



Livingston City Commission Agenda

June 04, 2024

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/85628837886?pwd=eFBGUWQxMGRPcUs0S1hNaE9mRy90UT09>

Meeting ID: 856 2883 7886

Passcode: 159354

1. Call to Order

2. Roll Call

3. Public Comment

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

4. Consent Items

- A. APPROVAL OF MINUTES FROM MAY 21, 2024, REGULAR MEETING PG.4**
- B. APPROVAL OF CLAIMS PAID 5/16/24 - 5/29/24 PG.39**
- C. JUDGES MONTHLY REPORT APRIL 2024 PG.43**
- D. APPROVAL OF PURCHASE ORDER 20087 WITH BOZEMAN TOYOTA PG.45**
- E. APPROVAL OF AGREEMENT 20088 WITH DANIELLE HARALDSON PG.48**

5. Proclamations

- A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING JUNE 08, 2024 AS FAMILY HEALTH AND FITNESS DAY IN LIVINGSTON, MONTANA PG.53**

6. Scheduled Public Comment

7. Action Items

- A. RESOLUTION 5130: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET IN THE AMOUNT OF \$30,487,800 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2024, AND ENDING JUNE 30, 2025, (FY 2025), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT www.livingstonmontana.org, AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS. PG.55**
- B. RESOLUTION 5131: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO ADJUST ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM. PG.61**

C. RESOLUTION 5132: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ADJUST ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WASTEWATER SYSTEM. PG.68

D. RESOLUTION 5133: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE RATE FOR COLLECTION AND DISPOSAL OF SOLID WASTE IN THE AMOUNT OF 5% PER MONTH FOR RESIDENTIAL CUSTOMER AND 5% FOR COMMERCIAL CUSTOMERS TO BECOME EFFECTIVE JULY 2024 AND CALLING FOR A PUBLIC HEARING. PG.75

E. POLICY DISCUSSION AND DIRECTION REGARDING SIDEWALK USES. PG.83

F. ORDINANCE 3053: AN ORDINANCE OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 10 OF THE LIVINGSTON MUNICIPAL CODE, ENTITLED MISCELLANEOUS OFFENSES, TO MODIFY SECTIONS 10-7 AND 10-8 TO ENABLE THE CONSUMPTION OF ALCOHOL IN CERTAIN PERMITTED AREAS. PG.97

8. City Manager Comment

9. City Commission Comments

10. Adjournment

Calendar of Events

Supplemental Material

Notice

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- **Special Accommodation:** If you need special accommodations to attend or participate in our meeting, please contact the Fire Department at least 24 hours in advance of the specific meeting you are planning on attending.

File Attachments for Item:

A. APPROVAL OF MINUTES FROM MAY 21, 2024, REGULAR MEETING



Livingston City Commission Minutes

May 21, 2024

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/87989608057?pwd=ZWZLK3pZQ3YzbEREaEgyNkZjMThMdz09>

Meeting ID: 879 8960 8057

Passcode: 338546

1. Call to Order

Vice-Chair Nootz called the meeting to order at 5:36pm

2. Roll Call

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

Staff in attendance: City Manager Grant Gager, Policy Analyst Greg Anthony, City Clerk Emily Hutchinson, Finance Director Paige Fetterhoff, Planning Director Jennifer Severson, Dispatch Barbie Roberts, Asst. Chief of Police Andrew Emanuel, Public Works Director Shannon Holmes, Project Manager Adam Ballew, Public Works Admin. Asst. Faith Kinnick Building Dept. Brad Haefs, Parks Superintendent Mike Skaggs, Water & Sewer Superintendent Ryan Townsend, Water Department Lead Jason Moyer, Water Reclamation Facility Superintendent Trace Tidwell, Sewer Maintenance Lead Logan Brownlee, Water Utility II Chuck Dilley, Fire Chief Josh Chabalowski, Captain Blake Roehl, Fire medic Molly Engle, Reserve Braya Hutton, Reserve Andrew Sprague

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)

- Nancy Adkins expressed concerns about Miles LN. She gave a brief story on a gentleman who has passed away and he previously worked for the City.

4. Consent Items

- | | |
|---|--------------|
| A. APPROVAL OF MINUTES FROM MAY 07, 2024, REGULAR MEETING | PG.4 |
| B. APPROVAL OF CLAIMS PAID 5/02/24 - 5/15/24 | PG.10 |
| C. CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR TAP INTO MONTANA BREW FEST JUNE 22, 2024 | PG.14 |
| D. CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR THE 100th ANNUAL LIVINGSTON ROUNDUP PARADE JULY 2, 2024 | PG.21 |
| E. CONSIDERATION OF ACCEPTANCE OF A DONATED GAZEBO | PG.27 |

F. TRANSMITTAL OF RESULTS FROM GATEWAY OVERLAY ZONE WORKSHOP PG.32

Vice-Chair Nootz pulled F for discussion

Commissioner Schwarz pulled E for discussion

Chair Kahle pulled A for discussion

Motion to approve consent items B-D was made by Commissioner Schwarz and seconded by Commissioner Lyons. The motion passed unanimously by the five members present.

Chair Kahle pointed out a few edits from last meetings minutes that needed corrected.

Motion to approve consent item A with changes was made by Chair Kahle and seconded by Commission Willich. Unanimously approved.

Commissioner Schwarz thanked whomever donated the new gazebo to Sacajawea Park.

Chair Kahle and Vice-Chair Nootz also thanked the donor.

Commissioner Schwarz motioned to approve consent item E and seconded by Chair Kahle. Unanimously approved.

Vice-Chair Nootz expressed appreciation and excitement about this document. She asked the City Manager for his thoughts on a path forward if this is part of the Growth Policy.

The City Manager briefly stated how this is called for within the Growth Policy.

Chair Kahle stated she really appreciates this summary and recommendation memo. She attended the in person event and is excited to see some of this move forward.

Commissioner Lyons and Commissioner Schwarz thanked folks who participated in that event.

Vice-Chair Nootz motioned to approve action item F and seconded by Commissioner Lyons. Unanimously approved.

5. Proclamations

A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING MAY 19 - 25, 2024 AS NATIONAL PUBLIC WORKS WEEK IN LIVINGSTON, MONTANA PG.58

Chair Kahle read the proclamation.

The City Manager all employees advance the quality of life in Livingston every day, but it is very noticeable in Public Works and thanked them for their work.

B. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING MAY 19 - 25, 2024 AS THE 50TH ANNIVERSARY OF NATIONAL EMS WEEK IN LIVINGSTON, MONTANA **PG.60**

Chair Kahle read the proclamation.

The City Manager thanked LFR for being present tonight

Chair Kahle thanked EMS staff for attending tonight.

C. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING MAY 19 - 25, 2024 AS NATIONAL TRAVEL AND TOURISM WEEK IN LIVINGSTON, MONTANA **PG.62**

Chair Kahle read the proclamation.

The City Manager thanked everyone employed in the travel and tourism industry.

Chair Kahle thanked everyone in this industry.

6. Scheduled Public Comment

7. Action Items

A. PRESENTATION OF CITY MANAGERS RECOMMENDED FY 2025 BUDGET **PG.67**

Vice-Chair Nootz called on the City Manager to introduce the item.

The City Manager gave a brief, but detailed presentation for FY 25 budget.

(Starts at Video Mark 32:00)

The City Manager clarified there is not action required tonight it was just to give the Commissioners insight into the City Manager’s recommended FY 25 budget.

Commissioner Willich asked about the sander being shown in two spots in the budget.

The City Manager clarified it is being funding by two departments so it will show partial funding in both sections.

Commissioner Lyons asked about funds going toward Windrider.

The City Manager stated that in conversations with Windrider they were happy with the level of funding being offered.

Commissioner Lyons asked about budget to do landscaping around the skate park and wondered why it was not in the budget for FY 25.

The City Manager stated they are planning on using the funds from FY 24 and will do the work in FY 24.

Commissioner Lyons asked for clarification on the purchase of a new garbage truck and also possible outsourcing.

The City Manager stated that if the outsourcing company is hired they would purchase our trucks.

Commissioner Schwarz thanked the City Manager and Finance Director for their work on this year's budget.

Chair Kahle wondered about the "office supplies" in FY 23

The City Manager stated this is a result of the administrative cost allocation hit that account in that year.

Vice-Chair Nootz expressed thanks to the City Manager for the Clerk position going full time, the personnel changes and benefit improvements that are happening, appreciates the that the budget felt much more balanced this year than in previous years, and likes the 3 seasonal employees going to one full time employee. She asked about the tiered water rates that were implemented last year.

The City Manager stated he will bring back water rates information regarding the tiers at the next meeting.

7:04pm Commissioner Schwarz motioned for a 10 minute break seconded by Chair Kahle. Unanimously approved.

(Starts at Video Mark 1:28:58)

B. CONSIDERATION OF NEW CITY LOGO

PG.69

Vice-Chair Nootz called on the City Manager to introduce the item.

The City Manager stated this item started a little over a year ago and the Abbi Agency was hired to design a new logo. He reminded it has been brought to the Commission for feedback previously, and the designs today are the re-envisioned logo concepts. Logos were shown in a brief presentation.

Vice-Chair Nootz thanked the City Manager for bringing this before the Commission and including them and the public in the decision.

Public Comments were offered by:

- Angela Devani wondered if they were putting color to these and stated she liked them way better than the previous two concepts.
- Patricia Grabow stated she is not sure why the City has to change the logo.

The City Manager stated color will be determined when a logo is selected.

Commissioner Schwarz stated he liked either concept. He likes our current logo but understands the challenges with printing it onto other materials.

Commissioner Lyons asked what the challenges are with keeping our current logo.

The City Manager stated that the current logo has reproducibility challenges and looks great on the large flag, but in the smaller applications it's hard to determine what it actually looks like.

Commissioner Lyons likes the two new concepts, but likes concept 1 best.

Commissioner Willich stated he would like to select concept 2.

Chair Kahle likes these new designs, but overall likes concept 1.

Vice-Chair Nootz stated she would like to see standard application of a logo across departments, and really likes concept 1 best.

Commissioner Schwarz stated he would like to select concept 1.

Commissioner Schwarz motioned to approve concept 1 as the City of Livingston's new logo and seconded by Commissioner Lyons. Commissioners Kahle, Nootz, Schwarz, and Lyons voted for and Commissioner Willich voted against.

C. DISCUSSION OF DIRECTION REGARDING COMMISSION LISTENING SESSIONS PG.77

Vice-Chair Nootz called on the City Manager to introduce the item.

The City Manager stated this item was brought up two meetings ago and would like to receive feedback on how to proceed with these Commissioner Listening Sessions.

Commissioner Schwarz gave a little history on Commissioner Listening Sessions and likes that the public can reach them and enjoyed being able to reach the public in a different setting.

Chair Kahle asked if the City would be at the Farmers Market this year.

The City Manager stated yes it is the plan to be at Farmers Market.

Commissioners discussed their interests and availability in being part of Commissioner Listening Sessions.

8. City Manager Comment

The City Manager thanked all the staff that attend the meeting tonight and thanked Commission for the meeting tonight.

9. City Commission Comments

Commissioner Willich thanked the City Manager and Finance Director for the budget.

Commissioner Lyons also thanked the City Manager and Finance Director the budget.

Commissioner Schwarz joked and would like warmer weather.

Vice-Chair Nootz thanked the Commission for the budget conversation and is happy they settled on a logo.

Chair Kahle thanked Vice-Chair Nootz for running the meeting and appreciates the support from everyone in Livingston. She appreciates the budget conversation and is very excited about a new logo.

10. Adjournment

8:12pm Commissioner Lyons motioned to adjourn the meeting seconded by Commissioner Schwarz. Unanimously approved.

Calendar of Events

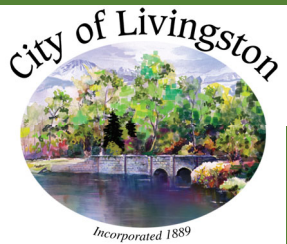
Supplemental Material

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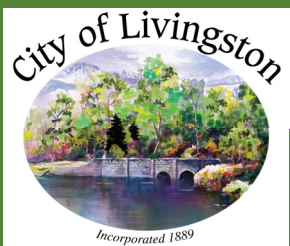
City Manager's Recommended Budget

May 21, 2024

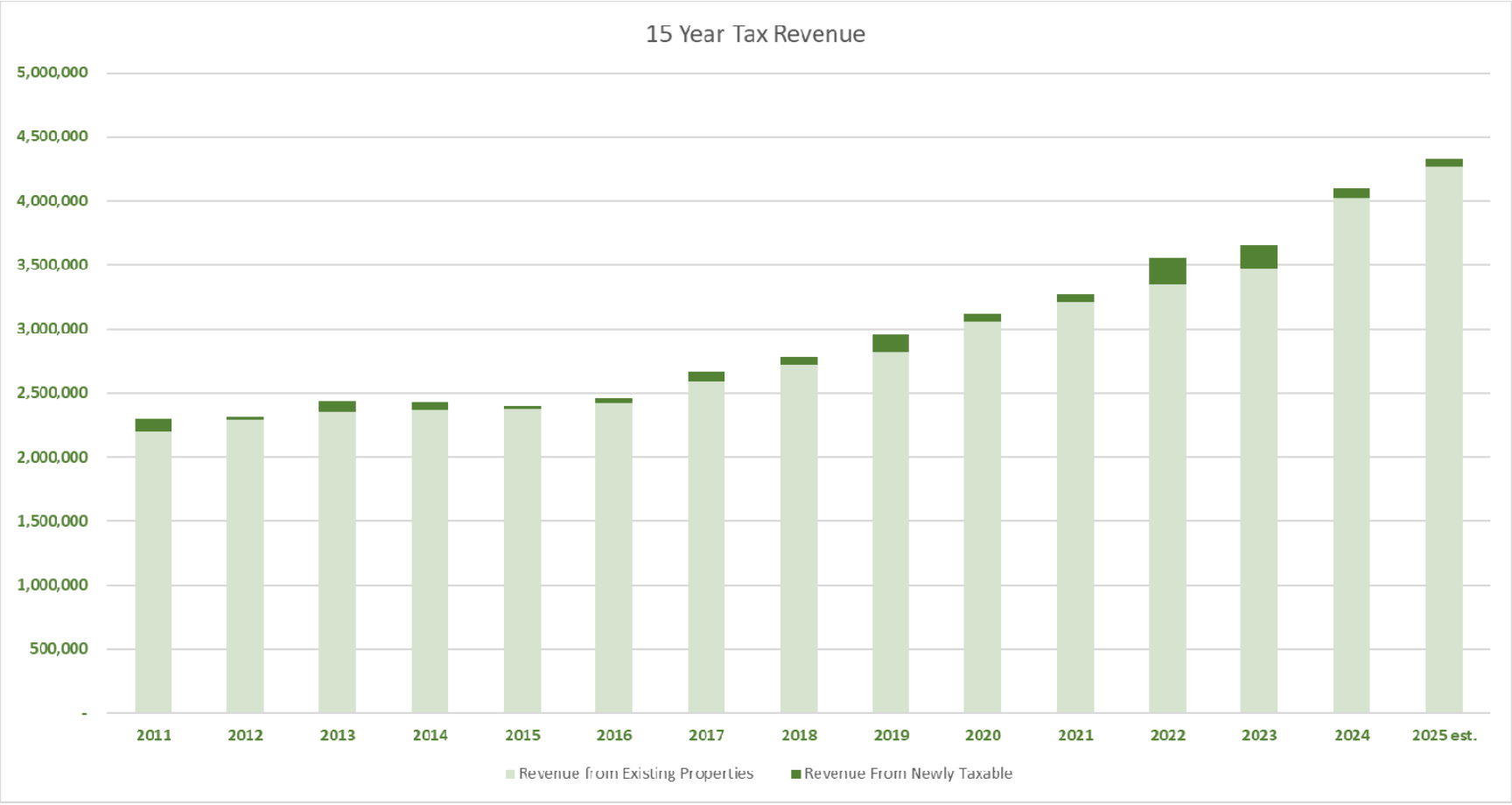


FY 2025 Recommended Budget Summary

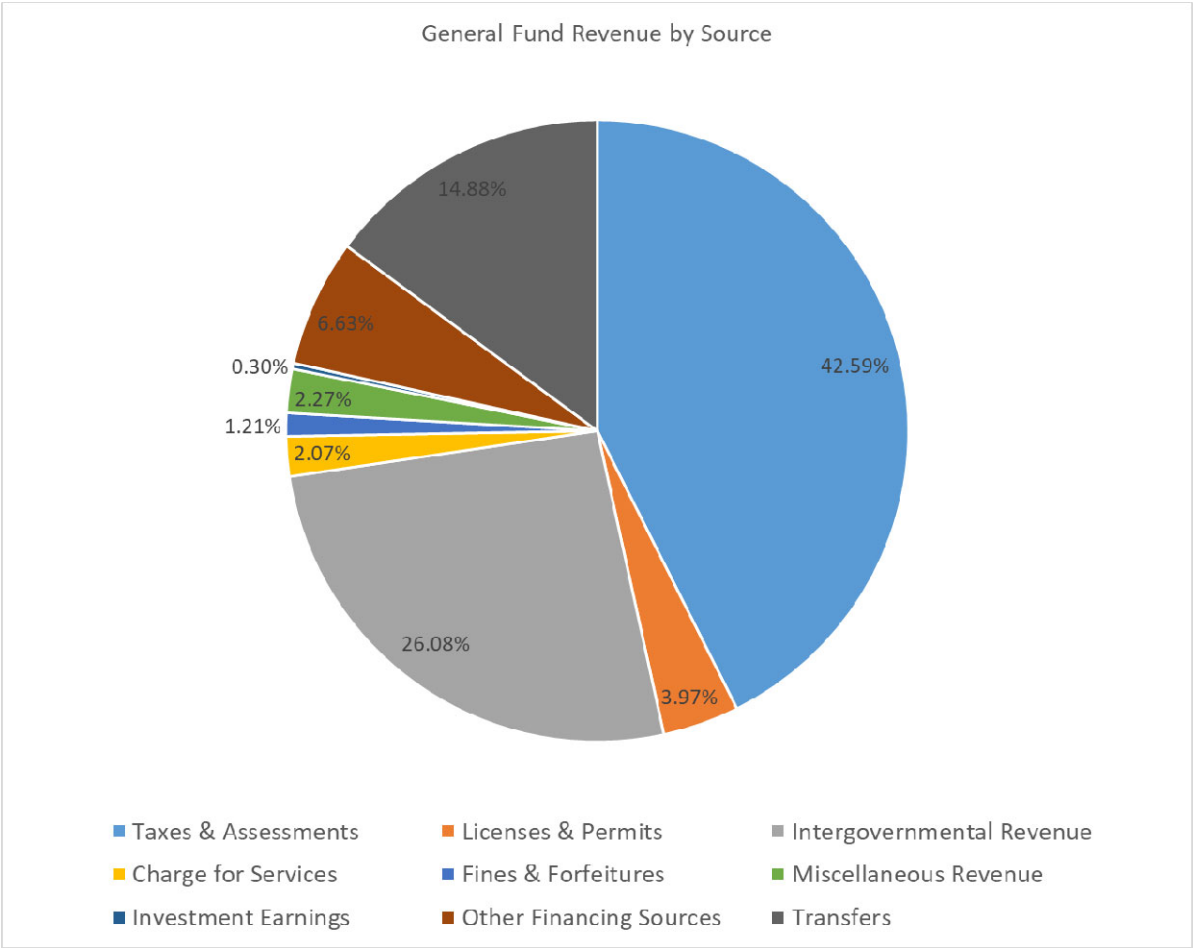
Recommended Budget	\$ 30,487,800
General Fund	\$ 8,703,272
Operating Revenues	\$ 7,933,834
Operating Expenditures	\$ 7,815,814
Forecast Fund Balance	28.2 %



History of Property Tax Revenue



General Fund Revenue by Source



Budget Priorities

4 Focus Areas



Land Use
Recommendations



Housing



Resiliency



Place-making and
Community Character



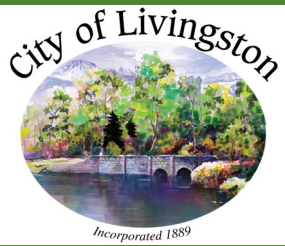
Legislative Department Summary (Tab 3)

Summary of Recommended Changes

- Salary and Benefits: A full-time City Clerk is recommended for FY 2025.
- Materials and Supplies: Funding is provided for professional services to support the function of the Legislative Department.
- Other Financing Uses: Funding is provided for certain community projects including:

Victim Services	\$ 10,000	Community Garden Study	\$ 3,500
Warming Center	\$ 25,000	Housing Coordinator	\$ 25,000
Suicide Prevention	\$ 5,000	Transit Program	\$ 5,000
Spay/Neuter Clinic	\$ 5,000	Economic Development	\$ 40,000

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	23,765	25,425	30,433	56,925	108,408
Operations	42,357	52,808	30,808	45,663	54,522
Capital	-	-	-	-	-
Debt Service	-	-	-	-	-
Other Financing Uses	-	-	55,312	193,150	118,500
Total Expenditures	66,122	78,233	115,807	295,738	281,430
Elected Officials	5	5	5	5	5
Part-time Employees	0	0	0	0.5	1

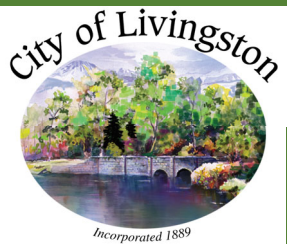


Judicial Department Summary (Tab 4)

Summary of Recommended Changes

- Salary and Benefits: No changes are recommended for FY 2025.
- Materials and Supplies: Funding is provided at the level recommend by the Department.
- Capital: No capital projects are recommended in FY 2025

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	127,105	129,802	135,341	151,895	160,560
Operations	17,371	22,745	16,684	23,110	24,064
Capital	-	-	-	-	-
Debt Service	-	-	-	-	-
Other Financing Uses	-	-	5,230	-	-
Total Expenditures	144,476	152,547	159,254	175,005	184,624
Full-time Employees	2	2	2	2	2
Part-time Employees	0	0	0	0	0



City Manager's Office Summary (Tab 5)

Summary of Recommended Changes

- Salary and Benefits: No changes are recommended for FY 2025.
- Materials and Supplies: Minimal changes are recommended in FY 2025.
- Capital: No capital projects are recommended in FY 2025.

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	239,650	374,194	233,366	284,390	284,740
Operations	30,494	38,185	103,231	46,742	59,550
Capital	-	-	-	-	-
Debt Service	-	-	-	-	-
Other Financing Uses	123,982	19,307	-	-	-
Total Expenditures	394,126	431,686	336,598	331,132	344,290
Full-time Employees	2	2	2	2	2
Part-time Employees	0	0	0	0	0

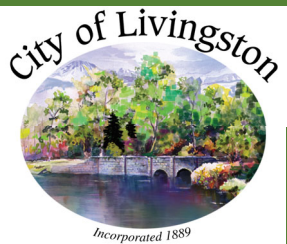


Finance Department Summary (Tab 6)

Summary of Recommended Changes

- Salary and Benefits: No changes are recommended for FY 2025.
- Materials and Supplies: Minor adjustments to certain accounts are recommended for FY 2025.
- Capital: No capital projects are recommended in FY 2025.

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	163,049	171,839	199,255	217,889	240,636
Operations	40,822	47,517	34,998	36,473	40,151
Capital	-	-	-	-	-
Debt Service	-	-	-	-	-
Other Financing Uses	17,065	18,805	27,785	30,160	37,600
Total Expenditures	220,935	238,162	262,039	284,522	318,387
Full-time Employees	2	2	2	2	2
Part-time Employees	0	0	0	0	0

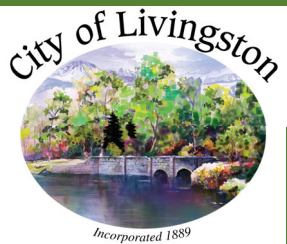


Planning Department Summary (Tab 7)

Summary of Recommended Changes

- Salary and Benefits: No changes are recommended for FY 2025.
- Materials and Supplies: Funding is carried forward for the zoning code update and funds are recommended for FY 2025 to support planning needs.
- Capital: No capital projects are recommended for FY 2025.

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	178,812	112,045	83,434	139,519	143,826
Operations	75,325	78,991	78,991	172,279	260,510
Capital	-	-	-	-	-
Debt Service	-	-	-	-	-
Other Financing Uses	-	-	-	-	-
Total Expenditures	254,138	191,036	144,889	311,798	408,259
Full-time Employees	1	1	1	1	1
Part-time Employees	0	0	0	0	0.50



City Attorney's Office Summary (Tab 8)

Summary of Recommended Changes

- Salary and Benefits: The City Attorney position will be contracted in FY 2025.
- Materials and Supplies: Minor adjustments to certain accounts are recommended for FY 2025.
- Capital: No capital projects are recommended in FY 2025.

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	164,734	171,082	183,933	141,979	79,176
Operations	22,185	26,083	70,315	124,587	110,281
Capital	-	-	-	-	-
Debt Service	-	-	-	-	-
Other Financing Uses	-	-	-	-	-
Total Expenditures	186,919	197,166	254,248	266,566	189,457
Full-time Employees	2	2	2	2	1
Part-time Employees	0	0	0	0	0



Recreation Department Summary (Tab 9)

Summary of Recommended Changes

- Salary and Benefits: No changes are recommended for FY 2025.
- Materials and Supplies: Minor adjustments to certain accounts are recommended for FY 2025.
- Capital: No capital projects are recommended in FY 2025.

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	301,818	200,760	257,386	302,774	346,793
Operations	126,241	138,475	166,951	162,173	191,512
Capital	-	11,370	-	-	-
Debt Service	-	-	-	-	-
Other Financing Uses	27,015	-	-	-	-
Total Expenditures	455,074	350,604	424,338	464,917	538,305
Full-time Employees	4	3	3	3	3
Part-time Employees	15	15	15	15	15



Police Department Summary (Tab 10)

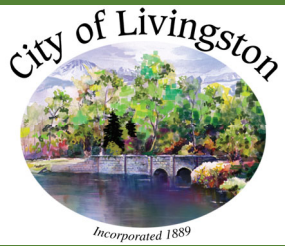
Summary of Recommended Changes

- Salary and Benefits: An administrative assistant is recommend in FY 2025 to support Law Enforcement, Dispatch, and Livingston Fire and Rescue.
- Materials and Supplies: Minor adjustments to certain accounts are recommended for FY 2025.
- Capital: Certain capital projects and equipment are recommended as follows:

Handgun Replacement	\$ 9,000
Radio Replacement	\$ 6,500
Vehicles (2)	\$150,000

The Dispatch Center is partially funded by Park County through a Special Revenue Fund (Tab 22).

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	1,500,566	1,530,058	1,521,788	2,020,305	2,049,151
Operations	191,187	270,460	267,449	288,534	279,815
Capital	109,686	97,010	54,171	148,930	165,500
Debt Service	-	-	-	-	-
Other Financing Uses	12,500	15,625	12,500	6,250	12,500
Total Expenditures	1,813,939	1,913,152	1,855,908	2,464,019	2,506,966
Full-time Employees	17	17	18	16	16
Part-time Employees	0	0	0	0	0.5



Fire and Rescue Department Summary (Tab 11)

Summary of Recommended Changes

- Salary and Benefits: An administrative assistant is recommend in FY 2025 to support Law Enforcement, Dispatch, and Livingston Fire and Rescue.
- Materials and Supplies: Minor adjustments to certain accounts are recommended for FY 2025.
- Capital: Certain capital projects and equipment are recommended as follows:

Mobile Data Terminals	\$ 3,000
SCBA Replacements	\$ 18,778
Motorola Radios	\$ 7,500
Turnout Gear	\$ 20,000
Hose Replacements	\$ 8,000
Water Rescue Dry Suits	\$ 20,000

The Department is partially funded by Park County through a Special Revenue Fund (Tab 22).

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	1,028,795	1,060,831	1,047,590	1,170,620	1,191,170
Operations	160,499	178,712	188,529	191,308	207,400
Capital	147,373	6,150	63,196	52,500	69,778
Debt Service	-	-	-	-	-
Other Financing Uses	-	-	-	-	-
Total Expenditures	1,336,667	1,245,693	1,299,315	1,414,428	1,468,348
Full-time Employees	15	15	17	17	17.25
Reserve Firefighters	27	27	27	27	27

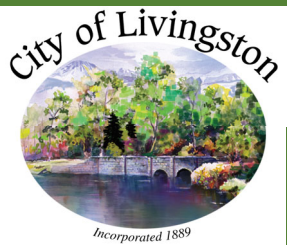


Building Inspection Department Summary (Tab 12)

Summary of Recommended Changes

- Salary and Benefits: No changes are recommended for FY 2025 but an expected payment for accrued benefits is included.
- Materials and Supplies: Minor adjustments to certain accounts are recommended for FY 2025.
- Capital: No capital projects are recommended in FY 2025.

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	75,334	30,876	202,801	230,400	301,140
Operations	8,542	15,003	18,348	17,202	18,431
Capital	-	-	-	-	-
Debt Service	-	-	-	-	-
Other Financing Uses	-	-	-	-	-
Total Expenditures	83,876	45,878	221,149	247,602	319,571
Full-time Employees	2	2	2	2	2
Part-time Employees	0	0	0	0	0

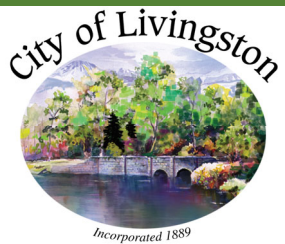


Administrative Services Department Summary (Tab 13)

Summary of Recommended Changes

- Salary and Benefits: No changes are recommended for FY 2025.
- Materials and Supplies: Minor adjustments are recommended for FY 2025.
- Capital: No capital projects are recommended in FY 2025.

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	-	111,412	118,727	179,832	143,688
Operations	84,943	31,148	40,160	28,555	39,034
Capital	-	-	-	-	-
Debt Service	-	-	-	-	-
Other Financing Uses	-	-	-	-	-
Total Expenditures	84,943	142,560	158,887	208,387	182,722
Full-time Employees	0	1	1	1	1
Part-time Employees	0	0	0	0	0

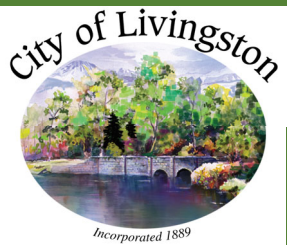


Code Enforcement Division Summary (Tab 14)

Summary of Recommended Changes

- Salary and Benefits: No changes are recommended for FY 2025.
- Materials and Supplies: Minor adjustments are recommended for FY 2025.
- Capital: No capital projects are recommended in FY 2025.

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	60,597	61,231	66,932	150,650	159,572
Operations	31,753	30,538	25,851	64,605	79,325
Capital	-	-	-	-	-
Debt Service	-	-	-	-	-
Other Financing Uses	-	-	-	-	-
Total Expenditures	92,351	91,769	92,784	215,255	238,897
Full-time Employees	1	1	1	2	2
Part-time Employees	0	0	0	0	0



Parks Division Summary (Tab 15)

Summary of Recommended Changes

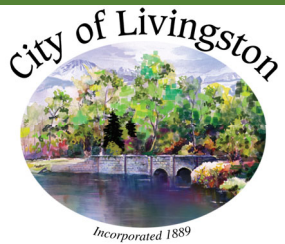
- Salary and Benefits: No changes are recommended for FY 2025.
- Materials and Supplies: Minor adjustments to certain accounts are recommended for FY 2025.
- Capital: Certain capital projects and equipment are recommended as follows:

Flail Mower	\$ 10,000
Stump Grinder	\$ 10,500
Sander	\$ 3,750
AquaDam	\$ 5,000
Trees	\$ 44,000

Parks projects funded elsewhere

Playground Equipment	\$ 20,000
Parks Vehicle - 1 ton pickup	\$ 65,000
Equipment Shop	\$ 90,000

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	317,872	340,936	402,243	439,801	474,200
Operations	151,760	241,975	186,884	228,478	207,176
Capital	15,869	40,380	126,563	48,500	73,250
Debt Service	-	-	-	-	-
Other Financing Uses	-	-	-	-	-
Total Expenditures	485,501	623,291	715,690	716,779	754,626
Full-time Employees	4	4	4	4	4
Seasonal Employees	4	4	4	5	5



Non-Departmental Summary (Tab 16)

Summary of Recommended Changes

- Salary and Benefits: Non-departmental personnel and benefits is an accounting entry only and reflects the State’s contribution to employee retirement.
- Materials and Supplies: Minor adjustments to certain accounts are recommended for FY 2025
- Capital: The budget includes capital expenditures for IT Infrastructure.
 Computer Switch Upgrade \$75,000

Other Financing Uses: This reflects amounts transferred to other funds to support Dispatch operations.

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	1,013	1,068	1,278	1,641	1,802
Operations	362,505	358,098	351,090	333,459	377,225
Capital	1,317,386	141,290	71,696	50,154	75,000
Debt Service	9,160	8,140	10,182	10,491	11,502
Other Financing Uses	332,790	473,369	408,289	492,411	534,644
Total Expenditures	2,022,854	981,965	842,535	888,156	1,000,173
Full-time Employees	0	0	0	0	0
Seasonal Employees	0	0	0	0	0

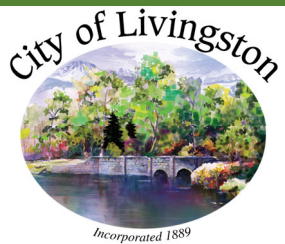


Dispatch Summary (Tab 17)

Summary of Recommended Changes

- Salary and Benefits: No changes are recommended for FY 2025.
- Materials and Supplies: Minor adjustments to certain accounts are recommended for FY 2025.
- Capital: No capital expenditures are recommended for FY 2025.

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	723,773	752,490	740,311	812,867	1,025,634
Operations	115,086	142,849	104,532	151,927	157,406
Capital	328	136,410	18,000	18,000	-
Debt Service	-	-	-	-	-
Other Financing Uses	-	-	-	-	-
Total Expenditures	839,187	1,031,749	862,283	982,794	1,183,040
Full-time Employees	9	9	9	10	10



Streets Division Summary (Tab 18)

Summary of Recommended Changes

- Salary and Benefits: No changes are recommended for FY 2025.
- Materials and Supplies: Minor adjustments to certain accounts are recommended for FY 2025.
- Capital: Certain capital projects and equipment are recommended as follows:

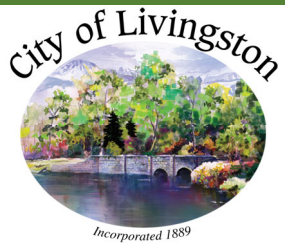
Lewis Street Improvements \$ 4 0,000

B and Chinook	\$ 70,000	Material Shelter	\$ 30,000
Downtown CIP - 2nd & 3 rd Alley	\$ 400,000	Pickup - 3/4 ton	\$ 54,000
Street Sweeper	\$ 125,000	Park Street Crossing	\$ 142,657
Unpaved Street Improvements	\$ 140,000		

Street Projects Funded by Gas Tax

Downtown CIP - 2nd & 3 rd Alley	\$ 330,000	B & Clark St Intersection	\$ 140,000
Lewis Street Improvements	\$ 60,000	11th St Improvements	\$ 215,000
Unpaved Street Improvements	\$ 46,500		

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	419,299	528,228	627,374	661,062	723,308
Operations	267,463	294,632	231,181	387,904	432,036
Capital	225,423	369,575	137,520	329,367	1,001,657
Debt Service	93,059	93,463	125,415	96,686	42,408
Other Financing Uses	-	-	-	-	-
Total Expenditures	1,005,244	1,285,898	1,121,490	1,475,019	2,199,409
Full-time Employees	6.11	6.61	6.61	6.36	7.36
Seasonal Employees	3	3	3	3	0



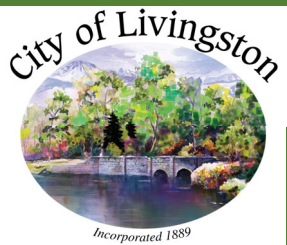
Water Division Summary (Tab 18)

Summary of Recommended Changes

- Revenue: A rate increase of 5.6% is recommended for FY 2025
- Salary and Benefits: No additional positions are recommended for FY 2025.
- Materials and Supplies: Minor adjustments to certain accounts are recommended for FY 2025.
- Capital: Certain capital projects and equipment are recommended as follows:

Well Generator - FY 25 D St	\$ 70,000
Security Fencing	\$ 30,000
Doors and Roof	\$ 15,000
Pickup - 3/4 ton	\$ 60,000
Reservoir Inspection	\$ 20,000
Downtown CIP - 2nd & 3 rd Alley	\$ 240,000
Bennet Street Water Loop	\$ 450,000
Well Motors	\$ 25,000
Well Chlorination	\$ 75,000

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	511,092	727,455	584,836	757,626	782,231
Operations	576,250	528,096	621,158	763,224	816,176
Capital	252,021	846,081	817,346	280,500	985,000
Debt Service	-	-	-	-	-
Other Financing Uses	-	-	346,842	-	-
Total Expenditures	1,339,363	2,101,632	2,370,182	1,801,350	2,583,407
Full-time Employees	7.58	7.58	7.58	7.58	8.58
Part-time Employees	0	0	0	0	0

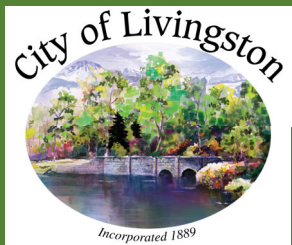


Water Rate Increase

- In FY 2024 the City implemented tiered water rates for the usages reflected below. The City Manager is proposing to increase the lowest rate 5.6% and 5.6% to each tier thereafter. Beginning in 2021, the City's public works department began to see an increase in Summer usage during the month of June. Tiered rates were introduced to help curb the demand on water.
- The recommended rate increases are as follows:

Usage	Rate Increase	Base Rate	Usage Rate per 1,000 gallons
0-10,000	5.60%	16.06	3.706
10,001-20,000	5.60%		3.914
20,001-40,000	5.60%		4.133
>40,000	5.60%		4.365

The majority of the water users (87%) fall in the 0-10,000 gallon range and will see an increase in their monthly utility bill ranging from \$0.85 to \$2.81



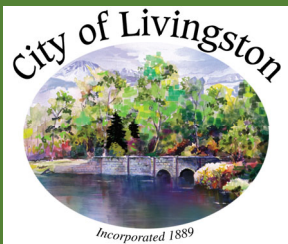
Sewer Division Summary (Tab 19)

Summary of Recommended Changes

- Revenue: An increase of 8% is recommended for FY 2025.
- Salary and Benefits: No changes are recommended for FY 2025.
- Materials and Supplies: Minor adjustments to certain accounts are recommended for FY 2025.
- Capital: Certain capital projects and equipment are recommended as follows:

Pickup with Gear Box	\$ 45,000
I & I Improvements	\$ 170,000
Sewer Pumps	\$ 20,000
Downtown CIP - 2nd & 3 rd Alley	\$ 300,000
Mainline Replacement	\$ 20,000
WRF Digester Roof	\$ 35,000
WRF Lab Vehicle	\$ 25,000
WRF Server	\$ 6,500
WRF SCADA Software	\$ 15,000

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	732,074	650,958	904,096	831,748	850,793
Operations	918,211	729,881	758,498	1,041,751	1,070,191
Capital	490,015	384,251	855,824	384,000	636,500
Debt Service	1,171,691	777,202	765,361	765,476	766,363
Other Financing Uses	-	-	1,285,573	-	-
Total Expenditures	3,311,991	2,542,292	4,456,392	3,022,975	3,323,847
Full-time Employees	8.35	8.35	8.35	8.35	8.02
Part-time Employees	0	0	0	0	0

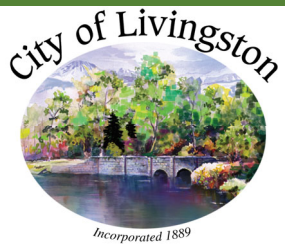


Sewer Rate Increase

- The City Manager is recommending a 8% rate increase for Sewer users.
- The recommended rate increase by usage is as follows:

Gallons	Current	Proposed	Difference
0	\$ 21.20	\$ 22.90	\$ 1.70
1000	\$ 29.61	\$ 31.98	\$ 2.37
2000	\$ 38.02	\$ 41.06	\$ 3.04
3000	\$ 46.43	\$ 50.14	\$ 3.71
4000	\$ 54.84	\$ 59.22	\$ 4.38
5000	\$ 63.25	\$ 68.30	\$ 5.05
6000	\$ 71.66	\$ 77.38	\$ 5.72
7000	\$ 80.07	\$ 86.46	\$ 6.39
8000	\$ 88.48	\$ 95.54	\$ 7.06
9000	\$ 96.89	\$ 104.62	\$ 7.73
10000	\$ 105.30	\$ 113.70	\$ 8.40

Most wastewater users will see an increase in their monthly utility bill ranging from \$1.70 to \$8.40. The average residential customer is billed for 3000 gallons resulting in an increase of \$3.71 per month.



Solid Waste Division Summary (Tab 20)

Summary of Recommended Changes

- Revenue: A rate increase of 5% is recommended for FY 2025.
- Salary and Benefits: No changes are recommended for FY 2025.
- Materials and Supplies: Minor adjustments to certain accounts are recommended for FY 2025.
- Capital: Certain capital projects and equipment are recommended as follows:

Garbage Truck	\$ 393,000
Roll Off Containers	\$ 33,500
Sander	\$ 3,750

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	721,982	746,940	949,973	811,095	789,229
Operations	1,581,491	1,481,719	1,241,507	1,580,097	1,612,464
Capital	109,471	85,731	177,526	493,250	430,250
Debt Service	52,709	-	-	-	-
Other Financing Uses	-	-	162,944	-	-
Total Expenditures	2,465,653	2,314,390	2,531,946	2,884,442	2,831,943
Full-time Employees	8.61	9.11	9.11	9.11	9.11
Part-time Employees	0	0	0	0	0



Ambulance Department Summary (Tab 21)

Summary of Recommended Changes

- Revenue: Ambulance services are funded with a combination of patient fees as well as tax revenue. Park County contributes additional revenue to support ambulance as it is a County-wide service.
- Salary and Benefits: An administrative assistant is recommend in FY 2025 to support Law Enforcement, Dispatch, and Livingston Fire and Rescue.
- Materials and Supplies: Minor adjustments to certain operating accounts are recommended for FY 2025 as presented.
- Capital: Several equipment acquisitions are recommended for FY 2025

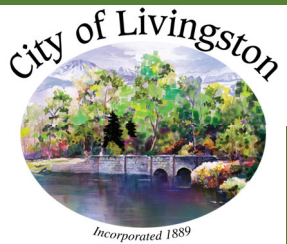
Motorola Radios	\$ 7,500
Cardiac Monitors	\$ 45,000
Mobile Data Terminals	\$ 3,000
Light Duty Rescue Truck	\$ 350,000

Budget Area	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Projected	FY 2025 Budget
Personnel & Benefits	1,347,876	1,386,482	1,494,106	1,694,177	1,928,682
Operations	404,924	350,395	373,142	492,666	644,629
Capital	432,323	40,128	374,530	401,845	405,500
Debt Service	-	-	-	-	-
Other Financing Uses	-	-	-	-	-
Total Expenditures	2,185,123	1,777,005	2,241,778	2,588,688	2,978,811
Full-time Employees	17	17	17	17	17.25
Reserves	27	27	27	27	27



Questions

Thank you



File Attachments for Item:

B. APPROVAL OF CLAIMS PAID 5/16/24 - 5/29/24

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
FERGUSON WATERWORKS #1701							
2386	FERGUSON WATERWORKS #17	0887809	Meters	05/09/2024	2,021.00	2,021.00	05/17/2024
Total FERGUSON WATERWORKS #1701:					2,021.00	2,021.00	
KAUFMANN'S OVERHEAD DOOR, INC.							
1796	KAUFMANN'S OVERHEAD DOO	24-0677	TORSION SPRING DOOR	05/29/2024	578.50	578.50	05/17/2024
Total KAUFMANN'S OVERHEAD DOOR, INC.:					578.50	578.50	
KEN'S EQUIPMENT REPAIR, INC							
1390	KEN'S EQUIPMENT REPAIR, IN	62583	ADAPTERS	04/08/2024	131.70	131.70	05/17/2024
Total KEN'S EQUIPMENT REPAIR, INC:					131.70	131.70	
MISC							
99999	MISC	TK2020-0086.4	RESTITUTION	05/17/2024	25.00	25.00	05/17/2024
99999	MISC	TK2023-0152	RESTITUTION	05/17/2024	10.98	10.98	05/17/2024
Total MISC:					35.98	35.98	
MOUNTAIN MOBILE AUTO GLASS							
2106	MOUNTAIN MOBILE AUTO GLAS	21397	ROCK CHIP REPAIR	05/13/2024	55.00	55.00	05/17/2024
Total MOUNTAIN MOBILE AUTO GLASS:					55.00	55.00	
NORTHWEST PIPE FITTINGS, INC							
423	NORTHWEST PIPE FITTINGS, I	5117294	VACUUM VALVE	05/07/2024	681.34	681.34	05/17/2024
423	NORTHWEST PIPE FITTINGS, I	5122116	COUPLINGS	05/07/2024	332.00	332.00	05/17/2024
423	NORTHWEST PIPE FITTINGS, I	5122116	COUPLING	05/07/2024	115.28	115.28	05/17/2024
Total NORTHWEST PIPE FITTINGS, INC:					1,128.62	1,128.62	
NORTHWESTERN ENERGY							
151	NORTHWESTERN ENERGY	0709874-2 202	Werner Addition Pump	05/09/2024	.00	.00	
151	NORTHWESTERN ENERGY	0709878-3 202	227 River Drive - Concessions sta	05/09/2024	.00	.00	
151	NORTHWESTERN ENERGY	0709878-3 202	227 River Drive - Concessions sta	05/09/2024	.00	.00	
151	NORTHWESTERN ENERGY	0709880-9 202	200 River Drive - Pool	05/20/2024	.00	.00	
151	NORTHWESTERN ENERGY	0709882-5 202	229 River Drive - Pump Civic Cent	05/20/2024	.00	.00	
151	NORTHWESTERN ENERGY	0709891-6 202	15 Fleshman Creek-Cemetery Wo	05/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	0709891-6 202	15 Fleshman Creek-Cemetery Wo	05/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	0709891-6 202	15 Fleshman Creek-Cemetery Wo	05/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	0709892-4 202	40 Water Tower Avenue	05/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	0720048-8 202	330 Bennett 1/4	05/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	0720048-8 202	330 Bennett 1/4	05/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	0720048-8 202	330 Bennett 1/4	05/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	0720122-1 202	400 North M	05/20/2024	.00	.00	
151	NORTHWESTERN ENERGY	1290352-2 202	School Flasher Park & 13th	05/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	1747572-4 202	F & G on Callender	05/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	1893536-1 202	E Street & Alley	05/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	3093023-4 202	320 North Main	05/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	3141997-1 202	C & D on Lewis	05/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	3287727-6 202	320 Alpenglow LN-	05/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	3386783-9 202	Btwn G and H on Clark	05/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	3506014-4 202	Brookstone/Elm	05/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	3643752-3 202	115 East Clark	05/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	3787427-8 202	Green Acres	05/14/2024	.00	.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
151	NORTHWESTERN ENERGY	3828216-6 202	203 W Callender	05/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	3913678-3 202	Green Acres Park -	05/23/2024	.00	.00	
151	NORTHWESTERN ENERGY	3913678-3 202	Green Acres Park -	05/23/2024	.00	.00	
151	NORTHWESTERN ENERGY	4094896-0 202	207 Antelope Drive Lift Station (Fe	05/14/2024	.00	.00	
151	NORTHWESTERN ENERGY	4134094-4 202	200 E Reservoir	05/14/2024	.00	.00	
Total NORTHWESTERN ENERGY:					.00	.00	
PITNEY BOWES							
10001	PITNEY BOWES	2024.4.18	postage	04/18/2024	1,000.00	1,000.00	04/18/2024
10001	PITNEY BOWES	2024.4.19	postage	04/19/2024	1,000.00	1,000.00	04/19/2024
10001	PITNEY BOWES	3318898815	Lease - City/County Complex	04/26/2024	135.00	135.00	04/26/2024
Total PITNEY BOWES:					2,135.00	2,135.00	
SCHROETLIN, PHILIP							
3730	SCHROETLIN, PHILIP	2024.5.2	Travel REIMB	05/02/2024	82.41	82.41	05/17/2024
Total SCHROETLIN, PHILIP:					82.41	82.41	
SPECIAL LUBE							
1814	SPECIAL LUBE	224-280-18429	Oil Change	05/16/2024	62.01	62.01	05/17/2024
Total SPECIAL LUBE:					62.01	62.01	
US BANK							
10005	US BANK	2581478	URA BOND PRINCIPAL	05/09/2024	105,000.00	105,000.00	05/24/2024
10005	US BANK	2581478	URA BOND INTEREST	05/09/2024	28,587.50	28,587.50	05/24/2024
10005	US BANK	2587862	2016 FIRE TRUCK GOB PRINCIP	05/17/2024	30,000.00	30,000.00	05/24/2024
10005	US BANK	2587862	2016 FIRE TRUCK GOB INTERE	05/17/2024	9,109.38	9,109.38	05/24/2024
10005	US BANK	2592464	WRF PRINCIPAL	05/23/2024	90,000.00	90,000.00	05/24/2024
10005	US BANK	2592464	WRF INTEREST	05/23/2024	45,787.50	45,787.50	05/24/2024
10005	US BANK	2592465	SID 179 SEWER PRINCIPAL	05/23/2024	6,000.00	6,000.00	05/24/2024
10005	US BANK	2592465	SID 179 SEWER INTEREST	05/23/2024	337.50	337.50	05/24/2024
10005	US BANK	2592466	WRF BOND PRINCIPAL	05/23/2024	85,000.00	85,000.00	05/24/2024
10005	US BANK	2592466	WRF BOND INTEREST	05/23/2024	69,475.00	69,475.00	05/24/2024
10005	US BANK	2592467	WTIF SEWER PRINCIPAL	05/23/2024	12,000.00	12,000.00	05/24/2024
10005	US BANK	2592467	WTIF SEWER INTEREST	05/23/2024	675.00	675.00	05/24/2024
10005	US BANK	2592468	WRF BOND PRINCIPAL	05/23/2024	10,000.00	10,000.00	05/24/2024
10005	US BANK	2592468	WRF BOND INTEREST	05/23/2024	1,050.00	1,050.00	05/24/2024
10005	US BANK	2592607	SID 179 WATER PRINCIPAL	05/23/2024	10,000.00	10,000.00	05/24/2024
10005	US BANK	2592607	SID 179 WATER INTEREST	05/23/2024	581.25	581.25	05/24/2024
10005	US BANK	2592608	WTIF WATER PRINCIPAL	05/23/2024	24,000.00	24,000.00	05/24/2024
10005	US BANK	2592608	WTIF WATER INTEREST	05/23/2024	1,350.00	1,350.00	05/24/2024
Total US BANK:					528,953.13	528,953.13	
Grand Totals:					535,183.35	535,183.35	

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

Mayor: _____

City Council: _____

City Recorder: _____

File Attachments for Item:

C. JUDGES MONTHLY REPORT APRIL 2024

LIVINGSTON CITY COURT
MONTHLY FINANCIAL REPORT

Month: APRIL 2024

Dismissed-Plea Agreement: 6
“ Pretrial Diversion/Deferred: 3
“ Miscellaneous: 5
Paid Fines/Time Payments: 17

Monthly Total: 31

Paid-Bond Forfeit/Fines/Time Payments: \$5,497.00

Parking Enforcement & Police issued Parking Tickets: \$1,328.00

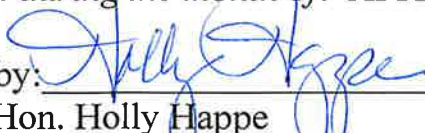
TOTAL \$6,825.00

MLEA Surcharge: \$253.00
TECH Surcharge: \$217.00
Victim/Witness Surcharge: \$261.00
MISD Surcharge: \$385.00
Court Costs \$ 70.00

TOTAL: (\$ 1,186.00)

Total amount credited to City of Livingston General Fund: \$5,639.00

I hereby certify that this is a true and correct statement of the amount of fines/fees/costs which were fully paid and credited with the Livingston City Court during the month of: APRIL 2024

Prepared by: 
Hon. Holly Happe
Livingston City Judge

Date: 5-17-2024

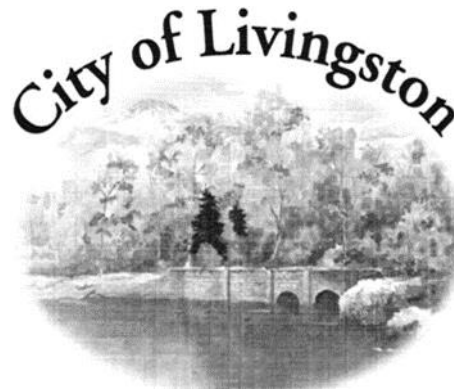
File Attachments for Item:

D. APPROVAL OF PURCHASE ORDER 20087 WITH BOZEMAN TOYOTA

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



Incorporated 1889

Chairperson
Karrie Kahle

Vice Chair
Melissa Nootz

Commissioners
James Willich
Quentin Schwarz
Torrey Lyons

Date: June 4, 2024
To: Chair Kahle and City Commissioners
From: Josh Chabalowski, Fire Chief

Staff Report for Purchase Order 20087 with Bozeman Toyota

Recommendation and Summary

Staff is recommending that the City Commission approve purchase order 20087 with Bozeman Toyota for a vehicle to support the mobile crisis response team by adopting the following motion:

“I move to approve purchase order 20087 and authorize the City Manager to sign.”

The reasons for the recommendation are as follows:

- The City is working with State and Local partners to launch a mobile crisis response team.
- Park County has identified existing grant funding to purchase a vehicle to help support the work of the mobile crisis response team.

Introduction and History

The City of Livingston and Park County have been working together on a crisis diversion program that seeks to divert certain emergency responses from the traditional handling methods. The elected Commissions of both entities have previously expressed support for expanding that program to include a mobile crisis response team and the initiative is funded in the City Manager’s recommended budget.

Analysis

Park County currently funds a portion of its crisis diversion work with external grant funding. Within that funding, there is capacity to procure the vehicle to support the mobile crisis response. This vehicle was selected due to its 4-wheel drive and ability to respond to remote parts of the County.

Fiscal Impact

The City will be fully reimbursed for the purchase so there is no fiscal impact to the City.

Strategic Alignment

Objective 7.2.4. of the Growth Policy is to “Support services that meet the needs of people experiencing mental illness.”

Attachments

Attachment A: Purchase Order 20087



Purchase Order

Number: 20087
 Date: 6/4/2024

Vendor: Bozeman Toyota
 8476 Huffine Lane
 Bozeman, MT 59718

Quote Ref: 051024 (See Attached)

Quantity	Item #	Description	Unit Cost	Total Cost
1	JTELU5JR1R6281033 -8674C - R6281033	2024 Toyota 4-Runner TRD	\$ 56,939	\$ 56,939
Total				\$ 56,939

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

Please confirm this City of Livingston Purchase Order with Josh Chabalowski, at FireChief@LivingstonMontana.org or (406) 823-6000.

Please Ship Above Listed Items to:

City of Livingston
 Attn: Emily Hutchinson
 220 E. Park Street
 Livingston, MT 59047

Order Submitted By:

Grant Gager
 City Manager

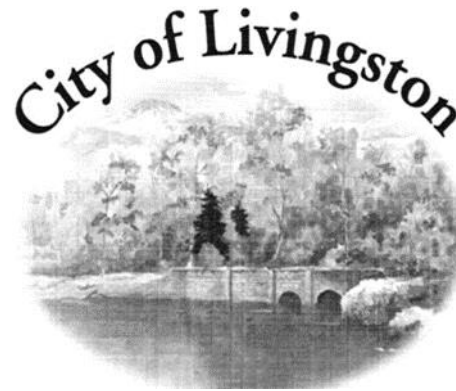
File Attachments for Item:

E. APPROVAL OF AGREEMENT 20088 WITH DANIELLE HARALDSON

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



Incorporated 1889

Chairperson
Karrie Kahle

Vice Chair
Melissa Nootz

Commissioners
James Willich
Quentin Schwarz
Torrey Lyons

Date: June 4, 2024
To: Chair Kahle and City Commissioners
From: Grant Gager, City Manager

Staff Report for Agreement 20088

Recommendation and Summary

Staff is recommending that the City Commission approve agreement 20088 by adopting the following motion:

“I move to approve agreement 20088 and authorize the City Manager to sign.”

The reasons for the recommendation are as follows:

- The City has recently completed the regional sewer project and has notified residents of a June 30, 2024, connection deadline.
- The City Manager offered impacted homeowners the opportunity to defer connections in unique circumstances of hardship and has received a request for deferral.

Introduction and History

The City of Livingston initiated a regional sewer improvement project in November 2022. At that time, the City Commission established that connections would be required within ninety days of the completion of the project which was estimated to be April 30, 2024. In April, the City sent a reminder to all unconnected parcels and offered the opportunity for homeowners to seek temporary relief.

Analysis

The City has received a request for temporary relief due to the pending sale of a home following a familial death.

Fiscal Impact

There is minimal lost revenue from the deferred connection.

Strategic Alignment

The eventual connection of the property aligns with the City’s existing project goals.

Attachments

Attachment A: Agreement 20088

Attachment B: Letter to Homeowners

**MEMORANDUM OF UNDERSTANDING REGARDING A CONNECTION
TO PUBLIC UTILITIES IN THE CITY OF LIVINGSTON**

The City of Livingston, Montana, a political subdivision of the State of Montana with its principal office located at 220 East Park Street, Livingston, Montana (“City”) and Danielle Haraldson, resident of the City of Livingston, Montana (“Owner”) hereby enter into this Memorandum of Understanding (“MOU”):

RECITALS

WHEREAS, the City of Livingston provides certain utility services to properties located within and adjacent to its boundaries; and

WHEREAS, the City has recently constructed improvements to its sewer system which serve the parcel located at 111 Ash Lane which is under the care and control of Owner who is acting as the personal representative of the property title holder; and

WHEREAS, the Owner is in the process of transferring the parcel following a familial death;

NOW, THEREFORE, in consideration of the foregoing recitals and the terms and conditions set forth herein, the parties agree as follows:

- A. The parcel at 111 Ash Lane, Livingston Montana, is currently unoccupied and listed for sale.
- B. During marketing and sale of the parcel at 111 Ash Lane, Owner shall disclose the requirement for the property to connect to the City’s sewer system. Additionally, the owner shall stipulate in the purchase and sale agreement that the property must be connected to the City’s system within ninety (90) days of completion of the sale.
- C. If the parcel at 111 Ash Lane is occupied without completion of a sale and

purchase agreement, the owner shall connect the property to the City’s system within thirty (30) days of occupancy.

Dated this _____ day of June, 2024.

CITY OF LIVINGSTON

OWNER

KARRIE KAHLE, Chair

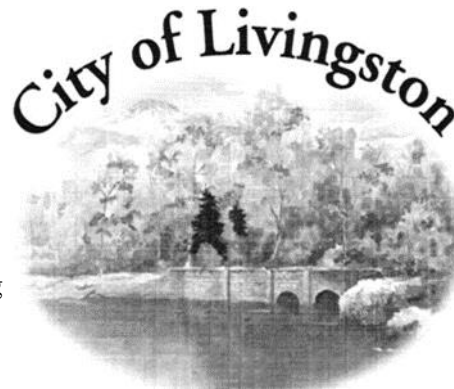
Danielle Haraldson

**Attest: EMILY HUTHCINSON
CITY CLERK**

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



Incorporated 1889

Chair
Karrie Kahle

Vice Chair
Melissa Nootz

Commissioners
Quentin Schwarz
Torrey Lyons
James Willich

April 30, 2024

Dear Resident,

As you know, your property falls within the City of Livingston’s Regional Sewer System project that has involved the creation of a sanitary sewer collection system in your neighborhood. This \$3 million project was funded, in part, with \$2 million of federal funds that were secured by the City of Livingston to offset the cost to property owners. Construction of the system was completed in November 2023 and many residents have already connected to the system and abandoned their septic systems. This transition is to support public health and improve the quality of Livingston’s ground water supplies.

This letter is your official notice to connect your property to the City’s new public sanitary sewer system which has been installed to within 150 feet of your property. Such a connection is required by Section 14-81 of the Livingston Municipal Code (LMC) which provides that:

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred fifty (150) feet of the property line.

If you have not already done so, your property is required to connect to the system within ninety (90) days or no later than June 30, 2024. The Montana Department of Natural Resources and Conservation has a Renewable Resource Grant and Loan Program listed on their website that may be able to help fund the costs of your connection. In addition, many local excavating and plumbing companies have performed this work in the neighborhood. Should you need assistance finding a firm to perform your work, the City maintains a list on its website: <https://improvelivingston.com/regional-sewer-extension-project/>. You may also call the City Public Works Department at (406) 222-5667 for help or to discuss the project.

I thank you, in advance, for connecting to the new sewer system in your neighborhood. The LMC does allow for penalties for failing to connect and I am hopeful that you will connect your property without incurring the penalties noted in LMC 14-88 which include up to five hundred dollars (\$500) per violation with each day constituting a separate violation. Should you experience any hardships which will prevent you from connecting, please contact me directly at (406) 823-6000 so that we may discuss a solution.

Respectfully,

Grant Gager
City Manager

File Attachments for Item:

**A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA,
DECLARING JUNE 08, 2024 AS FAMILY HEALTH AND FITNESS DAY IN LIVINGSTON, MONTANA**



Proclamation

of the Livingston City Commission

Declaring June 8, 2024 as Family Health & Fitness Day in the City of Livingston

WHEREAS, Family Health and Fitness Day, observed the second Saturday in June, is an important occasion dedicated to promoting the significance of parks and recreation in fostering the health and wellness of our communities; and

WHEREAS, the physical, mental, and social benefits of regular physical activity are well-documented, and parks and recreational facilities provide vital spaces for residents to engage in exercise, sports and other physical activities; and

WHEREAS, the City of Livingston is proud to support a robust parks and recreation system, featuring 14 parks, a Civic Center and City Pool, all dedicated to public use and enjoyment; and

WHEREAS, the success of these facilities and programs is made possible through the dedicated efforts of the City of Livingston’s Parks Department and Recreation Department employees, whose hard work and commitment ensure that our parks and recreational facilities are well-maintained, safe and welcoming for all residents and visitors; and

WHEREAS, on this day, families are encouraged to come together to participate in a variety of health and fitness activities, such as walking, running, cycling, yoga, and other recreational pursuits, taking full advantage of the resources available in our parks and community centers; and

WHEREAS, supporting and investing in local parks and recreation services is essential for creating and maintain vibrant, active and health communities for people of all ages and abilities; and

NOW, THEREFORE, BE IT RESOLVED on behalf of the Livingston City Commission, I, Karrie Kahle, Chair, do hereby declare June 8, 2024, to be:

FAMILY HEALTH AND FITNESS DAY IN LIVINGSTON, MONTANA

Further, I encourage community members to celebrate the importance of parks and recreation in keeping our communities healthy and active. Let us commit to utilizing these invaluable resources to enhance our physical fitness, mental well-being, an overall quality of life.

Signed this ___ day of June, 2024.

Karrie Kahle, Chair
Livingston City Commission

Emily Hutchinson,
City Clerk

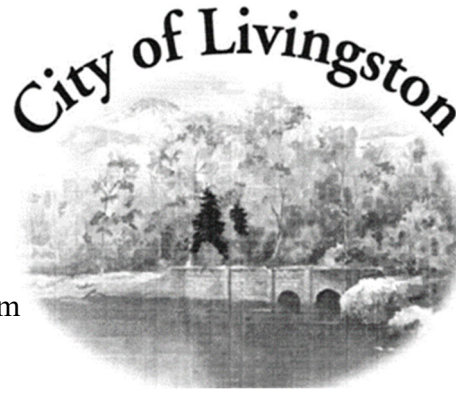
File Attachments for Item:

A. RESOLUTION 5130: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET IN THE AMOUNT OF \$30,487,800 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2024, AND ENDING JUNE 30, 2025, (FY 2025), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT www.livingstonmontana.org, AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS.

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.com
www.livingstonmontana.org



Chairperson
Karrie Kahle

Vice Chair
Melissa Nootz

Commissioners
Quentin Schwarz
Torrey Lyons
James Willich

Incorporated 1889

Date: 06/04/2024
To: Chair Kahle and City Commissioners
From: Paige Fetterhoff

Staff Report for 5130 Resolution Calling for a Public Hearing on the FY 2025 City Manager’s Recommended Budget

Recommendation and Summary

Staff is recommending the Commission Approve Resolution 5130 to conduct a public hearing on the FY 2025 City Manager’s Recommended Budget.

“I move to approve Resolution Number 5130 and authorize the Chair to sign the resolution.”

The reasons for the recommendation are as follows:

- The City Manager has provided a FY 2025 recommended budget to the City Commission.
- The City Commission has reviewed the budget and had sufficient time to request any desired changes to the recommended budget.

Introduction and History

The FY 2025 City Manager’s Recommended Budget was first presented at the May 21st, 2024 Commission Meeting. At that time the Commission asked questions about the recommended budget and no changes were requested.

Analysis

The FY 2025 City Manager’s Recommended Budget contains detailed information related to expenditures along with estimated revenues.

Attachments

- Resolution 5130

RESOLUTION NO. 5130

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET IN THE AMOUNT OF \$30,487,800 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2024, AND ENDING JUNE 30, 2025, (FY 2025), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT www.livingstonmontana.org, AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS.

WHEREAS, the City Manager has presented the City Manager’s Preliminary Budget recommendation for Fiscal Year 2024-2025 in the amount of \$30,487,800 to the City Commission as required by 7-6-4020 Montana Code Annotated (MCA); and

WHEREAS, the City Commission has completed its Preliminary Budget for Fiscal Year 2024-2025, an overview of which is attached hereto as Exhibit A and incorporated into this Resolution by this reference as though fully set forth herein; and

WHEREAS, a copy of the completed Preliminary Budget for Fiscal Year 2024-2025 has been placed for public inspection in the office of the Finance Officer located at 220 E Park Street, Livingston, Montana, and on the City of Livingston’s web page at www.livingstonmontana.org; and

WHEREAS, pursuant to 7-6-4001 *et seq.* MCA, the City Commission shall meet on July 16th, 2024, at which time a public hearing on the proposed preliminary budget will be held and any taxpayer or resident of the City will be heard for or against any part of the proposed preliminary budget; and

WHEREAS, the City Commission intends to consider the proposed preliminary budget for FY 2024-2025 and make revisions, reductions, additions and changes thereto as deemed appropriate and to establish spending limits at the level of appropriations detailed in Exhibit A which is attached hereto and incorporated by this reference as though fully set forth herein; and

WHEREAS, the City Commission intends to authorize and appropriate expenditures of governmental fund types (general fund, special revenue funds, debt service funds and capital project funds) and operating expenses for proprietary fund types (enterprise funds and internal service funds) and fiduciary fund types (permanent funds) for budget units and purposes set forth herein, in the amounts designated herein;

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

That the City Manager’s Preliminary Budget recommendations for FY 2024-2025 have been received by the City Commission and the City Commission has made revisions, reductions, additions and changes thereto as they have deemed appropriate and the Preliminary Budget is now deemed completed and ready for public review and comment and a copy of the Preliminary Budget has been

Resolution No. 5130 Giving notice of Preliminary Budget for FY 2024-2025, of its availability for public inspection and calling for a public hearing.

placed on file and is open for public inspection in the City Finance Office located at 220 E Park Street, Livingston, Montana and at www.livingstonmontana.org.

BE IT FURTHER RESOLVED by the City Commission that a public hearing on the Preliminary Budget for FY 2024-2025 will be held on July 16th, 2024 at 5:30 p.m. in the Community Room of the City County Complex, 414 E Callender Street, Livingston, MT, at which time any taxpayer or resident may appear and be heard for or against any part of the preliminary budget which hearing may be continued from day to day and must be concluded and the budget finally approved and adopted by the later of the first Thursday after the first Tuesday in September or within 30 calendar days of receiving certified taxable values from the Montana Department of Revenue at which time the City Commission will adopt the Final Budget for Fiscal Year 2024-2025 and make appropriations accordingly.

BE IT FURTHER RESOVLED by the City Commission of the City of Livingston, Montana, that the notice attached hereto as Exhibit B be published and posted as required by 7-1-4127, MCA.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 4th day of June, 2024.

KARRIE KAHLE - Chairperson

ATTEST:

APPROVED AS TO FORM:

EMILY HUTCHINSON
Recording Secretary

JON HESSE
City Attorney

EXHIBIT A to Resolution No. 5130

CHANGES IN FUND BALANCE/WORKING CAPITAL					
Fund #	Fund Name	Beginning Fund Balance June 30, 2024	Budgeted Revenues	Budgeted Expenditures	Projected Ending Fund Balance June 30, 2025
GENERAL FUND					
1000	General Fund	2,932,387	7,977,834	8,703,272	2,206,949
SPECIAL REVENUE FUNDS					
2190	Comprehensive Liability	(0)	-	-	(0)
2220	Library	641,637	719,010	895,950	464,697
2260	Emergency/Disaster	-	528,048	528,048	-
2300	Communications/Dispatch Services	206,261	1,188,541	1,183,040	211,762
2310	Tax Increment District - Downtown	1,854,161	1,013,027	1,794,425	1,072,763
2372	Permissive Health Levy	0	722,505	722,505	0
2397	CDBG Economic Dev Revolving	727,728	3,800	14,000	717,528
2399	Impact Fees - Fire	96,455	29,837	273,357	(147,065)
	Impact Fees - Transportation	391,555	59,968	135,000	316,523
	Impact Fees - Police	655,001	3,250	23,342	634,909
	Impact Fees - Parks	258,151	31,255	175,000	114,406
	Unassigned	10,000	10,000	-	20,000
2400	Light Maintenance	163,611	101,293	166,000	98,904
2500	Street Maintenance	931,014	1,774,227	2,199,409	505,832
2600	Sidewalks	67,556	27,841	-	95,397
2650	Business Improvement District	24,155	44,500	44,430	24,225
2700	Park Improvement SRF	66,906	500	67,405	1
2750	Law Enforcement Joint Equipment	-	-	-	-
2820	Gas Tax	1,282,773	395,000	876,500	801,273
2991	American Rescue Plan	106,387	-	106,387	0
TOTAL SPECIAL REVENUE FUNDS		7,483,351	6,652,602	9,204,798	4,931,155
DEBT SERVICE FUNDS					
3002	2016 Fire Truck GOB	20,660	39,716	52,944	7,432
3003	2000 Fire Truck GOB	5,609	-	-	5,609
3200	West End Tax Increment District	327,737	242,116	569,853	0
3400	SID Revolving	68,537	1,500	-	70,037
3550	SID 179 - West End	31,005	2,933	33,938	-
3600	SID 181 - Green Acres	20,203	58,518	53,008	25,713
3955	SID 180 - Carol Lane	0	-	-	0
TOTAL DEBT SERVICE FUNDS		473,752	344,783	709,743	108,792
CAPITAL PROJECT FUNDS					
4010	Capital Improvement	120,964	1,500	122,464	0
4020	Library Capital Improvement	25,915	100	26,015	(0)
4099	Railroad Crossing Levy	-	-	-	-
4205	Regional Sewer	-	-	-	-
TOTAL CAPITAL PROJECT FUNDS		146,879	1,600	148,479	0
ENTERPRISE FUNDS					
5210	Water	2,767,313	2,195,168	2,583,407	2,379,074
5310	Sewer	1,843,818	3,047,515	3,323,847	1,567,487
5410	Solid Waste	1,275,574	2,935,945	2,831,943	1,379,576
5510	Ambulance Services	2,209,636	2,601,259	2,978,811	1,832,084
TOTAL ENTERPRISE FUNDS		8,096,341	10,779,888	11,718,008	7,158,221
PERMANENT FUNDS					
8010	Perpetual Cemetery	261,621	7,000	3,500	265,121
TOTAL ALL FUNDS		19,394,332	25,763,706	30,487,800	14,670,238

Resolution No. 5130 Giving notice of Preliminary Budget for FY 2024-2025, of its availability for public inspection and calling for a public hearing.

EXHIBIT B to Resolution No. 5130

NOTICE

NOTICE is hereby given that the City Commission of Livingston, Montana, has completed its Preliminary Budget for Fiscal Year 2024-2025, that the budget is on file and open for public inspection in the office of the Finance Director, 220 E Park Street, Livingston, Montana and online at www.livingstonmontana.org and that a public hearing on **Resolution No. 5130** entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET IN THE AMOUNT OF \$30,487,800 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2024, AND ENDING JUNE 30, 2025, (FY 2025), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT www.livingstonmontana.org, AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS**, which will be held by the City Commission on July 16th, 2024 in the Community Room of the City County Complex, 414 E Callender Street, Livingston, MT, at which time the public is invited to attend and comment thereon. For further information, contact Finance Director, Paige Fetterhoff, at (406) 823-6003.

(Publish notice twice at least 6 days apart and the notice needs also to be posted and copies made available to the public.)

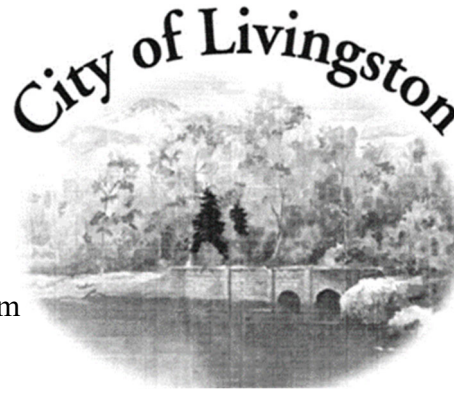
File Attachments for Item:

B. RESOLUTION 5131: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO ADJUST ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM.

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.com
www.livingstonmontana.org



Chairperson
Karrie Kahle

Vice Chair
Melissa Nootz

Commissioners
Quentin Schwarz
Torrey Lyons
James Willich

Incorporated 1889

Date: 06/04/2024
To: Chair Kahle and City Commissioners
From: Paige Fetterhoff

Staff Report for 5131 Resolution of Intent to Increase Water Rates

Recommendation and Summary

Staff is recommending the Commission Approve Resolution 5131 to call for a public hearing to increase water rates for FY 24-25.

“I move to approve Resolution Number 5131 and authorize the Chair to sign the resolution.”

The reasons for the recommendation are as follows:

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

Introduction and History

Water connection fees and rates were first discussed at the May 21st, 2024 Commission Meeting. In FY 2024, the City implemented a tiered rate structure due to increased demand during the Summer season. Additionally, the cost of providing staff, operating costs, and capital costs for water infrastructure and services continues to increase.

Analysis

The City operates 6 wells, historically 2 are need from October through March then increasing each month from April to mid-July when water demand requires all wells to be running. Over the last couple of years, the need for all 6 wells is becoming necessary earlier in the year. The use of all 6 wells used to allow the City to replenish its reservoirs at night but with the use of more sprinkler systems, this is becoming increasingly difficult. Tiered rates will assist the City in encouraging water conservation among its residents and allow reservoirs to be replenished during times of low usage.

For users, the tiered rates will be charged as follows:

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

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

	TIER 1	TIER 2	TIER 3	TIER 4
% OF BILLING	86.65%	9.21%	2.07%	2.07%
% OF USERS	70.92%	16.03%	6.52%	6.52%

Fiscal Impact

The expected increase in revenue for the FY 2025 year is approximately \$67,225. This projection is based on historical usage along with the implementation of tiered rates.

Strategic Alignment

Continue to support operations and the infrastructure of the City.

Attachments

- Resolution 5131

RESOLUTION NO. 5131

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT’S INTENT TO ADJUST ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM.

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

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

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

WHEREAS, a 5.6% increase in the connection fee and a tiered usage rate increase ranging from 5.6% to 13%, which will result in a monthly increase of approximately \$0.85 to \$2.85, depending on the amount of water consumed by the customer all as set forth in Exhibit A, which is attached hereto and incorporated by this reference as though fully set forth herein; and

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

The City Commission of the City of Livingston, Montana intends to increase the water connection fee 5.6% and water usage rate 5.6% to 13% for its customers to become effective for water usage starting July 2024, to be billed in August 2024 and that a public hearing will be held by the City Commission at 5:30 p.m. on July 16th, 2024, at which time the public is invited to attend and comment on its intent.

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

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

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 4th day of June, 2024.

KARRIE KAHLE - Chairperson

ATTEST:

APPROVED AS TO FORM:

EMILY HUTCHINSON
Recording Secretary

JON HESSE
City Attorney

Exhibit A to Resolution No. 5131

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

CITY OF LIVINGSTON PROPOSED WATER RATES					
GALLONS		CURRENT		PROPOSED	
FROM	TO	CONNECTION FEE	USAGE FEE	CONNECTION FEE	USAGE FEE
-	-	15.21	-	16.06	-
1	10,000	15.21	3.51	16.06	3.71
10,001	20,000	15.21	3.69	16.06	3.91
20,001	40,000	15.21	3.76	16.06	4.13
>40,001		15.21	3.86	16.06	4.36

Commercial Rates

METER SIZE	GALLONS	BASE CHARGE	PER 1000 GALLONS
3/4"	Up to 7,000	\$ 42.03	\$3.71 for usage above 7,000 gallons
1"	Up to 15,000	\$ 72.71	\$3.91 for usage above 15,000 gallons
1 1/2"	Up to 25,000	\$ 112.91	\$4.13 for usage above 25,000 gallons
2"	Up to 42,000	\$ 183.58	\$4.36 for usage above 25,000 gallons
3"	Up to 60,000	\$ 262.06	\$4.36 for usage above 25,000 gallons
4"	Up to 100,000	\$ 436.46	\$4.36 for usage above 100,000 gallons
6"	Up to 275,000	\$ 1,199.46	\$4.36 for usage above 275,000 gallons

Exhibit B – Public Notice

NOTICE

Notice is hereby given that the Livingston City Commission will conduct a public hearing in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana on July 16th, 2024, at 5:30 p.m. on **Resolution No. 5131**, entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT’S INTENT TO ADJUST RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM**, resulting in an increase of approximately \$0.85 to \$2.85 for residential customers, depending on the amount of water consumed by the customer. All interested persons are invited to attend the public hearing, to make comments or make objections thereto. For additional information contact the City of Livingston Finance Department at 220 E Park Street, Livingston, MT, 59047, or by phone at (406) 222-1142.

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

**COMBINED NOTICE OF PUBLIC HEARINGS ON
PROPOSED RATE INCREASES FOR WATER,
WASTE WATER, AND SOLID WASTE EFFECTIVE JULY 2024**

Notice is hereby given that the City Commission of Livingston, Montana, will conduct public hearings on Resolutions 5131, 5132, and 5133 in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on July 16th, 2024, at 5:30 p.m. of its intent to increase the Water Rate in the amount of 5.6% (approximately \$0.85 to \$2.85, depending on the amount of water consumed by the customer), the Sewer Rate in the amount of 8% (approximately \$1.70 to \$8.40), and Solid Waste in the amount of 5% (approximately \$1.20 for residential customers). See the attached schedules. The public is invited to attend and comment on the proposed rate increases. For further information, contact the City of Livingston Finance Department at 220 E Park Street, Livingston, MT, 59047, or by phone at 222-1142.

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

CITY OF LIVINGSTON PROPOSED WATER RATES					
GALLONS		CURRENT		PROPOSED	
FROM	TO	CONNECTION FEE	USAGE FEE	CONNECTION FEE	USAGE FEE
-	-	15.21	-	16.06	-
1	10,000	15.21	3.51	16.06	3.71
10,001	20,000	15.21	3.69	16.06	3.91
20,001	40,000	15.21	3.76	16.06	4.13
>40,001		15.21	3.86	16.06	4.36

CITY OF LIVINGSTON PROPOSED SEWER RATES				
GALLONS	CURRENT	PROPOSED	INCREASE	
0	\$ 21.20	\$ 22.90	\$ 1.70	
1000	\$ 29.61	\$ 31.98	\$ 2.37	
2000	\$ 38.02	\$ 41.06	\$ 3.04	
3000	\$ 46.43	\$ 50.14	\$ 3.71	
4000	\$ 54.84	\$ 59.22	\$ 4.38	
5000	\$ 63.25	\$ 68.30	\$ 5.05	
6000	\$ 71.66	\$ 77.38	\$ 5.72	
7000	\$ 80.07	\$ 86.46	\$ 6.39	
8000	\$ 88.48	\$ 95.54	\$ 7.06	
9000	\$ 96.89	\$ 104.62	\$ 7.73	
10000	\$ 105.30	\$ 113.70	\$ 8.40	

CITY OF LIVINGSTON PROPOSED RESIDENTIAL SOLID WASTE RATES		
CUSTOMER	CURRENT MONTHLY RATE PER CAN	PROPOSED MONTHLY RATE PER CAN
RESIDENTIAL BLUE CANS	\$ 24.00	\$ 25.20
MULTI FAMILY - BLACK TUBS	\$20 + \$18 per Unit	\$21 + \$18.90 per Unit

File Attachments for Item:

C. RESOLUTION 5132: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ADJUST ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WASTEWATER SYSTEM.

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.com
www.livingstonmontana.org



Chairperson
Karrie Kahle

Vice Chair
Melissa Nootz

Commissioners
Quentin Schwarz
Torrey Lyons
James Willich

Incorporated 1889

Date: 06/04/2024
To: Chair Kahle and City Commissioners
From: Paige Fetterhoff

Staff Report for 5132 Resolution to Increase Wastewater Rates

Recommendation and Summary

Staff is recommending the Commission Approve Resolution 5132 to call for a public hearing to increase wastewater rates for FY 24-25.

“I move to approve Resolution Number 5132 and authorize the Chair to sign the resolution.”

The reasons for the recommendation are as follows:

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

Introduction and History

Wastewater connection fees and rates were first discussed at the May 21st, 2024 Commission Meeting. Staff is recommending an increase to all sewer rates of 8%. The cost of providing staff, operating costs, and capital costs for wastewater infrastructure and services continues to increase.

Analysis

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

The average residential user will pay between \$1.70 and \$8.40 in additional costs as a result of this rate change.

Fiscal Impact

The expected increase in revenue for the FY 2025 year is approximately \$105,135. This projection is based on historical usage.

Strategic Alignment

Continue to support operations and the infrastructure of the City.

Attachments

- Resolution 5132

RESOLUTION NO. 5132

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ADJUST ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WASTEWATER SYSTEM.

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

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

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

WHEREAS, an 8% increase in sewer rates will result in a monthly increase of \$1.70 to \$8.40 depending on usage, all as set forth in Exhibit A, which is attached hereto and incorporated by this reference as though fully set forth herein; and

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

The City Commission of the City of Livingston, Montana intends to increase the wastewater rate for its customers in the amount of 8% to become effective for sewer usage starting July 2024, to be billed in August 2024 and that a public hearing will be held by the City Commission at 5:30 p.m. on July 16th, 2024, at which time the public is invited to attend and comment on its intent.

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

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

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 4th day of June, 2024.

KARRIE KAHLE - Chairperson

ATTEST:

APPROVED AS TO FORM:

EMILY HUTCHINSON
Recording Secretary

JON HESSE
City Attorney

Exhibit A- Sewer Rate changes based on 8% increase

CITY OF LIVINGSTON PROPOSED SEWER RATES			
GALLONS	CURRENT	PROPOSED	INCREASE
0	\$ 21.20	\$ 22.90	\$ 1.70
1000	\$ 29.61	\$ 31.98	\$ 2.37
2000	\$ 38.02	\$ 41.06	\$ 3.04
3000	\$ 46.43	\$ 50.14	\$ 3.71
4000	\$ 54.84	\$ 59.22	\$ 4.38
5000	\$ 63.25	\$ 68.30	\$ 5.05
6000	\$ 71.66	\$ 77.38	\$ 5.72
7000	\$ 80.07	\$ 86.46	\$ 6.39
8000	\$ 88.48	\$ 95.54	\$ 7.06
9000	\$ 96.89	\$ 104.62	\$ 7.73
10000	\$ 105.30	\$ 113.70	\$ 8.40

Exhibit B- Public Notice

NOTICE

Notice is hereby given that the Livingston City Commission will conduct a public hearing in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana on June 4th, 2024, at 5:30 p.m. on **Resolution No. 5132**, entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE WASTEWATER RATE IN THE AMOUNT OF 8% TO BECOME EFFECTIVE FOR JULY 2024 SEWER USAGE, BILLED IN AUGUST 2024**, resulting in an increase of approximately \$1.70 to \$8.40, depending on the amount of wastewater used by the customer. All interested persons are invited to attend the public hearing, to make comments or objections thereto. For additional information contact the City of Livingston Finance Department at 220 E Park Street, Livingston, MT, 59047, or by phone at 222-1142.

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

**COMBINED NOTICE OF PUBLIC HEARINGS ON
PROPOSED RATE INCREASES FOR WATER,
WASTE WATER, AND SOLID WASTE EFFECTIVE JULY 2024**

Notice is hereby given that the City Commission of Livingston, Montana, will conduct public hearings on Resolutions 5131, 5132, and 5133 in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on July 16th, 2024, at 5:30 p.m. of its intent to increase the Water Rate in the amount of 5.6% (approximately \$0.85 to \$2.85, depending on the amount of water consumed by the customer), the Sewer Rate in the amount of 8% (approximately \$1.70 to \$8.40), and Solid Waste in the amount of 5% (approximately \$1.20 for residential customers). See the attached schedules. The public is invited to attend and comment on the proposed rate increases. For further information, contact the City of Livingston Finance Department at 220 E Park Street, Livingston, MT, 59047, or by phone at 222-1142.

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

CITY OF LIVINGSTON PROPOSED WATER RATES					
GALLONS		CURRENT		PROPOSED	
FROM	TO	CONNECTION FEE	USAGE FEE	CONNECTION FEE	USAGE FEE
-	-	15.21	-	16.06	-
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10,001	20,000	15.21	3.69	16.06	3.91
20,001	40,000	15.21	3.76	16.06	4.13
>40,001		15.21	3.86	16.06	4.36

CITY OF LIVINGSTON PROPOSED SEWER RATES			
GALLONS	CURRENT	PROPOSED	INCREASE
0	\$ 21.20	\$ 22.90	\$ 1.70
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8000	\$ 88.48	\$ 95.54	\$ 7.06
9000	\$ 96.89	\$ 104.62	\$ 7.73
10000	\$ 105.30	\$ 113.70	\$ 8.40

CITY OF LIVINGSTON PROPOSED RESIDENTIAL SOLID WASTE RATES		
CUSTOMER	CURRENT MONTHLY RATE PER CAN	PROPOSED MONTHLY RATE PER CAN
RESIDENTIAL BLUE CANS	\$ 24.00	\$ 25.20
MULTI FAMILY - BLACK TUBS	\$20 + \$18 per Unit	\$21 + \$18.90 per Unit

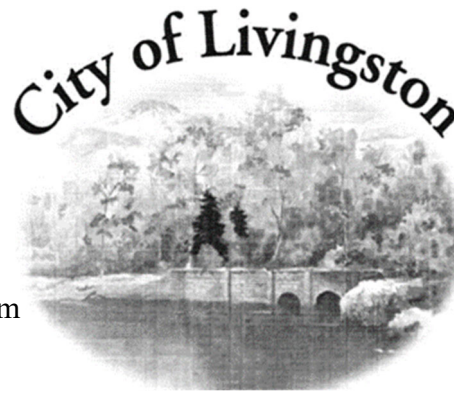
File Attachments for Item:

D. RESOLUTION 5133: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE RATE FOR COLLECTION AND DISPOSAL OF SOLID WASTE IN THE AMOUNT OF 5% PER MONTH FOR RESIDENTIAL CUSTOMER AND 5% FOR COMMERCIAL CUSTOMERS TO BECOME EFFECTIVE JULY 2024 AND CALLING FOR A PUBLIC HEARING.

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.com
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Chairperson
Karrie Kahle

Vice Chair
Melissa Nootz

Commissioners
Quentin Schwarz
Torrey Lyons
James Willich

Incorporated 1889

Date: 06/04/2024
To: Chair Kahle and City Commissioners
From: Paige Fetterhoff

Staff Report for 5133 Resolution to Increase Solid Waste Rates

Recommendation and Summary

Staff is recommending the Commission Approve Resolution 5133 to call for a public hearing to increase solid waste rates for FY 24-25.

“I move to approve Resolution Number 5133 and authorize the Chair to sign the resolution.”

The reasons for the recommendation are as follows:

- Operating costs continue to rise.
- Capital costs continue to rise making the replacement of aging equipment more expensive.

Introduction and History

Solid Waste rates were first discussed at the May 21st, 2024 Commission Meeting. Staff is recommending an increase to all solid waste rates of 5%. The cost of providing staff, operating costs, and capital costs for solid waste continues to increase.

Analysis

User charges is the primary source of revenue for solid waste. Over the past several years, there has been a significant increase to the cost of providing solid waste services to the community. The cost to dispose of solid waste is contracted to Republic Waste Systems. Their cost is set each year based on the consumer price index and that increase must be covered by an increase in customer rates.

The average residential user will pay between \$1.20 in additional costs each month as a result of this rate change.

Fiscal Impact

The expected increase in revenue for the FY 2025 year is approximately \$94,326. This projection is based on FY 2024 projected revenue.

Strategic Alignment

Continue to support operations and the capital costs of the City.

Attachments

- Resolution 5133

RESOLUTION NO. 5133

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE RATE FOR COLLECTION AND DISPOSAL OF SOLID WASTE IN THE AMOUNT OF 5% PER MONTH FOR RESIDENTIAL CUSTOMER AND 5% FOR COMMERCIAL CUSTOMERS TO BECOME EFFECTIVE JULY 2024 AND CALLING FOR A PUBLIC HEARING.

WHEREAS, 7-14-4105, Montana Code Annotated (MCA), provides that the City has the power to regulate the collection and disposal of solid wastes; and

WHEREAS, 7-14-4106, MCA, provides that the City Commission may levy the costs of the removal and disposition of solid wastes as a special charge against property from which the solid waste was deposited; and

WHEREAS, by Resolution No. 5055, effective for the July 2022 billing cycle, the City Commission increased residential and commercial rates by 20%; and

WHEREAS, annual cost of living increases are necessary to keep pace with the national and state economy and corresponding increased expenditures; and

WHEREAS, since the last increase, the City continues to experience increases in operating expenses in its costs of collecting and disposing of solid waste; and

WHEREAS, the collection and disposal of solid waste is operated as an enterprise fund, i.e. the costs of providing the service are paid through user charges; and

WHEREAS, an increase in the amount of 5% in the rate structure for residential and commercial customers is necessary to offset the increased operating expenses of the City; and

WHEREAS, the proposed rates for residential and commercial users are set forth in Exhibit A which is attached hereto and incorporated by this reference as though fully set forth herein; and

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

That it is the intent of the City Commission to increase the monthly base rate for the collection and disposal of solid waste in the amount of 5% for residential and commercial customers to become effective with the July 2024 bill.

BE IT FURTHER RESOLVED that a public hearing will be held by the City Commission at 5:30 p.m. on July 16th, 2024, at which time the public is invited to attend and comment on its intent to increase the solid waste rate for its customers in the amount of 5% to become effective with the July 2024 bill.

BE IT FURTHER RESOLVED that Notice, attached hereto as Exhibit B and incorporated herein by reference, be published in accordance with law.

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

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 4th day of June, 2024.

KARRIE KAHLE – Chairperson

ATTEST:

APPROVED AS TO FORM:

EMILY HUTCHINSON
Recording Secretary

JON HESSE
City Attorney

Exhibit A- Residential Solid Waste Rate Changes

CITY OF LIVINGSTON PROPOSED RESIDENTIAL SOLID WASTE RATES		
CUSTOMER	CURRENT MONTHLY RATE PER CAN	PROPOSED MONTHLY RATE PER CAN
RESIDENTIAL BLUE CANS	\$ 24.00	\$ 25.20
MULTI FAMILY - BLACK TUBS	\$20 + \$18 per Unit	\$21 + \$18.90 per Unit

COMMERCIAL SOLID WASTE RATES

WEIGHTS	COST	WEIGHTS	COST	WEIGHTS	COST	WEIGHTS	COST
0 TO 40	6.30	241 TO 280	34.34	481 TO 520	62.37	721 TO 760	90.41
40 TO 80	10.97	281 TO 320	39.01	521 TO 560	67.04	761 TO 800	95.08
81 TO 120	15.65	321 TO 360	43.68	561 TO 600	71.72	801 TO 840	99.75
121 TO 160	20.32	361 TO 400	48.35	601 TO 640	76.39	841 TO 880	104.42
161 TO 200	24.99	401 TO 440	53.03	641 TO 680	81.06	881 TO 920	109.10
201 TO 240	29.66	441 TO 480	57.70	681 TO 720	85.73	921 TO 960	113.77

Exhibit B- Public Notice

NOTICE

Notice is hereby given that the Livingston City Commission will conduct a public hearing in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana on July 16th, 2024, at 5:30 p.m. on **Resolution No. 5133**, entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE RATE FOR COLLECTION AND DISPOSAL OF SOLID WASTE IN THE AMOUNT OF 5% PER MONTH FOR RESIDENTIAL CUSTOMER AND 5% FOR COMMERCIAL CUSTOMERS TO BECOME EFFECTIVE JULY 2024 AND CALLING FOR A PUBLIC HEARING**. All interested persons are invited to attend the public hearing, to make comments or make objections thereto. For additional information contact the City of Livingston Finance Department at 220 E Park St, Livingston, MT, 59047, or by phone at 222-1142.

Please publish twice at least 6 (six) days apart, and posted with copies made available to the public.

**COMBINED NOTICE OF PUBLIC HEARINGS ON
PROPOSED RATE INCREASES FOR WATER,
WASTE WATER, AND SOLID WASTE EFFECTIVE JULY 2024**

Notice is hereby given that the City Commission of Livingston, Montana, will conduct public hearings on Resolutions 5131, 5132, and 5133 in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on July 16th, 2024, at 5:30 p.m. of its intent to increase the Water Rate in the amount of 5.6% (approximately \$0.85 to \$2.85, depending on the amount of water consumed by the customer), the Sewer Rate in the amount of 8% (approximately \$1.70 to \$8.40), and Solid Waste in the amount of 5% (approximately \$1.20 for residential customers). See the attached schedules. The public is invited to attend and comment on the proposed rate increases. For further information, contact the City of Livingston Finance Department at 220 E Park Street, Livingston, MT, 59047, or by phone at 222-1142.

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

CITY OF LIVINGSTON PROPOSED WATER RATES					
GALLONS		CURRENT		PROPOSED	
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CITY OF LIVINGSTON PROPOSED RESIDENTIAL SOLID WASTE RATES		
CUSTOMER	CURRENT MONTHLY RATE PER CAN	PROPOSED MONTHLY RATE PER CAN
RESIDENTIAL BLUE CANS	\$ 24.00	\$ 25.20
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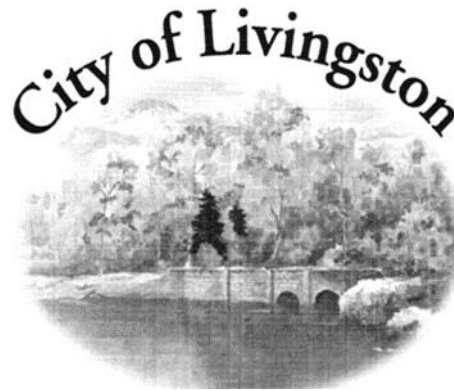
File Attachments for Item:

E. POLICY DISCUSSION AND DIRECTION REGARDING SIDEWALK USES.

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



Incorporated 1889

Chairperson
Karrie Kahle

Vice Chair
Melissa Nootz

Commissioners
James Willich
Quentin Schwarz
Torrey Lyons

Date: June 4, 2024
To: Chair Kahle and City Commissioners
From: Grant Gager, City Manager

Staff Report for Policy Discussion and Direction Regarding Sidewalk Uses

Recommendation and Summary

Based on community requests, the City Manager is seeking direction from the City Commission regarding the use of City sidewalks for certain activities including outdoor dining. As such, there is no required or requested motion but Commission direction is appreciated.

The reasons for the recommendation are as follows:

- The Livingston Municipal Code does not directly address the use of public City sidewalks and right-of-ways for private uses, including outdoor dining.
- The City has been approached by several downtown businesses regarding the possibility of creating outdoor dining spaces downtown.

Introduction and History

City staff have recently received inquiries from several downtown businesses regarding use of the sidewalk for certain activities, including outdoor dining. While several such spaces exist in the downtown, there is no direct reference to allowing the use of the public right-of-way for private uses. However, Section 26-35 of the Livingston Municipal Code (LMC) does provide the following (*emphasis added*):

“It is unlawful for any person, including employees of any person, to unnecessarily obstruct any street or other public way by any means whatsoever, *except for some necessary purpose and with a permit from the commission or the Chief of Police*, and then only for such period of time as shall be designated in the permit.”

While this allowance was apparently created to enable certain activities, including construction work, it could provide a temporary framework for allowing the immediate use of public sidewalks for certain uses including outdoor dining. As such, the City Manager appreciates the direction of the Commission in its desire to do so.

Analysis

The allowance of certain uses in the public right-of-way may be managed through an internal administrative approval process, if desired by the City Commission. As shown in the attachments, cities in Montana have a permit system in place that is managed by an ordinance or administrative process. Currently, City staff has the capacity to create and manage such a program, if it desired by the Commission. If created, such a program would address specific items including appropriate cleaning and maintenance, protection of pedestrian accessibility through the area (ADA requires 50 inches) and duration of operation.

Related to allowing the public use of the right-of-way for activities such as dining is the consumption of alcohol in such areas. While State law allows for the outdoor consumption of alcohol with certain restrictions, the LMC does not and certain modifications would be required to enable the consumption of alcohol in permitted areas that are adjacent to certain businesses. An ordinance will be presented separately to the Commission if there is a desire to allow the possession of open alcohol containers and consumption of alcohol in permitted areas.

Fiscal Impact

There is minimal fiscal impact associated with this policy direction. To the extent that a permit program is created, fees will be used to offset the additional administrative costs of managing the program.

Strategic Alignment

Objective 6.1.3. of the Growth Policy is to “Reassess needs of anchor businesses to accommodate their long-term needs and retention.”

Attachments

- Attachment A: City of Bozeman Exclusive Use Permit Materials
- Attachment B: City of Missoula Sidewalk Café Ordinance

Exclusive Use Permits

Renewal Reminder

The following document is for guidance purposes only. The applicant shall read and understand the relevant references listed below.

Below is a description of the permit review process, followed by applicant and City actions needed to move the process forward. This document also includes relevant references.

Description

Fenced cafe seating areas in the downtown area are allowed under an exclusive use permit, not a downtown sidewalk encroachment permit.

Once approved they are valid for 10 years but are reviewed annually and require an annual permit fee. They are transferable if the business is sold but only if a request is made to the Director of Public Works within 30 days of the sale of the business. They are only permitted from April 1 through October 31 and must be removed from the sidewalk beginning November 1.

Fenced cafe seating areas are required to serve alcohol outside of a downtown business establishment. In addition to an exclusive use permit, the applicant must apply for a site plan modification and a Special Use Permit (SUP) to serve alcohol through the City Planning Department. For more information on this process, please contact their office at 406-582-2260. The exclusive use permit will be submitted to the City Public Works Department at the same time that the modification and SUP applications are submitted to the City Planning Department.

Applicant Actions

Submittal Requirements (all items must be submitted with each event, or the application will be returned as incomplete):

- Site plan depicting the size and location of all requested encroachments as well as other existing obstructions or improvements (trash cans, street lights, signs, bike racks, etc.). This plan must show the square footage of the fenced area as well as the fence design and ingress and egress points. It must depict the width of the pedestrian zone.
- Certificate of Liability Insurance naming the City of Bozeman as additional insured. The State of Montana must also be included for encroachments on Main Street, Rouse Avenue, or Willson Avenue. Insurance coverage must include \$1 million per occurrence with a \$2 million general aggregate or \$750,000 for each claim and \$1.5 million per occurrence. This insurance must include coverage for the fenced café seating area.
- Current City of Bozeman business license corresponding to the use requested.
- Copy of a food purveyor's license or approval statement issued by the Gallatin City-County Health Department.
- Copy of a state-approved alcohol beverage license. Once the permit is approved but prior to constructing the fenced area, an updated copy of the state-approved alcohol beverage license must be submitted that includes the outdoor seating area.

- Permit Fee. This fee will be required after the permit is approved but prior to construction of the fenced area. This fee is based on the property value as determined by the Montana Department of Revenue, the square footage of the fenced area as well as the timeframe that the fenced area will be in place.

City Actions

- The City will pre-screen the submittal to ensure the applicant has provided a complete package and uploaded files.
- After a successful completion of the pre-screen, the Public Works Office Manager will review the submittal for conformance with the submittal checklist. If corrections are required or missing documents, the submittal will be returned to the applicant.
- Once the Public Works Office Manager deems the application approved, you will receive a payment notification to pay the application fees for the permits. When that is completed an approval letter will be uploaded in the decisions folder in ProjectDox and the applicant will receive an email stating the approval letter with conditions is available in the decisions folder in ProjectDox.

Relevant References

[Example of General Liability Insurance](#)

Filing and Naming Criteria

Documents Folder

- Upload all documents and other supporting documents in the Documents Folder
- Documents may be any size
- Documents may be scans if they are legible.
- File names shall meet the following criteria:
 - The software won't accept file names exceeding 30 characters.
 - The file name shall start with a 3-digit number beginning with "001"
 - The name shall also include a brief description of the content of the file.

Example of file naming standards:

Sheet Description	ProjectDox File Name
Signed Notification Letter	001 Notification Letter
Site Plan	002 Site Plan
Business License	003 Business License
Liability Insurance	004 Liability Insurance
Food Purveyor's License	005 Food Purveyor's License
State Approved Beverage License	006 State Approved Beverage License

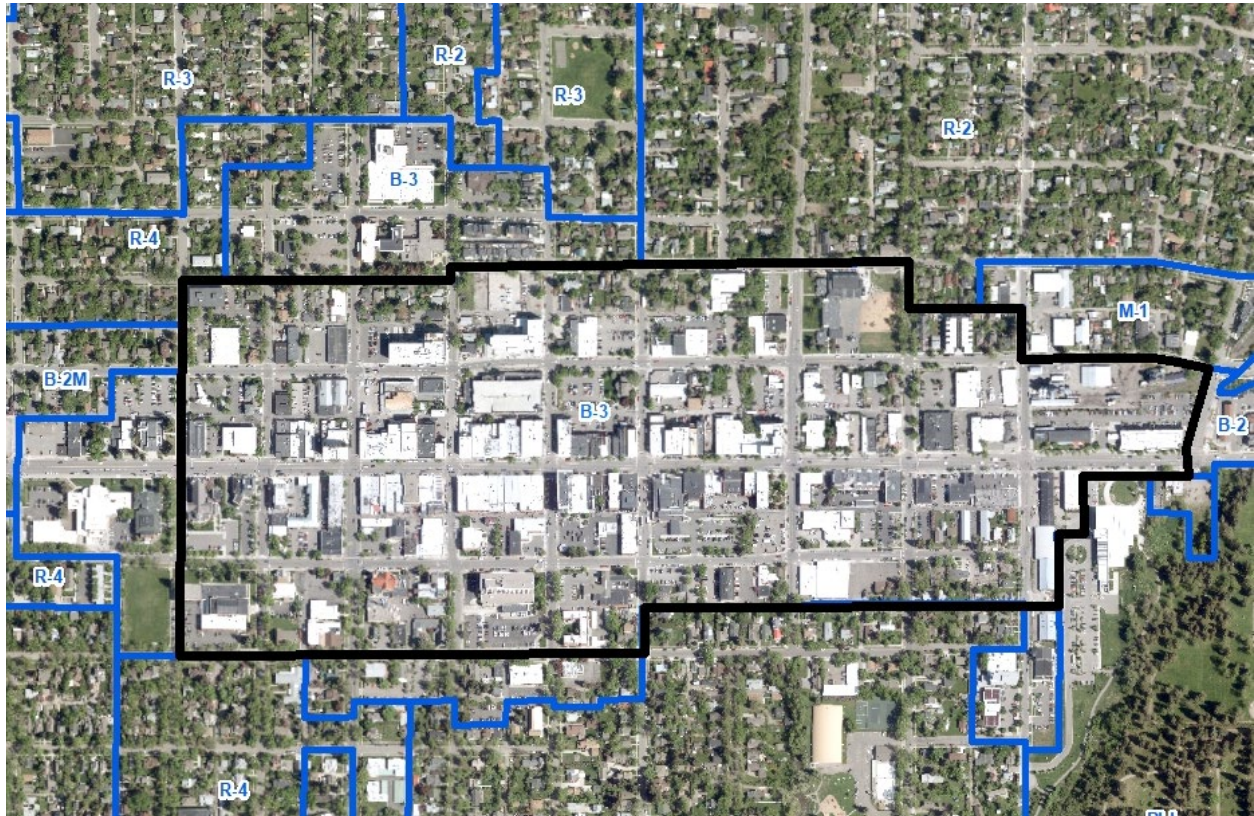
Revisions / Resubmittals

New versions of previously submitted files must use the exact same name as the original file. The software will **version the file**.

FAQ

Exclusive Use Permits – [Sec. 34.05.080 BMC](#)

Exclusive Use permits allow fenced café seating in the downtown business district which includes the portion of the B-3 zoning district shown in the map below and is defined as B-3 zoning district located on or between the north side of Lamme Street and the south side of Olive Street and on or between the east side of Broadway Avenue and west side of 3rd Avenue.



Any business wishing to serve alcohol to patrons on the sidewalk downtown must provide a fenced café seating area.

WHAT APPLICANT SHOULD KNOW:

- They are only permitted from April 1 through October 31 and must be completely removed from the sidewalk November through March. They pay per month so individual businesses may decide to utilize the sidewalk during a shortened time period.
- The fenced café seating area is only allowed to be placed in the frontage zone and must be placed so that there is at least 6' maintained in the pedestrian zone.
- They must also get a special use permit through the Planning Department and get approval from the Department of Revenue to expand their alcohol license to include the fenced café seating area.
- Once the permit is approved, it is valid for 10 years.

What are the fees for a permit?

- Fee is calculated by multiplying the square-foot area of the right of way encumbered by the exclusive use, by the total final square-foot land value of the adjacent property (as determined in the most recent appraisal by the MT Dept of Revenue for ad valorem property taxation purposes), multiplied by the whole-month percentage of the calendar year the exclusive use is occurring, multiplied by a factor of 5%.

Unless we need more information from the applicant, review usually only takes about 2 weeks for completion.

For questions, please call 406-582-2273, or email Marcy Yeykal, Public Works Office Manager at myeykal@bozeman.net.

Ordinance 3543

An ordinance of the Missoula City Council to establish Chapter 12.18 Missoula Municipal Code entitled “Sidewalk Cafés” to authorize sidewalk cafés by license and establish related regulations, fees and penalties and amending Title 5, Chapters 5.08 and 5.52 to include cross references to the new chapter in the City’s business licensing regulations.

Be it ordained that Chapter 12.18 Missoula Municipal Code is hereby established and Chapter 5.08, Section 5.08.010 and Chapter 5.52, Section 5.52.040 are hereby amended as follows:

Chapter 12.18

Sidewalk Cafés

Sections:

12.18.010	Purpose
12.18.020	Definitions
12.18.030	Liability of license holder and indemnification of the City of Missoula
12.18.040	Insurance
12.18.050	Rules, regulations, and specifications
12.18.060	Sidewalk Café Alcohol Addendum Required to Serve Alcoholic Beverages
12.18.070	License application required
12.18.080	Fees for sidewalk café licenses
12.18.090	Notice of violation; failure to comply
12.18.100.	Violations and penalties
5.08.010	License – Required
5.52.040	License – Application – Information Required

Section 1

12.18.010 Purpose

The City of Missoula has determined that the licensing of sidewalk cafés with dining as well as consumption of alcohol on the public sidewalk in conjunction with sidewalk café dining, will promote public interest by creating an attractive pedestrian environment for businesses during the day and evening and will foster a pleasant and distinctive ambience within the City of Missoula. The purpose of this chapter is to establish appropriate requirements to license and regulate this activity in order to ensure that the health, safety and welfare of the City are protected.

Section 2

12.18.020 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

- A. ADJACENT BUILDING — the building whose principal façade fronts on the sidewalk where the sidewalk café is or is proposed to be located.
- B. PERSON(S) / APPLICANT(S) — any individual, partnership, corporation, association or other entity.
- C. PRINCIPAL FAÇADE / STREET FRONTAGE — that portion of the façade of a building which fronts on a street.
- D. REQUIRED PEDESTRIAN PASSAGEWAY — an area of sidewalk, or pedestrian walkway parallel to the principal façade, that shall be at least a five (5’) feet wide unobstructed width extended in a straight line parallel to the public right of way and extending the full length of the property to be used as a sidewalk café under the authority of this section.
- E. RETAIL FOOD ESTABLISHMENT — the establishment actually located within the adjacent building for which a current retail food establishment business license has been issued and has all approvals from the County Health Department for food service.

- F. SIDEWALK - That portion of the public right of way between the curb lines or the lateral lines of a roadway and the adjacent property lines and that which is designated, utilized, maintained and improved for pedestrian travel.
- G. SIDEWALK CAFE or CAFE — a retail food establishment which:
 1. Serves food and beverages to the public at tables located on the portion of the public sidewalk which lies within the area bounded by the street, the principal façade of the adjacent building, and the imaginary perpendicular lines running from the outer edge of such principal façade to the street; and
 2. Meet all ADA requirements per the most recent adopted guidelines and
 3. Is not enclosed by fixed walls or ceilings.

Section 3

12.18.030 Liability of license holder and indemnification of the City of Missoula

- A. The person, persons, or business to whom a license for a sidewalk café has been issued, as well as any successors or assigns to the persons or business, shall be liable for any and all damage to persons or property that arise out of the use of the public sidewalk for a sidewalk café, including any injury or damage to public right-of-way and / or public sidewalks.
- B. The person, persons, or business to whom a license for a sidewalk café has been issued, as well as any successors or assigns to the persons or business, shall indemnify and hold the City of Missoula harmless for any loss, damage, or injury or expense arising out of any claim or cause of action instituted or commenced by any person or persons arising out of the issuance of such license or as a direct or indirect result of the operation of such sidewalk café.

Section 4

12.18.040 Insurance

Prior to the issuance of a license, the applicant for a license shall present to the City of Missoula a certificate of insurance for comprehensive general liability, naming the City of Missoula as additional insured, for combined single limits of no less than seven hundred fifty thousand (\$750,000.00) dollars per occurrence and one million five hundred thousand (\$1,500,000.00) dollars general aggregate and umbrella limits of one million (\$1,000,000.00) dollars.

Section 5

12.18.050 Rules, regulations and specifications

A sidewalk café authorized and operating pursuant to this chapter shall comply with all of the following rules and regulations, and such others as may be adopted by the City-County Health Department.

- A. Sidewalk cafés may be located on public sidewalks adjacent to the retail food establishment which operates the outdoor dining subject to the following restrictions:
 1. The lateral extent of sidewalk cafés shall extend no further than the actual principal façade of the operating restaurant.
 2. Sidewalk café operations shall provide not less than five contiguous (5') feet of public sidewalk clear of obstructions to allow unimpeded pedestrian traffic.
 3. Sidewalk café operations located next to the curb shall not impede access to: parked vehicles, parking meters, bicycle racks, garbage receptacles, traffic signal poles, fire hydrants, utility structures, trees or tree grates, planters, or any other feature that requires public access and / or maintenance.
 4. Sidewalk café operations, at street intersections and street / alley intersections, shall not obstruct the clear sight distance as per, MMC 12.28.110 – Visibility Obstructions.
 5. Sidewalk café operations at street intersections shall not impede or obstruct pedestrian access including such access as required by the Americans with Disabilities Act (ADA).
- B. Contains readily removable tables and chairs of a type used for outdoor use, Sidewalk cafés shall be operated and maintained in accordance with the approved sidewalk café plan by the same person who operates and maintains the abutting retail food establishment. See MMC 12.18.060 and MMC 12.18.070 of this section for minimum plan submittal requirements.
- C. The placement of furniture, apparatus, decoration or object used in connection with the operation of the sidewalk café in relation to any fire hydrant, plug or standpipe permanent fixture shall be

approved by specific written authorization of the Fire Marshall based upon his/her review of the sidewalk café plan.

- D. No furniture, apparatus, decoration or object used in connection with the operation of the sidewalk café shall be located in such a way so as to impede the safe and speedy access (ingress / egress) from any building or structure.
- E. No furniture, apparatus, decoration or object used in connection with the operation of the sidewalk café shall be located in or project or protrude into the required pedestrian passageway. Additionally, such encumbrances shall at no time pose a safety hazard to the general public.
- F. Any table service provided at the sidewalk café shall be provided by persons engaged or employed for that purpose and shall be furnished to seated patrons only. Table service is not required, and retail food establishments that do not provide table service may operate sidewalk cafés in which patrons carry their food from inside the premises to tables located in the sidewalk café.
- G. The public sidewalk area utilized by the sidewalk café shall be kept clean and free of litter and shall be washed regularly as needed. Covered trash receptacles shall be provided and regularly maintained (emptied) by the retail food establishment operator.
- H. All solid waste / refuse shall be picked up / swept up and placed in a trash receptacle. No food, trash or other solid waste / refuse shall be washed or deposited into any storm drain.
- I. Signage for sidewalk cafés shall be considered part of the signage approved for the retail food establishment and shall comply with MMC 20.75 – Missoula Sign Ordinance.
- J. Noise from the sidewalk café shall be in conformance with MMC 09.30 – Noise Control.
- K. Exterior lighting of the sidewalk café shall be in conformance with MMC 08.64 – Missoula Outdoor Lighting Ordinance.
- L. Sidewalk cafés shall be licensed to operate between the hours of 07:00 a.m. to 12:00 a.m.
- M. When the sidewalk café is not operating, the license holder may store, for no more than seventy-two (72) hours, furniture or items used in connection with the operation of the sidewalk café in a manner to minimize the intrusion of those items into the public right-of-way. All such materials and items shall be not be stored in any entrance way or doorway so as to not impede access, ingress or egress to the structure, in a manner subject to approval by the Fire Marshall.
- N. No food may be prepared or stored in the sidewalk café or outside the adjacent building.
- O. The City reserves the right and power to temporarily order the discontinuation of the operation of public outdoor dining at any time due to anticipated or actual problems or conflicts in the use of the public sidewalk area. These situations include, but shall not be limited to festivals, parades, marches, road races, repairs to the street or sidewalk, or any other emergencies occurring in the area. To the extent possible, the licensee shall be given prior written notice of the time period during which the operation of outdoor dining will not be licensed by the City, but failure to give notice shall not affect the right and power of the City to prohibit outdoor dining operation at any time.
- P. The licensee may, at their discretion, restrict smoking within the boundaries of the sidewalk café.

Section 6

12.18.060 Sidewalk Café Alcohol Addendum Required to Serve Alcoholic Beverages

In order to serve alcoholic beverages in a sidewalk café the applicant must have an existing liquor license or have an application pending for a liquor license with the Montana Department of Revenue (MDOR) that meets the following requirements throughout the term of the sidewalk café alcohol addendum.

- A. The MDOR must approve the application prior to final approval by the City.
 - 1. The application must be submitted to the City of Missoula Development Services for preliminary review.
 - 2. The City will then submit the preliminarily approved application to the MDOR for review.
 - 3. MDOR will review the application and if it meets their requirements will conditionally approve the floor plan so long as the City will grant the applicant conditional use or possessory interests in the sidewalk
 - 4. Final approval of the application by the City will constitute a conditional use/possessory interest of the sidewalk
 - 5. The City's final approval will be forwarded to the MDOR prior to MDOR issuance of its final approval
- B. The MDOR will issue a final approval of the sidewalk service area if the area meets all State requirements and the license has been approved by the City. The applicant shall maintain the

sidewalk café area to the requirements within Illustration 1 below. This ordinance amends 12.30.050 and is only applicable to the standards set forth herein.

1. Prior to the issuance of this addendum by the MDOR, the applicant shall provide proof that he/she has obtained all necessary licenses required by the State of Montana, the county of Missoula as well as the City of Missoula. Further, the applicant shall show that he/she will comply with all the rules and regulations pertaining to alcoholic beverages as promulgated by all governing bodies; state, county and city.
 2. The applicant shall be in conformity with all MDOR requirements. The applicant shall have specific approval from the Montana Department of Revenue to extend their licensed premises into the sidewalk café.
 3. When in a sidewalk café with an alcohol addendum, customers may consume alcohol provided to them by the retail food establishment. Customers may not consume alcohol they have carried into the service area, even if in a sidewalk café with a sidewalk café alcohol addendum.
- C. Requirements for a sidewalk café to be permitted to serve alcoholic beverages
1. Contains readily removable tables and chairs of a type used for outdoor use, temporary railings and/or planters;
 2. If two service areas are separated by the required pedestrian passageway, they shall have a temporary connecting link such as marks in the sidewalk or a floor mat to identify the area used by persons engaged or employed for the purpose of providing services to the patrons and
 3. The boundaries of the sidewalk café shall be demarcated through the use of a temporary barrier, such as a balustrade, cordon, railing, planter or other means acceptable to the MDOR. Any such temporary demarcation options must be easily removed and clearly set the boundary of the area of the right-of-way where a licensee may serve alcohol.
 4. The temporary barrier shall include way-finding at each end to direct visually impaired pedestrians in to the required pedestrian passage way and.
 5. Meet all ADA requirements per the most recent adopted guidelines and
 6. Is not enclosed by fixed walls or ceilings.

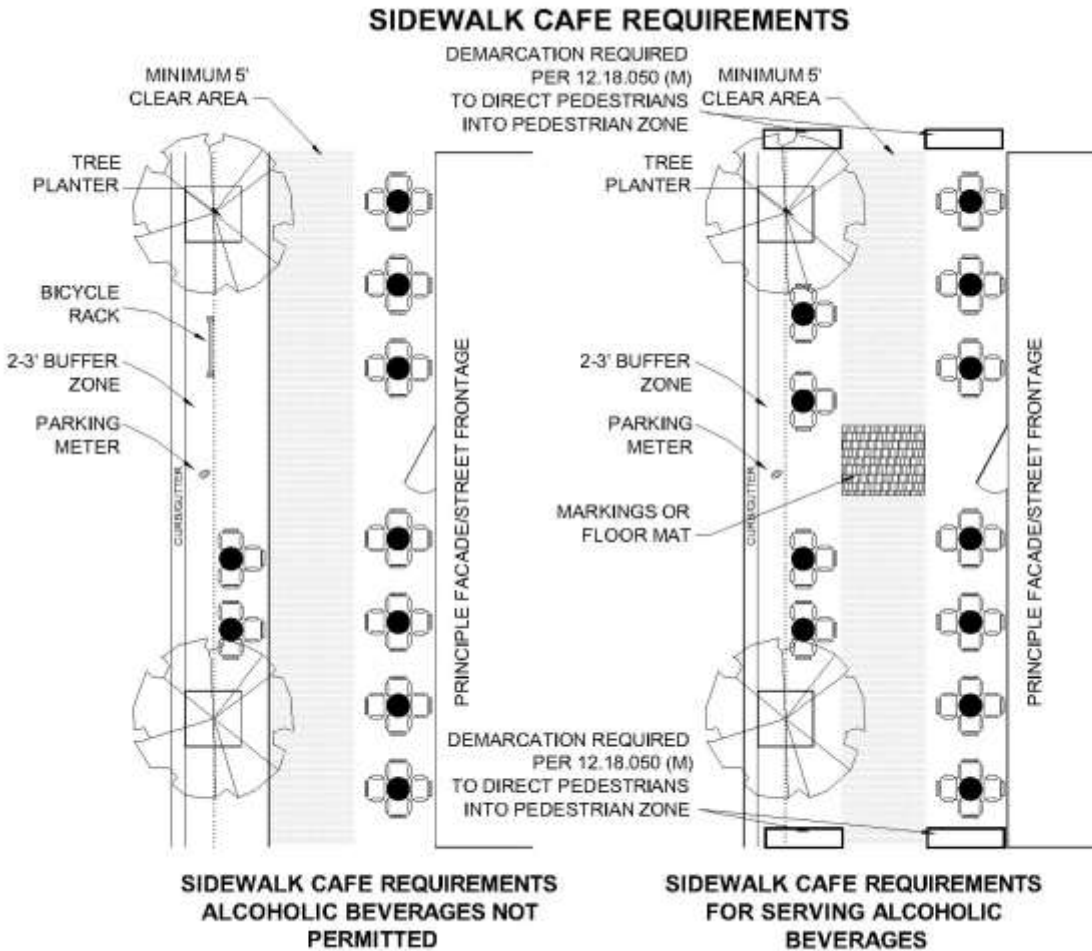


Illustration 1

Section 7**12.18.070 License application required**

The applicant shall submit a license application to The City of Missoula Development Services that includes the following:

- A. Name of business
- B. Address of business
- C. Owner and tenant if applicable
- D. Contact telephone number of owner and business
- E. A site plan showing the following information:
 1. Drawn to a scale and not greater than 1"=20'
 2. Plan showing the floor plan within the structure and the proposed sidewalk serving area if the applicant wishes to serve alcoholic beverages in the area of the sidewalk café.
 3. Building façade and dimension (width facing sidewalk)
 4. All access, ingresses and egresses, to the building
 5. Sidewalk location and width
 6. Curb location
 7. Any / all existing obstructions on public sidewalk such as parking meters, trees and tree planters, bike racks, signs, utility poles, fire hydrants, etc.
 8. Proposed location of furniture, demarcation and delineation of the service area (if applicable for serving alcohol), garbage collection, signs etc.
 9. Storage area for furniture per fire code
- F. Proof of general liability insurance

Section 8**12.18.080 Fees**

Fees must be established by City Council resolution after conducting a public hearing. Initial fees will be added to the regular business license which will be amended at the time of The Sidewalk Café license application final approval. This license fee will not be prorated. License renewal fees will be added to the annual business licensing fee at the time of renewal.

Section 9**12.18.090 Notice of violation; failure to comply**

Upon determination by City of Missoula Development Services or Police Department that a licensee has violated one or more of the provisions of this chapter one of the following corrective measures must be taken:

- A. If the violation is regarding Public Safety or Americans with Disabilities Act (ADA) including but not limited to: completely or partially blocking the pedestrian clear zone, restricting emergency access and egress from doorways or parked cars, etc. corrective activity must be done immediately upon verbal notice. In the event the licensee fails or refuses to correct such violation immediately after receiving the notice of violation, the licensee's sidewalk café license may be revoked.
- B. If the violation is not considered a public safety or ADA issue then Development Services staff shall give written notice, by Certified Letter, to the licensee to correct such violation. In the event the licensee fails or refuses to correct such violation within seventy-two (72) hours of receiving the notice of violation, the licensee's sidewalk café license may be revoked.
- C. Any licensee cited for three (3) or more violations of this chapter over a one (1) year period, even if corrected, may have his or her license revoked and / or not reinstated at renewal time.

Section 10**12.18.100 Violations and penalties**

In addition to the revocation penalty set forth in Section 12.18.100, any person convicted of a violation of any of the provisions of this chapter shall, upon the 3rd notice within a period of one calendar year, be subject to revocation of their license. They may also be subject to a fine of at least two hundred (\$200.00) dollars and not exceeding five hundred (\$500.00) dollars, for each offense. Each violation of a section or subsection of this chapter, and each day that a violation continues, shall constitute a new and separate violation. No violation of this section shall constitute an offense subject to incarceration.

Section 11**5.08.010 License--Required.**

For the protection and general welfare of the inhabitants of the city, every business conducted within the city comes within the police power of the city, and no person shall engage in business without first obtaining a license unless a nonprofit organization or a business or professional exempted by state law. The charge for such a license shall be as fixed in Section 5.08.030 unless otherwise provided in this code. Money received from licenses shall be used to defray the expense of issuing the licenses and the inspection, regulation and control of business within the city. This licensing requirement is intended to apply to all business entities conducting business by sale of their service or product at fairs, including carnivals at the county fair, display shows, and festivals conducted within the city unless the entity is otherwise expressly excluded in this chapter from this requirement. Any business licensed at another business location within the city is not required to obtain an additional business license for conducting their business at a fair, display show or festival. A city business license shall not be required for bazaars, farmers markets, or arts and crafts sales conducted and sponsored solely by a nonprofit entity that has been established as a nonprofit entity as that term is defined in Section 5.04.110, except that carnivals at the Missoula County Fairgrounds or elsewhere within the city are not to be exempt from city business licensing and carnivals at the Missoula County Fairgrounds or elsewhere within the city shall acquire a city business license.

Sidewalk cafés with dining as well as consumption of alcohol on a public sidewalk in conjunction with sidewalk café dining are subject to the provisions of Chapter 12.18 Missoula Municipal Code.

Section 12**5.52.040 License--Application--Information required.**

- A. Any person desiring to purchase the license required by this chapter shall submit to the city treasurer an application for the license, accompanied by the license fee set forth in Section 5.52.030 and a copy of the license issued by the state.
- B. The application for license and the license itself shall set forth the following information:
1. Name of the person to whom issued;
 2. The location, by street and number or other specific description of location if no street address exists, of the premises where the business is to be carried on under the license;
 3. If the licensee is a partnership or if more than one person has any interest in the business operated under the license, the names of all persons in the partnership or interested in the business must appear on the license;
 4. If applicant is agent, the application must be accompanied by the principal's acknowledgment of the agency.
- C. It is the duty of the city treasurer to issue a license upon presentation of a properly completed application together with tender of the appropriate license fee, unless inspection by the city health officer, sanitary inspector, fire inspector, zoning officer, building inspector, or police officer indicates a violation of any city ordinance or code existing at the place of business sought to be licensed; in which case the inspector or officer shall submit a written description of the violation specifying the steps necessary to qualify the premises for a license, a copy of which shall be furnished to the applicant.
- D. Sidewalk cafés with dining as well as consumption of alcohol on a public sidewalk in conjunction with sidewalk café dining are subject to the provisions of Chapter 12.18 Missoula Municipal Code.

Section 13

Effective date This ordinance shall be effective 30 days after adoption and passage.

Section 14

Severability If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

First reading and preliminary adoption on the 20th day of April 2015, by a vote of 11 Ayes, 0 Nays, 0 Abstentions, and 1 Absent.

Second and final reading and adoption on the 4th day of May, 2015, by a vote of 11 Ayes, 0 Nays, 0 Abstentions, and 1 Absent.

ATTEST:

APPROVED:

Martha L. Rehbein, CMC
City Clerk

John Engen
Mayor

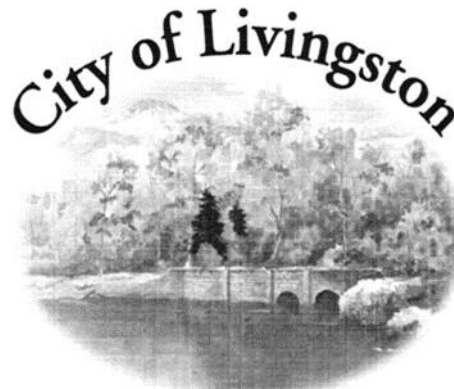
File Attachments for Item:

F. ORDINANCE 3053: AN ORDINANCE OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 10 OF THE LIVINGSTON MUNICIPAL CODE, ENTITLED MISCELLANEOUS OFFENSES, TO MODIFY SECTIONS 10-7 AND 10-8 TO ENABLE THE CONSUMPTION OF ALCOHOL IN CERTAIN PERMITTED AREAS.

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



Incorporated 1889

Chairperson
Karrie Kahle

Vice Chair
Melissa Nootz

Commissioners
James Willich
Quentin Schwarz
Torrey Lyons

Date: June 4, 2024
To: Chair Kahle and City Commissioners
From: Grant Gager, City Manager

Staff Report for Ordinance 3053:

AN ORDINANCE OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 10 OF THE LIVINGSTON MUNICIPAL CODE, ENTITLED MISCELLANEOUS OFFENSES, TO MODIFY SECTIONS 10-7 AND 10-8 TO ENABLE THE CONSUMPTION OF ALCOHOL IN CERTAIN PERMITTED AREAS.

Recommendation and Summary

Staff is providing the Commission with Ordinance 3053 to update the municipal code provisions related to open containers in regard to a discussion on outdoor dining. The Commission may approve the first reading of the Ordinance by adopting the following motion:

“I move to approve the first reading of Ordinance 3053 and authorize the Chair to sign”

The reasons for the recommendation are as follows:

- The City has been approached by several downtown food purveyors regarding the possibility of creating outdoor dining spaces downtown.
- The Livingston Municipal Code restricts the possession and consumption of open alcoholic beverages on public streets, sidewalks and alleys.

Introduction and History

City staff have recently received inquiries from several downtown restaurants and bars regarding outdoor dining spaces. Under a separate action item, the City Manager has requested the Commission’s direction on creating a program to allow the use of the public right-of-way for certain private uses, including dining. This item may be acted upon if the Commission wishes to allow the consumption of alcohol in certain permitted areas of the public right-of-way.

Analysis

Currently, the Livingston Municipal Code (LMC) makes it unlawful for any person to carry or consume an open container of beer or liquor upon any public street, sidewalk or alley in the City through Sections 10-7 and 10-8. While the LMC does include provisions that relax these

restrictions as part of a special event, there are no other allowances for consuming or possessing an open container on public property.

Fiscal Impact

There is minimal fiscal impact associated with this policy direction.

Strategic Alignment

Objective 6.1.3. of the Growth Policy is to “Reassess needs of anchor businesses to accommodate their long-term needs and retention.”

Attachments

Attachment A: Proposed Ordinance 3053 REDLINE

ORDINANCE NO. 3053

AN ORDINANCE OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 10 OF THE LIVINGSTON MUNICIPAL CODE, ENTITLED MISCELLANEOUS OFFENSES, TO MODIFY SECTIONS 10-7 AND 10-8 TO ENABLE THE CONSUMPTION OF ALCOHOL IN CERTAIN PERMITTED AREAS.

Preamble.

The purpose of this Ordinance is to amend the Livingston Municipal Code to expand the allowed consumption of alcohol in certain public areas where a permit has been issued.

WHEREAS, the City of Livingston has established regulations for the possession of open containers of alcohol and consumption of alcohol in its Municipal Code; and

WHEREAS, the City wishes to modify those regulations to allow the possession of open containers of alcohol and consumption of alcohol in certain areas where a permit has been issued by the City; and

WHEREAS, the Livingston Municipal Code requires modification to allow such activities;

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Livingston, Montana, that Sections 10-7 and 10-8 of the Livingston Municipal Code be hereby amended with additions underlined and deletions struck through, as follows:

SECTION 1

Sec. 10-7. - Carrying open containers or unsealed marijuana in public.

- A. It is unlawful for any person to carry an open container of beer or liquor or marijuana in an unsealed container upon any public street, sidewalk or alley in the City.
- B. The City Commission by motion may designate an area not greater than two (2) blocks in length and for no longer than a two (2)-day period as a special event exception at which time and place the restriction on open carry of beer or liquor will not apply.

C. The City Manager may designate an area, adjacent to an existing business and upon a public street, sidewalk or alley, wherein the possession of open containers of alcohol is permitted.

(Ord. 1721, 9/21/92; Ord. 1722, 9/21/92; Ord. No. 2099 , 2/16/21)

Sec. 10-8. - Drinking alcohol or using marijuana in public places.

A. It is unlawful for any person to drink beer or liquor or consume marijuana in any form upon any public street, sidewalk or alley in the City.

B. The City Commission by motion may designate an area not greater than two (2) blocks in length and for no longer than a two (2)-day period as a special event exception at which time and place the restriction on drinking beer or liquor will not apply.

C. The City Manager may designate an area, adjacent to an existing business and upon a public street, sidewalk or alley, wherein the drinking of alcohol is permitted.

D. Marijuana will not be consumed by smoking/vaping in public places/buildings except in a licensed marijuana retail facility.

(Ord. 1721, 9/21/92; Ord. 1722, 9/21/92; Ord. No. 2099 , 2/16/21)

SECTION 2

Statutory Interpretation and Repealer:

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

SECTION 3

Severability:

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

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

SECTION 4

Savings Provision:

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

SECTION 5

Effective date:

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

PASSED by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the ____ day of June, 2024.

KARRIE KAHLE
Chair

ATTEST:

Emily Hutchinson
City Clerk

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

ATTEST:

APPROVED TO AS FORM:

EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney