

ORDINANCE NO. 2075

AN ORDINANCE AMENDING ORDINANCE NO. 1932 REGARDING THE CITY OF LIVINGSTON, MONTANA URBAN RENEWAL PLAN AS IT RELATES TO THE URBAN RENEWAL DISTRICT BY AMENDING THE URBAN RENEWAL PLAN TO UPDATE THE ANTICIPATED URBAN RENEWAL PROJECTS

Preamble.

The purpose of this Ordinance is to promote the general health, safety and welfare of the community by amending and updating the City of Livingston Urban Renewal Plan to update the list of urban renewal projects.

WHEREAS, on December 10, 2003, the City Commission (the "City Commission") of the City of Livingston, Montana (the "City") adopted Ordinance No. 1932 ("Ordinance 1932") approving the Livingston Urban Renewal Plan with Tax Increment Financing provisions (the "Original Urban Renewal Plan"); and

WHEREAS, the Original Urban Renewal Plan was adopted after a public hearing on December 15, 2003 and the public was given an opportunity to be heard at such hearing; and

WHEREAS, the City desires to amend Ordinance 1932 and the Original Urban Renewal Plan with respect to the Livingston Urban Renewal District (the "Urban Renewal District") to update the Original Urban Renewal Plan with an updated list of tax increment eligible urban renewal projects for public improvements (the "Plan Amendment"), attached hereto as Exhibit A, authorized under Montana Code Annotated, Section 7-15-4288, as amended; and

WHEREAS, the Urban Renewal District was created in conformance with and pursuant to the powers granted to the City under the provisions of Montana Code Annotated Title 7, Chapter 14, Part 24, as amended (the "Urban Renewal Act"); and

WHEREAS, on December 1, 2003, after a public hearing following notice as required under the Urban Renewal Act, the City Commission of the City adopted Resolution No. 3462, finding an area of blight in the Urban Renewal District and the City believes that conditions of blight still exist in the Urban Renewal District as indicated in the Plan Amendment; and

WHEREAS, the City has continuously been administering the Urban Renewal District in compliance with the terms of the Urban Renewal Act, Montana law, and the Original Urban Renewal Plan since January 15, 2004 until the present; and

WHEREAS, many of the conditions that were present in the Urban Renewal District in 2004 are still present today and the City has reviewed the conditions that existing in and around the boundaries of the Urban Renewal District; and

WHEREAS, the Original Urban Renewal Plan contained goals necessary for the implementation of the strategy that have been met as well as goals of the Original Urban Renewal Plan that have not been met at this time; and

WHEREAS, City officials and officials of both the Livingston Urban Renewal Agency (the “URA”) and the City’s Planning Board, have had discussions and review of the conditions that exist in the Urban Renewal District over the recent past; and

WHEREAS, the City, URA, City Planning Board, Park County (the “County”), and both Elementary School District No. 1 (Livingston), Park County, Montana and High School District No. 1 (Livingston), Park County, Montana (collectively, the School District”), have discussed the Plan Amendment and the possibility of the City issuing tax increment revenue bonds (the “TIF Bonds”) payable from tax increments derived from the Urban Renewal District in order to fund all or a portion of the costs of certain tax increment eligible urban renewal projects set forth in the Plan Amendment (the “Urban Renewal Projects”); and

WHEREAS, the Plan Amendment does not change or adjust the boundaries of the Urban Renewal District; and

WHEREAS, URA and the Planning Board/Commission each unanimously provided recommendations on the Plan Amendment to the City Commission; and

WHEREAS, the City provided an opportunity on November 7, 2018 for a joint public meeting with the County and the School District to discuss comments to the Plan Amendment and the extension of the term of the Urban Renewal District beyond January 15, 2019; and

WHEREAS, City policy is to generally hold a public hearing on ordinances after the first reading of such ordinance and the first reading of this Ordinance will be on November 20, 2018; and

WHEREAS, the City Commission will hold a public hearing on November 20, 2018 (the “Public Hearing”) as required by Section 7–15–4215 of the Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43 (the “Urban Renewal Act”), in which members of the public will be provided an opportunity to speak with respect to the Ordinance, the Plan Amendment and the City’s plan to issue TIF Bonds payable from tax increments generated in the Urban Renewal District; and

WHEREAS, the notice of the Public Hearing was made in conformance with the requirements of the Urban Renewal Act and Montana law for the November 20, 2018 City Commission meeting and will be held over and continued until a public meeting on December 4, 2018 and the public will be notified of such continuance of the Public Hearing until December 4, 2018; and

WHEREAS, the City anticipates issuing TIF Bonds to fund all or a portion of the Urban Renewal Projects identified in the Plan Amendment, which are intended to supplement the urban renewal projects identified in the Original Urban Renewal Plan; and

WHEREAS, the issuance of the initial TIF Bonds will occur prior to January 15, 2019, which is the date that the Urban Renewal District will sunset if the TIF Bonds are not issued by the City.

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

SECTION 1

Plan Amendment:

The Plan Amendment, having been duly reviewed and considered is hereby approved and the City Manager is hereby authorized and directed to file said copy with the minutes of this meeting and in the Ordinance Book of the City.

SECTION 2

Ordinance No. 1932:

Unless specifically amended by this Ordinance, the provisions of Ordinance No. 1932 are hereby confirmed and remain in full force and effect and are reaffirmed.

SECTION 3

Adoption of Plan Amendment:

The Original Urban Renewal Plan, as amended by the Plan Amendment attached hereto as Exhibit A, is incorporated fully herein by reference and is hereby adopted and approved.

SECTION 4

TIF Bonds:

That the City is authorized to issue TIF Bonds as necessary to fund all or a portion of the costs of the Urban Renewal Projects set forth in the Original Urban Renewal Plan as amended by the Plan Amendment.

SECTION 5

Codification:

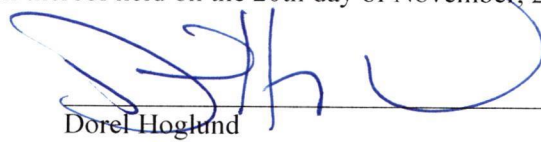
The City Attorney is hereby authorized and directed to recodify this Ordinance.

SECTION 6

Effective Date:

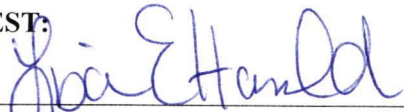
This Ordinance is to be posted as required by law and copies made available to the public upon request. This Ordinance shall take effect thirty (30) days after its final passage.

PASSED, ADOPTED AND APPROVED by the City Commission of the City of Livingston, Montana, on first reading at a regular session thereof held on the 20th day of November, 2018.



Dorel Hoglund
Chair

ATTEST:



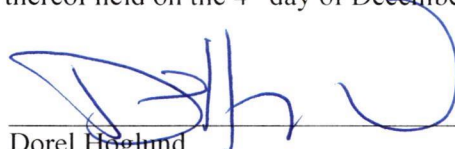
Lisa Harrel, Recording Secretary

APPROVED TO AS FORM:



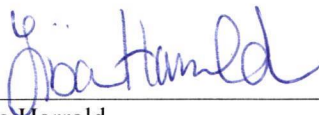
Jay Forteen, City Attorney

PASSED, ADOPTED AND APPROVED by the City Commission of the City of Livingston, Montana, on second reading at a regular session thereof held on the 4th day of December, 2018.



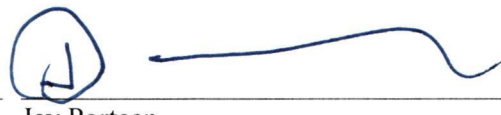
Dorel Hoglund
Chair

ATTEST:



Lisa Harreld
Recording Secretary

APPROVED AS TO FORM:



Jay Porteen
City Attorney

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