

LIVINGSTON CITY COMMISSION MINUTES

Tuesday, March 17, 2020, 5:30 pm

City-County Complex, Community Room

1 Call to Order

2 Roll Call

*** Hoglund, Mabie and Nootz were present. Schwarz participated by phone, Friedman absent.**

3 Moment of Silence

4 Pledge of Allegiance

5 Public Comments

Due to the World Health Organization's declaration of a global pandemic of Coronavirus Disease (COVID-19) The CDC & MT DPPHS issued a recommendation of limiting council meetings to essential business only.

In an effort to mitigate the imminent risk of exposure and infection to others, the City modified it's published agenda to approval of consent items, 1st Reading of Ord. No. 2087, added Resolution No. 4893. Non-essential items will be moved to a future agenda.

6 Consent Items (00:03:19)

*** Mabie motioned to approve A through D, seconded by Nootz.**

*** All in favor, motion passed 4-0.**

7 Proclamations

8 Scheduled Public Comments (cancelled)

9 Public Hearings

10 Ordinances (00:03:50)

A. Ordinance No. 2087: An Ordinance of the City Commission of the City of Livingston, Montana amending section 30.13 of the Livingston Municipal Code entitled Official Zoning Map of the City of Livingston by zoning the Green Acres Subdivision and Green Acres Park Medium Density Residential (R2) and Public (P) respectively.

*** Kardoes gave opening statement**

*** Nootz made comments (00:06:16)**

*** Mabie made comments (00:07:13)**

*** Nootz motioned, Mabie seconded.**

All in favor, motion passed 4-0.

11 Action Items (Pulled)

*** Kardoes gave statement about status of each item, rescheduling.**

*** Nootz requested Kardoes reiterate disclaimer that the City is following the CDC, State, and County Health Department to only conduct necessary business items only. (00:10:20)**

12 City Manager Comments (00:10:44)

*** Kardoes gave update regarding current actions City is taking to address COVID-19 outbreak, present emergency resolution to commission, and discuss how to move forward with city board/committee meetings.**

*** All City offices closed to public, remain open for operations, for 8 weeks per CDC recommendations or until further order from Governor.**

*** County is looking at declaring an emergency possibly Thursday.**

*** City created new web page to update the Community on the Coronavirus updates. Good, factual information throughout Montana, provides resources for impacted individuals, showing real-time daily confirmed case listed current closures in Park County, other closures, basic information what to do if you feel ill, how to stop the spread, how to do social**

distancing, links to reliable scientific information, CDC website, DPHHS, St. Johns Hospital app, real-time information.

- * Kardoes provided Commissioners with MCA 2019 10.3.402-406 Who can declare an emergency. How to recover FEMA funds, how to initiate the Park CO. Emergency Operations Plan, to direct and compile an evacuation and to control the ingress and egress from emergency areas. Commission can approve additional 2 mills per local emergency. (00:16:16)

- * Kardoes provided Commissioners with emergency Res. No. 4893: Acknowledging and defining the City Manager's Power to declare an emergency and the City Manager's exercise of that authority. (00:19:58)
 - * Mabie made comments (00:27:09)
 - * Nootz asked clarifying questions (00: 27:54)
 - * Hogle asked clarifying questions (00:37:00)
 - * Schwarz made comments (00:43:37)
 - * Mabie motioned, Schwarz seconded
 - All in favor, motion passed 4-0.

- * Kardoes advised following the authorities recommendations to not hold any regular scheduled meetings unless there is a legal need to do so for 8 weeks and suspending all City Commission & City Boards & Committee meetings except April 7 unless there is a legal reason to meet or until further order.
 - * Hogle concurred (00:47:25)
 - * Mabie suggested cancelling commission listening sessions
 - * Schwarz concurred
 - * Nootz made comments (00:50:27)
 - * Kardoes made clarifying comments (00:56:02)
 - * Lawellin made comments (00:57:34)

13 City Commissioner Comments (01:03:11)

- * Nootz made comments (01:03:12)
- * Mabie made comments (01:05:44)
- * Schwarz made comments (01:07:32)
- * Hogle made comments (01:09:06)

14 Adjournment (01:12:14) 6:45 p.m.



Livingston City Commission Agenda

March 17, 2020

5:30 PM

City – County Complex, Community Room

MODIFIED AGENDA DUE TO COVID-19

1. Call to Order

2. Roll Call

3. Moment of Silence

4. Pledge of Allegiance

5. Public Comment

Individuals are reminded that public comments should be limited to item over which the City Commission has supervision, control jurisdiction, or advisory power (MCA 2-3-202)

6. Consent Items

- A. RATIFY CLAIMS PAID FROM 03/01/2020-03/15/2020. PG. 5**
- B. APPROVE MINUTES FROM 3/3/2020 CITY COMMISSION MEETING. PG. 16**
- C. APPROVE MARY BEEBE'S APPLICATION FOR CITY-COUNTY HEALTH BOARD. PG. 20**
- D. APPROVE SPECIAL PARKING APPLICATION FROM PHILLIP BURG. PG. 22**

7. Proclamations

8. Scheduled Public Comment

- ~~**A. ALEXIS VAN PERNIS ENERGY CORPS INTERN, PRESENTATION TO LIVINGSTON CITY COMMISSION.**~~
- ~~**B. RUSSELL LEWIS OF THE SHANE LALANI CENTER WITH PRESENTATION REGARDING UPCOMING CAPITAL IMPROVEMENT PROJECT. PG. 26**~~

9. Public Hearings

10. Ordinances

- A. ORDINANCE NO. 2087: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING GREEN ACRES SUBDIVISION AND GREEN ACRES PARK MEDIUM DENSITY RESIDENTIAL (R2) AND PUBLIC (P), RESPECTIVELY. PG. 38**

11. Resolutions

- A. RESOLUTION NO. 4893: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ACKNOWLEDGING AND DEFINING THE CITY MANAGER'S POWER TO DECLARE AN EMERGENCY AND THE CITY MANAGER'S EXERCISE OF THAT AUTHORITY. PG. 87**

12. Action Items

- ~~A. DISCUSS: LAUREL RHODES, DVM, REQUEST FOR A FEE WAIVER FOR THE USE OF THE CIVIC CENTER ON APRIL 4 AND MAY 2, 2020. TO PROVIDE A LOW COST COMMUNITY CANINE AND FELINE VACCINATION AND MICROCHIP CLINIC. PG. 52~~
- ~~B. SHANE CENTER REQUEST FOR RELIEF FROM BUILDING PERMIT FEES FOR ACT II CAPITAL IMPROVEMENT PROJECT. PG. 63~~
- ~~C. ACTION: DISCUSS UPCOMING PROFESSIONAL DEVELOPMENT OPPORTUNITIES FOR LIVINGSTON CITY COMMISSIONERS. PG. 65~~
- ~~D. CITY COMMISSION TO DISCUSS AND PROVIDE FOCUSED DIRECTIVE TO CITY CONSERVATION BOARD.~~
- ~~E. ACTION: DISCUSS RAILROAD CROSSING OPTIONS PG. 83~~

- 13. City Manager Comment
- 14. City Commission Comments
- 15. Adjournment

Calendar of Events

APRIL 2020

CALENDAR MONTH APRIL
CALENDAR YEAR 2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29	30	31	1	2	3	4
5	6 Zoning Commission Work Session 5:30-7:30	7 City Commission Meeting 5:30 p.m.	8 Quarterly City-County Board of Health Meeting 5:30 p.m.	9	10	11 Commissioner Listening Session Livingston Home Outfitters 9-11am
12	13	14 Historic Preservation Committee mtg. 3:30 p.m. Zoning Commission Meeting 5:30pm	15	16 Tree Board Meeting Noon City Manager Annual Evaluation 5:30 pm	17	18
19	20	21 City Commission Meeting 5:30 p.m.	22 Library Board Mtg. 4PM Conservation Board 5:00 PM Planning Board mtg 5:30PM Sister City Board.Mtg. 7PM	23	24	25
26	27	28 Commissioners MT Healthy Communities Conference- Helena 4/28-4/30	29 Parks and Trails Committee Meeting 6:00pm	30	1	2

RESOLUTION NO. 4893

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA ACKNOWLEDGING AND DEFINING THE CITY MANAGER’S POWER TO DECLARE AN EMERGENCY AND THE CITY MANAGER’S EXERCISE OF THAT AUTHORITY.

WHEREAS, an epidemic of the Coronavirus Disease (“COVID-19”) has occurred across the United States;

WHEREAS, the World Health Organization has declared COVID-19 a global pandemic that is controllable via precautionary measures to stop the spread of the disease;

WHEREAS, the City faces an imminent threat to life and public health resulting from COVID-19;

WHEREAS, MCA 10-3-402 provides for the principal executive officer of a political subdivision to declare a local emergency or disaster and the City Manager is the principal executive officer for the City of Livingston;

WHEREAS, the City will commit available resources, and will take action to combat and to alleviate the situation, local resources may not be adequate to cope with the situation; and

WHEREAS, it appears the City Manager may declare an emergency in the City of Livingston in the near future.

NOW, THEREFORE, The City Commission resolves and acknowledges:

Section 1. The authority of the City Manager to declare an emergency based on MCA 10-3-402 is reaffirmed.

Section 2. In addition to the authority granted to the City Manager by MCA 10-3-406, the City Manager using all available information from Federal/State/Local Authorities shall

possess and exercise the following powers:

- a. To approve all claims, payroll, and other financial responsibilities “nunc pro tunc” and bring them before the Commission for ratification after the emergency is terminated.
- b. To use the City of Livingston Revolving Loan Fund in any manner reasonable and necessary to support the businesses of the City of Livingston.
- c. To waive the ordinances of the City of Livingston as necessary to effectively address the emergency.
- d. To impose any reasonable restrictions on travel, parking, or congregating as necessary to address the emergency and in accordance with MCA 10-3-406.
- e. To execute all contracts for the City for \$50,000.00 or less, consistent with applicable state law and bid requirements.

PASSED AND ADOPTED, by the City Commission of the City of Livingston, Montana, this _____ day of March, 2020.

DOREL HOGLUND, CHAIR

ATTEST:

APPROVED TO AS FORM:

FAITH KINNICK
Recording Secretary

COURNTEY LAWELLIN
City Attorney

RESOLUTION NO. 4893: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA ACKNOWLEDGING AND DEFINING THE CITY MANAGER’S POWER TO DECLARE AN EMERGENCY AND THE CITY MANAGER’S EXERCISE OF THAT AUTHORITY.