



Amended Livingston City Commission Agenda

October 03, 2023

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/87529161415?pwd=bkVITS9uOUdKMkpMMWpjV0JnbmRKQT09>

Meeting ID: 875 2916 1415

Passcode: 786559

1. Call to Order

2. Roll Call

3. Public Comment

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

4. Consent Items

A. APPROVAL OF MINUTES FROM SEPTEMBER 19, 2023, REGULAR CITY COMMISSION MEETING PG. 4

B. CLAIMS PAID 9/13/23 -9/27/23 PG. 18

C. APPLICATION FOR PHILIP C. LAWSON FOR SPECIAL PARKING SPACE FOR RESERVED FOR DISABLED PERSONS ON A PUBLIC STREET PG. 24

D. CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR OCTOBERFEST ON 10/14/2023 PG. 30

5. Proclamations

A. A PROCLAMATION RECOGNIZING THE 101st ANNIVERSARY OF NATIONAL FIRE PREVENTION WEEK, AND DECLARING OCTOBER 8-14, 2023, to be FIRE PREVENTION WEEK IN THE CITY OF LIVINGSTON. PG. 35

6. Scheduled Public Comment

A. CRISIS RESPONSE COALITION

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 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. 37

B. ORDINANCE 3045: AN ORDINANCE OF THE CITY OF LIVINGSTON MONTANA REMOVING FEES FROM THE MUNICIPAL CODE **PG. 64**

9. Resolutions

A. RESOLUTION 5110: ESTABLISHING A FEE SCHEDULE AND CHARGES FOR ALL DEPARTMENTS **PG. 82**

B. RESOLUTION 5111: AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR CONSTRUCTION OF WATER AND SEWER IMPROVEMENTS AT THE VIEW VISTA COMMUNITY. **PG. 98**

C. RESOLUTION 5113: AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE MONTANA COAL ENDOWMENT PROGRAM FOR A PRELIMINARY ENGINEERING REPORT REGARDING WATER SERVICES IN THE CITY OF LIVINGSTON. **PG. 102**

10. Action Items

A. UPDATE ON CITY LOGO AND REBRANDING PROJECT. **PG. 105**

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. APPROVAL OF MINUTES FROM SEPTEMBER 19, 2023, REGULAR CITY COMMISSION MEETING



Livingston City Commission Minutes

September 19, 2023

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/83690208904?pwd=c3Y1ay9Rc3puWis2MG5laDd4dINRQT09>

Meeting ID: 836 9020 8904

Passcode: 399814

1. Call to Order

Chair Nootz called the meeting to order at 5:33pm

2. Roll Call

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

Staff in attendance: City Manager Grant Gager, Interim City Attorney Jon Hesse, City Clerk Emily Hutchinson, Chief of Police Dale Johnson, Planning Director Jennifer Severson, Public Works Director Shannon Holmes, Project Manager Martha O'Rourke, Fire Chief Josh Chabalowski

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)

Jesse Kula expressed his thoughts about food trucks and rules within City Code.

Leslie Feigel discussed street camping and the issue in Bozeman asking City Commission to look at making rules or ordinances about street camping.

Patricia Grabow discussed homelessness and healing in the community.

Ashea Mills gave big thanks to Commission and shops downtown for the event of Lovington, she said it was great to see a large turnout at this really fun event.

4. Consent Items

- A. APPROVAL OF MINUTES FROM SEPTEMBER 5, 2023, REGULAR CITY COMMISSION MEETING** **PG.4**
- B. CLAIMS PAID 8/31/23 - 9/12/23** **PG.13**
- C. AGREEMENT 20034 WITH PARK COUNTY FOR WASTEWATER TESTING.** **PG24**
- D. AGREEMENT 20035 REGARDING THE PARK COUNTY BEHAVIORAL HEALTH AND CRISIS RESPONSE COALITION** **PG.29**
- E. AMENDMENT NO. 1 TO AGREEMENT 20024 WITH AFSCME** **PG.35**

Motion to approve all consent agenda items was made by Vice Chair Kahle and seconded by Commissioner Lyons.

The motion passed unanimously by the five members present.

5. Proclamations

A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON DECLARING SEPTEMBER 19TH AS INFORMATION TECHNOLOGY PROFESSIONALS DAY IN LIVINGSTON. PG.38

Chair Nootz read the proclamation and the City Manager gave thanks to the two IT Professionals Erica and Liz for their hard work.

Chair Nootz thanked the IT department for all their hard work and their support of the City Commission.

6. Scheduled Public Comment

7. Public Hearings

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

A. CONSIDERATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS FOR 2023

Chair Nootz called on the City Manager to introduce the item. The City Manager stated this is the second public hearing for this project. Applications are due in the coming months and there are both planning and construction grants. Public Comment was offered by:

- Danielle Maiden is the Cooperative Housing Director for NeighborWorks Montana expressed a wish to pursue a grant for the View Vista Community.
- Jon Gass with WGM Group has prepared a PER and reviewed water and sewer system at the View Vista Community and feels this is much need project.
- Jan Buckner expressed thanks to the City for helping look at this and trying to help the View Vista Community
- Patricia Grabow loves the project that NeighborWorks is doing.
- Terry Woodhull lives at View Vista expressed concerns about the leaks and feels the whole thing needs redone.

Vice Chair Kahle asked the City Manager what the next step is. The City Manager stated a Resolution of support for the grant application.

Commission Lyons feels the NeighborWorks proposal makes sense and hears the public comment from folks that live there and supports this project.

Chair Nootz thanks Jan and Terry for sharing their personal stories and thanks City Staff, Commission and NeighborWorks for their work to push this project forward.

8. Ordinances

A. ORDINANCE 3045: AN ORDINANCE OF THE CITY OF LIVINGSTON MONTANA REMOVING FEES FROM THE MUNICIPAL CODE PG.40

Chair Nootz called on the City Manager to introduce the item. The City Manager stated the City is removing fees from Ordinances that will be later codified in a City wide Fee Resolution. This

Ordinance removes fees from 27 different sections and stated the Fee Schedule will be a more user friendly way to access and manage fees.

Vice Chair Kahle moved to approve the Ordinance and Commissioner Friedman seconded the motion

The item was approved unanimously by the five commissioners present.

9. Resolutions

10. Action Items

A. MOUNTAIN VIEW SUBDIVISION PRELIMINARY PLAT

PG.58

Chair Nootz called on the City Manager to introduce the item. The City Manager stated this is a preliminary plat for a major subdivision in the wester gateway of the City located by Antelope Dr. and PFL Way. This application went before the Planning Board in August and was approved with 19 conditions.

The City Manager reminded the Commission that although this is similar to a previous application that we are only to discuss this application in front them tonight.

Chair Nootz asked everyone present to keep their comments about this application before them tonight.

Planning Director Severson introduced this item as a total of 44 acres broken down into 24 lots, 2 are open space, and 2 are permanent storm water facilities. The property is zoned as highway commercial and based on the future land map used in the approved Growth Policy this area is community commercial. The City Planning Board indicated 19 condition for this application to be approved by City Commission. MCA – Sec 76-3-608 requires the decision by a governing body to approve, conditionally approve or deny a proposed subdivision to be based on the specific documentable, and clearly defined impact on the following primary criteria:

- A. Effect on Agriculture – No concerns for this topic
- B. Effect on Agricultural Water User Facilities – No concerns for this topic
- C. Effect on Local – The Planning Board concerns include:
 - increase traffic in this area
 - impact fees to fund future water main to tie into the subdivision would not be enough and the City would ultimately be responsible for meeting the funding short fall
 - Additional reliance on Emergency Services and it was suggested to have a waiver of protest for future special improvement district for water and sewer capacity improvements necessitated by future development within the subdivision
- D. Effect on the Natural Environment – The Planning Board concerns include:
 - Run off from development would adversely impact existing wetlands located at the North East corner of the subdivision
- E. Effect on Wildlife and Wildlife Habitat – The Planning Board concerns include:
 - Potential harms from fence
 - Poorly stored solid waste could attract bears
 - Leashing dogs in public space
- F. Effect on Public Health and Safety – The Planning Board concerns include:
 - Traffic concern

- Train derailment
- I-90 with concerns around fire and wind kicking up fire

Chris Namann an associate and Senior Planner with Sanderson Stewart presented the application. Chris stated the public hearing intent is for a preliminary plat application and purpose of that is to place lines on a map and formally subdivide the applicant's property. The proposed lots will create a place for development. The subdivision will include paved roadways, sidewalk improvements, and public access to open space which will be dedicated a parkland. A condition that the applicant supports is a waiver of rights to protest special improvement districts. A traffic study has been provided. Mr. Namann feels when or if the lots are developed it is in line with the City of Livingston's Growth Policy.

Applicant's Attorney Bill Fanning gave brief legal perspective stating this is the just the beginning of the process and if approved they still have phases of regulatory compliance including DEQ water permitting, state building codes, and municipal codes all these additional phase are done to ensures that the development is done safely and responsibly and in line with the law.

Chair Nootz asked if there were clarifying questions from Commissioners.

Commissioner Schwarz asked what our deadline is for approval or denial. The City Manager answered that is has to be decided on by October 15th 2023.

Commissioner Lyons stated per the subdivisions regulations there is a requirement for a preliminary plat that blocks must be wide enough to allow for two tiers of block unless, or 2 lot deep blocks and he doesn't see that in the application. The City Manager discussed the section of subdivision regulations and its implications.

Vice Chair Kahle asked about the loop system for water and sewer and is wondering about a quote if it's needed. The City Manager stated the cost of loop is unknown as it has not been designed, but regardless of the cost it's unlikely that the impact fees will cover cost for the loop.

Commissioner Friedman stated a lot of work was done with Printing For Less was built to expand usage in the area. Commissioner Friedman stated it was amazed at all the negative talk surrounding this application, and feels like this project is a good one.

Chair Nootz questioned if the way the development is developed would be allowed in future subdivisions to create parcels that were constrained in this way. The City Manager stated the application before them the is the first subdivision for this parcel of land or any of the parcels of land out there and the previous development occurred without subdivisions and were owner developed properties. It could be possible if there was a large portion of land that was subjected to partial development before the subdivision process, and yes it is possible that this situation could occur on another parcel.

Vice Chair Kahle asked if they are bound to decisions that were made in the past. The City Manager's response was no we are not bound the City Commission has the ability to approve, reject or approve with conditions.

Commissioner Lyons asked about process for deciding internal capture rates in the traffic study. The applicant explained that they calculated this with guidelines from the Montana Department of Transportation and Institute for Transportation Engineering manual.

7:01PM Vice Chair Kahle motioned for a 10 minute break seconded by Commissioner Lyons. Unanimously approved.

(Starts at Video Mark 1:29:42)

Public Comments were offered by:

- Tom Blurock a board member of Friends of Park County expressed concerns that this was originally zoned for light industrial since that time it was rezoned to highway commercial and feels it's scary what that area could become with it being zoned highway commercial. He stated it is around 100 acres out there that is completely separate from the City and could be competition for the City if developed out there. He feels this application should be rejected tonight.
- Patricia Grabow understands the Commissioners have the ability to say yes or no to this project and feels it was a big mistake to annex this property years ago. Safety is a concern for people with kids that live out there and how they will safely get into town on HWY 10. She feels this type of growth and development stands in the way of historic downtown survival and is asking the Commission to vote no.
- Suzie Barnett has lived her 10 years and is a real estate broker in Livingston. Gave appreciation to the Planning Director and staff for their hard work on this project. She stated inventory of housing is low and it there is not much to sell in Livingston and there is no place for people to go to move here and many younger people cannot afford to live here. The project for development sounds like a good one and asked the Commissioners to vote yes.
- Manny Goetz presented information and facts on economic development. New mandate is how to create more housing. Builders cannot build here due to high cost of land and utilities to the properties. He feels this project is a good one and gives housing to Livingston which is much needed, and a great location for multi-family and affordable housing. Without an over/under pass it's the only place to develop in Livingston for growth.
- James Willich compared this project to Kennewick Washington which was developed along the highway there, and stated the development killed the downtown area of Kennewick. He would like us to keep that in mind if they approve this development and feels there could potentially be competition with our own historic downtown.
- Stacy Jovick is the Chair of Planning Board reiterated the passing of this application with conditions by the Planning Board. She feels the planning board worked hard to meet needs and placed conditions they felt were helpful, and expressed that the applicant is just trying to follow the rules for development in that area.
- Frank Schroder is the Co-Founder and former Board Chair of Friends of Park County. Wondered what has changed from when the Growth Policy was created. Would like the Commissioners to deny this application.
- Dennis Glick agrees with Frank Schroder's comments. He was recently in the North East part of town and was surprised by the residential growth in that area. He does not feel this project is part of the Growth Policy and would like Commissioners to vote no for this project.
- Dave Miller is very upset about this project and the ugliness, and feels it will make the town look bad. He doesn't want suburban sprawl and would like the Commissioners to vote no.
- Randy Carpenter is speaking on behalf of Friends of Park County and feels that based on health and safety risks the Commissioners should not vote for this project. He expressed concerns around fire safety and high winds around I-90.

Chair Nootz asked the City Manager to set up a pro and cons list and discussed pros first, starting with Commissioner Friedman. Commissioner Lyons, Vice Chair Kahle, and Commissioner Schwarz agreed with Commissioner Friedman's 1-4 pros. Chair Nootz added pro number 5.

Positive Attributes

1. Property Tax Growth
2. Existing Infrastructure
3. Possibility for Housing
4. Readiness for Businesses
5. Influence on Future Development in Area

Commissioner Schwarz expressed concerns about traffic and lack of comment from MDT. Commissioner Lyons feels 25 for internal capture is very high and how that internal capture will play into downtown. He is concerned that the uses provided for the estimates may have been selected in a way to diminish the potential impact on traffic. Commissioner Lyons stated he studies land use and transportation and would look at the best analog and the closest thing we could compare this situation to, and to him the best location is Exit 333 in Livingston. Looking at the size of lots there are very close to what is being proposed with this application. Effects on natural environment and potential impacts to wetland and just because the wetlands are not developed doesn't mean that will not be an impact from the development on the wetlands. Potential health and safety risks around disaster evacuation is concerning. Commissioner Lyons expressed thoughts that the preliminary plot and the proposed development does not comply with subdivision regulations citing a portion of the regulations stating; blocks must be wide enough to allow two tiers of lots, unless a narrower configuration is essential to provide separation residential development from traffic arteries, or to overcome specific disadvantages of typography and orientation, or unless the governing body approves a design consisting if a regularly shaped blocks invented by cul-de-sacs. Ultimately Commissioner Lyons does not feel this application complies with the subdivision regulations based on the cited material he read. The application is stated to be in support of Growth Policy but Commissioner Lyons feels this project has certain conflicts with the Policy.

Vice Chair Kahle expressed great concerns for fire risk at this location, and feels there is not a sufficient alternate route in and out of this property. Commissioner Kahle also noted the lack of sidewalks is an issue because base on the application the sidewalks are only put in when the subdivide piece of property is developed, an example looking at lots 3, 4 and 5 have no sidewalks and if someone develops lots 4 then there would be no sidewalk at 3 and 5. Vice Chair Kahle also expressed concerns about wetlands and felt there was a spring right where a road would be put in which will be hard to maintain later on if developed. Concerns around the sewer and water loop that we would not have enough impact fees to pay for, and feels this would force them to encourage more growth in a way that is not in line with what the Commission would want. In thinking about downtown Livingston Vice Chair Kahle feels that people stopping at this subdivision for a hotel or restaurant will prevent them from venturing into the downtown area of Livingston and ultimately hurting local business. Commissioner Kahle also feels that there are issue with the compliance with the Growth Policy.

Chair Nootz and the Commission listed out challenges with the project including:

Challenges

1. Traffic from Development
2. Uncertain level of Traffic Impact

3. Potential Impacts to Downtown
4. Uncertainty of Development Pattern (uses)
5. Impact to Wetlands
6. Impact to Disaster Response (evacuation)
7. Compliance with Subdivision Regulations (block configuration)
8. Compliance with Growth Policy (infill, smart growth, develop in existing communities, enhance air/water quality, support existing local businesses, gateways celebrating character)
9. Fire Risk (limited evacuation, resistance/resilience)
10. Lack of Sidewalks (Lots 3-5, existing issues at PFL)
11. Water in ROW of PFL Way Extension
12. Sewer/Water Loop Construction Costs
13. Initial Development Constricts Remaining Land Use
14. Annexation Pattern of Past
15. Zoning Changes from Light Industrial to Highway Commercial
16. Future Land Use Map: Area is Commercial (not LI or else)
17. Existing City Infrastructure
18. Incompatible Adjacent Uses, limited tools
19. No public access road to Open Space Lot 21
20. No wildlife corridor (FWP Suggestions)
21. No Community Postal Box Unit (USPS Suggestion)
22. No Mitigation of Noise or Wind
23. Public Health/Safety from Traffic Within Development (#10)
24. No Bus Pull-out Locations (School)
25. Parkland Development
26. Covenants Compliance/Conflict with LMC (ADUs, Pets, Building Stds.)
27. Pedestrian Access to Site
28. Gateway Overlay Zone

8:33PM Commissioner Friedman motioned for a 10 minute break seconded by Commissioner Lyons. Unanimously approved.

(Starts at Video Mark 2:50:12)

Chair Nootz lead the group into evaluating Creative Solution for the challenges they've listed. Commissioner Lyons expressed thoughts on process and would like to move away from conditions and stay with solutions to challenges. Chair Nootz stated that some Commissioners might want to approve this with additional conditions and that it's good process to work through solutions and conditions. Chair Nootz asked fellow Commissioners if they would like to work through conditions starting with Commissioner Schwarz who expressed agreement with Commissioner Lyons, but understands some Commissioners could potentially want more conditions.

Commissioner Friedman stated that the conditions he would like to discuss are related to sidewalks and he envisions they will be needed for any housing that is developed in the area.

Vice Chair Kahle expressed her thoughts around the large amount of negatives and felt unsure they would be able to find solutions to all them.

Commissioner Lyons believes some of the Challenges are able to be conditioned, but a large amount he feels cannot be conditioned specifically ones related to geography and transportation infrastructure.

Chair Nootz expressed frustration about inheriting problems then having to make the best out of a situation that this Commission did not create, and feels past decisions of annexation and the development itself put the current Commission in a difficult spot. Chair Nootz feels the Commissioners can either improve subdivision proposals and can attempt to influence the outcome, or be left with letting development just happen without any Commission input. Chair Nootz stated most everything in the challenges column she has at one point discussed with staff, and recognizes the work staff is doing with site visits for the Commissioners, and feels to not go through the creative solutions process would be a disservice to the City Staff that worked on this project. Chair Nootz stated if they skip the Creative Solutions they won't know what is possible for future subdivisions and developments.

Commissioner Lyons reiterated his thoughts that preliminary plat does not conform to the subdivision regulations related to blocks, and feels they should not disregard the existing regulations because this will lead developers to think believe the rules are more like suggestions rather than requirements.

Vice Chair Kahle asked that they review the Challenges list, running through quickly stating if they can mitigate or not. Chair Nootz suggested speaking to Project Manager Martha O'Rourke about wetland and the storm water system. The City Manager did clarify the Property Owners Association is proposed to retain ownership of the permanent storm water facility and liability is resolved by the ownership structure. Martha O'Rourke stated the storm water proposed for the subdivision is to take into account the effects of the increase hardscape from roads and sidewalks. It was also clarified that the development on each lot will have to look at it's own storm water impacts so that the proposed retention ponds are going to mitigate any impacts the proposed road is going to have on the wetlands. Each lot will have to meet City standards and DEQ standards. Wetlands were decided to be taken care of elsewhere in the application process and not conditions were placed by City Commission.

Chair Nootz asked to speak with Fire Chief Chabalowski about evacuation with limited access point, and heavy traffic on HWY 10. Chief stated for this location concerns around access in and out of the subdivision is good on a normal day with HWY 10 and 1-90 so close, the challenge comes when HWY 10 is blocked with traffic on those particularly windy days, but did feel they have adequate access to get in and out of for evacuation or disaster. Overall Chief had no major concerns for disaster relief. Chief was invited to discuss Fire Risk touching on fire resistance and fire resilience. It was stated that the development will reduce the fire risk in this area with more hardscape, more industrialization, and more fire resistant construction will reduce the fire risk in this area. Chief also stated there would be adequate fire hydrants to combat fire at the location.

Possible Conditions discussed by the Commission included:

1. Developer Installation of ADA-compliant Sidewalks throughout Subdivision as Streets are Created - #10 Challenge
2. Where possible, large trip generating activities should have access off HWY 10 - #1 Challenge
3. Future Development Shall be Subject to Gateway Overlay Zoning when enacted - #8 Challenge
4. Inclusion of Fire-breaks, native plants and fire resistant building materials - #9 Challenge
5. Update Screening/buffering to include all differing uses(include native planting requirement) - #18 Challenge
6. Developer shall create a trail along northside of Lot 20 to provide access to the Open Space in Lot 21 and also work with the City and Community to vision and develop a trail into Lot 2 - #19 & #25 Challenge
7. Lot 24 be retained as open space for a wildlife corridor - #20 Challenge
8. Installation of Community Postal Box in accordance with USPS direction - #21 Challenge

- 9. Residential and Commercial Buildings shall be built to withstand wind, have noise reducing windows and building materials - #22 Challenge
- 10. Include bus pull-outs in Street by lots 3-5 and 15-20 - #24 Challenge
- 11. The Development must comply with City Code requirements for pets, building standards and AUD's. - #26 Challenge

Other Actions, related to this application, that the Commission identified that the City needs to progress solutions on include:

- 1. DTMP Team focus on assistance to DT, strengthen DT - #3 Challenge & #8Challenge
- 2. Growth Policy Update: Future Land Use Map Update (allowed uses in Zones) - #16 Challenge
- 3. Initiate Conversation on Multi-use trail - #27 Challenge
- 4. Start Gateway Overlay District Zoning - #28 Challenge
- 5. Include Entry signage in Gateway Overlay Districts

Chair Nootz checked in with fellow Commissioners about their thoughts after having worked through challenges and solutions. Commission Friedman stated Highway Commercial terminology seems to be a hang up for him. Commissioner Lyons expressed concerns about what the open market will do with the 22 Lots, and stated they could condition this as much as they want but it will be undeniably untenable. Vice Chair Kahle agrees with Commissioner Lyons and feels by allowing this project to go through shows others that yes, we have rules, but not everyone has to follow them.

Chair Nootz asked the City Manager if staff has talked with the applicant about deed restricting this land, the City Manager stated no it was not discussed with the applicant. Chair Nootz indicated she feels an obligation to apply conditions that will protect the community and wildlife.

10:56pm Vice Chair Kahle motioned for a 5 minute break and to extend the meeting and seconded by Commissioner Friedman. Unanimously approved.

(Starts at Video Mark 5:00:14)

Chair Nootz would like clarification on the deed restriction. The City Manager talked briefly with the applicant about deed restriction, and the applicant would like conditions in writing if approved with conditions.

Commissioner Lyons moved to deny the application.

Commissioner Schwarz questioned that they have to motion in the affirmative. Chair Nootz asked for clarification. The City Manager stated the Livingston Municipal Code does not touch on this issue, but with having done the research, any motion from the Commission is a valid motion. Commissioner Schwarz asked to clarify in the Commissioners Handbook if a motion has to be made in the affirmative. A consultation of the Handbook did not reveal that requirement.

Vice Chair Kahle seconded the motion.

The application was denied 3-2 with Commissioners Friedman, Kahle and Lyons voting in favor of the denial. Chair Nootz and Commissioner Schwarz voted against the denial.

11. City Manager Comment

The City Manager gave a brief thanks the Commission, Community and the applicant.

12. City Commission Comments

Commissioner Lyons thanked the applicant, community and fellow Commissioners and stated this meeting this was tough and passionate meeting tonight.

Commissioner Friedman stated they could not make the application work to guarantee housing in that area. Vice Chair Kahle thanked fellow Commissioners and stated this was a hard decision.

Chair Nootz thanked the Commissioners for good process and feels there are some things in the list that could be addressed regardless of the vote tonight. Thanks to City Manager about the packet for tonight, and to City Staff for all their expertise and answering questions on the project.

Chair Nootz also brought up hearing some negative comments throughout the community and wanted to remind the community of a proclamation that was put in place in May 2023 as a Proclamation of the City Commission declaring Acceptance and Openness Among All our Citizens.

13. Adjournment

11:24pm Commissioner Friedman motioned to adjourn the meeting seconded by Commissioner Lyons. Unanimously approved.

Calendar of Events

Supplemental Material

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This is REALLY Livingston....

Q jesse kula

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Jesse Kula

Darby High School · Lives in Bozeman, Montana · 93 followers

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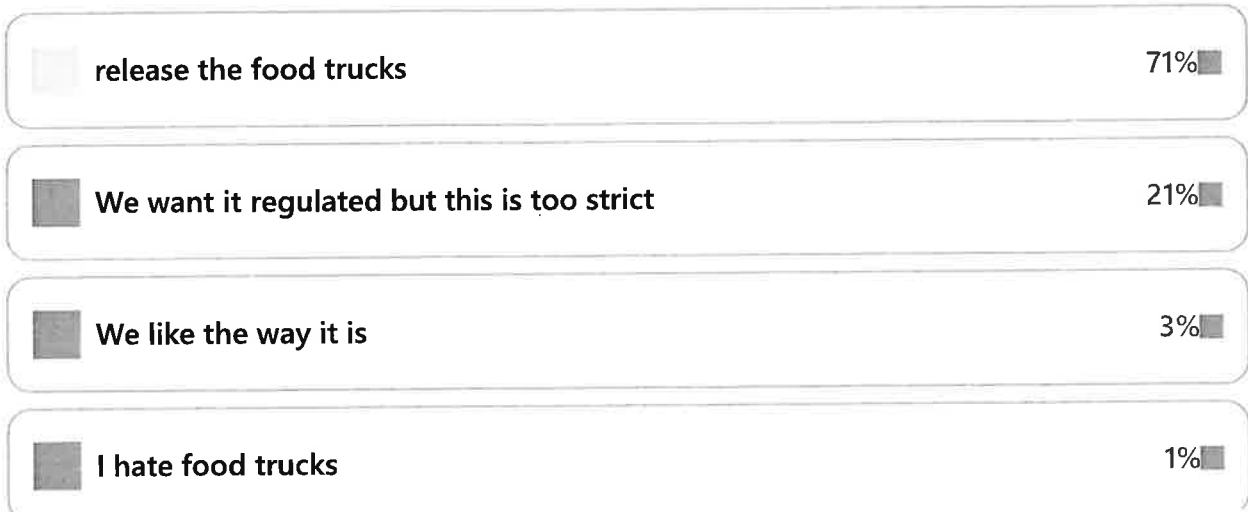


Jesse Kula

2d · 🌐



Currently city code says regardless private property or not food trucks or street vendors must move every 4 hours at least 300 ft you cannot return to a location within 24-hour time. I've talked to some of the restaurants in town as well as some of the food vendors. Now I'm trying to get your opinion before the city council meeting on Thursday! Please keep it civil so we can actually get valid data from the poll





Let people taste buds decide.

Added by Jo Ellen McHugh
some regulations can help with food safty and dangerous sites for people to stop at. 3%

Add poll option...

10

499 Votes 2 comments

Like

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An admin turned off commenting for this post.



Jesse Kula

September 4 at 5:37 PM · 🌐



Anyone going to Crazy Mountain Carnival



Jessica Drange, William John Moore and 6 others

8 commen



Proclamation

A Proclamation of the City Commission declaring Acceptance and Openness Among All Our Citizens

WHEREAS, it is the policy of the City of Livingston to prevent “harassment and discrimination based upon race, color, sex, gender identity/expression, sexual orientation, religion, national origin, disability or housing status;” and

WHEREAS, the City of Livingston seeks to continue to become a more equitable, welcoming and connected community, and is dedicated to protecting all residents from hate crimes and seeks to end bigotry in all forms; and

WHEREAS, the FBI has defined a hate crime as a “criminal offense against a person or property motivated in whole or in part by an offender’s bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity;” and

WHEREAS, data from the FBI reports in 2019, 15,588 law enforcement agencies participated in the Hate Crime Statistics Program. Of these agencies, 2,172 reported 7,314 hate crime incidents involving 8,559 offenses 1,395 offenses were based on sexual-orientation bias reports indicate:

- 62.2 percent were classified as anti-gay (male) bias.
- 24.5 percent were prompted by anti-lesbian, gay, bisexual, or transgender bias.
- 10.2 percent were classified as anti-lesbian bias.
- 1.9 percent were classified as anti-bisexual bias.
- 1.2 percent were the result of anti-heterosexual bias.

WHEREAS, the Human Rights Campaign reported that 2021 was the deadliest year on record for trans and gender- non conforming people across the nation; and

WHEREAS, the City Commission of the City of Livingston wishes to publically support and stand in solidarity with all members of our community by: condemning hate activity; opposing hateful and hurtful actions; and supporting the LGBTQ+ community for the purpose of establishing a City that is safe, welcoming and embraces all members.

NOW, THEREFORE, the Livingston City Commission pledges to stand firmly with our community members and support the efforts of our allies by condemning hate crimes, challenging bigotry and discrimination, supporting marginalized people and advocating for policies and legislation that honor everyone’s basic human rights so that all are valued and accepted in our community; and

BE IT FURTHER RESOLVED, I, Melissa Nootz, Chair of the City Commission do hereby encourage other municipal leaders across our state and nation to join us to strengthen our fight against all forms of discrimination, intolerance and hateful activity.

DATED this 16th day of May, 2023

Signed: _____
Melissa Nootz, Chair

Signed: _____
Grant Gager, City Manager

Attest: _____
Faith Kinnick, Recording Secretary

File Attachments for Item:

B. CLAIMS PAID 9/13/23 -9/27/23

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
ADVANCED TECHNOLOGY PRODUCTS, INC							
3357	ADVANCED TECHNOLOGY PRO	36415	ACCU TAB	06/15/2023	9,675.00	9,675.00	09/25/2023
3357	ADVANCED TECHNOLOGY PRO	36425	DPD LIQUID	06/15/2023	63.00	63.00	09/25/2023
3357	ADVANCED TECHNOLOGY PRO	36724	Chlorine	07/15/2023	10,080.00	10,080.00	09/25/2023
3357	ADVANCED TECHNOLOGY PRO	36850	DPD POWDER	07/31/2023	93.00	93.00	09/25/2023
3357	ADVANCED TECHNOLOGY PRO	36998	ACID MAGIC	08/11/2023	9,675.00	9,675.00	09/25/2023
Total ADVANCED TECHNOLOGY PRODUCTS, INC:					29,586.00	29,586.00	
ALL SERVICE TIRE & ALIGNMENT							
22	ALL SERVICE TIRE & ALIGNME	66622	Mount & Balance	08/02/2023	100.00	100.00	09/25/2023
22	ALL SERVICE TIRE & ALIGNME	66885	TUBE	09/07/2023	20.00	20.00	09/25/2023
Total ALL SERVICE TIRE & ALIGNMENT:					120.00	120.00	
BROOKSTONE DEVELOPING LLC							
10005	BROOKSTONE DEVELOPING LL	2023.8.25	PAY BACK AGREEMENT	08/25/2023	292,500.00	292,500.00	09/25/2023
Total BROOKSTONE DEVELOPING LLC:					292,500.00	292,500.00	
DEPARTMENT OF REVENUE							
122	DEPARTMENT OF REVENUE	2023_07WMC	REGIONAL SEWER EXT APP #6	09/12/2023	1,985.31	1,985.31	09/13/2023
Total DEPARTMENT OF REVENUE:					1,985.31	1,985.31	
ENERGY LABORATORIES, INC.							
424	ENERGY LABORATORIES, INC.	574487	Analysis parameter	08/22/2023	264.00	264.00	09/25/2023
Total ENERGY LABORATORIES, INC.:					264.00	264.00	
FARSTAD OIL							
3353	FARSTAD OIL	105342	Diesel 525G	08/24/2023	2,108.40	2,108.40	09/25/2023
3353	FARSTAD OIL	IN-661750-23	Diesel 426G	08/31/2023	1,694.88	1,694.88	09/25/2023
Total FARSTAD OIL:					3,803.28	3,803.28	
FISHER SAND AND GRAVEL							
2904	FISHER SAND AND GRAVEL	4372	Con SAND	08/19/2023	393.41	393.41	09/25/2023
Total FISHER SAND AND GRAVEL:					393.41	393.41	
FRONTLINE AG SOLUTIONS, LLC							
2516	FRONTLINE AG SOLUTIONS, LL	1067921	FUEL PUMP	08/22/2023	39.62-	39.62-	09/25/2023
2516	FRONTLINE AG SOLUTIONS, LL	1070878	THREAD ROD	08/29/2023	22.48	22.48	09/25/2023
2516	FRONTLINE AG SOLUTIONS, LL	1073263	FEMALE FF COUPLER	09/05/2023	183.67-	183.67-	09/25/2023
2516	FRONTLINE AG SOLUTIONS, LL	1074015	WHEEL BOLT	09/07/2023	65.21	65.21	09/25/2023
2516	FRONTLINE AG SOLUTIONS, LL	1074079	JUMPER	09/07/2023	58.22	58.22	09/25/2023
2516	FRONTLINE AG SOLUTIONS, LL	1074098	KNOB NUT	09/07/2023	11.46	11.46	09/25/2023
2516	FRONTLINE AG SOLUTIONS, LL	1074153	SWITCH	09/07/2023	41.69-	41.69-	09/25/2023
2516	FRONTLINE AG SOLUTIONS, LL	1074375	LOW VISCOSITY HY GARD	09/08/2023	8.00	8.00	09/25/2023
2516	FRONTLINE AG SOLUTIONS, LL	1075086	BOLT LOCK NUT	09/11/2023	114.60	114.60	09/25/2023
Total FRONTLINE AG SOLUTIONS, LLC:					14.99	14.99	
GENERAL DISTRIBUTING COMPANY							
1845	GENERAL DISTRIBUTING COM	0001090121-0	LINED GRAIN GLV	09/13/2023	170.13	170.13	09/25/2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total GENERAL DISTRIBUTING COMPANY:					170.13	170.13	
IRRIGATION INNOVATIONS							
10002	IRRIGATION INNOVATIONS	7685	WEED FLOWERBEDS	09/01/2023	1,045.00	1,045.00	09/25/2023
Total IRRIGATION INNOVATIONS:					1,045.00	1,045.00	
KELLEY CONNECT							
10001	KELLEY CONNECT	34784745	AGREEMENT 112-1689019	08/31/2023	312.74	312.74	09/25/2023
10001	KELLEY CONNECT	IN1411346	jh110275	09/01/2023	7.47	7.47	09/25/2023
10001	KELLEY CONNECT	IN1412907	JH120274	09/05/2023	95.15	95.15	09/25/2023
Total KELLEY CONNECT:					415.36	415.36	
KEN'S EQUIPMENT REPAIR, INC							
1390	KEN'S EQUIPMENT REPAIR, IN	60829	coolant reservoir	08/15/2023	98.75	98.75	09/25/2023
1390	KEN'S EQUIPMENT REPAIR, IN	61241	lamp	08/07/2023	285.75	285.75	09/25/2023
1390	KEN'S EQUIPMENT REPAIR, IN	61242	Filters	08/07/2023	73.95	73.95	09/25/2023
1390	KEN'S EQUIPMENT REPAIR, IN	61243	check lights	08/07/2023	1,807.60	1,807.60	09/25/2023
1390	KEN'S EQUIPMENT REPAIR, IN	61250	starting system	08/07/2023	544.90	544.90	09/25/2023
1390	KEN'S EQUIPMENT REPAIR, IN	61274	transmission cooler	08/11/2023	200.00	200.00	09/25/2023
1390	KEN'S EQUIPMENT REPAIR, IN	61275	clear fuel line	08/10/2023	220.00	220.00	09/25/2023
1390	KEN'S EQUIPMENT REPAIR, IN	61281	coupler	08/14/2023	57.10	57.10	09/25/2023
1390	KEN'S EQUIPMENT REPAIR, IN	61428	check hydraulics	08/23/2023	275.00	275.00	09/25/2023
1390	KEN'S EQUIPMENT REPAIR, IN	61452	leaking hydraulics	08/28/2023	1,114.90	1,114.90	09/25/2023
1390	KEN'S EQUIPMENT REPAIR, IN	61466	Bearing and seals	08/30/2023	1,039.00	1,039.00	09/25/2023
1390	KEN'S EQUIPMENT REPAIR, IN	61467	engine harness	08/30/2023	8,426.36	8,426.36	09/25/2023
Total KEN'S EQUIPMENT REPAIR, INC:					14,143.31	14,143.31	
KNIFE RIVER							
8	KNIFE RIVER	879801	Plant Mix	08/24/2023	682.50	682.50	09/25/2023
8	KNIFE RIVER	880256	Plant Mix	08/28/2023	600.60	600.60	09/25/2023
Total KNIFE RIVER:					1,283.10	1,283.10	
LEHRKIND'S COCA-COLA							
2830	LEHRKIND'S COCA-COLA	2076950	Water	09/06/2023	41.00	41.00	09/25/2023
Total LEHRKIND'S COCA-COLA:					41.00	41.00	
MARY KARELL							
10005	MARY KARELL	001	REPAIR FLAG	09/01/2023	110.00	110.00	09/15/2023
Total MARY KARELL:					110.00	110.00	
MIDWAY RENTAL, INC.							
3040	MIDWAY RENTAL, INC.	1856761-0001	COMPACTOR PLATE	09/07/2023	96.90	96.90	09/25/2023
Total MIDWAY RENTAL, INC.:					96.90	96.90	
MISC							
99999	MISC	2023.9.1	PLUMBING PARTS	09/08/2023	96.18	96.18	09/25/2023
Total MISC:					96.18	96.18	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
MOBILE REPAIR & WELDING, INC							
10	MOBILE REPAIR & WELDING, IN	34232	sHARPENED 4 BITS	08/25/2023	25.00	25.00	09/25/2023
Total MOBILE REPAIR & WELDING, INC:					25.00	25.00	
MONTANA RAIL LINK							
112	MONTANA RAIL LINK	469279	Agreement 88715	09/01/2023	100.00	100.00	09/25/2023
112	MONTANA RAIL LINK	469491	Agreement 601788	09/01/2023	100.00	100.00	09/25/2023
Total MONTANA RAIL LINK:					200.00	200.00	
MUNICIPAL EMERGENCY SERVICES							
2604	MUNICIPAL EMERGENCY SERV	IN1930841	COMPLIANT BATTERY	09/07/2023	570.93	570.93	09/25/2023
2604	MUNICIPAL EMERGENCY SERV	IN1931489	OPS PPE	09/08/2023	392.93	392.93	09/25/2023
Total MUNICIPAL EMERGENCY SERVICES:					963.86	963.86	
NORTHWEST PARTS & RIGGING CO							
10005	NORTHWEST PARTS & RIGGIN	B146331	GREEN ACRES SOIL STABLE	08/18/2023	12,600.00	12,600.00	09/25/2023
Total NORTHWEST PARTS & RIGGING CO:					12,600.00	12,600.00	
NORTHWESTERN ENERGY							
151	NORTHWESTERN ENERGY	3837245-4 202	220 E PARK	09/12/2023	194.22	194.22	09/25/2023
Total NORTHWESTERN ENERGY:					194.22	194.22	
OLD FAITHFUL DETAILING							
10005	OLD FAITHFUL DETAILING	640836	DETAIL COLORADO	09/14/2023	240.00	240.00	09/25/2023
Total OLD FAITHFUL DETAILING:					240.00	240.00	
PROFESSIONAL SALES & SERVICE LC							
10001	PROFESSIONAL SALES & SERV	29939	ENTRY DOOR STRUT	02/08/2023	58.74	58.74	09/25/2023
Total PROFESSIONAL SALES & SERVICE LC:					58.74	58.74	
REPUBLIC SERVICES #670							
10000	REPUBLIC SERVICES #670	0670-0004193	DISPOSAL/RECYCLING	08/31/2023	77,221.36	77,221.36	09/25/2023
Total REPUBLIC SERVICES #670:					77,221.36	77,221.36	
RIVER BEND THREADS							
2299	RIVER BEND THREADS	5038	Reserve Clothing	09/05/2023	540.00	540.00	09/25/2023
Total RIVER BEND THREADS:					540.00	540.00	
SCHAEFFER MFG CO.							
1730	SCHAEFFER MFG CO.	AEQ2982-INV1	Synshield	08/17/2023	1,570.25	1,570.25	09/25/2023
Total SCHAEFFER MFG CO.:					1,570.25	1,570.25	
TOWN & COUNTRY FOODS - LIVINGSTON							
2595	TOWN & COUNTRY FOODS - LI	85	StaION SUPPLIES	08/24/2023	9.78	9.78	09/25/2023
Total TOWN & COUNTRY FOODS - LIVINGSTON:					9.78	9.78	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
TRACTOR & EQUIPMENT CO							
10005	TRACTOR & EQUIPMENT CO	34940010 B34	GRADER	08/16/2023	236,423.00	236,423.00	09/25/2023
Total TRACTOR & EQUIPMENT CO:					236,423.00	236,423.00	
UTILITIES UNDERGROUND LOCATION							
3472	UTILITIES UNDERGROUND LO	3085092	Excavation Notifica	08/31/2023	44.48	44.48	09/25/2023
3472	UTILITIES UNDERGROUND LO	3085092	Excavation Notifica	08/31/2023	44.48	44.48	09/25/2023
3472	UTILITIES UNDERGROUND LO	3085092	Excavation Notifica	08/31/2023	44.49	44.49	09/25/2023
Total UTILITIES UNDERGROUND LOCATION:					133.45	133.45	
VERIZON WIRELESS							
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	61.16	61.16	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	46.74	46.74	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	19.21	19.21	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	19.21	19.21	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	19.21	19.21	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	61.16	61.16	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	61.16	61.16	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	19.21	19.21	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	19.21	19.21	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	42.75	42.75	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	42.75	42.75	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	42.75	42.75	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	42.75	42.75	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	19.21	19.21	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	19.21	19.21	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	28.04	28.04	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	28.04	28.04	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	42.75	42.75	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	42.75	42.75	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	19.21	19.21	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	46.74	46.74	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	46.74	46.74	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	13.61	13.61	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	11.85	11.85	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	46.74	46.74	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	42.75	42.75	09/25/2023
879	VERIZON WIRELESS	9943935490	SEPT CELLPHONES	09/08/2023	42.70	42.70	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	19.96	19.96	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	63.50	63.50	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	44.41	44.41	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	9.99	9.99	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	9.99	9.99	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	44.41	44.41	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	23.60	23.60	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	19.96	19.96	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	44.41	44.41	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	19.96	19.96	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	19.96	19.96	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	.00	.00	
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	44.41	44.41	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	19.96	19.96	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	12.31	12.31	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	171.69	171.69	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	19.91	19.91	09/25/2023

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	19.96	19.96	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	19.96	19.96	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	19.96	19.96	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	12.31	12.31	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	12.31	12.31	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	12.31	12.31	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	44.41	44.41	09/25/2023
879	VERIZON WIRELESS	9943935491	SEPT CELLPHONES	09/08/2023	44.44	44.44	09/25/2023
Total VERIZON WIRELESS:					1,721.70	1,721.70	
WESTERN DRUG							
1396	WESTERN DRUG	2023.8.3	Patient Supplies	08/03/2023	108.18	108.18	09/25/2023
Total WESTERN DRUG:					108.18	108.18	
WHISTLER TOWING, LLC							
3237	WHISTLER TOWING, LLC	23-0601-265	TOW	06/02/2023	100.00	100.00	09/25/2023
3237	WHISTLER TOWING, LLC	43878	CHIP SEAL MOVE CARS	08/24/2023	1,245.00	1,245.00	09/25/2023
Total WHISTLER TOWING, LLC:					1,345.00	1,345.00	
WISPWEST.NET							
2087	WISPWEST.NET	275901	Internet SOCCER	09/21/2023	85.19	85.19	09/25/2023
2087	WISPWEST.NET	275901	Internet-CIVIC CENTER	09/21/2023	63.51	63.51	09/25/2023
Total WISPWEST.NET:					148.70	148.70	
Grand Totals:					679,571.21	679,571.21	

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

File Attachments for Item:

C. APPLICATION FOR PHILIP C. LAWSON FOR SPECIAL PARKING SPACE FOR RESERVED FOR DISABLED PERSONS ON A PUBLIC STREET

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

Name of Applicant: Philip C. Lawson
Address: 520 North I St Phone: (425) 418-2982

Type of Special Parking Space Requested:
 General Public Use X Reserved for Personal Use of a Disabled Person. (\$50 fee)

Specific Location of the Requested Space: 520 North I St

Reason for the Request: 76 yrs old - lung cancer, on oxygen for life

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

- Do you operate a vehicle displaying a specialty inscribed license plate issued by the state of Montana to disabled persons and displaying a wheelchair symbol, or the letters "DV" issued to disabled veteran's, or do you possess a special parking permit issued by the State of Montana to persons with a disability?
(Please provide a copy of the vehicle registration). Yes X No
- Is the requested parking space adjacent to your permanent residence? Yes X No
- Does reasonably accessible and practicable off street parking exist? Yes No X
- License plate number of vehicle(s) designated to use the space: G1462 & 492956D
- Are the designated vehicles operated by you? Yes X No

Administrative Use Only

Date application received: 9/27/23 Reviewed by: Mark Stone

Does request meet criteria? Yes No

Comments _____

City Commission Action: Approved Denied Date: _____

Installation of Sign:
Sign installed by: _____ Date: _____
Amount Collected: _____ Check no. _____

Removal of Sign
Sign removed by: _____ Date _____
Reason for Removal: _____

True

Montana Vehicle Registration

Valid Through Date 11/30/2023

Renewal Cust Nbr 337756

County	Park	Issue Date	12/01/2022	Tab Nbr	A06713722	Park Fee Paid
Usage	Regular	User	PJA387	Plate Nbr	G1462	
Reg Usage	Regular	Fleet Nbr		Plate Type	Marine Corps Veteran (TK)	
Reg Type		OTN				

Owners / Lessors
Philip Charles Lawson
Terri Wilkins Lawson
 520 N I St
 Livingston, MT 590472213

VIN	1FTEX18L3WKA07852	Year	1998	Make	Ford	Model	F150
Veh Type	Truck (TK)	Style	PK	Color	Green	Ext Model	
Weight	4480	Ton Code	1/2 Ton			Veh Nbr	4200216
Decl GWV	12000	GVW Class	Class 1	GVW Beg	11/01/2022	GVW End	10/31/2023

Philip Charles Lawson
 520 N I St
 Livingston, MT 590472213



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

Tab Number
A06713722

Month Number
11



State of Montana
Attention Vehicle Owner

When applying tab to rear license plate:

1. Thoroughly clean license plate.
2. Peel tab from backing.
3. Place tab where indicated on face of dry, clean plate or over the top of the prior year's tab.
4. Firmly rub tab and edges down.

This registration receipt must be in the motor vehicle or trailer to which it pertains at all times. The driver or person in control of the vehicle or trailer must display this receipt to a peace officer or any officer or employee of the Montana Department of Justice or Department of Transportation, upon demand of the officer or employee.

Montana law requires the owner of any motor vehicle that is registered and operated on a public highway or a private way commonly used by the public in this state to continuously maintain mandatory motor vehicle liability insurance in the amounts specified by law. Unless this vehicle qualifies for an exemption under Mont. Code Ann. § 61-6-303, such as a motorcycle or quadricycle, mandatory motor vehicle liability insurance is required.

Proof of compliance with the mandatory liability insurance law must be in the motor vehicle. The owner or driver of the motor vehicle must display the insurance card or other proof of compliance to any peace officer, judge or other authorized individual upon demand. Violation of this requirement is a misdemeanor that carries the same penalties as a no insurance violation.

ie, you may renew your vehicle registration online at <https://mt.vitu.com/mvdyourway/vrguest/>

: Safety is a Partnership: Buckle Up Slow Down - Dont Drink and Drive

dojmt.gov/driving

Montana Vehicle Registration

Valid Through Date 11/30/2023

Renewal Cust Nbr 337756

County	Park	Issue Date	12/01/2022	Tab Nbr	A06713721	Park Fee Paid
Usage	Regular	User	PJA387	Plate Nbr	492956D	
Reg Usage	Regular	Fleet Nbr		Plate Type	Std County Lg (PC)	
Reg Type		OTN				

Owners / Lessors
Philip Charles Lawson
Terri Wilkins Lawson
 520 N I St
 Livingston, MT 590472213

VIN	JT2BG22K9X0317566	Year	1999	Make	Toyota	Model	Camry
Veh Type	Passenger (PC)	Style	SD	Color	Gray	Ext Model	
Weight	3120	Ton Code				Veh Nbr	4200228
Decl GVW		GVW Class		GVW Beg		GVW End	

Philip Charles Lawson
 520 N I St
 Livingston, MT 590472213



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

Tab Number
A06713721

Month Number
11



State of Montana
Attention Vehicle Owner

When applying tab to rear license plate:

1. Thoroughly clean license plate.
2. Peel tab from backing.
3. Place tab where indicated on face of dry, clean plate or over the top of the prior year's tab.
4. Firmly rub tab and edges down.

This registration receipt must be in the motor vehicle or trailer to which it pertains at all times. The driver or person in control of the vehicle or trailer must display this receipt to a peace officer or any officer or employee of the Montana Department of Justice or Department of Transportation, upon demand of the officer or employee.

Montana law requires the owner of any motor vehicle that is registered and operated on a public highway or a private way commonly used by the public in this state to continuously maintain mandatory motor vehicle liability insurance in the amounts specified by law. Unless this vehicle qualifies for an exemption under Mont. Code Ann. § 61-6-303, such as a motorcycle or quadricycle, mandatory motor vehicle liability insurance is required.

Proof of compliance with the mandatory liability insurance law must be in the motor vehicle. The owner or driver of the motor vehicle must display the insurance card or other proof of compliance to any peace officer, judge or other authorized individual upon demand. Violation of this requirement is a misdemeanor that carries the same penalties as a no insurance violation.

ie, you may renew your vehicle registration online at <https://mt.vitu.com/mvdyourway/vrguest/>

Safety is a Partnership: Buckle Up Slow Down - Dont Drink and Drive

dojmt.gov/driving

**IMPORTANT: REMOVE BEFORE
DRIVING VEHICLE**



Any Alteration Voids Permit

0493032

**Disabled Persons Parking
Identification Permit**

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



ILLEGAL TO DUPLICATE THIS PERMIT

PCL

Mike Stordalen

From: Mike Stordalen
Sent: Wednesday, September 27, 2023 10:05 AM
To: Mike Stordalen
Subject: 520 N I ST. Handicap parking spot



Sent from my iPhone

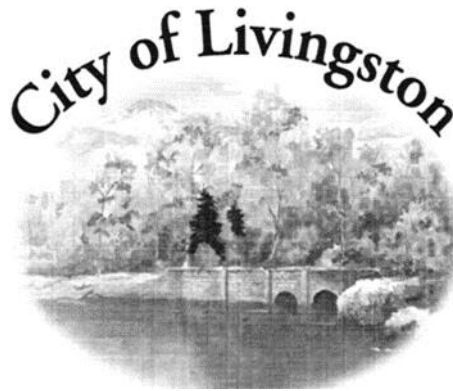
File Attachments for Item:

**D. CONSIDERATION OF OPEN CONTAINER SPECIAL EXCEPTION REQUEST FOR OCTOBERFEST
ON 10/14/2023**

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: 10/3/2023
To: Chair Nootz and City Commissioners
From: Grant Gager, City Manager

Staff Report for Consideration of Octoberfest Request for a Special Event Exception To City of Livingston Alcohol Consumption Restrictions

Recommendation and Summary

Staff is recommending the City Commission approve the exception to the enforcement of restrictions on consumption of beer or liquor during the Octoberfest proposed for October 14, 2023, by adopting the following motion:

“I move to approve the request to create an exception to the enforcement of the Open Container Statute during the Octoberfest.”

The reasons for the recommendation are as follows:

- The Livingston Municipal Code allows the City Commission to provide exceptions for special events to allow public consumption of beer or liquor.
- The City has received a request from a special event operator for such an exception.

Introduction and History

The applicant has submitted a Special Event Permit requesting the road closure of a portion of Second Street between Callander and Lewis Streets to host a special event (Octoberfest). The applicant has additionally requested an exception pursuant to Section 10-8.B. that would allow for the consumption of beer or liquor during the event. The applicant is seeking the exception from 4:00 p.m. to 7:00pm on October 14, 2023.

Analysis

City staff has reviewed the application and the application has been conditionally approved by staff, pending Commission approval of this exception.

Fiscal Impact

Application fees will offset costs associated with the event including associated road closure costs.

Attachments

- Attachment A: Octoberfest Event Application

City of Livingston Special Event Permit Application

The City of Livingston Special Event Permit Application applies to City of Livingston Streets, Facilities, Parks and Trails; this does NOT include private property. Completed applications must be submitted **at least 6 weeks** prior to the event date. (8 weeks if requesting fee waivers, see Section 7 for eligibility)

Applications **are not considered complete** until the following items have been submitted:

- Signed Application
- Non-refundable application fee: \$50 resident / \$80 non-resident
- Refundable Deposit if utilizing any COL equipment or Facility
- Proof of Liability Insurance
 - \$1,500,000 and \$750,000 per occurrence
 - Fire Casualty and Property loss insurance on the premises in the minimum amount of \$500,000.00 with a loss payable provisions to the City.
- Proposed maps/layout of event
 - If run/walk, include locations of water stations/volunteers/traffic control devices

Application Information (should also serve as the event day contact)

Renter/Contact Name: **Kris King**

Organization: **Explore Livingston**

Email Address: **info@explorelivingstonmt.com** Tax ID Number: **45-2805610**

Address: **PO Box 348** City, State, Zip: **Livingston, MT 59047**

Mobile Phone: **406.222.4848** Work Phone:

Group insuring event: **Key Insurance of Livingston**

Insurance Company: **Evanston Insurance Company** Policy Number: **3DS5474-M3068710**

Insurance Agent: **Alice Senter** Insurance Phone: **406.222.0944**

Insurance Address: **124 West Lewis, Livingston MT**

Event Information

Name of Event: **Octoberfest** Date of Event: **10/14/2023**

Event Type: **Street Fair** Approx # of Attendees: **100**

Proposed Route(s) and/or Map(s) Attached: **YES** Time(s) of event: **4-7 pm**

Set up Begins: 2 pm	Event Begins: 4 pm	Event ends: 7 pm	Cleanup Complete: 9 pm
----------------------------	---------------------------	-------------------------	-------------------------------

Please provide a brief description of your event: *(use additional sheet if you need more space)*
 2nd Street blocked from Callender to Lewis Street only. 2nd Street Oktoberfest will be a small pilot project event on Saturday October 14 from 4-7 pm with stores open late, music set up within the barricade on 2nd near Lewis, the three bars on 2nd will sell drinks, Coffee Crossing will sell hot drinks, several food trucks will be parked within the barricades on 2nd Street, the Livingston Community Bakery will sell pretzels, there will be two portapotties, youth organization on 2nd will host pumpkin painting and kids' crafts, and there will be no entry fees. TBID is sponsoring the event and there will be souvenir cups and bandannas given away as business scavenger hunt contest prizes.

Please identify any safety / security issues:

First year, small event, pilot project to bring awareness of 2nd Street Businesses. As there will be ample parking in adjacent blocks and bank parking lots, there should be no parking issues. No safety or security issues are foreseen.

Do you plan for your event to:

Have food: Yes If yes, have you contacted the Park County Sanitarian at 406-222-4145 and followed all requirements? Food Trucks will provide their paperwork, several restaurants will be open.

Accumulate waste: Yes If yes, please notate your disposal plan (We recommend 1 – 96 Gallon can per 200 people):
2 cans from City plus 2 LBID street garbage cans (LBID will empty those)

The City of Livingston will supply additional trash cans for your event, if utilizing, please notate quantity:

_____ Mon – Fri, 7am – 4pm: \$20 for first can; \$10 per additional can

2 Mon – Fri, 4pm-10pm; Saturday & Sunday: \$30 for first can; \$15 per additional can

Need restrooms: No If yes, how do you plan to accommodate? (We recommend one toilet per 250 people)
Will have two portapotties

Need electricity: No If yes, what for and what source do you plan to use?

details of sound system pending

Utilize parking: No If yes, how do you plan to accommodate?

neighboring blocks, especially American Bank parking lot

Utilize City park/facility/space: No If yes, please name the space and provide record of reservation. Contact the Recreation Department at 406-223-2233 to reserve.

Use a stage, bleachers, tents or other temporary structures: No

If yes, please attach a drawing of proposed location(s) and sizes. \$30 irrigation locate fee applies when in parks.

***Utilize Cones, A-frames or Barricades from the City of Livingston:** Yes

Candlestick Cones: 2 @ \$3 each A-Frames: 2 @ \$7 each Barricades: 2 @ \$12 each

Construction Fencing: 2 @ \$15 / 100 feet

**When rented individually these items do require a \$100 refundable deposit upon return of items*

Street Closure: Yes If yes, please notate number of streets* in accurate space provided as well as on the route map

2 Mon – Fri, 7am – 4pm: \$110 each (up to 2 streets) \$50 per street over 2

2 Mon – Fri, 4pm-10pm; Saturday & Sunday: \$200 each (up to 2 streets) \$100 per street over 2

A street is considered one city block. Permit Holder understands responsibility to notify ALL residents / businesses affected by closure* **Yes

Alcohol to be served at event: Yes If yes, describe the location of sales, liquor license to be used and measures to insure proper ID for purchases and persons supervising the operation:

The Owl Bar, Elks Lodge and Hiatt House bars with TIPS certified servers will be the only entities selling liquor but will be selling them inside their bars

Liquor Liability Attached as described in Section 7

Proof of Alcohol Server Training as described in Section 7

Requests for special animal policy considerations as described in Section 7: No

If yes, please describe:

Will the event require camping or temporary housing: NO If yes, have you the Park County Sanitarian at 406-222-4145 to set up a temporary housing plan and answer the following questions:

_____ Date(s) Camping will occur _____ Location of camp site(s) _____ Number of campers
_____ Number of tents _____ Location of tent(s) _____ Fire Ring(s) needed? *(must be authorized by Fire Dept)*

Please describe plan for water/sanitation facilities and parking:

Agreement to the City of Livingston Special Event conditions. Application hereby agrees to comply with the City of Livingston Special Event Conditions (Policy & Fee Schedule – Section 7). Upon signing this application, the applicant agrees not to violate any state or city codes in the presentation of the requested special event.

In consideration for permission to conduct its activity as requested, applicant agrees to indemnify, defend and hold harmless the City of Livingston, its officers, agents, employees and volunteers from damage to property and for injury to or death of any person from all liability claims, actions or judgements which may arise from the activity. Applicants also agree to obtain valid save or hold harmless agreements from all participants in its activity, protecting the City of Livingston from all losses arising out of its activity, including damages of any kind or nature.

I, Kris King hereby agree to the terms of insurance as set forth by the City of Livingston for my special event, and realize I must attach proof of insurance with this document in order for my application to be considered complete.

Kris King

Digitally signed by Kris King
Date: 2023.09.14 15:00:02
-06'00'

9/14/2023

Responsible Party (must have authority to sign)

Date

City of Livingston Parks & Recreation

Date

File Attachments for Item:

A. A PROCLAMATION RECOGNIZING THE 101st ANNIVERSARY OF NATIONAL FIRE PREVENTION WEEK, AND DECLARING OCTOBER 8-14, 2023, to be FIRE PREVENTION WEEK IN THE CITY OF LIVINGSTON.



Proclamation
of the Livingston City Commission
**Declaring October 8-14, 2023, as National Fire
Prevention Week in the City of Livingston**

WHEREAS, the Livingston Fire Department is committed to protecting those who live and visit our community from the hazards of fire; and

WHEREAS, fire is a serious public safety concern both locally and nationally and residential homes are where people are at greatest risk from fire; and

WHEREAS, smoke alarms can detect smoke well before humans can, alerting to danger in which may leave as little as two minutes to escape safely; and

WHEREAS, the City of Livingston residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a home fire; and

WHEREAS, the City of Livingston residents should ensure their smoke and carbon monoxide alarms meet the needs of their family members, including those with sensory and physical disabilities; and

WHEREAS, the Livingston Fire Department is dedicated to reducing the occurrence of home fires and injuries through prevention and education; and

WHEREAS, the City of Livingston residents that are responsive to public education measures are better able to take personal steps to increase their safety from fire; and

NOW, THEREFORE, BE IT RESOLVED on behalf of the Livingston City Commission, I, Melissa Nootz, Chair, do hereby declare October 8-14, 2023, to be:

**FIRE PREVENTION WEEK IN
LIVINGSTON, MONTANA**

Signed this ____ day of October, 2023.

MELISSA NOOTZ, Chair
Livingston City Commission

EMILY HUTCHINSON,
CITY CLERK

File Attachments for Item:

A. 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.

Date: October 3, 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 30.47 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) open space preservation, and mixed use development.

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. Protect natural and cultural resources
2. Encourage open space and recreational areas beyond the minimum subdivision requirements
3. Promote a more effective use of land than the base zoning district would allow, resulting in clustered development and a more condensed network of utilities and streets
4. Encourage 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. Encourage affordable/ workforce housing development
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 based on their unique challenges and merits.

Because the establishment of a PUD involves rezoning and site design, 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. This work session will allow residents who may potentially be impacted by the proposed development to weigh in and, hopefully, encourage developers to address community concerns early in the planning process.

The uniqueness of each PUD application will require additional review time by staff and advisory boards; consequently, staff is recommending a minimum 1/2-acre size for all proposed PUDs. To maintain consistency with the existing zoning code, PUDs will only be allowed in those zoning districts where residential development is allowed; the exception to this is the R-I district. PUDs will be allowed in the R-II, RII-MH, R-III RMO, MU, CBD and HC zoning districts. To promote mixed use development, developer incentives will be awarded in exchange for dedicated building floor area to commercial uses. Commercial uses in a PUD must be appropriately scaled and compatible with the proposed development and with respect to the neighborhood surrounding the PUD. Commercial uses should be located, designed and operated to serve, primarily, the needs of residents within the PUD and, secondarily, those residing outside the PUD. Staff recommends 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. Heavy Industrial uses are not allowed.

Below is a table that identifies Developer Incentives and Public Benefits as included in the proposed PUD Ordinance:

DEVELOPER INCENTIVES	PUBLIC BENEFITS
1. Residential Density Bonus	A. 10% deed restricted Affordable Housing units (min. 2 units)
2. Height Increase	B. Deed restricted Affordable Housing units at or below 60% AMI
3. Waived Impact Fees	C. 10% reduction in vehicular trips to be generated by the PUD
	D. Open Space area is at least 20% of PUD
	E. Commercial Uses in at least 5% of total building floor area

Findings of Fact for Proposed Zoning Text Amendment

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, affordable housing, 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, affordable housing, commercial uses, and/or additional open space 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, the maximum height allowed is 40 feet; therefore, 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 City’s 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 site design allowed by the PUD Ordinance will help ensure 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 PUD Ordinance will encourage appropriate land uses as each proposed PUD will be unique and tailored for the site where the development is located. Staff does not anticipate PUD development will adversely impact building values in the City.

Fiscal Impact

The proposed PUD Ordinance is not anticipated to have adverse fiscal impacts to the City. Fees will be assessed for PUD applications 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. Draft Ordinance 3043
- B. Public Comments

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. ~~Protect/serve~~-natural and cultural resources
- 2. ~~Provide/Encourage~~ open space and recreational areas beyond the minimum subdivision requirements
- 3. Promote a more ~~efficient/effective~~ use of land than the base zoning district would allow, resulting in clustered development and a ~~smaller-more condensed~~ network of utilities and streets
- 4. ~~Promote/Encourage~~ mixed uses in ~~new developments 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/Encourage~~ affordable/ workforce housing development
- 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 ~~4~~0.5 acres 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 the following zoning districts: areas where the base zoning district is primarily residential; those are: R-I, R-II, RII-MH, R-III and, RMO, MU, CBD and HC.
- 3. Commercial Uses: ~~All PUDs must include a commercial component~~Commercial uses in PUDs that are not allowed by-right in the base zoning district must be appropriately scaled and compatible with ~~the other uses in~~ proposed development and with respect to the existing 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 commercial use-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 <u>housing-Housing units</u> (min. 2 units)
2. Height Increase	B. Deed restricted Low Income Affordable <u>housing Housing units at or below 60% AMI</u>
3. Waived Impact Fees	C. 10% reduction in vehicular trips to be generated by the PUD
	D. Increase open space to 20% <u>Open Space of PUD area</u> is at least 20% of PUD
	E. <u>Commercial Uses in at least 5% of total building floor area</u>

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 density increase allowed
- ii. Increased Height- only allowed ~~where in~~ R-II or R-II:MH ~~are base~~-zoning districts; ~~up to~~ maximum height allowed is 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-Housing unit at or below 60% AMI. Waived Impact Fees will only be awarded for Affordable Housing at or below 60% AMI; this incentive does not apply to other public benefits.

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.e 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%~~ based on the Area Median Income (AMI); for Park County.
 - 2. The AMI is set annually for Park County by the U.S. Department of Housing and Urban Development ~~will be used to determine housing affordability.~~
 - 3. Affordability for Renter-Occupied vs. Owner-Occupied housing units will be determined based on the AMI in place at the time the PUD is approved at a public hearing. Affordability thresholds will be listed on the PUD application form.
 - 3. ~~Low Income Affordable Housing is defined her as being at or below 60% AMI~~
 - 4. All Affordable/~~Workforce~~ housing 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 public open space; no more than half of ~~total~~ dedicated open space may for passive use as defined in ~~be Type 1.a as classified in~~ LMC Sec 28-VI-A-16.b.1.a
- iv. Commercial Uses- A minimum of 5% of total building floor area in the PUD must be dedicated to commercial uses.

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 total density increase allowed is 25% ~~over~~ above the base zoning district
 - 1. Affordable (~~Moderate or Low Income~~)/~~Workforce~~-Housing
 - 2. Reduced Vehicular Trips
 - 3. Increased Open Space
 - 4. Commercial Uses
- 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
 - 4. Commercial Uses
- iii. Waived Impact Fees- Awarded on a 1:1 basis ~~for each deed restricted Low Income~~ 1 Affordable Housing unit at or below 60% AMI

NOTE: ~~Low Income~~ Affordable Housing Units ~~units (those at or below 60% AMI)~~ will qualify for the Waived Impact Fees as well as count toward the total number of Affordable Housing Units needed to obtain Residential Density Bonus 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 A height bonus is only allowed in RII or RII:MH zoning districts. A height bonus may only be awarded once for a maximum height of 40 feet in the PUD. is limited to a one time award; height bonus is only allowed in RH or RII:MH zoning districts; maximum 40' total height allowed.~~
- b. ~~The increased residential density bonus may be awarded more than one time; however, the total maximum increased residential density bonus shall not exceed ~~allowed is~~ 25% total over above the residential density allowed in the base zoning district's residential density.~~

c. The incentive received for Commercial Use Floor Area public benefit is limited to a one-time award. Live/ Work units shall not comprise more than half of total commercial floor area.

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 corresponding 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.~~

4. Cash-in-Lieu and Financial Guarantees of Public Benefits

a. For Phased PUDs: At the City’s discretion, a financial guarantee may be accepted for provision of a public benefit in a future phase in lieu of concurrent implementation of the benefit with the corresponding developer bonus.

b. For the Increased Open Space public benefit: At the City’s discretion, cash-in-lieu may be accepted for the fair market value of some or all of the required open space to allow the City to fund open space or recreational amenities in an alternate location. If the open space includes multi-modal transportation infrastructure that is being used to demonstrate a Trip Reduction public benefit, cash-in-lieu is not allowed.

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~~apply if the PUD fails to comply with the approved completion schedule:
 - a. For PUDs ~~which that~~ do not ~~involve or require include~~ a subdivision of land:
 - 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 October, 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 October, 2023.

MELISSA NOOTZ – Chair

ATTEST:

APPROVED AS TO FORM:

EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney

From: [Grant Gager](#)
To: [Jennifer Severson](#)
Subject: FW: Possibly Helpful Information on Affordable Housing Incentives and Zoning Reform Impacts on Home Prices
Date: Tuesday, September 12, 2023 10:33:25 AM
Attachments: [portland-inclusionary-housing_calibration-findings.pdf](#)
[Portland Residential Infill Project -year-one-summary-report-final-draft-june-2023-updated.pdf](#)
[PSU Survey 2018 Accessory Dwelling Units in Portland Oregon.pdf](#)

FYI...more input on PUD ordinance.

From: ROBERT LIBERTY [mailto:robertliberty9425@comcast.net]
Sent: Monday, September 11, 2023 5:21 PM
To: Grant Gager <ggager@livingstonmontana.org>
Cc: Ken Cochrane <kcc@thetonied.com>; Tom Blurock <tblurock@gmail.com>; Melissa Nootz <mnootz@livingstonmontana.org>
Subject: Possibly Helpful Information on Affordable Housing Incentives and Zoning Reform Impacts on Home Prices

Grant

As promised, I am sending you some reports you might find helpful in further development of the incentives in the PUD ordinance and more generally in suggesting ways of increasing the supply of market affordable housing types.

Because their relevance may not be obvious at first, let me explain what I have attached.

First before dismissing any data from Portland, consider this: Zillow calculates the average home value in Livingston to be \$522,543 and for Portland it is \$538,106. Zillow reports the median rent (for all types and sizes of rental housing) in Livingston is \$2,250 compared to \$1,795 in Portland.

BAE Urban Economics Evaluation of Effectiveness of Portland's Inclusionary Zoning Requirements

Portland has had an inclusionary zoning ordinance for larger multifamily projects for many years.

I am not suggesting that Livingston adopt that approach. Even here in Portland some people believe IZ is counterproductive.

However, the BAE analysis of the effectiveness of the inclusionary zoning program delves into the ratio of incentives to housing production and has some detailed cost figures and recommendations that may be useful.

Prototype developments 1, 2 and possibly 3 would fit the scale of downtown Livingston.

The following slides might be especially interesting and helpful - at least for comparison and to help think through an analysis - 10, 11, 13, 16 & 17 (impact of the requirement of having active uses, typically retail on the first floor), 25 changing relationship between median rents and construction costs, and most importantly the findings on the calibration between

incentives and production of affordable units - slides 26-35.

2023 Evaluation of Portland's Residential Infill Project

The city of Portland dramatically revised its single family zoning districts to allow two, three and four plexes on formerly SFR zoned lots, and up to six units if two units are affordable. At the same time the Residential Infill Project reduced the maximum size (FAR) of homes, thus maintaining garden and yard space around buildings and reducing potential bulk that upsets neighbors. This reform also reflected the understanding that unit cost was directly related to size. (A driving force between this reform was Eli Spevak a Portland developer whose projects were recently described as part of a NY Times article.)

The Portland RIP project overlapped and coincided Oregon's statewide reform of single family zoning in 2019. (If for some reason you want to know more about this you can read in [this scintillating article](#).)

In 2023 the city commissioned a study on the results of the RIP after its first year in effect. I have attached a Powerpoint summarizing the results of the study. I won't attempt to call out all the interesting results in this study but there are many.

Accessory Dwelling Units

Construction of ADUs is booming in California, part of Oregon and in other places now that cities and states have begun removing the various poison pills in zoning ordinances. (AARP's Model ADU State Act and Local Ordinance contains a useful description of those obstacles and proposed regulatory language that excludes them.). The Turner Center at UC Berkeley has document some of this flourishing of ADUs. I have seen the statistics showing that many of them are being built in moderate income, majority-minority, neighborhoods and cities in Southern California. People build, manage and rent them for reasons and using financing that is very different from a commercial developer, as shown in the attached 2018 survey. As I recall, about 10% of the units were market affordable at 80% of MAI.

Regards

Robert



FRIENDS *of* PARK COUNTY

Promoting thoughtfully planned development in order to protect and enhance Park County’s vibrant communities, sustainable working lands, and healthy natural resources.

To: Grant Gager, Livingston City Manager
From: Robert Liberty, Planning and Plan Implementation Consultant for Friends of Park County
Re: Draft PUD Ordinance
Date: September 10, 2023

As Ken Cochrane and Tom Blurock stated last week, Friends of Park County (FPC) is happy to see the City considering a planned unit development (PUD) ordinance as part of its implementation of the City’s 2021 Growth Policy.

FPC supports the effort to combine and achieve a variety of community objectives – increasing the supply of market affordable housing, increasing open space and reducing the amount of driving (VMT) that is a major source of greenhouse gases that are changing our climate.

FPC also endorses the general concepts for revision to the draft ordinance presented by staff at the City Commission’s September 5 meeting.

This memo offers comments and suggestions on matters - other than those issues Friends of Park County presented at the City Commission meeting, i.e.

- The insufficiency of the incentives for affordable housing.
- Questioning requiring the inclusion of commercial development.
- Achieving consistency between the draft ordinance and the 2021 Growth Policy.

Later I will be sending along the information I referenced about effective incentives used in other places that increase housing supply.

Increasing predictability and clarity for staff, elected officials, developers and other interested persons.

It is important to address the question of risk and uncertainty faced by developers, which can be just as important for them as the incentives, in making a decision about whether to enter into the PUD process.

The ordinance does not clearly assure the developer that she or he will receive any particular number or amount of incentives:

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.

A “guideline” is advisory, not mandatory. This advisory character is emphasized by the statement that the bonuses “*may* be obtained.”

Other parts of the draft ordinance treat the developer incentives as a form of entitlement. So is unclear whether or not any benefits granted are purely discretionary or not.

Using clear and objective standards in land use regulations is one of Friends of Park County’s planning principles.

Clear and objective standards for what is required and what incentives are guaranteed and the criteria (factual and legal determinations) for approval or rejection of an application are essential to make the provisions easier to understand and apply, to provide fairness for all participants to the proceedings and to allow developers to reduce financial risk and therefore to proceed with a PUD application and to achieve desired outcomes.

“No Adverse Impacts” criteria may be impossible to satisfy.

The review criteria that would be used by the Planning Board in draft subsection F.3.e. requires a finding that “The PUD will not adversely impact the natural environment, critical wildlife and habitat, agriculture, public health and safety, and local services.”

Subsection b. has a similar standard that any deviation from otherwise applicable Public Works standards “will not adversely affect the public and/or surrounding neighborhood.”

“No adverse” impact or affect sounds admirable but isn’t that absolute standard impossible to meet? At a minimum, it is an inviting basis for a legal challenge by anyone who opposes the development.

Need for clarity regarding open space bonus provisions.

Providing additional open space beyond 20% of the project area is another way of securing density benefits. But what qualifies as “open space?” It is not defined in the draft ordinance or the existing zoning ordinance (at least, the one available online [here](#).) Are stormwater retention ponds “open space?” What about steep slopes or wetlands, do those areas count toward the bonus even if the developer could never build on them anyway?

Opportunities to use this ordinance to further implement the Growth Policy.

The City might wish to consider ways in which this ordinance could be adapted to implement some other aspects of the Growth Policy, including:

- Conservation of farm and grazing lands and wildlife habitat in the Extraterritorial jurisdiction or the areas southeast of the Yellowstone shown as natural areas in the

Growth Policy. This could be accomplished by allowing developers to offer conservation easements in these areas as the basis for the award of bonus densities and fee waivers.

- Incentives for projects that implement the ten Smart Growth Principles in the Growth Policy.
- Incentives for building designs, landscaping, and infrastructure systems and designs that reduce demands for water and waste and stormwater treatment.

Integrating these ordinance provisions into the forthcoming zoning ordinance revision.

Integrating this draft ordinance into the complete revision of the zoning ordinance might allow for many of these ideas to be cost-effectively considered and coordinated. This may result in greater impact even though it will delay implementation.

From: [Grant Gager](#)
To: [Kenneth Cochrane](#)
Cc: [Melissa Nootz](#); [Robert Liberty \(robertliberty9425@comcast.net\)](#)
Subject: RE: FPC comments on proposed PUD
Date: Saturday, September 16, 2023 12:33:58 PM
Attachments: [image001.png](#)

Ken,

Thank you for sharing this with me. We will review as we work to refine the PUD ordinance.

Have a nice weekend,
Grant

From: Kenneth Cochrane [mailto:kcc@thetonied.com]
Sent: Sunday, September 10, 2023 9:20 PM
To: Grant Gager <ggager@livingstonmontana.org>
Cc: Melissa Nootz <mnootz@livingstonmontana.org>; Robert Liberty (robertliberty9425@comcast.net) <robertliberty9425@comcast.net>
Subject: FPC comments on proposed PUD

Grant,

Thank you so much for taking time to meet with me, Tom and Robert last week. We appreciate your accessibility and willingness to consider our perspectives.

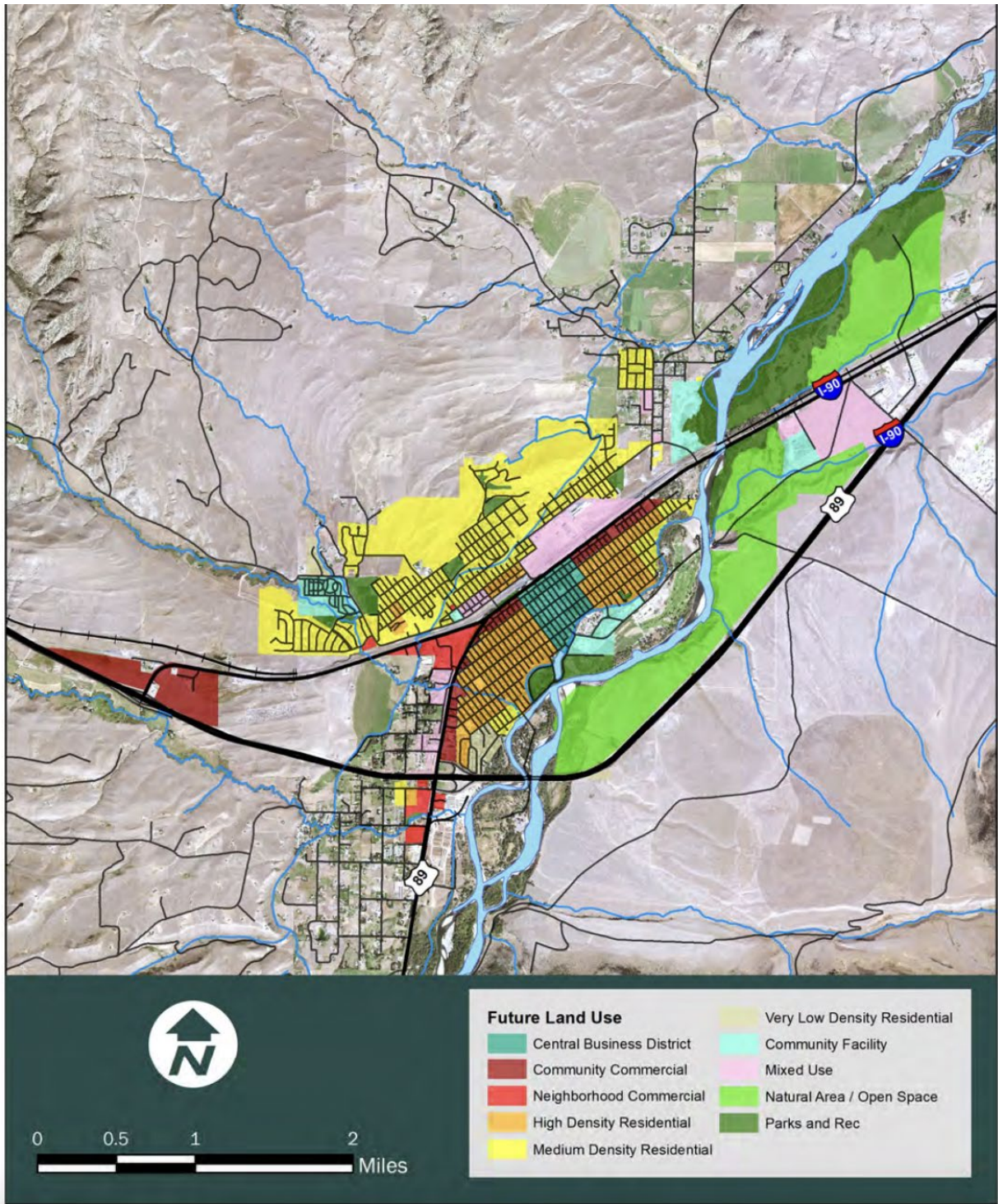
Robert listened to Director Severson's presentation on the potential changes to the PUD ordinance and confirmed that they are generally consistent with our own recommendations.

There are some other issues not discussed at your September 5 hearing that Robert identified that you might wish to consider; they are attached.

However, I am writing you to get your thoughts on a much bigger issue.

During the presentation on the places where the PUD ordinance might apply that have bigger lots (1/2 to 1 acre) something caught my eye.

The largest vacant parcels in the areas currently zoned R1 and R3 are southeast of the Yellowstone River. They are in areas designated in the Growth Policy's Future Land Use Map as "Natural/Open Space" and "Parks and Rec," shown here.



The area of the Heart K Ranch inside the City limits (the land northeast of the city center between the railroad tracks and the River) was originally part of a development concept and development agreement that anticipated 876 dwellings and a commercial district three-quarters the size of downtown.

During the development of the Growth Policy in early 2021 Planning Board member Taya Cromley moved to change the land use designation of that land to "Parks and Rec." That motion was passed and the Park and Rec. designation on the Future Land Use Map was approved as part of the Growth Policy by the City Commission in May 2021.

At its September 21, 2021 meeting the City Commission unanimously rejected a proposal to allow the transfer of development rights to allow the development to proceed.

However, the old zoning for that development has been left unchanged for more than two years and now the

densities could be increased through the PUD ordinance instead of protecting the land.

It seems to us that given that the City is anticipating changing the zoning ordinance to reflect the Growth Policy next year as part of the zoning code revisions, the PUD ordinance should only apply to those zones which are consistent with the Growth Policy's Future Land Use Map.

I am interested in your thoughts.

Ken

From: [MrsD](#)
To: [Jennifer Severson](#)
Subject: Re: FW: Form submission from: Contact Us
Date: Tuesday, September 5, 2023 12:30:43 PM

Jennifer, thanks for your reply. I guess I am objecting to both the PUD and the ADU, though my opinion may carry no clout in either one. I do find it atrocious that property use guidelines can be changed that way, pulling the rug out from under residential property owners, so to speak. I am strongly opposed to creating greater density in residential neighborhoods, regardless of the acronyms which may be involved.

Thanks again for your consideration.

Martha Downing

Sent with [Proton Mail](#) secure email.

----- Original Message -----

On Tuesday, September 5th, 2023 at 11:56 AM, Jennifer Severson <jseverson@livingstonmontana.org> wrote:

Hello Martha,

Are you referring to the draft Planned Unit Development (PUD) Ordinance that is being discussed at the City Commission meeting this evening? Or are you referring to the state-mandated additional density approved during this year’s legislature through SB323 (duplex housing)? If it’s the latter, this is a state law that will take effect in January 2024 that allows some additional density on lots where single family residential development is allowed; the city has no control over it and must follow this state law. If you are referring to the city’s draft PUD Ordinance I will pass your comments along to the City Commission. Please let me know when you have a minute.

Thank you,

Jennifer Severson – Planning Director

City of Livingston
[\(406\) 222-4903](#)

From: Emily Hutchinson <ehutchinson@livingstonmontana.org>
Sent: Tuesday, September 5, 2023 10:51 AM
To: Grant Gager <ggager@livingstonmontana.org>; Jennifer Severson <jseverson@livingstonmontana.org>
Subject: FW: Form submission from: Contact Us

Hi,

This came in through the website just now.

Thanks,
Emily

From: Livingston Montana [<mailto:livingston-mt@unicodeweb.com>]
Sent: Tuesday, September 5, 2023 10:47 AM
To: webmaster <webmaster@livingstonmontana.org>
Subject: Form submission from: Contact Us

Submitted on Tuesday, September 5, 2023 - 10:46am

Submitted by anonymous user: 63.153.22.61

Submitted values are:

First Name Martha

Last Name Downing

Email themoo60@protonmail.com

Question/Comment

Concerning the proposal to change zoning and permit more households on smaller lots in residential neighborhoods: When we bought our home in Livingston some years ago, we were mindful of the importance of zoning. It was important to know not just how our own property was zoned, but also the zoning on surrounding properties in the area. We wanted assurance that the character our neighborhood would not change, that we would not find ourselves living next to a truck stop or a trailer park, for example. Population density is a factor in home choice: we did not, and do not, wish to live in a neighborhood of high-density households. Higher-density residential areas have more street traffic, more parking conflicts, more slamming doors, more barking dogs. You are proposing to change the rules for existing neighborhoods, and that is not right.

Phone Number [3072676419](tel:3072676419)

The results of this submission may be viewed at:

<https://www.livingstonmontana.org/node/7/submission/1746>

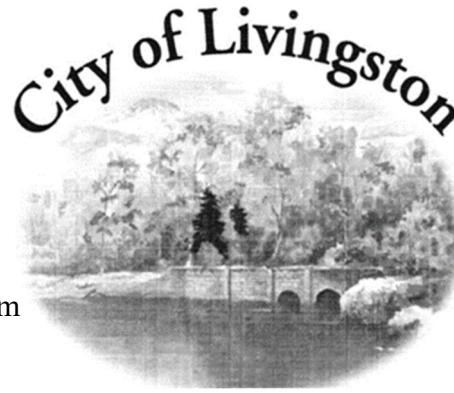
File Attachments for Item:

B. ORDINANCE 3045: AN ORDINANCE OF THE CITY OF LIVINGSTON MONTANA REMOVING FEES FROM THE MUNICIPAL CODE

City Manager
Grant Gager

220 E Park Street
(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: 9/13/2023
To: Chair Nootz and City Commissioners
From: Paige Fetterhoff

Staff Report for Ordinance 3045 Amending Sections of Municipal Code Containing Fees

Recommendation and Summary

Staff is recommending the Commission approve Ordinance 3045 to remove fees from Livingston Municipal Code by adopting the following motion:

“I move to approve Ordinance Number 3045 and authorize the Chair to sign Ordinance Number 3045.”

The reasons for the recommendation are as follows:

- Fees can be set by the City Commission by resolution and need not be set by ordinance.
- Fees should be changed from time to time to reflect the cost of providing certain services.

Introduction and History

The City of Livingston desires to provide a fee schedule that includes all fees charged by the City of Livingston for services. Many fees have not been update in over a decade and no longer cover the cost of providing services. In an effort to be able to easily update fees, Livingston Municipal Code needs to be amended to remove all fees and add language for fees to be set by resolution.

Analysis

Staff identified 27 sections of code that contained fees. In each section, the fee has been removed and replace with language allowing fees to be set by the City Commission by resolution. Staff is currently in the process of identifying and updating all fees across multiple departments.

Fiscal Impact

There is no fiscal impact related to the removal of fee amounts from Municipal Code.

Strategic Alignment

Ensuring adequate recovery of costs will enable sustainable City operations.

Attachments

- Attachment A: Ordinance 3045

ORDINANCE NO. 3045

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE LIVINGSTON MUNICIPAL CODE, TO REMOVE ANY PERMIT AND FEE AMOUNTS AND REPLACE THEM WITH LANGUAGE TO SET AMOUNTS VIA RESOLUTION.

* * * * *

Preamble.

The purpose of this Ordinance is to update and remove sections of the Livingston Municipal Code where fee and permit amounts are set by ordinance and change the language so that all fee and permits amounts are set by resolution.

* * * * *

WHEREAS, the Livingston Municipal Codes set certain fees with in the code; and

WHEREAS, the City Commissions 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

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

SECTION 1

That Livingston Municipal Code by amended as follows with deletions struck through and additions redlined as follows:

Sec. 3-14. License fees.

The annual license fees shall be set by the City Commission by separate resolution.~~as follows:~~

- ~~A. For an all beverage license \$406.25~~
- ~~B. For an all beverage license for fraternal organizations 170.00~~
- ~~C. For beer retailer license (either on or off premises only lease) 195.00~~
- ~~D. For special beer license upon daily basis 60.00 and fifteen dollars (\$15.00) per day additional for any event lasting for more than two (2) days.~~
- ~~E. For beer for any unit for a nationally chartered veterans organization 85.00~~
- ~~F. For table wine for on or off premises consumption 195.00~~
- ~~G. For additional expenses for the transfer of any license 110.00~~
- ~~H. For transfer of any license 110.00~~

A prorated license fee shall be charged for the portion of any year for which application is made. No refund of any fees shall be given upon the discontinuance of the business for any reason or upon sale of the business.

The license fees as provided in this section are in addition to other City licensing fees and any other fees required for the sale of liquor.

(Ord. 1823, 11/20/95)

Sec. 4-22. Dog and cat tags securely fastened, exception.

- A. Upon payment of the license fee under this Section the City shall issue to the owner a license certificate in the form of a receipt and a metallic tag for each dog and cat so licensed. The tag shall have stamped thereon the year for which it was issued and the number appearing on the certificate. Every owner of a dog shall provide each dog with a collar and shall securely attach to such collar the license tag and the vaccination tag.

Every owner of a cat shall provide proof of licensure thereof, however the cat shall not be required to wear a collar with an attached license.

- B. No license provided for in this Section is transferable, and no license tag shall be fastened to any dog or cat other than the one for which it was issued. Any person who knowingly fastens a license tag or a vaccination tag to any dog or cat other than the one for which such tag was issued or who willfully permits such dog to wear any license tag or vaccination tag issued for another dog, is guilty of a civil offense. The Animal Control Officer shall impound every dog or cat found bearing a license tag or vaccination tag not issued for that dog or cat, and shall dispose of such dog or cat as provided by Section 4-44.
- C. In case a license tag is lost or destroyed, the owner of the dog or cat shall apply to the City for a duplicate tag and City shall issue a duplicate tag upon presentation of the receipt showing payment for the license for the current year ~~and upon payment of two dollars (\$2.00) for the duplicate tag.~~ The cost of the duplicate tag shall be based on the cost of the tag to the City.
- D. In case a vaccination tag is lost or destroyed, the owner of the dog or cat shall apply to the veterinarian who vaccinated the dog or cat for a duplicate tag, and such veterinarian shall issue a duplicate tag upon presentation of the receipt showing payment for the vaccination and upon payment of such charge as the veterinarian may require.

(Ord. 1984, 4/2/07; Ord. No. 2043 , § 1, 12/4/12)

Sec. 4-71. Registration.

Any dog found by the Court to be vicious and dangerous pursuant to a hearing under Section 4-73 shall be registered with City of Livingston within ten (10) days of the effective date of the finding. The vicious and dangerous dog registration fee shall be ~~Seventy-Five Dollars (\$75.00) per year~~ set by the City Commission by separate resolution, plus the actual costs incurred by the City in making the warning sign.

(Ord. 1984, 4/2/07)

Sec. 5-12. Industrial Revenue Bonds.

- (a) The City shall impose a fee upon any applicant for industrial revenue bonds which shall be set by the City Commission by separate resolution according to the following schedule:
 - 1. ~~An application fee of one hundred dollars (\$100.00).~~
 - 2. ~~A minimum additional fee of one thousand dollars (\$1,000.00).~~
 - 3. ~~A fee of one dollar (\$1.00) for each one thousand dollars (\$1,000.00) of face amount of bonds proposed to be issued above three hundred thousand dollars (\$300,000).~~
- (b) The application fee shall be due upon first application and appearance before the Council. The minimum additional fee and other fees shall be non-refundable and shall be imposed and due the day following the adoption of a resolution authorizing the project, whichever occurs later. If the Council does not authorize a project after public hearing no fee other than the application fee shall be charged.
- (c) The purpose of the fees is to defray expenses, direct and indirect, to the City in the review and consideration of such projects and such fees shall go to the general fund of the City.

(Ord. 1453, 12/3/79; Ord. 1620, 3/20/89)

Sec. 6-190.1. Special improvement district waivers.

- A. Any applicant for a building permit and owner of the real property of such location, where any or all of certain public improvements have not been made of either curbs, gutter, sidewalks, storm drains, or street paving, shall be required to waive their right to protest the creation of any future special improvement district or districts for improvements, including curb, gutter, sidewalk, storm drainage, and paving that may

become assessable under a duly passed resolution to create a special improvement district or districts under applicable Montana statutes.

- B. The waiver described in subsection A of this Section shall be recorded at the Park County, Montana, office of Clerk and Recorder. The waiver shall state that the waiver shall run with the land and shall be binding upon subsequent owners of the real property.
- C. A fee, ~~to be set by the City Commission by separate resolution, of Fifteen Dollars (\$15.00)~~ shall be charged to the applicant for costs associated with processing and recording the waiver.

(Ord. 1983, 2/20/07)

Sec. 9-26. Same—lien for charges: moving charges; payment of charges by owner.

The City shall have a lien upon each impounded vehicle or trailer for the amount of the cost of removing and impounding such vehicle or trailer, plus such reasonable amount as may be charged by the depository storing such vehicle or trailer, plus an administrative charge of twenty-five dollars (\$25.00). In the event such vehicle or trailer is moved by the police or street department with its own equipment, the charge for moving it shall be fifteen dollars (\$15.00). In the event such vehicle or trailer is stored at police headquarters, the storage charge shall be two dollars and fifty cents (\$2.50) per day. All such charges are declared to be reasonable and proper charges to cover the cost of hauling to the depository or police headquarters and storage therein. No impounded vehicle or trailer shall be released to any claimant without the payment of the charges provided in this section, unless the Chief of Police is reasonably satisfied that such vehicle or trailer was improperly impounded.

(Code 1958, 28-74; Ord. 1256, 9/14/73; Ord. 1701, 1/21/92; Ord. 1747, 6/21/93)

Sec. 11-70. Storage and transportation of liquefied petroleum gases—Establishment of limits.

The storage and dispensing of flammable or combustible liquids in outside aboveground tanks and bulk storage of liquefied petroleum gases is to be permitted as follows:

- 1. There shall be no new facilities installed for the storage of flammable or combustible liquids in outside aboveground tanks or bulk storage of liquefied petroleum gases, except as follows:
- 2. Only upon special permit issued by the City of Livingston when, in the sole discretion of the Fire Chief, such installation is not detrimental to the general welfare, health and safety of the residents of the City of Livingston and then only if such aboveground storage tanks or bulk storage facilities meet the following requirements:
 - a. Facilities of the type must be permitted by the Fire Code in effect in the City of Livingston at the time of the application for special permit;
 - b. The facility must be installed in accordance with any and all applicable requirements set forth and described in the Fire Code in effect in the City of Livingston at the time of the application for special permit;
 - c. The aboveground and/or bulk storage tank or tanks must be listed and labeled in accordance with any and all applicable requirements set forth and described in the Fire Code in effect in the City of Livingston at the time of the application for special permit;
 - d. The aboveground storage tank must only be used for the storage and dispensing of combustible liquids or liquefied petroleum gases;
 - e. Any public or private entity installing the facility must comply with all other applicable state, federal, and local laws, statutes, rules, regulations, and ordinances;
 - f. Under no circumstances will an aboveground or bulk storage tank or tanks be allowed in any area zoned residential, central business district or neighborhood commercial; and

g. All aboveground and/or bulk storage tank or tanks must be installed to include any and all safety devices and precautions the Fire Chief reasonably believes are necessary to protect the general welfare, health and safety of the residents of the City of Livingston, which may include, but are not limited to, leak detection or fire suppression measures.

3. Application and Application Fee. Any public or private entity desiring to install an aboveground or bulk storage tank or tanks must submit an application to the Fire Chief with an application fee, set by the City Commission by separate resolution in the amount of Two Hundred Fifty Dollars (\$250.00), which fee shall be used to defray the costs of site inspection and approval.

(Ord. 1307, 10/6/75; Ord. 1487, 7/6/81; Ord. 1849, 3/17/97; Ord. No. 2061 , § 1, 12/15/15; Ord. No. 3038 , 9/6/22)

Sec. 12-93. Notice to destroy.

The Recording Secretary shall give notice to destroy weeds within the City limits by publishing notice to the public at least once each week for two (2) consecutive weeks in a newspaper distributed within the City. The last publication shall not be less than seven (7) days prior to April 30th. (For the calendar year 1990 these notices shall be published following the second reading of this chapter.) Such notice shall at a minimum advise the public as follows:

- A. That all owners of real property or agents having control thereof are responsible for destroying all weeds in prohibited areas by extermination, removal or cutting not later than April 30th of each year and to keep the area free of weeds through November 30th of that year.
- B. Failure to remove the offending weeds may cause the City to remove the weeds and charge the cost thereof against the real property together with an administrative cost equal to twenty-five (25) percent of the removal cost and a penalty, to be set by the City Commission by separate resolution, of twenty-five dollars (\$25.00) for each time the City provides the removal.

(Ord. 1660, 6/4/90)

Sec. 12-94. Failure to comply.

Upon first failure, neglect or refusal to maintain the prohibited areas free from weeds during the prescribed period, the City shall give notice to the noncomplying owner, agent or occupant thereof. Such notice shall provide as a minimum:

- A. That the noncomplying owner, or agent thereof, is allowed seven (7) days from the date of the first notice of noncompliance to exterminate or remove;
- B. That upon failure to comply the City may by its own work forces or by contract cause the weeds to be exterminated, removed or cut and the cost thereof shall be assessed against the noncomplying real property together with an additional administrative cost equal to twenty-five (25) percent of the cost of removal and a penalty to be set by the City Commission by a separate resolution twenty five dollar (\$25.00) penalty;
- C. If the owner, or agent of the property continues to neglect to maintain the prohibited areas free from weeds, the City may at its sole discretion exterminate, remove or cut the weeds again as needed without additional notice of any kind. Charges as in subsection (2), including penalty, will be assessed for each time the City removes the weeds;
- D. That the assessed amount together with costs and penalties shall constitute a lien on the noncomplying real property and will be taxed as a special assessment against the real property. The City has the option of sending a monthly billing statement to the owner, agent or occupant of said premises which is due and payable upon receipt. Should this statement remain unpaid, within sixty (60) days all costs will be levied and assessed against the real property.

(Ord. 1660, 6/4/90)

Sec. 13-16. License—bond required—conditions.

- A. All plumbers working in the public right-of-way shall file with Clerk a minimum bond in the sum of five thousand dollars (\$5,000.00), which bond shall be approved by the governing body, conditioned that the licensee shall properly refill any and all trench or trenches made or dug by him in all thoroughfares of the City, and shall keep and maintain the same in a safe and passable condition, and level and even with the street surface for a period of two (2) years from and after the time the same has been refilled.
- B. Anyone other than a plumber, must purchase a street opening permit from the City, the cost of which shall be set by the City Commission by separate resolution, for five dollars (\$5.00) and furnish proof of bonding as set forth in subsection A of this Section.

(Ord. 1658, 5/8/90)

Sec. 13-19.1. Water system development fee.

- A. Except for City owned buildings and facilities, a water system development fee shall be charged and shall be paid according to the size of the water service line utilized as set by the City Commission by separate resolution, follows:

Meter Size	System Development Fee
5/8	\$750.00
3/4	750.00
1	1,327.00
1-1/4	2,077.00
1-1/2	3,000.00
2	5,325.00
3	12,000.00
4	21,300.00
6	24,000.00
8	88,275.00

- B. The water system development fee shall apply only to new service lines. The fee shall not apply to service lines already installed but not metered or to equivalent (but not larger) replacement lines that are replaced within one hundred twenty (120) days of termination of use of a service line.
- C. The water system development fee shall be in addition to all other permit and tapping fees and shall have no impact upon the current practice of charging customers for additional expenses the City incurs in making a new connection into the City's water main. This practice of charging the new customer for these incidental expenses of materials and human-power shall continue.
- D. The water system development fee shall be paid at the same time as, or before obtaining a building permit. All moneys collected through this water system development fee shall be deposited directly into the capital improvements subaccount of the Livingston Water Utility Enterprise Fund Account. The account shall only be used for capital improvements of the City's water system. The account shall not be used for replacement nor maintenance of existing lines and/or facilities.

(Ord. 1704, 5/4/92; Ord. 1787, 10/17/94; Ord. 1829, 6/3/96: Ord. 1931 § 1 (part), 11/17/03; Ord. No. 3005 , § 2, 4/20/21)

Sec. 13-25. Private water supply—permit—inspection—fee.

- A. Every person who owns or occupies premises which are furnished water from the municipal water system, and who has or intends to construct a private water supply system on the premises, must apply to the City Building Inspector for a yearly permit to have such private water supply system.
- B. There shall be an annual fee, ~~to be set by separate resolution by the City Commission, of ten dollars (\$10.00)~~ for such permit which shall be initially granted only after an inspection of the private water supply system by the Building Inspector.
- C. The Building Inspector is authorized to inspect such private water supply system thereafter as often as they deems necessary, but not less than annually.

(Ord. 1658, 5/8/90)

Sec. 13-38. Water service—discontinuance.

Should the consumer desire to discontinue the use of water temporarily, or should the premises become vacant, the City, when notified to do so in writing, will shut off the water at the curb.

- A. Termination of Service by Customer. Customer shall give Utility at least twenty-four (24) hours' notice, Saturdays, Sundays and holidays excluded, to terminate service, unless a longer notice of termination is provided for in the Livingston Water Department Consumer Contract.
- B. Discontinuance and Refusal of Service by Utility. Utility may refuse to serve or discontinue service to any customer or prospective customer including any other member of the same household or firm as follows:
 - 1. Without Notice:
 - a. In the event of any condition determined by the Utility to be hazardous,
 - b. In the event of customer use of equipment in such a manner as to adversely affect the Utility's equipment or the Utility's service to others,
 - c. In the event of any unauthorized use or diversion of service or when any evidence of tampering with meter or interference with the proper functioning thereof is found,
 - d. Upon receipt of orders from government authority to discontinue service;
 - 2. Upon Not Less than Twenty-Four (24) Hours:
 - a. For violation of and/or noncompliance with any applicable Federal, State, Municipal or other local laws, regulations, and codes,
 - b. For failure of the customer to fulfill their contractual obligations for service,
 - c. For failure of the customer to permit Utility reasonable access to equipment owned by the Utility;
 - 3. Upon Ten (10) Days' Written Notice:
 - a. Waste of water is prohibited, and customers must keep their fixtures and service pipes in good order at their own expense, and all waterways closed when not in use. Leaky fixtures must be repaired at once without waiting for notice from the Utility, and if not repaired after ten (10) days' written notice is given, the water may be shut off,
 - b. For nonpayment of unified Utility service bill, including billing for water, sewer and garbage service and for nonpayment of any portion of Utility bill following reasonable attempts by Utility to effect collection of settlement. Reasonable attempts shall include:
 - 1. Mailing of routine monthly Utility bill,

2. When the account is not paid within thirty (30) days of date of mailing, a "friendly reminder" will be mailed,
3. When the account is not paid within ten (10) days of date of delivering of the "friendly reminder," a "final notice" will be delivered. This may be left at the residence if the owner is not at home. This "final notice" will be delivered by the Code Enforcement Officer and a fee set by the City Commission by separate resolution ~~the cost of five dollars (\$5.00)~~ will be added to the bill.
4. The "final bill" will contain the statement:

Water service will be disconnected at 10:00 a.m. on the third work day following date of delivery. You may appeal this bill by appealing in writing and delivery to Public Works Director at City offices at 414 E. Callender Street, Livingston, MT. The City Manager may appoint either the Utility Superintendent or Public Works Director to hold a hearing on the appeal.
5. Five (5) days after written notification of the City Hearings Officer of decision, the water may be turned off if satisfactory payment has not been made per the Hearing Officer decision.

(Ord. 1658, 5/8/90; unnumbered Ord., 5/21/90)

Sec. 13-42. Water service—violation—penalty.

For violation of any of rules set out in Sections 13-30 through 13-44 or for nonpayment of water usage, the City has the right to turn off the water without further notice, and after it has been turned off from any service pipe on account of nonpayment or violation of the rules, the same shall not be turned on again until back payment and the cost to turn the water off and on are paid. The charge for this service shall be set by separate resolution of the City Commission. ~~Thirty Five Dollars (\$35.00) during normal working hours and Sixty Dollars (\$60.00) for any other time.~~

(Ord. 1658, 5/8/90)

Sec. 13-55. Contract for service.

The rules and regulations of the City set out in Secs. 13-30 through 13-70 are made a part of the contract with every individual, firm, corporation, who takes water, and every such individual, firm, or corporation agrees, in making application for water and sewer, to be bound thereby. The customer service contract shall be as per the following format:

CITY OF LIVINGSTON		
WATER AND SEWER CONSUMER CONTRACT	DATE	
NEW OWNER	TAP NO.	
PREVIOUS OWNER	DISTRICT ____ CLASS	
PROPERTY ADDRESS	EFFECTIVE DATE	
(City) (State) (Zip)		METER (Book/Page)
MAIL TO NAME		
MAIL TO ADDRESS		
(City) (State) (Zip)	CLERK	

SELLER: CITY OF LIVINGSTON, MONTANA

In consideration of these premises, the City agrees to sell and deliver water and sewer services to Consumer at the above address and Consumer agrees to pay for all water, sewer and garbage services delivered to said address at the rate in force. Metered rate payments for water under this Agreement shall be due and payable on or before the 10th day after statement rendered for water delivered during the previous month.

If Consumer is in default under this Agreement, the City may immediately discontinue water deliveries hereunder until such default shall be corrected; including payment as stipulated, to cover the cost of turning water off and on.

In addition to the foregoing and all other remedies available, it is agreed all sums that shall be due and unpaid under this contract shall be and are hereby made pursuant to Section 71-3-102 , M.C.A., a charge or lien against the real property to which the water has been delivered.

Consumer agrees to abide by all City water, sewer and garbage ordinances in Chapter 13 of the Code of Ordinances and rules and regulations of the City governing use of the water and sewer service delivered. All such rules and regulations applicable as they shall from time to time may be amended shall be deemed a part of this contract.

Water services shall be considered on and available unless the City turns the water off at the curb box.

Consumer understands and agrees that the City of Livingston is not responsible for maintenance and repair of the curb box and service line from the main into the improvements on the property. Consumer further agrees that the curb box must be available to the City at all times. Consumer is responsible for costs involved with maintaining service line from main line to curb box.

Consumer grants the City's agent or other authorized persons access at reasonable hours to any premises where water is used for the purpose of making inspection or investigations.

The Consumer agrees to the above stated regulations and notes:

- a. Utility bills are delinquent 30 days after mailing.
- b. Disconnected services will not be reconnected for 24 hours from disconnection. The cost of this service shall be set by the City Commission by separate resolution.~~This service will cost thirty five dollars during normal work hours and sixty dollars at other times for reconnection.~~
- c. Consumer assumes all risks of freezing of service pipes and meter from the service box into said property and will pay all costs incident to the immediate thawing and repairing service.
- d. Consumer agrees to not allow leaks to remain inside property ahead of the installed meter.
- e. City personnel may shut off the water service to said premises for failure to comply with the rules and regulations.

Delay by the City in enforcing its remedies hereunder shall never be deemed a waiver of such default or the remedies herein provided; and an actual waiver of one default hereunder shall be deemed a waiver of any other default whether prior or subsequent.

Delinquent utility bills shall accrue interest at the rate of ten percent (10%) per annum. Water, sewer and garbage services are billed as a part of the monthly bill for a unified utility service billing. Water service will be terminated if the entire unified billing is not paid.

This Agreement shall inure to the benefit of and be binding upon the Consumer, has successors or assigns.

IN WITNESS WHEREOF, the parties do hereby execute these presents.

CITY OF LIVINGSTON
WATER DEPARTMENT

CONSUMER

BY: _____
(Date)

(Date)

(Ord. 1658, 5/8/90; unnumbered Ord., 5/21/90)

Sec. 13-57. Water bill—charges.

If water service is turned off (other than emergency) at the request of the owner, and turned on again, the charge for this service shall be set by the City Commission by separate resolution, twenty dollars (\$20.00) during normal working hours and forty dollars (\$40.00) for any other time.

(Ord. 1658, 5/8/90)

Sec. 13-82. Fire protection.

A. Private Fire Lines. A private fire line will be charged an annual fee for capability to supply meter and maintain line to the curb stop. This fee shall be set by the City Commission by separate resolution.

Line Size	Annual Rate
2-inch line	\$ 37.50
3-inch line	\$ 56.20
4-inch line	\$ 87.50
6-inch line	\$156.20
8-inch line	\$212.50
12-inch line	\$437.50

B. Public Fire Hydrant Charges. The annual charge per hydrant in a private line shall be based on the number of hydrants in service at the beginning of the fiscal year and shall be set by the City Commission by separate resolution, fifty dollars (\$50.00) per hydrant.

(Ord. 1658, 5/8/90)

Sec. 13-83. Miscellaneous water rates.

A. Standpipe Water Sales. The rate for standpipe water sales shall be set by the City Commission by separate resolution, twenty five cents (\$.25) per one hundred fifty gallons or major portion thereof with a minimum charge of one dollar (\$1.00) per tank load.

B. Swimming Pool—Municipal. The rate for a municipal swimming pool shall be the commercial metered rate.

C. Park Irrigation. The rate for park irrigation shall be the metered rate.

D. All Schools. The rate for schools shall be the metered rate.

(Ord. 1658, 5/8/90)

Sec. 13-97. Reimbursement calculations.

Reimbursement under this section shall be determined by the City using the following criteria:

A. The total potential users of the constructed water main extension shall be estimated on the basis of the most probable development of lots adjacent to this water main extension, the capacity of the installation, and the capacity of City water mains.

B. The standard method, not to exclude other methods or factors, of estimating the number of total potential users shall be that one potential user will be allowed per fifty (50) feet of lot frontage. The total potential use by the applicant shall be similarly determined and included in the total of potential users.

C. The cost for a water service tap from the water main extension shall be found by dividing the total cost of the water main installation by the total potential users of the water main extension.

- D. No person shall be reimbursed a greater amount than the total cost of the water main installation less that person's total potential use multiplied by the cost per water service tap.
- E. Commercial property, industrial property, multifamily property and other property of a similar nature will have reimbursement calculated by a method considering customary usage and deemed appropriate by the City.
- F. For purposes of administering this section, each party, including the party extending the water main, shall be charged a fee set by the City Commission by separate resolution ~~of fifteen dollars (\$15.00)~~ for each water service tap.
- G. Adjacent property for purposes of calculation shall only be property living immediately adjacent to the main except for extensions into a planned subdivision wherein the line is owned by the owner within the subdivision.
- H. The City may hire an engineer to make the reimbursement calculation described in this section in which event the engineering fees shall be added to the reimbursement fee to be paid by the party paying the reimbursement.

(Ord. 1658, 5/8/90; Ord. 1781, 9/6/94)

Sec. 14-13.2. Sewer main extensions.

- A. An application must be submitted to the office of the Public Works Director and approved before a City sewer trunk line or a City sewer main may be extended. The application for connection shall be submitted by the City Manager to the City Commission with the City Manager's review, recommendations and suggested connection fee. A connection to the City's sewer by a person or business whose premises are located outside the City shall require a Waiver of Protest of Annexation and a request for withdrawal from the Rural Fire District and the City Manager to make a recommendation to the City Commission to approve extension. In addition, any person or business located outside of the City and currently receiving utility services from the City shall be required to consent to annexation in order to receive continued services. Approval, disapproval, or amendment by the City Commission shall constitute final action upon the application.

City sewer mains are normally eight (8) inches or larger in diameter. Sewer trunk lines carry the largest quantity of sewage in the City's system, and taps shall be held to an absolute minimum. City sewer mains serve as collection systems for neighborhoods and are tapped for service lines. The sewer main line will be extended to the far side of the property as designated by the City.

- B. The application for connection shall set forth the location of the proposed line and connection. The capacity of the line and type of pipe shall be set forth. Any engineering studies shall be enumerated and the Public Works Director may request, if they desire, a copy of such study. The Public Works Director may also request that the method and plan of construction be set forth in more detail by way of maps and diagrams. Applicant must submit appropriate plans approved by the Department of Health and Environmental Science.
- C. To be entitled to reimbursement for connections by other applicants to a sewer main installed under the provisions of this Section, the applicant must submit an itemized and substantiated summary of the total cost of the sewer main installations. Documentation may include a copy of bills for the project. Applicant may submit suggested reimbursement fees.
- D. Before any person may install a service connection from a sewer main, and if within ten (10) years from the original date of an extension, the applicant shall be required to make a payment on a proportionate basis in accordance with this Section. The payment as set forth herein shall be paid to the City for direct reimbursement to the original applicant, and the payment must be made before the new applicant connection permit may be granted. The City's charge for connection to the City's sewer system must also be paid.
- E. Reimbursement under this Section shall be determined initially by the Public Works Director using the following criteria:

- 1. The total potential users of the sewer main extension shall be estimated on the basis of the most probable development of lots adjacent to the sewer main extension, the capacity of the installation, and the capacity of City sewer mains.

Commercial property, industrial property, multi-family property and other property of a similar nature will have reimbursement calculated by a method deemed appropriate by the City considering projected usage and local effect upon the system.

- 2. The standard method, not to exclude other methods or factors, of estimating the number of total potential users shall be that one potential user will be allotted per fifty (50) feet of lot frontage. The total potential use by the applicant shall be similarly determined and included in the total of potential users.
- 3. The cost for a sewer service tap from the sewer main extension shall be found by dividing the total cost of the sewer main installation by the total potential users of the sewer main extension.
- 4. No person shall be reimbursed a greater amount than the total cost of the sewer main installation less that person's total potential use multiplied by the cost per sewer service tap.
- 5. Review of the reimbursement determination may be made by the City Commission as outlined in subsection (A) of this Section.

F. For purposes of administering this Section, each person, including the person extending the sewer main, shall be charged an additional fee set by the City Commission by separate resolution. ~~of Fifteen Dollars (\$15.00).~~

(Ord. 1329, 7/19/76; Ord. 1639, 12/89; Ord. 1802, 1/17/95; Ord. 1804, 1/17/95; Ord. 1868, 2/2/98: Ord. 1925 § 1, 4/21/03; Ord. No. 3005 , § 2, 4/20/21)

Sec. 14-13.3. Wastewater system development fee.

A. Except for city owned buildings and facilities, a wastewater (sewerage) utility development fee shall be charged and shall be paid according to the size of the water service line installed for the development set by the City Commission by separate resolution. ~~as follows:~~

Meter-Size	System-Development Fee
5/8"	\$875.00
3/4"	875.00
1"	1,550.00
1 1/4"	2,425.00
1 1/2"	3,500.00
2"	6,210.00
3"	14,000.00
4"	24,850.00
6"	28,000.00
8"	102,987.00

- B. This new wastewater system development fee shall have no impact upon the current practice of charging customers for additional expenses the City incurs in making a new connection into the City's wastewater collection system main. This practice of charging the new customer for these incidental expenses of materials and manpower shall continue.
- C. The wastewater development fee must be paid before obtaining a building permit and/or before the water is turned on. All moneys collected through this wastewater system development fee shall be deposited directly into the Livingston Sewer Enterprise Fund's Capital Improvement Account. The account shall only be used for

capital improvements of the City's wastewater system. The account shall not be used for replacement nor maintenance of existing lines and/or facilities.

(Ord. 1705, 5/4/92; Ord. 1788, 10/17/94; Ord. 1833, 6/17/96)

Sec. 14-82. Private sewage disposal.

1. Where a public sanitary or combined sewer is not available under the provisions of Division 2, Sec. 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.
2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Public Works Director. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Public Works Director. A permit and inspection fee shall be set by the City Commission by separate resolution of fifteen (15) dollars shall be paid to the City of Livingston at the time the application is filed.
3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Public Works Director. They shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Public Works Director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Public Works Director.
4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Montana. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Division 3, Sec. 4, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
7. No statement contained in this Division shall be construed to interfere with any additional requirements that may be imposed by the health officer.
8. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

Sec. 14-83. Building sewers and connections.

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Public Works Director.
2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or their agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Director. A permit and inspection fee ~~shall be set by the City Commission by separate resolution of fifteen dollars (\$15.00) for a residential or commercial building sewer permit and twenty five dollars (\$25.00) for an industrial building sewer permit shall be paid to the City at the time the application is filed.~~

~~An additional charge for connection to the City's sewer system shall be one hundred fifty dollars (\$150.00) for single family and commercial connections. Multiple units using a single tap shall be charged an additional fifty dollars (\$50.00) per unit. Industrial connections charges shall be one hundred fifty dollars (\$150.00) plus fifty dollars (\$50.00) for each multiple of an average residential use. The fees must accompany the original application.~~ In addition, the user shall be charged for any City time and material in making the connection to City lines.

(Ord. 1640, 12/89)

3. All applications for industrial waste permits shall be approved by the City Council after review and recommendation by the Council Health and Sanitation Committee.
4. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The building owner shall maintain at the building owner's sole expense the building sewer or service line from the City main to the building.

(Ord. 1786, 9/19/94)

5. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
6. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City, to meet all requirements of the ordinance codified in this Chapter.
7. The size, slope, alignment, materials of construction of all sanitary sewers, including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
8. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
9. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

- 10. The connection of the building sewer to the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Public Works Director before installation.
- 11. The applicant for the building sewer permit shall notify the Public Works Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Public Works Director or their representative.
- 12. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(Ord. 1375, 10/4/77)

Sec. 26-40. Snow removal vehicles—permit requirements.

- A. Any person operating motorized equipment or vehicles for snow removal for hire shall be required to have a City permit.
- B. All permit holders and all Federal, State or local governmental entities and school districts shall comply with the City Ordinances and with requirements for removal and deposit of snow as set forth in regulations set forth in writing by the City Public Works Superintendent.
- C. Each permit shall cost an amount to be set by the City Commission by separate resolution ~~Fifteen Dollars (\$15.00) per year~~ and shall be purchased by January 31st of each year without proration.

(Ord. 1940 § 1 (part), 3/15/04)

Sec. 26-107. Driveway construction—permit and supervision.

Before any person builds or constructs a driveway from private property and where concrete curbing must be removed to any City street, a written permit shall be obtained from the City to permit a curb cut and driveway construction. The City Building Department must approve all plans and specifications for the construction of the driveway. A permit fee shall be set by the City Commission by separate resolution of One Hundred Dollars (\$100.00) ~~shall be charged for each curb cut in a two (2) hour parking zone. In all other areas, the permit fee shall be Thirty Dollars (\$30.00).~~ The Building Department may supervise the construction of the curb cut and driveway to see that specifications are met.

(Ord. 1940 § 1 (part), 3/15/04)

Sec. 29-18. Fees.

A processing fee shall be set by the City Commission by separate resolution and of fifty dollars (\$50.00) shall be submitted with each permit application.

(Ord. No. 2033, § 1, 8/16/11)

Sec. 30.84. Investigation fee.

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

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 began before the effective dates 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, on first reading at a regular session thereof held on the 19th day of September, 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 3rd day of October, 2023.

MELISSA NOOTZ, CHAIR

ATTEST:

APPROVED AS TO FORM:

EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney

PUBLIC NOTICE

NOTICE, is hereby given the Livingston City Commission will conduct a public hearing on Tuesday, October 3rd at 5:30 p.m. after the second reading of **ORDINANCE NO. 3045: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE LIVINGSTON MUNICIPAL CODE, TO REMOVE ANY PERMIT AND FEE AMOUNTS AND REPLACE THEM WITH LANGUAGE TO SET AMOUNTS VIA RESOLUTION.** This public hearing will be conducted in the Community Room of the City/County Complex at 414 E. Callendar Street, Livingston, MT. For additional information contact Paige Fetterhoff at (406) 823-6003.

Please publish twice on:

September 23rd and September 30th

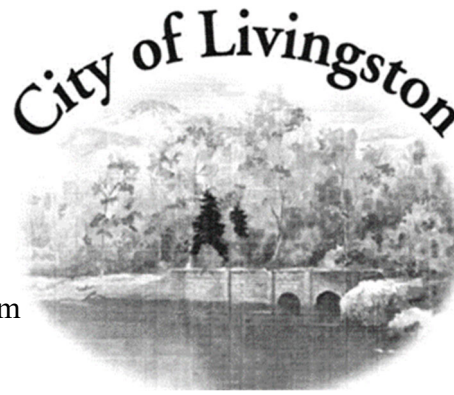
File Attachments for Item:

A. RESOLUTION 5110: ESTABLISHING A FEE SCHEDULE AND CHARGES FOR ALL DEPARTMENTS

City Manager
Grant Gager

220 E Park Street
(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: 10/3/2023
To: Chair Nootz and City Commissioners
From: Paige Fetterhoff

Staff Report for Resolution No. 5110 Establishing a Fee Schedule

Recommendation and Summary

Staff is recommending the Commission Approve Resolution 5110 to establish and adopt a City-wide fee schedule by adopting the following motion:

“I move to approve Resolution Number 5110 and authorize the Chair to sign Resolution Number 5110.”

The reasons for the recommendation are as follows:

- Most fees currently charged by the City were established more than 10 years ago and have not been updated since. Because fees are not updated on regular basis, they are not reflective the actual cost to provide these services.
- Establishing all fees within one resolution will make the process of changing fees simpler over time and provide consistency across departments.

Introduction and History

City fees and permits have been updated and changed in several different ways over the years. Some fees were set by resolution while others were set by ordinance. Because of varying processes, it is difficult to determine what fees actually were and who was responsible for updating them. Staff introduced Ordinance 3045 to remove fees from City Code in an effort to move to a process that allows for all permits and fees to be set by resolution.

Analysis

Currently many fees charged by the City do not cover the actual cost of the service provided. Fees have been reviewed to ensure these costs are recovered by those receiving the service including attaching certain fees directly to the cost charged to the City by a vendor when appropriate.

Fiscal Impact

Overall, there will be an increase in revenue across multiple funds of the City as fees are aligned with costs.

Strategic Alignment

Ensuring adequate recovery of costs will enable sustainable City operations

Attachments

- Resolution no. 5110

RESOLUTION NO. 5110

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA ESTABLISHING A FEE SCHEDULE AND CHARGES FOR ALL CITY DEPARTMENTS.

WHEREAS, the City incurs administrative costs in processing applications, enforcing codes, administering regulations, maintaining facilities, monitoring project development, engaging the public, reviewing proposals, providing support, and conducting required inspections; and

WHEREAS, the Livingston Municipal Code and 7-21-4101, MCA authorizes the establishment and adoption of fees to cover the administrative costs of reviewing applications for any service provided by the City of Livingston; and

WHEREAS, each department within the City of Livingston has quantified the costs of processing and administering each application specific to that department;

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

That the City Commission hereby rescinds all existing fee schedules established and adopted prior to the date of this resolution in their entirety and establishes a comprehensive fee schedule for all city fees in Exhibit A, which is attached hereto and incorporated herein by reference and are hereby established pursuant to 7-21-4101, MCA.

PASSED AND ADOPTED by the City Commission of the City of Livingston, Montana this 3rd day of October, 2023.

MELISSA NOOTZ - Chairperson

ATTEST:

APPROVED AS TO FORM:

EMILY HUTCHINSON
City Clerk

JON HESSE
City Attorney

Parks Department	
Memorial Bench	\$1,200
Tree cut permit	\$50
Tree planting permit	\$50

Street Department	
Street Cut Permit	
Permit	\$75
Degradation fee – based on age of street	
0-1 year	\$3.50/sq. foot
1-2 years	\$3.00/sq. foot
2-3 years	\$2.50/sq. foot
3-4 years	\$2.00/sq. foot
4-5 years	\$1.50/sq. foot
5+ years	\$1.00/sq. foot
Sidewalk and/or driveway curb cut permit	\$50 \$200 within 2 hour zones
Street/alley/sidewalk closure permit	\$100
Application for special parking spaces	\$100 application fee + \$50/year
Public right of way utility occupancy	\$100

Water Department	
Water Meter and Parts Fees	
5/8" Meter	Supplier cost + 15%
1" Meter	Supplier cost + 15%
1 ½" Meter	Supplier cost + 15%
2" Meter	Supplier cost + 15%
Meter Transceiver Unit (MXU)	Supplier cost + 15%
Meter with MXU and fittings	Supplier cost + 15%
Gaskets and tail pieces (2 of each/meter)	Supplier cost + 15%
Shut-off or Turn-on	
Regular working hours	\$50
Monday – Saturday after hours	\$120
Sunday and holidays	\$160
Temporary off or on	\$40
Annual fire line connection	
2"	\$100
3"	\$150
4"	\$200
6"	\$250
8"	\$350
12"	\$500
Hydrant water	\$5/hookup + \$7/1000 gallons
Tap Fees	
*In addition to staff time, equipment costs, and materials	
Single Unit	\$200
Townhouse	\$400
Public fire hydrant annual fee	\$250
Utility Late Payment	\$15

Exhibit A to Resolution No. 5110

Sewer Department	
Septic dumping	\$0.15/gallon
Pumping of vault toilets	\$100.00
Cleaning of grease in sewer main	\$240.00
RV dumping	\$7 for City Residents \$9 for Non-Residents
Tap Fees	
*In addition to staff time, equipment costs, and materials	
Single Unit	\$200
Townhouse	\$400

Solid Waste Department	
Extra trash can pick-up	\$20/occurrence
Roll-off rental	\$125/month + cost of disposal
Roll-off service	\$250/month + \$75/pickup
Transfer Station	
Minimum disposal fee	\$7.00
*Household and commercial garbage	\$75.21/ton
*Construction waste	\$82.48/ton
*Concrete, bricks, pavers, large rocks, and asphalt	\$80.00/ton
*Branches over 8”in diameter	\$30.00/ton
*Commercial green waste	\$30.00/ton
*Clean fill dirt	\$7.50/ton
*Manure/straw	\$30.00/ton
*Tires	
Passenger car/small truck tire	\$7.50/tire + \$72.67/ton
Truck tire	\$15.00/tire + \$72.67/ton
Heavy equipment tire	\$30.00/tire + \$72.67/ton
*Refrigerators, freezers, and air conditioners with freon	\$60.00
*Refrigerators and freezers not free of food debris	\$75.21/ton
*Vehicle oil	\$2.50/gallon
*Antifreeze	\$3.00/gallon
*Florescent bulbs	\$2.50/bulb
Compost	\$10.00/bucket

*adjusted annually based on disposal contract

Administrative Public Works Fees	
Project Manager	\$70/hour
Inspector	\$45/hour
Sewer & Water Service Inspection	\$100/each
Contract Plans and Specifications	\$70/hour

Public Works Time and Equipment			
Staff time			
Billed based on the most current negotiated wage and benefits for the individual providing the service.			
23-24 Rates	Regular Time	Overtime	Double Time
Superintendent	\$42.87	\$53.24	\$70.54
Lead	\$38.89	\$47.35	\$62.73
Utility 2	\$38.85	\$47.28	\$62.64
Maintenance I	\$32.87	\$38.44	\$50.92
Maintenance II	\$36.60	\$43.95	\$58.23
Maintenance II-HE	\$37.00	\$44.55	\$59.01
Equipment			
The City of Livingston uses the most recent Schedule of Equipment Rates provided by FEMA found at the following link:			
https://www.fema.gov/assistance/public/tools-resources/schedule-equipment-rates			

Mountain View Cemetery Rates

Plot Sales	
Full Size Grave	\$425
Infant/Child Grave	\$150
Cemetery Services – Grave Opening and Closing*	
Full Size Grave (12 person hours)	\$800
Full Size Grave – Weekend	\$965
Full Size Grave – Holiday	\$1,100
Infant/Child Grave (10 person hours)	\$660
Infant/Child Grave – Weekend	\$805
Infant/Child Grave – Holiday	\$920
Cremation (10 person hours)	\$195
Cremation – Weekend	\$290
Cremation – Holiday	\$315
Winter Surcharge when Ground is Frozen	\$75
Other Services	
Disinterment	Based on time and materials
Park County Indigent Burial (Adult)	\$150
Park County Indigent Burial (Infant/Child)	\$50

*Rates are based on average person hours for grave opening and closing and tied to employee wages, per the most recently approved CBA, plus backhoe hours equal to ½ of the person hours. Backhoe rates are determined using the most recent Schedule of Equipment Rates provided by FEMA.

Planning Fees	
Subdivisions	
Minor Subdivision (5 or fewer lots) First Minor <ul style="list-style-type: none"> • Preliminary Plat • Final Plat Subsequent Minor <ul style="list-style-type: none"> • Preliminary Plat • Final Plat 	\$500 + ongoing billing* \$300 \$500+ \$40/lot + ongoing billing* \$300
Major Subdivision (More than 5 lots) Preliminary Plant Final Plat	\$1,200 + \$40/lot + ongoing billing* \$500 + ongoing billing*
By rent or Lease/RV Space or Mobile Home Lots 5 or Fewer Units <ul style="list-style-type: none"> • Preliminary Review • Final Review More than 5 Units <ul style="list-style-type: none"> • Preliminary Review • Final Review 	\$500 + ongoing billing* \$300 \$1,200 + ongoing billing* \$500 + ongoing billing*

Miscellaneous Planning Fees	
Special Exception Permit	\$550 + ongoing billing*
Variance	\$500
Zoning Map Amendment	\$750 + \$7/each property with 300' + ongoing billing*
Zoning Text Amendment	\$750 + ongoing billing*
Site Plan Review	\$1,000 + ongoing billing*
Subdivision Exemption	\$200
Planned Unit Development (PUD)	\$2,000
Phased PUD	\$700/phase

***Ongoing Billing – when subsequent review of applications is required**

- Additional charges billed at \$100/hour in half hour increments and will be incurred after the planning review of the application is completed. Fees must be paid within 30 days of billing. No building permit shall be issued until all outstanding planning fees are paid.
- The hourly billing rate of \$100/hour is for Planning and Public Works staff review time. Mailing and public notices are included in the base fee. Public Works Engineering review includes, but is not limited to, the following services:
 - Utilities
 - Infrastructure
 - Design Reports
 - Capacity Checks/Letters
 - Fire Service Lines
- Subsequent Public Works Engineering Review after initial plans will be incurred at \$200/hour in 1 hour increments.

Building Fees	
Building Permit Fees	
Total Valuation	Fee
\$1.00 to \$500.00	\$23.50
\$500.01 to \$2,000.00	\$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,000.01 to \$25,000.00	\$69.25 for the first \$2,000 plus \$14.00 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,000.01 to \$50,000.00	\$391.25 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,000.01 to \$100,000.00	\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,000.01 to \$500,000.00	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,000.01 to \$1,000,000.00	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
Over \$1,000,000.00	\$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof
Plan review fees	A separate plan review fee will be charged for each building permit issued in excess of \$15,000. This fee will be equal to 65% of the building permit fee as determined by the building permit fee schedule

Other Building Inspection Fees	
Inspections outside of normal business hours (minimum charge – 2 hours)	Overtime rate + benefits of assistant building inspector (currently \$53.89)
Inspections with no fee specifically indicated (minimum charge – ½ hour)	Overtime rate + benefits of assistant building inspector (currently \$53.89)
Additional plan review required by changes, additions or revisions to plans (minimum charge – ½ hour)	Overtime rate + benefits of assistant building inspector (currently \$53.89)
For use of outside consultants for plan review or inspection or both	Actual costs

A separate plan review fee will be charged for each building permit issued in excess of \$15,000. This fee will be equal to 65% of the building permit fee as determined by the

Program Fees		
Aquatics Programs		
Program Name	Resident Fee	Non-Resident Fee
Group Swim Lessons	\$55/session	\$65/session
Junior Aquatics	\$150/session	\$180/session
Each session is a 30 minute class Monday – Friday for 2 weeks		
Aquatics Admission		
Daily Youth (3-18 years)	\$4	\$5
Daily Adult (19-59 years)	\$5	\$6
Daily Senior (60+ years)	\$4	\$5
Daily Toddler/Infant (2 & under)	\$0	\$0
Daily Water Aerobics	\$10	\$12
Individual Season Pass	\$75	\$85
Season Pass – Family (up to 5 household)	\$150	\$195
Season Pass – Family additional member	\$10	\$25
Punch Card – transferable (12 uses)	\$40	\$50
Water Aerobics Punch Card – transferable (10 uses)	\$60	\$70
Youth Agency Punch Card (100 uses)	\$200	n/a
Concession Items	Based on vendor price	
Pool Rental	\$200/hour	\$260/hour
Sports		
Youth Sports		
Football League	Generously provided by the Arthur M Blank Foundation Grant	
Basketball League	\$75	\$85
Tee Ball/Coach Pitch League	\$75	\$85
Sports Clinics	\$35	\$45.50
Tot Sports Clinics	\$35	\$45.50
Adult Sports		
Volleyball	\$25	\$32.50
Softball	\$25	\$32.50
Sports Drop-in	\$5	\$6.50
Sports Drop-in Punch Card (12 uses)	\$50	\$65
Senior Sports Tournaments	\$25	\$32.50
Sponsorships		
Youth Sports	\$300/team	
Volleyball League Sponsor	\$400/team	
Softball League Sponsor	\$400/team	
Youth Camps/Activities/Events		
Holiday Craft/Activity Events	\$5-\$20	\$5-\$20
Facilitated Open Gym	\$5	\$6.50
Kids Club \$10 sibling discount offered	\$30	\$39
Safe Sitter Class	\$35	\$45.50
Youth – Single Day Camp	\$53	\$68.90
Youth – Multi Day Camp	\$30/day	\$39/day

Facility Use Fees		
Outdoor Field/Court Fee	\$10/space/hour	\$15/space/hour
Land Use Fee	\$25/hour	\$32.50/hour
Sacajawea and Mike Webb Picnic Shelter	\$35/shelter per 4 hour block	\$54/shelter per 4 hour block
Sacajawea Gazebo	\$45/gazebo per 4 hour block	\$63/gazebo per 4 hour block
Miles Park Band Shell		
Use Agreement*	N/A	N/A
Weekday – ½ Day (7 hours)	\$150	\$195
Weekend – ½ Day (7 hours)	\$175	\$227.50
Weekday – Full Day	\$275	\$357.50
Weekend – Full Day	\$325	\$422.50
Non-profit/government	\$15/hour	
Civic Center		
½ Day (7 hours)	\$150	\$195
Full Day	\$300	\$390
Hourly – evening & weekends	\$35	\$45.50
Party Rental (3 hours)	\$150	\$195
Skate Party Rental	\$250	\$325
Use Agreement*	\$15/hour	
Non-profit/government	\$15/hour	
Facility Refundable Deposit	\$100	\$100
Cleaning Fee	\$150	\$150
-May be required for some events		
*Use agreement is for organizations providing classes/services available to the public and requires a signed contract and proof of insurance.		
Community Events		
Holiday Craft Market		
Admission	\$1	
Vendor Fee	\$50	\$60
Roller Skating Events	\$5	\$7
Roller Skate Rental	\$3	\$3
Special Event Permit Application		
Administration Fee	\$50	\$80
Miscellaneous		
Business Sponsorships		
Gold - \$1,500 includes a banner, 2 teams, and 3 special events		
Silver - \$1,000 includes a banner, 1 team, and 2 special events		
Bronze - \$500 includes banner and 1 team		
Team only - \$300		

Special Event Fees		
	Monday – Friday 7:00 a.m. – 4:00 p.m.	After 4:00 p.m. and Weekends
Street Shutdown	\$110/street up to 2 \$50/each additional street	\$300/street up to 2 \$150/each additional street
Street Sweeper <i>Per event – required for parades and downtown events</i>	\$300 every 2 hours	\$400 every 2 hours
Police Presence <i>Per hour – required for events over 1,000 people</i>	\$150/hour	\$150/hour
Fire/EMS Station <i>Per hour – required for events over 1,000 people</i>	\$150/hour	\$150/hour
Trash Disposal	\$20 for 1 can + \$10 for each additional can	\$30 for 1 can + \$15 for each additional can
Irrigation Locate Services <i>Required for event tents or canopies</i>	\$30	\$30
Traffic Control Device Rental		
Candlestick Cone		\$3/cone
A-Frame		\$8/a-frame
Barricade		\$15/barricade
Orange Construction Fencing		\$20/100 ft.
Other Rental Items		
Ticket Booth (includes placement)		\$60/booth/day
Hand Washing Stations <i>Includes full soap & towel dispenser</i>		\$60/station/day
Basketball Hoop Attachments		\$20/day/set
Outdoor Movie Kit		\$150/day
Popcorn Machine		\$50/day

Police Department Fees

False Alarm Fees	
1 st	\$0
2 nd	\$25
3 rd	\$50
4+	\$100/occurrence
Parking Violations	
Overtime in Time Zone	\$20
Double Parking	\$20
Loading Zone	\$20
Blocking Residence Alley	\$20
Truck Over 16,000 GVW in Residential Area	\$20
Parked Over 72 Hours Not in Running Condition	\$20
Parked on Street Without Current Registration	\$20
No Parking Zone	\$25
Wrong Side of Street	\$20
Blocking Driveway	\$20
Over 18 inches from Curb	\$20
Blocking Crosswalk	\$20
Alley Parking – Fire District	\$25
Parked Within 15 Feet of Fire Hydrant	\$20
Other	
Parked on Sidewalk	\$20
Street Sweeper	\$20
Parked After 11 P.M. in City Park	\$20
Handicap Parking	\$100
Sexual Violent Offender Registration	
Violent	\$30
Sexual*	
Level 1 – not involving a minor	\$30
Level 1 – involving a minor	\$100
Level 2	\$100
Level 3	\$100

*Tiers are set by the State of Montana with the following definitions:

Level 1 – the risk of repeat sexual offense is low

Level 2 – the risk of a repeat sexual offense is moderate

Level 3 – the risk of a repeat sexual offense is high, there is a threat to public safety, and an evaluator believes the offender is a sexually violent predator

Fire and EMS Fees	
Fire Inspection Fees	
Up to 2,000 sq. ft.	\$100
2,001 - 10,000 sq. ft.	\$125
10,001 - 25,000 sq. ft.	\$150
25,001 - 50,000 sq. ft.	\$200
Over 50,000 sq. ft.	\$225
Violations and Re-inspections	
Satisfactory Re-inspection	No additional charge
Unsatisfactory Re-inspection	Double the amount of the initial inspection fee
Fourth Re-inspection	Double the prior re-inspection fee and referral to the Code Review Board if it remains uncorrected

Fire Suppression Inspections	
Review of Fire Suppression Systems	\$50/hour
Site Inspections (unscheduled)	
Emergency Vehicle Access Evaluation	\$70
Founded Violations	\$100/violation
Founded Serious Violations	\$200/violation
Repeat Complaints	Triple original fee

Additional Occupancy Inspection Fees	
Fire Sprinkler Systems	\$30 + \$10/floor
Standpipe Systems	\$30/standpipe
Fire Pumps	\$30/fire pump
Hood Extinguisher Systems	\$30
Life Safety Generator and Emergency Lighting	\$30
Other Extinguishing Systems	\$30
Fire Alarm/Smoke Detector Systems	\$30 + \$10/floor
Occupant Load Calculation	\$100/floor
LPG Gas Tank Storage Inspection	\$250

EMS Fees	
Event Standby Coverage	Time & Equipment
*Time is calculated using hourly wage + benefits of the staff in attendance. Equipment is billed using the amount on the most current FEMA equipment schedule found at the link below. https://www.fema.gov/sites/default/files/documents/fema_schedule-of-equipment-rates_2023.pdf	

Annual Business Licenses	
Local Business	\$100
Contractors	\$90
Home Business	\$75
Non-Profits	\$0
Non-Resident Vendor	\$90
Street Vendor	\$90
Controlled Substances	
All Beverage	\$500
All Beverage – Veteran Organization	\$400
Beer & Wine Only	\$500
Beer Only	\$250
Wine Only	\$250
Brewer	\$150
Winery	\$150
Distillery	\$250
Medical Marijuana Only	\$100
Retail Marijuana	\$500
Tobacco	\$90
Late Penalty	\$25

Note: State Licensed Professions are exempt from local business license requirements unless offering other services such as retail sales. Examples include: Attorneys, Public Accountants, Plumbers, Realtors, Medical Professionals, Cosmetologists, etc. **This does not apply to the fire safety inspection which is required for all business with public access.**

Parking Space Rent	
2 nd Street Lot	\$30/month
Lewis Street	\$30/month
Late Payment Penalty	\$5

Animal Control	
Animal License	
Dogs	
Spayed/Neutered	\$20
Unaltered	\$80
Cats	
Spayed/Neutered	\$10
Unaltered	\$50
Vicious Animal	
Spayed/Neutered	\$100
Unaltered	\$175

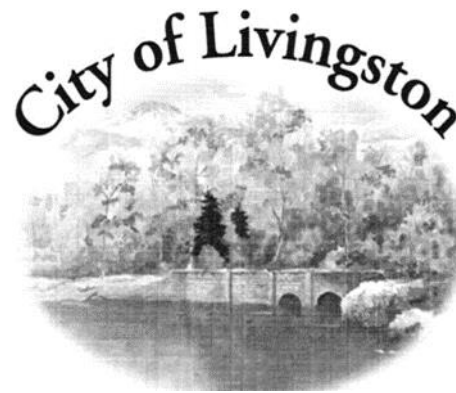
File Attachments for Item:

B. RESOLUTION 5111: AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR CONSTRUCTION OF WATER AND SEWER IMPROVEMENTS AT THE VIEW VISTA COMMUNITY.

City Manager
Grant Gager

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www.livingstonmontana.org



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Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

Date: 10/3/2023
To: Chair Nootz and City Commissioners
From: Grant Gager, City Manager

Staff Report for Resolution 5111 Authorizing the Submission of a Community Development Block Grant Application for Construction of Water and Sewer Improvements at View Vista Community.

Recommendation and Summary

Staff recommends the Commission approve Resolution 5111 by adopting the following motion:

“I move to approve Resolution 5111 and authorize the Chair to sign.”

The reasons for the recommendation are as follows:

- The View Vista Community is seeking a Community Development Block Grant to fund improvements to its water and sewer infrastructure.
- The City is the local government agency most appropriate to sponsor the application.

Introduction and History

The Community Development Block Grant (CDBG) program awards grants to cities, towns, and counties to develop and preserve affordable housing, to provide services to the most vulnerable in our communities, and to create and retain jobs. The View Vista resident owned community is seeking to construct improvements to its water and sewer infrastructure using a CDBG.

Analysis

The City of Livingston’s policy on annexation requires that areas receiving City utility services be annexed into the City. The View Vista Community Inc. has submitted a request for annexation that will be processed upon approval of the CDBG grant. Fully connecting the community to the City’s utilities will beneficially impact the adjacent Fleshman Creek.

Fiscal Impact

The View Vista Community Inc. will be funding the required local match for this project. Minimal costs are expected to be incurred by the City if the grant is approved.

Strategic Alignment

Improving the quality of watersheds, including Fleshman Creek, is supported by strategy 4.2.1.1 of the Growth Policy.

Attachments

- Attachment A: Resolution 5111

RESOLUTION NO. 5111

A RESOLUTION OF THE CITY COMMISSION OF LIVINGSTON, MONTANA, AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR CONSTRUCTION OF WATER AND SEWER IMPROVEMENTS AT THE VIEW VISTA COMMUNITY.

WHEREAS, the View Vista Community, Inc. is applying to the Montana Department of Commerce for financial assistance from the Community Development Block Grant Program (CDBG) to improve the water & sewer system at View Vista Community, Inc., a resident owned manufactured home community with the City of Livingston as its sponsor; and

WHEREAS, the View Vista Community, Inc. has the legal jurisdiction and authority to construct, finance, operate, and maintain View Vista Community, Inc. and the City of Livingston utilities located in the right of way that serve the View Vista Community; and

WHEREAS, The City of Livingston and View Vista Community, Inc. as the administrator for the View Vista Community agree to comply with all applicable parts of Title I of the Housing and Community Development Act of 1974, as amended, which have not been cited herein, as well as with other applicable federal laws and regulations, and all state laws and regulations and the requirements described in the CDBG Community and Public Facilities Application Guidelines and those that are described in the CDBG Grant Administration Manual; and

WHEREAS, There are no matching funds from the City of Livingston committed in this CDBG Community and Public Facilities application and none will be provided; and matching funds will be provided by the View Vista Community, Inc.

NOW THEREFORE BE IT RESOVLED, that the City Manager, is authorized to submit this application to the Montana Department of Commerce, sponsored by the City of Livingston for View Vista Community, Inc., to act on its behalf and to provide such additional information as may be required.

Dated this 3rd day of October, 2023.

MELISSA NOOTZ, Chair

ATTEST:

APPROVED TO AS FORM:

**EMILY HUTCHINSON,
City Clerk**

**JON HESSE,
City Attorney**

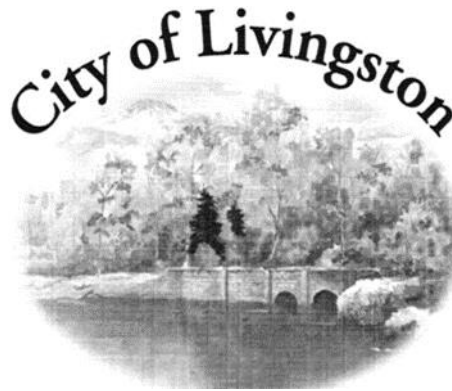
File Attachments for Item:

C. RESOLUTION 5113: AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE MONTANA COAL ENDOWMENT PROGRAM FOR A PRELIMINARY ENGINEERING REPORT REGARDING WATER SERVICES IN THE CITY OF LIVINGSTON.

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Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

Date: 10/3/2023
To: Chair Nootz and City Commissioners
From: Grant Gager, City Manager

Staff Report for Resolution 5113 Authorizing the Submission of a Montana Coal Endowment Program Application for a Preliminary Engineering Report Regarding Water Services in the City of Livingston.

Recommendation and Summary

Staff recommends the Commission approve Resolution 5113 by adopting the following motion:

“I move to approve Resolution 5113 and authorize the Chair to sign.”

The reasons for the recommendation are as follows:

- The Montana Coal Endowment Program is a state program that provides grants to lower the cost of constructing public facilities.
- The City is working with local housing groups to evaluate the extension of water services.

Introduction and History

The Montana Coal Endowment Program (MCEP) is a state-funded program that is designed to help address the "affordability" of local infrastructure projects by providing grants to lower the cost of constructing public facilities. The City of Livingston has been approached by certain community members about extending water services in the northeast part of the City.

Analysis

The City of Livingston provides certain utility services within the boundaries of the City. Recent annexations have necessitated that the City evaluate the construction of water infrastructure in the City. Additionally, certain resident owned communities have expressed an interest in more fully connecting to the City’s water system.

Fiscal Impact

The City and NeighborWorks MT will be funding the required local match for this project. Minimal costs are expected to be incurred by the City if the grant is approved.

Strategic Alignment

The provision of utility services to residents of the City of Livingston is consistent with the City’s annexation policy.

Attachments

- Attachment A: Resolution 5113

RESOLUTION NO. 5113

A RESOLUTION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE MONTANA COAL ENDOWMENT PROGRAM FOR A PRELIMINARY ENGINEERING REPORT REGARDING WATER SERVICES IN THE CITY OF LIVINGSTON.

WHEREAS, the City of Livingston is applying to the Montana Department of Commerce for financial assistance from the Montana Coal Endowment Program (MCEP) to fund creation of a preliminary engineering report evaluating the extension of water service in certain areas of the City;

WHEREAS, the City of Livingston agrees to comply with all State laws and regulations and the requirements described in the MCEP Administrative Guidelines & Application for Infrastructure Planning Grants specifically, and those that will be described in the MCEP Project Administration Manual generally;

WHEREAS the City of Livingston commits to provide the amount of matching funds as proposed in the MCEP application in conjunction with NeighborWorks Montana;

WHEREAS the City of Livingston commits to provide any funding from other grant sources listed in the application budget if not awarded by those grant sources;

NOW THEREFORE BE IT RESOLVED, that the City Manager is authorized to submit this application to the Montana Department of Commerce, on behalf of the City of Livingston, to act on its behalf and to provide such additional information as may be required.

Dated this 3rd day of October, 2023.

MELISSA NOOTZ, Chair

ATTEST:

APPROVED TO AS FORM:

EMILY HUTCHINSON,
City Clerk

JON HESSE,
City Attorney

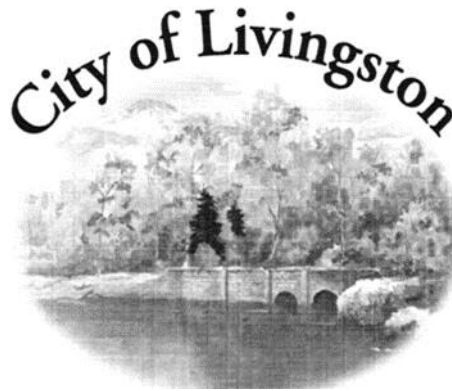
File Attachments for Item:

A. UPDATE ON CITY LOGO AND REBRANDING PROJECT.

City Manager
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Chairperson
Melissa Nootz

Vice Chair
Karrie Kahle

Commissioners
Mel Friedman
Quentin Schwarz
Torrey Lyons

Date: 10/3/2023
To: Chair Nootz and City Commissioners
From: Grant Gager, City Manager

Staff Report Providing Update on Logo and Rebranding Project and Seeking Commission Direction

Recommendation and Summary

Staff is providing the Commission an update on the on-going logo design and rebranding project and seeking direction to aid in the project. As such, no motion is recommended or requested. However, staff would appreciate understanding the Commission’s preferences regarding a new logo to help refine or eliminate certain concepts.

The reasons for the update and request for direction are as follows:

- The Abbi Agency was awarded a contract for logo and branding services at the May 16, 2023, City Commission meeting.
- The Abbi Agency and City staff have worked collaboratively to seek community input and develop several concepts for Commission and community review.

Introduction and History

At the Commission’s direction, the City of Livingston released a Request for Proposals for branding and logo development services. In May, a contract was awarded to the Abbi Agency and City staff has worked with their team since then to develop logo concepts. In August, the City released a poll to gather community input on the development of a new logo to determine which local features and colors were preferred for inclusion in a new logo.

Analysis

Logos generally appear in two forms: a shape with words and images or a stylized version of the City name. The initial community poll revealed that the community did not overwhelmingly favor either type of logo. Therefore, both styles have been created and presented herein.

Additionally, the initial poll identified the Yellowstone River, Mount Livingston and Sleeping Giant, and the Yellowstone Street Bridge as the three most desired components of the logo. The Livingston Depot and Railroad were less desired by community members.

Finally, the community expressed an interest in blue and green colors relative to other colors including red and yellow.

Fiscal Impact

The FY 2024 budget includes funding for this project. There is no fiscal impact arising from this update or the Commission’s direction.

Strategic Alignment

Strategy 6.2.3.1 of the Growth Policy is to develop a coherent and unique marketing strategy and branding that is consistent through all media. A reproducible logo is critical to effective branding.

Attachments

Attachment A: Logo Concepts

LIVINGSTON MONTANA

LOGO IDENTITY CONCEPTS ROUND 2



LOGO CONCEPT 1



LOGO CONCEPT 1

Previous Concept Comparison



Previous Concept



Current Concept

CONCEPT 1 — B&W





LOGO CONCEPT 2



LOGO CONCEPT 2

Previous Concept Comparison



Previous Concept



Current Concept

CONCEPT 2 — B&W





LOGO CONCEPT 3



LOGO CONCEPT 3

Previous Concept Comparison



Previous Concept



Current Concept

LOGO CONCEPT 3 - TYPE LOCKUP

LIVINGSTON
◀ MONTANA 1889 ▶

CONCEPT 3 — B&W






LIVINGSTON
◀ MONTANA 1889 ▶


LIVINGSTON
◀ MONTANA 1889 ▶

LOGO CONCEPT 4



LOGO CONCEPT 4

Previous Concept Comparison



Previous Concept



Current Concept

CONCEPT 4 — B&W





LOGO CONCEPT 5



LOGO CONCEPT 5

Previous Concept Comparison



Previous Concept



Current Concept

CONCEPT 5 — B&W





LOGO COMPARISON



Concept 1



Concept 2



Concept 3



Concept 4



Concept 5

THANK YOU

CONTACT

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