



Livingston City Commission Agenda

May 18, 2021

5:30 PM

Via Zoom

<https://us02web.zoom.us/j/81090991017?pwd=UHRqd0ZXUVJtS1Q5ekVjTyt6TmlKUT09>

Meeting ID: 810 9099 1017 Passcode: 912475 Call-in: (669) 900-6833

1. Call to Order

2. Roll Call

5. 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)

6. Consent Items

- A. APPROVE MINUTES FROM 05/06/2021 REGULAR CITY COMMISSION MEETING. PG. 4**
- B. MEGAN EUBANKS APPOINTMENT TO SERVE ON LIVINGSTON BUSINESS IMPROVEMENT DISTRICT (LBID) AS A DESIGNATED REPRESENTATIVE. PG. 9**
- C. RATIFY CLAIMS PAID 05/01/2021-05/12/2021. PG. 13**
- D. ACCEPT PLEDGED SECURITIES REPORT AS OF MARCH 31, 2021. PG. 19**

7. Proclamations

8. Scheduled Public Comment

- A. BOB CHURCH OF GREAT WEST ENGINEERING, PRESENTS THE 2021 GREEN WASTE STUDY FINDINGS AND RECOMMENDATIONS. PG. 23**

7. Public Hearings

- A. ORDINANCE NO. 3006: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REQUIRING ALL BUILDINGS TO COMPLY WITH THE BUILDING CODES AND AMENDING ORDINANCE NO. 2085 AS CODIFIED BY CHAPTER 6 OF THE LIVINGSTON MUNICIPAL CODE, BY ADOPTING BY REFERENCE THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AND DELETING SECTION 6-55 OF THE LIVINGSTON MUNICIPAL CODE. PG. 43**

8. Ordinances

9. Resolutions

- A. RESOLUTION NO. 4961: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CONTIGUOUS GOVERNMENTAL LAND DESCRIBED AS BEING BENNETT STREET, GRANDVIEW BOULEVARD, ARBOR DRIVE, HEFFERLIN AVENUE, WHISKEY CREEK ROAD, SCHEUBER AVENUE, LOCKE BLAIR AVENUE, AND A PORTION OF GARNIER AVENUE FROM ALLSPAUGH STREET TO ARBOR DRIVE, ALL LOCATED IN SECTION 7, TOWNSHIP 2 SOUTH, RANGE 10 EAST. PG. 54**

B. RESOLUTION NO. 4964: A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ADOPT THE PROPOSED GROWTH POLICY.
PG. 59

C. RESOLUTION NO. 4965: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT APPROVING THE ASSIGNMENT OF DEVELOPMENT RIGHTS IN THE AGREEMENT BETWEEN YELLOWSTONE COMMUNITY PARTNERS LLC, HEADWATERS WALKING HORSE RANCH LLC, AND THE CITY OF LIVINGSTON, TO HEART K LAND AND CATTLE COMPANY LLC.
PG. 74

D. RESOLUTION NO. 4966: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON AUTHORIZING THE CITY MANAGER TO SIGN AGREEMENTS WITH EUBANK CREATIVE FOR GRAPHIC DESIGN SERVICES FOR THE LIVINGSTON PARKS AND TRAILS COMMITTEE ADOPT-A-TRAIL SIGNS PROJECT.
PG. 111

12. Action Items

A. DISCUSS/APPROVE/DENY: KYRA AMES AND BOB EBINGER APPLICATIONS FOR REAPPOINTMENT TO THE LIVINGSTON URBAN RENEWAL AGENCY (URA), TO SERVE A FOUR (4) YEAR TERM PER THE BY-LAWS.
PG. 116

B. DISCUSS/APPROVE/DENY: APPROVE THE ANNUAL REPORT AND FY21-22 BUDGET FOR THE LIVINGSTON BUSINESS IMPROVEMENT DISTRICT (LBID).
PG. 119

C. DISCUSS/APPROVE/DENY: APPROVE CVB MARKETING PLAN FOR FY21-22, AS REQUIRED BY THEIR BY-LAWS.
PG. 127

D. DISCUSS/APPROVE/DENY: SENDING LETTER REQUESTING TECHNICAL ADVICE AND ASSISTANCE FROM THE TRUST FOR PUBLIC LANDS.
PG. 137

E. DISCUSS/APPROVE/DENY: PLANNINGS BOARD REQUEST TO CONTACT STATE LEGISLATURE, IN SUPPORT OF REMOVING THE TERM RESIDENT FREEHOLDER REQUIREMENTS ON CITY PLANNING BOARDS.
PG. 139

F. DISCUSS: HYBRID MEETING OPTIONS

13. City Manager Comment

14. City Commission Comments

15. Adjournment

Calendar of Events

Supplemental Material

LIVINGSTON BUSINESS IMPROVEMENT DISTRICT STRATEGIC PLAN FOR FY2021-2025.

Notice

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

File Attachments for Item:

A. APPROVE MINUTES FROM 05/06/2021 REGULAR CITY COMMISSION MEETING.



Livingston City Commission Minutes

May 04, 2021

(Tech troubles) started at 5:51PM

Via Zoom Meeting: ID:
885 2666 8435

1. Call to Order

2. Roll Call

Commissioners in attendance: Dorel Hoglund, Quentin Schwarz, Mel Friedman, Warren Mabie, and Melissa Nootz. Staff in attendance: Michael Kardoos, Faith Kinnick, Lisa Lowy, Courtney Lawellin, Mathieu Menard, and Shannon Holmes.

3. Public Comment (00:01:26)

- Clay Bolt of Livingston Parks and Trails Committee, made public comment
- Patricia Grabow made public comment (00:05:30)

4. Consent Items (00:10:23)

A. APPROVE MINUTES FROM APRIL 20, 2021 REGULAR COMMISSION MEETING.

B. RATIFY CLAIMS PAID 04/15/2021-04/29/2021.

C. ACCEPT JUDGE'S MONTHLY REPORT MARCH 2021.

D. ACCEPT 3RD QUARTER FUND SUMMARY FROM CITY FINANCE DIRECTOR.

- Schwarz motioned for approval of items A-D, seconded by Mabie.
- Nootz asked a question regarding the new minute
 - All in favor, passes 5-0.

5. Proclamations

6. Scheduled Public Comment (Had tech trouble, will reschedule)

A. BOB CHURCH, OF GREAT WEST ENGINEERING, PRESENTS THE 2021 GREEN WASTE STUDY FINDINGS AND RECOMMENDATIONS.

7. Public Hearings

8. Ordinances (00:14:52)

A. ORDINANCE NO. 3007: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND ARTICLE 1 SECTION 11-2 OF LIVINGSTON MUNICIPAL CODE TO ALLOW THE SALE OF FIREWORKS WITHIN THE INCORPORATED CITY LIMITS.

- Kardoos gave opening statements
- Chris Benden gave public comments (00:17:00)
- Jack Luther gave public comment (00:20:18)

- Nootz asked clarifying questions (00:22:04)
- Kardoos answered (00:23:08)
- Hoglund asked questions (00:27:23)
- Nootz asked additional questions (00:28:24)
- Kardoos answered (00:28:57)
- Courtney Lawellin made clarifying statements (00:32:12)
- Schwarz made comments (00:38:33)
- Mabie motioned for approval, second by Schwarz
 - All in favor, passes 5-0.

9. Resolutions (00:40:46)

A. RESOLUTION NO. 4958: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO APPLY FOR TRANSPORTATION ALTERNATIVES GRANT FUNDING FOR THE NORTH 2ND AND PARK STREET INTERSECTION AND AUTHORIZATION TO COMMIT UP TO \$100,000.00 IN MATCHING CASH FUNDS.

- Kardoos turned presentation over to Lisa Lowy
- Nootz asked clarifying question (00:46:31)
- No public comments
- Schwarz made public comment (00:48:36)
- Friedman made public comments (00:49:56)
- Hoglund asked clarifying questions (00:51:40)
- Lisa Lowy answered questions (00:52:36)
- Kardoos answered questions (00:54:48)
- Friedman motioned for approval, second by Schwarz
 - All in favor, passes 5-0.

B. RESOLUTION NO. 4959: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING PLANNING FEES FOR SITE PLAN REVIEW AND SUBDIVISION EXEMPTIONS. (01:06:07)

- Kardoos gave opening statements, turned meeting over to Mathieu Menard
- No public comments
- Nootz asked questions (01:09:20)
- Mabie asked clarifying questions (01:11:16)
- Mathieu Menard made additional comments (01:12:28)
- Hoglund made comments (01:13:40)
- Friedman motioned for approval, second by Mabie
 - All in favor, passes 5-0.

C. RESOLUTION NO. 4960: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND BELONGING TO THE CITY OF LIVINGSTON WHICH IS DESCRIBED AS THE ISLAND IN THE NE 1/4 OF SECTION 7 IN TOWNSHIP 2 SOUTH RANGE 10 EAST. (01:14:48)

- 5-minute break 7:00 p.m. (01:15:30)

- Kardoos gave opening statements (01:21:02)
- Beccy DeRosa asked clarifying questions (01:23:38)
- Kardoos answered questions (01:24:13)
- Nootz asked questions (01:25:41)
- Kardoos answered (01:26:07)
- Hoglund asked clarifying questions (01:28:39)
- Kardoos answered (01:28:44)

D. [PULLED FOR FUTURE CONSIDERATION] RESOLUTION NO. 4961: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CONTIGUOUS GOVERNMENTAL LAND DESCRIBED AS BEING GRANDVIEW BOULEVARD, ARBOR DRIVE, HEFFERLIN AVENUE, WHISKEY CREEK ROAD, AND A PORTION OF GARNIER AVENUE FROM ALLSPAUGH STREET TO ARBOR DRIVE, ALL LOCATED IN SECTION 7, TOWNSHIP 2 SOUTH, RANGE 10 EAST.

E. RESOLUTION NO. 4962: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LIVINGSTON SCHOOL DISTRICT, FOR A SCHOOL RESOURCE OFFICER PROGRAM FOR SCHOOL YEARS 2021-2022, 2022-2023, AND 2023-2024. (01:31:51)

- Kardoos gave opening statements
- Johnathan Hettinger gave public comment (01:33:25)
- Mabie made comment (01:36:09)
- Nootz asked clarifying questions (01:38:20)
- Kardoos answered questions
- Courtney Lawellin answered questions (01:41:15)
- Mabie made additional comments (01:56:03)
- Nootz made additional comments (01:59:03)
- Kardoos provided financial information (02:00:53)
- Hoglund made clarifying comments (02:01:56)
- Nootz asked follow-up questions (02:14:20)
- Kardoos answered (02:15:23)
- Hoglund made additional comments (02:18:40)
- Friedman made comments (02:21:45)
- Schwarz made comments (02:25:43)
- Hoglund requested the next time the contract comes before the Commission, would like to see additional information pertaining to the history of the SRO, the role of the SRO, duties, expectations, impact, with the contract for extension.
- Friedman motioned for approval, second by Mabie
 - Hoglund abstained
 - Motion passes 3-1, Nootz against.

10. Action Items (02:30:16)

A. SCHEDULE ENTERPRISE FUNDS BUDGET WORK SESSION

Discussion about dates amongst the Commission, scheduled for June 7, 2021 from 5:30-9:30.

11. City Manager Comments: (02:40:11)

12. City Commission Comments

- Nootz made comments (02:40:19)
 - Motion made by Schwarz, 2nd by Hoglund to discuss changing the freeholder residency requirement for City Planning Board Members
- Mabie had no comments
- Friedman made comments (02:50:37)
- Schwarz made comments (02:51:14)
- Hoglund made comments: (02:51:18)
- Hoglund motioned for action item for discussion and recommendation for implementing a hybrid model, 2nd by Nootz on the next agenda.

13. Adjournment 8:59 p.m. (03:08:00)

Calendar of Events

- **May 2021 Calendar**

Supplemental Material

Notice

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File Attachments for Item:

B. MEGAN EUBANKS APPOINTMENT TO SERVE ON LIVINGSTON BUSINESS IMPROVEMENT DISTRICT (LBID) AS A DESIGNATED REPRESENTATIVE.

**LBID Board Application****Date of Application:** 4/22/2021Name: Megan EubankSigned: Megan EubankAddress: 106 East Callender St.City & Zip Code: Livingston, MT 59047e-mail address: megan@eubankcreative.comCellphone: 406-579-5318

Other phone: _____

1. Are you a resident of the City of Livingston? yes
2. Are you a registered voter? yes
3. Will you be at least 18 years of age at the time of the appointment? yes
4. What business or building do you own in the District and why are you interested in this appointment? I rent a storefront space at 106 East Callender St. I am passionate about the vitality of Downtown Livingston.
5. Describe any background, experience and interests that you have which may assist you in performing the responsibilities of this appointment:
 - A. Occupation: Freelance Graphic Designer
 - B. Education: BFA in Graphic Design from MSU
 - C. Experience: Agency 2004-2009, Owner of Eubank Creative 2010-present

(please attach a detailed resume if desired)

6. Have you previously served on any boards or governmental positions? Communications Committee for Farm to School of Park County _____
7. Are you currently serving on any Community Boards? yes
 - A. If yes, please describe those boards. periodic meetings to discuss and address communication and marketing related to F2SPC _____
8. Current Employer? Eubank Creative
9. Are you available for night meetings? sometimes
10. Are you available for daytime meetings? yes
11. Do you foresee any potential conflicts of interest that you might have in executing the duties of this appointed office? no
12. If conflict of interest arose for you, how would you deal with it as an appointed member of this board? I'm good at looking at all sides of an issues with an open mind. I'm confident I would be able to discuss the conflict of interest in a professional, respectful manner to come to a conclusion.

I'm good at looking at all sides of an issues with an open mind. I'm confident I would be able to discuss the conflict of interest in a professional, respectful manner to come to a conclusion.I'm good at looking at all sides of an issues with an open mind. I'm confident I would be able to discuss the conflict of interest in a professional, respectful manner to come to a conclusion.

**Return completed applications to LBID Executive Director Kris King at
info@downtownlivingston.org or mail to: PO Box 284, Livingston, MT 59047**



CREATIVITY THAT MAKES **CONNECTIONS**

PROFILE

My name is Megan Eubank, owner of Eubank Creative. I have had a passion for art and design my entire life, and have been fortunate enough to incorporate my passions into a successful career as a freelance graphic designer.

WORK EXPERIENCE

EUBANK CREATIVE

Owner/Designer | Livingston, MT | December 2008-Present | www.eubankcreative.com

Eubank creative is a full service graphic design studio that specializes in creating professional, cohesive brand identities that resonate with a client's target audience. Areas of focus include brand development, logo development, identity packages, marketing & advertising, and publication design.

Abridged Client List: Bozeman Public Library Foundation | Park County | Livingston Business Improvement District
Mountain Mamas | Farm to School of Park County | Give a Hoot | Park County Community Foundation
Boy Scouts of America - Montana Council | Strategies North | Jackalope | Park County | Palisade Financial
Montana Flyfishing Guides | Sweetwater Travel | Little Jane & the Pistol Whips | Flying Bicycle Creative
Scratchfoot Acoustics | Pure Dermatology | Granite Sports Medicine | Woods Rose Market | Bridge Physical Therapy
Whitefish Legacy Foundation | Dr. Fred Schwendeman | Traverse Yoga | Pharmacist 360 | Invasive Species Action Network
Montana Wildlife Federation | Park County Environmental Council | Prime Performance & Physio

MERCURY ADVERTISING

Senior Art Director | Bozeman, MT | May 2004-December 2008

As Senior Art Director, my job involved leading in the design of larger scope projects including national and regional campaigns and brand development. My role was also to oversee other designers in the creative department in order to maintain the highest standard of work that left company doors. I served as a leader and role model for the creative department, focusing on creativity, quality, efficiency, organization and confidence.

Abridged Client List: Redington Tackle & Apparel Co. | Montana Office of Tourism | Great Falls Clinic
Big Sky Resort | First Interstate Bank | Gold West Country | MacKenzie River Pizza Co.

EDUCATION

MONTANA STATE UNIVERSITY | Bachelor of Fine Arts in Graphic Design | 2004 | Bozeman, MT

BOZEMAN HIGH SCHOOL | 1999 | Bozeman, MT

ACHIEVEMENTS & EXTRAS

2019-Present: Communications Committee for Farm to School of Park County

2019 Regional ADDY Award (*Jackalope*) | 2006 National ADDY Award (*Mercury Advertising*)

2005-2009 State & Regional Gold ADDY Awards (*Mercury Advertising*) | 2006 AdWeek (*Mercury Advertising*)

MEGAN EUBANK Graphic Designer // Art Director
e megan@eubankcreative.com | t 406.579.5318
studio 106 East Callender St. | mailing PO Box 883
Livingston, MT 59047 | www.eubankcreative.com

April 22, 2021

Dear Livingston Business Improvement District Board:

As the owner of the commercial property on the corner of Callender and Main (101 South Main Street and Assessment Code 8470), I designate one of my property lessees, Megan Eubank of Eubank Creative, to serve as a representative of my property which allows her the ability to apply to become a board member for the Livingston Business Improvement District.

Please contact me at 406-587-1518 if you have questions about this designation.

Sincerely,

A handwritten signature in black ink that reads "Daniel Sundling". The signature is fluid and cursive, with a large, stylized 'S' and 'L'.

Daniel Sundling

101 South Main

PO Box 1121

Livingston, MT 59047

File Attachments for Item:

C. RATIFY CLAIMS PAID 05/01/2021-05/12/2021.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
A-1 MUFFLER, INC.							
2	A-1 MUFFLER, INC.	69827	CHECK HARD START	04/29/2021	100.00	100.00	05/06/2021
Total A-1 MUFFLER, INC.:					100.00	100.00	
AAA CLEANING, LLC							
3727	AAA CLEANING, LLC	2021.4.30	cleaning service	04/30/2021	1,300.00	1,300.00	05/06/2021
3727	AAA CLEANING, LLC	2021.4.30.1	Bennett St cleaning	04/30/2021	500.00	500.00	05/06/2021
Total AAA CLEANING, LLC:					1,800.00	1,800.00	
ADVANCED ELEMENTS OPERATIONAL TECH LLC							
10002	ADVANCED ELEMENTS OPERA	1387	2021 OPWORKS	04/30/2021	2,000.00	2,000.00	05/06/2021
10002	ADVANCED ELEMENTS OPERA	1387	2021 OPWORKS	04/30/2021	1,500.00	1,500.00	05/06/2021
10002	ADVANCED ELEMENTS OPERA	1387	2021 OPWORKS	04/30/2021	1,500.00	1,500.00	05/06/2021
Total ADVANCED ELEMENTS OPERATIONAL TECH LLC:					5,000.00	5,000.00	
ALL SERVICE TIRE & ALIGNMENT							
22	ALL SERVICE TIRE & ALIGNME	61515	Tire Repair	04/27/2021	15.00	15.00	05/06/2021
22	ALL SERVICE TIRE & ALIGNME	61519	Oil Change	04/27/2021	63.00	63.00	05/06/2021
Total ALL SERVICE TIRE & ALIGNMENT:					78.00	78.00	
CALIBRE PRESS, LLC							
73	CALIBRE PRESS, LLC	34813.1	Street Survival	03/10/2021	259.00	259.00	05/06/2021
73	CALIBRE PRESS, LLC	35668.0	Street Survival	04/02/2021	259.00	259.00	05/06/2021
Total CALIBRE PRESS, LLC:					518.00	518.00	
CARQUEST AUTO PARTS							
23	CARQUEST AUTO PARTS	1912-503955	FILTER WRENCH	04/02/2021	7.35	7.35	05/06/2021
23	CARQUEST AUTO PARTS	1912-504324	CREDIT-RETURN	04/06/2021	5.27-	5.27-	05/06/2021
23	CARQUEST AUTO PARTS	1912-504392	FUEL CAP	04/06/2021	12.89	12.89	05/06/2021
23	CARQUEST AUTO PARTS	1912-504431	FILTER	04/07/2021	11.95	11.95	05/06/2021
23	CARQUEST AUTO PARTS	1912-504467	AIR FILTER	04/07/2021	86.45	86.45	05/06/2021
23	CARQUEST AUTO PARTS	1912-504680	Air filter	04/06/2021	82.00	82.00	05/06/2021
23	CARQUEST AUTO PARTS	1912-504696	Air filter	04/09/2021	32.37	32.37	05/06/2021
23	CARQUEST AUTO PARTS	1912-505018	Air filter	04/13/2021	25.72	25.72	05/06/2021
23	CARQUEST AUTO PARTS	1912-505127	Air filter	04/14/2021	102.88	102.88	05/06/2021
23	CARQUEST AUTO PARTS	1912-505269	AWG	04/15/2021	215.00	215.00	05/06/2021
23	CARQUEST AUTO PARTS	1912-505774	DIESEL EXHAUST FLUID	04/21/2021	109.90	109.90	05/06/2021
23	CARQUEST AUTO PARTS	1912-505886	BATTERY	04/22/2021	116.57	116.57	05/06/2021
23	CARQUEST AUTO PARTS	1912-506215	LOCKING FUEL CAP	04/26/2021	15.47	15.47	05/06/2021
23	CARQUEST AUTO PARTS	1912-506436	WORK LAMP	04/28/2021	46.74	46.74	05/06/2021
Total CARQUEST AUTO PARTS:					860.02	860.02	
CASELLE							
3763	CASELLE	109562	APPLICATION SOFTWARE	05/01/2021	2,476.28	2,476.28	05/06/2021
3763	CASELLE	109562	APPLICATION SOFTWARE	05/01/2021	89.77	89.77	05/06/2021
3763	CASELLE	109562	APPLICATION SOFTWARE	05/01/2021	89.77	89.77	05/06/2021
3763	CASELLE	109562	APPLICATION SOFTWARE	05/01/2021	150.81	150.81	05/06/2021
3763	CASELLE	109562	APPLICATION SOFTWARE	05/01/2021	150.80	150.80	05/06/2021
3763	CASELLE	109562	APPLICATION SOFTWARE	05/01/2021	240.57	240.57	05/06/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total CASELLE:					3,198.00	3,198.00	
COFFMAN'S PEAK ELECTRIC, LLC							
3491	COFFMAN'S PEAK ELECTRIC, L	1015	LIGHTS FOR THE TRANSFERST	03/25/2021	4,210.00	4,210.00	05/06/2021
Total COFFMAN'S PEAK ELECTRIC, LLC:					4,210.00	4,210.00	
DUPREE BUILDING SPECIALTIES OF MT							
10002	DUPREE BUILDING SPECIALTIE	2021.5.3	FLAGPOLES	05/03/2021	23,121.00	23,121.00	05/06/2021
Total DUPREE BUILDING SPECIALTIES OF MT:					23,121.00	23,121.00	
EDISON LIGHTING SUPPLY							
10002	EDISON LIGHTING SUPPLY	40034	25W 26 REVERSE PHOSPHOR	12/31/2020	1,380.66	1,380.66	05/06/2021
Total EDISON LIGHTING SUPPLY:					1,380.66	1,380.66	
FERGUSON ENTERPRISES, INC.							
2386	FERGUSON ENTERPRISES, IN	0777521	OMNI METER	04/20/2021	3,289.66	3,289.66	05/06/2021
2386	FERGUSON ENTERPRISES, IN	0778095	IPERL	04/20/2021	1,258.40	1,258.40	05/06/2021
Total FERGUSON ENTERPRISES, INC.:					4,548.06	4,548.06	
FORT HARRISON INN							
10000	FORT HARRISON INN	8963	4 NIGHTS	04/17/2021	154.00	154.00	05/06/2021
10000	FORT HARRISON INN	8964	4 NIGHTS	04/24/2021	154.00	154.00	05/06/2021
Total FORT HARRISON INN:					308.00	308.00	
GRAYBEAL'S ALL SERVICE							
98	GRAYBEAL'S ALL SERVICE	2021.5.6	MINI SPLIT PROJECT	05/06/2021	1,700.00	1,700.00	05/06/2021
Total GRAYBEAL'S ALL SERVICE:					1,700.00	1,700.00	
HARD, WAYNE							
2569	HARD, WAYNE	2021.5.3	REIMBURSE	05/03/2021	149.08	149.08	05/06/2021
Total HARD, WAYNE:					149.08	149.08	
INDUSTRIAL TOWEL							
102	INDUSTRIAL TOWEL	5966900	Civic Center Mats	03/25/2021	126.19	126.19	05/06/2021
102	INDUSTRIAL TOWEL	6252900	Civic Center Mats	04/22/2021	126.19	126.19	05/06/2021
102	INDUSTRIAL TOWEL	63503	330 bennett	05/04/2021	45.50	45.50	05/06/2021
Total INDUSTRIAL TOWEL:					297.88	297.88	
JORDAN BRUMMEL							
10002	JORDAN BRUMMEL	2021.4.16	TRAVEL EXPENSE REIMB	04/16/2021	208.50	208.50	05/06/2021
10002	JORDAN BRUMMEL	2021.4.23	TRAVEL EXPENSE REIMB	04/23/2021	208.50	208.50	05/06/2021
Total JORDAN BRUMMEL:					417.00	417.00	
KELLEY CONNECT							
10001	KELLEY CONNECT	IN820730	COPIER-CIVIC CENTER	04/05/2021	268.55	268.55	05/06/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total KELLEY CONNECT:					268.55	268.55	
KEN'S EQUIPMENT REPAIR, INC							
1390	KEN'S EQUIPMENT REPAIR, IN	57016	GrADER REPAIR	04/19/2021	1,976.30	1,976.30	05/06/2021
Total KEN'S EQUIPMENT REPAIR, INC:					1,976.30	1,976.30	
KENYON NOBLE							
776	KENYON NOBLE	7969752	CREDIT	09/30/2020	16.00-	16.00-	05/06/2021
776	KENYON NOBLE	8077012	bench	12/04/2020	17.20	17.20	05/06/2021
776	KENYON NOBLE	8259573	bench	03/29/2021	49.19	49.19	05/06/2021
776	KENYON NOBLE	8272147	hinges	04/05/2021	12.37	12.37	05/06/2021
776	KENYON NOBLE	8275091	PREMIX CONCRETE	04/07/2021	37.90	37.90	05/06/2021
776	KENYON NOBLE	8277924	MEDERIA SELECT TREX	04/08/2021	196.76	196.76	05/06/2021
776	KENYON NOBLE	8284106	Premix Concrete	04/12/2021	219.90	219.90	05/06/2021
776	KENYON NOBLE	8302361	4X4 STUD	04/21/2021	15.32	15.32	05/06/2021
776	KENYON NOBLE	9993201	CREDIT	12/18/2020	28.98-	28.98-	05/06/2021
Total KENYON NOBLE:					503.66	503.66	
KIMBALL MIDWEST							
2863	KIMBALL MIDWEST	8840008	O-RING	04/28/2021	316.87	316.87	05/06/2021
Total KIMBALL MIDWEST:					316.87	316.87	
KINNICK, FAITH							
10000	KINNICK, FAITH	2021.5.5	REIMB SUPPLIES	05/05/2021	21.95	21.95	05/06/2021
Total KINNICK, FAITH:					21.95	21.95	
LIVINGSTON ENTERPRISE							
146	LIVINGSTON ENTERPRISE	2021.5.25	110 S B SUBSCRIPTION	05/25/2021	129.00	129.00	05/06/2021
Total LIVINGSTON ENTERPRISE:					129.00	129.00	
LIVINGSTON HEALTH CARE							
55	LIVINGSTON HEALTH CARE	200115620	LAB TEST	04/16/2021	29.10	29.10	05/06/2021
Total LIVINGSTON HEALTH CARE:					29.10	29.10	
MARLIN BUSINESS BANK							
3651	MARLIN BUSINESS BANK	18954311	contract payment	04/23/2021	1,273.21	1,273.21	05/06/2021
Total MARLIN BUSINESS BANK:					1,273.21	1,273.21	
MCCROMETER INC							
10002	MCCROMETER INC	549566 RI	METER	04/21/2021	3,832.47	3,832.47	05/06/2021
Total MCCROMETER INC:					3,832.47	3,832.47	
MISC							
99999	MISC	TK2020-0356	Bond Release - J. Rose	05/06/2021	240.00	240.00	05/06/2021
99999	MISC	TK2021-0043	Bond Release - F. Tamanini	05/03/2021	1,090.00	1,090.00	05/05/2021
99999	MISC	TK2021-0104	Bond Release - L. Meader	05/05/2021	185.00	185.00	05/06/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total MISC:					1,515.00	1,515.00	
MONTANA LAW ENFORCEMENT ACADEMY							
642	MONTANA LAW ENFORCEMENT	20399	REGISTRATION- GUNDERSON/	02/22/2021	300.00	300.00	05/06/2021
642	MONTANA LAW ENFORCEMENT	20526	SFST-BRUMMEL	04/23/2021	300.00	300.00	05/06/2021
Total MONTANA LAW ENFORCEMENT ACADEMY:					600.00	600.00	
MONTANA MUNICIPAL INTERLOCAL AUTHORITY							
10002	MONTANA MUNICIPAL INTERLO	DR1005106	EV2017005261	05/03/2021	1,500.00	1,500.00	05/06/2021
Total MONTANA MUNICIPAL INTERLOCAL AUTHORITY:					1,500.00	1,500.00	
MURDOCH'S RANCH & HOME SUPPLY							
3688	MURDOCH'S RANCH & HOME S	K00432/37	COMPRESSED STRAW	05/03/2021	34.47	34.47	05/06/2021
Total MURDOCH'S RANCH & HOME SUPPLY:					34.47	34.47	
OREGON DMV RECORD SERVICES							
10002	OREGON DMV RECORD SERVI	2021.5.7	REQUEST FOR INFORMATION	05/07/2021	3.00	3.00	05/10/2021
Total OREGON DMV RECORD SERVICES:					3.00	3.00	
PIERCE CARPET MILL OUTLET							
10002	PIERCE CARPET MILL OUTLET	CM036299	FLOORING	02/08/2021	30,000.00	30,000.00	05/06/2021
Total PIERCE CARPET MILL OUTLET:					30,000.00	30,000.00	
POWERPLAN							
1868	POWERPLAN	W1137116	410 BACKHOE LOADER	03/30/2021	6,099.34	6,099.34	05/06/2021
Total POWERPLAN:					6,099.34	6,099.34	
REDSTONE LEASING							
3842	REDSTONE LEASING	2021.6	Lease 32 of 60	05/03/2021	203.07	203.07	05/06/2021
Total REDSTONE LEASING:					203.07	203.07	
TD&H ENGINEERING, INC							
3390	TD&H ENGINEERING, INC	24440	I&I STUDY	04/30/2021	10,016.75	10,016.75	05/06/2021
3390	TD&H ENGINEERING, INC	24440	ON CALL CIVIL SERVICES	04/30/2021	2,001.50	2,001.50	05/06/2021
3390	TD&H ENGINEERING, INC	24440	EAGLES LANDING	04/30/2021	69.50	69.50	05/06/2021
3390	TD&H ENGINEERING, INC	24440	5TH ST SEWER MAIN REPLACE	04/30/2021	7,900.10	7,900.10	05/06/2021
3390	TD&H ENGINEERING, INC	24442	2020 CIP CONSTRUCTION ADMI	04/30/2021	871.80	871.80	05/06/2021
3390	TD&H ENGINEERING, INC	24442	2020 CIP CONSTRUCTION ADMI	04/30/2021	290.60	290.60	05/06/2021
3390	TD&H ENGINEERING, INC	24442	2020 CIP CONSTRUCTION ADMI	04/30/2021	290.60	290.60	05/06/2021
Total TD&H ENGINEERING, INC:					21,440.85	21,440.85	
WISPWEST.NET							
2087	WISPWEST.NET	639952	Internet	05/01/2021	50.12	50.12	05/06/2021
Total WISPWEST.NET:					50.12	50.12	
YELLOWSTONE COUNTRY							
10001	YELLOWSTONE COUNTRY	4222021	2021 RAM QUAD CAB	04/22/2021	23,987.00	23,987.00	05/06/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total YELLOWSTONE COUNTRY:					23,987.00	23,987.00	
Grand Totals:					141,469.66	141,469.66	

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

File Attachments for Item:

D. ACCEPT PLEDGED SECURITIES REPORT AS OF MARCH 31, 2021.

DEPOSITORY BONDS AND SECURITIES

March 31, 2021

	<u>MATURITY</u>	<u>CUSIP NO.</u>	<u>TOTAL AMOUNT PLEDGED</u>
FIRST INTERSTATE BANK			
All Accounts			
Federal Deposit Insurance Corporation			\$ 250,000.00
FMNT	4/27/2029	3134GWEL6	3,000,000.00
FMNT	7/29/1930	3134GWGJ9	2,000,000.00
FNRM	3/25/2037	3136B43E6	5,000,000.00
TOTAL - First Interstate Bank			<u><u>\$ 10,250,000.00</u></u>
OPPORTUNITY BANK			
All Accounts			
Federal Deposit Insurance Corporation			\$ 250,000.00
Livingston Mont	7/1/2034	538695CX3	110,000.00
Marion OH LTD Tax GO	12/1/1931	569832MU9	390,000.00
TOTAL - Opportunity Bank			<u><u>\$ 750,000.00</u></u>

PLEDGED SECURITIES AND CASH IN BANK
As of
March 31, 2021

First Interstate Bank

	<u>Total</u>
Cash & CD's on Deposit	\$ 8,185,592.85
FDIC Coverage	250,000.00
Amount Remaing	<u>7,935,592.85</u>
Pledges required @ 50%	3,967,796.43
Actual Amount of Pledges	10,000,000.00
Over (Under) Pledged	<u><u>\$ 6,032,203.58</u></u>

PLEDGED SECURITIES AND CASH IN BANK

As of

March 31, 2021

Opportunity Bank of Montana

	Total
Cash & CD's on Deposit	\$ 725,141.81
FDIC Coverage	250,000.00
Amount Remaing	475,141.81
Pledges required @ 50%	237,570.91
Actual Amount of Pledges	390,000.00
Over (Under) Pledged	\$ 152,429.10

File Attachments for Item:

A. BOB CHURCH OF GREAT WEST ENGINEERING, PRESENTS THE 2021 GREEN WASTE STUDY FINDINGS AND RECOMMENDATIONS.

City of Livingston

Green Waste Study Findings & Recommendations

May 4, 2021

Bob Church, PE



Current Green Waste Practices

» Co-Composting Operation

- » WWTP Biosolids
- » Ground wood waste – Historic approach
- » Currently using lumber yard sawdust
- » Excess biosolids transferred and landfilled

» Wood Waste

- » Stockpiled and Burned

» Grass, Leaves, Straw

- » Transferred to Landfill or Stockpiled at Swingley



▲ In-Vessel Composting



▲ Wood Waste Pile

Project Goals

- » **Evaluate Expansion of Residential Green Waste Collection**
- » **Evaluate Composting Alternatives**
 - » Capital and Equipment Costs
 - » Operations Costs
 - » Incorporation of Excess Biosolids from WRF
- » **Evaluate Funding & Rate Alternatives**
- » **Address Accumulated Material at Swingley**



▲ 95 Gallon Container

Current Green Waste Quantities

City of Livingston Green Waste Quantities 2018-2020										
Year	Commercial Tons	Commercial Tickets	Commercial Tons/ Ticket	City Residential Pick-Up (Tons)	City Residential Pick-Up (Tickets)	City Residential Pick-Up (Tons/Tickets)	Self Haul Residential (Tons)	Self Haul Residential (Tickets)	Self Haul (Tons/Ticket)	Total Tons
2018	521	953	0.5	430	182	2.4	687	5263	0.13	1638
2019	505	845	0.6	468	164	2.9	601	4915	0.12	1574
2020	450	621	0.7	358	148	2.4	839	5536	0.15	1647
Average	492	806	0.6	419	165	2.5	709	5238	0.14	1620
Waste Composition Estimates and Assumptions										
Assume All City Residential Pick up is Grass										
Assume Self Haul is 70% wood waste and 30% grass										
Assume Commercial is 70% wood waste and 30% grass										
Using Average data										
Grass Tons										
Residential Pickup		419								
Commercial		148								
Self Haul		212								
Total Grass Tons		779								
Brush Tons										
Residential Pickup		0								
Commercial		344								
Self Haul		496								
Total Wood Waste Tons		840								
Based on 300 lb/Cy Wood Waste in Pile			5602.8	CY						

Feedstocks

» Wood waste

- » Estimated to be 840 tons/year based on records from transfer station and staff estimates of material distribution

» Grass waste

- » Estimated to be 780 tons/year based on records from transfer station and staff estimates of material distribution

» Other Materials

- » Carbon:Nitrogen ratio will allow composting of all yard waste without having to landfill any grass (nitrogen)

Composting Alternatives

» Existing Small Composting License

- » No Biosolids
- » Less than 5,000 cubic yards feedstock/year

» Major Composting License

- » Requires Licensing Process with Montana DEQ
 - » Hydrogeologic & Soils Study
 - » Implementation of Ground Water Monitoring Network
 - » Operations Plan, License Application & Environmental Assessment

Composting Alternatives

» Turned Windrows with Front End Loader

- » City has Front End Loader it can utilize for operation
- » City also has water truck for supplemental water

» Turned Windrows with Turner/Tractor

- » Requires purchase of windrow turner and tractor

» Covered Aerated Static Pile

- » Screened from further analysis because of high capital cost for small facility



▲ Aeromaster PT-120

Proposed Facility Layout

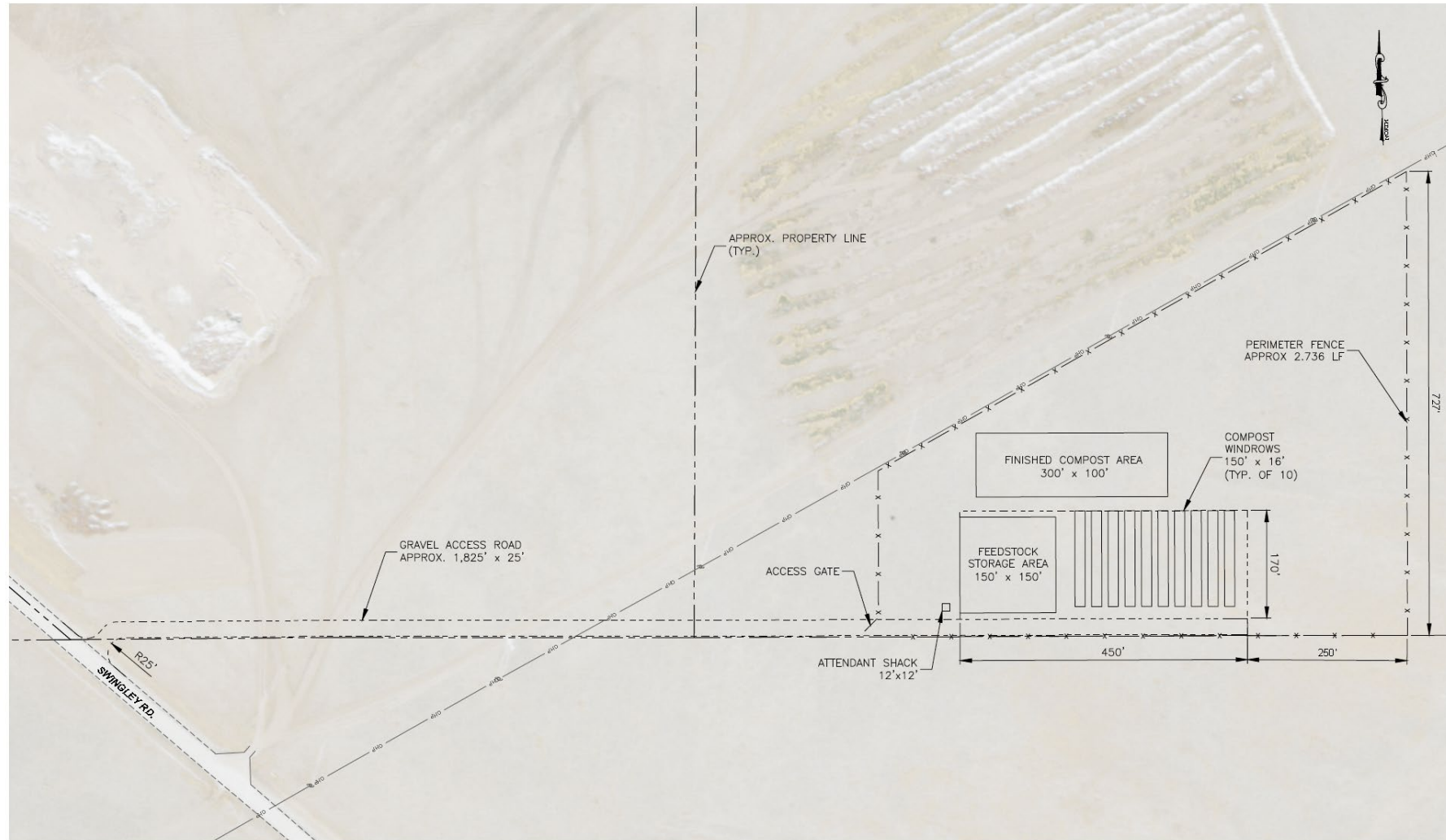


Figure 1
Conceptual Site Plan

CITY OF LIVINGSTON
COMPOST FACILITY

Capital Cost Summary

City of Livingston Green Waste Study Summary of Capital Costs					
Alternative	Facility Construction	Major Facility Licensing	Purchase of 1,100 Cans	Windrow Turner/Tractor	Total Capital Costs
Small Compost License, Loader Turner (Alternative 1)	\$249,000.00	\$0.00	\$55,000.00	\$0.00	\$304,000.00
Small Compost License, Windrow Turner (Alternative 2)	\$249,000.00	\$0.00	\$55,000.00	\$150,000.00	\$454,000.00
Major Compost License, Loader Turner (Alternative 3)	\$249,000.00	\$88,000.00	\$55,000.00	\$0.00	\$392,000.00
Major Compost License, Windrow Turner (Alternative 4)	\$249,000.00	\$88,000.00	\$55,000.00	\$150,000.00	\$542,000.00

Operations Costs

- » Operate 7 months/year
- » Site Attendant
- » Grinding Wood Waste
 - » Recommend City continue contracting for this work
 - » Quantities do not justify purchase of grinder
- » Operator
 - » Managing feedstock piles
 - » Mixing and turning compost
 - » Loading Compost for customers (limited hours)
 - » Adding water to compost as needed



▲ RotoChopper B-66L

Operations Costs

- » **Screening of Finished Compost**
 - » City equipment
 - » Contract screening
- » **Amortization of Site Improvements Costs**
- » **Amortization of Can Purchase and Replacement**
- » **Compost Testing, Utilities, Annual Licensing Fees**
- » **Groundwater Monitoring (Major License)**



Summary of Operations Costs

City of Livingston Green Waste Study Alternatives Cost Comparison			
Alternative	Initial Capital Cost	Annual Operations Cost ¹	Compost Operation Cost/Ton ²
Small Compost License, Loader Turner (Alternative 1)	\$289,000.00	\$204,200.00	\$71.30
Small Compost License, Windrow Turner (Alternative 2)	\$439,000.00	\$196,800.00	\$66.80
Major Compost License, Loader Turner (Alternative 3)	\$377,000.00	\$218,800.00	\$80.00
Major Compost License, Windrow Turner (Alternative 4)	\$527,000.00	\$211,400.00	\$75.75
¹ . Includes amortization of capital & equipment investments. ² . Net operations cost which accounts for projected compost revenue.			

Compost Market Value

- » **Requires Screening to make product marketable**
- » **Public Sector**
 - » Missoula, Big Sky, Hamilton, \$0-25/CY
- » **Private Sector**
 - » Marks Lumber, Nurseries, \$30-\$60/CY
- » **Used \$15/CY for average sales price**

Rate Structure Alternatives – Preferred Composting Alternative

» Existing Green Waste revenue limited to commercial \$20/ton

» “Equitable Rate Structure”

» Commercial Loads	\$45/Load
» Residential Loads	\$13/Load
» Residential Green Can Rate	\$6/Month

» “Distributed Cost Rate Structure”

» Monthly Rate Increase Per Account	\$1.25/Month
» Commercial Loads	\$45/Load
» County Residential Self Haul Loads	\$13/Load
» Residential Green Can Rate	\$6/Month

Alternatives for Excess Biosolids

- » Obtain additional carbon feedstock (wood products) and incorporate in compost operation
- » Land Application
 - » Swingley Parcel
 - » Co-owned City/County parcel
 - » Inject biosolids and harvest grass annually
- » Drying Beds at WWTP
 - » Reduce water weight

Swingley Waste Accumulation

» Disposal Options

- » Class III landfill at Swingley
- » Dispose of at old Park Count Landfill borrow pit
- » Transfer and Landfill
- » All these options are costly

» Incorporate to extent possible in new composting facility



Funding Alternatives

» State Revolving Fund (SRF) Loan

- » Best Loan rates (2.5%) and terms
- » Have inquired to SRF about eligibility
- » City used this program to finance transfer station

**Water/Wastewater ▪ Transportation ▪ Grant Services ▪ Solid Waste ▪
Structural ▪ Bridges ▪ Natural Resources ▪ Planning**

BILLINGS

6780 Trade Center Avenue
Billings, MT 59101
PHONE 406.652.5000

BOISE

3050 N. Lakeharbor Lane,
Suite 201
Boise, ID 83703
PHONE 208.576.6646

GREAT FALLS

702 2nd Street South #2
Great Falls, MT 59405
PHONE 406.952.1109

HELENA

PO Box 4817
2501 Belt View Drive
Helena, MT 59604
PHONE 406.449.8627
FAX 406.449.8631

SPOKANE

9221 N. Division St.,
Suite F
Spokane, WA 99218
PHONE 509.413.1430



Faith Kinnick

From: Michael DeChellis <michael@dechellis.org>
Sent: Tuesday, May 4, 2021 5:02 PM
To: City Commission
Cc: Faith Kinnick; Michael Kardoes; Conservation Board Msg Board
Subject: Recommendation from Conservation Board - Approve Green Waste Facility Plan

Dear Commission,

At our April 14th meeting [\[draft minutes here\]](#), we voted unanimously at the conservation board to recommend implementation the final draft of the Green Waste plan as presented to us by city staff and Great West Engineering.

In addition, we voted unanimously to give you each of the following advisory comments regarding the Green Waste plan:

1. We recommend the city implement Alternative 4 based on the report by Great West (Major Compost License, Windrow Turner).
2. We recommend clear communication on using green cans including details on the city website and labels on the cans themselves.
3. We recommend a PHASE 2 study to look at expanding facility to include food waste and industrial composting.

I will call into the meeting tonight to communicate these recommendations in person. Please reach out with any clarifications you need.

Thanks,
 Michael

Michael DeChellis
 Chair
 Livingston Conservation Board

Key links:

- [Board Website](#)
- [Board Documents](#)
- [YouTube Channel](#)
- [Email the Board](#)
- [Subscribe](#) to stay in the know.

File Attachments for Item:

A. ORDINANCE NO. 3006: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REQUIRING ALL BUILDINGS TO COMPLY WITH THE BUILDING CODES AND AMENDING ORDINANCE NO. 2085 AS CODIFIED BY CHAPTER 6 OF THE LIVINGSTON MUNICIPAL CODE, BY ADOPTING BY REFERENCE THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AND DELETING SECTION 6-55 OF THE LIVINGSTON MUNICIPAL CODE.

ORDINANCE NO. 3006

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REQUIRING ALL BUILDINGS TO COMPLY WITH THE BUILDING CODES AND AMENDING ORDINANCE NO. 2085 AS CODIFIED BY CHAPTER 6 OF THE LIVINGSTON MUNICIPAL CODE, BY ADOPTING BY REFERENCE THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AND DELETING SECTION 6-55 OF THE LIVINGSTON MUNICIPAL CODE.

Preamble.

The purpose of this Ordinance is provide for the public health, safety and welfare by regulating the construction and alterations of buildings within the City by adopting changes made by the State of Montana and requiring buildings to comply with the 2018 International Energy Conservation Code (IECC).

.....
WHEREAS, the City of Livingston has been certified by the State of Montana to enforce buildings codes in its jurisdictional area; and

WHEREAS, in February of 2021, the Montana Department of Labor and Industry adopted the 2018 International Energy Conservation Code (IECC); and

WHEREAS, 50-60-301 Montana Code Annotated (MCA), et seq. provides that certified communities may enforce only those codes as adopted by the State of Montana; and

WHEREAS, to prevent decertification of its building code program it is in the best interests of the City of Livingston to adopt State approved changes to the building codes by adopting the 2018 International Energy Conservation Code (IECC); and

WHEREAS, 7-5-108 Montana Code Annotated provides that any local government may adopt or repeal an ordinance which incorporated a code by reference without setting forth the code in full.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Livingston, Montana, that Ordinance No. 2085 as codified in Chapter 6 of the Livingston Municipal Code be and the same is hereby amended with additions underlined and deletions struck through, as follows:

SECTION I.

ARTICLE I – ADOPTING BUILDING CODES

Section 6-1 International Building Code, (IBC) 2018 Edition, adopted by reference.

There is hereby adopted for enforcement by the City of Livingston that certain building code known as the International Building Code (IBC), 2018 Edition, and all accompanying appendices, amendments and modifications adopted or required to be adopted by the Building Code Bureau of the Montana Department of Labor and Industry, as set out in the Administrative Rules of Montana, as may be amended from time to time are adopted by this reference and incorporated herein as if set forth in full, except for any exceptions noted or any regulations not applicable to local governmental jurisdictions. Fees shall be set by the City Commission by separate resolution.

Section 6-2 Adopting International Residential Code (IRC) 2018 Edition, by reference.

There is hereby adopted for enforcement by the City of Livingston that certain building code known as the International Residential Code (IRC) 2018 Edition, and all accompanying appendices, amendments and modifications adopted or required to be adopted by the Building Code Bureau Montana Department of Labor and Industry, as set out in the Administrative Rules of Montana, as may be amended from time to time are adopted by this reference and incorporated herein as if set forth in full, except for any exceptions noted or any regulations not applicable to local governmental jurisdictions. Fees shall be set by the City Commission by separate resolution.

Sec 6-3. Adopting International Existing Building Code (IEBC), 2018 Edition by reference.

There is hereby adopted for enforcement by the City of Livingston that certain building code known as the International Existing Building Code (IEBC), ~~2012~~ 2018 Edition, and all

accompanying appendices, amendments and modifications adopted or required to be adopted by the Building Code Bureau of the Montana Department of Labor and Industry, as set out in the Administrative Rules of Montana, as may be amended from time to time are adopted by this reference and incorporated herein as if set forth in full, except for any exceptions noted or any regulations not applicable to local governmental jurisdictions. Fees shall be set by the City Commission by separate resolution.

Section 6-4 Reserved.

Section 6.7 – Adopting the International Energy Conservation Code (IECC), ~~2012~~ 2018 Edition, as amended by the State of Montana, by reference.

There is hereby adopted for enforcement by the City of Livingston that certain building code known as the International Energy Conservation Code (IECC), ~~2012~~ 2018 Edition, and all accompanying appendices, amendments and modification adopted or required to be adopted by the Building Code Bureau of the Montana Department of Labor and Industry, as set out in the Administrative Rules of Montana, as may be amended from time to time are adopted by this reference and incorporated herein as if set forth in full, except for any exceptions noted or any regulations not applicable to local governmental jurisdictions. Fees shall be set by the City Commission by separate resolution.

Section 6-8 – Adopting the International Swimming Pool and Spa Code (ISPSC), 2018 Edition, as amended by the State of Montana, by reference.

There is hereby adopted for enforcement by the City of Livingston that certain building code known as the International Swimming Pool and Spa Code (ISPSC), 2018 Edition, and all accompanying appendices, amendments and modification adopted or required to be adopted by the Building Code Bureau of the Montana Department of Labor and Industry, as set out in the Administrative Rules of Montana, as may be amended from time to time are adopted by this

reference and incorporated herein as if set forth in full, except for any exceptions noted or any regulations not applicable to local governmental jurisdictions. Fees shall be set by the City Commission by separate resolution.

Section 6-9. Building code applicability.

The 2018 International Building Code (IBC) , the 2018 International Residential Code (IRC), the ~~2012~~ 2018 International Energy Conservation Code (IECC), the 2018 International Existing Building Code (IEBC) and the 2018 International Swimming Pool and Spa Code (ISPSC), are applicable to and shall be enforced upon all buildings within the building code enforcement area of the City of Livingston, including but not limited to residential buildings containing less than five dwelling units or their attached structures, any farm or ranch building, and any private garage or private storage structure used only for the owner's own use as provided by 50-60-102(l)(a) Montana Code Annotated.

Section 6-10 – Conflict of sections.

If a provision of the Code of Ordinances of the City of Livingston conflicts with any provision of the current International Building Code (IBC), International Residential Code (IRC), International Energy Conservation Code (IECC), the International Existing Building Code (IEBC) or the International Swimming Pool and Spa Code (ISPSC) adopted and incorporated in the Code of Ordinances by reference, then the provision that is more strict, limiting or stringent shall apply. (Ord. 1308,10/6/75)

Section 6-11 – Powers of the Building Official.

The Building Official shall have the authority to render interpretations of the adopted building codes, to adopt policies and procedures to clarify the application of the code's provisions and to enforce the codes.

~~Section 6-12 – 6-54. Reserved.~~ Section 6-12 - 6-55 Reserved.

~~Section 6-55. Development Review Committee – water and sewer main extensions, street installation.~~

~~A. A Development Review Committee is established and shall consist of the following personnel:~~

~~Public Works Director~~

~~Building/Planning Official~~

~~Fire Chief~~

~~Police Chief~~

~~Ex Officio Member City Manager~~

~~B. The Development Review Committee shall review all plans for extensions and development of City utilities, of streets and alleys, of fire and police services. Annexation requests and proposed subdivisions shall also be reviewed. The Development Review Committee review shall take place prior to any of the foregoing matters being placed upon the City Commission agenda or being considered by the City Commission.~~

~~C. The initial point of contact for a developer is the Committee's Recording Secretary. This person will have the Committee's Fact Sheet to distribute to developers when the initial contact is made. This Fact Sheet shall contain information on how the developer shall pursue his/her project and the interaction with the Development Review Committee. Communication between the developer and the Development Review Committee is to be in writing. The Development Review Committee will meet on the first and third Wednesdays of each month. A chairperson shall be appointed by the City Manager and shall chair the meeting. The Chairperson shall prepare the agenda and arrange for meeting location, and Recording Secretary. The Chairperson may be rotated as determined by the City Manager. The Committee may consult with other City personnel and with other professionals providing City services as needed to provide necessary input.~~

~~D. Anyone desiring to address the Committee shall request to be on the agenda and deliver plans and written questions by the preceding Friday. (Ord. 1801, 1/17/95)~~

Sections 6-56-6-69. Reserved.

Section 6-70 – 6-189 Reserved.

Article III - Public Improvements

Section 6-190. Public Improvement specifications.

All public improvement by any person or corporation shall be in conformity with the specifications set forth in the Montana Public Works Standard Specifications, 2003 Edition or that edition which is most recently issued. (Ord. 1458, 6/2/80; Ord. 1664, 6/20/90).

Section 6-190.1. Special improvement district waivers.

A. Any applicant for a building permit and owner of the real property of such location, where any or all of certain public improvements have not been made of either curbs, gutter, sidewalks, storm drains, or street paving, shall be required to waive their right to protest the creation of any future special improvement district or districts for improvements including curb, gutter, sidewalk, storm drainage, and paving that may become assessable under a duly passed resolution to create a special improvement district or districts under applicable Montana statutes.

B. The waiver described in subsection A of this section shall be recorded at the Park County, Mt. office of Clerk and Recorder. The waiver shall state that the waiver shall run with the land and shall be binding upon subsequent owners of the real property.

C. A fee of Fifteen Dollars (\$15.00) shall be charged to the applicant for costs associated with processing and recording the waiver. (Ord. 1806, 2/21/95)

Article IV. Establishment of Board of Appeals.

Section 6-200. Establishment of Board of Appeals.

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass judgment upon matters pertaining to building construction and who are not employees of the City of Livingston. (Ord. 1880, 10/19/98)

Section. 6-201. Membership of Board of Appeals.

The City Commission shall appoint members to the board of appeals and shall hold office At the city commission's pleasure. The board shall consist of five (5) members, four (4) of which Shall be knowledgeable in the construction industry, and shall consist of two (2) engineers, one (1) architect, and one (1) general contractor, and the fifth member shall be a lay person to represent the layman's point of view.

The building official shall be a nonvoting ex officio member, who shall art as secretary to the Board. (Ord. 1880, 10/19/98)

Section 6-203. Jurisdiction and limitations.

The board of appeals may consider items which lie within the limits of professional discretion and which item is not a specific code mandate. The board shall not act on matters pertaining to electrical, plumbing and mechanical questions. The board shall have no authority relative to interpretation of the administrative provisions of the code nor shall the board be empowered to waive requirements of the codes. (Ord. 1880, 10/19/98)

Section 6-204. Rules of procedure.

The board of appeals shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. (Ord. 1880, 10/19/98)

ARTICLE V

Section 6.210 Establishing a civil infraction and penalty for violation.

It is unlawful and a municipal infraction for any person to violate the provisions of the currently adopted International Building Code (IBC), the International Residential Code (IRC), the International Existing Building Code (IEBC), the International Energy Conservation Code (IECC), and the International Swimming Pool and Spa Code (ISPSC) as amended by the State of Montana.

A person convicted of a municipal infraction for violating any provision of the adopted International Codes, as amended by the State of Montana, shall be subject to a civil penalty not to exceed \$300.00 per day for each violation. Each day that the violation continues shall be deemed a separate and punishable municipal infraction.

SECTION 2

Statutory Interpretation and Repealer:

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

SECTION 3

Severability:

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

SECTION 4

Savings Provision:

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

SECTION 5

Effective date:

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

PASSED by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the 20th day of April, 2021.

DOREL HOGLUND, CHAIR

ATTEST:

FAITH KINNICK
Recording Secretary

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 18th day of May, 2021.

ATTEST:

APPROVED TO AS FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

PUBLIC NOTICE

NOTICE is hereby given, a public hearing will be conducted by the Livingston City Commission on Tuesday, May 18, 2021, during a second reading of **ORDINANCE NO. 3006: entitled AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REQUIRING ALL BUILDINGS TO COMPLY WITH THE BUILDING CODES AND AMENDING ORDINANCE NO. 2085 AS CODIFIED BY CHAPTER 6 OF THE LIVINGSTON MUNICIPAL CODE, BY ADOPTING BY REFERENCE THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AND DELETING SECTION 6-55 OF THE LIVINGSTON MUNICIPAL CODE.** This public hearing will be conducted via Zoom. All interested parties are invited to attend and give their comments. To join this meeting <http://us02web.zoom.us> Meeting ID: 881 7142 6665 Passcode: 067179 or by phone at (669) 900-6833. For additional information contact Faith Kinnick at (406) 823-6002.

Please publish Friday, April 30, 2021 and May 7, 2021.

Faith Kinnick
City of Livingston
April 15, 2021

File Attachments for Item:

A. RESOLUTION NO. 4961: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CONTIGUOUS GOVERNMENTAL LAND DESCRIBED AS BEING BENNETT STREET, GRANDVIEW BOULEVARD, ARBOR DRIVE, HEFFERLIN AVENUE, WHISKEY CREEK ROAD, SCHEUBER AVENUE, LOCKE BLAIR AVENUE, AND A PORTION OF GARNIER AVENUE FROM ALLSPAUGH STREET TO ARBOR DRIVE, ALL LOCATED IN SECTION 7, TOWNSHIP 2 SOUTH, RANGE 10 EAST.

RESOLUTION NO. 4961

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CONTIGUOUS GOVERNMENTAL LAND DESCRIBED AS BEING BENNETT STREET, GRANDVIEW BOULEVARD, ARBOR DRIVE, HEFFERLIN AVENUE, WHISKEY CREEK ROAD, SCHEUBER AVENUE, LOCKE BLAIR AVENUE, AND A PORTION OF GARNIER AVENUE FROM ALLSPAUGH STREET TO ARBOR DRIVE, ALL LOCATED IN SECTION 7, TOWNSHIP 2 SOUTH, RANGE 10 EAST.

WHEREAS, 7-2-4401 Montana Code Annotated (MCA) authorizes annexation of contiguous government land; and

WHEREAS, Park County, Montana, a political subdivision of the State of Montana, owns or has a beneficial interest in certain public rights-of-way known as Bennett Street, Grandview Boulevard, Arbor Drive, Hefferlin Avenue, Whiskey Creek Road, Scheuber Avenue, Locke Blair Avenue, and a portion of Garnier Blvd from Allspaugh Street to Arbor Drive, all located in Section 7, Township 2 South, Range 10 East, which are further described by Exhibit A attached hereto and incorporated by this reference as though fully set forth herein; and

WHEREAS, the Park County Commissioners have filed with the Recording Secretary of the City of Livingston a description of the contiguous government land owned by the County which the County has requested the City to annex which is also described by Exhibit A.

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

It is the intent of the City Commission to annex the contiguous government property described as being Bennett Street, Grandview Boulevard, Arbor Drive, Hefferlin Avenue, Whiskey Creek Road, Scheuber Avenue, Locke Blair Avenue, and a portion of Garnier Blvd from Allspaugh Street to Arbor Drive, all located in Section 7, Township 2 South, Range 10 East.

BE IT FURTHER RESOLVED, that the City Commission will conduct a public hearing on July 6, 2021, at 5:30 p.m. to hear public comment in favor of or disapproving of the proposed annexation, after which the City Commission will consider a resolution annexing said properties.

BE IT FURTHER RESOLVED, that the recording secretary immediately publish the public notice attached hereto as Exhibit B and that a copy thereof be delivered to Park County,

Resolution No. 4961

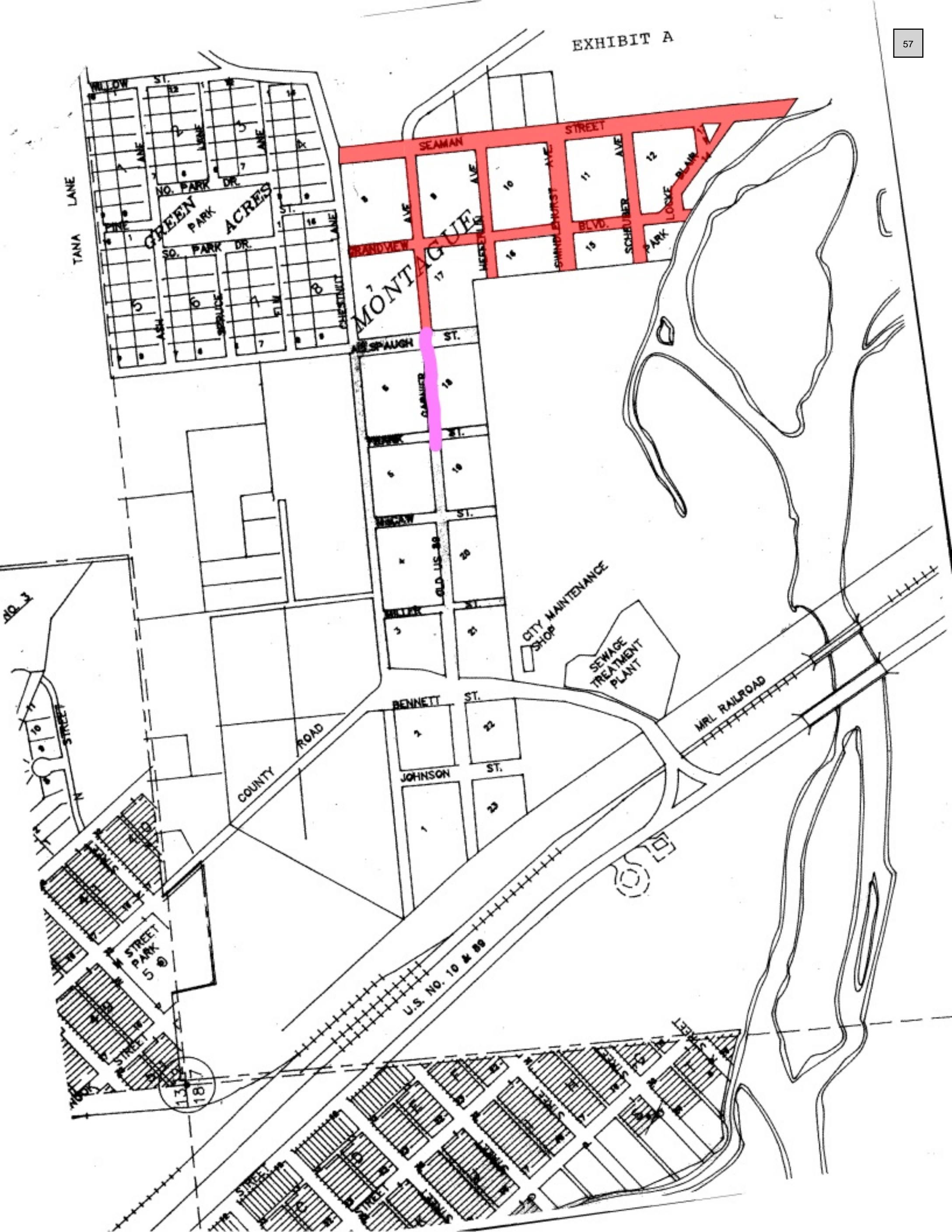
Intent to annex contiguous government property to-wit: Bennett Street, Grandview Boulevard, Arbor Drive, Hefferlin Avenue, Whiskey Creek Road, Scheuber Avenue, Locke Blair Avenue, and a portion of Garnier Avenue from Allspaugh Street to Arbor Drive all located in Section 7, Township 2 South, Range 10 East.

REQUEST TO ANNEX CONTIGUOUS GOVERNMENT LAND

COMES NOW, Park County, Montana, a political subdivision of the State of Montana, by and through its duly elected Board of County Commissioners, pursuant to 7-2-4403 Montana Code Annotated, and requests the City of Livingston, Montana, a municipal corporation and political subdivision of the State of Montana, to annex streets or portions thereof located in Section 7, Township 2 South, Range 10 East, and described as being the entire length of Bennett Street, the entire length of Arbor Drive f/k/a Seaman Street, the entire length of Grandview Boulevard, the entire length of Hefferlin Avenue, the entire length of Whiskey Creek Road, the entirety of Locke Blair Court a/k/a Locke Blair Avenue the entirety of Scheuber Avenue, and a portion of Garnier Avenue from Allspaugh Street to Arbor Drive, which is further described by the pink highlighted streets on Exhibit A attached hereto and incorporated herein by this reference as though fully set forth herein.

Dated this ____ day of _____ 2021.

**BOARD OF COUNTY COMMISSIONERS OF
PARK COUNTY, MONTANA.**



PUBLIC NOTICE

NOW TAKE NOTICE the Livingston City Commission will convene in a regular meeting virtually, Tuesday, June 15, 2021, at 5:30 p.m. During this meeting a public hearing will be conducted after the second reading of **RESOLUTION NO. 4961** entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CONTIGUOUS GOVERNMENTAL LAND DESCRIBED AS BEING BENNETT STREET, GRANDVIEW BOULEVARD, ARBOR DRIVE, HEFFERLIN AVENUE, WHISKEY CREEK ROAD, SCHEUBER AVENUE, LOCKE BLAIR AVENUE, AND A PORTION OF GARNIER AVENUE FROM ALLSPAUGH STREET TO ARBOR DRIVE, ALL LOCATED IN SECTION 7, TOWNSHIP 2 SOUTH, RANGE 10 EAST.** All are welcome to attend and give public comments in favor of or disapproving of the proposed annexation, after which the City Commission will annexing said roads. This meeting will be held via Zoom. To join visit www.zoom.com Meeting ID: 865 4256 4185 Passcode: 991760 or by phone at (669) 900-6833. For more information about this meeting, call the City Offices at (406) 823-6000.

Please publish May 19, 2021, and Wednesday, June 2, 2021

Faith Kinnick
City of Livingston
May 11, 2021

File Attachments for Item:

B. RESOLUTION NO. 4964: A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ADOPT THE PROPOSED GROWTH POLICY.

RESOLUTION NO. 4964

**A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF
LIVINGSTON, MONTANA, OF ITS INTENT TO ADOPT THE PROPOSED
GROWTH POLICY**

WHEREAS, the City of Livingston has undertaken a process to update the City Growth Policy;
and

WHEREAS, a robust public input process was undertaken in preparing the Growth Policy;
and

WHEREAS, the Planning Board held several public meetings to garner public input on the
Growth Policy update; and

WHEREAS, the Planning Board reviewed the public input and made recommendations on
the Growth Policy update; and

WHEREAS, the Planning Board unanimously (7:0) voted to approve a resolution
recommending that the City Commission approve the proposed Growth Policy under the
requirements of 76-1-604 MCA; and

WHEREAS, the proposed Growth Policy meets the requirements of 76-1-601 MCA; and

WHEREAS, the City Commission will hold a noticed public hearing meeting to gather final
public comment on the Resolution; and

WHEREAS, the City Commission is now adopting a resolution of intention to adopt the
proposed Growth Policy as required by 76-1-604 MCA;

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

The City of Livingston City Commissioner does hereby intend to adopt the proposed Growth Policy
as shown in Exhibit A.

**RESOLUTION 4964: A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF
LIVINGSTON, MONTANA, TO ADOPT THE PROPOSED GROWTH POLICY**

PASSED at a first reading by the Livingston City Commission on May 18, 2021.

ATTEST:

FAITH KINNICK
Recording Secretary

PASSED ADOPTED AND FINALLY APPROVED, during a second reading by Livingston City Commission on June 15, 2021.

DOREL HOGLUND – Chair

ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

PUBLIC NOTICE

NOTICE is hereby given, a public hearing will be conducted by the Livingston City Commission on Tuesday, June 15, 2021, during a second reading of RESOLUTION NO. XXXX: entitled **A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF LIVINGSTON, MONTANA, TO ADOPT THE PROPOSED GROWTH POLICY**. This hearing will be conducted via Zoom. All interested parties are invited to attend and give their comments. To join this meeting go to <https://zoom.us/join> Meeting ID: 865 4256 4185 Passcode: 991760 or by phone at (669) 900-6833. For additional information contact Faith Kinnick at (406) 823-6002.

Please publish Monday, May 17, 2021 and May 31, 2021.

Faith Kinnick
City of Livingston
May 18, 2021

RESOLUTION 4964: A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF LIVINGSTON, MONTANA, TO ADOPT THE PROPOSED GROWTH POLICY

EXHIBIT A

The 2021 draft growth policy is over 2200 pages. Individuals who are interested in reviewing the draft policy can do so by going to the City Building and Planning Department webpage and clicking on the link to the City of Livingston Growth Policy or on the link below.

<https://drive.google.com/drive/folders/16wmr8bzbecvqJSLG8uxKCQ4qiDFZ3gY5?usp=sharing>

**PLANNING BOARD
RESOLUTION NO. 2021-1**

**A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF LIVINGSTON,
MONTANA, RECOMMENDING THE PROPOSED GROWTH POLICY TO THE
CITY COMMISSION.**

WHEREAS, the City of Livingston has undertaken a process to update the City's Growth Policy; and

WHEREAS, the Planning Board held public meetings to garner public input on the Growth Policy update; and

WHEREAS, the Planning Board reviewed the public input and made recommendations for changes on the Growth Policy update; and

WHEREAS, the proposed Growth Policy meets the requirements of 76-1-601 MCA; and

WHEREAS, the Planning Board has held a noticed public hearing, meeting the requirements of 76-1-602 MCA; and

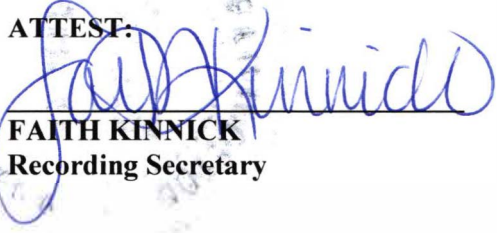
WHEREAS, the Planning Board now proposes a resolution making a recommendation to the Livingston Board of City Commissioners to adopt the proposed Growth Policy as required by 76-1-603 MCA;

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

The City of Livingston Planning Board does hereby recommend to the City of Livingston Board of City Commissioners the proposed Growth Policy as shown in Exhibit A, and any changes recommended by the Planning Board as finalized at the April 21, 2021 meeting of the Board which shall be recorded within the official minutes of the meeting.

ADOPTED, by the Planning Board of the City of Livingston on April 21, 2021

ATTEST:


FAITH KINNICK
Recording Secretary


JESSICA WILCOX – Chair

APPROVED AS TO FORM:


COURTNEY LAWELLIN
City Attorney

Friends of Park County

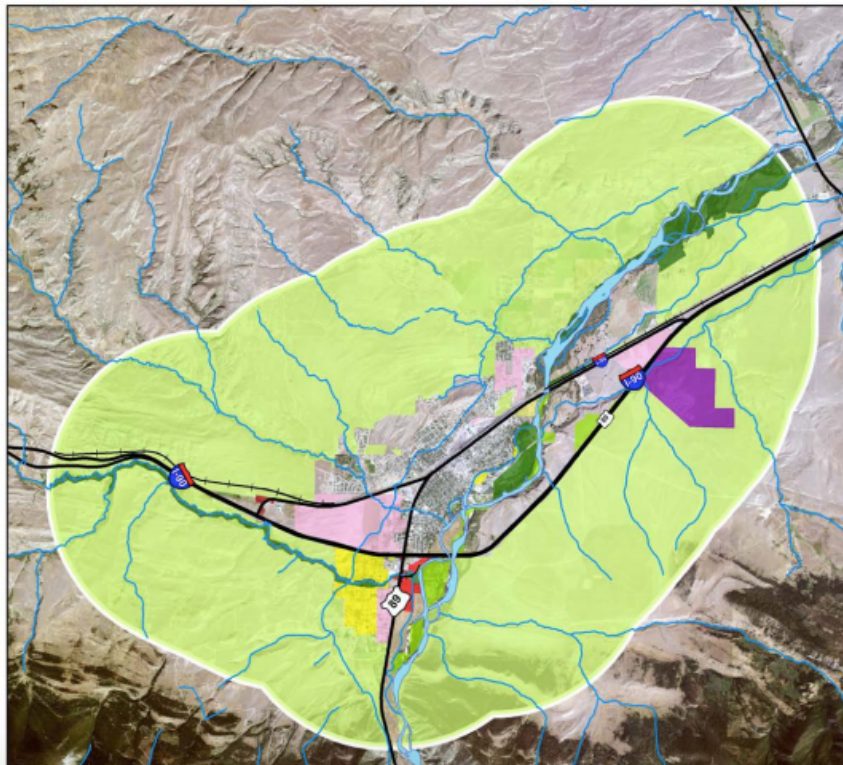
P.O. Box 23, Pray, Montana 59065

Promoting thoughtfully planned growth in order to protect and enhance Park County's vibrant communities, sustainable working lands, and healthy natural resources.

Suggestions for a Few Additional Improvements to the Draft Livingston Growth Policy. May 10, 2021

Adjust land use designations to limit city-type development to lands inside the city: Reserve lands outside the city limits for agriculture and other rural types of development.

Exhibit 2.9: Recommended Future Land Use Map



The circled land use designations were created to be implemented by city zoning. They make sense for future urban development inside the city limits. They don't fit the rural areas outside the city (the Extraterritorial Jurisdiction) as shown here in Exhibit 2.9, of Appendix A, the ETJ Plan.

The Planning Board made great strides in creating a consistent and coherent plan for compact growth, emphasizing infill and redevelopment and curbing sprawl in the Extra-territorial Jurisdiction (the 2-mile doughnut around the city.) This is most obvious in the Future Land Use designation of “Pastoral/Open Space” for most of the ETJ.

However, there are still hundreds of acres of land outside the city limits that could be zoned for urban-types of development under the Future Land Use Map designations shown in pink, red, yellow and purple. These designations are appropriate for development inside city limits, but not in the rural areas outside the city limits as shown below:

Should a compact growth strategy allow urban types of development on hundreds of acres of rural land outside the city limits?

Land Use Designation for lands outside City Limits (the same as inside the city limits):

Examples of what could be built outside city limits, in rural ETJ with zoning based on current land use designations:

Multifamily housing at 18 dwellings per acre, which is allowed under the “Medium Density” residential land use designation as defined in the Growth Policy.



“Office” “restaurant” “retail” and “residential” uses of any scale are allowed under “Mixed Use” land use designation as defined in the Growth Policy.

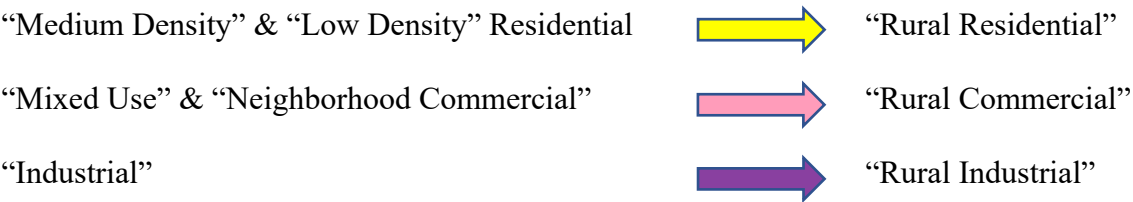


A power plant would fit “the Industrial” land use designation in the Growth Policy. (“Industrial” is no longer defined in Growth Policy.)



Three rural land use designations and three new sentences are all that is required as the basis for zoning that will keep urban development inside the city and not sprawling into rural areas outside the city.

This oversight can be remedied by replacing those urban land use designations with corresponding rural designations, which can be accomplished by changing and consolidating the land use designations into rural commercial, rural density residential and rural industrial:



Each of these designations need just a one-sentence definition. (We have provided examples in the attachment.)

Prevent highway commercial zoning from undermining downtown Livingston and making the entrance to Livingston another ugly commercial strip.

The freeway-oriented commercial development land use designation at the I-90 interchanges is a recipe for downtown-debilitating commercial sprawl at the still rural entrance to Livingston. The area in question is about 100 acres, roughly twice the size of downtown. The current zoning for this land is “Highway Commercial.” The Future Land Use Map designation is “Community Commercial.” We recommend reducing the area designated “Community Commercial” be limited to the Print For Less (PFL) parcels and the other parcels that are already developed.

Maintain this entrance to Livingston?



Or allow this to happen?



Making sure public facilities are consistent with your compact growth policy.

The Growth Policy should ensure that city (urban types of) services are not provided to serve rural uses, or that development outside the city limits forces the city to annex properties in order to ensure that the Yellowstone River or aquifers are not polluted or depleted. (The City has already done that for Green Acres and is now considering it for the Montague Road area.)

Conversely, the presence of urban facilities outside or adjacent to the city limits, should not justify and allow urban development in the rural area outside the city.

In the attachment we have offered some language for a new goal, objective and strategy that would do that.

Replace three words in Chapter 4 in order to better protect the Yellowstone River's natural features.

The revised draft Growth Policy has objectives and strategies in Chapter 4 "Natural Resources" about protecting water quality and the natural habitat of the Yellowstone River that are contradicted by other strategies in Chapter 6, "Economy."

Strategy 4.2.1.2: Monitor and discourage development as well as public uses in environmentally sensitive areas ident

Objective 4.3.2: Protect the riparian corridors to preserve unique wildlife and promote water quality.

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.

But Chapter 6 "Economy" contains this contradictory strategy:

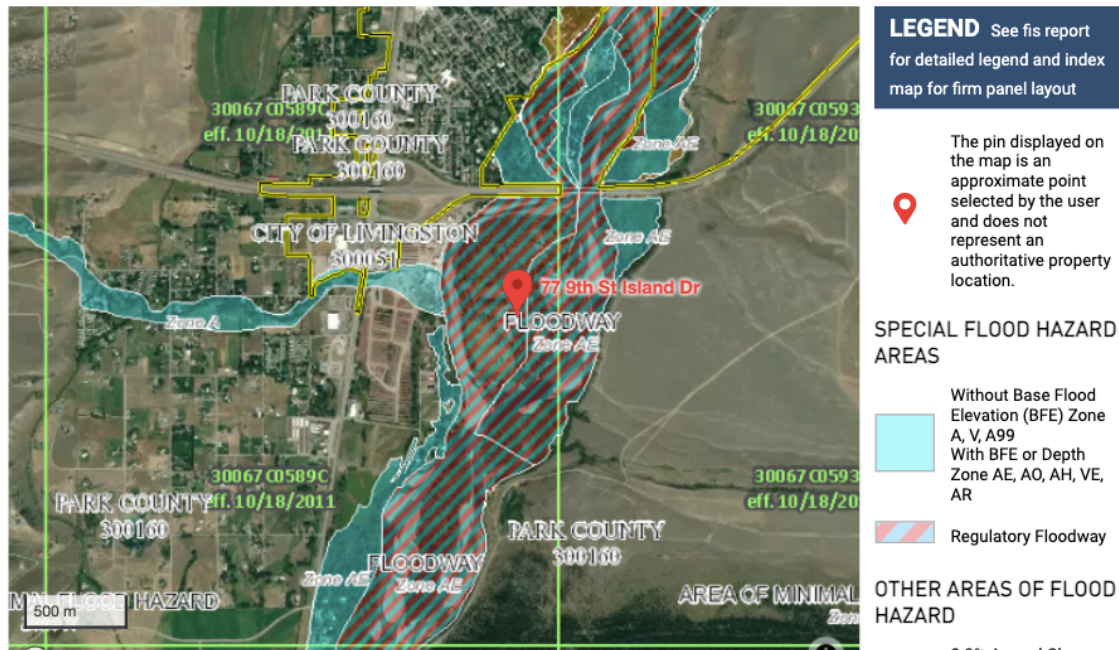
Strategy 6.2.1.1: Explore improved access to the Yellowstone River recreation, such as riverfront parks, boat ramps, and islands while respecting and protecting the natural environment.

It can be made consistent with your conservation goals by substituting "Maintaining existing access" for "Explore improved access."

71

It is not surprise Ninth Street Island is shown as being entirely in the floodway on FEMA maps:

FEMA Flood Map Report



There are only a few homes and businesses on the Island now. The Future Land Use Map designation, Very Low Density residential, allows 1 to 2 homes per acre. Zoning based on that land designation would allow for more than 100 more homes on the Island than now (assuming septic sewage disposal would be feasible.)

We recommend that a new “Flood Risk Resilience” land use designation be applied to the Ninth Street Island that limits the number of houses and other uses to what is there now, or perhaps allow for one house for every ten acres, which would allow the owners of the larger parcels one or two more houses each.

Attachments

Three Sentences to Achieve Consistency between Overall Compact Growth Policy and Future Land Use Designations outside the City Limits

“Mixed Use and Neighborhood Commercial,” a urban-oriented land use designation as defined on page 109 of the draft Growth Policy could be consolidated into the:

Rural Commercial land use designation allows for low-intensity, moderate scale, commercial retail and entertainment uses, buildings and services, that serve a high percentage of rural residents and visitors rather than providing urban scale commercial uses that belong inside the city limits.

“Medium Density Residential,” an urban-oriented land use designation as defined on page 109 of the draft Growth Policy could become:

The Rural Density land use designation provides for rural residential development and ancillary structures in the Extra-Territorial Jurisdiction at a maximum density of one home per 10 acres or one home per pre-existing ownerships smaller than 10 acres.

“Industrial” which currently has no definition in the revised draft Growth Policy, could become:

Rural Industrial designated lands are lands inside the Extra-Territorial Jurisdiction are used for the preliminary processing and storage of raw materials produced as part of rural resource extraction, such as the preliminary processing and storage of wood products, agricultural products or the processing and storage of rock into gravel.

Achieving Consistency Between Public Facilities and City Growth Policy

Draft language to achieve consistency between overall growth policy and public facilities:

NEW Goal 9.1. Maintain existing public facilities and provide new public facilities of the type, in the locations, financed and timed in ways that realize the overall growth policy for compact, contiguous growth and redevelopment.

NEW Objective 9.1.1. Use the timing and provision of new public facilities to promote infill and redevelopment and phase contiguous new Smart Growth development to achieve a traditional pattern of city growth that maintains the vitality of the downtown and existing neighborhoods.

NEW Strategy 9.1.1.1 Create infrastructure maintenance and improvement phasing plan based on an analysis of the city’s and its taxpayers’ fiscal capacity to pay for maintenance, operations, renovations and new public facilities, that is integrated with other compact growth policies and implementation steps including updating of city’s zoning.

File Attachments for Item:

C. RESOLUTION NO. 4965: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT APPROVING THE ASSIGNMENT OF DEVELOPMENT RIGHTS IN THE AGREEMENT BETWEEN YELLOWSTONE COMMUNITY PARTNERS LLC, HEADWATERS WALKING HORSE RANCH LLC, AND THE CITY OF LIVINGSTON, TO HEART K LAND AND CATTLE COMPANY LLC.

RESOLUTION NO. 4965

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON AUTHORIZING THE CITY MANGER TO SIGN AN AGREEMENT APPROVING THE ASSIGNMENT OF DEVELOPMENT RIGHTS IN THE AGREEMENT BETWEEN YELLOWSTONE COMMUNITY PARTNERS LLC, HEADWATERS WALKING HORSE RANCH LLC, AND THE CITY OF LIVINGSTON, TO HEART K LAND AND CATTLE COMPANY LLC.

WHEREAS, the City of Livingston annexed the property known as Yellowstone Preserve on December 18, 2006; and

WHEREAS, the City of Livingston approved a preliminary plat for the phased subdivision and zoned the property known as Yellowstone Preserve in 2007; and

WHEREAS, the City of Livingston approved a development agreement for the phased subdivision and zoned the property known as Yellowstone Preserve on September 20, 2007; and

WHEREAS, the Agreement attached hereto, requires the City's approval for assignment of the rights in the development agreement to a new owner or developer which may not be unreasonably withheld; and

WHEREAS, the property sold and the development rights were assigned by Yellowstone Community Partners and Headwaters Walking Horse to Heart K, but the City's approval was not sought at the time and Heart K is now requesting the approval of the assignment; and

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

The City Manager is hereby authorized to sign the approval for the assignment of the September 20, 2007 Development Agreement to Heart K Land and Cattle Company LLC.

PASSED ADOPTED AND APPROVED, by the Livingston City Commission
this _____ day of _____, 2020.

DOREL HOGLUND- Chair

ATTEST:

APPROVED TO AS FORM:

FAITH KINNICK
Recording Secretary

COURTNEY JO LAWELLIN
City Attorney

APPROVAL OF ASSIGNMENT OF DEVELOPMENT RIGHTS

COMES NOW CITY OF LIVINGSTON, MONTANA, and hereby approves the Assignment entered between Yellowstone Community Partners, LLC, and HKL&C, LLC on July 24, 2012, of the Development Rights, in the Agreement Between Yellowstone Community Partners, LLC, Headwaters Walking Horse Ranch, LLC, and City of Livingston, Montana, which was signed on September 20, 2007.

DATED this _____ day of _____, 2021.

CITY OF LIVINGSTON, MONTANA

By _____
MICHAEL J. KARDOES
Livingston City Manager



KNUCHEL & ODEN
P.C.

101 North E Street
P.O. Box 953
Livingston, MT 59047

Karl Knuchel
Eric T. Oden
Webster Crist

April 14, 2021

COURTNEY LAWELLIN
414 EAST CALLENDER
LIVINGSTON MT 59047

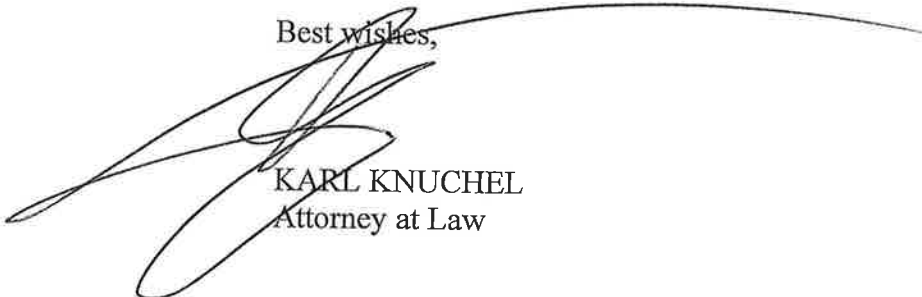
Re: Assignment of Development Rights, Plans, Plats and Other Rights

Dear Courtney:

Please find this letter a request for approval from the City for the Assignment of Development Rights, Plans, Plats and Other Right of the Agreement Between Yellowstone Community Partners, LLC, Headwaters Walking Horse Ranch, LLC, and City of Livingston, Montana, which was entered into on October 1, 2007. A copy of such Assignment is enclosed along with a document granting such approval. I believe the City has all the attachments. Also, I believe this was also submitted by Heart K's corporate managers in July of 2012.

If you should have any questions, please contact me.

Best wishes,



KARL KNUCHEL
Attorney at Law

KK/sh

Enclosures

**APPROVAL OF ASSIGNMENT OF DEVELOPMENT RIGHTS, PLANS, PLATS AND
OTHER RIGHTS**

COMES NOW CITY OF LIVINGSTON, MONTANA, and hereby approves the Assignment entered between Yellowstone Community Partners, LLC, and HKL&C, LLC on July 24, 2012, of the Development Rights, Plans, Plats and Other Right of the Agreement Between Yellowstone Community Partners, LLC, Headwaters Walking Horse Ranch, LLC, and City of Livingston, Montana, which was enter into on October 1, 2007.

DATED this _____ day of _____, 2021.

CITY OF LIVINGSTON, MONTANA

By _____
LIVINGSTON CITY MANAGER

ASSIGNMENT OF DEVELOPMENT RIGHTS, PLANS, PLATS, AND OTHER RIGHTS

THIS ASSIGNMENT OF DEVELOPMENT RIGHTS, PLANS, PLATS, AND OTHER RIGHTS (this "Assignment") is made and entered into this 24 day of July, 2012, by and between YELLOWSTONE COMMUNITY PARTNERS, LLC, a Montana limited liability company (the "Assignor"); and HKL & C, LLC, a Montana limited liability company (the "Assignee").

RECITALS:

A. The Assignor, collectively with JMG Holdings, LLC, a Montana limited liability company, as Seller, entered into that certain (Land) Buy-Sell Agreement (the "Buy-Sell Agreement") with Mary Murfey, an individual, and The Hat Creek Co., Inc., an Ohio Corporation (collectively, the "Buyer"), dated June 20, 2012, as amended, for the purchase and sale of certain real property.

B. Buyer subsequently transferred and assigned unto Heart K Land & Cattle Co., Inc., a Montana corporation, and Heart K Land & Cattle Co., LLC, a Montana limited liability company (collectively, the "Assigned Buyer"), all of its rights, interests, obligations, duties and liabilities under the Buy-Sell Agreement and Assigned Buyer accepted and assumed the same.

C. The real property to be transferred by way of the Buy-Sell Agreement includes four (4) individual parcels collectively identified therein as Parcel I, which parcels are located in Sections 5, 7, and 8, Township 02 South, Range 10 East, P.M.M. and are further identified as Parcels 1, 2, 3, and 4 of Park County Certificate of Survey No. 2132 (collectively, the "Property").

D. Prior to entering into the Buy-Sell Agreement, Assignor obtained certain development approvals (the "Development Approvals") for the Property from the City of Livingston, Montana. Assignor commissioned the creation and/or production of certain plans, plats, engineering, and other documents in association with obtaining such development approvals. A list of all such documents is attached hereto and incorporated herein as Exhibit A.

E. Assignor desires to assign to Assignee, and Assignee desires to receive, Assignor's rights in, to and under the Development Approvals and any and all documents described in Exhibit A. Assigned Buyer, as the prospective owners of the Property, desire that all such rights be assigned to Assignee.

NOW, THEREFORE, in consideration of the premises, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, Assignor and Assignee agree as follows:

1. Incorporation of Recitals. The above recitals are true and correct and are incorporated in this Assignment as if fully set forth in this Paragraph 1.

2. Assignment. Assignor hereby assigns and transfers unto Assignee, Assignor's rights in, to and under those items listed on Exhibit A attached hereto, the Development Rights, and all other plats, plans, specifications, licenses, permits, drawings, designs, engineering materials and contracts, including without limitation, land development plans, construction plans, landscaping plans and irrigation plans, authorizations and permits (including wetland permits) issued by governmental entities or quasi-governmental entities, and any rights as to work product under any contracts with contractors, subcontractors and suppliers, including, without limitation, any claims and remedies against the preparer, provider, contractor or subcontractor who or which prepared or provided same to Assignor (the "Assigned Rights") to the extent such rights are assignable. Assignor makes no representations or warranties about the assignability of the Assigned Rights. Notwithstanding this Assignment, Assignor shall have the continued right as Assignor may deem necessary or appropriate to enforce the same and the obligations of any and all preparers, providers, contractors or subcontractors who or which prepared or provided same to Assignor.

3. Representations and Warranties. Assignor hereby represents the following to Assignee as of the date of this Assignment (a) all costs and expenses which might give rise to a mechanic's lien on the Property with respect to the foregoing Assigned Rights have been fully paid, and (b) the rights benefiting Assignor under the Assigned Rights have not been previously assigned, conveyed, pledged, hypothecated or otherwise alienated by Assignor.

4. MRL Agreement. Assignor has entered into an agreement with Montana Rail Link, Inc. (the "MRL Agreement") whereby Assignor agreed to reimburse Montana Rail Link for certain improvements to be made to a railroad crossing. The MRL Agreement is attached hereto as Exhibit B. Assignee assumes all liability and responsibility for fulfilling Assignor's obligations, including payment, under the MRL Agreement.

5. No Assumption of Obligations. Except as stated in paragraph 4, Assignee does not assume any duties or obligations of Assignor to be performed, paid or complied with under or with respect to any of the Assigned Rights, except to the extent such duties or obligations arise after the date Assignee acquires fee title to the Property from Assignor. Assignor shall indemnify, and defend by counsel reasonably acceptable to Assignee and hold harmless Assignee for, from and against any and all loss, cost, liability and expense (including, without limitation, reasonable attorney fees and costs) incurred by Assignee arising out of or in connection with a breach or nonperformance of Assignor's obligations under any instrument or right assigned hereunder, except to the extent such obligations arise after Assignee takes title to the Property and result from Assignee's actions.

6. Execution. This Assignment may be executed in one or more counterparts, all of which shall be but one Assignment and all of which shall have the same force and effect as if all parties hereto had executed a single copy. Either party may execute a counterpart of this Assignment and deliver the same to the other party by means of facsimile transmission, and any such counterpart so executed shall be binding and enforceable, to the same effect as if an original counterpart had been executed and delivered.

7. Binding Effect. This Assignment shall inure to the benefit of and shall be binding upon the parties hereto and their respective successors and assigns.

8. Interpretation. The paragraph headings used herein are for reference and convenience only and shall not enter into the interpretation hereof. Whenever herein the singular number is in use, the same shall include the plural, and the masculine gender shall include the feminine and neuter genders, and vice versa, as the context shall require. All parties have participated in the preparation of this Assignment and no construction of the terms hereof shall be taken against either as the one drafting this Assignment.

9. Governing Law. This Assignment shall be governed by the laws of the state of Montana.

10. Exhibits. Each of the exhibits attached to this Assignment is incorporated herein by reference. Any exhibit not available at the time this Assignment is executed shall be agreed upon, initialed and attached by the parties as soon after execution as it is practicable, but failure to attach any exhibit shall not affect the validity of this Assignment unless the parties are in material disagreement as to the contents of such exhibit.

11. Assigned Buyer's Consent. Assigned Buyer and Hat Creek execute this Assignment to acknowledge that they expressly consent to the assignment described herein. Assigned Buyer and Hat Creek execute this Assignment for no other reason.

[Remainder of page intentionally left blank]

[Signatures on following page]

IN WITNESS WHEREOF, Assignor and Assignee have executed this Assignment as of the date first set forth above.

ASSIGNOR:

YELLOWSTONE COMMUNITY PARTNERS, LLC,
a Montana limited liability company

By: David H. Hayes
Name: David H. Hayes
Title: Vice President

ASSIGNEE:

HKL & C, LLC,
a Montana limited liability company

By: Bryan A. Weber
Bryan A. Weber, Member

By: Mary V. Murfey
Mary V. Murfey, Member

BUYERS:

HEART K LAND & CATTLE CO., INC.,
a Montana corporation

By: Mary V. Murfey
Mary V. Murfey, President

HEART K LAND & CATTLE CO., LLC,
a Montana limited liability company

By: Bryan A. Weber
Bryan A. Weber, Member

EXHIBIT A

[LIST OF DEVELOPMENT DOCUMENTS]

1. Developer's Agreement with the City of Livingston, titled "Agreement Between Yellowstone Community Partners, LLC, Headwaters Walking Horse Ranch, LLC, and City of Livingston, Montana, dated October 1, 2007, and all related documents.
2. All work created by Genesis Engineering, Inc. regarding the Yellowstone Preserve Project from 2005 through the date of closing.
3. All work created by Water Right Solutions, Inc. regarding the Yellowstone Preserve Project from 2005 through the date of closing.
4. All maps and diagrams of the property and the proposed Yellowstone Preserve Project.
5. All Preliminary Plat submittals and other development documents prepared in the development process.
6. All work created by Resource Technologies, Inc., regarding the Yellowstone Preserve Project from 2005 through the date of closing.
7. All other work created by any subcontractor or consultant for Yellowstone Community Partners, LLC regarding the Yellowstone Preserve Project from 2005 through the date of closing.
8. All agreements with Montana Rail Link regarding access easements.

**AGREEMENT BETWEEN YELLOWSTONE COMMUNITY PARTNERS, LLC,
HEADWATERS WALKING HORSE RANCH, LLC, AND CITY OF LIVINGSTON,
MONTANA**

THIS AGREEMENT is entered into on this 1st day of October, 2007, by and between YELLOWSTONE COMMUNITY PARTNERS, LLC, and HEADWATERS WALKING HORSE RANCH, LLC (herein "Developer"); and CITY OF LIVINGSTON, a Municipal Corporation, of 414 East Callender Street, Livingston, MT 59047 (herein the "City").

WHEREAS, Developer owns certain property formerly known as the Rustad Ranch in Sections 5, 7 and 8, Township 2 South, Range 10 East, Park County, Montana, lying northwesterly of the BNSF/MRL Right-of-Way, and southeasterly of the low water line of the Yellowstone River, as shown on Certificate of Survey No. 2132; and

WHEREAS, there is attached hereto as Exhibit A and incorporated herein as if the same were set out in full, a certified copy of the deed to the real property showing ownership of said real property to be in Developer's name, or, as the case may be, there is attached hereto and incorporated herein as if the same were set out in full, a copy of the deed to the above described

real property showing ownership in fee simple in someone other than Developer together with a notarized authorization, signed by the real property owner, authorizing Developer to act on behalf of said real property owner, and;

WHEREAS, Developer is developing its property as an urban mixed residential and commercial subdivision known as the Yellowstone Preserve Subdivision (hereinafter referred to as the "Subdivision" or "Development"), and has caused the property to be annexed into the City limits and subsequently zoned; and

WHEREAS, Developer submitted an application for preliminary plat approval containing draft plans for the Subdivision and related improvements which have been reviewed and approved by the City; and

WHEREAS, the City has granted preliminary plat approval for the Subdivision; and

WHEREAS, Developer desires to develop the Subdivision in phases, and has provided the City with a Master Land Use Plan that the City has reviewed and approved; and

WHEREAS, the purpose of this Agreement is to clarify the scope of the preliminary plat approval and provide for the completion of the Subdivision and related improvements in accordance therewith; and

WHEREAS, this Agreement is for the protection and surety of the City and the Developer, but not for the benefit of persons performing work for or providing materials to the Subdivision, or for persons buying lots in the Subdivision; and

WHEREAS, the mutual promises, covenants, and obligations contained in this Agreement are authorized by State law and the City Subdivision Regulations.

NOW, THEREFORE, the parties agree as follows:

1. TERM OF AGREEMENT. Pursuant to Section 76-3-610, MCA, the terms and conditions of this written Agreement and the approval of the preliminary plat shall extend for a period of fifteen (15) years from the date of preliminary plat approval for the Subdivision, a copy of which is attached hereto as Exhibit B and incorporated herein by this reference.
2. PHASED DEVELOPMENT. The Development shall be constructed in phases as provided in the Phasing Plan approved by the City, attached hereto as Exhibit C and incorporated herein by this reference. The terms of this Agreement, the preliminary approval for the Development, and the subdivision regulations and zoning ordinances as written and adopted on the date of the City's notification to the Developer of the Subdivision application's sufficiency for review pursuant to per Section 76-3-604(2), MCA, shall apply individually to each phase shown on the plan as though each phase were a separate and independent development. In order to obtain the benefits of this Agreement, each phase must be commenced and completed within the 15-year term of this Agreement. The City hereby specifically acknowledges and agrees that Developer may apply for and obtain final plat approval for each phase upon execution of the Subdivision Improvements Agreement for that phase, and that no additional subdivision review fees will be imposed for any phase of the Subdivision. The City specifically agrees and acknowledges that the Developer may from time to time propose to modify, change the sequence of commencement or construction of, or delete any phase of the Development or a portion thereof, and that such modifications, changes, or deletions are not material and shall not be subject to further review and approval by the City unless such changes result in an increase in the number of phases within the Subdivision. If the City determines that such modifications, changes, or deletions require further review and approval by the City, such review and approval shall be conducted in accordance with the subdivision regulations and

zoning ordinances as written and adopted as of the date of the City's notification to the Developer of the Subdivision application's sufficiency for review pursuant to per Section 76-3-604(2), MCA,. Developer may, at its sole discretion, cease all further development after completing any phase of the Subdivision.

3. SUBDIVISION IMPROVEMENTS. Developer shall execute a separate Subdivision Improvements Agreement with the City for each phase of the Development for which the required improvements have not been installed prior to application for final plat approval for that phase in the form used by the City. As part of each Subdivision Improvements Agreement, Developer will provide or cause to be provided a bond or other reasonable security, in an amount and with surety and conditions satisfactory to the City, providing for and securing the construction and installation of the improvements. An estimate of the planned improvements for the first phase of the Subdivision and of the off-site improvements expected for the Subdivision as a whole, along with an estimate of associated costs and security for those improvements, is attached hereto as Exhibit D. Developer and the City further agreed that said improvements for each phase will be constructed on public rights-of-way or easements approved and accepted by the City as designed by the Developer's Engineer and approved by the Public Works Director in accordance with the subdivision regulations and zoning ordinances as written and adopted on the date of the City's notification to the Developer of the Subdivision application's sufficiency for review pursuant to per Section 76-3-604(2), MCA,. The Developer shall submit a letter to the Public Works Director upon completion of each phase of the Development, requesting that the City assume the responsibility for maintenance and operation of all public improvements constructed for that phase pursuant to the relevant Subdivision Improvements Agreement. All improvements required for each phase will be completed within

two (2) years from the effective date of the Subdivision Improvement Agreement for that phase. The City acknowledges that the individual developers and builders of each Lot within the mixed-use area delineated on Exhibit B are responsible for constructing and maintaining improvements beyond the back of curb to right-of-way (sidewalk, topsoil, sod, trees and irrigation) and are subject to all subdivision regulations and zoning ordinances as written and adopted on the date of the City's notification to the Developer of the Subdivision application's sufficiency for review pursuant to per Section 76-3-604(2), MCA.

4. LAND USE. The Subdivision shall be developed as a master-planned community as provided in the Master Land Use Plan approved by the City, attached hereto as Exhibit E and incorporated herein by this reference, with no additional subdivision review fees to be imposed for the Subdivision or any portion thereof. Developer shall have the right to develop the Subdivision with the land uses set forth in the Master Land Use Plan, the preliminary plat, the Annexation Agreement, and the zoning and any variances thereto approved by the City for the Development and in accordance with the subdivision regulations and zoning ordinances applicable to such uses as written and adopted on the date of the City's notification to the Developer of the Subdivision application's sufficiency for review pursuant to per Section 76-3-604(2), MCA,. A copy of the zoning ordinances and subdivision regulations as written and adopted by the City on the date of Developer's submittal of its application for preliminary plat approval for the Subdivision are attached hereto as Exhibits F and G, respectively. The City specifically agrees and acknowledges that the Developer may from time to time propose to make minor changes and adjustments to the Subdivision plat or Master Land Use Plan, including but not limited to changes or adjustments in lot configurations, number of lots, roads, areas for parks and open space, or the density or intensity of land uses, and that such minor changes and

adjustments are not material and shall not be subject to further review and approval by the City unless such changes or adjustments would result in a net increase in the total number of developable lots within the Subdivision. If the City determines that such changes or adjustments require further review and approval by the City, such review and approval shall be conducted in accordance with the subdivision regulations and zoning ordinances as written and adopted on the date of the City's notification to the Developer of the application's sufficiency for review pursuant to per Section 76-3-604(2), MCA.

5. UTILITIES. As set forth in the Annexation Agreement between Developer and the City of Livingston, attached hereto as Exhibit H and incorporated herein by this reference, the Development must obtain City sewer and water service for the Development. The City hereby agrees to provide adequate sewer and water capacity for any and all phases of the Development in accordance with this Agreement, and acknowledges that this Agreement constitutes a will-serve letter for such services.

(a) Construction of Utilities. Developer shall build and install all utility services for the Development in accordance with the applicable standards as written and adopted on the date of Developer's submittal of its application for preliminary plat approval for the Subdivision. Upon completion, the City shall accept ownership of the facilities and operate and maintain them. The City agrees to support Developer in obtaining river crossing permits from the State of Montana and shall provide temporary construction easements or permits as necessary to allow Developer to cross City property and connect utility facilities for the Development with the City's Waste Water Treatment Plant and water lines.

(b) Payback Agreement. The City has agreed in the Annexation Agreement that the City will enter into a Payback Agreement with the Developer providing for proportional

reimbursement to the Developer by the owners of adjacent benefited properties for the installation of the water main and sewer system trunk line extension to the East side of the Yellowstone River. The Payback Agreement will be negotiated and signed on, or before the date on which the Subdivision Improvements Agreement for the first phase of the Subdivision is signed..

6. CITY DUTIES AND RESPONSIBILITIES. Notwithstanding any other term or provision set forth in this Agreement, the City hereby agrees to the following duties and responsibilities:

(a) To operate and maintain all approved streets, alleys, service and roads, excluding state highways, constructed under the terms of this Agreement in any public rights-of-way or easements and which are presently within or subsequently annexed into the City limits;

(b) To operate and maintain all approved water lines, drainage lines, and sewer lines constructed under the terms of this Agreement in any public rights-of-way or easements and to provide water and sewer service to the Developer's property;

(c) To maintain non-pressure irrigation lines only where they cross City streets. All other maintenance of non-pressurized irrigation lines is the responsibility of the irrigation users;

(d) To maintain pressurized irrigation line in City-owned right-of-ways;

(e) To maintain and provide adequate water and sewer capacity to serve fullbuild out of the Development throughout the 15-yr period of this Agreement.

(f) To maintain street signs and street lights once installed and dedicated within the Development.

7. OPEN SPACE AND PARKS. The City acknowledges that the Development provides for sufficient land permanently set aside for park and recreational uses to meet the needs of the persons who will ultimately reside in the Development, that no parkland dedication of any kind is being made to City as part of the Development, that no additional dedication or cash-in-lieu for parkland fund will be imposed for any phase of the Subdivision, and that all open space and parkland within the Subdivision shall remain in private ownership. All open space and parkland installations, operation, and maintenance shall be the sole responsibility of the Developer or designated private association. Developer and City further agree that the Developer shall not make any payment, reservations, or dedications for public use in any open space or parkland area within the Subdivision, but shall keep all open spaces and parkland within the Subdivision open and available for the public to use and enjoy in perpetuity. The City acknowledges and agrees that the Developer may from time to time propose to make changes or adjustments in the areas designated for parks and open space to accommodate modifications in the Development such as lot modifications, road alignments, or changes to the density or intensity of land uses, and that such minor changes and adjustments to parks and open space areas are not material and shall not be subject to further review and approval by the City unless such changes result in a net increase in the total number of developable lots within the Subdivision or a net decrease in the total acreage of open space and parkland required by state law on the date of the City's notification to the Developer of the Subdivision application's sufficiency for review pursuant to per Section 76-3-604(2), MCA,. If the City determines that such changes or adjustments require further review and approval by the City, such review and approval shall be conducted in accordance with the subdivision regulations and zoning

ordinances as written and adopted on the date of the City's notification to the Developer of the Subdivision application's sufficiency for review pursuant to per Section 76-3-604(2), MCA.,

8. FINAL PLAT APPROVAL AS CONDITION. The obligations of the City and Developer set forth herein, including but not limited to the requirement to construct the subdivision improvements as set forth in the Subdivision Improvements Agreements executed for any phase of the Development, are specifically conditioned upon and shall arise only upon approval and recordation of the final plat of the Subdivision, or any phase thereof, by the City.

9. EXTENSION OF DEADLINES. If any obligation or right hereunder has not been completed within fifteen (15) years of preliminary plat approval for the Development, and the Developer has otherwise actively and in good faith performed and met its obligations under this Agreement, the City agrees to allow Developer to request extensions of this Agreement, limited to two years for each extension, and City further agrees not to unreasonably withhold approval of such extensions.

10. SECURITY. To secure the performance of its obligations under this Agreement, in lieu of the actual installation of required improvements before recording of the final plat for any given phase, the Developer will deposit with the City, on or before approval and recordation of the final plat for a given phase, an irrevocable letter of credit or other financial security in form acceptable to the City for that phase in the amount of the estimated cost of the improvements to be installed during that phase pursuant to its final plat.

11. COMPLIANCE WITH LAW. Notwithstanding any provision of this Agreement to the contrary, Developer and City specifically agree and acknowledge that in meeting its obligations hereunder, Developer shall be required to comply with all relevant subdivision

regulations and zoning ordinances as written and adopted on the date of preliminary plat approval, except as otherwise previously waived by the City.

12. INDEMNIFICATION. Developer agrees to indemnify and hold the City harmless for and against all claims, costs and liability of every kind and nature, for injury or damage received or sustained by any person or entity in connection with, or on account of the performance of obligations under this Agreement. Developer is not an employee or agent of the City.

13. AMENDMENT OR MODIFICATION. The Parties to this Agreement may amend or modify this Agreement only by written instrument executed on behalf of the City and Developer.

14. ATTORNEY'S FEES. Should either party be required to resort to litigation, arbitration or mediation to enforce the terms of this Agreement, the prevailing party, whether plaintiff or defendant, is entitled to costs, including reasonable attorney's fees and expert witness fees, from the opposing party. If the court, arbitrator or mediator awards relief to both parties, each will bear its own costs in their entirety.

15. THIRD PARTY RIGHTS. No person or entity who is not party to this Agreement has any right of action under this Agreement.

16. SCOPE. The Agreement constitutes the entire agreement between the parties and no statement, promise or inducement that is not contained in this Agreement is binding on the parties.

17. TIME. For the purpose of computing the time periods, times in which war, civil disasters, acts of God or extreme weather conditions occur, will not be included to the extent that such events prevent Developer or the City from performing their respective obligations under this Agreement.

18. ASSIGNMENT. The benefits of this Agreement to Developer may not be assigned without the express written approval of the City. Such approval may not be withheld unreasonably, but any unapproved assignment is void. There is no prohibition on the right of the City to assign its rights under this Agreement. The City will release Developer's original letter of credit if it accepts a new security from any Subdivider or Lender who obtains the property. However, no action by the City constitutes a release of Developer from its liability under this Agreement.

19. SEVERABILITY. If any part, term or provision of this Agreement is held by the courts to be illegal, the illegality shall not affect the validity of any other part, term or provision, and the rights of the parties will be construed as if the part, term or provision were never part of the Agreement.


20. WAIVER. The failure of the Developer or the City to enforce any right, provision, obligation, or restriction set forth in this Agreement shall not constitute a waiver of the right of the Developer or City to enforce such right, provision, obligation, or restriction in the future.

DATED this 20 day of September, 2007.

CITY OF LIVINGSTON

By: 
 Its: City Manager

YELLOWSTONE COMMUNITY PARTNERS,
 LLC.

By: 
 Its: Representative

HEADWATERS WALKING HORSE RANCH,
LLC.

By: 

Its

Representative

INDEX OF EXHIBITS

A – DEED

B – PLAT and CONDITIONS OF APPROVAL

C – PHASING PLAN

D -- ESTIMATE OF INITIAL SUBDIVISION IMPROVEMENTS, COSTS AND
SECURITY

E – MASTER LAND USE PLAN

F – CITY OF LIVINGSTON ZONING ORDINANCE AS WRITTEN AND ADOPTED BY THE
CITY AS OF AUGUST 1, 2007.

G – CITY OF LIVINGSTON SUBDIVISION REGULATIONS AS WRITTEN AND
ADOPTED BY THE CITY AS OF AUGUST 1 , 2007.

H -- ANNEXATION AGREEMENT

Commitment No. 49-6412-JL

**SCHEDULE A-4
DESCRIPTION**

Lots One (1), Two (2) and Eight (8), Southeast Quarter of the Northeast Quarter (SE1/4NE1/4), Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section (5) and all that portion of the following described tracts of land lying East of the Yellowstone River and North of the Right-of-way of the Northern Pacific Railway Company, to-wit: Lots One (1) and Two (2) of Section Seven (7); the West Half of the Northwest Quarter (W1/2NW1/4), the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4), of Section Eight (8); and Lots Three (3) and Four (4), the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section (5), all in Township Two (2) South of Range Ten (10) East, Montana Principal Meridian, Park County Montana.

That portion of the Southeast Quarter of Southeast Quarter (SE1/4SE1/4 of Section Five (5), in Township Two (2) South of Range Ten (10) East of the Montana Principal Meridian, lying northwesterly of a line parallel with and distant two hundred (200) feet northwesterly, measured at right angles, from the center line of the main track of the Northern Pacific Railway Company as now constructed and operated across said Southeast Quarter of Southeast Quarter (SE1/4SE1/4) of Section Five (5).

Lot One (1) of Section Five (5), in Township Two (2) South, of Range Ten (10) East of the Montana Principal Meridian.

(Deed Reference: Volume 103 of Deeds, Page 12)

End of Schedule A-4

Return to:

Headwaters Walking Horse Ranch, LLC
Yellowstone Community Partners, LLC
P.O. Box 1444
Wilson, WY 83014

AT&E 49-6872

NOT 224 PAGE 437

329154 Fee: \$ 28.00 Roll 224 Pg. 437 - 440

PARK COUNTY Recorded 09/19/2005 At 02:37 PM

Denise Nelson, Clk & Rodr By MB

Return to: HEADWATERS WALKING HORSE RANCH
PO BOX 1444 WILSON, WY 83014

WARRANTY DEED

14 day of Sept, 2005 RUSTAD RANCH, a Montana corporation, of 84 Rustad Lane, Livingston, MT 59047, hereinafter called the Grantor, hereby grants unto HEADWATERS WALKING HORSE RANCH, LLC, as to an undivided 20% interest; and YELLOWSTONE COMMUNITY PARTNERS, LLC, as to an undivided 80% interest, both of P.O. Box 1444, Wilson, WY 83014, hereinafter called the Grantees, the following described real estate situated in the County of Park, State of Montana, more particularly described as follows, to wit:

Lots 1, 2, and 8, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, and all that portion of the following described tracts of land lying East of the Yellowstone River and North of the right-of-way of the Northern Pacific Railway Company, to wit: Lots 1 and 2 of Section 7; W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8; and Lots 3 and 4, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, all in Township 2 South of Range 10 East, Montana Principal Meridian, Park County, Montana.

That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, in Township 2 South, Range 10 East, of the Montana Principal Meridian, lying northwesterly of a line parallel with and distant 200 feet northwesterly measured at right angles, from the center line of the main track of the Northern Pacific Railway Company as now constructed and operated across said SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5.

Lot 1 of Section 5, in Township 2 South, of Range 10 East of the Montana Principal Meridian.

(Deed Reference: Volume 103 of Deeds, Page 12)

TOGETHER with all beneficial easements, tenements, hereditaments, appurtenances, mineral rights, water rights, and/or water ditches, if any, thereunto belonging.

TO HAVE AND TO HOLD the same, unto the said Grantees, and to their successors and assigns, FOREVER;

SUBJECT, HOWEVER, to:

- (1) Easements, restrictions, and reservations of record or obvious from a visual inspection of the premises;
- (2) All building, use, zoning, sanitary and environmental restrictions;
- (3) Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records;
- (4) Unpatented mining claims, reservations or exceptions in patents;
- (5) Memorandum and Agreement recorded October 20, 1939 in Volume 20 of Miscellaneous Records, Page 478;
- (6) Notice of an easement for ingress and egress contained in Lease recorded March 25, 1944, in Book/Roll 23 of Miscellaneous Records, Page 310;
- (7) Unrecorded lease between Rustad Ranch and Norbert D. Herauf, of Herauf Concrete;
- (8) Notice of Easement for public roads, contained in Deed recorded March 5, 1946, in Volume 74 of Deeds, Page 142;
- (9) Lease recorded August 10, 1953, in Volume 29 of Misc. Records, Page 572; and Sub-lease thereof recorded August 10, 1953, in Volume 29 of Misc. Records, page 569;
- (10) Easement for State highway recorded February 4, 1954, in Volume 88 of Deeds, page 475;
- (11) Notice of Easement for public roads contained in Deed recorded March 5, 1946, in Volume 74 of Deeds, Page 143;
- (12) Deed, Assignment and Bill of Sale recorded August 11, 1958, in Roll 97, Page 1, and notice of unrecorded Lease dated April 1, 1957, contained therein;

- (13) Easement for public road recorded June 30, 1931, in Volume 61 of Deeds, page 435;
- (14) Easement for construction of a State highway, recorded March 15, 1934, in Volume 63 of Deeds, page 204;
- (15) Easement for highways recorded March 15, 1934, in Volume 63 of Deeds, page 208;
- (16) Easement for canal and matters incidental thereto granted to State Water Conservation Board, recorded July 24, 1936, in Volume 66 of Deeds, Page 25;
- (17) Easement for construction of a public highway recorded June 30, 1954, in Volume 89 of Deeds, page 241;
- (18) Easement for a public highway recorded December 11, 1979, in Roll 28, Page 1456;
- (19) Easement for a public highway recorded January 11, 1980, in Roll 29, Page 301;
- (20) Easement for a public highway recorded January 11, 1980, in Roll 29, Page 304;
- (21) Easement for state highway recorded February 4, 1954, in Volume 88 of Deeds, Page 475;
- (22) Easement for an irrigating ditch or canal recorded March 19, 1918, in Volume 42 of Deeds, page 205;
- (23) Easement for a water ditch recorded January 25, 1923, in Volume 55 of Deeds, page 216;
- (24) Easement for a state highway recorded June 4, 1931, in Volume 61 of Deeds, Page 412;
- (25) Notice of easement for public roads, ditches and canals contained in Warranty Deed recorded October 11, 1961, in Volume 103 of Deeds, Page 12;

- (26) Questions of title and of public access, recreation and portage to land lying within the banks of any stream up to the mean high water line, as such banks exist either now or in the future, or as such banks existed in the past, title to which will not be warranted by Grantor;
- (27) Taxes and assessments for 2005 and subsequent years; and
- (28) Lack of a right of access to and from said land.

EXCEPT with reference to items referred to in paragraphs (1) through (28) above, this Deed is given with the usual covenants expressed in §30-11-110, Montana Code Annotated.

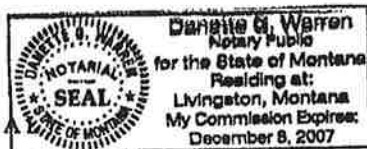
IN WITNESS WHEREOF, the Grantor has set its hand hereto, by its duly authorized officer, the day and year first above written.

RUSTAD RANCH
A Montana Corporation

By: Bernard Rustad
BERNARD RUSTAD, Its President

STATE OF MONTANA)
 : ss.
County of Park)

THIS INSTRUMENT was acknowledged before me, on this 14 day of September, 2005, by Bernard Rustad, as President of Rustad Ranch, a Montana corporation, Grantor above-named.



Danette G. Warren
(Printed Name)

NOTARY PUBLIC for the State of MT
Residing at Livingston, MT
My Commission expires: 12/08/2007

DANETTE G. WARREN

REALTY TRANSFER RECEIVED

340281 Fee: \$33.00 Roll: R 247 Page(s): 3

Park County Recorded 1/3/2007 At 3:27 PM

Denise Nelson, Clk & Rcd By Denise Nelson Return To:
CITY OF LIVINGSTON

RESOLUTION NO. 3809

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING BY THE PETITION OF YELLOWSTONE COMMUNITY PARTNERS, L.L.C., AND HEADWATERS WALKING HORSE RANCH, L.L.C., CERTAIN LAND CONTIGUOUS TO THE CITY OF LIVINGSTON, MONTANA, DESCRIBED AS BEING ALL OF SECTIONS 5, 7 & 8 OF TOWNSHIP 2 SOUTH, RANGE 10 EAST, PARK COUNTY, MONTANA, LYING NORTHWESTERLY OF THE MONTANA RAIL LINK (BNSF) RIGHT-OF-WAY AND SOUTHEASTERLY OF THE LOW WATER LINE OF THE YELLOWSTONE RIVER, DESCRIBED BY EXHIBIT A.

WHEREAS, 7-2-4301 Montana Code Annotated (MCA) authorizes annexation of land which is contiguous to the City of Livingston; and

WHEREAS, the Yellowstone Community Partners, L.L.C., and Headwaters Walking Horse Ranch, L.L.C., the owners of certain real property commonly known as the Rustad Ranch, being described as all of Sections 5, 7, & 8 of Township 2 South, Range 10 East Park County, Montana, lying northwesterly of the MRL (BNSF) right-of-way and southeasterly of the low water line of the Yellowstone River and more particularly described by Attachment A which is incorporated by this reference as though fully set forth herein have petitioned the City to be annexed into the City of Livingston; and

WHEREAS, the City of Livingston and Yellowstone Community Partners, LLC and Headwaters Walking Horse Ranch have entered into an Annexation Agreement for planning the provision of municipal services and to provide general guidelines for the urban development of the property, as well as specifying the obligations of the respective parties; and

WHEREAS, after due notice a public hearing on Resolution No. 3794 was held on the 18th day of December, 2006.

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

The City Commission hereby annexes by petition the property owned by Yellowstone Community Partners, L.L.C. and Headwaters Walking Horse Ranch, L.L.C. , described as being

Resolution No 3809

Annexing property described as being all of Sections 5, 7, & 8 of Township 2 South, Range 10 East, Park County, Montana, lying northwesterly of the MRL (BNSF) right-of-way and southeasterly of the low water line of the Yellowstone River

Page 1

all of Sections 5, 7, & 8 of Township 2 South, Range 10 East Park County, Montana, lying northwesterly of the MRL (BNSF) right-of-way and southeasterly of the low water line of the Yellowstone River and further described by Exhibit A attached hereto.


18th PASSED AND ADOPTED by the City Commission of the City of Livingston, this day of December, 2006.

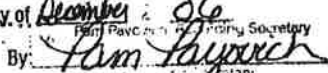

STEVE CALDWELL - Chairman

ATTEST:


PAM PAYOVICH
Recording Secretary

APPROVED AS TO FORM:

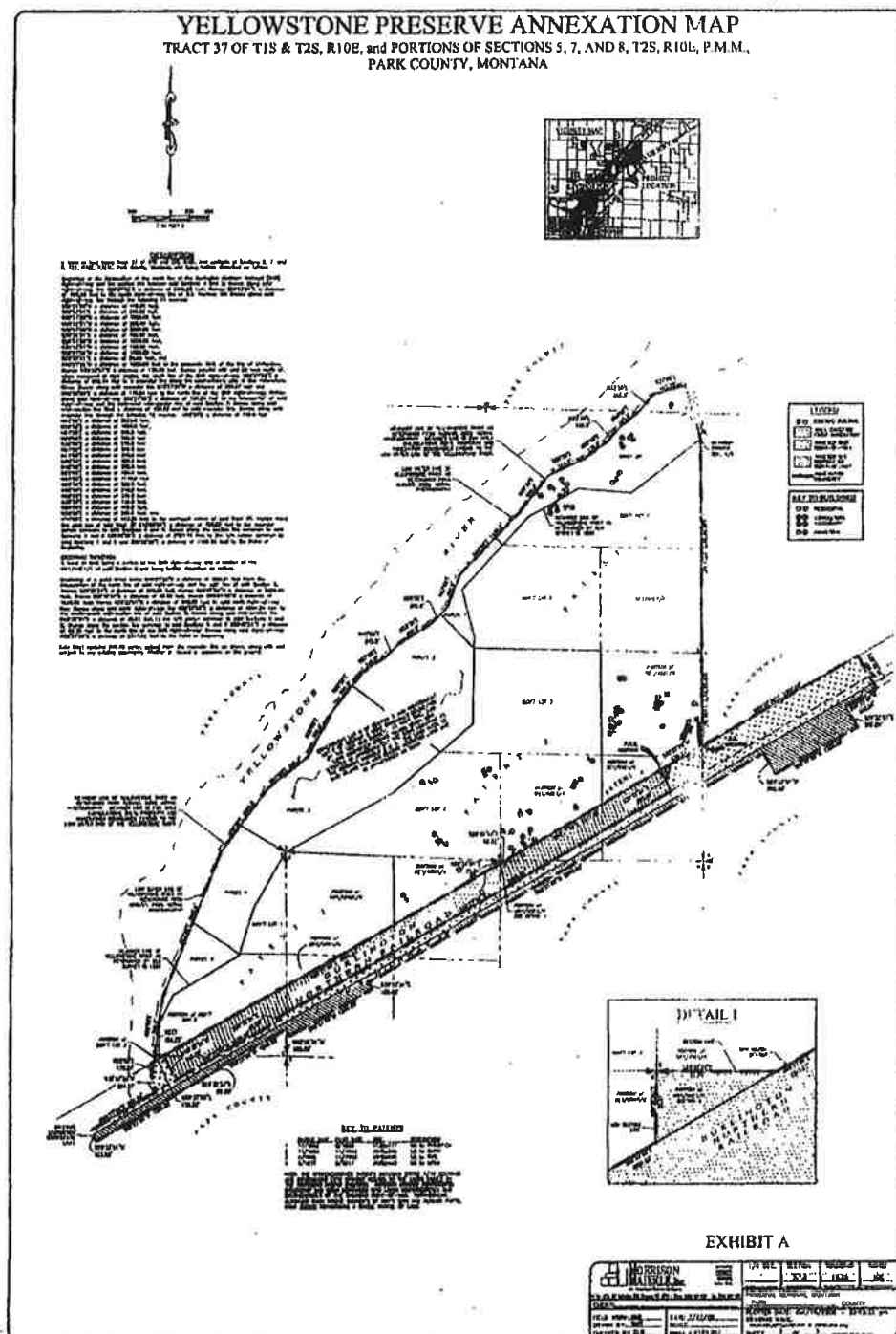

BRUCE E. BECKER
City Attorney

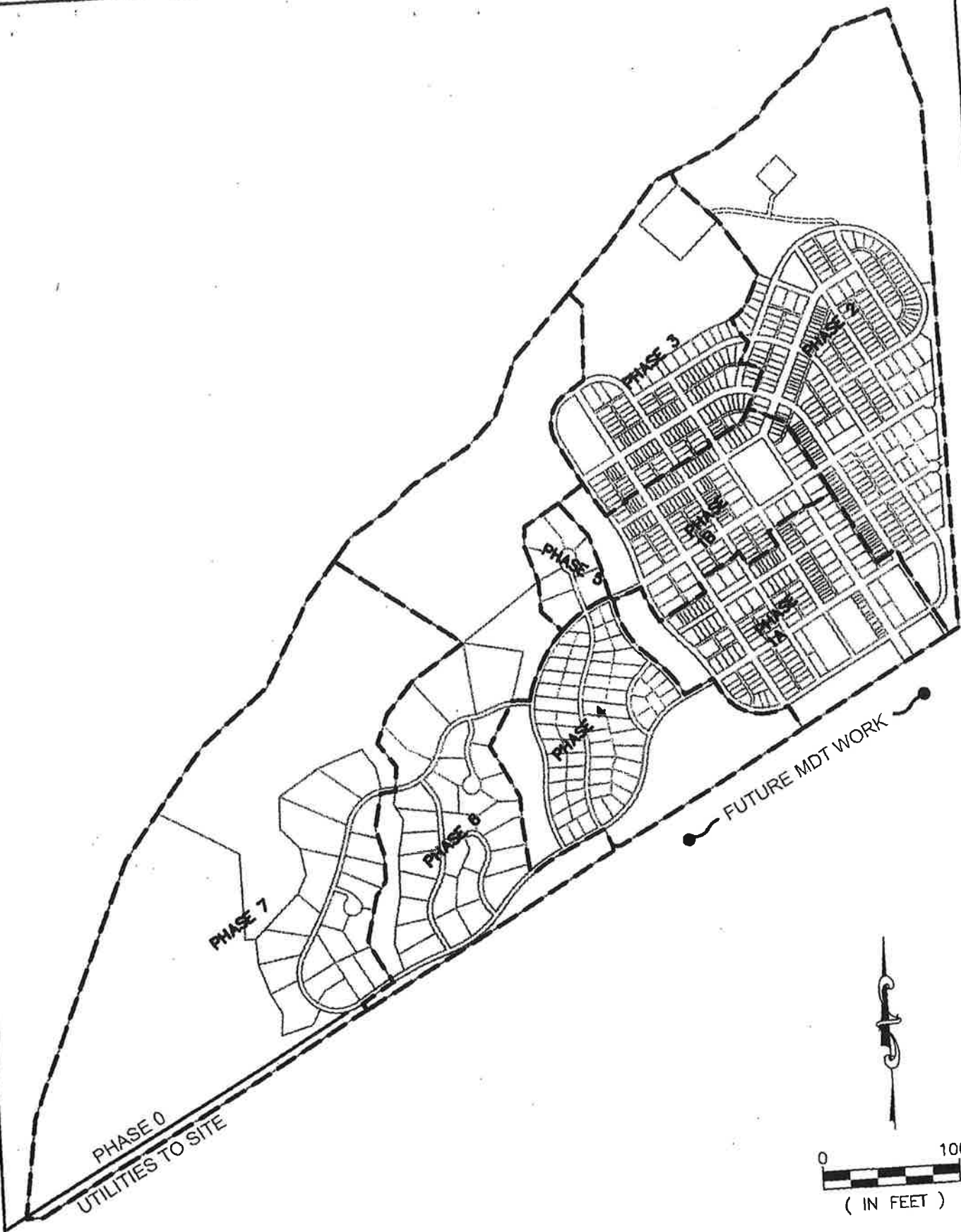
City of Livingston
I hereby certify that the foregoing is a full, true and correct copy of the original now on file and of record in my office.
Witness my hand and seal this 20th day of December, 2006.
By: 
Pam Payovich, Recording Secretary

Resolution No 3809

Annexing property described as being all of Sections 5, 7, & 8 of Township 2 South, Range 10 East, Park County, Montana, lying northwesterly of the MRL (BNSF) right-of-way and southeasterly of the low water line of the Yellowstone River

Page 2





**MORRISON
MAIERLE, INC.**
An Employee-Owned Company

Engineers
Surveyors
Scientists
Planners

901 Technology Blvd.
Bozeman MT 59718
Phone: (406) 587-0721
Fax: (406) 587-1176

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DRAWN BY: JRM
CHK'D BY: CMW
APPR. BY: CMW
DATE: 07/2007

LIVINGSTON

YELLOWSTONE PRESERVE

MT

PHASING DIAGRAM

PROJECT NO.
4180.001

FIGURE NUMBER



YELLOWSTONE PRESERVE

Preliminary Phasing 0, 1A, 4 & 5 Construction Cost Estimate

SCENARIO 1

Total Construction Costs - Phase 0

	TOTAL
Park Street Water Line Loop	\$614,055
Site Soil Handling/Cleanup	\$515,625
River Crossing	\$1,725,807
Sewer Forcemain	\$784,344
Application Fees	\$105,425
Subtotal	\$3,745,256
TOTAL	\$3,745,255.73

Total Construction Costs - Phase 1A

	TOTAL
Excavation, Site Grading & Stormwater	\$3,198,416
Road Construction - Phase 1A	\$2,020,813
Water - Phase 1A	\$751,800
Gravity Sewer - Phase 1A	\$661,550
Miscellaneous Utilities - Phase 1A	\$600,400
Subtotal	\$7,649,715
10% Contingency	\$723,298
TOTAL	\$7,649,714.98

Total Construction Costs - Phase 4

	TOTAL
Excavation & Site Grading & Storm	\$132,750
Road Construction - Phase 4	\$237,200
Water - Phase 4	\$306,300
Gravity Sewer - Phase 4	\$396,600
Miscellaneous Utilities - Phase 4	\$209,000
Subtotal	\$1,281,850
10% Contingency	\$128,185
TOTAL	\$1,410,035.44

Total Construction Costs - Phase 5

	TOTAL
Excavation, Site Grading & Storm	\$22,550
Road Construction - Phase 5	\$20,661
Water - Phase 5	\$24,050
Gravity Sewer - Phase 5	\$32,300
Miscellaneous Utilities - Phase 5	\$17,100
Subtotal	\$116,661
10% Contingency	\$11,666
TOTAL	\$128,327.64

Total Construction Costs

	TOTAL
Phase 0 Costs	\$3,745,256
Excavation, Site Grading & Storm	\$3,353,716
Road Construction	\$2,278,675
Water	\$1,082,150
Gravity Sewer	\$1,090,450
Miscellaneous Utilities	\$826,500
Subtotal	\$12,376,747
10% Contingency	\$863,149
TOTAL	\$13,239,896.19

* MDT, NWE, PROPANE AND ALL LANDSCAPING EFFORTS/CONSTRUCTION ARE NOT INCLUDED



YELLOWSTONE PRESERVE

Preliminary Phasing 1, 2, 3, 6, & 7 Construction Cost Estimate

SCENARIO 2

Total Construction Costs - Phase 1B

	TOTAL
Excavation, Site Grading & Storm	\$77,280
Road Construction - Phase 1B	\$783,092
Water - Phase 1B	\$356,650
Gravity Sewer - Phase 1B	\$267,720
Miscellaneous Utilities - Phase 1B	\$212,800
Subtotal	\$1,697,542
10% Contingency	\$169,754
TOTAL	\$1,867,295.80

Total Construction Costs - Phase 2

	TOTAL
Excavation, Site Grading & Storm	\$77,280
Road Construction - Phase 2	\$1,558,661
Water - Phase 2	\$727,750
Gravity Sewer - Phase 2	\$584,920
Miscellaneous Utilities - Phase 2	\$463,600
Subtotal	\$3,412,211
10% Contingency	\$341,221
TOTAL	\$3,753,432.08

Total Construction Costs - Phase 3

	TOTAL
Excavation, Site Grading & Storm	\$77,280
Road Construction - Phase 3	\$795,486
Water - Phase 3	\$352,600
Gravity Sewer - Phase 3	\$415,900
Miscellaneous Utilities - Phase 3	\$209,000
Subtotal	\$1,850,266
10% Contingency	\$185,027
TOTAL	\$2,035,292.44

Total Construction Costs - Phase 6

	TOTAL
Excavation, Site Grading & Storm	\$86,800
Road Construction - Phase 6	\$181,886
Water - Phase 6	\$213,600
Gravity Sewer - Phase 6	\$315,200
Miscellaneous Utilities - Phase 6	\$155,800
Subtotal	\$953,286
10% Contingency	\$95,329
TOTAL	\$1,048,614.80

Total Construction Costs - Phase 7

	TOTAL
Excavation, Site Grading & Storm	\$86,800
Road Construction - Phase 7	\$95,173
Water - Phase 7	\$132,900
Gravity Sewer - Phase 7	\$150,900
Miscellaneous Utilities - Phase 7	\$95,000
Subtotal	\$560,773
10% Contingency	\$56,077
TOTAL	\$616,850.30

Total Construction Costs

	TOTAL
Excavation, Site Grading & Storm	\$405,440
Road Construction	\$3,414,298
Water	\$1,783,500
Gravity Sewer	\$1,734,640
Miscellaneous Utilities	\$1,136,200
Subtotal	\$8,474,078
10% Contingency	\$847,408
TOTAL	\$9,321,485.42

* MDT, NWE, PROPANE AND ALL LANDSCAPING EFFORTS/CONSTRUCTION ARE NOT INCLUDED

File Attachments for Item:

D. RESOLUTION NO. 4966: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON AUTHORIZING THE CITY MANAGER TO SIGN AGREEMENTS WITH EUBANK CREATIVE FOR GRAPHIC DESIGN SERVICES FOR THE LIVINGSTON PARKS AND TRAILS COMMITTEE ADOPT-A-TRAIL SIGNS PROJECT.

RESOLUTION NO. 4966

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON AUTHORIZING THE CITY MANAGER TO SIGN AGREEMENTS WITH EUBANK CREATIVE FOR GRAPHIC DESIGN SERVICES FOR THE LIVINGSTON PARKS AND TRAILS COMMITTEE ADOPT-A-TRAIL SIGNS PROJECT.

WHEREAS, the City Commission approved \$5,000 of CARES Act funding to be awarded to the Livingston Parks and Trails Committee for logo development and Adopt-A-Trail signs; and

WHEREAS, the Livingston Parks and Trails Committee received proposals from area designers and voted unanimously during their March 24th meeting to recommend a contract with Eubank Creative for development of a logo and branding for the Livingston Parks and Trails Committee; and

WHEREAS, Eubank Creative has previously worked with the Parks and Trails Committee for parks and trails maps in 2019; and

WHEREAS, Eubank Creative has submitted estimates for logo development and Adopt-A-Trail/ Park signage attached hereto as exhibit A. and

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

The City Manager is hereby authorized to sign the agreements with Eubank Creative for the development of Parks and Trails logo branding and Adopt-A-Trail signage.

PASSED ADOPTED AND APPROVED, by the Livingston City Commission

this _____ day of _____, 2021.

DOREL HOGLUND- Chair

ATTEST:

APPROVED TO AS FORM:

FAITH KINNICK
Recording Secretary

COURTNEY JO LAWELLIN
City Attorney



CREATIVITY THAT MAKES CONNECTIONS

TO Livingston Parks & Trails
 ATTN Jeanne Souvigney & Alison Shannon-Lier
 DATE 9.2.2020
 PROJECT Logo Development

LOGO DEVELOPMENT / PACKAGE A

Eubank Creative, Inc. will design 3 logo executions to choose from. After the initial round of logos are presented, we will narrow down what is working the best, and fine-tune that particular logo (*Cap of 3 rounds of proofs. If more than 3 rounds of revisions are requested, client will be billed at the rate outlined in Terms*). Final approved logo will be provided to client in various file formats.

LOGO DELIVERABLES: COLOR + B/W LOGO VARIATIONS + BUSINESS CARD DESIGN**FILE FORMATS:** JPEG + EPS + PDF + WEB-READY PNG**ESTIMATED COST**\$1400.00**LOGO DEVELOPMENT / PACKAGE B**

Eubank Creative, Inc. will design 2 logo executions to choose from. After the initial round of logos are presented, we will narrow down what is working the best, and fine-tune that particular logo (*Cap of 3 rounds of proofs. If more than 3 rounds of revisions are requested, client will be billed at the rate outlined in Terms*). Final approved logo will be provided to client in various file formats.

LOGO DELIVERABLES: COLOR + B/W LOGO VARIATIONS + BUSINESS CARD DESIGN**FILE FORMATS:** JPEG + EPS + PDF + WEB-READY PNG**ESTIMATED COST**\$1100.00**MEGAN EUBANK** Graphic Designer // Art Directore megan@eubankcreative.com t 406.579.5318PO Box 883 | Livingston, MT 59047 | www.eubankcreative.com**TERMS**

Estimate is Subject to Change: Because this quote is based on an estimated number of hours, the quote is subject to change. If time spent on project drastically exceeds the estimate, client will be charged at a rate of \$85.00/hr in addition to the estimated cost.

Final Artwork: Fee quoted includes one set of final mechanical artwork. Changes to final artwork will be provided at an additional cost based on the extent and complexity of the changes, at a rate of \$85.00/hour.

Change Orders: Work Change Orders will be issued for additional work and changes requested after approvals or commencement of work. WCO's include a description of the change/addition requested, estimated additional costs and changes to work schedules/project completion.

Billable Items: In addition to the fees and costs estimated herein, costs incurred for outside services including but not limited to materials, messengers and courier services are billable at cost. Wherever applicable, state and local sales taxes will be included in Billable Items. Travel expenses excluding client meetings in Park or Gallatin County are billed additionally, at cost.

Purchasing: All purchases made on client's behalf will be billed to client. Charges for sales tax, insurance, storage and shipping and handling are additional to the price of each purchase. In the event client purchases materials, services or any items other than those specified by the designer, the designer is not liable for the cost, quality, workmanship, condition or appearance of such items.

Billing: Invoices are payable upon receipt. Payment must be received within 30 days of invoice date. Failure to pay on time will result in a fee of 25% of original invoiced amount for every week payment is overdue.

Termination Policy: The client and Eubank Creative, Inc. may terminate a project based upon mutually agreeable terms to be determined in writing, either prior to the signing of this proposal or within the final Contract. Eubank Creative, Inc. will bill for any time spent on project up until termination of project.

Term of Proposal: The information contained in this proposal is valid for 30 days. Proposals approved and signed by the Client are binding upon Eubank Creative, Inc. and the client beginning on the date of the client's signature. Please note that the prices provided in this proposal serve as an estimate only, and are subject to change. Amount billed may differ slightly from estimated amount, depending on execution time. Eubank Creative, Inc. will notify client if estimate changes considerably.

If the information in this Estimate meets with Client's approval, Client's signature below authorizes Eubank Creative to begin work. Kindly return a signed copy of this Proposal/Agreement to Eubank Creative (approval via email is accepted).

SIGNATURE _____ PRINT NAME _____ DATE _____



CREATIVITY THAT MAKES CONNECTIONS

TO Livingston Parks & Trails
ATTN Jeanne Souvigney & Alison Shannon-Lier
DATE 9.2.2020
PROJECT Adopt A Trail/Park Signage

ADOPT A TRAIL/PARK SIGNAGE

Eubank Creative, Inc. will design 2 different signage solutions to choose from. Sign will include "Adopt a Trail/Park", the new Livingston Trails and Parks logo, as well as an area for the adopter to place their name and/or logo. Final approved artwork will be sent to TBD printer for production.

ESTIMATED COST **\$250.00**

MEGAN EUBANK Graphic Designer // Art Director

e megan@eubankcreative.com t 406.579.5318

PO Box 883 | Livingston, MT 59047 | www.eubankcreative.com

TERMS

Estimate is Subject to Change: Because this quote is based on an estimated number of hours, the quote is subject to change. If time spent on project drastically exceeds the estimate, client will be charged at a rate of \$85.00/hr in addition to the estimated cost.

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If the information in this Estimate meets with Client's approval, Client's signature below authorizes Eubank Creative to begin work. Kindly return a signed copy of this Proposal/Agreement to Eubank Creative (approval via email is accepted).

SIGNATURE _____ **PRINT NAME** _____ **DATE** _____

File Attachments for Item:

A. DISCUSS/APPROVE/DENY: KYRA AMES AND BOB EBINGER APPLICATIONS FOR REAPPOINTMENT TO THE LIVINGSTON URBAN RENEWAL AGENCY (URA), TO SERVE A FOUR (4) YEAR TERM PER THE BY-LAWS.

Rec'd 5/17/21

117

City of Livingston
Application for Appointed Office
(Revised 3/20/20)

Appointed Position Seeking: URA Board Member

Date of Application: 5/6/2021

Name: Kyra Ames

Signed: Kyra Ames

Address: 206 S. L St., Livingston

Telephone: daytime 406-223-3959

after 5:00 p.m.: same

Fax Number:

e-mail address: photo@kyraames.com

1. Are you a resident of the City of Livingston? yes

2. Are you a registered voter? yes

3. Will you be at least 18 years of age at the time of the appointment? yes

4. Describe the reasons you are interested in this appointment: I enjoy being part of an active group that strives to improve our downtown.

5. Describe any background, experience and interests that you have which may assist you in performing the responsibilities of this appointment:

A. Occupation: self employed - Design & Build custom, small homes.

B. Education: BFA

C. Experience: I've been an active board member of the URA for a few years & would like to continue.

(please attach a detailed resume if desired)

6. Have you served on any previous boards or in any governmental positions in the past? yes - URA

7. Are you currently serving on any Community Boards? ~~URA~~ yes

A. If yes, please describe those boards. URA

8. Current Employer? self

9. Are you available for night meetings? yes

10. Are you available for daytime meetings? yes

11. Do you foresee any potential conflicts of interest that you might have in executing the duties of this appointed office? NO

12. If conflict of interest arose for you, how would you deal with it as an appointed member of this board? I would state the conflict & refrain from casting a vote on said conflict of interest.

THIS APPLICATION WILL BE KEPT ON FILE FOR 6 MONTHS AND THEN DISCARDED.

Return completed applications to Faith Kinnick at fkinnick@livingstonmontana.org or drop off in person at the City/County Complex 414 E. Callender St.

City of Livingston
Application for Appointed Office
 (Revised 3/20/20)

Appointed Position Seeking: URBAN RENEWAL (URA)

Date of Application: MAY 10, 2021
2nd issue

Name: ROBERT EBINGER

Signed: Robert Ebinger

Address: 128 S. YELLOWSTONE ST

Telephone: daytime 406-223-5290

after 5:00 p.m.: 406-223-5290

Fax Number:

e-mail address: buffalojumpictures@gmail.com

1. Are you a resident of the City of Livingston? YES
2. Are you a registered voter? YES
3. Will you be at least 18 years of age at the time of the appointment? YES
4. Describe the reasons you are interested in this appointment: WANT TO CONTINUE
to serve on URBAN BOARD - INTERESTED IN LIVINGSTON'S
revitalization -

5. Describe any background, experience and interests that you have which may assist you in performing the responsibilities of this appointment:

A. Occupation: RETIRED

B. Education: BA (HISTORY), MA (LIVINGSTON) certificate in historic preservation

C. Experience: HISTORIC PRESERVATION COMMISSION, URBAN RENEWAL
VISION LIVINGSTON, CITY COMMISSIONER, STATE REPRESENTATIVE
PRESERVE MONTANA (USC)

(please attach a detailed resume if desired)

6. Have you served on any previous boards or in any governmental positions in the past? YES
SEE ABOVE

7. Are you currently serving on any Community Boards? URA, HISTORIC PRESERVATION
 A. If yes, please describe those boards.

8. Current Employer? RETIRED

9. Are you available for night meetings? YES

10. Are you available for daytime meetings? YES

11. Do you foresee any potential conflicts of interest that you might have in executing the duties of this appointed office? NO

12. If conflict of interest arose for you, how would you deal with it as an appointed member of this board? I WOULD REFUSE MYSELF

THIS APPLICATION WILL BE KEPT ON FILE FOR 6 MONTHS AND THEN DISCARDED.

Return completed applications to Faith Kinnick at fkinnick@livingstonmontana.org or drop off in person at the City/County Complex 414 E. Callender St.

File Attachments for Item:

B. DISCUSS/APPROVE/DENY: APPROVE THE ANNUAL REPORT AND FY21-22 BUDGET FOR THE LIVINGSTON BUSINESS IMPROVEMENT DISTRICT (LBID).



Annual Report and Budget FY21/22

Mission Statement

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

Vision

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

Organizational Structure

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

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

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

- Kathryn Bornemann – Owner of Out of Blue Antiques and Betty's Bottle Shop
- David DePuy – Owner of Hiatt House Building***
- Tyler Erickson – Owner of American Bank
- Kristen Galbraith – Co-Owner of 2nd Street Suite and Coffee Crossing
- Brian Menges – Owner of 2nd Street Bistro, Murray Bar and Gils Goods
- Karla Pettit – Owner of Pickle Barrel
- Dale Sexton – Owner of Dan Baileys

***Resigning May 2021 with Megan Eubank of Eubank Creative as new board member recommendation.

LBID contracts with Kris King as Executive Director.

FY20/21 Accomplishments

- Continued graffiti remediation
- Continued flower basket program (increased from 24 baskets to 36 baskets)
- Banner Program
 - New Travel, Play, Dine Responsibly Banner Campaign
 - New Rodeo Banners (not displayed in 2020 because of rodeo cancellation)
- Designation as new Convention & Visitors Bureau
 - State meetings, quarterly reporting and MTBBD communications



- Successful use of \$27,000 FY20.21 budget for funding consumer marketing, print advertising, radio/tv advertising, social media and website design and launch; publicity; and, administration
- Safety Grant award of \$71,996 used for travel responsibly messaging, hand sanitization products, masks and various outreach messaging
- New Livingston Branding Campaign
 - Rustic. Refined. Legendary.
 - Experience Epic
- New lamp post snowflake decorations including 50, 4-foot decorations with assistance from City staff in hanging brackets and hung from mid-November to the end of February.



- District business support including shop local and safety banners and posters; information about relevant happenings such as downtown construction and safety issues; and, grant, support, training, business and funding opportunities.
- Increased media outlet relationships including frequent communication with television and print media to promote Livingston, the District, businesses, events and area news.
- Increased online and social media presence through media posts and videos, promoting the District businesses' events and news - and the area - to increase commercial traffic. The LBID website is frequently updated with resources and opportunities for District

business support and the e-newsletter – periodically produced and distributed - includes links to time sensitive and relevant resources.

- National and local campaign coordination including the Small Business Revolution TV series in which Livingston was the first Montana town to make Top 10, then, with concerted multi-media voting outreach, became a Top 5 contender, although the smallest town in the competition. Livingston garnered support from around the country with personal messaging from Montana's Governor and resident actor, Jeff Bridges.



- Leveraging resources through grant requests - In 2020, through a CARES Act grant, LBID provided Love Livingston Responsibly safety banners, hand sanitizer stations on district sidewalks, safety signage for businesses and, partnering with other organizations and programs, spending locally with safety incentives and delivering thousands of masks and safety supplies.



- Coordinating tourism effort partnerships with the new Livingston Convention & Visitors Bureau (CVB) and Tourism Business Improvement District (TBID). LBID took on the responsibility of coordinating funding, board member and executive director resources to amplify the annual budget and impact by working with these lodging bed tax funded organizations, promoting Livingston through beautification, economic development and marketing events to increase tourism.



Annual Report and Budget FY21/22

-
- Continued downtown and area event financial support for the virtual Night Owl Run, Depot Christmas Tree Lights, Art Walks, Farmer's Markets, Story Walk and many more.
 - Continued public transit community partner sponsorship through annual support of the free, fixed route Windrider Public Transit Program.



Annual Report and Budget FY21/22

Proposed FY21/22 Budget

The LBID programs and services are funded by an annual special assessment of property owners within the District boundaries. Commercial and partially commercial properties are subject to the BID assessment. Exclusively residential properties, properties used for manufacturing and properties determined to be exempt from real estate taxes are not assessed. As of 2021, there were 224 property owners within the District contributing to the tax base. Taxes paid by property owners are based on the footprint of the property within the District.

The LBID assessment is applied to the annual property tax bills and is collected by the City of Livingston as part of property taxes. The funds are held by City Finance Office in a segregated account and disbursed to the LBID checking account at a separate financial institution. The current District budget for enhancement, facilitation, promotion and maintenance is approximately \$44,000 per year and is detailed on the next page.



Annual Report and Budget FY21/22

LBID FY21/22 Proposed Budget			Justification
Beginning Estimated Balance July 1, 2021	\$	36,500	
Restricted Reserves - Holiday Lights	\$	(10,000)	
Expected LBID Tax Income	\$	44,000	
Grant Income	\$	5,000	
Banner Program Income	\$	3,500	
Total Income/Available Funds		\$ 79,000	
Operating			
Accounting/Bookkeeping	\$	3,500	Bookkeeping and tax prep services based on previous years averages
Executive Director	\$	12,000	Average of 5 hours per week at \$50/hour
Other Office/Admin Expenses	\$	1,800	Postage, rent, telephone, web, internet, insurance
Vehicle Expenses	\$	1,950	Fuel, maintenance and tires
Storage Unit Rent	\$	1,750	Annual fee for large storage shed that stores banners, decorations, watering equipment, etc.
Total Operating		\$ 21,000	
Program/Maintenance/Event Expenses:			
Maintenance & Beautification Expenses	\$	30,000	
<i>Banners - \$5,000</i>			Contracted hanging and changing out of seasonal and event banners; purchase of new Shop Livingston banners
<i>Flower Baskets - \$12,000</i>			Contracted daily watering, fertilizing, pruning - June 1 - October 15
<i>Garbage - \$5,000</i>			Contracted emptying, replacement of bags, bag purchases, hauling to transfer station, minor maintenance on receptacles - generally 4 times/wk Oct-April and 6 times/wk May - September
<i>Graffiti - \$6,000</i>			Contracted graffiti removal on as needed basis and estimated based on previous years averages
<i>Winter Decorations - \$2,000</i>			Contracted hanging and removing of winter decorations, minor maintenance supplies and contributions to Depot Light program
Program/Event Support	\$	14,000	Contributions to various local events and programs - through application process - that align with LBID priorities and mission
Reserve Contribution	\$	14,000	Capital improvements savings
Total Program/Maintenance/Event		\$ 58,000	
Net Income/Loss		\$ -	

File Attachments for Item:

C. DISCUSS/APPROVE/DENY: APPROVE CVB MARKETING PLAN FOR FY21-22, AS REQUIRED BY THEIR BY-LAWS.



Application

108656 - FY22 Region/CVB Marketing Plan - Final Application

110067 - Livingston CVB FY21/22 Marketing Plan
DOC Office of Tourism

Status: Submitted Submitted Date: 05/03/2021 9:40 PM Submitted By: Kristen Galbraith

Applicant Information

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Organization Information

Name:* Livingston Business Improvement District
Organization Type:
Organization Website:
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* Livingston Montana 59047
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Community & Brand Support

Describe your destination (who you are, who you wish to attract and why would they come) addressing your strengths, opportunities, and potential challenges. How does your destination align with Montana's brand pillars?

Status of COVID-19 in Livingston, Montana

At the time of this marketing plan submission, the pandemic is still playing a significant role in Livingston's travel market. Park County currently retains mandates for indoor masking, distancing, and reduced event capacity. Vaccination rates have hit a plateau in Park County and concern about COVID-19 variations and the significant reduction of visitor and local mask use and distancing contribute to uncertainty about the pace of economic and industry recovery and public health stability. The pandemic has also contributed to workforce shortages, amplified by the ballooning local affordable housing deficit, which impacts local hospitality businesses' capacity.

Livingston Tourism Response

We are monitoring the coronavirus situation closely and communicate regularly with the Park County Health Department, state and national health and travel organizations, and local hospitality businesses. Current lodging occupancy rates, strong summer reservations numbers, and earlier than normal visitor traffic indicates a very busy summer tourism season. Our marketing is honed to educate a new pandemic traveler; less familiar with outdoor recreation safety measures, with messaging across platforms to recreate and travel responsibly, plan in advance, and know that services and hours may be limited or already booked. Our marketing plan will be reviewed regularly and responsive to changes and needs in our community and the travel industry.

About Livingston, Montana, as defined by the Livingston Convention & Visitors Bureau

The City of Livingston is more than the traditional gateway to Yellowstone National Park, it is a unique and desirable destination for international and national travelers; destination retreat, wedding and film industries; recreation and arts enthusiasts; and the regional drive market due to our extensive arts, history, culinary, event and recreation adventure amenities. Livingston mixes casual small-town charm and world class amenities with a twist of historic quirkiness. We have rebranded Livingston with the taglines "Rustic. Refined. Legendary." and "Experience Epic."

Livingston is the county seat of Park County and is situated in the middle of four stunning mountain ranges (Absaroka Beartooth Mountains, Crazy Mountains, Bangtail Mountains and the Bridger Mountains) and is nestled along Yellowstone River - the longest, free-flowing river in the lower 48 states. We offer an incredible array of outdoor recreation opportunities and have preserved one of Montana's most visually appealing and historic downtowns. Livingston is the original and year-round entrance into Yellowstone Park, offering year-round appeal, and is conveniently located between the airline hub cities of Bozeman and Billings. Our town of approximately 8,000 residents has richly layered distinctive cultures: railroad and pioneer history; gateway to Yellowstone; fly fishing mecca; recreation hub; historically preserved downtown; rustic and luxury destination lodging and dining; more artists and writers per capita than anywhere in the state; thriving theatre, arts, culinary, and night life scenes; and serves a wide range of demographics from ranchers, to eco-conscious outdoor enthusiasts, to movie stars and music icons.

Livingston Exemplifies the Montana Brand

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

Vibrant and charming small town: Livingston's famous downtown is among the most vibrant and charming in Montana. The preserved historic businesses with vintage neon and building signage make it an attraction to film crews, photographers, and visitors. The niche and boutique shops, restaurants, breweries and bars offer a mix of traditional and contemporary products and experiences.

Breathtaking experiences by day, relaxing hospitality at night: between fishing, river sports, hiking, hunting, rock climbing, skiing, or enjoying horseback riding, dog sledding, and guided outdoor experiences, in Livingston there are so many breathtaking adventures to choose from. At night, there are culinary options for every taste, live indoor and outdoor music venues, a vibrant theatre scene, hot springs to star watch from, two breweries, and casual or raucous bars as memorialized in the Jimmy Buffet song "Livingston Saturday Night."

OUR STRENGTHS:

- Strong collaborations, communications, and partnerships between the Convention & Visitors Bureau and the Livingston Tourism Business Improvement District, Downtown Business Improvement District, Yellowstone Country, City of Livingston, Park County, Montana Downtown Directors, Montana Tourism Matters, Montana Department of Transportation, Montana Office of Tourism and Business Development, Bozeman Trail Regional Group, Livingston's Historic Preservation Commission, Urban Renewal District, Business Owners for Community Health, Park Local Development Corp., and a wide range of local organizations addressing everything from passenger rail, public arts, Livingston Growth Policy, Parks and Trails, and Livingston's designation in the Montana Main Street Program, among others.
- Historic Gateway to Yellowstone National Park - 55 miles away and the only year-round entrance to Yellowstone National Park.
- On the banks of the Yellowstone River - with blue-ribbon fishing, white water rafting, scenic floating, kayaking, and paddle boarding with robust rental and guide services.
- Recreation hub - with hundreds of miles of trails for hiking at all skill levels, camping, rock climbing, mountain biking, cross country and backcountry skiing. Access eight state parks, fourteen fishing access sites, several dozen trailheads, and Bridger Bowl ski resort; all under an hour drive from Livingston.
- Strong recreation amenity infrastructure - rent bikes, snowshoes, cross country and back country skis, kayaks, rafts, and stand-up paddle boards and book guides for fly fishing, white water rafting, horseback riding, dog sledding, and hunting.
- Location - at the intersection of Interstate Highway 90 between Bozeman and Billings and Highway 89 to Yellowstone National Park through legendary Paradise Valley.
- Historic downtown - preserved buildings and an Old West movie set esthetic including many vintage neon signs and 'ghost signs' historic ads painted on buildings; attracting visitor photography and social media posts and film scouts.
- Destination lodging, retreats and hot springs - in addition to rustic, historic and family-friending lodging in Livingston, Park County is home to a wide range of unique short-term rentals, Sage Lodge, Chico Hot Springs, Mountain Sky Guest Ranch, Yellowstone Hot Springs, and a numerous smaller dude ranches.
- Exit 333 - the majority of national chain hotels and fast food are at this exit to Yellowstone Park, but it also boasts: a large grocery store with pharmacy, laundromat, local meat shop and two ethnic eateries, gas stations, car wash, veterinarian, dog boarding, urgent care center, physical therapist, liquor store, smoke shop, casinos, and bus stops for both free Livingston transport and an events bus to Paradise Valley music venues.
- Destination Weddings - offering a range of scenic wedding venues, caterers, lodging, photographers and videographers, and florists.
- Film Location - Downtown Livingston's intact historic visage has attracted commercials, television and movies for decades, the new Yellowstone Film Ranch has extensive sets, Paradise Valley and various Park County vistas are scenic year-round, and Livingston is home to many set scouts, set designers, makeup artists, set photographers, actors, musicians and prop resources. Livingston was named the 2020 Film Friendly Community of the Year at the Montana Tourism Awards.
- Shopping - downtown has no chain stores, and a wealth of unique and boutique shops; handicrafts, records, books, art center and galleries, photography and ceramic studios, handmade chocolate shop, new age boutiques, home goods, kitchen store, souvenirs, gifts, toys, antiques, resale and thrift stores, vintage fashion, outdoor gear and western wear.
- Arts hub - home to three museums with history, train, and fishing exhibits, numerous art galleries, vintage movie house, several live theatres and art centers, outdoor and indoor live music venues, and literary events.
- Agritourism - access farm to table fare at restaurants, the hospital cafeteria, Farmer's Markets, local food markets and caterers, local aquaponic growers, farms and ranches, and the Livingston Food Resource Center bakery and deli, baking bread for every food pantry in Montana.
- Foodie paradise - vegan, fine dining, ethnic foods, rustic steakhouses, sushi and seafood, vintage burger joints, traditional and breakfast cafés, European style bakeries, numerous quirky coffee shops, diverse bars, two breweries, two gourmet wine shops, and a regional craft beer store.
- Year-round events - catering to a wide range of interests and tastes; rodeos, parades, auto show, artwalks, music, beer and film festivals, fun runs, sporting events, and more.
- Family-friendly amenities - playgrounds, outdoor pool, skating rink, skateboard park, ceramic painting studio, youth activities at museums, free public transport, historic bus tours, golf course, dog parks, and trails and parks throughout town.

Challenges

- The WIND! The average wind speed as measured at the airport is 15.2 mph, more than 3 mph windier than Great Falls. Livingston's severe crosswinds frequently shutdown Interstate 90, and semis and train cars have blown over.
- The perception that Livingston is a gateway into Yellowstone National Park and not a destination to spend more time in before or after visiting the Park.
- COVID19 related issues including public health wellness and difficulty in enforcing safety guidelines, business closure or limitations, staffing shortages and lack of J-1 visas, no lodging or camping vacancies, lack of rental cars, and overbooking overflow from Yellowstone Park and surrounding communities.
- Seasonality of tourism with overcrowding in the summer months and less tourist traffic in the shoulder seasons from September to May makes keeping businesses open and staff year-round a challenge.
- Increasing use of local housing as short-term rentals and the last year's spike in home sales to telecommuters has made affordable workforce housing the biggest challenge for Park County's service and tourism industries. Short term rentals also distorts the occupancy and average daily room rates at traditional lodging properties.
- Way Finding Signs – Livingston lacks comprehensive wayfinding signs at our three exits, our freeway tourism billboards are overdue for an update and are damaged, and in-town wayfinding signs are not visible, rudimentary, or non-existent.
- National and world events including terrorism, infectious diseases, climate change (effecting water temps on our much loved and over-fished Yellowstone River) and natural disasters (floods and wildfires) all impact tourism.
- Recent Montana State legislative initiatives have led to negative national press and perception of Montana as an undesirable destination due to legislation impacting trans youth, women, county health departments and public health, and expansion of open carry laws.
- Managing greater numbers of visitors and traffic flow negatively impacts County and City infrastructure. In 2019, another local option tax was introduced to the Montana Legislature, which would have allowed citizens to decide whether to impose a sales tax in Park County in order to pay for specific projects. The legislation would have given power to local voters, stressing it could be a way to lower local property taxes and raise more money from tourists who use local infrastructure but do not financially support it.
- There is no convention center in Livingston, or in Park County, to bring visitors to the area, create and sustain jobs, and generate direct and indirect spending and increase tax revenue.
- Lack of public transportation to and through YNP and increased tourist traffic to and from Yellowstone limit tourism and levy added burdens on local resources.

Optional: Include attachments here

How will your marketing plan address the three phases of the travel decision process of inspiration, orientation and facilitation?

The overall goal of our second year as the Livingston CVB is to expand our reach and educational messaging to address the pandemic-related new travel demographic and challenges, clarify why Livingston is a unique destination, how to access our many amenities and assets, and address queries and engage travelers more directly.

Inspiration: By employing authentic, positive and effective multi-media communication and outreach, the Livingston CVB will leverage Montana branding guidelines with a selection of inspiring imagery (in the past year we've developed relationships with photographers, videographers and travel professionals) and creative content in order to increase the desire to visit Livingston. The Montana Office of Tourism and Business Development (MOTBD) has ideal marketing content with going beyond Yellowstone National Park messaging; Livingston is well positioned to exemplify the many wonders beyond Yellowstone and a natural jumping off point to explore the Yellowstone Country region. We are nearing completion of the expansion of the initial CVB website created last year www.explorelivingstonmt.com. We have completed new branding logos for Explore Livingston and with taglines: Rustic. Refined. Legendary. and Experience Epic. "Stay, Play, Seize the Day" is our structure for visitor information on our website, social media, and print media outreach. We will continue to update our Montana Aware and Travel and Recreate Responsibly marketing in conjunction with MOTBD campaigns across multimedia platforms.

Orientation: Our first year as the new CVB was largely focused on Montana Aware marketing, Travel Responsibly videos, delivery of signage, masks, hand sanitizer stations, Safe & Local campaigns, Travel Responsibly banners, local tourism business support, and weekly involvement in local and statewide meetings and campaigns. Our second year campaigns will respond to changing pandemic and travel issues focusing on Know Before You Go, Recreate and Travel Responsibly and seasonal and recreational updates about limited services, hotel vacancies, auto rental scarcities, wilderness education, and area event updates during the summer season. Due to limited hospitality capacity and resources during the busy summer season, much of our 2021/2022 fiscal year destination marketing will focus on shoulder season amenities and attractions, working with Yellowstone Country and MOTBD tools to help visitors plan multiple day vacations in our area, including regional road trips with insider tips on highlights and hidden gems. In addition to attracting repeat regional visitors who love Livingston, our goal is to make any visitor's experience an optimal one so that they too will become repeat visitors and recommend Livingston as a destination to others.

Facilitation: Through strategic partnerships with regional tourism destinations, including West Yellowstone, Gardiner and Big Sky, and our updated branding outreach in online and print media, we will direct visitors to book extra days in Livingston, highlighting our unique region, location, and amenities with attractive opportunities for travelers to experience epic as they stay, stay, and size the day. While we lack a convention center for large groups, Livingston will still be marketed to mid-sized parties as an idyllic destination for weddings, retreats, family reunions, films, cultural, sporting events and more. We foresee that the following fiscal year after the pandemic uncertainty has abated, our marketing facilitation will involve more direct destination marketing to target travel states and the international market.

Optional: Include attachments here.

a. Define your target markets (demographic, geographic and psycho-graphic)

Demographic: Livingston provides a plethora of outdoor exploration activities mixed with historic downtown shopping, cultural and dining experiences that appeal to a very wide demographic. In a *New York Times Style Magazine* article, author Natalie Storey summarized, "With Yellowstone National Park just an hour's drive away, Livingston is a perfect base camp for hikers, and the town's fishing guides make it their business to know every curve of the Yellowstone River. But the park's mountains, streams and forests also play an integral role in the wild, eclectic art found in the community's myriad galleries and boutiques. Considering Livingston's lively restaurants, Old West architecture and three charming, well-stocked bookstores, visitors could be forgiven for opting to stay firmly within the town limits."

Traditional tourism marketing in the area has focused on one-time visitors, often (1) families, on their way to Yellowstone. While that will continue to be a key group to target, in our first year our goal was to expand that reach to bring more regional and repeat visitors, which was amplified by pandemic travelers. Livingston has been a (2) fly-fishing mecca for nearly a century and while it remains a multi-million-dollar industry and employs many in the region, the Yellowstone is becoming overfished and housing developments are further putting pressure on the river's health. Fly fishing fans often return annually and we'll continue to welcome them but would like to expand our (3) river sports (kayaking, stand up paddle boarding, floating, white water rafting) and outdoor enthusiast (hikers, campers, climbers, bikers) markets; highlighting the lesser known trails, areas and corners of the County where people can enjoy a more solitary connection with nature. All early predictors are that Yellowstone (and Glacier) will be very crowded this summer, making less traveled wilderness that much more appealing. (4) Ecotourism is a growing niche and as many businesses in our area are aware of their carbon footprint and environmental impact, we can highlight those options, including farm to table groceries and restaurants, purchasing supplies from bulk bins and other low-waste packaging options, our two electric vehicle charging stations, free public transportation weekdays in Livingston, two wheel transport including bikes and e-bikes, Livingston's robust recycling program, and programs that give back, such as shopping at the Livingston Community Bakery, which supports food pantries around the state, or sourcing supplies and upcycled souvenirs from the Community

and Curated Closet, whose profits are donated to Park County charities. We will target (5) winter sports enthusiasts who enjoy cross country, backcountry and nearby downhill skiing, snow shoeing, sled dog rides, hot springs and day trips to Yellowstone as well as cozy winter dining, shopping and holiday events. Those who enjoy the (6) arts; from theatre, to music, to literature, to fine art are also a demographic that can be targeted more with literary tourism, art access and events, theatre and dining packages and music or live theatre getaways. (7) Hunting and related sportsmen are another distinct demographic who will require targeted outreach and amenities. (8) Destination weddings are an increasing demographic and Park County has an abundance of beautiful locations for weddings and caterers, florists and photographers able to make the occasion exceptional. While Livingston can be an excellent budget friendly choice, we also have amenities that appeal to those with (9) higher-end budgets and enjoy luxury spa experiences, gourmet picnics and wines, fine dining, shopping for bespoke fashion, original art and rare antiques or books. Finally, the (10) Western mystique of dude ranch experiences to create lasting memories for the whole family is another demographic that can be successfully targeted and matched with area resources. There is some overlap with the above demographics but younger, professionals looking for a getaway are drawn to Livingston's outdoor recreation, microbreweries, on-trend restaurants, record store, tattoo parlors, live music and stylish boutiques. Families are drawn to the many interactive youth experiences and amenities and Livingston's affordability relative to other gateway communities. Mature couples enjoy Livingston's pioneer and train history, traditional Western eateries and shops, bookstores, and easy access to wilderness, wildlife and photography opportunities.

Geographic: Many people living in Montana and the greater Yellowstone area love the laid-back, quiet and quirky aspects that the region has long embodied. But as Montana communities become busier, more populated, or are not thriving, many long for an authentic experience where they will still be blown away by nature but have easy access to modern and erudite amenities. Livingston is that rare place. Repeat and regional visitors are more likely to visit in shoulder seasons, return to favorite shops, eateries and hotels and form connections and relationships in the area, creating a more stable income stream for Livingston and Park County year-round.

A similar but wider geographic target is surrounding states; especially those with urban centers, that are within driving distance. As the world recovers from the coronavirus epidemic there will be a greater desire to avoid airports, crowded urban areas and attractions, and more desire to take lower-cost regional vacations where social distancing is built into the environment, as it is in our area.

As social media and online access has automatically made much marketing national and international, we can target some of our outreach budget to that world-wide demographic in the future as we track travel trends in the coming year. This year, we would like to research national print media and markets for more micro-targeting of the above demographic niches.

Core Geographic Markets

Summer: California, Florida, Texas, Wyoming, Idaho, Colorado, Washington, and the Mid-Western States, especially Minnesota and Wisconsin.

Winter: regional drive market and California, Florida, Wyoming, North Dakota, Minnesota and, as the border reopens, Canada.

Psychographic: The target demographics and geographic areas discussed above will be segmented with the intention to appeal to, and manage expectations and satisfaction with, that demographic's experience exploring Livingston. In some cases that segmentation will be messaging and language, others with resources and assets listed and others through the specific medium and intended audience. As we continue to expand our website, it will include category portals tailored to specific demographics and/or the types of vacations/visits people are seeking. Internally, we will utilize individual 'personas' to represent each demographic to help aim our messaging to each segment.

Overall, however, our perspective will be that we want visitors to feel welcome, at home, relaxed, well cared for and have such a great time that they want to return. We will also include the perspective that this is our home and we have great respect for wilderness, wild animals, rural values, a clean environment and civil behavior and expect visitors to share and respect those values. Public health is still a concern and we will emphasize the practical measures in place that support both visitor's and local's wellness.

OUR TARGET MARKET

- Urban (fueled by desire to escape crowds)
- Families
- Well-educated, Affluent
- Younger, likely working remotely so able to travel while working
- Frequent travelers
- Likely repeat visitors
- Outdoor-oriented travelers

The High Potential Visitor.

Distinct from traditional Yellowstone National Park visitors, this group is attracted to Montana and Livingston compared to the regional competition. They are:

Middle to upper class (in terms of disposable income)

Active, outdoor recreational oriented, frequent travelers

Desire to experience things for themselves

Interested in outdoor activities, the arts, literature, history & culture, foodies

Environmentally conscious, adventurous spirit, enjoys, nature, and are technology savvy; relying on mobile devices in all stages of planning and travel

b. What are your emerging markets?

Emerging markets we will pursue as we emerge from a pandemic year include the drive market, overflow from other gateway communities, and targeted destination marketing with an emphasis on the shoulder season and markets that don't put added pressure on hospitality amenities at capacity. These markets include, but are not limited to:

- Destination weddings, coordinating with local venues and vendors.
- Water sports fans in addition to fishing - stand up paddle boarders, kayakers, floaters and white-water rafters.
- Year-round outdoor enthusiasts (cross country, back country and downhill skiers, snowshoers, Yellowstone winter visitors, hikers, campers, climbers, bikers) with access to rental equipment and locals' adventure recommendations.
- Foodie and farm-to-table visitors - to educate and excite visitors about our restaurants, boutique health markets, farmer's markets and farm-to-table programs (school, hospital, food pantry, local ranchers, aquaponic and greenhouse producers).
- Eco-tourists focused on footprint reduction (including local public transport and bike rentals) and healthy food choices (some overlap with food conscious marketing).
- Arts packages pairing theatre, film festivals, music festivals, art walks, readings with restaurant and hotel stays. Many of these events have been cancelled this summer but we hope by Fall there will be many arts event opportunities again.
- A subset of the arts marketing is literary tourism with book store visits, readings, a tour and information about Livingston's noted writers, with overlapping movie and music ties.

- Those seeking luxury amenities, including spa experiences, gourmet picnics and wines, fine dining, shopping for bespoke fashion, original art and rare antiques or books.
- Two Wheel travelers including motorcyclists, ebikers, mountain and road bicyclists attracted to the many trails in Park County and route from Livingston to Yellowstone National Park through Paradise Valley, expansion of the bicycle trail to Paradise Valley is planned. Livingston has an active Bike Club and Dan Bailey's Outdoor Co. has bike rentals, trail condition updates, and does free group summer trail rides.

c. What research supports your target marketing?

Montana Office of Tourism and Business Development research Website analysis

Consumer marketing market analysis

Institute for Tourism & Recreation Research

Smith Travel Reports (STR)

Bed tax revenue

Optional: Include attachment here.

Overall Goals

The overall goal of our second year as the Livingston CVB is to expand our reach and educational messaging to address the pandemic-related new travel demographic and challenges, clarify why Livingston is a unique destination, how to access our many amenities and assets, and address queries and engage travelers more directly including:

- 1) Inform and educate travelers, especially the new pandemic-related travel demographic, about safe and responsible travel best practices, current guidelines and relevant news about closures, weather events, capacity issues and other factors affecting their visit to our area.
- 2) Inspire travelers to book visits to Livingston by showcasing our unique and plentiful attractions.
- 3) Increase visitor travel to Livingston in the winter and shoulder season.
- 4) Grow our digital presence and social media engagement and expand our website information portals for segmented markets and target demographics.
- 5) Strengthen our partnerships and collaborations with local, regional and state stakeholders to leverage resources and increase visitor travel.
- 6) Build awareness within our community about the economic benefits of tourism and address negative attitudes about tourism by sharing our marketing message encouraging visitors to respect local wilderness, wildlife, public safety, and local culture.
- 7) Develop more robust tracking and reporting metrics for both tourist traffic and our marketing plan targets.
- 8) Increase Montana's tourism economy by quality of visitor and not just quantity--target low impact, high-value visitors.

Optional: Include attachments here.

a. In what types of Joint Ventures with MOTBD would you like to participate?

Summer visitor education with Recreate Responsibly and Montana Aware joint venture campaigns are immediate priorities with Yellowstone Country and MOTBD.

b. In what other types of Joint Ventures would you like to participate? (Regions/CVBs, etc.)

+When the Livingston Area Chamber of Commerce was the past designated CVB for Livingston, they participated in a variety of joint ventures/cooperative projects that included press trips, media events, trade shows such as IMEX and marketing campaigns. As post-pandemic opportunities open up again, we look forward to continued partnerships and will actively seek further appropriate opportunities.

We will continue to expand our relationship with Yellowstone Country and regional CVBs to target the drive market and inspire extended stays in Livingston. We have campaigns underway in conjunction with West Yellowstone Chamber of Commerce's *Destination Yellowstone* magazine. Our winter campaigns include ads in *Visit Big Sky Magazine*, and an ad in the *Art Council of Big Sky Program* and will have recurring outreach in the Gardiner Chamber newsletter. We welcome further joint venture shoulder season marketing opportunities. This year our goal is to strengthen our relationships with CVBs in Bozeman, Gardiner, Cooke City, Silvergate, Red Lodge, Billings, West Yellowstone, and Big Sky for referrals and possible joint ventures targeting both the drive market and destination travelers.

Other co-op opportunities that would be important to pursue would include the neighboring communities of Park County, those that might not necessarily have the hotel room capacity to serve all of our visitors, but offer additional opportunities and unique characteristics that summon people to stay in Livingston as their home base and venture to the nearby communities during the day. Northern Park County communities of Wilsall and Clyde Park are nestled in the Shields River Valley which is part of the original "YG - Bee Line" Route to Glacier National Park from YNP. Clyde Park is the only other incorporated community in Park County and Wilsall is the northernmost community in the County, located approximately 30 miles from Livingston. The Crazy Mountains and the Bridger Range surrounding these two ranching communities provide unbeatable views and multiple outdoor recreation amenities, popular for fishing, hiking, snowmobiling and cross-country skiing. They also offer rustic dining and bar experiences to further flavor the day trip but lack the lodging amenities that Livingston has.

Another popular destination easily reached from Livingston is the award-winning Tippet Rise arts center outside of Fishtail with few lodging options but offering tours (bus or bike) of their many miles of outdoor sculptures and breathtaking views of the Beartooth Mountains and plains.

Optional: Include attachment here:

c. What types of Joint Ventures have you done in the past? Were they successful - why or why not?

In our first year as the Livingston CVB we worked with Yellowstone Country and MOTB on the Montana Aware campaign and the CVB had a CARES grant to provide information and COVID-19 prevention supplies and campaigns and we partnered with the Livingston Business Improvement District, which also had a CARES grant, to provide a robust and thorough campaign. We delivered (in two versions) 500 Yellowstone Country Montana Aware posters, 1,500 individual hand sanitizers units and bison masks to 160 Livingston businesses. With our CARES grant joint ventures we produced and displayed 32 Travel Responsibly banners with four designs (will remain up through summer), 200 window decals, 200 flyers, 42 standing hand sanitizer dispensers in public locations with heavy tourist traffic (refills and maintenance are being done at the present through an additional grant from the Park County Community Foundation), delivered 25,000 disposable masks, 200 reusable cotton masks from MOTB Made in Montana and 500 custom buffs and reusable face masks, and 200 Montana Aware postcards for lodging and hospitality venues to give to visitors. We commissioned three Travel Responsibly videos from three travel videography specialists, which included blogs and social media assets that reached both our and their combined 200,000+ social media followers and created a Youtube Chanel with these and other Livingston area videos, sent multiple eblast and did 16 website messaging updates, hundreds of social media posts on our new Explore Livingston pages, with engagement and followers going from zero to over 1,000 in our first 10 months as the CVB. We created two local campaigns rewarding visitors (and encouraging locals to mask up) who practice social distancing, hand sanitizing, and masking with gift cards and souvenir swag with our Masked Heroes program and over the Christmas season, Shop Safe & Local program, giving over \$15,000 worth of local business gift cards and safety swag and souvenirs which were publicized with table tents (still visible in many businesses), newspaper ads, flyers, and a ABC TV news story. The pandemic led to the creation of a local Business Owners Coalition for Community Health, and we continue to work closely with them including sign and window cling distribution, social media messaging, webpage, and the Pledge to practice COVID-19 prevention measures taken by over 100 businesses. Our reliability and responsiveness by personally delivering these supplies and messaging have strengthened our relationships with local hospitality businesses, supply vendors, creatives, and multi-media outlets, especially television news reporters, which will make future ventures easier and more successful.

We anticipate a similar process and success with a summer Recreate Responsibly Joint Venture.

Optional: Include attachments here.

Marketing Segment, Method & Budget

Marketing Segment	Marketing Method	Describe your method.	Provide supporting research/statistics.	Describe the quantifiable measurements for success including Regulations requirements.	Estimated budget for method.	Marketing Method Evaluation	Add'l Attchmnt
Consumer	Print Advertising	We have done little print advertising in our first 10 months as the new CVB beyond COVID-19 education and are still determining the best venues for our demographic. We'll advertise in regional tourism, statewide, and niche market (i.e. local food) magazines with editorial content in addition to eye catching photography and clear messaging. Our plan is to work with Explore Yellowstone, Destination Big Sky, Distinctly Montana, and Edible Bozeman as a measurement baseline. We will combine traditional advertising materials with digital advertising as part of a comprehensive and cohesive marketing plan.	Destination Analysts https://www.destinationanalysts.com/insights-updates/ Print usage in travel planning has risen close to 50% of American leisure travelers and the use of DMO print visitor guides has risen to just over 20%. According to the State of the American Traveler, an independent research report by Miles Partnership, print has consistently shown strength and even slow growth in print usage over the last five years. Miles Partnership https://www.milespartnership.com/state-american-traveler The State of the American Traveler, Destination Analysts Despite 72%+ of Millennials using smartphones in trip planning (vs. only 26% of Baby Boomers) they are just as likely to use print overall.	Success will be measured by a minimum of 2 print ads in publications reaching our target market and staying within budget. We will report on magazine distribution numbers and QR code engagement from ads. Other indicators of success include these goals. General: 2% increase in Lodging Facilities Use Tax Collection. Website: 10% increase in traffic to homepage over the previous fiscal year. 5% increase in mobile traffic over the previous fiscal year. Social media: 20% increase in social media followers over the previous fiscal year, 10% increase in social engagement over the previous fiscal year.	\$4,500.00	1. Copy of ads 2. All print ads shall be evaluated by the means outlined in the marketing plan. Include measured results/metrics.	
Consumer	Radio & Television Advertising	Our initial foray into radio is to target the drive market in the shoulder season and this summer educate regional travelers about Recreate and Travel Responsibly messaging and that capacity and availability of services, rentals, lodging etc. may be limited. We have chosen YPR because it targets our demographic and is heard throughout Montana and Northern Wyoming. We will have an ongoing campaign on Yellowstone Public Radio (YPR) an NPR affiliate, in conjunction with "Fifty-Six Counties" whose host travels to every county in Montana and interviews key players plus Potluck (2-3 spots randomly per week) to reach our target demographics. Although not advertising, we have close relationships with ABC affiliate reporters and frequently collaborate	YPR listeners are: Are 65% more likely to have taken more than 3 vacations/personal trips in the past year. 130% more likely to attend one or more live theater performances each month. Are 226% more likely to have post-graduate degrees. Are 54% more likely to purchase organic foods. Also, 80% of public radio listeners say they have a positive impression of a company that supports public radio, 86% of listeners consider NPR "personally important to them" and 77 % of listeners take action in response to a NPR sponsorship. (Sources, YPR research & 2012 NPR Audience Profile)	Success will be measured by running at least 2 different seasonal underwriting campaigns, using YPR's listenership to measure reach. Our television story success will be measured by at least 4 stories in the fiscal year. Other indicators of success include these goals. General: 2% increase in Lodging Facilities Use Tax Collection. Website: 10% increase in traffic to homepage over the previous fiscal year. 5% increase in mobile traffic over the previous fiscal year. Social media: 20% increase in social media followers over the	\$2,000.00	1. Script of underwriting spots. 2. All radio spots shall be evaluated by the means outlined in the marketing plan. Include measured results/metrics.	

		on stories highlighting Livingston's assets at no cost.		previous fiscal year, 10% increase in social engagement over the previous fiscal year.			
Consumer	Social Media	<p>We utilize Social Media marketing to expand our virtual community of Explore Livingston visitors and hospitality businesses using a range of social networking outreach and linkages. We'll continue to further develop our Facebook and Instagram accounts to distribute information, spark inspiration and publicize events. We will expand our use of Stories on these platforms, as an increasingly powerful tool. This comprehensive plan can dramatically raise the visibility and engagement for Livingston travelers.</p> <p>As content creation, distribution & management has become more time consuming, we will continue to contract with a travel social media specialist when possible.</p>	<p>53.6% of the world's population uses social media. The average daily usage is 2 hours and 25 minutes. (https://www.smartinsights.com/social-media-marketing/social-media-strategy/new-global-social-media-research/) More than half of the world now uses social media</p> <p>4.66 billion people around the world now use the internet, of those users, 316 million new users have come online within the last 12 months (https://datareportal.com/reports/digital-2021-global-overview-report) Market Force https://www.marketforce.com/</p> <p>A recent industry survey conducted by Market Force - a worldwide leader in customer intelligence solutions reports in querying more than 12,000 consumers in the US and UK, they wanted to see how consumers engaged with varying industries - retail, restaurant, travel, entertainment and financial businesses to be specific, via the big dogs of social media: Facebook, Twitter, LinkedIn and Google+.</p> <p>One finding which was not surprising was the fact that 81% of US respondents indicated posts from their friends directly influenced their purchase decision. This finding supports an early study done by the Chief Marketing Officer (CMO) Council and Lithium, a social media tech firm, which revealed 80% of respondents "tried new things based on friends' suggestions." 78% of respondents said the posts by companies they follow on social media impact their purchases decisions.</p>	<p>Social media tracking and success is easy to measure and we also use consistent handles across our accounts (@ExploreLivingstonMT) and use hashtags (#ExploreLivingstonMt) to track engagement overall or by campaign. Since creating our social media accounts in July 2020, to date we have 1,500 followers, this baseline metric will be used to measure FY 21/22 and we will add reach and engagement metrics. A detailed social media report will be provided. Success will be measured by the number of social media posts, and 20% increase in social media followers over the previous fiscal year and 10% increase in social engagement over the previous fiscal year.</p>	\$3,000.00	1. Screenshots of sample posts. 2. All Social Media shall be evaluated by the means outlined in the marketing plan. Include measured results/metrics.	
Consumer	Opportunity Marketing	<p>Marketing opportunities not yet identified or that are necessary due to disasters, policy changes, and other events outside of our control. We'll be able to respond to opportunities and needs as they arise.</p>	<p>Last year opportunity marketing arose with resources more than tripling our budget, allowing us to create video, web, social media, print and products reaching hundreds of visitors in person and thousands online we wouldn't have reached otherwise. As the coming fiscal year's opportunities and needs have not yet arisen, we here refer to those statistics and research listed in our print advertising, social media, digital, web & email marketing components.</p>	<p>As these opportunities have not yet arisen, we do not yet know the appropriate measurements other than the metrics listed in our print advertising, social media, digital, web & email marketing, and these general goals: 2% increase in Lodging Facilities Use Tax Collection, Website: 10% increase in traffic to homepage over the previous fiscal year, 5% increase in mobile traffic over the previous fiscal year. Social media: 20% increase in social media followers over the previous fiscal year, 10% increase in social engagement over the previous fiscal year.</p>	\$3,000.00	1. Copies in the appropriate medium of the opportunity marketing. 2. All Social Media shall be evaluated by the means outlined in the marketing plan. Include measured results/metrics.	
Consumer	Photo/Video Library	<p>As the new CVB, we are just building our all-important photo and video library to represent our destination's unique beauty and historic character. We will build out our shoulder season images including winter sports and events and Autumn/Winter scenic images. We'll build on our existing relationships with Livingston's wealth of photographers and videographers and travel professionals who use these mediums. We'll use these assets for marketing including print, online, website, YouTube, and social media.</p>	<p>People respond positively to visual content and images are the foundation of all of our marketing. The more eye-catching the image, the greater the engagement and traffic. Research has shown that including images and video make a difference: Only 10% of audio information is retained 3 days later but relevant images paired with that same information, people retained 65% of the information three days later. Using the word "video" in an email subject line boosts open rates by 19% and click through rates by 65%. attractive studies show internet readers pay close attention to information carrying images and when the images are relevant, readers spend more time looking at the images than they do reading text on the page. (https://blog.hubspot.com/marketing/visual-content-marketing-strategy)</p> <p>Facebook posts with images see 2.3X more engagement than those without images. (Source) Hubspot https://blog.hubspot.com/</p> <p>https://blog.hubspot.com/marketing/state-of-video-marketing-new-data 97% of marketers claim that videos help customers understand products.</p> <p>Cisco - https://www.cisco.com/c/dam/m/en_us/solutions/service-provider/vni-forecasthighlights/pdf/Global_2021_Forecast_Highlights.pdf</p> <p>https://techblog.comsoc.org/2017/06/10/cisco-increased-use-of-web-video-to-be-82-of-all-internet-traffic-by-2021/ Over 80% of all traffic will consist of video by 2021 Live video will account for 13 % of traffic by 2021</p> <p>Social Media Today https://www.socialmediatoday.com/news/the-state-of-video-marketing-in-2018infographic/518339/ 90% of consumers claim a video will help them make a purchasing decision.</p>	<p>Success of this component will include ownership of nonexclusive marketing use rights to 10-20 high quality images, and 1-3 video reels or custom videos.</p>	\$3,000.00	1. Examples of photos, and links to videos. 2. All Library acquisitions shall be evaluated by the means outlined in the marketing plan. Include measured results/metrics.	
Consumer	Online/Digital Advertising	<p>Our website https://www.explorelivingstonmt.com/ was launched summer 2020 meeting basic requirements and Montana Aware messaging but requires more robust content to be a true visitor engagement tool. We are nearing completion of a redesign of the</p>	<p>66.4% of travelers rely on the opinions of in-person and/or through direct contact (email, text, etc.) for travel inspiration. The majority of travelers are now using the internet to plan, book, and research their vacations. Having a well-rounded web presence is essential to marketing a destination. Destination Analysts https://www.destinationanalysts.com/insights-updates/ 66.4% of travelers rely on the opinions of in-person and/or</p>	<p>Success will be measured by the completion of the website redesign and expansion, increasing the content by tenfold. Our goal is a 10% increase in traffic to the</p>	\$3,000.00	1. Screenshots of website and digital marketing examples. 2. Digital/website & email marketing shall	

		website with greatly expanded content, inspired by great websites of other CVBs and regions and MDOT. The objective is to provide an online presence that promotes Livingston as a year-round destination inspiring international, national and regional travelers and a useful resource helping plan travel and access relevant information once in the area. Web visitors will be encouraged to sign up for our newsletter, which will eventually highlight seasonal opportunities, news, insider tips, and events. We currently do not have enough email addresses of interested travelers for a reasonable ROI for tourism newsletters. We will also have segmented email campaigns communicating relevant information to local lodging and hospitality businesses and share this resource with the TBID. Our social media, and print ads (with QR codes) will direct traffic to the website. We are also investing in Google Analytics and SEO to boost on relevancy in searches.	through direct contact (email, text, etc.) for travel inspiration. https://www.thinkwithgoogle.com/feature/travel-customer-journey-in-2020 https://scholarworks.umass.edu/cgi/viewcontent.cgi?article=1592&context=ttra http://www.adweek.com/socialtimes/online-travel-industry/467349 https://www.statista.com/statistics/185454/technology-used-to-plan-leisure-travel-in-the-us-2011/ Google https://www.thinkwithgoogle.com/feature/travel-customer-journey-in-2020 Phocuswright https://www.phocuswright.com/Free-Travel-Research	homepage, and 5% increase in mobile traffic over the previous fiscal year. To enable newsletter marketing, we want to capture a minimum of 100 new email addresses in the coming fiscal year.		be evaluated by the means outlined in the marketing plan.	
Marketing Support	TAC/Governor's Conference meetings	To be in compliance with Rules and Regulation governing bed tax dollars' attendance at TAC meetings and the Governor's Conference on Tourism is mandatory. This is the budget place holder for attendance at these events.	This is an operational method employed by the organization in order to adhere to the governing rules and regulations. While it may not be directly supported by specific research, past experience has demonstrated that the organization's operations and successful marketing relies on participation of the executive director at quarterly Tourism Advisory Council Meetings whereby pertinent information is shared and action is taken. Past experience from peers attending the Montana Governor's Conference on Tourism and Recreation has also shown to be beneficial as a networking, training and education event. This will be our first year attending the Governor's Conference but we have attended all TAC meetings via Zoom since becoming the new CVB.	We will attend all four of the TAC meetings and the Governor's Conference. Our benchmark will be to take a minimum of two strategy or statistical data research tools from the meetings and conference to incorporate in our marketing plan and implementation strategy.	\$900.00	1) Attendance at four TAC meetings 2) Governor's Conference attendance	
Marketing Support	Administration	Admin fees - \$4,358; bookkeeping/accounting - \$800; insurance - \$300; rent - \$200; office supplies - \$100; telephone/internet - \$600	This is an operational method employed by the organization in order to adhere to the governing rules and regulations. The CVB has used Administration funds every year since becoming a CVB. While it may not be directly supported by specific research, past experience has demonstrated that the organization's operations and successful marketing relies on administrative funds. Often the Administration funds budget is added to or combined with other administrative funds provided by the joint operation of a CVB, Chamber of Commerce, TBID, or other. Without these funds it may not be economical or feasible to have permanent staff administering the CVB.	Per the TAC Rules and Regulations, we are allowed up to, but not exceeding, 20% of the organization's new annual revenue to cover administrative expenses. The intent of the administrative budget is to cover costs incurred in the implementation of approved marketing methods/funded by the lodging facility use tax and success is measured by the successful implementation of this marketing plan; staying within budget and meeting or exceeding marketing goals.	\$6,358.00		
Marketing Support	Marketing Plan Development	As the new CVB with a history of primarily responding to the pandemic we need to develop a marketing plan to reach our goals. Analysis of past and similar campaigns, research of trends, determining strategies, setting goals, assigning task implementation and timelines, and creating robust review and measurements systems are needed. The plan will include detailed marketing strategies and consistent messaging across media platforms, address both the CVB marketing budget and funding partnerships with TBID and the LBID, and take into account additional funding options, grants and co-operative opportunities. We will work with marketing specialists, implement CVB Board goals, respond to any changing conditions or crisis, and coordinate the plan to reflect TAC requirements.	Other CVBs and travel industry peers have seen success in planning and executing marketing tactics to better reach the goals and objectives set forth by the TAC and the CVB Council. A marketing plan will allow us to set up metrics to measure the tactics and compare year to year, enabling us to make adjustments and improve outcomes in years to come.	Success will be measured by the completion of a comprehensive marketing plan and meeting or exceeding our marketing goals as outlined in this marketing plan. Other indicators of success include these goals. General: 2% increase in Lodging Facilities Use Tax Collection. Website: 10% increase in traffic to homepage over the previous fiscal year. 5% increase in mobile traffic over the previous fiscal year. Social media: 20% increase in social media followers over the previous fiscal year, 10% increase in social engagement over the previous fiscal year.	\$4,036.00	1. The Marketing Plan 2. The Marketing Plan shall be evaluated by the means outlined in the marketing plan. Include measured results/metrics.	
Marketing Support	Marketing/Publicity Personnel	Our part time Executive Director needs marketing and design professional assistance to polish our marketing campaign design, content, and to help strategize messaging. We will work with Eubank Creative, a graphic artist and art director, who has done our logo rebranding and	The strategy of hiring pros is well known by anyone who's tried to do design work on their own; spending a lot of time on an inferior product. We've found that working with a design pro and marketing specialist: saved time, saved money, created marketing assets we are proud to use, brought fresh perspective and led to superior products that are timeless, memorable, communicate our brand clearly, attract travelers and makes us stand out from the crowd.	Design of a minimum of three print ads, creation of a shoulder season marketing campaign strategy, and niche market campaign (drive market foodies). General: 2% increase in	\$2,000.00	1. Copy of ads, screenshot of social media assets if relevant. 2. All marketing personnel	

		first color ad, on design and marketing. When the budget allows, we work with Wandering Road Communications, LLC. on social media marketing and strategies. We are dedicated to working with local professionals to strengthen local economic development by the tourism industry.	https://dotmarketingsd.com/professional-graphic-designer/ https://www.yadonia.com/blog/5-reasons-why-you-should-hire-a-graphic-design-professional/	Lodging Facilities Use Tax Collection. Website: 10% increase in traffic to homepage over the previous fiscal year. Social media: 20% increase in social media followers over the previous fiscal year, 10% increase in social engagement over the previous fiscal year.		products shall be evaluated by the means outlined in the marketing plan. Include measured results/metrics.	136
					\$31,794.00		

Marketing Method Budget

Marketing Segment	Marketing Method	Bed tax funded budget
Consumer	Print Advertising	\$4,500.00
Consumer	Radio & Television Advertising	\$2,000.00
Consumer	Social Media	\$3,000.00
Consumer	Photo/Video Library	\$3,000.00
Consumer	Opportunity Marketing	\$3,000.00
Consumer	Digital Asset Management/Aquisition	\$3,000.00
		\$18,500.00
Marketing Support	Marketing/Publicity Personnel	\$4,036.00
Marketing Support	Administration	\$6,358.00
Marketing Support	Marketing Support/Customer Service Training	\$900.00
		\$11,294.00
Publicity	Marketing/Publicity Personnel	\$2,000.00
		\$2,000.00
		\$31,794.00

Miscellaneous Attachments

File Name	Description	File Size
Livingston CVB Marketing Method and Segment Pie Charts FY21.22.pdf (90 KB)	Marketing Method and Segment Pie Charts FY21.22 Livingston CVB	90 KB

Reg/CVB Required Documents

File Name	Description	File Size
LBID CVB App for Lodging Tax Revenue FY22.pdf (46 KB)	LBID CVB FY22 Application for CVB Lodging Tax Funds	46 KB
LBID CVB Certificate of Compliance FY22.pdf (60 KB)	LBID CVB FY22 Certificate of Compliance	60 KB
LBID CVB Pledge of Understanding and Compliance FY22.pdf (52 KB)	LBID CVB FY22 Pledge of Compliance and Understanding	52 KB

File Attachments for Item:

D. DISCUSS/APPROVE/DENY: SENDING LETTER REQUESTING TECHNICAL ADVICE AND ASSISTANCE FROM THE TRUST FOR PUBLIC LANDS.

[City of Livingston letterhead]

DATE

David Weinstein
Western Conservation Finance Director
The Trust for Public Land
1007 E Main ST., STE 300
Bozeman, MT 59715

Dear Mr. Weinstein:

By this letter, the *[Livingston City Commission]* requests technical advice and assistance from The Trust for Public Land in connection with our efforts to secure parks, trails, and land conservation funding through a potential ballot measure.

As part of your advice and assistance, I understand you may conduct public opinion research with affected groups, provide recommendations regarding program design, and assist the *[City]* on strategies for supporting dedicated, ongoing sources of public funds for parks, trails, and land conservation.

We are interested not only in the factual information that you can provide, but also your opinions and recommendations on public funding measures available to us and strategies to enact such measures. That would include understanding the public's priorities and attitudes concerning parks, trails, and land conservation and how the public would respond to different methods of presenting these issues.

Information provided to the *[City of Livingston]* will be public record as a matter of law. This request does not in any way commit public funds to the efforts of The Trust for Public Land related to this request, nor does it require public disclosure of any confidential information of the organization.

This request will continue in effect for any advice you offer or presentations you submit for the use of this body related to such matters. In addition, we would like to take this opportunity to request that you continue to be available to provide technical advice and assistance in this area and on related matters in the future.

Thank you.

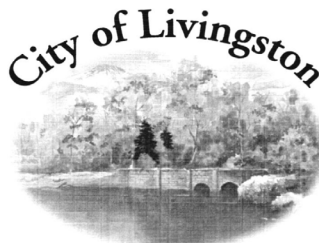
Sincerely,

[Chair of/Entire Livingston Commission]

File Attachments for Item:

E. DISCUSS/APPROVE/DENY: PLANNINGS BOARD REQUEST TO CONTACT STATE LEGISLATURE, IN SUPPORT OF REMOVING THE TERM RESIDENT FREEHOLDER REQUIREMENTS ON CITY PLANNING BOARDS.

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



Chair
Dorel Hoglund
Vice Chair
Quentin Schwarz
Commissioners
Mel Friedman
Warren Mabie
Melissa Nootz

City Manager Recommendation on Planning Board Member Composition

Background:

The City Commission requested a recommendation from the City Manager on altering the composition of the City Planning Board. The Commission desired to widen the pool of eligible residents by allowing residents who are not property owners, or “freeholders”, to serve. Additionally, the Planning Board in a 6 January 2021 Memorandum had requested that the City Commission engage in the legislative process to remove the freeholder requirement from the Montana Code Annotated.

Governing Documents:

There are two sources of regulatory guidance that determine the required composition on the Planning Board.

MCA 76-1-221 requires that City Planning Boards consist of:

- A minimum of seven members
- One member appointed by the City Council from within its own membership
- One member appointed by the City Council that can be a City Employee or Public Official
- One member appointed by the Mayor that is designated by the County Commission
- Four citizen members appointed by the Mayor who are resident freeholders in the City

City Code Section 27-3 mirrors the state code while changing City Council to City Commission and Mayor to Commission Chair.

Legal Precedents:

In 1985 a Fourth District Court ruling declared the freeholder requirement in Montana State Law was unconstitutional and declared the law void as violating the equal protection clause of the United States and Montana Constitutions. This was a case referencing the freeholder requirements for the City of Missoula Planning Board. However, this case was not appealed to the Montana Supreme Court and the MCA has not been changed by the State Legislature in the intervening 36 years even though there has been an attempt to do so. Entities within the Fourth District are operating under the District Court ruling, but the ruling does not apply to the remainder of Montana.

More recently (1995), Montana Supreme Court, using U.S. Supreme Court precedent, upheld the freeholder qualification, which provided a dominant voice for property owners as irrigation district commissioners and stated this:

As early as 1968, however, the Supreme Court recognized the possibility of an exception to the general rule requiring strict scrutiny in voting rights-related cases. In *Avery v. Midland County* (1968), 390 U.S. 474, 88 S.Ct. 1114, 20 L.Ed.2d 45, the Supreme Court observed that, while the Equal Protection Clause prohibits states from distinguishing between citizens on an arbitrary or invidious basis in regulating voter qualification or apportioning representation, it does not necessarily prohibit all such distinctions. *Avery*, 390 U.S. at 484, 88 S.Ct. at 1120. The Supreme Court recognized that, in the event of a special-purpose unit of government whose functions affect a distinct group of citizens more than other citizens, a state might be allowed to give greater influence to those citizens most affected. *Avery*, 390 U.S. at 483–84, 88 S.Ct. at 1119–20.

Subsequent to *Avery*, the Supreme Court determined that freeholder requirements used to prevent minorities from consideration for appointment to a general governmental board violated equal protection under any standard of scrutiny; **it did not, however, “exclud[e] the possibility that other circumstances might present themselves in which a property**

qualification for office-holding could survive constitutional scrutiny.” *Turner v. Fouche* (1970), 396 U.S. 346, 364, 90 S.Ct. 532, 542, 24 L.Ed.2d 567, 581. *Johnson v. Killingsworth*, 271 Mont. 1, 4–5, 894 P.2d 272, 274 (1995). Issues regarding race require strict scrutiny by the courts.

If the restriction is removed, we could have all non-property owners on the planning board. Based on where public funds are sourced, and the tax structure that makes growth necessary for the financial health of a community, and the manner in which property owners are affected differently than non-owners because planning and zoning place restrictions on private property and their owners, there is a rational basis for the statute that likely survives constitutional scrutiny. The scrutiny applied by the Court would be rational basis scrutiny, as no protected class is affected.

Possible Courses of Action:

Any course of action other than the status quo will require a change to the City Code altering the composition of the Planning Board. Changing the City Code to contradict the MCA will immediately void the City Code as non-compliant with state requirements.¹ While other jurisdictions may have some flexibility under a charter form of government, Livingston is not afforded that solution space as a general powers government. Generally, there are three courses of action the City can take: make no changes to the current Planning Board membership requirements, make changes to membership requirements that allow non-freeholder participation within the constraints of the state law, or change the membership requirements without regard to the state law.

COA 1 (Status Quo):

Leaving the Planning Board membership requirements as is adheres to State Law and is within the recommendation of the Planning Board. However, to meet the intent of the Planning Board recommendation the Commission would need to take a formal position on eliminating the freeholder requirement from State Law and advocating for that action.

COA 2 (Add Members):

State Law prescribes a minimum number of members (7) and sets requirements for membership for those members. However, the law leaves room for the City Commission to add members and determine the membership requirements for those positions. Adding 2 citizen positions to the Planning Board would allow the Commission to meet their intent while remaining within the constraints of State Law. The Commission could choose to require those two

¹ The hierarchy of laws under the United States Constitution is a well-recognized concept, deriving its legal basis from the Supremacy Clause to the effect, “* * * In fact, a hierarchy exists such that a law in the lower level should not conflict with the constitution, law, or rule of a higher level.”⁸¹ The United States Constitution is the highest in the hierarchy of laws that must be followed at all levels, including state and local rules of procedure. The laws legislated by Congress come second in the hierarchy. Those laws are followed by rules promulgated by national bodies, state constitutions, statutes passed by the state government, rules decreed by state agencies, city and county charters, local laws and ordinances, and finally, rules made by local bodies. Nneka A. Akubeze, *Playing Hide and Seek with Freedom: The Impact of Biased Discovery Laws on the Rights of Defendants in Louisiana Criminal Trials*, 44 T. Marshall L. Rev. 1, 13–14 (2019)

positions to be held by non-freeholder residents or could leave the requirement as a city resident. This course of action was not recommended by the Planning Board as they felt a nine (9) member board could be unwieldy.

COA 3 (Eliminate Freeholder Requirement):

Eliminating the freeholder requirement in City Code would meet the intent of allowing non-freeholders to serve and would not increase the size of the Planning Board. However, the City Code would be void on passage as it directly contradicts State Law. Non-adherence would also open the City to liability for intentionally violating State Law, should a property owner, or other individual with standing, bring suit for a lack of representation in Planning Board decisions.

City Manager Recommendation:

The City Manager recommends COA 2. The importance of ensuring all citizens of Livingston are represented on the Planning Board calls for action in a shorter time frame than attempting to change the MCA. However, it is important not to repeat the mistakes of the past and fail to address the issue at a state-wide level. Adding positions to the Planning Board allows immediate representation while staying within the constraints of the State Law. This allows the Commission to hold a strong position to start the process of removing the freeholder requirement from State Law by lobbying with other municipalities to have the law altered. Additionally, the City is not opened to any liability by intentionally violating the MCA.

From: City of Livingston Planning Board

January 6, 2021

To: Livingston City Commission

Subject: "Resident Freeholder" requirement for Planning Board membership

The Planning Board requests that the Livingston City Commission reach out to Montana legislators to oppose and remove the term 'freeholder' and replace that with 'resident' in the Montana State Statute 76.1.221 in order to change MT State Law. It is the desire of the Planning Board to allow individuals who do not own property to serve on the City Planning Board. Courtney Lawellin, City Attorney, explained that in order to have citizen members who do not own property, without increasing the number of members required on the Planning Board, the MT Statute 76.1.221 would have to be changed. There was discussion during our meeting on January 6th, 2021 whether to request a change to the City Ordinance 27-3 and add a section 'e' to the City Code, to increase membership by 2 to 9, and allow the two additional members to not be required to own property (freeholders), however, there was concern that 9 Planning Board members would make it difficult to run a timely meeting. There may be other legal justifications our community may be able to find to allow non-freeholders to serve on the Planning Board, this may be something the City Commission would like to consider in addition to the Planning Boards recommendation.

Thank you for your consideration with this request,

Jessie Wilcox

Chair, Livingston Planning Board

Montana Code Annotated 2019

TITLE 76. LAND RESOURCES AND USE

CHAPTER 1. PLANNING BOARDS

Part 2. Membership

Membership Of City Planning Board

76-1-221. Membership of city planning board. (1) A city planning board shall consist of not less than seven members to be appointed as follows:

- (a) one member to be appointed by the city council from its membership;
- (b) one member to be appointed by the city council, who may in the discretion of the city council be an employee or hold public office in the city or county in which the city is located;
- (c) one member to be appointed by the mayor upon the designation by the county commissioners of the county in which the city is located;
- (d) four citizen members to be appointed by the mayor, two of whom shall be resident freeholders within the urban area, if any, outside of the city limits over which the planning board has jurisdiction under this chapter and two of whom shall be resident freeholders within the city limits.

(2) The clerk of the city council shall certify members appointed by its body. The certificates shall be sent to and become a part of the records of the planning board. The mayor shall make similar certification for the appointment of citizen members.

History: (1)En. Sec. 4, Ch. 246, L. 1957; amd. Sec. 1, Ch. 271, L. 1959; Sec. 11-3804, R.C.M. 1947; (2)En. Sec. 7, Ch. 246, L. 1957; Sec. 11-3807, R.C.M. 1947; R.C.M. 1947, 11-3804(part), 11-3807.

Sec. 27-3. - Membership of Planning Board, terms of office and qualifications.

- A. The Livingston Planning Board shall consist of seven (7) members, as follows:
 - 1. One (1) member appointed by the City Commission from its own membership;
 - 2. One (1) member appointed by the City Commission who, at the Commission's discretion, may be an employee of the City of Livingston or hold public office in Livingston or Park County;
 - 3. One (1) member appointed by the Chairman of the Commission, upon designation by the Board of County Commissioners of Park County; and
 - 4. Four (4) citizen members appointed by the Chairman of the Commission who shall be resident freeholders within the City of Livingston, who shall be qualified by knowledge and experience in matters pertaining to the development of the City and hold no other office in City government.
- B. The term of the City Commissioner appointed to the City Planning Board shall be coextensive with that City Commissioner's term of office as City Commissioner. All other members of the Planning Board shall be appointed to two (2) year overlapping terms of office. To establish the overlapping terms of office, the appointment of three (3) Planning Board members shall be appointed for one (1) year and three (3) members shall be appointed for two (2) years. Thereafter, except for the appointed City Commissioner, all other appointments to the Planning Board shall be for two (2) year terms.
- C. The Recording Secretary shall certify the members appointed by the City Commission. The certificates shall be sent to and become a part of the records of the Livingston Planning Board. The Chairman of the Commission shall make similar certifications for the appointment of citizen members.
- D. Any citizen appointee may be removed from office by a majority vote of the City Commission.
- E. The Planning Board members shall receive no salary for serving on the Planning Board, but may be reimbursed for transportation and actual expenses incurred in attending Planning Board meetings. When the Planning Board determines that it is necessary for members or employees to attend a regional or national conference or interview in another City, County or State dealing with planning or related problems, the Planning Board may pay the actual expense of the attending members or employees provided the amount has been made available in the Board's appropriation.

(Ord. 1922, 2/18/03; Ord. 1965, 3/20/06)