

Minutes of Livingston City Commission
March 1, 2011
6:30 p.m.

A) Call to Order:

- a. Chairman Caldwell called the meeting to order at 6:30 p.m.
- b. Commissioners present were James Bennett, Bill Spanning, Juliann Jones, Rick VanAken, and Steve Caldwell.

B) Consent Items (00:00:46):

- a. Spanning moved to approve Consent Items A and C, Bennett seconded.
 - i. All in favor, motion to approve Consent Items A and C passed.
- b. VanAken moved to approve Consent Item B, Bennett seconded.
 - i. All in favor, motion to approve Consent Item B passed.

C) Public Hearings:

- a. **Resolution No. 4186 (00:09:00)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CREATING A BUSINESS IMPROVEMENT DISTRICT, FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, PROSPERITY, SECURITY, AND GENERAL WELFARE OF THE INHABITANTS OF THE DISTRICT AND THE PUBLIC AND WHICH WILL BE OF SPECIAL BENEFIT TO THE PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT.**
 - i. Carol Mories explained her letter of protest included in the Commission packet, and asked several questions regarding the BID.
 - ii. Patricia Grabow reiterated the main points of the letter she provided for the Commission packet.
 - iii. Don Gimbel spoke in favor of the BID and answered questions that others had posed during the public hearing.
 - iv. Dan Schmidt spoke in favor of the BID and answered questions that others had posed during the public hearing.
 - v. Ryan Springer spoke in favor of the BID and further clarified information.
 - vi. The public hearing was closed.
 - vii. Jones moved to approve Resolution No. 4186, VanAken seconded.
 - viii. Adam Stern spoke to clarify some information regarding the BID boundaries.
 - ix. Bob Ebinger answered some questions the Commission had.
 - x. All in favor, motion to approve Resolution No. 4186 passed.

D) Resolutions:

- a. **Resolution No. 4184 (01:04:00)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH AFSCME LOCAL 2711-A APPROVING THE FEBRUARY 2011 PERSONNEL POLICY WHICH INCLUDES ALCOHOL AND CONTROLLED SUBSTANCE USE AND TESTING.**
 - i. VanAken moved to approve Resolution No. 4184, Jones seconded.
 - ii. All in favor, motion to approve Resolution No. 4184 passed.

b. Resolution No. 4187 (01:14:20)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, IN SUPPORT OF AMTRAK PASSENGER RAIL SERVICE ACROSS MONTANA'S SOUTHERN ROUTE AND CONTINUED FUNDING FOR AMTRAK'S EMPIRE BUILDER ROUTE ACROSS MONTANA'S HI-LINE.

- i. VanAken moved to approve Resolution No. 4187, Jones seconded.
- ii. All in favor, motion to approve Resolution No. 4187 passed.

E) Action Items:

a. Action Item A (01:23:30) - Discuss Urban Renewal Agency street arts program.

- i. Adam Stern, URA President, made a presentation on the proposed street arts program, and answered questions from the Commission and the public.
- ii. Carol Mories spoke regarding her feelings that the approved BID should fund this project.
- iii. Patricia Grabow spoke regarding her concerns with how TIF money is spent and that she would like to see money made off of the arts program, if implemented, come back to the City and the URA.
- iv. Laura Bray spoke in favor of the arts program, explaining she proposed it to the URA and that she feels there are options to be explored.
- v. General direction was given by the Commission to do further research on the topic.

b. Action Item B (012:02:36) - Appoint City Planning Board members. Four (4) vacancies need to be filled.

- i. Jones moved to accept four applications for the Planning Board (Vicki Blakeman, Mark Rehder, Adam Stern, and John Fryer), and to accept Gary Blakely's application for Historic Preservation. VanAken seconded.
- ii. Four in favor, one against (Bennett). Motion to accept applications to boards passed.

F) City Manager Comments (02:04:52):

- a. There were none.

G) City Commission Comments (02:05:22):

- a. Bennett, Caldwell, and Spannrng all made comments.
- b. Spannrng asked that his comments be written out. They were as follows:
 - i. I believe the transfer station, glass crushing operation, is making the individuals that do that sick, and the only way I think this argument will be solved is if they are tested by competent doctors, their respiratory systems are checked. We've been crushing glass for a year, the transfer station's been open for more than a year and I think a physical runs about 600 bucks per person and I think we should spend the money and see if these guys' health is being affected, and if it is we need to take steps to stop whatever's going on. I was an EMT for many, many years and I talked to these guys, they got respiratory issues. I mean, when I go there and dump garbage, they have respiratory issues and I know one of them smokes but I still think they have respiratory issues and I think they are getting sick there. When I was growing up as a child, anybody that worked in a body shop never lived past 65 or 70 because they couldn't breathe and I think the fine dust is causing these people grief, and I also am concerned about anybody dumping garbage

there, that any of that fine dust blowing around that you can't see, it's microscopic, might be affecting the public in general and I think we need to figure it out. Anyway, that's my comment and I'd like that to be in the record please.

H) Public Comments (02:17:13):

- a. There were none.

I) Adjournment:

- a. VanAken moved to adjourn the meeting, Bennett seconded.
- b. All in favor, motion to adjourn the meeting passed.
- c. The meeting was adjourned at 8:47 p.m.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
Commission Chairman