

## **"Civics 101: Livingston, Montana"**

Class Outline: February 18, 2010

*"Odds & Ends – Tour of Public Works Facilities"*

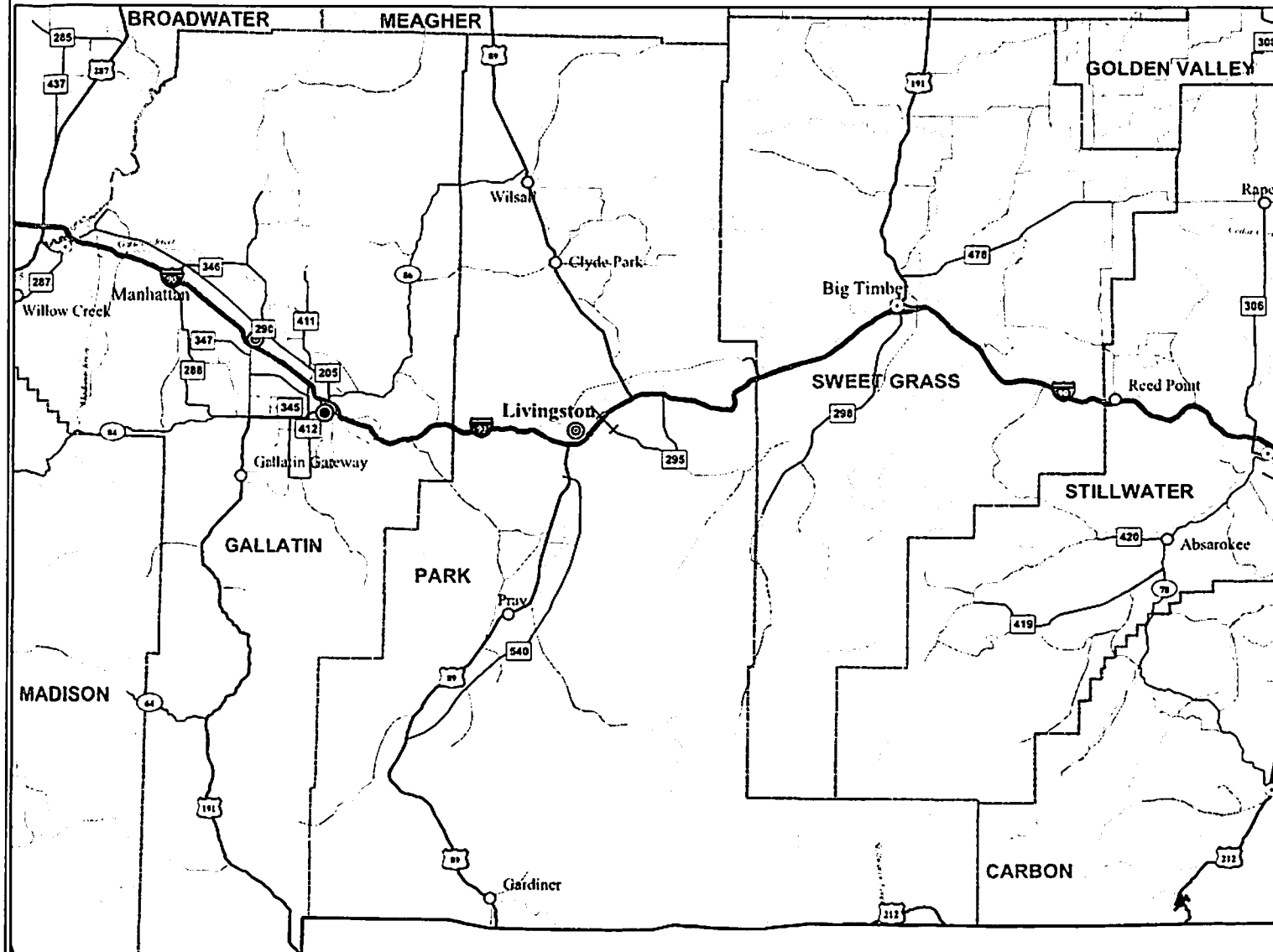
**MEET 6 PM @ Public Works on Bennett Street**

1. City/County Relationship
  - a. Joint Boards/Agencies
  - b. Joint Efforts (IT, Dispatch, etc)
  - c. On-going development efforts
2. Recent Flood Map Process
  - a. Federal Flood Insurance Program
  - b. FEMA/DNRC-MT/USACE
  - c. City Flood Study Maps v. USACE
  - d. Outcomes & Pending Actions
3. Rail Road Underpass Project
  - a. City/County Feasibility Study
  - b. Federal Appropriation History (2009 and forward)
  - c. Memorandum of Understanding/MDOT
4. Other Topics of Interest (from previous 3 classes)

**6:45 PM – Tour of Public Works/Utility Facilities**

# PARK

## Cities and Towns

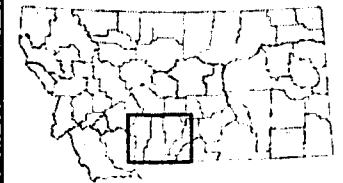


- POPULATION**
- Under 50
  - 51 - 1000
  - 1001 - 2500
  - ◎ 2501 - 10000
  - ◎ Over 10,000
- Interstate  
 — U.S. Route  
 — Secondary Route  
 — Montana Route  
 — Local Road
- Lakes & Reservoirs  
 — Rivers

Cities and Towns from the US Census files and USGS Geographic Names dataset. Population estimates based on 2000 census blocks and tracts information. Roads from US Census TIGER files 2000. Lakes and Rivers from USGS National Hydrography dataset.



1:600,000



# Montana Code Annotated 2009

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**7-4-2101. Composition of board of county commissioners.** Each county may have a board of county commissioners consisting of three members or any other number provided for under any of the forms of government allowed under Title 7, chapter 3.

**History:** En. Sec. 4210, Pol. C. 1895; re-en. Sec. 2881, Rev. C. 1907; re-en. Sec. 4452, R.C.M. 1921; Cal. Pol. C. Sec. 4022; amd. Sec. 1, Ch. 118, L. 1933; re-en. Sec. 4452, R.C.M. 1935; amd. Sec. 1, Ch. 123, L. 1973; R.C.M. 1947, 16-901 (part); amd. Sec. 2, Ch. 291, L. 2009.

*Provided by Montana Legislative Services*

# Montana Code Annotated 2009

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**7-4-2105. Term of office.** (1) The term of office of county commissioners is 6 years unless otherwise provided for under a plan of government provided for in a county adopting an optional or alternative form of government. A county commissioner takes office at 12:01 a.m. on January 1 succeeding the date of the election at which the county commissioner was elected.

(2) A county commissioner elected to take office shall take the oath of office on or before the last business day of December following the commissioner's election, except as provided for in [7-4-2106](#).

**History:** En. Sec. 4210, Pol. C. 1895; re-en. Sec. 2881, Rev. C. 1907; re-en. Sec. 4452, R.C.M. 1921; Cal. Pol. C. Sec. 4022; amd. Sec. 1, Ch. 118, L. 1933; re-en. Sec. 4452, R.C.M. 1935; amd. Sec. 1, Ch. 123, L. 1973; R.C.M. 1947, 16-901 (part); amd. Sec. 4, Ch. 220, L. 1985; amd. Sec. 1, Ch. 421, L. 1997; amd. Sec. 1, Ch. 131, L. 2007; amd. Sec. 5, Ch. 291, L. 2009.

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# Montana Code Annotated 2009

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**7-4-2110. Supervision of county and other officers.** The board of county commissioners has jurisdiction and power, under the limitations and restrictions that are prescribed by law, to:

(1) supervise the official conduct of all county officers and officers of all districts and other subdivisions of the county charged with assessing, collecting, safekeeping, managing, or disbursing public revenue;

(2) see that the officers faithfully perform their duties;

(3) direct prosecutions for delinquencies;

(4) when necessary, require the officers to renew their official bonds, make reports, and present their books and accounts for inspection; and

(5) require the officers to supervise staff in a manner that complies with personnel policies and procedures adopted by the county governing body.

**History:** Secs. 4465-4465.29, R.C.M. 1935, en. as Sec. 4230, Pol. C. 1895; re-en. Sec. 2894, Rev. C. 1907; amd. Sec. 1, Ch. 15, L. 1919; Subd. 5 amd. Sec. 1, Ch. 84, L. 1919; amd. Sec. 1, Ch. 94, L. 1919; re-en. Sec. 4465, R.C.M. 1921; Cal. Pol. C. Sec. 4046; amd. Sec. 1, Ch. 95, L. 1923; amd. Sec. 1, Ch. 54, L. 1927; amd. Sec. 1, Ch. 38, L. 1929; Subd. 28 amd. Sec. 1, Ch. 142, L. 1929; amd. Sec. 1, Ch. 100, L. 1931; re-en. Sec. 4465, R.C.M. 1935; amd. Sec. 1, Ch. 16, L. 1965; R.C.M. 1947, 16-1001(part); amd. Sec. 1, Ch. 112, L. 2003.

*Provided by Montana Legislative Services*

# Montana Code Annotated 2009

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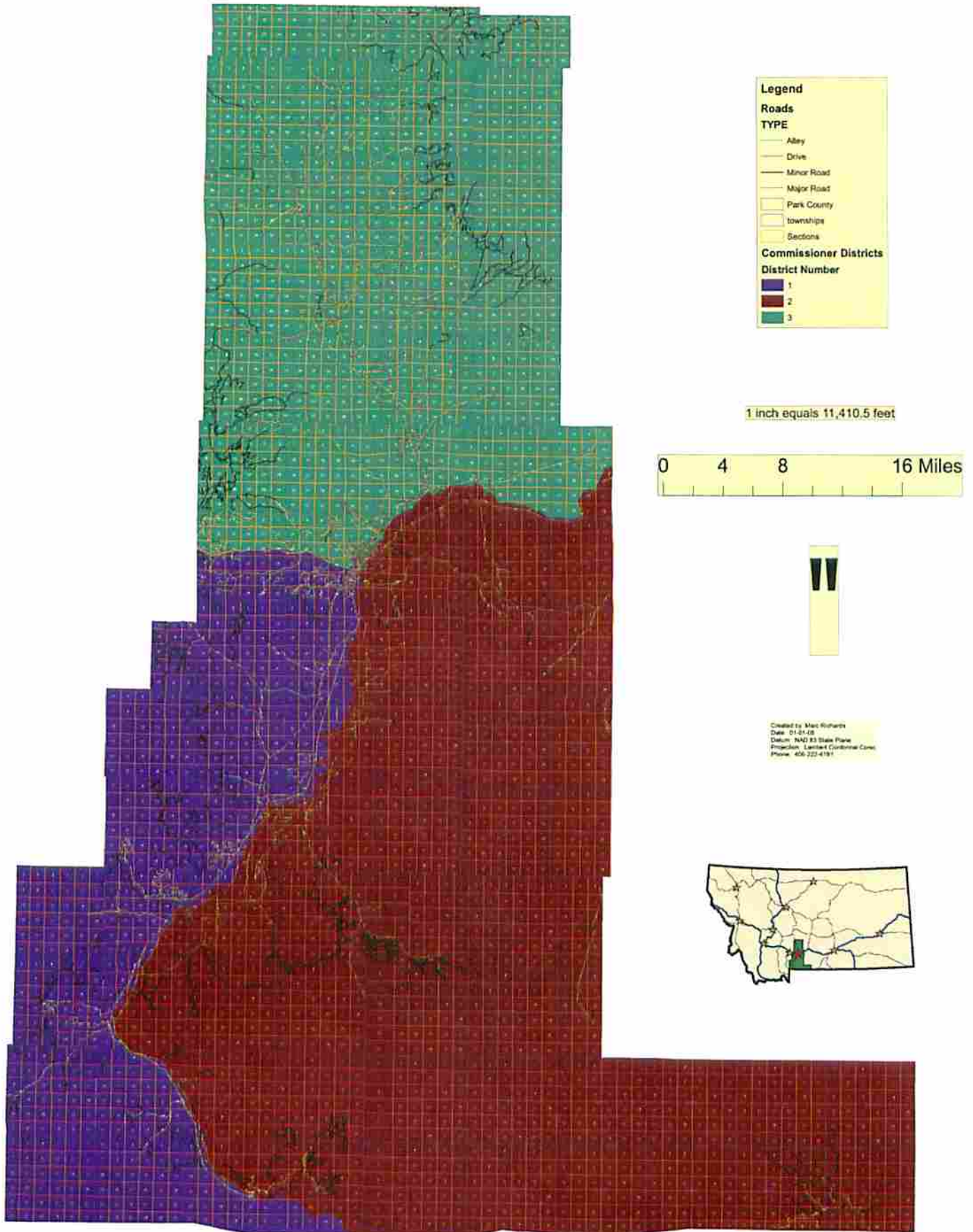
**7-4-2102. Division of county into commissioner districts.** (1) In each county of the state, following each federal decennial census, the board of county commissioners shall divide their respective counties into as many commissioner districts as there are county commissioners and ensure that the districts are as compact and equal in population and area as possible. The apportionment may take place at any time for the purpose of equalizing in population and area the commissioner districts. However, a commissioner district may not at any time be changed to affect the term of office of any county commissioner who has been elected. A change in the boundaries of any commissioner district must be made within 6 months preceding a primary election.

(2) The district judge or judges of the county shall review the action of the commissioners to determine whether or not the action meets the requirements of this section.

**History:** (1), (2)En. 16-902.1 by Sec. 1, Ch. 298, L. 1974; Sec. 16-902.1, R.C.M. 1947; (3)En. 16-902.5 by Sec. 5, Ch. 298, L. 1974; Sec. 16-902.5, R.C.M. 1947; R.C.M. 1947, 16-902.1, 16-902.5; amd. Sec. 1, Ch. 182, L. 1983; amd. Sec. 3, Ch. 291, L. 2009.

*Provided by Montana Legislative Services*

# Park County Commissioners Districts



City of Livingston  
&  
Park County Commission  
February 18, 2010

Joint Funded Staff Positions:

- Custodian (City/County Complex)
- County Sanitarian
- Geographic Information System Director & Asst. Director

Joint Boards:

- 911 Board
- Angel Line Board
- Library Board
- Airport Board
- Health Board
- City/County Complex Maintenance Committee
- Urban Area Transportation Committee (w/MDT)
- Ambulance Advisory Committee

Cooperative Administrative/Operational Efforts:

- 911-Emergency Dispatch
- Livingston-Park County Library
- Drug Awareness Resistance Education (DARE)
- Livingston Ambulance (County-wide tax mills)
- New Telephone System at City/County Complex
- Information Technology Department (IT)
- Recycling (county residents bringing items to Bennett Street)
- Culvert Maintenance (w/in city limits)
- *Automatic Aid*: Park Rural Fire

Joint Projects Currently in Development:

- *Combined* CDBG Revolving Loan Fund (economic development)
- Community Center (auditorium & indoor pool)
- Economic Development Prospects
- Glass Recycling (Chico, Gardiner, Cooke City)



# High water woes

Property values could fall on Livingston's southeast side if a proposed change in federal designation is approved

By Tablla Ganser  
Enterprise Staff Writer

Livingston's housing market might survive the national mortgage crisis only to face a calamity of a different kind that could devalue hundreds of homes in the town's historic southeast neighborhoods.

Within the next six months, the Federal Emergency Management Agency will begin the process of adopting a new flood map, putting much of Livingston's southeast side in the floodway rather than the floodplain, according to Laurence Siroky, bureau chief for the Water Operations and Water Resources Division of the Montana Department of Natural Resources and Conservation.

Public meetings will be held in Livingston before the changes are adopted, Siroky said.

The floodway is "theoretically" the area the Yellowstone River needs to expand every year, City Planner Jim Woodhull explained, whereas the floodplain is where a 100-year flood would extend.

The new map has widespread implications for Livingston that are worrying homeowners, real estate agents and city government officials.

Changing an area from a floodplain to floodway designation brings building restrictions that lower property values by up to 40 percent, according to Park County Board of Realtors President Ern  Meador.

"Any time you put restrictions or limitations on a property, you have an effect on value," Meador said. "They'll just lose a lot of equity."

That's because if the map is adopted, landowners in the floodway couldn't expand the footprint of their buildings, add any structures, make a certain amount of improvements, and possibly, wouldn't be allowed to rebuild their homes if they were destroyed, he said.

Woodhull believes 250 homes will be switched to the more dramatic floodway designation if the maps are



he doesn't know when the new maps will be adopted, but suggested homeowners planning on improving their houses to do it quickly.

Meador said he's frustrated with the proposed map because it was drafted with data from a computer program, rather than aerial photos of the 100-year floods in 1996 and 1997.

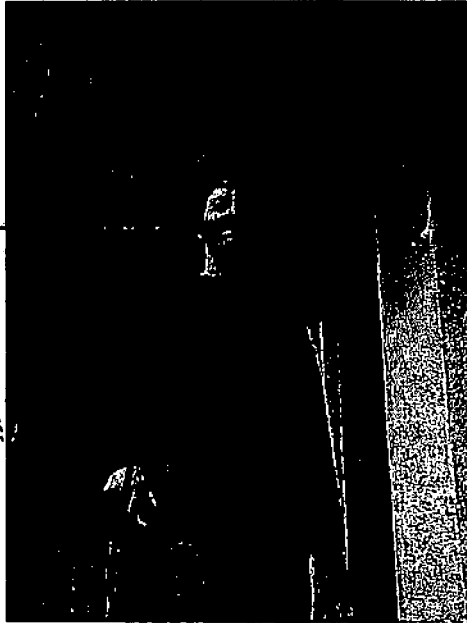
During those floods, most of what the maps show as floodway wasn't even wet, Meador said.

Some of the area's residents who could soon have strict regulations placed on their property don't know anything about the proposed FEMA maps, and don't seem worried, because their homes have never been flooded.

"I'm not concerned about getting flooded," said homeowner Janice Delaney, "but apparently my insurance company is."

Others are confused because they don't know how to find out about the maps and their implications.

"It doesn't seem like anyone has any facts about it."



Janice Delaney stands near the front door of her home, 411 South H Street, Wednesday. Delaney has lived in her home for about one year. Her home is in the proposed floodway area.

Enterprise photo by Angela Schneider

OCTOBER 2007

ulations. For a detailed proposed map of the new designations, visit the City of Livingston and Park County Geographic Information Systems and Information Technology and Rural Addressing manager, in the City-County Complex. For questions about floodway and floodplain regulations, call Woodhull at 222-2070.

FEMA map said the berm is vulnerable to hold back the water. An ongoing study by the U.S. Army Corps of Engineers states that building a higher levee could be an option for Livingston, which would change FEMA maps. However, until a levee is built, Siroky said, the city would have to abide by the FEMA maps and corresponding floodway and floodplain regulations.

could soon be designated in the floodway. They're worried their streets in this neighborhood will become more and more cluttered as restrictions on improvements tighten and property values drop because of the new maps. Most of the south side homes haven't flooded because of a berm built in 1920 along Siskiyou Park. However, members for the

ance. FEMA is "simply identifying the hazard that's always been there," Siroky said. "The maps show these buildings to be in a hazard and hazards do have an effect on the value of the house." If the city doesn't adopt the new map, Livingston residents could not get flood insurance, said Woodhull. City Commission Chairman Steve Caldwell said Monday

January 16, 2009

# **YELLOWSTONE RIVER FLOOD STUDY**

**TECHNICAL REPORT**

**INCLUDES RESPONSES TO FEMA COMMENTS**

**PLUS**

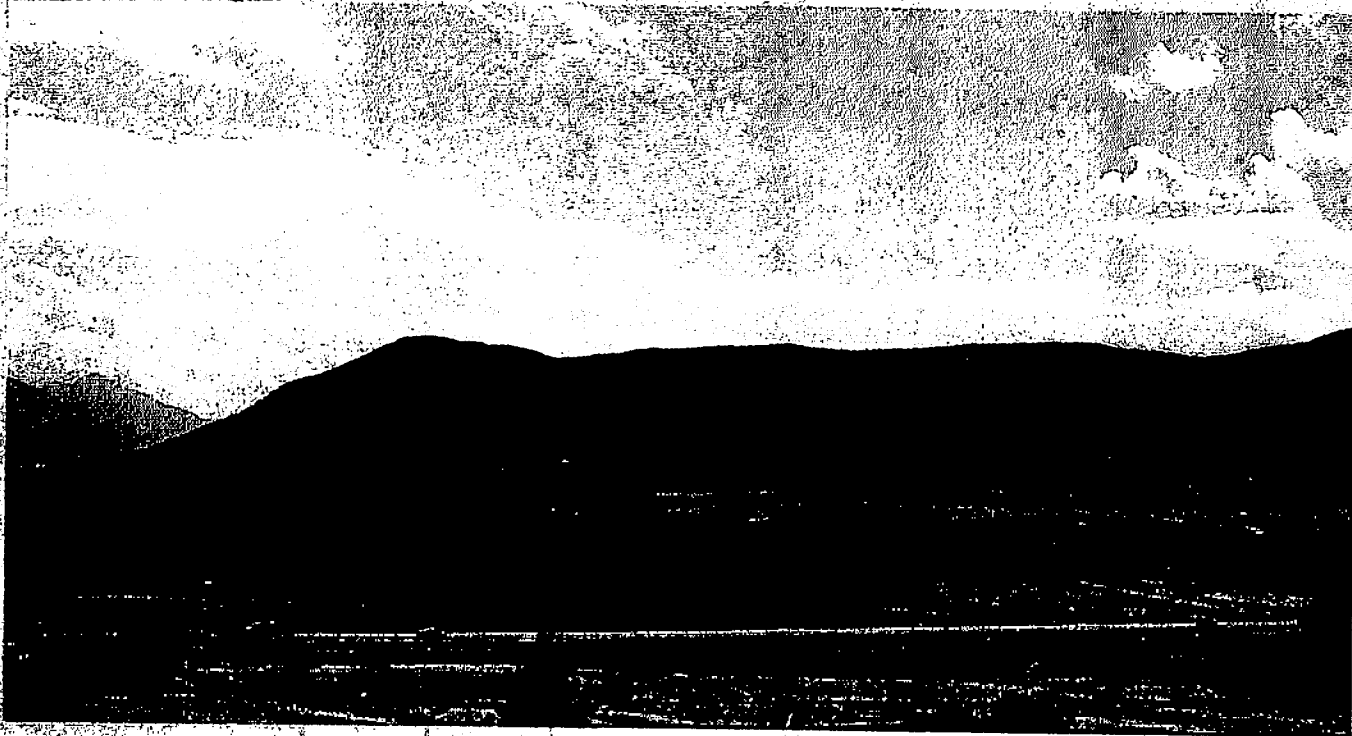
**ADDITIONAL STUDY MATERIALS**

Prepared for:

City of Livingston  
411 East Callender  
Livingston, MT 59047

Prepared by:

Clear Creek Hydrology, Inc.  
1627 West Main Street, #294  
Bozeman, MT 59715  
January 16, 2009



# GRADE-SEPARATED RAIL CROSSING FEASIBILITY STUDY

**ED  
MEECE**  
[www.livingstonmontana.org](http://www.livingstonmontana.org)

PREPARED FOR:

CITY OF LIVINGSTON  
AND PARK COUNTY  
414 EAST CALLENDER ST.  
LIVINGSTON, MT 59047

PREPARED BY:



**HKM ENGINEERING INC.**  
WEST 6<sup>TH</sup> STREET, SUITE 3W  
HELENA, MT 59601

IN ASSOCIATION WITH:



## EXECUTIVE SUMMARY

The City of Livingston and Park County have established a need to improve the area transportation network. The City and County are experiencing significant growth that is anticipated to continue into the future. The growth pattern is predominately to the west and north of the City. In 2005 the City annexed the west corridor of the Highway 10 / I-90 Business Loop to accommodate anticipated commercial and business growth, as the downtown central business district (CBD) has been built out.

Increases in vehicular traffic on the City's state highway routes and adjoining network is a function of not only local population growth but is also affected by I-90 traffic growth and increases in tourism traffic associated with the City's status as a gateway into the Paradise Valley and Yellowstone National Park. A barrier to the transportation system within Livingston has been the railroad, which bisects the city. Three existing railroad crossings are currently located within the City limits – two of these are at-grade crossings located on North 5th Street and on Bennett Street, and the third is a grade-separated under-crossing on Main/B Street.

This feasibility study evaluates current and anticipated conditions relative to vehicle traffic, rail traffic, pedestrian and bicycle traffic, and the related trends to these patterns for a specific railroad grade separated crossing location. The proposed grade separated railroad crossing site is located on the western fringe of Livingston and would connect Star Road with the I-90 Business Route (Highway 10). The study location was identified by the City and County based upon growth patterns, elevation of the railroad relative to Highway 10, and relation to the existing transportation network.

A design concept that satisfies applicable *City of Livingston Urban Design Framework Master Plan* design criteria and MDT Urban Design Standards was developed for the study location. The railroad structure was developed to conform to Montana Rail Link / Burlington Northern Santa Fe Railway Company (BNSF) Standards and the *American Railway Engineering and Maintenance-of-Way Association (AREMA) Manual for Railway Engineering*.

A traffic analysis and update of the City's traffic model confirmed that a railroad crossing at the proposed Star Road location would benefit the City's transportation system by reducing congestion and decreasing emergency vehicle response times. The analysis also documents

that this location better serves the community than an alternative crossing that was located one mile west of the study location.

The 5<sup>th</sup> Street railroad crossing was analyzed for removal and it was determined that this would be detrimental to the Main/B Street crossing while the additional demand at the Star Road crossing could easily be accommodated. Because improvements to the Main/B Street under-crossing and associated intersection with Highway 10 would be extremely expensive without commensurate benefits, closure of the 5<sup>th</sup> Street crossing is not considered feasible.

The preliminary planning level cost estimate for the feasibility study alternative is \$8.7 million. Costs were based upon average bid unit prices for similar type improvements. Funding the improvements will need to come from a variety of sources, and a mix of federal, state and local funding is the most likely formula for success.

No fatal flaws have been identified that would preclude a grade-separated railroad crossing from being constructed at the study site. Three existing roadways would need to be modified to facilitate construction of a grade-separated under-crossing at the proposed location. There are no significant environmental issues associated with the study site that have been identified through the preliminary screening process. The traffic analysis documents that the proposed crossing would benefit the transportation network within the study area. The study design concept developed would not require any significant deviations from applicable design standards. We recommend the City of Livingston and Park County move to the next step of Environmental Documentation and Preliminary Design of the railroad grade separated crossing at the study location.

**Grade Separated Rail Crossing  
Feasibility Study – Draft Report  
Livingston, MT**

**Table 3 – Potential Funding Sources**

Funding Sources	Environmental - Design 2008 – 2011 (\$1000)	Construction 2012 (\$1000)
<b>Local:</b> Bridge and Road Mill Levies (Property Taxes) System Impact Fees Specific Development with Benefit	\$150	\$456
<b>State:</b> MDT Railway-Highway Crossing Program (Section 130) Funding MDT Surface Transportation Program (STP) MDT Surface Transportation Program Urban (STPU) MDT Community Transportation Enhancement Program (CTEP)		\$1,140
<b>Federal:</b> Projects of National & Regional Significance Transportation & Community & System Preservation Program Congressional Earmarks High Priority Project (HPP) Authorization Transportation Improvement Projects (TIP)	\$921	\$6,005
<b>Railroad:</b>		
<b>Private:</b> Direct Contribution		
	\$1,071	\$7,601

2/18/10 Funding Update:

\$333,000  
 \$584,000  
 \$650,000  
 \$1,200,000  
 -----  
 \$2,767,000.00

2009 Federal Appropriation  
 2010 Federal Appropriation (T-HUD)  
 2008 Local Mill Levy (RR Underpass Only)  
 Four Years 'Urban Allocation' (State of MT)

