERCARD	2025_09 TARR	Craft materials PNO	10/01/2025	139.29	139.29	10/10/2025
3184	MASTERCARD	2025_09 TARR	Office Supplies	10/01/2025	75.18	75.18	10/10/2025
3184	MASTERCARD	2025_09 TARR	Office Equipment	10/01/2025	254.79	254.79	10/10/2025
3184	MASTERCARD	2025_09 TARR	Annual Brochures - Advertising	10/01/2025	430.00	430.00	10/10/2025
3184	MASTERCARD	2025_09 TARR	Youth Basketball Uniforms	10/01/2025	1,251.21	1,251.21	10/10/2025
3184	MASTERCARD	2025_09 TARR	Volleyball Equipment	10/01/2025	625.95	625.95	10/10/2025
3184	MASTERCARD	2025_09 TARR	Team Lunch	10/01/2025	70.00	70.00	10/10/2025
3184	MASTERCARD	2025_09 TARR	Safe Sitter Materials	10/01/2025	19.50	19.50	10/10/2025
3184	MASTERCARD	2025_09 TIDW	Sewer Treatment Plant R&M Sup	10/01/2025	78.58	78.58	10/10/2025
3184	MASTERCARD	2025_09 TIDW	Water Treatment & Analysis	10/01/2025	857.99	857.99	10/10/2025
3184	MASTERCARD	2025_09 TIDW	Sewer Treatment Plant R&M Sup	10/01/2025	29.76	29.76	10/10/2025
3184	MASTERCARD	2025_09 TIDW	Sewer Treatment Plant R&M Sup	10/01/2025	53.15	53.15	10/10/2025
3184	MASTERCARD	2025_09 TIDW	Sewer Treatment Plant R&M Sup	10/01/2025	179.10	179.10	10/10/2025
3184	MASTERCARD	2025_09 TIDW	Sewer Treatment Plant R&M Gen	10/01/2025	900.00	900.00	10/10/2025
3184	MASTERCARD	2025_09 TIDW	Sewer Treatment Plant R&M Vehi	10/01/2025	79.99	79.99	10/10/2025
3184	MASTERCARD	2025_09 TIDW	Sewer Treatment Plant R&M Sup	10/01/2025	93.90	93.90	10/10/2025
3184	MASTERCARD	2025_09 TIDW	Sewer Treatment Plant R&M Vehi	10/01/2025	26.97	26.97	10/10/2025
3184	MASTERCARD	2025_09 TIDW	Sewer Treatment Plant R&M Sup	10/01/2025	187.50	187.50	10/10/2025
3184	MASTERCARD	2025_09 TIDW	WRF- FEMA Project	10/01/2025	239.56	239.56	10/10/2025
3184	MASTERCARD	2025_09 TIDW	WRF- FEMA Project	10/01/2025	628.48	628.48	10/10/2025
3184	MASTERCARD	2025_09 TIDW	Sewer Treatment Plant R&M Sup	10/01/2025	163.92	163.92	10/10/2025
3184	MASTERCARD	2025_09 TOW	Water Treatment & Analysis	10/01/2025	107.90	107.90	10/10/2025
3184	MASTERCARD	2025_09 TOW	Training Services	10/01/2025	700.00	700.00	10/10/2025
Total MASTERCARD:					34,556.30	34,556.30	
MED ONE CAPITAL FUNDING LLC							
10007	MED ONE CAPITAL FUNDING LL	M00361886	LEASE CMS075884	10/21/2025	405.00	405.00	11/07/2025
Total MED ONE CAPITAL FUNDING LLC:					405.00	405.00	
MES SERVICE COMPANY LLC							
10007	MES SERVICE COMPANY LLC	IN2330461	SCBA REPLACEMENT	08/29/2025	19,999.00	19,999.00	11/07/2025
Total MES SERVICE COMPANY LLC:					19,999.00	19,999.00	
MID-AMERICAN RESEARCH CHEMICAL							
10002	MID-AMERICAN RESEARCH CH	0861930-IN	SUPER ZYME	10/17/2025	1,119.92	1,119.92	11/07/2025
10002	MID-AMERICAN RESEARCH CH	0862091-IN	KAHUNA HAND CLNR	10/17/2025	522.50	522.50	11/07/2025
Total MID-AMERICAN RESEARCH CHEMICAL:					1,642.42	1,642.42	
MISC							
99999	MISC	TK2025-0078	Bond Refund	11/03/2025	219.00	219.00	11/03/2025
99999	MISC	TK2025-0078.2	Bond Refund	11/03/2025	281.00	281.00	11/03/2025
99999	MISC	TK2025-0162	Bond Refund	11/07/2025	385.00	385.00	11/07/2025
99999	MISC	TK2025-0293	Bond Refund	11/07/2025	345.00	345.00	11/07/2025
99999	MISC	TK2025-0342	Bond Refund	11/07/2025	920.00	920.00	11/07/2025
99999	MISC	TK2025-0424	Bond Refund	11/03/2025	885.00	885.00	11/03/2025
Total MISC:					3,035.00	3,035.00	
MONTANA LINEN SUPPLY LLC							
10007	MONTANA LINEN SUPPLY LLC	539879	MATS LIBRARY	10/24/2025	102.05	102.05	11/07/2025
10007	MONTANA LINEN SUPPLY LLC	541148	MATS	10/31/2025	126.95	126.95	11/07/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total MONTANA LINEN SUPPLY LLC:					229.00	229.00	
MOTOROLA							
2634	MOTOROLA	8282218169	LOCKING MOLLE	10/12/2025	774.40	774.40	11/07/2025
2634	MOTOROLA	8282218200	LOCKING MOLLE	08/07/2025	1,548.80	1,548.80	11/07/2025
2634	MOTOROLA	8282222202	BATTERY	10/19/2025	110.00	110.00	11/07/2025
Total MOTOROLA:					2,433.20	2,433.20	
MURDOCH'S RANCH & HOME SUPPLY							
3688	MURDOCH'S RANCH & HOME S	INV-017358375	INSULATED CLAMP	10/01/2025	60.97	60.97	11/07/2025
3688	MURDOCH'S RANCH & HOME S	INV-017392925	TIE DOWNS	10/03/2025	31.96	31.96	11/07/2025
3688	MURDOCH'S RANCH & HOME S	INV-017473519	CHAINSAW	10/07/2025	279.99	279.99	11/07/2025
3688	MURDOCH'S RANCH & HOME S	INV-017480993	TARP	10/07/2025	139.99	139.99	11/07/2025
3688	MURDOCH'S RANCH & HOME S	INV-017493333	SHELVING	10/08/2025	329.99	329.99	11/07/2025
3688	MURDOCH'S RANCH & HOME S	INV-017506104	WORK LIGHT	10/09/2025	74.98	74.98	11/07/2025
3688	MURDOCH'S RANCH & HOME S	INV-017508047	TPOSTS	10/09/2025	337.83	337.83	11/07/2025
3688	MURDOCH'S RANCH & HOME S	INV-017525167	REGULATOR	10/10/2025	56.46	56.46	11/07/2025
3688	MURDOCH'S RANCH & HOME S	INV017779303	UTILITY FABRIC	10/22/2025	84.94	84.94	11/07/2025
Total MURDOCH'S RANCH & HOME SUPPLY:					1,397.11	1,397.11	
NATIONAL ANIMAL CARE & CONTROL ASSOCIA							
10008	NATIONAL ANIMAL CARE & CO	19036	MEMBERSHIP RENEWAL	10/05/2025	25.00	25.00	11/07/2025
Total NATIONAL ANIMAL CARE & CONTROL ASSOCIA:					25.00	25.00	
O'REILLY AUTOMOTIVE, INC							
2437	O'REILLY AUTOMOTIVE, INC	1558-397484	WIPER BLADES	07/19/2025	26.46	26.46	11/07/2025
2437	O'REILLY AUTOMOTIVE, INC	1558-401372	BATTERY	08/19/2025	162.99	162.99	11/07/2025
Total O'REILLY AUTOMOTIVE, INC:					189.45	189.45	
PARK COUNTY							
272	PARK COUNTY	2025_10 LIBR	Library phone/internet	11/01/2025	5,561.93	5,561.93	11/10/2025
272	PARK COUNTY	2025_10 LIBR	Dell Service Agreement	11/01/2025	224.16	224.16	11/10/2025
272	PARK COUNTY	2025_10 LIBR	Amazon	11/01/2025	54.99	54.99	11/10/2025
Total PARK COUNTY:					5,841.08	5,841.08	
PARK ELECTRIC COOPERTIVE, INC.							
2915	PARK ELECTRIC COOPERTIVE,	2025.10.31	MEYERS FLAT RADIO TOWER	10/31/2025	125.52	125.52	11/07/2025
Total PARK ELECTRIC COOPERTIVE, INC.:					125.52	125.52	
POWERPLAN							
1868	POWERPLAN	P8520416	CYLINDER LIFTGATE	10/22/2025	1,611.36	1,611.36	11/07/2025
Total POWERPLAN:					1,611.36	1,611.36	
RIVERSIDE HARDWARE LLC							
3659	RIVERSIDE HARDWARE LLC	262972	PARTS	10/31/2025	246.54	246.54	11/07/2025
Total RIVERSIDE HARDWARE LLC:					246.54	246.54	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
SAFETRAC							
3143	SAFETRAC	50809	CDL Services	11/01/2025	93.60	93.60	11/07/2025
3143	SAFETRAC	50809	CDL Services	11/01/2025	78.00	78.00	11/07/2025
3143	SAFETRAC	50809	CDL Services	11/01/2025	156.00	156.00	11/07/2025
3143	SAFETRAC	50809	CDL Services	11/01/2025	209.10	209.10	11/07/2025
3143	SAFETRAC	50809	CDL Services	11/01/2025	112.60	112.60	11/07/2025
3143	SAFETRAC	50809	CDL Services	11/01/2025	62.40	62.40	11/07/2025
3143	SAFETRAC	50938	EMPLOYMENT SCREEN	10/31/2025	181.20	181.20	11/07/2025
Total SAFETRAC:					892.90	892.90	
SALT LAKE WHOLESALE SPORTS							
2213	SALT LAKE WHOLESALE SPOR	107332	9mm luger	10/29/2025	449.80	449.80	11/07/2025
2213	SALT LAKE WHOLESALE SPOR	107334	9mm luger	10/29/2025	936.80	936.80	11/07/2025
Total SALT LAKE WHOLESALE SPORTS:					1,386.60	1,386.60	
SECURITY SOLUTIONS, INC.							
3020	SECURITY SOLUTIONS, INC.	14836	GATWAY ACCESS LOCKS	08/28/2025	2,643.00	2,643.00	11/07/2025
Total SECURITY SOLUTIONS, INC.:					2,643.00	2,643.00	
SPECIAL LUBE							
1814	SPECIAL LUBE	224-280-31668	Oil Change	10/24/2025	69.98	69.98	11/07/2025
1814	SPECIAL LUBE	224-280-31696	Oil Change	10/25/2025	45.00	45.00	11/07/2025
Total SPECIAL LUBE:					114.98	114.98	
STATE PRINT & MAIL							
3829	STATE PRINT & MAIL	000025332	Envelopes	10/30/2025	1,066.52	1,066.52	11/07/2025
Total STATE PRINT & MAIL:					1,066.52	1,066.52	
TARR, MARGARET							
3586	TARR, MARGARET	2025.10.29	REIMB-SUPPLIES	10/29/2025	178.75	178.75	11/07/2025
3586	TARR, MARGARET	2025.10.29	REIMB-SUPPLIES	10/29/2025	107.42	107.42	11/07/2025
3586	TARR, MARGARET	2025.10.29	REIMB-SUPPLIES	10/29/2025	13.26	13.26	11/07/2025
3586	TARR, MARGARET	2025.10.29	REIMB-SUPPLIES	10/29/2025	38.50	38.50	11/07/2025
3586	TARR, MARGARET	2025.10.29	REIMB-SUPPLIES	10/29/2025	133.57	133.57	11/07/2025
3586	TARR, MARGARET	2025.10.29	REIMB-SUPPLIES	10/29/2025	95.86	95.86	11/07/2025
Total TARR, MARGARET:					567.36	567.36	
TD&H ENGINEERING, INC							
3390	TD&H ENGINEERING, INC	44800	2025 ALLEY CIP	10/14/2025	10,955.08	10,955.08	11/07/2025
3390	TD&H ENGINEERING, INC	44800	2025 ALLEY CIP	10/14/2025	10,955.08	10,955.08	11/07/2025
3390	TD&H ENGINEERING, INC	44800	2025 ALLEY CIP	10/14/2025	10,955.07	10,955.07	11/07/2025
3390	TD&H ENGINEERING, INC	44801	I&I PROJECT	10/14/2025	34,517.50	34,517.50	11/07/2025
3390	TD&H ENGINEERING, INC	44802	PARK ST RRFB	10/14/2025	1,093.50	1,093.50	11/07/2025
3390	TD&H ENGINEERING, INC	44803	ON CALL SERVICES	10/14/2025	121.00	121.00	11/07/2025
3390	TD&H ENGINEERING, INC	44803	ON CALL SERVICES	10/14/2025	121.00	121.00	11/07/2025
3390	TD&H ENGINEERING, INC	44803	ON CALL SERVICES	10/14/2025	121.00	121.00	11/07/2025
3390	TD&H ENGINEERING, INC	44804	LOVES TRUCKSTOP	10/14/2025	90.83	90.83	11/07/2025
3390	TD&H ENGINEERING, INC	44804	LOVES TRUCKSTOP	10/14/2025	90.83	90.83	11/07/2025
3390	TD&H ENGINEERING, INC	44804	LOVES TRUCKSTOP	10/14/2025	90.84	90.84	11/07/2025
3390	TD&H ENGINEERING, INC	44950	MONTANA STREET	10/14/2025	4,913.26	4,913.26	11/07/2025
3390	TD&H ENGINEERING, INC	7752	VIEW VISTA	10/14/2025	822.00	822.00	11/07/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3390	TD&H ENGINEERING, INC	7752	VIEW VISTA	10/14/2025	6,930.00	6,930.00	11/07/2025
Total TD&H ENGINEERING, INC:					81,776.99	81,776.99	
TEAR IT UP L.L.C.							
2999	TEAR IT UP L.L.C.	67277	Shredding PD	10/15/2025	48.90	48.90	11/07/2025
2999	TEAR IT UP L.L.C.	67277	Shredding-DISPATCH	10/15/2025	48.90	48.90	11/07/2025
Total TEAR IT UP L.L.C.:					97.80	97.80	
THOMSON REUTERS - WEST							
2823	THOMSON REUTERS - WEST	852767326	SOFTWARE	11/01/2025	443.62	443.62	11/07/2025
Total THOMSON REUTERS - WEST:					443.62	443.62	
TRACTOR & EQUIPMENT CO							
10005	TRACTOR & EQUIPMENT CO	BZCS3025326	kit compress	10/21/2025	425.40	425.40	11/07/2025
Total TRACTOR & EQUIPMENT CO:					425.40	425.40	
UPS STORE #2420, THE							
292	UPS STORE #2420, THE	2025.10.28	Shipment	10/28/2025	16.00	16.00	11/07/2025
Total UPS STORE #2420, THE:					16.00	16.00	
US BANK							
10005	US BANK	7936886	0039414NS	10/24/2025	400.00	400.00	11/07/2025
Total US BANK:					400.00	400.00	
US POST OFFICE							
2596	US POST OFFICE	2025.11	Postage	11/06/2025	2,500.00	2,500.00	11/07/2025
2596	US POST OFFICE	2025.11	Postage	11/06/2025	2,500.00	2,500.00	11/07/2025
2596	US POST OFFICE	2025.11	Postage	11/06/2025	2,500.00	2,500.00	11/07/2025
Total US POST OFFICE:					7,500.00	7,500.00	
WESTERN PEAKS LOGISTICS LLC							
10008	WESTERN PEAKS LOGISTICS L	1284WPL-7529	LIVINGSTON-PARK COUNTY PU	09/30/2025	474.36	474.36	11/10/2025
Total WESTERN PEAKS LOGISTICS LLC:					474.36	474.36	
WESTERN STATES FIRE PROTECTION CO							
10004	WESTERN STATES FIRE PROT	WSF719767	ANNUAL FIRE SPRINKLER INS	09/29/2025	815.00	815.00	11/07/2025
Total WESTERN STATES FIRE PROTECTION CO:					815.00	815.00	
WHISTLER TOWING, LLC							
3237	WHISTLER TOWING, LLC	11262	Towing	10/21/2025	373.00	373.00	11/07/2025
3237	WHISTLER TOWING, LLC	11278	TowNG	10/24/2025	125.00	125.00	11/07/2025
Total WHISTLER TOWING, LLC:					498.00	498.00	
Grand Totals:					242,292.85	242,292.85	

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:

G. APPROVAL OF OCTOBER 2025 CITY COURT FINANCIAL REPORT

LIVINGSTON CITY COURT
MONTHLY FINANCIAL REPORT

Month: October 2025

Dismissed-Plea Agreement:	1
" Pretrial Diversion/Deferred:	
" Miscellaneous:	7
Paid Fines:	20

Monthly Total: 28

Paid-Bond Forfeit/Fines/Time Payments: \$7,410.76

Parking Enforcement & Police issued Parking Tickets: \$1,228.50

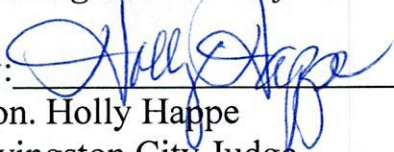
TOTAL \$8,639.26

MLEA Surcharge:	\$340.00
TECH Surcharge:	\$320.00
Victim/Witness Surcharge:	\$160.00
MISD Surcharge:	\$545.00
Court Costs	\$ 40.00

TOTAL: (\$ 1,405.00)

Total amount credited to City of Livingston General Fund: \$7,234.26

I hereby certify that this is a true and correct statement of the amount of fines/fees/costs which were fully paid and credited with Livingston City Court during the month of: October 2025

Prepared by: 
Hon. Holly Happe
Livingston City Judge

Date: 11-4-25

File Attachments for Item:

H. APPROVAL OF CONTRACT 20237 WITH CLEARY BUILDING CORPORATION

GENERAL SERVICES AGREEMENT 20237

THIS GENERAL SERVICES AGREEMENT (this “Agreement”) is made and entered into as of the _____ day of _____, 2025, by and between **THE CITY OF LIVINGSTON, MONTANA**, a municipal corporation and political subdivision of the state of Montana with its principal office located at 220 East Park Street, Livingston, MT 59047 (hereinafter referred to as the “City”), and **Cleary Building Corporation**, an incorporated company with its principal place of business located at 190 Paoli St, Verona WI 56565 (hereinafter referred to as the “Contractor”; and together with the City, the “Parties”).

RECITALS:

- A. The Contractor is engaged in the business of providing construction and building services, independent of the City, and has the manpower, knowledge, expertise, skills, means, tools, licenses, if applicable, and equipment necessary to perform construction services for the City.
- B. The Parties desire to define their respective rights, duties and obligations in connection with their relationship and, as a result, the Parties desire to proceed under the terms and conditions contained in this Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals and the terms and conditions contained herein, the Parties agree as follows:

1. INCORPORATION OF RECITALS. The above Recitals are true and correct and are fully incorporated into this Agreement as if fully set forth in this Paragraph 1.
2. NON-DISCRIMINATION. Pursuant to Mont. Code Ann. § 49-3-207, in the performance of this Agreement, the Contractor agrees that all hiring will be on the basis of merit and qualifications and the Contractor will not be discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin.
3. SCOPE OF WORK/SERVICES. Contractor shall complete all work as specified or indicated in the construction plans and specifications herein (Scope of Work). The Project for which the work shall be completed may be generally described as the “Streets Material Storage Building Project.”
4. CONTRACT DOCUMENTS. In addition to this Agreement, the contract documents shall consist of the Instructions to Bidder, bid, the specifications manual, and insurance certifications as required by the Instructions to Bidder and documents identified therein (the foregoing documents are collectively referred to in this Agreement as the “Contract Documents.”) The Contract Documents are collectively incorporated.
5. NATURE OF RELATIONSHIP.
 - a. The Contractor states that it is engaged in an established business or profession which is in no way affiliated with or connected to the City, except by this Agreement and that it uses independent judgment in the performance of services provided hereby free from control or direction of others. The Contractor shall perform the Project as an independent contractor. The Parties agree that the City is only interested in the end result of said project, not in the method of performance, and as such, the Contractor has been and will continue to be free from the control or direction of the City in the performance of this Agreement. The Contractor shall not be deemed by virtue of this Agreement nor the performance thereof to have entered into any partnership, joint venture, employer/employee or any other legal relationship with the City besides that of an independent contractor.
 - b. The Contractor agrees to comply with all applicable laws, rules and regulations adopted or promulgated by any governmental agency or regulatory body, both State and Federal, and furthermore agrees to assume full responsibility for the payment of all contributions of all federal and state income or other payroll tax or assessment,

social security, worker's compensation insurance, unemployment insurance, self-employment tax or any other required deduction or contribution for himself or for any employees engaged by the Contractor in performance of this Agreement.

- c. The Contractor hereby states that it is either covered by Worker's Compensation and Unemployment Insurance or has obtained an exemption from the Montana Department of Labor and Industry pursuant to Mont. Code Ann. §§ 39-71-401(3) and 39-51-204(2), as is evidenced by the certificates of insurance or exemption documents attached hereto and incorporated herein as Exhibit A. Any certificates of insurance shall require at least ten (10) days written notice to the City prior to any cancellation, termination, or non-renewal of coverage.
- d. The Contractor, its officers, agents and/or employees shall not have the authority to make representations on behalf of the City, and neither shall the aforementioned persons have the authority to legally bind or otherwise obligate the City to any third person or entity.

6. CONTRACTOR'S REPRESENTATIONS AND WARRANTIES. The Contractor represents and warrants as follows:

- a. It and its employees possess all of the necessary qualifications, experience, knowledge, tools and equipment to undertake the performance of the Services as set forth in this Agreement.
- b. It has inspected the job site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance or furnishing of the work.
- c. It is familiar with and is satisfied as to all federal, state and local laws and regulations that may affect costs, progress, performance and furnishing the Services.
- d. It has reviewed this Agreement and all exhibits hereto and has entered into this Agreement based solely upon its own knowledge, inspection and judgment, and not upon any representations or warranties made by the City or its officers, employees or agents.

- e. It will complete the Services in a workmanlike manner according to industry standards and practices.
- f. Will commit to being responsive and responsible during the City of Livingston 2-year warranty period for work completed in this project and warranty claims related to this project.
- g. It will not cause or permit any liens to be filed against City-owned property.

7. CITY'S RESPONSIBILITIES. The City shall:

- a. Provide all of the information regarding any requirements under this Agreement in a timely fashion.
- b. Provide access to City property and easements with respect to the performance of this Agreement

8. PAYMENT.

- a. Subject to additions or deductions by change order, the Contractor shall perform his obligations under this agreement for the contract price of Eighty-Five Thousand One Hundred Thirty Dollars (\$85,130.00). Pay requests submitted by Contractor must first be approved by the City or its designee prior to payment.
- b. In connection with obtaining payment under this Agreement, Contractor agrees to familiarize itself with, and agrees to be bound by, the City's claim procedure, including but not limited to deadlines for submitting claims for approval and payment. The Contractor assumes responsibility for the late filing of a claim.
- c. In the event the Contractor seeks payment or compensation for work, materials or services not included in this Agreement and the exhibits hereto, the Contractor must seek prior written authorization from the City before such expenditure is incurred. If the Contractor fails to obtain prior written authorization, the Contractor shall not be entitled to payment for the unauthorized work, materials or services.
- d. For payment terms see Exhibit A

9. TERMINATION.

- a. If the City fails to substantially perform in accordance with the terms of this Agreement, the Contractor shall deliver to the City a written notice specifying the nature of the City's failure to substantially perform. The City shall have a period of ten (10) days after receiving the written notice from the Contractor to cure the failure to perform. If the City fails to cure its failure to perform within the 10-day cure period, the Contractor shall provide the City with a written notice to terminate this Agreement. The Contractor may only terminate this Agreement if it is not at fault for the City's failure to perform. Failure of the City to make payment as provided in this Agreement shall be considered nonperformance and cause for termination, unless the Contractor is at fault for the City's nonpayment.
 - b. The City may terminate this Agreement upon not less than ten (10) days prior written notice to Contractor. If the City terminates this Agreement for a reason other than fault of the Contractor, the Contractor shall receive compensation for the work/services performed prior to termination, together with reasonable expenses incurred up to the date of termination.
10. INDEMNIFICATION AND HOLD HARMLESS. To the fullest extent permitted by law, the Contractor shall indemnify the City, its officers, employees, agents and representatives against any and all claims, actions, costs, fees (including but not limited to attorney fees and all defense costs), losses, liabilities or damage of whatever kind or nature arising from or related to Contractor's performance of this Agreement and Contractor's work (or the work of any subcontractor or supplier to Contractor) under this Agreement. In the event a claim should be brought or an action filed against the City with respect of the subject of this Agreement, Contractor agrees that the City may, at its election, employ attorneys of its own selection to appear and defend the claim or action on behalf of the City, at the expense of the Contractor. City, at its option, shall have the sole authority for the direction of the defense and shall be the sole judge of the acceptability of any compromise or settlement of any claims or actions against the City.
11. INSURANCE AND BONDING. During the term of this Agreement, Contractor shall be responsible for maintaining, at its sole expense, insurance coverage. The Contractor shall provide the City with certificates of insurance demonstrating such insurance coverage and the certificates of insurance shall require at least ten (10) days written notice to the City prior to any cancellation, termination, or non-renewal of coverage. The certificates of insurance shall also name the City as an additional insured. The Contractor shall:

- a. Maintain a comprehensive public liability insurance policy, including automobile coverage, insuring against loss and for damages for personal injury or death and/or property loss, damage or destruction arising out of or in connection with the performance of this Agreement by the Contractor, its officers, agents and employees with the minimum liability limit of \$1,500,000.00 per claim and \$750,000.00 for each occurrence, as set forth in the bidding documents.
- b. Maintain workmen's compensation and unemployment insurance, as well as other insurances as may be required by law for employers, or an exemption from the state of Montana.

12. NOTICES. All notices or communications required to be given under this Agreement shall be in writing and shall be deemed to have been duly given by personal delivery or upon deposit into the United States Postal Service, postage prepaid, for mailing by certified mail, return receipt required and addressed, to the address set forth in this Agreement. Any change of address shall be made by giving written notice thereof to the other party, providing the new address.

13. MODIFICATION AND WAIVER. No amendment, modification or waiver of any condition, provision or term of this Agreement shall be valid or of any effect unless made in writing, signed by the party or parties to be bound and specifying with particularity the nature and extent of such amendment, modification or waiver. Any waiver by any party of any default of the other party shall not effect or impair any right arising from any subsequent default. Nothing herein shall limit the remedies or rights of the parties hereunder and pursuant to this Agreement.

14. SEVERABILITY. Each provision of this Agreement is intended to be severable. If any provision of this Agreement is illegal or invalid for any reason whatsoever, such illegality or invalidity of said provision shall not affect the validity of the remainder of this Agreement.

15. ENTIRE AGREEMENT. This Agreement contains the entire understanding of the Parties in respect to the Services and supersedes all prior agreements and understandings between the Parties with respect to the Services.

16. TIME IS OF THE ESSENCE. Time is of the essence in the performance of this Agreement.
17. CAPTIONS, HEADINGS, AND TITLES. All captions, headings, or titles in the paragraphs or sections of this Agreement are inserted for convenience or reference only and shall not constitute a part of this Agreement or act as a limitation of the scope of the particular paragraph or section to which they apply. As used herein, where appropriate, the singular shall include the plural and vice versa and the masculine, feminine or neuter expressions shall be interchangeable.
18. COUNTERPARTS. This Agreement may be executed in multiple counterparts, each of which shall be one and the same Agreement and shall become effective when one or more counterparts have been signed by each of the parties and delivered to the other party.
19. PARTIES IN INTEREST AND ASSIGNMENT. This Agreement shall be binding upon, and the benefits and obligations provided for herein shall inure to and bind, the Parties and their respective successors and assigns, provided that this section shall not be deemed to permit any transfer or assignment otherwise prohibited by this Agreement. This Agreement is for the exclusive benefit of the Parties and it does not create a contractual relationship with or exist for the benefit of a third party, including contractors, subcontractors or their sureties. This Agreement shall not be assigned, or any right or obligation hereunder, in whole or in part, to another without first having prior written consent of the other party. No assignment or transfer of any interest under this Agreement shall be deemed to release the contractor from any liability or obligation under this Agreement, or to cause any such liability or obligation to be reduced to a secondary liability or obligation.
20. APPLICABLE LAW AND VENUE. This Agreement and the rights and obligations of the Parties shall be governed by and interpreted in accordance with the laws of the State of Montana. The parties stipulate and agree that the Montana Sixth Judicial District Court, Park County, has proper venue and jurisdiction to resolve all causes of action which may accrue in the performance of this Agreement.
21. DISPUTES. It is mutually agreed that the performance or breach of this Agreement and its interpretation shall be governed by the laws of the State of Montana, without regard to its conflicts of law principles.

22. LIAISON. The designated liaison with the City is Adam Ballew, who can be reached at (406) 222-5667. The Contractor's liaison is Mike Kriens who can be reached at 406-580-4645.
23. GOVERNING LAW. It is mutually agreed that the performance or breach of this Agreement and its interpretation shall be governed by the laws of the State of Montana, without regard to its conflicts of law principles.
24. COMPUTING TIME. For the purpose of calculating time under this Agreement, the following computation shall be used: If the period is stated in days or a longer unit of time, exclude the day of the event that triggers the period, count every day, including intermediate Saturdays, Sundays, and legal holidays, and include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.
25. Schedule. Construction completed, accepted and final billing prior to April 30, 2026
26. Project Scope – See Exhibit A

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed in Livingston, Montana, the day and year first aforementioned herein.

City of Livingston

Cleary Building Corporation

Grant Gager, City Manager

Mike Kriens, Branch Manager

Date

Date



MICHAEL KRIENS

Phone Number: (406) 586-0440

Email: MKriens@clearybuilding.com

10/9/2025

CITY OF LIVINGSTON, ADAM
Doc ID: 4960620251009094050

Cleary Buildings Project Estimate

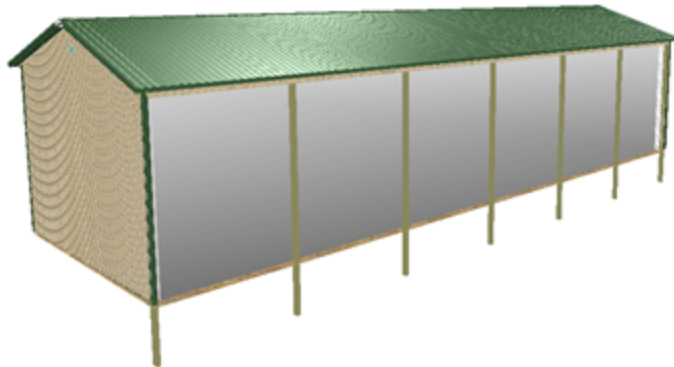
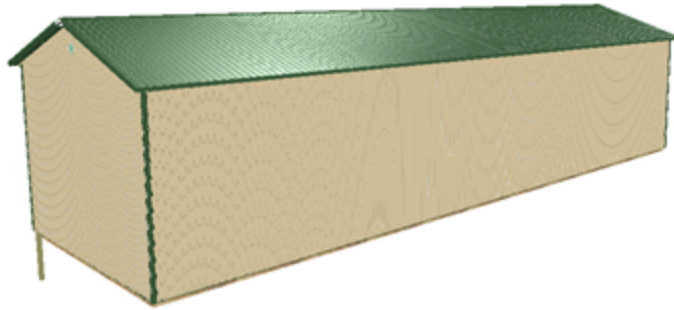
Client Proposal - Erected

Project Name: CITY OF LIVINGSTON, ADAM

Site Address: 330 BENNETT ST LIVINGSTON, MONTANA 59047

Email: Jschwartz@livingstonmontana.org

Cell Phone: (406) 224-0836





MICHAEL KRIENS
 Phone Number: (406) 586-0440
 Email: MKriens@clearybuilding.com

10/9/2025
 CITY OF LIVINGSTON, ADAM
 Doc ID: 4960620251009094050

Commercial 30' 0"x96' 0"x20' 4" with 19' 0" truss clearance from 100'-0" mark. (12 Bays at 8' o.c.)

Details:

Truss (Standard Lower Chord) with 4/12 roof pitch.
 Default Ceiling Design: Designed to Support a Future Steel Ceiling
 Purlin Blocking: Both Endwalls are purlin blocked
 Type Foundation: In Ground
 Concrete Floor: No
 70 psf Ground Snow Load with 2"x4" Continuous 1' 6" inch on center purlins.

Exterior Finishes:

Roof/Siding: Standard Steel Panel
 40 year Limited Film Integrity Warranty, 30 Year Chalk and Fade, and 10 year Edge Rust Warranty

Accessories:

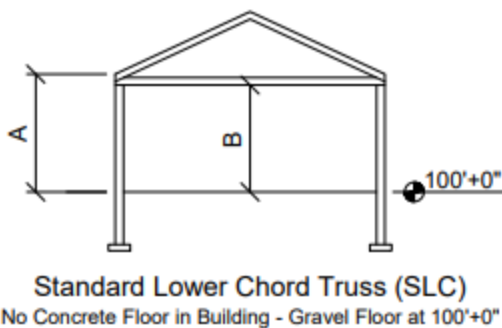
98' 0" of Standard Ridge Cap. Marco LP2 Weather-Tite Ridge Vent "Low Profile" (Add ventilation to ridge).
 Side Wall Overhang: 12" Aluminum soffit (Sidewall) with vented soffit on S1 & S2
 End Wall Overhang: 12" Aluminum soffit (Endwall) with vented soffit on E1 & E2

1) - Open Wall Bay - All Bays - From 0' 0" to 96' 0" - J-Trim not Included
 Clearance Height: 19' 0"
 Headered At Bays: 1 & 2, 3 & 4, 5 & 6, 7 & 8, 9 & 10, 11 & 12

Interior Finish / Insulation

Interior Clearances and Exterior Heights:

Building 1



Interior Clearances:

"B" = Clearance from finished floor to bottom of truss: **19' 0"**
 (Clearance is reduced by the thickness of any ceiling and the thickness of any floor covering)

Exterior Heights:

"A" = Actual Eave Height: **20' 4"**
 Roof Peak Height: **25' 4"**
 Roof Pitch: **4/12**



MICHAEL KRIENS
 Phone Number: (406) 586-0440
 Email: MKriens@clearybuilding.com

10/9/2025
 CITY OF LIVINGSTON, ADAM
 Doc ID: 4960620251009094050

Responsibilities

Temporary Services:

- Purchaser will provide electric power during construction.
- Purchaser will provide sanitary facilities. on site
- Seller to pile scrap for Purchaser use or disposal.

Permit

Purchaser shall timely obtain at Purchaser's cost all necessary and required permits and licenses for the construction contemplated by this Agreement.

Site

If Seller is unable to proceed with normal digging procedures (concrete, rocks, etc.), then the extra expense resulting from such condition(s) will be the obligation of the Purchaser and shall be paid to Seller upon request.

Access must be provided for unloading materials to the building material placement area which must be within 75 feet of the building pad – If greater than 75 feet, additional charges will be applied

Total Building Proposal Investment: \$85,130

- Includes material, labor, tax, delivery, warranties and builder's risk insurance.
- Please note this price is subject to change without notice.

Dumpster Option - NOT included in the project investment price above

Seller to place scrap in the dumpster and remove from site (Price subject to change based upon delivery and travel charges for the dumpster) \$800

Note: If Dumpster Option is not selected, Seller will pile scraps and packaging near building for Purchaser use or disposal.

1. Cleary Trained Crews
2. Workers Compensation and Builders Risk Insurance
3. Only National Builder debt free since 1985.
4. SteelWood University® - through our best-in-class in-house curriculum, we invest in our employees' education to have the premier team to provide you the best solution and the best service.
5. 99.0% Client Satisfaction
6. Fully staffed for concept, engineering and construction with just one point of contact for you.
7. Dedicated to your design with personal service specialized by our unique Shamrock Service Guarantee.
8. Best warranties in the industry with the financial strength to stand behind them.

Payment Terms



MICHAEL KRIENS
 Phone Number: (406) 586-0440
 Email: MKriens@clearybuilding.com

10/9/2025
 CITY OF LIVINGSTON, ADAM
 Doc ID: 4960620251009094050

Payment Terms

Amount	Type	Percent	Description
\$17,026	Down Payment	20%	Upon the signing of the contract with CLEARY BUILDING CORP.
\$34,052	Delivery Payment	40%	Payment due upon first load of building materials. In the event that multiple loads of materials are required, due to the size of the building, the remaining materials will be shipped to the site as needed while the building is under construction
\$25,539	Truss Payment	30%	When all trusses are installed on the building. In the event that there is more than one building on a contract, the truss in place payment is due upon installing the trusses in one of the buildings.
\$8,513	Final Payment	10%	Paid upon Completion and such payment to be delivered to the crew foreman of CLEARY BUILDING CORP.
\$85,130	Total Amount	100%	

TERMS OF PAYMENT: (1) If Contract Amount is \$50,000.00 or less, the terms of payment shall be as provided in the payment terms section above. (2) If Contract Amount is over \$50,000.00, the terms of payment shall be pursuant to the Bank Reference Form which is made a part of this Contract.

If the Purchaser fails to make a payment when due, Purchaser agrees to pay Cleary, upon demand, a delinquency charge equal to the lesser of three-quarter percent (.75%), or the highest rate allowed by law, of the delinquent amount per fifteen (15) days, from the date the delinquent amount is due, until the date it is paid.

Purchaser agrees not to send Seller payments marked "paid in full", "without recourse", or similar language. If Purchaser sends such a payment, Seller may accept it without losing any of Seller's rights under this Contract, and Purchaser will remain obligated to pay any further amount owed to Seller.

License numbers by state: VA #2705 123094A, MI #2102150963, MN #BC076522, IL #104.002640, AZ # ROC212050 Limit \$250,000, NM #86107 Limit \$1,000,000, NV #0042464 Limit \$4,000,000, OR # CCB 115247, WA # CLEARBC044NE, PA120833, WV # WV034562

This contract has not been reviewed for energy code compliance. Conformance to the International Energy Conservation Code (IECC) may necessitate additional costs not included in this contract.

This proposal and similar work hereunder are predicated on non-union (non-prevailing wage) labor. If union (prevailing wage) is required, the additional costs will be covered by the purchaser.

Building Proposal Investment is based upon paying with cash or check. If credit card payment is requested (MasterCard, Visa, Discover, or American Express), the purchaser waives the 3% cash or check discount that would be applied to the contract amount.



LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: November 18, 2025
TO: Chair Quentin Schwarz
FROM: Shannon Holmes
RE: Staff Report for Agreement 20237

-Recommendation and Summary

Staff is recommending the Commission Approve Agreement 20237 per the City's purchasing policy by adopting the following motion:

"I move to approve Agreement 20237 with the Cleary Building Corporation and authorize the City Manager to sign the Agreement."

The reasons for the recommendation are as follows:

- The construction of a materials storage building was included in the Street Division FY25-26 budget.
- The City utilized a competitive procurement to solicit bids and Cleary Building Corporation was the low bidder of 4 bids submitted.

Introduction and History

The Street Division has the need for a material storage building primarily to prevent weather from impacting salt sand and ice slicer from the wind and moisture. This building will provide a vital shield against harsh Livingston, Montana weather. The building will be 30 feet wide by 96 feet long 20 feet 4 inches tall.

Analysis

The City of Livingston conducted a competitive Invitation for Bids in accordance with the City Commission approved procurement guidelines. The City received four bids from area contractors. The lowest responsible bid was received from Cleary Building Corporation. The City has familiarity with Cleary as they constructed the Cemetery storage building earlier this year.

Livingston, Montana



Fiscal Impact

The project funding is included in the FY25-26 budget approved by the City Commission for \$80,000.00 City staff is confident the Streets Maintenance Fund can handle the slight overrun of this project either through reserves or underspending in other operational accounts.

Strategic Alignment

City of Livingston Organizational Goal #3 - Infrastructure: Build and maintain infrastructure now and into the future in a strategic and responsible manner that promotes and sustains existing neighborhoods and accommodates growth.

The material storage building will also safely store street maintenance snow and street gravel materials so they are not impacted by the wind and rain.

Attachments

- Attachment A: Agreement
- Attachment B: Building Proposal

File Attachments for Item:

I. REAPPOINTMENT OF NICOLE MADDEN TO THE LIVINGSTON POLICE COMMISSION



LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: November 18, 2025
TO: Chair Schwarz and City Commissioners
FROM: Grant Gager, City Manager
RE: Re-appointment of Nicole Madden to the Police Commission

Recommendation and Summary

The City Manager is recommending the appointment of Nicole Madden to serve on the City Police Commission, for a term ending December 31, 2028.

"I move to accept the City Manager's recommendation to appoint Nicole Madden to the Police Commission."

The reasons for the recommendation are as follows:

- Chapter 7 of the Livingston Municipal Code establishes the Police Commission and provides that the City Manager shall nominate candidates for consent of the City Commission.
- Montana Code Annotated provides for three (3) year terms for members of the Police Commission.

Introduction and History

Chapter 7 of the Livingston Municipal Code establishes a three-member Police Commission and provides that the City Manager shall nominate candidates for approval by the City Commission. The Police Commission performs two primary functions: (1) interviewing and grading each prospective applicant for employment, and (2) acting as a trial board in situations involving violations of rules and regulations.

Nicole Madden was appointed to the Police Commission on December 6, 2022.

Analysis

Given her exemplary performance and deep understanding of the role of law enforcement, the City Manager is recommending that the Commission re-appoint Nicole Madden for another term. Ms. Madden has served the Police Commission since 2022 and brings a wealth of experience in both human resources and mental health management.

Livingston, Montana

**Fiscal Impact**

The Police Commission is an uncompensated Board of the City of Livingston so there is no fiscal impact from the reappointment.

Strategic Alignment

This appointment will help the City of Livingston fulfill its requirements under the Livingston Municipal Code.

Attachments

None

File Attachments for Item:

J. REAPPOINTMENT OF JANELLA JOHNSON TO THE LIVINGSTON POLICE COMMISSION



LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: November 18, 2025
TO: Chair Schwarz and City Commissioners
FROM: Grant Gager, City Manager
RE: Re-appointment of Janella Johnson to the Police Commission

Recommendation and Summary

The City Manager is recommending the appointment of Janella Johnson to serve on the City Police Commission, for a term ending December 31, 2028.

"I move to accept the City Manager's recommendation to appoint Janella Johnson to the Police Commission."

The reasons for the recommendation are as follows:

- Chapter 7 of the Livingston Municipal Code establishes the Police Commission and provides that the City Manager shall nominate candidates for consent of the City Commission.
- Montana Code Annotated provides for three (3) year terms for members of the Police Commission.

Introduction and History

Chapter 7 of the Livingston Municipal Code establishes a three-member Police Commission and provides that the City Manager shall nominate candidates for approval by the City Commission. The Police Commission performs two primary functions: (1) interviewing and grading each prospective applicant for employment, and (2) acting as a trial board in situations involving violations of rules and regulations.

Janella Johnson was appointed to the Police Commission on December 6, 2022.

Analysis

Given her exemplary performance and deep understanding of the role of law enforcement, the City Manager is recommending that the Commission re-appoint Janella Johnson for another term. Ms. Johnson has served the Police Commission since 2022 and brings a wealth of experience in community social work and supporting law enforcement officers.

Livingston, Montana

**Fiscal Impact**

The Police Commission is an uncompensated Board of the City of Livingston so there is no fiscal impact from the reappointment.

Strategic Alignment

This appointment will help the City of Livingston fulfill its requirements under the Livingston Municipal Code.

Attachments

None

File Attachments for Item:

**A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA,
RECOGNIZING NOVEMBER 29, 2025 AS SMALL BUSINESS SATURDAY IN LIVINGSTON,
MONTANA**



Proclamation

Of the Livingston City Commission

Declaring November 29, 2025, Small Business Saturday
in Livingston, Montana

WHEREAS, the City of Livingston proudly recognizes the unique and vital role that our small businesses play, not only as economic engines but also as central figures in fostering a vibrant and welcoming community; and

WHEREAS, our small business owners are dedicated individuals who bring their passion, skills, and commitment to Livingston, creating opportunities, strengthening family livelihoods, and supporting community goals with unwavering resolve; and

WHEREAS, each small business contributes to the character and spirit of our city, from creating local jobs to supporting community initiatives, and it is through their hard work and determination that our local economy and neighborhoods thrive; and

WHEREAS, **Small Business Saturday**, observed this year on **November 29, 2025**, is an important reminder to shop small, invest locally, and show our support for the small businesses that shape our lives and sustain our community; and

WHEREAS, by shopping local, our residents help to strengthen Livingston's economy, foster personal connections, and contribute to a robust, resilient city;

NOW, THEREFORE, BE IT RESOLVED, on behalf of the Livingston City Commission, I, Karrie Kahle, Chair, do hereby proclaim November 29, 2025, to be:

SMALL BUSINESS SATURDAY IN LIVINGSTON, MONTANA

Signed this ___ day of November, 2025

Quentin Schwarz, Chair
Livingston City Commission

Emily Hutchinson
City Clerk

Livingston, Montana

File Attachments for Item:

A. ORDINANCE 3065: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 29 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED "FLOODPLAIN REGULATIONS" BY REPEALING THE ENTIRETY OF CHAPTER 29 AND REPLACING IT WITH REVISED "FLOODPLAIN HAZARD MANAGEMENT REGULATIONS".



DATE: November 18, 2025

TO: Chair Schwarz and City Commissioners

FROM: Jennifer Severson, Planning Director

RE: **Staff Report for Livingston Floodplain Regulations Amendments**

Recommendation and Summary

Staff requests the City Commission approve the proposed amendments to the City of Livingston Floodplain Regulations in Chapter 29 of the Livingston Municipal Code by adopting the following motion:

"I move to approve the first reading of Ordinance 3065 amending the Floodplain Regulations of the City of Livingston Municipal Code by repealing the entirety of Chapter 29 and replacing it with the proposed "Floodplain Hazard Management Regulations", and authorize the Chair to sign Ordinance 3065."

The reasons for the recommendation are as follows:

- The Montana Department of Natural Resources (MT DNRC) recently updated its Community Floodplain Hazard Management Model Regulations to align with the National Flood Insurance Program (NFIP) requirements.
- The City's Floodplain Regulations have not been updated since 2011.
- MT DNRC requires the City to revise its Floodplain Regulations to comply with the new Community Floodplain Hazard Management Model Regulations.
- MT DNRC has reviewed and given preliminary approval to the revised Floodplain Regulations as presented (Attachment A, Exhibit A).

Introduction and History

In February 2025, Montana DNRC finalized Model Regulations for Floodplain Hazard Management in local communities to align with the current requirements of the NFIP that is managed by FEMA. To be eligible to participate in the NFIP, the City must maintain updated regulations for managing



development in the floodplain that complies with the Code of Federal Regulations 44, Section 76-5 of Montana Code Annotated, and Section 36-15 of the Administrative Rules of Montana. The City of Livingston last updated its Floodplain Regulations in 2011 at the time the City's current floodplain maps were adopted by the Federal Emergency Management Agency (FEMA). To bring the Floodplain Regulations in Chapter 29 of the LMC into conformance with NFIP requirements, MT DNRC has advised the City to adapt its model Community Floodplain Hazard Management Regulations for use by the City of Livingston and to adopt those regulations to manage development in federally designated flood hazard areas (floodway + flood fringe = 100-year regulatory floodplain).

Analysis

The proposed Floodplain Hazard Management Regulations are intended to replace Chapter 29 in its entirety. For reference, Staff has attached the current iteration of Chapter 29, the City's current adopted Floodplain Regulations (see Attachment B). Although the majority of the revised regulations are taken directly from the MT DNRC Community Floodplain Hazard Management Model Regulations, there are a few regulations that exceed FEMA's minimum standards for participation in the NFIP. These higher standards have been reviewed and approved by MT DNRC and are listed below:

- Section 6. Prohibited Uses, Activities and Structures Within the Regulated Flood Hazard Area
 - Sec 6.1.6 - Floodway - *Cemeteries, mausoleums, or any other burial grounds*
 - Sec 6.2.3 & 4 - Flood Fringe/ Regulated Flood Hazard Area without a Floodway - *The construction or storage of an artificial obstruction subject to flotation or movement during flood level periods; Cemeteries, mausoleums, or any other burial grounds*
- Section 9. Development Requirements in the Floodway
 - Sec 9.2.3 - An application for a Floodplain permit must also demonstrate the following factors are considered and incorporated into the design of the use or artificial obstruction in the Floodway
 - 9. The safety of access to property in times of flooding for ordinary and emergency services*
 - Sec 9.10 – Public and Private Campgrounds
 - 5. There is no large-scale clearing of riparian vegetation within 10 feet of the mean annual high-water mark or edge of stream channel*
 - Sec 9.11 – Structures Accessory or Appurtenant
 - 10. There is no clearing of riparian vegetation within 10 feet of the mean annual high-water mark or edge of stream channel*
- Section 10. Development Requirements in the Floodplain



Sec 10.2.8 - Access - Structures must have safe access during times of flooding up to the Base Flood for ordinary and emergency services provided there are no reasonable alternate locations or structures; For manufactured homes, access for a manufactured home hauler is also provided.

As noted above, Staff are proposing to exceed the minimum standards required by the NFIP by restricting the clearance of riparian vegetation within 10 feet of the mean annual high-water mark or edge of stream channel. Recent discussions during the adoption process for the Zoning Code update (Chapter 30) emphasized the importance of including restrictions on development within riparian corridors along waterways in Livingston. During the November 4, 2025 City Commission meeting, Staff recommended removing the requirement for riparian buffers from the Zoning Code update and, instead, initiate a scientific study and analysis to support specific riparian buffer widths along Livingston's unique stream reaches. Because the City's Floodplain Ordinance must be updated to comply with current NFIP requirements, Staff recommends the Commission adopt the recommended 10-foot riparian vegetation protection zone identified in Sections 9.10 & 9.11 of the new Floodplain Regulations, with the understanding that restrictions on development in riparian areas will be revised in accordance with a future riparian corridor study.

Fiscal Impact

No direct fiscal impact to the City of Livingston is anticipated as a result of adopting the Floodplain Hazard Management Regulations as proposed by Staff.

Strategic Alignment

Although the revised Floodplain Regulations are necessary to comply with MT DNRC and FEMA NFIP requirements, the revised regulations also support the following strategies and objectives identified in the City's adopted Growth Policy:

Strategy 4.2.1.1: Improve the quality of waterbodies, including but not limited to the Yellowstone River, Fleshman Creek, watersheds, wetlands, floodplains, groundwater aquifers, and all other waterways and riparian areas.

Objective 4.3.2: Protect the riparian corridors to preserve unique wildlife, promote water quality, and provide for public trails and open space.

Strategy 4.3.2.1: Continue to limit development in the floodplain through the application of the Livingston Floodplain Regulations.

Strategy 4.3.2.2: Protect the Yellowstone River's natural flow and flood cycles to promote the health of the riparian area and associated wildlife.



Strategy 4.3.2.3: Explore regulatory options for protecting the riparian area and waterway corridors.

Staff Recommendation

Based on the reasons stated above, Staff finds the proposed amendments to Chapter 29 comply with the requirements federal and state statutes for floodplain management, and support the goals, objectives and strategies identified in the Growth Policy. Therefore, Staff recommends the City Commission adopt the proposed amendments to Chapter 29 and replace the current Floodplain Regulations with the “Floodplain Hazard Management Regulations” as proposed by Staff.

Attachments

- A. Draft Ordinance 3065 (includes Exhibit A: Draft Floodplain Hazard Management Regulations)
- B. Current Floodplain Regulations, Chapter 29

ORDINANCE NO. 3065

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 29 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED "FLOODPLAIN REGULATIONS" BY REPEALING THE ENTIRETY OF CHAPTER 29 AND REPLACING IT WITH REVISED REGULATIONS.

* * * * *

Purpose

The purpose of this Ordinance is to promote public health, safety and general welfare of the City by regulating the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location of buildings, structures, and land for trade, industry, residence or other purposes.

WHEREAS, the City of Livingston has the authority to adopt, enforce and administer regulations to manage federally- designated flood hazard areas within the City in accordance with Section 76-5-102 of Montana Code Annotated;

WHEREAS, the City is responsible for maintaining Floodplain Regulations compliant with Code of Federal Regulations 44, Section 76-5 of Montana Code Annotated, Section 36.15 of Administrative Rules of Montana to be eligible for participating in the National Flood Insurance Program (NFIP); and

WHEREAS, the City’s Floodplain Regulations in Chapter 29 of the Livingston Municipal Code have not been updated since 2011; and

WHEREAS, the Montana Department of Natural Resources and Conservation (DNRC) updated its Community Floodplain Management Model Regulations to align with NFIP requirements; and

WHEREAS, the DNRC requires the City to update its current Floodplain Regulations to comply with the updated Community Floodplain Management Model Regulations;

NOW, THEREFORE, BE IT ORDAINED by the City Commission that Chapter 29 of the Livingston Municipal Code entitled Floodplain Regulations, be hereby amended as follows:

SECTION 1

THE ENTIRETY OF CHAPTER 29 SHALL BE REPEALED AND REPLACED WITH THE REVISED FLOODPLAIN REGULATIONS AS SHOWN IN THE ATTACHED ‘REVISED FLOODPLAIN REGULATIONS’ EXHIBIT.

SECTION 2

Statutory Interpretation and Repealer:

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

SECTION 3

Severability:

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

SECTION 4

Savings provision:

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

SECTION 5

Effective date:

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

PASSED by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the ____ day of November, 2025.

QUENTIN SCHWARZ, CHAIR

ATTEST:

Emily Hutchinson
City Clerk

PASSED, ADOPTED AND APPROVED, by the City Commission of the City of Livingston, Montana, on a second reading at a regular session thereof held on the _____ day of December, 2025.

QUENTIN SCHWARZ, CHAIR

ATTEST:

APPROVED TO AS FORM:

EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney

CITY OF LIVINGSTON

FLOODPLAIN HAZARD MANAGEMENT REGULATIONS

CHAPTER 29
LIVINGSTON MUNICIPAL CODE

Effective Date: xxxx

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SECTION 1. TITLE, PURPOSE, AUTHORITY AND GENERAL PROVISIONS

1.1 FLOODPLAIN HAZARD MANAGEMENT REGULATIONS

These regulations are known and may be cited as the “Floodplain Hazard Management Regulations;” hereinafter referred to as “these regulations.”

1.2 STATUTORY AND REGULATORY AUTHORITY

1. Floodplain and Floodway Management is codified at Montana Code Annotated (MCA) Title 76, Chapter 5 and describes the authority, procedures and minimum standards for local regulations. Regulation for Floodplain Management established by the Montana Department of Natural Resources and Conservation (DNRC) are located in Administrative Rules of Montana (ARM), Chapter 36.15.
2. The authority to regulate development in specifically identified flood hazard areas has been accepted pursuant to 76-5-301, MCA.

1.3 FINDINGS OF FACT

1. Flood hazard areas specifically adopted herein as Regulated Flood Hazard Areas have been delineated and designated by order or determination of the DNRC pursuant to 76-5-201, MCA et seq.
2. These regulations have been reviewed by Montana Department of Natural Resources and Conservation and the Federal Emergency Management Agency. The Montana Department of Natural Resources and Conservation has found the regulations acceptable in meeting the Department minimum standards. The Federal Emergency Management Agency finds that these regulations are adequate and consistent with the comprehensive criteria for land management and use pursuant to the standards established in 44 CFR 60.3. (76-5-302, MCA, ARM 36.15.202, 44 CFR 60.1(b), 42 USC 4022)

1.4 PURPOSE

The purpose of these regulations is to promote public health, safety and general welfare of the residents and minimize public and private losses due to flood conditions in Regulated Flood Hazard Areas. These Regulations are intended to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business and public service interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood disruptions; and
7. Ensure compliance with the minimum standards for the continued participation in the National Flood Insurance Program for the benefit of the residents.

1.5 METHODS TO REDUCE LOSSES

In accordance with 76-5-102, MCA, these regulations are intended to reduce flood losses through the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or that may cause excessive increases in flood heights or velocities;
2. Require that uses of land vulnerable to floods, including public facilities, be developed or constructed to at least minimum standards or to otherwise minimize flood damage;
3. Regulate the alteration of natural floodplains, stream channels, and natural protective barriers which are needed to accommodate floodwaters;
4. Regulate filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will impact other land, flood water depth or velocity of floodwaters;
6. Distinguish between the land use regulations applied to the floodway within the Regulated Flood Hazard Area and those applied to that portion of the Regulated Flood Hazard Area not contained in the floodway;
7. Apply more restrictive land use regulations within the floodway of the Regulated Flood Hazard Area; and
8. Ensure that regulations and minimum standards balance the greatest public good with the least private injury.

1.6 REGULATED AREA

These regulations apply only to the flood hazard areas specifically adopted herein as Regulated Flood Hazard Areas which are more fully and specifically described in Section 4. Requirements and approvals for alterations to the Regulated Flood Hazard Area are specified in Section 4. The Regulated Flood Hazard Area includes areas specifically identified, labeled and illustrated on maps such as Floodplain, Floodway, or Flood Fringe that have differing uses allowed and minimum building standards that apply. The Regulated Flood Hazard Area is the geographic area inundated by the Flood of 100-year Frequency illustrated and depicted in the referenced studies and maps.

The Regulated Flood Hazard Area supporting study and maps illustrating the regulatory area are based on studies and maps that have been specifically adopted pursuant to 76-5-201et.seq. The maps and accompanying study become the Regulated Flood

Hazard Area only when formally adopted by DNRC and subsequently by the political subdivision by these regulations. The original source of studies and data may be from a Flood Insurance Study by FEMA, or other studies by Corps of Engineers, Soil Conservation, United States Geological Service or other federal or state agency.

1.7 FLOODPLAIN ADMINISTRATOR

A Floodplain Administrator is hereby the responsibility of the City of Livingston Planning Department. The Floodplain Administrator's duty is to administer and implement the provisions of these regulations. The Floodplain Administrator must serve to meet and maintain the commitments pursuant to 44 CFR 59.22(a) to FEMA to remain eligible for National Flood Insurance for individuals and businesses within the political subdivision. ((44 CFR 59.22(b)(1)) (ARM 36.15.204(2)(h))

1.8 COMPLIANCE Development, New Construction, Alteration or Substantial Improvement may not commence without full compliance with the provisions of these regulations.

1.9 ABROGATION AND GREATER RESPONSIBILITY

It is not intended by these regulations to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, zoning or other regulations in effect. However, where these regulations impose greater restrictions, the provision of these regulations must prevail. (44 CFR 60.1(d))

1.10 REGULATION INTERPRETATION

In the interpretation and application of these regulations, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statute or regulation. (44 CFR 60.1)

1.11 WARNING AND DISCLAIMER OF LIABILITY

These regulations do not imply that land outside the Regulated Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

1.12 SEVERABILITY

If any section, clause, sentence, or phrase of these regulations is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding will in no way affect the validity of the remaining portions of these regulations.

1.13 DISCLOSURE PROVISION

All property owners or their agents in the Regulated Flood Hazard Areas shall notify potential buyers or their agents that such property, including any permitted uses transferred, is located within the Regulated Flood Hazard Area and is subject to regulation and any permitted uses that are transferred. Information regarding

Regulated Flood Hazard Area and the repository for Floodplain maps is available in the Floodplain Administrator's office.

(ARM 36.15.204(2)(g))

1.14 AMENDMENT OF REGULATIONS

These regulations may be amended after notice and public hearing in regard to the amendments to these regulations. The amendments must be found adequate and acceptable by DNRC and FEMA to be effective and must be submitted for review at least 30 days prior to official adoption.

1.15 PUBLIC RECORDS

Records, including permits and applications, elevation and floodproofing certificates, certificates of compliance, fee receipts, and other matters relating to these regulations must be maintained by the Floodplain Administrator and are public records and must be made available for inspection and for copies upon reasonable request. A reasonable copying cost for copying documents for members of the public may be charged and may require payments of the costs before providing the copies. (44 CFR 60.3(b)(5)(iii) & 44 CFR 59.22 (a)(9)(iii))

1.16 SUBDIVISION REVIEW

The requirements of the City of Livingston Subdivision Regulations, in addition to those established in these regulations, apply to subdivisions within the Regulated Flood Hazard Area, including but not limited to new or expansion of existing Manufactured Home Parks, must be designed to meet the following criteria:

1. The Base Flood Elevations and boundary of the Regulated Flood Hazard area must be determined and considered during lot layout and building location design;
2. Locations for future structures and development must be reasonably safe from flooding; (44CFR 60.3(a)(4))
3. Adequate surface water drainage must be provided to reduce exposure to flood hazards; (44 CFR 60.3 (a)(4)(iii))
4. Public utilities and facilities such as sewer, gas, electrical and water systems must be located and constructed to minimize or eliminate flood damage; and (44 CFR 60.3(a)(4)(ii))
5. Floodplain permits must be obtained according to these regulations before development occurs that is within the Regulated Flood Hazard Area. (44 CFR 60.3(b))

1.17 DISASTER RECOVERY

In the event of a natural or man-made disaster, the Floodplain Administrator should participate in the coordination of assistance and provide information to structure owners concerning Hazard Mitigation and Recovery measures with the Federal Emergency Management Agency, Montana Disaster Emergency Services, Montana Department of Natural Resources and Conservation, and other state, local and private emergency service organizations.

Upon completion of cursory street view structure condition survey of the Regulated Flood Hazard Area, the Floodplain Administrator shall notify property owners that a permit may be necessary for an alteration or substantial improvement before repair or reconstruction commences on damaged structures. These permitting requirements apply even when structures are damaged by natural or man-made disasters such as floods, earthquakes, fires or winds.

Owners should be advised that structures that have suffered substantial damage and will undergo substantial improvements require a floodplain application and permit and must be upgraded to meet the minimum building standards herein during repair or reconstruction. ((MCA 76-5-404(3)(b) (ARM 36.15.702) (44 CFR 60.3(c) (2 and 3))

SECTION 2. DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted as to give them the meaning they have in common usage and the most reasonable application. For the purpose of these regulations, the following definitions are adopted:

100-year Flood – One percent (1%) annual chance flood. See Base Flood

Act – Montana Floodplain and Floodway Management Act, Sections 76-5-101 through 406 MCA.

Adjacent Landowner – An Owner of property whose property shares a common boundary with the property in which an Application under these Regulations has been submitted. For purposes of these Regulations an Adjacent Landowner also includes property that has a common boundary across a water course, road or right-of-way.

Alteration – Any change or addition to an artificial obstruction that either increases its external dimensions or increases its potential flood hazard. (ARM 36.15.101(2))

Appeal – A request for a review of the Floodplain Administrator's order, decision to grant, condition or deny a Floodplain Permit, Variance or interpretation of the Flood Hazard Area boundary which was made under the authority of these Regulations.

Applicant – The property owner, and/or their authorized agent, as listed on the Application form.

Appurtenant Structure – A structure in which the use is incidental or accessory to the use of a principal structure. (44 CFR 59.1)

Artificial Obstruction – Any obstruction which is not natural and includes any development, dam, diversion, wall, riprap, embankment, levee, dike, pile, abutment, projection, revetment, excavation, channel rectification, road, bridge, conduit, culvert, building, refuse, automobile body, fill or other analogous structure or matter in, along, across, or projecting into any Regulated Flood Hazard Area that may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property. See also Development. (ARM 36.15.101(3) & MCA 76-5-103(1))

Base Flood (Flood of 100 Year Frequency) – A flood having a one percent (1%) chance of being equaled or exceeded in any given year (ARM 36.15.101(4) & (44 CFR 59.1)

Base Flood Elevation (BFE) – The elevation above sea level of the Base Flood in relation to the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988 or unless otherwise specified. (ARM 36.15.101(5))

Basement – Any area of a building, except a crawl space, as having its Lowest floor below ground level on all sides. (44 CFR 59.1) (NFIP Insurance Manual, Rev. May 2013)

Building – A walled and roofed structure, including a gas or liquid storage tank that is principally above ground, as well as a manufactured or mobile home. (44 CFR 59.1)

Channel – The geographical area within either the natural or artificial banks of a watercourse or drainway. (MCA 76-5-103(2))

Crawl Space – An enclosure that has its interior floor area no more than 5 feet below the top of the next highest floor. See Enclosure and Sub grade Crawlspace. (NFIP Insurance Manual, Rev. May 2013)

DNRC – Montana Department of Natural Resources and Conservation

Development –Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. See also Artificial Obstruction. (44 CFR 59.1)

Elevated Building – A building that has no Basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns. A building on a crawlspace may be considered an elevated building.

Enclosure – That portion below the lowest elevated floor of an elevated building that is either partially or fully shut in by rigid walls including a crawlspace, sub grade crawlspace, stairwell, elevator or a garage below or attached.

Encroachment – Activities or construction within the Regulated Flood Hazard Area including fill, new construction, substantial improvements, and other development.

Encroachment Analysis – A hydrologic and hydraulic analysis performed by a licensed, qualified engineer to assess the effects of the proposed artificial obstruction or nonconforming use on Base Flood Elevation, flood flows and flood velocities.

Establish – To construct, place, insert, or excavate. (MCA 76-5-103(7) (ARM 36.15.101(9))

Existing Artificial Obstruction or Nonconforming Use – An artificial obstruction or nonconforming use that was established before land use regulations were adopted pursuant to Section 76-5-301(1), MCA. (MCA 76-5-404(3))

FEMA – Federal Emergency Management Agency

Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry lands from the overflow of a stream, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Fringe – The identified portion of the Floodplain of the Regulated Flood Hazard Area outside the limits of the Floodway. (ARM 36.15.101(10))

Flood of 100 Year Frequency (Base Flood) – A flood magnitude expected to recur on the average of once every 100-years or a flood magnitude that has a 1% chance of occurring in any given year. (MCA 76-5-103(9)) (44 CFR 59.1)

Flood Insurance Rate Map (FIRM) - Official map of a community on which FEMA has delineated the Special Flood Hazard Areas (SFHAs), the Base Flood Elevations (BFEs), and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) - A compilation and presentation of flood risk data for specific watercourses, lakes, and coastal flood hazard areas within a community. When a flood study is completed for the NFIP, the information and maps are assembled into an FIS. The FIS report contains detailed flood elevation data in flood profiles and data tables.

Floodplain – The area of the Regulated Flood Hazard Area including and adjoining the watercourse or drainway that would be covered by the floodwater of a Base Flood. The area is partitioned into a Flood Fringe and Floodway where specifically designated. See Regulated Flood Hazard Area.

Floodway – The identified portion of the Floodplain of the Regulated Flood Hazard Area that is the channel and the area adjoining the channel that is reasonably required to carry the discharge of the Base Flood without cumulatively increasing the water surface by more than one half foot. (MCA 76-5-103(11)) (MCA 76-5-103(5))

Floodplain Administrator – Community official or representative appointed to administer and implement the provisions of this ordinance.

Floodplain Permit – The permit issued by the Floodplain Administrator that confirms a proposed Development, New Construction, Alteration or Substantial Improvement in the Regulated Flood Hazard Area is designed to comply with the requirements of these Regulations.

Flood Proofing – Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, electrical, plumbing, HVAC

systems, structures and their contents. The term includes wet flood proofing, dry flood proofing and elevation of structures. ((44 CFR 59.1)

Historic Structure- *means any structure that is:*

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Change (LOMC) – An official response from FEMA that amends or revises the FEMA Special Flood Hazard Area and FEMA Flood Insurance Study for flood insurance purposes and/or flood risk hazard. FEMA Letters of Map Change specific to an amendment or revision include:

Letter of Map Amendment (LOMA) – A letter of determination from FEMA issued in response to a request that a property or structure is not subject to the mandatory flood insurance requirement because it was inadvertently located in the effective FEMA Special Flood Hazard Area. The material submitted and response from FEMA may be considered by the Floodplain Administrator for determining if a property or structure is within the Regulated Flood Hazard area and subject to these regulations.

Letter of Map Revision Based on Fill (LOMR-F) – A letter of approval from FEMA removing the mandatory requirement for flood insurance on property based on placement of fill or an addition. Placement of fill or an addition must be preceded by a permit pursuant to these regulations. Placement of fill does not remove the development from the Regulated Flood Hazard Area or these regulations.

Letter of Map Amendment Floodway (LOMR-FW) – A letter of determination from FEMA issued in response to a request that a property or Structure mapped as being within the Floodway is not subject to the mandatory flood insurance requirement because it was inadvertently located in the effective FEMA Special Flood Hazard Area.

Letter of Map Revision (LOMR) – An official FEMA amendment to the currently effective FEMA Flood Insurance Rate Map or FEMA Flood Boundary Map based on a physical change to the floodplain of the Special Flood Hazard Area. It is issued by FEMA and changes flood zones, delineations, and elevations on the FEMA Flood Insurance Rate Map or FEMA Flood Boundary Map and may

amend the FEMA Flood Insurance Study. It must be preceded by an approved alteration of the designated floodplain from DNRC and subsequently an amendment to the Regulated Flood Hazard Area.

Conditional Letter of Map Revision (CLOMR) – A FEMA letter of approval for a proposed physical change that when completed would propose to change the flood zones, delineation or elevations on the FEMA Flood Insurance Rate Map or FEMA Flood Boundary Map and may amend the FEMA Flood Insurance Study through a subsequent LOMR. The CLOMR may be considered in an evaluation by DNRC and the Floodplain Administrator during consideration of a proposed alteration to the Regulated Flood Hazard Area.

Conditional Letter of Map Revision – Based on Fill (CLOMR-F) – A FEMA letter of approval for a proposed physical change that when completed would propose to change the flood zones, delineation or elevations on the FEMA Flood Insurance Rate Map or FEMA Flood Boundary Map and may amend the FEMA Flood Insurance Study through a subsequent LOMR. The CLOMR may be considered in an evaluation by DNRC and the Floodplain Administrator during consideration of a proposed alteration to the Regulated Flood Hazard Area.

Conditional Letter of Map Amendment (CLOMA) – A FEMA letter of approval for a proposed physical change that when completed would propose to change the flood zones, delineation or elevations on the FEMA Flood Insurance Rate Map or FEMA Flood Boundary Map and may amend the FEMA Flood Insurance Study through a subsequent LOMR. The CLOMA may be considered in an evaluation by DNRC and the Floodplain Administrator during consideration of a proposed alteration to the Regulated Flood Hazard Area.

Levee – A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water to provide protection from temporary Flooding.

Levee System – A Flood protection system that consists of a Levee, or Levees, and associated Structures, such as drainage and closure devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor – Any unfinished or finished floor of a building which may include a basement or crawlspace. ((ARM 36.15.101(14)) (44 CFR 59.1))

Maintenance - Any routine or regularly scheduled activity undertaken to repair or prevent the deterioration, impairment, or failure of any feature, component, or material referenced in these regulations, so long as the work substantially conforms to the most recent approved design or regulatory hydraulic model, whichever is newer. Maintenance does not include expansion, enlargement, replacement, reconstruction, Substantial Modification, or Substantial Improvement of a building, Artificial Obstruction, or structure, including hydraulic structures. Maintenance does not include changing the use of a property or Artificial Obstruction.

Manufactured Home Park or Subdivision – Includes the construction of facilities for servicing the manufactured home lots and at a minimum includes the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads. (44 CFR 59.1)

Manufactured or Mobile Home – A building that may be residential or non-residential, is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities and includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. The terms Manufactured and Mobile Homes are used interchangeably in these regulations. (ARM 36.15.101(15))

New Construction – Structures for which the commencement of clearing, grading, filling, or excavating to prepare a site for construction occurs on or after the effective date of these regulations and includes any replacements and subsequent improvements to such structures. (ARM 36.15.101(20)) (44 CFR 59.1)

New Manufactured Home Park Or Subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed includes at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads and is completed on or after the effective date of floodplain management regulations adopted by a community. (44 CFR 59.1)

Nonconforming Use – Development, use, or improvements that were lawful prior to the adoption, revision, or amendment to these Regulations, but that fails by reason of such adoption, revision or amendment to conform to the present requirements of these Regulations.

Non-Residential– Buildings including manufactured homes that are not residential including commercial, agricultural, industrial buildings and accessory buildings. See Residential.

Owner – Any person who has dominion over, control of, or title to an artificial obstruction. (MCA 76-5-103(13))

Person – Includes any individual, or group of individuals, corporation, partnership, association or any other entity, including State and local governments and agencies. (44 CFR 59.1)

Recreational Vehicle – A park trailer, travel trailer, or other similar vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a motorized vehicle; and (d) designed primarily for use as temporary living quarters for recreation, camping, travel, or seasonal use, not for use as a permanent dwelling. (44 CFR 59.1)

Regulated Flood Hazard Area – A Floodplain whose limits have been designated pursuant to Part 2, Chapter 5 of Title 76, MCA, and is determined to be the area adjoining the watercourse that would be covered by the floodwater of a Base Flood. The Regulated Flood Hazard Area consists of the Floodway and Flood Fringe where specifically designated. (MCA 76-5-103(4)), (MCA 76-5-103(10), (ARM 36-15-101(11))

Residential Building – A dwelling or building for living purposes or place of assembly or permanent use by human beings and including any mixed use of residential and non-residential use. All other buildings are **non-residential**.

Riprap – Stone, rocks, concrete blocks, or analogous materials that are placed along the bed or banks of a watercourse or drainway for the purpose of preventing or alleviating erosion. (ARM 36.15.101(18))

Scour Depth – The maximum depth of streambed scour caused by erosive forces of the Base Flood.

Special Flood Hazard Area – Land area which has been specifically identified by the Federal Emergency Management Agency as the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is useful for the purposes of identifying flood hazards by local subdivisions of government for regulatory purposes as well as use by the National Flood Insurance Program for establishing risk zones and is used in helping to establish flood insurance premium rates. The FEMA flood hazard area zone designation or flood risk potential is as illustrated on FEMA's Flood Hazard Boundary Map or Flood Insurance Rate Map.

- | | |
|---------------|--|
| Zone A | -No Base Flood Elevations determined. |
| Zone AE | -Base Flood Elevations determined. |
| Zone AH | -Flood depths of 1 to 3 feet (example areas of ponding); BFE determined |
| Zone AO | -Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined. |
| Zone A99 | -Area to be protected from 1% annual chance flood by a Federal flood protection system under construction. No BEFs determined. |
| Zone C | -See Zone X |
| Shaded Zone X | - Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depts of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood. |
| Zone X | -Areas determined to be outside the 0.2% annual chance floodplain. |
| Zone D | -Areas in which flood hazards are undetermined, but possible. |

Start of Construction- for purposes of these rules means the start of any substantial improvement, replacement of existing structure, or new construction, or the

commencement of clearing, grading, filling or excavation for the purposes of preparing a site for construction.

Structure – Any Artificial Obstruction.

Sub grade Crawlspace – A crawlspace foundation enclosure that has the lowest interior floor elevation no more than 5 feet below the top of the next higher floor and no more than 2 feet below the lowest adjacent grade, proper flood openings, and constructed with flood resistant materials. A foundation exceeding either dimension or lacking proper flood openings and not constructed with flood resistant materials could be considered a Basement.

Substantial Damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (44 CFR 59.1)

Substantial Improvement – Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50) of the market value of the structure either before the start of construction of the improvement, including substantial damage structures regardless of the actual repair work performed.

1. Substantial improvement is considered to occur when the first construction of any wall, ceiling, floor or other structural part of the building commences;
2. For the purpose of Substantial Improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimension of the building.
3. The term does not include:
 - a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
 - b) Any alteration of a structure listed on the national register of historic places or state inventory of historic places provided that the property owner(s) submits evidence to the floodplain administrator, for review and approval, that they have done as much as they can to mitigate the flood risk and bring the structure into compliance to the maximum extent possible while maintaining the historic nature and determination of the structure. (ARM 36.15.101(21)) (44 CFR 59.1))

Suitable Fill – Fill material which is stable, compacted, well graded, and pervious, not adversely affected by water and frost, devoid of trash or similar foreign matter, tree

stumps or other organic material; and is fitting for the purpose of supporting the intended use and/or permanent structure. (ARM 36.15.101(22))

Variance – Means a grant or relief from the development requirements of these regulations which would permit construction in a manner that would be otherwise prohibited by these regulations. (ARM 36.15.101(23))

Violation – A finding and order pursuant to the regulations against the owner or responsible party of the failure of a structure or other development to be fully compliant with these regulations. (44 CFR 59.1)

SECTION 3. FORMS AND FEES

3.1 Forms The following forms may be required by the Floodplain Administrator:

- 1. Floodplain Permit Application Form** –The “Joint Application for Proposed Work in Montana’s Steams, Wetlands, Regulated Flood Hazard Areas, and Other Water Bodies”, or other designated application form. A completed FEMA MT-1 form may be required to accompany the application when required by the Floodplain Administrator.
- 2. Floodplain Permit Compliance Report** – A report required to be submitted by the Applicant to the Floodplain Administrator once the permitted project in the Regulated Flood Hazard Area is completed or within the designated time stipulated on the Floodplain permit. A compliance report including an elevation and or flood proofing certificate may be required where specified for the purpose of documenting compliance with the requirements of the permit.
- 3. Floodplain Variance Application Form** – An application submitted by the Applicant to the Floodplain Administrator to initiate a proposed variance from the requirements of these regulations as described in Section 12.
- 4. Floodplain Appeal Notice Form**– A form submitted by the Applicant or an aggrieved party to initiate the appeal process described in Section 13.
- 5. Floodplain Emergency Notification Form**– A written notification form required pursuant to Section 11 of these regulations.
- 6. Official Complaint Form** – A form that may be used by any person to notify the Floodplain Administrator of an activity taking place that appears to be noncompliant with the requirements of these regulations.

3.2 Fees

A reasonable application fee for processing of permit applications may be imposed (see City of Livingston adopted Fee Schedule). Fees may be adopted for costs of permit applications, notices, variances, inspections, certifications or other administrative actions required by these regulations. (ARM 36.15.204(3)(b))

SECTION 4. REGULATED FLOOD HAZARD AREA

4.1 REGULATED FLOOD HAZARD AREAS

1. The Regulated Flood Hazard Areas are the floodplains of the 100-year flood, illustrated and referenced in the following specific studies and reports described as follows:
 - a) The Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) for Park County, Montana and incorporated Areas specific to the City of Livingston, Effective date October 18, 2011.
2. The Regulated Flood Hazard Areas specifically described above have been delineated, designated and established pursuant to 76-5-201 et.seq., MCA.
3. The Floodplain Administrator may obtain, review, and reasonably use any Base Flood Elevation or Floodway data available from a Federal, State, or other reliable source to administer and enforce these Regulations.
 - a) However, when special flood hazard area designations and water surface elevations have been furnished by the Federal Insurance Administrator, the more restrictive shall apply.
4. Sections 5, 6, 9, and 10 of these regulations establish allowable uses and requirements for projects depending on the specific location within the Regulated Flood Hazard Area. (e.g. Floodway, Flood Fringe, etc.)

4.2 INTERPRETATION OF REGULATED FLOOD HAZARD AREA BOUNDARIES

1. The mapped boundaries of the Floodplain illustrated in the referenced studies and maps in this Section are a guide for determining whether property is within the Regulated Flood Hazard Area. Base Flood Elevations and other supporting documentation in the flood study, if such documentation exists, take precedence over any map illustrations. Requirements for determining the exact boundaries of the Regulated Flood Hazard Area and Floodway are provided below.
2. The Regulated Flood Hazard Area boundary is delineated by the Base Flood Elevation. The physical regulatory boundary of the Regulated Flood Hazard Area is the actual intersection of the applicable study Base Flood Elevation with the existing adjacent terrain of the watercourse or drainway. (ARM 36.15.501(6))
3. The Floodway boundary, where identified within the Regulatory Flood Hazard Area, is as illustrated on the referenced maps and studies. The location of the Floodway boundary may be physically located by referencing the study data to a

ground feature. The Floodplain Administrator's interpretation of the boundary and decision may be appealed as set forth in Section 13.

4. The Floodplain Administrator may require an applicant to provide additional information described below to determine whether or not the proposed development, use, or artificial obstruction is within the Regulated Flood Hazard Area:

- a) Where Base Flood Elevations exist, the property owner and/or applicant may provide additional information which may include elevation information provided by an engineer or land surveyor in order to determine if the proposed development, use, or artificial obstruction is subject to these regulations. (ARM 36.15.501(6))
- b) Where Base Flood Elevations do not exist, the property owner and/or applicant may provide additional information to be considered to determine the location of the regulatory boundary or alternatively provide a computed Base Flood Elevation provided by an engineer.
- c) The Floodplain Administrator's interpretation of the boundaries and decision may be appealed as set forth in Section 13.

Any owner or lessee of property who believes their property has been inadvertently included in the Regulated Flood Hazard Area including the Floodway or Flood Fringe may submit scientific and/or technical information to FEMA in the form of an application for a Letter of Map Change. Scientific or technical information submitted to FEMA for insurance purposes may be considered by the Floodplain Administrator, although a determination by the Floodplain Administrator whether a property is located within the Regulated Flood Hazard Area and subject to these regulations is independent of any determination made by FEMA.

4.3 ALTERATION OF REGULATED FLOOD HAZARD AREA

1. The Regulated Flood Hazard Area may be altered pursuant to Section 76-5-201 et. seq. MCA and the requirements of these regulations. Alterations to FEMA studies and maps can only be approved by FEMA through the Letter of Map Change (LOMC) process.
2. Any change to the Regulated Flood Hazard Area shall only become effective upon amendment to Section 4.1.1 of these regulations.
3. Substantial physical change or new technical or scientific flood data showing that the Base Flood Elevation has or may be changed or was erroneously

established shall be brought to the attention of DNRC and FEMA; (ARM 36.15.505(1)(a)) (44 CFR 65.3)

4. Any Floodplain permit application for a proposed development or artificial obstruction that will result in an increase of 0.5 feet or more to the Base Flood Elevation of a Regulated Flood Hazard Area without a Floodway, or an increase of more than 0.00 feet to the Base Flood Elevation of a Floodway, shall not be approved by the Floodplain Administrator until a Conditional Letter of Map Revision (CLOMR) is approved by FEMA. When applying to FEMA for a CLOMR, the following information must be included:
 - a. Certification that no buildings are located in the areas which would be impacted by the increased Base Flood Elevation; (44 CFR 65.12(a)(5))
 - b. Evidence of notice to all property and landowners of the proposed impacts to their properties explaining the proposed impact on their property; (44 CFR 65.12(a)(3))
 - c. Information that demonstrates that alternatives are not feasible; (44 CFR 65.12(2))
 - d. The Floodplain Administrator may represent the permit authority for any necessary applications, approvals or endorsements such as the FEMA Community Acknowledgement Form to FEMA where affecting the FEMA Special Flood Hazard Area;
 - e. Any other supporting information and data as needed for approvals. ((ARM 36.15.505) (44 CFR 60.3(c)(10)) (44 CFR 60.3(d)(3)) (44 CFR 65.7(3)) (44 CFR 65.12))
5. The Regulated Flood Hazard Areas is not officially altered until a Letter of Map Revision (LOMR) has been approved by FEMA. See Sec 4.a-e above for information to include in request to FEMA for a LOMR.
6. For Regulated Flood Hazard Areas not designated by FEMA, alterations of the Regulated Flood Hazard Area shall meet ARM 36.15.505.
7. A determination by the Floodplain Administrator that land areas located within the Regulated Flood Hazard Area are naturally above the Base Flood Elevation as proven by a certified elevation survey does not constitute or require an alteration of the Regulated Flood Hazard Area and may be maintained as a public record that more explicitly defines the Regulated Flood Hazard Area boundary. (ARM 36.15.505(2))

8. The material submitted and response from FEMA may be considered by the Floodplain Administrator for determining if a property or structure is within the Regulated Flood Hazard area and subject to these regulations.
9. Elevating with suitable fill as permitted does not alter the Regulated Flood Hazard Area or remove the elevated area from the Regulated Flood Hazard Area.

When property located within the Regulated Flood Hazard area is naturally above the Base Flood Elevation as proven by a certified elevation survey provided by an engineer or land surveyor, the property owner may submit a Letter of Map Amendment (LOMA) to FEMA in order to affect the flood risk designation for insurance purposes. Information on the process and requirements are available through FEMA.

SECTION 5. USES ALLOWED WITHOUT A PERMIT WITHIN THE REGULATED FLOOD HAZARD AREA

5.1 - GENERAL Within the Regulated Flood Hazard Area established by these Regulations, there are Existing Artificial Obstructions and uses that were lawful prior to the adoption or amendment of these Regulations, but no longer conform to the present requirements of these Regulations. It is the intent of these Regulations to allow such Artificial Obstructions and nonconforming uses to remain in the state and location to which they existed at the time of adoption or amendment of these Regulations without need for a permit. However, Alteration or Substantial Improvement of an Existing Artificial Obstruction or Nonconforming Use requires a Floodplain Permit.

5.2 OPEN SPACE USES The following open space uses shall be allowed without a permit in the Regulated Flood Hazard Area, provided that such uses are not prohibited by any other regulation or statute, do not require structures, do not require a No-Rise if in the floodway, and do not require fill, grading, excavation or storage of materials or equipment: ((ARM 36.15.601) (ARM 36.15.701) (1) (MCA 76-5-401) (MCA 76-5-404(3)))

1. Agricultural uses, not including related structures, such as tilling, farming, irrigation, ranching, harvesting, grazing, etc.; ((ARM 36.15.601(1)(a)) (MCA 76-5-401(1)))
2. Accessory uses, not including structures, such as loading and parking areas, or emergency landing strips associated with industrial or commercial facilities; ((ARM 36.15.601(1)(b)) (MCA 76-5-401(2),))
3. Forestry, including processing of forest products with portable equipment; ((ARM 36.15.601(1)(d)) (MCA 76-5-401(4)))
4. Recreational vehicle use provided that the vehicle is on the site for fewer than 180 consecutive days and the vehicle is fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system with wheels intact, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; (44 CFR 60.3(c)(14))
5. Residential uses such as lawns, gardens, parking areas, and play areas; ((ARM 36.15.601(1)(e)) (MCA 76-5-401(5)))
6. Routine or regularly scheduled maintenance of the existing state of an existing open space uses including preventive maintenance activities such as bridge deck rehabilitation and roadway pavement preservation activities if not in the regulatory floodway. Maintenance cannot increase the external size or increase the hazard potential of the existing open space use; (MCA 76-5-404(3)(b))

7. Public or private recreational uses not requiring structures such as picnic grounds, swimming areas, boat ramps, parks, campgrounds, golf courses, driving ranges, archery ranges, wildlife management and natural areas, alternative livestock ranches (game farms), fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails; (ARM 36.15.601(a)(c)) (MCA 76-5-401,))
8. Fences that have a low impact to the flow of water such as barbed wire fences and wood rail fences, and not including permanent fences crossing channels. Fences that have the potential to stop or impede flow or debris such as a chain link or privacy fence requires a floodplain permit and meet the requirements of Section 9.11; (ARM 36.15.601(2)(b)) (MCA 76-5-401))
9. Addition of highway guard rail, signing and utility poles that have a low impact to the flow of water along an existing roadway if not located within a regulatory floodway.
10. Irrigation and livestock supply wells, provided that they are located at least 500 feet from domestic water supply wells and with the top of casing 18" above the Base Flood Elevation. ((ARM 36.15.601(2)(a)) (MCA 76-5-401) (ARM 36.21.647))

SECTION 6. PROHIBITED USES, ACTIVITIES AND STRUCTURES WITHIN THE REGULATED FLOOD HAZARD AREA

6.1 FLOODWAY The following artificial obstructions and nonconforming uses are prohibited in the Floodway of the Regulated Flood Hazard Area, except for those established before land use regulations pursuant to Section 76-5-301, MCA have been adopted: (MCA 76-5-404(3))

1. A building for residential or non-residential purposes; (MCA 76-5-403(1), (ARM 36.15.605) (1a)), (ARM 36.15.605(2b), (ARM 36.15.605(2)(a)).
2. An artificial obstruction (e.g. structure, fill, recreational vehicle, etc.), or excavation that would cause water to be diverted from the Floodway, cause erosion, obstruct the natural flow of waters or reduce the carrying capacity of the Floodway. Notwithstanding these requirements, excavation or fill may be allowed subject to floodplain permit approval when it is a component to a permitted use allowed in these regulations and complies with all applicable requirements of these regulations; (MCA 76-5-403(2)).
3. The construction or storage of an object (artificial obstruction) subject to flotation or movement during flood level periods; (MCA 76-5-403(3) and ARM 36.15.605(1)(c))
4. Solid and hazardous waste disposal and individual and multiple family sewage disposal systems unless the systems meet the local health and sanitation regulations and when permitted pursuant to these regulations and are designed to minimize or eliminate infiltration of flood waters and avoid impairment or contamination; ((ARM 36-15-605(2c)) (44 CFR 60.3(a)(3)))
5. Storage of toxic, flammable, hazardous or explosive materials; and (ARM 36.15.605(2d))
6. Cemeteries, mausoleums, or any other burial grounds.

6.2 FLOOD FRINGE OR REGULATED FLOOD HAZARD AREA WITHOUT A FLOODWAY The following artificial obstructions and nonconforming uses are prohibited in the Flood Fringe or Regulated Flood Hazard Area without a Floodway, except for those established before land use regulations have been adopted: (MCA 76-5-404(3))

1. Solid and hazardous waste disposal and individual and multiple family sewage disposal systems unless the systems meet the local health and sanitation regulations and when permitted pursuant to these regulations and are designed

to minimize or eliminate infiltration of flood waters and avoid impairment or contamination; ((ARM 36-15-703(1)) (44 CFR 60.3(a)(3)))

2. Storage of toxic, flammable, hazardous or explosive materials; (ARM 36-15-703(2))
3. The construction or storage of an artificial obstruction subject to flotation or movement during flood level periods; and
4. Cemeteries, mausoleums, or any other burial grounds.

SECTION 7. FLOODPLAIN PERMIT APPLICATION REQUIREMENTS

7.1 GENERAL

1. A Floodplain permit is required for a person to establish, alter or substantially improve an artificial obstruction, nonconforming use or development within the Regulated Flood Hazard Area; ((44 CFR 60.1) (MCA 76-5-404) (ARM 36.15.204(2)(a)))
2. A Floodplain permit is required for artificial obstructions, developments and uses not specifically listed in Sections 9 and 10, except as allowed without a Floodplain permit in Section 5, or as prohibited as specified in Section 6, within the Regulated Flood Hazard Area;
3. Artificial obstructions and nonconforming uses in a Regulated Flood Hazard Area not exempt under Section 5 are public nuisances unless a Floodplain permit has been obtained; (MCA 76-5-404(1))
4. A Floodplain permit is required for an alteration of an existing artificial obstruction or nonconforming use that increases the external size or increases its potential flood hazard and not exempt under Section 5; ((MCA 76-5-404(3)(b)) (ARM 36.15.204(2)(a)))
5. A Floodplain permit is required to reconstruct or repair an existing artificial obstruction that has experienced substantial damage and will undergo substantial improvement; and
6. Maintenance of an existing artificial obstruction or use that is a substantial improvement or an alteration requires a Floodplain permit. (MCA 76-5-404(3)(b))

7.2 REQUIRED FLOODPLAIN PERMIT APPLICATION INFORMATION

1. A Floodplain permit application shall include, but is not limited to the following:
 1. A completed and signed Floodplain Permit Application;
 2. The required review fee;
 3. Plans in duplicate drawn to scale showing the location, dimensions, and elevation of the proposed project including landscape alterations, existing and proposed structures, and the location of the foregoing in relation to the

- Regulated Flood Hazard Areas and if applicable the Floodway boundary;
((MCA 76-5-405) (ARM 36.15.216))
4. A copy of other applicable permits or pending applications required by Federal or State law as submitted which may include but are not limited to a 310 permit, SPA 124 permit, Section 404 Permit, 318 Authorization, 401 Certification or a Navigable Rivers Land Use License or Easement for the proposed project; and the applicant must show that the Floodplain permit application is not in conflict with the relevant and applicable permits; and (44 CFR 60.3(a)(2))
 5. Additional information related to the specific use or activity that demonstrates the design criteria and construction standards are met or exceeded as specified in Sections 9 and 10. ((MCA 76-5-405) (ARM 36.15.216))

SECTION 8. FLOODPLAIN PERMIT APPLICATION EVALUATION

8.1 FLOODPLAIN PERMIT APPLICATION REVIEW

1. The Floodplain Administrator shall review and evaluate the Floodplain permit application and shall approve, approve with conditions, or deny the application within (180 days or a time specified) of receipt of a correct and complete application. (MCA 76-5-405(2))
2. The Floodplain Administrator shall determine whether the Floodplain permit application contains the applicable elements required in these regulations and shall notify the applicant of the Floodplain Administrator's determination.
3. If the Floodplain permit application is found to be missing the required elements and if the applicant corrects the identified deficiencies and resubmits the Floodplain application, the Floodplain Administrator shall notify the applicant whether the resubmitted Floodplain application contains all the elements required by these regulations, as applicable.
4. This process shall be repeated until the applicant submits a completed Floodplain permit application containing all the elements required by these regulations, or the application is withdrawn.
5. If after a reasonable effort the Floodplain Administrator determines that the Floodplain application remains incomplete, the Floodplain Administrator shall deny the Floodplain permit application and notify the applicant of missing elements. No further action shall be taken on the Floodplain permit application by the Floodplain Administrator until the Floodplain permit application is resubmitted.
6. A determination that a Floodplain permit application is correct and complete for review does not ensure that the Floodplain permit application will be approved or conditionally approved and does not limit the ability of the Floodplain Administrator to request additional information during the review process.

8.2. NOTICE REQUIREMENTS FOR FLOODPLAIN PERMIT APPLICATIONS:

1. Upon receipt of a complete application for a Floodplain permit, the Floodplain Administrator shall prepare a notice containing the facts pertinent to the Floodplain permit application and shall:
 1. Publish the notice at least once in a newspaper of general circulation in the area; (ARM 36.15.204(2)(c))

2. Serve notice by first-class mail upon adjacent property owners; (ARM 36.15.204(2)(c))
 3. Serve notice to the State National Flood Insurance Program Coordinator located in DNRC by the most efficient method. Notice to other permitting agencies or other impacted property owners may be provided; and
 4. Prior to any alteration or relocation of a watercourse in the Regulated Flood Hazard Area, additionally provide notice to FEMA and adjacent communities. (44 CFR 60.3 (b)(6))
2. The notice shall provide a reasonable period of time, not less than 15 days, for interested parties to submit comments on the proposed activity. (ARM 36.15.204(2)(c))

8.3 FLOODPLAIN PERMIT CRITERIA

1. Floodplain permit applications shall be approved provided the proposed new construction, substantial improvement, or alteration of an artificial obstruction meets the requirements of the minimum standards and criteria in Sections 9 and 10 and other requirements of these regulations. ((MCA 76-5-406) (44 CFR 60.3))
2. A Flood Plain permit application for a development that will cause an increase of more than 0.00 feet to the Base Flood Elevation of the Floodway or more than 0.50 feet to the Base Flood Elevation of the Regulated Flood Hazard Area without a Floodway shall not be approved until approval for an Alteration pursuant to Section 4.3 has been approved, the Regulated Flood Hazard Area is amended and a FEMA CLOMR where required is issued.
3. The Floodplain Administrator shall determine that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendment of 1972, 36 U.S.C. 1334. (44 CFR 60.3(a)(2))

8.4 DECISION

1. The Floodplain Administrator shall approve, conditionally approve, or deny the proposed Floodplain permit application. The Floodplain Administrator shall notify the applicant of their action and the reasons thereof within (180 days or time specified) of receipt of a correct and complete Floodplain permit application unless otherwise specified. A copy of the approved Floodplain permit must be provided to DNRC. ((MCA 76-5-405(2)) (ARM 36.15.204(2)(e)))

2. The approval of a Floodplain permit application does not affect any other type of approval required by any other statute or ordinance of the state or any political subdivision or the United States, but is an added requirement. (MCA 76-5-108)

8.5 FLOODPLAIN PERMIT CONDITIONS AND REQUIREMENTS

1. Upon approval or conditional approval of the Floodplain permit application, the Floodplain Administrator shall provide the applicant with a Floodplain permit with applicable specific requirements and conditions including but not limited to the following:
 1. The Floodplain permit will become valid when all other necessary permits required by Federal or State law are in place;(44 CFR 60.3(a)(2)
 2. Completion of the development pursuant to the Floodplain permit shall be completed within one year from the date of Floodplain permit issuance or a time limit commensurate with the project construction timeline for completion of the project or development. The applicant may request an extension for up to an additional year. The request must be made at least 30 days prior to the permitted completion deadline;
 3. The applicant shall notify subsequent property owners and their agents and potential buyers of the Floodplain development permit issued on the property and that such property is located within a Regulated Flood Hazard Area and shall record the notice with the Floodplain Administrator; (ARM 36.15.204(2)(g))
 4. The applicant shall maintain the artificial obstruction or use to comply with the conditions and specifications of the permit;
 5. The applicant shall allow the Floodplain Administrator to perform onsite inspections at select intervals during construction or completion;
 6. The applicant shall provide periodic engineering oversight and/or interim reports during the construction period to be submitted to the Floodplain Administrator to confirm constructed elevations and other project elements;
 7. The applicant shall submit a compliance report including certifications where required and applicable including flood proofing, elevation, surface drainage, proper enclosure openings and materials to the Floodplain Administrator within 30 days of completion or other time as specified;
 8. The applicant shall submit an annual performance and maintenance report on bank stabilization or other projects utilizing maturing vegetative components to the Floodplain Administrator for a period of 5 years or a time specified in the permit; or

9. The applicant shall submit evidence of a submittal of a FEMA Letter of Map Revision (LOMR) to FEMA and applicable fees within 6 months of project completion and proceed with due diligence for acceptance of the document and necessary supporting materials by FEMA. (44 CFR 65.3)

SECTION 9. DEVELOPMENT REQUIREMENTS IN THE FLOODWAY

9.1 USES REQUIRING PERMITS Artificial obstructions including alterations and substantial improvements specifically listed in Sections 9.3 to 9.15 may be allowed by permit within the Floodway, provided the General Requirements in Section 9.2 and the applicable requirements in Sections 9.3 to 9.15 are met.

9.2 GENERAL REQUIREMENTS An application for a permit shall meet the following requirements:

1. All projects shall be designed and constructed to ensure that they do not adversely affect the flood hazard on other properties and are reasonably safe from flooding;
2. All projects shall assure that the carrying capacity of the Floodway is not reduced. All projects in the Floodway shall meet the following:
 1. Demonstrate that the project does not increase the Base Flood Elevation by conducting an encroachment analysis certified by an engineer. A minimal or qualitative encroachment analysis may be accepted when the project or development does not require a structure, alteration of the Floodway, involve fill, grading, excavation or storage of materials or equipment but is also certified by an engineer to not exceed the allowable encroachment to the Base Flood Elevation; and
 2. The allowable encroachment to the Base Flood Elevation is 0.00 feet, and no significant increase to the velocity or flow of the stream or water course unless approval of an alteration of the Regulated Flood Hazard Area pursuant to Section 4.3 and an approved FEMA Conditional Letter of Map Revision occurs before permit issuance; and
((ARM 36.15.604) (ARM 36.15.505) (ARM 36.15.605(b)) (44 CFR 60.3(a) (3 and 4)) (44CFR 65.12(a))
3. An application for a Floodplain permit must also demonstrate the following factors are considered and incorporated into the design of the use or artificial obstruction in the Floodway:
 1. The danger to life and property due to backwater or diverted flow caused by the obstruction or use; ((MCA 76-5-406(1)) (ARM 36.15.216(2)(a)))
 2. The danger that the obstruction or use may be swept downstream to the injury of others; ((MCA 76-5-406(2)) (ARM 36.15.216(2)(b)))
 3. The availability of alternative locations; ((MCA 76-5-406(3)) (ARM 36.15.216(2)(c)))

4. Construct or alter the obstruction or use in such manner as to lessen the flooding danger; ((MCA 76-5-406(4)) (ARM 36.15.216(2)(d)))
5. The permanence of the obstruction or use and is reasonably safe from flooding; ((MCA 76-5-406(5)) (ARM 36.15.216(2e)))
6. The anticipated development in the foreseeable future of the area which may be affected by the obstruction or use; ((MCA 76-5-406(6)) (ARM 36.15.216(2f)))
7. Relevant and related permits for the project have been obtained; (44 CFR 60.3(a)(2))
8. Such other factors as are in harmony with the purposes of these regulations, the Montana Floodplain and Floodway Management Act, and the accompanying Administrative Rules of Montana; and ((MCA 76-5-406(7)) (ARM 36.15.216(2)(g)))
9. The safety of access to property in times of flooding for ordinary and emergency services. (44CFR 60.22 (c)(7))

9.3 MINING OF MATERIAL REQUIRING EXCAVATION FROM PITS OR POOLS

provided, in addition to the requirements of Section 9.2, that:

1. A buffer strip of undisturbed land of sufficient width as determined by an engineer to prevent flood flows from channeling into the excavation is left between the edge of the channel and the edge of the excavation; (ARM 36.15.602(1)(a))
2. The excavation meets all applicable laws and regulations of other local and state agencies; and (ARM 36.15.602(1)(b))
3. Excavated material may be processed on site but is stockpiled outside the Floodway. (ARM 36.15.602(1)(c))

9.4 RAILROAD, HIGHWAY AND STREET STREAM CROSSINGS, including other transportation related crossings provided, in addition to the requirements of Section 9.2, that:

1. Crossings are designed to offer minimal obstructions to the flood flow; (ARM 36.15.602(2))
2. Where failure or interruption of public transportation facilities would result in danger to public health or safety and where practicable and in consideration of FHWA Federal-Aid Policy Guide 23CFR650A:

1. Bridge lower chords shall have freeboard to at least two (2) feet above the Base Flood Elevation to help pass ice flows, the base flood discharge and any debris associated with the discharge; and
2. Culverts shall be designed to pass the Base Flood discharge and maintain at least two (2) feet freeboard on the crossing surface;
3. Normal overflow channels, if possible are preserved to allow passage of sediments to prevent aggradations; and
4. Mid-stream supports for bridges, if necessary, have footings buried below the maximum scour depth.

9.5 LIMITED FILLING FOR ROAD AND RAILROAD EMBANKMENTS, including other transportation related embankments not associated with stream crossings and bridges provided, in addition to the requirements of Section 9.2, that:

1. The fill is suitable fill;
2. Reasonable alternate transportation routes outside the floodway are not available; and (ARM 36.15.602(3))
3. The encroachment is located as far from the stream channel as possible. (ARM 36.15.602(3))

9.6 BURIED OR SUSPENDED UTILITY TRANSMISSION LINES provided, in addition to the requirements of Section 9.2, that:

1. Suspended utility transmission lines are designed such that the lowest point of the suspended line is at least six (6) feet higher than the Base Flood Elevation; (ARM 36.15.602(4))
2. Towers and other appurtenant structures are designed and placed to withstand and offer minimal obstruction to flood flows; (ARM 36.15.602(4))
3. Alternatives such as alternative routes, directional drilling, and aerial crossings are considered when technically feasible; and
4. Utility transmission lines carrying toxic or flammable materials are buried to a depth of at least twice the calculated maximum scour depth determined by an engineer for the Base Flood. (ARM 36.15.602(4))

9.7 STORAGE OF MATERIALS AND EQUIPMENT provided, in addition to the requirements of Section 9.2, that:

1. The material or equipment is not subject to major damage by flooding and is properly anchored to prevent flotation or downstream movement; or (ARM 36.15.602(5)(a))
2. The material or equipment is readily removable within the limited time available after flood warning. Storage of flammable, toxic or explosive materials shall not be permitted. (ARM 36.15.602(5)(b))

9.8 DOMESTIC WATER SUPPLY WELLS provided, in addition to the requirements of Section 9.2, that:

1. They are driven or drilled wells located on ground higher than surrounding ground to assure positive drainage from the well; (ARM 36.15.602(6))
2. They require no other structures (e.g. a well house); (ARM 36.15.602(6))
3. Well casings are water tight to a distance of at least twenty-five (25) feet below the ground surface and the well casing height is a minimum of two (2) feet above the Base Flood Elevation or capped with a watertight seal and vented two (2) feet above the Base Flood Elevation; ((ARM 36.15.602(6)))
4. Water supply lines have a watertight seal where the lines enter the casing; (ARM 36.15.602(6))
5. All pumps and electrical lines and equipment are either of the submersible type or are adequately flood proofed; and (ARM 36.15.602(6))
6. Check valves are installed on main water lines at wells and at all building entry locations. ((44 CFR 60.3 (a)(5)) (ARM 36.15.602(6)))

9.9 BURIED AND SEALED VAULTS FOR SEWAGE DISPOSAL IN CAMPGROUNDS AND RECREATIONAL AREAS provided, in addition to the requirements of Section 9.2, demonstrate approval by Montana Department of Environmental Quality and local health and sanitation permits or approvals. ((44 CFR 60.3(a)(6)) (ARM 36.15.602(7)))

9.10 PUBLIC AND PRIVATE CAMPGROUNDS provided, in addition to the requirements of Section 9.2, that:

1. Access roads require only limited fill and do not obstruct or divert flood waters; (ARM 36.15.602(8))
2. The project meets the accessory structures requirements in this Section;
3. No dwellings or permanent mobile homes are allowed; (ARM 36.15.602(8))

4. Recreational vehicles and travel trailers are ready for highway use with wheels intact, with only quick disconnect type utilities and securing devices, and have no permanently attached additions; and (44 CFR 60.3(c)(14))
5. There is no large-scale clearing of riparian vegetation within 10 feet of the mean annual high-water mark or edge of stream channel.

9.11 STRUCTURES ACCESSORY OR APPURTENANT to permitted uses such as boat docks, loading and parking areas, marinas, sheds, airstrips, permanent fences crossing channels that may impede or stop flows or debris, picnic shelters and tables and lavatories, that are incidental to a principal structure or use, provided in addition to the requirements of Section 9.2, that:

1. The structures are not intended for human habitation or supportive of human habitation; (ARM 36.15.602(9))
2. The structures will have low flood damage potential; (ARM 36.15.602(9))
3. The structures will, insofar as possible, be located on ground higher than the surrounding ground and as far from the channel as possible; (ARM 36.15.602(9))
4. The structures will be constructed and placed so as to offer a minimal obstruction to flood flows; (ARM 36.15.602(9))
5. Only those wastewater disposal systems that are approved under health and sanitation regulations are allowed;
6. Service facilities within these structures such as electrical, heating and plumbing are flood proofed according to the requirements in Section 10; (ARM 36.15.602(9))
7. The structures are firmly anchored to prevent flotation; (ARM 36.15.602(9))
8. The structures do not require fill and/or substantial excavation;
9. The structures or use cannot be changed or altered without permit approval; and
10. There is no clearing of riparian vegetation within 10 feet of the mean annual high-water mark or edge of stream channel.

9.12 CONSTRUCTION OF OR MODIFICATIONS TO SURFACE WATER DIVERSIONS provided, in addition to the requirements of Section 9.2, that the design is reviewed and approved by an engineer and includes:

1. Measures to minimize potential erosion from a Base Flood; and (ARM 36.15.603(3)(b))
2. Designs and plans that demonstrate any permanent structure in the stream is designed to safely withstand up to the Base Flood considering the forces associated with hydrodynamic and hydrostatic pressures including flood depths, velocities, impact, ice buoyancy, and uplift forces associated with the Base Flood. ((ARM 36.15.603(3)(c) ((CFR 60.3(a)(3) (CFR 60.3(d)(3)))

9.13 FLOOD CONTROL AND STREAM BANK STABILIZATION MEASURES

provided, in addition to the requirements of Section 9.2, that the design is reviewed and approved by an engineer and constructed to substantially resist or withstand the forces associated with hydrodynamic and hydrostatic pressures, including flood depths, velocities, impact, ice, buoyancy, and uplift associated with the Base Flood. The design must also show compliance with the following applicable criteria: ((CFR 60.3(a)(3) (CFR 60.3(d)(3)) (ARM 36.15.606))

1. LEVEE AND FLOODWALL construction or alteration:

1. Must be designed and constructed with suitable fill and be designed to safely convey a Base Flood; (ARM 36.15.606(1)(a))
2. Must be constructed at least 3 feet higher than the elevation of the Base Flood unless the levee or floodwall protects agricultural land only; (ARM 36.15.606(2)(a))
3. Must meet state and federal levee engineering and construction standards and be publicly owned and maintained if it protects structures of more than one landowner; and (ARM 36.15.505(1)(c)(ii) and (iii))
4. For any increase in the elevation of the Base Flood, an alteration of the Regulated Flood Hazard Area requires approvals pursuant to Section 4.3.

2. STREAM BANK STABILIZATION, PIER AND ABUTMENT PROTECTION projects:

1. Must be designed and constructed using methods and materials that are the least environmentally damaging yet practicable and should be designed to withstand a Base Flood once the project's vegetative components are mature within a period of up to 5 years or other time as required by the Floodplain Administrator. Once vegetation is mature and established it should not require substantial yearly maintenance after the initial period;
2. Materials for the project may be designed to erode over time but not fail catastrophically and impact others. Erosion, sedimentation, and transport of

the materials may be designed to be at least similar in amount and rate of existing stable natural stream banks during the Base Flood;

3. Must not increase erosion upstream, downstream, across from or adjacent to the site in excess of the existing stable natural stream bank during the Base Flood; and (ARM 36.15.606(1)(b))
4. Materials for the project may include but are not limited to riprap, root wads, brush mattresses, willow wattles, natural woody debris or combinations of analogous materials.

3. CHANNELIZATION PROJECTS where the excavation and/or construction of a channel is for the purpose of diverting the entire or a portion of the flow of a stream from its established course, the project must:

1. Not increase the magnitude, velocity, or elevation of the Base Flood; and
2. Meet the requirements of Section 9.13.2.
(ARM 36.15.101(7)) (ARM 36.15.606(1)(c))

4. DAMS:

1. The design and construction shall be in accordance with the Montana Dam Safety Act and applicable safety standards; and
2. The project shall not increase flood hazards downstream either through operational procedures or improper hydrologic/hydraulic design. (ARM 36.15.606(1)(d))

9.14 STREAM AND BANK RESTORATION projects intended to reestablish the terrestrial and aquatic attributes of a natural stream and not for protection of a structure or development provided, in addition to the requirements of Section 9.2, that:

1. The project will not increase velocity or erosion upstream, downstream, across from or adjacent to the site; (ARM 36.15.606(1)(b))
2. Materials may include but are not limited to boulders, rock cobble, gravel, native stream bed materials, root wads, brush mattresses, willow wattles, natural woody debris or combinations of analogous materials and that reasonably replicates the bed and bank of the natural stream;
3. Erosion, sedimentation, and transport of the materials are not more than the amount and rate of existing natural stream banks during the Base Flood; and
4. The project may be designed to allow vegetative materials to mature within a period up to 5 years or other time as required by the Floodplain Administrator.

Once vegetation is mature and established it should not require substantial yearly maintenance after the initial period.

9.15 EXISTING RESIDENTIAL AND NON-RESIDENTIAL BUILDINGS IN THE FLOODWAY any alteration or substantial improvement to an existing building must meet the requirements of Section 9.2 and the applicable requirements in Section 10 for residential or non-residential buildings. (MCA76-5-404(3)(b))

SECTION 10. DEVELOPMENT REQUIREMENTS IN THE FLOOD FRINGE OR REGULATED FLOOD HAZARD AREA WITH NO FLOODWAY

10.1 USES REQUIRING PERMITS – All uses allowed by permit in the Floodway shall also be allowed by permit within the Flood Fringe or Regulated Flood Hazard Area with no Floodway. Such uses are subject to the requirements in Section 9, with the exception of the encroachment limit of Section 9.2.2. Instead, such uses are subject to the encroachment limits of this Section 10.2.9.

Except for prohibited artificial obstructions in Section 6.2, all other artificial obstructions including new construction, substantial improvements, alterations to residential, and nonresidential structures including manufactured homes, and related suitable fill or excavation shall be allowed by permit and are subject to the requirements in this Section and General Requirements of Section 9.2, with the exception of the encroachment limit of Section 9.2.2.

(ARM 36.15.701(2))

10.2 GENERAL REQUIREMENTS An application for a Floodplain permit must demonstrate or meet the following applicable requirements:

1. **Base Flood Elevation** Where necessary to meet the appropriate elevation requirement in these regulations, the Base Flood Elevation(s) must be determined by an engineer and utilized in the design and layout of the project demonstrating the design and construction criteria herein are met. For Regulated Flood Hazard Areas that do not have computed and published Base Flood Elevations in the adopted flood hazard study referenced in Section 4, a Base Flood Elevation must be determined or obtained from a reliable source, utilizing appropriate engineering methods and analyses;
2. **Flood Damage** Structures must be constructed by methods and practices that minimize flood damage and structures must be reasonably safe from flooding; ((44 CFR 60.3(a)) (44 CFR 60.3(a)(3)(iii)))
3. **Surface Drainage** Adequate surface drainage must be provided around structures;
4. **Materials** Structures must be constructed with materials resistant to flood damage; ((44 CFR 60.3(a)) (44 CFR 60.3(a)(3)(ii)))
5. **Artificial Obstructions** Structures, excavation or fill must not be prohibited by any other statute, regulation, ordinance, or resolution; and must be compatible with subdivision, zoning and any other land use regulations, if any; (ARM 36.15.701(3)(a)) ((ARM 36.15.701(3)(b)))

- 6. Anchoring** All construction and substantial improvements must be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;(44CFR 60.3(a)(3))
- 7. Certification** Certification by an engineer, architect, land surveyor, or other qualified person must accompany the application where required including for an encroachment analysis, adequacy of structural elevations, Base Flood Elevation determinations, flood-proofing, enclosure flood openings and design and construction to withstand the hydrodynamic forces and hydrostatic pressures of flood depths, velocities, impact, buoyancy, uplift forces associated with the Base Flood and surface drainage. A certification is not intended to constitute a warranty or guarantee of performance, expressed or implied;
((ARM 36.15.606(1) (ARM 36.15.702(2)(c)) (ARM 36.15.801(3)(b)) (44 CFR 60.3(c) (3 &4)) (44 CFR 60.3 (d)(3)))
- 8. Access** Structures must have safe access during times of flooding up to the Base Flood for ordinary and emergency services provided there are no reasonable alternate locations for structures; For manufactured homes, access for a manufactured home hauler is also provided.

9. Encroachment Analysis

1. All applications in the Regulated Flood Hazard Area without a Floodway must be supported by an encroachment analysis of the proposed use, a thorough hydrologic and hydraulic analysis except as provided in following paragraph 4, Section 10.2.9.4, prepared by an engineer to demonstrate the effect of the structure on flood flows, velocities and the Base Flood Elevation; ((ARM 36.15.604) (44 CFR 60.3(a)(3))
2. The maximum allowable encroachment is certified to be at or less than 0.5 feet increase to the Base Flood Elevation unless approval of an alteration of the Regulated Flood Hazard Area pursuant to Section 4 and an approved FEMA Conditional Letter of Map Revision occurs before permit issuance; ((ARM 36.15.604) (ARM 36.15.505) (44 CFR 60.3(c)(13)))
3. An encroachment analysis is not required for any development in the Flood Fringe where an accompanying Floodway has been designated within the Regulated Flood Hazard Area; and
4. Although all other development standards herein apply, a minimal or qualitative encroachment analysis may be accepted when the project or development does not require a structure, alteration of the Floodplain, involve fill, grading, excavation or storage of materials or equipment and also is certified by an engineer to not exceed the allowable encroachment.

10. Electrical Systems Flood Proofing All electrical service materials, equipment and installation for uses in a Regulated Flood Hazard Area must be certified to meet the following requirements:

1. All incoming power service equipment including all metering equipment, control centers, transformers, distribution and lighting panels and all other stationary equipment must be located at least two feet above the Base Flood Elevation; (ARM 36.15.901(1)(a))
2. Portable and movable electrical equipment may be placed below the Base Flood Elevation, provided that the equipment can be disconnected by a single plug and socket assembly of the submersible type; (ARM 36.15.901(1)(b))
3. The main power service lines must have automatically operated electrical disconnect equipment or manually operated electrical disconnect equipment located at an accessible remote location outside the Regulated Flood Hazard Area or two feet above the Base Flood Elevation; and (ARM 36.15.901(1)(c))
4. All electrical wiring systems installed below the Base Flood Elevation must be suitable for continuous submergence and may not contain fibrous components. (ARM 36.15.901(1)(d))

11. Heating and Cooling Systems Flood Proofing Heating and cooling systems for uses in a Regulated Flood Hazard Area must be certified to meet the following requirements:

1. Float operated automatic control valves must be installed so that fuel supply is automatically shut off when flood waters reach the floor level where the heating and cooling systems are located; (ARM36.15.902(1)(a))
2. Manually operated gate valves must be installed in gas supply lines. The gate valves must be operable from a location above the Base Flood Elevation; (ARM36.15.902(1)(b))
3. Electrical Systems flood proofing must be met; and (ARM36.15.902(1)(c))
4. Furnaces and cooling units must be installed at least two (2) feet above the Base Flood Elevation and the ductwork installed above the Base Flood Elevation.

12. Plumbing Systems Flood Proofing Plumbing systems for uses in the Regulated Flood Hazard Area must be certified to meet the following requirements:

1. Sewer lines, except those to a buried and sealed vault, must have check valves installed to prevent sewage backup into permitted structures; and (ARM 36.15.903(1)(a))
2. All toilets, stools, sinks, urinals, vaults, and drains must be located so the lowest point of possible flood water entry is at least two (2) feet above the Base Flood Elevation. (ARM 36.15.903(1)(b))

13. Structural Fill Flood Proofing Fill used to elevate structures, including but not limited to residential and non-residential buildings must be certified to meet the following requirements:

1. The filled area must be at or above the Base Flood Elevation and extend at least fifteen (15) feet beyond the structure in all directions;
2. Fill material must be suitable fill, that is stable, compacted, well graded, and pervious, not adversely affected by water and frost, devoid of trash or similar foreign matter, tree stumps or other organic material; and is fitting for the purpose of supporting the intended use and/or permanent structure. (ARM 36.15.101(22))
3. The fill must be compacted to minimize settlement and compacted to 95 percent of the maximum density. Compaction of earthen fill must be certified by an engineer;
4. No portion of the fill is allowed within the floodway;
5. The fill slope must not be steeper than 1 ½ horizontal to 1 vertical unless substantiating data justifying a steeper slope is provided and adequate erosion protection is provided for fill slopes exposed to floodwaters; and

14. Wet Flood Proofing Building designs with an enclosure below the lowest floor must be certified to meet the following:

1. Materials used for walls and floors are resistant to flooding to an elevation two (2) feet or more above the Base Flood Elevation; (ARM 36.15.702(2)(a))
2. The enclosure must be designed to equalize hydrostatic forces on walls by allowing for entry and exit of floodwaters. Opening designs must either be certified by an engineer or architect or meet or exceed the following:
 1. Automatically allow entry and exit of floodwaters through screens, louvers, valves, and other coverings or devices;
 2. Have two (2) or more openings with a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area below the

Lowest Floor, except if the enclosure is partially subgrade, a minimum of 2 openings may be provided on a single wall; and

3. Have the bottom of all openings no higher than one (1) foot above the higher of the exterior or interior adjacent grade or floor immediately below the openings.

(44 CFR 60.3(c)(5))

15. Dry Flood Proofing Building designs that do not allow internal flooding must be certified according to these regulations to meet the following:

1. Building use must be for non-residential use only and does not include mixed residential and non-residential use;
2. Be Flood Proofed to an elevation no lower than two (2) feet above the Base Flood Elevation;
3. Be constructed of impermeable membranes or materials for floors and walls and have watertight enclosures for all windows, doors and other openings; and
4. Be designed to withstand the hydrostatic pressures and hydrodynamic forces resulting from the Base Flood and the effects of buoyancy.

((ARM 36.15.702(2)(b)) (44 CFR 60.3(c)(3))

16. Elevation of the Lowest Floor Elevating the lowest floor may be by either suitable fill, foundation wall enclosure, stem walls, pilings, posts, piers, columns or other acceptable means; ((MCA 76-5-402(2)(b)) (44 CFR 60.3(b)(8)) (44 CFR 60.3(c)(6)))

17. Crawl Spaces Crawl space foundation enclosures including sub grade crawlspace enclosures below the lowest floor must meet the wet flood proofing requirements and be designed so that the crawl space floor is at or above the Base Flood Elevation. Crawl space foundations must have an inside dimension of not more than five (5) feet from the ground to the top of the living floor level and a sub grade crawlspace must also have the interior ground surface no more than two (2) feet below the exterior lowest adjacent ground surface on all sides. A sub grade foundation exceeding either dimension is a basement;

18. Manufactured Home Anchors For new placement, substantial improvement or replacement of manufactured homes for residential or nonresidential use including additions, the chassis must be secure and must resist flotation, collapse or lateral movement by anchoring with anchoring components capable of carrying a force of 4,800 pounds and as follows:

1. For manufactured homes less than fifty (50) feet long, over-the-top ties to ground anchors are required at each of the four (4) corners of the home, with two additional ties per side at intermediate locations; or
2. For manufactured homes more than fifty (50) feet long, frame ties to ground anchors are required at each corner of the home with five (5) additional ties per side at intermediate points; and
((CFR 60.3(b)(8)) CFR 60.3(c)(6)))

10.3 RESIDENTIAL BUILDING, EXCEPTIONS OR ADDITIONAL REQUIREMENTS

New construction, alterations, and substantial improvements of residential dwellings, manufactured homes, including replacement of manufactured homes, must be constructed such that:

1. **Elevation of the Lowest Floor** The Lowest Floor of the building including an attached garage or basement must be two (2) feet or more above the Base Flood Elevation; (ARM 36.15.701(3))
2. **Enclosure** Enclosures of elevated buildings cannot be dry flood proofed. Use for an enclosure is limited to facilitating building component access. The enclosure including a crawlspace must be wet flood proofed and the enclosure floor must be at or above the Base Flood Elevation. An attached garage floor must be two (2) or more feet above the Base Flood Elevation; and
3. **Recreation Vehicles** Recreational vehicles on site for more than 180 days or not ready for highway use must meet the requirements for manufactured homes for residential use.

10.4 NON-RESIDENTIAL BUILDING, EXCEPTIONS OR ADDITIONAL REQUIREMENTS

New construction, alterations, and substantial improvements of non-residential including agricultural, commercial and industrial buildings and residential and non-residential accessory buildings must be constructed such that:

1. **Elevation of the Lowest Floor** The Lowest Floor of the building must be elevated two (2) feet above the Base Flood Elevation or adequately dry flood proofed according to Section 10.2.15. ((ARM 36.15.702(2) (44 CFR 60.3(c)(3)(ii) (44 CFR 60.3(c)(3) & (4)))
2. **Enclosure** Enclosures below the Lowest Floor on elevated buildings must be wet flood proofed according to Section 10.2.14 and the use must be limited to parking, access or storage or must be adequately dry flood proofed according to this Section 10.2.15;
3. **Manufactured homes** Manufactured homes proposed for use as non-residential buildings cannot be dry flood proofed; and

4. Agricultural structures The following additional requirements and exceptions from the requirements of Section 10.4 apply to agricultural structures not intended to be insurable, used solely for agricultural purposes, having low flood damage potential, used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities including raising of livestock and animal confinement facilities, and not intended for human habitation:

1. Such structures may be exempted by the Floodplain Administrator from the Lowest Flood Elevation requirements established in Section 10.4.1 provided the Lowest Floor of the structures is elevated to at least the Base Flood Elevation or adequately dry floodproofed in conformance with the requirements of Section 10.2.15; and
2. Such Structures shall comply with the requirements of Section 9.11.
((ARM 36.15.602(9) (ARM 36.15.701(3)(e))

5. Additional Accessory Structures including Detached Garages Accessory structures that are on the same parcel of property as a principal structure, the use of which is incidental to the use of the principal structure. Accessory structures must be used for parking or storage, be small and represent a minimal investment by owners, and have low damage potential. Small structures referenced in FEMA Technical Bulletin P-2140 means not larger than a one-story two-car garage.

1. Such structures may be exempted by the Floodplain Administrator from the Lowest Flood Elevation requirements established in Section 10.4.1 provided the Lowest Floor of the structure is elevated to at least the Base Flood Elevation and adequately wet floodproofed in conformance with requirements of parts 1 and 2 of Section 10.2.14 or adequately dry floodproofed in conformance with the requirements of Section 10.2.15; and
2. Such structures shall comply with the requirements of Section 9.11.

SECTION 11. EMERGENCIES

11.1 GENERAL

1. Emergency repair and replacement of severely damaged artificial obstructions and development in the Regulated Flood Hazard Area, including public transportation facilities, public water and sewer facilities, flood control works, and private projects are subject to the permitting requirements of these regulations. (ARM 36.15.217)
2. The provisions of these regulations are not intended to affect other actions that are necessary to safeguard life or structures during periods of emergency.

11.2 EMERGENCY NOTIFICATION AND APPLICATION REQUIREMENTS

1. The property owner and or the person responsible for taking emergency action must notify the Floodplain Administrator prior to initiating any emergency action in a Regulated Flood Hazard Area normally requiring a Floodplain permit. An Emergency Notification Form must be submitted to the Floodplain Administrator within five (5) days of the action taken as a result of an emergency.
2. Unless otherwise specified by the Floodplain Administrator, within 30 days of initiating the emergency action, a person who has undertaken an emergency action must submit a Floodplain Permit Application that describes what action has taken place during the emergency and describe any additional work that may be required to bring the project in compliance with these regulations.
3. A person who has undertaken an emergency action may be required to modify or remove the project in order to meet the permit requirements.

SECTION 12. VARIANCES

12.1 GENERAL A variance from the minimum development standards of these regulations may be allowed. An approved variance would permit construction in a manner otherwise as required or prohibited by these regulations. ((44 CFR 59.1) (ARM 36.15.218))

12.2 VARIANCE APPLICATION REQUIREMENTS:

1. Prior to any consideration of a variance from any development standard in these regulations, a completed Floodplain Permit application and required supporting material must be submitted.
2. Additionally, supporting materials in a Variance application specific to the variance request including facts and information addressing the criteria in this Section must be submitted.
3. If the Floodplain permit application and Variance application is deemed not correct and complete, the Floodplain Administrator shall notify the applicant of deficiencies within a reasonable time not to exceed 30 days. Under no circumstances should it be assumed that the variance is automatically granted.

12.3 NOTICE REQUIREMENTS FOR FLOODPLAIN VARIANCE APPLICATION

Public Notice of the Floodplain permit application and Variance application shall be given pursuant to Section 8.2.

12.4 EVALUATION OF VARIANCE APPLICATION

1. A Floodplain permit and Variance shall only be issued upon a determination that the variance is the minimum allowance necessary, considering the flood hazard, to afford relief from these regulations and provided all of the following criteria are met:
 1. There is a good and sufficient cause. Financial hardship is not a good and sufficient cause; (44 CFR 60.6(a)(3))
 2. Failure to grant the variance would result in exceptional hardship to the applicant; (44 CFR 60.3(a)(3)) & ARM 36.15.218(b))
 3. Residential and nonresidential buildings are not in the Floodway except for alterations or substantial improvement to existing buildings. Residential dwellings including basements and attached garages do not have the lowest floor elevation below the Base Flood Elevation;

4. Any enclosure including a crawl space must meet the requirements of Section 10.2.14, Wet Flood Proofing if the enclosure interior grade is at or below the Base Flood Elevation;
5. Granting of a variance will not result in increased flood heights to existing buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances; (44 CFR 60.6 (a)(3) & (ARM 36.15.218(a))
6. The proposed use is adequately flood proofed; (ARM 36.15.218(c))
7. The variance is the minimum necessary, considering the flood hazard, to afford relief; (44 CFR 60.6(a)(4))
8. Reasonable alternative locations are not available; (MCA 76-5-406(3) & ARM 36.15.218(d))
9. An encroachment does not cause an increase to the Base Flood Elevation that is beyond that allowed in these regulations; and (44 CFR 60.6(a)(1))
10. All other criteria for a Floodplain permit besides the specific development standard requested by variance are met.

2. An exception to the variance criteria may be allowed as follows:

1. For either new construction of a structure outside of the Floodway only or for substantial improvements or an alteration of a structure, on a lot of one-half acres or less that is contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation; or (44 CFR 60.6(a).
2. For Historic Structures – variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum relief necessary to preserve the historic character and design of the structure. The historic nature of the building must be designated as a preliminary or historic structure by U.S. Secretary of Interior or an approved state or local government historic preservation program. (44 CFR 60.6(a))

12.5 DECISION

1. The Livingston City Commission shall:

1. Evaluate the Floodplain permit application and Variance application using

the criteria in Section 12.4, and the application requirements and minimum development standards in Section 9 and 10;

2. Make findings, and approve, conditionally approve or deny a Floodplain permit and variance within 180 days or a time specified of a complete application.
3. If approved, attach conditions to the approval of Floodplain permit and Variance including a project completion date and inspections during and after construction.
4. Notify the applicant that the issuance of a Floodplain permit and Variance to construct a structure not meeting the minimum building requirements in these regulations may result in increased premium rates for flood insurance and that flood insurance premiums are determined by actuarial risk and will not be modified by the granting of a variance. (44CFR 60.6(a))
5. Submit to the Floodplain Administrator a record of all actions involving a Floodplain permit and variance, including the findings and decision and send a copy of each variance granted to DNRC.(44 CFR 60.6(a)(6) & MCA 76-5-405)

12.6 JUDICIAL REVIEW

Any person or persons aggrieved by the Floodplain permit and variance decision may appeal such decision in a court of competent jurisdiction.

SECTION 13. ADMINISTRATIVE APPEALS

13.1 GENERAL An administrative appeal may be brought before the Livingston City Commission for review of the Floodplain Administrator's order, decision to grant, condition or deny a floodplain permit or interpretation of the Regulated Flood Hazard Area boundary.

13.2 APPEALS REQUIREMENTS The following provisions apply to administrative appeals:

1. An appeal shall include the basis of the appeal and supporting information including specific findings and conclusions of the Floodplain Administrator's decision being appealed;
2. An appeal may be submitted by an applicant and/or anyone who may be aggrieved by the Floodplain Administrator's decision or order;
3. Appeals must be received within 30 days of the date of the decision or order of the Floodplain Administrator; and
4. Additional information specific to the appeal request may be requested by the review panel.

13.3 NOTICE AND HEARING

1. Notice of the pending appeal and hearing shall be provided pursuant to Section 8.2. The Floodplain Administrator may notify DNRC and FEMA of pending appeals.
2. A public hearing on the appeal must be held within 30 days of the Notice unless set otherwise.

13.4 DECISION

A judgment on an appeal shall be made within 30 days of the hearing unless set otherwise. The decision may affirm, modify, or overturn the Floodplain Administrator's decision. A decision on an appeal of a permit cannot grant or issue a variance. A decision may support, reverse or remand an order or determination of a boundary of the Regulated Flood Hazard Area by the Floodplain Administrator.

13.5 JUDICIAL REVIEW

Any person or persons aggrieved by the decision on an administrative appeal may appeal such decision in a court of competent jurisdiction.

SECTION 14. ENFORCEMENT

14.1 INVESTIGATION REQUEST An investigation to determine compliance with these regulations for an artificial obstruction or nonconforming use within the Regulated Flood Hazard Area may be made either on the initiative of the Floodplain Administrator or on the written request of three titleholders of land which may be affected by the activity. The names and addresses of the persons requesting the investigation shall be released if requested. (MCA 76-5-105) (2)

14.2 NOTICE TO ENTER AND INVESTIGATE LANDS OR WATERS The Floodplain Administrator may make reasonable entry upon any lands and waters for the purpose of making an investigation, inspection or survey to verify compliance with these regulations. (MCA 76-5-105(1))

1. The Floodplain Administrator shall provide notice of entry by mail, electronic mail, phone call, or personal delivery to the owner, owner's agent, lessee, or lessee's agent whose lands will be entered.
2. If none of these persons can be found, the Floodplain Administrator shall affix a copy of the notice to one or more conspicuous places on the property.

14.3 NOTICE TO RESPOND AND ORDER TO TAKE CORRECTIVE ACTION When the Floodplain Administrator determines that a violation may have occurred, the Floodplain Administrator may issue written notice to the owner or an agent of the owner, either personally or by certified mail. Such notice shall cite the regulatory offense and include an order to take corrective action within a reasonable time or to respond by requesting an administrative review by the Floodplain Administrator.

14.4 ADMINISTRATIVE REVIEW The order to take corrective action is final, unless within five (5) working days or any granted extension, after the order is received, the owner submits a written request for an administrative review by the Floodplain Administrator. A request for an administrative review does not stay the order.

14.5 APPEAL OF ADMINISTRATIVE DECISION Within ten (10) working days or any granted extension of receipt of the Floodplain Administrator's decision concluding the administrative review, the property owner or owner's agent may appeal the decision pursuant to Section 13.

14.6 FAILURE TO COMPLY WITH ORDER TO TAKE CORRECTIVE ACTION If the owner fails to comply with the order for corrective action, remedies may include administrative or legal actions, or penalties through court.

14.7 OTHER REMEDIES This section does not prevent efforts to obtain voluntary compliance through warning, conference, or any other appropriate means. Action

under this part shall not bar enforcement of these regulations by injunction or other appropriate remedy.

SECTION 15. PENALTIES

15.1 MISDEMEANOR Violation of the provisions of these regulations or failure to comply with any of the requirements, including failure to obtain permit approval prior to development in the Regulated Flood Hazard Area except for an emergency, shall constitute a misdemeanor and may be treated as a public nuisance.

Any person who violates these regulations or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100 or imprisoned for not more than 10 days or both. Each day's continuance of a violation shall be deemed a separate and distinct offense. (MCA 76-5-110)

15.2 DECLARATION TO THE FEDERAL FLOOD INSURANCE ADMINISTRATOR

Upon finding of a violation and failure of the owner to take corrective action as ordered, the Floodplain Administrator may submit notice and request a 1316 Violation Declaration to the Federal Insurance Administrator. The Federal Insurance Administrator has the authority to deny new and renewal flood insurance for a structure upon finding a valid violation declaration. (44 CFR 73.3)

The Floodplain Administrator shall provide the Federal Insurance Administrator the following:

1. The name(s) of the property owner(s) and address or legal description of the property sufficient to confirm its identity and location;
2. A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation or ordinance;
3. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;
4. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and
5. A clear statement that the declaration is being submitted pursuant to section 1316 of the National Flood Insurance Act of 1968, as amended.

Chapter 29

FLOODPLAIN REGULATIONS¹

Article I. Title and Purpose

Sec. 29-1. Title.

These regulations shall be known and cited as Livingston Floodplain Regulations. These regulations are in accordance with exercising the authority of the laws of the State of Montana.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-2. Purpose.

To promote the public health, safety, and general welfare, to minimize flood losses in areas subject to flood hazards, and to promote wise use of the floodplain. These regulations have been established with the following purposes intended:

- A. To guide development of the one-hundred-year floodplain within local jurisdiction consistent with the enumerated findings by:
 - 1. Recognizing the right and need of water courses to periodically carry more than the normal flow of water;
 - 2. Participating in coordinated efforts of federal, state, and local management activities for one-hundred-year floodplains; and
 - 3. Ensuring the regulations and minimum standards adopted, insofar as possible, balance the greatest public good with the least private injury.
- B. Specifically it is the purpose of these regulations to:
 - 1. Restrict or prohibit uses that are dangerous to health, safety, and property in times of flood, or that cause increased flood heights and velocities;
 - 2. Require that uses vulnerable to floods, including public facilities, be provided with flood protection at the time of initial construction;
 - 3. Identify lands unsuitable for certain development purposes because of flood hazards;
 - 4. Minimize the need for rescue and relief efforts associated with flooding undertaken at the expense of the general public;

¹Editor's note(s)—Ord. No. 2033, adopted Aug. 16, 2011, repealed the former floodplain regulations of the city, which derived from Ord. No. 1687, adopted Feb. 19, 1991, and enacted new floodplain regulations as set out herein.

5. Ensure potential buyers are notified that property is within a one-hundred-year floodplain and subject to the provisions of these regulations; and
6. Ensure that those who occupy one-hundred-year floodplains assume responsibility for their actions.

(Ord. No. 2033, § I, 8/16/11)

Article II. Definitions

Sec. 29-3. Definitions.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted to give them the meaning they have in common usage and to give these regulations the most reasonable application.

"Act" means the Montana Floodplain and Floodway Management Act 76-5-101 through 406, MCA.

"Alteration" means any change or addition to a structure that either increases its external dimensions or increases its potential flood hazard.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provisions of these regulations or a request for a variance.

"Area of special flood hazard" means the land in the floodplain within the community subject to inundation by a one (1) percent or greater chance of flooding in any given year, i.e., the one-hundred-year floodplain.

"Artificial Obstruction-Development" means any obstruction which is not natural and includes any dam, diversion, wall, riprap, embankment, levee, dike, pile, abutment, projection, revetment, excavation, channel rectification, bridge, conduit, culvert, building, refuse, automobile body, fill, or other analogous structure or matter in, along, across, or projecting into any one-hundred-year floodplain which may impede, retard, or alter the pattern of flow of water, either in itself or by catching or collecting debris carried by the water, or that is placed where the natural flow of water would carry the same downstream to the damage or detriment of either life or property.

"Base flood" means a flood having one (1) percent chance of being equaled or exceeded in any given year. A base flood is the same as a one-hundred-year flood.

"Base flood elevation" means the elevation above sea level of the base flood in relation to North American Vertical Datum of 1988 unless otherwise specified in the flood hazard study.

"Channelization project" means the excavation and/or construction of an artificial channel for the purpose of diverting the entire flow of a stream from its established course.

"Development" means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. (44 CFR 59.1)

"Establish" means to construct, place, insert, or excavate.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision where the construction of facilities for servicing the manufactured homes lots is completed before the effective date of the floodplain management regulations. This includes, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including

the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). (44 CFR 59.1)

"FEMA" means the Federal Emergency Management Agency.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry lands from the overflow of a stream, or the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood insurance rate map" means the map on which FEMA has dedicated both the one-hundred year floodplains and the risk premium zones.

"Flood insurance study" means the report in which FEMA has provided flood profiles, as well as the flood boundary/floodway map and the water surface profiles.

"Floodplain" means the areas subject to these regulations, generally adjoining a stream, that would be covered by floodwater of a base flood except for designated shallow flooding areas that receive less than one (1) foot of water per occurrence. The floodplain consists of a floodway and floodway fringe.

"Floodway" means the channel of a stream and the adjacent over bank areas that must be reserved in order to discharge a base flood without cumulatively increasing the water surface elevation more than one-half (½) foot.

"Floodway fringe" means that portion of the floodplain outside the limits of the floodway.

"Levee" means a humanmade embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water to provide protection from temporary flooding.

"Levee system" means a flood protection system that consists of a levee, or levees, and associated structures, such as drainage and closure devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest floor" means any floor used for living purposes, storage, or recreation. This includes any floor that could be converted to such a use.

"Manufactured home" means a structure that is transportable in one (1) or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. This does not include "recreational vehicles."

"Manufactured home park or subdivision" means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

"Mean sea level" means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations are referenced.

"New construction" means structures for which construction, substantial improvement, or alteration commences on or after the effective date of these regulations.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community. (44 CFR 59.1)

"Official floodplain maps" means the flood insurance rate maps and flood boundary/floodway maps provided by FEMA for Livingston, dated October 18, 2011.

"One-hundred-year flood" means a flood having a one (1) percent chance of being equaled or exceeded in any given year. A one-hundred-year flood has nearly a twenty-three (23) percent of occurring in a twenty-five-year period. A one-hundred-year is the same as a base flood.

"Permit issuing authority" means the City of Livingston.

"Recreational vehicle" means a vehicle which is:

- A. Built on a single chassis;
- B. Four hundred (400) square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily for use as a temporary living quarters for recreation, camping, travel, or seasonal use, not for use as a permanent dwelling.

"Riprap" means stone, rocks, concrete blocks, or analogous material that is placed along the banks or bed of a stream to alleviate erosion.

"Start of construction" means commencement of clearing, grading, filling, or excavating to prepare a site for construction.

"Structure" means a walled and roofed building, manufactured home, a gas or liquid storage tank, bridge, culvert, dam, diversion, wall, revetment, dike, or other projection that may impede, retard, or alter the pattern of flow of water.

"Substantial damage" means damage sustained by a structure where the cost of restoring the structure to its condition before damage would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

- A. Before the improvement or repair is started; or
- B. If the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, substantial improvement is considered to occur when the first construction to any wall, ceiling, floor, or other structural part of the building commences. The term does not include:
 - 1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
 - 2. Any alteration of a structure listed on the national register of historic places or state inventory of historic places.

"Suitable fill" means fill material which is stable, compacted, well graded, pervious, generally unaffected by water and frost, devoid of trash or similar foreign matter, devoid of tree stumps or other organic material, and is fitting for the purpose of supporting the intended use and/or permanent structure.

"Variance" means a grant of relief from the requirements of these regulations that would permit construction in a manner otherwise prohibited by these regulations.

"Violation" means the failure of a structure or other development to be fully compliant with these regulations. A structure or other development without elevation certificate, certification by a licensed engineer or architect of compliance with these regulations, or other evidence of compliance is presumed to be in violation until such time as documentation is provided.

(Ord. No. 2033, § 1, 8/16/11; Ord. No. 2034, § 1, 10/4/11; Ord. No. 3005, § 2, 4/20/21)

Article III. General Provisions

Sec. 29-4. Jurisdictional area.

These regulations shall apply to all lands within the jurisdiction of the City of Livingston, State of Montana, shown on the official floodplain maps as being located within a one-hundred-year floodplain district.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-5. Floodplain district establishment.

The floodplain districts established are defined by the base flood elevations and one-hundred-year floodplains as delineated in the flood insurance study. The basis for the Flood Insurance Study is a scientific and engineering report entitled, "The Flood Insurance Study for Livingston, Montana," dated October 18, 2011, with accompanying flood insurance rate maps and flood boundary/floodway maps. The official floodplain maps and study are on file in the office of the Floodplain Administrator.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-6. Floodplain administrator.

The Livingston Floodplain Administrator has been designated to be the Director of Building and Planning. The responsibilities of this position are outlined in Article IV of these regulations.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-7. Rules for interpretation of floodplain district boundaries.

The boundaries of the one-hundred-year floodway shall be determined by scaling distances on the official floodplain maps and using the floodway data table contained in the flood insurance study report. The maps may be used as a guide for determining the one-hundred-year floodplain boundary, but the exact location of the floodplain boundary shall be determined where the base flood elevation intersects the natural ground. For unnumbered A Zones and AO Zone floodplains, where there is a conflict between mapped floodplain boundary and actual field conditions, the Floodplain Administrator may interpret the location of the one-hundred-year floodplain boundary based on field conditions or available historical flood information.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-8. Compliance.

No structure or land use shall be located, extended, converted, or structurally altered without full compliance with the provisions of these regulations and other applicable regulations. these regulations meet the minimum floodplain development requirements as set forth by the Montana Board of Natural Resources and Conservation and the National Flood Insurance Program.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-9. Abrogation and greater responsibility.

It is not intended by these regulations to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, or underlying zoning. However, where these regulations impose greater restrictions, the provisions of these regulations shall prevail.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-10. Regulation interpretation.

The interpretation and application of the provisions of these regulations shall be considered minimum requirements and liberally constructed in favor of the governing body and not deemed a limitation or repeal of any other powers granted by State statute.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-11. Warning and disclaimer of liability.

These regulations do not imply that areas outside the delineated floodplain boundaries or permitted land uses will always be totally free from flooding or flood damages. These regulations shall not create a liability or cause of action against Livingston, or any officer or employee thereof for flood damages that may result from reliance upon these regulations.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-12. Severability.

If any section, clause, provision, or portion of these regulations is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected thereby.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-13. Disclosure provision.

All owners of property in an identified one-hundred-year floodplain as indicated on the official floodplain maps must notify potential buyers or their agents that such property is subject to the provisions of these regulations.

(Ord. No. 2033, § I, 8/16/11)

Article IV. Administration

Sec. 29-14. Administration.

- A. As provided in Section 29-6 of these regulations, the Floodplain Administrator has been designated by the Livingston City Commission, and has the responsibility of such position as outlined in these regulations.
- B. The Floodplain Administrator is hereby appointed with the authority to review floodplain development permit applications, proposed uses, and construction to determine compliance with these regulations. The

Floodplain Administrator is required to assure all necessary permits have been received from those governmental agencies from which approval is required by federal and state law and local codes, including Section 404 of the Federal Water Pollution Control Act of 1972, 33 U.S.C. 1334, and under the provisions of the Natural Streambed and Land Preservation Act.

1. Additional Factors. Floodplain development permits shall be granted or denied by the Floodplain Administrator on the basis of whether the proposed establishment, alteration, or substantial improvement of an artificial obstruction meets the requirements of these regulations. Additional factors that shall be considered for every permit application are:
 - a. The danger to life and property due to increased flood heights, increased flood water velocities, or alterations in the pattern of flood flow caused by encroachments;
 - b. The danger that materials may be swept onto other lands or downstream to the injury of others;
 - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
 - d. The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owner;
 - e. The importance of the services provided by the facility to the community;
 - f. The requirement of the facility for a waterfront location;
 - g. The availability of alternative locations not subject to flooding for the proposed use;
 - h. The compatibility of the proposed use with existing development and anticipated development in the foreseeable future;
 - i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
 - j. The safety of access to property in times of flooding for ordinary and emergency services; and
 - k. Such other factors as are in harmony with the purposes of these regulations, the Montana Floodplain and Floodway Management Act, and the National Flood Insurance Program.
- C. A floodplain development permit application is considered to have been automatically granted sixty (60) days after the date of receipt of the application by the Floodplain Administrator unless the applicant has been notified that the permit is denied, conditionally approved, or additional information pertinent to the permit review process is required.
- D. The Floodplain Administrator shall adopt such administrative procedures as may be necessary to efficiently administer the provision of these regulations.
- E. The Floodplain Administrator shall maintain such files and records as may be necessary to document nonconforming uses, base flood elevations, floodproofing and elevation certifications, fee receipts, the issuance of permits, agenda, minutes, records of public meetings, and other matters related to floodplain management in the Office of Building and Planning. Such files and records shall be open for public inspection. In matters of litigation, the City attorney may restrict access to specific records.
- F. The Floodplain Administrator may require whatever additional information is necessary to determine whether the proposed activity meets the requirements of these regulations. Additional information may include hydraulic calculations assessing the impact on base flood elevations or velocities; level survey; or certification by a registered land surveyor, professional engineer, or licensed architect that the requirements of these regulations are satisfied.

- G. Upon receipt of an application for a permit or a variance, the Floodplain Administrator shall prepare a notice containing the facts pertinent to the application and shall publish the notice at least once in a newspaper of general circulation in the area. Notice shall also be served by first-class mail upon adjacent property owners and the DNRC Floodplain Management Section. The notice shall provide a reasonable period of time, not less than fifteen (15) days, for interested parties to submit comments on the proposed activity.
- H. Copies of all permits granted must be sent to the Department of Natural Resources and Conservation in Helena, Montana.
- I. In riverine situations, notification by the Floodplain Administrator must be made to adjacent communities, the Floodplain Management Section (DNRC), and FEMA prior to any alteration or relocation of a stream. The flood-carrying capacity within the altered or relocated portion of any stream must be maintained. Erosion control measures shall be incorporated to ensure stability of altered channels and stream banks.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-14.1. Subdivision review.

Within regulated flood hazard areas, applicants shall submit subdivision, manufactured home park and other development proposals to the City of Livingston Floodplain Administrator ensuring such proposals, including utilities, will be reasonably safe from flooding. (44 CFR 60.3(a)(4)(i))

- 1. All subdivision proposals, manufactured home parks and other development proposals reviewed under the Montana Sanitation in Subdivisions Act, MCA 76-4 Part 1 and the rules adopted by the Department of Environmental Quality (DEQ) under this act shall be submitted. (44 CFR 60.3(b)(3))
 - a. All subdivision proposals including the placement of manufactured home parks and subdivisions must have adequate drainage provided to reduce exposure to flood hazards. (44 CFR 60.3(a)(4)(iii))
 - b. All subdivision proposals including the placement of manufactured home parks and subdivisions must have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage. (44 CFR 60.3(a)(4)(ii))
- 2. Within Zone A floodplains, applicants shall generate base flood elevation data for subdivision proposals, manufactured home parks and other development proposals greater than fifty (50) lots or five (5) acres. (44 CFR 60.3(b)(3))

All development within the regulated flood hazard area must apply for and be granted a permit before development occurs on the individual lots within the subdivision.

(Ord. No. 2034, § 1, 10/4/11)

Sec. 29-15. Permit application.

- A. Activities or uses that require the issuance of a permit, including the expansion or alteration of such uses, shall not be initiated, established, or undertaken until a permit has been issued by the Floodplain Administrator.
- B. Permit applications shall be required to furnish the following information as deemed necessary by the Floodplain Administrator for determining the suitability of the particular site for the proposed use.
 - 1. Plans in duplicate drawn to scale (including dimensions) showing the nature, location, and elevation of the lot; existing and proposed structure locations; fill, storage, or materials site; floodproofing measures; mean sea level elevation of first floor of proposed structures; and location of the channel.

2. A plan view of the proposed development indicating external dimensions of structures, street or road finished grade elevations, well locations, individual sewage treatment and disposal sites, excavation and/or fill quantity estimates, and site plan and/or construction plans.
 3. Specifications for floodproofing, filling, excavating, grading, riprapping, storage of materials, and location of utilities.
 4. A professional engineer's or registered architect's design calculations and certification that the proposed activity has been designed to be in compliance with these regulations.
 5. Certification of floodproofing and/or elevation shall be provided on a standard form available from the floodplain administrator.
- C. To determine that the permit specifications and conditions have been completed, applicants who have received permits are required to furnish the following at the time of an on-site conformance inspection.
1. Certification by a registered professional engineer or licensed land surveyor of the actual mean sea level elevation of the lowest floor (including basement) of all new, altered, or substantially improved buildings.
 2. If floodproofing techniques were used for buildings, the mean sea level elevation to which the floodproofing was accomplished must be certified by a structural engineer or licensed architect in the same manner.
 3. Certification shall also be required, for artificial obstructions other than buildings, that the activity was accomplished in accordance with these regulations and the design plans submitted with the application for the permit activity. This certification may be waived by the floodplain administrator if it can be clearly ascertained by a site inspection that the activity was accomplished in accordance with these regulations.
 4. Certification of floodproofing and/or elevation shall be provided on a standard form available from the floodplain administrator.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-16. Emergency waiver.

- A. Emergency repair and replacement of severely damaged public transportation facilities, public water and sewer facilities, and flood control works may be authorized. Floodplain development permit requirements may be waived if:
1. Upon notification and prior to the emergency repair and/or replacement, the Floodplain Administrator determining that an emergency condition exists warranting immediate action; and
 2. The Floodplain Administrator agrees upon the nature and type of proposed emergency repair and/or replacement.
- B. Authorization to undertake emergency repair and replacement work may be given verbally if the Floodplain Administrator feels that such a written authorization would unduly delay the emergency works. Such verbal authorization must be followed by a written authorization describing the emergency condition, and the type of emergency work agreed upon, and stating that a verbal authorization had been previously given.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-17. Review—Variances—Appeals.

- A. There is hereby created a local Floodplain Management Board of Adjustment, the membership, administration, and rules of procedure of which are identical to a zoning board of adjustment.
- B. The Board of Adjustment may, by variance, grant a permit that is not in compliance with the minimum standards contained in these regulations according to the following procedures:
 - 1. Variances shall not be issued for areas within a floodway if any additional increase in flood elevations or velocities after allowable encroachments into the floodway fringe would result;
 - 2. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that refusal of a permit due to exceptional circumstances would cause a unique or undue hardship on the applicant or community involved;
 - c. A determination that the granting of a variance will not result in increased flood hazards, present additional threats to public safety, be an extraordinary public expense, create nuisances, cause fraud, victimize the public, or conflict with existing state and local laws;
 - d. A determination that the proposed use would be adequately flood-proofed;
 - e. A determination that a reasonable alternate location outside the floodplain is not available;
 - f. A determination that the variance requested is the minimum necessary to afford relief, considering the flood hazard; and
 - g. Approval of the Montana Department of Natural Resources and Conservation, upon request from the permit issuing authority, prior to formally approving any permit application that is in variance to these regulations.
 - 3. Variances shall be issued in writing from the permit issuing authority and shall notify the applicant that:
 - a. A specific variance is granted, and certain conditions may be attached;
 - b. The issuance of a variance to construct a building below the one-hundred-year floodplain elevation will result in increased premium rates; and
 - c. Such construction below the one-hundred-year flood elevation increases risks to life and property. The Floodplain Administrator shall maintain records of the variance notification and actions, including justification for their issuance, and forward copies of all variance actions to the Montana Department of Natural Resources and Conservation and the Federal Emergency Management Agency.
- C. Appeal of any decision of the Permit Issuing Authority, its officers, or agencies may be taken by an aggrieved person or persons, jointly or separately, to a court of record.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-18. Fees.

A processing fee shall be set by the City Commission by separate resolution and shall be submitted with each permit application.

(Ord. No. 2033, § I, 8/16/11; Ord. No. 3045, § 1, 10/3/23)

Sec. 29-19. Violation notice.

The Floodplain Administrator shall bring any violation of these regulations to the attention of the local governing body; its legal council; and the Montana Department of Natural Resources and Conservation.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-20. Compliance.

Any use, arrangement, or construction not in compliance as authorized by permit, shall be deemed a violation of these regulations and punishable as provided in Section 29-21. An applicant is required to submit certification by a registered professional engineer, architect, land surveyor, or other qualified person designated by the Floodplain Administrator that finished fill and lowest building floor elevations, floodproofing, hydraulic design, or other flood protection measures were accomplished in compliance with these regulations.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-21. Penalties.

Violation of the provisions of these regulations or failure to comply with any of the requirements, including permit approval prior to development of flood prone lands and conditions and safeguards established shall constitute a misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall, upon conviction, be fined not more than one hundred dollars (\$100.00) or imprisoned in jail for not more than ten (10) days or both. Each day's continuance of a violation shall be deemed a separate and distinct offense.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-22. Emergency preparedness planning.

In formulating community development goals, the community shall consider the development of a plan for evacuating residents of all manufactured home parks or subdivisions located within flood prone areas. this plan should be developed, filed with, and approved by appropriate community emergency management authorities.

(Ord. No. 2033, § I, 8/16/11)

Article V. Specific Standards

Sec. 29-23. Applications.

The minimum floodplain development standards listed in this Chapter apply to the floodway and floodway fringe portions of the one-hundred-year floodplain as delineated on the flood hazard area maps.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-24. Floodway.

- A. Uses Allowed Without Permits. The flowing open-space uses shall be allowed without a permit within the floodway, provided that such uses conform to the provisions of Article VII of these regulations; are not prohibited by any other ordinance, resolution, or statute; and do not require fill, excavation, permanent storage of materials, or equipment or structures other than portable structures:
1. Agricultural uses;
 2. Accessory uses such as loading and parking areas, or emergency landing strips associated with industrial and commercial facilities;
 3. Private and public recreational uses such as golf courses, driving ranges, archery ranges, picnic grounds, boat-launching ramps, parks, wildlife management and natural areas, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking or horseback riding trails;
 4. Forestry, including processing of forest products with portable equipment;
 5. Residential uses such as lawns, gardens, parking areas, and play areas;
 6. Irrigation and livestock supply wells, provided that they are located at least five hundred (500) feet from domestic water supply wells;
 7. Fences, except permanent fences crossing channels; and
 8. Recreational vehicles provided that they be on the site for fewer than one hundred eighty (180) consecutive days, or be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system with wheels intact, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- B. Uses Requiring Permits. The following artificial obstructions may be permitted in the floodway subject to the issuance of a permit by the Floodplain Administrator:
1. Excavation of material from pits and pools provided that:
 - a. A buffer strip of undisturbed land is left between the edge of the channel and the edge of the excavation. This buffer strip must be of sufficient width to prevent flood flows from channeling into the excavation;
 - b. The excavation meets all applicable laws and regulations of other local and state agencies; and
 - c. Excavated material is disposed of or stockpiled outside the floodway.
 2. Railroad, highway, and street stream crossings provided the crossings are designed to offer minimal obstruction to flood flow. Stream crossings shall not increase the elevation of the one-hundred-year flood more than one-half ($\frac{1}{2}$) foot nor cause a significant increase in flood velocities.
 - a. Where failure or interruption of transportation facilities would result in danger to the public health or safety, the bottom of bridge spans shall have freeboard to at least two (2) feet above the BFE.
 - b. Stream crossings shall not increase the elevation of the one-hundred-year flood nor cause a significant increase in flood velocities. The applicant shall provide a "No-Rise" certification signed by a registered professional engineer. However, if the applicant receives a CLOMR from FEMA and LOMR, a half foot rise may be permitted.
 3. Limited filling for highway, street, and railroad embankments not associated with stream crossings, provided that:

- a. A reasonable alternate transportation routes outside the designated floodway are not available; and
 - b. Such floodway encroachment is located as far from the stream channel as possible and shall not result in a cumulative increase in base flood elevations, after allowable encroachments into the floodway fringe, exceeding one-half (½) foot;
 - c. Measures are provided to mitigate the impact to property owners and the natural stream function; and
 - d. The encroachment shall not result in a cumulative increase in base flood elevation, after the allowable encroachment into the floodway. A "No-Rise" certification signed by a registered professional engineer shall be provided by the applicant. However, if the applicant receives a CLOMR from FEMA and LOMR, a half foot rise may be permitted.
4. Buried or suspended utility transmission lines, provided that:
 - a. suspended utility transmission lines are designed so the lowest point of the suspended line is at least six (6) feet higher than the base flood elevation;
 - b. towers and other appurtenant structures are designed and placed to withstand and minimally obstruct flood flows; and utility transmission lines carrying toxic or flammable materials are buried to a depth of at least twice the calculated maximum depth of scour for a one-hundred-year flood. The maximum depth of scour shall be determined by hydraulic engineering methods acceptable to the Floodplain Administrator.
5. Storage of materials and equipment, provided that:
 - a. The material or equipment is not subject to major damage by flooding and is properly anchored to prevent floatation or downstream movement; or
 - b. The material or equipment is readily movable within the limited time available after flood warning. Storage of flammable, toxic, hazardous, or explosive materials shall not be permitted.
6. Domestic water supply wells, provided that:
 - a. They are driven or drilled wells located on ground higher than the surrounding ground to assure positive drainage from the well;
 - b. Well casings are water tight to a distance of at least twenty-five (25) feet below the ground surface;
 - c. Water supply and electrical lines have a waterfront seal where the lines enter the casing;
 - d. All pumps, electrical lines, and equipment are either submersible or adequately flood-proofed; and
 - e. Check valves are installed on main water lines at wells and at all building entry locations.
7. Buried and sealed vaults for sewage disposal in recreational areas, provided they meet applicable laws and standards administered by the Montana Department of Health and Environmental Sciences.
8. Public or private campgrounds, provided that:
 - a. Access roads require only limited fill and do not obstruct or divert flood waters; and
 - b. Recreational vehicles and travel trailers are licensed and ready for highway use. They are ready for highway use if on wheels or jacking system with wheels intact, are attached to the site with only quick disconnect type utilities and securing devices, and have no permanently attached additions.

9. Structures accessory to the uses permitted in this Section such as boat docks, marinas, sheds, picnic shelters, tables, and toilets provided that:
 - a. The structures are not intended for human habitation;
 - b. The structures will have a low flood damage potential;
 - c. The structures will, insofar as possible, be located on ground higher than the surrounding ground and as far from the channel as possible;
 - d. The floodproofing standards of Article VII are met; and
 - e. The structures will be constructed and placed so as to offer minimal construction to flood flows and are anchored to prevent floatation.
 10. Substantial improvements to any structure provided that the provisions of Section 29-25B.3., 4. or 5. of these regulations are met. In the floodway the structure must be flood-proofed or elevated on a permanent foundation rather than on fill.
 11. All other artificial obstructions, substantial improvements, or nonconforming uses not specifically listed or prohibited by these regulations.
- C. Permits for Flood Control Works.
1. Flood control works shall be allowed within floodways subject to the issuance of a permit by the Floodplain Administrator with the following conditions:
 - a. Levees and floodwalls are permitted if flood control measures are designed by a registered professional engineer to comply with the conditions set forth (structural flood control works often significantly obstruct and affect floodway flow capacity);
 - b. The proposed levee or floodwall is designed and constructed to safely convey a one-hundred-year flood; and
 - c. The cumulative effect of the levee or floodwall combined with allowable floodway fringe encroachments does not increase the unobstructed base flood elevation more than one-half (0.5) foot. The Floodplain Administrator may establish either a lower or higher permissible increase in the base flood elevation for individual levee projects only with concurrence from the Montana Department of Natural Resources and Conservation and the Federal Emergency Management Agency based upon consideration of the following criteria:
 1. The estimated cumulative effect of any anticipated future permissible uses; and
 2. The type and amount of existing flood-prone development in the affected area.
 - d. The proposed levee or floodwall, except those to protect agricultural land, are constructed at least three (3) feet higher than the base flood elevation.
 2. Riprap, except that which is hand-placed, if:
 - a. The riprap is designed to withstand a one-hundred-year flood;
 - b. The riprap does not increase the base flood elevation; and
 - c. The riprap will not increase erosion upstream, downstream, or adjacent to the riprap site.
 3. Channelization projects if they do not significantly increase the magnitude, velocity, or base flood elevation in the proximity of the project.
 4. Dams, provided that:

- a. They are designed and constructed in accordance with the Montana Dam Safety Act and applicable safety standards; and
 - b. They will not increase flood hazards downstream, either through operational procedures or improper hydrologic/hydraulic design.
5. New surface water diversions and changes in place of diversion for agricultural uses and other uses, designed by a registered engineer to meet the following requirements:
 - a. A copy of the water right permit or change authorization permit from MTDNRC Water Rights Bureau for new surface water diversions and changes in place of diversion.
 - b. Documentation that the proposed diversion or modification will not increase the upstream elevation of the base flood to the detriment of a neighboring property. Any increase to the BFE will require a CLOMR and LOMR.
 - c. The proposed diversion is designed and constructed to minimize potential erosion from a base flood.
- D. Permits for Water Diversions. Permits for the establishment of a water diversion or change in place of diversion shall not be issued if, in the judgment of the Floodplain Administrator:
 1. The proposed diversion will significantly increase the upstream base flood elevation to the detriment of neighboring property;
 2. The proposed diversion is not designed and constructed to minimize potential erosion from a one-hundred-year flood; and
 3. Any permanent diversion structure crossing the full width of the stream channel is not designed and constructed to safely withstand a one-hundred-year flood.
- E. Prohibited Uses. The following artificial obstructions and nonconforming uses are prohibited within the floodway:
 1. New construction of any residential, commercial, or industrial structure;
 2. Encroachments including fill, new construction, alterations, substantial improvements, and other development within the adopted regulatory floodway that would result in erosion of the embankment, obstruction of the natural flow of waters, or increase in flood levels within the community during the occurrence of the one-hundred-year flood;
 3. The construction or permanent storage of an object subject to floatation or movement during flooding;
 4. Solid and hazardous waste disposal, sewage treatment, and sewage disposal systems;
 5. Storage of toxic, flammable, hazardous, or explosive materials; and
 6. Alterations of structures unless it can be shown the alteration won't raise flood heights;
 7. Manufactured homes.

(Ord. No. 2033, § I, 8/16/11; Ord. No. 2034, § 1, 10/4/11)

Sec. 29-25. Floodway fringe.

- A. Uses Allowed Without Permits. All uses in the floodway, according to the provisions of Section 29-24A. of these regulations shall also be allowed without a permit in the floodway fringe. In addition, individual or multiple family subsurface sewage disposal systems are allowed only when they are reviewed and approved

under laws and regulations administered by the Department of Health and Environmental Sciences or the local health board.

- B. Uses Requiring Permits. All uses allowed in the floodway subject to the issuance of a permit, according to the provisions of Section 29-24B., C. and D. of these regulations, shall also be allowed by permit within the floodway fringe. In addition, new construction, substantial improvements, and alterations to structures are allowed by permit. This includes but is not limited to residential, commercial, and industrial construction and suitable fill to be allowed by permit from the Floodplain Administrator, subject to the following conditions:
1. Such structures or fill must not be prohibited by any other statute, or regulation, ordinance, or resolution;
 2. Such structures or fill must be compatible with local comprehensive plans;
 3. The new construction, alterations, and substantial improvements of residential structures including manufactured homes must be constructed on suitable fill such that the lowest floor elevation (including basement) is two (2) feet or more above the base flood elevation. The suitable fill shall be at an elevation no lower than the base flood elevation and shall extend for at least fifteen (15) feet, at that elevation, beyond the structure(s) in all directions:
 - a. Crawl space must be designed to allow internal flooding and must be limited to storage of equipment or materials not appreciably affected by floodwaters. The floors and walls shall be designed and constructed of materials resistant to flooding to an elevation no lower than two (2) feet above the BFE. Walls shall be designed to equalize hydrostatic forces by allowing for entry and exit of floodwaters. Openings may be equipped with screens, louvers, valves, and other coverings or devices which permit the automatic entry and exit of floodwaters.
 - b. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (1) A minimum of two (2) openings;
 - (2) Openings shall have a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - (3) The bottom of all openings shall be no higher than one (1) foot above grade;
 - (4) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 4. The new construction, alteration, and substantial improvement of commercial and industrial structures can be constructed on suitable fill as specified in subsection (B)(3) of these regulations. If not constructed on fill, commercial and industrial structures must be adequately flood-proofed to an elevation no lower than two (2) feet above the base flood elevation. Floodproofing must be designed by a registered professional engineer or architect that the floodproofing methods are adequate to withstand the flood depths, hydrodynamic and hydrostatic pressures, velocities, impact, buoyancy, and uplift forces associated with the one-hundred-year flood.
 - a. If the structure is designed to allow internal flooding of areas below the lowest floor, use of this space shall be limited to parking, loading areas, building access, and storage of equipment or materials not appreciably affected by flood waters. The floors and walls shall be designed and constructed of materials resistant to flooding to an elevation no lower than two (2) feet above the base flood elevation. Walls shall be designed to automatically equalize hydrostatic forces by

- allowing for entry and exit of floodwaters. Openings may be equipped with screens, louvers, valves, other coverings, or devices which permit the automatic entry and exit of floodwaters.
- b. Structures whose lower floors are used for a purpose other than parking, loading, or storage of materials resistant to flooding shall be floodproofed to an elevation no lower than two (2) feet above the base flood elevation. Floodproofing shall include impermeable membranes or materials for floors and walls and watertight enclosures for all windows, doors, and other openings. These structures shall also be designed to withstand the hydrostatic, hydrodynamic, and buoyancy effects of a one-hundred-year flood.
 - c. Floodproofing of electrical, heating, and plumbing systems shall be accomplished in accordance with Article VII of these regulations.
5. All manufactured homes placed in the floodway fringe must have the chassis securely anchored to a foundation system that will resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, over-the-top or frame ties to ground anchors. The following conditions also apply;
- a. When a manufactured home is (1) altered, (2) replaced because of substantial damage as a result of a flood, or (3) replaced on an individual site, the lowest floor must be elevated two (2) feet above the base flood elevation. The home can be elevated on fill or raised on a permanent foundation of reinforced concrete, reinforced mortared block, reinforced piers, or other foundation elements of at least equivalent strength.
 - b. Replacement of substantial improvement of manufactured homes in an existing manufactured home park or subdivision must be raised on a permanent foundation. The lowest floor must be two (2) feet above the base flood elevation. The foundation must consist of reinforced concrete, reinforced mortared block, reinforced piers, or other foundation elements of at least equivalent strength.
 - c. Manufactured homes proposed for use as commercial or industrial structures must be elevated and anchored, rather than floodproofed.
6. Fill material placed in the floodway fringe must be stable, compacted, well graded, pervious, generally unaffected by water and frost, devoid of trash or similar foreign matter, devoid of tree stumps or other organic material, and appropriate for the purpose of supporting the intended use and/or permanent structure.
7. Roads, streets, highways, and rail lines shall be designed to minimize increase in flood heights. Where failure or interruption of transportation facilities would result in danger to the public health or safety, the facility shall be located two (2) feet above the base flood elevation;
8. Agricultural structures that have a low damage potential, such as sheds, barns, shelters, and hay or grain storage structures must be adequately anchored to prevent flotation or collapse and all electrical facilities shall be placed above the base flood elevation; and
9. Recreational vehicles, if they are on the site for more than one hundred eighty (180) consecutive days or are ready for highway use, must meet the elevating requirements of subsection (B)(3).
- C. Except an encroachment is not required for development in the designated flood fringe.
- a. The allowable encroachment increase for developments in the designated floodplain without a floodway and with or without a base flood elevation is one-half (0.5) feet unless a lesser amount is specified in the specific supporting hydraulic analysis supports the floodplain designation study adopted herein.
- D. General Standards. In all areas of special flood hazard, the following standards are required:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
 2. Construction Materials and Methods:
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 3. Utilities:
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- E. Prohibited Uses. The following artificial obstructions and nonconforming uses are prohibited within the floodway fringe:
1. Solid and hazardous waste disposal; and
 2. Storage of highly toxic, flammable, hazardous, or explosive materials. Storage of petroleum products may be allowed by permit if stored on compacted fill at least two (2) feet above the base flood elevation and anchored to a permanent foundation to prevent downstream movement.

(Ord. No. 2033, § I, 8/16/11; Ord. No. 2034, § 1, 10/4/11)

Sec. 29-26. Floodplain areas with flood elevations and no delineated floodway.

- A. A development proposed for a one-hundred-year floodplain, where water surface elevations are available but no floodway is delineated, may not significantly increase flood velocities or depths or generally alter patterns of flood flow. The provisions of Section 29-25, Floodway fringe, shall apply to these areas. The Floodplain Administrator may require a permit applicant to furnish additional hydraulic data before acting on a permit application for such a floodplain. The data may include, but are not limited to, any of the following:
 1. a hydraulic study documenting probable effect on upstream, downstream, or adjacent property owners caused by the proposed development; or
 2. the calculated increase in the one-hundred-year flood water surface profile caused by the proposed development.
- B. Permits for such proposed development may be modified or denied if the additional information shows that the proposed use would cause an additional flood hazard to adjacent property or significantly increase flood heights. A significant increase in flood heights is one-half (½) foot unless existing or anticipated development in the area dictates a lesser amount of allowable increase.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-27. Shallow flooding (AO zones).

- A. Shallow flooding areas are delineated as AO Zone floodplains on the flood insurance rate maps. The provisions of Section 29-25, Floodway fringe, of these regulations shall apply to any AO Zone floodplains. The depth of the one-hundred-year flood is indicated as the depth number on the Flood Insurance Rate Maps. The one-hundred-year flood depth shall be referenced to the highest adjacent grade or stream flow line in determining which fill or floodproofing heights to use in applying the provisions of Section 29-25B.3. and Section 29-25B.4. of these regulations. In the absence of depth or elevation information, a minimum two-foot flood depth shall be used.
- B. Adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures is required within AO Zones.
- C. Floodplain Boundary Interpretation. The Floodplain Administrator shall make interpretations where needed as to the exact location of an AO Zone floodplain boundary and actual field conditions.

(Ord. No. 2033, § I, 8/16/11; Ord. No. 2034, § 1, 10/4/11)

Article VI. General Standards

Sec. 29-28. Applications.

The minimum floodplain development standards listed in this Chapter apply to the one-hundred-year floodplains delineated by approximate methods and identified as unnumbered A Zones on the flood insurance rate maps.

- A. Uses Allowed Without Permits. All uses allowed in a floodway, according to the provisions of Section 29-24A. of these regulations, shall also be allowed without a permit in unnumbered A-Zone floodplains.
- B. Uses Requiring Permits. All uses allowed in the floodway and floodway fringe subject to the issuance of a permit, according to the provisions of Section 29-25B., shall require permits from the Floodplain Administrator for unnumbered A-Zone floodplains. Also, the provisions of Section 29-25B. apply to the A-Zone floodplains with no floodway delineated or water surface profile computed. Since there are no one-hundred-year flood water surface profiles computed for A-Zone floodplains, the following conditions also apply:
 - 1. Elevation data on the one-hundred-year flood shall be provided for subdivision proposals according to the definitions and rules of the Montana Sanitation in Subdivisions Act, MCA 76-4 Part 1 and the rules adopted by DHES Act, MCA 76-4 Part 1 and the rules adopted by DHES under this Act. These data shall be used in applying Section 29-25B.3., 4. and 5. of these regulations. Subdivision proposals shall also provide for adequate drainage to minimize potential flood hazards.
 - 2. The Floodplain Administrator may obtain, review, and reasonably use any base flood elevation and floodway data available from federal, state, or other sources, until such data have been provided by FEMA, to enforce Section 29-25B.3. and 4. of these regulations; and
 - 3. The Floodplain Administrator may use historical flood elevations to determine suitable fill or floodproofing elevations as required by Section 29-25B.3. and 4. of these regulations;
 - 4. If historical flood evidence is not available, then the Floodplain Administrator shall determine, from a field review at the proposed development site, an appropriate fill or floodproofing

elevation to use in applying Section 29-25B.3. of these regulations. In the absence of depth or elevation information, a minimum of two-foot flood depth shall be used; and

5. Proposed structures must be anchored to prevent floatation or collapse and must be located as far from stream channels as practical.
- C. Prohibited Use. Those uses prohibited in the floodway fringe, in accordance with Section 29-25C. of these regulations, shall also be prohibited within the A-Zone floodplain boundaries.
- D. Floodplain Boundary Interpretation. The Floodplain Administrator shall make interpretations where needed as to the exact location of the unnumbered A-Zone floodplain boundary when there is a conflict between a mapped boundary and actual field conditions.

(Ord. No. 2033, § I, 8/16/11)

Article VII. Floodproofing Requirements

Sec. 29-29. Certification.

If the following floodproofing requirements are to be applied to a proposed structure, as stipulated by the Floodplain Administrator in accordance with these regulations, the methods used must be certified as adequate by a registered professional engineer or architect.

(Ord. No. 2033, § I, 8/16/11)

Sec. 29-30. Conformance.

Permitted flood-proof systems shall conform to the conditions listed below and the floodproofing standards listed in Section 29-25B.4. of these regulations for commercial and industrial structures.

- A. Electrical Systems.
 1. All incoming power service equipment, including all metering equipment, control centers, transformers, distribution and lighting panels, and all other stationary equipment must be located at least two (2) feet above the base flood elevation;
 2. Portable or movable electrical equipment may be placed below the base flood elevation, if the equipment can be disconnected by a single submersible plug-and-socket assembly;
 3. The main power service line shall have automatic or manually operated electrical disconnect equipment located at an accessible location outside the one-hundred-year floodplain and above the base flood elevation; and
 4. All electrical wiring systems installed at or below the elevation of the one-hundred-year flood shall be suitable for continuous submergence and may not contain fibrous components.
- B. Heating Systems.
 1. Float operated automatic control valves must be installed in gas furnace supply lines so that the fuel supply is automatically shut off when flood waters reach the floor level where the furnace located;
 2. Manually operated gate valves must be installed in gas supply lines. The gate valves must be operable from a location above the elevation of the one-hundred-year flood;

-
3. Electric heating systems must be installed in accordance with the provisions of subsection (A) of this Section.

C. Plumbing Systems.

1. Sewer lines, except those to be buried and sealed in vaults, must have check valves installed to prevent sewage backup into permitted structures; and
2. All toilet stools, sinks, urinals, and drains must be located so the lowest point of possible water entry is at least two (2) feet above the elevation of the one-hundred-year flood.

(Ord. No. 2033, § I, 8/16/11)

File Attachments for Item:

B. APPROVAL OF UPDATE TO LIVINGSTON CITY COMMISSION HANDBOOK



LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: November 18, 2025
TO: Chair Schwarz and City Commissioners
FROM: Grant Gager, City Manager
RE: Consideration of Changes to the Handbook of the Livingston City Commission

Recommendation and Summary

The City Manager is providing certain requested updates to the City Commission Handbook and also soliciting feedback from the City Commission on additional changes that the Commission may have based on recent experience. The Commission may approve the updated handbook with the following motion

"I move to approve the City Commission Handbook [as presented by the City Manager] or [with changes]."

The reasons for the recommendation are as follows:

- The City Commission discussed including certain additional information in the handbook at its meeting on November 4, 2025.
- The City Manager is recommending some additional changes based on recent industry best practices.

Introduction and History

The Livingston City Commission maintains a handbook that provides background on City operations as well as direction to the procedural workings of the City Commission. The handbook was last updated in December 2023.

At its meeting on November 4, 2025, a request to update the handbook with certain information was made to the City Manager.

Analysis

The relevant changes to process are indicated in the attached document.

Fiscal Impact

There is no fiscal impact from adopting revisions to the handbook.

**Strategic Alignment**

The conduct of the Livingston City Commission helps fulfill the City's obligations under both the Livingston Municipal Code and Montana Code Annotated.

Attachments

- Attachment A: City Commission Handbook with Changes highlighted

City Commission
Handbook



November 2025

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Purpose and Use

This Handbook for the Livingston City Commission is intended to provide Commissioners an understanding of the City and the role of the Commission in guiding the City. By reading this handbook, Commissioner's will gain a general understanding of the form and function of government in the City of Livingston. Commissioners are encouraged to use additional resources including the Montana Officials Handbook, State Land Use Review Handbook and Montana State University Local Government Center to provide a more complete understanding of certain issues.

The operation of the local government in the City of Livingston is governed by two principal documents: Montana Code Annotated (MCA) and the Livingston Municipal Code (LMC). These two documents provide the framework through which the City of Livingston operates and certain functions have been delegated to the City to manage through Local Laws (LMC) while others are mandated by the State Code (MCA). Within the handbook, there are many references to the Montana Code Annotated and Livingston Municipal Code. The excerpts from each are updated as frequently as possible. Before acting upon any reference, readers are encouraged to review the references to ensure the accuracy of the materials at the time of reading.

About the City of Livingston

History

The City of Livingston was incorporated as a Montana Municipal Corporation in 1889. While the city had previously been home to various populations and communities for several millennia, the creation of the State of Montana in 1889 enabled the incorporation of a local government. The City of Livingston is approximately 6.5 square miles in area.

The City of Livingston is a distinct political subdivision of the State of Montana managed separately from Park County, the Livingston Public Schools and similar government entities in the area.

Classifications

With a population of approximately 8,489 as of the 2022 American Community Survey, the City of Livingston is classified as a Class 2 City pursuant to Montana Code Annotated. Once the population exceeds 10,000, as measured by the US Census, the City will advance to Class 1. In Montana, Class 1 Cities have additional requirements on their form and function of government including, but not limited to: composition and size of boards and commissions; creation of electoral wards; housing authority funding; treatment of storm-water; and provision of fire protection.

Montana Code Annotated also allows electors to select the form and nature of government. While the basic form of government in Montana is the Council-Mayor form, the City of Livingston has adopted an alternative form of local government pursuant to MCA 7-3-102. The City of Livingston has specifically adopted the Commission-Manager form of government as defined in Section 3 of Chapter 3 of Title 7 of Montana Code Annotated (MCA 7-3-301 to 318). The nature of government in the City of Livingston is general powers as City electors have not decided to pursue self-governing powers as allowed by MCA 7-3-302 and described by MCA 7-1-101 and its subparts.

Commission-Manager Form of Government

In the Commission-Manager form of government, the elected Commission appoints a professional Manager to implement its policies. The Manager serves at the pleasure of the elected governing body and has responsibility for preparing the budget, directing day-to-day operations, hiring and firing personnel, and serving as the Commission's policy advisor.

The City Commission serves as the legislative branch of the City of Livingston and is responsible for: passing local laws (ordinances) and orders (resolutions); adopting and amending a budget; awarding contracts; and hiring and firing the City Manager. The Commission acts as a body and actions are authorized through a voting process. While a presiding officer is named annually, each Commissioner has the same stature and no one Commissioner can direct the City Manager independently.

The City Manager serves as the head of the executive branch of the City of Livingston and is responsible for administering the affairs of the City including, but not limited to: managing all City staff; enforcing laws and ordinances; recommending a budget to the Commission; creating meeting agendas; and managing contractors.

Relevant Statutory References

MCA 7-1-4111. Classification of municipalities.

- (1) Every city having a population of 10,000 or more is a city of the first class.
- (2) Every city having a population of less than 10,000 and more than 5,000 is a city of the second class.
- (3) Every city having a population of less than 5,000 and more than 1,000 is a city of the third class.
- (4) Every municipal corporation having a population of less than 1,000 and more than 300 is a town.

MCA 7-3-302. Nature of government.

The plan of government submitted to the qualified electors shall determine the powers of the local government unit by authorizing:

- (1) general government powers; or
- (2) self-government powers.

MCA 7-3-102. Adoption of alternative form.

Each local government in the state shall adopt one of the alternative forms of government provided for in parts 1 through 7, including one of each sub-option authorized:

- (1) the commission-executive form (which may also be called the council-executive, the council-mayor, or the commission-mayor form);
- (2) the commission-manager form (which may also be called the council-manager form);
- (3) the commission form;
- (4) the commission-presiding officer form;
- (5) the town meeting form; or
- (6) the charter form.

MCA 7-3-301. Commission-manager form.

The commission-manager form, which may be called the council-manager form, consists of an elected commission, which may be called the council, and a manager appointed by the commission, who is the chief administrative officer of the local government. The manager is responsible to the commission for the administration of all local government affairs placed in the manager's charge by law, ordinance, or resolution.

MCA 7-5-4101. General powers of municipal council.

The city or town council has power to make and pass all bylaws, ordinances, orders, and resolutions not repugnant to the constitution of the United States or of the state of

Montana or to the provisions of this title, necessary for the government or management of the affairs of a city or town, for the execution of the powers vested in the body corporate, and for carrying into effect the provisions of this title.

MCA 7-3-304. Duties of manager.

The manager shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform the duties required by law, ordinance, or resolution;
- (3) administer the affairs of the local government;
- (4) direct, supervise, and administer all departments, agencies, and offices of the local government unit except as otherwise provided by law or ordinance;
- (5) carry out policies established by the commission;
- (6) prepare and publish the commission agenda pursuant to 2-3-103;
- (7) recommend measures to the commission;
- (8) report to the commission on the affairs and financial condition of the local government;
- (9) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (10) report to the commission as the commission may require;
- (11) attend commission meetings and may take part in the discussion but may not vote;
- (12) prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;
- (13) appoint, suspend, and remove all employees of the local government except as otherwise provided by law or ordinance;
- (14) appoint members of temporary advisory committees established by the manager.

Livingston City Commission

Role of the Commission

As the legislative branch of the City of Livingston, the Livingston City Commission is responsible for two primary functions of government: passing local laws (ordinances) and adopting a budget. These two basic powers are derived from Montana Code Annotated sections 7-5-4101 and 7-6-4006, respectively. The Commission is also responsible for appointing a City Manager (MCA 7-3-303) and setting policies that the City Manager shall execute. The Commission acts as a body and actions are authorized through a voting process. While a presiding officer is named annually, each Commissioner has the same stature and no one Commissioner may direct the City Manager independently.

The City Commission is not responsible for the day-to-day management of the City government. In fact, MCA 7-3-305(3) provides that “the commission or its members shall deal with the local government employees who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor its members may give orders to the employee, either publicly or privately.”

Commission Officers and Appointments

The Livingston City Commission annually appoints a Chair and Vice Chair to serve as the presiding officer. The appoint of such officers occurs at the first regularly scheduled meeting of the Commission each calendar year. The appointments are made in accordance with the requirements of LMC Section 2-14.

In addition, the Livingston City Commission appoints its members to serve on certain City and community advisory boards. These appointments also occur at the first regularly scheduled meeting of the Commission each calendar year.

Actions of the Commission

The Commission acts as a body and actions are authorized through a voting process. Each vote requires a Commissioner to make a motion that is seconded by another Commissioner. A majority vote of the members present is required to approve any action. The regular actions of the Commission take several forms: adoption of resolutions; approval of minutes; approval of claims; approval of land use applications; approval of contracts; passage of ordinances; and setting of policy.

Advisory and Statutory Boards and Commissions

In addition to the City Commission, the City of Livingston maintains several boards that are either advisory or statutorily required. Each board is composed of volunteers from the community that are appointed by the City Commission. A Commissioner is appointed to each board with an asterisk at the first meeting of each calendar year.

The statutory and advisory boards of the City of Livingston currently include:

City-County Airport Board
 City-County Board of Health *
 City-County Library Board *
 Consolidated Land Use Board *
 Historic Preservation Board *
 Livingston Community Trust *
 Urban Renewal Agency *

The meetings for each are advertised on the City and County websites.

City Commission Meetings

The Livingston City Commission conducts its business in accordance with the provisions of both the MCA and LMC Chapter 2. The LMC 2-15 stipulates that the presence of three (3) Commissioners constitutes a quorum of the Commission and is a public meeting that must be properly noticed and open to the public. All meetings of the City Commission are open to the public unless closed pursuant to the allowances of MCA 2-3-203. Importantly, serial meetings of Commissioners which result in more than two (2) total Commissioners discussing an item may be considered to be a violation of the open meetings statute based on Attorney General opinions. The Montana Code Annotated stipulates that the City Commission must meet in open session except for limited circumstances as outlined in MCA 2-3-203, which include: consideration of matters of individual privacy and litigation not involving another public agency.

The Commission regularly meets on the first and third Tuesday of each month at 5:30 p.m. In addition to these regularly scheduled meetings, special meetings of the City Commission may be called as necessary. Commissioners are encouraged to attend all meetings in-person. However, recognizing the benefits of participation, remote participation of Commissioners will be enabled by technological means. If a Commissioner expects to be absent from the meeting, a notification shall be provided to the City Manager and Commission Chair not less than 24 hours before the meeting, as practicable.

In accordance with LMC 2-16, the City Manager prepares the agenda for City Commission meetings. The agenda and supporting documentation are emailed to Commissioners and generally available in hard copy format for pick up by the close of business on the Thursday before a City Commission meeting. The Commission agenda and accompanying packet is available on the city's website at www.livingstonmontana.org in the Meeting Information section.

Pursuant to LMC 2-16, members of the Commission may add items to the agenda in two ways: (1) a Commissioner can ask the City Manager to place an item on the agenda; or (2) items must be added to the agenda if they are requested by one Commissioner and the request is seconded by a second Commissioner during a meeting.

City Commission Meeting Procedures

The conduct of meetings of the Livingston City Commission shall adhere to the following provisions:

1. Order of business
The City Manager shall prepare the Commission agenda, which shall be in substantially the following form:
 - A. Call to Order
 - B. Roll call
 - C. Public Comment
 - D. Consent agenda (no discussion should be necessary) *
 - Approval of minutes
 - Approval of claims (payment of bills)
 - Renewal of licenses
 - Applications for special licenses
 - Simple Contracts

* Consent items are those upon which the City Manager anticipates that no discussion should be necessary, however, by placing an item on the consent agenda does not limit the ability of a Commissioner from asking questions or making comments thereon. Items may be removed from the consent calendar upon request of any Commissioner.
 - E. Proclamations
 - F. Scheduled Public Comment
 - G. Action items
 - Ordinances
 - Resolutions
 - Complex Contracts
 - Policy Direction
 - H. City manager's report.
 - I. Commissioner's comments (e.g. reports, introduction of measures, concerns and proposals by members of the Commission.)
 - J. Adjournment.
2. Procedure to conduct business and motions.
 - A. Procedure to Conduct Business.
 1. The Chair shall clearly announce the agenda item to be considered.
 2. Following announcement of agenda item, the Chair shall invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Chair, the City Manager, a staff person, or a committee chair charged with providing input on the agenda item.

3. The Chair shall ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.
4. The Chair shall invite a motion. The Chair shall announce the name of the member of the body who makes the motion.
5. The Chair shall determine if any member of the body wishes to second the motion. The Chair shall announce the name of the member of the body who seconds the motion. No motion shall be debated or put to a vote unless the same shall be seconded. If the motion is made and seconded, the Chair should make sure everyone understands the motion. This is done in one (1) of three (3) ways: (1) The Chair can ask the maker of the motion to repeat it. (2) The Chair can repeat the motion. (3) The Chair can ask the City Clerk to repeat the motion.
 - a. The Chair shall invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input on the agenda item being considered. The Chair may limit the time of public speakers to four minutes. To be recognized, each person desiring to give comment, testimony or evidence shall proceed to the podium provided and after being recognized, give his or her name and address before testifying, commenting or presenting other evidence. All comments, testimony and evidence shall be directed to the presiding officer. No questions shall be asked of a Commission member except through the presiding officer. At the conclusion of the public comments, the Chair shall announce that public input has concluded (or the public hearing as the case may be is closed).
 - b. The Chair shall now invite discussion/debate of the motion by the body. Every member desiring to speak shall address the presiding officer, and upon recognition, shall confine themselves to the question under debate, avoiding all personalities and indecorous language.
 - c. A member, once recognized, shall not be interrupted when speaking unless it is to call him to order or as herein otherwise provided.
 - i. If a member, while speaking is called to order, they shall cease speaking until the question of order is determined, and, if in order, they shall be permitted to proceed.
 - d. Order of rotation in matters of debate or discussion shall be at the discretion of the presiding officer.

- i. A member shall not speak more than twice on the same subject without leave of the Chair, nor more than once until every member desiring to speak on the pending question has had an opportunity to do so.
- 6. If there is no desired discussion, or after the discussion has ended, the Chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.
- 7. The Chair shall direct that the vote be taken by a roll call vote. If members of the body do not vote, then they "abstain". Unless the rules of the body provide otherwise (or unless a super-majority is required as delineated in these rules) then a simple majority determines whether the motion passes or is defeated.
- 8. The Chair should announce the result of the vote and should announce what action (if any) the body has taken.

B. Motions, Majority Approval, Debatable or not and Exceptions.

- 1. The Basic Motion. The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a 5-member committee to plan and put on our annual fundraiser."
- 2. The Motion to Amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a ten-member committee." A motion to amend takes the basic motion which is before the body and seeks to change it in some way. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way.
- 3. The Substitute Motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year." A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it.
- 4. Order of Consideration of Motions. There can only be three (3) motions on the floor at the same time. The Chair can reject a fourth motion until the Chair has dealt with the three (3) that are on the floor and has resolved

them. When there are two (2) or three (3) motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. So, for example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a ten-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year."

- a. First, the Chair would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed then the Chair would proceed to consideration of the second (now, the last) motion on the floor, the motion to amend.
 - b. Second, if the substitute motion failed, the Chair would now deal with the second (now, the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five (5) members or ten (10) members). If the motion to amend passed the Chair would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Chair would now move to consider the main motion (the first motion) in its original format, not amended.
 - c. Third, the Chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or, if amended, would be in its amended format (ten-member committee), and the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.
5. Motion to Reconsider. A motion to reconsider requires a majority vote to pass, but there are two (2) special rules that apply only to the motion to reconsider.
 - a. First, is timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next

meeting of the body following due notice. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and by a two-thirds (2/3) majority, can allow a motion to reconsider to be made at another time following due notice.)

- b. Second, a motion to reconsider can only be made by certain members of the body. Accordingly, a motion to reconsider can only be made by a member who voted in the majority on the original motion. If such a member has a change of heart, they or she can make the motion to reconsider (any other member of the body may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again. That would defeat the purpose of finality.
 - c. If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is then in order. The matter can be discussed and debated as if it were on the floor for the first time.
6. Simple Majority and Exceptions. All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which, effectively, cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds (2/3) vote of the entire Commission (a super-majority) to pass:
- a. Motion to Limit Debate. Whether a member says "I move the previous question" or "I move the question" or "I call the question" or "I move to limit debate", it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds (2/3) vote of the entire Commission to pass.
 - b. Motion to Close Nominations. When choosing officers of the body (like the Chair) nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds (2/3) vote of the entire Commission to pass.
 - c. Motion to Object to the Consideration of a Question. Normally, such a motion is unnecessary since the objectionable item can be

tabled, or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds (2/3) vote of the entire Commission to pass.

- d. **Emergency Measures.** In the case of emergency measures, the emergency must be expressed in the preamble or in the body of the measure and the measure must receive a two-thirds (2/3) vote of the entire Commission. In emergency ordinances, the resolutions shall include only such measures as are immediately necessary for the preservation of peace, health, and safety and shall not include a franchise to a corporation or individual, any provisions for the sale of real estate, any lease or letting of any property for a period exceeding one (1) year, or the purchase or sale of personal property exceeding five thousand dollars (\$5,000.00) in value. (7-5-4204 MCA)
 - e. **Motion to Punish and Expel.** The Commission may punish a member and expel any member for the improper conduct upon a two-thirds (2/3) vote of the entire Commission members. (7-5-4103 MCA).
7. **Motions Debatable, Exceptions.** The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the Chair that it is time to move on and take action.
- a. **Exceptions.** There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Chair must immediately call for a vote of the body without debate on the motion):
 - i. **A Motion to Adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.
 - ii. **A Motion to Recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the Chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

- iii. A Motion to Fix the Time to Adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.
- iv. A Motion to Postpone Consideration. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion can contain a specific time in which the item can come back to the body: "I move we postpone consideration of this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case a motion to consider the item and bring it back to the body will have to be taken at a future meeting. A motion to postpone consideration an item (or to bring it back to the body) requires a simple majority vote.
- v. A Motion to Limit Debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote". When such a motion is made, the Chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds (2/3) vote of the body. Note: that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a two-thirds (2/3) vote of the body.
- vi. Motion to Object to Consideration of an Item. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds (2/3) vote.

3. Addressing the Commission.

- A. The City will provide sign-up sheets at each meeting. Anyone addressing the City Commission shall sign the appropriate sheet which shall be collected by the City at the end of the meeting.
 - 1. At the appropriate time on the agenda, the Chair will invite the person(s) who wish to address the Commission to come to the podium. Each person shall then be given the opportunity to make his or her presentation.

The Chair solicit comments from the public in the following order: (1) residents of the City, (2) business owners or operators in the City, (3) other organizations conducting operations in the City, and (4) residents, businesses or organizations from outside the City.

2. Following the statements, the Chair may ask for additional public comment from those who have not done so.
 3. Once a person has made his presentation, that person shall not speak on the same subject unless granted permission by the presiding officer and then only if the presentation provides new information not previously presented.
- B. The public is invited to speak on any item under discussion by the Commission after recognition by the presiding officer.
 - C. The speaker should step to the front of the room, and stand at the podium provided, provide the speaker's name and address on the signup sheet located at the table, and for the record, give his/her name and address and, if applicable, the person, firm or organization represented.
 - D. Prepared statements are welcomed and should be given to the City Clerk of the Commission. All prepared statements shall become a part of the permanent record.
 - E. While the Commission is in session, the members must preserve order and decorum. A member shall not delay or interrupt the proceedings or the peace of the Commission nor disturb any member while speaking or refuse to obey the orders of the Commission or its presiding officer.
 - F. Any person making personal, impertinent or slanderous remarks or who shall become boisterous or disruptive during the Commission meeting shall be forthwith barred from further presentation to the Commission by the presiding officer, unless permission to continue be granted by a majority vote of the Commission.

Relevant Statutory References

2-3-203. Meetings of public agencies and certain associations of public agencies to be open to public -- exceptions.

(1) All meetings of public or governmental bodies, boards, bureaus, commissions, agencies of the state, or any political subdivision of the state or organizations or agencies supported in whole or in part by public funds or expending public funds, including the supreme court, must be open to the public.

(2) All meetings of associations that are composed of public or governmental bodies referred to in subsection (1) and that regulate the rights, duties, or privileges of any individual must be open to the public.

(3) The presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.

(4) (a) Except as provided in subsection (4)(b), a meeting may be closed to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position of the public agency.

MCA 7-5-4101. General powers of municipal council.

The city or town council has power to make and pass all bylaws, ordinances, orders, and resolutions not repugnant to the constitution of the United States or of the state of Montana or to the provisions of this title, necessary for the government or management of the affairs of a city or town, for the execution of the powers vested in the body corporate, and for carrying into effect the provisions of this title.

MCA 7-3-315. Presiding officer of commission.

The presiding officer of the commission must be:

- (1) elected by the members of the commission from their own number for a term established by ordinance;
- (2) elected by the qualified electors for a term of office; or
- (3) selected as provided by ordinance.

MCA 7-3-303. Appointment of manager.

The manager shall be appointed by the commission for an indefinite term on the basis of merit only and removed only by a majority vote of the whole number of the commission.

MCA 7-6-4006. Appropriation power -- requirements.

- (1) A governing body may appropriate money and provide for the payment of the debts and expenses of the local government.
- (2) Money may not be disbursed, expended, or obligated except pursuant to an appropriation for which working capital is or will be available.
- (3) Appropriations may be adjusted according to procedures authorized by the governing body for:
 - (a) debt service funds for obligations related to debt approved by the governing body;
 - (b) trust funds for obligations authorized by trust covenants;

- (c) any fund for federal, state, local, or private grants and shared revenue accepted and approved by the governing body;
- (d) any fund for special assessments approved by the governing body;
- (e) the proceeds from the sale of land;
- (f) any fund for gifts or donations; and
- (g) money borrowed during the fiscal year.

(4) The governing body may amend the budget during the fiscal year by conducting public hearings at regularly scheduled meetings. Budget amendments providing for additional appropriations must identify the fund reserves, unanticipated revenue, or previously unbudgeted revenue that will fund the appropriations.

MCA 7-3-305. Employees of commission-manager government.

- (1) Employees appointed by the manager and the manager's subordinates must be administratively responsible to the manager.
- (2) Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the manager or any of the manager's subordinates are empowered to appoint.
- (3) Except for the purpose of inquiry or investigation under this title, the commission or its members shall deal with the local government employees who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor its members may give orders to the employee, either publicly or privately.

MCA 7-3-312. Appointment to boards.

All members of boards, other than temporary advisory committees established by the manager, must be appointed by:

- (1) the presiding officer with the consent of the commission;
- (2) the manager with the consent of the commission; or
- (3) the commission.

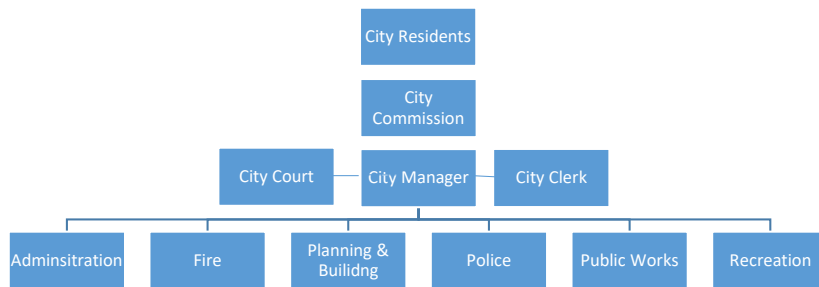
City Manager and City Government

Role of the City Manager

The City Manager serves as the head of the executive branch of the City of Livingston and is responsible for administering the affairs of the City including, but not limited to: managing all City staff; enforcing laws and ordinances; recommending a budget to the Commission; creating meeting agendas; and managing contractors.

Organization of the City

The City is divided into several distinct departments that each perform a function to support the community. The City Manager delegates the responsibilities of the City to the various departments of the City who manage and perform the necessary tasks to serve the community.



City Calendar

The City of Livingston operates on a fiscal year that runs from July 1 through June 30. The fiscal year is named for the year in which it ends. So, for example, Fiscal Year (FY) 2024 begins on July 1, 2023, ends on June 30, 2024. The fiscal year timing is established in MCA 7-3-1302 and is shared by all political subdivisions of the State.

City Budget

Pursuant to MCA 7-3-304, the City Manager is required to “prepare and present the budget to the commission for its approval and execute the budget adopted by the commission.” It is the Commission’s responsibility to approve the final budget (MCA 7-6-4006), which needs to be adopted no later than the first Thursday after the first Tuesday in September, pursuant to MCA 7-6-4036.

The City of Livingston budget includes a general fund which funds the operations of many departments including Administration, Finance, Fire, Judicial, Police and Recreation. Additionally, the budget includes enterprise funds to manage the business-type activities of the City such as water, wastewater and solid waste. Certain special revenue funds exist to manage revenue sources that have specific uses including bond sales, grants and loans.

The budget is a management tool that sets out a plan for operating the City. While the City Manager expects to operate the City according to that plan, operational realities often require departures from the plan. For that reason, the level of control is set at the fund level and not at each department or line item. That is, a specific line item or department may over-spend according to the budget as long as savings are identified elsewhere in the fund to offset those increased expenditures. This is reflected in the appropriation resolution which identifies revenue and expenditure levels of each fund but not more specific detail on the funding of each department. If a fund requires greater expenditures than budgeted, the budget must be amended through a revised appropriation resolution.

Relevant Statutory References

MCA 7-3-304. Duties of manager.

The manager shall:

- (1) enforce laws, ordinances, and resolutions;
- (2) perform the duties required by law, ordinance, or resolution;
- (3) administer the affairs of the local government;
- (4) direct, supervise, and administer all departments, agencies, and offices of the local government unit except as otherwise provided by law or ordinance;
- (5) carry out policies established by the commission;
- (6) prepare and publish the commission agenda pursuant to 2-3-103;
- (7) recommend measures to the commission;
- (8) report to the commission on the affairs and financial condition of the local government;
- (9) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- (10) report to the commission as the commission may require;
- (11) attend commission meetings and may take part in the discussion but may not vote;
- (12) prepare and present the budget to the commission for its approval and execute the budget adopted by the commission;
- (13) appoint, suspend, and remove all employees of the local government except as otherwise provided by law or ordinance;
- (14) appoint members of temporary advisory committees established by the manager.

MCA 7-3-305. Employees of commission-manager government.

(1) Employees appointed by the manager and the manager's subordinates must be administratively responsible to the manager.

(2) Neither the commission nor any of its members may dictate the appointment or removal of any employee whom the manager or any of the manager's subordinates are empowered to appoint.

(3) Except for the purpose of inquiry or investigation under this title, the commission or its members shall deal with the local government employees who are subject to the direction and supervision of the manager solely through the manager, and neither the commission nor its members may give orders to the employee, either publicly or privately.

MCA 7-6-4006. Appropriation power -- requirements.

(1) A governing body may appropriate money and provide for the payment of the debts and expenses of the local government.

(2) Money may not be disbursed, expended, or obligated except pursuant to an appropriation for which working capital is or will be available.

(3) Appropriations may be adjusted according to procedures authorized by the governing body for:

- (a) debt service funds for obligations related to debt approved by the governing body;
- (b) trust funds for obligations authorized by trust covenants;
- (c) any fund for federal, state, local, or private grants and shared revenue accepted and approved by the governing body;
- (d) any fund for special assessments approved by the governing body;
- (e) the proceeds from the sale of land;
- (f) any fund for gifts or donations; and
- (g) money borrowed during the fiscal year.

(4) The governing body may amend the budget during the fiscal year by conducting public hearings at regularly scheduled meetings. Budget amendments providing for additional appropriations must identify the fund reserves, unanticipated revenue, or previously unbudgeted revenue that will fund the appropriations.

MCA 7-6-4013. Fees for services -- hearing and resolution.

(1) If a local government has the authority to regulate, establish, and change fees, rates, charges, and classifications that are imposed for services to its inhabitants and other persons served by the local government, the fees, rates, charges, and classifications must be reasonable and related to the cost of providing the service.

(2) Charges for services must comply with Title 17, chapter 2, part 3, and other applicable statutes.

(3) In order to establish or change fees, rates, charges, or classifications imposed for services, the governing body shall order a hearing to be held as provided in 7-1-4131,

unless a special hearing process is provided by law. Municipal utility rate hearings must be held as provided in 69-7-112.

(4) Notice of a hearing must be published as provided in 7-1-2121 for a county and as provided in 7-1-4127 for a municipality.

(5) After a hearing, the fees, rates, charges, or classifications must be established by resolution of the governing body.

Livingston Municipal Code

General

The Livingston Municipal Code is a compilation of ordinances that serves as the local laws of the City of Livingston. As ordinances are passed by the City Commission, the provisions of each become enshrined in the Livingston Municipal Code (LMC). The provisions of the LMC may be updated from time to time through the passage of ordinances.

Table of Contents

The various chapters of the LMC provide constitute the local laws of the City of Livingston. The Chapters of the LMC include:

- Chapter 1 – General Provisions
- Chapter 2 – Government and Administration
- Chapter 3 – Alcoholic Beverages
- Chapter 4 – Animals
- Chapter 5 – Taxation and Finance
- Chapter 6 – Uniform Building Code
- Chapter 7 – Police Department
- Chapter 8 – City Court
- Chapter 9 – Traffic and Vehicles
- Chapter 10 – Miscellaneous Offenses
- Chapter 11 – Fire Protection and Prevention
- Chapter 12 – Garbage, Trash and Weeds
- Chapter 13 – Water
- Chapter 14 – Health and Sanitation
- Chapter 15 – Gambling
- Chapter 16 – Library
- Chapter 17 – Safety Inspection Certificate, Special Business License and Alcohol Beverage License
- Chapter 18 – Night Sky Protection
- Chapter 21 – Pawnbrokers and Junk Dealers
- Chapter 22 – Cemeteries
- Chapter 23 – Trees
- Chapter 24 – Development Impact Fee
- Chapter 25 – Solicitors, Peddlers and Iterant Merchants
- Chapter 26 – Streets and Sidewalks
- Chapter 27 – Consolidated Land Use Board
- Chapter 28 – Subdivision Regulations
- Chapter 29 – Floodplain Regulations
- Chapter 30 – Zoning
- Chapter 31 – Historic District Overlay Zoning
- Chapter 33 – Source Water and Aquifer Protection Plan

Relevant Statutory References

MCA 7-5-107. Register of ordinances and codification.

(1) There shall be maintained a register of ordinances in which all ordinances are entered in full after passage and approval, except when a code is adopted by reference. When a code is adopted by reference, the date and source of the code shall be entered.

(2) (a) No later than 1980 and at 5-year intervals thereafter, appropriate ordinances shall be compiled into a uniform code and published.

(b) The recodification is not effective until approved by the governing body.

General Rules on Conduct of Public Officers and Public Business

General Background

Elected, appointed and hired public officials have a unique responsibility to the community that they serve. As stewards of public resources, we have a duty to ensure that those resources are responsibly deployed. To ensure that we do so, both the MCA and LMC include provisions to regulate the conduct of public officials including Codes of Ethics, open meetings laws and public records rules.

To facilitate the compliance of the City of Livingston with these responsibilities, the City provides Commissioners with tools including phones, email accounts and computer systems. City Commissioners are encouraged to exclusively use City provided systems for all City business and communications. In the event of a public records request or legal action relating to City business, a Commissioner's use of City-provided systems will make responses easier and less disruptive to that Commissioner. It is important to remember that the conduct of city business is available for disclosure regardless of the device or system that is used. So, to the extent that private hardware and accounts are used to conduct city business, they are accessible public records.

To further facilitate compliance, the City of Livingston requests that each Commissioner complete a disclosure form upon taking office. The form will assist the City Manager in identifying potential conflicts of interest as matters are brought before the Commission. That form is included in Appendix A.

State Code of Ethics

The integrity of public officials is critical to the successful function of government. Recognizing this, Montana Code Annotated contains a Code of Ethics in Part 1 of Chapter 2 of Title 2. That Code of Ethics acknowledges that "The holding of public office or employment is a public trust, created by the confidence that the electorate reposes in the integrity of judicial officers, public officers, legislators, and public employees. A judicial officer, public officer, judge, legislator, or public employee shall carry out the individual's duties for the benefit of the people of the state."

Montana Code Annotated specifically forbids certain behavior by public officials including the disclosure or use of confidential information acquired in the course of official duties to further the individual's personal economic interests or accepting a gift of substantial value or a substantial economic benefit. Substantial value is defined as \$100 in MCA 2-2-102.

The Code of Ethics also requires that elected officials disclose certain conflicts and, in certain cases, abstain from action. MCA 2-2-105 provides that a public employee shall disclose interests creating a conflict prior to participating in any official action. MCA 2-2-121(2)(e) additionally provides that a public officer may not perform an official act directly and substantially affecting a business or other undertaking in which the public officer either has a substantial financial interest or is engaged as an employee, consultant, representative, or agent.

In addition, the use of public resources for private businesses is also prohibited by MCA 2-2-121(2)(a) which provides that public officials may not “use public time, facilities, equipment, state letterhead, supplies, personnel, or funds for the officer's or employee's private business purposes.”

Commissioners Conflict of Interest

On April 1, 2025, by Ordinance No. 3057, the City Commission of the City of Livingston adopted a Conflict of Interest Policy for Livingston City Commissioners. The Policy protects and encourages impartial and independent judgment ensuring that the private conduct and financial interest of public officials do not present a real conflict of interest in their responsibilities to serve the public.

The Policy, as enshrined in Livingston Municipal Code Sections 2-24 through 2-34, establishes minimum standards of conduct and is designed to assist public officials in understanding their obligations. This Policy applies to all elected officials and community or advisory board members. Public confidence in government is essential and Commissioners are encouraged to understand the Conflict of Interest Policy.

LMC 2-24 Purpose of Conflict of Interest Policy

It is the intent of the City of Livingston to establish a Conflict of Interest Policy. This policy protects and encourages impartial and independent judgment ensuring that the private conduct and financial interest of public officials do not present a real conflict of interest in their responsibilities to serve the public.

The Policy, as enshrined in Livingston Municipal Code Sections 2-24 through 2-34, establishes minimum standards of conduct and is designed to assist public officials in understanding their obligations. This Policy applies to all elected officials and community or advisory board members. Public confidence in government is essential and the City can help sustain it by establishing and enforcing rules to assure the impartiality and honesty of officials in all public discussions, decisions and transactions. Each affected advisory and community board of City government should inform its members of the provisions of this chapter and strive to effectively enforce its requirements by seeking appropriate assistance from the City Attorney, or City Manager.

LMC 2-25 Organizational Responsibility for Conflict of Interest Policy

The legislative affairs of the City shall be conducted in a manner free from influences and/or activities that compromise the integrity of the process. It is the responsibility of each public official to ensure their compliance with this Policy.

In the event of a perceived Conflict of Interest, Officials may rely upon the advice of the City Attorney as to whether the official has a conflict of interest pursuant to law. In matters where a conflict of interest exists, the Official shall excuse themselves from the dais, and refrain from discussion and vote except when the Official's participation is necessary to obtain a quorum or

otherwise enable action. In such a case, the official shall disclose the interest creating the appearance of impropriety and comply with the disclosure requirements of MCA 2-2-101 et seq., prior to performing the official act.

LMC 2-26 Conflict of Interest Policy Definitions.

Unless the context specifically indicates otherwise, the meanings of terms used in this ordinance shall be as follows:

1. Gift shall mean any benefit, favor, service, privilege, or thing of value which could be interpreted as influencing a public official's impartiality. Gifts include, but are not limited to: trips, money, merchandise, foodstuffs, and tickets to sports, civic or cultural events; services or work provided by City suppliers and offers of future employment from City suppliers. Gifts do not include items that would not ordinarily be interpreted as affecting an official's impartiality; such as an occasional business lunch, potted plants or flowers, boxes of candy for office personnel, or advertising office supplies, such as pencils, calendars, or pens, or other token gifts of small value.

2. Immediate and direct official action shall mean any vote, decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.

3. Official shall mean and include any person who serves on the City Commission or any advisory or community board or committee created by the Commission.

4. Substantial conflict of interest shall mean a situation, which is likely to affect the judgment or actions of an official in the performance their duties for the City.

5. Financial Interest shall mean any interest which shall yield, directly or indirectly, a monetary or other material benefit (other than duly authorized salary or compensation for services to the City) to the official, their family members and cohabitants, or any person retaining the services of the official.

LMC 2-27 Just and equitable treatment

A. Use of Public Property. No official shall request or permit the use of City-owned vehicles, equipment, materials or property or the expenditure of City funds for personal convenience or profit unless authorized by other agreement. Use or expenditure is to be restricted to such services as are available to the public generally or for such employee in the conduct of official business.

B. Obligations to Citizens. No official shall grant any special consideration, treatment or advantage beyond that which is available to every other citizen.

C. Except as authorized by law and in the course of his or her official duties, no official shall use the power or authority of his or her office or position with the City in a manner intended to induce

or coerce any other person to provide such official or any other person with any compensation, gift, or other thing of value directly or indirectly.

D. No official may ask for or receive, directly or indirectly, any compensation, gift, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty, or action by the City other than the compensation, costs or fees provided by law.

LMC 2-28 Campaign activities

City officials are encouraged to participate in the political process on their own time, with their own personal resources, and outside of the workplace by working on campaigns for the election of any person to any office or for the promotion of or opposition to any ballot proposition. Officials shall not use or authorize the use of the facility of the City of Livingston for such purposes except as authorized by law. See subsection 2 –2-121 MCA which applies to public officials.

LMC 2-29 Gifts and Things of Value

Officials may not accept gifts or other things of value when given by anyone who does business or seeks to do business with the City, if the gift is given for performance, or the failure to perform, one's duty; or when the gift could appear to be for the purpose of obtaining special consideration or to influence a City action. Pursuant to subsection 45-7-104 (5)(b) MCA, this section does not apply to trivial benefits incidental to personal, professional, or business contacts and involving no substantial risk of undermining official impartiality. A hosting government or agency may sometimes pay for other costs, such as travel expense and hotel accommodation, associated with government-related activities. Gifts of this nature are not a violation of this policy.

Gifts do not include items for which fair market value is paid or which are reimbursed by the City, or items received but donated to a charitable organization within 30 days of receipt of the gift. Meals are not considered gifts or items of value.

LMC 2-30 Conflicts of Interest

In addition to conflicts of interest identified above, the following rules apply to all officials of the City. No official shall engage in any act that is in conflict with the performance of official duties. An official shall be deemed to have a conflict of interest if he or she directly or indirectly:

1. Receives or has any financial interest in any purchase, sale or lease to or by the City of any service or property when such financial interest was received or obtained with the prior knowledge that the City intended to purchase, sell or lease such property or service;

2. Is beneficially interested in any contract, sale, lease, option or purchase that may be made by, through, or under the supervision of the official, in whole or in part, or accepts, directly or indirectly, any compensation, gift or thing of value from any other person beneficially interested therein;

3. Accepts or seeks for others any employment, travel expense, service, information, compensation, gift or thing of value on more favorable terms than those granted to the public generally. These favorable terms may not be solicited from any person doing business, or seeking to do business with the City in an area for which the employee has responsibility or with regard to which he or she may participate. This subsection shall not apply to the receipt by elected officials of meals, refreshments or transportation within the boundaries of the City when given in connection with meetings with constituents or meetings which are informational or ceremonial in nature.

LMC 2-31 Prior employment

No official shall be disqualified from service solely because of his or her prior employment; however such official shall be disqualified from taking any immediate and direct official action with respect to his or her prior employer for a period of two (2) years from the date of termination of employment.

LMC 2-32 Contemporaneous employment

Under no circumstances shall any official engage in a decision that may cause a conflict of interest with his or her outside employment or financial interest. No use should be made of City-owned materials or facilities in performing such outside work.

LMC 2-33 New Official training

Every official, upon initiating service with the City, shall receive a copy of the Conflict of Interest Policy as part of the service's orientation.

LMC 2-34 Violation of Conflict of Interest Requirements

Violation of this ordinance shall be ground for discharge or other disciplinary action. Disciplinary action and grievance procedures will be conducted according to the City Commission Handbook and Montana Code Annotated where appropriate.

Commissioners Code of Conduct

On February 20, 2007, by Resolution No. 3826 the City Commission of the City of Livingston adopted Rules of Conduct for Livingston City Commissioners. The purpose of the code of conduct was to define the role of the City Commissioners in the governance of the City of Livingston and by establishing guidelines for City Commissioners when dealing with city staff and members of the public, both in the public process and outside thereof.

RULES OF CONDUCT FOR THE LIVINGSTON CITY COMMISSION

Pursuant to 7-5-4103 Montana Code Annotated (MCA) the City Commission of the City of Livingston, Montana, hereby adopts rules of conduct for members of the City Commission. [7-5-4103-53-MCA provides as follows: "The Council may determine the rules of its proceedings, punish its members for improper conduct, and expel any member for the same by 2/3 vote of the members elected."]

Introduction

The purpose of this Code of Conduct (Code) is to define the role of City Commissioners in the governance of this City. This code consists of policies and implementing rules is intended to advance the City's goals of providing efficient and high quality services to its residents through its staff, providing a productive work environment for City staff all the while furthering public participation in fair and open public proceedings of the City Commission.

Background

The City of Livingston is a general power city governed by a commission/ manager form of government. The City Commission exercises legislative powers set forth in 7-1-4123-MCA. The City Manager is charged with implementing the policies and decisions of the City Commission, enforcing laws, ordinances and resolutions and administering the day to-day affairs of the city with the assistance of city staff. The City Commission has direct authority over the City Manager; all other city staff are under the direct authority and supervision of the City Manager. This Code of Conduct establishes rules that contribute to the success of this basic structure and to maintaining positive and effective working relationships between City Commissioners, City Manager, staff and the public.

Limitations

This Code of Conduct addresses selective aspects of the governance of the City and supplements, but does not supplant other laws and rules that prescribe the legal responsibilities of City Commissioners, including the Montana State Constitution, laws of the State of Montana, the Standards of Conduct and Code of Ethics (2-2-101et seq. MCA) for public officers and employees and the Livingston Municipal Code.

It is not possible for a code of this kind to anticipate and provide a rule of conduct for all Situations. All City Commissioners are expected to manage their behavior in a manner consistent with the rules that follow, respect the chain of command and behave within the bounds of their authority. All City Commissioners are expected to treat each other, city staff, residents, business people and the public with courtesy and respect in a manner that reflects well on the City.

Policies and Rules

The Code of Conduct consists of general policies governing the conduct of City Commissioners and following each policy is a set of rules that give specific application to the policy.

Policy 1. City Commissioners shall deal with the administration and staff solely through the City Manager or his/her designee. (7-3-305-Montana Code Annotated MCA)

Explanation. City staff is organized in a hierarchical structure, and work under the direction and control of several layers of management culminating with the City Manager. City Manager is responsible for hiring and supervising staff. Individual City Commissioners are not part of that management structure and have no authority to direct employees. City Commissioners are not authorized directly to give work assignments to staff. City Staff has been instructed not to take directions or work assignments from City Commissioners and to report any such attempt to their Department Head. When any City Commissioner attempts to give an employee directions, the employee is put in an awkward position and the management structure is undermined. In addition, a City Commissioner may be exposed to personal liability by acting outside the course and scope of his/her duties. City Commissioners are immune from damages for legislative acts, a legislative act does not include administrative actions. (2-9-111-MCA).

- Rule 1.1: A City Commissioner shall not direct, order or make demands on city staff. When any City Commissioner attempts to give an employee directions, the employee is put in an awkward position and the management structure is undermined.
- Rule 1.2: A City Commissioner having a question concerning city business shall direct such question to the city manager for an answer. The city manager after consultation with staff shall provide an answer within a reasonable time.
- Rule 1.3: A City Commissioner shall not attempt to reorganize staff's priorities or influence the manner by which city staff performs their assigned functions and duties.
- Rule 1.4: A City Commissioner shall not retaliate, threaten to retaliate, discipline or threaten to discipline city staff.
- Rule 1.5: A City Commissioner shall not interfere with the manner by which the City Manager performs his or her duties.
- Rule 1.6: A City Commissioner shall not interfere with the implementation by staff of approved projects and programs.

Policy 2: City Commissioners shall only act collectively as a body in a properly noticed and constituted public meeting.

- Rule 2.1: A City Commissioner shall not take action on behalf of the City Commission unless expressly authorized to do so by the City Commission in a duly noticed and constituted public meeting.
- Rule 2.2: A City Commissioner shall not use his or her official office as a means of advancing personal opinions through public statements whereby an inference can be drawn that they are speaking on behalf of the City Commission as a whole.
- Rule 2.3: A City Commissioner shall make no promises or representations on behalf of the City Commission or City unless expressly authorized to do so by the City Commission in a duly noticed and constituted public meeting.

- Rule 2.4: To ensure fairness and due process, all decisions made by a city commissioner must be based solely upon the record presented in an open meeting of the city commission wherein the public, following due notice, has had the opportunity to participate in the process and to be heard prior to the final decision.
- Rule 2.4. (a) Except as provided for in quasi-judicial proceedings as set forth in Policy No. 5, should a City Commissioner receive information concerning a City Commission agenda matter from a source who is unable to attend the meeting of the City Commission, the information should be placed into the public record by the City Commissioner prior to any decision being made by the City Commission in order to allow public comment on the information and discussion by the City Commission.
- Rule 2.5: City Commissioners shall respect the public process including the right to know and the right to participate as established by the Montana Constitution, the laws of the State of Montana and rules adopted by the City Commission to ensure public participation in matters of significant interest to the public (widespread public interest) prior to final decision.
- Rule 2.6: A City Commissioner shall perform his/her duties in accordance and with respect to the rules of procedure established by the City Commission to allow meaningful involvement of the public and debate between the Commissioners prior to final decision.

Policy 3: A City Commissioner shall conduct himself in a public meeting with civility and with proper decorum.

- Rule 3.1: To retain order, a City Commissioner must first be recognized by the Chair, and once recognized, shall limit comments to the matter currently before the City Commission.
- Rule 3.2: A City Commissioner shall not interrupt another City Commissioner who has the floor, nor make personal comments not germane to the business under discussion or otherwise interfere with the orderly conduct of meetings.
- Rule 3.3: A City Commissioner shall honor the efforts of the Chair to keep comments of City Commissioners on track with the agenda item Disagreements with the Chair's decision shall be voiced politely and stating the reasons, and following a duly seconded motion may be overruled by majority vote of the entire Commission.
- Rule 3.4: City Commissioners shall prepare for the public meetings, listen courteously and attentively to all public discussions, treat the public with respect and courtesy and focus on the business at hand.
- Rule 3.5: While it is acceptable to publicly disagree on issues, a City Commissioner shall not make derogatory comments about other City Commissioners, or their opinions and actions.
- Rule 3.6: A City Commissioner shall not directly enter into debate with a member of the public or staff. All comments shall be directed through the Chair.

- Policy 4: An individual City Commissioner in dealing with the public outside of a duly noticed meeting shall conduct themselves in a manner so as not to bring reproach upon the City Commission or the public process.
- Rule 4.1: An individual City Commissioner shall make no promises or representations on behalf of the Commission or City.
- Rule 4.2: When making public comment, a City Commissioner shall make it clear whether they are authorized to speak on behalf of the City Commission as a whole, or whether they are presenting their own personal view.

- Policy 5: In quasi-judicial matters, the City Commission shall comply with the fairness doctrine and due process requirements of due notice of hearing and provide an opportunity to be heard.

NOTE: The City Commission exercises a quasi-judicial function when it exercises judgment and discretion in determining the legal rights, duties or privileges of specific parties in a hearing or contested proceeding before the City Commission. Whenever exercising quasi-judicial authority, due process and the appearance of fairness doctrine requires the hearing to be held in a public forum, where the parties have been provided with adequate notice and an opportunity to be heard prior to the final decision. Most notably, the City Commission exercises quasi-judicial authority in rendering land use decisions, including the zoning or rezoning of specific pieces of property, in the granting of variances or special exceptions, and in the approval or denial of subdivisions. A City Commission does not act in a quasi-judicial manner when engaged in legislative matters. Example: In enacting zoning laws, the City Commission exercises its legislative powers as the zoning law would have general effect throughout the community; however, when the City Commission is applying the zoning law to a specific piece of property, i.e. the granting of a variance, the city commission is exercising quasi-judicial authority as the decision affects a specific party. The City Commission also exercises quasi-judicial authority in the discipline or termination of a firefighter pursuant to 4712-343-MCA.

- Rule 5.1: When a quasi-judicial proceeding is pending before the City Commission, a City Commissioner shall avoid ex parte communications in connection to any issue of fact or law with any party or a party's representative.

NOTE: An ex parte communication is an oral or written communication not on the public record to which reasonable prior notice to all parties has not been given. Fairness and due process requires a City Commissioner, sitting as a quasi-judicial officer, to make his or her decision based solely upon the information presented in the public forum which has been duly noticed and where the parties have been provided an opportunity to be heard prior to final decision.

Rule 5.2: If a City Commissioner is approached by a member of the public or a party concerning a quasi-judicial matter, the City Commissioner should advise the individual that the proper forum for such communication is at the public hearing and that it is improper for the City Commissioner to discuss the matter outside of the public hearing.

Rule 5.3: If an ex-parte communication which is unavoidable is made to a City Commissioner concerning a quasi-judicial matter, the City Commissioner at the beginning of the hearing shall disclose the content of the communication, as well as the person who made the communication so that the parties may address such communication in the hearing prior to final decision. If necessary, additional time maybe allotted for the parties to address the ex-parte communication.

Enforcement

The City Commission is committed to maintain a productive work environment and to that end, every City Commissioner is expected to observe these policies and rules when engaged in City business. The goal of enforcement of this Code of Conduct is corrective, rather than penal, and a progressive approach to curing violations shall be employed, beginning with informal methods and proceeding to more formal methods as necessary.

Violations of this code of conduct, may be enforced as follows:

1. Informal counseling means a decision by the City Commission, while the City Commission is in session, that a City Commissioner is out of order or is in violation of the Code of Conduct. Any member may be determined to be out of order by a motion duly seconded and approved by a majority of the Commissioners present;
2. Formal discipline means a decision by the City Commission as a body concerning a violation of the Rules of conduct by a City Commissioner which is formalized by a public reprimand (oral) or by public censure (written) as hereinafter set forth, or
3. Expulsion from the public meeting by 2/3 vote of the elected membership of the City Commission during which the Rules of Conduct are violated.

Violations of this code that require formal discipline or which occur outside of a public meeting may be handled as follows:

1. The City Commission may determine in a public meeting whether there is a reasonable ground to believe that a violation of this Code of Conduct has occurred. If so, the City Commissioner accused of said violation shall be advised of the nature of the violation in writing and that the matter will be heard before the City Commission at a specific time and place.
2. If the City Commissioner admits that allegation is true, the City Commission may impose one or more of the following sanctions:
 - i, Public reprimand (oral) by vote of Commission
 - ii. Public censure (written) formalized by a resolution

- iii. Removal from committee/board assignments
- 3. Should the City Commissioner deny the allegations, following due notice, a public hearing on the charge will be held wherein evidence and testimony will be presented, to the City Commission as a whole. If the City Commission as a body finds by a preponderance of the evidence that the violation is substantiated, the City Commission may impose one or more of the following sanctions:
 - i. Public reprimand (oral) by vote of Commission
 - ii. Public censure (written) formalized by a resolution
 - iii. Removal from committee/board assignments.

State Open Records Laws

The records of the City of Livingston are generally open and available for public inspection at any time. The Montana Secretary of State has promulgated regulations for record retention that the City adheres to. Documents that are not available to the public include: closed meeting minutes; criminal justice information; attorney-client work product; and personnel records. Commissioners should understand that their communications and documents are generally available for public inspection regardless of the device or program used to create, share or store them. Commissioners are encouraged to review the Secretary of State [website](#) to learn more.

Procedure to Replace Commissioners

Both Montana Code Annotated and the Livingston Municipal Code provide a framework for the removal of Commissioners. While such an action is unusual and should only be contemplated in the most dire of circumstances, Commissioners should understand the provisions of MCA 7-4-4113, LMC 2-43 and the Code of Conduct in this document.

Relevant Statutory References

MCA 2-2-103. Public trust -- public duty.

(1) The holding of public office or employment is a public trust, created by the confidence that the electorate reposes in the integrity of judicial officers, public officers, legislators, and public employees. A judicial officer, public officer, judge, legislator, or public employee shall carry out the individual's duties for the benefit of the people of the state.

(2) A judicial officer, public officer, judge, legislator, or public employee whose conduct departs from the person's public duty is liable to the people of the state and is subject to the penalties provided in this part for abuse of the public's trust.

(3) This part sets forth various rules of conduct, the transgression of any of which is a violation of public duty, and various ethical principles, the transgression of any of which must be avoided.

(4) (a) The enforcement of this part for:

- (i) judicial officers, state officers, judges, legislators, and state employees is provided for in 2-2-136;
- (ii) legislators, involving legislative acts, is provided for in 2-2-135 and for all other acts is provided for in 2-2-136;
- (iii) local government officers and employees is provided for in 2-2-144.

(b) Any money collected in the civil actions that is not reimbursement for the cost of the action must be deposited in the general fund of the unit of government.

MCA 2-2-105. Ethical requirements for public officers and public employees.

(1) The requirements in this section are intended as rules of conduct, and violations constitute a breach of the public trust and public duty of office or employment in state or local government.

(2) Except as provided in subsection (4), a public officer or public employee may not acquire an interest in any business or undertaking that the officer or employee has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by the officer's or employee's agency.

(3) A public officer or public employee may not, within 12 months following the voluntary termination of office or employment, obtain employment in which the officer or employee will take direct advantage, unavailable to others, of matters with which the officer or employee was directly involved during a term of office or during employment. These matters are rules, other than rules of general application, that the officer or employee actively helped to formulate and applications, claims, or contested cases in the consideration of which the officer or employee was an active participant.

(4) When a public employee who is a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority is required to take official action on a matter as to which the public employee has a conflict created by a personal or private interest that would directly give rise to an appearance of impropriety as to the public employee's influence, benefit, or detriment in regard to the matter, the public employee shall disclose the interest creating the conflict prior to participating in the official action.

(5) A public officer or public employee may not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the officer or employee has a substantial personal interest in a competing firm or undertaking.

MCA 7-5-4103. Council rules and discipline.

The council may determine the rules of its proceedings, punish its members for improper conduct, and expel any member for the same by a two-thirds vote of the members elected.

MCA 7-1-4141. (Effective July 1, 2024) Public meeting required.

(1) All meetings of municipal governing bodies, boards, authorities, committees, or other entities created by a municipality must be open to the public except as provided in 2-3-203.

(2) Subject to the requirements of 2-3-212, appropriate minutes must be kept of all public meetings and must be made available to the public for inspection and copying and meet the requirements of 2-3-214(2)(b).

7-1-4142. Public participation. Each municipal governing body, committee, board, authority, or entity, in accordance with Article II, section 8, of the Montana constitution and Title 2, chapter 3, shall develop procedures for permitting and encouraging the public to participate in decisions that are of significant interest to the public.

Appendix A: Disclosure Form

Livingston City Commission

Disclosure Form

This form is provided to all Livingston City Commissioners to assist City Staff in identifying potential conflicts of interest. Commissioners are requested to complete the form upon taking office and at any time throughout their term that information changes. The completed form may be returned to the City Manager.

Commissioner Name: _____

Address: _____

Employer: _____

Spousal Employer: _____

Other Employers of Household Members: _____

Association Memberships: _____

Please identify any other potential conflicts that you may have: _____

Appendix B: Application for City Commissioner

Livingston City Commission

APPLICATION FOR CITY COMMISSIONER

- 1. Name: _____
- 2. Address: _____
- 3. How long have you resided in Livingston? _____
- 4. Are you at least 18 years of age? Yes _____ No _____
- 5. Are you a citizen of the United States? Yes _____ No _____
- 6. Have you resided in the State of Montana for more than 30 days? Yes _____ No _____
- 7. Have you resided in Park County for more than 30 days? Yes _____ No _____
- 8. Have you ever been convicted of a felony? Yes _____ No _____
- 9. Why do you want to be a City Commissioner? _____
- 10. Do you have any prior experience in local government? If so, please describe? _____
- 11. Do you have any special qualifications which you believe would be an asset to the City Commission? _____
- 12. What do you see as the most important needs facing the City of Livingston? _____

|

Appendix C: Threat Response

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While members of the public generally have a First Amendment right, they do not have the right to threaten or incite violence. As public officers, the Livingston City Commission may be subject to intimidation or threats from community members. Similarly, as the head of the executive branch, the City Manager may be subject to intimidation or threats.

In such instances, affected Commissioners will work with the City Manager and Police Chief to identify the level of security that is needed based on the threat level for the city and Commissioners and develop a strategy to provide it. That strategy could include:

- a protective detail;
- security at public events;
- residential security assessments;
- additional neighborhood patrols; and
- other procedures

In certain situations, it may be necessary for City Commissioners to work directly with the Police Chief to manage a threat response. In such cases, the affected City Commissioners shall provide notice to the City Manager for such action, which may otherwise violate the provisions of this handbook.

In all situations, the cost of providing the required security will be the responsibility of the City of Livingston.