



# Livingston City Commission Agenda

April 04, 2023

5:30-8:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/84736343951?pwd=cWpTckRFZFZ5UWZhTzJYQThkR2wyZz09>

Meeting ID: 847 3634 3951 **Passcode 857107** 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. RATIFY CLAIMS PAID 03.16.2023-03.28.2023. PG. 3**
- B. CONSIDERATION OF LETTER OF SUPPORT FOR PARK COUNTY FLOODPLAIN MAPPING. PG. 10**

5. Proclamations

- A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, DECLARING NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK AS APRIL 9-15, 2023. PG. 17**

6. Scheduled Public Comment

7. Public Hearings

*Individuals are reminded that testimony at a public hearing should be relevant, material, and not repetitious. (MCA 7-1-4131 and Livingston City Code Section 2-21)*

- A. ORDINANCE NO. 3040: AN ORDINANCE OF THE CITY COMMISSION OF CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30, ARTICLE V, SECTION 30.50 OF THE CITY ZONING ORDINANCE ENTITLED SIGNS. PG. 19**

8. Ordinances

9. Resolutions

- A. RESOLUTION NO. 5086: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, PROVIDING AN EXEMPTION FROM DEVELOPMENT IMPACT FEES TO WINDRIDER TRANSIT'S FACILITY AT 70 VIEW VISTA DRIVE. PG. 37**

10. Action Items

- A. DISCUSSION REGARDING VENDING ON CITY PROPERTY. PG. 43**
- B. PUBLIC WORKS DEPARTMENT SPRING UPDATE.**

11. City Manager Comment

12. City Commission Comments

13. Adjournment

## Calendar of Events

## Supplemental Material

### Notice

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

**File Attachments for Item:****A. RATIFY CLAIMS PAID 03.16.2023-03.28.2023.**

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>ALL SERVICE TIRE &amp; ALIGNMENT</b>							
22	ALL SERVICE TIRE & ALIGNME	65585	New Tires	02/27/2023	612.00	612.00	03/22/2023
22	ALL SERVICE TIRE & ALIGNME	65640	Mount tire	03/08/2023	30.00	30.00	03/22/2023
22	ALL SERVICE TIRE & ALIGNME	65661	Flat repair	03/13/2023	18.00	18.00	03/22/2023
Total ALL SERVICE TIRE & ALIGNMENT:					660.00	660.00	
<b>BIG SKY TOPPERS</b>							
10003	BIG SKY TOPPERS	20212502	2016 FORD F150 BOXES	11/28/2022	6,542.00	6,542.00	03/22/2023
Total BIG SKY TOPPERS:					6,542.00	6,542.00	
<b>CN LLC</b>							
10004	CN LLC	738	FEB MEETING AND MINUTES	02/28/2023	100.00	100.00	03/22/2023
Total CN LLC:					100.00	100.00	
<b>COMDATA</b>							
2671	COMDATA	20388041/XW6	CG72t	02/01/2023	2,191.43	2,191.43	03/16/2023
2671	COMDATA	20388041/XW6	CG73G	02/01/2023	294.09	294.09	03/16/2023
2671	COMDATA	20388394/XW6	CG72T	03/01/2023	2,156.50	2,156.50	03/16/2023
2671	COMDATA	20388394/XW6	CG73P	03/01/2023	356.82	356.82	03/16/2023
Total COMDATA:					4,998.84	4,998.84	
<b>ENERGY LABORATORIES, INC.</b>							
424	ENERGY LABORATORIES, INC.	537660	Analysis parameter	03/06/2023	110.25	110.25	03/22/2023
424	ENERGY LABORATORIES, INC.	538672	Analysis parameter	03/09/2023	972.75	972.75	03/22/2023
Total ENERGY LABORATORIES, INC.:					1,083.00	1,083.00	
<b>ENVIRO-CLEAN EQUIPMENT, INC.</b>							
10003	ENVIRO-CLEAN EQUIPMENT, IN	23-59471	VAC TRUCK	02/07/2023	768.66	768.66	03/22/2023
Total ENVIRO-CLEAN EQUIPMENT, INC.:					768.66	768.66	
<b>FERGUSON WATERWORKS #1701</b>							
2386	FERGUSON WATERWORKS #17	0819615-2	Meters	03/07/2023	4,752.00	4,752.00	03/22/2023
Total FERGUSON WATERWORKS #1701:					4,752.00	4,752.00	
<b>FISHER SAND AND GRAVEL</b>							
2904	FISHER SAND AND GRAVEL	90025	ROAD MIX	03/04/2023	4,842.32	4,842.32	03/22/2023
2904	FISHER SAND AND GRAVEL	90026	Sanding Material	03/04/2023	1,249.61	1,249.61	03/22/2023
Total FISHER SAND AND GRAVEL:					6,091.93	6,091.93	
<b>HORIZON AUTO PARTS</b>							
1920	HORIZON AUTO PARTS	963013	Battery	03/02/2023	152.59	152.59	03/22/2023
1920	HORIZON AUTO PARTS	963214	Solenoid	03/06/2023	46.18	46.18	03/22/2023
1920	HORIZON AUTO PARTS	963228	SWITCH	03/06/2023	41.79	41.79	03/22/2023
Total HORIZON AUTO PARTS:					240.56	240.56	
<b>IRRIGATION INNOVATIONS</b>							
10002	IRRIGATION INNOVATIONS	7415	SNOW REMOVAL SERVICES	03/01/2023	1,162.50	1,162.50	03/22/2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total IRRIGATION INNOVATIONS:					1,162.50	1,162.50	
<b>KELLEY CONNECT</b>							
10001	KELLEY CONNECT	IN1265315	JH205973	03/03/2023	29.86	29.86	03/22/2023
10001	KELLEY CONNECT	IN1265315	JH205973	03/03/2023	29.87	29.87	03/22/2023
10001	KELLEY CONNECT	IN1265315	JH205973	03/03/2023	29.87	29.87	03/22/2023
10001	KELLEY CONNECT	IN1265315	JH205973	03/03/2023	29.87	29.87	03/22/2023
Total KELLEY CONNECT:					119.47	119.47	
<b>LEHRKIND'S COCA-COLA</b>							
2830	LEHRKIND'S COCA-COLA	2026741	Water	03/08/2023	40.50	40.50	03/22/2023
Total LEHRKIND'S COCA-COLA:					40.50	40.50	
<b>LIVINGSTON DAYCARE, LLC</b>							
3407	LIVINGSTON DAYCARE, LLC	20223.4	Parking Lease	03/15/2023	3,700.00	3,700.00	03/22/2023
Total LIVINGSTON DAYCARE, LLC:					3,700.00	3,700.00	
<b>MISC</b>							
99999	MISC	TK2021-0378	Bond Release	03/10/2023	955.00	955.00	03/22/2023
Total MISC:					955.00	955.00	
<b>MOBILE REPAIR &amp; WELDING, INC</b>							
10	MOBILE REPAIR & WELDING, IN	33732	angle iron	03/08/2023	6.24	6.24	03/22/2023
Total MOBILE REPAIR & WELDING, INC:					6.24	6.24	
<b>NORTHWESTERN ENERGY</b>							
151	NORTHWESTERN ENERGY	2023.3.10 3837	220 E PARK 3837245-4	03/10/2023	917.20	917.20	03/22/2023
Total NORTHWESTERN ENERGY:					917.20	917.20	
<b>PARK COUNTY</b>							
272	PARK COUNTY	2022_07.17	INTERNET - POOL	03/01/2023	221.20	221.20	03/20/2023
272	PARK COUNTY	2022_07.18	NET MOTION - JULY	03/01/2023	130.05	130.05	03/20/2023
272	PARK COUNTY	2022_09.28	BACKUP GENERATOR FUEL TA	03/01/2023	96.20	96.20	03/20/2023
272	PARK COUNTY	2022_09.29	BACKUP GENERATOR FUEL TA	03/01/2023	96.20	96.20	03/20/2023
272	PARK COUNTY	2022_09.30	INTERNET - WRF	03/01/2023	769.56	769.56	03/20/2023
272	PARK COUNTY	2022_09.31	INTERNET - CIVIC CENTER	03/01/2023	769.56	769.56	03/20/2023
272	PARK COUNTY	2022_09.32	INTERNET - TRANSFER STATIO	03/01/2023	221.20	221.20	03/20/2023
272	PARK COUNTY	2022_09.33	NET MOTION - AUGUST	03/01/2023	130.05	130.05	03/20/2023
272	PARK COUNTY	2022_09.34	ANALOG LINE - LOBBY ELEVAT	03/01/2023	9.44	9.44	03/20/2023
272	PARK COUNTY	2022_09.35	AUG - POWER BILL	03/01/2023	2,137.32	2,137.32	03/20/2023
272	PARK COUNTY	2022_09.36	SEPT - POWER BILL	03/01/2023	2,426.96	2,426.96	03/20/2023
272	PARK COUNTY	2022_10.24	INTERNET - STREET SHOP	03/01/2023	71.82	71.82	03/20/2023
272	PARK COUNTY	2022_10.25	INTERNET - STREET SHOP	03/01/2023	71.82	71.82	03/20/2023
272	PARK COUNTY	2022_10.26	INTERNET - STREET SHOP	03/01/2023	71.82	71.82	03/20/2023
272	PARK COUNTY	2022_10.27	REPAIR COMMUNITY ROOM CH	03/01/2023	21.25	21.25	03/20/2023
272	PARK COUNTY	2022_11.14	INTERNET - CITY HALL	03/01/2023	809.09	809.09	03/20/2023
272	PARK COUNTY	2022_11.15	INTERNET - PUBLIC WORKS	03/01/2023	187.52	187.52	03/20/2023
272	PARK COUNTY	2022_11.16	INTERNET - PUBLIC WORKS	03/01/2023	187.52	187.52	03/20/2023
272	PARK COUNTY	2022_11.17	INTERNET - PUBLIC WORKS	03/01/2023	187.52	187.52	03/20/2023
272	PARK COUNTY	2022_11.18	INTERNET - PUBLIC WORKS	03/01/2023	187.53	187.53	03/20/2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
272	PARK COUNTY	2022_11.19	INTERNET - CIVIC CENTER	03/01/2023	750.09	750.09	03/20/2023
272	PARK COUNTY	2022_11.20	INTERNET - TRANSFER STATIO	03/01/2023	215.46	215.46	03/20/2023
272	PARK COUNTY	2022_11.21	INTERNET - POOL	03/01/2023	215.46	215.46	03/20/2023
272	PARK COUNTY	2022_11.22	INTERNET - STREET SHOP	03/01/2023	71.82	71.82	03/20/2023
272	PARK COUNTY	2022_11.23	INTERNET - STREET SHOP	03/01/2023	71.82	71.82	03/20/2023
272	PARK COUNTY	2022_11.24	INTERNET - STREET SHOP	03/01/2023	71.82	71.82	03/20/2023
272	PARK COUNTY	2022_11.25	CITY SHARE	03/01/2023	241.43	241.43	03/20/2023
272	PARK COUNTY	2022_11.26	CITY SHARE	03/01/2023	241.42	241.42	03/20/2023
272	PARK COUNTY	2022_12	VIDEO CONF - OCT	12/31/2022	79.88	79.88	03/20/2023
272	PARK COUNTY	2022_12	IT-NETWORK CIRCUITS	12/31/2022	450.66	450.66	03/20/2023
272	PARK COUNTY	2022_12	ELEVATOR REPAIRS	12/31/2022	926.76	926.76	03/20/2023
272	PARK COUNTY	2022_12	ELEVATOR REPAIRS	12/31/2022	20.00	20.00	03/20/2023
272	PARK COUNTY	2022_12	VIDEO CONF - SEPT	12/31/2022	79.88	79.88	03/20/2023
272	PARK COUNTY	2022_12	IT-NETWORK CIRCUITS	12/31/2022	447.83	447.83	03/20/2023
272	PARK COUNTY	2022_12	REMOTE MANAGMENT & PLAT	12/31/2022	257.31	257.31	03/20/2023
272	PARK COUNTY	2022_12	REMOTE MANAGMENT & PLAT	12/31/2022	264.74	264.74	03/20/2023
272	PARK COUNTY	2022_12	INTERNET - CITY/COUNTY COM	12/31/2022	186.48	186.48	03/20/2023
272	PARK COUNTY	2022_12	PHONES - CITY/COUNTY COMP	12/31/2022	2,107.11	2,107.11	03/20/2023
272	PARK COUNTY	2022_12	INTERNET - CITY HALL	12/31/2022	809.09	809.09	03/20/2023
272	PARK COUNTY	2022_12	INTERNET - WRF	12/31/2022	3,164.66	3,164.66	03/20/2023
272	PARK COUNTY	2022_12	INTERNET - PUBLIC WORKS	12/31/2022	53.87	53.87	03/20/2023
272	PARK COUNTY	2022_12	INTERNET - PUBLIC WORKS	12/31/2022	53.87	53.87	03/20/2023
272	PARK COUNTY	2022_12	INTERNET - PUBLIC WORKS	12/31/2022	53.86	53.86	03/20/2023
272	PARK COUNTY	2022_12	INTERNET - PUBLIC WORKS	12/31/2022	53.86	53.86	03/20/2023
272	PARK COUNTY	2022_12	RECYCLING	12/31/2022	74.00	74.00	03/20/2023
272	PARK COUNTY	2022_12	BUILDING MAINT SUPPLIES	12/31/2022	34.38	34.38	03/20/2023
272	PARK COUNTY	2022_12	NOV - POWER BILL	12/31/2022	2,744.57	2,744.57	03/20/2023
272	PARK COUNTY	2022_12	CITY SHARE	12/31/2022	9.25	9.25	03/20/2023
272	PARK COUNTY	2022_12	DEC- CELL PHONE	12/31/2022	533.42	533.42	03/20/2023
272	PARK COUNTY	2022_12	QUARTERLY PORT SCANS	12/31/2022	55.00	55.00	03/20/2023
272	PARK COUNTY	2023_01	REMOTE MANAGEMENT & PLAT	01/31/2023	264.74	264.74	03/21/2023
272	PARK COUNTY	2023_01	VIDEO CONF - NOV	01/31/2023	79.88	79.88	03/21/2023
272	PARK COUNTY	2023_01	IT-NETWORK CIRCUITS	01/31/2023	452.39	452.39	03/21/2023
272	PARK COUNTY	2023_01	ELEVATOR REPAIRS	01/31/2023	715.59	715.59	03/21/2023
272	PARK COUNTY	2023_01	IT-NETWORK CIRCUITS	01/31/2023	76.50	76.50	03/21/2023
272	PARK COUNTY	2023_01	ICE MELT	01/31/2023	66.59	66.59	03/21/2023
272	PARK COUNTY	2023_01	ANALOG LINE - LOBBY ELEVAT	01/31/2023	9.35	9.35	03/21/2023
272	PARK COUNTY	2023_01	RECYCLING	01/31/2023	92.50	92.50	03/21/2023
272	PARK COUNTY	2023_01	BUILDING SUPPLIES	01/31/2023	14.42	14.42	03/21/2023
272	PARK COUNTY	2023_01	BUILDING SUPPLIES	01/31/2023	31.80	31.80	03/21/2023
272	PARK COUNTY	2023_01	DEC UTILITES	01/31/2023	3,000.24	3,000.24	03/21/2023
272	PARK COUNTY	2023_01	CONVERT DOOR LOCKS	01/31/2023	325.60	325.60	03/21/2023
272	PARK COUNTY	2023_01	INTERNET - CITY/COUNTY COM	01/31/2023	2,165.21	2,165.21	03/21/2023
272	PARK COUNTY	2023_01	PHONES - CITY/COUNTY COMP	01/31/2023	186.48	186.48	03/21/2023
272	PARK COUNTY	2023_01	INTERNET - CITY HALL	01/31/2023	826.66	826.66	03/21/2023
272	PARK COUNTY	2023_01	INTERNET - PUBLIC WORKS	01/31/2023	191.92	191.92	03/21/2023
272	PARK COUNTY	2023_01	INTERNET - PUBLIC WORKS	01/31/2023	191.92	191.92	03/21/2023
272	PARK COUNTY	2023_01	INTERNET - PUBLIC WORKS	01/31/2023	191.92	191.92	03/21/2023
272	PARK COUNTY	2023_01	INTERNET - PUBLIC WORKS	01/31/2023	191.90	191.90	03/21/2023
272	PARK COUNTY	2023_01	INTERNET - CIVIC CENTER	01/31/2023	767.66	767.66	03/21/2023
272	PARK COUNTY	2023_01	INTERNET - TRANSFER STATIO	01/31/2023	220.64	220.64	03/21/2023
272	PARK COUNTY	2023_01	INTERNET - POOL	01/31/2023	220.64	220.64	03/21/2023
272	PARK COUNTY	2023_01	INTERNET - STREET SHOP	01/31/2023	73.55	73.55	03/21/2023
272	PARK COUNTY	2023_01	INTERNET - STREET SHOP	01/31/2023	73.55	73.55	03/21/2023
272	PARK COUNTY	2023_01	INTERNET - STREET SHOP	01/31/2023	73.54	73.54	03/21/2023
272	PARK COUNTY	2023_01	ANNUAL FIRE LINE FEES	01/31/2023	20.39	20.39	03/21/2023
272	PARK COUNTY	2023_01	WATER HEATER	01/31/2023	4,303.77	4,303.77	03/21/2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
272	PARK COUNTY	2023_01	BUILDING REPAIRS	01/31/2023	81.40	81.40	03/21/2023
272	PARK COUNTY	2023_01	REMOTE RELEASE BUTTON	01/31/2023	140.60	140.60	03/21/2023
272	PARK COUNTY	2023_01	DOOR LOCK SE ENTRANCE	01/31/2023	755.91	755.91	03/21/2023
272	PARK COUNTY	2023_01	JAN- CELL PHONE	01/31/2023	533.46	533.46	03/21/2023
272	PARK COUNTY	2023_01	SNOWBLOWER GAS	01/31/2023	33.13	33.13	03/21/2023
272	PARK COUNTY	2023_01	UTILITY CARTS	01/31/2023	137.49	137.49	03/21/2023
272	PARK COUNTY	2023_01	SHRED OLD HARD DRIVES	01/31/2023	456.75	456.75	03/21/2023
272	PARK COUNTY	2023_02	SAND BAGS	02/28/2023	3,470.00	3,470.00	03/21/2023
272	PARK COUNTY	2023_02	NETWORK CIRCUITS	02/28/2023	76.50	76.50	03/21/2023
272	PARK COUNTY	2023_02	REMOTE MANAGMENT & PLAT	02/28/2023	264.74	264.74	03/21/2023
272	PARK COUNTY	2023_02	LAWN CLEANUP	02/28/2023	305.25	305.25	03/21/2023
272	PARK COUNTY	2023_02	ANALOG LINE - LOBBY ELEVAT	02/28/2023	9.43	9.43	03/21/2023
272	PARK COUNTY	2023_02	REPAIR TOILETS	02/28/2023	2,238.57	2,238.57	03/21/2023
272	PARK COUNTY	2023_02	RECYCLING	02/28/2023	74.00	74.00	03/21/2023
272	PARK COUNTY	2023_02	SUPPLIES	02/28/2023	12.10	12.10	03/21/2023
272	PARK COUNTY	2023_02	JANUARY UTILITIES	02/28/2023	4,125.87	4,125.87	03/21/2023
272	PARK COUNTY	2023_02	REPAIR HVAC	02/28/2023	341.32	341.32	03/21/2023
272	PARK COUNTY	2023_02	FILTERS	02/28/2023	46.94	46.94	03/21/2023
272	PARK COUNTY	2023_02	INTERNET - CITY/COUNTY COM	02/28/2023	2,165.21	2,165.21	03/21/2023
272	PARK COUNTY	2023_02	PHONES - CITY/COUNTY COMP	02/28/2023	186.47	186.47	03/21/2023
272	PARK COUNTY	2023_02	INTERNET - CITY HALL	02/28/2023	826.66	826.66	03/21/2023
272	PARK COUNTY	2023_02	INTERNET - PUBLIC WORKS	02/28/2023	191.92	191.92	03/21/2023
272	PARK COUNTY	2023_02	INTERNET - PUBLIC WORKS	02/28/2023	191.92	191.92	03/21/2023
272	PARK COUNTY	2023_02	INTERNET - PUBLIC WORKS	02/28/2023	191.92	191.92	03/21/2023
272	PARK COUNTY	2023_02	INTERNET - PUBLIC WORKS	02/28/2023	191.90	191.90	03/21/2023
272	PARK COUNTY	2023_02	INTERNET - CIVIC CENTER	02/28/2023	767.66	767.66	03/21/2023
272	PARK COUNTY	2023_02	INTERNET - TRANSFER STATIO	02/28/2023	220.64	220.64	03/21/2023
272	PARK COUNTY	2023_02	INTERNET - POOL	02/28/2023	220.64	220.64	03/21/2023
272	PARK COUNTY	2023_02	INTERNET - STREET SHOP	02/28/2023	73.55	73.55	03/21/2023
272	PARK COUNTY	2023_02	INTERNET - STREET SHOP	02/28/2023	73.55	73.55	03/21/2023
272	PARK COUNTY	2023_02	INTERNET - STREET SHOP	02/28/2023	73.54	73.54	03/21/2023
272	PARK COUNTY	2023_02	FIRE EXTINGUISHERS	02/28/2023	127.65	127.65	03/21/2023
Total PARK COUNTY:					56,579.47	56,579.47	
<b>REPUBLIC SERVICES #670</b>							
10000	REPUBLIC SERVICES #670	0670-0003884	DISPOSAL/RECYCLING	02/28/2023	39,576.10	39,576.10	03/22/2023
Total REPUBLIC SERVICES #670:					39,576.10	39,576.10	
<b>RESSLER MOTOR COMPANY</b>							
10001	RESSLER MOTOR COMPANY	180702	2022 CHEVROLET	03/14/2023	43,689.00	43,689.00	03/22/2023
Total RESSLER MOTOR COMPANY:					43,689.00	43,689.00	
<b>SETCO</b>							
2889	SETCO	229351	SINGLE SLOT BLADE-DBLE PAI	02/16/2023	1,625.87-	1,625.87-	03/22/2023
2889	SETCO	229351	SINGLE SLOT BLADE	02/16/2023	21,321.00	21,321.00	03/22/2023
Total SETCO:					19,695.13	19,695.13	
<b>US POST OFFICE</b>							
2596	US POST OFFICE	2023.3.27	2023 SPRING FLYER	03/27/2023	272.89	272.89	03/27/2023
2596	US POST OFFICE	2023.3.27	2023 SPRING FLYER	03/27/2023	272.89	272.89	03/27/2023
2596	US POST OFFICE	2023.3.27	2023 SPRING FLYER	03/27/2023	272.90	272.90	03/27/2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total US POST OFFICE:					818.68	818.68	
<b>VERIZON WIRELESS</b>							
879	VERIZON WIRELESS	9929619649	MARCH CELLPHONES	03/08/2023	62.83	62.83	03/22/2023
879	VERIZON WIRELESS	9929619649	MARCH CELLPHONES	03/08/2023	48.07	48.07	03/22/2023
879	VERIZON WIRELESS	9929619649	MARCH CELLPHONES	03/08/2023	19.68	19.68	03/22/2023
879	VERIZON WIRELESS	9929619649	MARCH CELLPHONES	03/08/2023	19.68	19.68	03/22/2023
879	VERIZON WIRELESS	9929619649	MARCH CELLPHONES	03/08/2023	19.68	19.68	03/22/2023
879	VERIZON WIRELESS	9929619649	MARCH CELLPHONES	03/08/2023	.00	.00	
879	VERIZON WIRELESS	9929619649	MARCH CELLPHONES	03/08/2023	62.83	62.83	03/22/2023
879	VERIZON WIRELESS	9929619649	MARCH CELLPHONES	03/08/2023	43.89	43.89	03/22/2023
879	VERIZON WIRELESS	9929619649	MARCH CELLPHONES	03/08/2023	19.68	19.68	03/22/2023
879	VERIZON WIRELESS	9929619649	MARCH CELLPHONES	03/08/2023	43.89	43.89	03/22/2023
879	VERIZON WIRELESS	9929619649	MARCH CELLPHONES	03/08/2023	43.89	43.89	03/22/2023
879	VERIZON WIRELESS	9929619649	MARCH CELLPHONES	03/08/2023	19.68	19.68	03/22/2023
879	VERIZON WIRELESS	9929619649	MARCH CELLPHONES	03/08/2023	43.89	43.89	03/22/2023
879	VERIZON WIRELESS	9929619649	MARCH CELLPHONES	03/08/2023	19.68	19.68	03/22/2023
879	VERIZON WIRELESS	9929619649	MARCH CELLPHONES	03/08/2023	43.89	43.89	03/22/2023
879	VERIZON WIRELESS	9929619649	MARCH CELLPHONES	03/08/2023	19.68	19.68	03/22/2023
879	VERIZON WIRELESS	9929619649	MARCH CELLPHONES	03/08/2023	43.89	43.89	03/22/2023
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879	VERIZON WIRELESS	9929619649	MARCH CELLPHONES	03/08/2023	43.89	43.89	03/22/2023
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879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	10.25	10.25	03/22/2023
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	45.72	45.72	03/22/2023
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	10.73	10.73	03/22/2023
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	20.48	20.48	03/22/2023
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	45.72	45.72	03/22/2023
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	20.48	20.48	03/22/2023
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	20.48	20.48	03/22/2023
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	.00	.00	
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	45.72	45.72	03/22/2023
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	45.72	45.72	03/22/2023
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879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	20.48	20.48	03/22/2023
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	20.48	20.48	03/22/2023
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	20.48	20.48	03/22/2023
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	20.48	20.48	03/22/2023
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	20.48	20.48	03/22/2023
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	20.48	20.48	03/22/2023
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	20.48	20.48	03/22/2023
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	12.71	12.71	03/22/2023
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	12.71	12.71	03/22/2023
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	12.71	12.71	03/22/2023
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	45.72	45.72	03/22/2023
879	VERIZON WIRELESS	9929619650	MARCH CELLPHONES	03/08/2023	45.74	45.74	03/22/2023
Total VERIZON WIRELESS:					1,492.46	1,492.46	



Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Grand Totals:					193,988.74	193,988.74	

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

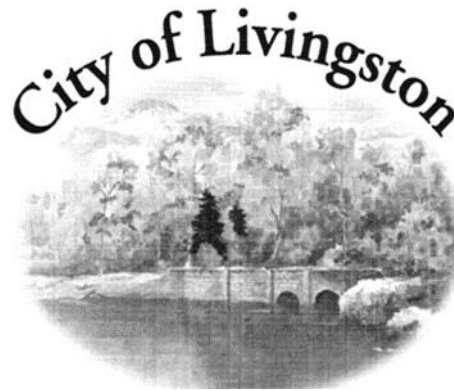
**File Attachments for Item:**

**B. Consideration of Letter of Support for Park County Floodplain Mapping**

**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

citymanager@livingtonmontana.org  
www.livingstonmontana.org



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**Chairperson**  
Melissa Nootz

**Vice Chair**  
Karrie Kahle

**Commissioners**  
Mel Friedman  
Quentin Schwarz  
Torrey Lyons

Date: April 4, 2023  
To: Chair Nootz and City Commissioners  
From: Grant Gager, City Manager

**Staff Report for a Letter of Support for a FEMA Grant Application by the Montana DNRC to Fund Phase II of the Park County Upper Yellowstone Floodplain Mapping Project**

**Recommendation and Summary**

Staff is recommending the Commission sign a letter of support for the Montana Department of Natural Resources & Conservation to submit a grant application for Federal Emergency Management Agency (FEMA) funds to conduct Phase II of the Park County Upper Yellowstone Floodplain Mapping Project by adopting the following motion:

“I move to approve a letter of support for the Montana Department of Natural Resources & Conservation to apply for FEMA grant funds to conduct Phase II of the Park County Upper Yellowstone Floodplain Mapping Project.”

The reasons for the recommendation are as follows:

- Montana Department of Natural Resources & Conservation (DNRC) is seeking a letter of support to apply for a grant to fund Phase II of the Park County Upper Yellowstone Floodplain Mapping Project.
- Data collected during the project will be used to update floodplain maps and inform decisions related to development in flood-prone areas in the City of Livingston.

**Introduction and History**

On June 3, 2022, unprecedented flooding occurred along the Upper Yellowstone River that severely impacted Park County, including the City of Livingston. The DNRC is collaborating with flood-impacted communities along the Upper Yellowstone River to obtain FEMA grant funds to conduct studies to assess changes in the flood conditions and risk along the river post-flood.

**Analysis**

Developing regulatory floodplain maps is a complex process that involves collecting, analyzing and applying data to produce a map of the areas in a community that are prone to flooding. Floodplain maps are utilized by emergency responders, the insurance industry, community planners, developers, and mortgage lenders. The maps are also critical tools for local floodplain managers, and local, state, and federal emergency management for communicating and managing flood risk.

The current Flood Insurance Rate Maps (FIRM) Maps for Livingston were issued by FEMA in 2011. Due to widespread damage to structures and significant river channel migration in some areas that resulted from the 2022 flood event, the current floodplain models are assumed to no longer adequately represent flood risk in many locations within the project area. DNRC received FEMA funding for Phase I in the fall of 2022 to complete updated LiDAR, field survey, bathymetric survey, and updated hydrology. The hydrology was done in collaboration with the US Geological Survey to get updated stream gage information.

Phase II grant funds would be used to build on the efforts from Phase I that are currently underway. Hydraulics, floodplain mapping, and developing flood risk products would be conducted in Phase II of the project. FEMA funds would allow DNRC to assess where existing conditions have changed enough to require current floodplain studies and maps to be updated. Data collection to update the existing studies will also be funded through this grant.

**Fiscal Impact**

The DNRC will obtain and manage the grant funds and hire contractors to conduct the flood study. Staff anticipates there will be a total of two public review meetings and the only cost to the city associated with the project will be public noticing for the draft map review meetings and staff time during the meetings.

**Strategic Alignment**

Updated floodplain maps will allow local decision makers to more accurately determine flood risk, which directly supports Strategy 4.3.2.1 in the 2021 Growth Policy to *Continue to limit development in the floodplain through the application of the Livingston Floodplain Regulations.*

Beyond reducing flood risk by improving floodwater conveyance and storage during high water events, floodplains provide groundwater recharge, filter sediment and contaminants, transport nutrients, and support healthy stream and riparian habitats. Consequently, limiting floodplain development supports Strategy 4.3.2.2 to *Protect the Yellowstone River’s natural flow and flood cycles to promote the health of the riparian area and associated wildlife.*

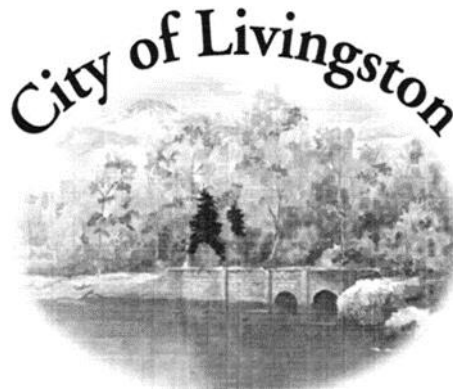
**Attachments**

- Attachment A: Draft Letter of Support
- Attachment B: DNRC Informational Brochure *Understanding the Flood Study Process*
- Attachment C: Existing and Proposed Mapped Floodplains in Livingston

**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

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**Chairperson**  
Melissa Nootz

**Vice Chair**  
Karrie Kahle

**Commissioners**  
Mel Friedman  
Quentin Schwarz  
Torrey Lyons

**March 17, 2023**

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

Dear Mr. Story,

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

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

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

Sincerely,

\_\_\_\_\_  
Melissa Nootz  
Chair, Livingston City Commission



# Summary

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

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



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

## Understanding the Flood Study Process



# Flood Study Steps

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

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

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

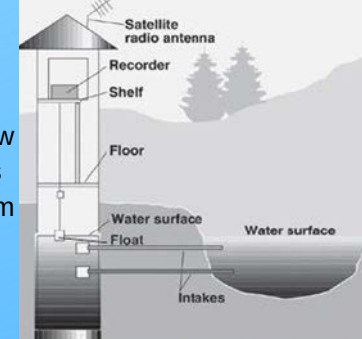
**Step 4 - Mapping (delineation):** the results from step 3 are combined with the elevation data and official maps to see how far the water will spread out. The area shown to be underwater during the flood is the regulatory floodplain.

**Step 1 - Survey:** The type of the survey depends on the size of the study area and type of study.



## Step 2 - Hydrology:

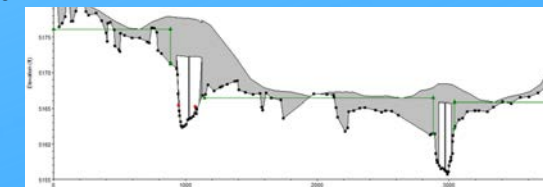
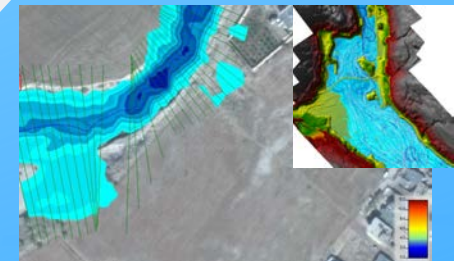
Stream gage stations are an important tool to determine flow rates. If nearby stream gages aren't available, gage data from a similar location is used to determine the flow rate.



## Step 3 - Hydraulics:

5 main components to the model

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

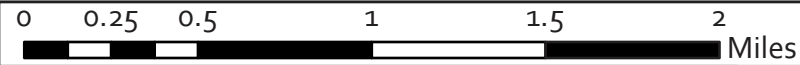


## Step 4 - Mapping (delineation):

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


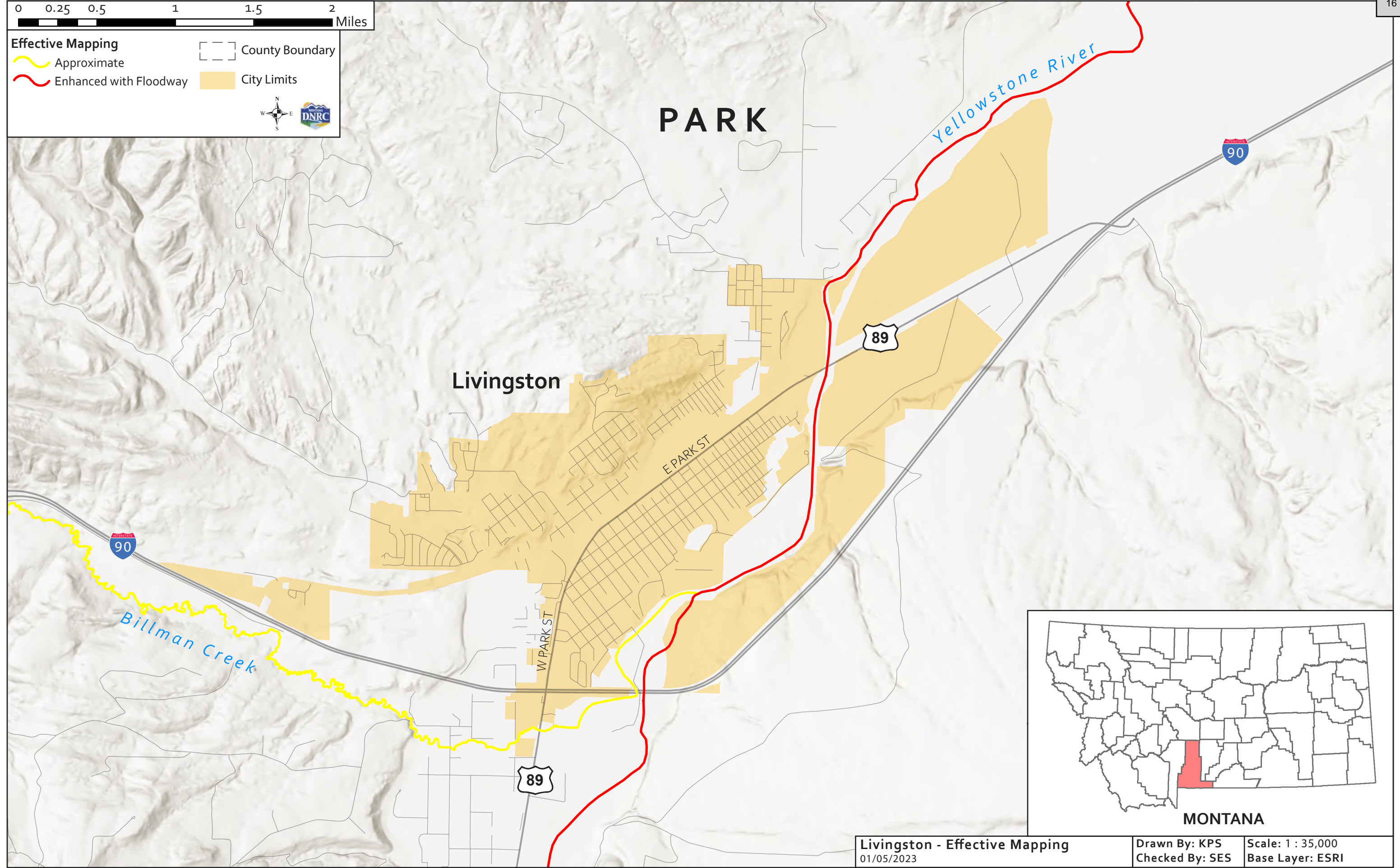






**Effective Mapping**

- Approximate
- Enhanced with Floodway
- County Boundary
- City Limits

MONTANA

Livingston - Effective Mapping  
01/05/2023

Drawn By: KPS  
Checked By: SES

Scale: 1 : 35,000  
Base Layer: ESRI



**File Attachments for Item:**

**A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA,  
DECLARING NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK AS APRIL 9-15, 2023.**



**Proclamation  
National Public Safety Telecommunicators Week**

**April 9-15, 2023**

**WHEREAS** emergencies can occur at any time that requires law enforcement, fire or emergency medical services, and the Public Safety Telecommunicators are the first and most critical contact to those citizens needing those services;

**WHEREAS** when an emergency does occur the prompt response of law enforcement officers, firefighters and paramedics is critical to the protection of life and preservation of property; and,

**WHEREAS** the safety of all of our law enforcement officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who provide the Livingston/Park County 911 Dispatch Center with information; and,

**WHEREAS** Public Safety Telecommunicators are the single vital link for our law enforcement officers and firefighters by monitoring their activities by radio, providing them information and ensuring their safety; and,

**WHEREAS** Public Safety Telecommunicators of the Livingston/Park County 911 Dispatch Center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and,

**WHEREAS** each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

**NOW THEREFORE BE IT RESOLVED**, I, Melissa Nootz, Chair of City Commission of the City of Livingston Montana, do hereby declare the week of April 9 through 15, 2023, to be National Public Safety Telecommunicators Week in Livingston, Montana, in honor of the men and women whose diligence and professionalism keep our city and all of our citizens safe.

Signed this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Melissa Nootz, Chair  
Livingston City Commission

\_\_\_\_\_  
Faith Kinnick,  
Recording Secretary



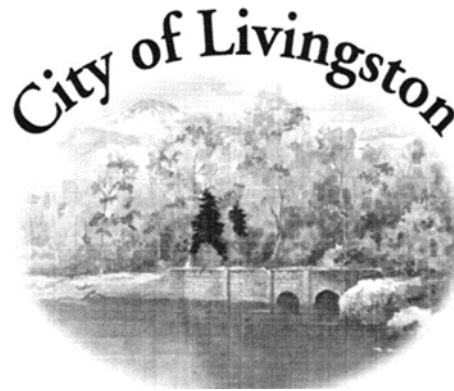
**File Attachments for Item:**

**A. ORDINANCE NO. 3040: AN ORDINANCE OF THE CITY COMMISSION OF CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30, ARTICLE V, SECTION 30.50 OF THE CITY ZONING ORDINANCE ENTITLED SIGNS.**

**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

citymanager@livingstonmontana.org  
www.livingstonmontana.org



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**Chairperson**  
Melissa Nootz

**Vice Chair**  
Karrie Kahle

**Commissioners**  
Mel Friedman  
Quentin Schwarz  
Torrey Lyons

Date: April 4, 2023  
To: Chair Nootz and City Commissioners  
From: Jennifer Severson, Planning Director

**REVISED: Staff Report for Approving Updates to the Sign Ordinance in the City of Livingston Zoning Code**

**Recommendation and Summary**

Staff recommends the Commission approve proposed updates to the City of Livingston Zoning Code Article V Section 30.50 Signs by adopting the following motion:

**“I move to approve Ordinance 3040 to update the City of Livingston Zoning Code Article V Section 30.50 Signs and authorize the Chair to sign Ordinance 3040.”**

The reasons for the recommendation are as follows:

- The proposed code update provides clarity about certain elements of the sign code and allows for new signage in downtown Livingston to be consistent with the projecting and neon historic sign styles that are a trademark of the City’s downtown.
- The proposed update will streamline the sign review process by allowing Sign Plans for projects located outside the Downtown Historic District to be administratively reviewed by staff (signs within the Downtown Historic District will continue to be reviewed by the HPC).
- Enforcement of the sign code will shift from the City’s Building Official to the Zoning Coordinator.
- Language in the sign code has been updated to increase its consistency with the *Reed Et Al. v Town of Gilbert* Supreme Court decision related to content-based restrictions on signage.
- ***Section 30.50.K has been revised to remove the \$300.00 maximum fine allowed for code violations and allow for a fine to be imposed each day the violation is not remedied.***

**Introduction and History**

The sign code update was initiated after several sign design review applications to the Historic Preservation Commission (HPC) had to be modified to comply with the City’s Zoning Code, even though the proposed signs were consistent with existing signage in the Downtown Historic District. HPC discussion about code updates focused on the Downtown Historic District and how to increase flexibility for downtown business owners to replicate historic signage. The HPC unanimously approved the sign code updates that were submitted to the Zoning Commission for a recommendation.

On October 11, 2022 the Zoning Commission voted to recommend that the City Commission approve the proposed amendments to Article V Section 30.50 Signs in the City’s Zoning Code. ***After the Proposed Sign Ordinance Text Amendment was introduced at the February 21, 20233 City Commission meeting, Staff performed further review of the violations related to violations of the sign code and determined that the current maximum fine not to exceed \$300 does not provide adequate incentive to remedy the***

*cited violation. Staff proposes Section 30.50.K be revised to allow the City to impose a \$300.00 fine for each day the violation is not remedied.*

**Analysis**

The proposed updates to the sign code provide greater flexibility of sign design within the Downtown Historic District, especially as relates to wall, window and projecting signs and sign lighting. The revised code will allow new signage to be consistent with existing historic signs and will help to maintain the unique character of Livingston’s Downtown. These code updates will also allow staff to implement recommendations from Chapter 11 in the 2021 Growth Policy, including bringing the City’s sign code into conformance with the *Reed Et Al. v Town of Gilbert* Supreme Court decision about content-based sign restrictions and shifting responsibility for enforcement of the sign code from the Building to the Planning Department. *Finally, the amendments to Section 30.50.K to allow the City to impose civil fines for each day a violation is not remedied, will provide greater incentive for violators to bring signs into compliance with the code.*

The proposed updates to the City of Livingston Zoning Code comply with MCA 76-2-304 for Zoning Regulations.

**Fiscal Impact**

Please include a brief statement of the financial impact of the requested action or deliberation. Usually it is sufficient to note where an item is budgeted or a general revenue/expense impact.

**Strategic Alignment**

The proposed zoning code amendment supports the 2021 Growth Policy Strategy 2.1.2.5 to update sign and landscaping codes for commercial areas. The proposed zoning code update also supports Growth Policy Chapter 11 recommendations that the City review Section 30.50 in the Zoning Code for sign standards to meet the intent of the zoning code, recommendations of the Growth Policy and compliance with state, county and local laws including but not limited to *Reed v. Town of Gilbert*, and to evaluate the role of the Building Official to enforce the sign ordinance.

**Attachments**

- A. City Attorney- Penalty Provision for Proposed Ordinance No. 3040
- B. Draft Ordinance 3040- *revised (March 21, 2023)*

Jon M. Hesse  
Jon M. Hesse, P.C.  
ATTORNEY AT LAW  
POST OFFICE BOX 1078  
1201 U.S. HIGHWAY 10 WEST, SUITE A3  
LIVINGSTON, MT 59047

TELEPHONE (406) 222-6037  
EMAIL: [jhesse@jm-hesselaw.com](mailto:jhesse@jm-hesselaw.com)

FACSIMILE (406) 222-6040  
WEBSITE: <https://www.jmhesselaw.com>

March 22, 2023

Grant Gager  
City Manager  
City of Livingston  
220 E. Park Street  
Livingston, MT 59047

Via Email

***Re: Penalty Provision For Proposed Ordinance No. 3040***

Dear Grant:

**Question:** Is the penalty provision contained in proposed Ordinance No. 3040 allowed under Montana State Statutes?

**Answer:** yes.

**Discussion:** The penalty provision contained in proposed Ordinance No. 3040 is enforced pursuant to municipal infraction statutes. Cities and towns are allowed to treat violations of municipal codes as misdemeanor violations or as municipal infractions.

The pertinent Montana Municipal Infractions statutes state as follows:

Section 7-1-4150, MCA states:

**“(1) A municipal infraction is a civil offense punishable by a civil penalty of not more than \$300 for each violation or if the infraction is a repeat offense, a civil penalty not to exceed \$500 for each repeat violation.**

(2) A municipality may by ordinance provide that a violation of an ordinance is a municipal infraction.

(3)(a) A municipality may by ordinance provide that a criminal offense under state law that is punishable only by a fine is a municipal infraction.

(b) Statutory surcharges must be imposed, as provided in 3-1-317(1)(a), 3-1-318(1), and 46-18-236(6)(a), on municipal infractions that are criminal offenses under state law, and

the amounts must be distributed as provided in those sections.

(c) A person may not be proceeded against for the same act or omission to act under both a municipal infraction ordinance and the corresponding state law criminal offense on which the municipal infraction ordinance is based.”

...  
(Emphasis added)

Section 7-1-4151, MCA, states as follows:

“(1) In municipal infraction proceedings:  
(a) the matter must be tried before a municipal court judge or city court judge in the same manner as a small claim if the total amount of civil penalties does not exceed \$7,000. The matter may only be tried before a judge in district court if the total amount of civil penalties assessed exceeds \$7,000.  
...”

Montana state statute Section 76-2-315, MCA, dealing with zoning violations states as follows:

“(1) A violation of this part or of such ordinance or regulation made pursuant to 76-2-308(1) is a misdemeanor, and such city or town council or other legislative body may provide for the punishment thereof by fine or imprisonment or both.  
(2) **It is also empowered to provide civil penalties for such violation.**” (Emphasis added)

Proposed Ordinance No. 3040, is a zoning code. Section 76-2-315(2), allows cities and towns to enforce zoning by using civil penalties. Said proposed Ordinance provides that the codes may be enforced by a municipal infraction proceeding which is a civil proceeding. See Section 7-1-4150(1), MCA, and Subsection K of proposed Ordinance No. 3040.

Section 7-1-4150(1), MCA, states that a civil penalty for a first violation cannot exceed \$300.00, and the civil penalty for a repeat offense cannot exceed \$500.00 for each repeat violation. Subsection K of proposed Ordinance No. 3040 states in pertinent part: “ Any violation of any provision of the Section is a civil infraction punishable by a fine not to exceed Three Hundred Dollars (\$300.00) for each violation. Each day that the violation continues shall be deemed a separate and punishable violation.”

However, pursuant to Section 7-1-4151(1)(a), MCA, if the total amount of the civil penalty exceeds \$7,000.00, the matter must be tried in the Park County District Court and not the Livingston City Court.

**Conclusion:** Subsection K of proposed Ordinance No. 3040 as it is presently worded is allowed under Montana state statutes.

If you have any questions, please email or call my office.

Sincerely yours,



---

Jon M. Hesse  
Attorney at Law  
JMH/cw  
jh.2023.Livingston. 3.23. L.2



**ORDINANCE NO.**  
**AN ORDINANCE OF THE CITY COMMISSION OF CITY OF LIVINGSTON,**  
**MONTANA, AMENDING CHAPTER 30, ARTICLE V, SECTION 30.50 OF THE CITY**  
**ZONING ORDINANCE ENTITLED SIGNS.**

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**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.

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**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 laid out by Section 76-2-304 of Montana Code Annotated; and

**WHEREAS**, the City of Livingston Zoning Commission voted unanimously to recommend approval of the amendments to Section 30.50 of 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 – Supplementary General Requirements, Section 30.50 – Signs be amended as follows with deletions struck-through and additions redlined as follows:

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. ~~1.~~ "Actual business premises" means the owned or leased real property from which the business is actively transacted.
- ~~1.2.~~ "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.
- 3. ~~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.
- 4. "Backlit" means a method of sign illumination that consists of lighting placed behind translucent or semi-transparent sign elements allowing light to project through the front of the sign element.
- ~~2.5.~~ "Banner Sign" means a sign made of lightweight fabric, plastic, vinyl, or similar material with no enclosing framework that is mounted to a building or other structure at one (1) or more edges.
- 6. ~~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.
- ~~3.7.~~ "Door Sign" means a sign placed inside or upon the door and is visible from the exterior of the building. Door signs may only contain the names, logos, contact information, and hours of the businesses or tenants located within the building.
- 8. ~~-~~ "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.
- 9. "Halo Lit" means a method of sign illumination that consists of lighting attached to the back of opaque sign elements with light projected behind and parallel to the sign elements. Halo lighting shall not allow any light to be projected beyond the horizontal plane of the rear of the sign element.
- 10. "Marquee sign" means a specific type of reader board but restricted to use by active movie theaters.
- ~~4.11.~~ "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
- ~~12. 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.
- 13. "Neon Sign" means electric signs lighted by luminous gas-discharge tubes that contain rarefied neon or other gases. Signs utilizing light-emitting diodes (LEDs) to mimic the appearance of neon signs shall be considered neon signs.

14. "Off-premises sign" means a sign located on property other than the actual business premises.

15. "Portable sign" means any sign designed to be easily moved or transported whether by carrying, by mounted wheels, by trailer or otherwise.

5.16. "Projecting sign" means a sign installed on the facade of a building or underside of an awning which is attached to such building in a perpendicular manner or at an angle to the building wall.

17. 6. "Reader board" means a sign designed to allow the letters on the sign to be altered, removed and added.

6.18. "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.~~

7.19. ~~12.~~ "Sandwich boardSidewalk sign" means a movable 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.

8.20. ~~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~~25) 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.

21. ~~14.~~ "Sign area" means the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area with parallelograms, triangles or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles or circles. The area computed shall be the maximum portion or portions which may be viewed

~~from any one direction. 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.~~

~~9.22.~~ "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. The term includes real estate and political signs.

~~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.~~

~~23.~~ 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.

~~24.~~ "Wall Sign" means a sign attached to or erected against the wall of a building with the face in a parallel plane to the place of the building wall, including a sign attached to a parapet wall that may be constructed specifically for the purpose of attaching a sign.

~~10.25.~~ "Window Sign" means a sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

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 building permit must be obtained ~~from the Building Official~~ Zoning Coordinator and Building Official (if required) 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~~ Zoning Coordinator 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~~ Zoning Coordinator 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 Chapter 31 of the City Ordinances ~~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. Only time and temperature shall be animated.
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 ~~Zoning Districts~~, 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~~ **Allowed** 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 no greater than 15 square feet and 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. Nonilluminated 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. Temporary signs are exempted from setback requirements.
- 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.
    - a. All lighting shall comply with the requirements of ~~Ordinance No. 1967~~Chapter 18 “Night Sky Protection Act” of the City of Livingston Code of Ordinances. ~~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.
    - ~~a-b.~~In the Central Business District, backlit and uplit signs are prohibited. Lighting, including but not limited to: halo lit, downlit, and neon signs is allowed. Neon signs in the style of historic downtown signs are highly encouraged in the Central Business District.



3. Number of Signs.

a. In Commercial and Industrial Zoning Districts, other than the Central Business District, each use is limited to ~~two (2) wall signs~~ a total of three (3) wall, roof-mounted, and/or window signs, one (1) projecting sign or awning sign, and one (1) door sign. 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. Additionally, movie theaters are allowed one (1) marquee sign.

a.b. In the Central Business District Zoning District, each use is limited to two (2) wall signs, one (1) projecting sign, one (1) awning sign, and one (1) sidewalk sign. Each use is allowed window and door signs, and there shall be no maximum number of window or door signs. Additionally, movie theaters are allowed one (1) marquee sign. Free standing and monument signs are not permitted in the Central Business District.

~~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~~ Specific Sign Type Standards.

a. Wall, Window, and Door Signs.

i. In Commercial and Industrial Zoning Districts, other than the Central Business District, ~~t~~The total surface area of all wall signs and window 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 linear ~~1~~ 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. Door signs are not limited in square footage and shall not count towards to the total square footage of wall and window signs, but shall only contain the logo, names, contact information, and hours of the businesses or tenants located within the building.

ii. In the Central Business District:

- the total surface area of wall signs on the front street side and/or side street side of a building is limited to two (2) square feet of sign for each linear foot of building frontage not to exceed 100 square feet per street side.
- Buildings with exposed side walls not fronting a street are allowed wall signs of up to 250 square feet. Non-street side wall signs must be painted directly onto the façade of the building and cannot be lit.
- Window signs are limited to 30% of the total window area of the building regardless of the number of uses.
- Door signs are not limited in square footage and shall not count towards to the total square footage of wall and window signs, but shall only contain the logo, names, contact information, and hours of the businesses or tenants located within the building.



b. Monument Signs. Monument signs shall not exceed one hundred (100) square feet in total surface area. No monument sign shall exceed five (5) feet in height.

c. Free Standing Signs. Free standing signs shall not exceed one hundred fifty (150) square feet in total surface area. No free standing sign shall exceed thirty (30) feet in height.

~~6.~~ d. 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.

e. Sidewalk Signs.

i. Sidewalk signs shall be no greater than forty (40) inches in height measured vertically from the surface grade, and no greater than thirty (30) inches in width measured at the widest point of the sign. No element of the sidewalk sign may protrude more than 4 inches from the main post or supports of the sign.

ii. Sidewalk signs shall not be located at street intersections or placed in any manner to obstruct access to crosswalks, crosswalk ramps, and crossing push buttons.

iii. Sidewalk signs must be placed on the sidewalk directly adjacent to the uses they are advertising and must be brought inside when the advertised business is closed.

iv. Sidewalk signs must be weighted or tethered in such a manner that they are prevented from moving due to wind.

v. On sidewalks ten (10) feet and greater in width, sidewalk sign may be placed on the sidewalk with the furthest point of the sign no greater than thirty-six (36) inches from the curb or thirty-six (36) inches from the property line. At no point shall the sidewalk sign, combined with other sidewalk elements create an unobstructed sidewalk surface width of less than six (6) feet.

vi. On sidewalks less than ten (10) feet in width, sidewalk signs may be placed on the sidewalk with the furthest point of the sign no greater than thirty-six (36) inches from the curb. At no point shall the sidewalk sign, combined with other sidewalk elements create an unobstructed sidewalk surface width of less than four (4) feet. If the sidewalk is not able to accommodate a sidewalk sign while maintaining a four-foot unobstructed surface, sidewalk signs are not allowed in that location.

vii. On sidewalks with a boulevard, sidewalk signs shall be placed entirely in the boulevard.

f. Projecting Signs.

i. The lowest point of any projecting sign, regardless of location, shall be at least eight (8) feet above grade.

ii. In Commercial and Industrial Zoning Districts, projecting signs shall not exceed twenty (20) square feet in total.

iii. In the Downtown Historic District, new projecting signs shall not exceed twenty (20) square feet in total or be determined to be consistent with existing historic signs within the district by the Historic Preservation Commission.

g. Awning Signs. Awning signs may include signage printed directly on the awning or hung or attached to the awning structure. Total square footage of awning signage shall not exceed fifteen (15) square feet.

h. 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.

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;~~

~~a. b. Auction and special event Temporary signs no greater than nine (9) square feet in area for no longer than three (3) days (seventy-two (72) hours);~~

~~b. e. Directional signs for public facilities and museums;~~

~~c. d. Temporary B 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) for each violation. Each day that the violation continues shall be deemed a separate and punishable violation.

(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)

## 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 date of this ordinance.

**SECTION 5**

**Effective date:**

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

**PASSED** by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the \_\_\_\_\_ day of February, 2023.

\_\_\_\_\_  
**MELISSA NOOTZ - 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 second reading at a regular session thereof held on the \_\_\_\_\_ day of March, 2023.

\_\_\_\_\_  
**MELISSA NOOTZ – CHAIR**

**ATTEST:**

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

**APPROVE AS TO FORM:**  
\_\_\_\_\_  
**City Attorney**

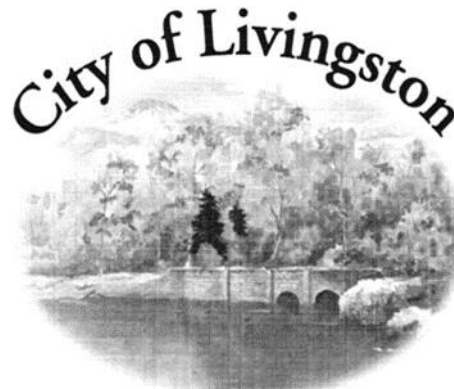
**File Attachments for Item:**

**A. RESOLUTION NO. 5086: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, PROVIDING AN EXEMPTION FROM DEVELOPMENT IMPACT FEES TO WINDRIDER TRANSIT'S FACILITY AT 70 VIEW VISTA DRIVE.**

**City Manager**  
Grant Gager

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(406) 823-6000 phone

citymanager@livingstonmontana.org  
www.livingstonmontana.org



*Incorporated 1889*

**Chairperson**  
Melissa Nootz

**Vice Chair**  
Karrie Kahle

**Commissioners**  
Mel Friedman  
Quentin Schwarz  
Torrey Lyons

Date: 4/4/2023  
To: Chair Nootz and City Commissioners  
From: Grant Gager, City Manager

**Staff Report for Resolution 5086 Providing an Exemption from  
Development Impact Fees from WindRider Transit**

**Recommendation and Summary**

Staff is recommending the Commission approve Resolution 5086 granting WindRider Transit’s request for an exemption from development impact fees by adopting the following motion:

“I move to approve Resolution 5086 granting WindRider Transit’s an exemption from impact fees and authorize the Chair and City Manager to sign the resolution.”

The reasons for the recommendation are as follows:

- The Livingston Municipal Code allows the City Commission to grant a credit or exemption from development impact fees.
- As a non-profit entity, WindRider Transit is eligible for an exemption from payment of development impact fees.

**Introduction and History**

WindRider Transit (WRT) is a non-profit organization that provides free fixed route transit service in the City of Livingston. WRT is constructing a new bus maintenance and service facility at 70 View Vista Drive in Livingston. As WRT prepares to construct the facility, they have requested a waiver of development impact fees.

**Analysis**

Development Impact Fees in the City of Livingston are managed pursuant to Chapter 24 of the Livingston Municipal Code (LMC). Section 24-9.i. provides that “Nonprofit charitable organizations may be exempt from payment of development impact fees upon showing that the construction or development activities undertaken by the charitable organization are for purposes of providing direct public benefit through construction of facilities or improvements to be used by the general public.” Additionally, LMC Section 24-11 provides that “The City Commission may by resolution grant a credit for or exemption from all or any part of the impact fees upon such finding that such credit or waiver is in the best interests of the public by encouraging activities that provide significant social, economic or cultural benefits.”

**Fiscal Impact**

Granting an exemption from impact fees will result in foregone revenue for the City’s enterprise funds. Given the size of the connection, the foregone revenue is expected to be less than \$7,000. The facility will be required to pay for the meter connection.

**Strategic Alignment**

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

**Attachments**

- Attachment A: Resolution 5086
- Attachment B: Request Letter from WRT

**RESOLUTION NO. 5086**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, PROVIDING AN EXEMPTION FROM DEVELOPMENT IMPACT FEES TO WINDRIDER TRANSIT ITS FACILITY AT 70 VIEW VISTA DRIVE.**

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

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

**WHEREAS**, WindRider Transit is a recognized non-profit provider of free fixed route transit services to the Livingston Community that is providing direct public benefit;

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

On behalf of the City of Livingston, the City Manager is hereby authorized to exempt WindRider Transit’s construction project at 70 View Vista Drive from development impact fees.

**APPROVED AND ADOPTED**, by the City Commission of the City of Livingston, this 21<sup>st</sup> day of February, 2023.

\_\_\_\_\_  
**MELISSA NOOTZ, Chair**

**ATTEST:**

**APPROVED TO AS FORM:**

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

\_\_\_\_\_  
**JON HESSE,**  
**Interim City Attorney**





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

January 17, 2023

Dear Mr. Gager:

On behalf of Windrider Transit (WRT), we would like to request a waiver for the City of Livingston Development Impact Fees associated with the Park County Transit Facility. This new facility is being built at 70 View Vista Drive, with a capital grant provided by both the Montana Department of Transportation (MDT) and federal resources. The building will provide covered and insulated storage bays for our growing fleet of buses and vans, office spaces, a wash bay and a driver's training room.

WRT derives around 58% of its annual budget from MCT and receives the remaining 42% from community contributions, largely as part of the PCCF Give A Hoot Campaign in July of each year. As part of the community support, we are very thankful that the City of Livingston and Park County each contribute \$5,000 per year toward this program. Other annual partners include Livingston HealthCare (\$10,000); Community Health Partners, Livingston Business Improvement District and Town & Country (\$3,000 each per year); and, Fairfield Inn, American Bank, Coffee Crossing, NorthTown Livingston and Printing for Less (varying amounts each year).

WRT is a non-profit public service for residents of Park County. Since its inception on November 6<sup>th</sup>, 2017 we have provided nearly 20,000 fare free rides throughout Livingston and Park County. Our service has grown to include Monday through Friday, fixed route services from 6:15 am - 6:15 pm (137 stops per day); Saturday fixed route services from 8:00 am - 12:00 pm (45 stops per half day); twice-weekly Dial-A-Ride (DAR) services to Bozeman for medical-dental-vision-behavioral health appointments; and once-weekly DAR services in Livingston for those who do not qualify for Angel Line transportation services (Angel Line passengers must be 60 years of age or older and/or have a disability). Again, all of these services are provided free of charge.

WRT also provides transportation for special events in the area which have included the Yellowstone Harvest Festival; Downtown Summer Shuttles to and from area hotels, with a grant provided by the Tourism Business Improvement District; Tap Into Montana Brewfests; Stafford Animal Shelter Fur Ball Fundraisers; Park County Community Foundation Give A Hoot Fundraiser Dinners; Livingston Rec Center Junior Aquatic Program; and several other community gatherings.

Many of WRT passengers utilize our services as they have no other means of getting to/from their medical appointments, grocery store visits, to their places of employment, to Loaves and Fishes for their evening meal, the County-City Library, HRDC Warming Center, students from Livingston school district and many other community members.

WRT is requesting the waiver because of limited budget capacity; this is based upon our annual operating grant allowance from MDT combined with local community partner support. Our service is vital to many people in Livingston and Park County to assist with their quality of life. If we are assessed these fees, it may impact our current services and require cutbacks, presenting a hardship for both passengers and our staff.

Please feel free to share this request with the City Commission. We are happy to attend an upcoming commission meeting to answer any questions, if necessary. Additionally, if you have questions or require additional information to assist you in making this decision, please feel free to contact us at [sraddas@parkcounty.org](mailto:sraddas@parkcounty.org) or [kgalbraith@parkcounty.org](mailto:kgalbraith@parkcounty.org).

Sincerely,

  
Sheryl Raddas  
Windrider Transit Coordinator

  
Kristen Galbraith  
Windrider Transit Director

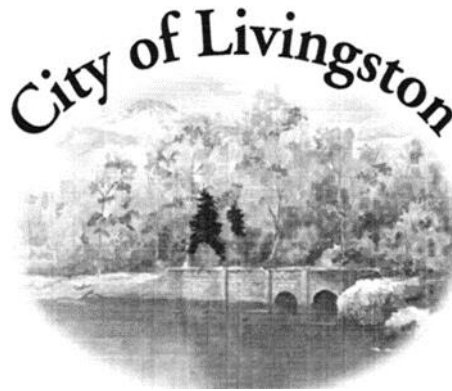
**File Attachments for Item:**

**A. Discussion Regarding Vending on City Property.**

**City Manager**  
Grant Gager

220 E Park Street  
(406) 823-6000 phone

citymanager@livingstonmontana.org  
www.livingstonmontana.org



*Incorporated 1889*

**Chairperson**  
Melissa Nootz

**Vice Chair**  
Karrie Kahle

**Commissioners**  
Mel Friedman  
Quentin Schwarz  
Torrey Lyons

Date: April 4, 2023  
To: Chair Nootz and City Commissioners  
From: Grant Gager, City Manager

**Staff Report for Direction on Vending on City Property**

**Recommendation and Summary**

Staff is requesting the City Commission provide direction on the allowance and management of vending on City-owned property.

The reasons for the request are as follows:

- The City has received inquiries about vending on City property.
- The Livingston Municipal Code is not explicit regarding vending on certain City property.

**Introduction and History**

Chapter 17 of the Livingston Municipal Code includes a “Sidewalk Vendor Special Business License.” The license allows vendors to sell “food or other merchandise from the sidewalk with no street address or from push carts, vehicles, trailers, or other readily mobile sources” with certain restrictions. Specifically, vendors are currently limited to 4 hours in one location. The Livingston Municipal Code does not specifically address vending from City property other than streets and alleys.

**Analysis**

In order to address both current vendor performance and future requests, staff is seeking Commission direction on Sidewalk Vendor Special Business Licenses and whether the Commission would like to modify the current restrictions or specifically allow non-street or alley locations. The City has received interest related to vending in parks and other outdoor City facilities and would appreciate Commission direction on that concept, in particular.

**Fiscal Impact**

There may be a minimal fiscal impact if vending allowances are modified.

**Strategic Alignment**

Aligning the Livingston Municipal Code with Commission directives ensures that the City is operating in accordance with approved policy.

**Attachments**

- Attachment A: None