



# Livingston City Commission Agenda

June 01, 2021

5:30 PM

VIA Zoom

<https://us02web.zoom.us/j/84602081498?pwd=Tm5ZQk8vL0FLWIR6cINsSkc2N3ITQT09>  
MEETING ID: 846 0208 1498 **PASSCODE: 287148** CALL IN: (669) 900-6833

1. Call to Order

2. Roll Call

3. Public Comment

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

4. Consent Items

- A. APPROVE MINUTES FROM REGULAR CITY COMMISSION MEETING 05/18/2021. PG. 4**
- B. ACCEPT: JUDGE'S MONTHLY REPORT FROM APRIL 2021. PG. 11**
- C. RATIFY CLAIMS PAID MAY 13, 2021- MAY 25, 2021. PG. 13**

6. Proclamations

7. Scheduled Public Comment

- A. ADAM STERN, OF LIVINGSTON BRAVES BOARD OF DIRECTORS, PRESENTS THE 2021 LEGION BASEBALL DISTRICT TOURNAMENT. PG. 24**

8. Public Hearings

- A. RESOLUTION NO. 4960: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, ANNEXING CERTAIN LAND BELONGING TO THE CITY OF LIVINGSTON WHICH IS DESCRIBED AS THE ISLAND IN THE NE 1/4 OF SECTION 7 IN TOWNSHIP 2 SOUTH RANGE 10 EAST. PG. 28**
- B. ORDINANCE NO. 3007: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO AMEND ARTICLE 1 SECTION 11-2 OF THE LIVINGSTON MUNICIPAL CODE TO ALLOW THE SALE OF FIREWORKS WITHIN THE INCORPORATED CITY LIMITS. PG. 32**

9. Ordinances

- A. ORDINANCE NO. 3008: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING A PARCEL GENERALLY KNOWN AS 5 ROGERS LANE AND LEGALLY DESCRIBED AS LOT 15C OF COS 170A, IN SECTION 23, TOWNSHIP TWO SOUTH, RANGE NINE EAST, AS HIGHWAY COMMERCIAL (HC). PG. 37**

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

**C. ORDINANCE NO. 3010: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II AND ARTICLE V, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING AS IT PERTAINS TO PARKING LOTS AND LANDSCAPING. PG. 71**

**D. ORDINANCE NO. 3011: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND SECTION 27-2 OF CHAPTER 27 – CITY PLANNING BOARD, AS ENACTED BY ORDINANCE NO. 1922 AND AMENDED BY ORDINANCE 1965 REGULATING THE MEMBERSHIP OF PLANNING BOARD, TERMS OF OFFICE AND QUALIFICATIONS FOR MEMBERSHIP. PG. 107**

10. Resolutions

**A. RESOLUTION NO. 4967: A RESOLUTION OF THE CITY COMMISSION, OF THE CITY OF LIVINGSTON, MONTANA, REQUESTING DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY PROGRAM FUNDS. PG. 114**

11. Action Items

**A. DISCUSS/APPROVE/DENY: MOVING FORWARD WITH BALLOT CROSSING LANGUAGE AS PROPOSED BY BOND COUNSEL. PG.117**

**B. CLOSED SESSION, LEGAL UPDATE.**

12. City Manager Comment

13. City Commission Comments

14. Adjournment

Calendar of Events

**A. June 2021 Calender PG.126**

Supplemental Material

Notice

- Public Comment: The public can speak about an item on the agenda during discussion of that item by coming up to the table or podium, signing-in, and then waiting to be recognized by the Chairman. Individuals are reminded that public comments should be limited to items over which the City Commission has supervision, control, jurisdiction, or advisory power (MCA 2-3-202).

- **Meeting Recording:** An audio and/or video recording of the meeting, or any portion thereof, may be purchased by contacting the City Administration. The City does not warrant the audio and/or video recording as to content, quality, or clarity.
- **Special Accommodation:** If you need special accommodations to attend or participate in our meeting, please contact the Fire Department at least 24 hours in advance of the specific meeting you are planning on attending.

**File Attachments for Item:**

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



# Livingston City Commission Minutes

May 18, 2021

5:30 PM

Via Zoom

1. Call to Order

2. Roll Call

Commissioners in attendance: Dorel Hogle, Quentin Schwarz, Warren Mabie, Melissa Nootz. Mel Friedman joined later. Staff in attendance: Michael Kardoes, Faith Kinnick, Courtney Lawellin, Lisa Lowy, Shannon Holmes, Mathieu Menard.

3. Public Comment (00:01:06)

*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)*

- Patricia Grabow gave public comment

4. Consent Items (00:05:27)

- A. APPROVE MINUTES FROM 05/06/2021 REGULAR CITY COMMISSION MEETING.**
- B. MEGAN EUBANKS APPOINTMENT TO SERVE ON LIVINGSTON BUSINESS IMPROVEMENT DISTRICT (LBID) AS A DESIGNATED REPRESENTATIVE.**
- C. RATIFY CLAIMS PAID 05/01/2021-05/12/2021.**
- D. ACCEPT PLEDGED SECURITIES REPORT AS OF MARCH 31, 2021.**
  - Motion by Schwarz to approve consent items A-D, second by Mabie
  - All in favor, passes 4-0.

5. Proclamations

6. Scheduled Public Comment (00:08:33)

- A. BOB CHURCH OF GREAT WEST ENGINEERING, PRESENTS THE 2021 GREEN WASTE STUDY FINDINGS AND RECOMMENDATIONS.**
  - Shannon Holmes added additional comments
  - Nootz asked clarifying questions (00:39:29)
  - Schwarz made comments (00:41:05)
  - Hogle made comments (00:42:17)
  - Mabie asked questions (00:43:26)
  - Bob Church answered (00:43:48)

7. Public Hearings (00:48:57)

- A. ORDINANCE NO. 3006: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REQUIRING ALL BUILDINGS TO COMPLY WITH THE BUILDING**

**CODES AND AMENDING ORDINANCE NO. 2085 AS CODIFIED BY CHAPTER 6 OF THE LIVINGSTON MUNICIPAL CODE, BY ADOPTING BY REFERENCE THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AND DELETING SECTION 6-55 OF THE LIVINGSTON MUNICIPAL CODE.**

- Kardoes gave opening statement
- No public comments
- Nootz asked clarifying questions (00:51:06)
- Kardoes answered questions (00:52:00)
- Motion by Mabie, second by Schwarz.
- All in favor, passes 4-0.

8. Ordinances

9. Resolutions (00:55:12)

**A. RESOLUTION NO. 4961: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CONTIGUOUS GOVERNMENTAL LAND DESCRIBED AS BEING BENNETT STREET, GRANDVIEW BOULEVARD, ARBOR DRIVE, HEFFERLIN AVENUE, WHISKEY CREEK ROAD, SCHEUBER AVENUE, LOCKE BLAIR AVENUE, AND A PORTION OF GARNIER AVENUE FROM ALLSPAUGH STREET TO ARBOR DRIVE, ALL LOCATED IN SECTION 7, TOWNSHIP 2 SOUTH, RANGE 10 EAST.**

- Kardoes gave opening statement
- Hoglund asked clarifying question (01:01:04)
- Nootz asked clarifying questions (01:03:09)
- William Smith gave public comment (01:05:51)
- Michelle Uberuaga on behalf of PCEC gave comment (01:08:28)
- Patricia Grabow made public comment (01:09:50)
- Leslie Fiegle made public comment (01:12:13)
- Kathy Minor made public comment (01:15:24)
- Becky DeRosa made public comment (01:17:14)
- Matt & Heidi Feldtman made public comment (01:19:46)

5-minute break (01:22:58)

- Mabie asked clarifying questions (01:25:10)
- Courtney Lawellin answered (01:26:15)
- Nootz asked clarifying questions (01:31:48)
- Kardoes answered (01:37:58)
- Shannon Holmes gave additional comments (01:40:20)
- Hoglund made comments (01:43:10)
- Schwarz made comments (01:58:24)
- Motion to approve by Schwarz, second by Friedman
- All in favor, passes 5-0.

**B. RESOLUTION NO. 4964: A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ADOPT THE PROPOSED GROWTH POLICY.**  
(02:00:26)

- Kardoes gave opening statement before turning over to Mathieu Menard
- Mathieu Menard gave staff recommendation and executive summary (02:03:23)

- Hogle asked clarifying questions (02:10:08)
- Nootz asked clarifying question (02:11:48)
- Jessie Wilcox, chair of City Planning Board made comments (02:13:03)
- Torrey Lyons, of City Planning Board made comments (02:14:32)
- Stacy Jovick, of City Planning Board made comments (02:17:57)
- Shannon Holmes, PW Director & Planning Board member made comments (02:19:17)
- Taya Cromley, County Rep of Planning Board made public comments (02:21:17)
- Jean Keffler of Friends of Park County made comments (02:22:09)
- Steve Potenberg made comments (02:24:56)
- Ken Cochrane of Friends of Park County made comments (02:28:03)
- Frank Schroeder, Chair of Friends of Park County made comments (02:31:20)
- Anne Donahoe made comments (02:34:28)
- Leslie Fiegle made comments (02:37:49)
- Wendy Riley made comments (02:41:49)
- Michelle Uberuaga made comments (02:43:46)
- Walt Wiseman made comments (02:47:45)
- Tom Blurock made comments (02:50:53)
- Barb Oldershaw of the Park Co. Community Foundation made comments (02:55:41)
- Karrie Kahle made comments (02:57:48)
- Patricia Grabow made comments (02:59:44)
- Dennis Glick made comments (03:03:15)
- Tim Stevens made comments (03:06:56)
- Myron Kovash made comments (03:10:17)
- Bev Kovash made comments (03:13:15)

Motion to extend the meeting, all in favor, passes 5-0. (03:14:14)

- Sarah Stands made comments (03:13:15)
- Hogle asked Mathieu clarifying questions (03:25:30)
- Courtney Lawellin answered questions (03:27:53)
- Nootz made comments (03:29:17)
- Mabie asked questions (03:30:26)
- Schwarz asked questions (03:46:05)
- Friedman made comments (03:48:24)
- Nootz asked additional questions (03:49:30)
- Hogle made comments (03:55:37)
- Motion to approve by Nootz, second by Hogle
- All in favor, passes 5-0.

**C. RESOLUTION NO. 4965: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT APPROVING THE ASSIGNMENT OF DEVELOPMENT RIGHTS IN THE AGREEMENT BETWEEN YELLOWSTONE COMMUNITY PARTNERS LLC, HEADWATERS WALKING HORSE RANCH LLC, AND THE CITY OF LIVINGSTON, TO HEART K LAND AND CATTLE COMPANY LLC.**  
(03:59:30)

- Kardoes gave opening statement
- Courtney Lawellin provided legal background on item (04:02:02)
- Karl Knuchel, attorney for Heart K Ranch made comments (04:02:46)

- Nootz asked clarifying questions of Courtney, Karl and Mathieu (04:03:42)
- Hoglund asked questions of Courtney (04:08:10)
- Michelle Uberuaga made comments (04:12:22)
- Jessie Wilcox made comment (04:16:31)
- Patricia Grabow made comments (04:19:17)
- Taya Cromley made comments (04:22:49)
- Commissioners asked clarifying questions of attorneys regarding legality of the original contract and assignment (04:24:02)
- Hoglund asked Courtney to provide more information a brief synopsis added to the next agenda.
- Kardoes added clarifying comments, suggested closed session for legal information, and to specify what they are looking for. What is the City liable for or possible impacts to the City due to legality of issue, and acting in accordance with the law.
- Schwarz made comments (05:03:04)
- Kardoes offered suggestion with consent from Chair, conditioned the assignment if deemed the current contract is still valid. (05:04:56)
- Courtney Lawellin concurred with Kardoes suggestion (05:05:26)
- Hoglund would like to have the item on the next agenda in a closed session.
- Mabie made comments (05:09:08)
- Michelle Uberuaga offered her legal opinion (05:09:31)
- Hoglund made motion to put the legal update on the next agenda and the assignment on a future agenda in public with questions and clarity. No vote taken.

**D. RESOLUTION NO. 4966: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON AUTHORIZING THE CITY MANAGER TO SIGN AGREEMENTS WITH EUBANK CREATIVE FOR GRAPHIC DESIGN SERVICES FOR THE LIVINGSTON PARKS AND TRAILS COMMITTEE ADOPT-A-TRAIL SIGNS PROJECT. (05:15:16)**

- Hoglund advised the contract in the packet had the wrong dollar amount,
- Kardoes advised the updated contract was emailed to the Commission.
- Jeanne Marie Souvigney, Chair of the Parks & Trails Committee made comments (05:16:22)
- No public comments
- Nootz made comments (05:19:00)
- Hoglund made comments (05:19:36)
- Motion to approve by Mabie, second by Friedman
- All in favor, passes 5-0.

10. Action Items (05:20:52)

**A. DISCUSS/APPROVE/DENY: KYRA AMES AND BOB EBINGER APPLICATIONS FOR REAPPOINTMENT TO THE LIVINGSTON URBAN RENEWAL AGENCY (URA), TO SERVE A FOUR (4) YEAR TERM PER THE BY-LAWS.**

- Patricia Grabow made comment (05:21:07)
- Schwarz made comment (05:22:40)
- Mabie made comments (05:23:04)
- Motion to approve by Schwarz, second by Nootz
- All in favor, passes 5-0.

5-minute break (05:24:18)



**B. DISCUSS/APPROVE/DENY: APPROVE THE ANNUAL REPORT AND FY21-22 BUDGET FOR THE LIVINGSTON BUSINESS IMPROVEMENT DISTRICT (LBID). (05:25:43)**

- Kristen Gailbraith gave opening statement
- No public comment
- Schwarz made comments (05:27:32)
- Hoglund made comments (05:27:49)
- Nootz made comments (05:28:42)
- Motion to approve by Friedman, second by Mabie
- All in favor, passes 5-0

**C. DISCUSS/APPROVE/DENY: APPROVE CVB MARKETING PLAN FOR FY21-22, AS REQUIRED BY THEIR BY-LAWS. (05:30:04)**

- Kristen Gailbraith gave opening statement
- Mabie made comments (05:31:24)
- Hoglund asked clarifying questions (05:31:48)
- Nootz made comments (05:33:18)
- Patricia Grabow made comment (05:36:23)
- Schwarz made comments (05:39:48)
- Motion to approve by Schwarz, second by Mabie
- All in favor, passes 5-0

**D. DISCUSS/APPROVE/DENY: SENDING LETTER REQUESTING TECHNICAL ADVICE AND ASSISTANCE FROM THE TRUST FOR PUBLIC LANDS. (05:40:51)**

- Removed for future consideration

**E. DISCUSS/APPROVE/DENY: PLANNINGS BOARD REQUEST TO CONTACT STATE LEGISLATURE, IN SUPPORT OF REMOVING THE TERM RESIDENT FREEHOLDER REQUIREMENTS ON CITY PLANNING BOARDS. (05:42:00)**

- Hoglund suggested moving to a future meeting
- Kardoes suggested taking public comment and tabling for action and vote during a future meeting
- Wendy Riley, Board chair for PCEC, made public comment (05:44:13)
- Johnathan Hettinger made comment (05:45:48)
- Michelle Uberuaga made comment (05:47:48)
- Karrie Kahle made comment (05:51:54)

*See YouTube video part 2 for complete meeting recording.*

- Kardoes provided Staff Recommendation to Commission (00:08:59)
- Nootz made comments (00:11:54)
- Kardoes made clarifying statements
- Schwarz made motion to approve action item E. Second by Nootz
- All in favor, passes 5-0.
- Schwarz made motion to direct staff to draft amend ordinance changes to planning board membership within city code to ignore state code and eliminate resident free holder requirement on the next agenda.

**F. DISCUSS: HYBRID MEETING REQUIREMENTS (00:20:31)**

- Hoglund stated she was in favor of returning to in person meetings. Schwarz stated he was in favor of returning to in person meetings. Nootz in favor of hybrid, against in person only.
- Kardoes advised, the City currently lacks the technology to do a hybrid meeting. Not enough audio ports for the recording in the Community Room. Kardoes has meeting Friday with the County to continue to explore technology options, possibly at the library to utilize the Library for hybrid meeting space.
- Mabie prefers to have in-person meetings. Friedman prefers in-person meetings.
- Discussion amongst Commission decided to return to in-person meetings by July 1, 2021, all in favor except Nootz, 4-1.
- Johnathan Hettinger made public comment (00:37:13)

11. City Manager Comments: None

12. City Commission Comments:

- Nootz (00:39:21)
- Mabie (00:39:52)
- Friedman (00:40:20)
- Schwarz (00:41:02)
- Hoglund (00:41:26) Dorel wants the Overpass/Underpass discussion on the next meeting as an action item to discuss, second by Schwarz.

13. Adjournment 12:20 a.m. on 5/19/2021 (06:36:39)

**Calendar of Events**

**Supplemental Material**

**A. LIVINGSTON BUSINESS IMPROVEMENT DISTRICT STRATEGIC PLAN FOR FY21-25.**

**Notice**

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**File Attachments for Item:**

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



**File Attachments for Item:**

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

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>130 NF</b>							
10002	130 NF	2021.4.28	GRANT	04/28/2021	11,564.00	11,564.00	05/20/2021
Total 130 NF:					11,564.00	11,564.00	
<b>ADVANCED ENGINEERING &amp;</b>							
3605	ADVANCED ENGINEERING &	74344	PROFESSIONAL SERVICES	05/11/2021	2,579.00	2,579.00	05/18/2021
Total ADVANCED ENGINEERING &:					2,579.00	2,579.00	
<b>ALL SERVICE TIRE &amp; ALIGNMENT</b>							
22	ALL SERVICE TIRE & ALIGNME	61554	Mount and Balance	05/03/2021	60.00	60.00	05/20/2021
Total ALL SERVICE TIRE & ALIGNMENT:					60.00	60.00	
<b>ALPINE ELECTRONICS RADIO SHACK</b>							
402	ALPINE ELECTRONICS RADIO	10271994	USB ADAPTER	05/17/2021	10.00	10.00	05/18/2021
Total ALPINE ELECTRONICS RADIO SHACK:					10.00	10.00	
<b>BANNACK GROUP LLC</b>							
10002	BANNACK GROUP LLC	0018293	REC CENTER FEASIBILITY STU	04/01/2021	7,500.00	7,500.00	05/18/2021
10002	BANNACK GROUP LLC	0018318	REC CENTER FEASIBILITY STU	05/01/2021	7,500.00	7,500.00	05/18/2021
Total BANNACK GROUP LLC:					15,000.00	15,000.00	
<b>BIG SKY COMMUNICATIONS INC</b>							
10002	BIG SKY COMMUNICATIONS IN	82620	PLANTRONICS REMOTE W/BAT	05/04/2021	189.00	189.00	05/18/2021
Total BIG SKY COMMUNICATIONS INC:					189.00	189.00	
<b>BLACKSTONE PUBLISHING</b>							
2219	BLACKSTONE PUBLISHING	1219297	3 Audiobooks	04/02/2021	120.00	120.00	05/20/2021
2219	BLACKSTONE PUBLISHING	1220624	5 AUDIOBOOKS	04/24/2021	191.48	191.48	05/20/2021
Total BLACKSTONE PUBLISHING:					311.48	311.48	
<b>BLAKE NURSERY</b>							
3221	BLAKE NURSERY	3367	TREES	04/29/2021	886.95	886.95	05/18/2021
Total BLAKE NURSERY:					886.95	886.95	
<b>CANON FINANCIAL SERVICES, INC</b>							
1747	CANON FINANCIAL SERVICES, I	25734854	Copier lease	05/12/2021	29.31	29.31	05/20/2021
1747	CANON FINANCIAL SERVICES, I	26734855	Copier lease	05/12/2021	29.75	29.75	05/20/2021
Total CANON FINANCIAL SERVICES, INC:					59.06	59.06	
<b>CENGAGE LEARNING INC</b>							
10001	CENGAGE LEARNING INC	74180388	1 BOOK	04/21/2021	27.87	27.87	05/20/2021
10001	CENGAGE LEARNING INC	74238323	2 BOOKS	05/05/2021	55.74	55.74	05/20/2021
Total CENGAGE LEARNING INC:					83.61	83.61	
<b>CHAPPELL'S BODY SHOP, INC.</b>							
294	CHAPPELL'S BODY SHOP, INC.	17705-A	TRIMP PANEL DOOR	03/23/2021	549.92	549.92	05/20/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total CHAPPELL'S BODY SHOP, INC.:					549.92	549.92	
<b>COMDATA</b>							
2671	COMDATA	20353317	BZR70	05/01/2021	170.19	170.19	05/20/2021
Total COMDATA:					170.19	170.19	
<b>DELL MARKETING L.P.</b>							
745	DELL MARKETING L.P.	10487046823	MONITOR	05/11/2021	232.19	232.19	05/18/2021
Total DELL MARKETING L.P.:					232.19	232.19	
<b>DEMCO</b>							
199	DEMCO	6943265	Book Prep Supplies	04/26/2021	74.53	74.53	05/20/2021
Total DEMCO:					74.53	74.53	
<b>DEPARTMENT OF REVENUE</b>							
122	DEPARTMENT OF REVENUE	2021.5.17	1% gross receipts tax- Western M	05/17/2021	582.54	582.54	05/18/2021
Total DEPARTMENT OF REVENUE:					582.54	582.54	
<b>DOOR TECH</b>							
10002	DOOR TECH	2510	OVERHEAD DOOR REPAIR	04/27/2021	967.00	967.00	05/18/2021
Total DOOR TECH:					967.00	967.00	
<b>ENCODE CORPORATION</b>							
1548	ENCODE CORPORATION	40463	HVAC Maint Contract	05/01/2021	1,988.00	1,988.00	05/20/2021
Total ENCODE CORPORATION:					1,988.00	1,988.00	
<b>ENERGY LABORATORIES, INC.</b>							
424	ENERGY LABORATORIES, INC.	393809	Effluent grab	05/18/2021	97.00	97.00	05/20/2021
Total ENERGY LABORATORIES, INC.:					97.00	97.00	
<b>EXEC U CARE SERVICES, INC.</b>							
3298	EXEC U CARE SERVICES, INC.	2644	CLEANING	05/06/2021	2,139.67	2,139.67	05/18/2021
Total EXEC U CARE SERVICES, INC.:					2,139.67	2,139.67	
<b>FARSTAD OIL</b>							
3353	FARSTAD OIL	95503	Diesel 334G	05/12/2021	855.37	855.37	05/18/2021
Total FARSTAD OIL:					855.37	855.37	
<b>FOUR CORNERS RECYCLING, LLC</b>							
2919	FOUR CORNERS RECYCLING,	1661	Pull fees APRIL	04/28/2021	4,179.85	4,179.85	05/18/2021
2919	FOUR CORNERS RECYCLING,	1661CM	Credit	04/28/2021	2,650.85-	2,650.85-	05/18/2021
Total FOUR CORNERS RECYCLING, LLC:					1,529.00	1,529.00	
<b>GATEWAY OFFICE SUPPLY</b>							
54	GATEWAY OFFICE SUPPLY	51304	GROWTH POLICY BINDERS	05/11/2021	77.05	77.05	05/18/2021
54	GATEWAY OFFICE SUPPLY	51341	GROWTH POLICY BINDERS	05/13/2021	38.70	38.70	05/18/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total GATEWAY OFFICE SUPPLY:					115.75	115.75	
<b>GRANITE TECHNOLOGY SOLUTIONS, INC</b>							
2426	GRANITE TECHNOLOGY SOLU	INV_7529	Cabling MOVE	04/30/2021	1,544.00	1,544.00	05/18/2021
Total GRANITE TECHNOLOGY SOLUTIONS, INC:					1,544.00	1,544.00	
<b>GREAT FALLS TRIBUNE</b>							
99	GREAT FALLS TRIBUNE	2021.5 GF1002	Subscription	05/01/2021	362.25	362.25	05/20/2021
Total GREAT FALLS TRIBUNE:					362.25	362.25	
<b>HEIMAN INC</b>							
10002	HEIMAN INC	0897251-IN	5" SUPPLY HOSE	04/08/2021	6,903.00	6,903.00	05/18/2021
Total HEIMAN INC:					6,903.00	6,903.00	
<b>INDUSTRIAL TOWEL</b>							
102	INDUSTRIAL TOWEL	62551	Towel Service	04/22/2021	16.37	16.37	05/20/2021
102	INDUSTRIAL TOWEL	62551-00	Towel Service	04/22/2021	16.37	16.37	05/20/2021
102	INDUSTRIAL TOWEL	64885	mats sewer plant	05/18/2021	45.50	45.50	05/20/2021
Total INDUSTRIAL TOWEL:					78.24	78.24	
<b>INGRAM LIBRARY SERVICE</b>							
1539	INGRAM LIBRARY SERVICE	52435464	2 Books	04/14/2021	49.10	49.10	05/20/2021
1539	INGRAM LIBRARY SERVICE	52435465	1 Book	04/14/2021	20.05	20.05	05/20/2021
1539	INGRAM LIBRARY SERVICE	52444398	1 Book	04/14/2021	20.86	20.86	05/20/2021
1539	INGRAM LIBRARY SERVICE	52487658	1 Book	04/18/2021	29.03	29.03	05/20/2021
1539	INGRAM LIBRARY SERVICE	52509209	2 Books	04/19/2021	33.01	33.01	05/20/2021
1539	INGRAM LIBRARY SERVICE	52509210	5 Books	04/19/2021	87.97	87.97	05/20/2021
1539	INGRAM LIBRARY SERVICE	52537065	CREDIT	04/20/2021	16.19-	16.19-	05/20/2021
1539	INGRAM LIBRARY SERVICE	52538698	1 Book	04/20/2021	28.79	28.79	05/20/2021
1539	INGRAM LIBRARY SERVICE	52581997	1 Book	04/22/2021	20.26	20.26	05/20/2021
1539	INGRAM LIBRARY SERVICE	52600485	1 Book	04/23/2021	29.99	29.99	05/20/2021
1539	INGRAM LIBRARY SERVICE	52625374	1 Book	04/26/2021	15.48	15.48	05/20/2021
1539	INGRAM LIBRARY SERVICE	52625375	9 BOOKS	04/26/2021	149.79	149.79	05/20/2021
1539	INGRAM LIBRARY SERVICE	52625376	1 Book	04/26/2021	20.27	20.27	05/20/2021
1539	INGRAM LIBRARY SERVICE	52650267	1 Book	04/27/2021	28.66	28.66	05/20/2021
1539	INGRAM LIBRARY SERVICE	52675938	4 Books	04/28/2021	74.26	74.26	05/20/2021
1539	INGRAM LIBRARY SERVICE	52698616	2 Books	04/29/2021	46.50	46.50	05/20/2021
1539	INGRAM LIBRARY SERVICE	52717751	1 Book	04/30/2021	34.20	34.20	05/20/2021
1539	INGRAM LIBRARY SERVICE	52742394	1 Book	05/03/2021	12.85	12.85	05/20/2021
1539	INGRAM LIBRARY SERVICE	52742395	6 Books	05/03/2021	101.65	101.65	05/20/2021
1539	INGRAM LIBRARY SERVICE	52788083	1 Book	05/05/2021	20.40	20.40	05/20/2021
1539	INGRAM LIBRARY SERVICE	52788084	3 BOOKS	05/05/2021	61.85	61.85	05/20/2021
Total INGRAM LIBRARY SERVICE:					868.78	868.78	
<b>INSTY-PRINTS</b>							
250	INSTY-PRINTS	10514	FLYERS	05/05/2021	163.99	163.99	05/20/2021
250	INSTY-PRINTS	10549	GROWTH POLICY	05/13/2021	3,126.91	3,126.91	05/18/2021
Total INSTY-PRINTS:					3,290.90	3,290.90	



Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>KELLEY CONNECT</b>							
10001	KELLEY CONNECT	IN834355	CANON PRINTER	05/03/2021	69.68	69.68	05/20/2021
10001	KELLEY CONNECT	IN834355	CANON PRINTER	05/03/2021	69.68	69.68	05/20/2021
Total KELLEY CONNECT:					139.36	139.36	
<b>KENYON NOBLE</b>							
776	KENYON NOBLE	8316496	Premix Concrete	04/28/2021	102.33	102.33	05/18/2021
776	KENYON NOBLE	8340523	M2 REPAIR	05/10/2021	11.77	11.77	05/18/2021
776	KENYON NOBLE	8347582	REMIX CONCRETE	05/13/2021	75.80	75.80	05/18/2021
776	KENYON NOBLE	8349738	SUPPLIES	05/14/2021	631.90	631.90	05/18/2021
Total KENYON NOBLE:					821.80	821.80	
<b>MASTERCARD</b>							
3184	MASTERCARD	2021_04 FETT	Office Supplies	04/01/2021	8.57	8.57	05/24/2021
3184	MASTERCARD	2021_04 FETT	Membership	04/01/2021	179.00	179.00	05/24/2021
3184	MASTERCARD	2021_04 FETT	Float	04/01/2021	73.50	73.50	05/24/2021
3184	MASTERCARD	2021_04 FETT	Float	04/01/2021	73.50	73.50	05/24/2021
3184	MASTERCARD	2021_04 GRA	1 book	04/01/2021	88.29	88.29	05/24/2021
3184	MASTERCARD	2021_04 GRA	bluetooth conference microphone/	04/01/2021	50.01	50.01	05/24/2021
3184	MASTERCARD	2021_04 GRA	1 book	04/01/2021	18.49	18.49	05/24/2021
3184	MASTERCARD	2021_04 GRA	conference regr M. Grady, A. Muel	04/01/2021	200.00	200.00	05/24/2021
3184	MASTERCARD	2021_04 GRA	service charges	04/01/2021	17.99	17.99	05/24/2021
3184	MASTERCARD	2021_04 GRA	stamps	04/01/2021	55.00	55.00	05/24/2021
3184	MASTERCARD	2021_04 GRA	purchase	04/01/2021	100.00	100.00	05/24/2021
3184	MASTERCARD	2021_04 HAEF	Locater and sockets	04/01/2021	1,017.04	1,017.04	05/24/2021
3184	MASTERCARD	2021_04 HAEF	Gas	04/01/2021	94.42	94.42	05/24/2021
3184	MASTERCARD	2021_04 HAEF	Chlorine packs	04/01/2021	408.82	408.82	05/24/2021
3184	MASTERCARD	2021_04 HAH	Valve kit	04/01/2021	132.68	132.68	05/24/2021
3184	MASTERCARD	2021_04 HAH	Parts	04/01/2021	379.79	379.79	05/24/2021
3184	MASTERCARD	2021_04 HAPP	Zipper - Judge Robe	04/01/2021	43.26	43.26	05/24/2021
3184	MASTERCARD	2021_04 HAR	training supply	04/01/2021	54.51	54.51	05/24/2021
3184	MASTERCARD	2021_04 HAR	training supply	04/01/2021	61.72	61.72	05/24/2021
3184	MASTERCARD	2021_04 HAR	pulse ox	04/01/2021	47.80	47.80	05/24/2021
3184	MASTERCARD	2021_04 HAR	C2 Repair	04/01/2021	210.37	210.37	05/24/2021
3184	MASTERCARD	2021_04 HAR	training supply	04/01/2021	166.73	166.73	05/24/2021
3184	MASTERCARD	2021_04 HAR	training supply	04/01/2021	129.97	129.97	05/24/2021
3184	MASTERCARD	2021_04 JOHA	Markers	04/01/2021	32.60	32.60	05/24/2021
3184	MASTERCARD	2021_04 JOHA	Study material for WRF	04/01/2021	139.00	139.00	05/24/2021
3184	MASTERCARD	2021_04 JOHA	Pens and folders	04/01/2021	19.79	19.79	05/24/2021
3184	MASTERCARD	2021_04 JOHA	Drills	04/01/2021	72.79	72.79	05/24/2021
3184	MASTERCARD	2021_04 JOHA	Hard hats and sign	04/01/2021	184.41	184.41	05/24/2021
3184	MASTERCARD	2021_04 JOHN	hotel	04/01/2021	104.72	104.72	05/24/2021
3184	MASTERCARD	2021_04 JOHN	supplies - police	04/01/2021	221.23	221.23	05/24/2021
3184	MASTERCARD	2021_04 JOHN	shelving & file cabinet - dispatch	04/01/2021	212.58	212.58	05/24/2021
3184	MASTERCARD	2021_04 KARD	Commission Zoom Account	04/01/2021	41.50	41.50	05/24/2021
3184	MASTERCARD	2021_04 KINNI	New Employee Jacket	04/01/2021	196.45	196.45	05/24/2021
3184	MASTERCARD	2021_04 KINNI	2021 Conference Registration	04/01/2021	120.00	120.00	05/24/2021
3184	MASTERCARD	2021_04 KINNI	Public Relations	04/01/2021	49.00	49.00	05/24/2021
3184	MASTERCARD	2021_04 KINNI	Public Relations	04/01/2021	10.00	10.00	05/24/2021
3184	MASTERCARD	2021_04 KINNI	Board Zoom Account	04/01/2021	57.05	57.05	05/24/2021
3184	MASTERCARD	2021_04 KINNI	2nd Board Zoom Account	04/01/2021	57.05	57.05	05/24/2021
3184	MASTERCARD	2021_04 LAWE	Office Supplies	04/01/2021	34.56	34.56	05/24/2021
3184	MASTERCARD	2021_04 LAWE	Rugs for new Building	04/01/2021	754.00	754.00	05/24/2021
3184	MASTERCARD	2021_04 LOW	supplies	04/01/2021	258.22	258.22	05/24/2021
3184	MASTERCARD	2021_04 LOW	supplies	04/01/2021	30.20	30.20	05/24/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2021_04 LOW	automated - Scheduler	04/01/2021	10.50	10.50	05/24/2021
3184	MASTERCARD	2021_04 LOW	Recruiting Advertising	04/01/2021	299.00	299.00	05/24/2021
3184	MASTERCARD	2021_04 LOW	Recruiting Advertising	04/01/2021	501.74	501.74	05/24/2021
3184	MASTERCARD	2021_04 LOW	Recruiting Advertising	04/01/2021	479.39	479.39	05/24/2021
3184	MASTERCARD	2021_04 LOW	Grant dues	04/01/2021	34.95	34.95	05/24/2021
3184	MASTERCARD	2021_04 MACI	badges	04/01/2021	149.50	149.50	05/24/2021
3184	MASTERCARD	2021_04 MACI	CEMSO renewal	04/01/2021	325.00	325.00	05/24/2021
3184	MASTERCARD	2021_04 MACI	March	04/01/2021	116.87	116.87	05/24/2021
3184	MASTERCARD	2021_04 MACI	April	04/01/2021	8,315.14	8,315.14	05/24/2021
3184	MASTERCARD	2021_04 MACI	4 Cycle Fuel	04/01/2021	48.00	48.00	05/24/2021
3184	MASTERCARD	2021_04 MACI	station supply	04/01/2021	6.99	6.99	05/24/2021
3184	MASTERCARD	2021_04 MACI	E2 Batteries	04/01/2021	378.18	378.18	05/24/2021
3184	MASTERCARD	2021_04 MACI	fuse	04/01/2021	3.08	3.08	05/24/2021
3184	MASTERCARD	2021_04 MACI	fire gnd supply	04/01/2021	189.00	189.00	05/24/2021
3184	MASTERCARD	2021_04 MACI	drug box	04/01/2021	459.00	459.00	05/24/2021
3184	MASTERCARD	2021_04 MACI	station supply	04/01/2021	55.50	55.50	05/24/2021
3184	MASTERCARD	2021_04 PURK	renewal	04/01/2021	149.99	149.99	05/24/2021
3184	MASTERCARD	2021_04 PURK	Float	04/01/2021	49.00	49.00	05/24/2021
3184	MASTERCARD	2021_04 PURK	Video System	04/01/2021	1,137.12	1,137.12	05/24/2021
3184	MASTERCARD	2021_04 SCH	Gas Cartridge	04/01/2021	1,668.78	1,668.78	05/24/2021
3184	MASTERCARD	2021_04 SMIT	Study material for WRF	04/01/2021	237.00	237.00	05/24/2021
3184	MASTERCARD	2021_04 SMIT	Registration	04/01/2021	100.00	100.00	05/24/2021
3184	MASTERCARD	2021_04 SMIT	Shipping? - not on origanl invoice	04/01/2021	4.72	4.72	05/24/2021
3184	MASTERCARD	2021_04 SMIT	Fan kit	04/01/2021	515.00	515.00	05/24/2021
3184	MASTERCARD	2021_04 TARR	Office Supplies	04/01/2021	40.24	40.24	05/24/2021
3184	MASTERCARD	2021_04 TARR	Office Supplies	04/01/2021	8.74	8.74	05/24/2021
3184	MASTERCARD	2021_04 TARR	Office Supplies	04/01/2021	100.39	100.39	05/24/2021
3184	MASTERCARD	2021_04 TARR	Advertisement	04/01/2021	6.26	6.26	05/24/2021
3184	MASTERCARD	2021_04 WOO	Continuing Education Webinar	04/01/2021	23.00	23.00	05/24/2021
3184	MASTERCARD	2021_04 WOO	Continuing Education Webinar	04/01/2021	45.00	45.00	05/24/2021
3184	MASTERCARD	2021_04 WOO	Continuing Education Webinar	04/01/2021	45.00	45.00	05/24/2021
3184	MASTERCARD	2021_04 WOO	Continuing Education Webinar	04/01/2021	45.00	45.00	05/24/2021
3184	MASTERCARD	2021_04 WOO	Certificate Renewal	04/01/2021	121.00	121.00	05/24/2021
3184	MASTERCARD	2021_04 WUL	ems training	04/01/2021	75.00	75.00	05/24/2021
3184	MASTERCARD	2021_04 WUL	ems training	04/01/2021	75.00	75.00	05/24/2021
3184	MASTERCARD	2021_04 WUL	gas can	04/01/2021	24.00	24.00	05/24/2021
3184	MASTERCARD	2021_04 WUL	returned can	04/01/2021	27.99-	27.99-	05/24/2021
3184	MASTERCARD	2021_04 WUL	gas can	04/01/2021	28.00	28.00	05/24/2021
3184	MASTERCARD	2021_04 WUL	suspenders	04/01/2021	204.25	204.25	05/24/2021
3184	MASTERCARD	2021_04 WUL	pins	04/01/2021	26.14	26.14	05/24/2021
3184	MASTERCARD	2021_04 WUL	station supply	04/01/2021	5.44	5.44	05/24/2021
3184	MASTERCARD	2021_04 WUL	wildland adapt	04/01/2021	295.99	295.99	05/24/2021
Total MASTERCARD:					22,580.52	22,580.52	
<b>MID-AMERICAN RESEARCH CHEMICAL</b>							
10002	MID-AMERICAN RESEARCH CH	0731168-IN	SAFE SOLV	05/06/2021	153.62	153.62	05/18/2021
Total MID-AMERICAN RESEARCH CHEMICAL:					153.62	153.62	
<b>MISC</b>							
99999	MISC	2021.5	OVER PAYMENT ON UTILITY AC	05/17/2021	423.96	423.96	05/18/2021
99999	MISC	4211502244	Refund - R. Vandervort	05/03/2021	121.29	121.29	05/21/2021
99999	MISC	TK2018-0203	Bond Release - S. Lopresti	05/19/2021	285.00	285.00	05/21/2021
99999	MISC	TK2020-0356 (	Bond Release - J. Rose	05/24/2021	240.00	240.00	05/24/2021
99999	MISC	TK2020-0385	Bond Release - S. Morton	05/12/2021	585.00	585.00	05/19/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total MISC:					1,655.25	1,655.25	
<b>MONTANA AIR CARTAGE</b>							
3808	MONTANA AIR CARTAGE	LVQ43021	Courier CONTRACT	05/01/2021	208.50	208.50	05/20/2021
Total MONTANA AIR CARTAGE:					208.50	208.50	
<b>MONTANA DEPT OF LABOR &amp; INDUSTRY</b>							
2687	MONTANA DEPT OF LABOR & I	2021.5.24	Elevator Inspection	05/24/2021	290.00	290.00	05/20/2021
Total MONTANA DEPT OF LABOR & INDUSTRY:					290.00	290.00	
<b>MONTANA RAIL LINK</b>							
112	MONTANA RAIL LINK	459037	Agreement 90573	05/04/2021	50.00	50.00	05/18/2021
112	MONTANA RAIL LINK	459037	Agreement 90573	05/04/2021	50.00	50.00	05/18/2021
Total MONTANA RAIL LINK:					100.00	100.00	
<b>MT DEQ/WWOC</b>							
10002	MT DEQ/WWOC	2021.5.13	SCHWATZER CERTIFICATION	05/13/2021	70.00	70.00	05/13/2021
Total MT DEQ/WWOC:					70.00	70.00	
<b>MT WATERWORKS</b>							
3016	MT WATERWORKS	34665	CUTTING SLEEVES	04/29/2021	2,234.45	2,234.45	05/18/2021
Total MT WATERWORKS:					2,234.45	2,234.45	
<b>MUNICIPAL CODE CORPORATION</b>							
3058	MUNICIPAL CODE CORPORATI	00357449	Subscription	05/17/2021	150.00	150.00	05/18/2021
Total MUNICIPAL CODE CORPORATION:					150.00	150.00	
<b>MUNICIPAL EMERGENCY SERVICES</b>							
2604	MUNICIPAL EMERGENCY SERV	IN1569786	TURNOUTS	04/16/2021	13,481.82	13,481.82	05/18/2021
2604	MUNICIPAL EMERGENCY SERV	IN1575622	SCBA	05/03/2021	97,392.00	97,392.00	05/18/2021
Total MUNICIPAL EMERGENCY SERVICES:					110,873.82	110,873.82	
<b>MURDOCH'S RANCH &amp; HOME SUPPLY</b>							
3688	MURDOCH'S RANCH & HOME S	K01460/37	TRANSER PUMP	05/11/2021	9.99	9.99	05/18/2021
Total MURDOCH'S RANCH & HOME SUPPLY:					9.99	9.99	
<b>NORMONT EQUIPMENT</b>							
12	NORMONT EQUIPMENT	24998	DELINEATOR	05/12/2021	1,450.00	1,450.00	05/18/2021
12	NORMONT EQUIPMENT	24999	Asphalt Emulsion	05/12/2021	6,793.00	6,793.00	05/18/2021
Total NORMONT EQUIPMENT:					8,243.00	8,243.00	
<b>NORTH CENTRAL LABORATORIES</b>							
33	NORTH CENTRAL LABORATORI	454321	FILTERS VACUUM PUMP	05/06/2021	42.47	42.47	05/18/2021
33	NORTH CENTRAL LABORATORI	454442	M-TEC AGAR PLATES	05/10/2021	327.04	327.04	05/18/2021
Total NORTH CENTRAL LABORATORIES:					369.51	369.51	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>NORTHWESTERN ENERGY</b>							
151	NORTHWESTERN ENERGY	2021.5 010789	0107897-1 228 W CALLENDER	05/10/2021	995.71	995.71	05/20/2021
151	NORTHWESTERN ENERGY	2021.5 312013	3120133-8 110 S B	05/10/2021	164.62	164.62	05/20/2021
151	NORTHWESTERN ENERGY	2021.5 383724	3837245-4 220 E PARK	05/10/2021	758.75	758.75	05/20/2021
Total NORTHWESTERN ENERGY:					1,919.08	1,919.08	
<b>OUT OF THE BOX PAINTING</b>							
10001	OUT OF THE BOX PAINTING	3	PHASE III PAINTING	05/19/2021	10,755.56	10,755.56	05/20/2021
Total OUT OF THE BOX PAINTING:					10,755.56	10,755.56	
<b>PARISI WESTERN PLUMBING &amp; HEATING</b>							
16	PARISI WESTERN PLUMBING &	T55736	BLACK COUPLING	05/12/2021	36.00	36.00	05/18/2021
Total PARISI WESTERN PLUMBING & HEATING:					36.00	36.00	
<b>PARK COUNTY</b>							
272	PARK COUNTY	2021.5.1	Reimburse of blackfoot charges	05/01/2021	326.88	326.88	05/20/2021
Total PARK COUNTY:					326.88	326.88	
<b>PARK COUNTY SHERIFF</b>							
117	PARK COUNTY SHERIFF	2021.2.10	NETMOTION MOBILITY	02/10/2021	283.28	283.28	05/18/2021
Total PARK COUNTY SHERIFF:					283.28	283.28	
<b>PARK COUNTY TREASURER - TECH</b>							
1702	PARK COUNTY TREASURER - T	2021.5.13	APRIL 2021 COLLECTIONS	05/13/2021	160.00	160.00	05/18/2021
Total PARK COUNTY TREASURER - TECH:					160.00	160.00	
<b>PARK COUNTY TREASURER/M.L.E.A.</b>							
2156	PARK COUNTY TREASURER/M.	2021.5.13	APRIL 2021 COLLECTIONS	05/13/2021	245.00	245.00	05/18/2021
Total PARK COUNTY TREASURER/M.L.E.A.:					245.00	245.00	
<b>PARK COUNTY VICTIM WITNESS</b>							
1544	PARK COUNTY VICTIM WITNES	2021.5.13	APRIL 2021 COLLECTIONS	05/13/2021	604.00	604.00	05/18/2021
Total PARK COUNTY VICTIM WITNESS:					604.00	604.00	
<b>PARK LOCAL DEVELOPMENT CORPORATION</b>							
10002	PARK LOCAL DEVELOPMENT C	2021.4.28	GRANT	04/28/2021	2,000.00	2,000.00	05/20/2021
Total PARK LOCAL DEVELOPMENT CORPORATION:					2,000.00	2,000.00	
<b>PROFESSIONAL SALES &amp; SERVICE LC</b>							
10001	PROFESSIONAL SALES & SERV	28473	LOGO GRAPHICS	05/05/2021	320.41	320.41	05/18/2021
Total PROFESSIONAL SALES & SERVICE LC:					320.41	320.41	
<b>QUILL CORPORATION</b>							
694	QUILL CORPORATION	16289249	Book Processing Supplies	04/26/2021	18.99	18.99	05/20/2021
694	QUILL CORPORATION	16315358	Book Processing Supplies	04/26/2021	45.98	45.98	05/20/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total QUILL CORPORATION:					64.97	64.97	
<b>RANGER PLUMBING &amp; HEATING, INC.</b>							
574	RANGER PLUMBING & HEATING	102944	MAIN SEWER	04/22/2021	1,650.00	1,650.00	05/20/2021
Total RANGER PLUMBING & HEATING, INC.:					1,650.00	1,650.00	
<b>REPUBLIC SERVICES #670</b>							
10000	REPUBLIC SERVICES #670	0670-0002739	DISPOSAL/RECYCLING	04/30/2021	87,094.00	87,094.00	05/18/2021
Total REPUBLIC SERVICES #670:					87,094.00	87,094.00	
<b>SAFETRAC</b>							
3143	SAFETRAC	32203	CDL Services	05/01/2021	250.00	250.00	05/18/2021
Total SAFETRAC:					250.00	250.00	
<b>SIGMA-ALDRICH, INC.</b>							
10000	SIGMA-ALDRICH, INC.	553408579	COLI IN WATER	04/28/2021	166.85	166.85	05/18/2021
Total SIGMA-ALDRICH, INC.:					166.85	166.85	
<b>SWS Equipment</b>							
10000	SWS Equipment	0132468-IN	HYDRANT HOSE	04/29/2021	664.18	664.18	05/18/2021
Total SWS Equipment:					664.18	664.18	
<b>TEAR IT UP L.L.C.</b>							
2999	TEAR IT UP L.L.C.	48624	Shredding Finance Office	05/19/2021	31.96	31.96	05/20/2021
Total TEAR IT UP L.L.C.:					31.96	31.96	
<b>THYSSENKRUPP ELEVATOR CORP</b>							
264	THYSSENKRUPP ELEVATOR C	3005918392	Elevator Aug-Oct	05/01/2021	1,007.82	1,007.82	05/20/2021
Total THYSSENKRUPP ELEVATOR CORP:					1,007.82	1,007.82	
<b>TOM'S JEWELERS</b>							
10002	TOM'S JEWELERS	16890	ENGRAVING	05/10/2021	45.00	45.00	05/18/2021
Total TOM'S JEWELERS:					45.00	45.00	
<b>TOWN &amp; COUNTRY FOODS - LIVINGSTON</b>							
2595	TOWN & COUNTRY FOODS - LI	123	Training Supply	05/18/2021	35.95	35.95	05/20/2021
Total TOWN & COUNTRY FOODS - LIVINGSTON:					35.95	35.95	
<b>US BANK EQUIPMENT FINANCE</b>							
10001	US BANK EQUIPMENT FINANCE	442637492	PRINTER	05/05/2021	257.94	257.94	05/20/2021
Total US BANK EQUIPMENT FINANCE:					257.94	257.94	
<b>UTILITIES UNDERGROUND LOCATION</b>							
3472	UTILITIES UNDERGROUND LO	1045091	Excavation Notifica	04/30/2021	147.05	147.05	05/18/2021
3472	UTILITIES UNDERGROUND LO	1045091	Excavation Notifica	04/30/2021	147.06	147.06	05/18/2021
3472	UTILITIES UNDERGROUND LO	1045091	Excavation Notifica	04/30/2021	147.06	147.06	05/18/2021



Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total VITRUVIAN PLANNING:					11,360.00	11,360.00	
<b>WESTERN MUNICIPAL CONSTRUCTION, INC.</b>							
10000	WESTERN MUNICIPAL CONSTR	2021.5.10	5TH STREET SEWER IMPROVE	05/10/2021	57,671.46	57,671.46	05/18/2021
Total WESTERN MUNICIPAL CONSTRUCTION, INC.:					57,671.46	57,671.46	
<b>WHISTLER TOWING, LLC</b>							
3237	WHISTLER TOWING, LLC	5589	M3 DEF REPAIR	04/22/2021	484.17	484.17	05/18/2021
Total WHISTLER TOWING, LLC:					484.17	484.17	
<b>WOODS ROSE MARKET</b>							
3747	WOODS ROSE MARKET	2021.5.20	DEPOSIT PLANT MATERIAL	05/20/2021	2,200.00	2,200.00	05/20/2021
Total WOODS ROSE MARKET:					2,200.00	2,200.00	
Grand Totals:					382,200.81	382,200.81	

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

**File Attachments for Item:**

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



# American Legion Baseball District Tournament will be held in Livingston.

25

Thursday – Sunday  
July 22 – 25, 2021

**Teams from these cities are coming to dine and shop in Livingston:**

Anaconda	A's
Belgrade	Bandits
Bozeman	Bucks
Butte	Miners
Dillon	Cubs
Three Forks	Outlaws
Helena	Representatives
Livingston	Braves

Families from Anaconda, Butte, Dillon, and Helena will likely stay in Livingston.

## **Two opportunities:**

- 1. Generate funds for our youth baseball organization**
- 2. Direct traffic to local businesses**

# Youth Baseball in Livingston

## **Little League**

Livingston Baseball and Softball Association (LBSA)  
boys & girls grades K – 9

## **High School Softball**

Park High Rangers  
girls grades 9 - 12

## **American Legion Baseball**

Livingston Braves  
boys grades 9 – 12

## **No high school baseball in Montana**

American Legion Baseball serves as high-school-level baseball in Montana, Wyoming, and Alberta.

# Actions for Today

## Legion Baseball District Tournament Livingston, July 22-25

### How can we drive traffic to local businesses?

- TBID
- LBID
- URA

# Actions for the Future

## Support baseball tournaments in Livingston

- Little League baseball
- Legion baseball
- Plan for 2022

**File Attachments for Item:**

**A. RESOLUTION NO. 4960: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, ANNEXING CERTAIN LAND BELONGING TO THE CITY OF LIVINGSTON WHICH IS DESCRIBED AS THE ISLAND IN THE NE 1/4 OF SECTION 7 IN TOWNSHIP 2 SOUTH RANGE 10 EAST.**

**RESOLUTION NO. 4960**

**A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, ANNEXING CERTAIN LAND BELONGING TO THE CITY OF LIVINGSTON WHICH IS DESCRIBED AS THE ISLAND IN THE NE 1/4 OF SECTION 7 IN TOWNSHIP 2 SOUTH RANGE 10 EAST.**

**WHEREAS**, Section 7-2-4301, Montana Code Annotated, authorizes annexation of contiguous property, and the City owns the above described Island which is contiguous to the Yellowstone Preserve; and

**WHEREAS**, the City Commission of the City of Livingston, Montana, has determined that it is in the best interest of the City that property be annexed into the City where the property is identified as being owned by the City and between properties in the City’s Annexation Policy that the boundaries of the City of Livingston be extended to the above described island; and

**WHEREAS**, Section 7-2-4301 deems property contiguous to a city or town even though such tracts or parcels of land may be separated from such city or town by a street or other roadway, irrigation ditch, drainage ditch, stream, river, or a strip of unplatted land too narrow or too small to be platted; and

**WHEREAS**, the City, as owner of the parcel, consents to the annexation of the Island to be included in the territorial boundaries of the City.

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

It is the intent of the City Commission to annex contiguous land more particularly described as:

**The Island in the NE1/4 of Section 7 in Township 2 South Range 10 East, on file with the Park County Clerk and Recorder.**

**PASSED** at a first reading by the Livingston City Commission, on May 4, 2021.

**ATTEST:**

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

**PASSED ADOPTED AND FINALLY APPROVED**, during a second reading by the Livingston City Commission this 1<sup>st</sup> day of June 2021.

---

**DOREL HOGLUND- Chair**

**ATTEST:**

**APPROVED TO AS FORM:**

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**FAITH KINNICK**  
**Recording Secretary**

---

**COURTNEY JO LAWELLIN**  
**City Attorney**

**PUBLIC NOTICE**

**NOTICE** is hereby given, a public hearing will be conducted by the Livingston City Commission on Tuesday, June 1, 2021, during a second reading of **RESOLUTION NO. 4960** entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, TO ANNEX CERTAIN LAND WHICH IS CONTIGUOUS TO THE CITY OF LIVINGSTON AND IS DESCRIBED AS THE ISLAND IN THE NE1/4 OF SECTION 7 IN TOWNSHIP 2 SOUTH RANGE 10 EAST**. This hearing will be conducted via Zoom. All interested parties are invited to attend and give their comments. To join this meeting <http://us02web.zoom.us> Meeting ID: 885 2666 8435 Passcode: 261645 or by phone at (669) 900-6833. For additional information contact Faith Kinnick at (406) 823-6002.

Please publish Friday, May 7, 2021 and May 21, 2021.

Faith Kinnick  
City of Livingston  
May 4, 2021

**PUBLIC NOTICE**

**NOW TAKE NOTICE** the Livingston City Commission will convene in a regular meeting virtually, Tuesday, June 1, 2021, at 5:30 p.m. During this meeting a public hearing will be conducted after the second reading of **RESOLUTION NO. 4960** entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, TO ANNEX CERTAIN LAND WHICH IS CONTIGUOUS TO THE CITY OF LIVINGSTON AND IS DESCRIBED AS THE ISLAND IN THE NE1/4 OF SECTION 7 IN TOWNSHIP 2 SOUTH RANGE 10 EAST**. All are welcome to attend and give public comments during this hearing. This meeting will be conducted via Zoom. To join this meeting <https://us04web.zoom.us/join> Meeting ID: 846 0208 1498 Passcode: 287148 or Call in: (669) 900-6833.

For more information about this meeting, call the City Offices at (406) 823-6000.

Please publish Friday, May 7, 2021 and Friday, May 24, 2021.

Faith Kinnick  
City of Livingston  
April 30, 2021

**File Attachments for Item:**

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



**ORDINANCE NO. 3007**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO AMEND ARTICLE 1 SECTION 11-2 OF LIVINGSTON MUNICIPAL CODE TO ALLOW THE SALE OF FIREWORKS WITHIN THE INCORPORATED CITY LIMITS.**

\*\*\*\*\*

**Preamble**

**WHEREAS**, the purpose of this Ordinance is to improve the City’s regulatory authority by removing a burden on local small businesses imposed by current city code restricting the sale of fireworks within City limits. This amendment to the code was fully supported by the City Commission during the April 20, 2021, regular meeting. Additions are highlighted in yellow, and deletions are struck through in red.

\*\*\*\*\*

Article I. - In General

Sec. 11-1. - False fire alarms.

It shall be unlawful for any person knowingly and willfully to turn in a false alarm to the fire department in the city.

(Code 1958, 11-18)

Sec. 11-2. - Fireworks—~~sale or~~ explosion prohibited.

It shall be unlawful for any person to explode **or** use ~~or sell~~ firecrackers, rockets, torpedoes, fireworks or similar substances, or other pyrotechnics, or any substance containing chlorate or potash mixture or other similar substance, except toy pistols or guns loaded with caps, within the city; except supervised displays as hereinafter provided.

(Code 1958, 11-20)

Sec. 11-3. - Same—supervised displays—license.

The chief of the fire department shall have the power to grant permits for supervised public displays of fireworks to be held by fair associations, amusement parks, and other organizations or groups of individuals. Every such display shall be handled by a competent operator to be approved by the chief and shall be of such a character, and so located, discharged or fired as in the opinion of the chief, after proper inspection, shall not be hazardous to property or endanger any person or persons. Application for permits shall be made in writing at least fifteen (15) days in advance of the date of the display. After such privilege

ORDINANCE NO. 3007: AMENDING CODE ALLOWING THE SALE OF FIREWORKS WITHIN THE INCORPORATED CITY LIMITS.

shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(Code 1958, 11-21)

Sec. 11-4. - Same—same—bond.

The chief of the fire department shall require a bond from the fireworks display permittee in a sum not less than five hundred dollars (\$500.00), conditioned for the payment of all damages which may be caused either to persons or to property by reason of the display, and arising from any acts of the licensee, his agents, employees or subcontractors.

(Code 1958, 11-22)

Sec. 11-5. - Same—confiscation of stocks.

The chief of the police department or any member of the police force of the city is hereby authorized and directed to take, seize, remove or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this article.

(Code 1958, 11-23)

Sec. 11-6. - Smoking in theater.

Smoking or the carrying of a lighted pipe, cigar, cigarette or other form of smoking material in a theater is prohibited unless the premises of the theater has been inspected by the fire chief for fire hazards and he has granted permission in writing to the theater owner or manager for smoking on the premises.

(Code 1958, 11-27; Ord. No. 1145, 10-18-65)

Sec. 11-7. - Fire extinguishers.

The chief of the fire department is authorized to require the installation of hand or other portable fire extinguishers in any store, factory, garage or other building where readily flammable material is stored, handled, kept or sold. Where such extinguishers are required, the property owners or occupants shall be required to maintain the extinguishers in proper operative condition.

(Code 1958, 11-19)

Sec. 11-8. - Use of water for sprinkling or irrigation during fire.

It shall be unlawful for any user of water from the city water system to use any water for sprinkling or irrigation from such system during the progress of any fire in the city, and all irrigation and sprinkling shall be immediately stopped when an alarm of fire is sounded in any part of the city, and shall not be resumed until the fire has been extinguished.

(Code 1958, 11-17)

Sec. 11-9. - Burglar and fire alarms—direct dialing to 911 prohibited.

No person may program an automatic dialing burglar/fire alarm device into a 911 phone number. Any such device must use the traditional seven- digit phone number.

(Ord. 1724, 10/19/92)

Sec. 11-10—11-29. - Reserved.

**PASSED** by the Livingston City Commission, on a first reading held during a regular session thereof this 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
**DOREL HOGLUND, Chair**

**ATTEST:**

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

\*\*\*\*\*

**PASSED, ADOPTED AND FINALLY APPROVED** by the Livingston City Commission, during a second reading held during a regular session thereof this 1<sup>st</sup> day of June, 2021.

**ATTEST:**

**APPROVED TO AS FORM:**

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

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

**PUBLIC NOTICE**

**NOTICE** is hereby given, a public hearing will be conducted by the Livingston City Commission on Tuesday, June 1, 2021, during a second reading of **ORDINANCE NO. 3007 entitled AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO AMEND ARTICLE 1 SECTION 11-2 OF THE LIVINGSTON MUNICIPAL CODE TO ALLOW THE SALE OF FIREWORKS WITHIN THE INCORPORATED CITY LIMITS.** This hearing will be conducted via Zoom. All interested parties are invited to attend and give their comments. To join this meeting <https://zoom.us/join> Meeting ID: 846 0208 1498 Passcode: 287148 or by phone at (669) 900-6833. For additional information contact Faith Kinnick at (406) 823-6002.

Please publish May 10, 2021 and May 21, 2021.

Faith Kinnick  
City of Livingston  
May 7, 2021

**File Attachments for Item:**

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

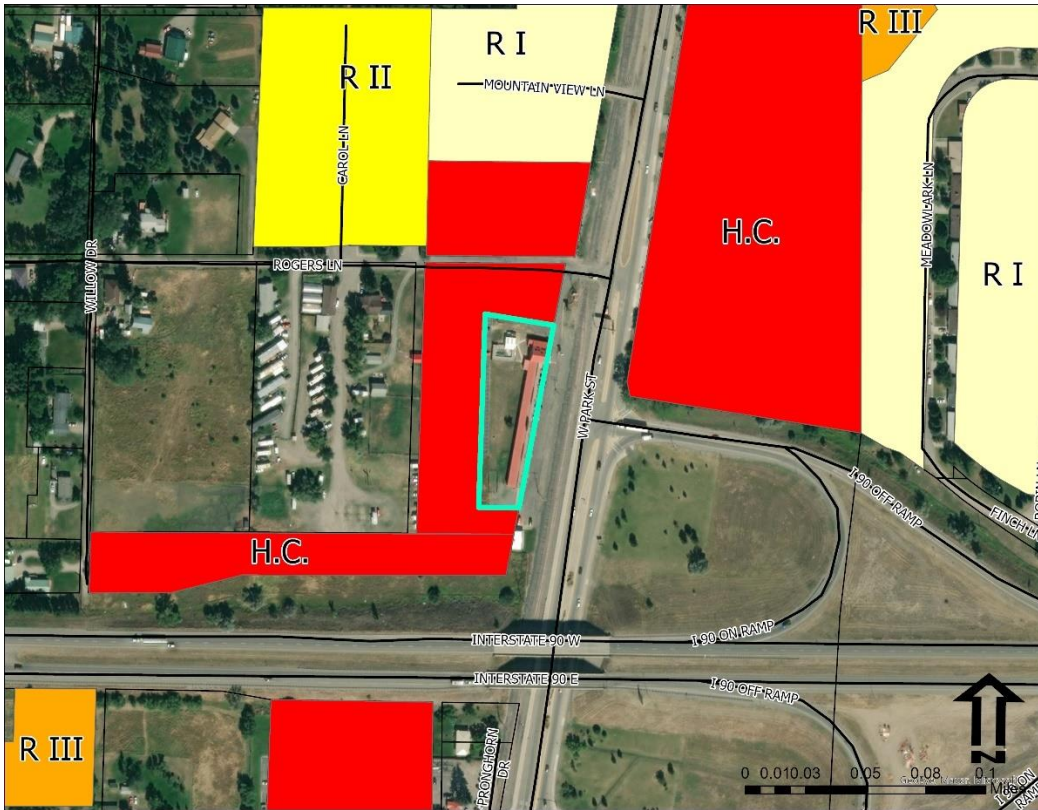
May 21, 2021

**STAFF REPORT**  
**ZONING MAP AMENDMENT – 5 Rogers Lane**

**Background**

On March 16<sup>th</sup>, 2021, the City Commission Adopted a Resolution (No. 4946) (Attachment I) approving the second reading of the annexation of the parcels commonly addressed as 5 Rogers Lane, and known as the Livingston Inn. The Parcel is legally described as Lot 15C of Certificate of Survey 170A less the Mortgage tract in Certificate of Survey 1443, in the Acreville subdivision, in Section 23 (S23), of Township Two South (T02S), Range Nine East (R09E), as shown outlined in blue on the map provided.

As the property was annexed into the City a zoning amendment must be undertaken to update the Official Zoning Map to include the lot. The parcel is currently used commercially (Livingston Inn), all neighboring zoned parcels are zoned Highway Commercial (HC). Based on the zoning of neighboring parcels, City staff recommends that the parcel is zoned HC. The intent of the HC Zoning District is: “[a] district intended to provide areas for residential structures, commercial and service enterprises which serve the needs of the tourist, traveler, recreationalist or the general traveling public. Areas designated as Highway Commercial should be located in the vicinity of freeway interchanges, intersections on limited access highways, or adjacent to primary and secondary highways.”



**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:*

**Staff Comments:**

- The adopted Growth Policy shows the future land use of the parcel as commercial/industrial (p. 11), the proposed zoning is consistent with the Growth Policy.

*(b) designed to:*

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

**Staff Comments:**

- Any future development on the lot will be required to meet all adopted fire and building codes.
- The intent of the zoning amendment is to zone the newly annexed land to continue its current uses, there is no anticipated change in fire danger by zoning the lot.

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

Staff Comments:

- The lot has recently been annexed, the proposed zoning allows for the continued uses of the property, no impact on public health, safety, or general welfare is anticipated.
- The application of City Ordinances, including zoning, to the properties promotes the public health, safety, and general welfare of the surrounding area.

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

Staff Comments:

- Zoning the parcel to maintain the existing use should not affect the provision of transportation. Annexation of the property ensures that the City can take the appropriate actions to facilitate the adequate provision of transportation. Current primary access to the property is from Park Street, a Montana Department of Transportation roadway, and there is no expected increase in traffic due to the zoning of the parcel. Montana Department of Transportation was notified of the proposed zone map amendment via Certified Mail.
- Zoning the parcel to maintain the existing use should not affect the provision of schools and parks.
- The lot will continue to be serviced by a private water and wastewater system.

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

*(a) reasonable provision of adequate light and air;*

Staff Comments:

- The intent of the zoning amendment is to zone the newly annexed land to continue its current use, there is no anticipated change in provision of light and air.
- By zoning the lot any new structures will be required to meet the setbacks and height restrictions as listed in the City’s Zoning Ordinance which do not currently apply to the lot, ensuring provision of light and air.

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

Staff Comments:

- The intent of the zoning amendment is to zone the newly annexed land to continue its current use, there is no anticipated change in effect on transportation systems from zoning the lot.



*(c) promotion of compatible urban growth;*

Staff Comments:

- The intent of the zoning amendment is to zone the newly annexed land to continue its current use, there is no anticipated change in use on the lot.
- All adjacent zoned lots, are zoned HC, the proposed HC zoning of the parcel is consistent with the majority of parcels along Park Street.

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

Staff Comments:

- The proposed zoning on the parcel continues the existing commercial use, and consistent with the neighboring properties, and the majority of parcels along Park Street.

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

Staff Comments:

- The proposed map amendment should have no effect on property values.

***Spot Zoning Criteria:***

*(1) the proposed use is significantly different from the prevailing use in the area.*

Staff Comments:

- The lot sits within an existing commercial corridor, and is currently used residentially and commercially. The proposed zoning on the parcel continues the current use, consistent with the neighboring properties and the Park Street corridor.

*(2) the area in which the requested use is to apply is rather small from the perspective of concern with the number of separate landowners benefited from the proposed change.*

Staff Comments:

- The proposed zoning is for one lot with one owner that has been annexed into the City. As the lot was annexed zoning the parcel under the City's Zoning Ordinance is a benefit to the surrounding parcels to ensure that the use of the parcel remains consistent with the neighborhood and all adopted zoning requirements are applied to the property.

*(3) the change is special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public.*

Staff Comments:

- As the lot was annexed, zoning the parcel under the City’s Zoning Ordinance is a benefit to the surrounding parcels to ensure that the use of the parcel remains consistent with the neighborhood and all adopted zoning requirements are applied to the property.

**Public Hearing**

The Zoning Commission heard the item at their regularly scheduled and noticed public hearing, May 11, 2021. The Zoning Commission voted unanimously (5:0) to approve the proposed zone map amendment.

Materials provided to the City Commission are identical to those provided to the Zoning Commission.

**Staff Recommendation**

The Zoning Coordinator believes that the proposed zoning designation of Highway Commercial meets both the requirements of the City of Livingston, State Statute, and the spot zoning criteria. Staff recommends that the Commission adopt the proposed zone map amendment.

**Attachments**

- Attachment I.....Resolution 4941
- Attachment II.....Draft Ordinance

**RESOLUTION NO. 4946**

**A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS CONTIGUOUS TO THE CITY OF LIVINGSTON AND IS DESCRIBED AS 5 ROGERS LANE.**

**WHEREAS**, Section 7-2-4301, Montana Code Annotated, authorizes annexation of contiguous land; and

**WHEREAS**, the City Commission of the City of Livingston, Montana, has determined that it is in the best interest of the City and the inhabitants of the properties identified in the City's Annexation Policy that the boundaries of the City of Livingston be extended to include 5 Rogers Lane which have access to City services and are wholly surrounded by other property within the corporate limits of the City; and

**WHEREAS**, the provision of services can be accomplished with no additional capital expenditure on the part of the City.

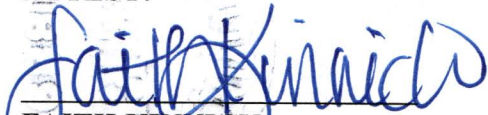
**NOW, THEREFORE, BE IT RESOLVED**, by the City Commission of the City of Livingston, Montana, as follows:

It is the intent of the City Commission to annex contiguous land known as the Livingston Inn at 5 Rogers Lane and further described as:

**5 Rogers Lane  
Lot 15C of Certificate of Survey 170A less the Mortgage tract in Certificate of Survey 1443, in the Acreville subdivision, in Section 23 of Township 2 South Range 9 East, on file with the Park County Clerk and Recorder.**

**PASSED** at a first reading by the Livingston City Commission, on February, 16, 2021.

**ATTEST:**



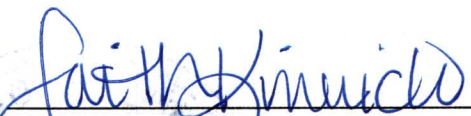
**FAITH KINNICK  
Recording Secretary**

**PASSED ADOPTED AND FINALLY APPROVED, during a second reading by the Livingston City Commission this 16th day of March, 2021.**

  
\_\_\_\_\_  
**DOREL HOGLUND, Chair**

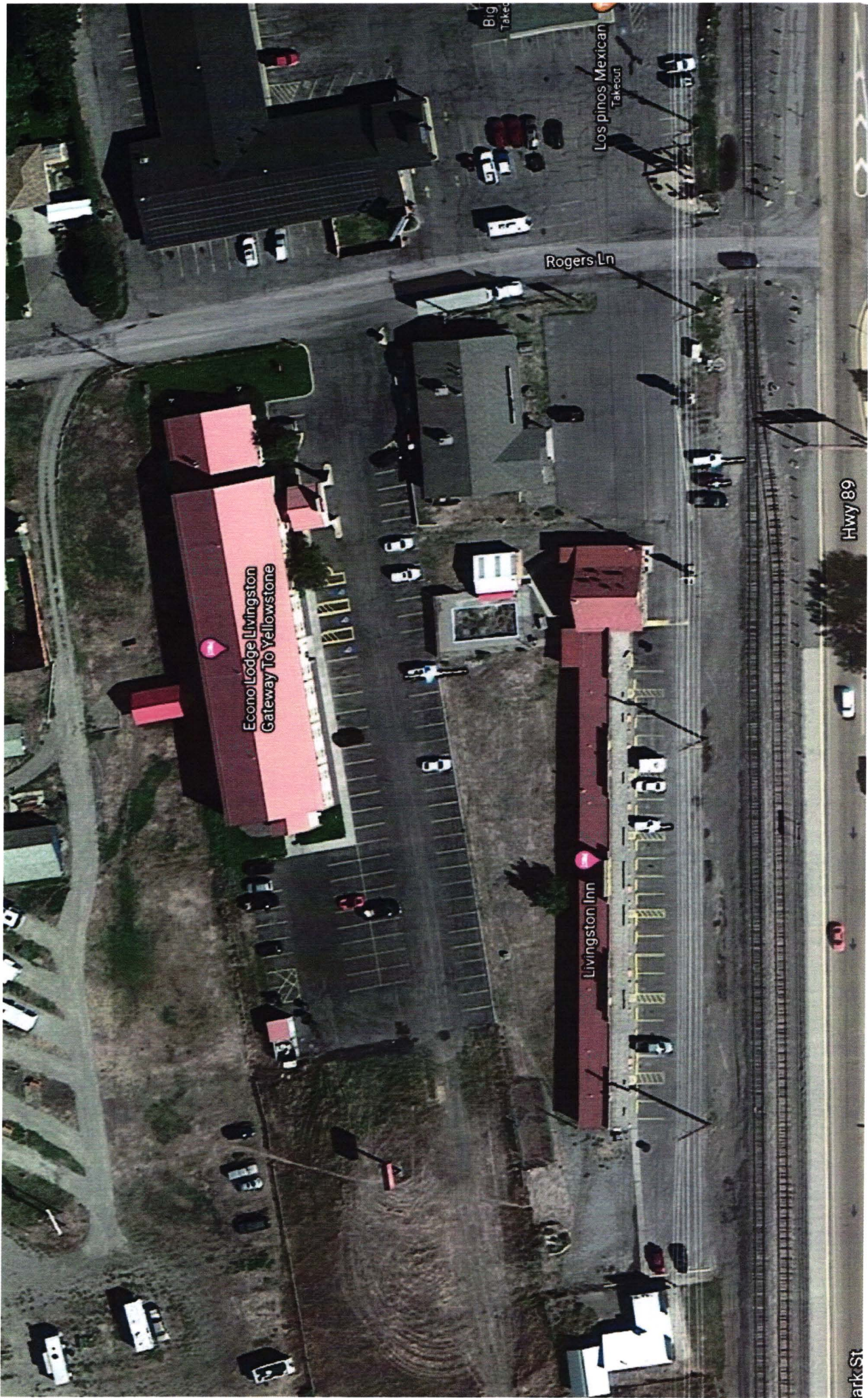
**ATTEST:**

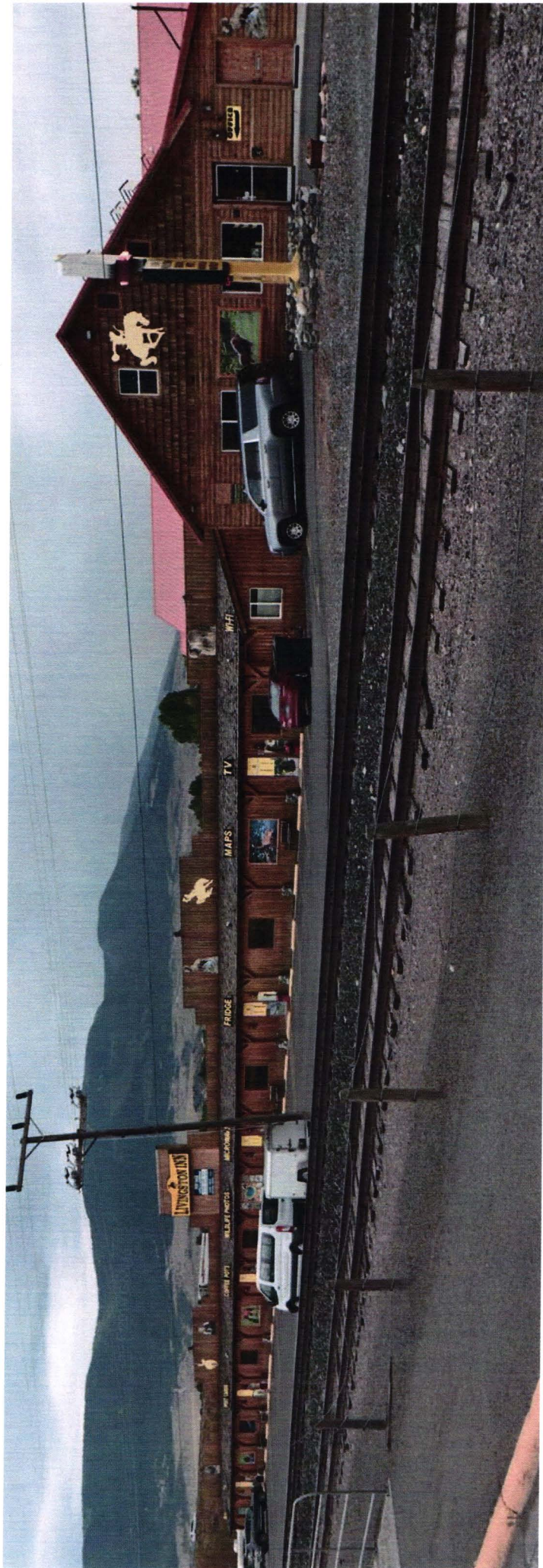
**APPROVED TO AS FORM:**

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

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







**PUBLIC NOTICE**

**NOTICE** is hereby given, a public hearing will be conducted by the Livingston City Commission on Tuesday, March 16, 2021, during a second reading of **RESOLUTION NO. 4946: entitled A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO ANNEX CERTAIN LAND WHICH ARE CONTIGUOUS TO THE CITY OF LIVINGSTON DESCRIBED AS 5 RODGERS LANE.** This hearing will be conducted via Zoom. All interested parties are invited to attend and give their comments. To join this meeting <http://us02web.zoom.us>  
Meeting ID: 890 8543 7403 Passcode: 514741 or by phone at (669) 900-6833. For additional information contact Faith Kinnick at (406) 823-6002.

Please publish Friday, February 26, 2021 and March 5, 2021.

Faith Kinnick  
City of Livingston  
February 5, 2021

**ORDINANCE NO. 3008**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING A PARCEL GENERALLY KNOWN AS 5 ROGERS LANE AND LEGALLY DESCRIBED AS LOT 15C OF COS 170A, IN SECTION 23, TOWNSHIP TWO SOUTH, RANGE NINE EAST, AS HIGHWAY COMMERCIAL (HC).**

\* \* \* \* \*

**Preamble.**

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

\*\*\*\*\*

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

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

**WHEREAS**, the City Commission of the City of Livingston, Montana annexed the Subject Parcel by passing Resolution 4946 on March 16, 2021;

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

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

**WHEREAS**, the City of Livingston Zoning Commission, after a public hearing, voted unanimously (5:0) to recommend approval of the zoning of the parcel to Highway Commercial (HC) 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 a parcel addressed as 5 Rogers Lane and legally described as Lot 15C of Certificate of Survey 170A less the Mortgage tract in Certificate of Survey 1443, in the Acreville subdivision, in Section 23 (S23), of Township Two South (T02S), Range Nine East (R09E) as shown in Exhibit A as Highway Commercial (HC).**

**SECTION 2**

**Statutory Interpretation and Repealer:**



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

**SECTION 3**

**Severability:**

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

**SECTION 4**

**Savings provision:**

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

**SECTION 6**

**Effective date:**

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

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

\_\_\_\_\_

**DOREL HOGLUND – Chair**

**ATTEST:**

\_\_\_\_\_

**FAITH KINNICK**  
**Recording Secretary**

\*\*\*\*\*

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

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**DOREL HOGLUND – Chair**

**ATTEST:**

**APPROVED AS TO FORM:**

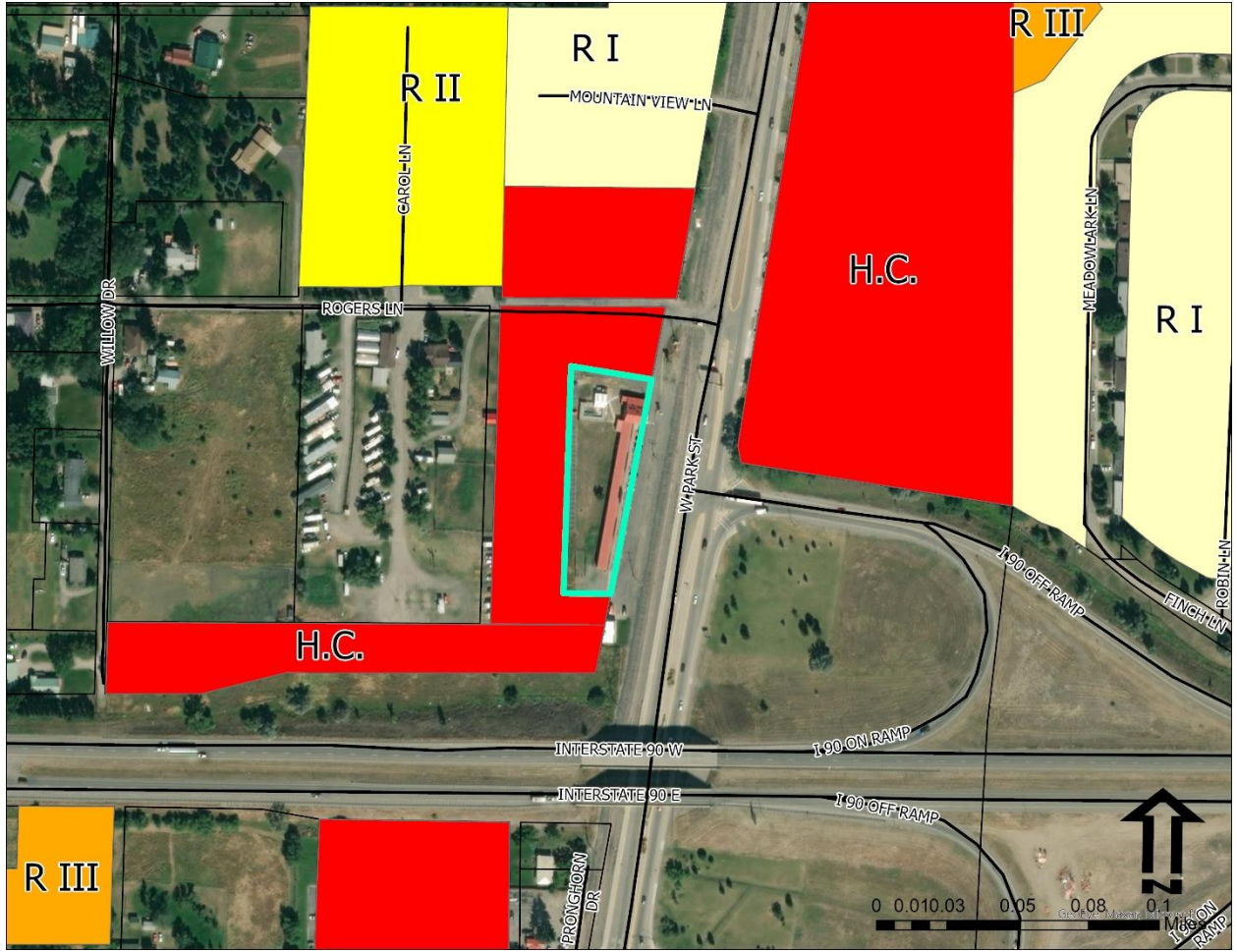
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**FAITH KINNICK**  
Recording Secretary

---

**COURTNEY LAWELLIN**  
City Attorney

EXHIBIT A



**LEGAL NOTICE OF PUBLIC HEARING BEFORE  
THE CITY OF LIVINGSTON CITY COMMISSION**

A public hearing before the Livingston Zoning Commission will be held at 5:30 p.m. on Tuesday, June 1, 2021 virtually via Zoom (details below).

**Parking and Landscaping Zone Text Amendment:** The Purpose of this hearing is to receive public comment regarding a Zone Map Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. Specifically, the amendment is to clarify parking space dimensions and requirements, incorporate bicycle parking into the parking requirements, and update required landscaping for parking lots, and commercial and industrial development. The Zoning Commission voted unanimously (5:0) to recommend approval of the Zone Text Amendment at their May 11, 2021 meeting.

**Livingston Inn Zone Map Amendment:** The Purpose of this hearing is to receive public comment regarding a Zone Map Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. Specifically, the amendment is to zone the parcel commonly known as the Livingston Inn, addressed as 5 Rogers Lane, as it has been annexed into the City. The Parcel is legally described as Lot 15C of Certificate of Survey 170A less the Mortgage tract in Certificate of Survey 1443, in the Acreville subdivision, in Section 23 of Township 2 South Range 9 East, on file with the Park County Clerk and Recorder. The proposed zoning for the parcel is Highway Commercial (HC). The Zoning Commission voted unanimously (5:0) to recommend approval of the Zone Map Amendment at their May 11, 2021 meeting.

**1 & 5 Pronghorn Dr.:** The Purpose of this hearing is to receive public comment regarding a Zone Map Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. Specifically, the amendment is to zone the parcels addressed as 1 and 5 Pronghorn Drive, as it has been annexed into the City. The Parcels are legally described as Tract A of Plat 138, less .005 acres and the right of way on R- 134-481, in the Acreville subdivision, in Section 23 of Township 2 South Range 9 East and Prortional Lot 14 in Plat 138, in the Acreville subdivision, in Section 23 of Township 2 South Range 9 East, on file with the Park County Clerk and Recorder. The proposed zoning for the parcel is Highway Commercial (HC). The Zoning Commission voted unanimously (5:0) to recommend approval of the Zone Map Amendment at their May 11, 2021 meeting.

For further information, please contact Mathieu Menard at the City Planning Office at (406)222-4903 or [planning@livingstonmontana.org](mailto:planning@livingstonmontana.org).

To attend via Zoom please use the link or call the phone number below.

Join Zoom Meeting:

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

Telephone: (669) 900 9128

Meeting ID: 846 0208 1498

Passcode: 287148

Mathieu Menard  
City Planner

**PLEASE PUBLISH ON MONDAY, MAY 17, 2021**

**File Attachments for Item:**

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

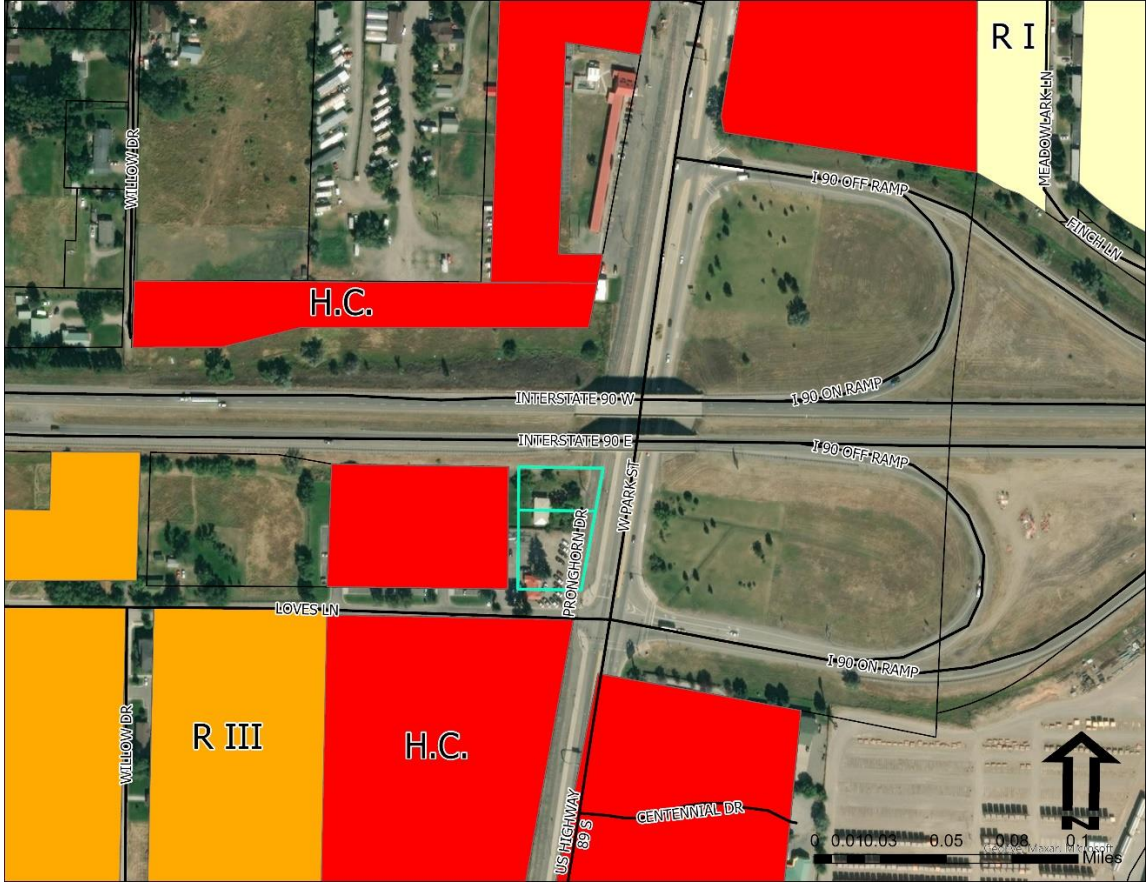
May 21, 2021

**STAFF REPORT**  
**ZONING MAP AMENDMENT – 1 and 5 Pronghorn Drive**

**Background**

On March 16<sup>th</sup>, 2021, the City Commission Adopted a Resolution (No. 4941) (Attachment I) approving the second reading of the annexation of the parcels commonly addressed as 1 & 5 Pronghorn Lane. The Parcels are legally described as Tract A of Plat 138, less .005 acres and the right of way on R-134-481, in the Acreville subdivision, in Section 23 of Township Two South (T02S), Range Nine East (R09E) and Portional Lot 14 in Plat 138, in the Acreville subdivision, in Section 23 (S23) of Township Two South (T02S), Range Nine East (R09E), as shown outlined in blue on the map provided.

As the property was annexed into the City a zoning amendment must be undertaken to update the Official Zoning Map to include the lot. The parcels are currently used commercially (RP Motors) and residentially, all neighboring zoned parcels are zoned Highway Commercial (HC). Based on the zoning of neighboring parcels, City staff recommends that the parcel is zoned HC. The intent of the HC Zoning District is: “[a] district intended to provide areas for residential structures, commercial and service enterprises which serve the needs of the tourist, traveler, recreationalist or the general traveling public. Areas designated as Highway Commercial should be located in the vicinity of freeway interchanges, intersections on limited access highways, or adjacent to primary and secondary highways.”



**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:*

Staff Comments:

- The adopted Growth Policy shows the future land use of the parcels as commercial/industrial (p. 11), the proposed zoning is consistent with the Growth Policy.

*(b) designed to:*

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

Staff Comments:

- Any future development on the lots will be required to meet all adopted fire and building codes.
- The intent of the zoning amendment is to zone the newly annexed land to continue its current uses, there is no anticipated change in fire danger by zoning the lots.



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

Staff Comments:

- The lots have recently been annexed, the proposed zoning allows for the continued uses of the property, no impact on public health, safety, or general welfare is anticipated.
- The application of City Ordinances, including zoning, to the properties promotes the public health, safety, and general welfare of the surrounding area.

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

Staff Comments:

- Zoning the parcel to maintain the existing uses should not affect the provision of transportation. Annexation of the property ensures that the City can take the appropriate actions to facilitate the adequate provision of transportation.
- Currently, Loves Lane adjacent to the parcel has no sidewalk, by annexing the parcels City Ordinances allow the City to install a sidewalk in the right-of-way adjacent to the property.
- Zoning the parcels to maintain the existing uses should not affect the provision of schools and parks.
- The lots are connected to City water and sewer. Zoning the parcel to maintain the existing use should not affect the provision of water and sewer.

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

*(a) reasonable provision of adequate light and air;*

Staff Comments:

- The intent of the zoning amendment is to zone the newly annexed land to continue its current uses, there is no anticipated change in provision of light and air.
- By zoning the lot any new structures will be required to meet the setbacks and height restrictions as listed in the City’s Zoning Ordinance which do not currently apply to the lots, ensuring provision of light and air.

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

Staff Comments:

- The intent of the zoning amendment is to zone the newly annexed land to continue its current uses, there is no anticipated change in effect on transportation systems from zoning the lot.

*(c) promotion of compatible urban growth;*

Staff Comments:

- The intent of the zoning amendment is to zone the newly annexed land to continue its current uses, there is no anticipated change in use on the lots.
- All adjacent zoned lots, are zoned HC, the proposed HC zoning of the parcel is consistent with the majority of parcels along Park Street.

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

Staff Comments:

- The proposed zoning on the parcel continues the existing residential and commercial uses, and consistent with the neighboring properties, and the majority of parcels along Park Street.

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

Staff Comments:

- The proposed map amendment should have no effect on property values.

***Spot Zoning Criteria:***

*(1) the proposed use is significantly different from the prevailing use in the area.*

Staff Comments:

- The lot sits within an existing commercial corridor, and is currently used residentially and commercially. The proposed zoning on the parcels continues the current uses, consistent with the neighboring properties and the Park Street corridor.

*(2) the area in which the requested use is to apply is rather small from the perspective of concern with the number of separate landowners benefited from the proposed change.*

Staff Comments:

- The proposed zoning is for three lots with two owners that has been annexed into the City. As the lot was annexed zoning the parcel under

the City’s Zoning Ordinance is a benefit to the surrounding parcels to ensure that the uses of the parcels remains consistent with the neighborhood and all adopted zoning requirements are applied to the property.

(3) *the change is special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public.*

Staff Comments:

- As the lots were annexed, zoning the parcel under the City’s Zoning Ordinance is a benefit to the surrounding parcels to ensure that the uses of the parcels remains consistent with the neighborhood and all adopted zoning requirements are applied to the property.

**Public Hearing**

The Zoning Commission heard the item at their regularly scheduled and noticed public hearing, May 11, 2021. The Zoning Commission voted unanimously (5:0) to approve the proposed zone map amendment.

Materials provided to the City Commission are identical to those provided to the Zoning Commission.

**Staff Recommendation**

The Zoning Coordinator believes that the proposed zoning designation of Highway Commercial meets both the requirements of the City of Livingston, State Statute, and the spot zoning criteria. Staff recommends that the Commission adopt the proposed zone map amendment.

**Attachments**

- Attachment I.....Resolution 4941
- Attachment II.....Draft Ordinance

**LEGAL NOTICE OF PUBLIC HEARING BEFORE  
THE CITY OF LIVINGSTON CITY COMMISSION**

A public hearing before the Livingston Zoning Commission will be held at 5:30 p.m. on Tuesday, June 1, 2021 virtually via Zoom (details below).

**Parking and Landscaping Zone Text Amendment:** The Purpose of this hearing is to receive public comment regarding a Zone Map Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. Specifically, the amendment is to clarify parking space dimensions and requirements, incorporate bicycle parking into the parking requirements, and update required landscaping for parking lots, and commercial and industrial development. The Zoning Commission voted unanimously (5:0) to recommend approval of the Zone Text Amendment at their May 11, 2021 meeting.

**Livingston Inn Zone Map Amendment:** The Purpose of this hearing is to receive public comment regarding a Zone Map Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. Specifically, the amendment is to zone the parcel commonly known as the Livingston Inn, addressed as 5 Rogers Lane, as it has been annexed into the City. The Parcel is legally described as Lot 15C of Certificate of Survey 170A less the Mortgage tract in Certificate of Survey 1443, in the Acreville subdivision, in Section 23 of Township 2 South Range 9 East, on file with the Park County Clerk and Recorder. The proposed zoning for the parcel is Highway Commercial (HC). The Zoning Commission voted unanimously (5:0) to recommend approval of the Zone Map Amendment at their May 11, 2021 meeting.

**1 & 5 Pronghorn Dr.:** The Purpose of this hearing is to receive public comment regarding a Zone Map Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. Specifically, the amendment is to zone the parcels addressed as 1 and 5 Pronghorn Drive, as it has been annexed into the City. The Parcels are legally described as Tract A of Plat 138, less .005 acres and the right of way on R- 134-481, in the Acreville subdivision, in Section 23 of Township 2 South Range 9 East and Prortional Lot 14 in Plat 138, in the Acreville subdivision, in Section 23 of Township 2 South Range 9 East, on file with the Park County Clerk and Recorder. The proposed zoning for the parcel is Highway Commercial (HC). The Zoning Commission voted unanimously (5:0) to recommend approval of the Zone Map Amendment at their May 11, 2021 meeting.

For further information, please contact Mathieu Menard at the City Planning Office at (406)222-4903 or [planning@livingstonmontana.org](mailto:planning@livingstonmontana.org).

To attend via Zoom please use the link or call the phone number below.

Join Zoom Meeting:

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

Telephone: (669) 900 9128

Meeting ID: 846 0208 1498

Passcode: 287148

Mathieu Menard  
City Planner

**PLEASE PUBLISH ON MONDAY, MAY 17, 2021**

**RESOLUTION NO. 4941**

**A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH ARE CONTIGUOUS TO THE CITY OF LIVINGSTON AND ARE DESCRIBED AS 1 PRONGHORN LANE, 5 PRONGHORN LANE, 1 PRONGHORN DRIVE & 5 PRONGHORN DRIVE.**

**WHEREAS**, Section 7-2-4301, Montana Code Annotated, authorizes annexation of contiguous land; and

**WHEREAS**, the City Commission of the City of Livingston, Montana, has determined that it is in the best interest of the City and the inhabitants of the properties identified in the City’s Annexation Policy that the boundaries of the City of Livingston be extended to include 1 and 5 Pronghorn Drive which have City services and are wholly surrounded by other property within the corporate limits of the City;

**WHEREAS**, Section 7-2-4325 allows for two or more adjacent tracts to be included in one resolution; and

**WHEREAS**, the provision of services can be accomplished with no additional capital expenditure on the part of the City.

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

It is the intent of the City Commission to annex contiguous land known as the 1 and 5 Pronghorn Drive and further described as:

**1 Pronghorn Drive**

**Tract A of Plat 138, less .005 acres and the right of way on R- 134-481, in the Acreville subdivision, in Section 23 of Township 2 South Range 9 East, on file with the Park County Clerk and Recorder.**

**5 Pronghorn Drive:**

**Prortional Lot 14 in Plat 138 , in the Acreville subdivision, in Section 23 of Township 2 South Range 9 East, on file with the Park County Clerk and Recorder.**

**PASSED** at a first reading by the Livingston City Commission, on February, 16, 2021.

ATTEST:

*Faith Kinnick*

FAITH KINNICK  
Recording Secretary

PASSED ADOPTED AND FINALLY APPROVED, during a second reading by the  
Livingston City Commission this 16th day of March, 2021.

*Dorel Hوجلund*

DOREL HOGLUND, Chair

ATTEST:

*Faith Kinnick*

FAITH KINNICK  
Recording Secretary

APPROVED TO AS FORM:

*Courtney Jo Lawellin*

COURTNEY JO LAWELLIN  
City Attorney

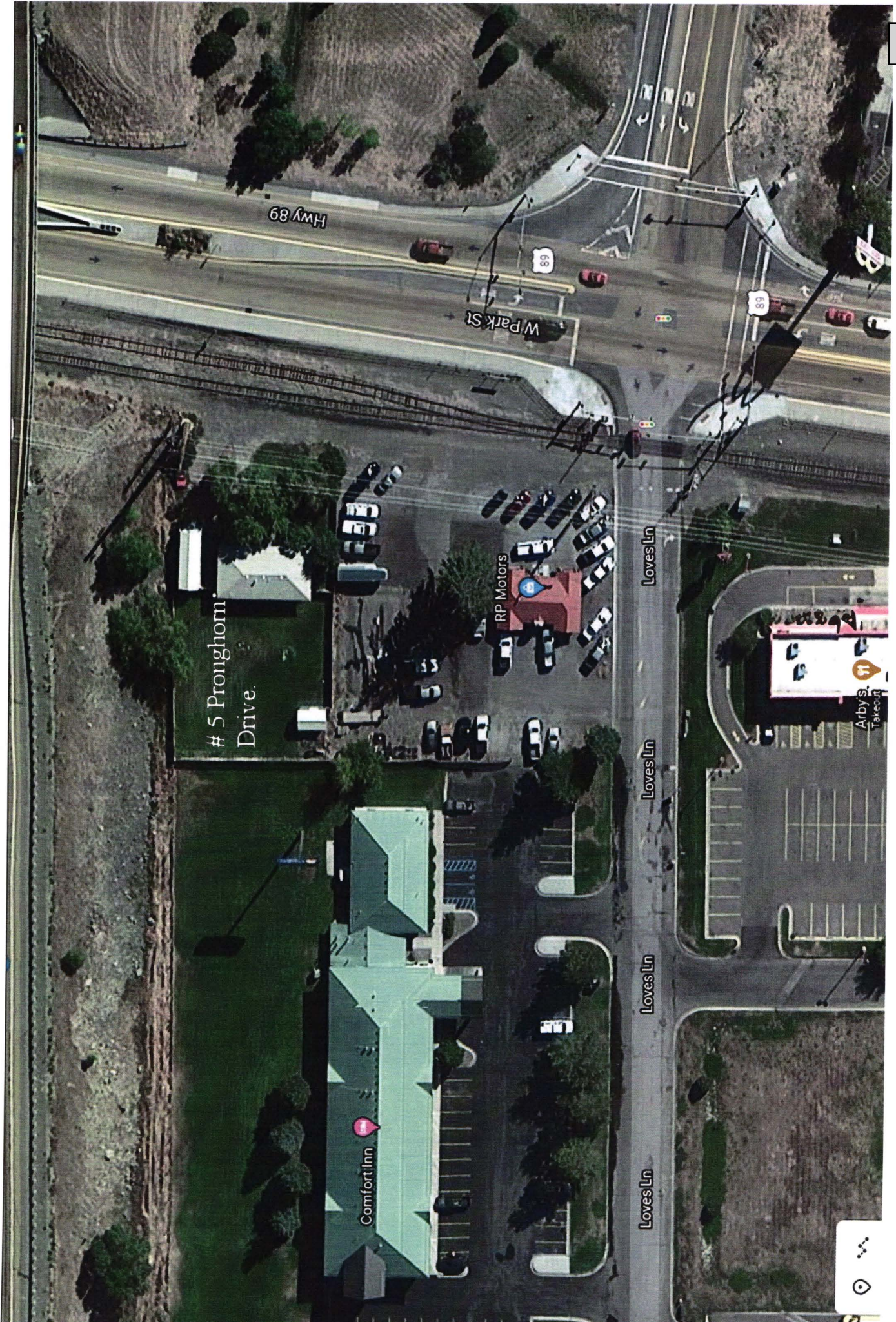
**PUBLIC NOTICE**

**NOTICE** is hereby given, a public hearing will be conducted by the Livingston City Commission on Tuesday, March 16, 2021, during a second reading of **RESOLUTION NO. 4941: entitled A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO ANNEX CERTAIN LAND WHICH ARE CONTIGUOUS TO THE CITY OF LIVINGSTON AND ARE DECRIBED AS 1 PRONGHORN LANE, 5 PRONGHORN LANE, 1 PRONGHORN DRIVE & 5 PRONGHORN DRIVE.** This hearing will be conducted via Zoom. All interested parties are invited to attend and give their comments. To join this meeting <http://us02web.zoom.us> Meeting ID: 890 8543 7403 Passcode: 514741 or by phone at (669) 900-6833. For additional information contact Faith Kinnick at (406) 823-6002.

Please publish Friday, February 26, 2021 and March 5, 2021.

Faith Kinnick  
City of Livingston  
February 5, 2021





# 5 Pronghorn Drive

Comfort Inn

RP Motors

Arby's Takeout

Hwy 89

W Park St

Loves Ln

Loves Ln

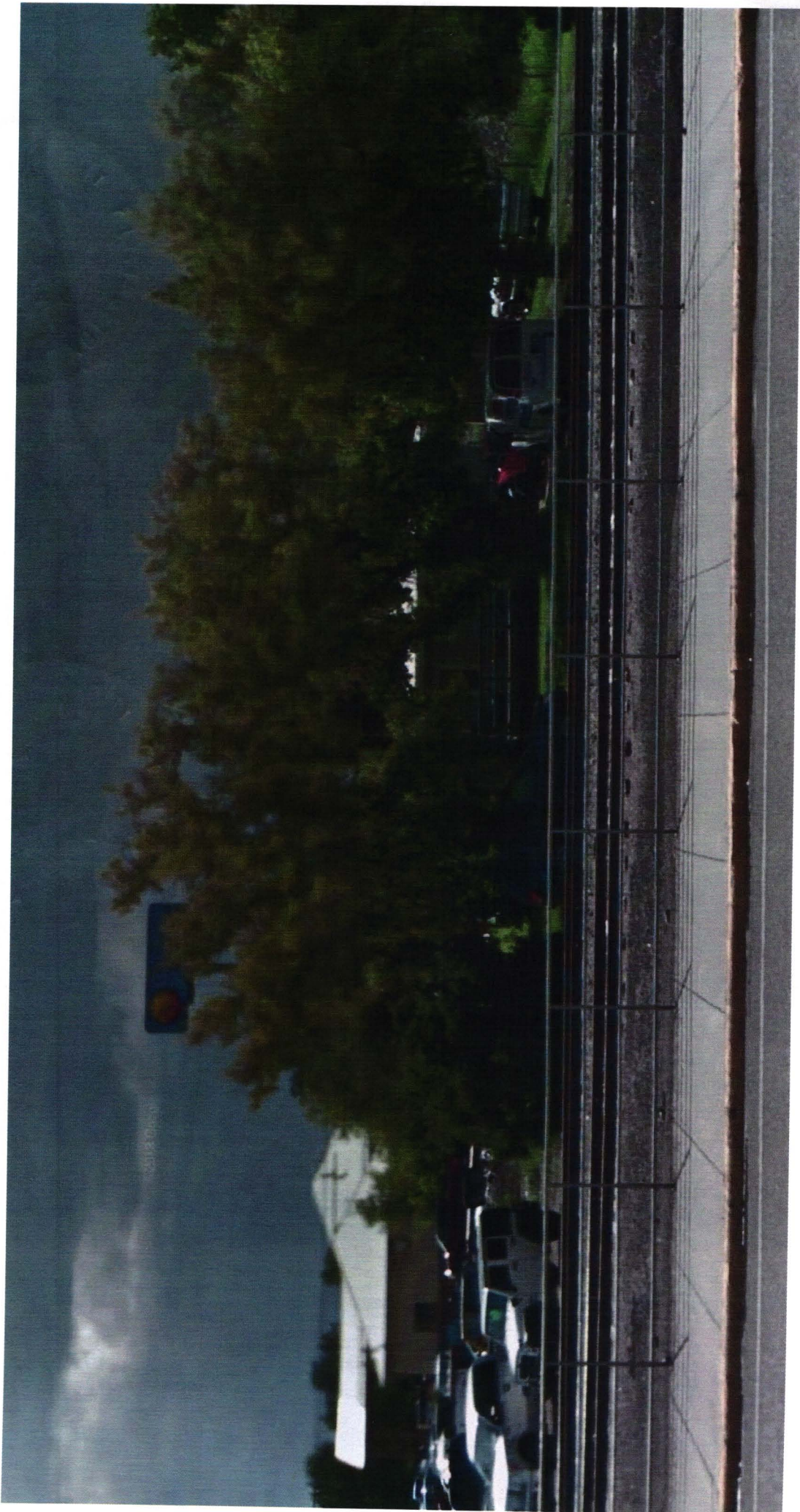
Loves Ln

Loves Ln

89

89





**ORDINANCE NO. 3009**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING PARCELS GENERALLY KNOWN AS 1 AND 5 PRONGHORN DRIVE AND LEGALLY DESCRIBED AS TRACT A OF PLAT 138, LESS .005 ACRES AND THE RIGHT OF WAY ON R-134-481, IN THE ACREVILLE SUBDIVISION, IN SECTION 23 OF TOWNSHIP TWO SOUTH, RANGE NINE EAST AND PORTIONAL LOT 14 IN PLAT 138, IN THE ACREVILLE SUBDIVISION, IN SECTION 23 OF TOWNSHIP TWO SOUTH, RANGE NINE EAST, AS HIGHWAY COMMERCIAL (HC).**

\* \* \* \* \*

**Preamble.**

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

\*\*\*\*\*

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

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

**WHEREAS**, the City Commission of the City of Livingston, Montana annexed the Subject Parcel by passing Resolution 4946 on March 16, 2021;

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

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

**WHEREAS**, the City of Livingston Zoning Commission, after a public hearing, voted unanimously (5:0) to recommend approval of the zoning of the parcel to Highway Commercial (HC) 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 a parcels addressed as 1 and 5 Pronghorn Drive and legally described Tract A of Plat 138, less .005 acres and the right of way on R-134-481, in the Acreville subdivision, in Section 23 of Township Two South (T02S), Range Nine East (R09E) and Portional Lot 14 in Plat 138, in the**

**Acreville subdivision, in Section 23 (S23) of Township Two South (T02S), Range Nine East (R09E) as shown in Exhibit A as Highway Commercial (HC).**

**SECTION 2**

**Statutory Interpretation and Repealer:**

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

**SECTION 3**

**Severability:**

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

**SECTION 4**

**Savings provision:**

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

**SECTION 6**

**Effective date:**

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

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

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

**ATTEST:**

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

\*\*\*\*\*

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

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

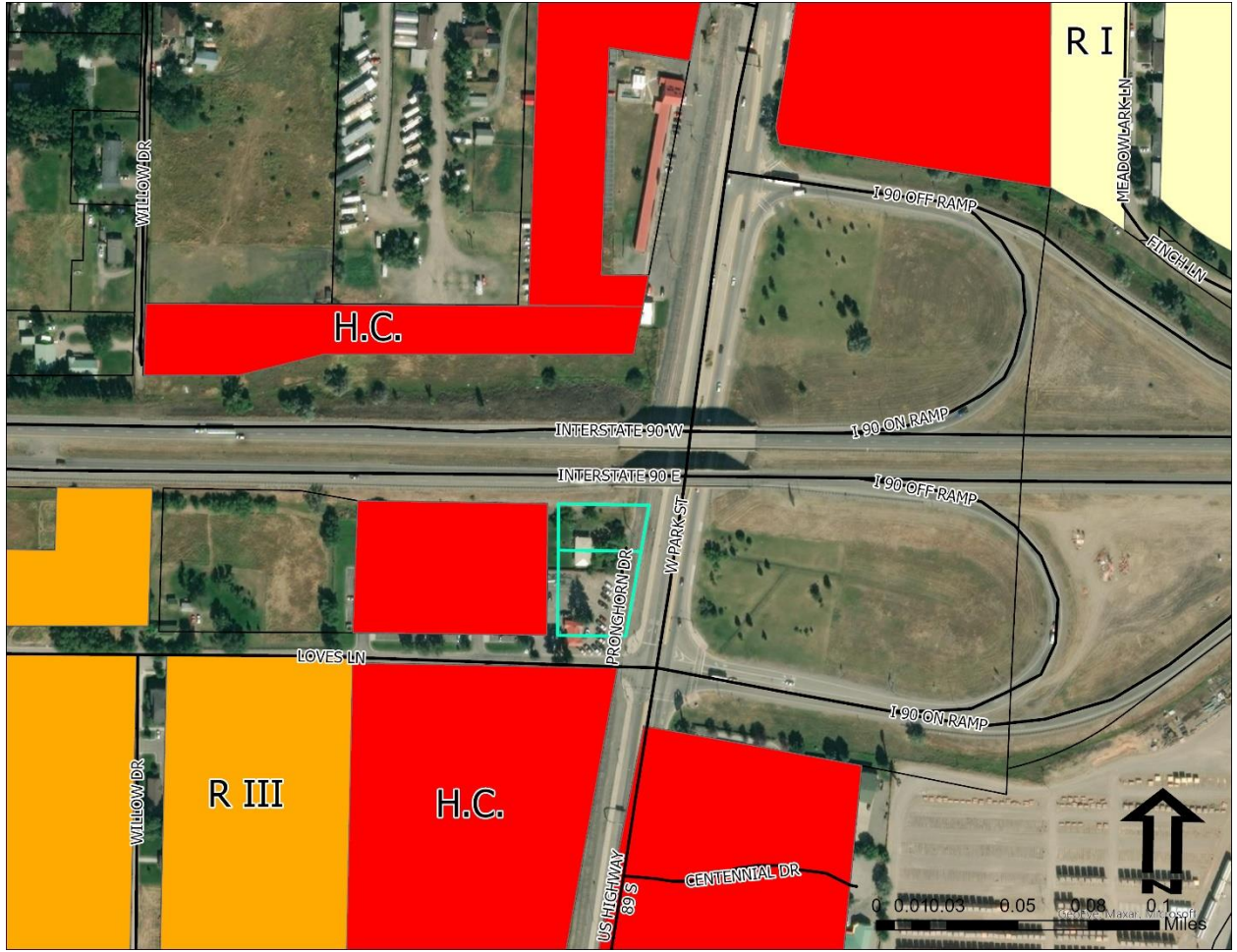
**ATTEST:**

**APPROVED AS TO FORM:**

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

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

EXHIBIT A



**File Attachments for Item:**

**C. ORDINANCE NO. 3010: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II AND ARTICLE V, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING AS IT PERTAINS TO PARKING LOTS AND LANDSCAPING.**

May 21, 2021

**STAFF REPORT**  
**TEXT AMENDMENT – PARKING AND LANDSCAPING STANDARDS**

**Background**

The City Commission has directed the Zoning Commission to explore the creation of zoning standards for “big box” retail, proposed to be known as “large-scale retail” under the Livingston Zoning Ordinance. The City has taken the first steps towards achieving this goal as the first reading of an ordinance update defining large-scale retail and subjecting all large-scale retail uses to the design standards of the Zoning Ordinance was approved by the City Commission and came into effect May 6, 2021. The proposed ordinance update (Attachment I) continues the Zoning Commission’s work on large-scale retail uses by ensuring buffering between different land use types, encouraging non-automotive transportation to generally auto-centric land use types, and minimizing large unbroken parking areas and their impact.

**Proposed Findings of Fact**

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

The proposed updates address the following items:

- Updated definition of tree types and relocated tree definitions to the Definitions Section of the Zoning Ordinance
- Dimension requirements for parking spaces and drive aisles
- Parking lot surfacing, access, and location requirements
- Shared use parking and parking reduction allowances
- Large-scale retail parking requirements
- Loading area standards
- Bicycle parking requirements
- Pedestrian connectivity requirements
- Relocation of the parking and loading landscaping requirements to the parking section of the Zoning Ordinance
- Updated landscape buffer requirements
- Landscaping buffer between parking areas and State Highways

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

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

**Staff Comments:**

- Objective 1 of Goal 2 (p. 2) reads “Review and update Livingston’s roadway entrancements to maintain a vibrant community appearance”.



Updating the landscaping buffer requirements and requiring landscaping between parking areas and State Highways works towards achieving this goal.

- Though not yet adopted, the proposed update is consistent with what has been encouraged through the Growth Policy public input process, including:
  - Encouraging trips by foot and bicycle
  - Encouraging native plantings
  - Encouraging the planning of trees and other vegetation
  - Regulating and minimizing the impact of “big box” uses

*(b) designed to:*

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

Staff Comments:

- The proposed updates should improve fire safety. Requiring native and drought resistant plantings should have significantly lower fire risk than non-native plantings which are not adapted to be fire resistant.
- Planning Staff has reached out the Fire Chief, Ken MacInnes, who has stated that the Fire Department has no concerns with the proposed dimensional standards for parking spaces and drive aisles (Attachment II).

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

Staff Comments:

- Requiring bicycle parking and pedestrian connectivity encourages additional trips to be taking by foot or bicycle, promoting public health for the walker or cyclist, and the community at large.
- Access location requirements are designed to minimize vehicular crossings of the sidewalk, promoting public safety by limiting the number of potential locations for vehicles to hit pedestrians on the sidewalk.
- Landscaping standards requiring trees promote general welfare by providing general ecosystem services such as dust mitigation and shade, and mitigate the urban heat island effect.

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

Staff Comments:

- The proposed zoning update should have no negative effect on the provision of services.
- Requiring native, drought resistant plantings should minimize the amount of water used to irrigate landscaping.

- Requiring bicycle parking and pedestrian connectivity should encourage more trips by foot and bicycle, lessening the impact of development on transportation systems.

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

*(a) reasonable provision of adequate light and air;*

Staff Comments:

- The proposed amendments should not have any impact on light and air, no changes to setbacks or building heights are proposed.

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

Staff Comments:

- The proposed updates should have a positive effect on nonmotorized and motorized transportation systems.
- The requirement for bicycle parking and pedestrian connectivity is a benefit to nonmotorized transportation as it ensures individuals can walk to their destination easily, and ensures that cyclists have a secure location to store their bicycle. Increase in mode share for bicycle and pedestrian trips also lowers the number of automobile trips, lessening the impacts of development of the existing street network.
- Setting dimensional standards for loading areas should ensure that streets are not blocked by parked vehicles.

*(c) promotion of compatible urban growth;*

Staff Comments:

- The updates do not address uses, and the existing landscaping requirements within the Zoning Ordinance address the buffering of incompatible uses.

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

Staff Comments:

- As noted above, the proposed changes do not address uses.
- Landscaping buffers are designed to protect the character of districts, and the requiring of native plantings ensures that the buffers reflect the native context and flora.

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

Staff Comments:

- The proposed Zoning Amendment should not have negative effect on the value of land. Trees and landscaping are generally believed to have a positive effect on nearby property values.

**Public Hearing**

The Zoning Commission voted unanimously (5:0) to recommend approval of the proposed zoning amendments with one change. The Zoning Commission voted to remove the word “xeriscaping” from the proposed updates over concerns that it would encourage landscaping to be comprised solely of gravel. This change has been reflected in the ordinance provided as Attachment I.

Other than the one change noted above, the proposed language provided to the Commission is identical to that provided to the Zoning Commission.

**Staff Recommendation**

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

**Attachments**

- Attachment I.....Draft Ordinance
- Attachment II.....Correspondence with Fire Chief MacInnes

**ORDINANCE NO. 3010**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II AND ARTICLE V, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING AS IT PERTAINS TO PARKING LOTS AND LANDSCAPING.**

\* \* \* \* \*

**Preamble.**

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

\*\*\*\*\*

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

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

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

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

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

**SECTION 1**

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

Article II. - Definitions

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

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

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

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

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

Alley: See Street.

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

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

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

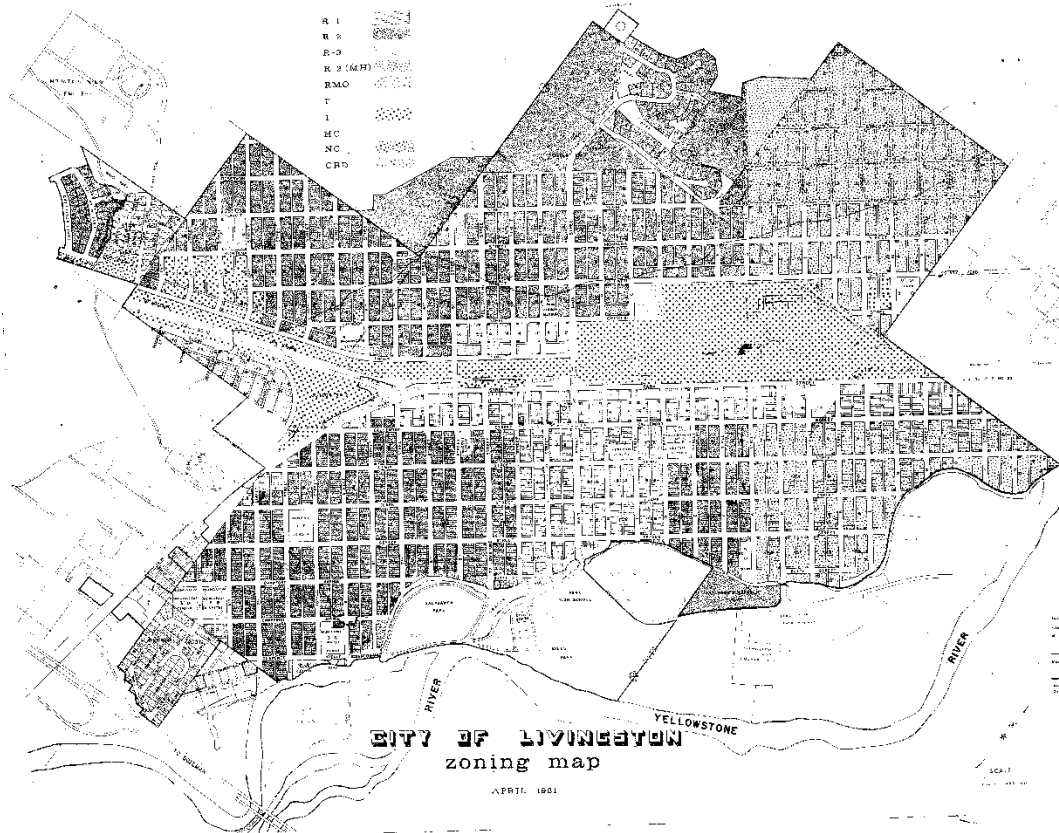
"Board" means the Board of Adjustment of the City of Livingston.

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

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

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

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



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

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

"Drive-in restaurant" means a use whose retail character is dependent upon a driveway approach and parking space for motor vehicles so as to either serve customers while in the vehicle or permit consumption of food or beverages obtained on the premises, in a vehicle.

Dwelling (types of):

- a. "Dwelling, one (1) family" means a building designed for occupancy by one (1) family and containing one (1) dwelling unit.
- b. "Dwelling, two (2) family (duplex)" means a building designed for occupancy by two (2) families living independently of each other, and containing two (2) dwelling units.
- c. "Dwelling, multiple" means a building designed primarily for occupancy by three (3) or more families living independent of each other, and containing three (3) or more dwelling units.
- d. "Dwelling, accessory" means one (1) independent dwelling unit which is smaller in area and subordinate in use to the principal one (1) family or two (2) family dwelling, or townhouse, on the same lot, whether attached or detached.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Planning board" means the Livingston City Planning Board.

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

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

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

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

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

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

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

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



"Setback" means the distance from the corresponding lot line, as defined herein, to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the lot line. A required setback refers to a space on a lot which is open, unoccupied, and unobstructed by any structure or portion of a structure; provided, however, that allowed encroachments as listed in Section 30.42, fences, walks, poles, small accessory use structures as defined herein, posts, other customary yard accessories, sidewalks, terraces, and swimming pools may be permitted in any setback subject to height limitations and requirements limiting obstruction of visibility in Section 30.52 of Article V.

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

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

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

Street:

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

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

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

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

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

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

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

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

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

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

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

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

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

Article V. - Supplementary General Requirements

Sec. 30.50. - Signs.

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

B. Definitions.

1. "Animated sign" means a sign with action or motion, flashing or intermittent lights and/or color changes requiring electrical energy, electronic or manufactured sources of activation, but not including wind-activated elements such as flags and banners.
2. "Awning signs" means a sign which is an integral part of a window awning assembly, to include the printing or painting of words onto awning material.
3. "Billboard signs" means any standard outdoor advertising sign larger than two hundred (200) square feet in area which is designed to advertise products, services or businesses not located on the premises on which the sign is located.
4. "Free standing signs" means a sign which is supported by one (1) or more columns, uprights, or braces and is permanently fixed in the ground.
5. "Monument sign" means a sign, single- or double-sided mounted, flush with the surface of the grade upon which sets the business, industry, or other commercial enterprise which the sign advertises. A monument sign must be landscaped with grass, shrubs or other plants or other landscape material in an area not less than three (3) feet surrounding such sign in all directions.
6. "Revolving sign" means a sign which revolves three hundred sixty (360) degrees.
7. "Menu board" means a sign specifically designed to advise customers of the menu of food available in the establishment by which the menu board is owned.
8. "Reader board" means a sign designed to allow the letters on the sign to be altered, removed and added.

- 9. "Marquee sign" means a specific type of reader board but restricted to use by active movie theaters.
- 10. "Temporary sign" means a sign made of paper, or some other limited life-span material advertising a short-term event, like a sale. Temporary signs are not subject to inclusion in a business' sign square footage measurement. Temporary signs shall be removed within twenty-four (24) hours after the completion of the advertised event.
- 11. "Projecting sign" means a sign installed on the facade of a building which is attached to such building in a perpendicular manner or at an angle to the building wall.
- 12. "Sandwich board sign" means a sign painted on both of the outside of two (2) boards fastened together at the top with a hinge-like device, designed to be placed on the sidewalk area in front of an establishment.
- 13. "Sign" means any device designed to inform or attract the attention of persons not on the premises on which the sign is located, including, but not limited to, signs described in subsections (B)(1) through (B)(12) of this Section. For the purpose of determining number of signs, a sign will be considered to be a single display device with not more than two (2) display surfaces (back-to-back) or display device containing elements organized, related and composed to form a unit. For measurement purposes, the square footage of a sign which employs back-to-back display surfaces will only be considered as the square footage of one (1) side of that sign. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element will be considered a separate sign.
- 14. Square Footage. The square footage of a sign shall be measured as the product of the total linear foot measurement multiplied by the total height measurement. The linear measurement shall be attained by measuring from the leftmost edge of the sign, continually measured to the rightmost edge of the sign. Any mounting material shall be part of the measurement.
- 15. "Actual business premises" means the owned or leased real property from which the primary business is actively transacted.
- 16. "Off-premises sign" means a sign located on property other than the actual business premises.
- 17. "Banner signs" means a strip of cloth, plastic or other material displaying advertising or other information.
- 18. "Portable sign" means any sign designed to be easily moved or transported whether by carrying, by mounted wheels, by trailer or otherwise.
- 19. "Voluntary modification" means any modification to an existing sign which reflects a conscious business or personal decision. This may include a change in corporate color scheme, change of logo, or any other change which would require the replacement of existing sign faces. It does not include the replacement or repair of sign faces with new, identical faces as part of normal maintenance or due to damage by wind, fire or other hazard.

C. General.

- 1. Nothing in this Section shall be interpreted as prohibiting or excluding such signs as are required by law. This includes legal notices and advertisements prescribed by law or posted by any lawful officer or agent.
- 2. Any sign which is readily visible from the public right-of-way in an exterior window of a building, whether on the external or internal side of the window, shall be regulated by the provisions of this Section. Temporary sale signs are excluded, however, no single temporary sign shall exceed six (6) square feet in size, and the total of all such temporary signs shall not exceed fifty (50) percent of the transparency of the window in which they are visible.
- 3. All signs as permitted by this Section shall be maintained by the owner and kept in good repair and shall be painted and repaired at reasonable intervals. The surface of the ground under and about any sign shall be kept clear of weeds, rubbish and flammable waste material.

4. All signs shall be designed and constructed in accordance with the Uniform Sign Code.
  5. A permit must be obtained from the Building Official by the person who is erecting the sign prior to the construction of any sign, except for those signs listed in subsection E of this Section.
  6. Signs not in use by reason of change of occupancy or use by vacation of the building shall be removed within thirty (30) days of such change by the owner of the sign, or the owner of the property. The City has the option of removing such sign at the end of the thirty (30) day period after giving fifteen (15) days' written notice by certified mail to the owner, and upon such removal, the full charges of removal shall constitute a mechanic's lien against the real property enforceable pursuant to State law.
  7. All existing signs that have been constructed pursuant to City sign permits and variances through the official date of the ordinance codified in this Section (Ord. 1749 effective date, October 20, 1993) shall be grandfathered and do not have to conform as to the height, size or prohibited signs subsections of this Section. Other provisions of this Section shall apply to existing signs. Grandfathered signs which are voluntarily modified must meet all requirements of this Section. Signs which have previously been granted variances may continue to exist within the parameters of those variances.
  8. The Building Official shall be responsible for the enforcement of this sign ordinance.
  9. All buildings with more than one (1) business occupant must submit to the Board of Adjustment a master signage plan which identifies the number and location of all potential signs on the property before any sign permits may be issued. For properties located in the Downtown Historic District, this master plan will be submitted to the Historic Preservation Commission. Any deviation from an approved master plan must be approved by the appropriate body prior to permit issuance.
  10. Pre-existing multi-occupant buildings will not be issued any new sign permits until a master plan is approved by the appropriate body.
  11. Any sign variance issued to multi-occupant property shall constitute an amendment to that property's signage master plan.
  12. All signs located in the Historic Preservation District must comply with the requirements of the Historic District Overlay Zoning.
- D. Prohibited Signs.
1. No animated signs shall be erected in any zoning district, except time and temperature signs which may be erected in the Central Business District only and existing lighted signs in the Downtown Historic Preservation District which flash, chase, move, revolve, rotate, blink, flicker or vary in intensity or color; however, such lights must be turned off when the business is closed.
  2. No revolving sign may be permitted in any district.
  3. No billboard sign shall be erected in any zoning district.
  4. In the Central Business District Zone, no backlit signs are allowed.
  5. Visibility at Corners, Alleys and Driveway Approaches. On the street side of all lots where an alley or driveway enters the street right-of-way, and on all corner lots, a triangular clear vision zone shall be maintained. The zone shall measure ten (10) feet into the lot, as measured from the edge of the sidewalk nearest the property line, and twenty (20) feet parallel to the street measured from the edge of any alley, driveway or street corner along the edge of the sidewalk nearest the property line. No structure of any kind over three (3) feet in height shall be erected or maintained within the above defined clear vision zone. If no sidewalk exists, the point of reference for all measurements shall be determined by the Building Official.
  6. Notwithstanding any other provisions contained in this Section, no free standing sign shall be erected or maintained upon any spire, chimney, cupola, water tank, water tower, radio aerial or television antenna.

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

- b. The maximum allowable size for each sign shall be twelve (12) square feet.
- c. Illuminated signs shall be illuminated only as long as the advertised business is open.
- d. No sign shall be erected or placed closer than five (5) feet to the lot line adjacent to the street.

G. Signs in Commercial and Industrial Districts Requiring a Permit.

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

right-of-way). Properly permitted sandwich board signs not to exceed six (6) square feet per side are excepted from this provision provided that they shall be limited to one (1) per twenty-five (25) feet of building frontage and may only be located in front of the business being advertised. The City Commission, upon request from a property owner in front of whose property a sign is to be located, may, where deemed in the public interest, allow a sandwich board sign to be placed other than in front of the business being advertised.

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

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

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

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

~~A. General. Each off-street parking space shall have a net area of not less than one hundred eighty (180) square feet exclusive of driveways or aisles and shall be of usable shape and condition.~~

Table 30.51. Parking stall and drive aisle dimension requirements.

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

<u>Parking Angle</u>	<u>Parking Stall Length</u>	<u>Parking Stall Width</u>	<u>Drive Aisle Width One-Way/Two-Way</u>
<u>90°</u>	<u>18'6"</u>	<u>9'</u>	<u>—/24'</u>

1. Parking lots for all multi-family residential, commercial, industrial and mixed-use development shall be paved. Gravel parking areas are not permitted for any use other than single-family residential. Pervious pavers and green paving systems are encouraged.
2. Parking areas are encouraged to utilize as little land area as possible to meet the minimum parking standards. Overparking, or adding more parking spaces and area than required by the minimum standards, is highly discouraged.
3. To minimize vehicular conflicts on roadways and vehicular crossings of the sidewalk, the preferred access to parking areas for all uses are alleyways. Where alleyways are not an available or feasible option for parking access, uses are encouraged to utilize shared access points. Parking areas should be accessed from side streets rather than major roadways throughout the City.

B. Location. Off-street parking facilities shall be located as hereafter specified: any distance specified shall be in walking distance measured from the nearest point of the parking facility to the nearest point of the lot that such facility is required to serve:

1. For one (1) family, two (2)family, and accessory dwellings: Off-street parking is required on the same lot or an adjoining lot with the building they are required to serve.
2. For multiple dwellings and townhouses: Off-street parking is required within a walking distance of one hundred (100) feet.
3. For hospitals, sanitariums, convalescent homes, nursing homes, rest homes, homes for the aged, asylums, retirement homes, rooming and boarding houses: Off-street parking is required within six hundred (600) feet.
4. For uses other than those specified above: Off-street parking within five hundred (500) feet is required.
5. For large-scale retail uses: Off-street parking is required to be on the same lot and to the rear or side of the primary structure on the lot.

C. Expansion or Enlargement. Whenever any building is enlarged in gross floor area by more than ten (10) percent, off-street parking shall be provided for the expansion or enlargement portion only in accordance with the requirements of this article. Nothing in this provision shall be construed to require off-street parking spaces for the portion of such building previously existing before enlargements or for existing buildings that undergo a change in use.

D. Non-Conforming Use. Voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, even though non-conforming, is allowed and encouraged.

E. Mixed Occupancies. In the case of mixed uses, the total requirements for the various uses shall be computed separately. Off-street parking facilities for one use shall not be considered as a substitute or for joint use.

F. Use Not Specified. In the case of a use not specifically mentioned in a zone, the requirements for off-street parking facilities shall be determined by the City Superintendent Zoning Coordinator or their authorized representative. Such determination shall be based upon the requirements for the most comparable use listed.



- G. Joint Use. The ~~Building Official~~Zoning Coordinator or ~~their~~his authorized representative may authorize the joint use of parking facilities for the following uses or activities under conditions specified:
1. Up to fifty percent of the parking facilities required for primarily "night time" uses such as theaters, bowling alleys, bars, restaurants and related uses may be supplied by certain other types of buildings or uses herein referred to as "day time" uses such as banks, offices, retail, personal-service shops, clothing, food, furniture, manufacturing or wholesale and related uses.
  2. Up to one hundred percent of the parking facilities required for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses primarily of a day time nature.
  3. In mixed-use developments, up to 50% of the parking facilities required for the residential use may be supplied by the related day time commercial or light industrial uses. The commercial or light industrial use must be closed between 6 p.m. and 8 a.m. to be considered for joint use parking
- H. Conditions Required for Joint Use. The building for which application is being made to jointly utilize the off-street parking facilities provided by another building shall be located within 500 feet of such parking facilities.
- The applicant must show that there is no substantial conflict in the principal operating hours at the two buildings or uses for which joint use of off-street parking facilities as is proposed.
- The applicant must also present a legal agreement executed by the parties concerned for joint use of off-street parking facilities.
- I. Central Business District. In the Central Business District Zone any commercial enterprise that is required to meet the minimum standards for off-street parking, shall be required to have only fifty (50) percent of the parking space requirements in the Table of Minimum Standards. Apartment units in the Central Business District shall meet the full parking space requirements.
- J. Table of Minimum Standards — Off-Street Parking. Parking spaces shall be required as set forth in the following table, and where alternatives or conflicting standards are indicated, the greater requirements shall apply; Where the total quota results in a fraction, the next highest full unit shall be provided; and in case of a use not specifically mentioned, the requirements of the most similar mentioned use shall apply.

USE	SPACE REQUIRED
Bowling alleys.	Five per alley.
Medical and dental clinic.	One per 200 square feet of gross floor area.
Banks, business and professional offices with on-site customer service.	One per 400 square feet of gross floor area.
Offices not providing on-site customer services.	One per 4 employees or one per 800 sq. ft. of gross floor area, whichever is greater.
Mortuaries.	One per 5 seats in the principal auditorium.
Manufacturing uses, research testing, and processing, assembling, all industries.	One per 2 employees on maximum shift but not less than one per each 800 square feet of gross floor area.

Libraries and museums.	One per 500 square feet of gross floor area.
Schools, elementary and junior high, public, private or parochial.	One per each employee.
School, high school, public or private.	One per each employee and one per 5 students.
Service stations and drive-in restaurants.	One per 80 sq. ft. gross floor area, with 10 spaces minimum requirement.
Residential, single-family.	2 per dwelling unit.
Residential, duplex or multi-family.	2 per dwelling unit for first 4 dwelling units, then 1.5 for each dwelling unit thereafter.
Boarding houses and similar uses.	One per dwelling unit or lodging unit.
Convalescent homes, nursing homes, rest homes	One per 6 beds plus one per each staff member on duty on a maximum shift.
Warehouses, storage and wholesale business and freight terminals.	10 spaces for the first 20,000 square feet of gross floor area* and one space for each additional 10,000 square feet.
Food or beverage places with sale and consumption on premises.	One per 100 sq. ft. of gross floor area for the first 4,000 sq. ft. with 10 spaces minimum requirement and one space for each additional 300 square feet.
Furniture, appliance, hardware, clothing, shoe, personal-service stores.	One per 600 square feet of gross floor space.
Motor vehicle, machinery, plumbing, heating, ventilating, building material supplies, sales and service.	One per 1,000 sq. ft. of gross floor area plus one per three employees.
Retail stores or service businesses not otherwise named.	One per 500 square feet of gross floor area.
<u>Large-scale Retail</u>	<u>One per 800 sq. ft. of gross floor area.</u>
Retirement homes, housing projects for senior citizens.	1-6 dwelling units 0.5 per dwelling unit; 7-18 dwelling units 0.33 per dwelling unit; over 18 dwelling units 0.25 per dwelling unit; minimum of 5 spaces.

Motels, hotels and motor courts.	One per sleeping room.
Hospitals and institutions.	One per 3 beds plus one per 3 employees.
Theaters.	One per 10 seats.
Health and exercise establishment	One per 200 square feet of gross floor area plus 3 per court
Churches, auditoriums and similar open assemblies.	One per 5 seats or one per 100 linear inches of pew or one per 65 sq. ft. of gross floor area used for assembly purposes, whichever is greater.
Stadiums, sport arenas and similar open assemblies.	One per 8 fixed seats plus one per 100 sq. ft. of assembly space without fixed seats.
*In calculating minimum required parking, gross floor area shall not include car ports and garage areas.	

K. Up to 20% of the parking spaces required in the Table of Minimum Standards may be replaced by enlarged landscaped areas, stormwater swales, or social areas. Enlarged landscaped, stormwater, or social areas must be equivalent or greater in total square footage to the parking spaces being replaced.

LK. Traffic Control Devices. All traffic control devices such as parking stripes designating stalls, directional arrows, rails, curbs and other developments shall be installed and completed as shown on the approved plans. Hard-surfaced parking areas shall use paint to delineate stalls and directional arrows.

ML. Screening Required. Screening in the form of walls, architectural fences or dense coniferous hedges shall be required where the parking lot has a common boundary with any residentially zoned property. Such screening shall be located no closer than three feet from the property line and shall be properly maintained.

NM. Lighting Restrictions. Lighting of areas to be provided for off-street parking shall be so arranged to not constitute a nuisance or hazard to passing traffic, and where the lot joins any residentially zoned property, the illuminating devices shall be so shaded and directed to play away from residentially classified property.

ON. Maintenance. Maintenance of all areas provided for off-street parking shall include removal and replacement of dead and dying trees, grass and shrubs, removal of trash and weeds, repair and maintenance of drains and repair of traffic control devices, signs, light standards, fences, walls, surfacing materials, curbs and railings.

PE. Off-Street Loading Warehouse and Wholesale. Off-street loading space for warehouse, wholesale shipping and similar facilities shall be determined by the Building Official or his authorized representative.

QP. Off-Street Loading, Retail and Commercial. In any building or part thereof having a gross floor area of 10,000 square feet or more, which is to be occupied by a use requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space, plus one additional loading space for each 20,000 square

feet or major fraction thereof of twenty (20) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height.

Q. Standards for Commercial and Industrial Uses.

1. Off-Street Loading, Retail and Commercial. In any building or part thereof having a gross floor area of 10,000 square feet or more, which is to be occupied by a use requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space, plus one additional loading space for each 20,000 square feet or major fraction thereof of twenty (20) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height. Loading areas shall be located to the rear of the building and shielded from view from the neighboring properties and rights-of way. Loading areas shall not extend into the public right-of-way.
2. Parking areas shall ~~are encouraged to~~ be located to the side and rear of the primary building on site.
3. Parking areas shall have engineered stormwater retention and/or detention systems consistent with the City of Livingston Design Standards and Specifications Policy to prevent runoff into adjacent properties and rights-of-way. Collected stormwater is highly encouraged to be reused to irrigate on-site landscaping.

R. Bicycle Parking

a. Bicycle Parking Standards and Design.

- i. In all multi-family residential, commercial, industrial and mixed-use development, the amount of provided bicycle parking shall be no less than 10% of the required automobile parking spaces. In buildings with less than 20 parking spaces, two (2) bicycle parking spaces shall be required. Buildings with existing bicycle parking in the adjacent right-of-way may waive the required bicycle parking spaces if the number of bicycle parking spaces provided within the adjacent right-of-way is equal to or greater than the number of spaces required by this regulation. Where there are five (5) or more bicycle spaces required, 20% of those spaces shall be for bicycles with trailers.
- ii. A bicycle parking space shall be no less than three (3) feet wide by six (6) feet long. Bicycle with trailer spaces shall be no less than three (3) feet wide by ten (10) feet long.
- iii. The preferred bike rack styles are inverted U or post and loop racks.

b. Bicycle Parking Location.

- i. In all commercial, industrial and mixed-use development, bicycle racks designed to allow bicycles to be securely locked to them must be provided as close as possible to the main entrance of the building, and must be in a location visible from the public right-of-way.
- ii. Buildings with multiple entrances are highly encouraged to place bicycle racks at each entrance.
- iii. Multi-family residential developments are encouraged to provide secure and sheltered bicycle parking.

S. Pedestrian Walkways. Multi-family residential, commercial, industrial and mixed-use development shall provide pedestrian walkways. A system of pedestrian walkways is required to connect each primary use structure on-site to the following: adjacent public sidewalks, on-site parking, other on-site primary use structures, bicycle parking areas, and common outdoor use areas.

T. Landscaping Requirements for Parking and Loading Areas. Screening, in the form of trees, hedges or other vegetation shall be required between commercial, industrial and multi-family parking,

loading and/or storage areas and any public right-of-way. Such screening shall be entirely on private property, shall be a minimum of four (4) feet in height, and shall not constitute a safety hazard for vehicular or pedestrian movement as defined in Section 30.52 of the Livingston Municipal Code. Decorative walls or fencing or earthen berms may also be used in combination with vegetative screening subject to review and approval of the City.

- 1. General Requirements for Landscaping Plantings. All landscaping shall consist of native, drought-resistant plantings and should be planted using a variety of species planted in an informal arrangement. The use of food producing plantings and pollinator friendly plantings are preferred.
- 2. Planting, watering, and upkeep of all plantings shall be the perpetual responsibility of the owner. In particular, sufficient watering shall be provided to assure the survival of all plantings.
- 3. Perimeter plantings, when mature, shall provide at least 50% screening of the parking areas using dense deciduous clusters or evergreen trees. A mix of dense hedge clusters and small open spaces is allowed.
- 4. Parking lots are encouraged to be broken into smaller areas surrounded by landscaping to minimize large unbroken paved areas. Large deciduous trees are encouraged in the interior of parking lots. Denser hedges are encouraged around the perimeter of parking lots.

U. Landscaping Requirements for the Interior of Parking Areas.

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

Sec. 30.52. - Fences and hedges.

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

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

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

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

C. Prohibited Fences. No electric fences shall be permitted in any zoning district. No barbed wire fence shall be permitted in any residential zoning district.

D. Prohibited Locations. No fence, wall or hedge shall be erected or maintained in a public street or right-of-way.

E. Prohibited Materials. All fences shall be constructed from approved fencing materials and shall not be constructed from railroad ties, rubble or salvage.

Sec. 30.53. - Animals.

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

Sec. 30.54. - Motor vehicles or parts.

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

Sec. 30.55. - Home occupations.

A. General.

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

B. Definitions.

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

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

1. No person shall be employed other than the residents of said dwelling.
2. The occupation shall be conducted wholly within the dwelling or within an accessory building located on the property.
3. The gross floor area devoted to the occupation shall not exceed fifteen (15) percent of the total gross floor area of the dwelling unit plus accessory buildings on the property.
4. The occupation shall not impose upon adjacent residences unreasonable burdens due to noise, vibration, glare, fumes, odors, hours of operation, traffic, or electrical interference. The above shall not be detectable by normal sensory perception beyond the dwelling or accessory building in which the business is located.

5. Direct sales of products off display shelves or racks is not allowed, but a person may pick up an order which was placed earlier by telephone or at a sales party.
6. There shall be no signs erected other than those allowed by this ordinance in residential districts.
7. A minimum of one off-street parking space for each business related vehicle shall be provided on the property. Each parking space shall meet minimum standards for off-street parking established elsewhere in this code.
8. Commercial deliveries shall not restrict regular traffic. Deliveries made by tractor trailer vehicles to home occupations are prohibited in a residential area.
9. There shall be no display or evidence apparent from the exterior of the lot that the premises are being used for any purpose other than that of a dwelling, except for the permitted sign.
10. Outdoor storage of materials for the home occupation is prohibited.
11. No toxic, flammable, hazardous, or explosive industrial substances shall be used or stored on the premises unless registered with the Local Emergency Planning Committee. Said premises shall be subject to regular fire inspections.
12. No home occupation shall be permitted without the prior issuance of a home occupation permit or home occupation conditional use permit.

D. Enforcement.

1. The permit shall be valid only for the proposed business as operated by the applicant. The permit shall be non-transferable either to another property or to another owner or operator. It may be revoked upon sufficient showing that a permit holder is violating the terms of the permit.
2. The business shall be subject to regular inspections by the City Fire Marshal and/or the City Building Inspector. The inspections shall be done during regular business hours.
3. The Building Official shall be responsible for enforcing this section of this ordinance, and shall report any violations to the Livingston City Attorney.

E. Compliance. It is the intent of this subsection to provide the Building Official with the means to enforce the Home Occupation section of this ordinance.

1. Businesses shall be divided into two categories based on the expected impact they will have on the residential neighborhood they are proposed for.
  - a. A Major Home Occupation is one which can be expected to have some impact on the neighborhood it is proposed for. It is one which has some visible evidence of the occupation and shall accommodate both the residential and business related parking needs on the property. Additional characteristics include:
    - (1) The business may have a sign; or
    - (2) The business may create some additional traffic for deliveries and customers.
  - b. A Minor Home Occupation is one which has no visible exterior evidence of the conduct of the occupation, which does not generate additional traffic, and in which no equipment other than that normally used in household, domestic, or general office use. Additional characteristics may include:
    - (1) The business shall not have a sign.
    - (2) No use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence shall be allowed.
    - (3) No hazardous, flammable, explosive or toxic industrial substances may be used in a minor home occupation.

- 2. All Home Occupations in existence at the time of the adoption of this Ordinance and all new home occupations which fit the criteria of a minor home occupation shall be required to get a Home Occupation Permit.
  - a. The purpose of the Home Occupation Permit is to ensure compliance with this section of the Ordinance.
  - b. The Home Occupation Permit may be issued by the Building Inspector upon application by the owner of a Home Occupation.
  - c. The application shall be accompanied by a floor plan for the residence with the area to be used for the business clearly marked.
  - d. The application shall be accompanied with a fee of twenty dollars (\$20.00) to cover processing.
- 3. All new Major Home Occupations shall be required to be reviewed by the City Board of Adjustment for a Home Occupation Conditional Use Permit.
  - a. The Home Occupation Conditional Use Permit process shall be initiated by application to the City Zoning Administrator.
  - b. The Zoning Administrator shall review the application for completeness and prepare it for review by the City Board of Adjustment.
  - c. The Zoning Administrator shall schedule a public hearing, advertise it two (2) times beginning at least fifteen (15) and not more than thirty (30) days prior to the public hearing date.
  - d. The Zoning Administrator shall notify the adjoining landowners within three hundred (300) feet of the proposed Home Occupation location, on the proposed business, and the date of the public hearing by mail at least fifteen (15) days prior to the date of the public hearing. The request shall be posted on the property at least ten (10) days prior to the public hearing.
  - e. The City Board of Adjustment shall conduct the public hearing and decide on the application.
  - f. The City Board of Adjustment shall have the power to require any mitigating measures it deems necessary to protect the public health, safety and welfare.
  - g. The Special Review shall have a fee of fifty dollars (\$50.00).

(Ord. No. 2022, § 3, 9/7/10)

Sec. 30.56. - Mobile homes.

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

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

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



by a professional engineer or architect, or which has been specified by the mobile home manufacturer.

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

(Ord. 1813, 8/21/95)

Sec. 30.56.1. - Manufactured homes.

- A. Manufactured homes are permitted in all residential zoning districts. Any manufactured home or replacement of any existing manufactured home must contain a minimum of one thousand (1,000) square feet.
- B. All manufactured homes must be placed on a permanent foundation. For the purpose of this part a permanent foundation means a standard footing-type, perimeter foundation built to frost depth, with or without a basement.
- C. A manufactured home of less than 1000 square feet may be placed if it meets all of the following conditions:
  - a. The structure is on a permanent foundation.
  - b. The tract or parcel of land for the proposed use must be owned by a unit of local government or a community housing development organization.
  - c. The home must be used to provide affordable housing to households earning less than 80% of the area median income.
  - d. A management plan from the local government or community housing development organization addressing the following factors is submitted to the City Administration and City Commission:
    - i. Affordability plan (including proposed rents).
    - ii. Management plan (including client eligibility and intake).
    - iii. Proposed deed restrictions to be placed on the property requiring adherence to approved affordability plan.

(Ord. 1813, 8/21/95)

Sec. 30.57. - Commercial buildings in residential districts.

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

Sec. 30.58. - Townhouses.

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

(Ord. 1798, 12/19/94)

Sec. 30.59. - Landscaping regulations.

A. Purpose. The purpose of the ordinance codified in this section is to set forth minimum landscaping requirements for new or altered commercial, industrial, R-III and RMO Zones in order to minimize the visual impact upon public rights-of-way and incompatible uses in said zones and adjacent or abutting R-I or R-II Zones as well as establishing minimum buffering requirements between new or altered commercial, industrial, R-III and RMO Zones and existing incompatible uses and abutting or adjacent R-I or R-II zones and to lessen the impact of lighting.

~~B. Definitions. For the purposes of this section, the following definitions shall apply:~~

- ~~1. "Ornamental tree" means any variety of tree which is not expected, at maturity, to reach a height of fifteen (15) or more feet nor be a substantial provider of shade.~~
- ~~2. "Shade tree" means any variety of tree which is expected, at maturity, to be in excess of twenty-five (25) feet in height and sufficiently full in form to provide substantial shading effects.~~
- ~~3. "DBH" means diameter at breast height.~~

C. Prohibition. No land shall be used or occupied and no structure shall be designed, erected, used, occupied or altered where a building permit is required, nor shall any variance or special exception be granted, except in conformity with the regulations established in this section.

D. General Landscaping Requirements. Landscaping shall be required as follows:

- 1. A variety of species planted in an informal arrangement. The use of xeriscaping, edible plantings, and/or pollinator friendly plantings is preferred.
- 2. Planting, watering, and upkeep of all plantings shall be the perpetual responsibility of the owner. In particular, sufficient watering shall be provided to assure the survival of all plantings.

E. Landscaping Requirements for Storage Areas. Screening, in the form of trees, hedges or other vegetation shall be required between commercial, industrial and multi-family storage areas and any public right-of-way. Such screening shall be entirely on private property, shall be a minimum of four (4) feet in height, and shall not constitute a safety hazard for vehicular or pedestrian movement as defined in Section 30.52 of the Livingston Municipal Code. Decorative walls or fencing or earthen berms may also be used in combination with vegetative screening subject to review and approval of the City.

~~1. Parking or Storage Areas. Screening, in the form of trees, hedges or other vegetation shall be required between commercial, industrial and multi-family parking and/or storage areas and any public right-of-way. Such screening shall be entirely on private property, shall be a minimum of four (4) feet in height, and shall not constitute a safety hazard for vehicular or pedestrian movement as defined in Section 30.52 of the Livingston Municipal Code. Decorative walls or fencing or earthen berms may also be used in combination with vegetative screening subject to review and approval of the City.~~

~~2. Requirements for the Interior of Parking Areas.~~

~~a. Option #1. Parking areas will be designed so that parking rows will consist of not more than ten (10) automobiles. Any parking area which has a capacity of twenty (20) or more automobiles will be required to provide landscaped islands between parking rows. The island(s) will be at least five (5) feet wide and shall consist of vegetation or other landscape treatment as well as a minimum of one (1) shade tree per every ten (10) parking spaces or portion thereof. The island(s) will be separated from the parking surface by a curb of at least six (6) inches in height.~~

~~b. Option #2. In the alternative, where parking rows are to consist of more than ten (10) parking spaces, landscaped islands will be provided in accordance with an approved landscape plan. The plan will provide for landscaped area equal to a minimum of five (5) percent of the gross parking space area. (i.e., 1 parking space = 180 square feet. Landscape requirement = 5% x 180 x number of spaces.) When using this option at least two (2) islands will be required~~

~~and each island must be a minimum size of fifty (50) square feet. Each island will contain vegetation or other landscape treatment as well as a minimum of one (1) shade tree per every ten (10) parking spaces or portion thereof.~~

- 3. Buffering Required Between Different Land Uses. Where commercial, industrial, multi-family or mobile home park land uses abut or are adjacent to lower density residential land uses or zones, either directly or when separated by an alley or street right-of-way or other natural or manmade structure, the commercial, industrial, multi-family or mobile home park use will provide a landscaped buffer zone screening itself from the lower density residential use.
  - a. Buffer Zone. The buffer zone shall be a minimum of five (5) feet in width with an additional five (5) feet required for each story of the commercial, industrial or multi-family use above one (1) story, not to exceed twenty-five (25) feet in width.
  - b. Screening. Screening shall be installed within the buffer zone which shall consist of vegetation or vegetation and a combination of berm, fencing or masonry walls to a minimum height of six (6) feet in a manner which does not create a safety hazard for vehicular or pedestrian movement or interfere with the requirements of Section 30-52(B) of the Livingston Municipal Code.
  - c. Shade Trees. In addition, a minimum of one (1) shade tree ~~within each two hundred fifty per (250)~~ square feet of buffer zone shall be required. Shade trees required hereunder shall be a minimum of two and one-half (2 ½) inches, DBH, in size at the time of planting.

4. Buffering Required Along State Highways. Where parking areas abut Park Street (State Highway 89) or State Highway 10, a landscape buffer is required between any of the aforementioned roads and parking areas. Informal, clustered plantings are encouraged. Bicycle and walking pathways may be integrated into the buffer.

- a. Buffer Zone. The buffer zone shall be a minimum of 30 feet in width.
- b. Trees. A minimum of one (1) shade tree and one (1) evergreen tree per 300 square feet of buffer zone shall be required. Trees required hereunder shall be a minimum of two and one-half (2 ½) inches, Diameter at Breast Height (DBH), in size at the time of planting.

- E. Purpose of Lighting Restrictions. The goal in regulating exterior illumination is to direct, to the maximum extent possible, all artificial light onto the property from which it originates. This section does not apply to street lighting provided by a governmental agency. All lighting is required to comply with the adopted Night Sky Protection Act.
  - 1. Parking or Storage Area. In any area required to buffer itself from adjacent land uses, all exterior lighting shall be limited in height to no more than sixteen (16) feet and will be required to be of a design which directs light downward through the use of a directional shade.
  - 2. Signs and Decorative Lighting. In commercial and industrial areas adjacent to any land use from which it must be buffered, the following lighting regulations shall apply:
    - a. Internally Illuminated Signs. Internally illuminated signs shall not exceed sixteen (16) feet in height. Internally illuminated canopies or structural panels are prohibited. Alternately, spot-lit signs, canopies or panels may be approved at standard heights if they will not adversely effect neighboring property which determination rests with the discretion of the city planning office, subject to appeal to the Board of Adjustment.
- F. Penalty. A violation of this section is a misdemeanor punishable by fine not to exceed five hundred dollars (\$500.00). Each day that a violation is allowed to continue shall be deemed a separate and punishable offense.

(Ord. 1852, 4/21/97)

Section 30.60.- Sexually oriented businesses.

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

Sec. 30.61. - Wind powered generators.

A. Definitions.

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

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

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

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

1. The Board of Adjustment may increase the height of freestanding WPG, provided that in the residential and commercial, districts such increase shall not exceed the maximum height by more than fifty (50) percent. The applicant shall demonstrate, to the Board of Adjustment's satisfaction, that the surrounding topography, structures, vegetation, and other factors make a tower that complies with the height restrictions impractical.
2. Notwithstanding the height limitations of the zoning district, building mounted WPG shall be permitted in all zoning districts, subject to approval by the Board of Adjustment, and shall comply with the following standards:
  - a. Building mounted WPG shall not exceed fifteen (15) feet in height.
  - b. Building mounted WPG shall be prohibited on residential structures less than four (4) stories and forty-two (42) feet in height.

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

and/or federal regulations. This is to include any approvals required from the Historic Preservation Commission, or other local entity.

- K. Technological Obsolescence. If an applicant can demonstrate, to the satisfaction of the Board of Adjustment, that improvements in WPG technology have made some parts of this Section, and requirements, obsolete or unnecessary, the Board of Adjustment may waive those requirements while still satisfying the original intent and application of this Section. Once every two (2) years, the City shall review existing WPG technology for comparison to this Section, to be sure technological improvements are addressed.
- L. Requirements for Removal. Any WPG that is abandoned, damaged, inoperable, or unused for power generation shall be removed within twelve (12) months of the cessation of operations, unless an extension is approved by the Board of Adjustment. If such an extension is not approved, such WPG shall be deemed a nuisance and require its removal at the property owner's expense. After the WPG removal, the owner of the site shall restore the site to its original, or an improved, condition.
- M. Application of Nuisance Law. If, after a Special Exception permit is issued, by the Board of Adjustment for a WPG, and the same WPG fails to comply with any part of this Section, it may deemed a nuisance and all applicable nuisance laws and regulations may be utilized for mitigation.

**SECTION 2**

**Effective date:**

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

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

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

**ATTEST:**

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

\*\*\*\*\*

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

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

**ATTEST:**

**APPROVED AS TO FORM:**

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

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

## Mathieu Menard

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**From:** Ken MacInnes  
**Sent:** Friday, February 26, 2021 10:40 AM  
**To:** Mathieu Menard  
**Subject:** RE: Parking Lot Standards

Mathieu:

Those dimensions should be fine.

Ken MacInnes, MS  
Fire Chief  
Livingston Fire Rescue  
[firechief@livingstonmontana.org](mailto:firechief@livingstonmontana.org)  
406-224-2053



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**From:** Mathieu Menard  
**Sent:** Friday, February 26, 2021 10:19 AM  
**To:** Ken MacInnes <[firechief@livingstonmontana.org](mailto:firechief@livingstonmontana.org)>  
**Subject:** Parking Lot Standards

Hi Ken,

I am working with the Zoning Commission to update the parking standards and we are looking at setting dimensions for parking spaces and parking lot drive aisles. From a FD perspective do you have any concerns with the table below?

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

Thanks,  
Mathieu



**LEGAL NOTICE OF PUBLIC HEARING BEFORE  
THE CITY OF LIVINGSTON CITY COMMISSION**

A public hearing before the Livingston Zoning Commission will be held at 5:30 p.m. on Tuesday, June 1, 2021 virtually via Zoom (details below).

**Parking and Landscaping Zone Text Amendment:** The Purpose of this hearing is to receive public comment regarding a Zone Map Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. Specifically, the amendment is to clarify parking space dimensions and requirements, incorporate bicycle parking into the parking requirements, and update required landscaping for parking lots, and commercial and industrial development. The Zoning Commission voted unanimously (5:0) to recommend approval of the Zone Text Amendment at their May 11, 2021 meeting.

**Livingston Inn Zone Map Amendment:** The Purpose of this hearing is to receive public comment regarding a Zone Map Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. Specifically, the amendment is to zone the parcel commonly known as the Livingston Inn, addressed as 5 Rogers Lane, as it has been annexed into the City. The Parcel is legally described as Lot 15C of Certificate of Survey 170A less the Mortgage tract in Certificate of Survey 1443, in the Acreville subdivision, in Section 23 of Township 2 South Range 9 East, on file with the Park County Clerk and Recorder. The proposed zoning for the parcel is Highway Commercial (HC). The Zoning Commission voted unanimously (5:0) to recommend approval of the Zone Map Amendment at their May 11, 2021 meeting.

**1 & 5 Pronghorn Dr.:** The Purpose of this hearing is to receive public comment regarding a Zone Map Amendment from the provisions of Chapter 30 of the Livingston Municipal Code. Specifically, the amendment is to zone the parcels addressed as 1 and 5 Pronghorn Drive, as it has been annexed into the City. The Parcels are legally described as Tract A of Plat 138, less .005 acres and the right of way on R- 134-481, in the Acreville subdivision, in Section 23 of Township 2 South Range 9 East and Prortional Lot 14 in Plat 138, in the Acreville subdivision, in Section 23 of Township 2 South Range 9 East, on file with the Park County Clerk and Recorder. The proposed zoning for the parcel is Highway Commercial (HC). The Zoning Commission voted unanimously (5:0) to recommend approval of the Zone Map Amendment at their May 11, 2021 meeting.

For further information, please contact Mathieu Menard at the City Planning Office at (406)222-4903 or [planning@livingstonmontana.org](mailto:planning@livingstonmontana.org).

To attend via Zoom please use the link or call the phone number below.

Join Zoom Meeting:

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

Telephone: (669) 900 9128

Meeting ID: 846 0208 1498

Passcode: 287148

Mathieu Menard  
City Planner

**PLEASE PUBLISH ON MONDAY, MAY 17, 2021**

**File Attachments for Item:**

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

**ORDINANCE NO. 3011**

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

\* \* \* \* \*

**Preamble.**

The purpose of this Ordinance is to remove the resident freeholder requirement from Sec. 27-3. - Membership of Planning Board, terms of office and qualifications, for the four (4) citizen members of the Livingston Planning Board which is set forth in Montana Code Annotated Section 76-1-221(1) d which the City of Livingston does not recognize as a valid requirement for membership on the Livingston Planning Board.

\*\*\*\*\*

**WHEREAS**, the City of Livingston has enacted Ordinance No. 1922 and 1965 which reflect the Montana Code Annotated which requires the “four citizen members to be appointed by the mayor, two of whom shall be resident freeholders within the urban area, if any, outside of the city limits over which the planning board has jurisdiction under this chapter and two of whom shall be resident freeholders within the city limits.”; and

**WHEREAS**, the Planning board has requested “that the Livingston City Commission reach out to Montana legislators to oppose and remove the term ‘freeholder’ and replace that with ‘resident’ in the Montana State Statute 76.1.221 in order to change MT State Law. It is the desire of the Planning Board to allow individuals who do not own property to serve on the City Planning Board.”; and

**WHEREAS**, the Livingston City Commission has directed City Staff to bring an amendment to the City Code that allows them to vote to amend the City Ordinance to remove the resident freeholder requirement from City Planning Board citizen membership.

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

## SECTION 1

That Chapter 27 – City Planning Board, Section 27-1 and Section 27-3, be amended as follows with deletions struck through and additions redlined as follows:

### Chapter 27 - CITY PLANNING BOARD

#### Sec. 27-1. - Established—powers and duties.

Pursuant to and under the provisions of Title 76 , Montana Code Annotated, the City Commission of the City of Livingston does hereby create and establish a City Planning Board to be known as the "Livingston Planning Board," and does by this Chapter adopt by reference all of the sections of the laws of the State of Montana aforementioned that specifically pertain to City Planning Boards, granting and delegating to the City Planning Board all of the rights, privileges, powers, duties and responsibilities thereto appertaining; **except the provisions of MCA 76-1-221(1)d which the City of Livingston does not recognize as a valid requirement for membership on the Livingston Planning Board.**

(Ord. 1922, 2/18/03; Ord. 1965, 3/20/06)

#### Sec. 27-2. - Jurisdictional area.

The Livingston Planning Board shall have such jurisdiction in the corporate limits of the City of Livingston, as such limits may be amended from time to time and as may be provided by State law.

(Ord. 1922, 2/18/03; Ord. 1965, 3/20/06)

#### Sec. 27-3. - Membership of Planning Board, terms of office and qualifications.

A. The Livingston Planning Board shall consist of seven (7) members, as follows:

1. One (1) member appointed by the City Commission from its own membership;
2. One (1) member appointed by the City Commission who, at the Commission's discretion, may be an employee of the City of Livingston or hold public office in Livingston or Park County;
3. One (1) member appointed by the Chairman of the Commission, upon designation by the Board of County Commissioners of Park County; and
4. Four (4) citizen members appointed by the Chairman of the Commission who shall be residents ~~freeholders~~ within the City of Livingston, who shall be qualified by knowledge and experience in matters pertaining to the development of the City and hold no other office in City government. **The requirements of MCA 76-1-221(1)d do not apply to the citizen members of the Livingston Planning Board.**

B. The term of the City Commissioner appointed to the City Planning Board shall be coextensive with that City Commissioner's term of office as City Commissioner. All other members of the Planning Board shall be appointed to two (2) year overlapping terms of office. To establish the overlapping terms of office, the appointment of three (3) Planning Board members shall be appointed for one (1) year and

three (3) members shall be appointed for two (2) years. Thereafter, except for the appointed City Commissioner, all other appointments to the Planning Board shall be for two (2) year terms.

- C. The Recording Secretary shall certify the members appointed by the City Commission. The certificates shall be sent to and become a part of the records of the Livingston Planning Board. The Chairman of the Commission shall make similar certifications for the appointment of citizen members.
- D. Any citizen appointee may be removed from office by a majority vote of the City Commission.
- E. The Planning Board members shall receive no salary for serving on the Planning Board, but may be reimbursed for transportation and actual expenses incurred in attending Planning Board meetings. When the Planning Board determines that it is necessary for members or employees to attend a regional or national conference or interview in another City, County or State dealing with planning or related problems, the Planning Board may pay the actual expense of the attending members or employees provided the amount has been made available in the Board's appropriation.

(Ord. 1922, 2/18/03; Ord. 1965, 3/20/06)

Sec. 27-4. - Organization and administration.

- A. Meetings. The Planning Board shall fix the time for holding regular meetings, but shall meet at least once in the months of January, April, July and October. Special meetings of the Planning Board may be called by the president or by two (2) members upon written request to the Secretary. The Secretary shall send to all members, at least two (2) days' written notice stating the purpose, time and place of the meeting.
- B. Officers. The Planning Board, at its first regular meeting in each year, shall hold annual elections to elect a President and a Vice-President who shall preside in the absence of the President.
- C. Secretary. The Planning Board may appoint and prescribe the duties and fix the compensation of a Secretary, which may be the City Planning Officer, and such employees as are necessary for the discharge of the duties and responsibilities of the Board. The Board shall have the power and duty to prescribe the qualifications of, appoint, remove and fix the compensation of the employees of the Board and delegate to employee's authority to perform ministerial acts in all cases, except where final action of the Board is necessary.
- D. Quorum. A majority of members shall constitute a quorum. However, no action of the Planning Board is official unless authorized by a majority of the total membership of the Board at a regular or properly called special meeting.
- E. Administration of Board. The Planning Board shall have the power and duty to:
  1. Exercise general supervision of and make regulations for the administration of the affairs of the Board;
  2. Prescribe uniform rules pertaining to investigations and hearings;
  3. Keep an accurate and complete record of all departmental proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents of the Board;
  4. Make recommendations and an annual report to any governing bodies represented on the Board concerning the operation of the Board and the status of planning within its jurisdiction;
  5. Prepare, publish and distribute reports, proposed ordinances and proposed resolutions and other material relating to the activities authorized by law.

(Ord. 1922, 2/18/03; Ord. 1965, 3/20/06)

**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.

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

\_\_\_\_\_  
**DOREL HOGLUND, CHAIR**

**ATTEST:**

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

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

**ATTEST:**

**UNAPPROVED TO AS FORM:**

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

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



**PUBLIC NOTICE**

**NOTICE** is hereby given the City Commission will convene Tuesday July 6, 2021, from 5:30-8:30 p.m. for a regular meeting in the Community Room of the City-County Complex at 414 E. Callender St. in Livingston Montana. During that time a public hearing will be conducted during the second reading of **ORDINANCE NO. 3011** entitled **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND SECTION 27-2 OF CHAPTER 27 – CITY PLANNING BOARD, AS ENACTED BY ORDINANCE NO.1922 AND AMENDED BY ORDINANCE 1965 REGULATING THE MEMBERSHIP OF PLANNING BOARD, TERMS OF OFFICE AND QUALIFICATIONS FOR MEMBERSHIP**. All are welcome to attend and give public comments during this meeting, or submit written comments to Faith Kinnick, City Clerk at 414 E. Callender St. Livingston, MT 59047 before 5 p.m. June 25, 2021. The City is still following CDC Guidelines and protocols. Call the City Offices for more information at (406) 823-6002

Please publish Friday, June 4, and June 18, 2021.

Faith Kinnick  
City of Livingston  
May 26, 2021

**File Attachments for Item:**

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

**A RESOLUTION OF THE CITY COMMISSION, OF THE CITY OF LIVINGSTON, MONTANA, REQUESTING DISTRIBUTION OF BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY PROGRAM FUNDS.**

**WHEREAS**, the Bridge and Road Safety and Accountability Account requires the Montana Department of Transportation to allocate accrued funds to cities, towns, counties, and consolidated city-county governments for construction, reconstruction, maintenance, and repair of rural roads, city or town streets and alleys, bridges, or roads and streets that the city, town, county, or consolidated city-county government has the responsibility to maintain; and

**WHEREAS**, a city, town, county, or consolidated city-county government that requests funds under the Bridge and Road Safety and Accountability Account must match each \$20 requested with \$1 of local government matching funds; and

**WHEREAS**, a city, town, county, or consolidated city-county government requesting distribution of allocated funds may make such a request to the Department of Transportation between March 1 and November 1 of the year the funds were allocated; and

**WHEREAS**, the project(s) to be funded is phase V & VI of its downtown area capital improvement plan. This plan will include new streets, water and sewer mains, sidewalks, storm drains, and lights. The area to be completed includes 2nd Street between Callender Street and Lewis Street and

**WHEREAS**, the local match for the allocated funds has been budgeted from the Water, Wastewater, Street Maintenance, Light Maintenance, and Urban Renewal Agency Funds.

**THEREFORE, NOW BE IT RESOLVED THAT:**

1. The City of Livingston requests distribution of its share of the allocated Bridge and Road Safety and Accountability funds to be used for the projects identified herein.
2. That the Council hereby empowers and authorizes the Finance Director of the City of Livingston to execute such further documents as may be necessary to facilitate the distribution of said funds.

**PASSED AND ADOPTED** by the City Commission of the City of Livingston, this 1<sup>st</sup> day of June, 2021.

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

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**FAITH KINNICK**  
Recording Secretary  
Resolution No. 4967  
Page 1

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



Livingston City Commission  
**LEGISLATIVE ACTION SUMMARY**  
Resolution No: 4967

**Requested by:** Paige Fetterhoff, Finance Director

**Date of First Consideration/Status:** June 1, 2021

**Purpose of Legislation:** Approve funding in the amount of \$172,808.55 under the Bridge and Road Safety and Accountability Program (BaRSSA).

**Statutory Authority/Reference:** Local Government Road Construction and Maintenance Match Program (MCA 15-70-130) and Allocation of State Funds for Public Transportation (MCA 7-14-102)

**Background:** House Bill 473 increased the gas tax paid by distributors effective July 1, 2017. The additional tax is required to be distributed in the same manner as existing gas tax funds. The State Legislature requires a 5% match of these funds from the receiving government. The City of Livingston will use this funding to help fund the Downtown Capital Improvement Plan with matching funds being generated from the Street Maintenance, Urban Renewal, Water, Sewer, and Light Maintenance Funds.

**Staff Recommendation:** The City staff recommends approving the acceptance of additional BaRSSA funds.

**Fiscal Impact:** This revenue was included in the FY 21 budget adopted by the commission. It can be found in the Gas Tax Fund under account 335041.

**Regulatory Impact (local):** N/A

**Attachments:** Resolution 4967

**File Attachments for Item:**

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

**RESOLUTION NO. \_\_\_**

A RESOLUTION OF THE CITY COMMISSION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF LIVINGSTON, MONTANA, THE QUESTION OF THE ISSUANCE OF A GENERAL OBLIGATION BOND IN A PRINCIPAL AMOUNT NOT TO EXCEED \$17,000,000 FOR THE PURPOSE OF FUNDING THE CONSTRUCTION OF A SEPARATED GRADE RAIL CROSSING AND ITS ATTENDANT INFRASTRUCTURE; AND TAKING CERTAIN OTHER ACTIONS WITH RESPECT THERETO

WHEREAS, a Montana city or town is authorized pursuant to Montana Code Annotated, Section 7-7-4101 to borrow money for the purpose of acquiring, opening, or widening any street and improvements to the street and to pay for any portion of the cost relating to the project; and

WHEREAS, pursuant to Title 7, Chapter 7, Part 42, as amended (the "Act") to issue general obligation bonds or incur indebtedness for any purpose authorized by the electors of such jurisdiction provided that the amount of all outstanding indebtedness of the municipality does not exceed two and one-half percent (2.5%) of the total assessed value of taxable property in the municipality as determined by Montana Code Annotated Section 17-8-11, as amended and as ascertained by the last assessment for state and county taxes; and

WHEREAS, the City Commission of the City has determined that need exists for the construction of a separated grade crossing to serve the City west of Star Road in the City (the "Railroad Crossing Project") and the citizen electorate has the right to determine whether the City will issue one or more series of general obligation bonds in an original aggregate principal amount not to exceed \$17,000,000 (the "Bonds") for the purpose of funding the construction of the Railroad Crossing Project and the costs of issuance of the Bonds; and

WHEREAS, pursuant to Section 7-7-4223 of the Act, a governing body of a municipality is authorized to call a bond election by adopting a resolution to that effect; and

WHEREAS, the City Commission has determined that the issuance of the Bonds in an amount not to exceed \$17,000,000, plus the outstanding general obligation indebtedness of the City, will not cause the City to exceed its indebtedness limitation set forth in Section 7-7-4201 of the Act; and

WHEREAS, pursuant to this resolution, the City is notifying the County Clerk and Recorder of Park County, as Election Administrator (as defined below) of the City's intent to have the electorate determine if the issuance of the Bonds in order to fund the Railroad Crossing Project should be put in front of the electors at the general election to be held on November 2, 2021; and

WHEREAS, the notification by the City to the Election Administrator of the City's intention to hold the Election is not less than eighty-five (85) days prior to the date of the proposed election; and

WHEREAS, the Election Administrator, will prepare a ballot election plan relating to the proposed issuance of the Bonds in order to fund the Railroad Crossing Project, and the Election Administrator shall submit the Ballot Plan to the Montana Secretary of State as required by law; and

WHEREAS, the City Commission has determined that it is necessary and desirable to submit to the electors of the City the question of the issuance of the Bonds in order to fund the Railroad Crossing Project in an original aggregate principal amount not to exceed \$17,000,000; and

WHEREAS, it is the judgment of the City Commission that the sum of \$17,000,000, along with other funds of the City which may include special improvement district bonds, if necessary, is estimated to be necessary to construct the Railroad Crossing Project and attendant infrastructure; and

WHEREAS, it is the judgment and determination of the City Commission that the Bonds issued to fund the Railroad Crossing Project will be payable during a term not to exceed twenty (20) years and shall be redeemable as determined as by the City Commission.

NOW, THEREFORE, BE IT RESOLVED By the City Commission of the City as follows:

1. Calling the Election. This City Commission has determined that there shall be submitted to the electors of the City the question of whether or not the City Commission shall be authorized to issue the Bonds in order to fund the Railroad Crossing Project and pay costs of issuance of the Bonds. The ballot question shall be on the issuance of the Bonds in order to fund the Railroad Crossing Project in an original aggregate principal amount not to exceed Seventeen million dollars and 00/100 cents (\$17,000,000). The City Commission hereby calls a special City election (the “Bond Election”) to be held in conjunction with the general election on Tuesday, November 3, 2020 for the purpose of voting on authorizing the issuance of the Bonds in order to fund the Railroad Crossing Project.

The Bond Election shall be held in conformance with Montana Code Annotated Title 13, Chapter 1, Part 4, as amended.

The date of the Election is not less than eighty-five (85) days after the passage of this resolution. The term of the Bonds shall not exceed twenty (20) years. The proposed Bonds will be general obligations of the City to which the City pledges its full, faith and credit and taxing power.

2. Ballots. The ballot language for the Bond Election should be in substantially the form attached to this resolution as EXHIBIT B. The Election Administrator is hereby requested to prepare suitable ballots for use in the Election as prescribed by Montana law.

3. Estimated Costs. The estimated cost of the Railroad Crossing Project (not including costs of issuance) payable from the proceeds of the Bonds shall be \$17,000,000. A portion of the cost of the Railroad Crossing Project shall be payable from other legally available resources of the City, which may include the proceeds of special improvement district bonds.

4. Debt Limitations. The issuance of the Bonds in an original aggregate principal amount not to exceed Seventeen million dollars and 00/100 cents (\$17,000,000), along with the outstanding general obligation indebtedness of the City as of July 1, 2021, shall not cause the City to exceed the City’s debt limitation contained in Section 7-7-4201 of the Act.

The amounts for debt limitation calculations listed above under the Act are as of July 2021. Under the Act, the debt limitation calculations made prior to issuance of general obligation bonds are as of the last assessment for state and county taxes prior to the issuance of bonds. By the time that the Bonds are issued by the City, the debt limitations for the City on the date of issuance of the Bonds may be higher than the current debt limitations for the City listed above.

5. Resolution on File with Election Administrator. The Clerk of the Commission is hereby directed to file a copy of this resolution, including the ballot language, with the Election Administrator.

6. Notice of Election. The Clerk of the Commission and the Election Administrator are hereby authorized and requested to cause notice of the call and holding of the Election to be given by publishing notice at least once a week for the three (3) consecutive weeks before the Election in the *Livingston Enterprise*, the official newspaper of the City and a newspaper of general circulation in the City as required by Montana Code Annotated, Section 13-1-108. The notice of election shall be in substantially the form attached to this resolution as EXHIBIT A.

7. Conduct of Election. All qualified electors of the City shall be entitled to vote at the Bond election. The Election Administrator is hereby authorized and requested to cause notice of the call and holding of the Election to be given by publishing notice at least once a week for the three (3) consecutive weeks before the Election in the *Livingston Enterprise*, the official newspaper of the City and a newspaper of general circulation in the City as required by Montana Code Annotated, Section 13-1-108.

8. Reimbursement Expenditures. The United States Department of the Treasury has promulgated final regulations governing the use of the proceeds of tax-exempt bonds, such as the Bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid prior to the date of issuance of the Bonds.

Those regulations (Treasury Regulations, Section 1.170-2) (the “Reimbursement Regulations”) require that the City adopt a statement of official intent to reimburse an original expenditure not later than sixty (60) days after payment of the original expenditure. The Reimbursement Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds occur within eighteen (18) months after the later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than three years after the date the expenditure is paid. The Reimbursement Regulations generally permit reimbursement of capital expenditures and costs of issuance of the Bonds.

To the extent any portion of the proceeds of the Bonds will be applied to expenditures with respect to the acquisition of the Equipment, the City reasonably expects to reimburse the City for the expenditures made for costs of the Equipment from the proceeds of the Bonds after the date of payment of all or a portion of such expenditures. All reimbursed expenditures shall be capital expenditures, costs of issuance of the Bonds, or other expenditures eligible for reimbursement under Section 1.170-2(d)(3) of the Reimbursement Regulations and also qualifying expenditures under the Act.

This resolution is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations and any successor law, regulation, or ruling.

(The remainder of this page is intentionally left blank.)



PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
DOREL HOGLUND- CHAIR

ATTEST:

APPROVED TO AS FORM:

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

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

DRAFT

**EXHIBIT A**

**NOTICE OF BOND ELECTION**

CITY OF LIVINGSTON, MONTANA

\_\_\_\_\_, 2021

General Obligation Bonds

NOTICE IS HEREBY GIVEN by the City Commission (the “City Commission”) of the City of Livingston, Montana (the “City”), that pursuant to a certain resolution duly adopted at a regular meeting of the City Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, an election of the registered voters will be held in and for the City on Tuesday, November 2, 2021, for the purpose of voting on the question whether or not the City Commission of the City shall be authorized to issue and sell general obligation bonds (the “Bonds”) of the City in the amount not to exceed Seventeen Million and No/100 Dollars (\$17,000,000) for the purpose of the construction of a separated grade crossing to serve the City at Montana Highway 10 and PFL Way in the City (the “Railroad Crossing Project”). The Bonds shall bear interest at a rate to be determined by the City Commission, payable semiannually over a term commensurate with the useful life Railroad Crossing Project to be financed, but not to exceed twenty (20) years and redeemable as determined by the City Commission. The costs associated with the issuance of the Bonds will also be paid from Bond proceeds.

The Bond Election will be conducted at a special bond election held in conjunction with the general election.

[ADDITIONAL INFORMATION AS REQUIRED BY THE ELECTION ADMINISTRATOR]

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Park County Election Administrator

[Dates of Publication in the *Livingston Enterprise* 3 times on consecutive weeks]

**EXHIBIT B**  
**FORM OF BALLOT**

CITY OF LIVINGSTON, MONTANA  
GENERAL OBLIGATION BOND ELECTION

NOVEMBER 2, 2021

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words “FOR ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS” if you wish to vote for the general obligation bond issue. If you are opposed to the general obligation bond issue make an X or similar mark in the square before the words “AGAINST ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS.”

**GENERAL OBLIGATION BONDS**

Shall the City Commission of the City of Livingston, Montana (the “City”) be authorized to issue and sell general obligation bonds (the “Bonds”) of the City in the original aggregate principal amount not to exceed Seventeen Million and No/100 Dollars (\$17,000,000) the construction of a separated grade crossing to serve the City at Montana Highway 10 and PFL Way. Proceeds of the Bonds will also pay the costs associated with the issuance and sale of the Bonds. The Bonds shall bear interest at a rate to be determined by the City Commission, payable semiannually over a term commensurate with the useful life of the improvements to be financed, but not to exceed twenty (20) years and redeemable as determined by the City Commission.

- FOR ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS
  
- AGAINST ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being duly qualified and acting recording officer of City of Livingston, Park County, Montana (the "City"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "A RESOLUTION OF THE CITY COMMISSION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF LIVINGSTON, MONTANA, THE QUESTION OF THE ISSUANCE OF A GENERAL OBLIGATION BOND IN A PRINCIPAL AMOUNT NOT TO EXCEED \$17,000,000 FOR THE PURPOSE OF FUNDING THE CONSTRUCTION OF A SEPARATED GRADE RAIL CROSSING AND ITS ATTENDANT INFRASTRUCTURE; AND TAKING CERTAIN OTHER ACTIONS WITH RESPECT THERETO" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission at a regular meeting on August 4, 2020, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following City Commission members voted in favor thereof

voted against the same:

abstained from voting thereon:

or were absent:

WITNESS my hand officially this \_\_\_\_\_ Day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Clerk of the Commission

**File Attachments for Item:**

. June 2021

# June 2021

**Departments**  
 - Any -

**Boards and Commissions**  
 - Any -

Sun	Mon	Tue	Wed	Thu	Fri	Sat
30	31	1	2	3	4	5
		City Commission Meeting 5:30pm				
6	7	8	9	10	11	12
	Enterprise Funds Budget Meeting 5:30pm	Historic Preservation Commission Meetings 3:30pm	City Conservation Board Meeting 5:00pm			Kids Trout Derby 8:00am
		City Zoning Commission Meeting 5:30pm				
13	14	15	16	17	18	19
	Livingston City Pool Opening Day (All day)	City Commission Meeting 5:30pm	City Planning Board Meeting 5:30pm	City Tree Board Meeting 12:00pm		
			Sister City Committee Meeting 7:00pm			
20	21	22	23	24	25	26
			Parks and Trails Committee Meeting 6:00pm			
27	28	29	30	1	2	3