

MINUTES

Livingston City Commission
January 5, 2016
6:30 p.m.
City- County Complex, Community Room

1. Call to Order

Swearing in Ceremony for Commissioners Friedman and Sandberg.

2. Roll Call

- Bennett, Hoglund, Friedman and Sandberg present.

3. Moment of Silence

4. Pledge of allegiance

- Hoglund made a motion to postpone electing Chairperson and Vice Chairperson until the Commission has a full five member slate. Friedman seconded.
 - All in favor, motion passed 4-0.

5. Consent Items (00:11:05)

A. CONSENT - Approve Minutes from Regular Commission meeting 12.15.15

B. CONSENT Approve Bills and Claims 2nd Half of December 2015

- Friedman made a motion to pass Consent Items A and B. Hoglund seconded.
 - All in favor, motion passed 4-0.

6. Proclamations

7. Scheduled Public Comment

A. SCHEDULED PUBLIC COMMENT -- JEFF DICKERSON FROM LIVINGSTON YOUTH SOCCER ASSOCIATION (LYSA) REQUESTING FEE WAIVER (01:58:00)

- Friedman made a motion to move forward with the request from the Livingston Youth Soccer Association. Hoglund seconded.
 - All in favor, motion passed 4-0.

8. Public Hearings

9. Ordinances

10. Resolutions

A. RESOLUTION NO. 4630 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A STANDARD AUDIT CONTRACT WITH AMATICS CPA GROUP. (00:11:54)

- Hoglund made a motion to pass Resolution No. 4630. Friedman seconded.
 - All in favor, motion passed 4-0.

11. Action Items

A. DISCUSS/APPROVE/DENY -- RESIGNATION OF COMMISSIONER REDDINGTON, DECLARING VACANCY ON COMMISSION, AND PUBLISHING APPLICATION NOTICE IN LIVINGSTON ENTERPRISE (00:14:30)

- Friedman made a motion to accept the resignation of Commissioner Reddington. Sandberg seconded.
 - All in favor, motion passed 4-0.
- Hoglund made a motion to declare a vacancy on the Livingston City Commission. Sandberg seconded.
 - All in favor, motion passed 4-0.
- Friedman made a motion to initiate the process of filling the Livingston City Commission vacancy. Hoglund seconded.
 - All in favor, motion passed 4-0.

B. DISCUSS/APPROVE/DENY -- URBAN RENEWAL AGENCY (URA) GRANT APPLICATION FROM GUEST HOUSE/ALBEMARLE (00:28:20)

- Karla Pettit made comments (00:29:00)
- Bob Ebinger made comments (00:31:00)
- Richard Smith made comments (00:49:33)
- Manny Goetz made comments (00:59:59)
- Rob Gilmore made comments (01:06:56)
- Bill Spanring made comments (01:14:14)
- Patricia Grabow made comments (01:16:44)
- Richard Smith made comments (01:20:15)
- Joe Bauman made comments (01:56:17)
- Hoglund made a motion to approve the URA grant to Guest House/Albemarle. Friedman seconded.
 - Motion passed 3-1. Sandberg opposed.

12. City Manager Comment (02:15:28)

13. City Commission Comments

- Sandberg made comments (02:16:17)
- Friedman made comments (02:17:04)
- Hoglund made comments (02:17:13)
- Bennett made comments (02:19:42)

14. Public Comments

- Liz Kearney made comments (02:23:56)
- Bob Ebinger made comments (02:25:00)
- Patricia Grabow made comments (02:26:06)

15. Adjournment 8:55 p.m.

Backup material for agenda item:

B. CONSENT - Approve Bills and Claims 1st Half of January 2016

MINUTES

Livingston City Commission

January 19, 2016

6:30 p.m.

City- County Complex, Community Room

1. Call to Order
 2. Roll Call
 - Bennett, Hoglund, Friedman and Sandberg were present.
 3. Moment of Silence
 4. Pledge of Allegiance
 5. Consent Items (00:02:30)
 - A. CONSENT - Approve minutes from regular Commission meeting 1.5.16
 - B. CONSENT - Approve Bills and Claims 1st Half of January 2016
 - C. CONSENT - Approve 2nd Quarter Pledged Securities Report
 - D. CONSENT - Approve Adam Stern application to Planning Board
 - Friedman made a motion to pass Consent Items A-D. Hoglund seconded.
 - All in favor, motion passed 4-0.
 6. Proclamations
 7. Scheduled Public Comment
 - Bennett made a motion to follow Scheduled Public Comment A with Addendum Action Item E. All in favor.
 - A. **MONTANA DEPARTMENT OF TRANSPORTATION (MDT) PRESENTATION CONCERNING RECOMMENDED SPEED LIMIT NEAR HOSPITAL (00:04:30)**
 - Danielle Bolin from Montana Department of Transportation made comments (00:05:00)
- Action Item E: DISCUSS / APPROVE / DENY -- CITY COMMISSION COMMENTS ON PROPOSED SPEED LIMIT NEAR HOSPITAL (TO BE SENT TO MONTANA TRANSPORTATION COMMISSION (MTC) FOR CONSIDERATION AT MTC'S JANUARY 2016 MEETING) (00:44:04)**
- Donna Hemingson made comments (00:46:26)
 - Harry Coffman made comments (00:48:02)
 - Michelle Becker made comments (00:51:02)
 - Warren Mabie made comments (00:56:10)

- Bob Jovick made comments (01:02:58)
- Jeff Dickerson made comments (01:04:04)
- Danielle Bolin made comments (01:07:30)
- Sandberg made a motion to submit a letter to Montana Department of Transportation requesting a 45 mile per hour speed limit from the bridge to Swingley Road and placing appropriate signage along the route.
- Bennett amended the motion to include all the above and appropriate signage, arrows, and road markings along the route. Sandberg seconded.
 - All in favor, motion passed 4-0.

B. JEFF DICKERSON FROM THE LIVINGSTON YOUTH SOCCER ASSOCIATION WITH A PROJECT UPDATE ON THE FIELDHOUSE AT NORTHSIDE PARK (01:20:03)

8. Public Hearings

9. Ordinances

10. Resolutions

A. RESOLUTION NO. 4631 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN THE FEDERAL GRANT APPLICATION DOCUMENTS NECESSARY FOR RUNWAY, TAXIWAY AND APRON IMPROVEMENT PROJECTS AT MISSION FIELD. (01:27:04)

- Kerry LaDuke made comments (01:27:42)
- Friedman made a motion to pass Resolution No. 4631. Hoglund seconded.
 - All in favor, motion passed 4-0.

B. RESOLUTION NO. 4633 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN THE FIRST AMENDMENT TO REAL PROPERTY BUY-SELL AGREEMENT WITH DURGAN’S, LLC. (01:32:02)

- Friedman made a motion to pass Resolution No. 4633. Hoglund seconded.
 - All in favor, motion passed 4-0.

C. RESOLUTION NO. 4632 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GRANTING A WAIVER OF ALL IMPACT FEES FOR THE LIVINGSTON YOUTH SOCCER ASSOCIATION (LYSA) FIELD HOUSE PROJECT. (01:33:03)

- Friedman made a motion to pass Resolution No. 4632. Hoglund seconded.
 - All in favor, motion passed 4-0.

11. Action Items

A. DISCUSS / APPROVE / DENY -- DEADLINE BY WHICH ALBEMARLE / GUEST HOUSE PROJECT MUST BE COMPLETED TO RECEIVE REIMBURSEMENT FUNDS APPROVED AT 1/05/16 CITY COMMISSION MEETING (01:38:42)

- Manny Goetz made comments (01:43:23)
- Hoglund made a motion to approve setting a deadline for completion of project by 12/31/16 to receive reimbursement of funds approved at 01/05/16 City Commission Meeting. Friedman seconded.
 - Motion passed 3-0. (Sandberg abstained.)

B. DISCUSS / APPROVE / DENY -- PROPOSAL FOR THE CITY TO PROVIDE 50% OF THE FUNDS NECESSARY FOR A NEW CLERK / RECORDER FOR THE AIRPORT BOARD (PARK COUNTY WILL PROVIDE THE OTHER 50% OF NECESSARY FUNDING) (01:46:56)

- Commission requested clarification of agreement before moving forward.

C. DISCUSS / APPROVE / DENY -- REVIEW CITY COMMISSION VACANCY APPLICATIONS FOR MINIMUM QUALIFICATIONS REQUIRED BY LAW (01:53:09)

D. DISCUSS / APPROVE / DENY -- PRODUCE LIST OF QUESTIONS FOR LIVINGSTON CITY COMMISSION VACANCY APPLICANTS (01:55:33)

- Cheryl McGlaughlin made comments (02:15:04)
- Dan Durgan made comments (02:15:38)

12. City Manager Comment (02:19:56)

13. City Commission Comments

- Sandberg made comments (02:21:09)
- Friedman made comments (02:21:28)
- Bennett made comments (02:22:48)

14. Public Comments

- Warren Mabie made comments (02:24:00)
- Jill Mabie made comments (02:26:11)

15. Adjournment (02:27:32) 8:55 p.m.

MINUTES

Livingston City Commission
February 2, 2016
6:30 p.m.
City- County Complex, Community Room

1. Call to Order

2. Roll Call

- Bennett, Hoglund, Friedman and Sandberg present.

3. Moment of Silence

4. Pledge of allegiance

5. APPOINTMENT OF APPLICANT TO FILL COMMISSIONER SEAT (00:05:10)

DISCUSS / APPROVE / DENY -- FILLING VACANCY ON COMMISSION AND COMMISSION APPOINTMENT OF APPLICANT TO VACATED SEAT

- Friedman made a motion to appoint Quentin Schwarz to fill the vacancy on the Livingston City Commission. Hoglund seconded.
 - All in favor, motion passed 4-0.

6. SWEARING IN FOR NEW COMMISSIONER (00:11:48)

7. NEW ROLL CALL (00:13:15)

- **Bennett, Hoglund, Friedman, Schwarz and Sandberg present.**

5. Consent Items (00:13:40)

A. CONSENT - Approve minutes from regular commission meeting of 1.19.16

B. CONSENT - Ratify Claims 2nd Half Jan 2016

C. CONSENT - Approve Bills and Claims 2nd Half January

- Friedman made a motion to approve Consent Items A – C. Hoglund seconded.
 - All in favor, motion passed 5-0.

6. Proclamations

7. Scheduled Public Comment

8. Public Hearings

9. Ordinances

10. Resolutions

A. RESOLUTION NO. 4634 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A FACILITIES AND REAL PROPERTY USE AGREEMENT WITH LIVINGSTON BASEBALL ASSOCIATION. (00:15:51)

- Hoglund made a motion to pass Resolution No. 4634. Friedman seconded.
 - All in favor, motion passed 5-0.

11. Action Items

A. DISCUSS / APPROVE / DENY -- CITY'S PURCHASE OF PROPERTY FROM DURGAN'S, LLC, AND REQUEST FOR AUTHORIZATION TO ALLOW CITY MANAGER TO SIGN NECESSARY CLOSING DOCUMENTS (00:18:38)

- Steve Koontz made comments (00:35:10)
- Dan Durgan made comments (00:38:30)
- Patricia Grabow made comments (00:57:25)
- Dan Durgan made comments (01:15:05)
- Recess called by Chairman Bennett (01:27:18)
- Meeting resumed (01:37:00)
- Dan Durgan made comments (01:38:02)
- Friedman made a motion to approve City's purchase of property from Durgan's LLC, and authorize City Manager to sign necessary closing documents. Hoglund seconded.
 - Motion passed 4-1. Sandberg opposed.

B. DISCUSS / APPROVE / DENY -- ELECTION OF LIVINGSTON CITY COMMISSION CHAIRPERSON AND VICE CHAIRPERSON (01:41:44)

- Friedman made a motion to elect Bennett as Chairperson and Hoglund as Vice Chairperson for the year. Schwarz seconded.
 - All in favor, motion passed 5-0.

C. DISCUSS / APPROVE / DENY -- CHAIRPERSON'S APPOINTMENT OF CITY COMMISSIONERS TO ADVISORY BOARDS AND COMMISSIONS (01:43:10)

D. DISCUSS / APPROVE / DENY -- CHAIRPERSON'S ASSIGNMENT OF SEATS AT COMMISSION TABLES (02:02:20)

E: DISCUSS / APPROVE / DENY -- APPOINTMENT OF JIM MASTIN AS INTERIM FIRE CHIEF AT LIVINGSTON FIRE & RESCUE, BEGINNING FEBRUARY 16, 2016 AND ENDING WHEN PERMANENT CHIEF ASSUMES DUTIES (02:02:35)

- Friedman made a motion to appoint Jim Mastin Interim Fire Chief at Livingston Fire & Rescue, beginning February 16, 2016 and ending when permanent chief assumes duties. Hoglund seconded.
 - All in favor, motion passed 5-0.

12. City Manager Comment (02:05:08)

13. City Commission Comments

- Sandberg made comments (02:05:45)
- Schwarz made comments (02:14:37)
- Hogle made comments (02:15:24)
- Bennett made comments (02:18:50)

14. Public Comments

- Patricia Grabow made comments (02:23:48)

15. Adjournment 8:55 p.m. (02:27:49)

MINUTES

Livingston City Commission
Tuesday, February 16, 2016
6:30 p.m.
City- County Complex, Community Room

1. Call to Order Roll Call

- Bennett, Hoglund, Friedman, Schwarz and Sandberg were present.

2. Moment of Silence

3. Pledge of allegiance

4. Consent Items (00:03:17)

A. CONSENT - Approve minutes from 2.2.16 Regular Commission Meeting

B. CONSENT - APPROVE CLAIMS FOR 1ST HALF OF FEBRUARY 2016

C. CONSENT -- RATIFY CLAIMS FOR 1st HALF OF FEBRUARY 2016

- Friedman made a motion to approve Consent Items A-C. Hoglund seconded.
 - All in favor, motion passed 5-0.

5. Proclamations

6. Scheduled Public Comment

A. SCHEDULED PUBLIC COMMENT -- JANET PRESCOTT TO DISCUSS DOWNTOWN ECONOMIC DEVELOPMENT (00:04:01)

- Patricia Grabow and Leslie Feigel spoke on behalf of Scheduled Public Comment A and C.

B. SCHEDULED PUBLIC COMMENT -- TOM AND SCOTT COLEMAN REGARDING DOWNTOWN VAULTS (00:31:00)

- Tom and Scott Coleman made comments (00:31:00)
- Merlin Moss and Jennifer Wiles made comments (00:44:50)
- Theresa Coleman made comments (00:52:35)
- Kevin Brown made comments (00:54:09)

C. SCHEDULED PUBLIC COMMENT -- PATRICIA GRABOW TO PRESENT ON BEHALF OF LIVINGSTON DOWNTOWN COALITION ON 2016 NATIONAL PARKS CENTENNIAL CELEBRATION / DOWNTOWN ECONOMIC DEVELOPMENT PROPOSAL (00:04:01)

- Patricia Grabow and Leslie Feigel spoke on behalf of Scheduled Public Comments A and C.

7. Public Hearings

8. Ordinances

9. Resolutions

A. RESOLUTION NO. 4637 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A CHANGE ORDER WITH WILLIAMS CIVIL CONSTRUCTION FOR 2015 CAPITAL IMPROVEMENTS PROJECT (CIP). (01:04:27)

- Sandberg made a motion to table Resolution No. 4637 until the next meeting. Schwarz seconded.
 - All in favor, motion passed 5-0.

B. RESOLUTION NO. 4636 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2015-2016, BY MAKING APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$163,138.00 AND CALLING FOR A PUBLIC HEARING. (01:22:42)

- Carol Goosey made comments (01:32:16)
- Schwarz made a motion to pass Resolution No. 4636. Friedman seconded.
 - All in favor, motion passed 5-0.

C. RESOLUTION NO. 4635 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH ADVANCED ENGINEERING AND ENVIRONMENTAL SERVICES, INC. FOR WASTE WATER TREATMENT PLANT UPGRADE (WWTP) DESIGN. (01:33:28)

- Dan Emter made comments (02:01:50)
- Friedman made a motion to pass Resolution No. 4635. Hoglund seconded.
 - Motion passed 4-1. (Sandberg opposed.)

Chairperson Bennett called for a recess at 02:14:44.

Meeting reconvened at 02:20:12

10. Action Items

A. DISCUSS/APPROVE/DENY -- CALLENDER STREET CORRIDOR STUDY (02:20:40)

B. DISCUSS/APPROVE/DENY -- SETTING A DATE FOR WASTE WATER TREATMENT PLANT (WWTP) TOUR WITH CITY COMMISSION (02:10:40)

- Meeting scheduled for February 26, 2016 at 2:00 p.m. at the Public Works Building.

PRESENTATION FROM PUBLIC WORKS

SCHEDULED PUBLIC COMMENT -- PRESENTATION FROM PUBLIC WORKS DEPARTMENT ON LIVINGSTON WATER QUALITY REPORT - MATHEW WHITMAN (02:40:00)

11. Manager Comment (02:49:30)

- Work Session scheduled for February 23 at 5:00 p.m.

12. City Commission Comments

- Sandberg made comments (02:59:38)
- Hogle made comments (03:05:29)
- Bennett made comments (03:07:39)

13. Public Comments

15. Adjournment 9:45 p.m. (03:10:03)

MINUTES

Livingston City Commission
Tuesday, March 1, 2016
6:30 p.m.
City- County Complex, Community Room

1. Call to Order Roll Call

- Bennett, Hoglund, Friedman, and Schwarz were present.

2. Moment of Silence

3. Pledge of allegiance

4. Consent Items (00:03:40)

A. CONSENT – Approve minutes from 2.16.16 Regular Commission Meeting

B. CONSENT Approve Bills and Claims for 2nd Half of February 2016

C. CONSENT - Ratify Claim 2nd Half of February 2016

- Friedman made a motion to approve Consent Items A-C. Hoglund seconded.
 - All in favor, motion passed 4-0.

5. Proclamations

6. Scheduled Public Comment

A. Scheduled Public Comment - Parks & Trails Committee Update by Mike Gomez

(00:03:55)

- Jeanne-Marie Souvigney made comments (00:03:58)
- Mike Gomez made comments (00:10:40)

B. Scheduled Public Comment - City Planning Board (00:32:29)

7. Public Hearings

D. RESOLUTION NO. 4638 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2015-2016 BY MAKING APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$163,138.00.

(00:34:42)

- Hoglund made a motion to pass Resolution No. 4638. Friedman seconded.
 - All in favor, motion passed 4-0.

8. Ordinances

9. Resolutions

A. RESOLUTION NO. 4637 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN TWO (2) CHANGE ORDERS WITH WILLIAMS CIVIL CONSTRUCTION FOR 2015 CAPITAL IMPROVEMENTS PROJECT (CIP). (00:37:00)

- Friedman made a motion to pass Resolution No. 4637. Schwarz seconded.
 - All in favor, motion passed 4-0.

B. RESOLUTION NO. 4639 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, UPDATING THE CITY'S PARTICIPATION IN THE STATE'S SHORT TERM INVESTMENT POOL (STIP) (00:39:07)

- Schwarz made a motion to pass Resolution No. 4639. Hoglund seconded.
 - All in favor, motion passed 4-0.

C. RESOLUTION NO. 4640 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A GENERAL SERVICES AGREEMENT WITH SPRING CORPORATION FOR THE CONSTRUCTION OF A FIELD HOUSE AT THE NORTH SIDE PARK SOCCER COMPLEX.

(00:43:47)

- Friedman made a motion to pass Resolution No. 4640. Schwarz seconded.
 - All in favor, motion passed 4-0.

D. RESOLUTION NO. 4641 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN THE INTERCAP LOAN AGREEMENT. (00:45:40)

- Friedman made a motion to pass Resolution No. 4641. Hoglund seconded.
 - All in favor, motion passed 4-0.

10. Action Items

A. DISCUSS/APPROVE/ DENY - REVIEW APPLICATIONS FOR THE OPEN SEAT ON URBAN RENEWAL AGENCY (URA) BOARD (00:52:00)

- Hoglund made a motion to table to next meeting. Action Item A will be tabled until April 5, 2016.

B. DISCUSS/APPROVE/DENY - Applications for Parks & Trails Committee of Gavin Clark and Christopher Newhouse (00:55:15)

- Hogle made a motion to approve Gavin Clark (the first application received) for the Parks & Trails Committee. Friedman seconded.
 - All in favor, motion passed 4-0.

C. DISCUSS/APPROVE/DENY - Re-appointment of Peter Fox to the City Planning Board (00:56:30)

- Friedman made a motion to re-appoint Peter Fox to the City Planning Board. Hogle seconded.
 - All in favor, motion passed 4-0.

D. DISCUSS/APPROVE/DENY -- Solid Waste Tipping Fee Increase (00:57:40)

- Patricia Grabow made comments (01:30:15)
- Schwarz made a motion to approve increase in Transfer Station Rates per recommendation by the Public Works Department. Friedman seconded.
 - All in favor, motion passed 4-0.

E. DISCUSS/APPROVE/DENY -- PRESENTATION FROM PUBLIC WORKS REGARDING SPRING CLEANUP (01:31:33)

- Patricia Grabow made comments (01:50:20)
- Friedman made a motion to approve recommendation from Public Works Department for Spring Clean-up event. Schwarz seconded.
 - All in favor, motion passed 4-0.

11. Manager Comment (01:52:53)

- Work Session scheduled for March 8, 2016 at 5:00 p.m.

12. City Commission Comments

- Friedman made comments (01:53:53)
- Hogle made comments (01:54:58)

13. Public Comments

- Patricia Grabow made comments (01:56:00)

15. Adjournment 8:28 p.m. (01:58:13)

Backup material for agenda item:

B. Approve Bills and Claims 1st Half of March 2016

MINUTES

Livingston City Commission

Tuesday, March 15, 2016

6:30 p.m.

City- County Complex, Community Room

1. Call to Order Roll Call

- Bennett, Hoglund, Friedman, Schwarz and Sandberg were present.

2. Moment of Silence

3. Pledge of allegiance

4. Consent Items (00:03:40)

A. CONSENT - Approve minutes from 3.1.16 Regular Commission Meeting

B. CONSENT - Approve Bills and Claims 1st Half of March 2016

C. CONSENT - Approve Disabled Parking Space located at 421 South Yellowstone Street.

- Friedman made a motion to approve Consent Items A-C. Hoglund seconded.
 - All in favor, motion passed 5-0.

5. Proclamations

PROCLAMATION - PUBLIC SAFETY COMMUNICATION OFFICERS WEEK (00:04:14)

6. Scheduled Public Comment

A. SCHEDULED PUBLIC COMMENT - Paul Reichert, Executive Director Prospera Business Network with update on services provided. (00:06:38)

B. SCHEDULED PUBLIC COMMENT -- JAY KIEFER REGARDING McNAIR SKATE PARK AND SKATE PARK COMMITTEE (WITH DEREK SMITH) (00:17:00)

C. SCHEDULED PUBLIC COMMENT -- AJ SCAFF ON SILLY SIDEWALK PROPOSAL (00:27:40)

- Lenny Gregory made comments (00:36:00)
- Sharon Snow made comments (00:38:40)

7. Public Hearings

8. Ordinances

9. Resolutions

A. RESOLUTION NO. 4642 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO DISCONTINUE THE ALLEY IN THE G BLOCK OF THE RIVERSIDE ADDITION TO THE CITY OF LIVINGSTON, MONTANA.

(00:40:02)

- Friedman made a motion to table Resolution No. 4642 until next meeting. Hoglund seconded.
 - All in favor, motion passed 5-0.

10. Action Items

A. Manager Com DISCUSS/APPROVE/DENY - Amending Ordinance Regarding City Manager Residency (00:49:00)

- Lenny Gregory made comments (00:50:05)
- Robert Mitzner made comments (00:50:35)
- Mary Ann O'Neil made comment (00:51:51)
- Sharon Snow made comments (00:53:23)
- Patricia Grabow made comments (00:55:55)
- Warren Mabie made comments (00:58:30)
- Robert Everson made comments (01:00:32)
- Sharon Snow made comments (01:02:30)

B. DUSCUSS/APPROVE/DENY - Parks and Trails Dedicated Park Project Checklist and Adopt a Trail/Park Programs (01:12:48)

- Mike Gomez made comments (01:15:30)
- Friedman made a motion to approve new programs recommended by Park and Trails Committee. Hoglund seconded.
 - All in favor, motion passed 5-0.

C. DISCUSS/APPROVE/DENY - Schedule CIP Work sessions (01:19:00)

- CIP Work Session scheduled for April 18, 2016, from 3:30 p.m. to 7:30 p.m.

11. City Manager Comment (01:26:14)

12. City Commission Comments

- Bennett made comments (01:27:00)
- Schwarz made comments (01:27:35)

13. Public Comments

- Lenny Gregory made comments (01:29:08)
- Patricia Grabow made comments (01:30:33)

15. Adjournment 8:18 p.m. (01:49:11)

MINUTES

Livingston City Commission
Tuesday, April 5, 2016
6:30 p.m.
City- County Complex, Community Room

1. Call to Order Roll Call

- Bennett, Hoglund, Friedman, Schwarz and Sandberg were present. (Schwarz arrived at 6:40 p.m.)

2. Moment of Silence

3. Pledge of allegiance

4. Consent Items (00:03:30)

A. CONSENT - APPROVE MINUTES FROM 3.15.16 REGULAR CITY COMMISSION MEETING

B. CONSENT - APPROVE BILLS AND CLAIMS FOR 2nd HALF OF MARCH 2016

C. CONSENT - RATIFY CLAIM FOR 2nd HALF OF MARCH 2016

D. CONSENT - APPROVE JOE HANSER TO URBAN RENEWAL AGENCY (URA) BOARD

- Friedman made a motion to approve Consent Items A-D. Hoglund seconded.
 - All in favor, motion passed 4-0. (Vote taken prior to Schwarz's arrival.)

5. Proclamations

6. Scheduled Public Comment

A. SCHEDULED PUBLIC COMMENT -- AJ BOWERS TO DISCUSS CITY TREE TRIMMING STANDARDS (00:04:17)

- Rich Stevenson made comments (00:16:00)
- Ron Liljedahl made comments (00:19:18)
- Hoglund made a motion to discuss further at future meeting issues of tree trimming, certification standards, revision of Ordinance and request for Tree Board input. Friedman seconded.

B. SCHEDULED PUBLIC COMMENT - JOHN DINNENY CONCERNING WIND FARM ON CITY-COUNTY PROPERTY

- Item tabled until John Dinneny available to present information.

7. Public Hearings

8. Ordinances

A. ORDINANCE NO. 2062 -- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 22, ENTITLED "CEMETERIES," BY MAKING MODIFICATIONS TO ACCOUNT FOR THE NEW MOUNTAIN VIEW CEMETERY REGULATIONS. (00:37:50)

- Chris Benden made comments (01:00:05)
- Friedman made a motion to pass Ordinance No. 2062. Hoglund seconded,
 - All in favor, motion passed 5-0.

9. Resolutions

A RESOLUTION NO. 4644 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA OF ITS INTENT TO CHANGE THE RATES FOR PLOT SALES AND OTHER SERVICES PROVIDED AT MOUNTAIN VIEW CEMETERY AND CALLING FOR A PUBLIC HEARING. (01:01:36)

- Schwarz made a motion to pass Resolution No. 4644. Hoglund seconded.
 - All in favor, motion passed 5-0.

B.RESOLUTION NO. 4645 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA OF ITS INTENT TO AMEND THE RULES AND REGULATIONS FOR MOUNTAIN VIEW CEMETERY AND CALLING FOR A PUBLIC HEARING. (01:03:10)

- Friedman made a motion to pass Resolution No. 4645. Schwarz seconded.
 - All in favor, motion passed 5-0.

C.RESOLUTION NO. 4643 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT WITH WISPWEST.NET FOR TRANSMISSION TOWER ON NORTH SIDE HILL. (01:04:47)

- Friedman made a motion to pass Resolution No. 4643. Sandberg seconded.
 - All in favor, motion passed 5-0.

D.RESOLUTION NO. 4646 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING APPLICATION FOR LAND & WATER CONSERVATION FUND ASSISTANCE. (01:07:49)

- Hoglund made a motion to pass Resolution No. 4646. Schwarz seconded.
 - All in favor, motion passed 5-0.

10. Action Items

A. DISCUSS/APPROVE/DENY -- PHOTOS FOR ART APPLICATION ON TRAFFIC SIGNAL BOX NEAR INTERSTATE (01:10:10)

- Photos #1 and #4 chosen by the Commission.

B. DISCUSS/APPROVE/DENY -- WAIVING DISPOSAL FEES FOR ANNUAL YELLOWSTONE RIVER CLEAN-UP AND PRESENTATION BY JEFF LADEWIG. (01:17:53)

- Hoglund made a motion to waive disposal fees for annual Yellowstone River Clean-up. Friedman seconded.
 - All in favor, motion passed 5-0.

C. DISCUSS/APPROVE/DENY -- CITY COMMISSIONER CONCERNS REGARDING ANNUAL SPRING CLEAN-UP (01:25:10)

- Chris Bendon made comments (01:52:52)
- Sandberg made a motion to continue Spring Clean-Up program for 2016 and review in the future for 2017. Schwarz seconded.
 - All in favor, motion passed 5-0.

D. DISCUSS/APPROVE/DENY -- LITIGATION STRATEGY UPDATE FROM CITY ATTORNEY IN THE CASE OF PAOLI & BROWN v. CITY OF LIVINGSTON (SESSION CLOSED TO THE PUBLIC PURSUANT TO MONT. CODE ANN. 2-3-203(4)(a)) (02:14:15)

(Open public meeting resumed at 02:38:10)

11. Manager Comment (02:38:10)

12. City Commission Comments

- Schwarz made comments (02:39:02)
- Hoglund made comments (02:39:32)
- Bennett made comments (02:40:52)

13. Public Comments

- Patricia Grabow made comments (02:41:41)

15. Adjournment 9:10 p.m. (02:45:50)

MINUTES

Livingston City Commission

Tuesday, April 19, 2016

6:30 p.m.

City- County Complex, Community Room

1. Call to Order Roll Call

- Bennett, Hoglund, Friedman, Schwarz and Sandberg were present.

2. Moment of Silence

3. Pledge of allegiance

4. Consent Items (00:03:40)

A. Approve Minutes from 4.5.16 Regular Commission Meeting

B. Claims First half of April 2016

- Friedman made a motion to approve Consent Items A and B. Hoglund seconded.
 - All in favor, motion passed 5-0.

5. Proclamations

6. Scheduled Public Comment

A. SCHEDULED PUBLIC COMMENT -- JOHN DINNENY CONCERNING WIND FARM ON CITY- COUNTY PROPERTY (00:47:48)

7. Public Hearings

A. ORDINANCE NO. 2062 -- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 22, ENTITLED "CEMETERIES," BY MAKING MODIFICATIONS TO ACCOUNT FOR THE NEW MOUNTAIN VIEW CEMETERY REGULATIONS. (00:08:00)

- Friedman made a motion to pass Ordinance No. 2062. Schwarz seconded.
- Bennett made a motion to pass Ordinance No. 2062 with the amendments as stated. Friedman seconded.
 - All in favor, motion passed 5-0.

B. RESOLUTION NO. 4651 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA CHANGING THE RATES FOR PLOT SALES AND OTHER SERVICES PROVIDED AT MOUNTAIN VIEW CEMETERY. (00:13:16)

- Hoglund made a motion to pass Resolution No. 4651. Friedman seconded.
 - All in favor, motion passed 5-0.

C. RESOLUTION NO. 4650 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AMENDING THE RULES AND REGULATIONS FOR MOUNTAIN VIEW CEMETERY. (00:14:37)

- Schwarz made a motion to pass Resolution No. 4650. Sandberg seconded.
 - All in favor, motion passed 5-0.

8. Ordinances

9. Resolutions

A. RESOLUTION NO. 4642 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO DISCONTINUE THE ALLEY IN THE G BLOCK OF THE RIVERSIDE ADDITION TO THE CITY OF LIVINGSTON, MONTANA. (00:17:40)

- Chris Benden made comments (00:19:55)
- Hoglund made a motion to pass Resolution No. 4642. Friedman seconded.
 - None in favor, motion failed 0-5.

B. RESOLUTION NO. 4652 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN AN EXERCISE OF OPTION TO RENEW LEASE NO. 500,850 WITH MONTANA RAIL LINK, INC. (00:36:17)

- Friedman made a motion to pass Resolution No. 4652. Sandberg seconded.
 - All in favor, motion passed 5-0.

C. RESOLUTION NO. 4648 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA TO ACCEPT ENVIRONMENTAL ASSESSMENT FOR WATER RECLAMATION FACILITY IMPROVEMENTS AND TO AUTHORIZE CITY GRANT WRITER TO SUBMIT APPLICATION TO MONTANA DEPARTMENT OF COMMERCE. (00:41:34)

- Friedman made a motion to pass Resolution No. 4648. Hoglund seconded.
 - All in favor, motion passed 5-0.

10. Action Items

11. Manager Comment (01:24:20)

12. City Commission Comments

- Sandberg made comments (01:26:29)
- Hogle made comments (01:27:20)
- Bennett made comments (01:30:05)

13. Public Comments

15. Adjournment 7:59 p.m. (01:33:08)

MINUTES

Livingston City Commission
Tuesday, May 3, 2016
6:30 p.m.
City- County Complex, Community Room

1. Call to Order Roll Call

- Bennett, Hoglund, Friedman, Schwarz and Sandberg were present.

2. Moment of Silence

3. Pledge of allegiance

4. Consent Items (00:02:10)

A. Approve Minutes from 4.19.16 Regular Commission Meeting

B. Approve Bills and Claims 2nd Half of April 2016

C. Approve 3rd Quarter Pledged Securities Report

D. Approve Christopher Newhouse to the Parks & Trails Committee

- Friedman made a motion to approve Consent Items A-D. Hoglund seconded.
 - All in favor, motion passed 5-0.

5. Proclamations

A. PROCLAMATION – DECLARING THE WEEK OF MAY 1 THROUGH MAY 7, 2016 AS YOUTH WEEK IN THE CITY OF LIVINGSTON, MONTANA (00:02:34)

B. PROCLAMATION -DECLARING MAY 6, 2016 TO BE ARBOR DAY IN THE CITY OF LIVINGSTON, MONTANA (00:06:10)

C. PROCLAMATION -- DECLARING THE WEEK OF MAY 23rd THROUGH MAY 27th, 2016 TO BE PUBLIC WORKS WEEK IN THE CITY OF LIVINGSTON, MONTANA (00:07:50)

6. Scheduled Public Comment

A. SCHEDULED PUBLIC COMMENT -- KARLA PETTIT, URBAN RENEWAL AGENCY (URA) CHAIR, REGARDING POTENTIAL PER DIEM FOR URA BOARD MEMBERS ATTENDING EVENTS, AS WELL AS DISCUSSION ABOUT UNDERPASS (00:08:38)

- Bob Ebinger made comments (00:16:30, 00:21:14)

- Hogleund made a motion to bring back the request regarding Per Diem as an Action Item at a future Commission meeting. Friedman seconded.
- Hogleund made a motion to discuss funding for remediation of the pigeon clean up at the underpass as an Action Item at a future meeting. Friedman seconded.
- Friedman made a motion to discuss power washing and possible removal of murals in the underpass and on the warming hut building as an Action Item at a future meeting. Schwarz seconded.

7. Public Hearings

8. Ordinances

9. Resolutions

A. RESOLUTION NO. 4653 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE DONATION OF A FORD AMBULANCE TO THE TOWN OF CLYDE PARK, MONTANA AND ITS FIRE DEPARTMENT. (00:30:30)

- Schwarz made a motion to pass Resolution No. 4653. Friedman seconded.
 - All in favor, motion passed 5-0.

10. Action Items

A. DISCUSS/APPROVE/DENY – COLIN LAUDERDALE OF NORTHERN PLAINS ORGANIZATION REGARDING MILLENNIUM BULK TERMINAL (MBT) DRAFT IMPACT STATEMENT (00:34:44)

- Justin Dalby made comments (00:34:54)
- Susan Regele made comments (00:51:51)
- Patricia Grabow made comments (00:53:03)
- Schwarz made a motion to approve the request to sign a letter of support of the request by Northern Plains Organization to be included in an environmental impact study. Hogleund seconded.
 - All in favor, motion passed 5-0.

B. DISCUSS/APPROVE/DENY - CHRIS BASTIAN TO DISCUSS HIS CONCERNS SURROUNDING UNPAVED PORTION OF SUMMIT STREET (00:55:06)

- Item tabled to a future meeting as Chris Bastian not available to testify.

C. DISCUSS/APPROVE/DENY -- FEE WAIVER REQUEST FROM LIVINGSTON AREA CHAMBER OF COMMERCE FOR PARK COUNTY DAYS (01:02:40)

- Leslie Feigel made comments (01:02:42)
- Schwarz made a motion to approve Action Item C. Friedman seconded.
 - All in favor, motion passed 5-0.

D. DISCUSS/APPROVE/DENY -- FEE WAIVER REQUEST FROM LIVINGSTON AREA CHAMBER OF COMMERCE FOR THE HOOT (01:11:22)

- Leslie Feigel made comments (01:11:33)

E. DISCUSS/APPROVE/DENY -- REQUEST FROM URBAN RENEWAL AGENCY (URA) TO REVISIT THE CITY'S PROPOSED CONTRIBUTION OF \$3,000 TO EACH BUILDING OWNER FOR VAULT REHABILITATION OR FILL-IN (01:21:56)

- Karla Pettit made comments (01:22:20)
- Bob Ebinger made comments (01:26:44)

F. DISCUSS/APPROVE/DENY – JULY 5, 2016 CITY COMMISSION MEETING AND WHETHER TO RESCHEDULE OR CANCEL THE MEETING (01:39:16)

- Hoglund made a motion to cancel the July 5, 2016 City Commission Meeting. Friedman seconded.
 - Motion passed 4-1. (Schwarz opposed.)

12. City Manager Comment (01:44:50)

13. City Commission Comments

- Friedman made comments (01:47:04)
- Hoglund made comments (01:47:55)
- Bennett made comments (01:49:26)

14. Public Comments

- Patricia Grabow made comments (01:55:38)

15. Adjournment 8:24 p.m. (01:53:33)

MINUTES

**Livingston City Commission
May 17, 2016
6:30 p.m.
City- County Complex, Community Room**

- 1. Call to Order**
- 2. Roll Call**
 - Bennett, Hoglund, Friedman, Schwarz and Sandberg were present.
- 3. Moment of Silence**
- 4. Pledge of allegiance**
- 5. Consent Items (00:03:15)**
 - A. CONSENT -- APPROVE MINUTES FROM 5.3.16 CITY COMMISSION MEETING**
 - B. CONSENT – APPROVE BILLS AND CLAIMS FOR 1st HALF OF MAY 2016**
 - C. CONSENT -- RATIFY CLAIM**
 - D. CONSENT - APPROVE JOE PARRIOT TO THE CITY PLANNING BOARD**
 - E. CONSENT - APPROVE VICKI BLAKEMEN TO THE CITY PLANNING BOARD**
 - F. CONSENT - APPROVE MARK REHDER TO THE CITY PLANNING BOARD**
 - G. ADDENDUM CONSENT – APPROVE URA FUNDING FOR THE FOLLOWING: 1) UP TO \$10,000 FOR SIDEWALK AND GUTTER REPAIR IN THE URA TIFF DISTRICT; AND 2) \$4,575 FOR POWER WASHING DOWNTOWN SIDEWALKS ON PARK STREET FROM B STREET TO 4TH STREET AND ONE MAIN STREET AND 2ND STREET FROM PARK STREET TO LEWIS STREET**
 - Friedman made a motion to move Consent Item G to Action Item H. Schwarz seconded.
 - Friedman made a motion to approve Consent Items A through F. Hoglund seconded.
 - All in favor, motion passed 5-0.

6. Proclamations

7. Scheduled Public Comment

A. SCHEDULED PUBLIC COMMENT -- LARRY TEETER FROM THE LIVINGSTON TENNIS ASSOCIATION (00:10:45)

- Carol Goosey made comments (00:12:12)

B. SCHEDULED PUBLIC COMMENT - PATRICIA GRABOW REGARDING THE 2016 NATIONAL PARKS CENTENNIAL CELEBRATION AND LIVINGSTON DOWNTOWN ECONOMIC ENHANCEMENT PROJECT (00:17:00)

8. Public Hearings

9. Ordinances

10. Resolutions

A. RESOLUTION NO. 4656 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A CUSTOMER SERVICE AGREEMENT WITH BILLING DOCUMENT SPECIALISTS FOR ONLINE BILL PAY SERVICES. (00:36:36)

- Friedman made a motion to pass Resolution No. 4956. Hoglund seconded.
 - All in favor, motion passed 5-0.

B. RESOLUTION NO. 4655 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN 911 DISPATCH SERVICE AGREEMENT WITH INDUSTRIAL COMMUNICATIONS & ELECTRONICS.

- Schwarz made a motion to pass Resolution No. 4955. Friedman seconded.
 - All in favor, motion passed 5-0.

11. Action Items

A. DISCUSS/APPROVE/DENY - REPAINTING THE WARMING HUT TO BE COMPLETED BY THE LIVINGSTON PARK AND RECREATION SUMMER CAMPS (00:48:01)

- Friedman made a motion to approve Action Item A. Sandberg seconded.
 - All in favor, motion passed 5-0.

B. DISCUSS/ APPROVE/ DENY - POWER WASHING AND REPAINTING OF THE B STREET UNDERPASS (00:53:32)

- Jeff Dickerson made comments (01:00:10)
- Jay Kiefer made comments (01:01:01)
- Leslie Feigel made comments (01:03:44)
- Friedman made a motion to approve Action Item B. Schwarz seconded.
 - All in favor, motion passed 5-0.

C. DISCUSS/APPROVE/DENY -- 2017-2021 CAPITAL IMPROVEMENT PLAN (CIP)

- **Copies for City Commissioners will be made available separately.**
- **Public copies available at the City Finance Office for a fee. (01:04:54)**
- Patricia Grabow made comments (01:09:33)
- Jay Kiefer made comments (01:22:58)
- Friedman made a motion to approve Action Item C. Hogle seconded.
 - Motion passed 4-1. Sandberg opposed.

D. DISCUSS/APPROVE/DENY - REQUESTED FEE REDUCTION FOR THE HOOT EVENT (01:30:42)

- Leslie Feigel made comments (01:30:55)
- Joann Gardner made comments (01:36:40)
- John Lowell made comments (01:36:40)
- Patricia Grabow made comments (01:50:00)
- Sandberg made a motion to approve paying 50% of the \$700.00 fee, up to \$350.00. Hogle seconded.
 - All in favor, motion passed 5-0.

E. DISCUSS/APPROVE/DENY - URBAN FOREST MANAGEMENT PLAN (01:53:38)

- Mike Gomez made comments (02:12:00)
- Hogle made a motion to approve Action Item E. Friedman seconded.
 - All in favor, motion passed 5-0.

F. DISCUSS/APPROVE/DENY - COMMISSION APPROACH TO ALLOCATING SKILLMAN TRUST FUNDS (02:15:36)

G. DISCUSS/APPROVE/DENY - LISA REQUEST FOR FUNDING FOR NORTHSIDE PARK AND SOCCER FIELDS PROJECT (02:26:11)

- Jeff Dickerson made comments (02:26:16)

H. DISCUSS/APPROVE/DENY URA FUNDING FOR THE FOLLOWING: 1) UP TO \$10,000 FOR SIDEWALK AND GUTTER REPAIR IN THE URA TIFF DISTRICT; AND 2) \$4,575 FOR POWER WASHING DOWNTOWN SIDEWALKS ON PARK STREET FROM B STREET TO 4TH STREET AND ON MAIN STREET AND 2ND FROM PARK STREET TO LEWIS STREET (02:37:50)

- Hoglund made a motion to approve Action Item H. Friedman seconded.
 - All in favor, motion passed 5-0.

12. City Manager Comment (02:42:40)

13. City Commission Comments

- Sandberg (02:42:50)
- Schwarz (02:46:36)
- Hoglund (02:53:27)
- Bennett (02:52:11)

14. Public Comments

- Mike Gomez made comments (02:58:36)
- Patricia Grabow made comments (03:00:36)

15. Adjournment (03:04:37)

MINUTES

**Livingston City Commission Tuesday,
June 7, 2016
6:30 p.m.
City- County Complex, Community Room**

- 1. Call to Order**
- 2. Roll Call**
 - Bennett, Hoglund, Schwarz and Sandberg were present.
- 3. Moment of Silence**
- 4. Pledge of allegiance**
- 5. Consent Items (00:02:30)**
 - A. Approve Minutes from 5.17.16 City Commission Meeting**
 - B. Approve Bills and Claims 2nd Half of May 2016**
 - C. Ratify Claims**
 - Hoglund made a motion to pass Consent Items A – C. Schwarz seconded.
 - All in favor, motion passed 4-0.
- 6. Proclamation**
 - A. PROCLAMATION -- DECLARING JUNE 27 TO JULY 4, 2016 TO BE "RODEO DAYS" IN THE CITY OF LIVINGSTON, MONTANA (00:02:55)**
- 7. Scheduled Public Comment**
 - A. DONNA PACE PRESENTED PARK HIGH STUDENTS INVOLVED IN THE SISTER CITIES PROGRAM (00:04:06)**
 - A. SCHEDULED PUBLIC COMMENT -- JANET PRESCOTT WITH AN UPDATE ON HIGHWAY AND WAYFINDING SIGNAGE (00:10:05)**
- 8. Public Hearings**
- 9. Ordinances**

10. Resolutions

A. RESOLUTION NO. 4654 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH VISTA, LLC (“VISTA”) REQUIRING VISTA TO CONTRIBUTE TO THE CONSTRUCTION OF A PUBLIC LIFT STATION ON OR NEAR VISTA’S PROPERTY IN LIVINGSTON, MONTANA. (00:17:47)

- Keith Waring made comments (00:18:00)
- Hogleund made a motion to pass Resolution No. 4654. Schwarz seconded.
 - All in favor, motion passed 4-0.

B. RESOLUTION NO. 4658 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CHAIRMAN TO SIGN PERPETUAL RIGHT- OF-WAY EASEMENT WITH VISTA, LLC FOR THE PURPOSES OF CONSTRUCTION, MAINTENANCE, OPERATION, SERVICE, REPAIR, AND REPLACEMENT OF CITY STREETS, SANITARY SEWERS, AND WATER LINES. (01:07:28)

- Hogleund made a motion to pass Resolution No. 4658. Sandberg seconded.
 - All in favor, motion passed 4-0.

C. RESOLUTION NO. 4659 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CHAIRMAN TO SIGN PERPETUAL RIGHT- OF-WAY EASEMENT WITH LIVINGSTON HOLDINGS, LLC FOR THE PURPOSES OF CONSTRUCTION, MAINTENANCE, OPERATION, SERVICE, REPAIR, AND REPLACEMENT OF SANITARY SEWERS AND WATER LINES. (01:19:50)

- Sandberg made a motion to pass Resolution No. 4659. Schwarz seconded.
 - All in favor, motion passed 4-0.

D. RESOLUTION NO. 4660 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A CONSTRUCTION AND MAINTENANCE AGREEMENT WITH MONTANA RAIL LINK, INC. (“MRL”) FOR A PUBLIC ROADWAY CROSSING NEAR TRAVERTINE LANE IN LIVINGSTON, MONTANA. (01:21:40)

- Sandberg made a motion to pass Resolution No. 4660. Schwarz seconded.
 - All in favor, motion passed 4-0.

E. RESOLUTION NO. 4661 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN AN EASEMENT AGREEMENT WITH BNSF RAILWAY COMPANY ("BNSF") FOR THE CONSTRUCTION AND MAINTENANCE OF A PUBLIC ROADWAY THAT WILL RUN OVER AND THROUGH BNSF'S RIGHT-OF-WAY NEAR TRAVERTINE LANE IN LIVINGSTON, MONTANA. (01:25:50)

- Schwarz made a motion to pass Resolution No. 4661. Hoglund seconded.
 - All in favor, motion passed 4-0.

F. RESOLUTION NO. 4665 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH VISTA, LLC ("VISTA") REGARDING COSTS FOR THE CONSTRUCTION OF AN AT- GRADE CROSSING NEAR TRAVERTINE LANE IN LIVINGSTON, MONTANA. (01:27:10)

- Schwarz made a motion to pass Resolution No. 4665. Hoglund seconded.
 - All in favor, motion passed 4-0.

G. RESOLUTION NO. 4657 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A SUB-RECIPIENT AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING FUND WITH GALLATIN DEVELOPMENT CORPORATION, D/B/A PROSPERA BUSINESS NETWORK. (01:28:30)

- Sandberg made a motion to table Resolution No. 4657 until the Commission is provided with financial statements and summary of loans to date and information regarding other uses the City may use the requested money for. No second.
- Hoglund made a motion to pass Resolution No. 4657. Schwarz seconded.
- Hoglund made a motion to table Resolution No. 4657 until further information is provided and an updated agreement is provided. Schwarz seconded.
 - All in favor, motion passed 4-0.

H. RESOLUTION NO. 4662 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A GRANT

FUNDING AGREEMENT WITH NORTHWESTERN CORPORATION FOR THE CITY-COUNTY LIBRARY SOLAR PROJECT. (01:39:45)

- Catherine Logan made comments (01:43:00)
- Hoglund made a motion to pass Resolution No. 4662. Schwarz seconded.
 - All in favor, motion passed 4-0.

I. RESOLUTION NO. 4663 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A GENERAL SERVICES AGREEMENT WITH ONSITE ENERGY, INC. FOR THE CITY-COUNTY LIBRARY SOLAR PROJECT. (01:48:20)

- Sandberg made a motion to pass Resolution No. 4663. Hoglund seconded.
 - All in favor, motion passed 4-0.

J. RESOLUTION NO. 4664 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A GENERAL SERVICES AGREEMENT WITH ACE ROOFING, LLC FOR THE CITY-COUNTY LIBRARY RE- ROOFING PROJECT. (01:49:34)

- Schwarz made a motion to pass Resolution No. 4664. Hoglund seconded.
 - All in favor, motion passed 4-0.

11. Action Items

A. DISCUSS/APPROVE/DENY -- AUTHORIZING ADMINISTRATION TO SEEK OUT INFORMATION ON FUNDING AND LOANS FOR RELOCATION OF THE LIVINGSTON-PARK COUNTY DISPATCH CENTER (01:50:45)

- Sandberg made a motion to approve Action Item A. Schwarz seconded.
 - All in favor, motion passed 4-0.

B. DISCUSS/APPROVE/DENY -- MORATORIUM ON GLASS RECYCLING (01:57:10)

- Jay Kiefer made comments (02:27:11)

C. DISCUSS/APPROVE/DENY -- REQUEST TO ALLOW CAMPING AT MAYOR'S LANDING FROM 12 P.M. ON JULY 7, 2016 UNTIL 12 P.M. ON JULY 8, 2016 (02:40:28)

- Sandberg made a motion to approve Action Item C. Hoglund seconded.
 - All in favor, motion passed 4-0.

D. DISCUSS/APPROVE/DENY -- REQUEST FOR ADDITIONAL FUNDING FROM THE NORTHERN ROCKY MOUNTAIN ECONOMIC DEVELOPMENT DISTRICT (ROB GILMORE) (02:42:46)

12. City Manager Comment (02:50:52)

13. City Commission Comments

- Sandberg made comments (02:52:41)
 - Schwarz made comments (02:54:33)
 - Hoglund made comments (02:55:17)
 - Bennett made comments (02:58:45)
-
- Hoglund made a motion to extend the meeting beyond 9:30. Schwarz seconded.
 - All in favor, motion passed 4-0.

14. Public Comments

- Leslie Feigel made comments (03:06:40)
- Jay Kiefer made comments (03:13:21)
- Warren Mabie made comments (03:14:24)

15. Adjournment 9:46 p.m. (03:16:04)

MINUTES

Livingston City Commission
Tuesday, June 21, 2016
6:30 p.m.
City- County Complex, Community Room

1. **Call to Order**
2. **Roll Call**
 - Bennett, Friedman, Schwarz and Sandberg were present.
3. **Moment of Silence**
4. **Pledge of allegiance**
5. **Consent Items (00:04:08)**
 - A. **CONSENT - Approve Minutes from 6.7.16 Regular Commission Meeting**
 - B. **CONSENT - Approve Bills and Claims 1st Half June 2016**
 - C. **CONSENT - Accept Urban Renewal Agency Grant Approval of \$5,527 to Cerberus Properties/Obsidian through the Facade Program and the Energy Efficiency Program**
 - Friedman made a motion to pass Consent Items A – C. Sandberg seconded.
 - All in favor, motion passed 4-0.
 - D. **CONSENT - Accept Urban Renewal Agency Grant Approval of \$60,000 to Whiskey Creek/The Attic through the Facade Program and the Energy Efficiency Program Page (00:05:39)**
 - Bob Ebinger made comments (00:06:46)
 - Sandberg made a motion to table Consent Item D until the City Commission has an opportunity to review the Urban Renewal Agency revised criteria for Energy Efficiency and Façade programs. Friedman seconded.
 - All in favor, motion passed 4-0.
6. **Proclamations**
7. **Scheduled Public Comment**
8. **Public Hearings**
9. **Ordinances**

10. Resolutions

A. RESOLUTION NO. 4666 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH NEIGHBOR HELPING NEIGHBOR REGARDING DEVELOPMENT OF THE NEW MCNAIR SKATE PARK. (00:13:54)

- Derek Smith made comments (00:14:54)
- Sandberg made a motion to table Resolution No. 4666 until further clarification from a grant funder. Schwarz seconded.
 - All in favor, motion passed 4-0.

B. RESOLUTION NO. 4667 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN LIVE PERFORMANCE AGREEMENTS WITH PERFORMING ARTISTS FOR SUMMERFEST 2016 (00:21:31)

- Friedman made a motion to pass Resolution No. 4667. Schwarz seconded.
 - All in favor, motion passed 4-0.

C. RESOLUTION NO. 4668 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN AN EQUIPMENT RENTAL AGREEMENT WITH MONTANA STATE UNIVERSITY FOR SUMMERFEST 2016 (00:24:24)

- Jay Kiefer made comments (00:25:21)
- Friedman made a motion to pass Resolution No. 4668. Schwarz seconded.
 - All in favor, motion passed 4-0.

D. RESOLUTION NO. 4669 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A GENERAL SERVICES AGREEMENT WITH BRADY PRO SOUND FOR SUMMERFEST 2016 (00:26:26)

- Schwarz made a motion to pass Resolution No. 4669. Friedman seconded.
 - All in favor, motion passed 4-0.

E. RESOLUTION NO. 4670 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A FACILITIES AND REAL PROPERTY USE AGREEMENT WITH WESTERN SUSTAINABILITY EXCHANGE FOR USE OF THE BANDSHELL PROPERTY FOR FARMERS MARKETS (00:28:03)

- Friedman made a motion to pass Resolution No. 4670. Schwarz seconded.
 - All in favor, motion passed 4-0.

F. RESOLUTION NO. 4671 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH JESSIE NUNN FOR LIVINGSTON COMMERCIAL DISTRICT HISTORIC RESOURCES SURVEY FOR FISCAL YEAR 2015-2016 (00:29:35)

- Schwarz made a motion to pass Resolution No. 4671. Friedman seconded.
 - All in favor, motion passed 4-0.

G. RESOLUTION NO. 4672 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE LIVINGSTON TENNIS ASSOCIATION TO NAME THE TENNIS COURTS AT SACAJAWEA PARK AND INSTALL ASSOCIATED SIGNAGE AT THE TENNIS COURTS (00:33:50)

- Carol Goosey made comments (00:35:18)
- Friedman made a motion to pass Resolution No. 4672. Sandberg seconded.
 - All in favor, motion passed 4-0.

11. Action Items

A. DISCUSS/APPROVE/DENY -- CITY PLANNING BOARD'S RECOMMENDATION WITH RESPECT TO BROOKSTONE SUBDIVISION (00:44:44)

- William Smith made comments (00:48:48)

B. DISCUSS/APPROVE/DENY -- IMPLEMENTATION OF A \$10 PER MONTH CHARGE FOR YARD WASTE COLLECTION SERVICES (GREEN CANS) (01:28:01)

C. DISCUSS/APPROVE/DENY -- REVISED JOB POSTING FOR CITY MANAGER VACANCY (02:29:08)

- Sandberg made a motion to move forward with the posting for City Manager with the revised job description. Friedman seconded.
 - Motion passed 3-1. Bennett opposed.

D. DISCUSS/APPROVE/DENY – PRESENTING A REVISED JOB OFFER WITH AN EXTENDED START DATE TO CITY MANAGER CANDIDATE SIDNEY MITCHELL (02:14:25)

12. City Manager Comment (02:32:32)

13. City Commission Comments

- Sandberg made comments (02:35:59)
- Schwarz made comments (02:37:14)
- Friedman made comments (02:38:19)
- Bennett made comments (02:38:46)

14. Public Comments

- Jay Kiefer made comments (02:40:55)

15. Adjournment 9:14 p.m. (02:42:46)



Livingston City Commission Agenda

July 19, 2016

6:30 PM

City – County Complex, Community Room

1. Call to Order

2. Roll Call

3. Moment of Silence

4. Pledge of Allegiance

5. Consent Items

- A. CONSENT – Approve Minutes from Regular 6.21.16 Meeting Page 6
- B. CONSENT - Ratify Bills and Claims 2nd Half of June (FY16 & FY17) Page 11
- C. CONSENT - Approve Bills and Claims 1st Half of July (FY16 & FY17) Page 20
- D. CONSENT - Approve 4th Quarter Pledged Securities Report Page 30
- E. CONSENT - Approve Reserved Parking Space Application Page 34

6. Proclamations

7. Scheduled Public Comment

8. Public Hearings

9. Ordinances

10. Resolutions

- A. RESOLUTION NO. 4681 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA APPROVING AMENDMENTS TO THE LIVINGSTON URBAN RENEWAL AGENCY’S FAÇADE AND ENERGY EFFICIENCY IMPROVEMENT PROGRAMS FOR BUILDINGS WITHIN THE URBAN RENEWAL DISTRICT. Page 42

- B. RESOLUTION NO. 4657 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A SUB-RECIPIENT AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING FUND WITH GALLATIN DEVELOPMENT CORPORATION, D/B/A PROSPERA BUSINESS NETWORK. Page 69**

- C. RESOLUTION NO. 4666 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH NEIGHBOR HELPING NEIGHBOR REGARDING DEVELOPMENT OF THE NEW MCNAIR SKATE PARK. Page 85**

- D. RESOLUTION NO. 4679 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH BARRY DAMSCHEN CONSULTING, LLC FOR THE LIVINGSTON SOLID WASTE PROGRAM ASSESSMENT. Page 97**

- E. RESOLUTION NO. 4678 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET IN THE AMOUNT OF \$\$16,540,758 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2016, AND ENDING JUNE 30, 2017, (FY2016-2017), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT www.livingstonmontana.org, AND NOTICE OF BUDGET INCREASE FROM PROPERTY TAXES OF 7.2% AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS. Page 113**

- F. RESOLUTION NO. 4674 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE SEWER RATE IN THE AMOUNT OF 2% TO BECOME EFFECTIVE FOR SEPTEMBER 2016 SEWER USAGE, BILLED IN OCTOBER. Page 121**

- G. RESOLUTION NO. 4675 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING AND IMPROVING STREETS AND ALLEYS IN FURTHERANCE OF THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR STREET MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2016-2017 IN THE ESTIMATED AMOUNT OF \$965,965, WHICH IS A 2% INCREASE FROM THE PRIOR FISCAL YEAR AND OF ITS INTENT TO LEVYING AND ASSESS 100% THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT AND CALLING FOR A PUBLIC HEARING. Page 130**

H. RESOLUTION NO. 4673 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE WATER RATE IN THE AMOUNT OF 3% TO BECOME EFFECTIVE FOR SEPTEMBER 2016 WATER USAGE, BILLED IN OCTOBER.

Page 136

I. RESOLUTION NO. 4676 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTIMATE THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$47,260.00 FOR FISCAL YEAR 2016-2017 AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT. Page 144

J. RESOLUTION NO. 4677 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO MODIFY SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES THEREIN AND TO LEVY AND ASSESS 100% OF THE ESTIMATED COSTS OF \$91,740.00 FOR FISCAL YEAR 2016-2017 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT, AND CALLING FOR A PUBLIC HEARING. Page 150

K. RESOLUTION NO. 4680 -- A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LIVINGSTON, MONTANA TO REIMBURSE CERTAIN ORIGINAL EXPENDITURES RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A WATER, WASTEWATER AND SOLID WASTE TREATMENT PLANT FROM THE PROCEEDS OF TAX-EXEMPT BONDS TO BE ISSUED BY THE CITY AFTER THE PAYMENT OF SUCH ORIGINAL EXPENDITURES. Page 156

11. Action Items

A. DISCUSS/APPROVE/DENY -- PLANNING BOARD RECOMMENDATION ON BROOKSTONE SUBDIVISION PRELIMINARY PLAT APPROVAL (JIM WOODHULL) Page 160

B. DISCUSS/APPROVE/DENY -- JEFF DICKERSON ON BEHALF OF LIVINGSTON YOUTH SOCCER ASSOCIATION ("LYSA") TO REQUEST ENTIRE PRINCIPAL BALANCE OF SKILLMAN TRUST FOR USE ON LYSA FIELDHOUSE PROJECT. Page 173

12. City Manager Comment

13. City Commission Comments

14. Public Comments

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).

15. Adjournment

Calendar of Events

CALENDAR OF EVENTS

July 15, 2016 - 4:00 p.m. - 10:00 p.m. - Summerfest - Sacajawea Park

July 16, 2016 - Sacajawea Park - Dedication of new Tennis Courts

July 19, 2016 - 6:30 p.m. - City Commission Regular Meeting - Community Room, City/County Complex

July 20, 2016 - 8:30 a.m. - Urban Renewal Agency Meeting - East Room, City/County Complex

July 20, 2016 - 4:15 p.m. - Park County Library Board Meeting, Park County Library

July 20, 2016 - 5:00 p.m. - Planning Committee Meeting, Community Room, City/County Complex

July 21, 2016 - 11:00 a.m. - City/County Compact Meeting - East Room, City/County Complex

July 26, 2016 - 12:00 noon - Airport Board Meeting - Mission Field Meeting Room

July 27, 2016 - 1:30 p.m. - Transportation Committee - Community Room, City/County Complex

July 27, 2016 - 6:30 p.m. - Parks and Trails Committee- Community Room, City/County Complex

August 2, 2016 - 6:30 p.m. - City Commission Meeting - Community Room, City/County Complex

August 3, 2016 - 4:00 p.m. City/County Joint Meeting - MSU Extension Office, 119 South 3rd Street

Supplemental Material

June 2016 Dispatch Report

Monthly Public Works Update

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.

Backup material for agenda item:

A. CONSENT - APPROVE MINUTES FROM REGULAR 6.21.16 MEETING

MINUTES

Livingston City Commission
Tuesday, June 21, 2016
6:30 p.m.
City- County Complex, Community Room

1. **Call to Order**
2. **Roll Call**
 - Bennett, Friedman, Schwarz and Sandberg were present.
3. **Moment of Silence**
4. **Pledge of allegiance**
5. **Consent Items (00:04:08)**
 - A. **CONSENT - Approve Minutes from 6.7.16 Regular Commission Meeting**
 - B. **CONSENT - Approve Bills and Claims 1st Half June 2016**
 - C. **CONSENT - Accept Urban Renewal Agency Grant Approval of \$5,527 to Cerberus Properties/Obsidian through the Facade Program and the Energy Efficiency Program**
 - Friedman made a motion to pass Consent Items A – C. Sandberg seconded.
 - All in favor, motion passed 4-0.
 - D. **CONSENT - Accept Urban Renewal Agency Grant Approval of \$60,000 to Whiskey Creek/The Attic through the Facade Program and the Energy Efficiency Program Page (00:05:39)**
 - Bob Ebinger made comments (00:06:46)
 - Sandberg made a motion to table Consent Item D until the City Commission has an opportunity to review the Urban Renewal Agency revised criteria for Energy Efficiency and Façade programs. Friedman seconded.
 - All in favor, motion passed 4-0.
6. **Proclamations**
7. **Scheduled Public Comment**
8. **Public Hearings**
9. **Ordinances**

10. Resolutions

A. RESOLUTION NO. 4666 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH NEIGHBOR HELPING NEIGHBOR REGARDING DEVELOPMENT OF THE NEW MCNAIR SKATE PARK. (00:13:54)

- Derek Smith made comments (00:14:54)
- Sandberg made a motion to table Resolution No. 4666 until further clarification from a grant funder. Schwarz seconded.
 - All in favor, motion passed 4-0.

B. RESOLUTION NO. 4667 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN LIVE PERFORMANCE AGREEMENTS WITH PERFORMING ARTISTS FOR SUMMERFEST 2016 (00:21:31)

- Friedman made a motion to pass Resolution No. 4667. Schwarz seconded.
 - All in favor, motion passed 4-0.

C. RESOLUTION NO. 4668 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN AN EQUIPMENT RENTAL AGREEMENT WITH MONTANA STATE UNIVERSITY FOR SUMMERFEST 2016 (00:24:24)

- Jay Kiefer made comments (00:25:21)
- Friedman made a motion to pass Resolution No. 4668. Schwarz seconded.
 - All in favor, motion passed 4-0.

D. RESOLUTION NO. 4669 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A GENERAL SERVICES AGREEMENT WITH BRADY PRO SOUND FOR SUMMERFEST 2016 (00:26:26)

- Schwarz made a motion to pass Resolution No. 4669. Friedman seconded.
 - All in favor, motion passed 4-0.

E. RESOLUTION NO. 4670 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A FACILITIES AND REAL PROPERTY USE AGREEMENT WITH WESTERN SUSTAINABILITY EXCHANGE FOR USE OF THE BANDSHELL PROPERTY FOR FARMERS MARKETS (00:28:03)

- Friedman made a motion to pass Resolution No. 4670. Schwarz seconded.
 - All in favor, motion passed 4-0.

F. RESOLUTION NO. 4671 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH JESSIE NUNN FOR LIVINGSTON COMMERCIAL DISTRICT HISTORIC RESOURCES SURVEY FOR FISCAL YEAR 2015-2016 (00:29:35)

- Schwarz made a motion to pass Resolution No. 4671. Friedman seconded.
 - All in favor, motion passed 4-0.

G. RESOLUTION NO. 4672 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE LIVINGSTON TENNIS ASSOCIATION TO NAME THE TENNIS COURTS AT SACAJAWEA PARK AND INSTALL ASSOCIATED SIGNAGE AT THE TENNIS COURTS (00:33:50)

- Carol Goosey made comments (00:35:18)
- Friedman made a motion to pass Resolution No. 4672. Sandberg seconded.
 - All in favor, motion passed 4-0.

11. Action Items

A. DISCUSS/APPROVE/DENY -- CITY PLANNING BOARD'S RECOMMENDATION WITH RESPECT TO BROOKSTONE SUBDIVISION (00:44:44)

- William Smith made comments (00:48:48)

B. DISCUSS/APPROVE/DENY -- IMPLEMENTATION OF A \$10 PER MONTH CHARGE FOR YARD WASTE COLLECTION SERVICES (GREEN CANS) (01:28:01)

C. DISCUSS/APPROVE/DENY -- REVISED JOB POSTING FOR CITY MANAGER VACANCY (02:29:08)

- Sandberg made a motion to move forward with the posting for City Manager with the revised job description. Friedman seconded.
 - Motion passed 3-1. Bennett opposed.

D. DISCUSS/APPROVE/DENY – PRESENTING A REVISED JOB OFFER WITH AN EXTENDED START DATE TO CITY MANAGER CANDIDATE SIDNEY MITCHELL (02:14:25)

12. City Manager Comment (02:32:32)

13. City Commission Comments

- Sandberg made comments (02:35:59)
- Schwarz made comments (02:37:14)
- Friedman made comments (02:38:19)
- Bennett made comments (02:38:46)

14. Public Comments

- Jay Kiefer made comments (02:40:55)

15. Adjournment 9:14 p.m. (02:42:46)

Backup material for agenda item:

B. CONSENT - Ratify Bills and Claims 2nd Half of June (FY16 & FY17)

For doc #s from 28651 to 28775, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 GENERAL	341010 SALE OF MAPS AND PUBLICAT	3618 LAW ENFORCEMENT SUPPLY	Promotional Supplies	472.48
1000 GENERAL	410360 CITY JUDGE	2608 STATE OF MONTANA - ITSD	33% Video Conferenci	109.29
1000 GENERAL	410400 CITY MANAGER	174 LOCAL GOVERNMENT CENTER	Ethics Training	529.90
1000 GENERAL	411030 PLANNER	162 CENTURYLINK	Planning Dept	80.52
1000 GENERAL	411030 PLANNER	102 INDUSTRIAL TOWEL	Mat Cleaning	8.56
1000 GENERAL	411030 PLANNER	3620 NUNN, JESSIE	Historic Consultant	4,000.00
1000 GENERAL	411030 PLANNER	879 VERIZON WIRELESS	Planning	22.16
1000 GENERAL	411100 CITY ATTORNEY	2954 PARK COUNTY EXTENSION	Mindful Leadership s	20.00
1000 GENERAL	411230 FACILITY MAINTENANCE	468 LIVINGSTON FIRE SERVICE,	37% Annual Extinguis	86.30
1000 GENERAL	411230 FACILITY MAINTENANCE	3042 ARTISTIC LANDSCAPING,LLC	37% Mow & Trim lawn	27.75
1000 GENERAL	411230 FACILITY MAINTENANCE	3023 RICK'S REFRIGERATION,	37% Dispatch room	14.80
1000 GENERAL	411230 FACILITY MAINTENANCE	3391 WEED MASTERS	37% Treat weeds	85.10
1000 GENERAL	411230 FACILITY MAINTENANCE	3042 ARTISTIC LANDSCAPING,LLC	37% Sprinkler turn-o	37.00
1000 GENERAL	411230 FACILITY MAINTENANCE	2276 BIG BEAR ELECTRIC, LLC	37% Install LED ligh	180.37
1000 GENERAL	411230 FACILITY MAINTENANCE	102 INDUSTRIAL TOWEL	Rug Maintenance	37.70
1000 GENERAL	411230 FACILITY MAINTENANCE	151 NORTHWESTERN ENERGY	101 Star road	29.09
1000 GENERAL	411230 FACILITY MAINTENANCE	151 NORTHWESTERN ENERGY	110 S B Street	149.69
1000 GENERAL	411230 FACILITY MAINTENANCE	151 NORTHWESTERN ENERGY	112 S B Street	99.34
1000 GENERAL	411230 FACILITY MAINTENANCE	3042 ARTISTIC LANDSCAPING,LLC	37% Mow & trim lawn	27.75
1000 GENERAL	411230 FACILITY MAINTENANCE	3391 WEED MASTERS	37% Weed & Feed	35.15
1000 GENERAL	411230 FACILITY MAINTENANCE	3391 WEED MASTERS	37% Fertilize	37.00
1000 GENERAL	411230 FACILITY MAINTENANCE	272 PARK COUNTY	37% Maintenance Supp	53.68
1000 GENERAL	411230 FACILITY MAINTENANCE	3298 EXEC U CARE SERVICES,	June Cleaning	1,119.42
1000 GENERAL	411300 CENTRAL COMMUNICATIONS	162 CENTURYLINK	Finance Office 110 S	363.32
1000 GENERAL	411300 CENTRAL COMMUNICATIONS	272 PARK COUNTY	City Phone	101.06
1000 GENERAL	411300 CENTRAL COMMUNICATIONS	879 VERIZON WIRELESS	Central	140.83
1000 GENERAL	411300 CENTRAL COMMUNICATIONS	879 VERIZON WIRELESS	Central	68.61
1000 GENERAL	411300 CENTRAL COMMUNICATIONS	879 VERIZON WIRELESS	Credit Memo	-390.20
1000 GENERAL	411700 CENTRAL STORES	2705 CITY OF LIVINGSTON	Office supplies	10.49
1000 GENERAL	411700 CENTRAL STORES	2705 CITY OF LIVINGSTON	Office supplies	9.95
1000 GENERAL	411700 CENTRAL STORES	2705 CITY OF LIVINGSTON	Postage	6.60
1000 GENERAL	411700 CENTRAL STORES	2999 TEAR IT UP L.L.C.	20# Shredded Paper 1	36.40
1000 GENERAL	411700 CENTRAL STORES	3353 STORY DISTRIBUTING	Diesel Fuel 462 gal	867.22
1000 GENERAL	411700 CENTRAL STORES	3353 STORY DISTRIBUTING	Diesel Fuel 505 gal	984.60
1000 GENERAL	420100 OPERATING ACCOUNT	879 VERIZON WIRELESS	Air Cards- May 2016	413.50
1000 GENERAL	420100 OPERATING ACCOUNT	22 ALL SERVICE TIRE &	Vehicle Service	41.00
1000 GENERAL	420100 OPERATING ACCOUNT	272 PARK COUNTY	Police	82.08
1000 GENERAL	420400 OPERATING ACCOUNTS	1915 MASTIN, JAMES	Reimburse for lodgin	603.50
1000 GENERAL	420400 OPERATING ACCOUNTS	1920 HORIZON AUTO PARTS	Fuses	2.97
1000 GENERAL	420400 OPERATING ACCOUNTS	2595 TOWN & COUNTRY FOODS -	Class supplies	24.20
1000 GENERAL	420400 OPERATING ACCOUNTS	2595 TOWN & COUNTRY FOODS -	Class supplies	27.15
1000 GENERAL	420400 OPERATING ACCOUNTS	3564 ULINE	Soap	83.49
1000 GENERAL	420400 OPERATING ACCOUNTS	26 LIVINGSTON ACE HARDWARE -	Straps & buckles	13.46
1000 GENERAL	420400 OPERATING ACCOUNTS	26 LIVINGSTON ACE HARDWARE -	Straps & buckles	19.62
1000 GENERAL	420400 OPERATING ACCOUNTS	23 CARQUEST AUTO PARTS	Air filter	16.26
1000 GENERAL	420400 OPERATING ACCOUNTS	23 CARQUEST AUTO PARTS	Spark plug	4.08
1000 GENERAL	420400 OPERATING ACCOUNTS	26 LIVINGSTON ACE HARDWARE -	Wildland Connections	120.87
1000 GENERAL	420400 OPERATING ACCOUNTS	26 LIVINGSTON ACE HARDWARE -	Station Supply	5.18
1000 GENERAL	420400 OPERATING ACCOUNTS	3284 RW & JW ENTERPRISES, LLC.	Pump testing	900.00
1000 GENERAL	420400 OPERATING ACCOUNTS	2666 MUNICIPAL EMERGENCY	SCBA repair	717.00
1000 GENERAL	420400 OPERATING ACCOUNTS	3523 PADDY'S WEE MOTORS	PPV fan repair	50.00
1000 GENERAL	420400 OPERATING ACCOUNTS	151 NORTHWESTERN ENERGY	Fire Training	42.29

07/01/16
14:25:08

CITY OF LIVINGSTON
Claim Details by Fund, Account
For the Accounting Period: 6/16

Page: 2
Report ID: AP100Z

For doc #s from 28651 to 28775, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 GENERAL	420400 OPERATING ACCOUNTS	272 PARK COUNTY	Fire 50%	44.30
1000 GENERAL	420400 OPERATING ACCOUNTS	743 MARLOWE, JONATHAN A.	CO Fire Training Mea	78.38
1000 GENERAL	420400 OPERATING ACCOUNTS	743 MARLOWE, JONATHAN A.	CO Fire Training Mil	799.20
1000 GENERAL	420400 OPERATING ACCOUNTS	879 VERIZON WIRELESS	Fire	42.52
1000 GENERAL	420400 OPERATING ACCOUNTS	879 VERIZON WIRELESS	Fire & Rescue	42.52
1000 GENERAL	420400 OPERATING ACCOUNTS	879 VERIZON WIRELESS	Fire & Rescue	42.52
1000 GENERAL	420400 OPERATING ACCOUNTS	879 VERIZON WIRELESS	Fire & Rescue	42.52
1000 GENERAL	420403 BUILDING INSPECTION	162 CENTURYLINK	Building Dept	156.27
1000 GENERAL	420403 BUILDING INSPECTION	879 VERIZON WIRELESS	Code Enforcement	22.96
1000 GENERAL	420403 BUILDING INSPECTION	879 VERIZON WIRELESS	Building	13.22
1000 GENERAL	430930 CEMETERY OPERATING	2112 CHURCHILL EQUIPMENT CO.,	Hose & Fitting	22.40
1000 GENERAL	430930 CEMETERY OPERATING	54 GATEWAY OFFICE SUPPLY	Notebooks	36.80
1000 GENERAL	430930 CEMETERY OPERATING	15 JOHN DEERE FINANCIAL	Chute	267.60
1000 GENERAL	430930 CEMETERY OPERATING	15 JOHN DEERE FINANCIAL	#54210	500.00
1000 GENERAL	430930 CEMETERY OPERATING	15 JOHN DEERE FINANCIAL	Cap	14.40
1000 GENERAL	430950 ROAMING OPERATING	781 2M COMPANY, INC.	Supplies	50.60
1000 GENERAL	430950 ROAMING OPERATING	26 LIVINGSTON ACE HARDWARE -	Supplies	56.26
1000 GENERAL	430950 ROAMING OPERATING	26 LIVINGSTON ACE HARDWARE -	Key	1.99
1000 GENERAL	430950 ROAMING OPERATING	15 JOHN DEERE FINANCIAL	#54210	2,000.00
1000 GENERAL	430950 ROAMING OPERATING	2001 KARNATZ TREE SERVICE	Trim & Remove	2,700.00
1000 GENERAL	430950 ROAMING OPERATING	2001 KARNATZ TREE SERVICE	Remove	975.00
1000 GENERAL	430950 ROAMING OPERATING	2437 O'REILLY AUTOMOTIVE, INC	Wiper Fluid	15.54
1000 GENERAL	430950 ROAMING OPERATING	1814 SPECIAL LUBE	Oil Change	44.00
1000 GENERAL	430950 ROAMING OPERATING	2595 TOWN & COUNTRY FOODS -	Supplies	26.53
1000 GENERAL	430950 ROAMING OPERATING	151 NORTHWESTERN ENERGY	15 Fleshman	26.62
1000 GENERAL	430950 ROAMING OPERATING	151 NORTHWESTERN ENERGY	Arcs & Posts	282.96
1000 GENERAL	430950 ROAMING OPERATING	151 NORTHWESTERN ENERGY	G st Park	75.65
1000 GENERAL	430950 ROAMING OPERATING	151 NORTHWESTERN ENERGY	Concession	151.25
1000 GENERAL	430950 ROAMING OPERATING	151 NORTHWESTERN ENERGY	616 River	55.97
1000 GENERAL	430950 ROAMING OPERATING	151 NORTHWESTERN ENERGY	Softball	578.77
1000 GENERAL	430950 ROAMING OPERATING	151 NORTHWESTERN ENERGY	Soccer	1.62
1000 GENERAL	430950 ROAMING OPERATING	151 NORTHWESTERN ENERGY	Weimer	55.89
1000 GENERAL	430950 ROAMING OPERATING	151 NORTHWESTERN ENERGY	8th & Park	8.16
1000 GENERAL	430950 ROAMING OPERATING	151 NORTHWESTERN ENERGY	229 River	10.55
1000 GENERAL	430950 ROAMING OPERATING	151 NORTHWESTERN ENERGY	229 River	12.83
1000 GENERAL	430950 ROAMING OPERATING	151 NORTHWESTERN ENERGY	Roam Bldg CC	79.40
1000 GENERAL	430950 ROAMING OPERATING	151 NORTHWESTERN ENERGY	Mike Webb	52.39
1000 GENERAL	430950 ROAMING OPERATING	151 NORTHWESTERN ENERGY	616 River	8.63
1000 GENERAL	430950 ROAMING OPERATING	151 NORTHWESTERN ENERGY	Soccer Bldg	17.09
1000 GENERAL	430950 ROAMING OPERATING	879 VERIZON WIRELESS	Roaming	13.24
1000 GENERAL	430950 ROAMING OPERATING	879 VERIZON WIRELESS	Roaming	57.61
1000 GENERAL	430950 ROAMING OPERATING	879 VERIZON WIRELESS	Parks	22.98
1000 GENERAL	440640 ANIMAL CONTROL SERVICES	879 VERIZON WIRELESS	Animal Control	64.44
1000 GENERAL	460430 PARKS OPERATING	162 CENTURYLINK	Park Dept	101.09
1000 GENERAL	460430 PARKS OPERATING	26 LIVINGSTON ACE HARDWARE -	Supplies	6.99
1000 GENERAL	460430 PARKS OPERATING	3223 BERG'S OVERHEAD DOOR LLC	Remotes & Antennas	427.00
1000 GENERAL	460430 PARKS OPERATING	63 HOUSE OF CLEAN	TP & Towles	258.98
1000 GENERAL	460430 PARKS OPERATING	15 JOHN DEERE FINANCIAL	#54210	1,000.00
1000 GENERAL	460430 PARKS OPERATING	776 KENYON NOBLE	Concrete	29.52
1000 GENERAL	460430 PARKS OPERATING	443 SHERWIN WILLIAMS	Underpass	399.05
1000 GENERAL	460442 CIVIC CENTER ADMIN	1747 CANON FINANCIAL SERVICES,	Canon Lease	86.10
1000 GENERAL	460442 CIVIC CENTER ADMIN	151 NORTHWESTERN ENERGY	Civic Center	894.91

07/01/16
14:25:08

CITY OF LIVINGSTON
Claim Details by Fund, Account
For the Accounting Period: 6/16

Page: 3
Report ID: AP100Z

For doc #s from 28651 to 28775, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 GENERAL	460442 CIVIC CENTER ADMIN	26 LIVINGSTON ACE HARDWARE	Paint Brushes - Warm	24.95
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	2087 WISPWEST.NET	Pool Internet	41.38
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	151 NORTHWESTERN ENERGY	Pool	1,016.36
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	47 WILCOXSON'S	Ice Cream - Pool Hou	48.75
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	54 GATEWAY OFFICE SUPPLY	Grant Writer supplie	26.44
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	54 GATEWAY OFFICE SUPPLY	Grant Writer supplie	21.75
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	54 GATEWAY OFFICE SUPPLY	Grant Writer supplie	4.24
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	26 LIVINGSTON ACE HARDWARE	Paint - Pool House	14.98
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	26 LIVINGSTON ACE HARDWARE	Flowers & Cleaning s	84.45
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	999999 ENGBERS, BEN	Travel to Bozeman- L	166.75
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	999999 PETERSON, HAILEY	Travel to Bozeman- L	69.00
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	1101 LIVINGSTON SCHOOL	Pine Creek Falls sum	198.22
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	3387 J & H, Inc.	Printer/copier - Adm	79.49
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	162 CENTURYLINK	Civic Center	98.94
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	443 SHERWIN WILLIAMS	Underpass	95.00
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	3609 GUENZLER, VICTORIA	Gymnastics Inst 39.5	335.75
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	3454 BURNS, CORRIE	Gymnastics Inst.37 h	555.00
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	879 VERIZON WIRELESS	Rec. Dept	206.14
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	879 VERIZON WIRELESS	AST	38.62
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	879 VERIZON WIRELESS	AST	61.18
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	879 VERIZON WIRELESS	AST	38.40
Total for Fund:				28,629.59
2211 SOCCER FIELDS	411810 CAPITAL IMPROVEMENTS	122 DEPARTMENT OF REVENUE	1½ Spring	1,943.81
2211 SOCCER FIELDS	411810 CAPITAL IMPROVEMENTS	3599 SPRING CORPORATION	LYSA	192,437.59
Total for Fund:				194,381.40
2212 SUMMERFEST	346015 SUMMERFEST REVENUES	3364 CITY OF LIVINGSTON	Summerfest Gate 1 Ch	200.00
2212 SUMMERFEST	346015 SUMMERFEST REVENUES	3364 CITY OF LIVINGSTON	Summerfest Gate 2 Ch	200.00
2212 SUMMERFEST	460420 SUMMERFEST	1874 CRAZY MOUNTAIN INDUSTRIES	8 Weekend Rental toi	440.00
2212 SUMMERFEST	460420 SUMMERFEST	3411 PARK COUNTY COMMUNITY	Advertisements	295.00
2212 SUMMERFEST	460420 SUMMERFEST	3200 WESTERN SKIES, LLC	Summerfest	1,500.00
2212 SUMMERFEST	460420 SUMMERFEST	1966 THE MAX	Summerfest	2,500.00
2212 SUMMERFEST	460420 SUMMERFEST	3401 THE BUS DRIVER TOUR	Summerfest	1,200.00
2212 SUMMERFEST	460420 SUMMERFEST	3621 BRADY PRO SOUND	Sound contract	1,200.00
Total for Fund:				7,535.00
2300 COMMUNICATIONS/DISPATCH	420160 DISPATCH/COMMUNICATIONS	3449 LEAF	Lease Kyocera Copier	27.60
2300 COMMUNICATIONS/DISPATCH	420160 DISPATCH/COMMUNICATIONS	272 PARK COUNTY	Dispatch	37.78
2300 COMMUNICATIONS/DISPATCH	420160 DISPATCH/COMMUNICATIONS	879 VERIZON WIRELESS	Dispatch	33.83
Total for Fund:				99.21
2400 LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	90 & 89 SL	7.55
2400 LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	View Vista SL	8.03
2400 LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	W Park SL	57.60
2400 LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	W Call SL	63.32
2400 LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	C & D & Lew SL	25.42
2400 LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	1100 W Geys Schl	9.23

07/01/16
14:25:08

CITY OF LIVINGSTON
Claim Details by Fund, Account
For the Accounting Period: 6/16

Page: 4
Report ID: AP100Z

For doc #s from 28651 to 28775, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount	
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	900 W Geys Schl	11.26
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	132 S B SL	126.26
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	E & Alley SL	41.32
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	18 W Park SL	72.79
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	F & G & Call SL	37.89
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	D & E & Call SL	54.31
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	M & N & Call SL	52.50
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	Schl Park & 13	8.44
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	7 & MT & Chin SL	45.80
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	2 & MT & Chin SL	66.55
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	Glenn SL	110.08
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	105 W Park SL	33.67
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	320 N Main SL	12.95
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	114 W Sum SL	23.60
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	S 2 SL	21.71
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	Livingston SL	4,346.93
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	400 N M SL	12.34
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	W Chin SL	62.34
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	W Call SL	55.75
2400	LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	151 NORTHWESTERN ENERGY	Alpenglow SL	39.61
Total for Fund:				5,407.25	
2500	STREET MAINTENANCE	430220 FACILITIES/CITY SHOP	162 CENTURYLINK	City Shop 50%	29.95
2500	STREET MAINTENANCE	430220 FACILITIES/CITY SHOP	151 NORTHWESTERN ENERGY	406 Shop 50%	234.12
2500	STREET MAINTENANCE	430220 FACILITIES/CITY SHOP	879 VERIZON WIRELESS	Street	17.62
2500	STREET MAINTENANCE	430220 FACILITIES/CITY SHOP	879 VERIZON WIRELESS	Street	67.26
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	26 LIVINGSTON ACE HARDWARE	- Mud	16.99
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	26 LIVINGSTON ACE HARDWARE	- Key	1.99
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	22 ALL SERVICE TIRE &	Tires	632.00
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	23 CARQUEST AUTO PARTS	Seafoam	227.76
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	3616 CLEAN SLATE GROUP - THE	Box Wraps	790.00
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	102 INDUSTRIAL TOWEL	Mat Cleaning	8.55
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	2863 KIMBALL MIDWEST	Supplies	248.03
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	3043 STAHLY ENGINEERING, INC	02L15 Res 4443	3,990.82
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	2595 TOWN & COUNTRY FOODS -	Supplies	26.53
Total for Fund:				6,291.62	
2820	GAS TAX	430240 STREET DEPARTMENT	2904 FISHER SAND AND GRAVEL	Concrete	850.00
2820	GAS TAX	430240 STREET DEPARTMENT	443 SHERWIN WILLIAMS	Underpass	548.70
2820	GAS TAX	430240 STREET DEPARTMENT	443 SHERWIN WILLIAMS	Underpass	370.80
Total for Fund:				1,769.50	
4100	FIRE TRUCK/BOND PROCEEDS	420460 FIRE SUPPRESSION	2962 FIRST	Phiips 12 lead monit	17,000.00
Total for Fund:				17,000.00	
5210	WATER OPERATING	430510 WATER ADMINISTRATION	26 LIVINGSTON ACE HARDWARE	- Key	1.99
5210	WATER OPERATING	430510 WATER ADMINISTRATION	2595 TOWN & COUNTRY FOODS -	Supplies	26.52
5210	WATER OPERATING	430515 WATER SERVICES	54 GATEWAY OFFICE SUPPLY	UPS	12.28

07/01/16
14:25:09

CITY OF LIVINGSTON
Claim Details by Fund, Account
For the Accounting Period: 6/16

Page: 5
Report ID: AP100Z

For doc #s from 28651 to 28775, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount	
5210	WATER OPERATING	430515 WATER SERVICES	15 JOHN DEERE FINANCIAL	Bolts	30.80
5210	WATER OPERATING	430515 WATER SERVICES	776 KENYON NOBLE	Ear Plugs	17.99
5210	WATER OPERATING	430515 WATER SERVICES	2527 MSE TECHNOLOGY	Coliforms	158.40
5210	WATER OPERATING	430515 WATER SERVICES	2527 MSE TECHNOLOGY	Coliforms	158.40
5210	WATER OPERATING	430515 WATER SERVICES	2527 MSE TECHNOLOGY	Coliforms	158.40
5210	WATER OPERATING	430515 WATER SERVICES	2437 O'REILLY AUTOMOTIVE, INC	Supplies	29.99
5210	WATER OPERATING	430515 WATER SERVICES	3043 STAHLY ENGINEERING, INC	02H15	2,066.75
5210	WATER OPERATING	430515 WATER SERVICES	151 NORTHWESTERN ENERGY	40 Water Tower	48.92
5210	WATER OPERATING	430515 WATER SERVICES	151 NORTHWESTERN ENERGY	B st well	445.33
5210	WATER OPERATING	430515 WATER SERVICES	151 NORTHWESTERN ENERGY	200 E Res	46.74
5210	WATER OPERATING	430515 WATER SERVICES	151 NORTHWESTERN ENERGY	200 E Res NS	681.75
5210	WATER OPERATING	430515 WATER SERVICES	151 NORTHWESTERN ENERGY	Robin Well	1,338.35
5210	WATER OPERATING	430515 WATER SERVICES	151 NORTHWESTERN ENERGY	Billman Well	1,862.11
5210	WATER OPERATING	430515 WATER SERVICES	151 NORTHWESTERN ENERGY	CC Pump	30.51
5210	WATER OPERATING	430515 WATER SERVICES	151 NORTHWESTERN ENERGY	56 Water Tower	544.37
5210	WATER OPERATING	430515 WATER SERVICES	151 NORTHWESTERN ENERGY	D & Geyser Well	2,138.94
5210	WATER OPERATING	430515 WATER SERVICES	151 NORTHWESTERN ENERGY	Werner Pump	77.69
5210	WATER OPERATING	430515 WATER SERVICES	879 VERIZON WIRELESS	Water	22.96
5210	WATER OPERATING	430515 WATER SERVICES	879 VERIZON WIRELESS	Water	13.22
5210	WATER OPERATING	430515 WATER SERVICES	879 VERIZON WIRELESS	Water	16.34
5210	WATER OPERATING	430515 WATER SERVICES	879 VERIZON WIRELESS	Water	51.28
5210	WATER OPERATING	430515 WATER SERVICES	879 VERIZON WIRELESS	Water 1/2	199.98
5210	WATER OPERATING	430515 WATER SERVICES	879 VERIZON WIRELESS	Public Works Enginee	58.17
5210	WATER OPERATING	430515 WATER SERVICES	879 VERIZON WIRELESS	Water Dept iPad	42.52
5210	WATER OPERATING	430520 FACILITIES/CAPITAL OUTLAY	162 CENTURYLINK	Utility Billing 1/3	83.15
5210	WATER OPERATING	430520 FACILITIES/CAPITAL OUTLAY	102 INDUSTRIAL TOWEL	Mat Cleaning	8.56
5210	WATER OPERATING	430520 FACILITIES/CAPITAL OUTLAY	3016 MT WATERWORKS	Pipe & Saddles	419.87
5210	WATER OPERATING	430520 FACILITIES/CAPITAL OUTLAY	3043 STAHLY ENGINEERING, INC	02L15 Res 4443	2,923.85
5210	WATER OPERATING	430520 FACILITIES/CAPITAL OUTLAY	151 NORTHWESTERN ENERGY	330 1/3	259.77
				Total for Fund:	13,975.90
5310	SEWER OPERATING	430620 FACILITIES	162 CENTURYLINK	Utility Billing 1/3	83.15
5310	SEWER OPERATING	430620 FACILITIES	162 CENTURYLINK	City Shop12 %	7.19
5310	SEWER OPERATING	430620 FACILITIES	26 LIVINGSTON ACE HARDWARE	Key	1.99
5310	SEWER OPERATING	430620 FACILITIES	102 INDUSTRIAL TOWEL	Mat Cleaning	8.55
5310	SEWER OPERATING	430620 FACILITIES	2595 TOWN & COUNTRY FOODS	Supplies	26.53
5310	SEWER OPERATING	430620 FACILITIES	151 NORTHWESTERN ENERGY	330 1/3	259.77
5310	SEWER OPERATING	430620 FACILITIES	879 VERIZON WIRELESS	Sewer	23.69
5310	SEWER OPERATING	430620 FACILITIES	879 VERIZON WIRELESS	Sewer	11.46
5310	SEWER OPERATING	430620 FACILITIES	879 VERIZON WIRELESS	Sewer 1/2	199.97
5310	SEWER OPERATING	430620 FACILITIES	879 VERIZON WIRELESS	WWTP Foreman	47.58
5310	SEWER OPERATING	430620 FACILITIES	879 VERIZON WIRELESS	WWTP Pager	22.96
5310	SEWER OPERATING	430625 SEWER SERVICES	151 NORTHWESTERN ENERGY	800 W Camb PS	28.18
5310	SEWER OPERATING	430625 SEWER SERVICES	151 NORTHWESTERN ENERGY	3 Rogers LS	28.42
5310	SEWER OPERATING	430625 SEWER SERVICES	151 NORTHWESTERN ENERGY	200 E Res	12.34
5310	SEWER OPERATING	430625 SEWER SERVICES	151 NORTHWESTERN ENERGY	900 River PS	54.42
5310	SEWER OPERATING	430625 SEWER SERVICES	151 NORTHWESTERN ENERGY	1011 River PS	18.83
5310	SEWER OPERATING	430625 SEWER SERVICES	151 NORTHWESTERN ENERGY	Monroe LS	298.63
5310	SEWER OPERATING	430625 SEWER SERVICES	151 NORTHWESTERN ENERGY	9&10 LS	28.96
5310	SEWER OPERATING	430625 SEWER SERVICES	151 NORTHWESTERN ENERGY	2800 E Park LS	118.00
5310	SEWER OPERATING	430625 SEWER SERVICES	151 NORTHWESTERN ENERGY	Alpenglow LS	242.97

07/01/16
14:25:09

CITY OF LIVINGSTON
Claim Details by Fund, Account
For the Accounting Period: 6/16

Page: 6
Report ID: AP100Z

For doc #s from 28651 to 28775, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5310 SEWER OPERATING	430630 COLLECTION AND	3043 STAHLY ENGINEERING, INC	02L15 Res 4443	2,568.33
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	162 CENTURYLINK	Sewer Plant Phone	172.73
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	26 LIVINGSTON ACE HARDWARE -	Supplies	22.31
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	26 LIVINGSTON ACE HARDWARE -	Supplies	8.87
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	26 LIVINGSTON ACE HARDWARE -	Supplies	32.73
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	22 ALL SERVICE TIRE &	Tire	303.00
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	424 ENERGY LABORATORIES, INC.	Bl6060194	102.00
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	424 ENERGY LABORATORIES, INC.	Bl6060841	102.00
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	102 INDUSTRIAL TOWEL	Mat Cleaning	23.90
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	2830 LEHRKIND'S COCA-COLA	Water	25.05
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	723 MONTANA CRANE SERVICE,	Crane	5,144.00
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	1920 HORIZON AUTO PARTS	Supplies	145.36
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	3521 STEPHENS MACHINE &	Fab bearing mt	7,141.00
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	1 TECH ELECTRIC, INC	T-stat	65.00
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	151 NORTHWESTERN ENERGY	WWTP	6,141.20
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	3305 EMTER, DAN	Reimburse Costco Cha	208.99
Total for Fund:				23,730.06
5410 SOLID WASTE	430820 FACILITIES	162 CENTURYLINK	Utility Billing 1/3	83.15
5410 SOLID WASTE	430820 FACILITIES	162 CENTURYLINK	Scale house	99.00
5410 SOLID WASTE	430820 FACILITIES	162 CENTURYLINK	City Shop 38%	22.77
5410 SOLID WASTE	430820 FACILITIES	26 LIVINGSTON ACE HARDWARE -	Key	2.00
5410 SOLID WASTE	430820 FACILITIES	102 INDUSTRIAL TOWEL	Mat Cleaning	8.55
5410 SOLID WASTE	430820 FACILITIES	2595 TOWN & COUNTRY FOODS -	Supplies	26.53
5410 SOLID WASTE	430820 FACILITIES	151 NORTHWESTERN ENERGY	406 Shop 50%	234.12
5410 SOLID WASTE	430820 FACILITIES	151 NORTHWESTERN ENERGY	Scale	35.84
5410 SOLID WASTE	430820 FACILITIES	151 NORTHWESTERN ENERGY	Transfer Station	291.93
5410 SOLID WASTE	430820 FACILITIES	151 NORTHWESTERN ENERGY	330 1/3	259.76
5410 SOLID WASTE	430820 FACILITIES	151 NORTHWESTERN ENERGY	Compactor	68.12
5410 SOLID WASTE	430820 FACILITIES	879 VERIZON WIRELESS	Solid Waste	22.96
5410 SOLID WASTE	430820 FACILITIES	879 VERIZON WIRELESS	Solid Waste	16.12
5410 SOLID WASTE	430820 FACILITIES	879 VERIZON WIRELESS	Solid Waste	13.48
5410 SOLID WASTE	430820 FACILITIES	879 VERIZON WIRELESS	Solid Waste	48.07
5410 SOLID WASTE	430820 FACILITIES	879 VERIZON WIRELESS	Scale House	22.96
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	26 LIVINGSTON ACE HARDWARE -	AC	119.00
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	22 ALL SERVICE TIRE &	Flat	40.00
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	22 ALL SERVICE TIRE &	Service Call	85.00
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	23 CARQUEST AUTO PARTS	Supplies	48.06
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	3040 PRO RENTALS & SALES, INC.	Backhoe	2,340.90
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	3040 PRO RENTALS & SALES, INC.	Backhoe	1,011.40
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	3223 BERG'S OVERHEAD DOOR LLC	Garage Door Final Pa	3,886.00
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	10 MOBILE REPAIR & WELDING,	Transfer Station Doo	1,633.95
5410 SOLID WASTE	430840 DISPOSAL	3380 EMERALD RECYCLING SERVICE	Oil Disposal	589.58
5410 SOLID WASTE	430840 DISPOSAL	465 FED-EX	Hauling of glass	840.00
5410 SOLID WASTE	430840 DISPOSAL	2919 FOUR CORNERS RECYCLING,	Commodity Credit	-1,548.17
5410 SOLID WASTE	430840 DISPOSAL	2919 FOUR CORNERS RECYCLING,	Plastic	180.18
5410 SOLID WASTE	430840 DISPOSAL	2919 FOUR CORNERS RECYCLING,	Box Rent	400.00
5410 SOLID WASTE	430840 DISPOSAL	2919 FOUR CORNERS RECYCLING,	Pulls	2,970.00
Total for Fund:				13,851.26

07/01/16
14:25:09

CITY OF LIVINGSTON
Claim Details by Fund, Account
For the Accounting Period: 6/16

Page: 7
Report ID: AP100Z

For doc #s from 28651 to 28775, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5510	AMBULANCE SERVICES	343000 AMBULANCE SERVICES	2114 BLUE CROSS/BLUE SHIELD OF	Overpmt Refund ref#H 116.26
5510	AMBULANCE SERVICES	343000 AMBULANCE SERVICES	2114 BLUE CROSS/BLUE SHIELD OF	Overpmt Refund ref#J 115.16
5510	AMBULANCE SERVICES	343000 AMBULANCE SERVICES	999999 UNITED HEALTHCARE -	Overpmt Ref #6767163 987.80
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2666 MUNICIPAL EMERGENCY	Turnouts 2,034.00
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2662 BOUND TREE MEDICAL, LLC	Patient supplies 31.00
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2662 BOUND TREE MEDICAL, LLC	Patient supplies 287.90
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2662 BOUND TREE MEDICAL, LLC	Patient supplies 56.96
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	69 PARKER REPAIR & RADIATOR	M4 A/C repair 105.20
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	61 TERRELL'S OFFICE	Printer 40.80
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	54 GATEWAY OFFICE SUPPLY	Office supplies 14.94
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2662 BOUND TREE MEDICAL, LLC	Patient Supplies 182.36
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2662 BOUND TREE MEDICAL, LLC	Patient Supplies 49.13
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	55 LIVINGSTON HEALTH	Patient Supplies 40.14
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	55 LIVINGSTON HEALTH	Patient Supplies 22.73
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2500 CHRIS BASTIAN ENTERPRISES	Bay Door painting 1,085.00
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	1814 SPECIAL LUBE	Oil Change 40.00
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	54 GATEWAY OFFICE SUPPLY	Office supplies 14.05
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	3224 ARROW MANUFACTURING, INC	Exhaust Vent 52.46
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	3465 MALCOTT, CHAD	Driver/Operator Trai 23.00
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2662 BOUND TREE MEDICAL, LLC	Patient supplies 73.16
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2662 BOUND TREE MEDICAL, LLC	Patient supplies 143.83
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2662 BOUND TREE MEDICAL, LLC	Patient supplies 123.73
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2662 BOUND TREE MEDICAL, LLC	Patient supplies 55.00
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2662 BOUND TREE MEDICAL, LLC	Patient supplies 55.00
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2662 BOUND TREE MEDICAL, LLC	Patient supplies 171.36
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	999999 TELEFLEX MEDICAL	Miller Blade 87.99
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	272 PARK COUNTY	Amb 50% 44.31
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	55 LIVINGSTON HEALTH	pt supplies 42.05
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	55 LIVINGSTON HEALTH	pt supplies 5.73
Total for Fund:				6,101.05
7910	PAYROLL FUND	212970 FLEX PLAN BENEFITS PAY	3347 DIRETTE, JOELLA	Flex Account 50.00
7910	PAYROLL FUND	212970 FLEX PLAN BENEFITS PAY	3347 DIRETTE, JOELLA	Flex account 235.00
7910	PAYROLL FUND	212970 FLEX PLAN BENEFITS PAY	3498 HARRELD, LISA	Flex Account - Close 881.80
7910	PAYROLL FUND	212970 FLEX PLAN BENEFITS PAY	3010 EMANUAL, ANDREW	Flex account 194.00
7910	PAYROLL FUND	212970 FLEX PLAN BENEFITS PAY	2880 HOPKIN, HEATHER	Flex account 400.00
7910	PAYROLL FUND	212970 FLEX PLAN BENEFITS PAY	3619 ENGLE, KEVIN	Flex Account 2,959.00
7910	PAYROLL FUND	212970 FLEX PLAN BENEFITS PAY	153 POWERS, DIANE	Flex Account 280.00
Total for Fund:				4,999.80
Total:				323,771.64

07/05/16
14:58:01

CITY OF LIVINGSTON
Claim Approval by Fund, Account
For the Accounting Period: 7/16

For doc #s from 29500 to 29502, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 GENERAL	410540 FINANCE OFFICER	788 MMCT & FOA	MMCT&FOA Member - Ma	50.00
1000 GENERAL	410540 FINANCE OFFICER	788 MMCT & FOA	MMCT&FOA Member - Ho	50.00
1000 GENERAL	411230 FACILITY MAINTENANCE	3446 CTA BUILDING, LLP	July Business Office	1,775.00
Total for Fund:				1,875.00
2190 COMPREHENSIVE LIABILITY	510330 COMP LIABILITY INSURANCE	278 MMIA	FY16-17 Vehicle Asse	16,122.00
2190 COMPREHENSIVE LIABILITY	510330 COMP LIABILITY INSURANCE	278 MMIA	FY16-17 Contractor E	1,166.00
2190 COMPREHENSIVE LIABILITY	510330 COMP LIABILITY INSURANCE	278 MMIA	FY16-17 Real /Pers Pr	21,306.00
2190 COMPREHENSIVE LIABILITY	510330 COMP LIABILITY INSURANCE	278 MMIA	FY16-17 Crime/Fi deli	848.00
Total for Fund:				39,442.00
Total:				41,317.00

Backup material for agenda item:

C. CONSENT - Approve Bills and Claims 1st Half of July (FY16 & FY17)

07/12/16
10:28:59

CITY OF LIVINGSTON
Claim Approval by Fund, Account
For the Accounting Period: 6/16

Page: 1 of 1
Report ID: AP100Z

For doc #s from 28776 to 28903, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 GENERAL	341010 SALE OF MAPS AND PUBLI CAT	3184 MASTERCARD	Town & Country - Mat	22.43
1000 GENERAL	351033 PARKING	682 CENTRON SERVICES	Parking Ticket Colle	63.36
1000 GENERAL	351036 TIME PAYMENTS	682 CENTRON SERVICES	Time Pay Collections	13.33
1000 GENERAL	410130 CI TY COMMI SSION	146 LI VINGSTON ENTERPRI SE	Ph Vari ance Request	51.00
1000 GENERAL	410130 CI TY COMMI SSION	146 LI VINGSTON ENTERPRI SE	PH - John Ol sen	48.00
1000 GENERAL	410130 CI TY COMMI SSION	146 LI VINGSTON ENTERPRI SE	Mantzey & Brookstone	39.00
1000 GENERAL	410130 CI TY COMMI SSION	146 LI VINGSTON ENTERPRI SE	Re-Open City Manager	24.00
1000 GENERAL	410130 CI TY COMMI SSION	146 LI VINGSTON ENTERPRI SE	PH City Planning Not	33.00
1000 GENERAL	410130 CI TY COMMI SSION	146 LI VINGSTON ENTERPRI SE	Addendum City Comm M	18.00
1000 GENERAL	410360 CI TY JUDGE	3430 DAVI DSON, CHARLEE P.	Bal iff Fee	25.00
1000 GENERAL	410360 CI TY JUDGE	999999 BORNEMANN, GEORGE	Jury Duty	25.00
1000 GENERAL	410360 CI TY JUDGE	999999 NELSON, KAREN G	Jury Duty	25.00
1000 GENERAL	410360 CI TY JUDGE	999999 GERHARDT, LAURIE	Jury Duty	25.00
1000 GENERAL	410360 CI TY JUDGE	999999 KI LEY, ELI ZABETH E	Jury Duty	25.00
1000 GENERAL	410360 CI TY JUDGE	999999 NOBLE, RACHEL	Jury Duty	25.00
1000 GENERAL	410360 CI TY JUDGE	999999 WING, JENNY L.	Jury Duty	25.00
1000 GENERAL	410360 CI TY JUDGE	999999 BLOXHAM, HETHE	Jury Duty	12.00
1000 GENERAL	410360 CI TY JUDGE	999999 CARROLL, CECI LE	Jury Duty	12.00
1000 GENERAL	410360 CI TY JUDGE	2751 EDMI STON, KATHRYN	Jury Duty	12.00
1000 GENERAL	410360 CI TY JUDGE	999999 GODWARD, GLENN	Jury Duty	12.00
1000 GENERAL	410360 CI TY JUDGE	999999 KIRCHER, RI CHARD J.	Jury Duty	12.00
1000 GENERAL	410360 CI TY JUDGE	999999 MCCUTCHEN, RUTH	Jury Duty	12.00
1000 GENERAL	410360 CI TY JUDGE	999999 SEELY, ROBERT	Jury Duty	12.00
1000 GENERAL	410360 CI TY JUDGE	999999 SNYDER, JONELLEN	Jury Duty	12.00
1000 GENERAL	410360 CI TY JUDGE	999999 THOMAS, BEAU	Jury Duty	12.00
1000 GENERAL	410400 CI TY MANAGER	3184 MASTERCARD	Recruiting Career Bu	419.00
1000 GENERAL	410400 CI TY MANAGER	3184 MASTERCARD	City Manager Monster	329.00
1000 GENERAL	410400 CI TY MANAGER	3184 MASTERCARD	City Manager ICMA	594.00
1000 GENERAL	410450 ADMI NI STRATI VE SERVI CES -	255 PARK COUNTY HEALTH DEPT	Frelich Immun.	65.00
1000 GENERAL	410550 ACCOUNTI NG	153 POWERS, DIANE	Bank & errands x 25	50.00
1000 GENERAL	410550 ACCOUNTI NG	1550 MALCOTT, EI LEEN	Bank runs Dec-June 3	78.00
1000 GENERAL	410550 ACCOUNTI NG	3248 AGENDA PAL	Scbscription Service	150.00
1000 GENERAL	411030 PLANNER	3417 RON AND SONS PAINTI NG	607 Ori on Way - Weed	125.00
1000 GENERAL	411030 PLANNER	3184 MASTERCARD	Al bertson' s	11.29
1000 GENERAL	411030 PLANNER	3298 EXEC U CARE SERVI CES,	Cle aning	80.00
1000 GENERAL	411030 PLANNER	102 INDUSTRIAL TOWEL	Mats	8.56
1000 GENERAL	411230 FACI LI TY MAI NTENANCE	63 HOUSE OF CLEAN	37% Jani torial suppl	43.79
1000 GENERAL	411230 FACI LI TY MAI NTENANCE	63 HOUSE OF CLEAN	37% Jani torial suppl	31.05
1000 GENERAL	411230 FACI LI TY MAI NTENANCE	63 HOUSE OF CLEAN	37% Jani torial suppl	46.81
1000 GENERAL	411230 FACI LI TY MAI NTENANCE	151 NORTHWESTERN ENERGY	37% Faci lity	8.25
1000 GENERAL	411230 FACI LI TY MAI NTENANCE	151 NORTHWESTERN ENERGY	37% Faci lity	426.08
1000 GENERAL	411230 FACI LI TY MAI NTENANCE	3023 RICK' S REFRIGERATION,	37% Fil ters	176.86
1000 GENERAL	411230 FACI LI TY MAI NTENANCE	102 INDUSTRIAL TOWEL	Rug Maintenance	37.70
1000 GENERAL	411300 CENTRAL COMMUNI CATI ONS	162 CENTURYLI NK	Finance Office	377.88
1000 GENERAL	411700 CENTRAL STORES	1783 J & H OFFICE EQUIPMENT	Canon lease	278.32
1000 GENERAL	411700 CENTRAL STORES	3110 PLATT	Florescent Light bul	93.90
1000 GENERAL	411700 CENTRAL STORES	3184 MASTERCARD	Postage Purchase	100.00
1000 GENERAL	411700 CENTRAL STORES	3184 MASTERCARD	Stamps.com Monthly F	24.99
1000 GENERAL	411700 CENTRAL STORES	3184 MASTERCARD	Toner - Envel opes	1,133.18
1000 GENERAL	411700 CENTRAL STORES	1730 SCHAEFFER MFG CO.	Si mpl ex Supreme	947.65
1000 GENERAL	411700 CENTRAL STORES	3353 STORY DI STRI BUTI NG	Diesel fuel	814.88
1000 GENERAL	420100 OPERATI NG ACCOUNT	3371 BALCO UNI FORM COMPANY,	Uni form suppl ies-Wal	36.90

07/12/16
10:28:59

CITY OF LIVINGSTON
Claim Approval by Fund, Account
For the Accounting Period: 6/16

Page: 2 of 2
Report ID: AP100Z

For doc #s from 28776 to 28903, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 GENERAL	420100 OPERATING ACCOUNT	3371 BALCO UNI FORM COMPANY,	Ballistic Vest - Wal	807.49
1000 GENERAL	420100 OPERATING ACCOUNT	3371 BALCO UNI FORM COMPANY,	Radio Holder	19.00
1000 GENERAL	420100 OPERATING ACCOUNT	2671 COMDATA	June Fuel	1,083.03
1000 GENERAL	420100 OPERATING ACCOUNT	1687 HANSER' S AUTOMOTIVE &	DUI Vehicle Crash to	90.00
1000 GENERAL	420100 OPERATING ACCOUNT	2213 SALT LAKE WHOLESAL	.45 Ammo	978.00
1000 GENERAL	420100 OPERATING ACCOUNT	2213 SALT LAKE WHOLESAL	.223 Ammo	738.00
1000 GENERAL	420100 OPERATING ACCOUNT	2213 SALT LAKE WHOLESAL	freight	110.00
1000 GENERAL	420100 OPERATING ACCOUNT	3376 TRANSUNION RISK &	Investigative search	25.00
1000 GENERAL	420400 OPERATING ACCOUNTS	2671 COMDATA	June Fuel	668.57
1000 GENERAL	420400 OPERATING ACCOUNTS	2595 TOWN & COUNTRY FOODS -	Cleaning supplies	17.92
1000 GENERAL	420400 OPERATING ACCOUNTS	2595 TOWN & COUNTRY FOODS -	Cleaning supplies	0.66
1000 GENERAL	420400 OPERATING ACCOUNTS	292 UPS STORE #2420, THE	Postage	19.64
1000 GENERAL	420400 OPERATING ACCOUNTS	879 VERIZON WIRELESS	Fire	146.65
1000 GENERAL	420400 OPERATING ACCOUNTS	879 VERIZON WIRELESS	Fire	57.66
1000 GENERAL	420400 OPERATING ACCOUNTS	879 VERIZON WIRELESS	Credit memo	-75.15
1000 GENERAL	420400 OPERATING ACCOUNTS	879 VERIZON WIRELESS	Fire	69.49
1000 GENERAL	420400 OPERATING ACCOUNTS	3184 MASTERCARD	Losging for Instruct	299.58
1000 GENERAL	420400 OPERATING ACCOUNTS	3184 MASTERCARD	Pulaski axe	50.89
1000 GENERAL	420400 OPERATING ACCOUNTS	3184 MASTERCARD	Training supplies	120.00
1000 GENERAL	420400 OPERATING ACCOUNTS	3184 MASTERCARD	Training supplies	160.00
1000 GENERAL	420400 OPERATING ACCOUNTS	3184 MASTERCARD	Chief Uniform	151.34
1000 GENERAL	420400 OPERATING ACCOUNTS	3184 MASTERCARD	Subscription	29.00
1000 GENERAL	420400 OPERATING ACCOUNTS	3184 MASTERCARD	PR	239.36
1000 GENERAL	420400 OPERATING ACCOUNTS	3184 MASTERCARD	Vari desk -Fire Chief	197.50
1000 GENERAL	420403 BUILDING INSPECTION	2671 COMDATA	Fuel	115.00
1000 GENERAL	430930 CEMETERY OPERATING	3184 MASTERCARD	Gas Cartridges	476.68
1000 GENERAL	430930 CEMETERY OPERATING	3184 MASTERCARD	Supplies	1,629.93
1000 GENERAL	430930 CEMETERY OPERATING	26 LIVINGSTON ACE HARDWARE -	Switch & Fasteners	14.17
1000 GENERAL	430930 CEMETERY OPERATING	26 LIVINGSTON ACE HARDWARE -	Supplies	16.08
1000 GENERAL	430930 CEMETERY OPERATING	26 LIVINGSTON ACE HARDWARE -	Supplies	147.10
1000 GENERAL	430930 CEMETERY OPERATING	22 ALL SERVICE TIRE &	Plug flat	6.00
1000 GENERAL	430930 CEMETERY OPERATING	2112 CHURCHILL EQUIPMENT CO.,	Parts & repairs	1,728.69
1000 GENERAL	430950 ROAMING OPERATING	879 VERIZON WIRELESS	Roaming Crew	23.02
1000 GENERAL	430950 ROAMING OPERATING	3184 MASTERCARD	Walmart	79.00
1000 GENERAL	430950 ROAMING OPERATING	3184 MASTERCARD	Staples	25.88
1000 GENERAL	430950 ROAMING OPERATING	3184 MASTERCARD	Albertson's	11.30
1000 GENERAL	430950 ROAMING OPERATING	3184 MASTERCARD	Walmart	8.00
1000 GENERAL	430950 ROAMING OPERATING	781 2M COMPANY, INC.	Supplies	1,243.73
1000 GENERAL	430950 ROAMING OPERATING	781 2M COMPANY, INC.	Valve	57.71
1000 GENERAL	430950 ROAMING OPERATING	2 A-1 MUFFLER, INC.	Repairs	169.00
1000 GENERAL	430950 ROAMING OPERATING	26 LIVINGSTON ACE HARDWARE -	Supplies	10.92
1000 GENERAL	430950 ROAMING OPERATING	2671 COMDATA	Fuel	601.09
1000 GENERAL	430950 ROAMING OPERATING	3623 CompuNet, Inc.	Wireless	100.00
1000 GENERAL	430950 ROAMING OPERATING	2001 KARNATZ TREE SERVICE	Tree take downs	1,025.00
1000 GENERAL	430950 ROAMING OPERATING	3390 TD&H ENGINEERING, INC	B15-081	600.00
1000 GENERAL	440640 ANIMAL CONTROL SERVICES	3184 MASTERCARD	Lorman Education Ser	200.00
1000 GENERAL	440640 ANIMAL CONTROL SERVICES	90 COLMEY VETERINARY	Dog	224.55
1000 GENERAL	440640 ANIMAL CONTROL SERVICES	90 COLMEY VETERINARY	Cat	57.00
1000 GENERAL	440640 ANIMAL CONTROL SERVICES	2671 COMDATA	Fuel	119.43
1000 GENERAL	440640 ANIMAL CONTROL SERVICES	3623 CompuNet, Inc.	Wireless	100.00
1000 GENERAL	440640 ANIMAL CONTROL SERVICES	1439 STAFFORD ANIMAL SHELTER	Board, Vac & Euth	1,085.00
1000 GENERAL	460430 PARKS OPERATING	3184 MASTERCARD	Propane tank	56.99

07/12/16
10:28:59

CITY OF LIVINGSTON
Claim Approval by Fund, Account
For the Accounting Period: 6/16

Page: 3 of 3
Report ID: AP100Z

For doc #s from 28776 to 28903, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 GENERAL	460430 PARKS OPERATING	26 LIVINGSTON ACE HARDWARE	- Fasteners	10.95
1000 GENERAL	460430 PARKS OPERATING	26 LIVINGSTON ACE HARDWARE	- Supplies	14.98
1000 GENERAL	460430 PARKS OPERATING	15 JOHN DEERE FINANCIAL	Parts	1.58
1000 GENERAL	460430 PARKS OPERATING	15 JOHN DEERE FINANCIAL	Parts	1.06
1000 GENERAL	460430 PARKS OPERATING	776 KENYON NOBLE	Concrete	36.90
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	3184 MASTERCARD	Pool Uniforms	152.24
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	3184 MASTERCARD	Art in the park supp	8.00
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	3184 MASTERCARD	Pool supplies	58.10
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	3184 MASTERCARD	Adminssi on Inkpad	4.99
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	3184 MASTERCARD	Cleaning supplies	13.07
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	3184 MASTERCARD	Shipping Return Pool	13.45
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	3184 MASTERCARD	Shipping Pool suppli	11.64
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	3184 MASTERCARD	Light/Mini	21.97
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	3184 MASTERCARD	International Fee	0.20
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	26 LIVINGSTON ACE HARDWARE	- Hand soap SP	18.36
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	3624 Murphy's Brothers	Ignition repair	230.00
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	3624 Murphy's Brothers	Service Call	75.00
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	54 GATEWAY OFFICE SUPPLY	Card Stock - Pool Ce	24.99
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	54 GATEWAY OFFICE SUPPLY	Stars for Pool Certi	2.95
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	47 WILCOXSON'S	Ice Cream for Pool S	44.75
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	879 VERIZON WIRELESS	Pool	48.29
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	3184 MASTERCARD	Rec Dept Ad	21.76
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	3184 MASTERCARD	Summer Supplies	373.25
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	3184 MASTERCARD	Parks & Trail Clean	3.23
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	3184 MASTERCARD	Camp Supplies	19.93
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	3184 MASTERCARD	Park & Trails BBQ su	143.34
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	3184 MASTERCARD	Playground balls	19.49
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	3184 MASTERCARD	Pool Punch passes, b	9.69
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	3184 MASTERCARD	Camp supplies	4.50
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	3184 MASTERCARD	Camp supplies	6.50
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	3184 MASTERCARD	Camp Craft supplies	80.90
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	3184 MASTERCARD	Camp Craft supplies	67.50
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	3184 MASTERCARD	Camp Craft supplies	53.82
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	3184 MASTERCARD	Mural paint warming	1,077.99
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	3184 MASTERCARD	Camp lunch supplies	58.00
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	3184 MASTERCARD	Water refills- Offic	4.90
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	3184 MASTERCARD	Graphic Design progr	12.95
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	3184 MASTERCARD	Lunch supplies	18.68
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	3184 MASTERCARD	Art in the Park	71.62
1000 GENERAL	460449 ADMINSTRATIVE SERVICES	3184 MASTERCARD	Camp Snacks	106.35
			Total for Fund:	25,965.98
2211 SOCCER FIELDS	411810 CAPITAL IMPROVEMENTS	92 DANA KEPNER COMPANY	Meter for LYSA Field	520.00
			Total for Fund:	520.00
2212 SUMMERFEST	460420 SUMMERFEST	3184 MASTERCARD	Summerfest Ad	16.97
2212 SUMMERFEST	460420 SUMMERFEST	282 LIVINGSTON TRUE VALUE	Zip Ties for Summerf	8.07
			Total for Fund:	25.04

07/12/16
10:28:59

CITY OF LIVINGSTON
Claim Approval by Fund, Account
For the Accounting Period: 6/16

Page: 4 of 4
Report ID: AP100Z

For doc #s from 28776 to 28903, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount	
2220	LIBRARY	460100 LIBRARY SERVICES	3184 MASTERCARD	Postage Purchase	100.00
2220	LIBRARY	460100 LIBRARY SERVICES	3184 MASTERCARD	Stamps.com Monthly F	15.99
2220	LIBRARY	460100 LIBRARY SERVICES	3184 MASTERCARD	Clock, Batteries	30.98
2220	LIBRARY	460100 LIBRARY SERVICES	3184 MASTERCARD	Batteries	11.75
2220	LIBRARY	460100 LIBRARY SERVICES	3184 MASTERCARD	Alpine Elec. Repair	5.00
Total for Fund:				163.72	
2300	COMMUNICATIONS/DISPATCH	420160 DISPATCH/COMMUNICATIONS	3184 MASTERCARD	Dispatch Office Chair	2,217.00
2300	COMMUNICATIONS/DISPATCH	420160 DISPATCH/COMMUNICATIONS	3184 MASTERCARD	Notary Stamp	24.90
2300	COMMUNICATIONS/DISPATCH	420160 DISPATCH/COMMUNICATIONS	306 GLASS, PEGGY	Dispatcher's Week	46.01
2300	COMMUNICATIONS/DISPATCH	420160 DISPATCH/COMMUNICATIONS	306 GLASS, PEGGY	Humidifier	31.59
2300	COMMUNICATIONS/DISPATCH	420160 DISPATCH/COMMUNICATIONS	306 GLASS, PEGGY	Fax Machine toner	82.99
2300	COMMUNICATIONS/DISPATCH	420160 DISPATCH/COMMUNICATIONS	306 GLASS, PEGGY	Office supplies	7.50
2300	COMMUNICATIONS/DISPATCH	420160 DISPATCH/COMMUNICATIONS	225 FIRST INTERSTATE BANK	HP Laser Jet Printer	349.99
2300	COMMUNICATIONS/DISPATCH	420160 DISPATCH/COMMUNICATIONS	3255 INDUSTRIAL COMMUNICATIONS	UPS-Myers Radio Site	1,860.25
2300	COMMUNICATIONS/DISPATCH	420160 DISPATCH/COMMUNICATIONS	3255 INDUSTRIAL COMMUNICATIONS	Dispatch Service Agr	1,687.00
2300	COMMUNICATIONS/DISPATCH	420160 DISPATCH/COMMUNICATIONS	306 GLASS, PEGGY	Gallatin CO 911 - Bo	32.40
2300	COMMUNICATIONS/DISPATCH	420160 DISPATCH/COMMUNICATIONS	306 GLASS, PEGGY	911 Adv Board Meetin	135.00
Total for Fund:				6,474.63	
2310	TAX INCREMENT DISTRICT -	470300 ECONOMIC DEVELOPMENT	146 LIVINGSTON ENTERPRISE	Urban Renewal Mtg	306.00
2310	TAX INCREMENT DISTRICT -	470300 ECONOMIC DEVELOPMENT	3336 OAK GARDENS NURSERY	URA Baskets	4,032.00
Total for Fund:				4,338.00	
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	3184 MASTERCARD	Walmart	79.00
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	3184 MASTERCARD	Staples	25.88
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	3184 MASTERCARD	Albertson's	11.30
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	3184 MASTERCARD	Cellular Plus	24.99
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	3184 MASTERCARD	Kenyon	14.99
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	3184 MASTERCARD	Walmart	7.99
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	26 LIVINGSTON ACE HARDWARE	- Supplies	18.99
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	26 LIVINGSTON ACE HARDWARE	- Gloves	16.99
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	26 LIVINGSTON ACE HARDWARE	- Rope	94.50
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	26 LIVINGSTON ACE HARDWARE	- Face Mask	37.98
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	2671 COMDATA	Fuel	1,141.62
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	3623 CompuNet, Inc.	Wireless	100.00
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	542 EAGLE FENCE, LLC	Fencing	2,843.30
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	3298 EXECUCARE SERVICES,	Cleaning	80.00
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	102 INDUSTRIAL TOWEL	Mats	8.55
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	15 JOHN DEERE FINANCIAL	Chain	78.48
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	2863 KIMBALL MIDWEST	Supplies	232.08
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	2830 LEHRKIND'S COCA-COLA	Water	15.50
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	3285 SILVERTIP PROPANE	Propane	13.58
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	3390 TD&H ENGINEERING, INC	B15-107 2016 CIP	683.69
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	3472 UTILITIES UNDERGROUND	811	46.05
2500	STREET MAINTENANCE	430240 STREET DEPARTMENT	3390 TD&H ENGINEERING, INC	B15-081	3,995.82
Total for Fund:				9,571.28	

07/12/16
10:28:59

CITY OF LIVINGSTON
Claim Approval by Fund, Account
For the Accounting Period: 6/16

Page: 5 of 5
Report ID: AP100Z

For doc #s from 28776 to 28903, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
2820 GAS TAX	430240 STREET DEPARTMENT	8 KNIFE RIVER	Plant Mix	1,813.07
2820 GAS TAX	430240 STREET DEPARTMENT	12 NORMONT EQUIPMENT	Emulsion	4,564.50
Total for Fund:				6,377.57
4099 RAILROAD CROSSING LEVY	411850 RAILROAD UNDERPASS	1110 DOWL HKM	Livingston RRGs Util	728.25
Total for Fund:				728.25
5210 WATER OPERATING	343021 METERED WATER SALES	999999 HARVEY, LORI	Utility Overpmt acct	67.84
5210 WATER OPERATING	343021 METERED WATER SALES	999999 HOUGE, WARREN	Utility Overpmt acct	9.31
5210 WATER OPERATING	343021 METERED WATER SALES	999999 AXTELL, VICKI & JAN	Overpayment on W.S.G	42.62
5210 WATER OPERATING	430510 WATER ADMINISTRATION	3184 MASTERCARD	Cellular Plus	19.99
5210 WATER OPERATING	430510 WATER ADMINISTRATION	3184 MASTERCARD	Staples	25.87
5210 WATER OPERATING	430510 WATER ADMINISTRATION	3184 MASTERCARD	Albertson's	11.30
5210 WATER OPERATING	430510 WATER ADMINISTRATION	3184 MASTERCARD	Walmart	7.99
5210 WATER OPERATING	430515 WATER SERVICES	3184 MASTERCARD	Walmart	46.98
5210 WATER OPERATING	430515 WATER SERVICES	22 ALL SERVICE TIRE &	Tires	480.00
5210 WATER OPERATING	430515 WATER SERVICES	89 BUDGET GLASS	Glass	205.00
5210 WATER OPERATING	430515 WATER SERVICES	2671 COMDATA	Fuel	540.38
5210 WATER OPERATING	430515 WATER SERVICES	3623 CompuNet, Inc.	Wireless	100.00
5210 WATER OPERATING	430515 WATER SERVICES	294 CHAPPELL'S BODY SHOP,	Regulator & Motor	260.20
5210 WATER OPERATING	430515 WATER SERVICES	92 DANA KEPNER COMPANY	Battery for handheld	205.05
5210 WATER OPERATING	430515 WATER SERVICES	776 KENYON NOBLE	Supplies	34.81
5210 WATER OPERATING	430515 WATER SERVICES	3472 UTILITIES UNDERGROUND	811	46.06
5210 WATER OPERATING	430515 WATER SERVICES	3390 TD&H ENGINEERING, INC	B15-081	9,718.90
5210 WATER OPERATING	430520 FACILITIES/CAPITAL OUTLAY	542 EAGLE FENCE, LLC	Fencing	7,750.00
5210 WATER OPERATING	430520 FACILITIES/CAPITAL OUTLAY	3298 EXECUCARE SERVICES,	Cleaning	80.00
5210 WATER OPERATING	430520 FACILITIES/CAPITAL OUTLAY	102 INDUSTRIAL TOWEL	Mats	8.56
5210 WATER OPERATING	430520 FACILITIES/CAPITAL OUTLAY	1327 INTERMOUNTAIN THERMAL	Day Scan	3,250.00
5210 WATER OPERATING	430520 FACILITIES/CAPITAL OUTLAY	3016 MT WATERWORKS	Supplies	11,693.65
5210 WATER OPERATING	430520 FACILITIES/CAPITAL OUTLAY	3390 TD&H ENGINEERING, INC	B15-107 2016 CIP	1,367.37
Total for Fund:				35,971.88
5310 SEWER OPERATING	430610 SEWER ADMINISTRATION	3184 MASTERCARD	Staples	25.88
5310 SEWER OPERATING	430620 FACILITIES	3184 MASTERCARD	Albertson's	11.30
5310 SEWER OPERATING	430620 FACILITIES	3184 MASTERCARD	Walmart	7.99
5310 SEWER OPERATING	430620 FACILITIES	3298 EXECUCARE SERVICES,	Cleaning	80.00
5310 SEWER OPERATING	430620 FACILITIES	102 INDUSTRIAL TOWEL	Mats	8.55
5310 SEWER OPERATING	430625 SEWER SERVICES	3184 MASTERCARD	Walmart	46.98
5310 SEWER OPERATING	430625 SEWER SERVICES	2671 COMDATA	Fuel	272.65
5310 SEWER OPERATING	430625 SEWER SERVICES	3623 CompuNet, Inc.	Wireless	100.00
5310 SEWER OPERATING	430625 SEWER SERVICES	34 MOUNTAIN AIR SPORTS	Shirts	88.00
5310 SEWER OPERATING	430625 SEWER SERVICES	3472 UTILITIES UNDERGROUND	811	46.05
5310 SEWER OPERATING	430625 SEWER SERVICES	3390 TD&H ENGINEERING, INC	B15-081	1,000.00
5310 SEWER OPERATING	430630 COLLECTION AND	542 EAGLE FENCE, LLC	Fencing	7,750.00
5310 SEWER OPERATING	430630 COLLECTION AND	3390 TD&H ENGINEERING, INC	B15-107 2016 CIP	683.69
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	3184 MASTERCARD	Sears	449.99
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	3184 MASTERCARD	Ace	32.53
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	3184 MASTERCARD	Walmart	79.00
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	22 ALL SERVICE TIRE &	Tires	1,888.00

07/12/16
10:28:59

CITY OF LIVINGSTON
Claim Approval by Fund, Account
For the Accounting Period: 6/16

Page: 6 of 6
Report ID: AP100Z

For doc #s from 28776 to 28903, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	3378 AMERICAN AUTOMOTIVE	Tune up & repairs	1,575.02
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	422 CHEMSEARCH	Gloves	459.66
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	422 CHEMSEARCH	Supplies	457.93
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	424 ENERGY LABORATORIES, INC.	B16061417	102.00
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	102 INDUSTRIAL TOWEL	Mats	23.90
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	776 KENYON NOBLE	Adhesive & Fasteners	28.69
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	10 MOBILE REPAIR & WELDING,	flat	34.42
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	723 MONTANA CRANE SERVICE,	Crane	1,495.00
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	33 NORTH CENTRAL	Supplies	2,251.96
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	1199 O'CONNOR'S BODY SHOP, LLC	Repairs	1,407.98
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	3346 SOIL CONTROL LAB	Finished Compost	349.00
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	424 ENERGY LABORATORIES, INC.	B16061939	102.00
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	98 GRAYBEAL'S ALL SERVICE	WWTP	350.60
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	98 GRAYBEAL'S ALL SERVICE	WWTP	40.00
Total for Fund:				21,248.77
5410 SOLID WASTE	430810 SOLID WASTE	3184 MASTERCARD	Staples	25.88
5410 SOLID WASTE	430820 FACILITIES	3184 MASTERCARD	Albertson's	11.29
5410 SOLID WASTE	430820 FACILITIES	3184 MASTERCARD	Walmart	7.99
5410 SOLID WASTE	430820 FACILITIES	3298 EXEC U CARE SERVICES,	Cleaning	80.00
5410 SOLID WASTE	430820 FACILITIES	102 INDUSTRIAL TOWEL	Mats	8.55
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	3184 MASTERCARD	Walmart	111.97
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	2671 COMDATA	Fuel	111.43
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	1390 KEN'S EQUIPMENT REPAIR,	Backhoe	550.00
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	1390 KEN'S EQUIPMENT REPAIR,	Unit 570	186.55
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	1390 KEN'S EQUIPMENT REPAIR,	Unit 410	2,107.35
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	1390 KEN'S EQUIPMENT REPAIR,	Unit 410	2,928.20
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	1390 KEN'S EQUIPMENT REPAIR,	Garbage truck	139.40
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	3223 BERG'S OVERHEAD DOOR LLC	Remainder for Door	3,886.00
5410 SOLID WASTE	430835 CAPITAL OUTLAY	3341 OTTO ENVIRONMENTAL	Black Tubs	5,794.00
Total for Fund:				15,948.61
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	1845 GENERAL DISTRIBUTING	Patient supplies	347.07
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	55 LIVINGSTON HEALTH	Patient supplies	64.81
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2671 COMDATA	June Fuel	831.64
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	3622 MACINNES, KEN	Uniforms	208.92
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	879 VERIZON WIRELESS	EMS	92.67
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	879 VERIZON WIRELESS	EMS	13.22
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	879 VERIZON WIRELESS	EMS	46.95
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	879 VERIZON WIRELESS	EMS	13.22
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	879 VERIZON WIRELESS	Medic 2	33.48
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	3184 MASTERCARD	Channellock tool	44.98
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	3184 MASTERCARD	Paper cutter	63.64
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	3184 MASTERCARD	Test strips	50.33
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	3184 MASTERCARD	Medwrite - May	2,977.19
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	3184 MASTERCARD	Uniform	45.00
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	3184 MASTERCARD	Vari desk -Fire Chief	197.50
Total for Fund:				5,030.62

07/12/16
10:28:59

CITY OF LIVINGSTON
Claim Approval by Fund, Account
For the Accounting Period: 6/16

Page: 7 of 27
Report ID: AP100Z

For doc #s from 28776 to 28903, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
7910 PAYROLL FUND	212970 FLEX PLAN BENEFITS PAY	2569 HARD, WAYNE	Flex Account	227.61
7910 PAYROLL FUND	212970 FLEX PLAN BENEFITS PAY	3577 MONTGOMERY, MELODY	Flex Account	25.00
7910 PAYROLL FUND	212970 FLEX PLAN BENEFITS PAY	306 GLASS, PEGGY	Flex Account - Acct	255.89
			Total for Fund:	508.50
			Total :	132,872.85

07/12/16
10:30:30

CITY OF LIVINGSTON
Claim Approval by Fund, Account
For the Accounting Period: 7/16

Page: 1 of 1
Report ID: AP100Z

For doc #s from 29503 to 29538, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 GENERAL	411230 FACILITY MAINTENANCE	102 INDUSTRIAL TOWEL	Rug maintenance	21.94
1000 GENERAL	411230 FACILITY MAINTENANCE	2613 US BANK	City/County building	18,968.45
1000 GENERAL	411230 FACILITY MAINTENANCE	2613 US BANK	City/County building	440.45
1000 GENERAL	411300 CENTRAL COMMUNICATIONS	3440 CHARTER COMMUNICATIONS	414 Callender Intern	3,118.22
1000 GENERAL	411300 CENTRAL COMMUNICATIONS	3440 CHARTER COMMUNICATIONS	110 S. B Street	885.63
1000 GENERAL	411300 CENTRAL COMMUNICATIONS	3440 CHARTER COMMUNICATIONS	PW Internet	888.58
1000 GENERAL	420100 OPERATING ACCOUNT	3317 NETMOTION WIRELESS, INC.	NetMotion Wireless L	825.00
1000 GENERAL	420100 OPERATING ACCOUNT	976 DEPT OF JUSTICE	CJIN Access 7/1/16-6	1,243.49
1000 GENERAL	420400 OPERATING ACCOUNTS	3488 ALADTEC, INC.	Scheduling Software	997.50
1000 GENERAL	420400 OPERATING ACCOUNTS	26 LIVINGSTON ACE HARDWARE	Cleaning supplies	13.98
1000 GENERAL	420400 OPERATING ACCOUNTS	2595 TOWN & COUNTRY FOODS	Station supplies	1.98
1000 GENERAL	430100 PUBLIC WORKS ADMIN	3614 Tracker Software	PubWorks 50% Due	920.00
1000 GENERAL	430930 CEMETERY OPERATING	22 ALL SERVICE TIRE &	Tube	10.00
1000 GENERAL	430930 CEMETERY OPERATING	22 ALL SERVICE TIRE &	Stem	5.00
1000 GENERAL	430930 CEMETERY OPERATING	22 ALL SERVICE TIRE &	Tire Repair	12.00
1000 GENERAL	430950 ROAMING OPERATING	26 LIVINGSTON ACE HARDWARE	Pipe	2.99
1000 GENERAL	430950 ROAMING OPERATING	2087 WISPWEST.NET	Internet	44.95
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	2087 WISPWEST.NET	Pool Internet	44.95
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	957 RESPOND SYSTEMS	First Aid Kit Pool	113.50
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	3364 CITY OF LIVINGSTON	Art Supplies	25.50
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	3586 TARR, MARGARET	Reimburse Art Class	31.98
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	957 RESPOND SYSTEMS	First Aid Kit Civ Ce	53.83
Total for Fund:				28,669.92
2210 RECREATION DEPARTMENT	460449 ADMINISTRATIVE SERVICES	3529 KASTING, KAUFFMAN & MERSEN	Sell and Prosecution	4.52
Total for Fund:				4.52
2212 SUMMERFEST	460420 SUMMERFEST	3626 BRANGER, PATRICK	Inflatables/Face Pai	1,000.00
2212 SUMMERFEST	460420 SUMMERFEST	509 DELTA SIGNS & GRAPHICS	2 Flex Banners, 2 De	188.00
Total for Fund:				1,188.00
2220 LIBRARY	460100 LIBRARY SERVICES	122 DEPARTMENT OF REVENUE	1% Misc Tac -Library	86.99
Total for Fund:				86.99
2310 TAX INCREMENT DISTRICT -	470300 ECONOMIC DEVELOPMENT	3327 MONTANA PRESSURE WASH	90% Complete Summer	3,127.50
2310 TAX INCREMENT DISTRICT -	470300 ECONOMIC DEVELOPMENT	3327 MONTANA PRESSURE WASH	Less 25% down	-1,143.75
Total for Fund:				1,983.75
2500 STREET MAINTENANCE	430220 FACILITIES/CITY SHOP	3614 Tracker Software	PubWorks 50% Due	920.00
2500 STREET MAINTENANCE	490500 DEBT SERVICE PAYMENTS	2613 US BANK	2013 Street Project	19,567.56
2500 STREET MAINTENANCE	490500 DEBT SERVICE PAYMENTS	2613 US BANK	2013 Street Project	2,195.83
Total for Fund:				22,683.39
4099 RAILROAD CROSSING LEVY	490500 DEBT SERVICE PAYMENTS	2613 US BANK	RR Underpass Right o	997.34

07/12/16
10:30:30

CITY OF LIVINGSTON
Claim Approval by Fund, Account
For the Accounting Period: 7/16

Page: 2 of 2
Report ID: AP100Z

For doc #s from 29503 to 29538, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
Total for Fund:				997.34
5210 WATER OPERATING	343021 METERED WATER SALES	999999 SHERWOOD, PURITY	Overpayment on acct	69.42
5210 WATER OPERATING	430510 WATER ADMINISTRATION	3614 Tracker Software	PubWorks 50% Due	961.37
5210 WATER OPERATING	430515 WATER SERVICES	2515 MT DEPT OF ENVIRONMENTAL	Wtr Wst Wtr Testing	140.00
5210 WATER OPERATING	430515 WATER SERVICES	2515 MT DEPT OF ENVIRONMENTAL	Drinking Wtr App Fee	70.00
5210 WATER OPERATING	430515 WATER SERVICES	957 RESPOND SYSTEMS	PW Shop First Aid Su	56.51
5210 WATER OPERATING	430515 WATER SERVICES	957 RESPOND SYSTEMS	PW Shop First Aid Su	56.51
5210 WATER OPERATING	430515 WATER SERVICES	1430 USA BLUEBOOK	Swi fTest	112.49
5210 WATER OPERATING	430515 WATER SERVICES	3237 WHISTLER TOWING, LLC	Tow vehicle for Wate	65.00
5210 WATER OPERATING	430570 CUSTOMER ACCTG/COLLECTION	3184 MASTERCARD	Rocky Mtn Print UB c	185.06
5210 WATER OPERATING	490500 DEBT SERVICE PAYMENTS	2613 US BANK	2010 Water Main Proj	7,647.00
5210 WATER OPERATING	490500 DEBT SERVICE PAYMENTS	2613 US BANK	2010 Water Main Proj	471.53
Total for Fund:				9,834.89
5310 SEWER OPERATING	430610 SEWER ADMINISTRATION	112 MONTANA RAIL LINK	Agreement #600286	100.00
5310 SEWER OPERATING	430610 SEWER ADMINISTRATION	112 MONTANA RAIL LINK	Agreement #88742	100.00
5310 SEWER OPERATING	430610 SEWER ADMINISTRATION	3614 Tracker Software	PubWorks 50% Due	1,840.00
5310 SEWER OPERATING	430670 CUSTOMER ACCTG/COLLECTION	3184 MASTERCARD	Rocky Mtn Print UB c	185.05
5310 SEWER OPERATING	490500 DEBT SERVICE PAYMENTS	2613 US BANK	2010 Sewer Main Proj	7,087.00
5310 SEWER OPERATING	490500 DEBT SERVICE PAYMENTS	2613 US BANK	2010 Sewer Main Proj	437.02
Total for Fund:				9,749.07
5410 SOLID WASTE	430810 SOLID WASTE	3614 Tracker Software	PubWorks 50% Due	920.00
5410 SOLID WASTE	430820 FACILITIES	2515 MT DEPT OF ENVIRONMENTAL	July-Sept 2016 Li cen	120.00
5410 SOLID WASTE	430820 FACILITIES	2515 MT DEPT OF ENVIRONMENTAL	Oct-Dec 2016 Li cense	120.00
5410 SOLID WASTE	430820 FACILITIES	2515 MT DEPT OF ENVIRONMENTAL	Jan-Mar 2017 Li cense	120.00
5410 SOLID WASTE	430820 FACILITIES	2515 MT DEPT OF ENVIRONMENTAL	Apr-June 2017 Li cense	120.00
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	23 CARQUEST AUTO PARTS	Supplies	27.60
5410 SOLID WASTE	430835 CAPITAL OUTLAY	3341 OTTO ENVIRONMENTAL	Blue Cans x351	20,009.39
5410 SOLID WASTE	430870 CUSTOMER ACCTG/COLLECTION	3184 MASTERCARD	Rocky Mtn Print UB c	185.05
Total for Fund:				21,622.04
5510 AMBULANCE SERVICES	420710 AMBULANCE ADMINISTRATION	3488 ALADTEC, INC.	Scheduling Software	997.50
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	55 LIVINGSTON HEALTH	Patient supplies	208.31
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2962 FIRST	MRX Monitor	4,995.00
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2437 O'REILLY AUTOMOTIVE, INC	M2 mirror	3.89
Total for Fund:				6,204.70
Total :				103,024.61

Backup material for agenda item:

D. Approve 4th Quarter Pledged Securities Report

DEPOSITORY BONDS AND SECURITIES
June 30th, 2016

MATURITY CUSIP NO. TOTAL AMOUNT

FIRST INTERSTATE BANK

All Accounts

Federal Deposit Insurance Corporation \$ 250,000.00

FMNT 01/24/20 3136G1B24 \$ 2,000,000.00

TOTAL - First Interstate Bank \$ 2,250,000.00

OPPORTUNITY BANK OF MONTANA

All Accounts

Federal Deposit Insurance Corporation \$ 250,000.00

Chester Township New Jersey 03/01/2033 166042BP5 \$ 475,782.60

TOTAL - Opportunity Bank of Montana \$ 725,782.60

PLEGGED SECURITIES AND CASH IN BANK

As of
June 30th, 2016

First Interstate Bank

	<u>Total</u>
Cash & CD's on Deposit As of June 30 th , 2016	\$ 3,337,946.23
FDIC Coverage	<u>\$ 250,000.00</u>
Amount Remaining	<u>\$ 3,087,946.23</u>
Pledges required 50%	\$ 1,543,973.12
Actual Amount of Pledges As of June 30 th , 2016	<u>\$ 2,000,000.00</u>
Over (Under) Pledged As of June 30 th , 2016	<u>\$ 456,026.88</u>

Opportunity Bank of Montana

	<u>Total</u>
CD's on Deposit	
As of June 30 th , 2016	\$ 952,858.96
FDIC Coverage	<u>\$ 250,000.00</u>
Amount Remaining	<u>\$ 702,858.96</u>
Pledges required 50%	\$ 351,429.48
Actual Amount of Pledges	
As of June 30 th , 2016	<u>\$ 475,782.60</u>
Over (Under) Pledged	
As of June 30 th , 2016	<u>\$ 124,353.12</u>

REFERENCE: Section 7-6-207, M.C.A.

Backup material for agenda item:

E. CONSENT - Approve Reserved Parking Space Application

CITY OF LIVINGSTON

APPLICATION FOR SPECIAL PARKING SPACES RESERVED FOR DISABLED PERSONS ON A PUBLIC STREET

Name of Applicant Chris L. Betts
 Address 312 So. "B" Livingston, MT 59047 Phone (406) 222-1929

Type of Special Parking Space Requested:
 General public use. Reserved for personal use of a disabled person. \$50.00 fee

Specific Location of the Requested Space(s): 312 So "B" Livingston

Reason for the Request: I've had a quadruple By-pass & it's hard for me to walk long distances plus I've got COPD

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

1. Do you operate a vehicle displaying a specialty inscribed license plate issued by the state of Montana to disabled persons and displaying a wheelchair symbol, or the letters "DV" issued to disabled veterans, or do you possess a special parking permit issued by the State of Montana to persons with a disability? (Provide a copy of the vehicle registration) Yes No
2. Is the requested parking space adjacent to your permanent residence? Yes No
3. Does reasonably accessible and practicable off street parking exist? Yes No
4. License plate number of vehicle(s) designated to use the space: 19-3990
5. Are designated vehicles operated by you? Yes No

Administrative Use

Date application received: _____ Reviewed by: _____
 Does request meet criteria? Yes No Staff notes: _____

City commission action: Approved Denied Date _____

Date sign installed _____ Fee collected by: _____

Date sign removed _____ By _____ Reason _____

CITY OF LIVINGSTON

APPLICATION FOR SPECIAL PARKING SPACES RESERVED FOR DISABLED PERSONS ON A PUBLIC STREET

Name of Applicant Chris L. Betts
Address 312 So. "B" Livingston, MT 59047 Phone (406) 222-192

Type of Special Parking Space Requested:
 General public use. Reserved for personal use of a disabled person. \$50.00 fee

Specific Location of the Requested Space(s): 312 So. "B" Livingston, MT 59047

Reason for the Request: I've had a quadruple by-pass & it's hard for me to walk long distances. I also have C.I.P.D.

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

1. Do you operate a vehicle displaying a specialty inscribed license plate issued by the state of Montana to disabled persons and displaying a wheelchair symbol, or the letters "DV" issued to disabled veterans, or do you possess a special parking permit issued by the State of Montana to persons with a disability? (Provide a copy of the vehicle registration) Yes No
2. Is the requested parking space adjacent to your permanent residence? Yes No
3. Does reasonably accessible and practicable off street parking exist? Yes No
4. License plate number of vehicle(s) designated to use the space: 49-6340
5. Are designated vehicles operated by you? Yes No

Administrative Use

Date application received: _____ Reviewed by: _____

Does request meet criteria? Yes No Staff notes: _____

City commission action: Approved Denied Date _____

Date sign installed _____ Fee collected by: _____

Date sign removed _____ By _____ Reason _____

SERVICE ORDER - LIVINGSTON WATER AND SEWER

37

068923
06/20/16

00080029

312 SOUTH B

HANDICAP SIGN VERIFY ELEGIBILITY

Page 1

SERVICE ORDER # 068923

STATUS: ACTIVE

Created 06/20/16 01:25:18 PM
Required By 06/20/16 12:00 PM
Completed
Originated By *WENDY
Modified By *WENDY
Fee Status NONE

Assigned To CRAIG HAHN
Approved By **WENDY
Amount 0.00

Requestor: OUR OFFICE
Name: WENDY
Address: 312 SOUTH B
City-ST-Zip:

GIS / GPS:
Lat: 45.660000
Long: -110.556000

UTILITY BILLING CUSTOMER INFORMATION:

Account: 00080029-00
Rt-Meter: 19-08-035
Service Address: 312 SOUTH B
City-ST-Zip:
Name: BETTS, CHRIS
Address: 312 S B ST
Subdivision:
Block: Lot:
Phone: () 222-1929

METER INFORMATION:

Id: 2220426 B
Brand: SENSUS
Size: 5/8"
Reading: 2198
Rd Date: 05/31/16
MXU Id: 11078920 B
Serial: 44721451
Comment:

SERVICE ORDER TYPE: HANDICAP SIGN VERIFY ELEGIBILITY

She has applied for 2 handicap parking spaces at her home.

Utility Billing Service Order Notes

141' (F) CLARK ON B 7' 6" OUT ' COPPER ON THEIR SIDE

Additional Instructions:

Special reserved parking space requirements:
2012 C:

Does it comply with Ordinance #

ADDRESS: 312 S. B

The space must be located on a smooth, level surfaces as near as practicable to building entrances or walkways that have curb cuts and appropriately designed ramps and access lanes to accommodate wheelchairs.

Comments: Driveway is close to front of House.

If parallel to curbside the parking space must be separated from an adjacent space, either in the front or the rear, by at least 5 ft of striped no-parking area.

Comment: OK

A parking space reserved for a person with a disability must be designated by a sign showing the international symbol of accessibility, indicating that a permit is required, and stating the penalty for a violation. The sign must be attached to a wall or post in a way that it is not obscured by a vehicle parked in the space.

Comment: Will be Done when ~~approved~~ approved

In my opinion this space does comply X

Does not comply _____

I suggest that the council Approve X this request

Disapprove _____ this request

Signature 

Special reserved parking space requirements:
2012 C:

Does it comply with Ordinance #

ADDRESS: 312 S. B.

Ordinance Sec. 9-243 Paragraph C only allows for one parking space at a resident.

The space must be located on a smooth, level surfaces as near as practicable to building entrances or walkways that have curb cuts and appropriately designed ramps and access lanes to accommodate wheelchairs.

Comments:

If parallel to curbside the parking space must be separated from an adjacent space, either in the front or the rear, by at least 5 ft of striped no-parking area.

Comment:

A parking space reserved for a person with a disability must be designated by a sign showing the international symbol of accessibility, indicating that a permit is required, and stating the penalty for a violation. The sign must be attached to a wall or post in a way that it is not obscured by a vehicle parked in the space.

Comment:

In my opinion this space does comply _____

Does not comply X

I suggest that the council Approve _____ this request

Disapprove X this request

Signature *Ray Nak*





Backup material for agenda item:

- A. RESOLUTION NO. 4681 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA APPROVING AMENDMENTS TO THE LIVINGSTON URBAN RENEWAL AGENCY'S FAÇADE AND ENERGY EFFICIENCY IMPROVEMENT PROGRAMS FOR BUILDINGS WITHIN THE URBAN RENEWAL DISTRICT.**

Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Resolution No. 4681

Date of First Consideration / Status: July 19, 2016

Purpose of Legislation: A resolution of the City Commission approving amendments to the Urban Renewal Agency's Façade and Energy Efficiency Improvement Programs for buildings within the Urban Renewal District.

Statutory Authority / Reference: Mont. Code Ann. § 7-15-4201 *et seq.*

Background: The Livingston City Commission created the Urban Renewal Agency and the Urban Renewal District for the purposes set forth and discussed in the Montana Urban Renewal Law. The Commission also approved and implemented tax increment financing within the Urban Renewal District so the Urban Renewal Agency could utilize the associated funds to provide monetary support for blight remediation projects within the District. The Livingston City Commission later implemented the Urban Renewal Agency's Façade and Energy Efficiency Improvement Programs via Resolution 4593. The Urban Renewal Agency now desires to amend the programs and is seeking Commission approval.

Fiscal Impact: See attached fiscal note.

Regulatory Impact (local): N/A

Attachments: Guidelines for Urban Renewal Agency Façade and Energy Efficiency Improvement Programs.

RESOLUTION NO. 4681

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA APPROVING AMENDMENTS TO THE LIVINGSTON URBAN RENEWAL AGENCY’S FAÇADE AND ENERGY EFFICIENCY IMPROVEMENT PROGRAMS FOR BUILDINGS WITHIN THE URBAN RENEWAL DISTRICT.

WHEREAS, the Livingston City Commission created the Urban Renewal Agency and the Urban Renewal District for the purposes set forth and discussed in the Montana Urban Renewal Law;

WHEREAS, the Livingston City Commission also approved and implemented tax increment financing within the Urban Renewal District so the Urban Renewal Agency could utilize the associated funds to provide monetary support for blight remediation projects within the District;

WHEREAS, via Resolution No. 4593 the Livingston City Commission implemented programs to help businesses, tenants, and owners improve the façades and energy efficiency of buildings within the Urban Renewal District; and

WHEREAS, the Urban Renewal Agency is now requesting the program documents approved via Resolution No. 4593 be amended as set forth in the documents collectively attached hereto as Exhibit A.

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

That the amendments to the Urban Renewal Agency’s Façade and Energy Efficiency Improvement Programs as shown in Exhibit A are hereby approved.

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

That the Urban Renewal Agency’s Façade and Energy Efficiency Improvement Programs, as amended, are hereby implemented and shall be carried into effect forthwith.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this _____ day of July, 2016.

JAMES BENNETT - Chairman

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

ERIK COATE
City Attorney

CITY OF LIVINGSTON FISCAL NOTE

Ordinance # _____
 Resolution # _____ 4681

Fiscal Analysis Assumptions

- The URA will set the budget for the program as a whole each fiscal year.
- In FY 2016 this was \$150,000 for each of the facade program and the energy efficiency programs.
- This number will vary largely depending on the # of grant requests, costs of projects and annual budget

<input checked="" type="checkbox"/> Budgeted Expenditure	<input type="checkbox"/> Unbudgeted Expenditure:
	<input type="checkbox"/> Unanticipated Revenue
	<input type="checkbox"/> Reserves
	<input type="checkbox"/> Other Line Item Savings

<u>Costs by Object</u>	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>
Personnel			
Operating			
Capital	\$ 300,000	300,000	300,000
Debt Service			
Total Costs	<u>\$ 300,000</u>	<u>\$ 300,000</u>	<u>\$ 300,000</u>

<u>Funding Source</u>	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>
Fund Name Downtown URA	\$ 300,000	\$ 300,000	\$ 300,000
Total	<u>\$ 300,000</u>	<u>\$ 300,000</u>	<u>\$ 300,000</u>

Signature Jessie R. Hogg
 Date 7/13/2016

GUIDELINES FOR
URBAN RENEWAL AGENCY
FAÇADE AND ENERGY EFFICIENCY
IMPROVEMENT PROGRAMS



TABLE OF CONTENTS

- I. Purpose and Overview
 - II. Preliminary Eligibility Requirements
 - III. Program Details
 - IV. Miscellaneous Terms & Conditions
 - V. Application Process
- Exhibit A: Program Application
- Exhibit B: Program Agreement

I. PURPOSE AND OVERVIEW

The Montana Legislature declared the prevention and elimination of blighted areas to be a matter of state policy and state concern in order that the state and its municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, are conducive to fires, are difficult to police and to provide police protection for, and, while contributing little to the tax income of the state and its municipalities, consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities. Therefore, the Legislature empowered municipalities to create urban renewal districts whereby the municipalities could fight the spread or further deterioration of blighted areas.

The City of Livingston created an urban renewal district (the “District”) in 2003 upon determining certain areas of Livingston were blighted. The District is administered by the Livingston Redevelopment Agency, commonly known as the Urban Renewal Agency (the “URA”), and is benefitted by tax increment financing. Having access to TIF funds, the URA sought to implement a program or programs through which it could remove, remediate and prevent blighted areas in the District. The programs set forth and detailed in this document are aimed at accomplishing the URA’s goals of blight removal, remediation and prevention. Namely, the programs provide financial assistance to property owners and/or tenants who desire to repair or rehabilitate the façades or energy efficiency of buildings and properties within the District.

Those interested in acquiring funding for façade or energy efficiency projects should become familiar with this document. Applicants will be required to comply with and follow the

process set forth herein. Interested parties with questions or concerns should contact Ryann Rivard at (406) 333-3333.

II. PRELIMINARY ELIGIBILITY REQUIREMENTS

The following criteria will apply to every proposed project, whether considered façade repair or rehabilitation or an energy efficiency improvement.

- Projects must constitute façade repair or rehabilitation or an energy-efficiency upgrade. The term “façade” is defined as the portion of a building that faces the public right-of-way and is fronted by a sidewalk or other pedestrian pathway, or that portion of a building that faces an alley and contains a public entryway. Examples of a façade improvement projects include, but are not limited to, painting, pressure-washing of walls, brick and mortar repair, gutter work, or removal of old signage. (*Note: The purchase and installation of new signage is not contemplated under the program.*) Examples of energy-efficiency upgrades include, but are not limited to, the purchase and installation of a new furnace, boiler or hot water heater, or new windows, doors or insulation. Energy efficiency upgrades also include clean alternative energy projects.

- Every application for funding must be made in the name of the building owner or a building tenant. If the building tenant makes an application, the tenant’s application must include the building owner’s written consent allowing the tenant to participate in the specific program. Any application made by a tenant without the express written consent of the building owner will be summarily denied.

- The proposed project must be for an improvement to a building or buildings located in the District. Single family properties are not being considered for the program at this time. Properties on which taxes are delinquent will not be considered for funding. Similarly,

properties which are encumbered by construction or mechanic’s liens will not be eligible.

Applicants must obtain all necessary permits and inspections, and pay any associated fees.

- Each and every proposed project must first be approved by the Historical Preservation Committee. Failure to obtain such approval will result in the application being summarily rejected.

- For the first year of the programs, funding is not available for work completed prior to July 15, 2015⁴. ~~For subsequent years of the programs, funding is only available for work that is yet to be commenced; i.e., funding is not available for work already commenced or completed as of the date of the application.~~

- By making an application, an applicant acknowledges (1) it is bound by the terms and conditions of the respective program applied for, and (2) it fully and completely understands its duties and obligations under the program applied for.

- Every application for funding must be accompanied by the contractor’s bid or an itemized cost of materials. (Please note that applicants are permitted to perform work associated with the proposed project; however, funds will not be paid to reimburse the applicant for personal time spent on the project.)

III. PROGRAM DETAILS

1. FUNDING OPTIONS. The URA offers several funding options for applicants seeking to improve a property by way of façade repair or rehabilitation or energy efficiency improvements. Façade repair or rehabilitation projects may be eligible for funding under the “Façade Program,” and energy efficiency improvements may be eligible for funding under the “Efficiency Program.”

a. Façade Program. Applicants can request a one hundred percent (100%) payout (the “Façade Payout Option”), or up to a fifty percent (50%) grant (the “Façade Grant Option”). Each option is described in detail below.

i. Façade Payout Option. In the event a project is approved for funding, the URA will reimburse participants for 100% of the project costs; provided, however, the total reimbursed project costs cannot exceed one thousand and no/100 dollars (\$1,000.00).

ii. Façade Grant Option. In the event a project is approved for funding, the URA will reimburse the participant up to 50% of the total project costs; ~~provided, however, reimbursement from the URA will not exceed eighteen thousand and no/100 dollars (\$18,000.00)~~. The URA will calculate the reimbursement amount (the amount that is up to 50% of the total project costs) by using the accepted bid for the project, after subtracting any other grants received by the participant.

A. Façade Grant Option Application Review. Grant applications will be considered in chronological order based upon the date on which the URA receives the applications. The following items (and others) will be considered in the grant application review process: (1) project scope; (2) previous grants or loans the applicant has received from the URA; (3) overall impact upon the District and other business owners in the District.

b. Efficiency Program. Applicants can request a one hundred percent (100%) payout (the “Efficiency Payout Option”), or up to a fifty percent (50%) grant (the “Efficiency Grant Option”). Each option is described in detail below.

i. Efficiency Payout Option. In the event a project is approved for funding, the URA will reimburse participants for 100% of the project costs, not including any

other grants received; provided, however, the total reimbursed project costs cannot exceed one thousand and no/100 dollars (\$1,000.00).

ii. Efficiency Grant Option. In the event a project is approved for funding, the URA will reimburse the participant up to 50% of the total project costs; ~~provided, however, reimbursement from the URA will not exceed eighteen thousand and no/100 dollars (\$18,000.00)~~. The URA will calculate the reimbursement amount (the amount that is 50% of the total project costs) by using the accepted bid for the project, after subtracting any other grants received by the participant.

A. Efficiency Grant Option Application Review. Grant applications will be considered in chronological order based upon the date on which the URA receives the applications. The following items (and others) will be considered in the grant application review process: (1) project scope; (2) previous grants or loans the applicant has received; (3) overall impact upon the District and other business owners in the District.

IV. MISCELLANEOUS TERMS AND CONDITIONS

1. TOTAL FUNDS AVAILABLE. The URA has a total of one hundred fifty thousand and no/100 dollars (\$150,000.00) to spend on each program in fiscal year 2015-2016. The programs will likely continue on a yearly basis through fiscal year 2018-2019, but the URA has yet to set funding levels for any fiscal year beyond 2015-2016. Prior to the end of each fiscal year, the URA shall determine funding levels for the next fiscal year. The funding level for each fiscal year shall be approved by the Livingston City Commission. Fiscal years are determined by the City of Livingston's fiscal year calendar. Funds are spent on a first come, first serve basis.

2. PROGRAM COMMENCEMENT. The Façade Program and the Efficiency Program described above will begin upon the Livingston City Commission's approval of this

document. The URA will begin accepting applications for both programs on the day after said approval.

3. PROJECT COMPLETION. All projects awarded funding hereunder shall be completed within six (6) months after the date on which the applicant receives a notice to proceed from the URA.

4. PAYMENT. With respect to funds due under the Façade Payout Option, Façade Grant Option, Efficiency Payout Option, or Efficiency Grant Option, the URA will make the reimbursement payment to the participant only after: (1) the project is complete; (2) the participant has presented the URA with receipts and/or invoices evincing the total project costs; (3) the URA, in its sole and absolute discretion, is satisfied the project was completed in accordance with all terms and conditions of the program; (4) all inspections required by law are complete; and (5) the Livingston City Commission has approved such payment. *Note:* The participant is responsible for paying all contractors, material suppliers, and vendors.

5. URA'S ACCESS TO PROJECT SITE AND RECORDS. By participating in the Façade Program or the Efficiency Program, participants agree the URA shall have access to the project site and all paperwork associated with the project or projects the URA is funding, including, but not limited to, accounting records, plans, drawings, and invoices from contractors, subcontractors or material suppliers, and informed of any other grant applications and grants awarded for this project from sources outside the URA. Participants shall make the project site and/or such paperwork available to the URA within five (5) days of receiving a request for inspection from the URA. If a participant fails to provide access to the project site or the paperwork requested, the URA may, in its sole and absolute discretion, pull funding for the project or projects.

6. ADDITIONAL LIMITATIONS ON ELIGIBILITY.

a. Façade Program. Applicants are eligible for only one (1) source of funding under the Façade Program in any given fiscal year. That is, if an application is approved for participation in the Façade Payout Option, the applicant is not eligible for participation in the Façade Grant Option, and vice versa. Further, applicants cannot receive more than one (1) Façade Payout or more than one (1) Façade Grant in the same fiscal year. A single project is eligible for only one (1) Façade Payout or one (1) Façade Grant, not both or more than one (1) of either.

b. Efficiency Program. Likewise, applicants are eligible for only one (1) source of funding under the Efficiency Program in any given fiscal year. That is, if an application is approved for participation in the Efficiency Payout Option, the applicant is not eligible for participation in the Efficiency Grant Option, and vice versa. Further, applicants cannot receive more than one (1) Efficiency Payout or more than one (1) Efficiency Grant in the same fiscal year. A single project is eligible for only one (1) Efficiency Payout or one (1) Efficiency Grant, not both or more than one (1) of either.

c. Participation in Both Programs. Applicants are eligible to participate in both the Façade Program and the Efficiency Program; however, an applicant cannot receive funds from different programs for the same project.

7. SOURCES OF FUNDING. Projects will be funded through tax increment financing realized from within the District.

8. COMPLIANCE WITH LAW. All projects must be undertaken in compliance with local ordinances and state and federal law.

9. NON-DISCRIMINATION. Each participant must agree that all hiring in connection with approved project(s) will be on the basis of merit and qualifications and that the participant will not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin.

10. PREVAILING WAGES. Participants agree all laborers shall be paid the standard prevailing rate of wages, including fringe benefits, in effect and applicable to the district in which the work is being performed as determined by the Montana Department of Labor and Industry. Information about such wages and fringe benefits must be posted at the job site.

11. VOLUNTARY CONDITION. Participants are encouraged to display a sign (provided by the URA) for twelve (12) months after project completion that indicates funds from the City of Livingston and the URA were used on the project.

12. SEVERABILITY. Each provision of this document is intended to be severable. If any provision of this document is illegal or invalid for any reason whatsoever, such illegality or invalidity of said provision shall not affect the validity of the remainder of this document.

13. INTERPRETATION. All captions, headings, or titles in the paragraphs or sections of this document are inserted for convenience or reference only and shall not constitute a part of this document or act as a limitation of the scope of the particular paragraph or section to which they apply. As used herein, where appropriate, the singular shall include the plural and vice versa and the masculine, feminine or neuter expressions shall be interchangeable.

14. COMPUTING TIME. For the purpose of calculating time under this document, the following computation shall be used: If the period is stated in days or a longer unit of time, exclude the day of the event that triggers the period, count every day, including intermediate Saturdays, Sundays, and legal holidays, and include the last day of the period, but if the last day

is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

V. APPLICATION PROCESS

1. Application Submission. After gathering the information required to be provided in connection with the application, interested parties shall submit an application to the URA program subcommittee. The subcommittee will review the application to make sure it complies with all requirements. Applications for the Livingston Redevelopment Agency Façade and Energy Efficiency Improvement Programs are available on the City of Livingston’s website at www.livingstonmontana.org. The completed application shall be accompanied by the following:

- a. ____ (__) copies of the selected bid for each aspect of the proposed project;
- b. ____ (__) copies of detailed drawings, plans or specifications for the proposed project;
- c. If a tenant is the applicant, a letter from the building owner demonstrating approval of the tenant’s participation in the program;
- d. Any and all documents related to grant and/or funding programs the applicant has applied for or received for the project that are unrelated to the programs described herein; and
- e. Documentation demonstrating project approval from the Historical Preservation Committee.

2. URA Meeting Attendance. Provided the program subcommittee has approved the application, applicants should attend the URA’s next regularly-scheduled meeting to present the proposed project to the URA board. Interested parties should be prepared for a detailed discussion and questions regarding the proposed project. The application will then be placed on

the agenda for the URA's next regularly-scheduled meeting as a consent item to be approved or denied by vote of the URA board.

3. City Commission Review and Approval. Provided the URA approves a project for funding, the proposed project will then be presented to the Livingston City Commission.

Projects will only receive funding if approved by the Livingston City Commission.

4. Program Agreement Execution. If the Livingston City Commission approves the project for funding, participants will be required to enter into and execute a written agreement with the City of Livingston establishing the terms and conditions for participation in the specific program. Upon execution of the written agreement, the URA will provide the participant with a notice to proceed. ~~Note: Commencing work before an agreement is executed will disqualify a participant from receiving funding under the specific program, and negates the City of Livingston's obligation to reimburse the participant for any of the work.~~

URBAN RENEWAL AGENCY
FAÇADE AND ENERGY EFFICIENCY PROGRAMS AGREEMENT

THIS AGREEMENT (“Agreement”) is made and entered into as of this ____ day of _____, 201____, by and between the LIVINGSTON REDEVELOPMENT AGENCY, commonly known as the URBAN RENEWAL AGENCY (the “URA”), a board of commissioners of the City of Livingston, Montana, a municipal corporation and political subdivision of the state of Montana with its principal business office located at 414 East Callender Street, Livingston, MT 59047, and _____, a _____ with its principal business office located at _____ (the “Participant”; and together with the URA, the “Parties”).

RECITALS

- A. In 2003, the City Commission of the City of Livingston, Montana created the Livingston Redevelopment Agency, commonly known as the URA. The URA was created to oversee an area of Livingston, Montana the City Commission declared to be blighted, an area now called the Urban Renewal District (the “District”).
- B. The City Commission also approved and implemented tax increment financing within the District so the URA could utilize the associated funds to provide monetary support for blight remediation projects within the District.
- C. In 2015, the URA sought to enhance the visual appearance and energy efficiency of buildings, stimulate private investment, and complement other community revitalization efforts throughout the District when it drafted the programs described in the Guidelines for Urban Renewal Agency Façade and Energy Efficiency Improvement Programs. The Guidelines for Urban Renewal Agency Façade and Energy Efficiency Improvement Programs are attached hereto and incorporated herein as Exhibit A. The City Commission approved the Guidelines for Urban Renewal Agency Façade and Energy Efficiency Improvement Programs by Resolution No. 4593 on September 15, 2015.
- D. With knowledge of the programs and desiring to obtain funding for façade or energy efficiency upgrades or improvements, the Participant submitted an application for funding pursuant to the Guidelines for Urban Renewal Agency Façade and Energy Efficiency Improvement Programs.
- E. The URA and City Commission have approved the Participant’s project for such funding and, therefore, the URA is empowered to make and enter into this contract by virtue of such approval and Mont. Code Ann. § 7-15-4233(1)(e).

F. The Parties now desire to enter into this Agreement to define their respective rights, duties and obligations with respect to the Participant’s project.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual obligations of the Parties, the URA and the Participant hereby agree as follows:

- 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated into this Agreement as if fully set forth in this paragraph 1.
- 2. Certification. If the Participant is not the owner of the property to be enhanced or improved pursuant to this Agreement, the Participant hereby represents and warrants that the owner consents to Participant’s participation in the program designated in paragraph 3 below.
- 3. Program Options. The Participant’s application has been approved for, and the Parties agree to be bound by the terms, conditions and obligations of, the following program option (initial one):

a. Façade Program.

- i. (Initials _____, _____) Façade Payout Option. Under this program, and provided all terms, obligations and conditions are complied with, the URA will reimburse the Participant for 100% of the project costs, not including any other grants received; provided, however, the total reimbursed project costs cannot exceed one thousand and no/100 dollars (\$1,000.00).
- ii. (Initials _____, _____) Façade Grant Option. Under this program, and provided all terms, obligations and conditions are complied with, the URA will reimburse the Participant up to 50% of the total project costs; ~~provided, however, reimbursement will not exceed eighteen thousand and no/100 dollars (\$18,000.00)~~. The reimbursement amount (i.e., the amount that is up to 50% of the total project costs) will be computed using the accepted bid for the project, after subtracting any other grants received by the Participant.

b. Energy Efficiency Program.

- i. (Initials _____, _____) Efficiency Payout Option. Under this program, and provided all terms, obligations and conditions are complied with, the URA will reimburse the Participant for 100% of the project costs,

not including any other grants received; provided, however, the total reimbursed project costs cannot exceed one thousand and no/100 dollars (\$1,000.00).

- ii. (Initials _____, _____) Efficiency Grant Option. Under this program, and provided all terms, obligations and conditions are complied with, the URA will reimburse the Participant up to 50% of the total project costs; ~~provided, however, reimbursement from the URA will not exceed eighteen thousand and no/100 dollars (\$18,000.00)~~. The reimbursement amount (i.e., the amount that is up to 50% of the total project costs) will be computed using the accepted bid for the project, after subtracting any other grants received by the Participant.
4. Participant’s Work on Project. The Participant is permitted to work on or provide labor for the approved project; however, funds available under this Agreement cannot be used to reimburse the Participant for its own work or labor.
 5. Project Completion. Participant agrees its project will be completed within six (6) months after the date on which the applicant receives a written notice to proceed from the URA. The URA shall provide the written notice to proceed within three (3) days after this Agreement has been fully executed. Failure to complete the project within the 6-month time frame will result in the automatic termination of this Agreement. Any termination will wholly, completely, and forever negate any and all of the URA’s reimbursement obligations under this Agreement.
 6. Participant’s Representation and Warranties. In addition to any other representations and warranties set forth elsewhere in this Agreement, the Participant represents and warrants as follows:
 - a. It will use funds realized under this Agreement for no purpose other than façade repair or rehabilitation or an energy efficiency upgrade, as the case may be. The term “façade” is defined as the portion of a building that faces the public right-of-way and is fronted by a sidewalk or other pedestrian pathway, or that portion of a building that faces an alley and contains a public entryway. Examples of a façade improvement projects include, but are not limited to, painting, pressure-washing of walls, brick and mortar repair, gutter work, or removal of old signage. (*Note: The purchase and installation of new signage is not contemplated under the façade program.*) Examples of energy-efficiency upgrades include, but are not limited to, the purchase and installation of a new furnace, boiler or hot water heater, or new windows, doors or insulation. Energy efficiency upgrades also include clean alternative energy projects.

- b. Its project is for an improvement to a building or buildings located in the District and is not for a single family property.
 - c. The property associated with the project does not have outstanding or delinquent taxes and is not encumbered by construction or mechanics' liens.
 - d. It will acquire all necessary permits and inspections and pay any associated costs and fees.
 - e. Its project has been approved by the Historical Preservation Committee.
 - f. It accepts sole responsibility for making all payments to contractors, suppliers, vendors and/or other third parties and for ensuring that all contractors, subcontractors, suppliers, vendors and/or other third parties are paid in full.
 - g. All representations and warranties in this Agreement shall be considered material terms or provisions of this Agreement. Accordingly, if the Participant fails to uphold any such representation or warranty, the failure shall constitute a default under this Agreement.
7. Payment. The Parties agree reimbursement shall be made to the Participant within ten (10) days after all of the following have occurred (and no such payment shall be due and owing unless and until all of the following have occurred):
- a. The Participant has provided the URA with written notice the project has been completed and the URA has performed an inspection of the property and project at a time the Parties have mutually agreed upon;
 - b. As a result of the inspection, the URA has determined the project is complete;
 - c. The Participant has presented the URA with receipts and/or invoices evidencing the total project costs;
 - d. The Participant has presented the URA with evidence showing that all contractors, subcontractors, vendors, suppliers and/or other third parties have been paid in full;
 - e. The URA is satisfied the project was completed in accordance with all terms and conditions of the program;
 - f. All inspections required by law are complete; and

- g. The Livingston City Commission has approved such payment.
- 8. URA Access to Project Site and Records. The Parties agree the URA shall have access to the project site and all documents associated with the project, including, but not limited to, accounting records, plans, drawings, and invoices from contractors, subcontractors, material suppliers, vendors or third parties. The URA shall also be informed of any other grant applications and grants awarded for the Participant’s project from sources outside the URA. The Participant shall make the project site and/or such paperwork available to the URA within five (5) days after receiving a request for such from the URA. If the Participant fails to provide access to the project site or the documents requested, the URA may, in its sole and absolute discretion, pursue any one of its remedies under paragraph 14 below.
- 9. Sources of Funding. The reimbursement paid to the Participant will come from funds realized through tax increment financing in the District.
- 10. Nature of Relationship. The Participant states that it and any contractor, subcontractor, supplier, vendor or third party hired by Participant to complete the project are in no way affiliated with or connected to the URA or the City of Livingston except by this Agreement. The Participant also states that the foregoing entities/persons will use independent judgment in the performance of work on the project, free from control or direction of the URA and/or the City of Livingston. The Participant and any contractor, subcontractor, supplier, vendor or third party hired by Participant to complete the project have been and will continue to be free from the control or direction of the URA and/or the City of Livingston in the performance of the work on the project. The Participant and any contractor, subcontractor, supplier, vendor or third party hired by Participant to complete the project shall not be deemed by virtue of this Agreement, nor the performance thereof, to have entered into any partnership, joint venture, employer/employee, agency or any other legal relationship with the URA or the City of Livingston.
- 11. Indemnification, Hold Harmless and Duty to Defend. To the fullest extent permitted by law, the Participant shall indemnify and hold harmless the URA and the City of Livingston and their officers, employees, agents and representatives against any and all claims, actions, costs, fees (including but not limited to attorney fees and all defense costs), losses, liabilities or damage of whatever kind or nature arising from or related to the Participant’s project and/or the Participant’s performance of this Agreement. In the event a claim should be brought or an action filed against the URA and/or the City of Livingston with respect to the Participant’s project or the subject of this Agreement, the Participant agrees the URA and the City of Livingston may, at their election, employ

attorneys of their own selection to appear and defend the claim or action on behalf of the URA and the City of Livingston, at the expense of the Participant. The URA and the City of Livingston, at their option, shall have the sole authority for the direction of the defense and shall be the sole judge of the acceptability of any compromise or settlement of any claims or actions against the URA or the City of Livingston.

12. Insurance. During the term of this Agreement, the Participant shall be responsible for maintaining insurance coverage at its sole expense. Specifically, the Participant shall maintain a comprehensive public liability insurance policy, including automobile coverage, insuring against loss and for damages for personal injury or death and/or property loss, damage or destruction arising out of or in connection with the project or performance of this Agreement by the Participant, its officers, agents and employees with the minimum liability limit of Seven Hundred Fifty Thousand and No/100 Dollars (\$750,000.00) per claim and One Million Five Hundred Thousand and No/100 Dollars (\$1,500,000.00) for each occurrence. The Participant shall provide the URA with certificates of insurance demonstrating such insurance coverage and the certificates of insurance shall require at least ten (10) days written notice to the URA prior to any cancellation, termination, or non-renewal of coverage. The certificates of insurance shall also name the URA and the City of Livingston and their respective elected officials, officers, employees, agents and representatives as additional insureds.

13. Document Ownership. Any and all documents, plans, specifications, drawings and the like submitted to the URA in connection with the project shall be deemed the property of the URA. The URA's ownership rights shall include authority to use, reproduce or reuse all such documents.

14. Default; Notice and Cure; Remedies.
 - a. If either party fails to perform any material term or provision of this Agreement, the non-defaulting party shall have the rights and remedies set forth herein, but only if the non-defaulting party has provided the defaulting party with written notice of the default, which notice must identify the specific nature of the alleged default and the manner in which the default may be cured. The defaulting party shall have a period of thirty (30) days after receipt of the written notice of default within which to cure, correct or remedy the default or defaults identified.

 - b. If the Participant is the defaulting party and it has not cured, corrected or remedied the default within the 30-day period described in paragraph 14.a. above, the URA may, at its option, terminate this agreement or may institute legal action in law or in equity to cure, correct or remedy such default, enjoin any threatened or attempted violation, or enforce the terms of this Agreement.

c. If the URA is the defaulting party and it has not cured, corrected or remedied the default within the 30-day period described in paragraph 14.a. above, the Participant shall not be entitled to damages or monetary relief for any breach of this Agreement by the URA or arising out of or connected with any dispute, controversy, or issue between the Participant and the URA regarding this Agreement or any of the matters referred to herein, the Parties agreeing that declaratory and injunctive relief, mandate, and specific performance shall be the Participant's sole and exclusive judicial remedies. The Parties agree the Participant's remedies are limited to the foregoing because the URA would not have entered into this Agreement if to do so meant it would be subject to or liable for damages under, or with respect to, this Agreement or any of the matters referred to herein, including the Applicant's project.

15. Termination. In the event the Participant fails to timely (i.e., within the 30-day time period) cure, correct or remedy any default identified in the written notice of default provided under paragraph 14.a. above, the URA may terminate this Agreement by written notice to the Participant. Any termination will wholly, completely, and forever negate any and all of the URA's reimbursement obligations under this Agreement. The Participant cannot terminate this Agreement without the URA's written consent.

16. Notices. All notices permitted or required by this Agreement must be in writing and shall be carried out by (i) personal delivery, (ii) first class mail, registered or certified, postage fully prepaid, or (iii) a reputable same-day or overnight delivery service that provides a receipt showing the date and time of delivery, addressed to the following parties, or to such other address as any party may from time to time designate in writing in the same manner as provided in this paragraph:

To URA: _____

Livingston, Montana 59047
Telephone: (406) _____
Email: _____

To Participant: _____

Telephone: (____) _____
Email: _____

Any written notice, demand or communication shall be deemed received immediately if personally delivered or delivered by delivery service to the addresses above, and shall be deemed received on the third day from the date it is postmarked if delivered by registered or certified mail.

17. Compliance with Law. The Participant’s project must be undertaken in compliance with local ordinances, state law, federal law and any other applicable regulation, rule or code.
18. Non-Discrimination. The Participant agrees that all hiring in connection with the project will be on the basis of merit and qualifications and that the Participant will not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin.
19. Prevailing Wages. Participants agree all laborers shall be paid the standard prevailing rate of wages, including fringe benefits, in effect and applicable to the district in which the work is being performed as determined by the Montana Department of Labor and Industry. Information about such wages and fringe benefits must be posted at the job site.
20. Voluntary Condition. Participants are encouraged to display a sign (provided by the URA) for twelve (12) months after project completion that indicates funds from the City of Livingston’s Urban Renewal Agency were used on the project.
21. Severability. Each provision of this Agreement is intended to be severable. If any provision of this Agreement is illegal or invalid for any reason whatsoever, such illegality or invalidity of said provision shall not affect the validity of the remainder of this Agreement.
22. Interpretation. All captions, headings, or titles in the paragraphs or sections of this Agreement are inserted for convenience or reference only and shall not constitute a part of this Agreement or act as a limitation of the scope of the particular paragraph or section to which they apply. As used herein, where appropriate, the singular shall include the plural and vice versa and the masculine, feminine or neuter expressions shall be interchangeable.
23. Entire Agreement. This Agreement contains the entire understanding of the Parties and supersedes all prior agreements and understandings between the Parties.
24. Computing Time. For the purpose of calculating time under this Agreement, the following computation shall be used: If the period is stated in days or a longer unit of time, exclude the day of the event that triggers the period, count every day, including

intermediate Saturdays, Sundays, and legal holidays, and include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

25. Applicable Law and Venue. This Agreement and the Parties' rights and obligations shall be governed by and interpreted in accordance with the laws of the State of Montana, without regard to its conflicts of law principles. The Parties stipulate and agree that the Montana Sixth Judicial District Court, Park County, has proper venue and jurisdiction to resolve all causes of action which may accrue in the performance of this Agreement.
26. Liability. No member, official, agent, legal counsel or employee of the URA or the City of Livingston shall be personally liable to the Participant, or any successor in interest in the event of any default or breach by the URA or the City of Livingston or for any amount which may become due to Participant or successor or on any obligation under the terms of this Agreement.
27. Binding Effect. This Agreement and the terms, provisions, promises, covenants and conditions of this Agreement shall be binding upon and shall inure to the benefit of the Parties and their respective heirs, legal representatives, successors and assigns.
28. Authority. The Participant hereby represents that the persons executing this Agreement on the Participant's behalf have full and complete authority to do so and that said persons have full and complete authority to bind the Participant to perform pursuant to the terms and conditions of this Agreement.
29. Amendment and Waiver. No amendment, modification or waiver of any condition, provision or term of this Agreement shall be valid or of any effect unless made in writing, signed by the party or parties to be bound and specifying with particularity the nature and extent of such amendment, modification or waiver. Any waiver by any party of any default of the other party shall not effect or impair any right arising from any subsequent default. Nothing in this paragraph shall limit the remedies or rights of the Parties as found in this Agreement.
30. Assignment. The Participant shall neither assign its obligations under this Agreement nor any monies due or to become due. Any attempted assignment in violation of this paragraph is grounds for the URA to immediately terminate this Agreement. Any termination will wholly, completely, and forever negate any and all of the URA's reimbursement obligations under this Agreement. In no event shall any putative assignment create a contractual relationship between the URA and any putative assignee.

31. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be one and the same Agreement and shall become effective when one or more counterparts have been signed by each of the parties and delivered to the other party.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed in Livingston, Montana, the day and year first written above.

LIVINGSTON REDEVELOPMENT AGENCY
(commonly known as the URBAN RENEWAL AGENCY),
a board of commissioners of the City of Livingston, Montana,
a municipal corporation and political subdivision of the state of Montana

Name: _____
Title: _____

a _____
Name: _____
Title: _____

Backup material for agenda item:

- B. RESOLUTION NO. 4657 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A SUB-RECIPIENT AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING FUND WITH GALLATIN DEVELOPMENT CORPORATION, D/B/A PROSPERA BUSINESS NETWORK.**

Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Resolution No. 4657

Requested by: Finance Department

Date of First Consideration/Status: June 7, 2016

Purpose of Legislation: Resolution No. 4656 requests the City Commission’s authorization for the City Manager to enter into a Sub-Recipient Agreement for Community Development Block Grant Revolving Fund with Gallatin Development Corporation, d/b/a Prospera Business Network (“Prospera”).

Background: The City of Livingston has applied to and has been approved by the Montana Department of Commerce to receive grant funds under the Montana Community Development Block Grant Economic Development Program (“CDBG”). On May 7, 2013 the Livingston City Commission approved Resolution No. 4307, a resolution that authorized the disbursement of a portion of the principal balance (\$13,220.00) to the City of Livingston for the purpose of supporting an economic development specialist position that was to be jointly funded by Park County. Prospera requested to use remaining future CDBG grants and loan fund revenue to further develop the “CDBG Revolving Loan Fund” (“RLF”), which is designed to leverage private investment in new business for the purpose of generating new jobs within the City of Livingston and Park County. On June 19, 2012, the City authorized a sub-grant of the CDBG funds to Prospera and engaged Prospera to administer the City of Livingston and Park County RLF for a period of twenty-four months. Prospera has requested to extend its agreement with the City until the date set forth in the Agreement.

Staff Recommendation: Staff recommends this resolution be approved.

Fiscal Impact: See fiscal note.

Regulatory Impact (local): N/A

Attachments: Agreement and fiscal note.

RESOLUTION NO. 4657

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A SUB-RECIPIENT AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING FUND WITH GALLATIN DEVELOPMENT CORPORATION, D/B/A PROSPERA BUSINESS NETWORK.

WHEREAS, the City of Livingston has applied to and has been approved by the Montana Department of Commerce to receive grant funds under the Montana Community Development Block Grant Economic Development Program (“CDBG”); and

WHEREAS, on May 7, 2013 the Livingston City Commission approved Resolution No. 4307, a resolution that authorized the disbursement of a portion of the principal balance (\$13,220.00) to the City of Livingston for the purpose of supporting an economic development specialist position that was to be jointly funded by Park County; and

WHEREAS, Gallatin Development Corporation, d/b/a Prospera Business Network (“Prospera”) requested to use remaining future CDBG grants and loan fund revenue to further develop the “CDBG Revolving Loan Fund” (“RLF”), which is designed to leverage private investment in new business for the purpose of generating new jobs within the City of Livingston and Park County; and

WHEREAS, on June 19, 2012, the City authorized a sub-grant of the CDBG funds to Prospera and engaged Prospera to administer the City of Livingston and Park County RLF for a period of twenty-four months; and

WHEREAS, Prospera has requested to extend its agreement with the City until the date set forth in the Agreement attached hereto and incorporated herein as Exhibit A;

WHEREAS, the City Manager is ready, willing, and able to execute the Agreement upon the City Commission’s approval of this Resolution.

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

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

PASSED AND ADOPTED by the City Commission of the City of Livingston, this _____ day of June, 2016.

JAMES BENNETT - Chairman

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

ERIK COATE
City Attorney

Resolution No. 4657
Authorizing City Manager to Enter Into Sub-Recipient Agreement for Community
Development Block Grant Revolving Fund with Gallatin Development Corporation, d/b/a
Prospera Business Network
Page 2

**SUB-RECIPIENT AGREEMENT FOR
COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING LOAN FUND**

THIS AGREEMENT is entered into this _____ day of June, 2016 by the **CITY OF LIVINGSTON, MONTANA**, whose address is 414 E. Callender St., Livingston, MT 59047, herein referred to as the “City”, and the **GALLATIN DEVELOPMENT CORPORATION**, doing business as **PROSPERA BUSINESS NETWORK**, whose address is 2015 Charlotte, Suite 1, Bozeman MT 59718, a nonprofit economic development corporation, herein referred to as the “Sub-Recipient.”

WITNESSETH THAT:

WHEREAS, the City has applied to and has been approved by the Montana Department of Commerce (MTDOC) for the receipt of grant funds under the Montana Community Development Block Grant Economic Development (CDBG) Program; and

WHEREAS, the City passed Resolution No. 4307 on May 7, 2013 authorizing the disbursement and withdrawal of a portion (**\$13,220.00**) of the principal balance to the possession of the City of Livingston for the purpose of supporting an economic development specialist position jointly funded with Park County.

WHEREAS, the City wishes to use remaining present and future CDBG grants and loan fund revenue to further develop the “CDBG Revolving Loan Fund” (RLF) which is designed to leverage private investment in new business for the purpose of generating new jobs within the City of Livingston and Park County; and

WHEREAS, the City has entered into an Agreement with the Sub-Recipient previously dated June 19, 2012, (resolution No. 4305) to sub-grant the CDBG funds to the Sub-Recipient and engage the Sub-Recipient to administer the City of Livingston and Park County Revolving Loan Fund (RLF) jointly on their behalf for a period of twenty-four months; and

WHEREAS, the City expressly acknowledges that the funds are being managed as a pooled resource with those of the County RLF, yet separately accounted for, and hereby further acknowledges that neither the City Commissioners nor any agents or employees of the County/City may override the loan authority granted herein to the Sub-Recipient; and

WHEREAS, in order to maintain accountability, professional management and program performance, it is deemed to be in the best interest of the City to agree to extend the Agreement with the Sub-Recipient until June 19, 2018, as hereinafter provided; and

WHEREAS, the City desires to sub-grant the CDBG funds to the Sub-Recipient and engage the Sub-Recipient to administer the RLF on the City behalf; and

WHEREAS, the Gallatin Development Corporation, dba Prospera Business Network is qualified as a nonprofit organization serving the development needs of the communities of non-entitlement areas as defined by §105(a)(15) of Title I of the Housing and Community Development Act (the “Act”); and

WHEREAS, loan repayments made back to a qualified nonprofit entity defined by §105(a)(15) of the Act are considered miscellaneous revenue and would not be subject to federal program income requirements, except as mutually agreed to by the Sub-Recipient, the City, and the Department; and

WHEREAS, the parties to this Agreement understand that neither of them has in any way, expressly or impliedly, abrogated any of its individual powers, and further agree that this Agreement does not create any new organization or legal entity.

NOW THEREFORE, in consideration of the mutual covenants and conditions set out in this Agreement, the parties agree that the foregoing statements of fact are true and correct and further agree as follows:

A. SPECIAL PROVISIONS. The City agrees, under the terms and conditions of this Agreement, to continue to sub-grant to the Sub-Recipient the CDBG loan funds as a grant for gap financing and technical assistance to eligible borrowers

B. INDEPENDENT CONTRACTOR. It is understood by the parties hereto that the Sub-Recipient is an independent contractor and that neither its principals nor its employees, if any, are employees of the City for purposes of tax, retirement system, or social security (FICA) withholding. It is further understood that pursuant to section 39-71-401, MCA, the Sub-Recipient has obtained, and will maintain at its expense for the duration of this Contract, coverage in a workers' compensation plan for its principals and employees for the services to be performed hereunder.

C. SCOPE OF SERVICES. The Sub-Recipient will perform the following services:

1. The Sub-Recipient will be responsible for all facets of the CDBG financing program as described in the Management Plan for the CDBG project, a copy of which the City has delivered or will deliver to Sub-Recipient prior to execution of this Agreement. The Sub-Recipient will also be responsible for all aspects of the Revolving Loan Fund program, including the following:

(a) Develop, apply and enforce written Policies and Procedures as they relate to the City of Livingston RLF program and/or administering the RLF program under the local CDBG grant program, including the creation and operation of an RLF Loan Committee to review and act upon loan requests.

(b) Application process through approval

- a. Assist prospective borrowers in completing loan application materials.
- b. Conduct UCC lien searches, if applicable and pertinent to the proposed loan collateral.
- c. Provide a project analyses to the RLF Loan Committee.
- d. Coordinate monthly RLF Loan Committee meetings.
- e. Present proposed projects to RLF Loan Committee for loan approval or denial. Decisions as to loan approval or denial are the sole responsibility of the RLF Loan Committee, and the City/County shall have no authority or ability to intervene in the loan approval or denial process.

(c) Loan Closing and Documentation

- a. Completion of loan documentation.

- b. Loan closing, to be conducted by a title company or by Sub-Recipient.
- c. Funds disbursement and payment processing, utilizing the GMS Loan Accounting software.
- d. Collection and retention, for Sub-Recipient’s use, of loan fees and charges, as provided in Sub-Recipient’s Policies and Procedures.

(d) Loan Servicing Oversight

- a. Gather and analyze monthly or quarterly financial reports from borrowers as required by the applicable loan agreement.
- b. Track and monitor status of borrower insurance policies.
- c. Track and monitor UCC financing statement filings and renewals.
- d. Provide monthly loan updates to RLF Loan Committee.

(e) Process monthly loan payments

- a. Track, receive, process and account for all monthly loan payments.
- b. Track late payments – mailing late notices and calling delinquent borrowers, as needed.
- c. Work with delinquent borrowers to cure defaults and, when appropriate, develop a work-out plan, subject to approval of the RLF Loan Committee.

(f) Monitor and process all forfeitures of loan collateral and use commercially reasonable efforts to collect delinquent and defaulted loans, including the filing of creditor’s claims in bankruptcy, where applicable, subject to the approval of the RLF Loan Committee.

- 2. During the term of this Agreement, the Sub-Recipient will maintain reasonable records of its performance under this Agreement in a manner consistent with Generally Accepted Accounting Principles. The Sub-Recipient will provide the City (or its authorized representatives) access to these records at any time during normal business hours. Upon written request of the City, the Sub-Recipient will submit to the City, in the format prescribed by the City, semi-annual status reports on its performance under this Agreement.
- 3. Except as set forth in Section (4) below, the Sub-Recipient will retain, administer, manage, record, and account to the City for all RLF loan fund revenue received subsequent to the date of this Agreement, including principal and interest received from borrowers. Sub-Recipient will use such revenue to enhance the RLF program for the benefit of all eligible borrowers located within Park County.
- 4. As payment for the services rendered by Sub-Recipient, the Sub-Recipient shall retain either \$14,000.00 or eighteen percent (18%) of the total of payments on interest and principal from loan repayments and interest earned on the principal balance, whichever is greater. The Sub-Recipient may retain and pay such compensation to itself in installments, not more frequently than monthly. In no case, except for the Sub-Recipient’s expenses for attorney fees and attorney costs related to collection efforts as described in Section (5) below, shall the payment for services to the Sub-Recipient result in a decrease in the base principal amount of the fund as determined on a yearly basis.

5. Sub-Recipient is entitled to use RLF funds for any costs incurred by Sub-Recipient in connection with the collection of delinquent or defaulted loans, including but not limited to any filing fees or legal fees and costs. It is specifically agreed and understood that any such use of RLF funds in this manner by the Sub-Recipient is separate and distinct from the payment Sub-Recipient will be receiving for its services; that is to say, costs and fees incurred in connection with the collection of delinquent or defaulted loans will be paid by RLF Funds and not by the Sub-Recipient.
6. The Sub-Recipient will comply with the Revolving Loan Fund Plan as previously approved by the City and the Montana Department of Commerce. If the Sub-Recipient ceases to exist or an Event of Default occurs, all program income relating to this grant, including funds on hand and accounts or notes receivable, will revert to the City.

D. EFFECTIVE DATE AND TIME OF PERFORMANCE. This Agreement supersedes all previous Agreements, whether written or oral, between the City and the Sub-Recipient dealing with the City of Livingston/Park County RLF program. The term of this Agreement shall be twenty-four months, commencing on the date of execution by the parties. This Agreement will terminate upon expiration of its initial term, unless extended in writing by mutual agreement of the parties, or if either party fails to meet the conditions of this Agreement or if an Event of Default occurs, after notice and opportunity to cure as provided in Section T below.

E. CONFLICT OF INTEREST. The Sub-Recipient covenants that it presently has no interest and will not acquire any interest, direct or indirect, in the CDBG project that would conflict in any manner or degree with the performance of its services hereunder. The Sub-Recipient further covenants that, in performing this Agreement, it will employ no person who has any such interest.

F. DISPOSITION OF REAL PROPERTY OR EQUIPMENT ACQUIRED. Upon the expiration of the Agreement, the Sub-Recipient will transfer to the City any CDBG-ED funds on hand at the time of expiration and any accounts receivable attributable from the use of CDBG-ED funds. With respect to any real property or equipment under the Sub-Recipient control that was acquired or improved in whole or in part with CDBG-ED funds in excess of \$25,000, the Sub-Recipient will either:

1. Use the property to meet the national objectives contained in 24 CFR section 570.901 for five (5) years after expiration of the Agreement; or
2. Dispose of the property in a manner consistent with OMB Circular A-102 Attachment and as approved by the Department. Reimbursement is not required after the period of time specified in the first paragraph of this section. The proceeds from such disposition will be subject to the applicable provisions of 24 CFR 570.504 (program income).

G. DOCUMENTS INCORPORATED BY REFERENCE. The *City's* application to the Department for CDBG-ED funding, dated February 6, 1996 and all applicable federal and state statutes and regulations are incorporated into this Contract by this reference and are binding upon the Sub-Recipient.

H. CIVIL RIGHTS ACT OF 1964. The Sub-Recipient will abide by the provisions of the Civil

Rights Act of 1964, which states that under Title VI, no person may, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

I. SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. The Sub-Recipient will comply with the following provision: No person in the United States may on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with the funds made available under this title. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in Section 504 of the Rehabilitation Act of 1973 will also apply to any such program or activity.

J. SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968. The Sub-Recipient will ensure that to the greatest extent feasible, opportunities for training and employment arising in connection with this CDBG-ED assisted project will be extended to lower income project area residents. Further, the Sub-Recipient will, to the greatest extent feasible, utilize business concerns located in or substantially owned by residents of the project area, in the award of contracts and purchase of services and supplies.

K. MINORITY BUSINESS ENTERPRISE. Consistent with the provisions of Executive Order 11246, the Sub-recipient will take affirmative steps to assure that minority businesses are used when possible as sources of supplies, equipment, construction and services. Additionally, the Sub-recipient will document all affirmative steps taken to solicit minority businesses and will forward this documentation along with the names of the minority subcontractors and suppliers to the local government CDBG-ED recipient upon request.

L. NONDISCRIMINATION. The Sub-Recipient will not discriminate against any employee or applicant for employment on the basis of race, color, religion, creed, political ideas, sex, age, marital status, sexual orientation, physical or mental handicap, or national origin.

M. OWNERSHIP AND PUBLICATION OF MATERIALS. All reports, information, data, and other materials prepared by the Sub-recipient pursuant to this Contract are the property of the City and the Department which have the exclusive and unrestricted authority to release, publish or otherwise use, in whole or part, information relating thereto. If applicable, any reuse without written verification or adaptation by the Architect/Engineer for the specific purpose intended will be at the Owner's sole risk and without liability or legal exposure to the Architect/Engineer. No material produced in whole or in part under this Contract may be copyrighted or patented in the United States or in any other country without the prior written approval of the City and the Department.

N. REPORTS AND INFORMATION. The Sub-Recipient will maintain accounts and records, including personnel, property and financial records, adequate to identify and account for all costs pertaining to this Agreement and such other records as may be deemed necessary by the City/County to assure proper accounting for all project funds. These records will be made available for audit purposes to the City/County or its authorized representative, and will be retained for three years after receipt of final payment for the services rendered under this Agreement unless permission to destroy them is granted by the City/County. It is understood by the City of Livingston that the City and County RLF's will be reported separately to the Montana Department of Commerce.

O. PUBLIC MEETINGS AND PUBLIC ACCESS TO RECORDS. Subject to those meetings or portions of those meetings at which an individual’s right to privacy outweighs the public’s right to know as determined by the chairperson of such meeting, the Sub-Recipient’s RLF Loan Committee will comply with the “open meeting” requirements of Montana law, including those set forth in MCA Title 7, Chapter 1, Part 41, and Title 2, Chapter 3.

In accordance with MCA Section 7-1-4144 and subject to any applicable legal obligation to protect and preserve individual confidential or private information, upon reasonable request and at reasonable times during normal business hours, Sub-Recipient will make such RLF loan documents and records available for inspection and copying by members of the public. Sub-Recipient may charge for such copying in accordance with the policies of the City/County, which Sub-Recipient hereby adopts for such purposes.

P. ACCESS TO RECORDS. It is expressly understood that the Sub-Recipient’s records relating to this Contract will be available during normal business hours for inspection by the City, the Department, the U.S. Department of Housing and Urban Development, the U.S. Comptroller General, and, when required by law, the Montana Legislative Auditor and Legislative Fiscal Analyst.

Q. ADMINISTRATION

1. For purposes of implementing this Agreement, the City will appoint a local government project representative that will work with the Sub-Recipient. The parties will meet as necessary to provide for the efficient and smooth implementation of this Agreement and the activities contained herein.
2. The Sub-Recipient will comply with the “Certifications for Application” signed by the City and submitted with the application for economic development assistance to the Montana Department of Commerce.
3. The Sub-Recipient shall ensure that all borrowers, to whom Sub-Recipient lends RLF funds after the effective date of this Agreement, comply with the State of Montana Department of Commerce’s Community Development Block Grant-Economic Development Program Application Guidelines pertaining to low and moderate income persons.
4. The Sub-Recipient will comply with Procurement Standards as outlined in Chapter 3 and Chapter 8 of the CDBG Administration Manual before entering into any agreements to remodel, to purchase equipment or material, or to retain the services of a consultant or Sub-Recipient.
5. The Sub-Recipient will contract with an independent accounting firm to conduct an annual audit sufficient to obtain an unqualified opinion of the RLF loan fund and program as conducted by Sub-Recipient under this Agreement. A copy of the audit report will be delivered to the City project representative no later than 30 days after completion of the audit report. A copy of the audit report will also be delivered to the Montana Department of Commerce.

R. TERMINATION-DISPOSITION OF REAL PROPERTY OR EQUIPMENT ACQUIRED Upon the expiration or termination of this Agreement, the Sub-Recipient will transfer to the City the then-existing RLF loan portfolio and all related loan records, together with the then-existing balance in the Sub-Recipient's RLF loan fund, less any unpaid portion of Sub-Recipient's compensation under this Agreement to the date of expiration or termination.

S. INDEMNIFICATION. The parties agree to waive any and all claims and recourse against one another, including the right of contribution of loss or damage to person or property arising from, growing out of, or in any way connected with or incidental to the parties' performance of this Agreement. Each party shall indemnify, defend and hold harmless the other party (including such other party's affiliates, partners, officers, directors, employees, agents and representatives) against any claims and/or liabilities of any nature, including reasonable attorneys' fees, arising out of the performance of this Agreement. The City specifically agrees that RLF loan decisions are the prerogative of the RLF Loan Committee, and that the Sub-Recipient has no liability of any kind for decisions and actions related thereto, including loan decisions that were made prior to this Agreement.

T. TERMINATION OF AGREEMENT. If any of the following events occur, the City may, in its sole discretion, declare such event a default under this Agreement ("Event of Default"):

1. Any representation or warranty made by the Sub-Recipient in this Agreement, or in any request or certificate or other information furnished to the City under this Agreement, proves to have been incorrect in any material respect; or
2. The Sub-Recipient fails in any material respect to carry out its obligations under its proposal to the City for the assistance provided under this Agreement.

If the Sub-Recipient fails to perform any of its duties under this Agreement or if any Event of Default occurs, the City may declare the Sub-Recipient to be in default and thereafter give the Sub-Recipient written notice setting forth the action or inaction that constitutes the default and giving the Sub-Recipient 45 days in which to correct the default. If the Sub-Recipient fails to correct the default within 45 days of receipt of such notice, the City may terminate this Agreement without further notice, subject to the terms of Section L above.

The parties agree that this Agreement provides for reasonable and sufficient notice to be given to the Sub-Recipient in case of the Sub-Recipient's failure to comply with any of its covenants and that this notice is sufficient for the Sub-Recipient to rectify its actions or inactions of default.

The waiver by the City of any default by the Sub-Recipient does not constitute a waiver of a continuing breach or a waiver of a subsequent breach. Any Agreement contrary to this Agreement is not binding upon either party unless it is in writing and signed by both parties.

U. CONSTRUCTION AND VENUE. This Agreement will be construed under and governed by the laws of the State of Montana. The City and the Sub-Recipient agree that performance of this Agreement is in the County of Park, State of Montana, and that in the event of litigation concerning it, venue is in the District Court of the Judicial District in and for the City of Livingston, Montana.

This Agreement has been approved by City Commission and by Sub-recipient's Board of Directors, each of which has authorized the undersigned persons to execute this Agreement on its behalf.

CITY OF LIVINGSTON FISCAL NOTE

Ordinance # _____
 Resolution # _____ 4657

Fiscal Analysis Assumptions

- In December 2010 the City of Livingston and Park County pooled their CDBG money to further enhance our ability to provide low interest loans to business within Park County.
- This contract maintains the same terms as the prior agreement and extends the Agreement until June 2018.

<input checked="" type="checkbox"/> Budgeted Expenditure	<input type="checkbox"/> Unbudgeted Expenditure:
	_____ Unanticipated Revenue
	_____ Reserves
	_____ Other Line Item Savings

<u>Costs by Object</u>	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>
Personnel			
Operating	\$ 14,000	\$ 14,000	\$ 14,000
Capital			
Debt Service			
Total Costs	<u>\$ 14,000</u>	<u>\$ 14,000</u>	<u>\$ 14,000</u>

<u>Funding Source</u>	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>
Fund Name CDBG Revolving	\$ 14,000	\$ 14,000	\$ 14,000
Fund Name			
Fund Name			
Total	<u>\$ 14,000</u>	<u>\$ 14,000</u>	<u>\$ 14,000</u>

Signature Jessie R. Hogg
 Date 5/26/2016

2015 Charlotte Suite 1
Bozeman, MT 59718
T: 406.587.3113

MEMO

TO: Park County Commissioners
Lisa Lowy, Acting City Manager, City of Livingston

FROM: Paul Reichert, Executive Director

DATE: May 25, 2016

RE: **Revolving Loan Fund Update for the City of Livingston/Park County**

This memo is an activity report as of April 30, 2016 for the City of Livingston /Park County Revolving Loan Funds.

1. Financials – The financials are current through April 30, 2016

Total current loans disbursed: \$1,391,553.00¹
Current balance of loans: \$193,555.24
Current RLF cash account balance (available to lend from Fund): \$776,391.05
Current loan loss reserve: \$19,338.08
Number of active loans in portfolio: 4

CURRENT LOANS:

██████████ Loan #1
Borrower: ██████████
Loan Amount: \$199,000.00
Loan Date: September 2011
Interest Rate: 5%
Loan Term: 5 years, modified 8/1/14
Current Balance: \$39,913.29
Scheduled monthly payment: \$2,979.13
Loan Maturity: 7/15/2017
Loan Fund Origination: Split City of Livingston/Park County RLF (estimated 65/35)

¹ Of the \$1,391,553.00, Prospera was involved with disbursing one loan from the original Livingston/Park County RLF Fund in the amount of \$300,000.00 and has been involved in the disbursement of all \$606,553.00 loans for the City of Livingston/Park County Pooled RLF – for a total of \$823,000.00. Of the funds that have been disbursed through Prospera, \$712,997.76 in principal has been repaid in full. The remaining \$485,000.00 was disbursed from the loan funds prior to Prospera's involvement.

[REDACTED] Loan #2

Borrower: [REDACTED]
 Loan Amount: \$31,000.00
 Loan Date: December 2012
 Interest Rate: 6%
 Loan Term: 7 years
 Current Balance: \$10,067.91
 Scheduled monthly payment: \$452.87
 Loan Maturity: 12/15/2019
 Loan Fund Origination: Split City of Livingston/Park County RLF (estimated 65/35)

[REDACTED] Loan #3

Borrower: [REDACTED]
 Loan Amount: \$90,000.00
 Loan Date: September 2013
 Interest Rate: 6%
 Loan Term: 7 years
 Current Balance: \$60,856.13
 Scheduled monthly payment: \$1,315.25
 Loan Maturity: 9/15/2020
 Loan Fund Origination: Split City of Livingston/Park County RLF (estimated 65/35)

[REDACTED] Loan #4

Borrower: [REDACTED]
 Loan Amount: \$83,553.00
 Loan Date: December 2014
 Interest Rate: 6.5%
 Loan Term: 6.25 years, modified 10/14/15
 Current Balance: \$82,717.91
 Scheduled monthly payment: \$1,634.97
 Loan Maturity: 3/15/2021
 Loan Fund Origination: Split City of Livingston/Park County RLF (estimated 65/35)

2. Application Pipeline

Prospera is currently waiting to receive an application for a potential \$100,000.00 loan in Livingston.

3. Lender Outreach and Communications

- Prospera and the WBC are scheduling meetings every month with business clients in the Livingston area for business counseling. The loan fund program is shared with clients who are needing additional financing.
- Prospera has hired a part-time Loan Manager who is leading the effort to reach out and connect with lending institutions who serve Livingston and Park County.

- Prospera recently completed a 1-page flyer to simplify the promotion of the loan fund program. This will be shared with all of our lending agencies and resource partners in Park County.
- Prospera is launching a community outreach program later this summer to reach all the lending institutions and community groups in Park County and Livingston. The program will introduce all of our economic development services including the availability of loan funds – to banks, chambers, civic groups, and others. This outreach effort will be on-going through 2016.
- Prospera highlights our success stories in publications like our Annual Report and in the upcoming redesign of our 2016 Economic Profile for Gallatin and Park counties. Featured businesses (with permission) will be used to help promote the loan fund program.

4. Approved Loans

Loan #4

The last approved loan was [REDACTED] (modified in Oct. 2015)

5. City of Livingston/Park County - Loan Review Committee

- Cyndy Rigler, Western Home Mortgage (Chair)
- Bob Gersak, (retired First Interstate Bank)
- Daryl Hansen, Farmers Union Insurance
- Rebecca Hale, Community Health Partners
- Brad Hanson, First Interstate Bank
- Dawn Hayes, First Interstate Bank

Backup material for agenda item:

- C. RESOLUTION NO. 4666 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH NEIGHBOR HELPING NEIGHBOR REGARDING DEVELOPMENT OF THE NEW MCNAIR SKATE PARK.**

Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Resolution No. 4666

Requested by: Chairman James Bennett

Date of First Consideration/Status: June 21, 2016

Purpose of Legislation: Resolution No. 4666 requests the City Commission's authorization for the City Manager to enter into a Memorandum of Understanding ("MOU") with Neighbor Helping Neighbor ("NHN") concerning development of the new McNair Skate Park (the "Skate Park").

Background: The City owns real property located adjacent to Miles Park and the Civic Center in Livingston, Montana. NHN wants to develop the real property into a skate park that will provide a place for gravity sports enthusiasts to recreate. The Skate Park will complement Sacajawea Park and will increase outdoor opportunities in Livingston. The conception, construction, and some of the maintenance for the Skate Park will be funded largely through private donations where a majority of the funds are from foundations and other non-profits, as well as from the skateboarding community. The City Commission believes it is in Livingston's best interests to continue supporting NHN's efforts with respect to the Skate Park. The City Commission further desires to work in conjunction with NHN in designing and selecting a contractor or contractors to construct the Skate Park, all as more specifically set forth and discussed in the MOU.

Staff Recommendation: Staff recommends this resolution be approved.

Fiscal Impact: N/A

Regulatory Impact (local): N/A

Attachments: Memorandum of Understanding

RESOLUTION NO. 4666

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH NEIGHBOR HELPING NEIGHBOR REGARDING DEVELOPMENT OF THE NEW MCNAIR SKATE PARK.

WHEREAS, The City owns real property located adjacent to Miles Park and the Civic Center in Livingston, Montana; and

WHEREAS, Neighbor Helping Neighbor (“NHN”) wants to develop the real property into a skate park that will provide a place for gravity sports enthusiasts to recreate (the “Skate Park”); and

WHEREAS, the Skate Park will complement Sacajawea Park and will increase outdoor opportunities in Livingston; and

WHEREAS, the conception, construction, and some of the maintenance for the Skate Park will be funded largely through private donations where a majority of the funds are from foundations and other non-profits, as well as from the skateboarding community; and

WHEREAS, the City Commission believes it is in Livingston’s best interests to continue supporting NHN’s efforts with respect to the Skate Park; and

WHEREAS, the City Commission further desires to work in conjunction with NHN in designing and selecting a contractor or contractors to construct the Skate Park, all as more specifically set forth and discussed in the Memorandum of Understanding (“MOU”) attached hereto and incorporated herein as Exhibit A; and

WHEREAS, the City Manager is ready and willing to sign the MOU upon obtaining authorization from the Livingston City Commission.

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

The City Manager is hereby authorized to enter into the MOU with NHN, a copy of which document is attached hereto and incorporated herein as Exhibit A.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this _____ day of June, 2016.

JAMES BENNETT - Chairman

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

ERIK COATE
City Attorney

Resolution No. 4666
Authorizing City Manager to Sign Memorandum of Understanding with Neighbor Helping
Neighbor Regarding Development of the New McNair Skate Park
Page 2

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (this “Memorandum”) is made and entered into as of the latest date set forth by a signature below (the “Effective Date”), by and between **THE CITY OF LIVINGSTON, MONTANA** (the “City”), a municipal corporation and political subdivision of the state of Montana with its principal business office located at 414 East Callender Street, Livingston, Montana 59047, and **NEIGHBOR HELPING NEIGHBOR d/b/a MCNAIR SKATE PARK** (“NHN”; and sometimes together with the City, the “Parties”), a non-profit with its principal business office in Livingston, Montana 59047.

RECITALS:

- A. The City owns the real property depicted and described on **Exhibit A**, as well as the improvements located on (and to be located on) and attached to the said real property. The aforementioned real property is located adjacent to Miles Park, City of Livingston, Montana.
- B. NHN wants to develop the real property into a skate park that will provide a place for gravity sports enthusiasts to recreate (the “Skate Park”). The Skate Park will complement Sacajawea Park and will increase outdoor opportunities in Livingston.
- C. The conception, construction, and some of the maintenance for the Skate Park will be funded largely through private donations where a majority of the funds are from foundations and other non-profits, as well as from the skateboarding community.
- D. The City believes it is in Livingston’s best interests to continue supporting NHN’s efforts with respect to the Skate Park. The City further desires to work in conjunction with NHN in designing and selecting contractor(s) to construct the Skate Park, all as more specifically set forth and discussed hereinafter.

NOW, THEREFORE, in consideration of the mutual covenants set forth in this Memorandum, and for other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties agree as follows:

- 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated into this Memorandum as if fully set forth in this Paragraph 1.
- 2. Grant. The City hereby grants NHN a right of participation in (1) selection of the contractor or contractors that will construct the Skate Park, and (2) the design process. NHN shall designate one (1) person to serve as its representative for each process. NHN acknowledges that (1) the City is required by law to seek bids for construction and/or design services to be performed at the Skate Park in instances described in the Montana Code Annotated, and (2) the City is required to comply with applicable law when selecting a contractor to

perform the construction and/or design services. The City also grants NHN personnel access to the property on which the Skate Park will be located for any purpose reasonably related to NHN’s participation in the design and contractor selection processes.

3. Use. In connection with its access to, and any use of, the Skate Park, NHN shall comply with all the sanitary laws, ordinances, rules and orders of appropriate governmental authorities affecting the cleanliness, use and preservation of the Skate Park during the term of this Memorandum.
4. Term. This Memorandum shall remain in full force and effect until construction of the Skate Park is complete, unless terminated sooner.
5. Alterations. NHN shall make no alterations to the Skate Park or construct any building or make other improvements at the Skate Park without prior written consent from the City’s Public Works Director. All alterations, changes, and improvements built, constructed, or placed on or at the Skate Park, with the exception of fixtures removable without damage to the premises and moveable personal property, shall be the property of City and remain on or at the Skate Park at the termination of this Memorandum.
6. No Warranties or Representations. The City makes no warranties or representations other than those contained in this Memorandum, and the City makes no warranties or representations as to the suitability of the Skate Park for NHN’s proposed use or uses.
7. City Maintenance. Once construction is complete, the City shall:
 - 7.1 Mow all grass and control weed growth if and when feasible;
 - 7.2 Maintain all landscaping and shrubbery;
 - 7.3 Provide maintenance and winterization of sprinkler systems and water fountains;
 - 7.4 Empty any dumpsters serving the Skate Park;
 - 7.5 Maintain any and all mechanical and electrical components installed at the Skate Park; and
 - 7.6 Install, maintain, and provide web hosting for a security camera that will be mounted on the Civic Center, which camera shall be positioned in a way that allows it to overlook the Skate Park.

8. Construction Development and Construction. The Parties agree they will in good faith aim to begin construction development activities in 2016 and actual construction activities in 2017.
9. Naming Rights. NHN shall have authority to establish naming and memorial contribution opportunities and to name and designate features, areas, and other structures and amenities at the Skate Park in recognition of charitable contributions. NHN shall not name any feature, area or other structure after a corporation, organization, or product detrimental to the health and welfare of children, including but not limited to alcohol, tobacco products or producers, gaming organizations, or purveyors of pornography. Names shall not become effective until NHN has obtained the Livingston City Commission's approval of the same, with such approval coming via resolution.
10. Termination. Either the City or NHN may terminate this Memorandum prior to expiration of its term by providing the other party with fourteen (14) days prior written notice. The City may only terminate this Memorandum if, in its reasonable opinion, NHN or its employees, agents, contractors, guests or invitees fail to comply with a material term of this Memorandum.
11. Compliance with Law. NHN and its employees, agents, contractors, guest and invitees shall comply with applicable federal, state, local and municipal laws, codes, ordinances, rules and regulations, including but not limited to fire, building safety and health codes applicable to the use of the Skate Park. NHN and its employees, agents and contractors shall obtain and maintain all permits, licenses and authorizations required by governmental and quasi-governmental agencies.
12. No Joint Venture. Nothing in this Memorandum shall be construed as creating any employment, agency, partnership or joint venture relationship between the Parties.
13. Indemnification and Hold Harmless. NHN shall indemnify the City, its officers, agents and employees against any and all claims or demands of any kind or nature arising out of NHN's performance of this Memorandum. NHN shall, at its own expense, defend the City in any litigation, pay all attorney's fees, damages, court costs or other expenses that may arise out of such litigation of claims incurred in that connection and satisfy and cause to be discharged those judgments, as may be obtained against the City, its officers, employees or agents.
14. Insurance. NHN shall be responsible for maintaining in full force and effect, at its sole cost and expense, all insurance coverage required by law. In addition, NHN shall be responsible for maintaining in full force and effect, at its sole cost and expense, and shall provide the

19. Authority. Each person executing this Memorandum on behalf of a corporation, LLC, partnership, or other non-human entity represents that he/she is duly authorized to enter into this Memorandum on behalf of such entity.
20. Merger / Integration. This Memorandum contains the entire agreement among the Parties. There are no promises, agreements, conditions, undertakings, warranties, or representations, oral or written, expressed or implied among them other than as set forth in this Memorandum. This Memorandum is intended by the Parties to be an integration of all prior or contemporaneous promises, agreements, conditions, negotiations, and undertakings between the Parties.
21. Amendment. This Memorandum may not be amended, altered, modified, changed or waived unless such amendment, alteration, modification, change or waiver is in writing and is signed by all of the parties to be charged thereby. No oral amendment, alteration, modification, change or waiver of any of the terms or conditions of this Memorandum shall be legal, valid, effective and/or enforceable against any party.
22. Survival. The terms and provisions of this Memorandum shall survive any termination of this Memorandum.
23. Governing Law. This Memorandum shall be governed by and interpreted under the applicable laws of the state of Montana, without regard to any conflicts of law principles.
24. Severability. If any term or condition of this Memorandum shall be determined by any court of competent jurisdiction to be invalid, illegal or unenforceable, the remaining terms and conditions of this Memorandum shall continue to be valid, legal and enforceable in all respects.
25. Interpretation. The paragraph headings used herein are for reference and convenience only and shall not enter into the interpretation of this Memorandum. Whenever herein the singular number is in use, the same shall include the plural, and the masculine gender shall include the feminine and neuter genders, and vice versa, as the context shall require. The language used in this Memorandum shall be deemed to be the language chosen by the Parties to express their mutual intent and no rule of strict construction or interpretation shall be applied against any party on the grounds that such party was the “drafter” of this document nor shall any such principal of interpretation or construction be utilized to resolve any alleged ambiguity.
26. Exhibits. All exhibits referenced in this Memorandum are made a part of this Memorandum.

27. Computation of Time. In computing a period of days for performance or payment, the first day of the period shall be excluded and the last day of the period shall be included. If the last day of any such period is a Saturday, Sunday or federal holiday, the period shall extend to include the next day that is not a Saturday, Sunday or federal holiday. Any performance or payment that must be taken or made on a particular day must be taken or made prior to 5:00 p.m. on the day in question. All references to time shall be to local time in Livingston, Montana.

IN WITNESS WHEREOF, the Parties have executed this Memorandum as of the latest date set forth by a signature below.

CITY OF LIVINGSTON

NEIGHBOR HELPING NEIGHBOR

Lisa Lowy
Interim City Manager

(Printed Name)
(Title)

Date

Date

EXHIBIT A
[Property description]

From: Rupe, Tawnya <TawnyaR@mountainsky.com>
Sent: Saturday, June 25, 2016 10:08 AM
To: Derek Smith
Cc: Erik Coate; James Bennett
Subject: RE: MOU Question

Hi Derek,
Congrats on the PCCF grant!

When we first started corresponding about a grant, your timeline was to complete the skate area in the park this fall. We understand that due to many different components within the project, construction will most likely not be completed in 2017. We requested that "Construction in 2016" be included in the MOU based on earlier conversations and we wanted to ensure that the city was committed to allowing construction in 2016 if the funding was secured. If it is included in the MOU that the construction development will happen in 2016 and construction in 2017 that will be sufficient for our documentation.

Thank you all for your time. Best, Tawnya

From: Derek Smith [mailto:echoemtn@gmail.com]
Sent: Wednesday, June 22, 2016 12:36 PM
To: Rupe, Tawnya
Cc: Erik Coate; James Bennett
Subject: MOU Question

I was at the City Commission meeting last evening for the first reading of the MOU. There was a question as to what "construction in 2016" means. Due to the public bid process and its association with the time of year, we more in likely will run into winter before the Skatepark construction company will begin. However we will have the Geo-Tech report, the Site Plan, the Construction Documents (CDs) and the City's In-kind Services, and the advertisement for construction services all done and are all a part of Park Development in 2016, which all are apart of the Construction process.

The problem is we did not insert "Construction in 2016" into the MOU. The MOU was tabled until the next City Commission meeting so this may be clearly defined.

Thank you so much.

Derek Smith
McNair Skatepark President
406.220.0404

One more thing, We were awarded \$3,000 from Peter Fox and the Park County Community Foundation. We are currently at \$145,000.

Backup material for agenda item:

- D. RESOLUTION NO. 4679 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH BARRY DAMSCHEN CONSULTING, LLC FOR THE LIVINGSTON SOLID WASTE PROGRAM ASSESSMENT.**

Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Resolution No. 4679

Requested by: City of Livingston – Public Works Department

Date of First Consideration/Status: July 19, 2016

Purpose of Legislation: Resolution No. 4679 requests the City Commission’s authorization for the City Manager to enter into a Professional Services Agreement (“Agreement”) with Barry Damschen Consulting, LLC for a solid waste program assessment.

Background: The City of Livingston’s Public Works Department has recently raised concerns regarding its solid waste operations, particularly with respect to efficiency and cost effectiveness in some areas. The Public Works Department has presented its concerns to the Livingston City Commission at several meetings. In response, the Commission has generally requested a comprehensive overview of the operations. As a result, the Public Works Department desires to evaluate and assess its solid waste operations in an effort to both identify areas that might be made more efficient and/or fiscally sound and to provide the Commission with more information. The Public Works Department has identified Barry Damschen Consulting, LLC, a Montana limited liability company based in Helena, as being capable of conducting the necessary evaluation and assessment. Barry Damschen Consulting, LLC is engaged in the business of consulting, independent of the City, and has the manpower, knowledge, expertise, skills, means, and licenses, if applicable, to perform the necessary services and is ready, willing, and able to undertake and perform the services under the terms and conditions contained in the Agreement attached to Resolution No. 4679.

Staff Recommendation: Staff recommends this resolution be approved.

Fiscal Impact: See attached fiscal note.

Regulatory Impact (local): N/A

Attachments: Professional Services Agreement and fiscal note.

RESOLUTION NO. 4679

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH BARRY DAMSCHEN CONSULTING, LLC FOR THE LIVINGSTON SOLID WASTE PROGRAM ASSESSMENT.

WHEREAS, the City of Livingston’s Public Works Department has recently raised concerns regarding its solid waste operations, particularly with respect to efficiency and cost effectiveness in some areas; and

WHEREAS, the Public Works Department has presented its concerns to the Livingston City Commission at several meetings, and the Commission has generally requested a comprehensive overview of the operations; and

WHEREAS, as a result, the Public Works Department desires to evaluate and assess its solid waste operations in an effort to both identify areas that might be made more efficient and/or fiscally sound and to provide the Commission with more information; and

WHEREAS, the Public Works Department has identified Barry Damschen Consulting, LLC, a Montana limited liability company based in Helena, as being capable of conducting the necessary evaluation and assessment; and

WHEREAS, Barry Damschen Consulting, LLC is engaged in the business of consulting, independent of the City, and has the manpower, knowledge, expertise, skills, means, and licenses, if applicable, to perform the necessary services and is ready, willing, and able to undertake and perform the services under the terms and conditions contained in the Professional Services Agreement (the “Agreement”) attached hereto and incorporated herein as Exhibit A; and

WHEREAS, the City Manager is ready and willing to sign the Agreement upon obtaining authorization from the Livingston City Commission.

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

The City Manager is hereby authorized to enter into the Agreement with Barry Damschen Consulting, LLC, which document is attached hereto and incorporated herein as Exhibit A.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this _____ day of July, 2016.

JAMES BENNETT - Chairman

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

ERIK COATE
City Attorney

PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT (this “Agreement”) is made and entered into as of the ____ day of _____, 2016, by and between the **CITY OF LIVINGSTON, MONTANA**, a municipal corporation and political subdivision of the state of Montana with its principal business office located at 414 East Callender Street, Livingston, Montana 59047 (hereinafter referred to as the “City”), and **BARRY DAMSCHEN CONSULTING, LLC**, a Montana limited liability company with its principal place of business located at 5531 York Road, Helena, MT 59602 (hereinafter referred to as the “Consultant”; and together with the City, the “Parties”).

RECITALS:

- A. The City desires to complete the project commonly known as the Livingston Solid Waste Program Assessment (the “Project”), which Project requires professional consulting services to be performed in connection therewith.
- B. The City desires for Consultant to perform and complete the Project, and the Consultant desires to perform the Project, all according to the terms and conditions set forth below.
- C. The Consultant is engaged in the business of professional consulting, independent of the City, and has the manpower, knowledge, expertise, skills, means, tools, licenses, if applicable, and equipment necessary to complete the Project, and is ready, willing and able to undertake and perform the same under the terms and conditions contained in this Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals and the terms and conditions contained herein, the Parties agree as follows:

- 1. INCORPORATION OF RECITALS. The above Recitals are true and correct and are fully incorporated into this Agreement as if fully set forth in this Paragraph 1.
- 2. CONSULTANT’S SERVICES. City agrees to retain Consultant to perform all services and comply with all obligations specified or indicated in the Scope of Work attached hereto and incorporated herein as **Exhibit A** (collectively, the “Services”).
- 3. NON-DISCRIMINATION. Pursuant to Mont. Code Ann. § 49-3-207, in the performance of this Agreement the Consultant agrees that all hiring will be on the basis

of merit and qualifications and that the Consultant will not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin.

4. NATURE OF RELATIONSHIP.

- a. The Consultant states that it is engaged in an established business or profession which is in no way affiliated with or connected to the City, except by this Agreement and that it uses independent judgment in the performance of services provided hereby free from control or direction of others. The Consultant shall perform the Services as an independent contractor. The Parties agree that the City is only interested in the end result of the Services, not in the method of performance, and as such, the Consultant has been and will continue to be free from the control or direction of the City in the performance of this Agreement. The Consultant shall not be deemed by virtue of this Agreement nor the performance thereof to have entered into any partnership, joint venture, employer/employee or any other legal relationship with the City besides that of an independent contractor. Because Consultant is an independent contractor, Consultant is not entitled to any workers compensation or any benefit of employment with the City.
- b. The Consultant agrees to comply with all applicable laws, rules and regulations adopted or promulgated by any governmental agency or regulatory body, both state and federal, and furthermore agrees to assume full responsibility for the payment of all contributions of all federal and state income or other payroll tax or assessment, social security, worker's compensation insurance, unemployment insurance, self-employment tax or any other required deduction or contribution for himself or for any employees engaged by the Consultant in performance of this Agreement.
- c. The Consultant, its officers, agents and/or employees shall not have the authority to make representations on behalf of the City, and neither shall the aforementioned entities and persons have the authority to legally bind or otherwise obligate the City to any third person or entity.

5. COMPENSATION.

- a. For the satisfactory completion of the Services, the City will pay the Consultant a sum not to exceed Twenty Five Thousand and No/100 Dollars (\$25,000.00).

- b. The Consultant shall submit an invoice every month if it has provided the City with Services during the preceding month. The invoices will include charges for the Services actually performed during the associated billing period. The invoices shall include, at a minimum, the following information: (i) a clear description of the tasks performed; (ii) identification of the project with which all charges are associated; (iii) the contracted dollar amount for the Services, if applicable; (iv) the Services completed to date for the associated project; and (v) the Services that remain to be completed for the associated project. Each invoice shall be accompanied by a monthly summary that provides the following information: (i) all current projects; (ii) the estimated dollar amount of the total project costs for each project; (iii) the amount the City has paid to date on each project; and (iv) the amount the City will likely pay to complete each project shown on that month's invoice.
 - c. In connection with obtaining payment under this Agreement, Consultant agrees to familiarize itself with, and agrees to be bound by, the City's claim procedure, including but not limited to deadlines for submitting claims for approval and payment. The Consultant assumes responsibility for the late filing of a claim.
 - d. In the event the Consultant seeks payment or compensation for work, materials or services not included in this Agreement and the exhibits hereto, the Consultant must seek prior written authorization from the City before such expenditure is incurred. If the Consultant fails to obtain prior written authorization, the Consultant shall not be entitled to payment for the unauthorized work, materials or services.
6. CONSULTANT'S RESPONSIBILITIES, REPRESENTATIONS AND WARRANTIES.
The Consultant represents and warrants as follows:
- a. It and its employees possess all of the necessary qualifications, experience, knowledge, tools and equipment to undertake the performance of the Services.
 - b. It is familiar with and is satisfied as to all federal, state and local laws and regulations that may affect costs, progress, performance and furnishing of the Services.
 - c. It has reviewed and has entered into this Agreement based solely upon its own knowledge, inspection and judgment, and not upon any representations or warranties made by the City or its officers, employees or agents.

- d. In connection with the Services, it will exercise the standard of care that is ordinarily used by members of the Consultant's profession practicing under similar conditions at the same time and in the same locality.
 - e. It will comply with all applicable laws, rules, ordinances and regulations adopted or promulgated by any governmental agency or regulatory body, whether State, federal or local, and furthermore agrees to assume full responsibility for the payment of all contributions of all federal and state income or other payroll tax or assessment, social security, worker's compensation insurance, unemployment insurance, self-employment tax or any other required deduction or contribution for himself or for any employees engaged by the Engineer in performance of this Agreement.
 - f. It will comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71 of the Montana Code Annotated, and the Occupational Disease Act of Montana, Title 39, Chapter 71 of the Montana Code Annotated, and shall maintain workers' compensation coverage for all members and employees of the Engineer, except for those members who are exempted by law. Engineer shall furnish copies showing proof of workers' compensation coverage by an insurer licensed and authorized to provide workers' compensation insurance in the State of Montana or proof of exemption from workers' compensation granted by law for independent contractors.
7. OWNERSHIP OF DOCUMENTS. All data, information, work in progress, documents, reports, and intellectual property developed in connection with any work under this Agreement, both in hard-copy form and as may be embodied on computer diskettes or similar information recording and storage media, is deemed the City's property and, upon request, shall be delivered to the City. Following the City's acceptance of materials described in this paragraph, the City shall indemnify and hold Consultant harmless for any changes or revisions to the plans and related documents the Consultant prepares under this Agreement that are made without Consultant's knowledge and written consent.
8. TERMINATION OF THIS AGREEMENT.
- a. If the City fails to substantially perform in accordance with the terms of this Agreement, the Consultant shall deliver to the City a written notice specifying the nature of the City's failure to substantially perform. The City shall have a period of ten (10) days after receiving the written notice from the Consultant to cure the

failure to perform. If the City fails to cure its failure to perform within the 10-day cure period, the Consultant shall provide the City with a written notice to terminate this Agreement. The Consultant may only terminate this Agreement if it is not at fault for the City's failure to perform. Failure of the City to make payment as provided in this Agreement shall be considered nonperformance and cause for termination, unless the Consultant is at fault for the City's nonpayment.

- b. The City may terminate this Agreement upon not less than thirty (30) days prior written notice to Consultant. If the City terminates this Agreement for a reason other than fault of the Consultant, the Consultant shall receive compensation for the work/services performed prior to termination, together with reasonable expenses incurred up to the date of termination.
9. INDEMNIFICATION AND HOLD HARMLESS. The Consultant waives any and all claims and recourse against the City, its officers, agents or employees, including the right of contribution for loss and damage to persons or property arising from, growing out of, or in any way connected with or incident to the Consultant's performance of this Agreement, except for liability arising out of concurrent or sole negligence of the City or its officers, agents or employees. Further, the Consultant will indemnify, hold harmless, and defend the City, its officers, employees and agents against any and all claims, demands, damages, costs, expenses or liability arising out of the Consultant's performance of this Agreement, except for liability arising out of the concurrent or sole negligence of the City or its officers, agents or employees.
10. INSURANCE. The Consultant will carry a general liability insurance and professional errors and omissions insurance during the term of this Agreement in an amount of not less than One Million Five Hundred Thousand and No/100 Dollars (\$1,500,000.00) per occurrence, and Seven Hundred Fifty Thousand and No/100 Dollars (\$750,000.00) per claim. Copies of certificates of insurance, suitable to the City, shall be filed with the City. The Consultant shall also maintain workers' compensation and unemployment insurance, as well as other insurances as may be required by law for employers, or an exemption from the state of Montana. All certificates of insurance required by this Agreement are collectively attached hereto as **Exhibit B**.
11. COMPLIANCE WITH LAWS. The Consultant agrees it will comply with all federal, state and local laws, rules and regulations.

12. SURVIVAL. All express representations, indemnifications, or limitations of liability made in or given in this Agreement shall survive completion of the Services or the termination of this Agreement for any reason.
13. FORCE MAJEURE. The Parties shall not hold each other responsible for damages or delay in the performance of this Agreement caused by acts of God, strikes, lockouts, accidents, or other events beyond the control of the other or the other's employees and agents.
14. NOTICES. All notices or communications required to be given under this Agreement shall be in writing and shall be deemed to have been duly given by personal delivery or upon deposit into the United States Postal Service, postage prepaid, for mailing by certified mail, return receipt required, and addressed as follows:

City: City of Livingston
Attn: Shannon Holmes
330 Bennett Street
Livingston, Montana 59047

Consultant: Barry Damschen Consulting, LLC
5531 York Road
Helena, Montana 59602

Any change of address shall be made by giving written notice thereof to the other party, providing the new address.

15. MODIFICATION AND WAIVER. No amendment, modification or waiver of any condition, provision or term of this Agreement shall be valid or of any effect unless made in writing, signed by the party or parties to be bound and specifying with particularity the nature and extent of such amendment, modification or waiver. Any waiver by any party of any default of the other party shall not effect or impair any right arising from any subsequent default. Nothing herein shall limit the remedies or rights of the parties hereunder and pursuant to this Agreement.
16. SEVERABILITY. Each provision of this Agreement is intended to be severable. If any provision of this Agreement is illegal or invalid for any reason whatsoever, such illegality or invalidity of said provision shall not affect the validity of the remainder of this Agreement.

17. ENTIRE AGREEMENT. This Agreement contains the entire understanding of the Parties and supersedes all prior agreements and understandings between the Parties.
18. INTERPRETATION. All captions, headings, or titles in the paragraphs or sections of this Agreement are inserted for convenience or reference only and shall not constitute a part of this Agreement or act as a limitation of the scope of the particular paragraph or section to which they apply. As used herein, where appropriate, the singular shall include the plural and vice versa and the masculine, feminine or neuter expressions shall be interchangeable.
19. COUNTERPARTS. This Agreement may be executed in multiple counterparts, each of which shall be one and the same Agreement and shall become effective when one or more counterparts have been signed by each of the parties and delivered to the other party.
20. PARTIES IN INTEREST AND ASSIGNMENT. This Agreement shall be binding upon, and the benefits and obligations provided for herein shall inure to and bind, the Parties and their respective successors and assigns, provided that this section shall not be deemed to permit any transfer or assignment otherwise prohibited by this Agreement. This Agreement is for the exclusive benefit of the Parties and it does not create a contractual relationship with or exist for the benefit of an third party, including contractors, subcontractors or their sureties. This Agreement shall not be assigned, or any right or obligation hereunder, in whole or in part, to another without first having prior written consent of the other party. No assignment or transfer of any interest under this Agreement shall be deemed to release the Consultant or the City from any liability or obligation under this Agreement, or to cause any such liability or obligation to be reduced to a secondary liability or obligation.
21. VENUE. The parties stipulate and agree that the Montana Sixth Judicial District Court, Park County, has proper venue and jurisdiction to resolve all causes of action which may accrue under this Agreement.
22. GOVERNING LAW. This Agreement shall be governed by the law of the State of Montana without respect to its conflicts of law principles.

- 23. LIAISON. The designated liaison with the City is Shannon Holmes, who can be reached at (406) 222-5667. The Consultant’s liaison is Barry Damschen, who can be reached at (406) 461-5003.
- 24. DISPUTES. It is mutually agreed that the performance or breach of this Agreement and its interpretation shall be governed by the laws of the state of Montana, without regard to its conflicts of law principles.
- 25. COMPUTING TIME. For the purpose of calculating time under this Agreement, the following computation shall be used -- If the period is stated in days or a longer unit of time, exclude the day of the event that triggers the period, count every day, including intermediate Saturdays, Sundays, and legal holidays, and include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed in Livingston, Montana, the day and year first aforementioned herein.

CITY OF LIVINGSTON

**Barry Damschen Consulting, LLC,
a Montana limited liability company**

Lisa Lowy

Name: _____
Its: _____

[Exhibit A]

[Scope]

[**Exhibit B**]

[**Certificates of Insurance**]

LIVINGSTON SOLID WASTE PROGRAM
SCOPE OF WORK AND FEES

<u>TASK</u>	<u>MANHOURS</u>
1. Review information packet & prepare for meeting with staff	4
2. Meet with City staff and Officials	
a) Travel	4
b) Discuss available information	2
c) Visit facilities	6
d) Ride Com. & Res. Trucks (4hrs. each)	8
e) Concluding mtg. with staff ,etc	<u>4</u>
Subtotal	24
3. Evaluate System	60
a) Evaluate the transfer station layout, operation & finances. Develop and evaluate options including MWS Contract and future bidding options.	
b) Evaluate Recycling facilities and programs including the facilities at the T.S., Four Corners Recycling Program and glass recycling. Develop and evaluate options.	
c) Evaluate the Green Waste Program including the free pickup service and disposal facilities and methods. Develop and evaluate options.	
d) Evaluate the Residential and Commercial collection services including general route efficiency, costs & fees. (this does not include a detailed analysis of the various routes)	
e) Evaluate other factors/issues including fees paid by Park County, spring cleanup, etc.	
4. Develop a Draft Report that summarizes the analysis for work Elements 3a through 3e.	28
5. Meet with City staff and officials to discuss the Draft Report. Discuss the options and determine if additional analysis is necessary. Develop recommendations. (includes one day trip to Livingston).	12

6. Conduct additional analysis, if necessary. Finalize the report including the analysis, costs and recommendations.	8
7. Prepare and conduct a presentation with the City Council on the findings of the Report.	<u>8</u>
TOTAL	144

Summary of Costs

<u>ITEM</u>	<u>UNITS</u>	<u>UNIT COST</u>	<u>COST</u>
Barry Damschen	144 hrs.	\$105	\$15,120
Word Processing	40 hrs.	\$ 60	\$ 2,400
Drafting	16 hrs.	\$ 90	\$1,440
Mileage (3 trips)	800 miles	\$.60	\$ 480
Meals & Lodging	--	--	\$ 500
Printing (8 drafts & 15 final reports)			<u>\$ 400</u>
TOTAL COST			\$20,340
Contingency			<u>\$ 4,660</u>
TOTAL MAXIMUM FEE			\$25,000.00

Backup material for agenda item:

- E. RESOLUTION NO. 4678 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET IN THE AMOUNT OF \$\$16,540,758 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2016, AND ENDING JUNE 30, 2017, (FY2016-2017), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT www.livingstonmontana.org, AND NOTICE OF BUDGET INCREASE FROM PROPERTY TAXES OF 7.2% AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS.



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
 Ordinance/Resolution No: 4678

Requested by: Jessie Hogg, Chief Finance Officer

Date of First Consideration/Status: July 19th, 2016

Purpose of Legislation: To Preliminarily Adopt the City's Annual Operating Budget for Fiscal Year 2016 – 2017 and to set a Public Hearing for August 2nd, 2016.

Statutory Authority/Reference: Preliminary Annual Operating Budget 7-6-4020; Hearing on Preliminary Budget 7-6-4024; Final Budget Resolution 7-6-4030.

Background: A Preliminary Annual Operating budget has been prepared, reviewed with the City Commission, and is hereby submitted as the Preliminary Annual Operating budget for the city, and upon which a Public Hearing will be held.

Staff Recommendation: The Administration recommends approval of Resolution #4678 as the City's Preliminary Annual Operating Budget.

Fiscal Impact: See Below:

**SUMMARY OF MAJOR REVENUES, EXPENDITURES
 AND OTHER FINANCING SOURCES/USES
 July 1, 2016 through June 30, 2017 (FY 17)**

	Governmental Fund Types				Proprietary Fund Types	Trust & Agency	Total All Funds
	General	Special Revenue	Debt Service	Capital Project	Enterprise		
Projected Beginning Fund/Working Capital Balance	\$ 518,068	\$2,680,690	\$ 688,378	\$ 135,446	\$ 1,459,599	\$ 237,268	\$5,719,449
Total Estimated Revenues	4,204,681	3,938,595	208,698	750,600	6,516,900	6,500	15,625,974
Budgeted Expenditures	4,126,195	5,269,310	146,675	746,900	6,248,178	3,500	16,540,758
Projected Ending Fund/Working Capital Balance	\$ 596,554	\$1,349,975	\$ 750,401	\$ 139,146	\$ 1,728,321	\$ 240,268	\$ 4,804,665

Regulatory Impact (local): N/A

Attachments: N/A

City Manager's Budget Recommendation is available
for public inspection:

Online at www.livingstonmontana.org

In print at the Livingston Public Library: 228 W. Callender St.

In print at the City Manager's office: 414 E. Callender St.

In print at the Livingston Business Office: 110 S. B St.

RESOLUTION NO. 4678

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET IN THE AMOUNT OF \$16,540,758 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2016, AND ENDING JUNE 30, 2017, (FY2016-2017), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT www.livingstonmontana.org, AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS.

WHEREAS, the City Manager has presented the City Manager's Preliminary Budget recommendation for Fiscal Year 2016-2017 in the amount of \$16,540,758 to the City Commission as required by 7-6-4020 Montana Code Annotated (MCA); and

WHEREAS, the City Commission has completed its Preliminary Budget for Fiscal Year 2016-2017, an overview of which is attached hereto as Exhibit A and incorporated into this Resolution by this reference as though fully set forth herein; and

WHEREAS, a copy of the completed Preliminary Budget for Fiscal Year 2016-2017 has been placed for public inspection in the office of the Finance Officer located at 110 South B Street, Livingston, Montana, and on the City of Livingston's web page at www.livingstonmontana.org; and

WHEREAS, pursuant to 7-6-4001 *et seq.* MCA, the City Commission shall meet on August 2nd, 2016, at which time a public hearing on the proposed preliminary budget will be held during which time any taxpayer or resident of the City will be heard for or against any part of the proposed preliminary budget; and

WHEREAS, the hearing may be continued from day to day and must be concluded and the budget finally approved and adopted and appropriations made by resolution by the later of the second Monday in August or within 45 calendar days of receiving certified taxable values from the Montana Department of Revenue; and

WHEREAS, the City Commission intends to consider the proposed preliminary budget for FY 2016-2017 and make revisions, reductions, additions and changes thereto as deemed appropriate and to establish spending limits at the level of appropriations detailed in Exhibit A which is attached hereto and incorporated by this reference as though fully set forth herein; and

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

Resolution No. 4678 Giving notice of Preliminary Budget for FY 2016-2017, of its availability for public inspection and calling for a public hearing.

WHEREAS, the City Commission further intends to authorize and re-appropriate the unexpended balance of Capital Improvement Program & equipment items previously budgeted which have not been completed within Fiscal Year 2015-2016.

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

That the City Manager’s Preliminary Budget recommendations for FY 2016-2017 have been received by the City Commission and the City Commission has made revisions, reductions, additions and changes thereto as they have deemed appropriate and the Preliminary Budget is now deemed completed and ready for public review and comment and a copy of the Preliminary Budget has been placed on file and is open for public inspection in the City Offices located at 414 East Callender Street, Livingston, Montana and at www.livingstonmontana.org.

BE IT FURTHER RESOLVED by the City Commission that a public hearing on the Preliminary Budget for FY 2016-2017 will be held on August 2nd, 2016 at 6:30 p.m. in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, at which time any taxpayer or resident may appear and be heard for or against any part of the preliminary budget which hearing may be continued from day to day and must be concluded and the budget finally approved and adopted by the later of the second Monday in August or within 45 days of receiving certified taxable value from the Montana Department of Revenue at which time the City Commission will adopt the Final Budget for Fiscal Year 2016-2017 and make appropriations accordingly.

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

PASSED AND ADOPTED by the City Commission of the City of Livingston, this _____ day of July, 2016.

JAMES BENNETT - Chairman

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

ERIK COATE
City Attorney

Resolution No. 4678 Giving notice of Preliminary Budget for FY 2016-2017, of its availability for public inspection and calling for a public hearing.

EXHIBIT A to Resolution No. 4678
PROJECTED CHANGES IN FUND AND WORKING CAPITAL BALANCES
DETAIL OF ALL FUNDS
Fiscal Year 2016-2017

Fund #	Fund Name	Projected Beginning Balances 7-1-2016	FY - 2017		Projected Ending Balances 6-30-2017
			Estimated Revenues	Budgeted Expenditures	
1000	General Fund	\$ 518,068	\$ 4,204,681	\$ 4,126,195	\$ 596,554
			\$ 4,358,412	\$ 4,371,571	(78,486)
SPECIAL REVENUE FUNDS					
2190	Comprehensive Liability	44,575	183,371	189,650	38,296
2210	Recreation	-	-	-	-
2211	Soccer Fields	-	-	-	-
2212	SummerFest	1,512	45,050	35,722	10,840
2220	Library	145,618	382,531	467,089	61,060
2250	LFD/PCRFD Training Center	281	-	281	0
2260	Emergency/Disaster Fund	(20,758)	-	-	(20,758)
2270	Health-Sanitarian	-	-	-	-
2300	Communications/Dispatch Services	239,224	512,460	726,210	25,474
2310	Tax Increment District - Downtown	832,255	220,050	688,000	364,305
2311	Tax Increment District - West End SRF	(0)	-	-	(0)
2320	Economic Development	(11,196)	50,000	48,954	(10,150)
2325	Community Development Fund	0	-	-	0
2370	PERD	3,920	89,210	90,200	2,930
2371	Health Insurance	53,279	153,927	192,927	14,279
2372	Permissive Health Insurance	-	334,033	334,033	-
2373	Police Pension	472	297,940	296,365	2,047
2374	Fire Pension	22,502	261,923	280,891	3,534
2397	CDBG Economic Dev Revolving	616,537	46,000	650,000	12,537
2399	Impact Fees - Fire	2,514	3,500	1,100	4,914
	Impact Fees - Transportation	251,650	15,000	80,000	186,650
	Impact Fees - Police	2,242	5,500	5,095	2,647
	Impact Fees - Parks	14,594	3,500	5,000	13,094
2400	S.I.D. Light Maintenance	15,317	139,575	99,000	55,892
2500	Street Maintenance	244,665	992,100	726,193	510,572
2600	Sidewalks	34,593	8,475	40,000	3,068
2650	Business Improvement District	-	45,200	45,200	-
2700	Park Improvement SRF	131,864	1,625	114,500	18,989
2750	Law Enforcement Joint Equipment Fund	6,379	125	5,000	1,504
2820	Gas Tax	48,652	147,500	147,900	48,252
Total Special Revenue Funds		\$ 2,680,690	3,938,595	5,269,310	1,349,975
DEBT SERVICE FUNDS:					
3002	Fire Truck GOB	\$ 0	-	-	0
3003	2000 Fire Truck GOB	13,666	35,196	33,550	15,312
3200	West End Tax Increment District	641,264	134,500	74,760	701,004
3400	SID Revolving	26,235	75	-	26,310
3550	SID 179 - West End	19,529	34,530	33,115	20,944
3950	SID 178	12,011	100	-	12,111
3955	SID 180	(24,328)	4,297	5,250	(25,281)
Total Debt Service Funds		\$ 688,378	\$ 208,698	\$ 146,675	\$ 750,401

Resolution No. 4678 Giving notice of Preliminary Budget for FY 2016-2017, of its availability for public inspection and calling for a public hearing.

EXHIBIT A to Resolution No. 4678

**PROJECTED CHANGES IN FUND AND WORKING CAPITAL BALANCES
DETAIL OF ALL FUNDS
Fiscal Year 2016-2017**

Fund #	Fund Name	Projected Beginning Balances 7-1-2016	FY - 2017		Projected Ending Balances 6-30-2017
			Estimated Revenues	Budgeted Expenditures	
<u>CAPITAL PROJECT FUNDS:</u>					
4010	Capital Improvement Fund	0	-	-	0
4020	Library Capital Improvement Fund	32,737	100	30,000	2,837
4099	Railroad Crossing Levy	167,709	500	31,900	136,309
4100	Fire Truck/Bond Proceeds	(65,000)	750,000	685,000	-
Total Capital Project Funds		\$ 135,446	750,600	746,900	139,146
<u>ENTERPRISE FUNDS:</u>					
5210	Water Department	106,854	1,496,750	1,439,596	164,008
5210	Water Fund System Development Fees	75,469	25,500	97,500	3,469
5310	Sewer Department	1,123,055	2,215,750	1,729,192	1,609,613
5310	Sewer Fund System Development Fees	35,625	17,500	45,000	8,125
5410	Solid Waste Department	(99,026)	1,851,925	1,922,140	(169,241)
5510	Ambulance Services	217,622	909,475	1,014,750	112,347
Total Enterprise Funds		1,459,599	6,516,900	6,248,178	1,728,321
<u>TRUST FUNDS</u>					
8010	Perpetual Cemetery	\$ 237,268	6,500	3,500	240,268
Total Trust Funds		\$ 237,268	6,500	3,500	240,268
Total All Funds		\$ 5,719,449	\$ 15,625,974	\$ 16,540,758	\$ 4,804,665

Resolution No. 4678 Giving notice of Preliminary Budget for FY 2016-2017, of its availability for public inspection and calling for a public hearing.

EXHIBIT B to Resolution No. 4678**NOTICE**

NOTICE is hereby given that the City Commission of Livingston, Montana, has completed its Preliminary Budget for Fiscal Year 2016-2017, that the budget is on file and open for public inspection in the office of the Finance Officer, 110 S B Street, Livingston, Montana and for further information contact Finance Officer Jessie Hogg at 823-6003 and that a public hearing on **Resolution No. 4678** entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET IN THE AMOUNT OF \$16,540,758 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2016, AND ENDING JUNE 30, 2017, (FY2016-2017), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT www.livingstonmontana.org, AND NOTICE OF BUDGET INCREASE FROM PROPERTY TAXES OF 7.2% AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS**, which will be held by the City Commission on August 2nd, 2016, at 6:30 p.m. in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, at which time the public is invited to attend and comment thereon and which hearing may be continued from day to day and must be concluded and the budget finally approved and adopted and appropriations made by the later of the second Monday in August or within 45 days of receiving certified taxable value from the Montana Department of Revenue.

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

Resolution No. 4678 Giving notice of Preliminary Budget for FY 2016-2017, of its availability for public inspection and calling for a public hearing.

Backup material for agenda item:

- F. RESOLUTION NO. 4674 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE SEWER RATE IN THE AMOUNT OF 2% TO BECOME EFFECTIVE FOR SEPTEMBER 2016 SEWER USAGE, BILLED IN OCTOBER.**



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
 Ordinance/Resolution No: **4674**

Date of First Consideration/Status: July 19th, 2016

Purpose of Legislation: Intent to increase the sewer rate in the amount of 2% beginning with September 2016 usage, billed in October 2016.

Statutory Authority/Reference: 69-7-101 *et seq.*

Background: In fiscal years 2008-2010, the City increased the sewer rate in an effort to meet state averages and maintain the existing schedule of necessary infrastructure costs, as delineated by the Capital Improvement Plan. A recommended 2% increase in 2011 was not approved, and a resulting 4% increase was made in 2013. The cost of providing sewer services continues to rise. In addition, in fiscal year 2014 the City completed a waste water treatment plant study. This study recommended significant upgrades in order to stay compliant with state requirements. This will require an upgrade expected to cost in excess of \$10 million. In order to prepare for the debt service and other costs required to complete the construction it is necessary to implement these rate increases. The average residential sewer bill is expected to increase by \$0.79 per month

In the past, a different based was used to calculate water bills for those users with no usage vs those with over 1,000 gallons in usage. For instance, if you had zero usage you would be charged a base rate of \$21.69. If you had 1,000 gallons in usage you would be charged a base rate of \$17.76 plus the variable rate. In order to provide consistency to all customers, we have standardized this base rate for all usages. For those customers with zero usage, this will result in a monthly decrease of approximately \$3.57.

Fiscal Impact: A 2% increase in sewer service charges and the change to the base rates is anticipated to result in \$21,900 of additional revenue for FY 2017.

Regulatory Impact (local): N/A

Attachments: Fiscal Note, Rate Schedule

RESOLUTION NO. 4674

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE SEWER RATE IN THE AMOUNT OF 2% TO BECOME EFFECTIVE FOR SEPTEMBER 2016 SEWER USAGE, BILLED IN OCTOBER.

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

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

WHEREAS, in 2008 the City's water rate was determined by the State of Montana to be substantially below the statewide water rates for other Montana cities and towns and the City of Livingston, over a three year process, brought its water and sewer rates up to meet the statewide averages in order for the City of Livingston to qualify for State grants and loans; and

WHEREAS, by Resolution No. 4578, effective July, 2015, the City last raised its sewer rates by 2%, following a three-year effort to meet the state averages; and

WHEREAS, the costs of providing sewer and water services continues to rise necessitating a rate increase; and

WHEREAS, historic base rates were inconsistent depending on whether a customer had zero usage or over 1,000 gallons used and for clarity in billing, the lower of the two 'base' rates has become the standard for all customers, regardless of usage, and will result in a net monthly decrease of approximately 97¢, and is set forth in Exhibit A, which is attached hereto and incorporated by this reference as though fully set forth herein; and

WHEREAS, a 2% increase in sewer rates will result in a monthly increase of 50¢ to \$1.80 per month increase depending on sewer usage, all as set forth in Exhibit A, which is attached hereto and incorporated by this reference as though fully set forth herein; and

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

The City Commission of the City of Livingston, Montana intends to increase the sewer rate for its customers in the amount of 2% to become effective for sewer usage starting September 2015, to be billed in October 2015 and that a public hearing will be held by the City Commission at 6:30 p.m. on August 16th, 2016, at which time the public is invited to attend and comment on its intent.

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

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

PASSED AND ADOPTED by the City Commission of the City of Livingston, this _____ day of July, 2016.

JAMES BENNETT - Chairman

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

ERIK COATE
City Attorney

Exhibit A- Sewer Rate changes based on 2% increase

Sewer Minimum Charge \$18.12 per month; plus \$7.36 per 1000 gallons

Gallons	Current	2%	Difference
0	\$21.69	\$18.12	-\$3.57
1000	\$24.98	\$25.48	\$0.50
2000	\$32.20	\$32.84	\$0.64
3000	\$39.42	\$40.21	\$0.79
4000	\$46.64	\$47.57	\$0.93
5000	\$53.86	\$54.94	\$1.08
6000	\$61.08	\$62.30	\$1.22
7000	\$68.30	\$69.67	\$1.37
8000	\$75.52	\$77.03	\$1.51
9000	\$82.74	\$84.39	\$1.65
10000	\$89.96	\$91.76	\$1.80

Exhibit B- Public Notice**NOTICE**

Notice is hereby given that the Livingston City Commission will conduct a public hearing in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on August 16th, 2016, at 6:30 p.m. on **Resolution No. 4674**, entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE SEWER RATE IN THE AMOUNT OF 2% TO BECOME EFFECTIVE FOR SEPTEMBER 2016 SEWER USAGE, BILLED IN OCTOBER 2016**, resulting in an increase of approximately 50¢ to \$1.80, depending on the amount of water consumed by the customer. All interested persons are invited to attend the public hearing, to make comments or make objections thereto. For additional information contact the City of Livingston Finance Department at 110 South B Street, Livingston, MT, 59047, or by phone at 222-1142.

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

Exhibit C- Public Notice Mailing**COMBINED NOTICE OF PUBLIC HEARINGS ON
PROPOSED RATE INCREASES FOR WATER AND
SEWER EFFECTIVE SEPTEMBER, 2016**

Notice is hereby given that the City Commission of Livingston, Montana, will conduct public hearings on Resolutions 4673 & 4674 in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on August 16th, 2016, at 6:30 p.m. of its intent to increase the Water Rate in the amount of 3% (approximately 42¢ to \$1.12, depending on the amount of water consumed by the customer) and the Sewer Rate in the amount of 2% (approximately 50¢ to \$1.80. See attached schedules. The public is invited to attend and comment on the proposed rate increases. For further information, contact the City of Livingston Finance Department at 110 South B Street, Livingston, MT, 59047, or by phone at 222-1142.

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

Water Minimum Charge \$ 11.91 per month, plus \$ 2.66 per 1000 gallons

Gallons	Current	3%	Difference
0	\$12.88	\$11.91	-\$0.97
1000	\$14.14	\$14.56	\$0.42
2000	\$16.72	\$17.22	\$0.50
3000	\$19.30	\$19.88	\$0.58
4000	\$21.88	\$22.54	\$0.66
5000	\$24.46	\$25.19	\$0.73
6000	\$27.04	\$27.85	\$0.81
7000	\$29.62	\$30.51	\$0.89
8000	\$32.20	\$33.17	\$0.97
9000	\$34.78	\$35.82	\$1.04
10000	\$37.36	\$38.48	\$1.12

Sewer Minimum Charge \$18.12 per month; plus \$7.36 per 1000 gallons

Gallons	Current	2%	Difference
0	\$21.69	\$18.12	-\$3.57
1000	\$24.98	\$25.48	\$0.50
2000	\$32.20	\$32.84	\$0.64
3000	\$39.42	\$40.21	\$0.79
4000	\$46.64	\$47.57	\$0.93
5000	\$53.86	\$54.94	\$1.08
6000	\$61.08	\$62.30	\$1.22
7000	\$68.30	\$69.67	\$1.37
8000	\$75.52	\$77.03	\$1.51
9000	\$82.74	\$84.39	\$1.65
10000	\$89.96	\$91.76	\$1.80

CITY OF LIVINGSTON FISCAL NOTE

Ordinance # _____
 Resolution # 4674

Fiscal Analysis Assumptions

•A 2% increase in the sewer rate and the change to the base rates is anticipated to result in \$21,900 of additional revenue for FY 2017.
 -Base Rate Change: -\$4,900
 -2% Rate Increase: \$26,800

<u>Revenue by Type</u>	<u>FY 16</u>	<u>FY 17</u>	<u>FY 18</u>
Sewer Service Charges	\$ 21,900	\$ -	\$ -
Total Revenues	<u>\$ 21,900</u>	<u>\$ -</u>	<u>\$ -</u>

<u>Benefitting Fund</u>	<u>FY 16</u>	<u>FY 17</u>	<u>FY 18</u>
Fund Name Sewer Fund	\$ 21,900	\$ -	\$ -
Total	<u>\$ 21,900</u>	<u>\$ -</u>	<u>\$ -</u>

Signature Jessie R. Hogg
 Date 7/11/2016

Backup material for agenda item:

- G. RESOLUTION NO. 4675 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING AND IMPROVING STREETS AND ALLEYS IN FURTHERANCE OF THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR STREET MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2016-2017 IN THE ESTIMATED AMOUNT OF \$965,965, WHICH IS A 2% INCREASE FROM THE PRIOR FISCAL YEAR AND OF ITS INTENT TO LEVYING AND ASSESS 100% THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT AND CALLING FOR A PUBLIC HEARING.**



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Ordinance/Resolution No: **4675**

Date of First Consideration/Status: July 19th, 2016

Purpose of Legislation: Intent to reauthorize Street Maintenance District

Statutory Authority/Reference: 7-12-4401, MCA

Background: The Street Maintenance District is reauthorized on an annual basis for the purpose of levying an annual assessment to generate revenue to support the City's necessary street related capital projects as described in the Capital Improvements Plan, which includes the City's 10 year infrastructure replacement plan. As part of the City's effort to pay for the large infrastructure projects in cash, reducing overall interest and bond costs, and avoiding attributing current replacement costs to future users, rate increases are necessary. The FY 16-17 budget of \$965,965 is a 2% increase from the current year which is necessary to keep the CIP on schedule. The 2% increase results in an approximate \$0.30 monthly increase for the typical residential customer.

Fiscal Impact: Additional revenue in the amount of \$18,940 for FY 2017.

Regulatory Impact (local): N/A

Attachments: Fiscal Note

CITY OF LIVINGSTON FISCAL NOTE

Ordinance # _____
 Resolution # 4675

Fiscal Analysis Assumptions

The City's 10 year infrastructure replacment plan was incorporated into the 2017 - 2021 CIP Plan.

The administration has strived to pay for this large infrastructure replacement program with cash. This will reduce the City's overall expenses (interest, bond costs) and will effectively charge the appropriate users for the improvements (current users, rather than future users). To do so, rate increases are necessary to accommodate projects in future years.

This resolution sets the Street Maintenance Assessments at \$965,965 for FY 17. This is the result of a 2% increase. This amount represents approximately a \$0.30 monthly increase for the Typical Residential Customer and will generate approximatel \$18,940 in additional assessments for the City.

<u>Revenue by Type</u>	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>
Taxes & Assessments	\$ 18,940		
Licenses & Permits			
Intergovernmental Revenues			
Charges for Services			
Fines & Forfeitures			
Miscellaneous Revenues			
Investment Earnings			
Other Financing Sources			
Transfers			
 Total Costs	 <u>\$ 18,940</u>	 <u>\$ -</u>	 <u>\$ -</u>

<u>Benefitting Fund</u>	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>
Fund Name Street Maintenance District	\$ 18,940		
 Total	 <u>\$ 18,940</u>	 <u>\$ -</u>	 <u>\$ -</u>

Signature Jessie R. Hogg
 Date 7/11/2016

RESOLUTION NO. 4675

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING AND IMPROVING STREETS AND ALLEYS IN FURTHERANCE OF THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR STREET MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2016-2017 IN THE ESTIMATED AMOUNT OF \$965,965, WHICH IS A 2% INCREASE FROM THE PRIOR FISCAL YEAR AND OF ITS INTENT TO LEVYING AND ASSESS 100% THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT AND CALLING FOR A PUBLIC HEARING.

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

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

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

WHEREAS, the estimated costs of making improvements in furtherance of the Five Year Capital Improvement Plan adopted by Ordinance No. 1973 and for providing maintenance in Street Maintenance District No. 1 for Fiscal Year 2016-2017 is \$965,965 which is a 2% increase over the prior fiscal year and which will enable the City to complete the adopted Five Year Capital Improvement Plan; and

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

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

WHEREAS, a list of all parcels of property to be assessed within said district which contain the name of each parcel owner and the amount to be levied and assessed

Resolution No. 4675

Levying and Assessing \$965,965 for FY 16-17 for Street Maintenance District No. 1

Page 1 of 3

thereon is on file and open for public inspection in the office of the City of Livingston, 414 East Callender Street, Livingston, Montana; and

WHEREAS, pursuant to 7-12-4427, MCA, the City Commission will meet on August 2nd, 2016, at 6:30 p.m. to hear all objections which may be made to such assessment or any part thereof and may adjourn from time to time for that purpose and may by resolution modify such assessment in whole or in part.

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

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

BE IT FURTHER RESOLVED that it is the intent of the City Commission to levy and assesses for Fiscal Year 2016-2017 100% of the cost of improving and maintaining streets and alleys in Street Maintenance District No. 1 in the amount of \$965,965 against each and every parcel of land within said district for that part of the cost which its assessable area bears to the assessable area of the entire district exclusive of streets, avenues, alleys and public places, all as set forth in the list of all parcels of property in said district which contains the name of each parcel owner and the amount levied thereon. A copy of said list is on file and open for public inspection in the office of the City of Livingston, 414 East Callender Street, Livingston, Montana.

BE IT FURTHER RESOLVED that the City Commission will conduct a public hearing on August 2nd, 2016, at 6:30 p.m. in the Community Room of the City County Complex, and a copy of the Notice attached hereto as Exhibit A, and incorporated herein by reference, be posted and published as required by law.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this _____ day of July, 2016.

JAMES BENNETT - Chairman

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

ERIK COATE
City Attorney

Exhibit A – Public Notice**NOTICE**

A public hearing will be held by the City Commission of Livingston, Montana, on August 2nd, at 6:30 p.m. in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana on **RESOLUTION No. 4675** entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING AND IMPROVING STREETS AND ALLEYS IN FURTHERANCE OF THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR STREET MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2016-2017 IN THE ESTIMATED AMOUNT OF \$965,965, WHICH IS A 2% INCREASE FROM THE PRIOR FISCAL YEAR AND OF ITS INTENT TO LEVY AND ASSESS 100% THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT AND CALLING FOR A PUBLIC HEARING.** All interested persons are invited to attend the public hearing, to make comments or make objections to said assessments. For additional information, contact the City of Livingston at 414 East Callender Street, Livingston, MT 59047, or by phone at 823-6001.

Please publish twice at least six (6) days apart and the notice needs also to be posted and copies made available to the public. The hearing must be at least five days after the date of final publication.

Resolution No. 4675

Levying and Assessing \$965,965 for FY 16-17 for Street Maintenance District No. 1

Page 3 of 3

Backup material for agenda item:

- H. RESOLUTION NO. 4673 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE WATER RATE IN THE AMOUNT OF 3% TO BECOME EFFECTIVE FOR SEPTEMBER 2016 WATER USAGE, BILLED IN OCTOBER.**



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Ordinance/Resolution No: **4673**

Date of First Consideration/Status: July 19th, 2016

Purpose of Legislation: State intent to increase the water rate in the amount of 3% beginning September 2016 usage billed in October 2016.

Statutory Authority/Reference: 69-7-101 *et seq.*

Background: The current proposed increase is in line with recent years. In fiscal years 2008-2010, the City increased the water rate in an effort to meet state averages and maintain the existing schedule of necessary infrastructure costs, as delineated by the Capital Improvement Plan. A recommended % increase in 2011 was not approved, and a resulting 4% increase was made in 2013. The cost of providing sewer and water services continues to rise. The average residential water bill, due to a 3% raise, is expected to increase by \$0.81 per month.

In the past, a different based was used to calculate water bills for those users with no usage vs those with over 1,000 gallons in usage. For instance, if you had zero usage you would be charged a base rate of \$12.88. If you had 1,000 gallons in usage you would be charged a base rate of \$11.56 plus the variable rate. In order to provide consistency to all customers, we have standardized this base rate for all usages. For those customers with zero usage, this will result in a monthly decrease of approximately \$0.97.

Fiscal Impact: A 3% increase in the water rate and the change to the base rates is anticipated to result in \$13,000 of additional revenue for FY 2017.

Regulatory Impact (local): N/A

Attachments: Rate Schedule, Fiscal Note

RESOLUTION NO. 4673

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE WATER RATE IN THE AMOUNT OF 3% TO BECOME EFFECTIVE FOR SEPTEMBER 2016 WATER USAGE, BILLED IN OCTOBER.

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

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

WHEREAS, by Resolution No. 4577, effective July, 2015, the City last raised its water rates by 3%, following a three-year effort to meet the state averages; and

WHEREAS, the costs of providing sewer and water services continues to rise necessitating a rate increase; and

WHEREAS, historic base rates were inconsistent depending on whether a customer had zero usage or over 1,000 gallons used and for clarity in billing, the lower of the two 'base' rates has become the standard for all customers, regardless of usage, and will result in a net monthly decrease of approximately 97¢, and is set forth in Exhibit A, which is attached hereto and incorporated by this reference as though fully set forth herein; and

WHEREAS, a 3% increase which will result in a monthly increase of approximately 42¢ to \$1.12, depending on the amount of water consumed by the customer all as set forth in Exhibit A, which is attached hereto and incorporated by this reference as though fully set forth herein; and

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

The City Commission of the City of Livingston, Montana intends to increase the water rate for its customers in the amount of 3% to become effective for water usage starting September 2016, to be billed in October 2016 and that a public hearing will be held by the City Commission at 6:30 p.m. on August 16th, 2016, at which time the public is invited to attend and comment on its intent.

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

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

PASSED AND ADOPTED by the City Commission of the City of Livingston, this ____ day of July, 2016.

JAMES BENNETT - Chairman

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

ERIK COATE
City Attorney

Exhibit B- Public Notice**NOTICE**

Notice is hereby given that the Livingston City Commission will conduct a public hearing in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on August 16th, 2016, at 6:30 p.m. on **Resolution No. 2673**, entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE WATER RATE IN THE AMOUNT OF 3% TO BECOME EFFECTIVE FOR SEPTEMBER 2016 WATER USAGE, BILLED IN OCTOBER**, resulting in an increase of approximately 42¢ to \$1.12, depending on the amount of water consumed by the customer. All interested persons are invited to attend the public hearing, to make comments or make objections thereto. For additional information contact the City of Livingston Finance Department at 110 South B Street, Livingston, MT, 59047, or by phone at 222-1142.

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

Exhibit C- Public Notice Mailing**COMBINED NOTICE OF PUBLIC HEARINGS ON
PROPOSED RATE INCREASES FOR WATER AND
SEWER EFFECTIVE SEPTEMBER, 2016**

Notice is hereby given that the City Commission of Livingston, Montana, will conduct public hearings on Resolutions 4673 & 4674 in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on August 16th, 2016, at 6:30 p.m. of its intent to increase the Water Rate in the amount of 3% (approximately 42¢ to \$1.12, depending on the amount of water consumed by the customer) and the Sewer Rate in the amount of 2% (approximately 50¢ to \$1.80. See attached schedules. The public is invited to attend and comment on the proposed rate increases. For further information, contact the City of Livingston Finance Department at 110 South B Street, Livingston, MT, 59047, or by phone at 222-1142.

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

Water Minimum Charge \$ 11.91 per month, plus \$ 2.66 per 1000 gallons

Gallons	Current	3%	Difference
0	\$12.88	\$11.91	-\$0.97
1000	\$14.14	\$14.56	\$0.42
2000	\$16.72	\$17.22	\$0.50
3000	\$19.30	\$19.88	\$0.58
4000	\$21.88	\$22.54	\$0.66
5000	\$24.46	\$25.19	\$0.73
6000	\$27.04	\$27.85	\$0.81
7000	\$29.62	\$30.51	\$0.89
8000	\$32.20	\$33.17	\$0.97
9000	\$34.78	\$35.82	\$1.04
10000	\$37.36	\$38.48	\$1.12

Sewer Minimum Charge \$18.12 per month; plus \$7.36 per 1000 gallons

Gallons	Current	2%	Difference
0	\$21.69	\$18.12	-\$3.57
1000	\$24.98	\$25.48	\$0.50
2000	\$32.20	\$32.84	\$0.64
3000	\$39.42	\$40.21	\$0.79
4000	\$46.64	\$47.57	\$0.93
5000	\$53.86	\$54.94	\$1.08
6000	\$61.08	\$62.30	\$1.22
7000	\$68.30	\$69.67	\$1.37
8000	\$75.52	\$77.03	\$1.51
9000	\$82.74	\$84.39	\$1.65
10000	\$89.96	\$91.76	\$1.80

CITY OF LIVINGSTON FISCAL NOTE

Ordinance # _____
Resolution # 4673

Fiscal Analysis Assumptions

•A 3% increase in the water rate and the change to the base rates is anticipated to result in \$13,000 of additional revenue for FY 2017.
-Base Rate Change: -\$1,900.00
-3% Rate Increase: \$14,900.00

<u>Revenue by Type</u>	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>
Metered Water Sales	\$ 13,000	\$ -	\$ -
Total Revenues	<u>\$ 13,000</u>	<u>\$ -</u>	<u>\$ -</u>

<u>Benefitting Fund</u>	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>
Fund Name Water Fund	\$ 13,000	\$ -	\$ -
Total	<u>\$ 13,000</u>	<u>\$ -</u>	<u>\$ -</u>

Signature Jessie R. Hogg
Date 7/11/2016

Backup material for agenda item:

- I. **RESOLUTION NO. 4676 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTIMATE THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$47,260.00 FOR FISCAL YEAR 2016-2017 AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT.**



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Ordinance/Resolution No: **4676**

Date of First Consideration/Status: July 19th, 2016

Purpose of Legislation: Intent to reauthorize Street Lighting District #20

Statutory Authority/Reference: 7-2-4330, MCA

Background: The maintenance of the City's street lights is divided into two distinct categories, Maintenance/Energy costs, and Street Light Replacements. These costs are split approximately 33%/67%. This resolution represents the first category, the payment of maintenance and energy costs. The Street Lighting District #20 provides the funding necessary to pay for the energy consumed by the municipal street light system. The \$47,260 for Fiscal Year 16-17 represents a 0% increase over the current year.

Fiscal Impact: Revenue in the amount of \$47,260 to fund maintenance of municipal street light system.

Regulatory Impact (local): N/A

Attachments: Fiscal Note

CITY OF LIVINGSTON FISCAL NOTE

Ordinance # _____
 Resolution # 4676

Fiscal Analysis Assumptions

The maintenance of the City's street lights are divided into two distinct categories, Maintenance & Energy costs, and Street Light Replacements. These costs are split approximately 33% / 67%.

This resolution represents the first category, the payment of maintenance and energy costs. This is approximately \$47,260 for FY 17. There are no rate increases necessary for the continued maintenance of these lights.

<u>Revenue by Type</u>	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>
Taxes & Assessments	\$ 47,260		
Licenses & Permits			
Intergovernmental Revenues			
Charges for Services			
Fines & Forfeitures			
Miscellaneous Revenues			
Investment Earnings			
Other Financing Sources			
Transfers			
 Total Costs	 <u>\$ 47,260</u>	 <u>\$ -</u>	 <u>\$ -</u>

<u>Benefitted Fund</u>	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>
Fund Name Street Light Maintenance District	\$ 47,260		
 Total	 <u>\$ 47,260</u>	 <u>\$ -</u>	 <u>\$ -</u>

Signature Jessie R. Hogg
 Date 7/11/2016

RESOLUTION NO. 4676

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTIMATE THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$47,260.00 FOR FISCAL YEAR 2016-2017 AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT.

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

WHEREAS, the estimated costs of maintaining lights and supplying electrical current for Lighting District No. 20 for Fiscal Year 2016-2017 is \$47,260.00; and

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

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

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

WHEREAS, pursuant to 7-12-4351, MCA, the City Commission will meet on August 16th, 2016, to hear all objections which may be made to such assessment or any part thereof and may adjourn from time to time for that purpose and may by resolution modify such assessment in whole or in part.

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

Resolution No. 4676

Levying and Assessing \$47,260.00 for FY 16-17 for Maintenance Costs of Lighting District No. 20

Page 1 of 3

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

BE IT FURTHER RESOLVED that the City Commission hereby intends to levy and assess for Fiscal Year 2016-2017 100% of the cost of maintaining and supplying electrical current for Special Lighting District No. 20 is in the amount of \$47,260.00 against each and every parcel of land within said district for that part of the cost which its assessable area bears to the assessable area of the entire district exclusive of streets, avenues, alleys and public places, all as set forth in the list of all parcels of property in said district which contains the name of each parcel owner and the amount levied thereon. A copy of said list is on file and open for public inspection in the office of the City of Livingston, 414 East Callender Street, Livingston, Montana.

BE IT FURTHER RESOLVED, that the City Commission will conduct a public hearing on August 16th, 2016 and a copy of the Notice attached hereto as Exhibit A will be posted and published as required by law.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this _____ day of July, 2016.

JAMES BENNETT - Chairman

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

ERIK COATE
City Attorney

NOTICE

A public hearing will be held by the City Commission of Livingston, Montana, on August 16th, 2016, at 6:30 p.m. in the Community Room of the City/County Complex, 414 East Callender Street, Livingston, Montana, on **RESOLUTION NO. 4676** entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO MODIFY SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES THEREIN AND TO LEVY AND ASSESS 100% OF THE ESTIMATED COSTS OF \$91,740.00 FOR FISCAL YEAR 2016-2017 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT, AND CALLING FOR A PUBLIC HEARING.** All interested persons are invited to attend the public hearing, to make comments or make objections thereto. For additional information contact the City of Livingston Finance Department at 110 South B Street, Livingston, MT, 59047, or by phone at 222-1142.

Please advertise twice, six (6) days apart.

Backup material for agenda item:

- J. **RESOLUTION NO. 4677 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO MODIFY SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES THEREIN AND TO LEVY AND ASSESS 100% OF THE ESTIMATED COSTS OF \$91,740.00 FOR FISCAL YEAR 2016-2017 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT, AND CALLING FOR A PUBLIC HEARING.**



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Ordinance/Resolution No: **4677**

Date of First Consideration/Status: July 19th, 2016

Purpose of Legislation: Intent to reauthorize Street Lighting District #20

Statutory Authority/Reference: 7-2-4330, MCA

Background: The maintenance of the City's street lights is divided into two distinct categories, Maintenance/Energy costs, and Street Light Replacements. These costs are split approximately 33%/67%. This resolution represents the second category, the replacement of street lights and other appurtenances. A portion of these replacements will be for the continuation of the Park Street Light replacement on the east side of town. The \$91,740 for Fiscal Year 16-17 represents a 0% increase over the current year.

Fiscal Impact: Revenue in the amount of \$91,740 to fund replacement of street lights.

Regulatory Impact (local): N/A

Attachments: Fiscal Note

CITY OF LIVINGSTON FISCAL NOTE

Ordinance # _____
 Resolution # 4677

Fiscal Analysis Assumptions

The maintenance of the City's street lights are divided into two distinct categories, Maintenance & Energy costs, and Street Light Replacements. These costs are split approximately 33% / 67%.

This resolution represents the second category, the replacement of street lights. This is approximately \$91,740 for FY 17. A portion of these replacements will be for the continuation of the Park Street Light replacement on the east side of town. There are no rate increases necessary for the replacement of these

<u>Revenue by Type</u>	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>
Taxes & Assessments	\$ 91,740		
Licenses & Permits			
Intergovernmental Revenues			
Charges for Services			
Fines & Forfeitures			
Miscellaneous Revenues			
Investment Earnings			
Other Financing Sources			
Transfers			
 Total Costs	 <u>\$ 91,740</u>	 <u>\$ -</u>	 <u>\$ -</u>

<u>Benefitted Fund</u>	<u>FY 16</u>	<u>FY 17</u>	<u>FY 18</u>
Fund Name Street Light Maintenance District	\$ 91,740		
 Total	 <u>\$ 91,740</u>	 <u>\$ -</u>	 <u>\$ -</u>

Signature Jessie R. Hogg
 Date 7/11/2016

RESOLUTION NO. 4677

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO MODIFY SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES THEREIN AND TO LEVY AND ASSESS 100% OF THE ESTIMATED COSTS OF \$91,740.00 FOR FISCAL YEAR 2016-2017 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT, AND CALLING FOR A PUBLIC HEARING.

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

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

WHEREAS, the City has established a 5 year street improvement plan and the coordination of the replacement of street lights and appurtenances with said plan; and

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

WHEREAS, it is the City's intent to levy and assess 100 percent of the estimated costs of \$91,740.00 for replacing street lights against each parcel of land within said district for Fiscal Year 2016-2017 for that part of the cost which its assessable area bears to the assessable area of the district which such parcel is located exclusive of streets, avenues, alleys and public places; and

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

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

WHEREAS, pursuant to 7-12-4351, MCA, the City Commission will meet on August 16th, 2016, to hear all objections which may be made to such assessment or any

Resolution No. 4677

Intent to levy and assess \$91,740.00 for replacing street lights in Special Lighting District No. 20 for FY 2016-2017.

Page 1

part thereof and may adjourn from time to time for that purpose and may by resolution modify such assessment in whole or in part.

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

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

BE IT FURTHER RESOLVED that the City Commission intends to modify Special Improvements Lighting District by replacing lights and appurtenances therein and hereby intends to levy and assess for Fiscal Year 2016-2017 100% of the cost of replacing street lights in the amount of \$91,740.00 against each and every parcel of land within said district for that part of the cost which its assessable area bears to the assessable area of the entire district exclusive of streets, avenues, alleys and public places, all as set forth in the list of all parcels of property in said district which contains the name of each parcel owner and the amount levied thereon. A copy of said list is on file and open for public inspection in the office of the City of Livingston, 414 East Callender Street, Livingston, Montana.

BE IT FURTHER RESOLVED, that the City Commission will conduct a public hearing on August 16th, 2016 and a copy of the Notice attached hereto as Exhibit A will be posted and published as required by law.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this _____ day of July, 2016.

JAMES BENNETT - Chairman

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

ERIK COATE
City Attorney

NOTICE

A public hearing will be held by the City Commission of Livingston, Montana, on August 16th, 2016, at 6:30 p.m. in the Community Room of the City/County Complex, 414 East Callender Street, Livingston, Montana, on **RESOLUTION NO. 4677** entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO MODIFY SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES THEREIN AND TO LEVY AND ASSESS 100% OF THE ESTIMATED COSTS OF \$91,740.00 FOR FISCAL YEAR 2016-2017 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT, AND CALLING FOR A PUBLIC HEARING.** All interested persons are invited to attend the public hearing, to make comments or make objections thereto. For additional information contact the City of Livingston Finance Department at 110 South B Street, Livingston, MT, 59047, or by phone at 222-1142.

Please advertise twice, six (6) days apart.

Backup material for agenda item:

- K. RESOLUTION NO. 4680 -- A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LIVINGSTON, MONTANA TO REIMBURSE CERTAIN ORIGINAL EXPENDITURES RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A WATER, WASTEWATER AND SOLID WASTE TREATMENT PLANT FROM THE PROCEEDS OF TAX-EXEMPT BONDS TO BE ISSUED BY THE CITY AFTER THE PAYMENT OF SUCH ORIGINAL EXPENDITURES.**

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting City Clerk of the City of Livingston, Montana (the "City"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LIVINGSTON, MONTANA TO REIMBURSE CERTAIN ORIGINAL EXPENDITURES RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A WATER, WASTEWATER AND SOLID WASTE TREATMENT PLANT FROM THE PROCEEDS OF TAX-EXEMPT BONDS TO BE ISSUED BY THE CITY AFTER THE PAYMENT OF SUCH ORIGINAL EXPENDITURES" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commissioners of the City at a regular meeting on July 19, 2016 and that the meeting was duly held by the City Commissioners and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

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

voted against the same:

abstained from voting thereon: or were absent:

WITNESS my hand officially this ___ day of _____, 2016.

City Clerk

RESOLUTION NO. 4680

RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LIVINGSTON, MONTANA TO REIMBURSE CERTAIN ORIGINAL EXPENDITURES RELATED TO THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A WATER, WASTEWATER AND SOLID WASTE TREATMENT PLANT FROM THE PROCEEDS OF TAX-EXEMPT BONDS TO BE ISSUED BY THE CITY AFTER THE PAYMENT OF SUCH ORIGINAL EXPENDITURES

WHEREAS, U.S. Treasury Regulations, Section 1.150-2 (the “Reimbursement Regulations”), promulgated pursuant to Section 150 of the Internal Revenue Code of 1986, as amended (the “Code”), provides that the allocation of the proceeds of tax-exempt bonds to expenditures for governmental purposes originally paid from a source other than such tax-exempt bonds will be treated as expenditures of such tax-exempt bonds only if certain requirements of the Reimbursement Regulations are satisfied by the issuer of such tax-exempt bonds; and

WHEREAS, the City of Livingston, Montana (the “City”), expects to pay certain original expenditures for the acquisition, construction and equipping of a water, wastewater and solid waste treatment plant (the “Project”), which original expenditures are expected to be financed temporarily from the City’s General Fund and which original expenditures are expected to be reimbursed from the proceeds of one or more series of tax-exempt bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSIONERS OF THE CITY OF LIVINGSTON, MONTANA AS FOLLOWS:

1. The City has a reasonable expectation (within the meaning of U.S. Treasury Regulations, Section 1.148-1 (b)) that it will make expenditures for the Project in 2016 and 2017 out of the City’s General Fund. The City has a reasonable expectation that it will issue one or more series of tax-exempt bonds (the “Bonds”) in the estimated maximum principal amount of \$15,000,000 to finance the Project and that the City will make reimbursement allocations with respect to such original expenditures for the Project from the proceeds of such Bonds.

2. This Resolution shall be maintained as part of the books and records of the City at the main administrative office of the City, and shall be continuously available during normal business hours of the City on every business day of the period beginning not more than thirty (30) days after adoption of this Resolution and ending on the last date of issue of any Bonds.

3. This Resolution has been adopted not later than sixty (60) days after payment of any original expenditure for a Project to be subject to a reimbursement allocation with respect to the proceeds of the Bonds.

4. All reimbursement allocations with respect to the Bonds will be made not later than eighteen (18) months after the later of: (i) the date the original expenditure is paid; or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure for a specific Project. If the Bonds are eligible for the small issuer exception from arbitrage rebate, the “18-month” limitation above is extended to “three years” and the “three-year” maximum reimbursement period is disregarded.

5. All original expenditures to which reimbursement allocations are to be made constitute: (i) capital expenditures; (ii) costs of issuance of the Bonds; (iii) expenditures for extraordinary, nonrecurring items that are not customarily payable from current revenues, such as casualty losses or extraordinary legal judgments in amounts in excess of reasonable insurance coverage, and for which no reserve is maintained; or (iv) a grant (as defined in U.S. Treasury Regulations, Section 1.148-6(d)(4), as a transfer for a governmental purpose of money or property to a transferee that is not a related party to or an agent of the transferor with respect to which no obligation or condition is imposed to directly or indirectly repay any amount to the transferor).

6. Limitations set forth in paragraphs 3 and 4 of this resolution do not apply to: (i) the costs of issuance of the Bonds; (ii) an amount not in excess of the lesser of \$100,000 or five percent (5%) of the proceeds of the Bonds; or (iii) preliminary expenditures up to an amount not in excess of twenty percent (20%) of the aggregate issue price of the Bonds that finance or are reasonably expected by the City to finance the Project for which the preliminary expenditures were incurred. The term "preliminary expenditures" includes architectural, engineering, surveying, soil testing, reimbursement bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction, or rehabilitation of a Project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.

7. This Resolution is an expression of the reasonable expectations of the City based on the facts and circumstances known to the City as of the date hereof. The anticipated original expenditures for the Project are consistent with the City's budgetary and financial circumstances. No sources other than proceeds of Bonds to be issued by the City are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside pursuant to the City's budget or financial policies to pay such Project expenditures.

8. This Resolution is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

9. No reimbursement allocation of the proceeds of the Bonds to Project expenditures will employ an abusive arbitrage device (within the meaning of Treasury Regulations, Section 1.148-10) to avoid the arbitrage restrictions or to avoid the restrictions of Sections 141 through 150 of the Code.

PASSED AND ADOPTED by the City Commissioners of the City of Livingston, Montana, this _____ day of July, 2016.

By: _____
Its: Chairman

ATTEST:

APPROVED AS TO FORM:

Recording Secretary

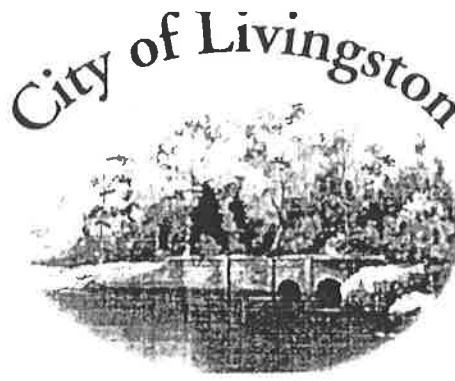
City Attorney

Backup material for agenda item:

- A. DISCUSS/APPROVE/DENY -- PLANNING BOARD RECOMMENDATION ON BROOKSTONE SUBDIVISION PRELIMINARY PLAT APPROVAL (JIM WOODHULL)**

Interim City Manager
Lisa L. Lowy

*414 East Callender Street
Livingston, Montana 59047
(406) 222-2005 phone
(406) 222-6823 fax
citymanager@livingstonmontana.org
www.livingstonmontana.org*



Chairman
James Bennet

161

Vice Chairman
Dorel Hoglund

Commissioners
*Mel Friedman
Sarah Sandberg
Quentin Schwarz*

Incorporated 1889

June 16, 2016

City Manager
414 East Callender Street
Livingston, MT 59047

The City Planning Board makes the following recommendation to the City Commission:

Recommend **conditional approval** of the Brookstone subdivision.

Recommend **approval** of both variance requests.

The Staff Report upon which this recommendation is based is attached.

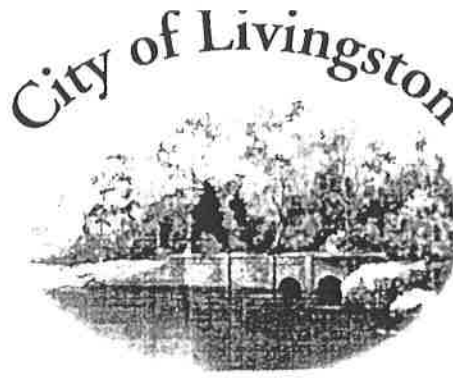
Sincerely,

A handwritten signature in black ink that reads "Jim Woodhull". The signature is written in a cursive, flowing style.

Jim Woodhull
Recording Secretary

Interim City Manager
Lisa L. Lowy

414 East Callender Street
Livingston, Montana 59047
(406) 222-2005 phone
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Chairman
James Bennett

162

Vice Chairman
Dorel Hoglund

Commissioners
Mel Friedman
Sarah Sandberg
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Incorporated 1889

STAFF REPORT Brookstone Subdivision

BACKGROUND

Brookstone Developing, LLC, owner of property located in the NW ¼ of section 7, T2S, R10E, located to the west of the intersection of Miles Avenue and Maple Street near Green Acres, is proposing to divide this seven (7) acre parcel into twenty-two (22) high-density residential lots.

FINDINGS OF FACT

The Montana Code Annotated requires that the following primary criteria be the basis for the governing body's decision to approve, conditionally approve or disapprove a proposed subdivision:

(Answers appear in *italics*)

1. Effect on Agriculture

- 1) Would the subdivision remove agricultural or timberlands with significant existing or potential production capacity? *No.*
- 2) Would the subdivision remove from production agricultural lands that are critical to the areas agricultural operations? *No.*
- 3) Would the subdivision create significant conflict with nearby agricultural operations (e.g. creating problems for moving livestock, operating farm machinery, maintaining water supplies, controlling weeds, applying pesticides or would the subdivision generate nuisance complaints due to nearby agricultural operations)? *No. There are no intensive agricultural activities in the immediate area.*
- 4) How would the subdivision affect the value of nearby agricultural lands? *See answer above.*

2. Effect on Agricultural Water User Facilities

- 1) Would the subdivision create a significant conflict with agricultural water user facilities (e.g. creating problems for operating and maintaining irrigation systems or creating nuisance complaints due to safety concerns, noise, etc.)? *There is an agricultural ditch that crosses this project. Proper design must be used to ensure that no conflict is created.*

3. Effect on Local Services

- 1) What additional or expanded public services and facilities would be demanded to serve this subdivision? *Water, sewer, garbage collection, police, fire, EMS.*
 - a) What additional costs would result for services such as streets, law enforcement, parks and recreation, fire protection, water, sewer and solid waste, schools and busing (including additional personnel, equipment, construction and maintenance costs)? *The cost of police and fire services will eventually increase as the population increases. The amount attributed to this development is integrated into our current impact fee schedule.*
 - b) Who would bear these costs? *Impact fees will be charged at the time building permit(s) are issued.*
 - c) Can the service providers meet the additional costs given legal and other constraints? *The City's impact fees are designed to off-set the increase in costs.*
- 1) Would the subdivision allow existing services, through expanded use, to operate more efficiently or make the installation or improvement of services feasible? *This project has the potential to loop the City's water system as well as providing needed sewer service to existing development.*
- 2) What are the present tax revenues received from the unsubdivided land by the County, City and Schools? *Unknown.*
- 3) What would be the approximate revenues received by each above taxing authority when the subdivision is improved and built upon? *Estimated at approximately \$65,000 divided among all three entities.*
- 4) Would new taxes generated from the subdivision cover additional public costs? *In general it is believed that residential property does not pay enough through property taxes to cover the cost of services provided. However, with impact fees and higher density it is much more likely for projects to pay for themselves.*
- 5) Would any special improvement districts be created which would obligate the City fiscally or administratively? *No.*

4. Effect on the Natural Environment

- 6) How would the subdivision affect surface and groundwater, soils, slopes, vegetation, historical or archaeological features, and visual features within the subdivision or on adjacent lands? *No known historic or archaeological resources are present. No surface waters are present.*
- a) Would any stream banks be altered, streams rechanneled or any surface water contaminated from run-off carrying sedimentation or other pollutants? *No.*
 - b) Would groundwater supplies likely be contaminated or depleted as a result of the subdivision? *No.*
 - c) Would construction of streets or building sites result in excessive cuts and fills on steep slopes or cause erosion on unstable soils? *No.*
 - d) Would significant vegetation be removed causing soil erosion or bank instability? *No. Proper construction techniques should avoid any erosion problems.*
 - e) Would significant historical or archaeological features be damaged or destroyed by the subdivision? *No known historic or archaeological resources exist on this property.*
 - f) Would the subdivision be subject to natural hazards such as flooding, rock, snow or land slides, high winds, severe wildfires or difficulties such as shallow bedrock, high water table, unstable or expansive soils, or excessive slopes? *High winds are a concern everywhere in Livingston.*

5. Effect on Wildlife and Wildlife Habitat

- 1) How would the subdivision affect critical wildlife areas such as big game wintering range, migration routes, nesting areas, wetlands or other important habitat? *This subdivision is not located within critical wildlife habitat.*
- 2) How would pets or human activity affect wildlife? *Human/wildlife interaction is expected to be minimal at this location.*

6. Effect on Public Health and Safety

- 1) Would the subdivision be subject to hazardous conditions due to high voltage lines, airports, highways, railroads, high-pressure gas lines, or adjacent industrial uses? *No.*
- 2) What existing uses may be subject to complaints from residents of the subdivision? *None have been identified.*
- 3) What public health or safety hazards, such as dangerous traffic or fire conditions, would be created by the subdivision? *None have been identified.*

VARINACE REQUESTS

In conjunction with this development, the applicant is requesting the following variances from the design requirements found in the City's Subdivision Regulations:

1. Standard: Street right-of-way width shall be 64 feet.
Request: The applicant is requesting that Brookstone Street be platted at 54 feet wide.
2. Standard: Alleys are required in all residential subdivisions.
Request: The applicant wishes to plat this subdivision with no alley behind lots 1-10.

STAFF RECOMMENDATION (Variances)

Because these variance requests will not be detrimental to public welfare or cause an increase in public costs, and because they would not place the subdivision in nonconformance with adopted zoning regulations, Staff recommends that the planning Board recommend to the City Commission that the variance requests (1-2) be **approved**.

PUBLIC HEARING (6/15/16)

Mr. William Smith, project engineer, spoke **in favor** of this subdivision.

Craig Carlson, 112 Elm Lane, asked if this development would require that the water line be connected to the Green Acres system. He was informed that this subdivision will have an independent water source.

Keith Haglund, 110 Spruce Lane, stated his concern that the High Density zoning does not fit with the Green Acres development. He was also concerned about weed control and on-street parking.

Mark Hostetler, 108 Maple, was concerned about traffic and parking.

No One stated that they were opposed to this subdivision.

STAFF RECOMMENDATION

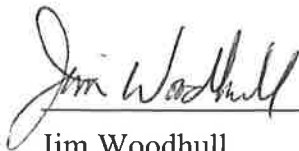
Based upon the Findings of Fact, and after reviewing this application in light of the City's Growth Policy, the City Planning Department recommends that the City Planning Board recommend **conditional approval** of this subdivision. The suggested conditions follow:

1. A waiver of SID protest must be signed by the Subdivider that guarantees the participation of all lots in the subdivision in a future improvement district for public improvements.
2. All sewer and water main extensions will be a minimum of eight (8) inch.
3. A Montana licensed engineer, or his supervised representative, will be required to be on site during utility construction.
4. Any utility reimbursement plan must be submitted to, and approved by, the City prior to the beginning of construction.
5. The subdivider will be responsible for all required street signing to include traffic control signs as well as street name signs. All signs will be built and installed according to City specifications. Painting of curbs at fire hydrants will also be required.
6. Any improvement agreement(s) for deferred infrastructure construction need to be reviewed and approved by the City prior to the beginning of construction.
7. The subdivider will, in consultation with the County Extension Office, prepare a noxious weed plan to mitigate the spread of weeds to adjacent properties. Proof of compliance with this plan will be required in order to gain final approval.
8. The subdivider will be required to provide fencing on the west boundary of this development to prevent livestock from entering the property.

9. All outdoor lighting in this development will be required to be night-sky friendly. One street light will be required at the intersection of Brookstone Street and Miles Avenue. (This is allowed under Section VI-A-8-b-vi of the Livingston Subdivision Regulations)
10. Prior to final approval the subdivider will provide the City documentation verifying the preservation of all water rights associated with the irrigation ditch located on this property.

Additional Conditions added by Planning Board:

11. The subdivider will work with the City and the County to create a controlled intersection at Elm & Maple.
12. Any traffic control measures deemed necessary by City Departments, such as pavement markings or speed signs, will be installed by the developer. The Planning Board suggests that 15 mph signs may be appropriate on the interior of this subdivision.
13. The City Public Works and the Police Department will determine the best method of controlling on street parking in the interior of the subdivision. The developer will be responsible for implementing these measures.
14. The developer will establish a Home Owners Association to ensure general maintenance and upkeep of the individual properties within this development as well as the common elements such as the drainage detention pond and associated structures.
15. The developer will restrict building construction within this subdivision to two (2) stories above grade.
16. The subdivider will provide a current (2016), unsubdivided, unimproved land value for this subdivision, to use in calculating the cash-in-lieu of parkland payment.



Jim Woodhull
Director of Building & Planning

PRELIMINARY PLAT APPLICATION FORM

Date 5/26/2016

1. Name of Subdivision Brookstone Major
2. Location: NW ¼ Section 7 Township ZS Range 10 E
For Amended Plats: Lot(s) _____ Block(s) _____ Subdivision _____
3. Name, address and telephone number of subdivider and owners of record:
Brookstone Developing, LLC P.O. Box 2071 Livingston, MT 59047
Ken Martzey, Member 406-223-0299
4. Name, address and telephone number of persons or firms providing services and information (e.g. surveyor, engineer, designer, consultant, attorney) _____
William E. Smith, P.E. 406-223-9040
5. Descriptive Data:
 - a. Gross area in acres 6.979 AC
 - b. Number of lots or rental spaces 22
 - c. Existing zoning R-III High Density
6. Project Description and proposed land use:
Create 22 new lots as described on Preliminary Plat submitted for construction of residential dwellings in accordance with high density R-III zoning
7. Proposed Improvements: All subdivisions subject to the City of Livingston Subdivision Regulations will be required to install, or guarantee installation of, municipal sewer and water utilities as well as paved streets, curbs, gutters sidewalks and street lights.
8. A completed List of Submittal Material must be attached to this Application.

OFFICIAL USE ONLY

DATE RECEIVED:

I do hereby depose and say that all of the above statements and information and the statements and information contained in all exhibits transmitted herewith are true. I hereby apply to the City of Livingston for approval of the Preliminary plat of Brookstone Major subdivision.

By: KEN MARTZEY
Owner of Record
Ken Martzey

Subdivider (if different than owner)

LIST OF SUBMITTAL MATERIAL
(Based on City of Livingston Subdivision Regulations)

PRELIMINARY PLAT

The following materials shall be submitted with all applications for Preliminary Plat approval:

- | | <u>Attached (Check)</u> |
|---|-------------------------|
| 1. Three (3) copies of the preliminary plat in 24" x 36" format. | <u>✓</u> |
| 2. Eight (8) copies of the preliminary plat in 11" x 17" format. | <u>✓</u> |
| 3. The required review fee. | <u>✓</u> |
| 4. A vicinity sketch showing conditions on adjacent land including: | |
| a. Approximate locations, size and depth of existing or proposed sanitary and storm sewers, water mains, fire hydrants, gas, electric, telephone lines and streetlights. | <u>✓</u> |
| b. Ownership of lands immediately adjacent the subdivision and all public and private streets leading to the subdivision. | <u>✓</u> |
| c. Locations of buildings, structures, power lines and other improvements and nearby land uses. | <u>✓</u> |
| d. The existing zoning of the subdivision and of adjacent lands within 500 feet. | <u> </u> |
| 5. A complete grading and drainage plan designed to handle runoff from a 10 year, 6 hour storm and containing the following: | |
| a. Location and details, accurately dimensioned, of all existing and proposed drainage structures to include courses, elevations, grades and cross sections of streets, bridges, ditches, culverts, retention areas and other drainage improvement. | <u>✓</u> |

- a. Ground contours with intervals of 2 feet where the average slope is under 10% and 5 feet where average slope is 10% or greater.
- b. Information describing the ultimate destinations of storm water from the subdivision and the effect of the runoff on down-slope drainage structures.
- c. Describe construction procedures, slope protection and reseeded methods to minimize erosion.

✓

✓

✓

6. A list of the proposed subdivision improvements shall be submitted and shall include the following items:

- a. Provide design specifications for all streets and alleys. Include information on all drainage structures, street signs, sidewalks, and street lights.
- b. Indicate the solid waste collection and disposal facilities proposed for the subdivision.
- c. Show fire hydrant locations and spacing.
- d. Describe all utilities to be installed and which entities will be providing the services.
- e. Indicate parkland to be dedicated or amount of cash-in-lieu of land to be donated, if applicable.
- f. Indicate how mail delivery will be handled within the subdivision.

All constructed on-site

Curb side pickup

In place

✓

Cash-in-lieu

✓

7. Overall Development Plan: When a tract of land is to be subdivided in phases, the subdivider must provide an overall development plan indicating the intent for the entire development. The preliminary plat submission and other supplements must include the entire development and be in compliance with the procedures and standards contained in the Livingston Subdivision Regulations. Plat review will be based on the overall development.

N/A

Brookstone Major Subdivision

Background and Detailed Description to Subdivision Application dated May 26, 2016

Prepared by: William E Smith, P.E.

Background

Lot 12 of Certificate of Survey 395 has been owned by the Mantzey family since 2003. The property was located beyond the city limits at that time, but Melvin Mantzey foresaw the development potential for this lot with high-density zoning within the city. Site layout design and engineering analysis were prepared by Absaroka Consultants, Inc. to create 22 lots and application was made in June 2007. In November 2007, the Livingston City Commission granted conditional preliminary approval of Mr. Mantzey's Brookstone subdivision, and the property was annexed into the city under high density R-III zoning.

Municipal water and sewer infrastructure design received approval from City of Livingston Public Works Department and Montana Department of Environmental Quality and was installed. Concrete curb and gutter, paved roads and stormwater drainage control and detention pond were also completed within the site. However, due to the abrupt down turn in the national economy which occurred shortly after this subdivision infrastructure was completed, water and sanitary sewer mains were not extended to connection into city mains. Therefore, extension of water and sewer mains is required and will be completed upon receiving the City Commission's approval of this application.

Extension of Municipal Water and Sewer to this property

Extension of city services from this development will in the future provide feasible connections to city services for certain properties located to the north, northeast and northwest. These connections will enable growth of the city into this area which will benefit the property owners.

Conditions of Preliminary Approval Placed by City Commission upon Original Application

Selected conditions of preliminary approval placed by the City Commission's upon the original application of this subdivision in November 2007 are addressed.

The installation of all required infrastructure including potable water, fire hydrants, sanitary sewer, concrete curb and gutter, paved streets and most required street signage has been completed. Natural gas, underground electrical primaries and communication cables within the designated easements are being scheduled with the respective utilities to commence upon approval by the City Commission.

Covenants will be filed with the plat to require the following:

Buildings to comply with zoning and building code regulations regarding height and number of stories.

Construction of the public sidewalks is the responsibility of the individual lot owner(s) and shall be completed within one year of occupancy of any structure on the individual lot.

The subdivider will, in consultation with the County Extension Office, prepare a noxious weed plan to mitigate the spread of weeds to adjacent properties. Each and all lot owners are responsible to implement and maintain the controls on their respective lot on an on-going basis.

Fence to be constructed at the developer's expense along the west boundary of the development to prevent livestock from entering the property. Maintenance, repair and replacement as required shall be responsibility and expense of the individual lot owner.

All outdoor lighting in this development will be required to be night-sky-friendly. One street light will be required at the intersection of Brookstone Street and Miles Avenue.

Covenants will provide a plan, approved by the City Tree Board, for boulevard tree planting.

Cash-in-lieu of parkland dedication

Cash-in-lieu of parkland dedication within this subdivision is valued as follows:

Lot 12 was purchased by Mantzey in 2003 for \$110,000.00.

The area of Lot 12 is 6.979 acres. The unit value is \$15,761.57 per acre.

Subdivision regulations require that 11% of the net area of lots created by the subdivision be placed into parkland dedication or cash-in-lieu of that value be paid by the subdivider. A total of 5.232 acres are occupied by these 22 newly created lots and 11% of this area equals 0.576 acre. The value of this area of undeveloped land is \$9,078.58.

Variances requested in the original subdivision application in June 2007:

Note variances which were requested and approved within the original approval (refer to pages from the original subdivision application) have been incorporated into the existing infrastructure construction and are hereby requested to be approved as part of this application review and approval.

Mail Delivery

Coordination with the U.S. Post Office will determine their requirements and they will be incorporated into the final plat for this subdivision.

Backup material for agenda item:

- B. DISCUSS/APPROVE/DENY -- JEFF DICKERSON ON BEHALF OF LIVINGSTON YOUTH SOCCER ASSOCIATION ("LYSA") TO REQUEST ENTIRE PRINCIPAL BALANCE OF SKILLMAN TRUST FOR USE ON LYSA FIELDHOUSE PROJECT.**

July 11, 2016

TO: Lisa Lowry, Interim City Manager, James Bennett, Chair, Livingston City Commission
FR: Jeff Dickerson, Livingston Youth Soccer Assn. Board of Directors
RE: Request for Skillman Trust Funding for Northside Park Phase 3

In light of the review of the use of funds from the Skillman Trust, and with the unprecedented success of the partnership with the City of Livingston to develop a new city park on the north side of the city, LYSA is requesting the commission award the remaining balance of the Skillman Trust to complete the development of this project. Without doubt, this park project initiated by City in 2004 in cooperation with LYSA, has proven to not only have “worthy recreational purpose”, but have an incredible influence on all the aspects of our community.

“People, Parks and Pathways”

The Northside Park and Soccer Fields is a “People Park,” designed to be used and enjoyed for a wide variety of recreational activities – walking, jogging, lawn games, skiing and sledding, picnicking. This 19-acre city parcel, once a weed infested unused open area is now a true green space with walking paths, trees, picnic tables, rest rooms and parking allowing these experiences by community members and groups year around. This park is an area where everyone can enjoy nature and recreate, regardless of age, physical abilities, or socioeconomic status. The Livingston Kite Company hosts kite flying days monthly during the summer months. Because of the large open spaces, this park is ideal for this purpose. Several 5k and 10k runs have used this location as a starting place and for post-race relaxation. Because of the paved walkways, The Park County Senior Center and Counterpoint regularly bring clients to the park. Northside Park is now the hub for several of the major trail and pathways identified in the Livingston – Park County Trails Plan released in 2007, some of which are already constructed. All of this in addition to the soccer events organized and hosted by LYSA, including Park High school varsity matches and the Montana Classic Cup, a 15 team tournament that brought in over \$145,000 to our local businesses in two days last June.

This project is an economic engine.

This project has a huge impact on the local economy. Construction of this park has alone generated nearly \$3 Million for us locally. The 2014 Economic Impact Report from the Northern Rocky Mountain Economic Development District demonstrated the measureable dollar impact from the various types of usage in the park (not including soccer tournaments) is nearly \$300,000 annually for our local economy. The completion of Phase 3 will allow for additional economic benefits as the facilities will provide for opportunities to host statewide or regional events such as

tournaments, soccer camps, and training clinics. It is estimated that one high school tournament can generate more between \$250-350,000 in three days for motels, restaurants, and merchants in Park County. Additionally, neighborhood recreation areas enhance the property values of nearby homes. Plus, having a good park system will make Livingston more appealing for business relocation or expansion.

This project benefits youth.

Thru the sport of soccer, LYSA provides youth with fun, physical activity while promoting the values of good sportsmanship, leadership, teamwork, and personal excellence. Soccer enthusiasts from the youngest soccer players to high school players, are now able to play on safe, well-designed fields. LYSA is able to provide youth soccer opportunities for the growing number of youth in our area interested in playing soccer. In addition, the Park High School Varsity and Junior Varsity programs have fields for practice and play that are spacious and designed for the sport of soccer. Phase Three will allow concessions to be sold at games and provide indoor public restrooms for those attending soccer activities. This Fieldhouse construction project will benefit area youth because it will help LYSA offset soccer field maintenance and other program expenses with the income generated by the concessions area and rental of the Indoor Event Space. This funding will help LYSA keep player registrations fees affordable and expand its scholarship program. And let us not forget the children of Livingston's north side neighborhoods that now have an easily accessible and safe city park to play in!!!

This project benefits other community groups.

The successful completion of this project can be a model for other organizations as they identify community needs and plan improvement projects. Through the fundraising efforts and direct participation in its construction, community members are empowered to undertake additional community benefit projects. Local businesses and organizations see their donation to this project multiply in the benefits, both economic and social, that are returned to our community. Youth see firsthand how a dedicated group of people with a common goal can accomplish great things. Future leaders are built through projects of this nature.

Please honor this request allowing for the completion of Northside Park, Livingston's newest multi-use recreational hub serving our entire community.

RESOLUTION NO. 2866

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, DEFINING RECREATIONAL PURPOSES IN RESPECT TO THE BRYANT SKILLMAN BEQUEST.

WHEREAS, Bryant Skillman has made a bequest to the City of Livingston in the amount of \$102,590.93 and 1/3 interest in land located in California "to be used for recreational purposes;" and

WHEREAS, Dan Yardley, his attorney, has advised that it was Bryant Skillman's intent that the funds be used for a recreational project of a nature that would not be completed otherwise which would be of a benefit to the community and not to be used as a supplement to the City's recreation budget.

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

That the bequest of Bryant Skillman be used for "recreational purposes" which are hereby defined as being any purpose as determined by the City Council which benefits the city's public recreation programs or parks, whether by acquisition or construction, or enhancement of facilities, i.e. skating rinks, swimming pools, playgrounds, equipment, civic centers, youth centers, the acquisition or development of green space and parkland or a special project approved by the City Council which enhances the City's public recreational programs. The money shall not be used to pay operating expenses, maintenance, repairs or salaries in the recreation and parks department nor in any other manner supplement the City's annual recreation and parks operating budget.

BE IT FURTHER RESOLVED, by the City Council that commencing Fiscal Year 1998-1999, the City Council may decide either to use only the interest earned during the prior year from the Skillman Bequest for one specific recreational purpose as defined herein or, in the alternative, reinvest and accumulate the interest for a more expensive recreational purpose, it being the intent to use interest only until a worthy recreational purpose is developed by the City Council for the entire bequest.

PASSED AND ADOPTED by the City Council of the City of Livingston, Montana, this 15th day of December, 1997.



PAT MIKESELL - Mayor

ATTEST:

Julianne Brown
JULIANNE BROWN
Recording Secretary

APPROVED AS TO FORM:

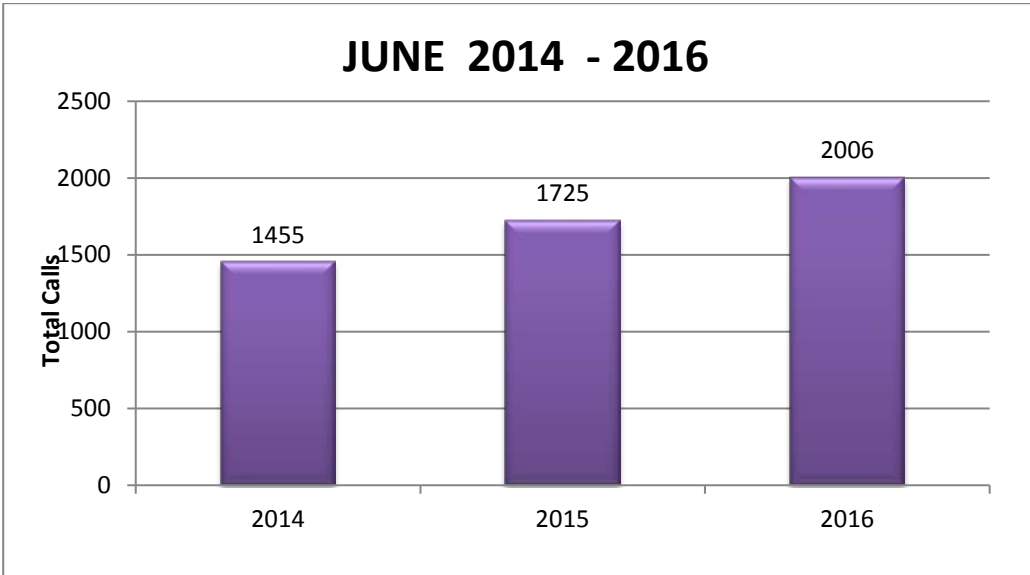
Bruce E. Becker
BRUCE E. BECKER
City Attorney

Backup material for agenda item:

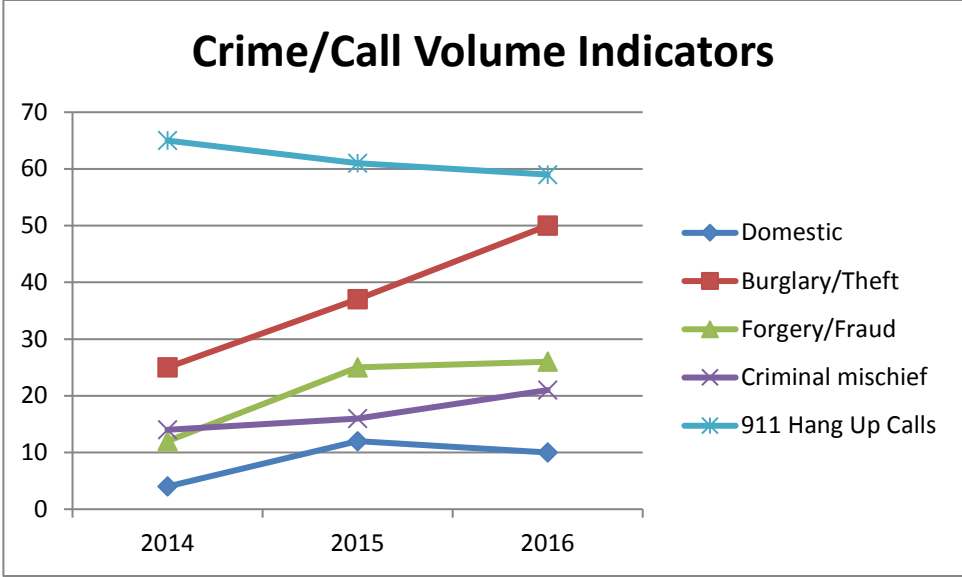
SUPPLEMENTAL - June 2016 Dispatch Report

JUNE 2016 DISPATCH MONTHLY REPORT

YTD calls	9699
Projected # calls for whole year	16000
% of projected calls reached this month	0.606188



	Jun-14	Jun-15	Jun-16
Domestic	4	12	10
Burglary/Theft	25	37	50
Forgery/Fraud	12	25	26
Criminal mischief	14	16	21
911 Hang Up Calls	65	61	59



During the month of June Park County had two rodeo's on the weekend of 17th – 19th in Wilsall and Gardiner that kept dispatchers busy with high call volumes and radio traffic.

Backup material for agenda item:

Public Works Monthly Update

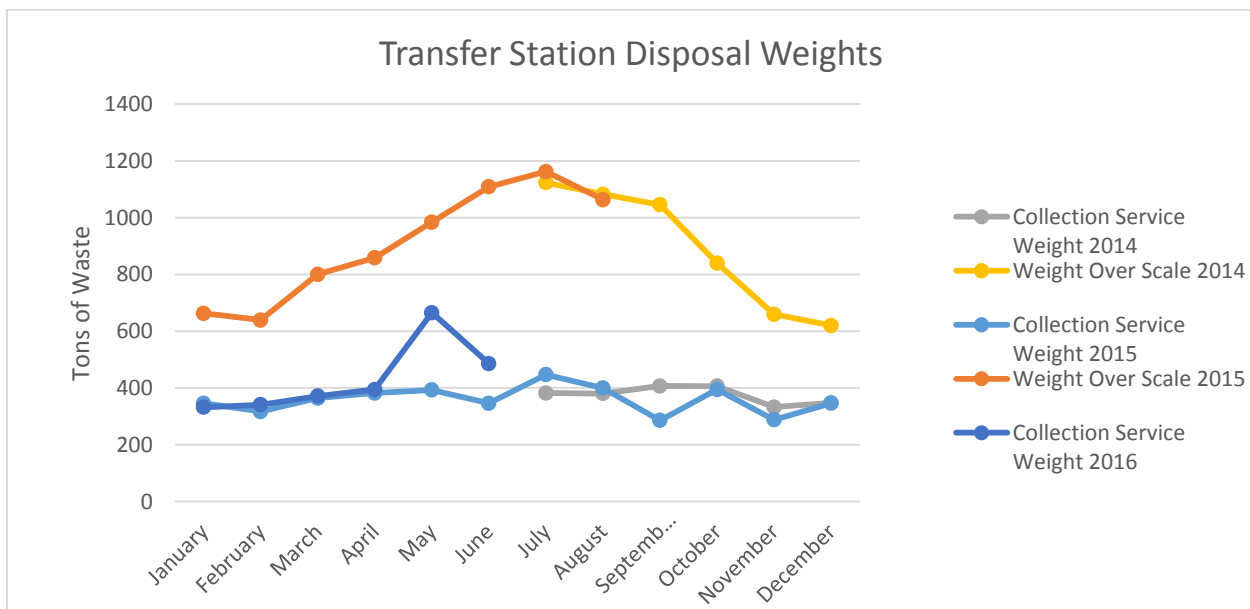
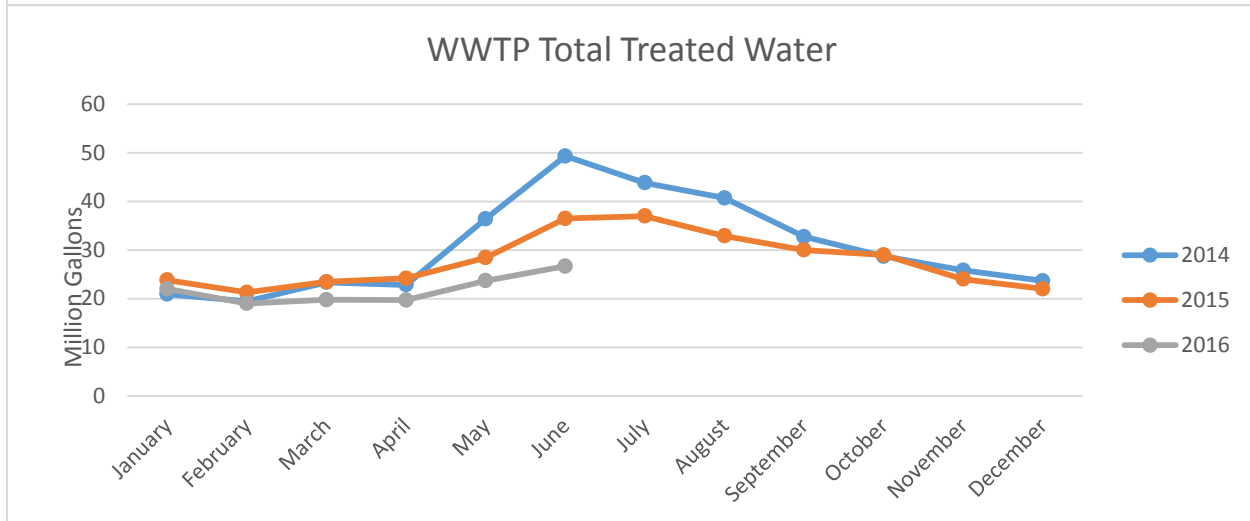
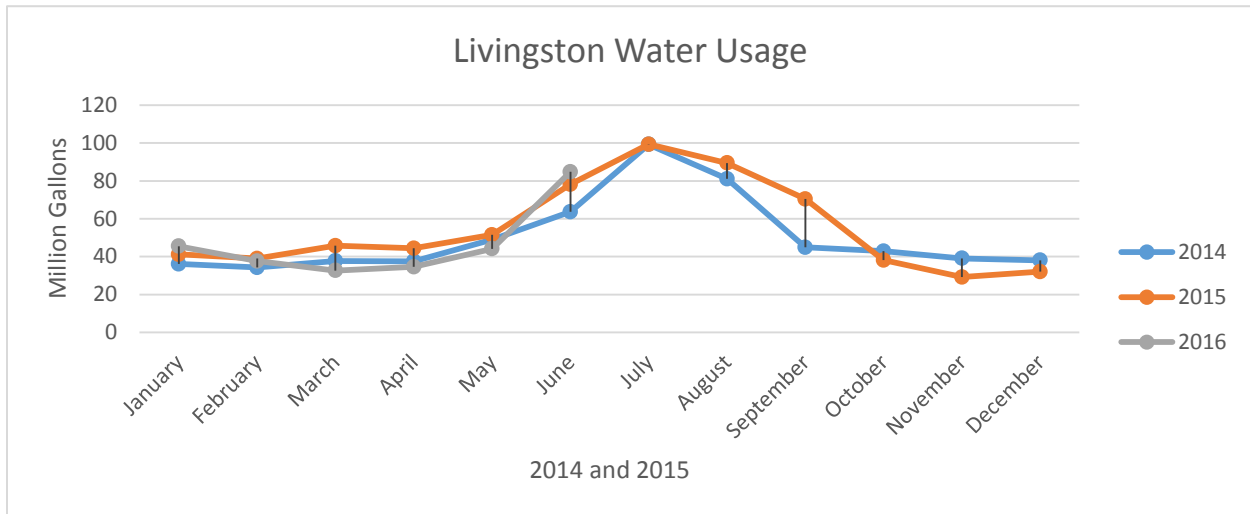
Project	Details	Status
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Public Works Projects

Soccer Field's Field House	Construction of a field house at soccer complex.	Finishing touches are being made to the building. Final Inspection is set for Friday the 15 th .
2015 Capital Improvement Project	Water and Sewer lines will be upgraded in alley between Main and B Street from Callender to Geysler.	Williams Construction finished major work on the project and is working on completing punch list items.
Transportation Alternatives Sidewalk Project	Replacing sidewalk approaches at 5 th and E street intersections with ADA approved ramps, curb and gutter.	Work has begun on the 5 th street intersections. Concrete work north of the tracks has been completed.
O Street Trail	Creating a pedestrian and bike trail connecting O Street and the Veterans Bridge.	Stahly Engineering completed the design. Administration has met with MDT officials to discuss the project. This project is a priority to apply for a TA grant.
Summit Street Repair	Fix Summit Street between Main and B Street by regrading and paving street.	Project is designed. Funding sources are being looked at.
WRF Upgrades	Upgrading current plant to better treat waste water to meet new DEQ regulations and allow for growth.	For updates see website at www.livingstonwrf.com Equipment procurement documents are being prepared to advertise. A RBC unit was repaired and reinstalled 6/20/16 on the current plant.
Sun Ave Sewer and Culvert	Due to inadequate storm drainage the north side of the culvert has experienced a rapid erosion issue and is currently closed to pedestrians. Using video it was determined that the main has a low spot that needs immediate attention.	TD&H has designed a retaining wall and storm drain system. Work will begin on August 1 st to correct the problems.
Murdoch's Infrastructure	Extension of Water and Sewer from Willow Drive to Travertine Lane. Upgrades to Streets on Willow Drive, Travertine Lane, and Billman Lane.	Building Construction will began on June 27 th . Work on city infrastructure is scheduled to begin in August.
6 th and 7 th Street Water Upgrades	Replacing water mains in S 6 th and 7 th Street. Two of the lines in town that have been the most prone to	Design work is expected to be finished mid-July.

	breaking and leaking.	
Sewer Main Replacement	Replacing Sewer Main between 9 th and 10 th street from Geysers to Crawford.	Public Works and TD&H are working on securing Cost Estimates. Work is slated for this fall.
Pressure Reducing Valve	Connecting pressure zones and tanks in our water system to better serve in case of high water use from fires or main breaks.	Public Works is working on Cost Estimates from local contractors. Work is slated for this fall.
Skate Park	Building of a skate park to the east of civic center.	Geotech investigation and report has been completed. Next stage involves site plan for entire civic center area and design of skate park.

Public Works Operations



MINUTES

Livingston City Commission
Tuesday, September 6, 2016
6:30 p.m.
City- County Complex, Community Room

1. Call to Order Roll Call

- Bennett, Hoglund, Friedman, Schwarz and Sandberg were present.

2. Moment of Silence

3. Pledge of allegiance

4. Consent Items (00:02:10)

A. CONSENT - Approve Minutes from 8.16.16 Regular Commission Meeting

B. CONSENT - Approve Bills and Claims 2nd Half of August 2016

- Friedman made a motion to pass Consent Items A and B. Hoglund seconded.
 - All in favor, motion passed 5-0.

5. Proclamations

6. Scheduled Public Comment

A. SCHEDULED PUBLIC COMMENT -- PRESENTATION FROM WISPWEST ON PROPOSED REPLACEMENT ANTENNA ON NORTH HILL (00:06:30)

- Jessie Dupont and Nate Zeinke made comments (00:06:35)

7. Public Hearings

A. RESOLUTION NO. 4695 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, FIXING THE TAX LEVY FOR FISCAL YEAR 2016-2017. (00:22:30)

- Schwarz made a motion to pass Resolution No. 4695. Friedman seconded.
 - All in favor, motion passed 5-0.

8. Ordinances

9. Resolutions

A. RESOLUTION NO. 4696 -- A RESOLUTION RELATING TO GENERAL OBLIGATION BONDS, SERIES 2016; AUTHORIZING THE ISSUANCE AND SALE THEREOF; DELEGATING THE AWARD OF THE BONDS TO CERTAIN CITY OFFICIALS. (00:30:40)

- Schwarz made a motion to pass Resolution No. 4696. Friedman seconded.
 - All in favor, motion passed 5-0.

B. RESOLUTION NO. 4682 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A COLLECTIVE BARGAINING AGREEMENT WITH AFSCME LOCAL 2711A FOR THE PERIOD OF JULY 1, 2016 THROUGH JUNE 30, 2019. (00:40:50)

- Patricia Grabow made comments (01:02:30)
- Friedman made a motion to pass Resolution No. 4682. Hoglund seconded.
 - Motion passed 3-2. (Bennett and Sandberg opposed.)

C. RESOLUTION NO. 4693 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA DECLARING ITS REVISED POLICY WITH RESPECT TO EXPENDITURES FROM THE BRYANT SKILLMAN BEQUEST. (01:05:27)

- Cheryl McLaughlin made comments (01:34:30)
- Hoglund made a motion to approve Resolution No. 4693 with the omission of Section # 3. Schwarz seconded.
 - Motion passed 4-1. (Sandberg opposed.)

10. Action Items

A. DISCUSS/APPROVE/DENY -- REQUEST FROM NORTHERN ROCKY MOUNTAIN ECONOMIC DEVELOPMENT DISTRICT (ROB GILMORE) FOR INCREASED FUNDING

- Jeff Dickerson made comments (01:57:47)
- Patricia Grabow made comments (01:59:17)
- Friedman made a motion to increase funding from \$3,500 to \$5,000.00 to NRMEDD. Schwarz seconded.
 - Motion passed 4-1. (Sandberg opposed.)

B. DISCUSS/APPROVE/DENY -- CONSIDER OR DEVISE METHOD TO PROMOTE PUBLIC PARTICIPATION IN DECISION ON PROPOSED CHANGES TO INTERSTATE SIGNAGE AT LIVINGSTON'S I-90 EXITS. (02:13:04)

- Issue discussed and tabled until next meeting to be published for public comment.
- Patricia Grabow made comments (02:26:54)

C. DISCUSS/APPROVE/DENY -- MCNAIR SKATE PARK REQUEST FOR SKILLMAN BEQUEST FUNDS (02:37:17)

C1. DISCUSS/APPROVE/DENY – LIVINGSTON YOUTH SOCCER ASSOCIATION RQUEST FOR SKILLMAN BEQUEST FUNDS (02:37:17)

- (Action Items C and C1 discussed in tandem.) Sandberg made a motion to provide \$20,000 each to McNair Skate Park and Livingston Youth Soccer Association and leave the remaining balance in the Skillman Bequest Fund. Friedman seconded.
 - Motion failed 2-3. (Bennett, Hogle and Schwarz opposed.)
- Schwarz made a motion to provide \$25,000 each to McNair Skate Park and Livingston Youth Soccer Association and leave the remaining balance in the Skillman Bequest Fund. Friedman seconded.
 - Motion passed 3-2. (Hogle and Sandberg opposed.)

D. DISCUSS/APPROVE/DENY -- PAYBACK TO SKILLMAN BEQUEST FROM SPECIAL IMPROVEMENT DISTRICT (SID) 180 (02:38:01)

- Sandberg made a motion to payback the Skillman Bequest Fund immediately in one lump sum. Hogle seconded.
 - All in favor, motion passed 5-0.
- Friedman made a motion to extend the meeting beyond three hours. Schwarz seconded.
 - All in favor, motion passed 5-0.

E. DISCUSS/APPROVE/DENY -- DETERMINE FINALISTS FOR CITY MANAGER POSITION AND SCHEDULE INTERVIEWS (03:23:23)

- Sandberg made a motion to interviews five candidates including, Mr. Halstead, Mr. Mitchell, Mr. Kardoes, Mr. Graff and Mr. Riesberg. Schwarz seconded.
 - Motion passed 4-1. (Friedman opposed.)

12. City Manager Comment

13. City Commission Comments

- Sandberg made comments (03:53:00)
- Hogleund made comments (04:06:00)
- Bennett made comments (04:06:30)

14. Public Comments

- Patricia Grabow made comments (04:07:16)

15. Adjournment 10:38 p.m. (04:17:28)

Livingston City Commission Meeting
September 27, 2016
6:30 PM
City-County Complex

1. Call to Order

2. Roll Call

- Bennett, Hoglund, Friedman, Schwarz and Sandberg were present.

3. Moment of Silence

4. Pledge of Allegiance

5. Consent Items (00:06:52)

A. CONSENT - Approve Minutes from Regular 9.6.16 Commission Meeting

B. CONSENT - Ratify Bills and Claims First Half of Sept 2016

C. CONSENT - Ratify Claim 1st Half Sept 2016

D. CONSENT - Approve Eric Oden to City Tree Board

E. CONSENT - Approve waiver request of \$110 for rental of Civic Center for annual Spay/Neuter Clinic

F. CONSENT - Approve Waiver request from Park High for Homecoming Event

- Friedman made a motion to approve Consent Items A – F. Hoglund seconded.
 - All in favor, motion passed 5-0.

6. Proclamations

7. Scheduled Public Comment

A. Scott Buecker and Brian Viall from AE2S presenting an update on where we currently stand on the project for the new Water Reclamation Facility. (00:30:30)

- Jay Kiefer made comments (01:07:36)

B. Active Transportation Coalition update and progress report (00:07:36)

- Mike Inman made comments (00:08:00)
- Melody Montgomery made comments (00:24:00)
- Shelly Orabata made comments (00:25:00)

C. Public Comments regarding Highway signage (01:13:35)

- Tabled to future meeting.

D. Julie M. Stiteler - Housing Project Manager - Homeword, Inc. – Housing project update in Livingston. (01:16:24)

8. Public Hearings

9. Ordinances

10. Resolutions

A. RESOLUTION NO. 4697 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA LIFTING THE TEMPORARY BAN ON OUTDOOR BURNING WITHIN THE CORPORATE LIMITS OF THE CITY OF LIVINGSTON, MONTANA. (01:29:17)

- Schwarz made a motion to pass Resolution No. 4697. Hoglund seconded.
 - All in favor, motion passed 5-0.

B. RESOLUTION NO. 4701 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN AN INTER-GOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT WITH THE PUBLIC PROCUREMENT AUTHORITY RELATING TO THE PURCHASE OF THE CITY'S NEW FIRE ENGINE AND EQUIPMENT. (01:31:01)

- Sandberg made a motion to pass Resolution No. 4701. Friedman seconded.
 - All in favor, motion passed 5-0.

C. RESOLUTION NO. 4698 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA APPROVING LIVINGSTON FIRE AND RESCUE AUTOMATIC AID AGREEMENT WITH PARK COUNTY RURAL FIRE DISTRICT #1 AND AUTHORIZING THE CITY MANAGER AND FIRE CHIEF TO SIGN THE AUTOMATIC AID AGREEMENT. (01:33:11)

- Friedman made a motion to pass Resolution No. 4698. Hoglund seconded.
 - All in favor, motion passed 5-0.

D. RESOLUTION NO. 4702 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN THE NOTICE OF AWARD AND AGREEMENT WITH XYLEM WATER SOLUTIONS USA, INC. FOR EQUIPMENT AND COMPONENTS NECESSARY FOR THE WATER RECLAMATION FACILITY UPGRADES. (01:35:29)

- Jay Kiefer made comments (01:45:42)
- Patricia Grabow made comments (01:48:26)

- Friedman made a motion to pass Resolution No. 4702. Schwarz seconded.
 - All in favor, motion passed 5-0.

E. RESOLUTION NO. 4699 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A COLLECTIVE BARGAINING AGREEMENT WITH INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF) LOCAL #630, WHICH AGREEMENT SHALL BE FOR THE PERIOD OF JULY 1, 2016 THROUGH JUNE 30, 2018.
(01:55:30)

- Torsten Prael made comments (02:01:01)
- Patricia Grabow made comments (01:48:26)
- Friedman made a motion to pass Resolution No. 4699. Schwarz seconded.
 - Motion passed 3-2. (Bennett and Sandberg opposed.)

11. Action Items

A. DISCUSS/APPROVE/DENY - URA RECOMMENDATION TO APPROVE TD&H REQUEST FOR \$30,000 FOR DESIGN PROPOSAL WITH THE AMENDMENT TO INCLUDE DESIGN COST ESTIMATES FOR ABOVE AND BELOW GROUND TREE PLANTERS (02:15:20)

- Karla Pettit made comments (02:15:58)
- Keith Waring made comments (02:18:00)
- Patricia Grabow made comments (02:38:26)
- Hogle made a motion to approve Action Item A. Friedman seconded.
 - All in favor, motion passed 5-0.
- Friedman made a motion to extend the meeting beyond three hours. Schwarz seconded.
 - Motion passed.

B. DISCUSS/APPROVE/DENY -- LETTER TO MONTANA DEPARTMENT OF TRANSPORTATION (MDT) SUPPORTING CHANGE TO INTERSTATE SIGNAGE FOR LIVINGSTON EXISTS ON INTERSTATE 90

- Action Item B tabled to future meeting.

C. DISCUSS/APPROVE/DENY -- SCHEDULE SPECIAL MEETING TO DISCUSS CITY MANAGER FINALIST(S) AND/OR POSSIBLE OFFER (02:47:27)

- By general agreement, the City Commission agreed to meet to discuss whether to make an offer to one of the City Manager candidates and if so, the terms thereof, at the conclusion of the City Commission meeting on October 11, 2016.

- Friedman made a motion to reschedule the regularly scheduled City Commission of October 4, 2016 to October 11, 2016.
 - All in favor, motion passed 5-0.

D. DISCUSS/APPROVE/DENY – QUESTIONS FOR THE CITY MANAGER FINALIST INTERVIEW (02:57:24)

- The City Commission will meet September 30, 2016 at 1:00 p.m. to finalize questions for the City Manager finalists.

E. DISCUSS/APPROVE/DENY -- RESCHEDULING 10.4.2016 CITY COMMISSION MEETING TO 10.11.2016 (03:02:50)

- Friedman made a motion to reschedule the regularly scheduled City Commission of October 4, 2016 to October 11, 2016.
 - All in favor, motion passed 5-0.

12. City Manager Comment (03:06:09)

13. City Commission Comments

- Friedman made comments. (03:11:50)
- Hoglund made comments. (03:12:31)

14. Public Comments

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).

- Jay Kiefer made comments (03:14:07)
- Patricia Grabow made comments (03:23:54)

15. Adjournment (10:00 PM)(03:32:59)

MINUTES

**Livingston City Commission
October 11, 2016
6:30 p.m.
City- County Complex, Community Room**

1. Roll Call

- Bennett, Hoglund, Friedman, Schwarz and Sandberg were present.

2. Moment of Silence

3. Pledge of allegiance

4. Consent Items (00:01:54)

A. CONSENT - Approve minutes from 9.23.16 Special Meeting

B. CONSENT - Approve minutes from 9.27.16 regular Commission Meeting

C. CONSENT- Ratify Bills and Claims 2nd Half of Sept 2016

D. CONSENT - Approve Dan Durgan to Livingston Business Improvement District Board

E. CONSENT - Approve Library Board's recommendation for Julie Hancock for Library Board, per letter of recommendation from Library Board

- Friedman made a motion to approve Consent Items A-E. Hoglund seconded.
 - All in favor, motion passed 5-0.

5. Proclamations

6. Scheduled Public Comment

7. Public Hearings

8. Ordinances

9. Resolutions

A. RESOLUTION NO. 4684 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE HUMANE SOCIETY OF PARK COUNTY, INC., D/B/A STAFFORD ANIMAL SHELTER, FOR THE IMPOUNDMENT AND BOARDING OF CERTAIN ANIMALS (00:02:42)

- Steve Leach and Alisha Davis made comments (00:05:20)
- Hogleund made a motion to pass Resolution No. 4684. Friedman seconded.
 - All in favor, motion passed 5-0.

B. RESOLUTION NO. 4702 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN AN OVERHEAD ELECTRIC POWERLINE EASEMENT THAT GRANTS AN EASEMENT TO NORTHWESTERN CORPORATION D/B/A NORTHWESTERN ENERGY. (00:25:43)

- Schwarz made a motion to pass Resolution No. 4702. Friedman seconded.
 - Motion passed 3-2. (Hogleund and Sandberg opposed.)

C. RESOLUTION NO. 4703 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE AGREEMENT WITH ELITE TRUCK AND TRAILER, INC., D/B/A ROCKY MOUNTAIN TRUCK CENTER FOR THE PURCHASE OF A NEW GARBAGE TRUCK. (00:42:48)

- Friedman made a motion to pass Resolution No. 4703. Hogleund seconded.
 - All in favor, motion passed 5-0.

10. Action Items

A. DISCUSS/APPROVE/DENY -- OFFER OF EMPLOYMENT TO CITY MANAGER CANDIDATE. (00:51:08)

- Sandberg made a motion to close the session to the five City Commissioners. No second.
- City Commission, City Attorney and Interim City Manager met in closed session (00:53:00)
- Open Session City Commission meeting reconvened (02:40:00)
- Friedman made a motion to make a job offer to Sidney Mitchell. Schwarz seconded.
 - All in favor, motion passed 5-0.
- Sandberg made a motion to offer Mr. Mitchell \$105,000 salary plus \$10,000 moving expense. Schwarz seconded.
 - Motion failed 2-3. (Hogleund, Friedman and Bennett opposed.)
- Hogleund made a motion to offer Mr. Mitchell \$100,000 salary plus \$10,000 moving expense. Friedman seconded.
 - Motion passed 3-2. (Sandberg and Schwarz opposed.)

B. DISCUSS/APPROVE/DENY – INCREASE OF .6 FTE VACANT POSITION IN DISPATCH TO A 1.0 FTE UTILIZING OVERTIME SAVINGS. (00:44:20)

- Friedman made a motion to approve Action Item B. Hoglund seconded.
 - All in favor, motion passed 5-0.

11. City Manager Comment (02:50:46)

12. City Commission Comments

- Sandberg made comments (02:51:11)
- Schwarz made comments (02:51:33)
- Friedman made comments (02:51:50)
- Hoglund made comments (02:54:10)
- Bennett made comments (02:55:50)

13. Public Comments

- Jay Kiefer made comments (02:56:50)

15. Adjournment (03:00:09) 9:30 p.m.

Livingston City Commission Meeting

October 18, 2016

6:30 PM

City-County Complex

1. Call to Order

2. Roll Call

- Bennett, Hoglund, Friedman, Schwarz and Sandberg were present.

3. Moment of Silence

4. Pledge of Allegiance

5. Consent Items (00:07:06)

A. CONSENT - Approve Minutes from 10.11.16 Regular Commission Meeting

B. CONSENT - Approve Bills and Claims 1st Half of October 2016

C. CONSENT - Approve members to the Skate Park Committee, including Derek Smith, Chad Wistey, Willow Bach-Hanson, B. Jon Lukenbill, Nathan Giambra, D. Drake Burford, Vasa White, Robert Everson, Michael Pincon

- Friedman made a motion to approve Consent Items A – C. Hoglund seconded.
 - All in favor, motion passed 5-0.

6. Proclamations

7. Scheduled Public Comment

8. Public Hearings

9. Ordinances

10. Resolutions

A. RESOLUTION NO. 4705- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH MOTOROLA FOR THE PURCHASE OF EQUIPMENT AND SOFTWARE AND FOR PROFESSIONAL SERVICES FOR THE CITY OF LIVINGSTON'S DISPATCH CENTER.

(00:07:25)

- Jay Kiefer made comments (00:09:50)

- Friedman made a motion to pass Resolution No. 4705. Hoglund seconded.
 - All in favor, motion passed 5-0.

B. RESOLUTION NO. 4704 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH LAWELLIN LAW, P.C. FOR THE PROVISION OF LEGAL SERVICES FROM COURTNEY LAWELLIN IN THE ROLE OF INTERIM CITY ATTORNEY. (00:12:47)

- Friedman made a motion to pass Resolution No. 4704. Schwarz seconded.
 - Motion passed 4-1 (Sandberg opposed.)

11. Action Items

A. DISCUSS/APPROVE/DENY - Secondary offer for City Manager if chosen Finalist declines offer (00:23:42)

B. DISCUSS/APPROVE/DENY – Schedule time to take final action on 10th Street Abandonment (00:24:01)

- Michelle Becker made comments (00:29:14)
- Discussion item to be on 11/1/16 City Commission Agenda

C. DISCUSS/APPROVE/DENY - Appointment of a Commissioner to the Livingston Fire and Rescue Overtime Reduction Work Group (00:39:16)

- Commissioner Schwarz agreed to take a seat on the Work Group

D. DISCUSS/APPROVE/DENY - Hiring process for City Attorney recruitment (00:58:47)

- Hoglund made a motion for two Commissioners to be involved in the interview process for City Attorney. Friedman seconded.
 - All in favor, motion passed 5-0.
- Break called for (01:07:25)
- Commission meeting reconvened (01:25:07)

E. DISCUSS/APPROVE/DENY - Change in reporting relationship for City Attorney and possible revision of City Ordinances (01:25:07)

- Schwarz made a motion to bring City Code §2-3 in compliance with Montana Code Annotated. Hoglund seconded.
 - All in favor, motion passed 5-0.

12. City Manager Comment

13. City Commission Comments

- Hoglund made comments. (01:38:38)

14. Public Comments

- Jill Mabie made comments (01:41:54)
- Jay Kiefer made comments (01:42:59)

15. Adjournment (8:14 PM)

Livingston City Commission Meeting

November 1, 2016

6:30 PM

City-County Complex

1. Call to Order

2. Roll Call

- Bennett, Hoglund, Friedman and Sandberg were present.

3. Moment of Silence

4. Pledge of Allegiance

5. Consent Items (00:01:50)

A. CONSENT - Approve Minutes from 10.18.16 regular Commission Meeting

B. CONSENT - Ratify Claims 2nd Half of October 2016

C. CONSENT - Approve Bills and Claims 2nd Half of October 2016

- Friedman made a motion to approve Consent Items A-C. Hoglund seconded.
 - All in favor, motion passed 4-0.

D. CONSENT - Approval of revised City-County Compact Chapter concerning tennis court maintenance. (00:02:47)

- Sandberg made a motion to approve Consent Item D. Hoglund seconded.
 - All in favor, motion passed 4-0.

6. Proclamations

7. Scheduled Public Comment

A. Homeward, Inc. – Housing Proposal at the site of former Hospital (00:07:40)

- Andrea Davis, Heather McMillan and Heather Granlin made comments (00:07:45)
- Hoglund made a motion to sign a letter of support to Montana Department of Commerce. Friedman seconded.
 - All in favor, motion passed 4-0.

8. Public Hearings

9. Ordinances

10. Resolutions

A. RESOLUTION NO. 4706 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A SERVICE AGREEMENT WITH INVASIVE SPECIES ACTION NETWORK (ISAN) TO DEVELOP A PROPOSAL FOR WEED MANAGEMENT IN THE CITY OF LIVINGSTON. (00:56:58)

- Bob Wilschire made comments (01:02:42)
- Friedman made a motion to pass Resolution No. 4706. Hoglund seconded.
 - All in favor, motion passed 4-0.

B. RESOLUTION NO. 4707 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A RENEWED AGREEMENT WITH FOUR CORNERS RECYCLING, LLC FOR RECYCLING SERVICES. (01:04:20)

- Friedman made a motion to pass Resolution No. 4707. Hoglund seconded.
 - All in favor, motion passed 4-0.

C. RESOLUTION NO. 4708 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING WISPWEST.NET TO REPLACE THE TOWER POLE AND ADD A FENCED SHELTER FOR THE TRANSMISSION TOWER ON NORTH SIDE HILL. (01:06:11)

- Nate Steinke made comments (01:07:00)
- Liz Kearney made comments (01:10:20)
- Friedman made a motion to pass Resolution No. 4708. Hoglund seconded.
 - All in favor, motion passed 4-0.

D. RESOLUTION NO. 4709 – A RESOLUTION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH EVERGREEN SKATEPARKS, LLC TO DESIGN THE SKATEPARK PROJECT IN THE CITY OF LIVINGSTON. (01:12:04)

- Derek Smith, Lincoln Jamrog and Vasa White made comments (01:12:04)
- Hoglund made a motion to pass Resolution No. 4709. Friedman seconded.
 - All in favor, motion passed 4-0.

11. Action Items

A. DISCUSS/APPROVE/DENY -- DISCUSS FINAL ACTION ON 10TH STREET ABANDONMENT

- Action Item A tabled until a future City Commission meeting.

B. DISCUSS/APPROVE/DENY – LETTER OF SUPPORT FOR GRANT APPLICATIONS-HOMEWARD, INC.

- See Scheduled Public Comment

12. City Manager Comment (01:20:01)

13. City Commission Comments

- Sandberg made comments. (01:22:26)
- Friedman made comments. (01:32:45)
- Hoglund made comments. (01:32:55)
- Bennett made comments. (01:34:00)

14. Public Comments

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).

- Cliff Engle made comments. (01:34:50)
- Jay Kiefer made comments (01:44:15)

Adjournment (01:51:06) 8:25p.m.

Livingston City Commission Meeting
November 15, 2016
6:30 PM
City-County Complex

1. Call to Order

2. Roll Call

- Bennett, Hoglund, Friedman and Schwarz were present.

3. Moment of Silence

4. Pledge of Allegiance

5. Consent Items (00:05:50)

A. CONSENT - Approve Minutes from 11.1.16 Regular Commission Meeting

B. CONSENT - Approve Bills and Claims 1st Half of November 2016

C. CONSENT - Pledged Securities Report 1st Qtr FY 2017

D. CONSENT - Approve Lincoln Jamrog and Forrest Garlow for the McNair Skate Park Committee

- Friedman made a motion to approve Consent Items A-D. Schwarz seconded.
 - All in favor, motion passed 4-0.

6. Proclamations

7. Scheduled Public Comment

8. Public Hearings

9. Ordinances

10. Resolutions

A. RESOLUTION NO. 4710 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2015-2016, BY MAKING APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$1,111,800 AND REVENUE ADJUSTMENTS IN THE AMOUNT OF \$905,900 AND CALLING FOR A PUBLIC HEARING. (00:07:07)

- Schwarz made a motion to pass Resolution No. 4710. Hoglund seconded.
 - All in favor, motion passed 4-0.

11. Action Items

A. DISCUSS/APPROVE/DENY - Appoint a Commissioner to the Grants Committee

(00:22:35)

- Freidman made a motion to appoint Friedman and Schwarz to the Grants Committee. Schwarz seconded.
 - All in favor, motion passed 4-0.

B. DISCUSS/APPROVE/DENY- Appoint a Commissioner to the Urban Renewal Agency

(00:25:25)

- Karla Pettit made comments (00:26:00)
- Schwarz made a motion to appoint himself to the Urban Renewal Agency. Friedman seconded.
 - All in favor, motion passed 4-0.

C. DISCUSS/APPROVE/DENY - Approve revision of Facade and Energy Efficiency Programs

(00:28:58)

- Karla Pettit, Bob Ebinger, and Joe Hanser made comments (00:29:50)
- Schwarz made a motion to approve Action Item C. Friedman and Hoglund seconded.
 - All in favor, motion passed 4-0.

D. DISCUSS/SPPROVE/DENY – Livingston Baseball and Softball Association (LBSA) request for Skillman Funds for portable bleachers, netting and backstops

(00:47:45)

- Russell Smith and Sean Daem made comments (00:47:45)
- Leslie Feigel made comments (00:57:06)
- Friedman made a motion to approve Action Item D. Schwarz seconded.
 - All in favor, motion passed 4-0.

E. DISCUSS/APPROVE/DENY - Review of further action on 10th Street Abandonment

(01:05:00)

- Michelle Becker and Bill Vink made comments (01:05:00)
- Jeff Dickerson made comments (01:12:00)
- Gayla Nickelson made comments (01:15:20)
- Michelle Becker made comments (01:16:41)

- Louis Goosey made comments (01:20:36)
- Frank Egan made comments (01:22:00)
- Mike Riley made comments (01:29:28)
- Vern Young made comments (01:33:28)
- Rose Young made comments (01:34:39)
- Gayla Nickelson made comments (01:37:20)
- Jeff Dickerson made comments (01:39:50)
- Michelle Becker made comments (01:48:54)
- Gayla Nickelson made comments (01:50:00)
- Bill Vink made comments (01:53:00)
- Jeff Dickerson made comments (01:54:18)
- Mike Riley made comments (01:55:02)
- Schwarz made a motion to approve Action Item E. Hoglund seconded.
 - Motion failed 0-4. All opposed.

F. DISCUSS/APPROVE/DENY - Process of Information and data gathering for/by Commissioners prior to formal decision making.

- Action Item F tabled until future meeting.

G. DISCUSS/APPROVE/DENY - Extension of Interim City Attorney contract to 12.15.16

- Schwarz made a motion to approve Action Item G. Friedman seconded.
 - All in favor, motion passed 4-0.

12. City Manager Comment (02:22:48)

13. City Commission Comments

- Schwarz made comments. (02:24:47)
- Hoglund made comments. (02:25:15)

14. Public Comments

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).

- Jay Kiefer made comments. (02:27:10)

15. Adjournment (8:55 PM)

Livingston City Commission Meeting
December 6, 2016
6:30 PM
City-County Complex

1. Call to Order

2. Roll Call

- Bennett, Hoglund, Friedman, Schwarz and Sandberg were present.

3. Moment of Silence

4. Pledge of Allegiance

5. Consent Items (00:04:04)

A. CONSENT - Approve Minutes from 11.15.16 Regular Commission Meeting

B. CONSENT Approve Bills and Claims

C. CONSENT - Approve City Planning Board unanimous recommendation to appoint Jim Baerg and Warren Mabie to the City Planning Board

D. CONSENT - Approve Urban Renewal Agency's approval of grant application for public outdoor play space

E. CONSENT - Approve waiver request from Yellowstone Boys and Girls Ranch

F. CONSENT - Letter of support for Homeward, Inc.

- Sandberg requested consent Item D be pulled from Consent Items.
- Hoglund made a motion to approve Consent Items A, B, C, E, and F. Friedman seconded.
 - All in favor, motion passed 5-0.

D. CONSENT - Approve Urban Renewal Agency's approval of grant application for public outdoor play space.

- Bob Ebinger made comments (00:04:50)
- Lisa Rosberg made comments (00:08:45)
- Karla Pettit made comments (00:21:53)
- Friedman made a motion to approve Consent Item D. Hoglund seconded.
 - Motion failed 2-3. (Bennett, Schwarz and Sandberg opposed.)

6. Proclamations

7. Scheduled Public Comment

8. Public Hearings

A. RESOLUTION NO. 4712 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2015-2016, BY MAKING APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$1,111,800 AND REVENUE ADJUSTMENTS IN THE AMOUNT OF \$905,900. (00:27:00)

- Friedman made a motion to pass Resolution No. 4712. Hogleund seconded.
 - All in favor, motion passed 5-0.

9. Ordinances

10. Resolutions

A. RESOLUTION NO. 4711 - A RESOLUTION RELATING TO UP TO \$1,319,000 SEWER IMPROVEMENT REVENUE BOND ANTICIPATION NOTE (DNRC WATER POLLUTION CONTROL STATE REVOLVING LOAD PROGRAM), SERIES 2016; AUTHORIZING THE ISSUANCE THEREOF AND FIXING THE TERMS AND CONDITIONS OF THE BOND ANTICIPATION NOTE. (00:33:00)

- Schwarz made a motion to pass Resolution No. 4711. Friedman seconded.
 - All in favor, motion passed 5-0.

B. RESOLUTION NO. 4713 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN THE CHANGE ORDER WITH XYLEM WATER SOLUTIONS USA, INC. FOR EQUIPMENT AND COMPONENTS NECESSARY FOR THE INCREASED EFFICIENCY OF WATER RECLAMATION FACILITY UPGRADES. (00:38:38)

- Scott Beucker made comments (00:39:00)
- Schwarz made a motion to pass Resolution No. 4713. Friedman seconded.
 - All in favor, motion passed 5-0.

C. RESOLUTION NO. 4714 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A GENERAL SERVICES AGREEMENT WITH SIME CONSTRUCTION INC. FOR THE INSTALLATION OF A PRESSURE REDUCING VALVE BETWEEN THE CITY'S RESEVOIRS.

- Friedman made a motion to pass Resolution No. 4714. Schwarz seconded.
 - All in favor, motion passed 5-0.

11. Action Items

A. DISCUSS/APPROVE/DENY - Submission of FY 2016 Audit (00:59:20)

- Morgan Scarr made comments (01:00:00)
- Hoglund made a motion to Approve Action Item A. Friedman seconded.
 - All in favor, motion passed 5-0.

B. DISCUSS/APPROVE/DENY - Planning Board Recommendations regarding vacation rental policy (01:25:40)

- Patricia Grabow made comments (01:39:38)
- Leslie Feigel made comments (01:53:38)
- Patricia Grabow made comments (02:02:45)

C. DISCUSS/APPROVE/DENY - Renew contract with Courtney Lawellin (02:08:45)

- Friedman made a motion to approve Action Item C. Hoglund seconded.
 - Motion passed 4-1. (Sandberg opposed.)

D. DISCUSS/APPROVE/DENY - Decide whether to maintain or cancel regular Commission meeting scheduled for 12.20.16 (02:11:57)

- Decision made to keep scheduled meeting with approval of claims and then continue on with a workshop.

12. City Manager Comment

13. City Commission Comments

- Sandberg made comments (02:19:58)
- Schwarz made comments (02:32:44)
- Friedman made comments. (02:33:34)
- Hoglund made comments. (02:34:14)
- Bennett made comments. (02:40:09)

14. Public Comments

- Liz Kearney made comments (02:43:29)

15. Adjournment (9:13 p.m.)