



Amended Livingston City Commission Agenda

April 16, 2024

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/84779188407?pwd=VThNbnBCSVc0cHdzMENqTW8xYW85UT09>

Meeting ID: 847 7918 8407

Passcode: 254278

1. Call to Order

2. Roll Call

3. Public Comment

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

4. Consent Items

A. APPROVAL OF MINUTES FROM APRIL 02 2024, REGULAR MEETING PG.4

B. APPROVAL OF CLAIMS PAID 3/28/24 - 4/10/24 PG.23

C. 208 LLAMA LANE FEE IMPACT WAIVER REQUEST PG.35

5. Proclamations

A. PROCLAMATION CELEBRATING LOCAL PERSONAL RIGHTS IN DEFENSE AND EDUCATION (PRIDE) EVENTS PG.42

6. Scheduled Public Comment

A. MONTANA STATE UNIVERSITY EXTENSION

7. Action Items

A. RESOLUTION 5129: A RESOLUTION OF THE CITY OF LIVINGSTON CITY COMMISSION PROVIDING AN EXEMPTION FROM DEVELOPMENT IMPACT FEES FOR THE PARK COUNTY FAIRGROUNDS PG.44

B. RECONSIDERATION OF A SPECIAL EXCEPTION PERMIT FOR THE SHANE LALANI CENTER FOR THE ARTS PG.50

C. ORDINANCE 3052: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE IV OF CHAPTER 9 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED PARKING, STOPPING AND STANDING BY AMENDING CERTAIN SECTIONS TO CLARIFY PARKING REQUIREMENTS AND REMOVE REFERENCES TO FEE AMOUNTS WHICH ARE SET SEPARATELY BY RESOLUTION. PG.100

D. CLOSED SESSION PURSUANT TO 2-3-203(3) TO DISCUSS A MATTER OF PERSONAL PRIVACY

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

8. City Manager Comment

9. City Commission Comments

10. Adjournment

Calendar of Events

Supplemental Material

Notice

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

File Attachments for Item:

A. APPROVAL OF MINUTES FROM APRIL 02 2024, REGULAR MEETING



Livingston City Commission Minutes

April 02, 2024

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/89094257059?pwd=S0dySDJMbVJQb0RwQUFlcmxNUHNIQT09>

Meeting ID: 890 9425 7059

Passcode: 951670

1. Call to Order

Chair Kahle called the meeting to order at 5:33p

2. Roll Call

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

Staff in attendance: City Manager Grant Gager, Policy Analyst Greg Anthony, City Clerk Emily Hutchinson, Chief of Police Wayne Hard, Asst. Chief of Police Andrew Emanuel, Recreation Director Maggie Tar, Code Enforcement Helen DeLaHunt, Dispatcher Barbara Roberts, Dispatcher Mariah Thomas.

3. Public Comment

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

4. Consent Items

- | | |
|--|--------------|
| A. APPROVAL OF MINUTES FROM MARCH 19, 2024, REGULAR MEETING | PG.4 |
| B. APPROVAL OF MINUTES FROM MARCH 25, 2024, SPECIAL MEETING | PG.11 |
| C. APPROVAL OF MINUTES FROM CLOSED SESSIONS ON JANUARY 16, FEBRUARY 20 AND MARCH 19, 2024 | |
| D. APPROVAL OF CLAIMS PAID 3/14/24 - 3/27/24 | PG.18 |
| E. AGREEMENTS 20074, 20075 AND 20076 FOR LEASE OF ROPING ARENA | PG.27 |

Motion to approve consent agenda items A-D was made by Vice-Chair Nootz and seconded by Commissioner Lyons. The motion passed unanimously by the five members present.

Vice-Chair Nootz pulled Consent Item E to review 2 contracts. She questioned agreement 20075 with the Rodeo Association and she wondered about potential conflict with their President as he is a contract City employee.

The City Manager stated the Rodeo Association President Bruce Becker had no involvement in the drafting of the contract and stated these are identical to one they have used in the past. He clarified that Mr. Becker doesn't play a role in drafting the contract or approval in the contract from the City side of things.

Vice-Chair Nootz wondered what would happen if something happened and Mr. Becker had to defend the City, and brought up potential conflict of interest.

The City Manager stated that Bruce Becker is the contracted City Prosecutor, and clarified that Jon Hesse handles the civil and contractual matters, and ultimately Jon would be the person defending the City. He reassured that Mr. Becker’s involvement is pretty isolated.

Vice-Chair Nootz questioned 20076 the Montana Bike Tour she was interested to know more about the Special Exception process that would allow camping this parking lot.

The City Manager stated this arrangement would be through a Special Event Permit with the organizers of the event and the City would manage the camping through that process. He stated they submitted the permit already, but this agreement is the first step in understanding if we would allow the event. He clarified that through the process City staff works with the organizer to understand garbage collection, personal waste, water and other types of sanitary needs.

Commissioner Schwarz recalled a Bike Tour being allowed in Sacagawea Park a few years back.

The City Manager stated this is the same Bike Tour group and after internal staff discussions it was decided that June was not a great time to allow exclusive use of a large City Park, and he stated they decided that this Roping Arena might be a better location.

Vice-Chair Nootz motioned to approve consent item E seconded by Commissioner Schwarz. Unanimously approved by the five Commissioners present.

5. Proclamations

A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, DECLARING NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK AS APRIL 14-20, 2024 **PG.45**

Chair Kahle read the proclamation.

The City Manager thanked everyone in the dispatch center for everything they do every day.

Commissioners also thanked the dispatchers for their hard work.

B. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, DECLARING APRIL 6-12, 2024 AS THE WEEK OF THE YOUNG CHILD IN LIVINGSTON MONTANA **PG.47**

Chair Kahle read the proclamation.

The City Manager thanked all of those who work with children in the community. He introduced the Recreation Director Maggie Tarr.

Rec Director Tarr introduced John Gregory from Park County Early Childhood Coalition.

John has been part of the PCECC for 12 years and has been active in Week of the Young Child for 7 years. He stated PCECC coordinates fun activities for Week of the Young Child, and advised folks look listing on social media for this specific week.

Rec Director Tarr reviewed the activities the City Rec. Dept will be hosting.

Andrea from Fish Wildlife and Parks introduced a program she will be hosting for young people as an outdoor preschool.

Commissioners thanked these folks for all of their hard work and everything they do.

6. Scheduled Public Comment

7. Action Items

A. RESOLUTION 5128: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CREATING THE LIVINGSTON RECREATION FACILITY DISTRICT

PG.49

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

The City Manager stated this is the final step in a long process that began in December when the Commission called for an election to establish the Livingston Recreation Facility District. He recapped the Special Commission Meeting from 3/25/24 the results showed approval for the creation of the Livingston Recreation Facility District. He stated MCA establishes that the final step in the process of district creation is the passage by the governing body of an ordinance or resolution that calls for creation of the district within 30 days of the approval of the referendum.

Commissioner Schwarz asked when will the district start collecting fees, and what happens to the district if the facility is not built.

The City Manager stated Resolution 5124 that they approved in December specified that assessments related to the district would not begin until the building achieves substantial completion, and the City does not expect substantial completion by about 2026, but depending on building and design it may push out to 2027. He stated in the event that 4 Ranges is unable to raise the funds to complete the project the lease will not be executed and will be unable to take control of the facility until they have evidenced full funding to complete the project.

Vice-Chair Nootz asked for clarification on the 30 day period.

The City Manager stated after talking with the bond council the referendum occurred on March 19th, so they would have until April 19th to pass this.

Vice-Chair Nootz asked what the timeline is to raise the funds for the 4 Ranges Foundation.

The City Manager stated the expectation is that the foundation will have the funds raised this year, and he stated they do have cancellation clause in the lease that the City could elect if they thought the project was dragging on and the fundraising process was extending beyond a period they thought was reasonable.

Vice-Chair Nootz asked what would happen if this didn't pass tonight.

The City Manager stated MCA section 711-1013 says that to create a special district the governing body shall issue an order or pass an ordinance or resolution in accordance with the resolution of intention introduced and passed by the governing body, or accordance with terms of the referendum required under 7-11-1011. He stated the word "shall" in this statement is prescriptive and not permissive, and stated that statutorily that they do not have much leeway in this action that

was put to voters. He stated he would expect some supporters to potentially pursue legal action if this were not acted upon.

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

Public Comment was offered by:

- Jay Keifer asked what happens if the City voters who passed this resolution decide to dissolve the special district? Further he asked if there is an opportunity for voters to dissolve the district.
- Patricia Grabow expressed support to the Commission about the passage of the district.

The City Manager stated in response to public comment that there is a process in MCA for the dissolution of Special Districts and the local government body do have the power to dissolve Special Districts.

Vice-Chair Nootz asked that the City Manager review 2 emails that were sent in.

The City Manager reviewed these emails in detail that are attached additionally in the minutes.

(Starts at Video Mark 40:38)

Chair Kahle moved the Commission to deliberation.

Commissioner Willich asked about the 30-day protest period after the results are certified and wondered if the Commission should hold off until the 16th of April to approve this district.

The City Manager stated the protest period refers to Special Districts that are created through processes outside of the referenda, so the City Commission does have the ability to create a Special District that's term limited to 10 years, and that is where the protest period comes in. There is no protest period on the referendum path.

Chair Kahle clarified that they have 30 days from the 19th of March.

Commissioner Lyons stated that is moving forward with resolution that reaffirming anything but the will of the voters would be irresponsible. He has witnessed a legislative body fail to codify a referendum before and it was to the detriment of the trust in that legislative body. He stated the point tonight was to respect the dissenting opinion, and the process they have followed has given ample opportunity for them to hear and consider that dissenting opinion, and for voters to hear and consider that dissenting opinion. He further stated it is their responsibility to codify what was voted in the referendum, and feels it would irresponsible to do anything else.

Commissioner Schwarz expressed that he has seen so much disinformation on social media through this whole process, and feels it's very unfortunate. He feels they have done a good job answering questions and having open dialogue with the community, and thinks the City Manager has done a great job explaining the process and project as well.

Vice-Chair Nootz expressed thoughts about how divisive this has all been, and feels she has never seen the community so unwell. She stated it is disheartening that every time she leaves the house a community member, regardless of how they voted, will say they are confused about the Wellness Center and they don't know what just happened. Two themes that have emerged in her communications with the community are confusion and that people feel forced. She stated she appreciates Commissioner Lyons use of the word irresponsible, and feels it would also be

irresponsible of the Commission if they didn't figure out a way to address where the people in the community are. She stated she is less concerned about the vote of the district, but more concerned about what comes next on a bigger scale, and wonders from other Commissioners what they should be doing next to address how divided the community is and what the expectation is now that come with the project.

Chair Kahle expressed agreement with Commissioner Lyons and stated the voters have spoken and they are in a position to move forward as they should. She also expressed agreement with Vice-Chair Nootz that folks are confused and are wanting more information, and she feels that is something they can help with, such as putting out more information. She feels this project is at a point now where it can come back into the hands of the City to take more control of the information being put out to the public. She clarified that once something is put to the voters the City and Commission are not able to push folks to vote for or against it, but now that the voters have voted for it the City can now communicate more and help change the narrative around the Wellness Center.

Commissioner Lyons agreed with Chair Kahle about the ability to communicate about the Wellness Center now that the vote is decided. He trusts that the City Manager will communicate well and appropriately with the community about the project.

The item was approved unanimously by the five Commissioners present.

6:46PM Commissioner Schwarz motioned for a 10 minute break seconded by Commissioner Lyons. Unanimously approved.

(Starts at Video Mark 1:13:09)

B. ORDINANCE 3052: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE IV OF CHAPTER 9 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED PARKING, STOPPING AND STANDING BY AMENDING CERTAIN SECTIONS TO CLARIFY PARKING REQUIREMENTS AND REMOVE REFERENCES TO FEE AMOUNTS WHICH ARE SET SEPARATELY BY RESOLUTION. PG.65

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

The City Manager stated this ordinance seeks to make minor and technical changes to the parking requirements. He advised that part of the ongoing downtown master plan project there is a parking study that is being performed, so the intent was not to make any major changes, but to remove the dollar amount references as they are codified in the Citywide Fee Resolution. As they worked through that process the Code Enforcement team noticed a few clarification that could be made within the parking ordinance, such as folks are not able to park on a sidewalk or within a bicycle facility.

Commissioner Willich referenced pg. 73 and wondered why the change went from 72 hours to 5 days.

The City Manager stated this applies to inoperable vehicles and all vehicles, but there has been community feedback that 72 hrs. doesn't allow people to take a vacation Monday – Friday unless

they have a place to move a vehicle. The change was intended to facilitate convenience for the community.

Commissioner Lyons referenced pg. 81 and understands that removal of fees is the intent, and in the section of immobilization it references a dollar amount of \$100.00 and he feels that is conflicting.

The City Manager stated the \$100.00 included in there now as a threshold equates to 5 parking tickets because a parking ticket is \$20.00, but he understands some infractions are more severe than others and potentially deserve different penalties than others, such as parking in the handicap space. Code Enforcement thought that having the ability to immobilize a vehicle in some of those situations might be beneficial.

Commissioner Schwarz referenced pg. 72 and stated he likes the addition of the City Manager is authorized to add and remove 15 minute parking zones as deemed necessary by the manager. He stated he's had at least 1 business owner approach him about 15 minute zone in front of his business, and feels it's nice to know that these folks can call the City Manager to make this type of decision. He wondered if there has been a decision made on some 3 hour parking spaces.

The City Manager stated he is aware of some businesses that would benefit from longer parking, but they have not identified locations for those 3 hour parking spaces.

Vice-Chair Nootz wondered if there was a way to simplify or standardize process in this chapter as some parts require Commission approval, and other require City Manager approval, and hoped to find a way to make it the same throughout.

The City Manager stated that is something they recognized internally as they were working through these updates, and will see some updates around that topic with the Downtown Master Plan updates.

Vice-Chair Nootz would like to see some consistency throughout this section of code and hopes to see this through the Downtown Master Plan process. She asked about Code Enforcement feedback since they have been out around town a while now and wanted to know if there is anything that could be reported back to the Commission.

The City Manager stated there has been a lot of learnings over the past 9 months, but they have recognized that we do not have a parking capacity problem in the central business district. The team was out doing traffic counts in July and again in November, then again in February and they only identified 2 blocks in all of those sampling period where the parking capacity was above 90%, which is considered a threshold when it's difficult to find parking. He stated that leaning to manage the resource they have is going to be an effective solution. They have also noticed that the off street lots controlled by the City could be updated. This specifically referring to converting some of those off street spaces over to use by the general public. He stated they are also working on moving from a paper ticketing system to a digital management system.

Vice-Chair Nootz asked for some clarity around the part in the ordinance about banning people from camping or living in campers.

The City Manager stated camping on City streets is something that has been disallowed in the ordinance for a number of years, the change was simply clarifying the list of motor vehicles as has come up. Nothing is being created, just a clarification within the code.

Chair Kahle wondered how the 3 hour parking spot would work.

The City Manager stated the spots would be first come first serve basis. Signage has not been created yet, but there is a way to create them that they show they are for long term usage.

Commissioner Schwarz moved to approve the ordinance and Commissioner Willich seconded the motion

Public Comment was offered by:

- Leslie Fiegel suggested the 3 hour parking spot be a 3 hour parking pass.
- Patricia Grabow expressed disappointed that the Commission is making changes to this now.

The City Manager addressed comments of why now stating they started discussing these changes in the fall, but they knew they wanted to implement some changes and also wanted business owner feedback from the business owner breakfast, and really felt that before summer was good time to implement some of these changes.

Chair Kahle asked if there will be opportunity to change this after the results of the Downtown Master Plan.

The City Manager stated yes, and expects to have changes to this chapter of City code.

Vice-Chair Nootz asked if a parking pass has been considered.

The City Manager stated yes he is familiar with paper passes that get handed around, but the main problem with that is the ability to counterfeit paper passes.

Commissioner Willich expressed that he does see a few issues with this ordinance, but since it will be reviewed again in a few months he is okay to wait on further issues for that time.

Commissioner Lyons pointed out a few clerical errors, and asked about the potential jail time listed at the end of this ordinance.

The City Manager stated there are no proposed changes to that specific section tonight, but clarified that removing the jail time and limiting the penalty of a person convicted of unauthorized release of an immobilized vehicle that would be advantageous for anybody that has more than \$500.00 worth of tickets to remove the immobilizer off the vehicle, if we were limiting the penalty to only \$500.00. A person with \$1000.00 in tickets would essentially save themselves \$500.00 by removing the boot.

Commissioner Schwarz recognized they really are not changing anything, but fees in this reading. He looks forward to revisiting this with the Downtown Master Plan results.

Vice-Chair Nootz reviewed pg. 69 and wondered if wording was correct.

The City Manager clarified the wording on the page is correct.

Vice-Chair Nootz expressed excitement about the Downtown Master Plan changes that will be coming.

Chair Kahle pointed out a typo on pg. 77. She stated she agrees with these updates to make it more enforceable, and expressed excitement about the Downtown Master Plan updates.

Commissioner Lyons pointed out that he agrees with Vice-Chair Nootz about making this chapter more consistent with level of approval from either City Manager or Commission.

Commissioner Schwarz gave a shout out to Code Enforcement for doing such a great job. He has noticed a much better parking situation downtown, and stated several business owners have noticed a difference.

Vice-Chair Nootz stated she has noticed less complaints around parking downtown and thanked Code Enforcement for their work.

Chair Kahle also thanked Code Enforcement.

Commissioner Lyons motioned to amend the original motion to include typographical changes suggested in deliberation as well to include on pg. 79 of the packet under section 9- 231 to include other emergency vehicles seconded by Vice-Chair Nootz.

The item was approved unanimously by the five commissioners present.

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

No closed session was entered.

C. CLOSED SESSION PURSUANT TO MCA 2-3-203(3) TO DISCUSS A MATTER OF INDIVIDUAL PRIVACY

8. City Manager Comment

The City Manager stated on Monday April 22nd from 9a – 11a he and other staff members will be in the Community Room to hear from the community on how the parks are managed and goals folks may have. The same team will be in the same location on Tuesday April 30th at 5:30p.

9. City Commission Comments

Commissioners thanked each other for the meeting tonight.

10. Adjournment

7:58pm Commissioner Lyons motioned to adjourn the meeting seconded by Commissioner Schwarz. Unanimously approved.

Calendar of Events

Supplemental Material

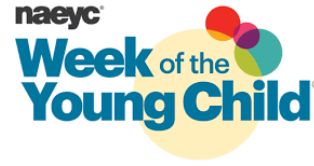
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Week of the Young Child

APRIL 8-12, 2024



MONDAY: Park Elite Gymnastics

Little Munchkins, Pre-K and Level 1 Classes - come explore for FREE!
10-10:30am: 18 mo - 3 years / 10:30 - 11am: 4-6 years / 4:30pm - 5:00pm: Ages 7+

TUESDAY: SoccerTots & Growing up Wild

Come on out and Kick it with Coach Maggie!
Ages 2 - 3 years -10:30 - 11am
Ages 4-6 - 5:00 - 5:30pm

Growing Up Wild: Come explore nature and wildlife
Who: Ages 3 - 6 years 4 - 4:30pm

WEDNESDAY: BaseballTots & Growin Up Wild



Come on out and Hit it with Coach Julee!
Who: Ages 2 - 3 years - 11:30-12p
Ages 4 - 6 Years - 5 - 5:30pm

Growing Up Wild: Come explore nature and wildlife
Who: Ages 3 - 6 years - 11-11:30am

THURSDAY: Park Elite Gymnastics & SoccerTots & BaseballTots

Little Munchkins, Pre-K come explore for FREE!
4:30- 5:00pm: 4-6 years
5:00-5:30pm: 18 mo - 3 years



Come on out and **Kick it** with Coach Maggie!
Ages 3 - 5 years -10 - 10:30am
Come on out and **Hit it** with Coach Julee!
Who: Ages 3 - 5 years - 10:30-11am



FRIDAY: Park Elite Gymnastics

Little Munchkins, Pre-K come explore for FREE!
10:00-10:30am: 18 mo - 3 years / 10:30-11:00am: 4-6 years



All activities are provided for FREE at the Livingston Civic Center.
Pre-Registration Required by calling Livingston Recreation 223-2233 OR SCAN QR CODE

Samples classes are provided to Park County children as a way to explore movement, health and wellness opportunities
Thank you to SuperTots, Park Elite Sports, Livingston Recreational Department, and Montana Fish, Wildlife and Parks.



**Summer Forest School for
children 3-10 years old**
A summer filled with exploration,
creativity & outdoor adventures

Contact: Andrea Sicignano
andrea@guidedwild.com

We're seeking a slice of nature!

**DO YOU HAVE LOCAL LAND?
NEGOTIATE A RATE OR TRADE FOR TUITION!**



Must have trees!

~10 children will be
exploring & playing;
accompanied by
2-3 adults

When: 2 week minimum

June 17th - 27th
July 8th - 18th
July 22nd - Aug 1st
August 5th - 15th

Where:

In or around
Livingston. Open to
surrounding areas
within ~20 mile
radius

From: peter kovago <peter.kovago1234@gmail.com>
Sent: Monday, April 1, 2024 11:28:05 AM
To: citycommission@livingstonmontana.org <citycommission@livingstonmontana.org>
Subject: Wellness Center

I am seeking guidance to help determine if the appropriate process and disclosure was followed regarding the proposed Wellness Center in Livingston. I am concerned that the public has not been provided all the necessary information and some of the information may have been misrepresented prior to the community voting.

Issues:

- The marketing of the project. It was being sold verbally and through mailed marketing flyers as being free to the community. It is not free. It is forced membership via a tax increase. I have attached examples of the marketing materials that have been distributed to the community. I believe the marketing was steering the voter to believe it was free.
- Local government created a special taxing district to raise taxes for the proposed Wellness Center. They were unsuccessful convincing the Park County community to sign on to the project. Once Park County residents became aware of this project, there was overwhelming concern, enough for the Park County Commissioners to not support the proposed project. This alone should have created pause by the advocates for the project and those representing the community within the City limits. I do not understand how a special taxing district can be created for a non-essential service.
- The business community will be taxed, yet they had no voice in the voting process.
- Residents in the City that do not own real estate and do not pay real estate taxes were able to vote for the tax.
- To my knowledge, no feasibility studies have been completed. This is the first time I have experienced a project of this magnitude being taken on by a local government without the requirement of feasibility studies.
 - Can a facility of this size be supported by the community? People outside of the City limits have spoken loud and clear, they have no interest. City limits consist of only 3,300 households. Could 3,300 households support this project if it relied solely on voluntary membership? How many private pay members outside of the City limits are projected to join the Center, and how many will be required for the numbers to work?
 - Traffic impact. Access to this facility will require users to cross the railroad track. Access over the rail has been an issue for years, never being resolved. Unrestricted access is limited to one underpass, which is not conducive to additional traffic pressure. The proposed facility is also located in a residential area and we have no idea the impact it will have on existing residents and the surrounding homes.
 - Life safety. Given that there is only one underpass to access this side of the City, is it sufficient given the impact the train usage has on the other

two roads that cross over the rail? Can all life safety vehicles make it under the underpass?

- No capital budget/feasibility. Numbers are being loosely based on a similar project in Great Falls. The financial information is from 2019. Those numbers are stale and costs have increased significantly since that time. Additionally, this site may have challenges that are unique and will require additional expenses not incurred by the Great Falls project.
- Environmental studies. All projects breaking surface area require environmental studies. My understanding is the selected location had significant contamination, requiring extensive remediation. What additional remediation will be required to make the site suitable for public use as proposed? What is the cost and who is paying for it?
- Operating and capital budgets. Nobody has been able to provide any concrete numbers. Ongoing capital maintenance and replacement needs are also unknown. I understand significant donated funds are being used to build the facility. However, we have not been told how additional funds will be raised if costs exceed donations. Not having a formal capital budget available prior to committing the community to something of this magnitude is irresponsible. Also, donations toward operating costs are not in perpetuity. What is the impact on the taxpayers when those funds are no longer available?
- What are the conditions that are tied to private funding?
- I asked some of these questions when an advocate knocked on my door to promote the project. She could not answer any of them.

The Wellness Center could be a nice addition to the community. However, I am concerned regarding the financial impact and how this was sold to the public. The long term effect could be a financial burden we may never recover from. I believe my questions are reasonable and anyone serving the community should be asking. I am asking for your help to lead me in the right direction to get these answers questioned.

Regards,

Peter Kovago
1307 E Montana Street
Livingston, MT 59047

April 2, 2024

To Mr. Gager and the Livingston City Commissioners,

Following are some points that I hope you will consider before voting on the funding for the "Livingston Recreation District." (Note that some voters felt it was misleading to not put information about the mill rate since that is typical on a ballot initiative of this nature.)

Thank you in advance for your time.

According to the proposal: Based on the maximum initial proposed annual assessment of 30 mills, the annual assessment on a home with an assessed market value for tax purposes of \$100,000 would be \$40.80; of \$300,000 would be \$122.40 and of \$600,000 would be \$244.80.

My request is that you reconsider the hardship that will result with this tax rate in light of the current economic situation in Livingston, Park County.

I. Mr. Gager emphasized the following in an interview he did with PCEC published Dec. 14, 2022:

PCEC: What lessons did you learn during the changes you experienced in Ketchum?

GG: You know, I've learned a lot of lessons.

First and foremost, the most important thing is to work to preserve community character as much as we can. Whether that's in the built environment, or whether that's more on the human side, both are very critical, and both play off of each other.

Keeping Livingston a place where normal people can live and afford to live is very critical to the community's future. I've seen what happens when a community hollows out.

It's pretty critical for us to focus on both the built environment, through the building process and planning process, and also making sure that it's the sort of place where families can live. That's critical to me.

II. Some citizens feel it is unfair to consider a discriminatory annual tax for people in a certain area who own property of a certain value. Please carefully this point: In a court of law, certain property is considered income consuming, while some is *income generating*. For property owners who do not run our properties as long- or short-term rentals, property is highly income consuming, and the “recreation district” would ask us to put out more money when property taxes have increased 53% since 1994 (2023 DOR Data).

III. Current information regarding Livingston-Park County:

A. This will negatively impact people with fixed incomes who are paying property taxes.

2020 Census: 2022 demographics Park County: 23.7% over 65; US average 16%

[https://static1.squarespace.com/static/634d89e8c459491032e3c211/t/63a0e7c0e96e802edc33d78b/1671489479934/2022 Demographics - Park County MT \(1\).pdf](https://static1.squarespace.com/static/634d89e8c459491032e3c211/t/63a0e7c0e96e802edc33d78b/1671489479934/2022+Demographics+-+Park+County+MT+(1).pdf)

B. 3.12.24 Park County Jobless Rate rose (*Livingston Enterprise*)

C. 3.14: Katherine Daly (*Livingston Enterprise*)

At least 28% of Park County households are spending more than 30% of their income on housing, and single-family median home list prices increased by more than 130% from December 2019 to December 2023, according to the Park County Housing Coalition.

“Something really interesting about our community is that 30% of Park County's households rent and about 70% own, and we're seeing home prices that neither group can afford,” Daly said.

[T]he number of people experiencing housing insecurity and homelessness increases.

D. Internet listings for median home prices in Livingston:

3.31.24

Zillow: \$514,934

realtor.com: \$649.5K

MT Department of Revenue: \$409,400

E. High percentage of families who need public assistance for necessary expenses:

37.9% children free lunch or reduced-price lunch program

47.8% children Healthy MT Kids free or low-cost healthcare plan

[https://static1.squarespace.com/static/634d89e8c459491032e3c211/t/63a0e7c0e96e802edc33d78b/1671489479934/2022 Demographics - Park County MT \(1\).pdf](https://static1.squarespace.com/static/634d89e8c459491032e3c211/t/63a0e7c0e96e802edc33d78b/1671489479934/2022+Demographics+-+Park+County+MT+(1).pdf)

F. Recent conversation with J. Jackson of the Park County Sherriff’s Department: an office told him he can barely afford to live here on the salary he makes

G. The projected salaries for many of the wellness center employees will be higher than the median salary of Livingston residents and sometimes more than twice as much, (median salary per 2020 Census). Is that fair?

2020 Census 2022 Demographics: median wage: \$2,662/mo

average rent :\$1,565

average mortgage: \$3,000

Respectfully,

Arlene Roemer da Feltre

Vote YES to Approve the Livingston Recreation Facility District... and Create the FREE Livingston Community Wellness Center

What Does This Mean?

1. ALL construction costs will be **paid for by generous donors**—you pay nothing!
2. On Feb. 28, 2024, **ballots will be mailed for a special election** for the creation of the “Livingston Recreation Facility District.” This will ask voters to cover half of the annual operations, maintenance, and staffing costs of the Livingston Community Wellness Center.
3. You will **pay \$12 per household per month**,* and it provides **ALL CITY RESIDENTS FREE MEMBERSHIP TO THE LIVINGSTON COMMUNITY WELLNESS CENTER**—there’s no better deal in the state!

“The Livingston Community Wellness Center will **deliver much-needed amenities**—a swimming pool, gymnasium, basketball courts, playground, a running and walking track, after school programs, and **so much more for the Livingston community.**”



*median price

Paid for by VOTE Yes to Approve the Livingston Recreation Facility District, Catherine Moody - Treasurer, 124 S 2nd Street, Livingston, MT 59047

YOUR BALLOT WILL BE MAILED ON FEB. 28, 2024



The **FREE** Livingston Community Wellness Center Means

- Swimming Pool
- Running & Walking Track
- Lap Pool
- Basketball & Pickleball Courts
- Gymnasium
- Playground
- After School Programs

FREE Membership to ALL City of Livingston Residents

File Attachments for Item:

B. APPROVAL OF CLAIMS PAID 3/28/24 - 4/10/24

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
AAA CLEANING, LLC							
3727	AAA CLEANING, LLC	2024.3	220 E PARK CLEANING	03/31/2024	2,000.00	2,000.00	04/05/2024
3727	AAA CLEANING, LLC	2024.3	330 BENNETT CLEANING	03/31/2024	156.25	156.25	04/05/2024
3727	AAA CLEANING, LLC	2024.3	330 BENNETT CLEANING	03/31/2024	156.25	156.25	04/05/2024
3727	AAA CLEANING, LLC	2024.3	330 BENNETT CLEANING	03/31/2024	156.25	156.25	04/05/2024
3727	AAA CLEANING, LLC	2024.3	330 BENNETT CLEANING	03/31/2024	156.25	156.25	04/05/2024
Total AAA CLEANING, LLC:					2,625.00	2,625.00	
ACCESSIBLE TECHNOLOGIES							
10002	ACCESSIBLE TECHNOLOGIES	369338	RAPTOR ELEMENT	03/21/2024	391.12	391.12	03/28/2024
Total ACCESSIBLE TECHNOLOGIES:					391.12	391.12	
ALSCO							
10005	ALSCO	LBIL1934101	330 bennett	03/22/2024	15.90	15.90	04/05/2024
10005	ALSCO	LBIL1934101	330 bennett	03/22/2024	15.90	15.90	04/05/2024
10005	ALSCO	LBIL1934101	330 bennett	03/22/2024	15.91	15.91	04/05/2024
10005	ALSCO	LBIL1934101	330 bennett	03/22/2024	15.91	15.91	04/05/2024
10005	ALSCO	RCPT800506	credit	12/29/2023	15.14-	15.14-	04/05/2024
10005	ALSCO	RCPT800506	credit	12/29/2023	15.15-	15.15-	04/05/2024
10005	ALSCO	RCPT800506	credit	12/29/2023	15.19-	15.19-	04/05/2024
10005	ALSCO	RCPT800506	credit	12/29/2023	15.10-	15.10-	04/05/2024
Total ALSCO:					3.04	3.04	
BETTER DAYS CLEANING							
10004	BETTER DAYS CLEANING	1300	CLEANING	04/01/2024	875.00	875.00	04/05/2024
Total BETTER DAYS CLEANING:					875.00	875.00	
BNSF RAILWAY COMPANY							
10006	BNSF RAILWAY COMPANY	24002884	MRL#600678 PERMIT	03/13/2024	100.00	100.00	03/28/2024
10006	BNSF RAILWAY COMPANY	24002885	MRL#600679 PERMIT	03/13/2024	100.00	100.00	03/28/2024
Total BNSF RAILWAY COMPANY:					200.00	200.00	
BOUND TREE MEDICAL, LLC							
2662	BOUND TREE MEDICAL, LLC	85290466	Patient Supplies	03/25/2024	752.28	752.28	04/05/2024
2662	BOUND TREE MEDICAL, LLC	85296896	Patient Supplies	03/29/2024	283.99	283.99	04/05/2024
2662	BOUND TREE MEDICAL, LLC	85296897	Patient Supplies	03/29/2024	112.56	112.56	04/05/2024
Total BOUND TREE MEDICAL, LLC:					1,148.83	1,148.83	
BRIDGER ANALYTICAL LAB							
3820	BRIDGER ANALYTICAL LAB	2312367	ANALYSIS	12/19/2023	288.00	288.00	04/05/2024
3820	BRIDGER ANALYTICAL LAB	2402122	ANALYSIS	02/06/2024	288.00	288.00	04/05/2024
3820	BRIDGER ANALYTICAL LAB	2403090	ANALYSIS	03/07/2024	288.00	288.00	04/05/2024
Total BRIDGER ANALYTICAL LAB:					864.00	864.00	
BRUCE E. BECKER, P.C.							
10000	BRUCE E. BECKER, P.C.	2024.3.31	Contracted service	03/31/2024	4,000.00	4,000.00	04/05/2024
Total BRUCE E. BECKER, P.C.:					4,000.00	4,000.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
CAROLINA SOFTWARE, Inc.							
3326	CAROLINA SOFTWARE, Inc.	90350	SOFTWARE SUPPORT	04/01/2024	600.00	600.00	04/05/2024
Total CAROLINA SOFTWARE, Inc.:					600.00	600.00	
CASELLE							
3763	CASELLE	132231	APPLICATION SOFTWARE	04/01/2024	2,895.16	2,895.16	04/05/2024
3763	CASELLE	132231	APPLICATION SOFTWARE	04/01/2024	95.10	95.10	04/05/2024
3763	CASELLE	132231	APPLICATION SOFTWARE	04/01/2024	95.10	95.10	04/05/2024
3763	CASELLE	132231	APPLICATION SOFTWARE	04/01/2024	183.51	183.51	04/05/2024
3763	CASELLE	132231	APPLICATION SOFTWARE	04/01/2024	183.51	183.51	04/05/2024
3763	CASELLE	132231	APPLICATION SOFTWARE	04/01/2024	278.62	278.62	04/05/2024
Total CASELLE:					3,731.00	3,731.00	
CITY OF LIVINGSTON							
131	CITY OF LIVINGSTON	2024_03	Disbursement to City	03/28/2024	9,587.00	9,587.00	03/28/2024
Total CITY OF LIVINGSTON:					9,587.00	9,587.00	
COMDATA							
2671	COMDATA	XW660/204070	FUEL	04/01/2024	530.91	530.91	04/05/2024
2671	COMDATA	XW660/204070	FUEL	04/01/2024	2,410.86	2,410.86	04/05/2024
2671	COMDATA	XW716/204070	CG72P	04/01/2024	299.68	299.68	04/05/2024
2671	COMDATA	XW716/204070	CG72P	04/01/2024	44.43	44.43	04/05/2024
2671	COMDATA	XW716/204070	CG72R	04/01/2024	304.07	304.07	04/05/2024
2671	COMDATA	XW716/204070	CG73C	04/01/2024	596.72	596.72	04/05/2024
2671	COMDATA	XW716/204070	CG73H	04/01/2024	133.01	133.01	04/05/2024
2671	COMDATA	XW716/204070	CG73L	04/01/2024	142.58	142.58	04/05/2024
2671	COMDATA	XW716/204070	CG73S	04/01/2024	863.07	863.07	04/05/2024
2671	COMDATA	XW716/204070	CG74G	04/01/2024	390.31	390.31	04/05/2024
2671	COMDATA	XW716/204070	CG74G	04/01/2024	20.86	20.86	04/05/2024
2671	COMDATA	XW717/204070	CG72S	04/01/2024	2,345.41	2,345.41	04/05/2024
Total COMDATA:					8,081.91	8,081.91	
D&R COFFEE SERVICE INC							
10002	D&R COFFEE SERVICE INC	177369	RENTAL FEE	03/31/2024	50.00	50.00	04/05/2024
10002	D&R COFFEE SERVICE INC	177452	COFFEE	04/01/2024	108.50	108.50	04/05/2024
10002	D&R COFFEE SERVICE INC	177452	COFFEE	04/01/2024	217.00	217.00	04/05/2024
Total D&R COFFEE SERVICE INC:					375.50	375.50	
DELL MARKETING L.P.							
745	DELL MARKETING L.P.	10740183002	COMPUTER-LEMBCKE	03/30/2024	599.22	599.22	04/05/2024
745	DELL MARKETING L.P.	10740183002	COMPUTER-LEMBCKE	03/30/2024	599.23	599.23	04/05/2024
745	DELL MARKETING L.P.	10740183002	COMPUTER-LEMBCKE	03/30/2024	599.23	599.23	04/05/2024
Total DELL MARKETING L.P.:					1,797.68	1,797.68	
DELTA SIGNS & GRAPHICS							
509	DELTA SIGNS & GRAPHICS	3040	LAMINATED GRAPHICS	03/27/2024	300.00	300.00	04/05/2024
Total DELTA SIGNS & GRAPHICS:					300.00	300.00	
DIAMOND LODGE DEVELOPMENT							
10006	DIAMOND LODGE DEVELOPME	4627	REFUND ASPHALT DEPOSIT	01/22/2024	5,000.00	5,000.00	04/10/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total DIAMOND LODGE DEVELOPMENT:					5,000.00	5,000.00	
ENERGY LABORATORIES, INC.							
424	ENERGY LABORATORIES, INC.	617868	Analysis parameter	03/16/2024	264.00	264.00	04/05/2024
424	ENERGY LABORATORIES, INC.	617869	Analysis parameter	03/16/2024	53.00	53.00	04/05/2024
Total ENERGY LABORATORIES, INC.:					317.00	317.00	
EXEC U CARE SERVICES, INC.							
3298	EXEC U CARE SERVICES, INC.	3725	Janitorial Services	03/29/2024	2,574.33	2,574.33	04/05/2024
Total EXEC U CARE SERVICES, INC.:					2,574.33	2,574.33	
FARSTAD OIL							
3353	FARSTAD OIL	104029	Diesel 300G	03/28/2024	1,031.22	1,031.22	04/05/2024
Total FARSTAD OIL:					1,031.22	1,031.22	
FERGUSON WATERWORKS #1701							
2386	FERGUSON WATERWORKS #17	0800026	Meters	03/19/2024	374.76	374.76	04/05/2024
Total FERGUSON WATERWORKS #1701:					374.76	374.76	
FLOYD'S TRUCK CENTER							
10000	FLOYD'S TRUCK CENTER	X401189107:01	BEAM LED	03/20/2024	101.98	101.98	03/28/2024
Total FLOYD'S TRUCK CENTER:					101.98	101.98	
GENERAL DISTRIBUTING COMPANY							
1845	GENERAL DISTRIBUTING COM	0001358541	CYLINDER RENTAL	03/31/2024	36.83	36.83	04/05/2024
1845	GENERAL DISTRIBUTING COM	0001360297	Patient Supplies	03/31/2024	118.33	118.33	04/05/2024
Total GENERAL DISTRIBUTING COMPANY:					155.16	155.16	
HAWKINS, INC							
470	HAWKINS, INC	6709193	Chlorine cylinder	03/14/2024	50.00	50.00	04/05/2024
470	HAWKINS, INC	6723863	SWITCHOVER	04/02/2024	3,150.00	3,150.00	04/05/2024
Total HAWKINS, INC:					3,200.00	3,200.00	
HIGH COUNTRY WILDLIFE CONTROL							
10002	HIGH COUNTRY WILDLIFE CON	10651	PEST CONTROL	03/29/2024	210.00	210.00	04/05/2024
Total HIGH COUNTRY WILDLIFE CONTROL:					210.00	210.00	
IBS INC							
10004	IBS INC	839848-2	SUPPLIES	02/27/2024	206.26	206.26	04/05/2024
Total IBS INC:					206.26	206.26	
JON M HESSE PC							
10005	JON M HESSE PC	45819	PROFESSIONAL SERVICES	03/28/2024	2,564.46	2,564.46	04/05/2024
Total JON M HESSE PC:					2,564.46	2,564.46	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
KELLEY CREATE							
10006	KELLEY CREATE	IN1600903	JH16535	04/04/2024	159.31	159.31	04/05/2024
Total KELLEY CREATE:					159.31	159.31	
KEN'S EQUIPMENT REPAIR, INC							
1390	KEN'S EQUIPMENT REPAIR, IN	62366	SPRINGS	03/06/2024	4,045.85	4,045.85	04/05/2024
1390	KEN'S EQUIPMENT REPAIR, IN	62468	Data Link to ecm	03/20/2024	305.00	305.00	04/05/2024
Total KEN'S EQUIPMENT REPAIR, INC:					4,350.85	4,350.85	
KENYON NOBLE							
776	KENYON NOBLE	1444099	SPLICE KIT	03/07/2024	55.98	55.98	04/05/2024
776	KENYON NOBLE	1444318	DRILL BITS	03/07/2024	172.69	172.69	04/05/2024
776	KENYON NOBLE	1448998	SPRUCE PINE	03/11/2024	94.92	94.92	04/05/2024
776	KENYON NOBLE	1451338	BLACK PLUG	03/12/2024	6.98	6.98	04/05/2024
776	KENYON NOBLE	1451554	RIVETS	03/12/2024	34.32	34.32	04/05/2024
776	KENYON NOBLE	1451850	PLIERS	03/12/2024	67.98	67.98	04/05/2024
776	KENYON NOBLE	1453782	FastERNERS	03/13/2024	28.16	28.16	04/05/2024
776	KENYON NOBLE	1456783	BLACKTOP PATCH	03/15/2024	159.90	159.90	04/05/2024
776	KENYON NOBLE	1465457	FASTENERS	03/20/2024	13.74	13.74	04/05/2024
776	KENYON NOBLE	1466221	RIVETS	03/21/2024	6.38	6.38	04/05/2024
776	KENYON NOBLE	1466398	Fasteners	03/21/2024	59.09	59.09	04/05/2024
776	KENYON NOBLE	1467083	Fasteners	03/21/2024	21.50	21.50	04/05/2024
776	KENYON NOBLE	1467159	DEF	03/21/2024	16.99	16.99	04/05/2024
776	KENYON NOBLE	1467769	WOOD, TORX DRIVE	03/22/2024	223.11	223.11	04/05/2024
776	KENYON NOBLE	1473581	WHITE WOOD	03/26/2024	70.56	70.56	04/05/2024
776	KENYON NOBLE	1473892	SONO TUBE	03/26/2024	71.97	71.97	04/05/2024
776	KENYON NOBLE	1474054	SONO TUBE	03/26/2024	71.97-	71.97-	04/05/2024
Total KENYON NOBLE:					1,032.30	1,032.30	
KEVIN BROWN							
10006	KEVIN BROWN	2024.3.18	JUDGE PRO TEM	03/18/2024	180.00	180.00	04/05/2024
Total KEVIN BROWN:					180.00	180.00	
LEHRKIND'S COCA-COLA							
2830	LEHRKIND'S COCA-COLA	2122126	Water	03/28/2024	13.00	13.00	04/05/2024
2830	LEHRKIND'S COCA-COLA	2124375	Water	03/28/2024	13.50	13.50	04/05/2024
2830	LEHRKIND'S COCA-COLA	2129397	Water	03/28/2024	13.50	13.50	04/05/2024
2830	LEHRKIND'S COCA-COLA	2132006	Water-PD	03/19/2024	40.11	40.11	04/05/2024
2830	LEHRKIND'S COCA-COLA	2135438	Water	04/03/2024	42.50	42.50	04/05/2024
2830	LEHRKIND'S COCA-COLA	2135439	Water	04/03/2024	24.00	24.00	04/05/2024
Total LEHRKIND'S COCA-COLA:					146.61	146.61	
LIVINGSTON ACE HARDWARE - #122005							
26	LIVINGSTON ACE HARDWARE -	D97434	DUCT SEAL BAR	02/28/2024	5.99	5.99	04/05/2024
26	LIVINGSTON ACE HARDWARE -	D97482	TOILET SEAT	02/28/2024	14.99	14.99	04/05/2024
26	LIVINGSTON ACE HARDWARE -	D99301	PENLIGHT	03/04/2024	49.98	49.98	04/05/2024
26	LIVINGSTON ACE HARDWARE -	E00178	Fastners	03/06/2024	28.03	28.03	04/05/2024
26	LIVINGSTON ACE HARDWARE -	E00389	FASTNERS	03/07/2024	10.77	10.77	04/05/2024
26	LIVINGSTON ACE HARDWARE -	E00710	USB DRIVE	03/07/2024	57.95	57.95	04/05/2024
26	LIVINGSTON ACE HARDWARE -	E00826	ADHESIVE	03/08/2024	35.97	35.97	04/05/2024
26	LIVINGSTON ACE HARDWARE -	E00871	PAINT BRUSH	03/08/2024	26.93	26.93	04/05/2024
26	LIVINGSTON ACE HARDWARE -	E02718	CLEANING SUPPLIES	03/13/2024	7.99	7.99	04/05/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
26	LIVINGSTON ACE HARDWARE -	E02931	NOZZLE	03/13/2024	16.99	16.99	04/05/2024
26	LIVINGSTON ACE HARDWARE -	E04968	SCRAPERS	03/18/2024	28.15	28.15	04/05/2024
26	LIVINGSTON ACE HARDWARE -	E05477	SAW BLADE	03/19/2024	4.00	4.00	04/05/2024
26	LIVINGSTON ACE HARDWARE -	E07051	LOCKING HITCH PIN	03/23/2024	19.99	19.99	04/05/2024
26	LIVINGSTON ACE HARDWARE -	E07682	SCABBARD	03/25/2024	6.39	6.39	04/05/2024
26	LIVINGSTON ACE HARDWARE -	E07810	ELBOW	03/25/2024	35.97	35.97	04/05/2024
26	LIVINGSTON ACE HARDWARE -	X07981	THREAD TAPE	02/26/2024	22.54	22.54	04/05/2024
26	LIVINGSTON ACE HARDWARE -	X08675	PRESSURE TESTER	03/11/2024	85.51	85.51	04/05/2024
26	LIVINGSTON ACE HARDWARE -	X08800	TOILET REPAIR	03/12/2024	22.99	22.99	04/05/2024
26	LIVINGSTON ACE HARDWARE -	X09509	Fastners	03/21/2024	35.40	35.40	04/05/2024
26	LIVINGSTON ACE HARDWARE -	X09575	Fastners	03/21/2024	5.00	5.00	04/05/2024
26	LIVINGSTON ACE HARDWARE -	X09871	FaN HOUSING	03/25/2024	34.49	34.49	04/05/2024
Total LIVINGSTON ACE HARDWARE - #122005:					556.02	556.02	

MASTERCARD

3184	MASTERCARD	2024_01 CHAB	Reserve - Operating Uniforms	02/01/2024	172.65	172.65	02/12/2024
3184	MASTERCARD	2024_01 FETT	OFFICE SUPPLIES	02/01/2024	77.28	77.28	02/12/2024
3184	MASTERCARD	2024_01 FETT	TRAVEL - GFOA ANNUAL CONF	02/01/2024	669.40	669.40	02/12/2024
3184	MASTERCARD	2024_01 FETT	TRAVEL - GFOA ANNUAL CONF	02/01/2024	669.40	669.40	02/12/2024
3184	MASTERCARD	2024_01 FETT	TRAVEL - GFOA ANNUAL CONF	02/01/2024	43.51	43.51	02/12/2024
3184	MASTERCARD	2024_01 FETT	TRAVEL - GFOA ANNUAL CONF	02/01/2024	43.51	43.51	02/12/2024
3184	MASTERCARD	2024_01 FETT	GFOA ANNUAL CONFERENCE	02/01/2024	500.00	500.00	02/12/2024
3184	MASTERCARD	2024_01 FETT	TOILET PAPER	02/01/2024	10.99	10.99	02/12/2024
3184	MASTERCARD	2024_01 FETT	TOILET PAPER	02/01/2024	76.98	76.98	02/12/2024
3184	MASTERCARD	2024_01 FETT	OFFICE SUPPLIES	02/01/2024	92.07	92.07	02/12/2024
3184	MASTERCARD	2024_01 FETT	OFFICE SUPPLIES	02/01/2024	34.00	34.00	02/12/2024
3184	MASTERCARD	2024_01 FETT	OFFICE SUPPLIES	02/01/2024	10.99	10.99	02/12/2024
3184	MASTERCARD	2024_01 FETT	OFFICE SUPPLIES	02/01/2024	92.07	92.07	02/12/2024
3184	MASTERCARD	2024_01 FETT	OFFICE SUPPLIES	02/01/2024	135.36	135.36	02/12/2024
3184	MASTERCARD	2024_01 FETT	HEADSET	02/01/2024	64.95-	64.95-	02/12/2024
3184	MASTERCARD	2024_01 FETT	OFFICE SUPPLIES	02/01/2024	70.29	70.29	02/12/2024
3184	MASTERCARD	2024_01 GAG	Subscription	02/01/2024	40.00	40.00	02/12/2024
3184	MASTERCARD	2024_01 GAG	Entry Fee for Willich at New Com	02/01/2024	25.00	25.00	02/12/2024
3184	MASTERCARD	2024_01 GAG	Commissioner Name Badges	02/01/2024	55.85	55.85	02/12/2024
3184	MASTERCARD	2024_01 GAG	Subscription	02/01/2024	20.00	20.00	02/12/2024
3184	MASTERCARD	2024_01 GILB	Fire- Meals - station HVAC replac	02/01/2024	106.00	106.00	02/12/2024
3184	MASTERCARD	2024_01 GLAS	FAX	02/01/2024	34.99	34.99	02/12/2024
3184	MASTERCARD	2024_01 GLAS	FAX	02/01/2024	.31	.31	02/12/2024
3184	MASTERCARD	2024_01 GLAS	TONER CARTRIDGE	02/01/2024	792.15	792.15	02/12/2024
3184	MASTERCARD	2024_01 GRA	postage to 95521; 30165; 59812	02/01/2024	12.46	12.46	02/12/2024
3184	MASTERCARD	2024_01 GRA	book	02/01/2024	22.49	22.49	02/12/2024
3184	MASTERCARD	2024_01 GRA	postage to 91330	02/01/2024	3.92	3.92	02/12/2024
3184	MASTERCARD	2024_01 GRA	DVD	02/01/2024	37.99	37.99	02/12/2024
3184	MASTERCARD	2024_01 GRA	3 months elevator phone	02/01/2024	149.97	149.97	02/12/2024
3184	MASTERCARD	2024_01 GRA	postage to 92834; 52001; 84121;	02/01/2024	18.48	18.48	02/12/2024
3184	MASTERCARD	2024_01 GRA	2 of: H P414A Black Toner Cartrid	02/01/2024	195.78	195.78	02/12/2024
3184	MASTERCARD	2024_01 GRA	postage to 59317	02/01/2024	3.92	3.92	02/12/2024
3184	MASTERCARD	2024_01 GRA	1 of: LIOTOIN Wireless Caregiver	02/01/2024	56.44	56.44	02/12/2024
3184	MASTERCARD	2024_01 GRA	postage to 92834	02/01/2024	3.72	3.72	02/12/2024
3184	MASTERCARD	2024_01 GRA	postage to 95819; 77002; 59812	02/01/2024	11.87	11.87	02/12/2024
3184	MASTERCARD	2024_01 GRA	postage to 63084; 98661; 59263;	02/01/2024	22.15	22.15	02/12/2024
3184	MASTERCARD	2024_01 GRA	postage to 57117	02/01/2024	3.72	3.72	02/12/2024
3184	MASTERCARD	2024_01 GRA	postage to 13078; 83204; 97230	02/01/2024	11.87	11.87	02/12/2024
3184	MASTERCARD	2024_01 GRA	2x battery alkaline card/2 1.5V	02/01/2024	7.58	7.58	02/12/2024
3184	MASTERCARD	2024_01 GRA	4x battery alkaline card/2 1.5V	02/01/2024	15.16	15.16	02/12/2024
3184	MASTERCARD	2024_01 GRA	postage to 64433; 20059; 60477;	02/01/2024	17.01	17.01	02/12/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2024_01 GRA	3 of: Honeywell Voyager MS9540	02/01/2024	197.94	197.94	02/12/2024
3184	MASTERCARD	2024_01 GRA	subscription	02/01/2024	130.00	130.00	02/12/2024
3184	MASTERCARD	2024_01 GRA	goes with transaction above	02/01/2024	1.17	1.17	02/12/2024
3184	MASTERCARD	2024_01 GRA	postage to 92705; 29730; 59725	02/01/2024	12.58	12.58	02/12/2024
3184	MASTERCARD	2024_01 HAPP	cloud storage for court	02/01/2024	.99	.99	02/12/2024
3184	MASTERCARD	2024_01 HAR	Distilled water	02/01/2024	8.94	8.94	02/12/2024
3184	MASTERCARD	2024_01 HAR	Coffee	02/01/2024	31.47	31.47	02/12/2024
3184	MASTERCARD	2024_01 HOFF	INTERNAL DRIVE (SSD)	02/01/2024	58.99	58.99	02/12/2024
3184	MASTERCARD	2024_01 HOFF	INTERNAL DRIVE (SSD)	02/01/2024	58.99	58.99	02/12/2024
3184	MASTERCARD	2024_01 HOFF	PRINTER & SCANNER	02/01/2024	905.81	905.81	02/12/2024
3184	MASTERCARD	2024_01 HOFF	KEYBOARD	02/01/2024	43.42	43.42	02/12/2024
3184	MASTERCARD	2024_01 HOFF	INTERNAL DRIVE (SSD)	02/01/2024	58.99	58.99	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Street Dept.- Vehicle safety lightb	02/01/2024	490.00	490.00	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Office Supplies- Water shop white	02/01/2024	30.39	30.39	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Office Supplies- Paper towels	02/01/2024	33.92	33.92	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Office Supplies- Paper towels	02/01/2024	33.92	33.92	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Office Supplies- Paper towels	02/01/2024	33.92	33.92	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Office Supplies- Paper towels	02/01/2024	33.92	33.92	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Office Supplies- Paper towels	02/01/2024	33.92	33.92	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Fuel-BacT Samples to Billings	02/01/2024	42.60	42.60	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Credit- wrong water filters returne	02/01/2024	152.60-	152.60-	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Subscription services	02/01/2024	56.59	56.59	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Office Supplies- Coffee	02/01/2024	28.19	28.19	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Office Supplies- Coffee	02/01/2024	28.19	28.19	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Office Supplies- Coffee	02/01/2024	28.19	28.19	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Office Supplies- Coffee	02/01/2024	28.19	28.19	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Office Supplies- Coffee	02/01/2024	28.18	28.18	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Office Supplies -Water fountain filt	02/01/2024	199.74	199.74	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Water Dept. Supplies- lbproufen	02/01/2024	35.53	35.53	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Office Supplies- paper cups	02/01/2024	17.50	17.50	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Office Supplies- paper cups	02/01/2024	17.50	17.50	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Office Supplies- paper cups	02/01/2024	17.50	17.50	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Office Supplies- paper cups	02/01/2024	17.50	17.50	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Office Supplies- paper cups	02/01/2024	17.49	17.49	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Subscription Services- Get receipt	02/01/2024	60.00	60.00	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Parks Dept. Supplies Dog waste b	02/01/2024	341.97	341.97	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Scale House Supplies	02/01/2024	33.72	33.72	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Street Dept. Supplies Mike Storda	02/01/2024	43.07	43.07	02/12/2024
3184	MASTERCARD	2024_01 KINNI	Transfer Station supplies- phone c	02/01/2024	9.99	9.99	02/12/2024
3184	MASTERCARD	2024_01 PIER	Fire - Training - ICE Rescue J Pier	02/01/2024	314.15	314.15	02/12/2024
3184	MASTERCARD	2024_01 PIER	EMS - Pt Supplies - IO	02/01/2024	507.96	507.96	02/12/2024
3184	MASTERCARD	2024_01 PIER	EMS - Office Supplies	02/01/2024	27.48	27.48	02/12/2024
3184	MASTERCARD	2024_01 PIER	EMS - Pt Supplies - ECG Pacer P	02/01/2024	294.00	294.00	02/12/2024
3184	MASTERCARD	2024_01 PURK	GFOA Membership	02/01/2024	150.00	150.00	02/12/2024
3184	MASTERCARD	2024_01 PURK	December Medwrite	02/01/2024	3,339.50	3,339.50	02/12/2024
3184	MASTERCARD	2024_01 PURK	File 941	02/01/2024	5.95	5.95	02/12/2024
3184	MASTERCARD	2024_01 RUBI	MSU Fudimentals of Montana Mu	02/01/2024	25.00	25.00	02/12/2024
3184	MASTERCARD	2024_01 RUBI	Sympathy Card for Jen Severson	02/01/2024	5.69	5.69	02/12/2024
3184	MASTERCARD	2024_01 RUBI	Lunch for Public Works for Quarte	02/01/2024	109.75	109.75	02/12/2024
3184	MASTERCARD	2024_01 RUBI	Chief Hard Celebration snacks for	02/01/2024	56.96	56.96	02/12/2024
3184	MASTERCARD	2024_01 RUBI	Police Chief Candidate Hotel Stay	02/01/2024	130.52	130.52	02/12/2024
3184	MASTERCARD	2024_01 RUBI	Lunch for Police Chief Interview D	02/01/2024	46.17	46.17	02/12/2024
3184	MASTERCARD	2024_01 RUBI	Lunch for Police Chief Interview D	02/01/2024	5.15	5.15	02/12/2024
3184	MASTERCARD	2024_01 RUBI	Lunch for Police Chief Interview D	02/01/2024	68.00	68.00	02/12/2024
3184	MASTERCARD	2024_01 RUBI	Snacks for Police Commission an	02/01/2024	47.43	47.43	02/12/2024
3184	MASTERCARD	2024_01 RUBI	Lunch for Police Commission and	02/01/2024	147.20	147.20	02/12/2024
3184	MASTERCARD	2024_01 SEVE	Membership Dues	02/01/2024	65.00-	65.00-	02/12/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2024_01 SKAG	Office Supplies- Batteries	02/01/2024	70.86	70.86	02/12/2024
3184	MASTERCARD	2024_01 TARR	Marketing	02/01/2024	119.88	119.88	02/12/2024
3184	MASTERCARD	2024_01 TARR	Transaction Fee	02/01/2024	1.08	1.08	02/12/2024
3184	MASTERCARD	2024_01 TARR	New subscription	02/01/2024	12.00	12.00	02/12/2024
3184	MASTERCARD	2024_01 TARR	Coaching Meeting Food	02/01/2024	273.50	273.50	02/12/2024
3184	MASTERCARD	2024_01 TARR	SafeSitter treat	02/01/2024	13.50	13.50	02/12/2024
3184	MASTERCARD	2024_01 TARR	Operating Supplies	02/01/2024	82.21	82.21	02/12/2024
3184	MASTERCARD	2024_01 TARR	Operating Supplies	02/01/2024	114.74	114.74	02/12/2024
3184	MASTERCARD	2024_01 TARR	Youth Basketball Supplies	02/01/2024	149.41	149.41	02/12/2024
3184	MASTERCARD	2024_01 TARR	Youth Basketball Supplies	02/01/2024	38.57	38.57	02/12/2024
3184	MASTERCARD	2024_01 TARR	Hand sanitizer	02/01/2024	41.38	41.38	02/12/2024
3184	MASTERCARD	2024_01 TARR	Youth Basketball Supplies	02/01/2024	86.60	86.60	02/12/2024
3184	MASTERCARD	2024_01 TARR	MTRPA Annual Membership	02/01/2024	60.00	60.00	02/12/2024
3184	MASTERCARD	2024_01 TARR	MTRPA Annual Membership	02/01/2024	60.00	60.00	02/12/2024
3184	MASTERCARD	2024_01 TARR	Sanitizing Supplies	02/01/2024	65.99	65.99	02/12/2024
3184	MASTERCARD	2024_01 TARR	Band-aids	02/01/2024	7.76	7.76	02/12/2024
3184	MASTERCARD	2024_01 TARR	Office Supply	02/01/2024	27.80	27.80	02/12/2024
3184	MASTERCARD	2024_01 TARR	Roller Skate Operation Supply	02/01/2024	13.49	13.49	02/12/2024
3184	MASTERCARD	2024_01 TARR	NRPA Membership	02/01/2024	215.00	215.00	02/12/2024
3184	MASTERCARD	2024_01 TARR	Suzie's NRPA Membership	02/01/2024	115.00	115.00	02/12/2024
3184	MASTERCARD	2024_01 TARR	Youth Basketball Supplies	02/01/2024	67.94	67.94	02/12/2024
3184	MASTERCARD	2024_01 TARR	Youth Basketball Supplies	02/01/2024	198.83	198.83	02/12/2024
3184	MASTERCARD	2024_01 TARR	Office Supplies	02/01/2024	76.19	76.19	02/12/2024
3184	MASTERCARD	2024_01 TARR	Youth Coach Training / Backgroun	02/01/2024	1,140.00	1,140.00	02/12/2024
3184	MASTERCARD	2024_01 TIDW	WRF- Lab Supplies Ohaus in Use	02/01/2024	42.47	42.47	02/12/2024
3184	MASTERCARD	2024_01 TIDW	WRF- Air hose fitting supplies	02/01/2024	7.98	7.98	02/12/2024
3184	MASTERCARD	2024_01 TIDW	WRF Supplies- Time Delay Fuses	02/01/2024	28.00	28.00	02/12/2024
3184	MASTERCARD	2024_01 TIDW	WRF Supplies- Airhose	02/01/2024	48.86	48.86	02/12/2024
3184	MASTERCARD	2024_01 TIDW	WRFSupplies- current limiting reje	02/01/2024	107.87	107.87	02/12/2024
3184	MASTERCARD	2024_01 TIDW	WRF Supplies- Airhose fittings	02/01/2024	85.06	85.06	02/12/2024
3184	MASTERCARD	2024_01 TIDW	WRF Supplies- Air compressor fitti	02/01/2024	7.99	7.99	02/12/2024
3184	MASTERCARD	2024_01 TIDW	WRF Supplies-Air compressor fitti	02/01/2024	91.43	91.43	02/12/2024
3184	MASTERCARD	2024_01 TIDW	WRF Supplies, Kerosene for heat	02/01/2024	113.30	113.30	02/12/2024
3184	MASTERCARD	2024_01 TOW	Water Dept. Supplies- Hach DCP	02/01/2024	268.02	268.02	02/12/2024
3184	MASTERCARD	2024_01 TOW	Water Dept. Laboratory grade sink	02/01/2024	234.71	234.71	02/12/2024
Total MASTERCARD:					16,704.03	16,704.03	
MEYER ELECTRIC AND GROUNDS REPAIR, LLC							
3812	MEYER ELECTRIC AND GROUN	1234	TROUBLESHOOT DOWNED MO	03/26/2024	187.50	187.50	04/05/2024
Total MEYER ELECTRIC AND GROUNDS REPAIR, LLC:					187.50	187.50	
MIDWAY RENTAL, INC.							
3040	MIDWAY RENTAL, INC.	1920646-0001	sKID STEER AUGER BIT	03/26/2024	30.90	30.90	03/28/2024
Total MIDWAY RENTAL, INC.:					30.90	30.90	
MISC							
99999	MISC	2024.3.1	JURY DUTY	03/29/2024	25.00	25.00	04/05/2024
99999	MISC	2024.3.11	JURY DUTY	03/29/2024	12.00	12.00	04/05/2024
99999	MISC	2024.3.12	JURY DUTY	03/29/2024	12.00	12.00	04/05/2024
99999	MISC	2024.3.13	JURY DUTY	03/29/2024	12.00	12.00	04/05/2024
99999	MISC	2024.3.14	JURY DUTY	03/29/2024	12.00	12.00	04/05/2024
99999	MISC	2024.3.15	JURY DUTY	03/29/2024	12.00	12.00	04/05/2024
99999	MISC	2024.3.16	JURY DUTY	03/16/2024	12.00	12.00	04/05/2024
99999	MISC	2024.3.17	JURY DUTY	03/29/2024	12.00	12.00	04/05/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
99999	MISC	2024.3.18	JURY DUTY	03/29/2024	12.00	12.00	04/05/2024
99999	MISC	2024.3.19	JURY DUTY	03/29/2024	12.00	12.00	04/05/2024
99999	MISC	2024.3.2	JURY DUTY	03/29/2024	25.00	25.00	04/05/2024
99999	MISC	2024.3.3	JURY DUTY	03/29/2024	25.00	25.00	04/05/2024
99999	MISC	2024.3.4	JURY DUTY	03/29/2024	25.00	25.00	04/05/2024
99999	MISC	2024.3.5	JURY DUTY	03/29/2024	25.00	25.00	04/05/2024
99999	MISC	2024.3.6	JURY DUTY	03/29/2024	25.00	25.00	04/05/2024
99999	MISC	2024.3.7	JURY DUTY	03/29/2024	12.00	12.00	04/05/2024
99999	MISC	2024.3.8	JURY DUTY	03/29/2024	12.00	12.00	04/05/2024
99999	MISC	2024.3.9	JURY DUTY	03/29/2024	12.00	12.00	04/05/2024
99999	MISC	204.3.10	JURY DUTY	03/29/2024	12.00	12.00	04/05/2024
99999	MISC	TK2023-0340.2	Bond Refund	03/28/2024	345.00	345.00	03/28/2024
99999	MISC	TK2023-0347	Bond Refund	03/28/2024	245.00	245.00	03/28/2024
99999	MISC	TK2024-0150	Bond Refund	03/28/2024	285.00	285.00	03/28/2024
Total MISC:					1,181.00	1,181.00	
MMIA - LIABILITY PROGRAM							
2727	MMIA - LIABILITY PROGRAM	DR1005557	EV2020011148	03/29/2024	1,500.00	1,500.00	04/05/2024
2727	MMIA - LIABILITY PROGRAM	DR1005557	EV2023010853	03/29/2024	1,500.00	1,500.00	04/05/2024
Total MMIA - LIABILITY PROGRAM:					3,000.00	3,000.00	
MOBILE REPAIR & WELDING, INC							
10	MOBILE REPAIR & WELDING, IN	34757	CHANNEL	03/22/2024	109.32	109.32	03/28/2024
Total MOBILE REPAIR & WELDING, INC:					109.32	109.32	
MONTANA CORRECTIONAL ENTERPRISES							
1180	MONTANA CORRECTIONAL EN	88226	RePAIR FILE CABINET	12/08/2023	112.00	112.00	04/05/2024
Total MONTANA CORRECTIONAL ENTERPRISES:					112.00	112.00	
MONTANA DEPT OF ENVIRONMENTAL							
2346	MONTANA DEPT OF ENVIRONM	5L2401571	OUTFALL CHARGE	03/29/2024	2,250.00	2,250.00	04/05/2024
Total MONTANA DEPT OF ENVIRONMENTAL:					2,250.00	2,250.00	
MOUNTAIN FRESH CLEANING							
10005	MOUNTAIN FRESH CLEANING	FB0000078	CLEANING	04/01/2024	2,800.00	2,800.00	04/05/2024
Total MOUNTAIN FRESH CLEANING:					2,800.00	2,800.00	
MURDOCH'S RANCH & HOME SUPPLY							
3688	MURDOCH'S RANCH & HOME S	5775039	TORCH	02/27/2024	49.99	49.99	04/05/2024
3688	MURDOCH'S RANCH & HOME S	5895935	PROPANE	03/05/2024	24.43	24.43	04/05/2024
3688	MURDOCH'S RANCH & HOME S	6105932	PUMP FLOAT	03/18/2024	517.42	517.42	04/05/2024
3688	MURDOCH'S RANCH & HOME S	6156591	PrESSURE WASHER	03/21/2024	288.99	288.99	04/05/2024
Total MURDOCH'S RANCH & HOME SUPPLY:					880.83	880.83	
NORTHWEST PIPE FITTINGS, INC							
423	NORTHWEST PIPE FITTINGS, I	5100206	QUICKTITE	03/25/2024	202.17	202.17	04/05/2024
423	NORTHWEST PIPE FITTINGS, I	533761	BRASS SADDLE	03/14/2024	1,035.75	1,035.75	04/05/2024
Total NORTHWEST PIPE FITTINGS, INC:					1,237.92	1,237.92	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
PARK COUNTY TREASURER - TECH							
1702	PARK COUNTY TREASURER - T	2024.3	MARCH COLLECT	03/28/2024	365.00	365.00	04/05/2024
Total PARK COUNTY TREASURER - TECH:					365.00	365.00	
PARK COUNTY TREASURER/M.L.E.A.							
2156	PARK COUNTY TREASURER/M.	2024.3	MARCH COLLECTIONS	03/28/2024	345.00	345.00	04/05/2024
Total PARK COUNTY TREASURER/M.L.E.A.:					345.00	345.00	
PARK COUNTY VICTIM WITNESS							
1544	PARK COUNTY VICTIM WITNES	2024.3	MARCH COLLECTIONS	03/31/2024	478.00	478.00	04/05/2024
Total PARK COUNTY VICTIM WITNESS:					478.00	478.00	
PAUL ARNOLD							
10005	PAUL ARNOLD	2024.3.14	REIMB-TRAVEL	03/14/2024	119.49	119.49	04/05/2024
Total PAUL ARNOLD:					119.49	119.49	
PITNEY BOWES							
10001	PITNEY BOWES	3318521552	City Hall Lease	02/03/2024	193.00	193.00	02/06/2024
10001	PITNEY BOWES	3318521552	City Hall Lease	02/03/2024	193.00	193.00	02/06/2024
10001	PITNEY BOWES	3318521552	City Hall Lease	02/03/2024	193.00	193.00	02/06/2024
Total PITNEY BOWES:					579.00	579.00	
RIVERSIDE HARDWARE LLC							
3659	RIVERSIDE HARDWARE LLC	217800	WIRE BUILD	03/07/2024	6.00	6.00	04/05/2024
3659	RIVERSIDE HARDWARE LLC	217812	WIRE BUILD	03/07/2024	6.00	6.00	04/05/2024
3659	RIVERSIDE HARDWARE LLC	218134	TOOLS	03/12/2024	61.99	61.99	04/05/2024
Total RIVERSIDE HARDWARE LLC:					73.99	73.99	
SAFETRAC							
3143	SAFETRAC	43289	CDL Services	04/01/2024	725.00	725.00	04/05/2024
3143	SAFETRAC	43419	EMPLOYMENT SCREEN	03/31/2024	569.20	569.20	04/05/2024
Total SAFETRAC:					1,294.20	1,294.20	
SECURITY SOLUTIONS, INC.							
3020	SECURITY SOLUTIONS, INC.	13364	GATEWAY REPLACEMENT-CITY	03/21/2024	1,164.00	1,164.00	04/05/2024
Total SECURITY SOLUTIONS, INC.:					1,164.00	1,164.00	
SLEEPING GIANT ANIMAL CLINIC							
3645	SLEEPING GIANT ANIMAL CLINI	65320	wellness rhino	03/27/2024	75.00	75.00	04/05/2024
Total SLEEPING GIANT ANIMAL CLINIC:					75.00	75.00	
THE MAIN PRINT SHOP							
10006	THE MAIN PRINT SHOP	18138	BUSINESS CARDS	03/27/2024	53.90	53.90	04/05/2024
10006	THE MAIN PRINT SHOP	18207	PERMIT APPLICATIONS	04/03/2024	133.70	133.70	04/05/2024
Total THE MAIN PRINT SHOP:					187.60	187.60	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
THOMSON REUTERS - WEST							
2823	THOMSON REUTERS - WEST	849968771	SOFTWARE	04/01/2024	396.09	396.09	04/05/2024
Total THOMSON REUTERS - WEST:					396.09	396.09	
TOWN & COUNTRY FOODS - LIVINGSTON							
2595	TOWN & COUNTRY FOODS - LI	25	StaION SUPPLIES	03/27/2024	20.09	20.09	04/05/2024
2595	TOWN & COUNTRY FOODS - LI	393	Water	04/02/2024	28.95	28.95	04/05/2024
Total TOWN & COUNTRY FOODS - LIVINGSTON:					49.04	49.04	
TRANSUNION RISK & ALTERNATIVE							
3376	TRANSUNION RISK & ALTERNA	380349-20240	investigative resear	04/01/2024	75.00	75.00	04/05/2024
Total TRANSUNION RISK & ALTERNATIVE:					75.00	75.00	
UPS STORE #2420, THE							
292	UPS STORE #2420, THE	2024.4.2	ShipPING	04/02/2024	28.20	28.20	04/05/2024
Total UPS STORE #2420, THE:					28.20	28.20	
UTILITIES UNDERGROUND LOCATION							
3472	UTILITIES UNDERGROUND LO	4035098	Excavation Notifica	03/31/2024	72.24	72.24	04/05/2024
3472	UTILITIES UNDERGROUND LO	4035098	Excavation Notifica	03/31/2024	72.24	72.24	04/05/2024
3472	UTILITIES UNDERGROUND LO	4035098	Excavation Notifica	03/31/2024	72.24	72.24	04/05/2024
Total UTILITIES UNDERGROUND LOCATION:					216.72	216.72	
WHISTLER TOWING, LLC							
3237	WHISTLER TOWING, LLC	9976	COMMAND 3 REPAIR	03/25/2024	241.89	241.89	04/05/2024
3237	WHISTLER TOWING, LLC	9983	RESCUE 2 REPAIR	03/29/2024	2,509.52	2,509.52	04/05/2024
Total WHISTLER TOWING, LLC:					2,751.41	2,751.41	
YELLOWSTONE NEWS GROUP							
10005	YELLOWSTONE NEWS GROUP	497157	COMMISSION MEETING	04/02/2024	26.00	26.00	04/05/2024
10005	YELLOWSTONE NEWS GROUP	499923	ANNUAL DRINKING REPORT	04/10/2024	221.00	221.00	04/05/2024
Total YELLOWSTONE NEWS GROUP:					247.00	247.00	
ZOLL MEDICAL CORPORATION							
10006	ZOLL MEDICAL CORPORATION	3899401	MONITOR/DEFIBRILLATOR	01/24/2024	100,790.20	100,790.20	04/05/2024
Total ZOLL MEDICAL CORPORATION:					100,790.20	100,790.20	
Grand Totals:					194,468.78	194,468.78	

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

Mayor: _____

City Council: _____

City Recorder: _____

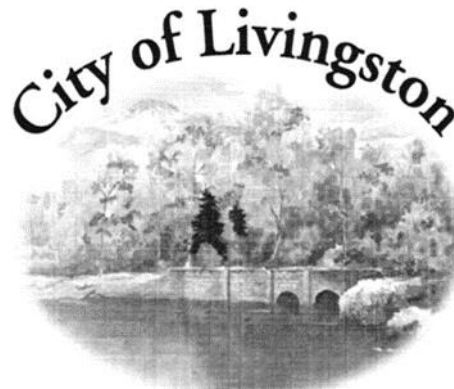
File Attachments for Item:

C. 208 LLAMA LANE FEE IMPACT WAIVER REQUEST

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



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Chairperson
Karrie Kahle

Vice Chair
Melissa Nootz

Commissioners
James Willich
Quentin Schwarz
Torrey Lyons

Date: 4/16/2024
To: Chair Kahle and City Commissioners
From: Grant Gager, City Manager

**Staff Report for Request for Exemption from
Development Impact Fees for Project at 208 Llama Lane**

Recommendation and Summary

Staff is recommending the Commission reject a request for an exemption from development impact fees by adopting the following motion:

“I move to reject the request for an exemption from impact fees and direct the City Manager to communicate the rejection to the applicant.”

The reasons for the recommendation are as follows:

- The Livingston Municipal Code allows the City Commission to grant a credit or exemption from development impact fees.
- The request from a property owner outside of City limits does not appear to meet any of the allowance for a reduction or exemption from impact fees.

Introduction and History

A multi-unit residential project is nearing completion adjacent to, but outside of, the City limits. The City has previously required the subdivision to connect to the City’s water and wastewater systems pursuant to Rule 17.36.123 of the Administrative Rules of Montana which provide that “New water supply and sewage disposal facilities in a proposed subdivision must be provided by a connection to a public water supply or public wastewater system if any boundary of the subdivision is within 500 feet of any component of the public system [...]” As the owner finalizes construction of the improvements, they have requested a waiver of development impact fees.

Analysis

Development Impact Fees in the City of Livingston are managed pursuant to Chapter 24 of the Livingston Municipal Code (LMC). Section 24-9.i. provides for certain exemptions from impact fees for political subdivisions and nonprofits. However, there is no allowance for an exemption for this type of project.

Additionally, LMC Section 24-11 provides that “The City Commission may by resolution grant a credit for or exemption from all or any part of the impact fees upon such finding that such credit or waiver is in the best interests of the public by encouraging activities that provide significant

social, economic or cultural benefits.” The constitution of “significant” benefits is a qualitative term. While the addition of a school is of social benefit staff recognizes that a school with required tuition provides a lower general social benefit than a general access school without tuition.

Fiscal Impact

Granting an exemption from impact fees would result in foregone revenue for the City’s enterprise funds.

Strategic Alignment

The requested waiver does not comply with the Growth Policy strategies of adequately funding infrastructure.

Attachments

- Attachment A: Request Letter from property owner



190 NORTHSTAR LANE
BOZEMAN, MT 59718
406-581-5730
www.headwatersmt.net

March 20, 2024

City of Livingston
City Manager Grant Gager
220 E. Park Street
Livingston, MT 59047
via email: citymanager@livingstonmontana.org

Re: Request Waiver of Water & Sewer Impact Fees
208 Llama Lane Multifamily Development Infrastructure Improvements

Dear Mr. Gager,

The intent of this letter is to request a waiver of impact fees on the 208 Llama Lane Multi-family Development Infrastructure Improvements Project. The Owner incurred significant financial burden, while the Project Improvements are in the best interest of the public, providing significant economic, social, and safety benefits.

Project Location

The Project is located at (and adjacent to) 208 Llama Lane, also described as Parcel 9A of COS 1888, in Section 7, T02S, R10E PMM, in Park County, Montana. The Parcel is adjacent to City of Livingston Limits. Based on discussions with City Staff, it is likely that this parcel will be annexed into the City of Livingston in the near future.

Site Characteristics

The current Owner, Karen Schneider, purchased the Subject Property in July, 2022. At that time, there was an existing single-family house, served by an onsite well (GWIC ID# 213641) and septic drainfield (Davis, 2005). There were also two sheds on the property, in addition to a large enclosed pole barn. The property has historically been accessed via Llama Lane.

Purpose of the Project

Karen is not a large-scale developer, but rather a local Park County resident who cares about people. In purchasing the Subject Property, Karen’s goal was to find a home for The Way Christian School, by converting the existing residence to a Private School for children, providing a significant benefit to the community. In fact, the existing residence has now been remodeled and is indeed operating as a school, with more than 50 full-time students.

Karen donated the building to the school, with no financial benefit to her. In order to make the project financially feasible, Karen elected to develop the property further, adding three 3-bedroom duplex residential structures to generate income to offset the costs of donating an entire school.

Progression of the Project

To support the development of the parcel, Karen hired Headwaters Engineering to design an onsite Public Wastewater Treatment System and onsite wells to serve the residences. Headwaters Engineering also submitted a Buildings for Lease or Rent application to Park County, which was Conditionally



Approved on December 20th, 2022, pending “an approved septic permit.” Headwaters Engineering initially designed and submitted onsite services that were estimated to cost approximately \$260,000 to construct. Park County Health initially approved the onsite water and septic services on November 17th, 2022, however, they rescinded that approval on December 12th, 2022 when it became apparent that the City of Livingston felt there was a benefit to the public for the Parcel to connect to City Services, and they were motivated to assist with easement acquisitions adjacent to the parcel to make offsite infrastructure “readily available,” which was not so at the time of original project design.

The Owner recognized that local jurisdictions believed that connecting to City services would be in the best interest of the City and Public, even though it was not necessarily in the best interest for the Owner, as the costs for these public connections were drastically higher than onsite services, in part due to the existing sewer connection point being uphill from the parcel, requiring a costly lift station and force main.

Additionally, the Owner was satisfied with the current means of access via Llama Lane, however, neighbors in the area expressed concern over a perceived traffic increase on Llama Lane. Karen agreed to fund the design and construction of Tana Lane as another means of access, to alleviate traffic congestion and concerns. Tana Lane will be dedicated to the City of Livingston upon completion. It was discussed during the decision-making process that the road was being constructed in good faith, and consideration of a complete waiver of impact fees would be requested.

Scope of Project Improvements

In collaboration with the City of Livingston staff and Standards, the Owner moved forward with funding the design and construction of Public Water, Sewer and Road Improvements that will provide service to the Subject Property, in addition to providing opportunities for future connections to adjacent properties.

The Scope of Improvements (and approximate costs of construction) that will benefit the Public includes approximately:

- 640 LF of 8” water main, (2) fire hydrants, and appurtenances that will be owned and operated by the City of Livingston (\$120k)
- 120 LF of 8” sewer main and appurtenances that will be owned and operated by the City of Livingston (\$14k)
- Tana Lane Extension: 800 LF of 26’-wide gravel access road dedicated to the City of Livingston (\$115k)

Additional private onsite improvements, including a 2” sewer force main and Lift Station, private 8” gravity sewer main, and water and sewer services, brought the cost of overall improvements to over **\$460,000.**

The Owner has gone above and beyond with the design of the infrastructure to allow for future connections to the mains, including necessary fire hydrants, valves, and tees for future expansion.

In addition to the Infrastructure Improvements, three duplexes have now been constructed, and will be ready for rent in the coming weeks. The water and sewer infrastructure has been installed, and is



undergoing final acceptance testing. The Tana Lane extension is expected to be complete in the next week. The school is open and operational.

Financial Burden

The cost to connect to City of Livingston water and sewer services, and extend Tana Lane, was approximately \$460,000, almost 2x the cost of the initially proposed onsite services, estimated at \$260,000, creating a significant financial burden for the Owner. No grants or other funding has been provided to minimize the financial burden.

Costs of Impact Fees

1": \$5,915 water & \$7,525 sewer x 3 = \$17,745 water & \$22,575 sewer

1.5": \$11,794 water & \$15,005 sewer (only 1 to school)

Total Impact Fees: \$67,119

We understand that Police/Fire/Transportation/Parks Impact Fees are not required, since this property is not within the City of Livingston Limits.

Support for Waiver of Impact Fees

Due to the significant financial burden, and the economic, social, and safety benefits this project brings to the public, the Owner respectfully requests the City of Livingston to waive the full amount of impact fees.

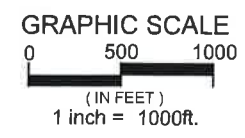
By relieving traffic issues on Llama Lane, adding to the grid-network of the City's road system at Tana Lane, installing additional fire hydrants for increased fire protection coverage in the area, extending the City's water and sewer systems to allow for future connectivity, and donating a school to be used by children of the community, Karen has significantly improved the public's safety, and improved the community economically and socially.

Should you have any questions, please feel free to contact me at gschultz@headwatersmt.net. Thank you for your consideration.

Sincerely,

Garrett Schultz, P.E.
Headwaters Engineering, Inc.
www.headwatersmt.net

Encl.: Complete Infrastructure Plans
Vicinity Map
Email Correspondence w/ Public Works



**HEADWATERS
ENGINEERING**
190 NORTHSTAR LANE, BOZEMAN, MT 59718
HEADWATERSMT.NET 406-581-5730

DRAWN BY: WRH
DATE: 11/11/22
REVISION DATE:
PROJECT #: 2045.001
LOCATION: LIVINGSTON

**SCHNEIDER 4-DUPLEX
SEPTIC SITEPLAN
USGS VICINITY MAP**

Plot Date: 11/11/2022 2:23 PM
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File Attachments for Item:

A. PROCLAMATION CELEBRATING LOCAL PERSONAL RIGHTS IN DEFENSE AND EDUCATION (PRIDE) EVENTS



Proclamation

of the Livingston City Commission

Celebrating Local Personal Rights in Defense and Education (PRIDE) Events

WHEREAS, the City of Livingston is dedicated to fostering an inclusive and welcoming community, free from harassment and discrimination based on race, color, or housing status; and

WHEREAS, the City of Livingston condemns all forms of hate activity and is committed to protecting all residents from hate crimes and ending bigotry; and

WHEREAS, the City Commission of the City of Livingston stands in solidarity with all members of our community and condemns hate activity, opposes hateful actions, and supports the LGBTQ+ community to establish a safe, welcoming environment for all residents; and

WHEREAS, the Personal Rights in Defense and Education was an organization founded in 1966 to advocate for the rights of the LGTBQ+ community; and

WHEREAS, the Livingston PRIDE Coalition has scheduled events during the week of April 14 through 20;

NOW, THEREFORE, the Livingston City Commission pledges unwavering support for our community members and allies by condemning hate crimes, challenging bigotry and discrimination, and advocating for policies and legislation that uphold everyone’s basic human rights, fostering a community where all are valued and accepted:

BE IT FURTHER RESOLVED, I, Karrie Kahle, Chair of the City Commission, hereby urge all community members to join us in support of the LGBTQ+ community and rejection of acts of hate.

Signed this ____ day of April, 2024.

Karrie Kahle, Chair
Livingston City Commission

Emily Hutchinson,
City Clerk

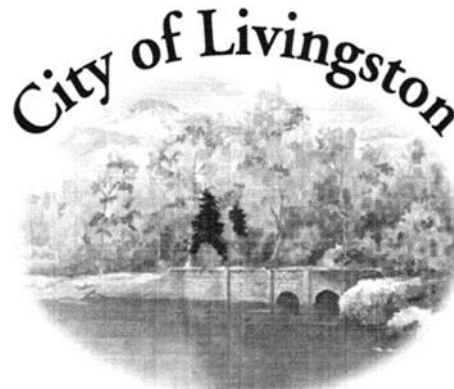
File Attachments for Item:

A. RESOLUTION 5129: A RESOLUTION OF THE CITY OF LIVINGSTON CITY COMMISSION PROVIDING AN EXEMPTION FROM DEVELOPMENT IMPACT FEES FOR THE PARK COUNTY FAIRGROUNDS

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



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Chairperson
Karrie Kahle

Vice Chair
Melissa Nootz

Commissioners
James Willich
Quentin Schwarz
Torrey Lyons

Date: 4/16/2024
To: Chair Kahle and City Commissioners
From: Grant Gager, City Manager

Staff Report for Resolution 5129 Providing an Exemption from Development Impact Fees for Park County Fairgrounds

Recommendation and Summary

Staff is recommending the Commission approve Resolution 5129 granting Park County’s request for an exemption from development impact fees by adopting the following motion:

“I move to approve Resolution 5129 granting the Park County Fairgrounds an exemption from impact fees and authorize the Chair to sign the resolution.”

The reasons for the recommendation are as follows:

- The Livingston Municipal Code allows the City Commission to grant a credit or exemption from development impact fees.
- Park County appears eligible for an exemption from payment of development impact fees.

Introduction and History

The Park County Fairgrounds are owned and operated by Park County. The County has recently completed construction on improvements to the water system at the Fairgrounds. As the County finalizes construction of the improvements, they have requested a waiver of development impact fees.

Analysis

Development Impact Fees in the City of Livingston are managed pursuant to Chapter 24 of the Livingston Municipal Code (LMC). Section 24-9.i. provides that “Political subdivisions which are not legally eligible to receive development impact fee proceeds or which, although legally eligible, have not executed a cooperative agreement with the City regarding the use, collection and expenditure of development impact fee proceeds shall not be eligible for a development impact fee waiver unless they present a request for waiver to the Director which demonstrates that the development contemplated would not produce material impacts upon the public infrastructure for which development impact fees are to be collected and expended.” The City has received such a waiver request from the Fairgrounds office.

Additionally, LMC Section 24-11 provides that “The City Commission may by resolution grant a credit for or exemption from all or any part of the impact fees upon such finding that such credit

or waiver is in the best interests of the public by encouraging activities that provide significant social, economic or cultural benefits.”

Fiscal Impact

Granting an exemption from impact fees will result in foregone revenue for the City’s enterprise funds. The facility will be required to pay for the meter connection.

Strategic Alignment

Support for government services is included in three strategies of the City of Livingston Growth Policy.

Attachments

- Attachment A: Resolution 5129
- Attachment B: Request Letter from Park County Fairgrounds

RESOLUTION NO. 5129

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, PROVIDING AN EXEMPTION FROM DEVELOPMENT IMPACT FEES FOR THE PARK COUNTY FAIRGROUNDS.

WHEREAS, by the City of Livingston is authorized to collect impact fees pursuant to Chapter 24 of the Livingston Municipal Code; and

WHEREAS, The City Commission is authorized to provide credits and exemptions from impact fees by the Livingston Municipal Code; and

WHEREAS, Park County is a political subdivision of the Livingston community that is providing direct public benefit;

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

On behalf of the City of Livingston, the City Manager is hereby authorized to exempt the Park County Fairgrounds construction project from development impact fees.

APPROVED AND ADOPTED, by the City Commission of the City of Livingston, this 16th day of April, 2024.

KARRIE KAHLE, Chair

ATTEST:

APPROVED TO AS FORM:

EMILY HUTCHINSON,
City Clerk

JON HESSE,
City Attorney



Mr. Grant Gager
 Livingston City Manager
 220 East Park Street
 Livingston, Montana 59047

April 9, 2024

Dear Mr. Grant Gager:

On behalf of the Park County Fairgrounds & Parks Department (PCFP), I would like to request for City of Livingston Development Impact fees related to the Park County Fairgrounds' water main replacement project. I believe a waiver is justified for the reasons outlined below.

Community Benefit, Taxpayer Savings & Improved Fire Flows:

This project is a vital upgrade to the community Fairgrounds water infrastructure. This grant funded project upgraded the old water main and water services, overcoming challenges with continual leaks, thus saving taxpayer dollars.

Throughout the project, while working closely with the City of Livingston Public Works Department (PWD), our collaboration resulted in change orders at the request of the PWD. Notably, the requested changes were integrated into our existing water project, alleviating the financial burden on the PWD to implement the upgrades independently. These enhancements included creating a "looped water main system." Water main looping prevents stagnant water from accumulating and reduces the risk of pathogens forming in water lines. Additional change order requests included adding water line T's and additional shutoffs to benefit local schools, the golf course, and neighboring residences.

In cooperation with the Livingston Fire Department, this project installed four strategically placed fire hydrants, including two along View Vista Drive and two within the Fairgrounds. The additional hydrants directly addressed the water flow deficiencies identified during emergency situations, such as the inadequate hydrant water supply during a fire incident southwest of the Fairgrounds in the fall of 2023.

Project Challenges & Budget Constraints:

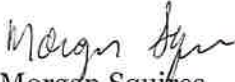
PCFP is also requesting the waiver because of limited budget capacity; the County has exhausted all available grant funds for this project. Unfortunately, a major unforeseen project expense occurred because the City of Livingston's GIS records contained inaccuracies, resulting in an increase of \$47,932 to the total project expenses. These expenses were incurred to ensure that project contractors could connect to the correct point on the existing City's water main.

For many years, the Fairgrounds struggled with inflated water utility costs due to leaks and being charged standard water rates for irrigation eligible uses, such as maintaining the ice skating rink, growing flowers, and watering livestock. Prior to this project, the PCFP was unable to accurately meter different water uses and paid a premium for irrigation water.

In light of the project's community benefits, cost-saving measures, unforeseen challenges, and budget constraints, I respectfully request your consideration in waiving the associated water impact fees. If the PCFP is assessed these impact fees, it may impact our current services and require cutbacks, presenting a hardship for both Fairgrounds & Parks users and our staff.

Please feel free to share this request with the City Commission. I am happy to attend an upcoming commission meeting to answer any questions, if necessary. If you have any questions or require additional information to assist in your decision, please feel free to contact me at msquires@parkcounty.org

Kind Regards,



Morgan Squires
Fairgrounds & Parks Director

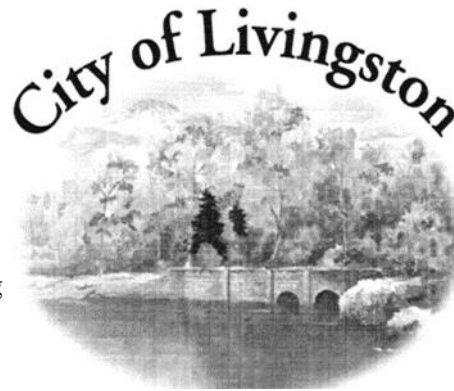
File Attachments for Item:

B. RECONSIDERATION OF A SPECIAL EXCEPTION PERMIT FOR THE SHANE LALANI CENTER FOR THE ARTS

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



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Chair
Karrie Kahle

Vice Chair
Melissa Nootz

Commissioners
Quentin Schwarz
Torrey Lyons
James Willich

Date: April 16, 2024
To: Chair Kahle and City Commissioners
From: Jennifer Severson, Planning Director

Staff Report for a Temporary Certificate of Occupancy for The Shane Center Outdoor Pavilion

Summary

The Shane Lalani Center for the Arts is requesting a temporary Certificate of Occupancy (COO) for its Outdoor Pavilion to allow their 2024 summer outdoor programming to commence. Because the Special Exception Permit was conditioned and approved by the City Commission, approval of the request for a temporary COO is at the sole discretion of the Commission. As such, staff has no formal recommendation on this request. The conditions of approval for the Special Exception Permit for the Pavilion must be amended to allow the temporary COO, if approved by the Commission.

History

On June 6, 2023, the Commission approved a Special Exception Permit (SE Permit) for the Shane Center’s Outdoor Pavilion. Conditions were placed on the approval (Attachment A), including several related to mitigating impacts from the use of the Pavilion as an outdoor amphitheater on the surrounding neighborhood. As required by the City’s building code, new commercial buildings require a COO before they can be occupied; in the case of the Pavilion, the COO is required before its use as an outdoor amphitheater can begin.

Analysis

A building permit application has been granted for the Pavilion. The plans included in the application do not comply with the SE Permit conditions. In a letter to the applicant dated March 19, 2024 (Attachment B), Staff identified conditions of the SE Permit that must be met before a COO can be issued for the Pavilion.

In a letter dated April 3, 2024 (Attachment C), the Shane Center acknowledged the conditions outlined in Staff’s March 19, 2024 letter, stated its intent to comply with the conditions, and confirmed its understanding that a permanent COO will not be issued for the Pavilion until these conditions have been met. In their April 3, 2024 letter, the Shane Center also requests a temporary COO to be issued that would allow outdoor events to be held in the Pavilion this summer. The schedule included in the letter identifies a total of thirteen events to be held over four months (June – September 2024), seven of which are its Thursday Summer Outdoor Concerts. The event frequency and ending times listed in the schedule comply with the conditions set forth in the SE Permit.

If the Commission finds the granting of a Temporary COO is suitable, City staff will work with the Shane Center to ensure that any use of the pavilion occurs after the safety of the structure has been verified and approved. Even if the granting is approved by the Commission, a Temporary COO will not be issued if the requirements of the City’s Building and Fire Departments have not been met to ensure fire and life safety.

Fiscal Impact

Staff does not anticipate that approval of the requested temporary COO will result in financial impacts to the City.

Strategic Alignment

As discussed in the Staff Report for the Special Exception Permit review process, the Pavilion and its use as an outdoor amphitheater is consistent with the 2021 Growth Policy Objective 2.2.1 to support and enhance arts and cultural facilities, neighborhoods, and districts and Strategy 9.2.2.2 to continue to provide public space and venues for community events and festivals. The issuance of a Temporary COO for the Pavilion and allowing the 2024 outdoor programming to be held in the space aligns with and fosters implementation of the Growth Policy.

Attachments

- A. Final Conditions of Approval for the Special Exception Permit
- B. Required Conditions prior to Issuance of COO dated March 19, 2024
- C. Shane Center Request for Temporary COO with Event Schedule dated April 3, 2024
- D. Environmental Sound Assessment

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org

www.livingstonmontana.org



Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

Date: June 22, 2023

FINAL CONDITIONS OF APPROVAL for a Special Exception Permit for a Pavilion to be Used as an Outdoor Event Venue at the Shane Lalani Center for the Arts

Analysis

Although ‘Community Arts Center’ is not a use specifically identified in Table 30.40 in the City’s zoning code, the rezoning of the subject property to CBD under Ordinance 2015 for the specific purpose to “allow development of the performing arts in close proximity to the downtown business area” demonstrates the City’s intent to foster the performing arts at this location. Consequently, the current use of the subject property as a Community Arts Center is allowed and is not included in this Special Exception Permit review. However, because the proposed Pavilion will expand the scope and scale of the existing use of the property, it is being evaluated through this Special Exception Permit review for potential impacts to nearby properties and to ensure the expanded use of the property is in harmony with the general purposes and intent of the zoning code.

Criteria and Guidelines for Special Exception Permits (Zoning Code Sec 30.75)

Special Exceptions for uses other than those specifically permitted in each district, are intended to provide, in appropriate cases, and subject to appropriate conditions and safeguards, to be Special Exceptions to the terms of the Zoning Ordinance of the City of Livingston, when granted in harmony with its general purposes and intent of the ordinance.

CRITERION 1: The use will not place a substantial adverse effect upon nearby properties or their occupants.

With the recommended conditions of approval stated below, Staff does not anticipate the proposed use of the Pavilion as an outdoor event venue will adversely impact the surrounding neighborhood or its residents.

APPLICANT COMMITMENTS OF RECORD:

Potential impacts from outdoor events in the Pavilion on the surrounding neighborhood include Parking, Traffic and Noise.

Because the Pavilion is an open-air structure that will not be heated, it will only be used for outdoor events during the warmer months of the year (typically May- October); impacts related to outdoor events will be limited to these months.

When not in use for outdoor events, swinging ‘security panels’ on the east and west side of the Pavilion will be opened to allow traffic to pass through the northern parking lot (Plan Sheet A1.1), entering from the E Street access point and exiting via the D Street access.

The existing D Street access point will be shifted slightly north to align the vehicular travel aisle through the Pavilion when it’s used for parking. The D Street access will also be used as an exit by vehicles parked in the Pavilion.

The resulting traffic circulation will be a one-way flow with all traffic entering the property from the E Street access points and all traffic exiting from the D Street access points (Plan Sheet G-4).

Using estimates from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th edition, a possible 354 trips (177 entering/ 177 exiting) may be generated during an event that maximizes capacity of the pavilion. The applicant verbally confirmed to staff that there are typically a significant number of bicycles parked on site during outdoor events and past observations by the applicant during larger outdoor events indicate that a large number of attendees also arrive at the Shane Center by walking.

Additionally, the applicant has proposed the following to minimize adverse impacts to the surrounding neighborhood when the Pavilion is used for outdoor events:

The Pavilion will not be used to host an event that overlaps with any events taking place at the Dulcie Theater (within the Shane Center). Alternately, the Dulcie Theater will not be used to host an event that overlaps with any event in the Pavilion. By not hosting concurrent events, the Shane Center will not unduly increase traffic beyond what may currently be expected during an event at the Center.

CRITERION 2 - That the proposed use is in harmony with the general purposes and intent of the zoning ordinance.

Section 30.30 in the zoning code defines the CBD as “intended to accommodate stores, hotels, government and cultural centers, professional offices, service establishments and all manner of housing with an emphasis on high density apartment housing”. The code also emphasizes large scale, dense buildings in the CBD. The proposed Pavilion will allow the Shane Center to continue to serve the community as a cultural center by providing additional access to the arts in an outdoor setting. The Pavilion will function as an extension of the Shane Center and it will help expand the community’s access to the performing arts, which is consistent the intent of the rezoning of the subject property to CBD in 2009. Therefore, staff finds the proposed use of the Pavilion is in harmony with the purpose and intent of the zoning ordinance with respect to the subject property.

CRITERION 3- If desired, the City Commission may add such requirements as it deems necessary to protect the surrounding neighborhood from the effects of the granted Special Exception.

At the May 16, 2023 City Commission meeting, Commissioners expressed concerns about external impacts to the residential neighborhood surrounding the Shane Center that may result from the proposed events in the Pavilion. Commissioners requested the applicant provide details for how traffic, noise, parking, trash pickup, Emergency Medical Services (EMS) and Law Enforcement presence during and after events would be handled to minimize negative impacts from events held in the outdoor Pavilion.

APPLICANT COMMITMENTS OF RECORD:

Crowd Size- Assembly area capacities will be limited as follows to reflect the practicalities of providing sufficient egress within the assembly area:

Limit assembly area occupancy to a maximum of 768 for standing events.

Limit assembly area occupancy to a maximum of 492 for seated events.

Limit assembly area occupancy to a maximum of 294 for tables and chairs events.

Noise- the applicant proposes to limit the number of events annually that utilize sound amplification after 8 pm to a maximum of 10. In addition, the number of events annually that utilize sound amplification after 5pm will be limited to a maximum of 50. The applicant has engaged Big Sky Acoustical Design and Noise Control Services to engineer sound quality within the Pavilion and mitigate sound negatively impacting the neighborhood. The applicant also agrees to strictly adhere to all noise ordinances enacted by the City of Livingston.

Frequency of Outdoor Events- the applicant anticipates events in the Pavilion will occur 2-3 times/ week during the months of operation (May-September). The applicant has provided typical Operation Plans for a variety of event types and sizes to show how impacts to the surrounding neighborhood and transportation system will be mitigated, particularly with regards to traffic, trash, and public safety.

Shane Center personnel will be in attendance at a ratio of 1:100 attendees for all events where alcohol is being served, and will maintain a security personnel presence of at least 1 to 100 for all events over 300 where alcohol is being served. Qualified personnel will be located at areas 1 & 2 as shown on the Schematic Operating Plans to check IDs and issue wristbands.

A Safety Liaison will be in attendance at events with 500 or more attendees. A Safety Liaison is an OSHA 10-certified employee of the Shane Center responsible for the following tasks: contacting local emergency responders prior to the event; working with local emergency responders in developing risk assessment/EAP if necessary; instructing employees, volunteers, and participants in the event of an emergency; writing timely and accurate incident/accident reports including injury, property damage, theft, presence of intoxicated or underage persons, and unusual occurrences; and communicating with attendees, press, etc. as necessary.

Temporary perimeter barriers will be placed at areas 3 & 5 as shown on the Schematic Operating Plans to clearly define the boundary of the premises. Servers of alcohol will have completed the Responsible Beverage Service Training and provide current certification.

A revised parking plan was provided (Parking Lot Study dated May 29, 2023) that shows a total of 46 vehicular spaces are be available on-site, which exceeds the minimum 40 spaces required under Section 30.51. The applicant has also executed a Shared Parking Agreement with the Lincoln School, located at 215 E. Lewis Street, for overflow parking during events with 300 or more attendees. An additional 46 vehicular parking spaces is available at the Lincoln School site.

Bicycle transportation will be incentivized by investing in new parking infrastructure, signage & marketing.

Trash and recycling receptables will be placed within the pavilion and at areas 1, 2, 3, 4, & 5 as shown on the Schematic Operating Plans. Trash and debris will be picked up from the site and surrounding areas within 2 hours after the end of events.

The applicant proposed requiring EMS/ Law Enforcement on site only during events of 500 or more attendees. However, the City’s Fire Department recommended the mandatory presence of a firefighter with a quick response truck for fire watch, and EMS standby for events with 300 or more attendees, and an ambulance and two personnel for fire watch and EMS with an ambulance for 500 or more attendees. The Police Chief requested that for events where 300 or more attendees are expected, the applicant should consult with the Police Department prior to the event, to determine the need for Law Enforcement presence at individual events based on various factors such as alcohol availability, type of event and time of day the event is scheduled.

CITY COMMISSION IMPOSED CONDITIONS OF APPROVAL

With consideration of the additional information provided by the applicant and comments from the Public Works, Police and Fire Departments, staff recommends the following updated conditions of approval (in addition to the conditions proposed by the applicant under criterion #3 above) to ensure the proposed use of the Pavilion as an outdoor event venue does not place a substantial adverse effect upon on the surrounding neighborhood and transportation system:

1. Plans submitted for building permit must demonstrate a minimum 20-foot-wide passable fire lane through the southern parking area used during outdoor events; it is the applicant’s responsibility to ensure the fire lane remains passable to emergency vehicles at all times.
2. Police and Fire/ EMS coordination:
 - a. For events where 300 or more people are anticipated to attend, mandatory presence of a firefighter with a quick response truck for fire watch, and EMS standby is required. For events with 500 or more attendees, an ambulance and two personnel for fire watch and EMS with an ambulance is required.
 - b. For events where 300 or more attendees are expected, the applicant should consult with the Police Department to determine the need for Law Enforcement presence at individual events based on various factors such as alcohol availability, type of event and time of day the event is scheduled.
 - c. The applicant must work with Livingston Fire and Rescue and the City Police Department to secure the necessary emergency services at least 2 weeks prior to the event.
3. Contract Emergency Service providers may be used in place of the City’s EMS staff; however, these contractors must be approved by Livingston Fire and Rescue prior to hiring for use during events at the Shane Center as required based on the number of attendees identified above.
4. To prevent unnecessary strain on the City’s ability to provide Emergency Services, no more than three events weekly that require City EMS (per conditions 2.a and 2.b above) are allowed. No limitation is placed on the number of events greater than 300 attendees if Emergency Service Providers other than City of Livingston employees will be contracted to be on site in place of City EMS/ Police/ Fire.
5. Existing utilities (water, sewer, storm, gas, electric) and must be shown on the plans submitted for building permit.
6. Additional bike parking, such as bike valets or bike corrals, must be made available for events where more than 100 people are anticipated; the location of additional bike parking must be identified on

promotional material for each event and clearly signed during the event. Possible location(s) for additional bike parking must be shown on the revised Parking Plan; bike parking must not restrict or reduce the number of available vehicular parking spaces.

7. At time of building permit application, a Traffic Circulation Plan, prepared by a qualified transportation professional, must be submitted that shows pedestrian and vehicular circulation to/ from and within the interior of the property. Circulation patterns should be shown for when the outdoor pavilion is in use for events, and when it will be used for parking only (i.e., no events). The plan must include the following information:
 - a. Widths for pedestrian accessways must be identified to demonstrate compliance with ADA accessibility requirements. Widths and turning radii for vehicular access aisles must also be identified. A minimum 4-foot width ADA accessible aisle between the southern parking lot and the ADA ramp located north of the concession area, as well as the ADA ramp itself, must remain passable at all times. No chairs, tables, or standing by event attendees is allowed. The applicant must include details for how this will be accomplished on the traffic circulation plan.
 - b. Arrows must be used to show circulation patterns during outdoor pavilion events when the pavilion is closed to parking and thru traffic, and also on non-outdoor event days when the pavilion can be accessed for parking and thru traffic.
 - c. All necessary signage (1-way, Do Not Enter, etc.) and pavement markings to facilitate pedestrian and vehicular safety.
 - d. The proposed southern access (exit) to D Street must be signed as RIGHT TURN ONLY; a left turn exit to D Street is not allowed from this access.
 - e. There must be adequate access and/or turnaround area for garbage trucks to access the trash collection bins (shown on sheet C-1). The dimensions of the area designated for trash collection must be shown on the plan. Parked vehicles must not restrict access to trash bins by City garbage trucks.
 - f. Removable bollards or other traffic control measures must be used during outdoor events to restrict vehicular access through the Pavilion. Traffic control details will be approved by the Public Works Department and Livingston Fire & Rescue during building permit review.
 - g. Snow storage areas must be identified.
 - h. All new and relocated points of access to the property must meet current City of Livingston standards. Driveway approach permits must be issued by the Public Works Departments for these points of access prior to construction of the access improvements.
 - i. The existing northern approach to the E Street access must be improved to current City Standards to be consistent with the other access points.
8. Prior to issuance of a building permit, a Drainage Plan must be submitted that shows how the runoff from the proposed pavilion roof will be handled, where it will be directed, and demonstrate that the proposed redevelopment will not increase the net amount of runoff leaving the property. Impacts from runoff related to the proposed pavilion must be mitigated onsite. The drainage plan and runoff analysis must be stamped and signed by a Professional Engineer licensed in the State of Montana. Staff recommends the applicant consider utilizing the existing landscaped areas on the south end of the parking lot to mitigate stormwater runoff.

- 9. The Pavilion must be reopened to parking and pass-thru traffic within 24 hours of any event, unless another event is scheduled.
- 10. The subject property, including adjacent sidewalks on the west, south and east sides, must be cleared of trash and debris within 2 hours after the end of events in the Pavilion.
- 11. Trees removed during construction of the Pavilion must be replaced elsewhere on the property.
- 12. The current Memorandum of Understanding (MOU) between the Shane Lalani Center and the City of Livingston is expired. Prior to issuance of a building permit, a new MOU must be executed.
- 13. The applicant must provide City Staff with details for how overflow parking at the Lincoln School during events with 300 or more attendees will be promoted by the applicant for each event to ensure individual event attendees are aware of the additional available vehicular parking spaces at the Lincoln School, and that parking on neighborhood streets is discouraged.
- 14. The applicant is subject to the terms, conditions and commitments of record for this Special Exception Permit review and as approved by the City Commission.

ADDITIONAL STAFF RECOMMENDATIONS (NOT REQUIREMENTS):

The Public Works Department recommends the applicant reserve vehicular parking spaces 37, 38 and 39 (Parking Lot Study dated May 29, 2023) for compact cars only to ensure a minimum 16’ foot clearance aisle is maintained for emergency access.

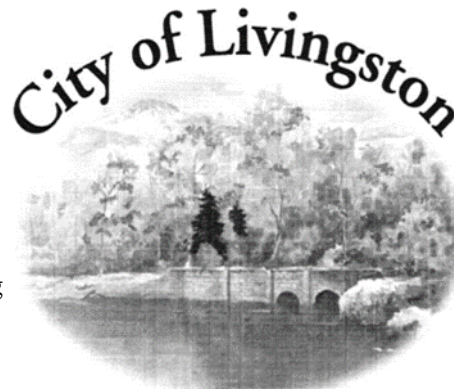
Public Works also requests the Shane Center have their trash bins emptied before large events or request additional tubs to ensure trash generated by event attendees is contained.

Because the applicant proposes to remove one of only two street trees along D Street for a new access point, staff suggests the applicant consider planting additional trees along D Street to enhance the pedestrian environment on that side of the property.

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



Incorporated 1889

Chair
Karrie Kahle

Vice Chair
Melissa Nootz

Commissioners
Quentin Schwarz
Torrey Lyons
James Willich

March 19, 2024

RE: Building Permit Conditions for Shane Center Pavilion – 415 E. Lewis Street

TO: Lucas Schad, Architect/ Applicant

The following conditions must be met **PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE PAVILION:**

Bike Parking

Code Sheet G-2 dated February 26, 2024 indicates a total of six (6) bicycle parking spaces will be provided. *The Parking Plan* (Sheet G-4, dated February 26, 2024, attached) **must be updated to show the locations for a minimum of six bicycle parking spaces: four (3' x 6') and two (3' x 10')**. *The updated Parking Plan must include related bike parking signage, pavement markings, and details for the bike racks.*

Condition #6 in the approved Special Exception Permit (conditions list attached) state that additional bike parking, such as bike valets or bike corrals, must be made available for events where more than 100 people are anticipated; the location of additional bike parking must be identified on promotional material for each event and clearly signed during the event. **Possible location(s) for additional bike parking must be shown on the updated Parking Plan;** bike parking must not restrict or reduce the number of available vehicular parking spaces.

Window Panels, Half Walls and Rolling Door

Cover Sheet G-1 submitted for building permit (dated February 26, 2024, attached) states under PROJECT PHASING that DUE TO BUDGET AND SCHEDULE, THE BUILDING CONSTRUCTION WILL BE PHASED. THE FOLLOWING PARTS OF THE BUILDING WILL BE CONSTRUCTED LATER: THE MASONRY VENEER, **THE WINDOWS, THE ROLLING DOOR ON THE WEST SIDE OF THE BUILDING AND THE ROOF OVER THE COURTYARD.**

As shown on Plan Sheet A2.1 dated February 26, 2024 (attached), and consistent with the design approved through Special Exception Permit review, **walls of window panels must be constructed along the west and north sides of the Pavilion** that can be opened to allow airflow but also closed to minimize noise impacts to nearby properties for larger gatherings. **Half walls at the bottom of the window panels must also be constructed to mitigate noise impacts to properties on the north and west sides of the Pavilion.**

The plans approved through Special Exception Permit review show a garage door will be installed along the western side of the Pavilion. Although the Project Phasing note on Sheet G-1 submitted for building permit mentions ‘the rolling door’ on the west side of the building, there are no details for a rolling door in the plans submitted for building permit. ***The garage door must be installed along the west side of the Pavilion to mitigate noise impacts to properties west of the Pavilion.***

Use of Brick on Exterior Half Walls

Cover Sheet G-1 submitted for building permit (dated February 26, 2024, attached) states under PROJECT PHASING that DUE TO BUDGET AND SCHEDULE, THE BUILDING CONSTRUCTION WILL BE PHASED. THE FOLLOWING PARTS OF THE BUILDING WILL BE CONSTRUCTED LATER: **THE MASONRY VENEER, THE WINDOWS, THE ROLLING DOOR ON THE WEST SIDE OF THE BUILDING AND THE ROOF OVER THE COURTYARD.**

Sheet A2.1 submitted for building permit (dated February 26, 2024, attached) does not label the exterior surfacing of the half walls as brick. It is unclear if the ‘masonry veneer’ noted in the Phasing Plan on Cover Sheet G-1 submitted for building permit is a ‘brick’ face treatment, or something else.

The plans approved through Special Exception Permit review show brick facing on the outside of the half walls along the west side of the Pavilion (see Sheet A2.1 dated April 14, 2023, attached). Additionally, the Special Exception Permit Application Section 5. Design Intent (page attached) discussed the inspiration for the use of brick in the design and its importance to tie the new Pavilion to the aesthetics of the existing historic ‘theater’ building.

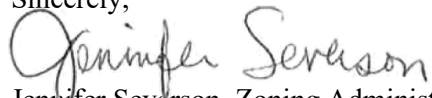
The exterior surfacing on the half walls along the west side of the Pavilion must use brick or an aesthetically similar treatment to remain consistent with the design approved through Special Exception Permit review.

Exterior Lighting

The Electrical Plan Sheet E-1 (dated February 26, 2024, attached) shows outdoor light fixtures will be installed; however, no details for light fixtures were included with the building permit application. All Exterior lights must comply with Livingston Municipal Code Section 18.5 (the Night Sky Protection Act). ***Prior to installation of any exterior lighting, details for light fixtures must be submitted to the Building Department for review and approval*** for compliance with the Code.

Please contact me if you have questions about the conditions discussed above and the requirement of their compliance prior to receiving your Certificate of Occupancy for the Pavilion.

Sincerely,



Jennifer Severson, Zoning Administrator

Enclosures: List of Conditions of Approval for the Shane Center Pavilion Special Exception Permit Plan Sheets dated February 26, 2024: G-1, G-2, G-4, A2.1, E-1
Plan Sheet dated April 14, 2023: A2.1
Special Exception Permit Application Section 5. Design Intent

Cc: Jim Woodhull, Building Department Director

SHANE CENTER PAVILION - CODE REVIEW

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FILE: PAY - G HEAD.DWG

PROJECT DESCRIPTION:
THIS REVIEW IS INTENDED TO HIGHLIGHT THE REQUIREMENTS FOR THE PROPOSED SHANE CENTER PAVILION LOCATED AT 415 E. LEWIS ST. LIVINGSTON, MT 59047.

- APPLICABLE CODES IN THIS REVIEW:**
- INTERNATIONAL BUILDING CODE, 2021 (IBC)
 - ICC A111.1 ACCESSIBILITY CODE, 2011 (ICC)
 - ADMINISTRATIVE RULES FOR MONTANA CHAPTER 24.301 (ARM)
 - LIVINGSTON MUNICIPAL CODE 2023 (LMC)

THIS REVIEW WILL ENCOMPASS ITEMS SUCH AS LIFE SAFETY, EGRESS, PLUMBING FIXTURE COUNT, PARKING, AND BY CHAPTER BUILDING CODE REVIEW. THIS REVIEW IS NOT APPLICABLE FOR ANY CIVIL, STRUCTURAL, ELECTRICAL OR PLUMBING DESIGN OUTSIDE OF PLUMBING FIXTURE COUNTS AND/OR PARKING REQUIREMENTS.

INTERNATIONAL BUILDING CODE 2021

CHAPTER 2: DEFINITIONS

PLATFORM
A RAISED AREA WITHIN A BUILDING USED FOR WORSHIP, THE PRESENTATION OF MUSIC, PLAYS OR OTHER ENTERTAINMENT; THE HEAD TABLE FOR SPECIAL GUESTS; THE RAISED AREA FOR LECTURERS AND SPEAKERS; BOXING AND WRESTLING RINGS; THEATER-IN-THE-ROUND STAGES; AND SIMILAR PURPOSES WHEREIN, OTHER THAN HORIZONTAL SLIDING CURTAINS, THERE ARE NO OVERHEAD HANGING CURTAINS, DROPS, SCENERY OR STAGE EFFECTS OTHER THAN LIGHTING AND SOUND. A TEMPORARY PLATFORM IS ONE INSTALLED FOR NOT MORE THAN 30 DAYS.

CHAPTER 3: OCCUPANCY
A-5 - PAVILION (303.6)

303.6 ASSEMBLY GROUP A-5
GROUP A-5 OCCUPANCY INCLUDES ASSEMBLY USES INTENDED FOR PARTICIPATION IN OR VIEWING OUTDOOR ACTIVITIES INCLUDING, BUT NOT LIMITED TO:
AMUSEMENT PARK STRUCTURES
BLEACHERS
GRANDSTANDS
STADIUMS

311.1.1 ACCESSORY STORAGE SPACES
A ROOM OR SPACE USED FOR STORAGE PURPOSES THAT IS ACCESSORY TO ANOTHER OCCUPANCY SHALL BE CLASSIFIED AS PART OF THAT OCCUPANCY.

CHAPTER 4: SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY

410.3 PLATFORM CONSTRUCTION
PERMANENT PLATFORMS SHALL BE CONSTRUCTED OF MATERIALS AS REQUIRED FOR THE TYPE OF CONSTRUCTION OF THE BUILDING IN WHICH THE PERMANENT PLATFORM IS LOCATED. PERMANENT PLATFORMS ARE PERMITTED TO BE CONSTRUCTED OF FIRE-RETARDANT-TREATED WOOD FOR TYPES I, II AND IV CONSTRUCTION WHERE THE PLATFORMS ARE NOT MORE THAN 30 INCHES ABOVE THE MAIN FLOOR, AND NOT MORE THAN ONE-THIRD OF THE ROOM FLOOR AREA AND NOT MORE THAN 3,000 SQUARE FEET IN AREA. WHERE THE SPACE BENEATH THE PERMANENT PLATFORM IS USED FOR STORAGE OR ANY PURPOSE OTHER THAN EQUIPMENT, WIRING OR PLUMBING, THE FLOOR ASSEMBLY SHALL BE NOT LESS THAN 1-HOUR FIRE-RESISTANCE-RATED CONSTRUCTION. WHERE THE SPACE BENEATH THE PERMANENT PLATFORM IS USED ONLY FOR EQUIPMENT, WIRING OR PLUMBING, THE UNDERSIDE OF THE PERMANENT PLATFORM NEED NOT BE PROTECTED.

410.5 MEANS OF EGRESS
EXCEPT AS MODIFIED OR AS PROVIDED FOR IN THIS SECTION, THE PROVISIONS OF CHAPTER 10 SHALL APPLY.

410.5.1 ARRANGEMENT
WHERE TWO OR MORE EXITS OR EXIT ACCESS DOORWAYS FROM THE STAGE ARE REQUIRED IN ACCORDANCE WITH SECTION 1006.2, NOT FEWER THAN ONE EXIT OR EXIT ACCESS DOORWAY SHALL BE PROVIDED ON EACH SIDE OF A STAGE.

410.5.2 STAIRWAY AND RAMP ENCLOSURE
EXIT ACCESS STAIRWAYS AND RAMPS SERVING A STAGE OR PLATFORM ARE NOT REQUIRED TO BE ENCLOSED. EXIT ACCESS STAIRWAYS AND RAMPS SERVING TECHNICAL PRODUCTION AREAS ARE NOT REQUIRED TO BE ENCLOSED.

410.7 STANDPIPES
STANDPIPE SYSTEMS SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 905.

CHAPTER 5: GENERAL BUILDING HEIGHTS AND AREAS

OCCUPANCY CLASSIFICATION	SEE FOOTNOTES	TYPE OF CONSTRUCTION														
		TYPE I		TYPE II		TYPE III		TYPE IV		TYPE V						
		A	B	A	B	A	B	A	B	C	HT	A	B			
A-5	NS	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL
	S1	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL
	SM	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL	UL

UL = UNLIMITED.
NP = NOT PERMITTED. NS = BUILDINGS NOT EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM.
S1 = BUILDINGS A MAXIMUM OF ONE STORY ABOVE GRADE PLANE EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM INSTALLED IN ACCORDANCE WITH SECTION 903.3.1.1.
S1SR = BUILDINGS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM INSTALLED IN ACCORDANCE WITH SECTION 903.3.1.2.
S1SD = BUILDINGS EQUIPPED THROUGHOUT WITH AN AUTOMATIC SPRINKLER SYSTEM INSTALLED IN ACCORDANCE WITH SECTION 903.3.1.3.

CHAPTER 6: TYPES OF CONSTRUCTION

602.3 TYPE V
TYPE V CONSTRUCTION IS THAT TYPE OF CONSTRUCTION IN WHICH THE STRUCTURAL ELEMENTS, EXTERIOR WALLS AND INTERIOR WALLS ARE OF ANY MATERIALS PERMITTED BY THIS CODE.

CHAPTER 9: FIRE PROTECTION AND LIFE SAFETY SYSTEMS

903.2.1.5 GROUP A-5
AN AUTOMATIC SYSTEM SHALL BE PROVIDED FOR ALL ENCLOSED GROUP A-5 ACCESSORY USE AREAS IN EXCESS OF 1,000 SQUARE FEET.

903.3.2 GROUP A
CLASS I AUTOMATIC WET STANDPIPES SHALL BE PROVIDED IN NONSPRINKLERED GROUP A BUILDINGS HAVING AN OCCUPANT LOAD EXCEEDING 1,000 PERSONS.
EXCEPTIONS:
1. OPEN-AIR SEATING SPACES WITHOUT ENCLOSED SPACES.
2. CLASS I AUTOMATIC DRY AND SEMIAUTOMATIC DRY STANDPIPES OR MANUAL WET STANDPIPES ARE ALLOWED IN BUILDINGS THAT ARE NOT HIGH-RISE BUILDINGS.

CHAPTER 10: MEANS OF EGRESS

FUNCTION OF SPACE	OCCUPANT LOAD FACTOR
ACCESSORY STORAGE	300 GROSS
ASSEMBLY WITH FIXED SEATING	SEE SECTION 1004.6
ASSEMBLY WITHOUT FIXED SEATING	7 NET
CONCENTRATED (CHAIRS ONLY - NOT FIXED)	5 NET
STANDING SPACE	15 NET
UNCONCENTRATED (TABLES AND CHAIRS)	15 NET
BUSINESS AREAS	150 GROSS
KITCHENS, COMMERCIAL	200 GROSS
STAGES AND PLATFORMS	15 NET

PLATFORM:	1.518 SQFT @ 15 NET =	101 OCCUPANTS
LOADING/STORAGE:	717 SQFT @ 300 GROSS =	3 OCCUPANTS
ASSEMBLY:	5,245 SQFT @ 5 NET =	971 OCCUPANTS
CONCESSIONS:	120 SQFT @ 15 NET =	48 OCCUPANTS
TICKETING:	365 SQFT @ 5 NET =	73 OCCUPANTS

1005.3.2 OTHER EGRESS COMPONENTS
THE CAPACITY, IN INCHES, OF MEANS OF EGRESS COMPONENTS OTHER THAN STAIRWAYS SHALL BE CALCULATED BY MULTIPLYING THE OCCUPANT LOAD SERVED BY SUCH COMPONENT BY A MEANS OF EGRESS CAPACITY FACTOR OF 0.2 INCH PER OCCUPANT.

PLATFORM:	1.07 x 0.2 =	2.14' (32" MIN)
LOADING/STORAGE:	3 x 0.2 =	0.6' (32" MIN)
ASSEMBLY:	971 x 0.2 =	195.4'
CONCESSIONS:	47 x 0.2 =	9.4' (32" MIN)
TICKETING:	74 x 0.2 =	14.8' (32" MIN)

OCCUPANT LOAD PER STORY	MINIMUM NUMBER OF EXITS OR ACCESS TO EXITS FROM STORY
1-500	2
500-1,000	3
MORE THAN 1,000	4

REQUIRED EXIT ACCESS
PLATFORM: 2
LOADING/STORAGE: 1
ASSEMBLY: 3
CONCESSIONS: 1
TICKETING: 2

1007.1.2 THREE OR MORE EXITS OR ACCESS DOORWAYS
WHERE ACCESS TO THREE OR MORE EXITS IS REQUIRED, NOT LESS THAN TWO EXIT OR EXIT ACCESS DOORWAYS SHALL BE ARRANGED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1007.1.1. ADDITIONAL REQUIRED EXIT OR EXIT ACCESS DOORWAYS SHALL BE ARRANGED A REASONABLE DISTANCE APART SO THAT IF ONE BECOMES BLOCKED, THE OTHERS WILL BE AVAILABLE.

1030.2 ASSEMBLY MAIN EXIT
A BUILDING, ROOM OR SPACE USED FOR ASSEMBLY PURPOSES THAT HAS AN OCCUPANT LOAD OF GREATER THAN 300 AND IS PROVIDED WITH A MAIN EXIT, THAT MAIN EXIT SHALL BE OF SUFFICIENT CAPACITY TO ACCOMMODATE NOT LESS THAN ONE-HALF OF THE OCCUPANT LOAD, BUT SUCH CAPACITY SHALL BE NOT LESS THAN THE TOTAL REQUIRED CAPACITY OF ALL MEANS OF EGRESS LEADING TO THE EXIT. WHERE THE BUILDING IS CLASSIFIED AS A GROUP A OCCUPANCY, THE MAIN EXIT SHALL FRONT ON NOT LESS THAN ONE STREET OR AN UNOCCUPIED SPACE OF NOT LESS THAN 10 FEET IN WIDTH THAT ADJACES A STREET OR PUBLIC WAY. IN A BUILDING, ROOM OR SPACE USED FOR ASSEMBLY PURPOSES WHERE THERE IS NOT A WELL-DEFINED MAIN EXIT OR WHERE MULTIPLE MAIN EXITS ARE PROVIDED, EXITS SHALL BE PERMITTED TO BE DISTRIBUTED AROUND THE PERIMETER OF THE BUILDING PROVIDED THAT THE TOTAL CAPACITY OF EGRESS IS NOT LESS THAN 100 PERCENT OF THE REQUIRED CAPACITY.

1030.3 ASSEMBLY OTHER EXITS
IN ADDITION TO HAVING ACCESS TO A MAIN EXIT, EACH LEVEL IN A BUILDING USED FOR ASSEMBLY PURPOSES HAVING AN OCCUPANT LOAD GREATER THAN 300 AND PROVIDED WITH A MAIN EXIT, SHALL BE PROVIDED WITH ADDITIONAL MEANS OF EGRESS THAT SHALL PROVIDE AN EGRESS CAPACITY FOR NOT LESS THAN ONE-HALF OF THE TOTAL OCCUPANT LOAD SERVED BY THAT LEVEL, AND SHALL COMPLY WITH SECTION 1007.1.1. IN A BUILDING USED FOR ASSEMBLY PURPOSES WHERE THERE IS NOT A WELL-DEFINED MAIN EXIT OR WHERE MULTIPLE MAIN EXITS ARE PROVIDED, EXITS FOR EACH LEVEL SHALL BE PERMITTED TO BE DISTRIBUTED AROUND THE PERIMETER OF THE BUILDING, PROVIDED THAT THE TOTAL WIDTH OF EGRESS IS NOT LESS THAN 100 PERCENT OF THE REQUIRED WIDTH.

CHAPTER 11: ACCESSIBILITY

TOTAL PARKING SPACES PROVIDED IN PARKING FACILITIES	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACE
1 TO 25	1
26 TO 50	2
51 TO 75	3

1106.6 VAN SPACES
FOR EVERY SIX OR FRACTION OF SIX ACCESSIBLE PARKING SPACES, AT LEAST ONE SHALL BE A VAN-ACCESSIBLE PARKING SPACE.

CHAPTER 24: PLUMBING SYSTEMS

TOTAL OCCUPANTS: 2,286

PAVILION: 1,208
PLATFORM: 107
LOADING/STORAGE: 3
ASSEMBLY: 971
CONCESSIONS: 48
TICKETING: 73
EVERYDAY BUSINESS: 111
CAFE: 49
LOWER BUSINESS: 19
UPPER BUSINESS: 43
THEATER: 840
LOWER THEATER: 18
STAGE: 83
FIXED SEATING: 185
LOBBY: 248
UPPER THEATER: 16
SOUND BOOTH: 1
REHEARSAL: 64
BALCONY: 144
OPEN BALCONY: 71
BANQUET HALL: 127
BANQUET STORAGE: 1
BANQUET KITCHEN: 3
BANQUET ASSEMBLY: 123

PAVILION PLUMBING FIXTURES REQUIRED (604 MALE/604 FEMALE)
MALE WATER CLOSETS: 604 @ 1/15 = 8,025
MALE LAVATORIES: 604 @ 1/200 = 3,020
FEMALE WATER CLOSETS: 604 @ 1/40 = 15.1
FEMALE LAVATORIES: 604 @ 1/150 = 4,028
DRINKING FOUNTAINS: 1,208 @ 1/1,000 = 1.21
SERVICE SINKS: 1

EVERYDAY BUSINESS PLUMBING FIXTURES REQUIRED (56 MALE/56 FEMALE)
MALE WATER CLOSETS: 25 @ 1/15 = 0.33 + 31 @ 1/25 = 1.24 = 1.57
MALE LAVATORIES: 25 @ 1/200 = 0.13 + 31 @ 1/40 = 0.78 = 0.91
FEMALE WATER CLOSETS: 25 @ 1/15 = 0.33 + 31 @ 1/25 = 1.24 = 1.57
FEMALE LAVATORIES: 25 @ 1/200 = 0.13 + 31 @ 1/40 = 0.78 = 0.91
DRINKING FOUNTAINS: 49 @ 1/500 = 0.01 + 62 @ 1/100 = 0.62 = 0.63
SERVICE SINKS: 1

THEATER PLUMBING FIXTURES REQUIRED (420 MALE/420 FEMALE)
MALE WATER CLOSETS: 420 @ 1/125 = 3.36
MALE LAVATORIES: 420 @ 1/200 = 2.1
FEMALE WATER CLOSETS: 420 @ 1/65 = 6.46
FEMALE LAVATORIES: 420 @ 1/200 = 2.1
DRINKING FOUNTAINS: 840 @ 1/500 = 1.68
SERVICE SINKS: 1

BANQUET HALL PLUMBING FIXTURES REQUIRED (64 MALE/64 FEMALE)
MALE WATER CLOSETS: 64 @ 1/15 = 0.85
MALE LAVATORIES: 64 @ 1/200 = 0.32
FEMALE WATER CLOSETS: 64 @ 1/15 = 0.85
FEMALE LAVATORIES: 64 @ 1/200 = 0.32
DRINKING FOUNTAINS: 127 @ 1/500 = 0.25
SERVICE SINKS: 1

CURRENT PLUMBING FIXTURES PROVIDED:
MALE WATER CLOSETS: 4
MALE LAVATORIES: 8
FEMALE WATER CLOSETS: 13
FEMALE LAVATORIES: 8
DRINKING FOUNTAINS: 7
SERVICE SINKS: 1

THE PAVILION AND THEATER WILL NOT BE OPERATED AT THE SAME TIME. THE THEATER WILL BE OMITTED FROM THE CALCULATION FOR MINIMUM PLUMBING FIXTURES REQUIRED.

TOTAL PLUMBING FIXTURES REQUIRED:
MALE WATER CLOSETS: 11
MALE LAVATORIES: 9
FEMALE WATER CLOSETS: 18
FEMALE LAVATORIES: 6
DRINKING FOUNTAINS: 9
SERVICE SINKS: 1

WHEN IN USE, THE PAVILION WILL BE PROVIDED WITH PORTABLE TOILETS TO MEET THE NUMBER OF PLUMBING FIXTURES REQUIRED.

LIVINGSTON MUNICIPAL CODE 2023

CHAPTER 30: ZONING
CENTRAL BUSINESS DISTRICT ZONE

30.5.1 OFF STREET PARKING AND LOADING ZONES

1. CENTRAL BUSINESS DISTRICT
IN THE CENTRAL BUSINESS DISTRICT ZONE ANY COMMERCIAL ENTERPRISE THAT IS REQUIRED TO MEET THE MINIMUM STANDARDS FOR OFF-STREET PARKING, SHALL BE REQUIRED TO HAVE ONLY FIFTY PERCENT OF THE PARKING SPACE REQUIREMENTS IN THE TABLE OF MINIMUM STANDARDS.

USE	SPACE REQUIRED
OFFICES NOT PROVIDING ON-SITE CUSTOMER SERVICE	ONE PER 4 EMPLOYEES OR ONE PER 800 SQFT OF GROSS FLOOR AREA, WHICHEVER IS GREATER
EATING AND DRINKING ESTABLISHMENTS	ONE PER 100 SQFT OF GROSS FLOOR AREA FOR THE FIRST 4,000 SQFT WITH 10 SPACES MINIMUM REQUIREMENT AND ONE SPACE FOR EACH ADDITIONAL 300 SQFT
THEATERS	ONE PER 10 SEATS
CHURCHES, AUDITORIUMS, AND SIMILAR OPEN ASSEMBLIES	ONE PER 5 SEATS OR ONE PER 100 LINEAR INCHES OF PER OR ONE PER 65 SQFT OF GROSS FLOOR AREA USED FOR ASSEMBLY PURPOSES, WHICHEVER IS GREATER

K.
UP TO TWENTY PERCENT OF THE PARKING SPACES REQUIRED IN THE TABLE OF MINIMUM STANDARDS MAY BE REPLACED BY ENLARGED LANDSCAPE AREAS, STORMWATER SWALES, OR SOCAL AREAS. ENLARGED LANDSCAPE, STORMWATER, OR SOCAL AREAS MUST BE EQUIVALENT OR GREATER IN TOTAL SQUARE FOOTAGE TO THE PARKING SPACES BEING REPLACED.

R. BICYCLE PARKING

1. BICYCLE PARKING STANDARDS AND DESIGN
A. IN ALL MULTI-FAMILY RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND MIXED-USE DEVELOPMENT, THE AMOUNT OF PROVIDED BICYCLE PARKING SHALL BE NO LESS THAN TEN PERCENT OF THE REQUIRED AUTOMOBILE PARKING SPACES. IN BUILDINGS WITH LESS THAN TWENTY PARKING SPACES, TWO BICYCLE PARKING SPACES SHALL BE REQUIRED. BUILDINGS WITH EXISTING BICYCLE PARKING IN THE ADJACENT RIGHT-OF-WAY MAY MAIVE THE REQUIRED BICYCLE PARKING SPACES IF THE NUMBER OF BICYCLE PARKING SPACES PROVIDED WITHIN THE ADJACENT RIGHT-OF-WAY IS EQUAL TO OR GREATER THAN THE NUMBER OF SPACES REQUIRED BY THIS REGULATION. WHERE THERE ARE FIVE OR MORE BICYCLE SPACES REQUIRED, TWENTY PERCENT OF THOSE SPACES SHALL BE FOR BICYCLES WITH TRAILERS.

REQUIRED PARKING

PAVILION: 4,882 @ 65 GROSS = 48.84 SPACES
CAFE: 451 @ 100 GROSS = 4.51 SPACES (10 MIN)
BUSINESS: 8,940 @ 800 GROSS = 11.24 SPACES
BANQUET: 1,831 @ 65 GROSS = 28.17 SPACES
THEATER: 185 @ 1/10 SEATS = 18.5 SPACES

THE PAVILION AND THEATER WILL NOT BE OPERATED AT THE SAME TIME. THE THEATER, AS BEING THE LESSER OF THE TWO, WILL BE OMITTED FROM THE CALCULATION FOR MINIMUM REQUIRED PARKING.

48.84 x 10 = 11.24 + 28.17 = 124.52	99 SPACES	
99 x 50% = 49.5	50 SPACES	(LMC 30.5.1.I)
50 x 20% = 10	10 SPACES MAX REDUCTION	(LMC 30.5.1.K)
50 - 10 =	40 SPACES MINIMUM	
	2 ACCESSIBLE SPACES	(IBC TABLE 1106.2)
40 x 10% =	4 BICYCLE PARKING	(LMC 30.5.1.R)

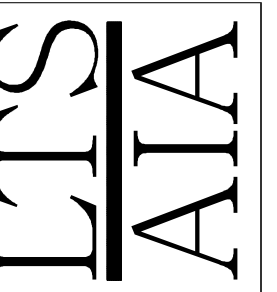
PROVIDED PARKING

51 SPACES (3 ACCESSIBLE)
2,050 SQFT OF LANDSCAPING (12 SPACES @ 18'-6"x9'-0")
4 BICYCLE PARKING (3x6)
2 BICYCLE WITH TRAILER PARKING (3x10)

CONSULT WITH ARCHITECT CONCERNING STANDPIPE REQUIREMENTS

LTS Architects SHANE CENTER PAVILION

SHANE LALANI CENTER FOR THE ARTS
LIVINGSTON, MT 59047

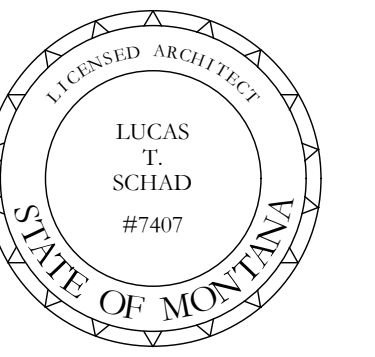


LTS Architecture
215 East Lewis, Room 102
Livingston, MT 59047
(406) 333-0533
lucas@LTSAIA.com

CONSTRUCTION SET 6 - REV. 5

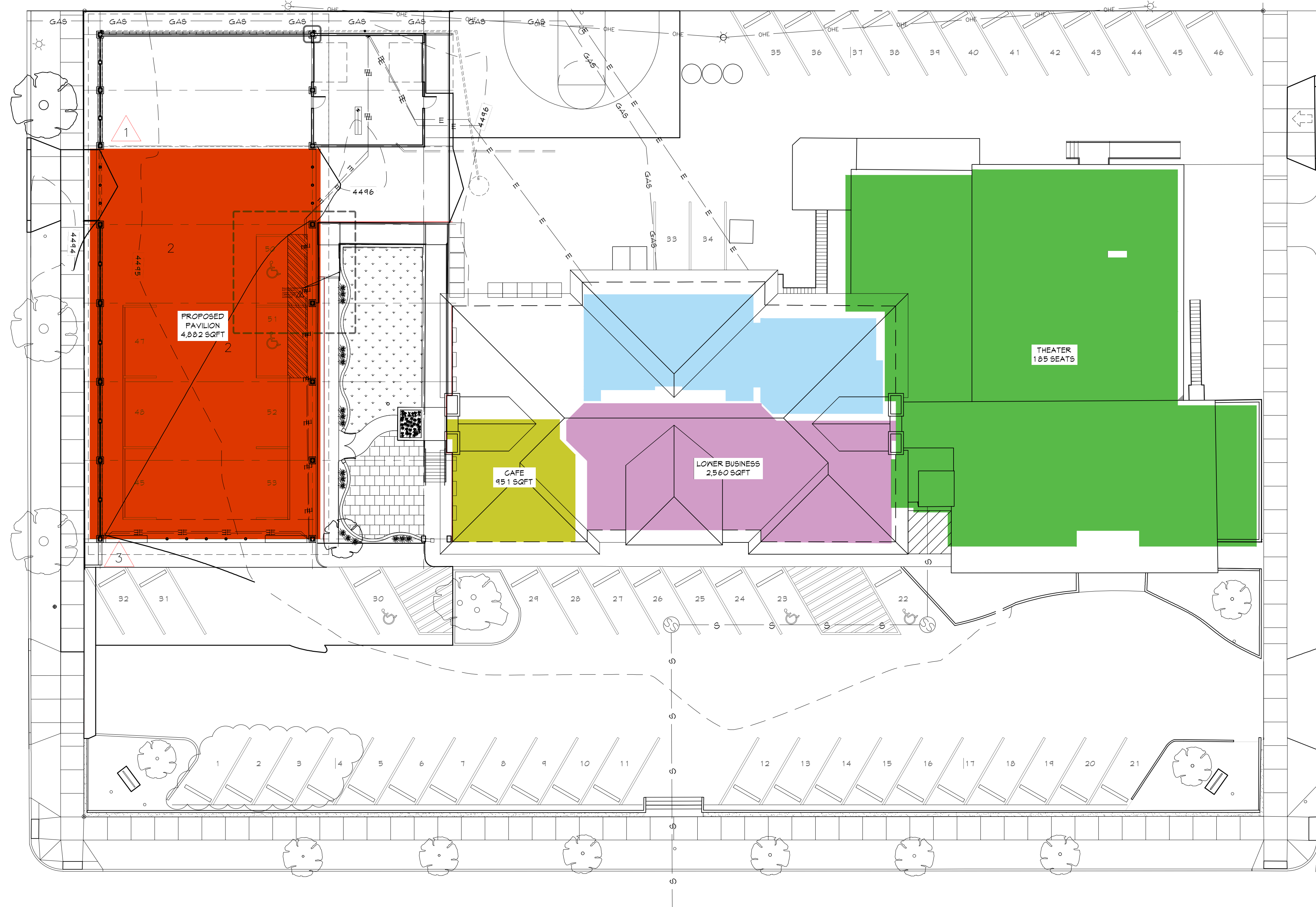
RELEASE SET	DATE
REVIEW SET	03/04/23
REVIEW SET	04/06/23
SEP SET	04/14/23
RFQ SD SET	07/17/23
REVIEW SET	08/28/23
REVIEW SET	09/13/23
REVIEW SET	09/20/23
REVIEW SET	09/28/23
EXCAVATION/CONC. SET	10/04/23
EXCAV/CONC. SET 2 - REV 1	10/18/23
CONST. SET 3 - REV 2	11/19/23
CONST. SET 4 - REV 3	12/8/23
CONST. SET 5 - REV 4	02/06/24
CONST. SET 6 - REV 5	02/26/24

PRINT DATE: FEB. 26TH 2024



CODE SHEET

G-2

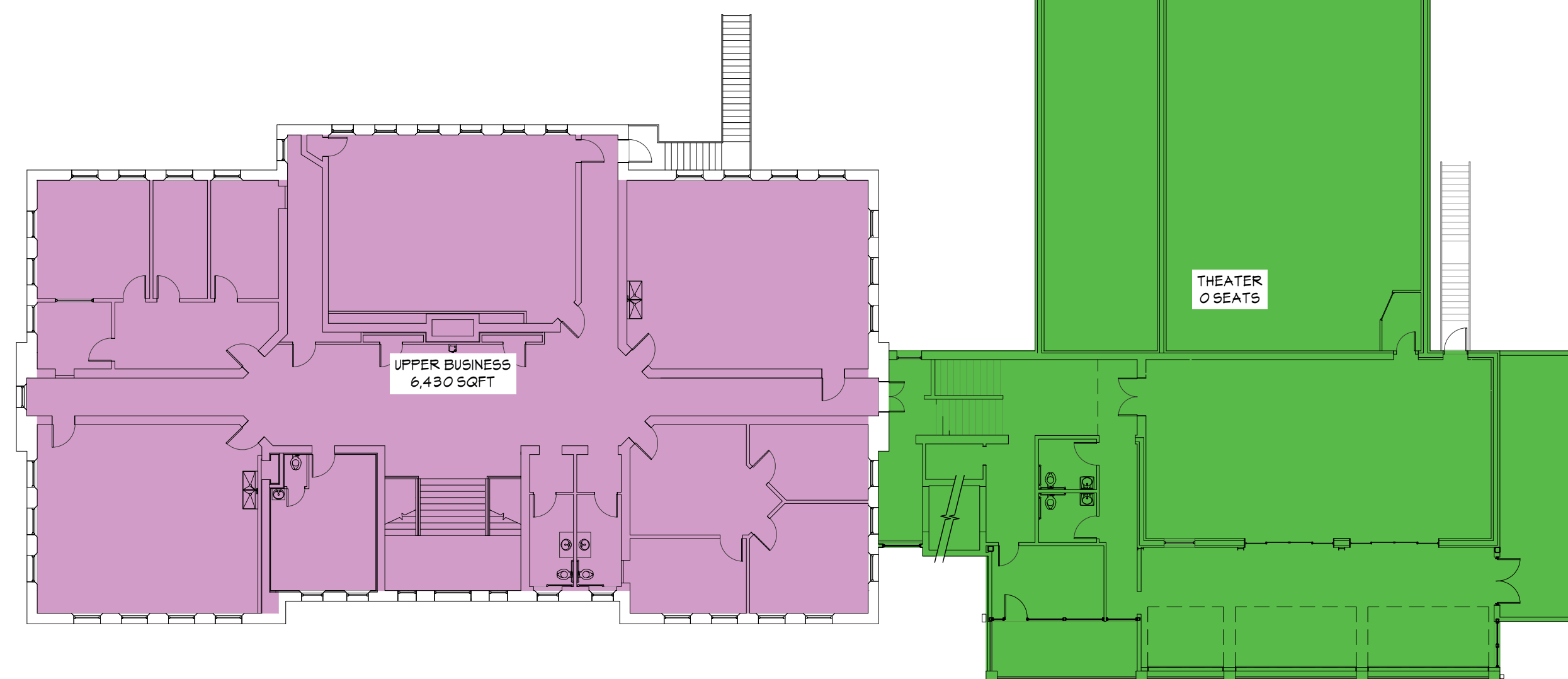


S. E STREET

1 PROPOSED PARKING PLAN
G-4 SCALE: 1/16" = 1'-0"

PARKING CALCULATIONS

COLOR	USE
	PAVILION
	CAFE
	BUSINESS
	BANQUET
	THEATER



2 UPPER PARKING CALCS.
G-4 SCALE: 1/16" = 1'-0"

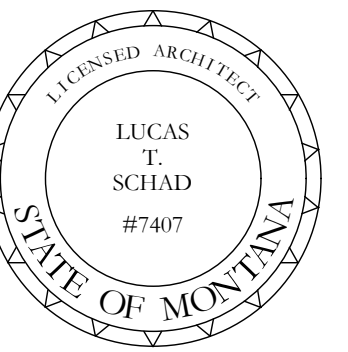
NOTE

PARKING BASED ON LIVINGSTON MUNICIPAL CODE 2023

CONSTRUCTION SET 6 - REV. 5

RELEASE SET	DATE
REVIEW SET	03/04/23
REVIEW SET	04/06/23
SEP SET	04/14/23
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EXCAVATION/CONC. SET	10/04/23
EXCAV//CONC. SET 2 - REV 1	10/18/23
CONST. SET 3 - REV 2	11/19/23
CONST. SET 4 - REV 3	12/8/23
CONST. SET 5 - REV 4	02/06/24
CONST. SET 6 - REV 5	02/26/24

PRINT DATE: FEB. 26TH 2024



PARKING PLAN

G-4

LTS Architects SHANE CENTER PAVILION

SHANE LALANI CENTER FOR THE ARTS
LIVINGSTON, MT 59047

LTS
AIA

LTS Architecture
215 East Lewis, Room 102
Livingston, MT 59047
(406) 333-0533
lucas@LTSAIA.com

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org

www.livingstonmontana.org



Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

Date: June 22, 2023

FINAL CONDITIONS OF APPROVAL for a Special Exception Permit for a Pavilion to be Used as an Outdoor Event Venue at the Shane Lalani Center for the Arts

Analysis

Although ‘Community Arts Center’ is not a use specifically identified in Table 30.40 in the City’s zoning code, the rezoning of the subject property to CBD under Ordinance 2015 for the specific purpose to “allow development of the performing arts in close proximity to the downtown business area” demonstrates the City’s intent to foster the performing arts at this location. Consequently, the current use of the subject property as a Community Arts Center is allowed and is not included in this Special Exception Permit review. However, because the proposed Pavilion will expand the scope and scale of the existing use of the property, it is being evaluated through this Special Exception Permit review for potential impacts to nearby properties and to ensure the expanded use of the property is in harmony with the general purposes and intent of the zoning code.

Criteria and Guidelines for Special Exception Permits (Zoning Code Sec 30.75)

Special Exceptions for uses other than those specifically permitted in each district, are intended to provide, in appropriate cases, and subject to appropriate conditions and safeguards, to be Special Exceptions to the terms of the Zoning Ordinance of the City of Livingston, when granted in harmony with its general purposes and intent of the ordinance.

CRITERION 1: The use will not place a substantial adverse effect upon nearby properties or their occupants.

With the recommended conditions of approval stated below, Staff does not anticipate the proposed use of the Pavilion as an outdoor event venue will adversely impact the surrounding neighborhood or its residents.

APPLICANT COMMITMENTS OF RECORD:

Potential impacts from outdoor events in the Pavilion on the surrounding neighborhood include Parking, Traffic and Noise.

Because the Pavilion is an open-air structure that will not be heated, it will only be used for outdoor events during the warmer months of the year (typically May- October); impacts related to outdoor events will be limited to these months.

When not in use for outdoor events, swinging ‘security panels’ on the east and west side of the Pavilion will be opened to allow traffic to pass through the northern parking lot (Plan Sheet A1.1), entering from the E Street access point and exiting via the D Street access.

The existing D Street access point will be shifted slightly north to align the vehicular travel aisle through the Pavilion when it’s used for parking. The D Street access will also be used as an exit by vehicles parked in the Pavilion.

The resulting traffic circulation will be a one-way flow with all traffic entering the property from the E Street access points and all traffic exiting from the D Street access points (Plan Sheet G-4).

Using estimates from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th edition, a possible 354 trips (177 entering/ 177 exiting) may be generated during an event that maximizes capacity of the pavilion. The applicant verbally confirmed to staff that there are typically a significant number of bicycles parked on site during outdoor events and past observations by the applicant during larger outdoor events indicate that a large number of attendees also arrive at the Shane Center by walking.

Additionally, the applicant has proposed the following to minimize adverse impacts to the surrounding neighborhood when the Pavilion is used for outdoor events:

The Pavilion will not be used to host an event that overlaps with any events taking place at the Dulcie Theater (within the Shane Center). Alternately, the Dulcie Theater will not be used to host an event that overlaps with any event in the Pavilion. By not hosting concurrent events, the Shane Center will not unduly increase traffic beyond what may currently be expected during an event at the Center.

CRITERION 2 - That the proposed use is in harmony with the general purposes and intent of the zoning ordinance.

Section 30.30 in the zoning code defines the CBD as “intended to accommodate stores, hotels, government and cultural centers, professional offices, service establishments and all manner of housing with an emphasis on high density apartment housing”. The code also emphasizes large scale, dense buildings in the CBD. The proposed Pavilion will allow the Shane Center to continue to serve the community as a cultural center by providing additional access to the arts in an outdoor setting. The Pavilion will function as an extension of the Shane Center and it will help expand the community’s access to the performing arts, which is consistent the intent of the rezoning of the subject property to CBD in 2009. Therefore, staff finds the proposed use of the Pavilion is in harmony with the purpose and intent of the zoning ordinance with respect to the subject property.

CRITERION 3- If desired, the City Commission may add such requirements as it deems necessary to protect the surrounding neighborhood from the effects of the granted Special Exception.

At the May 16, 2023 City Commission meeting, Commissioners expressed concerns about external impacts to the residential neighborhood surrounding the Shane Center that may result from the proposed events in the Pavilion. Commissioners requested the applicant provide details for how traffic, noise, parking, trash pickup, Emergency Medical Services (EMS) and Law Enforcement presence during and after events would be handled to minimize negative impacts from events held in the outdoor Pavilion.

APPLICANT COMMITMENTS OF RECORD:

Crowd Size- Assembly area capacities will be limited as follows to reflect the practicalities of providing sufficient egress within the assembly area:

Limit assembly area occupancy to a maximum of 768 for standing events.

Limit assembly area occupancy to a maximum of 492 for seated events.

Limit assembly area occupancy to a maximum of 294 for tables and chairs events.

Noise- the applicant proposes to limit the number of events annually that utilize sound amplification after 8 pm to a maximum of 10. In addition, the number of events annually that utilize sound amplification after 5pm will be limited to a maximum of 50. The applicant has engaged Big Sky Acoustical Design and Noise Control Services to engineer sound quality within the Pavilion and mitigate sound negatively impacting the neighborhood. The applicant also agrees to strictly adhere to all noise ordinances enacted by the City of Livingston.

Frequency of Outdoor Events- the applicant anticipates events in the Pavilion will occur 2-3 times/ week during the months of operation (May-September). The applicant has provided typical Operation Plans for a variety of event types and sizes to show how impacts to the surrounding neighborhood and transportation system will be mitigated, particularly with regards to traffic, trash, and public safety.

Shane Center personnel will be in attendance at a ratio of 1:100 attendees for all events where alcohol is being served, and will maintain a security personnel presence of at least 1 to 100 for all events over 300 where alcohol is being served. Qualified personnel will be located at areas 1 & 2 as shown on the Schematic Operating Plans to check IDs and issue wristbands.

A Safety Liaison will be in attendance at events with 500 or more attendees. A Safety Liaison is an OSHA 10-certified employee of the Shane Center responsible for the following tasks: contacting local emergency responders prior to the event; working with local emergency responders in developing risk assessment/EAP if necessary; instructing employees, volunteers, and participants in the event of an emergency; writing timely and accurate incident/accident reports including injury, property damage, theft, presence of intoxicated or underage persons, and unusual occurrences; and communicating with attendees, press, etc. as necessary.

Temporary perimeter barriers will be placed at areas 3 & 5 as shown on the Schematic Operating Plans to clearly define the boundary of the premises. Servers of alcohol will have completed the Responsible Beverage Service Training and provide current certification.

A revised parking plan was provided (Parking Lot Study dated May 29, 2023) that shows a total of 46 vehicular spaces are be available on-site, which exceeds the minimum 40 spaces required under Section 30.51. The applicant has also executed a Shared Parking Agreement with the Lincoln School, located at 215 E. Lewis Street, for overflow parking during events with 300 or more attendees. An additional 46 vehicular parking spaces is available at the Lincoln School site.

Bicycle transportation will be incentivized by investing in new parking infrastructure, signage & marketing.

Trash and recycling receptables will be placed within the pavilion and at areas 1, 2, 3, 4, & 5 as shown on the Schematic Operating Plans. Trash and debris will be picked up from the site and surrounding areas within 2 hours after the end of events.

The applicant proposed requiring EMS/ Law Enforcement on site only during events of 500 or more attendees. However, the City’s Fire Department recommended the mandatory presence of a firefighter with a quick response truck for fire watch, and EMS standby for events with 300 or more attendees, and an ambulance and two personnel for fire watch and EMS with an ambulance for 500 or more attendees. The Police Chief requested that for events where 300 or more attendees are expected, the applicant should consult with the Police Department prior to the event, to determine the need for Law Enforcement presence at individual events based on various factors such as alcohol availability, type of event and time of day the event is scheduled.

CITY COMMISSION IMPOSED CONDITIONS OF APPROVAL

With consideration of the additional information provided by the applicant and comments from the Public Works, Police and Fire Departments, staff recommends the following updated conditions of approval (in addition to the conditions proposed by the applicant under criterion #3 above) to ensure the proposed use of the Pavilion as an outdoor event venue does not place a substantial adverse effect upon on the surrounding neighborhood and transportation system:

1. Plans submitted for building permit must demonstrate a minimum 20-foot-wide passable fire lane through the southern parking area used during outdoor events; it is the applicant’s responsibility to ensure the fire lane remains passable to emergency vehicles at all times.
2. Police and Fire/ EMS coordination:
 - a. For events where 300 or more people are anticipated to attend, mandatory presence of a firefighter with a quick response truck for fire watch, and EMS standby is required. For events with 500 or more attendees, an ambulance and two personnel for fire watch and EMS with an ambulance is required.
 - b. For events where 300 or more attendees are expected, the applicant should consult with the Police Department to determine the need for Law Enforcement presence at individual events based on various factors such as alcohol availability, type of event and time of day the event is scheduled.
 - c. The applicant must work with Livingston Fire and Rescue and the City Police Department to secure the necessary emergency services at least 2 weeks prior to the event.
3. Contract Emergency Service providers may be used in place of the City’s EMS staff; however, these contractors must be approved by Livingston Fire and Rescue prior to hiring for use during events at the Shane Center as required based on the number of attendees identified above.
4. To prevent unnecessary strain on the City’s ability to provide Emergency Services, no more than three events weekly that require City EMS (per conditions 2.a and 2.b above) are allowed. No limitation is placed on the number of events greater than 300 attendees if Emergency Service Providers other than City of Livingston employees will be contracted to be on site in place of City EMS/ Police/ Fire.
5. Existing utilities (water, sewer, storm, gas, electric) and must be shown on the plans submitted for building permit.
6. Additional bike parking, such as bike valets or bike corrals, must be made available for events where more than 100 people are anticipated; the location of additional bike parking must be identified on

promotional material for each event and clearly signed during the event. Possible location(s) for additional bike parking must be shown on the revised Parking Plan; bike parking must not restrict or reduce the number of available vehicular parking spaces.

7. At time of building permit application, a Traffic Circulation Plan, prepared by a qualified transportation professional, must be submitted that shows pedestrian and vehicular circulation to/ from and within the interior of the property. Circulation patterns should be shown for when the outdoor pavilion is in use for events, and when it will be used for parking only (i.e., no events). The plan must include the following information:
 - a. Widths for pedestrian accessways must be identified to demonstrate compliance with ADA accessibility requirements. Widths and turning radii for vehicular access aisles must also be identified. A minimum 4-foot width ADA accessible aisle between the southern parking lot and the ADA ramp located north of the concession area, as well as the ADA ramp itself, must remain passable at all times. No chairs, tables, or standing by event attendees is allowed. The applicant must include details for how this will be accomplished on the traffic circulation plan.
 - b. Arrows must be used to show circulation patterns during outdoor pavilion events when the pavilion is closed to parking and thru traffic, and also on non-outdoor event days when the pavilion can be accessed for parking and thru traffic.
 - c. All necessary signage (1-way, Do Not Enter, etc.) and pavement markings to facilitate pedestrian and vehicular safety.
 - d. The proposed southern access (exit) to D Street must be signed as RIGHT TURN ONLY; a left turn exit to D Street is not allowed from this access.
 - e. There must be adequate access and/or turnaround area for garbage trucks to access the trash collection bins (shown on sheet C-1). The dimensions of the area designated for trash collection must be shown on the plan. Parked vehicles must not restrict access to trash bins by City garbage trucks.
 - f. Removable bollards or other traffic control measures must be used during outdoor events to restrict vehicular access through the Pavilion. Traffic control details will be approved by the Public Works Department and Livingston Fire & Rescue during building permit review.
 - g. Snow storage areas must be identified.
 - h. All new and relocated points of access to the property must meet current City of Livingston standards. Driveway approach permits must be issued by the Public Works Departments for these points of access prior to construction of the access improvements.
 - i. The existing northern approach to the E Street access must be improved to current City Standards to be consistent with the other access points.
8. Prior to issuance of a building permit, a Drainage Plan must be submitted that shows how the runoff from the proposed pavilion roof will be handled, where it will be directed, and demonstrate that the proposed redevelopment will not increase the net amount of runoff leaving the property. Impacts from runoff related to the proposed pavilion must be mitigated onsite. The drainage plan and runoff analysis must be stamped and signed by a Professional Engineer licensed in the State of Montana. Staff recommends the applicant consider utilizing the existing landscaped areas on the south end of the parking lot to mitigate stormwater runoff.

9. The Pavilion must be reopened to parking and pass-thru traffic within 24 hours of any event, unless another event is scheduled.
10. The subject property, including adjacent sidewalks on the west, south and east sides, must be cleared of trash and debris within 2 hours after the end of events in the Pavilion.
11. Trees removed during construction of the Pavilion must be replaced elsewhere on the property.
12. The current Memorandum of Understanding (MOU) between the Shane Lalani Center and the City of Livingston is expired. Prior to issuance of a building permit, a new MOU must be executed.
13. The applicant must provide City Staff with details for how overflow parking at the Lincoln School during events with 300 or more attendees will be promoted by the applicant for each event to ensure individual event attendees are aware of the additional available vehicular parking spaces at the Lincoln School, and that parking on neighborhood streets is discouraged.
14. The applicant is subject to the terms, conditions and commitments of record for this Special Exception Permit review and as approved by the City Commission.

ADDITIONAL STAFF RECOMMENDATIONS (NOT REQUIREMENTS):

The Public Works Department recommends the applicant reserve vehicular parking spaces 37, 38 and 39 (Parking Lot Study dated May 29, 2023) for compact cars only to ensure a minimum 16' foot clearance aisle is maintained for emergency access.

Public Works also requests the Shane Center have their trash bins emptied before large events or request additional tubs to ensure trash generated by event attendees is contained.

Because the applicant proposes to remove one of only two street trees along D Street for a new access point, staff suggests the applicant consider planting additional trees along D Street to enhance the pedestrian environment on that side of the property.

SHANE CENTER PAVILION

STANDARD ABBREVIATIONS:

AB.	ANCHOR BOLT	K.D.	KNOCKED DOWN
A/C	AIR CONDITIONING	KSI	KIPS PER SQUARE INCH
A.D.A.	AMERICANS WITH DISABILITIES ACT		
ADJ.	ADJUSTABLE, ADJACENT	LPG	LIQUID PROPANE GAS
ALT.	ALTERNATE		
ALUM.	ALUMINUM		
APPROX.	APPROXIMATE	MAG	MAGNETIC
ARCH.	ARCHITECTURAL/ARCHITECT	MAS	MASONRY
#	AND	MAT	MATERIAL
@	AT	MAX	MAXIMUM
BKT	BRACKET	MECH	MECHANICAL
BLDG	BUILDING	MFR/MFG	MANUFACTURER
BLK	BLOCK	MIN	MINIMUM
BLKG	BLOCKING	MISC	MISCELLANEOUS
BM	BEAM	MM	MILLIMETER
B.M.	BENCH MARK	MR	MOISTURE RESISTANT
B.O.F.	BOTTOM OF FOOTING	MTL	METAL
		N	NORTH
B5MNT	BASEMENT	N.I.C.	NOT IN CONTRACT
BTR	BETTER	NOM	NOMINAL
B.U.	BUILT-UP	N.T.S.	NOT TO SCALE
CAB.	CABINET	O.C.	ON CENTER
CCSPF	CLOSED CELL SPRAY FOAM INSUL.	O.D.	OUTSIDE DIAMETER
C.I.	CAST IRON	O.H.	OVERHEAD
C.J.	CONTROL/CONSTRUCTION JOINT	OHD	OVERHEAD DOOR
CLG	CEILING	OPG	OPENING
CLO.	CLOSET	OPP	OPPOSITE
CLR	CLEAR	ORIG	ORIGINAL
C.M.	CONSTRUCTION MANAGER		
C.M.U.	CONCRETE MASONRY UNIT		
C.O.	CLEANOUT	±	PLUS OR MINUS
C.O.L.	COLUMN	±	PENETRATION
CONC	CONCRETE	FL	PLATE
CONST	CONSTRUCTION	FLAM.	FLAM.
CONT.	CONTINUOUS	FART	PARTITION
CONTR	CONTRACTOR	POLY	POLYURETHANE
COORD	COORDINATE	PREFAB	PREFABRICATED
CORR	CORRUGATED	PSF	POUNDS/SQUARE FOOT
CPT	CARPET	PSI	POUNDS/SQUARE INCH
CTR	CENTER	PVC	POLY VINYL CHLORIDE
C.W.	COLD WATER	QT	QUARRY TILE
d	PENNY	R	RADIUS
DBL	DOUBLE	R.D.	ROOF DRAIN
DET.	DETAIL	REF	REFERENCE
D.F.	DRINKING FOUNTAIN	REINF	REINFORCE/REINFORCING
DIA	DIAMETER	REQ.	REQUIRED
DIM	DIMENSION	RET	RETAIN/RETAINED
DISP	DISPENSER/DISPOSAL	REV	REVISION
DN	DOWN	RM	ROOM
D.P.	DAMPROOFING	RND	ROUND
DR	DOOR	R.O.	ROUGH OPENING
D.S.	DOWNSPOUT	∅	ROUND
DWG	DRAWING		
		S4P	SAND & POLYURETHANE
E	EAST	S4V	STAIN & VARNISH
EA	EACH	S.C.	SOLID CORE
EB	EXPANSION BOLT	SCHED	SCHEDULE
EL.F.S.	EXTERIOR INSULATION AND FINISH SYSTEM	SECT	SECTION
		S.F.	SQUARE FEET
E.J.	EXPANSION JOINT	S5	SEMI GLOSS
EL	ELEVATION	S6	SHEET
ELEC	ELECTRICAL/ELECTRIC	SHT	SHEATHING
ELEV	ELEVATOR/ELEVATION	SHTG	SIMILAR
E.P.D.M.	ETHYLENE PROPYLENE DIENE MONOMER	SHTG	SPECIFICATIONS
		SIM	SQUARE
EQ	EQUAL	SQ	SQUARE
EQUIP	EQUIPMENT	S.S.	STAINLESS STEEL
EXIST	EXISTING	STAG	STAGGERED
EXP	EXPANSION/EXPOSURE	STD	STANDARD
EXT	EXTERIOR	STL	STEEL
		STOR	STORAGE
F	FLAT	STRUCT	STRUCTURAL
F.D.	FLOOR DRAIN	SUSP	SUSPENDED
FDN	FOUNDATION	∅	SQUARE FOOT
FIN.	FINISH	TEL	TELEPHONE
FL/FLR	FLOOR	TEMP	TEMPERED
F.O.B.	FACE OF BRICK OR BEAM	T.O.B.	TOP OF BEAM
FRMG	FRAMING	T.O.F.	TOP OF FOOTING
FRP	FIBER REINFORCED PANEL	T.O.J.	TOP OF JOIST
FT	FEET/FOOT	T.O.W.	TOP OF WALL
FTG	FOOTING		
FURR	FURRING	TRTD	TREATED
G	GLOSS	TYP	TYPICAL
GA/g	GAUGE	UBC	UNIFORM BUILDING CODE
GALV	GALVANIZED	U.G.	UNDERGROUND
GEN.	GENERAL	UL	UNDER WRITER'S LAB.
		UNFIN	UNFINISHED
		URE	URETHANE
GL	GLASS		
G.W.B.	GYPSON WALLBOARD	V.B.	VAPOR BARRIER
		V.G.T.	VINYL COMPOSITE TILE
H.B.	HOSE BIB	VENT	VENTILATION/VENTILATOR
HDCP	HANDICAPPED	VERT	VERTICAL
H.C.	HOLLOW CORE		
HDN	HARDWARE		
HDWD	HARDWOOD		
H.M.	HOLLOW METAL		
HT	HEIGHT		
H.W.	HOT WATER	W	WEST
		W/	WITH
ID.	INSIDE DIAMETER	W.C.	WATER CLOSET
IN	INCH/INCHES	WOOD	WOOD
INFO	INFORMATION	W/DN	WINDOW
INSUL	INSULATION	W/O	WITHOUT
INT	INTERIOR	W.P.	WATERPROOF
		W.R.	WATER RESISTANT
JAN	JANITOR	W.W.F.	WELDED WIRE FABRIC
JT	JOINT		



SHEET INDEX:

NAME	CO.	SHEET DESCRIPTION
G-1	LTS	COVER SHEET
G-2	LTS	CODE SHEET
G-3	LTS	EGRESS & PLUMBING FIXTURE COUNT
G-4	LTS	PARKING PLAN
1.0	S.S.	TRAFFIC PLAN - PROPOSED SITE
1.1	S.S.	TRAFFIC PLAN - PARKING ONLY
C-0.1	LTS	EXISTING SITE PLAN
C-1.0	IMEG	DRAINAGE PLAN
C-1.1	LTS	PROPOSED SITE PLAN
A 1.1	LTS	PAVILION PLAN
A 1.2	LTS	STORAGE PLAN
A 1.3	LTS	ROOF PLAN
A 2.1	LTS	ELEVATIONS
A 2.2	LTS	SECTIONS
A 2.3	LTS	SECTIONS
A 2.4	LTS	LOADING/STORAGE ELEVATIONS
A 2.5	LTS	WALL SECTIONS
S 1.0	RPA	STRUCTURAL STANDARDS
S 1.1	RPA	STRUCTURAL NOTES
S 1.2	RPA	STRUCTURAL NOTES
S 1.3	RPA	AXON VIEW
S 2.0	RPA	FOUNDATION PLAN
S 2.1	RPA	ROOF FRAMING PLANS
S 3.0	RPA	STANDARD CONCRETE DETAILS
S 3.1	RPA	FOUNDATION DETAILS
S 5.0	RPA	STANDARD METAL DETAILS
S 5.1	RPA	METAL DETAILS
S 5.2	RPA	METAL DETAILS
E-1	LTS	ELECTRICAL PLAN

LEGEND:

SYMBOLS	
□	ROOM NUMBER
○	DOOR / OPENING NUMBER
⬡	WINDOW / RELITE TYPE
△	REVISION NOTE
○	CABINET TYPE
◇	ACCESSORY TYPE
← DN	SLOPE DOWN
⬢	INTERIOR VIEWS / PAGE NUMBER
⬢	BUILDING SECTION / PAGE NUMBER
⬢	WALL SECTION / PAGE NUMBER
⬢	DETAIL NUMBER / PAGE NUMBER
⬢	ELEVATION MARKER
⬢	ELEVATION MARKER
⬢	INDIGATES CENTER LINE
HATCHES	
▨	EARTH - IN SECTION
▨	GRAVEL - IN SECTION
▨	CONCRETE - IN SECTION
▨	BRICK - IN SECTION
▨	METAL - IN SECTION
▨	PLYWOOD - IN SECTION
▨	FINISHED WOOD - IN SECTION
▨	GYPSON BOARD - IN SECTION
▨	FRAMING OR CONTINUOUS WOOD
▨	BLOCKING - IN SECTION
▨	BATT INSULATION - IN SECTION
▨	POLYURETHANE SPRAY FOAM INSULATION - IN SECTION
▨	VAPOR BARRIER
▨	VINYL COMPOSITE TILE
▨	VENTILATION/VENTILATOR
▨	VERTICAL
▨	WEST
▨	WITH
▨	WATER CLOSET
▨	WOOD
▨	WINDOW
▨	WITHOUT
▨	WATERPROOF
▨	WATER RESISTANT
▨	WELDED WIRE FABRIC

PROJECT INFORMATION:

OWNER:	SHANE LALANI CENTER FOR THE ARTS
ARCHITECT:	LTS ARCHITECTS 215 E. LEWIS ST. ROOM 102 LIVINGSTON, MT 59047 OFFICE: 406.333.0533

NOTES:

- VERIFY ALL LOCAL CODES, ENERGY TYPES, AND SITE CONDITIONS PRIOR TO CONSTRUCTION.
- SEE STRUCTURAL DRAWINGS FOR ADDITIONAL INFORMATION.
- SECURE THE WATER HEATER WITH RIGID METAL PIPE OR APPROVED STRAPPING.
- THE MINIMUM WIDTH OF A HALLWAY SHALL BE NOT LESS THAN 3'-0".
- THE SUPPORTING STRUCTURE SHALL BE PROTECTED BY NOT LESS THAN 1/2" GYP WALLBOARD OR EQUIVALENT
- ALL GUARDRAILS TO BE 36" ABOVE WALKING SURFACE. INTERMEDIATE RAILS SHALL NOT ALLOW PASSAGE OF AN OBJECT 4" OR GREATER.
- RAILINGS MUST TERMINATE INTO A WALL OR NECEL POST.
- INSULATE ALL INTERIOR WALLS
- CONTRACTOR TO PROVIDE WOOD BLOCKING FOR ALL BATHROOM ACCESSORIES, HAND RAILS, PANELS AND CASEWORK INSTALLATION.
- WINDOW OPENINGS SHALL HAVE A MINIMUM NET CLEAR OPENING FOR EMERGENCY ESCAPE AND RESCUE OF 5.7 SQ. FT. (MIN. CLEAR HEIGHT OF 24"; MIN. CLEAR WIDTH OF 20").
- S.C. TO DETERMINE PROPER SWING AND HINGE FOR EACH DOOR PRIOR TO ORDERING. DOOR SIZES ARE GIVEN AS A GUIDE. ACTUAL ROUGH OPENINGS MUST BE DETERMINED IN RESPECT TO MANUFACTURER OF CHOICE. DIMENSIONS ARE SHOWN TO CENTER LINE OF ROUGH OPENINGS. ADJUSTMENTS BY CONTRACTOR DURING CONSTRUCTION MAY BE NECESSARY FOR HOLD DOWN ALIGNMENT.
- WINDOW SIZES ARE GIVEN AS A GUIDE. ACTUAL ROUGH OPENINGS MUST BE DETERMINED IN RESPECT TO MANUFACTURER OF CHOICE. DIMENSIONS ARE SHOWN TO CENTER LINE OF ROUGH OPENINGS. ADJUSTMENTS BY CONTRACTOR DURING CONSTRUCTION MAY BE NECESSARY FOR HOLD DOWN ALIGNMENT. G.C. TO VERIFY MULLED WINDOW ASSEMBLIES, OPERATION, AND GRID PATTERNS FROM ELEVATION DRAWINGS.
T = TEMPERED E - EGRESSABLE
- UNAUTHORIZED USE OF THESE DRAWINGS IS PROHIBITED. AUTHORIZED USE OF THESE DRAWINGS IS FOR THE CONVENIENCE OF THE USER. FIELD VERIFY ALL CONDITIONS AND DIMENSIONS.

ENGINEERS LIST:

ABBREVIATION	COMPANY NAME
S.S.	SANDERSON STEWART
IMEG	IMEG ENGINEERING
RPA	ROBERT PECCIA & ASSOCIATES

REVISION SCHEDULE:

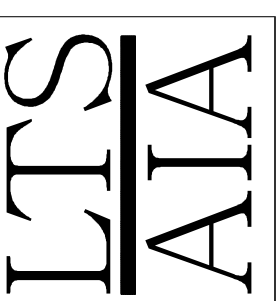
REVISION	DESCRIPTION
1	DRAINAGE PLAN ADDED TO SET, TRAFFIC CONTROL PLAN ADDED TO SET, CHAMFER ADDED TO CONCRETE PIERS, NEST BOLLARDS MOVED
2	UPDATED SITE GRADING, DOWNSPOUTS, ADA RAILING, UPDATED STEEL, UPDATED BRICK SUPPORT
3	UPDATED SITE GRADING, SIDEWALK AND STEPS, DOOR SWING,
4	ELECTRICAL PLAN E-1, WALL SECTIONS A 2.5, ROOF SLOPE ON STORAGE, FLASHING DETAILS, ROOF OF STORAGE TO BEAM CONDITION, DOOR DETAILS
5	ADDED PHASING TO COVER SHEET, REMOVED GUTTER DEMO ON CO. 1, REMOVED PARKING LOT GUTTER ON C 1.0

PROJECT PHASING:

DUE TO BUDGET AND SCHEDULE, THE BUILDING CONSTRUCTION WILL BE PHASED. THE FOLLOWING PARTS OF THE BUILDING WILL BE CONSTRUCTED LATER: THE MASONRY VENEER, THE WINDOWS, THE ROLLING DOOR ON THE WEST SIDE OF THE BUILDING AND THE ROOF OVER THE COURTYARD.

LTS Architects SHANE CENTER PAVILION

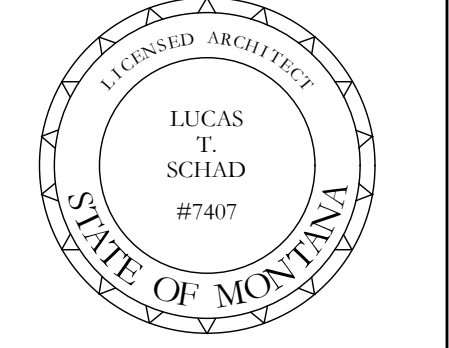
SHANE LALANI CENTER FOR THE ARTS
LIVINGSTON, MT 59047



LTS Architecture
215 East Lewis, Room 102
Livingston, MT 59047
(406) 333-0533
lucas@LTSAIA.com

RELEASE SET	DATE
REVIEW SET	03/04/23
REVIEW SET	04/06/23
SEP SET	04/14/23
RFQ SD SET	07/17/23
REVIEW SET	08/28/23
REVIEW SET	09/13/23
REVIEW SET	09/20/23
REVIEW SET	09/28/23
EXCAVATION/CONC. SET	10/04/23
EXCAV/CONC. SET 2 - REV 1	10/18/23
CONST. SET 3 - REV 2	11/14/23
CONST. SET 4 - REV 3	12/8/23
CONST. SET 5 - REV 4	02/06/24
CONST. SET 6 - REV 5	02/26/24

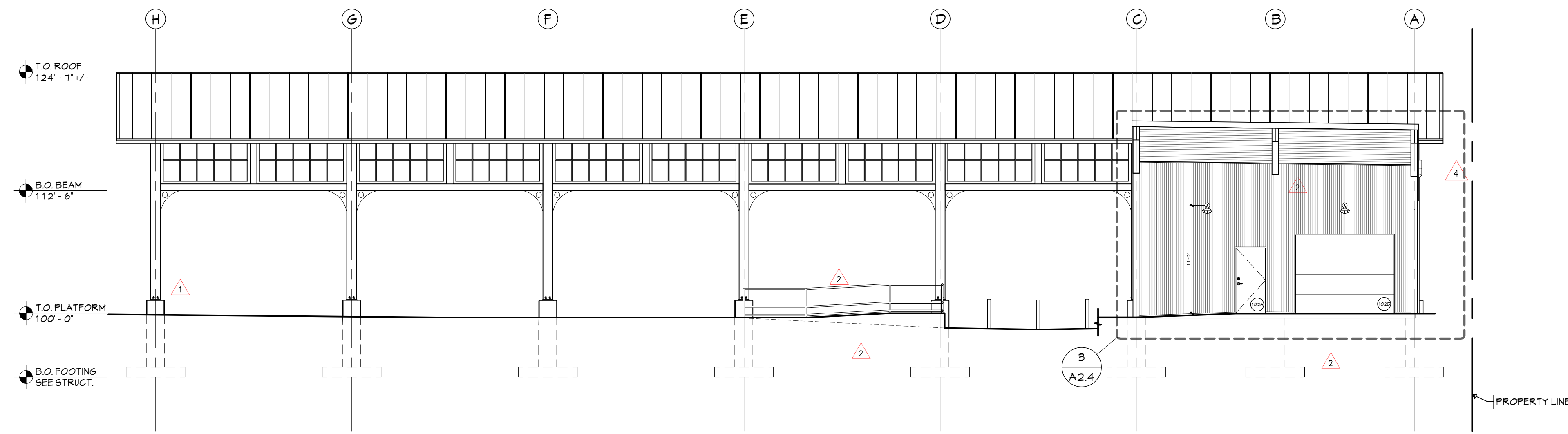
PRINT DATE: FEB. 26TH 2024



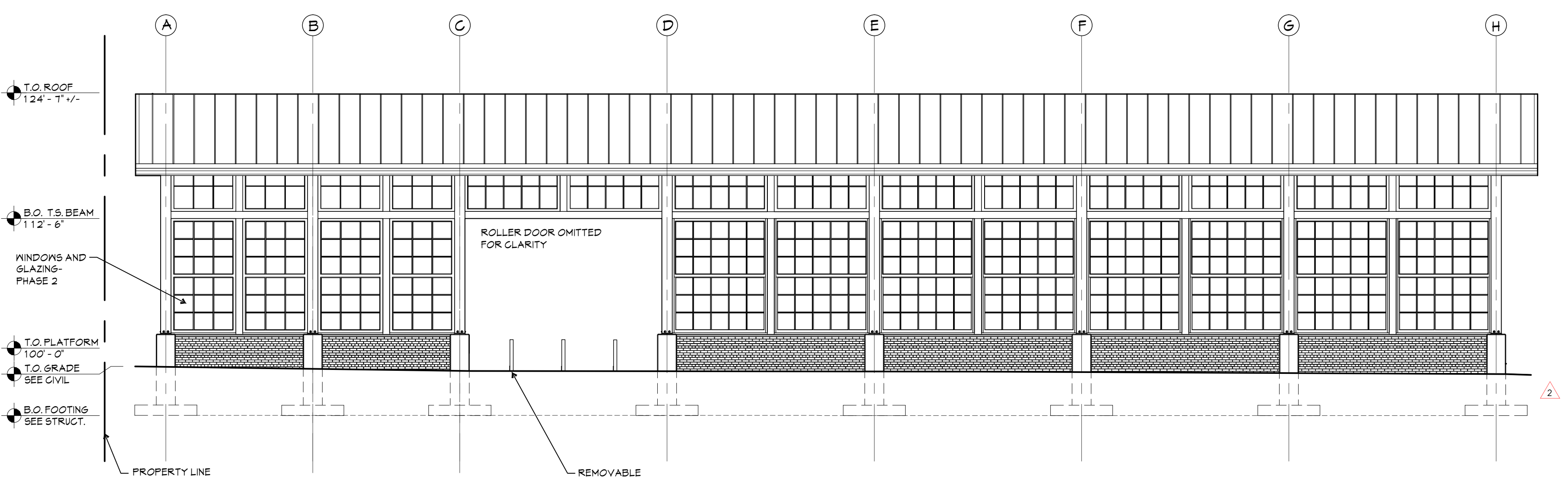
COVER SHEET

G-1

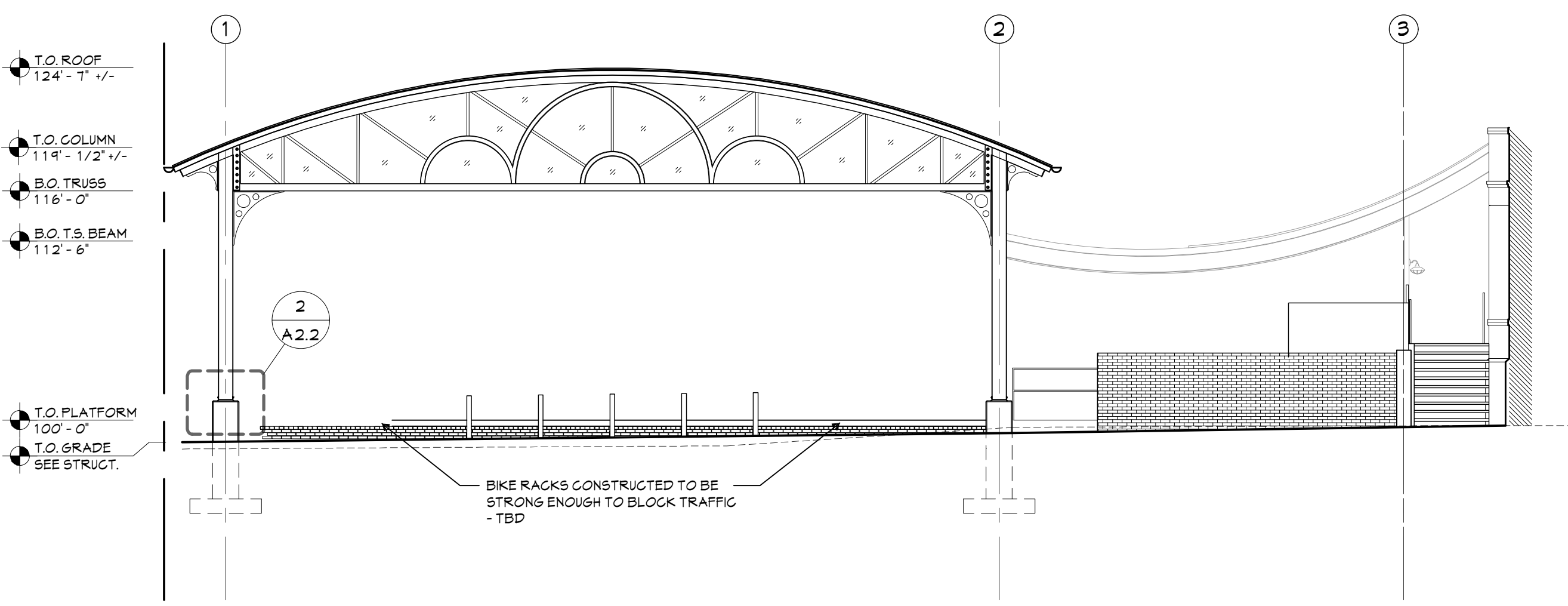
CONSTRUCTION SET 6 - REV. 5



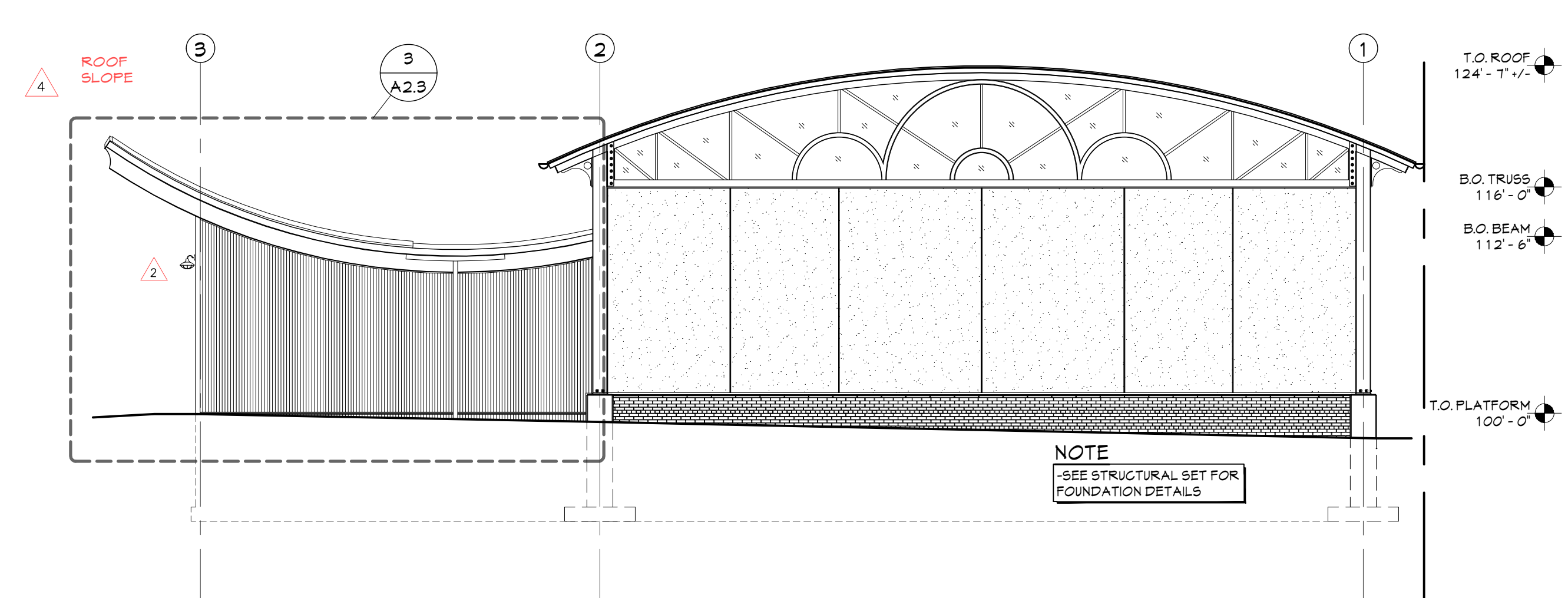
1 EAST ELEVATION
A2.1 SCALE: 1/8" = 1'-0"



2 WEST ELEVATION
A2.1 SCALE: 1/8" = 1'-0"



3 SOUTH ELEVATION
A2.1 SCALE: 1/8" = 1'-0"



4 NORTH ELEVATION
A2.1 SCALE: 1/8" = 1'-0"

CONSTRUCTION SET 6 - REV. 5

LTS Architects SHANE CENTER PAVILION

SHANE LALANI CENTER FOR THE ARTS
LIVINGSTON, MT 59047

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CONST. SET 4 - REV 3	12/8/23
CONST. SET 5 - REV 4	02/06/24
CONST. SET 6 - REV 5	02/26/24

PRINT DATE: FEB. 26TH 2024

LICENSED ARCHITECT
LUCAS T. SCHAD
#7407
STATE OF MONTANA

ELEVATIONS

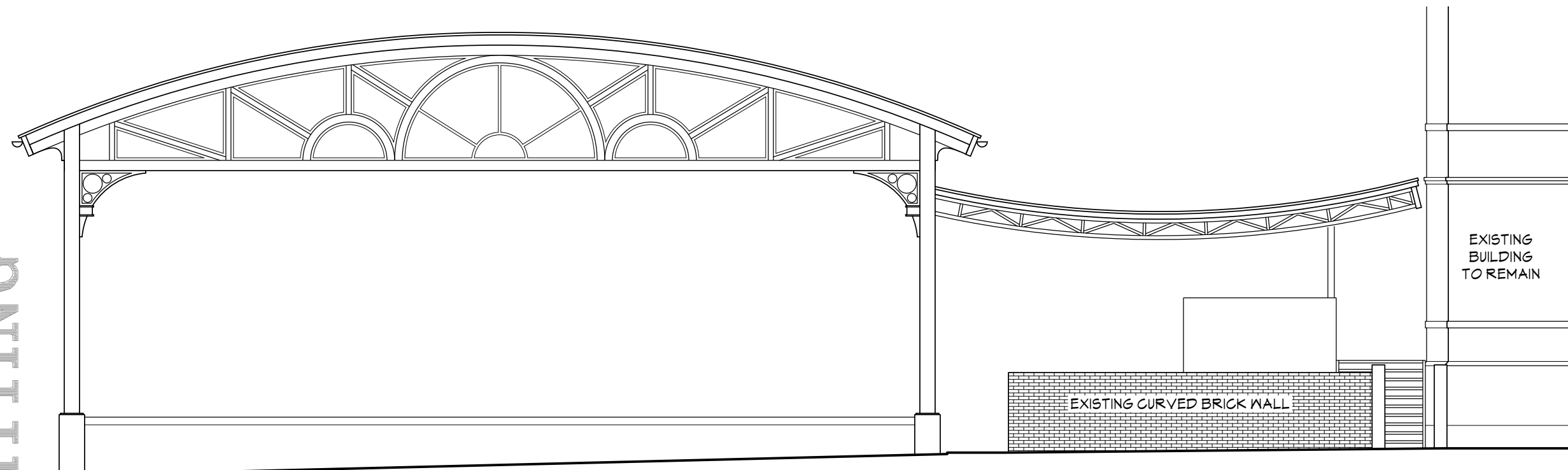
A2.1

D:\projects\CURRENT PROJECTS\PAV - SHANE CENTER PAVILION\PAV - Edwg_4/13/2023 5:16:18 PM_DWG To PDF.plt_COUN

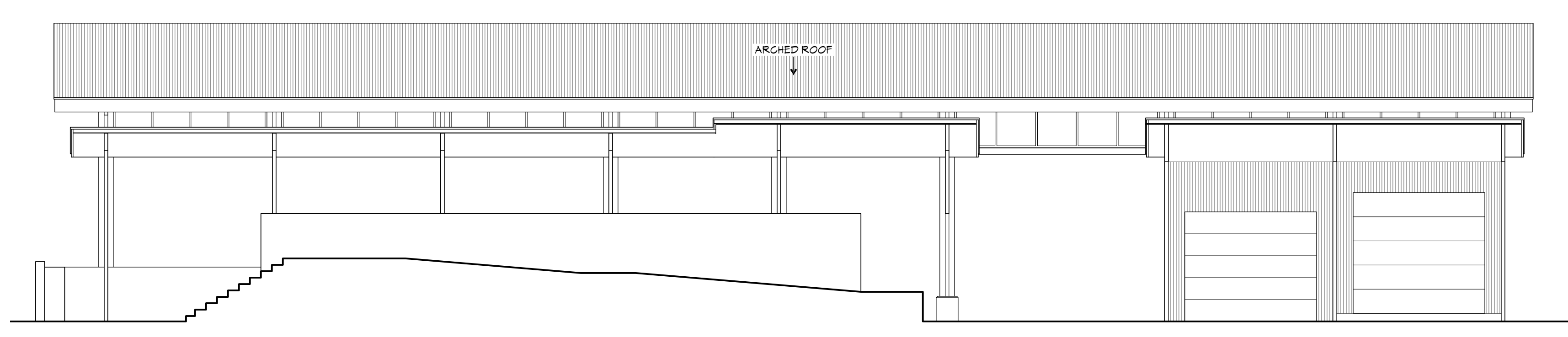
FILE: PAV - EDWG

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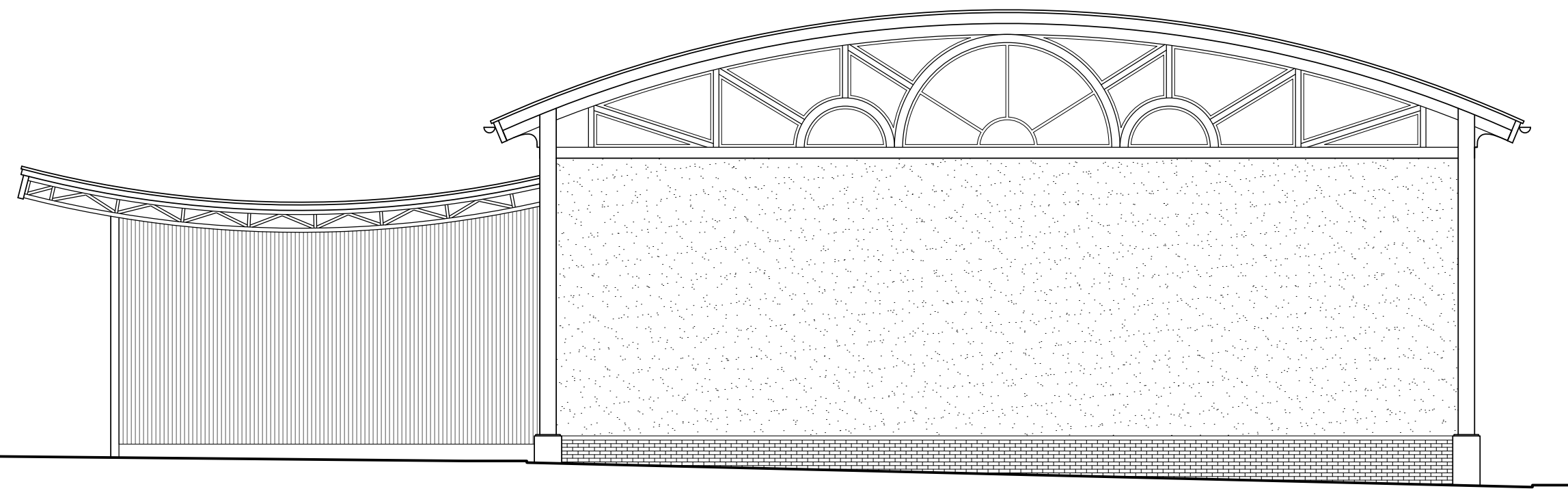
REVIEW/BID SET ONLY: NOT FOR CONSTRUCTION OR PERMITTING



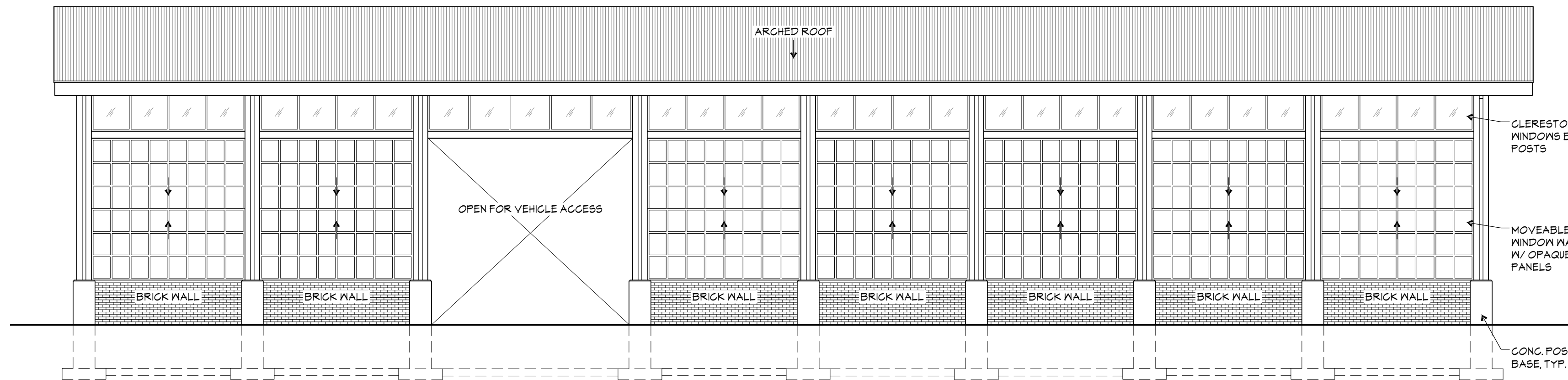
1 SOUTH ELEVATION
A2.1 SCALE: 1/8" = 1'-0"



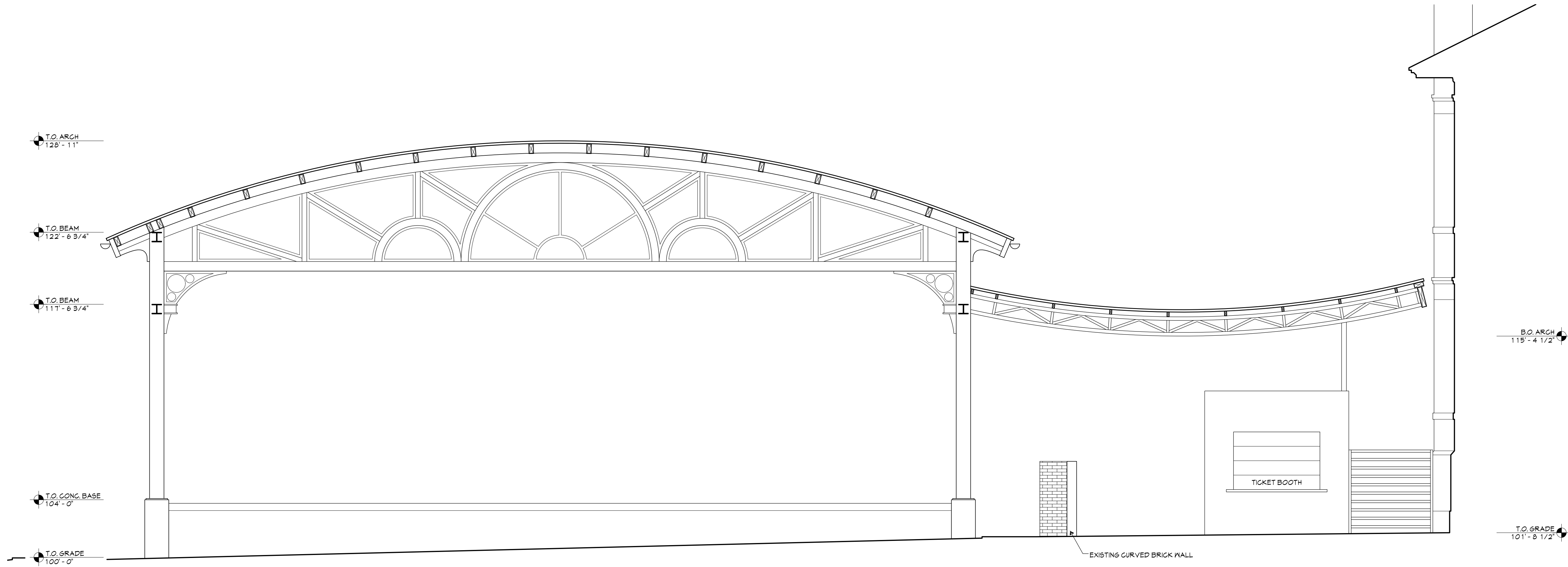
2 EAST ELEVATION
A2.1 SCALE: 1/8" = 1'-0"



3 NORTH ELEVATION
A2.1 SCALE: 1/8" = 1'-0"



4 WEST ELEVATION
A2.1 SCALE: 1/8" = 1'-0"



5 PAVILION SECTION
A2.1 SCALE: 1/4" = 1'-0"

The Shane Center Pavilion - Special Exemption Permit Documentation

REVIEW/BID SET ONLY: NOT FOR CONSTRUCTION OR PERMITTING

LTS Architects SHANE CENTER PAVILION

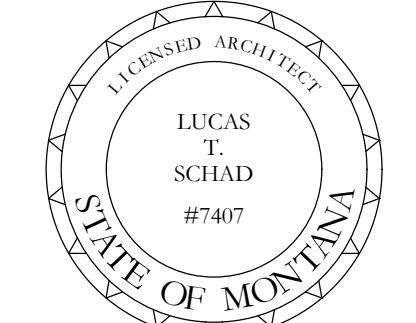
LTS
AIA

LTS Architecture
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Livingston, MT 59047
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SHANE LALANI CENTER FOR THE ARTS
LIVINGSTON, MT 59047

RELEASE SET	DATE
REVIEW SET	03/04/23
REVIEW SET	04/06/23
SEP SET	04/14/23

PRINT DATE: APRIL 14th 2023



ELEVATIONS & SECTION

A2.1

315,000+ visitors, provided a space for more than 1,800+ community events, inspired 27,500+ education participants and invested more than \$4M back into the property.

See Appendix D for Images of Proposed Pavilion.

5. DESIGN INTENT

Inspiration for the form and detailing of this structure was taken from the historic brick school building and its existing additions on site, as well as the historic nature of downtown Livingston as a train town. Research was done on the interaction of brick, steel, and glass in railroad structures; that inspired the combination of those elements in the Pavilion. Brick, concrete, and the stucco wall behind the raised platform serve to tie the new structure in with existing historic building. The arched roof is a classic rail station form that helps to decrease the profile of the structure from the street. Inspired by the Shane Center’s focus on community theater, the structure, windows, and curtains were layered to control physical and visual access to the space from the street in a pleasing manner that maintains a human scale. The low brick walls and the movable glass panels on the D Street side were also intended to help control wind in the Pavilion.

See Appendix D for Images of Proposed Pavilion.

6. PROJECT IMPACT

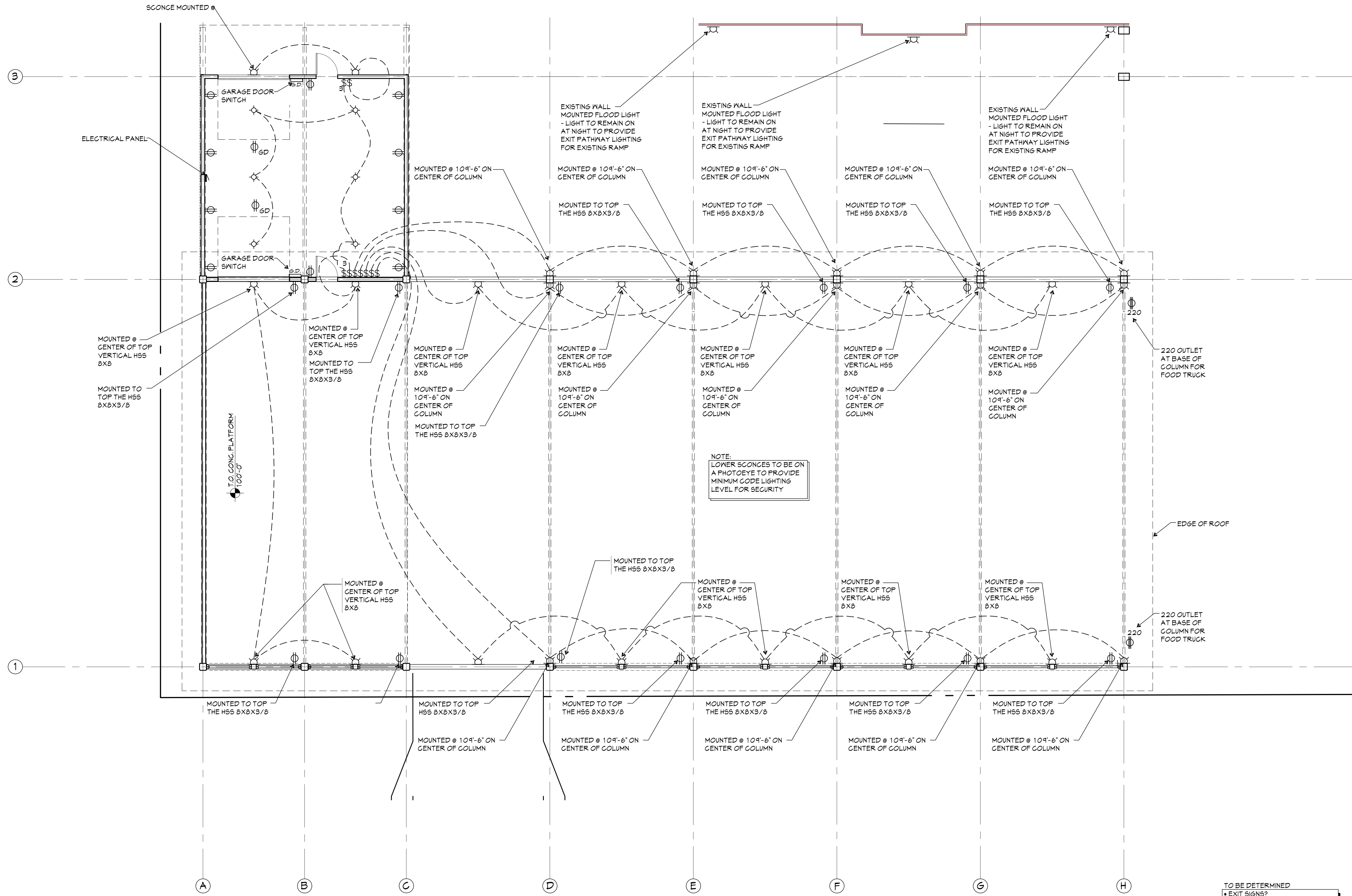
There are two potential impacts the Pavilion might have on the neighborhood. The first is the impact on parking requirements and the second is on the noise level surrounding the new venue. Due to the existing use of the space, planned use of the space, and scheduling, the Pavilion will not have a substantial adverse effect on nearby properties.

In addition, the Shane Center has identified a list of adjacent properties and will be extending an invitation to the neighborhood for a Q&A/Informal Information Session on Wednesday, April 26, 2023. Any concerns or questions from the residents may be voiced and addressed at that time.

See Appendix E for List of Adjacent Properties and Appendix F for Neighborhood Invitation.

THE PAVILION WILL NOT CAUSE A SUBSTANTIAL ADVERSE EFFECT ON NEARBY PROPERTIES OR THEIR OCCUPANTS

- a. The use of the space as a seasonal outdoor event venue has been ‘live tested’ since 2021 when the Shane Center began using a portable stage in the parking lot due to the Covid19 pandemic. No public complaints have been lodged against this use of the space.



1 ELECTRICAL PLAN
 E1.1 SCALE: 1/8" = 1'-0"

CONSTRUCTION SET 6 - REV. 5

LTS Architects SHANE CENTER PAVILION

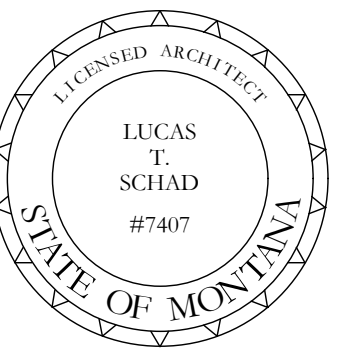
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CONST. SET 5 - REV 4	02/06/24
CONST. SET 6 - REV 5	02/26/24

PRINT DATE: FEB. 26TH 2024



ELECTRICAL PLAN

E-1



April 3, 2024

Dear Livingston City Commissioners and Administration,

The Shane Lalani Center for the Arts is requesting a temporary Certificate of Occupancy for the Pavilion so that we can commence our summer programming for the enjoyment and benefit of our community.

We acknowledge that in order to receive a permanent Certificate of Occupancy that the Shane Center needs to complete the requirements outlined in the Special Exception Permit (SEP) and the conditions listed in the letter, *RE: Building Permit Conditions for the Shane Center Pavilion – 415 E. Lewis Street* dated March 19th which specifically addressed the following:

- Updated Parking plan including location of Bike Parking
- Window Panels, Half Walls and Rolling Door on the west side of the building
- Window Panels on the north side of Pavilion
- Use of Brick on Exterior Half Walls
- Exterior Lighting

It is the organization's intention to invest \$2.5M in the facility, with the aim of completing all planned construction by the end of 2024. However, given the nature of construction timelines and the pace at which pledged support for this project materializes, meeting certain requirements by early June would be difficult if not impossible. Given these constraints, we respectfully request a temporary Certificate of Occupancy from June 1, 2024, to December 31, 2024.

Before the issuance of a temporary Occupancy Certificate, we will:

- Complete all structural elements of the building including necessary walls
- Complete all life safety requirements including electrical components, clear signage indicating egress routes, and bollards to control vehicular and pedestrian access
- Submit an updated parking plan including location of bike parking
- Submit details for light fixtures to the building department to remain compliant with the LMC Section 18.5

Throughout the past year, since our SEP was granted, we have completed the vast majority of the conditions and requirements of compliance. In addition, the Shane Center will operate within the new City's noise ordinance acceptable limits addressing the majority of the concerns outlined in the letter, which were primarily focused around mitigating noise impacts to properties on the north and west sides of the Pavilion.

Attached is a calendar of the summer programming that would occur during the temporary Occupancy Permit, all of which are well under the limitations we imposed, and were granted with the SEP.

Please note that this is the same amount, type and frequency of events as we have executed the past three years.

Due to the limited number of events, commitment to adhering to the new noise ordinance, resounding support from the community at large and our neighbors, we believe there will be minimal negative externalities with granting a Temporary Occupancy Permit as we continue to fulfill our obligations under the SEP.

Thank you for considering our request for a temporary Occupancy Permit so that we can continue to contribute to the cultural enrichment and vitality of our community.

Respectfully yours,



Shane Lalani Center for the Arts





June 2024

- Past 5pm concluding before 8pm
- Past 8pm concluding before 10pm

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
27	28	29	30	31	1	2
3	4	5	6 ■ 4:00 PM Summer Outdoor Concert Series (7:00 PM END)	7	8	9
10	11	12	13 ■ 4:00 PM Summer Outdoor Concert Series (7:00 PM END)	14	15	16
17	18	19	20 ■ 4:00 PM Summer Outdoor Concert Series (7:00 PM END)	21	22 ■ 7:00 PM SCP: NY NY Dueling Pianos (9:00 PM END)	23
24	25	26	27 ■ 4:00 PM Summer Outdoor Concert Series (7:00 PM END)	28	29	30

July 2024

-  Past 5pm concluding before 8pm
-  Past 8pm concluding before 10pm

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1	2	3	4 4:00 PM Summer Outdoor Concert Series (7:00 PM END)	5	6	7
8	9	10	11 4:00 PM Summer Outdoor Concert Series (7:00 PM END)	12	13	14
15	16	17	18 4:00 PM Summer Outdoor Concert Series (7:00 PM END)	19	20 7:00 PM Ramblin' Jack Elliot & Roy Rogers (9:00 PM END)	21
22	23	24	25 4:00 PM Summer Outdoor Concert Series (7p)	26	27	28
29	30	31				

August 2024

- Past 5pm concluding before 8pm
- Past 8pm concluding before 10pm

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16 7:00 PM 23rd YAW Performance (8:00 PM END)	17 5:00 PM 23rd Annual YAW Performance (6:00 PM END)	18
19	20	21	22	23	24 5:30 PM Annual Spotlight Gala (9:00 PM END)	25
26	27	28	29	30	31	1

September 2024

- Past 5pm concluding before 8pm
- Past 8pm concluding before 10pm

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
26	27	28	29	30	31	1
2	3	4	5	6 5:00 PM MT Shakespeare in the Parks (8:00 PM END)	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	1	2	3	4	5	6



April 3, 2024

Dear Livingston City Commissioners and Administration,

The Shane Lalani Center for the Arts is requesting a temporary Certificate of Occupancy for the Pavilion so that we can commence our summer programming for the enjoyment and benefit of our community.

We acknowledge that in order to receive a permanent Certificate of Occupancy that the Shane Center needs to complete the requirements outlined in the Special Exception Permit (SEP) and the conditions listed in the letter, *RE: Building Permit Conditions for the Shane Center Pavilion – 415 E. Lewis Street* dated March 19th which specifically addressed the following:

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Attached is a calendar of the summer programming that would occur during the temporary Occupancy Permit, all of which are well under the limitations we imposed, and were granted with the SEP.

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Due to the limited number of events, commitment to adhering to the new noise ordinance, resounding support from the community at large and our neighbors, we believe there will be minimal negative externalities with granting a Temporary Occupancy Permit as we continue to fulfill our obligations under the SEP.

Thank you for considering our request for a temporary Occupancy Permit so that we can continue to contribute to the cultural enrichment and vitality of our community.

Respectfully yours,



Shane Lalani Center for the Arts



PO Box 58 Livingston, MT 59047



(406) 222-1420



www.theshanecenter.org

"Strengthening community through participation in the arts"

June 2024

83

■ Past 5pm concluding before 8pm
■ Past 8pm concluding before 10pm

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
3	4	5	6	7	8	9
		■ 4:00 PM Summer Outdoor Concert Series (7:00 PM END)				
10	11	12	13	14	15	16
		■ 4:00 PM Summer Outdoor Concert Series (7:00 PM END)				
17	18	19	20	21	22	23
		■ 4:00 PM Summer Outdoor Concert Series (7:00 PM END)		■ 7:00 PM SCP: NY NY Dueling Pianos (9:00 PM END)		
24	25	26	27	28	29	30
		■ 4:00 PM Summer Outdoor Concert Series (7:00 PM END)				

85 Y 2024

■ Past 5pm concluding before 8pm
■ Past 8pm concluding before 10pm

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1	2	3	4 ■ 4:00 PM Summer Outdoor Concert Series (7:00 PM END)	5	6	7
8	9	10	11 ■ 4:00 PM Summer Outdoor Concert Series (7:00 PM END)	12	13	14
15	16	17	18 ■ 4:00 PM Summer Outdoor Concert Series (7:00 PM END)	19	20 ■ 7:00 PM Ramblin' Jack Elliot & Roy Rogers (9:00 PM END)	21
22	23	24	25 ■ 4:00 PM Summer Outdoor Concert Series (7p)	26	27	28
29	30	31				

August 2024

87

■ Past 5pm concluding before 8pm
 ■ Past 8pm concluding before 10pm

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1

■ 7:00 PM 23rd YAW Performance (8:00 PM END)

■ 5:00 PM 23rd Annual YAW Performance (6:00 PM END)

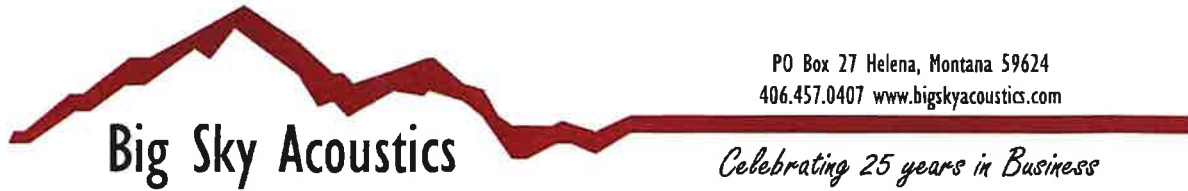
■ 5:30 PM Annual Spotlight Gala (9:00 PM END)

September 2024

■ Past 5 pm concluding before 8pm
■ Past 8pm concluding before 10pm

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	1	2	3	4	5	6

■ 5:00 PM MT Shake-
 speare in the Parks
 (8:00 PM END)



April 12, 2024

Erika Adams
The Shane Lalani Center for the Arts
415 E. Lewis Street
Livingston, MT 59047

**Re: Shane Center Pavilion
Environmental Sound Assessment
BSA Project #23120**

Dear Erika:

Big Sky Acoustics (BSA) has completed an Environmental Sound Assessment for the outdoor Pavilion at the Shane Lalani Center for the Arts in Livingston. The attached report summarizes BSA's field measurements, ambient sound levels, predicted sound levels and contours, and a comparison to the City of Livingston Noise Ordinance.

If you have any questions or comments, please do not hesitate to call (406) 457-0407 or email me at sean@bigskyacoustics.com.

Sincerely,

Sean Connolly, INCE Bd. Cert.
BIG SKY ACOUSTICS

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
TABLE OF CONTENTS	i
1.0 INTRODUCTION	1
2.0 NOISE TERMINOLOGY	1
3.0 LIVINGSTON NOISE ORDINANCE AND ZONING	2
4.0 SOUND LEVEL MEASUREMENTS	3
4.1 METHODOLOGY	4
4.2 MEASUREMENT RESULTS	5
5.0 SOUND LEVEL ANALYSIS AND PREDICTIONS	7
5.1 PREDICTED SOUND LEVELS	7
5.2 SCENARIO 1 – PAVILION WITHOUT WINDOWS OR WEST DOOR	8
5.3 SCENARIO 2 – PAVILION WITH TEMPORARY WEST PLATFORM WALL & DOOR	8
5.4 SCENARIO 3 – PAVILION FULLY CONSTRUCTED	8
8.0 REFERENCES	9
9.0 STANDARD OF CARE	9

TABLES

TABLE 3-1: LIVINGSTON MUNICIPAL CODE, ORDINANCE No. 3051

TABLE 4-1: SOUND LEVEL MEASUREMENT SUMMARY SUMMER CONCERT SERIES, JUNE 29, 2023

FIGURES

FIGURE 3-1: CITY OF LIVINGSTON ZONING MAP

FIGURE 4-1: LOCATION 1 – SOUND LEVEL VS. TIME SUMMER CONCERT SERIES, JUNE 29, 2023

FIGURE 4-2: LOCATION 2 – SOUND LEVEL VS. TIME SUMMER CONCERT SERIES, JUNE 29, 2023

FIGURE 1 SITE LAYOUT AND SOUND LEVEL MEASUREMENT LOCATIONS

FIGURE 2 SCENARIO 1 – PAVILION WITHOUT WINDOWS OR WEST DOOR

FIGURE 3 SCENARIO 2 – PAVILION WITH TEMPORARY WEST PLATFORM WALL AND DOOR

FIGURE 4 SCENARIO 3 – PAVILION FULLY CONSTRUCTED

ATTACHMENTS

ATTACHMENT 1 SHANE CENTER LETTER REQUESTING TEMPORARY CERTIFICATE OF OCCUPANCY

ATTACHMENT 2 CITY OF LIVINGSTON LETTER REGARDING BUILDING PERMIT CONDITIONS

For environmental noise studies, sound levels are typically described using A-weighted equivalent sound levels, L_{eq} , during a certain time period. The L_{eq} metric is useful because it uses a single number, similar to an average, to describe the constantly fluctuating instantaneous sound levels at a receptor location.

The 90th percentile-exceeded sound level, L_{90} , is typically considered the background sound level. The L_{90} represents the sound level exceeded during 90 percent of a measurement period. Therefore, it is also an indication of the residual sound level, and among the lowest sound levels during a measurement period. The L_{max} metric denotes the maximum instantaneous sound level recorded during a measurement period.

3.0 LIVINGSTON NOISE ORDINANCE AND ZONING

In February 2024, the City of Livingston updated Ordinance No. 3051, *Chapter 10, Curfew, Disturbing the Peace, and Noise, of the Livingston Municipal Code, Sections 10-5 and 10-6* (City of Livingston 2024a). The applicable sections of the Ordinance are listed in **Table 3-1**.

Table 3-1: Livingston Municipal Code, Ordinance No. 3051

Section	Citation												
Section 10-5. - Prohibited Noises. Section A.8. <i>Special community events</i> .	Any noise generated by permitted special events or other events to which the public is invited which <u>fails</u> to meet the following conditions: a. The maximum decibel level measured at the perimeter of the event does not exceed 100 decibels¹ ; and b. Amplified noise shall be created only between the hours of 9:00 a.m. and 10:00 p.m. ; and c. Neighbors within 250 feet of the site of the proposed sound source are notified. Such notification must be done seven days prior to the starting time of the event; and d. The arrangement of loudspeakers or the sound instruments must be such that it minimizes the Disturbance to others resulting from the position or orientation of the speakers or from atmospherically or geographically caused dispersal of sound beyond the property lines; and e. All reasonable measures are taken to baffle or reduce noise impacts on the neighbors; and f. Event organizers agree to cooperate with the Livingston Police Department in addressing noise complaints from neighbors, which may include the termination of the event. g. Organizers of special events governed by the City of Livingston may request a waiver from noise restrictions to the City of Livingston.												
Section 10-5. - Prohibited Noises. Section A.9. <i>Noise levels</i> .	Noises in excess of the following levels¹ as measured at the property line² in the following zones within the City during the following times unless permitted pursuant to an approved noise suppression plan or special community event permit : <table border="1" data-bbox="451 1470 1383 1764"> <thead> <tr> <th>Zone</th> <th>Daytime 7:00 a.m. to 10:00 p.m.</th> <th>Evening 10:00 p.m. to 7:00 a.m.</th> </tr> </thead> <tbody> <tr> <td>Residential</td> <td>65 dBA</td> <td>55 dBA</td> </tr> <tr> <td>Commercial</td> <td>80 dBA</td> <td>60 dBA</td> </tr> <tr> <td>Industrial</td> <td>90 dBA</td> <td>80 dBA</td> </tr> </tbody> </table> <p>Note: dBA = Decibels, A weighted0</p>	Zone	Daytime 7:00 a.m. to 10:00 p.m.	Evening 10:00 p.m. to 7:00 a.m.	Residential	65 dBA	55 dBA	Commercial	80 dBA	60 dBA	Industrial	90 dBA	80 dBA
Zone	Daytime 7:00 a.m. to 10:00 p.m.	Evening 10:00 p.m. to 7:00 a.m.											
Residential	65 dBA	55 dBA											
Commercial	80 dBA	60 dBA											
Industrial	90 dBA	80 dBA											

Source: City of Livingston 2024a

Notes: ¹ Noise metric not specified in Ordinance. BSA used the environmental L_{eq} metric to determine compliance (Section 2).

² Property line of the noise source or receptor is not specified. BSA used the zoning district and property line of the receptor (e.g., residence) for a conservative analysis.

Shane Center Pavilion Environmental Sound Assessment

Big Sky Acoustics

residence (124½ D Street), located across the street and 130 feet south of the platform. Verbal site access was obtained from the residents for the measurements.



Looking south at measurement **Location 1** and duplex located at 402/404 Lewis Street.



From the **Location 1** duplex, looking northwest at Lewis Street, the Shane Center platform, and the outdoor Summer Concert Series event.



Looking southwest at measurement **Location 2**, Church Universal and Triumphant (130 D Street) and adjacent residence (124½ D Street).



From **Location 2**, looking north at D Street, the Shane Center platform, and the crowd gathered for the Summer Concert Series event.

4.1 Methodology

BSA used Larson Davis Model 831 Type I Sound Level Meters (SLMs) with preamplifiers, and 0.5-inch diameter microphones for the measurements (ANSI 2019). The meters were calibrated prior to and after the measurement periods using a Larson Davis CAL200 acoustical calibrator (ANSI 2019). The SLMs were set to “fast” response, with 3-inch windscreens over the microphones, and mounted on tripods approximately 6-feet above the ground surface. The meters recorded sound level data in 1-minute increments.

Measurements were completed according to the American National Standards Institute (ANSI) Standard S12.9-2013/Part 3 (R2018), *Quantities and Procedures for Description and Measurement of Environmental Sound – Part 3: Short-term Measurements with an Observer Present* (ANSI 2018). The measurements recorded the 1/3 octave band frequency spectra sound levels (L_{eq} , L_{90} and L_{max} metrics) (**Section 2**) to determine the influence of individual sound sources. Meteorological conditions were measured with a handheld Kestrel meter, and the

Figure 4-1: Location 1 – Sound Level vs. Time
Summer Concert Series, June 29, 2023

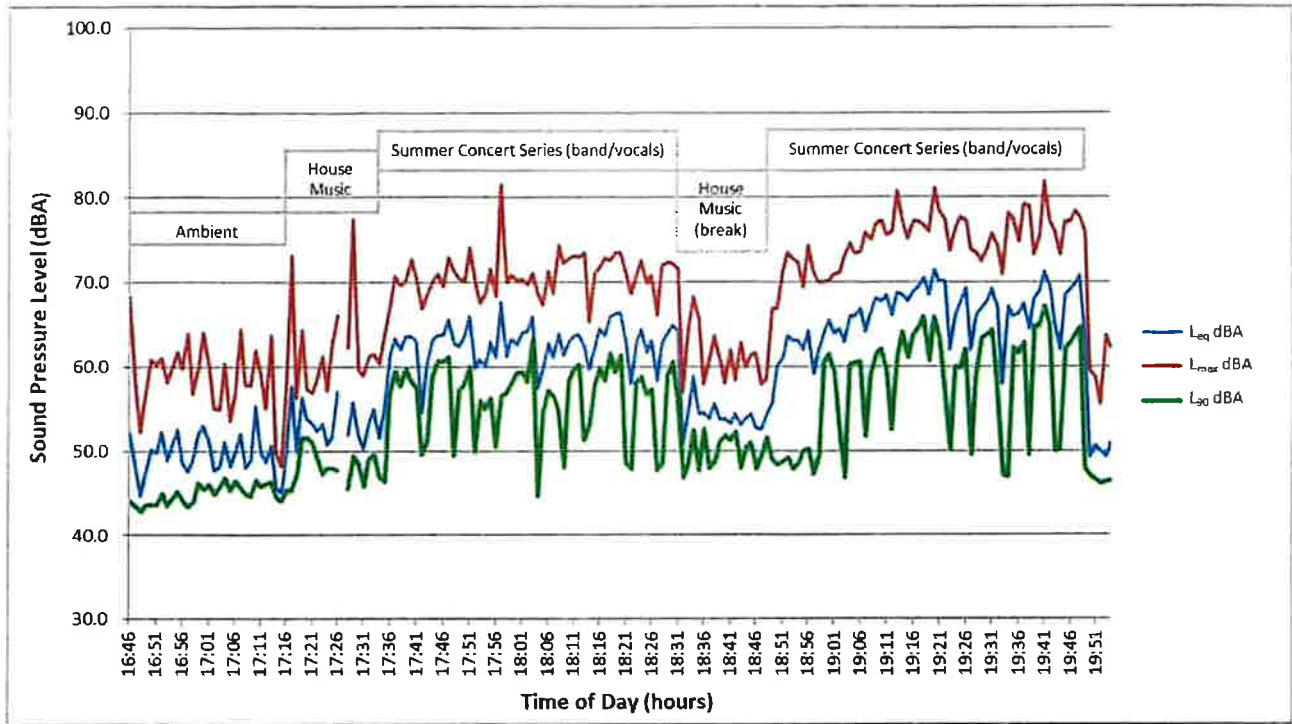
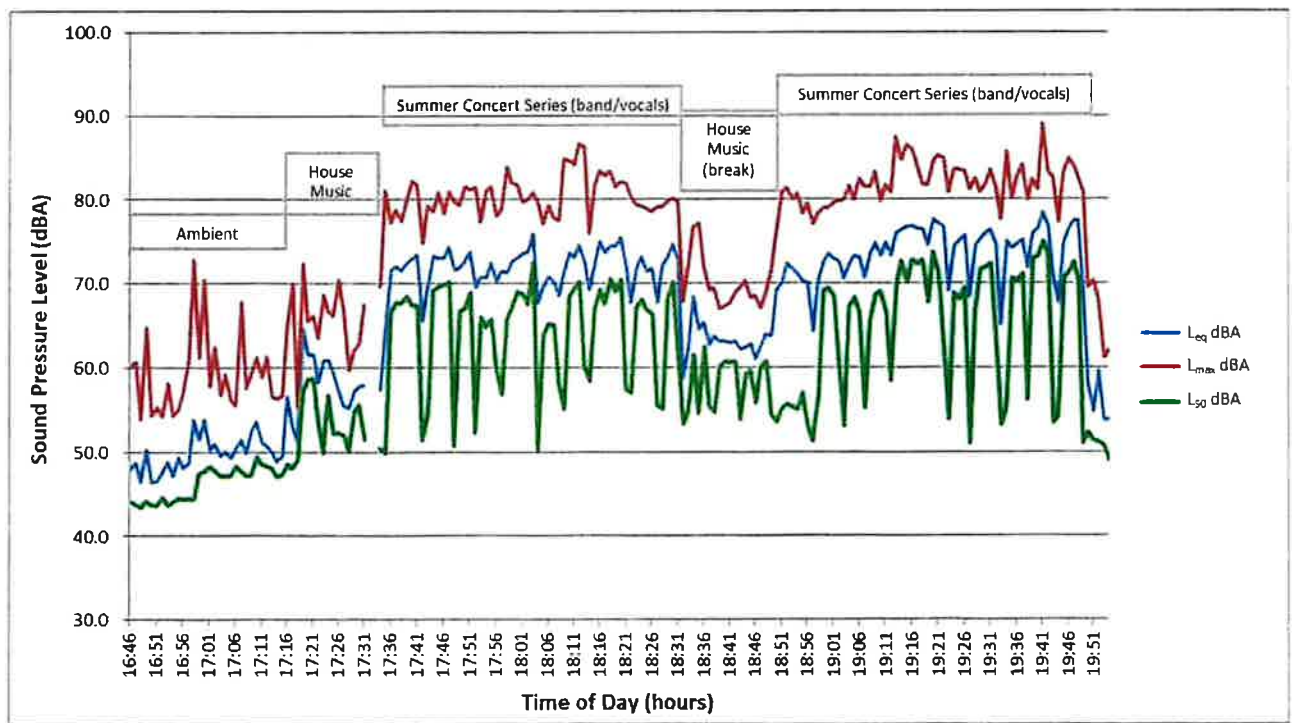


Figure 4-2: Location 2 – Sound Level vs. Time
Summer Concert Series, June 29, 2023



5.2 Scenario 1 – Pavilion without Windows or West Door

As shown on **Figure 2**, without the west windows and coiling door, sound levels are predicted to be L_{eq} 65 to 70 dBA at the neighboring D Street properties, which is below the 80 dBA Noise Ordinance criterion in a Commercial Zoning District (**Table 3-1**) and less than the measured L_{eq} 74 dBA at **Location 2** during the Summer Concert Series event on the former platform (**Table 4-1**). Similarly, sound levels across Lewis Street at **Location 1** are predicted to be less than L_{eq} 65 dBA, the Residential Zoning District criterion (**Table 3-1**), and less than the measured L_{eq} 66 dBA (**Table 4-1**). Therefore, the Pavilion acoustical metal decking and roof will reduce the sound projected to the surrounding area, without the window glass or west coiling door installed.

5.3 Scenario 2 – Pavilion with Temporary West Platform Wall & Door

As shown on **Figures 2 and 3**, installing a temporary west platform wall to truss height and installing the coiling door in the west wall in front of the platform will provide approximately 5 dBA more attenuation to the west and north of the Pavilion compared to **Scenario 1**. The Noise Ordinance criteria (**Table 3-1**) will also be met in the surrounding area.

The west platform wall needs to be constructed with solid materials, such as the acoustical metal decking with the insulated plugs installed plus a solid material (such as the roofing or two layers of plywood) over the decking on the outer wall, or with a temporary construction noise barrier. Examples of construction noise barriers recommended by BSA include:

- Temporary Acoustic Barrier Panels from eNoise Control: www.enoisecontrol.com
- Temporary Exterior Quilted Curtains from Acoustical Surfaces: www.acousticalsurfaces.com
- H10 Temporary Noise Control System from Echo Barrier: www.echobarrier.com
- Temporary Sound Walls from Environmental Noise Control: www.environmental-noise-control.com

5.4 Scenario 3 – Pavilion Fully Constructed

As shown on **Figure 4**, with the glass installed in the entire west wall and above the trusses on all sides of the Pavilion, and with all the doors closed, the completed construction will reduce the predicted sound levels to L_{eq} 50 to 55 dBA at the adjacent D Street properties (**Location 2**) in the Commercial Zoning District and L_{eq} 55 to 60 dBA at the adjacent Lewis Street properties (**Location 1**) in the Residential Zoning District. The fully constructed Pavilion sound levels are also predicted to be much lower than the former platform (**Table 4-1**), meet the City of Livingston Noise Ordinance criteria, and result in the lowest predicted sound levels of all the construction scenarios in the surrounding area (**Table 3-1**).

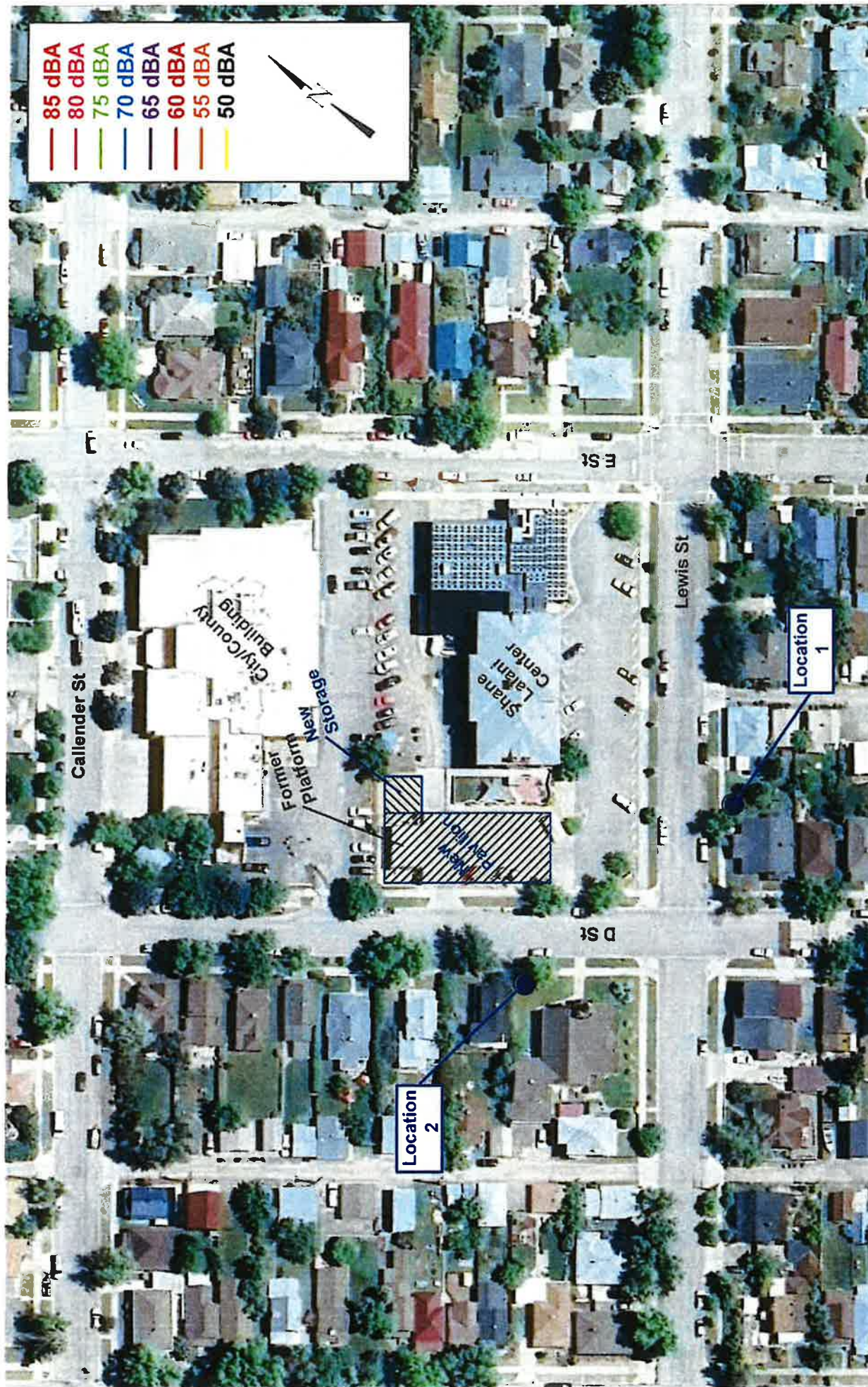


FIGURE 1

Site Layout and Sound Level Measurement Locations

Shane Center Pavilion

Scale: 1 inch = 100 ft (8.5 x 11")

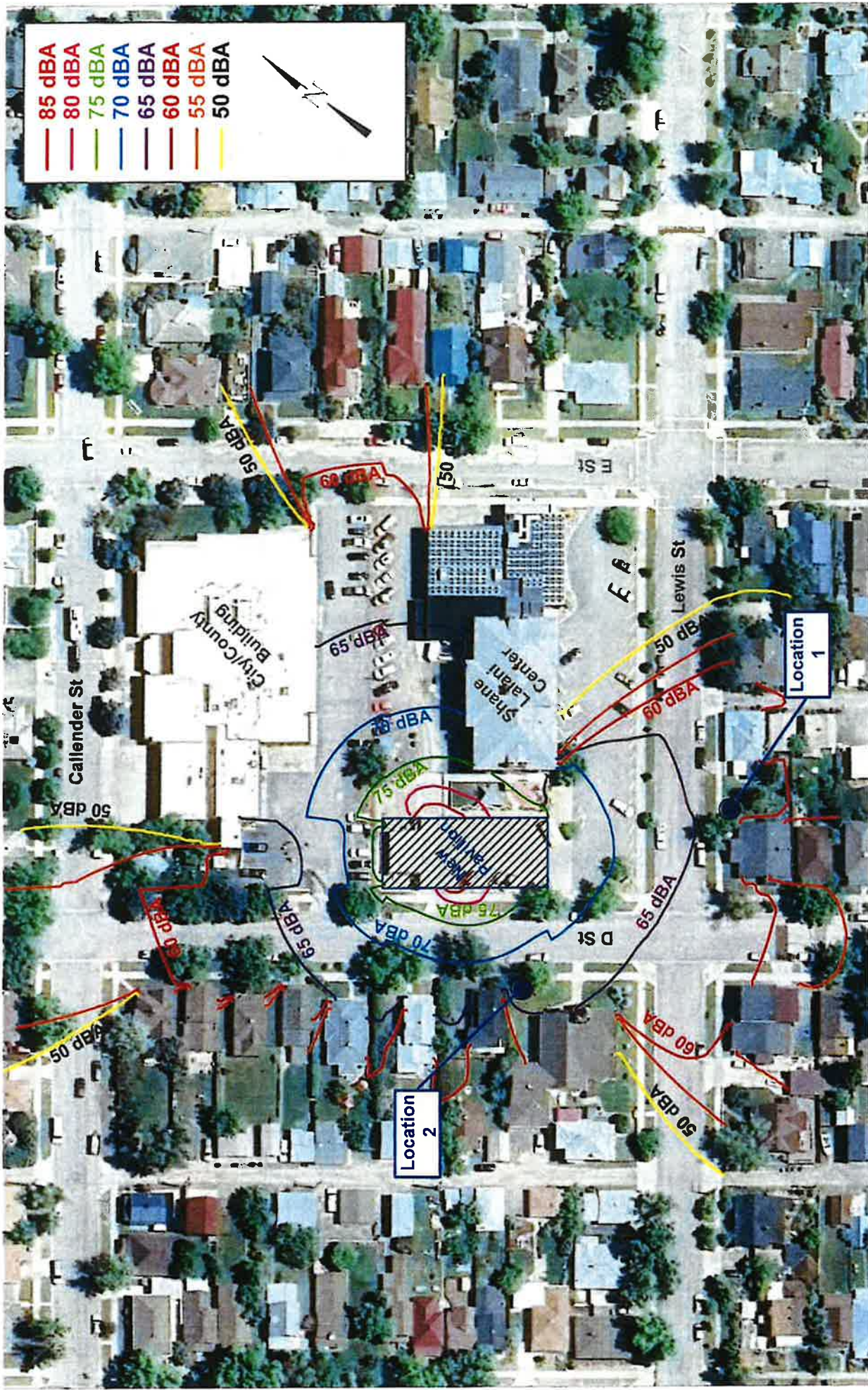


FIGURE 3

Scenario 2 - Temporary West Platform Wall and West Door

L_{eq} dBA Sound Level Contours

Shane Center Pavilion

Scale: 1 inch = 100 ft (8.5 x 11")

File Attachments for Item:

C. ORDINANCE 3052: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE IV OF CHAPTER 9 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED PARKING, STOPPING AND STANDING BY AMENDING CERTAIN SECTIONS TO CLARIFY PARKING REQUIREMENTS AND REMOVE REFERENCES TO FEE AMOUNTS WHICH ARE SET SEPARATELY BY RESOLUTION.

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



Incorporated 1889

Chair
Karrie Kahle

Vice Chair
Melissa Nootz

Commissioners
Quentin Schwarz
Torrey Lyons
James Willich

Date: 4/16/2024
To: Karrie Kahle and City Commissioners
From: Grant Gager, City Manager

Staff Report for Ordinance 3052

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE IV OF CHAPTER 9 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED PARKING, STOPPING AND STANDING BY AMENDING CERTAIN SECTIONS TO CLARIFY PARKING REQUIREMENTS AND REMOVE REFERENCES TO FEE AMOUNTS WHICH ARE SET SEPARATELY BY RESOLUTION.

Recommendation and Summary

Staff is recommending the Commission Approve Ordinance 3052 to update the municipal code provisions related to parking by adopting the following motion:

“I move to approve the second reading of Ordinance 3052 and authorize the Chair to sign.”

The reasons for the recommendation are as follows:

- The City has recently adopted a fee resolution that contains all City fees and is in the process of removing fees from the Livingston Municipal Code.
- Additional revisions have been made to remove unnecessary references, clarify requirements and support the implementation of the new parking system.

Introduction and History

Ordinance 3052 amends the City’s parking regulations to: remove fees; remove unnecessary references; and clarify certain parking requirements. This ordinance is intended to provide clearer parking guidelines to support local businesses and residential areas.

Analysis

Aside from removing fees and unnecessary references, the ordinance clarifies certain parking prohibitions including that vehicles may not park on sidewalks or bicycle facilities.

Additionally, the ordinance modifies the time-restricted two-hour zone in two ways: (1) adds the opportunity for longer 3-hour spaces and (2) establishes that the two-hour limitation applies to a full block length and not an individual parking space. The addition of 3-hour spaces is being

proposed at the request of business owners as expressed during a business owner breakfast hosted by the City in the fall.

A first reading of the ordinance was conducted on April 4, 2024, and minor changes were made to correct existing typographical errors and to clarify restrictions on parking to impede traffic.

Fiscal Impact

There is no fiscal impact to the proposed revisions.

Strategic Alignment

The parking ordinance supports the city’s strategic goals as outlined in the 2021 Growth Policy by promoting efficient use of urban spaces, enhancing the safety and mobility of all city residents, and supporting economic vitality.

Attachments

- A. Ordinance 3052 REDLINE

ORDINANCE NO. 3052

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE IV OF CHAPTER 9 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED PARKING, STOPPING AND STANDING BY AMENDING CERTAIN SECTIONS TO CLARIFY PARKING REQUIREMENTS AND REMOVE REFERENCES TO FEE AMOUNTS WHICH ARE SET SEPARATELY BY RESOLUTION.

Preamble.

This ordinance is enacted to preserve the safety, orderliness, and accessibility of streets within the City of Livingston by regulating the use of street spaces for parking, vehicle repairs, and sales. It is designed to mitigate vehicular congestion, ensure the unobstructed flow of traffic, and protect pedestrian pathways, thereby safeguarding public welfare. Through establishing explicit prohibitions and requirements for vehicle parking and maintenance activities within public thoroughfares, this ordinance aims to enhance the living conditions for all city inhabitants and visitors. By delineating these regulations, the City of Livingston commits to maintaining its streets as safe, clean, and welcoming public spaces conducive to both community life and individual well-being.

WHEREAS, the city has experienced significant challenges related to vehicular congestion and the safety of pedestrians, which are exacerbated by vehicles being used or parked on streets for extended periods, whether for repairs, sales, or otherwise, without consideration for the impact on traffic flow and public safety; and

WHEREAS, the unrestricted parking of vehicles in certain areas, such as intersections, sidewalks, bicycle lanes, and other critical zones, poses a threat to the safety of pedestrians and cyclists, disrupts the aesthetic appeal of the community, and hampers the efficient use of public spaces; and

WHEREAS, the establishment of clear and enforceable parking regulations is essential for protecting public health, safety, and welfare, ensuring the free movement of emergency and maintenance vehicles, and upholding the quality of life for all residents and visitors of the city.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Livingston, Montana, that Chapter 9, Article IV, Sections 9-221 – 9-254 of the Livingston Municipal Code be hereby amended with additions underlined and deletions struck through, as follows:

SECTION 1

Sec. 9-221. Unlawful parking generally, repairs or for sale.

- A. It is unlawful for any person to use or occupy any portion of any street within the restricted or congested area limits of the City for the purpose of setting up, assembling, experimenting with, overhauling or repairing

any engine or machinery of any sort, for any implements, any vehicles or washing or greasing any vehicle, or to stand, keep or park any motor vehicle in the possession or custody of any garage, on any street, or for displaying any vehicle for sale.

- B. It is unlawful to make repairs or conduct maintenance on motor vehicles on any public street other than emergency repair which is defined as the required repair sufficient to get a temporarily stalled vehicle to a repair shop or garage.

(Ord. 1926 § 1 (part), 6/16/03; Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08)

Sec. 9-222. Parking prohibited in certain places generally.

It shall be a civil offense for the operator of a vehicle to stop, stand or park such vehicle or trailer in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal:

- A. Within an intersection. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~
- B. On ~~or within twenty (20) feet~~ of any crosswalk, ~~sidewalk or boulevard.~~ ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~
- C. On any sidewalk.
- D. On any boulevard.
- E. In, or drive a motorized vehicle upon, a bicycle facility.
- F. ~~Upon the approach to an intersection within ten (10) feet of the inside boundary line of the sidewalk, or if no sidewalk is in place within twenty (20) feet of the intercepting roadway, except that this provision shall not apply to alleys.~~ Within Twenty (20) feet of an intersection. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~
- G. Within twenty (20) feet of the driveway entrance to any fire station. ~~The minimum civil penalty under this subsection shall be Twenty Five Dollars (\$25.00).~~
- H. Within fifteen (15) feet of a fire hydrant. ~~The minimum civil penalty under this subsection shall be Twenty Five Dollars (\$25.00).~~
- I. ~~In front of a functional private driveway. A functional private driveway means a driveway capable of actually being used by a motor vehicle to access a garage or private parking area and not merely a curb cut.~~ In front of a public or private driveway. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~
- J. Alongside or opposite any street excavation or construction when such standing or parking would obstruct traffic. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~
- K. ~~In an alley when to so stop in such alley would obstruct traffic through such alley or obstruct access to a garage, driveway or entryway.~~ In an alley so as to hinder or block traffic. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~
- L. In any City owned, leased, or operated parking lot in violation of a posted no parking sign or a no parking sign after designated hours. ~~The minimum civil penalty under this subsection shall be Twenty Five Dollars (\$25.00).~~
- M. In any parking space designated by sign that reserves the parking space for handicapped persons only. ~~A fine of not less than One Hundred Dollars (\$100.00) shall be imposed upon any person violating this Section.~~

- N. Any designated fire zone adjoining any public school or any public building. ~~The minimum civil penalty under this subsection shall be Twenty Five Dollars (\$25.00).~~
- O. No parking shall be allowed on either side of Park Street between 5th Street and 6th Street. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~
- P. No parking shall be allowed on either side of "H" Street between Butte Street and View Vista Drive. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~
- Q. It is unlawful for any unauthorized vehicle or equipment to park in any parking space that is properly marked or barricaded with a permit issued under Section 9-248. The minimum civil penalty under this subsection shall be ~~Twenty Dollars (\$20.00)~~ shall be set by the City Commission by separate resolution and the vehicle shall be subject to impoundment.
- R. No parking shall obstruct general maintenance upon the public rights-of-way within the City when notified by the City in advance of such work.
- S. In front of or within five (5) feet either direction of a mailbox.
- T. At any place where official traffic control devices prohibit or limit such stopping, standing or parking. It shall be prohibited for any vehicle to remain stopped, standing or parked past the time limit prescribed on each official traffic control device.
- U. A No parking, tow-away zone is hereby established on the south side W. Clark Street ~~adjacent to Wilcoxson's~~ to the alley. It is unlawful for vehicles or equipment to park within this designated tow-away zone and shall be subject to removal therefrom at the owner's expense. Law Enforcement is authorized to have violators towed and impounded.

Any person convicted of violating the provisions of subsection 9-222 O. shall pay for all towing charges incurred by the City and pay a ~~minimum civil penalty of Twenty Five Dollars (\$25.00)~~ civil penalty.

(Code 1958, 28-56; Ord. 1463, 6/80; Ord. 1505, 12/6/82; Ord. 1568, 4/6/87; Ord. 1729, 12/7/92; Ord. 1756, 12/6/93; Ord. 1811, 7/3/95; Ord. 1901, 7/3/2000; Ord. 1926 § 1 (part), 6/16/03; Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 2009, § 1, 1/5/09; Ord. No. 2012, § 1, 4/20/09; Ord. No. 2036, § 1, 3/6/12; Ord. No. 2049 , § 1, 3/18/14; Ord. No. 2081 , § 1, 8/6/19)

Sec. 9-224. Vehicles exceeding eighteen feet in length to park parallel.

No vehicle of greater length than eighteen (18) feet shall be parked upon the streets within the Restricted or Congested Area limits, except upon those streets where parking is parallel with the curb. The "Restricted or Congested Area" is defined by Section 9-1 of the Livingston Municipal Code. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~

(Code 1958, 9-58: Ord. 1926 § 1 (part), 6/16/03; Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 2049 , § 1, 3/18/14)

Sec. 9-225. Manner of parking.

All motor vehicles parked upon any street in this City shall be parked as follows:

- A. Whenever any motor vehicle is parked upon any street in this City, it shall be headed as though proceeding upon the right side of the street.

- B. Motor vehicles shall be parked head-in to the curb at the angle and between painted stripes or other markings upon the pavement where such head-in parking is indicated.
- C. Motor vehicles shall be parked parallel with the curb where such parallel parking is indicated by a painted strip or other markings upon the pavements, and the entire vehicle shall be within such painted strip or other marking.
- D. Whenever the owner or driver of a vehicle discovers that their vehicle is parked immediately in front of or close to a building to which the Fire Department has been summoned, they shall immediately remove such vehicle from such area.
- E. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~
(Ord. 1926 § 1 (part), 6/16/03; Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 2049 , § 1, 3/18/14)

Sec. 9-226. Proximity to curb; position.

Except when necessary in obedience to, traffic regulations or traffic signs or signals, the operator of a vehicle shall not stop, stand or park, such vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curb-side wheels of the vehicle within eighteen (18) inches of the edge of the roadway, except as permitted for loading and unloading. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~

(Code 1958, 28-66: Ord. 1926 § 1 (part), 6/16/03; Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 2049 , § 1, 3/18/14)

Sec. 9-227. Parking in alley in fire district/Fire limits, description of area included.

No person shall stop, stand or park a vehicle for any purpose other than the loading or unloading of person or materials for longer than thirty (30) minutes at ~~anyone~~ any one time in any alley within the Fire Limit District of the City. The Fire Limit District is defined below:

The following blocks and parts of blocks are declared to be within the fire limits of the city:

All of Blocks Sixty (60), Sixty-one (61), Sixty-two (62), Seventy-eight (78), Seventy-nine (79), Eighty (80), Ninety-five (95), and Ninety-six (96); and Lots one (1) to six (6) inclusive and lots twenty-three (23) to thirty-two (32) inclusive, in Block Sixty-three (63), and lots seventeen (17) to thirty-two (32) inclusive in Block Seventy-seven (77), all of the above being in the Original Townsite of the City of Livingston, County of Park, State of Montana; otherwise described as: Beginning at the intersection of the center lines of Park Street and Third Street of the Townsite of Livingston, Park County, Montana, thence North 52°30' East along the center line of Park Street to its intersection with the center line produced, of the alley between B Street and C Street, thence South 37°30' East, along the said center line of the alley between B Street and C Street and said center line produced, to its intersection with the center line of Lewis Street, thence South 52°30' West, along the said center line of Lewis Street to its intersection with the center line of B Street, thence South 37°30' East along the said center line of B Street to its intersection with the center line of Clark Street, thence South 52°30' West, along the said center line of Clark Street to its intersection with the center line of Second Street, thence north 37°30' West along the said center line of Second Street to its intersection with the center line of Lewis Street, thence South 52°30' West along the said center line of Lewis Street to its intersection with the center line of Third Street, thence North 37°30' West along the said center line of Third Street to its intersection with the center line of Park Street, the place of beginning.

~~The minimum civil penalty under this subsection shall be Twenty Five Dollars (\$25.00).~~

(Code 1958, 28-60, 28-116; Ord. 1135, 12/7/64; Ord. 1901, 7/3/2000: Ord. 1926 § 1 (part), 6/16/03: Ord. 1939 § 1 (part), 2/2/04; Ord. 1983, 2/20/07; Ord. 1999, 3/3/08; Ord. No. 2049 , § 1, 3/18/14; Ord. No. 2053 , § 1, 12/23/14)

Sec. 9-228. Double parking prohibited; exception for delivery of merchandise.

No driver or operator of a motor vehicle shall stop such motor vehicle abreast of another vehicle parked parallel to the curb or edge of the roadway, nor at the back or rear of any vehicle parked at an angle to the curb or edge of the roadway where such angle parking is permitted; provided double parking shall be permitted, not to exceed ten (10) minutes duration, for the purpose of delivery of merchandise provided the full street is not obstructed. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~

(Code 1958, 28-61; Ord. 1901, 7/3/2000: Ord. 1926 § 1 (part), 6/16/03: Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 2049 , § 1, 3/18/14)

Sec. 9-229. Parking for loading and unloading.

When it is necessary to place the rear of any motor truck against the curb on any street in this City for the purpose of actually loading or unloading of heavy freight, household goods, office equipment or other large items, such motor truck shall be parked at an angle of forty-five (45) degrees from the curb, and headed in the same direction as vehicular traffic upon any such street, and the front of any such motor truck shall project a minimum distance into the line of vehicular traffic. Further, such vehicle shall not remain backed up to the curb except while actually loading and unloading and in no case longer than the actual loading or unloading required. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~

(Code 1958, 28-62: Ord. 1926 § 1 (part), 6/16/03: Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 2049 , § 1, 3/18/14)

Sec. 9-230. Parking illegally in loading zones.

No person shall stop, stand or park a vehicle in any zone designated as a loading zone for any purpose other than loading or unloading passengers or material. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~

(Code 1958, 28-115; Ord. 1133, 12/7/64; Ord. 1901, 7/3/2000: Ord. 1926 § 1 (part), 6/16/03: Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 2049 , § 1, 3/18/14)

Sec. 9-231. Parking as to impede traffic.

It shall be unlawful for any operator to stop, stand or park any vehicle that hinders the free movement of vehicular traffic, except that this provision shall not apply to the operator of a vehicle stopped momentarily during the actual loading or unloading of passengers if such stopping does not actually impede traffic, nor shall it apply to a necessary stop in obedience ~~to traffic to traffic~~ regulations, ~~or~~ traffic signs, ~~or~~ signals of a police officer ~~or other emergency vehicles~~. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~

(Code 1958, 28-65; Ord. 1901, 7/3/2000: Ord. 1926 § 1 (part), 6/16/03: Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 2049 , § 1, 3/18/14)

Sec. 9-232. Restricted parking zones—designation and marking; regulations.

- A. The City Commission is authorized and directed at any time, when in their judgment it shall be necessary, to designate restricted parking areas within the City, and they may in such restricted parking areas prohibit the parking of vehicles, or fix a time limit for the parking of such vehicles.
- B. It shall be unlawful for any operator of a vehicle to park the same on any of the streets of the City in violation of a posted restricted parking area. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~

(Code 1958, 28-67; Ord. 1708, 5/18/92: Ord. 1926 § 1 (part), 6/16/03: Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 2049 , § 1, 3/18/14)

Sec. 9-234. Restricted parking zones—fifteen (15) minute parking zones.

The operator of any vehicle shall not park such vehicle for more than fifteen (15) minutes at any one (1) time in the following described fifteen (15) minute parking zones:

- A. On the west side of Second Street from the intersection of Second Street and Callender Street, north to the driveway on the ~~northly~~ northerly boundary of the United States Post Office during the hours of nine (9) a.m. to five (5) p.m. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~
- B. In the designated fifteen (15) minute parking zone on the easterly side of Second Street in front of ~~American Bank~~, 120 North 2nd Street, Livingston, Montana. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~
- C. In the two (2) parking spaces designated for fifteen (15) minute parking on the southerly side of Callender Street just west of its intersection with 2nd Street, ~~which parking spaces are adjacent to First Interstate Bank~~. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~
- D. ~~The City Manager is authorized to add and remove fifteen (15) minute parking zones as deemed necessary by the Manager.~~

(Code 1958, 28-63; Ord. 1901, 7/3/2000: Ord. 1926 § 1 (part), 6/16/03: Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 2049 , § 1, 3/18/14; Ord. No. 2052 , § 1, 10/7/14; Ord. No. 2057 , § 1, 6/18/15)

Sec. 9-235. Restricted parking zones—commercial vehicles in residential districts at night.

- A. For the purpose of this Section a commercial vehicle is defined as any motor vehicle or trailer weighing greater than sixteen thousand (16,000) pounds as such weights are stamped on vehicles according to the laws of the State, and requiring a Montana license plate thereof designating the vehicle as a truck or trailer by having stamped or imprinted on the plate the letter "T" or "TR" as part of the license plate numbering.
- B. For the purposes of this Section residential districts are defined as all of the streets in the City other than the following: Main Street from Park Street to Geyser Street, Second Street from Park Street to Clark Street, B street from. Park Street to Clark Street, Park Street from Third Street to the City Limits on the easterly end of Livingston, Callender Street from Third Street to B Street Lewis Street from Third Street to. B Street Lewis Street from Third Street to B Street, and Clark Street from Second Street to B Street.
- C. Between the hours of six (6) p.m. and eight (8) a.m. there shall be no parking of commercial vehicles as herein defined.

D. Emergency vehicles, which are defined as ambulances, automobile wreckers, public utility service trucks, hearses and fire trucks are excepted from this Section.

E. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~

(Code 1958, 28-68—28-70; Ord. 1901, 7/3/2000: Ord. 1926 § 1 (part), 6/16/03: Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 2049 , § 1, 3/18/14)

Sec. 9-236. Storage on streets—not licensed or inoperable motor vehicle.

It shall be a civil offense for any owner or operator of a motor vehicle, ~~not licensed or which is wrecked, dismantled, in a partially dismantled condition, inoperative, i.e. not capable of moving under its own power or in an unsafe conditions as defined by 61-9-101 et seq. of the Montana Code Annotated to park.~~ to store or leave the same upon any street of the City for more than ~~seventy-two (72) hours~~ five (5) consecutive days. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~

(Code 1958, 28-72; Ord. 1113, 9/16/63; Ord. 1901, 7/3/2000: Ord. 1926 § 1 (part), 6/16/03: Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 2049 , § 1, 3/18/14)

Sec. 9-237. Storage on streets—trailers, motor homes, etc.

It shall be a civil offense for any owner or person in possession of a trailer or trailer house or motor home to store or leave the same upon any street of the City for more than five (5) consecutive days. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~

(Code 1958; Ord. 1115, 10/7/63; Ord. 1656, 5/8/90; Ord. 1901, 7/3/2000: Ord. 1926 § 1 (part), 6/16/03: Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 2049 , § 1, 3/18/14)

Sec. 9-238. Parking in depository driveways.

A. The purpose of this Section is to provide the public with safe and secure access from City Streets to places of deposit with financial institutions and to hereby protect life and property.

B. It shall be a civil offense for any owner or operator of a motor vehicle to park or stop a motor vehicle in a driveway area designated by a financial institution and the Chief of Police as a depository driveway lane between the hours of eight (8) a.m. and five-thirty (5:30) p.m. Monday through Friday. This section shall not apply to any person parking or stopping in the driveway lane for the purpose of using depository services.

C. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~

(Ord. 1332, 8/16/76; Ord. 1334, 10/18/76; Ord. 1901, 7/3/2000: Ord. 1926 § 1 (part), 6/16/03: Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 2049 , § 1, 3/18/14)

Sec. 9-240. Parking—City Park property.

No person shall park a motor vehicle upon any street or road in or around the perimeter of Sacajawea or Miles Park, upon City Park grounds, or upon City park parking areas after eleven (11) p.m. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~

This Section shall not apply to persons who have been given authorization from the City Commission for camping overnight or overnight stays pursuant to Section 10-26.

(Ord. 1361, 9/6/77; Ord. 1366, 8/1/77; Ord. 1622, 3/20/89; Ord. 1641, 1/18/90; Ord. 1659, 5/21/90; Ord. 1901, 7/3/2001; Ord. 1926 § 1 (part), 6/16/03; Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 2049 , § 1, 3/18/14)

Sec. 9-241. Parking overnight or camping.

No person may park a motor vehicle, **camper, trailer, or motorhome** upon the City streets for purposes of camping or remaining in the vehicle overnight. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~

(Ord. 1346, 12/20/76; Ord. 1926 § 1 (part), 6/16/03; Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 2049 , § 1, 3/18/14)

Sec. 9-242. Loading/unloading zones established.

- A. A loading/unloading zone for one (1) parking spot is hereby established for the purpose of dropping off and picking up residents adjacent to Counterpoint on South. B St. No non-Counterpoint Vehicles shall park in this designated parking space. ~~The minimum civil penalty under this subsection shall be Twenty Dollars (\$20.00).~~
- B. A loading/unloading zone for one (1) parking spot is hereby established ~~for the purpose of dropping off and picking up children attending Dorothy's Daycare~~ at 905 W. Clark St. ~~adjacent to Grace United Methodist Church. The minimum civil penalty under this subsection shall be twenty dollars (\$20.00).~~
- C. A loading/unloading zone for one (1) parking spot is hereby established ~~for the purpose of commercial loading and unloading~~ at 116 East Geyser ~~Street adjacent to Core Control during business hours. The minimum civil penalty under this subsection shall be Twenty dollars (\$20.00).~~

(Ord. 1999, 3/3/08; Ord. No. 2049 , § 1, 3/18/14; Ord. No. 2070, § 1, 8/7/18; Ord. No. 2078 , § 1, 4/2/19; Ord. No. 2079 , § 1, 4/2/19; Ord. No. 3024 , § I, 11/16/21; Ord. No. 3030 , § I, 4/19/22)

**Sec. 9-243. Restricted parking zones—Reserved spaces for handicapped or disabled persons—
Reserved parking space for Angel Line—Reserved Spaces for Windrider bus—
Reserved parking spaces for electric vehicle charging.**

- A. Definitions.
 - 1. For the purpose of this Section, "special parking spaces" are defined as on street parking spaces reserved for disabled persons who were issued a permit, license plate, or placard by the State of Montana in accordance with MCA 49-4-302 Montana Code Annotated (MCA) which entitles a person to park a motor vehicle in a special parking space reserved for a person with a disability, whether on public property or on private property available for public use, when the person for whom the permit was issued is using the special parking space to enter or exit the vehicle.
 - 2. "Special reserved parking spaces" are defined as restricted on street parking spaces reserved for the personal use of a disabled person(s) who has been issued a special parking permit by the State of Montana under MCA 49-4-301(1).
 - 3. "Electric vehicle" hereby defined as a battery-powered electric vehicle operated solely by electricity of a plug-in hybrid electric vehicle that operates on electricity and gasoline and has a battery that can be recharged from an external source.

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4. "Electric vehicle charging station" means any facility or equipment that is used to charge a battery or other energy storage device of an electronic vehicle.
- B. Special Parking Spaces. Any person requesting an on-street special parking space shall make written application to the Public Works Department using a form provided by the City. The application shall state the name and address of the applicant, the location of the requested space and the reason for the request. All eligible applications will be reviewed by City staff and submitted to the City Commission for approval.
1. The following factors will be taken into consideration and used as criteria in approving signs for special parking spaces on public streets:
 - a. Existing parking problems in the area where the sign is being requested.
 - b. Overall availability of parking in the area where the sign is being requested.
 - c. The availability of reasonably accessible and practicable off street parking in close proximity to the area where the sign is being requested.
 - d. The nature and use of the adjacent buildings.
 - i. The requested space must comply with applicable regulations and legal mandates in terms of dimensional requirements and location as specified in 49-4-302 MCA as follows:

In accordance with subsection (2) of 49-4-302 MCA, the governing body of a city, town, or county or appropriate state agency may impose all, but not less than all, of the following requirements with respect to any special parking space constructed after September 30, 1985, and reserved for a person with a disability or a permit holder on ways of this state open to the public, as defined in 61-8-101 MCA:

 - (a) The space must be located on a smooth, level surface as near as practicable to building entrances or walkways that have curb cuts and appropriately designed ramps and access lanes to accommodate wheelchairs.
 - (b) If parallel to curbside, the parking space must be separated from an adjacent space, either in the front or the rear, by at least five (5) feet of striped no-parking area.
 - (c) If at an angle to curbside, the parking space must be at least eight (8) feet wide and free of obstruction if located at the end of a line of angle parking spaces, and each other angle parking space designated for a person with a disability must be at least thirteen (13) feet wide.
 - (d) A parking space reserved for a person with a disability must be designated by a sign showing the international symbol of accessibility, indicating that a permit is required, and stating the penalty for a violation. In order to meet the penalty statement requirement, signs existing on October 1, 1993, must have attached a decal stating the penalty for a violation. The sign must be attached to a wall or post in a way that it is not obscured by a vehicle parked in the space.

This Section shall not limit the City from exercising its own discretion in establishing special parking spaces on public streets at other locations as deemed appropriate and as approved by the City Commission.
 2. Once approved by the City Commission, the special parking space must be designated by a sign showing the international symbol of accessibility, indicating that a permit is required, and having a decal stating the penalty for a violation. The sign must be attached to a wall or post in a way that is not obscured. The parking space shall be in compliance with any other applicable regulations and legal mandates in terms of dimensional requirements and location.

3. A special parking space may be removed, as approved by the City Commission, if there is a change in the circumstances such that the parking space shall no longer be appropriate under the criteria referred to herein.
- C. Special Reserved Parking Space. A disabled person may request an on-street special reserved parking space restricted for their personal use in a residential area outside of the two-hour parking zone. The application shall be made in writing to the Public Works Department using a form provided by the City. The application shall state the name and address of the applicant, the location of the requested space, the reason for the request, and list the license number(s) of the vehicle(s) authorized to use the space. All eligible applications will be reviewed by City staff and submitted to the City Commission for approval. If the City Commission approves the personalized special parking space, the applicant will be notified and shall submit a non-refundable ~~fifty dollar (\$50.00)~~ fee [set by the City Commission by separate resolution](#) to pay for the installation of the sign. The sign will be installed after payment of the fee.
1. The criteria for designating an on street special reserved parking space restricted for the personal use of disabled persons outside of the two-hour parking zone shall be as follows:
 - a. The applicant must show that (1) they operate a vehicle(s), registered under MCA 61-3-332(9) or MCA 61-3-458(3)(b) or (3)(i) , that displays a specialty inscribed license plate issued by the state of Montana to disabled persons and displaying a wheelchair symbol or the letters "DV" issued to disabled veterans or; (2) they possess a permit issued under MCA 49-4-301(1) and MCA 49-4-304 . A copy of the vehicle registration or permit must accompany the application;
 - b. The requested special reserved parking space must be adjacent to the applicant's permanent residence.
 - c. No more than one (1) special reserved parking space shall be provided to any one (1) individual, or more than one (1) special reserved parking space provided per dwelling unit.
 - d. No more than two (2) vehicle may be designated as being authorized to use the space.
 - e. No reserved parking space shall be provided within the downtown two-hour parking zone, as identified in Section 9-246 of this Chapter.
 - f. No reserved parking space shall be provided if reasonably accessible and practicable off street parking exists at the requested location.
 - g. The requested space must be able to comply with the requirements of 49-4-302(4) MCA as follows:

In accordance with subsection (2) of 49-4-302 MCA, the governing body of a city, town, or county or appropriate state agency may impose all, but not less than all, of the following requirements with respect to any special parking space constructed after September 30, 1985, and reserved for a person with a disability or a permit holder on ways of this state open to the public, as defined in 61-8-101 MCA:

 - i. The space must be located on a smooth, level surface as near as practicable to building entrances or walkways that have curb cuts and appropriately designed ramps and access lanes to accommodate wheelchairs.
 - ii. If parallel to curbside, the parking space must be separated from an adjacent space, either in the front or the rear, by at least five (5) feet of striped no-parking area.
 - iii. If at an angle to curbside, the parking space must be at least eight (8) feet wide and free of obstruction if located at the end of a line of angle parking spaces, and each other angle parking space designated for a person with a disability must be at least thirteen (13) feet wide.

- iv. A parking space reserved for a person with a disability must be designated by a sign showing the international symbol of accessibility, indicating that a permit is required, and stating the penalty for a violation. In order to meet the penalty statement requirement, signs existing on October 1, 1993, must have attached a decal stating the penalty for a violation. The sign must be attached to a wall or post in a way that it is not obscured by a vehicle parked in the space.
- 2. Once approved by the City Commission, the special reserved parking space must be designated by a sign displaying the license plate number(s) of the vehicle(s) authorized to park in the special reserved parking space and stating the penalty for violation. The sign must be attached to a wall or post in a way that is not obscured.
- 3. Reapplications to maintain special reserved parking space must be made by December 31st of each year. A fee ~~of five dollars (\$5.00)~~ shall be set by the City Commission by separate resolution and is required with each reapplication. If the reapplication is not received by December 31st, the person will be notified by mail and an application form shall accompany such notice. The sign will be removed if the reapplication is not received within thirty (30) days.
- 4. If a person who has been provided a special reserved parking space moves to a new residence within the City limits, and a space is needed for the new residence, the City will relocate the sign to the new location without additional fee if the City is promptly notified of the change of address and provided that the new address is in a residential area outside of the two-hour parking zone.
- 5. A special reserved parking space shall promptly be removed if there is a change in the circumstances such that the parking space shall no longer be appropriate under the criteria referred to herein.
- D. Angel Line Reserved Parking Spot. The City Commission hereby establishes and designates a reserved parking zone for Angel Line exclusive use twenty-four (24) hours per day, three hundred sixty-five (365) days per year in front of the Senior Center of Park County, 206 South Main Street, Livingston, Montana, which reserved parking zone shall be of sufficient length to accommodate the Angel Line's Van. ~~The penalty for parking in the Angel Line's parking spot is one hundred dollars (\$100.00).~~
- E. Windrider Reserved Parking Spaces. The City Commission hereby establishes and designates two (2) bus loading/unloading zones as described below:
 - 1. On the south side of Lewis Street between Main Street and Second Street adjacent to the alley in Block 95.
 - 2. On the north side of Callender Street between Second Street and Third Street, in front of the City-County Library.

The penalty for parking ~~is in~~ either of the Windrider spaces ~~is one hundred dollars (\$100.00)~~ shall be set by the City Commission by separate resolution.
- F. Reserved Parking for electric vehicle charging. The City Commission hereby establishes and designates two (2) two-hour reserved parking spaces exclusively for the charging of electronic vehicles as described below:
 - 1. On the north side of West Clark Street between Main Street and 2nd Street, adjacent to ~~the Neptune's Tap house and Eatery located at~~ 232 South Main St, Livingston, Montana.

No person shall stop, stand or park a vehicle for any purpose other than charging an electric vehicle within this. ~~The minimum civil penalty under this subsection shall be Forty Dollars (\$40.00) per offense.~~

(Ord. No. 2012, § 1, 4/20/09; Ord. No. 2036, § 1, 3/6/12; Ord. No. 2066, § 1, 11/7/17; Ord. No. 2082, § 1, 9/17/19)

Sec. 9-244. Parking restrictions for B Street parking lot.

No parking of vehicles, trailers or equipment shall be allowed between the hours of three (3) a.m. and six (6) a.m. in the B Street Parking Lot which is described as being Lots 17 through 27 of Block 77 of the Original Townsite to the City of Livingston, Montana. ~~The minimum civil penalty under this subsection shall be twenty dollars (\$20.00).~~

(Ord. 1999, 3/3/08; Ord. No. 2049 , § 1, 3/18/14)

Sec. 9-245. Parking upon City- or County-owned or leased premises.

No person shall park their motor vehicle upon a parking area or lot owned by the City or County except in designated parking stalls which shall be denoted by white painted lines upon the parking surface. [The City of Livingston is authorized to issue permits for parking in lots as deemed necessary.](#) ~~The minimum civil penalty under this subsection shall be twenty dollars (\$20.00).~~

(Ord. 1416, 8/8/78; Ord. 1926 § 1 (part), 6/16/03; Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 2049 , § 1, 3/18/14; Ord. No. 3005 , § 2, 4/20/21)

Sec. 9-246. Two-hour parking zones.

A. Downtown Two (2) Hour Parking Zone.

1. The following streets or portions of streets are designated as two (2) hour parking zones between the hours of nine (9) a.m. and five (5) p.m., except upon Sundays and legal holidays:
 - a. B Street from Park Street to Lewis Street;
 - b. Third Street from Park Street to Callender Street;
 - c. West Lewis from Main to Third Street;
 - d. West side of south Second Street from Lewis Street to the south line of Lot 10 in Block 94 of the Original Townsite;
 - e. East side of south Second Street from Lewis Street to Clark Street;
 - f. Callender Street from Third Street to B Street;
 - g. South side of east Callender Street from B Street east for three (3) parking places;
 - h. North side of east Callender Street from B Street east two (2) parking spaces;
 - i. The south side of Park Street from Third to B Street;
 - j. East Lewis Street from Main Street to B Street;
 - k. Main Street from Park Street to Clark Street;
 - l. The West side of Main Street in front of Lots, 1 thru 10, of Block 111 (Between Clark and Geysler Streets) of the Original Town site to the City of Livingston, as well as a loading zone in front of Lots 12 and 13 for the dropping off and picking up of children;
 - m. The Eastside of Main Street in front of Lots 29 and 30 of Block 110 of the Original Townsite to the City of Livingston;
 - n. Second Street from Park Street to Lewis Street;

- o. The north side of Clark Street from the alley between Main and B Streets to the alley between Main and Second Streets;
 - p. The south side of Clark Street from the alley between Main and Second Street to Main Street;
 - q. The south side of Geyser Street from the alley in the 100 Block of East Geyser to Main Street.
 - 2. ~~The minimum civil penalty under this subsection shall be twenty dollars (\$20.00).~~ The City Manager is authorized to add and remove three (3) hour parking spaces within the two (2) hour zone as deemed necessary.
 - 3. Within the two-hour parking zone, the time limit cannot be accrued throughout the day and a vehicle is only entitled to one (1) two-hour parking session once per day per block.
- B. City-County Complex Two (2) Hour Parking Zone.
 - 1. Designation of City-County Complex Parking Zone. The following lots, streets or portions of streets are designated as two-hour parking zones between the hours of nine (9) o'clock a.m. and five (5) o'clock p.m., except upon Sundays and legal holidays, as follows:
 - a. The paved public parking lot immediately behind and adjacent to the City-County Complex;
 - b. That portion of "D" Street running north from the alley between Callender Street and Lewis Street only on that side of "D" Street which is adjacent to and abuts the lots upon which the City-County Complex is situated;
 - c. That portion of "E" Street running north from the alley between Callender Street and Lewis Street only on that side of "E" Street which is adjacent to and abuts the lots upon, which the City-County Complex is located; and
 - d. Both sides of Callender Street between "D" Street and "E" Street which has not been zoned for fifteen-minute parking.
 - 2. Parking Violations and Exceptions.
 - a. It is a civil offense for any person. between the hours of eight (8) a.m. and five (5) p.m. on Monday through Friday, to park their vehicle in the City-County Complex designated two (2) hour parking zone in excess of two (2) hours per day on each and every day the parking restriction is in effect; the two (2) hour parking limitation is the total time allotment per day per vehicle thereby having the effect of preventing vehicles being moved to gain an additional two (2) hours of parking.
 - b. Persons called for jury trial in any of the courts situated in the City-County Complex shall be exempted from the punishment set forth hereinafter upon written proof to the Clerk of the City Court that they were called for jury service at the date and time they received the citation for violating the two (2) hour parking zone.
 - c. City or County employees that respond to an emergency shall be exempted from the punishment set forth hereinafter upon written proof to the Clerk of the City Court that they were responding to an emergency at the date and time they received the citation for violating the two (2) hour parking zone.
 - d. Drivers of vehicles legally parking in a parking spot designated for official vehicles by the City-County Complex parking plan are also exempted from the regulations and punishment set forth herein.
 - 3. Punishment. The civil penalty for violating subsection (B)(2)(a) shall be ~~by fine only in the amount of Twenty Dollars (\$20.00) per violation.~~ Set by separate resolution by the City Commission.

- C. Exception to Two-Hour Downtown Parking Zones. Persons, firms or entities are exempt from the requirements of this Section upon obtaining a permit authorized in Section 9-248.

(Ord. 1543, 11/13/85; Ord. 1632, 11/89; Ord. 1733, 2/1/93; Ord. 1846, 1/6/97; Ord. 1901, 7/3/2000: Ord. 1910 § 1, 4/6/02: Ord. 1926 § 1 (part), 6/16/03: Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 2009, § 1, 1/5/09; Ord. No. 2030, § 1, 5/2/11; Ord. No. 2042, § 1, 11/6/12; Ord. No. 2049, § 1, 3/18/14; Ord. No. 2055, § 1, 4/23/15; Ord. No. 2098, § 1, 1/19/21; Ord. No. 3005, § 2, 4/20/21)

Sec. 9-247. Enforcement Officer.

Personnel, in addition to regularly appointed peace officers, upon being duly appointed by the City Manager, may issue a parking ticket for violations that may be placed upon any vehicle in violation of Article IV, Parking, Stopping and Standing.

(Ord. 1926 § 1 (part), 6/16/03: Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 2049, § 1, 3/18/14)

Sec. 9-248. Extended parking permit.

- A. A person, firm or entity, engaged in construction or remodeling of a premises located in a restricted two-hour parking zone may obtain a permit for extended parking or reserving a parking space adjacent to the property under construction.
 - 1. Permits for extended parking will be issued on a per day basis and may be utilized by vehicles or equipment involved with the construction project. The person, firm or entity obtaining the permit will be responsible for placing a City provided placard or sticker on the vehicle or equipment which shall be conspicuously displayed.
 - 2. Permits for reserving a parking space will be issued on a per day basis and apply to a designated parking space or spaces adjacent to the property under remodel or construction. The City will provide signs and/or barricades for each reserved space.
- B. Permits shall be obtained from the ~~Building Department~~ City. Fees for the extended parking permits and reserved parking spaces will be set by resolution of the City Commission.

(Ord. No. 2009, § 1, 1/5/09)

Sec. 9-249. Vicarious liability.

- A. All violations of the parking ordinances are deemed an absolute liability upon the registered owner of the motor vehicle.
- B. It shall be no defense to any parking violation that the motor vehicle was illegally parked by another unless it is shown the vehicle was being used without the consent of the registered owner. (See City of Missoula v. Shea, 661 P.2d 410 (Mont. 1983).

(Ord. 1926 § 1 (part), 6/16/03: Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08)

Sec. 9-250. Vehicle immobilization authorized.

The City of Livingston Police Department or City of Livingston Code Enforcement Official is authorized to use a vehicle immobilizer, hereinafter referred to as the "boot," to immobilize any vehicle that is parked upon a City street, alley or parking lot open to the public which has received five (5) or more parking tickets which are due and

have not been paid, ~~or and at least one (1) of the~~ a total of \$100.00 in unpaid parking tickets ~~that has been unpaid for thirty (30) days or more.~~

Prior to immobilizing a vehicle, the City shall mail to the registered owner of the vehicle at the address provided by the State of Montana Department of Motor Vehicles a notice which will state the following:

- A. That there are five (5) or more unpaid parking tickets which are due and outstanding ~~and that at least one (1) of which has been unpaid for thirty (30) days or more~~ or a total of \$100.00 in unpaid parking tickets;
- B. That the vehicle will be immobilized if all of the unpaid parking tickets which are due are not paid within ten (10) days of the notice's date;
- C. That if the vehicle is immobilized, the City will charge an immobilization fee ~~of Fifty Dollars (\$50.00)~~ that shall be set by the City Commission by separate resolution.; and
- D. That if release of the vehicle is not obtained within forty-eight (48) hours of immobilization, the vehicle will be towed and impounded which will result in towing charges and impound fees being imposed in addition to the parking fines and immobilization fees.

Service of notice shall be deemed effective on the date of mailing to the address of the vehicle's registered owner as maintained by the Montana Department of Motor Vehicles.

(Ord. 1926 § 1 (part), 6/16/03; Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08)

Sec. 9-251. Procedure for vehicle immobilization and release.

- A. After the ten (10) day period provided in the notice has ~~past~~ passed without payment, the Finance Officer will thereafter notify the ~~Police Chief~~ City of Livingston Code Enforcement Official to immobilize the vehicle. The City of Livingston Code Enforcement Official when immobilizing the vehicle shall affix a conspicuous notice to the vehicle notifying the driver of the following:
 - 1. That the vehicle has been immobilized pursuant to Section 9-250 of the Livingston Municipal Code;
 - 2. That the vehicle will be released from immobilization by paying all outstanding parking tickets and immobilization fee during business hours at the Livingston City Offices located at ~~414 East Callender~~ 220 E. Park Street;
 - 3. That if the release of the vehicle is not obtained within forty-eight (48) hours, the vehicle will be towed and impounded as provided in Section 9-252 of the Livingston Municipal Code and that a towing fee and impound fee will be charged;
 - 4. That any attempt to remove or attempt to remove the boot before obtaining the release as herein provided is unlawful and punishable as a misdemeanor and that if any damage is done to the boot, additional charges will be assessed to repair or replace the boot; and
 - 5. That a hearing on the immobilization, towing or impound may be requested by filing a written request with the City Court to determine if the City did not follow the procedures set forth in this Section, Sections 9-250 or 9-252 of the Livingston Municipal Code.
- B. An immobilized vehicle shall not be released by the City until all outstanding and due parking fines and the immobilization fee are paid, or by posting a bond.
- C. A towed and impounded vehicle will not be released by the City until all outstanding and due parking fines, immobilization fee, towing charges and impound fees are paid, or by posting a bond.

(Ord. 1926 § 1 (part), 6/16/03; Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08)

Sec. 9-252. Towing and impound.

- A. Any vehicle which has not been released from immobilization after forty-eight (48) hours as provided by Section 9-251 will be towed and impounded by the City.
- B. In the event the vehicle is towed and impounded, the City will notify the registered owner of the vehicle by mail of the fact that the vehicle has been towed and impounded and the procedure to obtain the vehicle's release.

(Ord. 1926 § 1 (part), 6/16/03; Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08)

Sec. 9-253. Appeal of immobilization, towing and impound.

Following immobilization, towing and impound of a vehicle, the registered owner may request a hearing before the City Court by filing a request setting forth the name of the person making the request, the facts and circumstances upon which the request is based and the relief requested. A copy of the request will be mailed or delivered to the City Attorney. The City Judge shall attempt to timely schedule a hearing to determine whether the immobilization, towing or impound was in violation of Sections 9-250, 9-251 or 9-252 of the Livingston Municipal Code. If the City Judge finds that the immobilization, towing or impounding was in violation of Sections 9-250, 9-251 or 9-252 of the Livingston Municipal Code, the vehicle will be immediately released and the registered owner or any other person having an interest in the vehicle shall not be held liable for any fees or costs incurred and in that event any fees or costs paid shall be refunded to the person paying the fees or costs; however, any such release shall not excuse payment of unpaid fines for any outstanding parking tickets.

(Ord. 1926 § 1 (part), 6/16/03; Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08)

Sec. 9-254. Criminal offense and penalty.

A person commits the offense of unauthorized release of an immobilized vehicle if they purposely or knowingly removes or attempts to remove the immobilizing device (boot) from a vehicle before obtaining the vehicle's release from the Livingston Police Department. A person convicted of unauthorized release of an immobilized vehicle may be punished by a fine not to exceed Five Hundred Dollars (\$500.00) and/or imprisonment in the County Jail for a term not to exceed six (6) months. In addition, if damage is done to the boot, the Court may impose restitution for the repair or replacement of the boot.

(Ord. 1926 § 1 (part), 6/16/03; Ord. 1939 § 1 (part), 2/2/04; Ord. 1999, 3/3/08; Ord. No. 3005 , § 2, 4/20/21)

Secs. 9-255—9-314. Reserved.

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 2nd day of April, 2024.

Karrie Kahle, CHAIR

ATTEST:

Emily Hutchinson
City Clerk

PASSED, ADOPTED AND APPROVED, by the City Commission of the City of Livingston, Montana, on a second reading at a regular session thereof held on the 16th day of April, 2024.

ATTEST:

APPROVED TO AS FORM:

Karrie Kahle, CHAIR

EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney