

City Commission Minutes
October 18, 2011
6:30 p.m.

1. CALL TO ORDER.
 - a. Chairman Caldwell called the meeting to order at 6:30 p.m.
2. ROLL CALL.
 - a. Caldwell, Bennett, and Spannring were present.
 - b. VanAken and Jones were absent.
3. PLEDGE OF ALLEGIANCE.
4. CONSENT ITEMS:
 - a. Consent Item A, "Approve October 4, 2011 City Commission meeting minutes," was removed from consideration by the Administration.
 - b. Bennett moved to approve Consent Items B and C. Spannring seconded.
 - i. All in favor, the motion passed 3-0.
5. PROCLAMATIONS:
 - a. None.
6. SCHEDULED PUBLIC COMMENT:
 - a. None.
7. PUBLIC HEARINGS:
 - a. Resolution No. 4241 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2010-2011, BY MAKING REVENUE ADJUSTMENTS IN THE AMOUNT OF \$127,000.00 AND APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$135,655.00. (00:01:28)
 - i. Chairman Caldwell solicited public comment. Hearing no comment, Chairman Caldwell closed the public hearing.
 - ii. Bennett moved to approve Resolution No. 4241. Spannring seconded.
 1. All in favor, the motion passed 3-0.
 - b. Request for waiver of impact fees from Livingston School District. (00:14:52)
 - i. Jim Woodhull, Director of Planning and Building/ Code Enforcement, commented on the request.
 - ii. Frank Horiel, Livingston School Board Member, made comments. (00:14:55)
 - iii. George Borneman made comments. (00:20:15)
 - iv. Tim Stevens made comments. (00:21:32)
 - v. Nathan Robinson submitted comments for the record via email. (On file)
 - vi. Hearing no further public comment, Chairman Caldwell closed the hearing.

- vii. Bennett moved to defer this decision until the Commission has further information and that the funds that have already been paid for this impact fee be held in reserve so that they cannot be spent, so that if there is a future refund the monies will be available. Spanning seconded.
 - 1. Caldwell and Bennett voted in favor of the motion. Spanning voted against the motion.
 - a. The Commission recessed to clarify the status of the motion under the Rules of Procedure for the Livingston City Commission. (00:42:11)
 - b. City Attorney Bruce Becker advised Chairman Caldwell that under Section 2-15 of the Rules, Quorum: "A quorum shall consist of three (3) commission members. However, an affirmative vote of the majority of the entire Commission shall be necessary to adopt or reject any motion." (00:00:00, Part 2)
 - i. The motion failed 2-1, not having received a vote of the majority of the entire commission.

8. ORDINANCES:

- a. Ordinance No. 2035 – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 2010 AS CODIFIED BY CHAPTER 23 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED TREES BY REQUIRING ABUTTING PROPERTY OWNERS TO BE RESPONSIBLE FOR REGULAR WATERING CARE AND MAINTENANCE OF STREET TREES.
 - i. Discussion of Ordinance No. 2035 was moved to Action Item 10 D at the request of the Administration.

9. RESOLUTIONS:

- a. Resolution No. 4242 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING USE AGREEMENT WITH THE LIVINGSTON ICE SKATING ASSOCIATION FOR DEVELOPMENT OF AN ICE SKATING RINK AND ESTABLISHING RULES AND REGULATIONS FOR USE. (00:00:50)
 - i. Bennett moved to approve the Resolution. Spanning seconded.
 - 1. Matthew Higgins, Interim President of the Livingston Ice Skating Association, made comments. (00:05:27)
 - 2. All in favor, the motion passed 3-0

- b. Resolution No. 4243 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONSTRUCTION AGREEMENT WITH THE MONTANA DEPARTMENT OF TRANSPORTATION FOR FEDERAL AID PROJECT NO. UPP7404(6) TO SEAL AND COVER FRONT STREET FROM MAIN STREET TO MOUNTAIN VIEW CEMETERY. (00:08:31)
 - i. Bennett moved to approve the Resolution. Spannrng seconded.
 - 1. All in favor, the motion passed 3-0.

10. ACTION ITEMS:

- a. Kevin Larkin – Presentation for a name change of the “M” Street Park to be renamed to the “Katie Bonnell Park”.
 - i. The Administration received general direction from the Commission to draft a Resolution of Intent to change the name of the park for consideration at a future meeting. (00:22:35)
- b. Discuss/approve/deny protest from the Livingston School District management of building permit fees. (00:23:21)
 - i. Jim Woodhull, Director of Planning and Building/ Code Enforcement, responded to questions.
 - ii. Nancy Adkins made comments. (00:30:45)
 - iii. Sarah Sandberg made comments. (00:31:45)
 - iv. The Commission took no action on this item.
- d. Discuss proposed Ordinance No. 2035. (00:33:00)
 - i. Nancy Adkins made comments. (00:42:38)
 - ii. Patricia Grabow made comments. (00:44:04)
 - iii. Joe Parriott made comments. (00:50:35)
 - iv. Alex Scaff made comments. (00:57:03)
 - v. Lisa Adams made comments. (01:13:20)
 - vi. Lee Parriott made comments. (01:18:15)
 - vii. Spannrng moved to have the Commission reconsider this Item in January 2012. Bennett seconded. (01:22:25)
 - 1. All in favor, the motion passed 3-0.
- c. Presentation of the 2011 Urban Forestry Excellence Award.
 - i. Ed Meece presented the award to Clint Tinsley and Sandy Wulf representing the City of Livingston Public Works Department. (01:23:14)

11. CITY COMMISSION COMMENTS.

- a. Spannrng asked about the status of negotiations with AFSCME and made comments on that matter. (01:26:36)

- b. Bennett asked about the possibility of requesting an executive session to discuss the City's negotiations with AFSCME. (01:37:25)
 - i. Caldwell expressed reservations about holding an executive session. (01:39:55)
 - ii. The Commission agreed to put the issue of an executive session on the November 1 agenda, unless the mediation timeline required earlier action. (01:43:03)
- c. Bennett made comments on solid waste rate increases. (01:43:25)

12. PUBLIC COMMENTS. (01:46:25)

- a. Patricia Grabow made comments on the trees in Sacajawea Park. (01:46:34)
 - i. Ed Meece and Clint Tinsley, Public Works Director, responded to Ms. Grabow's comments.

13. ADJOURNMENT.

- a. Bennett moved to adjourn the meeting. Spannring seconded.
 - i. All in favor, the motion passed 3-0.
 - ii. The meeting adjourned at 9:16 p.m.

ATTEST:

APPROVE:

David Fine
Recording Secretary

Steve Caldwell
Commission Chairman