



# Livingston City Commission Agenda

March 05, 2024

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/84047525983?pwd=VmJqdHVJbG0wU2lWajdLempxTU1jQT09>

Meeting ID: 840 4752 5983

Passcode: 64415

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 FEBRUARY 20, 2024, REGULAR MEETING. PG.4**
- B. APPROVAL OF CLAIMS PAID 2/15/24 - 2/28/24 PG.31**
- C. APPLICATION FOR SHARON HORVATH FOR SPECIAL PARKING SPACE FOR RESERVED FOR DISABLED PERSONS ON A PUBLIC STREET PG.41**
- D. AGREEMENT 20068 WITH LIVINGSTON HEALTHCARE PG.48**
- E. AGREEMENT 20069 WITH JON M. HESSE PC FOR CIVIL CITY ATTORNEY SERVICES PG.54**
- F. PURCHASE ORDER 20070 FOR A SEWER CAMERA PG.58**
- G. PURCHASE ORDER 20071 FOR A GARBAGE TRUCK PG.64**
- H. MONTANA STREET STPU PROJECT LOCAL AGENCY GUIDELINES (LAG) REQUEST PG.70**

5. Proclamations

- A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA RECOGNIZING MARCH 12, 2024 AS NATIONAL GIRL SCOUT DAY IN LIVINGSTON MONTANA. PG.77**

6. Scheduled Public Comment

7. Action Items

- A. ORDINANCE 3046: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30, ZONING, OF THE LIVINGSTON MUNICIPAL CODE, BY ALTERING SECTION 30.40, AS IT RELATES TO RESIDENTIAL USES IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT. PG.79**

- B. ORDINANCE 3049: 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 PROPERTY LOCATED AT 5284 US HWY 89 S, RECENTLY ANNEXED AND GENERALLY KNOWN AS RY TIMBER, AS LIGHT INDUSTRIAL (LI). PG.94**
- C. ORDINANCE 3050: 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 PROPERTY ADDRESSED AT 1 VIEW VISTA DRIVE AND LEGALLY DESCRIBED AS PARCEL 1 IN SECTION 13, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), CERTIFICATE OF SURVEY 984, RECENTLY ANNEXED AND GENERALLY KNOWN AS THE VIEW VISTA COMMUNITY, AS MIXED USE (MU). PG.119**
- D. RESOLUTION 5127: A RESOLUTION OF THE CITY OF LIVINGSTON CITY COMMISSION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO FEMA - ASSISTANCE TO FIREFIGHTER GRANT, COMMITMENT OF NEEDED FUNDS AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER INTO REQUIRED CONTRACTS FOR GRANT FUNDS TO PURCHASE A NEW LADDER TRUCK. PG.136**

8. City Manager Comment

9. City Commission Comments

10. Adjournment

Calendar of Events

Supplemental Material

Notice

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

**File Attachments for Item:**

**A. APPROVAL OF MINUTES FROM FEBRUARY 20, 2024, REGULAR MEETING.**



# Livingston City Commission Agenda

February 20, 2024

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/83773208485?pwd=Y2pjQmZ2Qlg2YzFclJTQXY1SIZKdz09>

**Meeting ID: 837 7320 8485**

**Passcode: 289569**

## 1. Call to Order

Chair Kahle called the meeting to order at 5:31p

## 2. Roll Call

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

Staff in attendance: City Manager Grant Gager, Policy Analyst Greg Anthony, City Clerk Emily Hutchinson, Chief of Police Wayne Hard, Public Works Street Dept. Nate McClure, Public Works Director Shannon Holmes, Public Works Administration Assistant Faith Kinnick, Planning Director Jennifer Severson

## 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)*

- Lindie Gibson would like current pool to be dug up and replaced with a new one for the community.
- Brain Monahagn thanked the Crisis Response Teams and likes the idea of this program and will be at the next meeting.
- Patricia Grabow thanked the City Manager for coming to the Downtown Building Owner Assoc. meeting. Would like to see historic preservation in the Downtown Master Plan.

## 4. Consent Items

- |  |              |
|--|--------------|
| <b>A. APPROVAL OF MINUTES FROM JANUARY 30, 2024, JOINT CITY-COUNTY COMMISSION MEETING.</b> | <b>PG.4</b>  |
| <b>B. APPROVAL OF MINUTES FROM FEBRUARY 06, 2024, REGULAR MEETING.</b>                     | <b>PG.37</b> |
| <b>C. APPROVAL OF CLAIMS PAID 2/1/24 - 2/14/24</b>   | <b>PG.49</b> |
| <b>D. APPOINTMENT OF ANGELICA AMANT TO THE TBID BOARD</b>                                  | <b>PG.63</b> |
| <b>E. TRANSMITTAL OF CITY ATTORNEY OPINION ON OPEN MEETINGS LAWS</b>                       | <b>PG.66</b> |

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



5. Proclamations

6. Scheduled Public Comment

7. Action Items

**A. RESOLUTION 5126: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR AN ELECTION ON THE QUESTION OF CONDUCTING A LOCAL GOVERNMENT REVIEW AND ESTABLISHING A STUDY COMMISSION TO DO SO. PG.72**

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

The City Manager stated this item is to call an election at the June primary on whether or not to conduct a local government review. If approved voters would be asked at the November election to members of the study commission. It is statutorily and constitutionally required in the State of Montana.

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

Public Comment was offered by:

- Patricia Grabow expressed that she is in favor of this study.

Commissioner Schwarz stated he hopes people take time to read this before going to vote to understand the form of government the City of Livingston does have vs. what is available.

Chair Kahle stated when something goes to ballot they cannot take a position on it, but can educate on what it is about.

The item was approved unanimously by the five Commissioners present.

**B. ORDINANCE 3051: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 10, CURFEW, DISTURBING THE PEACE, AND NOISE, OF THE LIVINGSTON MUNICIPAL CODE, BY AMENDING SECTIONS 10-5 AND 10-6. PG.99**

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

The City Manager stated this is the 2<sup>nd</sup> reading of this ordinance. He reminded that the Commission requested that staff work on the Noise Ordinance this past summer after receiving several Special Exception Requests for uses that were not allowed by the underlying zoning. Working through the approval process the Commission thought the Noise Ordinance could use some updating. It lacked enforceable provisions, and there were no established decibel levels for allowable noise. He presented slides that were shown last meeting again. It showed community comparisons to Billings, Bozeman and Missoula.

Commissioner Lyons asked what the current process is if a citizen has a complaint about a noise violation.

The City Manager stated they would relay the concern to him or a member of City staff and code enforcement would go check on the complaint. He reiterated that with no established decibels levels it really depends on whether one feels that their state of rest and repose has been disrupted. This makes it difficult to enforce.

Vice-Chair Nootz asked about this noise ordinance in relationship to the railroad, rodeo, jail time, police capacity, and different events.

The City Manager stated that railroads are categorically exempt from almost every State, Federal, and Local law that exists. The rodeo is held at the Park County Fairgrounds which is outside City limits, this ordinance will have no impact on the noise generated by the rodeo. Penalty provisions were pointed to our pre-existing standard penalty provisions that already exist in LMC for certain violations. Enforcement will usually start with a conversation, then a warning if it continues, then citation if the issue further continues. Any citation written are adjudicated in the municipal court, not simply handed out by staff. There were conversations around events and they did influence some of the change proposed in this ordinance.

Chair Kahle asked about lawn mowers, leaf blowers, and snow blowers.

The City Manager stated yes, those are exempt from the ordinance in section C4.

Chair Kahle asked about summer events.

The City Manager stated yes, those will still be able to happen. He referenced section C exceptions 6, 7, 8 and 9.

Chair Kahle asked if City staff will be walking around town looking for noise violations.

The City Manager state no, code enforcement is complaint driven.

Commissioner Lyons asked about how specific zones are designated.

The City Manager stated the zones are designated by the use table.

Vice-Chair Nootz reminded they have heard a complaint about dogs barking and asked if this ordinance will address that.

The City Manager referred to section A4.

Vice-Chair Nootz moved to approve the ordinance and Commissioner Schwarz seconded the motion

Public Comment was offered by:

- Leslie Fiegel stated she missed when this was discussed last year. She expressed concerns about events that they may put on that would over the decibel levels. She expressed additional concerns about the Special Event Application fees.
- Glen Farrel is a retired Livingston Police Officer and understands the lack of enforceability in the current noise ordinance, but feels this new one has gone too far, and would like to see the hours adjusted.
- Hannah Petry understands a noise ordinance is important, but would like to see clear guidelines and clarity around this ordinance for the public. She would like to see definitions provided.

- Joshua Congelton doesn't feel that you can compare this to other cities because we are not other cities. He wondered what happens after hours when code enforcement goes home. He feels 8pm is too early.
- Jesse Kula stated we are not other areas that this ordinance has been compared to. He operates his business from 10p to 10am and feels he won't be able to operate under this ordinance.
- Caitlin Marquez feels 8pm is too early and feels that kids go out and play later and they shouldn't be asked be quiet that early. She expressed disagreement with jail time.
- Randy Gates stated that clarity and communication are important, he does not understand this ordinance. He expressed concerns about this ordinance affecting his ability to go out in the street and shoot off fireworks on the 4<sup>th</sup> of July and messing with his right to celebrate.
- Steve Boise expressed that 8pm is too early and jail time has to go.
- Steve Schmitt expressed he sees the exemptions for public parks, but wonders about family homes where kids can play safely and asked the Commission to think about if this is reasonable.
- Jenna Davison would like to see the times changed and removal of jail time.
- Mary Crable disagrees with the draft of this ordinance and is unreasonable.
- Ian Thomas feels the jail time is worrisome and the time frame doesn't work for the community. He advocated for night people that work nights and can't do normal chores outside during the day.
- Barb Agle expressed concerns if this passes for the non-law enforcement folks who would be responding to neighborhood disturbances. She feels 8pm is too early.
- Jolynn Gertie would like to see jail time taken out and would like better clarification and take time to edit.
- Shawna Gonzalez expressed concerns about her husband who talks loudly and wondered if he would be in violation of this ordinance.
- Christina Nelson has multiple rentals and a company where they do service calls after hours and wants Commission to take into account that they wouldn't be able to do that work anymore.
- Cory Davis expressed concerns about working on his car later into the evening, and also talked about folks that work different hours that regular business hours.
- Tattiana Kendra stated she works different shifts than other people so she would need to mow her lawn later in the evening and feels the hours don't work.
- Julie Eaton feels the time she be moved to 10pm and remove the jail time. She feels being able to recreate outside is important for people's mental health.
- Amanda Davis wondered about vehicles starting early in the morning and wondered if they receive a ticket.
- Jessie King is a resident and business owner and feels there is no business that wouldn't violate this ordinance
- Goff Harvey is a downtown business owner and he stated most of his business doesn't even start until 10pm and is worried how this ordinance will impact his business.

7:00pm Commissioner Schwarz motioned for a 10 minute break and seconded by Vice-Chair Nootz. Unanimously approved.

**(Starts at Video Mark 1:29:05)**

- Kris King wondered how this ordinance came up and why it changed from 10p to 8p.
- Leah Egbers feels 8p is too early and feels that limiting kids being outside is not good for them and would like Commission to talk to the schools about long term effects of keeping kids indoors for extended periods of time.
- Nancy Adkins wishes we heard more children talking and feels it's too quiet around here. She stated people who have different work hours create noise when they come home outside the time frame in this ordinance.
- Angela Devani recalled when the Shane Center was approved to open their music venue and there was lots of conversations around noise when this was done. She wondered is the Shane Center is exempt.

Chair Kahle asked about downtown and bars that have bands and people outside.

The City Manager stated there is language in the ordinance in A9 that levels will be measured at the property line. He has walked downtown and measured levels and none of his observed levels have exceeded the levels in the proposed ordinance.

Chair Kahle about ambient noise vs. problem noise.

The City Manager noise reading devices to pick up on background noise, but noises made by nature are exempt from this ordinance.

Chair Kahle asked about vehicles starting early or late.

The City Manager referred to Section A5 in the ordinance where it states any vehicle with a muffler is exempt.

Chair Kahle asked how food trucks would be handled downtown.

The City Manager stated they would be subject to the limits in the commercial district. 80 decibels during the day and 60 decibels at night.

Chair Kahle asked about fireworks in town.

The City Manager reminded fireworks are not allowed in City limits.

Chair Kahle asked about the 8pm curfew and how enforces after that time.

The City Manager stated the code enforcement division would enforce this and are first level of response. They do have enforcement in the evening and the weekend.

Chair Kahle asked about the Shane Center and if they are exempt.

The City Manager reminded the Commission approved two special exception permits this summer and both were music venues, and the Commission both venues were conditions and required to abide by the noise ordinance.

Vice-Chair Nootz asked about competing calls for police.

The City Manager stated there is natural order of things when it comes to public safety and they will prioritize those calls.

Vice-Chair Nootz asked about family members who are louder than others.

The City Manager stated noise that occurs in the house is buffered by the roof and walls of the house. And distance helps dissipate sounds.

Vice-Chair Nootz asked how we define words in code.

The City Manager stated they do use plain language definition.

Vice-Chair Nootz asked about a City code re-write.

The City Manager stated yes, it needs a re-write and it an ongoing process. He advised agendas and packets are posted the Thursday prior to a meeting.

Commissioner Schwarz asked if packets were still provided to the Library.

The City Manager stated yes.

The City Manager touched on the noise ordinance and operating hours of parks. And stated it is not the intention of the City to alter the hours of the parks and reminded earlier in the meeting he pointed to the park exception.

Commissioner Lyons wondered if hours of construction could be regulated within the City that wouldn't be related to the noise ordinance.

The City Manager stated yes, there are aspects of parking that could be used, and during the issuance of a building permit.

Vice-Chair Nootz stated she heard a lot about the times not working for people and wondered about editing the 8pm hour. She has heard valid concerns from the community about jail time and would like to discuss those two topics.

Commissioner Schwarz stated he heard the concerns about 8pm and wanting to change it to 10pm. He reminded they are not actively out looking for violations, but they need something to work with. He would be in favor of moving it to 10 pm. As far as fees and jail time he is fine to leave those in place.

Commissioner Lyons also heard that time is an issue. He feels the night life downtown is part of the identity of Livingston and he doesn't feel they've had enough clarification on the downtown area and noise. He heard a big objection to the jail time and would like to find another solution.

Commissioner Willich feels it is clear from the public that changing this to 10pm and hears where they are coming from on the jail time and having it removed.

Chair Kahle agrees with adjusting the time and knows the old ordinance was not enforceable. She reminded that downtown is not made up of just businesses and would like to see a balance for business and residential. She expressed concerns with penalty only being \$300.00 and thought it was too low in some cases. Jail time can go, but addressing the fees should be done.

Vice-Chair Nootz stated DEQ estimated industrial noise for a power plant is 65 decibels from 600 ft. away. She also stated she understands the comments made by people about their rights to barbeque on their property into the evening, but also knows people have the right to not be disturbed in their homes at night. She reminded that this all started because there are residential neighborhoods that existed before the central business district expanded, so those people who are adjacent to the special exceptions have private property rights. She stated this started with Shane

Center when they were talking about 999 people being at events. She understands both sides for the jail time and hears the public's concerns, but also hears the City Manager's reasons for having it. She does support shifting the times.

Commissioner Schwarz stated the old ordinance was very vague and unenforceable. He feels this is a good start, and feels they can always amend this down the road. He is comfortable changing the time to 10pm.

Commissioner Lyons expressed being uncomfortable with jail time in this ordinance.

Vice-Chair Nootz asked about something Commissioner Willich brought up about permits and working enforcement into the permit for construction companies. As an administrative process she wondered if this was possible.

Interim City Attorney Hesse stated the statutes these statutes govern the violation municipal codes the maximum penalty is \$500 or 6 months in jail or both. They are all misdemeanors so you could not create some type of penalty provision that would exceed that.

Commissioner Lyons reviewed his previous comments. He ultimately would like to remove the jail time from the ordinance.

Chair Kahle asked if they could increase the fine to \$500.

The City Manager stated yes, they could.

Chair Kahle suggested changing the hours to 10pm, remove jail, and increase fine to \$500.

Vice-Chair Nootz asked the City Manager for the amendments.

The City Manager stated within in A9 and Section C exceptions change the references from 8pm to 10 pm, then within Section D stipulating the maximum fee should increase to \$500 and not include imprisonment.

Vice-Chair Nootz moved to amend Section A9 to change the time from 8pm to 10pm and also Section C changing the 8pm time to 10pm, and changing Section D penalties shall not exceed \$300 and change to \$500 and omitting the clause by imprisonment for not more than 6 months and omitting the subsequent part about imprisonment of the ordinance and Commissioner Lyons seconded the motion.

The amendment was approved unanimously by the five commissioners present.

The ordinance was approved unanimously by the five commissioners present.

8:45pm Commissioner Willich motioned for a 10 minute break seconded by Commissioner Schwarz. Unanimously approved.

**(Starts at Video Mark 3:02:53)**

**C. AGREEMENT 20067 WITH 4 RANGES COMMUNITY RECREATION FOUNDATION INC. FOR LEASE OF KATIE BONNELL PARK** **PG.125**

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

The City Manager stated this item is a proposed lease with 4 Ranges Community Recreation Foundation for the property known as Katie Bonnell Park. 4 Ranges is fund raising for a Wellness Center and on 3/19/24 the community will have an opportunity to vote on the creation of a recreation district that would fund the operations of the Wellness Center. He reminded the creation of the district is a condition of at least one of the gifts to fund the project. The agreement is contingent upon successful passage of the referendum question. If it is successful there will be several mechanisms in place so the project can proceed. The first piece is the lease agreement with 4 Ranges for the property. This would provide the Foundation with control of the park through the design and construction of the project and additionally if new market tax credits are utilized to fund the project the contract would give the Foundation control of the park for a period of 7 years, and that is a requirement of the new market tax credit program. The reason is because we as a government entity we are not able to receive tax credits or benefit from those.

Vice-Chair Nootz asked if this is contract to give control to 4 Ranges.

The City Manager stated yes,

Vice-Chair Nootz then asked to clarify that they will lease it back to us.

The City Manager stated if they use new market tax credits they need that 7 year holding period we would enter into a lease that would cover that 7 year period.

Vice-Chair Nootz asked what that lease would cost per year.

The City Manager stated \$1 per year.

Chair Kahle ask what if the new market tax credits are not used would the property be given back to us at the end of construction.

The City Manager stated that is correct.

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

Public Comments were offered by:

- Jessie King asked what kind of financial repercussions is the community in for.
- Brian Monahagn wondered who is going to be taking up that space.
- Patricia Grabow expressed support for this lease and use of Katie Bonnell Park. She asked when it's built she wondered if the pool is big enough for tournaments.
- Angela Devani wondered about the original agreement for this lead the stipulations for that land. She wondered if the playground is going to be torn down.
- Stacy Jovick supports this agreement and hopes things can move forward.

Chair Kahle asked about financial repercussions within the City.

The City Manager stated that 4 Ranges has total financial responsibility for design and construction. If the voters approve the district the City will begin to levy assessment on property not to exceed 30 mills with the intent of raising \$1.1 Million to help fund operations.

Chair Kahle asked who will be managing the space.

The City Manager stated the Recreation Dept. will be the manager of the property.

Commissioner Willich expressed thoughts that the Finance Director should be involved in this item.

Commissioner Lyons stated the building is being paid for entirely by 4 Ranges with donated money, so there is no City money going into construction.

Vice-Chair Nootz asked the City Manager to review his role within the City and reminded Commission cannot direct staff.

Commissioner Schwarz and Chair Kahle agreed that the City Manager is the one to direct staff if the Finance Director is needed.

The item was approved unanimously by the five Commissioners present.

Commissioner Schwarz moved to extend the meeting and Vice-Chair Nootz seconded the motion.

Chair Kahle motioned to enter closed session and Vice-Chair Nootz seconded the motion.

The item was approved unanimously by the five Commissioners present.

**D. CLOSED SESSION PURSUANT TO 2-3-203(4)(B) TO DISCUSS LITIGATION STRATEGY  
(Starts at Video Mark 3:35:49)**

8. City Manager Comment

The City Manager thanked the Commission and Community for coming out tonight.

9. City Commission Comments

Commissioner Willich thanked the community for coming out.

Commissioner Lyons thanked Commission for trying to balance policy decisions.

Commissioner Schwarz thought tonight was good conversation. Would like to encourage the use of sand vs. salt for the ice.

Vice-Chair Nootz thanked the Commission and thanked the City Manager and thanked the public for showing up.

Chair Kahle thanked the City Manager and fellow Commissioners. She thanked the public for their comments tonight.



10. Adjournment

10:06pm Commissioner Lyons motioned to adjourn the meeting seconded by Commissioners Schwarz. Unanimously approved.

Calendar of Events

Supplemental Material

Notice

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Submitted on Monday, February 19, 2024 - 6:53pm

First Name Julia

Last Name Eaton

Question/Comment

I am commenting to OBJECT strongly with the proposal 3015- this is unnecessary, unfriendly and will encourage poor neighbor relationships. We have been a fine town with normal 10 pm noise rules- no need to become a police state

Submitted on Tuesday, February 20, 2024 - 12:19am

First Name Peter

Last Name Soper

Question/Comment

Concerns regarding proposed noise ordinance- While I can appreciate the need for some objective bounds on the creation of noise within city limits, the ordinance as currently proposed has several significant flaws which make it unsuitable, unenforceable, and possibly un-constitutional.

Flaws in this ordinance include- but are not limited to- at least the following topics;

The proposed limits are simply too low, the ambient sound pressure resulting from wind alone will make it impossible to objectively measure sound levels below the proposed nighttime limits in all zones and the residential and commercial daytime limits.

The method of measurement needs to be defined in accordance with accepted standards with regard not only to frequency weighting (“A-weighting” being the sole qualifying parameter currently proposed) but must also have time duration and other frequency weighting figures considered and specified, including the standard of calibration for the sound measuring device(s).

The “noise comparison chart” is woefully arbitrary and essentially meaningless and should not be codified into this or any such ordinance.

And the proposed penalties of six months imprisonment is far beyond cruel and unusual for simple violation of a municipal noise control regulation.

I have over 35 years experience working in the field of Audio with specific experience in sound measurement and related standards and would be open to consulting on this matter, but I implore you NOT to pass this ordinance as it is currently written

Good morning to the Livingston committee. I truly can't believe we are having to reject this and this is getting approved. First of all why did this come on the agenda? The committee isn't looking at the bigger picture for the public and community. This is not acceptable having a time at 8pm including at summertime. 10 to 11pm is the correct time to have noise ordinance. During the hot months and when people work long hours, people wait till after 8 to mow their lawns when it is cooler. When kids are out school enjoying their summer break, they have to go inside and be quiet when it's hot when they are trying to stay cool outside especially if their house doesn't have an air conditioner and their house is hot? What about the rodeo time when it starts at 8pm? They can't be loud and have a good time? The same goes for music events. How about late games at sporting events with band members? How about the train that comes through town? They can't do their job earlier so they can go home to their families? We have adapted to the sound and slept through it. When the train derailed and the train wasn't coming through town was a concern knowingly there is no revenue for the business but also this is a part of this town for 100+ years! Even in the winter months when it's snowing alot and you're trying to keep up with the demand especially if you are having to go to work early and or when postal carriers need to deliver the mail and the newspaper or having older people that needs to use snow throwers instead of shovels and there are alot of areas that the city doesn't plow on the side streets. What about emergency vehicles that need to go through town and they need to alert all the vehicles in front of them and especially they are being inconsiderate to them by not moving over? These rules should not be enforced when it's unfair or wrongdoing to the larger community enjoys their summertime events, vacation times and throughout the whole year. The committee needs to look at the bigger picture and think of the community as a whole. This needs to be Re-evaluated or dropped since there wasn't a vote from the community to share their thoughts as well. If this changes then you are having the community interests. Thank you. Wayne Triplett

[Sent from Yahoo Mail on Android](#)

Submitted on Tuesday, February 20, 2024 - 6:44am

First Name Kelli

Last Name Jones

Question/Comment

I am shocked and outraged at the new noise ordinance you are trying to pass. This does not even make sense. Kids can't be outside after 8 PM in the summer? With all the electronics they have at their fingertips it would be amazing to see all the children out at 9 or 10 in the summer playing!! Why are you hindering people and their right to be outside? What do we sit out and whisper because we are afraid to talk and get fined?

This is America not some third world country ruled by dictatorship.

I try to not get involved in stuff like this, however I was so appalled by this I had to say something.

I am out of state right now or I would be front and center voicing my opinion!!

If you really represent the people of this city you will not vote this through.

Submitted on Tuesday, February 20, 2024 - 10:11am

First Name Patti  
Last Name Bobonich  
Question/Comment

The noise ordinance should not be passed. In the heat of the summer it is sometimes necessary to cut a lawn later in the evening when it is cooler. Also in the winter snow shoveling has to be done my 9 am on the sidewalks, the people who use machines to do this sometimes start earlier to get this accomplished by. Our police force does not seem have the time to enforce what is already in place, and giving them 2 more hours to enforce a noise ordinance that is not enforced now is ridiculous.Please do not pass this ordinance, leave it as it is.

Submitted on Tuesday, February 20, 2024 - 10:24am

First Name Elizabeth  
Last Name Carlin  
Question/Comment

This is regarding the proposed noise ordinance that will be discussed at the February 20, 2024 meeting. Please vote no on this. Just a small example, we are required to remove snow from our sidewalks, and I try and do that in a timely manner. Unfortunately, I worked late this last week when we had the most accumulation of snow, and didn't get home until 8:30 pm. At that point, there was a lot of snow. More than what I could handle with my shovel. I used my snow blower to do my driveway, my elderly neighbor's driveway and sidewalk, my other neighbor's sidewalk, and my sidewalk. I was done by 9 pm. However, under this proposal, I would not have been able to do that, as I would be violating a noise ordinance with my snow blower. By the time 7:00 AM came around the next morning, none of us would have been able to easily get around on the walkways. It's very simple things like this that make this proposal absolutely unhelpful for normal activities. If neighbors are having a problem in their area with noise, that should be a situation where they call law enforcement for a specific set of circumstances. Please don't punish the entire city because a few people are engaging in improper behavior. Thank you.

Submitted on Tuesday, February 20, 2024 - 11:30am

First Name Mary  
Last Name Edwards  
Question/Comment

**RE: ORDINANCE 3051: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 10, CURFEW, DISTRUBING THE PEACE, AND NOISE, OF THE LIVINGSTON MUNICIPAL CODE, BY AMENDING SECTIONS 10-5 AND 10-6.**

I would live at 324 N 2nd St., literally one block from the R/R tracks right across from the

Depot. I don't even HEAR the train at night. You get used to it. Look up how many deaths are caused at R/R crossings, and understand this is of utmost importance for the safety of ALL you live and visit our town.

Also, please realize we have a thriving small community that relies on Summer Events like the rodeo (with noise and fireworks), weddings and other events at the Depot, downtown music events. Putting time restraints on these events seems preposterous.

It is very hard for many to survive here. Some get up very early to commute for jobs, others work night shifts. They should be allowed to mow their lawns, etc. Within respect.

Summer is a very short few months that we all like to get outside and enjoy. Whether having a backyard BBQ with music and friends around a fire, mow their lawns... or any which way folks choose to spend their freetime as long as it is legal and respectful. I have not had any noise problems in my neighborhood that I couldn't solve with a simple conversation with my neighbors.

However, if it is deemed we need "quiet hours", then I should think Midnight to 5am would be sufficient. I am not sure what "decibel levels" are deemed appropriate, but make it so people can live a quality and fun life in Livingston, Montana. WE ARE THE ESSENCE OF THE OLD WEST. Let's keep it that way.

I feel our police force could focus on real crimes and keeping us safe. Drugs and crime should always be top priority. Let's not divert them from their real purpose in keeping our community safe.

Thank you for your consideration,  
Mary Edwards  
Homeowner and Resident since 2004  
5th Generation Montanan

Submitted on Tuesday, February 20, 2024 - 11:38am

First Name Cynthia  
Last Name Kohler  
Question/Comment

Ordinance 3051 - The prosposed changes to the current noise/curfew ordiance is grossly overreaching. 8pm is ridiculously early for a curfew. I can go and stay at a rv park and the curfew is 10pm but I can't enjoy my home or outdoor space past 8pm! During the summer it is still light until 10 or 11pm. A great number of people enjoy the outdoors, float the river, or work later hours in the summer. For this reason many residents extend their enjoyment(gathering with friends & neighbors, bbq, etc) hours later in the summer. There are already noise ordiances in place that will handle excessive noise. The decimal readings of 55 decibals after 8pm will not allow for any sort of enjoyment with friends and family outdoors. Most children in the summer are not even in bed by 8pm. Are you going to fine and possibly jail them or their parents for

playing outdoors. Part of living here in Montana the last 20 years is enjoying the outdoors. I also feel the fine is excessive as well as jail time. I can't believe you can even consider jail time for a noise ordinance. Just leave the noise ordinance as it is and allow police officers to use common sense and the current parameters in dealing with complaints.

Submitted on Tuesday, February 20, 2024 - 11:52am

First Name James  
Last Name Kohler  
Question/Comment

Ordinance 3051: I am a resident that has lived on South 6th Street for 20 years. There is no reason to amend the current noise ordinance as we already have rules and regulations that address noise complaints. The proposed amendment is overreaching and unnecessary. Policing residents to this extent does not create peace & enjoyment for them. 8PM curfew does not allow my enjoyment of my property. This does not mean I'm going to throw a loud crazy party but would like to be able to gather with friends past 8PM. Who are the persons or commissioners that wrote and brought forward this amendment? Can you publically name them during the meeting? This will give voters a chance to make notes for the next election.

Submitted on Tuesday, February 20, 2024 - 11:55am

First Name Cynthia  
Last Name Kohler  
Question/Comment

Ordinance 3051 - My husband and I live at 112 S 6th Street. We had both previously sent emails regarding this ordinance but did not include our address. Here it is if you need it.

Please do not vote in favor of amending 3051. It will kill our community. People will just become petty. The time and decibel restrictions as well as the jail time are nonsensical. In the winter, people won't be able to clear snow off sidewalks in the morning before they go to work. In the summer people won't be able to do so many things . Most of all, you will rob kids of summertime fun playing in their yards with friends and family after 8 is what summertime is about. Soaking up all the sunshine and laughter you can. Thanks for your time Quinten Counts"

Hello city commissioners!

My name is Isabel and I am a Livingston resident.

A close community, caring people, and lovely local events are part of what makes this peaceful town so special to me and I'm sure to you all as well.

Enjoying these local events usually means some socializing beyond the sunlight hours. A backyard bbq, birthday party, enjoying the rodeo, and many other common events will have us out enjoying each others company past 8pm.

I believe it is important for us all to have the freedom to be together - without worrying about a new cerfew ending meaningful get-togethers.

I hope you will trust that the citizens of this town will be respectful and trustworthy enough to manage our own noise in a way that doesn't harm the community and our values as a whole.

Thank you for your time!  
Enjoy the rest of your day.

Isabel M

Isabel Moughamian

Fine Artist

<https://www.imoughamian.art/>

Hello,

I am writing to you today to strongly object to the proposed changes to the noise ordinance.

I will get right to the point with my concerns.

- \*Penalties too strong... 6 months in jail for a noise violation???!
- \*Too restrictive- based on the number of things/events that are already being looked at for exemption and the fact that waivers can and should be applied for.
- \*Government overreach
- \*Creating problems where there aren't any
- \*If one neighbor gets annoyed we can be ticketed??? So one person having a bad day can potentially result in another person spending 6 months in jail or forking over \$300?
- \*Summer is already too short, now you want to take away 2 hours from each day?
- \*There are plenty of days in the summer when it doesn't cool off enough to mow until after 8p.

I hope you are seeing all the discussions online about this. I have seen many many comments and discussions. I have not seen a single argument that is even attempting to put a positive spin on this and certainly none that are in support of this in any way.

Do we not have better things to spend our time and money on? Is there an actual concern being addressed by moving the time to 8p? Is there a better way to address that concern without stealing 2 hours each day from every single person in this community and threatening them with 6 months of jail time while you're at it?

I have been turning this issue over in my brain for days now and I just cannot figure out how this makes sense or is good for anyone, except the crotchety neighbors looking to add more complaints to their least favorite people within their sight. Make it make sense! What part of this is supposed to make our community feel good/secure/looked after?

All I feel is sadness for the loss of our summer days, anger about government overreach and anxiety that I may have a crotchety neighbor waiting for the day my evening porch/wine/podcast is audible across the property line.

Sincerely,

*Melinda McKenzie*

Hello

I have many concerns about the new noise ordinance I have read. First I think the jail time is absolutely unnecessary. You are willing to send someone to jail for 6 months for mowing their lawn if it's still day light out after 8pm or if their mower is too loud. What your dog barks like dogs do is that too loud and is it one bark and ticket or barking for 15 min? Why are you raising the fines. Is it to make money if so I think you come up with some better ways. Second I think you have to have more than one neighbor complain as if it only takes one then if they don't like you or are having a bad day you get fined. Third why 8pm it doesn't get dark till 9 to 10 so why take away daylight for people to do things after they get off work. Fourth you guys must already know this is going to be a problem if you have already thought about permits for events to happen in town. Finally I hope you get a bunch of emails and calls about this matter. I also suggest you get on the Livingston Facebook pages and read what people are saying there is very little support for the changes. If you do pass this I want to thank you for ruining Livingston summer nights and giving me more reasons to want to move out of my beloved town.

Robert McKenzie



I understand you are voting on changing the ordinance on noise levels. The changes are ENTIRELY concerning.

First, the decibel level. Do you realize that your proposal to limit noise to 65 decibel is impossible? Do you like mowing your lawn with a gas mower? Blowing snow with a gas blower? Honking your horn to avoid an accident? Listening to music while you garden, walk, etc? (On your own property I might add!) Do you like leaf blowing (with an electric blower I may add, if that is your concern...), chopping wood.... I can go in and on. Are we going to ban train operations too, or just go full totalitarian and demand citizens stop living life? Oh, a d all of those examples given are for DAYTIME HOURS based on decibel ratings.....

Second, moving up the hours of quiet hours. As a former officer for the City, I dealt with noise complaints. They are not fun, and often cause bitter neighbors. Neighbors get petty and begin doing stupid things to annoy one another. 10pm is even pushing it on weekend hours... but to make the hours start at 8pm? That is absurd!

Third, how do you plan to enforce this? Will you be allocating more money for enforcement, or expecting our already overworked, underpaid, and over stressed officers to add yet another BS, petty thing to their plate? Are you going to allocate funding for decibel meters?

Lastly, adding potential jail time and a criminal offense? Seriously???

What insanity! I am sure there are residents who love this ordinance, but I'll be damned if I won't mow my lawn, or blow my snow, DURING DAYTIME HOURS. Sometimes, even during the hours of 8pm-10pm. Clutch the pearls, I know, absolute insanity, and I should be charged with a CRIME for doing so?

This sounds like a thorough waste of time to even discuss this at a commission meeting. I would like to know who's hair brained idea this was. I deserve to know. So I can know who to mention when it's time to vote on comissioners next time.

I would appreciate, and nearly expect, a reply from each of you, in response to my concerns. I sincerely hope that none of you are taking this seriously and plan on voting this in. Listen to your community- we are fuming about this proposal!

Thank you for your time.  
Joshua Congleton

I'm writing this to PLEASE urge city commissioners to vote against the proposed 8 pm noise ordinance. My mind is absolutely baffled about this. We live in a city where suicide and mental health issues are at extreme highs. Seasonal depression is a real thing! Our winters are long and summers are short. It wasn't long ago that we finally came out of the Covid quarantine. This ordinance doesn't sound too far away from another lockdown. Our nation is still healing from the division that happened. This ordinance has the making to pit people against each other and create more hate and violence. We need this time outside please!! This ordinance would force people to be inside. That is not what Livingston is about! Please don't turn this into a Man in the High Castle town. I read that a normal dinner conversation outside with 4 people could exceed the 55 decibel restriction. City employees running around with decibel meters?!? What a waste of time and resources. If this passes, I'm submitting it to the South Park writers because this is how absurd it is!

Please vote no!  
Beth Ridgeway

I would like to voice my opposition to the Noise Ordinance being talked about and the commission considering passing. I don't feel that the city has complied by the ordinance's already on the books, Exp. "several times I have called into dispatch and Animal officer about a neighbor leaving their animal outside in the -30 temps and consistent barking ,and frozen to the ground. Those same neighbors left their animal in the house for a week while they went on a camping trip, the dog barking non stop for the first 4 days ,where he then started losing his voice and then just whimpered the next three.

If our commission has no concern about the welfare of animals or controlling that noise ,why would you try to instill and ordinance against community members for Living, because that is what you're talking about doing. I wish the commission would show more concerns for citizens who have no housing, maybe work on the Dark Skies pollution, maybe actually make a day for the city to pick up all the junk around town so we can actually have a cleaner community, don't limit what can be picked up, so it all gets cleaned. I want more answers about the Wellness center,before the vote..those questions need to be answered first!

T R

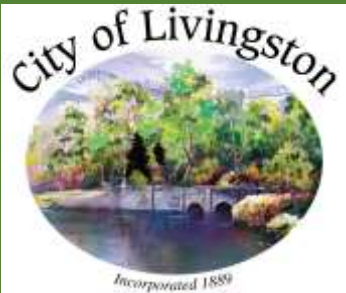
# City of Livingston

Ordinance 3051

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA,  
AMENDING CHAPTER 10, CURFEW, DISTURBING THE PEACE, AND NOISE, OF THE LIVINGSTON  
MUNICIPAL CODE, BY AMENDING SECTIONS 10-5 AND 10-6.

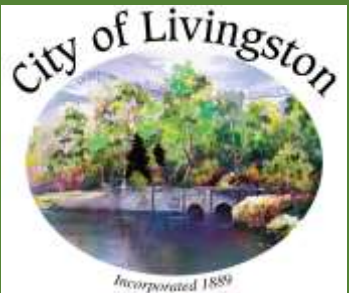
February 6, 2024

City Commission



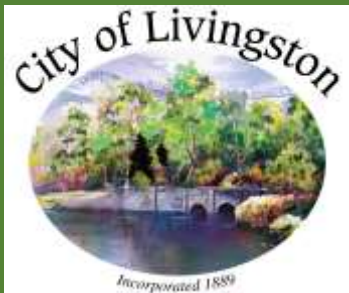
# Reasons for Ordinance 3051

- Enhances Community Well-being: This ordinance will significantly enhance the quality of life for residents by reducing noise pollution, leading to a more peaceful and comfortable living environment.
- Provides Regulatory Clarity: Implementing this ordinance provides clear guidelines and standards for noise levels, ensuring consistency in enforcement. This clarity is beneficial for both residents and businesses, as it sets defined expectations and reduces conflicts related to noise disturbances.



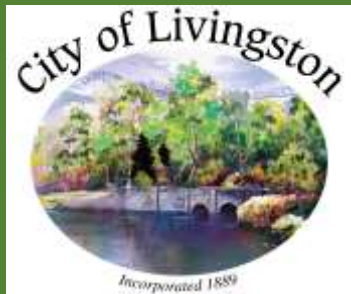
# Strategic Alignment

- The inclusion and enforcement of a noise ordinance aligns with the 2021 Growth Policy.
- The Growth Policy advocates for increased density within the city, necessitating a more robust noise regulation.
- As Livingston evolves with higher density living spaces, community events, and commercial activities, noise control becomes crucial.
- This ordinance ensures city development does not compromise residents' peace and tranquility.



# Proposed Noise Levels

Zone	Daytime - 7:00 a.m. to 8:00 p.m.	Evening - 8:00 p.m. to 7:00 a.m.
Residential	65 dB	55 dB
Commercial	80 dB	60 dB
Industrial	90 dB	80 dB



# Exceptions

- Safety signals and warning device noise.
- Emergency vehicle noises during calls or emergencies.
- Emergency work noise.
- Motorized lawnmower noise (with mufflers) from 7 a.m. to 8 p.m.
- Home/building repair and maintenance noise from 7 a.m. to 8 p.m.
- School and public park activities noise.
- Authorized public park events noise.
- General noise in parks and schools from 7 a.m. to 8 p.m.
- Noise from city-approved special events.
- City-performed construction and maintenance noise.
- Public right-of-way construction/maintenance noise with waiver.
- Waiver-granted construction/maintenance noise.



# Community Comparisons

Zone	Billings, MT Day - Night	Bozeman, MT Day - Night	Missoula, MT Day - Night	Livingston, MT Day – Night (if adopted)
Residential	65 dB - 55 dB	60 dB - 60 dB	60 dB – 50 dB	65 dB - 55 dB
Commercial	80 dB - 60 dB	60 dB - 60 dB	65 dB – 55 dB	80 dB - 60 dB
Industrial	90 dB - 80 dB	60 dB - 60 dB	80 dB – 70 DB	90 dB - 80 dB





# Questions



**File Attachments for Item:**

**B. APPROVAL OF CLAIMS PAID 2/15/24 - 2/28/24**

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>ADVANCED ELEMENTS OPERATIONAL TECH LLC</b>							
10002	ADVANCED ELEMENTS OPERA	1696	OPWORKS	02/16/2024	5,000.00	5,000.00	02/23/2024
Total ADVANCED ELEMENTS OPERATIONAL TECH LLC:					5,000.00	5,000.00	
<b>ALL SERVICE TIRE &amp; ALIGNMENT</b>							
22	ALL SERVICE TIRE & ALIGNME	67453	Tire MOUNT	12/19/2023	430.00	430.00	02/23/2024
22	ALL SERVICE TIRE & ALIGNME	67564	Flat repair	01/16/2024	25.00	25.00	02/23/2024
Total ALL SERVICE TIRE & ALIGNMENT:					455.00	455.00	
<b>ALPINE ELECTRONICS RADIO SHACK</b>							
402	ALPINE ELECTRONICS RADIO	10301181	Office Supplies	02/15/2024	36.20	36.20	02/23/2024
Total ALPINE ELECTRONICS RADIO SHACK:					36.20	36.20	
<b>ALSCO</b>							
10005	ALSCO	LBIL1923090	LIBRARY	02/07/2024	26.39	26.39	02/23/2024
10005	ALSCO	LBIL1925052	220 E PARK	02/15/2024	41.11	41.11	02/23/2024
Total ALSCO:					67.50	67.50	
<b>BALCO UNIFORM COMPANY, INC.</b>							
3371	BALCO UNIFORM COMPANY, IN	78229	Uniform-MANLEY	02/13/2024	1,377.00	1,377.00	02/23/2024
3371	BALCO UNIFORM COMPANY, IN	78389	Uniform-MANLEY	02/19/2024	124.40	124.40	02/23/2024
Total BALCO UNIFORM COMPANY, INC.:					1,501.40	1,501.40	
<b>BILLINGS CLINIC OCCUPATIONAL HEALTH</b>							
10000	BILLINGS CLINIC OCCUPATION	90EM295	SCREEN	02/13/2024	182.00	182.00	02/23/2024
Total BILLINGS CLINIC OCCUPATIONAL HEALTH:					182.00	182.00	
<b>BLACKSTONE PUBLISHING</b>							
2219	BLACKSTONE PUBLISHING	2133039	1 Audiobook	12/14/2023	40.00	40.00	02/23/2024
2219	BLACKSTONE PUBLISHING	2137129	7 AUDIOBOOKS	01/15/2024	268.88	268.88	02/23/2024
2219	BLACKSTONE PUBLISHING	2138249	1 Audiobook	01/23/2024	40.00	40.00	02/23/2024
2219	BLACKSTONE PUBLISHING	2315002	4 audiobooks	01/03/2024	159.99	159.99	02/23/2024
Total BLACKSTONE PUBLISHING:					508.87	508.87	
<b>BOUND TREE MEDICAL, LLC</b>							
2662	BOUND TREE MEDICAL, LLC	85240424	Patient Supplies	02/05/2024	599.04	599.04	02/23/2024
2662	BOUND TREE MEDICAL, LLC	85242096	Patient Supplies	02/06/2024	54.36	54.36	02/23/2024
2662	BOUND TREE MEDICAL, LLC	85246376	Patient Supplies	02/09/2024	1,425.84	1,425.84	02/23/2024
Total BOUND TREE MEDICAL, LLC:					2,079.24	2,079.24	
<b>CENGAGE LEARNING INC</b>							
10001	CENGAGE LEARNING INC	83816067	3 BOOKS	02/06/2024	87.71	87.71	02/23/2024
Total CENGAGE LEARNING INC:					87.71	87.71	
<b>CHARTER COMMUNICATIONS</b>							
3440	CHARTER COMMUNICATIONS	172677901020	ELEVATOR PHOBNE	02/07/2024	49.99	49.99	02/23/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total CHARTER COMMUNICATIONS:					49.99	49.99	
<b>CIVICPLUS</b>							
10000	CIVICPLUS	292768	MUNICODE MEETINGS PREMIU	02/01/2024	1,984.50	1,984.50	02/23/2024
Total CIVICPLUS:					1,984.50	1,984.50	
<b>COMDATA</b>							
2671	COMDATA	XW660/204057	CG72T	02/01/2024	521.70	521.70	02/23/2024
2671	COMDATA	XW660/204057	CG73p	02/01/2024	2,030.53	2,030.53	02/23/2024
Total COMDATA:					2,552.23	2,552.23	
<b>CONVERGINT</b>							
10004	CONVERGINT	IN00153019	FIRE ALARM MONITORING	02/08/2024	360.00	360.00	02/23/2024
Total CONVERGINT:					360.00	360.00	
<b>COREY O'NEILL</b>							
10001	COREY O'NEILL	405508	REIMB TRAVEL	02/07/2024	117.56	117.56	02/23/2024
Total COREY O'NEILL:					117.56	117.56	
<b>CRESCENDO PLANNING &amp; DESIGN LLC</b>							
10005	CRESCENDO PLANNING & DES	23002-LDMP-0	DOWNTOWN PLAN	02/19/2024	24,288.46	24,288.46	02/23/2024
Total CRESCENDO PLANNING & DESIGN LLC:					24,288.46	24,288.46	
<b>CUSTOM EQUIPMENT LLC</b>							
10006	CUSTOM EQUIPMENT LLC	14326	SANDER	02/13/2024	17,280.00	17,280.00	02/23/2024
Total CUSTOM EQUIPMENT LLC:					17,280.00	17,280.00	
<b>D&amp;R COFFEE SERVICE INC</b>							
10002	D&R COFFEE SERVICE INC	175793	COFFEE	02/13/2024	54.25	54.25	02/23/2024
10002	D&R COFFEE SERVICE INC	175793	COFFEE	02/13/2024	162.75	162.75	02/23/2024
Total D&R COFFEE SERVICE INC:					217.00	217.00	
<b>DEMCO INC</b>							
199	DEMCO INC	7431851	Book Prep Supplies	02/02/2024	78.53	78.53	02/23/2024
Total DEMCO INC:					78.53	78.53	
<b>FARSTAD OIL</b>							
3353	FARSTAD OIL	106252	Diesel 300G	02/13/2024	1,003.89	1,003.89	02/23/2024
Total FARSTAD OIL:					1,003.89	1,003.89	
<b>FERGUSON WATERWORKS #1701</b>							
2386	FERGUSON WATERWORKS #17	0875543-1	Meters	02/07/2024	1,585.75	1,585.75	02/23/2024
2386	FERGUSON WATERWORKS #17	0875543-2	OMNI METER	02/07/2024	1,585.42	1,585.42	02/23/2024
2386	FERGUSON WATERWORKS #17	0879609	OMNI METER	02/07/2024	2,317.63	2,317.63	02/23/2024
2386	FERGUSON WATERWORKS #17	0879989	Meters	02/07/2024	2,806.62	2,806.62	02/23/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total FERGUSON WATERWORKS #1701:					8,295.42	8,295.42	
<b>FLOYD'S TRUCK CENTER</b>							
10000	FLOYD'S TRUCK CENTER	X401187645:01	LED STROBE LIGHT	02/06/2024	383.54	383.54	02/23/2024
10000	FLOYD'S TRUCK CENTER	X401188055:01	LED RECT	02/19/2024	121.98	121.98	02/23/2024
Total FLOYD'S TRUCK CENTER:					505.52	505.52	
<b>FOUR CORNERS RECYCLING, LLC</b>							
2919	FOUR CORNERS RECYCLING,	4379	Pull fees	01/28/2024	6,542.10	6,542.10	02/23/2024
2919	FOUR CORNERS RECYCLING,	CM4379	Credit	01/28/2024	1,873.30-	1,873.30-	02/23/2024
Total FOUR CORNERS RECYCLING, LLC:					4,668.80	4,668.80	
<b>FRONTLINE AG SOLUTIONS, LLC</b>							
2516	FRONTLINE AG SOLUTIONS, LL	1103786	PIN	02/01/2024	7.00	7.00	02/23/2024
Total FRONTLINE AG SOLUTIONS, LLC:					7.00	7.00	
<b>HAWKINS, INC</b>							
470	HAWKINS, INC	6687752	Chlor cylinder	02/14/2024	2,172.08	2,172.08	02/23/2024
Total HAWKINS, INC:					2,172.08	2,172.08	
<b>HEATHER'S GARDEN SERVICE</b>							
10004	HEATHER'S GARDEN SERVICE	2024.2.8	HANGING BASKETS DOWNTOWN	02/08/2024	10,000.00	10,000.00	02/23/2024
Total HEATHER'S GARDEN SERVICE:					10,000.00	10,000.00	
<b>HILLYARD OF MONTANA</b>							
63	HILLYARD OF MONTANA	605348964	JANITORIAL SUPPLIES	12/29/2023	68.44	68.44	02/23/2024
Total HILLYARD OF MONTANA:					68.44	68.44	
<b>HUBER TECHNOLOGY</b>							
3044	HUBER TECHNOLOGY	CD10025399	PRESS BRUSH KIT	09/22/2023	4,132.29	4,132.29	02/23/2024
Total HUBER TECHNOLOGY:					4,132.29	4,132.29	
<b>INGRAM LIBRARY SERVICE</b>							
1539	INGRAM LIBRARY SERVICE	78908292	6 Books	01/08/2024	112.12	112.12	02/23/2024
1539	INGRAM LIBRARY SERVICE	79494441	2 Books	12/19/2023	36.77	36.77	02/23/2024
1539	INGRAM LIBRARY SERVICE	79494442	1 Book	12/19/2023	19.55	19.55	02/23/2024
1539	INGRAM LIBRARY SERVICE	79597767	3 BOOKS	12/26/2023	75.22	75.22	02/23/2024
1539	INGRAM LIBRARY SERVICE	79644644	4 BOOKS	12/28/2023	86.94	86.94	02/23/2024
1539	INGRAM LIBRARY SERVICE	79694527	1 Book	01/02/2024	28.72	28.72	02/23/2024
1539	INGRAM LIBRARY SERVICE	79694528	2 Books	01/02/2024	44.71	44.71	02/23/2024
1539	INGRAM LIBRARY SERVICE	79780457	2 Books	01/05/2024	59.63	59.63	02/23/2024
1539	INGRAM LIBRARY SERVICE	79946696	40 BOOKS	01/16/2024	509.09	509.09	02/23/2024
1539	INGRAM LIBRARY SERVICE	79946697	4 Books	01/16/2024	78.08	78.08	02/23/2024
1539	INGRAM LIBRARY SERVICE	80016160	7 BOOKS	01/21/2024	106.53	106.53	02/23/2024
1539	INGRAM LIBRARY SERVICE	80047985	1 Book	01/22/2024	15.51	15.51	02/23/2024
1539	INGRAM LIBRARY SERVICE	80047986	2 Books	01/22/2024	12.39	12.39	02/23/2024
1539	INGRAM LIBRARY SERVICE	80047987	7 BOOKS	01/22/2024	136.53	136.53	02/23/2024
1539	INGRAM LIBRARY SERVICE	80131123	1 Book	01/25/2024	38.26	38.26	02/23/2024
1539	INGRAM LIBRARY SERVICE	8018575	1 Book	01/24/2024	39.46	39.46	02/23/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
1539	INGRAM LIBRARY SERVICE	80188126	12 BOOKS	01/29/2024	217.30	217.30	02/23/2024
1539	INGRAM LIBRARY SERVICE	80237978	3 BOOKS	01/31/2024	63.76	63.76	02/23/2024
1539	INGRAM LIBRARY SERVICE	80310931	9 BOOKS	02/05/2024	166.56	166.56	02/23/2024
1539	INGRAM LIBRARY SERVICE	80440359	8 BOOKS	02/12/2024	152.44	152.44	02/23/2024
1539	INGRAM LIBRARY SERVICE	80440360	1 Book	02/12/2024	13.35	13.35	02/23/2024
1539	INGRAM LIBRARY SERVICE	80440361	2 Books	02/12/2024	30.99	30.99	02/23/2024
Total INGRAM LIBRARY SERVICE:					2,043.91	2,043.91	
<b>JOHN CARROLL</b>							
10005	JOHN CARROLL	2024.2.	REFEREE	02/01/2024	252.00	252.00	02/23/2024
Total JOHN CARROLL:					252.00	252.00	
<b>KELLEY CREATE</b>							
10006	KELLEY CREATE	IN1544628	JH13332	02/05/2024	22.90	22.90	02/23/2024
10006	KELLEY CREATE	IN1544628	JH13332	02/05/2024	22.90	22.90	02/23/2024
10006	KELLEY CREATE	IN1544628	JH13332	02/05/2024	22.89	22.89	02/23/2024
10006	KELLEY CREATE	IN1544628	JH13332	02/05/2024	22.89	22.89	02/23/2024
10006	KELLEY CREATE	IN542227	JH110287	02/01/2024	17.40	17.40	02/23/2024
Total KELLEY CREATE:					108.98	108.98	
<b>LEHRKIND'S COCA-COLA</b>							
2830	LEHRKIND'S COCA-COLA	2122137	Water	02/21/2024	23.00	23.00	02/23/2024
Total LEHRKIND'S COCA-COLA:					23.00	23.00	
<b>LIVINGSTON BUSINESS IMPROVEMENT</b>							
3370	LIVINGSTON BUSINESS IMPRO	2024.1	1ST HALF FY 24	02/20/2024	27,429.05	27,429.05	02/23/2024
Total LIVINGSTON BUSINESS IMPROVEMENT:					27,429.05	27,429.05	
<b>LIVINGSTON CHAMBER OF COMMERCE</b>							
618	LIVINGSTON CHAMBER OF CO	30341A	MEMBERSHIP LIBRARY	02/07/2024	100.00	100.00	02/23/2024
Total LIVINGSTON CHAMBER OF COMMERCE:					100.00	100.00	
<b>MEYER ELECTRIC AND GROUNDS REPAIR, LLC</b>							
3812	MEYER ELECTRIC AND GROUN	1208	HOOK UP PUMP	02/07/2024	187.50	187.50	02/23/2024
Total MEYER ELECTRIC AND GROUNDS REPAIR, LLC:					187.50	187.50	
<b>MISC</b>							
99999	MISC	CR2022-0013	Bond Refund	02/16/2024	590.00	590.00	02/16/2024
99999	MISC	TK2020-0086.3	RESTITUTION	02/08/2024	50.00	50.00	02/08/2024
99999	MISC	TK2023-0299	Bond Refund	02/23/2024	150.00	150.00	02/23/2024
99999	MISC	TK2023-0306	Bond Refund	02/16/2024	885.00	885.00	02/16/2024
Total MISC:					1,675.00	1,675.00	
<b>MONTANA AIR CARTAGE</b>							
3808	MONTANA AIR CARTAGE	LVQ13124	Courier CONTRACT	02/07/2024	217.80	217.80	02/23/2024
Total MONTANA AIR CARTAGE:					217.80	217.80	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>MURPHY'S HEATING SERVICE</b>							
3802	MURPHY'S HEATING SERVICE	2024.2.3	CEMETARY SHOP UNIT HEATE	02/03/2024	200.00	200.00	02/23/2024
3802	MURPHY'S HEATING SERVICE	2024.2.3	CEMETARY SHOP UNIT HEATE	02/03/2024	200.00	200.00	02/23/2024
Total MURPHY'S HEATING SERVICE:					400.00	400.00	
<b>NORTHWEST PIPE FITTINGS, INC</b>							
423	NORTHWEST PIPE FITTINGS, I	570251	METER GASKET	01/30/2024	2,272.70	2,272.70	02/23/2024
423	NORTHWEST PIPE FITTINGS, I	570251-1	METER GASKET	01/30/2024	240.00	240.00	02/23/2024
Total NORTHWEST PIPE FITTINGS, INC:					2,512.70	2,512.70	
<b>NORTHWESTERN ENERGY</b>							
151	NORTHWESTERN ENERGY	0107897-1 2.9.	228 W CALLENDER	02/09/2024	1,353.18	1,353.18	02/23/2024
151	NORTHWESTERN ENERGY	0709874-2 202	Werner Addition Pump	02/08/2024	.00	.00	
151	NORTHWESTERN ENERGY	0709878-3 202	227 River Drive - Concessions sta	02/09/2024	.00	.00	
151	NORTHWESTERN ENERGY	0709880-9 202	200 River Drive - Pool	03/07/2024	.00	.00	
151	NORTHWESTERN ENERGY	0709882-5 202	229 River Drive - Pump Civic Cent	03/07/2024	.00	.00	
151	NORTHWESTERN ENERGY	0709891-6 202	15 Fleshman Creek-Cemetery Wo	02/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	0709892-4 202	40 Water Tower Avenue	02/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	0720048-8 202	330 Bennett 1/4	02/07/2024	.00	.00	
151	NORTHWESTERN ENERGY	0720048-8 202	330 Bennett 1/4	02/07/2024	.00	.00	
151	NORTHWESTERN ENERGY	0720048-8 202	330 Bennett 1/4	02/07/2024	.00	.00	
151	NORTHWESTERN ENERGY	0720122-1 202	400 North M	03/07/2024	.00	.00	
151	NORTHWESTERN ENERGY	0933715-5 202	710 W Callender	03/07/2024	.00	.00	
151	NORTHWESTERN ENERGY	1290352-2 202	School Flasher Park & 13th	02/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	1493850-0 202	412 W Callender	02/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	1747572-4 202	F & G on Callender	02/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	1893536-1 202	E Street & Alley	02/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	2171060-3 202	Scale House 408 Bennett Street	02/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	3015965-1 202	330 Bennett - Fire Training Center	02/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	3093023-4 202	320 North Main	02/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	3258262-9 202	320 Alpenglow Lift Station	02/07/2024	.00	.00	
151	NORTHWESTERN ENERGY	3287727-6 202	320 Alpenglow LN-	02/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	3386846-4 202	Btwn 7th and 8th on Summit	02/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	3506014-4 202	Brookstone/Elm	02/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	3566039-8 202	115 East Lewis	02/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	3678204-3 202	502 River Dr. Pmp	02/26/2024	.00	.00	
151	NORTHWESTERN ENERGY	3725873-8 202	340 Bennett	02/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	3787060-7 202	Green Acres Lights	02/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	3867654-0 202	2222 Willow Dr. Lt A	02/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	4134094-4 202	200 E Reservoir	02/15/2024	.00	.00	
Total NORTHWESTERN ENERGY:					1,353.18	1,353.18	
<b>O'REILLY AUTOMOTIVE, INC</b>							
2437	O'REILLY AUTOMOTIVE, INC	1558-339372	Capsule	02/08/2024	50.60	50.60	02/23/2024
Total O'REILLY AUTOMOTIVE, INC:					50.60	50.60	
<b>PARK COUNTY</b>							
272	PARK COUNTY	2024_01	CITY SHARE MATS	01/31/2024	47.13	47.13	02/23/2024
272	PARK COUNTY	2024_01	CITY SHARE MATS	01/31/2024	47.13	47.13	02/23/2024
272	PARK COUNTY	2024_01	REPAIR FLAG POLES	01/31/2024	148.00	148.00	02/23/2024
272	PARK COUNTY	2024_01	PHONES - CITY/COUNTY COMP	01/31/2024	345.37	345.37	02/23/2024
272	PARK COUNTY	2024_01	INTERNET - CITY/COUNTY COM	01/31/2024	2,680.76	2,680.76	02/23/2024
272	PARK COUNTY	2024_01	INTERNET - CITY HALL	01/31/2024	836.16	836.16	02/23/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
272	PARK COUNTY	2024_01	INTERNET - PUBLIC WORKS	01/31/2024	194.29	194.29	02/23/2024
272	PARK COUNTY	2024_01	INTERNET - PUBLIC WORKS	01/31/2024	194.29	194.29	02/23/2024
272	PARK COUNTY	2024_01	INTERNET - PUBLIC WORKS	01/31/2024	194.29	194.29	02/23/2024
272	PARK COUNTY	2024_01	INTERNET - PUBLIC WORKS	01/31/2024	194.29	194.29	02/23/2024
272	PARK COUNTY	2024_01	INTERNET - CIVIC CENTER	01/31/2024	777.16	777.16	02/23/2024
272	PARK COUNTY	2024_01	INTERNET - TRANSFER STATIO	01/31/2024	228.69	228.69	02/23/2024
272	PARK COUNTY	2024_01	INTERNET - POOL	01/31/2024	228.69	228.69	02/23/2024
272	PARK COUNTY	2024_01	INTERNET - STREET SHOP	01/31/2024	76.23	76.23	02/23/2024
272	PARK COUNTY	2024_01	INTERNET - STREET SHOP	01/31/2024	76.23	76.23	02/23/2024
272	PARK COUNTY	2024_01	INTERNET - STREET SHOP	01/31/2024	76.23	76.23	02/23/2024
272	PARK COUNTY	2024_01	ANALOG LINE - LOBBY ELEVAT	01/31/2024	9.47	9.47	02/23/2024
272	PARK COUNTY	2024_01	FIRE LINE FEES	01/31/2024	46.62	46.62	02/23/2024
272	PARK COUNTY	2024_01	TOILET REPAIR	01/31/2024	111.00	111.00	02/23/2024
272	PARK COUNTY	2024_01	JANITORIAL SERVICE	01/31/2024	2,055.00	2,055.00	02/23/2024
272	PARK COUNTY	2024_01	RECYCLING	01/31/2024	74.00	74.00	02/23/2024
272	PARK COUNTY	2024_01	REMOTE MANAGEMENT	01/31/2024	273.62	273.62	02/23/2024
272	PARK COUNTY	2024_01	UTILITES	01/31/2024	2,891.82	2,891.82	02/23/2024
272	PARK COUNTY	2024_01	FIRE EXTINGUISHER	01/31/2024	134.68	134.68	02/23/2024
Total PARK COUNTY:					11,941.15	11,941.15	
<b>PARK COUNTY TREASURER - TECH</b>							
1702	PARK COUNTY TREASURER - T	2023.2	JANUARY COLLECTIONS	02/01/2024	305.00	305.00	02/23/2024
Total PARK COUNTY TREASURER - TECH:					305.00	305.00	
<b>PARK COUNTY TREASURER/M.L.E.A.</b>							
2156	PARK COUNTY TREASURER/M.	2024.2	JANUARY COLLECTIONS	02/01/2024	430.00	430.00	02/23/2024
Total PARK COUNTY TREASURER/M.L.E.A.:					430.00	430.00	
<b>PARK COUNTY VICTIM WITNESS</b>							
1544	PARK COUNTY VICTIM WITNES	2024.2	JANUARY COLLECTIONS	02/01/2024	355.00	355.00	02/23/2024
Total PARK COUNTY VICTIM WITNESS:					355.00	355.00	
<b>QUILL CORPORATION</b>							
694	QUILL CORPORATION	36930227	PAPER	01/29/2024	22.98	22.98	02/23/2024
Total QUILL CORPORATION:					22.98	22.98	
<b>REPUBLIC SERVICES #670</b>							
10000	REPUBLIC SERVICES #670	0670-0004452	DISPOSAL/RECYCLING	01/31/2024	66,848.66	66,848.66	02/23/2024
Total REPUBLIC SERVICES #670:					66,848.66	66,848.66	
<b>SECURITY SOLUTIONS, INC.</b>							
3020	SECURITY SOLUTIONS, INC.	13209	Access Control - CIVIC CENTER	02/01/2024	235.00	235.00	02/23/2024
Total SECURITY SOLUTIONS, INC.:					235.00	235.00	
<b>SELECT ADVANTAGE CONSULTING</b>							
3173	SELECT ADVANTAGE CONSULT	10348569	DispatcHER ASSESSMENT SER	01/02/2024	25.00	25.00	02/23/2024
Total SELECT ADVANTAGE CONSULTING:					25.00	25.00	



Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>SPECIAL LUBE</b>							
1814	SPECIAL LUBE	224-280-16468	Oil Change	02/13/2024	45.00	45.00	02/23/2024
Total SPECIAL LUBE:					45.00	45.00	
<b>STAFFORD ANIMAL SHELTER</b>							
1439	STAFFORD ANIMAL SHELTER	381	Boarding AND VACC	02/16/2024	3,333.33	3,333.33	02/23/2024
Total STAFFORD ANIMAL SHELTER:					3,333.33	3,333.33	
<b>TD&amp;H ENGINEERING, INC</b>							
3390	TD&H ENGINEERING, INC	36866	REGIONAL SEWER EXTENSION	02/06/2024	1,133.59	1,133.59	02/23/2024
3390	TD&H ENGINEERING, INC	36867	I&I PROJECT	02/06/2024	1,301.88	1,301.88	02/23/2024
3390	TD&H ENGINEERING, INC	36867	I&I PROJECT	02/06/2024	1,301.87	1,301.87	02/23/2024
3390	TD&H ENGINEERING, INC	36868	ON CALL WATER MODELING	02/06/2024	400.00	400.00	02/23/2024
3390	TD&H ENGINEERING, INC	36868	ON CALL SEWER	02/06/2024	480.00	480.00	02/23/2024
3390	TD&H ENGINEERING, INC	36868	RRFB MDT PROJECT	02/06/2024	80.00	80.00	02/23/2024
3390	TD&H ENGINEERING, INC	36868	2024 CIP	02/06/2024	53.33	53.33	02/23/2024
3390	TD&H ENGINEERING, INC	36868	2024 CIP	02/06/2024	53.33	53.33	02/23/2024
3390	TD&H ENGINEERING, INC	36868	2024 CIP	02/06/2024	53.34	53.34	02/23/2024
3390	TD&H ENGINEERING, INC	36868	LHC ROAD EXTENSION	02/06/2024	240.00	240.00	02/23/2024
3390	TD&H ENGINEERING, INC	36868	ARPA (RSE) CLOSE-OUT	02/06/2024	80.00	80.00	02/23/2024
3390	TD&H ENGINEERING, INC	36869	ADU WATER MODEL UPDATE	02/06/2024	1,303.75	1,303.75	02/23/2024
Total TD&H ENGINEERING, INC:					6,481.09	6,481.09	
<b>TEAR IT UP L.L.C.</b>							
2999	TEAR IT UP L.L.C.	59857	Shredding	01/10/2024	110.20	110.20	02/23/2024
Total TEAR IT UP L.L.C.:					110.20	110.20	
<b>THE MAIN PRINT SHOP</b>							
10006	THE MAIN PRINT SHOP	17804	BUSINESS CARDS TOWNSEND	02/09/2024	26.95	26.95	02/23/2024
10006	THE MAIN PRINT SHOP	17804	BUSINESS CARDS TOWNSEND	02/09/2024	26.95	26.95	02/23/2024
Total THE MAIN PRINT SHOP:					53.90	53.90	
<b>TK ELEVATOR CORPORATION</b>							
10003	TK ELEVATOR CORPORATION	3007707970	ELEVATOR MAINT	02/01/2024	1,112.65	1,112.65	02/23/2024
Total TK ELEVATOR CORPORATION:					1,112.65	1,112.65	
<b>TOWN &amp; COUNTRY FOODS - LIVINGSTON</b>							
2595	TOWN & COUNTRY FOODS - LI	TK2023-0193	RESTITUTION TK2023-0193	02/08/2024	30.00	30.00	02/08/2024
Total TOWN & COUNTRY FOODS - LIVINGSTON:					30.00	30.00	
<b>US BANK EQUIPMENT FINANCE</b>							
10001	US BANK EQUIPMENT FINANCE	521715144	PRINTER	02/05/2024	273.23	273.23	02/23/2024
Total US BANK EQUIPMENT FINANCE:					273.23	273.23	
<b>USA BLUEBOOK</b>							
1430	USA BLUEBOOK	INV00259374	LAB SOLUTIONS	01/29/2024	359.00	359.00	02/23/2024
1430	USA BLUEBOOK	INV00270303	PIN INSERT	02/07/2024	270.11	270.11	02/23/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total USA BLUEBOOK:					629.11	629.11	
<b>VERIZON WIRELESS</b>							
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	60.94	60.94	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	46.53	46.53	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	19.14	19.14	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	19.14	19.14	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	19.14	19.14	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	60.94	60.94	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	60.94	60.94	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	19.14	19.14	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	19.14	19.14	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	42.60	42.60	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	19.14	19.14	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	42.60	42.60	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	19.14	19.14	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	42.60	42.60	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	19.14	19.14	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	28.02	28.02	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	28.02	28.02	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	19.14	19.14	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	42.60	42.60	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	19.14	19.14	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	46.53	46.53	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	46.55	46.55	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	13.79	13.79	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	11.82	11.82	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	46.53	46.53	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	19.14	19.14	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	19.14	19.14	02/23/2024
879	VERIZON WIRELESS	9956186349	FEBRUARY CELLPHONES	02/08/2024	123.17	123.17	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	21.86	21.86	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	63.97	63.97	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	.00	.00	
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	10.06	10.06	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	10.06	10.06	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	44.75	44.75	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	63.97	63.97	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	63.97	63.97	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	23.78	23.78	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	20.11	20.11	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	44.75	44.75	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	20.11	20.11	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	20.11	20.11	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	.00	.00	
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	44.75	44.75	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	20.11	20.11	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	12.42	12.42	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	64.03	64.03	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	44.75	44.75	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	20.11	20.11	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	20.11	20.11	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	20.11	20.11	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	20.11	20.11	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	12.42	12.42	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	12.42	12.42	02/23/2024

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	12.42	12.42	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	20.11	20.11	02/23/2024
879	VERIZON WIRELESS	9956186350	FEBRUARY CELLPHONES	02/08/2024	20.11	20.11	02/23/2024
Total VERIZON WIRELESS:					1,725.34	1,725.34	
<b>WISPWEST.NET</b>							
2087	WISPWEST.NET	318183	Internet-CIVIC CENTER	02/20/2024	63.51	63.51	02/23/2024
2087	WISPWEST.NET	318183	Internet SOCCER	02/20/2024	85.19	85.19	02/23/2024
Total WISPWEST.NET:					148.70	148.70	
Grand Totals:					218,158.69	218,158.69	

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

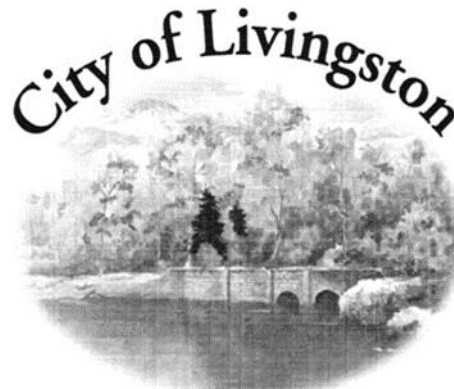
**File Attachments for Item:**

**C. APPLICATION FOR SHARON HORVATH FOR SPECIAL PARKING SPACE FOR RESERVED FOR DISABLED PERSONS ON A PUBLIC STREET.**

**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

citymanager@livingstonmontana.org  
www.livingstonmontana.org



*Incorporated 1889*

**Chairperson**  
Karrie Kahle

**Vice Chair**  
Melissa Nootz

**Commissioners**  
Quentin Schwarz  
Torrey Lyons  
James Willich

Date: 3/5/2024  
To: Chair Kahle and City Commissioners  
From: Grant Gager

**Staff Report for Approval of a Special Reserved Parking Space**

**Recommendation and Summary**

Staff is recommending the Commission approve the reservation and installation of a special parking space to enable parking by a disabled City resident by adopting the following motion:

“I move to approve the reservation and installation of a special parking space located at 104 N. E Street, and authorize the City Manager to direct installation of the required signage and paint.”

The reasons for the recommendation are as follows:

- Chapter 9 of the Livingston Municipal Code allows for the creation of special parking spaces in certain circumstances.
- The City has received a request from a resident that conforms to the requirements of the Livingston Municipal Code for issuance of a special reserved parking space. City Commission approval is required to issue such a space.

**Introduction and History**

Chapter 9 of the Livingston Municipal Code (LMC) provides requirements for the operation and parking of vehicles in the City of Livingston. Importantly, Section 9-243.C. of the LMC allows for the creation of Special Reserved Parking Spaces for disabled persons adjacent to their residence subject to the approval of the City Commission.

**Analysis**

The City has received an application for a Special Reserved Parking Space at 104 N. E Street in the City of Livingston that meets the requirements established in the LMC and staff is requesting City Commission approval for reservation and installation of such a space. The permit will not be provided until the fee and appropriate vehicle registration documents are provided.

**Fiscal Impact**

The \$50.00 fee established in the LMC for Special Reserved Parking Spaces is intended to provide for signage installation and cover the City’s cost.

**Strategic Alignment**

Issuance of such a Special Reserved Parking Space fulfills the goals and requirements of the Livingston Municipal Code.

**Attachments**

- Attachment A: Special Reserved Parking Space Application

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

\*\*\*\*\*

Name of Applicant: Sharon M. Horvath  
Address: 104 NE St Livingston, MT 59047 Phone: 304-961-0889

Type of Special Parking Space Requested:

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

Specific Location of the Requested Space: 104 NE St

Reason for the Request:

disabled ~~all~~ ~~no~~ public parking only and no disabled spots.

\*\*\*\*\*

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

1. Do you operate a vehicle displaying a specialty inscribed license plate issued by the state of Montana to disabled persons and displaying a wheelchair symbol, or the letters "DV" issued to disabled veteran's, or do you possess a special parking permit issued by the State of Montana to persons with a disability?  
(Please provide a copy of the vehicle registration). Yes  No
2. Is the requested parking space adjacent to your permanent residence? Yes  No
3. Does reasonably accessible and practicable off street parking exist? Yes  No
4. License plate number of vehicle(s) designated to use the space: 57148 DV
5. Are the designated vehicles operated by you? Yes  No

Administrative Use Only

Date application received: 2-23-24 Reviewed by: Mike Stoylich

Does request meet criteria? Yes  No

Comments \_\_\_\_\_

City Commission Action:  Approved  Denied Date: \_\_\_\_\_

\*\*\*\*\*

Installation of Sign:

Sign installed by: \_\_\_\_\_ Date: \_\_\_\_\_

Amount Collected: \_\_\_\_\_ Check no. \_\_\_\_\_

Removal of Sign

Sign removed by: \_\_\_\_\_ Date: \_\_\_\_\_

Reason for Removal: \_\_\_\_\_



**Montana Vehicle Registration**

Valid Through Date **02/28/2025**

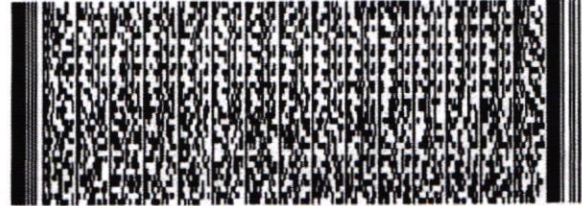
Renewal Cust Nbr **5118978**

County	<b>Park</b>	Issue Date	<b>02/12/2024</b>	Tab Nbr	<b>A07985811</b>
Usage	<b>Regular</b>	User	<b>pj49a000</b>	Plate Nbr	<b>J7148</b>
Reg Usage	<b>Regular</b>	Fleet Nbr		Plate Type	<b>Disabled Veteran (DV)</b>
Reg Type		OTN			

Owners / Lessors  
**Sharon Melissa Horvath**  
**104 N E St**  
**Apt 2**  
**Livingston, MT 590472751**

VIN	<b>JA4AT5AAXLZ001294</b>	Year	<b>2020</b>	Make	<b>Mitsubishi</b>	Model	<b>Eclipse Cross</b>
Veh Type	<b>Rugged Terrain (LL)</b>	Style	<b>UT</b>	Color	<b>White</b>	Ext Model	
Weight	<b>3516</b>	Ton Code				Veh Nbr	<b>5447116</b>
Decl GVW		GVW Class		GVW Beg		GVW End	

**Sharon Melissa Horvath**  
**104 N E St**  
**Apt 2**  
**Livingston, MT 590472751**



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

**Tab Number**  
**A07985811**

**Month Number**  
**02**



**State of Montana**  
**Attention Vehicle Owner**

**When applying tab to rear license plate:**

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

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

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

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

Next time, you may renew your vehicle registration online at <https://mt.vitu.com/mvdyourway/vrguest/>

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

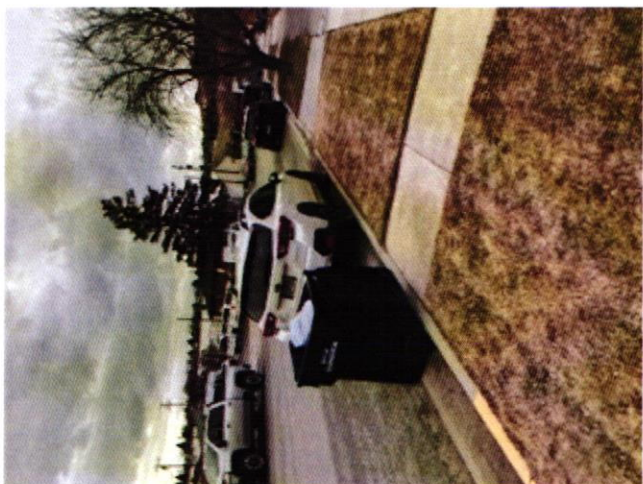
**mvdmt.gov**



**Mike Stordalen**

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**From:** Mike Stordalen  
**Sent:** Monday, February 26, 2024 8:40 AM  
**To:** Mike Stordalen  
**Subject:** 104. N. E Handi cap spot

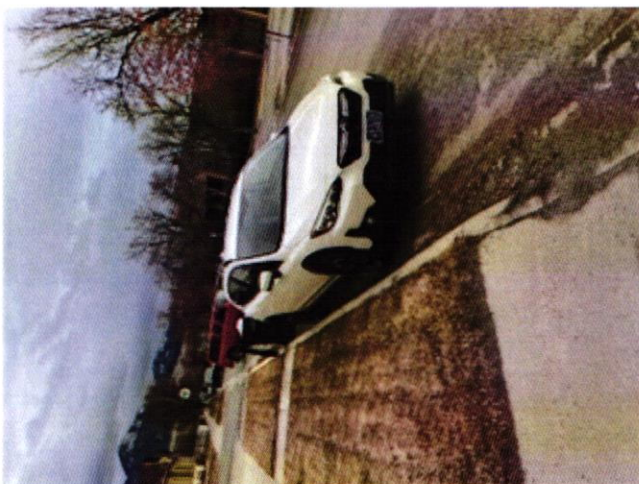


Sent from my iPhone

**Mike Stordalen**

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**From:** Mike Stordalen  
**Sent:** Monday, February 26, 2024 8:41 AM  
**To:** Mike Stordalen  
**Subject:** 104. N. E handicap spot.



Sent from my iPhone

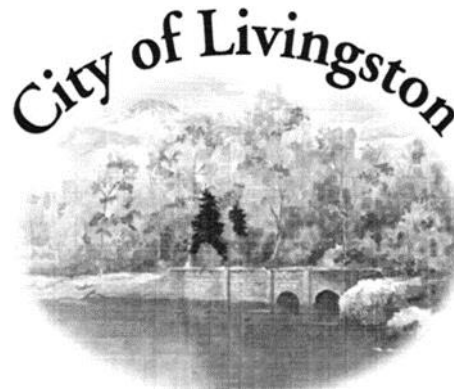
**File Attachments for Item:**

**D. AGREEMENT 20068 WITH LIVINGSTON HEALTHCARE**

**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

citymanager@livingstonmontana.org  
www.livingstonmontana.org



*Incorporated 1889*

**Chairperson**  
Karrie Kahle

**Vice Chair**  
Melissa Nootz

**Commissioners**  
Quentin Schwarz  
Torrey Lyons  
James Willich

Date: 3/5/2024  
To: Chair Kahle and City Commissioners  
From: Grant Gager, City Manager

**Staff Report for Agreement 20068 with Livingston Healthcare**

**Recommendation and Summary**

Staff is recommending approval of agreement 20068 with Livingston Healthcare using the following motion:

“I move to approve Agreement 20068 with Livingston Healthcare and authorize the Chair to sign.”

The reasons for the recommendation are as follows:

- The City provides facility transports to and from Livingston Healthcare.
- Livingston Healthcare would like to ensure the availability of transports by increasing the incentive payment.

**Introduction and History**

The City of Livingston’s Fire and Rescue Department provides transfers of patients from Livingston Healthcare’s facility on Alpenglow Lane. Transfers are most often performed by off-duty staff who return to perform the transfers which enables the duty staff to remain in the city to answer emergency calls. Due to the availability of off-duty staff to perform transfers, certain transfer requests have not been immediately fulfilled.

**Analysis**

Increasing the payment to staff members that perform transfers is anticipated to increase the likelihood of transfer requests being immediately fulfilled.

**Fiscal Impact**

There is no fiscal impact arising from the agreement as the increase in incentive payments to staff will be offset by revenue from Livingston Healthcare.

**Strategic Alignment**

The fulfillment of transfer requests aligns with the City’s goal of providing high-quality services.

**Attachments**

- Attachment A: Agreement 20068

**AGREEMENT 20068  
FOR  
INTER-FACILITY TRANSPORTATION**

This Incentive Agreement for Inter-Facility Transportation (the “Agreement”) is entered into on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, between the **City of Livingston**, a political subdivision of the State of Montana, of 220 East Park Street, Livingston, Montana (“City”), and **Livingston Healthcare**, a Montana non-profit corporation, of 320 Alpenglow Lane, Livingston, Montana (“LHC”).

WHEREAS, the purpose of this Agreement is to offer an incentive to the City’s off duty staff to provide inter-facility transportation services for patients of LHC.

NOW, THEREFORE, in consideration of the agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **Services Provided.** City shall provide patients of LHC with inter-facility ambulance transportation services to or from the LHC Facility (the “Services”) using the existing non-emergency inter-facility transport process.

The ambulances used by City in the delivery of the Services shall be staffed by at least two (2) persons who are licensed or certified by law to render non-emergency medical care. City shall make the Services available twenty-four (24) hours per day, seven (7) days per week.

City will conduct the transport within two (2) hours. However, if the City is not able to conduct the transport within two (2) hours, City will notify LHC of such and LHC will make other arrangements for the transport. However, the City has no obligation to LHC to provide the Services within the two (2) hour time limit or provide the Services at all.

The Services do not include, and this Agreement does not affect, the delivery by City of emergency medical transportation services. The determination of whether a transport is an “emergency” or “non-emergency” shall be made by the City in accordance with established standards and protocols. City shall provide the Services upon request by an employee or other agent of the LHC.

2. **Fees for Services.** City will charge LHC the fees for the Services as set forth in Exhibit “1” attached hereto and incorporated herein by reference. The fees may be modified upon mutual agreement of the parties.

3. **Payment for the Services and Billing.** LHC will pay the charges set forth in Exhibit “1” separate from and independent of payments and coverage by Medicare, Medicaid or other third-party insurance, and LHC is liable for the payment to the City of its fees for such transport regardless of whether the transport is covered by Medicare, Medicaid or other third-party insurance.

By the 15<sup>th</sup> day of each month, City will provide to LHC an invoice indicating the number and type of transports conducted each month and the amount due the City. LHC will pay the invoice within thirty (30) days.

5. **Term of Agreement.** This Agreement shall become effective on the above date for an initial one-year term and shall renew for an additional one-year term upon mutual agreement of the parties.

6. **Termination.** This Agreement may be terminated upon sixty (60) days written notice by either party to the other.

7. **HIPAA Privacy Rule.** City, as an ambulance service provider, provides health care services directly to patients. As such, City is a “covered entity” under the HIPAA Privacy Rule. 45 C.F.R. §160.103. The HIPAA Privacy Rule expressly permits covered entities to share protected health information (“PHI”) with another covered entity for treatment and payment activities of the entity receiving the PHI. 45 C.F.R. §164.506(c). Therefore, LHC acknowledges and agrees that it is permitted to disclose PHI to the City for its treatment without the need for a business associate agreement, patient authorization or any other permissions or approval.

8. **Notices.** Any notice required to be given pursuant to this Agreement shall be in writing and shall be sent by certified mail, registered mail, hand delivery, or email to the parties at the addresses set forth below:

City:  
Grant Gager  
City Manager  
City of Livingston  
220 East Park Street  
Livingston, Montana 59047  
CityManager@LivingstonMontana.org

LHC:  
Bruce Whitfield  
CEO  
Livingston Healthcare  
320 Alpenglow Lane  
Livingston, Montana 59047

9. **Parties Bound.** This Agreement shall be binding upon and inure to the benefit of the parties and their respective legal representatives, assigns and successors.

10. **Legal Construction.** In case one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision in this Agreement and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in it.

11. **Entire Agreement.** This Agreement constitutes the entire agreement of the parties on the subject matter and supersedes any prior understanding or written or oral agreements between the parties respecting the subject matter of this Agreement.

12. **Attorneys' Fees.** If any action at law or in equity is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, costs, and expenses in addition to any other relief to which it may be entitled.

13. **Governing Law.** This Agreement shall be construed under and in accordance with the laws of the State of Montana, and all obligations of the parties created under this Agreement are performable in Park County, Montana.

14. **No Assignment.** Neither this Agreement nor any duties or obligations under it shall be assignable by either party without the prior written consent of the other party. In the event of an Assignment by either party to which the other party has consented, the assignee or the assignees legal representative shall agree in writing to assume, perform, and be bound by all of the covenants, obligations and agreements contained in this Agreement.

15. **Amendment.** This Agreement may be only amended by a written instrument signed by both parties.

16. **Medicare Access to Records.** To the extent required by Section 1395x(v)(1)(I) of Title 42 of the United States Code, until the expiration of four years after the termination of this Agreement, City shall, upon written request, make available to the Secretary of the United States Department of Health and Human Services, or to the Comptroller General of the United States General Accounting Office, or to any of their duly authorized representatives, a copy of this Agreement and such books, documents, and records as are necessary to certify the nature and extent of the costs of the Services provided by City under this Agreement.

17. **Independent Contractor.** It is understood and agreed that City is engaged by LHC to provide the Services as an independent contractor and that no employee or agent of one party shall be considered an employee or agent of the other party. Neither party has the right to bind the other party to any contract or any other obligations.

EXECUTED to be effective on the date herein above written.

**CITY OF LIVINGSTON:**

**LIVINGSTON HEALTHCARE:**

\_\_\_\_\_  
**Karrie Kahle, Chair**

\_\_\_\_\_  
**Bruce Whitfield, CEO**

\_\_\_\_\_  
**Emily Hutchinson, City Clerk**

**Exhibit 1**

1. \$50.00 per employee for Basic Life Support (BLS).
2. \$150.00 per employee for Advanced Life Support (ALS) using ALS qualified employees.
3. \$250.00 per employee for Critical Care (CC) transport using CC qualified employees



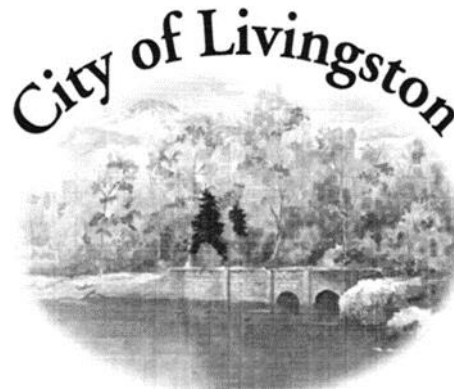
**File Attachments for Item:**

**E. AGREEMENT 20069 WITH JON M. HESSE PC FOR CIVIL CITY ATTORNEY SERVICES**

**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

citymanager@livingstonmontana.org  
www.livingstonmontana.org



*Incorporated 1889*

**Chairperson**  
Karrie Kahle

**Vice Chair**  
Melissa Nootz

**Commissioners**  
Quentin Schwarz  
Torrey Lyons  
James Willich

Date: 3/5/2024  
To: Chair Kahle and City Commissioners  
From: Grant Gager, City Manager

**Staff Report for Agreement 20069 with Jon Hesse**

**Recommendation and Summary**

Staff is recommending approval of agreement 20069 with Jon Hesse using the following motion:

**“I move to approve Agreement 20069 with Jon Hesse and authorize the Chair to sign.”**

The reasons for the recommendation are as follows:

- The City has utilized contracted City Attorney services since February 2023.
- The existing contract for civil legal services is due for renewal.

**Introduction and History**

The City of Livingston has used contracted City Attorney services for the past year. The City utilizes separate contracted criminal and civil attorneys to meet its responsibilities and needs. The current civil legal service contract is expiring and continued legal services are still required.

**Analysis**

The current civil attorney has performed well and gained knowledge of the City’s legal landscape and the City Manager desires to continue the contractual relationship. The level of civil legal expenditures exceeds the City Manager’s contract approval authority.

**Fiscal Impact**

Funds for legal services are included in the FY 2024 budget.

**Strategic Alignment**

Adequate legal support is necessary to the performance of City functions.

**Attachments**

- Attachment A: Agreement 20069

**CITY ATTORNEY AGREEMENT 20069 FOR CIVIL AFFAIRS**

THIS AGREEMENT executed on the \_\_\_\_ day \_\_\_\_\_, 2024, is made and entered into by and between JON M. HESSE, P.C. (hereinafter referred to as “Attorney”), and the CITY OF LIVINGSTON (hereinafter referred to as “City”).

**WITNESSETH**

1. **NATURE OF EMPLOYMENT:**

It is mutually understood and agreed to by and between the parties hereto that the City does retain and employ the services of Jon M. Hesse, P.C., to act as the City Attorney for civil affairs for the City.

2. **TERM OF EMPLOYMENT:**

Pursuant to Section 7-4-4602(2), MCA, the terms of this Agreement shall be for a two-year term from March 6, 2024, to March 6, 2026.

3. **COMPENSATION AND CHARGES:**

The parties agree that the City will pay said Attorney the sum of \$176.25 per hour which is a twenty-five percent (25%) discount from his normal rate of \$235.00 per hour.

In addition to the hourly rate set forth above, the City will pay Attorney’s out of pocket expenses, which will include, but is not limited to, filing fees and postage.

4. **OFFICE AND STAFF:**

Attorney will provide his own office and staff which is located at 1201 U.S. Highway 10 West, Suite A3, Livingston, Montana. His mailing address is P.O. Box 1078, Livingston, Montana 59047.

5. **MALPRACTICE INSURANCE:**

City Attorney will provide his own malpractice insurance.

EXECUTED by the parties on the date set forth above.

CITY OF LIVINGSTON

By: \_\_\_\_\_

Grant Gager

Its: City Manager

CITY ATTORNEY

Jon M. Hesse, P.C.

By: \_\_\_\_\_

Jon M. Hesse

Its: President

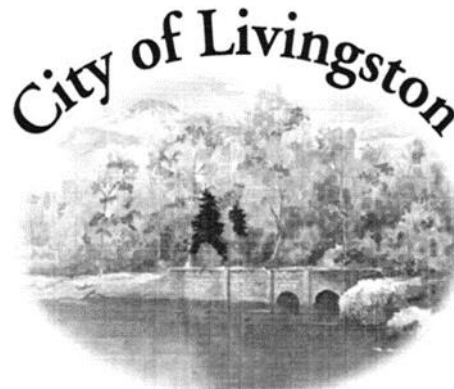
**File Attachments for Item:**

**F. PURCAHSE ORDER 20070 FOR A SEWER CAMERA**

**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

citymanager@livingstonmontana.org  
www.livingstonmontana.org



*Incorporated 1889*

**Chairperson**  
Karrie Kahle

**Vice Chair**  
Melissa Nootz

**Commissioners**  
James Willich  
Quentin Schwarz  
Torrey Lyons

Date: 3/5/2024  
To: Chair Kahle and City Commissioners  
From: Shannon Holmes, Public Works Director

**Staff Report for Purchase Order 20070 For Aries Sewer Camera**

**Recommendation and Summary**

Staff is recommending the Commission approve purchase order 20070 for an Aries MPF300-4-SK Mobile Pathfinder sewer camera by adopting the following motion:

“I move to approve purchase order 20070 and authorize the City Manager to sign.”

The reasons for the recommendation are as follows:

- The sewer camera purchase is in the approved FY24 sewer fund budget for \$70,000.00
- The City worked directly with Aries Industries, Inc. through Sourcewell to obtain a quote for a sewer camera.

**Introduction and History**

The City purchased its existing Aries pathfinder sewer camera in 2015. It has served the sewer department well. However, it is now 9 years old and is not able to navigate through the City’s 6-inch clay tile sewer mains efficiently. The City also purchased the Aries Pipetech software in 2019 to inventory and manage our sewer main videos citywide for the collection system. This new camera is compatible with the Pipetech software. One.7, Inc. (One Point Seven Inc) provided a demonstration for this camera on 2/13/24 and it performed very well in specifically 6-inch clay tile sewer mains and meets all of our needs.

**Analysis**

Included in the purchase of this camera system is all the accessories for a fully operational camera system. This includes various carbide wheels, cable and 1000 foot reel system, manhole guiding system and one full day of training for the system. This unit will be installed in an ambulance that was retired by the fire department. Public Works is very excited to acquire this unit and improve our level of sewer main monitoring.

**Fiscal Impact**

The FY24 approved budget has an allocation for a sewer camera at \$70,000.00. Through Sourcewell, this unit is \$75,000.00. The overage will be funded by the Sewer Fund.

**Strategic Alignment**

Maintaining a state of good repair is critical.

**Attachments**

- Attachment A: Purchase Order 20070
- Attachment B: Invoice Number 2412
- Attachment B: Specifications on camera system



### Purchase Order

Number: 20070  
 Date: 02/29/2024

Vendor: One.7, Inc.  
 27034 SE Kent Kangley Road  
 P.O. Box 474  
 Ravensdale, WA 98051

Quote Ref: 2412

Quantity	Item #	Description	Unit Cost	Total Cost
1		MPF300-4-SK Aries Mobile Pathfinder System	\$75,000.00	\$75,000.00
1		Aries In Field Training by Aries staff on Aries Equipment no charge	\$0.00	\$0.00
			Total	\$75,000.00





The City of Livingston is a tax-exempt political subdivision of the State of Montana.

Please confirm this City of Livingston Purchase Order with Shannon Holmes, at [sholmes@LivingstonMontana.org](mailto:sholmes@LivingstonMontana.org) or (406) 823-6000.

Please Ship Above Listed Items to:

City of Livingston  
Attn: Shannon Holmes  
330 Bennett Street  
Livingston, MT 59047

Order Submitted By:

---

Grant Gager  
City Manager

One.7, Inc.  
 27034 SE Kent Kangley Road  
 P.O. Box 474  
 Ravensdale, WA 98051  
 Dealer#7204  
 425-413-1211 sales@1point7.com  
 www.1point7.com

Bill To
City of Livingston 330 Bennett Street Livingston, MT 59047

Ship To

Date	Invoice No.	P.O. Number	Terms	Project
02/14/24	2412		Due on receipt	

Item	Description	Quantity	Rate	Amount	Prior Amt
Aries Pathfinder System	MPF300-4-SK Aries Mobile Pathfinder system	1	75,000.00	75,000.00	
Aries	Aries In Field Training by Aries staff on Aries Equipment no charge	1	0.00	0.00	

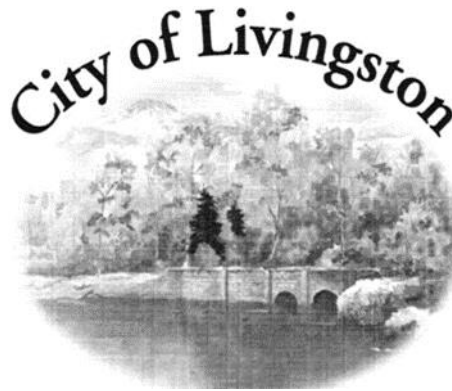
Thank you for your business. WAC Code 458-20-177-238-239 no sales tax will be charged if out of state.	Subtotal	\$75,000.00
	Sales Tax (0.0%)	\$0.00
	Total	\$75,000.00
	Payments/Credit	\$0.00
	Balance Due	\$75,000.00

**File Attachments for Item:****G. PURCHASE ORDER 20071 FOR A GARBAGE TRUCK**

**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

citymanager@livingstonmontana.org  
www.livingstonmontana.org



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**Chairperson**  
Karrie Kahle

**Vice Chair**  
Melissa Nootz

**Commissioners**  
James Willich  
Quentin Schwarz  
Torrey Lyons

Date: 3/5/2024  
To: Chair Kahle and City Commissioners  
From: Shannon Holmes, Public Works Director

### **Staff Report for Purchase Order 20071 for a Garbage Truck**

#### **Recommendation and Summary**

Staff is recommending the Commission approve purchase order 20071 for a 2024 Freightliner M2 Garbage truck with a Curbtender 20YD Powerpak packing unit by adopting the following motion:

**“I move to approve purchase order 20071 and authorize the City Manager to sign.”**

The reasons for the recommendation are as follows:

- The City ordered a new Garbage Truck to replace our 2015 garbage truck in August 2022 and it will not be delivered until at least September 2024.
- We have currently exceeded our FY 24 maintenance budget to keep our 2015, 2017 and two over twenty-year-old backup trucks operational.
- The City worked directly with Solid Waste Systems (SWS) through Sourcewell to purchase the garbage truck.

#### **Introduction and History**

The City purchased garbage trucks in 2015 and 2017. In addition, our two backup trucks are over twenty years old. The City ordered a new garbage truck in August 2022. It was supposed to be delivered in October 2023. The supplier states it will not be delivered until September 2024 at the earliest.

The City has had two occasions where all 4 trucks were not operational within the last 4 months. Thankfully Ken’s equipment has continued to make us a priority in that situation. We have an opportunity to purchase a new truck that could be delivered in May 2024. This unit would be purchased through Sourcewell, a cooperative purchasing entity that procures on behalf of public entities and meets the procurement process of the State of Montana and City of Livingston.

#### **Analysis**

The 2024 Freightliner M2 Garbage Truck with a curbtender 20 yd Powerpak is a newer version of the trucks we purchased in 2015 and 2017. The public works planned to include the purchase of a second garbage truck in the FY 25 budget which would fund the September delivery, if this purchase is approved.

#### **Fiscal Impact**

While this is not in the FY24 budget, the vehicles are required for consistent operations and the fund maintains adequate balance for this purchase.

**Strategic Alignment**

City of Livingston Organizational Goal #3 - Infrastructure: Build and maintain infrastructure now and into the future in a strategic and responsible manner that promotes and sustains existing neighborhoods and accommodates growth. Owning reliable equipment to ensure we maintain or improve our current level of service. New Equipment will ensure our residential and commercial routes are completed in an efficient manner. Maintenance costs of a new garbage trucks will be lower.

**Attachments**

- Attachment A: Purchase Order 20071
- Attachment B: Quote # ROCBQ9138-01



### Purchase Order

Number: 20071  
 Date: 02/29/2024

Vendor: SWS Equipment, LLC.  
 6515 E Nixon Ave  
 Spokane WA 99213

Quote Ref: ROCBQ9138-01

Quantity	Item #	Description	Unit Cost	Total Cost
1		2024 Freightliner M2	349,000.00	349,000.00
1		Curbtender 20YD PowerPak (Flat Tailgate)		
1		Full Eject (FE)		
1		PowerArm		
1		EPC, Electric-Over-Hydraulic, Proportional Controls		
1		Factory Install - New Chassis		
1		Diesel Prep with 9 Liter Engine		
1		Hot Shift PTO (Transmission Mounted)		
1		Operate at Idle Arm (Tandem Vane Pump)		
1		1800 PSI Packer Limit Switch		
1		Joystick w/ Toggle-to-Grip		
1		Street Level Aux Rocker Switches		
1		Remote Grease Line, Lift Cylinder		
1		Commercial Gripper		
1		Bolt On Grippers		
1		Extended Chute for Clean Out Doors		
1		Remote Grease Line, Pack Cylinder		
1		1 Row, Body Retention Teeth		
1		RH Clean Out Tool & Holder		
1		Rubber Mud Flaps (Forward Rear Wheel)		
1		LED S/T/T/REV		



1		LED Work Lights Low/High		
1		LED Flood Lights, Body Side (2)		
1		LED Flood Lights, High Rear (2)		
1		LED Rear Strobe, Single, High Center Mount		
1		LED Smart Lights (Wig Wag)		
1		Fire Extinguisher 20 LBS on Body		
1		Curbtender Camera system (7" Monitor)		
1		Rear Back-up Camera		
1		Hopper Camera		
1		Arm Camera		
1		Hydraulic Oil Heater		
1		Performance White Paint		
1		Repeat Customer Discount		
1		5 yr Body Structural Warranty		
1		5 yr Arm Strucktural Waranty		
1		5 yr Operational Electronics Warranty		
1		Curbtender 12 Month Standard Body Warranty		
1		Curbtender 12 Month Standard Cylinder Warranty		
1		Sourcewell Fee paid directly to Sourcewell		
1		Freight to Livingston MT		
1		PDI in Livingston		
1		Project Managed by Roger Beatty		
			Total	\$349,000.00



The City of Livingston is a tax-exempt political subdivision of the State of Montana.

Please confirm this City of Livingston Purchase Order with Shannon Holmes, at [sholmes@LivingstonMontana.org](mailto:sholmes@LivingstonMontana.org) or (406) 823-6000.

Please Ship Above Listed Items to:

City of Livingston  
Attn: Shannon Holmes  
330 Bennett Street  
Livingston, MT 59047

Order Submitted By:

---

Grant Gager  
City Manager



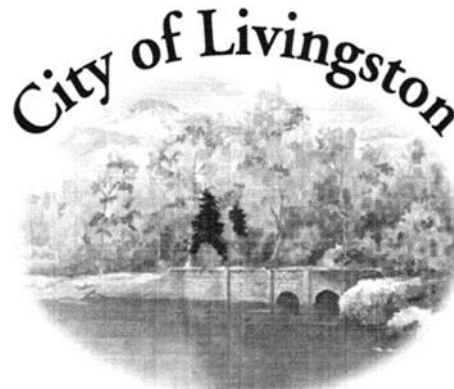
**File Attachments for Item:**

**H. MONTANA STREET STPU PROJECT LOCAL AGENCY GUIDELINES (LAG) REQUEST**

**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

citymanager@livingstonmontana.org  
www.livingstonmontana.org



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**Chairperson**  
Karrie Kahle

**Vice Chair**  
Melissa Nootz

**Commissioners**  
James Willich  
Quentin Schwarz  
Torrey Lyons

Date: 3/5/2024  
To: Chair Kahle and City Commissioners  
From: Shannon Holmes, Public Works Director

**Staff Report for Montana Street STPU project Local Agency Guidelines (LAG) Request**

**Recommendation and Summary**

Staff is recommending the Commission approve authorizing the City Manager to sign the letter to the Montana Department of Transportation to request the City of Livingston locally administer following the Local Agency Guidelines for the Montana Street STPU project by adopting the following motion:

“I move to approve authorization to the City Manager to sign the letter to the Montana Department of Transportation requesting the City of Livingston administer the Montana Street STPU project by following the Local Agency Guidelines (LAG) process.”

The reasons for the recommendation are as follows:

- The City of Livingston has the project team to successfully administer this project and comply with the federal aide process.
- The Local Agency Guideline process will allow the City to successfully administer the utility project for the water, sewer and stormwater utilities consecutively with the STPU project that is primarily a street enhancement project.

**Introduction and History**

The Montana Department of Transportation (MDT) administers Surface Transportation Program -Urban (STPU). The City receives an annual allocation from the Urban Highway Construction Program of \$183,235.00. From 2010 to 2020, this annual allocation and balance was committed to the Star Road Underpass project. The City terminated the agreement for the Star Road Project with MDT in November 2020. In 2022, the City nominated and the Transportation Coordinating Committee (TCC) approved the Montana Street 7<sup>th</sup> to 12<sup>th</sup> Street project as its priority project for the STPU program. The City is also committed to replace the water main, sewer main and install new stormwater infrastructure prior to or concurrent with this streetscape project. This utility project has been incorporated in to the 5-year capital planning process.

**Analysis**

Montana Street is on the Urban system from Sunrise to 2<sup>nd</sup> Street and is eligible for STPU funding. Based on the existing conditions of Montana Street compared to other urban classified streets within the city limits, City administration and the Transportation Coordinating Committee

nominated and approved the Montana Street project nomination in November 2022. This project would improve Montana Street to meet current City Street standards by improving the driving surface, pavement markings, signage and ADA for sidewalks and crosswalks, adding stormwater infrastructure with curb and gutter and inlets and adding street lights. The City would like to pursue management of this project through the Local Agency Guidelines (LAG) process that would allow the City to plan, design and construct this project.

**Fiscal Impact**

Project Cost Estimate (CN in FFY29)	\$ 3,912,000
Available Funding (CN in FFY29)	\$ 4,294,000
<b>Balance</b>	\$ (382,000)

<b>Project Phase - Livingston (Montana St. from 7th to 12th)</b>	<b>Total Costs w/ IDC &amp; INF for 2029 Delivery*</b>
PE	\$407,000
IC	\$68,000
RW	\$34,000
CE/CN	\$3,403,000
<b>Total</b>	<b>\$3,912,000</b>

\*IDC of 13.56% and inflation of 3.00% per year.

<b>Funding (CN in FFY29)</b>			
<b>Source</b>	<b>Federal</b>	<b>State</b>	<b>Total</b>
Surface Transportation - Urban (STPU)*	\$3,387,000	\$525,000	\$3,912,000

\*STPU estimate is based on anticipated FFY 2029 Livingston STPU balance. Livingston receives an approximately \$183,000 annual allocation.

**Strategic Alignment**

Objective 8.1.1 : Improve pedestrian and bicycle safety within the City.

Strategy 8.1.2.1: Explore developing roadway standards that accommodate bike/auto/pedestrian and transit.

Goal 8.2: Create a complete and well-maintained transportation network within the City.

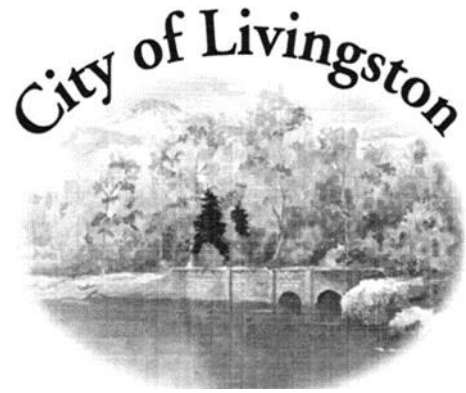
Objective 8.2.7.1 Prioritize roadway construction or improvements in areas that have been dedicated as mixed use or higher density in the Growth Policy.

Strategy 8.2.7.3: Carefully assess the induced demand impacts of transportation improvements, providing these improvements strategically for intended growth, not in response to development that is out-of-step with the goals of the Growth Policy.

**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

citymanager@livingstonmontana.org  
www.livingstonmontana.org



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**Chairperson**  
Karrie Kahle

**Vice Chair**  
Melissa Nootz

**Commissioners**  
James Willich  
Quentin Schwarz  
Torrey Lyons

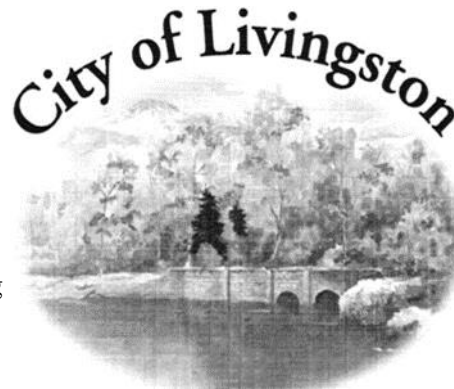
**Attachments**

- Letter to Mitch Buthod, MDT Statewide and Urban Planner Supervisor
- Letter from Matt Whitman, TCC Chair
- [MDT LAG MANUAL \(mt.gov\)](http://mt.gov)

**City Manager**  
Grant Gager

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**Chair**  
Karrie Kahle

**Vice Chair**  
Melissa Nootz

**Commissioners**  
Quentin Schwarz  
Torrey Lyons  
James Willich

February 26, 2024

Mitch Buthod  
Statewide and Urban Planner Supervisor  
Montana Department of Transportation  
PO Box 201001  
Helena, MT 59620

RE: Livingston Urban Project Nomination and Local Agency Guidelines Request

Mitch,

At the regular meeting of the Livingston/Park County Area Transportation Coordinating Committee on February 20<sup>th</sup>, 2024, the committee voted to unanimously approve the City of Livingston moving forward with the Montana Street (U-7402A) from 12<sup>th</sup> street to 7<sup>th</sup> street project. The Committee approved the City of Livingston utilizing the Local Agency Guideline (LAG) process once it is clearly defined by the Montana Department of Transportation.

The City of Livingston is formally requesting to locally administer the Montana St. STPU project, prioritized by the Livingston TCC, following the Local Agency Guidelines (LAG) for federal-aid projects and has the technical capacity to do so.

The City of Livingston is familiar with the LAG manual and plans to follow the procedures outlined in the document.

Thank you for your consideration and continued involvement in the Livingston/Park County area transportation issues and improvements.

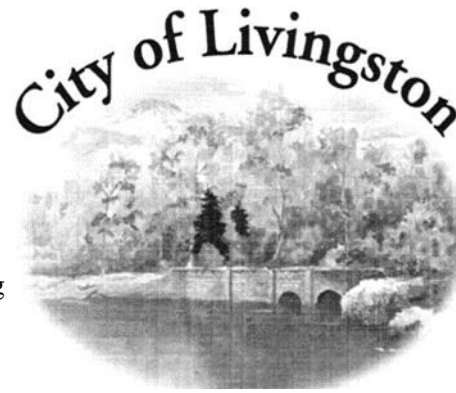
Sincerely,

Grant Gager  
City Manager

**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

[citymanager@livingstonmontana.org](mailto:citymanager@livingstonmontana.org)  
[www.livingstonmontana.org](http://www.livingstonmontana.org)



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**Chair**  
Karrie Kahle

**Vice Chair**  
Melissa Nootz

**Commissioners**  
Quentin Schwarz  
Torrey Lyons  
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**City Manager**  
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**Chair**  
Karrie Kahle

**Vice Chair**  
Melissa Nootz

**Commissioners**  
Quentin Schwarz  
Torrey Lyons  
James Willich

75

February 26, 2024

Beth Clarkson  
Statewide and Urban Planner  
Montana Department of Transportation  
PO Box 201001  
Helena, MT 59620

RE: Livingston Urban Project Nomination

Beth,

At the regular meeting of the Livingston/Park County Area Transportation Coordinating Committee on February 20<sup>th</sup>, 2024, the committee voted to unanimously approve the City of Livingston moving forward with the Montana Street (U-7402A) from 12<sup>th</sup> street to 7<sup>th</sup> street project. The Committee approved the City of Livingston utilizing the Local Agency Guideline (LAG) process once it is clearly defined by the Montana Department of Transportation.

Thank you for your consideration and continued involvement in the Livingston/Park County area transportation issues and improvements.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Whitman", with a long horizontal flourish extending to the right.

Matt Whitman

Livingston/Park County Area Transportation Coordinating Committee Chair

**File Attachments for Item:**

**A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA  
RECOGNIZING MARCH 12, 2024 AS NATIONAL GIRL SCOUT DAY IN LIVINGSTON MONTANA.**





# Proclamation of the Livingston City Commission

## Declaring March 12, 2024, National Girl Scout Day in the City of Livingston.

\*\*\*\*\*

**WHEREAS**, Girl Scouts was founded in 1912 by Juliette Gordon Low, whose life mission was to build girls of courage, confidence, and character, and whose legacy continues to have an extraordinary influence on the lives of millions of girls across the country, including the City of Livingston; and

**WHEREAS**, the Girl Scouts started in Livingston in the 1970s with hundreds of scouts. Today, there are 6 troops with around 60 scouts, at least 2 leaders per troop, and many dedicated adult volunteers. These girls work hard to obtain badges and skill sets at each level of Girl Scouting, starting as Daisies all the way to Ambassadors; and

**WHEREAS**, the Girl Scouts follow the motto “Be Prepared” while learning to be honest, fair, friendly, helpful, considerate, caring, courageous, and strong. The Girl Scouts offer hands-on, girl-led, girl-centered learning in the outdoors, entrepreneurship, and abundant opportunities to develop invaluable life skills, helping girls take the lead early and often; and

**WHEREAS**, Girl Scouting is continuing a legacy of creating leadership in the United States and in the world by providing girls with the tools to become leaders dedicated to making the country and world a better place; and

**NOW, THEREFORE, BE IT RESOLVED** on behalf of the Livingston City Commission, I, Karrie Kahle, Chair, do hereby declare March 12, 2024, to be:

### NATIONAL GIRL SCOUT DAY IN LIVINGSTON, MONTANA.

Signed this \_\_\_\_ day of March, 2024.

\_\_\_\_\_  
**Karrie Kahle, Chair**  
**Livingston City Commission**

\_\_\_\_\_  
**Emily Hutchinson,**  
**City Clerk**

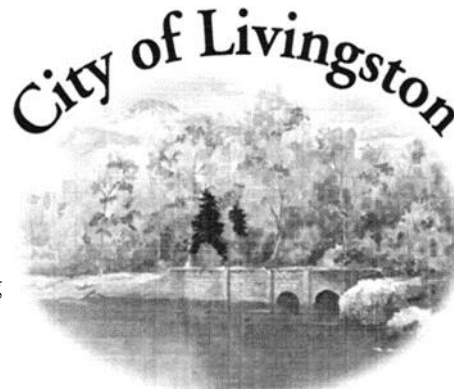
**File Attachments for Item:**

**A. ORDINANCE 3046: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30, ZONING, OF THE LIVINGSTON MUNICIPAL CODE, BY ALTERING SECTION 30.40, AS IT RELATES TO RESIDENTIAL USES IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT.**

**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

citymanager@livingstonmontana.org  
www.livingstonmontana.org



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**Chair**  
Karrie Kahle

**Vice Chair**  
Melissa Nootz

**Commissioners**  
Quentin Schwarz  
Torrey Lyons  
James Willich

Date: 3/5/24  
To: Chair Kahle and City Commissioners  
From: Grant Gager, City Manager

**Staff Report for Ordinance 3046**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30, ZONING, OF THE LIVINGSTON MUNICIPAL CODE, BY ALTERING SECTION 30.40, AS IT RELATES TO RESIDENTIAL USES IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT.**

**Recommendation and Summary**

Staff is seeking Commission approval of a second reading of Ordinance 3046, the Commission may conduct the second reading with the following motion:

“I move to approve the second reading of Ordinance 3046 An Ordinance of the City of Livingston, Montana, Amending Chapter 30, Zoning, of the Livingston Municipal Code, By Altering Section 30.40, As It Relates to Residential Uses in the Neighborhood Commercial Zoning District and authorize the Chair to sign the Ordinance.”

The reasons for the request are as follows:

- The City must modify its zoning ordinance to comply with State-mandated changes to Montana Code Annotated.
- The City Commission has previously provided direction regarding the bills that have been stayed by a Judicial injunction and those will be delayed until the judicial action is resolved.

**Introduction and History**

The 2023 Montana Legislature passed several laws related to municipal zoning regulations for Multi-Family Dwellings, Accessory Dwelling Units (ADUs) and Duplexes. The City of Livingston had begun an update to Chapter 30 to comply with the new state laws through completion of the first reading of Ordinance 3046.

On December 29, the Eighteenth Judicial District (Gallatin County) issued a preliminary injunction against the implementation of SB 323 and SB 528. However, SB 245 remains effective at this time and those municipalities to which they apply (including Livingston) must take steps to come into compliance with these laws as set forth therein. Senate Bill (SB) 245 establishes that multi-unit (5 or more) residential dwellings and mixed-use developments that include a minimum of five (5) residential dwelling units are allowed in all commercial zones. All Commercial districts in the City already allow multi-family residential development except Neighborhood Commercial (NC). The mandated code updates will allow both

residential developments and development that have a mix of commercial and residential uses in the NC district provided that those developments include a minimum of five (5) dwelling units.

**Analysis**

The Commission has provided direction to staff to allow any number of dwelling units within a commercial building in the NC district and Ordinance 3046 reflects those changes. The Commission conducted a first reading of this ordinance on February 6, 2024.

**Fiscal Impact**

There is no fiscal impact to the proposed changes.

**Strategic Alignment**

The provision of housing in mixed use structures will allow the development patterns and types of housing noted in the Growth Policy.

**Attachments**

- Attachment A: Ordinance 3046 RED LINE
- Attachment B: Ordinance 3046 CLEAN COPY

**ORDINANCE NO. 3046**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30, ZONING, OF THE LIVINGSTON MUNICIPAL CODE, BY ALTERING SECTION 30.40, AS IT RELATES TO RESIDENTIAL USES IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT.**

**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 and use of buildings, structures, and land for trade, industry, residence or other purposes.

\*\*\*\*\*

**WHEREAS**, the State of Montana has also adopted legislation that require multiple-unit dwellings to be an allowed use within commercial zoning districts; and

**WHEREAS**, the City’s zoning code does not currently comply with these State mandated requirements in the Neighborhood Commercial Zoning District; and

**WHEREAS**, the City’s zoning code must be made to comply with State law.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Livingston, Montana, that Section 30.40 of the Livingston Municipal Code be and the same are hereby amended with additions underlined and deletions struck through, as follows:

**SECTION 1**

**Sec. 30.40. List of uses.**

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

**Table 30.40**

**List of Uses**

A = Allowed    S = Special Exception Permit Required    N = Not Allowed												
	R-I	R-II	RII-MH	R-III	RMO	<del>NC</del> <sup>2</sup> <u>NC</u> <sup>1</sup>	MU	<del>CBD</del> <sup>4</sup> <u>CBD</u> <sup>2</sup>	HC	LI	I	P
One (1) Family Dwellings*	A	A	A	A	A	<del>NA</del>	A	A	A	N	N	N
Two (2) Family Dwellings	N	A	A	A	N	<del>NA</del>	A	A	A	N	N	N
Multifamily Dwellings	N	A	A	A	N	<del>NA</del>	A	A	A	N	N	N
Accessory Dwellings	A	A	A	A	A	N	A	N	A	N	N	N
Townhouses	N	A	A	A	N	N	A	A	A	N	N	N
Tiny Homes	A	A	A	A	A	N	A	N	A	N	N	N
Accessory Buildings	A	A	A	A	A	A	A	A	A	A	A	A
Mobile Homes	N	N	A	N	A	N	N	N	N	N	N	N
Modular Homes	A	A	A	A	A	N	A	A	A	N	N	N
Churches	S	S	S	A	N	A	S	N	A	N	N	N
Schools, Public, Private and Parochial	A	A	A	A	A	A	S	N	S	N	N	A
Schools, Trade	N	N	N	N	N	S	S	A	A	A	A	N
Hospitals/ Institutions	N	N	N	A	N	S	S	N	S	A	N	S
Medical/ Dental Clinics	N	N	N	A	N	A	A	A	A	A	S	N
Adult Foster Care Center <sup>3</sup>	N	A	A	A	N	N	A	A	A	A	N	N
Personal Care Center	N	A	A	A	N	A	A	A	A	N	N	N
Child Care Center	A	A	A	A	A	A	A	A	A	A	N	N
Veterinarian Clinics	N	N	N	N	N	N	A	N	A	A	A	N
Kennels and Catterys	N	N	N	N	N	N	N	N	A	A	A	N
Laundromat	N	N	N	N	A	A	A	A	A	A	N	N
Bed and Breakfasts	A	A	N	A	N	A	A	A	A	N	N	N

Motels/Hotels	N	N	N	N	N	N	N	A	A	A	N	N
Travel Trailer Parks	N	N	N	N	N	N	N	N	A	N	N	N
Business and Professional Offices	N	N	N	S	N	A	A	A	A	A	A	S
Retail	N	N	N	N	N	A	A	A	A	A	S	N
Large-scale Retail	N	N	N	N	N	N	N	S	S	S	S	N
Personal Service Stores	N	N	N	N	N	A	A	A	A	A	S	N
Eating and Drinking Establishments (Sit-Down)	N	N	N	N	N	A	A	A	A	A	A	N
Drive-Thru Restaurants	N	N	N	N	N	N	N	N	A	A	A	N
Banks	N	N	N	N	N	A	A	A	A	A	A	N
Mortuary	N	N	N	N	N	S	S	A	A	A	A	N
Wholesale Businesses	N	N	N	N	N	S	N	A	A	A	A	N
Commercial Greenhouses	N	N	N	N	N	A	S	N	A	A	A	N
Gasoline Service Stations	N	N	N	N	N	N	N	N	A	N	A	N
Auto Repair Garage	N	N	N	N	N	N	N	S	A	N	A	N
Automobile Dealerships	N	N	N	N	N	N	N	N	A	A	A	N
Auto Salvage and Storage	N	N	N	N	N	N	N	N	S	N	A	N
Warehouse and Enclosed Storage	N	N	N	N	N	N	N	N	A	A	A	S
Machine Shop	N	N	N	N	N	N	N	N	A	S	A	N
Artisan Manufacturing	N	N	A	A	N	A	A	A	A	A	A	N
Limited Manufacturing	N	N	N	N	N	S	A	A	A	A	N	N
General Manufacturing	N	N	N	N	N	N	N	N	A	A	N	N
Intensive Manufacturing	N	N	N	N	N	N	N	N	A	A	N	N

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

1. NC- Any number of residential units may be established within a building that also contains a commercial use. CBD—Any number of apartment units may be established in an existing commercial building. No new residential structures may be built unless they meet the definition of "High Density Residential."
2. CBD—Any number of apartment units may be established in an existing commercial building. No new residential structures may be built unless they meet the definition of "High Density Residential."  
NC-A single residential unit may be established within a commercial building to allow living space for a business owner.
3. Adult Foster Care Center.
  - a. No more than four (4) residents;



b. Staff member must be on board twenty-four (24) hours a day.

4. Radio Stations do not include radio towers or wireless communication facilities as defined by the Federal Communications Commission.

\* This includes manufactured homes as defined by Ordinance 1813.

(Ord. 1506, 11/16/82; Ord. 1516, 8/2/83; Ord. 1517, 10/18/83; Ord. 1529, 7/16/84; Ord. 1538, 11/20/85; Ord. 1544, 2/4/86; Ord. 1556, 9/16/86; Ord. 1799, 12/19/94; Ord. 1810, 7/3/95; Ord. 1813, 8/21/95; Ord. 1891, 9/7/99; Ord. 1949, 10/18/04; Ord. 1977, 9/18/06; Ord. 2000, 4/7/08; Ord. No. 2022, § 2(Exh. A), 9/7/10; Ord. No. 2029, § 1(Exh. A), 4/19/11; Ord. No. 2046, § 1(Exh. A), 9/17/13; Ord. No. 2090, § 1, 10/6/20; Ord. No. 2097, § 1, 1/5/21; Ord. No. 3003, § 1, 4/6/21; Ord. No. 3013, § 2, 8/17/21; Ord. No. 3017, § 1, 10/5/21; Ord. No. 3025, § 1, 10/21/21; Ord. No. 3023, § 1, 1/4/22)

**SECTION 2**

**Statutory Interpretation and Repealer:**

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

**SECTION 3**

**Severability:**

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

**SECTION 4**

**Savings Provision:**

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

**SECTION 5**

**Effective date:**

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

\*\*\*\*\*

**PASSED** by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the \_\_\_\_ day of February, 2024.

\_\_\_\_\_  
**KARRIE KAHLE, CHAIR**

**ATTEST:**

\_\_\_\_\_  
**Emily Hutchinson**  
**City Clerk**

\*\*\*\*\*

**PASSED, ADOPTED AND APPROVED**, by the City Commission of the City of Livingston, Montana, on a second reading at a regular session thereof held on the \_\_\_\_\_ day of March, 2024.

\_\_\_\_\_  
**KARRIE KAHLE, CHAIR**

**ATTEST:**

**APPROVED TO AS FORM:**

\_\_\_\_\_  
**EMILY HUTCHINSON**  
**City Clerk**

\_\_\_\_\_  
**JON HESSE**  
**City Attorney**

**ORDINANCE NO. 3046**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30, ZONING, OF THE LIVINGSTON MUNICIPAL CODE, BY ALTERING SECTION 30.40, AS IT RELATES TO RESIDENTIAL USES IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT.**

**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 and use of buildings, structures, and land for trade, industry, residence or other purposes.

\*\*\*\*\*

**WHEREAS**, the State of Montana has also adopted legislation that require multiple-unit dwellings to be an allowed use within commercial zoning districts; and

**WHEREAS**, the City’s zoning code does not currently comply with these State mandated requirements in the Neighborhood Commercial Zoning District; and

**WHEREAS**, the City’s zoning code must be made to comply with State law.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Livingston, Montana, that Section 30.40 of the Livingston Municipal Code be and the same are hereby amended with additions underlined and deletions struck through, as follows:

**SECTION 1**

**Sec. 30.40. List of uses.**

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

**Table 30.40**

**List of Uses**

A = Allowed    S = Special Exception Permit Required    N = Not Allowed												
	R-I	R-II	RII-MH	R-III	RMO	NC <sup>1</sup>	MU	CBD <sup>2</sup>	HC	LI	I	P
One (1) Family Dwellings*	A	A	A	A	A	A	A	A	A	N	N	N
Two (2) Family Dwellings	N	A	A	A	N	A	A	A	A	N	N	N
Multifamily Dwellings	N	A	A	A	N	A	A	A	A	N	N	N
Accessory Dwellings	A	A	A	A	A	N	A	N	A	N	N	N
Townhouses	N	A	A	A	N	N	A	A	A	N	N	N
Tiny Homes	A	A	A	A	A	N	A	N	A	N	N	N
Accessory Buildings	A	A	A	A	A	A	A	A	A	A	A	A
Mobile Homes	N	N	A	N	A	N	N	N	N	N	N	N
Modular Homes	A	A	A	A	A	N	A	A	A	N	N	N
Churches	S	S	S	A	N	A	S	N	A	N	N	N
Schools, Public, Private and Parochial	A	A	A	A	A	A	S	N	S	N	N	A
Schools, Trade	N	N	N	N	N	S	S	A	A	A	A	N
Hospitals/ Institutions	N	N	N	A	N	S	S	N	S	A	N	S
Medical/ Dental Clinics	N	N	N	A	N	A	A	A	A	A	S	N
Adult Foster Care Center <sup>3</sup>	N	A	A	A	N	N	A	A	A	A	N	N
Personal Care Center	N	A	A	A	N	A	A	A	A	N	N	N
Child Care Center	A	A	A	A	A	A	A	A	A	A	N	N
Veterinarian Clinics	N	N	N	N	N	N	A	N	A	A	A	N
Kennels and Catterys	N	N	N	N	N	N	N	N	A	A	A	N
Laundromat	N	N	N	N	A	A	A	A	A	A	N	N
Bed and Breakfasts	A	A	N	A	N	A	A	A	A	N	N	N

Motels/Hotels	N	N	N	N	N	N	N	A	A	A	N	N
Travel Trailer Parks	N	N	N	N	N	N	N	N	A	N	N	N
Business and Professional Offices	N	N	N	S	N	A	A	A	A	A	A	S
Retail	N	N	N	N	N	A	A	A	A	A	S	N
Large-scale Retail	N	N	N	N	N	N	N	S	S	S	S	N
Personal Service Stores	N	N	N	N	N	A	A	A	A	A	S	N
Eating and Drinking Establishments (Sit-Down)	N	N	N	N	N	A	A	A	A	A	A	N
Drive-Thru Restaurants	N	N	N	N	N	N	N	N	A	A	A	N
Banks	N	N	N	N	N	A	A	A	A	A	A	N
Mortuary	N	N	N	N	N	S	S	A	A	A	A	N
Wholesale Businesses	N	N	N	N	N	S	N	A	A	A	A	N
Commercial Greenhouses	N	N	N	N	N	A	S	N	A	A	A	N
Gasoline Service Stations	N	N	N	N	N	N	N	N	A	N	A	N
Auto Repair Garage	N	N	N	N	N	N	N	S	A	N	A	N
Automobile Dealerships	N	N	N	N	N	N	N	N	A	A	A	N
Auto Salvage and Storage	N	N	N	N	N	N	N	N	S	N	A	N
Warehouse and Enclosed Storage	N	N	N	N	N	N	N	N	A	A	A	S
Machine Shop	N	N	N	N	N	N	N	N	A	S	A	N
Artisan Manufacturing	N	N	A	A	N	A	A	A	A	A	A	N
Limited Manufacturing	N	N	N	N	N	S	A	A	A	A	N	N
General Manufacturing	N	N	N	N	N	N	N	N	A	A	N	N
Intensive Manufacturing	N	N	N	N	N	N	N	N	A	A	N	N

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

1. NC- Any number of residential units may be established within a building that also contains a commercial use. 2. CBD—Any number of apartment units may be established in an existing commercial building. No new residential structures may be built unless they meet the definition of "High Density Residential."

3. Adult Foster Care Center.

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

4. Radio Stations do not include radio towers or wireless communication facilities as defined by the

Federal Communications Commission.

\* This includes manufactured homes as defined by Ordinance 1813.

(Ord. 1506, 11/16/82; Ord. 1516, 8/2/83; Ord. 1517, 10/18/83; Ord. 1529, 7/16/84; Ord. 1538, 11/20/85; Ord. 1544, 2/4/86; Ord. 1556, 9/16/86; Ord. 1799, 12/19/94; Ord. 1810, 7/3/95; Ord. 1813, 8/21/95; Ord. 1891, 9/7/99; Ord. 1949, 10/18/04; Ord. 1977, 9/18/06; Ord. 2000, 4/7/08; Ord. No. 2022, § 2(Exh. A), 9/7/10; Ord. No. 2029, § 1(Exh. A), 4/19/11; Ord. No. 2046, § 1(Exh. A), 9/17/13; Ord. No. 2090, § 1, 10/6/20; Ord. No. 2097, § 1, 1/5/21; Ord. No. 3003, § 1, 4/6/21; Ord. No. 3013, § 2, 8/17/21; Ord. No. 3017, § 1, 10/5/21; Ord. No. 3025, § 1, 10/21/21; Ord. No. 3023, § 1, 1/4/22)

**SECTION 2**

**Statutory Interpretation and Repealer:**

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

**SECTION 3**

**Severability:**

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

**SECTION 4**

**Savings Provision:**

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

**SECTION 5**

**Effective date:**

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

\*\*\*\*\*

**PASSED** by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the \_\_\_\_ day of February, 2024.

\_\_\_\_\_  
**KARRIE KAHLE, CHAIR**

**ATTEST:**

\_\_\_\_\_  
**Emily Hutchinson**  
**City Clerk**

\*\*\*\*\*

**PASSED, ADOPTED AND APPROVED**, by the City Commission of the City of Livingston, Montana, on a second reading at a regular session thereof held on the \_\_\_\_\_ day of March, 2024.

\_\_\_\_\_  
**KARRIE KAHLE, CHAIR**

**ATTEST:**

**APPROVED TO AS FORM:**

\_\_\_\_\_  
**EMILY HUTCHINSON**  
**City Clerk**

\_\_\_\_\_  
**JON HESSE**  
**City Attorney**



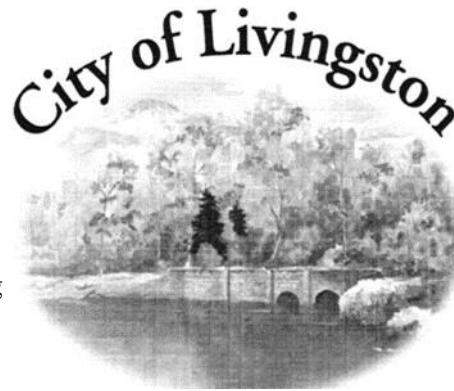
**File Attachments for Item:**

**B. ORDINANCE 3049: 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 PROPERTY LOCATED AT 5284 US HWY 89 S, RECENTLY ANNEXED AND GENERALLY KNOWN AS RY TIMBER, AS LIGHT INDUSTRIAL (LI).**

**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

citymanager@livingstonmontana.org  
www.livingstonmontana.org



*Incorporated 1889*

**Chair**  
Karrie Kahle

**Vice Chair**  
Melissa Nootz

**Commissioners**  
Quentin Schwarz  
Torrey Lyons  
James Willich

Date: March 5, 2024  
To: Chair Kahle and City Commissioners  
From: Jennifer Severson, Planning Director

**Staff Report for a Map Amendment to Chapter 30 of the Livingston Municipal Code for the RY Timber Property Annexation**

**Recommendation and Summary**

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

“I move to approve Ordinance 3049 to amend the City of Livingston Zoning Code Section 30.13 related to the Official Zoning Map and to authorize the Chair to sign Ordinance 3049.”

The reasons for the recommendation are as follows:

- The City must amend its Official Zoning Map to include newly annexed property.

**Introduction and History**

On November 7, 2023, the City Commission Adopted Resolution 5118 (*Attachment 2*) approving the annexation of certain parcels within the property commonly known as RY Timber, located at 5284 US Hwy 89 S. The legal description of the parcels that comprise the annexed property is included in the attached Resolution 5118 and 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 bounded by the Yellowstone River to the east, US Hwy 89 S to the west, and I-90 to the north. The land immediately south of the subject property is located within unincorporated Park County and also belongs to the timber company. It is used primarily for outside storage of unprocessed logs. Properties to the north, between the subject property and I-90, and to the west, across US Hwy 89-S that are within City limits are zoned Highway Commercial (HC). Existing uses of nearby property within City limits include a hotel, gas stations, fast food restaurants, casinos and a grocery store. Until last year, the property was used as a timber manufacturing facility. Due to market conditions for timber production, compounded with recovery from two separate fires on the property, RY Timber ceased its timber operations. The property was recently purchased by the Sun Mountain Lumber Company with plans to resume and continue its timber manufacturing use.



**Figure 1- RY Timber Annexed Property**

The property is located within the area the Growth Policy identifies as the Extra-Territorial Jurisdiction (ETJ). The ETJ Future Land Use Map (*Attachment 3*) shows the annexed area as “Neighborhood Commercial” (NC), which is described as a “*a designation intended to primarily provide for community retail services, office facilities or convenience retail development*”. Timber manufacturing, although not expressly defined in the City’s zoning code, most closely aligns with those uses considered to be “General Manufacturing”. General Manufacturing uses are not allowed in the NC Zoning District. If the annexed property were to be zoned NC, the use of the property for timber manufacturing would be “grandfathered” in and allowed to continue as a legal nonconforming use. However, if at any time in the future, the timber operations cease for longer than one year, the use of the property for timber manufacturing (General Manufacturing) would no longer be allowed and any use of the property, thereafter, must comply with Table 30.40 for the NC Zoning District.

General Manufacturing uses are, however, allowed in the Light Industrial (LI) Zoning District, which is described as a “*district intended to accommodate all types of light industry, including those defined as light manufacturing as well as business and professional offices*”. Staff finds timber manufacturing to be compatible with the surrounding HC zoning and the current land uses mentioned above.

Staff recommends the annexed property be zoned LI so the property can continue to be used for timber manufacturing without being subject to market conditions, the economy, or special circumstances such as closure due to fire.

Below is a comparison of uses identified in Table 30.40 that are Allowed, Not Allowed, or Allowed with Special Exception in the NC and LI Districts:

- **60 uses total**
- **32 uses in common**
- **9 uses:** NC = require Special Exception; LI = Allowed
- **5 uses:** NC = Allowed; LI = Not Allowed
- **14 uses:** NC = Not Allowed; LI = Allowed or require Special Exception

See Attachment 4 for a detailed comparison of uses in Table 30.40.

The Zoning Commission unanimously approved (4:0) the staff recommended changes to the Official Zoning Map at their December 18, 2023 meeting.

**Proposed 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:*

Although the Future ETJ Land Use Map in the Growth Policy shows the annexed area as Neighborhood Commercial, elsewhere the Growth Policy supports Light Industrial zoning of this property.

- *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.*
  - Although LI zoning does not allow for any type of residential development, a greater number of land uses are permitted in the LI district than in the NC district. Furthermore, several of the existing surrounding businesses such as the veterinarian clinic, hotel, and large-scale retail store are allowed uses in the LI district but are not allowed in the NC district.
  - The property owner, Sun Mountain Lumber, is in the process of extending City water service to the property to improve fire protection and increase safety during future timber operations.
- *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 has direct access to US Hwy 89S and is adjacent to I-90. Additionally, the owner has facilitated the reactivation of the rail spur line that runs along Hwy 89 S to support and service the timber facility.
- *Goal 6.1: Strengthen and diversify Livingston’s economy by supporting industries and initiatives that increase employment opportunities and personal income.*
  - The return of timber manufacturing operations on this property will create jobs, which will enhance the general welfare of the community and its citizens.

- *Strategy 6.1.5.8: Dedicate resources to strategies designed to help the local economy by investing in local businesses.*
  - The new owner, Sun Mountain Lumber, is based out of Deer Lodge. Restoring timber operations will support the local timber industry by retaining related jobs and keeping the industry relevant in the area.

*(b) designed to:*

*(i) secure safety from fire and other dangers;*

As stated above, the owner is in the process of extending City water service to the property to 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.

There is a small section of regulatory floodplain that flanks Billman Creek where it runs west to east through the property (see *Attachment 5*). The owners have no plans to expand the existing use by building any new structures and any future structures that may be proposed within the regulatory floodplain will require a floodplain development permit and must comply with FEMA floodproofing requirements for buildings. Additionally, zoning of the property LI precludes residential uses that are allowed in the NC district, preventing future residential development near/ in a regulatory floodplain.

*(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, the return of timber manufacturing operations to this property will create jobs which contributes to the general welfare of the community and its citizens.

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

The property has direct access to US Hwy 89S via Centennial Drive, and the access point at Centennial Drive is within 400 feet of the closest 89S/ I-90 interchange. Residential development is not allowed in the LI district and, although some additional students in area schools may come from families of new employees, impacts to area schools and parks would be minimal and not a direct result of the rezoning.

The annexed property is required to connect to City water and construction of a water line extension is in process. Analysis of future sewer capacity is required for any new development on the annexed property.

*(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 the assignment of zoning to the annexed property will in any way inhibit the reasonable provision of adequate light and air to the annexed property or the surroundings. If new structures are built in the future, they must comply with applicable property setbacks for the LI District in the City’s zoning code, and with building setbacks as required by the International Building Code for building permitting.

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

Zoning the property Light Industrial is not anticipated to increase impacts to the surrounding transportation system above that which occurred during timber manufacturing operations under the RY Timber Company. Additionally, reactivation and usage of the nearby rail spur will promote rail shipping over surface transportation modes.

*(c) promotion of compatible urban growth;*

As mentioned previously, nearby properties within City limits are primarily zoned HC and existing businesses include a hotel, casino, truck stop, small and large-scale retail, and several gas stations and drive-through restaurants. Staff finds the uses allowed in LI district will be compatible with the current intensive urban activity in the area.

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

Because the property will revert to its previous General Industrial use as a timber manufacturing facility, this use has been proven to be suitable for this property and this zoning district and compatible with existing uses on surrounding properties. The proximity of the subject property to nearby rail and high-volume surface transportation networks further supports the uses allowed in the LI district.

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

The few existing buildings on the property have been restored and brought into compliance with current building codes and the required floodplain development and building permits were issued for the work. Staff finds that these improvements, combined with the owner’s investment to extend the City’s water infrastructure to service the timber operations, encourages the appropriate use of this annexed property.

**Staff Recommendation**

For the reasons outlined above, Staff finds that the proposed Light Industrial (LI) zoning designation meets the requirements of the City of Livingston and State Statute. Staff recommends that the City Commission approve the Zoning Commission’s recommendation of zoning the RY Timber property Light Industrial (LI) and adopt the proposed map amendment to the Official Zoning Map.

**Attachments**

1. Draft Ordinance 3049
2. Resolution 5118
3. ETJ Future Land Use Map
4. Table 30.40- NC & LI Use Comparisons
5. Floodplain Map

**ORDINANCE NO. 3049**

**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 PROPERTY LOCATED AT 5284 US HWY 89 S, RECENTLY ANNEXED AND GENERALLY KNOWN AS RY TIMBER, AS LIGHT INDUSTRIAL (LI).**

\* \* \* \* \*

**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 5118 on November 7, 2023;

**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 Zoning Commission, after a public hearing held on December 18, 2023, voted unanimously (4:0) to recommend approval of the zoning of the subject parcel to Light Industrial (LI) on the Zoning Map to the City Commission;

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

**SECTION 1**

**Zoning of property addressed at 5284 US Hwy 89 S and known as RY Timber, the legal description of which is described in Exhibit A (attached), as Light Industrial (LI)**

**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 February, 2024.

\_\_\_\_\_  
**KARRIE KAHLE, CHAIR**

**ATTEST:**

\_\_\_\_\_  
**Emily Hutchinson**  
**City Clerk**

\*\*\*\*\*

**PASSED, ADOPTED AND APPROVED**, by the City Commission of the City of Livingston, Montana, on a second reading at a regular session thereof held on the \_\_\_\_\_ day of March, 2024.

\_\_\_\_\_  
**KARRIE KAHLE, CHAIR**

**ATTEST:**

**APPROVED TO AS FORM:**

\_\_\_\_\_  
**EMILY HUTCHINSON**  
**City Clerk**

\_\_\_\_\_  
**JON HESSE**  
**City Attorney**

**EXHIBIT A**

**PARCEL I:**

Tract 1 of Recorders Plat No. 424, situated in the SE1/4SE1/4 of Section 23, Township 2 South, Range 9 East, M.P.M., Park County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Park County, Montana.

EXCEPTING THEREFROM, that parcel conveyed by Special Warranty Deed, recorded May 10, 1974 in Roll 8, Page 741; and

FURTHER EXCEPTING THEREFROM, Lots 1, 2, 3 and 4 of Centennial Subdivision, a Minor Subdivision, recorded as Subdivision Plat No. 104, containing in area approximately 4.3 Acres.

**PARCEL II:**

A parcel of land as shown and described on Recorders Plat No. 230 located in the SW1/4 of Section 24 and NW1/4 of Section 25, Township 2 South, Range 9 East, P.M.M., Park County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Park County, Montana, containing in area approximately 10.71 Acres.

**PARCEL III:**

Tract 1 of Certificate of Survey No. 6, located in the NE1/4 of Section 26, Township 2 South, Range 9 East, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder of Park County, Montana, containing in area approximately 10.269 Acres.

**PARCEL IV:**

A parcel of land as shown and described on Recorders Plat 186 located in the NW1/4 of Section 25, Township 2 South, Range 9 East, P.M.M., according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Park County, Montana, containing in area approximately 3.2 Acres.

**PARCEL V:**

The "South Tract" of ZC Island, as shown and described on Recorders Plat No. 650 located in the SW1/4 of Section 24, Township 2 South, Range 9 East, P.M.M., Park County, Montana, containing in area approximately 4.89 Acres.

**PARCEL VI:**

That Certain parcel of land situated in the NE ¼ NE ¼ of Section 26, Township 2 South, Range 9 East, M.P.M., Park County, Montana, as follows; That certain triangular parcel of the land being all of the NE ¼ NE ½ of said section laying north of the road leading to the Strong Place.  
(Reference Deed recorded in Volume 81, page 527)

**RESOLUTION NO. 5118**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING CERTAIN PARCELS KNOWN AS RY TIMBER.**

**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 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 7<sup>th</sup> day of November, 2023.

\_\_\_\_\_  
**MELISSA NOOTZ – Chair**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**EMILY HUTCHINSON**  
City Clerk

\_\_\_\_\_  
**JON HESSE**  
City Attorney

**EXHIBIT A**

**PARCEL I:**

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FURTHER EXCEPTING THEREFROM, Lots 1, 2, 3 and 4 of Centennial Subdivision, a Minor Subdivision, recorded as Subdivision Plat No. 104, containing in area approximately 4.3 Acres.

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**PARCEL IV:**

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**PARCEL V:**

The "South Tract" of ZC Island, as shown and described on Recorders Plat No. 650 located in the SW1/4 of Section 24, Township 2 South, Range 9 East, P.M.M., Park County, Montana, containing in area approximately 4.89 Acres.

**PARCEL VI:**

That Certain parcel of land situated in the NE ¼ NE ¼ of Section 26, Township 2 South, Range 9 East, M.P.M., Park County, Montana, as follows; That certain triangular parcel of the land being all of the NE ¼ NE ½ of said section laying north of the road leading to the Strong Place. (Reference Deed recorded in Volume 81, page 527)

All those six (6) tracts of record as described below:

PARCEL I:

Tract 1 of Recorders Plat No. 424, situated in the SE1/4SE1/4 of Section 23, Township 2 South, Range 9 East, M.P.M., Park County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Park County, Montana.

EXCEPTING THEREFROM, that parcel conveyed by Special Warranty Deed, recorded May 10, 1974 in Roll 8, Page 741; and

FURTHER EXCEPTING THEREFROM, Lots 1, 2, 3 and 4 of Centennial Subdivision, a Minor Subdivision, recorded as Subdivision Plat No. 104, containing in area approximately 4.3 Acres.

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PARCEL III:

Tract 1 of Certificate of Survey No. 6, located in the NE1/4 of Section 26, Township 2 South, Range 9 East, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder of Park County, Montana, containing in area approximately 10.269 Acres.

PARCEL IV:

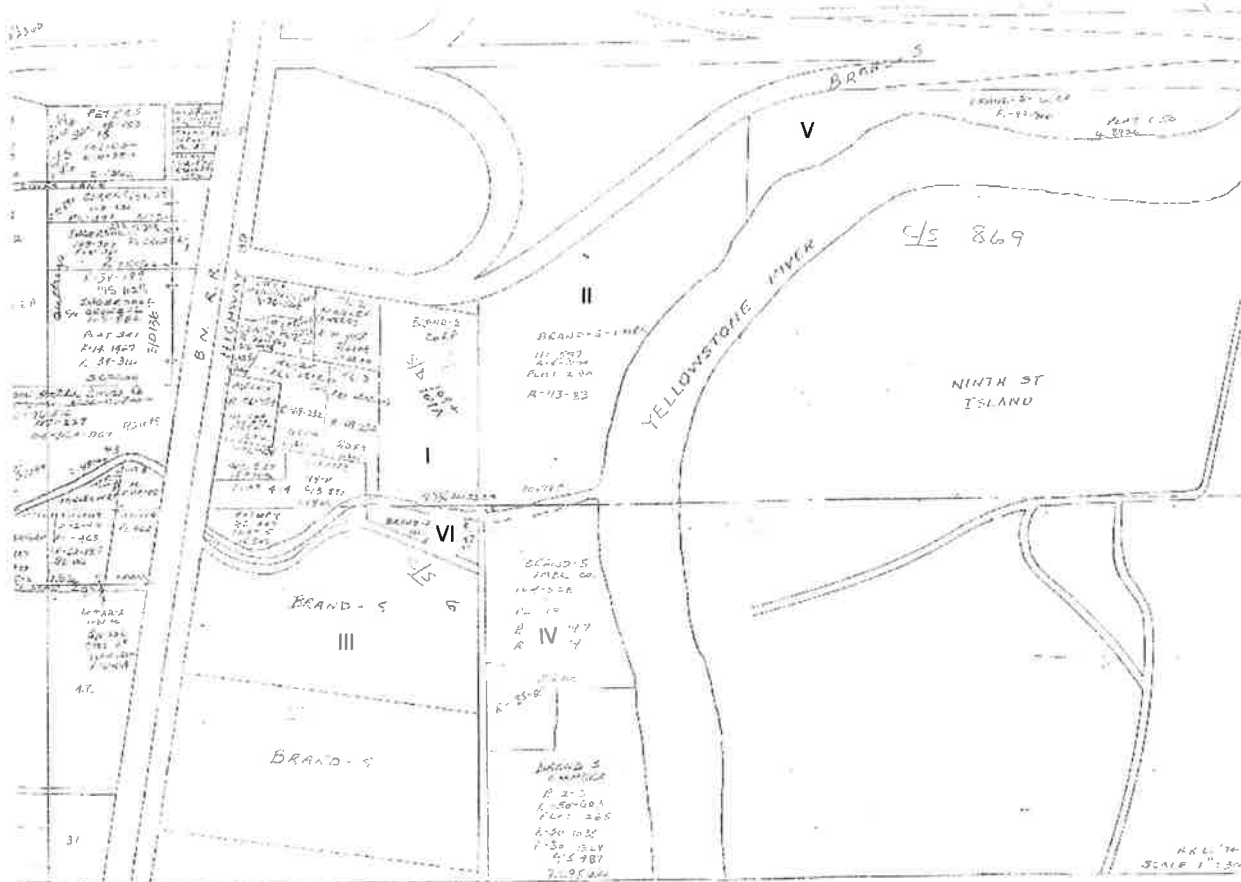
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PARCEL V:

The "South Tract" as described on Plat 650 located in the SW1/4 of Section 24, Township 2 South, Range 9 East, P.M.M., Park County, Montana, containing in area approximately 4.89 Acres.

PARCEL VI:

That Certain parcel of land situated in the NE1/4NE1/4 of Section 26, Township 2 South, Range 9 East, M.P.M., Park County, Montana, as follows: That certain triangular parcel of land being all of the NE1/4NE1/4 of said section laying north of the road leading to the Strong place. (Reference deed recorded in Volume 81, Page 527.) containing in area approximately 0.5 Acres.



PROPOSED ANNEXATION



S/D 104

**PLAT OF CENTENNIAL SUBDIVISION**  
 (A MINOR SUBDIVISION)  
 A TRACT OF LAND LOCATED IN THE SE 1/4 OF SECTION 13, T20S, R06E, P04M, PARK COUNTY, MONTANA FOR RECREATIONAL LEASING, INC. TO CREATE 4 LOTS



THIS PLAT OF LAND IS BEING SUBMITTED TO THE COUNTY COMMISSIONER OF PARK COUNTY, MONTANA, FOR RECORDATION AND APPROVAL. THE TRACT OF LAND DESCRIBED HEREIN IS BEING SUBMITTED FOR RECORDATION AND APPROVAL BY THE COUNTY COMMISSIONER OF PARK COUNTY, MONTANA, FOR RECORDATION AND APPROVAL. THE TRACT OF LAND DESCRIBED HEREIN IS BEING SUBMITTED FOR RECORDATION AND APPROVAL BY THE COUNTY COMMISSIONER OF PARK COUNTY, MONTANA, FOR RECORDATION AND APPROVAL. THE TRACT OF LAND DESCRIBED HEREIN IS BEING SUBMITTED FOR RECORDATION AND APPROVAL BY THE COUNTY COMMISSIONER OF PARK COUNTY, MONTANA, FOR RECORDATION AND APPROVAL.

**CERTIFICATE OF FINAL PLAT PREPARATION**  
 THE COUNTY COMMISSIONER OF PARK COUNTY, MONTANA, HAS REVIEWED THE PLAT AND HAS DETERMINED THAT THE PLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE MONTANA PLAT ACT. THE PLAT IS HEREBY APPROVED FOR RECORDATION AND APPROVAL BY THE COUNTY COMMISSIONER OF PARK COUNTY, MONTANA, FOR RECORDATION AND APPROVAL.

THE COUNTY COMMISSIONER OF PARK COUNTY, MONTANA, HAS REVIEWED THE PLAT AND HAS DETERMINED THAT THE PLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE MONTANA PLAT ACT. THE PLAT IS HEREBY APPROVED FOR RECORDATION AND APPROVAL BY THE COUNTY COMMISSIONER OF PARK COUNTY, MONTANA, FOR RECORDATION AND APPROVAL.

STATE OF MONTANA  
 COUNTY OF PARK  
 I, COUNTY COMMISSIONER OF PARK COUNTY, MONTANA, DO HEREBY CERTIFY THAT THE PLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE MONTANA PLAT ACT. THE PLAT IS HEREBY APPROVED FOR RECORDATION AND APPROVAL BY THE COUNTY COMMISSIONER OF PARK COUNTY, MONTANA, FOR RECORDATION AND APPROVAL.



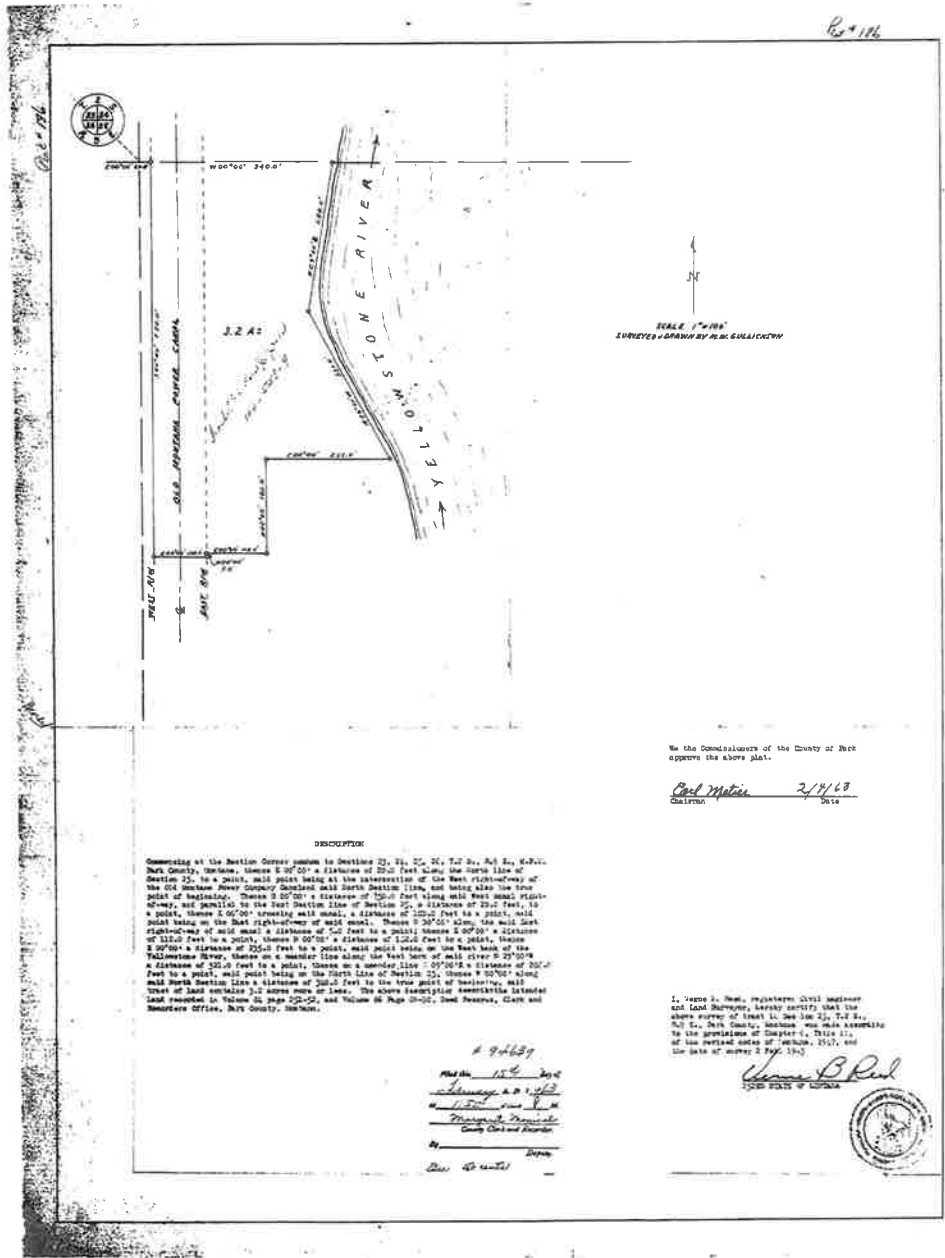
ALLEN	0	00	001	00	00	00	00	00	00
ASTORIAN	000	000	000	000	000	000	000	000	000

PARCEL 1 EXCEPTION









SCALE 1"=100'  
 SURVEYED & DRAWN BY H.M. GULLICKSON

Be the Commissioners of the County of Rice  
 approve the above plat.

*Carl Matice* 2/4/68  
 Chairman Date

DESCRIPTION

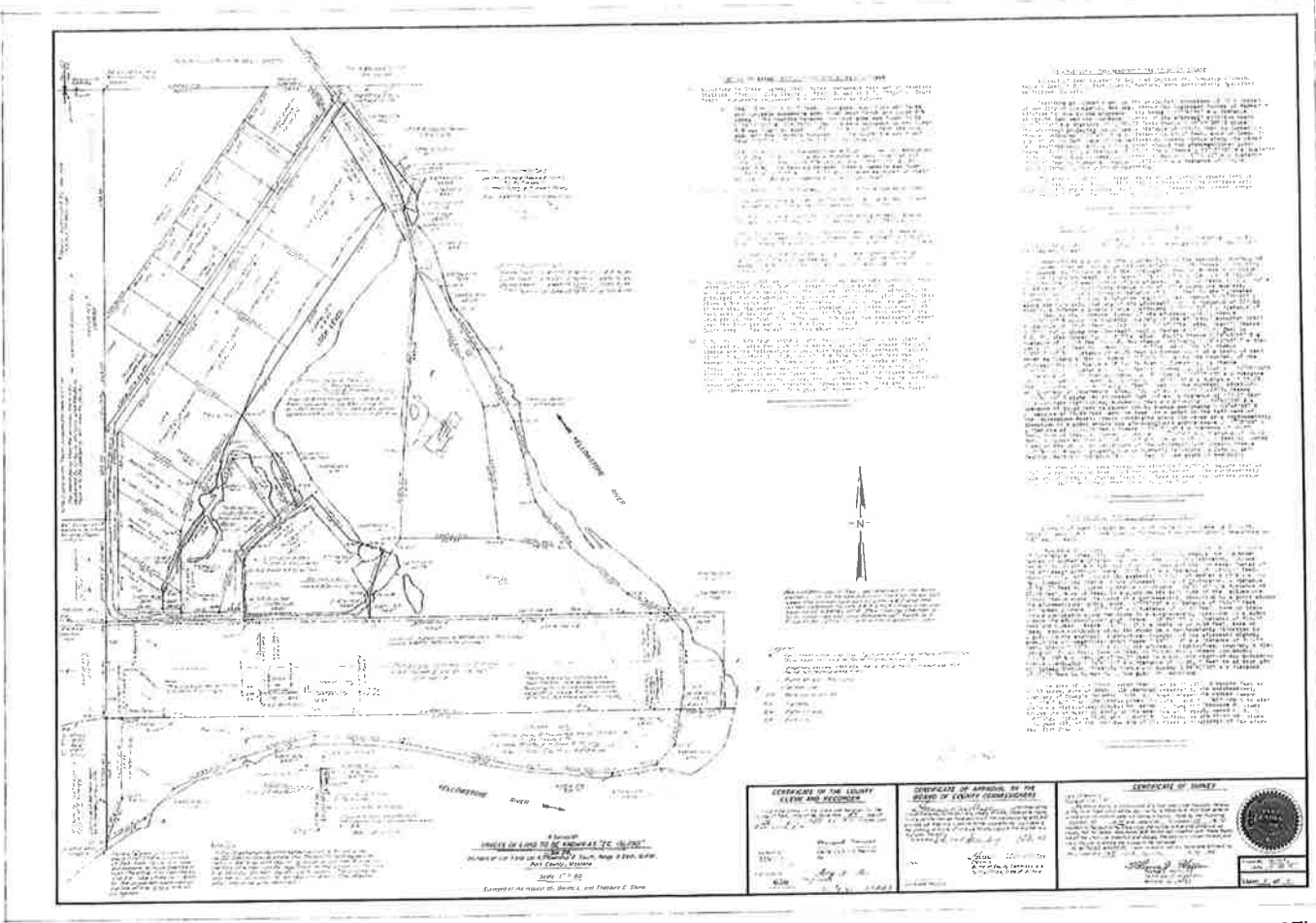
Commencing at the Section Corner between Sections 23, 24, 25, 26, T.2 N., R.2 E., S.27 N.,  
 Dark County, Arkansas, thence S 00° 00' a distance of 325.0 feet along the North line of  
 Section 23, to a point, said point being at the intersection of the West right-of-way of  
 the Old Arkansas River Company Standard mill North Section line, and being also the true  
 point of beginning. Thence S 00° 00' a distance of 75.0 feet along said West right-of-  
 way, and parallel to the East Section line of Section 23, a distance of 22.0 feet, to  
 a point, thence S 06° 00' crossing said canal, a distance of 125.0 feet to a point, said  
 point being on the East right-of-way of said canal. Thence S 20° 00' along the said East  
 right-of-way of said canal a distance of 7.0 feet to a point, thence S 00° 00' a distance  
 of 125.0 feet to a point, thence S 00° 00' a distance of 125.0 feet to a point, thence  
 S 20° 00' a distance of 225.0 feet to a point, said point being on the West bank of the  
 Yellow Stone River, thence on a meander line along the West bank of said river S 20° 00'  
 a distance of 325.0 feet to a point, thence on a meander line S 09° 00' E a distance of 207.0  
 feet to a point, said point being on the North line of Section 23, thence S 00° 00' along  
 said North Section line a distance of 207.0 feet to the true point of beginning, all  
 tract of land contains 3.2 acres more or less. The above description describes the intended  
 land recorded in Volume 28, page 225-26, and Volume 28, page 225-26, Dark County, Arkansas, Cash and  
 Receivers Office, Dark County, Arkansas.

2-9-68  
 H.M. GULLICKSON  
 Surveyor  
 H.M. GULLICKSON  
 County Clerk  
 Dark County, Arkansas

I, James S. Neal, registered Civil Engineer  
 and Land Surveyor, hereby certify that the  
 above survey of tract is, and was by me,  
 J.S. Neal, Dark County, Arkansas, was made according  
 to the provisions of Chapter 1, Title 11,  
 of the revised codes of Arkansas, 1917, and  
 the acts of 1907, 1908, 1913.

*James S. Neal*  
 J.S. NEAL  
 Civil Engineer





PARCEL V

6570

**PETITION TO ANNEX AND NOTICE OF WITHDRAWAL FROM RURAL FIRE DISTRICT**

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 5284 US Highway 89 South, Livingston, Montana 59047, including all those six (6) tracts of record described as follows (collectively referred to herein as "Property"):

*[See attached Exhibit A]*

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.

The Petitioner further herein express an intent to have the Property as herein described withdrawn from the Park County Rural Fire District under the provisions of Section 7-33-2127, M.C.A.; and that incorporated into this Petition to Annex is the Notice requirement pursuant to said Section; and that upon proper adoption of an ordinance or resolution of annexation by the City Commission of the City of Livingston, the Property shall be detracted from said district.

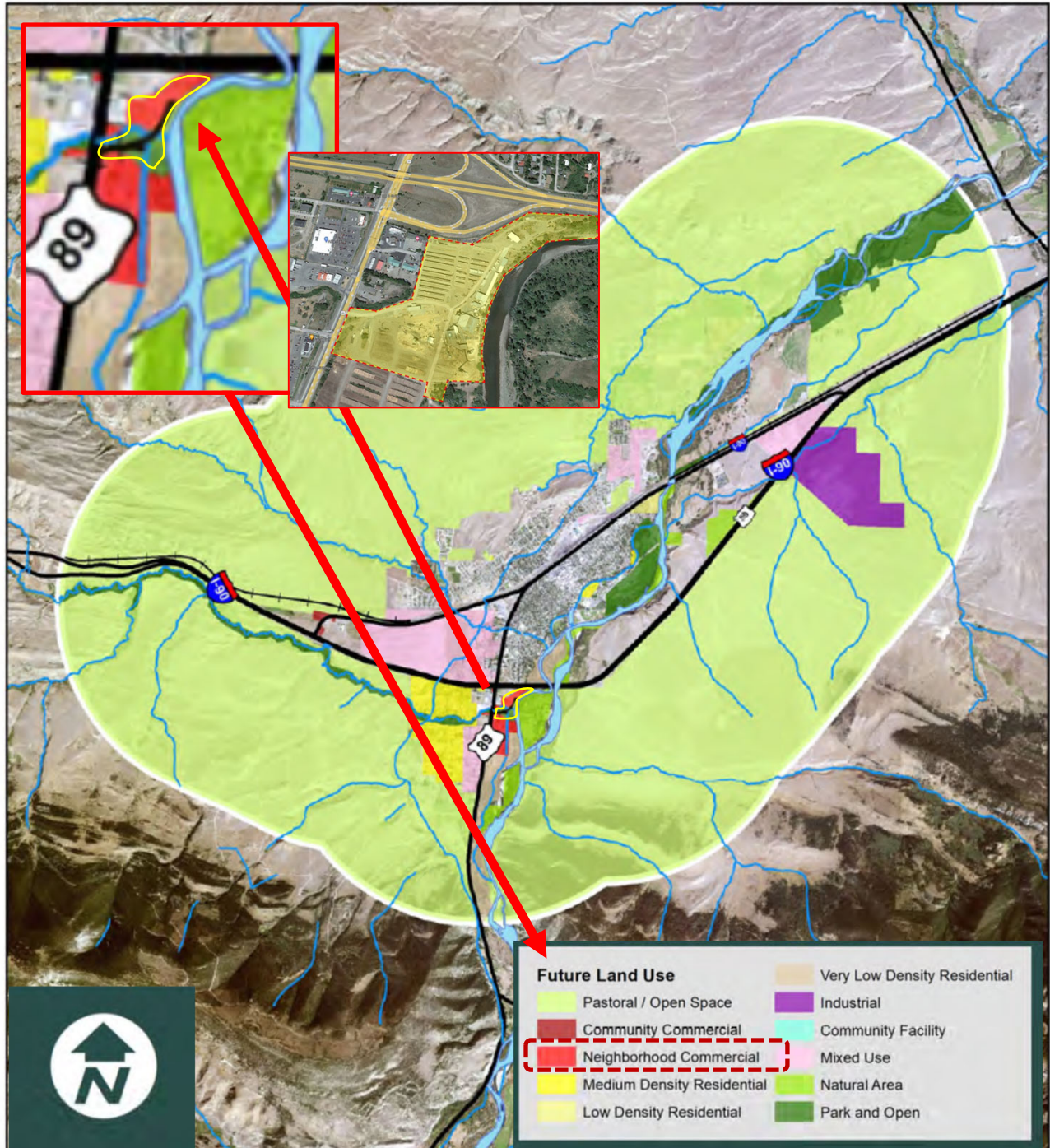
In the event the Property is not immediately annexed, the Petitioner further agrees that this covenant shall run to, with, and be binding upon the title of the said real property, and shall be binding upon our heirs, assigns, successors in interest, purchasers, and any and all subsequent holder or owners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

This City hereby agrees to allow the Petitioner to connect and receive the utilities from the City of Livingston as provided herein.

SUN MOUNTAIN LUMBER, INC.,  
A Montana Corporation

*Sherman D. Pederson* 10/31/23  
Petitioner Date

Exhibit 2.9: Recommended Future Land Use Map





**USE COMPARISONS – NEIGHBORHOOD COMMERCIAL (NC) & LIGHT INDUSTRIAL (LI)**

**Sec. 30.40. List of uses.**

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

**Table 30.40**  
**List of Uses**

	A = Allowed						S = Special Exception Permit Required		N = Not Allowed					
	R-I	R-II	RII-MH	R-III	RMO	NC <sup>2</sup>	MU	CBD <sup>1</sup>	HC	LI	I	P		
One (1) Family Dwellings*	A	A	A	A	A	N	A	A	A	N	N	N		
Two (2) Family Dwellings	N	A	A	A	N	N	A	A	A	N	N	N		
Multifamily Dwellings	N	A	A	A	N	N	A	A	A	N	N	N		
Accessory Dwellings	A	A	A	A	A	N	A	N	A	N	N	N		
Townhouses	N	A	A	A	N	N	A	A	A	N	N	N		
Tiny Homes	A	A	A	A	A	N	A	N	A	N	N	N		
Accessory Buildings	A	A	A	A	A	A	A	A	A	A	A	A		
Mobile Homes	N	N	A	N	A	N	N	N	N	N	N	N		
Modular Homes	A	A	A	A	A	N	A	A	A	N	N	N		
Churches	S	S	S	A	N	A	S	N	A	N	N	N		
Schools, Public, Private and Parochial	A	A	A	A	A	A	S	N	S	N	N	A		
Schools, Trade	N	N	N	N	N	S	S	A	A	A	A	N		
Hospitals/Institutions	N	N	N	A	N	S	S	N	S	A	N	S		
Medical/Dental Clinics	N	N	N	A	N	A	A	A	A	A	S	N		
Adult Foster Care Center <sup>3</sup>	N	A	A	A	N	N	A	A	A	A	N	N		
Personal Care Center	N	A	A	A	N	A	A	A	A	N	N	N		
Child Care Center	A	A	A	A	A	A	A	A	A	A	N	N		
Veterinarian Clinics	N	N	N	N	N	N	A	N	A	A	A	N		
Kennels and Catterys	N	N	N	N	N	N	N	N	A	A	A	N		
Laundromat	N	N	N	N	A	A	A	A	A	A	N	N		
Bed and Breakfasts	A	A	N	A	N	A	A	A	A	N	N	N		
Motels/Hotels	N	N	N	N	N	N	N	A	A	A	N	N		
Travel Trailer Parks	N	N	N	N	N	N	N	N	A	N	N	N		
Business and Professional Offices	N	N	N	S	N	A	A	A	A	A	A	S		
Retail	N	N	N	N	N	A	A	A	A	A	S	N		
Large-scale Retail	N	N	N	N	N	N	N	S	S	S	S	N		
Personal Service Stores	N	N	N	N	N	A	A	A	A	A	S	N		
Eating and Drinking Establishments (Sit-Down)	N	N	N	N	N	A	A	A	A	A	A	N		

Drive-Thru Restaurants	N	N	N	N	N	N	N	N	A	A	A	N
Banks	N	N	N	N	N	A	A	A	A	A	A	N
Mortuary	N	N	N	N	N	S	S	A	A	A	A	N
Wholesale Businesses	N	N	N	N	N	S	N	A	A	A	A	N
Commercial Greenhouses	N	N	N	N	N	A	S	N	A	A	A	N
Gasoline Service Stations	N	N	N	N	N	N	N	N	A	N	A	N
Auto Repair Garage	N	N	N	N	N	N	N	S	A	N	A	N
Automobile Dealerships	N	N	N	N	N	N	N	N	A	A	A	N
Auto Salvage and Storage	N	N	N	N	N	N	N	N	S	N	A	N
Warehouse and Enclosed Storage	N	N	N	N	N	N	N	N	A	A	A	S
Machine Shop	N	N	N	N	N	N	N	N	A	S	A	N
Artisan Manufacturing	N	N	A	A	N	A	A	A	A	A	A	N
Limited Manufacturing	N	N	N	N	N	S	A	A	A	A	N	N
General Manufacturing	N	N	N	N	N	N	N	N	A	A	N	N
Intensive Manufacturing	N	N	N	N	N	N	N	N	A	A	N	N
Cidery	N	N	N	N	N	A	A	A	A	A	N	N
Microbrewery/Microdistillery	N	N	N	N	N	A	A	A	A	A	N	N
Winery	N	N	N	N	N	A	A	A	A	A	N	N
Bowling Alley	N	N	N	N	N	S	S	S	A	S	N	S
Theater	N	N	N	S	N	S	S	S	A	A	N	S
Open-Air Stadiums, Sports Arenas and Amphitheaters	N	N	N	S	N	S	S	S	A	A	N	S
Lumberyards	N	N	N	N	N	N	N	N	A	A	A	N
Transportation Terminals	N	N	N	N	N	N	N	A	A	A	N	N
Radio Stations <sup>4</sup>	N	N	N	N	N	A	A	A	A	A	A	A
Utility Substations	S	S	S	S	S	S	S	S	S	S	S	S
Armory	N	N	N	N	N	N	N	N	N	N	N	A
Cemetery	N	N	N	N	N	N	N	N	N	N	N	A
Government Offices	N	N	N	N	N	A	A	A	A	N	N	A
Public Recreation Facility	A	A	A	A	N	S	S	A	A	A	S	A
Health and Exercise Establishment	N	N	N	N	N	A	A	A	A	A	S	S
Marijuana Production Facility	N	N	N	N	N	N	N	N	N	A	A	N
Sexually Oriented Business	N	N	N	N	N	S	N	S	S	A	A	N

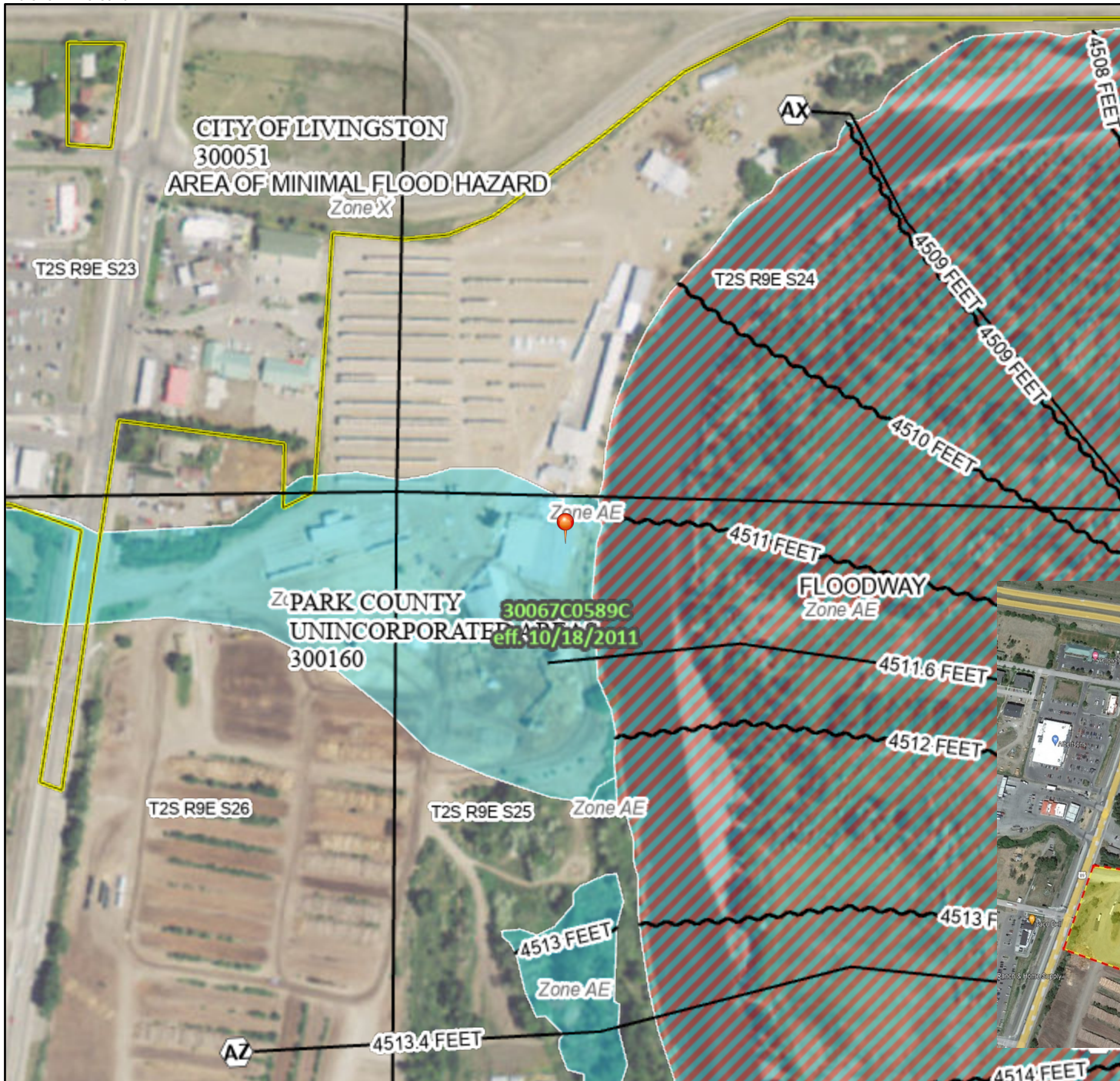
1. CBD—Any number of apartment units may be established in an existing commercial building. No new residential structures may be built unless they meet the definition of "High Density Residential."  
 2. NC-A single residential unit may be established within a commercial building to allow living space for a business owner.  
 3. Adult Foster Care Center.  
 a. No more than four (4) residents;  
 b. Staff member must be on board twenty-four (24) hours a day.  
 4. Radio Stations do not include radio towers or wireless communication facilities as defined by the Federal Communications Commission.  
 \* This includes manufactured homes as defined by Ordinance 1813.



# National Flood Hazard Layer FIRMette



110°34'31"W 45°38'40"N



### Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM 117

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

**OTHER AREAS**

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone D

**GENERAL STRUCTURES**

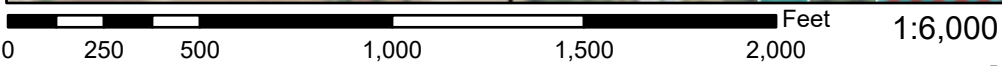
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**Cross Sections**

- 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
- 17.5 Coastal Transect

**Other Symbols**

- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary



Basemap Imagery Source: USGS National Map 2023

This map is for informational purposes only. It is not intended to be used for regulatory purposes. The map does not represent the actual conditions on the ground. The map is not a warranty, representation, or guarantee of accuracy. The map is not to be used for any purpose other than that for which it was prepared. The map is not to be used for any purpose other than that for which it was prepared. The map is not to be used for any purpose other than that for which it was prepared.

**File Attachments for Item:**

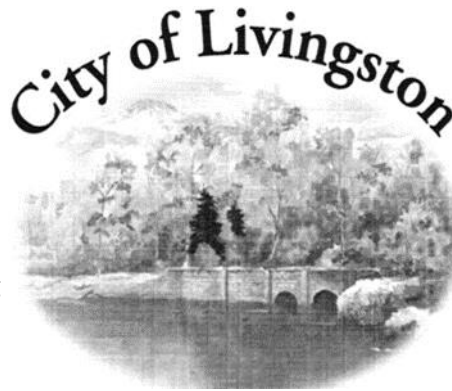
**C. ORDINANCE 3050: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING THE PROPERTY ADDRESSED AT 1 VIEW VISTA DRIVE AND LEGALLY DESCRIBED AS PARCEL 1 IN SECTION 13, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), CERTIFICATE OF SURVEY 984, RECENTLY ANNEXED AND GENERALLY KNOWN AS THE VIEW VISTA COMMUNITY, AS MIXED USE (MU).**



**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

citymanager@livingstonmontana.org  
www.livingstonmontana.org



*Incorporated 1889*

**Chair**  
Karrie Kahle

**Vice Chair**  
Melissa Nootz

**Commissioners**  
Quentin Schwarz  
Torrey Lyons  
James Willich

Date: March 5, 2024  
To: Chair Kahle and City Commissioners  
From: Jennifer Severson, Planning Director

**Staff Report for a Map Amendment to Chapter 30 of the Livingston Municipal Code for the View Vista Annexation**

**Recommendation and Summary**

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

“I move to approve Ordinance 3050 to amend the City of Livingston Zoning Code Section 30.13 related to the Official Zoning Map and to authorize the Chair to sign Ordinance 3050.”

The reasons for the recommendation are as follows:

- The City must amend its Official Zoning Map to include newly annexed property.

**Introduction and History**

On November 7, 2023, the City Commission Adopted Resolution 5119 (Attachment 2) approving the annexation of the property commonly known as the View Vista Community, located at 1 View Vista Drive and legally described as Parcel 1 in Section 13, Township Two South (T02S), Range Nine East (R09E), Certificate of Survey 984. The parcel is 11 acres in size and includes three apartment buildings with a total of 33 units and 51 sites occupied by mobile and manufactured homes. The legal description of the annexed property is included in the attached Resolution 5119 and the property, itself, 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 bordered by Fleshman Creek and Geyser Street to the west, View Vista Drive and Park High School to the south, and Sleeping Giant Middle School to the east. Prior to annexation, the property was an enclave of Park County surrounded by properties within the City of Livingston’s municipal boundaries.

The Central Business District borders the annexed parcel on the north, a small area zoned R-II (Medium Density Residential) is located northeast of the property, and the remainder of the surrounding properties are zoned Public and include schools, parks and the City’s Civic Center. The property is currently served by City water and sewer; however, it is inadequately sized to effectively serve the property. Residents of View Vista,



**Figure 1- View Vista Annexed Property**

assisted by the non-profit Neighborworks Montana, recently purchased the land, and requested to be annexed into the City to be allowed to improve the existing water and sewer infrastructure connections. The mobile home sites will continue to be occupied as single-family residential dwellings for the foreseeable future; however, the now Resident-Owned Community (ROC) is exploring the possibility of subdividing the land on which the apartment buildings are located so that it can be sold and the existing apartment units can either be renovated or replaced, depending on the extent of repairs needed.

Although View Vista is not located in the area identified in the Growth Policy as the Extra-Territorial Jurisdiction (ETJ), the ETJ Future Land Use Map (Attachment 3) includes the View Vista property and shows the annexed area as “Medium Density Residential” (R-II), which is described as a “*A district primarily intended for single and two (2) family dwellings. Multi-family dwellings may also be accommodated on lots of adequate plat sizes.*”. Although the only zoning district that currently allows a mobile home community in the City is RMO, this existing use is “grandfathered” as a legal nonconforming use regardless of the zoning district and will be allowed to continue on the annexed property.

However, the existing number of apartments are greater than what is allowed for any zoning district (for which residential uses are allowed) except the Central Business District. Although this existing use is also “grandfathered” as a legal nonconforming use, if the existing apartment buildings were removed due to extensive repairs and rehabilitation costs, the use of the property for multi-family residential development at its current density could not be restored and any use of the property, thereafter, must comply with Table 30.40 for the designated Zoning District.

The Growth Policy was adopted in 2021 and, in the time since, housing availability and affordability in Livingston has declined. Because of its proximity to the CBD and the need for more housing in the City,

Staff is recommending the annexed property be zoned Mixed Use (MU) instead of R-II. The MU district is “intended to accommodate a mix of residential, neighborhood scale commercial services and offices, and small-scale manufacturing”. MU zoning also has a greater height allowance than R-II (60 feet vs. 27 feet) and smaller minimum lot size than R-II (3,500 sq. ft. vs. 875 sq. ft.), both of which will support denser residential infill development than what is recommended in the Future Land Use Map.

Staff recommends the annexed property be zoned MU to ensure the existing uses on the property can remain yet still allow for increased density in the future. Additionally, MU zoning will allow for neighborhood scale commercial services that are compatible with the adjacent CBD district.

Below is a comparison of uses identified in Table 30.40 that are Allowed, Not Allowed, or Allowed with Special Exception approval in the R-II and MU Districts:

- **60 uses total**
- **35 uses in common**
- **0 uses:** R2 = Allowed; MU = Not Allowed
- **7 uses:** R2 = Not Allowed; MU = require Special Exception
- **16 uses:** R2 = Not Allowed; MU = Allowed

See Attachment 4 for a detailed comparison of uses in Table 30.40.

Of the 16 uses that are allowed ‘by right’ in the MU district that are not allowed in the R-II district, many are what Staff considers to be consistent with the MU district definition stated above; these include: dental, medical and veterinary clinics, laundromats, business and professional offices, restaurants, artisan and limited manufacturing, government offices and health and exercise establishments (i.e. fitness gyms).

The Zoning Commission unanimously approved (4:0) the staff recommended changes to the Official Zoning Map at their December 18, 2023 meeting. Several members noted possible issues related to the proximity of the subject property to Fleshman Creek and the implications of the floodplain study that is currently underway on floodplain maps and future flood events. Staff confirmed that compliance with FEMA floodplain regulations would be required for any development within a regulatory floodplain.

**Proposed 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:*

Although the Future ETJ Land Use Map in the Growth Policy shows the annexed area as Medium Density Residential, elsewhere the Growth Policy supports Mixed Use zoning of this property.

- *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.*
  - As part of the annexation agreement, the City is requiring View Vista to improve and expand the existing water and sewer connections that currently serve the community. The resulting infrastructure will be able to support the higher density development that is enabled by Mixed Use zoning.
- *Strategy 3.1.1.6: Encourage residential developments to provide neighborhood commercial areas serving residents within walking distance.*

- Mixed Use zoning allows for neighborhood commercial businesses and services that the R-II zoning does not allow. The increased residential density allowed in Mixed Use districts will help to attract and support a variety of businesses and services that are within walking distance to residents of the View Vista community.
- *Strategy 3.1.1.8: Reduce urban sprawl through compact development consistent with the Future Land Use Map of this Growth Policy.*
  - Although Staff is recommending a different zoning that what is shown in the Future Land Use Map in the Growth Policy, zoning for higher densities in and near areas that have existing high density residential and commercial development can reduce urban sprawl by concentrating the footprint of new development. Compact development patterns also facilitate walkable and bikeable neighborhoods.
- *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 has direct access to Geyser Street to the north and View Vista Drive to the south. It is also within walking distance to the services and amenities in the CBD which reduces the need for motor vehicle travel by area residents and minimizes impacts to the surrounding transportation network.
- *Strategy 4.1.3.3: Reduce climate disruption through compact growth and increased transportation choices that reduce the need for driving.*
  - The parcel is in a heavily developed area of the City. MU zoning would allow a larger number of residential units that are within walking and biking distance of shops, businesses and other services. The MU zoning will also allow for future neighborhood scale commercial businesses on the annexed property, further minimizing the need to drive.
- *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.*
  - The proposed MU zoning allows for a variety of housing types, from single-family homes to multi-family buildings. Allowing additional density and a mix of uses supports a greater diversity of housing choices and neighborhood amenities for people with varied incomes and needs. The denser residential development allowed in the MU district also encourages smaller-sized dwellings with lower maintenance requirements compared to traditional single-family homes.

(b) designed to:

(i) secure safety from fire and other dangers;

Although View Vista is already connected to City water and sewer, the community will be required to make improvements to that infrastructure. The larger water service line will improve conveyance to the hydrants and improve fire protection and safety on site. 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.

Much of the property is within the 500-year floodplain for the Yellowstone River; however, none is located within the regulatory (100-year) floodplain (see Attachment 5). Should the

current floodplain designation on the property change in the future, all new and redevelopment within the regulatory floodplain will require a floodplain development permit and compliance with FEMA floodproofing requirements.

*(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. Also, the potential for more housing and increased housing affordability will likely enhance the general welfare of the City and its citizens.

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

As mentioned above, the View Vista property is located in an already developed area of the City. It is within walking distance to Miles and Sacajawea Parks as well as Park High School and Sleeping Giant Middle School. The additional density allowed by MU zoning is not expected to impede adequate provision of transportation to/ from the property. However, because the higher density allowed by MU zoning could result in additional students in area schools, the school district will need to account for this in future analysis of its capacity and resource needs.

Improvements to the existing City water and sewer connections are in process and the expansion of the main lines is expected to adequately support the type of higher density development allowed in the MU district.

- (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 the assignment of zoning to the annexed property will in any way inhibit the reasonable provision of adequate light and air to the property or the surroundings. If new structures are built in the future, they 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 for building permitting.

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

Because of its central location and proximity to the CBD, parks and schools, zoning the annexed property MU is not anticipated to increase impacts to the surrounding transportation system. And the neighborhood scale commercial uses allowed by MU zoning will reduce the distance community residents need to travel for everyday needs.

*(c) promotion of compatible urban growth;*

The annexed area is next to the CBD, which includes development and uses that intensifies as it approaches the City center. There is also medium density residential development to the Northeast of View Vista. Staff finds the existing development on the subject property compatible with the nearby medium density residential neighborhood. Staff also anticipates the higher density and mixed uses allowed in the MU district will be less intensive, yet compatible with existing urban activity in the CBD.

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

The parcel includes existing residential development that is surrounded by medium density residential development, public schools and parks, and high density commercial and residential development in the CBD. The property is well suited to accommodate a mix of uses and additional density as allowed in the MU district without changing the character of the surrounding community.

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

The existing mobile homes on the property are inhabited and Staff is not aware of any structural or maintenance concerns related to those buildings. As mentioned above, there are 33 apartments spread out in three buildings that have substantial repair and maintenance needs. It is Staff's understanding that, depending on the extent and costs of that repair and maintenance, the apartment buildings may be restored or possibly replaced. If the buildings are replaced, the MU designation allows for a greater number of residential units which is an appropriate use of land which is centrally located in the City. The required infrastructure improvements to service the property and the potential for higher density redevelopment will likely increase surrounding property values.

**Staff Recommendation**

For the reasons discussed above, Staff finds that the proposed Mixed Use (MU) zoning designation meets the requirements of the City of Livingston and State Statute. Staff recommends that the City Commission approve the Zoning Commission's recommendation to zone the View Vista property Mixed Use (MU) and adopt the proposed amendment to the Official Zoning Map.

**Attachments**

1. Draft Ordinance 3050
2. Resolution 5119
3. ETJ Future Land Use Map
4. Table 30.40- R-II & MU Use Comparisons
5. Floodplain Map



**ORDINANCE NO. 3050**

**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 PROPERTY ADDRESSED AT 1 VIEW VISTA DRIVE AND LEGALLY DESCRIBED AS PARCEL 1 IN SECTION 13, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), CERTIFICATE OF SURVEY 984, RECENTLY ANNEXED AND GENERALLY KNOWN AS THE VIEW VISTA COMMUNITY, 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 5119 on November 7, 2023;

**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 Zoning Commission, after a public hearing held on December 18, 2023, voted unanimously (4:0) to recommend approval of the zoning of the subject parcel to Mixed Use (MU) to the City Commission;

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

**SECTION 1**

**Zoning of property addressed at 1 View Vista Drive and known as the View Vista Community, and legally described as Parcel 1 in Section 13, Township Two South (T02S), Range Nine East (R09E), Certificate of Survey 984, as Light Industrial (LI).**

**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 February, 2024.

\_\_\_\_\_  
**KARRIE KAHLE, CHAIR**

**ATTEST:**

\_\_\_\_\_  
**Emily Hutchinson**  
City Clerk

\*\*\*\*\*

**PASSED, ADOPTED AND APPROVED**, by the City Commission of the City of Livingston, Montana, on a second reading at a regular session thereof held on the \_\_\_\_\_ day of March, 2024.

\_\_\_\_\_  
**KARRIE KAHLE, CHAIR**

**ATTEST:**

**APPROVED TO AS FORM:**

\_\_\_\_\_  
**EMILY HUTCHINSON**  
City Clerk

\_\_\_\_\_  
**JON HESSE**  
City Attorney

**RESOLUTION NO. 5119**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING CERTAIN PARCELS KNOWN AS VIEW VISTA COMMUNITY.**

**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 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 7<sup>th</sup> day of November, 2023.

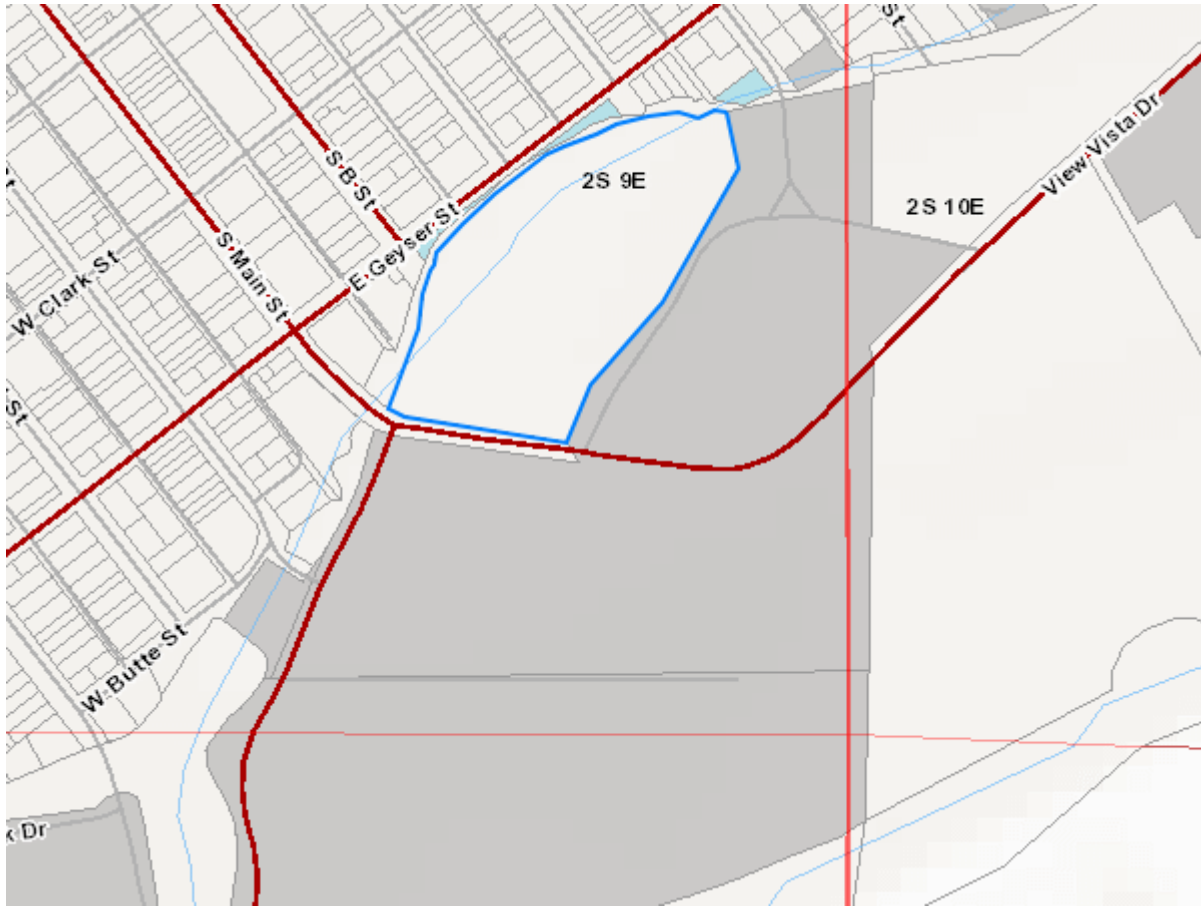
\_\_\_\_\_  
**MELISSA NOOTZ – Chair**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**EMILY HUTCHINSON**  
City Clerk

\_\_\_\_\_  
**JON HESSE**  
City Attorney



The blue bordered parcel is more fully described as S13, T02 S, R09 E, C.O.S. 984, Parcel 1, Park County, Montana.

**PETITION TO ANNEX AND NOTICE OF WITHDRAWAL FROM RURAL FIRE DISTRICT**

The undersigned hereinafter referred to as Petitioner(s) respectfully petition the City Commission of the City of Livingston for annexation of the real property located at 1 View Vista Dr, Livingston, MT 59047 commonly known as View Vista Community, Inc. and more fully described as S13, T02 S, R09 E, C.O.S. 984, Parcel 1, Park County, Montana, into the City of Livingston.

The Petitioner(s) 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 of all City of Livingston municipal services will be provided to the property described herein on substantially the same basis and in the same manner as such services are provided or made available to other properties within the rest of the municipality. Petitioner(s) hereby state 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 are in agreement as to the provision of municipal services to the property requested to be annexed.

The Petitioner(s) further herein express an intent to have the property as herein described withdrawn from the Park County Rural Fire District under the provisions of Section 7-33-2127, M.C.A.; and that incorporated into this Petition to Annex is the Notice requirement pursuant to said Section; and that upon proper adoption of an ordinance or resolution of annexation by the City Commission of the City of Livingston, the property shall be detracted from said district.

In the event the property is not immediately annexed, the Petitioner(s) further agree(s) 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.

This City hereby agrees to allow Petitioner(s) to connect and receive the utilities from the City of Livingston.

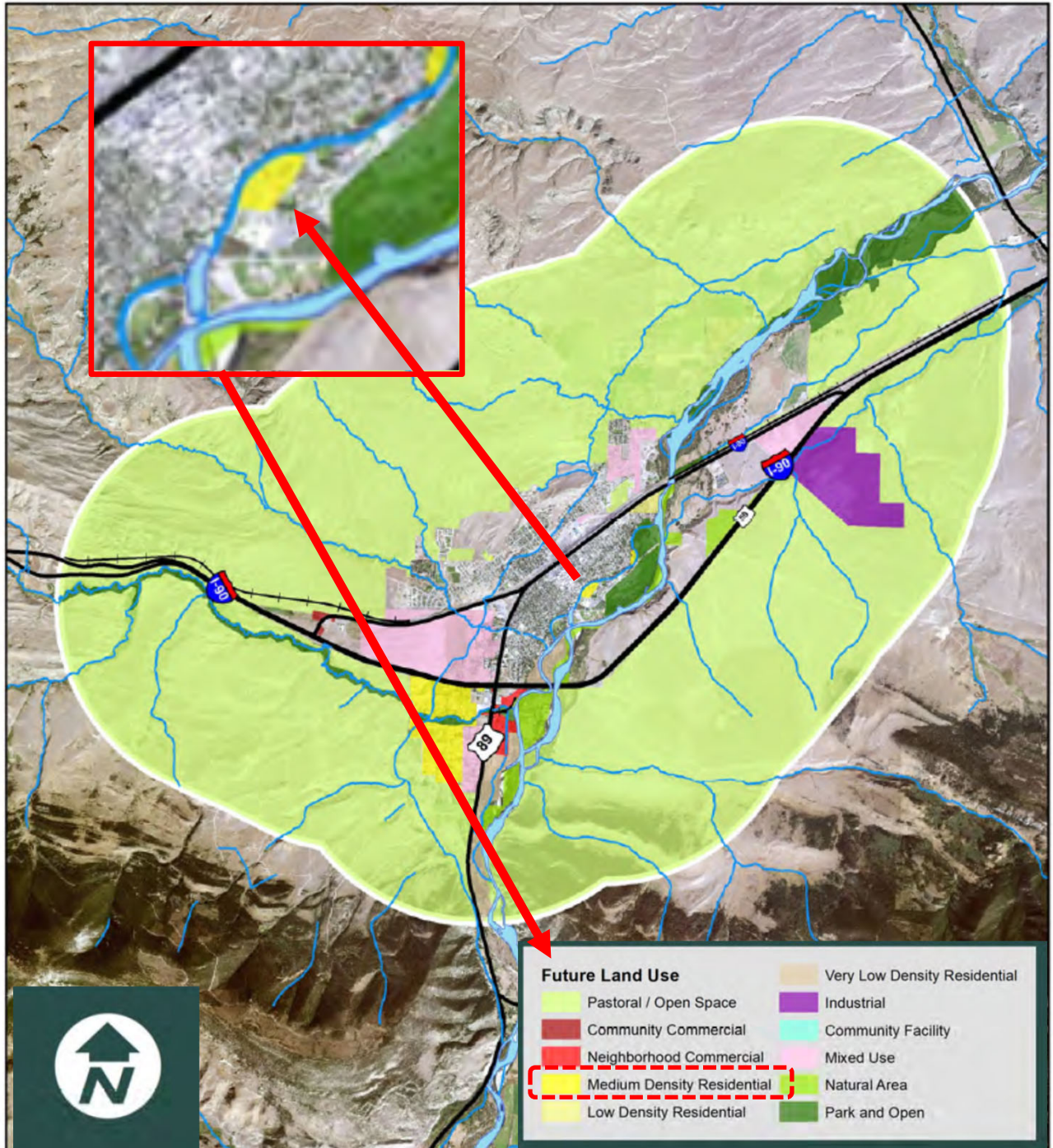
DocuSigned by:  
*Angela Bandler* 8/8/2023  
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Petitioner/Owner Date

DocuSigned by:  
*Ashley Wente* 8/14/2023  
0083B38BDF04FF...

Petitioner/Owner Date

Exhibit 2.9: Recommended Future Land Use Map





**USE COMPARISONS – MEDIUM DENSITY RESIDENTIAL (R-II) & MIXED USE (MU)**

**Sec. 30.40. List of uses.**

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

**Table 30.40**  
**List of Uses**

	R-I	R-II	RII-MH	R-III	RMO	NC <sup>2</sup>	MU	CBD <sup>1</sup>	HC	LI	I	P
One (1) Family Dwellings*	A	A	A	A	A	N	A	A	A	N	N	N
Two (2) Family Dwellings	N	A	A	A	N	N	A	A	A	N	N	N
Multifamily Dwellings	N	A	A	A	N	N	A	A	A	N	N	N
Accessory Dwellings	A	A	A	A	A	N	A	N	A	N	N	N
Townhouses	N	A	A	A	N	N	A	A	A	N	N	N
Tiny Homes	A	A	A	A	A	N	A	N	A	N	N	N
Accessory Buildings	A	A	A	A	A	A	A	A	A	A	A	A
Mobile Homes	N	N	A	N	A	N	N	N	N	N	N	N
Modular Homes	A	A	A	A	A	N	A	A	A	N	N	N
Churches	S	S	S	A	N	A	S	N	A	N	N	N
Schools, Public, Private and Parochial	A	A	A	A	A	A	S	N	S	N	N	A
Schools, Trade	N	N	N	N	N	S	S	A	A	A	A	N
Hospitals/Institutions	N	N	N	A	N	S	S	N	S	A	N	S
Medical/Dental Clinics	N	N	N	A	N	A	A	A	A	A	S	N
Adult Foster Care Center <sup>3</sup>	N	A	A	A	N	N	A	A	A	A	N	N
Personal Care Center	N	A	A	A	N	A	A	A	A	N	N	N
Child Care Center	A	A	A	A	A	A	A	A	A	A	N	N
Veterinarian Clinics	N	N	N	N	N	N	A	N	A	A	A	N
Kennels and Catterys	N	N	N	N	N	N	N	N	A	A	A	N
Laundromat	N	N	N	N	A	A	A	A	A	A	N	N
Bed and Breakfasts	A	A	N	A	N	A	A	A	A	N	N	N
Motels/Hotels	N	N	N	N	N	N	N	A	A	A	N	N
Travel Trailer Parks	N	N	N	N	N	N	N	N	A	N	N	N
Business and Professional Offices	N	N	N	S	N	A	A	A	A	A	A	S
Retail	N	N	N	N	N	A	A	A	A	A	S	N
Large-scale Retail	N	N	N	N	N	N	N	S	S	S	S	N
Personal Service Stores	N	N	N	N	N	A	A	A	A	A	S	N
Eating and Drinking Establishments (Sit-Down)	N	N	N	N	N	A	A	A	A	A	A	N



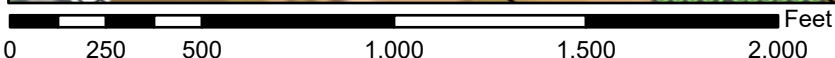
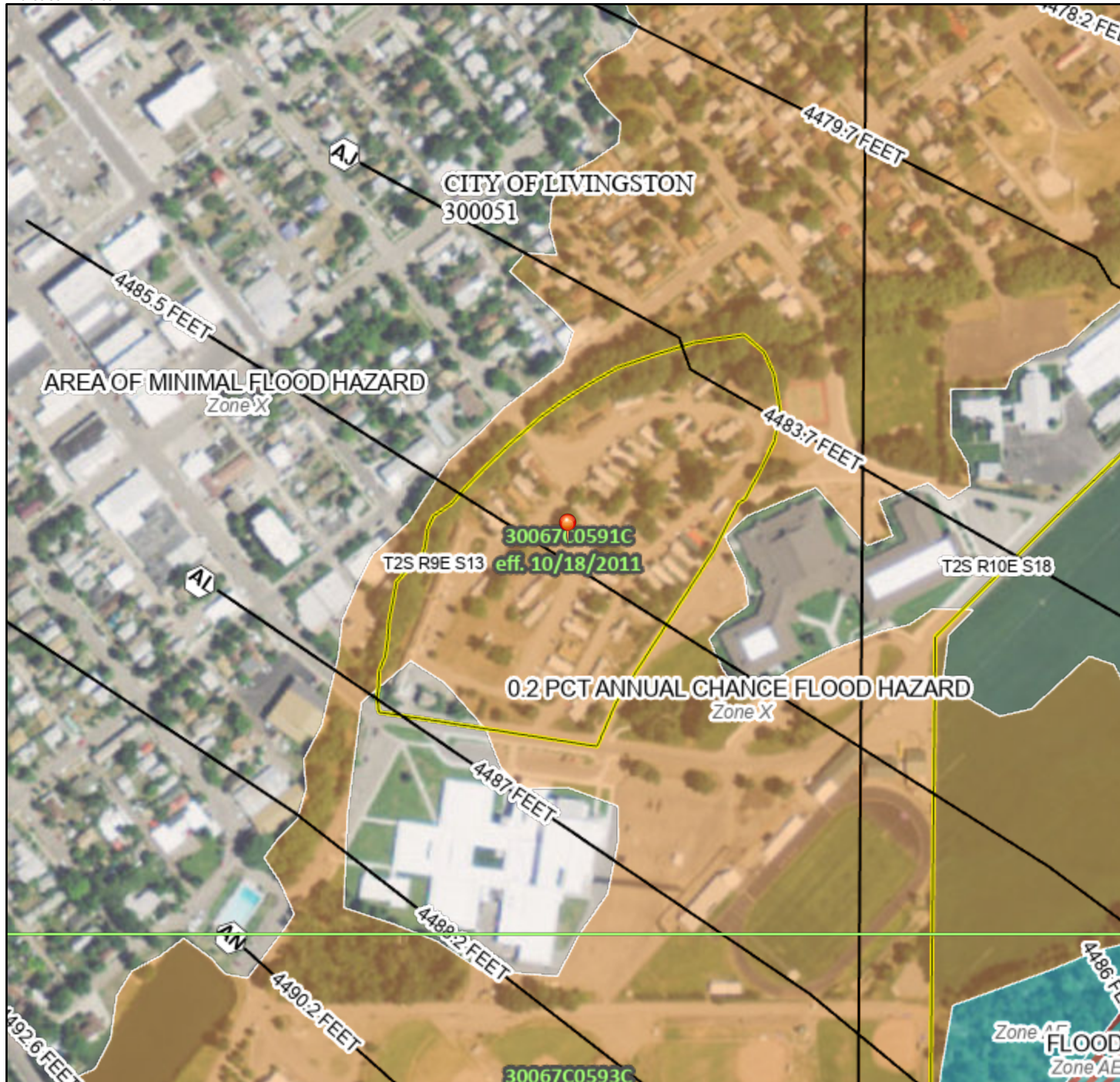
Drive-Thru Restaurants	N	N	N	N	N	N	N	N	A	A	A	N
Banks	N	N	N	N	N	A	A	A	A	A	A	N
Mortuary	N	N	N	N	N	S	S	A	A	A	A	N
Wholesale Businesses	N	N	N	N	N	S	N	A	A	A	A	N
Commercial Greenhouses	N	N	N	N	N	A	S	N	A	A	A	N
Gasoline Service Stations	N	N	N	N	N	N	N	N	A	N	A	N
Auto Repair Garage	N	N	N	N	N	N	N	S	A	N	A	N
Automobile Dealerships	N	N	N	N	N	N	N	N	A	A	A	N
Auto Salvage and Storage	N	N	N	N	N	N	N	N	S	N	A	N
Warehouse and Enclosed Storage	N	N	N	N	N	N	N	N	A	A	A	S
Machine Shop	N	N	N	N	N	N	N	N	A	S	A	N
Artisan Manufacturing	N	N	A	A	N	A	A	A	A	A	A	N
Limited Manufacturing	N	N	N	N	N	S	A	A	A	A	N	N
General Manufacturing	N	N	N	N	N	N	N	N	A	A	N	N
Intensive Manufacturing	N	N	N	N	N	N	N	N	A	A	N	N
Cidery	N	N	N	N	N	A	A	A	A	A	N	N
Microbrewery/Microdistillery	N	N	N	N	N	A	A	A	A	A	N	N
Winery	N	N	N	N	N	A	A	A	A	A	N	N
Bowling Alley	N	N	N	N	N	S	S	S	A	S	N	S
Theater	N	N	N	S	N	S	S	S	A	A	N	S
Open-Air Stadiums, Sports Arenas and Amphitheaters	N	N	N	S	N	S	S	S	A	A	N	S
Lumberyards	N	N	N	N	N	N	N	N	A	A	A	N
Transportation Terminals	N	N	N	N	N	N	N	A	A	A	N	N
Radio Stations <sup>4</sup>	N	N	N	N	N	A	A	A	A	A	A	A
Utility Substations	S	S	S	S	S	S	S	S	S	S	S	S
Armory	N	N	N	N	N	N	N	N	N	N	N	A
Cemetery	N	N	N	N	N	N	N	N	N	N	N	A
Government Offices	N	N	N	N	N	A	A	A	A	N	N	A
Public Recreation Facility	A	A	A	A	N	S	S	A	A	A	S	A
Health and Exercise Establishment	N	N	N	N	N	A	A	A	A	A	S	S
Marijuana Production Facility	N	N	N	N	N	N	N	N	N	A	A	N
Sexually Oriented Business	N	N	N	N	N	S	N	S	S	A	A	N

1. CBD—Any number of apartment units may be established in an existing commercial building. No new residential structures may be built unless they meet the definition of "High Density Residential."  
 2. NC-A single residential unit may be established within a commercial building to allow living space for a business owner.  
 3. Adult Foster Care Center.  
 a. No more than four (4) residents;  
 b. Staff member must be on board twenty-four (24) hours a day.  
 4. Radio Stations do not include radio towers or wireless communication facilities as defined by the Federal Communications Commission.  
 \* This includes manufactured homes as defined by Ordinance 1813.

# National Flood Hazard Layer FIRMette



110°33'33"W 45°39'44"N



1:6,000

110°32'55"W 45°39'19"N

Basemap Imagery Source: USGS National Map 2023

## Legend

134

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM 134 UT

- SPECIAL FLOOD HAZARD AREAS**
  - Without Base Flood Elevation (BFE)  
*Zone A, V, A99*
  - With BFE or Depth *Zone AE, AO, AH, VE, AR*
  - Regulatory Floodway
  
- OTHER AREAS OF FLOOD HAZARD**
  - 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
  - Future Conditions 1% Annual Chance Flood Hazard *Zone X*
  - Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
  - Area with Flood Risk due to Levee *Zone D*
  
- OTHER AREAS**
  - NO SCREEN Area of Minimal Flood Hazard *Zone X*
  - Effective LOMRs
  - Area of Undetermined Flood Hazard *Zone D*
  
- GENERAL STRUCTURES**
  - Channel, Culvert, or Storm Sewer
  - Levee, Dike, or Floodwall
  
- OTHER FEATURES**
  - B 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
  - 17.5 Coastal Transect
  - Base Flood Elevation Line (BFE)
  - Limit of Study
  - Jurisdiction Boundary
  - Coastal Transect Baseline
  - Profile Baseline
  - Hydrographic Feature
  
- MAP PANELS**
  - Digital Data Available
  - No Digital Data Available
  - Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/1/2024 at 1:00 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

**File Attachments for Item:**

**D. RESOLUTION 5127: A RESOLUTION OF THE CITY OF LIVINGSTON CITY COMMISSION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO FEMA - ASSISTANCE TO FIREFIGHTER GRANT, COMMITMENT OF NEEDED FUNDS AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER INTO REQUIRED CONTRACTS FOR GRANT FUNDS TO PURCHASE A NEW LADDER TRUCK.**

**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

citymanager@livingtonmontana.org  
www.livingtonmontana.org



*Incorporated 1889*

**Chairperson**  
Karrie Kahle

**Vice Chair**  
Melissa Nootz

**Commissioners**  
Quentin Schwarz  
Torrey Lyons  
James Willich

Date: 3/5/2024  
To: Chair Kahle and City Commissioners  
From: Grant Gager, City Manager

**Staff Report for Resolution 5127 for FEMA Assistance to Firefighter Grant**

**Recommendation and Summary**

Staff is recommending the Commission Approve Resolution 5127 to authorize applying for a FEMA Assistance to Firefighter Grant (AFG) and committing funds not to exceed \$92,109 as the required match by adopting the following motion:

**“I move to approve Resolution 5127 and authorize the Chair to sign the Resolution authorizing the City Manager to apply for FEMA AFG funds.”**

The reasons for the recommendation are as follows:

- The Federal Emergency Management Administration operates a grant program that provides funding for equipment to support firefighters.
- The City of Livingston has several pieces of apparatus that are nearing the end of their useful life.

**Introduction and History**

The City of Livingston’s Fire and Rescue Department has both an aerial tower truck as well as a pumper truck. The aerial tower is nearing the end of its useful life and the City is preparing for its eventual replacement.

**Analysis**

The City has received a quote for approximately \$1.8 million for a new aerial tower truck. The AFG provides funding of up to 95% of total costs for certain equipment, including fire apparatus.

**Fiscal Impact**

The FEMA AFG grant if awarded will provide for 95% of the cost of the equipment acquisition. The apparatus is estimated to cost approximately \$1,842,170 resulting in a requested \$92,109 commitment of funds.

**Strategic Alignment**

The acquisition of fire apparatus is necessary to ensure the City’s ability to perform its statutorily required duties.

**Attachments**

- A. Attachment A: Resolution 5127



**RESOLUTION NO. 5127**

**A RESOLUTION BY THE CITY OF LIVINGSTON CITY COMMISSION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO FEMA - ASSISTANCE TO FIREFIGHTER GRANT, COMMITMENT OF NEEDED FUNDS AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER INTO REQUIRED CONTRACTS FOR GRANT FUNDS TO PURCHASE A NEW LADDER TRUCK.**

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Required Authorizations for FEMA – Assistance for Firefighters Grant (AFG Grant)

\*\*\*\*\*

**WHEREAS,** the City of Livingston is committed to the safety and well-being of its residents and recognizes the need for updated emergency response equipment; and

**WHEREAS,** the acquisition of a new ladder truck is critical to enhance the operational capabilities of Livingston Fire Rescue in responding to emergencies effectively; and

**THAT,** the City of Livingston acknowledges the importance of securing federal funding through the FEMA Assistance to Firefighter Grant to support this crucial need; and

**WHEREAS,** the City of Livingston commits needed funds in an amount not to exceed \$92,108.50 which is the required 5% match on an award of \$1,842,170.00; and

**NOW THEREFORE, BE IT RESOLVED,** That the Livingston City Commission authorizes the City Manager or their designee to submit this application to FEMA, on behalf of the City of Livingston, to act on its behalf and to provide such additional information as may be required and further;

And the City Manager is hereby authorized to enter into any contracts or agreements required by FEMA for the funding if awarded.

**PASSED AND ADOPTED** by the City Commission of the City of Livingston, this 5th day of March, 2024.

\_\_\_\_\_  
KARRIE KAHLE, Chair

ATTEST:

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EMILY HUTCHINSON,  
City Clerk

APPROVED AS TO FORM:

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JON HESSE,  
Assisting City Attorney



February 27, 2024

Livingston Fire & Rescue, MT  
One (1) Enforcer 100' Ascendant Tower AS953  
Build Location: Appleton, WI

Proposal Price	\$2,079,650.00
Less chassis progress payment discount	(17,962.00)
Less aerial device progress payment discount	(10,806.00)
Less payment upon completion @ factory discount	(20,870.00)
Less 100% pre-payment discount	(187,842.00)
<b>Total including all pre-pay discounts</b>	<b>\$1,842,170.00</b>

**Terms:**

**Price Expiration:** The above pricing is valid until April 26, 2024.

**Future Changes:** Various state or federal regulatory agencies (e.g. NFPA, DOT, EPA) may require changes to the Specifications and in any such event any resulting cost increases incurred to comply will be added to the Purchase Price to be paid by the Customer and documented on a Change Order.

**Component Price Volatility:** Company shall not be responsible for any unforeseen price increase enacted by the suppliers of major components of the Product (including but not limited to engine, transmission, and fire pump) after the execution of contract or purchase order. Any price increase major components of the product will be passed through to the Customer and will be documented on a Change Order.

**Delivery:** As currently configured, the unit qualifies for the Build My Pierce (BMP) program. The BMP program offers expedited delivery. As long as the unit stays within the BMP program, the expected delivery is 39 to 44 months. All changes to the apparatus will be communicated to the customer. If the changes made disqualify the unit for the BMP program, delivery will be extended and a price increase will be required. The current standard delivery time is 46 to 51 months.

**Payment Terms:**

**a. If pre-payment discount options are elected, the following terms will apply:**

- i. Chassis Progress Payment Discount:** The chassis progress payment in the amount of **\$598,719.00** will be due **three (3)** months prior to the ready for pick up from the factory date. If elected, an invoice will be provided 30 days prior to the chassis payment due date. If payment is not made when due the discount total will be added back to the final invoice.
- ii. Aerial Device Progress Payment Discount:** The aerial device payment in the amount of **\$540,277.00** will be due **two (2)** months prior to the ready for pick up from the factory date. If elected, an invoice will be provided 30 days prior to the aerial device due date. If payment is not made when due the discount total will be added back to the final invoice.
- iii. Payment Upon Completion at Factory Discount:** If elected, final payment is due prior to apparatus leaving the factory for delivery. If payment is not processed upon receipt of invoice the discount total will be required in addition to the invoice amount.
- iv. 100% Pre-Payment Discount:** If elected, an invoice will be provided upon order processing for the 100% pre-payment. Upon receipt of invoice, payment must be made within thirty (30) days. If this option is elected, the discount is in addition to the chassis progress payment discount, aerial device progress payment discount, and the payment upon completion at the factory discount. If payment is not made when due, the above mentioned pre-payment discounts or a portion thereof, will be added back to the final invoice. Final payment, including any changes made during manufacturing, is due upon completion of the Product at the factory and prior to delivery from the factory.

**b. If pre-payment discount options are not elected standard payment terms will apply:** Final payment will be due 30 days after the apparatus leaves the factory for delivery. If payment is not made at that time a late fee will be applicable.

**c.** Payments made for apparatus using a credit card will be applicable to a credit card convenience fee.

**Performance Bond:** A performance bond is included in the above price and will be provided after order placement. If customer elects to remove the performance bond **\$5,894.00** may be deducted from the purchase price.

**Transportation:** Transportation of the apparatus to be driven from the factory to the customers location is included in the above pricing. However, if permits are not obtainable, due to the weight of the apparatus, and the apparatus must be transported on a flat bed, additional Transportation charges will be the responsibility of the customer. We will provide pricing at that time if necessary. If customer elects to drive the apparatus from the factory, **\$6,300.00** may be deducted from the purchase price. if this option is elected payment in full and proof of insurance must be provided prior to leaving the factory and the customer is responsible for compliance with all state, local and federal DOT requirements including the driver possessing a valid CDL license.

**Inspection Trips:** **Two (2)** factory inspection trips for **two (2)** customer representatives is included in the above pricing. The inspection trips will be scheduled at times mutually agreed upon between the manufacture's representative and the customer, during the window provided by the manufacturer. Airfare, lodging and meals while at the factory are included. In the event the customer is unable to travel to the factory or the factory is unable to accept customers due to the restrictions caused by a national disaster or pandemic then the Dealership reserves the right to use forms of electronic media to accomplish the intention of the inspection trips. Every effort will be made to make the digital media as thorough as possible to satisfy the expectations of the of the customer. If the customer elects to forgo an inspection trip **\$2,400.00** per traveler (per trip) will be deducted from the final invoice.

**Acceptance of Proposal:**

- a. If the customer wishes to purchase the proposed apparatus Hughes Fire Equipment will provide the Customer its form of Purchase Agreement for the Customer's review and signature.
  - b. If the Customer desires to use its standard form of purchase order as the Purchase Agreement, the purchase order is subject to review for any required revisions prior to acceptance.
    - i. Purchase orders must be addressed to Hughes Fire Equipment, Inc., 910 Shelley Street, Springfield, Oregon 97477.
    - ii. Purchase order must reference **"One (1) Enforcer 100' Ascendant Tower AS953 dated 02/27/2024."**
    - iii. Purchase order must include the following verbiage if a performance bond is elected, **"Due to global supply chain constraints, any delivery date contained herein is a good faith estimate as of the date of this order/contract, and merely an approximation based on current information. Delivery updates will be made available, and a final firm delivery date will be provided as soon as possible."**
    - iv. Purchase orders must be signed and dated by authorized personnel.
- 

By signing below you agree to purchase the above apparatus.

**Customer Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**PO # (if applicable):** \_\_\_\_\_

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