

Minutes of the Livingston City Commission
July 19, 2011
6:30 p.m.

1. Chairman Caldwell called the meeting to order at 6:30 pm.
 - a. Commissioners present were Steve Caldwell, James Bennett, Rick VanAken, Bill Spannring, and Juliann Jones.
2. Consent Items (00:00:42):
 - a. Bennett moved to approve Consent Items A, B, C, D; Spannring seconded.
 - i. All in favor, the motion passed.
3. Scheduled Public Comment (00:01:16):
 - a. Alex Scaff was not in attendance for the scheduled agenda item.
4. Public Hearing:
 - a. Ordinance No. 2031 – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR AN ELECTION ON THE BALLOT ISSUE ON THE QUESTION OF WHETHER THE ELECTORS OF THE CITY OF LIVINGSTON SHOULD ADOPT A SELF GOVERNMENT CHARTER WITH THE COMMISSION-MANAGER PLAN OF GOVERNMENT (00:01:26).
 - i. Lee Parriot commented in opposition to the Ordinance.
 - ii. Lenny Gregory commented in opposition to the Ordinance.
 - iii. Jones moved to approve the Ordinance; VanAken seconded.
 1. Bennett moved to amend the Ordinance Section 3.01.01 to be in accordance with state statute requiring approval by the affirmative vote of a majority of the whole commission for removal of the City Manager; Spannring seconded. All in favor, the amendment motion passed. (00:25:09)
 2. Caldwell, VanAken, and Jones voted in favor of the main motion; Bennett and Spannring opposed. The motion passed.
5. Ordinances:
 - a. Ordinance No. 2032 – AN ORDINANCE OF THE CITY COMMISSION OF LIVINGSTON, MONTANA, ESTABLISHING SQUARE FOOTAGE CAPS FOR LOTS LOCATED IN MULE HAVEN SUBDIVISION FOR ASSESSMENTS FOR THE STREET MAINTAINENCE DISTRICT AND STREET LIGHTING DISTRICT (00:44:18).
 - i. Steve Woodruff commented on the Ordinance.
 - ii. Leroy Matthews commented on the Ordinance.
 - iii. Spannring moved to amend the Ordinance to give Mule Haven Subdivision lots an 80% discount; Bennett seconded.
 1. Spannring voted in favor of amendment. Bennett, Caldwell, Jones and VanAken opposed. The motion failed.
 - iv. Bennett moved to amend the Ordinance to establish square footage caps at 70% instead of 50% for Mule Haven Subdivision; Spannring seconded.
 1. All in favor, the motion passed.
 - v. Jones moved to approve the Ordinance as amended; VanAken seconded.
 1. All in favor, the motion passed.
6. Scheduled Public Comment:
 - a. Alex Scaff commented on the dead trees at “G” Street Park and the gas leak repair of Geyser Street. (01:13:30)
7. Resolutions:

- a. Resolution No. 4215 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH STAHL ENGINEERING FOR CONSTRUCTION INSPECTION, STAKING AND ADMINISTRATION OF T-ALLEYS WATER AND SANITARY SEWER REPLACEMENT PROJECT IN THE AMOUNT OF \$80,544.00. (01:24:30)
 - i. Bennett moved to approve the Resolution; Spannring seconded.
 - 1. All in favor, the motion passed.
- b. Resolution No. 4216 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONSTRUCTION AGREEMENT WITH SIME CONSTRUCTION FOR CONSTRUCTION T-ALLEYS WATER AND SANITARY SEWER REPLACEMENT PROJECT IN THE AMOUNT OF \$1,049,780.00. (01:33:22)
 - i. Spannring moved to approve the Resolution, Bennett seconded.
 - 1. All in favor, the motion passed.
- c. Resolution No. 4217 – 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 2011-2012 IN THE ESTIMATED AMOUNT OF \$784,000.00 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. (01:39:35)
 - i. Lenny Gregory commented on the Resolution.
 - ii. Harold Stewart commented on the Resolution.
 - iii. Spannring moved to approve the Resolution; Bennett seconded.
 - 1. Jones, Spannring, VanAken, and Caldwell voted in favor of the motion; Bennett opposed.
 - a. The motion passed.
 - iv. Chairman Caldwell called for a five minute recess at 8:28 p.m.
- d. Resolution No. 4218 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING 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 2011-2012 AND OF ITS INTENT TO LEVY AND ASSESS 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 AND CALLING FOR A PUBLIC HEARING. (00:00:00, Part 2)
 - i. Bennett moved to approve the Resolution; VanAken seconded.
 - 1. All in favor, the motion passed.
- e. Resolution No. 4219 - 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 2011-2012 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. (00:03:14)
 - i. Bennett moved to approved the Resolution; VanAken seconded.
 - 1. All in favor, the motion passed.

- f. Resolution No. 4220 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH TWO BIT FRANKS FOR SUMMERFEST ALONG THE YELLOWSTONE, 2011 (00:08:48).
 - i. VanAken moved to approve the Resolution; Spannring seconded.
 - 1. All in favor, the motion passed.
- 8. Action Items:
 - a. Action Item A: Discuss/ approve/ deny the Parking Lot Improvement Program Project #5 from the Urban Renewal agency for replacing a chunk of concrete in the Payne Realty parking lot with a tree in the amount of \$2,183 or \$1,783. (00:10:12)
 - i. Adam Stern presented and answered questions.
 - ii. Jones moved to approve Project No. 5; Bennett seconded.
 - 1. All in favor, the motion passed.
 - b. Action Item B: Discuss/ approve/ deny the Parking Lot Improvement Program Project #6 from the Urban Renewal agency for replacing an old sign pylon at Key Insurance parking lot with a 4' x 4' planter and tree in the amount of \$1,858. (00:16:28)
 - i. Bennett moved to approve Project No. 6; Spannring seconded.
 - 1. All in favor, the motion passed.
 - c. Action Item C: Discuss/ approve/ deny budget alignment policy for the Livingston Urban Renewal agency. (00:17:10)
 - i. Adam Stern presented and answered questions.
 - ii. Bennett moved to approve the policy; Spannring seconded.
 - 1. All in favor, the motion passed.
 - d. Action Item D: Discuss advertising for a city representative to the City/ County Health Board as our city representative has resigned. (00:23:47)
 - i. The Commission directed the Administration to advertise for a city representative.
- 9. City Manager Comments (00:24:11):
 - a. VanAken, Spannring and Bennett made comments.
- 10. City Commission Comments (00:29:36):
 - a. Bennett, Spannring and VanAken made comments.
- 11. Public Comment (00:34:00):
 - a. Wayne Fink made comments.
- 12. Adjournment:
 - a. Bennett moved to adjourn the meeting; VanAken seconded.
 - i. All in favor, the motion passed.
 - ii. The meeting adjourned at 9:15 p.m.

ATTEST:

APPROVE:

David Fine
Recording Secretary

Steve Caldwell
Commission Chairman