



Livingston City Commission Agenda

July 20, 2021

5:30 PM

City – County Complex, Community Room

1. Call to Order

2. Roll Call

3. Moment of Silence

4. Pledge of Allegiance

5. 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)

6. Consent Items

A. APPROVE MINUTES FROM 07/06/2021 REGULAR COMMISSION MEETING. PG. 4

B. RATIFY CLAIMS PAID 06/23/2021-07/09/2021. PG. 13

C. APPROVE VANESSA HAINES APPLICATION FOR HANDICAP PARKING SPACE. PG. 25

7. Proclamations

8. Scheduled Public Comment

9. Public Hearings

A. ORDINANCE NO. 3008: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING A PARCEL GENERALLY KNOWN AS 5 ROGERS LANE AND LEGALLY DESCRIBED AS LOT 15C OF COS 170A, IN SECTION 23, TOWNSHIP TWO SOUTH, RANGE NINE EAST, AS HIGHWAY COMMERCIAL (HC). PG. 31

B. ORDINANCE NO. 3009: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING PARCELS GENERALLY KNOWN AS 1 AND 5 PRONGHORN DRIVE AND LEGALLY DESCRIBED AS TRACT A OF PLAT 138, LESS .005 ACRES AND THE RIGHT OF WAY ON R-134-481, IN THE ACREVILLE SUBDIVISION, IN SECTION 23 OF TOWNSHIP TWO SOUTH, RANGE NINE EAST AND PROPORTIONAL LOT 14 IN PLAT 138, IN THE ACREVILLE SUBDIVISION, IN SECTION 23 OF TOWNSHIP TWO SOUTH, RANGE NINE EAST, AS HIGHWAY COMMERCIAL (HC). PG. 36

C. ORDINANCE NO. 3010: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II AND ARTICLE V, CHAPTER 30 OF THE

LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO PARKING LOTS AND LANDSCAPING. PG. 41

D. RESOLUTION NO. 4977: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND ADOPTING THE FINAL BUDGET IN THE AMOUNT OF \$22,935,549 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2021, AND ENDING JUNE 30, 2022, (FY22), AND MAKING APPROPRIATIONS AND ESTABLISHING SPENDING LIMITS AND AUTHORIZING TRANSFER OF APPROPRIATIONS WITHIN THE SAME FUND. PG. 70

E. RESOLUTION NO. 4978: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM. PG. 73

F. RESOLUTION NO. 4979: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTONS WASTEWATER SYSTEM IN THE AMOUNT OF 3.0%. PG. 78

G. RESOLUTION NO. 4980: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LEVYING 100% OF THE COST FOR STREET MAINTENANCE AND IMPROVEMENTS DISTRICT NO. 1 FOR THE FISCAL YEAR 2021-2022 IN THE AMOUNT OF \$1,278,988, AND ASSESSING ALL PROPERTY WITHIN THE DISTRICT. PG. 82

H. RESOLUTION NO. 4981: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$84,600 FOR THE FISCAL YEAR 2021-2022 AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT. PG. 85

I. RESOLUTION NO. 4982: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, MODIFYING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES THEREIN AND TO LEVY AND ASSESS 100% OF THE ESTIMATED COSTS OF \$65,000 FOR THE FISCAL YEAR 2021-2022 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT, AND CALLING FOR A PUBLIC HEARING. PG. 88

10. Ordinances

11. Resolutions

12. Action Items

A. DISCUSS/APPROVE/DENY: COMMISSION TO APPOINT TWO APPLICANTS TO SERVE ON THE CITY/COUNTY AIRPORT BOARD. PG. 91

B. DISCUSS/APPROVE/DENY: ACCEPTING LOCAL GOVERNMENT REVIEW COMMITTEE RECOMMENDATION AND DIRECTING CITY STAFF TO DRAFT A RESOLUTION CALLING FOR AN ELECTION ON THE BALLOT ISSUE ON THE QUESTION OF WHETHER THE ELECTORS OF THE CITY OF LIVINGSTON SHOULD ADOPT A SELF-GOVERNMENT

**CHARTER WITH A COMMISSION MANAGER FORM OF GOVERNMENT, TO THE AUGUST 3,
2021, MEETING. PG. 96**

- C. DISCUSS/APPROVE/DENY: SUBMITTING TO THE ELECTORS OF THE CITY OF LIVINGSTON
A GENERAL OBLIGATION BOND IN THE AMOUNT OF \$18M FOR THE PURPOSE OF
FUNDING THE CONSTRUCTION OF A SEPARATED GRADE RAIL CROSSING AND
INFRASTRUCTURE. PG. 104**

13. City Manager Comment

14. City Commission Comments

15. Adjournment

Calendar of Events

Supplemental Material

Notice

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

File Attachments for Item:

A. APPROVE MINUTES FROM 07/06/2021 REGULAR COMMISSION MEETING



Livingston City Commission Minutes

July 06, 2021

5:30 PM

City – County Complex, Community Room

1. Call to Order

2. Roll Call

In attendance: Chair Hogleund, Vice-Chair Schwarz, Commissioner Friedman, Commissioner Mabie and Commissioner Nootz in attendance. Staff in attendance: City Manager Michael Kardoes; City Attorney Courtney Lawellin; Public Works Director Shannon Holmes; Finance Director Paige Fetterhoff; and City Clerk Faith Kinnick.

3. Moment of Silence

4. Pledge of Allegiance

5. Public Comment (00:02:20)

- Dave Maravetz gave public comment
- Hogleund asked Kardoes for clarifying information
- Nootz made additional comments (00:08:48)
- Friedman made comments (00:09:39)
- Schwarz made comments (00:11:45)
- Hogleund made comments (00:12:12)

6. Consent Items (00:12:29)

A. APPROVE MINUTES FROM JUNE 15, 2021 REGULAR MEETING.

B. RATIFY CLAIMS PAID 06/11/2021-06/22/2021.

C. APPROVE JIM BARRETT’S APPLICATION TO CITY PLANNING BOARD, FILLING A MEMBERS SEAT WITH TERM ENDING ON DECEMBER 31, 2021. (ATTACHED AS ADDENDUM #1)

- Motion by Mabie, second by Schwarz.
 - All in favor, passes 5-0.

7. Proclamations

8. Scheduled Public Comment

9. Public Hearings

10. Ordinances (00:13:36)

A. ORDINANCE NO. 3012: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING PARCELS GENERALLY KNOWN AS 1014 AND 1016 W. PARK STREET AND LEGALLY DESCRIBED AS SECTION 13, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), BENEFICIAL USE OF MRL R/WAY LEASE #502, 120 BRONSON COSMIC ENTERPRISES INC (IMPT ON #28000), AND SECTION 24, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), BENEFICIAL USE OF MRL R/WAY LEASE #500664 MELIN & ASSOCIATES INSURANCE AGENCY (IMPT ON #27950), AS HIGHWAY COMMERCIAL (HC).

- Kardoes gave opening statements
- No public comments
- Nootz made comments (00:17:36)
- Hoglelund asked clarifying questions (00:18:29)
- Motion by Mabie, second by Schwarz.
- All in favor, passes 5-0.

B. ORDINANCE NO. 3013: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II, ARTICLE IV, and ARTICLE V, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO TINY HOMES, MANUFACTURED AND MODULAR HOMES. (00:20:29)

- Hoglelund stated item is pulled from discussion and consideration, asked Kardoes to clarify.
- The intent is to re-write and clean up current existing code. However, this current version created a couple of conflicts, sending back to the City Planning Board for clarification. Will bring back at a future date.
- Nootz commented she appreciated the pause (00:28:00)

C. ORDINANCE NO. 3014: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE V, ARTICLE VII, ARTICLE VIII, and ARTICLE IX, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING AS IT PERTAINS TO FEES AND PERMITTING. (00:28:49)

- Kardoes gave opening statements
- No public comments
- Nootz asked clarifying question (00:33:12)
- Hoglelund made comments (00:36:42)
- Motion by Schwarz, second by Friedman
 - All in favor, passes 5-0.

D. ORDINANCE NO. 3015: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II OF THE LIVINGSTON MUNICIPAL CODE ENTITLED CITY COMMISSION AND CHAIR, AMENDING SECTION 2-12 AS IT PERTAINS TO LOCATION OF CITY COMMISSION POSTING

BOARD, AMENDING SECTION 2-16 AS IT PERTAINS TO THE PROCESS FOR SETTING AGENDA, AMENDING SECTION 2-19 BY PERTAINING TO THE PROCEDURE TO CONDUCT BUSINESS. (00:37:08)

- Kardoes gave opening statements
- No public comments
- Hogleund made comments (00:41:44)
- Schwarz made comments (00:43:56)
- Nootz made comments (00:44:56)
- Kardoes advised due to changes may see more addendums (00:44:50)
- Hogleund made additional comments about previous changes (00:45:41)
- Kardoes advised previous code changes received from vendor today (00:46:01)
- Mabie made comments (00:47:49)
- Motion by Mabie, second by Schwarz
 - All in favor, passes 5-0.

E. ORDINANCE NO. 3016: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND CHAPTER 27 OF THE LIVINGSTON MUNICIPAL CODE SECTION 27-3 ENTITLED MEMBERSHIP OF THE PLANNING BOARD, TERMS OF OFFICE AN QUALIFICATIONS, BY ADDING TWO (2) ADDITIONAL MEMBERS TO THE CITY PLANNING BOARD. (00:48:48)

- Kardoes gave opening statements
- Johnathan Hettinger gave public comments (00:50:32)
- Schwarz made comments (00:53:26)
- Nootz made comments (00:54:25)
- Hogleund asked clarifying question (00:59:44)
- Kardoes answered (01:03:21)
- Mabie made comments (01:07:45)
- Motion by Schwarz, second by Mabie.
 - Passes 4-1, Nootz against.

12. Action Items attached as addendum #2, combined and moved to next item of business (01:11:39)

- A. DISCUSS/APPROVE/DENY: THE OWL LOUNGE REQUEST FOR WAIVER OF ENFORCEMENT OF CITY CODE ARTICLE 1, SECTION 10-5, ALLOWING THE PLAYING OF LIVE MUSIC UNTIL MIDNIGHT, ON JULY 17 FOR PBR AFTER PARTY.**
- B. DISCUSS/APPROVE/DENY: THE OWL LOUNGE REQUEST TO GRANT A SPECIAL EXCEPTION TO LIVINGSTON CITY CODE ARTICLE II, SECTION 10-7, C, ENTITLED CARRYING OPEN CONTAINERS IN PUBLIC, BY WAIVING**

ENFORCEMENT OF CITY CODE DURING EVENT, LIMITED TO BOUNDARIES OF THE AMERICAN BANK PARKING LOT ON JULY 17 FOR PBR AFTER PARTY.

- Kardoes gave opening statements
- No public comments
- Mabie asked questions (01:12:40)
- Hogleund made comments (01:13:55)
- Motion by Schwarz, second by Mabie.
 - All in favor, passes 5-0

11. Resolutions (01:14:22)

A. RESOLUTION NO. 4969: 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 \$22,935,549 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2021, AND ENDING JUNE 30, 2022, (FY 22), 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.

- Kardoes gave opening statements
- No public comments
- Nootz asked clarifying questions (01:15:31)
- Kardoes answered (01:17:10)
- Hogleund made comments (01:17:57)
- Nootz made comments (01:18:00)
- Motion by Mabie, second by Nootz.
 - All in favor, passes 5-0

B. RESOLUTION NO. 4970: 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. (01:20:48)

- Kardoes gave opening statements
- No public comments
- Nootz made comments (01:23:53)
- Hogleund asked clarifying questions (01:24:47)
- Shannon Holmes, Public Works Director made comments (01:25:22)
- Motion by Schwarz, second by Friedman.
 - All in favor, passes 5-0

****5-minute recess**** (01:28:43)

C. RESOLUTION NO. 4971: 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.
(01:36:10)**

- Kardoes gave opening statements
- No public comments
- Mabie made comments (01:37:48)
- Motion by Mabie, second by Nootz.
 - All in favor, passes 5-0

**D. RESOLUTION NO. 4972: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO SPECIFY THE ASSESSMENT OPTION FOR STREET MAINTENANCE AND IMPROVEMENTS DISTRICT NO. 1 FOR THE FISCAL YEAR 2021- 2022 IN AN ESTIMATED AMOUNT OF \$1,278,988, LEVY AND ASSESS ALL PROPERTY WITHIN THE DISTRICT.
(01:38:56)**

- Kardoes gave opening statements
- No public comments
- No commissioner comments
- Motion by Schwarz, second by Friedman
 - All in favor, passes 5-0

E. RESOLUTION NO. 4973: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTIMATE THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$84,600 FOR THE FISCAL YEAR 2021-2022 AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT. (01:43:08)

- Kardoes gave opening statements
- No public comments
- Nootz made comments (01:44:48)
- Shannon Holmes, Public Works Director made comments (01:45:16)
- Motion by Schwarz, second by Friedman
 - All in favor, passes 5-0

**F. RESOLUTION NO. 4974: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO MODIFY SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES THEREIN AND TO LEVY AND ASSESS 100% OF THE ESTIMATED COSTS OF \$65,000 FOR THE FISCAL YEAR 2021-2022 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT, AND CALLING FOR A PUBLIC HEARING.
(01:49:23)**

- Kardoes gave opening statements
- No public comments
- Hوجلund made comments (01:51:28)
- Motion by Mabie, second by Friedman
 - All in favor, passes 5-0

G. RESOLUTION NO. 4976: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO APPLY FOR MINIMUM ALLOCATION GRANTS AND THE COMPETITIVE GRANT PROGRAM OF THE AMERICAN RESCUE PLAN ACT AND AUTHORIZATION TO COMMIT UP TO \$500,000.00 IN MATCHING FUNDS FOR THE MINIMUM ALLOCATION GRANT AND \$2,000,000 FOR THE COMPETITIVE GRANT PROGRAM. (01:52:46)

- Kardoes presented an overview of the ARPA federal funds made available targeted to help with the direct costs associated with COVID-19 or for water and sewer infrastructure projects. Additional new federal program running concurrent with APRA funds presents opportunities for additional grant funds available. See page 207 & 208 of packet.
- Schwarz asked clarifying questions (02:01:47)
- Nootz asked clarifying question (02:07:17)
- Shannon Holmes made comments about his communications Green Acres residents on the preliminary engineering study and availability of federal funding to help offset costs for those residents. (02:09:11)
- Hوجلund made comments (02:
- Mabie made comments (02:
- No public comments
- Motion to amend Resolution 4976 to increase the minimum allocation grant to \$3,500,000 by Schwarz, second by Friedman
 - All in favor, passes 5-0

13. City Manager Comment (02:14:10)

- Tiny Homes ordinance will come back before the commission for future consideration.
- Shout out to Public Works and other staff who helped with the 4th of July festivities.
- Rest of the staff preparing to move to new City Hall building, as soon as IT is available to move computers over, should be moved in by the end of next week.
- Will get draft agenda to Chair by Wednesday.

14. City Commission Comments (02:15:53)

- Nootz (02:15:52)
- Mabie (02:21:18)

- Friedman (02:22:10)
- Schwarz (02:23:23)
- Hoglund (02:25:00) Chair Hoglund will not be at the July 20, 2021 meeting.

15. Adjournment 8:00 p.m. (02:28:26)

LIVINGSTON CITY COMMISSION MEETING- Public Comment Sign-in

DATE: 07/06/2021

If you would like to speak to the Commission, please print your name and address before speaking. This document is an official public record. Your name and address should be printed legibly. Thank you!

PRINTED NAME/ADDRESS

AGENDA SECTION

- 1. DAVE MARAVETZ 201 W. Geyser # C
- 2. Johnathan Hettiger 2222 Willow Drive
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____
- 12. _____
- 13. _____
- 14. _____
- 15. _____
- 16. _____
- 17. _____
- 18. _____
- 19. _____
- 20. _____

File Attachments for Item:

B. RATIFY CLAIMS PAID 06/23/2021-07/09/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
A-1 MUFFLER, INC.							
2	A-1 MUFFLER, INC.	70033	2013 GMC RADIO REPAIR	06/18/2021	520.00	520.00	06/30/2021
Total A-1 MUFFLER, INC.:					520.00	520.00	
AAA CLEANING, LLC							
3727	AAA CLEANING, LLC	2021.6.30	cleaning	06/30/2021	1,300.00	1,300.00	06/30/2021
Total AAA CLEANING, LLC:					1,300.00	1,300.00	
ALL SERVICE TIRE & ALIGNMENT							
22	ALL SERVICE TIRE & ALIGNME	61978	Flat repair	06/22/2021	40.00	40.00	06/30/2021
Total ALL SERVICE TIRE & ALIGNMENT:					40.00	40.00	
ALPINE ELECTRONICS RADIO SHACK							
402	ALPINE ELECTRONICS RADIO	10272931	InVERTER	06/28/2021	49.99	49.99	06/30/2021
Total ALPINE ELECTRONICS RADIO SHACK:					49.99	49.99	
AMTRUST NORTH AMERICA							
10002	AMTRUST NORTH AMERICA	2021.5.28	WORKERS COMP KWC1253031	05/28/2021	2,608.00	2,608.00	06/30/2021
Total AMTRUST NORTH AMERICA:					2,608.00	2,608.00	
BLACKSTONE PUBLISHING							
2219	BLACKSTONE PUBLISHING	1225321	4 audiobooks	04/24/2021	188.23	188.23	06/30/2021
2219	BLACKSTONE PUBLISHING	1225575	3 Audiobooks	05/19/2021	120.00	120.00	06/30/2021
2219	BLACKSTONE PUBLISHING	1227458	2 AUDIOBOOKS	04/24/2021	80.00	80.00	06/30/2021
2219	BLACKSTONE PUBLISHING	1227828	6 Audiobook	05/19/2021	240.00	240.00	06/30/2021
Total BLACKSTONE PUBLISHING:					628.23	628.23	
BLAKE NURSERY							
3221	BLAKE NURSERY	3367.1	TREES	04/29/2021	6,367.70	6,367.70	06/30/2021
Total BLAKE NURSERY:					6,367.70	6,367.70	
CANON FINANCIAL SERVICES, INC							
1747	CANON FINANCIAL SERVICES, I	26904169	Copier lease	06/12/2021	29.31	29.31	06/30/2021
1747	CANON FINANCIAL SERVICES, I	26904170	Copier lease	06/12/2021	29.75	29.75	06/30/2021
Total CANON FINANCIAL SERVICES, INC:					59.06	59.06	
CDW-GOVERNMENT							
10003	CDW-GOVERNMENT	ZDW0970	PRINTER	06/19/2020	416.13	416.13	06/30/2021
Total CDW-GOVERNMENT:					416.13	416.13	
CENGAGE LEARNING INC							
10001	CENGAGE LEARNING INC	74258700	1 BOOK	05/10/2021	27.87	27.87	06/30/2021
10001	CENGAGE LEARNING INC	74311899	1 BOOK	05/19/2021	27.87	27.87	06/30/2021
10001	CENGAGE LEARNING INC	74464167	3 BOOKS	06/09/2021	90.17	90.17	06/30/2021
Total CENGAGE LEARNING INC:					145.91	145.91	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
CENTRON SERVICES							
682	CENTRON SERVICES	2021.5.25	Parking Collections	05/25/2021	53.36	53.36	06/30/2021
682	CENTRON SERVICES	2021.5.25.1	Utility Collections	05/25/2021	32.94	32.94	06/30/2021
Total CENTRON SERVICES:					86.30	86.30	
CENTURYLINK							
162	CENTURYLINK	2021.6.16	406-222-0137-441B	06/16/2021	166.20	166.20	06/30/2021
Total CENTURYLINK:					166.20	166.20	
CHAPPELL'S BODY SHOP, INC.							
294	CHAPPELL'S BODY SHOP, INC.	17803-A	TAR REMOVEL-LEWIS	06/09/2021	228.00	228.00	06/30/2021
Total CHAPPELL'S BODY SHOP, INC.:					228.00	228.00	
CHARTER COMMUNICATIONS							
3440	CHARTER COMMUNICATIONS	019544505182	Phones	05/18/2021	49.99	49.99	06/30/2021
Total CHARTER COMMUNICATIONS:					49.99	49.99	
CHRIS BRENNNA							
10002	CHRIS BRENNNA	113-0247809-2	REIMB	03/31/2021	11.99	11.99	06/30/2021
10002	CHRIS BRENNNA	2021.6.4	REIMB	06/04/2021	75.00	75.00	06/30/2021
Total CHRIS BRENNNA:					86.99	86.99	
COFFMAN'S PEAK ELECTRIC, LLC							
3491	COFFMAN'S PEAK ELECTRIC, L	2019	LABOR POOL PUMP	06/08/2021	130.00	130.00	06/30/2021
3491	COFFMAN'S PEAK ELECTRIC, L	2030	EMT COND	06/23/2021	262.25	262.25	06/30/2021
Total COFFMAN'S PEAK ELECTRIC, LLC:					392.25	392.25	
COMDATA							
2671	COMDATA	20354405	BZR70	06/01/2021	187.64	187.64	06/30/2021
Total COMDATA:					187.64	187.64	
CURTIS							
3720	CURTIS	INV497886	EXTRICATION TOOL SERVICE	06/11/2021	760.00	760.00	06/30/2021
3720	CURTIS	INV498503	ANNUAL SERVICE AIR COMP	06/14/2021	1,410.00	1,410.00	06/30/2021
Total CURTIS:					2,170.00	2,170.00	
DEMCO							
199	DEMCO	6948344	COURIER CRATES	05/07/2021	158.35	158.35	06/30/2021
199	DEMCO	6963040	PROCESSING SUPPLIES	06/07/2021	191.36	191.36	06/30/2021
Total DEMCO:					349.71	349.71	
ENERGY LABORATORIES, INC.							
424	ENERGY LABORATORIES, INC.	400783	Analysis parameter	06/18/2021	196.00	196.00	06/30/2021
424	ENERGY LABORATORIES, INC.	402167	Effluent	06/24/2021	166.00	166.00	06/30/2021
Total ENERGY LABORATORIES, INC.:					362.00	362.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
FARSTAD OIL							
3353	FARSTAD OIL	96511	Diesel 107G	06/24/2021	293.93	293.93	06/30/2021
Total FARSTAD OIL:					293.93	293.93	
FERGUSON ENTERPRISES, INC.							
2386	FERGUSON ENTERPRISES, IN	0780083	M510M	06/17/2021	13,526.19	13,526.19	06/30/2021
Total FERGUSON ENTERPRISES, INC.:					13,526.19	13,526.19	
FISHER SAND AND GRAVEL							
2904	FISHER SAND AND GRAVEL	43836	MATERIAL	06/05/2021	1,716.48	1,716.48	06/30/2021
2904	FISHER SAND AND GRAVEL	44032	1' CONCRETE ROCK	06/12/2021	639.45	639.45	06/30/2021
Total FISHER SAND AND GRAVEL:					2,355.93	2,355.93	
FOUR CORNERS RECYCLING, LLC							
2919	FOUR CORNERS RECYCLING,	1750	FULL FEES FOR MAY	05/28/2021	6,043.97	6,043.97	06/30/2021
2919	FOUR CORNERS RECYCLING,	CM17520	Credit Memo	05/28/2021	4,230.95-	4,230.95-	06/30/2021
Total FOUR CORNERS RECYCLING, LLC:					1,813.02	1,813.02	
GATEWAY OFFICE SUPPLY							
54	GATEWAY OFFICE SUPPLY	51359	POSTAGE-POLICE	05/17/2021	13.23	13.23	06/30/2021
54	GATEWAY OFFICE SUPPLY	51405	POSTAGE-POLICE	05/21/2021	13.23	13.23	06/30/2021
54	GATEWAY OFFICE SUPPLY	51442	SUPPLIES-COMMISSION	05/27/2021	24.65	24.65	06/30/2021
54	GATEWAY OFFICE SUPPLY	51637	POSTAGE-POLICE	06/21/2021	25.02	25.02	06/30/2021
54	GATEWAY OFFICE SUPPLY	51643	Office SupplieS-FINANCE	06/22/2021	8.20	8.20	06/30/2021
54	GATEWAY OFFICE SUPPLY	51679	Office SupplieS-JUDGE	06/28/2021	13.60	13.60	06/30/2021
Total GATEWAY OFFICE SUPPLY:					97.93	97.93	
GRAINGER							
528	GRAINGER	9934076846	FUSE MIDGET	06/16/2021	14.42	14.42	06/30/2021
528	GRAINGER	9936391540	BASKET STRAINER	06/17/2021	567.66	567.66	06/30/2021
Total GRAINGER:					582.08	582.08	
INDUSTRIAL TOWEL							
102	INDUSTRIAL TOWEL	6535500	Towel Service	05/20/2021	1.88	1.88	06/30/2021
102	INDUSTRIAL TOWEL	6817700	Civic Center Mats	06/17/2021	126.19	126.19	06/30/2021
102	INDUSTRIAL TOWEL	68193	Towel Service	06/17/2021	36.90	36.90	06/30/2021
Total INDUSTRIAL TOWEL:					164.97	164.97	
INGRAM LIBRARY SERVICE							
1539	INGRAM LIBRARY SERVICE	52810482	1 Book	05/06/2021	27.83	27.83	06/30/2021
1539	INGRAM LIBRARY SERVICE	52810483	1 Book	05/06/2021	13.87	13.87	06/30/2021
1539	INGRAM LIBRARY SERVICE	528277776	2 Books	05/07/2021	29.98	29.98	06/30/2021
1539	INGRAM LIBRARY SERVICE	52848863	3 BOOKS	05/10/2021	67.66	67.66	06/30/2021
1539	INGRAM LIBRARY SERVICE	52848864	64 BOOKS	05/10/2021	868.65	868.65	06/30/2021
1539	INGRAM LIBRARY SERVICE	52888182	2 Books	05/12/2021	48.83	48.83	06/30/2021
1539	INGRAM LIBRARY SERVICE	52897448	1 Book	05/12/2021	26.84	26.84	06/30/2021
1539	INGRAM LIBRARY SERVICE	52939106	1 Book	05/14/2021	19.66	19.66	06/30/2021
1539	INGRAM LIBRARY SERVICE	52987710	1 Book	05/18/2021	20.23	20.23	06/30/2021
1539	INGRAM LIBRARY SERVICE	52987711	2 Books	05/18/2021	27.48	27.48	06/30/2021
1539	INGRAM LIBRARY SERVICE	52987712	6 Books	05/18/2021	92.12	92.12	06/30/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
1539	INGRAM LIBRARY SERVICE	52987713	1 Book	05/18/2021	12.88	12.88	06/30/2021
1539	INGRAM LIBRARY SERVICE	52987714	1 Book	05/18/2021	28.79	28.79	06/30/2021
1539	INGRAM LIBRARY SERVICE	53046437	1 Book	05/21/2021	29.99	29.99	06/30/2021
1539	INGRAM LIBRARY SERVICE	53071608	1 Book	05/24/2021	11.52	11.52	06/30/2021
1539	INGRAM LIBRARY SERVICE	53071609	14 Book	05/24/2021	233.75	233.75	06/30/2021
1539	INGRAM LIBRARY SERVICE	53071610	3 BOOKS	05/24/2021	49.50	49.50	06/30/2021
1539	INGRAM LIBRARY SERVICE	53096189	1 Book	05/25/2021	21.01	21.01	06/30/2021
1539	INGRAM LIBRARY SERVICE	53096189.1	1 Book	05/25/2021	32.27	32.27	06/30/2021
1539	INGRAM LIBRARY SERVICE	53136679	1 Book	05/27/2021	22.06	22.06	06/30/2021
1539	INGRAM LIBRARY SERVICE	53150513	1 Book	05/28/2021	21.23	21.23	06/30/2021
1539	INGRAM LIBRARY SERVICE	53160052	1 Book	05/28/2021	36.92	36.92	06/30/2021
1539	INGRAM LIBRARY SERVICE	53182129	4 Books	06/01/2021	73.95	73.95	06/30/2021
1539	INGRAM LIBRARY SERVICE	53182130	1 Book	06/01/2021	19.60	19.60	06/30/2021
1539	INGRAM LIBRARY SERVICE	53182131	1 Book	06/01/2021	34.80	34.80	06/30/2021
1539	INGRAM LIBRARY SERVICE	53257263	1 Book	06/04/2021	34.19	34.19	06/30/2021
1539	INGRAM LIBRARY SERVICE	53280067	1 Book	06/07/2021	25.66	25.66	06/30/2021
1539	INGRAM LIBRARY SERVICE	53280068	1 Book	06/07/2021	26.84	26.84	06/30/2021
1539	INGRAM LIBRARY SERVICE	53304654	1 Book	06/08/2021	34.80	34.80	06/30/2021
Total INGRAM LIBRARY SERVICE:					1,992.91	1,992.91	
J & H OFFICE EQUIPMENT							
1783	J & H OFFICE EQUIPMENT	29601621	printer	06/28/2021	700.00	700.00	06/30/2021
Total J & H OFFICE EQUIPMENT:					700.00	700.00	
KELLEY CONNECT							
10001	KELLEY CONNECT	IN850791	MOVING PRINTERS	06/04/2021	180.00	180.00	06/30/2021
Total KELLEY CONNECT:					180.00	180.00	
KNIFE RIVER							
8	KNIFE RIVER	753404	3/4" Plant Mix	06/07/2021	963.00	963.00	06/30/2021
8	KNIFE RIVER	754442	3/4" Plant Mix	06/10/2021	277.20	277.20	06/30/2021
Total KNIFE RIVER:					1,240.20	1,240.20	
LIVINGSTON ACE HARDWARE - #122005							
26	LIVINGSTON ACE HARDWARE -	1171984	RECEPTACLE	06/14/2021	9.99	9.99	06/30/2021
26	LIVINGSTON ACE HARDWARE -	157053	LINE PRO	05/27/2021	59.97	59.97	06/30/2021
26	LIVINGSTON ACE HARDWARE -	162001	PLANTER	06/02/2021	89.98	89.98	06/30/2021
26	LIVINGSTON ACE HARDWARE -	162016	TOOLS	06/02/2021	139.29	139.29	06/30/2021
26	LIVINGSTON ACE HARDWARE -	162060	FASTNERS	06/02/2021	1.40	1.40	06/30/2021
26	LIVINGSTON ACE HARDWARE -	162088	CLEANING	06/02/2021	54.13	54.13	06/30/2021
26	LIVINGSTON ACE HARDWARE -	163804	KEYPAD	06/04/2021	119.99	119.99	06/30/2021
26	LIVINGSTON ACE HARDWARE -	163823	CLEANING	06/04/2021	131.02	131.02	06/30/2021
26	LIVINGSTON ACE HARDWARE -	163917	fastners	06/04/2021	30.99	30.99	06/30/2021
26	LIVINGSTON ACE HARDWARE -	164145	FUEL FILTER	06/04/2021	6.49	6.49	06/30/2021
26	LIVINGSTON ACE HARDWARE -	166140	HELMET SYSTEM	06/07/2021	299.96	299.96	06/30/2021
26	LIVINGSTON ACE HARDWARE -	166871	TEST PLUG	06/08/2021	52.97	52.97	06/30/2021
26	LIVINGSTON ACE HARDWARE -	166884	ADAPTER	06/08/2021	37.75	37.75	06/30/2021
26	LIVINGSTON ACE HARDWARE -	166932	BLACKTOP REPAIR	06/08/2021	169.90	169.90	06/30/2021
26	LIVINGSTON ACE HARDWARE -	167665	BATTERY	06/09/2021	73.87	73.87	06/30/2021
26	LIVINGSTON ACE HARDWARE -	168210	AUTO CUT TRIMMER	06/09/2021	32.99	32.99	06/30/2021
26	LIVINGSTON ACE HARDWARE -	168226	PIPE	06/09/2021	28.51	28.51	06/30/2021
26	LIVINGSTON ACE HARDWARE -	168923	AIR FILTER	06/10/2021	32.98	32.98	06/30/2021
26	LIVINGSTON ACE HARDWARE -	169133	CAP GALV	06/11/2021	10.36	10.36	06/30/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
26	LIVINGSTON ACE HARDWARE -	I69588	WEED EATER PARTS	06/11/2021	120.46	120.46	06/30/2021
26	LIVINGSTON ACE HARDWARE -	I69779	KINGFORD BRIQUETS	06/11/2021	13.99	13.99	06/30/2021
26	LIVINGSTON ACE HARDWARE -	I71929	DIRLL BIT	06/14/2021	31.98	31.98	06/30/2021
26	LIVINGSTON ACE HARDWARE -	I72607	TAPE	06/15/2021	7.99	7.99	06/30/2021
26	LIVINGSTON ACE HARDWARE -	I73133	CLEANING	06/16/2021	34.55	34.55	06/30/2021
26	LIVINGSTON ACE HARDWARE -	I75658	NIPPLE	06/19/2021	16.97	16.97	06/30/2021
26	LIVINGSTON ACE HARDWARE -	I77238	WIU COVER	06/22/2021	39.98	39.98	06/30/2021
26	LIVINGSTON ACE HARDWARE -	I77331	HAMMERED	06/22/2021	19.98	19.98	06/30/2021
26	LIVINGSTON ACE HARDWARE -	I77378	SPIKE BASE	06/22/2021	21.96	21.96	06/30/2021
26	LIVINGSTON ACE HARDWARE -	I77409	SPRINKLER	06/22/2021	39.96	39.96	06/30/2021
26	LIVINGSTON ACE HARDWARE -	I77435	CIRCLE SPINNER	06/22/2021	10.98	10.98	06/30/2021
26	LIVINGSTON ACE HARDWARE -	I77966	PADLOCK	06/23/2021	35.98	35.98	06/30/2021
26	LIVINGSTON ACE HARDWARE -	I78721	Fastners	06/24/2021	34.69	34.69	06/30/2021
26	LIVINGSTON ACE HARDWARE -	I78937	GROUND FAULT	06/24/2021	33.15	33.15	06/30/2021
26	LIVINGSTON ACE HARDWARE -	X59181	PRIMER	06/07/2021	94.99	94.99	06/30/2021
26	LIVINGSTON ACE HARDWARE -	X59684	GASKET CAP	06/14/2021	3.56	3.56	06/30/2021
26	LIVINGSTON ACE HARDWARE -	X59702	STRIPING PNT	06/14/2021	23.97	23.97	06/30/2021
26	LIVINGSTON ACE HARDWARE -	X60258	CLEANING	06/22/2021	26.96	26.96	06/30/2021
26	LIVINGSTON ACE HARDWARE -	X60301	TRASH CAN	06/22/2021	66.97	66.97	06/30/2021
Total LIVINGSTON ACE HARDWARE - #122005:					2,061.61	2,061.61	
LIVINGSTON DAYCARE, LLC							
3407	LIVINGSTON DAYCARE, LLC	2021.7	Parking Lease 07/21-09/21	06/28/2021	2,700.00	2,700.00	06/30/2021
Total LIVINGSTON DAYCARE, LLC:					2,700.00	2,700.00	
LIVINGSTON FIRE SERVICE, INC							
468	LIVINGSTON FIRE SERVICE, IN	AR001680	Extinguisher maint	06/14/2021	451.00	451.00	06/30/2021
Total LIVINGSTON FIRE SERVICE, INC:					451.00	451.00	
LIVINGSTON UTILITY BILLING							
147	LIVINGSTON UTILITY BILLING	2021.5.5	Utilities	05/05/2021	245.82	245.82	06/30/2021
Total LIVINGSTON UTILITY BILLING:					245.82	245.82	
MARLIN BUSINESS BANK							
3651	MARLIN BUSINESS BANK	19096098	10 Getac tablets	06/23/2021	2,970.00	2,970.00	06/30/2021
Total MARLIN BUSINESS BANK:					2,970.00	2,970.00	
MASTERCARD							
3184	MASTERCARD	2021_05 FETT	Office supplies	06/01/2021	49.47	49.47	06/24/2021
3184	MASTERCARD	2021_05 FETT	CPFO Exam	06/01/2021	600.00	600.00	06/24/2021
3184	MASTERCARD	2021_05 FETT	Utility card stock	06/01/2021	399.57	399.57	06/24/2021
3184	MASTERCARD	2021_05 FETT	Utility card stock	06/01/2021	399.57	399.57	06/24/2021
3184	MASTERCARD	2021_05 FETT	Utility card stock	06/01/2021	399.56	399.56	06/24/2021
3184	MASTERCARD	2021_05 FETT	Office supplies	06/01/2021	105.20	105.20	06/24/2021
3184	MASTERCARD	2021_05 GLAS	EMHD Class	06/01/2021	539.00	539.00	06/24/2021
3184	MASTERCARD	2021_05 GRA	office supplies	06/01/2021	31.05	31.05	06/24/2021
3184	MASTERCARD	2021_05 GRA	2 boxes masks	06/01/2021	31.98	31.98	06/24/2021
3184	MASTERCARD	2021_05 GRA	service charges	06/01/2021	17.99	17.99	06/24/2021
3184	MASTERCARD	2021_05 GRA	2 books	06/01/2021	25.79	25.79	06/24/2021
3184	MASTERCARD	2021_05 GRA	1 book	06/01/2021	28.97	28.97	06/24/2021
3184	MASTERCARD	2021_05 GRA	purchase	06/01/2021	100.00	100.00	06/24/2021
3184	MASTERCARD	2021_05 GRA	1 book	06/01/2021	47.94	47.94	06/24/2021

Report dates: 6/23/2021-7/9/2021

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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2021_05 HAEF	Shipping	06/01/2021	101.46	101.46	06/24/2021
3184	MASTERCARD	2021_05 HAEF	Fraud	06/01/2021	149.95	149.95	06/24/2021
3184	MASTERCARD	2021_05 HAEF	Warthog supplies	06/01/2021	2,256.76	2,256.76	06/24/2021
3184	MASTERCARD	2021_05 HAEF	Fraud	06/01/2021	92.21-	92.21-	06/24/2021
3184	MASTERCARD	2021_05 HAEF	Fraud	06/01/2021	99.99	99.99	06/24/2021
3184	MASTERCARD	2021_05 HAEF	CDL Physical	06/01/2021	134.00	134.00	06/24/2021
3184	MASTERCARD	2021_05 HAH	Pouch	06/01/2021	24.99	24.99	06/24/2021
3184	MASTERCARD	2021_05 HAR	decon bags	06/01/2021	533.88	533.88	06/24/2021
3184	MASTERCARD	2021_05 HAR	training manual	06/01/2021	204.25	204.25	06/24/2021
3184	MASTERCARD	2021_05 HAR	FF1 supplies	06/01/2021	142.55	142.55	06/24/2021
3184	MASTERCARD	2021_05 HAR	postage	06/01/2021	7.95	7.95	06/24/2021
3184	MASTERCARD	2021_05 HAR	FF1 supplies	06/01/2021	61.96	61.96	06/24/2021
3184	MASTERCARD	2021_05 HAR	FF1 supplies	06/01/2021	62.54	62.54	06/24/2021
3184	MASTERCARD	2021_05 HAR	FF1 supplies	06/01/2021	112.62	112.62	06/24/2021
3184	MASTERCARD	2021_05 HOL	Water main dig lunch	06/01/2021	15.98	15.98	06/24/2021
3184	MASTERCARD	2021_05 HOL	Certification	06/01/2021	50.00	50.00	06/24/2021
3184	MASTERCARD	2021_05 HOL	Certification	06/01/2021	50.00	50.00	06/24/2021
3184	MASTERCARD	2021_05 JOHA	Cemetery cleanup bevs	06/01/2021	26.95	26.95	06/24/2021
3184	MASTERCARD	2021_05 JOHA	Griddle	06/01/2021	101.99	101.99	06/24/2021
3184	MASTERCARD	2021_05 JOHA	Cemetery cleanup lunch	06/01/2021	47.94	47.94	06/24/2021
3184	MASTERCARD	2021_05 JOHA	Ryan License renewal	06/01/2021	30.00	30.00	06/24/2021
3184	MASTERCARD	2021_05 JOHA	Russ License renewal	06/01/2021	40.00	40.00	06/24/2021
3184	MASTERCARD	2021_05 JOHA	Shannon License renewal	06/01/2021	70.00	70.00	06/24/2021
3184	MASTERCARD	2021_05 JOHA	Hal License renewal	06/01/2021	30.00	30.00	06/24/2021
3184	MASTERCARD	2021_05 JOHA	Envelopes	06/01/2021	19.98	19.98	06/24/2021
3184	MASTERCARD	2021_05 JOHA	Shipping Insurance	06/01/2021	353.00	353.00	06/24/2021
3184	MASTERCARD	2021_05 JOHA	Burner Stove	06/01/2021	129.99	129.99	06/24/2021
3184	MASTERCARD	2021_05 JOHA	Keypad	06/01/2021	16.99	16.99	06/24/2021
3184	MASTERCARD	2021_05 JOHA	Delinators	06/01/2021	1,160.38	1,160.38	06/24/2021
3184	MASTERCARD	2021_05 JOHA	Spring Cleanup bevs	06/01/2021	28.08	28.08	06/24/2021
3184	MASTERCARD	2021_05 JOHA	Spring Cleanup lunch	06/01/2021	103.87	103.87	06/24/2021
3184	MASTERCARD	2021_05 JOHN	remove upfitting - A/C issues	06/01/2021	877.50	877.50	06/24/2021
3184	MASTERCARD	2021_05 JOHN	remove upfitting - A/C issues	06/01/2021	35.00	35.00	06/24/2021
3184	MASTERCARD	2021_05 KARD	Commission Zoom Account	06/01/2021	41.50	41.50	06/24/2021
3184	MASTERCARD	2021_05 KARD	Public Relations	06/01/2021	25.85	25.85	06/24/2021
3184	MASTERCARD	2021_05 KINNI	Office Supplies	06/01/2021	7.78	7.78	06/24/2021
3184	MASTERCARD	2021_05 KINNI	Board Zoom Account	06/01/2021	57.05	57.05	06/24/2021
3184	MASTERCARD	2021_05 KINNI	2nd Board Zoom Account	06/01/2021	57.05	57.05	06/24/2021
3184	MASTERCARD	2021_05 LAWE	Waiting for Receipts	06/01/2021	99.65	99.65	06/24/2021
3184	MASTERCARD	2021_05 LAWE	Waiting for Receipts	06/01/2021	31.98	31.98	06/24/2021
3184	MASTERCARD	2021_05 LAWE	Waiting for Receipts	06/01/2021	21.98	21.98	06/24/2021
3184	MASTERCARD	2021_05 LAWE	Waiting for Receipts	06/01/2021	14.63	14.63	06/24/2021
3184	MASTERCARD	2021_05 LAWE	Waiting for Receipts	06/01/2021	39.98	39.98	06/24/2021
3184	MASTERCARD	2021_05 LOW	Waiting for Receipts	06/01/2021	812.91	812.91	06/24/2021
3184	MASTERCARD	2021_05 LOW	Waiting for Receipts	06/01/2021	299.00	299.00	06/24/2021
3184	MASTERCARD	2021_05 LOW	Waiting for Receipts	06/01/2021	501.64	501.64	06/24/2021
3184	MASTERCARD	2021_05 LOW	Waiting for Receipts	06/01/2021	34.95	34.95	06/24/2021
3184	MASTERCARD	2021_05 LOW	Waiting for Receipts	06/01/2021	10.50	10.50	06/24/2021
3184	MASTERCARD	2021_05 LOW	Waiting for Receipts	06/01/2021	301.62	301.62	06/24/2021
3184	MASTERCARD	2021_05 LOW	Waiting for Receipts	06/01/2021	292.06	292.06	06/24/2021
3184	MASTERCARD	2021_05 MACI	cleaning supply	06/01/2021	15.49	15.49	06/24/2021
3184	MASTERCARD	2021_05 MACI	cleaning supply	06/01/2021	7.99	7.99	06/24/2021
3184	MASTERCARD	2021_05 MACI	adobe	06/01/2021	14.99	14.99	06/24/2021
3184	MASTERCARD	2021_05 MACI	adobe	06/01/2021	14.99-	14.99-	06/24/2021
3184	MASTERCARD	2021_05 MACI	April	06/01/2021	4,306.82	4,306.82	06/24/2021
3184	MASTERCARD	2021_05 MACI	sawzall/battery	06/01/2021	250.00	250.00	06/24/2021
3184	MASTERCARD	2021_05 MACI	lights	06/01/2021	58.96	58.96	06/24/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2021_05 MACI	C1 oil change	06/01/2021	49.90	49.90	06/24/2021
3184	MASTERCARD	2021_05 MACI	mic holder	06/01/2021	42.94	42.94	06/24/2021
3184	MASTERCARD	2021_05 MACI	safety vests	06/01/2021	115.91	115.91	06/24/2021
3184	MASTERCARD	2021_05 MACI	badges	06/01/2021	149.50-	149.50-	06/24/2021
3184	MASTERCARD	2021_05 O'RO	Camera for online meetings	06/01/2021	39.99	39.99	06/24/2021
3184	MASTERCARD	2021_05 SCH	DPD Powder	06/01/2021	43.72	43.72	06/24/2021
3184	MASTERCARD	2021_05 SCH	Tiolet parts	06/01/2021	982.83	982.83	06/24/2021
3184	MASTERCARD	2021_05 SCH	Tree protector	06/01/2021	376.51	376.51	06/24/2021
3184	MASTERCARD	2021_05 SMIT	Ice	06/01/2021	23.45	23.45	06/24/2021
3184	MASTERCARD	2021_05 SMIT	Chemical	06/01/2021	169.00	169.00	06/24/2021
3184	MASTERCARD	2021_05 SMIT	Cable	06/01/2021	18.99	18.99	06/24/2021
3184	MASTERCARD	2021_05 SMIT	?	06/01/2021	365.21	365.21	06/24/2021
3184	MASTERCARD	2021_05 SMIT	Chemicals	06/01/2021	81.25	81.25	06/24/2021
3184	MASTERCARD	2021_05 SMIT	Training Book	06/01/2021	80.00	80.00	06/24/2021
3184	MASTERCARD	2021_05 SMIT	Motor	06/01/2021	142.17	142.17	06/24/2021
3184	MASTERCARD	2021_05 SMIT	Auto dish	06/01/2021	9.99	9.99	06/24/2021
3184	MASTERCARD	2021_05 SMIT	Supplies	06/01/2021	64.99	64.99	06/24/2021
3184	MASTERCARD	2021_05 STOR	Lunch for clean up	06/01/2021	106.87	106.87	06/24/2021
3184	MASTERCARD	2021_05 STOR	Water for clean up	06/01/2021	8.99	8.99	06/24/2021
3184	MASTERCARD	2021_05 STOR	Lunch for clean up	06/01/2021	46.47	46.47	06/24/2021
3184	MASTERCARD	2021_05 TARR	Pool Supplies	06/01/2021	72.10	72.10	06/24/2021
3184	MASTERCARD	2021_05 TARR	Pool Supplies	06/01/2021	312.64	312.64	06/24/2021
3184	MASTERCARD	2021_05 TARR	Pool Supplies	06/01/2021	208.42	208.42	06/24/2021
3184	MASTERCARD	2021_05 TARR	Fire Department Swag Bags for Fi	06/01/2021	352.70	352.70	06/24/2021
3184	MASTERCARD	2021_05 TARR	Pool House Keys	06/01/2021	42.45	42.45	06/24/2021
3184	MASTERCARD	2021_05 TARR	Pool House Keys	06/01/2021	3.98	3.98	06/24/2021
3184	MASTERCARD	2021_05 TARR	Lifeguard Training Materials	06/01/2021	661.87	661.87	06/24/2021
3184	MASTERCARD	2021_05 TARR	Digital Clocks for Civic Center Gy	06/01/2021	171.98	171.98	06/24/2021
3184	MASTERCARD	2021_05 TARR	Dry Erase Calendars	06/01/2021	158.98	158.98	06/24/2021
3184	MASTERCARD	2021_05 TARR	Trainer Meal - Staff	06/01/2021	29.44	29.44	06/24/2021
Total MASTERCARD:					21,688.06	21,688.06	
MEYER ELECTRIC AND GROUNDS REPAIR, LLC							
3812	MEYER ELECTRIC AND GROUN	659	TECH SUPPORT	06/07/2021	350.00	350.00	06/30/2021
Total MEYER ELECTRIC AND GROUNDS REPAIR, LLC:					350.00	350.00	
MISC							
99999	MISC	2021.6 500500	OVER PAYMENT ON UTILITY AC	06/22/2021	44.00	44.00	06/30/2021
99999	MISC	2021.6.23	ReSTITUTION TK2016-0317	06/23/2021	100.00	100.00	06/30/2021
99999	MISC	TK2020-0358	Bond Release - C. Lane	06/30/2021	1,090.00	1,090.00	07/08/2021
Total MISC:					1,234.00	1,234.00	
MONTANA ADVANCE SHEETS							
10003	MONTANA ADVANCE SHEETS	2021.6.29	SUBSCRIPTION 2022	06/29/2021	279.00	279.00	06/30/2021
Total MONTANA ADVANCE SHEETS:					279.00	279.00	
MONTANA AIR CARTAGE							
3808	MONTANA AIR CARTAGE	LVQ53121	Courier Service	06/01/2021	195.00	195.00	06/30/2021
Total MONTANA AIR CARTAGE:					195.00	195.00	
MONTANA CORRECTIONAL ENTERPRISES							
1180	MONTANA CORRECTIONAL EN	80878	FURNITURE	05/05/2021	19,975.00	19,975.00	06/30/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
1180	MONTANA CORRECTIONAL EN	81035	FURNITURE	05/26/2021	8,300.00	8,300.00	06/30/2021
Total MONTANA CORRECTIONAL ENTERPRISES:					28,275.00	28,275.00	
MONTANA DEPT OF LABOR & INDUSTRY							
983	MONTANA DEPT OF LABOR & I	28622	2013BOILMTN000442.5124546	06/03/2021	31.00	31.00	06/30/2021
Total MONTANA DEPT OF LABOR & INDUSTRY:					31.00	31.00	
MONTANA INFRASTRUCTURE COALITION							
3658	MONTANA INFRASTRUCTURE	222131	Membership Dues 2021 S HOLM	06/18/2021	250.00	250.00	06/30/2021
3658	MONTANA INFRASTRUCTURE	222131	Membership Dues 2021 S HOLM	06/18/2021	250.00	250.00	06/30/2021
Total MONTANA INFRASTRUCTURE COALITION:					500.00	500.00	
MONTANA STATE - FIRE SERVICES TRAINING							
2631	MONTANA STATE - FIRE SERVI	34-171	FFI CERT	06/18/2021	95.00	95.00	06/30/2021
Total MONTANA STATE - FIRE SERVICES TRAINING:					95.00	95.00	
MT DEQ/WWOC							
10002	MT DEQ/WWOC	HARDESTY	Hardesty WWTP	06/29/2021	70.00	70.00	06/29/2021
Total MT DEQ/WWOC:					70.00	70.00	
MURDOCH'S RANCH & HOME SUPPLY							
3688	MURDOCH'S RANCH & HOME S	K00463/37	PARKS	05/17/2021	14.99	14.99	06/30/2021
3688	MURDOCH'S RANCH & HOME S	K00546/37	ANVIL LOPPER	06/14/2021	39.99	39.99	06/30/2021
3688	MURDOCH'S RANCH & HOME S	K00565/37	IMPACT RING	06/22/2021	53.98	53.98	06/30/2021
Total MURDOCH'S RANCH & HOME SUPPLY:					108.96	108.96	
NORTHWESTERN ENERGY							
151	NORTHWESTERN ENERGY	2021.6 312013	3120133-8 110 S B	06/08/2021	150.79	150.79	06/30/2021
151	NORTHWESTERN ENERGY	2021.6 312013	3120134-6 112 S B	06/09/2021	96.41	96.41	06/30/2021
151	NORTHWESTERN ENERGY	2021.6 383724	3837245-4 220 E PARK	06/09/2021	625.61	625.61	06/30/2021
Total NORTHWESTERN ENERGY:					872.81	872.81	
OCLC, INC.							
1560	OCLC, INC.	1000109992	ILL FEE MGMT	03/31/2021	15.25	15.25	06/30/2021
Total OCLC, INC.:					15.25	15.25	
OUT OF THE BOX PAINTING							
10001	OUT OF THE BOX PAINTING	2021.6.28	final 2 rounds touch ups	06/28/2021	3,090.00	3,090.00	06/30/2021
Total OUT OF THE BOX PAINTING:					3,090.00	3,090.00	
PARK COUNTY							
272	PARK COUNTY	2021.3.1	INTERNET REIMBURSEMENT	03/01/2021	326.88	326.88	06/30/2021
272	PARK COUNTY	2021.6.1	BLACKFOOT REIMBURSE	06/01/2021	326.88	326.88	06/30/2021
Total PARK COUNTY:					653.76	653.76	
POLYDYNE INC.							
3144	POLYDYNE INC.	1554586	Clarifloc	06/24/2021	2,951.82	2,951.82	06/30/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total POLYDYNE INC.:					2,951.82	2,951.82	
RAINBOW ENTERPRISES							
10003	RAINBOW ENTERPRISES	2021.6.21	PRINTER	06/21/2021	779.95	779.95	06/30/2021
Total RAINBOW ENTERPRISES:					779.95	779.95	
RIVERSIDE HARDWARE LLC							
3659	RIVERSIDE HARDWARE LLC	132075	SURGE OUTLET	04/07/2021	29.99	29.99	06/30/2021
3659	RIVERSIDE HARDWARE LLC	132076	NOZZLE	04/07/2021	12.99	12.99	06/30/2021
3659	RIVERSIDE HARDWARE LLC	132078	SUPPLIES	04/07/2021	7.98	7.98	06/30/2021
3659	RIVERSIDE HARDWARE LLC	132079	SUPPLIES	04/07/2021	10.00	10.00	06/30/2021
3659	RIVERSIDE HARDWARE LLC	132974	FINAL ROUNNS OF REPAIRS	04/19/2021	3,090.00	3,090.00	06/30/2021
3659	RIVERSIDE HARDWARE LLC	132974	STRETCH CORD	04/19/2021	10.78	10.78	06/30/2021
3659	RIVERSIDE HARDWARE LLC	139429	SEALANT	06/23/2021	4.29	4.29	06/30/2021
Total RIVERSIDE HARDWARE LLC:					3,166.03	3,166.03	
SCHAEFER SYSTEMS INTERNATIONAL INC							
10003	SCHAEFER SYSTEMS INTERNA	PCINV098991	GREEN CANS	06/17/2021	45,100.00	45,100.00	06/30/2021
Total SCHAEFER SYSTEMS INTERNATIONAL INC:					45,100.00	45,100.00	
SYSTEMS NORTHWEST, LLC							
3311	SYSTEMS NORTHWEST, LLC	10706	ALARM INSPECTIONS	06/08/2021	489.00	489.00	06/30/2021
3311	SYSTEMS NORTHWEST, LLC	10707	UPDATE SYSTM	06/08/2021	1,540.00	1,540.00	06/30/2021
Total SYSTEMS NORTHWEST, LLC:					2,029.00	2,029.00	
TD&H ENGINEERING, INC							
3390	TD&H ENGINEERING, INC	25755	ON CALL CIVIL SERVICES	06/28/2021	2,907.25	2,907.25	06/30/2021
3390	TD&H ENGINEERING, INC	25755	ON CALL CIVIL SERVICES	06/28/2021	309.75	309.75	06/30/2021
3390	TD&H ENGINEERING, INC	25755	ON CALL CIVIL SERVICES	06/28/2021	309.75	309.75	06/30/2021
3390	TD&H ENGINEERING, INC	25755	DISCOVERY VISTA	06/28/2021	139.00	139.00	06/30/2021
3390	TD&H ENGINEERING, INC	25755	WELL BACKUP POWER	06/28/2021	1,617.00	1,617.00	06/30/2021
3390	TD&H ENGINEERING, INC	25755	GREEN ACRES WW STUDY	06/28/2021	5,126.70	5,126.70	06/30/2021
3390	TD&H ENGINEERING, INC	25755	5TH ST SEWER CONSTRUCTIO	06/28/2021	17,707.55	17,707.55	06/30/2021
3390	TD&H ENGINEERING, INC	25755	YELLOWSTONE PRESERVE DE	06/28/2021	139.00	139.00	06/30/2021
3390	TD&H ENGINEERING, INC	25755	6TH & 7TH ST WATER REBID	06/28/2021	1,738.96	1,738.96	06/30/2021
3390	TD&H ENGINEERING, INC	25756	PER AMEND & ENVIRON REPO	06/28/2021	10,809.25	10,809.25	06/30/2021
Total TD&H ENGINEERING, INC:					40,804.21	40,804.21	
TEAR IT UP L.L.C.							
2999	TEAR IT UP L.L.C.	49052	Shredding Finance Office	06/23/2021	54.04	54.04	06/30/2021
Total TEAR IT UP L.L.C.:					54.04	54.04	
ULINE							
3564	ULINE	134713089	BIKE RACK	06/08/2021	812.40	812.40	06/30/2021
Total ULINE:					812.40	812.40	
US BANK EQUIPMENT FINANCE							
10001	US BANK EQUIPMENT FINANCE	445233240	PRINTER CONTRACT	06/03/2021	375.84	375.84	06/30/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total WESTERN DRUG:					70.69	70.69	
WHISTLER TOWING, LLC							
3237	WHISTLER TOWING, LLC	11269	IMPOUND	06/21/2021	85.00	85.00	06/30/2021
3237	WHISTLER TOWING, LLC	11270	IMPOUND	06/21/2021	85.00	85.00	06/30/2021
3237	WHISTLER TOWING, LLC	12096	IMPOUND	06/22/2021	85.00	85.00	06/30/2021
3237	WHISTLER TOWING, LLC	5184	M2 REPAIR	01/07/2021	85.00	85.00	06/30/2021
3237	WHISTLER TOWING, LLC	5880	FUEL INJECTOR	06/23/2021	716.83	716.83	06/30/2021
Total WHISTLER TOWING, LLC:					1,056.83	1,056.83	
WITMER PUBLIC SAFETY GROUP,INC.							
2629	WITMER PUBLIC SAFETY GRO	E2085074	GEAR BAGS	06/21/2021	359.94	359.94	06/30/2021
2629	WITMER PUBLIC SAFETY GRO	E2087113	WILDLAND HELMETS/ GOGGLE	06/19/2021	821.43	821.43	06/30/2021
Total WITMER PUBLIC SAFETY GROUP,INC.:					1,181.37	1,181.37	
Grand Totals:					204,583.73	204,583.73	

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

File Attachments for Item:

C. APPROVE VANESSA HAINES APPLICATION FOR HANDICAP PARKING SPACE.

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

Name of Applicant: VANESSA HAINES

Address: 116 S. 6th ST Phone: 406 720 0035

Type of Special Parking Space Requested:

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

Specific Location of the Requested Space: IN FRONT OF 116 S. 6th

Reason for the Request:

DUE TO CANCER DR ADVISED HANDICAP PARKING SPACE AND HANG TAG

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

1. Do you operate a vehicle displaying a specialty inscribed license plate issued by the state of Montana to disabled persons and displaying a wheelchair symbol, or the letters "DV" issued to disabled veteran's, or do you possess a special parking permit issued by the State of Montana to persons with a disability?
(Please provide a copy of the vehicle registration). Yes No
2. Is the requested parking space adjacent to your permanent residence? Yes No
3. Does reasonably accessible and practicable off street parking exist? Yes No
4. License plate number of vchicl(s) designated to use the space: 49 3935D
5. Are the designated vehicles operated by you? Yes No

Administrative Use Only

Date application received: 6-1-21 Reviewed by: Cory Hel

Does request meet criteria? Yes No

Comments _____

City Commission Action: Approved Denied Date: _____

Installation of Sign:

Sign installed by: _____ Date: _____

Amount Collected: _____ Check no. _____

Removal of Sign

Sign removed by: _____ Date: _____

Reason for Removal: _____

IMPORTANT: REMOVE BEFORE
DRIVING VEHICLE

27



Any Alteration Voids Permit

0505262

Disabled Persons Parking
Identification Permit

MONTH	EXPIRES	YEAR
JAN		21
FEB		22
MAR		23
APR		24
MAY		25
JUN		26
JUL		27
AUG		28
SEP		29
OCT		30
NOV		31
DEC		32

ILLEGAL TO DUPLICATE THIS PERMIT

VJH

DOJ/MVD
P.O. Box 201430
302 N. Roberts
Helena, MT 59620-1430
Permit expires last day
of month indicated above.

Montana Vehicle Registration

Valid Through Date **12/31/9999**

Renewal Cust Nbr **2490156**

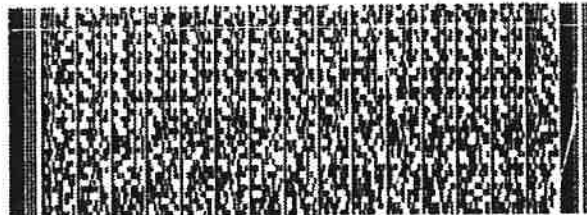
County—	Park	Issue Date	10/26/2017	Tab Nbr	493935D129901	Park Fee Paid
Usage	Regular	User	pj4901	Plate Nbr	493935D	
Reg Usage	Regular	Fleet Nbr		Plate Type	Std County Lg (PC)	
Reg Type	Permanent	OTN				

Owners / Lessors

Dwight Lee Haines
Vanessa Jay Haines
1124 W Park St
Livingston, MT 590472944

VIN	1N4AL11DX5C202939	Year	2005	Make	Nissan	Model	ALT
Veh Type	Passenger (PC)	Style	4D	Color	Silver	Ext Model	
Weight	3104	Ton Code		GVW Beg		Veh Nbr	1900356
Decl GVW		GVW Class				GVW End	

Dwight Lee Haines
1124 W Park St
Livingston, MT 590472944



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

INSTRUCTIONS:
 1) Remove decal by bending paper along dotted line.
 2) Lift edge of decal and slowly peel.

—

—

PEEL HERE



City of Livingston
 110 S. B Street
 Livingston, MT 59047
 (406) 222-1142
www.livingstonmontana.org

XBP Confirmation Number: 100133242

▶ Transaction detail for payment to City of Livingston.		Date: 05/26/2021 - 2:24:14 PM	
Transaction Number: 149335683PT Visa — XXXX-XXXX-XXXX-4799 Status: Successful			
Account #	Item	Quantity	Item Amount
HAINES VANESSA	Handicap Signs	1	\$50.00

TOTAL: \$50.00

Billing Information
 VANESSA HAINES
 , 59047

Transaction taken by: counter



File Attachments for Item:

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

ORDINANCE NO. 3008

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

* * * * *

Preamble.

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

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

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

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

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

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

WHEREAS, the City of Livingston Zoning Commission, after a public hearing, voted unanimously (5:0) to recommend approval of the zoning of the parcel to Highway Commercial (HC) on the Zoning Map to the City Commission;

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

SECTION 1

Zoning of a parcel addressed as 5 Rogers Lane and legally described as Lot 15C of Certificate of Survey 170A less the Mortgage tract in Certificate of Survey 1443, in the Acreville subdivision, in Section 23 (S23), of Township Two South (T02S), Range Nine East (R09E) as shown in Exhibit A as Highway Commercial (HC).

SECTION 2

Statutory Interpretation and Repealer:

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

SECTION 3

Severability:

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

SECTION 4

Savings provision:

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

SECTION 6

Effective date:

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

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

DOREL HOGLUND – Chair

ATTEST:

FAITH KINNICK
Recording Secretary

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

DOREL HOGLUND – Chair

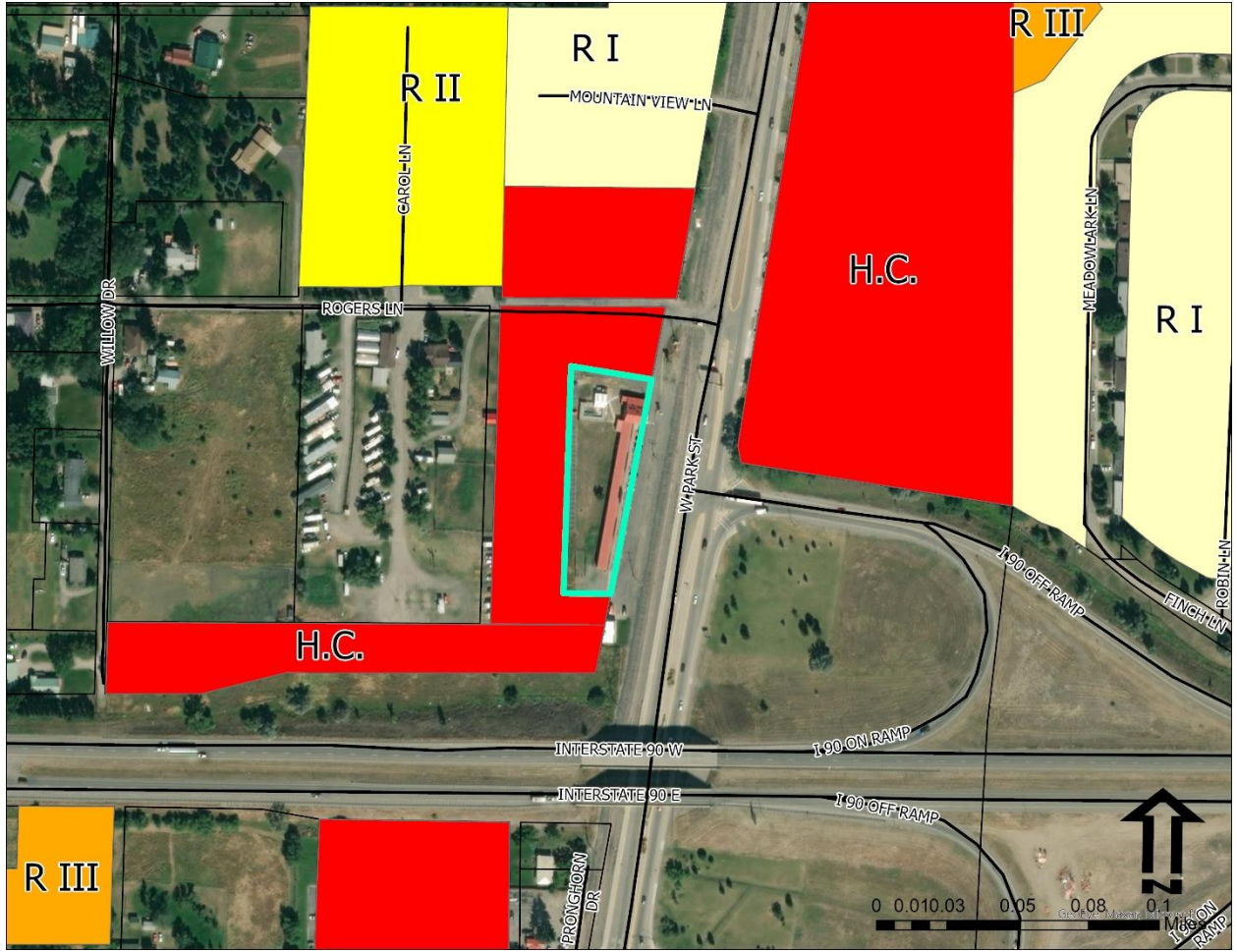
ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

EXHIBIT A



File Attachments for Item:

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

ORDINANCE NO. 3009

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

* * * * *

Preamble.

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

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

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

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

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

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

WHEREAS, the City of Livingston Zoning Commission, after a public hearing, voted unanimously (5:0) to recommend approval of the zoning of the parcel to Highway Commercial (HC) on the Zoning Map to the City Commission;

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

SECTION 1

Zoning of a parcels addressed as 1 and 5 Pronghorn Drive and legally described Tract A of Plat 138, less .005 acres and the right of way on R-134-481, in the Acreville subdivision, in Section 23 of Township Two South (T02S), Range Nine East (R09E) and Portional Lot 14 in Plat 138, in the

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

SECTION 2

Statutory Interpretation and Repealer:

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

SECTION 3

Severability:

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

SECTION 4

Savings provision:

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

SECTION 6

Effective date:

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

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

DOREL HOGLUND – Chair

ATTEST:

FAITH KINNICK
Recording Secretary

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

DOREL HOGLUND – Chair

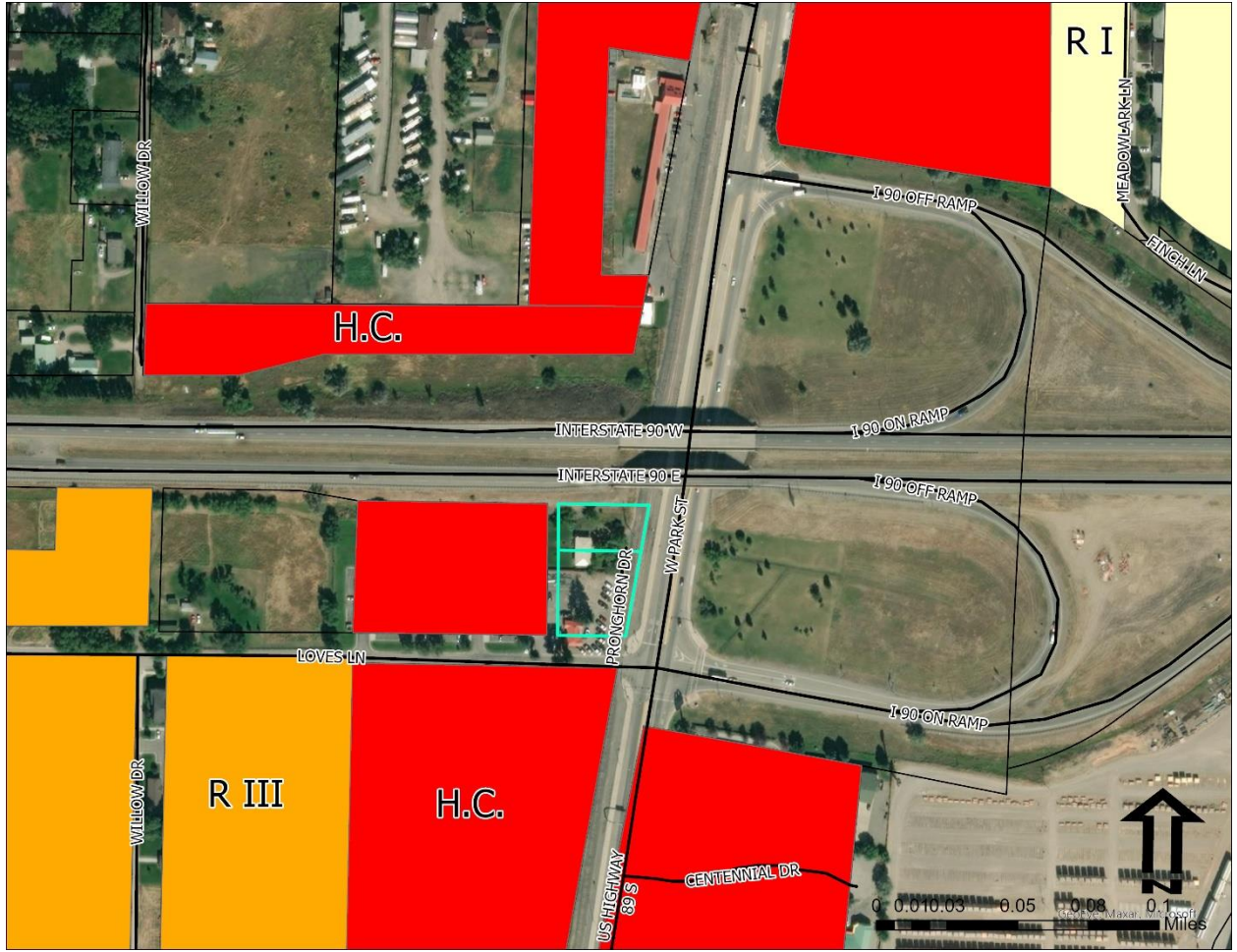
ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

EXHIBIT A



File Attachments for Item:

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

ORDINANCE NO. 3010

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

* * * * *

Preamble.

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

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

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

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

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

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

SECTION 1

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

Article II. - Definitions

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

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

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

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

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

Alley: See Street.

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

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

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

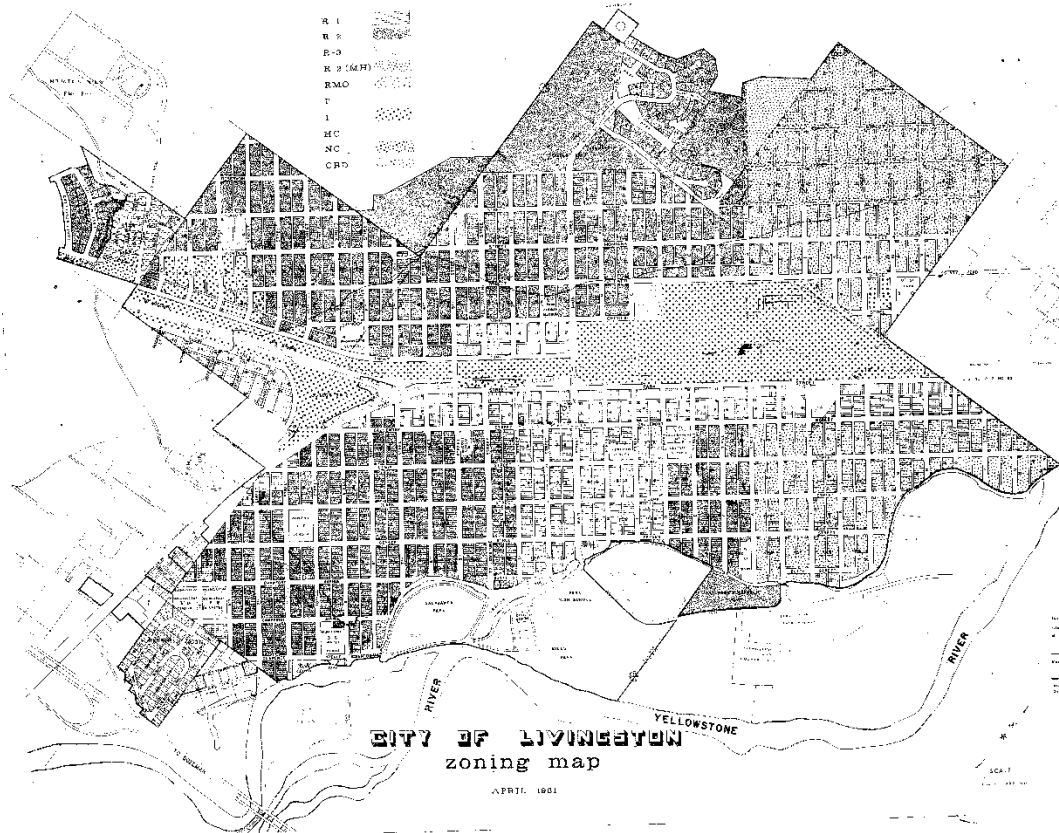
"Board" means the Board of Adjustment of the City of Livingston.

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

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

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

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



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

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

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

Dwelling (types of):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Planning board" means the Livingston City Planning Board.

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

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

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

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

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

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

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

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

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

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

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

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

Street:

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

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

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

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

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

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

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

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

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

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

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

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

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

Article V. - Supplementary General Requirements

Sec. 30.50. - Signs.

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

B. Definitions.

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

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

C. General.

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

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

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

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

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

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

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

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

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

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

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

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

Table 30.51. Parking stall and drive aisle dimension requirements.

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

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

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

- B. Location. Off-street parking facilities shall be located as hereafter specified: any distance specified shall be in walking distance measured from the nearest point of the parking facility to the nearest point of the lot that such facility is required to serve:
 - 1. For one (1) family, two (2)family, and accessory dwellings: Off-street parking is required on the same lot or an adjoining lot with the building they are required to serve.
 - 2. For multiple dwellings and townhouses: Off-street parking is required within a walking distance of one hundred (100) feet.
 - 3. For hospitals, sanitariums, convalescent homes, nursing homes, rest homes, homes for the aged, asylums, retirement homes, rooming and boarding houses: Off-street parking is required within six hundred (600) feet.
 - 4. For uses other than those specified above: Off-street parking within five hundred (500) feet is required.
 - 5. For large-scale retail uses: Off-street parking is required to be on the same lot and to the rear or side of the primary structure on the lot.
- C. Expansion or Enlargement. Whenever any building is enlarged in gross floor area by more than ten (10) percent, off-street parking shall be provided for the expansion or enlargement portion only in accordance with the requirements of this article. Nothing in this provision shall be construed to require off-street parking spaces for the portion of such building previously existing before enlargements or for existing buildings that undergo a change in use.
- D. Non-Conforming Use. Voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, even though non-conforming, is allowed and encouraged.
- E. Mixed Occupancies. In the case of mixed uses, the total requirements for the various uses shall be computed separately. Off-street parking facilities for one use shall not be considered as a substitute or for joint use.
- F. Use Not Specified. In the case of a use not specifically mentioned in a zone, the requirements for off-street parking facilities shall be determined by the City Superintendent Zoning Coordinator or their authorized representative. Such determination shall be based upon the requirements for the most comparable use listed.

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

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

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

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

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

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

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

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

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

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

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

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

Q. Standards for Commercial and Industrial Uses.

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

R. Bicycle Parking

a. Bicycle Parking Standards and Design.

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

b. Bicycle Parking Location.

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

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

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

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

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

U. Landscaping Requirements for the Interior of Parking Areas.

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

Sec. 30.52. - Fences and hedges.

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

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

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

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

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

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

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

Sec. 30.53. - Animals.

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

Sec. 30.54. - Motor vehicles or parts.

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

Sec. 30.55. - Home occupations.

A. General.

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

B. Definitions.

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

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

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

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

D. Enforcement.

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

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

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

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

(Ord. No. 2022, § 3, 9/7/10)

Sec. 30.56. - Mobile homes.

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

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

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

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

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

(Ord. 1813, 8/21/95)

Sec. 30.56.1. - Manufactured homes.

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

(Ord. 1813, 8/21/95)

Sec. 30.57. - Commercial buildings in residential districts.

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

Sec. 30.58. - Townhouses.

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

(Ord. 1798, 12/19/94)

Sec. 30.59. - Landscaping regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. Buffer Zone. The buffer zone shall be a minimum of 30 feet in width.

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

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

(Ord. 1852, 4/21/97)

Section 30.60.- Sexually oriented businesses.

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

Sec. 30.61. - Wind powered generators.

A. Definitions.

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

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

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

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

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

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

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

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

SECTION 2

Effective date:

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

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

DOREL HOGLUND – Chair

ATTEST:

FAITH KINNICK
Recording Secretary

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

DOREL HOGLUND – Chair

ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY JO LAWELLIN
City Attorney

File Attachments for Item:

D. RESOLUTION NO. 4977: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND ADOPTING THE FINAL BUDGET IN THE AMOUNT OF \$22,935,549 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2021, AND ENDING JUNE 30, 2022, (FY22), AND MAKING APPROPRIATIONS AND ESTABLISHING SPENDING LIMITS AND AUTHORIZING TRANSFER OF APPROPRIATIONS WITHIN THE SAME FUND.

RESOLUTION NO. 4977

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND ADOPTING THE FINAL BUDGET IN THE AMOUNT OF \$22,935,549 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2021, AND ENDING JUNE 30, 2022, (FY22), AND MAKING APPROPRIATIONS AND ESTABLISHING SPENDING LIMITS AND AUTHORIZING TRANSFER OF APPROPRIATIONS WITHIN THE SAME FUND.

WHEREAS, the City Manager has presented the City Manager’s Preliminary Budget recommendation for Fiscal Year 2021-2022 in the amount of \$22,935,549 to the City Commission as required by 7-6-4020 Montana Code Annotated (MCA); and

WHEREAS, the City Commission has considered the proposed Preliminary Budget for Fiscal Year 2021-2022, and made revisions, reductions, additions and changes thereto as deemed appropriate, and has established spending limits at the level of appropriation detailed in Exhibit A and incorporated into this Resolution by this reference as though fully set forth herein; and

WHEREAS, a copy of the completed Preliminary Budget for Fiscal Year 2021-2022 has been placed for public inspection in the office of the Finance Officer located at 220 E Park Street, Livingston, Montana, and on the City of Livingston’s web page at www.livingstonmontana.org; and

WHEREAS, pursuant to 7-6-4001 et seq. MCA, and following legal notice as required by 7-6-4021, MCA, on July 20th, 2021, the City Commission conducted a public hearing on the proposed budget at which time any taxpayer or resident of the City was given the opportunity to be heard for or against any part of the proposed preliminary budget for FY2021-2022; and

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

That the Final Budget for FY 2021-2022 in the amount of \$22,935,549 and the legal spending limits at the level of appropriations detailed in Exhibit A, which is attached hereto and incorporated herein by reference are hereby established pursuant to 7-6-4030, MCA.

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

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 20th day of July, 2021.

DOREL HOGLUND
Chairperson

ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

EXHIBIT A to Resolution No. 4977

CHANGES IN FUND BALANCE/WORKING CAPITAL					
Fund #	Fund Name	Projected Beginning Fund Balance June 30, 2021	Budgeted Revenues	Budgeted Expenditures	Projected Ending Fund Balance June 30, 2022
GENERAL FUND					
1000	General Fund	2,095,454	6,519,618	6,669,100	1,945,972
SPECIAL REVENUE FUNDS					
2190	Comprehensive Liability	19,178	-	-	19,178
2220	Library	452,713	723,599	654,978	521,334
2300	Communications/Dispatch Services	46,614	861,449	858,845	49,218
2310	Tax Increment District - Downtown	312,407	460,900	460,875	312,432
2372	Permissive Health Levy	37,757	531,350	539,100	30,007
2397	CDBG Economic Dev Revolving	622,282	20,000	14,000	628,282
2399	Impact Fees - Fire	85,806	107,592	11,000	182,398
	Impact Fees - Transportation	273,718	176,706	350,000	100,424
	Impact Fees - Police	19,551	11,790	35,000	(3,659)
	Impact Fees - Parks	114,572	145,980	68,500	192,052
	Unassigned	1,500	1,500	-	3,000
2400	Light Maintenance	66,927	150,150	151,000	66,077
2500	Street Maintenance	328,542	1,630,365	1,630,545	328,362
2600	Sidewalks	(102,308)	66,895	-	(35,413)
2650	Business Improvement District	18,541	42,670	60,000	1,211
2700	Park Improvement SRF	70,695	-	70,500	195
2750	Law Enforcement Joint Equipment	6,564	30	6,593	1
2820	Gas Tax	111,687	316,825	316,500	112,012
	TOTAL SPECIAL REVENUE FUNDS	2,486,746	5,247,801	5,227,436	2,507,111
DEBT SERVICE FUNDS					
3002	2016 Fire Truck GOB	14,740	60,575	54,944	20,371
3003	2000 Fire Truck GOB	5,107	-	-	5,107
3200	West End Tax Increment District	449,404	144,189	440,807	152,786
3400	SID Revolving	24,384	100	-	24,484
3550	SID 179 - West End	25,748	34,506	33,350	26,904
3955	SID 180 - Carol Lane	(1,696)	3,379	-	1,683
	TOTAL DEBT SERVICE FUNDS	517,687	242,749	529,101	231,335
CAPITAL PROJECT FUNDS					
4010	Capital Improvement	118,531	50	110,000	8,581
4020	Library Capital Improvement	25,381	150	25,531	-
4099	Railroad Crossing Levy	11	-	-	11
	TOTAL CAPITAL PROJECT FUNDS	143,923	200	135,531	8,592
ENTERPRISE FUNDS					
5210	Water	1,745,861	1,902,227	2,466,631	1,181,457
5310	Sewer	1,074,647	3,075,812	3,516,156	634,303
5410	Solid Waste	234,092	2,604,206	2,402,496	435,802
5510	Ambulance Services	1,004,254	2,385,461	1,987,598	1,402,117
	TOTAL ENTERPRISE FUNDS	4,058,854	9,967,706	10,372,881	3,653,679
PERMANENT FUNDS					
8010	Perpetual Cemetery	247,378	4,000	1,500	249,878
	TOTAL ALL FUNDS	9,550,042	21,982,074	22,935,549	8,596,567

Resolution No. 4977 Approving the Final Budget for FY 2021-2022

File Attachments for Item:

E. RESOLUTION NO. 4978: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM.

RESOLUTION NO. 4978

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

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

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

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

WHEREAS, a 3.3% increase in the connection fee usage rate, which will result in a monthly increase of approximately 43¢ to \$1.43, depending on the amount of water consumed by the customer all as set forth in Exhibit A, which is attached hereto and incorporated by this reference as though fully set forth herein; and

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

The City Commission of the City of Livingston, Montana hereby increases the water connection fee and water usage rate 3.3% for its customers to become effective for water usage starting July 2021, to be billed in August 2021.

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 20th day of July, 2021.

DOREL HOGLUND - Chairperson

ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

Exhibit A to Resolution No. 4978

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

Water Minimum Charge \$ 13.43 per month, plus \$3.10 per 1000 gallons

Gallons	Current	Proposed	Difference
0	\$ 13.00	\$ 13.43	\$ 0.43
1000	\$ 16.00	\$ 16.53	\$ 0.53
2000	\$ 19.00	\$ 19.63	\$ 0.63
3000	\$ 22.00	\$ 22.73	\$ 0.73
4000	\$ 25.00	\$ 25.83	\$ 0.83
5000	\$ 28.00	\$ 28.93	\$ 0.93
6000	\$ 31.00	\$ 32.03	\$ 1.03
7000	\$ 34.00	\$ 35.13	\$ 1.13
8000	\$ 37.00	\$ 38.23	\$ 1.23
9000	\$ 40.00	\$ 41.33	\$ 1.33
10000	\$ 43.00	\$ 44.43	\$ 1.43

Commercial Rates

METER SIZE	GALLONS	BASE CHARGE	PER 1000 GALLONS
3/4"	Up to 7,000	\$35.13	\$3.00 for usage above 7,000 gallons
1"	Up to 15,000	\$59.93	\$3.00 for usage above 15,000 gallons
1 1/2"	Up to 25,000	\$90.93	\$3.00 for usage above 25,000 gallons
2"	Up to 42,000	\$143.63	\$3.00 for usage above 42,000 gallons
3"	Up to 60,000	\$199.43	\$3.00 for usage above 60,000 gallons
4"	Up to 100,000	\$323.33	\$3.00 for usage above 100,000 gallons
6"	Up to 275,000	\$868.93	\$3.00 for usage above 275,000 gallons

Exhibit B – Public 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 20th, 2021, at 5:30 p.m. on **Resolution No. 4970**, 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 43¢ to \$1.43 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 222-1142.

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

**COMBINED NOTICE OF PUBLIC HEARINGS ON
PROPOSED RATE INCREASES FOR WATER AND
WASTE WATER EFFECTIVE JULY 2021**

Notice is hereby given that the City Commission of Livingston, Montana, will conduct public hearings on Resolutions 4970 & 4971 in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on July 20th, 2021, at 5:30 p.m. of its intent to increase the Water Rate in the amount of 3.3% (approximately 43¢ to \$1.43, depending on the amount of water consumed by the customer) and the Sewer Rate in the amount of 3.0% (approximately 57¢ to \$2.87. See 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.

*Water Minimum Charge \$ 13.43 per month, plus
\$3.10 per 1000 gallons*

Gallons	Current	Proposed	Difference
0	\$ 13.00	\$ 13.43	\$ 0.43
1000	\$ 16.00	\$ 16.53	\$ 0.53
2000	\$ 19.00	\$ 19.63	\$ 0.63
3000	\$ 22.00	\$ 22.73	\$ 0.73
4000	\$ 25.00	\$ 25.83	\$ 0.83
5000	\$ 28.00	\$ 28.93	\$ 0.93
6000	\$ 31.00	\$ 32.03	\$ 1.03
7000	\$ 34.00	\$ 35.13	\$ 1.13
8000	\$ 37.00	\$ 38.23	\$ 1.23
9000	\$ 40.00	\$ 41.33	\$ 1.33
10000	\$ 43.00	\$ 44.43	\$ 1.43

*Sewer Minimum Charge \$19.51 per month; plus
\$7.74 per 1000 gallons*

Gallons	Current	Proposed	Difference
0	\$18.94	\$19.51	\$0.57
1000	\$26.45	\$27.25	\$0.80
2000	\$33.96	\$34.99	\$1.03
3000	\$41.47	\$42.73	\$1.26
4000	\$48.98	\$50.47	\$1.49
5000	\$56.49	\$58.21	\$1.72
6000	\$64.00	\$65.95	\$1.95
7000	\$71.51	\$73.69	\$2.18
8000	\$79.02	\$81.43	\$2.41
9000	\$86.53	\$89.17	\$2.64
10000	\$94.04	\$96.91	\$2.87

File Attachments for Item:

F. RESOLUTION NO. 4979: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WASTEWATER SYSTEM IN THE AMOUNT OF 3.0%.

RESOLUTION NO. 4979

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WASTEWATER SYSTEM IN THE AMOUNT OF 3.0%.

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

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

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

WHEREAS, by Resolution No. 4807, effective July 2018, the City last raised its sewer rates by 2.5%; and

WHEREAS, a 3% increase in sewer rates will result in a monthly increase of 57¢ to \$2.87 per month increase depending on sewer usage, all as set forth in Exhibit A, which is attached hereto and incorporated by this reference as though fully set forth herein; and

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

The City Commission of the City of Livingston, Montana hereby increases the sewer rate for its customers in the amount of 3% to become effective for sewer usage starting July 2021, to be billed in August, 2021

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

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 20th day of July, 2021.

DOREL HOGLUND - Chairperson

ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

Exhibit A- Sewer Rate changes based on 3% increase

Sewer Minimum Charge \$19.51 per month; plus \$7.74 per 1000 gallons

Gallons	Current	Proposed	Difference
0	\$18.94	\$19.51	\$0.57
1000	\$26.45	\$27.25	\$0.80
2000	\$33.96	\$34.99	\$1.03
3000	\$41.47	\$42.73	\$1.26
4000	\$48.98	\$50.47	\$1.49
5000	\$56.49	\$58.21	\$1.72
6000	\$64.00	\$65.95	\$1.95
7000	\$71.51	\$73.69	\$2.18
8000	\$79.02	\$81.43	\$2.41
9000	\$86.53	\$89.17	\$2.64
10000	\$94.04	\$96.91	\$2.87

Exhibit B- Public Notice Mailing

**COMBINED NOTICE OF PUBLIC HEARINGS ON
PROPOSED RATE INCREASES FOR WATER AND
WASTE WATER EFFECTIVE JULY 2021**

Notice is hereby given that the City Commission of Livingston, Montana, will conduct public hearings on Resolutions 4970 & 4971 in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on July 20th, 2021, at 5:30 p.m. of its intent to increase the Water Rate in the amount of 3.3% (approximately 43¢ to \$1.43, depending on the amount of water consumed by the customer) and the Sewer Rate in the amount of 3.0% (approximately 57¢ to \$2.87. See 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.

*Water Minimum Charge \$ 13.43 per month, plus
\$3.10 per 1000 gallons*

Gallons	Current	Proposed	Difference
0	\$ 13.00	\$ 13.43	\$ 0.43
1000	\$ 16.00	\$ 16.53	\$ 0.53
2000	\$ 19.00	\$ 19.63	\$ 0.63
3000	\$ 22.00	\$ 22.73	\$ 0.73
4000	\$ 25.00	\$ 25.83	\$ 0.83
5000	\$ 28.00	\$ 28.93	\$ 0.93
6000	\$ 31.00	\$ 32.03	\$ 1.03
7000	\$ 34.00	\$ 35.13	\$ 1.13
8000	\$ 37.00	\$ 38.23	\$ 1.23
9000	\$ 40.00	\$ 41.33	\$ 1.33
10000	\$ 43.00	\$ 44.43	\$ 1.43

*Sewer Minimum Charge \$19.51 per month; plus
\$7.74 per 1000 gallons*

Gallons	Current	Proposed	Difference
0	\$18.94	\$19.51	\$0.57
1000	\$26.45	\$27.25	\$0.80
2000	\$33.96	\$34.99	\$1.03
3000	\$41.47	\$42.73	\$1.26
4000	\$48.98	\$50.47	\$1.49
5000	\$56.49	\$58.21	\$1.72
6000	\$64.00	\$65.95	\$1.95
7000	\$71.51	\$73.69	\$2.18
8000	\$79.02	\$81.43	\$2.41
9000	\$86.53	\$89.17	\$2.64
10000	\$94.04	\$96.91	\$2.87

File Attachments for Item:

G. RESOLUTION NO. 4980: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LEVYING 100% OF THE COST FOR STREET MAINTENANCE AND IMPROVEMENTS DISTRICT NO. 1 FOR THE FISCAL YEAR 2021-2022 IN THE AMOUNT OF \$1,278,988, AND ASSESSING ALL PROPERTY WITHIN THE DISTRICT.

RESOLUTION NO. 4980

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LEVYING 100% OF THE COST FOR STREET MAINTENANCE AND IMPROVMENTS DISTRICT NO. 1 FOR FISCAL YEAR 2021-2022 IN THE AMOUNT OF \$1,278,988, AND ASSESSING ALL PROPERTY WITHIN THE DISTRICT.

WHEREAS, in 1994, pursuant to 7-12-4401 *et seq.* Montana Code Annotated (MCA), the City of Livingston enacted Ordinances Nos. 1778 and 1779 which authorized the creation of street maintenance districts and by providing the method of doing the maintenance and of paying for the maintenance; and

WHEREAS, the City created Street Maintenance District No. 1 which encompassed the entire jurisdictional limits of the City of Livingston; and

WHEREAS, pursuant to 7-12-4405 MCA, the City Commission enacted Ordinance Nos. 1877, 1890 and 1973 authorizing the City to improve streets, avenues and alleys within the maintenance district so that the maintenance would be of a durable and continuing benefit; and

WHEREAS, the City’s will levy and assess 100 percent of the costs for improvements and maintenance of streets and alleys against each parcel of land within said district for that part of the cost which its assessable area bears to the assessable area of the district which such parcel is located exclusive of streets, avenues, alleys and public places; and

WHEREAS, the City Commission finds that all parcels of property located within the district will be benefitted from said street and alley improvements and maintenance as all residents of the City use said public ways; and

WHEREAS, a list of all parcels of property to be assessed within said district which contain the name of each parcel owner and the amount to be levied and assessed thereon is on file and open for public inspection in the office of the City of Livingston, 414 East Callender Street, Livingston, Montana; and

WHEREAS, pursuant to 7-12-4427, MCA, the City Commission will meet on July 20th, 2021, at 5:30 p.m. to hear all objections which may be made to such assessment or any part thereof and may adjourn from time to time for that purpose and may by resolution modify such assessment in whole or in part.

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

That Street Maintenance District No. 1 is defined as including each and every parcel of property located in the City of Livingston, including all annexations thereto.

BE IT FURTHER RESOLVED that the City Commission hereby levies and assesses for Fiscal Year 2021-2022 100% of the cost of improving and maintaining streets and alleys in Street Maintenance District No. 1 in the amount of \$1,278,988, representing a 24.3% increase from the previous fiscal year, against each and every parcel of land within said district for that part of the cost which its assessable area bears to the assessable area of the entire district exclusive of streets, avenues, alleys and public places, all as set forth in the list of all parcels of property in said district which contains the name of each parcel owner and the amount levied thereon. A copy of said list is on file and open for public inspection in the office of the City of Livingston, 414 East Callender Street, Livingston, Montana.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 20th day of July, 2021.

DOREL HOGLUND - Chairperson

ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

File Attachments for Item:

H. RESOLUTION NO. 4981: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$84,600 FOR THE FISCAL YEAR 2021-2022 AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT.

RESOLUTION NO. 4981

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$84,600 FOR FISCAL YEAR 2021-2022 AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT.

WHEREAS, the City of Livingston has created Special Improvement Lighting District No. 20 for the purpose of providing for general public health, safety and welfare by lighting streets for vehicular and pedestrian safety and as a deterrent to criminal activity; and

WHEREAS, the estimated costs of maintaining lights and supplying electrical current for Lighting District No. 20 for Fiscal Year 2021-2022 is \$84,600; and

WHEREAS, the City hereby levies and assesses 100% of the costs for maintaining the lights and supplying electrical current against each parcel of land within said district for that part of the cost which its assessable area bears to the assessable area of the district which such parcel is located exclusive of streets, avenues, alleys and public places; and

WHEREAS, the City Commission finds that all parcels of property located within the district will benefit from maintaining lights and supplying electrical current for Lighting District No. 20; and

WHEREAS, a list of all parcels of property to be assessed within said district which contain the name of each parcel owner and the amount to be levied and assessed thereon is on file and open for public inspection in the office of the City of Livingston, 414 East Callender Street, Livingston, Montana; and

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

That Special Improvement Lighting District No. 20 is defined as including each and every parcel of property located in the City of Livingston, including all annexations thereto.

BE IT FURTHER RESOLVED that the City Commission hereby levies and assess for Fiscal Year 2021-2022 100% of the cost of maintaining and supplying electrical current for Special Lighting District No. 20 is in the amount of \$84,600 against each and every parcel of land within said district for that part of the cost which its assessable area bears to the assessable area of the entire district exclusive of streets, avenues, alleys and public places, all as set forth in the list of all parcels of property in said district which contains the name of each parcel owner and the amount levied thereon. A copy of said list is on file and open for public inspection in the office of the City of Livingston, 414 East Callender Street, Livingston, Montana.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 20th day of July, 2021.

DOREL HOGLUND
Chairperson

ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

File Attachments for Item:

I. RESOLUTION NO. 4982: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, MODIFYING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES THEREIN AND TO LEVY AND ASSESS 100% OF THE ESTIMATED COSTS OF \$65,000 FOR THE FISCAL YEAR 2021-2022 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT, AND CALLING FOR A PUBLIC HEARING.

RESOLUTION NO. 4982

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, MODIFYING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES THEREIN AND TO LEVY AND ASSESS 100% OF THE ESTIMATED COSTS OF \$65,000 FOR FISCAL YEAR 2021-2022 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT, AND CALLING FOR A PUBLIC HEARING.

WHEREAS, the City of Livingston has created Special Improvement Lighting District No. 20 for the purpose of providing for general public health, safety and welfare by lighting streets for vehicular and pedestrian safety and as a deterrent to criminal activity; and

WHEREAS, pursuant to 7-12-4351, MCA, it is the intent of the City Commission to make a modification to Street Lighting District No. 20 by replacing existing street lights; and

WHEREAS, it is the intent to replace street lights in conjunction with the street improvements plans where necessary and/or desirable; and

WHEREAS, the City hereby levies and assesses 100 percent of the estimated costs of \$65,000 for replacing street lights against each parcel of land within said district for Fiscal Year 2021-2022 for that part of the cost which its assessable area bears to the assessable area of the district which such parcel is located exclusive of streets, avenues, alleys and public places; and

WHEREAS, the City Commission finds that all parcels of property located within the district will be benefitted from replaced street lights; and

WHEREAS, a list of all parcels of property to be assessed within said district which contain the name of each parcel owner and the amount to be levied and assessed thereon is on file and open for public inspection in the office of the City of Livingston, 414 East Callender Street, Livingston, Montana; and

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

That Special Improvement Lighting District No. 20 is defined as including each and every parcel of property located in the City of Livingston, including all annexations thereto.

BE IT FURTHER RESOLVED that the City Commission hereby modifies Special Improvements Lighting District by replacing lights and appurtenances therein and hereby levies and assesses, for Fiscal Year 2021-2022, 100% of the cost of replacing street lights in the amount of \$65,000 against each and every parcel of land within said district for that part of the cost which its assessable area bears to the assessable area of the entire district exclusive of streets, avenues, alleys and public places, all as set forth in the list of all parcels of property in said district which contains the name of each parcel owner and the amount levied thereon. A copy of said list is on file and open for public inspection in the office of the City of Livingston, 414 East Callender Street, Livingston, Montana.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 20th day of July, 2021.

DOREL HOGLUND
Chairperson

ATTEST:

APPROVED AS TO FORM:

FAITH KINNICK
Recording Secretary

COURTNEY LAWELLIN
City Attorney

File Attachments for Item:

A. DISCUSS/APPROVE/DENY: COMMISSION TO APPOINT TWO APPLICANTS TO SERVE ON THE CITY/COUNTY AIRPORT BOARD.

Application for Volunteer Boards and Advisory Committee
Park County, Montana

Date: 3/10/2021 Name of Board: CITY/COUNTY AIRPORT BOARD
 Name: STEVE KOONTZ
 Address: 1007 EAGLE CT.
 Daytime Phone: 220-8181 Evening Phone: 220-8181
 Email Address: SKOONTZ@Q.COM Fax Number: _____
 Are you a resident of Park County? YES
 Reasons you are interested in this position:
LOTS HAPPENING WANT TO HELP

Describe any background, experience and interests that you have which may assist you in performing the responsibility of this appointment:

Occupation: _____
 Education: _____
 Experience: _____

(Please attach a detailed resume if desired)

Have you served on any previous boards or in any governmental positions in the past?
 If yes, please explain: _____

Circle which meetings you would be available for: Night Daytime Both

Do you foresee any potential conflicts of interest that you might have in performing the duties as a board member? (See attached letter as example) If yes, please explain:

If a conflict of interest arose for you, how would you deal with it as an appointed member of the board? _____

Please return this application to Park County Commissioners office. It can be returned in person, fax, by mail to 414 E. Callender St. Livingston, MT 59047 Fax- 222-4160



Application for Volunteer Boards and Advisory Committee
Park County, Montana

Date: February 12, 2021 Name of Board: Park County Airport Board

Name: Andrew Sanders

Address: PO Box 2489, Livingston MT 59047 / 131 Sunset Drive, Livingston MT 59047-4716

Daytime Phone: 206-851-9087 Evening Phone: Same

Email Address: ap_sand@yahoo.com Fax Number: None

Are you a resident of Park County? Yes

Reasons you are interested in this position: I've a life long interest in aviation. As a youth, a number of people in the aviation community took me under their wing and guided me to a productive path in life. With my retirement, I find that I have the time and opportunity to pay back their investment in me and perhaps have a positive influence on others.

Describe any background, experience and interests that you have which may assist you in performing the responsibility of this appointment:

Occupation: Retired from The Boeing Company as a Project Manager.

Education: BS in Aerospace Engineering with minors in Electrical Engineering, Math and Science.

Experience: Private pilot, aircraft owner, member EAA & AOPA. Experience in Engineering, Project Management, Process Development and Training

(Please attach a detailed resume if desired)

Have you served on any previous boards or in any governmental positions in the past?

If yes, please explain: No previous board or governmental experience.

Circle which meetings you would be available for: Night Daytime Both

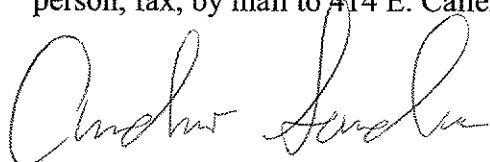
Do you foresee any potential conflicts of interest that you might have in performing the duties as a board member? (See attached letter as example) If yes, please explain:

I am unaware of any potential conflicts of interests. I have no business interests with the airport, city or county. I do not have any conflict with anyone associated with the airport or any city/county boards.

For full disclosure, I am a current hangar tenant but don't believe that would prevent me from being objective about airport issues.

If a conflict of interest arose for you, how would you deal with it as an appointed member of the board? I would explain the potential conflict and recuse myself from any decision on that issue.

Please return this application to Park County Commissioners office. It can be returned in person, fax, by mail to 414 E. Callender St. Livingston, MT 59047 Fax- 222-4160

 12-FEB-2021

Application for Volunteer Boards and Advisory Committee
Park County, Montana

Date: 5/11/21 Name of Board: Airport

Name: Katie Weaver

Address: 414 W Front Street, Livingston, MT 59047

Daytime Phone: 599-4822 Evening Phone: 599-4822

Email Address: ktweaver@gmail.com Fax Number: _____

Are you a resident of Park County? Yes

Reasons you are interested in this position: I am interested in the change and growth occurring at the airport and would like to help the board thoughtfully and strategically manage this change. Boards play an important role in guidance and oversight and I'd like to work to ensure good communication between the board, FBO, Commission, and Park County staff.

Describe any background, experience and interests that you have which may assist you in performing the responsibility of this appointment:

Occupation: Economic & Community Development Extension Agent

Education: BS Elementary Education, MS Geography

Experience: I have worked with government and nonprofit boards for the last 14 years in various roles, including governance, strategic planning, grant writing, and project management.

(Please attach a detailed resume if desired)

Have you served on any previous boards or in any governmental positions in the past?

If yes, please explain: I have worked for Park County Extension since 2013. In that role I have worked closely with the Cooke City Water District and provided training for boards such as the Fairgrounds and Park Electric. I also served on the FWP Citizen's Advisory Committee from 2012 - 2015.

Circle which meetings you would be available for: Both

Do you foresee any potential conflicts of interest that you might have in performing the duties as a board member? (See attached letter as example) If yes, please explain:

No

If a conflict of interest arose for you, how would you deal with it as an appointed member of the board? Disclose it and recuse myself from any official action.

Please return this application to Park County Commissioners office. It can be returned in person, fax, by mail to 414 E. Callender St. Livingston, MT 59047 Fax- 222-4160

PARK COUNTY ATTORNEY'S OFFICE

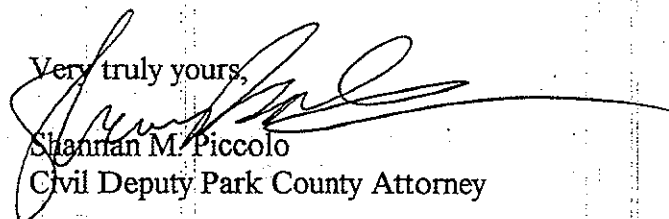
414 East Callender Street • Livingston, MT 59047 • Telephone: (406) 222-4150 • Fax (406) 222-4152


DATE: *May 17, 2010*
TO: *All Park County Boards*
FROM: *Shannan M. Piccolo, civil deputy county attorney*
RE: *Conflict of Interest Update*

The Montana Code of Ethics applies to all members of a quasi-judicial board or a board with rule-making authority. As a board member you have a duty to do what is in the best interest of the state, county and public as a whole. A member of a board may not perform an official act that may directly or substantially affect the member's private business or in which the member has a substantial financial interest. An official act means a vote, decision, recommendation, approval, disapproval, or other action, including inaction, that involves the use of discretionary authority. The law governing conflict of interest is very narrow and only applies to financial interests. However, if a board member has any other conflict such as a personal relationship (positive or negative) that would interfere with their duty the member should refrain from acting.

At the beginning of each board meeting, there must be a request by the chair for all board members to disclose any conflict of interest they may have. If a board member has a conflict of interest they may not vote on that issue, but may take part in the rest of the meeting. However, if a situation arises where a member may appear to have a financial interest in a matter before the board, the board member must disclose the interest. If there is no conflict and only an appearance of one, the member may vote after disclosing the situation.

An example of a conflict of interest would be the Airport Board hearing a request to resurface the runway and a member owns a paving company that submitted a bid to do the resurfacing. Another example would be the Board of Adjustments hearing a variance request for a gravel pit next to a member's property and the gravel pit would have a negative impact on the value of the member's property. If you have a concern regarding whether or not there is a conflict, please feel free to contact me.

Very truly yours,

Shannan M. Piccolo
Civil Deputy Park County Attorney


RECEIVED MAY 17 2010

File Attachments for Item:

B. DISCUSS/APPROVE/DENY: ACCEPTING LOCAL GOVERNMENT REVIEW COMMITTEE RECOMMENDATION AND DIRECTING CITY STAFF TO DRAFT A RESOLUTION CALLING FOR AN ELECTION ON THE BALLOT ISSUE ON THE QUESTION OF WHETHER THE ELECTORS OF THE CITY OF LIVINGSTON SHOULD ADOPT A SELF-GOVERNMENT CHARTER WITH A COMMISSION MANAGER FORM OF GOVERNMENT, TO THE AUGUST 3, 2021, MEETING.

July 8, 2021

97

To: Livingston City Commission

From: Steve Caldwell, Lauri Bishop, Bryan Beitel, Mitch Grady, and Mary Anne Keyes

Re: Local Government Review Committee Recommendation

Recommendation

The committee recommends that the Livingston City Commission preserves the current commission-manager form of government and adopt a charter to attain self-governing powers. The commission-manager government in place in Livingston for over twenty years appears to have provided responsive effective local government. No identified any potential downside to adopting a city charter have been identified. The committee recommends the attached proposed charter be submitted to the voters.

Background

This committee met May 2020 through July of 2021.

Form

The committee reviewed the four forms of government possible under general powers:

- 1) Town Meeting Government (7-3-6)
- 2) Strong Mayor Municipal Government (7-3-41)
- 3) Municipal Commission Government (7-3-42)
- 4) Municipal Commission Manager Government (7-3-43 & 44)

Upon review the committee found the commission-manager form unifies the city administrative functions under a single executive who remains accountable to the elected commission and to the electorate. In contrast to an elected mayor, for example, the manager can be removed by the commission at any time and for any reason. A city manager typically has formal training in municipal administration and often holds a Master of Public Administration degree. Because the manager brings knowledge and expertise specific to the role of municipal management, they can often be effective at guiding a community through times of significant growth and change.

Through our research, the committee discovered the commission-manager form of government is the most common form in the United States, according to the International City Managers Association. In 2006, 55% of all U.S. municipalities have a city manager. Twelve Montana cities and towns have adopted this form of government, beginning with Bozeman in 1921.

Powers

The committee also reviewed governments with general powers and those with self-governing (charter) powers. The committee found self-governing powers (charter) would clarify the specific roles, responsibilities, and limitations of the respective powers of the manager and the commission. A charter providing self-governing powers is conducive to a more efficient, adaptive, and responsive government, and is well suited for our rapidly changing community. The committee found no downside to self-governing powers. Nine Montana communities have a commission-manager form of government with self-governing powers. Havre is the most recent city to adopt a charter form of government, in response to a housing issue. Twelve Montana municipalities have a commission-manager form with self-governing powers including: Anaconda-Deer Lodge, Butte-Silver Bow, Belgrade, Billings, Bozeman, Polson, Great Falls, Helena, Lewistown, West Yellowstone, and Whitefish.

EXHIBIT B

**CERTIFICATE ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT FOR
THE CITY OF LIVINGSTON
CHARTER**

PREAMBLE

**WE, THE PEOPLE OF THE CITY OF LIVINGSTON, COUNTY OF PARK
STATE OF MONTANA**, in accordance with Article XI, Section 5 and 6 of the Constitution of
Montana do hereby adopt this self-government Charter.

**ARTICLE I
POWERS OF THE CITY**

Section 1.01 Powers of the City of Livingston

The City of Livingston shall have all powers not prohibited by the Constitution of Montana, the laws of Montana or this Charter.

Section 1.02 Interpretation of Powers

1. The self-government powers and authority of the City shall be liberally construed. Every reasonable doubt as to the existence of a city power or authority shall be resolved in favor of the existence of that power or authority.
2. As provided by Article XI, Section 5 and 6 of the Constitution of Montana, and 7-1-101 through 7-1-115 Montana Code Annotated, provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

Section 1.03 Restrictions

1. The property tax mill levy of the City shall be limited to that of Montana municipal governments with general powers, except with the prior approval of the electors of the City voting on the question in a general or special municipal election.
2. No increase in any city license fee, user fee or utility charge shall be made without conducting a public hearing as required by law.

**ARTICLE II
LEGISLATIVE BRANCH**

Section 2.01 City Commission

The legislative branch of the City shall be the city commission which shall be the governing body of the City.

Section 2.02 Composition

The city commission shall consist of five elected members who shall be elected at large.

EXHIBIT B

**CERTIFICATE ESTABLISHING THE PROPOSED PLAN OF GOVERNMENT FOR
THE CITY OF LIVINGSTON
CHARTER**

PREAMBLE

**WE, THE PEOPLE OF THE CITY OF LIVINGSTON, COUNTY OF PARK
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**ARTICLE I
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Section 1.02 Interpretation of Powers

- 1. The self-government powers and authority of the City shall be liberally construed. Every reasonable doubt as to the existence of a city power or authority shall be resolved in favor of the existence of that power or authority.
- 2. As provided by Article XI, Section 5 and 6 of the Constitution of Montana, and 7-1-101 through 7-1-115 Montana Code Annotated, provisions herein establishing executive, legislative and administrative structure and organization are superior to statutory provisions.

Section 1.03 Restrictions

- 1. The property tax mill levy of the City shall be limited to that of Montana municipal governments with general powers, except with the prior approval of the electors of the City voting on the question in a general or special municipal election.
- 2. No increase in any city license fee, user fee or utility charge shall be made without conducting a public hearing as required by law.

**ARTICLE II
LEGISLATIVE BRANCH**

Section 2.01 City Commission

The legislative branch of the City shall be the city commission which shall be the governing body of the City.

Section 2.02 Composition

The city commission shall consist of five elected members who shall be elected at large.

Section 2.03 Qualifications for Office

Any resident of the City of Livingston who is 18 years of age or older, a resident of Montana and a qualified elector pursuant to Article IV, Section 2 of the Montana Constitution, and who has resided within the city limits of the City of Livingston for more than one year is eligible to hold the office of city commissioner.

Section 2.04 Term of office

Members of the commission shall be elected to four year, overlapping terms of office.

Section 2.05 Election

The election of commission members shall be conducted on a nonpartisan basis.

Section 2.06 Vacancy in Office

The office of commissioner becomes vacant as prescribed by law.

Section. 2.07 Removal from Office

A commissioner may be removed from office by a finding adopted by the affirmative vote of three commissioners, that the office has become vacant as prescribed by law, or by the recall of the commissioner by the electors of Livingston, as prescribed by law

Section 2.08 Filling a Vacancy on Commission

When a vacancy occurs in the office of commissioner, this position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the commission shall appoint within 30 days of the vacancy, by the affirmative vote of three (3) commissioners, a person possessing the qualifications for office required by law and this Charter to hold the office until the successor is elected and qualified.

Section 2.09 Powers and Duties

1. The commission shall be the legislative and policy-making body of the City. All governing powers of the City shall be vested in the city commission, except as otherwise provided by law or this Charter, and the commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed upon the City by law or this Charter.
2. All members of boards, other than temporary advisory committees established by the city manager, shall be appointed by the commission. The appointment process shall be prescribed by commission resolution.
3. The chairman of the commission, who shall be its presiding officer shall be selected by the commission from its own number, shall vote as other members of the commission and shall have no veto authority. In the absence of the chairman, the commission shall select from its own number a person to serve as acting chairman.
4. The chairman shall be recognized as the principal officer of city government for ceremonial purposes and shall have no other executive or administrative duties except as specifically prescribed by majority vote of the commission.

Section 2.10 Legislative Action

A quorum of not less than three commission members must be present when official actions are taken by the commission. The affirmative vote of the majority of members present shall be required for all official actions of the commission, unless otherwise specified by law.

Section 2.11 Procedure

The commission shall, by resolution, establish its rules of procedure and time and place of meetings.

Section 2.12 Compensation

The compensation of the commission shall be set by resolution.

ARTICLE III EXECUTIVE BRANCH

Section 3.01 The Manager

The city manager, who shall be the chief executive and chief administrative officer of the City, shall be appointed by the commission for an indefinite term on the basis of merit only and removed only by a majority vote of the whole number of the commission.

Section 3.02 Duties of the Manager

The manager shall:

- 1) enforce laws, ordinances, and resolutions;
- 2) perform the duties required of him or her by law, ordinance, or resolution;
- 3) administer the affairs of the local government;
- 4) direct, supervise, and administer all departments, agencies, and offices of the local government unit except as otherwise provided by law or ordinance;
- 5) carry out policies established by the commission;
- 6) prepare the commission agenda;
- 7) recommend measures to the commission;
- 8) report to the commission on the affairs and financial condition of the local government;
- 9) execute bonds, notes, contracts, and written obligations of the commission, subject to the approval of the commission;
- 10) report to the commission as the commission may require;
- 11) attend commission meetings and may take part in the discussion, but he or she may not vote;
- 12) prepare and present the budget, to the commission for its approval and execute the budget adopted by the commission;
- 13) appoint, suspend, and remove all employees of the local government except as otherwise provided by law or ordinance;
- 14) appoint members of temporary advisory committees established by the manager.

Section 3.03 City Manager's Supervisory Authority

Employees appointed by the city manager and his or her subordinates shall be administratively responsible to the city manager. Neither the commission nor any of its members may dictate the

appointment or removal of any employee whom the manager or any subordinates are empowered to appoint. Except for the purpose of inquiry or investigation ordered by a majority vote of the commission, the commission and any of its members shall deal with city employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the commission nor its members may give orders to any such employee, either publicly or privately.

Section 3.04 Compensation

The compensation of the manager shall be set by resolution.

**ARTICLE IV
JUDICIAL BRANCH**

Section 4.01 City Court

There shall be a city court as provided by law.

**ARTICLE V
DEPARTMENT STRUCTURE**

Section 5.01 Organization of Departments

The organization of city departments shall be prescribed by ordinance.

**ARTICLE VI
GENERAL PROVISIONS**

Section 6.01 Amendment of Charter

This Charter may be amended only as prescribed by state law.

Section 6.02. Effective Date

This Charter shall become effective on January 1, 2007.

Section 6.03 Oath of Office

Before assuming the duties of office, an elected city official shall take and subscribe to the oath of office as prescribed in Article III, Section 3 of the Constitution of Montana.

Section 6.04 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter, or any part of its provisions, to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

**ARTICLE VII
TRANSITIONAL PROVISIONS**

Section 7.01 General Transition

Transition to this charter form of government shall be as prescribed by state law. The commission shall provide for such transition with an advisory plan consistent with law. The provisions of this transition article shall not be published as part of the Charter after January 1, 2007.

Section 7.02 Continuation in Office

1. No current city employee will lose employment solely because of the adoption of this Charter.
2. All persons holding elective office at the time this Charter is adopted may continue in office until their successors are elected, qualified and sworn into their respective offices.

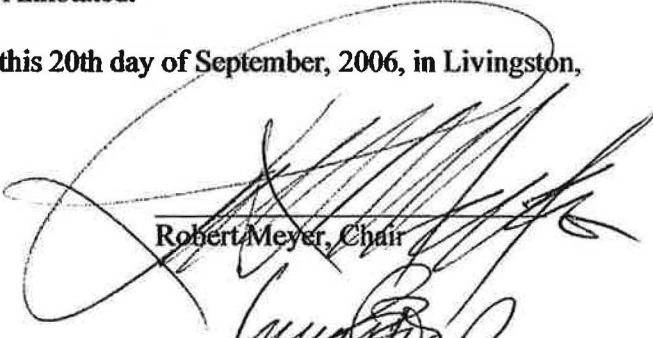
Section 7.03 Review of Existing Ordinances

All city ordinances, resolutions, and rules of the City of Livingston shall remain in effect until reviewed, revised or repealed by the city commission. The city commission shall cause to be reviewed all such ordinances, resolutions and rules of the City and, where necessary, revise or repeal all city ordinances, resolutions and rules to provide for compliance and consistency with this Charter and state law no later than January 1, 2007.

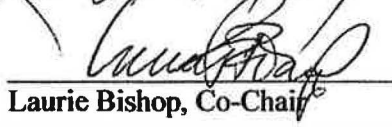
* * * * *

We, the duly elected Livingston Study Commission, do hereby certify that this is the proposed plan of government approved by the Livingston Study Commission as authorized by Title 7, Chapter 3, Part 3 of the Montana Code Annotated.

In testimony whereof we set our hands this 20th day of September, 2006, in Livingston, Montana.



Robert Meyer, Chair



Laurie Bishop, Co-Chair



Tom Kitts

ATTEST: _____
Denise Nelson, Clerk

File Attachments for Item:

C. DISCUSS/APPROVE/DENY: SUBMITTING TO THE ELECTORS OF THE CITY OF LIVINGSTON A GENERAL OBLIGATION BOND IN THE AMOUNT OF \$18M FOR THE PURPOSE OF FUNDING THE CONSTRUCTION OF A SEPARATED GRADE RAIL CROSSING AND INFRASTRUCTURE.

RESOLUTION NO. ___

A RESOLUTION OF THE CITY COMMISSION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF LIVINGSTON, MONTANA, THE QUESTION OF THE ISSUANCE OF A GENERAL OBLIGATION BOND IN A PRINCIPAL AMOUNT NOT TO EXCEED \$18,000,000 FOR THE PURPOSE OF FUNDING THE CONSTRUCTION OF A SEPARATED GRADE RAIL CROSSING AND ITS ATTENDANT INFRASTRUCTURE; AND TAKING CERTAIN OTHER ACTIONS WITH RESPECT THERETO

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

WHEREAS, pursuant to Title 7, Chapter 7, Part 42, as amended (the “Act”) to issue general obligation bonds or incur indebtedness for any purpose authorized by the electors of such jurisdiction provided that the amount of all outstanding indebtedness of the municipality does not exceed two and one-half percent (2.5%) of the total assessed value of taxable property in the municipality as determined by Montana Code Annotated Section 15-8-11, as amended and as ascertained by the last assessment for state and county taxes; and

WHEREAS, the City Commission of the City has determined that need exists for the construction of a separated grade crossing to serve the City at Montana Highway 10 near PFL Way in the City (the “Railroad Crossing Project”) and the citizen electorate has the right to determine whether the City will issue one or more series of general obligation bonds in an original aggregate principal amount not to exceed \$18,000,000 (the “Bonds”) for the purpose of funding the construction of the Railroad Crossing Project and the costs of issuance of the Bonds; and

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

WHEREAS, the City Commission has determined that the issuance of the Bonds in an amount not to exceed \$18,000,000, plus the outstanding general obligation indebtedness of the City, will not cause the City to exceed its indebtedness limitation set forth in Section 7-7-4201 of the Act; and

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

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

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

WHEREAS, the City Commission has determined that it is necessary and desirable to submit to the electors of the City the question of the issuance of the Bonds in order to fund the Railroad Crossing Project in an original aggregate principal amount not to exceed \$18,000,000; and

WHEREAS, it is the judgment of the City Commission that the sum of \$18,000,000, along with other funds of the City which may include special improvement district bonds, if necessary, is estimated to be necessary to construct the Railroad Crossing Project and attendant infrastructure; and

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

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

1. Calling the Election. This City Commission has determined that there shall be submitted to the electors of the City the question of whether or not the City Commission shall be authorized to issue the Bonds in order to fund the Railroad Crossing Project and pay costs of issuance of the Bonds. The ballot question shall be on the issuance of the Bonds in order to fund the Railroad Crossing Project in an original aggregate principal amount not to exceed eighteen million dollars and 00/100 cents (\$18,000,000). The City Commission hereby calls a special City election (the “Bond Election”) to be held in conjunction with the general election on Tuesday, November 2, 2021 for the purpose of voting on authorizing the issuance of the Bonds in order to fund the Railroad Crossing Project.

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

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

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

3. Estimated Costs. The estimated cost of the Railroad Crossing Project (not including costs of issuance) payable from the proceeds of the Bonds shall be \$18,000,000. A portion of the cost of the Railroad Crossing Project shall be payable from other legally available resources of the City, which may include the proceeds of special improvement district bonds.

4. Debt Limitations. The issuance of the Bonds in an original aggregate principal amount not to exceed eighteen million dollars and 00/100 cents (\$18,000,000), along with the outstanding general obligation indebtedness of the City as of July 1, 2021, shall not cause the City to exceed the City’s debt limitation contained in Section 7-7-4201 of the Act.

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

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

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

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

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

Those regulations (Treasury Regulations, Section 1.150-2) (the “Reimbursement Regulations”) require that the City adopt a statement of official intent to reimburse an original expenditure not later than sixty (60) days after payment of the original expenditure. The Reimbursement Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds occur within eighteen (18) months after the later of: (i) the date the expenditure is paid; or (ii) the date the project is placed in service or abandoned, but in no event more than three years after the date the expenditure is paid. The Reimbursement Regulations generally permit reimbursement of capital expenditures and costs of issuance of the Bonds.

To the extent any portion of the proceeds of the Bonds will be applied to expenditures with respect to the acquisition of the Equipment, the City reasonably expects to reimburse the City for the expenditures made for costs of the Equipment from the proceeds of the Bonds after the date of payment of all or a portion of such expenditures. All reimbursed expenditures shall be capital expenditures, costs of issuance of the Bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulations and also qualifying expenditures under the Act.

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

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

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIVINGSTON,
MONTANA, THIS THIRD DAY OF AUGUST, 2021.**

DOREL HOGLUND- CHAIR

ATTEST:

APPROVED TO AS FORM:

FAITH KINNICK
Recording Secretary

COURTNEY JO LAWELLIN
City Attorney

EXHIBIT A

NOTICE OF BOND ELECTION

CITY OF LIVINGSTON, MONTANA

_____, 2021

General Obligation Bonds

NOTICE IS HEREBY GIVEN by the City Commission (the “City Commission”) of the City of Livingston, Montana (the “City”), that pursuant to a certain resolution duly adopted at a regular meeting of the City Commission on August 3, 2021, an election of the registered voters will be held in and for the City on Tuesday, November 2, 2021, for the purpose of voting on the question whether or not the City Commission of the City shall be authorized to issue and sell general obligation bonds (the “Bonds”) of the City in the amount not to exceed Eighteen Million and No/100 Dollars (\$18,000,000) for the purpose of the construction of a separated grade crossing to serve the City at Montana Highway 10 near PFL Way in the City (the “Railroad Crossing Project”). The Bonds shall bear interest at a rate to be determined by the City Commission, payable semiannually over a term commensurate with the useful life Railroad Crossing Project to be financed, but not to exceed twenty (20) years and redeemable as determined by the City Commission. The costs associated with the issuance of the Bonds will also be paid from Bond proceeds.

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

[ADDITIONAL INFORMATION AS REQUIRED BY THE ELECTION ADMINISTRATOR]

DATED this ____ day of _____, 2021.

Park County Election Administrator

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

EXHIBIT B
FORM OF BALLOT

CITY OF LIVINGSTON, MONTANA
GENERAL OBLIGATION BOND ELECTION

NOVEMBER 2, 2021

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

GENERAL OBLIGATION BONDS

Shall the City Commission of the City of Livingston, Montana (the “City”) be authorized to issue and sell general obligation bonds (the “Bonds”) of the City in the original aggregate principal amount not to exceed Eighteen Million and No/100 Dollars (\$18,000,000) the construction of a separated grade crossing to serve the City at Montana Highway 10 near PFL Way. Proceeds of the Bonds will also pay the costs associated with the issuance and sale of the Bonds. The Bonds shall bear interest at a rate to be determined by the City Commission, payable semiannually over a term commensurate with the useful life of the improvements to be financed, but not to exceed twenty (20) years and redeemable as determined by the City Commission.

- FOR ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS

- AGAINST ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being duly qualified and acting recording officer of City of Livingston, Park County, Montana (the "City"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "A RESOLUTION OF THE CITY COMMISSION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF LIVINGSTON, MONTANA, THE QUESTION OF THE ISSUANCE OF A GENERAL OBLIGATION BOND IN A PRINCIPAL AMOUNT NOT TO EXCEED \$18,000,000 FOR THE PURPOSE OF FUNDING THE CONSTRUCTION OF A SEPARATED GRADE RAIL CROSSING AND ITS ATTENDANT INFRASTRUCTURE; AND TAKING CERTAIN OTHER ACTIONS WITH RESPECT THERETO" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission at a regular meeting on August 3, 2021, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

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

voted against the same:

abstained from voting thereon:

or were absent:

WITNESS my hand officially this 3rd Day of August 2021.

Clerk of the Commission