



Livingston City Commission Agenda

November 16, 2021

5:30 PM

Via Zoom

<https://us02web.zoom.us/j/81936405497?pwd=Y3k1b1ZSLzBwbGZjZ3JYcUpOZWNIUT09>

Meeting ID: 819 3640 5497 Passcode: 140643 Call In: 1 (669) 900-6833 US (San Jose)

- 1. Call to Order
- 2. Roll Call
- 3. Public Comment

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

4. Consent Items

- A. APPROVE MINUTES FROM NOVEMBER 2, 2021, REGULAR MEETING. Pg. 5**
- B. RATIFY CLAIMS PAID 10/23/2021-11/05/2021. Pg. 8**
- C. ACCEPT PLEDGED SECURITIES REPORT AS OF SEPTEMBER 30, 2021. Pg. 19**
- D. APPROVE APPLICATION FOR SPECIAL PARKING SPACE FOR DISABLED RESIDENT. Pg. 22**
- E. ACCEPT CITY TREE BOARD'S RECOMMENDATION TO APPOINT SARAH BOYLE TO FILL VACANCY, TO SERVE A THREE (3) YEAR TERM ENDING DECEMBER 31, 2024. Pg. 31**
- F. APPROVE APPLICATION FROM MICHAEL DECHELLIS, FOR RE-APPOINTMENT TO CITY CONSERVATION BOARD, TO SERVE AN ADDITIONAL TWO (2) YEAR TERM ENDING ON 12/31/2023. Pg. 33**

5. Proclamations

6. Scheduled Public Comment

7. Public Hearings

- A. ORDINANCE NO. 3021: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE IV, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO BUILDING DESIGN STANDARDS. Pg. 40**
- B. ORDINANCE NO. 3022: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING THE PARCELS INCLUDING THE PROPERTY BETWEEN NORTH O STREET AND THE YELLOWSTONE RIVER TO INCLUDE THE KPRK RADIO STATION AS MEDIUM DENSITY**

RESIDENTIAL (R-II) AND NEIGHBORHOOD COMMERCIAL AND TO INCLUDE THE AREAS ZONED NEIGHBORHOOD COMMERCIAL IN THE DESIGN REVIEW OVERLAY ZONE. Pg. 56

C. ORDINANCE NO. 3024: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO AMEND CITY ORDINANCE NO. 2041, 2049, 2055, AND 2098 AS CODIFIED BY CHAPTER 9, SECTION 242 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED TRAFFIC AND VEHICLES, BY ESTABLISHING A LOADING/UNLOADING ZONE FOR DOROTHY'S DAYCARE AT 905 W. CLARK ST. AND ESTABLISHING A PENALTY FOR VIOLATIONS THEREOF. Pg. 62

8. Ordinances

A. ORDINANCE NO. 3025: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II, IV, AND V, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO MANUFACTURING AND USE TABLE AMENDMENTS. Pg. 67

B. ORDINANCE NO. 3026: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 7 – POLICE DEPARTMENT, ARTICLE IV - DISPATCH SERVICES, AS ENACTED BY ORDINANCE NO. 1808 REGULATING THE FEES FOR FALSE ALARMS. Pg. 113

9. Resolutions

A. RESOLUTION NO. 5007: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN AN GENERAL SERVICES AGREEMENT WITH MORTON BUILDINGS INC. FOR CONSTRUCTION OF A STRUCTURE AT PUBLIC WORKS LOCATED AT 330 EAST BENNETT ST. Pg. 119

B. RESOLUTION NO. 5008: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, SETTING THE FEES FOR FALSE ALARMS FOR POLICE AND FIRE PROTECTION. Pg. 135

10. Action Items

A. DISCUSS: BOARD COMMUNICATIONS Pg. 138

11. City Manager Comment

12. City Commission Comments

13. Adjournment

Calendar of Events

Supplemental Material

Notice

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

File Attachments for Item:

A. APPROVE MINUTES FROM NOVEMBER 2, 2021, REGULAR MEETING.



Livingston City Commission Minutes

November 02, 2021

5:30 PM

Via Zoom

<https://us02web.zoom.us/j/82616127458?pwd=cHphdUphT2UrTHhZVUIKOXV4ZlFOQT09>

Meeting ID: 826 1612 7458 PASSCODE: 810770 Call In: (669) 900-6833

1. Call to Order

2. Roll Call: In attendance: Chair Hoglund; Vice-Chair Schwarz; Commissioner Friedman; Commissioner Mabie; Commissioner Nootz. Staff in attendance: City Attorney Courtney Lawellin; Deputy Planning Director Mathieu Menard; Administrative Services Director Lisa Lowy; City Manager Michael Kardoes and City Clerk Faith Kinnick excused.

3. Public Comment

- Patricia Grabow made public comment

4. Consent Items (00:06:36)

A. APPROVE MINUTES FROM OCTOBER 19, 2021, REGULAR CITY COMMISSION MEETING.

B. RATIFY CLAIMS PAID 10/09/2021-10/22/2021.

C. APPROVE APPLICATION FOR RESERVED PARKING SPACE FOR DISABLED RESIDENT JUDITH KENDALL.

- Mabie motioned to approve, second by Nootz
All in favor, passes 5-0.

5. Proclamations

6. Scheduled Public Comment

7. Public Hearings

8. Ordinances

9. Resolutions

10. Action Items (00:09:27)

A. DISCUSS: BOARD COMMUNICATIONS

- Lawellin gave opening statements
- Hoglund made comments
- Mabie made comments
- Schwarz made comments
- Nootz made comments
- Lawellin made additional comments
- Lowy made comments

- Decided to move discussion to next meeting to allow City Manager to participate.

B. SCHEDULE STRATEGIC PLAN & GROWTH POLICY PRIORITY FUNDING MEETING. (00:22:20)

- Lawellin gave opening statements
- Nootz asked question
- Decision made to schedule meeting 11/15/2021 and 11/30/2021 for 1-1/2 hours each meeting.

C. DISCUSS/APPROVE/DENY: PURSUE A CITY-COUNTY PLANNING BOARD, OR EXPANDED CITY PLANNING BOARD. (00:31:09)

- Lawellin gave opening statements
- Menard made additional comments
- Johnathan Hettinger made public comment
- Patricia Grabow made comments
- Rita Rozier made public comment
- Nootz made motion to table item until after the Strategic Plan & Growth Policy meetings are completed, seconded by Friedman. All in favor, passes 5-0

11. City Manager Comment (00:53:33)

12. City Commission Comments (00:55:10)

13. Adjournment 6:30 p.m.

Calendar of Events

Supplemental Material

A. CITY OF LIVINGSTON, RECEIVES GFOA'S CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING.

Notice

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File Attachments for Item:

B. RATIFY CLAIMS PAID 10/23/2021-11/05/2021.

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
A-1 MUFFLER, INC.							
2	A-1 MUFFLER, INC.	654	GMC	10/18/2021	3,534.00	3,534.00	10/26/2021
Total A-1 MUFFLER, INC.:					3,534.00	3,534.00	
ALL SERVICE TIRE & ALIGNMENT							
22	ALL SERVICE TIRE & ALIGNME	62782	Tire Repair	10/13/2021	17.00	17.00	10/26/2021
22	ALL SERVICE TIRE & ALIGNME	62788	Oil Change	10/13/2021	70.00	70.00	11/02/2021
Total ALL SERVICE TIRE & ALIGNMENT:					87.00	87.00	
ALPINE ELECTRONICS RADIO SHACK							
402	ALPINE ELECTRONICS RADIO	10275821	Ink	10/22/2021	115.97	115.97	11/02/2021
402	ALPINE ELECTRONICS RADIO	10275914	Mouse	10/27/2021	29.99	29.99	11/02/2021
Total ALPINE ELECTRONICS RADIO SHACK:					145.96	145.96	
BILLINGS GAZETTE							
87	BILLINGS GAZETTE	2021.9.7	annual subscription	09/07/2021	810.00	810.00	10/26/2021
Total BILLINGS GAZETTE:					810.00	810.00	
BLACKSTONE PUBLISHING							
2219	BLACKSTONE PUBLISHING	1243883	5 AUDIOBOOKS	08/30/2021	200.00	200.00	10/26/2021
2219	BLACKSTONE PUBLISHING	1247203	2 AUDIOBOOKS	08/30/2021	80.00	80.00	10/26/2021
Total BLACKSTONE PUBLISHING:					280.00	280.00	
BLAKE NURSERY							
3221	BLAKE NURSERY	10356	TREES	07/12/2021	4,384.25	4,384.25	10/26/2021
Total BLAKE NURSERY:					4,384.25	4,384.25	
BOUND TREE MEDICAL, LLC							
2662	BOUND TREE MEDICAL, LLC	84257983	Patient Supplies	10/20/2021	605.33	605.33	11/02/2021
Total BOUND TREE MEDICAL, LLC:					605.33	605.33	
BUDGET AUTO GLASS							
89	BUDGET AUTO GLASS	21-1982	Tropical Snow - Flag Football	09/01/2021	258.00	258.00	10/25/2021
Total BUDGET AUTO GLASS:					258.00	258.00	
CANON FINANCIAL SERVICES, INC							
1747	CANON FINANCIAL SERVICES, I	27519958	Copier lease	10/12/2021	29.31	29.31	11/02/2021
1747	CANON FINANCIAL SERVICES, I	27519970	Copier lease	10/12/2021	29.75	29.75	11/02/2021
Total CANON FINANCIAL SERVICES, INC:					59.06	59.06	
CARQUEST AUTO PARTS							
23	CARQUEST AUTO PARTS	1912-520533	FUEL INJ	09/08/2021	12.87	12.87	10/26/2021
23	CARQUEST AUTO PARTS	1912-520717	SPARK PLUG	09/10/2021	64.72	64.72	10/26/2021
23	CARQUEST AUTO PARTS	1912-520758	GREASE GUN COUPLER	09/10/2021	6.67	6.67	10/26/2021
23	CARQUEST AUTO PARTS	1912-520917	BATTERY	09/11/2021	89.10	89.10	10/26/2021
23	CARQUEST AUTO PARTS	1912521113	CREDIT	09/14/2021	89.10-	89.10-	10/26/2021
23	CARQUEST AUTO PARTS	1912-521217	CLEANING SUPPLIES	09/15/2021	38.62	38.62	10/26/2021
23	CARQUEST AUTO PARTS	1912-522111	LITHIUM GREASE	09/23/2021	25.72	25.72	10/26/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
23	CARQUEST AUTO PARTS	1912-522773	HEADLIGHT	09/30/2021	32.89	32.89	10/26/2021
Total CARQUEST AUTO PARTS:					181.49	181.49	
CENGAGE LEARNING INC							
10001	CENGAGE LEARNING INC	75825963	1 books	09/21/2021	27.87	27.87	10/26/2021
10001	CENGAGE LEARNING INC	75841507	2 books	09/22/2021	59.85	59.85	10/26/2021
10001	CENGAGE LEARNING INC	75972957	1 book	10/06/2021	28.69	28.69	10/26/2021
Total CENGAGE LEARNING INC:					116.41	116.41	
CENTRON SERVICES							
682	CENTRON SERVICES	2021.9.27	Utility Collections	09/27/2021	48.99	48.99	11/02/2021
682	CENTRON SERVICES	2021.9.27.1	Collections PARKING	09/27/2021	68.36	68.36	11/02/2021
Total CENTRON SERVICES:					117.35	117.35	
CHARTER COMMUNICATIONS							
3440	CHARTER COMMUNICATIONS	019544509182	Phones	09/18/2021	49.99	49.99	10/26/2021
Total CHARTER COMMUNICATIONS:					49.99	49.99	
COFFMAN'S PEAK ELECTRIC, LLC							
3491	COFFMAN'S PEAK ELECTRIC, L	2134	AUTOMATED GATE ELECTRICA	10/07/2021	986.92	986.92	10/26/2021
3491	COFFMAN'S PEAK ELECTRIC, L	2134	AUTOMATED GATE ELECTRICA	10/07/2021	986.93	986.93	10/26/2021
3491	COFFMAN'S PEAK ELECTRIC, L	2134	AUTOMATED GATE ELECTRICA	10/07/2021	986.92	986.92	10/26/2021
3491	COFFMAN'S PEAK ELECTRIC, L	2134	AUTOMATED GATE ELECTRICA	10/07/2021	986.93	986.93	10/26/2021
Total COFFMAN'S PEAK ELECTRIC, LLC:					3,947.70	3,947.70	
COMDATA							
2671	COMDATA	20356803	IB986 BZR70	10/01/2021	216.29	216.29	10/26/2021
Total COMDATA:					216.29	216.29	
CORE & MAIN LP							
3733	CORE & MAIN LP	P666222	COLD ASPHALT	10/11/2021	637.84	637.84	10/26/2021
3733	CORE & MAIN LP	P666222	COLD ASPHALT	10/11/2021	637.84	637.84	10/26/2021
Total CORE & MAIN LP:					1,275.68	1,275.68	
DANA SAFETY SUPPLY, INC.							
3234	DANA SAFETY SUPPLY, INC.	750705	REMOVE EQUIPMENT	09/30/2021	855.00	855.00	11/02/2021
Total DANA SAFETY SUPPLY, INC.:					855.00	855.00	
EAGLE FENCE, LLC							
542	EAGLE FENCE, LLC	1640	AUTOMATED GATE	10/15/2021	7,186.25	7,186.25	10/26/2021
542	EAGLE FENCE, LLC	1640	AUTOMATED GATE	10/15/2021	7,186.25	7,186.25	10/26/2021
542	EAGLE FENCE, LLC	1640	AUTOMATED GATE	10/15/2021	7,186.25	7,186.25	10/26/2021
542	EAGLE FENCE, LLC	1640	AUTOMATED GATE	10/15/2021	7,186.25	7,186.25	10/26/2021
Total EAGLE FENCE, LLC:					28,745.00	28,745.00	
ENERGY LABORATORIES, INC.							
424	ENERGY LABORATORIES, INC.	427670	Effluent	10/08/2021	104.00	104.00	10/26/2021
424	ENERGY LABORATORIES, INC.	430878	Analysis parameter	10/22/2021	196.00	196.00	10/26/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total ENERGY LABORATORIES, INC.:					300.00	300.00	
FARSTAD OIL							
3353	FARSTAD OIL	98240	Diesel 563G	10/15/2021	1,753.75	1,753.75	10/26/2021
Total FARSTAD OIL:					1,753.75	1,753.75	
FERGUSON WATERWORKS #1701							
2386	FERGUSON WATERWORKS #17	078507	Meters	10/19/2021	4,934.49	4,934.49	10/26/2021
2386	FERGUSON WATERWORKS #17	0795055-1	Meters	10/18/2021	1,694.17	1,694.17	10/26/2021
Total FERGUSON WATERWORKS #1701:					6,628.66	6,628.66	
FISHER SAND AND GRAVEL							
2904	FISHER SAND AND GRAVEL	53968	BLOCKS	10/02/2021	755.00	755.00	10/26/2021
Total FISHER SAND AND GRAVEL:					755.00	755.00	
FLOYD'S TRUCK CENTER							
10000	FLOYD'S TRUCK CENTER	X401159861	TANK SURGE	10/15/2021	197.85	197.85	10/26/2021
Total FLOYD'S TRUCK CENTER:					197.85	197.85	
GATEWAY OFFICE SUPPLY							
54	GATEWAY OFFICE SUPPLY	52362	FAX	09/20/2021	1.00	1.00	10/26/2021
Total GATEWAY OFFICE SUPPLY:					1.00	1.00	
GENERAL DISTRIBUTING COMPANY							
1845	GENERAL DISTRIBUTING COM	0001036704	Patient Supplies	09/09/2021	314.56	314.56	11/02/2021
Total GENERAL DISTRIBUTING COMPANY:					314.56	314.56	
HANSER'S AUTOMOTIVE & WRECKER							
1687	HANSER'S AUTOMOTIVE & WR	LIV3180	Tow	09/24/2021	85.00	85.00	11/02/2021
Total HANSER'S AUTOMOTIVE & WRECKER:					85.00	85.00	
HAWKINS, INC							
470	HAWKINS, INC	6038690	Chlorine cylinder	10/06/2021	1,532.54	1,532.54	10/26/2021
Total HAWKINS, INC:					1,532.54	1,532.54	
HILLYARD OF MONTANA							
63	HILLYARD OF MONTANA	604468438	Cleaning supplies	09/20/2021	120.21	120.21	10/26/2021
63	HILLYARD OF MONTANA	604468439	Cleaning supplies	09/20/2021	36.45	36.45	10/26/2021
Total HILLYARD OF MONTANA:					156.66	156.66	
HORIZON AUTO PARTS							
1920	HORIZON AUTO PARTS	921488	GAS CAP	10/12/2021	7.88	7.88	10/26/2021
Total HORIZON AUTO PARTS:					7.88	7.88	
INDEPENDENT RECORD							
10003	INDEPENDENT RECORD	2021.5.1	SUBSCRIPTION	05/01/2021	56.44	56.44	10/26/2021

Report dates: 10/23/2021-11/5/2021

Nov 08, 2021 11:04AM

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total INDEPENDENT RECORD:					56.44	56.44	
INDUSTRIAL TOWEL							
102	INDUSTRIAL TOWEL	79233	Towels	10/07/2021	17.13	17.13	10/26/2021
102	INDUSTRIAL TOWEL	80074	RUGS	10/19/2021	45.50	45.50	10/26/2021
102	INDUSTRIAL TOWEL	80473	RUGS	10/21/2021	94.41	94.41	10/26/2021
Total INDUSTRIAL TOWEL:					157.04	157.04	
INGRAM LIBRARY SERVICE							
1539	INGRAM LIBRARY SERVICE	54661680	2 Books	09/03/2021	53.31	53.31	10/26/2021
1539	INGRAM LIBRARY SERVICE	54795630	14 Book	09/13/2021	227.47	227.47	10/26/2021
1539	INGRAM LIBRARY SERVICE	54795631	30 books	09/13/2021	436.32	436.32	10/26/2021
1539	INGRAM LIBRARY SERVICE	54795632	1 Book	09/13/2021	36.19	36.19	10/26/2021
1539	INGRAM LIBRARY SERVICE	54809427	2 Books	09/14/2021	50.26	50.26	10/26/2021
1539	INGRAM LIBRARY SERVICE	54809428	1 Book	09/14/2021	29.47	29.47	10/26/2021
1539	INGRAM LIBRARY SERVICE	54825807	1 Book	09/14/2021	26.43	26.43	10/26/2021
1539	INGRAM LIBRARY SERVICE	54846811	1 Book	09/15/2021	29.58	29.58	10/26/2021
1539	INGRAM LIBRARY SERVICE	54860033	1 Book	09/16/2021	48.69	48.69	10/26/2021
1539	INGRAM LIBRARY SERVICE	5487932	1 Book	09/16/2021	21.64	21.64	10/26/2021
1539	INGRAM LIBRARY SERVICE	54891556	30 books	09/17/2021	37.21	37.21	10/26/2021
1539	INGRAM LIBRARY SERVICE	54891557	1 Book	09/17/2021	16.24	16.24	10/26/2021
1539	INGRAM LIBRARY SERVICE	54891558	2 Books	09/17/2021	30.41	30.41	10/26/2021
1539	INGRAM LIBRARY SERVICE	54921083	2 Books	09/20/2021	35.32	35.32	10/26/2021
1539	INGRAM LIBRARY SERVICE	54921084	8 books	09/20/2021	136.46	136.46	10/26/2021
1539	INGRAM LIBRARY SERVICE	54950048	1 Book	09/21/2021	22.39	22.39	10/26/2021
1539	INGRAM LIBRARY SERVICE	54950049	2 Books	09/21/2021	34.64	34.64	10/26/2021
1539	INGRAM LIBRARY SERVICE	54971131	5 Books	09/22/2021	94.48	94.48	10/26/2021
1539	INGRAM LIBRARY SERVICE	54995153	1 Book	09/23/2021	28.98	28.98	10/26/2021
1539	INGRAM LIBRARY SERVICE	55017814	3 books	09/24/2021	58.26	58.26	10/26/2021
1539	INGRAM LIBRARY SERVICE	55044546	11 books	09/27/2021	162.43	162.43	10/26/2021
1539	INGRAM LIBRARY SERVICE	55074208	3 BOOKS	09/28/2021	58.27	58.27	10/26/2021
1539	INGRAM LIBRARY SERVICE	55094506	4 books	09/29/2021	65.23	65.23	10/26/2021
1539	INGRAM LIBRARY SERVICE	55094507	1 Book	09/29/2021	13.08	13.08	10/26/2021
1539	INGRAM LIBRARY SERVICE	55094508	1 Book	09/29/2021	16.41	16.41	10/26/2021
1539	INGRAM LIBRARY SERVICE	55115178	3 BOOKS	09/30/2021	58.85	58.85	10/26/2021
1539	INGRAM LIBRARY SERVICE	55134690	2 Books	10/01/2021	44.21	44.21	10/26/2021
1539	INGRAM LIBRARY SERVICE	55134691	1 Book	10/01/2021	7.98	7.98	10/26/2021
1539	INGRAM LIBRARY SERVICE	55160462	8 Books	10/04/2021	146.51	146.51	10/26/2021
1539	INGRAM LIBRARY SERVICE	55187109	1 Book	10/05/2021	29.02	29.02	10/26/2021
1539	INGRAM LIBRARY SERVICE	55208128	1 Book	10/06/2021	35.62	35.62	10/26/2021
1539	INGRAM LIBRARY SERVICE	5523002	1 Book	10/07/2021	35.02	35.02	10/26/2021
1539	INGRAM LIBRARY SERVICE	55248604	2 Books	10/08/2021	52.72	52.72	10/26/2021
1539	INGRAM LIBRARY SERVICE	55274244	6 books	10/11/2021	115.27	115.27	10/26/2021
1539	INGRAM LIBRARY SERVICE	55274245	28 books	10/11/2021	394.27	394.27	10/26/2021
1539	INGRAM LIBRARY SERVICE	55288512	3 BOOKS	10/12/2021	72.08	72.08	10/26/2021
1539	INGRAM LIBRARY SERVICE	55302172	2 Books	10/12/2021	36.12	36.12	10/26/2021
1539	INGRAM LIBRARY SERVICE	55302173	1 Book	10/12/2021	15.39	15.39	10/26/2021
1539	INGRAM LIBRARY SERVICE	55302174	2 Books	10/12/2021	36.30	36.30	10/26/2021
1539	INGRAM LIBRARY SERVICE	55342942	1 Book	10/14/2021	35.02	35.02	10/26/2021
Total INGRAM LIBRARY SERVICE:					2,883.55	2,883.55	
KEN'S EQUIPMENT REPAIR, INC							
1390	KEN'S EQUIPMENT REPAIR, IN	57880	621	10/20/2021	82.45	82.45	10/26/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total KEN'S EQUIPMENT REPAIR, INC:					82.45	82.45	
KENYON NOBLE							
776	KENYON NOBLE	8578063	WAFERBOARD	08/31/2021	71.96	71.96	10/26/2021
776	KENYON NOBLE	8584566	BENCHES	09/03/2021	459.12	459.12	10/26/2021
776	KENYON NOBLE	8585859	COUPLING	09/03/2021	55.99	55.99	10/26/2021
776	KENYON NOBLE	8598358	TENSION BAR	09/10/2021	8.99	8.99	10/26/2021
776	KENYON NOBLE	8606923	WOOD	09/15/2021	48.16	48.16	10/26/2021
776	KENYON NOBLE	8609350	REMESH SHEETS	09/16/2021	9.99	9.99	10/26/2021
776	KENYON NOBLE	8622171	GOLF COURSE CEMENT	09/22/2021	77.84	77.84	10/26/2021
Total KENYON NOBLE:					732.05	732.05	
LEHRKIND'S COCA-COLA							
2830	LEHRKIND'S COCA-COLA	1891888	Water	10/22/2021	41.25	41.25	11/02/2021
Total LEHRKIND'S COCA-COLA:					41.25	41.25	
LIVINGSTON ACE HARDWARE - #122005							
26	LIVINGSTON ACE HARDWARE -	423954	zone mark	09/13/2021	129.99	129.99	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J14343	Broom	08/26/2021	16.98	16.98	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J14405	Vegetation klr	08/26/2021	65.98	65.98	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J16491	Guard Rac	08/30/2021	63.98	63.98	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J17028	Station supply	08/31/2021	29.99	29.99	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J17044	Couple galv 1"	08/31/2021	11.98	11.98	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J17311	Ext P&P	08/31/2021	264.95	264.95	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J17365	Padlock	08/31/2021	17.99-	17.99-	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J17576	Lawn Seed	09/01/2021	12.97	12.97	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J17632	Return	09/01/2021	8.99-	8.99-	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J17810	Clamp	09/01/2021	19.99	19.99	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J17825	return	09/01/2021	2.00-	2.00-	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J18091	mender hose	09/02/2021	17.95	17.95	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J18151	station Supply	09/02/2021	67.98	67.98	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J18751	Fasteners	09/03/2021	26.82	26.82	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J18942	Fasteners	09/03/2021	4.14	4.14	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J19014	Fasteners	09/03/2021	9.54	9.54	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J19223	tank lever	09/04/2021	9.99	9.99	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J20743	trash can	09/07/2021	85.95	85.95	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J20805	escape tool	09/07/2021	29.98	29.98	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J21899	Nozzle	09/09/2021	6.99	6.99	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J22409	measuring wheel	09/10/2021	74.99	74.99	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J22678	Fasteners	09/10/2021	48.26	48.26	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J23947	Premix	09/13/2021	249.50	249.50	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J25197	Line	09/15/2021	39.97	39.97	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J25304	LINE TRIMR	09/15/2021	24.99	24.99	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J26060	Fasteners	09/17/2021	51.99	51.99	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J26078	Fasteners	09/17/2021	12.18	12.18	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J26206	cleaning supplies	09/17/2021	25.56	25.56	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J26335	Trash bags	09/17/2021	16.99	16.99	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J27535	Fasteners	09/20/2021	23.28	23.28	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J27744	Batteries	09/20/2021	26.57	26.57	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J27783	Batteries	09/20/2021	13.99	13.99	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J27809	pvc	09/20/2021	6.57	6.57	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J28827	oil	09/22/2021	32.80	32.80	10/13/2021
26	LIVINGSTON ACE HARDWARE -	J31021	Ball mount	09/27/2021	54.98	54.98	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J32596	sawzall blade	09/30/2021	41.94	41.94	11/02/2021

Report dates: 10/23/2021-11/5/2021

Nov 08, 2021 11:04AM

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
26	LIVINGSTON ACE HARDWARE -	J32867	LINE PRO	09/30/2021	23.98	23.98	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J33754	HOSE NOZZLE	10/02/2021	14.99	14.99	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J35017	sTATION SUPPLIES	10/04/2021	53.94	53.94	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J35024	C+K	10/04/2021	128.97	128.97	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J35793	Station supplies	10/06/2021	57.95	57.95	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J35831	SIOP VALVE	10/06/2021	16.99	16.99	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J36024	StiHL AUTOCUT	10/06/2021	113.94	113.94	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J36039	CLOROX	10/06/2021	6.99	6.99	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J36730	sUPPLIES	10/08/2021	27.76	27.76	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J36808	HOSE BIB	11/10/2021	42.89	42.89	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J36961	Cleaning supplies	10/08/2021	12.58	12.58	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J39353	Bail VALVE	10/13/2021	85.97	85.97	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J39814	ADAPTER	10/14/2021	19.22	19.22	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J40282	Station supplies	10/15/2021	62.04	62.04	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J40466	FASTNERS	10/15/2021	9.23	9.23	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J40531	OFFICE SUPPLIES	10/15/2021	8.99	8.99	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J41694	CLAMP	10/18/2021	10.36	10.36	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J42341	KEYS	10/19/2021	31.36	31.36	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J42787	DRAIN	10/20/2021	19.98	19.98	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J43006	Cleaning supplies	10/20/2021	31.94	31.94	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J43024	TAPE MEASURE	10/20/2021	17.99	17.99	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J43310	FLAGGING TAPE	10/21/2021	14.97	14.97	11/02/2021
26	LIVINGSTON ACE HARDWARE -	J43382	CONTRACTOR BAGS	10/21/2021	15.99	15.99	11/02/2021
26	LIVINGSTON ACE HARDWARE -	X64484	door stop	09/01/2021	8.99	8.99	10/13/2021
26	LIVINGSTON ACE HARDWARE -	X64546	mender hose	09/02/2021	3.99	3.99	10/13/2021
26	LIVINGSTON ACE HARDWARE -	X64801	paint	09/08/2021	33.98	33.98	10/13/2021
Total LIVINGSTON ACE HARDWARE - #122005:					2,467.71	2,467.71	
LIVINGSTON ENTERPRISE							
146	LIVINGSTON ENTERPRISE	00112238	Recruiting for City Conservation	08/27/2021	90.00	90.00	10/26/2021
146	LIVINGSTON ENTERPRISE	00112239	Recruiting for Planning Board	08/27/2021	84.00	84.00	10/26/2021
146	LIVINGSTON ENTERPRISE	00112240	PH Zoning Commission	08/30/2021	126.75	126.75	10/26/2021
146	LIVINGSTON ENTERPRISE	00112275	CDBG- Comm. & Public Facility	09/07/2021	91.00	91.00	10/26/2021
146	LIVINGSTON ENTERPRISE	00112229	Res. No. 4991	09/03/2021	78.00	78.00	10/26/2021
146	LIVINGSTON ENTERPRISE	00112300	Res. No. 4992	09/03/2021	84.00	84.00	10/26/2021
146	LIVINGSTON ENTERPRISE	00112301	Res. No. 4993	09/03/2021	84.00	84.00	10/26/2021
146	LIVINGSTON ENTERPRISE	00112302	Res. No. 4994	09/03/2021	78.00	78.00	10/26/2021
146	LIVINGSTON ENTERPRISE	00112303	CDBG-CV Program	09/03/2021	68.25	68.25	10/26/2021
146	LIVINGSTON ENTERPRISE	00112304	Tiny Home & Manuf. Housing	09/03/2021	65.00	65.00	10/26/2021
146	LIVINGSTON ENTERPRISE	00112335	City Comm. Farmers Market	09/10/2021	41.25	41.25	10/26/2021
146	LIVINGSTON ENTERPRISE	00112394	City Comm. Attend Solar Celebrati	09/10/2021	16.25	16.25	10/26/2021
146	LIVINGSTON ENTERPRISE	00112396	Meeting of City Zoning	09/13/2021	32.50	32.50	10/26/2021
146	LIVINGSTON ENTERPRISE	00112397	Historic Preservation Meeting	09/13/2021	35.75	35.75	10/26/2021
146	LIVINGSTON ENTERPRISE	00112403	City Planning Board Meeting	09/14/2021	32.50	32.50	10/26/2021
146	LIVINGSTON ENTERPRISE	00112439	URA Will Convene	09/17/2021	16.25	16.25	10/26/2021
146	LIVINGSTON ENTERPRISE	00112460	PH City Commisssion	09/20/2021	162.50	162.50	10/26/2021
146	LIVINGSTON ENTERPRISE	00112518	Parks & Trails Will Meet	09/21/2021	22.75	22.75	10/26/2021
146	LIVINGSTON ENTERPRISE	00112528	Applic for Air Quality Permit	09/23/2021	94.25	94.25	10/26/2021
146	LIVINGSTON ENTERPRISE	2021.10.28	LIBRARY ANNUAL SUBSCRIP	10/28/2021	129.00	129.00	10/26/2021
Total LIVINGSTON ENTERPRISE:					1,432.00	1,432.00	
LIVINGSTON HEALTH CARE							
55	LIVINGSTON HEALTH CARE	200144082	770264001	10/05/2021	29.10	29.10	11/02/2021
55	LIVINGSTON HEALTH CARE	200144083	770262702	09/30/2021	29.10	29.10	11/02/2021
55	LIVINGSTON HEALTH CARE	200144084	770255384	09/03/2021	29.10	29.10	11/02/2021

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55	LIVINGSTON HEALTH CARE	200144085	770252629	10/15/2021	29.10	29.10	11/02/2021
55	LIVINGSTON HEALTH CARE	4513342	PATIENT SUPPLY	10/20/2021	142.13	142.13	11/02/2021
Total LIVINGSTON HEALTH CARE:					258.53	258.53	
LIVINGSTON UTILITY BILLING							
147	LIVINGSTON UTILITY BILLING	2021.10.6	Utilities	10/06/2021	136.98	136.98	10/26/2021
Total LIVINGSTON UTILITY BILLING:					136.98	136.98	
MARLIN BUSINESS BANK							
3651	MARLIN BUSINESS BANK	19385308	contract payment	10/25/2021	1,273.21	1,273.21	10/28/2021
Total MARLIN BUSINESS BANK:					1,273.21	1,273.21	
MISC							
99999	MISC	100512	REIMBURSE	09/29/2021	31.98	31.98	10/26/2021
99999	MISC	ACCM1000	AMBULANCE REFUND	10/25/2021	1,948.00	1,948.00	11/01/2021
Total MISC:					1,979.98	1,979.98	
MONTANA AIR CARTAGE							
3808	MONTANA AIR CARTAGE	LVQ93021	Courier CONTRACT	10/01/2021	224.40	224.40	10/26/2021
Total MONTANA AIR CARTAGE:					224.40	224.40	
MONTANA STATE - FIRE SERVICES TRAINING							
2631	MONTANA STATE - FIRE SERVI	34-175	INSTRUCTOR COURSE	10/18/2021	75.00	75.00	11/02/2021
Total MONTANA STATE - FIRE SERVICES TRAINING:					75.00	75.00	
MT WATERWORKS							
3016	MT WATERWORKS	36349	COUPLINGS	10/20/2021	2,082.34	2,082.34	10/26/2021
Total MT WATERWORKS:					2,082.34	2,082.34	
MUNICIPAL CODE CORPORATION							
3058	MUNICIPAL CODE CORPORATI	00364922	Subscription	10/12/2021	150.00	150.00	10/26/2021
Total MUNICIPAL CODE CORPORATION:					150.00	150.00	
MURDOCH'S RANCH & HOME SUPPLY							
3688	MURDOCH'S RANCH & HOME S	K00958/37	BATTERIES	10/15/2021	279.98	279.98	10/26/2021
3688	MURDOCH'S RANCH & HOME S	K00970/37	COUPLER	10/19/2021	27.98	27.98	10/26/2021
Total MURDOCH'S RANCH & HOME SUPPLY:					307.96	307.96	
NORTHWEST PIPE FITTINGS, INC							
423	NORTHWEST PIPE FITTINGS, I	5612623	COPPERHEAD	10/14/2021	745.72	745.72	10/26/2021
Total NORTHWEST PIPE FITTINGS, INC:					745.72	745.72	
NORTHWESTERN ENERGY							
151	NORTHWESTERN ENERGY	0708370-2	8th & Park Sprinklers	01/15/2019	6.36	6.36	11/02/2021
151	NORTHWESTERN ENERGY	0709793-4	City Shop Building 50% 406 Benn	01/15/2019	117.85	117.85	11/02/2021
151	NORTHWESTERN ENERGY	0709793-4	City Shop Building 50% 406 Benn	01/15/2019	117.85	117.85	11/02/2021
151	NORTHWESTERN ENERGY	0709794-2	WRF 316 Bennett	01/09/2019	538.82	538.82	11/02/2021

Report dates: 10/23/2021-11/5/2021

Nov 08, 2021 11:04AM

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
151	NORTHWESTERN ENERGY	0709796-7	97 View Vista Drive	01/15/2019	6.00	6.00	11/02/2021
151	NORTHWESTERN ENERGY	0709869-2	Carol Lane	01/15/2019	119.15	119.15	11/02/2021
151	NORTHWESTERN ENERGY	0709870-0	G Street Park - 422 S G	01/15/2019	80.91	80.91	11/02/2021
151	NORTHWESTERN ENERGY	0709871-8	Star Addition - Lights	01/15/2019	274.96	274.96	11/02/2021
151	NORTHWESTERN ENERGY	0709873-4	800 W Cambridge - Pump Station	01/15/2019	29.93	29.93	11/02/2021
151	NORTHWESTERN ENERGY	0709874-2	Werner Addition Pump	01/09/2018	425.35	425.35	11/02/2021
151	NORTHWESTERN ENERGY	0709875-9	900 River Drive Pump	01/09/2019	2,847.45	2,847.45	11/02/2021
151	NORTHWESTERN ENERGY	0709876-7	132 South B Street - B St Well	01/10/2019	1,671.93	1,671.93	11/02/2021
151	NORTHWESTERN ENERGY	0709877-5	200 E Reservoir (north side hill)	01/08/2019	1,110.81	1,110.81	11/02/2021
151	NORTHWESTERN ENERGY	0709878-3	227 River Drive - Concessions sta	01/10/2019	65.40	65.40	11/02/2021
151	NORTHWESTERN ENERGY	0709879-1	227 River Drive - Softball Field	01/10/2019	22.69	22.69	11/02/2021
151	NORTHWESTERN ENERGY	0709880-9	200 River Drive - Pool	01/10/2019	132.41	132.41	11/02/2021
151	NORTHWESTERN ENERGY	0709881-7	229 River Drive - Civic Center	01/10/2019	617.12	617.12	11/02/2021
151	NORTHWESTERN ENERGY	0709882-5	229 River Drive - Pump Civic Cent	01/17/2019	15.51	15.51	11/02/2021
151	NORTHWESTERN ENERGY	0709886-6	200 E Reservoir	01/15/2019	28.36	28.36	11/02/2021
151	NORTHWESTERN ENERGY	0709891-6	Cemetery Road Shop - 15 Fleshm	01/15/2019	15.85	15.85	11/02/2021
151	NORTHWESTERN ENERGY	0709892-4	40 Water Tower Avenue	01/15/2019	50.56	50.56	11/02/2021
151	NORTHWESTERN ENERGY	0709894-0	56 Water Tower	01/08/2019	405.03	405.03	11/02/2021
151	NORTHWESTERN ENERGY	0709914-6	1011 River Dr - Edge Water Sewe	01/09/2019	16.97	16.97	11/02/2021
151	NORTHWESTERN ENERGY	0719058-0	3 Rogers Lane Lift Station	01/09/2019	97.22	97.22	11/02/2021
151	NORTHWESTERN ENERGY	0719271-9	601 Robin Lane - Well	01/09/2019	2,036.19	2,036.19	11/02/2021
151	NORTHWESTERN ENERGY	0719272-7	4 Billman Lane - Well	01/09/2019	2,254.19	2,254.19	11/02/2021
151	NORTHWESTERN ENERGY	0719358-4	Street Lights - Livingston	01/16/2019	2,682.45	2,682.45	11/02/2021
151	NORTHWESTERN ENERGY	0719373-3	229 River Drive	01/15/2019	9.34	9.34	11/02/2021
151	NORTHWESTERN ENERGY	0720048-8	330 Bennett 1/4	01/08/2019	180.14	180.14	11/02/2021
151	NORTHWESTERN ENERGY	0720048-8	330 Bennett 1/4	01/08/2019	180.15	180.15	11/02/2021
151	NORTHWESTERN ENERGY	0720048-8	330 Bennett 1/4	01/08/2019	180.15	180.15	11/02/2021
151	NORTHWESTERN ENERGY	0720048-8	330 Bennett 1/4	01/08/2019	180.15	180.15	11/02/2021
151	NORTHWESTERN ENERGY	0720113-0	229 River Drive - CC Building	01/10/2019	55.04	55.04	11/02/2021
151	NORTHWESTERN ENERGY	0720122-1	400 North M	01/15/2019	13.50	13.50	11/02/2021
151	NORTHWESTERN ENERGY	0720176-7	Weimer Park	01/15/2019	18.28	18.28	11/02/2021
151	NORTHWESTERN ENERGY	0802599-1	608 W Chinook	01/15/2019	49.00	49.00	11/02/2021
151	NORTHWESTERN ENERGY	0933715-5	710 W Callender	01/15/2019	35.05	35.05	11/02/2021
151	NORTHWESTERN ENERGY	1134866-1	N 2nd & Montana & Chinook	01/15/2019	52.90	52.90	11/02/2021
151	NORTHWESTERN ENERGY	1134879-4	N 7th & Montana & Chinook	01/15/2019	28.63	28.63	11/02/2021
151	NORTHWESTERN ENERGY	1155965-5	229 River Drive	01/15/2019	8.18	8.18	11/02/2021
151	NORTHWESTERN ENERGY	1290352-2	School Flasher Park & 13th	01/15/2019	8.88	8.88	11/02/2021
151	NORTHWESTERN ENERGY	1441030-2	D & Geyser Well House	01/10/2019	1,621.58	1,621.58	11/02/2021
151	NORTHWESTERN ENERGY	1452951-5	Starlow on Monroe	01/09/2019	263.28	263.28	11/02/2021
151	NORTHWESTERN ENERGY	1493850-0	412 W Callender	01/15/2019	61.30	61.30	11/02/2021
151	NORTHWESTERN ENERGY	1498936-2	190 & 89S-ing	01/15/2019	6.00	6.00	11/02/2021
151	NORTHWESTERN ENERGY	1594141-2	9th & 10th Lift Station	01/09/2019	32.23	32.23	11/02/2021
151	NORTHWESTERN ENERGY	1613803-4	M & N on Callender	01/15/2019	54.66	54.66	11/02/2021
151	NORTHWESTERN ENERGY	1728687-3	Transfer Station 408 Bennett Stre	01/08/2019	330.28	330.28	11/02/2021
151	NORTHWESTERN ENERGY	1747570-8	D & E on Callender	01/15/2019	44.48	44.48	11/02/2021
151	NORTHWESTERN ENERGY	1747572-4	F & G on Callender	01/15/2019	27.01	27.01	11/02/2021
151	NORTHWESTERN ENERGY	1893530-4	600 W Park	01/15/2019	66.43	66.43	11/02/2021
151	NORTHWESTERN ENERGY	1893536-1	E Street & Alley	01/15/2019	34.29	34.29	11/02/2021
151	NORTHWESTERN ENERGY	1893541-1	18 W Park	01/15/2019	87.06	87.06	11/02/2021
151	NORTHWESTERN ENERGY	1906055-7	815 North 13th - Soccer Fields	01/16/2019	2.52	2.52	11/02/2021
151	NORTHWESTERN ENERGY	2021.10.11	0107897-1 10/2021	10/11/2021	844.75	844.75	10/26/2021
151	NORTHWESTERN ENERGY	2023479-5	900 W Geyser Street School Light	01/15/2019	6.36	6.36	11/02/2021
151	NORTHWESTERN ENERGY	2023484-5	1100 W Geyser Street School Lig	01/15/2019	6.25	6.25	11/02/2021
151	NORTHWESTERN ENERGY	2114861-4	132 South B Street Lights	01/15/2019	160.31	160.31	11/02/2021
151	NORTHWESTERN ENERGY	2138754-3	G Street Park - Mike Webb Park	01/15/2019	36.60	36.60	11/02/2021
151	NORTHWESTERN ENERGY	2171060-3	Scale House 408 Bennett Street	01/15/2019	31.61	31.61	11/02/2021
151	NORTHWESTERN ENERGY	3015965-1	330 Bennett - Fire Training Center	01/15/2019	56.53	56.53	11/02/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
151	NORTHWESTERN ENERGY	3093003-6	114 West Summit	01/15/2019	29.07	29.07	11/02/2021
151	NORTHWESTERN ENERGY	3093023-4	320 North Main	01/15/2019	3.76	3.76	11/02/2021
151	NORTHWESTERN ENERGY	3093027-5	105 West Park	01/15/2019	41.86	41.86	11/02/2021
151	NORTHWESTERN ENERGY	3141997-1	C & D on Lewis	01/15/2019	24.87	24.87	11/02/2021
151	NORTHWESTERN ENERGY	3184602-5	202 South 2nd	01/15/2019	8.06	8.06	11/02/2021
151	NORTHWESTERN ENERGY	3210240-2	616 River Drive	01/15/2019	6.25	6.25	11/02/2021
151	NORTHWESTERN ENERGY	3258086-2	2800 East Park Lift Station	01/15/2019	104.23	104.23	11/02/2021
151	NORTHWESTERN ENERGY	3258262-9	320 Alpenglow Lift Station	01/08/2019	132.01	132.01	11/02/2021
151	NORTHWESTERN ENERGY	3267010-1	330 Bennett - Compactor	01/08/2019	37.52	37.52	11/02/2021
151	NORTHWESTERN ENERGY	3286284-9 10_	101 STAR ROAD	10/08/2021	47.86	47.86	10/26/2021
151	NORTHWESTERN ENERGY	3287727-6	320 Alpenglow LN-	01/15/2019	37.79	37.79	11/02/2021
151	NORTHWESTERN ENERGY	3386783-9	Btwn G and H on Clark	01/15/2019	36.21	36.21	11/02/2021
151	NORTHWESTERN ENERGY	3386845-6	Btwn I and K on Callender	01/15/2019	31.33	31.33	11/02/2021
151	NORTHWESTERN ENERGY	3386846-4	Btwn 7th and 8th on Summit	01/15/2019	22.67	22.67	11/02/2021
151	NORTHWESTERN ENERGY	3506014-4	Brookstone/Elm	02/15/2019	5.83	5.83	11/02/2021
151	NORTHWESTERN ENERGY	3566038-0	114 East Callender	01/15/2019	18.93	18.93	11/02/2021
151	NORTHWESTERN ENERGY	3566039-8	115 East Lewis	01/15/2019	15.22	15.22	11/02/2021
151	NORTHWESTERN ENERGY	3585235-9	New WRF 316 Bennett	01/09/2019	14,529.92	14,529.92	11/02/2021
151	NORTHWESTERN ENERGY	3643752-3	115 East Clark	09/16/2019	24.57	24.57	11/02/2021
151	NORTHWESTERN ENERGY	3643753-1	112 East Clark	09/04/2019	35.45	35.45	11/02/2021
151	NORTHWESTERN ENERGY	3678204-3	502 River Dr. Pmp	10/16/2019	210.97	210.97	11/02/2021
151	NORTHWESTERN ENERGY	3725873-8	340 Bennett	12/12/2019	32.30	32.30	11/02/2021
151	NORTHWESTERN ENERGY	3753023-5	410 Bennett Transfer St Shop	08/07/2020	192.57	192.57	11/02/2021
151	NORTHWESTERN ENERGY	3787060-7	Green Acres Lights	08/14/2020	69.36	69.36	11/02/2021
151	NORTHWESTERN ENERGY	3787427-8	Green Acres	08/14/2020	212.79	212.79	11/02/2021
151	NORTHWESTERN ENERGY	3828216-6	203 W Callender	12/14/2020	6.00	6.00	11/02/2021
151	NORTHWESTERN ENERGY	3867654-0	2222 Willow Dr. Lt A	04/14/2021	.00	.00	
151	NORTHWESTERN ENERGY	3913678-3	Green Acres Park	09/20/2021	271.77	271.77	11/02/2021
Total NORTHWESTERN ENERGY:					36,749.41	36,749.41	
PARK COUNTY							
272	PARK COUNTY	1194	SOFTWARE LIC LIBRARY	09/20/2021	981.64	981.64	10/26/2021
Total PARK COUNTY:					981.64	981.64	
PROFESSIONALDEVELOPMENT ACADEMY LLC							
10003	PROFESSIONALDEVELOPMEN	INV-12808	HIGH PERFORMANCE ACADEM	08/20/2021	1,995.00	1,995.00	10/28/2021
Total PROFESSIONALDEVELOPMENT ACADEMY LLC:					1,995.00	1,995.00	
RIVERSIDE HARDWARE LLC							
3659	RIVERSIDE HARDWARE LLC	145892	SPOT LIGHT/BATTERY	08/30/2021	102.98	102.98	10/26/2021
3659	RIVERSIDE HARDWARE LLC	146278	SURGE PROTECTOR	09/02/2021	39.98	39.98	10/26/2021
3659	RIVERSIDE HARDWARE LLC	146660	TOOLS	09/07/2021	89.10	89.10	10/26/2021
3659	RIVERSIDE HARDWARE LLC	147263	DND	09/13/2021	5.00	5.00	10/26/2021
3659	RIVERSIDE HARDWARE LLC	148298	BLANK SCHLAGE	09/23/2021	40.00	40.00	10/26/2021
3659	RIVERSIDE HARDWARE LLC	148582	CAULK	09/27/2021	13.98	13.98	10/26/2021
3659	RIVERSIDE HARDWARE LLC	150618	SCREWDRIVER	10/19/2021	3.99	3.99	10/26/2021
3659	RIVERSIDE HARDWARE LLC	150893	OFFICE SUPPLIES	10/22/2021	14.58	14.58	10/26/2021
Total RIVERSIDE HARDWARE LLC:					309.61	309.61	
SIRCHIE							
738	SIRCHIE	0516429-IN	TEST	10/13/2021	146.22	146.22	11/02/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total SIRCHIE:					146.22	146.22	
STAFFORD ANIMAL SHELTER							
1439	STAFFORD ANIMAL SHELTER	2021.9	SEPT BOARDING	10/06/2021	1,621.25	1,621.25	11/02/2021
Total STAFFORD ANIMAL SHELTER:					1,621.25	1,621.25	
TCA ARCHITECTS INC							
10002	TCA ARCHITECTS INC	2517294	B STREET YIELD STUDY	10/04/2021	1,250.00	1,250.00	10/26/2021
Total TCA ARCHITECTS INC:					1,250.00	1,250.00	
TD&H ENGINEERING, INC							
3390	TD&H ENGINEERING, INC	25420	ON CALL CIVIL SERVICES	10/22/2021	248.00	248.00	10/26/2021
3390	TD&H ENGINEERING, INC	25420	Northtown Subdivision	10/22/2021	69.50	69.50	10/26/2021
3390	TD&H ENGINEERING, INC	25420	WELL BACK-UP POWER	10/22/2021	137.00	137.00	10/26/2021
3390	TD&H ENGINEERING, INC	25420	GREEN ACRES WW STUDY	10/22/2021	1,269.35	1,269.35	10/26/2021
3390	TD&H ENGINEERING, INC	25420	LOVES LANE	10/22/2021	1,038.50	1,038.50	10/26/2021
3390	TD&H ENGINEERING, INC	25420	5TH ST SEWER CONSTRUCTIO	10/22/2021	10,543.15	10,543.15	10/26/2021
Total TD&H ENGINEERING, INC:					13,305.50	13,305.50	
US BANK EQUIPMENT FINANCE							
10001	US BANK EQUIPMENT FINANCE	45803128	PRINTER	10/05/2021	287.78	287.78	10/26/2021
Total US BANK EQUIPMENT FINANCE:					287.78	287.78	
YELLOWSTONE SPORTING GOODS							
576	YELLOWSTONE SPORTING GO	63	EQIMPMENT	10/13/2021	2,165.97	2,165.97	11/02/2021
Total YELLOWSTONE SPORTING GOODS:					2,165.97	2,165.97	
Grand Totals:					131,300.40	131,300.40	

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

File Attachments for Item:

C. ACCEPT PLEDGED SECURITIES REPORT AS OF SEPTEMBER 30, 2021.

DEPOSITORY BONDS AND SECURITIES
September 30, 2021

	<u>MATURITY</u>	<u>CUSIP NO.</u>	<u>TOTAL AMOUNT PLEGGED</u>
FIRST INTERSTATE BANK			
All Accounts			
Federal Deposit Insurance Corporation			\$ 250,000.00
FMNT	4/27/2029	3134GWEL6	3,000,000.00
FMNT	7/29/1930	3134GWGJ9	3,000,000.00
FNRM	12/25/1935	3136B3KG4	861,957.80
FNRM	3/25/2037	3136B43E6	2,751,070.10
TOTAL - First Interstate Bank			<u><u>\$ 9,863,027.90</u></u>
 OPPORTUNITY BANK			
All Accounts			
Federal Deposit Insurance Corporation			\$ 250,000.00
Livingston Mont	7/1/2034	538695CX3	110,000.00
Marion OH LTD Tax GO	12/1/1931	569832MU9	390,000.00
TOTAL - Opportunity Bank			<u><u>\$ 750,000.00</u></u>

PLEDGED SECURITIES AND CASH IN BANK
As of
September 30, 2021

First Interstate Bank

	<u>Total</u>
Cash & CD's on Deposit	\$ 6,302,709.53
FDIC Coverage	250,000.00
Amount Remaining	<u>6,052,709.53</u>
Pledges required @ 50%	3,026,354.77
Actual Amount of Pledges	5,751,070.10
Over (Under) Pledged	<u><u>\$ 2,724,715.34</u></u>

PLEDGED SECURITIES AND CASH IN BANK
As of
September 30, 2021

Opportunity Bank of Montana

	<u>Total</u>
Cash & CD's on Deposit	\$ 727,312.81
FDIC Coverage	250,000.00
Amount Remaining	<u>477,312.81</u>
Pledges required @ 50%	238,656.41
Actual Amount of Pledges	390,000.00
Over (Under) Pledged	<u><u>\$ 151,343.60</u></u>

File Attachments for Item:

D. APPROVE APPLICATION FOR SPECIAL PARKING SPACE FOR DISABLED RESIDENT.

10/17/2021

City of Livingston
Application for Special Parking Spaces
Reserved for Disabled Persons On a Public Street
(Please note this process may take up to 90 days from date of submission)

Name of Applicant: Charles J. Fay III (AKA: Joe)

Address: 329 South 2nd Street, Livingston, MT Phone: (406) 223-8147

Type of Special Parking Space Requested: 59047

General Public Use Reserved for Personal Use of a Disabled Person. (\$50 fee)

Specific Location of the Requested Space: PARKING SPOT CLOSET TO OUR FRONT DOOR.

Reason for the Request: PHYSICAL DISABILITY

If requesting a "special parking space" reserved for personal use in a residential area, please answer the following questions:

- 1. Do you operate a vehicle displaying 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 veteran's, or do you possess a special parking permit issued by the State of Montana to persons with a disability?
(Please provide a copy of the vehicle registration) Yes No
- 2. Is the requested parking space adjacent to your permanent residence? Yes No
- 3. Does reasonably accessible and practicable off street parking exist? Yes No
- 4. License plate number of vehicle(s) designated to use the space: 49-6450E
- 5. Are the designated vehicles operated by you? 49-7007C Yes No

Administrative Use Only

Date application received: 10-19-21 Reviewed by: Craig Dahl

Does request meet criteria? Yes No

Comments _____

City Commission Action: Approved Denied Date: _____

Installation of Sign:

Sign installed by: _____ Date: _____

Amount Collected: _____ Check no. _____

Removal of Sign

Sign removed by: _____ Date _____

Reason for Removal: _____

Montana Vehicle Registration

Valid Through Date **09/30/2022**

Renewal Cust Nbr **2787406**

County	Park	Issue Date	09/13/2021	Tab Nbr	A04883708
Usage	Regular	User	pj4903	Plate Nbr	496450E
Reg Usage	Regular	Fleet Nbr		Plate Type	Std County Lg (PC)
Reg Type		OTN			

Owners / Lessors
Vicky Lynn Fay
Charles Joseph Fay
329 S 2nd St
Livingston, MT 590473401

VIN	JF2GPABC9G8316047	Year	2016	Make	Subaru	Model	Crosstrek
Veh Type	Rugged Terrain (LL)	Style	UT	Color	Belge	Ext Model	
Weight	3109	Ton Code				Veh Nbr	3917322
Decl GVW		GVW Class		GVW Beg		GVW End	

Vicky Lynn Fay
 329 S 2nd St
 Livingston, MT 590473401



By registering this vehicle the applicant acknowledges having knowledge of the FMCSR and FHMR, if applicable.

Tab Number
A04883708

Month Number
09



State of Montana
Attention Vehicle Owner

When applying tab to rear license plate:

1. Thoroughly clean license plate.
2. Peel tab from backing.
3. Place tab where indicated on face of dry, clean plate or over the top of the prior year's tab.
4. Firmly rub tab and edges down.

This registration receipt must be in the motor vehicle or trailer to which it pertains at all times. The driver or person in control of the vehicle or trailer must display this receipt to a peace officer or any officer or employee of the Montana Department of Justice or Department of Transportation, upon demand of the officer or employee.

Montana law requires the owner of any motor vehicle that is registered and operated on a public highway or a private way commonly used by the public in this state to continuously maintain mandatory motor vehicle liability insurance in the amounts specified by law. Unless this vehicle qualifies for an exemption under Mont. Code Ann. § 61-6-303, such as a motorcycle or quadricycle, mandatory motor vehicle liability insurance is required.

Proof of compliance with the mandatory liability insurance law must be in the motor vehicle. The owner or driver of the motor vehicle must display the insurance card or other proof of compliance to any peace officer, judge or other authorized individual upon demand. Violation of this requirement is a misdemeanor that carries the same penalties as a no insurance violation.

Next time, you may renew your vehicle registration online at <https://app.mt.gov/vrr/>

Public Safety is a Partnership: Buckle Up Slow Down - Dont Drink and Drive

dojmt.gov/driving

Montana Vehicle Registration

Valid Through Date **01/31/2022**

Renewal Cust Nbr **2787406**

County	Park	Issue Date	01/25/2021	Tab Nbr	A03438596	Park Fee Paid
Usage	Regular	User	PJ4903	Plate Nbr	497007C	
Reg Usage	Regular	Fleet Nbr		Plate Type	Std County Lg (PC)	
Reg Type		OTN				

Owners / Lessors

Vicky Lynn Fay
Charles Joseph Fay
329 S 2nd St
Livingston, MT 590473401

VIN	4S3BG6854V7632764	Year	1997	Make	Subaru	Model	Legacy
Veh Type	Passenger (PC)	Style	SW	Color	White	Ext Model	
Weight	3230	Ton Code				Veh Nbr	894182
Decl GVW		GVW Class		GVW Beg		GVW End	

Vicky Lynn Fay
329 S 2nd St
Livingston, MT 590473401



By registering this vehicle the applicant acknowledges having knowledge of the FMCSR and FHMR, if applicable.

Tab Number
A03438596

Month Number
01



State of Montana
Attention Vehicle Owner

When applying tab to rear license plate:

1. Thoroughly clean license plate.
2. Peel tab from backing.
3. Place tab where indicated on face of dry, clean plate or over the top of the prior year's tab.
4. Firmly rub tab and edges down.

This registration receipt must be in the motor vehicle or trailer to which it pertains at all times. The driver or person in control of the vehicle or trailer must display this receipt to a peace officer or any officer or employee of the Montana Department of Justice or Department of Transportation, upon demand of the officer or employee.

Montana law requires the owner of any motor vehicle that is registered and operated on a public highway or a private way commonly used by the public in this state to continuously maintain mandatory motor vehicle liability insurance in the amounts specified by law. Unless this vehicle qualifies for an exemption under Mont. Code Ann. § 61-6-303, such as a motorcycle or quadricycle, mandatory motor vehicle liability insurance is required.

Proof of compliance with the mandatory liability insurance law must be in the motor vehicle. The owner or driver of the motor vehicle must display the insurance card or other proof of compliance to any peace officer, judge or other authorized individual upon demand. Violation of this requirement is a misdemeanor that carries the same penalties as a no insurance violation.

Next time, you may renew your vehicle registration online at <https://app.mt.gov/vrr/>

Public Safety is a Partnership: Buckle Up Slow Down - Dont Drink and Drive

dojmt.gov/driving



Driver Services Bureau
PO Box 201430, Helena MT 59620-1430
Phone: 406-444-3933
Fax: 406-444-1631
Online: dojmt.gov/driving



September 14, 2021

CHARLES JOSEPH FAY
329 S 2ND ST
LIVINGSTON MT 59047-3401

Year of Birth: 1950
Customer Number: 2786088

DISABILITY PLACARD APPROVED


Please find your disabled placard(s) enclosed. The following information applies to your placard.

1. This placard is non-transferable. Its unlawful for the holder to loan this placard to any person for any reason regardless of whether that person is disabled.
2. The placard shall be prominently displayed in the windshield of the vehicle when the parking privilege is being used.
3. Any fraudulent use of the placard may result in withdrawal from the holder.
4. The placard shall be surrendered to the issuing agency upon death of the cardholder or when the holder is no longer disabled.
5. Placards are valid until the last day of the month and year indicated on the placard. To renew the placard, submit a new application prior to the expiration date.
6. Permanent placards issued prior to 10/93 do not require renewal.

If you choose to purchase disabled license plates, please contact your county treasurers office. Your permanent placard may be presented as proof of your application being filed with the Title and Registration Bureau. You must be the registered owner of the vehicle before applying for disabled plates.

By authority of: Montana Motor Vehicle Division

**IMPORTANT: REMOVE BEFORE
DRIVING VEHICLE**



Any Alteration Voids Permit

0506245

**Disabled Persons Parking
Identification Permit**

YEAR	EXPIRES	MONTH
21		JAN
22		FEB
23		MAR
24		APR
25		MAY
26		JUN
27		JUL
28		AUG
29		SEP
30		OCT
31		NOV
32		DEC

ILLEGAL TO DUPLICATE THIS PERMIT

C.J.F.

**DOJ/MVD
P.O. Box 201430
302 N. Roberts
Helena, MT 59620-1430
Permit expires last day
of month indicated above.**





File Attachments for Item:

E. ACCEPT CITY TREE BOARD'S RECOMMENDATION TO APPOINT SARAH BOYLE TO FILL VACANCY, TO SERVE A TERM ENDING DECEMBER 31, 2024.

From: [Marshall Swearingen](#)
To: [Faith Kinnick](#)
Subject: Sarah Boyle for Tree Board
Date: Thursday, October 21, 2021 1:49:24 PM

Hi Faith,

At our Tree Board meeting today we voted to approve Sarah Boyle's application. It looks like her residence on Fleshman Creek Road is within two miles of the city limits, which is a provision for membership according to the tree ordinance. Sarah's experience in the nursery trade and knowledge of trees will be a welcome asset to our board and contribute to our ability to inform and support the Commission.

Sincerely,

Marshall Swearingen
City Tree Board, chair

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

Appointed Position Seeking: Livingston Tree Board

Date of Application: 10/1/2021

Name: Sarah Boyle

Signed: _____

Address: 254 Fleshman Creek Rd

Telephone: daytime 406-223-5113

after 5:00 p.m.: 406-223-5113

Fax Number: _____

e-mail address: fleshmancreekdesigns@gmail.com

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

2. Are you a registered voter? Yes

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

4. Describe the reasons you are interested in this appointment: I have a background in the

nursery industry and I believe trees are an important part of our ecosystem and town

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

A. Occupation: Former Nursery Manager

B. Education: Certified Plant Professional/Master Gardner

C. Experience: Ran Native Landscapes Nursery and Garden center from 2005-2010, helped people with plant issues

(please attach a detailed resume if desired)

6. Have you served on any previous boards or in any governmental positions in the past? No

7. Are you currently serving on any Community Boards? No

A. If yes, please describe those boards. _____

8. Current Employer? Park Electric Cooperative

9. Are you available for night meetings? Yes

10. Are you available for daytime meetings? Yes

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

12. If conflict of interest arose for you, how would you deal with it as an appointed member of this board? I would speak with the appropriate parties regarding the matter.

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

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

File Attachments for Item:

F. APPROVE APPLICATION FROM MICHAEL DECHELLIS, FOR RE-APPOINTMENT TO CITY CONSERVATION BOARD, TO SERVE AN ADDITIONAL TWO (2) YEAR TERM ENDING ON 12/31/2023.

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

Appointed Position Seeking: Conservation Board Seat

Date of Application: 10/28/2021

Name: Michael John DeChellis

Signed: 

Address: 315 W Butte St

Telephone: daytime 512-796-2851

after 5:00 p.m.: 512-796-2851

Fax Number: _____

e-mail address: michael@dechellis.org

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

2. Are you a registered voter? Yes

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

4. Describe the reasons you are interested in this appointment: Deep passion for thoughtful

and practical ways to conserve our resources in our town, for the benefit of future gens.

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

A. Occupation: Engineer, Robotics and Agriculture

B. Education: BS in Mechanical Engineering, University of Texas at Austin

C. Experience: See resume

(please attach a detailed resume if desired)

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

2 years as Conservation Board chair

7. Are you currently serving on any Community Boards? Conservation Board

A. If yes, please describe those boards. _____

8. Current Employer? Livingston Greens

9. Are you available for night meetings? Yes

10. Are you available for daytime meetings? Yes

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

12. If conflict of interest arose for you, how would you deal with it as an appointed member of this board? Full disclosure of conflict in meeting, if conflict is significant, then recusal from vote.


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

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

Michael DeChellis

Livingston, Montana, United States

 mjd@dechellis.org

 512-796-2851

 [linkedin.com/in/michael-dechellis-9307a41](https://www.linkedin.com/in/michael-dechellis-9307a41)

Summary

Engineering manager and team leader with demonstrated technical knowledge and a passion for creating highly effective and respected cross-functional teams. Also very good at using buzzwords in LinkedIn descriptions.

Goals:

- Engage in an exciting and stimulating work environment surrounded by people smarter than me
- Manage, foster and empower other team members
- Apply passion in engineering to develop products that will win in the market and improve peoples' lives.
- Reduce the carbon footprint of our society

Specialties:

Team management, Indoor Agriculture, Metal Organic Chemical Vapor Deposition process module design, large system architecture, robotics, vacuum robotics, control systems, motion programming, bearing design, linkage design, technical customer support

Experience

Co-Founder

Livingston Greens

Nov 2018 - Present (3 years +)

Founded a community-oriented indoor farm in downtown Livingston Montana. We use fresh tech to brighten plates in Park County.

Specialize in herbs and leafy greens.

Owner and designer of equipment, control systems, and business plan that we're leveraging to bring jobs and fresh greens to our community.

Passionate about inspiring kids and grown-ups alike in our community around high-tech and healthy.

Engineering Consultant

IdeaTrot

Jun 2016 - Present (5 years 5 months +)

Systems engineering, project management, and team lead consultant for semiconductor, LED production, LED farming, and solar industry clients.

President

Electric Park

Feb 2018 - Present (3 years 9 months +)

Business with a civic service mindset.

Taking car charging infrastructure and energy choice to the next level in Montana.

Services include:

- Project Engineering
- Electric Car Charger installation
- Community Organizing



State Liaison Strategy Director

Citizens' Climate Lobby

Sep 2016 - Feb 2018 (1 year 6 months)

Citizens' Climate Lobby is a grassroots, trans-partisan organization advocating for common sense, revenue neutral Carbon Fee and Dividend legislation in the US Congress.

I coordinated and supported congressional liaisons to provide members of Congress the voices they need to support this crucial step in the next energy economy.



1-Year Sabbatical

DeChellis Household

Jun 2015 - Jun 2016 (1 year 1 month)

At some point, everyone should quit their job and take some time off for a reset. I HIGHLY recommend it.

New Dad Responsibilities included:

- Learning Humility
- Laughing
- Crying
- Safety Supervisor
- Waste Management



Flex Engineering Manager

Veeco

Nov 2014 - May 2015 (7 months)

- Manager of the MOCVD "Flex" Engineering group that leveraged top outside design houses from all over the world to augment Veeco's Engineering capacity in critical projects.
- Built department from ground up including methods, templates, and people.
- Directly supervised the output of over 30 engineers including project management, setting milestones, and technical evaluation of their output on the projects.
- Developed strong development teams across large distances using intelligent spec writing, leadership in remote team cohesion, world class engineering IT tools (OneNote, remote CAD, and video conferencing), and strong interpersonal connections.
- Engineering project leader for critical cost down development on Veeco MOCVD's flagship product, the EPIK700, including new heat exchanger specification and design and substantial overhaul to employ engineering best practices for design for cost.
- Engineering project leader for vacuum loadlock design that was "right the first time" on crucial customer order in record 3-month development cycle time.
- Engineering project leader on a multitude of R&D and product development projects that touched on all aspects of MOCVDs business.



Staff Mechanical Engineer, Platform Design

Veeco

Aug 2011 - Nov 2014 (3 years 4 months)

- Chief engineer, architect, and team leader for large development team of the Propel Single Wafer MOCVD system that was on-time, on-budget, and met or exceeded all market requirements
- Designed successful robotic platform systems and modules for handling wafer carriers for current and next generation batch LED fabrication equipment that have proven customer acceptance
- Appointed by Sr VP to manage a large (20+) multi-disciplinary team that resolved high-profile major design challenges with next-generation LED reactors
- Authored software and hardware specifications for wafer handlers from major industry vacuum robot suppliers that resulted in collaborative success delivering several next generation robots
- Innovated wafer handler designs to enable high temperature operation that found strong customer acceptance
- Led team that designed and implemented a cross-divisional PDM framework built on SAP

Product Engineer - New Process and Product Development Group

RBC Bearings

Nov 2010 - Aug 2011 (10 months)

Principle architect of marketing and product plans for robotics applications.

Developer of engineering solutions for aerospace, semiconductor, and military bearing and joint applications.

Robotics Design Engineer

Applied Materials

Jan 2006 - Oct 2010 (4 years 10 months)

Served as design engineering authority for several vacuum robot products

Designed, built, and tested two new semiconductor metrology products from the ground up including defining specifications, designing to specifications, and validating performance

Specified, designed, and developed a wet robot for Applied Materials' latest CMP product

Autonomously interfaced with suppliers, manufacturing, and field operations to design effective long life robot components

Applied knowledge of automation and systems to invent novel approaches to making Applied Materials tools faster with higher yield and more reliability

Managed a team of offshore engineers for product development assistance

Ranked as top contributor among peers for 5 out of 6 years as full time employee

Presented with one individual quality award and 4 team of the quarter awards for various collaborative projects

Global Product Engineer

Applied Materials

Jan 2004 - Jan 2006 (2 years 1 month)

Provided customer oriented product expertise on semiconductor automation platforms and vacuum robots

Owned engineering resolution of top customer issues

Served as chief engineering expert for new platform and robot products from concept to production.

Successfully launched Applied Materials' latest platform product. Received one quality award and named division Employee of the Quarter in recognition of platform launch.



Engineering Intern in Core Technologies Engineering

Applied Materials

Aug 2001 - May 2003 (1 year 10 months)

Part of research and development team working on a new cleaning technology for the semiconductor industry and an innovative factory automation system

Contributions to the team include being key developer of model simulations that provide basis for prototype system, design of system architectures, and evaluation of various support technologies implemented into the systems.



Engineering Co-op in Fluid Systems Development Group

Applied Materials

Jan 2001 - Aug 2001 (8 months)

Invented and designed a novel technology for chemical delivery in the semiconductor industry

In charge of team developing software for tools and lab equipment

Interfaced daily with Applied Materials suppliers to assess qualification of gas components for use on Applied Materials tools



SCADA System Consultant

ExxonMobil

Apr 1999 - Jan 2000 (10 months)

Provided onsite SCADA system support for ExxonMobil Pipeline's national pipeline control center in Houston

Led integration of control system of eight major construction projects into the real-time system; participated in over 40 other integrations

Education



The University of Texas at Austin

BS, Mechanical Engineering

1998 - 2003

Licenses & Certifications



Accredited Vertical Loop Installer (Driller) - International Ground Source Heat Pump Association

Issued Jan 2016 - Expires Jun 2019

V10908-0116

Skills

Semiconductors • Engineering • Automation • Robotics • Product Development • Semiconductor Industry • Manufacturing • Metrology • Simulations • Solidworks

File Attachments for Item:

A. ORDINANCE NO. 3021: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE IV, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO BUILDING DESIGN STANDARDS.

ORDINANCE NO. 3021

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE IV, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO BUILDING DESIGN STANDARDS.

* * * * *

Preamble.

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

WHEREAS, Section 30.71 of the City of Livingston Code of Ordinances authorizes the City Commission to amend the text of the officially adopted Zoning Ordinance;

WHEREAS, the amendments meet the criteria and guidelines for zoning regulations as required by Section 76-2-304 of Montana Code Annotated;

WHEREAS, the amendments meet the goals and objectives of the Growth Policy as adopted by the City of Livingston; and

WHEREAS, the City of Livingston Zoning Commission voted unanimously (4:0) to recommend approval of the amendments to the Zoning Ordinance to the City Commission;

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

SECTION 1

That Chapter 30- Zoning Ordinance, Article IV- District Regulations, be amended as follows with deletions struck-through and additions underlined as follows:

Chapter 30 - ZONING

Articles

Article IV. District Regulations

Sec. 30.40. List of uses.

Table 30.40 designates a list of uses permitted within a zoning district. Designated uses shall be permitted only in the zones indicated.

Table 30.40

List of Uses

A = Acceptable S = Special Exception Permit Required N = Not Accepted											
	R-I	R-II	RII-MH	R-III	RMO	NC ²	CBD ¹	HC	LI	I	P
One (1) Family Dwellings*	A	A	A	A	A	N	A	A	N	N	N
Two (2) Family Dwellings	N	A	A	A	N	N	A	A	N	N	N
Multifamily Dwellings	N	N	N	A	N	N	A	A	N	N	N
Accessory Dwellings	A	A	A	A	A	N	N	A	N	N	N
Townhouses	N	A	A	A	N	N	A	A	N	N	N
Accessory Buildings	A	A	A	A	A	A	A	A	A	A	A
Mobile Homes	N	N	A	N	A	N	N	N	N	N	N
Churches	S	S	S	A	N	A	N	A	N	N	N
Schools, Public and Commercial	A	A	A	A	A	A	N	N	N	N	A
Schools, Trade	N	N	N	N	N	S	A	A	A	A	N
Hospitals	N	N	N	A	N	A	N	N	A	N	N
Clinics	N	N	N	A	N	A	A	A	A	A	N
Adult Foster Care Center ³	N	A	A	A	N	N	N	N	A	N	N
Personal Care Center	N	A	A	A	N	A	A	A	N	N	N
Child Care Center	A	A	A	A	A	A	A	A	A	N	N

Veterinarian Clinics	N	N	N	N	N	N	N	A	A	A	N
Kennels and Catterys	N	N	N	N	N	N	N	A	N	A	N
Self-Service Laundry	N	N	N	N	A	A	A	A	N	N	N
Bed and Breakfasts	A	A	N	A	N	A	A	A	N	N	N
Motels/Hotels	N	N	N	N	N	N	A	A	A	N	N
Travel Trailer Parks	N	N	N	N	N	N	N	A	N	N	N
Business and Professional Offices	N	N	N	S	N	A	A	A	A	A	S
Retail	N	N	N	N	N	A	A	A	A	S	N
Large-scale Retail	N	N	N	N	N	N	S	S	S	S	N
Barber Shop and Beauty Parlors	N	N	N	N	N	A	A	A	A	S	N
Restaurants	N	N	N	N	N	A	A	A	A	A	N
Bars	N	N	N	N	N	N	A	A	A	A	N
Drive-In Restaurants	N	N	N	N	N	N	N	A	A	A	N
Banks	N	N	N	N	N	A	A	A	A	A	N
Mortuary	N	N	N	N	N	S	A	A	A	A	N
Wholesale Businesses	N	N	N	N	N	S	A	A	A	A	N
Commercial Greenhouses	N	N	N	N	N	A	N	A	A	A	N
Gasoline Service Stations	N	N	N	N	N	N	N	A	N	A	N
Auto Repair Garage	N	N	N	N	N	N	S	A	N	A	N

Automobile Dealerships	N	N	N	N	N	N	N	A	A	A	A	N
Auto Salvage and Storage	N	N	N	N	N	N	N	N	S	N	A	N
Warehouse and Enclosed Storage	N	N	N	N	N	N	S	S	A	A	A	S
Machine Shop	N	N	N	N	N	N	N	N	A	S	A	N
Light Manufacturing	N	N	N	N	N	N	N	A	A	A	A	N
Heavy Manufacturing	N	N	N	N	N	N	N	N	N	N	A	N
Lumberyards	N	N	N	N	N	N	N	N	A	A	N	N
Transportation Terminals	N	N	N	N	N	N	N	A	A	N	N	N
Utility Substations	S	S	S	S	S	S	S	S	S	N	S	S
Armory	N	N	N	N	N	N	N	N	N	N	N	A
Cemetery	N	N	N	N	N	N	N	N	N	N	N	A
Government Offices	N	N	N	N	N	N	A	A	A	N	N	A
Public Recreation Facility	A	A	A	A	N	N	N	N	N	N	N	A
Health and Exercise Establishment	N	N	N	N	N	N	A	A	A	A	S	S
Marijuana Production Facility	N	N	N	N	N	N	N	N	N	A	A	N

1. C.B.D.—Any number of apartment units may be established in an existing commercial building. No new residential structures may be built unless they meet the definition of "High Density Residential."
2. NC-A single residential unit may be established within a commercial building to allow living space for a business owner.
3. Adult Foster Care Center.

-
- a. No more than four (4) residents;
b. Staff member must be on board twenty-four (24) hours a day.
* This includes manufactured homes as defined by Ordinance 1813.

(Ord. 1506, 11/16/82; Ord. 1516, 8/2/83; Ord. 1517, 10/18/83; Ord. 1529, 7/16/84; Ord. 1538, 11/20/85; Ord. 1544, 2/4/86; Ord. 1556, 9/16/86; Ord. 1799, 12/19/94; Ord. 1810, 7/3/95; Ord. 1813, 8/21/95; Ord. 1891, 9/7/99; Ord. 1949, 10/18/04; Ord. 1977, 9/18/06; Ord. 2000, 4/7/08; Ord. No. 2022, § 2(Exh. A), 9/7/10; Ord. No. 2029, § 1(Exh. A), 4/19/11; Ord. No. 2046, § 1(Exh. A), 9/17/13; Ord. No. 2090, § 1, 10/6/20; Ord. No. 2097, § 1, 1/5/21; Ord. No. 3003, § 1, 4/6/21)

Sec. 30.41. Residential density requirements.

Residential density requirements are set out in Table 30.41.

Table 30.41						
Residential Density Requirements						
Zoning Classification District						
	Low Density R-I	Med. Density R-II	High Density R-III	Mobile Homes (A) RMO	Public (P)	Med. Density R-II(MH)
Min. Lot Area per Dwelling Unit in Square Feet ¹						
One Unit	9,600	3,500	3,500	6,000		3,500
Two Units	N/A	7,000	6,000	12,000		7,000
Three Units	N/A	N/A	7,500	18,000		N/A
Four Units	N/A	N/A	9,000	24,000	N/A	N/A
Five Units	N/A	N/A	10,500	6,000 ft. ²		N/A
Six Units	N/A	N/A	12,000 1,500 ft. ² for each add. unit	for ea. add. unit		N/A
Min. Setback Requirements						
Front Street	25'	25'	20'	20'	20'	25'
Side	15' or B) or C)	5' or B) or C)	5' or B) or C)	10' or C)	5' or C)	5' or B) or C)
Rear	5'	5'	5'	5'	15'	15'
Side Street	15'	10'	10'	10'	10'	10'
Max. Height for all Bldgs.	27'	27'	45'	15'	27'	27'
Off-Street Parking Requirements	2 per one (1) family dwelling 1 per accessory dwelling	2 per dwelling unit in one (1) family and two (2) family dwellings 1 per accessory dwelling	2 per dwelling unit for first 6 units in one (1) family, two (2) family, and multifamily dwellings and then 1.5 for each additional unit 1 per accessory dwelling	2 per dwelling unit for first 6 units in one (1) family, two (2) family, and multifamily dwellings and then 1.5 for each additional unit 1 per accessory dwelling	Refer to Art. V Sec. 30.51	2 per dwelling unit in one (1) family and two (2) family dwellings 1 per accessory dwelling
<p>1. In all residential zoning districts in which accessory dwellings are permitted the number of accessory dwellings allowed is equivalent to the number of dwelling units allowed on the lot as show in Table 30.41 above. The total number of dwelling units allowed on any lot is the allowed density of the lot in Table 30.41 above plus the equivalent number of accessory dwellings. E.g.: a 7,000 square foot lot in the R-II zoning district</p>						

allows two (2) dwelling units and two (2) accessory dwellings.
 A) Applicable to Mobile Home Subdivisions only.
 B) Side setback required for approved townhouse development.
 C) Any side setback that is directly adjacent to, and generally in line with, an adjoining rear setback within the same Zoning Classification District shall have the same setback as the adjoining rear setback.

(Ord. 1728, 12/7/92; Ord. 1798, 12/19/94; Ord. 1861, 6/16/97; Ord. No. 2090 , § 1, 11/5/20; Ord. No. 2097 , § 1, 1/5/21)

Sec. 30.42. Commercial density requirements.

Commercial density requirements are set out in Table 30.42.

Table 30.42					
Commercial Density Requirements					
Zoning Classification District					
	Neighborhood Commercial	Highway Commercial	Industrial	Light Industrial	Central Business District
Min. Lot Requirements in Square Feet	N/A	6,000	6,000	6,000	N/A
Minimum Setback Requirements					
Front Street	20'	20'	20'	0' with boulevard 10' without boulevard	N/A
Side	0' or A)	0' or A)	0' or A)	10' or A)	N/A
Side Street	10'	10'	10'	10'	N/A
Rear	0'	0'	0'	20'	N/A
Maximum Height for all Buildings	27'	45'	N/A	33'	N/A
Parking Requirements	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51
Loading Space Required	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51
A) Any side setback that is directly adjacent to, and generally in line with, an adjoining rear setback within the same Zoning Classification District shall have the same setback as the adjoining rear setback.					

(Ord. 1949, 10/18/04; Ord. No. 2097 , § 1, 1/5/21)

Sec. 30.42.1. Allowable Encroachments into Setbacks.

- A. Entranceway awnings and roof eaves may extend up to eighteen (18) inches into any setback. The maximum height for an entranceway awning that encroaches into the setback shall be twelve (12) feet.

- B. Entranceway steps and ramps may extend up to five (5) feet into the front street or side street setback. Entranceway steps and ramps that encroach into the setback may only access the ground floor of the attached building.
- C. Ground floor covered or uncovered porches may extend up to five (5) feet into the front street or side street setback. The deck of any first floor porch that extends into the setback shall be no higher than the ground floor level of the attached building. The maximum height for the roof of any ground floor covered porch that encroaches into the setback shall be 12 feet.
- D. Window-wells and below-grade stairwells may project thirty-six (36) inches into any setback. Window-well projecting beyond eighteen (18) inches shall be covered in such a way that is consistent with adopted building codes and such that an individual is prevented from falling into the window-well.

(Ord. No. 2097 , § 1, 1/5/21)

Sec. 30.43 Accessory dwellings.

- A. Accessory dwellings are subject to all applicable regulations listed in this ordinance, including but not limited to: setbacks, maximum building heights, parking, and building design standards.
- B. Detached accessory dwellings shall be located to the rear of the primary dwelling on the property.
- C. Accessory dwellings shall not exceed eight hundred (800) square feet of gross floor area. Accessory dwellings must be smaller in gross floor area than the primary dwelling on the property. If an accessory dwelling is attached to another building only the gross floor area of the accessory dwelling shall be calculated towards the maximum gross floor area. Accessory dwellings attached to existing, primary dwelling units are not subject to the gross floor area limitations, but must be wholly contained within the existing building. Any attached accessory dwelling that increases or modifies the footprint or profile of the primary dwelling unit in any way, whether above or below ground, shall not exceed the above listed maximum gross floor area for an accessory dwelling.
- D. All detached accessory dwellings shall maintain a (6) six-foot separation, measured from the external walls of the dwelling unit to all other buildings on site.
- E. Accessory dwellings shall be on the same lot as the primary dwelling.
- F. Accessory dwellings shall not be subdivided or sold separately from the primary dwelling on the lot. If an accessory dwelling is subdivided from the primary dwelling unit, the accessory dwelling is no longer an accessory dwelling and must meet all density requirements listed in Table 30.41. Prior to use of the accessory dwelling, the property owner must record a deed restriction provided by the City Attorney's Office stating that the accessory dwelling shall not be sold separately from the primary dwelling, and provide a copy of the recorded deed restriction to the Department of Building and Planning prior to the issuance of a Certificate of Occupancy.
- G. Accessory Dwellings are encouraged to be combined with other buildings to preserve open space on the lot.

(Ord. No. 2090 , § 1, 11/5/20)

Sec. 30.44. Bed and breakfasts.

- A. "Bed and breakfast" means a commercial business operated in a house which is used partially or primarily for providing overnight accommodations to the public.
- B. The goal of this section is to establish the allowable locations and operations of bed and breakfast facilities.

- C. A bed and breakfast shall be allowed in the following zoning districts: Low Density (R-I), Medium Density Residential (R-II), High Density Residential (R-III), Neighborhood Commercial (N.C.), Highway Commercial (H.C.), and the Central Business District (C.B.D.).
- D. Reserved.
- E. The accommodations for a bed and breakfast shall have no more than five (5) guest rooms. Breakfast shall be the only meal served on the premises, and is included in the charge for the room. No other food or beverage served upon the premises.
- F. Off-street parking shall be provided by all bed and breakfast facilities. There shall be two (2) off-street parking spaces, plus one (1) for each guest room. Off-street parking shall be required to be used by guests.
- G. No bed and breakfast shall be located on a lot closer than two hundred (200) feet in a straight line distance from any other lot containing a bed and breakfast. The owner shall live on the premises.
- H. Signage shall be limited to that allowed for home occupations (twelve (12) inches by twenty-four (24) inches non-illuminated, flush mounted).
- I. Rates shall be charged for single-night occupancy only, weekly or monthly rates will not be allowed.
- J. A bed and breakfast already in existence at the time of this section's effective date shall have ninety (90) days to conform with the provisions of this section except existing establishments shall be grandfathered as to the requirements of subsection (G) of this section.
- K. Any property receiving a special exception for a bed and breakfast shall have ninety (90) days from the date of the final City Commission action to meet any specified conditions and obtain a City business license. If a City business license is not obtained in that time period, the special exception shall be automatically rescinded as of that date. If a license for a bed and breakfast is not renewed within ninety (90) days after January 1 of any calendar year, the special exception for that bed and breakfast shall be automatically rescinded.
- L. Any application for a bed and breakfast shall be accompanied by a detailed plan, drawn to scale, showing all aspects of the physical layout for the property, including the off-street parking provisions.
- M. The table of uses (Table 30.40) is amended to comply with subsection (C) of this section.
- N. No sexually oriented business shall be operated or maintained within the corporate limits of the City of Livingston except within the Industrial Zone with the further limitation that no sexually oriented business shall be front on Park Street and shall be set back from Bennett Street a minimum distance of two hundred fifty (250) feet. No sexually oriented business shall be operated or maintained within six hundred (600) feet of either a City or County residential zone, a church, an elementary or high school, a State-licensed day care facilities, public libraries, parks or playgrounds, or another sexually oriented business. The distance limitation in this section shall be measured in a straight line from the main public entrance of said sexually oriented business to the property line of properties in residentially zoned districts, churches, elementary or high schools, State-licensed day care facilities, public libraries, parks or playgrounds, or another sexually oriented business.

(Ord. 1702, 7/20/92; Ord. 1868, 2/2/98; Ord. 1894, 3/6/2000; Ord. No. 2029, § 2, 4/19/11; Ord. No. 2090 , § 1, 11/5/20)

Editor's note(s)—Ordinance No. 2090 , § 1, adopted September 5, 2020, renumbered section 30.43.1 as 30.44.

Sec. 30.45. Uses in the Preservation Zoning District.

Uses in the Preservation Zoning District may be reduced or expanded from the uses allowed in the areas surrounding the Preservation Zoning District. Allowable uses will be set forth in the plan adopted for each Preservation Zoning District.

(Ord. 1954, 5/16/05)

Sec. 30.45.1. Preservation Zoning District Plan.

The Livingston City Zoning Commission shall make a recommendation to the City Commission for a Preservation Zoning District Plan which shall take into consideration the following:

- A. Delineation of the boundaries of each special use zoning district;
- B. Identification of the structure(s) and/or natural features which contributed to the creation of the Preservation Zoning District;
- C. Identification of the uses and development standards or guidelines intended to preserve the structure(s) and/or natural features which may vary from Preservation Zoning District to Preservation Zoning District, but shall take into consideration:
 - 1. Setbacks,
 - 2. Landscaping standards,
 - 3. Signage standards,
 - 4. Parking standards,
 - 5. A list of uses to be allowed,
 - 6. Any other standard that would serve the purpose of preserving historic or architectural structure(s) or natural features in each Preservation Zoning District.

(Ord. 1954, 5/16/05)

Sec. 30.46. Building design standards.

~~A. A. — This Section provides policies and standards for the design of buildings in the Design Review Overlay Zone. In general, they focus on promoting buildings that will be compatible in scale and appear to "fit" in the community by using materials and forms that are a part of Livingston's design traditions. As such, they address only broad-scale topics and do not dictate specific architectural styles or building details.~~

B. Applicability of the Building Design Standards. The standards and requirements found in this section shall apply to any commercial and/or industrial project that requires a building permit within any adopted Design Review Overlay Zone, and any large-scale retail uses regardless of location within the City.

B. Objectives for Building Design.

- 1. Achieve High Quality Design. Buildings in the overlay zone shall convey a high quality of design, in terms of their materials and details, as well as through a consistent organization of forms and elements. This quality shall establish a standard for design throughout the community.

- 2. Reflect the Design Traditions of Livingston. Buildings shall reflect the design traditions of the region, in terms of building and roof forms. Distinctive roof forms are a key part of this tradition. Sloping roofs, in gable, hip and shed varieties are historical precedents to promote and they also help reduce the apparent bulk of larger buildings and help to shed snowfall. Flat roofs with varied parapet lines and cornices are also a part of the City's design traditions and shall be encouraged. Buildings that appear to be in scale with those seen traditionally also shall be encouraged. Where a new building would be larger than those existing in the area, it shall establish a transition in scale, to reduce the impact of building scale on the adjacent property, as well as on the neighborhood.
- 3. Promote Buildings that Fit with the Natural Setting. Structures shall be sited to fit with the land and incorporate colors seen in the natural setting.
- 4. Promote Buildings that Reflect Pedestrian Scale. Structures shall demonstrate pedestrian friendly design that relate to the adjoining public streets, sidewalks, and spaces. Human scale shall be an integral part of all buildings. Large, flat, windowless block buildings do not reflect human scale or the design traditions of Livingston. Thoughtful use of landscaping, color, building materials and architectural details bring human scale to buildings.

C. Building and Topography.

- 1. Policy. A building shall respect the natural topography of the site.
- 2. Standards. Step a building foundation to follow the slope of the site when feasible. In general, an exposed building foundation shall not exceed three (3) feet in height.

D. Building Character.

- 1. Policy. Buildings shall reflect the regional urban character.
- 2. Guideline.
 - a. Designs that draw upon regional design traditions are preferred. Standardized "franchise" style architecture will be strongly discouraged by following these standards.
 - b. Higher density buildings are encouraged with mixed use multi-story buildings and shared parking.
 - c. Incorporating smaller retail shops facing the street is encouraged.
 - d. Secondary buildings on a site should be placed around the perimeter of the site to visually shield the public from the parking areas.
 - e. Where possible main entrances should face away from the prevailing winds.
 - f. Buildings should have multiple entrances to minimize the distance from parking spot to the building.
 - g. If present on site, wildlife corridors shall be included in the site plan.
 - b-h. On site generation of electricity using renewable energy is highly encouraged
 - e.i. b. ——— The primary entrance to a building shall have a human scale. Provide a 1 story element at the building entrance to help establish a sense of scale shall be provided.
 - c. Where no windows or other obvious indication exists, ~~express~~ the position of each floor in the external skin design of a building shall be expressed to establish a human scale.
 - i. Use belt courses or other horizontal trim bands of contrasting color and materials to define floor lines.
 - ii. Articulate structural elements, or change materials as a method of defining floors.

- d. ~~Use b~~ Building materials that help establish a human scale shall be utilized.
 - i. For example, use brick in a standard module to express a human scale.
 - ii. Avoid using large surfaces of panelized products or featureless materials.
 - iii. A large surface of stucco or similar material that lacks articulation or detailing shall not be allowed~~avoided~~.
 - iv. The mix of exterior materials should form a cohesive design package. One material and color should be chosen for 80% of the building, with accent materials and colors used to articulate openings, building foundations and roof terminations.
- e. New construction shall relate to adjacent residential and historic resources. Where a new project abuts a residential neighborhood or a historic structure, step the building down at the property edge to minimize abrupt changes in scale, or increase side yards to reduce the impact.

E. Primary Building Entrance.

- 1. Policy. The primary entrance of a structure shall orient to a street, major sidewalk, pedestrian way, plaza, courtyard or other outdoor public space.
- 2. Standards.
 - a. ~~Design T~~he main entrance shall be designed to be clearly identifiable.
 - i. ~~Provide a~~ sheltering element such as a canopy, awning, arcade or portico shall be provided to signify the primary entrance to a building.
 - ii. Where more than one (1) user shares a structure, each individual entrance shall be identified.
 - iii. Customer amenities such as seating areas, coffee shops, customer service stations are encouraged to be located near the main entrance.
 - iv. Shopping cart storage at the entrance, either outside or in the vestibule of the building is encouraged to be avoided.
 - b. ~~Orient t~~he primary entrance of a building to face a street, plaza or pedestrian way.
 - i. Focusing an entrance toward a parking lot without also addressing the street is inappropriate.
 - ii. Consider using alf the building is adjacent to a street "double-fronted" design ~~where the providing an~~ entrance to parking and to the street is required. That is, provide a door to the street and another to the parking lot.
 - iii. A transitional area, including landscaping, between the parking lot and entrance to the building shall be provided. Consider locating a pedestrian plaza at the entrance; this may be enhanced with ~~landscaping and~~ streetscape furnishings.

F. Street Level Interest.

- 1. Policy. When a building is located close to a street or walkway, it shall be designed to provide interest to pedestrians. For example, commercial buildings with storefronts are of interest to passersby. Such features encourage pedestrian activity and shall be used whenever feasible. The overall mass of a building shall appear to be in scale with buildings seen traditionally. This will help new structures fit with the Livingston context. At the same time,

newer structures may be larger than those seen before; they shall simply be articulated in their form and materials such that they convey proportions that are similar to those seen traditionally.

2. Standards.

a. Develop the street level of a building to provide visual interest to pedestrians. All sides of a building shall include interesting details and materials to avoid presenting a "back side" to neighboring properties. ~~For example, the sides of restaurants and specialty stores shall incorporate windows and display cases over at least a third of the facade area.~~ A large expanse of blank wall is ~~inappropriate~~ not permitted on any street-oriented facade.

b. All building walls located within 10 feet of a public sidewalk shall have a minimum of 60% coverage of wall square footage with ground floor windows.

c. Loading docks, trash collection areas, outdoor storage, and similar facilities must be incorporated into the overall design of the building. Loading docks, trash collection areas, outdoor storage, and similar facilities must be shielded from view from adjacent properties and public rights-of-way with screening such as fencing, landscaping or walls.

G. Building Mass and Scale.

1. Policy. A building shall appear to have a "human scale." In general, this can be accomplished by using familiar forms and elements that can be interpreted in human dimensions, as noted throughout this Chapter, e.g., "small details/visible to pedestrians."

2. Standards. In order to reduce the visual impacts building scale, each major building project shall provide all of the following:

a. Divide a building into visual modules that express dimensions of structures seen traditionally.

i. Buildings shall employ all of the following design techniques:

(A) Change material or color with each building module to reduce the perceived mass;

(B) Change the height of a wall plane or building module;

(C) Change roof form to help express the different modules of the building mass; and

(D) Change the arrangement of windows and other facade articulation features, such as columns or strap work that divide large wall planes into smaller components.

(E) Large expanses of plate glass shall be avoided by breaking up window arrays with mullions. Repletion and patterns of windows shall be used to create interest.

(F) On multi-story walls, windows shall be placed in courses that reflect potential interior floors. Upper windows shall be coordinated vertically with windows below.

(G) Secondary uses or departments including pharmacies, photo finishing/development, snack bars, dry cleaning, offices, storage, etc., should be oriented to the outside of the building by projecting them outward or recessing them inward. This includes providing the individual uses with separate entrances and windows facing the outside of the building.

- ii. Express facade components in ways that will help to establish a human scale (details oriented towards pedestrians).
 - (A) Establish a pattern and rhythm on exterior walls to establish a human scale;
 - (B) Windows, columns and other architectural treatments used repetitively can create this effect;
 - (C) Using windows and doors that are similar in scale to those seen traditionally also can help establish a human scale;
 - (D) Also, recess these elements, even if slightly, and articulate them with headers, sills, columns and/or mullions.
 - (E) If possible, Windows such that exterior views of the mountains are framed by users of the building are highly encouraged.

H. Roof Form.

- 1. Policy. The primary roof form of a structure shall help reduce the perceived scale of the building. For that reason, sloping roofs shall be used in most contexts. These also will help the building fit into the mountain backdrop. Varied roof forms in the appropriate context are also encouraged.
- 2. Standards.
 - a. Using sloping roof forms to reduce the perceived scale of a building is encouraged.
 - i. Varying roof forms is encouraged.
 - ii. Providing variety in ridgeline height is encouraged.
 - iii. Rooftop mechanical equipment shall be screened from view from adjacent public rights-of-way. Rooftop solar panels are excluded from this requirement but may not reflect sunlight or create glare onto neighboring properties or rights-of-way.
 - b. All roof forms shall have no less than two (2) of the following features:
 - i. A flat roof with parapet;
 - ii. A cornice or molding to define the top of a parapet;
 - iii. Overhanging eaves;
 - iv. Sloping roofs with a minimum pitch of 6:12;
 - v. Multiple roof planes.

I. Signage.

- 1. Policy. Signage shall be sensitive to the natural surroundings and shall not detract from the overall visual design of the site. Because signage can easily become the focal point of a development, it will be important within this overlay zone to keep signage as minimal and unobtrusive as possible.
- 2. Standards.
 - a. Free standing and monument signs will be constructed of materials and contain details which match those of the building being advertised.
 - i. Use brick, wood or stone facades on signage structures to help them blend into and match the site;
 - ii. Simulate architectural details of the building, such as colors, textures, and geometric forms, in designing sign structures.

- b. Signs that detract from the site design of a development shall be avoided. The use of internally backlit signs will not be allowed. Spotlighting or other lighting methods shall be explored.
- J. Design Standards Administration. The building design standards and review procedures contained herein shall apply to all large-scale retail uses and all nonresidential property annexed into the City and falling within the Gateway Overlay Zoning District, which has been mapped and amended to the City's Official Zoning Map. If meeting the above criteria, all new construction, exterior remodels and additions to existing buildings will be subject to the following application and review process:
- 1. Application Submittal Requirements.
 - a. A completed application form.
 - b. along with a site plan and other detailed drawings, including, but not limited to, building elevations indicating exterior materials, colors and necessary architectural details required to determine compliance with this Section, shall be submitted to the Planning Department along with the required application fee. ~~Once accepted by the Planning Department, the applicant will be notified as to whether or not the plans submitted comply with adopted City standards. This notification will occur as soon as the review is completed but in any case shall not be later than thirty (30) days from the date the application was accepted by the Planning Department. Failure of the City to complete a review and notify the applicant within the allotted thirty (30) day period will constitute approval of the application.~~
 - c. An economic analysis, including types and volumes of goods and services to be offered, impact on existing businesses, wage scales, percentage of local ownership and employees.
 - d. A traffic impact study, certified by a professional engineer if the project is anticipated to generate over 250 ADT.
 - e. A wildlife and natural resource study, including effect on existing wildlife habitat and migration routes; water run-off, how natural viewsheds are to be maintained.

If a plan is rejected for noncompliance, it will be returned to the applicant with an explanation as to how the plan fails to comply with City standards and/or this Section. The applicant will then be allowed to resubmit the application, with no additional application fee, provided the City receives the revised application within sixty (60) days from the original rejection.

- 2. Review Fees. The fee for design review shall be established by separate resolution.

SECTION 2

Effective date:

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

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

DOREL HOGLUND – Chair

ATTEST:

FAITH KINNICK
Recording Secretary

PASSED ADOPTED, AND APPROVED by the City Commission of the City of Livingston, Montana, on second reading at a regular session thereof held on the _____ day of November, 2021.

DOREL HOGLUND – Chair

ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

File Attachments for Item:

B. ORDINANCE NO. 3022: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING THE PARCELS INCLUDING THE PROPERTY BETWEEN NORTH O STREET AND THE YELLOWSTONE RIVER TO INCLUDE THE KPRK RADIO STATION AS MEDIUM DENSITY RESIDENTIAL (R-II) AND NEIGHBORHOOD COMMERCIAL AND TO INCLUDE THE AREAS ZONED NEIGHBORHOOD COMMERCIAL IN THE DESIGN REVIEW OVERLAY ZONE.

ORDINANCE NO. 3022

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING THE PARCELS INCLUDING THE PROPERTY BETWEEN NORTH O STREET AND THE YELLOWSTONE RIVER TO INCLUDE THE KPRK RADIO STATION AS MEDIUM DENSITY RESIDENTIAL (R-II) AND NEIGHBORHOOD COMMERCIAL AND TO INCLUDE THE AREAS ZONED NEIGHBORHOOD COMMERCIAL IN THE DESIGN REVIEW OVERLAY ZONE.

* * * * *

Preamble.

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

WHEREAS, Section 30.71 of the City of Livingston Code of Ordinances authorizes the City Commission to amend the officially adopted Zoning Map;

WHEREAS, the amendments meet the criteria and guidelines for zoning regulations as required by Section 76-2-304 of Montana Code Annotated;

WHEREAS, the City Commission of the City of Livingston, Montana annexed the Subject Parcel by passing Resolution 4922 on April 20, 2021;

WHEREAS, being within the jurisdiction of the City, the parcel is required by the City's Zoning Ordinance to be given a zoning designation;

WHEREAS, the amendment meets the Lowe Test for rezoning property; and

WHEREAS, the City of Livingston Zoning Commission, after a public hearing, voted unanimously (5:0) to recommend approval of the zoning of the parcel to Medium Density Residential (R-II) and Neighborhood Commercial, with the Neighborhood Commercial areas to be included in the Design Review Overlay Zone on the Zoning Map to the City Commission;

NOW, THEREFORE, BE IT ORDAINED by the City Commission that Sec. 30.13 of the Livingston Municipal Code entitled Official Zoning Map, be and the same is hereby amended as follows:

SECTION 1

Zoning of parcels legally described as:

1. 1404 East Park Street

Parcel in the S ½ SW ¼ less Certificate of Survey 1226 in Section 7 of Township 2 South Range 10 East, on file with the Park County Clerk and

Recorder.

2. 1500 East Park Street

Parcel in the S ½SW¼ containing 14,78 acres _more or less in Section 7 of Township 2 South Range 10 East, on file with the Park County Clerk and Recorder.

3. 5 Harris Place

Parcel B in Certificate of Survey 303 in the S ½ SW ½ East of the River in Section 7 of Township 2 South Range 10 East, on file with the Park County Clerk and Recorder.

SECTION 2

Statutory Interpretation and Repealer:

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

SECTION 3

Severability:

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

SECTION 4

Savings provision:

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

SECTION 6

Effective date:

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

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

DOREL HOGLUND – Chair

ATTEST:

FAITH KINNICK
Recording Secretary

PASSED ADOPTED, AND APPROVED by the City Commission of the City of Livingston, Montana, on second reading at a regular session thereof held on the _____ day of November, 2021.

DOREL HOGLUND – Chair

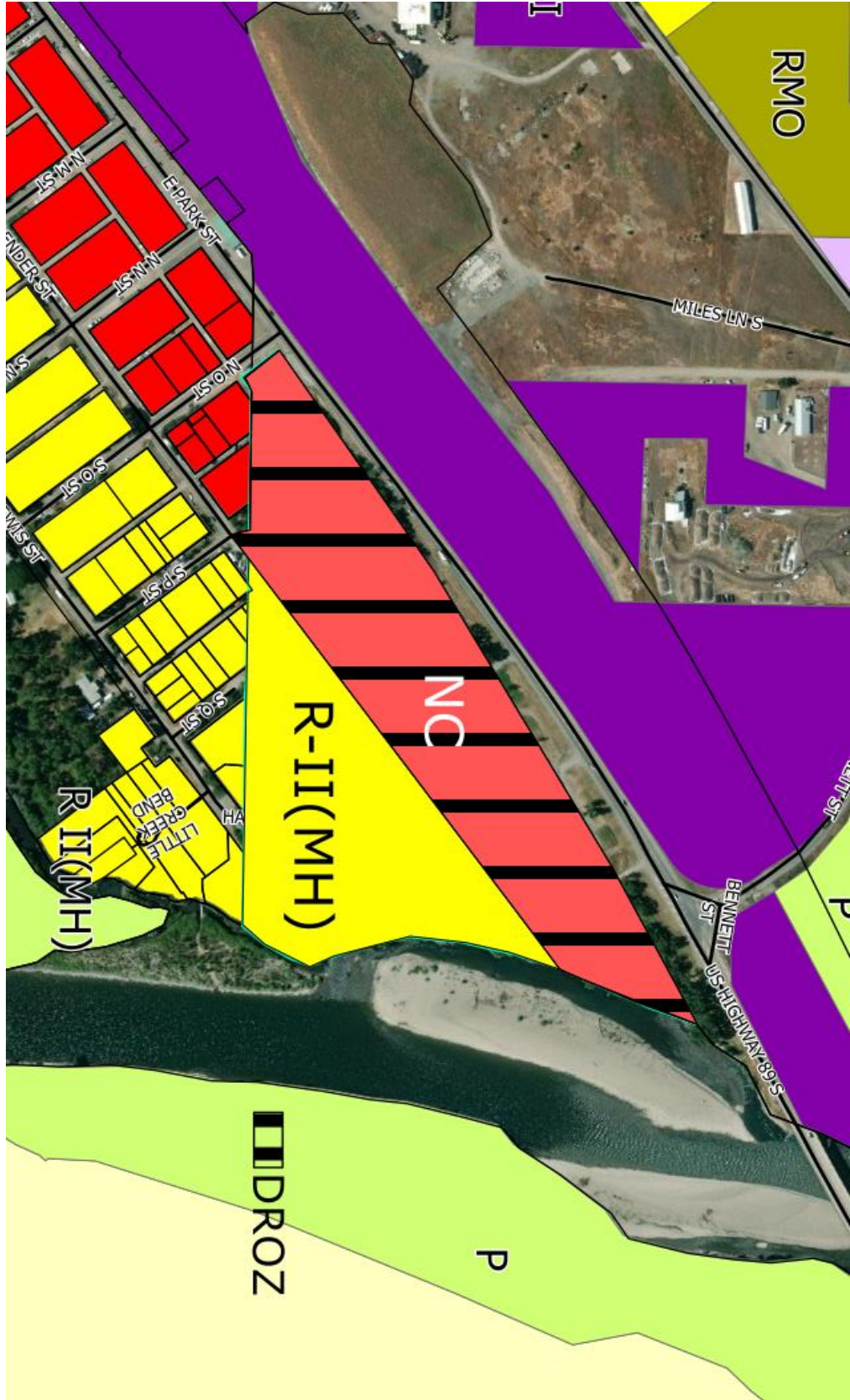
ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

EXHIBIT A



File Attachments for Item:

C. ORDINANCE NO. 3024: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO AMEND CITY ORDINANCE NO. 2041, 2049, 2055, AND 2098 AS CODIFIED BY CHAPTER 9, SECTION 242 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED TRAFFIC AND VEHICLES, BY ESTABLISHING A LOADING/UNLOADING ZONE FOR DOROTHY'S DAYCARE AT 905 W. CLARK ST. AND ESTABLISHING A PENALTY FOR VIOLATIONS THEREOF.

ORDINANCE NO. 3024

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO AMEND CITY ORDINANCE NO. 2041, 2049, 2055, AND 2098 AS CODIFIED BY CHAPTER 9, SECTION 242 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED TRAFFIC AND VEHICLES, BY ESTABLISHING A LOADING/UNLOADING ZONE FOR DOROTHY'S DAYCARE AT 905 W. CLARK ST. AND ESTABLISHING A PENALTY FOR VIOLATIONS THEREOF.

Preamble.

The purpose of this Ordinance is to amend the parking zones on the south side of the 900 block of West Clark Street to accommodate the request for establishment of a loading/unloading zone for Dorothy's Daycare at 905 W. Clark St, to allow for parent pick-up and drop off between the hours of 7:00 a.m. and 6:00 p.m. Monday-Friday.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Livingston, Montana, that Ordinances No. 2041, 2044, 2055, and 2098 as codified in Chapter 9 of the Livingston Municipal Code be and the same is hereby amended with additions in red and underlined and deletions struck through, as follows:

SECTION I.

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)

(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)

SECTION 5

Effective date:

ORDINANCE NO. 2098: AMENDING ORD. NO. 2041 AND 2055 AS CODIFIED BY CHAPTER 9 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED TRAFFIC AND VEHICLES, BY ESTABLISHING A LOADING ZONE IN FRONT OF LITTLE EINSTEIN'S DAYCARE. Page 1 of 3

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 regular session thereof held on the ____ day of October 2021.

DOREL HOGLUND, CHAIR

ATTEST:

FAITH KINNICK
Recording Secretary

PASSED, ADOPTED, FINALLY APPROVED, by the City Commission of the City of Livingston, Montana, on a second reading at a regular session thereof held on the ____ day of November 2021.

DOREL HOGLUND, CHAIR

ATTEST:

APPROVED TO AS FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

PUBLIC NOTICE

Notice is hereby given, a public hearing will be held by the Livingston City Commission on Tuesday, November 16th, 2021, during a second reading of **ORDINANCE NO. 3024:** entitled **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO AMEND CITY ORDINANCE NO. 2041, 2049, 2055, AND 2098 AS CODIFIED BY CHAPTER 9, SECTION 242 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED TRAFFIC AND VEHICLES, BY ESTABLISHING A LOADING/UNLOADING ZONE FOR DOROTHY'S DAYCARE AT 905 W. CLARK ST. AND ESTABLISHING A PENALTY FOR VIOLATIONS THEREOF.** This public hearing will be conducted in the Community Room of the City/County Complex at 414 E. Park St. in Livingston. For additional information contact Faith Kinnick at 823-6002.

Please publish November 5, 2021 and November 12, 2021

Faith Kinnick
City of Livingston
October 8, 2021

PUBLIC NOTICE

Updated notice is hereby given, a public hearing will be conducted by the Livingston City Commission on Tuesday, November 16th, 2021, during a second reading of **ORDINANCE NO. 3024: entitled AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO AMEND CITY ORDINANCE NO. 2041, 2049, 2055, AND 2098 AS CODIFIED BY CHAPTER 9, SECTION 242 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED TRAFFIC AND VEHICLES, BY ESTABLISHING A LOADING/UNLOADING ZONE FOR DOROTHY'S DAYCARE AT 905 W. CLARK ST. AND ESTABLISHING A PENALTY FOR VIOLATIONS THEREOF.** This public hearing will be conducted via Zoom, not in the Community Room as previously advertised. To join this meeting visit: <https://us02web.zoom.us> Meeting ID: 819 3640 5497 Passcode: 140643 or call in at (669) 900-6833.

For additional information contact Faith Kinnick at 823-6002.

Please publish November 9, 2021 and again November 12, 2021

Faith Kinnick
City of Livingston
November 8, 2021

File Attachments for Item:

A. ORDINANCE NO. 3025: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II, IV, AND V, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO MANUFACTURING AND USE TABLE AMENDMENTS.

November 1, 2021

STAFF REPORT
ZONING TEXT AMENDMENT – MANUFACTURING USES AND USE TABLE

Background

Planning staff has proposed an amendment to the City Zoning Ordinance to update how manufacturing uses are defined and allowed, and update the List of Uses (Table 30.40). The update was initiated to allow for more clarity on what uses would be considered light manufacturing and what uses would be considered heavy manufacturing under the current zoning regulations, and to ensure the current definitions are not preventing generally acceptable uses from moving into areas of the City. The definition of light manufacturing requires that no “significant noise, odor, glare, or vibration” is detectible beyond the property line. Specifically, staff has spoken with two separate food/beverage producers that were unclear they would be classified as light or heavy manufacturing as often their production produces food odors that extend beyond the property lines. This uncertainty is actively discouraging low-impact manufacturing and production businesses from locating in Livingston. As manufacturing uses generally provide more stable, year-around, and higher paid jobs than the retail and tourism industries, it is in the City’s best interest to encourage manufacturing uses that are compatible with commercial and residential uses have minimal impact on neighboring properties. To this end staff is recommending that manufacturing be broken into four distinct categories of increasing intensity to allow for more clarity and a broader range of manufacturing uses in commercial and mixed-use zones. The update also includes specific definitions for cideries, wineries, and microbreweries/microdistilleries as these manufacturing uses are all defined under state law.

A new definition of eating and drinking establishments has been proposed to replace the existing definition of “restaurants’ and “bars, taverns, and cocktail lounges” as the current language excludes uses that primarily serve food to-go, such as a bakery. Minor clarifying updates have also been proposed to the drive-in restaurant definition.

Minor updates to the use table are also proposed, generally for consistency and compatibility with other uses in specific districts.

Proposed Findings of Fact

Proposed Zoning Updates: changes to the Zoning Ordinance can be found in a strikethrough-underline version included as Attachment I.

Criteria and Guidelines for Zoning Regulations (MCA 76-2-304): (1) Zoning regulations must be:

- (a) made in accordance with a growth policy:

Staff Comments:

- *Strategy 3.1.1.2: Evaluate and amend the zoning ordinance to allow for higher densities and wider land uses in areas that can support such development.*
 - The proposed zoning amendment allows for a wider range of land uses than currently allowed but clarifying the definitions of “manufacturing” and allowing low-impact manufacturing uses in commercial and mixed-use zones.
- *Strategy 3.1.1.4: Promote any growth that maintains the compact, historic development patterns found in the historic city center.*
 - Historic development patterns included small-scale, low-impact manufacturing uses, especially food production. The zoning amendment would provide more clarity on allowing those uses to continue in the city center and other commercial and mixed-use areas.
 - Additionally, clarifying the zoning language should encourage additional manufacturing uses in the City, promoting historic development patterns.
- *Objective 3.1.3: Achieve higher levels of economic productivity through diversification, technological upgrades, and innovation, including a focus on high-value and labor-intensive sectors.*
 - Clarifying and further allowing manufacturing uses in the commercial and mixed-use areas of the City should promote diversification of the current predominant retail and tourism sectors.
 - Small-scale manufacturing is often both high-value and labor-intensive. Additionally, it often pays a high wage and more stable employment than the retail and tourism sectors.
- *Objective 3.2.2: Properly revise the Zoning Ordinance to allow a mixture of differing but compatible land uses.*
 - The intent of the proposed zoning amendments is to allow compatible manufacturing uses in commercial and mixed-use areas of the City.
- *Goal 6.1: Strengthen and diversify Livingston’s economy by supporting industries and initiatives that increase employment opportunities and personal income.*
 - Allowing for, and encouraging, additional manufacturing uses has the potential to both strengthen and diversify the City’s economy. While zoning cannot dictate that specific uses are located within the City, the current zoning regulation is actively discouraging small-scale manufacturing uses.

(b) designed to:

(i) secure safety from fire and other dangers;

Staff Comments:

- While some manufacturing uses do have a higher fire danger than commercial and residential uses, the proposed updates should have no effect on safety as all structures must continue to meet building and fire code and manufacturing uses are currently allowed within the City.
- None of the other updates to the use tables or definitions should have any impact on safety from fire and other dangers.

(ii) promote public health, public safety, and the general welfare; and

Staff Comments:

- Allowing for a more diverse economy and employment opportunities should promote the general welfare.
- The definition changes should have no impact on the public health, safety, or welfare as compared to the existing allowed manufacturing uses.
- None of the other updates to the use tables or definitions should have any impact on public health, safety, and welfare, as they have been designed to be compatible with existing uses or are only clarifying in nature.

(iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Staff Comments:

- The zoning amendment should not have a greater impact on public requirements than the existing zoning regulations.
- Specific manufacturing uses can have higher demands on specific requirements (e.g. distilleries generally use significantly more water than other uses), the impacts on the City’s infrastructure will need to be evaluated prior to the placement of the use.
- None of the other updates to the use tables or definitions should have any impact on the provision of public requirements, all proposed changes are existing uses within the City and minor changes to the locations of those uses will not burden the City’s infrastructure.

(2) In the adoption of zoning regulations, the municipal governing body shall consider:

(a) reasonable provision of adequate light and air;

Staff Comments:

- Manufacturing uses, especially those proposed to be classified as general manufacturing and intense manufacturing could have impacts on air quality as they have the potential to be a point source of air pollution. General manufacturing is proposed to be allowed in the Light Industrial (LI) and Industrial (I) zones and intense manufacturing is proposed to only be allowed in the I zone, this is generally consistent

with current allowances for manufacturing within the City. Artesian and limited manufacturing which is proposed to be an allowed use or special exception in all commercial zones should have minimal to no impact on air quality.

- No impact to the provision of light is expected from any of the proposed changes, no setback or height changes are proposed.

(b) the effect on motorized and nonmotorized transportation systems;

Staff Comments:

- None of the definition updates or allowed use changes should have any impact on motorized or non-motorized transportation systems.

(c) promotion of compatible urban growth;

Staff Comments:

- The intent of the amendment is to allow low-impact manufacturing uses compatible with near-by commercial and residential uses in commercial districts by clarifying the existing definitions of manufacturing.
- Updates to the use table are generally minor and designed to increase the consistency of the use tables with the intent of the zoning districts and other uses allowed in the districts.
- The updated manufacturing definitions should encourage new businesses compatible with neighboring commercial and residential uses by providing clarity on what is an is not allowed.

(d) the character of the district and its peculiar suitability for particular uses;

Staff Comments:

- No zoning map changes are proposed with this amendment. Use changes are minor and generally geared towards consistency and clarity.
- The updated manufacturing definitions add needed nuance to the zoning code allowing for uses such a food production in appropriate commercial districts.

(e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

Staff Comments:

- The proposed Zoning Amendment should have little to no effect on the value of land.

Zoning Commission

The zoning commission heard the item at their October 12th public hearing, and voted unanimously (5:0) to recommend approval of the changes proposed by Staff to the City Commission. No changes to the staff report or proposed language have been made subsequent to the Zoning Commission meeting.

Staff Recommendation

The Zoning Coordinator believes that the new language listed above meets both the requirements of State Statute and the needs of the City of Livingston. Staff recommends that the Commission adopt the proposed zone text amendment.

Attachments

Attachment I.....Strikethrough-underline version of amendment

ORDINANCE NO. 3025

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II, IV, AND V, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO MANUFACTURING AND USE TABLE AMENDMENTS.

* * * * *

Preamble.

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

WHEREAS, Section 30.71 of the City of Livingston Code of Ordinances authorizes the City Commission to amend the text of the officially adopted Zoning Ordinance;

WHEREAS, the amendments meet the criteria and guidelines for zoning regulations as required by Section 76-2-304 of Montana Code Annotated;

WHEREAS, the amendments meet the goals and objectives of the Growth Policy as adopted by the City of Livingston; and

WHEREAS, the City of Livingston Zoning Commission voted unanimously (5:0) to recommend approval of the amendments to the Zoning Ordinance to the City Commission;

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

SECTION 1

That Chapter 30- Zoning Ordinance, Article II- Definitions, IV- District Regulations, and V- Supplementary General Requirements be amended as follows with deletions struck-through and additions underlined as follows:

Article II. - Definitions

For the purpose of the ordinance, certain terms or words used herein are defined as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; the word "shall" is mandatory, the word "may" is permissive; the words "used" or "occupied" include the words "intended," "designated," or "arranged to be used or occupied," and the word "lot" includes the words "plot" or "parcel."

"Accessory" means a use, a building or structure, part of a building or other structure, which is subordinate to, and the use of which is incidental to that of the main building or structure or the use on the same lot, including a private garage. If an accessory building is attached to the main building by a common wall or roof such accessory building shall be considered a part of the main building.

"Adult book store" means a commercial establishment having a substantial portion of its stock in trade consisting of books, magazines, photographs, films, DVD and videos which emphasize, depict or relate to nudity or sexually explicit material and whose clientele must be of at least eighteen (18) years of age.

"Adult movie theater" means a commercial establishment which presents or shows XXX-rated movies, DVDs or videos on a screen or television.

Alley: See Street.

"Alteration" means a change or rearrangement of the structural parts of existing facilities, a reduction in the size of the structure, or an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another.

~~"Bars, taverns, cocktail lounges" means an establishment where alcoholic beverages are sold and consumed on the premises even if such sales are incidental to or accessory to the principal business of such establishment.~~

"Bed and breakfast" means a commercial business operated in a house which is used partially or primarily for providing overnight accommodations to the public even though the owner may live on the premises. The accommodations for a bed and breakfast shall have no more than five (5) guest rooms. Breakfast is the only meal served on the premises, is included in the charge for the room, and there is no other food or beverage served upon the premises.

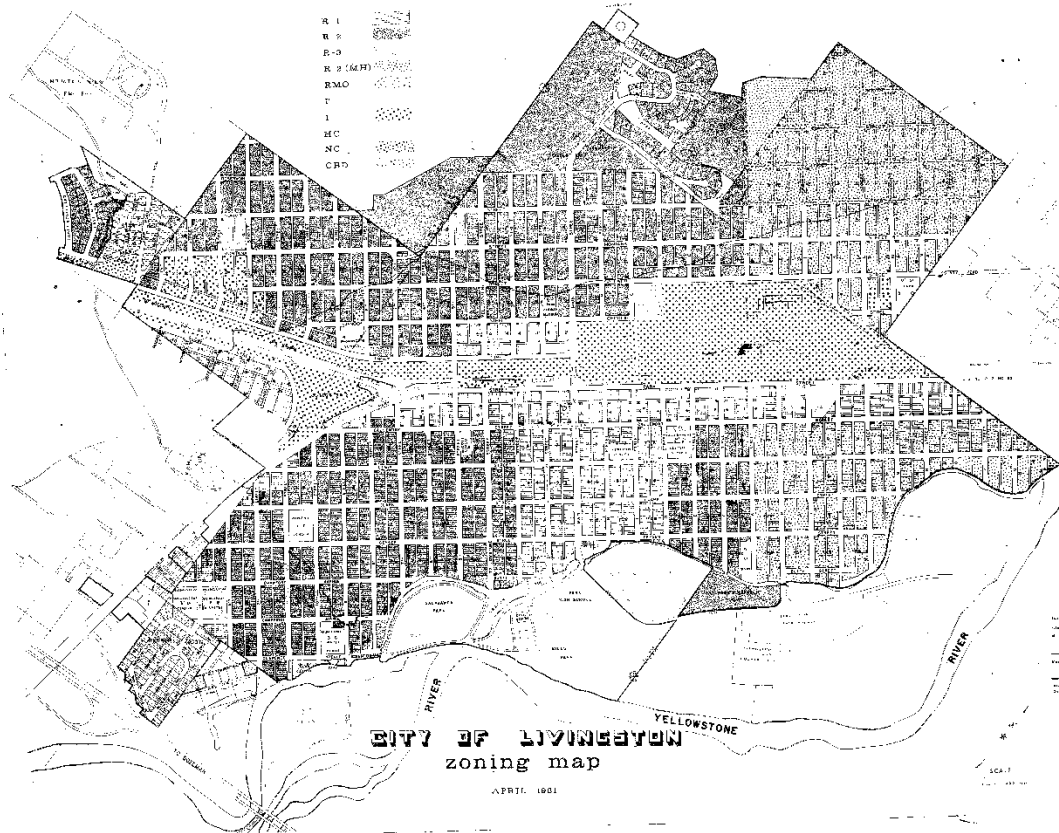
"Board" means the Board of Adjustment of the City of Livingston.

"Boarding house" means a building, other than a hotel or club, where meals are regularly served for compensation to more than six (6) persons who are not members of the family there residing.

"Building" means a structure, of more or less permanent construction, having a roof and intended to be used for sheltering people, animals, personal property or business activity.

"Building height" means height of building is the vertical distance from the "grade" to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hip roof.

"Building official" means the City Building Inspector of the City of Livingston or his designated representative.



"Business and professional offices" means a structure used primarily for housing the offices of a physician, dentist, architect, engineer, attorney, musician, artist or similar professional person.

"Cidery" means a use which produces cider for sale or consumption, licensed in accordance with MCA § 16-4-107.

"Clinic" means a building designed and used for the medical, dental, and surgical diagnosis and treatment of patients under the care of doctors and nurses, but where no surgery other than minor emergency care is performed.

"Drive-in restaurant" means a ~~use whose retail character~~ "eating or drinking establishment" ~~is dependent upon a driveway approach and parking space for motor vehicles so as to either serve customers while in the vehicle or permit consumption of food or beverages obtained on the premises, in a vehicle, where a sale is made without the customer being required to leave their vehicle.~~

Dwelling (types of):

- a. "Dwelling, one (1) family" means a building designed for occupancy by one (1) family and containing one (1) dwelling unit.
- b. "Dwelling, two (2) family (duplex)" means a building designed for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units.
- c. "Dwelling, multiple" means a building designed primarily for occupancy by three (3) or more families living independent of each other, and containing three (3) or more dwelling units.

- d. " Dwelling, accessory" means one (1) independent dwelling unit which is smaller in area and subordinate in use to the principal one (1) family or two (2) family dwelling, or townhouse, on the same lot, whether attached or detached.

"Dwelling unit" means one (1) or more rooms designed for or occupied by one (1) family for living or sleeping purposes or for use solely by one (1) family.

All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. An efficiency apartment constitutes a dwelling unit within the meaning of this ordinance codified in this Chapter.

"Eating and Drinking Establishment" means a building used for the provision of food and/or beverages for on- or off-premises consumption.

"Exotic entertainment" means the commercial showing or display of a living person; however, total nudity is prohibited.

"Family" means one (1) or more persons related by blood, adoption, or marriage, or not more than three (3) unrelated persons living, sleeping and usually eating on the premises as a single housekeeping unit.

"Fence" means a barrier composed of posts connected by boards, rails, panels, or wire for the purpose of enclosing space for separating parcels of land. It may include a masonry wall.

"Grade" means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

"Gross Floor Area" means the area of each floor within the external walls, not including the thickness of the external walls.

"Health and exercise establishment" means an establishment designed and equipped for the conduct of sports, exercise activities and other customary and usual recreational activities. Permitted accessory uses include child care, sun tanning booths, massage, health and nutrition counseling services, retail sales of sporting goods and restaurant services.

"Health and exercise establishment" means an establishment designed and equipped for the conduct of sports, exercise activities and other customary and usual recreational activities. Permitted accessory uses include child care, sun tanning booths, massage, health and nutrition counseling services, retail sales of sporting goods and restaurant services.

~~"Heavy manufacturing" means any manufacturing process which requires the storage of component materials within public view, is conducted partially or entirely outdoors or causes significant noise, odor, glare or vibration which is detectable beyond the parcel on which it is located.~~

"Hotel" means a building in which lodging is provided with or without meals, and open to transient guests.

~~"Light manufacturing" means any manufacturing process which requires no storage of component material within public view, is entirely contained indoors, and does not cause any significant noise, odor, glare or vibration detectable beyond the parcel on which it is located.~~

Livestock and Fowl. "Livestock" shall include all animals of the equine, bovine and swine class, including goats, sheep, mules, horses, hogs, cattle and other grazing animals. "Fowl" includes chickens, geese, ducks, turkeys, peacocks and other poultry.

Lot. For the purpose of this ordinance, a "lot" is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such setbacks and other open spaces as are herein required. Such lot shall have frontage on a public street, or on an approved private street, and may consist of:

- a. A single lot of record.

- b. A portion of a lot of record.
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- d. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Chapter.

"Lot coverage" means that portion of any lot upon which a structure, as herein defined, is located.

"Manufacturing"

1. "Artisan" means on-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations or storage, and occupying no more than 3,500 square feet of gross floor area. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing, food manufacturing, and similar types of arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.
2. "Limited" means manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include: catering establishments, printing and related support activities; machinery manufacturing; food manufacturing; computer and electronic product manufacturing/assembly; electrical equipment, appliance, component manufacturing/assembly; furniture and related product manufacturing/assembly; and other manufacturing and production establishments that typically have very few, if any, negative external impacts on surrounding properties. Also includes "artisan manufacturing/production" type uses that do not comply with the enclosed building, floor area and/or outside operations/storage criteria that apply to artisan manufacturing/production uses.
3. "General" means:
 - a. Manufacturing of finished or unfinished products, primarily from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. Typical uses include: textile mills; textile product mills; apparel manufacturing; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; transportation equipment manufacturing; primary metal manufacturing; and fabricated metal product manufacturing. Also includes medical, scientific or technology-related research establishments that produce odors, dust, noise, vibration or other external impacts that are detectable beyond the property lines of the subject property.
 - b. Industrial service firms engaged in the repair or servicing of industrial or commercial machinery, equipment, products or by-products. Typical uses include: welding shops; machine shops; industrial tool repair; fuel oil distributors; solid fuel yards; laundry, dry-cleaning and carpet cleaning plants; and photofinishing laboratories. Excludes uses classified as "repair or laundry services."
4. "Intensive" means manufacturing of acetylene, cement, lime, gypsum or Plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. Also includes smelting, animal slaughtering and oil refining.

"Manufactured housing" means a single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least one thousand (1,000) square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production. A manufactured home does not include a mobile home.

"Material" means a book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, recording tape, DVD, or videotape (except a motion picture, DVD or videotape rated G, PG, PG-13 or R by the motion picture association of America).

"Marijuana production facility" means an establishment where marijuana or marijuana products are grown, cultivated, manufactured or processed.

"Microbrewery/Microdistillery" means a brewery that has an annual nation-wide production of not less than 100 barrels or more than 10,000 barrels or a distillery that produces 25,000 proof gallons or less of liquor annually in accordance with MCA § 16-4-310 through 16-4-312.

Mobile Home. "Mobile home" means a trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode, or sleeping place and is equipped as a dwelling place, living abode, or sleeping place and is equipped for movement on streets or highways and exceeds twenty-five (25) feet in length exclusive of trailer hitch.

"Mobile home park" means any lot, tract or parcel of land used, maintained or intended to be used, leased or rented for occupancy by two (2) or more mobile homes. This definition shall not include trailer sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sales.

"Motel" means a group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside, or to a common corridor and where a garage is attached to or a parking space is conveniently located at each unit, all for the temporary use by automobile tourist or transient, and such word shall include tourist courts, motor courts, automobile courts, and motor lodges.

"Personal care center" means a facility which provides services and care to residents needing some assistance in performing the activities of daily living. Includes assisted living facilities and nursing homes.

"Planning board" means the Livingston City Planning Board.

"Public recreation facility" means a facility which is available for use by the public for recreational or civic purposes. A fee may be charged, but the facility may not be owned and/or operated for profit. Uses which are covered by this definition shall include, but are not limited to, a Civic Center, swimming pool, fishing access, and park.

~~"Restaurant" means a commercial establishment whose primary function is providing prepared meals to customers for consumption within the structure.~~

"Retail" means the rental or sale of tangible personal property. Includes alcohol and marijuana sales.

"Retail, large-scale" means the rental or sale of tangible personal property where the total area utilized by a single tenant occupies 20,000 square feet or more of gross floor area or outdoor space, exclusive of parking.

"Right-of-way" means a strip of land dedicated or acquired for use as a public way.

"School, elementary, junior or senior high" means an institution of learning, either public, parochial or private, which offers instruction in the several branches of learning and study required to be taught in the schools by the Montana State Board of Education.

"School, commercial" means a building where instruction is given to pupils and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation and not providing instruction for trades.

"School, trade" means a building where primary instruction is given to students in industrial crafts such as auto mechanics, welding and carpentry.

"Setback" means the distance from the corresponding lot line, as defined herein, to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the lot line. A required setback refers to a space on a lot which is open, unoccupied, and unobstructed by any structure or portion of a structure; provided, however, that allowed encroachments as listed in Section 30.42, fences, walks, poles, small accessory use structures as defined herein, posts, other customary yard accessories, sidewalks, terraces,

and swimming pools may be permitted in any setback subject to height limitations and requirements limiting obstruction of visibility in Section 30.52 of Article V.

"Sexually oriented business" means a commercial establishment which operates as an adult book store, adult theater, or features, allows, employs, promotes or sponsors exotic entertainment.

"Special exceptions" means a special exception to the terms of this ordinance to permit uses other than those specifically permitted in each district in appropriate cases and subject to appropriate conditions.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement cellar or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter, or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered as a story.

Street:

- a. "Street" is a public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or otherwise designated which has been dedicated to or acquired for public use and extends the full width between right-of-way lines, or any dedicated public way as recorded by the County Clerk and Recorder whenever any portion is open to vehicular traffic.
- b. "Alley" is a minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
- c. "Arterial street" is a fast or heavy traffic street used primarily as a traffic artery for intercommunication among large areas.
- d. "Local street" is a street used primarily for access to the abutting properties.
- e. "Collector street" is a street which carries traffic from local streets to arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

"Street, front" means a street abutting the predominantly narrow sides of the lot within a block. This is the street that homes within a block shall face and shall be the street that addresses are assigned to.

"Street, side" means a street paralleling or nearly paralleling the predominantly long sides of the lots within a block and intersecting at right angles or nearly right angles the front street.

"Structure" means a building or anything constructed in the ground or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground, but not including fences six (6) feet or less in height, paved areas, or small accessory use structures such as storage sheds, which would not require a building permit to be erected under any building code adopted by the City of Livingston, however, in no case will such accessory building be allowed to violate the line of sight restrictions for street and alley or private drive approaches as specified in Section 30.52(B) of this code, or the height limitations of the applicable zoning district.

"Townhouses" means two (2) or more self-contained dwelling units situated on their own lots and having one (1) or more common wall(s) where no side setback exists.

"Trailer" or "mobile homes" means a factory-assembled structure, equipped with the necessary service connections and constructed to be readily moveable as a unit or units on its own chassis and designed to be used as a dwelling unit.

"Tree, deciduous" means any variety of tree which loses its leaves at the end of the growing season.

"Tree, evergreen" means any variety of tree which does not lose its leaves at the end of the growing season.

"Tree, ornamental" means any variety of tree which is not expected, at maturity, to reach a height of fifteen (15) or more feet nor be a substantial provider of shade.

"Tree, shade" means any variety of tree which is expected, at maturity, to be in excess of twenty-five (25) feet in height and sufficiently full in form to provide substantial shading effects.

"Variance" means an adjustment in the application of the specific regulations of this Chapter pursuant to Section 30.74.

"Winery" means a use which produces wine, licensed in accordance with MCA § 16-4-107.

"XXX-rated movies and sexually explicit materials" are those materials which depict or show human genitalia in a state of sexual stimulation or arousal, acts of sexual intercourse, masturbation, cunnilingus, fellatio, anal intercourse or bestiality.

"Zoning Coordinator" means the planner for the Livingston City-County Planning Board, or such other official as the City Commission, by motion, may designate.

(Ord. 1798, 12/19/94; Ord. 1810, 7/3/95; Ord. 1868, 2/2/98; Ord. 1894 § 1, 3/6/2000; Ord. 1949, 10/18/04; Ord. No. 2011, § 1, 4/6/09; Ord. No. 2022, § 1, 9/7/10)

Article IV. - District Regulations

Sec. 30.40. - List of uses.

Table 30.40 designates a list of uses permitted within a zoning district. Designated uses shall be permitted only in the zones indicated.

**Table 30.40
List of Uses**

	R-I	R-II	RII-MH	R-III	RMO	NC ^{1,2}	CBD ₁	HC	LI	I	P
One (1) Family Dwellings*	A	A	A	A	A	N	A	A	N	N	N
Two (2) Family Dwellings	N	A	A	A	N	N	A	A	N	N	N
Multifamily Dwellings	N	N	N	A	N	N	A	A	N	N	N
Accessory Dwellings	A	A	A	A	A	N	N	A	N	N	N
Townhouses	N	A	A	A	N	N	A	A	N	N	N
Accessory Buildings	A	A	A	A	A	A	A	A	A	A	A
Mobile Homes	N	N	A	N	A	N	N	N	N	N	N

Churches	S	S	S	A	N	A	N	A	N	N	N
Schools, Public and Commercial	A	A	A	A	A	A	N	SN	N	N	A
Schools, Trade	N	N	N	N	N	S	A	A	A	A	N
Hospitals	N	N	N	A	N	SA	N	SN	A	N	SN
Clinics	N	N	N	A	N	A	A	A	A	SA	N
Adult Foster Care Center ²³	N	A	A	A	N	N	AN	AN	A	N	N
Personal Care Center	N	A	A	A	N	A	A	A	N	N	N
Child Care Center	A	A	A	A	A	A	A	A	A	N	N
Veterinarian Clinics	N	N	N	N	N	N	N	A	A	A	N
Kennels and Catterys	N	N	N	N	N	N	N	A	AN	A	N
Self-Service Laundry	N	N	N	N	A	A	A	A	AN	N	N
Bed and Breakfasts	A	A	N	A	N	A	A	A	N	N	N
Motels/Hotels	N	N	N	N	N	N	A	A	A	N	N
Travel Trailer Parks	N	N	N	N	N	N	N	A	N	N	N
Business and Professional Offices	N	N	N	S	N	A	A	A	A	A	S
Retail	N	N	N	N	N	A	A	A	A	S	N
Large-scale Retail	N	N	N	N	N	N	S	S	S	S	N
Barber Shop and Beauty Parlors	N	N	N	N	N	A	A	A	A	S	N
Restaurants Eating and Drinking Establishments	N	N	N	N	N	A	A	A	A	A	N
Bars	N	N	N	N	N	N	A	A	A	A	N

Cemetery	N	N	N	N	N	N	N	N	N	N	A
Government Offices	N	N	N	N	N	A	A	A	N	N	A
Public Recreation Facility	A	A	A	A	N	SN	N	AN	AN	SN	A
Health and Exercise Establishment	N	N	N	N	N	A	A	A	A	S	S
Marijuana Production Facility	N	N	N	N	N	N	N	N	A	A	N

1. C.B.D.—Any number of apartment units may be established in an existing commercial building. No new residential structures may be built unless they meet the definition of "High Density Residential."

2. NC-A single residential unit may be established within a commercial building to allow living space for a business owner.

3. Adult Foster Care Center.

- a. No more than four (4) residents;
- b. Staff member must be on board twenty-four (24) hours a day.

* This includes manufactured homes as defined by Ordinance 1813.

(Ord. 1506, 11/16/82; Ord. 1516, 8/2/83; Ord. 1517, 10/18/83; Ord. 1529, 7/16/84; Ord. 1538, 11/20/85; Ord. 1544, 2/4/86; Ord. 1556, 9/16/86; Ord. 1799, 12/19/94; Ord. 1810, 7/3/95; Ord. 1813, 8/21/95; Ord. 1891, 9/7/99; Ord. 1949, 10/18/04; Ord. 1977, 9/18/06; Ord. 2000, 4/7/08; Ord. No. 2022, § 2(Exh. A), 9/7/10; Ord. No. 2029, § 1(Exh. A), 4/19/11; Ord. No. [2046](#), § 1(Exh. A), 9/17/13)

Sec. 30.41. - Residential density requirements.

Residential density requirements are set out in Table 30.41.

	Low Density R-I	Med. Density R-II	High Density R-III	Mobile Homes (A) RMO	Public (P)	Med. Density R-II(MH)
Min. Lot Area per Dwelling Unit in Square Feet ¹						

One Unit	9,600	3,500	3,500	6,000		3,500
Two Units	N/A	7,000	6,000	12,000		7,000
Three Units	N/A	N/A	7,500	18,000		N/A
Four Units	N/A	N/A	9,000	24,000	N/A	N/A
Five Units	N/A	N/A	10,500	6,000 ft. ²		N/A
Six Units	N/A	N/A	12,000 1,500 ft. ² for each add. unit	for ea. add. unit		N/A
Min. Setback Requirements						
Front Street	25'	25'	20'	20'	20'	25'
Side	15'	5' or B) or C)	5' or B) or C)	10' or C)	5' or C)	5' or C)
Rear	5'	5'	5'	5'	15'	15'
Side Street	15'	10'	10'	10'	10'	10'
Max. Height for all Bldgs.	27'	27'	45'	15'	27'	27'
Off-Street Parking Requirements	2 per one (1) family dwelling 1 per accessory dwelling	2 per dwelling unit in one (1) family and two (2) family dwellings 1 per accessory dwelling	2 per dwelling unit for first 6 units in one (1) family, two (2) family, and multifamily dwellings and then 1.5 for each additional unit 1 per accessory dwelling	2 per dwelling unit for first 6 units in one (1) family, two (2) family, and multifamily dwellings and then 1.5 for each additional unit	Refer to Art. V Sec. 30.51	2 per dwelling unit in one (1) family and two (2) family dwellings 1 per accessory dwelling

				1 per accessory dwelling		
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1. In all residential zoning districts in which accessory dwellings are permitted the number of accessory dwellings allowed is equivalent to the number of dwelling units allowed on the lot as show in Table 30.41 above. The total number of dwelling units allowed on any lot is the allowed density of the lot in Table 30.41 above plus the equivalent number of accessory dwellings. E.g.: a 7,000 square foot lot in the R-II zoning district allows two (2) dwelling units *and* two (2) accessory dwellings.

A) Applicable to Mobile Home Subdivisions only.

B) Side setback required for approved townhouse development.

C) Any side setback that is directly adjacent to, and generally in line with, an adjoining rear setback within the same Zoning Classification District shall have the same setback as the adjoining rear setback.

(Ord. 1728, 12/7/92; Ord. 1798, 12/19/94; Ord. 1861, 6/16/97)

Sec. 30.42. - Commercial density requirements.

Commercial density requirements are set out in Table 30.42.

Table 30.42					
Commercial Density Requirements					
Zoning Classification District					
	Neighborhood Commercial	Highway Commercial	Industrial	Light Industrial	Central Business District
Min. Lot Requirements in Square Feet	N/A	6,000	6,000	6,000	N/A
Minimum Setback Requirements					
Front Street	20'	20'	20'	0' with boulevard	N/A
				10' without boulevard	

Side	0' or A)	0' or A)	0' or A)	10' or A)	N/A
Side Street	10'	10'	10'	10'	N/A
Rear	0'	0'	0'	20'	N/A
Maximum Height for all Buildings	27'	45'	N/A	33'	N/A
Parking Requirements	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51
Loading Space Required	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51	Refer to Article V Sec. 30.51

A) Any side setback that is directly adjacent to, and generally in line with, an adjoining rear setback within the same Zoning Classification District shall have the same setback as the adjoining rear setback.

(Ord. 1949, 10/18/04)

30.42. – Allowable Encroachments into Setbacks.

- A. Entranceway awnings and roof eaves may extend up to 18 inches into any setback. The maximum height for an entranceway awning that encroaches into the setback shall be 12 feet.
- B. Entranceway steps and ramps may extend up to five (5) feet into the front street or side street setback. Entranceway steps and ramps that encroach into the setback may only access the ground floor of the attached building.
- C. Ground floor covered or uncovered porches may extend up to five (5) feet into the front street or side street setback. The deck of any first floor porch that extends into the setback shall be no higher than the ground floor level of the attached building. The maximum height for the roof of any ground floor covered porch that encroaches into the setback shall be 12 feet.
- D. Window-wells and below-grade stairwells may project 36 inches into any setback. Window-well projecting beyond 18 inches shall be covered in such a way that is consistent with adopted building codes and such that an individual is prevented from falling into the window-well.

Sec. 30.43 – Accessory dwellings.

- A. Accessory dwellings are subject to all applicable regulations listed in this ordinance, including but not limited to: setbacks, maximum building heights, parking, and building design standards.
- B. Detached accessory dwellings shall be located to the rear of the primary dwelling on the property.
- C. Accessory dwellings shall not exceed eight hundred (800) square feet of gross floor area. Accessory dwellings must be smaller in gross floor area than the primary dwelling on the property. If an accessory dwelling is attached to another building only the gross floor area of the accessory dwelling shall be calculated towards the maximum gross floor area. Accessory dwellings attached to existing, primary dwelling units are not subject to the gross floor area limitations, but must be wholly contained within the existing building. Any attached accessory

dwelling that increases or modifies the footprint or profile of the primary dwelling unit in any way, whether above or below ground, shall not exceed the above listed maximum gross floor area for an accessory dwelling.

- D. All detached accessory dwellings shall maintain a (6) six-foot separation, measured from the external walls of the dwelling unit to all other buildings on site.
- E. Accessory dwellings shall be on the same lot as the primary dwelling.
- F. Accessory dwellings shall not be subdivided or sold separately from the primary dwelling on the lot. If an accessory dwelling is subdivided from the primary dwelling unit, the accessory dwelling is no longer an accessory dwelling and must meet all density requirements listed in Table 30.41. Prior to use of the accessory dwelling, the property owner must record a deed restriction provided by the City Attorney's Office stating that the accessory dwelling shall not be sold separately from the primary dwelling, and provide a copy of the recorded deed restriction to the Department of Building and Planning prior to the issuance of a Certificate of Occupancy.
- G. Accessory Dwellings are encouraged to be combined with other buildings to preserve open space on the lot.

Sec. 30.44.. - Bed and breakfasts.

- A. "Bed and breakfast" means a commercial business operated in a house which is used partially or primarily for providing overnight accommodations to the public.
- B. The goal of this section is to establish the allowable locations and operations of bed and breakfast facilities.
- C. A bed and breakfast shall be allowed in the following zoning districts: Low Density (R-I), Medium Density Residential (R-II), High Density Residential (R-III), Neighborhood Commercial (N.C.), Highway Commercial (H.C.), and the Central Business District (C.B.D.).
- D. Reserved.
- E. The accommodations for a bed and breakfast shall have no more than five (5) guest rooms. Breakfast shall be the only meal served on the premises, and is included in the charge for the room. No other food or beverage served upon the premises.
- F. Off-street parking shall be provided by all bed and breakfast facilities. There shall be two (2) off-street parking spaces, plus one (1) for each guest room. Off-street parking shall be required to be used by guests.
- G. No bed and breakfast shall be located on a lot closer than two hundred (200) feet in a straight line distance from any other lot containing a bed and breakfast. The owner shall live on the premises.
- H. Signage shall be limited to that allowed for home occupations (twelve (12) inches by twenty-four (24) inches non-illuminated, flush mounted).
- I. Rates shall be charged for single-night occupancy only, weekly or monthly rates will not be allowed.
- J. A bed and breakfast already in existence at the time of this section's effective date shall have ninety (90) days to conform with the provisions of this section except existing establishments shall be grandfathered as to the requirements of subsection (G) of this section.
- K. Any property receiving a special exception for a bed and breakfast shall have ninety (90) days from the date of the final City Commission action to meet any specified conditions and obtain a City business license. If a City business license is not obtained in that time period, the special exception shall be automatically rescinded as of that date. If a license for a bed and breakfast is not renewed within ninety (90) days after January 1 of any calendar year, the special exception for that bed and breakfast shall be automatically rescinded.

- L. Any application for a bed and breakfast shall be accompanied by a detailed plan, drawn to scale, showing all aspects of the physical layout for the property, including the off-street parking provisions.
- M. The table of uses (Table 30.40) is amended to comply with subsection (C) of this section.

(Ord. 1702, 7/20/92; Ord. 1868, 2/2/98; Ord. 1894, 3/6/2000; Ord. No. 2029, § 2, 4/19/11)

Sec. 30.45. - Uses in the Preservation Zoning District.

Uses in the Preservation Zoning District may be reduced or expanded from the uses allowed in the areas surrounding the Preservation Zoning District. Allowable uses will be set forth in the plan adopted for each Preservation Zoning District.

(Ord. 1954, 5/16/05)

Sec. 30.45.1. - Preservation Zoning District Plan.

The Livingston City Zoning Commission shall make a recommendation to the City Commission for a Preservation Zoning District Plan which shall take into consideration the following:

- A. Delineation of the boundaries of each special use zoning district;
- B. Identification of the structure(s) and/or natural features which contributed to the creation of the Preservation Zoning District;
- C. Identification of the uses and development standards or guidelines intended to preserve the structure(s) and/or natural features which may vary from Preservation Zoning District to Preservation Zoning District, but shall take into consideration:
 - 1. Setbacks,
 - 2. Landscaping standards,
 - 3. Signage standards,
 - 4. Parking standards,
 - 5. A list of uses to be allowed,
 - 6. Any other standard that would serve the purpose of preserving historic or architectural structure(s) or natural features in each Preservation Zoning District.

(Ord. 1954, 5/16/05)

Sec. 30.46. - Building design standards.

- A. This Section provides policies and standards for the design of buildings in the Design Review Overlay Zone. In general, they focus on promoting buildings that will be compatible in scale and appear to "fit" in the community by using materials and forms that are a part of Livingston's design traditions. As such, they address only broad-scale topics and do not dictate specific architectural styles or building details.
- B. Objectives for Building Design.
 - 1. Achieve High Quality Design. Buildings in the overlay zone shall convey a high quality of design, in terms of their materials and details, as well as through a consistent organization of forms and elements. This quality shall establish a standard for design throughout the community.

2. Reflect the Design Traditions of Livingston. Buildings shall reflect the design traditions of the region, in terms of building and roof forms. Distinctive roof forms are a key part of this tradition. Sloping roofs, in gable, hip and shed varieties are historical precedents to promote and they also help reduce the apparent bulk of larger buildings and help to shed snowfall. Flat roofs with varied parapet lines and cornices are also a part of the City's design traditions and shall be encouraged. Buildings that appear to be in scale with those seen traditionally also shall be encouraged. Where a new building would be larger than those existing in the area, it shall establish a transition in scale, to reduce the impact of building scale on the adjacent property, as well as on the neighborhood.
 3. Promote Buildings that Fit with the Natural Setting. Structures shall be sited to fit with the land and incorporate colors seen in the natural setting.
 4. Promote Buildings that Reflect Pedestrian Scale. Human scale shall be an integral part of all buildings. Large, flat, windowless block buildings do not reflect human scale or the design traditions of Livingston. Thoughtful use of landscaping, color, building materials and architectural details bring human scale to buildings.
- C. Building and Topography.
1. Policy. A building shall respect the natural topography of the site.
 2. Standards. Step a building foundation to follow the slope of the site when feasible. In general, an exposed building foundation shall not exceed three (3) feet in height.
- D. Building Character.
1. Policy. Buildings shall reflect the regional urban character.
 2. Guideline.
 - a. Designs that draw upon regional design traditions are preferred. Standardized "franchise" style architecture will be strongly discouraged by following these standards.
 - b. The primary entrance to a building shall have a human scale. Provide a one (1) story element at the building entrance to help establish a sense of scale.
 - c. Where no windows or other obvious indication exists, express the position of each floor in the external skin design of a building to establish a human scale.
 - i. Use belt courses or other horizontal trim bands of contrasting color and materials to define floor lines.
 - ii. Articulate structural elements, or change materials as a method of defining floors.
 - d. Use building materials that help establish a human scale.
 - i. For example, use brick in a standard module to express a human scale.
 - ii. Avoid using large surfaces of panelized products or featureless materials.
 - iii. A large surface of stucco or similar material that lacks articulation or detailing shall be avoided.
 - e. New construction shall relate to adjacent residential and historic resources. Where a new project abuts a residential neighborhood or a historic structure, step the building down at the property edge to minimize abrupt changes in scale, or increase side yards to reduce the impact.
- E. Primary Building Entrance.
1. Policy. The primary entrance of a structure shall orient to a street, major sidewalk, pedestrian way, plaza, courtyard or other outdoor public space.
 2. Standards.

- a. Design the main entrance to be clearly identifiable.
 - i. Provide a sheltering element such as a canopy, awning, arcade or portico to signify the primary entrance to a building.
 - ii. Where more than one (1) user shares a structure, each individual entrance shall be identified.
- b. Orient the primary entrance of a building to face a street, plaza or pedestrian way.
 - i. Focusing an entrance toward a parking lot without also addressing the street is inappropriate.
 - ii. Consider using a "double-fronted" design where the entrance to parking and to the street is required. That is, provide a door to the street and another to the parking lot.
 - iii. Consider locating a pedestrian plaza at the entrance; this may be enhanced with landscaping and streetscape furnishings.

F. Street Level Interest.

- 1. Policy. When a building is located close to a street or walkway, it shall be designed to provide interest to pedestrians. For example, commercial buildings with storefronts are of interest to passersby. Such features encourage pedestrian activity and shall be used whenever feasible. The overall mass of a building shall appear to be in scale with buildings seen traditionally. This will help new structures fit with the Livingston context. At the same time, newer structures may be larger than those seen before; they shall simply be articulated in their form and materials such that they convey proportions that are similar to those seen traditionally.
- 2. Standards.
 - a. Develop the street level of a building to provide visual interest to pedestrians. All sides of a building shall include interesting details and materials to avoid presenting a "back side" to neighboring properties. For example, the sides of restaurants and specialty stores shall incorporate windows and display cases over at least a third of the facade area. A large expanse of blank wall is inappropriate on any street-oriented facade.

G. Building Mass and Scale.

- 1. Policy. A building shall appear to have a "human scale." In general, this can be accomplished by using familiar forms and elements that can be interpreted in human dimensions, as noted throughout this Chapter, e.g., "small details/visible to pedestrians."
- 2. Standards. In order to reduce building scale, each major building project shall provide all of the following:
 - a. Divide a building into visual modules that express dimensions of structures seen traditionally.
 - i. Buildings shall employ all of the following design techniques:
 - (A) Change material or color with each building module to reduce the perceived mass;
 - (B) Change the height of a wall plane or building module;
 - (C) Change roof form to help express the different modules of the building mass; and
 - (D) Change the arrangement of windows and other facade articulation features, such as columns or strap work that divide large wall planes into smaller components.
 - ii. Express facade components in ways that will help to establish a human scale (details oriented towards pedestrians).
 - (A) Establish a pattern and rhythm on exterior walls to establish a human scale;
 - (B) Windows, columns and other architectural treatments used repetitively can create this effect;

- (C) Using windows and doors that are similar in scale to those seen traditionally also can help establish a human scale;
- (D) Also, recess these elements, even if slightly, and articulate them with headers, sills, columns and/or mullions.

H. Roof Form.

- 1. Policy. The primary roof form of a structure shall help reduce the perceived scale of the building. For that reason, sloping roofs shall be used in most contexts. These also will help the building fit into the mountain backdrop. Varied roof forms in the appropriate context are also encouraged.
- 2. Standards.
 - a. Using sloping roof forms to reduce the perceived scale of a building is encouraged.
 - i. Varying roof forms is encouraged.
 - ii. Providing variety in ridgeline height is encouraged.
 - b. All roof forms shall have no less than two (2) of the following features:
 - i. A flat roof with parapet;
 - ii. A cornice or molding to define the top of a parapet;
 - iii. Overhanging eaves;
 - iv. Sloping roofs with a minimum pitch of 6:12;
 - v. Multiple roof planes.

I. Signage.

- 1. Policy. Signage shall be sensitive to the natural surroundings and shall not detract from the overall visual design of the site. Because signage can easily become the focal point of a development, it will be important within this overlay zone to keep signage as minimal and unobtrusive as possible.
- 2. Standards.
 - a. Free standing and monument signs will be constructed of materials and contain details which match those of the building being advertised.
 - i. Use brick, wood or stone facades on signage structures to help them blend into and match the site;
 - ii. Simulate architectural details of the building, such as colors, textures, and geometric forms, in designing sign structures.
 - b. Signs that detract from the site design of a development shall be avoided. The use of internally backlit signs will not be allowed. Spotlighting or other lighting methods shall be explored.

J. Design Standards Administration. The building design standards and review procedures contained herein shall apply to all large-scale retail uses and all nonresidential property annexed into the City and falling within the Gateway Overlay Zoning District, which has been mapped and amended to the City's Official Zoning Map. If meeting the above criteria, all new construction, exterior remodels and additions to existing buildings will be subject to the following application and review process:

- 1. Application. A completed application form along with a site plan and other detailed drawings, including, but not limited to, building elevations indicating exterior materials, colors and necessary architectural details required to determine compliance with this Section, shall be submitted to the Planning Department along with the required application fee. Once accepted by the Planning Department, the applicant will be notified as to whether or not the plans submitted comply with adopted City standards. This notification will occur as soon as the review is completed but in any case shall not be later than thirty (30) days from the date the application was accepted by the

Planning Department. Failure of the City to complete a review and notify the applicant within the allotted thirty (30) day period will constitute approval of the application.

If a plan is rejected for noncompliance, it will be returned to the applicant with an explanation as to how the plan fails to comply with City standards and/or this Section. The applicant will then be allowed to resubmit the application, with no additional application fee, provided the City receives the revised application within sixty (60) days from the original rejection.

- 2. Review Fees. The fee for design review shall be established by separate resolution.

(Ord. 1974, 9/5/07)

Article V. - Supplementary General Requirements

Sec. 30.50. - Signs.

A. Intent. The intent of this Section is to provide standards for erection, design and placement of all signs and sign structures. Design standards are established to achieve the proper relationship of signs to their environment, enhance the outward appearance of the community as a whole, secure pedestrian and vehicular safety, preserve the historic aspects of the City of Livingston and promote the conservation of energy by regulating lighted signs.

B. Definitions.

- 1. "Animated sign" means a sign with action or motion, flashing or intermittent lights and/or color changes requiring electrical energy, electronic or manufactured sources of activation, but not including wind-activated elements such as flags and banners.
- 2. "Awning signs" means a sign which is an integral part of a window awning assembly, to include the printing or painting of words onto awning material.
- 3. "Billboard signs" means any standard outdoor advertising sign larger than two hundred (200) square feet in area which is designed to advertise products, services or businesses not located on the premises on which the sign is located.
- 4. "Free standing signs" means a sign which is supported by one (1) or more columns, uprights, or braces and is permanently fixed in the ground.
- 5. "Monument sign" means a sign, single- or double-sided mounted, flush with the surface of the grade upon which sets the business, industry, or other commercial enterprise which the sign advertises. A monument sign must be landscaped with grass, shrubs or other plants or other landscape material in an area not less than three (3) feet surrounding such sign in all directions.
- 6. "Revolving sign" means a sign which revolves three hundred sixty (360) degrees.
- 7. "Menu board" means a sign specifically designed to advise customers of the menu of food available in the establishment by which the menu board is owned.
- 8. "Reader board" means a sign designed to allow the letters on the sign to be altered, removed and added.
- 9. "Marquee sign" means a specific type of reader board but restricted to use by active movie theaters.
- 10. "Temporary sign" means a sign made of paper, or some other limited life-span material advertising a short-term event, like a sale. Temporary signs are not subject to inclusion in a business' sign square footage measurement. Temporary signs shall be removed within twenty-four (24) hours after the completion of the advertised event.
- 11. "Projecting sign" means a sign installed on the facade of a building which is attached to such building in a perpendicular manner or at an angle to the building wall.

- 12. "Sandwich board sign" means a sign painted on both of the outside of two (2) boards fastened together at the top with a hinge-like device, designed to be placed on the sidewalk area in front of an establishment.
- 13. "Sign" means any device designed to inform or attract the attention of persons not on the premises on which the sign is located, including, but not limited to, signs described in subsections (B)(1) through (B)(12) of this Section. For the purpose of determining number of signs, a sign will be considered to be a single display device with not more than two (2) display surfaces (back-to-back) or display device containing elements organized, related and composed to form a unit. For measurement purposes, the square footage of a sign which employs back-to-back display surfaces will only be considered as the square footage of one (1) side of that sign. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element will be considered a separate sign.
- 14. Square Footage. The square footage of a sign shall be measured as the product of the total linear foot measurement multiplied by the total height measurement. The linear measurement shall be attained by measuring from the leftmost edge of the sign, continually measured to the rightmost edge of the sign. Any mounting material shall be part of the measurement.
- 15. "Actual business premises" means the owned or leased real property from which the primary business is actively transacted.
- 16. "Off-premises sign" means a sign located on property other than the actual business premises.
- 17. "Banner signs" means a strip of cloth, plastic or other material displaying advertising or other information.
- 18. "Portable sign" means any sign designed to be easily moved or transported whether by carrying, by mounted wheels, by trailer or otherwise.
- 19. "Voluntary modification" means any modification to an existing sign which reflects a conscious business or personal decision. This may include a change in corporate color scheme, change of logo, or any other change which would require the replacement of existing sign faces. It does not include the replacement or repair of sign faces with new, identical faces as part of normal maintenance or due to damage by wind, fire or other hazard.

C. General.

- 1. Nothing in this Section shall be interpreted as prohibiting or excluding such signs as are required by law. This includes legal notices and advertisements prescribed by law or posted by any lawful officer or agent.
- 2. Any sign which is readily visible from the public right-of-way in an exterior window of a building, whether on the external or internal side of the window, shall be regulated by the provisions of this Section. Temporary sale signs are excluded, however, no single temporary sign shall exceed six (6) square feet in size, and the total of all such temporary signs shall not exceed fifty (50) percent of the transparency of the window in which they are visible.
- 3. All signs as permitted by this Section shall be maintained by the owner and kept in good repair and shall be painted and repaired at reasonable intervals. The surface of the ground under and about any sign shall be kept clear of weeds, rubbish and flammable waste material.
- 4. All signs shall be designed and constructed in accordance with the Uniform Sign Code.
- 5. A permit must be obtained from the Building Official by the person who is erecting the sign prior to the construction of any sign, except for those signs listed in subsection E of this Section.
- 6. Signs not in use by reason of change of occupancy or use by vacation of the building shall be removed within thirty (30) days of such change by the owner of the sign, or the owner of the property. The City has the option of removing such sign at the end of the thirty (30) day period after giving fifteen (15) days' written notice by certified mail to the owner, and upon such removal,

the full charges of removal shall constitute a mechanic's lien against the real property enforceable pursuant to State law.

- 7. All existing signs that have been constructed pursuant to City sign permits and variances through the official date of the ordinance codified in this Section (Ord. 1749 effective date, October 20, 1993) shall be grandfathered and do not have to conform as to the height, size or prohibited signs subsections of this Section. Other provisions of this Section shall apply to existing signs. Grandfathered signs which are voluntarily modified must meet all requirements of this Section. Signs which have previously been granted variances may continue to exist within the parameters of those variances.
- 8. The Building Official shall be responsible for the enforcement of this sign ordinance.
- 9. All buildings with more than one (1) business occupant must submit to the Board of Adjustment a master signage plan which identifies the number and location of all potential signs on the property before any sign permits may be issued. For properties located in the Downtown Historic District, this master plan will be submitted to the Historic Preservation Commission. Any deviation from an approved master plan must be approved by the appropriate body prior to permit issuance.
- 10. Pre-existing multi-occupant buildings will not be issued any new sign permits until a master plan is approved by the appropriate body.
- 11. Any sign variance issued to multi-occupant property shall constitute an amendment to that property's signage master plan.
- 12. All signs located in the Historic Preservation District must comply with the requirements of the Historic District Overlay Zoning.

D. Prohibited Signs.

- 1. No animated signs shall be erected in any zoning district, except time and temperature signs which may be erected in the Central Business District only and existing lighted signs in the Downtown Historic Preservation District which flash, chase, move, revolve, rotate, blink, flicker or vary in intensity or color; however, such lights must be turned off when the business is closed.
- 2. No revolving sign may be permitted in any district.
- 3. No billboard sign shall be erected in any zoning district.
- 4. In the Central Business District Zone, no backlit signs are allowed.
- 5. Visibility at Corners, Alleys and Driveway Approaches. On the street side of all lots where an alley or driveway enters the street right-of-way, and on all corner lots, a triangular clear vision zone shall be maintained. The zone shall measure ten (10) feet into the lot, as measured from the edge of the sidewalk nearest the property line, and twenty (20) feet parallel to the street measured from the edge of any alley, driveway or street corner along the edge of the sidewalk nearest the property line. No structure of any kind over three (3) feet in height shall be erected or maintained within the above defined clear vision zone. If no sidewalk exists, the point of reference for all measurements shall be determined by the Building Official.
- 6. Notwithstanding any other provisions contained in this Section, no free standing sign shall be erected or maintained upon any spire, chimney, cupola, water tank, water tower, radio aerial or television antenna.
- 7. No sign shall be erected on any property without the express permission of the occupant, owner, lessee or any authorized agent thereof.
- 8. No sign shall be erected in such a manner that a portion of the sign or their supports are attached to or will interfere with the free use of any fire escape, exit, or standpipe, or obstruct any required stairway, door, ventilator or window.
- 9. No sign shall be attached to any tree.

10. Menu boards are not permitted on any property other than that occupied by a restaurant-type business.
 11. No portable and/or trailer-mounted signs shall be allowed.
 12. No sign not in conformance with this Code shall be allowed.
- E. Signs Permitted in All Districts Without a Permit. The following signs are permitted in all zoning districts and will not require a permit:
1. Signs advertising the sale, lease or rental of the premises upon which the sign is located, which do not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet. Only two (2) such signs shall be allowed on any one (1) property;
 2. Signs bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial promotion;
 3. Flags and insignia of the government except when displayed in connection with commercial promotion;
 4. Legal notices: identification, information or directional signs erected or required by governmental bodies;
 5. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;
 6. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter;
 7. Detached bulletin boards for churches, schools, or other public, religious or educational institutions provided such sign is located not less than ten (10) feet from the established right-of-way line of any street or highway and does not obstruct traffic visibility at street or highway intersections;
 8. Construction information signs, providing the signs are removed immediately following final completion of construction;
 9. Non-illuminated home occupation signs on any residence which is the site of a home occupation in accordance with Section 30.55. Such signs shall not exceed two (2) square feet;
 10. Signs advertising a candidate for political office. Such signs shall not exceed sixteen (16) square feet and shall be removed within seven (7) days after any election;
 11. Signs advertising yard/garage sales, and the like. Such signs shall not exceed two (2) square feet and must be removed by the owner within forty-eight (48) hours of the completion of the sale.
- F. Signs in a Residential District. Within a residential district only, the following signs shall be permitted:
1. Signs listed in subsection E of this Section which do not require a permit; and
 2. Signs advertising a permitted or existing commercial use within a residential district. Such signs require a permit from the Building Official, and shall be permitted only under the following conditions:
 - a. Only one (1) on-premises sign will be allowed for each business.
 - b. The maximum allowable size for each sign shall be twelve (12) square feet.
 - c. Illuminated signs shall be illuminated only as long as the advertised business is open.
 - d. No sign shall be erected or placed closer than five (5) feet to the lot line adjacent to the street.
- G. Signs in Commercial and Industrial Districts Requiring a Permit.
1. Setback. Free standing and monument signs shall be located a minimum of five (5) feet inside all private property lines.

2. Lighting. All lighting shall comply with the requirements of Ordinance No. 1967 commonly referred to as the Night Sky Protection Ordinance. In no event may an illuminated sign or lighting device be placed or directed so the beams constitute a traffic hazard or nuisance. All wiring, fitting and material used in construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the Uniform Electric Code.
3. Number of Signs. In Commercial and Industrial Zoning Districts, each use is limited to two (2) wall signs. In addition, one (1) monument sign or one (1) free standing sign is permitted for each building, regardless of the number of businesses or industrial uses conducted in any one (1) building.
4. Height.
 - a. No monument sign shall exceed five (5) feet in height.
 - b. No free standing sign shall exceed thirty (30) feet in height.
5. Permitted Surface Area.
 - a. Wall Signs. The total surface area of all wall signs is limited to one hundred (100) square feet in the Central Business District and otherwise to two (2) square feet of sign for each lineal foot of frontage width of the business, provided that the maximum total surface area for all wall signs does not exceed three hundred (300) square feet.
 - b. Monument Signs. Monument signs shall not exceed one hundred (100) square feet in total surface area.
 - c. Free Standing Signs. Free standing signs shall not exceed one hundred fifty (150) square feet in total surface area.
6. Roof-Mounted Signs. Any sign located on the roof of a building shall not exceed twenty-four (24) inches in height and shall not exceed the top of the roof line. The square footage of roof-mounted signs shall be counted as a portion of the limitation on wall-mounted signs, i.e., the total surface area of wall-mounted signs added to any roof-mounted signs may not exceed three hundred (300) square feet maximum, or less if the linear front footage of the building is less than one hundred fifty (150) feet.
7. Off-Premises Signs. A business may have up to four (4) off-premises signs; however, the total square footage of these off-premises signs may not exceed one hundred fifty (150) square feet. No other off-premises signs shall be allowed. Excepted from this provision are:
 - a. Garage sale or hobby show signs no greater than two (2) square feet in area on the date only of the activity;
 - b. Auction and special event signs no greater than nine (9) square feet in area for no longer than three (3) days (seventy-two (72) hours);
 - c. Directional signs for public facilities and museums;
 - d. Banner signs for public performances not exceeding one hundred twenty (120) square feet to be posted for no more than twenty (20) days.
 - i. No signs in the public right-of-way or in any required right-of-way shall be allowed except for governmental traffic control signs (unless a business premises is on the railroad right-of-way). Properly permitted sandwich board signs not to exceed six (6) square feet per side are excepted from this provision provided that they shall be limited to one (1) per twenty-five (25) feet of building frontage and may only be located in front of the business being advertised. The City Commission, upon request from a property owner in front of whose property a sign is to be located, may, where deemed in the public interest, allow a sandwich board sign to be placed other than in front of the business being advertised.

- 8. **Banner Signs.** Temporary banner-type signs shall be allowed for a period of no more than sixty (60) days, limited to no more than seventy-five (75) square feet, and used by any business or entity no more than once per year.
- H. **Variance Parameters for Signs.** Variances may be granted only if there is undue hardship from the application of these sign regulations due to the particular location and site characteristics of the applicant that are different from those cited generally.
- I. **Damaged Signs.** Any existing sign not in conformity with this Section that is damaged in either surface area of the sign or in the structure by more than fifty (50) percent shall be removed and any new sign shall meet all requirements of this Section.
- J. **Complaint and Notice of Violation Procedure.** The City Code Enforcement Officer shall issue a notice of violation in person to the offending property owner, business owner or agent, as the case may be, specifying the violation and steps necessary for correction. If the violation is not brought into compliance within fifteen (15) working days from the personal delivery of the notice of violation, the City shall file a civil complaint against the offending person. Failure to provide the written notice identified herein shall not preclude the filing of a complaint in City Court.
- K. **Violation and Civil Penalty.** It shall be a civil infraction for any person to violate any provision of this Section. Any violation of any provision of this Section is a civil infraction punishable by a civil fine not to exceed Three Hundred Dollars (\$300.00).

(Ord. 1738, 3/2/93; Ord. 1749, 9/20/93; Ord. 1819, 10/16/95; Ord. 1820, 10/16/95; Ord. 1860, 6/16/97; Ord. 1873, 5/18/98; Ord. 1883, 2/1/99; Ord. 1975, 9/5/06)

Sec. 30.51. - Off street parking and loading zones.

- A. **Parking area design.** Parking spaces and drive aisles shall meet the dimensions listed in Table 30.51 below. .

Table 30.51. Parking stall and drive aisle dimension requirements.

Parking Angle	Parking Stall Length	Parking Stall Width	Drive Aisle Width One-Way/Two-Way
30°	18'6"	9'	13'/21'
45°	18'6"	9'	13'/21'
60°	18'6"	9'	16'/21'
75°	18'6"	9'	16'/21'
90°	18'6"	9'	—/24'

- 1. Parking lots for all multi-family residential, commercial, industrial and mixed-use development shall be paved. Gravel parking areas are not permitted for any use other than single-family residential. Pervious pavers and green paving systems are encouraged.

2. Parking areas are encouraged to utilize as little land area as possible to meet the minimum parking standards. Overparking, or adding more parking spaces and area than required by the minimum standards, is highly discouraged.
 3. To minimize vehicular conflicts on roadways and vehicular crossings of the sidewalk, the preferred access to parking areas for all uses are alleyways. Where alleyways are not an available or feasible option for parking access, uses are encouraged to utilize shared access points. Parking areas should be accessed from side streets rather than major roadways throughout the City.
- B. Location. Off-street parking facilities shall be located as hereafter specified: any distance specified shall be in walking distance measured from the nearest point of the parking facility to the nearest point of the lot that such facility is required to serve:
1. For one (1) family, two (2) family, and accessory dwellings: Off-street parking is required on the same lot or an adjoining lot with the building they are required to serve.
 2. For multiple dwellings and townhouses: Off-street parking is required within a walking distance of one hundred (100) feet.
 3. For hospitals, sanitariums, convalescent homes, nursing homes, rest homes, homes for the aged, asylums, retirement homes, rooming and boarding houses: Off-street parking is required within six hundred (600) feet.
 4. For uses other than those specified above: Off-street parking within five hundred (500) feet is required.
 5. For large-scale retail uses: Off-street parking is required to be on the same lot and to the rear or side of the primary structure on the lot.
- C. Expansion or Enlargement. Whenever any building is enlarged in gross floor area by more than ten (10) percent, off-street parking shall be provided for the expansion or enlargement portion only in accordance with the requirements of this article. Nothing in this provision shall be construed to require off-street parking spaces for the portion of such building previously existing before enlargements or for existing buildings that undergo a change in use.
- D. Non-Conforming Use. Voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, even though non-conforming, is allowed and encouraged.
- E. Mixed Occupancies. In the case of mixed uses, the total requirements for the various uses shall be computed separately. Off-street parking facilities for one use shall not be considered as a substitute or for joint use.
- F. Use Not Specified. In the case of a use not specifically mentioned in a zone, the requirements for off-street parking facilities shall be determined by the Zoning Coordinator or their authorized representative. Such determination shall be based upon the requirements for the most comparable use listed.
- G. Joint Use. The Zoning Coordinator or their authorized representative may authorize the joint use of parking facilities for the following uses or activities under conditions specified:
1. Up to fifty percent of the parking facilities required for primarily "night time" uses such as theaters, bowling alleys, bars, restaurants and related uses may be supplied by certain other types of buildings or uses herein referred to as "day time" uses such as banks, offices, retail, personal-service shops, clothing, food, furniture, manufacturing or wholesale and related uses.
 2. Up to one hundred percent of the parking facilities required for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses primarily of a day time nature.
 3. In mixed-use developments, up to 50% of the parking facilities required for the residential use may be supplied by the related day time commercial or light industrial uses. The commercial or

light industrial use must be closed between 6 p.m. and 8 a.m. to be considered for joint use parking

- H. Conditions Required for Joint Use. The building for which application is being made to jointly utilize the off-street parking facilities provided by another building shall be located within 500 feet of such parking facilities.

The applicant must show that there is no substantial conflict in the principal operating hours at the two buildings or uses for which joint use of off-street parking facilities as is proposed.

The applicant must also present a legal agreement executed by the parties concerned for joint use of off-street parking facilities.

- I. 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 (50) percent of the parking space requirements in the Table of Minimum Standards. Apartment units in the Central Business District shall meet the full parking space requirements.
- J. Table of Minimum Standards — Off-Street Parking. Parking spaces shall be required as set forth in the following table, and where alternatives or conflicting standards are indicated, the greater requirements shall apply: Where the total quota results in a fraction, the next highest full unit shall be provided; and in case of a use not specifically mentioned, the requirements of the most similar mentioned use shall apply.

USE	SPACE REQUIRED
Bowling alleys.	Five per alley.
Medical and dental clinic.	One per 200 square feet of gross floor area.
Banks, business and professional offices with on-site customer service.	One per 400 square feet of gross floor area.
Offices not providing on-site customer services.	One per 4 employees or one per 800 sq. ft. of gross floor area, whichever is greater.
Mortuaries.	One per 5 seats in the principal auditorium.
Manufacturing uses, research testing, and processing, assembling, all industries.	One per 2 employees on maximum shift but not less than one per each 800 square feet of gross floor area.
Libraries and museums.	One per 500 square feet of gross floor area.
Schools, elementary and junior high, public, private or parochial.	One per each employee.
School, high school, public or private.	One per each employee and one per 5 students.
Service stations and drive-in restaurants.	One per 80 sq. ft. gross floor area, with 10 spaces minimum requirement.

Residential, single-family.	2 per dwelling unit.
Residential, duplex or multi-family.	2 per dwelling unit for first 4 dwelling units, then 1.5 for each dwelling unit thereafter.
Boarding houses and similar uses.	One per dwelling unit or lodging unit.
Convalescent homes, nursing homes, rest homes	One per 6 beds plus one per each staff member on duty on a maximum shift.
Warehouses, storage and wholesale business and freight terminals.	10 spaces for the first 20,000 square feet of gross floor area* and one space for each additional 10,000 square feet.
Food or beverage places with sale and consumption on premises <u>Eating and drinking establishments.</u>	One per 100 sq. ft. of gross floor area for the first 4,000 sq. ft. with 10 spaces minimum requirement and one space for each additional 300 square feet.
Furniture, appliance, hardware, clothing, shoe, personal-service stores.	One per 600 square feet of gross floor space.
Motor vehicle, machinery, plumbing, heating, ventilating, building material supplies, sales and service.	One per 1,000 sq. ft. of gross floor area plus one per three employees.
Retail stores or service businesses not otherwise named.	One per 500 square feet of gross floor area.
Large-scale Retail	One per 800 sq. ft. of gross floor area.
Retirement homes, housing projects for senior citizens.	1-6 dwelling units 0.5 per dwelling unit; 7-18 dwelling units 0.33 per dwelling unit; over 18 dwelling units 0.25 per dwelling unit; minimum of 5 spaces.
Motels, hotels and motor courts.	One per sleeping room.
Hospitals and institutions.	One per 3 beds plus one per 3 employees.
Theaters.	One per 10 seats.
Health and exercise establishment	One per 200 square feet of gross floor area plus 3 per court

Churches, auditoriums and similar open assemblies.	One per 5 seats or one per 100 linear inches of pew or one per 65 sq. ft. of gross floor area used for assembly purposes, whichever is greater.
Stadiums, sport arenas and similar open assemblies.	One per 8 fixed seats plus one per 100 sq. ft. of assembly space without fixed seats.
*In calculating minimum required parking, gross floor area shall not include car ports and garage areas.	

- K. Up to 20% of the parking spaces required in the Table of Minimum Standards may be replaced by enlarged landscaped areas, stormwater swales, or social areas. Enlarged landscaped, stormwater, or social areas must be equivalent or greater in total square footage to the parking spaces being replaced.
- L. Traffic Control Devices. All traffic control devices such as parking stripes designating stalls, directional arrows, rails, curbs and other developments shall be installed and completed as shown on the approved plans. Hard-surfaced parking areas shall use paint to delineate stalls and directional arrows.
- M. Screening Required. Screening in the form of walls, architectural fences or dense coniferous hedges shall be required where the parking lot has a common boundary with any residentially zoned property. Such screening shall be located no closer than three feet from the property line and shall be properly maintained.
- N. Lighting Restrictions. Lighting of areas to be provided for off-street parking shall be so arranged to not constitute a nuisance or hazard to passing traffic, and where the lot joins any residentially zoned property, the illuminating devices shall be so shaded and directed to play away from residentially classified property.
- O. Maintenance. Maintenance of all areas provided for off-street parking shall include removal and replacement of dead and dying trees, grass and shrubs, removal of trash and weeds, repair and maintenance of drains and repair of traffic control devices, signs, light standards, fences, walls, surfacing materials, curbs and railings.
- P. Off-Street Loading Warehouse and Wholesale. Off-street loading space for warehouse, wholesale shipping and similar facilities shall be determined by the Building Official or his authorized representative.
- Q. Off-Street Loading, Retail and Commercial. In any building or part thereof having a gross floor area of 10,000 square feet or more, which is to be occupied by a use requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space, plus one additional loading space for each 20,000 square feet or major fraction thereof of twenty (20) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height.
- Q. Standards for Commercial and Industrial Uses.
 - 1. Off-Street Loading, Retail and Commercial. In any building or part thereof having a gross floor area of 10,000 square feet or more, which is to be occupied by a use requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space, plus one additional loading space for each 20,000 square feet or major fraction thereof of twenty (20) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height. Loading areas shall be located to the rear of the building and shielded from view from the neighboring properties and rights-of way. Loading areas shall not extend into the public right-of-way.
 - 2. Parking areas shall be located to the side and rear of the primary building on site.

3. Parking areas shall have engineered stormwater retention and/or detention systems consistent with the City of Livingston Design Standards and Specifications Policy to prevent runoff into adjacent properties and rights-of-way. Collected stormwater is highly encouraged to be reused to irrigate on-site landscaping.
- R. Bicycle Parking
- a. Bicycle Parking Standards and Design.
 - i. In all multi-family residential, commercial, industrial and mixed-use development, the amount of provided bicycle parking shall be no less than 10% of the required automobile parking spaces. In buildings with less than 20 parking spaces, two (2) bicycle parking spaces shall be required. Buildings with existing bicycle parking in the adjacent right-of-way may waive 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 (5) or more bicycle spaces required, 20% of those spaces shall be for bicycles with trailers.
 - ii. A bicycle parking space shall be no less than three (3) feet wide by six (6) feet long. Bicycle with trailer spaces shall be no less than three (3) feet wide by ten (10) feet long.
 - iii. The preferred bike rack styles are inverted U or post and loop racks.
 - b. Bicycle Parking Location.
 - i. In all commercial, industrial and mixed-use development, bicycle racks designed to allow bicycles to be securely locked to them must be provided as close as possible to the main entrance of the building, and must be in a location visible from the public right-of-way.
 - ii. Buildings with multiple entrances are highly encouraged to place bicycle racks at each entrance.
 - iii. Multi-family residential developments are encouraged to provide secure and sheltered bicycle parking.
- S. Pedestrian Walkways. Multi-family residential, commercial, industrial and mixed-use development shall provide pedestrian walkways. A system of pedestrian walkways is required to connect each primary use structure on-site to the following: adjacent public sidewalks, on-site parking, other on-site primary use structures, bicycle parking areas, and common outdoor use areas.
- T. Landscaping Requirements for Parking and Loading Areas. Screening, in the form of trees, hedges or other vegetation shall be required between commercial, industrial and multi-family parking, loading and/or storage areas and any public right-of-way. Such screening shall be entirely on private property, shall be a minimum of four (4) feet in height, and shall not constitute a safety hazard for vehicular or pedestrian movement as defined in Section 30.52 of the Livingston Municipal Code. Decorative walls or fencing or earthen berms may also be used in combination with vegetative screening subject to review and approval of the City.
1. General Requirements for Landscaping Plantings. All landscaping shall consist of native, drought-resistant plantings and should be planted using a variety of species planted in an informal arrangement. The use of xeriscaping, food producing plantings, and pollinator friendly plantings are preferred.
 2. Planting, watering, and upkeep of all plantings shall be the perpetual responsibility of the owner. In particular, sufficient watering shall be provided to assure the survival of all plantings.
 3. Perimeter plantings, when mature, shall provide at least 50% screening of the parking areas using dense deciduous clusters or evergreen trees. A mix of dense hedge clusters and small open spaces is allowed.

- 4. Parking lots are encouraged to be broken into smaller areas surrounded by landscaping to minimize large unbroken paved areas. Large deciduous trees are encouraged in the interior of parking lots. Denser hedges are encouraged around the perimeter of parking lots.

U. Landscaping Requirements for the Interior of Parking Areas.

- a. Option #1. Parking areas will be designed so that parking rows will consist of not more than ten (10) automobiles. Any parking area which has a capacity of twenty (20) or more automobiles will be required to provide landscaped islands between parking rows. The island(s) will be at least five (5) feet wide and shall consist of vegetation or other landscape treatment as well as a minimum of one deciduous (1) shade tree per every ten (10) parking spaces or portion thereof. The island(s) will be separated from the parking surface by a curb of at least six (6) inches in height.
- b. Option #2. In the alternative, where parking rows are to consist of more than ten (10) parking spaces, landscaped islands will be provided in accordance with an approved landscape plan. The plan will provide for landscaped area equal to a minimum of five (5) percent of the gross parking lot area. When using this option at least two (2) islands will be required and each island must be a minimum size of fifty (50) square feet. Each island shall contain vegetation or other landscape treatment as well as a minimum of one (1) shade tree per every ten (10) parking spaces or portion thereof.

Sec. 30.52. - Fences and hedges.

- A. Heights. Fences, walls and hedges may be erected or maintained in any residential zoning district provided that no fence, wall or hedge over four (4) feet in height shall be erected or maintained in any front street or side street, or the side yard extending from the foremost edge of the house to the point where the side yard line intersects the front street or side street lot line. Fences and walls located along side yards from the foremost edge of the house to the rear lot line, and along the rear lot line, shall not exceed a height of six (6) feet.

Height, for the purpose of this section, shall be defined as the vertical distance from the top rail, board, wire, or top of hedge to the ground directly below.

- B. Visibility at Alley and Private Drive Approaches. On the street side of all lots where an alley or driveway enters the street right-of-way, a triangular clear vision zone shall be maintained. Said zone shall measure ten (10) feet into the lot as measured from the edge of the sidewalk nearest the property line, and twenty (20) feet parallel to the street measured from the edge of any alley or driveway, along the edge of the sidewalk nearest the property line. No fence, wall, hedge, or shrub over three (3) feet in height shall be erected or maintained within the above defined clear-vision zone. If no sidewalk exists, the point of reference for all measurements shall be determined by the Building Official.

Regardless of other provisions of this section, no fences, wall, or hedge which materially impedes vision of vehicles entering an abutting street shall be erected or maintained.

- C. Prohibited Fences. No electric fences shall be permitted in any zoning district. No barbed wire fence shall be permitted in any residential zoning district.
- D. Prohibited Locations. No fence, wall or hedge shall be erected or maintained in a public street or right-of-way.
- E. Prohibited Materials. All fences shall be constructed from approved fencing materials and shall not be constructed from railroad ties, rubble or salvage.

Sec. 30.53. - Animals.

Prohibited Animals. No livestock or fowl as defined in Article II of this ordinance, may be kept or maintained in any zoning district in the city, except for licensed veterinarian services, and except for those kept pursuant to permit obtained pursuant to Section 4-2 through the office of the Sanitarian.

Sec. 30.54. - Motor vehicles or parts.

All inoperable motor vehicles or any parts thereof parked or stored in the open on any property for a period exceeding five (5) days will not be allowed and will be deemed a public nuisance. Any vehicle that is judged to be abandoned will be removed in accordance with the Livingston City Ordinances.

Sec. 30.55. - Home occupations.

A. General.

1. It is the intent of this ordinance to permit home occupations that meet the following criteria in any residential district. No other home occupations except those meeting this criteria will be allowed. Nonconforming home occupations shall meet the criteria within one year from the effective date of this ordinance.
2. The purpose of this ordinance is to protect the residential characteristic of the neighborhoods in Livingston. It is to ensure that the home occupations which are allowed to operate will not impose any burdens on the neighboring landowners.

B. Definitions.

1. A home occupation is defined as any business or commercial activity that is conducted or petitioned to be conducted from a property which is zoned for residential use and which meets the conditions set forth in Section 30.55.C and Section 30.55.E.1. However, a medical marijuana facility is hereby specifically excluded from consideration as a home occupation.
2. A home occupation permit is a permit issued for a home occupation that is authorized by Section 30.55.E without hearing.
3. A home occupation conditional use permit is a permit authorized by the City Board of Adjustment only after a public hearing by the Board.

C. Criteria. Home occupations must fit all of the following criteria:

1. No person shall be employed other than the residents of said dwelling.
2. The occupation shall be conducted wholly within the dwelling or within an accessory building located on the property.
3. The gross floor area devoted to the occupation shall not exceed fifteen (15) percent of the total gross floor area of the dwelling unit plus accessory buildings on the property.
4. The occupation shall not impose upon adjacent residences unreasonable burdens due to noise, vibration, glare, fumes, odors, hours of operation, traffic, or electrical interference. The above shall not be detectable by normal sensory perception beyond the dwelling or accessory building in which the business is located.
5. Direct sales of products off display shelves or racks is not allowed, but a person may pick up an order which was placed earlier by telephone or at a sales party.
6. There shall be no signs erected other than those allowed by this ordinance in residential districts.
7. A minimum of one off-street parking space for each business related vehicle shall be provided on the property. Each parking space shall meet minimum standards for off-street parking established elsewhere in this code.
8. Commercial deliveries shall not restrict regular traffic. Deliveries made by tractor trailer vehicles to home occupations are prohibited in a residential area.
9. There shall be no display or evidence apparent from the exterior of the lot that the premises are being used for any purpose other than that of a dwelling, except for the permitted sign.
10. Outdoor storage of materials for the home occupation is prohibited.

11. No toxic, flammable, hazardous, or explosive industrial substances shall be used or stored on the premises unless registered with the Local Emergency Planning Committee. Said premises shall be subject to regular fire inspections.
 12. No home occupation shall be permitted without the prior issuance of a home occupation permit or home occupation conditional use permit.
- D. Enforcement.
1. The permit shall be valid only for the proposed business as operated by the applicant. The permit shall be non-transferable either to another property or to another owner or operator. It may be revoked upon sufficient showing that a permit holder is violating the terms of the permit.
 2. The business shall be subject to regular inspections by the City Fire Marshal and/or the City Building Inspector. The inspections shall be done during regular business hours.
 3. The Building Official shall be responsible for enforcing this section of this ordinance, and shall report any violations to the Livingston City Attorney.
- E. Compliance. It is the intent of this subsection to provide the Building Official with the means to enforce the Home Occupation section of this ordinance.
1. Businesses shall be divided into two categories based on the expected impact they will have on the residential neighborhood they are proposed for.
 - a. A Major Home Occupation is one which can be expected to have some impact on the neighborhood it is proposed for. It is one which has some visible evidence of the occupation and shall accommodate both the residential and business related parking needs on the property. Additional characteristics include:
 - (1) The business may have a sign; or
 - (2) The business may create some additional traffic for deliveries and customers.
 - b. A Minor Home Occupation is one which has no visible exterior evidence of the conduct of the occupation, which does not generate additional traffic, and in which no equipment other than that normally used in household, domestic, or general office use. Additional characteristics may include:
 - (1) The business shall not have a sign.
 - (2) No use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence shall be allowed.
 - (3) No hazardous, flammable, explosive or toxic industrial substances may be used in a minor home occupation.
 2. All Home Occupations in existence at the time of the adoption of this Ordinance and all new home occupations which fit the criteria of a minor home occupation shall be required to get a Home Occupation Permit.
 - a. The purpose of the Home Occupation Permit is to ensure compliance with this section of the Ordinance.
 - b. The Home Occupation Permit may be issued by the Building Inspector upon application by the owner of a Home Occupation.
 - c. The application shall be accompanied by a floor plan for the residence with the area to be used for the business clearly marked.
 - d. The application shall be accompanied with a fee of twenty dollars (\$20.00) to cover processing.
 3. All new Major Home Occupations shall be required to be reviewed by the City Board of Adjustment for a Home Occupation Conditional Use Permit.

- a. The Home Occupation Conditional Use Permit process shall be initiated by application to the City Zoning Administrator.
- b. The Zoning Administrator shall review the application for completeness and prepare it for review by the City Board of Adjustment.
- c. The Zoning Administrator shall schedule a public hearing, advertise it two (2) times beginning at least fifteen (15) and not more than thirty (30) days prior to the public hearing date.
- d. The Zoning Administrator shall notify the adjoining landowners within three hundred (300) feet of the proposed Home Occupation location, on the proposed business, and the date of the public hearing by mail at least fifteen (15) days prior to the date of the public hearing. The request shall be posted on the property at least ten (10) days prior to the public hearing.
- e. The City Board of Adjustment shall conduct the public hearing and decide on the application.
- f. The City Board of Adjustment shall have the power to require any mitigating measures it deems necessary to protect the public health, safety and welfare.
- g. The Special Review shall have a fee of fifty dollars (\$50.00).

(Ord. No. 2022, § 3, 9/7/10)

Sec. 30.56. - Mobile homes.

- A. Residential Mobile Homes. Mobile homes are permitted in approved mobile home (RMO) parks and R-II (MH) districts only. No mobile homes shall be placed in other zoning districts except those specified in Section 30.56B.

Any mobile home or replacement of any existing mobile home moved onto a site in one of the approved zoning districts must contain a minimum of eight hundred (800) square feet, and must meet all of the following requirements before a Certificate of Occupancy can be issued by the Building Official:

- A) All mobile homes must be completely skirted.
- B) All mobile homes must be securely anchored at all four corners.
- C) The running gear must be removed.
- D) The tongue must be removed.
- E) All mobile homes must be placed on a permanent foundation. For the purpose of this part, a permanent foundation means a foundation system which has been designed and certified by a professional engineer or architect, or which has been specified by the mobile home manufacturer.

- B. Commercial Use. Mobile homes shall not be utilized for any commercial use, other than an on-premises office in connection with a mobile home sales business or as a temporary job shack located on a construction site. Such job shack must be removed within ten (10) days after completion of construction.

(Ord. 1813, 8/21/95)

Sec. 30.56.1. - Manufactured homes.

- A. Manufactured homes are permitted in all residential zoning districts. Any manufactured home or replacement of any existing manufactured home must contain a minimum of one thousand (1,000) square feet.

- B. All manufactured homes must be placed on a permanent foundation. For the purpose of this part a permanent foundation means a standard footing-type, perimeter foundation built to frost depth, with or without a basement.
- C. A manufactured home of less than 1000 square feet may be placed if it meets all of the following conditions:
 - a. The structure is on a permanent foundation.
 - b. The tract or parcel of land for the proposed use must be owned by a unit of local government or a community housing development organization.
 - c. The home must be used to provide affordable housing to households earning less than 80% of the area median income.
 - d. A management plan from the local government or community housing development organization addressing the following factors is submitted to the City Administration and City Commission:
 - i. Affordability plan (including proposed rents).
 - ii. Management plan (including client eligibility and intake).
 - iii. Proposed deed restrictions to be placed on the property requiring adherence to approved affordability plan.

(Ord. 1813, 8/21/95)

Sec. 30.57. - Commercial buildings in residential districts.

Whenever a commercial building is permitted in a residential district, either as a matter of right or by special use permit, that building must meet the density requirements of the residential zone in which it is located, except for the off-street parking requirements. The minimum off-street parking requirement will be established by the Building Official in accordance with Section 50.51.

Sec. 30.58. - Townhouses.

- A. Townhouses are permitted in RII, RII(MH) and RIII districts only.
- B. All townhouse development must comply with the density and setback requirements set forth in Table 30.41, the off-street parking requirements found in Section 30.51, and all other applicable regulations.

(Ord. 1798, 12/19/94)

Sec. 30.59. - Landscaping regulations.

- A. Purpose. The purpose of the ordinance codified in this section is to set forth minimum landscaping requirements for new or altered commercial, industrial, R-III and RMO Zones in order to minimize the visual impact upon public rights-of-way and incompatible uses in said zones and adjacent or abutting R-I or R-II Zones as well as establishing minimum buffering requirements between new or altered commercial, industrial, R-III and RMO Zones and existing incompatible uses and abutting or adjacent R-I or R-II zones and to lessen the impact of lighting.
- C. Prohibition. No land shall be used or occupied and no structure shall be designed, erected, used, occupied or altered where a building permit is required, nor shall any variance or special exception be granted, except in conformity with the regulations established in this section.
- D. General Landscaping Requirements. Landscaping shall be required as follows:
 - 1. A variety of species planted in an informal arrangement. The use of xeriscaping, edible plantings, and/or pollinator friendly plantings is preferred.

2. Planting, watering, and upkeep of all plantings shall be the perpetual responsibility of the owner. In particular, sufficient watering shall be provided to assure the survival of all plantings.
- E. Landscaping Requirements for Storage Areas. Screening, in the form of trees, hedges or other vegetation shall be required between commercial, industrial and multi-family storage areas and any public right-of-way. Such screening shall be entirely on private property, shall be a minimum of four (4) feet in height, and shall not constitute a safety hazard for vehicular or pedestrian movement as defined in Section 30.52 of the Livingston Municipal Code. Decorative walls or fencing or earthen berms may also be used in combination with vegetative screening subject to review and approval of the City.
3. Buffering Required Between Different Land Uses. Where commercial, industrial, multi-family or mobile home park land uses abut or are adjacent to lower density residential land uses or zones, either directly or when separated by an alley or street right-of-way or other natural or manmade structure, the commercial, industrial, multi-family or mobile home park use will provide a landscaped buffer zone screening itself from the lower density residential use.
 - a. Buffer Zone. The buffer zone shall be a minimum of five (5) feet in width with an additional five (5) feet required for each story of the commercial, industrial or multi-family use above one (1) story, not to exceed twenty-five (25) feet in width.
 - b. Screening. Screening shall be installed within the buffer zone which shall consist of vegetation or vegetation and a combination of berm, fencing or masonry walls to a minimum height of six (6) feet in a manner which does not create a safety hazard for vehicular or pedestrian movement or interfere with the requirements of Section 30-52(B) of the Livingston Municipal Code.
 - c. Shade Trees. In addition, a minimum of one (1) shade tree per 250 square feet of buffer zone shall be required. Shade trees required hereunder shall be a minimum of two and one-half (2 ½) inches, DBH, in size at the time of planting.
 4. Buffering Required Along State Highways. Where parking areas abut Park Street (State Highway 89) or State Highway 10, a landscape buffer is required between any of the aforementioned roads and parking areas. Informal, clustered plantings are encouraged. Bicycle and walking pathways may be integrated into the buffer.
 - a. Buffer Zone. The buffer zone shall be a minimum of 30 feet in width.
 - b. Trees. A minimum of one (1) shade tree and one (1) evergreen tree per 300 square feet of buffer zone shall be required. Trees required hereunder shall be a minimum of two and one-half (2 ½) inches, Diameter at Breast Height (DBH), in size at the time of planting.
- E. Purpose of Lighting Restrictions. The goal in regulating exterior illumination is to direct, to the maximum extent possible, all artificial light onto the property from which it originates. This section does not apply to street lighting provided by a governmental agency. All lighting is required to comply with the adopted Night Sky Protection Act.
1. Parking or Storage Area. In any area required to buffer itself from adjacent land uses, all exterior lighting shall be limited in height to no more than sixteen (16) feet and will be required to be of a design which directs light downward through the use of a directional shade.
 2. Signs and Decorative Lighting. In commercial and industrial areas adjacent to any land use from which it must be buffered, the following lighting regulations shall apply:
 - a. Internally Illuminated Signs. Internally illuminated signs shall not exceed sixteen (16) feet in height. Internally illuminated canopies or structural panels are prohibited. Alternately, spot-lit signs, canopies or panels may be approved at standard heights if they will not adversely effect neighboring property which determination rests with the discretion of the city planning office, subject to appeal to the Board of Adjustment.

F. Penalty. A violation of this section is a misdemeanor punishable by fine not to exceed five hundred dollars (\$500.00). Each day that a violation is allowed to continue shall be deemed a separate and punishable offense.

(Ord. 1852, 4/21/97)

Section 30.60.- Sexually oriented businesses.

No sexually oriented business shall be operated or maintained within the corporate limits of the City of Livingston except within the Industrial Zone with the further limitation that no sexually oriented business shall be front on Park Street and shall be set back from Bennett Street a minimum distance of two hundred fifty (250) feet. No sexually oriented business shall be operated or maintained within six hundred (600) feet of either a City or County residential zone, a church, an elementary or high school, a State-licensed day care facilities, public libraries, parks or playgrounds, or another sexually oriented business. The distance limitation in this section shall be measured in a straight line from the main public entrance of said sexually oriented business to the property line of properties in residentially zoned districts, churches, elementary or high schools, State-licensed day care facilities, public libraries, parks or playgrounds, or another sexually oriented business.

Sec. 30.61. - Wind powered generators.

A. Definitions.

- 1. "Wind Powered Generator(s)" or "WPG" means any device, such as a wind charger, wind mill, or wind turbine, and associated facilities including the support structure of the system, such as a tower, that covers wind energy to electrical energy which has been certified to conform to applicable industry standards by a nationally recognized certifying organization such as Underwriters Laboratories or similar certifying organization.
- 2. "Wind powered generator height" means the height of a freestanding WPG shall be measured from the ground level to the highest point on the WPG, including the vertical length of any extensions of the WPG, such as the blade.
- 3. "Tower", as used herein, includes the support structure and all components of the WPG.

B. Special Exception. Wind-powered generators (WPG), as defined herein, are permitted upon the issuance of a Special Exception permit within any zone, provided the following standards, and any related conditions imposed by the Board of Adjustment, are satisfied. No WPG, or modification thereto, shall be constructed within the City of Livingston, unless a permit has been issued by the City.

- 1. The permit application shall be accompanied with a non-refundable fee in the amount of one hundred dollars (\$100.00).
- 2. The permit application shall contain a narrative describing the proposed project, the project location, the approximate generating capacity of the facility, a site plan, a photograph of the same type of wind powered generator being proposed and whether the system will be standalone or interconnected to a public utility under the provisions of 69-8-601 et seq. Montana Code Annotated.

C. Maximum Height. The maximum height of a freestanding WPG, on any parcel, or combination of parcels thereof, having a total square footage of one (1) acre or less is limited to sixty (60) feet in height. The maximum height of a freestanding WPG, on any parcel, or combination of parcels thereof, having a total square footage of one (1) acre or more is limited to one hundred (100) feet in height.

- 1. The Board of Adjustment may increase the height of freestanding WPG, provided that in the residential and commercial, districts such increase shall not exceed the maximum height by more than fifty (50) percent. The applicant shall demonstrate, to the Board of Adjustment's satisfaction, that the surrounding topography, structures, vegetation, and other factors make a tower that complies with the height restrictions impractical.

2. Notwithstanding the height limitations of the zoning district, building mounted WPG shall be permitted in all zoning districts, subject to approval by the Board of Adjustment, and shall comply with the following standards:
 - a. Building mounted WPG shall not exceed fifteen (15) feet in height.
 - b. Building mounted WPG shall be prohibited on residential structures less than four (4) stories and forty-two (42) feet in height.
 - c. On nonresidential buildings less than four (4) stories and forty-two (42) feet in height, building mounted WPG shall be setback at least ten (10) feet from the front, side, and rear exterior walls of the structure on which it will be mounted.
 - d. Building mounted WPG shall be installed on the top story.
 - e. The structure upon which the proposed WPG is to be mounted shall have the structural integrity to carry the weight and wind loads of the WPG and have minimal vibration impacts on the structure, as determined by a structural engineer.
 3. Minimum ground clearance. The blade tip of any WPG shall, at its lowest point, have ground clearance of no less than fifteen (15) feet.
- D. Minimum Setback. Minimum setback from any property line shall be one hundred (100) percent of the total tower height, as defined herein and no guy wire may extend close than thirty (30) feet from any property line. No part of the wind generator shall extend over, or across, any part of a public right-of-way.
- E. Noise Standard, Shadow Flicker and Signal Interference:
1. Any noise produced by a WPG, permitted under this Section, shall be less than sixty (60) db as measured from the closest neighboring occupied building; and it is incumbent upon the applicant to demonstrate compliance prior to the issuance of any permits by the Board of Adjustment.
 2. The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building not on the property upon which the WPG is located.
 3. The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the wind powered generators.
- F. Fencing Requirement and Warnings. All WPG installations, other than single-pole towers, shall be enclosed by a fence with locking gate, or incorporate other effective measures to discourage unauthorized climbing of the tower. Towers shall not be climbable up to fifteen (15) feet above ground surface. A visible warning sign concerning voltage must be placed at the base of all towers. Reflective and brightly colored tubing shall be placed on guy wires up to a height of ten (10) feet from the ground.
- G. Control and Brakes. All wind powered generators shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
- H. Liability insurance: Construction Phase. There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least one million dollars (\$1,000,000.00) per occurrence and one million dollars (\$1,000,000.00) in the aggregate. Certificates of insurance shall be filed with the City of Livingston who will also be named as an additional insured.
- I. Aesthetics. WPG colors shall be of neutral subdued tones such as each tones or green or brown. Gray, including darkening galvanized gray, is also acceptable. If constructed on top of structure and visible from the ground, the WPG colors shall be a shade of sky blue. WPG shall not be finished in bright or vivid colors intended to draw attention to the structure or property. WPG shall not be illuminated by artificial means, except where required by the Federal Aviation Administration, or other federal, state, or local law.

- 1. All permitted WPG shall be placed in a reasonably available location that will minimize the visual impact on the surrounding area, and allow the facility to function in accordance with the standards established by this Section, and all other federal, state, and local law.
- 2. Wind towers shall not display any advertising, except for reasonable identification of the manufacturer and facility owner/operator, not to exceed one (1) square foot in size.
- J. Building, Electrical, Other Permits. All WPG shall comply with all applicable building, electrical, mechanical, and other permits required and issued by the City of Livingston, the State of Montana and/or federal regulations. This is to include any approvals required from the Historic Preservation Commission, or other local entity.
- K. Technological Obsolescence. If an applicant can demonstrate, to the satisfaction of the Board of Adjustment, that improvements in WPG technology have made some parts of this Section, and requirements, obsolete or unnecessary, the Board of Adjustment may waive those requirements while still satisfying the original intent and application of this Section. Once every two (2) years, the City shall review existing WPG technology for comparison to this Section, to be sure technological improvements are addressed.
- L. Requirements for Removal. Any WPG that is abandoned, damaged, inoperable, or unused for power generation shall be removed within twelve (12) months of the cessation of operations, unless an extension is approved by the Board of Adjustment. If such an extension is not approved, such WPG shall be deemed a nuisance and require its removal at the property owner's expense. After the WPG removal, the owner of the site shall restore the site to its original, or an improved, condition.
- M. Application of Nuisance Law. If, after a Special Exception permit is issued, by the Board of Adjustment for a WPG, and the same WPG fails to comply with any part of this Section, it may deemed a nuisance and all applicable nuisance laws and regulations may be utilized for mitigation.

(Ord. No. 2002, § 1, 8/4/08)

Editor's note— Ord. No. 2002, § 1, adopted Aug. 4, 2008, amended Ch. 30 with the addition of a new, unnumbered section. Said section has been numbered § 30.61 at the discretion of the editor.

SECTION 2

Effective date:

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

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

DOREL HOGLUND – Chair

ATTEST:

FAITH KINNICK
Recording Secretary

PASSED ADOPTED, AND APPROVED by the City Commission of the City of Livingston,
Montana, on second reading at a regular session thereof held on the _____ day of October, 2021.

DOREL HOGLUND – Chair

ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

File Attachments for Item:

B. ORDINANCE NO. 3026: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 7 – POLICE DEPARTMENT, ARTICLE IV - DISPATCH SERVICES, AS ENACTED BY ORDINANCE NO. 1808 REGULATING THE FEES FOR FALSE ALARMS.

ORDINANCE NO. 3026

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 7 – POLICE DEPARTMENT, ARTICLE IV - DISPATCH SERVICES, AS ENACTED BY ORDINANCE NO. 1808 REGULATING THE FEES FOR FALSE ALARMS.

* * * * *

Preamble.

The purpose of this Ordinance is to update and amend the City’s False Alarm Ordinance to more clearly define the responsible party and to set the fees by resolution rather than in the Ordinance itself.

WHEREAS, the City of Livingston has enacted Ordinance No. 1808 which sets the terms and fees for false alarms, and;

WHEREAS, the Ordinance requires updating to clarify the party responsible for false alarms and to remove the fees from the Ordinance so that they can be set by Resolution, and;

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

SECTION 1

That Chapter 7 – Police Department, be amended as follows with deletions struck through and additions redlined as follows:

Article IV. Dispatch Services

Sec. 7-60. False alarm fees.

A. A false alarm fee shall be charged when City equipment responds, by the City for false alarms reported to the Dispatch Center within any given quarter from the same location ~~as follows~~: False alarm fees will be set by the City Manager and approved by the City Commission.

	Fire	Police
	Alarms	Alarms
First false alarm within the quarter	\$ 50.00	\$ 0
Second false alarm within the quarter	\$100.00	\$25.00
Third false alarm within the quarter	250.00	\$50.00
Fourth or greater false alarm within —the quarter (per alarm)	500.00	\$100.00

B. ~~Also~~ The fee may be waived for alarms caused by factors off-premises if the user can definitely prove to the City ~~Manager~~ that the alarm did not occur on-premises.

C. The ~~above~~ fees and incident count shall not be applied where there is a student induced or vandal induced false alarm incident, to any regularly scheduled fire drills or to any alarms caused by telephone repair work. The City Manager, upon being presented substantial evidence that an alarm was caused by factors off the premises, may waive such fee.

D. Whoever ~~notifies the City is responsible for the premises~~ for the alarm shall be responsible for payment of all false alarm fees.

(Ord. 1793, 1/3/95; Ord. 1808, 7/3/95)

SECTION 2

Statutory Interpretation and Repealer:

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

SECTION 3

Severability:

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of this ordinance

which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

SECTION 4

Savings Provision:

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

SECTION 5

Effective date:

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

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

DOREL HOGLUND, CHAIR

ATTEST:

FAITH KINNICK
Recording Secretary

PASSED, ADOPTED AND APPROVED, by the City Commission of the City of Livingston, Montana, on a second reading at a regular session thereof held on the _____ day of December, 2021.

DOREL HOGLUND, CHAIR

ATTEST:

APPROVED TO AS FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

PUBLIC NOTICE

NOTICE, is hereby given the Livingston City Commission will conduct a public hearing on Tuesday, December 21, 2021 at 5:30 p.m. after the second reading of **ORDINANCE NO. 3025: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 7 – POLICE DEPARTMENT, ARTICLE IV - DISPATCH SERVICES, AS ENACTED BY ORDINANCE NO. 1808 REGULATING THE FEES FOR FALSE ALARMS.** This public hearing will be conducted via Zoom. To join this meeting visit: <https://us02web.zoom.us> Meeting ID: 838 8245 7920 Passcode: 889052 or call in at (669) 900-6833.

For additional information contact Faith Kinnick at 823-6002.

Please publish December 3, 2021 and again December 17, 2021

Faith Kinnick
City of Livingston
November 8, 2021

File Attachments for Item:

A. RESOLUTION NO. 5007: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN AN GENERAL SERVICES AGREEMENT WITH MORTON BUILDINGS INC. FOR CONSTRUCTION OF A STRUCTURE AT PUBLIC WORKS LOCATED AT 330 EAST BENNETT ST.

RESOLUTION NO. 5007

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN AN GENERAL SERVICES AGREEMENT WITH MORTON BUILDINGS INC. FOR CONSTRUCTION OF A STRUCTURE AT PUBLIC WORKS LOCATED AT 330 EAST BENNETT ST.

WHEREAS, the City of Livingston Public Works Department has had the need for an additional structure to house vehicles and equipment for the tasks required of public works and for the protection and maintenance of such vehicles and equipment, and has budgeted for the structure in FY 2021-22; and

WHEREAS, Morton Building Inc. has bid the cost of the construction services at \$257,636.00 as outlined in the General Services Agreement attached hereto and incorporated herein as Exhibit A; and

WHEREAS, the Contractor is engaged in the business of general contracting, independent of the City, and has the manpower, knowledge, expertise, skills, means, tools, licenses, if applicable, and equipment necessary to perform the Project and is ready, willing and able to undertake and perform the Project under the terms and conditions contained the General Services Agreement attached hereto and incorporated herein as Exhibit B; and

WHEREAS, staff has had the opportunity to review the proposal, and both parties agree to the terms and conditions set forth in the General Services Agreement Exhibit A, defining their respective roles obligations and duties; and

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

On the City of Livingston’s behalf, the City Manager is hereby authorized to enter into the General Services Agreement with Morton Building Inc., which document is attached hereto and incorporated herein as Exhibit A.

PASSED AND ADOPTED, by the City Commission of the City of Livingston, this 16th, day of November, 2021.

DOREL HOGLUND, Chair

ATTEST:

APPROVED TO AS FORM:

FAITH KINNICK
Recording Secretary

COURTNEY JO LAWELLIN
City Attorney



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Resolution No: 5007

Requested by: Michael J. Kardoes, City Manager

Date of First Consideration/Status: Ready for Final Approval

Purpose of Legislation: Authorize the City Manager to sign a General Services Agreement with Morton Buildings Inc., and authorize the City Manager to execute the agreement to include the use of contingency funds as deemed necessary.

Statutory Authority/Reference: Budget Authority/Formal Contract

Background: The City of Livingston advertised for bids for the Public Works Equipment Cold Storage and Maintenance Building Project on October 7th 2021. The bid opening was held on October 25th 2021. Morton Buildings, Inc. was the lowest responsible bidder for the Equipment Cold Storage and Maintenance Building.

Staff Recommendation: Approval of the General Services Agreement

Fiscal Impact: Approved Budgeted amount is \$250,000 from Water, Sewer and Street Funds.

Regulatory Impact (local): N/A

Attachments:
General Services Contract

References:

GENERAL SERVICES AGREEMENT

THIS GENERAL SERVICES AGREEMENT (this "Agreement") is made and entered into as of the 4th day of November, 2021, by and between **THE CITY OF LIVINGSTON, MONTANA**, a municipal corporation and political subdivision of the state of Montana with its principal office located at 220 East Park Street, Livingston, MT 59047 (hereinafter referred to as the "City"), and **MORTON BUILDINGS, Inc.**, an incorporated company with its principal place of business located at 252 W Adams, Morton, IL 61550 (hereinafter referred to as the "Contractor"); and together with the City, the "Parties").

RECITALS:

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

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

1. INCORPORATION OF RECITALS. The above Recitals are true and correct and are fully incorporated into this Agreement as if fully set forth in this Paragraph 1.
2. NON-DISCRIMINATION. Pursuant to Mont. Code Ann. § 49-3-207, in the performance of this Agreement, the Contractor agrees that all hiring will be on the basis of merit and qualifications and the Contractor will not be discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin.
3. SCOPE OF WORK/SERVICES. Contractor shall complete all work as specified or indicated in the construction plans and specifications herein. The Project for which the

work shall be completed may be generally described as the “Equipment Cold Storage and Maintenance Building for the Public Works Department.”

4. **CONTRACT DOCUMENTS.** In addition to this Agreement, the contract documents shall consist of the Building Specifications, Bid Form, all issued addenda, bonds and insurance certifications current through the project, and all attachments and exhibits thereto, the Instructions to Bidder, bid, all issued addenda, drawings the specifications manual, bonds, and insurance certifications as required by the Instructions to Bidder (the foregoing documents are collectively referred to in this Agreement as the “Contract Documents.”) The Contract Documents are collectively attached hereto and incorporated herein as Exhibit A.

5. **NATURE OF RELATIONSHIP.**
 - a. The Contractor states that it is engaged in an established business or profession which is in no way affiliated with or connected to the City, except by this Agreement and that it uses independent judgment in the performance of services provided hereby free from control or direction of others. The Contractor shall perform the Project as an independent contractor. The Parties agree that the City is only interested in the end result of said project, not in the method of performance, and as such, the Contractor has been and will continue to be free from the control or direction of the City in the performance of this Agreement. The Contractor shall not be deemed by virtue of this Agreement nor the performance thereof to have entered into any partnership, joint venture, employer/employee or any other legal relationship with the City besides that of an independent contractor.

 - b. The Contractor agrees to comply with all applicable laws, rules and regulations adopted or promulgated by any governmental agency or regulatory body, both State and Federal, and furthermore agrees to assume full responsibility for the payment of all contributions of all federal and state income or other payroll tax or assessment, social security, worker's compensation insurance, unemployment insurance, self-employment tax or any other required deduction or contribution for himself or for any employees engaged by the Contractor in performance of this Agreement.

 - c. **The contractor agrees to follow the Montana Preference law for materials and labor as set forth in 18-1-102 and 18-2-403 MCA. For projects valued in excess of \$25,000.00, the contractor agrees to post the job site with the standard prevailing wage information, to pay his employees the standard prevailing**

wage as established by the Montana commissioner of Labor and/or the federal government and to maintain records thereof for three years.

- d. The Contractor hereby states that it is either covered by Worker's Compensation and Unemployment Insurance or has obtained an exemption from the Montana Department of Labor and Industry pursuant to Mont. Code Ann. §§ 39-71-401(3) and 39-51-204(2), as is evidenced by the certificates of insurance or exemption documents attached hereto and incorporated herein as Exhibit A. Any certificates of insurance shall require at least ten (10) days written notice to the City prior to any cancellation, termination, or non-renewal of coverage.
 - e. The Contractor, its officers, agents and/or employees shall not have the authority to make representations on behalf of the City, and neither shall the aforementioned persons have the authority to legally bind or otherwise obligate the City to any third person or entity.
6. CONTRACTOR'S REPRESENTATIONS AND WARRANTIES. The Contractor represents and warrants as follows:
- a. It and its employees possess all of the necessary qualifications, experience, knowledge, tools and equipment to undertake the performance of the Services as set forth in this Agreement.
 - b. It has inspected the job site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance or furnishing of the work.
 - c. It is familiar with and is satisfied as to all federal, state and local laws and regulations that may affect costs, progress, performance and furnishing the Services.
 - d. It has reviewed this Agreement and all exhibits hereto and has entered into this Agreement based solely upon its own knowledge, inspection and judgment, and not upon any representations or warranties made by the City or its officers, employees or agents.
 - e. It will complete the Services in a workmanlike manner according to industry standards and practices.

f. It will not cause or permit any liens to be filed against City-owned property.

7. ADDITIONAL CONTRACTOR RESPONSIBILITIES. The Contractor shall:

- a. Give employment preference to bona fide Montana residents in the performance of the work.
- b. Pay the travel allowance in effect and applicable to the district in which the work is being performed.
- c. Pay the standard prevailing rate of wages, including fringe benefits, in effect and applicable to the district in which the work is being performed as determined by the Montana Department of Labor and Industry. Information about such wages and fringe benefits must be posted at the job site. The prevailing wage and fringe benefits rates for the current year are attached hereto and incorporated herein as Exhibit C.
- d. Retain records regarding its payment of the standard prevailing rate of wages, including fringe benefits, for a period of three (3) years after the Contractor's completion of work on the Project.

8. CITY'S RESPONSIBILITIES. The City shall:

- a. Provide all of the information regarding any requirements under this Agreement in a timely fashion.
- b. Provide access to City property and easements with respect to the performance of this Agreement.
- c. Prepare the site for building construction per the Contractor's direction.

9. PAYMENT.

- a. Subject to additions or deductions by change order, the Contractor shall perform his obligations under this agreement for the contract price **Two Hundred Fifty Seven Thousand Six Hundred Thirty Six (\$257,636.00)** . Pay estimates submitted by Contractor must first be approved by the City or its designee prior to payment. All bills shall be submitted fourteen (14) days before the regularly scheduled meeting of the City Commission to the Public Works Director at 330 Bennett Street, Livingston, Montana.

- b. In connection with obtaining payment under this Agreement, Contractor agrees to familiarize itself with, and agrees to be bound by, the City's claim procedure, including but not limited to deadlines for submitting claims for approval and payment. The Contractor assumes responsibility for the late filing of a claim.
- c. In the event the Contractor seeks payment or compensation for work, materials or services not included in this Agreement and the exhibits hereto, the Contractor must seek prior written authorization from the City before such expenditure is incurred. If the Contractor fails to obtain prior written authorization, the Contractor shall not be entitled to payment for the unauthorized work, materials or services.

10. TERMINATION.

- a. If the City fails to substantially perform in accordance with the terms of this Agreement, the Contractor shall deliver to the City a written notice specifying the nature of the City's failure to substantially perform. The City shall have a period of ten (10) days after receiving the written notice from the Contractor to cure the failure to perform. If the City fails to cure its failure to perform within the 10-day cure period, the Contractor shall provide the City with a written notice to terminate this Agreement. The Contractor may only terminate this Agreement if it is not at fault for the City's failure to perform. Failure of the City to make payment as provided in this Agreement shall be considered nonperformance and cause for termination, unless the Contractor is at fault for the City's nonpayment.
- b. The City may terminate this Agreement upon not less than ten (10) days prior written notice to Contractor. If the City terminates this Agreement for a reason other than fault of the Contractor, the Contractor shall receive compensation for the work/services performed prior to termination, together with reasonable expenses incurred up to the date of termination.

11. INDEMNIFICATION AND HOLD HARMLESS. To the fullest extent permitted by law, the Contractor shall indemnify the City, its officers, employees, agents and representatives against any and all claims, actions, costs, fees (including but not limited to attorney fees and all defense costs), losses, liabilities or damage of whatever kind or nature arising from or related to Contractor's performance of this Agreement and Contractor's work (or the work of any subcontractor or supplier to Contractor) under this Agreement. In the event a claim should be brought or an

action filed against the City with respect of the subject of this Agreement, Contractor agrees that the City may, at its election, employ attorneys of its own selection to appear and defend the claim or action on behalf of the City, at the expense of the Contractor. City, at its option, shall have the sole authority for the direction of the defense and shall be the sole judge of the acceptability of any compromise or settlement of any claims or actions against the City.

12. INSURANCE AND BONDING. During the term of this Agreement, Contractor shall be responsible for maintaining, at its sole expense, insurance coverage and bonding. The Contractor shall provide the City with certificates of insurance demonstrating such insurance coverage and bonding and the certificates of insurance shall require at least ten (10) days written notice to the City prior to any cancellation, termination, or non-renewal of coverage. The certificates of insurance shall also name the City as an additional insured. The Contractor shall:
- a. Maintain a comprehensive public liability insurance policy, including automobile coverage, insuring against loss and for damages for personal injury or death and/or property loss, damage or destruction arising out of or in connection with the performance of this Agreement by the Contractor, its officers, agents and employees with the minimum liability limit of \$3,000,000.00 per claim and \$1,500,000.00 for each occurrence, as set forth in sections 5 of the bidding documents.
 - b. Maintain workmen's compensation and unemployment insurance, as well as other insurances as may be required by law for employers, or an exemption from the state of Montana.
 - c. Make, execute, and deliver to the City a good a sufficient bond with a surety company licensed in Montana, as surety, conditioned that Contractor shall (i) faithfully perform all of the provisions of this Agreement, (ii) pay all laborers, mechanics, subcontractors, and material suppliers, and (iii) pay all persons who supply the Contractor or subcontractors with provisions, provender, material, or supplies for performing the work.
13. NOTICES. All notices or communications required to be given under this Agreement shall be in writing and shall be deemed to have been duly given by personal delivery or upon deposit into the United States Postal Service, postage prepaid, for mailing by certified mail, return receipt required and addressed, to the address set forth in this

Agreement. Any change of address shall be made by giving written notice thereof to the other party, providing the new address.

14. MODIFICATION AND WAIVER. No amendment, modification or waiver of any condition, provision or term of this Agreement shall be valid or of any effect unless made in writing, signed by the party or parties to be bound and specifying with particularity the nature and extent of such amendment, modification or waiver. Any waiver by any party of any default of the other party shall not effect or impair any right arising from any subsequent default. Nothing herein shall limit the remedies or rights of the parties hereunder and pursuant to this Agreement.
15. SEVERABILITY. Each provision of this Agreement is intended to be severable. If any provision of this Agreement is illegal or invalid for any reason whatsoever, such illegality or invalidity of said provision shall not affect the validity of the remainder of this Agreement.
16. ENTIRE AGREEMENT. This Agreement contains the entire understanding of the Parties in respect to the Services and supersedes all prior agreements and understandings between the Parties with respect to the Services.
17. TIME IS OF THE ESSENCE. Time is of the essence in the performance of this Agreement. The Contractor has agreed to complete the building by June 30, 2022.
18. CAPTIONS, HEADINGS, AND TITLES. All captions, headings, or titles in the paragraphs or sections of this Agreement are inserted for convenience or reference only and shall not constitute a part of this Agreement or act as a limitation of the scope of the particular paragraph or section to which they apply. As used herein, where appropriate, the singular shall include the plural and vice versa and the masculine, feminine or neuter expressions shall be interchangeable.
19. COUNTERPARTS. This Agreement may be executed in multiple counterparts, each of which shall be one and the same Agreement and shall become effective when one or more counterparts have been signed by each of the parties and delivered to the other party.
20. PARTIES IN INTEREST AND ASSIGNMENT. This Agreement shall be binding upon, and the benefits and obligations provided for herein shall inure to and bind, the Parties and their respective successors and assigns, provided that this section shall not be deemed

to permit any transfer or assignment otherwise prohibited by this Agreement. This Agreement is for the exclusive benefit of the Parties and it does not create a contractual relationship with or exist for the benefit of an third party, including contractors, subcontractors or their sureties. This Agreement shall not be assigned, or any right or obligation hereunder, in whole or in part, to another without first having prior written consent of the other party. No assignment or transfer of any interest under this Agreement shall be deemed to release the contractor from any liability or obligation under this Agreement, or to cause any such liability or obligation to be reduced to a secondary liability or obligation.

21. APPLICABLE LAW AND VENUE. This Agreement and the rights and obligations of the Parties shall be governed by and interpreted in accordance with the laws of the State of Montana. The parties stipulate and agree that the Montana Sixth Judicial District Court, Park County, has proper venue and jurisdiction to resolve all causes of action which may accrue in the performance of this Agreement.
22. DISPUTES. It is mutually agreed that the performance or breach of this Agreement and its interpretation shall be governed by the laws of the State of Montana, without regard to its conflicts of law principles.
23. LIAISON. The designated liaison with the City is Shannon Holmes or Martha O'Rourke, both of whom can be reached at (406) 222-5667. The Contractor's liaison is Athan Mandragouras, who can be reached at (406) 600-5125.
24. GOVERNING LAW. It is mutually agreed that the performance or breach of this Agreement and its interpretation shall be governed by the laws of the State of Montana, without regard to its conflicts of law principles.
25. COMPUTING TIME. For the purpose of calculating time under this Agreement, the following computation shall be used: If the period is stated in days or a longer unit of time, exclude the day of the event that triggers the period, count every day, including intermediate Saturdays, Sundays, and legal holidays, and include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

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

City of Livingston

Contractor: Morton Buildings, Inc.

City Manager

DocuSigned by:
Nick Venturi
D404CF0603F0491...

Date

Name: Nick Venturi
Its: Vice President/CFO
11/5/2021

Date

[Exhibit A]

[Building Specifications, Bid Form, Bond]

Exhibit B

[Certificates of Insurance]



CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)
11/05/2021

133

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Aon Risk Services Central, Inc. Chicago IL Office 200 East Randolph Chicago IL 60601 USA	CONTACT NAME: PHONE (A/C. No. Ext): (866) 283-7122 FAX (A/C. No.): (800) 363-0105		
	E-MAIL ADDRESS:		
INSURED Morton Buildings, Inc. 252 West Adams Street Morton IL 61550 USA	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Zurich American Ins Co		16535
	INSURER B: American Zurich Ins Co		40142
	INSURER C: Great American Security Ins Co		31135
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES **CERTIFICATE NUMBER:** 570090216124 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			GL0937631818	10/01/2021	10/01/2022	EACH OCCURRENCE	\$2,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$1,000,000
							MED EXP (Any one person)	\$50,000
							PERSONAL & ADV INJURY	\$2,000,000
							GENERAL AGGREGATE	\$10,000,000
							PRODUCTS - COMP/OP AGG	Excluded
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> OTHER:			BAP 9376314 18	10/01/2021	10/01/2022	COMBINED SINGLE LIMIT (Ea accident)	\$3,000,000
							BODILY INJURY (Per person)	
							BODILY INJURY (Per accident)	
							PROPERTY DAMAGE (Per accident)	
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION			UMB4033493 Umbrella Liability	10/01/2021	10/01/2022	EACH OCCURRENCE	\$2,000,000
							AGGREGATE	\$2,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			WC937631118 AOS WC937631218 Retro MA,WI	10/01/2021	10/01/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH	
A					10/01/2021	10/01/2022	E.L. EACH ACCIDENT	\$1,000,000
							E.L. DISEASE-EA EMPLOYEE	\$1,000,000
							E.L. DISEASE-POLICY LIMIT	\$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Certificate Holder is included as Additional Insured in accordance with the policy provisions of the General Liability policy.

CERTIFICATE HOLDER**CANCELLATION**

The City of Livingston, Montana 220 East Park Street Livingston MT 59047 USA	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Aon Risk Services Central, Inc.</i>

Holder Identifier :

570090216124

Certificate No :



File Attachments for Item:

B. RESOLUTION NO. 5008: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, SETTING THE FEES FOR FALSE ALARMS FOR POLICE AND FIRE PROTECTION.

RESOLUTION NO. 5008

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, SETTING THE FEES FOR FALSE ALARMS FOR POLICE AND FIRE PROTECTION.

WHEREAS, on November 16, 2021, the City Commission updated its Ordinance related to the fees charged for False Alarms for Police and Fire protection; and

WHEREAS, the proposed fee schedule consistent for false alarms for police and for fire, and is attached hereto as Exhibit A and incorporated by this reference as though fully set forth herein; and

WHEREAS, City Commission believes that the fees are reasonably related to and reasonably attributable to the cost of response to false alarms and to the need for the reduction of false alarms that reduce the availability of police and fire response for other calls and emergencies; and

WHEREAS, the City Commission believes that the proposed impact fees do not exceed new developments' proportionate share of the costs incurred by the City in accommodating the infill development when considering:

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

That the City Commission hereby adopts the false alarm fee schedule attached as Exhibit A and that said fees shall hereafter be imposed on qualifying false alarms.

PASSED AND ADOPTED by the City Commission of the City of Livingston, Montana, this 16th day of November, 2021.

DOREL HOGLUND – Chair

ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

EXHIBIT A

FALSE ALARM FEES FOR POLICE AND FIRE ALARMS

Sec. 7-60. False alarm fees.

	Fire Alarms	Police Alarms
First false alarm within the quarter	\$ 0	\$ 0
Second false alarm within the quarter	\$ 25.00	\$ 25.00
Third false alarm within the quarter	\$ 50.00	\$ 50.00
Fourth or greater false alarm within the quarter (per alarm)	\$ 100.00	\$ 100.00

File Attachments for Item:

A. DISCUSS: BOARD COMMUNICATIONS

From: [Michael Kardoes](#)
To: [Faith Kinnick](#)
Subject: Clarifying Board Communications
Date: Tuesday, August 31, 2021 2:54:07 PM

Board Chairs,

There have been some questions lately about the process for communication between boards, the public, and the different arms of the City. While not complex, consistently finding the appropriate avenues for different types of communication issues can be confusing. To help standardize how boards communicate effectively, I will try to lay out the best practices for information to flow between the public, the City’s boards, and the City, with the most clarity consistent with State ethics.

Before discussing “how” information flows, I think it is equally important to understand “what” information flows. Understanding the types of communications makes understanding the mechanisms easier and makes the whole process more efficient. Starting with the purpose of City Boards is the easiest way to understand the “what”. All of Livingston’s City Boards are advisory boards. With that as a baseline, we can look at what an advisory board does.

ADVISORY BOARDS

Advisory boards exist to make recommendations to the City Commission on the subject matter associated with their board. These boards and their recommendations are to enhance public participation of citizens encouraged in the Montana law and Constitution. These recommendations and advice imply two things that guide the types of communications that should emanate from advisory boards. First, the communication should be directed to the City Commission. Second, the communication should be recommendations for decisions of the City Commission. In general, that means that recommendations should be on policy level items. The Commission sets policy and strategically plans the path for the City. They do not delve into operational issues or direct how staff spends its time on a day-to-day basis. If your recommendation delves into how staff will execute an item, that is too detailed

for a recommendation to the City Commission. If your recommendation details what materials to use, which contractor to hire, or when something should be done, that is also operational and should not be contained in a recommendation.

LINES OF COMMUNICATION

City Commission -

Now that we have discussed the types of communication that should originate from boards, it is important to understand who boards should be communicating with. The two basic lines of communication from boards run to the City Commission and the City Staff. Communication to the City Commission should take one of two forms – communications to Board assigned Commissioners or to the City Commission as a body. Some boards have assigned Commissioners who can act as a liaison between the Commission and the board. This is an informal line of communication and exists for consistent communications on small issues, but should not be used for formal guidance. Formal communication to the City Commission should be in written form as either a recommendation or a report. These formal communications need to be voted on by the entire board and sent forward only if the issue receives a majority vote. The method to get those final written communications formally to the Commission is through the City Manager’s Administrative Assistant. The item will then either be placed on a City Commission Agenda or delivered to the Commissioners individually if the item does not need an agenda item. If chairs wish to communicate with the entire Commission informally, care must be taken to clarify if the chair is speaking on their own behalf or on behalf of their board (i.e. a vote has been taken). In general, if a vote has been taken it should take the form of a formal communication and the chair should be forwarding only the recommendation of the board. Once a vote has been taken a member of a board should not undermine the will of the board by expressing a contrary personal position to the Commission.

City Staff –

If a board needs to communicate with City Staff, the line of communication runs through the City Manager. The exceptions to this are the Planning Board and Zoning Commission who normally work through the Planning Director or

designee. Those two boards have very specific legal requirements that necessitate the involvement of city staff during their board processes. Additionally, board secretaries/chairs can communicate with the City Manager’s Administrative Assistant on topics such as minutes, agendas, notices, etc. Outside of those exceptions, all board communication for staff should be directed to the City Manager. The City Manager will determine which staff will answer questions and assign priority and timelines to ensure that overall city priorities are accomplished in the appropriate order. City Staff may contact boards to clarify issues if needed and boards may respond to staff inquiries.

COMMUNICATION PROCESS

In general board communications should follow this flow:

Board requests a policy/strategic project from Commission ---If approved, Commission assigns item to City Staff --- City Staff prioritizes item and determines workflow --- Staff provides plan to Board for review --- Board considers staff plan, votes on a recommendation, and provides its written recommendation to Commission--- Staff presents Board recommendation to City Commission accompanied by staff recommendations --- Commission approves final plan --- Staff prioritizes, funds, and executes plan under the direction of the City Manager

This is the ideal process as boards are not required to write detailed plans about costs, staff time, or other technical aspects. It also clearly delineates board roles in helping develop policy, and the staff role in executing.

DISCOURAGED COMMUNICATIONS

In most cases the following types of communication should not be initiated by boards:

- Communication to city staff other than the City Manager or their Administrative Assistant
- Public Outreach outside of noticed board meetings with recorded minutes
- Communicating directly with individual city residents on a specific issue

outside of public meetings (property owners, etc.)

- Communicating with outside agencies
- Communicating with residents about city operations – specific requests or complaints should be directed to the City Manager
- Communicating about enforcement with contractors, residents, or the public as a city representative
- Requesting quotes for any service or material (or even donations)

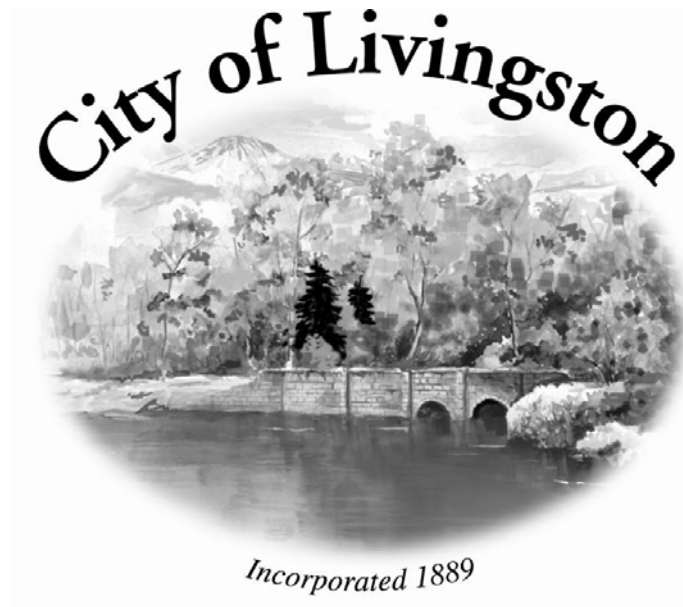
While this is not an exhaustive list of what to do or not to do, it should outline the basic framework of communication for boards. Please let me know if you have any questions.

Sincerely,

Michael Kardoes
City Manager
Livingston, MT 59047
P: 823-6000
citymanager@livingstonmontana.org



CITY OF LIVINGSTON BOARD AND COMMITTEE POLICIES HANDBOOK



Updated November 2019

APPROVED AND ADOPTED BY LIVINGSTON CITY COMMISSION DECEMBER 3, 2019

CONTENTS

FORWARD	4
ORGANIZATIONAL MISSION, VISION, VALUES AND GOALS.....	5
CITY ORGANIZATION	8
ORGANIZATIONAL PERSONEL AND STRUCTURE	10
LIST OF CITY BOARDS/COMMITTEES AS OF NOVEMBER 2019.....	12
PURPOSE OF BOARDS AND COMMITTEES.....	13
MEMBERSHIP	13
<i>Membership on more than one Board or Committee.....</i>	13
<i>Residency Requirement.....</i>	13
<i>Diversity.....</i>	13
<i>Selecting Board and Committee Members.....</i>	14
<i>Board and Committee Members.....</i>	14
<i>Removal for Cause.....</i>	14
<i>Restrictions on City Employees as Members.....</i>	14
BOARD AND COMMITTEE GOVERNANCE	14
<i>By-laws.....</i>	14
<i>Quorum.....</i>	15
<i>Agendas.....</i>	15
<i>Minutes.....</i>	15
<i>Open Meetings.....</i>	16
<i>Meeting Procedures.....</i>	16
<i>Board and Committee Expectations.....</i>	16
MAKING MEETINGS MORE EFFECTIVE.....	17
<i>Parliamentary Procedure and Roberts Rules of Order.....</i>	17
<i>Preparing your Agenda.....</i>	17
<i>How to Use Motions.....</i>	18
<i>Presenting a Motion.....</i>	19
<i>Procedures for Voting on a Motion.....</i>	19
<i>Vocabulary used in a Board Meeting.....</i>	19
<i>Ground Rules.....</i>	21
LEGAL REQUIREMENTS FOR BOARDS	22
<i>Ethics.....</i>	22
<i>Ex Parte Communications.....</i>	22

Group Emails and Communications 22

Board Member Liability..... 22

Public Records 23

City Commission Updates 23

Role of the City Manager..... 23

Right to Know, Right to Participate..... 23

Open Meetings Law..... 24

Notice and Opportunity to be Heard 24

Privacy Issues..... 25

Code of Ethics..... 26

Nepotism..... 27

Reporting..... 27

HUMAN RESOUCES CONSIDERATIONS..... 27

Discrimination..... 28

Wrongful Discharge 28

Confidentiality 29

[ATTACHMENT A]..... 30

SAMPLE BOARD BY-LAWS 30

 Section 1: Meetings..... 30

 Section 2: Special Meetings. 30

 Section 3: Notice. 30

Section 4: Quorum..... 31

Section 5: Officers and Duties..... 31

 Section 6: Vacancies. 31

 Section 7: Resignation, Termination and Absences. 31

 Section 8: Special Meetings. 31

 Section 9: Voting..... 31

 Section 1:..... 32

FORWARD

Welcome Livingston City Board and Committee Members!

The purpose of this handbook is to provide the City board and Committee members with guidelines, policies and best practices when serving on a City Board or Committee.

This handbook is separated into the following general categories:

- Mission/Vision/Values/Goals
- Organizational Personnel and Structure
- List of City Boards/Committees
- Purpose/ Membership/ Governance
- Legal Requirements for Boards and Committees
- Human Resource Considerations

The City Manager will provide orientation training sessions to newly appointed City Boards and Committee. This orientation will consist of general overview of policies and procedures.

In our form of government, the City Commission works with and through the City Manager as its primary liaison to all other City staff and resources. The City Manager is responsible for all City employees and everything that those employees do relative to performing their jobs. The City Manager is also responsible and accountable to determine how the allocation of resources happens so that all objectives and needs of the City, the Commission and the residents of our community are met.

If you would like an idea researched or some task performed, or want to introduce a project or issue through the City Commission, please ask the City Manager to research, arrange a City Commission Work Session for preliminary discussion of the item, or to place it on the agenda for Commission direction on how to approach it and what level of resources to devote to it. The “Commission Comments” section of the regular Commission agenda is another way that issues can be brought up to determine Commission concurrence on how to approach them.

Thank you for the interest and commitment to your community that you have displayed by pursuing and achieving local elected office. I look forward to working for and with you in the service of our community.

Michael J. Kardoes
CITY MANAGER

ORGANIZATIONAL MISSION, VISION, VALUES AND GOALS

Mission of the City

We provide essential services,
quality of life opportunities,
and maintain what is best about Livingston,
while providing for growth in a manner, that is
fiscally responsible, with integrity and compassion.

Organizational Vision of the City

A dedicated team of leaders working in collaboration,
with a diverse community to create
a vibrant home surrounded by natural beauty,
respectful of our unique history and full of opportunity

City of Livingston

Values

We Value People Who:

- **Collaborative:** We work together effectively and transparently with the public, our boards and committees, community partners, private entities, other governments, and within our own organization.
- **Excellence:** We provide dependable, quality services through flexible and customer focused efforts with maximum competence.
- **Integrity:** We are transparent, trustworthy, and honest; committed to doing what is fair and just while maintaining a sense of humor and sense of community.
- **Innovation:** We are creative and efficient in seeking new ways to solve problems and embrace change.
- **Stewardship:** We carefully and responsibly manage our city's infrastructure, employees, fiscal resources, environmental impacts.

City of Livingston Goals Summary

1. **Quality Workforce:** Instill a culture that attracts and sustains knowledgeable and engaged employees that embody the City’s organizational values.
2. **Financial Stewardship:** Create and maintain a financially sustainable budget to fund first the City’s responsibilities and then community enhancements by incorporating the City’s values and innovative funding sources.
3. **Infrastructure:** Build and maintain infrastructure now and into the future that promotes and sustains existing neighborhoods and accommodates growth.
4. **Public Engagement/Collaboration:** Inform and empower the community through open dialogue, user friendly access to information and a welcoming environment.
5. **Safe and Healthy Community:** Foster community resilience by facilitating access to health and wellness resources, enhancing multimodal connectivity and providing stewardship of our natural environment.

CITY ORGANIZATION

The City's workforce is organized into 4 major areas for more efficient operations. These departments are:

- Administrative Services
- Police, Fire/Ambulance
- Public Works
- Planning & Building/ Code Enforcement

The Department Heads are appointed by the City Manager, with, the exception of the Fire Chief whose nomination and appointment by the City Manager requires Commission concurrence.

The Chair of the City Commission nominates the following Advisory Boards and Commissions to advise the Commission:

- Historical Preservation Commission
- City Conservation Board

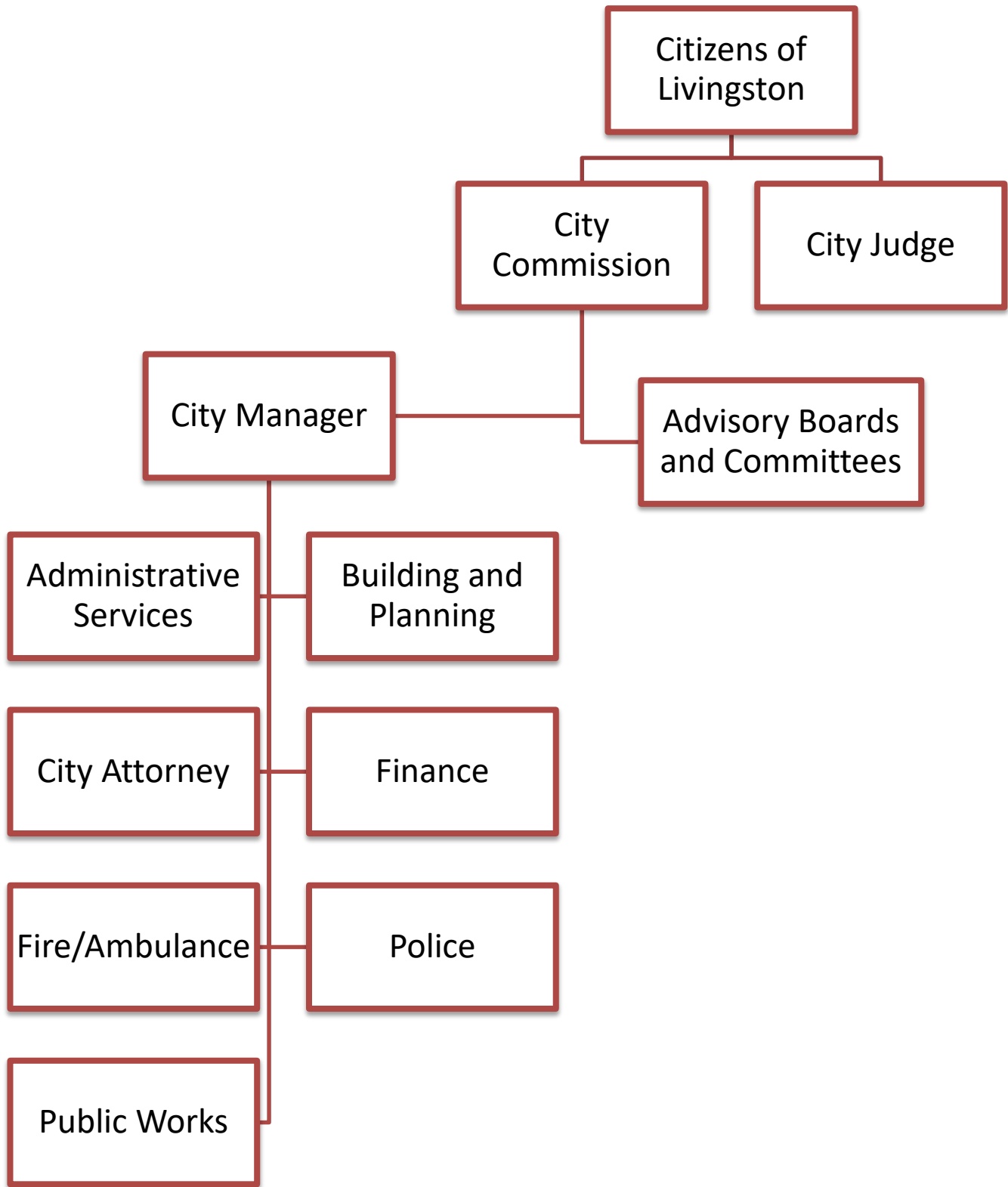
The Chairperson of the Commission appoints the City's representatives to the following Joint Advisory Boards:

- City-County Airport Board
- City-County Health Board

City Commissioners and employees interact with various County Boards.

The City Manager hires and dismisses all City non-elected employees, with the exception of the Fire Chief whose hiring requires Commission concurrence. The City Manager nominates Police Commissioners and the City Commission confirms these nominations. The City Manager also may appoint task forces and committees as necessary.

See the following charts for more detailed information:



ORGANIZATIONAL PERSONEL AND STRUCTURE

City Manager **Michael J. Kardoes**

Administrative Assistant Faith Kinnick

All City Departments and personnel report to the City Manager and the City Manager has authority over all City operations. The City Manager reports to the City Commission and is an appointed position.

City Attorney *(interim attorney)* **Courtney Lawellin, JD**

Legal Analyst Lisa Harreld

The Legal Department oversees all municipal criminal prosecutions, legal research, contracting, liability matters and legal issues which arise for the City.

Finance Officer **Paige Fetterhoff**

The City Finance department develops the annual CIP and General Budget, oversees all accounts receivable and payable, utility billing and revenue collection, business licensing fees and other fee based revenue. The Finance office also serves as point of contact for dog licenses, payroll and Employee Benefits.

Building and Planning Director **Jim Woodhull**

The Building Department provides counsel on all zoning and land use regulatory matters, building plan reviews and permitting and provides for code enforcement such as parking, blight and snow removal.

Public Works Director **Shannon Holmes**

The Public Works Department is responsible for the installation, repair and maintenance of all City Infrastructure such as water mains, sewer mains, street maintenance and all the City Parks and Cemetery Maintenance as well as the proper running of the Waste Water Treatment Plant. The City Public Works Department also provides services such as grave digging, street closures, animal control, recycling drop off, utility locates and snow removal.

Police Chief **Dale Johnson**

Assistant Chief Wayne Hard
Communications Director Peggy Glass

The City Police Department is responsible for the maintenance of Civil Order, traffic control and apprehension of criminals. The Police Department is staffed 24/7/365 and has Detectives, Sergeants, Patrol Officers, K9 Officer and a staff member serves as the School Resource Officer and is stationed at Park High School.

Fire Chief

Ken MacInnes

The City Fire Department responds to all Fire and EMS emergencies in the City limits and within the 5-mile automatic mutual aid zone. The EMS service provides first response medical care County wide and the Fire Department works collaboratively to share needed resources with Rural and County Fire Departments when needed. All Fire Department career personnel are Fire and Paramedic certified.

Administrative Services Director

Lisa L. Lowy

The Administrative Services Department oversees Human Resources, Grant Writing, Communications and Media, Risk Management as well as Parks and Recreation including the City Pool. The AST Director also serves as the Human Resources Director and Public Information Officer.

LIST OF CITY BOARDS/COMMITTEES AS OF NOVEMBER 2019

ALL CITY BOARD/COMMITTEE MEETINGS WILL BE HELD IN THE COMMUNITY ROOM OF THE CITY/COUNTY COMPLEX UNLESS NOTED OTHERWISE.

BOARD OF APPEALS (BUILDING)

Terms – Serves at the pleasure of the Commission

MEETS AS NECESSARY

CITY TREE BOARD *

MEETS 3RD THURSDAY, MONTHLY NOON

PARKS AND TRAILS COMMITTEE *

MEETS 4TH WEDNESDAY AT 6:00PM

HISTORICAL PRESERVATION COMMISSION

MEETS 2ND TUESDAY OF EACH MONTH, 3:30 P.M.

LIBRARY BOARD *

MEETS 3RD THURSDAY, 4:00 P.M. – LIBRARY

SKATE PARK COMMITTEE

MEETS 1ST WEDNESDAY OF MONTH, 7:00P.M. – LIBRARY COMMUNITY ROOM

CITY PLANNING BOARD*

MEETS 3RD WEDNESDAY OF THE MONTH, 5:00 P.M.

CITY ZONING COMMISSION*

MEETS 2ND TUESDAY OF MONTH 5:30 P.M.

URBAN RENEWAL AGENCY *

MEETS QUARTERLY

CITY CONSERVATION BOARD

STARTING 1/2020

MEETS 2ND THURSDAY, MONTHLY, 5:30 P.M.

CITY-COUNTY AIRPORT BOARD

MEETS 4TH TUESDAY, 12:00 P.M. – AS NEEDED

LIVINGSTON URBAN

TRANSPORTATION COMMITTEE – (Also known as the Transportation Coordinating Committee – TCC).

MEETS QUARTERLY – JANUARY, APRIL, JULY AND OCTOBER, 4TH WEDNESDAY, 1:30 P.M.

SISTER CITY COMMITTEE

MEETS – 3RD WEDNESDAY OF EACH MONTH, 7:00 P.M. –LIBRARY

POLICE COMMISSION

MEETS AS NEEDED

CITY BOARDS AND COMMITTEES CHAIRS RESERVE THE RIGHT TO RE-SCHEDULE SET MEETING DATES AROUND RECOGNIZED HOLIDAYS OR CANCEL DUE TO INCLEMENT WEATHER.

* NOTES CITY COMMISSION REPRESENTATION ON BOARD

PURPOSE OF BOARDS AND COMMITTEES

The City of Livingston has formed a variety of boards and committees to help with the administration of the roles and duties of the city. Some boards are required by Montana law, while others are discretionary. All boards and committees exist to enhance public participation in local government.

The City Commission intends that boards and committees are an avenue for the citizenry to express their desires in how the city government functions while taking advantage of the expertise they possess to achieve the best results for the community.

Every board or committee, when it is formed will have a specific statement of purpose and function, which will be re-examined periodically by the City Commission to determine its effectiveness. This statement will include purpose, membership, authority, and expectations. The City Commission may determine any specific guidelines or tasks to be referred to the board or committee by motion or resolution.

MEMBERSHIP

Each board and committee has its own requirements for membership, but overall, the city is looking for enthusiastic people willing to work in a group setting. Ethical behavior, good judgment, dignity and respect are required.

MEMBERSHIP ON MORE THAN ONE BOARD OR COMMITTEE

It is the intent of the City Commission that board and committee members not serve on more than one board, committee, commission, or task force at any time in order to provide opportunities for diverse citizen input. However, there may be extenuating circumstances that will justify multiple memberships. Specifically, the City Commission will consider appointing a citizen to multiple memberships if a board or committee does not have enough membership for a quorum, there have been vacant positions on a board or committee for more than six months, or other circumstances determined by the City Commission.

RESIDENCY REQUIREMENT

Unless specified by the resolution establishing the board or committee every member will have been a resident of Park County for one year. In most cases preference will be given to citizens of the City of Livingston, but there are positions that are appropriate for citizens of the county who own property in the city, work in the city, or have expertise that will be beneficial to a board or committee.

DIVERSITY

The City of Livingston is dedicated to ensuring the greatest diversity of representation as possible on its boards and committees. Consideration of the diversity of boards and committees will be

given during the selection process. Additionally, the City of Livingston feels it is important to include the community’s youth in the governing process and will identify youth-specific seats on specific boards to increase their representation. Youth-specific seats will be held for citizens ages 15-19, with differing age ranges depending on the type of seat to be filled and will be governed by the by-laws for each board or committee.

SELECTING BOARD AND COMMITTEE MEMBERS

Board and committee members will be interviewed by the board. Recommendations will be presented by the board chair to the City Manager who will prepare to go before the City Commission for appointment. All applications for open positions will be provided to the selecting authority. If the selection authority is the City Commission Chair or City Commission as a whole, the applications will be accompanied by a recommendation from the City Manager. Once the selection has been made, all applicants will be notified if they were selected or not selected.

BOARD AND COMMITTEE MEMBERS

Each board and committee will have a specified term of office in its by-laws. The City of Livingston does not set a limit on the number of terms a citizen may serve; however, at the end of each term the seat will be opened up to the public for applications, and the current member will reapply for the seat and be evaluated along with any new applicants. If a member is not able to complete their term or office or are removed for cause, the selecting authority will appoint a new member to serve out the original term of office.

REMOVAL FOR CAUSE

Unless otherwise specified, the selecting authority for a board or committee has the ability to remove a member for cause. Situations that could result in removal for cause include but are not limited to: habitual absenteeism, inability to hold to the rules of conduct, inability to work respectfully as part of the board or committee, improper conduct, or failure to interact with the public in a productive manner.

RESTRICTIONS ON CITY EMPLOYEES AS MEMBERS

Unless otherwise specified, city employees will not act as members of city boards and committees.

BOARD AND COMMITTEE GOVERNANCE

BY-LAWS

Each board and committee will pass a set of by-laws that govern their composition and operations. By- laws follow the format of Attachment A.

QUORUM

All meetings of boards and committees require a quorum as defined by the by-laws in order to be valid. If a quorum for a meeting does not exist, the meeting will be canceled and no discussion of current topics will take place.

AGENDAS

Each board and committee will produce an agenda prior to each meeting. The agenda will be publically posted and included on the board or committee webpage on the city website a minimum of 48 hours before the meeting. Discussion by the board and committee will be limited to the items on the agenda for that meeting.

MINUTES

Each board and committee will produce meeting minutes that capture the content of each meeting and provide the minutes for the public record, using the template provided. As a minimum, minutes will include:

- Date, time, and place of meeting
- A list of the individual members of the board or committee in attendance
- The substance of all matters proposed, discussed or decided
- At the request of any member, a record by individual members of any votes taken
- Public comment received at the meeting

The MCA states that if an audio recording of a meeting is made and designated as official, the recording constitutes the official record of the meeting but a written record of the meeting must also be made available for inspection. A log or time stamp for each main agenda item is also required (MCA 2-3-212). The City of Livingston audio recordings, will serve as official meeting minutes while written minutes will be considered supplemental.

There is no distinction in the MCA between draft minutes and approved minutes (those accepted by the body). Boards should submit the minutes of its proceedings within one week 7 working days after the minutes have been approved by that body for electronic storage and retention in accordance with the provisions of MCA 2-6-12. More information about this provision is in MCA 7-1-204 and 7-11-1030.

In addition, public comment received at a meeting must be incorporated into the official minutes of the meeting (MCA 2-3-103). For municipalities, there is additional statutory language about “copying” that states, “Appropriate minutes shall be kept of all public meetings and shall be made available upon request to the public for inspection and copying” (MCA 7-1-4141).

OPEN MEETINGS

In accordance with Montana Code All boards, or committee meetings will be open to all members of the public.

There are four essential elements in the open meetings law:

1. If a quorum, defined as the number members legally required to conduct business, is convened by either physical presence or by means of electronic equipment (MCA 2-3-202) and,
2. Members will hear, discuss or act upon issues that it has jurisdiction over, (MCA 2-3-202), then,
3. The meeting must be open to the public and the press must be permitted to record the meeting (MCA 2-3- 211) and,
4. Appropriate minutes of all meetings shall be kept and made available for the public (MCA 2-3-212).

MEETING PROCEDURES

Meetings will be conducted in accordance with the parliamentary rules adopted in the specific by-laws. In all cases the board or committee chair will preside over the meeting, or in their absence the vice chair. If both the chair and vice chair are absent the chair will appoint the presiding member for that meeting.

BOARD AND COMMITTEE EXPECTATIONS

All Boards and Committees are expected to:

- Interpret community opinions, attitudes, and needs to department staff and the commissioners
- Study programs and services, and analyze problems and needs
- Offer new proposals and recommend changes in programs and policies
- Provide fellow community members with information about city policies, programs and budgets
- Focus their efforts on the goals adopted by the Commission in the Strategic Plan and the priorities identified in the Growth Policy

During meetings all board and committee members will:

- Be fair, impartial, and respectful of the public, staff, and each other

- Respect the limitations of their individual and collective authority. The role of members is to advise the city commission, not to make final decisions
- Appreciate differences in approach and point of view
- Participate in the discussion and work assignments without dominating the discussion or activity of the group
- Attempt to reach consensus. If consensus is not possible, strong differing opinions should be recorded and acknowledged in the report to the City Commission as the “minority opinion”

Products and reports from the board or committee will:

- Be in written form
- Be expressed in clear and concise language
- Provide solutions that are viable and cost-effective
- Identify the reasons for suggested changes

MAKING MEETINGS MORE EFFECTIVE

All of the City of Livingston boards and committees rely on parliamentary procedure and Robert’s Rules of Order to structure meetings and provide uniformity regarding interaction with the public. This section contains information on parliamentary procedure, Roberts Rules of Order, and the use of motions.

PARLIAMENTARY PROCEDURE AND ROBERTS RULES OF ORDER

Parliamentary procedure is a method used to assist deliberative democratic assemblies in conducting meetings by using explicit rules and relying on transparency and consistency. These rules allow participants in a meeting the chance to be heard while maintaining order. Parliamentary procedure provides an important tool to ensure that decisions are reached in an orderly, equitable and deliberative manner.

The general principles of parliamentary procedure are based on the will of the majority, the right of the minority to be heard, protection of the rights of absentees, courtesy and justice for all, and consideration of one subject at a time. Robert’s Rules of Order provide a common language that incorporates these principles to conduct a meeting.

PREPARING YOUR AGENDA

Preparing for your board meeting, and ensuring that board members have all of the necessary materials to be prepared for the meeting is critical. The agenda should be provided well in advance and as required in 2-3-103, must include an item allowing public comment on any public matter that is not on the agenda of the meeting and that is within

the jurisdiction of the board. Board member packets can also be prepared and distributed to members prior to the meeting, and can contain the:

- Agenda
- Unapproved minutes from previous meeting
- Notes from members / governing body
- Committee and other reports
- Details of proposed actions
- Any supporting information (correspondence, reports, etc.)
- Other useful documents

Approved meeting agenda and minutes templates have been provided. Unless noted otherwise, the agenda will be structured as follows:

1. Roll Call
2. Approval of Minutes: These are the minutes from the previous meeting. The body should vote to approve without changes or approve with changes.
3. Public Comment: This is the time set aside for the public to comment on any subject over which the board has jurisdiction or regarding an agenda item. The subject does not have to be on the agenda but the council cannot act on anything during public comment. If council action is required, the item must be placed on the next meeting agenda.
4. Old Business: a. Officer Reports: for example, the treasurer may have a report to provide and explain b. Committee Reports: these can include a report of current activities or special committee reports.
5. New Business: a. Approval of consent items if any; these are routine items, voted on in a single motion to approve b. Other scheduled matters.
6. Unscheduled matters / Concerns: This is a time when members can bring a concern forward before the body that is not otherwise listed on the agenda. No action can be taken at this time.
7. Adjournment

HOW TO USE MOTIONS

Four basic types of motions (main, privileged, subsidiary, and incidental) are used within a meeting to introduce topics or ask membership to take action on an issue. These types of motions allow participants the opportunity at various occasions during the meeting to make motions, second motions, debate motions and vote on motions.

A main motion serves to announce items to be taken under consideration by the meeting attendees. Main motions are secondary to privileged, subsidiary and incidental motions and not allowed if another motion is already being discussed.

Subsidiary motions are used to change the method of handling a main motion and must be voted on prior to voting on the main motion. Privileged motions allow subjects that are

urgent to be discussed even when they do not relate to the business currently at hand. Incidental motions are used by members who wish to question how another motion is being processed. Incidental motions then take precedent before the original motion can continue.

PRESENTING A MOTION

When a member would like to present a motion they must first obtain the floor by waiting until the previous speaker has finished and then rising and addressing the chairperson (or president) and saying, “Mr. (or Madam) Chairman,” and then waiting to be recognized. Motions are made in a positive manner and generally begin with, “I move that we...”. After the motion is presented, another member must second the motion for the motion to move forward. The chairperson will then restate the motion and begin by saying, “It has been moved and seconded that we...”; this statement opens up the motion for debate and turns the motion into “assembly property.”

If debate is not necessary or allowed on a motion, a vote can then take place. If debate is needed, the individual who made the motion is allowed to speak first. Other members are then given opportunity to present thoughts on the motion. The member who presented the motion cannot speak on the matter again unless directed by the chairperson or until everyone else has had an opportunity. A time limit per speaker is often set up prior to discussion. All discussion is directed towards the chairperson. After debating the motion, the chairperson will ask, “Are you ready to vote on the question?” A vote is then taken if no more discussion is necessary.

PROCEDURES FOR VOTING ON A MOTION

The method used to vote depends on the assembly’s needs. More often, a simple voice vote is taken with the chairperson stating, “everyone in favor of the motion say aye, and everyone opposed to the motion say no.” A variation can be used when records need to be kept indicating how everyone votes. For the roll call method, each person’s name is called and a vote is verbally given. The chairperson may also choose to bypass the vote and obtain general consent. The chairperson would say, “If there is no objection...”; anyone can speak up at this point and state they do object followed by a vote.

VOCABULARY USED IN A BOARD MEETING

Robert’s Rules of Order and other parliamentary procedures contain specific vocabulary to be used at board meetings.

- **Point of Privilege:** This term refers to the right of the person speaking to have the floor and not be interrupted by others.

- **Parliamentary Inquiry:** Method to raise a point of order or to ask how to proceed when unsure of the proper motion.
- **Point of Information:** This term refers to the method used to ask the speaker a question.
- **Orders of the Day (Agenda):** If the meeting is not following the agenda a member may call orders of the day to remind the assembly to adhere to the agenda. If the members would like to deviate from the agenda, “suspending the rules” is necessary.
- **Point of Order:** Point of order is raised if a rule has been broken or a member is not using the proper meeting protocol to speak. A point of order needs to be raised right after the error occurs.
- **Divide the Question:** This term is used when a motion is split into two or more new separate motions.
- **Consider by Paragraph:** When considering adoption of a document, adoption of the full document can be postponed until each and every paragraph has been debated and if necessary amended.
- **Withdraw/Modify Motion:** After the question is stated; the person who made the motion may accept an amendment to the motion.
- **Commit /Refer/Recommit to Committee:** Sometimes a committee is needed to research a motion. In this case, an already established committee is assigned the question or a new committee is appointed. If a new committee is necessary, the chairperson may indicate how many members are needed and how selection of committee members should occur.
- **Extend Debate:** Calling to extend debate can be used for the question currently under debate and usually has a time limit.
- **Limit Debate:** This term is used to refer to the time limit placed upon debate and when debate should be considered closed.
- **Postpone:** If a motion or agenda item needs to be postponed, it is necessary to determine and state when it will be resumed.
- **Object to Consideration:** Objection must be stated before discussion or another motion is stated.
- **Lay on the Table:** This tool is used after a motion is closed to debate or is pending closure and can temporarily stop further consideration or action on the open motion.
- **Take from the Table:** If a motion has been previously “laid on the table,” it can be opened and considered again by stating the motion to “take from the table.”
- **Reconsider:** If a member on the prevailing side of a debate changes their view, they can state they have reconsidered.
- **Postpone Indefinitely:** Postponing a motion indefinitely stops the motion from proceeding forward just in that particular session, unless a motion to reconsider is made.
- **Informal Consideration:** This term refers to changing the debate to an informal format similar to that of a committee. To move to an informal consideration,

format a member moves that the assembly go into “Committee of the Whole.” Voting is still done formally and is still valid while the meeting is in an informal mode.

- **Appeal Decision of the Chair:** The membership may appeal a decision made by the chair if the appeal does not relate to the violation of order of business or parliamentary rules. Appeals must also take place prior to other unrelated business.
- **Suspend the Rules:** This allows specific, stated rules with the exception of the assembly’s constitution to be suspended.

GROUND RULES

Ground rules can be thought of simply as the guidelines a board adopts to ensure the meeting progresses as efficiently and respectfully as possible. Ground rules can be used in addition to using Robert’s Rules of Order, or if Robert’s Rules are not implemented, as the basis for the format and structure of the meeting. Ground rules allow for a ‘level playing field’ whereby all voices can be heard and all participants are given the time and respect they need and deserve.

Examples of common ground rules can include the following:

- If you are making a comment, please stand at the podium, clearly state your name and address for the public record.
- All comments will be delivered from the podium, not from your seat [unless the commenter needs a reasonable accommodation].
- Please direct all comments to the Chair.
- Engage in active listening.
- Please use respectful language absolutely no swearing
- no derogatory language
- no threats
- no personal attacks
- no signs
- no heckling or applause
- Make your comments concise and solution oriented.
- Observe the established minute time limit per speaker (use the reasonableness criteria set in Montana code).
- If questions are asked, they will be responded to at the discretion of the Chair.
- Everyone agrees not to interrupt the speaking opportunity of others.
- Cell phones should be turned off or silenced.
- No single party will be allowed to dominate the meeting.
- The chair or facilitator reserves the right to keep the meeting on-schedule.
- Discussion can pertain to any item related to the Board’s business.

Ground rules should be discussed and written and posted before the start of the first meeting and then reposted at each subsequent meeting. It should be made explicit that the rules can be amended by majority vote or consensus at any time. The rules should also not be in conflict with the Montana Code or city or county ordinances.

LEGAL REQUIREMENTS FOR BOARDS

ETHICS

Board and committee members will ensure they comply with Montana’s Code of Ethics that prohibits conflict between public duty and private interest. At no time should a board or committee member benefit personally from their positions. If there is a conflict of interest, a member will recuse themselves from the discussion and decision on that topic. If there is an apparent or possible conflict of interest the member will declare it at the beginning of the discussion and provide reasoning if they do not believe it is a conflict and choose to participate in the matter in question.

EX PARTE COMMUNICATIONS

Ex parte communications are private conversations between a decision maker and a party or person concerning issues before the decision maker. Board and committee members will declare any conversations about specific issues before the board or committee and relay the information and parties involved in the conversation.

GROUP EMAILS AND COMMUNICATIONS

Board and committee members may not send group emails, hold conference calls, video chats, or any other type of communication that discuss issues before the board or issues likely to come before the board. This type of communication constitutes a quorum and violates the Montana Open Meeting laws. Group communications that communicate only administrative topics such as meeting times or provide the official agenda to members are allowed.

BOARD MEMBER LIABILITY

Board members acting in good faith cannot be held personally liable if they are acting within the course and scope of their authority. In addition, members adhering to city policies and procedures will be included under city liability coverage.

PUBLIC RECORDS

All boards and committees will maintain a page on the city’s website with all pertinent information relating to that board or committee. As a minimum, the page will include:

- Creating resolution
- Statement of purpose
- By-laws
- A list of current members and term of office
- Agendas
- Minutes for the last 12 months
- Reports to the City Commission

CITY COMMISSION UPDATES

Each board and committee will present an annual report in December to the City Commission outlining the work it has accomplished over the previous 12 months. The report will be presented by the chair at a regularly scheduled meeting of the City Commission. Additionally, the report will focus on any work currently underway but not yet presented to the Commission and topics the board or committee intends to review during the next 12 months.

ROLE OF THE CITY MANAGER

Boards and committees work under the direction of the City Commission and do not report to the City Manager. However, it is the job of the City Manager to review products from boards and committees prior to presentation to the City Commission; ensure all boards and committees are adhering to state laws, city ordinances, and the policies set forth in this chapter; and act as a conduit of information between the City Commission and its boards and committees outside of formal meetings.

Serving on a board requires competence of both procedure and process in order to meet the letter of the law and instill a sense of trust and credibility. The section below describes several of the more significant aspects of serving on a board including Montana’s open meetings law, code of ethics, nepotism, discrimination, ex parte consultation, and liability.

RIGHT TO KNOW, RIGHT TO PARTICIPATE

Montana’s “sunshine laws” are described as among the most stringent in the nation. These laws are outlined in Article II Section 8 (Right of participation) and Section 9 (Right to know) of Montana’s State Constitution.

In Title 2, Chapter 3, Public Participation in Governmental Operations, the Montana Code Annotated (MCA) describes provisions of the required “Notice and Opportunity to be Heard” in Part 1, and “Open Meetings” in Part 2. The open meetings law affords

“reasonable opportunity to participate in the operation of governmental agencies prior to the final decision of the agency” (MCA 2-3-201). These open meetings laws apply to all City boards, and commissions, committees.

OPEN MEETINGS LAW

The language is clear in the MCA that any legal interpretation of the open meetings laws will be liberal. The language of the code is clear and unambiguous in 2-3-201: “Public boards, commissions, councils, and other public agencies in this state exist to aid in the conduct of the peoples’ business. It is the intent of this part that actions and deliberations of all public agencies shall be conducted openly. The people of the state do not wish to abdicate their sovereignty to the agencies which serve them. Toward these ends, the provisions of the part shall be liberally construed.”

There are four essential elements in the open meetings law:

1. If a quorum, defined as the number members legally required to conduct business, is convened by either physical presence or by means of electronic equipment (MCA 2-3-202) and,
2. Members will hear, discuss or act upon issues that it has jurisdiction over, (MCA 2-3-202), then,
3. The meeting must be open to the public and the press must be permitted to record the meeting (MCA 2-3- 211) and,
4. Appropriate minutes of all meetings shall be kept and made available for the public (MCA 2-3-212).

The issue of whether the public’s right to know and right to participate provisions applies to organizations such as a local chamber of commerce. The MCA contains language that references “organizations or agencies supported in whole or in part by public funds” (MCA 2-3-203).

Additionally, the Montana Attorney General determined that, “The meetings of a local chamber of commerce or other organization recognized and acting as a non-profit convention and visitor’s bureau which receives and spends bed tax funds must, as they pertain to the receipt and expenditure of bed tax monies, be open to the public in accordance with section 2-3-203, MCA.” (44 A.G. Op. 40 (1992).

NOTICE AND OPPORTUNITY TO BE HEARD

Each board must develop procedures and adopt rules to facilitate public participation in decisions that are of significant interest to the public (MCA 2-3-103). The procedures include a schedule of regular meeting times and agenda prepared and posted sufficiently in advance to provide notice of the topics to be discussed and actions to be considered. The public must also be afforded a reasonable opportunity to offer information and opinions, either orally or written, before final decisions are made.

A matter of significant public interest is defined as one “involving any non-ministerial decision or action...which has meaning to, or affects a portion of the community.” Discrepancies as to whether a meeting is of a significant public interest should always err on the side of transparency and opportunities for public participation. Regarding the amount of time required for noticing a meeting, the Attorney General has opined that, “Forty-eight hours is generally considered sufficient to notify the public of contemplated action. ...The amount of notice given should increase with the relative significance of the decision to be made.”

It is critical to follow the established procedures and to make the procedures known to the public. There is no violation in the law by giving more notice or opportunity to be heard than is required. The agenda for a meeting, as defined in MCA 2-3-202, must include an item allowing public comment on any public matter that is not on the agenda of the meeting and that is within the board’s jurisdiction. However, the board may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter. There are exceptions to the noticing statutes and include those that involve a decision that must be made to deal with an emergency situation affecting the public health, welfare, or safety or a decision involving no more than a ministerial act (MCA 2-3-112).

For municipalities, there is additional statutory language that states, “In any meeting required to be open to the public, the governing body, committee, board, authority, or entity shall adopt rules for conducting the meeting, affording citizens a reasonable opportunity to participate prior to the final decision” (MCA 7-1-4143). Cities and towns are required by statute to specify by resolution a public location for posting and provide a posting board.

When notice is required, the document must be placed on the board and a copy made available at the municipal office (MCA 7-1-4135). Board members should note that meetings can be statutorily different than hearings regarding the noticing requirements. See the specific statutes describing your board and the corresponding publication or mail requirements (MCA 7-1-4131 for municipalities).

PRIVACY ISSUES

The Montana Constitution (Art. II, Sec. 10) states, “the right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest.”

While the open meetings law clearly provides for the right to know and right to participate, the presiding officer of any meeting may close a meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure (MCA 2-3-203). The right of individual privacy may be waived by the

individual about whom the discussion pertains and, in that event, the meeting must be open.

The Montana courts employ a balancing test to determine whether individual privacy justifies closure of a meeting. The first part of the test is whether the individual has a subjective expectation of privacy; the second part is whether the expectation is one which society is willing to recognize. The question becomes whether protection of the private interest outweighs the merits of public disclosure. Legal opinion has determined that certain personnel records could be closed, including matters related to family problems, health problems, employee evaluations, military records, IQ test results, prison records, drug and alcohol problems, and information “most individuals would not willingly disclose publicly.”

Individual privacy does not extend to such issues as salary or compensation paid a public employee, to a decision on the award of a contract, or to any other expenditure of public funds or mistakes made in the course of performing official duties. For municipalities, there is additional statutory language that states, “Personal records, medical records, and other records which relate to matters in which the right to individual privacy exceeds the merits of public disclosure shall not be available to the public unless the person they concern requests they be made public. Except as provided by law and as determined by the chief law enforcement administrator, law enforcement records which relate to matters in which the right to individual privacy or law enforcement security exceeds the merits of public disclosure shall not be available to the public (MCA 7-1-4144).

Certain exceptions are detailed in 2-3-203 and also include whether the discussion relates to litigation when an open meeting would have a detrimental effect on the litigating position (this does not apply regarding litigation between two government agencies or bodies) or any judicial deliberations in an adversarial proceeding.

CODE OF ETHICS

Montana’s Code of Ethics defines and prohibits conflict between public duty and private interest (MCA 2-2-101). In short, the statute establishes that board members cannot benefit personally or financially from their position stating, “The holding of public office or employment is a public trust, created by the confidence that the electorate reposes in the integrity of public officers, legislators, and public employees. A public officer, legislator, or public employee shall carry out the individual’s duties for the benefit of the people of the state” (MCA 2-2-103).

Specifically, there can be no “business” conflicts, (includes a corporation, partnership, trust, foundation, or any organization, whether or not operated for profit), financial compensation, or “gifts of substantial value,” generally defined as \$50 or more or of substantial value or economic benefit that would tend improperly to influence a board member to depart from impartial discharge of duties (MCA 2-2-102). The statute does not apply to a gift that is not used and returned within three days, food and beverages

consumed while participating in events related to board duties, educational materials related to board duties, or an award publicly presented in recognition of public service.

Board members may not disclose or use confidential information obtained through the board that would benefit them personally or financially (MCA 2-2-104). Rules of conduct also dictate that a public officer may not use public time, facilities, equipment, supplies, personnel, or funds for private business purposes or, to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue. Board members may not use public time, facilities, equipment, supplies or funds to determine the impact of passage or failure of a ballot issue on state or local government operations (MCA 2-2-121). There is also a disclose clause in the MCA that states, “Public officer or public employee shall, prior to acting in a manner that may impinge on public duty, including the award of a permit, contract, or license, disclose the nature of the private interest that creates the conflict” (MCA 2-2-131).

NEPOTISM

Nepotism is defined as the bestowal of political patronage by reason of relationship rather than of merit (MCA 2-2-301). Board members may appoint to any position of trust or emolument any person related by “consanguinity within the fourth degree or by affinity within the second degree” (MCA 2-2-302). Relationship by affinity is defined as “the relation which one spouse has, by virtue of the marriage, to blood relatives of the other. Therefore, a person has the same relation by affinity to a spouse’s blood relatives as a spouse has to them by consanguinity and vice versa. Degrees of relationship by affinity are computed in the same manner as degrees of relationship by consanguinity” (MCA 1-1-219). Agreements to appoint relatives to office are unlawful and considered a misdemeanor with fines of \$50 to \$1,000 and imprisonment up to 6 months (MCA 2-2-304). There are exceptions depending on the county population and other specific criteria (MCA 2-2-302).

REPORTING

While there is no general language requiring filing of reports for boards under county jurisdiction or special districts, there is additional statutory language for municipalities that states, “All departments, boards, and authorities shall file an annual report with the chief executive, who shall compile the reports and present them to the governing body” (MCA 7-1-4146). The chief executive may specify the “form, content, and deadline for filing reports” (MCA 7-1-4146(2)).

HUMAN RESOUC E CONSIDERATIONS

Board members should also be aware of the various civil rights, discrimination and wrongful discharge laws pertaining to their involvement on the board. These statutes are

detailed in the Montana Human Rights Act in MCA Title 49 and more specifically, in the Montana Governmental Code of Fair Practices (MCA 49-3-101).

DISCRIMINATION

The Montana Human Rights Act provides guidance regarding discrimination. It is unlawful to discriminate in credit, education, employment, financing, housing, insurance, public accommodations, and state and local governmental services and employment. It is unlawful to discriminate because of age, marital status, national origin, physical or mental disability, race or color, religion or creed, sex (including pregnancy, maternity and sexual harassment), familial status (housing only) and political beliefs or ideas (public employees).

The laws also make it unlawful to retaliate against a person for opposing unlawful discriminatory practices or for participating in a human rights proceeding. Generally, complaints must be filed within 180 days of the date of the alleged discrimination under Montana law. More information about Montana’s Discrimination laws is available through the Montana Human Rights Bureau.

WRONGFUL DISCHARGE

Some boards may have individuals with specific responsibilities. The “supervisor” for a board employee should be detailed in the board resolution. Depending on the language in the statute or resolution for each board, the governing authority for board members will in many cases be the local government within which the board resides or will be outlined in an interlocal agreement between multiple local government bodies. The governing authority is responsible to ensure that board members are properly trained, supervised, evaluated and warned if not performing satisfactorily.

In Montana, an employee can be discharged only for good cause after completing the employer’s probationary period. Good cause is defined as reasonable, job-related grounds for dismissal based on a failure to satisfactorily perform job duties, disruption of the employer’s operation, or other legitimate business reason. Board members should also be familiar with Montana’s Wrongful Discharge from Employment Act (MCA 39-2-901). Do not rush into the discipline or dismissal of any employee or board member. If a board member is elected, the voting process is used to remove the member from office. If a board member is appointed, the appointing body may remove a board member. However, competent legal counsel should always be consulted prior to taking any action.

For termination purposes, management must show that the employee violated a specific policy, rule, performance requirement, or standard of employment and that the employee knew about the policy, rule, performance requirement, or standard of employment. During an employee’s probationary period, employment may be terminated for any reason or no reason (but not for reason contrary to public policy such as discrimination).

Employers that have written personnel policies must follow those policies in making a discharge. An employee who wins a wrongful discharge suit may collect lost wages and fringe benefits for a period of up to four years from the date of discharge. Arbitration is encouraged to save the expense of lawsuits, and an employer may benefit if it offers arbitration to a discharged employee. An established grievance process can be an effective tool for minimizing claims of wrongful or constructive discharge/termination against Montana’s local governments. The grievance process should be part of the written Personnel Policy Manual and all employees and supervisors should be instructed in its use upon hire.

CONFIDENTIALITY

Before discussing confidential employee information, or releasing documents of a confidential nature, seek competent legal counsel. In Montana, each employee has a right to privacy of certain records. If you are unsure whether a document is confidential or accessible to the public, consult competent legal advice.

Sometimes you can provide a citizen with information he or she seeks without allowing him or her to look at confidential portions of records. You can do this by reading the record yourself and giving the person information verbally or by photocopying the record and blocking out confidential portions. Board members may not use knowledge gained through their service to achieve personal gain for themselves or anyone else. Board members cannot disclose or use confidential information concerning their board service to advance personal or private interest.

[ATTACHMENT A]

SAMPLE BOARD BY-LAWS

ARTICLE I, NAME, PURPOSE

Section 1: The name of the municipal board shall be ___.

Section 2: The _____ is organized for the purpose of [insert language used in enabling resolution or corresponding MCA code], as authorized by resolution # _____ more specifically to.

ARTICLE II-MEMBERSHIP

Section 1: Membership shall consist only of the members appointed by the City of Livingston City Commissioners.

ARTICLE III-MEETINGS

Section 1: Meetings.

The [monthly/quarterly/etc.] meetings will be held on the [insert first, second, third, fourth weekday], of the second month or each quarter at the _____ meeting room starting at ____:____ p.m.

Section 2: Special Meetings.

Special meetings may be called by the [Chair/Chair and one Board Member/ Executive Committee/??].

Section 3: Notice.

Each Board Chair is responsible for submitting notice to members.

ARTICLE IV - GOVERNING/ ADVISORY BOARD

Section 1: Board Role, Size, Compensation.

The Board is responsible for (see enabling resolution). The Board shall have up to _____ and not fewer than _____ members. The board receives no compensation other than reasonable expenses.

Section 2: Meetings.

The [monthly/quarterly/etc.] meetings will be held on at the _____ meeting room starting at _:00 p.m. The Board reserves the right to reschedule set meeting dates

around recognized holidays, or cancel due to inclement weather.

Section 3: Terms.

All Board members shall serve ___ year terms and no more than ___ consecutive terms. Board members are appointed or reappointment by the City of Livingston City Commission.

Section 4: Quorum.

A quorum consists of a majority of appointed board members and no official action can be transacted or motions made or passed without a quorum present.

Section 5: Officers and Duties.

There shall be _____ officers of the Board consisting of a Chair, Vice Chair and Secretary. Their duties are as follows:

- 1. The Chair shall convene regularly scheduled Board meetings, shall preside or arrange for other members of the executive committee to preside at each meeting in the following order: Vice-Chair and Secretary.
- 2. The Vice-Chair will chair committees on special subjects as designated by the board.
- 3. The Secretary shall be responsible for keeping records of Board actions and/or recommendations, including overseeing the taking of minutes at all board meetings, sending out meeting announcements, and distributing copies of minutes and the agenda to each Board member.

Section 6: Vacancies.

When a vacancy on the Board exists, the board will request the City Clerk circulate an advertisement in the local paper for applications.

Section 7: Resignation, Termination and Absences.

Resignation from the Board must be in writing and received by the Secretary. A recommendation for removal from the board will be given to the governing body when a Board member has three unexcused absences from Board meetings in a year. A Board member may be removed for other reasons by a three-fourths vote of the remaining directors.

Section 8: Special Meetings.

Special meetings of the Board shall be called upon the request of the Chair or one- third of the Board. Notices of special meetings shall follow City/County noticing policy.

Section 9: Voting.

The chairperson shall _____. In the event of a tie vote, _____.

ARTICLE V-COMMITTEES

Section 1: The Board may create committees as needed. The Board Chair appoints all committee chairs.

ARTICLE VI-AMENDMENTS

SECTION 1: These By-laws may be amended when necessary by a two-thirds majority of the Board or by resolution passed by the governing authority. Proposed amendments must be submitted to the Secretary to be sent out with regular Board announcements.

These draft by-laws were approved at a meeting of the _____ Board on this _____ day of _____ 20_____.

These By-laws were reviewed and approved by the City of Livingston, Montana City Commission on _____ m 20_____.

SIGNED BY- CLERK OF THE
CITY OF LIVINGSTON CITY COMMISSION

(This sample By-Law format was approved and adopted by the Livingston City Commission 3/19/2019)