



Livingston City Commission Agenda

July 15, 2025 — 5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/81537353996?pwd=atA1xgSmLvF9wTGf8a5J4KEndHhoDq.1>

Meeting ID:815 3735 3996

Passcode:579622

1. Call to Order

2. Roll Call

3. Public Comment

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

4. Consent Items

A. APPROVAL OF MINUTES FROM JUNE 17, 2025, REGULAR MEETING PG. 4

B. APPROVAL OF MINUTES FROM JULY 01, 2025, REGULAR MEETING PG.18

C. APPROVAL OF CLAIMS PAID 6/26/25 - 7/9/25 PG.51

D. APPROVAL OF AGREEMENT 20200 FOR AUDIT SERVICE FOR FY 2025 - FY 2027 PG.59

E. APPROVAL OF AGREEMENT 20201 MOU WITH HAPPY TRASH CAN, LLC PG.79

F. APPROVAL OF AGREEMENT 20202 WITH AAA CLEANING PG.89

G. APPOINTMENT OF TWO REPRESENTATIVES TO THE CITY/COUNTY JOINT AIRPORT BOARD PG.91

5. Proclamations

6. Scheduled Public Comment

A. UPDATE ON FLOODPLAIN MAPPING FROM MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PG.99

7. Action Items

A. RESOLUTION 5164: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND ADOPTING THE FINAL BUDGET IN THE AMOUNT OF \$31,775,333 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2025, AND ENDING JUNE 30, 2026 (FY26), AND



MAKING APPROPRIATIONS AND ESTABLISHING SPENDING LIMITS AND AUTHORIZING TRANSFER OF APPROPRIATIONS WITHIN THE SAME FUND. [PG.114](#)

[B.](#) RESOLUTION 5165: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM. [PG.119](#)

[C.](#) RESOLUTION 5166: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WASTEWATER SYSTEM. [PG.126](#)

[D.](#) ORDINANCE 3061: 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 RECENTLY ANNEXED PROPERTY ADDRESSED AT 38 LOVES LANE AND LEGALLY DESCRIBED AS LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC 23, T02S, R09E, P.M.M PARK COUNTY, MONTANA AS MIXED USE (MU). [PG.132](#)

[E.](#) DISCUSSION OF DOWNTOWN MASTER PLAN IMPROVEMENTS [PG.162](#)

[F.](#) DISCUSSION REGARDING AUGUST 5, 2025, CITY COMMISSION MEETING [PG.171](#)

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

8. City Manager Comment

9. City Commission Comments

10. Adjournment

Calendar of Events

Supplemental Material

Notice

- Public Comment: The public can speak about an item on the agenda during discussion of that item by coming up to the table or podium, signing-in, and then waiting to be recognized by the Chairman. Individuals are reminded that public comments should be limited to items over which the City Commission has supervision, control, jurisdiction, or advisory power (MCA 2-3-202).
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- Special Accommodation: If you need special accommodations to attend or participate in our meeting, please contact the Fire Department at least 24 hours in advance of the specific meeting you are planning on attending.

File Attachments for Item:**A. APPROVAL OF MINUTES FROM JUNE 17, 2025, REGULAR MEETING**



Livingston City Commission Minutes

June 17, 2025 — 5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/89253787950?pwd=Gy4LhJHHZMrVG4K8lwMCF5R2RXdiKD.1>

Meeting ID: 892 5378 7950

Passcode: 231932

1. Call to Order

2. Roll Call

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

City Staff Present

- City Manager Grant Gager
- Policy Analyst Greg Anthony
- Assistant Chief of Police Andrew Emanuel
- Planning Director Jennifer Severson
- Finance Director Paige Fetterhoff

3. Public Comment

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

Public comment was offered by:



- Jay Kiefer expressed dissatisfaction with Livingston HealthCare, and also expressed concern about smart meters.
- Leslie Feigel invited the City to participate in the parade. She stated on Aug 26th they are doing a childcare summit. She also asked that we remember to send folks to the visitor center when we can.
- Linda Maher asked for a mic for the public comment speakers.

Vice Chair Nootz clarified that smart meters were brought back for a 2nd meeting to give the Commission more information. She also thanked Leslie for her comments and reminded that the City did give the Chamber \$8800 for different events. She hopes the Chamber can work with the City to use those funds.

4. Consent Items

- A. APPROVAL OF MINUTES FROM JUNE 03, 2025, REGULAR MEETING [PG.5](#)**
- B. APPROVAL OF CLAIMS PAID 5/29/25 - 6/11/25 [PG.56](#)**
- C. CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR A PRIVATE EVENT ON JUNE 20, 2025 [PG.67](#)**
- D. CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR THE LIVINGSTON ROUNDUP PARADE ON JULY 02, 2025 [PG.75](#)**
- E. CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR THE HOOTENANNY ON JULY 17, 2025 [PG.81](#)**
- F. APPROVAL OF CONVENTION AND VISITORS BUREAU ANNUAL BUDGET [PG.88](#)**
- G. APPROVAL OF TOURISM BUSINESS IMPROVEMENT DISTRICT WORK PLAN AND BUDGET [PG.120](#)**
- H. APPROVAL OF LIVINGSTON BUSINESS IMPROVEMENT DISTRICT WORK PLAN AND BUDGET [PG.131](#)**
- I. APPROVAL OF AGREEMENT 20190 FOR ROPING ARENA LEASE [PG.142](#)**
- J. APPROVAL OF AGREEMENT 20191 FOR REVOLVING LOAN FUND [PG.149](#)**

Vice Chair Nootz pulled item J. She stated she has a conflict, since she works for MSU and this item relates to MSU.

Vice Chair Nootz motioned to approve consent items A – I, seconded by Commissioner Willich. Unanimously approved.

Commissioner Willich motioned to approve item J, seconded by Commissioner Kahle. Unanimously approved.



5. Proclamations

A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING JUNE 15-21, 2025 AS FIREFIGHTER STAND DOWN WEEK IN LIVINGSTON, MONTANA

PG.160

Chair Schwarz read the proclamation.

The City Manager thanked LFR for all of their dedication in protecting the community, and hopes the community recognizes the importance of behavioral health and encouraged them to take their own stand down this week.

B. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RECOGNIZING JUNE 2025 AS PRIDE MONTH IN LIVINGSTON, MONTANA **PG.162**

Chair Schwarz read the proclamation.

The City Manager stated that the City values dignity and justice for all every day in everything they do, and he looks forward to Livingston Pride Coalition's float for the parade.

Commissioner Lyons thanked Chair Schwarz for reading the proclamation and expressed he is proud that we are doing that.

Commissioner Kahle expressed thanks that this has been in the packet the past few years in the month of June.

Vice Chair Nootz agreed with fellow Commissioners.

Chair Schwarz expressed that he means and lives by everything said in the proclamation.

6. Scheduled Public Comment

A. PRESENTATION FROM EXPLORE LIVINGSTON

Kris King gave a brief presentation from Explore Livingston to cover Consent Items F, G & H.

Vice Chair Nootz thanked Kris for coming and expressed really liking her images and graphics, and really thinks the data is interesting.



Chair Schwarz thanked Kris for her presentation.

B. PRESENTATION OF INITIAL CONSIDERATIONS FROM ZONING CODE UPDATE PG.164

The City Manager stated this item is a check in with SCJ Alliance who is working on the overhaul of the zoning provisions of the LMC. In August of 2024 the City contracted SCJ to perform that overhaul and update the zoning provisions. Throughout fall of 2024 and into this year, SCJ conducted, both online and in person, surveys of the community to gather input. Over the last several weeks they have worked with several of the focus groups that have been created as part of the project to review some of the input received through surveys. He introduced Mike Manning from SCJ to give a brief presentation.

Commissioner Willich announced a conflict of interest as his spouse is a property manager for short-term rentals that are owned by her family and commercial properties that are owned by her family.

Commissioner Lyons thanked Mike for the presentation. He asked about the Heritage overlay zone on page 169 of the packet and wondered about the Use Prioritization description.

Mike stated the feedback they received, especially in the survey, was to see movement away from big box and franchise style development. They wanted to retain more unique character to the commercial development.

Commissioner Lyons expressed curiosity as to how this overlay zone will create that type of outcome.

Mike stated the group will look into the policy writing if the Commission is interested in that.

Commissioner Lyons asked about page 170 regarding height limitation in RI and RII and he thought it looked like a reduction in height.

Mike stated they are attempting to make it more catered to the type of development that Livingston may see, which is why they included the 36 ft with 3-12 roof pitch.

Planning Director Severson stated it actually is not a reduction, and stated currently you can have a roof that is 27 feet or up to 34 feet with a 3-12 roof pitch. She continued to give a brief description of these numbers.

Commissioner Lyons asked about the renaming of NC and HC in the Reworked Zoning Districts slide, and wondered if they would be the same, but just with a different name.

Mike stated no, and stated the C1, or Light Commercial would serve more as a buffer, so thinking smaller scale commercial and less intense. He stated the C2 is the more intense commercial use.

Commissioner Lyons asked about C2 compared to CBD.

Mike stated the difference is location and the CBD will include all of downtown



Commissioner Kahle asked about something that Mike had said about feedback being that community members don't want any buildings taller than the Murray Hotel, and she didn't think the Murray was the tallest building in downtown.

The City Manager confirmed that the Wilmont Building is the tallest building downtown.

Commissioner Kahle reminded everyone that with this update they are not trying to make things harder for mobile home parks.

Planning Director Severson stated that is correct and they are putting a process and some rules in place for RMO zoned areas.

Commissioner Kahle clarified that the City doesn't have permitting requirements for STR's, but the County does.

Vice Chair Nootz asked how information was collected from the community about formula retail and what it looked like.

Mike stated they did give an example in the survey of big box retail, using Murdoch's, so folks would understand, and with that they asked if Livingston should encourage large-scale retail development, and if yes, where should they be located. More than 80% of respondents said no.

Vice Chair Nootz thought it was interesting the suggestion to allow STR's in all zones except Light Industrial, Industrial, Public or PUD.

Planning Director Severson stated that was one change she put in there, and stated she included the PUD location because she thought the Commissioner feedback was to have no short-term rentals in PUD.

Vice Chair Nootz stated that it was not really suggested by the Commission, but more the applicant for the PUD, and the applicant took into consideration what the community wanted as well, which was no STR's. She expressed interest in what the Commission would think about leaving this or removing it. She asked about the consideration for allowing parking structures downtown came from.

Mike stated the discussion surrounding potential for parking structures downtown came from the focus group.

Vice Chair Nootz shared that she has interest in understanding the rework zoning districts. She wondered what the reasoning was to change the density for MU.

The City Manager stated since NC, MU, and HC zones were originally created, they have been slightly changed in various ways over the years to the point where HC, NC and MUC have converged into very similar zones. The main differentiator being more auto oriented uses in HC, and higher density residential allowed in MU.



Vice Chair Nootz asked to hear about the differences between CBD and HC.

The City Manager stated that setbacks are the primary difference, and the dimensions table is where a lot of those main differences are.

Vice Chair Nootz expressed it would be a brand-new undertaking to develop a system to track STR's, then enforce whatever is passed. She is interested in knowing what it would take or cost the City to regulate STR's.

The City Manager stated that is something he could bring back to the Commission. He stated he came from a place that regulated STR's and that was paid for with the sales tax in that area, so in the absence of sales tax here in Livingston, they have looked at it internally and it would be a high permit rate to get 100% cost recovery on a program like that.

Commissioner Lyons stated that his major point of input is an interest in simplicity, and he stated they hear regularly from the development community about the challenges in navigating the regulatory environment. He feels they can answer that need and also answer the vision of future needs by creating a simpler set of zoning districts. He explained specific examples of why it should be simplified. He also thought they should be careful how they discourage big box retail.

Commissioner Kahle agreed that it would be nice to know what it would take to regulate STR's, and expressed agreement with Commissioner Lyons about simplicity in the zones.

Vice Chair Nootz stated that she does like the Livingston Historic Overlay simplification. She expressed that STR's should be considered outside of PUDs. Overall, she feels like they are moving in the right direction, but wants more information on short-term rentals and more clarity between zones like NC, HC, MU, and transition zones.

Chair Schwarz stated he is also concerned about big box retail, and wondered about putting in place a maximum square footage allowed.

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

Public comment was offered by:

- Tara Eddy asked that they be careful about discouraging landlords and rentals, and said she does oppose any regulation on STR's.
- Patricia Grabow stated she thought there was a spousal conflict of interest for two other Commissioners whose spouses work at HRDC. She also expressed her thoughts that downtown is dependent on STR's and pointed out that STR's are regulated by the County.
- Katherine Daly who is the Park County Coalition Program Manager with HRDC shared her thoughts on requiring conditional use permits for manufactured home communities. She



thought the City already requires new manufactured home communities to undergo subdivision review.

Commissioner Kahle addressed the comments about conflict of interest and stated that she has never heard HRDC say they were against STR's. She participated in the housing action plan and there is a tool in there to look at STR's to study them and their effects on community. She stated there was also discussion about the importance of STRs.

Vice Chair Nootz clarified the HRDC was involved in the focus groups and they did give input on how to consider STR's. She also asked if Katherine from HRDC will be working with the City regarding housing policies.

The City Manager stated the evaluation of policy is included in the scope of work for the Housing Coordinator position.

7. Action Items

- A. RESOLUTION NO. 5161: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET IN THE AMOUNT OF \$31,775,333 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2025, AND ENDING JUNE 30, 2026, (FY 2026), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT www.livingstonmontana.org, AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS. PG.175**

The City Manager stated this item sets the public hearing for the budget for 7/15/2025. He thanked Finance Director Fetterhoff for her work on this budget. He gave a brief presentation of the budget.

Commissioner Willich asked about tabs 18 and 19 which have line items for dump trucks and wondered if they are separate vehicles or shared.

The City Manager stated they are separate vehicles.

Commissioner Lyons asked for another explanation about a balanced budget.

The City Manager stated there are two types of revenues and two types of expenditures. There are ongoing and one-time. The general rule of thumb in public budgeting is that revenues should match expenditures, and ongoing expenditures should be funded by ongoing revenues, and one-time expenditures should be funded from one-time revenue or surplus of ongoing revenue. Within this budget, when reviewing ongoing revenue, it exceeds the ongoing expenditures, so if all of the one-time revenue were to disappear, we would still be able to fund the ongoing expenses with that ongoing revenue. However, because the general fund must also include all expenditures, we are using some of our fund balance that exceeds the GFOA recommended 16.6% level, and we are using some of that fund balance to fund capital purchases and capital projects. So, adding the ongoing expenditures to the one-time expenditures, that number does exceed the amount of ongoing



revenue. On paper it appears there is a slight imbalance in the general fund, but detailed in the executive summary it states we have ongoing revenues that exceed our ongoing expenditures.

Commissioner Kahle clarified that they were just voting tonight to move the budget forward, and not voting on anything in the budget. She expressed concern about potential conflict of interest for some Commissioners and wondered about separating out parts of the budget for voting purposes.

The City Manager stated that is correct, and the budget will come before the Commission on July 15th and he has talked with the City Attorney and they are able to separate out parts of the budget for voting.

Commissioner Kahle expressed appreciation for the budget and the process. She also pointed out office supplies in the Public Works Dept. that seemed really high in previous years.

Finance Director Fetterhoff explained that it was an accounting entry that we are required to record our administrative cost allocation. It used to be the administrative cost allocation was its own expense in each of those funds, and a couple of years ago the auditing standards on that changed, so at the end of the year she has to move administrative cost allocation into wages for the departments that are part of that allocation, then the other part has to go to supplies, which is how it's identified in an audit.

Vice Chair Nootz asked about 18-2 and the commerce grants.

The City Manager stated the HB 355 grants from the state are being used to address the unpaved road situation, and the rapid flashing beacons. It's state money that will fund a portion of each of those projects.

Vice-Chair Nootz asked about 19-6 and the Bennett Loop.

The City Manager stated that the Bennett Street water loop is an effort to unify the water system that exists south of Park Street with the one that exists north of Park Street. Currently, LHC sits on a dead-end water main, and this would help to tie that in.

Vice Chair Nootz asked about 20-7 and making progress with I&I.

The City Manager stated this current year has been the year of design work, so both Bennett Street and I&I have been working through the design process in FY 25. FY 26 is the year that they will actually construct those improvements, and the I&I project will go into construction about the first week of August.

Vice Chair Nootz asked when they would start talking about the current Civic Center.

The City Manager stated that they are in the middle of some facility condition exploration at the Civic Center. He stated that in the next budget they will start some of that planning work.

Vice Chair Nootz asked if they can hear more plans for a railroad crossing.



The City Manager stated they have a short-term plan and long-term plan for this. The short-term plan is working with MDT and the railroad for the construction improvements. The long-term plan involves the evaluation of again a second grade separated rail crossing, and going through community input portion to make sure community is heard and they understand what the community needs and wants.

Commissioner Kahle motioned for a 5-minute break seconded by Vice Chair Nootz. Unanimously approved.

Vice Chair Nootz recalled past budget meetings before City Manager Gager was here, and how things have very much improved since his time here. She highlighted a few things that have greatly improved.

Commissioner Lyons agreed with what Vice Chair Nootz has said.

Commissioner Kahle also agreed with Vice Chair Nootz. She expressed that there has been a culture shift in the City, and that is not just because of the budget, but by how City Manager Gager leads. She likes that the budgets are straightforward and easy to understand.

Chair Schwarz stated the budgets now are much better and it shows in the lack of questions the Commission has to ask to understand the budget.

Commissioner Lyons stated that he sees this budget as a policy document, and it is reflective of the policy guidance that the Commission has given to the City Manager, and he appreciates this year's budget.

Vice Chair Nootz motioned to approve this item seconded by Commissioner Kahle. Unanimously approved.

B. RESOLUTION NO. 5162: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ADJUST ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM. [PG.182](#)

The City Manager stated this item notifies the community of the Commission's intent to adjust rates for all waters of the water system. That public hearing will be held 7/15/25. The recommended increase is 4.22% which would result in an average monthly increase of \$.84 to \$2.28 for most users depending on the amount of water that they use.

Vice Chair Nootz asked about the tiered rate structure and wondered if there will be a time when we are working for more water conservation measures that they might adjust the tiers, skewing the cost to be even higher for the highest volume users, knowing they also profit off the City water.

The City Manager stated yes, they do foresee a time where additional tiers will be placed on the rate schedule. He stated he can easily envision a tier that starts at about 100,000 gallons for commercial users.



Vice Chair Nootz wondered if other Commissioners were interested in seeing an added tier.

Commissioner Kahle asked how many of those commercial users there are that are 100,000 gallons or more.

The City Manager stated they looked at it recently and it's approximately 15.

Commissioner Lyons stated he thinks they are talking about a very different structure than what we currently have, and wants to be careful about equity. He generally agrees with Vice Chair Nootz, but he feels like it would be pretty tricky to implement.

Public comment was offered by:

- Patricia Grabow expressed opposition to the rate increase.

Commissioner Willich expressed not liking to raise rates and reminded that even Northwestern Energy raised rates.

Vice Chair Nootz stated that raising just by the rate of inflation is reasonable.

Chair Schwarz agreed with Vice Chair Nootz.

Commissioner Kahle motioned to approve this item seconded by Commissioner Lyons. Unanimously approved.

C. RESOLUTION NO. 5163: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ADJUST ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WASTEWATER SYSTEM. [PG.189](#)

The City Manager stated this item provides the community notice of the Commissions intent to adjust all sewer rates for consumers of the wastewater system. The recommended increase is 4.22% which is equal to the observed cost of inflation over the last 12 months. The estimated increase for users would be \$.97 to \$4.77 per month.

Commissioner Kahle asked about changing the average months for sewer and wondered if they will see it in this or elsewhere.

The City Manager stated the seasonality is dictated by the LMC, so it is an ordinance change that will be required to affect that calculation change. When this item is brought back, they will have a conversation about that.

Finance Director Fetterhoff clarified what happens on a customer service end with these bills transitioning from average to real rates.

Public comment was offered by:

- Linda Maher thanked the Commission for considering changing the averaging months.



Commissioner Kahle stated that it takes electricity to move water around the community, and looking at the electric bill it makes sense that water and sewer rates have to go up.

Commissioner Kahle motioned to approve this item seconded by Vice Chair Nootz. Unanimously approved.

D. ORDINANCE NO. 3061 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 RECENTLY ANNEXED PROPERTY ADDRESSED AT 38 LOVES LANE AND LEGALLY DESCRIBED AS LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC 23, T02S, R09E, P.M.M PARK COUNTY, MONTANA AS MIXED USE (MU). [PG.196](#)

The City Manager stated this item is to zone the parcel at 38 Loves LN. This property was annexed into the City in April of this year.

Planning Director Severson gave a brief presentation on this item.

Vice Chair Nootz expressed that she likes how it was described as to why the Planning Director chose MU for this parcel, and agrees that MU fits with the surrounding zones. She stated it is very clear and she appreciated Planning Director Severson walking them through her decisions.

Public comment was offered by:

- Patricia Grabow stated a group called This is My Land had a meeting and they approached the County Commission for a temporary freeze on any continued annexations until proper documentation can be provided.

The City Manager stated this property has already been annexed into the City of Livingston and action before them tonight is related to zoning.

Commissioner Willich expressed thoughts that the work looks good, and he recalled the last meeting during the annexation where there briefly talked about if this would be zoned NC or MU.

Commissioner Lyons expressed that the staff report was comprehensive and helpful and agrees that MU makes the most sense for this parcel.

Commissioner Kahle agreed this was a comprehensive analysis brought before them and MU seems to make sense at this location.

Vice Chair Nootz expressed thanks to Planning Director Severson for taking the ambiguity and subjectivity out of these decisions, and appreciated that she brings things to them in a simple way that is easy to understand.



Chair Schwarz gave a shout out to the Land Use Board for their work on this as well.

Commissioner Lyons motioned to approve this item seconded by Commissioner Willich. Unanimously approved.

E. ORDINANCE 3060: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 2, GOVERNMENT AND ADMINISTRATION, OF THE LIVINGSTON MUNICIPAL CODE, BY CREATING A PUBLIC PROPERTY AND WAYS ARTICLE AND ESTABLISHING CERTAIN REQUIREMENTS AND PROHIBITED ACTS. [PG.226](#)

The City Manager stated this item is the second reading and is before them due to a flagpole being placed on City property by a private organization and the constitutional first amendment issues the situation created. He is recommending a short addition to chapter 2.

Commissioner Lyons asked if there are specific federal regulations for flag flying.

The City Manager stated that it referenced the federal flag code, and rather than have the CFR reference, he went with the generic regulation.

Commissioner Kahle asked if they would want to consider adding a part about flying flags that relate to proclamations read by the Commission. She understands that tonight might not be the best time to discuss this topic due to the urgency that it goes through.

The City Manager stated the ordinance was drafted based on the input received in the second meeting in May where the Commission did discuss limiting it to the 4 flags listed in this draft.

Chair Schwarz expressed liking Commissioner Kahle's consideration, but thought it might be opening a can of worms.

Vice Chair Nootz also likes the consideration, but expressed that proclamations are not decided upon by the Commission because we are a Commission and not a mayor form of government.

Commissioner Kahle expressed thanks for the conversation.

Commissioner Lyons stated that Vice Chair Nootz's point is very strong and something he agrees with, but also appreciates Commissioner Kahle's consideration.

Vice Chair Nootz expressed that they could think of other ways to be inclusive.

Chair Schwarz reminded that with proclamations they are just read and not voted on, so they could be things the Commission doesn't necessarily agree with, but in our form of government they are only read and not voted on.

Commissioner Kahle expressed that this was a very important conversation for the public to hear tonight.



Commissioner Willich expressed understanding where Commissioner Kahle is coming from and feels there are lots of ways to express what people believe in or live by, but City property has to have some kind of limit.

Commissioner Willich motioned to approve this item seconded by Commissioner Kahle. Unanimously approved.

8. City Manager Comment

The City Manager stated he appreciates the Commissions time tonight and is happy to meet Commissions expectations regarding budget.

9. City Commission Comments

Commissioner Willich thanked City Manager Gager for his hard work and leadership.

Commissioner Lyons stated the river is running at 9000 CFS

Commissioner Kahle thanked fellow Commissioners for thoughtful conversation tonight.

Vice Chair Nootz addressed Sean from the Enterprise offering to show him previous budget things.

Chair Schwarz thanked City Staff and thanked Commission for a good meeting.

10. Adjournment

Commissioner Lyons motioned to adjourn the meeting seconded by Commissioner Kahle. Unanimously approved.

Calendar of Events

Supplemental Material

Notice

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File Attachments for Item:

B. APPROVAL OF MINUTES FROM JULY 01, 2025, REGULAR MEETING



Livingston City Commission Minutes

July 01, 2025 — 5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/84674250633?pwd=P8481bWwQVqJBXakCQaTh9RwaqWuYE.1>

Meeting ID: 846 7425 0633

Passcode: 949554

1. Call to Order

2. Roll Call

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

City Staff Present

- City Manager Grant Gager
- Policy Analyst Greg Anthony
- Assistant Chief of Police Andrew Emanuel
- Planning Director Jennifer Severson
- Public Works Director Shannon Holmes

3. Public Comment

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

Public comment was offered by:

- Jay Keifer expressed concern about this year's budget.



- Andrew Bolerjack the coordinator for Yellowstone Boat Float asked if the City Commission would waive the insurance requirement for the roping arena or mayors landing.

Vice Chair Nootz stated the budget is not on the agenda for this meeting, but will be at the next meeting.

4. Consent Items

- A. APPROVAL OF MINUTES FROM JUNE 17, 2025, REGULAR MEETING [PG.4](#)**
- B. APPROVAL OF CLAIMS PAID 6/12/25 - 6/25/25 [PG.60](#)**
- C. APPROVAL OF AGREEMENT 20194 COLLECTIVE BARGANING AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND LOCAL #630, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS [PG.73](#)**
- D. APPROVAL OF AGREEMENT 20195 WITH IMCO [PG.116](#)**
- E. APPROVAL OF AGREEMENT 20196 FOR ROPING ARENA LEASE [PG.127](#)**
- F. APPROVAL OF AGREEMENT 20197 WITH FOUR CORNERS RECYCLING [PG.139](#)**
- G. CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR THE ANNUAL 6TH STREET BLOCK PARTY ON JULY 2, 2025 [PG.154](#)**
- H. CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR THE 62ND ANNUAL YELLOWSTONE BOAT FLOAT ON JULY 10, 2025 [PG.160](#)**
- I. CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR THE PCEC RENDEZVOUS ON SEPTEMBER 04, 2025 [PG.166](#)**
- J. APPLICATION FROM VALERIE SUMMERS FOR A RESERVED PARKING SPACE FOR DISABLE PERSONS ON A PUBLIC STREET [PG.172](#)**
- K. APPROVAL OF ONE MEMBER TO THE LIVINGSTON PARK COUNTY PUBLIC LIBRARY BOARD [PG.179](#)**

Commissioner Kahle pulled Consent Item I.

Commissioner Willich pulled Consent Item A.

Vice Chair Nootz pulled Consent Item E & K

Commissioner Kahle recused herself from Consent Item I because she is the applicant for this event and this is the organization she works for.

Commissioner Willich found a number of errors in the minutes and would like them pulled and brought again at the next meeting.



Vice Chair Nootz pulled Consent Item E to get a description from the City Manager, and she pulled Consent Item K because her husband is the Director of the Library and the Library Board is his boss, and she will abstain from the vote on Consent Item K.

Vice Chair Nootz asked the Commission about bringing minutes back to the next meeting, and they all agreed. She added her edits to be corrected.

The City Manager stated this item is for the annual boat float that comes through Livingston. They are aware this event has come through Livingston and it has, in past years, gone under the radar, meaning it is not necessarily in compliance with many City Codes including the prohibition on camping in City parks as well as open container requirements. He stated the usual rate for the roping area is \$100 per day, and we are offering it to the Boat Float event for \$10 per day, and the agreement has the standard insurance language, which is requested by our insurance company MMIA. He pointed out that this item goes with Consent Item H for the open container waiver.

Commissioner Kahle motioned to approve Consent Items B-H & J seconded by Commissioner Lyons. Unanimously approved.

Commissioner Lyons motioned to approve Consent Item I seconded by Commissioner Willich.

For: Chair Schwarz, Vice Chair Nootz, Commissioner Lyons, Commissioner Willich

Abstain: Commissioner Kahle

Commissioner Willich motioned to approve Consent Item K seconded by Commissioner Lyons.

For: Chair Schwarz, Commissioner Kahle, Commissioner Lyons, Commissioner Willich

Abstain: Vice Chair Nootz.

5. Proclamations

A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING JULY 2025 AS PARKS AND RECREATION MONTH IN LIVINGSTON, MONTANA [PG.196](#)

Vice Chair Nootz read the proclamation

The City Manager thanked Maggie in Rec and Mike in Parks for their hard work.

6. Scheduled Public Comment

A. PRESENTATION FROM FOUR CORNERS RECYCLING

The City Manager introduced Dave from Four Corners.

Dave gave a brief presentation on Four Corners Recycling.

Commissioner Willich asked what happens to the glass when it's shipped to Salt Lake.



Dave stated that it goes to Momentum Recycling where they use the Delta pulverizer, and a majority of it is made into fiberglass insulation.

Commissioner Kahle asked if they need to do more education on plastics recycling.

Dave stated it is hard to educate, but he does have an employee that is ready to educate on recycling.

Commissioner Kahle offered for them to bring education material to the Farmers Market.

Chair Schwarz stated education begins in the grocery store and buying items that come in something that can be recycled. He thanked Four Corners for the work they've done over the years.

Vice Chair Nootz expressed appreciation for the update.

Public Works Director Holmes thanked the Commission for approving the 3-year contract for Four Corners Recycling. He shared some recycling data from 2024.

Vice Chair Nootz asked Public Works Director Holmes how recycling has changed in his time with the City.

Public Works Director Holmes stated when he first started there was about 500 tons of glass stockpiled at Public Works, and it was brought in from surrounding counties, and they were hauling glass through MRL. He stated he is proud of what we do in our small community.

7. Action Items

- A. ORDINANCE 3059: 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 REZONING PROPERTY LEGALLY DESCRIBED AS MINOR SUB 677, S14, T02 S, R09 E, LOT 3B, ACRES 20.01, IN PARK COUNTY, MONTANA AND TO REZONE THE PARCEL FROM MEDIUM DENSITY RESIDENTIAL (R2) TO PLANNED UNIT DEVELOPMENT (PUD). [PG.198](#)**

The City Manager stated this item is the second reading of Ordinance 3059 related to the Northtown PUD. He invited Planning Director Severson to review the application.

Planning Director Severson gave a brief presentation on the Northtown PUD.

Commissioner Lyons asked where to find the traffic impact study.

The City Manager stated it is in the application.

Commissioner Lyons asked about comments in the packet about traffic impacts from 2022 and wondered if there was updated information.



The City Manager stated that was addressed with the applicant between the Consolidated Land Use Board approval and the first reading of this ordinance. He stated counts were obtained in May of this year.

Planning Director Severson introduced Garrett Schultz.

Garrett stated that at the last meeting they discussed the traffic study in great detail and reminded everyone that Bob Abelin the traffic engineer was there and gave a presentation. Garrett stated the original counts were from 2022 because that is when the original Northtown Development was done, but they did get new counts from easily identifiable areas that grew and updated the traffic model, and applied a 4% growth factor.

Commissioner Lyons asked how the developer will make improvements to the 5th Street and Front Street intersection.

The City Manager stated the recommendation for the improvements at 5th and Front is the implementation of peak-hour left-turn restriction for westbound traffic.

Commissioner Kahle asked the developer if he will be allowing pets.

Bill Mullenfeld stated he has not thought about it yet.

Vice Chair Nootz talked a little about not wanting covenants to be more restrictive than City Code. She asked about the development timeline.

The City Manager stated if this item is approved the ordinance takes effect after 30 days, and at that point Northtown would have the ability to proceed with site work and construction. Before the Certificate of Occupancy for any of the phase one buildings the City would obtain a financial guarantee from the developer for water improvements and street improvements. Then prior to the Certificate of Occupancy for any building in phase 2 the water line and secondary access point would need to be constructed. Then from that point the applicant would be free to proceed with phases 2 and 3.

Commissioner Kahle asked for clarification on the financial guarantee in 36 months. She asked if completion of phase 1 is when the 36-month clock starts.

The City Manager stated yes, it is the at the issuance of the first certificate of occupancy for that building.

Public comment was offered by:

- Garrett Schultz with Headwaters Engineering revisited the application process, and thanked Planning Director Severson for the amendment to condition 7 and said he feels it's really important for the project.
- Kemp O'Neill expressed that traffic is still a big issue.



- Lulu Herrera discussed her thoughts on traffic being an issue.
- Randy Carpenter representing Friends of Park County expressed support for the PUD application and zoning change.
- Nathan Bolton expressed concern about traffic.

Commissioner Kahle motioned for a 10-minute break seconded by Commissioner Willich. Unanimously approved.

Vice Chair Nootz asked if they can make decisions on subdivision approvals based solely on the crossings.

The City Manager stated there is criteria laid out in LMC and MCA for the review of applications like this, and there are several components, and it would be difficult for this to be considered solely based on traffic.

Vice Chair Nootz asked about secondary impact locations that people have brought up.

The City Manager stated the traffic impact study did assess the impacts at several intersections. MDT takes actual traffic counts every five years in various points within the City, and all counts are available on the MDT website. The application shows a lot of the detailed traffic count information and how traffic flows in the City.

Vice Chair Nootz asked for clarification on emergency evacuations from that area.

The City Manager reminded that he discussed this in detail at the last meeting, but stated he and the Fire Chief and Police Chief have been working through improvements to the City emergency plan, and they have gone over education points for the community regarding emergency plans and evacuation. He stated they are confident in the safety of this location.

Vice Chair Nootz asked about the definition of open space and density issues.

Planning Director Severson stated this development and developer chose not to go through the subdivision process. She stated it is more transparent as far as us asking for more information from the developer up front. She said with new regulations from the state, developers can ask for expedited subdivision review, which has minimal review points for approval. She reminded that the PUD process asks for more information from the developer, more interaction from the public, and extra work sessions that we cannot ask for with subdivisions. The PUD process gives them the opportunity to review for impacts including density. She stated the way open space is allowed to count for a subdivision is that slopes have to be below a certain grade, and she stated that some of the slope is above the 40%, and she thinks the resulting grades after disturbance would result in 45% to 50% of the 20 acres that are below that 40% grade.



Commissioner Willich stated that traffic will always be a topic of discussion when developing on the northside, but he knows the City Manager and staff are working on avenues to find ways for another crossing. He stated they cannot make a decision solely on traffic. He does not want to hold this up any longer than necessary since the community is in need of housing like this.

Chair Schwarz agrees with Commissioner Willich. He said he's been waiting a long time for PUD's and hopes this will help with an affordable rental market. He let the public know that it is on the City Commission and Commissions before him to have done something about the crossing before now.

Commissioner Lyons stated that traffic from other developments on the northside have not been taken into consideration with the traffic study, but admitted he is not sure how they would do that, and is not sure what the overall impact would be. He thinks they are doing great space-wise for this project, but doesn't love the location, but also realizes they don't get to choose where these developments happen. He agreed with Chair Schwarz that it is on the City Commission that a crossing has not happened yet.

Commissioner Kahle recalled from the previous meeting that she said approving this development does put the Commission on notice to make sure they have an evacuation plan that is communicated to the public so they know what they are supposed to do. It also puts them on notice to figure out the crossing situation. She agrees with Chair Schwarz about the crossing, but feels City Manager Gager is working toward a good plan to present to the community about a crossing. She stated as a reminder that when it does come up to do this crossing, it will appear on a ballot and folks will have to decide to tax themselves in order to approve a crossing being built.

Vice Chair Nootz expressed agreement with fellow Commissioners. She appreciates the comments and input from the community. She expressed that when they discuss a crossing in the future it will be very important to be clear about what the impacts will be so the public has all the information they will need to make an informed decision. She expressed appreciation for the conversations around open space.

Commissioner Kahle motioned to approve the second reading of Ordinance 3059 and amend condition 7 to read the PUD road and water line must be looped through Phase 4A of the Northtown Subdivision to the west via the Wild Rye Dr. right-of-way to connect to Scenic Trail. A) The Road Loop: must be completed prior to issuance of Certificates of Occupancy for Phase 1 of the PUD. The initial extension beyond Phase 1 (to connect to Wild Rye Dr. to Scenic Dr.) may be a gravel-surfaced emergency road. The applicant must work with the Fire Dept. on the design of the emergency access road. B) The Water Line Loop: must be completed before Certificates of Occupancy are issued for Phase 2. A financial guarantee from the developer is required for the water loop prior to a Certificate of Occupancy for Phase 1 to ensure the loop is completed within 36 months of PUD approval. The applicant must coordinate with the Fire Dept. to identify hydrant locations and determine timing of installation.

Motion seconded by Commissioner Willich. Unanimously approved.



B. ORDINANCE 3062: 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 REZONING PROPERTY LEGALLY DESCRIBED AS BROOKSTONE MAJOR SUBDIVISION 610, S07, T02 S, R10 E, LOTS 8-10, IN PARK COUNTY, MONTANA AND TO REZONE THE PARCEL FROM HIGH DENSITY RESIDENTIAL (R3) TO PLANNED UNIT DEVELOPMENT (PUD). [PG.286](#)

Commissioner Kahle stated she will recuse herself as her significant other works for the stated property management company within this development.

Commissioner Lyons stated he will recuse himself from discussion and vote as his wife is working on the project for the company HRDC.

The City Manager stated there was no protest that was timely filed or received, so this falls to the simple majority of the total board which would require 3 votes to approve or reject the motion.

Commissioner Kahle and Commissioner Lyons removed themselves from the table.

The City Manager stated this is the first reading of Ordinance 3062.

Planning Director Severson gave a brief presentation on the Sheep Mountain PUD.

Commissioner Willich asked about parking and landscaping if it appears during the site plan.

Planning Director Severson stated the site plan is mixed in, they will look more closely, but when it comes time for building permit, she will check that they have done everything correctly.

Vice Chair Nootz asked about parking requirements.

Planning Director Severson stated for multi-family, the code required one vehicular parking space per unit, and for bike parking they are required to provide one space for every 10 vehicular parking spaces.

Scott Freimuth from Aspekt Architecture gave a brief presentation on the project.

Katherine Daly from HRDC spoke about affordable housing.

Garrett Schultz gave a brief presentation on this project.

Vice Chair Nootz reiterated the points of concern for Garrett are the fixed route transit stop, length of parking spaces, and additional fire hydrant, and she doesn't want to address the letter from Public Works right now.



Garrett clarified that the letter states that they need to figure out the ditch with the ditch user association, and they understand that, but they don't have all the information yet.

Commissioner Willich motioned for a 5-minute break seconded by Chair Schwarz. Unanimously approved.

The City Manager addressed Conditions 1,3,4 and 6. He stated number 1 outlines a number of items to be reviewed when the applicant is looking for the building permit. He stated the items in the letter include irrigation ditch, storm water, parking spaces, traffic, water, sewer, and street. He stated the comments with these items are what they expect to see, and there are no real concerns.

Vice Chair Nootz stated that with the irrigation ditch she wants to make sure they are not putting a condition in place that stops neighbors from being able to use their property.

The City Manager stated that the way it reads it does not infringe on anybody's water rights. It just requires an agreement between the applicant and the Livingston Ditch Users association.

Vice Chair Nootz moved to number 3 which is the Fire Chief's request for an additional hydrant.

The City Manager stated they have an email from the Fire Chief in the packet that shows he is requesting a hydrant on the south side of the buildings.

Vice Chair Nootz asked why the Fire Chief wants another hydrant.

The City Manager stated it is to aid fire suppression efforts if there is an incident on the south side of the building.

Vice Chair Nootz moved to number 4 about compact spots.

The City Manager stated the City of Livingston's parking standards are 18 ft. by 9 ft. The City does not have an allowance or definition of compact spaces, so the request from Public Works is to design the parking area in accordance with LMC requirements.

Planning Director Severson stated we don't have compact parking requirements, but she did review surrounding cities and what they require for a compact space. She stated they don't have a concern with the compact space, but they need to maintain the 24 ft. space for emergency services to travel through.

Vice Chair Nootz asked how parking will be regulated or monitored to ensure emergency access is maintained.

The City Manager stated that the City of Livingston typically does not enforce parking requirements on private property.

Vice Chair Nootz clarified that it would be on the applicant to enforce this. She wondered if there is anything they can do to ensure the applicant enforces this.



The City Manager stated we could request signage from the applicant, and we could update LMC to require adequate travel lanes to be maintained.

Vice Chair Nootz asked if the trees have to be removed.

Planning Director Severson stated they have not looked at that yet.

Vice Chair Nootz moved to item 6 which is the bus stop.

The City Manager stated this condition ensures a bus stop shelter is installed.

Commissioner Willich asked if angled parking would achieve the 2 feet needed.

Planning Director Severson stated that angled parking would reduce the number of spaces you get.

Chair Schwarz stated after seeing this on the Consolidated Land Use Board the compact parking situation is restricted by the ditch.

Commissioner Willich stated he is okay with receiving a letter from the ditch user's association that they have had their conversations about what happens to the ditch water. He would be interested in a conversation with the Fire Chief about the 24 ft. vs. 20 ft. He expressed agreement with adding an additional hydrant on the south side. He is okay with taking out the requirement for establishing a fixed bus route, and just having a bus shelter of some sort. He reviewed some HRDC stats sent by Katherine.

Chair Schwarz stated this fits a serious need we have in this town. He has no issue with any of the conditions that were read.

Vice Chair Nootz stated she really likes the renderings, and expressed appreciation for the presentations. She likes the orientation to the streets, parking, and flex space. She understands the work that the applicant has to do with the ditch association. She does want to get more information from the Fire Chief about the 3rd hydrant. She wondered if there is middle ground for the parking, and doesn't want them to go with angle parking. She agrees with having a bus stop shelter, and recognizes it would be used for more than just Windrider. She would like more information about points 3 and 4.

The City Manager stated for condition 6 he recommends ending the sentence after the word site. It will read: The applicant must install a new bus shelter at the PUD site. He stated he will have the Fire Chief attend the next meeting when this item is read to answer questions.

Commissioner Willich motioned to approve Ordinance 3062 with an amendment to recommendation number 6 that reads the applicant must install a new bus shelter at the PUD site.

Seconded by Chair Schwarz.

Approved by Chair Schwarz, Vice Chair Nootz and Commissioner Willich.



8. City Manager Comment

The City Manager thanked the Commissioner and recognized that there are almost 290 new units they have worked to move forward in the last several weeks.

9. City Commission Comments

Commissioner Willich stated that he expects rent costs to crater soon. He asked to see a look ahead chart on the Wellness Center for construction, staffing, costs, and when impacts to property bills start. He stated the rodeo organization has heard from the community about the noise levels at the fairgrounds. He also stated there are a lot of folks in town right now, so be mindful at uncontrolled intersections and just out and about.

Commissioner Lyons seconded Commissioner Willich's request for a detailed update on the Wellness Center. He also talked about uncontrolled intersections and stated to use extra caution.

Commissioner Kahle stated she is hopeful to see changes in noise at the fairgrounds, and the County Commission gave out a phone number to call with noise complaints: 406-222-4185. She expressed sadness that the PRIDE Coalition is not participating in the Livingston parade this year due to poor treatment in years past.

Vice Chair Nootz expressed agreement with comments from Commissioner Kahle and with Commissioner Willich. She wondered about having a discussion about proclamations and how they go about putting them on the agendas and would like to see this come up in a future meeting, seconded by Chair Schwarz.

Chair Schwarz expressed sadness to hear about the PRIDE Coalition not participating in the parade.

10. Adjournment

9:55 PM Commissioner Lyons motioned to adjourn seconded by Commissioner Willich. Unanimously approved.

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.



Northtown Planned Unit Development (PUD)

City Commission Meeting
July 1, 2025

PUD SUMMARY

- Rezone from R2 to PUD
- Current Use = Vacant
- Property Size = 20 acres
- Residential Dwelling Units = 240 , mix of studio, 1BD and 2BD
- Commercial Space = 12,850 sq. ft.



PUD ORDINANCE INTENT

The Planned Unit Development is a zoning district intended to encourage more efficient use of land and public services than is typically allowed under standard zoning application. Conventional area and density requirements are replaced by application of the PUD district to lands upon which an approved plan becomes the basis for control of land development. Zoning allows for flexible design that accounts for specific site constraints and challenges and encourages clustered development, diverse housing types, mixed land uses, and natural resource preservation.

PUD OBJECTIVES

To achieve the stated intent, a PUD shall further a **majority** of the following objectives:

1. Protect natural and cultural resources
2. Encourage open space and recreational areas beyond the minimum subdivision requirements
3. Promote a more effective use of land than the base zoning district would allow, resulting in clustered development and a more condensed network of utilities and streets
4. Encourage mixed uses in new developments as a means to improve convenience and access to daily necessities by area residents
5. Reduce vehicular trip generation through mixed use development and enhanced multi-modal connectivity
6. Encourage affordable/ workforce housing development
7. Support the adopted City of Livingston Growth Policy

DEVELOPER INCENTIVE / PUBLIC BENEFIT

34

**Total 40' high
(+ 6' above R2 max)**

Development Incentives	Public Benefits
Residential Density Bonus	10% deed restricted Affordable Housing Units (min. 2 units)
	Deed restricted Affordable Housing units at or below 60% AMI
Height Increase	10% reduction in vehicular trips to be generated by the PUD
	Open Space area is at least 20% of PUD
Waived Impact Fees	Commercial Uses in at least 5% of total building floor area

Open Space ~ 63% of PUD

- **NO ADDITIONAL DENSITY** requested

20 acres R2 = 498 dwelling units allowed 'by right' (24 units/ac x 20 ac = 480 units)

PUD = 270 dwelling units proposed, less than allowed 'by right'

LIVINGSTON
MONTANA

ANALYSIS

- *Protect Natural and Cultural Resources* – PUD will cluster development on a portion of the property which minimizes disturbance to terrain vs. single family lots
- *Encourage Open Space beyond 11% minimum required for subdivision* ~ 63% of PUD will be designated as open space/ parkland
- *Promote a more effective use of land than the base zoning district would allow* – clustering development reduces area needed for utilities and streets and reduces disturbance
- *Encourage Mixed Uses to improve convenience and access to daily necessities* – PUD includes 12,850 sq. ft. of commercial space to serve PUD residents and surrounding neighborhoods
- *Reduce Vehicle Trips* – mixed uses, sidewalks and close proximity to transit will encourage alternate modes of transportation and fewer vehicular trips
- *Encourage Affordable/ Workforce Housing* – not included in PUD, but increase in housing supply could lead to lower market rental rates

ANALYSIS (*cont.*)

- *Supports Growth Policy*

Strategy 3.1.1.6: Encourage residential developments to provide neighborhood commercial areas serving residents within walking distance.

Strategy 3.1.1.8: Reduce urban sprawl through compact development consistent with the Future Land Use Map of this Growth Policy.

Strategy 4.1.3.3: Reduce climate disruption through compact growth and increased transportation choices that reduce the need for driving.

Objective 5.1.4: Promote a mix of housing within neighborhoods that supports a variety of household income levels, household age groups, and housing types.

Strategy 5.1.1.2: Consider implementing the recommendations of the housing action plan;

HAP Recommendation #9: General Zoning Reform & Flexible Development Standards- removing barriers to building a variety of housing choices, which allows for homes of all shapes and sizes for people of all incomes.

RECOMMENDATION

Staff recommends the City Commission approve the Northtown PUD with the conditions below:

1. The developer/ Northtown PUD HOA will be responsible for maintaining the open space and park land and these spaces must be dedicated for use by the general public.
2. Commercial development within the PUD may require Site Plan Review prior to issuance of a building permit and/or a business license for the commercial uses.
3. No Light Industrial or (Heavy) Industrial uses are allowed in the PUD.
4. New fencing installed along the Open Space boundaries must be wildlife-friendly to allow for continued safe passage of wildlife.
5. Enclosed trash receptacles and regular property maintenance must be required by the covenants to mitigate potential bear attractants and maintain a low likelihood of human/bear conflicts.
6. Native grasses and shrubs will be maintained by the HOA in undeveloped Open Space areas.

RECOMMENDATION

Conditions (cont.):

7. The PUD road and water line must be looped through Phase 4A of the Northtown Subdivision to the west via the Wild Rye Dr. right-of-way to connect to Scenic Trail
 - a) The Road Loop: must be completed prior to issuance of Certificates of Occupancy for Phase 1 of the PUD. The initial extension beyond Phase 1 (to connect to Wild Rye Dr. to Scenic Dr.) may be a gravel-surfaced emergency access road. The applicant must work with the Fire Department on the design of the emergency access road.
 - b) The Water Line Loop: must be completed before Certificates of Occupancy are issued for Phase 2. A financial guarantee from the developer is required for the water loop prior to a Certificate of Occupancy for Phase 1 to ensure the loop is completed within 36 months of PUD approval. The applicant must coordinate with the Fire Department to identify hydrant locations and determine timing of installation
8. The developer must make improvements to the 5th and Front Street intersection prior to issuance of certificates of occupancy for Phase 1 of the PUD. The applicant must consult with the Public Works Department to determine appropriate improvements.
9. The PUD covenants must be revised to reflect that no Short Term Rentals are allowed in the residential units.

RECOMMENDATION

Conditions (cont.):

- 10. Commercial uses allowed in the PUD will be those allowed in the Mixed Use (MU) zoning district per LMC Sec 30.40 at time of PUD approval (those uses have been highlighted in green in Attachment D to the Staff Report)
- 11. The developer will work with nearby neighborhoods to improve trail connections within the PUD and to the surrounding trail network.
- 12. As PUD phases are completed, and until full build-out of the PUD, the developer shall coordinate with City Emergency Service Providers to ensure adequate emergency access and evacuation procedures are established.

QUESTIONS?



LIVINGSTON
M O N T A N A



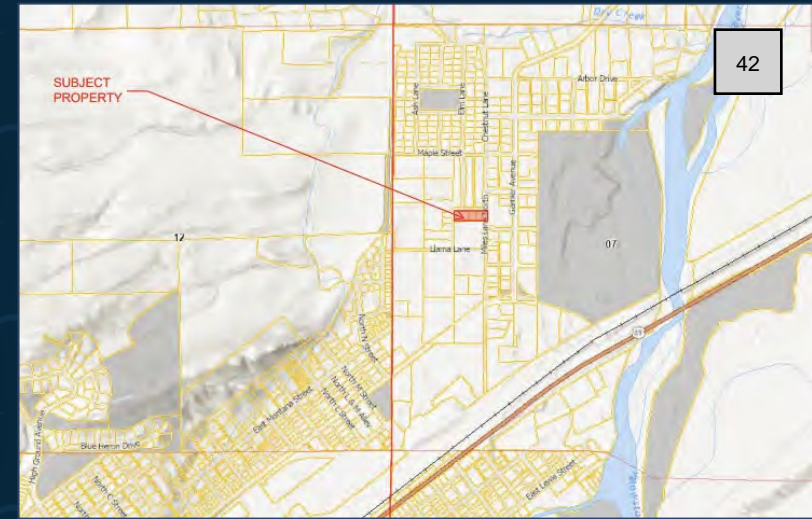
Sheep Mountain Planned Unit Development

City Commission Meeting
July 1, 2025

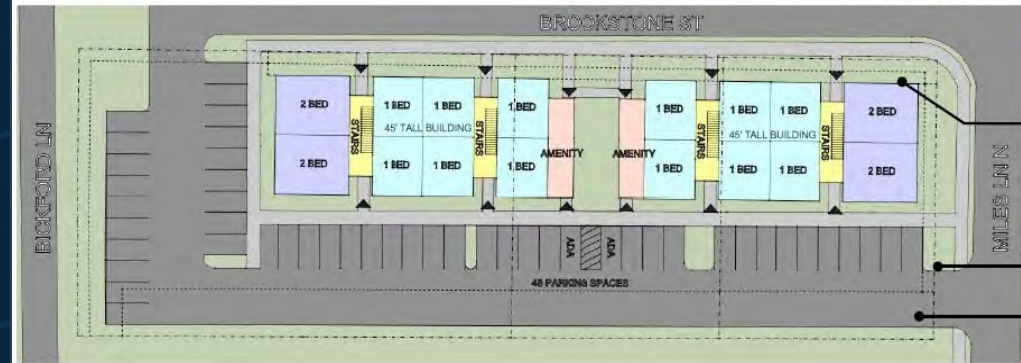


PUD SUMMARY

- Rezone from R3 to PUD
- Current Use = Vacant
- Property Size = 1.01 acres
- Residential Dwelling Units = 48 (mix 1, 2 & 3 BD)
- 2 Buildings - max 45' high
- **1,000 sq ft** flex Amenity Space



3-STORY 45' TALL BUILDING AREA: (each)	
RESIDENTIAL:	15,700 SF
AMENITY:	500 SF
CIRCULATION:	2,040 SF
	<u>18,240 SF</u>
BUILDING UNIT MIX: (each)	
	(16) 1 Bed Unit 550 SF
	(6) 2 Bed Unit 800 SF
	(2) 3 Bed Unit 1,050 SF
	<u>24 UNITS</u>
TOTALS:	
RESIDENTIAL:	31,400 SF
AMENITY:	1,000 SF
CIRCULATION:	4,080 SF
	<u>36,480 SF TOTAL</u>
	(32) 1 Bed Unit 550 SF
	(12) 2 Bed Unit 800 SF
	(4) 3 Bed Unit 1,050 SF
	<u>48 UNITS</u>



1 BED
2 BED
3 BED
TENANT AMENITY

- 10' Northwestern Energy Easement along North portion of site
- 5' Front and side setbacks
- 20' Storm Water Detention Cell Easement along South portion of site

PUD ORDINANCE INTENT

The Planned Unit Development is a zoning district intended to encourage more efficient use of land and public services than is typically allowed under standard zoning application. Conventional area and density requirements are replaced by application of the PUD district to lands upon which an approved plan becomes the basis for control of land development. Zoning allows for flexible design that accounts for specific site constraints and challenges and encourages clustered development, diverse housing types, mixed land uses, and natural resource preservation.

PUD OBJECTIVES

To achieve the stated intent, a PUD shall further a **majority** of the following objectives:

1. Protect natural and cultural resources
2. Encourage open space and recreational areas beyond the minimum subdivision requirements
3. Promote a more effective use of land than the base zoning district would allow, resulting in clustered development and a more condensed network of utilities and streets
4. Encourage mixed uses in new developments as a means to improve convenience and access to daily necessities by area residents
5. ★ Reduce vehicular trip generation through mixed use development and enhanced multi-modal connectivity
6. Encourage affordable/ workforce housing development
7. Support the adopted City of Livingston Growth Policy

DEVELOPER INCENTIVE / PUBLIC BENEFIT

9 additional units

waived for 100% of units

Development Incentives	Public Benefits
Residential Density Bonus	10% deed restricted Affordable Housing Units (min. 2 units)
	Deed restricted Affordable Housing units at or below 60% AMI
Height Increase	10% reduction in vehicular trips to be generated by the PUD
	Open Space area is at least 20% of PUD
Waived Impact Fees	Commercial Uses in at least 5% of total building floor area

→ 100% Affordable

→ 100% <= 60% AMI

R3 Zoning District

1,150 sq ft min lot size

50 foot max height

39 dwelling units allowed 'by right'

1.02 acres R3 = 39 units by right (44,323 sq ft / 1,150 sq ft min. lot size = 39 units)

PUD

45 foot max height

+ 9 units Density = 48 units total

Max Density Bonus = 25% of allowed 'by right' or 9 units

ANALYSIS

- ***Protect Natural and Cultural Resources*** – PUD will reduce max height allowed by 5' to protect views of mountains to the south
- ***Promote a more effective use of land than the base zoning district would allow*** – additional dwelling units is more efficient use of the site than R3 allows 'by right'
- ***Encourage Mixed Uses to improve convenience and access to daily necessities*** – Project includes 1,000 sq. ft. of flexible amenity space for use by PUD residents (shared laundry, bike and gear storage)
- ***Reduce Vehicle Trips*** –condition to add bus shelter and continue efforts to obtain fixed route transit stop at PUD site; this will enhance multi-modal transportation options for PUD and neighborhood residents and encourage alternate travel modes
- ***Encourage Affordable/ Workforce Housing*** – 100% of units will be deed-restricted affordable at or below 60% AMI for Park County for minimum of 50 years

ANALYSIS (CONT.)

- ***Supports Growth Policy***

Goal 3.1: Prioritize infill over expansion by taking advantage of existing and planned infrastructure, such as transportation, energy, water, and sewer facilities.

Objective 3.1.1: Encourage higher densities and a wider range of land uses that are compatible with adopted plans and where existing or planned shortrange community facilities and infrastructure can support them.

Strategy 3.1.1.8: Reduce urban sprawl through compact development consistent with the Future Land Use Map of this Growth Policy.

Goal 5.1: Provide housing options to meet the needs of all residents.

Strategy 5.1.1.2: Consider implementing the recommendations of the housing action plan;

HAP Recommendation #9: General Zoning Reform & Flexible Development Standards- removing barriers to building a variety of housing choices, which allows for homes of all shapes and sizes for people of all incomes.

Objective 5.1.4: Promote a mix of housing within neighborhoods that supports a variety of household income levels, household age groups, and housing types.

Strategy 5.1.4.2: Promote inclusion of ADA-accessible units in new housing developments through the adoption of “Universal Design Standards” that remove barriers for mobility.

RECOMMENDATION

Staff recommends the City Commission support the Land Use Board's recommendation to approve the Sheep Mountain Planned Unit Development with the conditions listed below:

- 1. The application for building permit must demonstrate the concerns expressed in the Public Works Referral Letter dated June 4, 2025 have been addressed.**
- 2. Prior to issuance of a building permit, a letter of agreement between the PUD property owner and the Brookstone Ditch Company must be provided that ensures adequate accommodation and conveyance of ditch water through the PUD property without infringing on water rights of downstream ditch users.**
- 3. The application for building permit must demonstrate compliance with requirements identified in the Referral Letter from the Livingston Fire Chief dated May 7, 2025.**
- 4. Design of the parking area must be revised to comply with LMC Sec 30.51. If compact parking is provided on the west side of the lot, the length of the curb along the north side of the compact spaces must be extended to 18 feet to ensure the adjacent 24-foot-wide travel lane remains passable for emergency vehicles.**
- 5. Plans submitted for building permit must demonstrate compliance with LMC Sec 30.51.T&U for parking area landscaping and Sec 30.59.E & E.1 for screening requirements.**
- 6. The applicant must install a new bus shelter at the PUD site and work with the City and local transportation providers to establish a new fixed route transit stop at the PUD.**
- 7. Fencing installed around the PUD property must be wildlife-friendly to ensure safe passage of wildlife.**
- 8. Annual certification must be submitted to the City that confirms PUD rental rates remain affordable, at or below 60% AMI, as was required to have City impact fees waived at time of PUD approval. The AMI in place at the time of annual certification will be used.**
- 9. The applicant is subject to the terms, conditions and commitments of record in the application for the Sheep Mountain PUD and as approved by the City Commission.**

QUESTIONS?

LIVINGSTON
M O N T A N A

File Attachments for Item:

C. APPROVAL OF CLAIMS PAID 6/26/25 - 7/9/25

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
AAA CLEANING, LLC							
3727	AAA CLEANING, LLC	264	city hall cleaning	06/30/2025	2,000.00	2,000.00	06/30/2025
3727	AAA CLEANING, LLC	265	cleaning	06/25/2025	156.25	156.25	06/30/2025
3727	AAA CLEANING, LLC	265	cleaning	06/25/2025	156.25	156.25	06/30/2025
3727	AAA CLEANING, LLC	265	cleaning	06/25/2025	156.25	156.25	06/30/2025
3727	AAA CLEANING, LLC	265	cleaning	06/25/2025	156.25	156.25	06/30/2025
3727	AAA CLEANING, LLC	266	cIVIC CENTER	06/25/2025	2,600.00	2,600.00	06/30/2025
Total AAA CLEANING, LLC:					5,225.00	5,225.00	
AJAX TOOLS							
10007	AJAX TOOLS	62525	AIR HAMMER W/ RETAINER & C	06/25/2025	607.92	607.92	06/30/2025
Total AJAX TOOLS:					607.92	607.92	
ALPINE ELECTRONICS RADIO SHACK							
402	ALPINE ELECTRONICS RADIO	10318719	BINDERS	06/27/2025	23.00	23.00	06/30/2025
Total ALPINE ELECTRONICS RADIO SHACK:					23.00	23.00	
BEST RATE TOWING AND REPAIR							
10007	BEST RATE TOWING AND REPA	25-93142	TOWING-TRAINING FF2	06/24/2025	1,289.52	1,289.52	06/30/2025
Total BEST RATE TOWING AND REPAIR:					1,289.52	1,289.52	
BNSF RAILWAY COMPANY							
10006	BNSF RAILWAY COMPANY	25006644	contract #np88644	06/04/2025	150.00	150.00	06/30/2025
Total BNSF RAILWAY COMPANY:					150.00	150.00	
CAROLINA SOFTWARE, Inc.							
3326	CAROLINA SOFTWARE, Inc.	94976	SOFTWARE SUPPORT	06/30/2025	600.00	600.00	06/30/2025
Total CAROLINA SOFTWARE, Inc.:					600.00	600.00	
CITY OF LIVINGSTON							
131	CITY OF LIVINGSTON	2025_06	Disbursement to City	06/30/2025	6,818.52	6,818.52	06/30/2025
Total CITY OF LIVINGSTON:					6,818.52	6,818.52	
EAGLE FENCE, LLC							
542	EAGLE FENCE, LLC	2270	SLIDE GATE	06/24/2025	978.75	978.75	06/30/2025
Total EAGLE FENCE, LLC:					978.75	978.75	
ELK RIVER BOOKS ABAA							
10007	ELK RIVER BOOKS ABAA	43420	13 BOOKS	06/25/2025	309.92	309.92	06/30/2025
Total ELK RIVER BOOKS ABAA:					309.92	309.92	
HAWKINS, INC							
470	HAWKINS, INC	7104370	EJECTOR	06/18/2025	426.12	426.12	06/30/2025
Total HAWKINS, INC:					426.12	426.12	
HIGH COUNTRY WILDLIFE CONTROL							
10002	HIGH COUNTRY WILDLIFE CON	36305	PEST CONTROL	06/23/2025	210.00	210.00	06/30/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total HIGH COUNTRY WILDLIFE CONTROL:					210.00	210.00	
KELLEY CREATE							
10006	KELLEY CREATE	IN2003269	JH13670	06/21/2024	103.93	103.93	06/30/2025
Total KELLEY CREATE:					103.93	103.93	
LEHRKIND'S COCA-COLA							
2830	LEHRKIND'S COCA-COLA	2260141	WatR	06/24/2025	24.00	24.00	06/30/2025
Total LEHRKIND'S COCA-COLA:					24.00	24.00	
MASTERCARD							
3184	MASTERCARD	2025_04 CHAB	Star-Batt Mini - County MCRT Gra	04/01/2025	850.00	850.00	05/05/2025
3184	MASTERCARD	2025_04 CHAB	FIRE-Ops-Hose Wahser	04/01/2025	915.32	915.32	05/05/2025
3184	MASTERCARD	2025_04 CHAB	FIRE-Ops- Customs Fee Canada	04/01/2025	8.24	8.24	05/05/2025
3184	MASTERCARD	2025_04 CHAB	FIRE-PR-Easter Egg Hunt	04/01/2025	22.00	22.00	05/05/2025
3184	MASTERCARD	2025_04 CHAB	FIRE-PR-Easter Egg Hunt	04/01/2025	15.47	15.47	05/05/2025
3184	MASTERCARD	2025_04 CHAB	EMS-Clothing Allowance-Winter C	04/01/2025	400.00	400.00	05/05/2025
3184	MASTERCARD	2025_04 DELA	ACO Training	04/01/2025	50.00	50.00	05/05/2025
3184	MASTERCARD	2025_04 DEM	Cake for Martynn/ Stewart fist day	04/01/2025	26.99	26.99	05/05/2025
3184	MASTERCARD	2025_04 DEM	Drinks/ Plates/ Napkins for PHTL	04/01/2025	18.25	18.25	05/05/2025
3184	MASTERCARD	2025_04 DEM	Pizza for PHTLS traing lunch	04/01/2025	132.50	132.50	05/05/2025
3184	MASTERCARD	2025_04 DEM	Card for dispatchers/ dispatcher w	04/01/2025	6.69	6.69	05/05/2025
3184	MASTERCARD	2025_04 DEM	Banners for Fire Trade Shows / Jo	04/01/2025	171.14	171.14	05/05/2025
3184	MASTERCARD	2025_04 DEM	Banners for Fire Trade Shows / Jo	04/01/2025	171.13	171.13	05/05/2025
3184	MASTERCARD	2025_04 DEM	Cake for dispatchers/ dispatcher	04/01/2025	10.99	10.99	05/05/2025
3184	MASTERCARD	2025_04 DEM	Postage Certified Mail for Search	04/01/2025	19.05	19.05	05/05/2025
3184	MASTERCARD	2025_04 FETT	OFFICE SUPPLIES	04/01/2025	83.34	83.34	05/05/2025
3184	MASTERCARD	2025_04 FETT	EXIT SIGN BATTERY	04/01/2025	12.99	12.99	05/05/2025
3184	MASTERCARD	2025_04 FETT	CHAIR WHEELS	04/01/2025	97.75	97.75	05/05/2025
3184	MASTERCARD	2025_04 FETT	EXIT SIGN BATTERY	04/01/2025	6.39	6.39	05/05/2025
3184	MASTERCARD	2025_04 FETT	LEGAL SUPPLIES	04/01/2025	29.99	29.99	05/05/2025
3184	MASTERCARD	2025_04 FETT	ANNUAL MEMBERSHIP	04/01/2025	129.00	129.00	05/05/2025
3184	MASTERCARD	2025_04 FETT	LEGAL SUPPLIES	04/01/2025	18.53	18.53	05/05/2025
3184	MASTERCARD	2025_04 FETT	GFOA - TRAVEL	04/01/2025	578.67	578.67	05/05/2025
3184	MASTERCARD	2025_04 FETT	GFOA - TRAVEL	04/01/2025	29.99	29.99	05/05/2025
3184	MASTERCARD	2025_04 FETT	GFOA - TRAVEL	04/01/2025	39.99	39.99	05/05/2025
3184	MASTERCARD	2025_04 FETT	GFOA - TRAVEL	04/01/2025	39.00	39.00	05/05/2025
3184	MASTERCARD	2025_04 FETT	COLOR PAPER	04/01/2025	10.21	10.21	05/05/2025
3184	MASTERCARD	2025_04 FETT	CHAIR WHEELS	04/01/2025	26.37	26.37	05/05/2025
3184	MASTERCARD	2025_04 FETT	CHAIR WHEELS	04/01/2025	39.10-	39.10-	05/05/2025
3184	MASTERCARD	2025_04 FETT	HDMI CABLE	04/01/2025	8.90	8.90	05/05/2025
3184	MASTERCARD	2025_04 FETT	OFFICE SUPPLIES	04/01/2025	81.95	81.95	05/05/2025
3184	MASTERCARD	2025_04 FETT	SCALE LICENSE	04/01/2025	860.00	860.00	05/05/2025
3184	MASTERCARD	2025_04 FETT	SNACKS	04/01/2025	88.45	88.45	05/05/2025
3184	MASTERCARD	2025_04 FETT	PORTABLE PRINTER	04/01/2025	66.18	66.18	05/05/2025
3184	MASTERCARD	2025_04 GAG	Monthly Subscription (MailChimp)	04/01/2025	60.00	60.00	05/05/2025
3184	MASTERCARD	2025_04 GAG	Monthly Subscription (ChatGPT)	04/01/2025	20.00	20.00	05/05/2025
3184	MASTERCARD	2025_04 GAG	Monthly Subscription (ChatGPT)	04/01/2025	20.00	20.00	05/05/2025
3184	MASTERCARD	2025_04 GAG	Hotel	04/01/2025	75.00	75.00	05/05/2025
3184	MASTERCARD	2025_04 GAG	Record Document	04/01/2025	17.57	17.57	05/05/2025
3184	MASTERCARD	2025_04 GAG	Hotel	04/01/2025	195.32	195.32	05/05/2025
3184	MASTERCARD	2025_04 GAG	Monthly Subscription (Zoom)	04/01/2025	40.00	40.00	05/05/2025
3184	MASTERCARD	2025_04 GAR	Peterbilt Registration- lost receipt	04/01/2025	24.36	24.36	05/05/2025
3184	MASTERCARD	2025_04 GILB	EMS-Training-PHTLS Gilbert	04/01/2025	41.95	41.95	05/05/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2025_04 GILB	EMS-Training-PHTLS Rios	04/01/2025	41.95	41.95	05/05/2025
3184	MASTERCARD	2025_04 GILB	EMS-Training-PHTLS Roehl	04/01/2025	41.95	41.95	05/05/2025
3184	MASTERCARD	2025_04 GILB	EMS-Training-PHTLS Olson	04/01/2025	41.95	41.95	05/05/2025
3184	MASTERCARD	2025_04 GILB	EMS-Ops-Medic 2 C Collar Bag	04/01/2025	93.20	93.20	05/05/2025
3184	MASTERCARD	2025_04 GILB	FIRE-Bldg Maintenance-Screws	04/01/2025	15.29	15.29	05/05/2025
3184	MASTERCARD	2025_04 GILB	EMS-R&M Supplies-Medic 2 Fog	04/01/2025	64.85	64.85	05/05/2025
3184	MASTERCARD	2025_04 GILB	FIRE-Training-Wildland Refresher	04/01/2025	216.70	216.70	05/05/2025
3184	MASTERCARD	2025_04 GILB	EMS-Meals-High Angle Training C	04/01/2025	25.00	25.00	05/05/2025
3184	MASTERCARD	2025_04 GILB	FIRE-Physicals-Martynn Pre Empl	04/01/2025	416.70	416.70	05/05/2025
3184	MASTERCARD	2025_04 GILB	EMS-Meals-High Angle Training C	04/01/2025	23.00	23.00	05/05/2025
3184	MASTERCARD	2025_04 GLAS	Fax	04/01/2025	34.99	34.99	05/05/2025
3184	MASTERCARD	2025_04 GLAS	Transaction Fee	04/01/2025	.31	.31	05/05/2025
3184	MASTERCARD	2025_04 GLAS	Snacks	04/01/2025	28.96	28.96	05/05/2025
3184	MASTERCARD	2025_04 GLAS	Lunch	04/01/2025	55.10	55.10	05/05/2025
3184	MASTERCARD	2025_04 GLAS	Toner Cartridge	04/01/2025	769.33	769.33	05/05/2025
3184	MASTERCARD	2025_04 GRA	8 books	04/01/2025	183.20	183.20	05/05/2025
3184	MASTERCARD	2025_04 GRA	postage to 72467-50112-99001	04/01/2025	13.20	13.20	05/05/2025
3184	MASTERCARD	2025_04 GRA	postage to 17745-79409-59759	04/01/2025	14.62	14.62	05/05/2025
3184	MASTERCARD	2025_04 GRA	1 book	04/01/2025	8.47	8.47	05/05/2025
3184	MASTERCARD	2025_04 GRA	postage to 59254	04/01/2025	5.11	5.11	05/05/2025
3184	MASTERCARD	2025_04 GRA	Zoom workplace annual 04.05.20	04/01/2025	165.90	165.90	05/05/2025
3184	MASTERCARD	2025_04 GRA	postage to 59041-59425-60134	04/01/2025	13.91	13.91	05/05/2025
3184	MASTERCARD	2025_04 GRA	postage to 98801-59812	04/01/2025	8.80	8.80	05/05/2025
3184	MASTERCARD	2025_04 GRA	batteries	04/01/2025	78.93	78.93	05/05/2025
3184	MASTERCARD	2025_04 GRA	11 books	04/01/2025	130.06	130.06	05/05/2025
3184	MASTERCARD	2025_04 GRA	14 books	04/01/2025	303.12	303.12	05/05/2025
3184	MASTERCARD	2025_04 GRA	postage to 30303-55455	04/01/2025	9.51	9.51	05/05/2025
3184	MASTERCARD	2025_04 GRA	anti-fatigue mats	04/01/2025	49.99	49.99	05/05/2025
3184	MASTERCARD	2025_04 GRA	postage to 60542-12180	04/01/2025	13.77	13.77	05/05/2025
3184	MASTERCARD	2025_04 GRA	8 books	04/01/2025	191.19	191.19	05/05/2025
3184	MASTERCARD	2025_04 GRA	6 books	04/01/2025	128.00	128.00	05/05/2025
3184	MASTERCARD	2025_04 GRA	postage to 59812	04/01/2025	5.11	5.11	05/05/2025
3184	MASTERCARD	2025_04 GRA	5 books	04/01/2025	62.63	62.63	05/05/2025
3184	MASTERCARD	2025_04 GRA	construction paper	04/01/2025	12.36	12.36	05/05/2025
3184	MASTERCARD	2025_04 GRA	1 book	04/01/2025	7.99	7.99	05/05/2025
3184	MASTERCARD	2025_04 GRA	1 book	04/01/2025	7.08	7.08	05/05/2025
3184	MASTERCARD	2025_04 GRA	paper, sign holders	04/01/2025	148.95	148.95	05/05/2025
3184	MASTERCARD	2025_04 GRA	sign holders	04/01/2025	51.58	51.58	05/05/2025
3184	MASTERCARD	2025_04 GRA	11 books	04/01/2025	266.38	266.38	05/05/2025
3184	MASTERCARD	2025_04 GRA	postage to 62523-05851-77204-3	04/01/2025	37.33	37.33	05/05/2025
3184	MASTERCARD	2025_04 GRA	postage to 27023-87120-46383-5	04/01/2025	20.44	20.44	05/05/2025
3184	MASTERCARD	2025_04 GRA	tape	04/01/2025	11.38	11.38	05/05/2025
3184	MASTERCARD	2025_04 GRA	4 books	04/01/2025	98.36	98.36	05/05/2025
3184	MASTERCARD	2025_04 GRA	postage to 41101-62523	04/01/2025	9.26	9.26	05/05/2025
3184	MASTERCARD	2025_04 GRA	2 books	04/01/2025	51.00	51.00	05/05/2025
3184	MASTERCARD	2025_04 GRA	postage to 79762-12180	04/01/2025	12.35	12.35	05/05/2025
3184	MASTERCARD	2025_04 GRA	5 books	04/01/2025	104.74	104.74	05/05/2025
3184	MASTERCARD	2025_04 GRA	markers	04/01/2025	24.76	24.76	05/05/2025
3184	MASTERCARD	2025_04 GRA	13 books	04/01/2025	296.80	296.80	05/05/2025
3184	MASTERCARD	2025_04 GRA	program supplies	04/01/2025	38.35	38.35	05/05/2025
3184	MASTERCARD	2025_04 GRA	postage to 80204-59041-95929	04/01/2025	15.33	15.33	05/05/2025
3184	MASTERCARD	2025_04 GRA	printer toner	04/01/2025	231.78	231.78	05/05/2025
3184	MASTERCARD	2025_04 GRA	program supplies	04/01/2025	16.96	16.96	05/05/2025
3184	MASTERCARD	2025_04 GRA	program supplies	04/01/2025	220.90	220.90	05/05/2025
3184	MASTERCARD	2025_04 GRA	18 books	04/01/2025	325.69	325.69	05/05/2025
3184	MASTERCARD	2025_04 HAPP	Stamps	04/01/2025	292.00	292.00	05/05/2025
3184	MASTERCARD	2025_04 HAPP	Hotel - Court School	04/01/2025	359.40	359.40	05/05/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2025_04 HAR	Hotel for training	04/01/2025	238.26	238.26	05/05/2025
3184	MASTERCARD	2025_04 HAR	Taser instructor training	04/01/2025	895.00	895.00	05/05/2025
3184	MASTERCARD	2025_04 HAR	Gas cannister for Intox	04/01/2025	238.83	238.83	05/05/2025
3184	MASTERCARD	2025_04 HAR	Hotel for training	04/01/2025	929.82	929.82	05/05/2025
3184	MASTERCARD	2025_04 HOL	Employee Education	04/01/2025	149.00	149.00	05/05/2025
3184	MASTERCARD	2025_04 HOL	Water Hydrant Parts	04/01/2025	2,249.70	2,249.70	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Street Dept. Stordalen Retirement	04/01/2025	114.89	114.89	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Street Dept. Stordalen Retirement	04/01/2025	375.00	375.00	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Solid Waste Dept. Operating	04/01/2025	59.14	59.14	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Office Paper	04/01/2025	40.54	40.54	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Office Paper	04/01/2025	40.54	40.54	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Office Paper	04/01/2025	40.54	40.54	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Office Paper	04/01/2025	40.54	40.54	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Office Paper	04/01/2025	40.54	40.54	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Office Paper	04/01/2025	40.54	40.54	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Parks Dept. Supplies	04/01/2025	21.92	21.92	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Operating Supplies	04/01/2025	3.13	3.13	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Operating Supplies	04/01/2025	3.13	3.13	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Operating Supplies	04/01/2025	3.13	3.13	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Operating Supplies	04/01/2025	3.13	3.13	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Operating Supplies	04/01/2025	3.14	3.14	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Operating Supplies	04/01/2025	3.14	3.14	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Solid Waste Dept. Operating	04/01/2025	49.15-	49.15-	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Solid Waste Dept. Operating	04/01/2025	28.96	28.96	05/05/2025
3184	MASTERCARD	2025_04 KINNI	WRF Operating- Membership	04/01/2025	205.00	205.00	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Spring Clean-up meals	04/01/2025	21.66	21.66	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Spring Clean-up meals	04/01/2025	21.67	21.67	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Spring Clean-up meals	04/01/2025	21.67	21.67	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Certified mail	04/01/2025	17.86	17.86	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Water Office Supplies	04/01/2025	9.98	9.98	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Water Operating Supplies	04/01/2025	19.39	19.39	05/05/2025
3184	MASTERCARD	2025_04 KINNI	Sewer R&M Supplies	04/01/2025	1,165.44	1,165.44	05/05/2025
3184	MASTERCARD	2025_04 PIER	EMS-Ops-Rescue Equipment	04/01/2025	328.50	328.50	05/05/2025
3184	MASTERCARD	2025_04 PIER	FIRE-Training-Engineer Class J.	04/01/2025	150.00	150.00	05/05/2025
3184	MASTERCARD	2025_04 PIER	EMS-Training-PHTLS Pierce	04/01/2025	41.95	41.95	05/05/2025
3184	MASTERCARD	2025_04 PIER	EMS-Training-PHTLS Filce	04/01/2025	41.95	41.95	05/05/2025
3184	MASTERCARD	2025_04 PIER	EMS-Meals-High Angle Training L	04/01/2025	181.99	181.99	05/05/2025
3184	MASTERCARD	2025_04 PIER	EMS-Meals-High Angle Training L	04/01/2025	42.70	42.70	05/05/2025
3184	MASTERCARD	2025_04 PIER	EMS-Ops-Rescue Equipment	04/01/2025	215.88	215.88	05/05/2025
3184	MASTERCARD	2025_04 PIER	EMS-Meals-High Angle Training L	04/01/2025	27.73	27.73	05/05/2025
3184	MASTERCARD	2025_04 PIER	EMS-Meals-High Angle Training L	04/01/2025	213.21	213.21	05/05/2025
3184	MASTERCARD	2025_04 PIER	EMS-Meals-High Angle Training L	04/01/2025	199.63	199.63	05/05/2025
3184	MASTERCARD	2025_04 PURK	E-File 941	04/01/2025	5.95	5.95	05/05/2025
3184	MASTERCARD	2025_04 PURK	Medwrite	04/01/2025	4,083.02	4,083.02	05/05/2025
3184	MASTERCARD	2025_04 PURK	Register Vac Truck	04/01/2025	24.36	24.36	05/05/2025
3184	MASTERCARD	2025_04 RUBI	Electrical cover plate	04/01/2025	1.79	1.79	05/05/2025
3184	MASTERCARD	2025_04 RUBI	Table cloth with new logo for job f	04/01/2025	387.72	387.72	05/05/2025
3184	MASTERCARD	2025_04 RUBI	Lunch for MT State SHRM meetin	04/01/2025	13.20	13.20	05/05/2025
3184	MASTERCARD	2025_04 SEVE	monthly subscription	04/01/2025	56.59	56.59	05/05/2025
3184	MASTERCARD	2025_04 SKAG	Arborist Re-cert & Dues	04/01/2025	172.00	172.00	05/05/2025
3184	MASTERCARD	2025_04 SKAG	Certified Pool Operator Re-cert	04/01/2025	410.80	410.80	05/05/2025
3184	MASTERCARD	2025_04 SKAG	Parking receipt	04/01/2025	36.60	36.60	05/05/2025
3184	MASTERCARD	2025_04 SKAG	Travel/Lodging/Meals	04/01/2025	108.64	108.64	05/05/2025
3184	MASTERCARD	2025_04 SKAG	Parking receipt	04/01/2025	8.35	8.35	05/05/2025
3184	MASTERCARD	2025_04 SKAG	Parks Operating Supplies	04/01/2025	97.98	97.98	05/05/2025
3184	MASTERCARD	2025_04 SKAG	Parks Operating Supplies	04/01/2025	94.70	94.70	05/05/2025
3184	MASTERCARD	2025_04 SKAG	Parks Operating R & M Supplies	04/01/2025	47.99	47.99	05/05/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2025_04 SKAG	Parks Operating Supplies	04/01/2025	98.99	98.99	05/05/2025
3184	MASTERCARD	2025_04 SKAG	Registration	04/01/2025	26.46	26.46	05/05/2025
3184	MASTERCARD	2025_04 STE	Spring Clean-up meals	04/01/2025	14.92	14.92	05/05/2025
3184	MASTERCARD	2025_04 STE	Spring Clean-up meals	04/01/2025	14.92	14.92	05/05/2025
3184	MASTERCARD	2025_04 STE	Spring Clean-up meals	04/01/2025	14.92	14.92	05/05/2025
3184	MASTERCARD	2025_04 TARR	Meal at conference	04/01/2025	50.00	50.00	05/05/2025
3184	MASTERCARD	2025_04 TARR	Easter Eggs	04/01/2025	17.99	17.99	05/05/2025
3184	MASTERCARD	2025_04 TARR	Coaches Meeting Food	04/01/2025	141.00	141.00	05/05/2025
3184	MASTERCARD	2025_04 TARR	Baseball equipment	04/01/2025	61.27	61.27	05/05/2025
3184	MASTERCARD	2025_04 TARR	Baseball uniforms	04/01/2025	4,237.50	4,237.50	05/05/2025
3184	MASTERCARD	2025_04 TARR	Office	04/01/2025	20.00	20.00	05/05/2025
3184	MASTERCARD	2025_04 TARR	Parents Night Out Event	04/01/2025	47.09	47.09	05/05/2025
3184	MASTERCARD	2025_04 TARR	Parents Night Out Event	04/01/2025	5.97	5.97	05/05/2025
3184	MASTERCARD	2025_04 TIDW	WRF Operating Supplies	04/01/2025	1,298.49	1,298.49	05/05/2025
3184	MASTERCARD	2025_04 TIDW	WRF Computer R&M Supplies	04/01/2025	213.40	213.40	05/05/2025
3184	MASTERCARD	2025_04 TIDW	WRF Operating	04/01/2025	1,732.98	1,732.98	05/05/2025
3184	MASTERCARD	2025_04 TIDW	WRF R&M Supplies	04/01/2025	1,524.95	1,524.95	05/05/2025
3184	MASTERCARD	2025_04 TIDW	WRF basing clean up day- meals	04/01/2025	84.90	84.90	05/05/2025
3184	MASTERCARD	2025_04 TIDW	WRF R&M Supplies	04/01/2025	101.57	101.57	05/05/2025
3184	MASTERCARD	2025_04 TIDW	WRF R&M Vehicle Supplies	04/01/2025	29.87	29.87	05/05/2025
3184	MASTERCARD	2025_04 TIDW	Sewer Training Services	04/01/2025	180.00	180.00	05/05/2025
3184	MASTERCARD	2025_04 TIDW	Sewer Training Services- Travel	04/01/2025	137.52	137.52	05/05/2025
3184	MASTERCARD	2025_04 TIDW	Sewer Training Services- Travel	04/01/2025	10.00	10.00	05/05/2025
3184	MASTERCARD	2025_04 TIDW	Sewer Basin Failure repairs	04/01/2025	742.19	742.19	05/05/2025
3184	MASTERCARD	2025_04 TIDW	Sewer Software Services	04/01/2025	50.07	50.07	05/05/2025

Total MASTERCARD:

36,242.82 36,242.82

MED ONE CAPITAL FUNDING LLC

10007	MED ONE CAPITAL FUNDING LL	M00353668	CMS075884	06/17/2025	425.25	425.25	06/30/2025
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Total MED ONE CAPITAL FUNDING LLC:

425.25 425.25

MISC

99999	MISC	2025.6.1	WITNESS FEE	06/09/2025	10.00	10.00	06/30/2025
99999	MISC	2025.6.10	JURY DUTY	06/16/2025	12.00	12.00	06/30/2025
99999	MISC	2025.6.12	JURY DUTY	06/16/2025	12.00	12.00	06/30/2025
99999	MISC	2025.6.13	JURY DUTY	06/16/2025	12.00	12.00	06/30/2025
99999	MISC	2025.6.14	JURY DUTY	06/16/2025	12.00	12.00	06/30/2025
99999	MISC	2025.6.15	JURY DUTY	06/16/2025	12.00	12.00	06/30/2025
99999	MISC	2025.6.16	JURY DUTY	06/16/2025	12.00	12.00	06/30/2025
99999	MISC	2025.6.17	JURY DUTY	06/16/2025	12.00	12.00	06/30/2025
99999	MISC	2025.6.18	JURY DUTY	06/16/2025	12.00	12.00	06/30/2025
99999	MISC	2025.6.19	JURY DUTY	06/16/2025	12.00	12.00	06/30/2025
99999	MISC	2025.6.2	WITNESS FEE	06/09/2025	10.00	10.00	06/30/2025
99999	MISC	2025.6.20	JURY DUTY	06/16/2025	12.00	12.00	06/30/2025
99999	MISC	2025.6.21	JURY DUTY	06/16/2025	12.00	12.00	06/30/2025
99999	MISC	2025.6.22	JURY DUTY	06/16/2025	12.00	12.00	06/30/2025
99999	MISC	2025.6.23	JURY DUTY	06/16/2025	12.00	12.00	06/30/2025
99999	MISC	2025.6.3	JURY DUTY	06/16/2025	25.00	25.00	06/30/2025
99999	MISC	2025.6.4	JURY DUTY	06/16/2025	25.00	25.00	06/30/2025
99999	MISC	2025.6.5	JURY DUTY	06/16/2025	25.00	25.00	06/30/2025
99999	MISC	2025.6.6	JURY DUTY	06/16/2025	25.00	25.00	06/30/2025
99999	MISC	2025.6.7	JURY DUTY	06/16/2025	25.00	25.00	06/30/2025
99999	MISC	2025.6.8	JURY DUTY	06/16/2025	25.00	25.00	06/30/2025
99999	MISC	2025.6.9	JURY DUTY	06/16/2025	12.00	12.00	06/30/2025
99999	MISC	TK2016-0182	Bond Refund	06/30/2025	210.00	210.00	06/30/2025

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
99999	MISC	TK2020-0086.1	RESTITUTION	06/18/2025	35.53	35.53	06/18/2025
99999	MISC	TK2022-0215	Bond Refund	06/30/2025	140.00	140.00	06/30/2025
99999	MISC	TK2024-0020	Bond Refund	06/30/2025	145.00	145.00	06/30/2025
99999	MISC	TK2025-0089	Bond Refund	06/30/2025	630.00	630.00	06/30/2025
Total MISC:					1,498.53	1,498.53	
MONTANA AIR CARTAGE							
3808	MONTANA AIR CARTAGE	LVQ53125	Courier CONTRACT	06/11/2025	376.20	376.20	06/30/2025
Total MONTANA AIR CARTAGE:					376.20	376.20	
MONTANA LINEN SUPPLY LLC							
10007	MONTANA LINEN SUPPLY LLC	517167	MATS	06/27/2025	9.31	9.31	06/30/2025
10007	MONTANA LINEN SUPPLY LLC	517167	MATS	06/27/2025	9.31	9.31	06/30/2025
10007	MONTANA LINEN SUPPLY LLC	517167	MATS	06/27/2025	9.31	9.31	06/30/2025
10007	MONTANA LINEN SUPPLY LLC	517167	MATS	06/27/2025	9.32	9.32	06/30/2025
Total MONTANA LINEN SUPPLY LLC:					37.25	37.25	
O'REILLY AUTOMOTIVE, INC							
2437	O'REILLY AUTOMOTIVE, INC	1558-392519	AIR PLUG	06/08/2025	7.78	7.78	06/30/2025
Total O'REILLY AUTOMOTIVE, INC:					7.78	7.78	
ROCKY MOUNTAIN PRINT SOLUTIONS							
10001	ROCKY MOUNTAIN PRINT SOL	2506404-034	UTILITY BILLS	06/23/2025	811.66	811.66	06/30/2025
10001	ROCKY MOUNTAIN PRINT SOL	2506404-034	UTILITY BILLS	06/23/2025	811.66	811.66	06/30/2025
10001	ROCKY MOUNTAIN PRINT SOL	2506404-034	UTILITY BILLS	06/23/2025	811.68	811.68	06/30/2025
Total ROCKY MOUNTAIN PRINT SOLUTIONS:					2,435.00	2,435.00	
SECURITY SOLUTIONS, INC.							
3020	SECURITY SOLUTIONS, INC.	21176-A	COMMERCIAL ALARM MONITO	06/01/2025	96.00	96.00	06/30/2025
Total SECURITY SOLUTIONS, INC.:					96.00	96.00	
SPECTRA ASSOCIATES INC							
10007	SPECTRA ASSOCIATES INC	45031-D	CEMETERY BINDERS	06/25/2025	566.50	566.50	06/30/2025
Total SPECTRA ASSOCIATES INC:					566.50	566.50	
SULZER CHEMTECH USA INC							
10007	SULZER CHEMTECH USA INC	062625	POLY SPILL DEC LOADING RAM	06/26/2025	250.00	250.00	06/30/2025
Total SULZER CHEMTECH USA INC:					250.00	250.00	
US POST OFFICE							
2596	US POST OFFICE	2025.7	Postage for Utility Bills	07/02/2025	2,500.00	2,500.00	07/02/2025
2596	US POST OFFICE	2025.7	Postage for Utility Bills	07/02/2025	2,500.00	2,500.00	07/02/2025
2596	US POST OFFICE	2025.7	Postage for Utility Bills	07/02/2025	2,500.00	2,500.00	07/02/2025
Total US POST OFFICE:					7,500.00	7,500.00	
Grand Totals:					66,202.01	66,202.01	

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

Mayor: _____

City Council: _____

City Recorder: _____

File Attachments for Item:

D. APPROVAL OF AGREEMENT 20200 FOR AUDIT SERVICE FOR FY 2025 - FY 2027



DATE: July 15, 2025

TO: Chair Schwarz and City Commissioners

FROM: Paige Fetterhoff

RE: Staff Report for Agreement 20200 for audit service for FY 2025-FY 2027

Recommendation and Summary

The Finance Director is recommending the Commission approve the Audit Contract for fiscal years ending June 30, 2025 through June 30, 2027 by adopting the following motion:

"I move to approve the Audit Contract for fiscal years ending June 30, 2025 through June 30, 2027."

The reasons for the recommendation are as follows:

- The prior audit contract has expired and must be renewed.
- MCA 2-7-5 sets forth audit requirements for Political Subdivisions

Introduction and History

The City of Livingston is required to have an audit every two years however, they have chosen to have an annual audit as this provides a higher level of assurance. The City has engaged Amatics CPA Group to conduct this audit for the past several years and desires to continue their relationship.

Analysis

Providing audited financial statements on an annual basis assures a higher level of financial management and fiscal responsibility.

Fiscal Impact

The costs of the audit contract over the next 3 years is as follows:

FY 2025 - \$30,600

FY 2026 - \$38,900 (assumes an audit of Federal Programs will be required)

FY 2027 - \$34,300

Attachments

- Audit Contract

STANDARD AUDIT CONTRACT

This Contract is made this 29th day of April, 2025, by and among

Amatics CPA Group

**Certified Public Accountant
("Contractor"),**

City of Livingston, Montana

**Governmental Entity
("Entity"),**

and the **Montana Department of Administration, Local Government Services, ("State")**, acting under the authority of Title 2, Chapter 7, Part 5, of the Montana Code Annotated. **The State's mailing address, phone number and e-mail address are P.O. Box 200547, Helena, MT 59620-0547; (406) 444-9101; and LGSPortalRegistration@mt.gov.**

1. **Effective Date:** This contract is not effective with respect to any party until it is approved and signed by the State, as required by Section 2-7-506(3), MCA. The Contractor may not begin any audit work until the State gives this approval. If the Contractor begins work before the State's approval of the contract and the State subsequently does not approve the contract, the Contractor is not entitled to receive any compensation for the work performed.
2. **Audit Period and Payment:** This contract covers the following audit period(s):
July 1, 2024 to June 30, 2027.
 - A. The Entity shall pay the Contractor for the audit work on the basis of time and necessary out-of-pocket expenses, which will not exceed:

\$ 30,600 for initial (or sole) audit covering 07 / 01 / 24 to 06 / 30 / 25.
\$ 38,900 for subsequent audit covering 07 / 01 / 25 to 06 / 30 / 26.
\$ 34,300 for subsequent audit covering 07 / 01 / 26 to 06 / 30 / 27.

The Entity shall pay the fees listed in Appendices A, B & C, as applicable, which are attached hereto and incorporated by reference. Any change to the audit fees requires a contract amendment.
 - B. The contract payments do not include the cost of additional work that may be required if the Contractor discovers a defalcation or material irregularity. Any change in the scope of the audit services to be provided under this contract requires a contract amendment.
 - C. The Contractor may submit interim bills to the Entity each month, based upon the estimated percentage of contract completion. The Entity may retain ten percent (10%) of each of these estimates until the Contractor has delivered the final audit report, at which time the Entity shall release the amount retained.
3. **Peer Review:** The Contractor shall provide the Entity with a copy of its most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received

during the contract period.

4. **Audit Scope:** The Contractor shall perform the following:

- A. The Contractor shall conduct the audit in accordance with (i) generally accepted auditing standards adopted by the American Institute of Certified Public Accountants and (ii) the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States.

The Contractor shall opine on the presentation of the Entity's financial statements in accordance with the Entity's applicable financial reporting framework prescribed at Section 2-7-504, MCA.

If the Contractor's opinion on the Entity's financial statements is other than unmodified, the Contractor shall fully discuss the reasons with the Entity in advance of issuing a report. If, for any reason, the Contractor is unable to complete the audit or is unable to form or has not formed an opinion, the Contractor may decline to express an opinion or decline to issue a report as a result of the engagement.

- B. The Contractor shall perform tests of internal control over financial reporting. Findings resulting from these tests shall be reported in accordance with Government Auditing Standards
- C. The Contractor shall perform tests of the Entity's compliance with provisions of laws, regulations, contracts, and grant agreements. The Contractor shall use the local government compliance supplement prepared by the State, as required by Section 2-7-505(2), MCA, in conjunction with Government Auditing Standards to determine the compliance testing to be performed during the audit. Findings resulting from these tests shall be reported in accordance with Government Auditing Standards. If the Contractor becomes aware of fraud, waste or abuse, the Contractor shall report related findings in accordance with Government Auditing Standards. The Contractor shall perform tests, including but not limited to the following, to determine whether:
- (1) the Entity has complied with all appropriate statutes and regulations, as required by Section 2-7-502, MCA;
 - (2) the Entity has complied with the provisions of each of its debt covenants and agreements;
 - (3) if the audit is of a county, city or town, the Entity has retained money in a local charge for services fund contrary to the requirements of Sections 17-2-301 through 17-2-303, MCA, as required by Section 17-2-302, MCA. **The Contractor shall report any findings of noncompliance with the provisions of these statutes, regardless of materiality;** and
 - (4) if the audit is of a county or consolidated city/county government, the Entity has complied with state laws relating to receipts and disbursements of agency or custodial funds maintained by the Entity, as required by Section 2-7-505, MCA.

If required by the State, the Contractor shall provide documentation of testing performed to comply with (3) and (4), above.

- D. When applicable, the audit must meet all requirements of the Federal Single Audit Act of 1984, as amended, and Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* ("Uniform Guidance"). If these federal regulations are amended, the amended regulations will prevail.

- E. The audit scope with regard to federal financial assistance for each fiscal year covered by this contract must be as specified in Appendices A, B and C. Any change to the audit scope with regard to federal financial assistance requires a contract amendment.
- F. Except as provided below, for purposes of determining the scope of the audit, the Entity is considered the financial reporting entity as defined in the Entity's applicable financial reporting framework prescribed at Section 2-7-504, MCA. This provision does not preclude the Entity from engaging a different audit firm for the audit of a segment, fund or component unit of the Entity. However, both the Entity and Contractor shall notify the State whenever the Entity elects to engage a different audit firm for the audit of a segment, fund or governmental component unit. Such additional audit must be contracted for on the State's Standard Audit Contract, and the audit firm shall be on the Roster of Independent Auditors authorized to conduct audits of Montana local governments that is maintained by the State.

If this contract is for an audit of a segment, fund, or governmental component unit of the primary government, the Entity is considered to be the segment, fund or component unit.

- G. Any school district audit must also include auditing procedures sufficient to provide an opinion as to whether the following supplemental information is fairly stated in relation to the basic financial statements:
 - (1) the school district's enrollment for the fiscal year or years being audited as reported to the Office of Public Instruction in the Fall and Spring "Student Count for ANB" reports; and
 - (2) when applicable, the extracurricular funds for pupil functions.
- H. If the Entity is a school district or associated cooperative, the Contractor shall contact the State Office of Public Instruction and the county superintendent of schools before or during the audit of the Entity. The Contractor shall determine whether those offices are aware of potential financial or legal compliance problems relating to the Entity that could affect the scope of the audit.
- I. The Contractor shall immediately notify the Entity and the State in writing of any material irregularities it discovers. If the Entity is a school district or special education cooperative, the Contractor shall also immediately notify the State Office of Public Instruction in writing. To notify the State, Contractors shall email LGSPortalRegistration@mt.gov to the attention of the Local Government Services Bureau Chief. To notify the State Office of Public Instruction, Contractors shall email OPIAuditReport@mt.gov to the attention of the OPI Auditor.
- J. The Contractor shall notify the Entity of all proposed audit adjustments and, if the Entity concurs, shall obtain written acceptance of these proposed adjustments. The State reserves the right to request documentation of these proposed and accepted audit adjustments.

5. Entity's Responsibilities: The Entity shall be responsible for:

- A. its basic financial statements, including note disclosures;
- B. all supplementary information required by its applicable financial reporting framework prescribed at Section 2-7-504, MCA and by provisions of this contract;
- C. establishing and maintaining effective internal control over financial reporting, including internal

controls related to the prevention and detection of fraud;

- D. ensuring that it complies with the laws, regulations, contracts and grant agreements applicable to its activities;
 - E. making all financial records and related information available to the Contractor;
 - F. the schedule of expenditures of federal awards required for audits conducted under Uniform Guidance;
 - G. approving all proposed audit adjustments before posting, if the Entity concurs with the proposed adjustments;
 - H. adjusting the financial statements and accounting records to correct material misstatements and to agree with the audited financial statements; and
 - I. providing the Contractor, at the conclusion of the audit engagement, with a letter that confirms certain representations made during the audit, including an affirmation that the effects of any uncorrected misstatements aggregated by the auditor during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.
6. **Dates for Annual Financial Report or Trial Balance of Accounts:** The Entity shall prepare its annual financial report or a trial balance of accounts no later than the dates specified in Appendices A, B and C. If the Entity is unable to prepare its annual financial report or trial balance by the date specified in the Appendices, the Entity shall notify the Contractor and the State in writing prior to the specified dates.
 7. **Beginning the Audit:** The Contractor shall begin the audit field work based on the schedule established in Appendices A, B and C. Under Section 2-7-503(3)(a), MCA, all audits must commence within nine months from the close of the last fiscal year of the audit period.
 8. **Completion of Audit:** The Contractor shall deliver the audit report to the Entity and the State, based on the schedule established in Appendices A, B and C. If the Contractor cannot deliver the audit report to the Entity and the State on the date specified in the Appendices, the Contractor shall notify the Entity and the State in writing of that fact, and the reason(s) for the delay. Under Section 2-7-503(3)(a), MCA, all audits must be completed and the reports issued within one year from the close of the last fiscal year covered by the audit. If the audit is conducted in accordance with the provisions of Uniform Guidance, the Contractor shall complete the audit and issue the audit report within the time period required by that federal regulation, unless a longer period has been agreed to in advance by the federal cognizant or oversight agency for audit. If the Entity has requested and received an extension of the due date of the Uniform Guidance from a federal agency, the Entity shall submit a copy of the approved extension to the State.
 9. **Due Date Extension:** The State may grant an extension to the Entity for filing the audit report beyond the one- year due date provided for in paragraph 8, above. To do so, the Entity shall make a request to the State in writing and shall show good cause for the delinquency or demonstrate that the failure to meet the deadline provided for in paragraph 8, above, was the result of circumstances beyond the Entity's control. The State will determine good cause or circumstances beyond the Entity's control based on the facts of each case.
 10. **Presentation of Audited Financial Statements:** The final audit report must contain basic financial statements and supplementary information consistent with the applicable financial reporting framework prescribed at Section 2-7-504, MCA. In addition, other supplementary information required by provisions

within this contract and by Uniform Guidance must also be included, if applicable.

- A. The final audit report must also contain any supplementary or other information as agreed upon by the Entity and Contractor.
 - B. If the Entity's accounting records or other circumstances do not permit financial statements to comply with the applicable financial reporting framework prescribed at Section 2-7-504, MCA, the Contractor shall notify the State of those conditions and describe the financial statements that will be presented. The applicable auditor's reports must be modified in accordance with professional standards to reflect a departure from the applicable financial reporting framework.
 - C. If the audit is of a school district with separate elementary and high school district general funds, the general funds must be combined as a single major fund. All other funds must be separately considered for major fund criteria.
 - D. If the audit is a biennial audit covering two years, the Contractor shall present complete financial statements as specified above for each year covered by the audit. However, note disclosures for both fiscal years may be in one set of notes, with separate fiscal year disclosures as necessary. The two years must be presented under one audit report cover and opined upon in one Independent Auditor's Report.
11. **Auditor's Reports:** All audit reports must contain the following auditor's reports, which must comply with applicable professional standards in effect for the fiscal year or years being audited:
- A. a report on the financial statements of the Entity;
 - B. a report on internal control over financial reporting and on compliance and other matters based on an audit of financial statements performed in accordance with Government Auditing Standards.
 - C. a reference to a report disclosing any deficiencies in internal control or instances of noncompliance with provisions of contracts or grant agreements or abuse that have a less than material effect on the financial statements but warrant the attention of management or those charged with governance. This report must be referred to in the report required in 11.B. above.
 - D. a report on any supplementary or other information presented in the audit report. This report must be given in an "other matters" paragraph(s) of the auditor's report on the financial statements (11.A. above), and shall identify, if applicable:
 - (1) Any Required Supplementary Information (RSI), as required by the Governmental Accounting Standards Board.
 - (2) Any Supplementary Information (SI) included in the report to comply with provisions of laws, regulations, contracts, or grant agreements. For the following schedules, the Contractor shall report on whether the information is fairly stated, in all material respects, "in relation to" the financial statements as a whole, unless the condition of the financial records do not allow the auditor to render such an opinion:
 - a) schedule of school district "Student Count for ANB" required in paragraph 13.A.;
 - b) schedule of school district extracurricular fund financial activities required in paragraph 13.B.;

- c) schedule of expenditures of federal awards required by Uniform Guidance and in paragraph 12.A.; and
- d) Any supplementary information for financial reporting frameworks required by A.R.M. 2.4.401.

(3) Any Other Information (OI) for financial reporting frameworks required by A.R.M. 2.4.401.

(4) Any Other Information (OI) that is included in the audit report, if deemed appropriate in accordance with professional standards.

- E. a report disclosing the action taken by the Entity to correct any deficiencies or implement any recommendations contained in the prior audit report. This report must be in a format that specifically identifies, by title or summary, each deficiency or recommendation contained in the prior audit report and the action taken by the Entity on each such deficiency or recommendation.
- F. If the Contractor includes audit findings in the reports referenced in 11.B. and 11.C. above, the views of Entity officials and their planned corrective actions must also be included, as required by Government Auditing Standards, if they are available at the time the Contractor submits the audit report to the State. If the views and planned corrective actions are not available at that time, the Contractor shall so indicate in the reports.

12. **Single Audits:** All audit reports for single audits done in accordance with Uniform Guidance must contain the following:

- A. a schedule of expenditures of federal awards, prepared by the Entity, which must contain all elements required by Uniform Guidance.
- B. a report on the schedule of expenditures of federal awards. This report may be combined with other reports as provided by Uniform Guidance and professional standards. This report must comply with applicable professional standards in effect for the fiscal year or years being audited.
- C. a report on compliance for each major program and a report on internal control over compliance in accordance with Uniform Guidance. These reports must refer to the separate schedule of findings and questioned costs described in paragraph 12.D. of the contract and must comply with applicable professional standards in effect for the fiscal year or years being audited.
- D. a schedule of findings and questioned costs which must include the information required by Uniform Guidance.
- E. an Entity-prepared document, separate from the Contractor's findings, that describes the Entity's corrective action plan in accordance with Uniform Guidance for each current-year audit finding, if that plan is available at the time the Contractor submits the audit report to the State. This document should be submitted on Entity letterhead and should include a corrective action plan for each finding, regardless whether the finding is identified in accordance with Uniform Guidance or Government Auditing Standards.

13. **School Districts:** School district audit reports must include the following as supplementary information/schedules:

- A. a schedule of the district's enrollment as reported to the Office of Public Instruction for the fiscal year or years being audited. The schedule must contain the enrollment both as reported in the Fall and Spring "Student Count for ANB" reports and as documented by the school district's enrollment records; and
 - B. a detailed schedule of extracurricular fund financial activities.
14. **Local Governments Reporting on Non-GAAP Financial Reporting Framework:** Audit reports of local governments that report on a non-GAAP financial reporting framework as provided in A.R.M. 2.4.401 must include any Supplementary Information and Other Information required in that administrative rule.
15. **Written Report to Entity:** The Contractor shall render a single, written report for the Entity audited, including the reports and schedules referenced in paragraphs 11 through 14 above.
16. **Exit Conference:** Before submitting the final audit report, the Contractor shall hold an exit review conference in which the audit results are discussed with those charged with governance and other appropriate Entity officials and employees. The Contractor shall ensure that all members of the governing body and key members of management are notified of this exit conference. The Contractor further agrees that before the exit conference, it will not discuss the audit findings with anyone other than the Entity or the State. Once the Contractor delivers the final audit report to the Entity, the report is deemed to be a public record.
17. **Report Distribution:** The Contractor and Entity shall file copies of the audit report as specified below:
- A. The Contractor shall provide the Entity with the number of copies of the audit report specified in Appendices A, B and C. The cost of those copies is included in the total price for the engagement as set out in paragraph 2.A., above, and in the Appendices.
 - B. The Contractor shall submit one of the copies referred to in 17.A., above, to the attorney for the Entity.
 - C. Upon request by the Entity, the Contractor shall provide additional copies of the audit report at a price per copy agreed upon by the Entity and Contractor.
 - D. The Contractor shall provide the State with a text-searchable, unlocked, and unencrypted electronic copy of the audit report at no charge. The report must be submitted to the State at the same time when the Contractor delivers the final audit report to the Entity. Any report delivered separately to management or those charged with governance identifying findings and recommendations as described in 11.C. above must be submitted electronically at the same time the audit report is submitted. The Contractor shall advise the State, at the time of submitting the electronic report, of the date the final report was delivered to the Entity, the date of the audit report, the actual number of hours the Contractor spent conducting the audit, the total audit fee billed the Entity, and whether the audit was conducted in accordance with the provisions of Uniform Guidance.
 - E. If the Entity is a school district or associated cooperative, the Contractor shall provide at no additional charge copies of the audit report to the Office of Public Instruction, the county superintendent of schools, and the county attorney.
 - F. If the Entity is a city or town fire department relief association disability and pension fund, the Contractor shall provide at no additional charge one copy of the audit report to the city or town clerk.
 - G. If the audit is a single audit conducted in accordance with the provisions of Uniform Guidance, the

18. **Entity Response:** If not included in the audit report as provided in paragraphs 11.F. and 12.E., within 30 days after receiving the audit report, the Entity shall notify the State in writing as to what action it plans to take to correct any deficiencies or implement any recommendations identified or contained in the audit report as required by Section 2-7-515, MCA, and ARM 2.4.409. This notification must also address any findings and recommendations identified in any report to management or those charged with governance described in 11.C. above. If the audit is a single audit conducted in accordance with Uniform Guidance, this corrective action plan must also meet the requirements of Uniform Guidance. If the Entity is a school district or special education cooperative, the Entity shall also send a copy of this notification to the Office of Public Instruction.
19. **Entity's Attorney:** If requested by the State, the attorney for the Entity shall report to the State on the actions taken or the proceedings instituted or to be instituted relating to violations of law and nonperformance of duty as required by Section 2-7-515(4), MCA. The attorney shall report to the State within 30 days after receiving the request.
20. **Certification of Auditor Independence:** The Contractor certifies that, as required by generally accepted government auditing standards, it and its principals and employees are independent in all matters regarding this engagement. This contract must not include non-audit services. The Contractor shall neither arrange for nor accept other work with the Entity that could in any way impair the Contractor's compliance with professional independence standards. If required by the State, the Contractor shall provide documentation that independence has been maintained in both mind and appearance as required by professional auditing standards.
21. **Contractor and Subcontractors:** The Contractor shall not assign any rights, or subcontract or delegate any duties of the contract without the Entity's and State's prior written consent.

The Contractor is the prime contractor and is responsible, in total, for all work of any subcontractors. Any subcontractors performing audit work shall be on the Roster of Independent Auditors authorized to conduct audits of Montana local governments that is maintained by the State. The Contractor is responsible to the Entity and the State for the acts and omissions of all subcontractors or agents and of persons directly or indirectly employed by such subcontractors or agents. There is no contractual relationship between any subcontractor and the State.

22. **State Participation in Conferences:** The State may participate in all entrance and exit conferences between the Entity and Contractor, as well as all major conferences held in conjunction with the audit of the Entity.
23. **Access to Records:** The Contractor shall give the State and, when required by law, the Montana Legislative Audit Division, access to the Contractor's work programs, supporting working papers, time records, and all other documents relating to the audit. Access to these documents must be provided at the State's offices in Helena, Montana. Access to working papers includes the right of the State to obtain copies of working papers, as is reasonable and necessary. The Contractor shall make the work programs and supporting working papers available to the State for use by the State or other public accounting firms as directed by the State in future audits of the Entity. The Contractor shall make the audit programs and supporting working papers available to the cognizant or oversight agency for audit or its designee, federal agencies providing direct or indirect funding, or the U.S. General Accounting Office, if requested. Access to working papers includes the right of federal agencies to obtain copies of working papers, as is reasonable and necessary. The Contractor shall retain the audit report, work programs, and supporting working papers for a minimum

of five years from the date of the audit report, unless the State notifies the Contractor to extend the retention period. If professional standards or other applicable laws, rules, or regulations require a longer retention period, the Contractor shall retain the above materials for that specified period.

24. **State Review of Report:** As provided by Section 2-7-522, MCA, the State shall review the Contractor's audit report. If the State determines that reporting requirements have not been met, it will notify the Entity and the Contractor of the significant issues of noncompliance. The Contractor shall correct the identified deficiencies within 60 days of notification.
25. **Independent Contractor:** The Contractor is an independent contractor and neither its principals nor its employees are employees of the State or Entity for any purposes.
26. **Workers' Compensation:** The Contractor certifies that it carries Workers' Compensation for its employees and that it has either elected Workers' Compensation or has an approved Independent Contractor's Exemption covering the Contractor while performing work under this contract. (Montana Code Annotated, Title 39, Chapter 71).
27. **Indemnity:** The Contractor shall defend and indemnify the State and Entity, their elected and appointed officials, agents, and employees from and against all claims, causes of action, damages, liabilities, court costs and attorney fees in favor of the Contractor's employees or third parties for bodily or personal injuries, death, or damage to property arising from the acts or omissions or alleged acts or omissions of the Contractor and/or its agents, employees, representatives, assigns, subcontractors under this contract. This defense and indemnify obligation does not apply to acts or omissions arising from the sole negligence of the State or Entity under this contract. This defense and indemnity obligation survives termination or expiration of this contract.

If the Contractor is or may be obligated to pay any cost, settlement, judgment, fine, penalty, or similar award or sanction as a result of a claim, investigation, or other proceeding instituted by any third party, then to the extent that such obligation is or may be a direct or indirect result of the Entity's intentional or knowing misrepresentation or provision to the Contractor of inaccurate or incomplete information in connection with this engagement, and not any failure on the Contractor's part to comply with professional standards, the Entity shall defend and indemnify the Contractor against such obligations.

28. **Insurance – Commercial General Liability:** The Contractor shall maintain for the duration of the contract, at its cost and expense, occurrence coverage insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work by the Contractor, and/or its agents, employees, representatives, assigns, or subcontractors. The Contractor's insurance coverage shall be primary insurance for the Contractor's negligence with respect to the State and Entity and their elected officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the State and Entity and their officers, officials, employees or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.

Insurance - Professional Liability: The Contractor shall purchase and maintain occurrence coverage to cover such claims as may be caused by any act, omission, negligence of the Contractor or its officers, agents, representatives, assigns or subcontractors.

If occurrence coverage is unavailable or cost-prohibitive, the state will accept 'claims made' coverage provided the following conditions are met: 1) the commencement date of the contract must not fall outside the effective date of insurance coverage and it will be the retroactive date for insurance coverage in future years, and 2) the claims made policy must have a three-year tail for claims that are made (filed) after the cancellation or expiration date of the policy.

The State and Entity may require complete copies of certificates of insurance during the term of this contract.

29. Compliance with Laws:

- A. The Contractor shall, in performance of work under this contract, fully comply with all applicable federal, state, or local laws, rules, regulations, and executive orders including but not limited to, the Montana Human Rights Act, the Equal Pay Act of 1963, the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. The Contractor is the employer for the purpose of providing healthcare benefits and paying any applicable penalties, fees and taxes under the Patient Protection and Affordable Care Act [P.L. 111-148, 124 Stat. 119]. Any subcontracting by the Contractor subjects subcontractors to the same provisions.
- B. In accordance with 49-3-207, MCA, and Executive Order No. 04-2016 the Contractor agrees that the hiring of persons to perform this contract will be made on the basis of merit and qualifications and there will be no discrimination based on race, color, sex, pregnancy, childbirth or medical conditions related to pregnancy or childbirth, political or religious affiliation or ideas, culture, creed, social origin or condition, genetic information, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, military service or veteran status, or marital status by the persons performing this contract.

30. Work Accommodations: The Entity shall provide the Contractor with reasonable space in which to conduct the audit and shall respond promptly to requests for information as well as for all necessary books and records. Support for clerical, equipment, reproduction services shall be agreed upon by the Entity and the Contractor as specified in Appendices A, B and C.

31. Termination before Audit Commences: Before the commencement of the audit, either the Contractor or the Entity, with the State's consent, or the State alone, may terminate this contract for cause if another party has breached a material term or condition of this contract or violated an applicable law or regulation. The non-breaching party shall provide the other party written notice of the breach and allow 20 days to remedy the breach.

The Contractor and the Entity may agree to terminate this contract without cause before the commencement of the audit. If such a termination occurs, the State shall consent to the termination upon written notification by the Contractor and the Entity of their agreement to terminate this contract.

The State, however, will not consent to the cancellation of an audit contract for the sole purpose of allowing the Contractor and Entity to then enter into a new contract that extends the number of fiscal years to be audited by the Contractor. Unless there are extenuating circumstances, the existing audit contract must be completed first. This provision does not prohibit the cancellation of a contract for the purpose of replacing an annual audit with a biennial audit.

32. Termination after Audit Commences: After the audit has commenced, but before the audit report has been issued, either the Contractor or the Entity, with the State's consent, or the State alone, may terminate this contract for cause if another party has breached a material term or condition of this contract or violated an applicable law or regulation. The non-breaching party shall provide the other party written notice of the breach and allow 20 days to remedy the breach. If the Contractor is the breaching party and fails to remedy the breach, the Contractor is not entitled to the fee set out in this contract. This is the Entity's and the State's sole remedy. If the Entity is the breaching party, the Entity shall pay the Contractor a pro rata portion of the fee set out in this contract, based on the percentage of work completed at the time of termination. This is the Contractor's sole remedy.

The Contractor and the Entity may agree to terminate this contract without cause after the audit has commenced but before the audit report has been issued. If such a termination occurs, the State shall consent to the termination upon written notification by the Contractor and the Entity of their agreement to terminate this contract.

33. **Contractor Compliance with CPE and Quality Control Review:** The Contractor certifies compliance with the continuing professional education requirements and the external quality control review requirements as set out in Government Auditing Standards, as established by the Comptroller General of the United States. The State may require the Contractor to provide evidence that it has met the above requirements.
34. **Single Audit Act Certification:** If the audit is required to meet the requirements of the Single Audit Act of 1984, as amended, and Uniform Guidance, the Contractor certifies that neither it nor any of its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from performing audits by any Federal department or agency.
35. **Time is of the Essence:** Time is of the essence regarding all provisions of this contract.
36. **Governing Law and Venue:** This contract is governed by the laws of Montana. The parties agree that any litigation concerning this contract in which the State is named as a party must be brought in the First Judicial District in and for the County of Lewis and Clark, State of Montana. Each party shall pay its own costs and attorney fees, except as otherwise allowed in this contract. The parties also agree that any litigation concerning this contract in which the State is not named as a party must be brought in the State of Montana Judicial District in the County in which the Entity is located. Each party shall pay its own costs and attorney fees, except as otherwise allowed in this contract.
37. **Notice:** All notices under this contract must be in writing and will be deemed given if delivered personally, by mail, certified, return receipt requested, or by e-mail. All notices will (a) if delivered personally, be deemed given upon delivery, (b) if delivered by mail, be deemed given upon receipt, or (c) if delivered by e-mail be deemed given upon receipt.
38. **Invalid Provision:** If any provision of this contract is held to be illegal or unenforceable and the parties' rights or obligations will not be materially and adversely affected, such provision will be (a) severed from the contract, (b) the contract will be interpreted as if such provision was never a part of the contract and (c) the remaining provisions will stay in effect.
39. **Authority:** Each party represents that the person signing this contract has the authority to bind that party.
40. **Entire Agreement and Amendment:** This contract and the attached Appendices contain the entire understanding and agreement of the parties. No modification or amendment of this contract is valid unless it is reduced to writing, signed by the parties, and made a part of this contract.

Contractor, Entity, and State have executed this Standard Audit Contract on the date first above written:

Certified Public Accountant

Amatics CPA Group

Firm Name

By: Morgan Sean

Authorized Representative

Date: 4/29/25

Governmental Entity

City of Livingston, Montana

Entity Name

By: _____

Authorized Representative

Date: _____

**Montana Department of Administration,
Local Government Services**

By: _____

Approved By

Date: _____

APPENDIX A

Initial or Sole Audit under this Contract

GOVERNMENTAL ENTITY (ENTITY): City of Livingston, Montana

406-823-6003

Telephone:

Address:

220 E. Park St.

(Street Address or P.O. Box)

Livingston

(City/Town)

, MT 59718

(Zip Code)

Paige Fetterhoff, Director of Finance, pfetterhoff@livingstonmontana.org

Contact Person(s) and E-Mail Address(es)

**PUBLIC ACCOUNTANT/ACCOUNTING
FIRM (CONTRACTOR):**

Amatics CPA Group

406-404-1925

Telephone:

Address:

45 Discovery Drive

(Street Address or P.O. Box)

Bozeman

(City/Town)

, MT 59718

(Zip Code)

Morgan Scarr, CPA, Shareholder; mscarr@amaticscpa.com

Contact Person(s) and E-Mail Address(es)

1. Audit Period and Dates of Engagement:

A. This audit will cover the fiscal year(s) ending
June 30 _____, 2025 (and _____).
(Month & Day) (Year) (Year)

B. Date to commence audit work: October 1, 2025

C. Date to submit final audit report
to Entity and State: December 31, 2025

2. Time and Price for Engagement:

A. Estimated total hours - 200

B. Price for audit personnel \$ 30,600
Price for Travel _____
Price for typing, clerical
and report preparation _____
Total price for this
engagement \$ 30,600

3. The reporting entity contains the following discretely presented component units: _____
4. Date Annual Financial Report or a trial balance will be available: October 1, 2025
5. Number of copies of audit report Contractor will provide to Entity: Electronic
6. The Entity will provide clerical, equipment, and photocopying or reproduction services to the Contractor as follows:

7. The audit scope with regard to federal financial assistance received by the Entity for the above fiscal year(s) will be as indicated below:

☐ The audit will be a single audit conducted in accordance with the provisions of Uniform Guidance because the Entity expended a total amount of federal awards **equal to or in excess of \$750,000** during the fiscal year(s), or such other dollar amount (\$ _____) that is effective for the fiscal year(s) being audited.

OR

☒ The audit will not be a single audit conducted in accordance with the provisions of Uniform Guidance and will not include audit coverage of any federal financial assistance in accordance with requirements of that federal regulation, because the Entity expended a total amount of federal awards of **less than \$750,000** during the fiscal year(s), or such other dollar amount (\$ _____) that is effective for the fiscal year(s) being audited.

Certified Public Accountant

Amatics CPA Group

Firm Name

By: Morgan Scan Date: 4/29/2025
Authorized Representative

Governmental Entity

City of Livingston, Montana

Entity Name

By: _____ Date: _____
Authorized Representative

Montana Department of Administration, Local Government Services

By: _____ Date: _____
Approved By

APPENDIX B

Subsequent Audit under this Contract

GOVERNMENTAL ENTITY (ENTITY): City of Livingston, Montana

406-823-6003

Telephone:

Address:

220 E. Park St.

(Street Address or P.O. Box)

Livingston

(City/Town)

, MT 59047

(Zip Code)

Paige Fetterhoff, Director of Finance, pfetterhoff@livingstonmontana.org

Contact Person(s) and E-Mail Address(es)

**PUBLIC ACCOUNTANT/ACCOUNTING
FIRM (CONTRACTOR) :**
Amatics CPA Group406-404-1925

Telephone:

Address:

45 Discovery Drive

(Street Address or P.O. Box)

Bozeman

(City/Town)

, MT 59718

(Zip Code)

Morgan Scarr, CPA, Shareholder; mscarr@amaticscpa.com

Contact Person(s) and E-Mail Address(es)

1. Audit Period and Dates of Engagement:

A. This audit will cover the fiscal year(s) ending

June 30, 2026 (and _____).

(Month & Day)

(Year)

(Year)

B. Date to commence audit work:

October 1, 2026

C. Date to submit final audit report

to Entity and State:

December 31, 2026

2. Time and Price for Engagement:

A. Estimated total hours -

240

B. Price for audit personnel

\$ 38,900

Price for Travel

Price for typing, clerical

and report preparation

Total price for this

engagement

\$ 38,900

3. The reporting entity contains the following discretely presented component units: _____

4. Date Annual Financial Report or a trial balance will be available: October 1, 2026
5. Number of copies of audit report Contractor will provide to Entity: Electronic
6. The Entity will provide clerical, equipment, and photocopying or reproduction services to the Contractor as follows:

7. The audit scope with regard to federal financial assistance received by the Entity for the above fiscal year(s) will be as indicated below:

☒ The audit will be a single audit conducted in accordance with the provisions of Uniform Guidance because the Entity expended a total amount of federal awards **equal to or in excess of \$750,000** during the fiscal year(s), or such other dollar amount (\$_____) that is effective for the fiscal year(s) being audited.

OR

☐ The audit will not be a single audit conducted in accordance with the provisions of Uniform Guidance and will not include audit coverage of any federal financial assistance in accordance with requirements of that federal regulation, because the Entity expended a total amount of federal awards of **less than \$750,000** during the fiscal year(s), or such other dollar amount (\$_____) that is effective for the fiscal year(s) being audited.

Certified Public Accountant

Amatics CPA Group

Firm Name

By: Morgan Scan

Authorized Representative

Date: 4/29/2025

Governmental Entity

City of Livingston, Montana

Entity Name

By: _____
Authorized Representative

Date: _____

Montana Department of Administration, Local Government Services

By: _____
Approved By

Date: _____

APPENDIX C

Subsequent Audit under this Contract

GOVERNMENTAL ENTITY (ENTITY): City of Livingston, Montana

406-823-6003

Telephone:

Address:

220 E. Park St.

(Street Address or P.O. Box)

Livingston

(City/Town)

, MT 59047

(Zip Code)

Paige Fetterhoff, Director of Finance, pfetterhoff@livingstonmontana.org

Contact Person(s) and E-Mail Address(es)

**PUBLIC ACCOUNTANT/ACCOUNTING
FIRM (CONTRACTOR) :**
Amatics CPA Group406-404-1925

Telephone:

Address:

45 Discovery Drive

(Street Address or P.O. Box)

Bozeman

(City/Town)

, MT 59718

(Zip Code)

Morgan Scarr, CPA, Shareholder; mscarr@amaticscpa.com

Contact Person(s) and E-Mail Address(es)

1. Audit Period and Dates of Engagement:

A. This audit will cover the fiscal year(s) ending

June 30, 2027 (and _____).

(Month & Day)

(Year)

(Year)

B. Date to commence audit work:

October 1, 2027

C. Date to submit final audit report

to Entity and State:

December 31, 2027

2. Time and Price for Engagement:

A. Estimated total hours -

200

B. Price for audit personnel

\$ 34,300

Price for Travel

Price for typing, clerical

and report preparation

Total price for this

engagement

\$ 34,300

3. The reporting entity contains the following discretely presented component units: _____

4. Date Annual Financial Report or a trial balance will be available: October 1, 2027
5. Number of copies of audit report Contractor will provide to Entity: Electronic
6. The Entity will provide clerical, equipment, and photocopying or reproduction services to the Contractor as follows:
7. The audit scope with regard to federal financial assistance received by the Entity for the above fiscal year(s) will be as indicated below:

☐ The audit will be a single audit conducted in accordance with the provisions of Uniform Guidance because the Entity expended a total amount of federal awards **equal to or in excess of \$750,000** during the fiscal year(s), or such other dollar amount (\$) that is effective for the fiscal year(s) being audited.

OR

☒ The audit will not be a single audit conducted in accordance with the provisions of Uniform Guidance and will not include audit coverage of any federal financial assistance in accordance with requirements of that federal regulation, because the Entity expended a total amount of federal awards of **less than \$750,000** during the fiscal year(s), or such other dollar amount (\$) that is effective for the fiscal year(s) being audited.

Certified Public Accountant

Amatics CPA Group
Firm Name
By: Morgan Jean Date: 4/29/2025
Authorized Representative

Governmental Entity

City of Livingston, Montana
Entity Name
By: _____ Date: _____
Authorized Representative

**Montana Department of Administration,
Local Government Services**

By: _____ Date: _____
Approved By

File Attachments for Item:

E. APPROVAL OF AGREEMENT 20201 MOU WITH HAPPY TRASH CAN, LLC



DATE: July 15, 2025

TO: Chair Schwarz and City Commissioners

FROM: Shannon Holmes, Public Works Director

RE: Staff Report for Memorandum of Understanding with Happy Trash Can, LLC

Recommendation and Summary

Staff is recommending the Commission Approve MOU 20201 with Happy Trash Can, LLC to for a pilot project of food waste composting:

"I move to approve MOU 20201 with Happy Trash Can, LLC and authorize the City Manager to sign the Agreement."

The reasons for the recommendation are as follows:

- The pilot project is intended to evaluate the feasibility, efficiency, and community impact of localized composting of food waste and ultimately reduce the waste stream to the landfill.
- Provide a service to the community that is not currently available.

Introduction and History

Happy Trash Can, LLC currently operates a successful food composting service in Bozeman that has turned food scraps into compost since 2016. The mission is to make affordable and quality compost right here in Livingston, created from local food waste feedstock and circled back into the soils of local farmers and gardeners.

All compost will be made using only food scraps and quality carbon sources made year-round with covered aerated static pile systems and sifted with a ½" mesh screener. All finished compost will be tested per the USCC composting testing standards.

Analysis

The MOU is for a 2-year pilot project operating a small-scale food waste composting system at the City provided site next to the Transfer Station Facility. The Provider will submit progress reports to the City, including data on volumes composted, input materials, operational notes, and any



incidents or community feedback. At the end of the pilot period, the Provider and City will jointly assess the project's outcomes to determine next steps (e.g., expansion, continuation, relocation, or termination).

Fiscal Impact

The costs associated with this agreement are included in the FY 26 budget.

Strategic Alignment

There are several references in the 2021 Growth Policy that encourage the reduction of waste to the landfill and promote recycling in the city.

Strategy 9.1.3.2: Develop an internal policy and guidelines for waste reduction and recycling expansion.

Attachments

- Attachment A: City of Livingston and Happy Trash Can, LLC MOU

MEMORANDUM OF UNDERSTANDING

This **Memorandum of Understanding (MOU)** is entered into on this ____ day of _____, 2025, by and between the **City of Livingston, Montana**, a Montana municipal corporation, of 220 E. Park Street, Livingston, MT 59047 (“City”) and **Happy Trash Can, LLC**, a Montana limited liability company, of _____ (“Provider”).

1. Purpose

This MOU establishes the terms and responsibilities for a pilot project for **food waste composting** to be conducted by the Provider at the City-owned Transfer Station. The pilot project is intended to evaluate the feasibility, efficiency, and community impact of localized composting of food waste and ultimately reduce the waste stream to the landfill.

Other than the requirements of paragraphs 5 and 7 hereof, this MOU is not intended to create any legally binding obligations between the parties and is only a statement of mutual intent.

2. Scope of Pilot Project

- The Provider shall operate a small-scale **food waste composting system** at the City-provided site. The food waste composting system shall be approved by the City prior to installation and at all times during the term of this MOU.
 - Accepted materials shall include **residential and commercial food scraps**, limited to compostable organics (no plastics, metals, or hazardous waste).
 - The Provider will process compostable waste collected by the provider and the drop off site located at the City Transfer Station Facility.
 - The project will run for an initial pilot period of twenty-four **(24) months**, with the option for renewal or expansion by mutual agreement.
-

3. City Responsibilities

The City agrees to:

- Provide a **designated site** for composting operations at the City Transfer Station facility.
- Supply **electricity** access for equipment and lighting.
- Provide **non-potable water** from a **City water truck** as needed for moisture management.
- Allow reasonable access to the site during and outside regular business hours, subject to safety and coordination protocols.
- Assist with operations upon request from the Provider.

- Provide a City owned screen to screen processed compost.
- The City shall pay \$25.00 per cubic yard for processed composted waste and \$15.00 per cubic yard for final screened and finished compost. Payment to the Provider will be made monthly, due on the first (1st) day of each month, commencing _____, 2025, and continuing on the first day of each month thereafter during the term of this MOU.

4. Provider Responsibilities

The Provider agrees to:

- Design, install, and manage a composting system appropriate to the site and volume of waste.
- Monitor and maintain proper composting conditions (e.g., temperature, moisture, aeration) to prevent odor, pests, and runoff.
- Ensure all materials processed are suitable for composting and meet local and state guidelines.
- Provide protection of the operation from disturbance from bears or other wildlife.
- Keep the site clean, safe, and free of non-compostable debris.

5. Compliance and Safety

- Provider shall comply with all **federal, state, and local regulations** concerning composting operations, health and environmental safety.
- Provider staff shall use appropriate **personal protective equipment (PPE)** and follow best practices for handling organic waste.
- The site must be secured from unauthorized access, and all operational equipment maintained in safe working condition.

6. Reporting and Evaluation

- The Provider will submit **progress reports** to the City, including data on volumes composted, input materials, operational notes, and any incidents or community feedback.
- At the end of the pilot period, the Provider and City will jointly assess the project's outcomes to determine next steps (e.g., expansion, continuation, relocation, or termination).

7. Insurance and Liability

- The Provider shall maintain:

- **Public liability insurance** covering all operations under this MOU shall have bodily injury or death of not less than \$1,000,000.00 each occurrence, limits for property damage of not less than f \$1,000,000.00 per occurrence, \$1,000,000.00 aggregate for accidents during the term of this MOU. Provider will provide City with proof of coverage
- **Workers’ compensation** coverage, as required by law. Provider will provide City with proof of coverage
- The City shall be named as an **additional insured** on applicable policies. Provider will provide City with proof of coverage
- The Provider assumes responsibility for any injury, damage, or loss arising from its operations.

8. Indemnification

The Provider agrees to indemnify, defend, and hold harmless the City, its officers, employees, and agents from any and all claims, liabilities, damages, or expenses resulting from its activities at the composting site.

9. Termination

This MOU may be terminated:

- **By either party with 30 days’ written notice**, without cause.
- **Immediately by the City for cause**, including noncompliance of the terms of this MOU, safety violations, or environmental harm.

10. Miscellaneous

- **No Joint Venture:** This MOU does not create an employment, partnership, or agency relationship.
- **Amendments:** Any changes to this MOU must be made in writing and signed by both parties.
- **Governing Law:** This agreement shall be governed by the laws of the State of Montana.

11. Contact Information

City of Livingston

Shannon Holmes, Public Works Director
330 Bennet St. Livingston, MT 59047
406-222-5667
sholmes@livingstonmontana.org

Happy Trash Can, LLC
Ryan Green, Owner
403 South 7th Street. Livingston, MT 59047
(406)570-0896
info@happytrashcan.net

IN WITNESS WHEREOF, the parties have executed this Memorandum of Understanding as of the date first written above.

CITY OF LIVINGSTON, MONTANA

By: _____

Name: Grant Gager

Title: City Manager

Date:

Happy Trash Can, LLC

By: _____

Name:

Title:

Date:

Jh.2025. Livingston. 6.25. Happy Trash Can. MOU

File Attachments for Item:

F. APPROVAL OF AGREEMENT 20202 WITH AAA CLEANING



DATE: July 15, 2025

TO: Chair Schwarz and City Commissioners

FROM: Grant Gager, City Manager

RE: Staff Report for Agreement 20202 with AAA Cleaning

Recommendation and Summary

Staff is recommending the Commission approve agreement 20202 with AAA Cleaning to continue providing janitorial services to City Hall by adopting the following motion:

"I move to approve agreement 20202 with AAA Cleaning and authorize the Chair and City Manager to sign the agreement."

The reasons for the recommendation are as follows:

- AAA Cleaning has been providing reliable and thorough cleaning services at City Hall under the current contract.
- Renewal of this agreement ensures continued custodial coverage without service interruption.

Introduction and History

The City of Livingston entered into an agreement with AAA Cleaning LLC to provide cleaning services at City Hall. The agreement was designed as a long-term service contract and is now up for formal renewal under the existing terms. This action aligns with the City's standard practice of reviewing service contracts periodically and continuing services that meet performance expectations.

Analysis

AAA Cleaning LLC will continue to provide cleaning services three times per week: Monday, Wednesday, and Friday. The monthly fee for service is \$3,250. The scope of work includes regular cleaning of bathrooms, kitchens, floors, windows, and high touch surfaces. Monthly tasks include deeper cleaning of shared spaces and office furniture. AAA Cleaning provides all cleaning materials and equipment. The City supplies items such as soap, paper products, and garbage bags.



The company maintains proper general liability insurance, a janitorial bond, and workers compensation coverage, as outlined in the agreement.

Fiscal Impact

This service is budgeted at \$3,250 per month and is paid from the General Fund under City Hall operating expenses. No change in contract pricing is proposed.

Strategic Alignment

This contract supports ongoing City operations by ensuring a clean, safe, and hygienic work environment for City employees and the public. It aligns with the City's operational goals to maintain public facilities and promote workplace health and safety.

Attachments

- Attachment A: 2025 Cleaning Services Contract with AAA Cleaning

AAA CLEANING LLC

87 Mountain View Road
Livingston, Mt. 59047
Phone (406) 224-2169
kpcleaninglady@hotmail.com

March 6, 2025

To whom it may concern,

I, Kelli Jones, owner and operator of AAA Cleaning LLC, agree to provide the following cleaning services 3 times a week for City of Livingston Park Street, for a set monthly fee of \$3250.00. Bill will be submitted the last cleaning day of the month and payment is due by the 10th of the following month.

This contract is valid until July 1, 2030.

Monday~~ Wednesday~~ Friday

Empty all garbage cans – replace liners as needed and make sure cans are clean
Collect dishes and wash~~clean kitchen area and coffee area including microwave and refrigerators
Run dishwasher when full
Keep glass mats clean ~~ Spot clean on Monday and Wednesday Pick up and clean underneath on weekends
Wipe down all horizontal surfaces
Clean bathrooms (3)
Clean mirrors
Wipe down all chair handles
Wipe down all door handles and light switches
Dust mop, vacuum edges, and mop all hard surface floors
Clean inside and out of entry door glass
Check walls for smudges
Check all interior hall windows for smudges.

MONTHLY

Wipe down all window sills
Wipe down all tops of cubicles.
Dust top of all doors and windows
Dust all wall hangings
Clean interior windows-- more often if needed
Vacuum all chairs and wipe down entirely

City of Livingston will supply garbage bags, soap, and paper supplies. AAA Cleaning will provide any and all cleaning supplies including vacuum, mop, broom etc.

All dusting and wipe down will be done with a disinfectant cleaner.

AAA Cleaning LLC will maintain General Liability Insurance with per occurrence limit no less than \$2,000,000.00 and a janitorial bond in the amount of no less than \$5,000. All work performed by AAA Cleaning LLC and its employees will be properly covered by Workers Compensation Insurance.

AAA Cleaning

City of Livingston

File Attachments for Item:

G. APPOINTMENT OF TWO REPRESENTATIVES TO THE CITY/COUNTY JOINT AIRPORT BOARD



LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: July 15, 2025
TO: Chair Schwarz and City Commissioners
FROM: Grant Gager, City Manager
RE: Staff Report for Appointment of Two (2) Representatives to the City/County Joint Airport Board

Recommendation and Summary

The City Manager is recommending the Commission approve the appointment of two City representatives to the City/County Joint Airport Board by adopting the following motion:

"I move to appoint Quentin Schwarz and James Willich to the City/County Joint Airport Board."

The reasons for the recommendation are as follows:

- The City and County have created a Joint Airport Board pursuant to the allowances of Montana Code Annotated Title 67.
- The two (2) City-appointed members of the Board are expiring at the end of July.

Introduction and History

The City and County have created a Joint Airport Board pursuant to the allowances of Montana Code Annotated Title 67. The City and County adopted a Joint Resolution, which is included as attachment A, which provides guidance for the operation of the City/County Joint Airport Board. This Resolution provides that the Board shall have five (5) members including two (2) members appointed by the Board of County Commissioners of Park County and two (2) members thereof to be appointed by the City Commission of the City of Livingston, Montana, and the Fifth (5th) member to be selected by a majority of the other Board members.

Analysis

The City Commission is being asked to approve the appointments of Quentin Schwarz and James Willich to the City/County Joint Airport Board. These are new appointments to fill two of the City's three designated seats on the board, as outlined in the joint resolution between the City of Livingston and Park County.



These appointments will ensure continued City representation in the governance and oversight of airport operations. Staff recommends approval of the appointments to maintain full board membership and uphold the City's responsibilities under the joint agreement. No issues related to eligibility, term limits, or conflicts have been identified.

Fiscal Impact

Staff anticipates no fiscal impact associated with this appointment.

Strategic Alignment

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

Attachments

- Joint Resolution

JOINT RESOLUTION

A JOINT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PARK COUNTY, MONTANA, AND THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, PERTAINING TO JOINT AIRPORTS AND LANDING FIELDS, CONTINUING A JOINT BOARD OR BODY FOR THE PLANNING, ACQUISITION, ESTABLISHMENT, DEVELOPMENT, CONSTRUCTION, ENLARGEMENT, IMPROVEMENT, MAINTENANCE, EQUIPMENT, OPERATION, REGULATION, PROTECTION AND POLICING OF SUCH JOINT AIRPORTS OR LANDING FIELDS AND DEFINING THE POWERS AND DUTIES OF SAID JOINT BOARD.

BE IT RESOLVED by the Board of County Commissioners of Park County, Montana, and the City Council of the City of Livingston, Montana, acting jointly, as follows:

1. That the planning acquisition, establishment, development, construction, enlargement, improvement, maintenance, equipment, operation, regulation, protection, and policing of the Airports and Landing Fields of Park County, excluding private airports and landing strips, be and the same are hereby declared to be a joint venture between the County of Park, State of Montana, and the City of Livingston.
2. There is hereby continued in existence that certain board heretofore created known as "City/County Joint Airport Board," to continue to have, and which shall have jurisdiction over the planning, acquiring, establishment, development, construction, enlargement, improvement, maintenance, equipment, operation, regulation, protection and policing of joint airports or landing fields or other air navigation facilities established, owned or controlled, or to be established, owned or controlled by the County and City, and which shall have, as well, jurisdiction over airport hazards as authorized by Title 67, Chapter 10, MCA.
3. Said Joint Airport Board shall consist of Five (5) members, residents of said Park County, Montana, Two (2) members thereof to be appointed by the Board of County Commissioners of Park County, and Two (2) members thereof to be appointed by the City Council of the City of Livingston, Montana, and the Fifth (5th) member to be selected by a majority of the other Four (4) members, whose appointment shall be made by the joint action of the Board of County Commissioners of Park County, Montana and the City Council of the City of Livingston, Montana. Each member of said Joint Airport Board shall be appointed for a term of Four (4) years

from the expiration of the term of the member whom such appointee is to succeed. Each member of said Joint Airport Board shall hold office until his successor is appointed and qualified.

Expense claims of board members shall be itemized showing in detail how, and for what the claim accrued, and shall be subscribed and sworn to by the claimant, as are other claims against the County and City. Such claims must be approved in writing by a majority of the Joint Airport Board, filed with the secretary of the Joint Airport Board, entered in the minutes, and paid as are other claims against the Joint Airport Fund, hereinafter created.

At the next regularly scheduled board meeting after notice of their appointment, the members of said Joint Airport Board shall meet and organize by the election of a chairman and a vice-chairman. Thereafter, said Board shall hold at least ten (10) regular meetings per year including at least two (2) per calendar quarter which shall be on days as designated by the Board. The Board shall elect officers annually. The names of the chairman and vice-chairman shall be certified to the City and County respectively, and shall be placed on file with the County Clerk and Recorder of the County of Park, Montana and with the Clerk of the City of Livingston, Montana, and this shall be done whenever any change takes place in any one or all of said offices.

Each member shall be entitled to compensation of not to exceed Twenty-five and no/100ths Dollars (\$25.00) per meeting, with the Chairman receiving Thirty-five and no/100ths (\$35.00) per meeting, plus mileage with provisions for annual review, but said compensation shall not be paid for more than Two (2) meetings per month.

Vacancies in the membership of the board for any reason shall be filled by the authority which appointed the member of the board whose office becomes vacant. Any person appointed to fill a vacancy on the Joint Airport Board shall hold that office for the remainder of the unexpired term and until his successor is appointed and qualified.

A joint fund is hereby created and continued in the office of the County Treasurer of Park County, Montana, and shall be designated as the "Joint Airport Fund." The Joint Airport Fund shall contain all funds received by the said Joint Airport Board arising out of the tax levies and appropriations made for its use by the County of Park, and the City of Livingston, Montana, and in addition shall contain all funds derived from the operation of said airport, and all funds contributed or loaned by the United States or the State of Montana.

The County Treasurer of Park County, Montana, shall be the sole custodian of said Joint Airport Fund and he shall pay monies there from only upon claims approved in writing by a majority of the Joint Airport Board, filed with the secretary of the Joint Airport Board, and entered in the minutes of the Joint Airport Board.

5. Subject to the approval of the Board of County Commissioners of Park County, Montana, and of the City Council of the City of Livingston, Montana, -- which shall be endorsed thereon over the signature of the chairman of the Board of County Commissioners and the Mayor of the City, -- the Joint Airport Board shall adopt rules and regulations for its own government, including the time and place of its meetings, both regular and special and the manner of calling special meetings; provided that the regular meetings of the board shall not be more than once every month; prescribing the duties of its officers, the number of board members which shall constitute a quorum, and for the conduct of its business and proceedings generally. A copy of such rules and regulations so adopted and approved shall be filed with the County Clerk and Recorder of Park County, Montana, and with the City Clerk of the City of Livingston, Montana. The Joint Airport Board shall keep a record of its proceedings, which shall at all times during regular office hours be open to the inspection of the Board of County Commissioners of the County of Park, Montana, and the City Council of the City of Livingston, or of any town or City or County official designated by any of said bodies, the state examiner, or any of his deputies, and the public generally.

6. The Joint Airport Board continued and established hereby shall have the following powers and duties;

(a) To provide for the planning, acquisition, establishment, development, construction, enlargement, improvement, maintenance, equipment, operation, regulation, protection and policing of Joint Airports or

Landing Fields and other air navigation facilities established or to be established, and all airport hazards, but the said Joint Airport Board shall make no contract nor incur any obligation for such purposes, nor for any one of them, which singly or in the aggregate shall involve an expenditure of any more money than is available under the Joint Airport Board Budget for such purposes.

(b) To fix fees and rentals for the use of said Joint Airports or Landing Fields.

(c) No contract or agreement for any expenditure of any sum in excess of Ten Thousand and no/100ths Dollars (\$10,000.00) shall be made or entered into unless bids for the work or equipment have been called for and notice stating the time and place when such bids will be opened and considered, and all such contracts shall be let to the lowest responsible bidder who, in the sole discretion of the Board can best complete the work, and bond required for the faithful performances of the contract, provided that members of the Joint Airport Board, their husbands, wives and children, and Employees of the Joint Airport Board shall not be interested either directly or indirectly in any contracts entered into by the said Joint Airport Board; provided further, the members of the Joint Airport Board are hereby specifically bound by the provision of Title 2, Chapter 2, MCA, commonly known as the nepotism act, in their appointments, if any, to any position of trust or emolument.

(d) Any agreement or contract, or rule or regulation for the improvement or maintenance, fixing fees and rentals, or for the control and regulation of the use of the Joint Airports or Landing Fields under the preceding clauses of this section shall be subject and subordinate to any and all Agreements or contracts made and entered into by the County of Park, Montana or the City of Livingston, Montana, with the United States Government for the improvement and use, maintenances and equipment of said Joint Airports or Landing Fields.

(e) To prescribe forms of claims against said Joint Airport Fund, which shall be certified by the oath of the claimant, and to prescribe the form of warrant to be drawn against said fund and to be payable by the County Treasurer of Park County, Montana. All such claims shall be audited and approved by the Joint

Airport Board before payment, entered upon the minutes of the Board and approval or rejection noted in said minutes and endorsed upon the claimant in such manner as the Joint Airport Board shall prescribe.

(f) To make rules and regulations for its own government and the conduct of its proceedings as set forth in Section 5 of this agreement not inconsistent with this agreement nor in violation of the laws of the State of Montana. Such rules and regulations when adopted, and any amendments to or repeal thereof shall be entered at large upon the minutes of the Board, and at all times open to public inspection.

7. The County of Park, Montana and the City of Livingston, Montana, shall have and be vested with equal interests in the property, facilities and privileges of the Joint Airports or Landing Fields, or other air navigation facilities established thereon or to be established thereon.
8. The total expenditures to be made by the Joint Airport Board for any purpose in any calendar year shall be determined by a budget approved by the governing bodies of its constituent public agencies. The right to alter, amend and repeal or terminate this agreement and Joint Resolution, and to abolish the Joint Airport Board set up hereby is expressly reserved to the County of Park, Montana, acting by and through its Board of County Commissioners and the City of Livingston, Montana, acting by and through its City Council, by Joint Resolution made and entered into for that purpose; provided, however, at least six (6) months notice of a desire to amend, alter, repeal, or terminate this agreement must be given to the other governing bodies.

384916 Fee: \$0.00 _____

Park County, MT Filed 12/8/2014 At 8:39 AM
Denise Nelson, Clk & Rcdr By DN *dn*

File Attachments for Item:

A. UPDATE ON FLOODPLAIN MAPPING FROM MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Livingston Risk MAP update



July 15, 2025

Flood Study Update

100

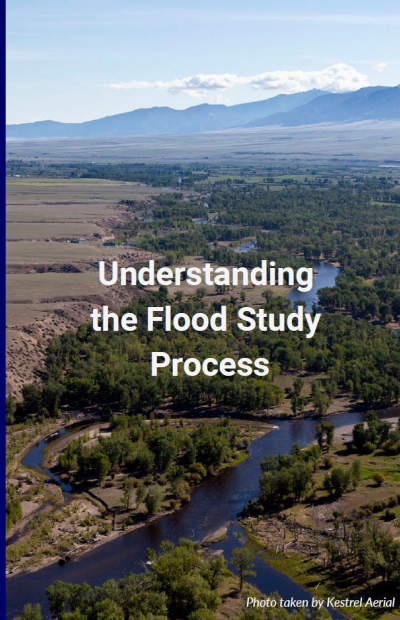
Summary

Developing regulatory floodplain maps is a complex process that uses the most accurate data available. The result is a reliable map of the areas in a community that are prone to flooding.

Floodplain maps are utilized by emergency responders, the insurance industry, community planners, developers, and mortgage lenders. The maps are also critical tools for local floodplain managers, and local, state, and federal emergency management for communicating and managing flood risk.



Montana Department of Natural Resources and Conservation
Water Resources Division
1424 9th Ave.
P.O. Box 201601
Helena, MT 59620-1601
Phone: (406) 444-0862



Flood Study Steps

Step 1 - Survey: measurements are made of the topography around the river, along with any culverts, bridges, and road crossings. LiDAR uses an airplane to collect ground elevation over a large area, and ground survey supplements the airborne data.

Step 2 - Hydrology: determines how much water there will be in the river during a flood event. Data from stream gages will tell how many cubic feet of water per second the river will carry during the flood.

Step 3 - Hydraulics: once the first two steps are complete, calculations can show where the water will go during the flood. The elevation data is combined with the flood flow data to determine where the water will go when it overflows the channel.

Step 4 - Mapping (delineation): the results from step 3 are combined with the elevation data and official maps to see how far the water will spread out. The area shown to be underwater during the flood is the regulatory floodplain.

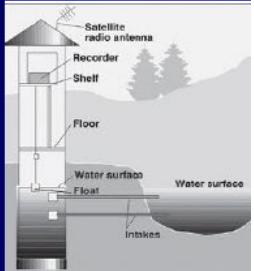
Step 1 - Survey:

The type of the survey depends on the size of the study area and type of study.



Step 2 - Hydrology:

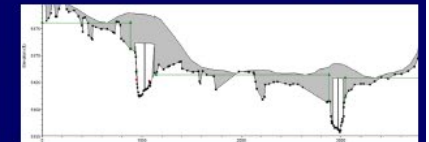
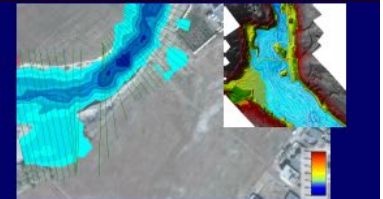
Stream gage stations are an important tool to determine flow rates. If nearby stream gages aren't available, gage data from a similar location is used to determine the flow rate.



Step 3 - Hydraulics:

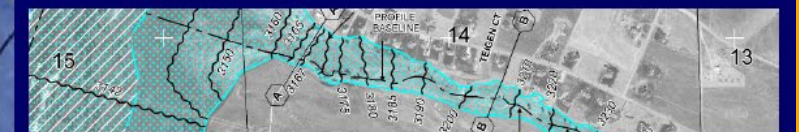
5 main components to the model

- 1) Hydrology (stream flow data)
- 2) Cross Sections (measurements of the river bottom at key locations)
- 3) Roughness (thickness of vegetation, land cover, etc determined by surveyors)
- 4) Structures (road crossings, culverts, bridges, etc.)
- 5) Downstream conditions




Step 4 - Mapping (delineation):

The result will be the floodplain boundary and a depth grid identifying the shallower and deeper areas of flooding.



Flood Study Update



PARK COUNTY COMMISSION
MONTANA

July 19, 2022

Steve Story, Chief
Montana DNRC Water Operations
1424 9th Ave
P.O. Box 201601
Helena, MT 59620-1601

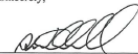
Dear Mr. Story,

Given the unprecedented flooding event that took place on June 13th, 2022, the Park County Commission formally requests DNRC initiate the process for new floodplain maps for Park County. The Commission recognizes the value in updating our flood studies and existing floodplain maps in our county. We support updating the floodplain studies to replace our existing, outdated floodplain maps.


Park County is committed to protecting the river systems, managing flood risks and participating in the National Flood Insurance Program. Updated studies would be a benefit to Park County residents and current information would allow for better regulation of flood prone areas.

Thank you for the opportunity to participate in this effort to update floodplain studies in Park County. Having better available data will provide much needed support that the county has needed for a long time.


Sincerely,



Park County Commissioner, Steve Caldwell




Park County Commissioner, Clint Tinsley



Park County Commissioner, Bill Berg

414 East Callender Street | Livingston, Montana 59047 | t: 406.222.4106 | f: 406.222.4160 | www.parkcounty.org

City of Livingston



Incorporated 1899

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org

Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

April 4, 2023

Steve Story, Chief
Montana DNRC Water Operations
1424 9th Ave
P.O. Box 201601
Helena, MT 59620-1601


Dear Mr. Story,

Given the unprecedented flooding event that took place on June 3rd, 2022, The City of Livingston formally requests The Montana Department of Natural Resources & Conservation (DNRC) initiate the process for new floodplain maps for Livingston. The City Commission recognizes the value in updating the City's flood studies and existing floodplain maps in our jurisdiction and we support your efforts to undertake this floodplain study so that we may update our existing, outdated floodplain maps.

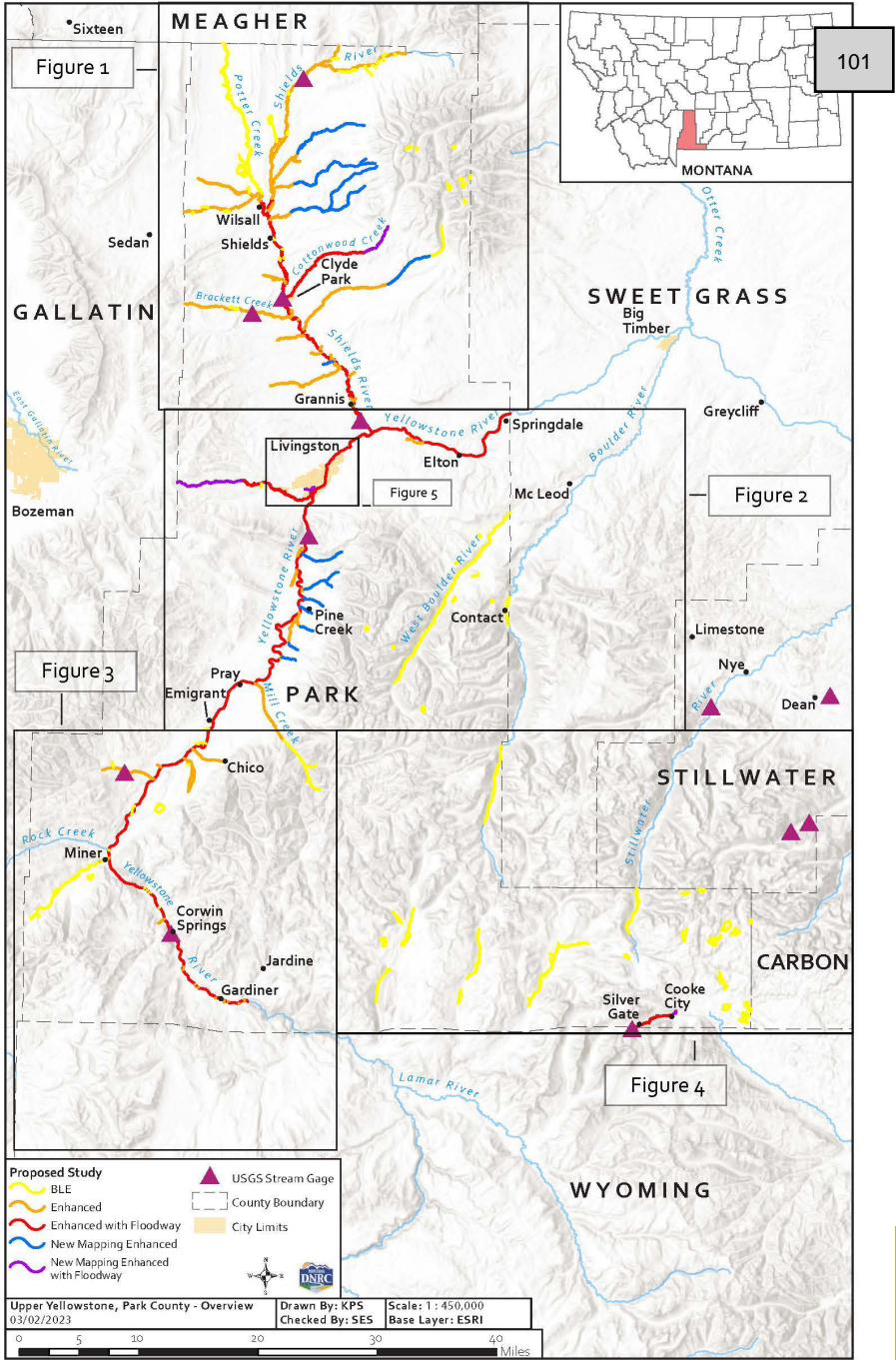
The City of Livingston is committed to protecting the river systems in our community, responsibly managing flood risks, and participating in the National Flood Insurance Program. Current flood studies will benefit City residents and the new information resulting from this study will allow Livingston to better regulate its flood-prone areas.

Thank you for the opportunity to participate in this effort to update existing floodplain data in Livingston and for providing this much-needed support to the City's floodplain regulatory efforts.


Sincerely,



Melissa Nootz
Chair, Livingston City Commission



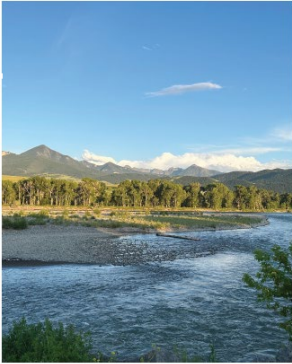
Flood Study Update






Hydraulic Structure
Data Collection and
Survey Report

**UPPER
YELLOWSTONE
PHASE I
SURVEY**

Park County



May 2024

 Client Commitment  Empowered Employees  Quality Solutions



Montana Lidar Inventory

[Introduction](#) [Status Dashboard](#) [View, Download, and Request Data](#) [Collaborate](#) [Data Use Survey](#) [Lidar 101 & Images](#) [User Guide](#) [Disclaimer](#)

Explore LIDAR Collection in Montana: View, Download, and Request Data, and Collaborate on Future Acquisitions

Use the Montana Lidar Inventory to:

- Check the status of lidar acquisitions - This page provides a dashboard of completed, in-progress, and planned lidar acquisitions.
- View, download, or request lidar data - Access a web application for viewing, downloading, and requesting data.
- Collaborate and submit areas of interest for future acquisitions - Interact with a map for submitting priority areas of interest for future lidar planning.
- Learn how lidar data are being used in Montana - Explore a map, charts, and table documenting lidar use.
- View lidar images and posters: Learn the basics of lidar and view example images.

Any organization acquiring lidar data in Montana should:

- Check the inventory to see where data are already available or planned for acquisition.
- Identify mutual areas of interest and identify potential funding partners.
- Apply for a USGS 3DEP Data Collaboration Announcement: The Montana Elevation Working Group led by the Montana State Library can assist with coordination.

Submit a support ticket to the Montana State Library Geographic Information Services team for additional information.

Learn more:

- Read the 2019 Montana Lidar Plan
- Overview of the Montana State Library Lidar Resources



**MONTANA
STATE LIBRARY**
LIDAR
View, Download, and Request Lidar






CONTACT US:


1201 11th Ave
Helena, Montana 59620
Hours: Monday-Friday, 9AM-5PM

Phone: (406) 444-3115
Toll Free: (800) 338-5087





RESTORING OUR ENVIRONMENT ▶ DESIGNING OUR FUTURE




Upper Yellowstone
Hydrologic Analysis Report
Park County, Montana


WO Number: WO-PTS-239
MAS Number: 2023-01

Montana Department of Natural Resources and Conservation (DNRC)
March 15, 2024

Pioneer Technical Services, Inc. 106 Pronghorn Trail, Suite A, Bozeman, Montana 59718
www.pioneer-technical.com




RESTORING OUR ENVIRONMENT ▶ DESIGNING OUR FUTURE



Park County Flood History
Upper Yellowstone Hydrology
Park County, Montana
April 29, 2024

Prepared For:
Montana Department of Natural Resources and Conservation (DNRC)
1424 9th Avenue, Helena, Montana 59620-1601

Prepared By:
Pioneer Technical Services, Inc.
106 Pronghorn Trail, Suite A Bozeman, Montana 59718



Levee analysis

- FEMA standards and guidance require that the levee would have to be certified to show a reduced flood risk.



Meeting the Criteria for Accrediting Levee Systems on Flood Insurance Rate Maps: How-To Guide for Floodplain Managers and Engineers

The National Flood Insurance Program (NFIP) defines a levee system in Title 44, Chapter 1, Section 59.1 of the Code of Federal Regulations ([44 CFR 59.1](#)) as a flood risk reduction system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices to protect a hydraulically distinct area. Within the NFIP, a levee is a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

As part of the [flood mapping process](#), the Federal Emergency Management Agency (FEMA), and its State and local mapping partners, review and evaluate levee system data and documentation. Any community and/or other party seeking recognition or continued recognition of a levee system on a Flood Insurance Rate Map (FIRM) must provide FEMA with data and documentation, certified by a registered professional engineer, showing that the levee system is expected to provide 1-percent-annual-chance (base) flood risk reduction.

To be mapped on a FIRM as providing base flood risk reduction, levee systems must meet and continue to meet the NFIP minimum design, operation, and maintenance requirements described in Title 44, Chapter 1, Section 65.10 of the Code of Federal Regulations ([44 CFR 65.10](#)). FEMA has posted several guidance documents related to levee accreditation, mapping, and other topics. Please access the [Levee Resources Library](#) for updated guidance documents. To help clarify the responsibilities of community officials, levee owners, or other parties seeking recognition of a levee system identified during a study/mapping project, FEMA has posted several [guidance documents](#) related to levee accreditation, mapping, and other related topics. This document provides information regarding how FEMA maps levee systems, a checklist of the types of data and documentation that must be submitted for levee systems to be accredited on FIRMs, and an index of further resources.

A NOTE ABOUT FLOOD RISK AND FLOOD INSURANCE

Levee systems are designed to provide a specific level of protection. They can be overtopped or fail during flood events larger than those for which the system was designed. Levee systems also decay over time, which may increase the likelihood of failure. They require regular maintenance and periodic upgrades to retain their level of protection. When levees do fail, the resulting damage, including loss of life, may be much greater than if the levee system had not been built.

For all these reasons, FEMA strongly encourages people in levee-impacted areas to understand their flood risk, know and follow evacuation procedures, and protect their property by purchasing flood insurance, floodproofing their structure, or taking other precautionary measures. For more information on flood insurance, please visit [FloodSmart.gov](#).

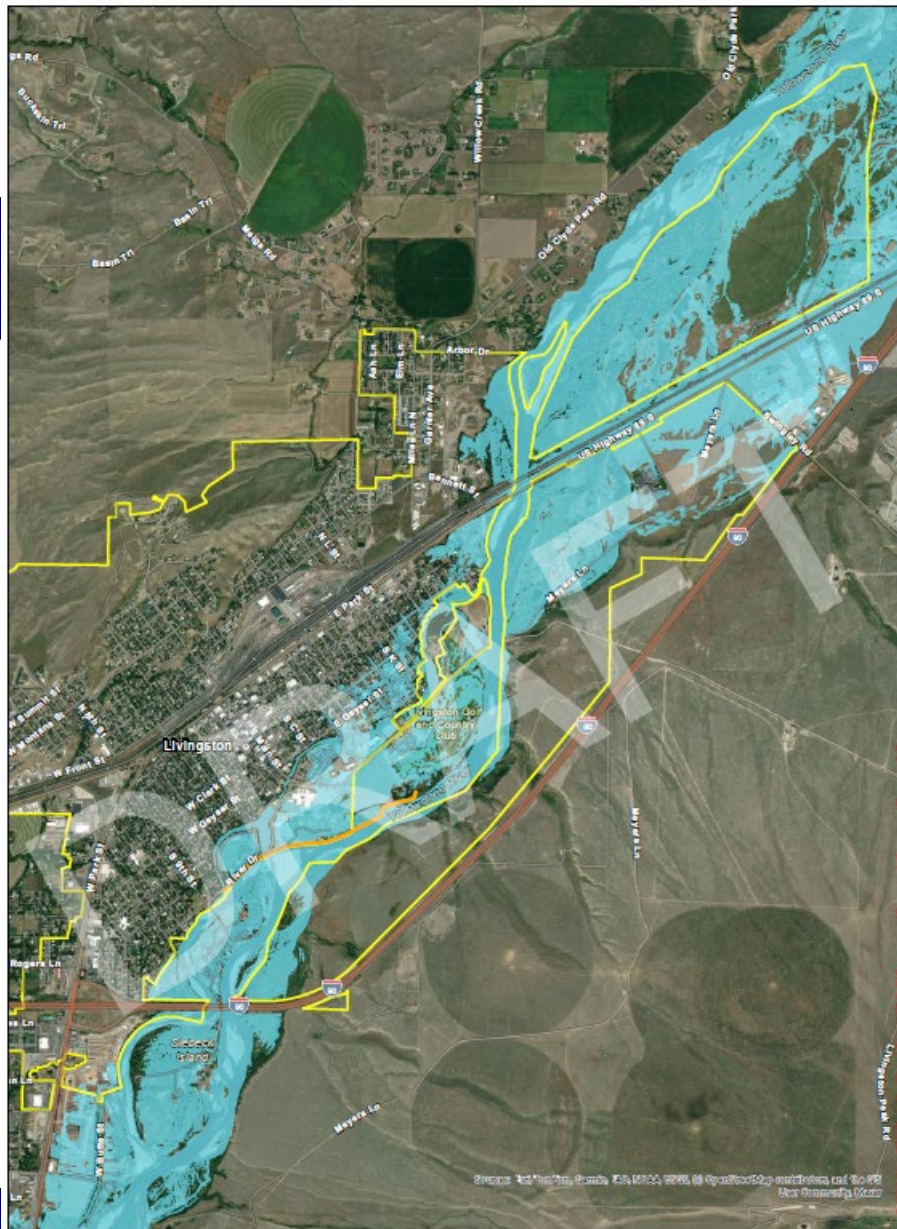
RISK MAPPING, ASSESSMENT, AND PLANNING PROGRAM (RISK MAP)

The Federal Emergency Management Agency's Risk MAP Program delivers quality data that increases public awareness and leads to action to reduce risk to life and property. Risk MAP is a nationwide program that works in collaboration with States, Tribes, and Local communities using best available science, rigorously vetted standards, and expert analysis to identify risk and promote mitigation action, resulting in safer, more resilient communities.

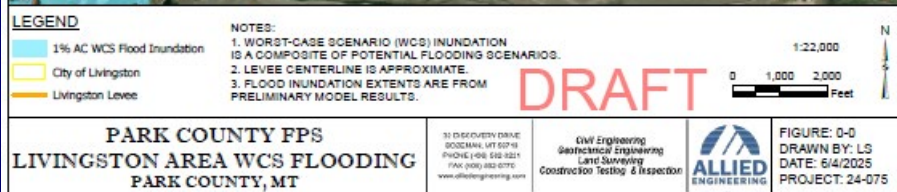
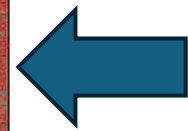
Early flood study results

**** very early results some areas could change as the full study continues****

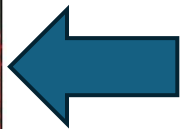


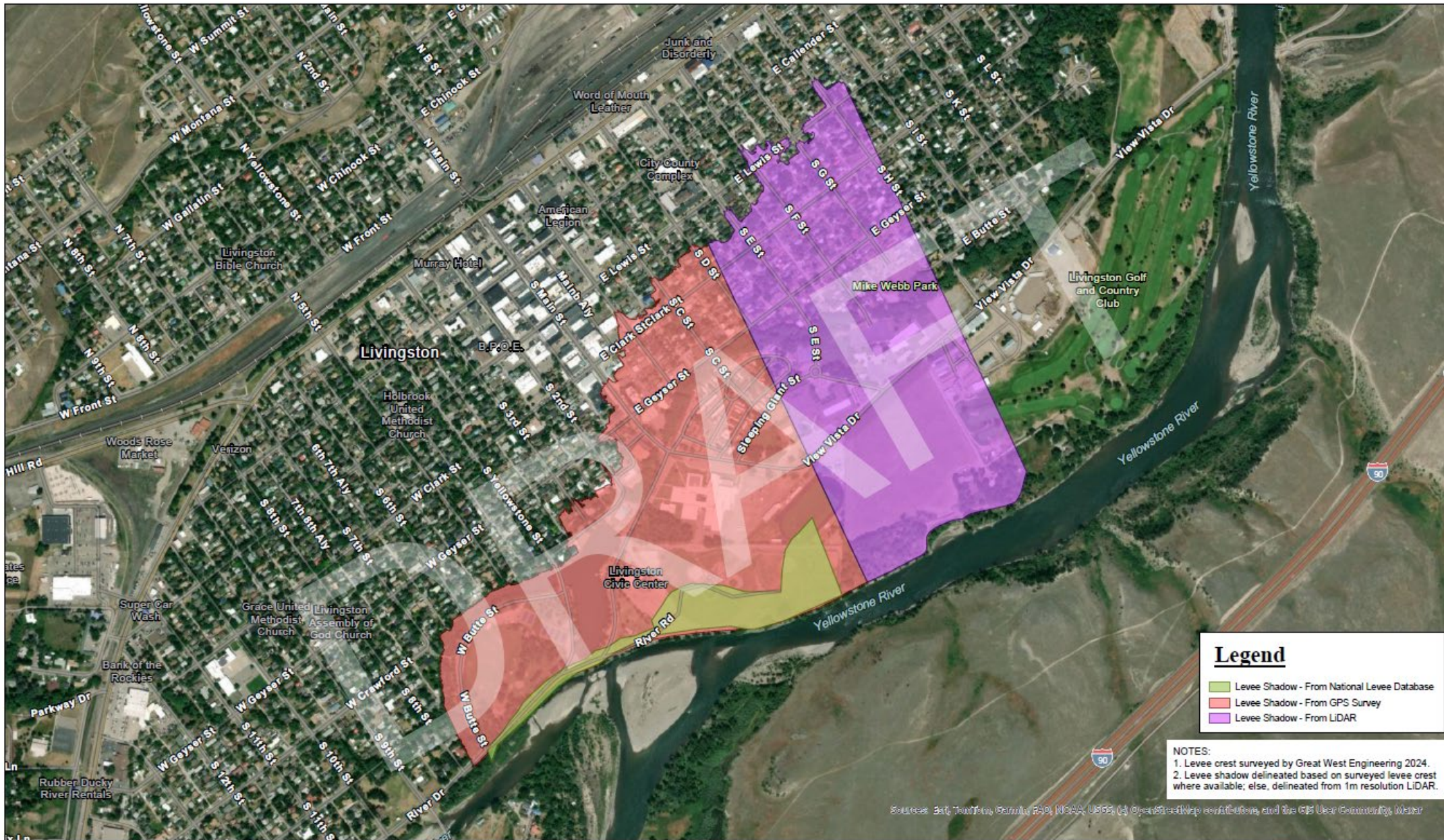


Worst Case
Scenario
flooding
Yellowstone
River only



Levee
impact
area





PARK COUNTY FPS
LIVINGSTON LEVEE SHADOW
PARK COUNTY, MT

32 DISCOVERY DRIVE
BOZEMAN, MT 59718
PHONE (406) 582-0221
FAX (406) 582-5770
www.alliedengineering.com

Civil Engineering
Geotechnical Engineering
Land Surveying
Construction Testing & Inspection



FIGURE: 0-1
DRAWN BY: AKH
DATE: 6/4/2025
PROJECT: 24-075

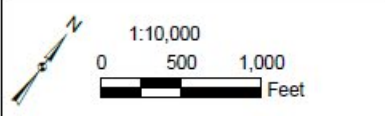
P:\2024\24-075 Park Co Flood Study\GIS\Map\Input Files\Domain 2 - Livingston\0-1 LEV Shadow\Map\0-1 LEV Shadow - Domain 2 - Livingston.mxd



LEGEND

- 1% AC Flood Inundation
- Livingston Levee

NOTES:
1. FLOOD INUNDATION EXTENTS ARE FROM PRELIMINARY MODEL RESULTS.



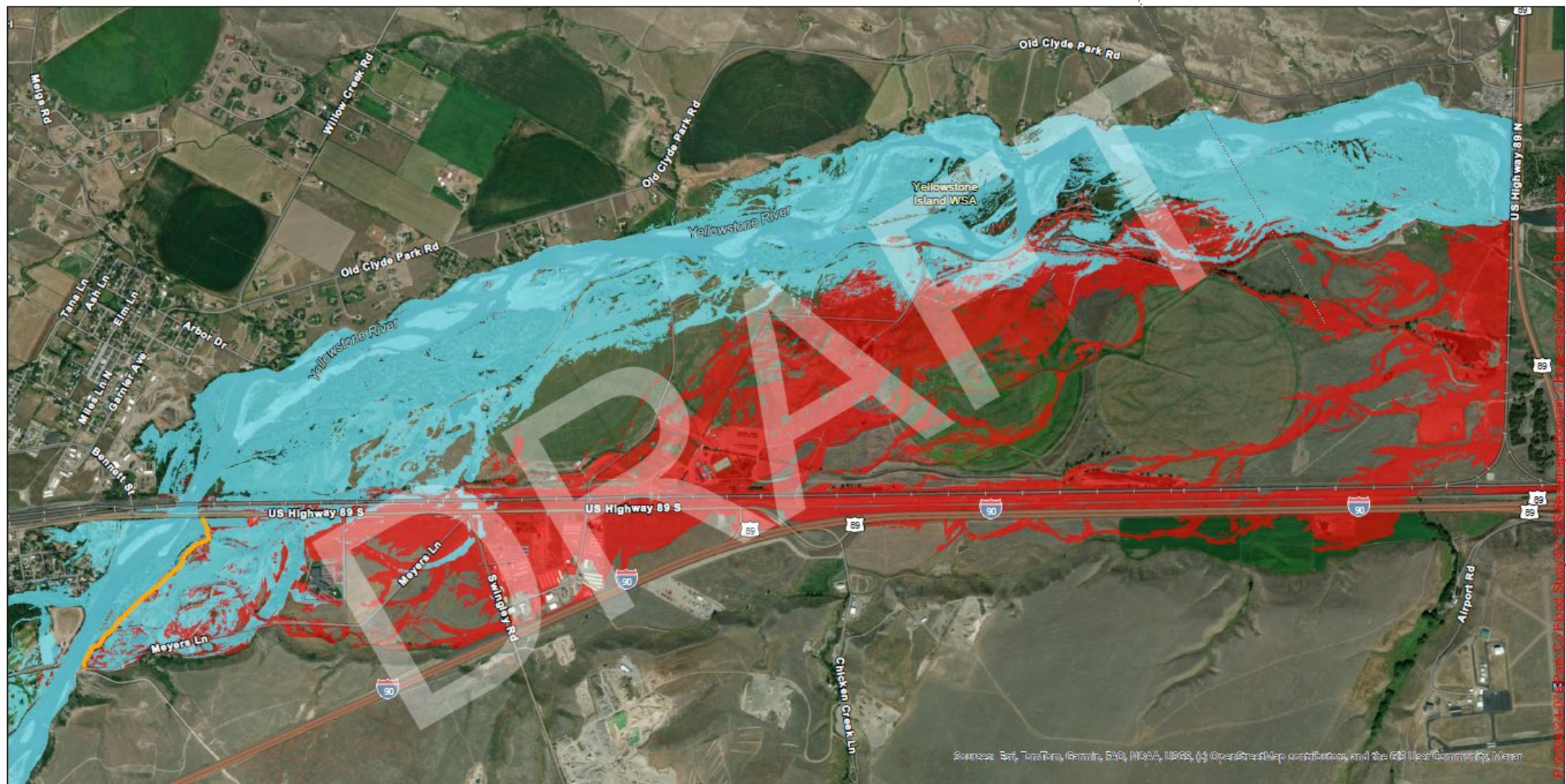
DRAFT

**PARK COUNTY FPS
FLESHMAN CREEK INUNDATION
PARK COUNTY, MT**

32 DISCOVERY DRIVE
BOZEMAN, MT 59718
PHONE (408) 582-0221
FAX (408) 582-5770
www.alliedengineering.com

Civil Engineering
Geotechnical Engineering
Land Surveying
Construction Testing & Inspection

FIGURE: 0-5
DRAWN BY: LS
DATE: 6/4/2025
PROJECT: 24-075

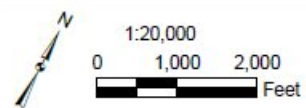


LEGEND

- 1% AC Flood Inundation Non-Levee Feature (NLF)
- Natural Valley Scenario
- Additional, NLF Removed

NOTES:

1. A NON-LEEVE FEATURE (NLF) IS A PHYSICAL FEATURE THAT IS NOT DESIGNED, CONSTRUCTED, OPERATED, OR MAINTAINED AS A FLOOD CONTROL STRUCTURE, BUT MAY INADVERTENTLY CONFINE FLOW DURING SOME FLOOD EVENTS (FEMA 2021).
2. FLOOD INUNDATION EXTENTS ARE FROM PRELIMINARY MODEL RESULTS.



DRAFT

PARK COUNTY FPS
LIVINGSTON HOSPITAL AREA
PARK COUNTY, MT

32 DISCOVERY DRIVE
BOZEMAN, MT 59718
PHONE (408) 582-0221
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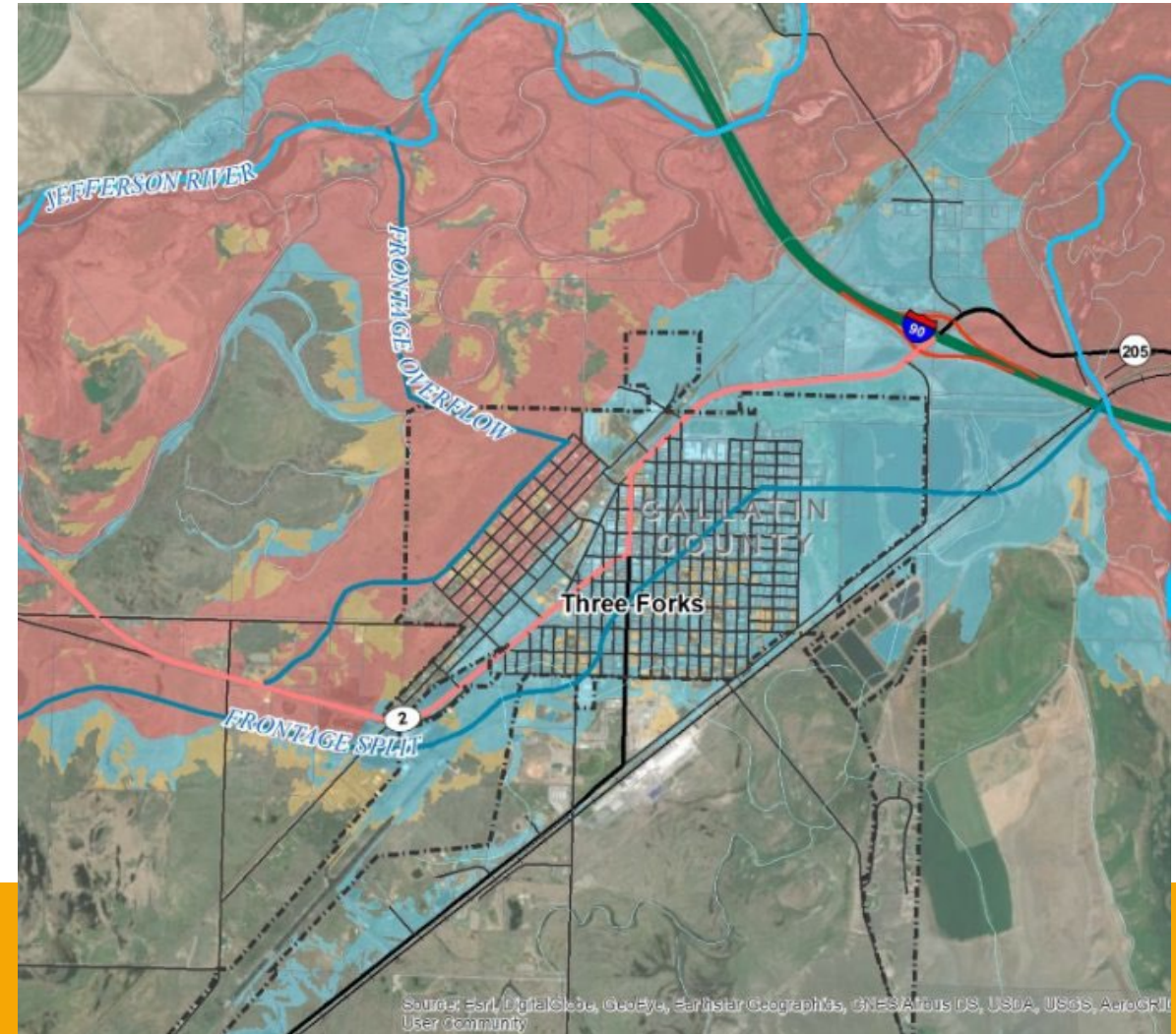
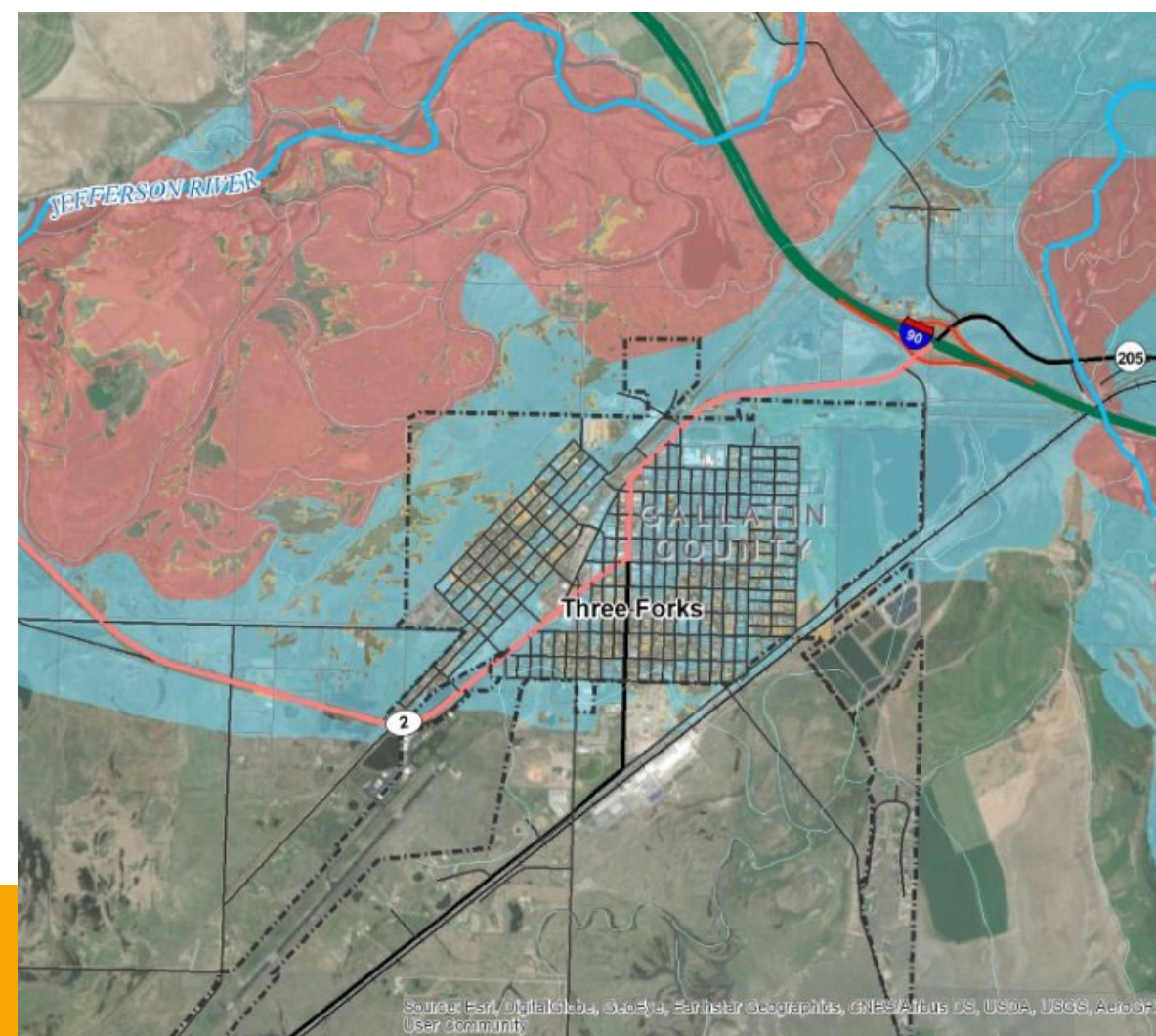


FIGURE: 0-6
DRAWN BY: LS
DATE: 6/3/2025
PROJECT: 24-075

Mitigation Technical Assistance Three Forks

EFFECTIVE

DRAFT



Mitigation Technical Assistance

Michael Baker
INTERNATIONAL

We Make a Difference

TO: DOUG BRUGGER, TIFFANY LYDEN, NADENE WADSWORTH, MONTANA DNRC
FROM: ANDREW PARK-FRIEND
SUBJECT: THREE FORKS MITIGATION STRATEGIES
DATE: SEPTEMBER 11, 2020
CC: KEVIN DOYLE, RUSS ANDERSON, OLIVIA CECIL

Under contract to Montana Department of Natural Resources and Conservation (DNRC), Michael Baker International (Baker) has recently completed hydraulic analysis and floodplain mapping for the Jefferson and Madison River flooding sources in the vicinity of Three Forks, Montana. The hydraulic analysis and mapping are based on updated hydrologic data, topographic information, and advanced study methods (two-dimensional analyses used to inform one dimensional regulatory models). The results of the analysis and mapping indicates significant flooding risks from Jefferson River overbank flooding sources not previously identified on the effective Special Flood Hazard Area (SFHA). The overbank flooding sources were confirmed by calibration to the USGS gaging station and verification with aerial photography.

Given Baker's findings, DNRC has requested that Baker perform feasibility investigations and analyses of flood risk mitigation options that may reduce the flood risk to the City of Three Forks. The purpose of this memo is to describe the existing flood hazard in the City of Three Forks, to show the general impact of reduction of this flood risk, and to demonstrate the hydraulic feasibility of multiple mitigation options that may reduce the flood risk to the City of Three Forks.

1. EXISTING FLOOD HAZARDS IN THE CITY OF THREE FORKS

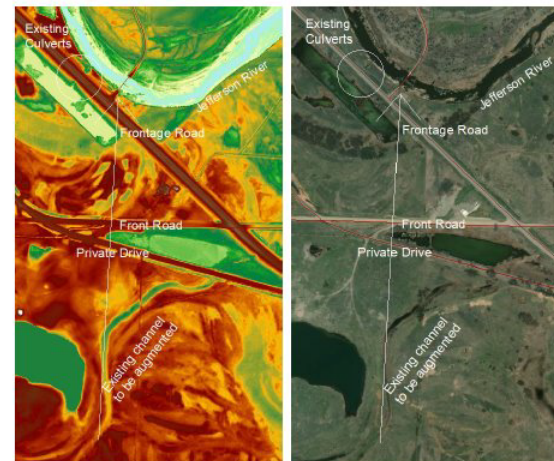
The existing flood risk in the City of Three Forks is significant. The hydraulic analysis and floodplain mapping recently completed by Baker shows that most of the structures within the city are likely to experience flooding during the 1-percent-annual-chance flood event.

The flooding depicted in the Baker analysis is generally more extensive than the flooding shown on the effective Flood Insurance Rate Map (FIRM). The most important reasons for this change in calculated flood risk are 1) the improvement in study methods for the Baker study (two dimensional modeling was used to inform one dimensional modeling, and 2) the greater spatial extent of the Baker study, which allowed for a fuller understanding of overbank flow on the Jefferson River.

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crossings at three road embankments: a Private Drive, Front Road, and Frontage Road. Three variations under Option 2 explore the effectiveness of re-establishing historic floodplain flowpaths to bring overbank flows back to the Jefferson River prior to entering the City of Three Forks. These options evaluate various channel sizes and culvert scenarios in this area to redirect flow to the Jefferson River. The streams and cross sections in the Baker existing conditions model were realigned and modified to better model the catchment channel and the three road crossings for these scenarios. The specific dimensions of the channel and culverts are not meant to be prescriptive – for example, culverts are modeled for these options, but could easily be replaced with bridge openings of similar dimensions. Similarly, the exact location of the channel and openings is flexible.

Figure 6 - Location of Option 2 Mitigation possibilities (Left – Topography (green/blue = low, red = high); Right – Aerial imagery)



Option 2A – 4 foot deep catchment channel with Double 6'x12' road crossing culverts

For this option, the model was modified to revise the existing channel dimensions into a larger channel. The modeled channel is approximately four feet deep, 90 feet wide at the base, and has 3:1 side slopes, and has a similar slope as the surrounding terrain. Three roadways are located in the hypothetical flowpath that would intercept overbank flows and return flows to

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Three Forks. In fact, it should capture all flow during the 1-percent-annual chance flood event, leaving no flow to reach the City of Three Forks from this direction.

5. RECOMMENDATION

The mitigation alternatives described in the preceding sections provide several different solutions which could reduce the flood risk to City of Three Forks to varying degrees. All options appear to be feasible and within NFIP regulations. The impacts of these five options are detailed in Table 1.

Table 1 – Impact of Mitigation Alternatives

Mitigation Alternative	Discharge on Frontage Split (cfs)
NONE – Existing Conditions	1,800
1A – Frontage Road Bridge Expansion	1,790
1B – Frontage Road Bridge Expansion and Jefferson Channel Expansion	1,400
2A – 4' Deep Catchment Channel, Double 6'x12' Crossings	900
2B – 4' Deep Catchment Channel, Double 6'x12' Crossings, Upgrade Existing Culverts	100
2C – 7' Deep Catchment Channel, Quad 6'x12' Crossings	0

We recommend further exploration of all alternatives, with particular emphasis of Option 2B and 2C – a catchment channel with new openings under the Private Drive, Front Road, and Frontage Road, as well as augmenting the existing culverts under Frontage Road. These options have the benefit of removing most or all flow from the Frontage Split and Frontage Road Overflow that would otherwise inundate the City of Three Forks. With these alternatives, the City would still be susceptible to flooding from the Madison River or from the Upper Jefferson Split, as well as "local" flooding (ie., from rain that falls in or nearby the city). However, the most significant flooding source that impacts the greatest area of Three Forks during the 1-percent-annual-chance flood event – which arrives from the Jefferson River via the Frontage Split and Frontage Road Overflow – would be eliminated. These options also have the benefit of having additional capacity to significantly reduce flood hazards during the 0.2-percent-annual-chance flood event and other more extreme events. Overall, these mitigation alternatives have the potential to provide great flood risk reduction for the City of Three Forks.

Flood Study Project Timeline



The Montana Department of
**Natural Resources
& Conservation**

This is an estimated timeline for project completion

Completed in 2024	Hydraulics 2025	TBD	TBD	TBD
Measurements are made of the topography around the river, along with any culverts, bridges, and road crossings. LiDAR uses an airplane to collect ground elevation over a large area, and ground survey supplements the airborne data. Flood flow data determines how much water there will be in a river during a flood event.	The elevation and survey data are combined with flood flow data to determine where the water will go and how far it will spread out. The area shown to be underwater and at high risk is mapped as the regulatory floodplain.	Draft data is delivered to the communities. Public open houses will be held to review the information.	FEMA Preliminary Maps are produced and ready for public review and comment period. 90-day official comment & appeal period	FEMA Flood Insurance Rate Maps finalized.
Data gathering	Engineering and floodplain modeling	Draft Data available public review	Preliminary Data public comment and appeal period	Flood Insurance Rate Maps become effective

<p>Steps of a flood study.</p> <p>1) Survey & LiDAR 3) Hydraulics (engineering)</p> <p>2) Hydrology 4) Mapping (delineation)</p> <p>(flood flow)</p>	<p>Public Review</p> <p>A public open house is held after draft data is available and before preliminary maps are released. During this time public comments are encouraged. There will be an official 90-day appeal period after the maps become preliminary.</p> <p>Resiliency and Mitigation efforts</p> <p>Once the flood study is completed the community can determine what mitigation efforts it would like to pursue to reduce flood risks.</p>	<p>Community Work</p> <p>Update local floodplain ordinances.</p> <p>Prepare initiatives to reduce flood risk.</p>
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Thank you



Photo by Pioneer Engineering



File Attachments for Item:

A. RESOLUTION 5164: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND ADOPTING THE FINAL BUDGET IN THE AMOUNT OF \$31,775,333 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2025, AND ENDING JUNE 30, 2026 (FY26), AND MAKING APPROPRIATIONS AND ESTABLISHING SPENDING LIMITS AND AUTHORIZING TRANSFER OF APPROPRIATIONS WITHIN THE SAME FUND.



DATE: July 15, 2025
TO: Chair Schwarz and City Commissioners
FROM: Paige Fetterhoff
RE: Staff Report for Resolution 5164

Recommendation and Summary

Staff is recommending the Commission Approve Resolution 5164 to approve and adopt FY 2026 City Manager's Recommended Budget.

"I move to approve Resolution Number 5164 and authorize the Chair to sign the resolution."

The reasons for the recommendation are as follows:

- The City Manager has provided a FY 2026 recommended budget to the City Commission.
- The City Commission has reviewed the budget and had sufficient time to request any desired changes to the recommended budget.

Introduction and History

Subpart 12 of Part 3 of Chapter 3 of Title 7 of the Montana Code Annotated provides that the City Manager shall "prepare and present the budget to the commission for its approval and execute the budget adopted by the commission[.]"

Analysis

Enclosed with this report is a copy of the City Manager's Recommended Budget for Fiscal Year 2026. The FY 2026 City Manager's Recommended Budget contains detailed information related to expenditures along with estimated revenues

Fiscal Impact

When adopted, the City of Livingston budget will provide funding for City operations and projects for the period from July 1, 2025, through June 30, 2026.

Strategic Alignment

The budget provides funding for the operational and policy priorities of the City.

**Attachments**

- Resolution 5161
- City Manager's FY 2025-26 Recommended Budget

RESOLUTION NO. 5164

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND ADOPTING THE FINAL BUDGET IN THE AMOUNT OF \$31,775,333 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2025, AND ENDING JUNE 30, 2026 (FY26), AND MAKING APPROPRIATIONS AND ESTABLISHING SPENDING LIMITS AND AUTHORIZING TRANSFER OF APPROPRIATIONS WITHIN THE SAME FUND.

WHEREAS, the City Manager has presented the City Manager’s Preliminary Budget recommendation for Fiscal Year 2025-2026 in the amount of \$31,775,333 to the City Commission as required by 7-6-4020 Montana Code Annotated (MCA); and

WHEREAS, the City Commission has considered the proposed Preliminary Budget for Fiscal Year 2025-2026, and made revisions, reductions, additions and changes thereto as deemed appropriate, and has established spending limits at the level of appropriation detailed in Exhibit A and incorporated into this Resolution by this reference as though fully set forth herein; and

WHEREAS, a copy of the completed Preliminary Budget for Fiscal Year 2025-2026 has been placed for public inspection in the office of the Finance Officer located at 220 E Park Street, Livingston, Montana, and on the City of Livingston’s web page at www.livingstonmontana.org; and

WHEREAS, pursuant to 7-6-4001 et seq. MCA, and following legal notice as required by 7-6-4021, MCA, on July 15th, 2025, the City Commission conducted a public hearing on the proposed budget at which time any taxpayer or resident of the City was given the opportunity to be heard for or against any part of the proposed preliminary budget for Fiscal Year 2025-2026; and

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

That the Final Budget for FY 2025-2026 in the amount of \$31,775,333 and the legal spending limits at the level of appropriations detailed in Exhibit A, which is attached hereto and incorporated herein by reference are hereby established pursuant to 7-6-4030, MCA.

BE IT FURTHER RESOVLED that the City Manager is hereby authorized pursuant to 7-6-4031, MCA, to transfer appropriations between items within the same fund.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 15th day of July, 2025.

QUENTIN SCHWARZ - Chairperson

ATTEST:

APPROVED AS TO FORM:

EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney

EXHIBIT A to Resolution No. 5164

CHANGES IN FUND BALANCE/WORKING CAPITAL					
Fund #	Fund Name	Beginning Fund Balance June 30, 2025	Budgeted Revenues	Budgeted Expenditures	Projected Ending Fund Balance June 30, 2026
GENERAL FUND					
1000	General Fund	2,833,266	8,422,434	8,868,060	2,387,640
SPECIAL REVENUE FUNDS					
2190	Comprehensive Liability	1	-	-	1
2220	Library	762,040	734,594	873,253	623,381
2260	Emergency/Disaster	-	-	-	-
2300	Communications/Dispatch Services	211,494	1,256,681	1,249,681	218,494
2310	Tax Increment District - Downtown	2,247,671	1,129,547	2,284,775	1,092,443
2372	Permissive Health Levy	-	908,661	906,161	2,500
2397	CDBG Economic Dev Revolving	649,921	28,500	14,000	664,421
2399	Impact Fees - Fire	280,663	90,244	370,907	-
	Impact Fees - Transportation	940,323	188,923	1,129,246	-
	Impact Fees - Police	18,632	9,855	28,487	-
	Impact Fees - Parks	148,014	69,020	217,034	-
	Unassigned	20,000	15,000	-	35,000
2400	Light Maintenance	111,684	101,500	130,000	83,184
2500	Street Maintenance	945,335	2,053,753	2,148,367	850,721
2600	Sidewalks	96,376	5,200	-	101,576
2650	Business Improvement District	16,293	44,600	60,892	1
2700	Park Improvement SRF	63,583	1,000	64,582	1
2750	Law Enforcement Joint Equipment	-	-	-	-
2820	Gas Tax	1,236,550	415,000	688,219	963,331
2850	911 Emergency	-	130,000	126,250	-
2991	American Rescue Plan	106,647	-	106,387	260
TOTAL SPECIAL REVENUE FUNDS		7,855,227	7,182,078	10,398,241	4,635,314
DEBT SERVICE FUNDS					
3002	2016 Fire Truck GOB	13,252	58,005	52,157	19,100
3003	2000 Fire Truck GOB	-	-	-	-
3200	West End Tax Increment District	274,766	500	275,265	1
3400	SID Revolving	109,891	3,000	-	112,891
3550	SID 179 - West End	73	-	-	73
3600	SID 181 - Green Acres	23,990	58,469	53,008	29,451
3955	SID 180 - Carol Lane	1	-	-	1
TOTAL DEBT SERVICE FUNDS		421,973	119,974	380,430	161,517
CAPITAL PROJECT FUNDS					
4010	Capital Improvement	123,316	2,000	125,316	-
4020	Library Capital Improvement	26,455	500	26,955	-
4099	Railroad Crossing Levy	-	-	-	-
4205	Regional Sewer	-	-	-	-
TOTAL CAPITAL PROJECT FUNDS		149,771	2,500	152,271	-
ENTERPRISE FUNDS					
5210	Water	3,467,587	2,314,758	3,403,188	2,379,157
5310	Sewer	1,260,888	3,214,425	3,446,499	1,028,814
5410	Solid Waste	1,326,457	2,906,470	2,363,189	1,869,738
5510	Ambulance Services	1,793,785	2,696,356	2,753,014	1,737,127
TOTAL ENTERPRISE FUNDS		7,848,717	11,132,009	11,965,890	7,014,836
PERMANENT FUNDS					
8010	Perpetual Cemetery	261,026	13,941	10,441	264,526
TOTAL ALL FUNDS		19,369,980	26,872,936	31,775,333	14,463,833

Resolution No. 5164 Approving the Final Budget for FY 2025-2026

Page 2

File Attachments for Item:

B. RESOLUTION 5165: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM.



DATE: July 15, 2025
TO: Chair Schwarz and City Commissioners
FROM: Paige Fetterhoff
RE: Staff Report for Resolution 5165

Recommendation and Summary

Staff is recommending the Commission Approve Resolution 5165 to approve increasing water rates for FY 2025-2026

"I move to approve Resolution Number 5165 and authorize the Chair to sign the resolution."

The reasons for the recommendation are as follows:

- Operating costs continue to rise.
- Capital costs are increasing at a rate that is making it difficult to fund the replacement of aging infrastructure.

Introduction and History

The City operates 6 wells, historically 2 are need from October through March then increasing each month from April to mid-July when water demand requires all wells to be running. Water connection fees and rates support the operations of the City's water system.

Analysis

Staff is recommending an increase of 4.22% which matches the observed rate of inflation over the past year. The increase will help offset increased costs of providing staff, operations and capital needs for water infrastructure and services.

For users the tiered rates will be charged as follows:



CITY OF LIVINGSTON PROPOSED WATER RATES			
GALLONS		PROPOSED	
FROM	TO	CONNECTION FEE	USAGE FEE
-	-	16.74	-
1	10,000	16.74	3.87
10,001	20,000	16.74	4.08
20,001	40,000	16.74	4.30
>40,001		16.74	4.54

A review of customer water usage for the past year shows the following data:

	TIER 1	TIER 2	TIER 3	TIER 4
% OF BILLING	62.17%	15.66%	5.93%	16.24%
% OF USERS	86.15%	10.18%	2.12%	1.55%

Fiscal Impact

The expected increase in revenue for the FY 2026 year is approximately \$87,106. This projections is based on historical usage along with the implementation of tiered rates.

Strategic Alignment

Continue to support operations and the infrastructure of the City.

Attachments

- Resolution 5165

RESOLUTION NO. 5165

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM.

WHEREAS, the City of Livingston operates water facilities and services as enterprise funds, i.e. that the cost of providing the services to the general public on a continuing basis are financed or recovered through user charges and are not supported by the general tax levy; and

WHEREAS, 69-7-101 *et seq.* Montana Code Annotated (MCA), authorizes increases in utility rates when deemed necessary by the City Commission; and

WHEREAS, the costs of providing water services and improving infrastructure continues to rise necessitating a rate increase; and

WHEREAS, a 4.22% increase in the connection fee and the tiered usage rate will result in a monthly increase of approximately \$0.84 to \$2.28, depending on the amount of water consumed by the customer all as set forth in Exhibit A, which is attached hereto and incorporated by this reference as though fully set forth herein; and

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

The City Commission of the City of Livingston, Montana hereby increases the water connection fee and water usage rate 4.22% for its customers to become effective for water usage starting July 2025, to be billed in August 2025.

BE IT FURTHER RESOLVED that Notice, attached hereto as Exhibit B and incorporated herein by reference, be published in accordance with law, and a copy of this Resolution be mailed to the Montana Consumer Counsel as required by 69-7-111(5) MCA.

BE IT FURTHER RESOLVED that Notice, attached hereto as Exhibit C, and incorporated herein by reference was mailed to each customer in accordance with law.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 15th day of July, 2025.

QUENTIN SCHWARTZ - Chairperson

ATTEST:

APPROVED AS TO FORM:

EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney

Exhibit A to Resolution No. 5165

Residential Rates
(based on a standard 5/8" meter)

CITY OF LIVINGSTON PROPOSED WATER RATES					
GALLONS		CURRENT		PROPOSED	
FROM	TO	CONNECTION FEE	USAGE FEE	CONNECTION FEE	USAGE FEE
-	-	16.06	-	16.74	-
1	10,000	16.06	3.71	16.74	3.87
10,001	20,000	16.06	3.91	16.74	4.08
20,001	40,000	16.06	4.13	16.74	4.30
>40,001		16.06	4.36	16.74	4.54

Commercial Rates

METER SIZE	GALLONS	BASE CHARGE	PER 1000 GALLONS
3/4"	Up to 7,000	\$ 43.83	\$3.71 for usage above 7,000 gallons
1"	Up to 15,000	\$ 75.84	\$3.91 for usage above 15,000 gallons
1 1/2"	Up to 25,000	\$ 117.74	\$4.13 for usage above 25,000 gallons
2"	Up to 42,000	\$ 191.32	\$4.36 for usage above 25,000 gallons
3"	Up to 60,000	\$ 273.04	\$4.36 for usage above 25,000 gallons
4"	Up to 100,000	\$ 454.64	\$4.36 for usage above 100,000 gallons
6"	Up to 275,000	\$ 1,249.14	\$4.36 for usage above 275,000 gallons

Exhibit B – Public Notice**NOTICE**

Notice is hereby given that the Livingston City Commission will conduct a public hearing in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana on July 15th, 2025, at 5:30 p.m. on **Resolution No. 5165**, entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO ADJUST RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM**, resulting in an increase of approximately \$0.84 to \$2.28 for residential customers, depending on the amount of water consumed by the customer. All interested persons are invited to attend the public hearing, to make comments or make objections thereto. For additional information contact the City of Livingston Finance Department at 220 E Park Street, Livingston, MT, 59047, or by phone at (406) 222-1142.

Please publish three (3) times at least 6 (six) days apart, with the first publication being no more than 28 days prior to the hearing and the last being no less than 3 days prior to the hearing. In addition, please mail a copy to the Consumer Counsel in Helena.

**COMBINED NOTICE OF PUBLIC HEARINGS ON
PROPOSED RATE INCREASES FOR WATER AND
WASTE WATER EFFECTIVE JULY 2025**

Notice is hereby given that the City Commission of Livingston, Montana, will conduct public hearings on Resolutions 5165 and 5163 in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on July 15th, 2025, at 5:30 p.m. of its intent to increase the Water Rate in the amount of 4.22% (approximately \$0.84 to \$2.28), depending on the amount of water consumed by the customer) and the Sewer Rate in the amount of 4.22% (approximately \$0.97 to \$4.77). See the attached schedules. The public is invited to attend and comment on the proposed rate increases. For further information, contact the City of Livingston Finance Department at 220 E Park Street, Livingston, MT, 59047, or by phone at (406) 222-1142.

Please mail at least 7 days and no more than 30 days prior to the hearing to each customer including an estimate of the amount the customer's average bill will increase.

CITY OF LIVINGSTON PROPOSED WATER RATES					
GALLONS		CURRENT		PROPOSED	
FROM	TO	CONNECTION FEE	USAGE FEE	CONNECTION FEE	USAGE FEE
-	-	16.06	-	16.74	-
1	10,000	16.06	3.71	16.74	3.87
10,001	20,000	16.06	3.91	16.74	4.08
20,001	40,000	16.06	4.13	16.74	4.30
>40,001		16.06	4.36	16.74	4.54

CITY OF LIVINGSTON PROPOSED SEWER RATES			
GALLONS	CURRENT	PROPOSED	INCREASE
0	\$ 22.90	\$ 23.87	\$ 0.97
1000	\$ 31.98	\$ 33.33	\$ 1.35
2000	\$ 41.06	\$ 42.79	\$ 1.73
3000	\$ 50.14	\$ 52.25	\$ 2.11
4000	\$ 59.22	\$ 61.71	\$ 2.49
5000	\$ 68.30	\$ 71.17	\$ 2.87
6000	\$ 77.38	\$ 80.63	\$ 3.25
7000	\$ 86.46	\$ 90.09	\$ 3.63
8000	\$ 95.54	\$ 99.55	\$ 4.01
9000	\$ 104.62	\$ 109.01	\$ 4.39
10000	\$ 113.70	\$ 118.47	\$ 4.77

File Attachments for Item:

C. RESOLUTION 5166: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WASTEWATER SYSTEM.



DATE: July 15, 2025

TO: Chair Schwarz and City Commissioners

FROM: Paige Fetterhoff

RE: Staff Report for Resolution 5166

Recommendation and Summary

Staff is recommending the Commission Approve Resolution 5166 to approve and adopt an increase wastewater rates for FY 2025-2026

"I move to approve Resolution Number 5166 and authorize the Chair to sign the resolution."

The reasons for the recommendation are as follows:

- Operating costs continue to rise.
- Capital costs are increasing at a rate that is making it difficult to fund the replacement of aging infrastructure.

Introduction and History

Wastewater connection fees and rates support the operations of the City's sewer system, including both the collection and treatment systems. Staff is recommending an increase to all sewer rates by the observed rate of inflation of 4.22%. The cost of providing staff, operating and capital needs for wastewater infrastructure and services continues to increase.

Analysis

User charges is the primary source of revenue for the wastewater system. Over the past several years, there has been a significant increase to the cost of providing wastewater services to the community. In addition, the Sewer Fund has several outstanding debt obligations with covenants that require the City to maintain debt service coverage equal to 125%. Because of this, as operating costs continue to rise, so must the rate system users are charged.

The average residential user will pay between \$0.97 and \$4.77 in additional costs as a result of this rate change.

**Fiscal Impact**

The expected increase in revenue for the FY 2026 year is approximately \$125,230. This projection is based on historical usage.

Strategic Alignment

User rate structures must be set in a manner that enables the City to continue to support operations and the infrastructure of the City.

Attachments

- Resolution 5163

RESOLUTION NO. 5166

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WASTEWATER SYSTEM.

WHEREAS, the City of Livingston operates water and sewer facilities and services as enterprise funds, i.e. that the cost of providing the services to the general public on a continuing basis are financed or recovered through user charges and are not supported by the general tax levy; and

WHEREAS, 69-7-101 *et seq.* Montana Code Annotated (MCA), authorizes increases in utility rates when deemed necessary by the City Commission; and

WHEREAS, the costs of providing wastewater services, improving infrastructure, and meeting bonded debt coverage continues to rise necessitating a rate increase; and

WHEREAS, by Resolution No. 5138, effective July 2024, the City last raised its sewer rates by 8%; and

WHEREAS, a 4.22% increase in sewer rates will result in a monthly increase of \$0.97 to \$4.77 per month depending on sewer usage, all as set forth in Exhibit A, which is attached hereto and incorporated by this reference as though fully set forth herein; and

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

The City Commission of the City of Livingston, Montana hereby increases the sewer rate for its customers in the amount of 4.22% to become effective for sewer usage starting July 2025, to be billed in August, 2025.

BE IT FURTHER RESOLVED that Notice, attached hereto as Exhibit B, and incorporated herein by reference was mailed to each customer in accordance with law.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 15th day of July, 2025.

QUENTIN SCHWARZ - Chairperson

ATTEST:

APPROVED AS TO FORM:

EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney

Exhibit A- Sewer Rate changes based on 4.22% increase

CITY OF LIVINGSTON PROPOSED SEWER RATES			
GALLONS	CURRENT	PROPOSED	INCREASE
0	\$ 22.90	\$ 23.87	\$ 0.97
1000	\$ 31.98	\$ 33.33	\$ 1.35
2000	\$ 41.06	\$ 42.79	\$ 1.73
3000	\$ 50.14	\$ 52.25	\$ 2.11
4000	\$ 59.22	\$ 61.71	\$ 2.49
5000	\$ 68.30	\$ 71.17	\$ 2.87
6000	\$ 77.38	\$ 80.63	\$ 3.25
7000	\$ 86.46	\$ 90.09	\$ 3.63
8000	\$ 95.54	\$ 99.55	\$ 4.01
9000	\$ 104.62	\$ 109.01	\$ 4.39
10000	\$ 113.70	\$ 118.47	\$ 4.77

**COMBINED NOTICE OF PUBLIC HEARINGS ON
PROPOSED RATE INCREASES FOR WATER AND
WASTE WATER EFFECTIVE JULY 2025**

Notice is hereby given that the City Commission of Livingston, Montana, will conduct public hearings on Resolutions 5162 and 5163 in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on July 15th, 2025, at 5:30 p.m. of its intent to increase the Water Rate in the amount of 4.22% (approximately \$0.84 to \$2.28), depending on the amount of water consumed by the customer) and the Sewer Rate in the amount of 4.22% (approximately \$0.97 to \$4.77). See the attached schedules. The public is invited to attend and comment on the proposed rate increases. For further information, contact the City of Livingston Finance Department at 220 E Park Street, Livingston, MT, 59047, or by phone at (406) 222-1142.

Please mail at least 7 days and no more than 30 days prior to the hearing to each customer including an estimate of the amount the customer's average bill will increase.

CITY OF LIVINGSTON PROPOSED WATER RATES					
GALLONS		CURRENT		PROPOSED	
FROM	TO	CONNECTION FEE	USAGE FEE	CONNECTION FEE	USAGE FEE
-	-	16.06	-	16.74	-
1	10,000	16.06	3.71	16.74	3.87
10,001	20,000	16.06	3.91	16.74	4.08
20,001	40,000	16.06	4.13	16.74	4.30
>40,001		16.06	4.36	16.74	4.54

CITY OF LIVINGSTON PROPOSED SEWER RATES			
GALLONS	CURRENT	PROPOSED	INCREASE
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7000	\$ 86.46	\$ 90.09	\$ 3.63
8000	\$ 95.54	\$ 99.55	\$ 4.01
9000	\$ 104.62	\$ 109.01	\$ 4.39
10000	\$ 113.70	\$ 118.47	\$ 4.77

File Attachments for Item:

D. ORDINANCE 3061: 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 RECENTLY ANNEXED PROPERTY ADDRESSED AT 38 LOVES LANE AND LEGALLY DESCRIBED AS LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC 23, T02S, R09E, P.M.M PARK COUNTY, MONTANA AS MIXED USE (MU).



LivingstonMontana.org | PublicComment@LivingstonMontana.org |
406.823.6000

DATE: July 15, 2025
TO: Chair Schwarz and City Commissioners
FROM: Jennifer Severson, Planning Director
RE: **Staff Report for a Map Amendment to Chapter 30 of the Livingston Municipal Code for the Parcel Located at 38 Loves Lane**

Recommendation and Summary

Staff recommends the Commission approve the proposed map amendment to the City of Livingston Zoning Code Chapter 30 by adopting the following motion:

"I move to approve the second reading of Ordinance 3061 to amend the City of Livingston Zoning Code Section 30.13 related to the Official Zoning Map, to zone the parcel located at 38 Loves Lane Mixed Use, and to authorize the Chair to sign Ordinance 3061."

The reasons for the recommendation are as follows:

- The City must amend its Official Zoning Map to zone newly annexed property.
- The Consolidated Land Use Board voted to recommend that the Commission approve the rezoning request.

Introduction and History

On April 15, 2025, the City Commission Adopted Resolution 5159 (Attachment B) approving the annexation of the property located at 38 Loves Lane and legally described as LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC 23, T02S, R09E, P.M.M PARK COUNTY, MONTANA. The parcel is 2.439 acres in size and includes a single-family residence and several accessory structures. A map of the annexed parcel is shown in Figure 1 below. An amendment is required to update the City's Official Zoning Map to include the newly annexed property.



Analysis

The subject property is adjacent to City limits at its southeast corner and is bordered by lands within unincorporated Park County on its east, south and west sides, and it is flanked by I-90 to the north, Miller Drive to the east, Loves Lane to the south and a private residential property to the west. The neighborhood surrounding the subject property includes private residences and suburban agricultural uses, a self-storage facility, townhomes and multifamily condominiums (zoned R3 High Density Residential), with Highway Commercial (HC) uses between the multifamily residential development and US 89 S (See Attachment C Zoning Map).

The applicant is under contract to sell the subject property to a third party; once zoning is established the property will be leased to the United States Department of Agriculture (USDA) through the third party. This will allow the USDA to move their existing office from its current location, at 5242 US Hwy 89S, to 38 Loves Lane. It is anticipated the move to a larger facility in a more central location will allow USDA to provide additional convenience and ease of access to the residents of Park County and the greater public, at large. The subject property is located within the area the City's Growth Policy identifies as the Extra-Territorial Jurisdiction (ETJ). However, the Future Land Use Map in the Growth Policy does not identify any recommended land use for the property



Figure 1 – Annexed Property at 38 Loves Lane



(Attachment D). The property is currently served by well water and a septic system, and the owner is required to connect to City water and sewer at their expense before new or redevelopment can occur.

Staff recommends the subject property be zoned Mixed Use (MU), which is defined in Chapter 30 of the Livingston Municipal Code as *"A district intended to accommodate a mix of residential, neighborhood scale commercial services and offices, and small-scale manufacturing"*. As shown in the Table 30.40 (Attachment E), Business and Professional Offices are Allowed uses 'by right' in the MU zoning district and will enable the USDA to establish a new office facility at this location that complies with the code.

As required by Sec 2-110, the new USDA building must undergo Site Plan Review which will evaluate the new development and its potential impacts on the surrounding neighborhood, including: the safety of vehicular, bicycle and pedestrian ingress and egress; conformance with the City's Public Works Design Standards and Specification Policy; traffic; and landscaping and screening, among other criteria. The City may require conditions of approval to mitigate potential impacts the new development may have on its surroundings.

Consolidated Land Use Board Recommendation

At its May 14, 2025 meeting, the Land Use Board (LUB) unanimously recommended the City Commission approve the staff recommendation to zone the subject property Mixed Use (MU) by a vote of 4-0. No public comments were submitted. Board members briefly discussed concerns about anticipated increase to traffic on Loves Lane and the surrounding road network and the need for a Traffic Impact Study (TIS) at the time the future building undergoes Site Plan Review (SPR) and asked for clarification that the developer of the new office building will be responsible for the cost of connecting to City services. Staff confirmed that a TIS will be required for SPR and that the developer will be responsible for the cost of connecting to City water and sewer. Staff also confirmed that if the TIS determined road improvements are necessary as a result of the increased traffic, the developer will be responsible for the installation and costs of those improvements.

Findings of Fact

Criteria and Guidelines for Zoning Regulations (MCA 76-2-304):

(1) Zoning regulations must be:

(a) made in accordance with a growth policy:



The Future Land Use Map in the Growth Policy does not provide a recommendation for land use on the subject property, if annexed. However, the recommendation to zone the property MU is supported elsewhere the Growth Policy.

- *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 property is directly accessed by Loves Lane and Miller Drive, and the City's water and sewer infrastructure currently extends to the southeast corner of the subject parcel, where these two streets intersect. This infrastructure can be easily extended to serve new development on the parcel and the property owner will be required to connect to City utilities at their own expense.
- *Strategy 3.4.3.2: Encourage development near transit routes and active transportation infrastructure to promote development that produces minimal strain on the environment and existing transportation infrastructure.*
 - The subject property is adjacent to Loves Lane, which provides access to the major transportation routes along US Hwy 89S and I-90, less than 1/3 of a mile to the east. Additionally, the Hwy 89 South multi-use trail provides direct access to downtown Livingston to the north and highway commercial services and Paradise Valley to the south.
- *Strategy 6.1.5.8: Dedicate resources to strategies designed to help the local economy by investing in local businesses.*
 - The establishment of expanded office space by USDA will allow for the retention of local jobs and continued support of local services by its employees, which will enhance the general welfare of the Livingston community.

(b) designed to:

(i) secure safety from fire and other dangers;

As stated above, the owner will be required to extend City water service to the property, which will improve fire protection and safety on site. All future development on this property will be required to meet all adopted fire and building codes, ensuring safe conditions on the property and surrounding areas.

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

All future development on this property will be required to meet adopted fire and building codes, ensuring safe conditions on the property and surrounding areas.



Furthermore, retention of USDA jobs, and the local businesses supported by its employees, promotes the general welfare of the community and its citizens.

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

As stated above, the property has direct access to US Hwy 89 S and the I-90 interchange via Loves Lane. Although the construction of new offices on the subject property may allow for some additional employment opportunities at this USDA facility, it is Staff's understanding that the majority of personnel will be from the existing USDA office located at 5242 Hwy 89 S. Any increase to enrollment at area Park County Schools is expected to be minimal and would not be a direct result of the zoning of the parcel. Sewer and water infrastructure needs for the new office building is be assessed during the analysis required during the Site Plan Review process.

- (2) In the adoption of zoning regulations, the municipal governing body shall consider:*
(a) reasonable provision of adequate light and air;

It is not anticipated that zoning the property to allow a mix of uses will inhibit the reasonable provision of adequate light and air to the subject parcel or the surrounding neighborhood. New buildings must comply with applicable property setbacks for the MU District in the City's zoning code, and with building setbacks as required by the International Building Code.

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

The property is accessed by Loves Lane and Miller Drive, and has direct access to US 89S and the I-90 interchange via Loves Lane and the existing Hwy 89 S multi-use trail provides bike and pedestrian access to downtown Livingston to the north and highway commercial services and Paradise Valley to the south. A new USDA office building will require a Traffic Impact Study (TIS) as part of the Site Plan Review process before a building permit will be issued.

Although there will be additional vehicular trips on Loves Lane generated by a new office building, Staff anticipates the peak travel times for existing residents and road users will not be significantly impacted, since it is likely the majority of USDA employees will be traveling westbound on Loves Lane in the morning (when neighborhood residents will likely be traveling eastbound to travel to work or school); conversely, it is likely the majority of USDA employees will be traveling eastbound on Loves Lane in the afternoon (when most neighborhood residents will be traveling westbound to return home). However, if the TIS indicates the level of service of the nearby transportation network will be negatively impacted by the new development,



as staff anticipates it will, the property owner will be responsible for installing treatments that will mitigate these impacts.

(c) promotion of compatible urban growth;

The neighborhood surrounding the subject parcel includes single and multifamily residences, a self-storage facility, marijuana retail store, hotel, large grocery store, truck stop and casino, and several other auto-centric uses as allowed in the HC zoning district. Staff anticipates that the diversity of uses allowed in the MU district will provide a transition between higher intensity commercial businesses and multi-family development to the east and the existing suburban residential development to the south and west. Additionally, requirements for landscaping and screening that will be required for new commercial development on the subject parcel will help to buffer traffic noise from I-90 to the north toward the residential neighborhoods south of Loves Lane.

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

The City recently adopted a Gateway Overlay Design district for commercial development near key community gateways identified in the Growth Policy. The purpose of the overlay district is to define and celebrate Livingston's unique and character, provide welcoming entry points into town, and encourage buildings that reflect pedestrian scale. As required under Sec 30.46.C.2, new buildings in the district that are larger than those existing in the area shall establish a transition in scale to reduce the impact of building scale on the neighborhood. If the proposed MU zoning is approved, the parcel will be integrated into the Gateway Overlay District and the new USDA building will be subject to the building design standards in Sec 30.46.

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

The existing single-family residence and accessory structures will be removed to allow for the construction of the new USDA facility. Staff finds that the new office building and related improvements, combined with the owner's investment to extend the City's water infrastructure to service the new development, encourages the appropriate use of this annexed property.

Fiscal Impact

The developer will be responsible for the cost of connecting to City water and sewer infrastructure at the time of building permit for new development on the subject parcel, including the payment of



City Impact Fees. Because the property will be leased to the USDA but owned and managed by a private company, the City will assess and collect property taxes on the future development.

Strategic Alignment

As discussed above, zoning this parcel as Mixed Use aligns with several strategies in the Growth Policy.

Staff Recommendation

For the reasons outlined above, Staff finds that the proposed Mixed Use (MU) zoning designation meets the requirements of the City of Livingston and State Statute. At its June 17, 2025 meeting, the Commission voted unanimously to approve the first reading of Ordinance 3061. Staff recommends that the City Commission approve the second reading of Ordinance 3061 to zone the property at 38 Loves Lane Mixed Use (MU) and to adopt the map amendment to the Official Zoning Map as proposed.

Attachments

- A. Draft Ordinance 3061
- B. Resolution 5159
- C. Zoning Map
- D. Growth Policy Future Land Use Map
- E. Table 30.40 - Mixed Use

ORDINANCE NO. 3061

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 RECENTLY ANNEXED PROPERTY ADDRESSED AT 38 LOVES LANE AND LEGALLY DESCRIBED AS LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC 23, T02S, R09E, P.M.M PARK COUNTY, MONTANA AS MIXED USE (MU).

* * * * *

Purpose

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

WHEREAS, 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 adopting Resolution 5159 on April 15, 2025;

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 City of Livingston Consolidated Land Use Board, after a public hearing held on May 14, 2025, voted unanimously (4-0) to recommend the City Commission zone the subject parcel as Mixed Use (MU);

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 PROPERTY ADDRESSED AT 38 LOVES LANE AND LEGALLY DESCRIBED AS LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC 23, T02S, R09E, P.M.M PARK COUNTY, MONTANA AS MIXED USE (MU)

SECTION 2

Statutory Interpretation and Repealer:

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

SECTION 3

Severability:

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

SECTION 4

Savings provision:

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

SECTION 5

Effective date:

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

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

QUENTIN SCHWARZ, CHAIR

ATTEST:

Emily Hutchinson
City Clerk

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

QUENTIN SCHWARZ, CHAIR

ATTEST:

APPROVED TO AS FORM:

EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney



LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: April 15, 2025
TO: Chair Schwarz and City Commissioners
FROM: Grant Gager, City Manager
RE: Staff Report for Resolution 5159

Recommendation and Summary

Staff recommends the Commission approve Resolution 5159 by adopting the following motion:

"I move to approve Resolution 5159 and authorize the Chair to sign."

The reasons for the recommendation are as follows:

- Montana Code Annotated establishes certain requirements for the annexation of land.
- The City has received a request from a property owner to be annexed into the City.

Introduction and History

Montana Code Annotated (MCA) has established procedures for the annexation of land in certain circumstances. Section 46 of Chapter 2 of Title 7 establishes the procedure for annexation of land by petition of owners. When a majority ownership interest requests annexation by petition, MCA 7-2-4601(3)(b) provides that "The governing body may approve or disapprove a petition submitted [...] on its merits. When the governing body approves the petition, it shall pass a resolution providing for the annexation."

This subject parcel, 38 Loves Lane, was the subject of a request that was presented to the Commission on March 18 and April 1. That application has been withdrawn due to legal review and conversations with the applicant. The current application is from the registered Manager/Member and Registered Agent of the owner of record for the parcel.

Analysis

The City of Livingston has received a petition for annexation from the owners of the parcel at 38 Loves Lane. The owners have requested annexation. The application is compliant with the City's adopted annexation policy.

Fiscal Impact



The City will receive additional property tax revenue from the annexation. The additional revenue is expected to have a minimal revenue impact to the General Fund adding less than 1%.

Strategic Alignment

The annexation of lands is required before the provision of utility service pursuant to the City's current Annexation Policy. The application is compliant with the City's adopted annexation policy.

Attachments

- Attachment A: Resolution 5159
- Attachment B: Revised Petition of Annexation
- Attachment C: 2025 Secretary of State Filing for Applicant
- Attachment D: City of Livingston Annexation Policy

RESOLUTION NO. 5159

**A RESOLUTION OF THE CITY OF LIVNGSTON, MONTANA, ANNEXING THE
PARCEL AT 38 LOVES LANE.**

WHEREAS, Montana Code Annotated establishes procedures for the annexation of land pursuant to a petition by the owner in MCA 7-2-4601; and

WHEREAS, The City of Livingston has received a petition signed by more than 50% of the owners of the certain real property; and

WHEREAS, the City desires to annex such lands in accordance with its adopted Annexation Policy;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Livingston, Montana, that the land described in the attached Exhibit A is hereby annexed into and made a part of the City of Livingston, Montana.

PASSED AND ADOPTED by the City Commission of the City of Livingston, Montana, this 15TH day of April 2025.

QUENTIN SCHWARZ – Chair

ATTEST:

APPROVED AS TO FORM:

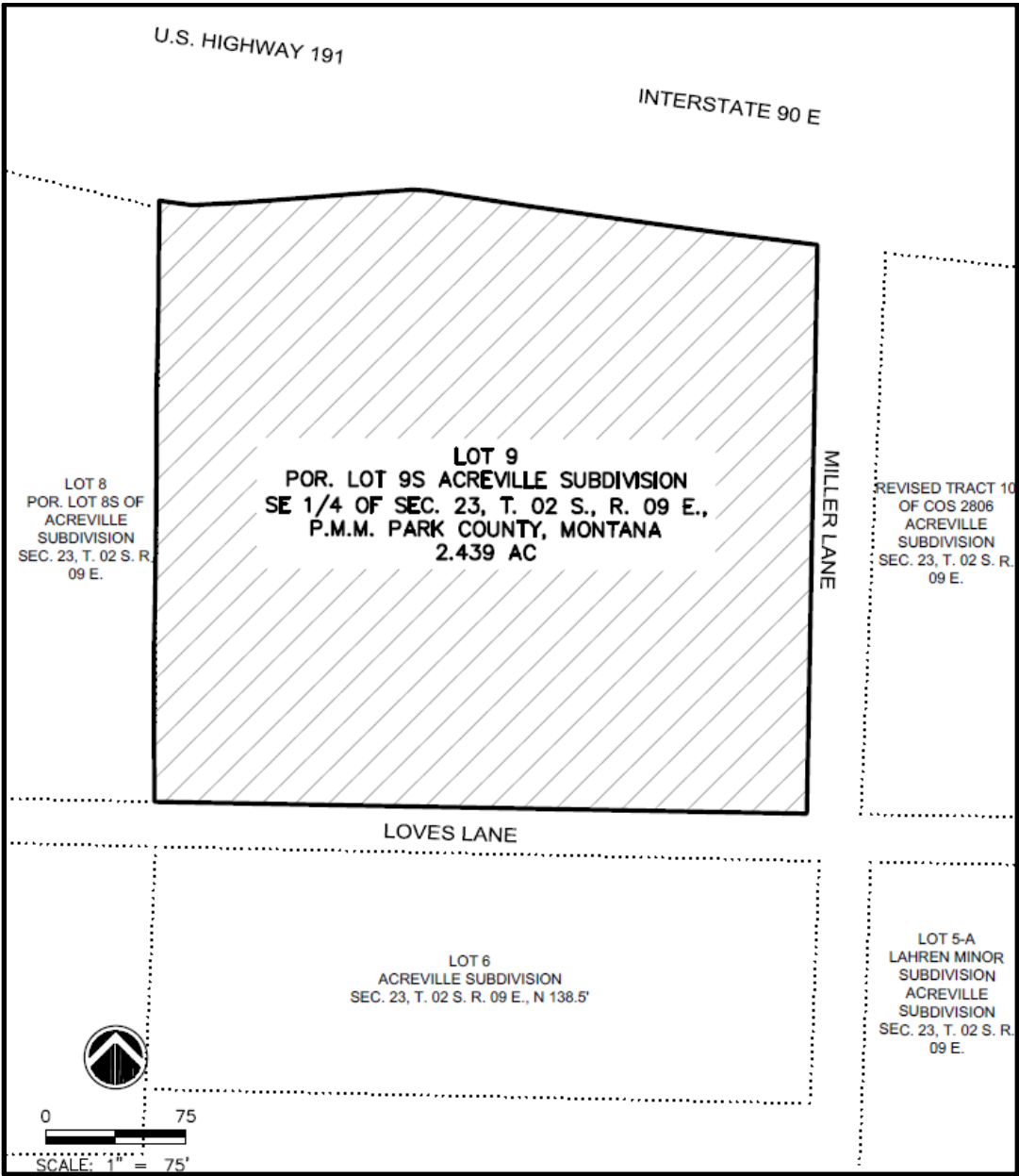
EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney

EXHIBIT A

Legal Description of Annexed Land

**LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC. 23, T. 02 S., R. 09 E.,
P.M.M. PARK COUNTY, MONTANA**



PETITION FOR ANNEXATION

Pursuant to 7-2-4601 *et seq.* Montana Code Annotated, we, the undersigned, being the owners of all of the property described on Exhibit A which is attached hereto and incorporated by this reference as though fully set forth herein, hereby petition the City of Livingston, Montana, to annex the property described by Exhibit A into the City of Livingston, Montana.

By executing this petition, we consent to said annexation and agree to cooperate fully with the officers and employees of the City of Livingston, Montana, to accomplish the annexation of the land described by Exhibit A.

Dated this 10th day of April, 2025.

PETITIONERS:

[Signature]
Signature

Tiera J. Groich
Printed name

557 St. Andrew's Drive, Bozeman MT 59715
Address

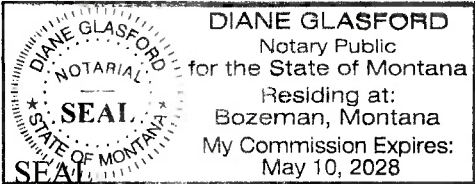
Signature

Printed name

Address

STATE OF MONTANA)
 : ss
County of Gallatin)

SIGNED AND SWORN before me on this 10th day of April, 2025, by Tiera J. Groich.



[Signature]
Notary Public for the State of Montana

EXHIBIT A

LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC. 23, T. 02 S., R. 09 E.,
P.M.M. PARK COUNTY, MONTANA


The undersigned hereinafter referred to as Petitioner respectfully petition the City Commission of the City of Livingston for annexation of a portion of the real property located at 38 Loves Lane, Livingston, Montana 59047, including the tract of record described as follows (referred to herein as "Property"):

The Petitioner requesting City of Livingston annexation of the Property described herein hereby mutually agree with the City of Livingston that immediately upon annexation of the land by the City of Livingston municipal water services will be provided to the Property described herein on substantially the same basis and in the same manner as such water services are provided or made available to other properties within the rest of the municipality. The Petitioner hereby states that there is no need to prepare a Municipal Annexation Service Plan for this annexation pursuant to Section 7-2-4610, M.C.A. since the parties agree as to the provision of municipal services to the property requested to be annexed.

In the event the Property is not immediately annexed, the Petitioner further agrees that this covenant shall run to, with, and be binding upon the title of the said real property, and shall be binding upon our heirs, assigns, successors in interest, purchasers, and any and all subsequent holder or owners of the above-described Property.

TIERA GOICH PROPERTY MANAGEMENT LLC

State of Montana County of Gallatin
Subscribed and sworn before me on April 9, 2005 by Tiera J. Groch
(Date)



ROBERT BRYAN KING
NOTARY PUBLIC for the
State of Montana
Residing at Belgrade, Montana
My Commission Expires
January 30, 2028

EXHIBIT A

LOT 9 POR. LOT 9S OF ACREVILLE SUBDIVISION SE ¼ OF SEC. 23, T. 02 S., R. 09 E.,
P.M.M. PARK COUNTY, MONTANA



STATE OF MONTANA
SECRETARY OF STATE
2025 ANNUAL REPORT

150

STATE OF MONTANA
-FILED-
SECRETARY OF STATE
File Number: 16525236
Date Filed: 2/18/2025 6:28:12 AM

Business Type									
Business Type	Domestic Limited Liability Company								
Business Sub-Type	Limited Liability Company								
Business Name									
Annual Report Year	2025								
Name of Business Entity	Tiera Goich Property Management LLC								
Montana File Number	C1184940								
Country of Organization	United States								
State of Organization	Montana								
Business Purpose	property management								
Business Mailing Address of Principal Office									
Address	TIERA GOICH 557 ST ANDREWS DRIVE BOZEMAN, MT 59715								
Business Physical Address of Principal Office									
Address	TIERA GOICH 557 ST ANDREWS DRIVE BOZEMAN, MT 59715-8748								
The registered agent on record is:									
Registered Agent	Tiera Goich Non-Commercial Registered Agent Agent Number RA1330806 Email Address tiera0224@gmail.com Website Physical Address 557 ST ANDREWS DR BOZEMAN, MT 59715-8748 Mailing Address 557 ST ANDREWS DR BOZEMAN, MT 59715-8748								
LLC Management									
LLC Managed By	Managers								
Managers									
<table><tr><th>Name Of Individual Or Business Entity</th><th>Business Mailing Address</th><th>Email Address</th><th>Active Registered Entity</th></tr><tr><td>Tiera Goich</td><td>TIERA GOICH 557 ST ANDREWS DRIVE BOZEMAN, MT 59715</td><td>tiera0224@gmail.com</td><td></td></tr></table>		Name Of Individual Or Business Entity	Business Mailing Address	Email Address	Active Registered Entity	Tiera Goich	TIERA GOICH 557 ST ANDREWS DRIVE BOZEMAN, MT 59715	tiera0224@gmail.com	
Name Of Individual Or Business Entity	Business Mailing Address	Email Address	Active Registered Entity						
Tiera Goich	TIERA GOICH 557 ST ANDREWS DRIVE BOZEMAN, MT 59715	tiera0224@gmail.com							
Declarations									
<input checked="" type="checkbox"/> I confirm I have reviewed the information set forth in this Annual Report and that all information is correct and factual.									
<input checked="" type="checkbox"/> I have been authorized by the business entity to file this document online.									

B1394-5945 02/18/2025 6:28 AM Received by MT Secretary of State Christi Jacobsen

<input checked="" type="checkbox"/> I, HEREBY SWEAR AND/OR AFFIRM, under penalty of law, including criminal prosecution, that the facts contained in this document are true. I certify that I am signing this document as the person(s) whose signature is required, or as an agent of the person(s) whose signature is required, who has authorized me to place his/her signature on this document.		
Signature		
<i>Self</i>	<i>Tiera Goich</i>	<i>02/18/2025</i>
Signer's Capacity	Sign Here	Date
Position	Manager/Member	
Daytime Contact		
Phone Number	(406) 451-4291	
Email	tiera0224@gmail.com	

ANNEXATION PLAN
CITY OF LIVINGSTON, MONTANA

Adopted February, 1997
Revised September, 2006

Introduction

This plan is intended to guide the City and County governments in all decisions concerning the extension of Livingston's municipal boundaries. In doing so, it will delineate a set of annexation criteria and identify areas where the Governing Bodies would like to direct future growth.

The Plan

In the past, Livingston's lack of an annexation policy has precluded any long-range planning "vision" of the development pattern that we would like to create. By basing annexation decisions on the criteria listed in this plan, the City of Livingston can take a more forward looking and structured approach to maintaining a livable and functional land use pattern for the benefit of all of its citizens.

The basic premise of this plan is that the City and County should, by being selective in their annexation decisions, direct growth to areas that have been identified as being economically and logistically easier to provide with sewer, water, solid waste, police and fire protection and other public services. The reasons for doing this are many. First, close proximity to public services means that those services can be provided more cheaply. Secondly, the City and County will be able to promote "in-fill" and avoid "sprawl" and "strip" commercial development while at the same time conserve open space and slow the rate of land consumption. Lastly, by following such a plan, the City and County can create a sense of knowledge, both for government and any prospective developers, about the future location of growth and public facilities.

Annexation Criteria

The attached map, Figure 1., will be reexamined at least every five (5) years and upon such examination may be updated or altered to reflect any change in land use needs. As a result of recent annexations and infrastructure development, new tracts of land located outside of the City should be taken into consideration for future annexations as shown by the maps attached hereto as Exhibit A.

ANNEXATION GUIDELINES

Based upon the attached map (Figure 1.) and the combined Ordinances of the City, the following guidelines will be used in making determinations as to annexation requests and sewer and water extensions:

1. Generally, to be considered for annexation, the property in question must fall within the City Services Growth Area as shown on Figure 1. or be in an area that is identified as already receiving City Services.
2. The use of City utilities beyond City boundaries often times necessitates annexation to

occur in a hap-hazard manner. For this reason extension of City sewer and water utilities beyond the established Growth Area boundaries will not be allowed. This will help to preserve the more rural and less dense development pattern at the edges of the City while encouraging more dense development to occur in the established urban areas.

3. Where utility extensions are proposed to property which is contiguous to the City Limits annexation will occur prior to any utility work or land development.

4. Impacts on transportation systems, solid waste collection and emergency services will be considered in requests for annexations. The City may require, at the expense of the person(s) requesting annexation, that a community impact report be prepared which may include, among other things, technical studies related to the above mentioned services.

5. Priority will given to those annexation requests which will 'fill-in' the City boundary by bringing into the City properties which separate previously annexed parcels from the remainder of the City.

6. Utility extensions into areas that can not be immediately annexed because they are not contiguous to the City limits will only be allowed if, in the judgment of the governing body, such extension will be an overall benefit to the community by providing needed utility service to the intervening property or by furthering the Growth Policy by directing growth to a desirable location.

7. Any application for the extension of City utilities beyond municipal boundaries must be accompanied by a Waiver of Annexation Protest. A Waiver of SID Protest must accompany utility extension requests both inside and outside of the City Limits when the area to be served does not have in place any of the following improvements:

- Streets built to City standards
- Sidewalks
- Curbs and gutters
- Storm Sewer
- Street Lights

Timing of installation of infrastructure may be altered in the case of new subdivisions. These improvements will be a condition of final plat approval.

This Policy will not serve in any way to require the City of Livingston to disallow any annexation request which is deemed by the governing body to be in the best interest of the City. However, the City may disallow any annexation request which is determined not to comply with this Policy.

ADMINISTRATIVE PROCEDURE

The following procedure will apply when processing annexation requests:

1. All annexation requests, whether from a property owner or originating from the City, will be reviewed by the Development Review Committee (DRC). If the DRC recommends approval, the following list of materials will be forwarded to the City Manager:

The common name of the property with the address of the owner.

A map of the property to be used as a Resolution Exhibit.

If already signed, a copy of the annexation waiver and withdrawal from rural fire district. (If not already signed, a blank withdrawal from rural fire district to be sent to property owner for signature)

A brief description of the reason for the annexation (i.e. property is served by City water, property is surrounded by City, etc.)

2. Resolution of Intent to Annex approved by City Commission.
3. Recording Secretary publishes Notice of Intent to annex in legal section of the Livingston Enterprise as provided by law.
4. Recording Secretary sends Resolution of Intent to Annex to all property owners involved (include Exhibit).
5. Resolution Annexing the property is considered by the City Commission.
6. Upon approval of annexation, Recording Secretary sends copies of the Resolution annexing the property and exhibits to the County Assessor, City Fire Chief, City Police Chief, Director of Public Works and City Planner. The same package plus the signed withdrawal from Rural Fire District go to the Clerk and Recorder and Park County Rural Fire Dept.
7. Recording Secretary sends Welcome to the City of Livingston form letter along with resolution and map to newly annexed property owners.

ZONING MAP

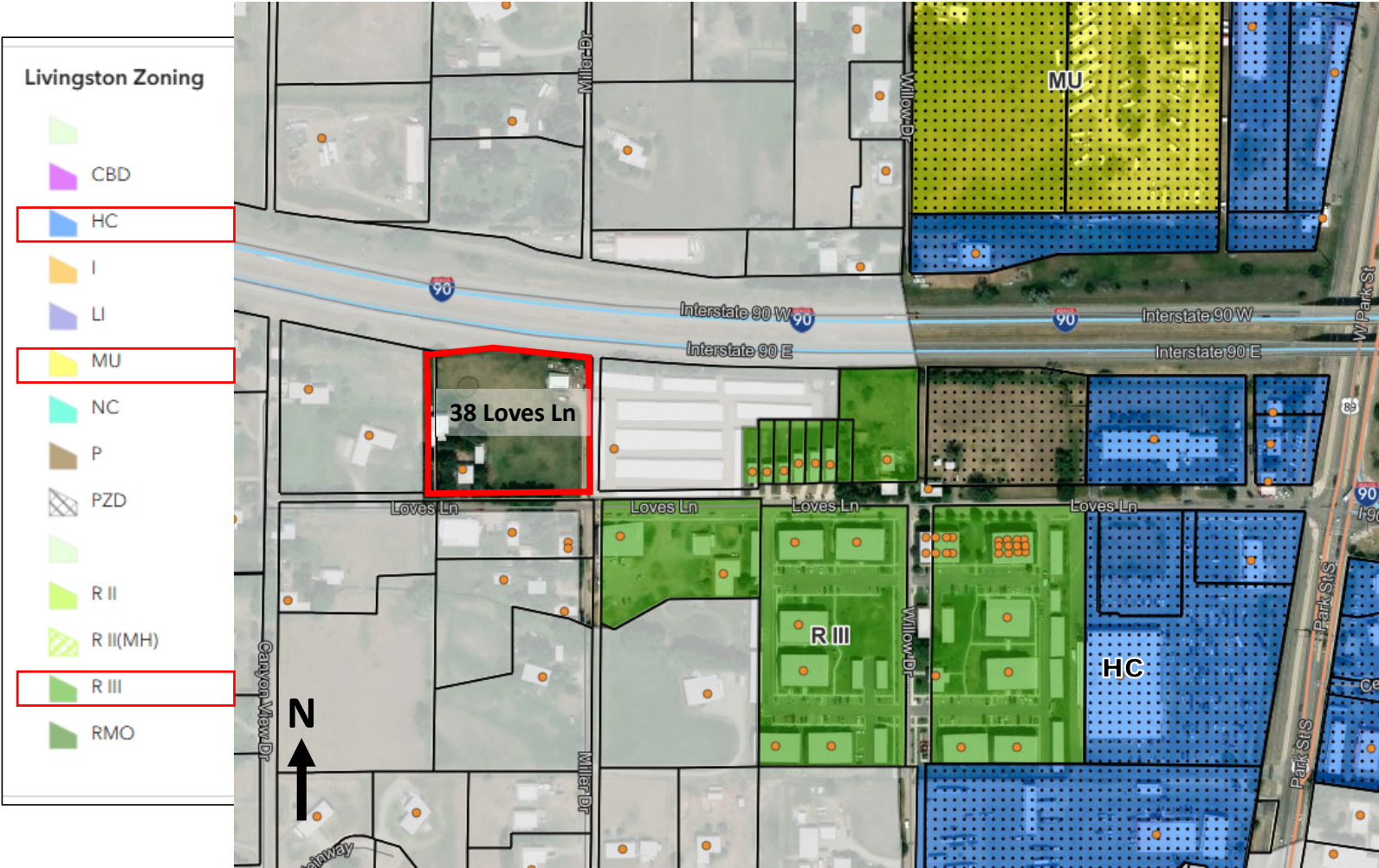


Exhibit 11.1: Recommended Future Land Use Map

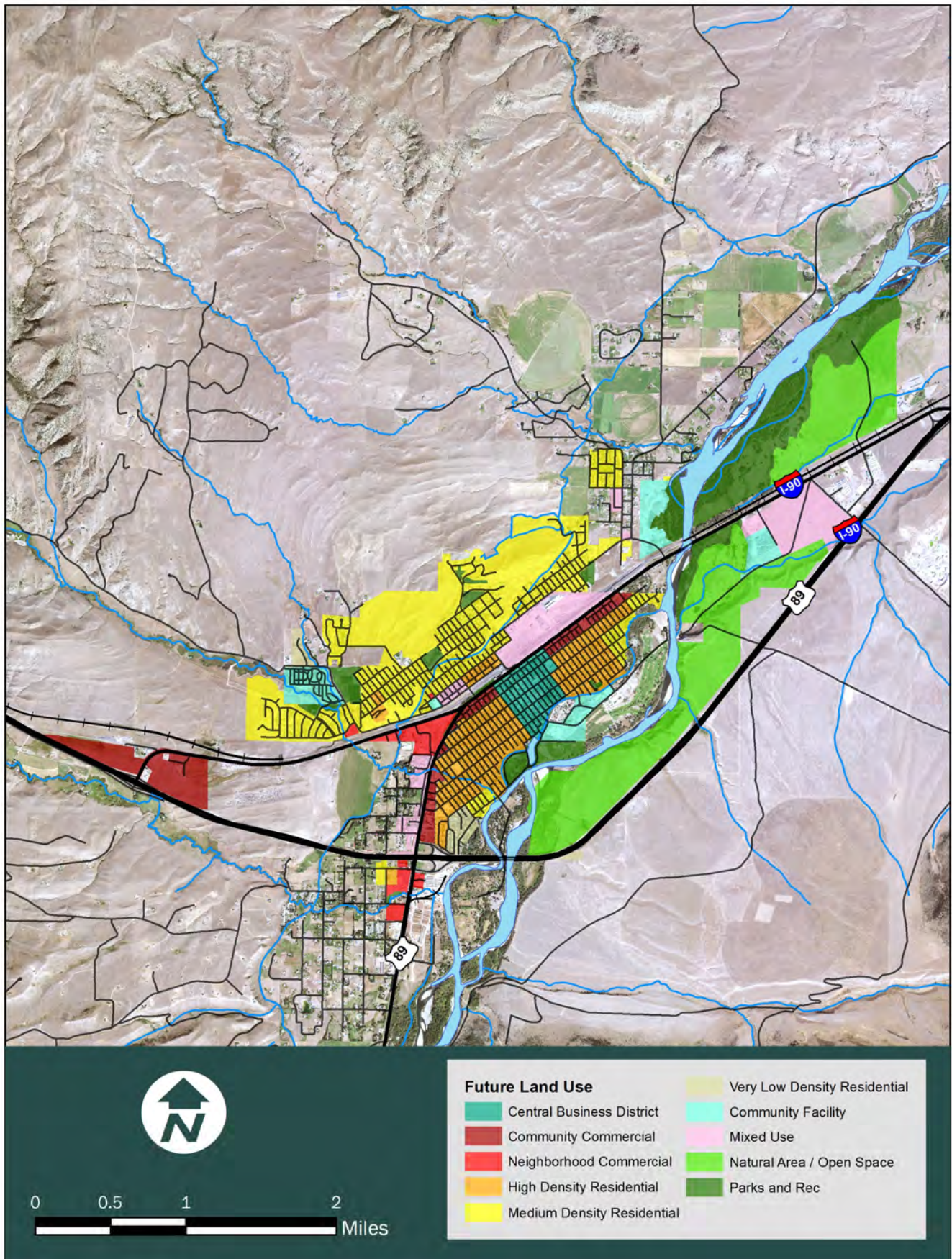


Exhibit 11.2: Recommended Future Land Use Map (Detailed)

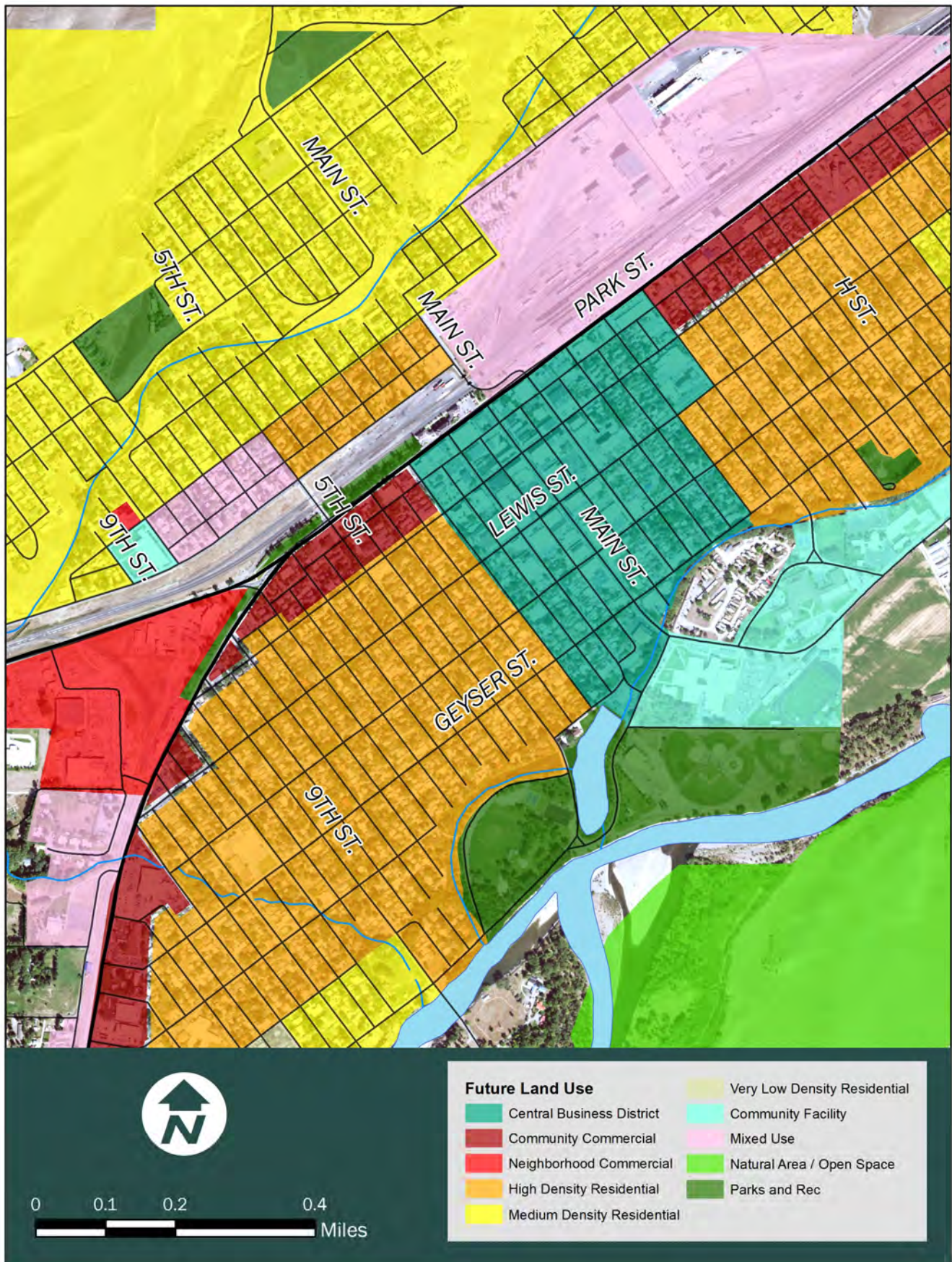


Table 30.40**List of Uses**

	MU
One (1) Family Dwellings*	A
Two (2) Family Dwellings	A
Multifamily Dwellings	A
Accessory Dwellings	A
Townhouses	A
Tiny Homes	A
Accessory Buildings	A
Mobile Homes	N
Modular Homes	A
Churches	S
Schools, Public, Private and Parochial	S
Schools, Trade	S
Hospitals/Institutions	S
Medical/Dental Clinics	A
Adult Foster Care Center ³	A
Personal Care Center	A
Child Care Center	A
Veterinarian Clinics	A
Kennels and Catterys	N
Laundromat	A
Bed and Breakfasts	A
Motels/Hotels	N
Travel Trailer Parks	N
Business and Professional Offices	A
Retail	A
Large-scale Retail	N
Personal Service Stores	A
Eating and Drinking Establishments (Sit-Down)	A
Drive-Thru Restaurants	N
Banks	A
Mortuary	S
Wholesale Businesses	N
Commercial Greenhouses	S
Gasoline Service Stations	N
Auto Repair Garage	N
Automobile Dealerships	N
Auto Salvage and Storage	N
Warehouse and Enclosed Storage	N
Machine Shop	N

A = Allowed S = Special Exception Permit Required N = Not Allowed

Artisan Manufacturing	A
Limited Manufacturing	A
General Manufacturing	N
Intensive Manufacturing	N
Cidery	A
Microbrewery/Microdistillery	A
Winery	A
Bowling Alley	S
Theater	S
Open-Air Stadiums, Sports Arenas and Amphitheaters	S
Lumberyards	N
Transportation Terminals	N
Radio Stations ⁴	A
Utility Substations	S
Armory	N
Cemetery	N
Government Offices	A
Public Recreation Facility	S
Health and Exercise Establishment	A
Marijuana Production Facility	N
Sexually Oriented Business	N

File Attachments for Item:

E. DISCUSSION OF DOWNTOWN MASTER PLAN IMPROVEMENTS



LivingstonMontana.org | PublicComment@LivingstonMontana.org |
406.823.6000

DATE: July 15, 2025
TO: Chair Schwarz and City Commissioners
FROM: Jennifer Severson, Planning Director
RE: **Staff Report For Traffic Calming and Placemaking Improvements Pilot Project as Recommended in the Downtown Master Plan**

Introduction and History

The City adopted a comprehensive Downtown Master Plan in fall 2024 that included recommendations for Mobility and Safety improvements in the plan area (Attachment A). These improvements will increase the safety of bikes, pedestrians and vehicles in the downtown and will also enhance visual aesthetics at the locations where the improvements are implemented. With the assistance of the Western Transportation Institute (WTI), the City has designed temporary curb extensions at the intersections of Main and Clark Streets and Callender and 2nd Streets. The improvements are intended to be temporary and the materials can be easily re-used at the same, or different, locations within the URA area in the future. Proposed improvements will be installed in the coming weeks and removed in by October 2025. Once removed, WTI will assess the effectiveness of the extensions to increase safety and mobility in the downtown area and these findings will inform future long-term traffic calming and placemaking improvements downtown.

Analysis

This pilot project includes the following improvements: curb extensions to increase pedestrian visibility for cars and bicycles approaching the intersection; planters that provide habitat for local pollinators and will add to the attractiveness of the downtown; and, benches to provide seating. Collectively, these improvements will slow down traffic as well as transform bare pavement and street corners into vibrant and welcoming places.

**Fiscal Impact**

The analysis and design of the project by WTI was paid for with Planning Department funds allocated in the FY 2024-25 budget. The improvements are located within the Urban Renewal Agency district and the URA provided funding for the project materials.

Strategic Alignment

The request for funding will directly support implementation of the Downtown Master Plan.

Attachments

- A. Mobility and Safety Improvements Recommendations in the Downtown Master Plan
- B. Intersection Improvements Design

STREETSCAPES & MOBILITY

STREETSCAPE IMPROVEMENTS

SM-1. Implement traffic calming measures within the Downtown to prioritize safety.

- Implement lower cost, temporary measures such as a neighborhood traffic circles during higher traffic and visitation seasons to evaluate the success of the intervention before installing permanent measures.
- Explore adding additional traffic control along highly trafficked corridors through the Downtown Study Area, such as Callender Street, to slow traffic entering the Downtown environment.
- Commit to permanent traffic calming measures in areas adjacent to the community’s most vulnerable users, such as near school facilities.
- Explore mid-block crossings in key locations of the Downtown, such as where alleys meet major streets, like the north end of Main Street, and along Callender, Lewis, Clark & Geyser between 2nd Street & Main Street and Main Street & B Street.
- Utilize visual signals such as painted crosswalks, accent paving, etc. to promote a safe and vibrant pedestrian environment.

SM-2. Work closely with the Montana Department of Transportation (MDT) to prioritize Park Street pedestrian safety improvements (SEE PARK STREET IMPROVEMENTS).

SM-3. Prioritize a safe, family-oriented multimodal connection along 2nd Street connecting the Central Business District to the river parks. (SEE 2ND STREET PROMENADE & MASTER PLAN FRAMEWORK DIAGRAM)


SM-4. Introduce clear gateway elements at key entrances into Downtown to encourage visitation into the Downtown. (SEE WAYFINDING/GATEWAYS & PLAN FRAMEWORK)

- ### SM-5. Add curb-extensions/bulb-outs in limited high-priority, pedestrian safety-focused locations, and evaluate community response before expanding implementation.
- Curb-extensions at high-traffic locations should be designed a with gentler turning radius to help avoid damage from turning trucks.
 - Leverage the City’s foresight in strategically locating storm drain inlets (in the recently rebuilt intersections project) so as not to preclude curb-extensions in the future.
 - High-priority locations should be along Park Street at Main & 2nd Street; at Main Street and Clark Street to signal the entry of the Festival/Greenway Street (when implemented).



Temporary, neighborhood traffic circle.

TRAILS & ACTIVE TRANSPORTATION PLAN

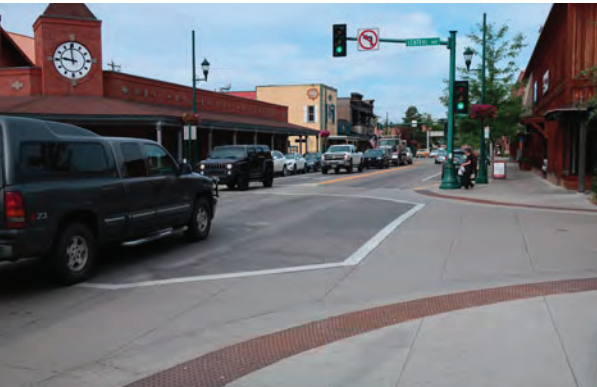


In April 2022, the City of Livingston adopted its Trails & Active Transportation Plan as an appendix to the Livingston Growth Policy. This detailed Plan is applicable to the entire City, but recommendations within the Downtown Master Plan Study Area served as foundational for several of the recommendations in this Plan. When implementing the Downtown Master Plan, the City should cross-reference the Trails & Active Transportation Plan to identify opportunities to broaden mobility by connecting to envisioned multimodal networks outside of the Study Area.

STREETSCAPES & MOBILITY



Mid-block crossings can help signal a priority of pedestrian safety in the Downtown environment.



Bulbouts with gentler turning radii and roll-up curbs in Downtown Whitefish, MT.



Provide signage to clearly communicate the intent of a higher-ease-of-use facility on roadways identified as Priority Bike Connections.

SM-6. Add pedestrian-scaled lighting on side streets in the Central Business District, particularly between 2nd Street & B Street along Callender Street, Lewis Street, Clark Street, & Geyser Street, to create a safer nighttime pedestrian environment.

- Consider pedestrian-scaled lighting along the south portion of Main Street, leading to the river parks. (SEE FESTIVAL/GREENWAY STREET)

SM-7. Minimize curb-cuts into the pedestrian environment, requiring new developments to take alley access when available.

ENHANCED CONNECTIVITY & MOBILITY OPTIONS

SM-8. Connect with safe and direct pedestrian & bicycle routes to key destinations for local residents. (SEE MASTER PLAN FRAMEWORK DIAGRAM)

- Enhance key corridors such as 5th Street, Yellowstone Street, 2nd Street, B Street (continuing to N. Main Street), Front Street, Lewis Street, and Geyser Street, which all connect adjacent neighborhoods to the Central Business District, the river parks, and community-serving destinations such as the Depot Center and the Shane Lalani Center for the Arts.

- When implemented, extend connections from the 2nd Street Promenade in the form of a multi-use trail along View Vista Drive, River Drive & the Yellowstone River frontage.

SM-9. Enhance connectivity to the residential neighborhoods north of Downtown by lessening the rail barrier.

- Improve the quality of crossings at 5th Street and at the Main to B Street underpass.
- Explore grade-separated crossing potential over the rail.
 - * Explore the potential of 8th Street, near the Washington School (outside of Study Area), as an opportunity for a longer-term bike/pedestrian crossing on the west side of Downtown.

SM-10. Create unique streetscape environments to visually signal prioritization of pedestrians and cyclists on key roadways. (SEE 2ND STREET PROMENADE, PARK STREET IMPROVEMENTS, AND FESTIVAL/GREENWAY STREET)

SM-11. Explore treatments for higher ease-of-use bicycle facilities (i.e. Bike Boulevards) on roadways that have wider rights-of-way and/or are identified Priority Bike Connections. (SEE MASTER PLAN FRAMEWORK DIAGRAM)

STREETSCAPES & MOBILITY

SM-12. Provide bike parking at key intersections, adjacent to businesses along bike routes, and where bike routes intersect the Downtown Study Area.

SM-13. Provide wayfinding to enhance connectivity, but resist over-populating the streetscape environment.

- Include wayfinding within Sacajawea Park and Miles Park, as well as along the levee trail to better promote the available amenities within the parks.

SM-14. Prioritize an improved and separated, non-motorized trail along McGee Drive to enhance connectivity and safety in Sacajawea Park. (SEE MASTER PLAN FRAMEWORK DIAGRAM)

SM-15. Complete a Corridor Study on Park Street to inform enhancements to corridor-wide pedestrian connectivity and prioritize a connection across Park Street at 2nd Street.

SM-16. Perform a Bicycle and Pedestrian Safety Evaluation every two years for the Downtown Study Area.

- Include a crash data summary and present results to the City Commission to consider recommendations for improvements.

PARKING

SM-17. Optimize available parking within the Downtown Study Area. (SEE PARKING MANAGEMENT)

SM-18. Perform a parking assessment every two years to continue to assess the evolving parking needs of the Downtown business and resident communities.

- In addition to a parking demand and utilization analysis, the Parking Study should engage key stakeholders such as the local business community.
- Parking Management strategies used in the previous two years should be evaluated for their impact, and the Parking Study should make recommendations for deploying additional Parking Management strategies, as appropriate.

SM-19. Continue enforcement of parking time limits within the Central Business District to promote turnover and increased potential for local business patronage. (SEE PARKING MANAGEMENT)

SM-20. Expand EV charging opportunities in areas with high tourist parking in the Downtown.

- Visitors driving electric vehicles are likely to patronize Downtown businesses while awaiting a charge.



Dedicated bike parking, such as a bike corral, can double as a public art opportunity at key locations.



Smaller scale bike & pedestrian wayfinding can effectively direct users, without visual clutter.



Pedestrian connectivity across Park Street - particularly at 2nd Street - is challenging.

STREETSCAPES & MOBILITY



Consistent directional signage for public parking can promote more efficient parking usage in the Downtown.



Consolidated, signed parking for Downtown employees with permits.



Angled parking in select locations along east-west streets, such as what exists on Clark Street, can help to subtly increase parking capacity in the Downtown.

SM-21. Consider recalibrating parking requirements by use in the CBD in the upcoming Zoning Code Update. (SEE REGULATORY TOOLS)

- Retain the requirement for commercial enterprises in the Central Business District to meet only 50% of the parking space requirements.
- Revisit apartment unit requirements in the Central Business District (currently at full parking requirement)
 - * Consider allowing less than the current 1 space per unit, letting the market demand inform design decisions.

SM-22. Leverage wayfinding signage opportunities to direct Downtown visitors to nearby available parking. (SEE WAYFINDING & GATEWAY TREATMENTS)

- Such signage should communicate distance in blocks or in time it would take to walk, in order to make parking a short distance away seem less daunting.

SM-23. Work with local businesses to coordinate consolidated areas for employee parking that allow more proximate parking to be utilized by potential patrons.

- Consider City acquisition of a well-located, underutilized private parking lot for such a purpose.

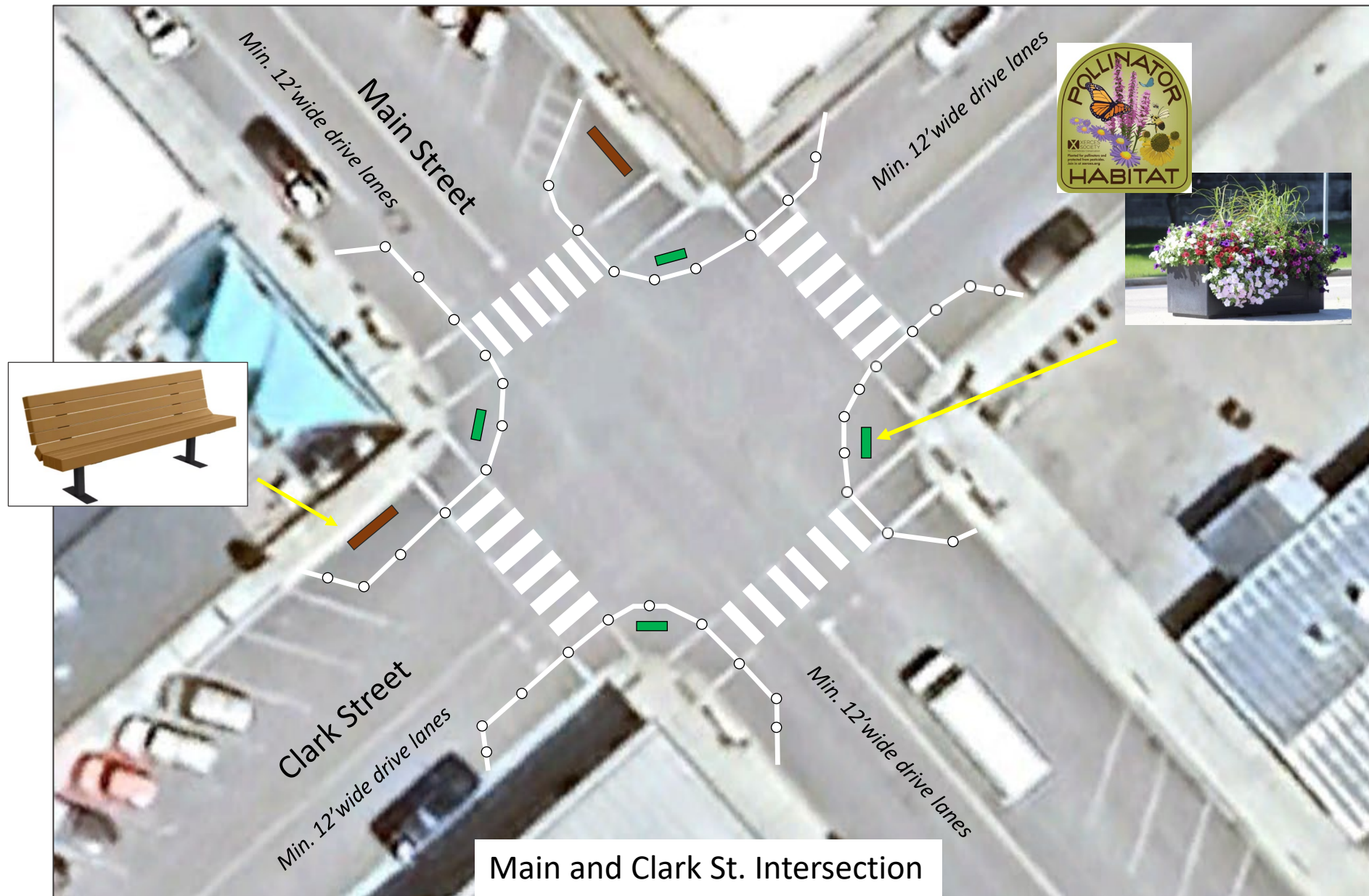
- Consider permit-only parking for employees of the Downtown in select locations.

SM-24. Explore additional angled parking opportunities, if necessary, along east-west streets in the north portion of the Downtown.

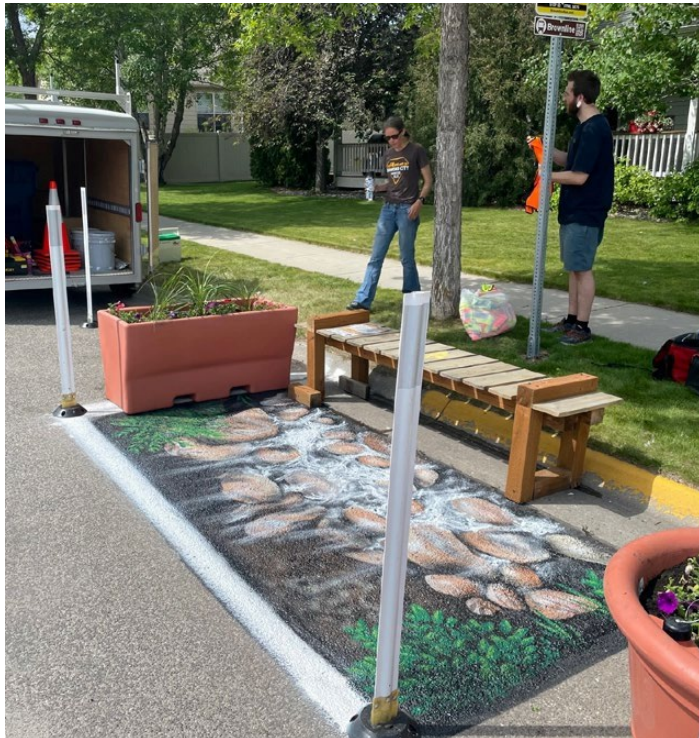
- To subtly increase available parking capacity, some parallel parking could be switched to angled parking in between 2nd Street and B Street, as happens along Clark Street to the south.

SM-25. Establish a permit program to allow businesses in commercial areas to repurpose parking directly in front of their business for Parklets, if desired. (SEE LU-21 IN SPATIAL ACTIVATION & REGULATORY TOOLS)

- Initial offerings for permits should be located in areas of the Downtown where parking utilization is consistently lower.
- Future Parking Studies should provide guidance on an optimal number of parklets (calibrated by the anticipated loss of parking spaces) and specific blocks within the Downtown where permits will be available.



Examples of Street Art in Curb Extensions



File Attachments for Item:

F. DISCUSSION REGARDING AUGUST 5, 2025, CITY COMMISSION MEETING



LivingstonMontana.org | PublicComment@LivingstonMontana.org | 406.823.6000

DATE: July 15, 2025
TO: Chair Schwarz and City Commissioners
FROM: Grant Gager, City Manager
RE: Staff Report for Discussion of August 5, 2025, Meeting

Recommendation and Summary

The City Manager is requesting input from the City Commission regarding the August 5, 2025, regular meeting of the City Commission.

The reasons for the request are as follows:

- The City Commission has a regularly scheduled meeting on August 5, 2025.
- The City has other events scheduled that evening that Commissioners may want to attend.

Introduction and History

The City Commission adopted its 2025 Regular Meeting Schedule on December 17, 2024. The approved schedule contained two meetings each month for all months of the year.

The National Night Out event is designed to enhance the "relationship between neighbors and law enforcement while bringing back a true sense of community." In recent years, the City has held an event in Miles Park in conjunction with City, County and State public safety resources. The City plans to hold such an event again this year.

Analysis

The City Commission has expressed interest in attending the event. However, the City Commission calendar has presented a conflict for attendance. This year, there is no time-sensitive City business which requires a City Commission meeting on August 5, 2025.

Fiscal Impact

There is no fiscal impact to cancelling the City Commission meeting.

Strategic Alignment

Providing opportunities for the Community to interact with their elected officials and public safety officers helps build a cohesive community.

Attachments

- A. None