



# Livingston City Commission Agenda

August 03, 2021

5:30 PM

City – County Complex, Community Room

414 E. Callender St.

Livingston, MT 59047

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 JULY 20, 2021, REGULAR MEETING. PG.**

**B. RATIFY CLAIMS PAID 07/09/2021-07/26/2021. PG.**

**C. ACCEPTING BOARD RECOMMENDATION TO FILL A VACANCY ON THE CITY ZONING COMMISSION FOR A MEMBER WITH AN UNEXPIRED TERM ENDING 12/31/2021. PG.**

**D. APPROVE APPLICATION FOR ADDITIONAL HANDICAP PARKING TO SERVE RESIDENTS OF THE SHERWOOD APARTMENT BUILDING. PG.**

**E. ACCEPT LIVINGSTON CITY COURT FINANCIAL REPORT FROM MAY 2021. PG.**

**F. ACCEPT PLEDGED SECURITIES REPORT FROM JUNE 2021. PG.**

7. Proclamations

8. Scheduled Public Comment

**A. SCHEDULED PUBLIC COMMENT: MATT FETTIG OF NORTHWESTERN ENERGY OR PUBLIC WORKS DIRECTOR SHANNON HOLMES PRESENTS INFORMATION REGARDING NORTHWESTERN ENERGY'S LED RETROFIT PROJECT. PG.**

9. Public Hearings

**A. ORDINANCE NO. 3011: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 17 - SAFETY INSPECTION CERTIFICATE, SPECIAL BUSINESS LICENSE, AND ALCOHOL BEVERAGE LICENSE ACT AS ENACTED BY ORDINANCE NO. 2026 REGULATING THE INSPECTION AND LICENSING OF BUSINESSES. PG.**

**B. PUBLIC HEARING: 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).  
PG.

**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. PG.

**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 BY 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. PG.

**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. PG.

10. Ordinances

11. Resolutions

**A.** RESOLUTION NO. 4983: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 26 FLESHMAN CREEK ROAD. PG.

**B.** RESOLUTION NO. 4984: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 72 NORTH 8TH STREET AND 72 NORTH 9TH STREET. PG.

**C.** RESOLUTION NO. 4985: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS THE PROPERTY OF THE LIVINGSTON SCHOOL DISTRICT OFF OF SCENIC TRAIL AND IS DESCRIBED AS LOT 1 OF SUBDIVISION 183 IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 9 EAST. PG.

**D.** RESOLUTION NO. 4986: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS THE PROPERTY BETWEEN ARBOR DRIVE AND BENNETT STREET BOUNDED BY MILES LANE/CHESTNUT LANE, THE CITY TRANSFER STATION AND THE YELLOWSTONE RIVER IN SECTION 7 IN TOWNSHIP 2 SOUTH RANGE 10 EAST. PG.

**E. RESOLUTION NO. 4987: A RESOLUTION OF THE CITY COMMISSION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF LIVINGSTON, MONTANA, THE QUESTION OF ESTABLISHING A CHARTER FORM OF GOVERNMENT FOR THE PURPOSE OF CHANGING THE GENERAL POWERS FORM OF GOVERNMENT TO A SELF-GOVERNMENT FORM THROUGH A CHARTER. PG.**

**F. RESOLUTION NO. 4988: 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 \$20,000,000 FOR THE PURPOSE OF FUNDING THE CONSTRUCTION OF ONE OR MORE SEPARATED GRADE RAIL CROSSING AND RELATED INFRASTRUCTURE; AND TAKING CERTAIN OTHER ACTIONS WITH RESPECT THERETO. PG.**

**G. RESOLUTION NO. 4989: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN AN ANNUAL LEASE AGREEMENT WITH THE MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, FOR A TERM BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022. PG.**

12. Action Items

**A. DISCUSS/APPROVE/DENY: ACCEPTING CITY MANAGER'S RECOMMENDATION TO FILL VACANCY ON THE CITY POLICE COMMISSION.**

**B. SCHEDULE A SPECIAL MEETING TO DISCUSS THE CITY'S GROWTH POLICY, STRATEGIC PLAN, FOCUSING ON PRIORITIES AND FUNDING.**

**C. DISCUSS/APPROVE/DENY: REQUEST FROM THOMAS STORY OF MENDING THE LINE, LLC. FILM PRODUCTION, FOR TEMPORARY WAIVER OF 2-HOUR PARKING ORDINANCE ENFORCEMENT FOR FILM CREW BEGINNING AUGUST 31-SEPTEMBER 4TH. PG.**

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 JULY 20, 2021, REGULAR MEETING.**



# Livingston City Commission Minutes

July 20, 2021

5:30 PM

City – County Complex, Community Room

1. Call to Order

2. Roll Call

In attendance: Vice-Chair Schwarz, Commissioner Friedman, Commissioner Mabie and Commissioner Nootz in attendance. Staff in attendance: City Manager Michael Kardoes; City Attorney Courtney Lawellin; Deputy Planning Director Mathieu Menard, Finance Director Paige Fetterhoff; and City Clerk Faith Kinnick. Chair Hoglund absent.

3. Moment of Silence

4. Pledge of Allegiance

5. Public Comments: none

6. Consent Items (00:03:50)

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

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

**C. APPROVE VANESSA HAINES APPLICATION FOR HANDICAP PARKING SPACE.**

- Motion by Friedman, second by Mabie.
  - All in favor, passes 4-0.

7. Proclamations: none

8. Scheduled Public Comment: none

9. Public Hearings: (00:04:40)

**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).**

- Kardoes gave opening statements
- No public comments
- Nootz asked clarifying question.
- Motion by Friedman, second by Mabie.
  - All in favor, passes 4-0.

**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). (00:07:53)**

- Kardoes gave opening statements
- No public comments
- No commissioner comments
- Motion by Nootz, second by Mabie.
- All in favor, passes 4-0.

**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. (00:10:07)**

- Kardoes asked Mathieu Menard for opening statements
- No public comments
- Nootz made comments
- Schwarz made comments
- Motion by Friedman, second by Mabie.
- All in favor, passes 4-0.

**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. (00:14:20)**

- Kardoes gave opening statements
- No public comments
- Nootz made comments
- Schwarz made comments
- Motion by Friedman, second by Mabie.
- All in favor, passes 4-0.

**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. (00:18:25)**

- Kardoes gave opening statements
- No public comments
- Nootz made comments
- Mabie made comments
- Schwarz made comments
- Motion by Friedman, second by Mabie.
- All in favor, passes 4-0.

**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 WASTE WATER SYSTEM IN THE AMOUNT OF 3.0%. (00:23:38)**

- Kardoes gave opening statements
- No public comments
- Nootz made comments
- Schwarz made comments
- Motion by Nootz, second by Friedman.
- All in favor, passes 4-0.

**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. (00:28:44)**

- Kardoes gave opening statements
- No public comments
- No Commissioner comments
- Motion by Friedman, second by Mabie.
- All in favor, passes 4-0.

**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. (00:31:10)**

- Kardoes gave opening statements

- No public comments
- Nootz made comments
- Mabie made comments
- Motion by Mabie, second by Nootz.
- All in favor, passes 4-0.

**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. (00:36:15)**

- Kardoes gave opening statements
- No public comments
- No Commissioner comments
- Motion by Friedman, second by Mabie.
- All in favor, passes 4-0.

10. Ordinances: none

11. Resolutions: none

12. Action Items: (00:38:20)

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

- Kardoes gave opening statements and his recommendation.
- No public comments
- Nootz made comments
- Mabie made comments
- Friedman made comments
- Schwarz made comments
- Motion by Mabie to approve appointment of Steve Koontz and Katie Weaver to serve on board, second by Nootz.
- All in favor, passes 4-0.

**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. (00:46:28)**



- Kardoes gave opening statements
- No public comments
- Schwarz made comments
- Friedman made comments
- Nootz made comments
- Mabie made comments
- Motion by Friedman, second by Mabie.
- All in favor, passes 4-0.

**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. (01:05:56)**

- Kardoes gave opening statements
- Drew Scott gave public comments (01:09:29)
- Mabie made comments
- Nootz made comments
- Mabie made comments
- Friedman made comments
- Schwarz made comments
- Motion by Mabie to approve with the amendment of increasing the amount to \$20 Million, second by Schwarz.
- Motion passes 3-1, Nootz against.

13. City Manager Comment (01:30:42)

14. City Commission Comments (01:37:10)

15. Adjournment (7:21 p.m.)

# LIVINGSTON CITY COMMISSION WORK SESSION

## Public Comment Sign-in

DATE: 07/20/2021

If you would like to speak to the Commission, please note your name and address will be recorded here. This document is an official public record. Thank you!

**PRINTED NAME/ADDRESS**

**AGENDA ITEM**

- 1. Don Scott 710 Quasar Lane Livingston MT 59017
- 2. \_\_\_\_\_
- 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 07/09/2021-07/26/2021**

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>AAA CLEANING, LLC</b>							
3727	AAA CLEANING, LLC	2021.6.30.1	cleaning	06/30/2021	500.00	500.00	07/15/2021
Total AAA CLEANING, LLC:					500.00	500.00	
<b>ADVANCED TECHNOLOGY PRODUCTS, INC</b>							
3357	ADVANCED TECHNOLOGY PRO	29445	Level Switch	06/28/2021	270.00	270.00	07/15/2021
Total ADVANCED TECHNOLOGY PRODUCTS, INC:					270.00	270.00	
<b>AJ BOWERS</b>							
3570	AJ BOWERS	723340	Tree Limb Removal	06/28/2021	1,500.00	1,500.00	07/15/2021
Total AJ BOWERS:					1,500.00	1,500.00	
<b>ALADTEC, INC.</b>							
3488	ALADTEC, INC.	2021-1808	Subscription	07/01/2021	1,273.50	1,273.50	07/15/2021
3488	ALADTEC, INC.	2021-1808	Subscription	07/01/2021	1,273.50	1,273.50	07/15/2021
Total ALADTEC, INC.:					2,547.00	2,547.00	
<b>ALL SERVICE TIRE &amp; ALIGNMENT</b>							
22	ALL SERVICE TIRE & ALIGNME	62049	Oil Change	06/30/2021	77.00	77.00	07/15/2021
22	ALL SERVICE TIRE & ALIGNME	62088	Tire Repair	07/07/2021	35.00	35.00	07/15/2021
Total ALL SERVICE TIRE & ALIGNMENT:					112.00	112.00	
<b>AMERICAN AUTOMOTIVE</b>							
3378	AMERICAN AUTOMOTIVE	2333	AC RECHARGE	07/01/2021	52.50	52.50	07/15/2021
3378	AMERICAN AUTOMOTIVE	2333	AC RECHARGE	07/01/2021	185.19	185.19	07/15/2021
Total AMERICAN AUTOMOTIVE:					237.69	237.69	
<b>BALCO UNIFORM COMPANY, INC.</b>							
3371	BALCO UNIFORM COMPANY, IN	63039-1	Caitlin-boots	07/06/2021	57.00	57.00	07/15/2021
Total BALCO UNIFORM COMPANY, INC.:					57.00	57.00	
<b>BOUND TREE MEDICAL, LLC</b>							
2662	BOUND TREE MEDICAL, LLC	84120185	Patient Supplies	07/06/2021	321.50	321.50	07/15/2021
2662	BOUND TREE MEDICAL, LLC	84125131	Patient Supplies	07/09/2021	308.40	308.40	07/15/2021
Total BOUND TREE MEDICAL, LLC:					629.90	629.90	
<b>CAROLINA SOFTWARE, Inc.</b>							
3326	CAROLINA SOFTWARE, Inc.	79938	SOFTWARE SUPPORT	07/01/2021	500.00	500.00	07/15/2021
Total CAROLINA SOFTWARE, Inc.:					500.00	500.00	
<b>CARQUEST AUTO PARTS</b>							
23	CARQUEST AUTO PARTS	1912-509809	OIL SEAL ORINGS	06/02/2021	21.72	21.72	07/15/2021
23	CARQUEST AUTO PARTS	1912-509837	AIR FILTERS	06/02/2021	298.35	298.35	07/15/2021
23	CARQUEST AUTO PARTS	1912-510428	TRAILER ADAPTER	06/08/2021	12.34	12.34	07/15/2021
23	CARQUEST AUTO PARTS	1912-5104747	BATTERY LAWN/GARDEN	06/08/2021	37.51	37.51	07/15/2021
23	CARQUEST AUTO PARTS	1912-510485	POWERATED BLT	06/08/2021	26.31	26.31	07/15/2021
23	CARQUEST AUTO PARTS	1912-510559	POWERATED BLT	06/09/2021	8.77-	8.77-	07/15/2021
23	CARQUEST AUTO PARTS	1912-511921	DIESEL EXHAUST FLUID	06/21/2021	126.10	126.10	07/15/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
23	CARQUEST AUTO PARTS	1912-512653	OIL FILTER	06/28/2021	24.81	24.81	07/15/2021
23	CARQUEST AUTO PARTS	1912-512699	AIR FILLTER	06/25/2021	97.26	97.26	07/15/2021
Total CARQUEST AUTO PARTS:					635.63	635.63	
<b>CASELLE</b>							
3763	CASELLE	2021.7	APPLICATION SOFTWARE	07/01/2021	2,476.28	2,476.28	07/15/2021
3763	CASELLE	2021.7	APPLICATION SOFTWARE	07/01/2021	89.77	89.77	07/15/2021
3763	CASELLE	2021.7	APPLICATION SOFTWARE	07/01/2021	89.77	89.77	07/15/2021
3763	CASELLE	2021.7	APPLICATION SOFTWARE	07/01/2021	150.81	150.81	07/15/2021
3763	CASELLE	2021.7	APPLICATION SOFTWARE	07/01/2021	150.80	150.80	07/15/2021
3763	CASELLE	2021.7	APPLICATION SOFTWARE	07/01/2021	240.57	240.57	07/15/2021
Total CASELLE:					3,198.00	3,198.00	
<b>CASHMAN NURSERY &amp; LANDSCAPING</b>							
10001	CASHMAN NURSERY & LANDS	64318	TREES	07/01/2021	7,483.00	7,483.00	07/15/2021
Total CASHMAN NURSERY & LANDSCAPING:					7,483.00	7,483.00	
<b>CENTRAL SERVICES DIVISION</b>							
2571	CENTRAL SERVICES DIVISION	2022-6-056	CJIN Access	06/21/2021	544.98	544.98	07/15/2021
Total CENTRAL SERVICES DIVISION:					544.98	544.98	
<b>CENTRON SERVICES</b>							
682	CENTRON SERVICES	2021.06.25	Parking Collections	06/25/2021	6.67	6.67	07/15/2021
Total CENTRON SERVICES:					6.67	6.67	
<b>CITY OF LIVINGSTON</b>							
131	CITY OF LIVINGSTON	CR2021-012	Bond Conversion - C. Lane	07/13/2021	100.00	100.00	07/13/2021
131	CITY OF LIVINGSTON	TK2020-0358	Bond Conversion - C. Lane	07/13/2021	100.00	100.00	07/13/2021
Total CITY OF LIVINGSTON:					200.00	200.00	
<b>COMDATA</b>							
2671	COMDATA	XW660 6/1/202	CG72T	07/01/2021	2,669.65	2,669.65	07/15/2021
2671	COMDATA	XW660 6/1/202	CG73p	07/01/2021	507.46	507.46	07/15/2021
2671	COMDATA	XW716	CG72P	07/01/2021	211.76	211.76	07/15/2021
2671	COMDATA	XW716	CG72R	07/01/2021	266.41	266.41	07/15/2021
2671	COMDATA	XW716	CG73C-PARKS	07/01/2021	711.17	711.17	07/15/2021
2671	COMDATA	XW716	CG73H	07/01/2021	70.97	70.97	07/15/2021
2671	COMDATA	XW716	CG73L SEWER	07/01/2021	415.80	415.80	07/15/2021
2671	COMDATA	XW716	CG73S-WATER	07/01/2021	1,253.46	1,253.46	07/15/2021
2671	COMDATA	XW716	CG74G-STREETS	07/01/2021	412.89	412.89	07/15/2021
2671	COMDATA	XW716	CG74G-STREETS	07/01/2021	3.62	3.62	07/15/2021
Total COMDATA:					6,523.19	6,523.19	
<b>DEPARTMENT OF REVENUE</b>							
122	DEPARTMENT OF REVENUE	2021_07_14	Western Municipal - Gross Receipt	06/14/2021	2,045.37	2,045.37	07/15/2021
Total DEPARTMENT OF REVENUE:					2,045.37	2,045.37	
<b>ENDRESS+HAUSER INC</b>							
10003	ENDRESS+HAUSER INC	6002251777	MEMOSENS	07/08/2021	674.25	674.25	07/15/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total ENDRESS+HAUSER INC:					674.25	674.25	
<b>ENERGY LABORATORIES, INC.</b>							
424	ENERGY LABORATORIES, INC.	404293	Analysis parameter	07/02/2021	240.00	240.00	07/15/2021
424	ENERGY LABORATORIES, INC.	404294	lead and copper	07/02/2021	240.00	240.00	07/15/2021
Total ENERGY LABORATORIES, INC.:					480.00	480.00	
<b>ERICKSON, STEPHEN</b>							
10003	ERICKSON, STEPHEN	000100	LIFEFUARD COURSE INSTRUC	06/14/2021	1,575.00	1,575.00	07/15/2021
Total ERICKSON, STEPHEN:					1,575.00	1,575.00	
<b>EXEC U CARE SERVICES, INC.</b>							
3298	EXEC U CARE SERVICES, INC.	2709	Janitorial Services	07/06/2021	2,625.38	2,625.38	07/15/2021
Total EXEC U CARE SERVICES, INC.:					2,625.38	2,625.38	
<b>FARSTAD OIL</b>							
3353	FARSTAD OIL	96472	Diesel 308G	07/07/2021	830.98	830.98	07/15/2021
Total FARSTAD OIL:					830.98	830.98	
<b>FISHER SAND AND GRAVEL</b>							
2904	FISHER SAND AND GRAVEL	44346	FlowFILL	06/19/2021	1,128.00	1,128.00	07/15/2021
Total FISHER SAND AND GRAVEL:					1,128.00	1,128.00	
<b>FLATHEAD CONCRETE PRODUCTS, INC.</b>							
2096	FLATHEAD CONCRETE PRODU	20969	LATRINE	06/28/2021	10,643.20	10,643.20	07/15/2021
2096	FLATHEAD CONCRETE PRODU	20969	LATRINE DOOR POWDER COAT	06/28/2021	2,984.00	2,984.00	07/15/2021
Total FLATHEAD CONCRETE PRODUCTS, INC.:					13,627.20	13,627.20	
<b>FRONTLINE AG SOLUTIONS, LLC</b>							
2516	FRONTLINE AG SOLUTIONS, LL	844642	spINDLE	06/16/2021	180.15	180.15	07/15/2021
Total FRONTLINE AG SOLUTIONS, LLC:					180.15	180.15	
<b>GATEWAY OFFICE SUPPLY</b>							
54	GATEWAY OFFICE SUPPLY	51747	Office Supplies	07/07/2021	115.00	115.00	07/15/2021
Total GATEWAY OFFICE SUPPLY:					115.00	115.00	
<b>GENERAL DISTRIBUTING COMPANY</b>							
1845	GENERAL DISTRIBUTING COM	0001013191	Oxygen	06/30/2021	28.20	28.20	07/15/2021
1845	GENERAL DISTRIBUTING COM	0001015031	Oxygen	07/08/2021	414.48	414.48	07/15/2021
Total GENERAL DISTRIBUTING COMPANY:					442.68	442.68	
<b>GOVERNMENTJOBS.COM</b>							
10001	GOVERNMENTJOBS.COM	19437	Recruiting	03/31/2021	945.00	945.00	07/15/2021
Total GOVERNMENTJOBS.COM:					945.00	945.00	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>HIGH COUNTRY WILDLIFE CONTROL</b>							
10002	HIGH COUNTRY WILDLIFE CON	3056	PEST CONTROL	07/07/2021	195.00	195.00	07/15/2021
Total HIGH COUNTRY WILDLIFE CONTROL:					195.00	195.00	
<b>IAFF LOCAL 630</b>							
10003	IAFF LOCAL 630	100	SUSPENDERS	06/01/2021	600.00	600.00	07/15/2021
Total IAFF LOCAL 630:					600.00	600.00	
<b>IMAGE TREND, INC</b>							
3704	IMAGE TREND, INC	129355	reporting software	07/01/2021	2,476.12	2,476.12	07/15/2021
3704	IMAGE TREND, INC	129355	reporting software	07/01/2021	2,476.12	2,476.12	07/15/2021
Total IMAGE TREND, INC:					4,952.24	4,952.24	
<b>INDUSTRIAL TOWEL</b>							
102	INDUSTRIAL TOWEL	69183	mats sewer plant	06/29/2021	45.50	45.50	07/15/2021
102	INDUSTRIAL TOWEL	69636	220 E PARK MATS	07/01/2021	87.97	87.97	07/15/2021
102	INDUSTRIAL TOWEL	69642	110 s B MATS	07/01/2021	36.90	36.90	07/15/2021
102	INDUSTRIAL TOWEL	S68781-00	Mats	06/17/2021	87.97	87.97	07/15/2021
Total INDUSTRIAL TOWEL:					258.34	258.34	
<b>INSTY-PRINTS</b>							
250	INSTY-PRINTS	10943	pROTOCOL BOOKS	07/12/2021	275.02	275.02	07/15/2021
250	INSTY-PRINTS	10967	UTILITY RATE MAILER	07/09/2021	338.89	338.89	07/15/2021
250	INSTY-PRINTS	10967	UTILITY RATE MAILER	07/09/2021	338.88	338.88	07/15/2021
Total INSTY-PRINTS:					952.79	952.79	
<b>KELLEY CONNECT</b>							
10001	KELLEY CONNECT	IN850213	Civic Center printr maint	06/03/2021	230.76	230.76	07/15/2021
10001	KELLEY CONNECT	IN865804	PRINTER	07/06/2021	82.98	82.98	07/15/2021
Total KELLEY CONNECT:					313.74	313.74	
<b>KENYON NOBLE</b>							
776	KENYON NOBLE	8447312	STEAKS	06/28/2021	50.75	50.75	07/15/2021
776	KENYON NOBLE	8449047	GUTTER SEALANT	06/29/2021	62.86	62.86	07/15/2021
776	KENYON NOBLE	8450409	PORTABLE AC	06/29/2021	429.99	429.99	07/15/2021
776	KENYON NOBLE	8472146	FLEX SEALANT	07/10/2021	159.05	159.05	07/15/2021
Total KENYON NOBLE:					702.65	702.65	
<b>KIMBALL MIDWEST</b>							
2863	KIMBALL MIDWEST	9002170	FIRST AID	06/29/2021	143.09	143.09	07/15/2021
Total KIMBALL MIDWEST:					143.09	143.09	
<b>LEHRKIND'S COCA-COLA</b>							
2830	LEHRKIND'S COCA-COLA	229600	Water	07/01/2021	50.70	50.70	07/15/2021
2830	LEHRKIND'S COCA-COLA	229601	Water	07/01/2021	19.50	19.50	07/15/2021
Total LEHRKIND'S COCA-COLA:					70.20	70.20	

Report dates: 7/9/2021-7/27/2021

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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>LEXIPOL</b>							
10003	LEXIPOL	INVPR3389	SUBSCRIPTION	05/19/2021	1,350.00	1,350.00	07/15/2021
10003	LEXIPOL	INVPR3389	SUBSCRIPTION	05/19/2021	810.00	810.00	07/15/2021
Total LEXIPOL:					2,160.00	2,160.00	
<b>LIVINGSTON HEALTH CARE</b>							
55	LIVINGSTON HEALTH CARE	0017345	PATIENT SUPPLY	07/09/2021	184.65	184.65	07/15/2021
55	LIVINGSTON HEALTH CARE	4454110	PATIENT SUPPLY	07/02/2021	108.68	108.68	07/15/2021
55	LIVINGSTON HEALTH CARE	4457280	PATIENT SUPPLY	07/08/2021	84.64	84.64	07/15/2021
Total LIVINGSTON HEALTH CARE:					377.97	377.97	
<b>MASTERCARD</b>							
3184	MASTERCARD	2021_06 FETT	Office supplies	07/01/2021	47.88	47.88	07/16/2021
3184	MASTERCARD	2021_06 FETT	CPFO Exam parking	07/01/2021	7.50	7.50	07/16/2021
3184	MASTERCARD	2021_06 FETT	Air quality monitors	07/01/2021	507.33	507.33	07/16/2021
3184	MASTERCARD	2021_06 FETT	Office supplies	07/01/2021	34.67	34.67	07/16/2021
3184	MASTERCARD	2021_06 FETT	Office supplies	07/01/2021	33.73	33.73	07/16/2021
3184	MASTERCARD	2021_06 FETT	Office supplies	07/01/2021	30.12	30.12	07/16/2021
3184	MASTERCARD	2021_06 FETT	Office supplies	07/01/2021	73.55	73.55	07/16/2021
3184	MASTERCARD	2021_06 FETT	Computer supplies - UPS	07/01/2021	1,120.14	1,120.14	07/16/2021
3184	MASTERCARD	2021_06 FETT	Computer supplies - UPS	07/01/2021	327.16	327.16	07/16/2021
3184	MASTERCARD	2021_06 FETT	Computer supplies	07/01/2021	8.99	8.99	07/16/2021
3184	MASTERCARD	2021_06 FETT	Computer monitor	07/01/2021	497.98	497.98	07/16/2021
3184	MASTERCARD	2021_06 FETT	Office supplies	07/01/2021	64.87	64.87	07/16/2021
3184	MASTERCARD	2021_06 FETT	Office supplies	07/01/2021	422.62	422.62	07/16/2021
3184	MASTERCARD	2021_06 FETT	Office supplies	07/01/2021	29.99	29.99	07/16/2021
3184	MASTERCARD	2021_06 FETT	Weed spray	07/01/2021	39.99	39.99	07/16/2021
3184	MASTERCARD	2021_06 FETT	Scale license renewal	07/01/2021	560.00	560.00	07/16/2021
3184	MASTERCARD	2021_06 FETT	Computer monitor	07/01/2021	449.99	449.99	07/16/2021
3184	MASTERCARD	2021_06 FETT	Office lunch - moving day	07/01/2021	44.99	44.99	07/16/2021
3184	MASTERCARD	2021_06 FETT	Computer monitor	07/01/2021	249.99	249.99	07/16/2021
3184	MASTERCARD	2021_06 GLAS	APCO Interational Inc	07/01/2021	329.00	329.00	07/16/2021
3184	MASTERCARD	2021_06 GLAS	APCO Interational Inc	07/01/2021	309.00	309.00	07/16/2021
3184	MASTERCARD	2021_06 GRA	1 book	07/01/2021	33.95	33.95	07/16/2021
3184	MASTERCARD	2021_06 GRA	2 cans dust-off	07/01/2021	12.58	12.58	07/16/2021
3184	MASTERCARD	2021_06 GRA	9 name tags	07/01/2021	107.00	107.00	07/16/2021
3184	MASTERCARD	2021_06 GRA	tape dispenser; tape	07/01/2021	8.35	8.35	07/16/2021
3184	MASTERCARD	2021_06 GRA	AA batteries	07/01/2021	9.99	9.99	07/16/2021
3184	MASTERCARD	2021_06 GRA	purchase	07/01/2021	100.00	100.00	07/16/2021
3184	MASTERCARD	2021_06 GRA	service charges	07/01/2021	17.99	17.99	07/16/2021
3184	MASTERCARD	2021_06 GRA	masks	07/01/2021	31.98	31.98	07/16/2021
3184	MASTERCARD	2021_06 GRA	masks	07/01/2021	13.98	13.98	07/16/2021
3184	MASTERCARD	2021_06 GRA	4 printer toner cartridges	07/01/2021	414.56	414.56	07/16/2021
3184	MASTERCARD	2021_06 GRA	online seminar	07/01/2021	49.00	49.00	07/16/2021
3184	MASTERCARD	2021_06 HAEF	Curb Box Coupling	07/01/2021	62.94	62.94	07/16/2021
3184	MASTERCARD	2021_06 HAEF	Parts	07/01/2021	227.98	227.98	07/16/2021
3184	MASTERCARD	2021_06 HAEF	Curb Box repair kit	07/01/2021	236.20	236.20	07/16/2021
3184	MASTERCARD	2021_06 HAPP	Clerk Conf. Hotel	07/01/2021	430.44	430.44	07/16/2021
3184	MASTERCARD	2021_06 HAR	stove	07/01/2021	799.00	799.00	07/16/2021
3184	MASTERCARD	2021_06 HAR	training supply	07/01/2021	25.45	25.45	07/16/2021
3184	MASTERCARD	2021_06 HAR	gloves	07/01/2021	126.00	126.00	07/16/2021
3184	MASTERCARD	2021_06 HOFF	A. Roehl Laptop	07/01/2021	1,099.00	1,099.00	07/16/2021
3184	MASTERCARD	2021_06 JOHA	Cases	07/01/2021	38.97	38.97	07/16/2021
3184	MASTERCARD	2021_06 JOHA	Fans	07/01/2021	94.92	94.92	07/16/2021
3184	MASTERCARD	2021_06 JOHA	Tablets	07/01/2021	148.00	148.00	07/16/2021



Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2021_06 JOHA	Tablets	07/01/2021	148.00	148.00	07/16/2021
3184	MASTERCARD	2021_06 JOHA	Tablets	07/01/2021	148.00	148.00	07/16/2021
3184	MASTERCARD	2021_06 JOHA	Respirators	07/01/2021	41.24	41.24	07/16/2021
3184	MASTERCARD	2021_06 JOHA	Small raft	07/01/2021	39.97	39.97	07/16/2021
3184	MASTERCARD	2021_06 JOHA	Electric Plug	07/01/2021	198.00	198.00	07/16/2021
3184	MASTERCARD	2021_06 JOHA	Gloves	07/01/2021	350.90	350.90	07/16/2021
3184	MASTERCARD	2021_06 JOHA	Jesse App. Fee	07/01/2021	70.00	70.00	07/16/2021
3184	MASTERCARD	2021_06 JOHN	O'Brien Trial - Johnson	07/01/2021	317.04	317.04	07/16/2021
3184	MASTERCARD	2021_06 JOHN	O'Brien Trial - Johnson	07/01/2021	99.20	99.20	07/16/2021
3184	MASTERCARD	2021_06 JOHN	O'Brien Trial - Emanual	07/01/2021	116.48	116.48	07/16/2021
3184	MASTERCARD	2021_06 JOHN	O'Brien Trial - Johnson	07/01/2021	50.50	50.50	07/16/2021
3184	MASTERCARD	2021_06 JOHN	training - Gunderson	07/01/2021	221.36	221.36	07/16/2021
3184	MASTERCARD	2021_06 KARD	City Commission Zoom account	07/01/2021	41.50	41.50	07/16/2021
3184	MASTERCARD	2021_06 KINNI	Office Supplies	07/01/2021	3.25	3.25	07/16/2021
3184	MASTERCARD	2021_06 KINNI	Renewal Subscription	07/01/2021	450.00	450.00	07/16/2021
3184	MASTERCARD	2021_06 KINNI	Office Supplies	07/01/2021	299.87	299.87	07/16/2021
3184	MASTERCARD	2021_06 KINNI	New Commissioner Handbooks	07/01/2021	235.17	235.17	07/16/2021
3184	MASTERCARD	2021_06 KINNI	HDMI cable for dispatch	07/01/2021	17.26	17.26	07/16/2021
3184	MASTERCARD	2021_06 KINNI	City Board/Committee account	07/01/2021	57.05	57.05	07/16/2021
3184	MASTERCARD	2021_06 KINNI	2nd Board/Committee account	07/01/2021	57.05	57.05	07/16/2021
3184	MASTERCARD	2021_06 KINNI	Office Supplies	07/01/2021	68.61	68.61	07/16/2021
3184	MASTERCARD	2021_06 KINNI	Office Supplies	07/01/2021	30.83	30.83	07/16/2021
3184	MASTERCARD	2021_06 KINNI	CAT 6 cables for phones & compu	07/01/2021	154.93	154.93	07/16/2021
3184	MASTERCARD	2021_06 KINNI	CAT 6 cables for phones & compu	07/01/2021	119.96	119.96	07/16/2021
3184	MASTERCARD	2021_06 KINNI	Public Relations	07/01/2021	75.00	75.00	07/16/2021
3184	MASTERCARD	2021_06 KINNI	CAT 6 cables for phones & compu	07/01/2021	87.94	87.94	07/16/2021
3184	MASTERCARD	2021_06 KINNI	CAT 6 cables for phones & compu	07/01/2021	38.97	38.97	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Hotel	07/01/2021	105.68	105.68	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Hotel	07/01/2021	325.84	325.84	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Fuel	07/01/2021	66.85	66.85	07/16/2021
3184	MASTERCARD	2021_06 LAWE	meals	07/01/2021	22.00	22.00	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Plant	07/01/2021	124.94	124.94	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Fuel	07/01/2021	56.21	56.21	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Rugs for New Building	07/01/2021	449.10	449.10	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Furniture Movers	07/01/2021	30.86	30.86	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Door Stops	07/01/2021	10.58	10.58	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Bathroom Supplies	07/01/2021	186.21	186.21	07/16/2021
3184	MASTERCARD	2021_06 LAWE	Bathroom Faucets	07/01/2021	299.97	299.97	07/16/2021
3184	MASTERCARD	2021_06 LAWE	meals	07/01/2021	36.16	36.16	07/16/2021
3184	MASTERCARD	2021_06 LAWE	DVD+R	07/01/2021	29.50	29.50	07/16/2021
3184	MASTERCARD	2021_06 LOW	Recruiting advertising	07/01/2021	500.48	500.48	07/16/2021
3184	MASTERCARD	2021_06 LOW	Recruiting advertising	07/01/2021	299.00	299.00	07/16/2021
3184	MASTERCARD	2021_06 LOW	Recruiting advertising	07/01/2021	502.34	502.34	07/16/2021
3184	MASTERCARD	2021_06 LOW	Supplies	07/01/2021	31.78	31.78	07/16/2021
3184	MASTERCARD	2021_06 LOW	Schedule System for Staff	07/01/2021	7.58	7.58	07/16/2021
3184	MASTERCARD	2021_06 LOW	Grant subscription	07/01/2021	34.95	34.95	07/16/2021
3184	MASTERCARD	2021_06 LOW	Recruiting advertising	07/01/2021	384.00	384.00	07/16/2021
3184	MASTERCARD	2021_06 LOW	Subscription	07/01/2021	129.00	129.00	07/16/2021
3184	MASTERCARD	2021_06 MACI	wildland clothing	07/01/2021	225.86	225.86	07/16/2021
3184	MASTERCARD	2021_06 MACI	May	07/01/2021	5,268.95	5,268.95	07/16/2021
3184	MASTERCARD	2021_06 MACI	plaque	07/01/2021	116.00	116.00	07/16/2021
3184	MASTERCARD	2021_06 MACI	carbon hoods	07/01/2021	234.64	234.64	07/16/2021
3184	MASTERCARD	2021_06 MACI	wildland Clothing	07/01/2021	464.97	464.97	07/16/2021
3184	MASTERCARD	2021_06 MACI	M2 Repair	07/01/2021	90.96	90.96	07/16/2021
3184	MASTERCARD	2021_06 MACI	IAFC Member	07/01/2021	260.00	260.00	07/16/2021
3184	MASTERCARD	2021_06 MACI	license	07/01/2021	24.36	24.36	07/16/2021
3184	MASTERCARD	2021_06 MACI	streamlight	07/01/2021	26.44	26.44	07/16/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2021_06 PURK	Postage	07/01/2021	56.80	56.80	07/16/2021
3184	MASTERCARD	2021_06 PURK	Postage	07/01/2021	55.00	55.00	07/16/2021
3184	MASTERCARD	2021_06 PURK	Office Suppies	07/01/2021	9.48	9.48	07/16/2021
3184	MASTERCARD	2021_06 SCH	Boiler License	07/01/2021	70.00	70.00	07/16/2021
3184	MASTERCARD	2021_06 SMIT	Acrobot Pro	07/01/2021	179.88	179.88	07/16/2021
3184	MASTERCARD	2021_06 SMIT	Car wash	07/01/2021	12.00	12.00	07/16/2021
3184	MASTERCARD	2021_06 SMIT	API Services	07/01/2021	200.00	200.00	07/16/2021
3184	MASTERCARD	2021_06 SMIT	Fee	07/01/2021	40.00	40.00	07/16/2021
3184	MASTERCARD	2021_06 SMIT	Parts	07/01/2021	1,115.90	1,115.90	07/16/2021
3184	MASTERCARD	2021_06 SMIT	Gas	07/01/2021	35.10	35.10	07/16/2021
3184	MASTERCARD	2021_06 SMIT	Parts	07/01/2021	14.98	14.98	07/16/2021
3184	MASTERCARD	2021_06 TARR	Giveaways Pool Float / Pool	07/01/2021	48.65	48.65	07/16/2021
3184	MASTERCARD	2021_06 TARR	Decorations for Rec/Pool Float	07/01/2021	41.94	41.94	07/16/2021
3184	MASTERCARD	2021_06 TARR	Outdoor Clock for Pool House	07/01/2021	38.99	38.99	07/16/2021
3184	MASTERCARD	2021_06 TARR	Giveaways Pool Float / Pool	07/01/2021	105.77	105.77	07/16/2021
3184	MASTERCARD	2021_06 TARR	POS Item for Pool: Swim Goggles	07/01/2021	41.99	41.99	07/16/2021
3184	MASTERCARD	2021_06 TARR	Giveaways Pool Float / Pool	07/01/2021	183.45	183.45	07/16/2021
3184	MASTERCARD	2021_06 TARR	POS Item for Pool: Swim Goggles	07/01/2021	167.96	167.96	07/16/2021
3184	MASTERCARD	2021_06 TARR	Giveaways Pool Float / Pool	07/01/2021	109.95	109.95	07/16/2021
3184	MASTERCARD	2021_06 TARR	Water Pool House	07/01/2021	28.47	28.47	07/16/2021
3184	MASTERCARD	2021_06 TARR	Lifeguarding Uniforms/Supplies	07/01/2021	656.79	656.79	07/16/2021
3184	MASTERCARD	2021_06 TARR	Whistles - Pool	07/01/2021	33.50	33.50	07/16/2021
3184	MASTERCARD	2021_06 TARR	Water Pool House	07/01/2021	10.00	10.00	07/16/2021
3184	MASTERCARD	2021_06 WOO	MT Assoc. of Planners Membershi	07/01/2021	65.00	65.00	07/16/2021
3184	MASTERCARD	2021_06 WUL	face masks	07/01/2021	30.89	30.89	07/16/2021
3184	MASTERCARD	2021_06 WUL	face masks	07/01/2021	23.90	23.90	07/16/2021
3184	MASTERCARD	2021_06 WUL	phone guard	07/01/2021	10.00	10.00	07/16/2021
3184	MASTERCARD	2021_06 WUL	aed batteries	07/01/2021	755.00	755.00	07/16/2021
3184	MASTERCARD	2021_06 WUL	jumpkit repair	07/01/2021	35.00	35.00	07/16/2021
3184	MASTERCARD	2021_06 WUL	aed pads	07/01/2021	63.00	63.00	07/16/2021
Total MASTERCARD:					27,400.45	27,400.45	
<b>MEYER ELECTRIC AND GROUNDS REPAIR, LLC</b>							
3812	MEYER ELECTRIC AND GROUN	663	POOL POWER	06/09/2021	100.00	100.00	07/15/2021
3812	MEYER ELECTRIC AND GROUN	680	POOL CHLORINATOR	06/27/2021	225.00	225.00	07/15/2021
3812	MEYER ELECTRIC AND GROUN	684	POOL PUMP	06/29/2021	150.00	150.00	07/15/2021
Total MEYER ELECTRIC AND GROUNDS REPAIR, LLC:					475.00	475.00	
<b>MISC</b>							
99999	MISC	2021.7.1	ReSTITUTION TK2021-0080	07/01/2021	1,200.00	1,200.00	07/15/2021
99999	MISC	2021.7.1 0099	ReSTITUTION TK2021-0099	07/01/2021	66.00	66.00	07/15/2021
99999	MISC	2021.7.7-0311	ReSTITUTION TK2020-0311	07/07/2021	100.00	100.00	07/15/2021
99999	MISC	2021.7.9-0311	ReSTITUTION TK2020-0311	07/09/2021	100.00	100.00	07/15/2021
99999	MISC	29704465	ReFUND	07/06/2021	100.00	100.00	07/15/2021
99999	MISC	TK2020-0358 (	Bond Release - C. Lane	07/13/2021	890.00	890.00	07/13/2021
Total MISC:					2,456.00	2,456.00	
<b>MOBILE REPAIR &amp; WELDING, INC</b>							
10	MOBILE REPAIR & WELDING, IN	31950	ANGLE IRON REAR BUMPER	06/08/2021	72.80	72.80	07/15/2021
10	MOBILE REPAIR & WELDING, IN	32217	training gas meter	05/19/2021	25.00	25.00	07/15/2021
Total MOBILE REPAIR & WELDING, INC:					97.80	97.80	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
<b>MONTANA CORRECTIONAL ENTERPRISES</b>							
1180	MONTANA CORRECTIONAL EN	81324	FURNITURE	06/29/2021	386.00	386.00	07/15/2021
1180	MONTANA CORRECTIONAL EN	81326	FURNITURE	06/29/2021	18,219.00	18,219.00	07/15/2021
Total MONTANA CORRECTIONAL ENTERPRISES:					18,605.00	18,605.00	
<b>MONTANA MUNICIPAL CLERKS, TREASURERS AND</b>							
10002	MONTANA MUNICIPAL CLERKS,	2021.7.1	MEMBERSHIP DUES-PURKETT	07/01/2021	50.00	50.00	07/15/2021
10002	MONTANA MUNICIPAL CLERKS,	2021.7.1.1	MEMBERSHIP DUES-KINNICK	07/01/2021	50.00	50.00	07/15/2021
Total MONTANA MUNICIPAL CLERKS, TREASURERS AND:					100.00	100.00	
<b>MONTANA RAIL LINK</b>							
112	MONTANA RAIL LINK	460173 459988	Agreement 600286 & 88742	07/01/2021	200.00	200.00	07/15/2021
Total MONTANA RAIL LINK:					200.00	200.00	
<b>MONTANA RESCUE</b>							
10003	MONTANA RESCUE	1059	SWIFT WATER RESCUE COURS	07/12/2021	1,161.00	1,161.00	07/15/2021
10003	MONTANA RESCUE	1059	SWIFT WATER RESCUE COURS	07/12/2021	774.00	774.00	07/15/2021
Total MONTANA RESCUE:					1,935.00	1,935.00	
<b>MT WATERWORKS</b>							
3016	MT WATERWORKS	35082	Meter PARTS	06/17/2021	4,574.35	4,574.35	07/15/2021
3016	MT WATERWORKS	35083	HOSE VALVE W CAP	06/17/2021	650.00	650.00	07/15/2021
3016	MT WATERWORKS	35164	brass saddle	06/24/2021	1,791.52	1,791.52	07/15/2021
3016	MT WATERWORKS	35165	Brass Saddle	06/24/2021	1,674.80	1,674.80	07/15/2021
3016	MT WATERWORKS	35220	valves	06/29/2021	1,113.00	1,113.00	07/15/2021
3016	MT WATERWORKS	35221	HOSE VALVE W CAP	06/29/2021	700.00	700.00	07/15/2021
Total MT WATERWORKS:					10,503.67	10,503.67	
<b>MURDOCH'S RANCH &amp; HOME SUPPLY</b>							
3688	MURDOCH'S RANCH & HOME S	K00555/37	HUSKY HEDGE TRIMMER	06/16/2021	344.98	344.98	07/15/2021
3688	MURDOCH'S RANCH & HOME S	K00579/37	BATTERY	06/25/2021	239.98	239.98	07/15/2021
3688	MURDOCH'S RANCH & HOME S	K00598/37	WATER CAN	06/29/2021	25.98	25.98	07/15/2021
3688	MURDOCH'S RANCH & HOME S	K00615/37	GOOSE SIDE W/DROP LEG	07/07/2021	139.99	139.99	07/15/2021
3688	MURDOCH'S RANCH & HOME S	K00622/37	INSECT TRAP	07/09/2021	119.98	119.98	07/15/2021
Total MURDOCH'S RANCH & HOME SUPPLY:					870.91	870.91	
<b>NATHAN JOHNSON</b>							
10003	NATHAN JOHNSON	723339	TREE REMOVAL AND PRUNING	06/28/2021	1,500.00	1,500.00	07/15/2021
Total NATHAN JOHNSON:					1,500.00	1,500.00	
<b>NELSON TREE SERVICE</b>							
1543	NELSON TREE SERVICE	2021-041	PRUNE OR REMOVE TREES ON	06/28/2021	3,700.00	3,700.00	07/15/2021
Total NELSON TREE SERVICE:					3,700.00	3,700.00	
<b>NORTHWESTERN ENERGY</b>							
151	NORTHWESTERN ENERGY	0709793-4	City Shop Building 50% 406 Benn	01/15/2019	229.27	229.27	07/15/2021
151	NORTHWESTERN ENERGY	0709793-4	City Shop Building 50% 406 Benn	01/15/2019	229.27	229.27	07/15/2021
151	NORTHWESTERN ENERGY	0709794-2	WRF 316 Bennett	01/09/2019	1,201.96	1,201.96	07/15/2021
151	NORTHWESTERN ENERGY	0709796-7	97 View Vista Drive	01/15/2019	6.00	6.00	07/15/2021

Report dates: 7/9/2021-7/27/2021

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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
151	NORTHWESTERN ENERGY	0709869-2	Carol Lane	01/15/2019	150.21	150.21	07/15/2021
151	NORTHWESTERN ENERGY	0709870-0	G Street Park - 422 S G	01/15/2019	107.94	107.94	07/15/2021
151	NORTHWESTERN ENERGY	0709871-8	Star Addition - Lights	01/15/2019	335.14	335.14	07/15/2021
151	NORTHWESTERN ENERGY	0709873-4	800 W Cambridge - Pump Station	01/15/2019	30.92	30.92	07/15/2021
151	NORTHWESTERN ENERGY	0709874-2	Werner Addition Pump	01/09/2018	77.42	77.42	07/15/2021
151	NORTHWESTERN ENERGY	0709875-9	900 River Drive Pump	01/09/2019	2,772.56	2,772.56	07/15/2021
151	NORTHWESTERN ENERGY	0709876-7	132 South B Street - B St Well	01/10/2019	1,354.42	1,354.42	07/15/2021
151	NORTHWESTERN ENERGY	0709878-3	227 River Drive - Concessions sta	01/10/2019	40.09	40.09	07/15/2021
151	NORTHWESTERN ENERGY	0709879-1	227 River Drive - Softball Field	01/10/2019	493.82	493.82	07/15/2021
151	NORTHWESTERN ENERGY	0709886-6	200 E Reservoir	01/15/2019	39.89	39.89	07/15/2021
151	NORTHWESTERN ENERGY	0709891-6	Cemetery Road Shop - 15 Fleshm	01/15/2019	70.93	70.93	07/15/2021
151	NORTHWESTERN ENERGY	0709892-4	40 Water Tower Avenue	01/15/2019	51.94	51.94	07/15/2021
151	NORTHWESTERN ENERGY	0709894-0	56 Water Tower	01/08/2019	414.82	414.82	07/15/2021
151	NORTHWESTERN ENERGY	0709914-6	1011 River Dr - Edge Water Sewe	01/09/2019	20.77	20.77	07/15/2021
151	NORTHWESTERN ENERGY	0719058-0	3 Rogers Lane Lift Station	01/09/2019	83.98	83.98	07/15/2021
151	NORTHWESTERN ENERGY	0720048-8	330 Bennett 1/4	01/08/2019	216.02	216.02	07/15/2021
151	NORTHWESTERN ENERGY	0720048-8	330 Bennett 1/4	01/08/2019	216.02	216.02	07/15/2021
151	NORTHWESTERN ENERGY	0720048-8	330 Bennett 1/4	01/08/2019	216.03	216.03	07/15/2021
151	NORTHWESTERN ENERGY	0720048-8	330 Bennett 1/4	01/08/2019	216.03	216.03	07/15/2021
151	NORTHWESTERN ENERGY	0720176-7	Weimer Park	01/15/2019	46.48	46.48	07/15/2021
151	NORTHWESTERN ENERGY	1134866-1	N 2nd & Montana & Chinook	01/15/2019	37.50	37.50	07/15/2021
151	NORTHWESTERN ENERGY	1134879-4	N 7th & Montana & Chinook	01/15/2019	20.73	20.73	07/15/2021
151	NORTHWESTERN ENERGY	1155965-5	229 River Drive	01/15/2019	8.73	8.73	07/15/2021
151	NORTHWESTERN ENERGY	1290352-2	School Flasher Park & 13th	01/15/2019	8.57	8.57	07/15/2021
151	NORTHWESTERN ENERGY	1441030-2	D & Geyser Well House	01/10/2019	1,315.35	1,315.35	07/15/2021
151	NORTHWESTERN ENERGY	1452951-5	Starlow on Monroe	01/09/2019	287.50	287.50	07/15/2021
151	NORTHWESTERN ENERGY	1493850-0	412 W Callender	01/15/2019	44.02	44.02	07/15/2021
151	NORTHWESTERN ENERGY	1498936-2	I90 & 89S-ing	01/15/2019	6.00	6.00	07/15/2021
151	NORTHWESTERN ENERGY	1594141-2	9th & 10th Lift Station	01/09/2019	31.07	31.07	07/15/2021
151	NORTHWESTERN ENERGY	1613803-4	M & N on Callender	01/15/2019	41.54	41.54	07/15/2021
151	NORTHWESTERN ENERGY	1728687-3	Transfer Station 408 Bennett Stre	01/08/2019	321.23	321.23	07/15/2021
151	NORTHWESTERN ENERGY	1747570-8	D & E on Callender	01/15/2019	32.60	32.60	07/15/2021
151	NORTHWESTERN ENERGY	1747572-4	F & G on Callender	01/15/2019	19.10	19.10	07/15/2021
151	NORTHWESTERN ENERGY	1893530-4	600 W Park	01/15/2019	53.92	53.92	07/15/2021
151	NORTHWESTERN ENERGY	1893536-1	E Street & Alley	01/15/2019	26.82	26.82	07/15/2021
151	NORTHWESTERN ENERGY	1893541-1	18 W Park	01/15/2019	70.70	70.70	07/15/2021
151	NORTHWESTERN ENERGY	1906055-7	815 North 13th - Soccer Fields	01/16/2019	2.32	2.32	07/15/2021
151	NORTHWESTERN ENERGY	2021.6.8 32862	3286284-9 101 STAR RD	06/08/2021	23.84	23.84	07/15/2021
151	NORTHWESTERN ENERGY	2023479-5	900 W Geyser Street School Light	01/15/2019	6.48	6.48	07/15/2021
151	NORTHWESTERN ENERGY	2023484-5	1100 W Geyser Street School Lig	01/15/2019	6.35	6.35	07/15/2021
151	NORTHWESTERN ENERGY	2114861-4	132 South B Street Lights	01/15/2019	113.40	113.40	07/15/2021
151	NORTHWESTERN ENERGY	2138754-3	G Street Park - Mike Webb Park	01/15/2019	106.21	106.21	07/15/2021
151	NORTHWESTERN ENERGY	2171060-3	Scale House 408 Bennett Street	01/15/2019	41.88	41.88	07/15/2021
151	NORTHWESTERN ENERGY	3015965-1	330 Bennett - Fire Training Center	01/15/2019	44.06	44.06	07/15/2021
151	NORTHWESTERN ENERGY	3093003-6	114 West Summit	01/15/2019	22.41	22.41	07/15/2021
151	NORTHWESTERN ENERGY	3093023-4	320 North Main	01/15/2019	3.10	3.10	07/15/2021
151	NORTHWESTERN ENERGY	3093027-5	105 West Park	01/15/2019	31.20	31.20	07/15/2021
151	NORTHWESTERN ENERGY	3141997-1	C & D on Lewis	01/15/2019	17.53	17.53	07/15/2021
151	NORTHWESTERN ENERGY	3184602-5	202 South 2nd	01/15/2019	13.20	13.20	07/15/2021
151	NORTHWESTERN ENERGY	3210240-2	616 River Drive	01/15/2019	6.35	6.35	07/15/2021
151	NORTHWESTERN ENERGY	3258086-2	2800 East Park Lift Station	01/15/2019	143.45	143.45	07/15/2021
151	NORTHWESTERN ENERGY	3258262-9	320 Alpenglow Lift Station	01/08/2019	152.86	152.86	07/15/2021
151	NORTHWESTERN ENERGY	3267010-1	330 Bennett - Compactor	01/08/2019	94.34	94.34	07/15/2021
151	NORTHWESTERN ENERGY	3287727-6	320 Alpenglow LN-	01/15/2019	42.95	42.95	07/15/2021
151	NORTHWESTERN ENERGY	3386783-9	Btwn G and H on Clark	01/15/2019	25.74	25.74	07/15/2021
151	NORTHWESTERN ENERGY	3386845-6	Btwn I and K on Callender	01/15/2019	24.97	24.97	07/15/2021
151	NORTHWESTERN ENERGY	3386846-4	Btwn 7th and 8th on Summit	01/15/2019	16.99	16.99	07/15/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
151	NORTHWESTERN ENERGY	3506014-4	Brookstone/Elm	02/15/2019	4.05	4.05	07/15/2021
151	NORTHWESTERN ENERGY	3566038-0	114 East Callender	01/15/2019	15.19	15.19	07/15/2021
151	NORTHWESTERN ENERGY	3566039-8	115 East Lewis	01/15/2019	2.64	2.64	07/15/2021
151	NORTHWESTERN ENERGY	3585235-9	New WRF 316 Bennett	01/09/2019	12,839.03	12,839.03	07/15/2021
151	NORTHWESTERN ENERGY	3643752-3	115 East Clark	09/16/2019	29.96	29.96	07/15/2021
151	NORTHWESTERN ENERGY	3643753-1	112 East Clark	09/04/2019	26.13	26.13	07/15/2021
151	NORTHWESTERN ENERGY	3678204-3	502 River Dr. Pmp	10/16/2019	.00	.00	
151	NORTHWESTERN ENERGY	3725873-8	340 Bennett	12/12/2019	32.16	32.16	07/15/2021
151	NORTHWESTERN ENERGY	3753023-5	410 Bennett Transfer St Shop	08/07/2020	269.09	269.09	07/15/2021
151	NORTHWESTERN ENERGY	3828216-6	203 W Callender	12/14/2020	6.00	6.00	07/15/2021
151	NORTHWESTERN ENERGY	3867654-0	2222 Willow Dr. Lt A	04/14/2021	.00	.00	
Total NORTHWESTERN ENERGY:					25,111.19	25,111.19	
<b>PIERCE CARPET MILL OUTLET</b>							
10002	PIERCE CARPET MILL OUTLET	CM036299	FLOORING	02/08/2021	8,734.90	8,734.90	07/15/2021
Total PIERCE CARPET MILL OUTLET:					8,734.90	8,734.90	
<b>PLUMMER, JAMIE</b>							
10003	PLUMMER, JAMIE	2021.6.23	SERVICES	06/23/2021	262.50	262.50	07/15/2021
Total PLUMMER, JAMIE:					262.50	262.50	
<b>REDSTONE LEASING</b>							
3842	REDSTONE LEASING	2021.8	Lease 34 OF 60	07/10/2021	203.07	203.07	07/15/2021
Total REDSTONE LEASING:					203.07	203.07	
<b>REPUBLIC SERVICES #670</b>							
10000	REPUBLIC SERVICES #670	0670-0002834	June Disposal	06/30/2021	106,609.87	106,609.87	07/15/2021
Total REPUBLIC SERVICES #670:					106,609.87	106,609.87	
<b>RIVERSIDE HARDWARE LLC</b>							
3659	RIVERSIDE HARDWARE LLC	141364	SPRING SNAP	07/12/2021	7.96	7.96	07/15/2021
Total RIVERSIDE HARDWARE LLC:					7.96	7.96	
<b>ROCKY MOUNTAIN INFORMATION</b>							
2419	ROCKY MOUNTAIN INFORMATI	26756	RMIN Membership	07/01/2021	50.00	50.00	07/15/2021
Total ROCKY MOUNTAIN INFORMATION:					50.00	50.00	
<b>SECURE WARRANT</b>							
3797	SECURE WARRANT	143	Annual Subscription	04/28/2021	2,500.00	2,500.00	07/15/2021
Total SECURE WARRANT:					2,500.00	2,500.00	
<b>STAFFORD ANIMAL SHELTER</b>							
1439	STAFFORD ANIMAL SHELTER	2021.6	Boarding AND VACC	06/30/2021	1,531.25	1,531.25	07/15/2021
Total STAFFORD ANIMAL SHELTER:					1,531.25	1,531.25	
<b>THOMSON REUTERS - WEST</b>							
2823	THOMSON REUTERS - WEST	844628257	Information Char	07/01/2021	309.57	309.57	07/15/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total THOMSON REUTERS - WEST:					309.57	309.57	
<b>TOWN &amp; COUNTRY FOODS - LIVINGSTON</b>							
2595	TOWN & COUNTRY FOODS - LI	203	Cleaning supplies	07/08/2021	6.21	6.21	07/15/2021
Total TOWN & COUNTRY FOODS - LIVINGSTON:					6.21	6.21	
<b>TRANSUNION RISK &amp; ALTERNATIVE</b>							
3376	TRANSUNION RISK & ALTERNA	380349-20210	380349 Investigative Research	06/30/2021	75.00	75.00	07/15/2021
Total TRANSUNION RISK & ALTERNATIVE:					75.00	75.00	
<b>US BANK</b>							
845	US BANK	1784381	2021 0039414NS BONDS	05/26/2021	35,000.00	35,000.00	06/15/2021
845	US BANK	1784381	2021 0039414NS BONDS	05/26/2021	10,146.88	10,146.88	06/15/2021
845	US BANK	2021.7.1	STREET REPAIR 2425-01	07/01/2021	20,819.48	20,819.48	07/15/2021
845	US BANK	2021.7.1	STREET REPAIR 2425-01	07/01/2021	684.96	684.96	07/15/2021
845	US BANK	2021.7.1 2760-	2760-01	07/01/2021	3,680.18	3,680.18	07/15/2021
845	US BANK	2021.7.1 2760-	2760-01	07/01/2021	383.69	383.69	07/15/2021
845	US BANK	2021.7.1 2840-	2840-01	07/01/2021	21,762.86	21,762.86	07/15/2021
845	US BANK	2021.7.1 2840-	2840-01	07/01/2021	1,104.19	1,104.19	07/15/2021
845	US BANK	2021.7.1 2840-	2840-02	07/01/2021	2,185.69	2,185.69	07/15/2021
845	US BANK	2021.7.1 2840-	2840-02	07/01/2021	111.59	111.59	07/15/2021
Total US BANK:					95,879.52	95,879.52	
<b>US POST OFFICE</b>							
2596	US POST OFFICE	2021.7.13	Postage for Utility Bills	07/13/2021	2,500.00	2,500.00	07/13/2021
2596	US POST OFFICE	2021.7.13	Postage for Utility Bills	07/13/2021	2,500.00	2,500.00	07/13/2021
2596	US POST OFFICE	2021.7.13	Postage for Utility Bills	07/13/2021	2,500.00	2,500.00	07/13/2021
Total US POST OFFICE:					7,500.00	7,500.00	
<b>UTILITIES UNDERGROUND LOCATION</b>							
3472	UTILITIES UNDERGROUND LO	1065089	Excavation Notifica	06/30/2021	83.21	83.21	07/15/2021
3472	UTILITIES UNDERGROUND LO	1065089	Utility locate noti	06/30/2021	83.21	83.21	07/15/2021
3472	UTILITIES UNDERGROUND LO	1065089	Excavation Notifica	06/30/2021	83.21	83.21	07/15/2021
3472	UTILITIES UNDERGROUND LO	400078.1	LIV01	07/01/2021	110.80	110.80	07/15/2021
Total UTILITIES UNDERGROUND LOCATION:					360.43	360.43	
<b>WESTERN DRUG</b>							
1396	WESTERN DRUG	330296	Patient Supplies	07/02/2021	99.47	99.47	07/15/2021
1396	WESTERN DRUG	331751	Pt Supplies	07/12/2021	15.86	15.86	07/15/2021
Total WESTERN DRUG:					115.33	115.33	
<b>WESTERN MUNICIPAL CONSTRUCTION, INC.</b>							
10000	WESTERN MUNICIPAL CONSTR	PAY APP2	5TH STREET SEWER	06/14/2021	204,536.79	204,536.79	07/15/2021
10000	WESTERN MUNICIPAL CONSTR	PAY APP2	1% GROSS RECEIPTS TAX	06/14/2021	2,045.37-	2,045.37-	07/15/2021
Total WESTERN MUNICIPAL CONSTRUCTION, INC.:					202,491.42	202,491.42	
<b>WISPWEST.NET</b>							
2087	WISPWEST.NET	653708	Internet	07/01/2021	50.12	50.12	07/15/2021

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total WISPWEST.NET:					50.12	50.12	
<b>WOODS ROSE MARKET</b>							
3747	WOODS ROSE MARKET	1001	Downtown Flowers	02/08/2021	6,580.00	6,580.00	07/15/2021
Total WOODS ROSE MARKET:					6,580.00	6,580.00	
Grand Totals:					586,562.26	586,562.26	

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

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

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

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

**File Attachments for Item:**

**C. ACCEPTING BOARD RECOMMENDATION TO FILL A VACANCY ON THE CITY ZONING COMMISSION FOR A MEMBER WITH AN UNEXPIRED TERM ENDING 12/31/2021.**



July 21, 2021

**MEMORANDUM**

**TO:** City of Livingston City Commission

**FROM:** Mathieu Menard, City of Livingston Planning Department

**SUBJECT:** City of Livingston Zoning Commission Recommendation for Board Appointment

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**Background:** Subsequent to the May 11, Zoning Commission meeting, Zoning Commission member Sean Mascia notified the Zoning Commission and City Staff that he was moving out of Livingston. As he is no longer a resident of the City he is no longer eligible for the Zoning Commission. At this time, the City has completed advertised for the opening for a member to fill Sean’s now vacant seat for the remainder of his original term which ends December 31, 2021. The City received two applications, from Deborah Monaghan and Jacob Lilley. The Zoning Commission discussed the item at their regularly scheduled and noticed meeting on July 13, 2021. The Zoning Commission voted unanimously (3:0) to recommend appointment of Deborah Monaghan to the City Zoning Commission, citing the fact that Deborah had lived in the community longer, was likely to be in Livingston more often due to her work location, and had more volunteer experience.

**Staff Recommendation:** Staff believes that both candidates are qualified to serve the Zoning Commission and agrees with the Zoning Commission’s assessment and recommendation. Staff recommends that the City Commission appoint Deborah Monaghan to the Zoning Commission at this time.

**File Attachments for Item:**

**D. APPROVE APPLICATION FOR ADDITIONAL HANDICAP PARKING TO SERVE RESIDENTS OF THE SHERWOOD APARTMENT BUILDING.**

**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: Wendy Green, Property Mgr. Sherwood Inn Apartments  
Address: 355 S Main St Phone: 406-0158

Type of Special Parking Space Requested:

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

Specific Location of the Requested Space: Geyser lot - Sherwood side of street - Create one additional handicap pk

Reason for the Request: spot directly behind current spot to extend to alley. <sup>curb cut</sup>

Need for additional handicap spaces for residents

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

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

**Administrative Use Only**

Date application received: 7-12-21 Reviewed by: Craig Nelson

Does request meet criteria? Yes  No

Comments 100 E. Geyser

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: \_\_\_\_\_

**File Attachments for Item:**

**E. ACCEPT LIVINGSTON CITY COURT FINANCIAL REPORT FROM MAY 2021.**

**LIVINGSTON CITY COURT  
FINANCIAL REPORT**

May-21

Date PD Monthly Report Received from City of Livingston Finance Office 6.15/21

Tickets/Criminal Complaints Cleared: **28**

Dismissed-Plea Agreement: 4

Dismissed-Pretrial Diversion/Deferred:

Dismissed-Miscellaneous:

Paid-Bond Forfeit/Fine: 16

\$2,520.00

Paid-Time Payments: 8

\$3,116.00

Warrant Fees:

Total \$5,636.00

Parking Tickets: \$10,620.00

Total: \$16,256.00

Surcharges/Costs/Fees:

MLEA Surcharge: \$240.00

TECH Surcharge: \$190.00

Victim/Witness Surcharge: \$573.00

MISD Surcharge: \$366.00

Court Costs: \$93.00

Public Defender Fee:

Public Defender Fee: \$ -

Jury Fees \$ -

Interpreter \$ -

Total (\$1,462.00)

**Total amount credited to City of Livingston General Fund: \$14,794.00**

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

May-21

Prepared by: Holly Happe  
Hon. Holly Happe  
Livingston City Judge

Date: 6/2/21

**File Attachments for Item:**

**F. ACCEPT PLEDGED SECURITIES REPORT FROM JUNE 2021.**

**DEPOSITORY BONDS AND SECURITIES**  
**June 30, 2021**

	<u>MATURITY</u>	<u>CUSIP NO.</u>	<u>TOTAL AMOUNT PLEGGED</u>
<b>FIRST INTERSTATE BANK</b>			
All Accounts			
Federal Deposit Insurance Corporation			\$ 250,000.00
FMNT	4/27/2029	3134GWEL6	3,000,000.00
FMNT	7/29/1930	3134GWGJ9	2,000,000.00
FNRM	12/25/1935	3136B3KG4	1,455,803.86
FNRM	3/25/2037	3136B43E6	2,988,049.10
<b>TOTAL - First Interstate Bank</b>			<u><u>\$ 9,693,852.96</u></u>
<b>OPPORTUNITY BANK</b>			
All Accounts			
Federal Deposit Insurance Corporation			\$ 250,000.00
Livingston Mont	7/1/2034	538695CX3	110,000.00
Marion OH LTD Tax GO	12/1/1931	569832MU9	390,000.00
<b>TOTAL - Opportunity Bank</b>			<u><u>\$ 750,000.00</u></u>

**PLEDGED SECURITIES AND CASH IN BANK**  
**As of**  
**June 30, 2021**

**First Interstate Bank**

---

	<u>Total</u>
Cash & CD's on Deposit	\$ 9,529,669.60
FDIC Coverage	250,000.00
Amount Remaining	<u>9,279,669.60</u>
Pledges required @ 50%	4,639,834.80
Actual Amount of Pledges	7,988,049.10
Over (Under) Pledged	<u><u>\$ 3,348,214.30</u></u>



**PLEDGED SECURITIES AND CASH IN BANK**  
**As of**  
**June 30, 2021**

**Opportunity Bank of Montana**

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	<u>Total</u>
Cash & CD's on Deposit	\$ 726,021.63
FDIC Coverage	250,000.00
Amount Remaining	<u>476,021.63</u>
Pledges required @ 50%	238,010.82
Actual Amount of Pledges	390,000.00
Over (Under) Pledged	<u><u>\$ 151,989.19</u></u>

**File Attachments for Item:**

**A. ORDINANCE NO. 3011: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 17 - SAFETY INSPECTION CERTIFICATE, SPECIAL BUSINESS LICENSE, AND ALCOHOL BEVERAGE LICENSE ACT AS ENACTED BY ORDINANCE NO. 2026 REGULATING THE INSPECTION AND LICENSING OF BUSINESSES.**

**ORDINANCE NO. 3011**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 17 - SAFETY INSPECTION CERTIFICATE, SPECIAL BUSINESS LICENSE, AND ALCOHOL BEVERAGE LICENSE ACT AS ENACTED BY ORDINANCE NO. 2026 REGULATING THE INSPECTION AND LICENSING OF BUSINESSES.**

\* \* \* \* \*

**Preamble.**

The purpose of this Ordinance is to update and amend the City’s safety inspection and business license Ordinance to make it more clear who much obtain licenses and or safety inspections and to update for the legality and retail sale of marijuana.

\*\*\*\*\*

**WHEREAS**, the City of Livingston has enacted Ordinance No. 2026 which requires all buildings, office spaces or premises with fixed street address in which are located businesses or organizations which are or may be accessible to the public, employees, or members to obtain a safety inspection certificate and/or a business license from the City of Livingston, and;

**WHEREAS**, the Ordinance requires updating to reflect change in the law regarding the regulation and sale of marijuana products which has been amended, and;

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

**SECTION 1**

That Chapter 17 - Safety Inspection Certificate, Special Business License, and Alcohol Beverage License Act, be amended as follows with deletions struck through and additions redlined as follows:

Chapter 17 - SAFETY INSPECTION CERTIFICATE, SPECIAL BUSINESS LICENSE, AND ALCOHOL BEVERAGE LICENSE ACT<sup>11</sup>

Footnotes:

--- (1) ---

**Editor's note**— Ord. No. 2026, adopted Oct. 19, 2010, repealed Ch. 17 and enacted a new chapter as set out herein. The former Ch. 17, §§ 17-1—17-18, pertained to occupational licenses and regulations and derived from Ord. No. 1990, adopted Oct. 15, 2007. **license was invalid with respect to attorneys because it infringed upon constitutional authority of the Supreme Court to supervise and regulate attorneys and the practice of law. *Harlen v. City of Helena*, 208 Mont. 45, 676 P.2d 191 (1984), requiring safety inspection certificate did not unconstitutionally impinge upon Supreme Court's power to regulate attorneys. *State v. Radford*, 2001 MT 36, 304 Mont. 198, 19 P.3d 809.**

Sec. 17-1. - Safety inspection certificate **and business license.**

All buildings, office spaces or premises with fixed street address in which are located businesses or organizations which are or may be accessible to the public, employees, or members are hereby required to obtain a safety inspection certificate **and/or a business license** from the City of Livingston.

(Ord. No. 2026, § 1(A), 10/19/10)

Sec. 17-2. - Special business license.

All business or organization which engage in providing services or selling food or merchandise away from a fixed street address within the City, such as sidewalk vendors, non-resident vendors, non-resident merchants, and resident and non-resident service providers are hereby required to register with the City by obtaining a special business license from the City of Livingston.

(Ord. No. 2026, § 1(B), 10/19/10)

Sec. 17-3. - Alcohol beverage license.

All persons or business to whom a retail alcohol license has been issued by the State of Montana also must obtain a city alcoholic beverage license in addition to the safety inspection certificate or any other permit or license required hereunder.

(Ord. No. 2026, § 1(C), 10/19/10)

Sec. 17-4. - Definitions.

The following words and phrases when used in this Chapter shall have the following meaning:

1. "Amusement device" means a machine which requires some form of payment for its operation and which provides some form of entertainment, i.e. a game, music or video. Gambling games, such as video poker and keno, are specifically excluded from this definition.
2. "Buildings, office or retail space or premises" means all buildings, structures, rooms, offices, or portions thereof which are situated on a permanent structural foundation and permanently connected to City water and sewer service wherein a business or organization is located and which is or may be accessible to the public, employees, or members or located in such close proximity to other buildings, structures, rooms, offices, or portions thereof so as to constitute a public threat in the event of a uniform safety code violation.
3. "Business or organization" means any occupation, trade, profession, commercial activity, social activity, fraternal activity, or religious activity located in or meeting regularly in buildings, offices or premises whether sole proprietorships, partnerships, corporations, nonprofit corporations, religious organizations, or social and fraternal organizations.
4. "Home occupation" means a lawful business carried on by a resident of a dwelling as an accessory use within the same dwelling or an accessory building which will not infringe upon the

rights of neighboring residents to enjoy the peaceful occupancy of their home. See City of Livingston Zoning Code, Section 30.55, Home occupation, for further requirements.

5. "Non-resident vendor" means any person engaged or employed in the business of selling to consumers by going from consumer to consumer, either on the streets or to their places of residence or employment and soliciting, selling or taking orders for future delivery of any goods, wares or merchandise.
6. "Sidewalk vendor" means any person vending food or other merchandise from the sidewalk with no street address or from push carts, vehicles, trailers, or other readily mobile sources to customers within the city limits. No vendor shall park a vehicle or any other moveable or temporary entity on any public street, alley or private lot for more than four (4) hours in any eight-hour period at one (1) location. The parking of a vehicle or other movable entity within three hundred (300) feet of the original location is considered one (1) location.
7. "Safety inspection certificate" or "certificate" as used herein is issued to a business at a specific building, office or premise which has passed an inspection pursuant to the uniform codes or other ordinances and regulations enacted for the purpose of protecting health, safety, and welfare of the public. The certificate is not intended, and shall not be used in any manner to regulate the manner in which any commercial, professional, fraternal, or religious enterprise is conducted.
8. "Square footage" means the total number of square feet contained within the exterior walls of a building, suite or office used in the business operation and open to the public, employees or members.
9. "Temporary premises" means any structure, vehicles, or other mobile device without a foundation and not permanently connected to City water and sewer service which is temporarily occupied for business. A temporary premise can exist for no more than ninety (90) calendar days in any twelve-month period. Temporary premise does not include sales booths, concession stands etc., which are operated in conjunction with a community sponsored event authorized by the City Commission.
10. A "Non-resident merchant" means any person who brings into temporary premises, a stock of goods, wares or articles of merchandise or notions or other articles of trade, and who solicits, sells or offers to sell, or exhibits for sale, such stock of goods, wares or articles of merchandise or notions or other articles of trade. A non-resident merchant can operate out of temporary premises for a period of ninety (90) calendar days in any twelve-month period.
11. "Non-resident service contractor" means any person or business not residing within the city limits of Livingston engaged or employed in providing services for hire and includes persons or businesses engaged in contract construction, painting and drywall, landscape installation and maintenance, janitorial, and service contractors of all kinds including computer technicians and copier maintenance.
12. "Resident service contractor" means any person or business residing within the city limits of Livingston and engaged or employed in providing services for hire which does operate out of a building, office space or premise in the City and includes persons and businesses engaged in contract construction, painting and drywall, landscape installation and maintenance, janitorial, and service contractors of all kinds including computer technicians and copier maintenance.
13. "Uniform Safety Codes" as used herein means the most recent version of the following codes adopted by the City of Livingston:
  - a. Uniform Fire Code.
  - b. International Building Code.
  - c. International Residential Code.
  - d. International Existing Building Code.
  - e. International Mechanical Code.

- f. International Fuel Gas Code.
- g. Uniform Plumbing Code.

14. "Special business license" or license, means a license issued to a business or organization which engages in providing services or selling food or merchandise away from a fixed street address within the City, such as sidewalk vendors, non-resident vendors, non-resident merchants, resident and non-resident service providers. The mere fact that a space is used adjacent to or near a fixed street address on a regular basis does not qualify as a street address. The license is not intended, and shall not be used in any manner to regulate the manner in which any commercial, professional, fraternal, or religious enterprise is conducted.

(Ord. No. 2026, § 1(D), 10/19/10)

Sec. 17-5. - Application of regulations.

- A. A safety inspection certificate or special business license shall be obtained in the manner prescribed herein for each business and branch establishment, including off-site warehouses and distributing plants or location of the business as if each such branch establishment or location were a separate business. However, on-site warehouses and distributing plants used in connection with, and incidental to an approved business shall not be deemed to be separate places of business or branch establishment.
- B. No safety inspection certificate or special business license shall be required of any person for mere delivery into the City of any property purchased or acquired in good faith from such person at the regular place of business outside the City where no intent by such person is shown to evade the provisions of this Chapter.

(Ord. No. 2026, § 1(E), 10/19/10)

Sec. 17-6. - Authority.

The City Manager, or designee, shall have the authority to establish the necessary procedures to carry out and enforce the intent of this title.

(Ord. No. 2026, § 1(F), 10/19/10)

Sec. 17-7. - Procedure for issuance of certificate or ~~special~~ license.

- A. Prior to commencing a business or organization in the City of Livingston, the applicant shall apply for ~~either~~ a safety inspection certificate **and/or** a special business license. To receive a certificate or license, the applicant shall:
  - 1. Be in compliance with all zoning, building and fire codes.
  - 2. Submit a completed application accompanied by the full amount of the applicable fee which shall include the nature of the business or organization, a site plan and in the case of a home occupation a site plan indicating the portion of the dwelling which will be used for the business. In addition, the applicant will provide information concerning the location of any hazardous chemicals or flammable products which may be located upon the premises.
- B. The applicant may change location provided:
  - 1. The applicant complies with all zoning, building and fire codes.
  - 2. The applicant obtains a new safety inspection certificate or ~~special~~ business license for the change of location.

C. The applicant may transfer the safety inspection certificate or ~~special~~ business license to another person in accordance with established procedures.

(Ord. No. 2026, § 1(G), 10/19/10)

Sec. 17-8. - Safety inspection certificate **and/or** special business license fees.

A. All safety inspection certificate **and** special business license fees shall be established by resolution adopted by the City Commission and paid to the City Finance Office. Such fees shall be reasonably related to the cost of issuing the certificate or special license and the cost of inspections and registration.

B. No refund of any safety inspection certificate or special business license fee, or part thereof, shall be made.

(Ord. No. 2026, § 1(H), 10/19/10)

Sec. 17-9. - Safety inspection certificate **and/or** special business license duration, renewal.

A. All safety inspection certificates **and/or** special business licenses shall expire on December 31 of the year in which such safety inspection certificate or special business license was issued, unless otherwise specified.

B. All safety inspection certificates **and/or** special business licenses shall be renewed on or before February 1 of each calendar year.

(Ord. No. 2026, § 1(I), 10/19/10)

Sec. 17-10. - Late charges.

Failure to renew the safety inspection certificate ~~by~~ or special business license by February 1, of every year shall result in a delinquent charge as determined by resolution.

(Ord. No. 2026, § 1(J), 10/19/10)

Sec. 17-11. - Duties of licensee or certificate holder.

A. Every licensee or certificate holder under this title shall permit all reasonable inspections of the business premises by city authorities to carry out the intent of this title, with such inspections being conducted annually. All certificates **s** or licenses issued are conditional until **an** on premise safety inspection has been conducted by the City.

B. Every licensee or certificate holder under this title shall post the certificate **and/or** special license on the premise in a conspicuous location or shall be carried on the person where an individual license is required.

(Ord. No. 2026, § 1(K), 10/19/10)

Sec. 17-12. - Certificate or ~~special~~ license - revocation or suspension.

A. The certificate or special license may be revoked or suspended when the licensee or certificate holder violates this title.

B. The following procedure will be followed in revoking or suspending a certificate or license:

1. A written notice shall be provided to the licensee or certificate holder at least fifteen (15) days prior to revocation or suspension. The notice shall state the reason(s) for the action.
  2. The licensee or certificate holder may request a review of the proposed action within fifteen (15) days of the receipt of notice.
  3. When a review is requested, a meeting shall be set between City staff and the requesting party.
- C. If conditions are determined to cause an immediate threat to health or safety, the City shall immediately suspend the certificate **and/or** special business license until such condition is remedied.

(Ord. No. 2026, § 1(L), 10/19/10)

Sec. 17-13. - Appeal.

Any licensee or certificate holder shall have the right to file a written appeal to the City Commission.

(Ord. No. 2026, § 1(M), 10/19/10)

Sec. 17-14. - Safety inspection certificate.

- A. Every business in a building, office or premise located in the jurisdictional limits of the City of Livingston shall be required to obtain a safety inspection certificate to ensure that the building, office or retail space or premise complies with uniform safety codes and other ordinances and regulations enacted for the purpose of protecting the health, safety, and welfare of the public.
- B. In any building with multiple businesses, suites/offices:
  1. Each portion or subdivision under separate control shall be required to undergo its own inspections and shall have its own safety inspection certificate.
  2. The building owner/agent shall obtain a certificate for indoor common areas if the aggregate total of the common area is greater than one thousand (1,000) square feet.
- C. Multi-family dwelling units of four (4) or more units shall require a certificate.
- D. Home Occupation. The establishment of a home occupation shall require a certificate issued by the City of Livingston.

(Ord. No. 2026, § 1(N), 10/19/10)



Sec. 17-15. - Special business licenses.

A. Non-Resident Vendor Special Business License required.

1. Each individual engaging in non-resident vendor type business within the City must first obtain a non-resident vendor license. The non-resident vendor license must be obtained prior to soliciting any customer or offering any goods or products for sale. No vendor shall park a vehicle or place any other movable temporary structure such as a tent on any public property, public street or public alley unless otherwise part of a City approved event. No vendor shall park a vehicle or place and temporary structure on private property for more than two (2) consecutive days at one (1) location. The parking of a vehicle or other moveable entity within three hundred (300) feet of the original location is considered one (1) location. If the product being sold is food or drink, the applicant must first obtain a certificate from the County Sanitarian that the applicant complies with all health and sanitation codes of the State of Montana.
2. The license can be obtained from the City Manager or designee during regular working hours.
3. The short-term license shall be good for one (1) week from the date of issuance. The long term license is good from the issue date through December 31 of the same year and may be renewed upon its expiration
4. The City reserves the right to deny a license upon receiving citizen complaints regarding the vendor, merchandise or practices.

B. Non-Resident Merchant Special Business License Required.

1. Any individual engaged in any business within the City that is defined or administratively determined to be classified non-resident merchant must first obtain a non-resident merchant special business license from the City. This special business license must be obtained prior to soliciting any customer, offering any merchandise or products for sale, or bringing any stock of goods, wares, or other articles of trade to a temporary premise.
2. This special business license can only be obtained from the City Manager or designee during normal business hours.
3. The license is only valid for a period of ninety (90) calendar days in any twelve-month period.
4. The City reserves the right to deny or revoke a license for just cause with regard to the conduct of the merchant, suitability of any merchandise, or business and/or marketing practices.

C. Non-Resident Service Contractor Special Business License Required.

1. Any individual engaged in any business within the City that is defined or administratively determined to be classified non-resident service contractor must first obtain a non-resident service contractor special license from the City. This special business license must be obtained prior to providing services.
2. This special business license can only be obtained from the City Manager or designee during normal business hours.
3. This special business license is valid from the date of issuance to December 31 and may be renewed upon its expiration.
4. The City reserves the right to deny or revoke a license for just cause with regard to the conduct of the service contractor, quality of services rendered, or business and/or marketing practices.

D. Resident Service Contractor.

1. Any individual engaged in any business within the City that is defined or administratively determined to be classified resident service contractor must first obtain a resident service contractor special license from the City. This special business license must be obtained prior to providing services.

- 2. This special business license can only be obtained from the City Manager or designee during normal business hours.
  - 3. This special business license is valid from the date of issuance to December 31 and may be renewed upon its expiration.
  - 4. The City reserves the right to deny or revoke a license for just cause with regard to the conduct of the service contractor, quality of services rendered, or business and/or marketing practices.
- E. Sidewalk Vendor Special Business License Required.
- 1. Any individual engaged in any business within the City that is defined or administratively determined to be classified as a sidewalk vendor must first obtain a sidewalk vendor special license from the City. This special business license must be obtained prior to soliciting any customer, offering or advertising any service, or performing any such service and then only upon first providing proof of insurance in an amount to be determined by resolution. If the product being sold is food or drink, the applicant must first obtain a certificate from the County Sanitarian that the applicant complies with all health and sanitation codes of the State of Montana.
  - 2. This special business license can only be obtained from the City Manager or designee during normal business hours.
  - 3. This special business license is valid from the date of issuance to December 31 and may be renewed upon its expiration.
  - 4. The City reserves the right to deny or revoke a license for just cause with regard to the conduct of the service contractor, quality of services rendered, or business and/or marketing practices.
- F. City Alcoholic Beverage License. Any person or business to whom an alcoholic beverage license has been issued by the State of Montana also must obtain a city alcoholic beverage license in addition to the safety inspection certificate or any other permit or license required hereunder. Such city alcohol license shall authorize the conduct of business under one (1) of the following categories: beer, beer and wine, all-beverages, distillery and winery.
- G. Tobacco **Marijuana** License. Each business, in addition to any safety inspection certificate, permit **and/or** special business license required herein, which sells **marijuana or** tobacco products, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, **vaping products or edibles**, shall register with the City of Livingston and obtain a special business license ~~of a tobacco vending machine license~~.
- H. Amusement Devices. Every amusement device **operator** shall obtain a special business license for each machine which will be in addition to any other special business license or safety inspection certificate which may be required for the owner or distributor of such machine.
- I. Agricultural Exemption. Farmers, dairymen, ranchers or produce growers who market their own products directly to the public, are exempt from obtaining a safety inspection certificate **and/or** special business license.
- J. License Period. Licenses shall be issued for the calendar year basis and shall expire at twelve (12) o'clock midnight on December 31 of each year. Existing business licenses shall not be prorated. However, licenses for a new businesses which has not previously existed within the City of Livingston, shall be prorated. (Ord. No. 2026, § 1(O), 10/19/10)

Sec. 17-16. - Enforcement.

Any person violating any provision of this Chapter shall be subject to a civil fine not to exceed three hundred dollars (\$300.00) for each violation. Each day that the violation continues shall be deemed a separate and punishable violation.

(Ord. No. 2026, § 1(P), 10/19/10)

**SECTION 2**

**Statutory Interpretation and Repealer:**

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

**SECTION 3**

**Severability:**

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

**SECTION 4**

**Savings Provision:**

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

**SECTION 5**

**Effective date:**

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

\*\*\*\*\*

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

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

**ATTEST:**

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

\*\*\*\*\*

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

**ATTEST:**

**APPROVED TO AS FORM:**

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

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

**File Attachments for Item:**

**B. PUBLIC HEARING: 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).**

**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).**

\* \* \* \* \*

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

**WHEREAS**, the City of Livingston Zoning Commission, after a public hearing, voted unanimously (4:0) 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 1014 and 1016 West Park Street and legally described as Section 13 (S13), 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 (S24), Township Two South (T02S), Range Nine East (R09E), Beneficial Use of MRL R/way Lease #500664 Melin & Associates Insurance Agency (IMPT on #27950).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 July, 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 3rd day of August, 2021.

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**DOREL HOGLUND – Chair**

**ATTEST:**

**APPROVED AS TO FORM:**

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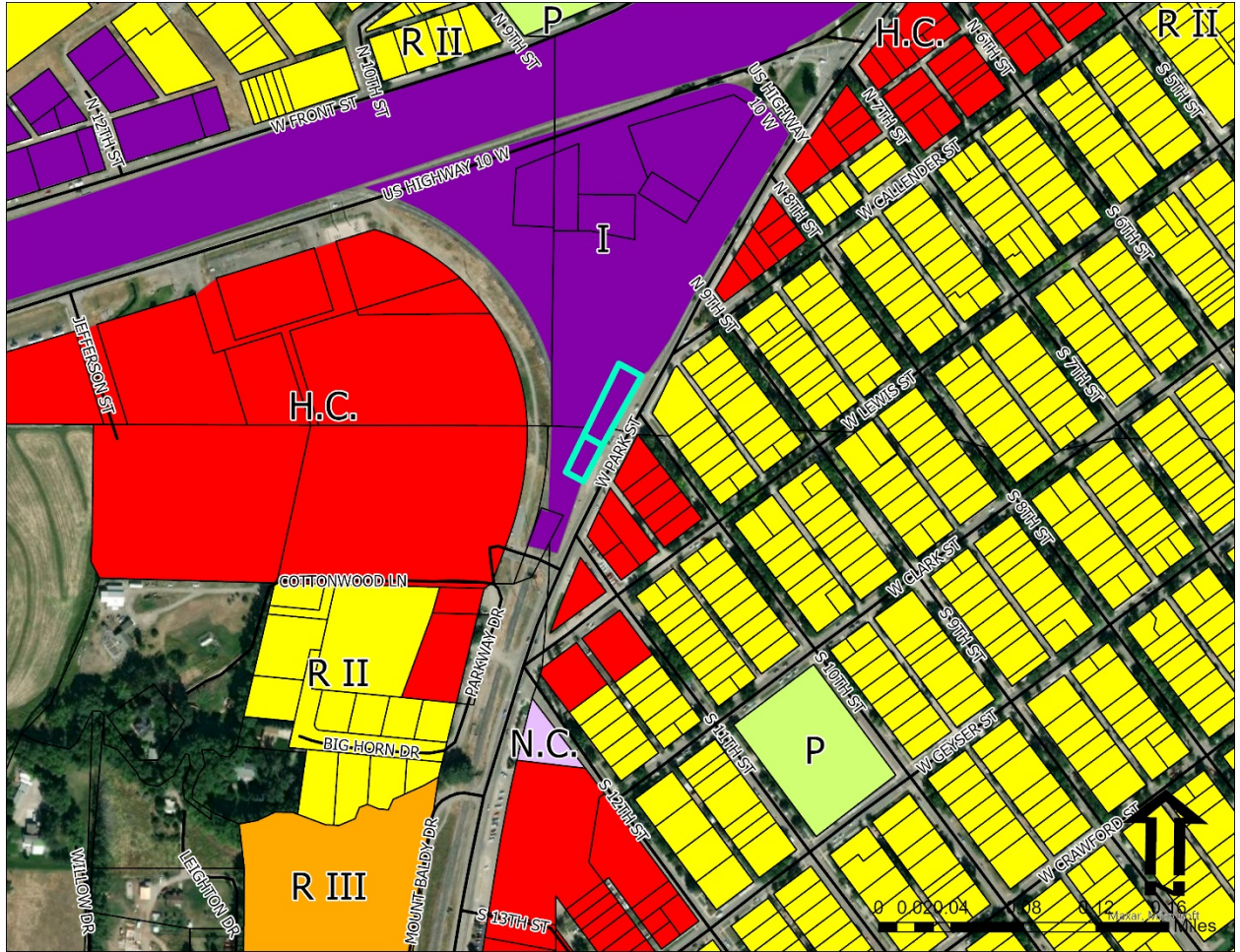
**FAITH KINNICK**  
Recording Secretary

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**COURTNEY LAWELLIN**  
City Attorney



EXHIBIT A



**File Attachments for Item:**

**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.**

**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.**

\* \* \* \* \*

**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 (4:0) 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 V- Supplementary General Requirements, Article VII- Zoning Commission and Board of Adjustment, Article VIII- Administration and Enforcement and Article IX- Conflict with Other Laws, Separability Clause, Repeal of Conflicting Ordinances, Schedule of Fees, be amended as follows with deletions struck-through and additions underlined as follows:

**SECTION 2**

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. 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.
- 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.
- 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 or his authorized representative. Such determination shall be based upon the requirements for the most comparable use listed.
- G. Joint Use. The Building Official or 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.
- 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.
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.
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. **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.
- L. **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.
- M. **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.
- N. **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.
- O. **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.
- P. **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.

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~~ Commission 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~~Zoning Coordinator 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~~Commission 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~~ Commission.

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~~ Commission shall conduct the public hearing and decide on the application.

f. The City ~~Board of Adjustment~~ Commission 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. 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% × 180 × 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 (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.
- 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.

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 close 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.

(Ord. No. 2002, § 1, 8/4/08)

**Editor's note**— Ord. No. 2002, § 1, adopted Aug. 4, 2008, amended Ch. 30 with the addition of a new, unnumbered section. Said section has been numbered § 30.61 at the discretion of the editor.

Article VII. - Zoning Commission ~~and Board of Adjustment~~

Sec. 30.70. - Zoning commission.

There is created for the City of Livingston a Zoning Commission as provided by statute, consisting of five (5) citizen members, appointed by the Chairman and subject to the confirmation of the City Commission. Terms of each member shall run concurrent with the term of the Chairman.

- A. Powers and Duties. The duties and powers of the Zoning Commission shall be to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and to hold public meetings and to make recommendations to the City Commission on all requests to amend, supplement, change, modify or repeal the regulations, restrictions and

boundaries in the zoning districts. The City Commission shall not hold its public hearings or take action until it has received a final report from the Zoning Commission.

- B. Proceedings of the Zoning Commission. The Zoning Commission shall hold its meetings in the City-County Complex and the presence of three (3) members shall constitute a quorum.

The Zoning Commission shall keep minutes of their proceedings, showing the vote of each member, or if absent or failure to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Zoning Coordinator. The official minutes of the Zoning Commission's proceedings shall be signed by the Chairman or acting chairman and attested to by the secretary.

(Ord. 1868, 2/2/98)

Sec. 30.71. - Amendments to City zoning ordinance and zone change.

- A. General. This chapter, including the Official Zoning Map, may be amended by the City Commission by a regular ordinance amendment, but no amendment shall become effective unless it shall have been submitted to the City Zoning Commission for review according to the procedures in Section 30.71E and recommendation.
- B. Applications for Map Amendments and Amendments to Text. Unless initiated by the City Commission or the Zoning Commission, all applications for Official Map amendments must be submitted by the owner of such property. An application for an amendment affecting the same property shall not be submitted more often than once every twelve (12) months.

Each application to amend the Official Map shall be filed with the Zoning Coordinator, and each application shall be submitted under the following conditions:

1. It shall include but not be limited to the following information:
    - a. A legal description of the tract(s) proposed to be re-zoned;
    - b. A map showing the dimensions, acreage and location of the tract(s) and adjacent land uses;
    - c. The names and addresses of the owners of the adjacent land;
    - d. A receipt showing payment of all applicable fees to the City.
  2. In the case of an application to amend the text of this chapter, the application shall include the proposed change of the text and that portion of the text proposed to be changed.
  3. An application for amendment to the Official Map or text shall be submitted at least twenty (20) days prior to the date of the public hearing before the City Zoning Commission.
  4. An application for a zone change may not be withdrawn or amended after the legal advertising, as required by this section, has appeared for the final public hearing before the City Commission. An applicant may be allowed to withdraw at the time of the Zoning Commission hearing by a majority vote of the members present without requiring City Commission approval of the withdrawal and without prejudice with respect to the twelve (12) month waiting period providing, however, that no application be allowed to be withdrawn more than once within the twelve (12) month period after the application shall have first been submitted.
- C. Zoning Coordinator's Study and Responsibility. The Zoning Coordinator, upon receiving an application for re-zoning of an area or a particular piece of property or for an amendment to the text shall do the following:
    1. Consult with other departments of the City or County to evaluate the impact of any zoning change upon public facilities and services including but not limited to schools, drainage, traffic and related facilities;

2. Study each application with reference to its appropriateness and effect on existing and proposed land use;
  3. In the case of a protest petition filed in the matter of an application for re-zoning, determine the validity of such petition;
  4. Advertise in the legal newspaper fifteen (15) days in advance of the time and place of the public hearing, at the same time, publish a site map of the subject property in the legal newspaper.
  5. Notify, by certified, return receipt requested mail, the applicant and all property owners within three hundred (300) feet of the exterior boundaries of the property subject to the re-zoning: of the time, date, place of the public hearing and the existing and proposed land use classification. Such notification shall be mailed to the applicant and the surrounding property owners no sooner than ten (10) days and no later than five (5) days prior to the date of the public hearing. Post the subject property not less than five (5) days prior to the public hearing. Posted notice shall include the nature of the change being requested as well as the time, date and location of the public hearing;
  6. Report the findings and conclusions, in writing, to the City Zoning Commission. Such report shall be a matter of public record, and shall be forwarded to the City Commission with the Zoning Commission's recommendation.
- D. City Zoning Commission Action. The City Zoning Commission shall review and take action upon each application in accordance with the provisions of this article, and after a public hearing at which the application has been legally advertised. Each application shall be presented to the Zoning Commission by the Zoning Coordinator, together with his findings and conclusions on the matter. A written report of the Zoning Commission's decision and the Zoning Coordinator's findings and conclusions including the basis for the decision shall be submitted to the City Commission.

The City Zoning Commission shall make a recommendation to the City Commission to:

1. Deny the application for amendment to the Official Map; or
2. Grant the application for amendment to the Official Map; or
3. Delay action on the application for a period not to exceed thirty (30) days.

The City Zoning Commission shall use Roberts Rules of Order for the conduct of public hearings and meetings.

No member of the Zoning Commission may vote on any request which he or she or any partner has worked, or in which he or she or any partner has any financial interest or ownership.

The recommendation of the Zoning Commission and the time and place of the City Commission's hearing shall be published in the newspaper at least fifteen (15) days prior to the date of the hearing by the City Commission. The City Commission may vote upon the first reading of the amendment at the same meeting at which the public hearing is held. Such a vote may only be taken after the public hearing is held.

- E. City Commission Public Hearing. Before taking action on an application for an amendment to the Official Map, and after presentation of the Zoning Commission report, the City Commission shall hold a public hearing on the application.

In case, however, of a valid protest petition against such change signed by the owners of twenty (20) percent or more either of the area of the lot included in such proposed change, or of those immediately adjacent in the rear of extending one hundred fifty (150) feet from the street frontage of such opposite lots. Such amendment shall not become effective except by the favorable vote of two-thirds ( 2/3 ) of all the members of the City Commission.

When such proposed amendment has been denied by the City Commission neither it nor one involving the same tract(s) shall be offered for adoption within one (1) year after such denial.

(Ord. 1861, 6/16/97; Ord. 1868, 2/2/98; Ord. No. 2004, § 1, 8/4/08)

Sec. 30.72. - Reserved.

**Editor's note**— Ord. No. 2004, § 1, adopted Aug. 4, 2008, repealed § 30.72 which pertained classification of newly annexed area and derived from Ord. No. 1868, adopted Feb. 2, 1998.

Sec. 30.73 - Hearings, Appeals, Notices

~~AB. Appeals.—Hearings, Appeals, Notices.~~ The City commission shall hear and decide appeals where it is alleged that there is an error in any order requirement, decision, or determination made by an administrative official in enforcement of the City's zoning regulations.

The City Commission shall fix a reasonable time for the hearing of appeal not to exceed thirty (30) days, give public notice thereof as well as due notice to the parties in interest, and render a decision within a reasonable time not to exceed ten (10) days thereafter. At the hearing any party may appear in person or by attorney.

~~BC.~~ Appeals: Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the City Commission after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property.

~~CD.~~ Decisions, Appeals Re-Hearing. In exercising the ~~above-mentioned~~~~above-mentioned~~ powers, City Commission may, in conformity with the provisions of this act, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the office from whom the appeal is taken.

The concurring vote of four (4) members of the City Commission shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under such resolution.

Any person or persons, jointly or severally, aggrieved by any decision of the, City Commission made under this part, or any taxpayer, or any officer, department, or board of the City may present to a court of record a petition setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the decision in the office of the City Commission.

If an application for an administrative review is denied by the City Commission, another application shall not be filed within a period of one year from the date of denial, except upon the initiation of the City Commission after a showing of a change of circumstances which would warrant a re-hearing.

(Ord. No. 2004, § 1, 8/4/08)

Sec. 30.74. - Variances—application procedures.

A. Applications. An application for variance shall be filed with the Zoning Coordinator under the following conditions:

1. The application shall include, but not be limited to the following:
  - a. A legal and general description of the tract(s) upon which a variance is sought.
  - b. The name and address of the owner(s) of the land subject to the variance.
2. The applicant shall present a map showing the location of the property for which the application is submitted, and its relationship to adjoining property.
3. The applicant shall present a dimensioned site plan of the property for which the application is submitted which shall include, but not be limited to, the following:

- a. The location and dimension of all vehicular points of ingress and egress, drives, off-street parking spaces, channelizations and traffic circulation, and;
  - b. The location and size of all existing and proposed buildings, structures, and improvements, and;
  - c. The existing buildings, structures, and improvements shall be labeled as such and indicated by a solid line. The proposed buildings, structures, and improvements shall be labeled as such and indicated by a dashed or dotted line.
4. The reason why the variance is being sought.
  5. Be accompanied by proof of payment of all applicable fees.
  6. An application for a variance may not be withdrawn or amended by the applicant after the legal advertising as required by this article shall have first appeared.
- B. Zoning Coordinator Action. The Zoning Coordinator, upon receiving an application for a variance, shall do the following:
1. Consult with other departments of the City to fully evaluate the impact upon public facilities and services.
  2. Study each application with reference to its appropriateness and effect on existing and proposed land uses.
  3. Place notice of the time, date and place of the public hearing in a newspaper of general circulation at least fifteen (15) days in advance of the date set for the public hearing.
  4. Notify the applicant and property owners, by mail, within three hundred (300) feet of the exterior boundaries of the property subject to the variance of the time, date and place of the public hearing and the proposed variance on the subject property at least ten (10) days prior to the date of the public hearing.
  5. Place a notice of the time, date, and place of the public hearing on the property at least ten (10) days prior to the hearing date.
  6. Report the findings to the City Commission.

**CD.** The City Commission may authorize upon appeal in specific cases such variances from the terms of this ordinance that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

Under no circumstances shall the City Commission grant a variance that would allow a use not permissible under the terms of the ordinance in the district involved. A variance shall not be a grant of special privilege inconsistent with the limitations placed upon property in the district.

The City Commission may prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance.

(Ord. No. 2004, § 1, 8/4/08)

Sec. 30.75. - Special exceptions.

A. General. Special Exceptions for uses other than those specifically permitted in each district, are intended to provide, in appropriate cases, and subject to appropriate conditions and safeguards, to be Special Exceptions to the terms of the Zoning Ordinance of the City of Livingston, when granted in harmony with its general purposes and intent of the ordinance.

No Special Exceptions shall be granted by the City Commission unless the ~~y~~ Board of Adjustment finds:



1. The use will not place a substantial adverse affect upon nearby properties or their occupants.
2. That the proposed use is in harmony with the general purposes and intent of the zoning ordinance.
3. If desired, the City Commission may add such requirements as it deems necessary to protect the surrounding neighborhood from the effects of the granted Special Exception.

B. Applications. An application for a Special Exception must be filed by the property owner.

Such application shall be filed with the Zoning Coordinator and shall be submitted under the following conditions:

1. The application shall include, but not be limited to the following information:
  - a. A legal and general description of the tract(s) upon which the Special Exception is sought.
  - b. The map showing the dimensions, acreage and location of the tract(s).
  - c. The name and address of the owner(s) of the tract(s).
  - d. A site plan showing major details of the proposed development including but not limited to: the location of proposed and existing buildings and structures; off-street parking and loading, when required, service and refuse areas; means of ingress and egress; landscaping, screening signs, and open space areas.
  - e. A time schedule for development.
  - f. Any other information the applicant believes will support his request.

The application must be submitted to the Zoning Coordinator. Proof of payment of all applicable fees from the City must accompany all applications. No application defect shall effect the validity of any such application.

C. Zoning Coordinator Action. The Zoning Coordinator, upon receiving an application for a Special Exception shall do the following:

1. Consult with other departments of the City and/or County to fully evaluate the impact of the use(s) contemplated under the application upon public facilities and services.
2. Study each application with reference to its appropriateness and effect on existing and proposed land uses.
3. Place a notice of the time, date, and place of the public hearing before the appropriate body in the legal newspaper of the City at least fifteen (15) days in advance of the date of the public hearing.
4. Notify the applicant and property owners by first class mail, within three hundred (300) feet of the exterior boundaries of the tract(s) of the proposed Special Exception area of the time, date, place of the public hearing and the proposed use(s) of the subject property at least ten (10) days prior to the date of the public hearing.

D. City Commission Action. The City Commission shall consider each application in accordance with provisions of this Article, and at a public hearing at which time the application has been legally advertised. Each application shall be presented by the Zoning Coordinator, together with conclusions and recommendations.

The City Commission shall:

1. Deny the application for a Special Exception, or
2. Grant the application for a Special Exception, or
3. Delay action on the application for a period not to exceed thirty (30) days, or
4. Grant the application with special conditions and safeguards.

(Ord. No. 2004, § 1, 8/4/08)

Article VIII. - Administration and Enforcement

Sec. 30.80. - Building official.

~~The Building Official shall enforce building codes as adopted by the City of Livingston. The provisions of this ordinance shall be enforced by the Building Official, subject to such variations or interpretations as may be made by the Board of Adjustment.~~

The Building Official shall:

- 1. Issue building permits for all construction, alteration, demolition, or movement of buildings or structures ~~after first determining that all applicable provisions of this ordinance are complied with.~~
- 2. Conduct inspections as are necessary to ensure compliance with the provisions of this ordinance.
- ~~3. Institute appropriate action or proceedings to prevent or correct unlawful construction, alteration, or movement of buildings or structures or unlawful occupancy of buildings, structures or land.~~

Sec. 30.81. - Zoning coordinator.

The Zoning Coordinator shall enforce, administer, and coordinate the Zoning Ordinance for the City of Livingston, additionally the Zooning Coordinator shall:

- 1. Issue Zoning Permits for all construction, expansion, or movement of buildings or structures.
- 2. Issue Sign Permits for the placement of signs.
- 3. Process amendments to the Official Zoning Map.
- 4. Process amendments to the text of the Zoning Ordinance.
- 5. Process Special Exception Applications.
- 6. Process Variance Applications.
- 7. Conduct inspections as are necessary to ensure compliance with the provisions of this ordinance.

~~The Zoning Coordinator shall supervise and facilitate the processing of applications for amendments to the Official Zoning Map, Special Exceptions, and requests for variances. Further, it shall be the responsibility of the Zoning Coordinator to present any applications or requests to the appropriate board. It shall further be the responsibility of the Zoning Coordinator to aid the various boards and departments in transmitting recommendations, records, and reports to the City Council and to otherwise promote procedural regularity in the administration of this ordinance.~~

~~The Zoning Coordinator shall not have authority to act in any final reviewing capacity and any question as to interpretation or enforcement shall be determined by the appropriate body.~~

Sec. 30.82. - Procedure in abatement of violation.

If on any inspection the condition of a building or premises, or its use or occupancy is found not to conform to the provisions of this ordinance, the ~~Building Official~~ written notice shall ~~be issued~~ written notice to the owner or tenant, specifying the manner in which the building or premises, or its use or occupancy fails to conform, and the owner or tenant shall take steps to make it conform as directed by the Building Official or Code Compliance Officer.

Appeal from the actions of the Building Official or Code Compliance Officer shall be made ~~with the Board of Adjustment~~ in conformance with the provisions of Article VII of this ordinance.

Sec. 30.83. - Penalties for violation.

Violation of the provisions of this ordinance or failure to comply with written notice of correction shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its

requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than six (6) months, or both. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation or to bring an action to enjoin any violation of this ordinance.

Sec. 30.84. - Investigation fee.

Whenever work for which a variance is required has commenced without first obtaining a variance, an investigation fee, in addition to the variance filing fee, shall be charged. The investigation fee shall be Fifty Dollars (\$50.00). The fee must be paid prior to submission of a variance application. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this ordinance, nor from any penalty prescribed by law.

Article IX. - Conflict ~~w~~With Other Laws, Separability Clause, Repeal of Conflicting Ordinances, Schedule of Fees, ~~Effective Date~~

Sec. 30.90. - Conflict with other laws.

In their interpretation and application, the provisions of this chapter shall be held to the minimum requirements adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this chapter are in variance with requirements of any lawfully adopted rules, regulation, ordinance deeds, restrictions or covenants, the most restrictive, or that imposing the higher standards, shall govern.

Sec. 30.91. - Separability clause.

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

Sec. 30.92. - Repeal of conflicting ordinances.

All ordinances or parts of the ordinance in conflict herewith are hereby repealed to the extent necessary to give this chapter full force and effect.

Sec. 30.93. - Schedule of application fees.

~~Application fees shall be set by separate resolution.~~

~~The following fee must be paid to the City at the time an application is submitted:~~

~~Change of Zone ..... \$575.00~~

~~Variance, Single Family Unit ..... \$ 35.00~~

~~Variance, All Others ..... \$100.00~~

~~Special Exceptions ..... \$250.00~~

**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 July, 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 August, 2021.

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

**ATTEST:**

**APPROVED AS TO FORM:**

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

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

**PERMITTING FEE SCHEDULE FOR DEVELOPMENT OR REDEVELOPMENT OF PARCELS IN LIVINGSTON**

**Zoning and Site Plan (Planning Department)**

- Zoning Permit:** \$500.
- Sign Permit:** \$500.
- Site Plan Review:** \$1000.
- Special Exception Permit:** \$500+ \$7/ property within 300 feet.
- Variance:** \$500 + \$7/ property within 300 feet.
- Zoning Map Amendment:** \$750 + \$7/ property within 300 feet.
- Zoning Text Amendment:** \$750.
- Plan Amendment:** \$750.
- Historic District Design Review:** None.

**Building (Building Department)**

- Building Permit:** See Building Permit Fee Schedule.
- Certificate of Occupancy:** None.

**Subdivision (Planning Department)**

- Subdivision Review:**
  - **First Minor Subdivision:** \$2000 + \$7/ adjacent property.
  - **Subsequent Minor Subdivision:** \$2000 + \$50/ proposed lot + \$7/ adjacent property.
  - **Major Subdivision:** \$2500 + \$50/ proposed lot + \$7/adjacent property.
  - **Final Plat (Major and Minor):** \$500.
  - **Amended Plat (no hearing required):** \$500.
  - **Amended Plat (hearing required):** \$1500 + \$7/ adjacent property.
  - **Preliminary Plat Extension:** \$250.
- Subdivision Exemption:** \$200.
- Condominium Exemption:** \$200.

**Streets, Utilities, and Trees (Public Works Department)**

- Infrastructure Plans and Specifications Review:**
- Street Cut Permit:** See Street Cut Permit.
- Sidewalk and Driveway Curb Cut Permit:**
  - Within 2 hr. zone: \$100.
  - All other locations: \$30.
- Public Right-of-Way Utility Occupancy Permit:**
- Boulevard Tree Removal/Pruning Permit:**
- Permit to Plant Trees:**

**Business (Finance Department)**

- Business License:** See Business License Application.

**File Attachments for Item:**

**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 BY 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.**

**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 BY 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.**

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Article II. - City Commission and Chairman

Sec. 2-10. - Preamble.

Pursuant to [7-1-4142](#) Montana Code Annotated (MCA), the City Commission of Livingston Montana, hereby adopts its rules of procedure for its public meetings in which to conduct open, fair, efficient and orderly business to enact legislation and to encourage public participation in the City Commission decisions prior to final decision which may have a significant interest to the public and to preserve a public record of such proceedings.

(Ord. 1869, 2/17/98; Ord. 1921 § 1 (part), 2/3/03; Ord. 1962, 2/21/06; Ord. No. 2016, § 1, 10/19/09)

Sec. 2-11. - Reserved.

**Editor's note**— Ord. No. 2019, § 1, adopted April 19, 2010, repealed § 2-11 which pertained to Robert's Rules of Order and derived from Ord. No. 1869, adopted Feb. 17, 1998; Ord. No. 1921, § 1(part), adopted Feb. 3, 2003, and Ord. No. 1962, adopted Feb. 21, 2006.

Sec. 2-12. - Posting board and notice.

The City Commission hereby designates the bulletin board attached to the wall of the **entryway** ~~hallway immediately outside of,~~ **between the two entry doors,** and ~~to the left of door to the City Offices of~~ City Hall located at **220 East Park** ~~414 East Callender Street,~~ Livingston, Montana as its official posting board for the purpose of posting public information. ( [7-1-4135](#) MCA).

When notice of a public hearing or other official action is required, unless provided elsewhere in the statutes, notice shall be published twice with at least six (6) days separating each publication. The published notice shall contain the date, time and place at which the hearing or other action will occur, a brief statement of the action to be taken and the address and telephone number of the person who can be contacted for further information.

(Ord. 1869, 2/17/98; Ord. 1921 § 1 (part), 2/3/03; Ord. 1962, 2/21/06; Ord. No. 2016, 10/19/09; Ord. No. 2019, § 1, 4/19/10)

Sec. 2-13. - Commission meetings.

- A. Open Meetings. All meetings of the City Commission shall be open to the public, except as provided by [2-3-203](#) MCA.
- B. Regular Meetings. The City Commission shall hold its regular meetings in the City Commission Chambers in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on the first and third Tuesdays of each month commencing at the hour of ~~5:30~~ 8:30 p.m. and ending at ~~9:30~~ 8:30 p.m. unless extended by a majority vote of the City Commission, provided, however, that when the day set for any regular meeting of the Commission falls upon a day designated by law as a legal holiday, such meeting shall be held at the same hour on the next succeeding day which is not a holiday. Nothing herein precludes the Commission from meeting at different time, date or location, provided, however, that adequate notice is given to the public.
- C. Work Sessions. The City Commission may meet at a set time and location for the purpose of a general work session with the City Manager. No official action may be taken at a work session, nor will minutes of such work session recorded. Work Sessions shall be open to the public unless otherwise properly closed to discuss topics for which closure is proper under Montana's Open Meeting Law.
- D. Public Hearings. When a matter is required by law to have a public hearing, or when a matter is set for a public hearing by the City Commission upon a motion of a City Commission person, duly seconded and passed, all public hearing will be held at a regular meeting of the Commission after due notice as required by law which notice shall specify the purpose of the hearing and the date, time and location thereof and invite the public to attend and make comments.
- E. Special Meetings. Special meetings of the Commission may be called by the Chairman, two members of the Commission or the City Manager upon at least twelve (12) hours written notice which shall state the date, time, location and subject of the meeting and shall be personally served upon each member of the Commission or left at his or her usual place of residence; a copy of said notice shall also be posted on the official posting board and delivered to the media. Special meetings of the Commission are not the preferred manner of conducting City business. The business of a special meeting must be restricted to the object stated in notice.
- F. Training Sessions. The City Manager shall hold a series of training sessions for newly elected City Commission members. The training sessions shall include, but not be limited to review of the City commission budget responsibilities, the role of the City Manager in hiring, supervising and discharging all employees, a review of the government and administration section of the Code of City Ordinances, a discussion and tour of facilities with each department head, and specific briefing on availability of the City Manager and staff to facilitate a City Commission member's responsibility. This Section shall also apply to Commission members elected by the City Commission to fill term vacancies.

(Ord. 1869, 2/17/98; Ord. 1921 § 1 (part), 2/3/03; Ord. 1962, 2/21/06; Ord. No. 2003, § 1, 7-21-08; Ord. No. 2016, § 1, 10/19/09; Ord. No. 2021, § 1, 8/16/10; Ord. No. [2051](#), § 1, 8/19/14)

Sec. 2-14. - Officers and duties.

- A. General. Election, voting, absence and vacancy. The City Commission shall annually elect a chair and a vice chair at the first meeting in January to serve until the next chair and vice chair are elected. The chair and vice chair shall retain all the rights and responsibilities held as a member of the commission, including the right to vote. The chair, or in his/her absence the vice chair, shall be the presiding officer at meetings of the commission. In the absence of both the chair and vice chair, the Recording Secretary shall call the meeting to order, call for the roll and the commission members present shall then appoint an acting chair to preside over the meeting.
- B. Chairman. The presiding officer of the City Commission shall be the Chairman who shall preserve strict order and decorum at all meetings of the Commission. The chairman shall assign each Commission member to a seat at the Commission table, as he or she may deem appropriate. The Chairman shall state, or cause to be stated, every motion coming before the Commission, announce the decision of the Commission on all subjects, and decide all questions of order, subject, however, to



an appeal to the Commission at large, in which event a majority vote of the Commission shall govern and conclusively determine such question of order.

- C. Vice Chairman. In the Chairman's absence or in the case of the Chairman's inability to act, the Vice Chair shall be designated by the Commission to perform the duties of the Chairman.
- D. Recording Secretary. The Recording Secretary shall record the proceedings of the City Commission and prepare and maintain permanent minutes of the Commission proceedings and shall file and preserve the recordings of the meetings and preserve and maintain the minutes and records in the City Office, which minutes and records shall be a public record; and shall be the custodian of the files and records of the Commission.
- E. Sergeant at arms. The Chief of Police, or such other officer may be designated by the Commission, shall be the Sergeant at Arms who shall assist the Chairman in preserving strict order and decorum at all meetings and shall keep track of the time when the chairman has place time limits upon a speaker's presentation.
- F. Procedure to fill Vacancy in office of City Commissioner. In the event of a vacancy in the office of City Commissioner under Section [7-4-4111](#), Montana Code Annotated, the City Commission shall use the follow process to fill the vacancy.
  - 1. The City Commission shall determine that a vacancy in the office of a City Commissioner has occurred at either the next scheduled regular meeting of the City Commission or at a duly noticed special meeting as a duly noticed agenda item.
  - 2. At the aforementioned meeting, the City Commission shall direct staff to publish in the local newspaper, once per week for two (2) successive weeks, and shall post on the City's official posting board a request to have interested person submit an application to fill said vacancy. The vacancy is required by law to be filled within thirty (30) days of the vacancy with the term being limited to the unexpired term of the person who created the vacancy.
    - a. The notice shall state the deadline for submitting applications which shall no more than fifteen (15) days from the date of first publication and that the following application is available from the City Offices:

APPLICATION FOR CITY COMMISSIONER

- 1. Name: \_\_\_\_\_
- 2. Address: \_\_\_\_\_
- 3. How long have you resided in Livingston \_\_\_\_\_
- 4. Are you at least 18 years of age? Yes \_\_\_ No \_\_\_
- 5. Are you a citizen of the United States? Yes \_\_\_ No \_\_\_
- 6. Have you resided in the State of Montana for more than 30 days? Yes \_\_\_ No \_\_\_
- 7. Have you resided in Park County for more than 30 days? Yes \_\_\_ No \_\_\_
- 8. Have you ever been convicted of a felony? Yes \_\_\_ No \_\_\_
- Why do you want to be a city commissioner? \_\_\_\_\_
- Do you have any prior experience in local government? If so, please describe? \_\_\_\_\_
- Do you have any special qualifications which you believe would be an asset to the city commission?  
\_\_\_\_\_

What do you see as the most important needs facing the City of Livingston? \_\_\_\_\_

- b. The qualifications of the applicant which include that the applicant is a citizen of the United States, a resident of the City of Livingston for at least thirty (30) days, at least eighteen (18) years of age and a registered voter.
  - c. All applicants shall receive a letter acknowledging the receipt of their application along with a copy of the procedure to fill vacancy in the office of the City Commission:
3. The City Commission shall meet in a public session to review all applications to determine that the applicants meet the minimum qualifications as set forth by state law.
  4. The City Commission shall then notice a public meeting wherein all qualifying applicants are interviewed. Interviews of each applicant shall follow the same format. Questions for the candidates will be established by the City Commission in advance of the interview.
  5. Thereafter, the City Commission, at a regular meeting or a duly notice special meeting shall appoint by a majority vote a qualified person to fill the vacancy who shall serve the unexpired term of the person creating the vacancy and until a successor is elected and qualified at the next general municipal election.
  6. After appointment has been made, the City Commission will write a letter to all applicants thanking each applicant for their time and desire to serve the public in making the City of Livingston a better place to live.

(Ord. 1869, 2/17/98; Ord. 1921 § 1 (part), 2/3/03; Ord. 1962, 2/21/06; Ord. No. 2016, § 1, 10/19/09; Ord. No. 2019, § 1, 4/19/10)

Sec. 2-15. - Quorum.

A quorum shall consist of three (3) Commission members. However, an affirmative vote of a majority of the entire Commission shall be necessary to adopt or reject any motion, resolution or ordinance or pass any measure unless a greater number is required by law. However, in the event of an emergency expenditure, such expenditure must be charged to the emergency budget appropriations and adopted by two-thirds (2/3) of the members of a governing body who are present at the meeting (Section [7-6-4302](#), MCA).

(Ord. 1869, 2/17/98; Ord. 1921 § 1 (part), 2/3/03; Ord. 1962, 2/21/06)

Sec. 2-16. - Agenda.

The City Manager shall prepare the agenda for the City Commission and make recommendations thereon for the City Commission's consideration. (Sections [7-3-304\(6\)](#) and [\(7\)](#), MCA).

Two (2) City Commissioners, when not in session, may make a request to the City Manager to have an item placed upon the agenda for consideration, but such request must meet the requirements set forth in the Rules of Procedure. Upon receipt of such request, the City Manager shall schedule the item for the next regularly scheduled meeting of the City Commission.

All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Commission from the City Commissioners or City staff, shall be submitted ~~by twelve (12) noon on the Monday immediately preceding the next regularly scheduled Commission meeting~~ **as set forth by the Commission in a Resolution.** All requests from the public to be placed on the agenda must be in to the City Manager by the Tuesday immediately preceding the next regularly scheduled Commission meeting. ~~The Commission agenda shall be set by five (5) p.m. on the Tuesday immediately preceding the City Commission meeting~~ **The process for submitting the Commission agenda shall be set by Resolution.** Whereupon, the City Manager shall immediately arrange a list of such matters according to the order of

business specified herein, and provide each member of the Commission with a copy of the same no later than the **date set forth in the Commission Meeting Resolution** ~~Thursday immediately preceding the Commission meeting~~. Copies of the agenda shall be available to the public from the Recording Secretary of the Commission and one (1) copy shall be available ~~posted at the designated posting board~~ for public viewing. The City Manager may approve late submittals deemed to be in the City's best interest by delivering the same to the Recording Secretary of the Commission for delivery to the City Commission; however, late submittals are not the favored manner in which to do business and should be limited to unusual circumstances.

(Ord. 1869, 2/17/98; Ord. 1921 § 1 (part), 2/3/03; Ord. 1962, 2/21/06)

Sec. 2-17. - Order of business.

The City Manager shall prepare the Commission agenda, which shall be in substantially the following form:

- A. Call to order.
- B. Roll call.
- C. Moment of silence.
- D. Pledge of Allegiance.
- E. Public Comment
- F. Consent agenda (no discussion should be necessary).\*
  - 1. Approval of minutes.
  - 2. General business/miscellaneous.
  - 3. Renewal of licenses.
  - 4. Applications for special licenses.
  - 5. Claims (paying the bills).

\* Consent items are those upon which the City Manager anticipates that no discussion should be necessary, however, by placing an item on the consent agenda does not limit the ability of a Commissioner from asking questions or making comments thereon. In the event a Commissioner believes that an item on the consent agenda should not be on the consent agenda, the Commissioner, at the beginning of any meeting may request one (1) or more items to be removed from the consent agenda for a separate vote. The presiding officer shall schedule such discussion and vote following adoption of the consent agenda.

- G. Items removed from consent agenda.
- H. City business, including proclamations, variances and scheduled public comment.
- I. Public hearings.
- J. Ordinances.
- K. Resolutions.
- L. Action items.
- M. City manager's report.
- N. Commissioner's comments, i.e. reports, introduction of measures, concerns and proposals by members of the Commission.

N. ~~Public comment.~~

O. Adjournment.

(Ord. 1869, 2/17/98; Ord. 1921 § 1 (part), 2/3/03; Ord. 1962, 2/21/06; Ord. No. 2019, § 1, 4/19/10; Ord. No. 2040, § 1, 7/19/12)

Sec. 2-18. - Summary minutes and recording of meeting.

All regular and special meetings of the City Commission, except executive sessions, shall be recorded and a copy of the recording shall be retained as the official record of the proceedings of the City Commission. In addition, summary minutes of all regular and special meetings of the City Commission shall be taken. The summary minutes must include at the minimum the date, time and place of the meeting, a list of the members of the City Commission in attendance, the substance of all matters proposed, discussed or decided and a record of all votes taken ( [7-5-4121](#) MCA). Summary minutes shall be approved by the Commission. It shall not be necessary to formally read the minutes aloud during the commission meeting prior to approval. Such minutes may be revised by the Recording Secretary to correct spelling, numbering, and other such non-substantive mistakes. Prior to approval, any Commission member may, through the Chairman, request the privilege of amending or correcting the minutes to accurately reflect the substance of the prior meeting. If objection is made by any Commission member to such amendment or correction, a majority vote of the Commission shall be necessary for adoption of the correction or amendment.

(Ord. 1869, 2/17/98; Ord. 1921 § 1 (part), 2/3/03; Ord. 1962, 2/21/06; Ord. No. 2016, § 1, 10/19/09)

Sec. 2-19. - Procedure to conduct business and motions.

A. Procedure to Conduct Business.

1. The Chair shall clearly announce the agenda item to be considered.
2. Following announcement of agenda item, the Chair shall invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.
3. The Chair shall invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input on the agenda item being considered. If numerous members of the public indicate a desire to speak to the subject, the Chair may limit the time of public speakers. To be recognized, each person desiring to give comment, testimony or evidence shall sit down at the table provided and after being recognized, give his or her name and address before testifying commenting or presenting other evidence. All comments, testimony and evidence shall be directed to the presiding officer. No questions shall be asked of a Commission member except through the presiding officer. At the conclusion of the public comments, the Chair shall announce that public input has concluded (or the public hearing as the case may be is closed).
4. The Chair shall ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.
- .5. The Chair shall invite a motion. The Chair shall announce the name of the member of the body who makes the motion.
6. The Chair shall determine if any member of the body wishes to second the motion. The Chair shall announce the name of the member of the body who seconds the motion. No motion shall be debated or put to a vote unless the same shall be seconded. If the motion is made and

seconded, the Chair should make sure everyone understands the motion. This is done in one (1) of three (3) ways: (1) The Chair can ask the maker of the motion to repeat it. (2) The Chair can repeat the motion. (3) The Chair can ask the recording secretary to repeat the motion.

- a. The Chair shall now invite discussion/debate of the motion by the body. Every member desiring to speak shall address the presiding officer, and upon recognition, shall confine himself to the question under debate, avoiding all personalities and indecorous language.
- b. A member, once recognized, shall not be interrupted when speaking unless it is to call him to order or as herein otherwise provided.
  - i. If a member, while speaking is called to order, he shall cease speaking until the question of order is determined, and, if in order, he shall be permitted to proceed.
- c. Order of rotation in matters of debate or discussion shall be at the discretion of the presiding officer.
  - i. A member shall not speak more than twice on the same subject without leave of the chair, nor more than once until every member desiring to speak on the pending question has had an opportunity to do so.

~~6. The Chair shall invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input on the agenda item being considered. If numerous members of the public indicate a desire to speak to the subject, the Chair may limit the time of public speakers. To be recognized, each person desiring to give comment, testimony or evidence shall sit down at the table provided and after being recognized, give his or her name and address before testifying, commenting or presenting other evidence. All comments, testimony and evidence shall be directed to the presiding officer. No questions shall be asked of a Commission member except through the presiding officer. At the conclusion of the public comments, the Chair shall announce that public input has concluded (or the public hearing as the case may be is closed).~~

7. If there is no desired discussion, or after the discussion has ended, the Chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

8. The Chair shall direct the Recording Secretary to take a roll call vote. If members of the body do not vote, then they "abstain". Unless the rules of the body provide otherwise (or unless a super-majority is required as delineated in these rules) then a simple majority determines whether the motion passes or is defeated.

9. The Chair should announce the result of the vote and should announce what action (if any) the body has taken.

**B. Motions, Majority Approval, Debatable or not and Exceptions.**

1. The Basic Motion. The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a 5-member committee to plan and put on our annual fundraiser."

2. The Motion to Amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a ten-member committee." A motion to amend takes the basic motion which is before the body and seeks to change it in some way. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way.

3. The Substitute Motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year." A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it.

4. Order of Consideration of Motions. There can only be three (3) motions on the floor at the same time. The Chair can reject a fourth motion until the Chair has dealt with the three (3) that are on the floor and has resolved them. When there are two (2) or three (3) motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. So, for example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a ten-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year."
  - a. First, the Chair would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed then the Chair would proceed to consideration of the second (now, the last) motion on the floor, the motion to amend.
  - b. Second, if the substitute motion failed, the Chair would now deal with the second (now, the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five (5) members or ten (10) members). If the motion to amend passed the Chair would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Chair would now move to consider the main motion (the first motion) in its original format, not amended.
  - c. Third, the Chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or, if amended, would be in its amended format (ten-member committee), and the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.
5. Motion to Reconsider. A motion to reconsider requires a majority vote to pass, but there are two (2) special rules that apply only to the motion to reconsider.
  - a. First, is timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body following due notice. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and by a two-thirds (2/3) majority, can allow a motion to reconsider to be made at another time following due notice.)
  - b. Second, a motion to reconsider can only be made by certain members of the body. Accordingly, a motion to reconsider can only be made by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she can make the motion to reconsider (any other member of the body may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again. That would defeat the purpose of finality.
  - c. If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is then in order. The matter can be discussed and debated as if it were on the floor for the first time.
6. Simple Majority and Exceptions. All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which, effectively, cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds (2/3) vote of the entire commission (a super-majority) to pass:

- a. Motion to Limit Debate. Whether a member says "I move the previous question" or "I move the question" or "I call the question" or "I move to limit debate", it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds (2/3) vote of the entire commission to pass.
  - b. Motion to Close Nominations. When choosing officers of the body (like the Chair) nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds (2/3) vote of the entire commission to pass.
  - c. Motion to Object to the Consideration of a Question. Normally, such a motion is unnecessary since the objectionable item can be tabled, or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds (2/3) vote of the entire commission to pass.
  - d. Emergency Measures. In the case of emergency measures, the emergency must be expressed in the preamble or in the body of the measure and the measure must receive a two-thirds (2/3) vote of the entire commission. In emergency ordinances, the resolutions shall include only such measures as are immediately necessary for the preservation of peace, health, and safety and shall not include a franchise to a corporation or individual, any provisions for the sale of real estate, any lease or letting of any property for a period exceeding one (1) year, or the purchase or sale of personal property exceeding five thousand dollars (\$5,000.00) in value. ( [7-5-4204](#) MCA)
  - e. Motion to Punish and Expel. The commission may punish a member and expel any member for the improper conduct upon a two-thirds (2/3) vote of the entire commission members. ( [7-5-4103](#) MCA).
7. Motions Debatable, Exceptions. The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the Chair that it is time to move on and take action.
- a. Exceptions. There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Chair must immediately call for a vote of the body without debate on the motion):
    - i. A Motion to Adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.
    - ii. A Motion to Recess. This motion, if passed, requires the body to immediately take a recess. Normally, the Chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.
    - iii. A Motion to Fix the Time to Adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.
    - iv. A Motion to Postpone Consideration. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion can contain a specific time in which the item can come back to the body: "I move we postpone consideration of this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case a motion to consider the item and bring it back to the body will have to be taken at a future meeting. A motion to postpone consideration an item (or to bring it back to the body) requires a simple majority vote.

- v. A Motion to Limit Debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote". When such a motion is made, the Chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds (2/3) vote of the body. Note: that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a two-thirds (2/3) vote of the body.
- vi. Motion to Object to Consideration of an Item. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds (2/3) vote.

(Ord. 1869, 2/17/98; Ord. 1921 § 1 (part), 2/3/03; Ord. 1962, 2/21/06; Ord. No. 2019, § 1, 4/19/10)

Sec. 2-20. - Reserved.

**Editor's note**— Ord. No. 2019, § 1, adopted April 19, 2010, repealed § 2-20 which pertained to procedure for the presentation of agenda items to the City Commission to encourage public participation in regular meetings and public hearings, and derived from Ord. No. 1869, adopted Feb. 17, 1998; Ord. No. 1921, § 1(part), adopted Feb. 3, 2003; and Ord. No. 1962, adopted Feb. 21, 2006.

Sec. 2-21. - Public hearings.

- A. The Commission may conduct public hearings or may appoint a hearing officer for that purpose, except for budget hearings, as provided in Section [7-1-4131](#), MCA.
- B. When heard by the Commission, the items will be presented to the Commission in the same format, as described in Section 2-19 of this Chapter.
- C. In addition, when public hearings and public interest matters are being heard and it is anticipated that a large number of the public may wish to participate, the presiding officer, with the consent of the Commission, may, prior to the meeting, establish reasonable guidelines for conducting the meeting.
- D. Witness may be required to testify under oath and all testimonies shall be directed to the presiding officer only.
- E. The Commission shall not be bound by the strict rules of evidence, and may exclude irrelevant, immaterial, incompetent or unduly repetitious comments, testimony or evidence. The presiding officer shall, with advise from the City Attorney, rule on all questions relating to admissibility of testimony or evidence. The ruling of the presiding officer may be overruled by a majority vote of the Commission.
- F. The proponents or opponents, their agents or attorneys, may submit petitions and written comments during or prior to the closing of the hearing and the same shall be entered by reference into the minutes and considered as other testimony received at the hearing.
- G. Following the presentation of all comments, testimony and evidence, the Commission may:
  - 1. Continue the hearing to a date certain to allow additional information to be submitted to the Commission as a body on any unresolved issues;
  - 2. Close the public hearing and proceed to Commission debate of the matter; or
  - 3. Continue the Commission debate and vote to a date certain.



H. A public hearing which has been formally closed may not be reopened. If additional information is required before a decision can be made, the Commission, upon motion duly made, seconded and passed, may call for an additional public hearing, which hearing shall be duly noticed, specifying date, time, place and subject matter of the hearing.

(Ord. 1869, 2/17/98; Ord. 1921 § 1 (part), 2/3/03; Ord. 1962, 2/21/06; Ord. No. 2019, § 1, 4/19/10)

Sec. 2-22. - Addressing the Commission.

- A. The City will provide sign-up sheets for each agenda item to be discussed at each meeting. Anyone desiring to address the City Commission shall sign the appropriate sheet which shall be collected by the City prior to the opening of the meeting.
  - 1. At the appropriate time on the agenda, the chair will invite the person(s) who has signed up to the table. Each person shall then be given the opportunity to make his or her presentation.
  - 2. Following the statements from those who signed up, the chair may ask for additional public comment from those who did not sign-up.
  - 3. Once a person has made his presentation, that person shall not speak on the same subject unless granted permission by the presiding officer and then only if the presentation provides new information not previously presented.
- B. The public is invited to speak: on any item under discussion by the Commission after recognition by the presiding officer.
- C. The speaker should step to the front of the room, and sit at the table provided, provide the speaker's name and address on the signup sheet located at the table, and for the record, give his/her name and address and, if applicable, the person, firm or organization represented.
- D. Prepared statements are welcomed and should be given to the Recording Secretary of the Commission. All prepared statements shall become a part of the permanent record.
- E. While the Commission is in session, the members must preserve order and decorum. A member shall not delay or interrupt the proceedings or the peace of the Commission nor disturb any member while speaking or refuse to obey the orders of the Commission or its presiding officer.
- F. Any person making personal, impertinent or slanderous remarks or who shall become boisterous or disruptive during the Commission meeting shall be forthwith barred from further presentation to the Commission by the presiding officer, unless permission to continue be granted by a majority vote of the Commission.

(Ord. 1869, 2/17/98; Ord. 1921 § 1 (part), 2/3/03; Ord. 1962, 2/21/06; Ord. No. 2016, § 1, 10/19/09; Ord. No. [2051](#), § 1, 8/19/14)

Sec. 2-23. - Ordinances and resolutions.

- A. All ordinances and resolutions shall be prepared or reviewed by the City Attorney. No ordinance or resolution shall be prepared for presentation to the Commission unless ordered by a majority vote of the Commission or requested by the City Manager.
- B. The ordinances and resolutions, before presentation to the Commission, shall be approved as to form and legality by the City Attorney and shall have been examined by the City Manager who may refer it for comment to the head of the department under whose jurisdiction the subject matter of the ordinance or resolution is to be administered.
- C. A draft of the proposed ordinance or resolution shall be presented to the Commission for review and comment with the public being notified of the proposed action and invited to make comment.

- D. If the draft ordinance is approved by the Commission, it shall then be placed on the agenda for the first reading and provisional adoption, with the second reading and final adoption occurring at least twelve (12) days after the first reading and provisional adoption. After being provisionally adopted, the ordinance shall be posted in a conspicuous place in the City/County Complex and copies thereof shall be available to the public from the Recording Secretary of the Commission. The reading of the ordinance's or resolution's title and number shall be sufficient to constitute a reading and an actual oral pronouncement of each word contained therein of the proposed ordinance or resolution is not required and shall be waived unless required by a majority vote of the City Commission.
- E. All ordinances, except emergency ordinances, shall become effective thirty (30) days after the second reading and final adoption. All resolutions and emergency ordinances shall become effective upon passage or at the time specified therein. Emergency ordinances and resolutions, which are defined as those measures which are immediately necessary for the preservation of peace, health and safety, require a two-thirds (2/3) vote of the entire commission

(Ord. 1869, 2/17/98; Ord. 1921 § 1 (part), 2/3/03; Ord. 1962, 2/21/06; Ord. No. 2019, § 1, 4/19/10)

Secs. 2-24—2-39. - Reserved.

**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, during a first reading at a regular session thereof held the \_\_\_\_\_ day of July, 2021.

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**DOREL HOGLUND, Chair**

**ATTEST:**

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

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

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**DOREL HOGLUND, Chair**

**ATTEST:**

**APPROVED AS TO FORM:**

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

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

**File Attachments for Item:**

**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.**

**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.**

\*\*\*\*\*

**WHEREAS**, the City Commission voted unanimously to expand the membership of the City Planning Board from 7 to 9 members during the May 18, 2021, City Commission Meeting.

Chapter 27 - CITY PLANNING BOARD

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

Pursuant to and under the provisions of [Title 76](#), Montana Code Annotated, the City Commission of the City of Livingston does hereby create and establish a City Planning Board to be known as the "Livingston Planning Board," and does by this Chapter adopt by reference all of the sections of the laws of the State of Montana aforementioned that specifically pertain to City Planning Boards, granting and delegating to the City Planning Board all of the rights, privileges, powers, duties and responsibilities thereto appertaining.

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

Sec. 27-2. - Jurisdictional area.

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

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

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

A. The Livingston Planning Board shall consist of seven ~~(7) members~~ **nine (9) members**, as follows:

1. One (1) member appointed by the City Commission from its own membership;
2. One (1) member appointed by the City Commission who, at the Commission's discretion, may be an employee of the City of Livingston or hold public office in Livingston or Park County;
3. One (1) member appointed by the Chair of the Commission, upon designation by the Board of County Commissioners of Park County; and
4. Four (4) citizen members appointed by the Chair of the Commission who shall be resident freeholders within the City of Livingston, who shall be qualified by knowledge and experience in matters pertaining to the development of the City and hold no other office in City government.
5. **Two (2) citizen members appointed by the Chair of the Commission who shall be residents within the City of Livingston, who shall be qualified by knowledge and experience in matters pertaining**

to the development of the City and hold no other office in City government. Priority shall be given to applicants who are not freeholders within the City of Livingston.

- B. The term of the City Commissioner appointed to the City Planning Board shall be for one year after being appointed by the Commission. The City Commission shall make a new appointment each calendar year whether or not the City Commission member changes.. All other members of the Planning Board shall be appointed to two (2) year overlapping terms of office. To establish the overlapping terms of office, the appointment of three (3) Planning Board members shall be appointed for one (1) year and three (3) members shall be appointed for two (2) years. Thereafter, except for the appointed City Commissioner, all other appointments to the Planning Board shall be for two (2) year terms.
- C. The Recording Secretary shall certify the members appointed by the City Commission. The certificates shall be sent to and become a part of the records of the Livingston Planning Board. The Chairman of the Commission shall make similar certifications for the appointment of citizen members.
- D. Any citizen appointee may be removed from office by a majority vote of the City Commission.
- E. The Planning Board members shall receive no salary for serving on the Planning Board, but may be reimbursed for transportation and actual expenses incurred in attending Planning Board meetings. When the Planning Board determines that it is necessary for members or employees to attend a regional or national conference or interview in another City, County or State dealing with planning or related problems, the Planning Board may pay the actual expense of the attending members or employees provided the amount has been made available in the Board's appropriation.

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

Sec. 27-4. - Organization and administration.

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

- 4. Make recommendations and an annual report to any governing bodies represented on the Board concerning the operation of the Board and the status of planning within its jurisdiction;
- 5. Prepare, publish and distribute reports, proposed ordinances and proposed resolutions and other material relating to the activities authorized by law.

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

**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, during a first reading at a regular session thereof held the \_\_\_\_\_ day of July, 2021.

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

**ATTEST:**

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

\*\*\*\*\*

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

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

**ATTEST:**

**APPROVED AS TO FORM:**

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

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

**PUBLIC NOTICE**

**NOTICE IS HEREBY GIVEN** the Livingston City Commission will convene for a regular session Tuesday, August 3, 2021, at 5:30 p.m. in the Community Room of the City/County Complex, 414 E. Callender St. Livingston, MT. The Commission will conduct a public hearing after the second reading of **ORDINANCE NO. 3016** entitled **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 BY 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.** All interested persons are invited to attend the public hearing, to make comments or make objections thereto. For additional information contact the City Offices at 220 E Park Street, Livingston, MT, 59047, or by phone at 823-6000.

Please publish Friday, July 9th, 2021 and July 23<sup>rd</sup>, 2021.

Faith Kinnick  
City of Livingston  
06/22/2021



**File Attachments for Item:**

**A. RESOLUTION NO. 4983: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 26 FLESHMAN CREEK ROAD.**

**RESOLUTION NO. 4983**

**A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 26 FLESHMAN CREEK ROAD.**

**WHEREAS**, Section 7-2-4501, Montana Code Annotated, authorizes annexation of wholly surrounded property; and

**WHEREAS**, the City Commission of the City of Livingston, Montana, has determined that it is in the best interest of the City that property be annexed into the City where the property is identified in the City’s Annexation Policy, and that the boundaries of the City of Livingston be extended to include the wholly surrounded property between the Armory and Ridgeview Trails Subdivision which are wholly surrounded by other property within the corporate limits of the City;

**WHEREAS**, Section 7-2-4501 deems property wholly surrounded by the city or town even though such tracts or parcels of land may be separated from such city or town by a street or other roadway, irrigation ditch, drainage ditch, stream, river, or a strip of unplatted land too narrow or too small to be platted; and

**WHEREAS**, the §7-2-4502 proscribes that protest of this annexation is not available to the annexation of wholly surrounded properties to be included in the territorial boundaries of the City.

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

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

**26 Fleshman Creek Road in COS 543 in Section 14 of Township 2 South, Range 9 East. See attached map.**

**PASSED** at a first reading by the Livingston City Commission, on August 3, 2021.

**Resolution No. 4983: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 26 FLESHMAN CREEK ROAD.**

**ATTEST:**

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

\*\*\*\*\*

**PASSED ADOPTED AND FINALLY APPROVED, during a second reading by the  
Livingston City Commission this 7<sup>th</sup> day of September, 2021.**

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

**ATTEST:**

**APPROVED TO AS FORM:**

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

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

**Resolution No. 4983: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT  
TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON  
AND IS DESCRIBED AS 26 FLESHMAN CREEK ROAD.**

**PUBLIC NOTICE**

**NOTICE** is hereby given, a public hearing will be conducted by the Livingston City Commission on Tuesday, September 7th, 2021, during a second reading of **RESOLUTION NO. XXXX: entitled A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 26 FLESHMAN CREEK ROAD.** For additional information contact Faith Kinnick at (406) 823-6002.

Please publish Friday, August 6th, 2021 and August 20th, 2021.

Faith Kinnick  
City of Livingston  
August 3, 2021

**Resolution No. 4983: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 26 FLESHMAN CREEK ROAD.**

**File Attachments for Item:**

**B. RESOLUTION NO. 4984: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 72 NORTH 8TH STREET AND 72 NORTH 9TH STREET.**

**RESOLUTION NO. 4984**

**A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 72 NORTH 8<sup>TH</sup> STREET AND 72 NORTH 9<sup>TH</sup> STREET.**

**WHEREAS**, Section 7-2-4501, Montana Code Annotated, authorizes annexation of wholly surrounded property; and

**WHEREAS**, the City Commission of the City of Livingston, Montana, has determined that it is in the best interest of the City that property be annexed into the City where the property is identified in the City’s Annexation Policy, and that the boundaries of the City of Livingston be extended to include the wholly surrounded property between Scenic Trail, West Summit Street, and the Northtown Subdivision which are wholly surrounded by other property within the corporate limits of the City;

**WHEREAS**, Section 7-2-4501 deems property wholly surrounded by the city or town even though such tracts or parcels of land may be separated from such city or town by a street or other roadway, irrigation ditch, drainage ditch, stream, river, or a strip of unplatted land too narrow or too small to be platted; and

**WHEREAS**, the §7-2-4502 proscribes that protest of this annexation is not available to the annexation of wholly surrounded properties to be included in the territorial boundaries of the City.

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

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

**COS 2028 the Remainder Tract, COS 2028, and COS 270 in Section 14 of Township 2 South, Range 9 East. See attached map.**

**PASSED** at a first reading by the Livingston City Commission, on August 3, 2021.

**ATTEST:**

RESOLUTION NO. 4984: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 72 NORTH 8<sup>TH</sup> STREET AND 72 NORTH 9<sup>TH</sup> STREET.

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

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

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

**ATTEST:**

**APPROVED TO AS FORM:**

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

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

**PUBLIC NOTICE**

RESOLUTION NO. 4984: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 72 NORTH 8TH STREET AND 72 NORTH 9TH STREET.

**NOTICE** is hereby given, a public hearing will be conducted by the Livingston City Commission on Tuesday, September 7th, 2021, during a second reading of **RESOLUTION NO. XXXX: entitled A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 72 NORTH 8<sup>TH</sup> STREET AND 72 NORTH 9<sup>TH</sup> STREET.** For additional information contact Faith Kinnick at (406) 823-6002.

Please publish Friday, August 6th, 2021 and August 20th, 2021.

Faith Kinnick  
City of Livingston  
August 3, 2021

RESOLUTION NO. 4984: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS 72 NORTH 8TH STREET AND 72 NORTH 9TH STREET.



**File Attachments for Item:**

**C. RESOLUTION NO. 4985: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS THE PROPERTY OF THE LIVINGSTON SCHOOL DISTRICT OFF OF SCENIC TRAIL AND IS DESCRIBED AS LOT 1 OF SUBDIVISION 183 IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 9 EAST.**

**RESOLUTION NO. 4985**

**A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS THE PROPERTY OF THE LIVINGSTON SCHOOL DISTRICT OFF OF SCENIC TRAIL AND IS DESCRIBED AS LOT 1 OF SUBDIVISION 183 IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 9 EAST.**

**WHEREAS**, Section 7-2-4501, Montana Code Annotated, authorizes annexation of wholly surrounded property; and

**WHEREAS**, the City Commission of the City of Livingston, Montana, has determined that it is in the best interest of the City that property be annexed into the City where the property is identified in the City’s Annexation Policy, and that the boundaries of the City of Livingston be extended to include the wholly surrounded property between Scenic Trail and the Palace Addition which is wholly surrounded by other property within the corporate limits of the City;

**WHEREAS**, Section 7-2-4501 deems property wholly surrounded by the city or town even though such tracts or parcels of land may be separated from such city or town by a street or other roadway, irrigation ditch, drainage ditch, stream, river, or a strip of unplatted land too narrow or too small to be platted; and

**WHEREAS**, the §7-2-4502 proscribes that protest of this annexation is not available to the annexation of wholly surrounded properties to be included in the territorial boundaries of the City.

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

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

**Lot 1 Of Subdivision 183 In Section 14, Township 2 South, Range 9 East. See attached map.**

**PASSED** at a first reading by the Livingston City Commission, on August 3, 2021.

**ATTEST:**

**Resolution No. 4985 A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS THE PROPERTY OF THE LIVINGSTON SCHOOL DISTRICT OFF OF SCENIC TRAIL AND IS DESCRIBED AS LOT 1 OF SUBDIVISION 183 IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 9 EAST.**

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

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

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

**ATTEST:**

**APPROVED TO AS FORM:**

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

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

**Resolution No. 4985 A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO  
ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS THE  
PROPERTY OF THE LIVINGSTON SCHOOL DISTRICT OFF OF SCENIC TRAIL AND IS DESCRIBED AS LOT 1  
OF SUBDIVISION 183 IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 9 EAST.**

**PUBLIC NOTICE**

**NOTICE** is hereby given, a public hearing will be conducted by the Livingston City Commission on Tuesday, September 7th, 2021, during a second reading of **RESOLUTION NO. XXXX: entitled A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS THE PROPERTY OF THE LIVINGSTON SCHOOL DISTRICT OFF OF SCENIC TRAIL AND IS DESCRIBED AS LOT 1 OF SUBDIVISION 183 IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 9 EAST.** For additional information contact Faith Kinnick at (406) 823-6002.

Please publish Friday, August 6th, 2021 and August 20th, 2021.

Faith Kinnick  
City of Livingston  
August 3, 2021

**Resolution No. 4985 A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS THE PROPERTY OF THE LIVINGSTON SCHOOL DISTRICT OFF OF SCENIC TRAIL AND IS DESCRIBED AS LOT 1 OF SUBDIVISION 183 IN SECTION 14, TOWNSHIP 2 SOUTH, RANGE 9 EAST.**

**File Attachments for Item:**

**D. RESOLUTION NO. 4986: A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS THE PROPERTY BETWEEN ARBOR DRIVE AND BENNETT STREET BOUNDED BY MILES LANE/CHESTNUT LANE, THE CITY TRANSFER STATION AND THE YELLOWSTONE RIVER IN SECTION 7 IN TOWNSHIP 2 SOUTH RANGE 10 EAST.**

**RESOLUTION NO. 4986**

**A RESOLUTION TO THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS THE PROPERTY BETWEEN ARBOR DRIVE AND BENNETT STREET BOUNDED BY MILES LANE/CHESTNUT LANE, THE CITY TRANSFER STATION AND THE YELLOWSTONE RIVER IN SECTION 7 IN TOWNSHIP 2 SOUTH RANGE 10 EAST.**

**WHEREAS**, Section 7-2-4501, Montana Code Annotated, authorizes annexation of wholly surrounded property; and

**WHEREAS**, the City Commission of the City of Livingston, Montana, has determined that it is in the best interest of the City that property be annexed into the City where the property is identified in the City’s Annexation Policy, and that the boundaries of the City of Livingston be extended to include the wholly surrounded property between Miles Lane/Chestnut Lane, Arbor Drive, Bennett Street, and the Yellowstone River all of which are wholly surrounded by other property within the corporate limits of the City;

**WHEREAS**, Section 7-2-4501 deems property wholly surrounded by the city or town even though such tracts or parcels of land may be separated from such city or town by a street or other roadway, irrigation ditch, drainage ditch, stream, river, or a strip of unplatted land too narrow or too small to be platted; and

**WHEREAS**, the §7-2-4502 proscribes that protest of this annexation is not available to the annexation of wholly surrounded properties to be included in the territorial boundaries of the City.

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

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

**The properties all in Section 7 defined in exhibit A and bounded by Arbor Drive, Miles Lane/Chestnut Lane, Bennett Street, the City transfer station, and the Yellowstone river. See Attached.**

**PASSED** at a first reading by the Livingston City Commission, on August 3, 2021.

**ATTEST:**

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

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

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

**ATTEST:**

**APPROVED TO AS FORM:**

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

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

**PUBLIC NOTICE**

**NOTICE** is hereby given, a public hearing will be conducted by the Livingston City Commission on Tuesday, September 7th, 2021, during a second reading of **RESOLUTION NO. XXXX: entitled A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, TO ANNEX CERTAIN LAND WHICH IS WHOLLY SURROUNDED BY THE CITY OF LIVINGSTON AND IS DESCRIBED AS THE PROPERTY BETWEEN ARBOR DRIVE AND BENNETT STREET BOUNDED BY MILES LANE/CHESTNUT LANE, THE CITY TRANSFER STATION AND THE YELLOWSTONE RIVER IN SECTION 7 IN TOWNSHIP 2 SOUTH RANGE 10 EAST.** For additional information contact Faith Kinnick at (406) 823-6002.

Please publish Friday, August 6th, 2021 and August 20th, 2021.

Faith Kinnick  
City of Livingston  
August 3, 2021



**File Attachments for Item:**

**E. RESOLUTION NO. 4987: A RESOLUTION OF THE CITY COMMISSION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF LIVINGSTON, MONTANA, THE QUESTION OF ESTABLISHING A CHARTER FORM OF GOVERNMENT FOR THE PURPOSE OF CHANGING THE GENERAL POWERS FORM OF GOVERNMENT TO A SELF-GOVERNMENT FORM THROUGH A CHARTER.**

**RESOLUTION NO. 4987**

**A RESOLUTION OF THE CITY COMMISSION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF LIVINGSTON, MONTANA, THE QUESTION OF ESTABLISHING A CHARTER FORM OF GOVERNMENT FOR THE PURPOSE OF CHANGING THE GENERAL POWERS FORM OF GOVERNMENT TO A SELF GOVERNMENT FORM OF THROUGH A CHARTER.**

**WHEREAS**, the voters of the City of Livingston previously adopted the commission- manger form of government with general government powers, which may provide only those services or perform only those functions authorized by the State of Montana; and

**WHEREAS**, Article XI, section 9, of the Montana Constitution, requires an election in each local government once every **ten years** to determine whether a local government will undertake a review procedure or submit to the voters the question of a change in plan of local government recommended by a study commission; and

**WHEREAS**, a Montana city or town is authorized pursuant to Montana Code Annotated, Section 7-1-101, “as provided by Article XI, section 6, of the Montana constitution, a local government unit with self-government powers may exercise any power not prohibited by the constitution, law, or charter.”; and

**WHEREAS**, an amendment to a self-government charter or an adopted alternative form of government may be proposed by a study commission recommendation, and an alternative form or plan of government recommended by a study commission must be submitted to the voters; and

**WHEREAS**, such a recommendation has been made by a study commission and is attached hereto as Exhibit B. Pursuant to Title 7, Chapter 3, Part 1, an amendment to a self-government charter or an adopted alternative form of government may only be made by submitting the question of amendment to the electors of the local government; and

**WHEREAS**, the City Commission believes that it is in the best interests of the City of Livingston to consider amending its form of government from general powers to self-government powers as a city with self-governing powers can provide any services or perform any functions which are not specifically prohibited by the Montana Constitution, state law or its charter; and

**WHEREAS**, The City Commission of the City has determined that the recommendation of the study commission recommending a self-government charter and a commission manager form of government should be submitted to the electors at the next election.

**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 electors should adopt the self-government charter, proposed for City of Livingston proposed by a commission of the people

The date of the Election is not less than eighty-five (85) days after the passage of this resolution.

2. General ballot requirements. The question of adopting an alteration of an existing form of government proposed by petition shall be submitted to the electors in substantially the following form:

**Vote for one:**

**FOR adoption of the self-government charter, proposed for City of Livingston proposed by a commission of the people.**

**FOR the existing form of government.**

(2) The whole number of ballots shall be divided into two equal sets. No more than one set may be used in printing the ballot for use in any one precinct and all ballots furnished for use in one precinct shall be identical. The existing plan of government shall be printed as the first item and the proposed plan as the second item on half of the ballots and the proposed form as the first item and the existing form as the second item on the other half of the ballots. If the local government consists of only one precinct, the existing plan shall be listed first on the ballot.

3. 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.

4. 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 no earlier than 40 days and no later than 10 days 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.

5. Conduct of Election. All qualified electors of the City shall be entitled to vote at the 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.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, THIS 3<sup>rd</sup> 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 SELF GOVERNMENT ELECTION**

CITY OF LIVINGSTON, MONTANA

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

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 to adopt the self-government charter, proposed by a commission of the people, for City of Livingston,

**Vote for one:**

**FOR adoption of the self-government charter, proposed for City of Livingston proposed by a commission of the people.**

**FOR the existing form of government.**

The Self Government Election will be conducted at a special 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, no earlier than 40 days and no later than 10 days before the election]

**SECTION 2**  
**COMPARISON OF PRESENT FORM OF CITY GOVERNMENT WITH THE PROPOSED CHARTER**

CHARACTERISTIC	PRESENT FORM OF GOVERNMENT	PROPOSED FORM OF GOVERNMENT	COMMENTS
<b>FORM OF GOVERNMENT</b>	<b><i>Commission-Manager</i></b> Elected Commission performs policy making functions. Appointed professional manager administers government under direction of the City Commission.	<b><i>Charter with Commission-Manager</i></b> Elected Commission performs policy making functions. Appointed professional manager administers government under direction of the Commission.	No changes to structure of government
<b>POWERS</b>	General government powers	Self-Government Powers	The Chair provides more governing flexibility, continues the limits the City's taxing and also requires public hearings any increase, in fees or utility rates
<b>GOVERNING BODY</b>	City Commission responsible for all legislative functions and supervision of City Manager.	City Commission responsible for all legislative functions and supervision of City Manager.	No change
<b>SIZE</b>	5 Commission members elected at large in nonpartisan elections.	5 Commission members elected at large in nonpartisan elections.	No change
<b>TERM</b>	Four year overlapping terms of office.	Four year overlapping terms of office.	No change
<b>PRESIDING OFFICER</b>	Chairman elected from and by Commission	Chairman elected from and by Commission	No Change
<b>CHIEF EXECUTIVE</b>	A City Manager, appointed by Commission on the basis of professional qualifications, administers the operations of city government.	A City Manager, appointed by Commission on the basis of professional qualifications, administers the operations of city government.	No change
<b>Powers and Duties</b>	The City Manager carries out the policies of the Commission, advises the Commission, executes the budget, and enforces laws and ordinances.	The City Manager carries out the policies of the Commission, advises the Commission, executes the budget, and enforces laws and ordinances.	No change
<b>Appointment Powers</b>	The City Manager appoints all employees. The Commission itself will appoint members of boards and Commissions.	The City Manager appoints all employees. The Commission itself will appoint members of boards and Commissions.	No change
<b>Budget Preparation</b>	City Manager prepares the budget in cooperation with department heads. Budget is then modified and approved by the City Commission.	City Manager prepares the budget in cooperation with department heads. Budget is then modified and approved by the City Commission.	No Change

**SECTION 3**

That the following Ballot Issue be submitted to the electors of the City of Livingston, Montana, at the November 2, 2021, election.

**BALLOT ISSUE**

**Charter with Self-governing Powers with the Commission-Manager Plan of Government for the City of Livingston, Montana:**

- \_\_\_\_\_ FOR adoption of a commission-manager form of government with a self-government charter for the City of Livingston.
- \_\_\_\_\_ FOR continuing the existing Commission-Manager form of government.

**Summary of change.** The city-manager plan of government would continue. The change is from a general power form of government to a charter with self-governing powers. Under general powers, a city can only act as authorized by State law. With self-governing powers, a city, if not specifically prohibited by State law or its charter, has the ability to act without the necessity of State authorization allowing for flexibility in those situations where the State has not acted, i.e. home rule.

**SECTION 4**

That the following Notice of Election be published as required by law:

**NOTICE OF ELECTION**

*\*\* Publication of a summary of the charter proposal is required twice during the two weeks immediately preceding the election on November 2, i.e. during the weeks of starting on October 18 and October 25, 2021. Required by 7-3-148, MCA.*

**NOTICE OF ELECTION ON THE ADOPTION OF A SELF GOVERNMENT CHARTER FOR LIVINGSTON**

The Livingston City Commission has unanimously referred to the voters a proposed self-government charter that will appear on the November 2 municipal election ballot.  
SUMMARY: If adopted by the voters the charter will continue the commission-manager plan of government but with self-government powers and restricting property tax levies and requiring

public hearings prior to any increase in City fees or utility charges.

COMPARISON: A comparison of the present and proposed forms of government is provided below.

LOCATION: Free copies of the proposed charter are available at City Offices in the City-County Building, 220 East Park Street and at the Livingston City Library.

**SECTION 5**

**Effective date:**

This resolution will become effective after adoption.

\* \* \* \* \*

**PASSED** by the City Commission of the City of Livingston, Montana, upon first reading this third day of August, 2021.

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

ATTEST:

APPROVED TO AS FORM:

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

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

**LIVINGSTON CHARTER MEMORANDUM**

As requested, I am pleased to provide a supplemental summary of the advantages and disadvantages of adopting a Charter for the people and government of the City of Livingston. The Local Government Associates make no recommendation as to the adoption of a Charter.

***DISADVANTAGES:***

First of all, there are NO DISADVANTAGES in adopting a Charter for any local government or any Montana community. At present, there are 34 municipal Charter governments in Montana. None of these communities have suffered any disadvantages of any kind from their decision to adopt a Charter. If you doubt this, call the mayors.

- ▶ A concern that somehow a Charter would make it easier for unscrupulous local officials to deceive or defraud their citizens and to hide their duplicity is simply not based upon a factual reading of the Charter. For example, the proposed Livingston Charter specifically defines what the City Manager may and may not do (Section 3.02). Because the Charter is immediately available to all employees and citizens in the community, any departure from the City Manager's duties and responsibilities will be immediately apparent to the staff, to the Commission and to the public. There can be no hiding behind obscure law book language to mask inappropriate actions. Without a Charter, few if any, City employees and even fewer citizens would know where to begin their search for a legal statement of what the City Manager must and must not do.
- ▶ In short, *without the transparency of a Charter*, there is greater likelihood that inappropriate actions by a City Manager would go undetected. And, once adopted by the voters, every household will have either a paper copy or on-line access to the Livingston City Charter.
- ▶ Additionally, the specific inclusion in the Charter (Section 2.07) of the constitutional right of recall of City officials by the voters assures a high level of City official accountability to local voters. *Deceive or defraud the voters and out you go.*

***ADVANTAGES:***

In addition to the enhanced accountability of local officials detailed above, the Charter will also increase the effectiveness of the Commission in supervising the City Manager and staff whose roles and responsibilities will be specifically defined in the Charter. The new commissioner and prospective candidates for office will know precisely what is expected of them and the limits of their authority to govern. *And so will the public.*

The Charter imposes strict limitations on the powers of the City government:

- ▶ The property tax mill levy is limited to that of general powers governments except with *the prior approval of the voters.*
- ▶ *No increase in any City fee or utility charge* may be made without a public hearing.

Kenneth L. Weaver, Ph.D.  
Local Government Associates



**File Attachments for Item:**

**F. RESOLUTION NO. 4988: 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 \$20,000,000 FOR THE PURPOSE OF FUNDING THE CONSTRUCTION OF ONE OR MORE SEPARATED GRADE RAIL CROSSING AND RELATED INFRASTRUCTURE; AND TAKING CERTAIN OTHER ACTIONS WITH RESPECT THERETO.**

**RESOLUTION NO. 4988**

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 \$20,000,000 FOR THE PURPOSE OF FUNDING THE CONSTRUCTION OF ONE OR MORE SEPARATED GRADE RAIL CROSSING AND RELATED 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 and equipping of one or more separated grade railroad crossings and related infrastructure and indirect costs such as water and sewer extensions and traffic circulation improvements to serve 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 \$20,000,000 (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 \$20,000,000, 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 \$20,000,000; and

WHEREAS, it is the judgment of the City Commission that the sum of \$20,000,000, 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 twenty million dollars and 00/100 cents (\$20,000,000). 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 \$20,000,000. 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 twenty million dollars and 00/100 cents (\$20,000,000), 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 Twenty Million and No/100 Dollars (\$20,000,000) for the purpose of the construction and equipping of one or more separated grade railroad crossings and related infrastructure and indirect costs such as water and sewer extensions and traffic circulation improvements to serve 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 Twenty Million and No/100 Dollars (\$20,000,000) the construction and equipping of one or more separated grade railroad crossings and related infrastructure and indirect costs such as water and sewer extensions and traffic circulation improvements to serve the City (the “Railroad Crossing Project”). 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 Railroad Crossing Project to be financed, but not to exceed twenty (20) years and redeemable as determined by the City Commission. [Based upon information from the most recent tax year, if the Bonds are issued, then the additional annual tax that would be applied to a home with a market value of \$100,000 would be \$137.48 and the additional annual tax that would be applied to a home with a market value of \$200,000 would be \$274.96.]

- 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 \$20,000,000 FOR THE PURPOSE OF FUNDING THE CONSTRUCTION OF ONE OR MORE SEPARATED GRADE RAIL CROSSING AND RELATED 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 3<sup>rd</sup> Day of August 2021.

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



**File Attachments for Item:**

**G. RESOLUTION NO. 4989: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN AN ANNUAL LEASE AGREEMENT WITH THE MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, FOR A TERM BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022.**

**RESOLUTION NO. 4989**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT WITH MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, FOR A TERM BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022.**

\*\*\*\*\*

**WHEREAS**, Montana Department of Public Health and Human Services (DPHHS) is in the business or conducting business and the City of Livingston has space available for this purpose, and the City of Livingston and DPHHS desire to enter into the Standard Lease Contract attached hereto as Exhibit A for the lease of building space, and

**WHEREAS**, by the terms of the Lease, the City leased the southwesterly wing of the new City Hall Building located at 220 E. Park Street in the City of Livingston, Park County, Montana, to DPHHS, and

**WHEREAS**, the term of the Lease is from July 1, 2021-June 30, 2022 (with the new lease amount to be paid starting August 1, 2021) and, may renew as set forth in the Lease, and

**WHEREAS**, the City’s administration recommends entering into the lease, and is ready to sign.

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

The City Manager is hereby authorized to enter into the Lease, which document is attached hereto and incorporated herein as Exhibit A.

**PASSED AND ADOPTED** by the City Commission of the City of Livingston, this 3<sup>rd</sup> day of August, 2021.

---

**DOREL HOGLUND, Chair**

**ATTEST:**

**APPROVED TO AS FORM:**

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**FAITH KINNICK**  
Recording Secretary

---

**COURTNEY JO LAWELLIN**  
City Attorney

**STATE OF MONTANA STANDARD LEASE CONTRACT –  
CITIES & COUNTIES**

(County lease template last revised May 24, 2021)

This lease #8012-B is made by and between the Montana Department of Health and Human Services, 111 Sanders, P.O. Box 4210, Helena, Montana 59604, “Lessee” and the City of Livingston, 220 E. Park Street, Livingston Montana 59047, “Lessor.”

**1. PURPOSE OF LEASE**

The Lessee has a need to lease space in Livingston, Montana to conduct its business, and the Lessor has space available for this purpose.

**2. PREMISE DESCRIPTION**

The leased space (Premise) is 1,776 gross square feet and includes the right to use the common areas (such as stairs, elevators, hallways, and available storage) within the building in which the Premise is located. The physical address is 220 East Park Street, Livingston, Montana.

**3. TERM OF LEASE/CONDITION OF PREMISE AT END OF TERM**

A. The lease term is one year, effective July 1, 2021 through June 30, 2022, unless earlier terminated as provided in sections 12, 13, 17, 18, 20 and 21 or renewed as provided in Section 5.

B. Upon termination of this lease or any extension of it, the Lessee shall vacate and surrender the Premise to the Lessor in as good condition and repair as when it took possession, reasonable wear and tear and Lessor-authorized changes, alterations, and improvements excepted. Lessee shall remove all personal property that it placed within the Premise within 30 days of termination.

If the Lessee does not remove its personal property within the 30 days, then Lessee shall pay Lessor a full month’s rent even if the Lessee’s personal property is removed before the month has expired.

**4. CONSIDERATION**

A. From July 1, 2021 through June 30, 2022, Lessee’s monthly payment is \$2960.00 This reflects an annual cost of \$35,520.00 with a rate of approximately \$20.00 per gross square foot per year.

B. The Lessee shall pay the Lessor rent due by the 10th of the month.

**5. RENEWAL OPTION**

All lease renewals are subject to prior approval by the Department of Administration (under Section 25), the Lessor, and the Lessee.

**6. UTILITIES AND JANITORIAL SERVICES**

A. The Lessor shall furnish and pay for all utilities including interior and landscape and irrigation water (hot and cold for the interior), gas, electricity, air conditioning (if available), garbage removal, pest control (if necessary), and sewer. The Lessor shall at its expense promptly replace all light bulbs, fluorescent tubes, and other lighting elements but in event within five working days after notification of needed replacement.

B. Lessee at its expense and with Lessor’s approval may install additional telephone, electrical, or computer network lines or change the location of such existing facilities.

C. At its expense, Lessor shall provide janitorial services and all janitorial supplies for the Premise. The Lessor shall perform the janitorial work safely, including notifying occupants of any dangerous conditions like slippery or wet floors, or unstable walking areas. The services must include at a minimum:

Three Times a Week (Saturday Tuesday Thursday, excluding holidays)

- Cleaning all bathrooms, including toilet and lavatory bowls
- Refilling paper towel and toilet tissue dispensers
- Emptying all trash containers

Weekly

- Disposing of materials specified by the Lessee
- Mopping floors

Bi-Weekly (Every other Week)

- Vacuuming carpets
- Dusting furniture

As needed, but not less than semi-annually

- Waxing floors
- Shampooing carpets
- Washing interior windows
- Cleaning light fixtures and window blinds (if the blinds are provided and owned by the Lessor)

**7. PARKING SPACE**

At no additional charge or cost to the Lessee, Lessor agrees to provide four (4) parking spaces designated for Lessee parking. Lessee customers may use available public parking in the parking area.

**8. PARKING AREA AND SIDEWALK MAINTENANCE**

The Lessor shall keep the parking area and sidewalks safe and in good repair and shall timely remove debris, snow and ice from the parking area and sidewalk.

**9. NOTICE**

For a notice under this lease to be valid, it must be in writing and must be personally delivered or sent by email, fax, or first-class mail. Notice personally delivered or sent via email or fax is effective on receipt. If email is used and the sender receives a machine-generated notice that delivery has failed, then the sender must provide notice by another means allowed by this section. Notice sent by first class mail is effective within three days of mailing.

The Lessor’s address for purpose of receiving demand or notice is City of Livingston located at 220 East Park Street, Livingston, Montana 59047.

The Lessor’s representative for the purposes under this lease is Livingston City Attorney, 406-823-6009, email address [cityattorney@livingstonmontana.org](mailto:cityattorney@livingstonmontana.org).

The Lessee's address for the purpose of receiving demand or notice is Montana Department of Public Health and Human Services, 111 Sanders, P.O. Box 4210, Helena, Montana, 59604.

The Lessee's representative for purposes under this lease is Theresa Rush, telephone (406) 444-4547, e-mail address [trush@mt.gov](mailto:trush@mt.gov)  
If either party changes its address or contact person, it shall promptly notify the other party in writing at the address provided in this section.

**10. QUIET ENJOYMENT**

Without interference from Lessor or third parties, the Lessee has the right to peaceful and quiet possession and use of (i) the Premise and common areas and (ii) the rights and interests appurtenant to the Premise and common areas.

**11. ACCESS FOR MAINTENANCE/INSPECTION**

A. Upon 24-hours’ prior notice to the Lessee, the Lessor or its agent(s) may enter the Premise at reasonable times to maintain, repair, or inspect the Premise.

B. If an emergency arises, Lessor may enter the Premise without prior notice to the Lessee. Lessor has 24-hour access to the Premise to perform janitorial services under section 6 above. Lessee shall provide Lessor with a key and code to its locked doors to be placed in the Knox Box for emergency entry by EMS personnel.

**12. MAINTENANCE/REPAIR OF PREMISE**

A. At its cost and expense, Lessor shall maintain and repair in a good, safe, and usable condition the Premise and the interior of the building in which the Premise is located, including related mechanical, electrical, plumbing, sanitary, heating, ventilation, and air conditioning systems and elevator (if any).

B. At its cost and expense, Lessor shall maintain and repair in a good, safe, and usable condition the exterior of the building and the Premise, including the roof, foundation,

walls, doors, fixtures, outdoor lighting, lawns and other landscaping, drainage, and related sidewalks, stairways, and parking areas.

C. If there is an interruption in essential services to the Premise (such as heating, ventilation plumbing, lighting, or electrical services) or Lessor fails to maintain or repair the Premise in a good, safe, and usable condition for five consecutive days, Lessee must receive an abatement of rent for this period. If such interruption continues beyond this five-day period, Lessee may terminate this lease without penalty, and Lessor shall refund Lessee for the unearned rent paid. Lessee may also pursue any remedies available to it under this lease or Montana law.

**13. FIRE OR OTHER CASUALTY DAMAGE**

A. If the Premise or any part of it becomes so damaged by fire, earthquake, other casualty, or structural defects that it cannot be used for Lessee's business purposes, then Lessee may without penalty terminate this lease by giving Lessor five days' notice. Lessor shall refund Lessee any unearned rent paid if Lessee so terminates.

B. If such damage does not render the Premise unusable for Lessee's purposes, Lessor shall promptly repair such damage at Lessor's cost. In this case, Lessee's rental payment must be reduced by the same ratio as the net square feet the Lessee is precluded from occupying bears to the total net square feet in the Premise.

"Net square feet" means actual inside dimensions and does not include public corridors, stairwells, elevators, and restrooms. If the Lessor does not complete the repairs within 30 days following the initial damage, Lessee may without penalty immediately terminate this lease.

C. Lessor shall continue to insure the Premise until the Lessee's personal property is removed from the Premise.

**14. ALTERATIONS TO PREMISE**

The Lessee may not make permanent improvements or alterations to the Premise without the Lessor's prior written consent. Permanent improvements or alterations will remain the Lessor's property upon lease termination unless Lessor and Lessee's written consent specifies differently. Lessee's personal property including but not limited to cubicles remains the Lessee's property and may be removed upon lease termination. Lessor's personal property including but not limited to floor mats remains the Lessor's property and may not be removed upon lease termination.

**15. SIGNS**

If Lessor allows signage and the Lessee wishes to advertise its location in the building where the Premise is located, Lessee shall pay the Lessor for installation of a suitable sign on the exterior of the Premise at a location mutually agreeable to the Lessor and Lessee.

**16. INSURANCE SPECIFICATIONS**

A. Lessor Property. Lessor has property insurance as provided by the Montana Municipal Interlocal Authority (MMIA), which is a property and liability self- insured risk sharing pool. Such insurance provides coverage for among other things:

- (i) Loss or damage by fire and such other risks (not including earthquake damage) in an amount sufficient to permit such insurance to be written at all times on a replacement cost basis.
- (ii) Loss or damage from leakage or sprinkler systems now or hereafter installed in the Premise.
- (iii) Loss or damage by explosion of steam boilers, pressure vessels, and oil or gasoline storage tanks, or similar apparatus now or hereafter installed in a building or buildings within which the Premise is located.

B. Lessor Liability. The Lessor shall purchase and maintain occurrence coverage with combined single limits for bodily injury, personal injury, and property damage of \$750,000 per claim and \$1,500,000 per occurrence to cover such claims as may be caused by any act, omission, or negligence of the Lessor and its officers, employees, or agents in accordance with § 2-9-108, MCA.

C. Lessee Insurance. Lessee shall maintain insurance covering its property and shall be self-insured for personal injury and property damage as required by law.

**17. COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS**

A. The Lessor and Lessee shall comply with all applicable federal, state, and local laws and ordinances.

B. Following § 49-3-207, MCA, and Executive Order No. 04-2016, Lessor agrees:

- (i) the hiring of persons, if any, to perform this lease will be made on the basis of merit and qualifications, and
- (ii) there will be no discrimination based on race, color, sex, pregnancy, childbirth or medical conditions related to pregnancy or childbirth, political or religious affiliation or ideas, culture, creed, social origin or condition, genetic information, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, military service or veteran status, or marital status by the persons performing this lease.

C. The Lessor shall provide an additional alternative accessible site, other than the Premise, for use by the Lessee if it is necessary to provide services, benefits, or communication to individuals with a disability. If an alternative ADA site is not available or economically feasible for the Lessor to provide within thirty (30) days of a



written request thereof by the Lessee, the Lessee may without a penalty terminate the lease with a thirty (30) day written notice.

D. Lessor shall locate, install, test, and maintain fire extinguishers as required by Montana law.

E. The Lessor shall provide the Department of Administration, the Montana Legislative Auditor, or their authorized agents reasonable access to any records relating to this lease to determine if the parties have complied with the lease terms and condition. § 18-1-118, MCA. It shall retain these records for eight years following termination of this lease or the time established by the Lessor’s record retention schedule, whichever is longer.

**18. ENVIRONMENTAL HAZARDS**

A. The Lessor represents that, to the best of its knowledge, any use, storage, treatment or transportation of hazardous substances that has occurred within, under or from the Premise before the lease date has complied with all applicable federal, state and local laws, regulations, and ordinances.

B. The Lessor represents that, to the best of its knowledge, (i) no release, discharge, or disposal of hazardous substances has occurred within or under the Premise and (ii) that the Premise is free of hazardous substances as of the starting lease date.

C. If either party to this lease discovers that a release, discharge, or disposal of hazardous substances has occurred within or under the Premise or that the Premise is not free from hazardous substances, the party shall immediately notify the other party.

D. If the Lessee determines at any time that the Premise poses an environmental hazard to its employees, the Lessee may without incurring a penalty or liability immediately terminate the lease with notice to the Lessor.

E. “Hazardous substances” means those substances designated by the United States Environmental Protection Agency as hazardous or those substances defined as hazardous by federal, state, or local statutes, rules, ordinances, or regulations.

**19. HOLDOVER TENANCY**

A. Absent a written agreement stating otherwise, if the Lessee holds the Premise beyond the lease term the lease will be deemed a month-to-month tenancy subject to all terms and conditions of this lease.

B. Either party may terminate the holdover tenancy, without incurring a penalty, by providing the other party thirty (30) day written notice of termination before the beginning of the final month.

**20. TERMINATION FOR LACK OF FUNDING**

A. The Lessor understands that the Lessee, as a state agency, is dependent upon state and/or federal appropriations for its funding. If state or federal government funds are not

appropriated or otherwise made available to support continued performance of this lease in subsequent fiscal periods, the Lessee must by law terminate this lease. § 2-17-101(6), MCA. The Lessee shall provide Lessor the date Lessee’s termination will take effect.

B. The Lessee is responsible only for the rental payment, or prorated portion of that payment, owed to the Lessor under Section 4 up to the date the Lessee’s termination takes effect. This is the Lessor’s sole remedy. Lessee will not be liable to the Lessor for any other payments or damages arising from termination for lack of funding, including but not limited to general, special or consequential damages.

**21. BREACH**

A. Other than termination for lack of funding under section 20, either party’s failure to perform the lease’s terms and conditions is a breach.

B. If a breach arises, the non-breaching party may send the breaching party a written notice, identifying in reasonable detail the breach and the requested remedy.

Except as provide in subsection C. below, the breaching party shall cure the breach as soon as reasonably possible but no longer than 30 days, except if an emergency condition exists requiring a cure to be immediately started and completed within 24 hours if reasonably possible given the circumstances.

C. If the breaching party does not cure the breach, the nonbreaching party may cure all or part of the default after providing notice to the breaching party of its intent to perform such cure, and, if applicable, recover the costs incurred in curing the default.

If the nonbreaching party is the Lessee, the Lessee may deduct all costs incurred from rent or other charges owed to Lessor. Lessee’s costs incurred to cure include, but are not limited to, all reasonable out-of-pocket expenses, payment of unpaid utility or services charges for which Lessor is responsible, and all administrative costs the Lessee reasonably incurs and documents in performing or arranging for performance of the cure.

If the nonbreaching party is the Lessor, Lessor will submit properly executed vouchers and proof of payment to Lessee and Lessee shall remit payment to Lessor within 30 days or as soon as is practicable.

The nonbreaching party is under no obligation to cure some or all the default of the breaching party. To the extent that the nonbreaching party does not cure the default, the nonbreaching party may pursue its legal and contractual remedies against the breaching party.

The nonbreaching party’s failure to cure the breaching party’s default does not waive the nonbreaching party’s rights to relief. Nothing herein removes or lessens either party’s obligation to mitigate damages.

D. If it is not reasonably possible to cure an emergency or non-emergency condition within 24-hours or 30 days, respectively, the breaching party shall so notify the non-breaching party within 24-hours or 10 days, respectively. Such notice shall explain why the cure is not reasonably possible with due diligence to complete within 24 hours (if an emergency) or 30 days (if a non-emergency) and provide the earliest date that the work can be completed as soon as reasonably possible.

It is not a justifiable ground for delay that the Lessor does not have available funding to accomplish the cure or that a preferred contractor has limited availability if other contractors can satisfactorily perform the work sooner at reasonable cost.

E. "Emergency condition" means a condition requiring a cure that (i) prevents or substantially disrupts the Lessee from using all or a substantial part of the Premise, or (ii) causes or substantially threatens to cause injury to persons or damage to property or raises a substantial danger to the health or safety of any persons on or using the Premise. Notice under this paragraph may be by the means allowed in the Notice section 9, but in addition includes actual notice/awareness that Lessor has of a condition independent of any such notice.

**22. VENUE**

If a dispute arises over this lease and a party chooses to file a suit, the proper venue for the case is the District Court of the Montana, First Judicial District, Lewis and Clark County. Each party shall pay its own attorney fees and costs.

**23. LEASE APPROVAL**

The Department of Administration must approve any lease amendment or renewal.

**24. ENTIRE LEASE/INTERPRETATION**

This lease, consisting of twelve pages, sections 1 through 26, contains the entire agreement between the Lessee and the Lessor. If an ambiguity exists in this Lease, this lease may not be interpreted against the drafter.

**25. SMOKE FREE ENVIRONMENT**

The Lessor shall make all parts of the Premise smoke-free, and Lessee may not allow its employees or visitors to smoke in the Premise. "Smoke" means smoke from a lighted cigar, pipe, cigarette, any kind or variety of e-cigarette or vapor cigarette, or any other smokable product. Refer to Montana Clean Indoor Air Act, 50-40-101, et seq., MCA.

**26. CONFIDENTIALITY AND HIPAA REQUIREMENTS**

**THIS PROVISION IS TO BE USED IN ANY CONTRACTS FOR THE PROVISION OF HUMAN SERVICES OR OTHER CONTRACTS THAT NECESSITATE ACCESS TO AND USE OF CONFIDENTIAL PERSONAL INFORMATION.**

- a. The Lessor must, during and after the term of this lease, protect confidential consumer and recipient information obtained and used in the performance of contractual duties and responsibilities under this Lease in accordance with applicable legal and policy authorities.
  
- b. All material and information containing consumer and recipient personal information provided to the Lessor by the Lessee or acquired by the Lessor on behalf of the Lessee, whether verbal, written, magnetic media, or in other forms, is to be regarded as confidential information and may only be used or disseminated by the Lessor, its Sublessors, or agents for the purposes allowed for under this lease and any governing legal and policy authorities.
  
- c. The Lessor, in relation to individually identifiable health information, must comply with the privacy and security requirements of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996 and the regulations implementing those requirements at 45 CFR Part 160 and Subparts A, C, and E of Part 164 as they may be applicable to the Lessor and the services provided through this lease. Attachment “A” to this lease provides information as to where the Lessor may access the relevant HIPAA legal authorities and the interpretative direction provided by the federal government.
  
- d. The Lessor must notify the Lessee in writing within five work days in the event that 1) a complaint is lodged with the Office of Civil Rights (OCR) of the Lessee of Health and Human Services alleging that the Lessor is not in compliance with HIPAA, 2) the Office of Civil Rights (OCR) of the Lessee of Health and Human Services determines that the Lessor is not in compliance with HIPAA, or 3) an administrative action or litigation is initiated against the Lessor based on any legal authority pertaining to the protection of confidential information. The Lessor must provide the Lessee with a copy of any notice along with a copy of the relevant administrative complaint, determination or legal complaint.
  
- e. Failure of the Lessor to be in compliance with this provision, the Lessee's policies protecting confidential information, or federal and state legal authorities, inclusive of HIPAA, governing the protection of confidential information is cause for termination of this Lease by the Lessee.

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

The parties have entered into and executed this Lease on the dates stated below:

LESSOR

**CITY MANAGER**

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

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

Approved for legal content.  
City Attorney

LESSEE

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

Adam Meier, Director  
Department of Public Health & Human Services

APPROVED BY:

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

Garett M. Bacon, Leasing Officer  
Department of Administration, General Services Division

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

Mike Manion, Chief Legal Counsel  
Department of Administration

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

Office of Budget and Program Planning

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

Misty Ann Giles, Director  
Department of Administration

**ATTACHMENT “A”**

Revised 9/06 OLA

**SOURCES OF INFORMATION ON THE PRIVACY, TRANSACTIONS AND SECURITY REQUIREMENTS PERTAINING TO HEALTH CARE INFORMATION OF THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)**

The following are sources of information concerning the applicability of and implementation of the privacy, transactions and security requirements of HIPAA. The Department of Public Health & Human Services requires that contractors generating, maintaining, and using health care information in relation to recipients of State administered and funded services be compliant with the requirements of HIPAA.

There can be difficulty in interpreting the applicability of HIPAA to an entity and its activities. It is advisable to retain knowledgeable consultants or attorneys to provide advice concerning determinations of applicability.

The websites specified here may be changed without notice by those parties maintaining them.

FEDERAL RESOURCES

The following are official federal resources in relation to HIPAA requirements. These are public sites.

- 1) U.S. Department of Health & Human Services/Centers for Medicare & Medicaid Services

[www.cms.gov/hipaa](http://www.cms.gov/hipaa)

The federal Department of Health & Human Services/Centers for Medicare & Medicaid Services (CMS) provides information pertaining to transactions, security and privacy requirements under HIPAA including the adopted regulations and various official interpretative materials. CMS is responsible for the implementation nationally of the transactions and security aspects of HIPAA.

- 2) U.S. Department of Health & Human Services/Office of Civil Rights

[www.hhs.gov/ocr/hipaa](http://www.hhs.gov/ocr/hipaa)

The federal Department of Health & Human Services/Office of Civil Rights (OCR) provides information pertaining to privacy requirements under HIPAA including the adopted regulations and various official interpretative materials. This site includes an inquiry service. OCR is responsible for the implementation of the privacy aspects of HIPAA and serves as both the official interpreter for and enforcer of the privacy requirements.

3) U.S. Department of Health & Human Services/Centers for Disease Control & Prevention  
[www.cdc.gov/privacyrule](http://www.cdc.gov/privacyrule)

The federal Department of Health & Human Services/Centers for Disease Control & Prevention (CDC) provides information pertaining to the application of privacy requirements under HIPAA to public health activities and programs.

OTHER NATIONAL PUBLIC RESOURCES

WEDI/SNIP

[www.wedi.org/snip/](http://www.wedi.org/snip/)

The Workgroup for Electronic Data Interchange is a collaborative national effort, inclusive of the federal entities, that has undertaken a broad effort at the implementation of HIPAA, in particular the electronic transactions and security aspects, known as the Strategic National Implementation Process. There are several regional and state based WEDI/SNIP efforts. There is not one, however, that covers Montana.

STATE RESOURCES

Department Website for Medicaid Providers

[www.mtmedicaid.org](http://www.mtmedicaid.org)

This site provides information for providers of services funded with Medicaid monies. HIPAA requirements in relation to Medicaid state plan services are described at this site.

PROVIDER ASSOCIATIONS

Many national and state provider associations have developed extensive resources for their memberships concerning HIPAA requirements. Those are important resources in making determinations as to the applicability and implementation of HIPAA.

CONSULTANT RESOURCES

There are innumerable consulting resources available nationally. The Department of Public Health and Human Services does not make recommendations or referrals as to such resources. It is advisable to pursue references before retaining any consulting resource. Some consulting resources have proven to be inappropriate for certain types of entities and circumstances and some may lack the necessary knowledge concerning the applicability and implementation of HIPAA.

**File Attachments for Item:**

**C. DISCUSS/APPROVE/DENY: REQUEST FROM THOMAS STORY OF MENDING THE LINE, LLC. FILM PRODUCTION, FOR TEMPORARY WAIVER OF 2-HOUR PARKING ORDINANCE ENFORCEMENT FOR FILM CREW BEGINNING AUGUST 31-SEPTEMBER 4TH.**



**ACTION ITEM**

Thomas Story of Mending the Line, LLC is requesting to have the 2-hour parking ordinance waived on the streets listed below. Our existing parking permit process is specific to Construction but not film crews. So the Commission would have to waive the ordinance enforcement for the filming. They are working with businesses and residents that may be impacted.

**WHEN & WHERE:**

Location dates & list of the streets that may be affected by filming in the 2-hour parking areas in either the event of us shooting at the Murray bar or the Mint bar.

**Murray Bar**

Tentative shooting date: Tues August 31th 9:00 am to 5:00 pm

Streets affected:

Park St. from intersection with 2nd St. to Third St. on south side

2nd St. from intersection with Park St. to Calendar St. on west & east side

**Mint Bar**

Tentative shooting date: Mon August 30th 9:00 am to 5:00 pm

Streets affected:

Callender St. from intersection with B St. on 2nd St.

**Livingston Enterprise**

Tentative shooting date: one day to be decided August 12th - September 4th

Streets affected:

Main St. from intersection with Geyser St. and River Dr.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/D)	146
7/21/2	

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Truman Van Dyke Company, Inc. 6767 Forest Lawn Drive, #112 Los Angeles, CA 90068  www.tvdco.com License #0K37769	<b>CONTACT NAME:</b> <b>PHONE (A/C, No. Ext):</b> 323-883-0012 <b>FAX (A/C, No):</b> 323-883-0024 <b>E-MAIL ADDRESS:</b>	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> Mending The Line, LLC 24 Blaze Peak Ct Bozeman MT 59718	<b>INSURER A:</b> Hiscox Insurance Company Inc. <b>NAIC #</b> 10200	
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES** **CERTIFICATE NUMBER:** 62989137 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

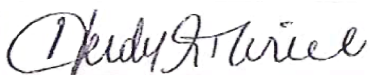
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			USUEN2784209.21	7/20/2021	7/20/2022	EACH OCCURRENCE \$ \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ \$1,000,000 MED EXP (Any one person) \$ \$10,000 PERSONAL & ADV INJURY \$ \$1,000,000 GENERAL AGGREGATE \$ \$2,000,000 PRODUCTS - COMP/OP AGG \$ \$2,000,000 \$
A	<input type="checkbox"/> <b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY <input checked="" type="checkbox"/> Phys.Dmg.Incl.			USUEN2784209.21  Ded 10%/\$2,500	7/20/2021	7/20/2022	COMBINED SINGLE LIMIT (Ea accident) \$ \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N N/A If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Rented Equipment			USUEN2784209.21	7/20/2021	7/20/2022	Ded \$3,500 - Limit \$1,000,000
A	Props, Sets & Wardrobe Incl.PicVeh.			USUEN2784209.21	7/20/2021	7/20/2022	Ded \$3,000 - Limit \$1,000,000
A	Third Party Prop.Dmg			USUEN2784209.21	7/20/2021	7/20/2022	Ded \$3,500 - Limit \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

**PRODUCTION: MENDING THE LINE**

The certificate holder is named additional insured, but only as respect claims arising out of the negligence of the original named insured and it is loss payee for rented property/vehicles as their interest may appear.

Aatercraft, Aircraft, Stunts and Pyro Excluded until declared and approved in writing by the insurance co.

<b>CERTIFICATE HOLDER</b> Filming Permit  City Of Livingston 220 E. Park Street Livingston MT 59047	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE  Heidi Muriel 

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