



# Livingston City Commission Agenda

June 15, 2021

5:30 PM

VIA Zoom

<https://us02web.zoom.us/j/86542564185?pwd=VEQwdVliTHlkRGpkNFFkNkF6cUx4UT09>

MEETING ID: 865 4256 4185 **PASSCODE: 991760** CALL IN: (669) 900-6833

## 1. Call to Order

## 2. Roll Call

## 3. Public Comment

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

## 4. Consent Items

**A. APPROVE MINUTES FROM JUNE 1, 2021 REGULAR MEETING. Pg. 3**

**B. RATIFY CLAIMS PAID 05/26/2021-06/10/2021. Pg. 9**

## 5. Proclamations

**A. 2021 RODEO DAYS PROCLAMATION. Pg. 14**

## 6. Scheduled Public Comment

## 7. Public Hearings

**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. 16**

## 8. Ordinances

**A. ORDINANCE NO. 3011: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 17 - SAFETY INSPECTION CERTIFICATE, SPECIAL BUSINESS LICENSE, AND ALCOHOL BEVERAGE LICENSE ACT AS ENACTED BY ORDINANCE NO. 2026 REGULATING THE INSPECTION AND LICENSING OF BUSINESSES. Pg. 21**

## 9. Resolutions

**A. RESOLUTION NO. 4968: A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE PROPOSED GROWTH POLICY. Pg. 33**

**B. RESOLUTION NO. 4975: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, TO APPLY THE HISTORIC PROPERTY TAX ABATEMENT**

**PROGRAM TO PROPERTY OWNED BY THOMAS BLUROCK ADDRESSED AS 122 SOUTH  
2ND STREET.**

**Pg. 78**

10. Action Items

**A. CLOSED SESSION: HEART K RANCH ASSIGNMENT AGREEMENT.**

11. City Manager Comment

12. City Commission Comments

13. Adjournment

Calendar of Events

Supplemental Material

Notice

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

**File Attachments for Item:**

**A. APPROVE MINUTES FROM JUNE 1, 2021 REGULAR MEETING.**



# Livingston City Commission Minutes

June 01, 2021

5:30 PM

Via Zoom

<https://us02web.zoom.us/j/84602081498?pwd=Tm5ZQk8vL0FLWIR6clNsSkc2N3lTQT09>

MEETING ID: 846 0208 1498 **PASSCODE: 287148** CALL IN: (669) 900-6833

1. Call to Order

2. Roll Call

Commissioners in attendance: Chair Dorel Hoglund, Vice-chair Quentin Schwarz, Warren Mabie, Melissa Nootz, Mel Friedman. Staff in attendance: Michael Kardoes, Courtney Lawellin, Faith Kinnick joined at 6:10 p.m.

3. Public Comment (Recording not started)

- Patricia Grabow made public comment
- Jay Keifer made public comment

4. Consent Items (00:00:

**A. APPROVE MINUTES FROM REGULAR CITY COMMISSION MEETING 05/18/2021.**

**B. ACCEPT: JUDGE'S MONTHLY REPORT FROM APRIL 2021**

**C. RATIFY CLAIMS PAID MAY 13, 2021- MAY 25, 2021.**

- Motion by Schwarz, second by Friedman
- All in favor, passes 5-0

5. Action Items, moved to the beginning of the meeting due to chair Hoglunds schedule. (00:01:38)

**A. DISCUSS/APPROVE/DENY: MOVING FORWARD WITH BALLOT CROSSING LANGUAGE AS PROPOSED BY BOND COUNSEL.**

- Kardoes gave opening statement
- Nootz asked clarifying question (00:05:08)
- Patricia Grabow made public comment (00:07:16)
- Michelle Uberuaga gave public comment (00:08:38)
- Johnathan Hettinger gave public comment (00:12:08)
- Karrie Kahle gave public comment (00:15:00)
- Mabie made comments (00:17:07)
- Schwarz made comments (00:19:10)
- Nootz made comments (00:21:02)
- Friedman made comments (00:27:45)
- Hoglund asked clarifying questions and made comments (00:28:10)



- Decision was made to hold an in-person work session, scheduled for June 22<sup>nd</sup> at 5:30 p.m.-8:30 p.m. Commission wants to see a community presentation, with flow-charts, meeting including a representative from the planning board incorporating the growth policy where we can and get needs/wants from the community and a plan moving forward. Kardoes advised Commission needs to decide if we want to try to meet this year's ballot. Process including ballot language would need to be adopted by July 20, 2021.

**C. DISCUSS/APPROVE/DENY: LIVINGSTON AREA CHAMBER OF COMMERCE REQUESTING WAVIER OF CITY FEES FOR THE 95<sup>TH</sup> ANNUAL LIVINGSTON ROUNDUP PARADE. (00:49:41)**

- Kardoes gave opening statement
- Leslie Feigle made comments (00:50:54)
- Patricia Grabow made comments (00:55:48)
- Jay Keifer made comments (00:56:47)
- Nootz made comments (00:58:47)
- Motion by Mabie, second by Nootz
- All in favor passes 5-0

**B. CLOSED SESSION, LEGAL UPDATE (01:02:27)**

- Kardoes advised legal update needed for Commission to receive information and legal strategy. Closed meeting to public, paused recording.

6. Proclamations

7. Scheduled Public Comment (Adam could no longer stay on all, will be rescheduled)

**A. ADAM STERN, OF LIVINGSTON BRAVES BOARD OF DIRECTORS, PRESENTS THE 2021 LEGION BASEBALL DISTRICT TOURNAMENT.**

Public Meeting resumed at (01:05:15)

5- minute recess (01:05:19)

8. Public Hearings (01:10:10)

**A. RESOLUTION NO. 4960: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, ANNEXING 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.**

- Kardoes gave opening statement
- No public comments
- Nootz made comment (01:16:53)
- Mabie made comment (01:17:00)
- Motion by Mabie, second by Schwarz

- All in favor, passes 5-0

**B. ORDINANCE NO. 3007: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO AMEND ARTICLE 1 SECTION 11-2 OF THE LIVINGSTON MUNICIPAL CODE TO ALLOW THE SALE OF FIREWORKS WITHIN THE INCORPORATED CITY LIMITS. (01:17:46)**

- Kardoos gave opening statement
- Hoglund asked clarifying question (01:19:30)
- Hoglund excused herself for other work obligation, Vice-chair took over meeting.
- No public comment
- Nootz made comments (01:21:53)
- Motion by Mabie, second by Friedman
- Motion passes, 4-0

8. Ordinances (01:24:27)

**A. ORDINANCE NO. 3008: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING A PARCEL GENERALLY KNOWN AS 5 ROGERS LANE AND LEGALLY DESCRIBED AS LOT 15C OF COS 170A, IN SECTION 23, TOWNSHIP TWO SOUTH, RANGE NINE EAST, AS HIGHWAY COMMERCIAL (HC).**

- Kardoos gave opening statement
- No public comment
- No Commissioner comments
- Motion by Mabie, second by Nootz
- All in favor, passes 4-0.

**B. ORDINANCE NO. 3009: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING PARCELS GENERALLY KNOWN AS 1 AND 5 PRONGHORN DRIVE AND LEGALLY DESCRIBED AS TRACT A OF PLAT 138, LESS .005 ACRES AND THE RIGHT OF WAY ON R-134-481, IN THE ACREVILLE SUBDIVISION, IN SECTION 23 OF TOWNSHIP TWO SOUTH, RANGE NINE EAST AND PORTIONAL LOT 14 IN PLAT 138, IN THE ACREVILLE SUBDIVISION, IN SECTION 23 OF TOWNSHIP TWO SOUTH, RANGE NINE EAST, AS HIGHWAY COMMERCIAL (HC). (01:27:54)**

- Kardoos gave opening statement
- No public comment
- Motion by Nootz, second by Mabie
- All in favor, passes 4-0.

**C. ORDINANCE NO. 3010: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II AND ARTICLE V, CHAPTER 30 OF THE**

**LIVINGSTON MUNICIPAL CODE ENTITLED ZONING AS IT PERTAINS TO PARKING LOTS AND LANDSCAPING. (01:30:58)**

- Kardoos gave opening statement
- Michelle Uberuaga made comments (01:34:27)
- Nootz made comments (01:35:49)
- Schwarz made comments (01:37:30)
- Motion by Mabie, second by Friedman
- All in favor, passes 4-0.

**D. ORDINANCE NO. 3011: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND SECTION 27-2 OF CHAPTER 27 – CITY PLANNING BOARD, AS ENACTED BY ORDINANCE NO. 1922 AND AMENDED BY ORDINANCE 1965 REGULATING THE MEMBERSHIP OF PLANNING BOARD, TERMS OF OFFICE AND QUALIFICATIONS FOR MEMBERSHIP. (01:39:03)**

- Kardoos gave opening statement
- Patricia Grabow gave comments (01:41:44)
- Johnathan Hettinger gave comments (01:42:39)
- Karrie Kahle made comments (01:43:38)
- Michelle Uberuaga made comments (01:44:52)
- Mabie made comments (01:46:10)
- Schwarz made comments (01:47:51)
- Nootz made comments (01:49:42)
- No motion made
- Motion fails

**9. Resolutions (01:58:47)**

**A. RESOLUTION NO. 4967: A RESOLUTION OF THE CITY COMMISSION, OF THE CITY OF LIVINGSTON, MONTANA, REQUESTING DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY PROGRAM FUNDS.**

- Kardoos turned over to Finance Director, Paige Fetterhoff
- No public comments
- No Commission comments
- Motion by Mabie, second by Friedman
- All in favor, passes 4-0.

**11. City Manager Comment (02:03:17)**

Beginning moving City Offices starting Friday, June 4<sup>th</sup>.

**12. City Commission Comments (02:04:12)**

- Nootz

- Mabie (02:05:33)
- Friedman had audio issues
- Schwarz (02:07:14)

13. Adjournment (02:08:18) 8:13 p.m.

**File Attachments for Item:**

**B. RATIFY CLAIMS PAID 05/26/2021-06/10/2021.**

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>CITY OF LIVINGSTON</b>							
2705	CITY OF LIVINGSTON	2021.5.19	SUPPLIES	05/19/2021	49.01	49.01	06/02/2021
2705	CITY OF LIVINGSTON	2021.5.19	SUPPLIES	05/19/2021	80.32	80.32	06/02/2021
2705	CITY OF LIVINGSTON	2021.5.19	SUPPLIES	05/19/2021	25.00	25.00	06/02/2021
2705	CITY OF LIVINGSTON	2021.5.19	LIGHT	05/19/2021	25.00	25.00	06/02/2021
2705	CITY OF LIVINGSTON	2021.5.19	SUPPLIES	05/19/2021	15.82	15.82	06/02/2021
2705	CITY OF LIVINGSTON	POOL 2021	Pool 2021 Petty Cash	06/07/2021	100.00	100.00	06/07/2021
Total CITY OF LIVINGSTON:					295.15	295.15	
<b>COLJ CONFERENCE REGISTRATION</b>							
2660	COLJ CONFERENCE REGISTRA	2021.6.1	CONFERENCE	06/01/2021	250.00	250.00	06/10/2021
Total COLJ CONFERENCE REGISTRATION:					250.00	250.00	
<b>DENTON, KRISTINE</b>							
3596	DENTON, KRISTINE	2021.6.14	REIMB CLERKS CONF	06/14/2021	346.50	346.50	06/10/2021
Total DENTON, KRISTINE:					346.50	346.50	
<b>INDUSTRIAL TOWEL</b>							
102	INDUSTRIAL TOWEL	63966	110 south b	05/06/2021	36.90	36.90	06/02/2021
102	INDUSTRIAL TOWEL	65334-00	Civic Center Mats	05/20/2021	126.19	126.19	06/02/2021
102	INDUSTRIAL TOWEL	65351	110 s B	05/20/2021	36.90	36.90	06/02/2021
Total INDUSTRIAL TOWEL:					199.99	199.99	
<b>LIVINGSTON ACE HARDWARE - #122005</b>							
26	LIVINGSTON ACE HARDWARE -	I38833	AIR FLTR	04/27/2021	38.97	38.97	06/02/2021
26	LIVINGSTON ACE HARDWARE -	I44204	CLEANING SUPPLIES	05/06/2021	23.42	23.42	06/02/2021
26	LIVINGSTON ACE HARDWARE -	I46843	REKEYING LOCK SERVICE	05/11/2021	85.98	85.98	06/02/2021
26	LIVINGSTON ACE HARDWARE -	I47159	Screws	05/11/2021	24.99	24.99	06/02/2021
26	LIVINGSTON ACE HARDWARE -	I47864	HOSE FITTINGS	05/12/2021	70.95	70.95	06/02/2021
26	LIVINGSTON ACE HARDWARE -	I48180	PRIMER	05/13/2021	14.97	14.97	06/02/2021
26	LIVINGSTON ACE HARDWARE -	I48201	SUPPLIES	05/13/2021	41.96	41.96	06/02/2021
26	LIVINGSTON ACE HARDWARE -	I48279	SUPPLIES	05/13/2021	20.97	20.97	06/02/2021
26	LIVINGSTON ACE HARDWARE -	I48989	PAINT AND SUPPLIES	05/14/2021	43.73	43.73	06/02/2021
26	LIVINGSTON ACE HARDWARE -	I49316	SAW BLADE	05/14/2021	22.50	22.50	06/02/2021
26	LIVINGSTON ACE HARDWARE -	I52088	PAINT SUPPLIES	05/18/2021	43.94	43.94	06/02/2021
26	LIVINGSTON ACE HARDWARE -	I52518	SUPPLIES	05/18/2021	41.54	41.54	06/02/2021
26	LIVINGSTON ACE HARDWARE -	I53744	ICE	05/20/2021	4.47	4.47	06/02/2021
26	LIVINGSTON ACE HARDWARE -	I55447	DISH	05/24/2021	16.99	16.99	06/02/2021
26	LIVINGSTON ACE HARDWARE -	I55954	SPRAYER	05/25/2021	17.99	17.99	06/02/2021
26	LIVINGSTON ACE HARDWARE -	X56579	KEYKRAFTER	04/29/2021	50.74	50.74	06/02/2021
26	LIVINGSTON ACE HARDWARE -	X57059	PIPE FITTING	05/05/2021	13.14	13.14	06/02/2021
Total LIVINGSTON ACE HARDWARE - #122005:					577.25	577.25	
<b>LIVINGSTON ENTERPRISE</b>							
146	LIVINGSTON ENTERPRISE	174423	PARKS AND TRAILS COMM	04/26/2021	26.00	26.00	06/02/2021
146	LIVINGSTON ENTERPRISE	174424	ZONING COMMISSION	04/26/2021	126.75	126.75	06/02/2021
146	LIVINGSTON ENTERPRISE	174500	URBAN RENEWAL	04/30/2021	140.00	140.00	06/02/2021
146	LIVINGSTON ENTERPRISE	174501	commission meeting	04/30/2021	19.50	19.50	06/02/2021
146	LIVINGSTON ENTERPRISE	174502	resolution 4958	04/30/2021	81.25	81.25	06/02/2021
146	LIVINGSTON ENTERPRISE	174503	COMMISSION MEETING	04/30/2021	35.75	35.75	06/02/2021
146	LIVINGSTON ENTERPRISE	174541	ADA TRNSITION PLAN	05/04/2021	19.50	19.50	06/02/2021
146	LIVINGSTON ENTERPRISE	174642	ORDINANCE 3006	05/07/2021	96.00	96.00	06/02/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
146	LIVINGSTON ENTERPRISE	174643	CITY HISTORIC	05/10/2021	35.75	35.75	06/02/2021
146	LIVINGSTON ENTERPRISE	174644	CITY ZONING	05/10/2021	42.25	42.25	06/02/2021
146	LIVINGSTON ENTERPRISE	174714	CITY PLANNING BOARD	05/14/2021	84.00	84.00	06/02/2021
146	LIVINGSTON ENTERPRISE	174745	PUBLIC HEARING	05/17/2021	156.00	156.00	06/02/2021
146	LIVINGSTON ENTERPRISE	174752	commission meeting	05/18/2021	19.50	19.50	06/02/2021
146	LIVINGSTON ENTERPRISE	174787	ORDINANCE 3007	05/21/2021	72.00	72.00	06/02/2021
146	LIVINGSTON ENTERPRISE	174788	resolution 4960	05/21/2021	78.00	78.00	06/02/2021
146	LIVINGSTON ENTERPRISE	174901	ZONING MEETING	05/24/2021	143.00	143.00	06/02/2021
146	LIVINGSTON ENTERPRISE	174934	PARKS AND TRAILS	05/25/2021	26.00	26.00	06/02/2021
Total LIVINGSTON ENTERPRISE:					1,201.25	1,201.25	
<b>MISC</b>							
99999	MISC	2021.5.21	ReSTITUTION TK2018-0480	05/21/2021	350.00	350.00	06/02/2021
99999	MISC	TK2021-0044	Bond Release - R. Newville	06/08/2021	290.00	290.00	06/10/2021
Total MISC:					640.00	640.00	
<b>NORTHWESTERN ENERGY</b>							
151	NORTHWESTERN ENERGY	0709793-4	City Shop Building 50% 406 Benn	01/15/2019	383.55	383.55	05/28/2021
151	NORTHWESTERN ENERGY	0709793-4	City Shop Building 50% 406 Benn	01/15/2019	383.56	383.56	05/28/2021
151	NORTHWESTERN ENERGY	0709794-2	WRF 316 Bennett	01/09/2019	1,570.13	1,570.13	05/28/2021
151	NORTHWESTERN ENERGY	0709796-7	97 View Vista Drive	01/15/2019	6.00	6.00	05/28/2021
151	NORTHWESTERN ENERGY	0709869-2	Carol Lane	01/15/2019	150.21	150.21	05/28/2021
151	NORTHWESTERN ENERGY	0709870-0	G Street Park - 422 S G	01/15/2019	155.99	155.99	05/28/2021
151	NORTHWESTERN ENERGY	0709871-8	Star Addition - Lights	01/15/2019	335.14	335.14	05/28/2021
151	NORTHWESTERN ENERGY	0709873-4	800 W Cambridge - Pump Station	01/15/2019	27.81	27.81	05/28/2021
151	NORTHWESTERN ENERGY	0709874-2	Werner Addition Pump	01/09/2018	93.90	93.90	05/28/2021
151	NORTHWESTERN ENERGY	0709875-9	900 River Drive Pump	01/09/2019	1,645.90	1,645.90	05/28/2021
151	NORTHWESTERN ENERGY	0709876-7	132 South B Street - B St Well	01/10/2019	1,158.64	1,158.64	05/28/2021
151	NORTHWESTERN ENERGY	0709878-3	227 River Drive - Concessions sta	01/10/2019	53.33	53.33	05/28/2021
151	NORTHWESTERN ENERGY	0709879-1	227 River Drive - Softball Field	01/10/2019	15.47	15.47	05/28/2021
151	NORTHWESTERN ENERGY	0709886-6	200 E Reservoir	01/15/2019	53.53	53.53	05/28/2021
151	NORTHWESTERN ENERGY	0709891-6	Cemetery Road Shop - 15 Fleshm	01/15/2019	56.28	56.28	05/28/2021
151	NORTHWESTERN ENERGY	0709892-4	40 Water Tower Avenue	01/15/2019	44.98	44.98	05/28/2021
151	NORTHWESTERN ENERGY	0709894-0	56 Water Tower	01/08/2019	486.66	486.66	05/28/2021
151	NORTHWESTERN ENERGY	0709914-6	1011 River Dr - Edge Water Sewe	01/09/2019	18.41	18.41	05/28/2021
151	NORTHWESTERN ENERGY	0719058-0	3 Rogers Lane Lift Station	01/09/2019	92.54	92.54	05/28/2021
151	NORTHWESTERN ENERGY	0720048-8	330 Bennett 1/4	01/08/2019	285.02	285.02	05/28/2021
151	NORTHWESTERN ENERGY	0720048-8	330 Bennett 1/4	01/08/2019	285.02	285.02	05/28/2021
151	NORTHWESTERN ENERGY	0720048-8	330 Bennett 1/4	01/08/2019	285.02	285.02	05/28/2021
151	NORTHWESTERN ENERGY	0720048-8	330 Bennett 1/4	01/08/2019	285.03	285.03	05/28/2021
151	NORTHWESTERN ENERGY	0720176-7	Weimer Park	01/15/2019	42.50	42.50	05/28/2021
151	NORTHWESTERN ENERGY	1134866-1	N 2nd & Montana & Chinook	01/15/2019	43.82	43.82	05/28/2021
151	NORTHWESTERN ENERGY	1134879-4	N 7th & Montana & Chinook	01/15/2019	19.51	19.51	05/28/2021
151	NORTHWESTERN ENERGY	1155965-5	229 River Drive	01/15/2019	6.00	6.00	05/28/2021
151	NORTHWESTERN ENERGY	1290352-2	School Flasher Park & 13th	01/15/2019	8.57	8.57	05/28/2021
151	NORTHWESTERN ENERGY	1441030-2	D & Geyser Well House	01/10/2019	1,234.42	1,234.42	05/28/2021
151	NORTHWESTERN ENERGY	1452951-5	Starlow on Monroe	01/09/2019	332.76	332.76	05/28/2021
151	NORTHWESTERN ENERGY	1493850-0	412 W Callender	01/15/2019	51.79	51.79	05/28/2021
151	NORTHWESTERN ENERGY	1498936-2	190 & 89S-ing	01/15/2019	6.00	6.00	05/28/2021
151	NORTHWESTERN ENERGY	1594141-2	9th & 10th Lift Station	01/09/2019	27.05	27.05	05/28/2021
151	NORTHWESTERN ENERGY	1613803-4	M & N on Callender	01/15/2019	49.00	49.00	05/28/2021
151	NORTHWESTERN ENERGY	1728687-3	Transfer Station 408 Bennett Stre	01/08/2019	454.51	454.51	05/28/2021
151	NORTHWESTERN ENERGY	1747570-8	D & E on Callender	01/15/2019	39.81	39.81	05/28/2021
151	NORTHWESTERN ENERGY	1747572-4	F & G on Callender	01/15/2019	22.69	22.69	05/28/2021
151	NORTHWESTERN ENERGY	1893530-4	600 W Park	01/15/2019	51.56	51.56	05/28/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
151	NORTHWESTERN ENERGY	1893536-1	E Street & Alley	01/15/2019	32.13	32.13	05/28/2021
151	NORTHWESTERN ENERGY	1893541-1	18 W Park	01/15/2019	67.32	67.32	05/28/2021
151	NORTHWESTERN ENERGY	1906055-7	815 North 13th - Soccer Fields	01/16/2019	46.69	46.69	05/28/2021
151	NORTHWESTERN ENERGY	2021.5 328628	3286284-9 101 star rd	05/06/2021	23.40	23.40	05/28/2021
151	NORTHWESTERN ENERGY	2023479-5	900 W Geyser Street School Light	01/15/2019	6.35	6.35	05/28/2021
151	NORTHWESTERN ENERGY	2023484-5	1100 W Geyser Street School Lig	01/15/2019	6.25	6.25	05/28/2021
151	NORTHWESTERN ENERGY	2114861-4	132 South B Street Lights	01/15/2019	134.63	134.63	05/28/2021
151	NORTHWESTERN ENERGY	2138754-3	G Street Park - Mike Webb Park	01/15/2019	16.80	16.80	05/28/2021
151	NORTHWESTERN ENERGY	2171060-3	Scale House 408 Bennett Street	01/15/2019	54.04	54.04	05/28/2021
151	NORTHWESTERN ENERGY	3015965-1	330 Bennett - Fire Training Center	01/15/2019	99.26	99.26	05/28/2021
151	NORTHWESTERN ENERGY	3093003-6	114 West Summit	01/15/2019	22.07	22.07	05/28/2021
151	NORTHWESTERN ENERGY	3093023-4	320 North Main	01/15/2019	2.99	2.99	05/28/2021
151	NORTHWESTERN ENERGY	3093027-5	105 West Park	01/15/2019	38.78	38.78	05/28/2021
151	NORTHWESTERN ENERGY	3141997-1	C & D on Lewis	01/15/2019	20.35	20.35	05/28/2021
151	NORTHWESTERN ENERGY	3184602-5	202 South 2nd	01/15/2019	12.83	12.83	05/28/2021
151	NORTHWESTERN ENERGY	3210240-2	616 River Drive	01/15/2019	6.25	6.25	05/28/2021
151	NORTHWESTERN ENERGY	3258086-2	2800 East Park Lift Station	01/15/2019	387.69	387.69	05/28/2021
151	NORTHWESTERN ENERGY	3258262-9	320 Alpenglow Lift Station	01/08/2019	192.03	192.03	05/28/2021
151	NORTHWESTERN ENERGY	3267010-1	330 Bennett - Compactor	01/08/2019	122.92	122.92	05/28/2021
151	NORTHWESTERN ENERGY	3287727-6	320 Alpenglow LN-	01/15/2019	42.95	42.95	05/28/2021
151	NORTHWESTERN ENERGY	3386783-9	Btwn G and H on Clark	01/15/2019	30.04	30.04	05/28/2021
151	NORTHWESTERN ENERGY	3386845-6	Btwn I and K on Callender	01/15/2019	28.80	28.80	05/28/2021
151	NORTHWESTERN ENERGY	3386846-4	Btwn 7th and 8th on Summit	01/15/2019	19.69	19.69	05/28/2021
151	NORTHWESTERN ENERGY	3506014-4	Brookstone/Elm	02/15/2019	4.73	4.73	05/28/2021
151	NORTHWESTERN ENERGY	3566038-0	114 East Callender	01/15/2019	17.17	17.17	05/28/2021
151	NORTHWESTERN ENERGY	3566039-8	115 East Lewis	01/15/2019	.00	.00	
151	NORTHWESTERN ENERGY	3585235-9	New WRF 316 Bennett	01/09/2019	14,565.39	14,565.39	05/28/2021
151	NORTHWESTERN ENERGY	3643752-3	115 East Clark	09/16/2019	14.20	14.20	05/28/2021
151	NORTHWESTERN ENERGY	3643753-1	112 East Clark	09/04/2019	30.08	30.08	05/28/2021
151	NORTHWESTERN ENERGY	3678204-3	502 River Dr. Pmp	10/16/2019	.00	.00	
151	NORTHWESTERN ENERGY	3725873-8	340 Bennett	12/12/2019	32.16	32.16	05/28/2021
151	NORTHWESTERN ENERGY	3753023-5	303 Bennett Street Transfer Statio	08/07/2020	140.77	140.77	05/28/2021
151	NORTHWESTERN ENERGY	3828216-6	203 W Callender	12/14/2020	6.00	6.00	05/28/2021
151	NORTHWESTERN ENERGY	3867654-0	2222 Willow Dr. Lt A	04/14/2021	.00	.00	
Total NORTHWESTERN ENERGY:					26,486.87	26,486.87	
<b>OPPORTUNITY BANK OF MONTANA</b>							
3519	OPPORTUNITY BANK OF MONT	2021.6.1	Office Rent	05/28/2021	1,775.00	1,775.00	05/28/2021
Total OPPORTUNITY BANK OF MONTANA:					1,775.00	1,775.00	
<b>PARK COUNTY JUSTICE COURT</b>							
3828	PARK COUNTY JUSTICE COUR	74303	BERG, KEITH	05/21/2021	3,140.00	3,140.00	05/27/2021
Total PARK COUNTY JUSTICE COURT:					3,140.00	3,140.00	
<b>TOM BLUROCK</b>							
10002	TOM BLUROCK	2021.6	URBAN RENEWAL GRANT	06/01/2021	60,000.00	60,000.00	06/01/2021
Total TOM BLUROCK:					60,000.00	60,000.00	
<b>US BANK St. Paul</b>							
845	US BANK St. Paul	2021.5 176425	1764259 urban renewal bonds	05/03/2021	95,000.00	95,000.00	06/02/2021
845	US BANK St. Paul	2021.5 176425	1764259 urban renewal bonds	05/03/2021	32,937.50	32,937.50	06/02/2021
845	US BANK St. Paul	2021.5.20 99C	99CTM87	05/20/2021	9,000.00	9,000.00	06/02/2021
845	US BANK St. Paul	2021.5.20 99C	99CTM87	05/20/2021	1,531.25	1,531.25	06/02/2021



Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
845	US BANK St. Paul	2021.5.20 99J	99JS9E4	05/20/2021	79,000.00	79,000.00	06/02/2021
845	US BANK St. Paul	2021.5.20 99J	99JS9E4	05/20/2021	75,587.50	75,587.50	06/02/2021
845	US BANK St. Paul	2021.5.20 99J	99JVPC3	05/20/2021	85,793.00	85,793.00	06/02/2021
845	US BANK St. Paul	2021.5.20 99J	99JVPC3	05/20/2021	52,459.92	52,459.92	06/02/2021
845	US BANK St. Paul	2021.5.20 9CT	9CTLT5	05/20/2021	5,000.00	5,000.00	06/02/2021
845	US BANK St. Paul	2021.5.20 9CT	9CTLT5	05/20/2021	900.00	900.00	06/02/2021
845	US BANK St. Paul	2021.5.20 9CT	9CTLTZ2	05/20/2021	9,000.00	9,000.00	06/02/2021
845	US BANK St. Paul	2021.5.20 9CT	9CT;TZ2	05/20/2021	1,668.75	1,668.75	06/02/2021
845	US BANK St. Paul	2021.5.20 9CT	9CTLU15	05/20/2021	21,000.00	21,000.00	06/02/2021
845	US BANK St. Paul	2021.5.20 9CT	9CTLU15	05/20/2021	3,843.75	3,843.75	06/02/2021
845	US BANK St. Paul	2021.5.20 9CT	9CTLU23	05/20/2021	10,000.00	10,000.00	06/02/2021
845	US BANK St. Paul	2021.5.20 9CT	9CTLU23	05/20/2021	1,950.00	1,950.00	06/02/2021
Total US BANK St. Paul:					484,671.67	484,671.67	
Grand Totals:					579,583.68	579,583.68	

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

Mayor: \_\_\_\_\_

City Council: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

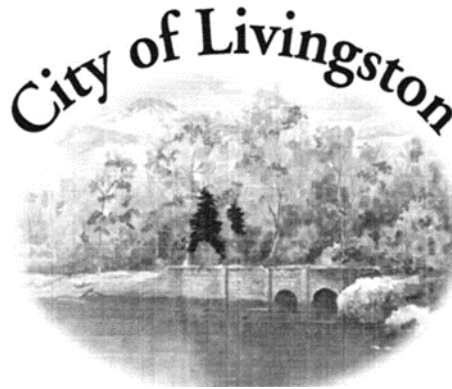
City Recorder: \_\_\_\_\_

**File Attachments for Item:****A. 2021 RODEO DAYS PROCLAMATION**

**City Manager**  
Michael Kardoes

414 East Callender Street  
(406) 823-6000 phone

citymanager@livingstonmontana.org  
www.livingstonmontana.org



*Incorporated 1889*

**Chairperson**  
Dorel Hoglund

**Vice Chair**  
Quentin Schwarz

**Commissioners**  
Mel Friedman  
Warren Mabie  
Melissa Nootz

## **PROCLAMATION DECLARING JUNE 24-JULY 4, 2021, AS RODEO DAYS IN LIVINGSTON**

**WHEREAS**, in October 1923 Livingston's Charlie Murphy was the first to host a rodeo in Madison Square Garden, brought his rough stock to Livingston for the very first Livingston Roundup Rodeo; and

**WHEREAS**, in 1926, the Livingston Roundup Association was officially established to promote rodeos, roundups, riding and roping contests to promote Park County, and the annual festivities have become an important tradition for summer activities, drawing audiences from all over the world to our community; and

**WHEREAS**, in its historic 95<sup>th</sup> anniversary the theme for this year's annual parade is "Hometown Hero's" made possible with the assistance of hundreds of volunteers and thousands of fans and spectators who enjoy every minute of the exciting variety of area rodeo events and entertainment; and

**WHEREAS**, the Livingston Area Chamber of Commerce will kick off the annual festivities with a "Network Alive Business After Hours" event on Thursday, June 24<sup>th</sup> from 5:30-7:30 p.m. at the Park County Fairgrounds; and

**NOW, THEREFORE, I DOREL HOGLUND**, Chair of the City Commission in the City of Livingston, Montana, do hereby proclaim June 24-July 9, 2021, as

**"RODEO DAYS IN LIVINGSTON"**

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**DOREL HOGLUND, Chair**

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**FAITH KINNICK, Recording Clerk**

**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.**

\_\_\_\_\_

**PASSED** by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the \_\_\_\_ day of May, 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 \_\_\_\_\_ day of June, 2021.

**ATTEST:**

**APPROVED TO AS FORM:**

\_\_\_\_\_  
**FAITH KINNICK**  
**Recording Secretary**

\_\_\_\_\_  
**COURTNEY JO LAWELLIN**  
**City Attorney**

## 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](https://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:**

**A. ORDINANCE NO. 3011: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 17 - SAFETY INSPECTION CERTIFICATE, SPECIAL BUSINESS LICENSE, AND ALCOHOL BEVERAGE LICENSE ACT AS ENACTED BY ORDINANCE NO. 2026 REGULATING THE INSPECTION AND LICENSING OF BUSINESSES.**

**ORDINANCE NO. 3011**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 17 - SAFETY INSPECTION CERTIFICATE, SPECIAL BUSINESS LICENSE, AND ALCOHOL BEVERAGE LICENSE ACT AS ENACTED BY ORDINANCE NO. 2026 REGULATING THE INSPECTION AND LICENSING OF BUSINESSES.**

\* \* \* \* \*

**Preamble.**

The purpose of this Ordinance is to update and amend the City’s safety inspection and business license Ordinance to make it more clear who must obtain licenses and or safety inspections and to update for the legality and retail sale of marijuana.

\*\*\*\*\*

**WHEREAS**, the City of Livingston has enacted Ordinance No. 2026 which requires all buildings, office spaces or premises with fixed street address in which are located businesses or organizations which are or may be accessible to the public, employees, or members to obtain a safety inspection certificate and/or a business license from the City of Livingston, and;

**WHEREAS**, the Ordinance requires updating to reflect change in the law regarding the regulation and sale of marijuana products which has been amended, and;

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

**SECTION 1**

That Chapter 17 - Safety Inspection Certificate, Special Business License, and Alcohol Beverage License Act, be amended as follows with deletions struck through and additions redlined as follows:

Chapter 17 - SAFETY INSPECTION CERTIFICATE, SPECIAL BUSINESS LICENSE, AND ALCOHOL BEVERAGE LICENSE ACT<sup>(1)</sup>

Footnotes:

--- (1) ---

**Editor's note—** Ord. No. 2026, adopted Oct. 19, 2010, repealed Ch. 17 and enacted a new chapter as set out herein. The former Ch. 17, §§ 17-1—17-18, pertained to occupational licenses and regulations and derived from Ord. No. 1990, adopted Oct. 15, 2007. **license was invalid with respect to attorneys because it infringed upon constitutional authority of the Supreme Court to supervise and regulate attorneys and the practice of law. *Harlen v. City of Helena*, 208 Mont. 45, 676 P.2d 191 (1984), requiring safety inspection certificate did not unconstitutionally impinge upon Supreme Court's power to regulate attorneys. *State v. Radford*, 2001 MT 36, 304 Mont. 198, 19 P.3d 809.**

Sec. 17-1. - Safety inspection certificate **and business license**.

All buildings, office spaces or premises with fixed street address in which are located businesses or organizations which are or may be accessible to the public, employees, or members are hereby required to obtain a safety inspection certificate **and/or a business license** from the City of Livingston.

(Ord. No. 2026, § 1(A), 10/19/10)

Sec. 17-2. - Special business license.

All business or organization which engage in providing services or selling food or merchandise away from a fixed street address within the City, such as sidewalk vendors, non-resident vendors, non-resident merchants, and resident and non-resident service providers are hereby required to register with the City by obtaining a special business license from the City of Livingston.

(Ord. No. 2026, § 1(B), 10/19/10)

Sec. 17-3. - Alcohol beverage license.

All persons or business to whom a retail alcohol license has been issued by the State of Montana also must obtain a city alcoholic beverage license in addition to the safety inspection certificate or any other permit or license required hereunder.

(Ord. No. 2026, § 1(C), 10/19/10)

Sec. 17-4. - Definitions.

The following words and phrases when used in this Chapter shall have the following meaning:

1. "Amusement device" means a machine which requires some form of payment for its operation and which provides some form of entertainment, i.e. a game, music or video. Gambling games, such as video poker and keno, are specifically excluded from this definition.
2. "Buildings, office or retail space or premises" means all buildings, structures, rooms, offices, or portions thereof which are situated on a permanent structural foundation and permanently connected to City water and sewer service wherein a business or organization is located and which is or may be accessible to the public, employees, or members or located in such close proximity to other buildings, structures, rooms, offices, or portions thereof so as to constitute a public threat in the event of a uniform safety code violation.
3. "Business or organization" means any occupation, trade, profession, commercial activity, social activity, fraternal activity, or religious activity located in or meeting regularly in buildings, offices or premises whether sole proprietorships, partnerships, corporations, nonprofit corporations, religious organizations, or social and fraternal organizations.
4. "Home occupation" means a lawful business carried on by a resident of a dwelling as an accessory use within the same dwelling or an accessory building which will not infringe upon the

rights of neighboring residents to enjoy the peaceful occupancy of their home. See City of Livingston Zoning Code, Section 30.55, Home occupation, for further requirements.

5. "Non-resident vendor" means any person engaged or employed in the business of selling to consumers by going from consumer to consumer, either on the streets or to their places of residence or employment and soliciting, selling or taking orders for future delivery of any goods, wares or merchandise.
6. "Sidewalk vendor" means any person vending food or other merchandise from the sidewalk with no street address or from push carts, vehicles, trailers, or other readily mobile sources to customers within the city limits. No vendor shall park a vehicle or any other moveable or temporary entity on any public street, alley or private lot for more than four (4) hours in any eight-hour period at one (1) location. The parking of a vehicle or other movable entity within three hundred (300) feet of the original location is considered one (1) location.
7. "Safety inspection certificate" or "certificate" as used herein is issued to a business at a specific building, office or premise which has passed an inspection pursuant to the **uniform** codes or other ordinances and regulations enacted for the purpose of protecting health, safety, and welfare of the public. The certificate is not intended, and shall not be used in any manner to regulate the manner in which any commercial, professional, fraternal, or religious enterprise is conducted.
8. "Square footage" means the total number of square feet contained within the exterior walls of a building, suite or office used in the business operation and open to the public, employees or members.
9. "Temporary premises" means any structure, vehicles, or other mobile device without a foundation and not permanently connected to City water and sewer service which is temporarily occupied for business. A temporary premise can exist for no more than ninety (90) calendar days in any twelve-month period. Temporary premise does not include sales booths, concession stands etc., which are operated in conjunction with a community sponsored event authorized by the City Commission.
10. A "Non-resident merchant" means any person who brings into temporary premises, a stock of goods, wares or articles of merchandise or notions or other articles of trade, and who solicits, sells or offers to sell, or exhibits for sale, such stock of goods, wares or articles of merchandise or notions or other articles of trade. A non-resident merchant can operate out of temporary premises for a period of ninety (90) calendar days in any twelve-month period.
11. "Non-resident service contractor" means any person or business not residing within the city limits of Livingston engaged or employed in providing services for hire and includes persons or businesses engaged in contract construction, painting and drywall, landscape installation and maintenance, janitorial, and service contractors of all kinds including computer technicians and copier maintenance.
12. "Resident service contractor" means any person or business residing within the city limits of Livingston and engaged or employed in providing services for hire which does operate out of a building, office space or premise in the City and includes persons and businesses engaged in contract construction, painting and drywall, landscape installation and maintenance, janitorial, and service contractors of all kinds including computer technicians and copier maintenance.
13. "Uniform Safety Codes" as used herein means the most recent version of the following codes adopted by the City of Livingston:
  - a. Uniform Fire Code.
  - b. International Building Code.
  - c. International Residential Code.
  - d. International Existing Building Code.
  - e. International Mechanical Code.

f. International Fuel Gas Code.

g. Uniform Plumbing Code.

14. "Special business license" or license, means a license issued to a business or organization which engages in providing services or selling food or merchandise away from a fixed street address within the City, such as sidewalk vendors, non-resident vendors, non-resident merchants, resident and non-resident service providers. The mere fact that a space is used adjacent to or near a fixed street address on a regular basis does not qualify as a street address. The license is not intended, and shall not be used in any manner to regulate the manner in which any commercial, professional, fraternal, or religious enterprise is conducted.

(Ord. No. 2026, § 1(D), 10/19/10)

Sec. 17-5. - Application of regulations.

- A. A safety inspection certificate or special business license shall be obtained in the manner prescribed herein for each business and branch establishment, including off-site warehouses and distributing plants or location of the business as if each such branch establishment or location were a separate business. However, on-site warehouses and distributing plants used in connection with, and incidental to an approved business shall not be deemed to be separate places of business or branch establishment.
- B. No safety inspection certificate or special business license shall be required of any person for mere delivery into the City of any property purchased or acquired in good faith from such person at the regular place of business outside the City where no intent by such person is shown to evade the provisions of this Chapter.

(Ord. No. 2026, § 1(E), 10/19/10)

Sec. 17-6. - Authority.

The City Manager, or designee, shall have the authority to establish the necessary procedures to carry out and enforce the intent of this title.

(Ord. No. 2026, § 1(F), 10/19/10)

Sec. 17-7. - Procedure for issuance of certificate or ~~special~~ license.

- A. Prior to commencing a business or organization in the City of Livingston, the applicant shall apply for ~~either~~ a safety inspection certificate ~~and/or~~ a special business license. To receive a certificate or license, the applicant shall:
1. Be in compliance with all zoning, building and fire codes.
  2. Submit a completed application accompanied by the full amount of the applicable fee which shall include the nature of the business or organization, a site plan and in the case of a home occupation a site plan indicating the portion of the dwelling which will be used for the business. In addition, the applicant will provide information concerning the location of any hazardous chemicals or flammable products which may be located upon the premises.
- B. The applicant may change location provided:
1. The applicant complies with all zoning, building and fire codes.
  2. The applicant obtains a new safety inspection certificate or ~~special~~ business license for the change of location.

- C. The applicant may transfer the safety inspection certificate or ~~special~~ business license to another person in accordance with established procedures.

(Ord. No. 2026, § 1(G), 10/19/10)

Sec. 17-8. - Safety inspection certificate ~~and~~/or special business license fees.

- A. All safety inspection certificate ~~and~~ special business license fees shall be established by resolution adopted by the City Commission and paid to the City Finance Office. Such fees shall be reasonably related to the cost of issuing the certificate or special license and the cost of inspections and registration.
- B. No refund of any safety inspection certificate or special business license fee, or part thereof, shall be made.

(Ord. No. 2026, § 1(H), 10/19/10)

Sec. 17-9. - Safety inspection certificate ~~and~~/or special business license duration, renewal.

- A. All safety inspection certificates ~~and~~/or special business licenses shall expire on December 31 of the year in which such safety inspection certificate or special business license was issued, unless otherwise specified.
- B. All safety inspection certificates ~~and~~/or special business licenses shall be renewed on or before February 1 of each calendar year.

(Ord. No. 2026, § 1(I), 10/19/10)

Sec. 17-10. - Late charges.

Failure to renew the safety inspection certificate ~~by~~ or special business license by February 1, of every year shall result in a delinquent charge as determined by resolution.

(Ord. No. 2026, § 1(J), 10/19/10)

Sec. 17-11. - Duties of licensee or certificate holder.

- A. Every licensee or certificate holder under this title shall permit all reasonable inspections of the business premises by city authorities to carry out the intent of this title, with such inspections being conducted annually. All certificates ~~s~~ or licenses issued are conditional until ~~an~~ on premise safety inspection has been conducted by the City.
- B. Every licensee or certificate holder under this title shall post the certificate ~~and~~/or special license on the premise in a conspicuous location or shall be carried on the person where an individual license is required.

(Ord. No. 2026, § 1(K), 10/19/10)

Sec. 17-12. - Certificate or ~~special~~ license - revocation or suspension.

- A. The certificate or special license may be revoked or suspended when the licensee or certificate holder violates this title.
- B. The following procedure will be followed in revoking or suspending a certificate or license:

1. A written notice shall be provided to the licensee or certificate holder at least fifteen (15) days prior to revocation or suspension. The notice shall state the reason(s) for the action.
  2. The licensee or certificate holder may request a review of the proposed action within fifteen (15) days of the receipt of notice.
  3. When a review is requested, a meeting shall be set between City staff and the requesting party.
- C. If conditions are determined to cause an immediate threat to health or safety, the City shall immediately suspend the certificate **and/or** special business license until such condition is remedied.

(Ord. No. 2026, § 1(L), 10/19/10)

Sec. 17-13. - Appeal.

Any licensee or certificate holder shall have the right to file a written appeal to the City Commission.

(Ord. No. 2026, § 1(M), 10/19/10)

Sec. 17-14. - Safety inspection certificate.

- A. Every business in a building, office or premise located in the jurisdictional limits of the City of Livingston shall be required to obtain a safety inspection certificate to ensure that the building, office or retail space or premise complies with uniform safety codes and other ordinances and regulations enacted for the purpose of protecting the health, safety, and welfare of the public.
- B. In any building with multiple businesses, suites/offices:
  1. Each portion or subdivision under separate control shall be required to undergo its own inspections and shall have its own safety inspection certificate.
  2. The building owner/agent shall obtain a certificate for indoor common areas if the aggregate total of the common area is greater than one thousand (1,000) square feet.
- C. Multi-family dwelling units of four (4) or more units shall require a certificate.
- D. Home Occupation. The establishment of a home occupation shall require a certificate issued by the City of Livingston.

(Ord. No. 2026, § 1(N), 10/19/10)

Sec. 17-15. - Special business licenses.

A. Non-Resident Vendor Special Business License required.

1. Each individual engaging in non-resident vendor type business within the City must first obtain a non-resident vendor license. The non-resident vendor license must be obtained prior to soliciting any customer or offering any goods or products for sale. No vendor shall park a vehicle or place any other movable temporary structure such as a tent on any public property, public street or public alley unless otherwise part of a City approved event. No vendor shall park a vehicle or place and temporary structure on private property for more than two (2) consecutive days at one (1) location. The parking of a vehicle or other moveable entity within three hundred (300) feet of the original location is considered one (1) location. If the product being sold is food or drink, the applicant must first obtain a certificate from the County Sanitarian that the applicant complies with all health and sanitation codes of the State of Montana.
2. The license can be obtained from the City Manager or designee during regular working hours.
3. The short-term license shall be good for one (1) week from the date of issuance. The long term license is good from the issue date through December 31 of the same year and may be renewed upon its expiration
4. The City reserves the right to deny a license upon receiving citizen complaints regarding the vendor, merchandise or practices.

B. Non-Resident Merchant Special Business License Required.

1. Any individual engaged in any business within the City that is defined or administratively determined to be classified non-resident merchant must first obtain a non-resident merchant special business license from the City. This special business license must be obtained prior to soliciting any customer, offering any merchandise or products for sale, or bringing any stock of goods, wares, or other articles of trade to a temporary premise.
2. This special business license can only be obtained from the City Manager or designee during normal business hours.
3. The license is only valid for a period of ninety (90) calendar days in any twelve-month period.
4. The City reserves the right to deny or revoke a license for just cause with regard to the conduct of the merchant, suitability of any merchandise, or business and/or marketing practices.

C. Non-Resident Service Contractor Special Business License Required.

1. Any individual engaged in any business within the City that is defined or administratively determined to be classified non-resident service contractor must first obtain a non-resident service contractor special license from the City. This special business license must be obtained prior to providing services.
2. This special business license can only be obtained from the City Manager or designee during normal business hours.
3. This special business license is valid from the date of issuance to December 31 and may be renewed upon its expiration.
4. The City reserves the right to deny or revoke a license for just cause with regard to the conduct of the service contractor, quality of services rendered, or business and/or marketing practices.

D. Resident Service Contractor.

1. Any individual engaged in any business within the City that is defined or administratively determined to be classified resident service contractor must first obtain a resident service contractor special license from the City. This special business license must be obtained prior to providing services.



2. This special business license can only be obtained from the City Manager or designee during normal business hours.
  3. This special business license is valid from the date of issuance to December 31 and may be renewed upon its expiration.
  4. The City reserves the right to deny or revoke a license for just cause with regard to the conduct of the service contractor, quality of services rendered, or business and/or marketing practices.
- E. Sidewalk Vendor Special Business License Required.
1. Any individual engaged in any business within the City that is defined or administratively determined to be classified as a sidewalk vendor must first obtain a sidewalk vendor special license from the City. This special business license must be obtained prior to soliciting any customer, offering or advertising any service, or performing any such service and then only upon first providing proof of insurance in an amount to be determined by resolution. If the product being sold is food or drink, the applicant must first obtain a certificate from the County Sanitarian that the applicant complies with all health and sanitation codes of the State of Montana.
  2. This special business license can only be obtained from the City Manager or designee during normal business hours.
  3. This special business license is valid from the date of issuance to December 31 and may be renewed upon its expiration.
  4. The City reserves the right to deny or revoke a license for just cause with regard to the conduct of the service contractor, quality of services rendered, or business and/or marketing practices.
- F. City Alcoholic Beverage License. Any person or business to whom an alcoholic beverage license has been issued by the State of Montana also must obtain a city alcoholic beverage license in addition to the safety inspection certificate or any other permit or license required hereunder. Such city alcohol license shall authorize the conduct of business under one (1) of the following categories: beer, beer and wine, all-beverages, distillery and winery.
- G. Tobacco ~~Marijuana~~ License. Each business, in addition to any safety inspection certificate, permit ~~and/or~~ special business license required herein, which sells ~~marijuana or~~ tobacco products, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, ~~vaping products or edibles~~, shall register with the City of Livingston and obtain a special business license ~~or a tobacco vending machine license~~.
- H. Amusement Devices. Every amusement device ~~operator~~ shall obtain a special business license for each machine which will be in addition to any other special business license or safety inspection certificate which may be required for the owner or distributor of such machine.
- I. Agricultural Exemption. Farmers, dairymen, ranchers or produce growers who market their own products directly to the public, are exempt from obtaining a safety inspection certificate ~~and/or~~ special business license.
- J. License Period. Licenses shall be issued for the calendar year basis and shall expire at twelve (12) o'clock midnight on December 31 of each year. Existing business licenses shall not be prorated. However, licenses for a new businesses which has not previously existed within the City of Livingston, shall be prorated. (Ord. No. 2026, § 1(O), 10/19/10)

#### Sec. 17-16. - Enforcement.

Any person violating any provision of this Chapter shall be subject to a civil fine not to exceed three hundred dollars (\$300.00) for each violation. Each day that the violation continues shall be deemed a separate and punishable violation.

(Ord. No. 2026, § 1(P), 10/19/10)

## SECTION 2

### **Statutory Interpretation and Repealer:**

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

## SECTION 3

### **Severability:**

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

## SECTION 4

### **Savings Provision:**

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

## SECTION 5

### **Effective date:**

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

\*\*\*\*\*

**PASSED** by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the \_\_\_\_ day of June, 2021.

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**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 \_\_\_\_\_ day of July, 2021.

**ATTEST:**

**APPROVED TO AS FORM:**

\_\_\_\_\_  
**FAITH KINNICK**  
**Recording Secretary**

\_\_\_\_\_  
**COURTNEY JO LAWELLIN**  
**City Attorney**

## PUBLIC NOTICE

**NOW TAKE NOTICE** the Livingston City Commission will convene in a regular in a regular session, in the Community Room of the City/County Complex at 414 E. Callender St. in Livingston, Tuesday, July 20, 2021, at 5:30 p.m. During this meeting a public hearing will be conducted after the second reading of **ORDINANCE NO. 3011** entitled **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 17 - SAFETY INSPECTION CERTIFICATE, SPECIAL BUSINESS LICENSE, AND ALCOHOL BEVERAGE LICENSE ACT AS ENACTED BY ORDINANCE NO. 2026 REGULATING THE INSPECTION AND LICENSING OF BUSINESSES**. All are welcome to attend and give public comments when appropriate. For more information about this meeting, call city offices at (406) 823-6000.

Please publish Friday, June 18, and July 2, 2021.

Faith Kinnick  
City of Livingston  
June 10, 2021

**File Attachments for Item:**

**A. RESOLUTION NO. 4968: A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE PROPOSED GROWTH POLICY.**

**RESOLUTION NO. 4968**

**A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF  
LIVINGSTON, MONTANA, ADOPTING 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.

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

**ATTEST:**

\_\_\_\_\_  
**FAITH KINNICK**  
**Recording Secretary**

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

**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:**

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**FAITH KINNICK**  
Recording Secretary

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**COURTNEY JO 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**

## **PETITION FOR NON-ANNEXATION OF STREETS AND PROPERTY**

**Pursuant to Montana Code Annotated 2019, Title 7, Chapter 2, Part 43**

**7-2-4301 through 7-2-4331**

We, the undersigned property owners owning property and/or residing in Park County between Interstate I-90 and Fleshman Creek do hereby petition the City of Livingston and Park County as follows:

1. The below-described residences are in the extra-territorial jurisdiction area “pink zone” described in the City of Livingston Growth Policy.
2. Some of the above-described residences could be considered to be contiguous lands to the City of Livingston.
3. Pursuant to Montana Code Annotated 2019, Title 7, Chapter 2, Part 43: 7-2-4301 through 7-2-4331:
  - a. There are not 300 recorded parcels of land in said area;
  - b. We, the homeowners, hereby disapprove and protest any possible resolution by the City of Livingston to annex said streets and/or properties within the city limits of the City of Livingston;
  - c. The following individuals are the majority of the residents living between Interstate I-90 and Fleshman Creek in Livingston, Montana:



<b>Name of Property Owner</b>	<b>Legal Residence Address</b>
Jon D. Swanson and Angel Swanson	9 and 11 Elkhorn Lane
Will Lalic and Suzanne Lalic	14 Elkhorn Lane
Jason Leinbach	19 Elkhorn Lane
James D. McNamara	24 Elkhorn Lane
Hugh G. Juhnke and Dorothy M. Juhnke	27 Elkhorn Lane
Christine Lalic	4 Leighton Drive
Jay D. Weimer and Brooke J. Weimer	2 Willow Drive
Myron Kovash and Beverly A. Kovash	11 Willow Drive
Gene Struthers	14 Willow Drive
Keith W. Brown and Wendy D. Brown	40 Willow Drive
Terrance O. Herranen	37 and 41 Willow Drive
Jacob Brown and Kylie Kertzaert	38 Willow Drive
Owen L. Coon, III	39 Willow Drive
Keith Brown and Wendy Brown	40 Willow Drive
RoseMary Westberg	56 Willow Drive
Michael Pinson	60 Willow Drive
Aryn Forgey and Kara Nelson	64 Willow Drive
Merrycline Pickenpaugh	68 Willow Drive
Michael J. Whiting and Roberta E. Taylor	2 Willow Bend Lane
Robert D. Daniel	7 Willow Bend Lane and 44 Willow Drive
David C. Lewis and Mona L. Lewis	16 Willow Bend Lane
Yvonne P. Allison	25, 27 and 45 Willow Bend Lane
William N. Thurlow	4 Holly Hoch Lane
Paul P. Mikesell and Peggy A. Mikesell	6 Holly Hoch Lane
Christopher R. Benden and Julie A. Benden	7 Holly Hoch Lane
Lisa L. Barrett	56 Miller Drive

Matthew W. Schaeffer	60 Miller Drive
Anna Smith, E. Gunnar Petersen and Tondi Petersen	61 Miller Drive
Laurel Hutchinson and James C. Hutchinson	1 Felix Lane
Steve Barker	5 Felix Lane
Juanita J. Mullin	7 Felix Lane
Joan K. Berg	9 Felix Lane
Catherine R. Pappert	15 Felix Lane
Donald F. Sheen and Lana L. Sheen	16 Felix Lane
David A. Haug	9 – 13 and 21 Rogers Lane
Joseph B. Tacke	16 Rogers Lane
William R. Hunter and Kay C. Hunter	20 Rogers Lane
Dale R. Mattila	23 Rogers Lane
Peggy McGee	27 Rogers Lane

I/We, the owner(s) of the property with an address of **9 and 11 Elkhorn Lane, Livingston, MT**  
hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF STREETS AND**  
**PROPERTY** this 1<sup>st</sup> day of June, 2021.

  
\_\_\_\_\_  
Signature of Property Owner

Jon A. Swanson  
\_\_\_\_\_  
Printed Name of Property Owner

  
\_\_\_\_\_  
Signature of Property Owner

Jon A. Swanson  
\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of **4 Leighton Drive, Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF STREETS AND PROPERTY**

this 6<sup>th</sup> day of June, 2021.

Chris Lalich

Signature of Property Owner

Chris Lalich

Printed Name of Property Owner

Chris Lalich

Signature of Property Owner

Chris

Printed Name of Property Owner

I/We, the owner(s) of the property with an address of **14 Elkhorn Lane, Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF STREETS AND PROPERTY** this 7 day of June, 2021.



\_\_\_\_\_  
Signature of Property Owner

Will Lalich

\_\_\_\_\_  
Printed Name of Property Owner

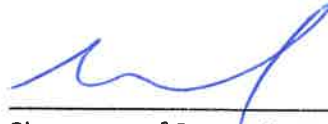
Suzanne Lalich

\_\_\_\_\_  
Signature of Property Owner

Suzanne Lalich

\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of **19 Elkhorn Lane, Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.



\_\_\_\_\_  
Signature of Property Owner

Jason Leinbach

\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 24 Elkhorn Lane,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.

James D McNamee  
Signature of Property Owner

JAMES D McNamee  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of **27 Elkhorn Lane, Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.

Hugh Johnke  
Signature of Property Owner

HUGH JOHNKE  
Printed Name of Property Owner

Dorothy Johnke  
Signature of Property Owner

Dorothy Johnke  
Printed Name of Property Owner



I/We, the owner(s) of the property with an address of 2 Willow Drive,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 7<sup>th</sup> day of June, 2021.

Jay D Weiner  
Signature of Property Owner

Jay D Weiner  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 2 Willow Drive,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 7<sup>th</sup> day of June, 2021.

  
Signature of Property Owner

Brooke J. Weimer  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of **11 Willow Drive, Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF STREETS AND PROPERTY**

this 1st day of June, 2021.

Myron Kovash

Signature of Property Owner

Myron Kovash

Printed Name of Property Owner

Beverly A. Kovash

Signature of Property Owner

Beverly A. Kovash

Printed Name of Property Owner

I/We, the owner(s) of the property with an address of **14 Willow Drive, Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.

  
\_\_\_\_\_  
Signature of Property Owner

Gene Struthers  
\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 37 + 41 Willow Dr,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.

  
\_\_\_\_\_  
Signature of Property Owner

Terry Herranen  
\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 38 Willow Dr,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.

  
\_\_\_\_\_  
Signature of Property Owner

Jacob Brown  
\_\_\_\_\_  
Printed Name of Property Owner

  
\_\_\_\_\_  
Signature of Property Owner

Kylie Verkoren  
\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 39 Willow Drive,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 7<sup>th</sup> day of June, 2021.

Omni S. Canfield

Signature of Property Owner

Omni S. Canfield

Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of **40 Willow Drive, Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.

Keith Brown

Signature of Property Owner

Keith Brown

Printed Name of Property Owner

Wendy Brown

Signature of Property Owner

Wendy Brown

Printed Name of Property Owner



I/We, the owner(s) of the property with an address of 56 Willow Dr,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.

Rosemary Westberg  
Signature of Property Owner

Rosemary Westberg  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 60 Willow Drive,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 7<sup>th</sup> day of June, 2021.



Signature of Property Owner



Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 64 Willow Drive,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF  
STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.

Aryn Forgey

Signature of Property Owner

Aryn Forgey

Printed Name of Property Owner

Kara Nelson

Signature of Property Owner

Kara Nelson

Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 68 Willow Dr,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.

Merrycline Pickenpaugh

Signature of Property Owner

Merrycline Pickenpaugh

Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

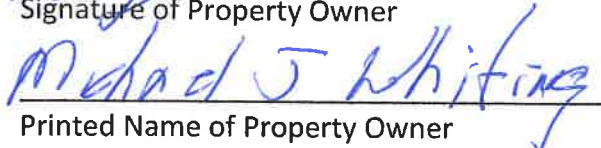
I/We, the owner(s) of the property with an address of 2 Willow Bend,

Livingston, MT hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.



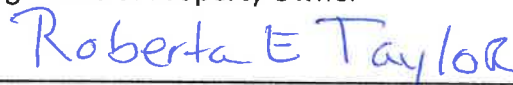
Signature of Property Owner



Printed Name of Property Owner



Signature of Property Owner



Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 7 Willow Bend Lane and  
44 Willow Drive  
Livingston, MT hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**  
**STREETS AND PROPERTY** this 7<sup>th</sup> day of June, 2021.

  
\_\_\_\_\_  
Signature of Property Owner

ROBERT D DANIE  
\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 16 Willow Bend Ln,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.

David C. Lewis

Signature of Property Owner

DAVID C. LEWIS

Printed Name of Property Owner

Mona L Lewis

Signature of Property Owner

Mona L Lewis

Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 25 Willow Bend Lane,  
27 Willow Bend Lane + 45 Willow Bend Lane  
Livingston, MT hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**  
**STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.

Yvonne P. Allison  
Signature of Property Owner

Yvonne P. Allison  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner


\_\_\_\_\_  
Printed Name of Property Owner



I/We, the owner(s) of the property with an address of **4 Holly Hock Lane, Livingston, MT**  
hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF STREETS AND**  
**PROPERTY** this 6<sup>th</sup> day of June, 2021.



Signature of Property Owner



Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 6 Hollyhock Lane or  
Elkhorn  
**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**  
**STREETS AND PROPERTY** this 7<sup>th</sup> day of June, 2021.

Paul P. Mikesell

Signature of Property Owner

PAUL P. MIKESELL

Printed Name of Property Owner

Peggy A. Mikesell

Signature of Property Owner

Peggy A. Mikesell

Printed Name of Property Owner

I/We, the owner(s) of the property with an address of **7 Holly Hock Lane, Livingston, MT**  
hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF STREETS AND**  
**PROPERTY** this 6<sup>th</sup> day of June, 2021.

Chris Benden

Signature of Property Owner

Chris Benden

Printed Name of Property Owner

Jute Benden

Signature of Property Owner

Jute Benden

Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 56 Miller Dr,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.

  
\_\_\_\_\_  
Signature of Property Owner

Lisa L. Barrett  
\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 60 Miller Dr.,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 6<sup>TH</sup> day of JUNE, 2021.

Matthew Schuff  
Signature of Property Owner

MATTHEW W. Schuff  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 61 Miller Drive,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 7<sup>th</sup> day of June, 2021.

Anna Smith

Signature of Property Owner

Anna Smith

Printed Name of Property Owner

E. Gunnar Petersen

Signature of Property Owner

E. GUNNAR PETERSEN

Printed Name of Property Owner

Tondi Petersen

Tondi Petersen

I/We, the owner(s) of the property with an address of 1 Felix Lane,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 7th day of June, 2021.

Laurel Hutchinson

Signature of Property Owner

Laurel Hutchinson

Printed Name of Property Owner

James C. Hutchinson

Signature of Property Owner

JAMES C. HUTCHINSON

Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 5 Felix Lane,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 6 day of June, 2021.

Steve Barker  
Signature of Property Owner

Steve Barker  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner



I/We, the owner(s) of the property with an address of 7 Felix,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 6 day of June, 2021.

Juanita J. Mullin  
Signature of Property Owner

Juanita J. Mullin  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 9 Felix Lane,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 7<sup>th</sup> day of June, 2021.

  
Signature of Property Owner

JOAN BERG  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of **15 Felix Lane, Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF STREETS AND PROPERTY**

this 6<sup>th</sup> day of June, 2021.

Catherine R Papper

Signature of Property Owner

Catherine R Papper

Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 16 Felix Lane,

Livingston, MT hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.

Lana Sheen

Signature of Property Owner

Lana Sheen

Printed Name of Property Owner

Donald Sheen

Signature of Property Owner

Donald Sheen

Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 21 Rogers Lane and  
9-13 Rogers Lane  
**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**  
**STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.

  
\_\_\_\_\_  
Signature of Property Owner

David A. Haug  
\_\_\_\_\_  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 16 Rogers Lane,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.

Joseph B. Tacke  
Signature of Property Owner

Joseph B. Tacke  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 20 Rogers Lane,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.



Signature of Property Owner



Printed Name of Property Owner



Signature of Property Owner



Printed Name of Property Owner

I/We, the owner(s) of the property with an address of 23 Rogers Lane,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.

Dale R Mattila

Signature of Property Owner

Dale R Mattila

Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner



I/We, the owner(s) of the property with an address of 27 Rogers Lane,

**Livingston, MT** hereby agree with and sign the above **PETITION FOR NON-ANNEXATION OF**

**STREETS AND PROPERTY** this 6<sup>th</sup> day of June, 2021.

Peggy McGee  
Signature of Property Owner

Peggy McGee  
Printed Name of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Property Owner

**File Attachments for Item:**

**B. RESOLUTION NO. 4975: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, TO APPLY THE HISTORIC PROPERTY TAX ABATEMENT PROGRAM TO PROPERTY OWNED BY THOMAS BLUROCK ADDRESSED AS 122 SOUTH 2ND STREET.**

June 8, 2021

**STAFF REPORT**  
**HISTORIC PROPERTY TAX ABATEMENT – 122 S. Second St.**

**Background**

Thomas Blurock, the owner of the property at 122 S. 2<sup>nd</sup> Street applied for a tax abatement for the restoration, rehabilitation, expansion, and new construction for qualifying historic properties, as authorized by City of Livingston Resolution 4551 (Attachment II) and 15-24-16 Montana Code Annotated (MCA). As noted in his letter and submitted materials (Attachment I) the applicant is rehabilitating the property located at 122 S. 2<sup>nd</sup> Street. As the property is in the historic district the rehabilitation was required to go through the historic design review process, and has done so. Additionally, 15-24-1605(3) MCA requires that the Historic Preservation Commission (HPC) determine that the property is eligible for the tax abatement. The HPC discussed this item at their January 12, 2021 meeting and voted unanimously (3:0) to determine the project eligible for the tax abatement (Minutes included as Attachment III). As such, the property is eligible for a tax abatement, consistent with the limitations of Resolution 4551, of up to 5 years, if deemed appropriate by the City Commission. The property is currently five condos and the tax abatement will only apply as long as the applicant is the property owner, as condos are sold the tax abatement will no longer apply and the new property owners, not having undertaken a restoration, rehabilitation, expansion, or new construction of a historic property are not eligible for the abatement.

The property is legally described as: Livingston Original Townsite, Section 13, Township Two South (T02S), Range Nine East (R09E), Block 80, Lot 10-12.

**Staff Recommendation**

Consistent with all HPC approvals and determinations, staff recommends that the City Commission approve the tax abatement for 122 S. 2<sup>nd</sup> Street for the maximum amount allowed under the resolution of 100% of the increase in values due to the rehabilitation and maximum period of five (5) years. A resolution consistent with this recommendation is provided as Attachment IV.

**Attachments**

- Attachment I.....Application Materials
- Attachment II.....Resolution 4551
- Attachment III.....Jan. 12, 2021 HPC Minutes
- Attachment IV.....Draft Resolution

To: City of Livingston  
 From: Thomas Blurock- owner  
 122 South 2<sup>nd</sup> Street  
 Livingston, MT 59047

Re: Application for tax abatement for building restoration at 122 South 2nd Street, Livingston Montana under the program established by Resolution 4551 adopted by the Livingston City Commission on April 23, 2015.

Background: In July 2020, I purchased the old Penneys Department Store building at 122 S. 2<sup>nd</sup> Street, Livingston to rehabilitate it and develop it as commercial and residential space. Since then the building has been under construction to this end. I anticipate the construction will be completed within the year.

Original Condition: The original building had approximately 7000sf of street level space and a full basement. When I purchased the property, this space had been used for years as a warehouse for Dan Baileys Fly Shop. Previously the space had been a department store since its construction in 1911. There is about 3000sf of second level space

The warehouse use

Project Description:

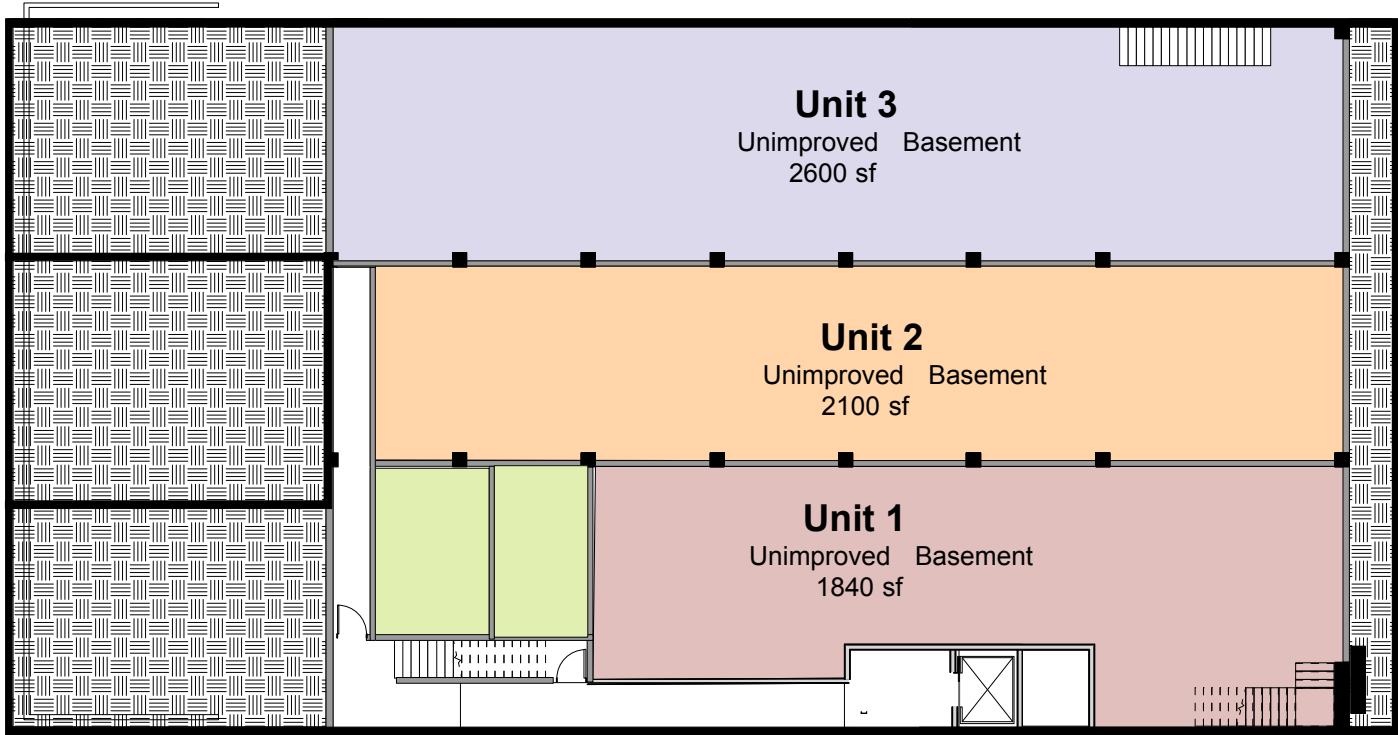
Under Resolution 4551, adopted by the city commission on the 23<sup>rd</sup> of April, 2015, I am eligible for tax abatement for the project in that the project is an historic building within the boundaries of a National Register historic district and is a contributing structure (section 5A of Resolution 4551)

At its meeting on January 12, the Historic Preservation Commission affirmed that project qualifies for tax abatement under this resolution.

I hereby apply for tax abatement approval for this project to the City Commission of Livingston.

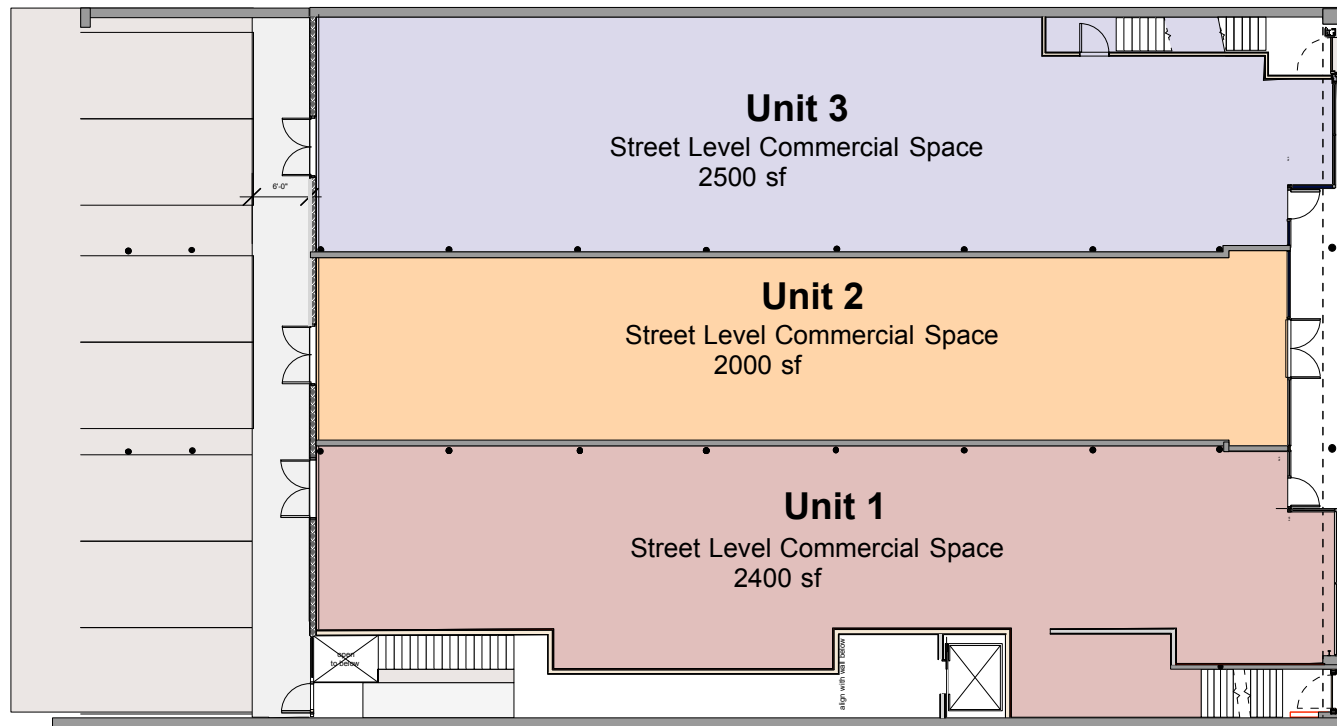
Sincerely

Thomas Blurock  
 Property Owner  
 122 South 2<sup>nd</sup> Street  
 Livingston, MT 59047



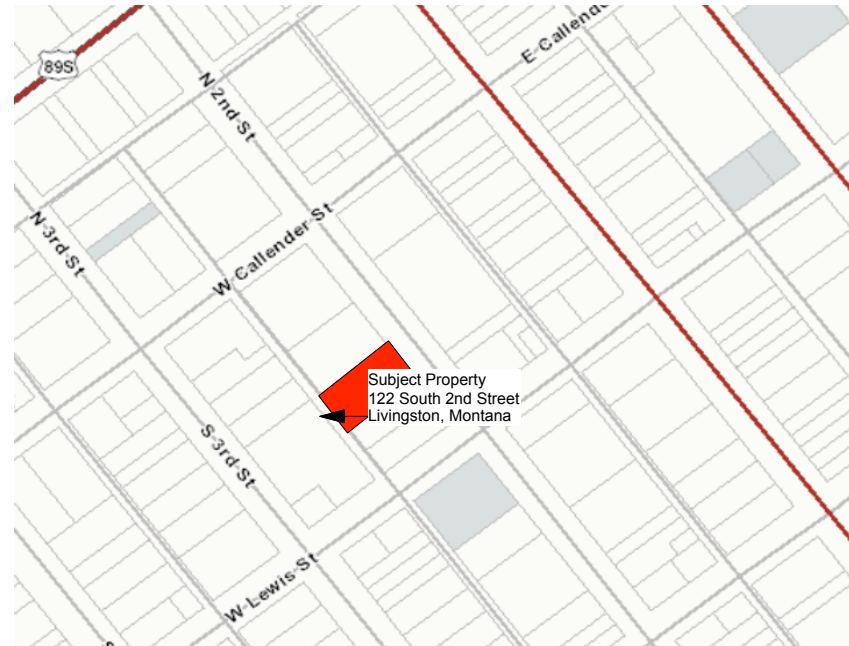
BasementCondominum Plan

0 10'



Ground Floor Condominum Plan

0 10'



Location Plan

### Project Description

**Existing Building:** The property is occupied by a large building which was originally a JC Penneys Department Store. It is a fine historic building built in 1919 sitting on three typical city of Livingston lots creating a piece of property of 75' x 140' (10,500 sf). The building contains two floors of space with a large basement. The ground floor occupies most of the lot with an area of 9900sf. The basement occupies the entire lot and the upper floor sits on the front of the property, has dimensions of 50'x75' or 3750sf. The building is in good condition.

**Development Plan:** The ground floor will become into three commercial spaces. 25 feet will be removed from the rear of the building and the basement filled in to create 8 parking spaces accessed from the alley. A rear entrance will be developed for the commercial spaces. The upper floor will be developed into residential units.

**Phasing:** The first phase will develop the commercial spaces including the rear parking. Utilities for the later phases will be installed to the extent their later construction would disrupt commercial activity. The Residential units will be developed in a later phase.

**Condominium Plan:** It is intended to file a condominium plan for the development. The plan would develop five condominium units described as follows:

- Unit 1:** includes 2400 sf of street level commercial space, 1840 sf of unimproved basement space below the commercial space. Unit 1 controls one parking place and 20% of the voting rights.
- Unit 2:** includes 2000 sf on street level commercial space, 2100 sf of unimproved basement space below the commercial space. Unit 2 controls one parking space and 20% of the voting rights.
- Unit 3:** includes 2500 sf on street level commercial space, 2600 sf of unimproved basement space below the commercial space. Unit 3 controls two parking space and 20% of the voting rights.
- Unit 4:** includes 1750 sf of residential space on the upper floor of the building and 400sf of storage space in the basement. Unit 4 controls two parking spaces, and 20% of the voting rights.
- Unit 5:** includes 1750 sf of residential space on the upper floor of the building and 400sf of storage space in the basement. Unit 3 controls one parking space, shares one space with unit 4 and 20% of the voting rights.

### List of Drawings

- Sheet 1 Location Plan
- Sheet 2 Existing Building Plans, Lower Condo Plan
- Sheet 3 Basement Proposed
- Sheet 4 Ground Floor Proposed
- Sheet 5 Mezzanine Proposed
- Sheet 6 Electrical Plans
- Sheet 7 Upper Level Residential
- Sheet 8 Section A
- Sheet 9 Sections B
- Sheet 10 Elevations/Enlarged Plans
- Sheet 11 Stair Sections
- Sheet 12 Loft Elevations/Sections

Improvements for:  
122 South 2nd Street  
Livingston, Montana 59047  
Phase 1

BasementCondominum Plan  
Ground Floor Condominum Plan  
Location Plan

sheet

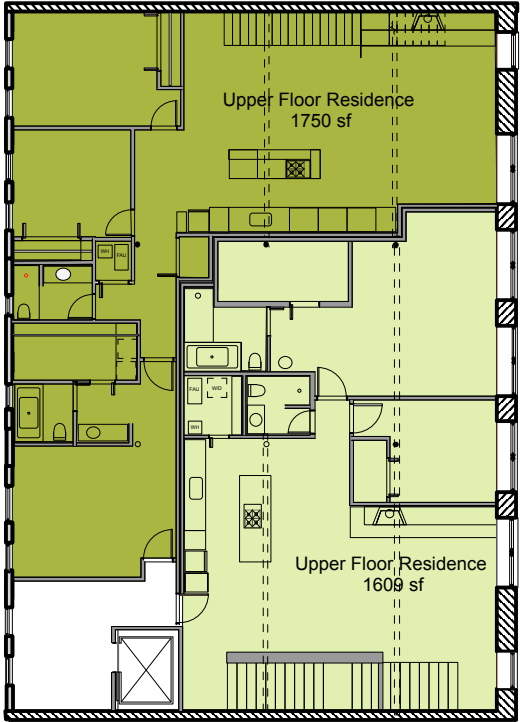
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March 10, 2021

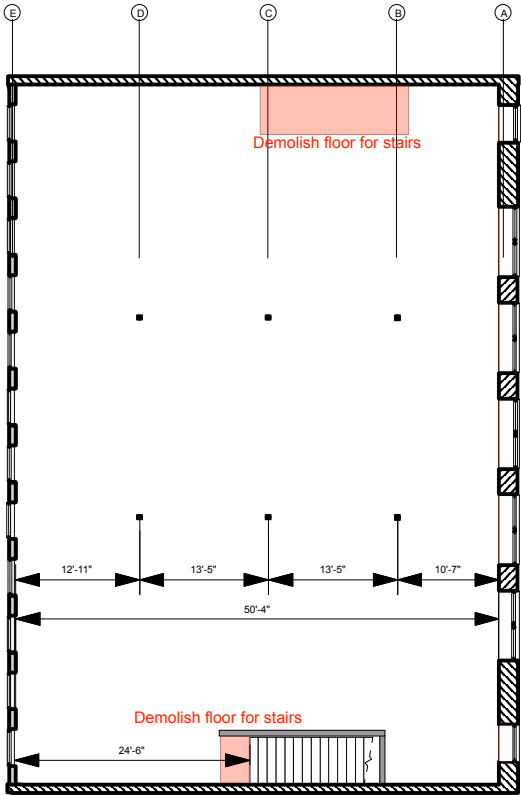
BRIAN D. MAY  
P.E. Licence # 42271  
State of Montana

engineer:  
BRIAN MAY PE  
PO Box 11658  
Bozeman, Mt 59719  
telephone: 412 722 3938  
email: bmay.bs3@gmail.com

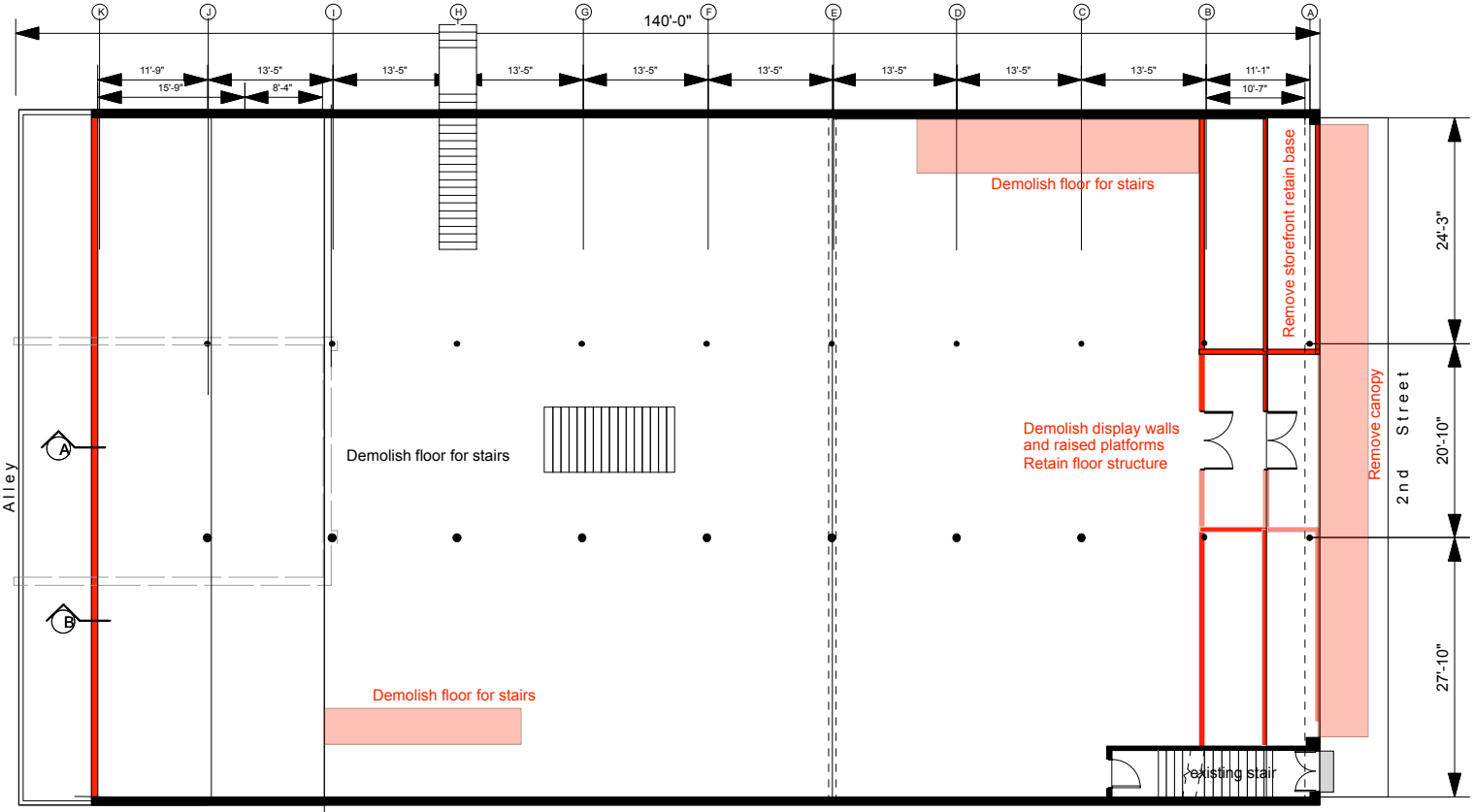
architect:  
THOMAS BLUROCK FAIA  
110 1/2 South Main St  
Livingston, MT 59047  
telephone: 949 285 2435  
email: tblurock@goi.com



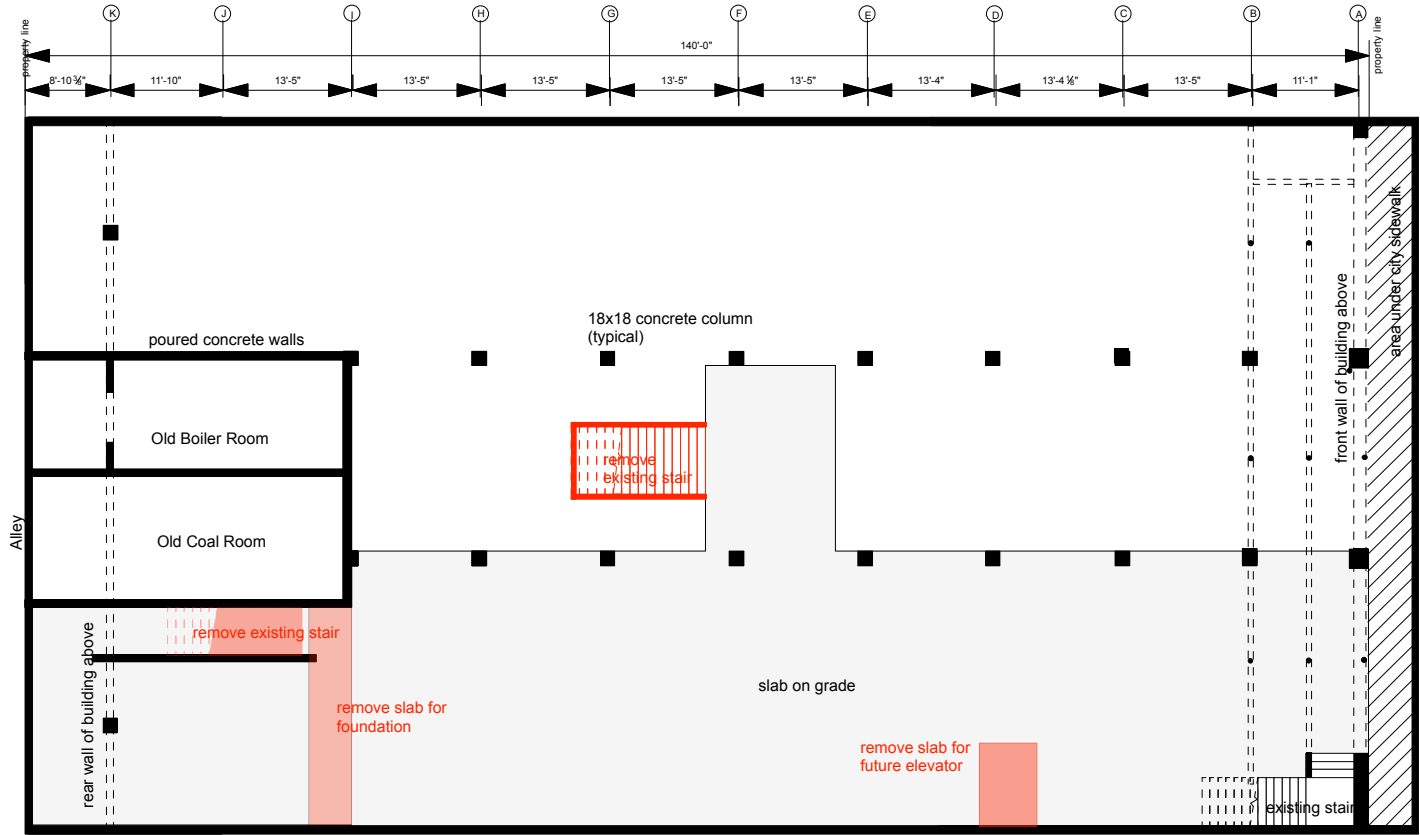
Upper Floor Condominium Plan



Existing Upper Floor Demolition Plan



Existing Ground Floor Demolition Plan



Existing Basement Plan Demolition Plan



engineer:  
**Brian May PE**  
PO Box 11658  
Bozeman, Mt 59719  
telephone: 412 722 3938  
email: bmay.bs3@gmail.com

architect:  
**Thomas Blurock FAIA**  
110 1/2 South Main St  
Livingston, MT 59047  
telephone: 949 285 2435  
email: tblurock@aol.com

Improvements for:  
**122 South 2nd Street**  
**Livingston, Montana 59047**  
**Phase 1**

Existing Building Plans/Demolition Plans  
Upper Level Condominium Plan

sheet **2**

March 10, 2021

engineer:  
**Brian May PE**  
PO Box 11658  
Bozeman, Mt 59719  
telephone: 412 722 3938  
email: bmay.bs3@gmail.com

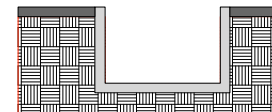
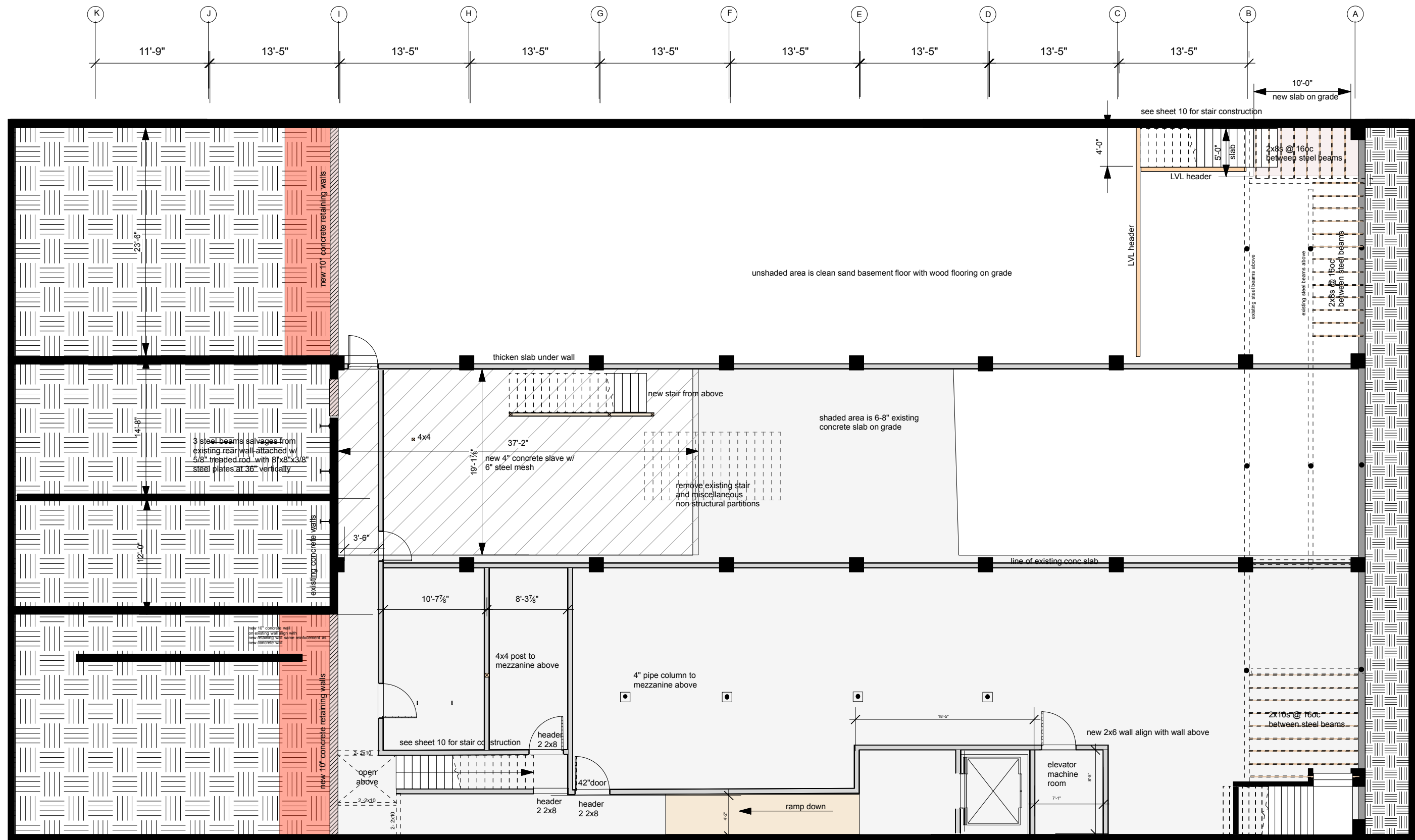
architect:  
**Thomas Blurock FAIA**  
1110 1/2 South Main St  
Livingston, MT 59047  
telephone: 949 285 2435  
email: [tblurock@aol.com](mailto:tblurock@aol.com)

Improvements for:  
122 South 2nd Street  
Livingston, Montana 59047  
Phase 1

## Proposed Basement Plan phase1

sheet **3**

March 10, 2021



### Proposed Basement Plan- phase1



engineer:  
**Brian May PE**  
PO Box 11658  
Bozeman, Mt 59719  
telephone: 412 722 3938  
email: bmay.bs3@gmail.com

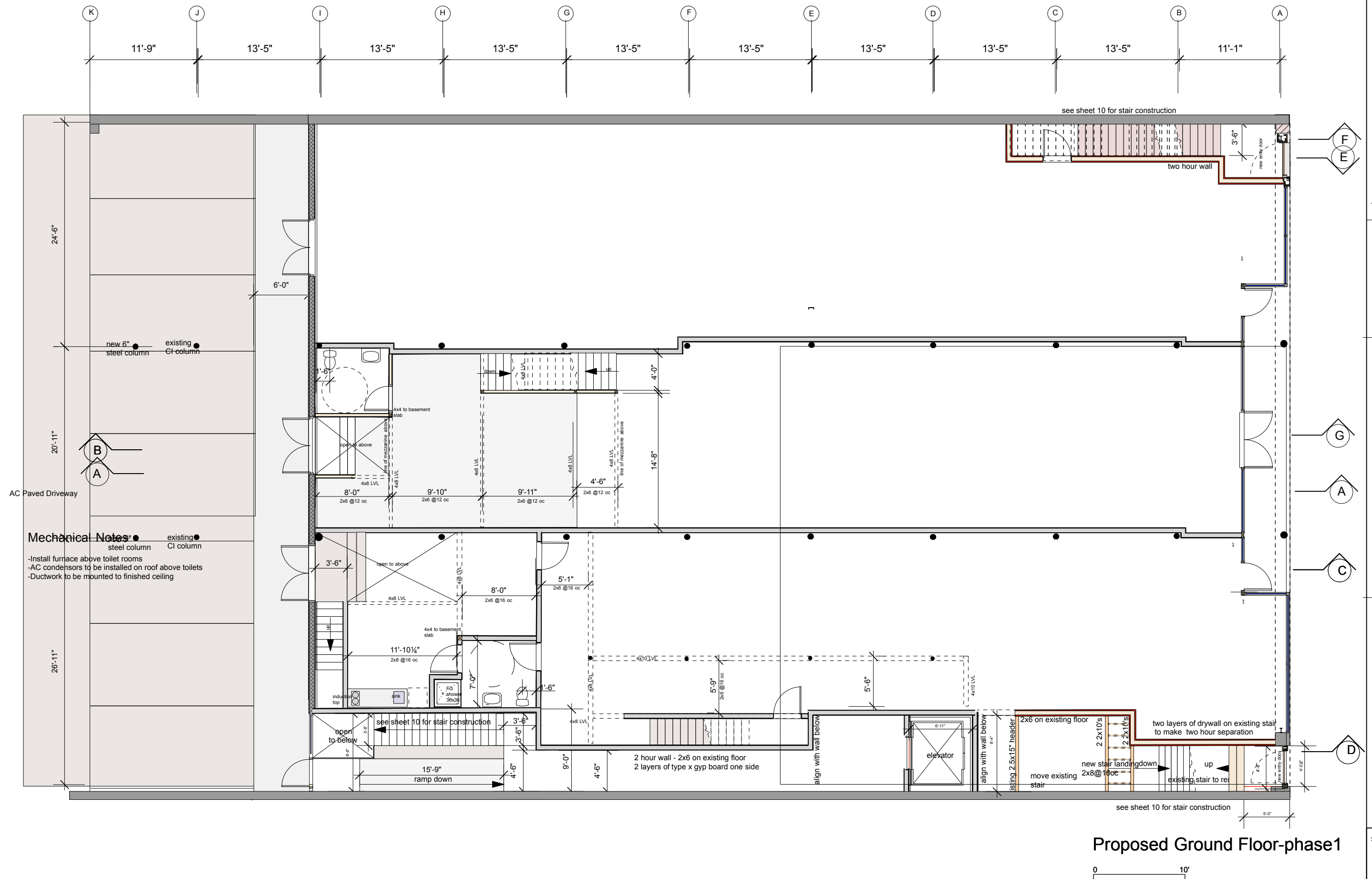
architect:  
**Thomas Blurock FAIA**  
110 1/2 South Main St  
Livingston, MT 59047  
telephone: 949 285 2435  
email: tblurock@aol.com

Improvements for:  
122 South 2nd Street  
Livingston, Montana 59047

Proposed Ground Floor  
phase1

sheet **4**

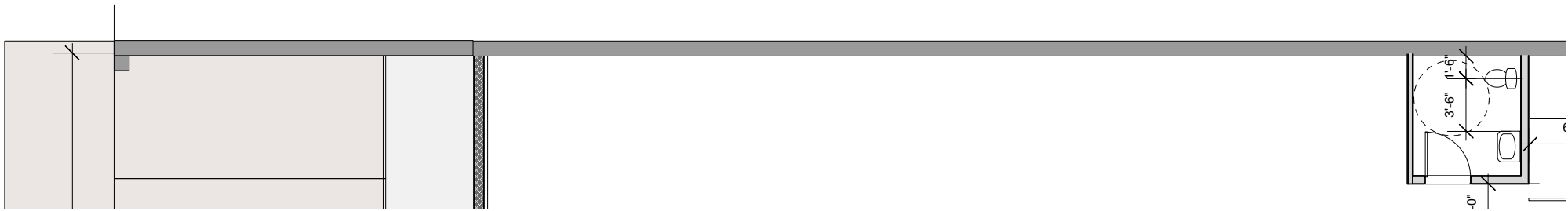
March 10, 2021

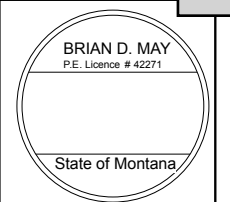












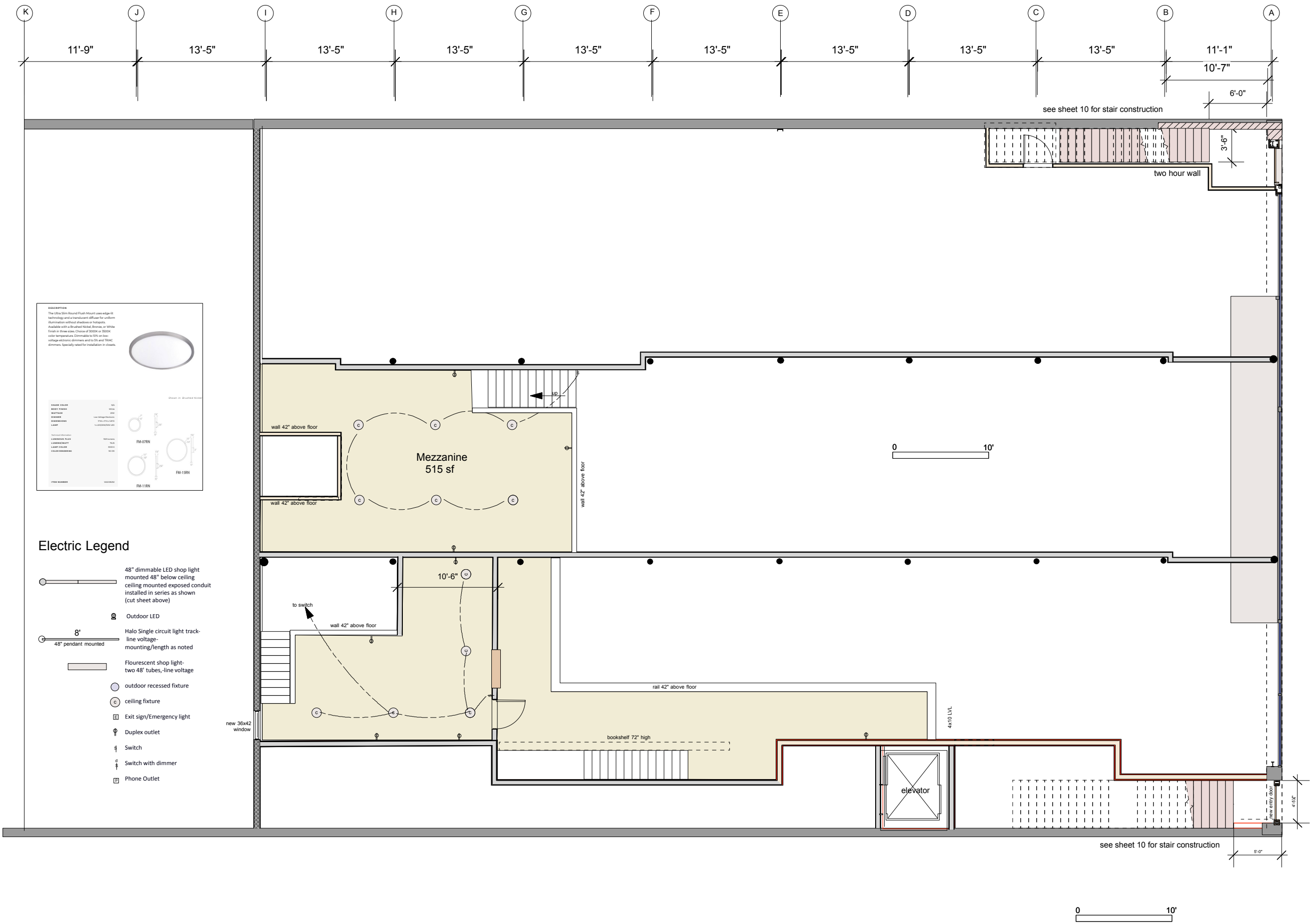
engineer:  
**Brian May PE**  
PO Box 11658  
Bozeman, Mt 59719  
telephone: 412 722 3938  
email: bmay.bs3@gmail.com

architect:  
**Thomas Blurock FAIA**  
110 1/2 South Main St  
Livingston, MT 59047  
telephone: 949 285 2435  
email: tblurock@aol.com

Improvements for:  
**122 South 2nd Street**  
**Livingston, Montana 59047**  
**Phase 1**

sheet  
**5**

March 10, 2021



**DESCRIPTION**  
The Ultra Slim Round Flush Mount uses edge lit technology and a translucent diffuser for uniform illumination without shadows or hotspots. Available with a Brushed Nickel, Bronze, or White Finish in New York Choice of 3000K or 3500K color temperature. Dimmable to 10% on line voltage electronic dimmer and to 5% and 10% dimmers. Specially rated for installation in closets.

**FINISH COLOR**  
BRUSHED NICKEL  
BRONZE  
WHITE  
DIMMER  
LAMP

**ITEM NUMBER**  
FM-07RN  
FM-10RN  
FM-15RN

**Electric Legend**

- 48" dimmable LED shop light mounted 48" below ceiling
- ceiling mounted exposed conduit installed in series as shown (cut sheet above)
- Outdoor LED
- Halo Single circuit light track-line voltage-mounting/length as noted
- Flourescent shop light-two 48" tubes,-line voltage
- outdoor recessed fixture
- ceiling fixture
- Exit sign/Emergency light
- Duplex outlet
- Switch
- Switch with dimmer
- Phone Outlet

engineer:  
**Brian May PE**  
PO Box 11658  
Bozeman, Mt 59719  
telephone: 412 722 3938  
email: bmay.bs3@gmail.com

architect:  
**Thomas Blurock FAIA**  
1110 1/2 South Main St  
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telephone: 949 285 2435  
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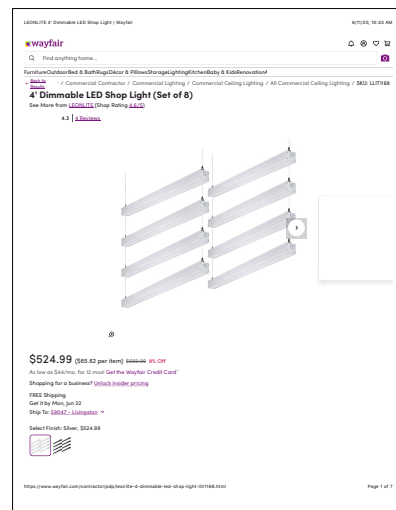
Improvements for:  
122 South 2nd Street  
Livingston, Montana 59047  
Phase 1

# Proposed Ground Floor phase1 Electrical/HVAC

sheet

6

March 10, 2021



48" dimmable LED shop light mounted 48" below ceiling  
ceiling mounted exposed conduit installed in series as shown (cut sheet above)

Ⓐ Outdoor LED

Ⓑ Halo Single circuit light track-line voltage-mounting/length as noted

Ⓒ Fluorescent shop light- two 48" tubes,-line voltage

Ⓓ outdoor recessed fixture

Ⓔ ceiling fixture

Ⓕ Exit sign/Emergency light

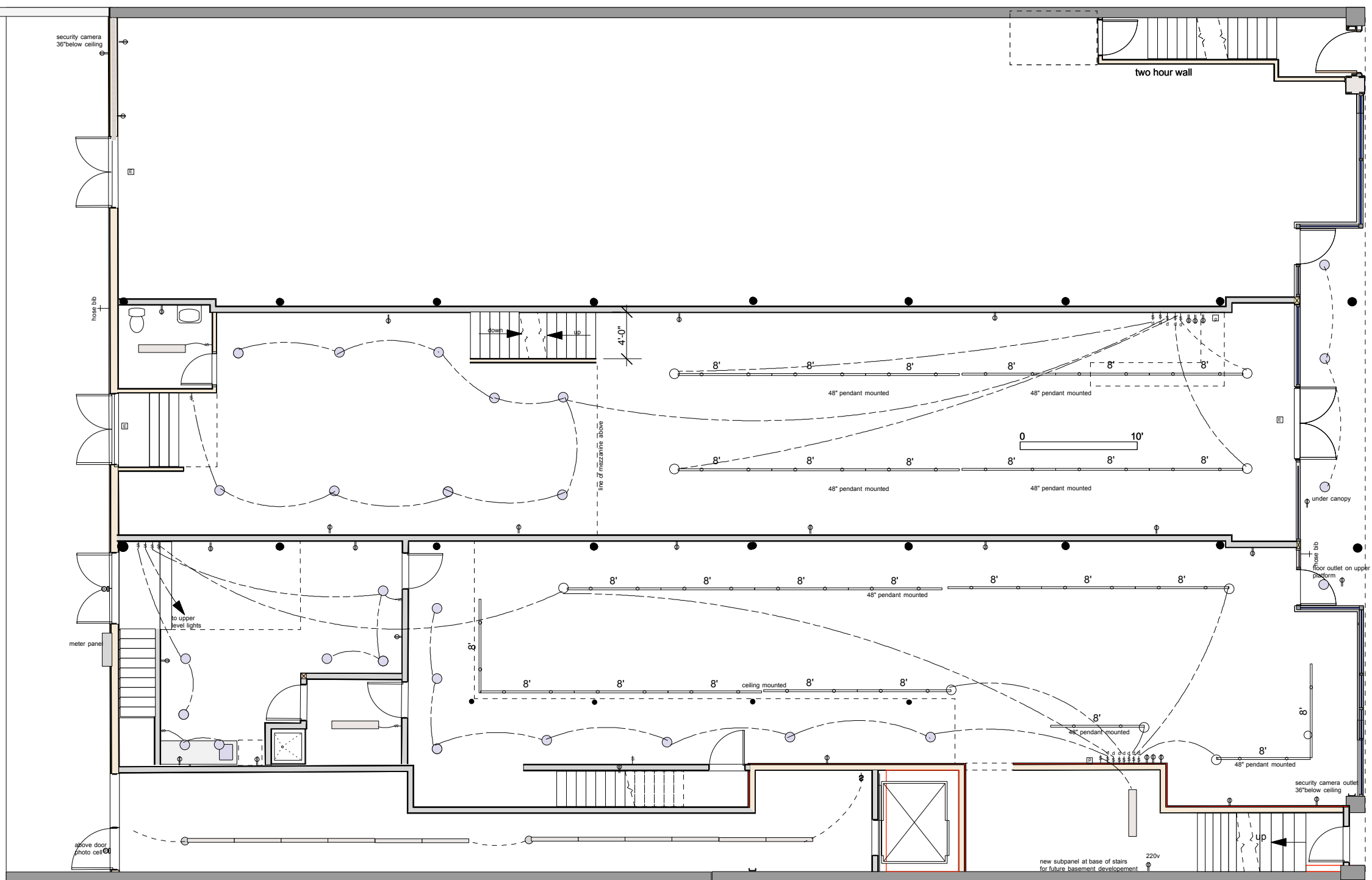
Ⓖ Duplex outlet

Ⓗ Switch

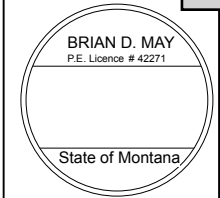
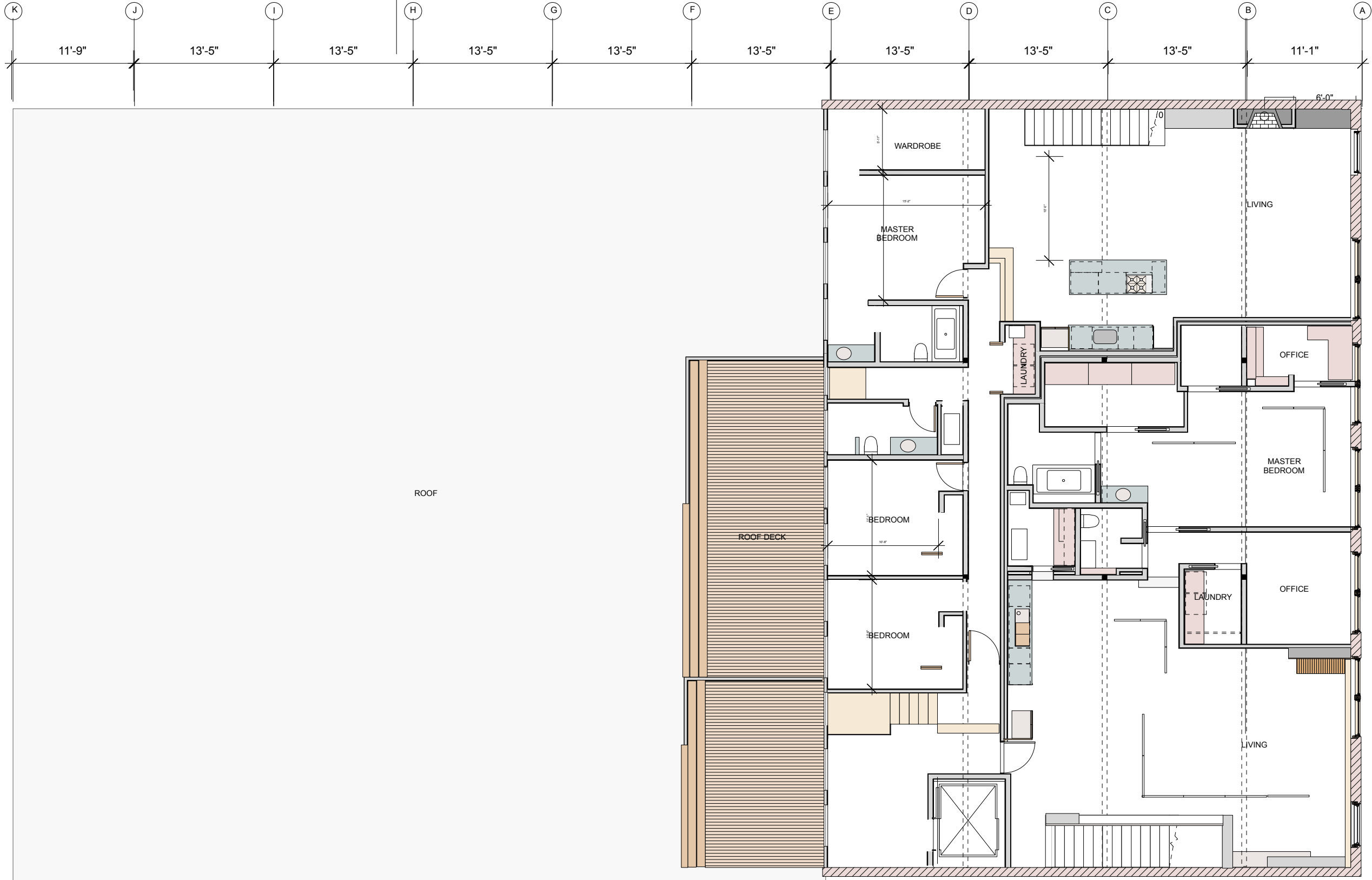
Ⓙ Switch with dimmer

Ⓜ Phone Outlet

- Install furnace above toilet rooms
- AC condensers to be installed on roof above toilets
- Ductwork to be mounted to finished ceiling



Proposed Ground  
Floor-phase1  
Electrical/HVAC



engineer:  
**Brian May PE**  
PO Box 11658  
Bozeman, Mt 59719  
telephone: 412 722 3938  
email: bmay.bs3@gmail.com

architect:  
**Thomas Blurock FAIA**  
110 1/2 South Main St  
Livingston, MT 59047  
telephone: 949 285 2435  
email: tblurock@aol.com

Improvements for:  
**122 South 2nd Street**  
**Livingston, Montana 59047**  
**Phase 1**

**Upper Level Plan**  
**Residential**

sheet

**7**

March 10, 2021

Notes

1. These plans are Design Development drawings and not 100% Construction Documents. Contractor is responsible for details not shown in this plan set, including foundation, framing, structural connections, roofing, door and window openings, HVAC, insulation, electrical, plumbing, building envelope, watertightness and water infiltration products, components and detailing.
2. All construction materials, detailing, connections and workmanship not shown in these plans shall comply with the 2012 International Residential Code for One- and Two-Family Dwellings (2012 IRC).
3. The Contractor shall review all layouts and dimensions prior to construction. The architect shall be notified of any dimensional discrepancies or inconsistencies before materials are ordered or fabricated, and before construction begins.
5. Contractor shall be aware that with an existing structure, all dimensions shown on these drawings are approximate. All dimensions shall be field verified by the Contractor before ordering, fabricating, and installing materials.
6. Do not substitute materials, or do not modify layout, spans or structural elements without the written consent of the architect.
7. Contractor shall coordinate with electrical, plumbing and mechanical contractors for blockouts, conduit, sleeves, ducts, chases, embedded items. No large holes or notches are permitted through any walls or wood framing.
8. During construction, all foundations, walls, floors, trusses and other building elements shall be adequately braced with appropriate temporary shoring to resist construction loads until all structural elements have been permanently installed and secured.

STRUCTURAL LOADS

LIVE LOADS:  
Snow Load = 33 psf  
Residential Living Space = 40 psf  
Exterior Decks = "Same as occupancy served" = 40 psf  
Commercial Space = 100 psf  
Wind Load: 115 psf, Exposure C, I=1.0  
Seismic Load: Seismic Design Category D, I =1.0

EXCAVATION/SUBGRADE/FOUNDATION

Footings shown are sized for an Allowable Bearing Pressure of 2,000 psf and Contractor is responsible in preparing subgrades to obtain a minimum of 2,000 psf bearing pressure.

Contractor shall excavate to proposed subgrade depth at bottom of footing elevation. Bottom of all perimeter foundations shall extend to Frost Depth or below. Contractor shall verify that existing subgrade is native, dry, granular and sound subgrade material. Subgrade shall be free of organics, moist clays, saturated soils, high groundwater and other unsuitable materials. Contractor responsible for de-watering all foundation excavations.

If existing subgrade is sound and satisfactory, locally compact the native subgrade before setting foundation formwork.

If existing subgrade is unsatisfactory at the bottom of footing elevation, Contractor shall do one of the following:

a)Over-excavate and remove unsuitable material until sound material is encountered. Backfill with clean structural fill in 1-foot maximum thick lifts and compact to 95% proctor density. Backfill in this manner until bottom of footing elevation is obtained.

b)Hire a geotechnical engineer for expertise and instruction.

All concrete slabs-on-grade shall have subgrades stripped of all topsoil, organic and unsuitable materials. Locally over-excavate if required to remove unsuitable material. Subgrade shall be compacted. Structural backfill shall be imported and compacted is required. A compacted, level sub-base of graded sand or clean, structural material shall be installed as the top-most layer before casting the concrete slab(s).

MATERIALS

1.Concrete: 3000 psi (min) compressive strength at 28 days for footings, 3500 psi for slab-on-grades.

- a)Slump: 3 to 5 inches.
- b)Air Content: 5% to 8% entrained air.
- c)0.48 max water-cement ratio.
- d)Install rebar or welded-wire mesh as indicated on the drawings.
- e)All concrete placement activities shall comply with ACI 301 and ACI 318.
- f)Hot-weather concrete placement shall comply with ACI 305.
- g)Cold-weather concrete placement shall comply with ACI 306.

2.Reinforcing Steel (Rebar): ASTM A 615, 60 ksi, deformed bars, uncoated, lap length 36 bar diameters.

3.Foundation Anchor Bolts: ASTM A307, threaded rod with nut or J-bolts.

4.Steel Beams, columns, plates, & shapes: ASTM A36 steel or better, new condition, shop primer.

5.Structural Steel Bolts, washers & nuts: ASTM A 325, in sizes indicated.

6.Welding: E70XX electrodes, AWS D1.1 procedures.

7.Sawn Wood Joists: Doug-Fir-Larch No. 2 or better, or S-P-F No. 2 or better, new condition, free of checks, warp, or other damage, maximum moisture content of 19%.

8.Engineered Wood I-Joists: I-joists in sizes indicated. Bridging, bracing, hangers and other joist hardware as required by the joist manufacturer. Install per manufacturer's recommendations. If required, provide holes in webs in size and location as permitted by joist manufacturer.

9.Engineered Wood Beams:

- a)GLU-Lam Beams: Boise Glu-lam 24F-V4 or approved equal. Fb = 2400 psi, E = 1800 ksi.
- b)LVLs: Boise VERSA-LAM, or approved equal. Fb = 3100 psi, E = 2000 ksi.

- 10.Wood Sheathing: OSB in thicknesses as indicated, APA rated, Exposure 1 exterior grade.
- 11.Lumber Connection Hardware: Simpson Strong-Tie, products as indicated or as provide by the Truss Manufacturer and/or Framing/Joist provider.
- 12.Fasteners for Structural Members: Comply with IRC Table R602.3 or IBC Table 2304.9.1.
- 13.Post-drilled Concrete/Masonry Anchors: Anchors bolts to Concrete: HILTI -RE-500, or approved equal. Follow manufacturer's instructions for hole-drilling, cleaning, preparation and temperature.

1 HOUR FIRE SEPARATION- elevator shaft

One Hour partitions- one layer of 5/8" Type x Gypsum board on both sides of 2x4 minimumwood studs at 16" on center. Partition shall conform to UL standard U301 .

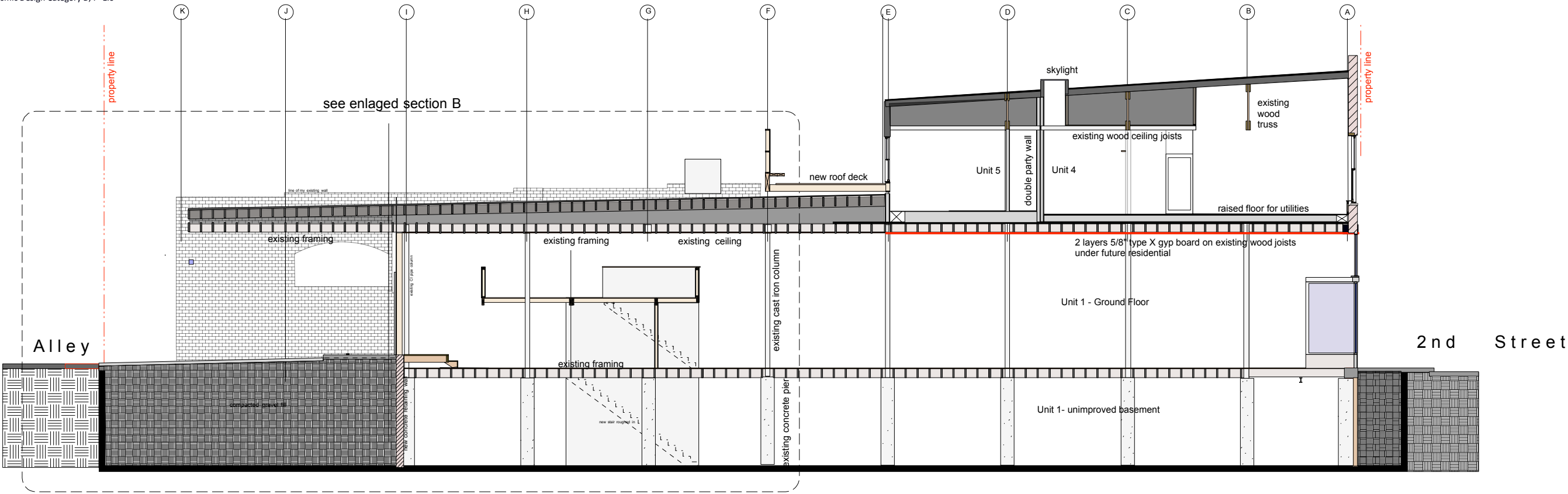
2 HOUR FIRE SEPARATION between M and R uses

Two Hour Partitions: Two layers of 5/8" Type X Gypsum Board on both sides of 2x4 minimum wood studs at 16" on center. Partition shall conform to UL standard U301

Two hour floor assembly:

Flooring shall be either:  
-1x3 (min) flooring on 1x6 subfloor or  
-1/2" osb or C/D plywood subfloor under 3/4" under Min 3/4 in. thickness of floor topping mixture having a minimum compressive strength of 1800 psi. Refer to manufacturer's instructions accompanying the material for specific mix design.  
Horizontal structure: wood floor joists  
Ceiling: 1 layer 5/8" Type X Gypsum Board on 1/2" resilient channels on  
1 layer 5/8" Type X Gypsum Board or existing ceiling

Assembly shall conform with UL Standard 511



Section A proposed



engineer:  
**Brian May PE**  
PO Box 11658  
Bozeman, Mt 59719  
telephone: 412 722 3938  
email: bmay.bs3@gmail.com

architect:  
**Thomas Blurock FAIA**  
110 1/2 South Main St  
Livingston, MT 59047  
telephone: 949 285 2435  
email: tblurock@goi.com

Improvements for:  
**122 South 2nd Street**  
**Livingston, Montana 59047**  
**Phase 1**

**Section A**  
**Construction Notes**

sheet

**8**

March 10, 2021

**Brian May PE**  
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architect:  
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telephone: 949 285 2435  
email: tblurock@aol.com

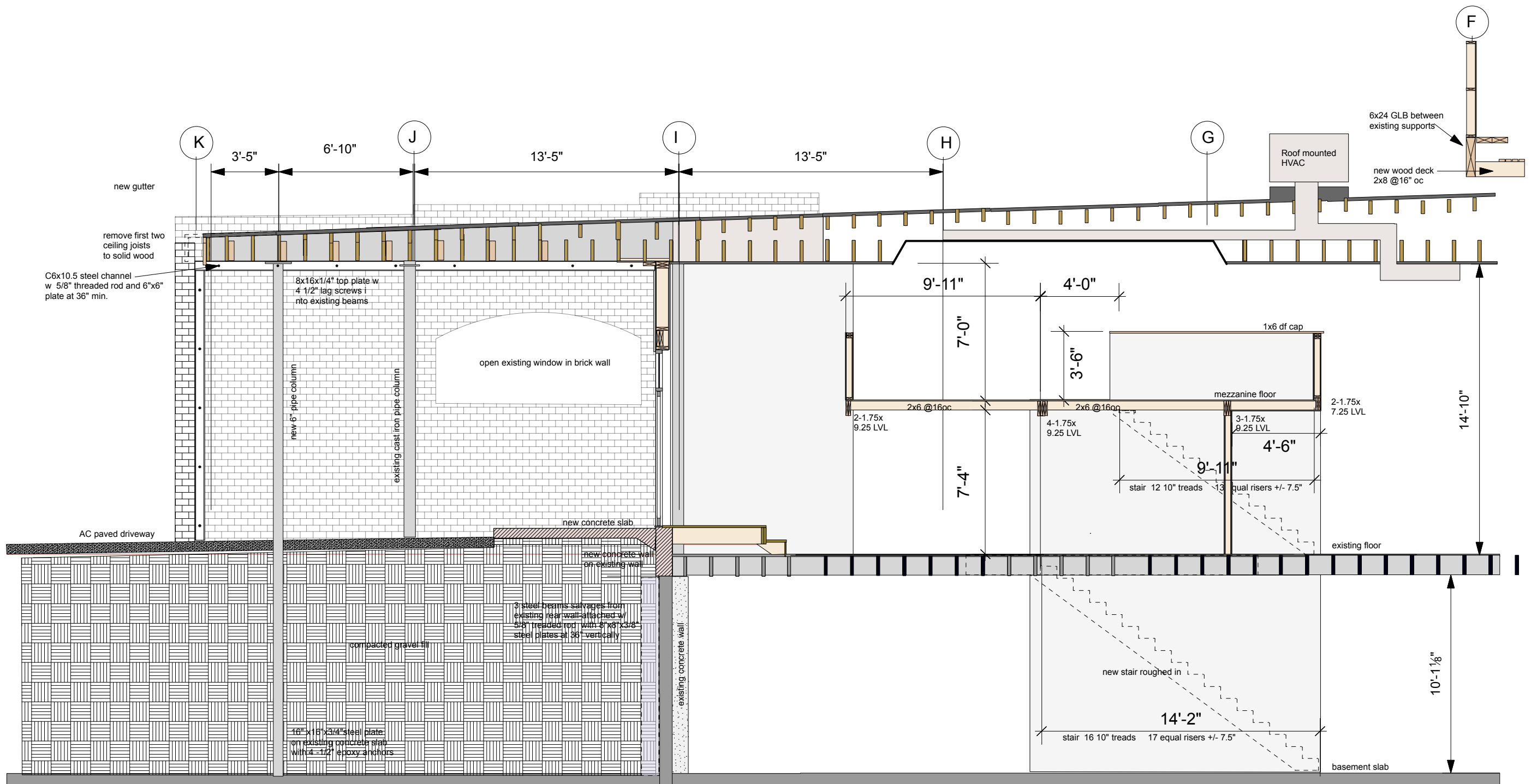
Improvements for:  
122 South 2nd Street  
Livingston, Montana 59047

## Detail Section B

sheet

9

March 10, 2021



Section B





engineer:  
**Brian May PE**  
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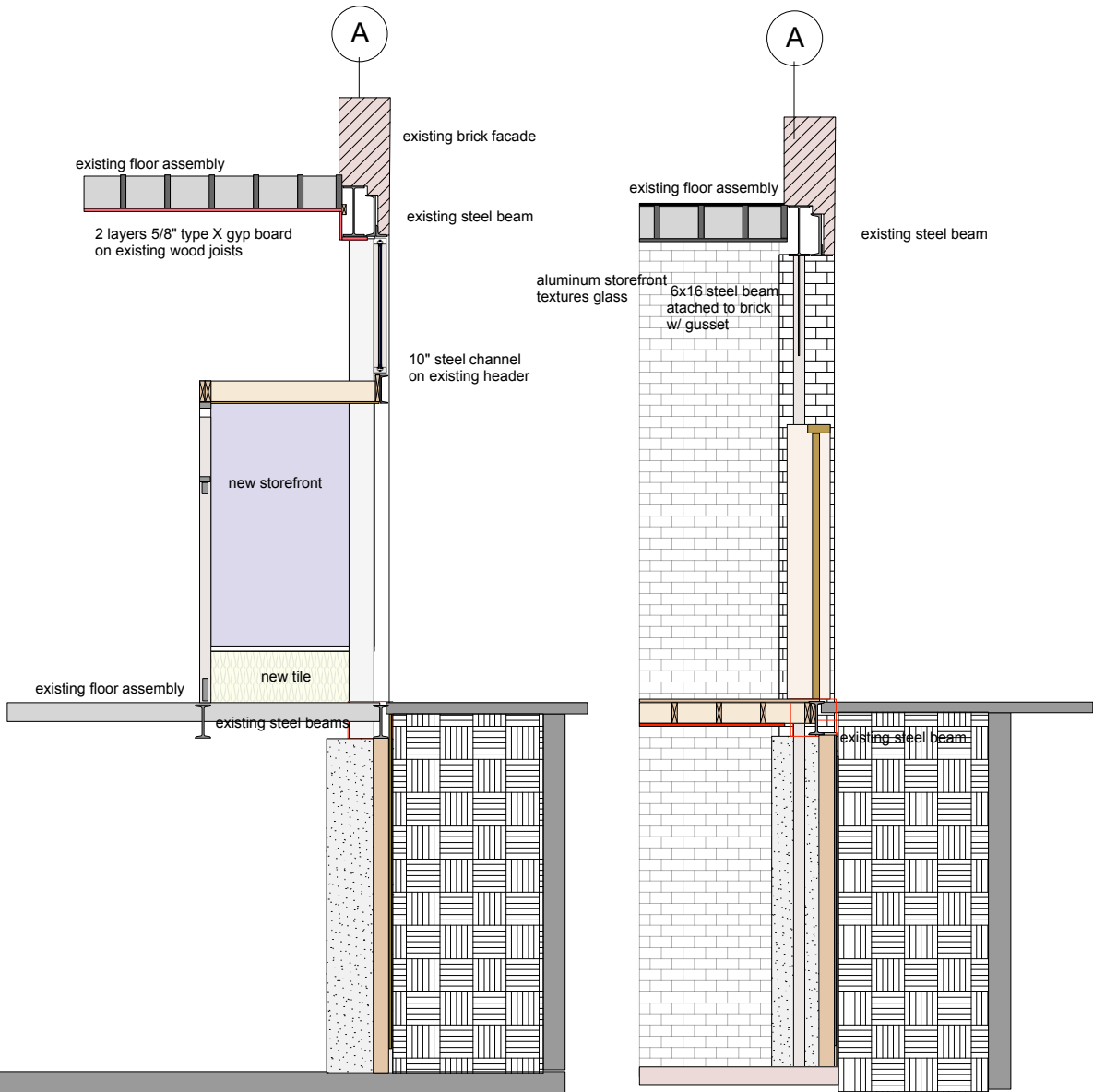
architect:  
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Improvements for:  
**122 South 2nd Street**  
**Livingston, Montana 59047**  
**Phase 1**



2 nd Street and Alley  
elevations and enlarged plans

sheet



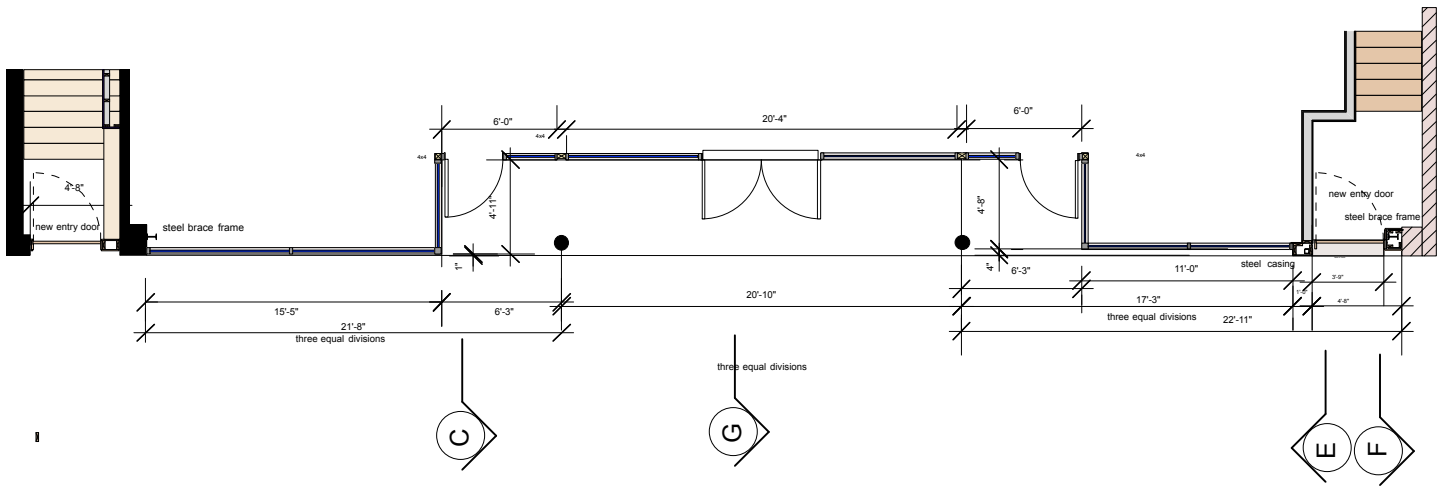
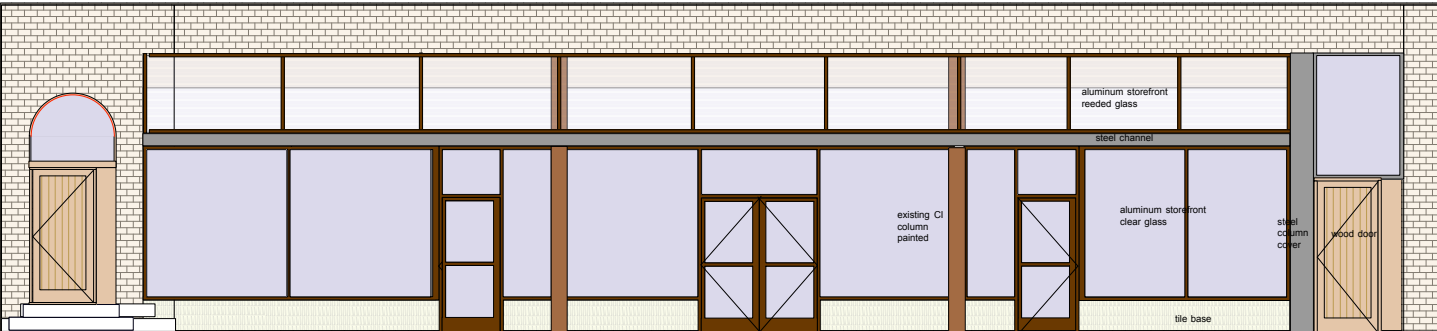
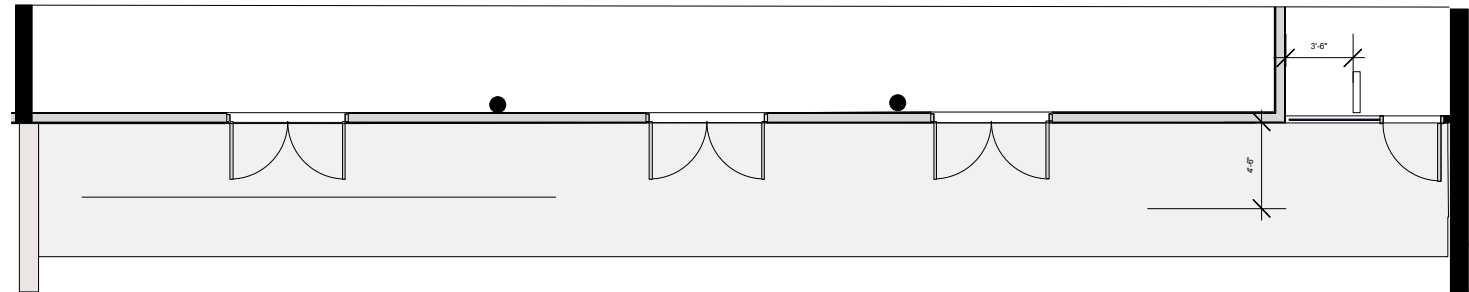
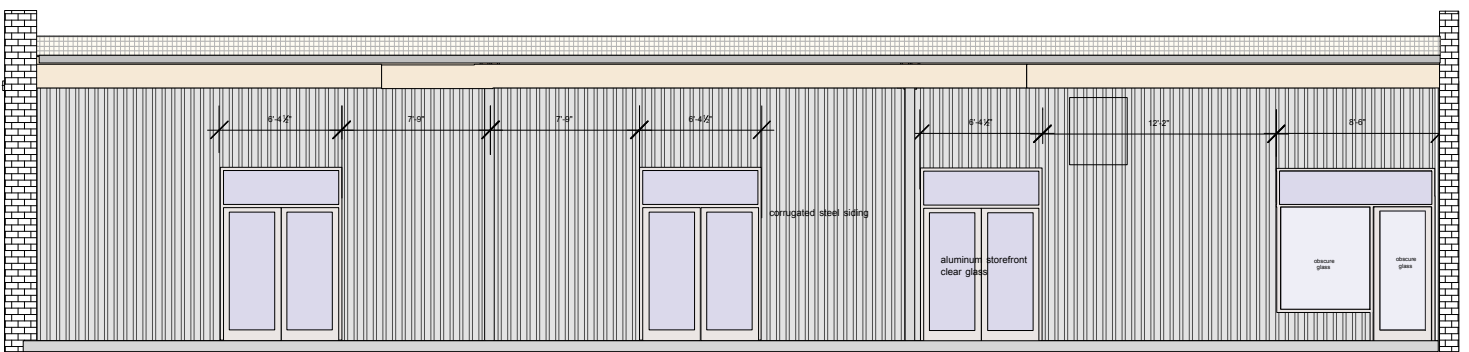
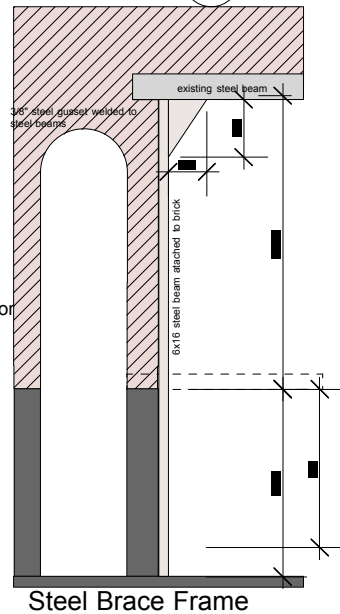
Section G

Section F

**Brace Frame Notes:**  
Attach 6x16 vertical steel beam to existing 6"x18" steel beam with a 24"x36" steel gusset using 1/4" fillet welds w/ E70XX electrodes

6x16 vertical beam shall be connected to brick pier (above) and concrete pier (below) with 5/8" diameter expoxy anchors imbedded a minimum of 4" staggered through flanges

space the top three anchors on concrete foundation at 12" oc, the top anchor 6" from top edge of concrete, remaining achors at 24" oc





engineer:  
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 Bozeman, Mt 59719  
 telephone: 412 722 3938  
 email: bmay.bs3@gmail.com

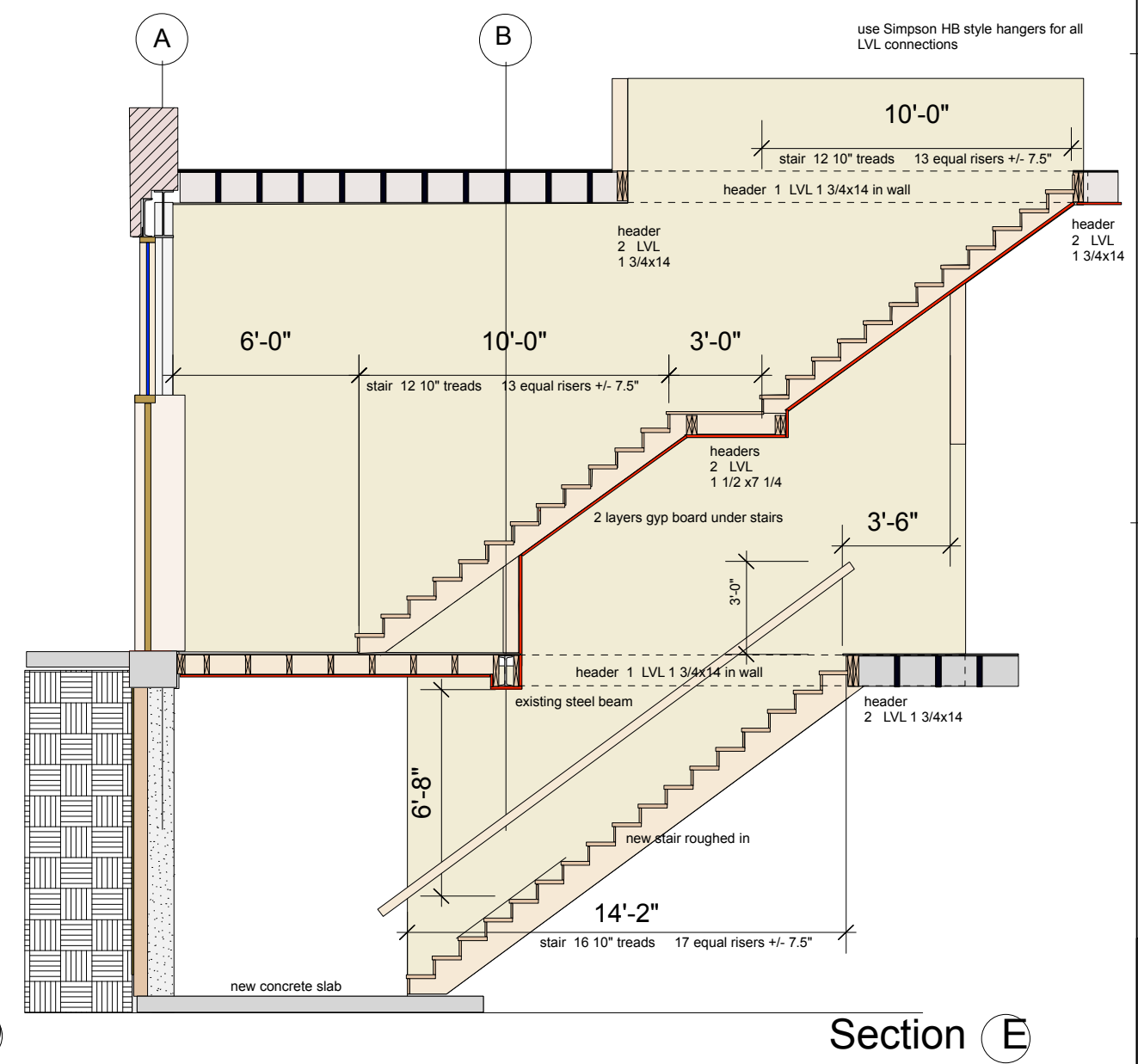
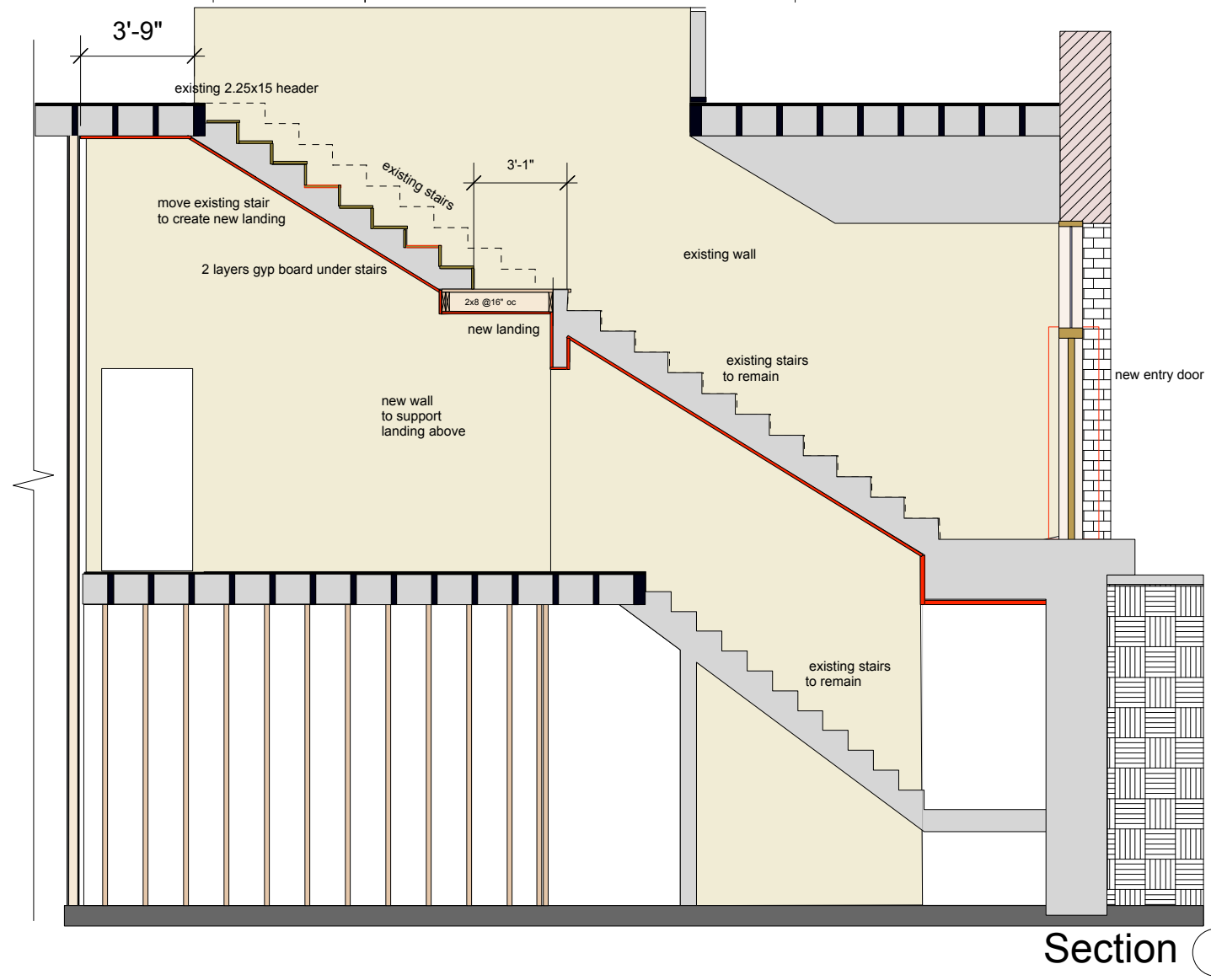
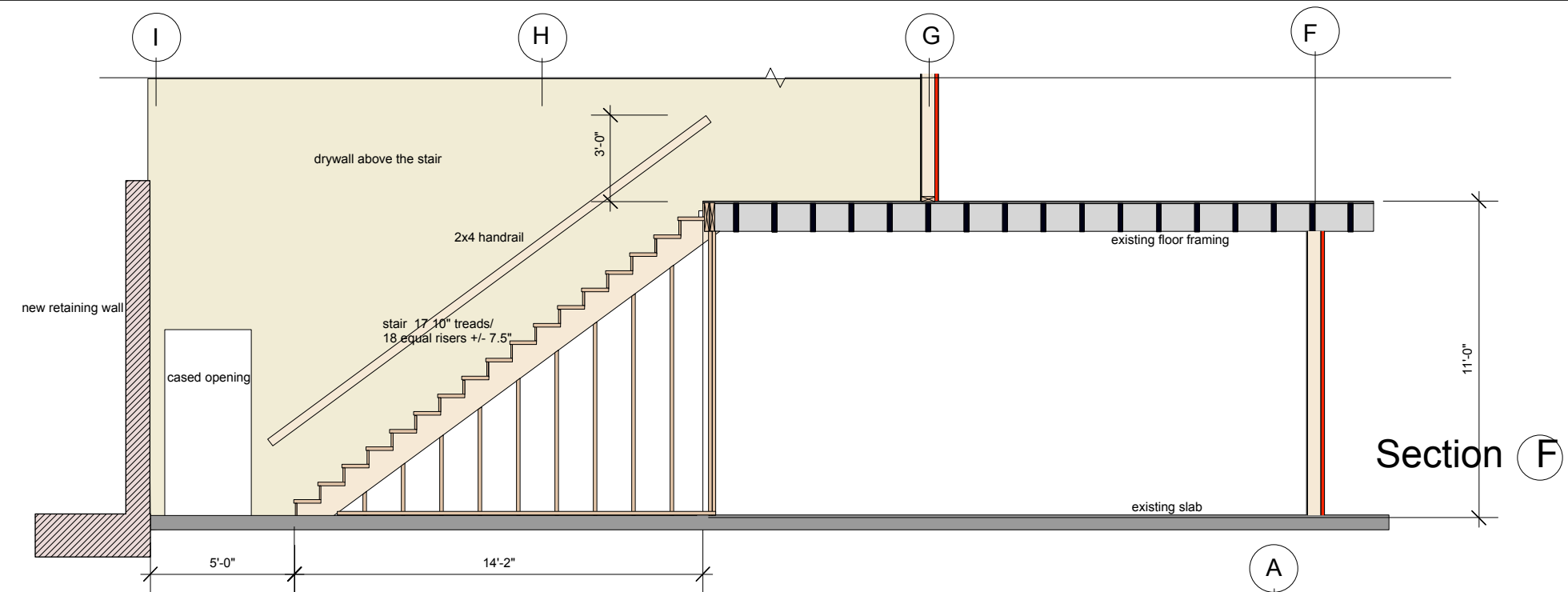
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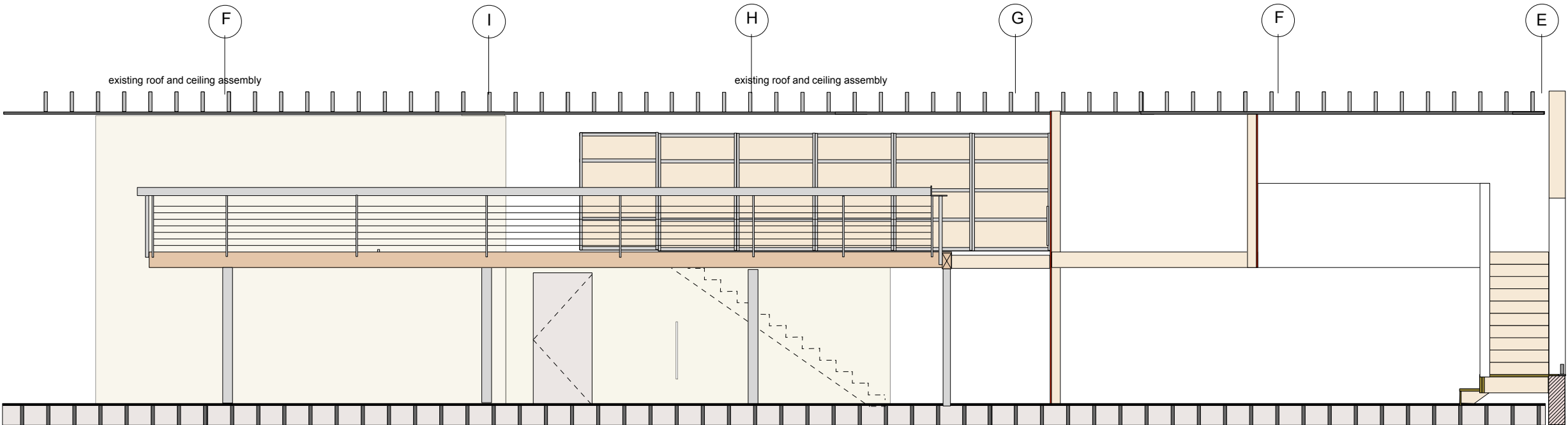
Improvements for:  
**122 South 2nd Street**  
**Livingston, Montana 59047**  
**Phase 1**

Section D and E  
 enlarged stair sections

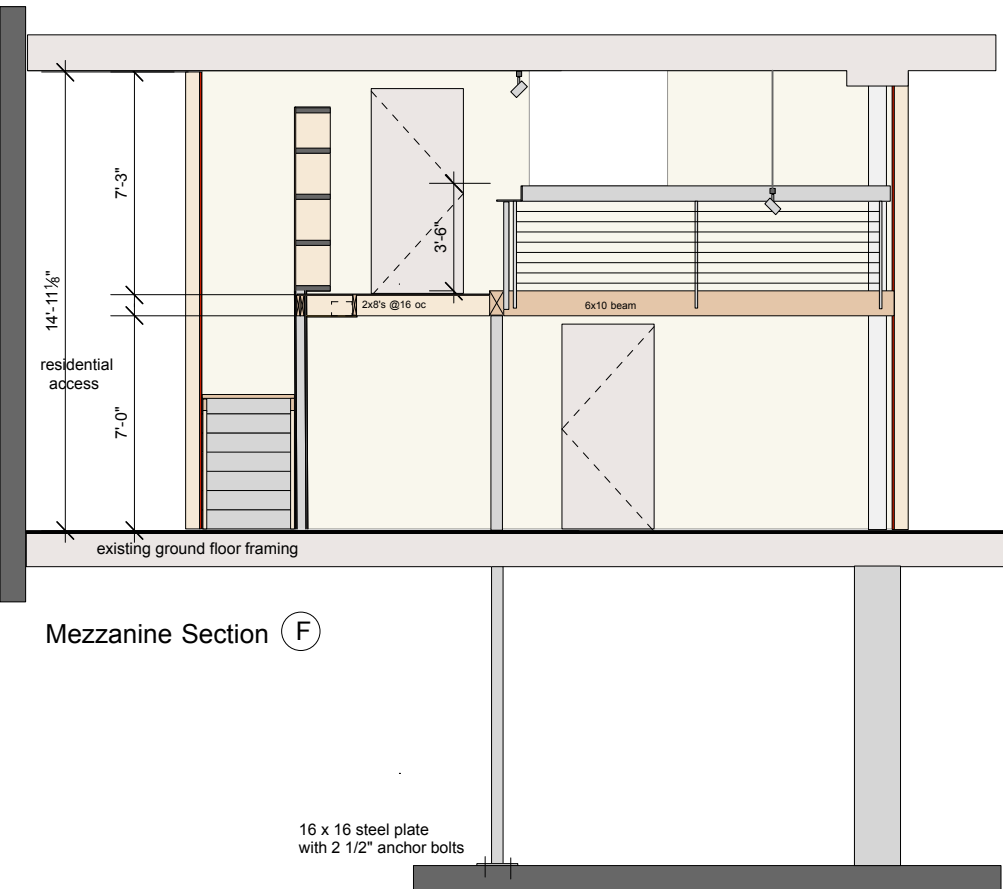
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**11**

March 10, 2021

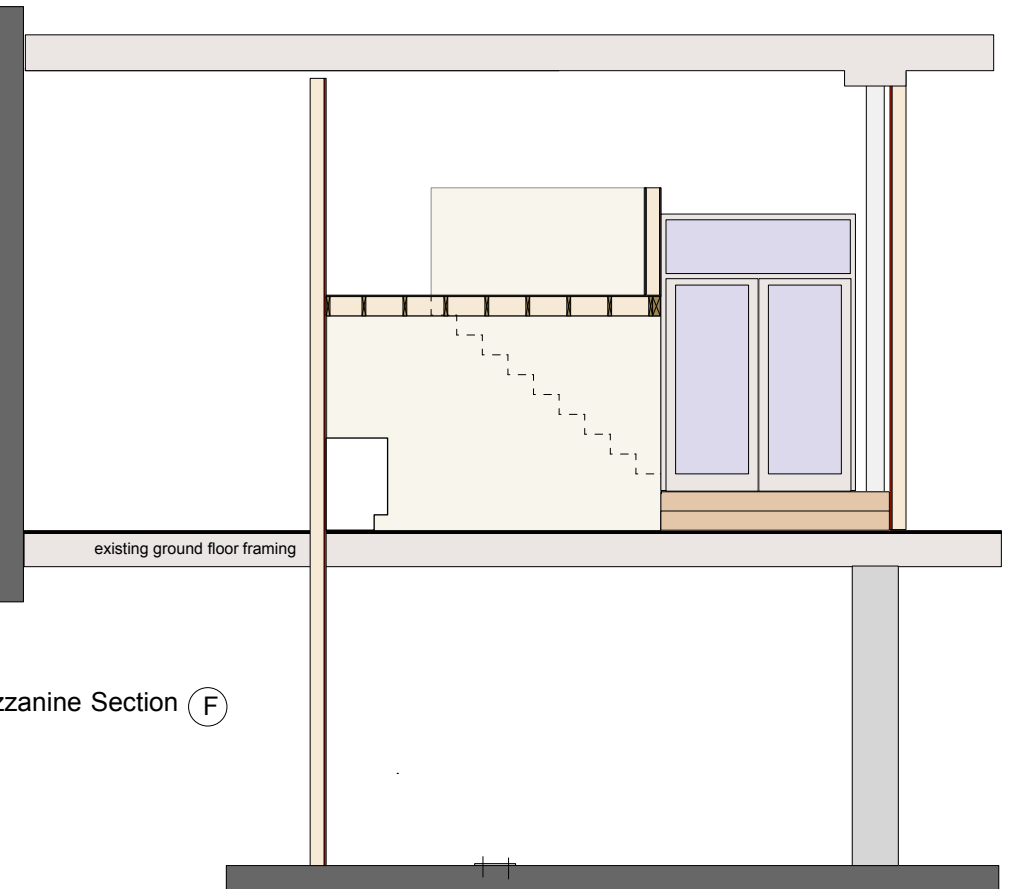




Mezzanine Elevation



Mezzanine Section (F)



Mezzanine Section (F)

<div><div><div>BRIAN D. MAY</div><div>P.E. Licence # 42271</div><div>State of Montana</div></div></div>	
engineer: <b>Brian May PE</b> PO Box 11658 Bozeman, Mt 59719 telephone: 412 722 3938 email: bmay.bs3@gmail.com	architect: <b>Thomas Blurock FAIA</b> 110 1/2 South Main St Livingston, MT 59047 telephone: 949 285 2435 email: tblurock@aol.com
Improvements for: <b>122 South 2nd Street Livingston, Montana 59047 Phase 1</b>	
Mezzanine enlarged plan, section, elevation	sheet <b>12</b>
March 10, 2021	

**RESOLUTION NO. 4551****A RESOLUTION OF CITY OF LIVINGSTON, MONTANA, ADOPTING A TAX ABATEMENT PROGRAM FOR THE RESTORATION, REHABILITATION, EXPANSION AND NEW CONSTRUCTION FOR QUALIFYING HISTORIC PROPERTIES.**

**WHEREAS**, the City Commission of the City of Livingston, Montana, believes that it is in the public interest that the community's historic properties be rehabilitated, restored or expanded, thereby improving the community's appearance and preserving its heritage; and

**WHEREAS**, the Montana Legislature has enacted a historic properties tax abatement incentive which is set forth in 15-24-1601 *et. seq.* MCA, which establishes a procedure for Montana cities to provide tax incentives for remodeling, reconstructing or expanding historic property; and

**WHEREAS**, the City Commission desires to offer those property tax incentives to remodel, reconstruct or expand historic property.

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

1. That it is in the public interest to encourage historic building remodeling, reconstruction or expansion in the city of Livingston through property tax incentives.
2. The tax abatement program is hereby established that meets the requirements set forth in 15-24-1601 *et. seq.* MCA and applicable Administrative Rules of Montana.
3. The City of Livingston Historic Preservation Commission is designated as the local review board and has the duties and authority to determine eligibility for the tax abatement as described in 15-24-1605 MCA.
4. The City of Livingston Historic Preservation Commission will adopt design review criteria based on the US Secretary of the Interior's standards for preservation projects or other standards approved by the state historic preservation office.

Resolution No. 4551

Creating a historic property tax abatement program for the City of Livingston.

Page 1

5. A property that meets the adopted design review criteria is eligible for the tax abatement if it is:
  - a. located within the boundaries of a National Register Historic District and is a contributing structure;
  - b. a newly constructed property within the boundaries of a National Register Historic District that meets design review criteria as being architecturally compatible with the Historic District; or
  - c. listed individually in the National Register of Historic Places
6. A historic property undergoing rehabilitation, restoration, expansion or new construction may receive a tax abatement during the construction period, not to exceed 12 months, and for up to 5 years following completion of the construction in accordance with subsections (2) and (4) of 15-24-1603 MCA. The tax abatement is limited to 100% of the increase in taxable value resulting from the building remodeling, reconstruction, expansion or new construction.
7. Property that receives this tax benefit is not entitled to any other exemption or special valuation provided by Montana law during the abatement period.
8. Following certification and during the period of tax abatement, a property that is altered in a way that adversely affects those elements that qualify it as historically contributing shall be disqualified from receiving the tax abatement. If a historic property that has received the tax abatement is disqualified, the owner is liable for back taxes, interest, and a penalty.
9. The tax abatement applies only to the number of mills levied for high school and elementary school district purposes and by the City of Livingston. The abatement may not apply to statewide levies
10. The City Commission must authorize the granting of the tax incentive to each property by passing a resolution approving the application of the schedule of tax incentives set forth above in Paragraph 6 or some other schedule, for each existing building or structure as to which the tax incentive is granted.

**BE IT FURTHER RESOLVED** that property owners are hereby encouraged to apply to the City of Livingston for consideration of tax incentives

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Creating a historic property tax abatement program for the City of Livingston.

Page 2

authorized pursuant to Section 15-24-1601 *et. seq.*, M.C.A. for rehabilitating, restoring or expanding historic structures or new construction that meets eligibility criteria and design guidelines.


Dated this 23rd day of April, 2015.

  
\_\_\_\_\_  
**JAMES BENNETT - Chairman**

**ATTEST:**

  
\_\_\_\_\_  
**LISA HARRELD**  
**Recording Secretary**

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**Erik Coate**  
**City Attorney**

**EXHIBIT A**

**APPLICATION PROCEDURES FOR  
CITY OF LIVINGSTON, MONTANA TAX INCENTIVE  
PROGRAM  
FOR REMODELING, RECONSTRUCTING, EXPANDING AND  
QUALIFYING NEW CONSTRUCTION ON HISTORIC  
PROPERTIES**

- In order to receive the tax benefit provided herein, the taxpayer must have applied by March 1 of the year during which the benefit is first applicable wherein the City Commission, by separate resolution for each project, has approved the use of the property tax abatement.
- Upon receipt of an application, the City Commission shall publish notice within the lesser of 60 days of receiving an application or 30 days of the Historic Preservation Commission's recommendation and conduct a public hearing on said tax abatement application and deny or approve of the abatement within 120 days of receiving the application. If the City Commission fails to hold a hearing or approve or deny the application within 120 days of receipt of the application, the taxpayer may seek relief from the district court by way of a writ of mandamus.
- To begin the process, taxpayers need to contact City staff who acts as the intermediary in the application process, and an initial meeting is scheduled.
- At the initial meeting, the taxpayer's project is discussed to determine if the projects meets the tax incentive application criteria. If the project appears to qualify for an incentive, the taxpayer is given tax incentive applications, copies of the tax incentive program cited in the *Montana Code Annotated* and copies of the adopting resolution.
- Taxpayer then complete and return applications and supporting documentation and the applicable processing fee to City staff. City staff reviews the application for completeness.
- An appointment is then scheduled with the designated City staff to review the project documentation and perform a site visit if needed. Staff will either endorse the project or make a determination that the project does not meet the program criteria.
- City staff will prepare and submit a staff report, accompanied by the application documentation, to the City of Livingston Historic Preservation Commission. The Board shall determine whether a property is eligible under 15-24-1604 MCA and is qualified for the tax abatement within 30 days of receipt the application. The board shall recommend approval, conditional approval or may deny the application for the tax abatement and report its recommendation to the City Commission. **(Note for drafting: Board must include 3 members**

Resolution No. 4551

Creating a historic property tax abatement program for the City of Livingston.

Page 4



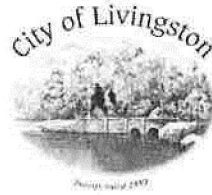
**with professional expertise in history, planning archaeology, architectural history, historic archaeology or another historic preservation-related discipline, at least one architect and up to 2 members of the general public.15-24-1605)**

- City staff will prepare and submit a staff report, accompanied by the application documentation, and schedule a public hearing with the City Commission. The staff report will advise the Commission on the City of Livingston Historic Preservation Commission's recommendation and why the application should be approved, conditionally approved, including recommended conditions, or denied.
- City staff will prepare a resolution for the City Commission's consideration that contains the elements required by state law and administrative rules.
- The City Commission will conduct a public hearing on the application at its next available regular meeting and will approve, conditionally approve or disapprove the application.
- City staff will send a letter to the applicant regarding the Commission's decision, including any conditions of approval.
- When the construction reaches substantial completion, the client contacts City staff and schedules a final inspection to determine if the project meets tax incentive requirements and any conditions of approval.
- If the project meets all City and State requirements, City staff will prepare and submit a final approval letter and appropriate documentation to the Montana Department of Revenue.



### NOTICE

A public hearing will be held by the City Commission of Livingston, Montana, on April 21th, 2015, at 6:30 p.m. in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on RESOLUTION NO. 4540 entitled A RESOLUTION OF ITS INTENT TO CREATE THE CITY OF LIVINGSTON, MONTANA, TAX ABATEMENT PROGRAM FOR THE RESTORATION, REHABILITATION, EXPANSION AND NEW CONSTRUCTION FOR QUALIFYING HISTORIC PROPERTIES, AND CALLING FOR A PUBLIC HEARING. All interested persons are invited to attend the public hearing, to make comments or make objections to said assessments. For additional information contact the City of Livingston at 414 East Callender Street, Livingston, MT, 59047, or by phone at 823-6001.



Livingston City Commission  
**LEGISLATIVE ACTION SUMMARY**  
Ordinance/Resolution No: 4551

**Date of First Consideration/Status:** City Commission discussed this in May of 2014; April 7, 2015;

**Purpose of Legislation:** To establish a tax abatement program for the rehabilitation, expansion and new construction of qualifying historic properties.

**Statutory Authority/Reference:** 15-24-1601 M.C.A.

**Background:** After initial discussion, the City Commission asked that this item be brought back for their consideration.

**Fiscal Impact:**

(Department & line-item # 1000 311010; General Fund Property Tax Revenue) Impact will vary based upon the number of applications as well as the value of each project. Revenue could be impacted for up to five years per project.

**Regulatory Impact (local):**

**Attachments:**

LegActSummRestemplate.docx (Meece)

## City of Livingston, Historic Preservation Commission Minutes

Date: January 12, 2021

A special meeting of the City Historic Preservation Commission was held in the Community Room of the City-County Complex, 414 East Callender Street on Tuesday, January 12, 2021 at 3:30 PM.

### Roll Call

- Present via Zoom: Bob Ebinger, Jack Luther, Tom Blurock, Ron Nemetz.
- City Staff: City Deputy Planning Director, Mathieu Menard

### Election of Officers:

- Motion to elect Ron Nemetz as Chair and Bob Ebinger as Vice Chair by Jack Luther, 2<sup>nd</sup> by Tom Blurock. Vote passes unanimously (4:0).

Public Comments: No public comment from attendees.

### Old Business:

- Discussion on ongoing compliance issues.
- Discussion on work completed by Jessie Nunn.

### New Business:

- Determining eligibility of the project at 122 S. 2<sup>nd</sup> Street for the City of Livingston Tax Abatement Program for the Restoration, Rehabilitation, Expansion, and New Construction for Qualifying Historic Properties.
  - o Staff presentation.
  - o Applicant Presentation.
  - o Board Questions and discussion.
  - o Motion to approve eligibility by Bob Ebinger, 2<sup>nd</sup> by Jack Luther. Vote passes unanimously (3:0). Tom Blurock recuses himself due to ownership of the property in question.
- Discussion on Montana Main Street Grant Applications and on-going Downtown Plan.
  - o Request to have Jennifer Madgic attend a future meeting.
  - o Discussion on TIF District funding and uses of that funding.
  - o Discussion on Growth Policy.
  - o Request to move repainting of ghost signs from the list.
  - o Discussion of downtown parking.
  - o Discussion on wayfinding signage.
  - o Discussion of bulb-outs.

### Commission Member Updates.

- o Discussion on Year-end Report.

- Discussion on paper minutes vs. recording. Commission has requested the continuation of the paper minutes.

Staff update.

- Trails and Active Transportation Plan.
- Housing Action Plan.

Adjournment.

**RESOLUTION NO. 4975**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF  
LIVINGSTON, MONTANA, TO APPLY THE HISTORIC PROPERTY TAX  
ABATEMENT PROGRAM TO PROPERTY OWNED BY THOMAS BLUROCK  
ADDRESSED AS 122 SOUTH 2<sup>ND</sup> STREET.**

\*\*\*\*\*

**WHEREAS**, Title 15 Chapter 24 Part 16 MCA allows for the creation of tax abatement programs for historic properties; and

**WHEREAS**, the City of Livingston adopted a historic property tax abatement program via Resolution 4551, April 23, 2015; and

**WHEREAS**, the rehabilitation project has been qualified by the Historic Preservation Commission as required by Section 15-24-1604; and

**WHEREAS**, the Historic Preservation Commission has determined the project eligible for the tax abatement program as required by Section 15-24-1605; and

**WHEREAS**, the project meets the requirements of Title 15 Chapter 24 Part 16 MCA, and the requirements and intent of City of Livingston Resolution 4540 and are forwarding the recommendation to the City Commission as required; and

**WHEREAS**, the property owner Thomas Blurock is performing a rehabilitation project on a historic building within the downtown historic district, addressed as 122 South 2<sup>nd</sup> Street and legally described as Livingston Original Townsite, Section 13, Township Two South (T02S), Range Nine East (R09E), Block 80, Lot 10-12.; and

**WHEREAS**, the applicant has submitted a request and supporting materials to the Historic Preservation Commission and the City Commission consistent with the requirements of Resolution 4551; and

**WHEREAS**, Resolution 4551 allows a tax abatement of up to 100% of the increase in value resulting from the rehabilitation for a period of five (5) years; and

**WHEREAS**, the City Commission has held a noticed public hearing meeting to gather public comment on the Resolution; and

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

The City Commission of the City of Livingston does hereby apply the City of Livingston Tax Abatement Program of 100% of the increase in value resulting from the rehabilitation for a period of five (5) years. The tax abatement shall only apply to properties listed in this resolution and owned by Mr. Thomas Blurock.

**ADOPTED**, by the City Commission of the City of Livingston on June 15, 2021.

\_\_\_\_\_  
**DOREL HOGLUND – Chair**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**FAITH KINNICK**  
**Recording Secretary**

\_\_\_\_\_  
**COURTNEY JOLAWELLIN**  
**City Attorney**