



Livingston City Commission Agenda

September 05, 2023

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/89631800639?pwd=WDFQSlg4b3dTM0ZVdDI0WVhsbmFFUT09>

Meeting ID: 896 3180 0639

Passcode: 938156

1. Call to Order

2. Roll Call

3. Public Comment

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

4. Consent Items

A. CLAIMS PAID 8/10/23 - 8/30/23 PG.4

B. APPROVAL OF MINUTES FROM AUGUST 15, 2023, REGULAR CITY COMMISSION MEETING PG.21

C. APPROVAL OF MINUTES FROM AUGUST 28, 2023, SPECIAL CITY COMMISSION MEETING PG.31

D. BROOKSTONE PAYBACK AGREEMENT PG.34

E. CONSIDERATION OF AGREEMENT 20033 WITH LIVINGSTON DEPOT FOUNDATION AND PARK COUNTY COMMUNITY FOUNDATION PG.36

5. Proclamations

6. Scheduled Public Comment

A. DEPT. OF COMMERCE COMMUNITY TECHNICAL ASSISTANCE - CONSULTANT INTRODUCTION TO ZONING CODE EVALUATION PROJECT

7. Public Hearings

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

8. Ordinances

A. ORDINANCE 3042: AND ORDINANCE OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 26, ARTICLE V, SECTIONS 26.90 AND 26.91 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED STREET MAINTENANCE AND STREET LIGHTING DISTRICTS PG.41

B. ORDINANCE 3043, AN ORDINANCE OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING BY ADDING NEW SECTION 30.47 ENTITLED PLANNED UNIT DEVELOPMENTS AND PROVIDING A REPEALER, SAVINGS, SEVERABILITY AND EFFECTIVE DATE. PG.50

C. ORDINANCE 3044: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 28, SECTION X-A OF THE LIVINGSTON MUNICIPAL CODE ENTITLED SUBDIVISION REGULATION BY ELIMINATING THE FEE SCHEDULE AND PROVIDING THAT THE FEES WILL BE SET BY SEPARATE RESOLUTION OF THE CITY COMMISSION. PG.78

9. Resolutions

A. RESOLUTION 5107: LEVYING 100% OF THE COST FOR STREET MAINTENANCE AND IMPROVMENTS DISTRICT NO. 1 FOR FY 2023-2024 PG.84

B. RESOLUTION 5108: ESTIMATING THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 FOR FY 2023-2024 PG.89

C. RESOLUTION 5109: MODIFYING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES FOR FY 2023-2024 PG.94

10. Action Items

A. UPDATE ON COMMUNITY WELLNESS CENTER PROJECT PG.99

B. DISCUSSION REGARDING ADVISORY BOARDS PG.102

C. CLOSED SESSION PURSUANT TO MONTANA CODE ANNOTATED 2-3-203(4)(A)

11. City Manager Comment

12. City Commission Comments

13. Adjournment

Calendar of Events

Supplemental Material

Notice

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

File Attachments for Item:

A. CLAIMS PAID 8/10/23 - 8/30/23

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
A DIVISION OF IDSC HOLDINGS LLC							
10005	A DIVISION OF IDSC HOLDINGS	ARV/58283256	PLIERS	08/04/2023	100.20	100.20	08/25/2023
Total A DIVISION OF IDSC HOLDINGS LLC:					100.20	100.20	
ALL SERVICE TIRE & ALIGNMENT							
22	ALL SERVICE TIRE & ALIGNME	66664	Flat repair	08/08/2023	45.00	45.00	08/15/2023
Total ALL SERVICE TIRE & ALIGNMENT:					45.00	45.00	
ALSCO							
10005	ALSCO	LBIL1871669	towel service	07/24/2023	25.34	25.34	08/25/2023
10005	ALSCO	LBIL1877154	330 BENNETT	08/11/2023	15.14	15.14	08/15/2023
10005	ALSCO	LBIL1877154	330 BENNETT	08/11/2023	15.14	15.14	08/15/2023
10005	ALSCO	LBIL1877154	330 BENNETT	08/11/2023	15.15	15.15	08/15/2023
10005	ALSCO	LBIL1877154	330 BENNETT	08/11/2023	15.15	15.15	08/15/2023
10005	ALSCO	LIBIL1875493	TOWEL SERVICE	08/07/2023	25.34	25.34	08/25/2023
Total ALSCO:					111.26	111.26	
AMERICAN AUTOMOTIVE							
3378	AMERICAN AUTOMOTIVE	5092	Battery	06/29/2023	935.51	935.51	08/15/2023
3378	AMERICAN AUTOMOTIVE	5230	CONTROL ARM	06/30/2023	1,150.42	1,150.42	08/15/2023
Total AMERICAN AUTOMOTIVE:					2,085.93	2,085.93	
AMERICAN WATER WORKS ASSOCIATION							
10005	AMERICAN WATER WORKS AS	S097920	MEMBERSHIP DUES	05/29/2023	222.00	222.00	08/15/2023
Total AMERICAN WATER WORKS ASSOCIATION:					222.00	222.00	
ASPHALT ZIPPER, INC.							
1838	ASPHALT ZIPPER, INC.	INV/2023/190/2	CARBIDE BIT/BLOCK	07/20/2023	2,556.70	2,556.70	08/25/2023
Total ASPHALT ZIPPER, INC.:					2,556.70	2,556.70	
ATLAS COPCO COMPRESSORS LLC							
10003	ATLAS COPCO COMPRESSORS	1123078242	ZS75+VCA	08/01/2023	3,989.72	3,989.72	08/15/2023
Total ATLAS COPCO COMPRESSORS LLC:					3,989.72	3,989.72	
BALCO UNIFORM COMPANY, INC.							
3371	BALCO UNIFORM COMPANY, IN	75953	FLEXFIT CAP	08/03/2023	16.00	16.00	08/15/2023
Total BALCO UNIFORM COMPANY, INC.:					16.00	16.00	
BELGRADE SALES AND SERVICE							
10004	BELGRADE SALES AND SERVIC	308420	MOWER	07/14/2023	10,280.46	10,280.46	08/15/2023
10004	BELGRADE SALES AND SERVIC	308420	MOWER	07/14/2023	10,280.46	10,280.46	08/15/2023
Total BELGRADE SALES AND SERVICE:					20,560.92	20,560.92	
BLACKSTONE PUBLISHING							
2219	BLACKSTONE PUBLISHING	2107418	2 AUDIOBOOKS	06/26/2023	80.00	80.00	08/25/2023
2219	BLACKSTONE PUBLISHING	2108633	1 Audiobook	07/05/2023	40.00	40.00	08/25/2023
2219	BLACKSTONE PUBLISHING	2109651	4 audiobooks	07/13/2023	160.00	160.00	08/25/2023
2219	BLACKSTONE PUBLISHING	2111017	3 Audio BOOKS	07/21/2023	120.00	120.00	08/25/2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
2219	BLACKSTONE PUBLISHING	2111024	1 Audiobook	07/21/2023	40.00	40.00	08/25/2023
2219	BLACKSTONE PUBLISHING	2111561	7 AUDIOBOOKS	07/26/2023	279.99	279.99	08/25/2023
Total BLACKSTONE PUBLISHING:					719.99	719.99	
BOUND TREE MEDICAL, LLC							
2662	BOUND TREE MEDICAL, LLC	85051915	Patient Supplies	08/09/2023	713.90	713.90	08/15/2023
2662	BOUND TREE MEDICAL, LLC	85051916	Patient Supplies	08/09/2023	225.12	225.12	08/15/2023
2662	BOUND TREE MEDICAL, LLC	85053337	Patient Supplies	08/10/2023	1,696.19	1,696.19	08/15/2023
2662	BOUND TREE MEDICAL, LLC	85053338	Patient Supplies	08/10/2023	729.64	729.64	08/15/2023
2662	BOUND TREE MEDICAL, LLC	85054631	Patient Supplies	08/11/2023	789.99	789.99	08/15/2023
Total BOUND TREE MEDICAL, LLC:					4,154.84	4,154.84	
BRIDGER ANALYTICAL LAB							
3820	BRIDGER ANALYTICAL LAB	2307210	ANALYSIS	07/28/2023	288.00	288.00	08/15/2023
Total BRIDGER ANALYTICAL LAB:					288.00	288.00	
CENGAGE LEARNING INC							
10001	CENGAGE LEARNING INC	81538400	1 BOOK	07/10/2023	32.79	32.79	08/25/2023
10001	CENGAGE LEARNING INC	81554353	2 BOOKS	07/12/2023	54.92	54.92	08/25/2023
10001	CENGAGE LEARNING INC	81664533	1 BOOK	08/07/2023	31.15	31.15	08/25/2023
Total CENGAGE LEARNING INC:					118.86	118.86	
CHARTER COMMUNICATIONS							
3440	CHARTER COMMUNICATIONS	019544507132	ELEVATOR PHONE	07/13/2023	49.99	49.99	08/25/2023
Total CHARTER COMMUNICATIONS:					49.99	49.99	
CITY OF LIVINGSTON							
2705	CITY OF LIVINGSTON	2023.8	SUPPLIES	08/01/2023	31.97	31.97	08/15/2023
2705	CITY OF LIVINGSTON	2023.8	SUPPLIES	08/01/2023	16.22	16.22	08/15/2023
2705	CITY OF LIVINGSTON	2023.8	SUPPLIES	08/01/2023	3.84	3.84	08/15/2023
2705	CITY OF LIVINGSTON	2023.8	SUPPLIES	08/01/2023	20.60	20.60	08/15/2023
2705	CITY OF LIVINGSTON	2023.8	SUPPLIES	08/01/2023	21.38	21.38	08/15/2023
2705	CITY OF LIVINGSTON	2023.8	SUPPLIES	08/01/2023	12.49	12.49	08/15/2023
2705	CITY OF LIVINGSTON	2023.8	SUPPLIES	08/01/2023	18.98	18.98	08/15/2023
131	CITY OF LIVINGSTON	COURT2023	CORRECT BOND CHECKING	08/14/2023	6,214.86	6,214.86	08/23/2023
Total CITY OF LIVINGSTON:					6,340.34	6,340.34	
COMDATA							
2671	COMDATA	IB986/2039175	BZR70	08/01/2023	117.44	117.44	08/25/2023
2671	COMDATA	XW716 203917	CG72P	08/01/2023	529.30	529.30	08/15/2023
2671	COMDATA	XW716 203917	CG72R	08/01/2023	195.39	195.39	08/15/2023
2671	COMDATA	XW716 203917	CG73C	08/01/2023	867.47	867.47	08/15/2023
2671	COMDATA	XW716 203917	CG73C	08/01/2023	53.81	53.81	08/15/2023
2671	COMDATA	XW716 203917	CG73H	08/01/2023	138.39	138.39	08/15/2023
2671	COMDATA	XW716 203917	CG73L	08/01/2023	432.46	432.46	08/15/2023
2671	COMDATA	XW716 203917	CG73S	08/01/2023	1,148.15	1,148.15	08/15/2023
2671	COMDATA	XW716 203917	CG74G	08/01/2023	317.55	317.55	08/15/2023
2671	COMDATA	XW716 203917	CG74G	08/01/2023	41.92	41.92	08/15/2023
2671	COMDATA	XW717 203917	CG72S	08/01/2023	2,353.60	2,353.60	08/15/2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total COMDATA:					6,195.48	6,195.48	
DAKOTA SUPPLY GROUP							
10004	DAKOTA SUPPLY GROUP	S102974260.0	BRASS SADDLE	08/09/2023	799.57	799.57	08/15/2023
Total DAKOTA SUPPLY GROUP:					799.57	799.57	
DANA SAFETY SUPPLY, INC.							
3234	DANA SAFETY SUPPLY, INC.	864001	REMOVAL EMERGENCY EQUIP	08/09/2023	99.00	99.00	08/15/2023
Total DANA SAFETY SUPPLY, INC.:					99.00	99.00	
DEMCO							
199	DEMCO	7340542	Book Prep Supplies	07/28/2023	225.41	225.41	08/25/2023
Total DEMCO:					225.41	225.41	
EMERALD SERVICES INC.							
3380	EMERALD SERVICES INC.	92498841-230	Used oil RECYCLE	08/10/2023	285.20	285.20	08/15/2023
Total EMERALD SERVICES INC.:					285.20	285.20	
ENCODE CORPORATION							
1548	ENCODE CORPORATION	44002	HVAC Maint Contract	08/02/2023	1,988.00	1,988.00	08/25/2023
Total ENCODE CORPORATION:					1,988.00	1,988.00	
ENERGY LABORATORIES, INC.							
424	ENERGY LABORATORIES, INC.	572071	Analysis parameter	08/11/2023	373.00	373.00	08/15/2023
Total ENERGY LABORATORIES, INC.:					373.00	373.00	
FARSTAD OIL							
3353	FARSTAD OIL	105094	Diesel 872g	07/31/2023	3,209.83	3,209.83	08/25/2023
3353	FARSTAD OIL	105284	Diesel 597G	08/15/2023	2,349.79	2,349.79	08/25/2023
3353	FARSTAD OIL	105636	Diesel 671G	07/21/2023	2,288.11	2,288.11	08/25/2023
Total FARSTAD OIL:					7,847.73	7,847.73	
FERGUSON WATERWORKS #1701							
2386	FERGUSON WATERWORKS #17	0852642	Meters	07/19/2023	7,560.00	7,560.00	08/15/2023
Total FERGUSON WATERWORKS #1701:					7,560.00	7,560.00	
FISHER SAND AND GRAVEL							
2904	FISHER SAND AND GRAVEL	1527	Con ROCK	07/22/2023	726.44	726.44	08/25/2023
2904	FISHER SAND AND GRAVEL	1527	Cover chips	07/22/2023	3,951.00	3,951.00	08/25/2023
2904	FISHER SAND AND GRAVEL	2528	ROAD MIX	07/29/2023	2,831.85	2,831.85	08/25/2023
Total FISHER SAND AND GRAVEL:					7,509.29	7,509.29	
FOUR CORNERS RECYCLING, LLC							
2919	FOUR CORNERS RECYCLING,	6020	FULL FEES	07/28/2023	8,057.30	8,057.30	08/15/2023
2919	FOUR CORNERS RECYCLING,	6020	Credit	07/28/2023	3,326.20-	3,326.20-	08/15/2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total FOUR CORNERS RECYCLING, LLC:					4,731.10	4,731.10	
FRONTLINE AG SOLUTIONS, LLC							
2516	FRONTLINE AG SOLUTIONS, LL	1059229	MAGNET HOLDER	08/03/2023	15.95	15.95	08/15/2023
2516	FRONTLINE AG SOLUTIONS, LL	1060689	DIAL KNOB	08/07/2023	34.67	34.67	08/15/2023
Total FRONTLINE AG SOLUTIONS, LLC:					50.62	50.62	
GENERAL DISTRIBUTING COMPANY							
1845	GENERAL DISTRIBUTING COM	0001271369	Oxygen	07/31/2023	65.00	65.00	08/25/2023
1845	GENERAL DISTRIBUTING COM	0001272152	CYLINDER RENTAL	07/31/2023	35.46	35.46	08/25/2023
Total GENERAL DISTRIBUTING COMPANY:					100.46	100.46	
GRAYBEAL'S ALL SERVICE							
98	GRAYBEAL'S ALL SERVICE	14117	FIX AC	07/21/2023	981.00	981.00	08/15/2023
Total GRAYBEAL'S ALL SERVICE:					981.00	981.00	
GUNDERSON, JASON							
3729	GUNDERSON, JASON	2023.8.4	TUITION REIMB	08/04/2023	7,755.00	7,755.00	08/11/2023
Total GUNDERSON, JASON:					7,755.00	7,755.00	
GUY'S GLASS, INC.							
529	GUY'S GLASS, INC.	16213-D	TRUCK MIRROR	08/10/2023	50.00	50.00	08/25/2023
Total GUY'S GLASS, INC.:					50.00	50.00	
HANSER'S AUTOMOTIVE & WRECKER							
1687	HANSER'S AUTOMOTIVE & WR	LIV4663	Towing Charge	08/17/2023	95.00	95.00	08/25/2023
1687	HANSER'S AUTOMOTIVE & WR	LIV4675	Towing Charge	08/21/2023	100.00	100.00	08/25/2023
Total HANSER'S AUTOMOTIVE & WRECKER:					195.00	195.00	
HAWKINS, INC							
470	HAWKINS, INC	6551737	Chlorine cylinder	08/15/2023	100.00	100.00	08/25/2023
Total HAWKINS, INC:					100.00	100.00	
HILLYARD OF MONTANA							
63	HILLYARD OF MONTANA	605170115	Paper products	07/10/2023	222.26	222.26	08/25/2023
Total HILLYARD OF MONTANA:					222.26	222.26	
HORIZON AUTO PARTS							
1920	HORIZON AUTO PARTS	975507	PAINT MARKER	07/27/2023	10.98	10.98	08/15/2023
Total HORIZON AUTO PARTS:					10.98	10.98	
IBS INC							
10004	IBS INC	823071-1	CLEANER	08/10/2023	109.19	109.19	08/15/2023
10004	IBS INC	823072-1	DUAL WHEEL AIR CHUCK	08/09/2023	99.99	99.99	08/25/2023
Total IBS INC:					209.18	209.18	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
INDUSTRIAL COMM & ELEC OF BOZEMAN							
3455	INDUSTRIAL COMM & ELEC OF	34184	PROGRAM RADIOS	07/14/2023	126.00	126.00	08/15/2023
3455	INDUSTRIAL COMM & ELEC OF	34228	NEW INSTALLS	07/21/2023	247.00	247.00	08/15/2023
Total INDUSTRIAL COMM & ELEC OF BOZEMAN:					373.00	373.00	
INFOUSA MARKETING, INC.							
10001	INFOUSA MARKETING, INC.	10004122610	POLK DIRECTORY	07/18/2023	297.40	297.40	08/25/2023
Total INFOUSA MARKETING, INC.:					297.40	297.40	
INGRAM LIBRARY SERVICE							
1539	INGRAM LIBRARY SERVICE	76761760	8 Books	07/10/2023	126.05	126.05	08/25/2023
1539	INGRAM LIBRARY SERVICE	76761761	16 books	07/10/2023	273.98	273.98	08/25/2023
1539	INGRAM LIBRARY SERVICE	76869653	21 BOOKS	07/17/2023	259.04	259.04	08/25/2023
1539	INGRAM LIBRARY SERVICE	76869654	8 Books	07/17/2023	145.67	145.67	08/25/2023
1539	INGRAM LIBRARY SERVICE	76902982	5 Books	07/19/2023	106.14	106.14	08/25/2023
1539	INGRAM LIBRARY SERVICE	76902983	1 Book	07/19/2023	11.98	11.98	08/25/2023
1539	INGRAM LIBRARY SERVICE	76932827	1 Book	07/20/2023	37.21	37.21	08/25/2023
1539	INGRAM LIBRARY SERVICE	76949869	6 books	07/21/2023	109.80	109.80	08/25/2023
1539	INGRAM LIBRARY SERVICE	76949870	1 Book	07/21/2023	21.98	21.98	08/25/2023
1539	INGRAM LIBRARY SERVICE	77199689	1 Book	08/07/2023	21.88	21.88	08/25/2023
1539	INGRAM LIBRARY SERVICE	77199690	11 BOOKS	08/07/2023	187.39	187.39	08/25/2023
Total INGRAM LIBRARY SERVICE:					1,301.12	1,301.12	
IRRIGATION INNOVATIONS							
10002	IRRIGATION INNOVATIONS	7648	CLEAN FLOWERBEDS	08/05/2023	2,970.00	2,970.00	08/15/2023
Total IRRIGATION INNOVATIONS:					2,970.00	2,970.00	
KELLEY CONNECT							
10001	KELLEY CONNECT	34569266	112-1689019-000	07/31/2023	212.75	212.75	08/15/2023
10001	KELLEY CONNECT	IN1384567	JH16414	08/01/2023	7.36	7.36	08/15/2023
10001	KELLEY CONNECT	IN1384568	JH16414	08/01/2023	24.26	24.26	08/15/2023
10001	KELLEY CONNECT	IN1386859	JH120274-01	08/03/2023	21.63	21.63	08/15/2023
10001	KELLEY CONNECT	IN1386859	JH120274-01	08/03/2023	21.63	21.63	08/15/2023
10001	KELLEY CONNECT	IN1386859	JH120274-01	08/03/2023	21.63	21.63	08/15/2023
10001	KELLEY CONNECT	IN1386859	JH120274-01	08/03/2023	21.64	21.64	08/15/2023
10001	KELLEY CONNECT	IN1394194	JH13670	08/15/2023	945.00	945.00	08/25/2023
Total KELLEY CONNECT:					1,275.90	1,275.90	
KEN'S EQUIPMENT REPAIR, INC							
1390	KEN'S EQUIPMENT REPAIR, IN	61026	BRAKE PEDAL	07/06/2023	780.25	780.25	08/25/2023
1390	KEN'S EQUIPMENT REPAIR, IN	61121	HYD HOSE	07/20/2023	458.40	458.40	08/25/2023
1390	KEN'S EQUIPMENT REPAIR, IN	61133	wELD ARM REPLACE BOOM	07/21/2023	1,223.05	1,223.05	08/15/2023
1390	KEN'S EQUIPMENT REPAIR, IN	61138	GENERATOR	07/24/2023	729.75	729.75	08/25/2023
1390	KEN'S EQUIPMENT REPAIR, IN	61140	Data Link	07/06/2023	429.25	429.25	08/15/2023
1390	KEN'S EQUIPMENT REPAIR, IN	61155	FUEL LEAK FIX	07/25/2023	327.75	327.75	08/25/2023
1390	KEN'S EQUIPMENT REPAIR, IN	61203	HARNESS	07/31/2023	1,618.11	1,618.11	08/15/2023
1390	KEN'S EQUIPMENT REPAIR, IN	61381	Data Link	06/28/2023	2,021.65	2,021.65	08/15/2023
1390	KEN'S EQUIPMENT REPAIR, IN	61397	DATA LINK	06/30/2023	644.75	644.75	08/15/2023
Total KEN'S EQUIPMENT REPAIR, INC:					8,232.96	8,232.96	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
LEHRKIND'S COCA-COLA							
2830	LEHRKIND'S COCA-COLA	2069124	Water	08/09/2023	40.00	40.00	08/15/2023
2830	LEHRKIND'S COCA-COLA	2069125	Water	08/09/2023	40.00	40.00	08/15/2023
Total LEHRKIND'S COCA-COLA:					80.00	80.00	
LIVINGSTON ENTERPRISE							
146	LIVINGSTON ENTERPRISE	2023.7.29	PARK CO LIBRARY SUBSCRIPTI	07/29/2023	96.65	96.65	08/25/2023
Total LIVINGSTON ENTERPRISE:					96.65	96.65	
LIVINGSTON UTILITY BILLING							
147	LIVINGSTON UTILITY BILLING	2023.5	1024101 228 W CALLENDER	05/31/2023	96.61	96.61	08/25/2023
147	LIVINGSTON UTILITY BILLING	2023.6.5	1012100	06/05/2023	369.12	369.12	08/25/2023
147	LIVINGSTON UTILITY BILLING	2023.6.5 IRR	1024101 228 W CALLENDER	06/05/2023	96.61	96.61	08/25/2023
147	LIVINGSTON UTILITY BILLING	2023.7.7	1024101 228 W CALLENDER	07/07/2023	5.00	5.00	08/25/2023
147	LIVINGSTON UTILITY BILLING	2023.8.4	1024101 228 W CALLENDER	08/04/2023	18.18	18.18	08/25/2023
147	LIVINGSTON UTILITY BILLING	2023.8.4.1	1012100	08/04/2023	178.05	178.05	08/25/2023
147	LIVINGSTON UTILITY BILLING	7/4/2023	1012100	07/07/2023	201.89	201.89	08/25/2023
Total LIVINGSTON UTILITY BILLING:					965.46	965.46	
LOMCO, INC							
2563	LOMCO, INC	032776-01	Spraying	08/17/2023	4,950.00	4,950.00	08/25/2023
2563	LOMCO, INC	033191-01	HFMS-2P	08/17/2023	2,404.54	2,404.54	08/25/2023
2563	LOMCO, INC	033192-01	HFMS-2P	08/17/2023	2,057.09	2,057.09	08/25/2023
Total LOMCO, INC:					9,411.63	9,411.63	
MASTERCARD							
3184	MASTERCARD	2023_06 CHAB	fire protection book	07/01/2023	63.85	63.85	07/10/2023
3184	MASTERCARD	2023_06 CHAB	community paramedic	07/01/2023	173.72	173.72	07/10/2023
3184	MASTERCARD	2023_06 CHAB	AED Battery	07/01/2023	749.79	749.79	07/10/2023
3184	MASTERCARD	2023_06 CHAB	head blocks	07/01/2023	237.37	237.37	07/10/2023
3184	MASTERCARD	2023_06 DELA	Plantronics Headset Battery	07/01/2023	15.98	15.98	07/10/2023
3184	MASTERCARD	2023_06 DELA	Airpot Coffee Dispenser (returned)	07/01/2023	35.99	35.99	07/10/2023
3184	MASTERCARD	2023_06 DELA	Clipboards, Rubber Bands	07/01/2023	20.98	20.98	07/10/2023
3184	MASTERCARD	2023_06 DELA	Clipboards, Rubber Bands	07/01/2023	20.42	20.42	07/10/2023
3184	MASTERCARD	2023_06 DELA	Cooling Neck Wraps	07/01/2023	46.97	46.97	07/10/2023
3184	MASTERCARD	2023_06 DELA	Aluminum Waterproof Medicine B	07/01/2023	17.98	17.98	07/10/2023
3184	MASTERCARD	2023_06 DELA	Milk Bones for Transfer Station	07/01/2023	65.97	65.97	07/10/2023
3184	MASTERCARD	2023_06 DELA	Tork Septic Safe Toilet Paper	07/01/2023	256.72	256.72	07/10/2023
3184	MASTERCARD	2023_06 DELA	Blind for New Window & Shannon'	07/01/2023	50.39	50.39	07/10/2023
3184	MASTERCARD	2023_06 DELA	Blind for New Window & Shannon'	07/01/2023	50.39	50.39	07/10/2023
3184	MASTERCARD	2023_06 DELA	Blind for New Window & Shannon'	07/01/2023	50.40	50.40	07/10/2023
3184	MASTERCARD	2023_06 DELA	Blind for New Window & Shannon'	07/01/2023	50.40	50.40	07/10/2023
3184	MASTERCARD	2023_06 DELA	Dog Poop Bags	07/01/2023	299.97	299.97	07/10/2023
3184	MASTERCARD	2023_06 DELA	Samsung TV	07/01/2023	499.99	499.99	07/10/2023
3184	MASTERCARD	2023_06 FETT	Office Supplies	07/01/2023	19.83	19.83	07/10/2023
3184	MASTERCARD	2023_06 FETT	Flags	07/01/2023	1,242.80	1,242.80	07/10/2023
3184	MASTERCARD	2023_06 FETT	Paper	07/01/2023	1,879.99	1,879.99	07/10/2023
3184	MASTERCARD	2023_06 FETT	Office Supplies	07/01/2023	53.33	53.33	07/10/2023
3184	MASTERCARD	2023_06 FETT	Office Supplies	07/01/2023	45.45	45.45	07/10/2023
3184	MASTERCARD	2023_06 FETT	Office flowers	07/01/2023	176.80	176.80	07/10/2023
3184	MASTERCARD	2023_06 FETT	Office Supplies	07/01/2023	46.69	46.69	07/10/2023
3184	MASTERCARD	2023_06 FETT	Office Supplies	07/01/2023	121.50	121.50	07/10/2023
3184	MASTERCARD	2023_06 FETT	Storm water discharge permit	07/01/2023	1,000.00-	1,000.00-	07/10/2023

Report dates: 8/10/2023-8/30/2023

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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2023_06 FETT	Office Supplies	07/01/2023	20.00	20.00	07/10/2023
3184	MASTERCARD	2023_06 GAG	PAINT SUPPLIES	07/01/2023	38.07	38.07	07/10/2023
3184	MASTERCARD	2023_06 GAG	AIRPORT PARKING	07/01/2023	27.00	27.00	07/10/2023
3184	MASTERCARD	2023_06 GAG	CONFRENCE LUNCH	07/01/2023	19.00	19.00	07/10/2023
3184	MASTERCARD	2023_06 GILB	personal - accidental - reimbursed	07/01/2023	27.99	27.99	07/10/2023
3184	MASTERCARD	2023_06 GILB	personal - accidental - reimbursed	07/01/2023	.99	.99	07/10/2023
3184	MASTERCARD	2023_06 GILB	food for training	07/01/2023	8.99	8.99	07/10/2023
3184	MASTERCARD	2023_06 GILB	personal - accidental - reimbursed	07/01/2023	9.99	9.99	07/10/2023
3184	MASTERCARD	2023_06 GILB	food for training	07/01/2023	12.46	12.46	07/10/2023
3184	MASTERCARD	2023_06 GILB	airpack batteries	07/01/2023	93.14	93.14	07/10/2023
3184	MASTERCARD	2023_06 GILB	personal - accidental - reimbursed	07/01/2023	3.99	3.99	07/10/2023
3184	MASTERCARD	2023_06 GILB	personal - accidental - reimbursed	07/01/2023	3.79	3.79	07/10/2023
3184	MASTERCARD	2023_06 GILB	personal - accidental - reimbursed	07/01/2023	3.99	3.99	07/10/2023
3184	MASTERCARD	2023_06 GILB	paratech Schroetlin	07/01/2023	150.00	150.00	07/10/2023
3184	MASTERCARD	2023_06 GILB	personal - accidental - reimbursed	07/01/2023	3.99	3.99	07/10/2023
3184	MASTERCARD	2023_06 GLAS	fax	07/01/2023	34.99	34.99	07/10/2023
3184	MASTERCARD	2023_06 GLAS	fax fee	07/01/2023	.31	.31	07/10/2023
3184	MASTERCARD	2023_06 GLAS	office supplies	07/01/2023	731.82	731.82	07/10/2023
3184	MASTERCARD	2023_06 GRA	4 markers	07/01/2023	14.00	14.00	07/10/2023
3184	MASTERCARD	2023_06 GRA	bunge cords	07/01/2023	9.95	9.95	07/10/2023
3184	MASTERCARD	2023_06 GRA	color printer toner	07/01/2023	455.56	455.56	07/10/2023
3184	MASTERCARD	2023_06 GRA	3 books	07/01/2023	20.97	20.97	07/10/2023
3184	MASTERCARD	2023_06 GRA	1 book	07/01/2023	12.98	12.98	07/10/2023
3184	MASTERCARD	2023_06 GRA	toilet tissue; cleaning supplies	07/01/2023	38.88	38.88	07/10/2023
3184	MASTERCARD	2023_06 GRA	service charges	07/01/2023	19.99	19.99	07/10/2023
3184	MASTERCARD	2023_06 GRA	toilet tissue	07/01/2023	15.98	15.98	07/10/2023
3184	MASTERCARD	2023_06 GRA	postage to Canada	07/01/2023	34.65	34.65	07/10/2023
3184	MASTERCARD	2023_06 GRA	3 books	07/01/2023	58.40	58.40	07/10/2023
3184	MASTERCARD	2023_06 GRA	2 books	07/01/2023	29.56	29.56	07/10/2023
3184	MASTERCARD	2023_06 GRA	postage purchase	07/01/2023	100.00	100.00	07/10/2023
3184	MASTERCARD	2023_06 HAEF	CDL Driving Exam- Wakkuri	07/01/2023	135.00	135.00	07/10/2023
3184	MASTERCARD	2023_06 HAEF	Hitch Mount Vise	07/01/2023	107.99	107.99	07/10/2023
3184	MASTERCARD	2023_06 HAEF	Rebuid Kit for Sprinkler Backflow	07/01/2023	160.00	160.00	07/10/2023
3184	MASTERCARD	2023_06 HAPP	temporary recording system for co	07/01/2023	.99	.99	07/10/2023
3184	MASTERCARD	2023_06 JOHN	office supply	07/01/2023	49.99	49.99	07/10/2023
3184	MASTERCARD	2023_06 JOHN	training - Emanuel	07/01/2023	304.00	304.00	07/10/2023
3184	MASTERCARD	2023_06 JOHN	ammunition	07/01/2023	432.38	432.38	07/10/2023
3184	MASTERCARD	2023_06 JOHN	evidence collection supplies	07/01/2023	18.03	18.03	07/10/2023
3184	MASTERCARD	2023_06 KINNI	COMMISSIONERS ZOOM ACCO	07/01/2023	41.50	41.50	07/10/2023
3184	MASTERCARD	2023_06 KINNI	Wondershare	07/01/2023	79.99	79.99	07/10/2023
3184	MASTERCARD	2023_06 KINNI	Part of Wondershare	07/01/2023	.72	.72	07/10/2023
3184	MASTERCARD	2023_06 KINNI	Pro account renewal (3 licenses K	07/01/2023	540.00	540.00	07/10/2023
3184	MASTERCARD	2023_06 KINNI	BEE CITY USA APPLICATION FE	07/01/2023	100.00	100.00	07/10/2023
3184	MASTERCARD	2023_06 KINNI	RECORDING FEE RESOLUTION	07/01/2023	115.48	115.48	07/10/2023
3184	MASTERCARD	2023_06 KINNI	ANNUAL SUBSCRIPTION- ADVA	07/01/2023	191.88	191.88	07/10/2023
3184	MASTERCARD	2023_06 KINNI	ANNUAL SUBSCRIPTION- ADVA	07/01/2023	1.73	1.73	07/10/2023
3184	MASTERCARD	2023_06 KINNI	DESK CALENDER	07/01/2023	9.99	9.99	07/10/2023
3184	MASTERCARD	2023_06 KINNI	PLANNING ZOOM ACCOUNT	07/01/2023	58.09	58.09	07/10/2023
3184	MASTERCARD	2023_06 KINNI	HOTEL FOR CONFERENCE	07/01/2023	241.98	241.98	07/10/2023
3184	MASTERCARD	2023_06 KINNI	ERGONOMIC MOUSE FOR DISP	07/01/2023	21.25	21.25	07/10/2023
3184	MASTERCARD	2023_06 KINNI	FRIDGE WATER FILTERS	07/01/2023	104.96	104.96	07/10/2023
3184	MASTERCARD	2023_06 KINNI	SOFTWARE SUBSCRIPTION	07/01/2023	60.00	60.00	07/10/2023
3184	MASTERCARD	2023_06 LOW	Debit return	07/01/2023	10.29-	10.29-	07/10/2023
3184	MASTERCARD	2023_06 LOW	Advertising City Attorney	07/01/2023	199.00	199.00	07/10/2023
3184	MASTERCARD	2023_06 LOW	Autocharge Grant writing subscrip	07/01/2023	19.99	19.99	07/10/2023
3184	MASTERCARD	2023_06 LOW	Advertising City Attorney	07/01/2023	948.00	948.00	07/10/2023
3184	MASTERCARD	2023_06 LOW	Advertising positions	07/01/2023	56.39	56.39	07/10/2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2023_06 LOW	Shipping	07/01/2023	84.10	84.10	07/10/2023
3184	MASTERCARD	2023_06 O'RO	Lithium Batteries	07/01/2023	13.98	13.98	07/10/2023
3184	MASTERCARD	2023_06 O'RO	Padlocks	07/01/2023	26.99	26.99	07/10/2023
3184	MASTERCARD	2023_06 O'RO	Drinks/Desserts	07/01/2023	11.98	11.98	07/10/2023
3184	MASTERCARD	2023_06 O'RO	Drinks/Desserts	07/01/2023	2.99	2.99	07/10/2023
3184	MASTERCARD	2023_06 O'RO	Drinks/Desserts	07/01/2023	2.99	2.99	07/10/2023
3184	MASTERCARD	2023_06 O'RO	Drinks/Desserts	07/01/2023	2.99	2.99	07/10/2023
3184	MASTERCARD	2023_06 O'RO	Drinks/Desserts	07/01/2023	2.99	2.99	07/10/2023
3184	MASTERCARD	2023_06 O'RO	Drinks/Desserts	07/01/2023	3.00	3.00	07/10/2023
3184	MASTERCARD	2023_06 O'RO	Drinks/Desserts	07/01/2023	3.00	3.00	07/10/2023
3184	MASTERCARD	2023_06 O'RO	Pizza Lunch for Safety Meeting	07/01/2023	7.32	7.32	07/10/2023
3184	MASTERCARD	2023_06 O'RO	Pizza Lunch for Safety Meeting	07/01/2023	7.32	7.32	07/10/2023
3184	MASTERCARD	2023_06 O'RO	Pizza Lunch for Safety Meeting	07/01/2023	7.32	7.32	07/10/2023
3184	MASTERCARD	2023_06 O'RO	Pizza Lunch for Safety Meeting	07/01/2023	7.32	7.32	07/10/2023
3184	MASTERCARD	2023_06 O'RO	Pizza Lunch for Safety Meeting	07/01/2023	7.33	7.33	07/10/2023
3184	MASTERCARD	2023_06 O'RO	Pizza Lunch for Safety Meeting	07/01/2023	7.33	7.33	07/10/2023
3184	MASTERCARD	2023_06 O'RO	Stormwater/SWPPP Class	07/01/2023	439.00	439.00	07/10/2023
3184	MASTERCARD	2023_06 PIER	Parade Candy	07/01/2023	88.92	88.92	07/10/2023
3184	MASTERCARD	2023_06 PIER	Parade Candy	07/01/2023	50.04	50.04	07/10/2023
3184	MASTERCARD	2023_06 PIER	Swiftwater PFDs	07/01/2023	421.52	421.52	07/10/2023
3184	MASTERCARD	2023_06 PIER	Swiftwater PFDs	07/01/2023	20.82	20.82	07/10/2023
3184	MASTERCARD	2023_06 PIER	Office Supplies	07/01/2023	26.99	26.99	07/10/2023
3184	MASTERCARD	2023_06 PURK	File 941	07/01/2023	5.95	5.95	07/10/2023
3184	MASTERCARD	2023_06 PURK	May Medwrite	07/01/2023	6,893.74	6,893.74	07/10/2023
3184	MASTERCARD	2023_06 SEVE	Downtown Plan Depot Arts Fest FI	07/01/2023	71.32	71.32	07/10/2023
3184	MASTERCARD	2023_06 SEVE	Downtown Plan Selection Cmte- L	07/01/2023	77.74	77.74	07/10/2023
3184	MASTERCARD	2023_06 SKAG	Toilet Paper	07/01/2023	34.14	34.14	07/10/2023
3184	MASTERCARD	2023_06 SKAG	Toilet Deodorizer	07/01/2023	213.85	213.85	07/10/2023
3184	MASTERCARD	2023_06 SKAG	Toilet Paper	07/01/2023	34.14	34.14	07/10/2023
3184	MASTERCARD	2023_06 SKAG	Water Jugs Refilled	07/01/2023	12.50	12.50	07/10/2023
3184	MASTERCARD	2023_06 SKAG	Lunch for Volunteer Group	07/01/2023	54.50	54.50	07/10/2023
3184	MASTERCARD	2023_06 SKAG	Lunch for Volunteer Group	07/01/2023	41.94	41.94	07/10/2023
3184	MASTERCARD	2023_06 SKAG	Water Jugs Refilled	07/01/2023	12.50	12.50	07/10/2023
3184	MASTERCARD	2023_06 STOR	High Visibility Reflective Yellow T	07/01/2023	52.99	52.99	07/10/2023
3184	MASTERCARD	2023_06 STOR	High Visibility Reflective White Ta	07/01/2023	126.97	126.97	07/10/2023
3184	MASTERCARD	2023_06 STOR	High Visibility Reflective Yellow T	07/01/2023	52.99	52.99	07/10/2023
3184	MASTERCARD	2023_06 STOR	VizCon Butyl Pads	07/01/2023	274.39	274.39	07/10/2023
3184	MASTERCARD	2023_06 STOR	Pavement Stencil- Accessible	07/01/2023	225.00	225.00	07/10/2023
3184	MASTERCARD	2023_06 STOR	Parking Curb Stop Blocks	07/01/2023	487.20	487.20	07/10/2023
3184	MASTERCARD	2023_06 TARR	Trout Derby Facebook Advertisem	07/01/2023	30.00	30.00	07/10/2023
3184	MASTERCARD	2023_06 TARR	Lifeguard Certification	07/01/2023	252.00	252.00	07/10/2023
3184	MASTERCARD	2023_06 TARR	Pool House Concessions	07/01/2023	63.00	63.00	07/10/2023
3184	MASTERCARD	2023_06 TARR	Safesitter Treats	07/01/2023	3.49	3.49	07/10/2023
3184	MASTERCARD	2023_06 TARR	Lifeguard Certification	07/01/2023	42.00	42.00	07/10/2023
3184	MASTERCARD	2023_06 TARR	Office Supply - Pool house	07/01/2023	23.49	23.49	07/10/2023
3184	MASTERCARD	2023_06 TARR	Supplies for lifeguards	07/01/2023	61.43	61.43	07/10/2023
3184	MASTERCARD	2023_06 TARR	Mike Webb Park Bathroom Signs	07/01/2023	14.49	14.49	07/10/2023
3184	MASTERCARD	2023_06 TARR	Pool House Updates	07/01/2023	69.99	69.99	07/10/2023
3184	MASTERCARD	2023_06 TARR	Office Supply	07/01/2023	15.29	15.29	07/10/2023
3184	MASTERCARD	2023_06 TARR	Pool House Updates	07/01/2023	309.84	309.84	07/10/2023
3184	MASTERCARD	2023_06 TARR	Lifeguard uniforms	07/01/2023	100.80	100.80	07/10/2023
3184	MASTERCARD	2023_06 TARR	Adult Softball League Supplies	07/01/2023	19.98	19.98	07/10/2023
3184	MASTERCARD	2023_06 TARR	Lifeguard uniforms	07/01/2023	116.37	116.37	07/10/2023
3184	MASTERCARD	2023_06 TARR	AED Battery	07/01/2023	174.45	174.45	07/10/2023
3184	MASTERCARD	2023_06 TARR	Lifeguard Supplies	07/01/2023	202.15	202.15	07/10/2023
3184	MASTERCARD	2023_06 TARR	Lifeguard Supplies	07/01/2023	147.50	147.50	07/10/2023
3184	MASTERCARD	2023_06 TARR	Adult Softball League Supplies	07/01/2023	301.61	301.61	07/10/2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
3184	MASTERCARD	2023_06 TIDW	Home Weather Station/Rain Sens	07/01/2023	249.98	249.98	07/10/2023
3184	MASTERCARD	2023_06 TIDW	Laptop Stand/Desk Moniter Riser/	07/01/2023	75.05	75.05	07/10/2023
3184	MASTERCARD	2023_06 TIDW	Rain Gauge	07/01/2023	15.99	15.99	07/10/2023
3184	MASTERCARD	2023_06 TIDW	Pipe Tubing Notcher	07/01/2023	57.99	57.99	07/10/2023
Total MASTERCARD:					23,549.13	23,549.13	
MEYER ELECTRIC AND GROUNDS REPAIR, LLC							
3812	MEYER ELECTRIC AND GROUN	1125	repLACED CONTROLLER	08/03/2023	250.00	250.00	08/15/2023
Total MEYER ELECTRIC AND GROUNDS REPAIR, LLC:					250.00	250.00	
MIDWAY RENTAL, INC.							
3040	MIDWAY RENTAL, INC.	1822511-0001	scissorlift	06/22/2023	213.30	213.30	08/15/2023
3040	MIDWAY RENTAL, INC.	1846978-0001	TOOTH BUCKET	08/15/2023	46.36	46.36	08/25/2023
Total MIDWAY RENTAL, INC.:					259.66	259.66	
MISC							
99999	MISC	2023.8.10	WITNESS FEE	08/10/2023	10.00	10.00	08/15/2023
99999	MISC	2023.8.14	REFUND 59520722	08/14/2023	100.00	100.00	08/25/2023
99999	MISC	2023.8.17	OVERPAYMENT 50050079001	08/17/2023	3,583.25	3,583.25	08/25/2023
99999	MISC	2023.8.23	REIMB-SVOR REG	08/23/2023	30.00	30.00	08/29/2023
99999	MISC	2023.8.5	OVERPAYMENT 1607901	08/09/2023	138.75	138.75	08/15/2023
99999	MISC	59649495	REFUND 59649495	08/16/2023	50.00	50.00	08/25/2023
99999	MISC	TK2023-0091	Bond Release	08/08/2023	150.00	150.00	08/23/2023
99999	MISC	TK2023-0094	Bond Release	08/08/2023	150.00	150.00	08/23/2023
Total MISC:					4,212.00	4,212.00	
MONTANA AIR CARTAGE							
3808	MONTANA AIR CARTAGE	LVQ73123	Courier CONTRACT	08/08/2023	369.60	369.60	08/25/2023
Total MONTANA AIR CARTAGE:					369.60	369.60	
MONTANA LEAGUE OF CITIES & TOWNS							
603	MONTANA LEAGUE OF CITIES	ML00702	SET POINT COMMUNICATIONS	04/30/2023	107.14	107.14	08/25/2023
603	MONTANA LEAGUE OF CITIES	ML00930	SET POINT COMMUNICATIONS	06/15/2023	107.14	107.14	08/25/2023
Total MONTANA LEAGUE OF CITIES & TOWNS:					214.28	214.28	
MONTANA MAGISTRATES ASSOCIATION							
643	MONTANA MAGISTRATES ASS	2023.7	MMA Dues	07/01/2023	300.00	300.00	08/29/2023
Total MONTANA MAGISTRATES ASSOCIATION:					300.00	300.00	
MONTANA RAIL LINK							
112	MONTANA RAIL LINK	468970	Agreement 96713	08/01/2023	100.00	100.00	08/15/2023
112	MONTANA RAIL LINK	469119	Agreement 600065	08/01/2023	568.00	568.00	08/15/2023
112	MONTANA RAIL LINK	469122	Agreement 600129	08/01/2023	100.00	100.00	08/15/2023
112	MONTANA RAIL LINK	469126	Agreement 600223	08/01/2023	100.00	100.00	08/15/2023
112	MONTANA RAIL LINK	469127	Agreement 600224	08/01/2023	100.00	100.00	08/15/2023
Total MONTANA RAIL LINK:					968.00	968.00	
MOUNTAIN AIR SPORTS							
34	MOUNTAIN AIR SPORTS	11790	ReSERVE CLOTHING	07/31/2023	1,360.00	1,360.00	08/15/2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total MOUNTAIN AIR SPORTS:					1,360.00	1,360.00	
MPH INDUSTRIES, INC							
669	MPH INDUSTRIES, INC	10928	TRAINING	06/30/2023	306.28	306.28	08/15/2023
Total MPH INDUSTRIES, INC:					306.28	306.28	
MSU EXTENSION SERVICE							
3275	MSU EXTENSION SERVICE	10	July economic development	08/24/2023	1,316.16	1,316.16	08/25/2023
Total MSU EXTENSION SERVICE:					1,316.16	1,316.16	
MSU OFFICE OF RESEARCH							
10005	MSU OFFICE OF RESEARCH	20230809	GEOSPATIAL DATA SERVICE	08/09/2023	636.00	636.00	08/15/2023
Total MSU OFFICE OF RESEARCH:					636.00	636.00	
MSU PARK COUNTY EXTENSION							
3368	MSU PARK COUNTY EXTENSIO	362	ENROLLMENT-HOLMES	08/16/2023	116.66	116.66	08/25/2023
3368	MSU PARK COUNTY EXTENSIO	362	ENROLLMENT-HOLMES	08/16/2023	116.68	116.68	08/25/2023
3368	MSU PARK COUNTY EXTENSIO	362	ENROLLMENT-HOLMES	08/16/2023	116.66	116.66	08/25/2023
Total MSU PARK COUNTY EXTENSION:					350.00	350.00	
NORTH CENTRAL LABORATORIES							
33	NORTH CENTRAL LABORATORI	491275	H TNT822	08/11/2023	90.16	90.16	08/25/2023
Total NORTH CENTRAL LABORATORIES:					90.16	90.16	
NORTHWESTERN ENERGY							
151	NORTHWESTERN ENERGY	0107897-1 202	0107897-1 228 W CALLENDER	08/09/2023	225.66	225.66	08/25/2023
151	NORTHWESTERN ENERGY	0709794-2 202	WRF 316 Bennett	08/08/2023	242.16	242.16	08/25/2023
151	NORTHWESTERN ENERGY	0709796-7 202	97 View Vista Drive	08/14/2023	6.00	6.00	08/25/2023
151	NORTHWESTERN ENERGY	0709869-2 202	Carol Lane	08/14/2023	146.70	146.70	08/25/2023
151	NORTHWESTERN ENERGY	0709870-0 202	G Street Park - 422 S G	08/14/2023	74.56	74.56	08/25/2023
151	NORTHWESTERN ENERGY	0709871-8 202	Star Addition - Lights	08/14/2023	338.67	338.67	08/25/2023
151	NORTHWESTERN ENERGY	0709873-4 202	800 W Cambridge - Pump Station	08/14/2023	35.79	35.79	08/25/2023
151	NORTHWESTERN ENERGY	0709875-9 202	900 River Drive Pump	08/08/2023	6,204.15	6,204.15	08/25/2023
151	NORTHWESTERN ENERGY	0709876-7 202	132 South B Street - B St Well	08/09/2023	2,535.07	2,535.07	08/25/2023
151	NORTHWESTERN ENERGY	0709879-1 202	227 River Drive - Softball Field	08/09/2023	564.67	564.67	08/25/2023
151	NORTHWESTERN ENERGY	0709882-5 202	229 River Drive - Pump Civic Cent	08/08/2023	.00	.00	
151	NORTHWESTERN ENERGY	0709891-6 202	15 Fleshman Creek-Cemetery Wo	08/14/2023	28.35	28.35	08/25/2023
151	NORTHWESTERN ENERGY	0709892-4 202	40 Water Tower Avenue	08/14/2023	56.04	56.04	08/25/2023
151	NORTHWESTERN ENERGY	0709894-0 202	56 Water Tower	08/07/2023	404.79	404.79	08/25/2023
151	NORTHWESTERN ENERGY	0709914-6 202	1011 River Dr - Edge Water Sewe	08/09/2023	14.72	14.72	08/25/2023
151	NORTHWESTERN ENERGY	0719058-0 202	3 Rogers Lane Lift Station	08/09/2023	97.20	97.20	08/25/2023
151	NORTHWESTERN ENERGY	0720048-8 202	330 Bennett 1/4	08/08/2023	294.16	294.16	08/25/2023
151	NORTHWESTERN ENERGY	0720048-8 202	330 Bennett 1/4	08/08/2023	294.16	294.16	08/25/2023
151	NORTHWESTERN ENERGY	0720048-8 202	330 Bennett 1/4	08/08/2023	294.16	294.16	08/25/2023
151	NORTHWESTERN ENERGY	0720176-7 202	Weimer Park	08/14/2023	56.66	56.66	08/25/2023
151	NORTHWESTERN ENERGY	1134866-1 202	N 2nd & Montana & Chinook	08/14/2023	40.90	40.90	08/25/2023
151	NORTHWESTERN ENERGY	1134879-4 202	N 7th & Montana & Chinook	08/14/2023	24.09	24.09	08/25/2023
151	NORTHWESTERN ENERGY	1155965-5 202	229 River Drive	08/14/2023	15.79	15.79	08/25/2023
151	NORTHWESTERN ENERGY	1290352-2 202	School Flasher Park & 13th	08/14/2023	10.64	10.64	08/25/2023
151	NORTHWESTERN ENERGY	1441030-2 202	D & Geyser Well House	08/08/2023	2,619.24	2,619.24	08/25/2023
151	NORTHWESTERN ENERGY	1452951-5 202	Starlow on Monroe	08/08/2023	228.43	228.43	08/25/2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
151	NORTHWESTERN ENERGY	1493850-0 202	412 W Callender	08/14/2023	43.70	43.70	08/25/2023
151	NORTHWESTERN ENERGY	1498936-2 202	I90 & 89S-ing	08/14/2023	6.00	6.00	08/25/2023
151	NORTHWESTERN ENERGY	1594141-2 202	9th & 10th Lift Station	08/10/2023	25.07	25.07	08/25/2023
151	NORTHWESTERN ENERGY	1613803-4 202	M & N on Callender	08/14/2023	38.95	38.95	08/25/2023
151	NORTHWESTERN ENERGY	1728687-3 202	Transfer Station 408 Bennett Stre	08/07/2023	331.54	331.54	08/25/2023
151	NORTHWESTERN ENERGY	1747570-8 202	D & E on Callender	08/14/2023	21.01	21.01	08/25/2023
151	NORTHWESTERN ENERGY	1747572-4 202	F & G on Callender	08/14/2023	19.04	19.04	08/25/2023
151	NORTHWESTERN ENERGY	1893530-4 202	600 W Park	08/14/2023	49.58	49.58	08/25/2023
151	NORTHWESTERN ENERGY	1893536-1 202	E Street & Alley	08/14/2023	18.35	18.35	08/25/2023
151	NORTHWESTERN ENERGY	1893541-1 202	18 W Park	08/14/2023	65.68	65.68	08/25/2023
151	NORTHWESTERN ENERGY	1906055-7 202	815 North 13th - Soccer Fields (Irr	08/14/2023	2.49	2.49	08/25/2023
151	NORTHWESTERN ENERGY	2023479-5 202	900 W Geyser Street School Light	08/14/2023	6.46	6.46	08/25/2023
151	NORTHWESTERN ENERGY	2023484-5 202	1100 W Geyser Street School Lig	08/14/2023	6.46	6.46	08/25/2023
151	NORTHWESTERN ENERGY	2114861-4 202	132 South B Street Lights	08/14/2023	108.67	108.67	08/25/2023
151	NORTHWESTERN ENERGY	2138754-3 202	G Street Park - Mike Webb Park	08/14/2023	420.69	420.69	08/25/2023
151	NORTHWESTERN ENERGY	2171060-3 202	Scale House 408 Bennett Street	08/14/2023	43.80	43.80	08/25/2023
151	NORTHWESTERN ENERGY	3093003-6 202	114 West Summit	08/14/2023	25.36	25.36	08/25/2023
151	NORTHWESTERN ENERGY	3093023-4 202	320 North Main	08/14/2023	3.36	3.36	08/25/2023
151	NORTHWESTERN ENERGY	3093027-5 202	105 West Park	08/14/2023	22.07	22.07	08/25/2023
151	NORTHWESTERN ENERGY	3141997-1 202	C & D on Lewis	08/14/2023	.00	.00	
151	NORTHWESTERN ENERGY	3184602-5 202	202 South 2nd	08/14/2023	13.50	13.50	08/25/2023
151	NORTHWESTERN ENERGY	3210240-2 202	616 River Drive	08/14/2023	6.76	6.76	08/25/2023
151	NORTHWESTERN ENERGY	3258086-2 202	2800 East Park Lift Station	08/14/2023	80.21	80.21	08/25/2023
151	NORTHWESTERN ENERGY	3258262-9 202	320 Alpenglow Lift Station	08/07/2023	143.62	143.62	08/25/2023
151	NORTHWESTERN ENERGY	3267010-1 202	330 Bennett - Compactor	08/07/2023	136.99	136.99	08/25/2023
151	NORTHWESTERN ENERGY	3287727-6 202	320 Alpenglow LN-	08/14/2023	46.72	46.72	08/25/2023
151	NORTHWESTERN ENERGY	3386783-9 202	Btwn G and H on Clark	08/14/2023	30.53	30.53	08/25/2023
151	NORTHWESTERN ENERGY	3386845-6 202	Btwn I and K on Callender	08/14/2023	20.18	20.18	08/25/2023
151	NORTHWESTERN ENERGY	3386846-4 202	Btwn 7th and 8th on Summit	08/14/2023	7.28	7.28	08/25/2023
151	NORTHWESTERN ENERGY	3506014-4 202	Brookstone/Elm	08/14/2023	4.77	4.77	08/25/2023
151	NORTHWESTERN ENERGY	3566038-0 202	114 East Callender	08/14/2023	17.31	17.31	08/25/2023
151	NORTHWESTERN ENERGY	3566039-8 202	115 East Lewis	08/14/2023	13.81	13.81	08/25/2023
151	NORTHWESTERN ENERGY	3585235-9 202	New WRF 316 Bennett	08/07/2023	14,060.94	14,060.94	08/25/2023
151	NORTHWESTERN ENERGY	3643752-3 202	115 East Clark	08/14/2023	82.51	82.51	08/25/2023
151	NORTHWESTERN ENERGY	3643753-1 202	112 East Clark	08/14/2023	27.87	27.87	08/25/2023
151	NORTHWESTERN ENERGY	3678204-3 202	502 River Dr. Pmp	08/09/2023	376.31	376.31	08/25/2023
151	NORTHWESTERN ENERGY	3725873-8 202	340 Bennett	08/14/2023	39.86	39.86	08/25/2023
151	NORTHWESTERN ENERGY	3753023-5 202	410 Bennett Transfer St Shop	08/08/2023	279.82	279.82	08/25/2023
151	NORTHWESTERN ENERGY	3787060-7 202	Green Acres Lights	08/14/2023	83.29	83.29	08/25/2023
151	NORTHWESTERN ENERGY	3787427-8 202	Green Acres	08/14/2023	259.91	259.91	08/25/2023
151	NORTHWESTERN ENERGY	3828216-6 202	203 W Callender	08/14/2023	27.87	27.87	08/25/2023
151	NORTHWESTERN ENERGY	3837245-4 202	3837245-4 220 E PARK	08/10/2023	173.75	173.75	08/25/2023
151	NORTHWESTERN ENERGY	3867654-0 202	2222 Willow Dr. Lt A	08/14/2023	32.91	32.91	08/25/2023
151	NORTHWESTERN ENERGY	3913678-3 202	Green Acres Park -	08/07/2023	332.39	332.39	08/25/2023
151	NORTHWESTERN ENERGY	3950711-6 202	Scenic Drive & Sweetgrass Lane	08/14/2023	44.86	44.86	08/25/2023
151	NORTHWESTERN ENERGY	4094896-0 202	207 Antelope Drive Lift Station (Fe	08/07/2023	23.30	23.30	08/25/2023
Total NORTHWESTERN ENERGY:					32,478.31	32,478.31	
OVERDRIVE							
3531	OVERDRIVE	CD015262318	BOOK SUBSCRIPTION	06/12/2023	4,064.32	4,064.32	08/25/2023
Total OVERDRIVE:					4,064.32	4,064.32	
PARK COUNTY							
272	PARK COUNTY	2023.6.30	4TH QTR GIS	06/30/2023	9,728.52	9,728.52	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR GIS	06/30/2023	1,389.79	1,389.79	08/25/2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
272	PARK COUNTY	2023.6.30	4TH QTR GIS	06/30/2023	1,389.79	1,389.79	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR GIS	06/30/2023	1,389.79	1,389.79	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR SANITARIAN	06/30/2023	8,892.50	8,892.50	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR MAINT	06/30/2023	4,871.51	4,871.51	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR MRDTF	06/30/2023	3,125.00	3,125.00	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	499.28	499.28	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	299.57	299.57	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	199.71	199.71	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	99.86	99.86	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	199.71	199.71	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	99.86	99.86	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	299.57	299.57	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	1,397.92	1,397.92	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	99.86	99.86	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	748.91	748.91	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	99.86	99.86	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	399.42	399.42	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	898.70	898.70	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	85.88	85.88	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	399.42	399.42	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	107.84	107.84	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	449.35	449.35	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	99.86	99.86	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	109.84	109.84	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	249.64	249.64	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	399.42	399.42	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	99.86	99.86	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	95.86	95.86	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	399.42	399.42	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	99.86	99.86	08/25/2023
272	PARK COUNTY	2023.6.30	4TH QTR	06/30/2023	748.91	748.91	08/25/2023
272	PARK COUNTY	2023_07	JULY PHONE	07/31/2023	186.48	186.48	08/25/2023
272	PARK COUNTY	2023_07	JULY INTERNET	07/31/2023	2,111.82	2,111.82	08/25/2023
272	PARK COUNTY	2023_07	JULY INTERNET	07/31/2023	810.51	810.51	08/25/2023
272	PARK COUNTY	2023_07	JULY INTERNET	07/31/2023	187.88	187.88	08/25/2023
272	PARK COUNTY	2023_07	JULY INTERNET	07/31/2023	187.88	187.88	08/25/2023
272	PARK COUNTY	2023_07	JULY INTERNET	07/31/2023	187.88	187.88	08/25/2023
272	PARK COUNTY	2023_07	JULY INTERNET	07/31/2023	187.87	187.87	08/25/2023
272	PARK COUNTY	2023_07	JULY INTERNET	07/31/2023	751.51	751.51	08/25/2023
272	PARK COUNTY	2023_07	JULY INTERNET	07/31/2023	215.88	215.88	08/25/2023
272	PARK COUNTY	2023_07	JULY INTERNET	07/31/2023	215.88	215.88	08/25/2023
272	PARK COUNTY	2023_07	JULY INTERNET	07/31/2023	71.96	71.96	08/25/2023
272	PARK COUNTY	2023_07	JULY INTERNET	07/31/2023	71.96	71.96	08/25/2023
272	PARK COUNTY	2023_07	JULY INTERNET	07/31/2023	71.96	71.96	08/25/2023
272	PARK COUNTY	2023_07	PALO ALTO NETWORKS	07/31/2023	5,269.32	5,269.32	08/25/2023
272	PARK COUNTY	2023_07	ELEVATOR MAINT	07/31/2023	715.57	715.57	08/25/2023
272	PARK COUNTY	2023_07	HVAC REPAIR	07/31/2023	23.12	23.12	08/25/2023
272	PARK COUNTY	2023_07	JULY- CELL PHONE	07/31/2023	534.18	534.18	08/25/2023
272	PARK COUNTY	2023_07	JUNE 23 OVERPAYMENT	07/31/2023	.01-	.01-	08/25/2023
272	PARK COUNTY	2619	EXEC U CARE	03/31/2023	2,090.49	2,090.49	08/25/2023

Total PARK COUNTY:

53,366.43 53,366.43

PARK COUNTY SHERIFF'S OFFICE

117	PARK COUNTY SHERIFF'S OFFI	2023.7	NETMOTION MOBILITY	07/01/2023	1,483.42	1,483.42	08/25/2023
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Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total PARK COUNTY SHERIFF'S OFFICE:					1,483.42	1,483.42	
PIPESTONE EQUIPMENT							
10001	PIPESTONE EQUIPMENT	14424	control unit	07/18/2023	3,469.93	3,469.93	08/15/2023
Total PIPESTONE EQUIPMENT:					3,469.93	3,469.93	
PITNEY BOWES							
10001	PITNEY BOWES	2023.7	Postage Meter Refill	07/10/2023	1,000.00	1,000.00	07/10/2023
10001	PITNEY BOWES	3317747538	Lease - City County Complex	07/08/2023	135.00	135.00	07/28/2023
Total PITNEY BOWES:					1,135.00	1,135.00	
PLUMMER, JAMIE							
10003	PLUMMER, JAMIE	2023.8.16	CLERICAL ASSIS	08/16/2023	50.00	50.00	08/25/2023
Total PLUMMER, JAMIE:					50.00	50.00	
QUILL CORPORATION							
694	QUILL CORPORATION	33727083	office supplies	07/27/2023	75.98	75.98	08/25/2023
Total QUILL CORPORATION:					75.98	75.98	
REPUBLIC SERVICES #670							
10000	REPUBLIC SERVICES #670	0670-0004148	DISPOSAL/RECYCLING	07/31/2023	70,849.04	70,849.04	08/15/2023
Total REPUBLIC SERVICES #670:					70,849.04	70,849.04	
RON AND SONS PAINTING							
3417	RON AND SONS PAINTING	2023.7.30	415 & 423 S F CLEANUP	07/30/2023	200.00	200.00	08/25/2023
Total RON AND SONS PAINTING:					200.00	200.00	
SALT LAKE WHOLESALE SPORTS							
2213	SALT LAKE WHOLESALE SPOR	91540	AMMUNITION	08/01/2023	199.90	199.90	08/15/2023
Total SALT LAKE WHOLESALE SPORTS:					199.90	199.90	
SHI INTERNATIONAL CORP.							
2907	SHI INTERNATIONAL CORP.	B17145813	SOFTWARE-HUTCHINSON	07/24/2023	521.14	521.14	08/25/2023
Total SHI INTERNATIONAL CORP.:					521.14	521.14	
SPECIAL LUBE							
1814	SPECIAL LUBE	224-280-12151	Oil Change	08/04/2023	60.00	60.00	08/15/2023
1814	SPECIAL LUBE	224-3280-1209	Oil Change	08/03/2023	92.98	92.98	08/15/2023
Total SPECIAL LUBE:					152.98	152.98	
STAFFORD ANIMAL SHELTER							
1439	STAFFORD ANIMAL SHELTER	373	MONTHLY CHARGE JULY	08/01/2023	3,333.33	3,333.33	08/15/2023
Total STAFFORD ANIMAL SHELTER:					3,333.33	3,333.33	
SUKUT, LISA							
2583	SUKUT, LISA	190738	REIMB programming supplies	08/02/2023	117.15	117.15	08/25/2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total SUKUT, LISA:					117.15	117.15	
TD&H ENGINEERING, INC							
3390	TD&H ENGINEERING, INC	34783	ON CALL WATER MODELING	08/11/2023	241.55	241.55	08/25/2023
3390	TD&H ENGINEERING, INC	34783	NORTHTOWN SUB WATER MO	08/11/2023	120.75	120.75	08/25/2023
3390	TD&H ENGINEERING, INC	34783	NORTHTOWN SUB SEWER MO	08/11/2023	120.75	120.75	08/25/2023
3390	TD&H ENGINEERING, INC	34783	ON CALL WRF DRYING BED	08/11/2023	1,067.00	1,067.00	08/25/2023
3390	TD&H ENGINEERING, INC	34783	ON CALL GARNIER CORRECTI	08/11/2023	186.00	186.00	08/25/2023
3390	TD&H ENGINEERING, INC	34783	ON CALL ADA PROJECT	08/11/2023	161.00	161.00	08/25/2023
3390	TD&H ENGINEERING, INC	34784	REGIONAL SEWER EXT	08/11/2023	21,233.00	21,233.00	08/25/2023
Total TD&H ENGINEERING, INC:					23,130.05	23,130.05	
TEAR IT UP L.L.C.							
2999	TEAR IT UP L.L.C.	58392	Shredding	08/23/2023	68.20	68.20	08/25/2023
Total TEAR IT UP L.L.C.:					68.20	68.20	
TK ELEVATOR CORPORATION							
10003	TK ELEVATOR CORPORATION	3007402144	ELEVATOR MAINT CONTRACT	08/01/2023	1,074.99	1,074.99	08/25/2023
Total TK ELEVATOR CORPORATION:					1,074.99	1,074.99	
UL LLC							
3429	UL LLC	72020483912	UL LADDERS	08/30/2022	4,023.25	4,023.25	08/25/2023
3429	UL LLC	72020532411	ANNUAL INSPECTION	07/31/2023	2,910.00	2,910.00	08/15/2023
3429	UL LLC	72020534184	GROUND LADDERS	08/10/2023	1,558.00	1,558.00	08/15/2023
Total UL LLC:					8,491.25	8,491.25	
US BANK EQUIPMENT FINANCE							
10001	US BANK EQUIPMENT FINANCE	507946523	PRINTER	08/06/2023	273.23	273.23	08/25/2023
Total US BANK EQUIPMENT FINANCE:					273.23	273.23	
VERIZON WIRELESS							
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	60.34	60.34	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	46.19	46.19	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	18.89	18.89	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	18.89	18.89	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	18.89	18.89	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	60.34	60.34	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	60.34	60.34	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	18.89	18.89	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	18.89	18.89	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	42.15	42.15	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	42.15	42.15	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	42.15	42.15	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	42.15	42.15	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	18.89	18.89	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	18.89	18.89	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	57.25	57.25	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	57.25	57.25	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	42.15	42.15	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	42.15	42.15	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	18.89	18.89	08/25/2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	59.61	59.61	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	59.61	59.61	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	13.45	13.45	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	11.71	11.71	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	46.19	46.19	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	42.15	42.15	08/25/2023
879	VERIZON WIRELESS	9941535096	AUG 2023 CELLPHONES	08/08/2023	42.11	42.11	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	20.73	20.73	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	66.17	66.17	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	46.25	46.25	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	10.37	10.37	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	10.37	10.37	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	46.24	46.24	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	24.52	24.52	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	20.72	20.72	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	46.24	46.24	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	20.72	20.72	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	20.72	20.72	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	20.72	20.72	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	.00	.00	
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	46.24	46.24	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	20.72	20.72	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	12.85	12.85	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	20.72	20.72	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	20.72	20.72	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	20.72	20.72	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	20.72	20.72	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	20.72	20.72	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	20.72	20.72	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	12.85	12.85	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	12.85	12.85	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	12.85	12.85	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	46.25	46.25	08/25/2023
879	VERIZON WIRELESS	9941535097	AUG 2023 CELLPHONES	08/08/2023	46.21	46.21	08/25/2023
Total VERIZON WIRELESS:					1,668.03	1,668.03	
WASTE TEK SOLUTIONS							
10003	WASTE TEK SOLUTIONS	8/14/2023	COMPACTOR MAINT	01/03/2023	785.00	785.00	08/25/2023
Total WASTE TEK SOLUTIONS:					785.00	785.00	
WESTERN EMULSIONS, INC.							
2963	WESTERN EMULSIONS, INC.	10-546821	HFMS-2 CHIP SEAL	08/09/2023	25,374.60	25,374.60	08/25/2023
Total WESTERN EMULSIONS, INC.:					25,374.60	25,374.60	
WESTERN MUNICIPAL CONSTRUCTION, INC.							
10000	WESTERN MUNICIPAL CONSTR	2023.5	REGIONAL SEWER EXT APP #5	07/25/2023	235,720.65	235,720.65	08/15/2023
10000	WESTERN MUNICIPAL CONSTR	2023.5	1% GROSS RECEIPTS TAX	07/25/2023	2,357.21-	2,357.21-	08/15/2023
Total WESTERN MUNICIPAL CONSTRUCTION, INC.:					233,363.44	233,363.44	
WHISTLER TOWING, LLC							
3237	WHISTLER TOWING, LLC	7713	2020 FORD	07/31/2023	159.13	159.13	08/15/2023
3237	WHISTLER TOWING, LLC	7722	Tune up	07/31/2023	628.20	628.20	08/15/2023
Total WHISTLER TOWING, LLC:					787.33	787.33	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
YELLOWSTONE NEWS GROUP							
10005	YELLOWSTONE NEWS GROUP	370371	engineering services	05/10/2023	36.00	36.00	08/15/2023
10005	YELLOWSTONE NEWS GROUP	370371	engineering services	05/10/2023	36.00	36.00	08/15/2023
10005	YELLOWSTONE NEWS GROUP	370371	engineering services	05/10/2023	36.00	36.00	08/15/2023
10005	YELLOWSTONE NEWS GROUP	392575	commission	07/10/2023	26.00	26.00	08/15/2023
10005	YELLOWSTONE NEWS GROUP	397960	commission	07/15/2023	13.00	13.00	08/15/2023
10005	YELLOWSTONE NEWS GROUP	403882	notice for meeting	07/29/2023	273.90	273.90	08/15/2023
10005	YELLOWSTONE NEWS GROUP	410872	PUBLIC NOTICE	08/19/2023	52.00	52.00	08/25/2023
Total YELLOWSTONE NEWS GROUP:					472.90	472.90	
Grand Totals:					614,819.37	614,819.37	

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

File Attachments for Item:

B. APPROVAL OF MINUTES FROM AUGUST 15, 2023, REGULAR CITY COMMISSION MEETING



Livingston City Commission Minutes

August 15, 2023

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/89320381974?pwd=cm1BcGFQOFRjVHd2Y05lZ3FZYXJkdz09>

Meeting ID: 893 2038 1974

Passcode: 011573

1. Call to Order

Vice Chair Kahle call the meeting to order at 5:32pm

2. Roll Call

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

Staff in attendance: City Manager Grant Gager, Interim City Attorney Jon Hesse, Detective Jordan Brummel, Sergeant Jason Gunderson, Finance Director Paige Fetterhoff,

3. Public Comment

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

- Jay Keifer expressed concerns about funding the Park County Health Officer, upcoming street closure event, and the City recycling program.
- Patricia Grabow clarified what the final sketch would look like for the Warren McGee statue at The Depot would look like.

4. Consent Items

- A. APPLICATION FOR KATHERINE LABOUNTA FOR SPECIAL PARKING SPACE FOR RESERVED FOR DISABLED PERSONS ON A PUBLIC STREET.**
- B. CONSIDERATION OF AGREEMENT 20031 WITH SHANE LALANI CENTER FOR THE ARTS**
- C. CONSIDERATION OF AGREEMENT 20032 WITH WINDY CITY OUTLAWS INCORPORATED**
- D. CONSIDERATION OF AGREEMENT 20033 WITH LIVINGSTON DEPOT FOUNDATION**
- E. APPOINTMENT OF CHRIS PETTIT TO LIVINGSTON TOURISM IMPROVEMENT BOARD OF TRUSTEES**
- F. APPROVAL OF MINUTES FROM AUGUST 1, 2023, REGULAR CITY COMMISSION MEETING**
- G. RATIFICATION OF CLAIMS PAID 7.27.2023 TO 8.9.2023**

Vice Chair Kahle asked if items were okay for approval. The City Manager stated he received notice from the Depot and was asked not to act on Consent Item D. Consideration of Agreement 20033 with Livingston Depot Foundation as the Depot had some organizational issue pop up. This item will be brought back to the City Commission 9/5/23.

Motion to approve consent agenda items A, B, C, E, F, and G was made by Commissioner Schwarz and seconded by Commissioner Lyons. The motion passed unanimously by the four members present.

5. Proclamations

6. Scheduled Public Comment

A. DOWNTOWN MASTER PLAN CONSULTANT PRESENTATION

Vice Chair Kahle called on the City Manager to introduce this item. The City Manager then introduced the Crescendo Planning team allowing them to discuss the Downtown Master Plan. Andy Rutz introduced himself and shared his excitement for this project. Team member Matt Prosser introduced himself as a principal economic planning systems. The team is joined by Robert Peccia and Associates who are primarily focused on transportation accountability and they have worked well with Andy and Matt on past projects. Andy discussed engagement this process, stating how important community input is and various ways to reach the community. The Master Plan is intended to provide the City with recommendations around land use, mobility, parks and public spaces around downtown, and going into more detail around a streetscape improvement plan. The project will last roughly from now until May 2024.

Vice Chair Kahle thanked Andy and his team for attending and presenting their project.

7. Public Hearings

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

A. CONSIDERATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS FOR 2023

Vice Chair Kahle called on the City Manager to introduce the item. The City Manager clarified this public hearing was to gather community input on possible projects that may be funded by a Community Development Block Grant. The Montana Department of Commerce is taking applications for planning and construction in November 2023. The City will have two public hearings.

Vice Chair Kahle clarified internal process and opened up to Commission questions. Commissioner Schwarz asked for the dollar amount for the grants. The City Manager stated there are different thresholds, but the limit for the planning grant is \$50,000 in reimbursement and the construction is much higher limit of \$7 million. Commissioner Lyons clarified the purpose of the public hearing is to gather ideas from the public for ideas on what these grants could be used for. Vice Chair Kahle asked how many grants planning and construction can have per year. The City Manager clarified it's one of each per cycle.

Public Comment was offered by:

- Danielle Maiden the Cooperative Housing Director at Neighborworks Montana introduced herself and her the company she works for. She indicated 2 projects that could utilize these grants one being View Vista Community and the other is Sleeping Giant Community. The Sleeping Giant Community could potentially utilize the planning grant for a preliminary engineering report that is needed for the water and sewer connection. View Vista has a

failing water and sewer system and a failing lift station which Neighborworks would like to apply for CDBG funding of \$750,000 for this project.

- Patricia Grabow agreed with Danielle Maiden and supports both of these projects.

Commissioner Lyons asked the City Manager if the City is going to do additional outreach outside public hearings. The City Manager stated yes, through public notice, newsletter and additional channels. Commissioner Lyons really liked what Neighborworks had to say and their project ideas. Vice Chair Kahle expressed gratitude for Neighborworks and their work in the City and County and agreed these projects are good ideas and realizes these communities' needs some assistance.

8. Ordinances

9. Resolutions

A. RESOLUTION 5098: APPROVING AND ADOPTING THE FINAL FY 2024 BUDGET

Vice Chair Kahle called on the City Manager to introduce the item. The City Manager stated this is the final budget with 2 additions that came after the original budget in May. These include \$15,000 for election administration and possible in-person election related to the possibility of the creation of a special district, and \$20,000 for a consultant for the energy action plan. Both additions were requested by the City Commission.

Commissioner Lyons moved to approve the resolution and Commissioner Schwarz seconded the motion.

Commissioners thanked the City Manager and Finance Director for their hard work on this budget.

The item was approved unanimously by the four Commissioners present.

B. RESOLUTION 5099: FIXING THE TAX LEVY FOR FY 2023-2024

Vice Chair Kahle called on the City Manager to introduce the item. The City Manager stated this item is the fix the tax levy for FY 2023-2024 and that the Finance Director provided analysis in the staff report. Many factors were assessed, but mainly the state's revaluation the total number of mills levied by the City of Livingston will decrease. This is due to the revaluation and new construction that has come onto the tax rolls. The tax impact on various residences has decreased as well.

Commissioner Schwarz moved to approve the resolution and Commissioner Friedman seconded the motion.

The item was approved unanimously by the four Commissioners present.

C. RESOLUTION 5100: INCREASING ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM

Vice Chair Kahle called on the City Manager to introduce the item. The City Manager stated this item was recommended by staff to move to a tiered water rate system. Further breakdown was explained that the first 10,000 gallons the rate increased by 3%. 10,000-30,000 gallons will increased by 5%. 30,000 -70,000 gallons will increase by 7%. Anything above 70,000 gallons will increased by 10%.

Commissioner Lyons asked the City Manager what the average residential consumption is. The City Manager clarified that 84% of users in the City of Livingston are in that first tier.

Commissioner Schwarz moved to approve the resolution and Commissioner Friedman seconded the motion.

Public Comment was offered by:

- Linda Maher questioned annexation of areas outside City limits such as Green Acres mainly how residents are having to hook to water/sewer, the fee associated with that, and would like to know the financial gains or losses to the City by having additional residents hooked to the City water/sewer.
- Patricia Grabow supports the increase in water and sewer rates and likes the tiered increase.

The City Manager clarified the questions brought up by Ms. Maher and stated the more users on City water/sewer really does help decrease the overall monthly cost of operating per user. It was further discussed that Green Acres is on City water, but was never required to hook up to wastewater which has caused concern since some systems are close to the Yellowstone River and the age was the wastewater systems were quite old. The City Manager stated for both of those reasons it made sense for the City to include those users in both water and sewer

The item was approved unanimously by the four Commissioners present.

D. RESOLUTION 5101: INCREASING ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WASTEWATER SYSTEM

Vice Chair Kahle called on the City Manager to introduce the item. The City Manager stated that staff is recommending a flat increase of 5% to all users of the wastewater system. They expect the average residential user’s bill will approximately increase \$1.01. Some users may see increases of up to \$5.01 per month. It was further clarified that the sewer fund is short on resources resulting in the cancelation of capital projects.

Commissioner Lyons moved to approve the resolution and Commissioner Schwarz seconded the motion.

The item was approved unanimously by the four Commissioners present.

E. RESOLUTION 5102: INTENT TO SPECIFY THE ASSESSMENT OPTION FOR STREET MAINTENANCE AND IMPROVEMENTS DISTRICT NO. 1 FOR FY 2023-2024

Vice Chair Kahle called on the City Manager to introduce the item. The City Manager stated this item is to fix the street maintenance assessment for the year and reminded the City is not looking to increase the street maintenance assessment for FY 2024. With property taxes and growth of tax rolls the assessment received by each household will decrease approximately from \$275 to \$255.

Commissioner Lyons moved to approve the resolution and Commissioner Schwarz seconded the motion.

The item was approved unanimously by the four Commissioners present.

F. RESOLUTION 5103: INTENT TO ESTIMATE THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 FOR FY 2023-2024

Vice Chair Kahle called on the City Manager to introduce the item. The City Manager stated this assessment decreased by 33% resulting in residential and commercial residents seeing a decrease in their light assessments for the coming year. The estimated evaluation will decreased from \$31.09 to \$19.30.

Commissioner Schwarz moved to approve the resolution and Commissioner Friedman seconded the motion.

Public Comment was offered by:

- Linda Maher expressed good job to the commission
- Patricia Grabow is excited about decreases and thanks to City Manager and City Commission

Commissioner Lyons brought up a few pros and cons to being a growing City and appreciates the thanks from the public.

The item was approved unanimously by the four Commissioners present.

G. RESOLUTION 5104: INTENT TO MODIFY SPECIAL IMPROVEMENT LIGHT DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES FOR FY 2023-2024

Vice Chair Kahle called on the City Manager to introduce the item. The City Manager indicates a 33% decrease. The estimated evaluation will decreased from \$31.09 to \$19.30.

Commissioner Lyons moved to approve the resolution and Commissioner Schwarz seconded the motion

The item was approved unanimously by the four Commissioners present.

Commissioner Schwarz motioned for a 10 minute break seconded by Commissioner Lyons. Unanimously approved.

(Starts at Video Mark 1:14:50)

10. Action Items

A. COSIDERATION OF SPECIAL EXCEPTION PERMIT FOR PROPERTY LOCATED AT 5576 US ROUTE 89

Vice Chair Kahle called on the City Manager to introduce the item. The City Manager invited the Planning Director to discuss this item. This special exception permit is proposing an amphitheater being built and utilized for outdoor concerts, as well as use of the adjacent lot that will be used as a parking area for attendees of the outdoor concerts. The proposed event space will have a max capacity of 250, events will go from May – September with a limit of 2 -3 events a week, ending no

later than 11pm. The parking area will hold 100 vehicles and 10 bike parking spaces will be available on the KPRK property.

Commissioner Lyons questioned not having an agreement yet with MRL for the parking area. The Planning Director stated that is one of the conditions of the approval that the owners of KPRK property present a signed agreement with MRL for use of the lot for a parking area. Vice Chair Kahle wondered about bathrooms and expressed concerns that they will be located on the site plan for the leased area. The City Manager clarified it is a condition of approval for bathrooms to be provided at events and stated page 214 is where portable toilets are talked about. Vice Chair Kahle expressed concerns about environmental issue with this property and earth moving in this location. The City Manager related this property to a similar situation at the Katie Bonell Park and clarified that DEQ does have requirements for properties, in and around superfund sites that are disturbing soil or other activities. This process is done during the process of obtaining a building permit.

The applicant, Andrew Feltenstein, shared his intentions with the property and why he chose that location. Music is something he loves and creates and wants to restore the KPRK building and create a revenue stream for himself to do so in way that the community can benefit from. He intends to lift the KPRK and back fill underneath and restore the old radio station, and he feels the amphitheater will bring fun to the community while preserving history all in one location.

Public Comment was offered by:

- Josh Teitelbaum expressed concerns about the amphitheater and would like the Commission to postpone decision until more residents can give public comment. He stated him and neighbors didn't have adequate time to prepare comment and attend this meeting to discuss concerns for surrounding neighbors.
- Melanie Majanias shared her support of this amphitheater and is excited to see KPRK resorted. She would like to see this approved.
- Patricia Grabow likes the idea of restoring KPRK, but expressed concerns about carcinogenic plume, and would like City Commission to be absolutely sure it is carcinogen free before approving this special exception permit.
- Kris King likes the idea of looking at environmental impacts and public safety. She does like the idea of this project and thinks the venue is a great location in a part of town that is not really developed commercially. The restoration of KPRK sounds exciting and thinks the community will benefit from having a local radio station. These shows could really bring revenue for local businesses which is good for Livingston.

During deliberation Commissioner Lyons recapped issues that were discussed; parking, bathrooms, floodplain/flooding, noise and past environmental issues. Understanding that the East end of Park Street is fairly traffic free, this location is a good one with the condition of obtaining parking and Commissioner Lyons expressed that parking is a critical part of the amphitheater being successful. Commissioner Schwarz likes the concept of this project and likes the location. He mentioned some concern around raising the building, but knows the owner will obtain a building permit and acquire proper testing, to eliminate any health and safety risk. Overall Commissioner Schwarz expressed support of this project. Commissioner Friedman didn't feel there was much negative to this project except the concerns around the floodplain and flooding, but overall showed support for this project and likes the location. Vice Chair Kahle lead with concerns about noise level and referenced noise ordinance sec. 10-5.C suggesting the cut off time for concerts should be 10pm to stay consistent with past special exception permits. It was brought up as a worry about movement of earth at this location and the importance of utilizing DEQ to help ensure the location remains safe. Vice Chair Kahle questioned to the Planning Director about potential risk for flooding at surrounding properties that are considered outside the floodplain. Will this project put that at risk for flooding? The Planning Director stated in order to get a floodplain development permit a project

cannot cause flooding anywhere else. Vice Chair Kahle would like to add a clarification to the parking condition that they will somehow always provide parking for events even if not utilizing the MRL lot adjacent to the property and that they will need to notify the City of parking arrangements should the lease will MRL dissolve or expire. The City Manager clarified the modified and added conditions that have been discussed. Vice Chair Kahle would like to add the 10pm cut off time for events and it was discussed between all Commissioners and comparison between this special exception permit and a previous special exception permit were talked about to see if the 10pm cut off fit for this application. Vice Chair Kahle also questioned if applicant wants to host more people than what was stated in this application if they would have to received approval or notify the City. Planning Director Severson responded yes, it is in their initial application agreement to monitor attendance and gain approval before hosting larger events. Changes include always have sufficient parking, DEQ is involved in project process. Vice Chair Kahle asked the applicant if he has any questions or concerns about these conditions. The applicant was brought back up to address the additional conditions, he expressed understanding of the previous special exception permit and stated the ways his venue is different and is built to absorb sounds and asked for one Saturday a month that can have a 11pm cut off time. Deliberation continued about the limit of shows to 2-3 per week that the applicant stated on his application.

Commissioner Schwarz motioned to extend the meeting seconded by Commissioner Lyons. Unanimously approved.

It was discussed best course of action since they are voting on what the applicant submitted

8:51P.M Commissioner Schwarz motioned for a 10 minute break seconded by Commissioner Freidman. Unanimously approved.

(Starts at Video Mark 2:58:41)

The question still stands if the applicant wants to amend the original application and continue this at the next City Commission meeting or put it up for vote tonight with Commissioner’s added conditions. It was calculated that 3 shows a week would be 48 shows in the season and the applicant was okay with an additional condition from the Commission capping shows at 50 for the season.

Vice Chair Kahle motioned to approve the application with the staff recommended conditions as well as the following additional conditions: parking must always be available, DEQ requirements must be met, and cap of 50 shows per year. Seconded by Commissioner Lyons.

Public Comment was offered by:

- Josh Teitlebaum expressed the difference in living area at the Shane Center vs. the KPRK location and still really feels this will negatively affect the neighborhood.
- Rae Stevenson felt the noise disruption from the location will negatively affect her home life and nearby hiking trail that is between this location and the hospital.

The item was approved unanimously by the four Commissioners present.

B. CONSIDERATION OF REQUEST FOR ZONING VARIANCE AT THE ROSEN PROPERTY ON NORTH L STREET

Vice Chair Kahle called on the City Manager to introduce the item. The City Manager turned over presentation of this item to Planning Director Severson. They are requesting a variance for the

required front street setback from 25 feet to 18 feet. The Planning Director cited City Code Zoning Variance Sec 30.74 and reviewed all the criteria.

Commissioner Schwarz asked to see a map of the location. Commissioner Lyons wondered when the original structure was put in.

Mr. Rosen bought the property and stated the original mobile home has been there for about 15 years.

Commissioner Schwarz moved to approve the item and Commissioner Lyons seconded the motion.

The Planning Director clarified from Google Earth that the original mobile home has been on the property since at least 2005.

The item was approved unanimously by the four commissioners present.

11. City Manager Comment

The City Manager gave thanks to staff and Commissioners for implementing the budget. The City Manager reassured that even though the special commission meeting that was scheduled was canceled due to the County not pushing through the Wellness Center, he and the staff are looking at all available options to continue with this project for the community.

12. City Commission Comments

Commissioner Lyons thanked Vice Chair Kahle for leading an efficient meeting. Commissioner Schwarz commented on the wedding happening downtown in September and the negative comments it's receiving and clarified it is not costing tax payer dollars and a wedding is just a wedding and a celebration those being married. Commissioner Friedman thanked the audience for patience. Vice Chair Kahle thanked fellow Commissioners and touched on the young folks that went to trial in Helena for climate change and shared how proud she is of the youth in Livingston.

13. Adjournment

9:24pm Commissioner Friedman motioned to adjourn the meeting seconded by Schwarz.

Unanimously approved.

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:

C. APPROVAL OF MINUTES FROM AUGUST 28, 2023, SPECIAL CITY COMMISSION MEETING



Livingston City Commission Special Minutes

August 28, 2023

4:00 PM

City – County Complex, Community Room
Join Zoom Meeting

<https://us02web.zoom.us/j/83686913039?pwd=RGZBODMzVmNxZjIjSdm9EenRZTllYz09>

Meeting ID: 836 8691 3039

Passcode: 094513

1. Call to Order

Vice Chair Kahle call the meeting to order at 4:02pm

2. Roll Call

City Commission in attendance at start of meeting: Vice-Chair Kahle, Commissioner Friedman, Commissioner Schwarz

Staff in attendance: City Manager Grant Gager, City Clerk Emily Hutchinson

3. Public Comment

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

4. Consent Items

5. Proclamations

6. Scheduled Public Comment

7. Public Hearings

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

8. Ordinances

9. Resolutions

A. RESOLUTION 5106: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ORDERING A MAIL BALLOT ELECTION FOR THE CITY'S MUNICIPAL ELECTION AND CALLING FOR AN ELECTION TO BE HELD.

Vice Chair Kahle called on the City Manager to introduce the item. The City Manager stated this resolution is to move the November regular election to a mail only election. This is due to the City not placing a referendum question for the voters in the regularly scheduled election. The possible was expected to be related to the Wellness Center project but, given recent developments with the County, the election process has changed.

Vice Chair Kahle clarified this is normally a mail in ballot, but the City Manager stated this was possibly going to be in person for folks to have the opportunity to vote on a special district for the Wellness Center.

Commissioner Schwarz moved to approve the item and Commissioner Friedman seconded the motion.

Public Comment was offered by:

- Maritza Redding with the Clerk and Records office thanked everyone and stated this is just protocol so they can move forward with the mail ballot election and order supplies and get a plan ready.

Commissioner Schwarz stated he disagreed with the County’s decision to not put the Wellness Center before voters. Vice Chair Kahle shared her disappointment with the County decision as well and is hopeful to find a solution going forward for the Wellness Center.

The item was approved unanimously by the three Commissioners present.

10. Action Items

11. City Manager Comment

The City Manager shared that staff are still working with the Wellness Center organizing foundation to determine if there is a viable path forward for the project.

12. City Commission Comments

13. Adjournment

4:10pm Commissioner Friedman motioned to adjourn the meeting seconded by Schwarz. Unanimously approved.

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

File Attachments for Item:

D. BROOKSTONE PAYBACK AGREEMENT

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

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

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

August 25, 2023

Kenneth Mantzey
Brookstone Developing, LLC
P.O. Box 2071
Livingston, MT 59047

Re: Brookstone Developing, LLC, Pay Back Agreement

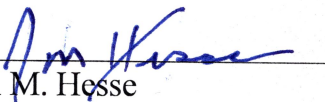
Dear Mr. Mantzey:

Pursuant to Resolution No. 4755 and the Pay Back Agreement for Sewer and Water Improvements, dated September 5 and 7, 2017, respectively, the City owes Brookstone Developing, LLC, the sum of \$292,500.00 for the sewer extension.

The City Commission will review a Resolution at the September 5, 2023, City Commission Meeting to authorize Paige Fetterhoff, CPA, Director of Finance, to pay said sum.

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

Sincerely yours,



Jon M. Hesse

Attorney at Law
JMH/cw

cc: Grant Gager, City Manager, via email only

Paige Fetterhoff, CPA, Director of Finance, via email only

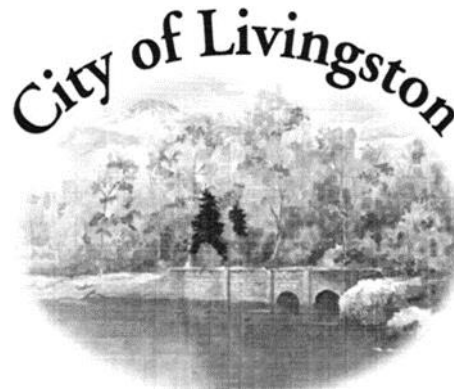
File Attachments for Item:

E. CONSIDERATION OF AGREEMENT 20033 WITH LIVINGSTON DEPOT FOUNDATION AND PARK COUNTY COMMUNITY FOUNDATION

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



Incorporated 1889

Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

Date: 9/5/2023
To: Chair Nootz and City Commissioners
From: Grant Gager, City Manager

Staff Report for Agreement 20033 with the Livingston Depot Foundation and Park County Community Foundation

Recommendation and Summary

The City Manager is recommending approval of Agreement 20033 with the Livingston Depot Foundation and Park County Community Foundation by adoption of the following motion:

“I move to approve agreement 20033 and authorize the City Manager to execute the agreement.”

The reasons for the recommendation are as follows:

- Several local non-profits have obtained funding for a statue of Warren McGee.
- The Livingston Depot Foundation has identified a location for the statue on the Depot property and has requested that the City take ownership of the statue.

Introduction and History

The Livingston Depot Foundation (Foundation), working with local residents and non-profits including the Park County Community Foundation, have obtained funding for a statue of local resident Warren McGee. The Foundation, which leases property from the City, has identified a location for the statue and will manage the installation. As it does not own the property that it occupies, the Foundation has requested that the City take ownership of the statue after it is created.

Analysis

The City owns and maintains several statues of local interest. Additionally, the City owns the old Depot building. Adding the statue, that will reside at the Depot, to the City’s assets is congruent with these ownership patterns.

Fiscal Impact

Adding the statue to the City’s insurance policy is estimated to increase the premium by less than \$40 per year. Minimal annual maintenance costs are anticipated from the bronze statue. As the agreement does not require the statue to exist for a specific duration, repair or replacement of the statue, and the related cost, is at the City’s discretion.

Strategic Alignment

The placement of public art comports with Strategy 2.2.1.2 of the Growth Policy.

Attachments

- Attachment A: Proposed Agreement 20033

**MEMORANDUM OF UNDERSTANDING REGARDING
A STATUE OF WARREN MCGEE
IN THE CITY OF LIVINGSTON**

The City of Livingston, Montana, a political subdivision of the State of Montana with its principal office located at 220 East Park Street, Livingston, Montana (“City”) and the Livingston Depot Foundation Incorporated, a Montana Non-Profit registered in Livingston, Montana (“Depot Foundation”), the Park County Community Foundation, a Montana Non-Profit registered in Livingston, Montana (“Community Foundation”) do hereby enter into this Memorandum of Understanding (“MOU”) effective this ____ day of _____, 20____:

RECITALS

WHEREAS, the DEPOT FOUNDATION was created to cooperate with the CITY to manage well-maintained and publicly-accessible cultural facilities; and

WHEREAS, the CITY owns certain property managed and operated by the DEPOT FOUNDATION; and

WHEREAS, local residents have worked with the CITY, the COMMUNITY FOUNDATION and the DEPOT FOUNDATION, to develop a statue of local resident Warren McGee; and

WHEREAS, property managed by the DEPOT FOUNDATION has been identified as the preferred placement of the statue; and

WHEREAS, the CITY and DEPOT FOUNDATION agree that cooperation to recognize local history is important to fostering a sense of place;

NOW, THEREFORE, be it resolved that the CITY, COMMUNITY FOUNDATION, and DEPOT FOUNDATION agree to collaborate to host and manage a statue of Warren McGee.

Specifically, the CITY, COMMUNITY FOUNDATION, and DEPOT FOUNDATION agree as follows:

1. **TERM** As of the effective date of this agreement determined above, the CITY and DEPOT FOUNDATION agree to collaborate to host and manage a statue of Warren McGee for as long as the two entities mutually agree is beneficial to the residents and visitors of the City of Livingston and Park County, Montana. This memorandum may be terminated as provided for in Section 5.
2. **FUNDING** Local residents have worked with the COMMUNITY FOUNDATION and have procured funding to develop, create and place a statue of local resident Warren McGee. The COMMUNITY FOUNDATION and local residents shall be solely responsible for all costs related to the development, creation, and placement of the statue as outlined in the grant agreement from the Dennis and Phyllis Washington Foundation. No CITY or DEPOT FOUNDATION funds will be used for the development, creation or placement of a statue of Warren McGee.
3. **DUTIES** The CITY, DEPOT FOUNDATION, and COMMUNITY FOUNDATION agree that they will collaborate to host and manage a statue of Warren McGee in the following manner:
 - a. The City Shall:
 - i. Receive the statue and take ownership upon its placement.
 - ii. Add the statue to the City insurance policy.
 - iii. Care for and maintain the statue for the duration of the agreement.
 - b. The Depot Foundation Shall:
 - i. Identify a suitable location for the statue.
 - ii. Manage the placement of the statue by providing general guidance on surrounding utilities as well as current and future The DEPOT FOUNDATION does not have any claim of ownership, nor financial obligation for the statue.
 - iii. Support the City's efforts to care for the statue.
 - c. The Community Foundation Shall
 - i. Administer initial grant from the Dennis and Phyllis Washington Foundation to allow for development, creation, and placement of the statue.

- ii. The COMMUNITY FOUNDATION does not have any claim of ownership, nor future financial obligation for the statue beyond the administration of the initial grant for the development, creation, and placement of the statue.
- 4. **INDEPENDENT AGREEMENTS** The CITY, the COMMUNITY FOUNDATION, and the DEPOT FOUNDATION agree that this memorandum of understanding may require one or more subsequent independent agreements to be executed to ensure the funding and care of the statue. Each agreement executed subsequent to this memorandum of understanding shall be considered independent. It is understood that neither party is required to enter into any independent agreements as a result of the Memorandum.
- 5. **TERMINATION** The CITY, the COMMUNITY FOUNDATION, and the DEPOT FOUNDATION agree that this Memorandum of Understanding may be terminated by any party with sixty (60) days written notice provided to all parties. In the event of termination, adequate funds will be provided by The CITY to remove the statue from the DEPOT FOUNDATION grounds, and to reclaim and replant the grounds so that they are placed back into their condition which existed prior to the statue being erected.
- 6. **NOTICE** The parties agree that all notices related to this agreement shall be delivered as follows. The individuals identified below shall serve as the primary points of contact for their organizations.
 - a. To the City:

Grant Gager, City Manager
220 East Park Street
Livingston, Montana 59047
CityManager@LivingstonMontana.org
 - b. To the Depot Foundation:

Laura Cota, Executive Director
Livingston Depot Foundation
200 W. Park Street
Livingston, Montana 59047

director@livingstondepot.org

- c. To the Community Foundation:
 - Gavin Clark, Executive Director
 - Park County Community Foundation
 - 104 S Main Street
 - Livingston, MT 59047
 - gavin.clark@pccf-montana.org

Entered into this _____ day of _____, 20____.

CITY OF LIVINGSTON

LIVINGSTON DEPOT FOUNDATION

Melissa Nootz, Chair

John Sullivan, Chair

Attest: Emily Hutchinson

PARK COUNTY COMMUNITY FOUNDATION

Jeff Welch, Chair

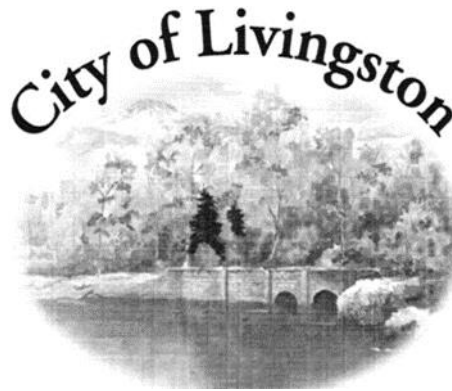
File Attachments for Item:

A. ORDINANCE 3042: AND ORDINANCE OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 26, ARTICLE V, SECTIONS 26.90 AND 26.91 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED STREET MAINTENANCE AND STREET LIGHTING DISTRICTS

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



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Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

Date: 9/5/2023
To: Chair Nootz and City Commissioners
From: Grant Gager, City Manager

Staff Report for Ordinance 3042 Amending Chapter 26, Article V, Sections 26.90 and 26.91 of the Livingston Municipal Code Entitled Street Maintenance and Street Lighting Districts

Recommendation and Summary

Staff recommends the Commission approve changes to the Livingston Municipal Code sections related to the assessment of costs for street maintenance and street lighting by adopting the following motion:

“I move to approve the second reading of Ordinance 3042 and authorize the chair to sign.”

The reasons for the recommendation are as follows:

- The Montana Code Annotated provides that cities assess the costs of street maintenance to owners of land parcels within the City.
- City staff has reviewed the current assessment methodology and is recommending that the City Commission adopt a new methodology based on parcel valuation.

Introduction and History

Chapter 12 of Title 7 of the Montana Code Annotated (MCA) provides for the creation and operation of street maintenance districts. Specifically, MCA 7-12-4422 allows for the assessment of costs based on: parcel size, street frontage, taxable value, trip generation or an equal amount per parcel. Currently, the City assesses such costs based on parcel size with certain limitations to the maximum assessment amount. The City Commission received several community comments regarding the assessment method and the Commission directed the City Manager to evaluate the assessment method in December 2022.

Analysis

City staff has reviewed the current and allowed methods and is recommending that the City move to an assessment based on land valuation. Doing so will remove certain inefficiencies wherein larger undeveloped parcels are assessed a significantly higher rate than smaller parcels.

Additionally, as many General Fund services are funded through property taxes based on valuation, adopting this method for street maintenance and lighting districts will more closely align the assignment of costs of City service.

Fiscal Impact

The City will receive the same revenue under any adopted method of assessment. However, certain parcel owners may experience differential assessments based on the selected method.

Strategic Alignment

Funding City street maintenance and lighting is critical to achieving the strategic goals of the City related to infrastructure.

Attachments

- Attachment A: Ordinance 3042.
- Attachment B: MCA 7-12-4422.

ORDINANCE NO. 3042

**AN ORDINANCE OF THE CITY COMMISSION OF CITY OF LIVINGSTON,
MONTANA, AMENDING CHAPTER 26, ARTICLE V, SECTIONS 26.90 AND 26.91 OF
THE LIVINGSTON MUNICIPAL CODE ENTITLED STREET MAINTENANCE AND
STREET LIGHTING DISTRICTS.**

Preamble.

The purpose of this Ordinance is to promote public health, safety and general welfare of the City by providing funding for the operation and maintenance of City street and lighting infrastructure.

WHEREAS, The City established Street Maintenance Districts through passage of Ordinance 1778 on July 25, 2994; and

WHEREAS, the Montana Code Annotated 7-12-4422 provides for certain methods to assess the costs for street maintenance districts; and

WHEREAS, street maintenance and lighting costs are currently assessed based on the size of a lot; and

WHEREAS, the City of Livingston Commission desires to revise the assessment of costs in all established Street Maintenance and Street Lighting Districts in the City of Livingston;

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

SECTION 1

That Chapter 30 - Zoning Ordinance, Article – Supplementary General Requirements, Section 30.50 – Signs be amended as follows with deletions struck-through and additions redlined as follows:

Article V. Street Maintenance Districts and Street Lighting Districts¹

Sec. 26-87. Designation.

- A. Any portion of the City may be designated as a street maintenance district and street lighting districts by resolution of the City Commission. When so designated, such district may be maintained for such time and in such manner, and under the supervision of the City.
- B. "Maintenance" includes but is not limited to sprinkling, graveling, oiling, chip sealing, seal coating, overlaying, treating, general cleaning, sweeping, flushing, snow removal, and leaf and debris removal.
- C. "Streets" in this Article includes streets, alleys, curbs and gutters.

(Ord. 1940 § 1 (part), 3/15/04; Ord. No. 3032, § 1, 8/2/11)

Sec. 26-88. By whom work may be done.

Street maintenance as referred may be done by contract or by the City, or both.

(Ord. 1940 § 1 (part), 3/15/04)

Sec. 26-89. Determination of maintenance costs—when.

The City Manager shall certify to the Commission on or before the first Monday in October, of each year, the cost and expense of City and other forces used in each maintenance district of the City, together with an estimate of the cost for the portion of the time such forces may be required to be used in each district for the balance of the fiscal year.

(Ord. 1940 § 1 (part), 3/15/04)

¹Editor's note(s)—Ord. No. 2032, § 1, adopted Aug. 2, 2011, changed the title of Art. V from "Street Maintenance Districts" to "Street Maintenance Districts and Street Lighting Districts."

Sec. 26-90. Assessment of costs.

The anticipated costs and expenses of each maintenance district for each fiscal year, exclusive of the cost of maintaining public places and the intersections of streets with avenues or alleys, shall in all cases be assessed and taxed to the lots or parcels of land within the district in such proportion as the City Commission may annually determine, but not less than seventy-five (75) percent of such costs. The assessment shall be based upon taxable valuation of lots. ~~square footage of lots, however such assessments for lots located in Mule Haven Subdivision (Subdivision Plat No. 495) shall be adjusted as follows:~~

~~Mule Haven — Lot Size~~

~~B — 70% of lot size~~

~~C — 70% of lot size~~

~~D — 70% of lot size~~

~~E — 70% of lot size~~

~~F — 70% of lot size~~

~~G — 70% of lot size~~

~~H — 70% of lot size~~

~~I — 70% of lot size~~

~~J — 70% of lot size~~

~~K — 70% of lot size~~

~~L — 70% of lot size~~

~~M — 70% of lot size~~

(Ord. 1940 § 1 (part), 3/15/04; Ord. No. 2032, § 1, 8/2/11)

~~Sec. 26-91. Maximum annual assessment for parcels, tracts or lots which are undeveloped and unimproved.~~

~~The maximum annual assessment for street maintenance for any tract, parcel or lot which is undeveloped and unimproved shall be no more than seventy five (75) percent of improved lots.~~

~~(Ord. 1940 § 1 (part), 3/15/04)~~

~~Sec. 26-92.~~ Certification of tax.

The taxes for maintenance districts assessed under Sections 26-90 and 26-91 shall be extended in the same manner as other special assessments and shall be certified to the County Treasurer for collection with regular real property taxes.

(Ord. 1940 § 1 (part), 3/15/04)

SECTION 2

Statutory Interpretation and Repealer:

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

SECTION 3

Severability:

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

SECTION 4

Savings Provision:

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

SECTION 5

Effective date:

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

PASSED by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the _____ day of July, 2023.

MELISSA NOOTZ - CHAIR

ATTEST:

EMILY HUTCHINSON
City Clerk

PASSED, ADOPTED AND APPROVED by the City Commission of the City of Livingston, Montana, on second reading at a regular session thereof held on the _____ day of July, 2023.

MELISSA NOOTZ – CHAIR

ATTEST:

EMILY HUTCHINSON
City Clerk

APPROVE AS TO FORM:

City Attorney

Montana Code Annotated 2021

TITLE 7. LOCAL GOVERNMENT

CHAPTER 12. IMPROVEMENT DISTRICTS

Part 44. Special Provisions for Street Maintenance Districts

Assessment Of Costs

7-12-4422. Assessment of costs. (1) For the purposes of this section, "assessable area" means the portion of a lot or parcel of land that is benefited by the maintenance district. The assessable area may be less than but may not exceed the actual area of the lot or parcel.

(2) The city council shall assess the percentage of the cost of maintenance established in **7-12-4425** against the entire district as follows:

(a) each lot or parcel of land within the district may be assessed for that part of the cost that its assessable area bears to the assessable area of the entire district, exclusive of streets, avenues, alleys, and public places;

(b) each lot or parcel of land within the district abutting upon a street upon which maintenance is done may be assessed for that part of the cost that its street frontage bears to the street frontage of the entire district;

(c) if the city council determines that the benefits derived from the maintenance by each lot or parcel are substantially equivalent, the cost may be assessed equally to each lot or parcel located within the district without regard to the assessable area of the lot or parcel;

(d) each lot or parcel of land, including the improvements on the lot or parcel, may be assessed for that part of the cost of the district that its taxable valuation bears to the total taxable valuation of the property of the district;

(e) each lot or parcel of land within the district may be assessed for that part of the cost that the reasonably estimated vehicle trips generated for a lot or parcel of its size in its zoning classification bear to the reasonably estimated vehicle trips generated for all lots in the district based on their size and zoning classification;

(f) any other assessment method provided in **7-11-1024** may be used; or

(g) any combination of the assessment options provided in subsections (2)(a) through (2)(f) may be used for the district as a whole or for any lot or parcel within the district.

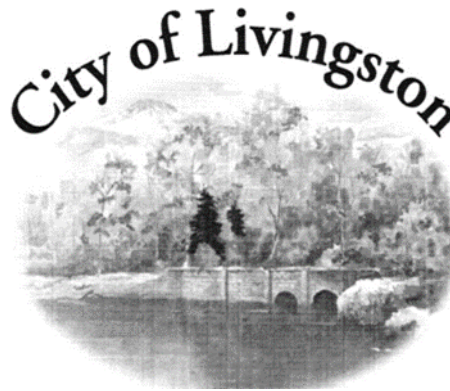
File Attachments for Item:

B. ORDINANCE 3043, AN ORDINANCE OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING BY ADDING NEW SECTION 30.47 ENTITLED PLANNED UNIT DEVELOPMENTS AND PROVIDING A REPEALER, SAVINGS, SEVERABILITY AND EFFECTIVE DATE.

City Manager
Grant Gager

220 E Park Street
(406) 823-6000 phone

citymanager@livingstonmontana.org
www.livingstonmontana.org



Incorporated 1889

Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

Date: August 31, 2023
To: Chair Nootz and City Commissioners
From: Jennifer Severson, Planning Director

Update on Draft Planned Unit Development (PUD) Ordinance

After the August 1, 2023 City Commission Meeting, staff met with:

1. Local Developers and Realtors (8/25/23)
2. Affordable Housing Non-Profit & Affordable Development Firms (8/29/23)

Feedback received and potential PUD Ordinance revisions discussed at these meetings is summarized below.

Currently, cost too high to develop in Livingston

- Solutions to encourage PUD development:
 - Increase maximum height allowed
 - Increase maximum density allowed (more ‘shared walls’ = less cost/ unit)
 - Decrease minimum parking required

Comments about Affordability measures in Draft PUD Ordinance

- 60% AMI is not realistic for developers
- Deed Restriction should include Prohibiting Short Term Rentals
- Affordability indicators should be evaluated twice
 - Initial rental/ purchase
 - Re-rental (new tenant)/ resale (new owner)

Discussed Revisions to Draft PUD Ordinance

1. Decrease Minimum PUD size to ½ acre (reduced from 1 acre)
2. Allow PUDs in all zoning districts (not only residential districts)
3. Remove requirement to include Commercial Use in PUD
 - a. Instead, make Commercial Use a Public Benefit
(5% of new sq. footage in PUD will earn density or height bonus)
4. Require 80% minimum AMI for rentals and 120% AMI for owner units to obtain incentives (increased from minimum 60% AMI, rentals and owner units not delineated)
5. Increase Max Allowed Density Bonus to 50% of base zoning district (increased from 25%)
6. Cash-in-lieu for increased Open Space Benefit (this is already allowed for Subdivisions)

Recommendation

Staff requests Commission feedback on the above recommendations and additional time to continue discussion with local affordable housing non-profits and developers to refine the PUD Ordinance.

Attachments

- A. HRDC Additional Comments, dated August 30, 2023



August 30, 2023

Jennifer Severson
Planning Director
City of Livingston
220 E. Park St.
Livingston, MT 59047

Re: HRDC 2nd Comment on Proposed Planned Unit Development Ordinance

Ms. Severson and City of Livingston Commission,

We are writing with two aims. First, we would like to reiterate HRDC’s support and gratitude for the work Ms. Severson and City staff have put into drafting and soliciting input on the proposed planned unit development (PUD) ordinance. Second, we would like to encourage the Commission to provide additional time for Ms. Severson, City staff, and community partners to explore, evaluate, and integrate ideas generated since the draft ordinance was presented on August 1, 2023.

Ms. Severson convened several meetings to solicit feedback on the draft ordinance, in accordance with the Commission’s guidance and our recommendation at the August hearing. On August 29th, we joined representatives from three affordable housing development firms to discuss how the ordinance functions from a housing standpoint with her and City Manager Grant Gager. The conversation generated a wealth of *potential* ideas that deserve further discussion and evaluation before they are drafted, presented to the public and the City Commission for consideration, and codified in code. Some of these ideas include:

General potential changes

- Ensuring the regulation is not overly complex and is organized in a manner that makes it easy to use and understand
- Expanding the zoning districts in which the proposed ordinance would apply
- Decreasing the minimum PUD size
- Determining mechanisms to ensure that any home designated as providing affordable housing benefits (and therefore qualifying the PUD for City incentives) are not only rented or sold at below market rates, but are also inhabited by people whose incomes do not exceed the home’s target area median income (AMI) documented in the PUD application
- Prohibiting short-term rental of homes designated as providing affordable housing benefits

Potential changes to public benefits

- Changing the requirement for all proposed developments to include a commercial component to an optional public benefit
- Clarifying open space requirements
- Allowing cash-in-lieu of open space

Potential changes to incentives:

- Offering parking reductions as an additional developer incentive
- Increasing the maximum residential density bonus
- Adjusting AMI targets for developments providing affordable housing benefits and specifying different AMI targets for homes placed on the rental and ownership markets

HRDC is available to provide ongoing support to City staff on this project, as they see fit. We are happy to continue to coordinate with affordable housing developers and other affordable housing partners, to provide data and analyses that can inform decision-making, and to propose language that will clarify and strengthen the purposes of the proposed ordinance.

Respectfully,

Lila Fleishman

Director, Community Development Department

Katherine Daly

Contract Program Manager

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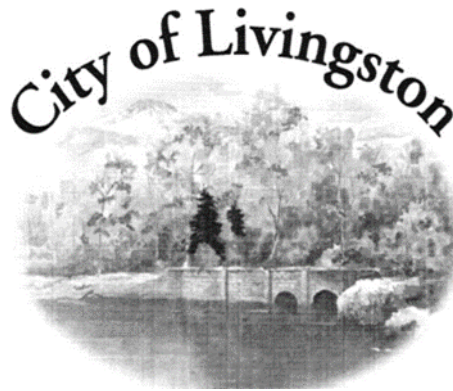
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Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

Date: August 1, 2023
To: Chair Nootz and City Commissioners
From: Jennifer Severson, Planning Director

Staff Report to Introduce a Planned Unit Development (PUD) Zoning Ordinance to Chapter 30 of the Livingston Municipal Code

Recommendation and Summary

Staff recommends the Commission approve the creation of a PUD Ordinance to be added to the City of Livingston Zoning Code Chapter 30 by adopting the following motion:

“I move to approve Ordinance 3043 to create a Planned Unit Development Ordinance for addition to the Livingston Zoning Code as Section 30.75 and to authorize the Chair to sign Ordinance 3043.”

The reasons for the recommendation are as follows:

- The 2021 Growth Policy recommended the creation of a Planned Unit Development (PUD) zoning district.
- The purpose of a PUD Ordinance is to allow flexibility from design standards and density requirements from the existing zoning in a defined area of development.
- PUDs encourage more efficient use of land and public services than is typically attainable under standard zoning application.

Introduction

The PUD Ordinance creation was initiated in response to the recommendation in Chapter 11’s Land Use Recommendations in the 2021 Growth Policy as a means to provide flexibility from design standards and existing zoning. By allowing for context sensitive design that conforms to topography and minimizes site impacts, PUD zoning encourages clustered development, diverse housing types, mixed land uses, and natural resource preservation. Staff reviewed and evaluated several PUD Ordinances from around the state in similarly-sized communities that are experiencing comparable growth pressures as is Livingston. Staff presented findings and recommendation to the Zoning Commission at its June 13, 2023 meeting and the Zoning Commission voted unanimously to recommend the City Commission approve the proposed PUD Ordinance.

Analysis

The citizens of Livingston are increasingly looking for ways to effectively address challenges associated with growth. The 2021 Growth Policy promotes infill development over annexation to address continued growth and development within the City; however, the current zoning ordinance does not fully support the Growth Policy. As less raw land is available to develop, the vacant land that is available often can have physical

constraints that limit site development opportunities. Furthermore, housing costs continue to rise and, for many Livingston residents, these costs are becoming increasingly unaffordable.

PUDs can provide the flexibility needed to make new development financially feasible for developers by providing bonuses- or incentives- to increase density, height and/or have impact fees waived. In return, developers must provide public benefits that have been identified in the Growth Policy as being desirable to increase quality of life for the City’s residents- those are: affordable housing, reduced vehicular trips (i.e. less traffic) and open space preservation.

The Planned Unit Development is a zoning district intended to encourage more efficient use of land and public services than is generally attainable under standard zoning application. Conventional area and density requirements are replaced by application of the PUD district to lands upon which an approved plan becomes the basis for control of land development. To achieve the stated intent, a PUD shall further the following objectives:

1. Preserve natural and cultural resources
2. Provide open space and recreational areas beyond the minimum subdivision requirements
3. Promote a more efficient use of land than the base zoning district would allow, resulting in clustered development and a smaller network of utilities and streets
4. Promote mixed uses in residential zoning districts as a means to improve convenience and access to daily necessities by area residents
5. Reduce vehicular trip generation through mixed use development and enhanced multi-modal connectivity
6. Promote affordable/ workforce housing
7. Support the adopted City of Livingston Growth Policy

Rather than requiring strict adherence to zoning requirements and design standards, PUDs allow for a more flexible, holistic and site-based approach to development that integrates constraints and opportunities into the process and encourages individual projects to be evaluated on their own specific merits and drawbacks.

Because the establishment of a PUD involves rezoning and site evaluation, both the Zoning Commission and the Planning Board will be involved in the recommendation process to advise the City Commission on its decision. Additionally, because each PUD application involves a request to deviate from existing zoning and/or design standards, staff is recommending a public work session be included at the beginning of the review process the work session will allow residents who may potentially be impacted by the proposed development to weigh in and, hopefully, will encourage developers to address community concerns early in the planning and review process.

The uniqueness of each PUD application will require additional review time by staff and advisory boards; consequently, staff is recommending a minimum 1-acre size for all proposed PUDs. Because the City’s existing commercial zoning is fairly permissive, and to encourage mixed uses, PUDs will only be allowed in the R-I, R-II, RII-MH, R-III and RMO zoning districts, where the base zoning and allowed uses are primarily residential. To further promote mixed use development, all PUDs must include a commercial component appropriately scaled and compatible with the proposed development and with respect to the surrounding neighborhood. Commercial uses must be located, designed and operated to serve primarily the needs of residents within the PUD and, secondarily, those residing outside the PUD. Staff is also recommending that Light Industrial uses be allowed in PUDs, provided they are appropriately scaled and compatible with the

proposed development and with respect to the surrounding neighborhood. Because PUDs will only be allowed in areas where the base zoning is residential, Heavy Industrial uses are not allowed.

Fiscal Impact

The proposed PUD Ordinance is not anticipated to have adverse fiscal impacts to the City. Review fees will be assessed for PUD applications for review to compensate for staff review time.

Strategic Alignment

The creation of a PUD Ordinance directly supports the recommendation to create a Planned Unit Development Overlay District stated in Chapter 11 of the 2021 Growth Policy and aligns with a number of Strategies identified in the Growth Policy by encouraging public benefits in exchange for awarding developer incentives. Incentivizing deed restricted affordable housing aligns with *Strategy 5.1.5.5 Explore existing local, state, and federal funding mechanisms to aid in the creation of affordable housing*. Incentivizing additional open space in new developments aligns with *Strategy 4.3.1.1: Develop a strategy for the protection and preservation of natural resources and open spaces commensurate with growth in Livingston*. Finally, incentivizing the reduction of vehicular trips aligns with *Strategy 4.1.3.3 Reduce climate disruption through compact growth and increased transportation choices that reduce the need for driving*.

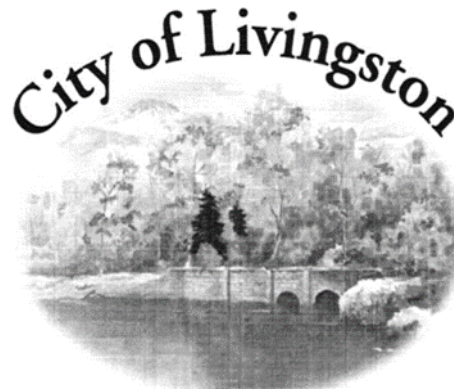
Attachments

- A. Livingston Zoning Committee June 13, 2023 Staff Report
- B. Draft Ordinance 3043

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Torrey Lyons

June 13, 2023

ZONING COMMISSION STAFF REPORT
CHAPTER 30 ZONING CODE – PLANNED UNIT DEVELOPMENT ORDINANCE

Background

Planning staff has drafted a Planned Unit Development (PUD) Ordinance to be included in Chapter 30 of the City’s Zoning Code. The purpose of a PUD Ordinance is to allow flexibility from design standards and density requirements from the existing zoning in a defined area of development. The Ordinance will be added to the Code as a new standalone section of Chapter 30.

The Planned Unit Development is a zoning district intended to encourage more efficient use of land and public services than is generally attainable under standard zoning application. Conventional area and density requirements are replaced by application of the PUD zoning district to lands upon which an approved plan becomes the basis for control of land development. By allowing for context sensitive design that conforms to topography and minimizes site impacts, PUD zoning encourages clustered development, diverse housing types, mixed land uses, and natural resource preservation.

To achieve the stated intent, a project approved as a PUD must further the following objectives:

1. Preserve natural and cultural resources
2. Provide open space and recreational areas beyond the minimum subdivision requirements
3. Promote a more efficient use of land than the base zoning district would allow, resulting in clustered development and a smaller network of utilities and streets
4. Reduce vehicular trip generation through mixed use development and enhanced multi-modal connectivity
5. Promote affordable/ workforce housing
6. Support the adopted City of Livingston Growth Policy

The PUD Ordinance is being introduced into the City’s zoning code as recommended by the 2021 Growth Policy.

Proposed Findings of Fact

The proposed PUD Ordinance is attached (Attachment A). As this ordinance will create a standalone section of code rather than update an existing part of the Code, there is no redlined version of existing code provided for review.

Criteria and Guidelines for Zoning Regulations (MCA 76-2-304):

(1) Zoning regulations must be:

(a) made in accordance with a growth policy:

Staff Comments:

- The proposed text amendment supports the recommendation in the Growth Policy to create a PUD Ordinance and, therefore, directly supports the goals and strategies of the Growth Policy.

(b) designed to:

(i) secure safety from fire and other dangers;

Staff Comments:

- Staff does not anticipate the proposed PUD Ordinance will impact the threat of fire or other danger to the public.

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

Staff Comments:

- By allowing for context sensitive design that conforms to topography and minimizes site impacts, PUD zoning encourages clustered development, diverse housing types, mixed land uses, and natural resource preservation. Under the new ordinance, developers may receive incentives based on the provision of certain public benefits. Staff finds that with careful consideration of each unique PUD application by the Zoning Commission, Planning Board and the City Commission, the proposed text amendment will not adversely impact the health, safety or general welfare of the public.

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

Staff Comments:

- A project reviewed as a PUD is required to provide a public benefit, such as reducing traffic, clustering development to concentrate public infrastructure connections within the development, and/or provide additional parkland over the minimum required by Subdivision regulations. Therefore, it is not anticipated the proposed text amendment will impact the adequate provision of transportation, water, sewerage, schools, parks or other public requirements.

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

(a) reasonable provision of adequate light and air;

Staff Comments:

- Although the ordinance allows for a moderate height bonus as an incentive to developers in the R-II (Medium Density Residential) District, staff does not anticipate this will impact the reasonable provision of adequate light or air in the new development.

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

Staff Comments:

- A stated objective of the PUD Ordinance is to reduce vehicular trip generation through mixed use development and enhanced multi-modal connectivity. Reduced vehicular trips is anticipated to have a beneficial impact on the transportation network.

(c) promotion of compatible urban growth;

Staff Comments:

- Although developer incentives are possible, density and height bonuses are tied to the existing (base) zoning district requirements and are awarded as a percentage increase from what is allowed the base zoning district. The PUD Ordinance will promote a more efficient use of land than the base zoning district would allow, resulting in clustered development and a smaller network of utilities and streets, which is compatible with the type of urban development recommended in the Growth Policy.

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

Staff Comments:

- The increased flexibility of design allowed by the PUD Ordinance will help ensure approved uses in the new development are uniquely suited for the area where the PUD is located. Because each PUD proposal will be site specific and context sensitive, it is not anticipated that the proposed text amendment will adversely impact the character of any zoning district nor its suitability for particular uses.

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

Staff Comments:

- The proposed PUD Ordinance will encourage the most appropriate use of land in the City of Livingston as each proposed PUD will be unique and tailored for the site where the PUD is located. Staff does not anticipate development approved as a PUD will adversely impact building values in the City.

Staff Recommendation

Staff believes the proposed PUD Ordinance complies with the requirements of State Statute and it directly supports the goals, objectives and strategies identified in the Growth Policy. Staff recommends that the Commission adopt the PUD Ordinance as proposed.

Attachments

- A. Draft PUD Ordinance

Sec. 30.47. Planned Unit Development.

A. **Intent.** The Planned Unit Development is a zoning district intended to encourage more efficient use of land and public services than is generally attainable under standard zoning application. Conventional area and density requirements are replaced by application of the PUD district to lands upon which an approved plan becomes the basis for control of land development. By allowing for context sensitive design that conforms to topography and minimizes site impacts, PUD zoning encourages clustered development, diverse housing types, mixed land uses, and natural resource preservation.

B. **To achieve the stated intent, a PUD shall further the following objectives:**

1. Preserve natural and cultural resources
2. Provide open space and recreational areas beyond the minimum subdivision requirements
3. Promote a more efficient use of land than the base zoning district would allow, resulting in clustered development and a smaller network of utilities and streets
4. Promote mixed uses in residential zoning districts as a means to improve convenience and access to daily necessities by area residents
5. Reduce vehicular trip generation through mixed use development and enhanced multi-modal connectivity
6. Promote affordable/ workforce housing
7. Support the adopted City of Livingston Growth Policy

C. **PUD Minimum Size and Allowed Uses**

1. The proposed PUD must be a minimum of 1 acre in size and all land must be under a single ownership/ entity at time of application submittal.
2. Residential Uses: PUDs are only allowed in areas where the base zoning district is primarily residential; those are: R-I, R-II, RII-MH, R-III and RMO.
3. Commercial Uses: All PUDs must include a commercial component appropriately scaled and compatible with the proposed development and with respect to the surrounding neighborhood. Commercial uses should be located, designed and operated to serve primarily the needs of residents within the PUD and secondarily persons residing outside the PUD. Commercial development within the PUD may require Site Plan Review prior to issuance of a building permit for structures related to the Commercial Use.
4. Industrial Uses: Light Industrial uses may be allowed in the PUD district, provided they are appropriately scaled and compatible with the proposed development and with respect to the surrounding neighborhood. Light Industrial development within the PUD may require Site Plan Review prior to issuance of a building permit for structures related to the Light Industrial Use. Heavy Industrial uses are not allowed in a PUD.

D. **Developer Incentives and Public Benefits**

1. **Guidelines.** The table below outlines desirable Public Benefits the City wishes to encourage for inclusion in PUDs, and Bonuses that may be obtained by Developers for providing one or more of the listed Public Benefits.

DEVELOPER INCENTIVES	PUBLIC BENEFITS
1. Residential Density Bonus	A. 10% deed restricted Affordable/ Workforce housing (min. 2 units)
2. Height Increase	B. Deed restricted Low-Income Affordable housing units
3. Waived Impact Fees	C. 10% reduction in vehicular trips to be generated by the PUD
	D. Increase open space to 20% of PUD area

a. Developer Incentives

- i. Increased Residential Density- 10% increased density over allowable in base zoning district for each public benefit provided by developer; maximum 25% overall increase allowed
- ii. Increased Height- only allowed where R-II or R-II:MH are base zoning districts; up to 40 feet maximum height allowed
- iii. Waived Impact Fees- fees will be waived on 1:1 basis for each deed-restricted Low-Income Affordable housing unit at or below 60% AMI

b. Public Benefits- each of the below benefits counts as a single benefit; developers may provide any of the below benefits to obtain developer bonuses as detailed in Section D.1.c below.

- i. Affordable/ Workforce Housing- must be deed restricted dwelling units to qualify for developer incentives (minimum 2 affordable/ workforce units per project)
 - 1. Moderately Affordable/Workforce Housing is defined here as being at or below 100% Area Median Income (AMI).
 - 2. The AMI set annually for Park County by the U.S. Department of Housing and Urban Development will be used to determine housing affordability.
 - 3. Low-Income Affordable Housing is defined her as being at or below 60% AMI
 - 4. All Affordable/ Workforce units must be substantially similar in design, location and amenities as market rate units
- ii. Reduced vehicular trips- 10% reduction of vehicular trips generated by the PUD resulting from design, uses, multi-modal transportation facilities, etc.
- iii. Increased Open Space- 20% or more of total PUD area must be dedicated as open space; no more than half of total open space may be Type 1.a as classified in LMC Sec 28-VI-A-16.b

c. Formula for Incentives and Public Benefit Allocation:

- i. Residential Density Bonus – a Developer may provide one of the below public benefits to obtain a 10% residential density increase over what the base zoning district allows; maximum density increase allowed is 25% over the base zoning district
 - 1. Affordable (Moderate or Low-Income)/ Workforce Housing
 - 2. Reduced Vehicular Trips
 - 3. Increased Open Space

- ii. Height Increase- one-time only bonus; may be obtained by providing any of the below benefits
 - 1. Affordable (Moderate or Low-Income)/ Workforce Housing
 - 2. Reduced Vehicular Trips
 - 3. Increased Open Space

- iii. Waived Impact Fees- Awarded on a 1:1 basis for each deed-restricted Low-Income Affordable Housing unit at or below 60% AMI

NOTE: Low-Income Affordable Housing Units (those at or below 60% AMI) will also count toward the number of Moderately Affordable/ Workforce Housing units (those at or below 100% AMI) to achieve a Density Bonus

2. Limitations on Developer Incentives.

- a. The bonus for increased height is limited to a one-time award; height bonus is only allowed in RII or RII:MH zoning districts; maximum 40' total height allowed.
- b. Increased residential density bonus may be awarded more than one time; however, the maximum increased residential density bonus allowed is 25% total over the base zoning district’s residential density.

3. Multi-Phased Development.

- a. For affordable/ workforce housing:

The maximum allowed price of a dwelling unit will be determined by the AMI levels at the time of phase commencement.

The phased subdivision commencement hearing shall be considered the date of commencement of the phase, if required

At least 5% of total affordable/ workforce housing units must be included in the first phase
- b. Developer bonus(es) must be implemented concurrently with the public benefit associated with that bonus (i.e. the public benefit provided to achieve the bonus).
- c. A financial guarantee, satisfactory to the City, may be provided for the future public benefit in lieu of concurrent development.

E. Application Procedures

1. A Pre-Application meeting is required with city staff at least 30 days prior to submittal of the PUD application.
2. Prior to submittal of the application, the applicant must notify landowners of the proposed PUD zoning within 300 feet of the PUD external boundary and provide a method by which surrounding landowners may offer comments on the proposal. All comments received must be included in the PUD application.
3. Application Submittal requirements- each application for PUD zoning shall contain the following material:
 - a. Completed City of Livingston PUD Application form; see application form for detailed submittal requirements. Where a PUD also involves a subdivision of land, it shall also meet the application requirements of the Livingston Subdivision Regulations.
 - b. All applicable fees.
 - c. A listing of each deviation or class of deviation from the base zoning district and a justification for the deviation.
 - d. A listing of each deviation or class of deviation from the City's Subdivision Regulations (if a subdivision is proposed), the City's Public Works Design Standards and Specifications, and a justification for the deviation.
 - e. Project Narrative or other convincing and persuasive demonstration that the proposed PUD will implement goals and strategies of the adopted Livingston Growth Policy.
 - f. The PUD plan shall identify the existing zoning of the area within the proposed PUD district and the zoning of all parcels surrounding or immediately adjacent to the proposed PUD.
 - g. Operation and Maintenance for private facilities for common use of PUD residents as well as for facilities that will be available for use by the general public (if applicable).
 - h. For multi-phase projects where components are proposed which may not be built for many years, future phases may show conceptual street designs, proposed park and open space areas, trail concepts, proposed residential density, housing types and commercial areas. Where a multi-phased PUD involves a subdivision of land, the applicant shall submit an overall phased development preliminary plat per MCA 76-3-617.
 - i. Other information, plans and details that the city staff, Zoning Commission, Planning Board and/or City Commission may request to fully evaluate the development proposal and its impacts and conclusively demonstrate how the review criteria listed below will be met.

F. Public Review Process

1. **Work Session.** A public work session is required to be held on a proposed PUD plan prior to any public hearing. The work session is intended for informational purposes only to inform both the public, the Zoning Commission, the Planning Board, and the City Commission about the various aspects of the project. It is not intended to be a public hearing and the Zoning Commission, Planning Board and City Commissioners shall not ask questions, provide comments or take formal action on the PUD application. All owners of property within 300 feet of the proposed PUD shall be

invited to this work session. An invitation to the work session may be included within the formal public hearing notice or it may be sent separately.

- 2. **Zoning Commission.** The Zoning Commission will review the application, hold a public hearing and make a recommendation to the City Commission to approve, approve with conditions, or deny the application. The review procedure for PUD zoning will follow LMC Sec 30.71 for amendments to city zoning ordinance and zone change. Review of the proposed PUD will be based on the statutory provisions of MCA 76-2-304 and the following evaluation criteria:
 - a. The proposed PUD supports the adopted Growth Policy with respect to applicable density and use goals, objectives and/or strategies identified in the Growth Policy.
 - b. The proposed deviations from the underlying zoning requirements will not adversely affect the public and/ or the surrounding neighborhood.
 - c. Uses with varying intensities are effectively buffered, both within the PUD and between the PUD and the surrounds.
 - d. Action by the Zoning Commission.
 - i. The Zoning Commission shall hold a public hearing on the application pursuant to LMC Section 30.71.
 - ii. The Commission shall submit its recommendations to the City Commission regarding the PUD rezoning request based on the review criteria under 2.a-c in this section.
 - iii. The Zoning Commission may recommend the City Commission approve, approve with conditions, or deny the application.

- 3. **Planning Board.** The Planning Board will review the application, hold a public hearing and make a recommendation to the City Commission to approve, approve with conditions, or deny the application. Where a PUD also involves a subdivision of land, it shall follow the process called out in the Livingston Subdivision regulations (Chapter 28). Review of the proposed PUD will be based on the following evaluation criteria:
 - a. The proposed PUD supports the adopted Growth Policy with respect to applicable density and use goals, objectives and/or strategies identified in the Growth Policy.
 - b. The proposed departures from the adopted the City of Livingston Public Works Design Standards and Specifications and/ or subdivision regulations (if applicable) will not adversely affect the public and/or surrounding neighborhood.
 - c. The PUD will establish effective connections within the PUD and to the surrounding transportation network.
 - d. The size and type of parkland and open space and demonstration of its adequacy for the land use, densities and dwelling types proposed in the PUD, as well as the proposal for maintenance and conservation of these areas.
 - e. The PUD will not adversely impact the natural environment, critical wildlife and habitat, agriculture, public health and safety, and local services.
 - f. Action by the Planning Board
 - i. The Planning Board shall hold a public hearing on the application and submit its recommendations to the City Commission regarding the PUD based on the review criteria under 3.a-e in this section.

- ii. The Planning Board will review the PUD Plan and, after holding a public hearing, make a recommendation to the City Commission to approve, conditionally approve or deny the PUD.
 - iii. Where a PUD involves a subdivision of land, Subdivision review will be as directed by Chapter 28 of Livingston Municipal Code. Any deviations from the Subdivision Regulations or the City of Livingston Public Works Design Standards and Specifications will only be allowed through the variance process contained in Chapter 28 of the Livingston Municipal Code.
4. **Action by the City Commission.** Upon receiving recommendations from the Zoning Commission and Planning Board, the City Commission will review and approve, approve with conditions, or deny the PUD application and any applicable Preliminary Plat. The City Commission may conduct the first reading of the zoning ordinance amendment required for a PUD at the same meeting during which the preliminary PUD plan is approved.

G. Preparation and Filing of Final PUD.

- 1. Upon approval of the PUD by the City Commission, the property owner(s) shall proceed with the preparation of the Final PUD plan.
- 2. The owner shall prepare a Statement of Standards for review and approval by the Zoning Administrator that describes the specific uses, development standards, deviations from the underlying zoning standards and conditions of approval. This Statement of Standards shall be approved as to form by the City Attorney, and upon approval by the Zoning Administrator recorded in the land records of Park County.
 - a. The Final PUD plan shall incorporate all the conditions imposed by the City Commission at the time of approval of the preliminary plan.
 - b. The applicant shall submit three signed copies of a Final PUD Plan and other documents as required by the conditions of approval to the Planning Department. The applicant must also submit a draft PUD agreement between the City and the developer(s) for review by the City Attorney. The agreement must bind the developer, his or her successors, heirs and assigns to the terms and conditions of the PUD. Upon approval by the Zoning Administrator, a signed copy of the plan shall be returned to the applicant, a signed copy shall be retained on file in the County Clerk and Recorder’s office and a signed copy shall be kept on file with the Planning Department.
 - c. All PUD documents required under the conditions of approval shall be submitted to the Planning Department in a timely fashion following approval by the Commission but in no case shall a building permit be issued until the final PUD plan has been submitted and approved and the PUD agreement has been executed. For PUDs where a subdivision is required, the final plat shall be filed once construction is completed in accordance with LMC Chapter 28 Subdivision Regulations.

H. Amending an Approved PUD.

- 1. Once approved, a PUD may be amended by the developer(s). Proposed amendments shall be submitted to the Zoning Administrator to make one of the following findings:
 - a. The change(s) is deemed minor in scope and may be granted or denied administratively by staff with or without conditions; or
 - b. The change(s) is deemed substantial, in which case the amendment(s) is forwarded to the City Commission for consideration and final action.
- 2. Any determination made administratively by the Zoning Administrator is appealable to the City Commission.

3. The City shall not initiate any amendment to the PUD before the completion of the approved PUD as long as development is in substantial conformity with the approved PUD and proceeding in accordance with the time requirements imposed therein by the completion schedule.

I. Abandonment or Expiration of PUD.

1. The Zoning Administrator shall monitor the PUD for compliance with the completion schedule set forth in the approved development plan and to assure that all improvements have been made in accordance with the approved development plan.
2. The following procedures are to be following when the PUD fails to comply with the completion schedule:
 - a. PUDs which do not involve or require a subdivision:
 - i. If a PUD project falls out of compliance with its approved completion schedule, or the landowner and/or developer does not submit annual progress updates to the Zoning Administrator, a notice of noncompliance with the completion schedule shall be delivered in writing by certified mail to the landowner and/or developer.
 - ii. No later than 30 days after the notice of noncompliance is delivered, the landowner and/or developer may submit a written request for time extension from the City Commission. Said request shall set forth a proposed completion schedule and/or new timetable for installation of the improvements. The Commission may grant one or more extension(s) but each extension is a matter of grace which, if approved, may be subject to additional conditions imposed by the Commission which may be deemed necessary to address issues that have arisen due to the lapse in time.
 - iii. Abandonment shall be deemed by the City Commission to have occurred when the landowner/developer is deemed to be out of compliance with the approved completion schedule and has failed to secure an extension as provided for in 2.a.ii in this section.
 - iv. Upon the abandonment of a development authorized under this section, the City Commission shall direct the Zoning Administrator to do the following:
 - (a) If a portion of the PUD site was developed in accordance with the PUD, the PUD approval conditions and any associated PUD Plan shall stay in force for that portion already developed; and
 - (b) For that portion of the PUD which was not developed under the approved terms, the provisions of the PUD shall lapse and the site shall revert back to the base zoning district in place prior to approval of the PUD District.
 - b. PUDs which include a subdivision of land:
 - i. The process for abandonment or expiration cited in LMC Chapter 28 for Subdivision Regulations shall be followed.

ORDINANCE NO. 3043

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30, OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING BY ADDING NEW SECTION 30.47 ENTITLED PLANNED UNIT DEVELOPMENT AND PROVIDING A REPEALER, SAVINGS, SEVERABILITY AND EFFECTIVE DATE.

Purpose

The purpose of this Ordinance is to promote public health, safety and general welfare of the City by regulating the subdivision of land and specifically allowing for the creation of planned unit developments.

WHEREAS, the City Commission of the City of Livingston, Montana seeks to allow planned unit developments as an alternate form of large lot subdivisions; and,

WHEREAS, the City Commission has adopted the A Growth Policy that recommends the adoption of such a policy; and,

WHEREAS, The City’s Planning Board and Zoning Commission have previously held public hearings on the draft ordinance.

NOW THEREFORE, BE IT ORDAINED by the Livingston City Commission that Chapter 30, of the Livingston Municipal Code entitled Zoning is hereby amended as follows:

SECTION 1

(NEW) Sec. 30.47. Planned Unit Development.

A. **Intent.** The Planned Unit Development is a zoning district intended to encourage more efficient use of land and public services than is generally attainable under standard zoning application. Conventional area and density requirements are replaced by application of the PUD district to lands upon which an approved plan becomes the basis for control of land development. By allowing for context sensitive design that conforms to topography and minimizes site impacts, PUD zoning encourages clustered development, diverse housing types, mixed land uses, and natural resource preservation.

B. **To achieve the stated intent, a PUD shall further the following objectives:**

1. Preserve natural and cultural resources
2. Provide open space and recreational areas beyond the minimum subdivision requirements
3. Promote a more efficient use of land than the base zoning district would allow, resulting in clustered development and a smaller network of utilities and streets
4. Promote mixed uses in residential zoning districts as a means to improve convenience and access to daily necessities by area residents
5. Reduce vehicular trip generation through mixed use development and enhanced multi-modal connectivity
6. Promote affordable/ workforce housing
7. Support the adopted City of Livingston Growth Policy

C. **PUD Minimum Size and Allowed Uses**

1. The proposed PUD must be a minimum of 1 acre in size and all land must be under a single ownership/ entity at time of application submittal.
2. Residential Uses: PUDs are only allowed in areas where the base zoning district is primarily residential; those are: R-I, R-II, RII-MH, R-III and RMO.
3. Commercial Uses: All PUDs must include a commercial component appropriately scaled and compatible with the proposed development and with respect to the surrounding neighborhood. Commercial uses should be located, designed and operated to serve primarily the needs of residents within the PUD and secondarily persons residing outside the PUD. Commercial development within the PUD may require Site Plan Review prior to issuance of a building permit for structures related to the Commercial Use.
4. Industrial Uses: Light Industrial uses may be allowed in the PUD district, provided they are appropriately scaled and compatible with the proposed development and with respect to the surrounding neighborhood. Light Industrial development within the PUD may require Site Plan Review prior to issuance of a building permit for structures related to the Light Industrial Use. Heavy Industrial uses are not allowed in a PUD.

D. **Developer Incentives and Public Benefits**

1. **Guidelines.** The table below outlines desirable Public Benefits the City wishes to encourage for inclusion in PUDs, and Bonuses that may be obtained by Developers for providing one or more of the listed Public Benefits.

DEVELOPER INCENTIVES	PUBLIC BENEFITS
1. Residential Density Bonus	A. 10% deed restricted Affordable/ Workforce housing (min. 2 units)
2. Height Increase	B. Deed restricted Low-Income Affordable housing units
3. Waived Impact Fees	C. 10% reduction in vehicular trips to be generated by the PUD
	D. Increase open space to 20% of PUD area

a. Developer Incentives

- i. Increased Residential Density- 10% increased density over allowable in base zoning district for each public benefit provided by developer; maximum 25% overall increase allowed
- ii. Increased Height- only allowed where R-II or R-II:MH are base zoning districts; up to 40 feet maximum height allowed
- iii. Waived Impact Fees- fees will be waived on 1:1 basis for each deed-restricted Low-Income Affordable housing unit at or below 60% AMI

b. Public Benefits- each of the below benefits counts as a single benefit; developers may provide any of the below benefits to obtain developer bonuses as detailed in Section D.1.c below.

- i. Affordable/ Workforce Housing- must be deed restricted dwelling units to qualify for developer incentives (minimum 2 affordable/ workforce units per project)
 - 1. Moderately Affordable/Workforce Housing is defined here as being at or below 100% Area Median Income (AMI).
 - 2. The AMI set annually for Park County by the U.S. Department of Housing and Urban Development will be used to determine housing affordability.
 - 3. Low-Income Affordable Housing is defined her as being at or below 60% AMI
 - 4. All Affordable/ Workforce units must be substantially similar in design, location and amenities as market rate units
- ii. Reduced vehicular trips- 10% reduction of vehicular trips generated by the PUD resulting from design, uses, multi-modal transportation facilities, etc.

iii. Increased Open Space- 20% or more of total PUD area must be dedicated as open space; no more than half of total open space may be Type 1.a as classified in LMC Sec 28-VI-A-16.b

c. Formula for Incentives and Public Benefit Allocation:

i. Residential Density Bonus – a Developer may provide one of the below public benefits to obtain a 10% residential density increase over what the base zoning district allows; maximum density increase allowed is 25% over the base zoning district

- 1. Affordable (Moderate or Low-Income)/ Workforce Housing
- 2. Reduced Vehicular Trips
- 3. Increased Open Space

ii. Height Increase- one-time only bonus; may be obtained by providing any of the below benefits

- 1. Affordable (Moderate or Low-Income)/ Workforce Housing
- 2. Reduced Vehicular Trips
- 3. Increased Open Space

iii. Waived Impact Fees- Awarded on a 1:1 basis for each deed-restricted Low-Income Affordable Housing unit at or below 60% AMI

NOTE: Low-Income Affordable Housing Units (those at or below 60% AMI) will also count toward the number of Moderately Affordable/ Workforce Housing units (those at or below 100% AMI) to achieve a Density Bonus

2. Limitations on Developer Incentives.

- a. The bonus for increased height is limited to a one-time award; height bonus is only allowed in RII or RII:MH zoning districts; maximum 40’ total height allowed.
- b. Increased residential density bonus may be awarded more than one time; however, the maximum increased residential density bonus allowed is 25% total over the base zoning district’s residential density.

3. Multi-Phased Development.

- a. For affordable/ workforce housing:
The maximum allowed price of a dwelling unit will be determined by the AMI levels at the time of phase commencement.

The phased subdivision commencement hearing shall be considered the date of commencement of the phase, if required

At least 5% of total affordable/ workforce housing units must be included in the first phase

- b. Developer bonus(es) must be implemented concurrently with the public benefit associated with that bonus (i.e. the public benefit provided to achieve the bonus).
- c. A financial guarantee, satisfactory to the City, may be provided for the future public benefit in lieu of concurrent development.

E. Application Procedures

- 1. A Pre-Application meeting is required with city staff at least 30 days prior to submittal of the PUD application.
- 2. Prior to submittal of the application, the applicant must notify landowners of the proposed PUD zoning within 300 feet of the PUD external boundary and provide a method by which surrounding landowners may offer comments on the proposal. All comments received must be included in the PUD application.
- 3. Application Submittal requirements- each application for PUD zoning shall contain the following material:
 - a. Completed City of Livingston PUD Application form; see application form for detailed submittal requirements. Where a PUD also involves a subdivision of land, it shall also meet the application requirements of the Livingston Subdivision Regulations.
 - b. All applicable fees.
 - c. A listing of each deviation or class of deviation from the base zoning district and a justification for the deviation.
 - d. A listing of each deviation or class of deviation from the City’s Subdivision Regulations (if a subdivision is proposed), the City’s Public Works Design Standards and Specifications, and a justification for the deviation.
 - e. Project Narrative or other convincing and persuasive demonstration that the proposed PUD will implement goals and strategies of the adopted Livingston Growth Policy.
 - f. The PUD plan shall identify the existing zoning of the area within the proposed PUD district and the zoning of all parcels surrounding or immediately adjacent to the proposed PUD.
 - g. Operation and Maintenance for private facilities for common use of PUD residents as well as for facilities that will be available for use by the general public (if applicable).
 - h. For multi-phase projects where components are proposed which may not be built for many years, future phases may show conceptual street designs, proposed park and open space areas, trail concepts, proposed residential density, housing types and commercial areas. Where a multi-phased PUD involves a subdivision of

land, the applicant shall submit an overall phased development preliminary plat per MCA 76-3-617.

- i. Other information, plans and details that the city staff, Zoning Commission, Planning Board and/or City Commission may request to fully evaluate the development proposal and its impacts and conclusively demonstrate how the review criteria listed below will be met.

F. Public Review Process

1. **Work Session.** A public work session is required to be held on a proposed PUD plan prior to any public hearing. The work session is intended for informational purposes only to inform both the public, the Zoning Commission, the Planning Board, and the City Commission about the various aspects of the project. It is not intended to be a public hearing and the Zoning Commission, Planning Board and City Commissioners shall not ask questions, provide comments or take formal action on the PUD application. All owners of property within 300 feet of the proposed PUD shall be invited to this work session. An invitation to the work session may be included within the formal public hearing notice or it may be sent separately.
2. **Zoning Commission.** The Zoning Commission will review the application, hold a public hearing and make a recommendation to the City Commission to approve, approve with conditions, or deny the application. The review procedure for PUD zoning will follow LMC Sec 30.71 for amendments to city zoning ordinance and zone change. Review of the proposed PUD will be based on the statutory provisions of MCA 76-2-304 and the following evaluation criteria:
 - a. The proposed PUD supports the adopted Growth Policy with respect to applicable density and use goals, objectives and/or strategies identified in the Growth Policy.
 - b. The proposed deviations from the underlying zoning requirements will not adversely affect the public and/ or the surrounding neighborhood.
 - c. Uses with varying intensities are effectively buffered, both within the PUD and between the PUD and the surrounds.
 - d. Action by the Zoning Commission.
 - i. The Zoning Commission shall hold a public hearing on the application pursuant to LMC Section 30.71.
 - ii. The Commission shall submit its recommendations to the City Commission regarding the PUD rezoning request based on the review criteria under 2.a-c in this section.
 - iii. The Zoning Commission may recommend the City Commission approve, approve with conditions, or deny the application.
3. **Planning Board.** The Planning Board will review the application, hold a public hearing and make a recommendation to the City Commission to approve, approve with conditions, or deny the application. Where a PUD also involves a subdivision of land, it shall follow the process called out in the Livingston

Subdivision regulations (Chapter 28). Review of the proposed PUD will be based on the following evaluation criteria:

- a. The proposed PUD supports the adopted Growth Policy with respect to applicable density and use goals, objectives and/or strategies identified in the Growth Policy.
 - b. The proposed departures from the adopted the City of Livingston Public Works Design Standards and Specifications and/ or subdivision regulations (if applicable) will not adversely affect the public and/or surrounding neighborhood.
 - c. The PUD will establish effective connections within the PUD and to the surrounding transportation network.
 - d. The size and type of parkland and open space and demonstration of its adequacy for the land use, densities and dwelling types proposed in the PUD, as well as the proposal for maintenance and conservation of these areas.
 - e. The PUD will not adversely impact the natural environment, critical wildlife and habitat, agriculture, public health and safety, and local services.
 - f. Action by the Planning Board
 - i. The Planning Board shall hold a public hearing on the application and submit its recommendations to the City Commission regarding the PUD based on the review criteria under 3.a-e in this section.
 - ii. The Planning Board will review the PUD Plan and, after holding a public hearing, make a recommendation to the City Commission to approve, conditionally approve or deny the PUD.
 - iii. Where a PUD involves a subdivision of land, Subdivision review will be as directed by Chapter 28 of Livingston Municipal Code. Any deviations from the Subdivision Regulations or the City of Livingston Public Works Design Standards and Specifications will only be allowed through the variance process contained in Chapter 28 of the Livingston Municipal Code.
4. **Action by the City Commission.** Upon receiving recommendations from the Zoning Commission and Planning Board, the City Commission will review and approve, approve with conditions, or deny the PUD application and any applicable Preliminary Plat. The City Commission may conduct the first reading of the zoning ordinance amendment required for a PUD at the same meeting during which the preliminary PUD plan is approved.

G. Preparation and Filing of Final PUD.

- 1. Upon approval of the PUD by the City Commission, the property owner(s) shall proceed with the preparation of the Final PUD plan.
- 2. The owner shall prepare a Statement of Standards for review and approval by the Zoning Administrator that describes the specific uses, development standards, deviations from the underlying zoning standards and conditions of approval. This Statement of Standards shall be approved as to form by the City Attorney, and upon approval by the Zoning Administrator recorded in the land records of Park County.

- a. The Final PUD plan shall incorporate all the conditions imposed by the City Commission at the time of approval of the preliminary plan.
- b. The applicant shall submit three signed copies of a Final PUD Plan and other documents as required by the conditions of approval to the Planning Department. The applicant must also submit a draft PUD agreement between the City and the developer(s) for review by the City Attorney. The agreement must bind the developer, his or her successors, heirs and assigns to the terms and conditions of the PUD. Upon approval by the Zoning Administrator, a signed copy of the plan shall be returned to the applicant, a signed copy shall be retained on file in the County Clerk and Recorder's office and a signed copy shall be kept on file with the Planning Department.
- c. All PUD documents required under the conditions of approval shall be submitted to the Planning Department in a timely fashion following approval by the Commission but in no case shall a building permit be issued until the final PUD plan has been submitted and approved and the PUD agreement has been executed. For PUDs where a subdivision is required, the final plat shall be filed once construction is completed in accordance with LMC Chapter 28 Subdivision Regulations.

H. Amending an Approved PUD.

- 1. Once approved, a PUD may be amended by the developer(s). Proposed amendments shall be submitted to the Zoning Administrator to make one of the following findings:
 - a. The change(s) is deemed minor in scope and may be granted or denied administratively by staff with or without conditions; or
 - b. The change(s) is deemed substantial, in which case the amendment(s) is forwarded to the City Commission for consideration and final action.
- 2. Any determination made administratively by the Zoning Administrator is appealable to the City Commission.
- 3. The City shall not initiate any amendment to the PUD before the completion of the approved PUD as long as development is in substantial conformity with the approved PUD and proceeding in accordance with the time requirements imposed therein by the completion schedule.

I. Abandonment or Expiration of PUD.

- 1. The Zoning Administrator shall monitor the PUD for compliance with the completion schedule set forth in the approved development plan and to assure that all improvements have been made in accordance with the approved development plan.
- 2. The following procedures are to be following when the PUD fails to comply with the completion schedule:
 - a. PUDs which do not involve or require a subdivision:
 - i. If a PUD project falls out of compliance with its approved completion schedule, or the landowner and/or developer does not submit annual progress updates to the Zoning Administrator, a notice of noncompliance with the completion schedule shall be delivered in writing by certified mail to the landowner and/or developer.

- ii. No later than 30 days after the notice of noncompliance is delivered, the landowner and/or developer may submit a written request for time extension from the City Commission. Said request shall set forth a proposed completion schedule and/or new timetable for installation of the improvements. The Commission may grant one or more extension(s) but each extension is a matter of grace which, if approved, may be subject to additional conditions imposed by the Commission which may be deemed necessary to address issues that have arisen due to the lapse in time.
 - iii. Abandonment shall be deemed by the City Commission to have occurred when the landowner/developer is deemed to be out of compliance with the approved completion schedule and has failed to secure an extension as provided for in 2.a.ii in this section.
 - iv. Upon the abandonment of a development authorized under this section, the City Commission shall direct the Zoning Administrator to do the following:
 - (a) If a portion of the PUD site was developed in accordance with the PUD, the PUD approval conditions and any associated PUD Plan shall stay in force for that portion already developed; and
 - (b) For that portion of the PUD which was not developed under the approved terms, the provisions of the PUD shall lapse and the site shall revert back to the base zoning district in place prior to approval of the PUD District.
- b. PUDs which include a subdivision of land:
- i. The process for abandonment or expiration cited in LMC Chapter 28 for Subdivision Regulations shall be followed.

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 5

Effective date:

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

PASSED by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the _____ day of August, 2023.

MELISSA NOOTZ – Chair

ATTEST:

EMILY HUTCHINSON
City Clerk

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 September, 2023.

MELISSA NOOTZ – Chair

ATTEST:

APPROVED AS TO FORM:

EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney

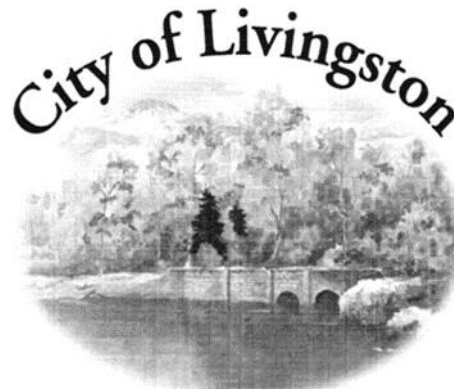
File Attachments for Item:

C. ORDINANCE 3044: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 28, SECTION X-A OF THE LIVINGSTON MUNICIPAL CODE ENTITLED SUBDIVISION REGULATION BY ELIMINATING THE FEE SCHEDULE AND PROVIDING THAT THE FEES WILL BE SET BY SEPARATE RESOLUTION OF THE CITY COMMISSION.

City Manager
Grant Gager

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Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

Date: 9/8/2023
To: Chair Nootz and City Commissioners
From: Grant Gager, City Manager

Staff Report for Ordinance 3044 Amending Chapter 28, Section X-A, of the Livingston Municipal Code Entitled Subdivision Regulations

Recommendation and Summary

Staff recommends the Commission approve changes to the Livingston Municipal Code related to subdivision fees by adopting the following motion:

“I move to approve the second reading of Ordinance 3044, an Ordinance of the City of Livingston Montana, Amending Chapter 28, Section X-A, of the Livingston Municipal Code Entitled Subdivision Regulations and authorize the conduct of a final public hearing before its adoption.”

The reasons for the recommendation are as follows:

- The affected section of the Livingston Municipal Code provides fees for subdivision applications.
- City staff is moving to establish all fees through a Resolution so updates to the Livingston Municipal Code to remove fees are required.

Introduction and History

Chapter 28 of the Livingston Municipal Code (LMC) establishes the subdivision process and fees. City staff is removing fees from the LMC and will be codifying them in a city-wide fee Resolution. In order to do so, updates to the LMC to remove references to fees are necessary.

Analysis

City staff has reviewed the current LMC and is working to remove fees.

Fiscal Impact

The City will subsequently adopt fees through a Resolution so there is no fiscal impact from removing the fees from the LMC.

Strategic Alignment

Ensuring adequate cost recovery will enable sustainable City operations.

Attachments

- Attachment A: Ordinance 3044

ORDINANCE NO. 3044

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 28, SECTION X-A OF THE LIVINGSTON MUNICIPAL CODE ENTITLED SUBDIVISION REGULATION BY ELIMINATING THE FEE SCHEDULE AND PROVIDING THAT THE FEES WILL BE SET BY SEPARATE RESOLUTION OF THE CITY COMMISSION.

Purpose

The purpose of this Ordinance is to promote public health, safety and general welfare of the City by regulating the subdivision of land and specifically to remove the Subdivision Fee Schedule from the Subdivision Ordinance, allowing fees to be set by separate Resolution of the City Commission

WHEREAS, the City Commission of the City of Livingston, Montana has adopted Subdivision Regulations codified as Chapter 28 of the Livingston Municipal Code and;

WHEREAS, the City Commission has adopted the practice of removing fees from the Code of Ordinances in order that fees charged by the City can be adopted through the Resolution process and;

WHEREAS, The City’s Subdivision Fees are due to be updated requiring their removal from Chapter 28.

NOW THEREFORE, BE IT ORDAINED by the Livingston City Commission that Chapter 28, Section X-A of the Livingston Municipal Code entitled Subdivision Regulations, Fee Schedule, be and the same is hereby amended as follows:

SECTION 1

X-A. Fee Schedule

~~To cover costs of reviewing plans, advertising, holding public hearings, and other activities associated with the review of a subdivision proposal, the subdivider shall pay a non-refundable fee at the time of application for preliminary plat approval. The fees, payable to the City, are as follows:~~

Minor Subdivisions

Preliminary Plat	—————	\$600.00 plus \$20 per lot
Final Plat/Summary review	—————	\$400.00
Subsequent Minor	—————	\$\$\$800.00 plus \$40 per lot

Major Subdivisions

Preliminary Plat	—————	\$800.00 plus \$40 per lot
Final Plat	—————	\$400.00 plus \$20 per lot

Subdivision by Rent or Lease and Condominiums

Preliminary Review (five or fewer units)	—————	\$600.00 plus \$20 per unit
Final Review	—————	\$400.00

Preliminary Review (over five units)	—————	\$800.00 plus \$20 per unit
Final Review	—————	\$400.00 plus \$20 per unit

Subdivision review fees shall be set by separate Resolution of the Livingston City Commission.

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 5

Effective date:

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

PASSED by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the _____ day of August, 2023.

MELISSA NOOTZ – Chair

ATTEST:

EMILY HUTCHINSON
City Clerk

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 September, 2023.

MELISSA NOOTZ – Chair

ATTEST:

APPROVED AS TO FORM:

EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney

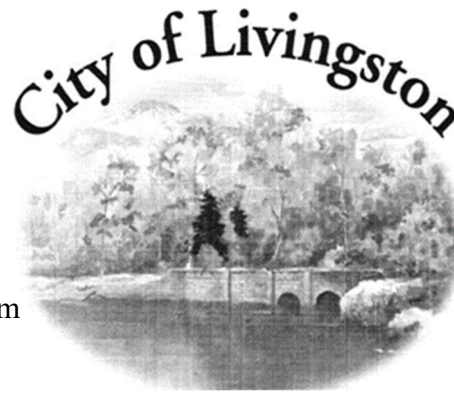
File Attachments for Item:

A. RESOLUTION 5107: LEVYING 100% OF THE COST FOR STREET MAINTENANCE AND IMPROVMENTS DISTRICT NO. 1 FOR FY 2023-2024

City Manager
Grant Gager

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Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

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Date: 09/05/2023
To: Chair Nootz and City Commissioners
From: Paige Fetterhoff

Staff Report for 5107 a Resolution to Specify the Assessment Amount for the Street Maintenance District

Recommendation and Summary

Staff is recommending the Commission Approve Resolution 5107 to assess Improvement District number 1 for street maintenance and improvements.

“I move to approve Resolution Number 5107 and authorize the Chair to sign Resolution Number 5107.”

The reasons for the recommendation are as follows:

- In 1994 the City authorized the creation of a Street Maintenance District as allowed by MCA 7-12-4401. The district was created to provide for the cost of maintaining and improving streets across the City of Livingston and encompasses all property, including annexations, of the City.

Introduction and History

In 1994 the City authorized the creation of a Street Maintenance District as allowed by MCA 7-12-4401. The district was created to provide for the cost of maintaining and improving streets across the City of Livingston and encompasses all property, including annexations, of the City. In prior years, property was assessed based on the size of the lot. This methodology was amended in 2023 and property is now assessed based on its taxable value.

Analysis

In fiscal year 2023, the average residential property was assessed \$275.09 and commercial properties were assessed \$484.42. Under the new methodology those averages change to \$255.58 for residential property and \$616.14 for commercial property. The most significant year over year change will be recognized by those properties large in size with little to no improvements and those with a high taxable value on small lots such as hotels.

Fiscal Impact

The amount to be assessed in FY 2024 is \$1,323,900 which is the same as the prior year’s assessment.

Strategic Alignment

Continue to support operations and the infrastructure of the City.

Attachments

- Resolution 5107

RESOLUTION NO. 5107

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LEVYING 100% OF THE COST FOR STREET MAINTENANCE AND IMPROVMENTS DISTRICT NO. 1 FOR FISCAL YEAR 2023-2024 IN THE AMOUNT OF \$1,323,900, AND ASSESSING ALL PROPERTY WITHIN THE DISTRICT.

WHEREAS, in 1994, pursuant to 7-12-4401 *et seq.* Montana Code Annotated (MCA), the City of Livingston enacted Ordinances Nos. 1778, 1779, and 3042 which authorized the creation of street maintenance districts and by providing the method of doing the maintenance and of paying for the maintenance; and

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

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

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

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

WHEREAS, a list of all parcels of property to be assessed within said district which contain the name of each parcel owner and the amount to be levied and assessed thereon is on file and open for public inspection in the office of the City of Livingston, 220 East Park Street, Livingston, Montana; and

WHEREAS, pursuant to 7-12-4427, MCA, the City Commission met on September 5th, 2023, at 5:30 p.m. to hear all objections which may be made to such assessment or any part thereof and may adjourn from time to time for that purpose and may by resolution modify such assessment in whole or in part.

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

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

BE IT FURTHER RESOLVED that the City Commission hereby levies and assesses for Fiscal Year 2023-2024 100% of the cost of improving and maintaining streets and alleys in Street Maintenance District No. 1 in the amount of \$1,323,900, representing a 0% increase from the previous fiscal year, against each and every parcel of land within said district for that part of the cost which its taxable value bears to the taxable of the entire district, all as set forth in the list of all parcels of property in said district which contains the name of each parcel owner and the amount levied thereon. A copy of said list is on file and open for public inspection in the office of the City of Livingston, 220 East Park Street, Livingston, Montana.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 5th day of September, 2023.

MELISSA NOOTZ - Chairperson

ATTEST:

APPROVED AS TO FORM:

EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney

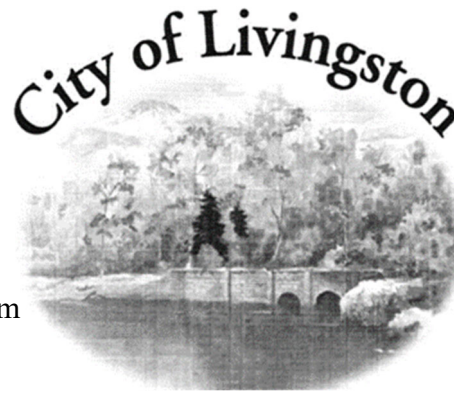
File Attachments for Item:

B. RESOLUTION 5108: ESTIMATING THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 FOR FY 2023-2024

City Manager
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Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

Incorporated 1889

Date: 09/05/2023
To: Chair Nootz and City Commissioners
From: Paige Fetterhoff

Staff Report for 5108 a Resolution to specify the assessment amount for maintaining and supplying electrical current to the Light Maintenance District

Recommendation and Summary

Staff is recommending the Commission Approve Resolution 5108 to assess Improvement District number 20 for light maintenance and electrical currents.

“I move to approve Resolution Number 5108 and authorize the Chair to sign Resolution Number 5108.”

The reasons for the recommendation are as follows:

- Street lights contribute to public safety in the community.
- Costs to supply electrical current and maintain the current infrastructure continue to rise.

Introduction and History

The use of a Light Maintenance District has been in place since the 1940s. The City is authorized by MCA 7-12-4301 to create the district and has set the boundaries to include all property in the City limits including annexations. In prior years, property was assessed based on the size of the lot. This methodology was amended in 2023 and property is now assessed based on its taxable value.

Analysis

In fiscal year 2023, the average residential property was assessed \$31.09 and commercial properties were assessed \$54.75. Under the new methodology those averages change to \$19.30 for residential property and \$46.54 for commercial property. The most significant year over year change will be recognized by those properties large in size with little to no improvements and those with a high taxable value on small lots such as hotels.

Fiscal Impact

The amount to be assessed in FY 2024 is \$100,000 which is a 33% decrease from prior year’s assessment.

Strategic Alignment

Continue to support operations and the infrastructure of the City.

Attachments

- Resolution 5108

RESOLUTION NO. 5108

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 \$96,000 FOR FISCAL YEAR 2023-2024 AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT.

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

WHEREAS, the estimated costs of maintaining lights and supplying electrical current for Lighting District No. 20 for Fiscal Year 2023-2024 is \$96,000; and

WHEREAS, the City hereby levies and assesses 100% of the costs for maintaining the lights and supplying electrical current against each parcel of land within said district for that part of the cost which its taxable value bears to the taxable value of the district which such parcel is located; and

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

WHEREAS, a list of all parcels of property to be assessed within said district which contain the name of each parcel owner and the amount to be levied and assessed thereon is on file and open for public inspection in the office of the City of Livingston, 220 East Park Street, Livingston, Montana; and

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

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

BE IT FURTHER RESOLVED that the City Commission hereby levies and assess for Fiscal Year 2023-2024 100% of the cost of maintaining and supplying electrical current for Special Lighting District No. 20 is in the amount of \$96,000 against each and every parcel of land within said district for that part of the cost which its taxable value bears to the taxable value of the entire district, all as set forth in the list of all parcels of property in said district which contains the name of each parcel owner and the amount levied thereon. A copy of said list is on file and open for public inspection in the office of the City of Livingston, 220 East Park Street, Livingston, Montana.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 5th day of September, 2023.

MELISSA NOOTZ – Chairperson

ATTEST:

APPROVED AS TO FORM:

EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney

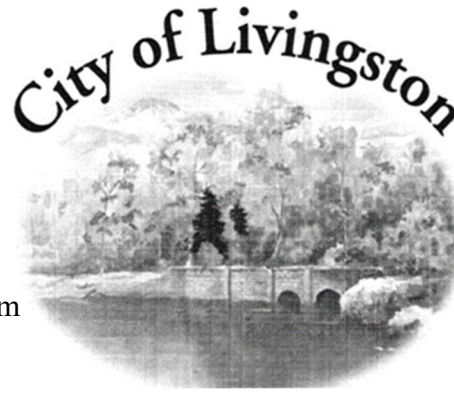
File Attachments for Item:

C. RESOLUTION 5109: MODIFYING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES FOR FY 2023-2024

City Manager
Grant Gager

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(406) 823-6000 phone

citymanager@livingstonmontana.com
www.livingstonmontana.org



Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

Incorporated 1889

Date: 09/05/2023
To: Chair Nootz and City Commissioners
From: Paige Fetterhoff

Staff Report for 5109 a Resolution to specify the assessment amount for replacement of lights within the Light Maintenance District

Recommendation and Summary

Staff is recommending the Commission Approve Resolution 5109 to assess Improvement District number 20 for light replacement.

“I move to approve Resolution Number 5109 and authorize the Chair to sign Resolution Number 5109.”

The reasons for the recommendation are as follows:

- Street lights contribute to public safety in the community.
- Replace aging and inoperable street lighting.

Introduction and History

The use of a Light Maintenance District has been in place since the 1940s. The City is authorized by MCA 7-12-4301 to create the district and has set the boundaries to include all property in the City limits including annexations. In prior years, property was assessed based on the size of the lot. This methodology was amended in 2023 and property is now assessed based on its taxable value.

Analysis

In fiscal year 2023, the average residential property was assessed \$31.09 and commercial properties were assessed \$54.75. Under the new methodology those averages change to \$19.30 for residential property and \$46.54 for commercial property. The most significant year over year change will be recognized by those properties large in size with little to no improvements and those with a high taxable value on small lots such as hotels.

Fiscal Impact

The amount to be assessed in FY 2024 is \$100,000 which is a 33% decrease from prior year’s assessment.

Strategic Alignment

Continue to support operations and the infrastructure of the City.

Attachments

- Resolution 5109

RESOLUTION NO. 5109

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 6% OF THE ESTIMATED COSTS OF \$66,800, WHICH IS \$4,000, FOR FISCAL YEAR 2023-2024 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS TAXABLE VALUE BEARS TO THE TAXABLE VALUE OF THE DISTRICT.

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

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

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

WHEREAS, the City hereby levies and assesses 6 percent of the estimated costs of \$66,800, which is \$4,000, for replacing street lights against each parcel of land within said district for Fiscal Year 2023-2024 for that part of the cost which its taxable value bears to the taxable value of the district which such parcel is located; and

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

WHEREAS, a list of all parcels of property to be assessed within said district which contain the name of each parcel owner and the amount to be levied and assessed thereon is on file and open for public inspection in the office of the City of Livingston, 220 East Park Street, Livingston, Montana; and

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

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

BE IT FURTHER RESOLVED that the City Commission hereby modifies Special Improvements Lighting District by replacing lights and appurtenances therein and hereby levies and assesses, for Fiscal Year 2023-2024, 6% of the cost of replacing street lights in the amount of \$62,000, which is \$4,000, against each and every parcel of land within said district for that part of the cost which its taxable value bears to the taxable value of the entire district, all as set forth in the list of all parcels of property in said district which contains the name of each parcel owner and the amount levied thereon. A copy of said list is on file and open for public inspection in the office of the City of Livingston, 220 East Park Street, Livingston, Montana.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this 5th day of September, 2023.

MELISSA NOOTZ – Chairperson

ATTEST:

APPROVED AS TO FORM:

EMILY HUTCHINSON
Recording Secretary

JON HESSE
City Attorney

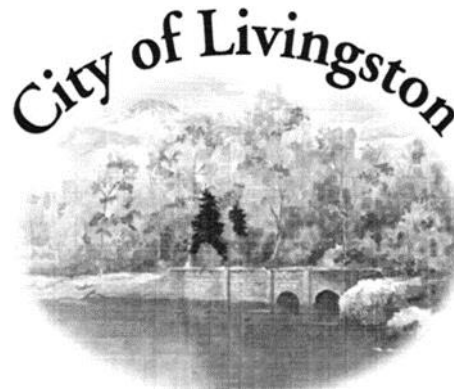
File Attachments for Item:

A. UPDATE ON COMMUNITY WELLNESS CENTER PROJECT

City Manager
Grant Gager

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citymanager@livingstonmontana.org
www.livingstonmontana.org



Incorporated 1889

Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

Date: 9/5/2023
To: Chair Nootz and City Commissioners
From: Grant Gager, City Manager

Staff Report for Update on the Community Wellness Center Project

Recommendation and Summary

Staff is providing an update on the Community Wellness Center project with the Four Ranges Community Recreation Foundation to the Commission. This update is in follow-up to recent project developments that have occurred. As such, no motion is recommended or required but Commission direction is appreciated.

The reasons for the update are as follows:

- The City and Foundation have been working to bring a suitable project forward to enable a community decision on the wellness center at the November election.
- On August 10, the Park County Commission failed to approve placing a referendum regarding a Special District to support the wellness center on the November ballot.

Introduction and History

The 4 Ranges Community Recreation Foundation (Foundation) was formed in 2018 to support the creation and operation of community recreation facilities in the City of Livingston. In 2019, the Foundation performed both community needs and fundraising assessments. On March 7, 2023, the City and Foundation approved a memorandum of understanding to guide their work on the community wellness center project. Since that time, the City and Foundation have worked to bring a suitable project forward to enable a community decision on the wellness center at the November election.

Analysis

While the Foundation had envisioned a Special District that extended beyond City boundaries to support the operations of the wellness center, the Park County Commission recently failed to approve placing a referendum regarding a Special District to support the wellness center on the November ballot. Since that decision, the City has worked with the Foundation to establish the feasibility of proceeding with a City-only Special District. That work is on-going and this update is intended to provide the Commission an understanding of possible future actions.

Fiscal Impact

There is no fiscal impact arising from the update.

Strategic Alignment

The improvement of community recreation facilities is related to several objectives of the growth policy, including 2.2.2, and 3.2.1.

Attachments

- None

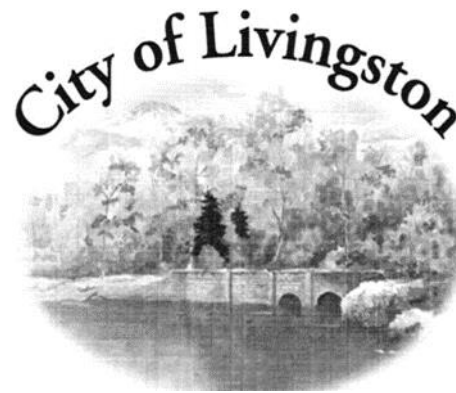
File Attachments for Item:

B. DISCUSSION REGARDING ADVISORY BOARDS

City Manager
Grant Gager

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www.livingstonmontana.org



Incorporated 1889

Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

Date: 9/5/2023
To: Chair Nootz and City Commissioners
From: Grant Gager, City Manager

Staff Report for Discussion on Current Advisory Boards

Recommendation and Summary

Staff is seeking Commission guidance on the form and function of certain City Advisory Boards to ensure that they are operating in a manner that provides useful and substantive public input on certain City functions. As such, no motion is expected or required.

The reasons for the request for guidance are as follows:

- The City Commission has established several advisory boards to provide guidance on certain matters.
- The current function of several boards appears to deviate from the authorizing documents and public engagement appears to be limited.

Introduction and History

The City of Livingston has established boards and committees to either manage statutory functions or provide advice to the Commission on certain matters. A complete list of the City’s Boards and Commissions is included in Attachment A. The boards listed as advisory are of specific focus for this discussion and guidance request.

Analysis

The City Manager is specifically seeking guidance on several issues related to the advisory boards:

1. The function of certain boards appears to deviate from the authorization and by-laws.
2. Observed public participation in advisory board meetings appears to be very low.

Fiscal Impact

There is no fiscal impact arising from the discussion.

Strategic Alignment

The effective function of advisory boards is critical to quality public engagement and input.

Attachments

- Attachment A: List of Statutory and Advisory Boards
- Attachment B: Resolution 4344
- Attachment C: Ordinance 1919
- Attachment D: Parks and Trails Committee Bylaws
- Attachment E: Tree Board By-laws
- Attachment F: Conservation Board By-laws

Name	Type	Authority
Conservation Board	Advisory	Commission Action 9/17/2019
Parks and Trails Committee	Advisory	Resolution 4344
Tree Board	Advisory	Ordinance 1919
Sister City Board	Program	Resolution 2797
City/County Airport Board	Statutory	Resolution 2294
City/County Health Board	Statutory	Ordinance 16
City/County Library Board	Statutory	Ordinance 113
Planning Board	Statutory	Ordinance 1922
Police Commission	Statutory	MCA
Urban Renewal Agency	Statutory	Ordinance 1932
Zoning Commission	Statutory	Ordinance 1022

RESOLUTION NO. 4344

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING THE CITY OF LIVINGSTON PARKS AND TRAILS COMMITTEE AS A PERMANENT ADVISORY BOARD TO THE CITY COMMISSION.

WHEREAS, the City established a Parks and Trails advisory committee to assist the City of Livingston in establishing the City’s Parks and Trails Master Plan; and

WHEREAS, by Resolution No. 4203 passed on June 7, 2011, the City of Livingston, upon advise of the Parks and Trails advisory committee, entered into a professional services agreement with CTA Engineering to create the City of Livingston Parks and Trails Master Plan; and

WHEREAS, to implement the completed Parks and Trails Master Plan, the City Commission believes that it would be in the community’s best interest to establish a permanent Parks and Trails Advisory Committee to the City Commission; and

WHEREAS, five citizen members currently serve on Parks and Trails Advisory Commission; and

NOW, THEREFORE, be it resolved by the City Commission of the City of Livingston, Montana, as follows:

That there is hereby established the City of Livingston Parks and Trails Advisory Committee to assist the City Commission in the long term planning of parks and trails, and such other duties as the City Commission shall assign.

BE IT FURTHER RESOLVED that the initial committee shall consist of the currently serving five citizen members until January, 2014, when the City Commission will re-visit this Committee and make any changes which may be necessary.

BE IT FURTHER RESOLVED, that the initial advisory board shall adopt bylaws and establish meeting times which shall be submitted to the City Commission for final approval.

Dated this 5th day of February, 2013.



STEVE CALDWELL - Chairman

ATTEST:



DAVID FINE
Recording Secretary

APPROVED AS TO FORM:



BRUCE E. BECKER
City Attorney



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Ordinance/Resolution No: **4344**

Date of First Consideration/Status: January 15, 2013

Purpose of Legislation: To create a permanent Parks and Trails Committee

Statutory Authority/Reference: N/A

Background: A Parks and Trails advisory committee was originally formed in 2010 and tasked to assist with the Parks and Trails Master Plan, approved in 2011. The Commission discussed and approved creating a permanent Parks and Trails Committee on January 15, 2012 for the purpose of implementing the completed Parks and Trails Master Plan.

Fiscal Impact: N/A

Regulatory Impact (local): N/A

Attachments: N/A

ORDINANCE NO. 1919

AN ORDINANCE OF THE LIVINGSTON CITY COMMISSION AMENDING CHAPTER 23 OF THE LIVINGSTON MUNICIPAL CODE BY CREATING A CITY TREE BOARD AND REVISING THE CITY'S TREE ORDINANCE TO PROVIDE A COMPREHENSIVE PLAN FOR TREE PLANTING, MAINTENANCE AND REMOVAL AND BY PROVIDING A PENALTY FOR VIOLATION THEREOF.

Purpose

The purpose of this Ordinance is to provide for the public health, safety and welfare by providing for a City Tree Board to develop a comprehensive tree management program for planting, maintenance and removal of trees and by providing a civil penalty for violations.

WHEREAS, the trees provide air purification, windbreaks, noise reduction, shade and energy savings; and

WHEREAS, planting trees and maintaining older trees provide natural areas for community beautification while enhancing economic and environmental benefits for the community; and

WHEREAS, Livingston has a community forestry program which needs to be amended to qualify for the Tree City USA program by creating a tree board, by adopting a tree care ordinance with complies with the program's requirements, have an annual budget of at least \$2 per capita and provide for an arbor day observance; and

WHEREAS, the Livingston City Commission believes that the Tree City USA program

will enhance the beauty of the Community.

NOW, THEREFORE, BE IT ORDAINED by the Livingston City Commission that Chapter 23 of the Livingston Municipal Code be and the same is hereby amended with additions redlined and deletions struck through as follows:

SECTION 1

Chapter 23 - TREES

Section 23-1. Definitions

Street Trees: Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

Park Trees: Park trees are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

Section 23-2. Creation and Establishment of a City Tree Board

There is hereby created and established an advisory board to the City Commission which will be known as the City Tree Board for the City of Livingston (Board) which shall consist of five members citizens and who are residents of this city or who live within 2 miles thereof, who shall be appointed by the Chairman with the approval of the Commission. The members shall come from different interest groups including homeowners, tree professionals, street department, and city government.

Section 23-3. Term of Office

The term of the five persons to be appointed by the Chairman shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of three members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

Section 23- 4. Compensation

Members of the board shall serve without compensation.

Section 23-5. Duties and Responsibilities

It shall be the responsibility of the City Tree Board to study, investigate, counsel, develop and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented annually to the City Commission and upon their acceptance and approval shall constitute the official comprehensive city tree plan.

The Board shall promote and supervise the establishment of a tree inventory for Street and Park Trees. The inventory shall be updated with the results of ground inspections every 3 years.

The Board, when requested by the City Commission, shall consider, investigate, make finding, report and recommend upon any special matter or question coming within the scope of its work.

Section 23-6. Operation

The Board shall choose its own officers, make its own rules and regulations which shall

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The Board, when requested by the City Commission, shall consider, investigate, make finding, report and recommend upon any special matter or question coming within the scope of its work.

Section 23-6. Operation

The Board shall choose its own officers, make its own rules and regulations which shall

be approved by the City Commission, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

Section 23-7. Tree Species to be Planted

The City Tree Board develops and maintains a list of desirable trees for planting along streets in three size classes based on mature height: small (under 20 feet), medium (20 to 40 feet) and large (over 40 feet). Efforts shall be made to ensure a sufficient diversity of tree species. Lists of trees not suitable for planting will also be created by the Tree Board.

Section 23-8. Spacing

The spacing of street trees will be in accordance with the three species size classes listed in Section 23-7 of this ordinance, and no trees may be planted closer together than the following: small trees, 15 feet; medium trees, 25 feet; and large trees, 35 feet; except in special plantings designed or approved by a landscape architect.

Section 23-9. Distance from Curb and Sidewalk

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 23-7 of this ordinance, and no trees may be planted closer to any curb or sidewalk than 2 feet for small trees, 3 feet for medium or large trees.

Section 23-10. Distance from Street Corners and Fireplugs

No street tree shall be planted within 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted within than 10 feet of any fireplug.

Section 23-11. Utilities

No street trees other than those species accepted as small trees by the Tree Board may be planted under, or within 10 feet of, any overhead utility wire.

Section 23-12. Public Tree Care

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 23-7 through 23-11 of this ordinance.

Section 23-13. Pruning standards

All tree pruning on public property shall conform to the ANSI A300 standards for tree care operations.

Section 23-14. Tree Topping

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a

degree so as to remove the normal canopy and disfigure the tree. Crown reduction by a qualified arborist may be substituted, where appropriate. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Tree Board.

Section 23-15. Pruning & Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of thirteen feet (13') above street surface or eight feet (8') above the sidewalk surface. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or sign or sight triangle at intersections. Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements. A utility tree trimming policy must be reviewed by the utility company and City Tree Board prior to any trimming by the utility company.

Section 23-16. Dead or Diseased Tree Removal on Private Property

The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree

Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

Section 23-18. Protection of Trees

In order to maintain the overall forest, reasonable efforts shall be made to replace trees that are removed and to protect quality trees that are endangered.

Trees removed by decision of the City Tree Board or by natural causes shall be replaced somewhere in the forest on a one-for-one basis within one year. The location and species of any replacement tree shall be determined by the Tree Board.

Trees of desirable species and good health shall be protected as much as possible from damage during construction, sidewalk repair, utilities work above and below ground, and other similar activities. The zone of protection shall include the ground beneath the canopy of the tree.

Section 23-19. Interference with City Tree Board

It shall be unlawful for any person to prevent, delay or interfere with the City of Livingston, its City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this ordinance.

Section 23-20. Arborists License and Bond

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the city without first applying for and

procuring a license. The license fee shall be \$70 annually in advance; provided, however, that no license shall be required of any public service company including electric utilities and their agents and contractors or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$750,000 per claim and \$1,500,000 per occurrence indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

Sec. 23-21. Authority of adjoining property owner to plant or care for trees on boulevard or parkways.

Permission is given to the owners of real estate to improve their premises by planting trees and properly caring for trees in the boulevards adjoining their property after permit is obtained from the City. Such trees shall in no case interfere with the full use of the streets for public purposes, and no person shall plant any tree within the limits of any parkway, street or alley in the City without having first obtained a written permit from the City.

It shall be the duty of any property owner to make request in writing to the City, stating the variety and precise location of each tree proposed to be planted. The permit shall specify the location and variety of each tree.

~~A permit fee may be charged and may be set by the City Council.~~

~~It shall be the duty of property owners who have street trees adjacent to their property to water and maintain the trees so as to ensure the trees survival and compliance with the City's requirements for street trees. In addition, the property owners shall mow the grass on the~~

~~boulevard as necessary to prevent the grass from reaching 5 inches in height.~~

Sec. 23-2. Prohibited varieties.

~~Carolina Poplar, Canadian Poplar, Lombardi Poplar, Silver Leaf Poplar, Box Elder, Native Cottonwood trees or any other variety deemed undesirable by the City shall not be planted in the boulevards or within twenty (20) feet of a sidewalk.~~

Sec. 23-3. Size.

~~No tree shall be planted measuring less than one (1) inch in diameter of trunk one (1) foot above the ground.~~

Sec. 23-4. Size-minimum height over sidewalks.

~~It shall be unlawful for any person who is the owner or occupant in possession, control or management of any lot, boulevard or parcel of land within the City, to permit, or allow to be kept any tree whose limb or branches shall extend over the sidewalk, street or alley along the property within eight and one-half (8½) feet above the surface of the ground.~~

Sec. 23-22. Removal, cutting and injury.

No person shall remove, destroy, cut, deface, trim, or in any way injure or interfere with any street tree or park tree or shrub or any of the avenues, streets, alleys, or public grounds, including parks and parkways of the City, without a permit from the City Tree Board.

~~It shall be unlawful for any person to cut, mutilate, injure or destroy any tree in the boulevard without having first obtained the permission of the City.~~

~~Boulevard trees that are hazardous shall be removed by the City, but expense of removal shall otherwise be the adjoining property owner's.~~

Sec. 23-23. Interference with trees by house mover, permit required.

It shall be unlawful for any person to move any building along any street, avenue or alley in the City, in such a way as to interfere with or injure any tree or shrub in any street, avenue, alley or public place, including parks and parkways, without a written permit obtained from the City Tree Board. The application for such permit, and the permit issued, shall specify the particular building and the particular route to be followed.

Sec. 23-24. Procedure for temporary removal.

All moving of trees and shrubs made necessary by moving of buildings or any other purpose shall be done under its supervision of the City Tree Board, at the expense of the owners of the buildings, or the party requesting the same. Should such moving cause the death of the tree, the owner of the buildings or the party requesting the temporary removal, at his own expense, shall replace the same under the supervision of the City Tree Board.

Sec. 23-25. Insects and diseases-declared nuisance.

All insect pests and diseases known to be injurious to fruit, shade and ornamental trees and shrubs, and all trees, shrubs and vegetable growth infested or infected therewith constitute a menace, and are hereby declared to be a common nuisance.

Sec. 23-26. Spraying.

Every person who is owner or in possession or control or management of any lot, block or parcel of land upon which there are any fruit, shade or ornamental trees or shrubs which are infested or infected with any insect pests or diseases known to be injurious to such fruit, shade or ornamental trees or shrubs, shall, within three (3) days, upon written order of the City Tree

Board, spray or cause the same to be sprayed in such manner and with some insecticide designated by the City. Any person failing to comply with any such order shall be deemed guilty of maintaining a nuisance.

Sec. 23-27. Review by City Commission

The City Commission shall have the right to review the conduct, acts, and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Commission who may hear the matter and make final decisions.

Sec. 23-28. Penalty

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a civil fine not to exceed \$300.00 \$100.00 for each violation. ~~Each day that the violation continues shall be deemed a separate and punishable violation.~~

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:

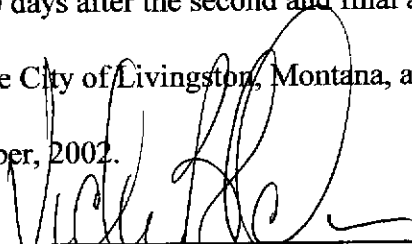
This ordinance does not affect the rights or duties that mature, penalties and assessments that were incurred or proceedings that begun before the effective date of this ordinance.

SECTION 5

Effective date:

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

PASSED by the City Commission of the City of Livingston, Montana, at a regular session thereof held on the 14 day of December, 2002.



VICKI BLAKEMAN - Chairman

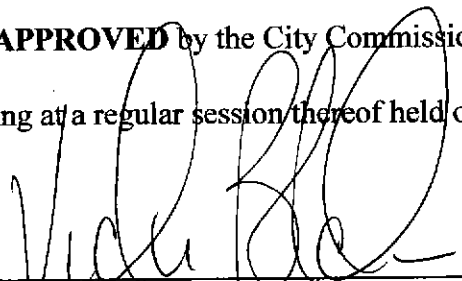
ATTEST:



PAM PAYOVICH
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 16th day of December, 2002.



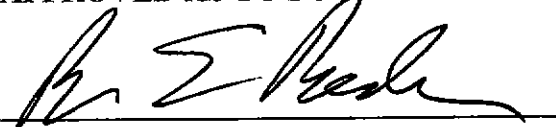
VICKI BLAKEMAN - Chairman

ATTEST:



PAM PAYOVICH
Recording Secretary

APPROVED AS TO FORM:



BRUCE E. BECKER
Livingston City Attorney

NOTICE

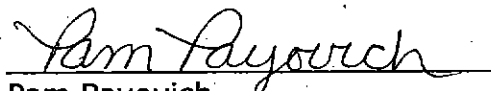
The public is invited to attend and comment at a public hearing to be held at 7:30 p.m. on December 16, 2002, on the second reading of ORDINANCE NO. 1919, entitled:

AN ORDINANCE OF THE LIVINGSTON CITY COMMISSION AMENDING CHAPTER 23 OF THE LIVINGSTON MUNICIPAL CODE BY CREATING A CITY TREE BOARD AND REVISING THE CITY'S TREE ORDINANCE TO PROVIDE A COMPREHENSIVE PLAN FOR TREE PLANTING, MAINTENANCE AND REMOVAL AND BY PROVIDING A PENALTY FOR VIOLATION THEREOF.

A copy of the ordinance is available for inspection at the City Office, 414 East Callender Street, Livingston, MT 59047. For further information call Pam at 823-6001.

Please publish December 4, 2002 and December 10, 2002.

City of Livingston



Pam Payovich
Administrative/Recording Secretary

NOTICE

The public is invited to attend and comment at a public hearing to be held at 7:30 p.m. on December 16, 2002, on the second reading of ORDINANCE NO. 1919, entitled:

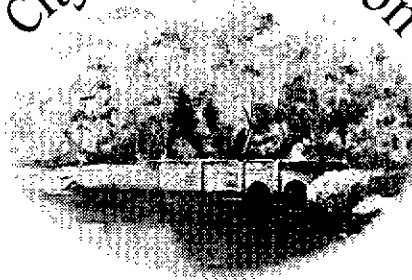
AN ORDINANCE OF THE LIVINGSTON CITY COMMISSION AMENDING CHAPTER 23 OF THE LIVINGSTON MUNICIPAL CODE BY CREATING A CITY TREE BOARD AND REVISING THE CITY'S TREE ORDINANCE TO PROVIDE A COMPREHENSIVE PLAN FOR TREE PLANTING, MAINTENANCE AND REMOVAL AND BY PROVIDING A PENALTY FOR VIOLATION THEREOF.

A copy of the ordinance is available for inspection at the City Office, 414 East Callender Street, Livingston, MT 59047. For further information call Pam at 823-6001.

(Publish twice at least 6 days apart 7-1-4127(6)MCA and post the ordinance needs on the City bulletin board and copies need to be made available to the public 7-5-103 MCA)

Clint Tinsley
Public Works Director
330 Bennett Street
Livingston, Montana 59047
(406) 222-1142 • 222-5606 fax


City of Livingston



Incorporated 1889

Becki Cro 124
Office Manager
Sandy Wulf
Diane Powers
Utility Clerks

MEMO TO: Steve Golnar, City Manager

FROM: Clint Tinsley, Public Works Director 

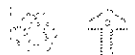
SUBJECT: Two dollars per capita spent for the trees for the "Tree City USA Ordinance"

DATE: November 27, 2002

Attached is a list, submitted by Eddie Miller, the City Arborist, of expenses the City of Livingston has incurred for trees in the last year. These are documented expenses and show very clearly the cost of what has been done. The total cost is over \$27,000 and therefore, I feel confident that we can easily say we spent at least two dollars per capita on trees in the City of Livingston.



Proudly providing your City Services



BOULEVARD TREE WORK

29,252.52

BUDGET YEARLEY	BUDGET	SPENT-COST
1000-153-460430-361	1,500.00	1,025.00
<u>BOULEVARD TREE REMOVAL</u>		
98 HOURS		
SEASONALS - MAIN 2 - FOREMAN		991.48
EQT. REPAIR - EQT RENDY - PARTS		500.00
<u>ARBOR DAY TREE GRANT PROGRAM</u>		
PLANT TWO TREES - PAPER WORK	410.00	410.00
PARK LABOR (24) HOURS		228.16
<u>EQUIPMENT USE</u>		
LOADER - 80 PER HOUR		7,840.00
CHIPPER - 30 PER HOUR		2,940.00
D. TRUCK - 25 PER HOUR		2,450.00
D. TRUCK - 15 PER HOUR		1,470.00
<u>CITY PARKS</u>		
TREE REMOVAL + TRIMMING		
64 HOURS		676.80
TREE WRAPS - (FO- BEAVERS) 32 HOURS		235.84
BURN BRUSH PILE		
8 HOURS		110.24
LOADER - \$80.00 P. HOUR		5120.00
CHIPPER - 30.00		1,920.00
D.T - 25.00		1600.00
D. TRUCK - 15.00		960.00
EQT REPAIR - 3000		300.00

Memo

Date: 11/25/02
To: City Commission
From: City Attorney
Re: Tree Ordinance

I have basically followed the model tree ordinance provided by the Tree City USA. I have deleted portions of the City's existing ordinance which are covered by the Tree City ordinance. A violator is subject to a civil penalty.

**LIVINGSTON PARKS and TRAILS COMMITTEE
LIVINGSTON MT**

BYLAWS

ARTICLE I—AUTHORIZATION

Livingston City Commission Resolution No. 4344 establishes that the Parks and Trails Committee (“PTC”) is a permanent advisory board to the City Commission (“Commission”) in matters pertaining to parks and trails and the City’s Parks and Trails Master Plan. The PTC may be modified or abolished by action of the City Commissioners.

ARTICLE II—PURPOSE

The purpose of the Livingston Parks and Trails Committee is to assist the Livingston City Commission in the long-term planning, preservation and promotion of parks and trails and to pursue other duties that the City Commission assigns. The PTC duties may include, but are not limited to:

- a. Periodically reviewing and if necessary, revising and updating the Livingston Parks and Trails Master Plan and other relevant parks and trails plans, documents or maps and submitting recommendations pertaining to parks and trails to the Commission;
- b. Providing and gathering public input on parks and trails plans;
- c. Advising the Commission on the location, construction, maintenance and funding of parks and trails facilities and on issues related to parks, trails and other public spaces presented to the PTC by the Commission, other city or county boards or committees or members of the public;
- d. Maintaining communication with relevant Livingston and Park County committees, staff and residents, and pursuing opportunities to coordinate development, maintenance and funding of city and county parks and trails;
- e. Reviewing subdivision parkland dedication requirements as requested by the Planning Board and advising the Planning Board and the Commission on subdivision parks and trails issues;
- f. Making recommendations to the Commission on operating and capital budgets related to parks and trails, and facilitating and assisting with opportunities for fundraising; and
- g. Reviewing undeveloped lots and city road rights-of-ways that may be priorities for retention and improvement for trails and parks and making recommendations to the Commission on all proposed lot or ROW abandonments prior to the Commission’s decision on abandonment.

ARTICLE III—COMMITTEE MEMBERSHIP

- A. **VOTING MEMBERS.** The Parks and Trails Committee consists of seven voting public members and one member of the Commission.

- B. **QUALIFICATIONS.** Committee members must reside within the City, be at least 18 years of age and a registered voter, and demonstrate a commitment to the purposes of the PTC.
- C. **APPOINTMENTS.** The Chair of the Commission shall appoint, by and with the advice and consent of the Commission, each member of the PTC. The Commission shall advertise in a local newspaper and post open member positions and vacancies at the City and County Complex at 414 East Callender Street, Livingston, Montana at least one month prior to filling the vacancy.
- D. **TERMS.** Members shall be appointed for a term of up to four years, ending on December 31. Members may be reappointed for additional terms.
- E. **COMPENSATION.** Members shall receive no compensation for services rendered but may be entitled to documented expenses for mileage or expenses with prior approval of the City Manager.
- F. **REMOVAL or RESIGNATION OF COMMITTEE MEMBERS.** PTC members, on a majority vote of the PTC members, may recommend to the Commission that a member be removed from the committee for cause or for three or more unexcused absences during a calendar year. Valid absences may include, but are not limited to, vacation, illness, and business travel. Any PTC member may resign at any time by giving notice to the Chairperson. The resignation shall take effect upon receipt of said notice. The Commission may, with or without the recommendation of the PTC, remove any member of the PTC for misconduct, activities detrimental to the best interest of the City, or neglect of duty.

ARTICLE IV—OFFICERS.

- A. **OFFICER POSITIONS.** The officers of the PTC consist of the Chairperson, Vice-Chairperson and Secretary, elected by the members of the PTC on the first regular meeting of each year.
- B. **TERMS.** Officers will serve a term of one year and may be re-elected to that same position or another position.
- C. **VACANCIES.** Vacant officer positions shall be filled at the next regular meeting of the PTC.
- D. **DUTIES.**
- a. Chairperson
The Chairperson shall lead the PTC in performing its duties and responsibilities, will preside at all meetings of the PTC and will call special meetings when he/she deems them necessary or is required to

do so. The Chairperson shall approve all official papers and plans involving the authority of the PTC which are transmitted to the Commission. The Chairperson may discuss all matters before the PTC and make motions on all voting thereon.

b. Vice-Chairperson

The Vice Chairperson will assume the duties and powers of the Chairperson in his/her absence. If the Chairperson and Vice-Chairperson are both absent, the Secretary may serve as a temporary chair or the PTC may elect a temporary chair by a majority vote of those present at a regular or special meeting once it has been determined that a quorum is present. This person will assume the duties and powers of the Chairperson for that meeting.

c. Secretary

The Secretary shall record the minutes of all regular and special meetings and submit the minutes of the previous meeting to the PTC for approval. The minutes of each meeting shall state the time and place it was held and list the members and guests present, the reasons for members' absences if known, as well as such other information necessary to determine the actions taken. The secretary shall also prepare the agenda for each meeting and shall cause notice to be given of all regular and special meetings.

ARTICLE V—MEETINGS

A. TIME AND PLACE OF REGULAR PTC MEETINGS. The PTC shall meet on the fourth Wednesday of each month at 6 pm in the City-County Building, or at such other time and place as may be properly noticed. The Chairperson may cancel the meeting if there is not or will not be a quorum.

B. SPECIAL MEETINGS and WORK SESSIONS. Special meetings and work sessions may be called by the Chairperson with the specified purpose of the meeting stated. Except in cases of emergency, at least two days' notice shall be given to each member of the special meeting.

C. NOTICE. Notice of PTC meetings and work sessions must be given to each PTC member by email. The PTC shall provide the City Manager a schedule of their meetings for submission to the Commissioners' meeting agendas and will ensure that agendas and approved minutes are available to the public.

D. QUORUM. A majority of voting members shall constitute a quorum for the purpose of taking official action. In cases where there are no vacancies on the PTC, a quorum is four voting members. PTC members may not consent to items by proxy.

- E. PARTICIPATION.** Members may participate in regular or special meetings through any means of communication by which all members participating may simultaneously hear each other during the meeting.
- F. ACTION WITHOUT MEETING.** Any action allowed to be taken at a PTC meeting may be taken without an in-person meeting with the unanimous consent of the voting PTC members. Such consent may be granted via email and any allowed actions may be taken by a vote via email.
- G. MINUTES.** Written minutes shall be kept of all meetings, including votes on all motions and the vote of each member. A copy of the approved minutes will be forwarded to the Commission in a timely manner and be publicly available.
- H. COMMITTEE OPERATIONS.** All meetings are open to the public and all public meeting agendas will include an opportunity for public comment. The time for individual public comment may be limited by the Chairperson. The PTC shall address the items listed on the agenda prepared by the Chairperson.
- I. CONFLICT OF INTEREST.** A PTC member who is aware of a conflict of interest from which they may personally benefit must disclose that a conflict may exist. If the member feels they can make a fair and impartial decision, they may vote on the matter.

ARTICLE VI—BYLAWS

These bylaws shall become effective upon adoption of the PTC and approval of the City Commissioners. The bylaws may be amended by a majority vote of the quorum provided the proposed amendment(s) has/have been submitted in writing at the previous regular meeting, followed by approval of the Commission.

LIVINGSTON TREE BOARD LIVINGSTON, MONTANA

BYLAWS

ARTICLE I-AUTHORIZATION

Livingston City Commission Ordinance No. 1919 establishes that the Livingston Tree Board ("LTB") is a permanent advisory board to the City Commission ("Commission") in matters pertaining to tree planning, planting, maintenance and removal and by providing a penalty for violation thereof. The LTB may be modified or abolished by action of the City Commissioners.

ARTICLE II-PURPOSE

The purpose of the Livingston Tree Board is to assist the Livingston City Commission in the long-term planning, planting, preservation and maintenance of trees and to pursue other duties that the City Commission assigns. The LTB duties may include, but are not limited to:

- a. Periodically reviewing and if necessary, revising and updating the City Code Chapter 23, the List of Recommended Trees for Planting in Public Right-of-Ways, updating tree inventories, and other relevant plans, documents or maps and submitting recommendations pertaining to public trees within the city limits to the Commission;
- b. Recognizing in all decisions related to trees that trees provide air purification, windbreaks, noise reduction, shade and energy savings, as well as enhancing economic and environmental benefits;
- c. Providing and gathering public input on LTB plans and maps;
- d. Advising the Commission on the budgeting for planting, maintenance and location of public trees and on other issues presented to the LTB by the Commission, other city or county boards or committees or members of the public;
- e. Maintaining communication with relevant Livingston and Park County committees, staff and residents, and pursuing opportunities to coordinate development, maintenance, improvement and funding of city tree inventories;
- f. Making recommendations to the Commission on operating and capital budgets related to city tree inventories, and facilitating and assisting and engaging with the community with opportunities for fundraising; and
- g. Reviewing undeveloped lots and city road rights-of-ways that may be priorities for retention and improvement for planting additional trees and seeking opportunities for additional tree planting and maintenance.

ARTICLE III-COMMITTEE MEMBERSHIP

- A. **VOTING MEMBERS.** The Livingston Tree Board consists of seven (7) to nine (9) voting public members, one (1) youth member appointed by the Chair of the City Commission with the consent of the Commission, and one non-voting member of the City Commission.
- B. **QUALIFICATIONS.** Committee members must reside within the City, be at least 18 years of age and a registered voter, and demonstrate a commitment to the purposes of the LTB. The youth member shall be between the ages of 15-19 and may reside in either

the city or outside the city, however, priority will be given to youth that reside in the city.

- C. **APPOINTMENTS.** The Chair of the Commission shall appoint, by and with the advice and consent of the Commission, each member of the LTB. The Commission shall advertise in a local newspaper and post open member positions and vacancies at the City and County Complex at 220 E. Park St, Livingston, Montana at least one month prior to filling the vacancy.
- D. **TERMS.** Members shall be appointed for a term of up to four years, ending on December 31. Members may be reappointed for additional terms. The youth member shall serve a term of one (1) year based on the school year (July-June).
- E. **COMPENSATION.** Members shall receive no compensation for services rendered but may be entitled to documented expenses for mileage or expenses with prior approval of the City Manager.
- F. **REMOVAL OR RESIGNATION OF COMMITTEE MEMBERS.** LTB members, on a majority vote of the LTB members, may recommend to the Commission that a member be removed from the committee for cause or for three or more unexcused absences during a calendar year. Valid absences may include, but are not limited to, vacation, illness, and business travel. Any LTB member may resign at any time by giving notice to the Chairperson. The resignation shall take effect upon receipt of said notice. The Commission may, with or without the recommendation of the LTB, remove any member of the LTB for misconduct, activities detrimental to the best interest of the City, or neglect of duty

ARTICLE IV-OFFICERS.

- A. **OFFICER POSITIONS.** The officers of the LTB consist of the Chairperson, Vice-Chairperson and Secretary, elected by the members of the LTB on the first regular meeting of each year.
- B. **TERMS.** Officers will serve a term of one year and may be re-elected to that same position or another position.
- C. **VACANCIES.** Vacant officer positions shall be filled at the next regular meeting of the LTB.
- D. **DUTIES.**
 - a. **Chairperson**
The Chairperson shall lead the LTB in performing its duties and responsibilities, will preside at all meetings of the LTB and will call special meetings when he/she deems them necessary or is required to do so. The Chairperson shall approve all official papers and plans involving the authority of the LTB which are transmitted

to the Commission. The Chairperson may discuss all matters before the LTB and make motions on all voting thereon.

b. Vice-Chairperson

The Vice Chairperson will assume the duties and powers of the Chairperson in his/her absence. If the Chairperson and Vice- Chairperson are both absent, the Secretary may serve as a temporary chair or the LTB may elect a temporary chair by a majority vote of those present at a regular or special meeting once it has been determined that a quorum is present. This person will assume the duties and powers of the Chairperson for that meeting.

c. Secretary

The Secretary shall record the minutes of all regular and special meetings and submit the minutes of the previous meeting to the LTB for approval. The minutes of each meeting shall state the time and place it was held and list the members and guests present, the reasons for members' absences if known, as well as such other information necessary to determine the actions taken. The Chair shall also prepare the agenda for each meeting and shall cause notice to be given of all regular and special meetings.

ARTICLE V-MEETINGS

A. TIME AND PLACE OF REGULAR PTC MEETINGS. The LTB shall meet on the third Thursday of each month at noon in the City-County Building, or at such other time and place as may be properly noticed. The Chairperson may cancel the meeting if there is not or will not be a quorum.

B. SPECIAL MEETINGS and WORK SESSIONS. Special meetings and work sessions may be called by the Chairperson with the specified purpose of the meeting stated. Except in cases of emergency, at least two days' notice shall be given to each member of the special meeting.

C. NOTICE. Notice of LTB meetings and work sessions must be given to each LTB member by email. The LTB shall provide the City Manager a schedule of their meetings for submission to the Commissioners' meeting agendas and will ensure that agendas and approved minutes are available to the public.

D. QUORUM. A majority of voting members shall constitute a quorum for the purpose of taking official action. In cases where there are no vacancies on the LTB, a quorum is four voting members. LTB members may not consent to items by proxy.

E. PARTICIPATION. Members may participate in regular or special meetings through any means of communication by which all members participating may simultaneously hear each other during the meeting.

F. ACTION WITHOUT MEETING. Any action allowed to be taken at a LTB meeting may be taken without an in-person meeting with the unanimous consent of the voting

LTB members. Such consent may be granted via email and any allowed actions may be taken by a vote via email.

G. MINUTES. Written minutes shall be kept of all meetings, including votes on all motions and the vote of each member. A copy of the approved minutes will be forwarded to the Commission in a timely manner and be publicly available.

H. COMMITTEE OPERATIONS. All meetings are open to the public and all public meeting agendas will include an opportunity for public comment. The time for individual public comment may be limited by the Chairperson. The LTB shall address the items listed on the agenda prepared by the Chairperson.

I. CONFLICT OF INTEREST. A LTB member who is aware of a conflict of interest from which they may personally benefit must disclose that a conflict may exist. If the member feels they can make a fair and impartial decision, they may vote on the matter.

ARTICLE VI-BYLAWS

These bylaws shall become effective upon adoption of the LTB and approval of the City Commissioners. The bylaws may be amended by a majority vote of the quorum provided the proposed amendment(s) has/have been submitted in writing at the previous regular meeting, followed by approval of the Commission.

Approved and adopted during a regular meeting of the Livingston City Commission, this 1st day of March 2022.

Attest:

Faith Kinnick
Recording Clerk

CITY CONSERVATION BOARD

BY-LAWS

May 2020

ARTICLE I – CITY CONSERVATION BOARD, PURPOSE

Section 1: The name of this municipal board shall be The Livingston City Conservation Board.

Section 2: The Livingston City Conservation Board is organized for the purpose of identifying opportunities for the City of Livingston to reduce costs and promote sustainable growth by implementing energy efficient equipment, procedures, or systems and incorporate renewable energy feasible. Additionally, the Board can aid in community-wide sustainability education and promote opportunities for citizens to fund private energy saving projects. The Board shall advise the City Commission on topics such as:

- Building efficiency strategies
- Renewable energy
- Recycling
- Tracking of energy use
- Energy saving initiatives

ARTICLE II – MEMBERSHIP

Section 1: The membership of the Livingston City Conservation Board shall consist of five (5) citizen members and one (1) youth member appointed by the Chair of the Commission with the consent of the Commission.

ARTICLE III – MEETINGS

Section 1: The monthly meetings will be held on the second ~~Thursday~~ Wednesday of each month at the City-County Building. The meetings will start at ~~5:30 p.m.~~ 5:00 p.m.

Section 2: Special Meetings. Special meetings may be called by the Chair and one other Board member.

Section 3: Notice. All meetings will be noticed in accordance with City noticing policy, City Ordinance and State law.

ARTICLE IV – ADVISORY BOARD

Section 1: Board Role, Size, Compensation. The Livingston City Conservation Board shall have five (5) members. A sixth (6th) seat shall be reserved for a youth member between the ages of 15-19, if available, and will be granted full voting rights. It is desired the Board strive to maintain representation from the business community and environmental organizations. The Board receives no compensation other than reasonable expenses.

Section 2: Terms. Members shall be appointed to two (2) year overlapping terms based on the calendar year with the youth member serving a one (1) year term based on the school year (July-June). To establish the overlapping terms of office, the appointment of three Conservation Board members shall be for a one (1) year term and two members shall be appointed to two (2) year terms and the youth member will be appointed in the first July after the Board is created. Thereafter, all other appointments to the Livingston City Conservation Board shall be for two year terms with the exception of the youth member.

Section 3: Quorum. A quorum consists of a majority of appointed Board members. No official action can be transacted or motions made or passed without a quorum present.

Section 4: Officers and Duties. At the first meeting of each calendar year, the Board will elect, from its members, a Chair and a Vice-Chair. The Chair will perform the following duties:

- 1. Control and run all meetings to include deciding who will have the floor, how debate will take place, and maintaining order.
- 2. Sign all official documents of the Board.
- 3. Assure that minutes are taken of the Board’s meetings.
- 4. Promote efficient use of the Board’s time while assuring that all interested parties have an opportunity to participate in Board activities.

The Vice-Chair shall perform the duties of the Chair in the Chair’s absence.

The Board may choose to elect a Secretary. The Secretary shall be responsible for keeping records of the Board actions and/or recommendations, including overseeing the taking of audio recordings and minutes, sending out meeting announcements and distributing copies of minutes and the agenda to each Board member. If the Board chooses not to elect a Secretary, the Secretary duties shall be accomplished by the Chair.

Section 5: Order. Meetings will be run under “Robert’s Rules of Order”. All speakers, including board members, must be recognized by the Chair and granted the floor before proceeding. Speakers should direct their comments to the Board through the Chair and avoid speaking directly to any member. Likewise, members must ask the Chair’s permission to directly question a speaker.

Formality must be maintained when conducting a public hearing. Comments for and against an issue must be called for three (3) times each and the Chair needs to see that the comment stays on the subject and does not become repetitive.

When voting on an issue, the Chair shall call for those “in favor” and those “opposed”. The Chair will tally the votes and, once the vote is done, will announce whether the motion passes or fails and state the number of votes for and against. The vote of each member will be reflected in the minutes of the meeting.

Section 6: Conduct of Business and Communication. In making recommendations to the City Commission relating to energy conservation, the Conservation Board will seek to ensure the integrity of the public record of its proceedings.

The Conservation Board’s communication with the Governing Body shall be through its formal recommendation for conservation measure. The Board’s recommendation will, at a minimum, include: A cover letter stating the recommendation; the Board’s supporting facts, and any exhibits relating to the issue.

Section 7: Vacancies. When a vacancy on the Board exists, the City Administration will initiate the advertising process outlined in the City Commission’s Board policy.

Section 8: Resignation, Termination and Absences. Resignation from the Board must be in writing and received by the Secretary or Chair. The Board shall recommend to the City Commission the removal of any member who has accumulated three unexcused absences from Board meetings in one year. A Board member may be removed for cause by the City Commission.

ARTICLE V – AMEMDMENTS

Section 1: These Bylaws may be amended when necessary by majority vote of the City Commission.

These revised Bylaws were approved at a regular meeting of the Livingston City Commission on this _____ day of _____, 2020.

Faith Kinnick
Recording Secretary