

LIVINGSTON
CITY COMMISSION MEETING
January 3, 2005
7:30 P.M.

The Livingston City Commission met in regular session on Monday, January 3, 2005 in the Community Room in the City/County Complex. Commissioners present were Steve Caldwell, Mary Beebe, Bob Ebinger, Vicki Blakeman and Frank Horiel.

Staff Members present were Bruce Becker, Steve Golnar, Shirley Ewan, Darren Raney, Clint Tinsley, Jim Woodhull, Peggy Glass, Jim Mastin and Pam Payovich.

Motion was made by Caldwell, second by Ebinger, to approve the December 20, 2004 minutes and the summary of City Accomplishments for 2004.

Frank Horiel requested of the minutes on page 7 first sentence to strike out the word not and change "sure" to "shear" to read: Frank Horiel stated that he was (~~not~~) against time extensions for the shear fact..... Also Mr. Horiel requested to change strike out "that" and insert "and" further down the paragraph where it states: "He encourages all citizens to raise their voice and be heard but speak in the time that is available to move in a working fashion and in a process that exists ~~that~~ and is protected by law and encouraged by clear thought. Mr. Horiel asked under the City Manager comments on page 12 to state: "that the City ~~it~~ is in a very good faith position in+ negotiations". He also asked on page 12 of the minutes under his comments where it states: "He also volunteered his service at any time with any projects", to change to read: "He also volunteered his continued service for Soccer Field, Infrastructure and Sister Cities Committee's."

Bob Ebinger requested on page 11 of the minutes to add his comments about the AIRTEL Wireless Building and fence on Fish Hill. His comments would be: "Bob Ebinger voiced his concerns about the height of the building and antenna of the building proposed and whether lights would be on them." Mr. Ebinger also asked to change in his comments under the City Manager's comments to read: "Bob Ebinger commented about the letter to Mr. Indendi relating to the waiver of the Civic Center for the rental fee for the annual Christmas Dinner ~~in that he liked and the~~ letter to Mr. Hughes on a personnel note a little bit too informal relating to his Eagle Scout project. He liked the tone of the letter to Mr. Hughes and encouraged the use of a more friendly tone in future communications." He also requested under his comments to change to read: "He mentioned that the hospital has requested that ~~they~~ "hospital use" be allowed in RII zoning as a special exception, so that this would ~~allow~~ keep them from needing to upgrade to a higher zoning classification."

Mary Beebe requested in her comments to the City Manager's comments be changed to read: "She suggested that the City and Loaves and Fishes involve themselves be in a pilot for a project to see how well it would work joining with the City relating to garbage disposal."

It was also requested by the Commission to change under Paula Clawson's comments to read: "Paula Clawson made comment that she knows that Loaves and Fishes is joining with the Grizzly ~~Clock~~ Center on Jackson Creek Road in taking their garbage."

Steve Caldwell requested that on page 3 of the minutes under his comments of Resolution No. 3593 that it should read: "Steve Caldwell mentioned that the 3rd whereas in the Resolution and in the reimbursement agreement in the number D (Whereas) there was a ~~transition~~ transposition error and that the amount should be \$96,740.00 instead of \$97,640.00." He also requested on page 4 of the minutes under his comments of Resolution No. 3596 that it should read: "Steve Caldwell indicated the Resolution stated that the City has already purchased from Dana Kepner and was wondering if ~~validating the purchase from Dana Kepner was valid~~ the Commission should validate the purchase." Mr. Caldwell requested on page 8 of the minutes under his comments to change it to read: "Steve Caldwell stated that he isn't concerned about the deadline of the extension that he doesn't want to explicitly or inexplicitly inhibit public comment on this, ~~that~~ He wants this done in an orderly fashion and doesn't want the ~~volunteer group that worked for public comments that were gathered and orally weighed over an eight (8) months on this to have their comments~~ period to be thrown out." He also asked on page 9 of the minutes under Larry Raffety comments to change to read: "Mr. Raffety clarified ~~what~~ that "Catalyst" is ~~and that it is a group pursuing a project and that this~~ is not a group and that it is an attempt ~~in a way to achieve~~ get something done to involve the Arts community and private funding in public infrastructure development."

Mary Beebe requested in the Accomplishments in 2004 to change: ESTABLISHED THE OFFENSE "NUISANCE BARKING DOG" to MODIFIED.

Mary Beebe also requested in the minutes on page 13 to change under Vicki Blakeman's comments to read: "She stated that she had a request from the Stalerly Spay/Neutered Task Force that they would like to have a letter on how their Spayed and Neutered Clinic's have impacted the community."

All in favor of the December 20, 2004 minutes and City Accomplishments for 2004, Motion passed.

The meeting was adjourned in order to turn the reigns over to the new Commission. Vicki Blakeman, Chairman, and Steve Golnar, City Manager, thanked the outgoing City Commissioner, Frank Horiel and presented him with a plaque identifying his year of service in recognition of his commitment as being a part of the City Commission.

Pam Payovich, Administrative/Recording Secretary, gave the oath of office to the new elected Commissioners.

A short recess was taken at 7:40 p.m.

The meeting went back in session at 8:05 p.m.

Roll Call was given by Pam Payovich, Recording Secretary, for the new City Commissioners. Present were Vicki Blakeman, Mary Beebe, Steve Caldwell, Patricia Grabow and Bob Ebinger.

Mary Beebe nominated Vicki Blakeman, as Chairman of the City Commission, second by Steve Caldwell.

Patricia Grabow nominated Steve Caldwell, as Chairman of the City Commission, second by Bob Ebinger.

Vicki Blakeman was elected to be Chairman.

Steve Caldwell nominated Bob Ebinger, as Vice Chairman of the City Commission, second by Mary Beebe.

Patricia Grabow nominated Steve Caldwell, as Vice Chairman of the City Commission, second by Vicki Blakeman.

Bob Ebinger was elected to be Vice Chairman.

The Chairman, Vicki Blakeman, initiated a review of Committee vacancies and nominations for appointments to the following City Boards and Committee.

Patricia Grabow commented that on the Historical Preservation Commission that six (6) position terms are expired and she asked the Commission to advertise for all of the positions in order to give everyone in the community a chance at applying for the open vacancies but yet let those that are still interested in continuing on that Commission to be able to re-apply.

Vicki Blakeman mentioned that it has been quite difficult in the past to even get one application to fill a position.

Bob Ebinger commented that on the Historical Preservation Commission he is listed as the Chair and wanted to clarify that he is a citizen on the Board and that Cloe Auerhammer and Linea Pritchard are the Co-Chairperson's.

Steve Golnar mentioned that the City Tree Board has a position vacancy that expired in December. He stated that this is a fairly new Board and that Ron Nelson whose term has expired is an Arborist and that is one of the position vacancy requirements of this Board that an Arborist be on this Board. Mr.

Golnar also mentioned that the Skate Park Committee, which is a Committee that needs to be revitalized, may need to be advertised for members. It was determined after further discussion that the Skate Park status and the role of a Skate Park Committee should be reviewed before any requests for membership are advertised.

Motion was made by Grabow, second by Caldwell, to advertise all City positions of Advisory Boards, Commissions and Task Forces, for which the terms have expired, with the exception of the Skate Park Committee.

All in favor, Motion passed.

Motion was made by Ebinger, second by Caldwell, to extend the current terms of participation of the Advisory Boards, Commissions and Task Forces until such time new appointments are made.

All in favor, Motion passed.

Motion was made by Ebinger, second by Grabow, to have citizen applications of City Boards, Commissions and Task Forces constructed in an interview process once applications are received by the deadline.

All in favor, Motion passed.

Motion was made by Caldwell, second by Grabow, to accept the Commission Appointments as stated.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve consent items as follows:

- Accept Bills and Claims for 2nd half of December 2004.

Bob Ebinger asked about the claim from the Econo Lodge and wondered what it was for. Darren Raney stated that this was the result of a search warrant search by the Missouri River Drug Task Force for drug sales and paraphernalia activity in two (2) rooms and Police Officers had to force themselves into the rooms and this created damage. Mr. Raney also commented that the Missouri River Drug Task Force, under their agreement with the City, will reimburse the City for this claim minus the \$250 deductible that the City is responsible for.

All in favor, Motion passed.

Resolutions:

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3597 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AMENDED AGREEMENT WITH KEN KASTELITZ AS SUMMERFEST 2005 DIRECTOR AND AUTHORIZING EXPENDITURE OF \$1,937.50.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3598 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CHANGE ORDER NO. 1 TO AGREEMENT WITH DIAMOND D CONSTRUCTION FOR EAST SIDE SCHOOL REPAIR IN THE AMOUNT OF \$5,000.00.**

Bob Ebinger asked since that this is a building that the City is presently nominating as a National Register Building and that there is a possibility that one of the alternatives will be that the applied individual will be looking for a National Historic Tax Credit which is bases for restoration wants to make sure that all documentation photos on anything that is going to be done on the building be done.

Patricia Grabow asked how much of an extension of this is Diamond D Construction asking for. Bruce Becker stated that Diamond D Construction could not estimate this until they got into it. To clarify, Vicki Blakeman, stated that it is the sheathing under the shingles that has to be replaced.

Motion was made by Ebinger, second by Beebe, to direct Diamond D Construction to take photos before, during and after roof repairs and all restoration work.

All in favor, Motion passed.

Patricia Grabow commented that she was not comfortable with extensions of this nature in general. Ms. Grabow clarified that when estimates are received from bids that is what the total bid package should be approved for and not any additional expenses.

Bob Ebinger commented that this happens in a lot of restoration projects that you really don't know what you may run into under you start tearing off some debris and he believes that this is acceptable for the contractor to ask for a change order. But he does agree with Ms. Grabow in the respect that when a contractor doesn't do extensive research before they do a bid that it is not always the responsibility of the City to pay them for their additional expenses.

4 in favor; Blakeman, Beebe, Caldwell and Ebinger, 1 against; Grabow, Motion passed.

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3599 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN ENGINEERING AGREEMENT WITH CTA NELSON ENGINEERING FOR STREET RECONSTRUCTION OF "I" THROUGH "L" STREETS FROM PARK STREET TO CALLENDER STREET AND CALLENDER STREET FROM "H" STREET TO "L" STREET IN THE AMOUNT OF \$59,800 PLUS REIMBURSABLE EXPENSES.**

Patricia Grabow stated that in terms of practice she would like to suggest taking a serious look in hiring an engineer similar to Bozeman. She would like to have a list developed of engineering projects for the future and given the amount of dollars. Also Ms. Grabow would like to know the total job cost and what the % of the project is for engineering.

Clint Tinsley stated that CTA Nelson Engineering percent for engineering is 20% which is comparable to all engineering firms that the City has had in the past.

4 in favor; Caldwell, Ebinger, Beebe and Blakeman, 1 against; Grabow, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3600 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN ENGINEERING AGREEMENT WITH CTA NELSON ENGINEERING FOR WATER AND SEWER MAIN EXTENSIONS TO LEROY MATTHEWS SUBDIVISION IN THE AMOUNT OF \$10,685.00 PLUS REIMBURSABLE EXPENSES.**

4 in favor; Caldwell, Beebe, Ebinger and Blakeman, 1 against; Grabow, Motion passed.

Action Items:

The City Manager reviewed a financing plan for the City's share not to exceed \$18,000 of Phase I and Phase II Emergency Generator Replacement for City/County Building.

Motion was made by Ebinger, second by Caldwell, to approve financial plan for City's share, not to exceed \$18,000, of Phase I and Phase II Emergency Generator Replacement for City/County Building.

All in favor, Motion passed.

A discussion was held to review and consider Draft Ordinance No. 1952 Revising RII Zoning Allowed Uses to include Hospitals.

After discussion from the Commission it was determined to bring this Ordinance No. 1952 back to the City Commission for first reading at their January 18, 2005 (Tuesday) meeting.

A discussion was held to authorize City Manager to sign Memorandum of Understanding with the Livingston Depot Center.

Motion was made by Caldwell, second by Ebinger, to authorize City Manager to sign Memorandum of Understanding with the Livingston Depot Center.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- No one commented on the City Manager comments.

Commissioner Grabow Comments:

- She requested rewording of the Accomplishments for 2004 under special events to change Calamity Jane event downtown to Calamity Jane "Centennial" and noted that Livingston had the unique honor of doing this.
- She also commented on the Main Street Program proposed by Legislature that she is opposed to the Main Street Program.
- She would like to have defined what a "Livingston Landmark" is.
- She had a prepared remark and commented, her historic ties to the community and of the vision of what Livingston is and can be.

Commissioner Ebinger Comments:

- He welcomed Patricia Grabow to the City Commission.
- He also commented that he is pleased to be back representing the City as a City Commissioner for another term and thanked the Commission for electing him as Vice Chairman.
- He commented that in the spirit of good will that it was shown internationally following the Tsunami disaster in the India Ocean how it all comes together to work out problems and show their good faith towards man-kind, that he hopes the good will of this community will come together likewise in working to resolve the problems that are faced by the City and the County.

Commissioner Beebe had no comments.

Commissioner Caldwell Comments:

- He welcomed Patricia Grabow to the City Commission and looks forward to working with her.

Chairman, Blakeman Comments:

- She too welcomed Patricia Grabow and Bob Ebinger back to the City Commission.
- She also thanked the City Commission for electing her as Chairman one more year for the City Commission.

No public comments were given.

Everyone thanked Shirley Ewan for all of the treats especially the "lemon bars".

Motion was made by Caldwell, second by Ebinger, to adjourn the meeting there being no further business. Motion passed.

The time was 9:09 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
January 18, 2005
~~Tuesday~~
7:30 P.M.

The Livingston City Commission met in regular session on Tuesday, January 18, 2005 in the Community Room in the City/County Complex due to the holiday on Monday of Martin Luther King Day on January 17, 2005. Commissioners present were Patricia Grabow, Steve Caldwell, Bob Ebinger, Mary Beebe and Vicki Blakeman.

Staff Members present were Bruce Becker, Steve Golnar, Shirley Ewan, Darren Raney, Clint Tinsley, Jim Woodhull, Peggy Glass and Jim Mastin. Pam Payovich was absent.

Motion was made by Caldwell, second by Beebe, to approve the consent items as follows:

- A. Approve January 3, 2005 Regular City Commission Meeting Minutes.
- B. Approve Bills and Claims for 2004 and 1st half of January 2005.
- C. Department Heads Monthly Reports and Other Minutes.
- D. Approve Special Event Request for Club Boxing Rental of the Civic Center on February 4, 2005.
- E. Approve Recommendation from Clint Tinsley, Public Works Director for bid opening for TV Camera Inspection, Vapor Root Killing and Cleaning of Sanitary Sewer Lines to Pace Construction in the amount of \$38,500.50.
- F. Approve Recommendation from Clint Tinsley, Public Works Director for bid opening for New Dump Truck, Plow & Sander to Motor Power Equipment in the amount of \$82,971.00.
- G. Award bid to Paramount Homes for Sale of City Land which would complete Block 3 of the Palace Addition for \$15,000.00 and compliance with bid conditions, and direct City Attorney to prepare necessary documents.

Bob Ebinger stated that on page 3 of the minutes 2nd to last paragraph where it states: "Bob Ebinger commented that on the Historical Preservation Commission he is listed as the Chair and wanted to clarify that he is a citizen on the Board and that Cloe Auerhammer and "Linea" Pritchard are the Co-Chairperson's" to change Linea to Linnea.

Bob Ebinger mentioned that in the paragraph on page 5 where he comments about Resolution No. 3598 he meant that if the City decided to sell the East Side School to a private party that they would want to go for tax credits whereby the party would want to have documentation on what had been

done to the school. He suggested that the City document anything that they do to the East Side School for this purpose.

Mr. Ebinger also stated that on page 5 of the minutes that it be changed to "until" instead of "under" where it states: "Bob Ebinger commented that this happens in a lot of restoration projects that you really don't know what you may run into ~~under~~ until you start tearing off some debris and he believes that this is acceptable for the contractor to ask for a change order."

Bob Ebinger asked about the claim from Montana Clean that it states 27% and asked in fact if the City's share is 37%. Shirley Ewan stated that yes it is 37% and that it was a typo mistake on the claim.

Mr. Ebinger also asked about the claim from State of Montana Miscellaneous Tax Division and asked what this was for. Shirley Ewan stated that this was 1% of what the City paid Diamond D Construction for the repairs to East Side School.

Patricia Grabow asked on page 6 of the minutes to add what Clint Tinsley stated and requested it to state 20% to 25% so as to read: "Clint Tinsley stated that CTA Nelson Engineering percent for engineering is 20% which is comparable to all engineering firms that the City has had in the past that charged 20% to 25% engineering costs."

Mary Beebe stated that she believed Clint stated that engineering percent was 18% to 25% and not 20% to 25%.

Steve Caldwell requested that on page 2 of the minutes in the longest paragraph where it reads: "Steve Caldwell indicated the Resolution stated that the City has already purchased from Dana Kepner and was wondering if the Commission should validate the purchase." He stated that what he meant was what the Commission was doing if that was what they were doing was validating the purchase?

Steve Caldwell also asked where it states: "Steve Caldwell stated that he isn't concerned about the deadline of the extension that he doesn't want to explicitly or inexplicitly inhibit public comment on this. He wants this done in an orderly fashion and doesn't want the public comments that were gathered and ~~orally~~ weighed over an eight (8) month period to be thrown out." He asked to take out the word "orally".

All in favor of consent items, Motion passed.

Proclamations:

A Proclamation honoring Arbor Day in the City of Livingston on April 29, 2005 was read by Chairman, Vicki Blakeman.

Scheduled Public Comments:

Becki Douglass and Dale Guidi of the Great Bend of the Yellowstone Lewis & Clark gave a power point presentation on the review of the Lewis & Clark Statue Landscaping plan. The design for the landscaping plan was developed by senior design students at Montana State University. Ms. Douglass presented a copy of the design to the Commissioner's and City Staff. The proposed landscaping area is at the Lagoon by the boat dock because of flooding. Ms. Douglass also gave some background information relating to the Sacajawea Statute and stated that the landscaping has to be done before the statute is placed near the Lagoon.

Ms. Douglass requested that the Lewis & Clark Committee is asking the City for help in putting in some of the sidewalks for the landscaping plan, removing the trees, perhaps getting some electrical connections so that the statute could be up-lighted and possibly an irrigation system.

Public Hearings:

A public hearing was held for a zone change from Medium Density Residential (RII) to High Density Residential (RIII) from the Livingston Community Hospital, owners of property described as all of Lots 23-28 in Block 28, Park Addition.

Jim Woodhull, City Planner, gave background information relating to this zone change request. The City Zoning Commission recommended disapproval of the Livingston Community Hospital zone change request.

No public comments were given on this zone change request.

A public hearing was held for a rezoning request from Medium Density Residential (RII) to High Density Residential (RIII) From David Cobb, owner of property described as all of Lots 23-32, Block 82, Original Plat property located at the corner of 5th and Callender Streets.

Jim Woodhull, City Planner, gave background information relating to this zone change request. The City Zoning Commission recommended disapproval of the David Cobb zone change request.

Provided in the packet was a protest petition for the Cobb Zone Change. Of the twenty-nine (29) individual property owners within 150 feet of Mr. Cobb's property, fifteen (15) individual property owners signed the protest petition. This represents 51% protest. Anything more than 25% protest requires a super-majority of 4 votes in order for the City Commission to approve this zone change.

Lawrence D. Cobb, II of 114 Springhills Creek Road made comments relating to this request for a zone change. Mr. Cobb is the Trustee for Lucy Cobb

Irrevocable Trust. He provided a written statement to the City Commission and Staff for the record.

Mr. Cobb also provided pictures of the proposed 14-unit townhouses available for purchase. Parking would be on the interior and garages in or out of the alley. Entrances would be off of 5th Street and there would be two (2) egresses and two (2) ingresses accesses off of the alley.

Patricia Grabow asked Mr. Cobb if the buy-sell agreement that he signed with the buyer today was the same plan of the buyer? Mr. Cobb stated that he would let the buyer speak for himself, as he was present.

Mr. Cobb went on to say that the proposed plan for the area would have handicap parking at the entrance from the alley and access to an elevator. He went to say that the plan for this particular building with the handicap parking and the elevator nearby was originally going to be a clubhouse and/or alike. In the original plan there was going to be two (2) small apartments on the top floor. Mr. Cobb stated that when grandparents or a caretaker comes to visit or is needed the clubhouse would have been too small so the Architect and himself cut out the clubhouse. The apartment on the bottom would be wheel chair and walker accessible. The top deck townhouses would also be wheel chair accessible to the elevator.

Mr. Cobb concluded by stating that the reason for the vision of this proposed project, with the local population getting a little bit gray haired, the community needs quality facilities such as the one proposed. This would not be just for disabled people or for the people that may have a little bit of help in getting around, but that it would also be for others interested in purchasing property and keeping in mind that it would be a very attractive facility for the community. In the proposal there would also be two (2) townhouses close to the Church parking lot.

Bruce Becker, City Attorney, commented that if the City allows this property to become RIII zoned and the buyer decides not to build townhouses as what was proposed that the buyer can build anything that is a use in RIII zoning.

Mr. Cobb thanked the Commission for their time.

Steven Puglicie, representing as President of the company that "Miss Millionaire", purchaser of the West Side School, made comment. He stated that their main concern is the height of the building being proposed and if the property is zoned RIII then anything could be built there and it would distract their view from the School. Mr. Puglicie stated for example that the new buyer of the Cobb property could build a Hotel or a Bed and Breakfast if zoned RIII.

Mr. Puglicie also mentioned that the land has been vacant for quite some time and that "Miss Millionaire" had proposed to have a park put in that area.

Tom Elliott of 426 Mission Creek Road made comment. He stated that he is the new owner of the property or will be shortly when he closes on it. Mr. Elliott stated that he has heard some of the concerns tonight and was not aware of the history of these concerns but he would like to seek in support of this zoning change. He stated that he believes this property is a reasonable density and will increase the tax base for the community. His goal in buying this property with whatever development plans may be is to add value to the surrounding homes. He went on to say that he has hired an Architect, who wrote most of the Livingston historic district regulations, to help him look at the plans that Mr. Cobb has proposed and work with the Architect that Mr. Cobb had in order to develop in its entirely consistent with the neighborhood with the values of our community.

Bob Ebinger asked Mr. Elliott if he would state in liberty what Architect he had hired. Mr. Elliott stated that he has hired David Levengood as the Architect.

Patricia Grabow asked Mr. Elliott if he would state his reasons as opposed to going to RIII from RII.

Mr. Elliott stated that the primary reason from a personnel view is economics. He went on to say that this lot has been vacant for a long time because it is not very attractive to developers. Mr. Elliott commented that this property is pretty low in terms of return on investment compared to most developers by adding these townhouses as proposed by Mr. Cobb. He feels that changing from RII to RIII is a very minor variation from a RII in the sense that you are adding a few more townhouses. He stated that he understands that changing the zoning for this property to an RIII opens up a lot more possibilities and believes that it is a matter of trust from the community. Mr. Elliott also stated that it is not his intention to do anything that is anything less consistent with the neighborhood.

Patricia Grabow asked is a view shed going to be an issue for this property?

Mr. Elliott stated that there is always a way to deal with that and doesn't see any of the concerns that he has heard tonight as unattractable and will work with the design elements in terms of placement and height to reduce that issue.

Bob Ebinger thanked Mr. Elliott on his comments. Mr. Ebinger stated that given the circumstances that he would not vote for a zone change until he sees what Mr. Elliott's intentions are for this property. He suggested to Mr. Elliott to look at 10 units which is by right allowed in RII zoning before he comes back with his presentation.

Mr. Elliott stated that he will come back to the Commission with the plans that he believes that the community will be proud of.

Diana Seider of 126 South 5th Street stated that she urges the Commissioners to reject the zone change request from RII to RIII. Ms. Seider stated that RII zoning is compatible to the neighborhood and that she asked the Commission to uphold the Zoning Commission's recommendation.

Steve Koontz of Eagle Court stated that he is interested in this project and provided a piece of information about this property in previous Commission's. He stated that in 1989 the same thing was tried for this property. The Zoning Commission approved the request but the Council at that time denied the request. Mr. Koontz commented that he doesn't think that zoning will be a problem because Senior citizens would most likely be the purchasers of such a unit and that parking wouldn't be an issues as Senior citizens would probably sell their cars because of the location of the site. In closing Mr. Koontz stated that even though there is some concerns of this proposal that let to the protest petition that perhaps maybe its time to look over that and remember that the decisions that the Commission makes is for the entire City of Livingston and there are a lot of people in outside areas that are looking at what happens here and are looking forward to make their future plans based on the Commission's decision tonight. He believes that this property is an ideal location for what the property owners have in mind.

Bob Ebinger commented that Tom Elliott, the new owner, has not shown the Commission what kind of project he is planning on doing with this property and until the Commission sees those plans he doesn't feel that the Commission has to consider a zone change until then.

Quinten Schwartz of 206 South 6th Street made comment that he agrees with Mr. Koontz as far as RII zoning and RIII zoning but believes that tighter and stricter zoning is needed for the 14 unit number. Mr. Schwartz commented that 10 units would be profitable and would not require a zone change.

Patricia Grabow asked Mr. Schwartz if the Architect that was hired for this property came back to the Commission with a different set of plans would he be interested in seeing what they have to offer and would that change your opinion? Mr. Schwartz answered by stating that the zoning needs to stay as RII so if it was changed to RIII and sold again the property could be anything.

Bob Ebinger commented that we need to remember that both property owners bought this property as RII zoning and that there is a possibility of generating income be used or why would these property owners buy the property.

Motion was made by Caldwell, second by Grabow, to postpone consideration of zoning change of the Cobb property until the February 7, 2005 City Commission meeting.

Bob Ebinger stated that seeing that the property has changed hands he doesn't believe that there is no reason to postpone and believe that the Commission should vote against the zone change request. Then the Commission can listen to Mr. Elliott as far as what his plans are for this property.

Jim Woodhull stated the decision of the Commission needs to be done tonight as there is a due process in order that the City has advertised and only has consent to allow up to 30 days.

Motion was made by Caldwell, second by Grabow, to withdraw his original motion.

Motion was made by Ebinger, second by Beebe, to reject Mr. Cobb's request for a zone change from Medium Density Residential (RII) to High Density Residential (RIII).

Bruce Becker stated that in order to support a zone change the Commission has to approve the Findings of Fact first.

Motion was made by Ebinger, second by Caldwell, to approve the Findings of Fact of Mr. Cobb's zone change request.

1 in favor; Grabow, 4 against; Ebinger, Blakeman, Beebe and Caldwell, Motion denied.

Motion was restated by Ebinger, second by Beebe, to reject Mr. Cobb's request for a zone change from Medium Density Residential (RII) to High Density Residential (RIII) on 5th and Callender Streets.

4 in favor; Caldwell, Beebe, Ebinger and Blakeman, 1 against; Grabow, Motion passed.

This property will remain Medium Density Residential (RII).

Motion was made by Caldwell, second by Ebinger, to approve Findings of Fact of the Livingston Community Hospital Zone Change.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve the Zone Change request from the Livingston Community Hospital, owners of property described as all of Lots 23-28 in Block 28, Park Addition from Medium Density Residential (RII) to High Density Residential (RIII).

4 against; Beebe, Blakeman, Ebinger and Caldwell; 1 abstained; Grabow, Motion denied.

Ordinances:

Motion was made by Ebinger, second by Beebe, to approve 1st reading of Ordinance No. 1952 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1949 AND SECTION 30.40 OF CHAPTER 30 ZONING BY ALLOWING HOSPITALS IN R-II ZONES BY SPECIAL EXCEPTION.**

4 in favor; Caldwell, Ebinger, Beebe and Blakeman, 1 against; Grabow, Motion passed.

A public hearing will be held on Ordinance No. 1952 on February 7, 2005 for second reading.

Action Items:

A discussion was held to review the Park County response to the City Attorney's letter regarding Zoning Settlement Agreement and County Growth Policy adoption schedule.

Steve Golnar stated that the letter received from Park County Attorney on January 13, 2005 requested a summary of some dates that the County Commission would like to meet with all three of the plaintiffs in the lawsuit including the City of Livingston, Greater Yellowstone Coalition and the Park County Environmental Council.

Mr. Golnar stated that Mr. Becker, City Attorney, has contacted the other parties of the lawsuit and has identified that January 24, 2005 at 1:30 p.m. was what was ok with them.

Mr. Golnar noted there was concern about the date and time not allowing a public orientated meeting.

Mr. Ebinger stated that the 1:30 p.m. timeframe is inappropriate for all the City Commissioners involved and the public.

After much discussion it was determined to propose to have this meeting on January 31, 2005 at 7:00 p.m. and will be noticed to the public.

A discussion was held to direct the City Attorney to prepare a Resolution of Intent to raise water rates by \$3.00 per month effective with April billing in May 2005.

Motion was made by Caldwell, second by Ebinger, to direct City Attorney to prepare a Resolution of Intent to raise water rates by \$3.00 per month effective with April billing in May 2005.

Bob Ebinger made comment that this is to allow the City to have a public hearing and does not indicate whether the Commission will be voting for or against the water rate increase.

4 in favor; Caldwell, Ebinger, Beebe and Blakeman; 1 against; Grabow, Motion passed.

A discussion was held to direct City Attorney to prepare a Resolution of Intent to raise sewer rates by \$4.00 per month effective with April billing in May 2005.

Motion was made by Caldwell, second by Ebinger, to direct City Attorney to prepare a Resolution of Intent to raise sewer rates by \$4.00 per month effective with April billing in May 2005.

4 in favor; Caldwell, Ebinger, Beebe and Blakeman; 1 against; Grabow, Motion passed.

A discussion was held to direct City Attorney to prepare a Resolution authorizing budget amendment for replacement of a damaged Police Vehicle in the amount of \$14,000.00.

Motion was made by Caldwell, second by Ebinger, to direct City Attorney to prepare a Resolution authorizing Budget Amendment for replacement of a damaged Police Vehicle in the amount of \$14,000.00.

All in favor, Motion passed.

A discussion was held to direct the City Manager to write a letter in support of Carpooling proposal from Bill Moser.

Patricia Grabow requested that the letter that Mr. Golnar proposed be toned down as far as what the Commission is asking of Bill Moser.

Steve Golnar commented that the letter is a draft for the Commission's comment and approval. The Commission requested that the letter be simplified to support the "concept of carpooling".

Motion was made by Caldwell, second by Grabow, direct City Manager to write a letter in support the Concept of Carpooling proposal from Bill Moser.

All in favor, Motion passed.

A discussion was held to review Waterworks Building Lease proposal from Paoli & Brown.

Steve Golnar, City Manager, took a brief break to make copies of the request for proposals for the Commission to review in order to act on this action item.

A discussion was held to approve donation of remaining Charitable Funds to Tsunami victims through the American Red Cross in the amount of \$658.47.

Steve Caldwell asked how did this having remaining funds come about?

Shirley Ewan stated that when the 911 incidents occurred, Debbie Denim had a fundraiser down at the park and they took donations. Ms. Ewan stated that they couldn't determine where to send the money so they gave the funds to the City and told us where to send it and none of the Commissioners could decide where to send. The funds have sat in the Credit Union for three (3) years and they now have told the City that they either need to add to it or subtract from it or they will send the funds to the State. Ms. Ewan commented that now there is a similar occurrence that can use the funds. The City should use these funds to donate or to put them back into the City funds so that we do not lose them.

Motion was Caldwell, second by Grabow, to approve donation of the remaining Charitable Funds to Tsunami victims through the American Red Cross in the amount of \$658.47.

Mary Beebe stated that she had received a phone call tonight at 5:30 p.m. that there is a person in the City that needs brain surgery and that the surgery needs to happen soon. There was a person that had promised them that they would get the funds for the brain surgery but they have not heard from the person and the brain surgery needs to be done in two (2) weeks. Ms. Beebe commented that this is close to home and asked if this fund could be used for that purpose. Ms. Beebe did indicate that she doesn't know all of the details but would ask if the Commission would consider donating these funds to this as an alternative.

Steve Caldwell commented that he thinks whether the Commission looks at Ms. Beebe's suggestion specifically or not he feels that there is a real underlying question as to whether we send these funds to a place where it stands a real good chance of being lost with administration costs and other things. Mr. Caldwell stated that he would rather find a way to spend these funds a little closer to home, whether it go for Ms. Beebe's suggestion or something else.

Patricia Grabow asked if it was possible to table this and to look at the community to enhance these funds.

Shirley Ewan stated that this is where the City was three (3) years ago and that's why it is still at the Credit Union because the Commission could not

decide where to use the funds. Ms. Ewan concluded by stating that the funds need to be used somewhere.

Bob Ebinger commented that there is going to be money needed over in Tsunami after the initial recovery. If the Commission decides to donate this money to Tsunami he is worried about what Steve Caldwell said that maybe the Commission needs to wait to find out where the money might be best spent and what organization would be the one.

All against, Motion denied.

Vicki Blakeman asked Ms. Beebe if she could find out more information about the person who needs brain surgery and bring back to the Commission.

Steve Caldwell stated that he would like to spend the money closer to home.

Steve Golnar returned back with copies of the Waterworks request for proposals from 2003.

Steve Golnar made comments relating to this Waterworks Lease proposal from Paoli & Brown. Mr. Golnar stated that relating to this lease proposal has been under consideration by the City since initially proposed in November 2004. The Paoli proposal has some terms changed since the last time the Commission reviewed the proposal. Steve commented that Paoli & Brown's revised lease proposal is based on new information from Mr. Rypkama's assessment during the White Elephant tour.

Steve Golnar summarized Paoli & Brown's changes to the lease proposal. They are the following:

1. Proposed a 39 year lease.
2. \$100.00 per month until the renovation is completed. The estimated renovation ranges from \$200,000.00 to \$250,000.00.
3. After the renovation is completed, the proposed rental is \$2,000.00. Deducted from that \$2,000.00 per month would be an amount of amortizing the cost of the construction,
 - a. if construction cost \$200,000.00, at a 6% interest rate would be \$1,687.71 which would leave a balance of \$321.29.
 - b. if the construction cost was \$225,000.00, the amount amortized over 15 years at 6% interest would be \$1,898.68 per month and the City would receive the remaining \$101.32.At the end of the amortization the City would receive the full \$2,000.00 per month.
4. The monthly lease payment would be at the end of each 5 year period by an increase of 2%. At the end of 15 years, when the building cost amortization has been completely paid off, the parties would renegotiate the amount of the lease based on market conditions at that time.

5. Minimum payment per month to the City would be \$00.00. If the construction costs, when amortized out over 15 years (after appropriate deductions for tax credits) are in excess of \$2,000.00 per month, the payment to the City would remain \$100.00 per month, irrespective of Paoli & Brown's debt-service payment on the construction loan.
6. The minimum \$100.00 per month payment would commence at the time of execution of this lease. At the time the building renovations are completed and habitable for Paoli & Brown's law office the lease payments would then convert to the amortized monthly payments.

Bob Ebinger stated that he feels that the Waterworks building structure should be completely renovated.

Patricia Grabow stated that Paoli & Brown is facing more than the City because one's assumes a certain amount of money will be needed to renovate the building and inevitable it will be more money than what is estimated. Ms. Grabow commented that it is in the City's best interest to work with Paoli & Brown.

Steve Caldwell asked if the City has an estimated on how much the City would receive in property taxes if the building went back on the tax roles under private ownership. Steve Golnar stated that no we don't but that the City could develop something like that but we don't have it.

Steve Caldwell stated that he feels that the City would probably recognize a greater economic value of the Old Waterworks building if the City sold it.

Patricia Grabow concurred with Mr. Caldwell's statement.

Bob Ebinger stated that he believes why the City Commission didn't want to sell the building was because of not wanting to dispose of City property. Mr. Ebinger commented that with a 39 year lease the City is going to get a 39 years older building and feels that maybe it isn't the best thing to do the lease as opposed to selling the building.

Steve Golnar commented with regard to the latest Paoli & Browns lease proposal that it seemed like a reasonable counter offer and would be for the City to lease the building for 15 years amortization of cost to take and for some sort of exchange of funds for assuming the tax credit to be agreed to.

Steve Caldwell stated that some of his concerns are that the City has worked their way to a point where they are not really conceptionally consistent with the Resolution that was passed in terms of what they want to do with the building.

Steve Golnar commented that if we look back to the request for proposals that would give direction to the Commission as far as what were they thinking and in that the City was looking for a lease for 15 years for that building. A \$1,000.00 a month was the minimum amount that the Commission wanted to seek for cash flow from someone renting that building even after putting their investment into it.

Patricia Grabow stated that selling the building would solve the problems that the City is facing.

Steve Golnar commented that was a policy question for the Commission. Previously, the Commission hasn't indicated an interest in selling the building and the other thing is that the request for proposals was for a lease agreement. If the Commission decides to sell the building the City would have to re-advertise to sell it.

Steve Caldwell commented that the City needs to keep in mind not so much as the economics which to him are still in question anyway but the philosophical issue here is whether the City should retain ownership of infrastructure that is no longer being used for City purposes.

Mary Beebe stated that she agrees with Mr. Caldwell but commented that the philosophical issue here is bigger than infrastructure that its about whether or not the City retains ownership or the public retains ownership and once we let go of something its gone. Ms. Beebe stated she feels that the City should keep the building.

Bob Ebinger commented that one thing that did come from the White Elephant Main Street Program is the piece about tax credits and that the best thing to do was to buy the building and do the restoration in order to get the maximum use of the tax credits.

Patricia Grabow stated that the City Commission needs to think about is the City using the building, has the City used the building and here is some other options that the City may benefit from.

Bob Ebinger commented that he would have really liked to have had Mr. Paoli present at the meeting so that we aren't going back and forth meeting to meeting and not being able to get questions answered.

Clint Tinsley stated that he would like to say that if the City Commission is serious about selling the property that there is going to be many questions that they will need to ask themselves.

Steve Caldwell stated that is a big consideration that there is so many cases in which surplus public assets actually have negative value and to be able to have an asset that is marketable at some amount of money he thinks that the Commission has an ongoing position.

Brenda Adams commented that loosing control of the building should not be the City's concern.

Steve Golnar commented it would benefit the City if the City Commission decides to sell the building that the money would be up front and this would enable the City to close in the underground storage tank which would eliminate a liability and make the grounds safer.

No action was taken on the Old Waterworks Building lease proposal from Paoli & Brown.

The recommendation was to place this item on the next meeting's agenda for consideration of possible sale of the Old Waterworks Building.

A discussion was held to authorize purchase of 2.124 acres from Todd Quisel in the amount of \$23,130.00 extending Tana Lane.

Motion was by Caldwell, second by Ebinger, to authorize the purchase of 2.124 acres from Todd Quisel in the amount of \$23,130.00 extending Tana Lane.

Bob Ebinger asked if there wasn't some property adjacent to this that the City was going to put some utilities in. Clint Tinsley stated that this is a purchase of land for future utilities. It attaches to Tana Lane up to "N" Street to the Wineglass.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Bob Ebinger asked if the City Commission needs to pursue or make suggestions for the HUD Community Award beside Home Equity Partners. Steve Golnar stated that Home Equity Partners is the current portable housing project which based on attendance at the RC&D program was very well received from HUD.
- Steve Caldwell asked about the Depot Restoration project and the execution of the Memorandum of Understanding why there was a delay on this. Steve Golnar stated that it was because of the holiday's and availability and there next Board of Director's meeting is in February and hopefully we can get a signature by then or before that meeting.
- Steve Caldwell asked about the Depot Rehabilitation project and wanted to know if the Review Committee of Steve Golnar's request was something that the Commission needed to act on now. Steve Golnar commented that what he would like to do is have the Commission identify some people to represent this Review Committee. Bob Ebinger volunteered to be on the Review

Committee. Gregory Legge was suggested by the Commission to be asked also to be on the Review Committee.

- Steve Caldwell also asked about the CTEP funds from the Montana Department of Transportation not authorizing funds without permanent or perpetual right to use of land and wondered if an easement would be possible. Steve Golnar stated that the problem is the coordination between Montana Rail Link and Burlington Northern and Burlington Northern policies discouraging such improvements on their property. The Commission requested this to be put on the agenda for the next City Commission meeting.
- Steve Caldwell asked if Steve needed another volunteer for the Swimming Pool Committee at the Park & Recreational Building on the second floor on January 20th at 7:00 p.m. as he will not be able to attend due to a conflict. Steve Golnar stated that he would go the meeting.
- Steve Caldwell asked about the DNRC Grant Application for the Livingston Flood Damage Reduction Study that Steve Golnar attended on January 17, 2005 if any decision had been made. Steve Golnar stated that the presentation was given and they will make a decision in an executive meeting. The DNRC Staff thanked Mr. Golnar for coming and stated that it makes a big difference in showing up.
- Steve Caldwell stated that he would not be able to attend the Sister Cities Meeting on January 19, 2005 and would like to have someone else attend. Steve Golnar stated that he would ask Frank Horiel if he would attend in Steve Caldwell's place.
- Vicki Blakeman commented that they had their first Recycling Committee meeting last week and that it was an informing meeting and that plastic cans will be recycled now. The next meeting will be January 27, 2005 at 6:00 p.m.

Commissioner Grabow Comments:

- She wanted to clarify before the next meeting since there seems to be a difference on her figures for engineering costs as opposed to Mr. Tinsley's point of view and would also like to get the figures on what the City spent last year on engineering costs. She would like to see if Staff could come up with a comparison of percentages on engineering costs, survey costs if there was any way that the City could look at the agreement with the City Engineer to reduce the cost for next year.
- She also asked if there is a possibility of cutting cost in the department rather than water and sewer rate increases and to be able to negotiate costs in each job. Steve Golnar stated that the current status of the City's engineering contract is that we advertise and we interview engineers and that we have two (2) levels of service that we have engineers for. One is for Special Improvement Districts and one is for Infrastructure Special Projects. We try to establish a rate agreement with a general

services agreement in the engineering contract with the understanding that with any particular project negotiate a separate lump sum contract. The cost is established in the two (2) year engineering selection process with change on an annual bases. As far as the costs and scope of engineering projects they are reviewed and coordinated with the Public Works Department.

Commissioner Ebinger Comments:

- He commented that on January 26, 2005 at 1:30 p.m. is the Transportation Coordinating Committee meeting and he will be gone and asked someone else to volunteer. Steve Caldwell volunteer to attend in his absence.
- He also stated that he has a visual of the Library. If you are on Callender Street at the East section of the building by the Post Office and you look into the building there are massive power lines going into the building and they are not painted. He feels that this distracts effects from the historic building. He suggests that painting of the power line the same color of the wall behind it will help mask it. He asked the contractor while he was there if it was possible and he stated that it would be a maintenance problem. Bob feels that people paint electrical conduit and would like the City look into this. Also he mentioned that the tiles need to be done in the grouted junctions at the Library and wants to make sure its not forgotten.

Commissioner Beebe had no comments.

Commissioner Caldwell had no comments.

Chairman, Blakeman had no comments.

No Public Comments were given.

Motion was made by Ebinger, second by Caldwell, to adjourn the meeting there being no further business. Motion passed.

The time was 10:50 p.m.

ATTEST:

APPROVED:

Shirley Ewan
FINANCE OFFICER

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
February 7, 2005
7:30 P.M.

The Livingston City Commission met in regular session on Monday, February 7, 2005 in the Community Room in the City/County Complex. Commissioners present were Vicki Blakeman, Mary Beebe, Steve Caldwell, Patricia Grabow and Bob Ebinger.

Staff Members present were Bruce Becker, Steve Golnar, Shirley Ewan, Darren Raney, Clint Tinsley, Jim Woodhull, Jim Mastin and Pam Payovich. Peggy Glass was absent.

Motion was made by Caldwell, second by Beebe, to approve consent items B, C, D & E as follows:

- Accept Bills and Claims for 2004 and 1st half of January.
- Approve Recommendation for Award of Bid for "D" Street Pumphouse from Clint Tinsley, Public Works Director to Diamond D Construction in the amount of \$44,656.00.
- Reject All Bids for Depot Restoration Project and Direct Staff to Re-bid the project with recommended Architect Scope of Work Revisions.
- Approve Check Written for Postage.

Bob Ebinger requested that on the Claim from US Bank Trust to change the description to read: Solid Waste Systems not Solid Watse Systems.

Steve Caldwell asked about the changes in the scope of work for the Depot Restoration Project if the changes created any additional risks as far as the integrity of the building?

Steve Golnar stated that there is one item on the scope of work which talks about reducing the excavation work and foundation sealing by the Martin's Café Building. The Architect for this project is trying to eliminate or significantly reduce underground work because it is in the Livingston Burlington Northern rail yard pollution plume and they have concerns about the costs of coordinating with the Burlington Northern and the Department of Environmental Quality.

Bob Ebinger commented that the emergency items for the restoration of the Depot Center were left in the scope of work.

All in favor of consent items B, C, D & E, Motion passed.

Motion was made by Caldwell, second by Beebe, to revise January 18, 2005 City Commission minutes to reflect an Action Orientated Format and to carry the Action Orientated Format forward.

Patricia Grabow asked what an Action Orientated Format is?
Steve Caldwell stated that he understands that it reflects the motions, the seconds and not the dialogue because we have recorded tapes of the meeting.

Patricia Grabow commented that she personally likes the dialogue.

Vicki Blakeman commented that the minutes can get pretty cumbersome because there is always a misinterpretation of what people said or what they meant.

Patricia Grabow commented that she would like to have more of a dialogue in the minutes for the public review.

Bob Ebinger commented that he would like to err by having more language in the minutes.

Lenny Gregory, former City Commissioner, of 429 South 9th Street commented that when he was a City Commissioner he did some extensive research back to the 1950's and in reading those minutes on certain projects it was very important to have the written word in front of him rather than having to listen to a tape.

Steve Caldwell stated that he would be happy to withdraw the motion, second by Mary Beebe.

Steve Golnar suggested he would review and revise the January 18, 2005 minutes and bring them back to the next City Commission meeting.

Bob Ebinger requested that on page 7 of the minutes in his comments to change the word "no" to "any" to read: "Bob Ebinger stated that seeing that the property has changed hands he doesn't believe that there is ~~no~~ any reason to postpone and believes that the Commission should vote against the zone change request."

Mr. Ebinger also asked that under his Commissioner comments on page 16, where it stated: "He also stated that he has a visual of the Library". The conversation was that he wanted the Commission to go and take a look at the conduit because it was a visual thing to see. Mr. Ebinger would like it to read: "He also stated that he has a problem with the visual electrical conduit going into the Library".

Motion was withdrawn.

Scheduled Public Comments:

Debbie Demin was scheduled to make comment regarding the Donation of the "9/11 Charitable Fund". Ms. Demin stated that she was present before the City Commission to talk about the funds that still need to be dispersed that were raised at the "Candle Light" vigil for the "9/11" disaster. She felt that they can still finish what they started. The money was given to the City because the original 9/11 fund was disbanded. She stated that she has identified where those funds could go now and would like to see the Commission follow through as to where these funds were intended. The organization that was directed to her from the Mayor's office in New York City was: "Uniform Firefighters Association Widows and Children's Fund" in New York City. This fund continues to support the widows and children from the "9/11" disaster.

Ms. Demin provided to Finance Officer, Shirley Ewan the information for this organization.

Lindie Gibson was scheduled for a public comment to discuss handicap parking permits, trash containers downtown, trimming trees at cemetery, street sweeping policy and residential tree trimmings. She was not able to attend the meeting and will be re-scheduled at her convenience.

Public Hearings:

A public hearing was held on Ordinance No. 1952 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1949 AND SECTION 30.40 OF CHAPTER 30 ZONING BY ALLOWING HOSPITALS IN R-II ZONES BY SPECIAL EXCEPTION.**

No public comments were given.

Motion was made by Caldwell, second by Ebinger, to approve second reading of Ordinance No. 1952.

All in favor, Motion passed.

Resolutions:

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3601 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE BASE WATER RATE IN THE AMOUNT OF \$3.00 PER MONTH.**

Patricia Grabow commented that she has received a significant number of letters and phone calls and no one has responded in favor of increasing water rates. Ms. Grabow feels that it is inappropriate to raise the water rates at this time.

Bob Ebinger stated that he is hesitant to raise the water rates and commented that the public hearing is for getting the public input. He is glad

to hear that people have contacted Ms. Grabow. He has not heard from anyone and that worries him that the information hasn't gotten to the public. He would like to see more reasons given to the public why it is necessary for the City to raise the water rates knowing what the consequences are going to be if the City does not. He concluded by stating that he will vote in favor of the Resolution today because he wants to hear from the public.

Steve Caldwell wanted to know what it would take to provide additional information supporting the rate increase in the notice being mailed to the customers being served by the Utility Department at least 7 days and not more than 30 days prior to the hearing which notice shall contain an estimate of the average increase.

Clint Tinsley commented that would be alright with him as long as it was done legally. Notices would go out to customers on the 20th of February with their water bills. Bruce Becker stated that he would be concerned that any information going out would be as neutral as possible.

Steve Caldwell suggested that the level of information that the City Commission was given before the last City Commission meeting basically stating what the water rate increases would intend to fund would be sufficient to educate the public.

After much discussion it was the concurrence of the City Commission that Staff provide the information to the public as to the reasons why the water and sewer rate increases are being requested.

Motion was made by Ebinger, second by Caldwell, to move the public hearings for Resolution No. 3601, Resolution No. 3602 and Resolution No. 3603 to the second meeting in March on March 21, 2005.

All in favor, Motion passed.

Brenda Adams of 802 East Butte Street, commented about the information getting to the public. She feels that most of the public felt that the water and sewer rate increases had already passed and that there is a feeling in the public that "does it really matter if I voice my opinion or not?"

Gregory Legge of 107 North "G" Street stated that he feels that part of the confusion of the public was that the rates were raised last year and the public doesn't realize that the City is asking for an additional rate increase. Mr. Legge stated that currently the minimum water charge for minimum water usage is \$7.80 sewer usage is \$9.76 that is approximately \$18.00 and to propose a rate increase of \$7.00 that is almost 50% for the poor people on a fixed income to come up with per month. He asked that a sliding scale be used for the minimum water and sewer users.

Jim Hunt of 417 South 9th Street made comment. He stated that he feels that the City Commission is heading in the right direction to get the information to the public. It isn't just \$3.00 per month or \$4.00 per month rate increases but it is \$84.00 a year total rate increase and he feels that it a pretty good increase. He commented that getting the information out to the public as to how \$3.00 and \$4.00 was determined is going to be an effective way of informing the public.

Clint Tinsley stated that there is a sliding scale used for both water and sewer rate proposed increases. This was derived from the percentage that the City has to do with the loan analysis report for the State to borrow \$2,000,000.00 in order to pay for the future projects in the City. In the Commission Workshop before the last meeting he stated they reviewed that the water and sewer rates in cities of the City of Livingston's size in the State are at much higher rates than the City of Livingston.

4 in favor to approve Resolution No. 3601; Ebinger, Blakeman, Beebe and Caldwell; 1 against; Grabow, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3602 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE BASE SEWER RATE IN THE AMOUNT OF \$4.00 PER MONTH.**

4 in favor; Blakeman, Beebe, Caldwell and Ebinger, 1 against; Grabow, Motion passed.

A public hearing will be scheduled for Resolution No. 3601 and Resolution No. 3602 on March 21, 2005. A mailing notice will go out to customers around February 20, 2005 with additional information.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3603 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2004-2005 BY INCREASING POLICE CAPITAL OUTLAY FUND #1000.131.420100.976 IN THE AMOUNT OF \$14,000.00 BY TRANSFERRING \$10,697.66 FROM RESTRICTED CASH FUND #1000.102050 AND \$3,302.34 FROM OPERATING CASH FUND #1000.101000, AND CALLING FOR A PUBLIC HEARING.**

All in favor, Motion passed.

A public hearing will be held on February 22, 2005 (Tuesday) for Resolution No. 3603.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3604 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, STATING ITS SUPPORT FOR THE CREATION OF A**

STATEWIDE MAIN STREET PROGRAM SPONSORED BY THE NATIONAL TRUST FOR HISTORIC PRESERVATION.

Patricia Grabow stated that she is not in support of the Main Street Program because she feels that it frequently proposes to divide the community and also becomes a bureaucracy in itself.

Bob Ebinger stated that from the time of the Entranco Urban Design Plan the Main Street Program has been talked about for Livingston. He feels that now is a good time to pass the Main Street Program statewide which gives the Main Street Program a better opportunity to disseminate information as opposed to each individual community trying to negotiate and secure a relationship by themselves. The Downtown Association structure is based upon the Main Street Program and it is time for Montana to institute the Main Street Program.

Patricia Grabow commented that the Downtown Association structure is being looked at to be the vehicle to deliver this Main Street Program and she feels that the State will have more control over the City of Livingston's structure.

Brenda Adams of 802 East Butte Street asked the Commission if they have ever informed the community of the Main Street Program. She has never seen herself any model of how this Main Street Program was going to be done, where the money was coming from the pay for it, if it indeed would include a town square, which means blocking off Main Street which she feels will hurt commerce downtown. Ms. Adams commented that there are several buildings in the downtown area that are vacant and in order for those buildings to become occupied with a business it has to be publicly accessible. Ms. Adams went on to say that if the City of Livingston is going to use taxpayer's money to fund these programs then the taxpayers need to be informed of the program.

Bob Ebinger commented that the Main Street Program is not taxpayer funded that it is federally funded on the State level providing information to each community to empower themselves to do what they feel is best to be done. This gives each community ideas to go on in order to develop their own plan.

4 in favor of Resolution No. 3604; Caldwell, Ebinger, Beebe and Blakeman, 1 against; Grabow, Motion passed.

Action Items:

A discussion was held to consider "Airtel Wireless" lease proposal on "Fish Hill" next to the existing WispWest transmitter.

Steve Golnar gave background information relating to this lease proposal from Airtel Wireless.

Chris Rodi of 1005 Ridgeway Drive commented that his property is the closest to this lease proposal from Airtel Wireless. He stated that he has some concerns about this lease proposal and that he feels that his property value will decrease if this lease proposal is allowed. He is a teacher in Bozeman and commented that he bought this property in Livingston at the time because the price was right. He feels that if you add one more antenna to "Fish Hill" it will eventually become "Antenna Hill" and he doesn't believe that is what the community will want. Mr. Rodi also stated that he gave WispWest an easement to go across his property to get power to the tower and that it is not his intention to provide an easement to anyone else. He concluded by stating that he asked the Commission to deny this lease proposal from Airtel Wireless.

Bob Ebinger stated that when this lease proposal first came to the City Commission he asked about the height of the tower and whether there would be lights on the tower. He got the height of the tower but hasn't been told whether there is going to be flashing lights on the tower. He also agrees with Chris Rodi that he doesn't like towers and lights on "Fish Hill".

Patricia Grabow asked if this tower on "Fish Hill" give WispWest or any other company advantage over their competitors?

Steve Golnar stated that it gives them access to the community as a whole but is not sure whether it gives them an advantage over other competitors or not. It would secure them a site on "Fish Hill". WispWest only currently has access to the existing tower on "Fish Hill".

Motion was made by Ebinger to approve Airtel Wireless Lease Proposal. There was no second. Request for lease proposal denied.

A discussion was held to follow-up on actions and review of the second draft Stipulation to Extend Settlement Agreement to Cause No. DV02-32 before the Honorable Richard A. Simonton relating to revised schedule for County Comprehensive Plan, Neighborhood plan and redrafting of the zoning regulations for the donut area around Livingston.

Bob Ebinger asked about the City Manager's comments on No. 2 relating to the above it states: "It is not clear to me in Section 5 of the proposed schedule, if the Park County Commission will approve the Growth Policy by October 1, 2005 or if the referendum process would be completed by this date" and wanted to know if Mr. Golnar had been given an answer.

Steve Golnar stated that the wording of the agreement just needs to be clarified so that all parties involved under the agreement understand what the County is doing. Mr. Golnar stated that Mr. Becker, City Attorney has forwarded these concerns to the County Attorney and is waiting for a response back.

Steve Caldwell commented that in the second stipulation agreement it states: "The parties have met and agreed that it is in all of the parties best interest to allow the Defendant more time if needed to revise the growth policy for Park County, which shall include a neighborhood plan for the zoned area around the City of Livingston and then redraft the zoning regulations for the zoned area around the City of Livingston" and wondered if the Interlocal Agreement between the County and City would still apply.

Steve Golnar stated that he had some concern relating to that and would refer this to the City Attorney.

Bruce Becker, City Attorney, stated that when he read this section that the County was agreeing to zone that area which they are suppose to do under the City and County stipulation agreement. The City does own some property within the four (4) mile area and so the City does have some input because they are a property owner.

Steve Caldwell also asked about the October 1, 2007 date that Park County shall revise the zoning regulations for the area around the City of Livingston and wondered if the County puts the growth policy plan through a referendum process and it doesn't pass, then can they legally revise the zoning regulations?

Bruce Becker stated that the growth policy needs to be adopted before the zoning regulations can be revised.

Patricia Grabow commented that what came out of the January 31, 2005 City/County meeting was that many people in the audience wanted to know if the lawsuit could be dropped and was wondering how the City Commission could do this.

Bruce Becker stated that it would take official action from the City Commission.

Patricia Grabow wanted to know the protocol in considering withdrawing from the lawsuit.

Bruce Becker stated that the City Commission could make such a motion and vote to dismiss the lawsuit but even if the City of Livingston dismisses the lawsuit Greater Yellowstone Coalition (GYC) and the Park County Environmental Council (PCEC) are still parties of this lawsuit. Mr. Becker mentioned that the County Attorney suggested that it would be a bad idea if the City withdrew from the lawsuit.

Steve Golnar stated that he did identify that the agreement that was provided as follow-up from the meeting on January 31, 2005 and that if the

City Commission would want to consider withdrawing from the lawsuit now would be an appropriate time.

Patricia Grabow commented that she feels that the reason for the lawsuit was an issue that occurred some time ago and time has changed the situation. She also thinks that the community is interested in dropping the lawsuit in order not to incur any more court fees.

Bob Ebinger stated that if the City Commission drops the lawsuit it would not resolve the problem that is still there. He thinks that the process is going in a positive direction and needs to continue.

Steve Caldwell stated that with the lawsuit dormant in court that there are no additional court fees to deal with.

Steve Golnar commented that he would like to point out with the settlement agreement the City did agree to rezoning of certain properties in the area which was inconsistent with the current City/County Comprehensive Plan and if the City were to withdraw from the lawsuit, would that negate the settlement agreement which allowed that zoning?

Vicki Blakeman stated that the City needs to maintain some input to the growth policy for the donut area and staying in the lawsuit will ensure that the City has some say and coordination between the City and County in working together to develop whatever that zoning regulations need to be in the donut area.

Bruce Becker stated that he will present to the County the City Commission's concerns and give the County time to reply and then he guesses that there will be another document at the next City Commission meeting.

A discussion was held to discuss the response from the Park County Attorney to the Solid Waste Disposal Audit relating to the draft scope of work/operations consultant for Solid Waste Operations for Park County.

Steve Golnar commented that he had provided a separate scope of services for response to Ms. Swimley, Park County Attorney for Solid Waste, that he had highlighted some of the areas with his recommended changes relating to this scope of work for the audit. Ms. Swimley in her response had eliminated some sections that Mr. Golnar recommended that the City Commission should request to put back into the scope of services.

The items that Ms. Swimley took out were as follows:

- 1, b: A current statement of fund balances for incinerator, landfill and collections operations for Park County.

Mr. Golnar feels that this should be added back into the scope of services to be able to establish a baseline of information relating to how much each fund has in the way of cash resources and fund balances in order to move forward.

- 1, c: An analysis on the liability associated with the Park County land fill clean-up obligations and liabilities, the value of funds held by Park County as the result of the lawsuit settlement with the Burlington Northern and the County's flexibility in use of these funds.

Mr. Golnar feels that this should be added back into the scope of services because throughout the course of discussions relating to Solid Waste and possible Solid Waste solutions is the Burlington Northern (BN) fund and the potential for use of some of those funds have come up.

- 2, 4: Transition plan from Incinerator to Transfer Station – based upon a review of the Waste & Disposal Agreement between Park County and Envirocon, which was entered into in August of 2004. We ask for answers to the following questions related to this transition:
 - i. Is the cost of making this transition accounted for in the budget for FY 2004-05?
 1. We understand that the operating cost for a transfer station is provided for under the "Disposal Facility Capital Outlay Budget" for FY 2004-05 in the amount of \$268,460 for 6 months of Transfer Station operations.
 2. What are the costs of shutting down the incinerator? (Have these been budgeted for FY 2004-05 and do they include the off-set of any scrap sale from the decommissioned facility?)
 3. What are the costs of developing and starting up the transfer station?
 - ii. What are the changes to the number of full-time equivalent employees required for the transfer station, verses the incinerator? (I understand the transition from the Incinerator to the Transfer Station is scheduled to take place in January of 2005? Is there any duplication of labor when the old facility is being shut down and the new facility is being started up?)
 - iii. With the projected costs of garbage disposal increasing by \$2.29/ton over the next four years, based upon the Envirocon contract, what other known or projected costs or trends does the County anticipate; and:
 1. How ill they affect the cost per ton charged to the City of Livingston and Park County service

recipients? (Total cost/year and estimated cost per ton/year)?

Mr. Golnar commented that he feels that it is important that an analysis and evaluation of the transition to a new type of garbage disposal operation be provided so that we can understand how these changes relate to how the City disposes of garbage with the County and what it costs.

Jim Hunt of 417 South 9th Street commented how important it is for discussion and to allow the public to be on the same level. He stated that this audit is a very important issue to the Concerned Citizen Group. He also urged that this audit move forward because time is passing with regard to the Concerned Citizen's settlement agreement with Park County. He stated, "June 30, 2005 will be here before you know it".

Steve Golnar commented that he would like to have direction from the City Commission in order to submit this revised scope of services back to Ms. Swimley with their concerns and that this item is on the agenda for Wednesday, February 9, 2005, City/County meeting at 4:00 p.m.

A discussion was held to consider possible sale of the Old Waterworks Building.

Steve Golnar stated that at the City Commission's request he put this on the agenda. He contacted Mr. Paoli and reviewed with him the City's current status of his lease proposal and also reviewed with the City Attorney and City Staff the issues of the possible sale of the Old Waterworks Building and what property should be associated with the sale of the Old Waterworks Building.

Mr. Golnar provided in the packet some information from the State Historic Preservation Office relating to tax credits. He also provided a map identifying the proposed area to be advertised for sale for the Commission's consideration if the Commission decides to sell the building, suggested that the City retain the right of first refusal on any subsequent sale of the property, zoning of the property if it were to be sold, would need to change from "public" to "neighborhood commercial" in order to house an office space in the building, he further suggested that the City Commission rezone the property prior to putting it up for sale. Mr. Golnar also mentioned that the City should investigate the feasibility of using a Realtor verses going through a public bidding process.

Steve Caldwell mentioned that he is hesitant to rezone this property prior to selling it because it could possibly be used for a Public Recreational Facility and he doesn't want to discourage that.

Bob Ebinger commented that he is very uncomfortable in considering selling the Old Waterworks Building.

Fred Paoli commented that he doesn't understand the concern the Commission has in rezoning the property before the building would be proposed to sell.

Vicki Blakeman stated that while the City owns the building the City can do anything with the building but if the City sells the building the purchaser would have to have it rezoned in order to allow for business and professional offices.

Fred Paoli stated that he is happy that the City Commission has considered selling the Old Waterworks Building, as that was what his original proposal was to the City, to buy the building. He understands that he may not get the building but would hope that whoever does get the building would do what he planned on doing with the building.

City Attorney, Bruce Becker stated that he would suggest that the City Commission go through a public bidding process in order for the public to know what is being proposed. This would require a Resolution of Intent and then a public hearing approving a Resolution to sell the Old Waterworks Building.

Vicki Blakeman asked if the Commission decides to sell the Old Waterworks Building could the City use the proceeds to offset the water and sewer rate increases?

Steve Golnar stated because the enterprise fund owns the building the City Commission could use the proceeds to offset the cost of water and sewer improvements. He warned that any revenues from such a sale would be one time revenues and would not sustain continued improvements.

Tara Eddy of 604 South 9th Street asked the Commission to consider what the Old Waterworks Building and the Park's importance is to the community. She stated that it provides recreational opportunities, sledding, tubing, and cross-country skiing, regular skiing, snowboarding, and snowshoeing. She feels that this property is a community landmark and would ask that the City Commission not sell the building in order to keep the public uses met. She strongly feels that if the Commission does decide to sell the building that they should keep it as RII zoning to keep from the potential significant changes to the use.

Ms. Eddy provided the Commission with newspaper clippings of things that have occurred on the Old Waterworks Building Park grounds. She stated that if the City Commission decides to sell the building it will give the purchaser the opportunity to do whatever they want with the building and especially if they are given some additional property with the building.

Bob Ebinger stated again how uncomfortable he is in selling the building. He believes that something can be worked out with the lease proposals and is

concerned about what zoning this building would have if it was sold. He feels that if the building sold, the money would not be enough to offset the water and sewer rate increases proposal for the uses needed.

Mary Beebe stated that the debate about the Old Waterworks Building brings us back to the inadequacies of our current zoning ordinance. We are left to trust in the good faith intentions of the developer and that is a terrible way to deal with property and money. Ms. Beebe commented if the City were to change zoning and sell the building, the design particulars of the building are out of the City Commission's hands.

Steve Golnar questioned if Ms. Beebe would consider changing the zoning, to allow office space use only as a special exception.

Patricia Grabow stated that it is in the City's best interest to consider following through with the process of selling the Old Waterworks Building in order to bring an empty, old building back to life.

Steve Caldwell commented that he agrees with Ms. Grabow and that he still has the same philosophy as he did at the last meeting. He objects to the City retaining ownership of a surplus asset that is no longer being used for government purposes. He feels that this building could be developed enthusiastically in someone's hands who owns the building and he would vote in favor of selling the building.

Vicki Blakeman commented that she would really like to see this building and all of the old buildings in the City fixed up or rejuvenated and she commented that the City doesn't have the capability to do that. She does feel though that muddling with RII zoning here and there as the City sees the need is not a good idea, because it opens doors that the City might want to close later. She suggests that the City Commission rework the whole City zoning ordinance across the board. She further commented that this doesn't lead to a quick resolution but it may be something that the City Commission needs to consider. The City is changing and the City Commission doesn't want to lose control. She concluded in stating that she would consider selling the Old Waterworks Building with limited land.

It was the concurrence of the City Commission to table any action on the Old Waterworks Building until February 22, 2005 City Commission meeting.

A short break was taken at 9:55 p.m.

The meeting went back into session at 10:05 p.m.

A discussion was held to review applications and set up interviews for vacant positions to the Board of Adjustments, Historic Preservation Commission and the City Tree Board.

Proposed interview questionnaire for the applicants for each board or commission were provided for the Commission's approval.

It was determined to set up interviews on February 16, 2005 starting at 4:30 p.m. for 15 minutes increments between interviews.

A discussion was held to determine where the donation of the remaining Charitable Funds of \$658.47 should go.

Steve Caldwell asked what percentage of the funds would go for administrative costs?

Vicki Blakeman stated that she had several calls from individuals who had donated to the 9/11 Candlelight Vigil and who were upset that the funds were not going to that purpose.

Patricia Grabow stated that she had received a call also and that the funds need to go for what they were intended for.

Motion was made by Grabow, second by Caldwell, to donate the remaining Charitable Funds of \$658.47 to the Uniform Firefighters Association Widows and Children's Fund suggested by Debbie Denim.

All in favor, Motion passed.

A discussion was held to discuss the CTEP Landscaping Improvements Project Scope of Work and possible funding options for Railroad Right-Of-Way Landscaping Improvements estimated to cost \$18,500.00.

Steve Golnar gave background information relating to the CTEP Landscaping Improvements Project Scope of Work. He suggested that the City eliminate the Landscaping Improvements proposed between Mount Baldy Drive and the Railroad Tracks on Railroad property. Mr. Golnar commented that this would reduce the scope of work of the CTEP project by approximately \$18,500.00. He also proposed that the scope of work be redrafted and the project bid for construction as early as possible in 2005.

Motion was made by Caldwell, second by Ebinger, to eliminate the Landscaping Improvements Proposed between Mount Baldy Drive and the Railroad Tracks on Railroad Property from the Scope of Work of the CTEP Project.

All in favor, Motion passed.

A discussion was held to review and consider the Street Vacation request from Robert Currie.

Steve Caldwell asked if this was going to be more of a trails project for the Trails & Green Way Open Space Task Force?

Steve Golnar stated that the City talked about reserving an easement for a road that the City abandon which went up hill behind the Bowling Alley and there was a proposal for a 20' easement. Mr. Golnar feels that we should at least let the Trails & Green Way Open Space Task Force be aware to consider the possibilities and coordinate with them.

Nick Currie of 610 North 10th Street commented that the application is in his father's name as he is the President of Montana Land Investments LLC that is doing the project located at 911 West Gallatin Street. He stated that the portion of Gallatin Street is too steep to continue Gallatin Street. He noted that people do use that as a walk way and he has no problem with continuing that use. The City has the right for a public right-of-way for future use or access and Mr. Currie will coordinate that with the other party involved who is Roy Humbert.

Motion was made by Caldwell, second by Grabow, to approve the request from Robert Currie to abandon the portion of West Gallatin Street abutting Lot 1 in Block 29 and Lot 16 in Block 25 of the Palace Addition.

All in favor, Motion passed.

A discussion was held to appoint a City Commissioner to serve on the City Public Works Negotiating Committee.

Patricia Grabow volunteered to serve on the Public Works Negotiating Committee.

Motion was made by Ebinger, second by Caldwell, that the City Commission appoint Patricia Grabow as a City Commissioner representative for the City Public Works Negotiating Committee.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Patricia Grabow commented that she had contacted Mr. Golnar regarding the setting up the Priorities and Goals list for the City just to have it clarified. She asked if the City Commission agreed with her request. The City Commission agreed to have Mr. Golnar provide the current status of priorities and goals of the city and share that information with the public and to survey Commissioners as to their priorities and initiation.
- Patricia Grabow asked if the projected Certified Local Government Grant proposed by the Historical Preservation Commission into the priorities and goals status? Vicki Blakeman stated "no" it does not.

- Patricia Grabow commented that she had some concerns about the Historic Preservation Plan under projects. One is to initiate local oral history project, interviewing local human resources, with particular attention to conserving Doris Whithorn's memories and photo archives. Ms. Grabow stated that she had spoke with Ms. Whithorn and she has no knowledge of this. Secondly Ms. Grabow stated that Ms. Whithorn's archives are willed to her daughter and they are actually very valuable and wanted to know if this was outside the purview of the Historic Preservation Commission.
- Patricia Grabow commented about the Walking Tour Brochure in that the Historic Preservation Commission does not have permission to publish the pictures. Her suggestion is to have the Historic Preservation Commission review their plan and projects to clarify.
- Bob Ebinger asked what TSEP was? Steve Golnar stated that it is "Treasure State Endowment Program".
- Bob Ebinger also asked about HB-480 on page 155 what it is. Steve Golnar stated that the HB-480 is: "An Act providing that wholly surrounding land may not be created for purposes of annexation through the extension and connection of water and sewer lines into an unincorporated area".
- Bob Ebinger mentioned that the Sister Cities International Conference is in Spokane, Washington in July 2005 and they are asked for cities to host the forum in late 2005-2006 and was wondering if the City of Livingston would be interested in applying for this.
- Steve Caldwell asked about the request from Patricia Miller for assistance in applying for the City of Livingston as "Montana Tourism Community of the Year" and wanted to know if we had responded to her? Steve Golnar stated that he will contact Ms. Miller and get the information from her that she needs and will write the letter for the nomination for the City of Livingston to be the "Montana Tourism Community of the Year".

Commissioner Grabow Comments:

- She thanked the Mr. Golnar, Clint Tinsley and Scott Nelson for their effort to provide her with the engineering information that she requested.
- She stated that she is concerned about a letter from Mr. Golnar that she received and commented that she is part of the downtown businesses as she owns a business, a part of the Downtown Association and goes to the Urban Renewal Agency meetings and would like to review the process in designing the downtown area.

Commissioner Ebinger Comments:

- He stated that he would like to have all of the Commissioners know what Patricia is talking about and would like to have a copy of all of the correspondence that goes to Ms. Grabow. Steve Golnar stated

that he does copy all of the Commissioners when one Commissioner has a question.

- He congratulated Chris Bruha for stepping in when Robert Brown and Kevin Harrington were gone on their expositions in the Bahamas and thanked Fire Chief, Jim Mastin for having such fine people on board to step in when needed.
- He commented on the Film Tax Incentive which he provided to all in an email today and stated that he will participate in this bill when it is presented for public comment and would like to state that the City of Livingston supports this.

Commissioner Beebe had no comments.

Commissioner Caldwell Comments:

- He stated that he had a conversation with Lynn Chan and she brought up what the status was with the City's efforts about the Night Sky Ordinance work. He spoke with Commissioner, Bob Ebinger about this and commented that he had a couple more model ordinances to refer to. He also stated that Lynn would like to be involved in this because she is on the Urban Renewal Agency and was part of the Yellowstone Park's Night Sky effort.

Chairman, Blakeman Comments:

- She stated that Frank Horiel was on the Fire Labor and Management Committee and she would like to have another Commissioner be involved in case she could not attend. Bob Ebinger volunteered to be on the Committee.

Public Comments:

- Lenny Gregory of 429 South 9th Street stated that he would like to pass some information regarding the 7th Street Bridge construction. He stated that he knows when he was on the Commission that the City budgeted \$25,000 for the construction of that Bridge. The City then decided instead of going through a bidding process that the City crews would do the construction themselves to save money. The structure was installed last summer and some work was done but walking through the Park he can see that there is no more work done on the Bridge. Is the Bridge finished? Did the City appropriate the money for the Bridge? The City needs to complete the Bridge before an accident occurs? He would like a status report on the 7th Street Bridge.

Vicki Blakeman stated that she knows the plan is to finish the Bridge early in the Spring and the City did not expend all of the money and when they get done they will have some money left over. It has been talked about that Dan Gravage put a lot of time and work into it and perhaps the money left could go to him and the City would like Mr. Gravage to help with the bridge on end of

Clark Street. It will be finished and will come in under budget except the rock work and the City Staff is hoping that an Eagle Scout would take that project on.

- Tara Eddy of 604 South 9th Street stated that she appreciates the Commission listening to her comments. She has had a few minutes to think about the Old Waterworks Building and what is the worse case scenario of the Old Waterworks Building if the City sells it. Ms. Eddy commented that she believes that if the City sells the building and if it is zoned RII with special exception for law offices that RII has 5' setbacks. If someone buys this building in those tight perimeters they wouldn't be able to add on and in her opinion they would be more likely to take advantage of the historical tax credits.
- Linnea Pritchard of 101 North 5th Street commented about Ms. Grabow's concerns of the Historic Preservation Commission plans and projects and stated that these will be determined and clarified at a more appropriate time.
- Brenda Adams of 802 West Butte Street commented that she agrees with Ms. Eddy with the tight perimeter around the Old Waterworks Building. She asked about the value of property if the City was going off of the State appraisal value. Steve Golnar stated that the City had a commercial appraiser appraise the building for approximately \$104,000 but that this information is about a year old now, with vacant storage and setbacks and commented that he felt that this was low.
- Ms. Adams also mentioned that a "Historian" came to her and he gave her pictures of the building of the dike and that he also said that if the Commission could go into the March 1933 Council Meeting minutes they would find any certification of the dike in those meetings.

Motion was made by Ebinger, second by Caldwell, to adjourn the meeting there being no further business. Motion passed.

The time was 10:58 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
February 22, 2005
Tuesday
7:30 P.M.

The Livingston City Commission met in regular session on Tuesday, February 22, 2005 due to President's Day holiday on Monday, February 21, 2005 in the Community Room in the City/County Complex. Commissioners present were Vicki Blakeman, Mary Beebe, Steve Caldwell, Patricia Grabow and Bob Ebinger.

Staff Members present were Bruce Becker, Steve Golnar, Shirley Ewan, Darren Raney, Clint Tinsley, Jim Woodhull, Jim Mastin, Peggy Glass and Pam Payovich.

Motion was made by Ebinger, second by Caldwell, to approve consent items as follows:

- Approve Revised January 18, 2005 Regular City Commission Meeting Minutes.
- Approve February 7, 2005 Regular City Commission Meeting Minutes.
- Accept Bills and Claims for 1st half of February.
- Department Heads Monthly Reports and Other Minutes.

Commissioner Caldwell and Beebe gave changes to the minutes on January 18, 2005 and February 7, 2005 to the Recording Secretary before the meeting.

Bob Ebinger asked about the claim from Viking Products and wanted to know if this was a local company. Shirley Ewan stated "no" that this is not a local business but we order from this company on a periodic bases when office supplies are on sale or if they are the only company that can provide us with the product that we are searching for.

Mr. Ebinger also asked of the Historic Preservation Commission Meeting Minutes on November 9, 2005 if the letter to Dusty Boots had been written by Jim Woodhull that was requested of him. Mr. Woodhull stated that he was not made aware of this letter but will write it now that he knows.

Bob Ebinger also commented about the Library report and his previous comment about the electrical conduit at the Library if the Commission would look at this. Mr. Ebinger also stated that there were originally in the drawings for the expansion and remodel tiles that were going to be placed. If the Commission has had a look at this they were going to be placed crosswise on the long walls by the undertaker and the one facing the Post Office. The Library has reported to Mr. Ebinger that this was missed in the drawings and would like to have the City Manager write a letter asking if that

is going to be taken in consideration since it was approved by the City and the Historic Preservation Commission to have these tiles placed.

Patricia Grabow asked that her comments be added on page 3 of the minutes about the Sacajawea Statue. Ms. Grabow wanted to add that she asked: "If an archeological inspection was going to take place when the digging of the ground began".

All in favor, Motion passed.

Scheduled Public Comments:

Lindie Gibson was scheduled for a public comment to discuss handicap parking permits, trash containers downtown, trimming trees at Cemetery, street sweeping policy and residential tree trimmings.

Bob Ebinger asked if the letter in the packet was the letter from last year that Ms. Gibson had asked the City about the above reference. Steve Golnar stated that yes it was the letter from last year.

Ms. Gibson of 323 South "B" Street commented that last year she asked the City about the above references and never received a response back as to whether they were going to be taken care of. She mentioned the condition of the Cemetery restrooms has been cleaned up somewhat and would like to volunteer to paint the restrooms. Ms. Gibson stated that when people are at the Cemetery sometimes it occurs that they need to use the facilities and the visibility of restrooms are not clear. She thanked whoever said something to Staff at the Cemetery that there needed to be some work done to the facilities. Ms. Gibson also asked about the tree trimming issue at the Cemetery and around the City and suggested when the City Staff has time that it would be good to trim the trees. She suggested that tree trimming might be added to the Cemetery personnel job description if it is not now.

Ms. Gibson asked about the handicap parking issue in the City and wondered how a handicap parking spot is issued? She mentioned that on "B" Street there is a person who no longer owns a vehicle that still has a handicap parking sign in front of their house. She asked if it would be possible if that handicap parking sign could be moved to a different area if in fact it was no longer needed at this residence?

Ms. Gibson stated that she brought up the issue about the garbage cans downtown and wanted to know if anything has been done to initiate the issue. She also asked if the City had contacted American Bank to see where they purchased their garbage containers. She suggested installing some type of garbage container on the corners, alleys or in the middle of the business sidewalks in the downtown area. She is concerned about the amount of garbage in the downtown area not being picked up.

Clint Tinsley stated that the City has been working with the Downtown Association for approximately 10 month on the type of garbage container for the downtown. He commented that the American Bank garbage containers are very expensive. The City has come up with a different kind of design for a container and has taken this design to the Downtown Association, the Design Review Committee and the Historic Preservation Committee in order to see if the containers would be acceptable. The Park High School FFA has agreed to make the containers for the City. Mr. Tinsley is waiting on the cost of materials from the FFA so that Mr. Tinsley can present this total cost of containers to the Commission for their approval. Also Mr. Tinsley has been in touch with the Community Service Program through the Sheriff's office to determine when the containers are placed in the downtown area if they would empty the garbage containers on Saturday's. Mr. Tinsley hopes that the costs of the garbage containers will be determined before the budget is presented to the Commission for their approval for fiscal year 2005-06.

Bob Ebinger mentioned that he believes that the garbage containers that American Bank has cost around \$1,000.00. Clint Tinsley stated that they are somewhere in the ballpark of \$1,000.00 to \$1,500.00 each.

Lindie Gibson asked Clint Tinsley if he had contacted American Bank to see if there was an option of them donating any of the garbage containers.

Mr. Tinsley stated that yes he had been in contact with American Bank and they helped the Library tremendously with their restoration and that they don't have enough money to fund other things at this time. Mr. Tinsley feels that the design that the City has determined for the containers will be a great addition to the downtown area once they are made and in place and that it is in progress.

Lindie Gibson asked if the City could coordinate with the Rodeo Committee during the Parade that they do not throw out candy as the wrappers and sticks clutter the streets and gutters in the downtown for a long time. Ms. Gibson asked if the City could adopt an Ordinance stating that if candy is thrown during the Rodeo Parade that they would follow-up with clean-up after the parade. She felt that the City of Livingston's main attraction is its beauty and that it grieves her to see the litter in the downtown during the City's tourist season.

Lindie Gibson also asked about the tree trimming in the City's residential areas if the Code Enforcement would have time to view and note the areas that need to be trimmed. She stated that there are a lot of trees over grown in the residential areas. When she goes walking she has to duck under trees or in passing another person walk single file.

Ms. Gibson commented that Mayor's Landing years ago was named after the Maier family in Livingston. She commented that her mother asked who she

could approach about this and that this is a little bit of history that may be preserved for the City.

Bob Ebinger asked Ms. Gibson about her concern of the street sweeping issue. He commented that since Livingston is having such a mild winter that Ms. Gibson was wondering if the City could do some street sweeping in order to get the grit off of the streets. Mr. Ebinger stated that the City has in their budget to do the street sweeping only once after the snow melts off.

Clint Tinsley commented that the street sweeper just got repaired previous week and if the weather held out the street sweeper would be out on the following Monday.

Ms. Gibson also commented that concerning the street sweeping issue she was wondering why the issue of vehicles aren't being moved on times the street sweeper was going to be in the designated areas. She asked if this could be put back into the law so that people would have to move their vehicles for the street sweeper in those designated areas and that those people that didn't move their vehicles would be fined. She feels that this would be beneficial to the City in order to keep it clean.

Steve Golnar stated that the previous City Commission determined in the past that the street sweeping issue was not the best use of the Police Department or Code Enforcement Officer's time.

Clint Tinsley commented that the Public Works office is working on a revised street sweeping schedule since the City has a lot more paved streets. He stated that the downtown area will still be the priority for street sweeping. As the City gets bigger the task of requiring vehicles to be moved while streets are swept will become more of a challenge.

Patricia Grabow asked if the City businesses could do a thorough cleaning of streets during "Clean Up Day". Clint Tinsley commented that Clean Up Day takes the whole City crews just to get done what needs to be done. Patricia Grabow stated that she meant that maybe businesses could join in and help clean in front of their business on "Clean Up Day".

Ms. Gibson thanked the Commission for their time and consideration of her concerns.

Public Hearings:

A public hearing was held on Resolution No. 3606 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2004-2005 BY INCREASING POLICE CAPITAL OUTLAY FUND #1000.131.420100.976 IN THE AMOUNT OF \$14,000.00 BY TRANSFERRING \$10,697.66 FROM RESTRICTED CASH FUND #1000.102050 AND \$3,302.34 FROM OPERATING CASH FUND #1000.101000.**

No public comments were given.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3606.

All in favor, Motion passed.

Resolutions:

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3605 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DIAMOND D CONSTRUCTION FOR THE CONSTRUCTION OF THE "D" STREET PUMPHOUSE IN THE AMOUNT OF \$44,656.00.**

All in favor, Motion passed.

Action Items:

A discussion was held to approve payment of \$14,000.00 for purchase of a 2002 Ford Explorer for the Police Department.

Motion was made by Ebinger, second by Caldwell, to approve payment of \$14,000.00 for the purchase of a 2002 Ford Explorer for the Police Department.

All in favor, Motion passed.

A discussion was held to consider issues relating to possible sale of the Old Waterworks Building and clarify request to Zoning Board for Zoning Code amendments.

Bruce Becker, City Attorney, provided the Commission his proposal to consider a special district for zoning of the Old Waterworks Building.

Mr. Becker stated that there is a case in Great Falls called "Bowen". The building is an old nunnery and was razed to the ground and sat vacant for many years. A person came to Great Falls and offered to make this building into a multi-family dwelling and the area is zoned for single-family dwellings. The issue raised was if this was spot zoning. The discussion in this case was when a City seeks to do away with "blight" to clean up an area that this isn't really spot zoning.

Mr. Becker commented that he had talked to the Jim Nugent, City Attorney of Missoula in regards to the Old Waterworks Building and Mr. Nugent suggested that the City create a special zoning district with special conditions, including the type of commercial uses which would be acceptable. Mr. Becker commented that what he has observed with the Commission in

what they want to do with the Old Waterworks Building is to rehabilitate blight and improve the area. He suggests that the Commission change the area of the Old Waterworks Building to a special zoning district.

Steve Caldwell asked if the Old Waterworks Building meets height requirements for RII zoning. Jim Woodhull stated that 27' is the maximum height of a building for RII zoning and the Old Waterworks Building isn't that tall.

Patricia Grabow commented that Tara Eddy had some concerns of the Old Waterworks Building and asked if Ms. Eddy had a chance to see what Mr. Becker proposed to the City Commission for the Old Waterworks Building a special district.

Ms. Eddy was present and the Recording Secretary presented her with a copy of the special district proposal for her review.

Ms. Grabow asked with the special district in mind relating to the Old Waterworks Building if that means the building would have to stay in its historical state. Mr. Becker stated that the Commission could put this restriction in the Deed of the Old Waterworks Building when it is sold.

Patricia Grabow also asked if the Old Waterworks Building was approved for Law Offices and the purchaser sold the building and the second buyer wanted to put in a restaurant if this could be done under the special district zoning.

Mr. Becker commented that with the special district proposed he suggested that the Commission come up with a list of uses and those would be the only uses for the building. The City Code states that the City can sell a historic building under the condition that it be maintained in its historical condition and if the City can buy the building back.

The City Commission asked how the special district process would be proposed for the Old Waterworks Building.

Steve Golnar stated that he would write a letter to the City Planner, Jim Woodhull asking him to take this proposal to the City Planning Board.

The purpose of the special district is to supplement land uses and development standards by recognizing the unique characteristics of an existing structure(s) which may be important to the community to preserve from an historical or architectural design perspective. It is the intent that the uses to be allowed are an inducement to the preservation of the historic or architectural design of the building and shall not be construed as creating a benefit for the owner of the property to the detriment of other owners surrounding the special district. This is not special legislation for the benefit of the property owner, but rather a method for the preservation of historic or architectural designs important to the community.

Uses in the special district may be reduced or expanded from uses allowed in the areas surrounding the special district. Allowable uses will be set forth in the plan adopted for the special district.

The City Planning Board would make their recommendation to the City Commission for a special district plan taking into consideration:

- a). delineation of the boundaries of each special district;
- b). identification of the structure(s) which contributed to the creation of the special district;
- c). identification of the uses and development standards or guidelines intended to preserve the structure(s) which may vary from district to district, but shall take into consideration:
 1. setbacks,
 2. landscaping standards,
 3. signage standards,
 4. parking standards, and
 5. a list of uses to be allowed.

Development proposals for the special district plan shall be reviewed for compliance with the plan by the City Planning Board which shall make a recommendation to the City Commission for approval.

The City Commission gave direction to Staff to move forward by requesting a text amendment from the Planning Board to incorporate the above proposed special district plan for the Old Waterworks Building and other future special needs.

The Commission reviewed and discussed the County February 16, 2005 response on the Extension of Second Stipulation to extend Settlement Agreement to Cause No. DV02-32 before the Honorable Richard A. Simonton relating to revised schedule for Park County Comprehensive Plan, Neighborhood Plan and redrafting of the zoning regulations for the donut area around Livingston.

Steve Caldwell commented about the City Attorney's memo to the City Commission about the redraft of the extension stipulation where in he stated: "The County agrees to have a complete growth policy, including a neighborhood plan, drafted by the October 1, 2006, deadline which is then either adopted by the County Commissions or submitted to the electors", and made note that actually all of that will have taken place by October 1, 2006.

Patricia Grabow commented about the revised second stipulation to extend settlement agreement from the County from County Attorney, where it states: "Park County was unable to adopt a growth policy on December 16, 2004 that was acceptable to the citizens of Park County and legally sufficient to be a growth policy", and stated that she feels that it is un-necessary to

have the language: "that was acceptable to the citizens of Park County and legally sufficient to be a growth policy".

Ms. Grabow asked the City Attorney to make a suggestion to the County Attorney to delete this wording in paraphrase B.

Ms. Grabow also commented that she hasn't changed her position in thinking that it is reasonable to drop the lawsuit altogether. She feels that one of the problems that the City has encountered in the entire growth policy is that it was not in the framework of the City, County Planning Commission and therefore did not have the structure that surrounds that legal framework that surrounds. Therefore she feels that it is worth considering trying to ask the County to again create a City/County Planning Board for the Donut Area because the framework would function so much better and would eliminate some of the problems that the City has encountered. Ms. Grabow also feels that if a City/County Planning Board was created for the Donut area that things would go a lot smoother in developing a growth policy and fall into the framework of the Montana legal system.

Ms. Grabow asked if this would be possible to ask the County if they would consider creating a City/County Planning Board for the Donut Area.

Bruce Becker stated that it could be possible and suggested to direct the City Manager to write a letter to the County Commission of possibly creating a City/County Planning Board for the donut area.

Ms. Grabow feels that this would be an advantage both to the City and the County in creating this City/County Planning Board for the donut area in order to develop continuity after the lawsuit is over and the terms of the lawsuit would be settled because of the mechanism for the whole follow through for years to come would still be in place at that point.

Motion was made by Grabow, second by Caldwell, to direct City Manager to write a letter to the County to create a City/County Planning Board for the Donut Area.

All in favor, Motion passed.

Motion was made by Ebinger, second by Caldwell, to accept the response from the County for the Extension Second Stipulation to Extend Settlement Agreement to Cause No. DV02-32 as modified.

4 in favor; Beebe, Blakeman, Ebinger and Caldwell, 1 against;
Grabow, Motion passed.

A discussion was held to approve the City of Livingston's Federal FY 2006 Appropriation Priorities and Requests.

A revised summary was provided separately for the City of Livingston's Federal FY 2006 Appropriation Priorities and Requests.

Motion was made by Caldwell, second by Beebe, to approve the City of Livingston's Federal FY 2006 Appropriation Priorities and Requests as presented.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Patricia Grabow commented that she hasn't been getting e-mail's and was concerned about the email policy that was discussed a few meetings back.
- Patricia Grabow stated that when she looked over the Historic Preservation Commission noted that State statute and City policies suggested the Commission may consist of (3) property owner's members and (1) member from the Zoning Commission. She commented that the City Commission interviewed nine (9) people for the six (6) vacancies on the Historic Preservation Commission and was wondering if the Commission would consider an extension of applications in order to allow for those property owners that were not aware of the vacancies to apply.

Bob Ebinger stated that he feels that would be an insult to those applicants that did get their applications in by the deadline and thinks that the Commission should not extend the applications for the Historic Preservation Commission.

Patricia Grabow commented that since the City Tree Board, the Board of Adjustments and the Urban Renewal Agency vacancies were reopened due to not having enough applications to fill the positions that it could be appropriate to also extend the Historic Preservation Commission applications.

Steve Caldwell commented that the City Tree Board, the Board of Adjustments and the Urban Renewal Agency vacancies did not have enough applications to fill the positions and that is why they were extended but the Historic Preservation Commission vacancies had a number of people apply for the positions and he was not in favor of opening back up the Historic Preservation Commission applications.

Vicki Blakeman commented that she doesn't really feel that it would make much difference if the vacancies for the Historic Preservation Commission was reopened.

Patricia Grabow stated that she does know of two property owners that would have liked to apply for the Historic Preservation Commission but was not aware that it was advertised.

Gregory Legge, Historic Preservation Officer, commented that it is difficult enough to get volunteers to apply for these vacancies and agrees with Bob Ebinger that it would be an insult to those that did meet the deadline to extend the application for vacancies to the Historic Preservation Commission. He also mentioned that there is potential for new vacancies when the terms expire and when that happens other property owners can apply.

Patricia Grabow asked Mr. Legge what is the next cycle of terms expired on the Historic Preservation Commission? Mr. Legge stated that the positions are three (3) year terms and that there are vacancies every year.

- Bob Ebinger asked about the appropriations list in the packet on page 108 it states under "matching funds available for projects" that the cost of these projects are expected to be \$427,411.00 and on page 107 it states that the cost of the project is \$427,711.00 and was wondering which amount was correct. Steve Golnar stated that the information that he provided to the Commission separately was more up to date than what was provided in the packet.
- Bob Ebinger also asked about the City Manager's project update under water and sewer extension to PrintingForLess.com where it states: "I intend to distribute a packet to the City Commission hopefully by the end of the week of August 21, 2005", if this was the correct date. Steve Golnar stated that it should be February 25, 2005.
- Steve Caldwell commented that the City Manager's letter to Robin Hoover of the Yellowstone Country Montana, for the nomination of Livingston as Montana Tourism Community of the Year for 2005 was an excellent letter and very informative.
- Steve Caldwell asked if Steve Golnar had received any additional legislative updates from what was provided in the packet. Steve Golnar stated that the session is in transition and he feels that most of the bills are in committee or transferred to another house. When he is updated from the legislative session he will email the Commissioner's for their information.
- Steve Caldwell asked about the proposal for the Ice Skating Rink suggesting permission to use the old tennis courts and wanted to know if there would be any impact on the tennis court issue if this were to happen. Steve Golnar commented that he feels that there could be. He also noted that the Ice Skating Rink committee has suggested to him that they will put plastic over the tennis courts before they would initiate any ice to be on the surface.
- Steve Caldwell also wanted to reiterate thanks to Peggy Glass, Frank Smith and Jim Mastin on the remodel of the 911/Dispatch Center.

- Steve Caldwell also stated that he would like to have a tour of the Library facility when it is completed. Steve Golnar commented that he would set up a tour as soon as the facility is complete.
- Vicki Blakeman asked how realistic the Ice Skating Rink would be with the old tennis courts. Clint Tinsley commented that this has been tried before and has not been successful.

Commissioner Grabow Comments:

- She commented that the reason she was concerned about the emails was that she did not find out about the Clean Cities conference on March 9th in Jackson, Wyoming and would like to attend. She would like to have an email policy considered in order to be informed of what is going on relating to the City activities. Steve Golnar commented that he does copy all City Commissioners relating to anything that the Commission may want to know. The Clean Cities materials were received directly by most interested City Commissioners and he apologizes for the oversight of not forwarding it to Ms. Grabow.
- She would also like to have the public informed about the resort tax.

Commissioner Ebinger Comments:

- He commented that he agreed with Lindie Gibson about the trees hanging over the sidewalks in that they need to be trimmed. Clint Tinsley stated that the tree trimming is up to the landowner. Mr. Tinsley also commented that the Code Enforcement Officer did issue warning tickets to those landowners that had trees hanging over the sidewalks and he believes that only four (4) of the many did not comply back.
- He commented that one of the stipulations of the Library having the big tree taken out was that they put in four (4) trees back in the area and was wondering if the City and County could help in purchasing the trees for the Library on the 3rd Street side.

Commissioner Beebe Comments:

- She wanted to thank Tara Eddy for her messages and her perspective about the Old Waterworks Building. She also thanked Bruce Becker for addressing the Commission's concerns and what his suggestion was for a special district for the Old Waterworks Building area.
- She commented that it was asked if the City Commission agenda's could be published in the newspaper and was wondering if this could be done. Pam Payovich, Recording Secretary commented that she does put the agenda on the City's website the Friday before the meetings but that the website has been experiencing some problems but hopefully this will be fixed in the near future.
- She also mentioned that she has heard from some concerned residents that are not enthusiast about a water and sewer rate

increase but they do understand that it is necessary. She feels that it is good practice to have the public awareness of these types of issues in order for the City Commission to make their final decision with the community concerns in mind.

Commissioner Caldwell had no comments.

Chairman, Blakeman Comments:

- She asked for volunteers for the Bowling Team on March 19th. No one volunteered at this time.

Public Comments:

- Tara Eddy of 604 South 9th Street asked about clarification if the City Commission considered putting into place the special district on the Old Waterworks Building that they may or may not sell the building and is it up to the Zoning Commission to determine if the Old Waterworks Building should be considered a special district and the whole area. Vicki Blakeman stated that the Zoning Commission would just be determining the mechanism. Bruce Becker stated that the Zoning Commission makes a recommendation for the special district and the parameters but the City Commission is the body that would make the final approval. Ms. Eddy also asked if she could be provided a list of the Zoning Commission members.

Motion was made by Ebinger, second by Caldwell, to adjourn the meeting there being no further business. Motion passed.

The time was 9:15 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
March 7, 2005
7:30 P.M.

The Livingston City Commission met in regular session on Monday, March 7, 2005 in the Community Room in the City/County Complex. Commissioners present were Bob Ebinger, Vicki Blakeman, Patricia Grabow, Mary Beebe and Steve Caldwell.

Staff Members present were Bruce Becker, Steve Golnar, Shirley Ewan, Darren Raney, Kevin Harrington, Jim Woodhull, Peggy Glass and Pam Payovich. Clint Tinsley and Jim Mastin were absent.

Motion was made by Caldwell, second by Ebinger, to approve consent items as follows:

- Approve February 22, 2005 (Tuesday) Regular City Commission Meeting Minutes.
- Accept Bills and Claims for 2nd half of February.
- Approve Special Event Request for the Patricia Coleman Foundation "Fun Run" on May 21, 2005 contingent upon receiving updated Certificate of Insurance naming the City of Livingston as additional insured.

Bob Ebinger asked about the special event request from the Patricia Coleman Foundation's Children's Health River Run on May 21, 2005 and wondered if the County should know about this special event request as the run is to be on 9th Street Island Bridge which is in the County. Mr. Ebinger also asked about the participate form on the bottom where it states: "In Consideration of your accepting this entry, I hereby, for myself, my heirs, executors, and administrators, waive and release any and all rights and claims, for damages I may have against Park County and the Patricia Coleman Foundation." He wanted to know if they would add the "City of Livingston" also to this entry form.

Mary Beebe wanted to know about the claim to Northwestern Energy for the Civic Center if this was normal for the year. Shirley Ewan stated that this bill was pretty normal for this time of the year.

Steve Caldwell complemented the Recording Secretary for the quality of the minutes.

Steve Caldwell asked about the minutes on page 5 where Mr. Becker states: "The building is an old nunnery and was raised to the ground and sat vacant for many years." Mr. Caldwell to change the spelling to "razed" not "raised".

Mr. Caldwell also asked about the claim from Livingston Welding for the rail panels for 7th Street Bridge and wanted to know if the 7th Street Bridge was going to be completed. Vicki Blakeman stated that everything is complete on the 7th Street Bridge except for the rockwork. Clint Tinsley is going to ask if this rockwork can be done as an Eagle Scout project.

Steve Caldwell asked about the liability insurance naming the City of Livingston as additional insured on the special event request for the Patricia Coleman Foundation's Children's Health River Run if in fact we didn't need insurance for per claim per occurrence for participant liability.

Bruce Becker stated that this is similar to the Rodeo participate insurance. The participants of the Rodeo have to carry their own liability insurance because it is their choice to participate in the Rodeo. Mr. Becker will check on this and let the Commission know.

All in favor of consent items, Motion passed.

Proclamations:

Chairman, Vicki Blakeman, read a Proclamation for Public Safety Dispatchers Week in the City of Livingston to be held April 11th through April 15th, 2005.

Scheduled Public Comments:

Cindi Fargo, Executive Director of the Alliance Development Corporation was scheduled to update the Commission on their contract but cancelled. This will be rescheduled at a later date.

Larry Lahren, Chairman of the Park County Commission, gave a proposed update on the tentative revisions and completion of the Park County, Montana Growth Policy Plan in order to create and write a Neighborhood Plan for County zoned area and the City of Livingston. Mr. Lahren provided the Commission with a proposed schedule for the scope of work for the "Growth Policy Plan" and reviewed this document with the City Commission and City Staff. Document attached below:

Park County, Montana

Request: Contract Consulting Services

Project: Revise and complete the Park County, Montana Growth Policy Plan. Create and write a Neighborhood Plan for County Zoned Area.

Scope of Work:

Park County, Montana currently requires the services of a professional, independent contractor-type consultant to create a Growth Policy Plan as required by Section 76-1-601, MCA.

Phase I

From March to May, 2005, Park County will appoint, organize, direct and assign citizen task force members to the areas outlined below.

June- 05- consultant hired

Phase II

Project Tasks: June-October 2005

- ❖ Edit and update the "Inventory of Existing Characteristics and Projected Trends for Park County" (Cossitt 2004).
- ❖ Facilitate and collect data from the citizen-task force meetings for the following sub-areas of Park County, Montana:
 1. Wilsall- consisting of three areas; town, East and West.
 2. Clyde Park- consisting of two areas outside of Clyde Park, East and West.
 3. Clyde Park to Sheep Mountain.
 4. Sheep Mountain to Springdale.
 5. Livingston West .
 6. City of Livingston.
 7. The "donut" or 4 ½ mile area surrounding the City of Livingston.
 8. Mission/West Boulder area.
 9. Yellowstone Valley – from Allen Spur to the mouth of Yankee Jim Canyon.
 10. Joe Brown to Gardiner.
 11. Gardiner town.
 12. Cooke City.
 13. Silver Gate.

Phase III

- ❖ Conduct one public hearing at one location for each of the following areas as outlined above:
 - 1-4 – Clyde Park and/or Wilsall/Springdale.
 - 5-6 – Livingston
 - 7 – Livingston
 - 8 – Beaver Creek
 - 9 – Emigrant
 - 10 – Gardiner
 - 11 – Gardiner
 - 12-13 – Cooke City

- ❖ Develop for and circulate at the above meetings, a **questionnaire** to determine the views of the participants.
- ❖ Create a synthesized, first draft document of findings for all of Park County, with individual data discussions from each of the above defined areas.

Phase IV

- ❖ Conduct second public hearings in each of the areas as defined above.
Revise Draft.

Phase V

October 1 to December 31, 2005

- ❖ Create a second draft of the Growth Policy Plan for the Park County Planning Board. **Due January 31, 2006**
February 2006- Planning Board Review
- ❖ **March 2006- Planning Board conducts a public hearing on the second draft.**
- ❖ **April 2006- Planning Board gives its recommendations to the County Commissioners.**

Final Phase

- ❖ **May-July 2006** – commissioners hold public hearings on final draft.
- ❖ **August 31, 2006 – final draft** of the Growth Policy for Park County is submitted for Commissioner adoption. (APA format, two unbound copies, two digital copies in Microsoft Word format).

September 15, 2006- Growth Policy Adopted

Park County will organize and direct initial citizen-task force formation.

Mr. Lahren confirmed that the documents as described above will be available at the Library for anyone's review in their initial state and in their final state.

Ordinances:

First reading of Ordinance No. 1953 was held – **AN ORDINANCE OF THE LIVINGSTON CITY COMMISSION AMENDING SECTION 30.13 ENTITLED OFFICIAL ZONING MAP OF CHAPTER 30 "ZONING" OF THE LIVINGSTON MUNICIPAL CODE BY DESIGNATING THE RECENTLY ANNEXED GLENN ADDITION WHICH IS DESCRIBED AS BEING LOTS "A" THROUGH "K" OF**

SUBDIVISION PLAT #77 LOCATED IN SECTION 23 OF TOWNSHIP 2 SOUTH, RANGE 9 EAST, M.P.M., AS MEDIUM DENSITY RESIDENTIAL (RII).

Motion was made by Caldwell, second by Beebe, to approve first reading of Ordinance No. 1953.

All in favor, Motion passed.

A public hearing will be held on Ordinance No. 1953 on March 21, 2005 at the City Commission meeting.

Resolutions:

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3607 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING "SOLE SOURCE" METHOD OF PURCHASING "NO SMOKE" DIESEL EXHAUST REMOVAL SYSTEMS AND AUTHORIZING THE PURCHASE THEREOF IN THE AMOUNT OF \$58,856.00.**

Bob Ebinger asked if the \$58,856.00 for this purchase was budgeted for. Steve Golnar stated that "yes" the City does have this budgeted for and it is funded with Federal Emergency Management Agency (FEMA) grant assistance.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3608 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING POSITION DESCRIPTION FOR CITY FINANCE CLERK.**

Bob Ebinger asked if this was an existing job. Shirley Ewan stated that this was a shared job between the City Judge's office and the Finance Department. The City only had filled the part-time position in the City Judge's office but the part-time position upstairs in the Finance Department has not been filled.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3609 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING A CASH RESERVE/RESTRICTED ACCOUNTS POLICY AS PART OF ITS OVERALL FISCAL POLICY FOR FISCAL YEAR 2004-05.**

Bob Ebinger made comment that this Resolution is for fiscal year 2004-05 which is over in a few months. Shirley Ewan stated that this is the same thing that occurs every year. She has to wait until the auditors are through with their audit before she can do the transfer to the accounts.

It was requested by the Commission to have a Budget Workshop on Wednesday, March 30, 2005 at 7:00 p.m. in the Community Room in the City/County Complex. This will be open to the public.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3610 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, FINDING PUBLIC INTEREST IN PROCEEDING WITH A SPECIAL IMPROVEMENT DISTRICT TO PROVIDE A PORTION OF THE COSTS FOR WATER AND SEWER IMPROVEMENTS TO RECENTLY ANNEXED PROPERTY COMMONLY REFERRED TO AS THE PRINTINGFORLESS.COM (PFL) PROPERTY OR THE WEST END INDUSTRIAL INFRASTRUCTURE DISTRICT.**

Patricia Grabow suggested that the Commission table this Resolution also along with Resolution No. 3612 and Resolution No. 3613.

Steve Golnar stated that he didn't feel that this Resolution was controversial or required more information like Resolution No. 3612 and Resolution No. 3613. He commented that Resolution No. 3612 and Resolution No. 3613 do not have significant dollar figures which were needed to determine how much the City will pay with Special Improvement District (SID) funds and how much the City will pay with the Tax Increment Financing District (TIFD). He felt that the Commission could move forward with Resolution No. 3610 because the Commission had already moved forward to create the Tax Increment Financing District and that they had indicated that they wanted to move in that direction with the recognition that the Tax Increment Financing District (TIFD) would not be adequate to sufficiently fund the extension of the water and sewer to the PrintingForLess.com property. Resolution No. 3610 establishes that proceeding with an SID would be in the public interest. It does not commit the City to creating a Special Improvement District at this time as it is just a statement of policy.

Mr. Golnar suggested that if the Commission would like to have a workshop explaining the project financing then they may certainly request one.

Mr. Ebinger wanted to know how much money would be coming out of the Tax Increment District and the Special Improvement District for the water and sewer improvements to the PrintingForLess.com property before he could vote in favor of this Resolution.

Mr. Golnar reported that estimated amounts have been given for this project from CTA Nelson Engineering for the water and sewer line extension and the City is waiting on getting cost estimates for construction of the building so that the Montana Department of Revenue can estimate the taxable value of the building.

The Commission requested a workshop explaining the project financing for Resolution's No. 3610, 3612 and 3613 in order to move forward with the PrintingForLess.com project.

It was the concurrence of the Commission to have a workshop on March 14, 2005 at 6:00 p.m.

No action was taken.

Motion was made by Grabow, second by Ebinger, to table Resolution No. 3610 until March 21, 2005 at the next City Commission meeting.

3 in favor; Beebe, Grabow and Ebinger, 2 against; Blakeman and Caldwell; Motion passed.

Motion was made by Ebinger, second by Caldwell, to approve Resolution No. 3611 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, OF ITS INTENT TO ESTABLISH A COMMERCIAL GARBAGE RATE FOR THE DISPOSAL OF RECYCLABLE GLASS IN THE AMOUNT OF \$81.09 PER TON FOR GLASS PROPERLY PLACED IN THE "GLASS ONLY CONTAINERS".**

Steve Caldwell asked if the City knew the cost of crushing the glass?

Steve Golnar stated that the anticipation is that the cost of crushing the glass will be included in rate that the City charges the businesses and what the City would save in hauling the garbage to the transfer station or incinerator.

All in favor, Motion passed.

A public hearing will be held on March 21, 2005 relating to Resolution No. 3611.

Resolution No. 3612 and Resolution No. 3613 were rescheduled for March 21, 2005.

Action Items:

A discussion was held to review Consultant Selection Committee's report for Railroad Crossing Engineer Selection Interviews and the need for the funding plan.

Steve Caldwell asked how long the proposals for the Railroad Crossing Engineer Selection could be out.

Jim Woodhull commented that there isn't any need to reach a decision in a timely manner for this project as to how the project is going to be funded needs to be determined before moving forward.

Steve Caldwell asked if the Committee had any idea where the money would come from for this Railroad Crossing Engineer Selection.

Steve Golnar stated that he feels the City should seek funds through grants or determine finding money through resources that the City and County may have. Mr. Golnar doesn't believe that this project can be done before next fiscal year but now is a good time to talk about it. He identified that the City is seeking funds through Federal Appropriations for the City share. He also suggested to have project funding for this project discussed with the County for their share of funding on the City/County Meeting agenda for the April 5, 2005 meeting or the April 20, 2005 meeting.

After further discussion, Steve Golnar commented that he would put together a response to short listed Consultants for the Railroad Crossing Feasibility Study in coordination with Jim Woodhull, City Planner and Jackie Robbins, County Planner to determine if a phase approach were possible with our existing funding and if the consultants could assist with future feasibility and project fund raising efforts.

A discussion was held to approve donation of Canon BJW 3000 Plotter to the Public Schools of Park County.

Motion was made by Caldwell, second by Ebinger, to approve donation of Canon BJW 3000 Plotter to the Public Schools of Park County.

Steve Caldwell asked if the Public Schools would really want the plotter if it was a high maintenance plotter?

Steve Golnar stated that Ms. Shockley, GIS Coordinator, commented to him that the Public School has an individual who does do maintenance on this type of plotter and is willing to take on the task.

All in favor, Motion passed.

A discussion was held to review draft letter to Park County for implications of creating a City-County Planning Commission for the Donut Area.

A letter was provided from Jim Woodhull, City Planner in the addendum relating to the implications of creating a City-County Planning Commission for the Donut Area. Mr. Woodhull commented in his letter if the City Commission would like to implement this City-County Planning Board for the Donut area they would have to either eliminate the City Planning Board and the County Planning Board in order to create a consolidated Board assuming all of the powers and authority of the existing boards or create a Joint Board in addition to the existing City and County Planning Boards and assume its powers and duties pursuant to an Interlocal Agreement.

Mr. Woodhull also mentioned that with the existing state law (MCA 76-2-312) it makes it impossible for the City to extend its zoning jurisdiction beyond the City boundary.

Patricia Grabow asked where the City's 4-½ mile donut area boundaries are since the City has annexed out further than the original City boundaries were or does the donut area remain fixed. Mr. Woodhull commented that since there is no longer a City-County Planning Board the 4-½ mile donut area is no longer an issue. The boundary of the zoned area remained fixed in the past and required County action to extend it. This zoned area has not changed since it was created.

Steve Caldwell asked Mr. Woodhull if he would have some suggestions as to how the City should initiate amending the Interlocal Agreement between the City and the County. Mr. Woodhull stated that there are many alternatives. He suggested that the County could allow the City in helping to enforce some of the City's subdivisions relations perhaps through some dense zoning regulations preparing for annexation of utilities matters.

The Commission discussed issues as to whether they want to pursue a Joint City-County Planning Board or whether to just revise the Interlocal Agreement between the City and County.

Jim Woodhull's suggestion was to have the City Planning Board and the County Planning Board do some in depth research on how this Interlocal Agreement between the City and County could be revised in order to initiate the City Commission's concerns.

Steve Golnar suggested that the letter be redrafted to suggest that the County Planning Board work with the City Planning Board in a joint meeting.

Steve Caldwell suggested having this as a discussion at the City Planning Board meeting relating to changes of the Interlocal Agreement and having them ask the County Planning Board about their concerns instead of redrafting the letter for more discussion to be initiated.

It was requested to have this above initiated instead of redrafting letter to the County.

A discussion was held to review proposed Swimming Pool fee increases and direct City Attorney to prepare a Resolution Establishing revised rates for 2005 season. The proposed rate increase for daily admission at the Swimming Pool would be \$3.00 instead of \$2.00.

Steve Caldwell stated that he was curious as to how the City only has collected \$8,319.00 out of the current revenue swimming pool fund. Steve Golnar stated that most of the fees are collected for the swimming pool when

the swimming pool passes are sold before the end of the fiscal year, (June 30th) for the Summer.

Bob Ebinger commented on the swimming lessons fee that it states that it is \$35.00 per "lesson". He believes that it is \$35.00 per "session". He doesn't want kids to be discouraged from learning how to swim.

Motion was made by Ebinger, second by Beebe, to direct City Attorney to prepare a Resolution establishing revised rates for 2005 season.

Brenda Adams of 802 East Butte Street commented that she has had a very long interest in the swimming pool as she was a swimming instructor back in her younger days and her children have swam at this pool. She was wondering if the City has ever considered having a breakdown schedule for low-income families in order for the majority of the children in the community to take swimming lessons.

Vicki Blakeman commented that this has been brought to the City's attention before and the mechanics of identifying those families of low-income proved to be difficult to determine. Steve Golnar commented that the City's Recreational Department has a scholarship program, which is funded by donations from benevolent parties and is intended to offset the costs of recreational activities for needy individuals.

The City Commission's concurred to explore what scholarship program the Recreational Department has now and see if their concerns about low-income families could be incorporated into the existing program.

All in favor, Motion passed.

A discussion was held to review the County Attorney's proposed revision to Extension of Second Stipulation to Extend Settlement Agreement to Cause No. DV02-32 before the Honorable Richard A. Simonton relating to revised schedule for Park County Comprehensive Plan, Neighborhood Plan and redrafting of the Zoning Regulations for the Donut Area around Livingston.

Steve Golnar suggested one change in the proposed "Second Stipulation to Extend Settlement Agreement". The change is on page 3, line 7 of the agreement to change October 1, 2005 to October 1, 2006.

Motion was made by Ebinger, second by Caldwell, to direct the City Attorney to sign the proposed revised to extension of "Second Stipulation to Extend Settlement Agreement" to Cause No. DV02-31.

Patricia Grabow reintroduced her proposal to drop this lawsuit. She stated that with the City continuing to proceed with this whole process in creating a County growth plan that the lawsuit becomes more mute. The City is involved and does have a say in the growth policy.

Bob Ebinger commented to let this process go on without any more changes so that the City and County do not spend any more fees relating to the lawsuit.

4 in favor; Blakeman, Beebe, Caldwell and Ebinger, 1 against; Grabow, Motion passed.

The City Manager's written comments were reviewed.

- Bob Ebinger wanted to comment on Clint Tinsley's concerns about the City considering selling the Old Waterworks Building. Mr. Tinsley's stated in his email that if the Commission decides to sell the Old Waterworks Building that the City should put a minimum bid amount of \$250,000 on the property. The City is growing at a rate that has never been seen before and the potential growth that has been talked about in the last year is conceivable that the City may double in size in the next 5 to 8 years. Mr. Tinsley feels that the City will be searching for more park spaces, larger or more swimming pools, ice-skating rinks, etc. if this growth of the City does in fact happen. Mr. Ebinger agrees with Mr. Tinsley and his personal view about the possible sale of the Old Waterworks Building is that the City should retain the building for future City use.
- Bob Ebinger commented on the letter that was sent out on proposed water and sewer rate increases and wanted to express that he strongly feels that the City really needs to speak in the way of what the City will lose if the City doesn't increase water and sewer rates.
- Mary Beebe commented also about Mr. Tinsley's email about the Old Waterworks Building. She stated that people have expressed to her that the City could lose a lot if the City chooses to sell the building. Other comments have been to Ms. Beebe that this building is unique and that the City should hold onto it as a piece of local history not letting it fall apart.
- Steve Caldwell stated that his feelings have not changed about the Old Waterworks Building. He feels that the City needs to separate the issues of restoration and ownership. He definitely wants to see the building restored and knows that the City doesn't have the funds to do that. But he does feel that in the City's analysis of the Old Waterworks Building what are the restoration costs to not further the deterioration of the building and these costs need to be determined.
- Steve Caldwell wanted to second Mr. Ebinger's comments about the water and sewer proposed rate increases and extend his thoughts. He stated that he wants to see from Mr. Tinsley's presentation an alternative analysis with vigorous math figures in terms of if the City doesn't increase water and sewer rates what will happen.

- Vicki Blakeman asked if dates needed to be scheduled for the Public Works Negotiating team to meet now. Dates proposed to meet with the Public Works Union are April 7th and April 8th.
- Vicki Blakeman made her comments about the Old Waterworks Building. She doesn't want to sell the building but she does want to see it restored. So she would like to see an analysis done in order to see how much it would cost to have the building stabilized.
- Patricia Grabow commented that having restored a historical building herself after it sat for 15 years that she encouraged any restoration efforts to begin as soon as possible. She commented that a public and private effort can go on in any community to restore a building so that it does not detract from the character of the community.

Commissioner Grabow Comments:

- She stated that she would like to encourage the distribution of the feasibility study for the clean bus tour district for Yellowstone National Park to include the press and the community. Her and Mr. Golnar are going to attend a clean cities meeting on the 9th of March regarding this.
- She would like to compliment the Downtown Business Association on its increased effort to involve the downtown businesses in planning their Urban Renewal project.
- She also wants to encourage everyone in the community to support the optional resort tax and to really encourage the public for the option. This is simply an option not a tax!
- She also commented that in anticipating that the Alliance Development Corporation was going to be present at the meeting tonight she wanted to mention her concern about the money from the City staying in one bank and particularly CDBG money. Her understanding with CDBG money is that it is suppose to rotate between banks and commented that there are six banks here in Livingston and the monies should rotate between all of the banks.

Commissioner Ebinger Comments:

- He commented about the document that was emailed to all of the Commissioners was for encouraging people on learning about the feasibility of a Clean Bus Tour District in Yellowstone National Park. He suggested that copies of this document be put in the City's front office and the Library so that people that are interested could be informed.
- He stated that he has received some concerns from citizens about speeding on Callender Street. There are a lot of children in the neighborhood and that the 25 mph speed limit should be observed more.
- He stated that on the March 21, 2005 City Commission meeting there are going to be several public comments. He will be out of town from March 14, 2005 through March 21, 2005 and wanted to

ask the Commission if Steve Golnar could prioritize the agenda and if there is going to be important voting that it be early on the agenda as he will be coming into town for the meeting and then leaving the next morning again.

Commissioner Beebe had no comments.

Commissioner Caldwell had no comments.

Chairman, Blakeman Comments:

- She stated that some citizens have approached her about young people being interested in City Government. She commented since she has worked at PrintingForLess.com (PFL) she has noticed that young people really don't know about City government. She stated in a conversation that came about at PFL someone asked her about the parking issue. What recourse would someone have if the neighbors have eight cars and you have one car and you can't park in front of your own house, Ms. Blakeman asked what should she tell them. Darren Raney stated: "Fight it out among themselves. Public streets are public street parking". Vicki Blakeman stated that the person did go ask the neighbor if they could move one of their vehicles and they did, so it was resolved. Patricia Grabow stated that given the comments on the parking issues tonight that she is in favor of having a "parking authority".

Public Comments:

- Robert Moore of 407 North 3rd Street made comment. He stated that one of the highest priorities of the "Entranco" study is parking. His suggestion is that the tunnels under the tracks being proposed by the Entranco study for pedestrians should move forward. He feels that the use of the Railroad yard could be moved a little bit to the east in order to pursue more parking. Also he feels with the activities being held at the Depot Center it would be nice to have more parking around the Depot for these events. He made a suggestion and asked if a parking task force could be developed in order to initiate this proposal for parking.

Bob Ebinger stated that the Downtown Association is initiating the parking issue for the downtown businesses. Mr. Ebinger also mentioned that there are too many unknowns under the Railroad tracks to even want to go that route would be a liability issue.

Patricia Grabow volunteered to get a parking task force put together to initiate the parking issues.

- Brenda Adams of 802 East Butte Street stated that the section of the Railroad yard that is being used for gravel was there when Mr. Moore bought his house. The Railroad has no other place to put

their gravel and ties in the yard in order for them to be readily accessible.

Steve Golnar made comment on his discussion with Montana Rail Link he would be putting together a list of what is happening in Livingston and submit this to the Commission in order to get some public input.

Motion was made by Caldwell, second by Ebinger, to adjourn the meeting there being no further business. Motion passed.

The time was 9:45 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
March 21, 2005
7:30 P.M.

The Livingston City Commission met in regular session on Monday, March 7, 2005 in the Community Room in the City/County Complex. Commissioners present were Patricia Grabow, Steve Caldwell, Bob Ebinger, Mary Beebe and Vicki Blakeman.

Staff Members present were Bruce Becker, Steve Golnar, Shirley Ewan, Darren Raney, Jim Mastin, Jim Woodhull, Clint Tinsley, Peggy Glass and Pam Payovich.

Motion was made by Ebinger, second by Caldwell, to approve consent items as follows:

- Approve March 7, 2005 Regular City Commission Meeting Minutes.
- Accept Bills and Claims for 1st half of March.
- Department Heads Monthly Reports and Other Minutes.
- Approve Special Event Request from Corporation for the Northern Rockies for "Farmers Market" to be held on every Wednesday starting June 15, 2005 through September 14, 2005 at Miles Park.

Patricia Grabow requested that on page 12 of the minutes under her comments to change the word "between" to "among" so as to read: "Her understanding with CDBG money is that it is suppose to rotate among banks and commented that there are six banks here in Livingston and the monies should rotate among all of the banks."

Bob Ebinger commented about the amount of calls on the Dispatch report and wanted to know if this was due to the amount of burglaries in the downtown business area. Peggy Glass stated that these are for both the City and the County.

Mary Beebe asked about the claim from Park County Clerk & Recorder for the November "Ballet" Issue and wondered if this shouldn't be "ballot" and wanted to know if this was for the election coming up. Shirley Ewan stated that it was for last November election that the City just received the bill from the County.

Ms. Beebe also noted the number of cats impounded was lower than dogs but that both numbers were down. She wondered if this was due to the success of the recent Spay/Neutered Clinics in Livingston and Bozeman.

Steve Caldwell commented that with the "Farmers Market" special event request that he is a governing board member for the Corporation for the Northern Rockies.

All in favor of consent items, Motion passed.

Scheduled Public Comments:

A scheduled public comment was held from the Tri-County Network Against Domestic & Sexual Violence by Jerri Miller, TCN Chairperson.

Ms. Miller thanked the Commission for allowing her to come and talk to them about the Tri-County Network Against Domestic & Sexual Violence organization. She stated that this organization unfortunately has found them to be under funded this year. They use to be 100% funded from grants from the Fed's and the State in order for them to provide services. She commented that this organization is in desperate need for funding from the City of Livingston and Park County so that they can provide their services to Park County, Sweet Grass County and Meagher County. They are asking for \$20,000 each from both the City of Livingston and Park County to help fund this organization.

Jerri Miller provided a packet to the Commission explaining the Tri-County Network Against Domestic & Sexual Violence reduction project prior to the City Commission meeting.

Ms. Miller went through some of the important information about their organization throughout that packet. She concluded by requesting if the City of Livingston would please consider helping to fund this organization in the amount of \$20,000 and thanked them for allowing her to speak on behalf of the Tri-County Network Against Domestic & Sexual Violence.

The Commission stated to Ms. Miller that this will be referred to in the budget process and that she is right on time for requesting consideration of this funding for the next fiscal year.

A change in the agenda was requested by Chairman, Vicki Blakeman to have action item number 8, D discussed out of sequence.

Item 8, D was to consider approving a request by the Livingston Rotary Club to construct a gazebo for the Rotary Centennial Project in Sacajawea Park.

Victor Robbins, President of the Livingston Rotary Club gave a presentation on the placement and construction of the new proposed gazebo in Sacajawea Park from the Livingston Rotary Club.

In the coordination with the Park's Department it was determined that the best location for the gazebo would be between the tennis courts and the horseshoe pits, for the convenience of water, power, garbage, parking and the distance from the playground area. There will be no cost to the City.

This is being completed with fundraising money that the Livingston Rotary Club has received or will raise.

Bob Ebinger wanted to know if the gazebo would be designed with internal lighting so it can be used at night as opposed to external lighting.

Victor Robbins stated that the point is not to use the gazebo late at night. The light will be inside of the gazebo so that it can be used internally as people are occupying it and for security reasons. The curfew for the Park is 10:00 p.m.

Motion was made by Caldwell, second by Ebinger, to approve request by Livingston Rotary Club for the placement and the construction of the Gazebo Rotary Centennial project in Sacajawea Park.

All in favor, Motion passed.

Special Exception Requests:

A discussion was held to approve the recommendation from the City Zoning Commission for the Hospital Special Exception request from RII Zoning for Hospital Use of 3 Additional Houses.

Jim Woodhull, City Planner gave background information relating to this request. Mr. Woodhull stated that the affect on nearby properties would be minimal. Hospital activity already dominates this neighborhood and while parking remains a concern in this area the hospital is not proposing to add new administrative positions. The City Planning and Zoning Officer recommends approval of this special exception request.

Motion was made by Ebinger, second by Caldwell, to approve findings of fact of the recommendation from the City Zoning Commission for the Livingston Community Hospital owner of property described as all of Lots 23-28 in Block 28, Park Addition requesting a Special Exception for the use of three (3) additional houses.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve the recommendation from the City Zoning Commission for the Livingston Community Hospital, owner of property described as all of Lots 23-28 in Block 28, Park Addition, requesting a Special Exception for this property for the use of three (3) existing houses as office space for the Hospital.

All in favor, Motion passed.

Public Hearings:

A public hearing was held on Ordinance No. 1953 – **AN ORDINANCE OF THE LIVINGSTON CITY COMMISSION AMENDING SECTION 30.13 ENTITLED OFFICIAL ZONING MAP OF CHAPTER 30 "ZONING" OF THE LIVINGSTON MUNICIPAL CODE BY DESIGNATING THE RECENTLY ANNEXED GLENN ADDITION WHICH IS DESCRIBED AS BEING LOTS "A" THROUGH "K" OF SUBDIVISION PLAT #77 LOCATED IN SECTION 23 OF TOWNSHIP 2 SOUTH, RANGE 9 EAST, M.P.M., AS MEDIUM DENSITY RESIDENTIAL (RII).**

No public comments were given.

Motion was made by Caldwell, second by Beebe, to approve Ordinance No. 1953.

All in favor, Motion passed.

A public hearing was held for Resolution No. 3614 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING THE BASE WATER RATE IN THE AMOUNT OF \$3.00 PER MONTH.**

Lenny Gregrey of 429 South 9th Street made comments about the proposed water rate increase. He stated that this is the 3rd rate increase that the City has had in the last twelve (12) months. Mr. Gregrey asked the City Commission to consider using a "scalpel" on the budget instead of doing another rate increase. There are residents in the City that this is going to impact.

Diana Seider of 126 South 5th Street and of the Depot Foundation also spoke against the water and sewer rate increases. She stated to that the City did a rate increase last September of \$4.00 per month each for the water and the sewer and now just six (6) months later the City is asking for another increase. She feels that this is 100% increase on water and sewer rates in this short time frame and seems to be extreme. Ms. Seider stated that she has implemented upgrades in her house to catch leaks and she has not seen a change in her bill. She was told the sewer bill is constant and based on the average water bills for January, February and March of each year so a customer isn't paying extra for summer watering. She questioned the need for another increase again.

Brenda Adams of 802 East Butte Street asked if the City couldn't have a more accurate break down in order to replace water and sewer lines. She does understand with the way the City is growing that the City needs to replace the water and sewer lines. She commented that there are several people in the community that have limited incomes and feels that this additional increase of water and sewer will affect those with limited incomes extremely. She asked if the City would explain where this increase in both the water and sewer would go specifically for what projects.

Vicki Blakeman, Chairman stated that there were two (2) public community meetings held on March 14th and March 17th that explained what this money

was going to be used for. Ms. Blakeman asked Mr. Tinsley if he would summarize where this money is going to be used again.

Clint Tinsley, Public Works Director commented that there are several water and sewer projects that the City wants to do this year. He stated that the City is replacing old water and sewer lines which were initially installed from 1913 to 1917 throughout the City and that these lines are not being replaced because of new development its because they are old lines. Some of the projects would include the following:

Estimated Costs

Water

- | | | |
|----|--|-----------|
| 1. | Water Main replacement – Prior to “H” Street Reconstruction – “H” Street – Park to Butte and Park Street “L” to “H”. | \$183,000 |
| 2. | Water Main crossing – 6 th Street Park to Front. | \$265,000 |
| 3. | Water Meter Upgrade Project Completion – 2,149 radio read water meters will be installed. | \$503,000 |

Sewer

- | | | |
|----|--|-----------|
| 1. | Replace one month scheduled for Cleaning Sewer Mains. | \$495,000 |
| 2. | Sewer Plant – Rotating Biological contact Chamber Replaced. | \$111,000 |
| 3. | Ultra-violet Disinfection System at Sewer Plant. | \$360,000 |
| 4. | Lift Station Rehabilitation 10 th and Crawford. | \$200,000 |
| 5. | Storm Drain Crossing Park to Front Streets to Help reduce “B” Street underpass flooding. | \$275,000 |

Steve Golnar had asked for a report from Clint Tinsley’s on what the City’s costs would be if the City did not approve the utility rate increases. Following is a list of real costs associated with the projects that the City would be funding.

Replace one-month lines

Savings/Benefits

The City checks these sewer lines every Friday and this usually takes about 5 men 5 hours to check and clean whatever lines we find that are plugged.

5 men x 5 hours x 52 weeks x 21.89 per hour = \$28,457

The City cleans the sewer lines every month which takes 2 men with the jet truck and the vac trailer 12 hours to do. Vac and jet with men is charged out at \$125.00 per hour.

12 hours x 12 months x 125 per hour = \$18,000

Total cost savings in equipment and manpower = \$46,457/yr.

Hellsmark lift station

The City will take this lift station out and gravity flow the sewer instead of pumping it. The Cost savings on this project is that we will be replacing 600 feet of sewer line at a lesser cost then replacing the lift station. Average yearly power costs are \$420 per year and instead of replacing the lift station and pumps will save \$60,000 * in one time costs.

\$420/yr.

Storm drain crossing on Yellowstone Street

This project is being done to eliminate the underpass from flooding. This will lower our liability so we can be assured our emergency vehicles can get across the tracks.

Eliminate Underpass flooding.

H Street water project

This project is in the ten year plan and is being done because the State is replacing the "H" Street road next year. Cost savings will come from replacing the water main now and then we will not have the expense of replacing the street after the project is done.

Coordinate utility projects next with street replacement.

Water main replacement under tracks

This main had broken three years ago. It is vital to replace this so the City can have increased water flow to provide better water flows in case of a fire.

Increased water flow. \$275,000 each

Replace water meters

By replacing 2,000 water meters the City will increase the City's yearly income by an estimated 8% which comes out to \$66,000 per year and will reduce the City's labor used to read meters by 96 hours per month.

Revenue Enhanced \$66,000

96 hours x 12 x 21.89 per hour =	\$25,217.28/yr.
Total yearly savings and revenue enhancements=	\$91,217.28

Total cost savings and revenue enhancements per year if the City does get the rate increases to fund these projects would be \$138,094 per year. \$138,094/yr.

*NOTE: The elimination of the Hellsmark Lift Station would save \$60,000 (one time).

Mr. Tinsley stated the money the City is asking for associated with the water and sewer rate increases is to pay for the debt on the money that the City proposed to borrow from the State and also to fund the depreciation with these projects that the City wants to do now and approximately for the next 40 years.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3614.

Steve Caldwell stated that to his understanding his role of government is to provide adequate infrastructure in such a way as to facilitate economic development in the community. He stated that the City is forty years plus behind in deferred maintenance of water and sewer in the community and the City of Livingston is trying to play catch up on a massive scale. Mr. Caldwell stated that people tend to focus on the costs of raising water and sewer rates per month instead of the benefits. He felt that this increase in water and sewer rates was more beneficial than the costs associated with the risks, liability and public safety concerns. He is in favor of these rate increases.

Mary Beebe concurred with Steve Caldwell. She commented that rate increases are difficult for everyone but the bottom line is if the City doesn't do these increases now in order to do the projects needed to upgrade the water and sewer lines the costs of replacing these lines will continue to go up. She too is in favor of the water and sewer rate increases.

Bob Ebinger stated that sometimes an elected official has to make tough decisions. Mr. Ebinger requested that the City Staff try to work on the budget so that an increase of water and sewer rates doesn't have to occur again.

Patricia Grabow commented that the City of Livingston is going to grow tremendously in looking at all of the applications for building houses. She asked for City Staff to look outside of the box as this is a remarkable time in history for the City. She did appreciate the work that needs to be done but asked for work on the budget and for Staff to find alternatives in order to do

the repairs of the water and sewer lines. Ms. Grabow was against the rate increases in water and sewer rates.

4 in favor; Caldwell, Beebe, Ebinger and Blakeman, 1 against; Grabow, Motion passed.

A public hearing was held for Resolution No. 3615 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING THE BASE SEWER RATE IN THE AMOUNT OF \$4.00 PER MONTH.**

Bill Maloney of the Parkway Motel made comment that nobody likes to see increases but that no one doesn't want their water and sewer shut off either. He stated that the City doesn't need to supplement residents in the community for water and sewer and with these rate increases it will be a double win situation that residents will benefit and so will the City.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3615.

Mary Beebe asked how water and sewer rates are figured. Clint Tinsley stated that residential sewer rates are based upon water rates of three (3) months in the winter but if residents contact the Utility Department that he would be more than happy to work with people if they feel that their rates are too high during the January, February and March averaging period the Utility Department is open to considering re-computation of the average sewer rate in unusual circumstances.

4 in favor; Ebinger, Blakeman, Beebe and Caldwell, 1 against; Grabow, Motion passed.

A public hearing was held for Resolution No. 3617 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING A COMMERCIAL GARBAGE RATE FOR THE DISPOSAL OF RECYCLABLE GLASS IN THE AMOUNT OF \$81.09 PER TON FOR GLASS PROPLERY PLACED IN THE "GLASS ONLY CONTAINERS".**

No public comments were given.

Motion was made by Ebinger, second by Caldwell, to approve Resolution No. 3617.

Steve Caldwell stated that he knows that the City is reducing fees by \$49.00 that reflects disposal of garbage to the County facilities and was wondering what the cost would be to crush the glass to cover that.

Clint Tinsley stated that the City is working with the County in coordination with Headwaters for recycling our glass. Headwaters has said that if the City can handle their own glass and handle Yellowstone Park's glass to Harlowton

that they will crush our glass for nothing. Mr. Tinsley feels that the City of Livingston will be able to do this.

Vicki Blakeman commented that Headwaters Recycling Cooperation is having a conference on recycling of glass at Chico on April 12th and 13th and that they will have their pulverizer there to demonstrate how the glass is crushed.

All in favor, Motion passed.

Resolutions:

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3610 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, FINDING PUBLIC INTEREST IN PROCEEDING WITH A SPECIAL IMPROVEMENT DISTRICT TO PROVIDE A PORTION OF THE COSTS FOR WATER AND SEWER IMPROVEMENTS TO RECENTLY ANNEXED PROPERTY COMMONLY REFERRED TO AS THE PFL.com PROPERTY OR THE WEST END INDUSTRIAL INFRASTRUCTURE DISTRICT.**

Vicki Blakeman stated that she is an employee of PrintingForLess.com and is disclosing that the City Attorney has determined that she has no public conflict in the interest of any of these Resolution's associated with PrintingForLess.com.

Bob Ebinger asked what (gpcd) in Exhibit "C" stood for. Scott Nelson stated that it stands for gallons per capita per day.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3612 as submitted – **RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 179 DECLARING IT TO BE THE INTENTION OF THE CITY COMMISSION TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND.**

This Resolution will be reviewed with Bond Council for accurate numbers before the public hearing on April 18, 2005.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3613 – **RESOLUTION CALLING A PUBLIC HEARING TO APPROVE A PROPOSED PROJECT AS A TAX INCREMENT INDUSTRIAL INFRASTRUCTURE PROJECT AND TO FINANCE THE PROJECT THROUGH THE ISSUANCE OF TAX INCREMENT INDUSTRIAL INFRASTRUCTURE BONDS.**

All in favor, Motion passed.

A public hearing will be held on Resolution No. 3613 on April 4, 2005.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3616 striking the word "office" in the title – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH THE MONTANA STATE HISTORIC PRESERVATION OFFICE FOR GRANT FOR LOCAL HISTORIC PRESERVATION OFFICE.**

All in favor, Motion passed.

Motion was made by Ebinger, second by Caldwell, to approve Resolution No. 3618 with a 50% reduction in the fee for swimming lessons for those residents who qualify for vouchers issued by the Department of Public Health and Human Services (DPHHS) – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE SWIMMING POOL RATES IN THE AMOUNT OF \$1.00 PER DAILY ADMISSION TO THE LIVINGSTON CITY POOL FOR 2005 AND BY REMOVING SWIMMING LESSONS FROM INDIVIDUAL AND FAMILY PASSES.**

All in favor, Motion passed.

A public hearing will be held on April 4, 2005 for Resolution No. 3618.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3619 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH NITTANY GRANTWORKS NOT TO EXCEED \$5,000.00 WITHOUT PRIOR WRITTEN APPROVAL OF CITY AND COUNTY.**

All in favor, Motion passed.

Action Items:

A discussion was held for the Depot Restoration bid.

Motion was made by Caldwell, second by Ebinger, to approve recommendation from O² Architects for the Depot Restoration bid Schedules A & B in the amount of \$689,000 and to reserve the ability to expand the contract scope to include additional schedules pending the securing of additional funding.

All in favor, Motion passed.

Motion was made by Ebinger, second by Beebe, to approve the Depot Foundation work to partially abate lead paint in the Depot Colonnade under a

contract with Environmental contractors for \$4,500 to be paid for by the Depot Foundation.

All in favor, Motion passed.

The Commission voted for the applicants for Boards and Commission's to the Historic Preservation Commission, the City Tree Board, the City Board of Adjustments and the Urban Renewal Agency.

Selected members for the Historic Preservation Commission, six (6) vacancies were Tom Arrandale, Quentin Schwarz, Diane Taliaferro, Diana Seider, Bob Ebinger and Linnea Pritchard.

Selected members for the City Tree Board, two (2) vacancies were Ron Nelson and Hillary Taylor.

Selected members for the City Board of Adjustments, two (2) vacancies were Chris Danzer and Tom Arrandale.

The selected member for the Urban Renewal Agency, one (1) vacancy was Robert Moore.

The City Commission congratulated all of the appointed members of these boards and commission's.

A discussion was held in follow-up on the Solid Waste Disposal Transfer Station Transition issues.

The City Commission tentatively scheduled a workshop with the County on March 30, 2005 at 7:00 p.m. and reschedule the Budget Workshop for a later date.

The Commission discussed a request from the Trails & Green Ways Task Force for trails survey funding amounting to \$1,125 from the City to match a similar amount from Park County.

Steve Golnar proposed to have the above amount taken out of the City Manager's professional services line item in the current budget. No City Commission action was necessary.

A discussion was held to consider property tax coverage proposed increases for replacement value for the Civic Center and the Old East Side School amounting to an additional \$1,820 premium.

Steve Golnar stated that his suggestion was not to increase these premiums because of concerns about the amount of available funds that the City was going to have in the General Fund for FY 2005-06. The buildings wouldn't be insured for replacement costs, but they would have substantial coverage.

The City Commissioner directed the City Manager to send a letter to Montana Municipal Insurance Authority (MMIA) maintaining current property coverage's on the buildings under discussion.

A discussion was held to authorize the City Manager to sign "Memorandum of Understanding" with Park County regarding funding of Grant Writer.

Motion was made by Caldwell, second by Beebe, to authorize the City Manager to sign "Memorandum of Understanding" with Park County regarding funding of Grant Writer.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Patricia Grabow asked why the City is looking at the cost of stabilizing the Old Waterworks Plant. Steve Golnar stated that was what was brought up at the last meeting from Mr. Caldwell. Vicki Blakeman stated that was what the Commission decided to do with the building if they didn't want to sell it so that it wouldn't further deteriorate. Bob Ebinger stated that the word "stabilizing" isn't the word for this it is "cold storage".
- Patricia Grabow asked if Steve Golnar was seeking direction from the Commission if they wanted to advertise the position for the Board of Directors position on the Yellowstone Country Board. She would like to see this advertised. Vicki Blakeman stated that she would like to see Tom Vincent reappointed as he has served for a very short time and is doing a great job for this community.
- Patricia Grabow asked for confirmation about Cindi Fargo resigning as Executive Director from the Alliance Development Corporation (ADC). Steve Golnar stated that yes this was true. The correspondence that was in the packet was for information for ADC Board of Directors in order to ensure close out of the PrintingForLess.com CDBG Grant.
- Bob Ebinger commented about the Yellowstone Country Board of Directors and his concern about whether Tom Vincent is representing the City's best interest or not relating to the City's interest in optional resort tax eligibility.
- Bob Ebinger also mentioned that he would like to consider assisting the Depot Foundation if at all possible with some CTEP funds. He would like to have this looked into to see if there are any funds available. Steve Golnar asked if the Commission would like him to advertise for proposed projects for CTEP funds. Vicki Blakeman stated that she doesn't want him to re-advertise for CTEP funds. Steve Golnar stated that the City is required to advertise if the City is going to do any projects with unencumbered CTEP funding. After considering their interest in possible additional CTEP funding for the

Depot Restoration it was determined to re-advertise for CTEP project proposals.

- Vicki Blakeman asked about the flood insurance FEMA letter if they were trying to sneak in flood ways on the City before the Section 205 Study is completed. Steve Golnar stated that was a concern of his also and he will continue to update the Commission when he finds out more about it with the Federal Government.
- Vicki Blakeman also asked about the Montana Rail Link whistles. Steve Golnar stated that Staff contacted the Rail Road to inform them of the night train whistles and apparently this was a short term scheduling problem that they seek not to let happen anymore. Steve Golnar also stated that the issue of pursuing the establishment of a railroad "quiet zone" is not ready to be implemented because the Legislation governing quiet zones is not complete yet.

Steve Golnar stated that Duane Frelich has requested to move outside of the residential radius from the Public Works Union Contract in order to take care of his mother. Mr. Golnar's suggestion to the Commission was to put this on the agenda as a consent item at the next City Commission meeting but wanted them to know now because Duane's house is being sold out from under him.

Commissioner Grabow Comments:

- She wanted to congratulate the City for being nominated for "Tourism City in Montana for the Year".
- She also wanted to note that she had attended the Clean Cities Stakeholders in Jackson Hole, Wyoming and that she is working with Tim Stevens with the Yellowstone Park Bus that there may be a possibility to piggy back on the grant that been written by Jan Brown from Bozeman and have the bus available to the City of Livingston during the Summer and on the weekends.
- She commented that she is interested in forming a forum for the community and the Commissioners to begin dialogue regarding the impact of the potential housing in the short time. She feels that the community and the Commission could benefit by creating a series of workshops or some vehicle at which this enormous growth period could be discussed.
- She mentioned that Jack Clarkson from West Yellowstone has volunteered to come to Livingston and share with the community his knowledge on the benefits of a resort tax. He will be here on March 23, 2005 at Martin's Café at 4:00 p.m. and 5:30 p.m. and Ms. Grabow hopes that all residents and Commissioners will attend.

Commissioner Ebinger Comments:

- He wanted to thank the City Manager for all of the meetings that he has attended in Helena representing the City of Livingston.

- He also wanted to thank the Commission for understanding his absence lately and appreciates the Commissioners who have served in his place on committees.

Commissioner Beebe Comments:

- She wanted to congratulate all of the appointees of the Boards and the Commission's.
- She also wanted to mention that she is glad that the City is working on the swimming pool lessons issue with the reduced rate vouchers. She felt that it is very important that all children get a chance to learn how to swim.
- She wanted to thank the community and the people that she talked to for taking the time and interest in the water and sewer rate increase discussions.

Commissioner Caldwell had no comments.

Chairman, Blakeman Comments:

- She stated that she has been talking with Bruce Becker on moving forward with self-governing powers and feels that the Commission should proceed with this in order to explore resources. She would like to invite the Government Study Commission along with the Urban Renewal Agency to the 2nd meeting in April to have them give the Commission a report on how they feel on the importance of self governing powers would do for the community as a whole and explain how impact fees would help finance the growth of the City. This would help to initiate the process of putting this on the ballot for a vote and then the City can implement a fee schedule after that.

Public Comments:

- Nick Currie of 610 North 10th Street would like to request his request for vacation of Gallatin Street be put back on the agenda for action in order to move forward.
- Diana Seider of 126 South 5th Street thanked the Commission from the Depot Foundation for their action on the Depot Restoration Project. On behalf of the project she wanted to thank Steve Golnar, various members of the Commissions, Pam Payovich, the bid overseer of the bid process, Darren Raney and she does want the Commission to recognize that it has taken a long time to get to this point in order to start restoration on the Depot Center.
- Nick Currie also wanted to say that he wanted to touch base on the fact that the community didn't attend the Public Community Meeting's for the Water and Sewer Rate Increases and wanted to mention that the community has to take the initiative to attend and he himself has learned a lot by coming to the Commission meetings.

Motion was made by Caldwell, second by Beebe, to adjourn the meeting there being no further business. Motion passed.

The time was 10:50 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
April 4, 2005
7:30 P.M.

The Livingston City Commission met in regular session on Monday, April 4, 2005 in the Community Room in the City/County Complex. Commissioners present were Patricia Grabow, Steve Caldwell, Bob Ebinger, Mary Beebe and Vicki Blakeman.

Staff Members present were Bruce Becker, Steve Golnar, Shirley Ewan, Darren Raney, Jim Mastin, Jim Woodhull, Clint Tinsley, Peggy Glass and Pam Payovich.

Motion was made by Ebinger, second by Caldwell, to approve consent items as follows:

- Approve March 21, 2005 Regular City Commission Meeting Minutes.
- Accept Bills and Claims for 2nd half of March.
- Approve Duane Frelich waiver of residency requirement.
- Approve Special Event Request for the Big Sky State Games Torch Relay on May 18, 2005.

Patricia Grabow requested that on page 8 of the minutes that comments be added about her advocacy for hiring an engineer for the City and in Commissioner comments that she supported the use of money from CTEP funds for the Depot Center.

Mary Beebe gave the Recording Secretary her corrections to her comments in the minutes about the cats and dogs concerns of the spay/neutered clinic.

Steve Caldwell asked about the claim to the Alliance Development Corporation for \$1,000.00 and wanted to know if this is being paid in the absence of the Executive Director. Steve Golnar stated, "yes".

Mr. Caldwell wanted to know what the \$1,000.00 is funding without the Executive Director at the Alliance Development Corporation. Mr. Golnar stated that there is a contract with the Alliance Development Corporation to pay them \$1,000 a month and still has to be paid in the absence of the Executive Director. Mr. Golnar also stated that there is going to be a workshop with the Alliance Development Corporation, the City Commission and the County Commission on April 13, 2005.

All in favor of consent items, Motion passed.

Scheduled Public Comments:

A scheduled public comment was presented by Caroline Rehder on the research regarding the creation of an indoor swimming pool in the community. An organization was formed called People for an Indoor Pool (PIP) to research this creation of an indoor swimming pool. The group has determined that the best location for the indoor pool in terms of accessibility, parking, neighborhoods, safety, economics and aesthetics be in the proximity of the Civic Center. Although there are still unanswered questions such as engineering studies of the soils and of the Civic Center along with itself the "floodway" the group's desire is to construct an indoor pool in conjunction with restoration of the Civic Center building thereby creating a combined recreational facility. The PIP knows that this is going to be a long-range project estimated at least three to five years but would appreciate both the City and the County Commissioner's input regarding the location of the PIP choice as they approach the next phase of their decision making process.

Patricia Grabow commented to Ms. Rehder that in her letter she talked about renovating the Civic Center and wondered if it is the PIP group plans to work on grants for this renovation.

Ms. Rehder stated that the PIP group had first thought of just building the pool along side of the Civic Center but thought they could get more grant money by attaching the pool to the Civic Center with the renovation of the Civic Center and creating a combined recreational facility.

Bob Ebinger stated that he knows that there are problems the City is facing with the flood plain and with the water table in the Civic Center area he doesn't know whether that would be a possibility. He didn't see how the Commission could take any action tonight.

Steve Golnar stated that the Commission cannot take action tonight, as this is a scheduled public comment only to be used for providing information. He felt that City Staff needed to research this and report back before the Commission should take action.

Steve Caldwell asked with the Section 205 Study whether the City Manager has an idea on the time frame for the study. Steve Golnar stated that the entire Section 205 Study is anticipated to be done within three (3) years and the Corps of Engineers is seeking to expedite it. Also Mr. Golnar stated that \$25,000 for year three (3); (\$25,000 for year two (2) and the remaining funding from the County, needed to be confirmed, because the City, as project sponsor would be committing to making good on all governmental partner's commitments in the event of default.

Bob Ebinger asked if there would be other alternative sites for an indoor swimming pool. Ms. Rehder stated that the PIP group has considered the Old Waterworks Park and the major causes for rejecting that site was due to the neighborhood and further the creation of more parking problems. She also mentioned the next most prominent site was up near the Armory.

The City Commission concurred to have the City Staff report back to the Commission on their analysis for this indoor swimming pool site.

Patricia Grabow wanted to thank Warren McGee, as he was present at the meeting, for his significant donation and support of an indoor swimming pool for the community.

A public comment was held by David Stein requesting action from the Commission for approvals for building on Block 38.

Mr. Stein wanted to mention that for the record he was carrying a "loaded caulking gun"! He stated that he is a native of the Shield's River, a full-time irrigator and an Architect and is very excited about building on this land overlooking Livingston and Old Baldy Mountain. He has a buy/sell agreement to purchase Lots 1 - 6 and 29 - 32 of Block 38 on the North Hill just below Gallatin Street. He wanted to know if he could:

1. Put two (2) small houses and requesting a variance allowing only a 12' setback from the property line;
2. Have a driveway access off of Gallatin Street that would involve a curb cut, some earthmoving and some gravel fill and perhaps a retaining curb;
3. Have electric service crossing the Gallatin Street easement.
4. Have a water line bored under the Livingston Ditch;
5. Have a sewer line bored under the Livingston Ditch;
6. Have a location of a small concrete or timber bridge spanning six feet over the ditch in the alley easement;
7. Have a location of parking for two cars in the alley easement; and,
8. Have a vacation of the alley easement.

He wanted to know if the Commission could act on these requests immediately because his closing deadline was soon and required this decision in order to close on this property.

Steve Golnar stated that it was awkward to be discussing Mr. Stein's request at a Commission meeting because this would typically go before the DRC (Development Review Committee) first. Mr. Golnar also commented that Mr. Stein has time limitations because he is leaving town tomorrow for an extended period and that is why he agreed to put Mr. Stein on the agenda to make his presentation. Mr. Golnar stated that he did refer Mr. Stein to Mr. Tinsley and that the DRC is still in the process of reviewing this proposal and that the Commission could not act on this issue as a scheduled public comment.

Clint Tinsley stated that the DRC would meet on Wednesday, April 6, 2005 and they will review Mr. Stein's proposals and prepare a letter of recommendation to the City Manager. Clint Tinsley stated that the procedure is to submit this request to the DRC first and then they will give their

recommendation to the City Manager and then the City Manager will take the DRC's recommendation into consideration in preparing his recommendation to the Commission before the Commission acts on the request. Mr. Tinsley also commented that Mr. Stein would need to get an engineer to do an analysis of stability and proposed retaining wall the integrity of the road (Gallatin Street) above it.

The City Commission referred the review of this matter back to City Staff to follow through with procedure.

Public Hearings:

A public hearing was held on a Text Amendment for a Special Use Zoning District. As the City is considering the possible sale of the Old Water Plant Building, the question of a reasonable zoning designation for such a property surfaced. The goal of creating this Special Use Zoning District was to accommodate the reuse and preservation of such structures while being able to precisely limit allowable uses and thus, the effect on the surrounding neighborhood for city owned property.

The City Zoning Commission recommended approval of the Special Use Zoning District text amendment with the title of the district changed to "Preservation Zoning District".

Brenda Adams of 802 Butte Street asked to have explained to her the reasoning for having this text amendment.

Vicki Blakeman, Chairman, stated that the concern of the Commission was that there was no place in the current City zoning classifications for the uses that they would like to see the Old Waterworks Building used for especially for historically special districts and that it was in the best advice of City Planner and City Attorney to create a special district for these historic buildings that might be redeveloped and used for professional office in a residential district or some commercial uses.

City Planner, Jim Woodhull stated that this would most likely be used for City owned property only as far as he could see.

Patricia Grabow wanted to know if there was anywhere in the text amendment that says that this is only for City owned property.

Jim Woodhull stated that it could be if this was the choice of the Commission but he didn't see where it would be needed.

Motion was made by Caldwell, second by Beebe, to approve Findings of Fact for the Text Amendment for a Special Use Zoning District with the title of the district changed to "Preservation Zoning District".

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve the Text Amendment for a Special Use Zoning District with the title of the district changed to "Preservation Zoning District".

All in favor, Motion passed.

A public hearing was held for Resolution No. 3621 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING SWIMMING POOL RATES IN THE AMOUNT OF \$1.00 PER DAILY ADMISSION TO THE LIVINGSTON CITY POOL FOR 2005 AND BY REMOVING SWIMMING LESSONS FROM INDIVIDUAL AND FAMILY PASSES.**

No public comments were given.

Motion was made by Ebinger, second by Caldwell, to approve Resolution No. 3621.

All in favor, Motion passed.

A public hearing was held for Resolution No. 3624 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING THE WEST END INDUSTRIAL INFRASTRUCTURE DISTRICT PROJECT AS A TAX INCREMENT INDUSTRIAL INFRASTRUCTURE PROJECT.**

Brenda Adams asked if this property belongs to the County and if it is in the four (4) mile zoning area.

The Commission stated that the City annexed this property in December 2004.

Brenda Adams asked if this area is shown on all of the donut area zoning maps. Vicki Blakeman stated that this property was zoned into the City in December also. Mr. Woodhull stated that the County "donut" zoning maps probably didn't reflect the newly annexed area which was zoned when brought into the City.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3624.

All in favor, Motion passed.

Resolutions:

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3520 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO DISCONTINUE AND VACATE A PORTION OF THE UNDEVELOPED GALLATIN STREET BETWEEN BLOCKS**

TWENTY-FIVE AND TWENTY-NINE AND BETWEEN THE ALLEY LOCATED IN SAID BLOCKS AND 9TH STREET, ALL IN THE PALACE ADDITION TO THE CITY OF LIVINGSTON, MONTANA.

Bob Ebinger noted that there were two (2) typos in the Resolution in the 4th Whereas to take out the word and so as to read: "Whereas, the DRC ~~and~~ has reviewed the petition and made its recommendation that the petition be approved," and also in the 7th whereas to change the word consented to consent so as to read: "Whereas, 7-14-4115 MCA provides that any discontinuance shall not affect the right of any public utility to continue to maintain its plant and equipment in any such street or alley so discontinued, provided, however, that Qwest, Northwestern Energy and Bresnan Communications in giving their ~~consented~~ consent to said discontinuance have requested that they each receive a written easement to be located in the northerly 12' of the discontinued right of way".

All in favor, Motion passed.

There will be a public hearing on Resolution No. 3620 on April 18, 2005.

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3622 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH A.M.E., INC. FOR THE WATER MAIN REPLACEMENT "H" STREET AND PARK STREET, LIVINGSTON, MONTANA FOR THE BASE BID AMOUNT OF \$333,422.00.**

Bob Ebinger made comment that it he was amazed about the differences of the bids submitted and how contractors bid so differently.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3623 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO EASEMENT AGREEMENT WITH HELEN ADAMS FOR UTILITY EASEMENT.**

Patricia Grabow wanted to know if Ms. Adams pays for this utility easement. Steve Golnar stated that the City pays for use of the property for putting the water and sewer line through the property, to construct on the property and to have the right to maintain the pipes for the water and sewer lines in the event that they may need maintenance. Ms. Adams would be allowed a 1" water connection for stock water with this easement agreement in addition to the monthly compensation.

All in favor, Motion passed.

Action Items:

The Commission considered approving the Application for Permit to Plant trees on Public Street Right of Way.

Steve Golnar stated that this is a new application. The Commission has already approved the Tree Board and the use of such an application would allow for the City to provide with the public.

Bob Ebinger stated that the City Tree Board wanted to come up with some description of trees that could be used in the public right-of-way and to have an application for planting trees in the public right-of-way.

The City Tree Ordinance when it was approved did not have an application designed with it for planting trees and this is the application that will go along with the City Tree Ordinance.

This application will be available at the Public Works Department, the Parks and Recreational Office and the City Office.

The City Commission requested that an announcement go out to the public relating to the application for planting trees in the public right-of-way with the Public Works Brochure that is printed every quarter.

Patricia Grabow stated that one of the intriguing things about interviewing the potential members of the City Tree Board was the fact that an individual should water new trees every week for three (3) years. She asked that this information also be put into the Public Works Brochure for the public's information.

Motion was made by Ebinger, second by Caldwell, to adopt Application for Permit to Plant Trees on Public Right-of-Way in the City of Livingston.

All in favor, Motion passed.

A discussion was held regarding the City of Livingston's Impact/Development Authority and Plans for Action.

Steve Golnar stated that this is in follow-up from the discussion from the last City Commission meeting.

City Attorney, Bruce Becker provided his conclusion on impact/development fees in the packet. He stated that Livingston has a general powers form of government and has only those powers which are specifically granted by the State, and those powers which can necessarily be implied from the specific grant of power. In reviewing State law, Mr. Becker was unable to find any specific grant of authority, nor any implied power which would empower the City of Livingston to assess impact fees.

Mr. Becker recommended that the City track the progress of Senate Bill 185 (SB185). If this does not get through the Legislature, which is scheduled to end on April 25, 2005, then the City should consider moving forward with an Ordinance establishing a local vote for establishment of self-governing powers.

Steve Golnar reported that he had requested of the City Planner to determine availability and costs of an outside consultant to perform an Impact Fee Analysis as discussed in SB185.

Patricia Grabow asked when the hearing was going to take place on Senate Bill 185 (SB185) in Helena.

Steve Golnar stated that he doesn't know when this bill is scheduled in the Senate but will let the Commission know as soon as he finds out.

Patricia Grabow stated that she is very interested in attending the hearing and to please let her know as soon as Mr. Golnar finds out.

Patricia Grabow also complimented the City Attorney for his research on the impact fees.

Ms. Grabow asked the City Attorney in the worse case scenario if the Legislature doesn't pass Senate Bill 185 with regard to houses that are being built this summer is there any chance that the City would be in a position not get adequate impact fees.

Mr. Becker stated that the City of Livingston would have to change their form of government by the Commission passing an Ordinance placing the issue of whether to create self-governing powers for the City on the ballot for determination by local city voters. This would require a vote in November 2005 election or at a special election. Once self-governing powers were adopted it would then take 30 to 45 days to draft this Ordinance with a public hearing the Ordinance probably would not come into effect until January 2006.

Bruce Becker stated that the Commission needed to remember that there is a Government Study Commission underway and he didn't know how this is going to effect this type of an action as this would be a political decision.

Mr. Becker after researching the statutes commented that the question as to whether there could be a special election relating to the self-governing powers or if it would have to be at a general election that it could be done at the next regular session or at a primary election. A primary election would occur in September if there was more than three (3) times as many people applying for the City Commission seats as are available. For example this year there are three (3) City Commissioners terms expiring so there would need to be ten (10) applications received for City Commission seat.

Motion was made by Grabow, second by Caldwell, to direct City Manager to being the process to initiate a study for impact fees.

All in favor, Motion passed.

A discussion was held to discuss a possible Resolution of Support for America's National Parks and Appropriate Levels of Congressional Funding for the National Park System.

Steve Caldwell stated that there is not much to add to the materials that were provided in the packet relating to issues of funding for National Parks. Mr. Caldwell stated in his materials provided that he will be traveling as a guest of the National Parks Conservation Association (NPCA) and will be part of a group of ten citizens, including a representative from Whitefish, in an effort sponsored by NPCA to increase federal funding for National Park infrastructure, interpretive, law enforcement and other capital and operating costs. Mr. Caldwell asked if the Commission would have interest in endorsing the NPCA effort? Mr. Caldwell provided a copy of a draft resolution from NPCA for the Commission's review. He commented that if the Commission would like to propose such a resolution that he would be happy to speak on behalf of the City of Livingston in support of its provisions. If the Commission would rather not pursue this Resolution then Mr. Caldwell would speak only as a citizen and as a local businessman and not as a City Commissioner or in representation of the City in any way.

Mr. Caldwell mentioned that his concern is that Yellowstone National Park is approximately 1/3 under funded chronically year after year according to NPCA. His concern as a citizen of this community is that the community's economic health is clearly dependent to a large degree on the ability of Yellowstone to attract visitors and the presence of the Park is a large part of the attraction for new residents, who generate long-term economic activity in the community through home purchases, personal consumption spending, etc.

Motion was made by Ebinger, second by Beebe, to direct City Attorney to develop a Resolution of Support for America's National Parks funding and designate Commissioner Caldwell to represent the City in Washington D.C. relating to these matters.

All in favor, Motion passed.

A discussion was held to direct City Manager to write letter of support for Human Resource Development Council - Associated Students of Montana State University (HRDC-ASMSU) - Clean Cities Coalition Partnership for expanded bus service to Yellowstone Park and surrounding communities.

Steve Golnar stated relating to a draft proposal that he was going to provide to the Commission tonight that he received a letter from Janice Brown from

the group that was going to provide this proposal to him via email at 6:35 p.m. tonight and they commented: "Unfortunately their group did not reach a final consensus yet on the Yellowstone Bus proposal and letter, hopefully your Commission can still take action on what I have sent you already although I will certainly understand if you choose to take no action at this point. Sorry for the inconvenience!"

Steve Golnar stated what Janice Brown was going to provide to him was a summary for an application which would address the Yellowstone Bus proposal incorporated with a Gallatin County proposal and the group hasn't pulled that together yet. Mr. Golnar's suggestion was to direct the Manager to write a letter in support of a regional bus effort on behalf of the City of Livingston. He will provide the Commission with the proposal when he receives it.

Patricia Grabow mentioned that it would be appreciated if the Commission wished since some of this legislation for the yellow bus project is going to be before the House of Representatives that the City of Livingston would have an opportunity to lobby in some degree for that concept back in Washington, D.C.

Motion was made by Ebinger, second by Caldwell, to direct City Manager to write a letter in support for Human Resource Development Council – Associated Students of Montana State University (HRDC—ASMSU) – Clean Cities Coalition Partnership for Expanded Bus Service to Yellowstone Park and Surrounding Communities and have Commissioner Caldwell represent the City in Washington D.C. relating to this.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Patricia Grabow stated that it is her understanding on the question of planning wanted for the Downtown Business Association and asked if the City Commission was going to act on MSU School of Architecture design graphics for the community or wait until they provided the Commission their proposals. Steve Golnar stated that it was his thought to just provide the Commission with the information at this time and allow the MSU School of Architecture to present their proposals and talk about putting together a community committee in order to work with them as an advisory board for the Commission for the community. Vicki Blakeman mentioned that she thought that it would be nice to have a workshop with Ralph Johnson, the Professor with the MSU School of Architecture and a couple of students with their proposal as to what they are proposing and what it would cost for the community to allow the community to see what this project would actually look like when finished. Ms. Blakeman also stated that this is where the Commission and City Staff could go to develop the committee and

determine who is going to be there. She felt that the City could invite the Urban Renewal Agency, Downtown Association and the Chamber of Commerce, for example.

- Bob Ebinger asked about the Sewer Plant Improvements. Steve Golnar stated that this is a continuation of the City's Federal Fiscal Year 2005 request for assistance and what has happened is that Congress through the Corp of Engineers has designated a certain amount of funding for Central Montana and Nevada for Public Works Improvement Projects. The City of Livingston was identified as one of those communities on the priority list for funding as the result of the City's FY 2005 Funding request. The available funds are up to \$1,000,000. The City needs to have an engineering plan so that we can submit this to the Corp of Engineers so that they can lock this funding in for the City of Livingston. Clint Tinsley mentioned that the other projects that the Commission has approved may be delayed for a while in order for Staff to pursue this funding.
- Mary Beebe asked about the funding assistance for the Trails and Green Ways Task Force survey approved by the City Commission and has concerns about the survey methodology. Ms. Beebe commented that she feels that a survey is just one piece but another piece would be the focus on groups with potential landowner remedies. Steve Golnar stated that if the City can move forward with the survey process it would get the information out into the community and get the public engaged in thinking about trails. This is part of the interest of the Trails and Green Ways Task Force to gather survey information and develop awareness through the survey since there is no funding for this group until next fiscal year.
- Steve Caldwell commented about the schedule that on April 11, 2005 at 1:00 p.m. touring the Montana Power Building with Park County and was curious as to why the City and County Commissioners were touring this building. Steve Golnar stated that Dick Murphy, County Commissioner is interested in considering this building as a possible Administrative/Detention Center.
- Steve Golnar noted to the City Administration Public Works Negotiating team, which includes Patricia Grabow, Clint Tinsley, and Darren Raney and asked with the Detention Center/Northwestern Energy Building tour at 1:00 p.m. on April 11, 2005 if the Public Works Negotiating Committee could meet at 9:30 a.m. instead of 11:00 a.m. It was the consensus among the committee to meet at 9:30 a.m. on April 11, 2005 for the Public Works Negotiations.

Commissioner Grabow Comments:

- She asked when the Budget Workshop was scheduled for. Steve Golnar stated that the Budget Workshop will be April 11, 2005 at 7:00 p.m. in the West Room of the City/County Complex. Steve

Golnar commented that hopefully they would get some initial idea of what the General Fund Budget looks like in a preliminary sense.

- She mentioned that what ever can be done for this community to totally understand the issue of the resort tax she would encourage the City to do so as the taxpayers are carrying a maximum load on their back!

Commissioner Ebinger Comments:

- He made comment that he really enjoyed the article in the packet about "The Power of Powell Thinking". Steve Golnar stated that he put this information in the packet at the request of Commissioner Patricia Grabow as a proposal to try to follow the Powell model for economic development approaches.

Commissioner Beebe Comments:

- She made comment that she has a neighbor that was wondering how the City could get the community involved in the public meetings and she suggested to have a "Marquee Lighting Board" out in front of the City/County Complex.
- She commented about the Alternative Energy Wind project that was just passed and stated that she understands wind energy approved by the Public Service Commission could shut down the City's powers of marketing it in her observation of looking at the power bills for the City of Livingston. Steve Caldwell stated that it could preclude the City's ability to market alternative power.

Commissioner Caldwell Comments:

- He wanted to thank Police Chief, Darren Raney for the annual report for the Police Department in that it is very well written and it does point out some interesting trends.
- He was wondering where the City position is on the follow-up of the "Night Sky Ordinance". Steve Golnar commented that this proposed "Night Sky Ordinance" is in the hands of citizen/city commission committee trying to follow up. Bruce Becker has provided a number of "Night Sky Ordinances" to Bob Ebinger for examples. Steve Caldwell suggested to coordinate with the County Commission for the protection of the 4 1/2 mile donut area. Bob Ebinger suggested that him and Steve Caldwell get together and then coordinate with the City Manager in order to set up a workshop with the City Staff.

Chairman, Blakeman Comments:

- She also thought it would nice to invite the Government Study Commission to give the City Commission an update as to where they are with their study. Steve Caldwell stated that he has actually ran this by the Government Study Commission and there is going to be a Workshop on April 19, 2005 with the City Manager and the Government Study Commission at their request.

- She also requested from the City Manager resort tax information with which she would like to be able to meet with the Downtown Association and other businesses and requested the Commission's concurrence with this information.

Motion was made by Caldwell, second by Beebe, to adjourn the meeting there being no further business. Motion passed.

The time was 9:16 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
April 18, 2005
7:30 P.M.

The Livingston City Commission met in regular session on Monday, April 18, 2005 in the Community Room in the City/County Complex. Commissioners present were Mary Beebe, Patricia Grabow, Vicki Blakeman, Bob Ebinger and Steve Caldwell.

Staff Members present were Bruce Becker, Steve Golnar, Shirley Ewan, Darren Raney, Jim Mastin, Jim Woodhull, Clint Tinsley, Peggy Glass and Pam Payovich.

Motion was made by Caldwell, second by Ebinger, to approve consent items as follows:

- Approve April 4, 2005 Regular City Commission Meeting Minutes.
- Accept Bills and Claims for 1st half of April.
- Department Heads Monthly Reports and Other Minutes.
- Approve Special Event Request for Club Boxing to be held on May 13, 2005 and June 17, 2005 at the Civic Center.
- Approve Special Event Request for Sister City 5K Run to be held on June 18, 2005 for fundraising.
- Approve Special Event Request for the Livingston Roundup to be held on June 25, 2005. Kick off for the Rodeo!

Patricia Grabow asked for clarification regarding the claim from CTA Nelson Engineering and wondered why some of the accounts have been over spent and wanted to know if that was an amount that was over budget. Shirley Ewan stated that the amount for PrintingForLess.com (PFL) will be reimbursed by PFL and the amounts for "H" Street and Mathews just means that the line item has been over spent but doesn't mean that the engineering was over spent and that the line items are in the capital budget and can be moved around. Ms. Grabow wanted to know how the Commissioners can monitor these items so that they are not over spent. Ms. Ewan directed Ms. Grabow to the detailed financial reports which are distributed quarterly to the City Commission and monthly to the Department heads. Shirley Ewan stated that if Clint Tinsley doesn't spend over his budget for water and sewer funds by the end of the year then the line items otherwise would be fine. If the entire funds exceed budget, then Clint would have to come to the Commission for an amendment to the budget for their approval.

Ms. Grabow also asked about the claim for the Department of Environmental Quality and wanted to know what a discharge fee permit was. Clint Tinsley stated that these are yearly permits for the Waste Water Treatment Plant draining into the Yellowstone River and the other is for the Swimming Pool.

Ms. Grabow asked about the Water, Sewer and Solid Waste Revenue report and wanted to know why water and sewer were showing current negative amounts. Shirley Ewan stated that the budgets water revenue has not been received for the year as Clint Tinsley expected, but there is still three (3) months left in the year and it is hard to anticipate water usage due to the weather. Shirley Ewan also mentioned that Clint Tinsley has never had to ask for an amendment to the budget, that he has always under spent his budget.

Ms. Grabow wanted to recuse herself from the Livingston Roundup special event request because she has a grievance filed against the Livingston Roundup Association.

Bob Ebinger asked about the Sister City 5K Run special event request and wondered why they didn't have an insurance form. Steve Golnar stated that the Sister Cities program is closely related to the City and recommended that the City carry the insurance for this event in support for their activities.

Bob Ebinger wanted to know how much an insurance policy would cost that the City recommends for these special event requests on the average. Steve Golnar stated that in order for the event to move forward that maybe the Commission could just ask for liability insurance and commented that it would be approximately \$1000.00 for a one (1) day event.

Motion was made by Caldwell, second by Grabow, to approve the special event request from Sister Cities for their 5K run to be held on June 18, 2005 contingent upon receiving liability insurance.

All in favor, Motion passed.

Steve Caldwell requested a correction to the minutes on page 8 that "statues" be changed to "statutes" to read: "Mr. Becker after researching the statutes commented that the question as to whether or not there could be a special election relating to the self-governing powers or if it would have to be at a general election that it could be done at the next regular session or at a primary election".

Mr. Caldwell also clarified on page 12 of the minutes under Chairman Blakeman comments, that there is not going to be a Workshop on April 19, 2005 with the Government Study Commission. It is just going to be an interview with the City Manager.

Mr. Caldwell asked about the Building Department monthly reports concerning one permit for new commercial site for \$51,000.00 inquiring if this was for PrintingForLess.com (PFL). He also wanted to know if this was included in the budget, and if this is why the City is so far ahead in the budget. Steve Golnar stated that this permit was not included in the budget and this is why the line item is in excess of the budget.

Mr. Caldwell asked about the special event for Club Boxing. It appears to require two (2) Police Officers and two (2) EMT's and an ambulance and wanted to know what the event fee is and if the City is close to covering costs. Darren Raney stated that the Police Department charges Club Boxing for their services separately from the Civic Center rental and the EMT's are just on stand by but they too also charge them separately. The City's costs are covered.

Mr. Caldwell also wanted to know about how the Club Boxing event handles garbage removal. Clint Tinsley stated that the Club Boxing employees take care of the garbage themselves at the Civic Center. It is included in their damage deposit and if the Center is cleaned up after the event then they get the damage deposit back.

Mr. Caldwell asked about the Livingston Roundup special event requests and wanted to know why they listed services from the Livingston Police as none, but asked for on-duty officers to monitor. Darren Raney stated that the City has never had any problems with this event and just provide on-duty officers if necessary and available.

Vicki Blakeman asked about the claim from Moore, O'Connell and Refling on the water rights legal work and wanted to know where the City stands at this point. Bruce Becker stated that the City contracted with Moore, O'Connell and Refling to work on the water rights that the City use to have for the Water Works Treatment Plant. Steve Golnar stated that Moore, O'Connell and Refling delayed on service of this work but will ask Mr. Becker to contact them to find out how close they are to getting this report back to the City. Mr. Becker will report back to the Commission as soon as he receives this information.

Motion was made by Caldwell, second by Ebinger, to approve consent items A through E, excluding F.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve consent item F.

4 in favor; Ebinger, Blakeman, Beebe and Caldwell, 1 recused;
Grabow, Motion passed.

Proclamations:

Chairman, Vicki Blakeman read three (3) proclamations for the Commission's approval. The proclamations were for:

1. A proclamation for "National Tourism Week" to be held on May 7, 2005 through May 15, 2005.

2. A proclamation for "Emergency Medical Services Week" to be held on May 15, 2005 through May 21, 2005.
3. A proclamation for "American Legion Auxillary's Poppy Day" to be held on May 27, 2005.

Scheduled Public Comments:

A public comment was given by Molly Seminek from the Fly Fishers Federation for a Fish Walk. Ms. Seminek commented that she will be co-chairing the Federation of Fly Fishers Conclave on the week of August 13, 2005. She commented that on Thursday of that week the Fish Walk Committee is having a "Fish Walk". This committee has been meeting for quite some time and at their last meeting the committee brought up that they would like to have the fish on the Livingston hill painted. The fish is on City property and wanted to know if the Commission would be interested in having the fish painted. The fish on the Livingston hill is in recognition of the "Trout Derby". Vicki Blakeman stated that she believes that the Downtown Association was planning on painting the fish. Steve Golnar stated that if the Commission would like to approve the painting of the fish by the Fish Walk Committee it was up to them. He wanted to know if the Federation would supply the paint. Molly Seminek stated that she would find out if the Federation would like to paint the fish and believes that the paint could be donated.

Motion was made by Ebinger, second by Beebe, to encourage the Fish Walk Committee to paint the fish on the Livingston hill as part of the dedication of the Federation of Fly Fishers Conclave event in August.

All in favor, Motion passed.

Commissioner Grabow offered to prepare a thorough historic report on the trout derby for the Fly Fishers Federation Conclave in August.

Commissioner Ebinger suggested a proclamation be written for the Fly Fishers Federation Conclave in August in coordination with the City.

A public comment was given by Tom Vincent, City representative for the Yellowstone Country Board. Mr. Vincent provided to the Commission a report on Yellowstone Country Montana, Inc. for the three (3) months that he has served. He noted in his report that bed tax collections in Yellowstone Country have shown positive increases and follow closely to historical patterns. Mr. Vincent briefly summarized in his report that 2004 bed tax collections in Livingston are sufficient in order to qualify for direct funding toward a Visitor and Convention Bureau. The basic guideline is that 22.5% of city's collections must exceed \$35,000. In 2004 that number was \$38,472. The funding then would be one-half (1/2) of the 22.5%, or \$19,236, with the remainder going to Yellowstone Country. Mr. Vincent recommended that this is not really enough to be able to support an

independent effort to establish a visitor and convention bureau and felt that the funding going back to Yellowstone Country's promotional offer might be more efficient for the City.

Bob Ebinger asked Mr. Vincent what the allotment of the bed tax money collected is and why doesn't the City get to keep the money instead of having to send it back. Mr. Vincent stated that Counties get 22.5% and if 22.5% of total collections exceed \$35,000 then you are allowed to keep one-half of that for the local tourism bureau. It must be a non-profit organization and must be incorporated under Montana guidelines.

Ms. Grabow asked, now that the City has reached this status, if there is any way to keep this in the local community for tourism. Mr. Vincent stated, "yes", if the Chamber of Commerce was designated as a "Visitor Information Bureau".

Mr. Ebinger thanked Mr. Vincent for his presentation and the thorough report of the Yellowstone Country Board.

Also in Mr. Vincent's report he thanked the Commission for the opportunity to serve as Livingston's representative to the Yellowstone Country Board of Directors, and if the Commission so desired that he would be pleased to continue serving the City for a new three (3) year term as his term ends April 30, 2005.

Bob Ebinger commented that it is really important that who ever fills this position knows the policy that the City Commission has adopted and will represent the City of Livingston. Mr. Ebinger commented that there was some difference of opinions regarding the local option resort tax. The City Commission wanted the option to be able to consider the resort tax and voted to support that legislation. Mr. Ebinger also stated that even though some people in the City were against the local option resort tax, the City Commission wanted the option for the local community to be able to vote on it.

Ms. Grabow commented that when the Commission discussed the position for the Yellowstone Country Board they had taken the position of interviewing applicants. Ms. Grabow recommends that the Commission move forward with interviewing applicants for this position, as this is what they have proposed to do with all committee members whose terms have expired in order to give others who would want to represent the City on the Yellowstone County Board an opportunity to apply.

Vicki Blakeman clarified that Ms. Grabow wants the City to re-advertise for applications for this position to the Yellowstone Country Board. Steve Golnar stated that would be up to the Commission, but that the Commission had indicated in the past that since this was such a short-term appointment that they might consider re-appointment.

Motion was made by Grabow, second by Beebe, to re-advertise for the City representative to the Yellowstone Country Board.

Bob Ebinger stated that, although in the past this is how the City Commission has handled re-appointments of committee members when their terms were expired, he feels that Tom Vincent has done an incredible job as City representative on the Yellowstone Country Board and thinks that he should be re-appointed to the Yellowstone Country Board.

2 in favor; Beebe and Grabow, 3 against; Blakeman, Ebinger and Caldwell, Motion Denied.

Steve Golnar clarified that the re-appointment of the Yellowstone Country Board position will be put on the agenda for the next City Commission meeting for their consideration since it was not on the agenda at this time.

A public comment was not scheduled but comment was given by Bob Meyer of the Government Study Commission to present an update. Mr. Meyer introduced himself as an elected member of the Government Study Commission along with Tom Kitts, Laurie Bishop and Steve Caldwell as the ex-officio. He stated that the constitutional assignment of the Government Study Commission is to study the existing form and powers of the City of Livingston's local government and of the procedures employed for the delivery of an essential service and the management of conflict. Once done, they are to compare these findings with other forms and powers available under the laws of the State and then to determine if any options would improve the functions or effectiveness of the City of Livingston's local government. That done, they would share their conclusions with the local government body and put on the ballot any recommendations requiring voter approval.

Mr. Meyer stated that so far the Government Study Commission has organized, defined and comprehended the scope of their assignment. They have determined their plan of action, established and published a timetable, and submitted a budget. They are now starting into their data collection phase and have already secured all of the documentation that the Government Study Commission deemed important up to this point and they are reviewing it. Strategically, an important part of this phase also includes the upcoming interviews with the City Manager, the Department Heads and each one of the Commissioner's. The Government Study Commission's first interview is tomorrow, April 19, 2005 at 5:00 p.m. in the Community Room with the City Manager, Steve Golnar. After that the Government Study Commission has a public hearing scheduled for June 22, 2005 which will coincide with their bi-weekly Wednesday monthly meetings. They will then have until May 2006 to draft a report on their findings and recommendations then hold a second public hearing to permanently adopt a final report then complete all of the statutory paper work requirements associated with the

Commission's activities, recommends any options at all they will go on the November 7, 2006 ballot.

Bob Ebinger wanted to know when the Government Study Commission is planning on interviewing the Commission separately. Bob Meyer stated that the plan is to have all of the interviews completed by June of this year starting with City Manager, then Department Heads, and save the best for last, the Commissioners.

Steve Golnar asked if the Government Study Commission has taken a position relating to self-governing powers by the City. Bob Meyer stated that the Government Study Commission has not yet formally decided one way or another. However, on the subject of the form of the powers he stated that the whole Government Study Commission agrees that self-governing powers is the way to go and that there is absolutely no reason why the City shouldn't be able to do that. It's impossible to predict the future but the Government Study Commission feels that the City of Livingston local government should have the power to have flexibility in order to make decisions.

Variances:

A variance request was requested by RN Montana, LLC, owner of property located at 111 Rogers Lane, also known as the Econo Lodge. They requested a variance from the sign regulations for commercial zoning districts. They requested permission to maintain two (2) freestanding signs on the premise. Code allows only one (1) freestanding sign per building.

Jim Woodhull, City Planner, gave background information relating to this variance request and stated that the Board of Adjustments recommends disapproval of this variance request.

Patricia Grabow wanted to know if there was any way that the City could look at these regulations as the times are changing and some businesses may need more than one (1) sign.

Jim Woodhull stated that this could be requested by the City Commission to revisit the Ordinance that states only one (1) freestanding sign can be located on the premise of a business.

Motion was made by Ebinger, second by Caldwell, to approve the Findings of Fact for the variance request from RN Montana, LLC.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve the variance request from RN Montana, LLC.

All against, Motion denied.

A variance request was requested from Joe and Lee Parriott, owners of property located at 614 West Lewis Street. They requested a variance from the side and front setback requirements for RII zoning districts. They wished to construct an addition onto their existing home, which like the existing structure, would be three (3) feet from the side property line and twenty-one and one-half (21 ½) feet from the front property line. Code requires a five (5) foot side setback and a twenty-five (25) foot front setback.

Jim Woodhull, City Planner, gave background information relating to this variance request and stated that the Board of Adjustments recommends approval of this variance request.

Motion was made by Ebinger, second by Beebe, to approve Findings of Fact for variance request from Joe and Lee Parriott.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve the variance request from Joe and Lee Parriott.

All in favor, Motion passed.

A variance request was request from Dagny Grant, owner of property located at 802 West Geyser Street requesting a variance from the front setback requirements for RII zoning districts. He wished to reconfigure and relocate the entryway on his building while maintaining the current front setback of approximately five feet, five inches (5'5"). Code requires a twenty-five (25) foot front setback.

Jim Woodhull, City Planner, gave background information relating to this variance request and stated that the Board of Adjustments recommends approval of this variance request.

Motion was made by Ebinger, second by Beebe, to approve the Findings of Fact for variance request from Dagny Grant.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve the variance request from Dagny Grant.

All in favor, Motion passed.

Public Hearings:

A public hearing was held for Resolution No. 3625 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA,**

DISCONTINUING AND VACATING A PORTION OF THE UNDEVELOPED GALLATIN STREET BETWEEN BLOCKS TWENTY-FIVE AND TWENTY-NINE BETWEEN THE ALLEY LOCATED IN SAID BLOCKS AND 9TH STREET, ALL IN THE PALACE ADDITION TO THE CITY OF LIVINGSTON, MONTANA, AND RETAINING A WALKING PATH.

No public comments were given.

Motion was made by Ebinger, second by Caldwell, to approve Resolution No. 3625.

All in favor, Motion passed.

A public hearing was held for Resolution No. 3629 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 179 CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENTS DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE.**

No public comments were given.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3629.

Bob Ebinger stated that he assumes there are no prior expenditures for this since they wouldn't be allowed under this Resolution. Steve Golnar stated that the City has a reimbursement agreement, which allows for reimbursement of engineering expenses. The Engineering expenses were prepaid by PrintingForLess.com (PFL) and the City has an agreement in the financing for reimbursement when the funds are sufficient.

Patricia Grabow wanted to know why PrintingForLess.com was not specified in the agreement as she thought that this Resolution was for them specifically.

Steve Golnar stated that this Resolution wasn't entirely for PFL but was also for the surrounding area where PFL is building their site. So this whole area is being called the West End Improvement District.

4 in favor; Ebinger, Blakeman, Beebe and Caldwell, 1 against;
Grabow, Motion passed.

Ordinances:

Motion was made by Caldwell, second by Beebe, to approve first reading of Ordinance No. 1954 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30 ZONING BY CREATING A PRESERVATION ZONING DISTRICT (PZD).**

Bob Ebinger commented that he is very pleased with the Ordinance in that it is very easy to read and understand.

Patricia Grabow stated that she wished that the City had this some time ago.

All in favor, Motion passed.

A public hearing will be held for Ordinance No. 1954 at the City Commission meeting on May 16, 2005. A Zoning District Ordinance has to wait 30 days between meetings.

Resolutions:

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3626 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA IN SUPPORT OF AMERICANS FOR NATIONAL PARKS AND APPROPRIATE LEVELS OF CONGRESSIONAL FUNDING FOR THE NATIONAL PARK SYSTEM.**

All in favor, Motion passed.

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3627 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH LIVINGSTON DEPOT CENTER AND DIAMOND CONSTRUCTION OF HELENA, MONTANA, FOR THE DEPOT CENTER RESTORATION PROJECT IN THE AMOUNT OF \$689,000.00 CONTINGENT UPON CTEP APPROVAL.**

Patricia Grabow asked since this is upon CTEP approval when would that occur. Steve Golnar stated that the contract has been submitted to CTEP during the review process and it will probably take approximately one (1) week. His objective was to get this to the Commission first so that the City can award this contract to Diamond Construction as soon as possible.

Steve Golnar also commented that in his letter that he provided in the packet to Mike Wherley, with the CTEP Bureau he is trying to clarify the City's authority to award the additional schedules to this bid as change orders to the contract as the Depot Foundation generates additional funding either publicly or privately. After discussing this with the new CTEP Bureau Manager today it is Mr. Golnar's understanding that the CTEP Bureau would allow these change orders to the initial contract if more money is generated for the Depot Center.

In coordination with this, Mr. Golnar commented that the City will need to advertise for proposals for project using CTEP funds, and so will the County. The City Commission will look at the applications at their May 2, 2005 meeting with a public hearing scheduled on May 16, 2005.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3628 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO PAYBACK AGREEMENT WITH ALICE SENTER FOR SUMMIT STREET SEWER EXTENSION IN THE AMOUNT OF \$36,196.00.**

Clint Tinsley, Public Works Director, stated that on the agreement, under No. 6 of the payback agreement for recovery, it has nineteen (19) years and should be ten (10) years.

Motion was made by Caldwell, second by Beebe, to amend Resolution No. 3628 on the payback agreement to state 10 years for recovery instead of 19 years.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3628 with payback agreement as amended.

All in favor, Motion passed.

Action Items:

A discussion was held to consider directing Staff to negotiate contract with HKM Engineering for Railroad Crossing Feasibility Study.

Motion was made by Caldwell, second by Ebinger, to authorize Staff to enter into negotiations with HKM Engineering to conduct a phased grade separation feasibility study.

All in favor, Motion passed.

A discussion was held to review request for Hirsh Subdivision Annexation.

Christopher Yearick with Pilari Architects provided the Commission with the drawing of the proposed project. Mr. Yearick stated that the Hirsh's just want to see if they can get annexed into the City so that they can have City water and sewer resources and become a part of the community. This property would be used for affordable two (2) bedroom apartments or condominiums. The Hirsh's are asking for a zoning classification change to high density (RIII). The project would be developed into four phases and

each phase would consist of forty (40) units per phase for a total of one hundred sixty (160) units on roughly 10 +/- acres. Also the property would be open and parkland areas would be developed congruent with parking and building structures. Each phase will have a design goal of three (3) to five (5) architectural designs and two (2) and three (3) floor structures of two (2) bedroom sized units combined in certain ways to create a uniqueness of the project but blend with the City of Livingston.

This property is located South of Loves Lane, West of Albertson's property, West of Town Pump property and East of residential housing. They are hoping to develop a project that doesn't affect the neighbors and will benefit the City of Livingston.

Steve Caldwell asked if there are going to be any traffic impacts. Jim Woodhull commented that will be addressed later.

Patricia Grabow commented that she had some serious reservations in a couple of areas. She has visited with some of the families on Billman Lane and they indicated to her when the Wineglass Subdivision was created there was suppose to be two (2) roads of egress. One has been put down on Billman Lane and Loves Lane and there is still concern of the safety of the children walking through there. This project would increase the traffic impact in this area. Mr. Grabow would hope that the City will work with the County on the traffic flow issues.

Ms. Grabow also mentioned that one of the greatest legacies in this area is the trees and she would hope to see that all of the trees could be saved.

Mr. Yearick commented that as the construction begins to take place that they hope to be able to save the trees.

Bob Ebinger stated that he feels that this project needs to pursue RIII zoning with the increasing population of this area. He is concerned with the traffic situation that the City doesn't want to infringe upon the 5-acre tracks in a negative way. The City needs this development, as an expansion into the County, to set a good example.

Steve Caldwell stated that he feels that this is an appropriate site for the development that is being proposed in this area.

Mr. Hirsch made comment that he is a doctor in the State of Florida but his wife's family is from Livingston that has been here for over 100 years. Mr. Hirsch' partner in this project is John Brockway and he has been in Livingston for around 20 years. His other partner in the project is a childhood friend who has been coming to Livingston for over 50 years. His partners and himself want to give back to Livingston what the City has given them over the years.

Mr. Hirsch also stated that no one would want to have a house next to Albertson's so what is proposed to be built there are apartments or condominiums that would allow people to have affordable housing. They want to put a park, a dog walking area and want to be proud of this. He wants to widen the streets and put the power line underground. Mr. Hirsh has the town in mind and his reputation in mind and wants to make everyone happy!!

Motion was made by Ebinger, second by Caldwell, to initiate the process for annexation for the Hirsh property.

All in favor, Motion passed.

A discussion to schedule a workshop on the Downtown Design with Montana State University (MSU) Community Design Center was held.

After much discussion it was determined to have a workshop on May 9, 2005 or May 23, 2005 at 7:00 p.m. for the Downtown Design with Montana State University (MSU) Community Design Center. Also the Commission requested to invite the Urban Design Committee, Downtown Association, Historic Preservation Committee, the Chamber of Commerce, Urban Renewal Agency and Department Heads from City Staff in order to provide information.

A discussion was held to approve modification in Federal Aid Project fund STPE 7499 (2) 2000 Landscaping - Livingston, Control No. 4528, to reflect elimination of landscaping on Railroad right-of-way and adjustments in preliminary engineering and advertising costs resulting in a net project reduction of \$16,000 and a total project cost of \$103,000.

Motion was made by Caldwell, second by Ebinger, to approve modification in Federal Aid Project fund STPE 7499 (2) 2000 Landscaping - Livingston, Control No. 4528, to reflect elimination of landscaping on Railroad right-of-way and adjustments in preliminary engineering and advertising costs resulting in a net project reduction of \$16,000 and a total project cost of \$103,000.

All in favor, Motion passed.

A discussion was held to review Emergency Generator and Power Supply costs and discuss payment of bills exceeding \$18,000.

Mr. Golnar provided the Commission with a letter from Shirley Ewan, Finance Officer identifying that the City's share of the new generator and associated electrical upgrades had exceeded the \$18,000 which the City Commission initially approved for the City to commit to. Also provided to the Commission was a copy of a February 24, 2005 summary of electrical costs developed after a meeting with Steve Golnar, the County Commissioners, Fire Chief Jim Mastin and Bruce Martin. These electrical costs were incorporated into the

City/County Building Repair FY 2004-05 budget which both the City and County Commissioner's tentatively agreed to. The City has basically eliminated any projects associated with the City/County Building except for the electrical upgrade and the clearing of the air ducts. If the projects are accomplished within the estimated costs identified from the County then another \$3,000 would be required to be provided from the City.

Bob Ebinger asked that this be put on the agenda for the City/County Meeting on Wednesday, April 20, 2005 at 7:00 p.m. to discuss solutions to these issues. He also asked if the numbers could be explained to everyone as a group so that everyone understands where the costs derived came from.

Steve Caldwell stated that he does have a problem with how the process was developed and feels that it was done very unprofessionally and while he was not laying the blame on City Staff, he felt that this is not how to pursue an important expenditure concerning both the City and County.

The City Manager's written comments were reviewed.

- Patricia Grabow wanted to know if she understood correctly that the City Commission was going to give their concerns to the Alliance Development Corporation (ADC) and then a new document would be drafted and she feels that it hasn't happened yet. Steve Golnar stated that what is provided in the packet is just a draft. Ms. Grabow stated that she is very uncomfortable with the Livingston Urban Renewal Agency being associated with the Alliance Development Corporation and that a lot of the members from the organizations are much of the same.
- Ms. Grabow also mentioned the letter to Mr. Gallik from Mr. Jim Barrett that was provided in the packet relating to the GYC/City of Livingston v. Park County, March 8, 2005. She still feels that it is in the best interest of the City that they should drop this lawsuit with the County. She feels that this letter was very indicative of the one of the reasons that it is best to drop this lawsuit.
- Ms. Grabow asked about the letter from City Planner, Jim Woodhull about the impact fee analysis report if House Bill No. 185 would provide money to the City for such a purpose as this. Steve Golnar stated no it does not. Ms. Grabow asked if the City would have to come up with the money for a feasibility study for impact fees? Steve Golnar stated, "yes". Ms. Grabow requested that the City work towards this.
- Bob Ebinger commented about the cost of \$80,000 for an analysis for impact fees and stated that he feels that the City should use this amount of money for something other than a feasibility study to find out that impact fees are what the City needs.
- Bob Ebinger wanted to commend Steve Golnar for finishing his Dale Carnegie classes and his assistance in representing the City during the Legislature.

- Steve Caldwell commented about the memo from the Montana Department of Public Health and Human Services of the City wading pools having to be closed due to no lifeguard on duty at all times. It is an unfortunate situation and was wondering if there was anything that the City could do to pursue a full-time lifeguard for the wading pool. Clint Tinsley stated that the Public Works Department is looking at other options other than the wading pools, such as water jets floating in the air and that there are fountains that can be used. It is effective immediately that the City cannot have a wading pool without a lifeguard.
- Mr. Caldwell wanted to know what the resolution was on the contribution that Mr. Thomas Darling wanted to give to the Livingston Fire and Rescue for their services of April 1, 2005 in rescuing his nephew from a back country accident. Jim Mastin stated that he hasn't heard anything as of yet. Mr. Caldwell wanted to know what we do in a case like this. Mr. Mastin stated that normally when donations are received they go towards the ambulance in a line item in the budget and it is appropriated.
- Mr. Caldwell commented that it is unfortunate that the GIS Coordinator has given her resignation. Mr. Golnar stated that the County and the City and the GIS group are working towards a solution to encourage the GIS Coordinator to stay.
- Steve Caldwell asked for the City Manager's opinion on the letter from Jim Barrett to Mr. Brian Gallik if the City needs a forum on how things are going with the lawsuit. Steve Golnar stated that he just felt that the City Commission should know of this letter and that it would probably be appropriate to meet with all parties and talk about their concerns and get an update from the County as to where they are with their growth policy.
- Steve Caldwell commented about the letter from the Livingston Urban Renewal Agency and remarked that this organization has some concerns about how they relate with other committees and/or group in the City and that they are not sure what to do about that. Mr. Golnar stated that their letter states that their vision is to become a larger overall visioning organization and start to be part of the process to see where Livingston is going in the future. Mr. Golnar also stated that the City could seek to better coordinate between groups. Steve Caldwell stated that some of the problem is that the committees and/or groups don't know exactly what their duties are and feel that some of the committees are overlapping their responsibilities.

Commissioner Grabow Comments:

- She commented that she is very interested in the City's budget priorities and having the public's input about the budget.
- She also stated that she wants to remind everyone that April 29, 2005 is "Arbor Day" and encourage everyone to attend the ceremonies.

- She stated that she is concerned where the City houses their checking account in regards to the fact that it is a three (3) year cycle with a two (2) year renewal. Realistically there are six (6) banks in Livingston and Ms. Grabow feels that the City checking account should rotate within those banks so it doesn't look like the City is favoring one bank over the other banks.

Commissioner Ebinger Comments:

- He wanted to elaborate that "Arbor Day" is coming up on April 29, 2005 and that there will be a ceremony at the Bandshell at 1:30 p.m. and also a ceremony on April 30, 2005 from the Library doing some boulevard tree planting.
- He also wanted to update on House Bill No. 584 which is the Film Incentive and stated that it seems that it is almost as long as the CTEP project and it is going to go right up to the deadline of the Legislature Session conclusion.
- He also stated that he doesn't want the public to think that the budget isn't always an open process. There are public hearings and the City Commission meetings are always open and comments are always available.

Commissioner Beebe Comments:

- She commented about the letter that was received from Kelsie Harriman in the last packet and she feels it is very important to be followed up on as she took the time to state her concerns and the City needs to respond back to her and thank her for being concerned.
- She also stated speaking of the budget that the City Commission talked about mosquito spraying already in the mosquito district and before it gets lost in the shuffle of things that she knows some people were concerned about the "larvicide's" treatment and commented whether this will come into the budget or if the mosquito district's different. Mr. Golnar stated that the City suggested to the County that they look at expanding the funding to the district for a year only because of the West Nile Virus and now he feels that the City should ask the County to consider increasing the mill levy to cover costs and possible alternatives for controlling mosquitoes in our area.
- She also wanted to comment about the Yellowstone Country Board's reappointment and believes that the "due process" issue has been coming up a lot in lots of levels of government and does believe that the outcome of advertising for applications and voting on the applicants would have the same results but thinks that the Commission should think about legitimacy.
- She also wanted to know when the EMS Committee meeting was, if it was April 21st. Jim Mastin stated, "yes" it is April 21st at Rural Fire on Park Street.

Commissioner Caldwell Comments:

- He wanted to clarify that the Alliance Development Corporation "Exhibit B" that was provided in the packet included his comments.
- He also wanted to note the idea of doing monthly cash flow reports and wanted to know since the fiscal year is coming to an end whether there are any cash flow train wrecks large or small. Shirley Ewan stated at this point the City is doing just fine and wanted to note that the Department Heads know that taxes come in January and May but they still don't have to spend what has been budgeted. Steve Golnar noted that the water and sewer bond issues are going to require expenditures before these bonds are sold and this will stretch our cash thin over the early part of the Summer of 2005.

Chairman, Blakeman Comments:

- She mentioned that she had a meeting with the Downtown Association where she brought up House Bill No. 625 and the resort option tax. Steve Golnar stated that it isn't complete and as HB 625 was still alive and suggested that the City move forward with a better public education effort for the general public's information on the potential for this option.
- She also stated that she attended the "Recycling Conference" and commented that she learned a lot and thought it was cool and hopefully the City can move forward with recycling.
- She mentioned that she has a conflict this week with the City/County Meeting and has a City Planning Board meeting at the same time so she will not be attending the City/County Meeting.

Public comments:

- Robert Moore of 407 North 3rd Street made comment that in order to book talent he has to put money down and wanted to know if the Commission would support his request. He would like to have a benefit to raise money for the Depot Center and have a "Blues Concert" involving Taj Mahal and Keb Moe at the Bandshell in August. Although he will be out of town he would request John Tally and Diana Seider handle the event in his absence. He asked if the Commission would support this and stated that he is willing to take a risk. The Commission gave there concurrence to move forward with his special event request.

Motion was made by Caldwell, second by Beebe, to adjourn the meeting there being no further business. Motion passed.

The time was 10:20 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
May 2, 2005
7:30 P.M.

The Livingston City Commission met in regular session on Monday, May 2, 2005 in the Community Room in the City/County Complex. Commissioners present were Bob Ebinger, Vicki Blakeman, Mary Beebe and Steve Caldwell. Patricia Grabow showed up a few minutes later.

Staff Members present were Bruce Becker, Steve Golnar, Shirley Ewan, Darren Raney, Jim Mastin, Jim Woodhull, Clint Tinsley and Peggy Glass. Pam Payovich was absent.

Motion was made by Ebinger, second by Caldwell, to approve consent items as follows:

- Approve April 18, 2005 Regular City Commission Meeting Minutes.
- Accept Bills and Claims for 2nd half of April.
- Designate City Manager as City Administrator for Local CTEP Program.
- Consider waiving the fee for the rental of the Civic Center for "Kidfest" to be held on Saturday, May 7, 2005 at 10:00 a.m. through 2:00 p.m.
- Consent to the City Manager's Nominations of Appointments of the following Firefighters:
 - Nathan Wulf – Permanent Full-Time;
 - Shannon Browning – Temporary Full-Time Status; and,
 - Scott Evje – Temporary Full-Time Status.

Bob Ebinger commented about the minutes on page 3 that it specified that the Mr. Becker would contact Moore, O'Connell and Refling on the water rights legal work and was wondering if Mr. Becker had heard from them.

Mr. Becker stated that he had received a letter today from them and they stated that they have made application to work with Biologist, Bob Wiltshire with the Fly Fishers Federation to justify a way to transfer some of the City municipal water rights from the river to instream flow rights so that the City can maintain its control of these rights.

Bob Ebinger asked also about the minutes under Commissioner Caldwell's comments that reads: "Steve Golnar noted that the water and sewer bond issues are going to require expenditures before these bonds are sold and this will stretch our cash thin over the early part of the Summer of 2005", and was wondering what water and sewer bonds were being talked about.

Mr. Golnar stated that the water and sewer revenue bonds will create an increased amount of construction activity and expenditures in the early Summer of 2005. Specifically the sewer plant improvements may require the expenditure of funds prior to the time the bonds are actually sold and

this may cause cash flow concerns in the short term. He indicated, however, that the Finance Officer, Shirley Ewan and himself are working on adjusting the reinvestment of CD's in the short-term to avoid these cash flow problems.

Mr. Ebinger asked about the claim from HKM Engineering and wanted to know what this was for. Shirley Ewan stated that this claim is for bacteria samples.

Mr. Ebinger commented that he noticed under the claim from Northwestern Energy that there are several line items that are over spent and wanted to know what this meant.

Shirley Ewan stated that this means that they are over spent on the line item and doesn't mean that the budget is over spent. The Public Works Department will just have to budget more for those line items next year because the price of power went up after the budget was already done.

Mary Beebe asked about clarification of the minutes on page 9 about if the area where the PrintingForLess.com building site is going to be located is called the West End Improvement District.

Steve Golnar stated that the City calls this area the West End Improvement District and at the last City Commission meeting it was brought up why Resolution No. 3629 creating the Special Improvement District (SID) didn't refer to the "West End Improvement District". The reason that it wasn't called the PrintingForLess.com Improvement District is because the 20 acres for the PrintingForLess.com building site is not the only area in this district.

Ms. Beebe also wanted to know about the claim for the public defender and wondered who is the defender. Mr. Becker stated that the defender for the City of Livingston is on the right of the itemized line.

Mary Beebe also asked about the claim from Dana Kepner Company and was wondering if this was for the meters that are going to be installed that are going to be read by radio. Shirley Ewan stated "yes". Ms. Beebe also asked what a "brass saddle" was. Steve Golnar stated that a "brass saddle" is a connection for the meter to be attached to the pipe.

Patricia Grabow asked commented on page 6 of the minutes that Commissioner's should be Commissioners'.

Ms. Grabow also asked about the claim from Karnatz Tree Service that it states it was for "drop-cut trees on "H" and Lewis Street" and wondering what "drop-cut" meant. Bob Ebinger stated that the City Tree Board authorizes removal of trees and the City pays for that approval but that drop-cut probably means that the tree needs to be removed so that they

don't fall down. Steve Golnar stated that he would find out for sure as to what "drop-cut" meant.

Ms. Grabow also asked about the claim from the Livingston Rotary Club if this was for Steve. Steve Golnar stated that it was for his membership.

Ms. Grabow asked about the high claim from Northwestern Energy and if there is an alternative for energy and if the State could assist the City in determining if there is an alternative way of generating energy.

Patricia Grabow asked about the "Kidfest" event and was wondering if they had their own insurance. Steve Golnar stated that this is an event to benefit the "Recreation Department" and that the City's Insurance covers this and no actual activity will occur.

Vicki Blakeman commented that during the "Kidfest" event last year she had received a recommendation from a citizen that the kids should sign up for swimming lessons at the same time as "Kidfest" and was wondering if this would be possible. Steve Golnar stated that he would find out but that was one of the conversations that he had with the Public Works Department earlier and hoped that this would be initiated.

Vicki Blakeman also stated that she would like to recognize the City's new firefighters and requested that the Fire Chief commend them and welcomes them to the City.

All in favor of consent items, Motion passed.

The next item on the agenda was a Variance for Mrs. Della Baldwin but was determined to move to the action items as item # 7, A.

Ordinances:

Motion was made by Caldwell, second by Ebinger, to approve first reading of Ordinance No. 1955 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GRANTING A NONEXCLUSIVE FRANCHISE TO BRESNAN COMMUNICATIONS, LLC, FOR THE PURPOSE OF CONSTRUCTING AND OPERATING A CABLE TELEVISION SYSTEM.**

Patricia Grabow asked on page 5 of the agreement in 3.5 (Trimming of Trees and Shrubbery) it states: "The Grantee shall have the authority to trim trees or other natural growth in order to access and maintain the Cable System", and wondered if they would have to contact the City Tree Board about trimming the trees. Steve Golnar stated that they should contact the City Tree Board when the trees need to be trimmed but the contract as written doesn't require them to. Ms. Grabow requested that this be clarified in the section.

Steve Golnar stated that on page 1 of the agreement under 1.1 (Terms) subsection (B) it states: "Cable Act" means Title VI of the Communications Act of 1934, as amended; he wondered if this should be Communications Act of 1984.

Mr. Golnar stated that the definition of cable system is interesting. Bresnan has identified that "Cable Programming Service" means any video programming provided over a cable system, regardless of service tier, including installation or rental of equipment used for the receipt of such video programming. Mr. Golnar feels that this limits the franchise fee to cable video television and was wondering if this if want the City wants.

Also Mr. Golnar stated that the cable company has suggested a 20 year term for renewal and he believes that the City should only do a 5 year term in order for the Commission to review the franchises on a frequent basis because of the rapid note of technological advances and changes in regulation.

Mr. Golnar mentioned that the franchise fee of 5.25% of annual gross revenue is the norm according to Mr. Becker.

Also Mr. Golnar mentioned that under Section 6 for public educational and government access capital contributions that the City may want to limit a public access channel to limited purposes at first due to concerns about regulating program material.

Patricia Grabow asked Mr. Golnar if he would elaborate on the studios and was he saying a studio could be created. Bruce Becker stated that the cable company doesn't give the City a studio that they create a channel and the City is responsible for buying their own equipment then the cable company will buy the equipment from the City and then lease it back to the City. For example this would give the City the opportunity to broadcast their City Commission meetings.

Mr. Golnar made suggestions of typo's in the agreement of Section 5 to change the word "form" to "from" in the second to last sentence and to change in Section 6 at the top of page 9 the word "maybe" to "may be".

Steve Caldwell asked if the City Manager felt comfortable if the City Commission approved this contract with his suggestions as amended or would he like this to come back to the next meeting.

Mr. Becker stated that this is an Ordinance and is the first reading so that the documents could be corrected for the second reading and public hearing at the next meeting.

Motion was made by Caldwell, second by Beebe, to incorporate the City Manager's amendments to Ordinance No. 1955.

All in favor, Motion passed.

Motion was made by Caldwell, second by Caldwell, to approve first reading of Ordinance No. 1955 as amended.

All in favor, Motion passed.

Resolutions:

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3630 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA ANNEXING BY PETITION LOTS 3 & 4 OF THE ORIGINAL PLAT OF ACREVILLE, PLAT NO. 393, LOCATED IN THE SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 9 E, P.M.M. PARK COUNTY, MONTANA.**

Patricia Grabow asked about adding one (1) thing and would like to commend the people who came to the call of the four (4) people that were injured who were traveling on Billman Lane coming from Wineglass. She also stated that she is in support of pulling Wineglass Road into the West Interchange.

Bob Ebinger commented that this could probably be talked about at the City/County meeting that is to be held tomorrow. Steve Golnar stated that the letters have not been submitted to the County on this but he feels that it could be incorporated into the agenda for tomorrow at the City/County meeting.

Bob Ebinger stated that this could be the beginning of an opportunity to support projects between the City and the County together and what we can do with other parts of the donut area.

Patricia Grabow wanted to also stated that she had spoke with the "Little Log Homestead" in this area and that the owner is interested in keeping it but is at a loss at getting research on it. She was wondering if the City could assist this person and possibly ask the Historic Preservation Officer if he would help.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3631 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CHAIRMAN OF THE CITY COMMISSION TO SIGN APPLICATION FOR FEDERAL ASSISTANCE FOR AIRPORT IMPROVEMENT PROGRAM FOR MISSION FIELD PROJECT (AIP 3-30-0051-004-2005).**

Bob Ebinger stated that he had visited with Mr. Golnar and that the money is not from the budget for this fiscal year that it will be including in next year's budget.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3632 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH THE DEPARTMENT OF THE ARMY FOR THE YELLOWSTONE RIVER AT LIVINGSTON, MONTANA, FEASIBILITY STUDY.**

Patricia Grabow stated that she had spoke with Mr. Golnar today in considering an "Over-site Committee" in order to develop expertise and institutional in this study.

Steve Golnar mentioned that on page 5 of the agreement under Article IV - Study Management and Coordination it talks about an "Executive Committee" and a "Study Management Team" and he believes that those levels of participation anticipated the creation of such an oversight committee.

Mr. Golnar also stated that he has visited with the County and they are hesitant to sign this agreement with the City for the Section 205 Study if it only covers from Siebeck Island to 1,000 feet below the bridge. The County would like to extend the scope of work to include from Carter's Bridge to 1000 feet below the Yellowstone Bridge on Highway 89 North. Mr. Golnar has contacted the Corp of Engineers and they have noted to him that they believe that the Corp can do this but Mr. Golnar's concern is if this would increase the cost of the study.

This is on the agenda for the City/County meeting scheduled for tomorrow.

Motion was made by Caldwell, second by Beebe, to post-pone approval of Resolution No. 3632 until the May 16, 2005 City Commission meeting.

All in favor, Motion passed.

Action Items:

Mrs. Della Baldwin wished to create a one lot minor subdivision by dividing the existing Tract 1 of C.O.S. 634, located in the northeast portion of the Minnesota Addition, into Lot 1 and 2 so that she can segregate her exiting home from the remaining fifty-two (52) acres of the original tract. The existing structure would remain on five (5) acres and is served by on-site well and septic systems. The result of this division would not create any additional building sites. Creating additional building sites would require further subdivision.

Motion was made by Caldwell, second by Beebe, to approve the Findings of Fact on Mrs. Della Baldwin's request to create a one lot minor subdivision by dividing the existing Tract 1 of C.O.S. 634, located in the northeast portion of the Minnesota Addition, into Lot 1 and 2 so that she can segregate her exiting home from the remaining fifty-two (52) acres of the original tract.

Patricia Grabow asked if the City typically does do something like this.

Jim Woodhull, City Planner, stated that one (1) lot minor subdivisions are treated differently that a major subdivision. It can only be done one (1) time.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Mrs. Della Baldwin's one (1) lot minor subdivision request.

All in favor, Motion passed.

A discussion was held to review applications for proposals for CTEP funds.

Steve Golnar stated that the City received one (1) application from the Depot Center requesting use of CTEP funds for their project. He also commented that the Depot Center requested more funding that what is available in the City's allocated CTEP funds.

John Sullivan, President of the Depot Foundation stated that he would like to thank the City for the help that they have given to the Depot Foundation for pursuing this project of restoring the roof on the Depot Center. The money that the Depot Foundation has collected through fundraising and initial City and County contributions isn't enough to complete the whole project after bids were received. They are asking the City and County for their assistance in funding more of this project. This request became necessary because the first part of the bidding for the Depot Center Restoration project came in far too high in order to complete the project. The project had to be re-bid and was divided into bid schedules to allow for the City and Depot Foundation to consider options that they could afford. Only a portion of the project could be completed with the final bid. So the Depot Foundation knew that they would need more assistance in completion of this project and if the City CTEP funding of \$49,963 in additional allocations is available the Depot Foundation is seeking to pursue as much funding as possible.

Mr. Sullivan requested if the City Commission would be in favor of directing the amount of CTEP funding that is available from the City, or that the City may be able to obligate from future Federal funding, to keep the Depot Restoration project on schedule.

Steve Golnar stated that after speaking with the Depot Foundation representative that they indicated to him that there may be an attempt to raise funds both publicly and privately.

John Sullivan stated that the Depot Foundation fund raising efforts are ongoing. They have raised enough to match the Federal requirements for their "Save America's Treasures" grant and have enough to match the CTEP contributions that the City and County have already made and move forward with the limited scope of the contract that the Depot Foundation has obligated to do.

Steve Caldwell asked if CTEP funding is anticipated for one (1) fiscal year or one (1) calendar year. Steve Golnar stated that it is anticipated for one (1) calendar year starting in January. Mr. Golnar stated that he will let the City Commission know what the, six (6) year allocations are going to be for CTEP funding, after the Federal Highway Bill is passed.

Patricia Grabow wanted to have clarified exactly how much CTEP funding was available from the City. Steve Golnar stated that there is \$16,000 from the Landscaping project scope of work that was not used so the total available CTEP funding is \$65,000.

The Commission was in concurrence to appropriate all of the available CTEP funding from the City for the Depot Foundation Restoration project. A public hearing will be held on May 16, 2005 at the next City Commission meeting to approve CTEP funding proposal from the Depot Center project in the amount of \$65,000.00.

A discussion was held to consider appointment of Tom Vincent to the Yellowstone Country Board for a new term to expire April 2008.

Steve Golnar commented that there were some questions from the City Commission about the appointment of the Yellowstone Country Board of Directors vacancy not going through the advertising process. He was asked to track what action had taken place at the last meeting relating to the nomination of the individual for this position. This position was filled for a very short time to fill an unexpired term of Patricia Miller who resigned. The City Commission at the time took applications and from those applications appointed Mr. Tom Vincent to the unexpired term of Patricia Miller to the Yellowstone Country Board of Directors.

The Commission concurred that they would appoint any member of all of the boards the same way. It was determined to advertise vacancies in boards or committees and to accept applications, review the applications and set up interviews with those applicants before appointment to the vacancy.

Motion was made by Ebinger, second by Caldwell, to extend Tom Vincent's role as representative to the Yellowstone Country Board of Directors until the new appointment is made and move forward to advertise for this position.

All in favor, Motion passed.

A discussion was held to acknowledge the increase in the GIS Coordinator's salary by Park County and the City's share funding plan for remainder of fiscal year 2004-05.

Steve Golnar suggested that the City Commission acknowledge the increase in the GIS Coordinator's salary by Park County and the City's increase cost of approximately \$400.00 for the remainder of the fiscal year, which is proposed to be covered with existing Planning Department appropriations. Also the City should develop a revision to the contract for GIS services for the remainder of the fiscal year.

Motion was made Beebe, second by Caldwell, to make contract adjustments in order to acknowledge the increase of the GIS Coordinator's salary by Park County and the City's increase cost of approximately \$400.00 with the existing Planning Department's appropriations.

All in favor, Motion passed.

A discussion was held to approve additional payment for City/County Complex generator and electrical system upgrades.

Steve Caldwell asked if the information provided by the City Manager was close enough to know exactly what it is going to cost the City for the additional payment for the new generator and electrical system upgrades to the City/County Complex.

Steve Golnar stated that he believes that it is close and has determined that it is going to cost approximately \$28,000 for the City. The City Commission had not approved for the expenditures in excess of \$18,000 for the bills that the City currently has received from the County. Mr. Golnar also mentioned that he intended to bring status reports of this project back to the City Commission and request specific approval for additional expenditures throughout this project in order to keep the Commission up to date on the status of this project.

Jim Mastin stated that a grant has been received for the uninterpreted power supply unit which has an accountable cost of \$3,700 for the City so this can be subtracted off of the approximate \$28,000 total cost. This would leave for the City a total appropriated cost of \$24,300 for the City/County generator and electrical system upgrades.

Motion was made by Caldwell, second by Ebinger, to approve the additional expenditures for City/County Complex generator and electrical system upgrades and additional appropriations not to exceed \$6,100.00.

All in favor, Motion passed.

A discussion was held to review and respond to the inquiry from Paoli and Brown about whether the City Commission is interested in selling or leasing the Old Water Works Building and what direction the Commission would like to go on the Paoli and Brown's current standing in negotiations.

Bob Ebinger stated that the City of Livingston is seeing an incredible amount of growth on the Northeast and Northwest side of town and he believes that the City will have to provide public services on that side of town. He commented for the City to give away anything in the way of property here now is a mistake because the City will have to expand in that direction. Mr. Ebinger is for mothballing the Old Water Works Building and keeping it as City owned property.

Steve Caldwell stated that he would like to see what those costs maybe to mothball the Old Water Works Building and for the City to carry it. He would like to see some estimates.

Patricia Grabow commented that she is in a position to see the City sell the Old Water Works Building. The City has developed the means know to keep the historic nature of the building in developing a "Preservation Zoning District" and the fact remains communities expand and grow more often than not sell those public buildings and as they become a real treasure for the community with the use of the private sectors monies. Ms. Grabow believes that the City has overcome the problems that they have had as far as the Old Water Works Building is concern as a sale to the private sector. She also stated that there are so many hidden costs in mothballing a building.

Steve Caldwell stated that he concurs with Ms. Grabow in selling the Old Water Works Building in putting the building in the hands of someone who has the resources to renovate it and put it back onto the tax roles and bring in cash for the City with all of the proceeds to be used to develop parks and recreation facilities in the area where the growth is occurring.

Tara Eddy of 604 South 9th Street stated that the City is still using the park at the Old Water Works Building. She requested that the City retain the historic use of the Old Water Works park and building and wanted to stated that the building and park are still in a residential neighborhood. She urges that any use be limited by sale or lease of the building by selling or leasing only five (5) feet on the east side of the property and south of the building. She asked the City Commission to please not sale or lease the area to the north of the building where the historic underground storage tanks are.

Steve Golnar stated the first thing that the City Commission needs to determine is the answer to the question of Mr. Paoli as to whether the majority of the City Commission is in favor of leasing the building rather than selling it?

Dixie Bullock of 606 South 10th stated that she has followed this process of the Old Water Works Building for quite some time and as a resident of this neighborhood feels that this building is a liability to the City. It is presently deteriorating and serves no purpose at all to sit there because it is an old building. It can be preserved and a minimal amount of land sold and would benefit the City and also the neighbors. Ms. Bullock commented that this building is being vandalized continuously and to have the City just not do anything with the building they are taking a risk.

Patricia Grabow stated that she feels that Paoli and Brown are capable financially to take good care of the Old Water Works Building and not perpetuate the deterioration of the building for the community. She sees the greater need to develop parks on the north side of town where the children are going to be.

Glen Pritchard of 101 North 5th Street asked if the property is sold what kind of insurance does the City have that the owner will treat the building within historical guidelines?

Bob Ebinger stated that the City has a new "Preservation Zoning District" where the owner would have to keep the building in its original historical state and that there would be deed restrictions with the building.

Mary Beebe commented that the question is how does the City Commission best serve the community. She stated that sometimes it is the use of the public and private sector. But Ms. Beebe doesn't want to sell the building because of the City's use and community use in the future.

Bob Ebinger stated that he is the one that came up with the idea a few months ago to sell the building but in those few months has determined that it would be best for the City not to sell the building.

Vicki Blakeman stated that this has been a situation that the City Commission has struggled with since she has been on the Commission in regards to property that the City owns. Ms. Blakeman commented that she is not prepared to make a decision tonight but if the Commission wants to vote on this tonight it would up to all of them.

Motion was made by Ebinger, second by Caldwell, to post-pone the decision as to whether to sell the Old Water Works Building until the first City Commission meeting in June.

Vicki Blakeman stated that Mr. Golnar could go ahead and give Mr. Paoli's his answer and if the Commission does decide to sell the Old Water Works Building that the City would still need to go through the whole public process in advertising the building to sell.

All in favor, Motion passed.

A discussion was held to consider interest in purchasing City Lots 1 through 9 of Block 19, Palace Addition, on behalf of Mr. Don Eastep.

Steve Caldwell asked if this had already been proposed to the City before. Mr. Golnar stated yes and he recommended that the City not sell these lots because of the pending railroad crossing feasibility study and the fact that this might be a location for the railroad crossing.

Motion was made by Ebinger, second by Caldwell, to consider Mr. Don Eastep interest in purchasing City Lots 1 through 9 of Block 19, Palace Addition.

All against, Motion denied.

A discussion was held to consider approval of Livingston Baseball Association project proposal for Miles Park Baseball Field restrooms.

Bob Ebinger asked about the letter that was sent to the Commission from Jim Nardella indicating that approximately \$4,000 is remainder of the money. Mr. Ebinger wanted to exactly how much money Jim Nardella is asking for monetarily and what is exactly in the Miles Park fund.

Steve Golnar stated that for the current fiscal year the City had \$15,000 proposed for park improvements and asked the County for half, but the County only contributed \$6,000 for Park Improvements so the City decided to pay \$9,000 and the County is paying \$6,000 for Park improvements. The restroom proposal is approximately \$6,100 and there was some sprinkling system work that has already been done to the Miles Park and there is a balance of approximately \$10,000 available in the fund.

Motion was made by Ebinger, second by Caldwell, to approve the Livingston Baseball Association project proposal for Miles Park Baseball Field restrooms.

All in favor, Motion passed.

A discussion was held to consider approval of final payment for Street Reconstruction of M-O Streets project in the amount of \$13,396.88 to Gallatin Asphalt, Inc.

It was the concurrence of the City Commission since this bill has already been paid that no action needed to be taken.

A discussion was held to consider authorization of a budget amendment for the Solid Waste fund in the amount of \$10,000 be prepared for paving of site for Glass Recycling.

Steve Caldwell asked what would happen if the City didn't pave a site for glass recycling.

Clint Tinsley stated that the purpose of paving the site for glass recycling is to keep the glass out of the rocks.

Mr. Caldwell asked how often would the City need to resurface the pad. Clint Tinsley stated that we won't know until we start our glass recycling project but he would like to know so the City can start glass recycling.

Motion was made by Caldwell, second by Beebe, a budget amendment be prepared for \$10,000 from the Solid Waste Fund in order to allow for paving of the Glass Recycling site.

All against, Motion denied.

A discussion was held to authorize an expenditure up to \$20,000 in the Livingston Area Urban System funds to allow for completion of Sidewalk / ADA Improvements in coordination with Pavement Management Project on Geyser Street.

The Transportation Coordinating Committee (TCC) heard from Engineer, Joe Olsen with the Department of Transportation overseeing the Pavement management Project on Geyser Street and he indicated that this project which has a budget of approximately \$450,000, may see costs exceed that budget by approximately \$20,000 based upon initial costs associated with the development of sidewalks. Mr. Golnar reviewed the status of Urban System funds and commented that the City will be asking the Montana Department of Transportation (MDT) to take the storm sewers and street lights improvements out of the "H" Street State project next year. Based upon the change in scope of the "H" Street project, Mr. Golnar stated that sufficient funds of \$20,000 would be available for the Sidewalk / ADA Improvement project in coordination with the Pavement Management Project on Geyser Street.

Motion was made by Caldwell, second by Ebinger, to authorize expenditure of up to \$20,000 in Livingston Area Urban System funds to allow for completion of Sidewalk / ADA Improvements in coordination with Pavement Management Project on Geyser Street.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Patricia Grabow commented on previous City Commission meeting that the Commission did have a question from Jerri Miller regarding the Domestic Violence assistance program if the City could assist in any way. Steve Golnar stated that he did write a letter to Jerri Miller stating that the City would consider their assistance in developing the budget for next fiscal year.
- Patricia Grabow asked on the Department of Commerce Housing/grant workshop if there was any way to get that out to the public. Steve Golnar wanted clarification if this was for the Housing Workshop. Ms. Grabow stated "yes". Mr. Golnar replied that he would try.
- Patricia Grabow asked if Steve Golnar wanted the Commission to make a decision on the Alliance Development Corporation status. Steve Golnar replied that he put the information in the packet to remind the Commission that they will need to take action on the scope of work for Alliance Development Corporation and would take any comments at this time.

Steve Caldwell stated that the Alliance Development Corporation should market to the City not the City market to the Alliance Development Corporation.

Patricia Grabow commented that she had a conversation with Dan Rice, Executive of PrintingForLess.com and he suggested that one of their goals is to have 50 jobs available for over \$40,000 in the next year. She believes that this creates a vacuum in other community development/economic development area previously addressed by the Alliance Development Corporation.

- Patricia Grabow stated that she has spoken with Mr. Ness with the Department of Commerce and will email Steve Golnar and the Commission the comments that she received from him about the history of the certified cities in order to clarify that history.
- Bob Ebinger commented about the emails that he received about the Montana State University (MSU) School of Architecture project that Lynn Chan and Clint Tinsley be on the Advisory Committee for this project in order to focus on defining the scope of work and that this be an open meeting for the community.
- Bob Ebinger also wanted to clarify that the meeting for the Railroad Crossing Committee for the Scope of Work with HKM Engineering will be on May 23, 2005 at 3:00 p.m. and they will present their initial cost on the 16th as Mr. Ebinger will be out of town.
- Bob Ebinger commented that the meeting on May 10, 2005 at Noon from the Montana Board of Housing (MBOH) until 1:45 p.m. about the HOME Program update would be really interesting for the City Commissioners and Staff to attend as this would be informative as to what is available for the City of Livingston.

- Vicki Blakeman wanted to know the update on the Spring Clean-up. Steve Golnar stated that it started today and legally the County has a question on if Spring Clean-up is covered in the City-County FY 2004-05 Solid Waste Disposal Agreement. Mr. Golnar meet with the Assistant County Attorney, Brett Linneweber about the Section 205 Study and Mr. Linneweber brought up the concern after in reviewing the contract wasn't sure where the spring clean-up was. Steve Golnar stated that he has highlighted and post-noted the back-up agreements where the spring clean-up is provided for.

Commissioner Grabow Comments:

- She asked about the legislature update with the priorities by email. Which things passed and what was approved by the Governor.
- She also commented that it was her understanding that there was a petition handed in today to Gregory Legge, Historic Preservation Officer about the Yellowstone Street Bridge to be put on the National Historic register. Steve Golnar stated that this will go to the Historic Preservation Commission first. Patricia Grabow would like to have this also presented to the Urban Renewal Agency.
- She wanted to know what the status is of the impact fees. Steve Golnar stated that he has asked Jim Woodhull and Clint Tinsley to look into options for moving forward with of trying to find consultants to do impact fees studies. Clint Tinsley commented that Morrison and Maierle will give the City a proposal for a study to do the feasibility study for impact fees. Mr. Woodhull also has a proposal from another firm.

Bob Ebinger asked to keep the costs to a minimum for the study for impact fees.

Patricia Grabow also had the following comments:

- a. She requested that whatever emails and phone calls come from the public that she would like to be copied. Steve Golnar stated that he will re-double his efforts on this.
- b. She mentioned that every 2nd Tuesday of the month that the Historical Society has a meeting at the Senior Citizens Center at 7:00 p.m. to talk about everyone's family history. She feels that this is a great resource for people to find out about Livingston history.
- c. She requested assistance from the other Commissioners' for their input on next year budget.

Commissioner Ebinger Comments:

- He provided the Commission and the City Manager with a schedule for the "Preservation Café". For example on June 27, 2005 in Billings they are having a presentation on Historic District, Montana Main Street, Upper Floor Development and Incorporation

Preservation in TIP Districts. Mr. Ebinger requested to let the Staff know that this is being put on and invite those that would benefit from it. It is presented by people that have been through these things and have accomplished it and will teach others on how to accomplish it.

- He mentioned that "Arbor Day" activities were a lot of fun. There must have been 100 kids or so out at the "Bandshell". He took pictures of the events both on Friday and on Saturday and will share these with the City Tree Board and others if interested.
- He wanted to know what the update was on the "B" Street parking lot roto-millings and the High School parking lot roto-millings. He feels that there is no reason not to get this done.
- He wanted to let Patricia Grabow know that he would like to sign the petition for the Yellowstone Bridge to be added to the National Historic Register and feels that this is a good idea.
- He wanted to thank Peggy Glass for the wonderful letters for the recommendations for the 911 cell phone emergency calls to Dispatcher Greg Kessler and Dispatcher Kim Villa.

Commissioner Beebe Comments:

- She wanted to know if in fact it is \$80,000 - \$100,000 that the City would need to put out for the impact fees feasibility study. Steve Golnar stated that was an estimate from a contractor who may want to do the study.
- She wanted to know about the letter from Cindi Fargo about the cost of services analysis. The County needs to study this also about impact fees. She wanted to know if the City and the County could do this impact fee feasibility study together. Steve Golnar stated that there doesn't seem to be enough similarity in City and County organizations to make a joint impact fees feasibility study efficient. But as the City moves forward we could share with the County the City's progress and determine if a joint effort would be possible.

Commissioner Caldwell had no comments.

Chairman, Blakeman Comments:

- She commented that she had heard on the radio about there going to be three (3) days of fireworks at the Rodeo and wanted to know if this was true. Bruce Becker stated that he is sure that this will be commented on soon in the paper and that the Rotary Club has taken on the sponsorship of the fireworks at the Rodeo.
- She made comments about the article that was written to the editor last week from a Commissioner that she would recommend that the Commission be careful when doing this. When we become Commissioners we are no longer individuals! When a Commissioner writes to the editor it is perceived as coming from the whole Commission. Ms. Blakeman feels that this it was not

factual and it seemed to cause a lot of "stir" that was unnecessary. She asked that the Commission be very careful in the future when we do put thoughts in the paper that it not be premature, be well thought out or they can be very divisiveness.

Patricia Grabow responded by stating that she wrote this letter to the editor as a downtown business owner and contrary to popular belief that this is still America. Ms. Grabow commented that the response to this letter came from a near fatal auto accident 24 years ago and feels that the divisiveness is not from a single quarter.

Public comments:

- Peggy Glass mentioned that on May 25, 2005 from 3:00 p.m. through 7:00 p.m. there will be a grand opening for the enhanced 911 to show the new equipment. There will be a public fair in the Community Room and she would like to invite Chairman, Blakeman for the ribbon cutting ceremony.

Motion was made by Caldwell, second by Beebe, to adjourn the meeting there being no further business. Motion passed.

The time was 10:15 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY
Transcribed from tapes

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
June 6, 2005
7:30 P.M.

The Livingston City Commission met in regular session on Monday, June 6, 2005 in the Community Room in the City/County Complex. Commissioners present were Vicki Blakeman, Mary Beebe, Steve Caldwell, Patricia Grabow and Bob Ebinger.

Staff Members present were Bruce Becker, Steve Golnar, Darren Raney, Clint Tinsley, Jim Mastin, Jim Woodhull, Peggy Glass and Pam Payovich. Shirley Ewan was absent.

Motion was made by Ebinger, second by Caldwell, to approve consent items as follows:

- Approve May 16, 2005 Regular City Commission Meeting Minutes.
- Accept Bills and Claims for 2nd half of May.
- Approve Recommendation from Clint Tinsley for the bid for the Civic Center Roof to McLee's, Inc. in the amount of \$56,374.
- Direct Staff to Re-advertise for the CTEP 2000 Landscaping Improvement Project as no bids were received.
- Authorize one-time payment of \$2,200 to Larry Truman for Sewer-line Extension Payback agreement.
- Refer Proposed Light Industrial District Design Guidelines Back to the Zoning Board.
- Approve Special Event Request from the Livingston Area Chamber of Commerce for the Livingston Chamber Roundup Parade on July 2, 2005 at 3:00 p.m.
- Approval Planting of Trees on West Side of Swimming Pool and City cooperation with the City Tree Board on this project.

Patricia Grabow requested to add her comment on page 5 of the minutes in the third paragraph to read: "Ms. Grabow advocated the creation of a City Public Arts Commission". It was also requested to have this as an action item at the next City Commission meeting.

Ms. Grabow also requested on page 1 of the minutes to add in her response to Chairman, Blakeman's comments to read: "She felt that the letters to the editor constituted a form of verbal terrorism."

On page 9 of the minutes, Patricia Grabow asked that her comment of clarification be added to read: "Patricia Grabow commented that she was uncomfortable with this Resolution as written that she did not receive the City Manager's cost breakdown until 6:10 p.m. that evening and felt that it was not in the community's best interest to act on this tonight."

Ms. Grabow asked on page 17 of the minutes in Vicki Blakeman's comments to change the word "blew" to "blown" so as to read: "She feels that the Commission did act in the best of intentions when they acted on the "Catalyst" project and it got "blown" up."

Ms. Grabow asked about the claim from A.M.E. Inc. for the "H" Street Water Main and wondered since it states that line item has been overspent if that amount balances out of the budget. Clint Tinsley stated that this is part of the state loan and these funds will off-set the cost for this project. This project is all state funded.

Patricia Grabow asked about the claim from Northwestern Energy for Street Lighting and wanted to know how energy efficient was the street lighting in the City. Clint Tinsley stated probably not that the City pays several bills several ways. The new main streets lights that the Public Works Department are installing now are on a meter and charged directly to the City but the majority of street lights costs are Northwestern Energy's poles and the City is in charge for electricity and depreciation of the fixture. Mr. Tinsley stated that he figures the City could light four new street lights for the same price as one on power company pole.

Ms. Grabow stated in terms of energy costs down the road not to mention the ethics of it, it is something to look into.

Mr. Tinsley stated that the City takes out about six (6) street lights a year and replaces them with thirteen (13) street lights.

Bob Ebinger asked on page 14 of the minutes to clarify since he was not at the meeting what Shirley Ewan stated in her paragraph. Steve Caldwell stated that he has this in his comments and will clarify what was said.

Bob Ebinger asked on page 16 of the minutes under Ms. Beebe's comments to change the word "overcome" to "incorporate" so as to read: "She would like to know how to do the public process and welcome any suggestions to "incorporate" the public input."

Mr. Ebinger asked about the claim from Alliance Development Corporation and commented that the City is still paying Alliance Development Corporation \$1000.00 per month and wondered what kind of services the City was getting for this \$1000.00.

Steve Golnar stated that the City is paying for a contract for services for the list of items that are identified on that addendum in the Alliance Development Corporation agreement. Mr. Golnar stated that the Economic Development group has actually put together a revised proposed list and will be getting it back to him so that he can distribute it to the City and the County in order to renegotiate for next fiscal year. He also stated that he

was informed that the Alliance Development Corporation was proposing to hire another Executive Director soon.

Mr. Ebinger stated that didn't really answer his question of what is the City receiving for the \$1000.00 from the Alliance Development Corporation. Mr. Golnar stated that he feels that loan processing and loan application screening to a minor extent.

Mr. Ebinger commented that when the City and County renegotiate with the Alliance Development Corporation that the former Executive Director for the Alliance Development Corporation was providing services above and beyond what was originally negotiated with the Alliance Development Corporation for their services and wants to make sure that will be in consideration when the City and County renegotiate.

Mr. Ebinger asked also about the claim from Dana Kepner Company and wanted clarification what the claim was for. Clint Tinsley stated that the City received a State loan to replace the remaining old meters in the City and also for the "H" Street Waterline replacement project.

Bob Ebinger asked about the claim for Park County for Mosquito Control Support in the amount of \$6,308.00. He commented that he was present at the City/County meeting which was talking about biologic control and wondered if this claim was for last year and if the City is going to budget for this fiscal year 2005-06. Steve Golnar stated that the bill was for FY 2004-05. The mosquito control assistance was authorized on a one-time basis last year because of the West Nile Virus and he wasn't planning on providing for this in the budget this year unless the Commission wants him to.

Bob Ebinger asked about the claim for Park County for Bruce Martin and 1/3 GIS Wages if this was for the whole year. Steve Golnar stated that he believes that the GIS wages and Bruce Martin wages are for the whole year. Mr. Ebinger wanted to know if this was paid quarterly or just at one time. Mr. Golnar stated the City pays this when they are billed from the County but thought that the City pays them on a quarterly basis and commented that the figures looked rather high and stated that he would report back to the Commission about this claim in order to determine if the wages were for the whole year.

Mr. Ebinger asked about the Civic Center Roof bid and wanted to know if the bid from McLee's was the only one received. Clint Tinsley stated yes.

Mary Beebe commented that she felt that all of the grammar issues had been corrected that she wanted to point out of the minutes.

Ms. Beebe was curious about the claim from Lane Brothers Cattle Company in the reference for what it is for it states that this is for a lease payment "sheep" and wondered if the City was leasing "sheep". Steve Golnar stated

that it was for "Sheep Mountain" which is a location for a translator for radios.

Steve Caldwell stated that he was sorry but he finds continually that most of the minutes to be completely unintelligible.

Mr. Caldwell requested to delete "to change" on page 10 of the minutes under his comment to read: "Steve Caldwell made suggestion ~~to change~~ under notice of vacancy to change Pam Payovich to Recording Secretary so not to have an individual identified in the policy."

Mr. Caldwell requested following Bob Ebinger's clarification on page 14 of the minutes to identify in Shirley Ewan's comments to read: "Shirley Ewan stated that ~~he the Alliance Development Corporation board member~~ is not receiving funds himself that he is doing this for free ~~gratis~~ so the Alliance Development Corporation will be able to accept the funds." Also Mr. Caldwell added to clarify that the Alliance Development Corporation board member is not receiving payment for the services that he is providing that is for tracking for a grant.

Steve Caldwell requested on page 15 of the minutes under Commissioner Grabow comments to delete "as he is a member" so as to read: "Steve Caldwell stated that he would suggest this to the Trails Committee ~~as he is a member.~~"

Mr. Caldwell also requested on page 16 of the minutes under Commissioner Caldwell comments third bullet where it talks about the Old Water Works building so as to read: "Steve Caldwell suggested specifically if Staff could identify along with what operating costs we would have for holding if ~~the City got a schedule of capital expenditures which might be required example as to replacing the roof or some estimate of property taxes forth going if put on the tax roles as a holding cost~~ the property and could Staff development a schedule of capital expenditures which might be required (for example replacing the roof). Is there an estimate of forgone property taxes if the building is held and not put on the tax roles?"

Steve Caldwell also requested under Commissioner Caldwell comments on page 16 of the minutes to delete "and Parks" and add "Association" so as to read: "He stated that he had some good discussions with Congressional Staff in Washington two weeks ago with National Parks Conservation ~~and Parks~~ Association and believes that it was a very positive reception, which also included in a discussion was Senator Burns' staff."

Steve Golnar asked Mr. Caldwell to repeat his comment at the beginning as to how he finds the minutes. Mr. Caldwell stated that he finds the minutes unintelligible and does read the minutes and can't make heads or tails as to what is a sentence and wondered how the minutes get reviewed and if that process could be improved.

All in favor of consent items, Motion passed.

Proclamations:

Chairman, Vicki Blakeman read a proclamation for Rodeo Days in the City of Livingston from June 25, 2005 through July 4, 2005.

Ordinances:

Motion was made by Caldwell, second by Beebe, to approve first reading of Ordinance No. 1956 - **AN ORDINANCE OF THE CITY COMMISISON OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1911 AS CODIFIED IN SECTION 10-6 OF THE LIVINGSTON MUNICIPAL CODE BY PROHIBITING AMPLIFIED SOUND WHICH CAN BE HEARD AT A DISTANCE OF 50 FEET FROM THE VEHICLE CAUSING THE SOUND BY EXTENDING THE NOISE PROHIBITION TO 24 HOURS PER DAY.**

Patricia Grabow commented that she feels that this Ordinance as written is over doing it as far as creating an Ordinance and stated that she thinks that the existing Ordinance is just fine. It's one thing to disturb someone's sleep and the existing Ordinance has this from 10:00 p.m. to 7:00 a.m. and now is requested for 24 hours a day. She feels that extending this Ordinance to be in effect for 24 hours would be difficult to enforce. She also feels that this is a right of passage directed to teenagers and that this is irritating to some people but teenagers are also citizens of the City and the idea of arresting these kids for having loud music in their car just doesn't sit well with her. This isn't taking the technology that teenagers like into consideration.

Bob Ebinger agreed with Ms. Grabow except that this is an Ordinance dealing with specific kinds of music noise coming from a car that is heard from any person within 50 feet or more of a vehicle. This Ordinance isn't talking about backyard music but specific noise coming from a car within a notable distance. People have different tastes!

Mary Beebe made comment of the Ordinance being extended to 24 hours. She stated that the Commission dealt with this in the same way as the Dog Ordinance. Though most people sleep at night there are also people that work at night and sleep during the day time hours. Ms. Beebe stated that she feels that Mr. Sullivan's concerns were mostly leaning towards the bass sound of music not necessarily specific kinds of music. She does agree though that some people are more sensitive to "loud" music than others and feels that there is a need to control the kinds of disturbances that are avoidable during the day time hours. She hoped that this Ordinance didn't intend for people to be arrested, just to be warned.

Steve Caldwell wanted to note that the specific kind of music that is being talked about is already addressed in this Ordinance. Mr. Caldwell asked

Darren Raney, Police Chief if he feels that a 24 hour Ordinance is any more enforceable than an Ordinance that's good from 10:00 p.m. to 7:00 a.m. Mr. Raney stated that from the Police Department's stand point it is a matter of what the public sees. If the Commission passes this Ordinance for 24 hours the Police Department will surely enforce it. Mr. Raney feels that at night time it is more enforceable and reasonable in the eyes of the public.

Steve Caldwell stated that in comparing this Ordinance to the Nuisance Barking Dog Ordinance there are a couple of differences. One of which is you are dealing with the barking dog problem as a chronic behavior and the other you are dealing with a moving target. He feels that because of that he sees this Ordinance to be a little harder to sell to him.

Vicki Blakeman stated that she has a really hard time with this Ordinance as written as it focuses and targets one specific section of our community and that kids. They already get a hard enough time as it is especially in the summer time. This Ordinance is already put in place from 10:00 p.m. to 7:00 a.m. and part of the consequences of living in the City is noise and people just need to accommodate their neighbors. She commented that she couldn't go along with this Ordinance as written.

Jim Sullivan of 332 North 2nd Street asked what happens to people that are sensitive to that kind of frequency vibration blasting through their house when they can feel it their body. Isn't it unfair to them? Vicki Blakeman stated yes it is unfair to them and that she is sorry for that but she doesn't feel it right to take a very small minority of the community and pass a law that affects the entire community.

Bob Ebinger asked if there was any way to address this Ordinance with the excessive things that Mr. Sullivan is talking about actually to be a public nuisance. If an officer hears the noise in a vehicle it literally is beyond acceptability can the officer stop them and tell them to turn it down because it is a public nuisance? Darren Raney stated that isn't very clear as to what is perceived to be acceptable. The Police Department needs something that is clearly defined in order to be enforceable. The 50 foot distance is pretty clear for the Police Department to run it through the Court System.

Mary Beebe commented that this Ordinance does state that audible means a sound which can be heard or perceived by the human ear and Mr. Sullivan's concerns isn't just music in general. It's the kind of music that is played by some people that gives off a very loud frequency vibration that most likely comes from a sub woofer. She asked Mr. Becker if that would be too specific to put in the Ordinance. Mr. Becker replied that his concern would be if the Commission is going to differentiate that the Police Department would probably have to get some kind of electronic equipment that reads decibels. The reason he used 50 feet in the Ordinance is because it wouldn't require the City to purchase additional electronic equipment and that it was something that could be enforceable. An officer should be able to judge if he

can hear the music from 50 feet so they can see where there is a problem. Mr. Becker also commented that the kind of music that causes the pounding in your chest when the people with the loud music go by could only be tested from an electronic device.

Steve Caldwell again stated that the existing Ordinance addresses this problem and that the only thing that is proposed to change is for 24 hours per day.

Patricia Grabow commented that she feels that this Ordinance identifies arresting these kids and those kids would then have a record and feels that this is extreme. She understands the time-frame from 10:00 p.m. to 7:00 a.m. but during the day kids get together with their friends to enjoy something together that they like and then they get arrested. Ms. Grabow feels that this is too extreme by providing for arresting kids. Kids have enough to worry about!

Mary Beebe asked Police Chief Raney if this Ordinance is one where the kids would be arrested or would they just get a ticket. Mr. Raney stated that they would be cited and if under 18 City Court wouldn't have jurisdiction and they would be referred to a probation officer. Bruce Becker mentioned that a violation of a City Ordinance doesn't go on your criminal record.

David Lewis commented that he used to live by Park High School. He now has moved but stated that its not noise that its your window's rattling and the vibration is inside your house. He definitely perceives this as a problem and somewhat significant degradation to someone's quality of life.

3 in favor; Caldwell, Ebinger and Beebe, 2 against; Grabow and Blakeman, Motion passed.

A public hearing will be held for the second reading of Ordinance No. 1956 on June 20, 2005 at the City Commission's regular scheduled meeting.

Public Hearings:

A public hearing was scheduled for the second reading of Ordinance No. 1955 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GRANTING A NONEXCLUSIVE FRANCHISE TO BRESNAN COMMUNICATIONS, LLC, FOR THE PURPOSE OF CONSTRUCTING AND OPERATING A CABLE TELEVISION SYSTEM.**

It was recommended by the City Manager to continue this public hearing again until the City Commission meeting on June 20, 2005 because Public Works is working with the Utility Company to make sure that the right language is in the agreement for digging trenches.

Motion was made by Caldwell, second by Beebe, to extend the continued public hearing for Ordinance No. 1955 until the next meeting on June 20, 2005.

Patricia Grabow asked for some clarification of the local television station and would like to have this at the next meeting.

All in favor, Motion passed.

Resolutions:

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3632 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH THE DEPARTMENT OF THE ARMY FOR THE YELLOWSTONE RIVER AT LIVINGSTON, MONTANA, FEASIBILITY STUDY.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3634 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE NON-COUNTY RESIDENT EMERGENCY MEDICAL SERVICE BILLING FEE TO \$375.00 FROM \$250.00.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3635 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING PROCEDURE FOR APPOINTMENT TO CITY BOARDS/COMMISSIONS/COMMITTEES.**

Bob Ebinger asked when the Commission asks additional questions of the applicants in an interview it says in the exhibit of the Resolution that the Commission at its discretion can ask additional questions. He wanted to confirm when they have already interviewed three (3) applicants and decide to ask a question of the third applicant in the discussion that they are having with that applicant that the other applicants before don't have to be asked the same question. Bruce Becker stated that he addressed this under the "interview of applicants" as stated: "However, during an interview, should a need to ask additional questions develop, the City Commission reserves the right to ask such additional questions."

Patricia Grabow made comment that under "acknowledgment" that reads: "After an appointment to fill the vacancy has been made, the City Manager will write a letter of commendation, thanking each applicant for their time and desire to serve the public in making the City of Livingston a better place to live"; she feels that this is a little bit of overkill with a letter of

commendation thanking each applicant for their time. She made suggestion to write a letter just thanking each applicant for their time.

Vicki Blakeman asked if all applicants for these vacancies of City Boards/Commissions/Committees have to be City residents? Steve Golnar stated that there are some committees that the City would require an applicant to be either a City resident or the owner of a business in the City and this would be summarized in each Board's qualifications of applicants.

It was the concurrence of the Commission to add "unless specifically accepted".

Steve Caldwell asked to delete the word "to" under notice of vacancy so as to read: "Whenever a vacancy on a city board/commission occurs, whether by creation of a new board, commission or committee, or by expiration of a term of by ~~to~~ death, resignation or failure to perform, the City Commission shall publish in the local newspaper once per week for two successive weeks and shall post on the City's official posting board, a notice of vacancy which will request all interested persons to submit an application to fill said vacancy."

Mr. Caldwell also asked to delete the word "timely" under deadline for filing so as to read: "All applications must be ~~timely~~ submitted to the City's Recording Secretary at the City Office located at 414 East Callender Street, Livingston, Montana, by the deadline."

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3636 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH HYALITE ENVIRONMENTAL, LLP, FOR ENVIRONMENTAL ASSESSMENT FOR CITY SEWER SYSTEM IMPROVEMENTS, PHASE 1 AND 2 IN THE AMOUNT OF \$11,700.00.**

Bob Ebinger asked if this is included in the rate increase that the City just did for sewer and if it was already budgeted.

Clint Tinsley stated that the assessment needed to be done for the U.S. Corp of Engineers 595 project for Waste Water. The City has the option of getting grant money in amounting to several millions of dollars. Mr. Tinsley stated that part of the process in order for the City to get this grant is to do an Environmental Assessment. Mr. Tinsley also noted that this is not included in the rates nor is included in any part of the other City projects but without this the City cannot apply for this grant.

Steve Caldwell asked if this is under the requirements to put out for bid. Clint Tinsley stated that \$20,000 is the amount that the City is required to

put out for bid and this is under that amount and also stated that this contract is for professional services that are not required to go out for bid.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3637 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN MEMORANDUM OF UNDERSTANDING WITH PARK COUNTY AND NITTANY GRANTWORKS.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3638 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING PARTICIPATION IN THE MONTANA MUNICIPAL INSURANCE AUTHORITY EMPLOYEE BENEFITS PROGRAM AND AUTHORIZING THE EXECUTION OF THE MEMORANDUM OF INTENT TO PARTICIPATE IN SUCH PROGRAM AND SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO EFFECTUATE PARTICIPATION IN SUCH EMPLOYEE BENEFITS PROGRAM.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3639 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN LEASE PURCHASE AGREEMENT WITH HARCO LEASING IN THE PRINCIPAL AMOUNT OF \$82,971.00.**

All in favor, Motion passed.

Motion was made by Ebinger, second by Caldwell, to approve Resolution No. 3640 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING JOB DESCRIPTION FOR THE ANGEL LINE BOARD CHAIRMAN (LIMITED PART-TIME).**

All in favor, Motion passed.

Action Items:

A discussion was held to review and approve the Strong Subdivision. The Strong's wished to rearrange and aggregate existing Lots 1 and 2 and 17 through 32 of Block 6, Palace Addition. This subdivision would aggregate these 18 lots into 13 building sites. The Planning Board recommends approval of this Subdivision request.

Motion was made by Caldwell, second by Ebinger, to approve the Findings of Fact of the Strong Subdivision request.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve the Strong Subdivision request.

All in favor, Motion passed.

A discussion was held to review and approve annexation of Ridgeview Trails Major Subdivision Petition for annexation from Curt Vandyken, President of US Seamless of S.W. MT, Inc.

Motion was made by Caldwell, second by Beebe, to approve the annexation of Ridgeview Trails Major Subdivision Petition for annexation from Curt Vandyken, President of US Seamless of S.W. MT, Inc.

Steve Golnar stated that the City Attorney has informed him that there will be a Resolution of Annexation at the next City Commission meeting relating to this Ridgeview Trails Major Subdivision.

Patricia Grabow commented that she feels that this opens up a whole area of discussion that she doesn't believe is happening. She asked who is on the Development Review Committee. Steve Golnar stated that primarily it is department heads involved with development including the Public Works Director, City Planner, Fire Chief, Police Chief and the Building Inspector.

Ms. Grabow stated that she had a conversation with the City Manager today and she is concerned that the Commission is not involved in the Development Review Committee and feels that if the Commission is involved in those meetings then the Commission has a sense of what is proceeding. Ms. Grabow stated that she is not comfortable being presented with findings after the fact. She would like to just weigh in on the process itself because the City of Livingston is going into a significant development era in which we have not answered a lot of questions such as setting up a master plan for the donut area in which the City is going to be developing. She feels that is the Commission's job to participate in these discussions. She also questioned if the public should be involved in these discussions. Ms. Grabow suggested as an alternative putting this off until the next meeting in order to proceed with a master plan where the City would create a grid for development which would include sewer and water in this kind of an annexation.

Ms. Grabow concluded that since she didn't know who was on the Development Review Committee that the Commissioners are the decision makers in these areas and would appreciate being involved in the process.

Steve Caldwell asked if the public is involved in the Development Review Committee meetings.

Vicki Blakeman stated that as to the master plan that this is identified area in the growth policy. Jim Woodhull stated that in the City's growth policy this area is identified.

Patricia Grabow apologized on this as she feels that she needs to go to the Planning meeting more often and that she does wish to go to the Development Review Committee meetings as well.

Motion was made by Caldwell, second by Ebinger, to withdraw motion to approve the annexation of Ridgeview Trails Major Subdivision.

Motion was made by Caldwell, second by Ebinger, to direct Staff to prepare a Resolution for annexation of Ridgeview Trails Major Subdivision Petition for annexation from Curt Vandyken, President of US Seamless of S.W. MT, Inc.

Bob Ebinger stated that he does somewhat agree with what Ms. Grabow was saying but knew about this subdivision and the importance of annexing this into the City for the purposes of water and sewer availability. However, he thinks that it would be good policy to keep the Commission apprised for what is happening so that the Commission knows by name what is being planned to be done.

Steve Golnar stated that Ms. Grabow talked with him this morning about this and he hadn't had time to visit with Staff on how to make this work and what the process would be. He will get back to the Commission on or before the next City Commission meeting.

Mary Beebe commented that this is scaring her somewhat with it all happening so quickly in that the City doesn't have the impact fees in place and that the City is so much under prepared not only for the growth of the City but in the donut area also and would like to emphasize more communication than what they have had. The building within the City is moving a lot faster than the infrastructure and the service is being provided for.

All in favor, Motion passed.

A discussion was held to review and approve final plat for Northern Lights Subdivision III.

Jim Woodhull gave background information relating to this final plat proposal for Northern Lights Subdivision III and provided the plat in front of the Commission. He also stated that the preliminary plat was approved in 2004 and stated that the Development Review Committee recommends approval of this final plat for Northern Lights Subdivision III.

Motion was made by Caldwell, second by Beebe, to approve final plat for Northern Lights Subdivision III.

Bob Ebinger asked about the letter to Mr. Richard Kerin about the conditions that have been placed upon this subdivision where it is noted the subdivider would normally be responsible to dedicate 11% of the subdivided area as public park land. He questioned if the netting and fencing to shield lots in Block 16 from the baseball field satisfies park requirements. Jim Woodhull stated the option of cash in lieu of park land has always existed and that cash was simply applied to that equipment.

Bob Ebinger stated that he thinks with the development that we are seeing here he feels that park lands are going to become increasingly an important thing within residential areas within the City. He would caution that the City accept waivers of park land and in lieu of finances in the future because there is only so much of open space and greenways and that if we give it away its gone.

Mary Beebe stated that she agrees with Mr. Ebinger because she is concerned and also because of Ms. Harriman writing the letter to the Commission with her concern about the lack of park equipment and playground space in a subdivision. Ms. Beebe believes that those concerns are going to get more and more tense.

Jim Woodhull stated that the Commission can either accept cash or recommend park land that this is written in the State law and in this case the City accepted cash.

Patricia Grabow stated that she has concerns about egress and ingress to this area and if the City continues to make approvals of these and the City still doesn't have sufficient access to these subdivisions the City truly is putting the cart before the horse. Ms. Grabow stated that the plan for services for safety issues in order for the City to provide emergency services needs to be planned immediately. Also Ms. Grabow commented that she regrets that the City didn't plan for park land.

Vicki Blakeman asked if it would be safe to say that we have planned for this it just that the City doesn't have the funds to put those plans into existence. Steve Golnar stated that the City did require a transportation study with this Subdivision and we asked them to produce a study that identified impacts particularly to the railroad crossing on 5th Street. Mr. Golnar stated that the conclusion of that study was minimal impact because the 5th Street railroad crossing was either functional or not functional depending on if there was a train there. The functionality of the intersection degrades to with longer ones. But at the time of the study it didn't require the addition of another railroad crossing. The question is how do you assess an impact fee and how do you assess fees upon the whole community and how do you spread the cost of possible new emergency facilities. The City knows there is a need for another railroad crossing because of the growth in that area.

Bob Ebinger stated that at the Fire Labor Management meeting last week one of the things brought up with new subdivisions going in was a concern about the ability to have fire and police protection in that area. One of the possible solutions suggested was having future subdivisions required to have a water sprinkler system in houses. This would allow some assurance that if water sprinklers were required when the fire department got there they would have a much better chance of saving the houses than if the houses didn't have sprinkler systems.

Bob Ebinger asked the Police Chief and the Fire Chief if they feel what the City has right now is covered for emergency services. Darren Raney, Police Chief stated that he believes that they are covered for now but is also aware if traffic continues to back up that there will be a need to make plans for another railroad crossing.

Steve Caldwell asked the City Manager to update the Commission in review form what is going on with the railroad crossing feasibility study. Steve Golnar stated that the City received a proposal from HKM Engineering to do a railroad crossing feasibility study and they have provided a contract for services and he has forwarded this to the City Attorney and the County Attorney for them to look at and we hope to have this before the City and County Commission in order to take action before their next meeting.

Mr. Golnar also stated that the City and County local match is proposed to be raised from \$24,000 to \$50,000 total (\$25,000 each). This money cannot be spent until the City gets matching grants lined up, otherwise the City wouldn't be able to use that money as matching money. Mr. Golnar also stated that the City is working with the Congressional Delegation to try and get additional funding and he believes they talked about July as a hopeful date to be able to report on funding.

All in favor, Motion passed.

A discussion was held to consider zoning recommendation for Hirsch Annexation - by Resolution No. 3630 the Livingston City Commission annexed Lots 3 and 4 of the original plat of Acreville, Plat No. 393. This ten (10) acres parcel is located west of the Albertson's store and abuts Loves Lane. The owner of this property intends to initiate a subdivision application in order to develop a condominium project at this location. For this reason, the owner requested that the City zone this parcel High Density Residential (RIII).

Motion was made by Caldwell, second by Beebe, to approve the Findings of Fact for the Hirsch Annexation request that the City zone this parcel High Density Residential (RIII).

All in favor, Motion passed.

Patricia Grabow commented that she has done some research on the Cabin near this location and the property has been owned by Fred Shellenberg's father which was built in 1929 for his children and that it was not a homestead house.

Motion was made by Caldwell, second by Beebe, to direct City Attorney to prepare an Ordinance zoning this area as High Density Residential (RIII).

Bob Ebinger asked relating to the RIII zoning with the 10 acres and wondered how many units would be able to be built.

Jim Woodhull stated that their original proposal was 4 phases of 40 units potentially. Mr. Woodhull commented after reviewing the layout he calculated that they could have 232 units but the proposal from the Hirsch's is only 160 units.

Patricia Grabow asked why wasn't the zoning under Planned Unit Development (PUD) provision. Mr. Woodhull stated that the City doesn't have PUD provisions and never has had. Ms. Grabow feels that PUD would be a more reasonable zoning to go for a subdivision of this kind. Mr. Woodhull stated that actually with condominiums there are special kinds of provisions in the subdivision law which are similar to PUD. The City has a zone that fits the needs of what the Hirsch's have in mind for this property.

All in favor, Motion passed.

A review of applications, proposed, make-up and responsibilities and questions for the Urban Design Advisory Committee was held.

The City received five (5) applications for the Urban Design Advisory Committee. The applicants were as follows:

1. Lynn Chan
2. Karla Pettit
3. Joel Reinholz
4. Linnea Pritchard
5. David Wistey

Interviews will be held on June 21, 2005 starting at 9:00 a.m. for three of the applicants. The others will be interviewed at a later date.

Steve Golnar commented that a draft description for the Livingston Urban Design Advisory Committee is provided in the packet and the Committee is proposed to have nine (9) members for three (3) year terms which shall be staggered. In order to establish the staggered terms, the initial appointment of three (3) members will be for a one (1) year term, three (3) members will be appointed for a two (2) year term and three (3) members to a three (3) year term, thereafter all appointments will be for three (3) years.

Mr. Golnar requested of the City Commission to clarify the statement summarized in the description of Livingston Urban Design Advisory Committee and provide any revisions or suggestions for the questions to be asked of the Urban Design Advisory Committee applicants. He also requested that the City Commission give direction on the size and membership for this Committee and if we need to advertise for additional applicants.

After considerable discussion with the City Commission and Staff it was determined to have nine (9) members on the Urban Design Advisory Committee as follows:

1. A member of the Urban Renewal Authority.
2. A member of the Historic Preservation Commission.
3. A member of the Downtown Business Association – Downtown Design Committee.
4. A member as a downtown business owner.
5. A member as a downtown property owner.
6. A member of the Senior Citizens Center.
7. A member either/or from the Arts Community or Architecture.
8. A City Commissioner.
9. A City Commissioner.

The Public Works Director, Clint Tinsley, will be the exofficio non-voting member of this Committee.

It was the consensus of the City Commission to re-advertise for the other positions that would not be filled from the applicants that have already applied.

Motion was made by Caldwell, second by Ebinger, to direct City Attorney to prepare a Resolution for the proposed, make-up responsibilities for the Urban Design Advisory Committee.

All in favor, Motion passed.

Bob Ebinger wanted to make sure that all of the applicants for this Committee and the Downtown Design Committee are invited to the meeting on Friday, June 10, 2005 at 1:00 p.m. with the MSU Design students.

A discussion was held to consider pigeon netting proposal from Sky Federal Credit Union.

Sky Federal Credit Union proposed to donate \$500.00 towards the acquisition and installation of pigeon netting for the Underpass to protect the area from pigeon droppings. The total cost of the netting is estimated to be \$8,000.00.

The Sky Federal Credit Union has also indicated a willingness to assist with fund raising towards this project financing.

Steve Caldwell asked where the remaining \$7,500.00 would come from.

Bob Ebinger stated that he wanted to make sure by accepting money from an outside organization that it doesn't commit the City to actually funding it.

Clint Tinsley stated that he understands that the \$500.00 donated from Sky Federal Credit Union would go into a fund at the bank and then would go out for requests in order to help fund this pigeon netting for the Underpass until they got the \$8,000.00.

Motion was made by Caldwell, second by Ebinger, to accept Sky Federal Credit Union proposal to donate the funds and assist in raising funds towards the acquisition and installation of pigeon netting at the "B" Street Underpass.

All in favor, Motion passed.

A discussion was held to consider continued comments on proposed lighting in Sacajawea Park at Yellowstone Street Bridge.

Sally MacDonald of 1530 Mount Baldy Drive made comment concerning the proposed lighting in Sacajawea Park at Yellowstone Street Bridge. She commented that she would like to recognize all of the students who are involved in the lighting project created by Catalyst and appreciates their creativity. Her objective with this project not moving forward is not with the students but the way the process has been done.

Ms. MacDonald stated that Mr. Ebinger is a on the Board of Directors for the Livingston Center for Arts and Culture. His wife Robin, is the Treasurer of the Board of Directors for the Livingston Center for Arts and Culture and she is also listed on the Catalyst website as a contact person for more information. In addition, the Livingston Center for Arts and Culture listed on the Catalyst website as one of the primary decision makers. Ms. MacDonald commented that she believes that Mr. Ebinger's association with the Livingston Center for Arts and Culture represents a very clear conflict of interest and she believes that Mr. Ebinger did not state any conflict of interest prior to taking any official to improve the Yellowstone Sacajawea Bridge lighting project on December 20, 2004. She believes that this is a breach of the public trust and a violation of the ethical rule.

She asked the Commission for their decision on December 20, 2004 for the Yellowstone Sacajawea Bridge lighting project to be rescinded in its entirety.

Frank Horiel of 110 North "N" Street commented that he didn't plan on speaking tonight but that he just wanted his letter to be in the public record. He felt that he had an obligation since he was on the City Commission during

the time the proposed lighting in Sacajawea Park at Yellowstone Street Bridge was voted on to move forward. If in fact the public doesn't like them the lights can be taken down and moved somewhere else. In regards to the proposal of rescinding the vote he feels that this would be three steps backwards and it seems like the City is seeing a lot of that anymore. This is not going to be a hard thing to fix if the public doesn't like it.

Provided in the packet was an email from Vickie Roseberry to Steve Golnar relating to her concerns on the proposed lighting project on the Yellowstone Street Bridge at Sacajawea Park. She briefly is against the lighting project being place on the Yellowstone Street Bridge at Sacajawea Park and asked to please work with all of the parties involved here and the public to find an appropriate place for the students art work and leave the lagoon bridge alone.

Bonnie Siverson of 103 Spruce Lane commented that she was relatively new to the area and wanted to comment that the Yellowstone Street Bridge at Sacajawea Park was one of the first attractions as far as esthetic; pure beauty that she felt was something of historical value. She requested that the vote be rescinded also for the lights to be placing on the Yellowstone Street Bridge at Sacajawea Park.

Gregory Legge, the Historic Preservation Officer for the City of Livingston made comment. He stated that he is very grateful to the citizens that have taken a serious interest in putting the Yellowstone Street Bridge at Sacajawea Park on the National Register. He stated that there is a few issues that need to be addressed. The Historical integrity of the Yellowstone Street Bridge at Sacajawea Park Mr. Legge stated that for many years the bridge had lighting. To restore the original lighting on the bridge would be a wonderful thing but is not possible. In fact, he commented to try and create a non-historic replica of the original lights would be detrimental and would harm the potential for the nomination of the Yellowstone Street Bridge at Sacajawea Park to the National Register. To put different lighting on would not negatively impact the eligibility of the bridge for the National Register. Mr. Legge stated that the bridge did originally have lighting.

Mr. Legge commented from a citizen point of view he feels quite strongly about is the City Commission and a few members of Catalyst strove to involve our young teenagers any process that would have a long term effect on the envious of the City. In developing a process involving the High School students on creating not just one light but a whole series of lighting. As he understands the high school students will develop their how artistic talents for every year and hopefully in this process a lighting system will be designed that will approach historical integrity and also artistic beauty and community support. Mr. Legge also stated that six months ago the City Commission approved the process with high school involved to move forward with the lighting project and to tell the students now that they have to stop would be detrimental to them. He would strongly ask the Commission to take this

strongly into consideration and to recognize the fact that not everyone will agree with their decision.

Mr. Larry Lahren, Chairman of the Park County Commission made comment and he stated that he can assure the City Commission that the Yellowstone Street Bridge at Sacajawea Park will not make on the National Register if the lighting proposed was put on the bridge. If lights were to go back on it they would have to be exactly what was on them originally.

Jamie Isaly, teacher at Park High School that is involved with this project and the students working on this project for the past six months made comment. He stated that these students having been working on this design since January. It's a group of four (4) students; 3 Seniors and 1 Junior. The design process was very much implemented in this project and it was very well lined out as far as what the students were to do with set perimeters. The size requirements of the lights can be, the height, the materials that they can use. The globe that is at the top of the light is a standard glow that would be implemented for each of the lights. The objection of this process was an excellent way to get students involved to promote other students to get involved in the future. What is wrong with showing students the positive reinforcements that comes from hard work, that comes from working with the community, that comes from doing something that someone specific; why not allow student of today establish history for tomorrow!

Cary Berg made comment that he saw the picture in the paper of the proposed lighting and that he really liked it. His concern of the bridge is not about the esthetics but it more the actual structure itself. The bridge is slowly deteriorating in that there is an east abutment that it almost gone and that the rocks are falling into the Lagoon. He would really like to see the students propose these lights on the Main Street Bridge rather than the Yellowstone Street Bridge at Sacajawea Park.

Al MacDonald of 504 South Yellowstone stated that he lived right beside the bridge and the bridge is the first thing that him and his wife look at in the morning and the last thing at night. He is also concerned about the safety for the children if the lights were to be put on the bridge.

Rick Spellman of 226 South 8th Street made comment. He stated that he would like to applaud those who want to work with the student. He would prefer to embrace the integrity of the bridge and is opposed to the proposed Catalyst lighting project and urge the Commission to reconsider their previous vote.

Bob Ebinger stated that he never has concealed the fact the he is value member of the Livingston Center of Arts and Culture. The Board voted to be a 501 recipient of this project so that they can be tax deductible. His understanding of conflict of interest is when you receive money. He has nothing to gain from this only the synthetic value and be part of a project.

He has never intentionally done anything wrong and will ask the City Attorney. If the City Attorney tells him that he is wrong that he will apologize for doing anything wrong.

Mr. Ebinger also wanted to address an issue that he thinks that one of the biggest problems that he sees is that this project has been referred to as lights. The Lagoon Bridge lighting demonstration; these are "sculptures" not lights. This is considered public art.

Patricia Grabow made comment that what was discussed on December 20, 2004 where Ms. Beebe suggested that students involved in learning about government also participate in this process because they could learn how government's run. Ms. Grabow stated that art is one thing but government is another subject that the students can learn from. She is very concerned about the Catalyst being a process. If the Commission votes for this and implements this then they have in a sense created a shadow government because they say that we are not an entity of any kind. But if somebody wants to sue someone as their child may be harmed on the lights then you must be able to sue an entity of some kind and the City cannot negotiate with someone that is not an entity. Her feeling is that the Commission should not have negotiated with someone that was not an entity. Ms. Grabow stated that a suggestion has been made and she feels that it is a good one. That the City create a "Public Art Commission" then the public has a chance to determine where they want their public art displayed and the students have a chance to have their approval before anything gets started. She also mentioned that the public suggested the solution to the problem where this art could be displayed is possible donate these lights to PrintingForLess.com because it is so in tuned with the kind of building that is being designed.

Mary Beebe agrees and disagrees with Ms. Grabow. She doesn't feel that there are any evildoers nor was there a shadow Commission. But she does agree with everything else. She feels that the problem with the project is that everyone is sitting here tonight instead of back in December when it was voted on. She also feels that there isn't any harm in backing up that it usually the way it goes. Everybody has a good idea and you move forward and then there is the unexpected. She said at the last meeting she said and will state it again. Everyone made their decisions with the best intentions and with good information. She wanted more public process involvement but its not too late and to look at this as an opportunity. She feels for the sack of due process that here the Commission is tonight passing a standard procedure. There isn't the just the damage to the bridge and would like to start having the discussion with the public.

Bob Ebinger stated that this is a demonstration project that if the public doesn't like it we can take it down. We just have to make sure that no permanent damage is done to the bridge.

Steve Caldwell doesn't have much to add. As far as public comment and public process the Commission has heard a lot of comments from some of the same people tonight as the ones that were at the meeting on December 20, 2004 when the decision was made initially. He hasn't heard a lot of new information tonight and feels that the Commission made their decision on the comments that were made in light of the comments on the December 20, 2004 meeting. He thinks now as he thought then that this project is worthwhile project and provides our high school students with an opportunity to make a lasting contribution to this community. The project is consistent with the original design of the bridge and is also consistent with the downtown patterns project although it doesn't apply to the park but is certainly consistent with a lot of the elements that are found in architecture around the area. His biggest concern is that the Commission made a commitment to these students and thinks that the Commission is being asked by some people to renege on that commitment in the absence of no new information. He doesn't have any interest in reopening discussion that the Commission made a decision and hasn't seen any new information.

Vicki Blakeman echoed Mr. Caldwell's comments. She stated that if the Commission goes back on their decision would be a breach of faith. She feels that the community can use this project as a tool to build up the bridge and make it stronger and do some work on it that needs to be done that may go unnoticed if we don't do something now.

Motion was made by Grabow, second by Beebe, to open back up for discussion of the public for the proposed lighting in Sacajawea Park at Yellowstone Street Bridge.

2 in favor; Beebe and Grabow, 3 opposed; Blakeman, Ebinger and Caldwell, Motion denied.

Vicki Blakeman thanked everyone for coming to the meeting and giving their comments.

A discussion was held to consider draft response to Park County's Proposal for Transfer Station Fees of \$100.00 per ton and Landfill Fees of \$45.00 per ton and City alternatives.

Larry Lahren stated that they are waiting on the Committee's to meet with the City. The Committee's have been created but have not met as of yet. The County Refuse Board is still working on the numbers and that the \$100.00 is still a hypothetical figure until they get the tonnage figured out that there is no clear number as of yet.

A memo was provided from Clint Tinsley, Public Works Director, addressing the proposal to raise the transfer station rates from \$49.00 to \$100.00 and what would be affected by this increase. The memo is as follows:

Memo to City Manager

From: Clint Tinsley, Public Works Director

Subject: Transfer Station Increase

Date: June 6, 2005

Last week at the City-County meeting we learned that the County wants to raise the transfer station rates from \$49.00 to \$100.00. After that meeting you asked me to put a report together to show what our costs are and what other option we would have.

The \$51.00 increase will cost the Livingston Solid Waste Department an additional \$249,900.00 per year. The solid waste department could not handle that type of increase without passing it on to the customer. I have attached the cash balance chart. As you can see we are not making or losing money but we have stayed relatively even through out the last two years. This chart also tells us that to stay even on revenues and expenses we will have to pass the entire \$51.00 increase on to our customers.

Here are some examples of costs to business customers. If we increase there costs per ton by \$51.00. They would see a 39.2% increase.

Grocery store in Livingston with 39.2% increase =	\$ 9,490.54 increase
Bar and restaurant in Livingston with 39.2% increase =	
A	\$ 1,408.56 increase
B	\$ 3,448.02 increase
Tavern in Livingston with a 39.2% =	\$ 1,006.68 increase

It's safe to say that we don't have time to build a transfer station before July 1st, but we do have other options. If the City Commission chooses to pull out of the County transfer station we can haul our garbage to the Logan Landfill. I have talked to Logan and their rate is \$27.00 per ton for residential garbage. We can do this by purchasing an additional Automated Garbage truck. With three trucks we can pick up all garbage in the city and haul it to Logan and be back in our scheduled 8 hour work day. When we reviewed this last week, we felt that this would work until the city could build a transfer station. The other point about this is that we will need an additional automated truck for backup anyway, so this purchase would not be a bad idea either way.

Here is a breakdown of the costs we would incur if we hauled our garbage to Logan.

Landfill charges =	\$ 27.00 per ton.
Additional fuel =	\$ 5.50 per ton
Tires and maintenance =	\$ 10.50 per ton

Additional overtime or holiday pay = \$ 1.50 per ton
Cost of additional truck = \$ 4.40 per ton
Total costs per ton taken to Logan = \$ 48.90 per ton

The following costs of building a transfer station and hauling garbage to landfill of our choice is an estimate based on bids we received last year. I talked to some people both involved in landfills in Montana and others who are not involved but have over 30 years experience in land fills and solid waste handling about the costs this year compared to last year. We need to understand that we will have to go out for bids. Following is a break down of estimated cost to build and run a city transfer station.

Building and operating a city of Livingston transfer station.

Cost of building a transfer station = \$ 7.50 per ton
Cost for labor = \$ 12.00 per ton
Landfill charges = \$ 20.00 per ton
Hauling costs= \$ 10.00 per ton
Operating and supplies = \$ 3.00 per ton
Total costs per ton to run transfer station \$ 52.50 per ton

There are a lot of options to look at and compare. For instance the landfill in Great Falls is less money per ton than the Logan landfill but Logan is 51 miles away compared to Great Falls being roughly 160 miles away. The cost of fuel and time might offset the difference in price. Logan charges more for demolition and, to my understanding, Montana Waste in Great Falls does not.

As mentioned before, I have spoken with quite a few people that have many years of experience in solid waste handling and disposal and I am still calling to get as much advice as I can. Based on what I know at this time, it looks like you really only have two options.

1. The City can stay with Park County and pay the additional \$51.00 per ton. Rates to customers will have to be increased by that same \$51.00 per ton, or if not, the solid waste department will lose money every month.
2. Pull out of the Park County transfer station and haul the city's garbage to Logan until we can get a transfer station up and running.

Patricia Grabow stated that at the last City/County meeting there was a statement made by Mr. Golnar that the County was told that the City would have a contract with the County to be presented tonight to the City Commission for their consideration to more clearly identify the cost. Her understanding was that she would see tonight a potential contract with the County then would then see the meeting between those that were appointed to this Committee. She stated since she has been on the Commission there has always been the possibility of the \$72.00 per ton for garbage. The

\$100.00 per ton was just an arbitrary figure that the County came up with at the last City/County meeting. She commented that it was addressed that if the City decides to go on their own and get their own transfer station that City residents would not have access to the Landfill. So if the City is talking about increasing garbage rates she feels that it is about half of the cost that Mr. Tinsley has demonstrated in his memo and with the buildings that are going up in the City the City residents needs access to the Landfill. It is in to everybody's best interest to work with the County. Maybe it has been Mr. Golnar's and Mr. Tinsley thoughts that they would haul the garbage over the hill all along, Ms. Grabow replied. But she is very concerned about that kind of procedure and feels that this is a breach of trust and will harm the City irreparable.

Bob Ebinger stated that he wasn't at the City/County meeting but it is fiduciary irresponsible for the City not to look at alternatives when faced with a \$100.00 per ton proposal from the County. The downtown business' would be faced with a 39.2% increase and will go under because they cannot afford this kind of increase of garbage pick up. So what is the City suppose to do? He has always been a proponent to work with the County on this. He has always wanted to work with the Refuse Board in how the City is going to handle the garbage issue. When faced with \$100.00 per ton the City needs to look at other alternatives. Whether the City residents can use Landfill or not he feels that all residents live in the County and have the right to the Landfill and requested a legal opinion whether we can use it or not. Whether the City can go out on their own for less or not they still need to look at alternatives and we are not closing the door to the County. But he doesn't feel that the County should be upset about the City looking at alternatives its responsibility of the City to do their work. He stated that he feels that the County needs to come up with the facts so the City can determine whether to stay with the County or not.

Steve Caldwell stated that it is irresponsible of the City to enter into a blind arrangement where they really don't know what the City is ending up with but it is also irresponsible for the City not to explore alternatives. He also feels that it is irresponsible of the City to pass along that size of a rate increase when there are cheaper options in hauling the garbage to Logan and this gives the City a valuable short-term solution and gives the City time to look at alternatives.

Vicki Blakeman commented that by the City going ahead with the County that there are bottles to be bought that won't be needed if the City decides to go elsewhere. So for the City to commit the City is committing hard-core money that they won't be able to get back before the City gets any hard fact costs.

Steve Caldwell stated that he is all for working with the County but we are not any closer than we were a year ago.

Vicki Blakeman commented that maybe the City's solution would be a better solution for everyone involved. Who knows? It is just another alternative to explore.

Patricia Grabow stated that her question is of the figures that the City received tonight are inaccurate. She thinks that the City has always talked about approximately \$72.00 per ton as opposed to the \$100.00 per ton proposal from the County as that was an arbitrary figure. In addition the loss of the landfill is a significant factor in this.

Vicki Blakeman stated that she agrees that we should explore all options.

Steve Caldwell wanted to know if the County would be willing to do a one-month extension on the contract in order to give the City and the County time to sort this out.

Larry Lahren understood that he thought that was what was talked about doing on a quarterly basis. \$100.00 per ton was not a firm figure it was just a way to work with the County because they don't have the figures like the City does on the weight of the garbage from the past. As he understands this if you are not a member of the Refuse District #1 you cannot use the landfill.

Bob Ebinger asked if there is any way to lease the bottles for the garbage instead of buying them in order to cut down the costs.

Larry Lahren stated that they have found out that the bottles can be made here instead of Detroit and the plans are pretty simple.

Steve Caldwell asked Mr. Lahren that if at the end of 5 years with Envirocon the County decides to have another Incinerator put in place and wondered if they have decided what they would do with the bottles. Mr. Lahren stated that they would probably sell them for scrap iron.

Steve Caldwell asked if the County has given it any thought allowing the City to bring in the County into their system if the City could do it cheaper. That is something that the City would have to discuss with the Refuse Board.

Mary Beebe stated that at the last City/County meeting she didn't feel that this was a breach of trust that this would give the City and the County time to sort their system out. She stated why not continue the conversation and do what both entities need to do now in the short-term separately.

Vicki Blakeman stated that she wants to work with the County but just in the short term to work with alternatives and then five years down the road see what solution is the best for everyone.

Lenny Gregory a citizen of the City commented that he feels that it is the responsibility of the City Commission to find the lowest price available to get rid of garbage for City residents. He also stated that if the County is having problems dealing with their solid waste issues that he suggests the County find the lowest price available to get rid of their garbage.

Jim Hunt of 417 South 9th Street made comment. He stated that several months he suggested to both the City and County Commission's to start working together to get their figures done for their garbage so that they could work together and now we are down to the 11th hour and no decision has been made. Seems like both entities aren't willing to work together.

Larry Lahren stated that it will take the County a year to get any exact figures to give to the City because they will have to weigh the garbage separately from County residents and City residents in order to get the base line information.

Vicki Blakeman stated that the biggest issue here is the Landfill to determine whether the City residents can use the Landfill or not. But she still feels that the City and County can work together in the interim. She doesn't see this as a negative issue to have the City and County work separately for a year and then come together after a year has passed in order to incorporate in the long term.

After much discussion the City Commission determined to have a Special Meeting on June 13, 2005 at 6:30 p.m. to authorize purchase of an automated garbage truck in the amount of \$18,525.00.

A break was taken at 11:20 p.m.

The meeting went back into session at 11:31 p.m.

The City Manager's written comments were reviewed.

- Patricia Grabow stated that the Commission had asked the City Manager to call the Assistant Principal at the High School on what happened on the wading pool and was wondering if he had done that yet. Steve Golnar stated that he hadn't been in contact with them but will contact them as soon as possible and respond back to the City Commission at the next meeting.
- Patricia Grabow asked why the proposal by the Alliance Development Corporation was not provided for in the packet. Steve Golnar stated that will be in the next City Commission meeting packet. Her interest is to develop an Economic Development Committee with the County.
- Patricia Grabow had a question about the budget and wondered how do City Commissioner's priorities work with the Staff workshop's budget. Steve Golnar stated that Staff will try to work to reflect the Commission's priorities in the budget in the process.

It was determined to have a budget meeting with the Commission on June 16, 2005 at 7:00 p.m. and also on June 21, 2005 at 7:00 p.m.

- Bob Ebinger commented about the impact fee research and stated that is a priority of his. Steve Golnar stated that he will have the figures as soon as possible.
- Steve Caldwell asked if Steve had any discussion with Mr. Anderson about not continuing their funding for the School Resource Officer. Steve Golnar stated that he talked to Hannibal and he commented that he had talked to the School Board about the School Resource Officer funding and the School Board thinks that the priorities are needed elsewhere in saving some money.

Commissioner Grabow Comments:

- She commented about impact fees and the master plan and asked if there was a grid on this plan in order to create a vision to work with the County.
- She also asked about the reflection of getting a City Engineering position in the budget and getting several engineering firms on board.
- She also mentioned that she has spoke to Janice Brown of the Regional Yellowstone National Park Business Association who had the Yellow Bus and she commented that Yellowstone Park has six buses available and possibly Livingston could utilize one of those buses.

Commissioner Ebinger Comments:

- He mentioned that he would like Staff to initiate the idea of sprinklers systems being required for new development in order to reduce the possibility of losing areas because of the emergency response time.
- He asked about the design guidelines for light industrial and he thought was what we had is the minimal and that Dan Rice has proposed some things that Bozeman has. What do you accomplish by zoning and what do you accomplish by design review.

Commissioner Beebe had no comments.

Commissioner Caldwell Comments:

- He asked about the County's Spring Clean-up issues. Steve Golnar stated that the County still needs to determine what the contract figures are definitely.

Chairman, Blakeman Comments:

- She thanked Peggy Glass for the wonderful tour of the new Communication's Center.
- She also stated that she really liked the new ADA sidewalks on Geyser Street.

No Public Comments were given.

Motion was made by Caldwell, second by Beebe, to adjourn the meeting there being no further business. Motion passed.

The time was 12:10 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION
SPECIAL MEETING
June 13, 2005
6:30 p.m.

The Livingston City Commission had a special meeting on Monday, June 13, 2005 at 6:30 p.m. in the Community Room in the City/County Building. Commissioners present were Vicki Blakeman, Mary Beebe and Bob Ebinger. Steve Caldwell and Patricia Grabow were absent.

Staff Members present were Bruce Becker, Steve Golnar, Shirley Ewan, Glenn Ferrell, Jim Woodhull, Clint Tinsley and Jim Mastin. Darren Raney and Peggy Glass were absent.

Motion was made by Ebinger, second by Beebe, to authorize purchase of an automated garbage truck in the amount of \$18,525.00.

Clint Tinsley commented that he talked to Solid Waste Systems today and they recommended to him that the City should inspect the truck before purchasing it. He suggested approving this purchase of the automated garbage truck pending the inspection.

Motion was made by Ebinger, second by Beebe, to amend the motion to authorize purchase of an automated garbage truck pending inspection by Clint Tinsley or one of his Staff members.

Bob Ebinger stated that he is concerned about cost of this truck and suggested the possibility of delaying its purchase if it would limit the ability to afford an impact fee analysis. He feels that it was more important to have an impact fee analysis than to purchase the garbage truck.

Steve Golnar stated the proposal to pay for this garbage truck would be to pay for it out of the FY 2004-05 Solid Waste Budget and the impact fee analysis is proposed in the FY 2005-06 budget so that we can pay for it with the funds that are benefited by it.

All in favor authorizing purchase of the automated garbage truck pending inspection by Clint Tinsley or one of his Staff members,
Motion passed.

All in favor of purchase of the automated garbage truck as amended,
Motion passed.

A discussion was held to authorize City Manager to sign a letter clarifying the City's direction on Solid Waste Disposal agreement with the County.

After much discussion with the Commission and with suggested corrections, the letter read as follows:

Dear Larry, Chairman of the Park County Commission:

Re: City of Livingston's Garbage Disposal needs for 2005-2006 and Commitment to Continue Cooperation on Garbage Disposal Options for the Future.

The Livingston City Commission met on June 6, 2005 to discuss Park County's proposal to charge \$100.00 per ton for disposal of City garbage at the transfer station and \$45.00 per ton at the landfill. We thank you for your participation in that discussion during that meeting.

The City Commission met again on June 13, 2005 to further discuss direction relating to solid waste disposal for the City of Livingston and to clarify it's response to the County.

The City proposes that the garbage disposal agreement between Livingston and Park County be revised to reflect the following issues and that a joint committee be appointed to finalize an agreement for FY 2005-2006 (which begins 7/1/05) and to continue to assess garbage disposal options for the future. We propose that this committee include two (2) members of Livingston City Commission, the Public Works Director, the City Finance Officer, and the City Manager in addition to representatives from the Refuse Board and the County Commission.

- The City will no longer require the transfer station services from Park County for disposal of garbage collected by the City's automated garbage collection trucks.
- We request that Park County allow City residents to continue to use the Park County transfer station subject to transfer station fees.
- We request that Park County allow City residents to continue to use the Park County Landfill subject to the Landfill fees.
- The City would also request continued use of the Landfill as in previous years (subject to the fees established), for such services as sludge disposal from the sewer plant and occasional disposal of accepted refuse.
- We would also like to establish our future relationship relating to the Landfill's acceptance and charge for the City's Spring Cleanup refuse so that both entities can make appropriate plans.

- We would like to continue to work in coordination with the County on recycling, including Headwaters recycling efforts, cardboard recycling and towards the realization of glass recycling.
- We would also propose to continue to work with the County on the feasibility of future garbage disposal options. As part of this process the City will also evaluate its options for garbage disposal for the future.

As was discussed at the June 6th, 2005 City Commission meeting we feel that this approach may be in both the City and the County's best interest in the short term. This proposal will allow time for both the City and the County to establish firm costs for garbage disposal expenses and eliminate the need for additional expensive rail car garbage transportation bottles, which would need to be acquired almost immediately, if the City were to continue disposal of its garbage collections at the County transfer station.

Thank you for your consideration and cooperation.

Sincerely,

Steve Golnar
CITY MANAGER

In her absence, Patricia Grabow provided an email with her concerns about the letter being proposed clarifying the City's direction on the Solid Waste Disposal agreement with the County.

Some of Ms. Grabow's comments on the proposed letter to the County were that she felt that the perspective may be wrong. She felt that all citizens in the City are also a part of Park County and believes the letter should reflect that. Ms. Grabow stated in her email that for the next five years the City and County will become more interdependent with the accelerated growth, providing for flood protection, creating a railroad crossing, etc. and it is essential that the City not polarize. This said she believes one of the biggest mistakes that the City could make, as part of the County is to even consider a separate transfer station. The County has already invested \$300,000 in a transfer station and the City could help in reducing the garbage stream through the County's transfer station.

Ms. Grabow argues that Mr. Tinsley's memo presented about the City's transfer station was just to be a large metal building and the reduction of the transfer station to just dollars truly does not merit consideration for two reasons: 1). It would not be just another metal building. It would be an unnecessary burden to the taxpayers. It would cost the City \$300,000 and there is no getting around that. Money is too tight and will be to duplicate efforts with the County when the City has the ability to work together at all

levels. 2). Reducing the \$300,000 to dollars, is minimizing the cost in order to allow us to accept it, but the cost is still there --- minimized or not.

Ms. Grabow also commented in her email that it may be the better part of wisdom for the City to just haul garbage until the County gets its figures, but that it is only a short term solution. At any rate we have a transfer station to work with as well as a landfill, should the City and County be able to work together. In addition, together, while we are at it and while we are growing so rapidly in this City and County, we could work out an effective, coordinated world class recycling system and again not duplicate efforts. It is everyone's best interest.

Motion was made by Beebe, second by Ebinger, to authorize City Manager to sign the letter clarifying the City's direction on Solid Waste Disposal agreement with the County.

All in favor, Motion passed.

A discussion was held authorizing creation of temporary Public Work Project Coordinator position to begin on July 1, 2005 and proceed for a period of 6 months. A position description was provided at the meeting for the Commission's review.

Mr. Golnar stated that at the next Commission meeting he will ask the Commission to approve this position description and funding for this position to begin July 1, 2005. At this meeting he is only requesting that the creation of the position be authorized in order to begin advertising internally.

Bob Ebinger asked if this position was going to be posted internally and are we planning on filling this position with current staff.

Mr. Golnar stated that we are proposing to post this position description internally and seek to get this position filled as this is the first step of our policies to fill a position.

Motion was made by Ebinger, second by Beebe, to authorize creation of temporary Public Works Project Coordinator position to begin on July 1, 2005 and proceed for a period of 6 months.

Bob Ebinger asked if this position was affordable.

Mr. Golnar stated that he is proposing funding for this position in the budget for FY 2005-06.

All in favor, Motion passed.

Commissioner Ebinger Comments:

- He wanted to pursue again as he mentioned before, that he feels it would be very advantageous that Building Official, Duncan Edwards should especially attend with other Staff the Preservation Café Workshop on June 27, 2005 in Billings. They will be talking about issues that are very important to our City such as upper floor development, TIF Districts, new data base systems, new building codes, Historic Buildings and standards for rehabilitation. Mr. Gregory Legge, our Historic Preservation Officer is planning on going along with himself. Mr. Golnar asked Mr. Ebinger for a copy of the brochure on the conference so that he could forward it.
- He stated that he received some interesting information on "Boom Box" legislation today. One of the observations that he got out of the information was that it didn't talk about time limitations on the application of the Ordinance.

Commissioner Beebe had no comments.

Chairman, Vicki Blakeman had no comments.

No Public Comments were given.

Motion was made by Ebinger, second by Beebe, to adjourn the meeting there being no further business. Motion passed.

The time was 6:55 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
June 20, 2005
7:30 P.M.

The Livingston City Commission met in regular session on Monday, June 20, 2005 in the Community Room in the City/County Complex. Commissioners present were Mary Beebe, Vicki Blakeman, Bob Ebinger and Steve Caldwell. Patricia Grabow was absent.

Staff Members present were Bruce Becker, Steve Golnar, Shirley Ewan, Darren Raney, Clint Tinsley, Jim Mastin, Jim Woodhull, Peggy Glass and Pam Payovich.

Motion was made by Caldwell, second by Ebinger, to approve consent items C through H as follows:

- A. Approve June 6, 2005 Regular City Commission Meeting Minutes. (To be provided separately).
- B. Approve June 13, 2005 Special City Commission Meeting Minutes. (To be provided separately).
- C. Accept Bills and Claims for 1st half of June.
- D. Department Heads Monthly Reports and Other Minutes.
- E. Authorize Use of Bandshell with the Park County Ministerial Association and Rental of the Civic Center for a fundraising event for proceeds to benefit the Ministerial Association Relief fund on August 7, 2005 from 5:00 p.m. through 9:00 p.m.
- F. Approve Bid Proposal for PrintingForLess.com Water and Sewer Main Extensions to Century Companies, Inc. in the amount of \$1,063,997.95 and Develop Contract for Construction.
- G. Approve Special Event Request from Cardinal Distributing for Budweiser Clydesdales to tour the downtown with Police escorts "Downtown Bar Drive" on July 1, 2005 subject to receipt of proof of liability insurance.
- H. Authorize Interim Appointment of Jill Kraus as City Appointment to City/County Health Board until Commission fills expired vacancy.

Bob Ebinger asked about the claim from "B" Street Keys for re-keying the well houses and wondered how many well houses there are in the City. Clint Tinsley stated that there are six (6) well houses, two (2) pump stations, three (3) reservoirs and keys for the water shop and wastewater treatment plant were replaced.

Mr. Ebinger also asked about the claim for Glenn Farrell for reimbursement of the seminar in Boise, Idaho and wondered if the City normally has police personnel drive their own vehicles when they attend a school or training session. Darren Raney stated that the police personnel usually drive a patrol

car but at this time the City had a police car that was broken down. Glenn was gone five (5) days and the force needed all of its patrol cars.

Bob Ebinger mentioned that he sees in the claims that there are a lot of overspent expenditures in this budget and wondered if this in fact was overspending the budget. Shirley Ewan stated that the asterices identified that the line item is overspent but not the actual budget.

Mr. Ebinger asked about the claim from MMIA for community service and wondered what this was for. Shirley Ewan stated that some people that have fines work them off doing community service and the City has to pay Workers Compensation on those individuals.

Bob Ebinger also asked about the claim from R.G. Lumber and wanted to know what the 2x4 ends for blocking were for. Clint Tinsley stated that these were for thrust blocks for when they pour cement.

Mr. Ebinger also mentioned of the 2 hour parking tickets that 280 tickets were issued during the month of May and was wondering how many of those were multiple. Mr. Ebinger stated that he knows that the City isn't ticketing people as much because of the tourists and out of the area license plates and if people are getting multiple tickets then he feels that it is probably people that are working downtown. He asked to have data on the average for this at the next meeting.

Mary Beebe asked about the claim from MMIA for sewer and police and wondered if these were for sewer backups. Clint Tinsley stated that neither one of these were for sewer backups that they were for special cases. Ms. Beebe asked what the line item for police one was. Shirley Ewan stated that this was for a false arrest. Bruce Becker clarified that there was a father and son with the same name and the Police Department arrested the wrong person when a warrant for arrest was issued.

Variances:

A discussion was held to authorize a variance request from Stanley and Waneva Rogers, owners of property located at 522 North 9th Street. They requested a variance from the front setback requirement for RII zoning districts. They wish to build an attached garage onto their existing home, which would be approximately five (5) feet from the front property line. Code requires a twenty-five (25) foot front setback.

Jim Woodhull, City Planner, gave background information relating to the variance request and stated that staff recommended approval of this variance request.

Motion was made by Caldwell, second by Beebe, to approve Findings of Fact for the Rogers Variance request.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve the Rogers Variance request.

All in favor, Motion passed.

Ordinances:

Motion was made by Caldwell, second by Beebe, to approve first reading of Ordinance No. 1958 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 ENTITLED OFFICIAL ZONING MAP OF CHAPTER 30 "ZONING" OF THE LIVINGSTON MUNICIPAL CODE BY DESIGNATING RECENTLY ANNEXED LAND DESCRIBED AS 10 ACRES, MORE OR LESS, WHICH IS CONTIGUOUS TO THE CITY AND DESCRIBED AS LOTS 3 & 4 OF THE ORIGINAL PLAT OF ACREVILLE, PLAT NO. 393, LOCATED IN SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 9 EAST, M.P.M., AS HIGH DENSITY RESIDENTIAL (RIII).**

Vicki Blakeman, Chairman stated for the audience that this property is the land behind Albertson's.

All in favor, Motion passed.

A public hearing will be held on July 5, 2005 for Ordinance No. 1958.

Public Hearings:

A public hearing was scheduled to be held for the second reading of Ordinance No. 1955 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GRANTING A NONEXCLUSIVE FRANCHISE TO BRESNAN COMMUNICAITONS, LLC, FOR THE PURPOSE OF CONSTRUCTING AND OPERATING A CABLE TELEVISION SYSTEM.**

Steve Golnar proposed this public hearing to be continued because he has not been able to finalize negotiations with the Cable Company.

Motion was made by Ebinger, second by Beebe, to continue public hearing on Ordinance No. 1955 on July 5, 2005.

All in favor, Motion passed.

A public hearing was scheduled for the second reading of Ordinance No. 1956 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1911 AS CODIFIED IN SECTION 10-6 OF THE LIVINGSTON MUNICIPAL CODE BY PROHIBITING AMPLIFIED SOUND WHICH CAN BE HEARD AT A DISTANCE OF 50 FEET FROM THE**

VEHICLE CAUSING THE SOUND BY EXTENDING THE NOISE PROHIBITION TO 24 HOURS PER DAY.

Lindie Gibson of 323 South "B" Street, Maja Tregidga of 322 West Lewis Street and Rick Spellman of 226 South 8th Street spoke in favor of prohibiting amplified sound which can be heard at a distance of 50 feet from the vehicle causing the sound by extending the noise prohibition to 24 hours per day.

Motion was made by Caldwell, second by Beebe, to approve second reading of Ordinance No. 1956.

Bob Ebinger stated that he finds the issue very hard to make a decision on because he can see both sides of the issue. We don't want to be too restrictive because of how loud is loud. When there is noise coming from a moving car this is part of the existing Ordinance but to move the noise into a house situation he feels that could be very arbitrary and he feels that needs to be left with the individuals talking to each other. Whether the Ordinance should be extended to 24 hours he is not sure. Mr. Ebinger commented that most of the people that he has talked with want to keep the Ordinance the same as it is where it is enforced for the period from 10:00 p.m. to 7:00 a.m. He agrees though with the loud sub-woofer noise coming from a vehicle that he hates that noise but he is not sure whether the City can regulate a particular noise or not. He isn't sure how to vote on this tonight after hearing comments from the public but the reason he voted for this Ordinance at the last meeting was to hear public comments.

Mary Beebe commented that she has felt certain about how she wanted to vote on this at least twice a day from both different perspectives. She thinks no matter how she ends up voting that she will have some ambivalence about turning everything into a legal issue and she is concerned about the enforceability. The issue in the Ordinance is noise that is heard by the ear and a lot that has been talked about is the base amplification which she doesn't consider as something that is heard by the ear but felt by the whole body and that is a different kind of phenomena.

Ms. Beebe asked Darren Raney if there is already an Ordinance in existence that would cover noise coming from a residence. Darren Raney stated that it could fall under the disturbing the peace statute. Where it is the opinion of the Police Officer to determine if the law is being violated.

Ms. Beebe asked if there was anything that would cover sub-woofers in any of the existing Noise Ordinances. Darren Raney stated not ready. He feels that it is easier for Police Officers to observe on their own the noise violation in a moving vehicle otherwise citizens would need to identify the vehicle and the driver for the violation.

Steve Caldwell stated that he finds it difficult to legislate civil behavior. Mr. Caldwell commented what is acceptable behavior is determined and enforced

more by community standard and family guidance. There are always going to be people that don't find that effective. His thought is by passing this Ordinance that the Commission does send a message that this kind of behavior is not acceptable. Mr. Caldwell stated that the problem he has is how enforceable would this Ordinance be 24 hours a day. Even though the Police Department will enforce whatever the Commission decides, he has some concerns how enforceable it will be in reality. He is inclined to vote against this Ordinance at this point until he hears other agreements that say he should vote for it.

Vicki Blakeman asked if a citizen calls the Police Department about a violation under this proposed Ordinance and the Police Department doesn't catch the person in violation of amplified sound in the moving car, how will the Police Department deal with that. Darren Raney stated that he feels that the easiest way to enforce this is with the Police Officer's observation rather than responding to specific citizen complaints.

No action was taken.

It was the concurrence of the Commission to direct the City Attorney to research more specific language concerning sub-woofers and bring back to the Commission at a future meeting for their review.

Motion was made by Ebinger, second by Caldwell, to postpone Ordinance No. 1956 and direct City Attorney to research sub-woofers regulations until the July 18, 2005 City Commission meeting.

All in favor, Motion passed.

Resolutions:

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 2005-1 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON AND COUNTY OF PARK APPROVING A LOAN IN THE AMOUNT OF \$4,675.00 TOGETHER WITH INTEREST THEREON AT THE RATE OF 2.5% PER ANNUM ON THE UNPAID BALANCE OF THE PRINCIPAL UNTIL PAID, FROM THE AERONAUTICS DIVISION OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF MONTANA TO THE CITY OF LIVINGSTON AND COUNTY OF PARK FOR THE PURPOSE OF RAMP AND TAXIWAY IMPROVEMENTS AT MISSION FIELD AIRPORT, LOCATED IN LIVINGSTON, PARK COUNTY, MONTANA, PROVIDING THE RE-REPAYMENT OF LOAN, AND THE TERMS THEREOF.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3641 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING BY PETITION AMENDED LOT 2 OF MINOR SUBDIVISION NO. 183 LOCATED IN THE NW1/4 AND THE NE1/4 OF**

SECTION 14, TOWNSHIP 2 SOUTH, RANGE 9 EAST, P.M.M. PARK COUNTY, MONTANA.

All in favor, Motion passed.

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3642 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING NON-COUNTY RESIDENT EMERGENCY MEDICAL SERVICE BILLING FEE TO \$375.00 FROM \$250.00.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3643 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING JOB DESCRIPTION FOR THE POSITION OF MAINTENANCE II – RESIDENTIAL AND COMMERCIAL SOLID WASTE DRIVER.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3644 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO THE SECTION 595 PROJECT COOPERATION AGREEMENT WITH THE DEPARTMENT OF THE ARMY FOR THE DESIGN AND CONSTRUCTION OF THE LIVINGSTON SEWER MAIN AND TREATMENT PLANT UPGRADE.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3645 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO CONSTRUCTION AGREEMENT WITH MCLEE'S INC. FOR CIVIC CENTER ROOF IN THE AMOUNT OF \$56,374.00.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3646 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH CENTURY COMPANIES FOR THE PRINTINGFORLESS.COM WATER AND SEWER MAIN EXTENSIONS IN THE AMOUNT OF \$1,063,997.95.**

Vicki Blakeman stated that she works for PrintingForLess.com and has no financial interest in them and the City Attorney has informed her that she has no conflict of interest.

All in favor, Motion passed.

Action Items:

A discussion was held to review and approve the extension of the preliminary plat for the Branding Iron Ridge Subdivision.

Jim Woodhull gave background information relating to the extension of the preliminary plat for the Branding Iron Ridge Subdivision.

Mr. Woodhull stated that this is for Branding Iron Ridge Home Equity Partners project and was originally approved until January 2004 and then that approval was extended to January 2006. Subdivision regulations allows the City Commission, if they wish, to extend that preliminary approval for one (1) year to January 2007.

Motion was made by Ebinger, second by Caldwell, to approve the extension of the preliminary plat for the Branding Iron Ridge Subdivision until January 2007.

All in favor, Motion passed.

A discussion was held to review water and sewer extension plan for the Harrison property development plan and confirm easement for walking path to Fleshman Creek.

Clint Tinsley provided drawings for the water and sewer extension plan for the Harrison property development plan for the Commission's review.

Bob Ebinger stated that this was originally proposed by the Harrison's who acquired the property to build single family dwellings and now it is proposed to have a plat with 11 homes and nearly going into the wooded area right across from Major's Landing. He feels that this is a crying shame to have this kind of development near the open wilderness of Major's Landing. He would like the developers to take into account that there is a beautiful City Park across the way as the City has done a lot of work to get Fleshman Creek cleaned up and putting in a walking path for people and stated that this really disheartens him.

Steve Caldwell asked Mr. Becker what the consequences would be in denying sewer and water extensions to this property. Mr. Becker stated that he would have to research that possibility but as the State statute has adopted that anything that is within 500' of a municipality facility must connect to those facilities regardless of any annexation requirements. This property is already annexed into the City.

Vicki Blakeman stated that it seems like the City can't require one person to connect and then deny another person to connect. She doesn't see any point in putting this off.

Motion was made by Caldwell, second by Blakeman, to approve the water and sewer extension plan for the Harrison property development plan and confirm easement for walking path to Fleshman Creek.

3 in favor; Caldwell, Beebe and Blakeman, 1 abstained; Ebinger, 1 absent; Grabow, Motion passed.

A discussion was held to review and approve internal water and sewer extensions plan for Mathew's Subdivision.

Clint Tinsley provided the Commission to review the plans for the proposed water and sewer extension plan for the Mathew's Subdivision.

Vicki Blakeman stated for the audience that the proposed Mathew's Subdivision is out near Fleshman Creek across the road from the Cemetery.

Clint Tinsley made recommendation to the Commission to approve the water and sewer extension plan for the Mathew's Subdivision.

Motion was made by Caldwell, second by Ebinger, to approve internal water and sewer extensions plan for Mathew's Subdivision subject to receiving waivers of annexation.

All in favor, Motion passed.

A discussion was held to review applications for the Yellowstone Country Board of Directors vacancy position and set up interviews.

Two people submitted applications for this position and they were:

1. Vangie Lee.
2. Deborah Wicks.

The Commission determined to have interviews held on June 29, 2005 in the morning. The Recording Secretary was directed to call the applicants and set up interviews for June 29, 2005 in the morning starting at 8:00 a.m. and confirm back to the Commission.

A discussion was held to consider comment on the County rezoning of 537 acres proposed by North Fleshman Creek LLC for Section 11, Township 2 South, Range 9 East.

Steve Golnar did not provide a draft letter as stated in the agenda for the Commission but advised them that he would provide them with a draft letter as soon as possible in responding to the above reference to Park County.

A discussion was held in the response from Park County's June 15, 2005 letter asserting Park County responsibility for maintaining Sacajawea Bridge

and considering all previous actions by the Livingston City Commission regarding the Catalyst sculpture project null and void.

The City offered to the County to have the City's Historic Preservation Officer continue efforts to put the Sacajawea Bridge on the National Register for historic places.

A discussion was held to consider the Development Review Committee's (DRC) recommendation for approval of David Stein's approach to his property off of East Gallatin (Steep Hill).

The DRC's recommendation was approval of Mr. Stein's driveway for an approach off of East Gallatin Street if the appropriate engineering and protections of the City's roads stability is accomplished.

Steve Golnar stated that some of Staff concerns voiced include access to the steep hill and thus the property during icy conditions as sometimes the road is closed. There was also concern about runaway vehicular traffic from above possibly damaging a new building built below the street on a steep hill.

Clint Tinsley explained to the Commission the plans that Mr. Stein is proposing for this property.

No action was taken on this discussion by the City Commission until further issues are finalized. The City Commission requested the City Attorney to write a memorandum of understanding to Mr. Stein identifying the City's concerns before making any kind of decision.

A discussion was held on considering providing relief to Park County for indigent burial fees at Mountain View Cemetery.

Steve Golnar made the suggestion that before the City Commission ultimately decides to make an adjustment for indigent burials at the Mountain View Cemetery that the City needs to resolve other outstanding issues which are before the City and County relating to charges, budgets and cooperation. Also Mr. Golnar commented that the cost of a cemetery plot is \$300.00 and 1/2 of the purchase of the plot goes towards the perpetual care fund of the Cemetery and that labor costs are involved in the opening and closing of graves. He suggested that the City Commission wait on deciding about providing relief to Park County for indigent burial fees until the City Commission gets a better idea on labor and equipment costs involved.

No action taken.

A discussion was held to authorize increased City funding of \$925.00 for FY 2004-05 for the City/County Complex Duct Work Cleaning Contract with Buffalo Restoration Inc.

Motion was made by Caldwell, second by Blakeman, to approve the water and sewer extension plan for the Harrison property development plan and confirm easement for walking path to Fleshman Creek.

3 in favor; Caldwell, Beebe and Blakeman, 1 abstained; Ebinger, 1 absent; Grabow, Motion passed.

A discussion was held to review and approve internal water and sewer extensions plan for Mathew's Subdivision.

Clint Tinsley provided the Commission to review the plans for the proposed water and sewer extension plan for the Mathew's Subdivision.

Vicki Blakeman stated for the audience that the proposed Mathew's Subdivision is out near Fleshman Creek across the road from the Cemetery.

Clint Tinsley made recommendation to the Commission to approve the water and sewer extension plan for the Mathew's Subdivision.

Motion was made by Caldwell, second by Ebinger, to approve internal water and sewer extensions plan for Mathew's Subdivision subject to receiving waivers of annexation.

All in favor, Motion passed.

A discussion was held to review applications for the Yellowstone Country Board of Directors vacancy position and set up interviews.

Two people submitted applications for this position and they were:

1. Vangie Lee.
2. Deborah Wicks.

The Commission determined to have interviews held on June 29, 2005 in the morning. The Recording Secretary was directed to call the applicants and set up interviews for June 29, 2005 in the morning starting at 8:00 a.m. and confirm back to the Commission.

A discussion was held to consider comment on the County rezoning of 537 acres proposed by North Fleshman Creek LLC for Section 11, Township 2 South, Range 9 East.

Steve Golnar did not provide a draft letter as stated in the agenda for the Commission but advised them that he would provide them with a draft letter as soon as possible in responding to the above reference to Park County.

A discussion was held in the response from Park County's June 15, 2005 letter asserting Park County responsibility for maintaining Sacajawea Bridge

Steve Golnar stated that he had been informed that the City/County Complex heating, ventilating and air conditioning duct cleaning contract will exceed the initial cost of \$44,340.00 by an estimated \$2,500.00 additional dollars for unanticipated work which has been encountered since the original bid.

Motion was made by Caldwell, second by Ebinger, to authorize the City expenditure of 37% of this additional \$2,500.00 costs or \$925.00 for FY 2004-05.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Bob Ebinger made comment that he will be out of town on June 27, 2005 for the proposed interviews for additional applicants of the Urban Design Advisory Committee.
- Bob Ebinger asked whether the Knitting Parlour request for 2 hour parking has been resolved as they are open now.
- Bob Ebinger asked when the Grants Committee meeting was going to be. Steve Golnar stated that he still needs to schedule it.
- Mary Beebe commented of the Old Water Works Building for lease or sale and stated that she feels that the Commission needs to make a decision in the respect that the City doesn't have a lot of money. She is inclined to suggest that the City sell the building in order to get some revenue in order to pay for some essential services that are also being set aside because of all of the development going on in the City.

Bob Ebinger made comment on this topic that he was the one that proposed the Old Water Works Building be "moth balled" and now he has determined that maybe it does need to be sold.

Steve Golnar asked if the Commission wanted him to put this on the agenda for the next meeting in order to move forward. The Commission concurred that it should be placed on the agenda.

- Steve Caldwell asked about the status of the "B" Street Parking Lot Improvements and if there was a time frame on this. Clint Tinsley stated that the City can pave the parking lot but with everybody else involved there are other additions such as fencing, landscaping, curb cuts, storm drainage, etc. The project direction has to be determined by all parties and it has been difficult to get together with those people in order to determine how much funding will be needed and is available to cover all of the this in order to move forward.
- Steve Caldwell asked about the meeting scheduled on June 23, 2005 at 7:00 p.m. for the Recreation District Meeting and wondered what it was about. Steve Golnar stated that it was requested by the swimming pool committee to discuss the

possibility of the creation of a Recreation District and the City and County Commission's were invited.

- Vicki Blakeman commented that she was disappointed that the impact fee study wasn't on the agenda so that the City could move forward and wants to see it on the next City Commission meeting.
- Vicki Blakeman asked Mr. Golnar to write a letter to the Knitting Paulour and let them know where the City is on determining whether to have 2 hour parking in front of her business or not.
- Vicki Blakeman asked when the Commission would see anything on the Human Resource Development Council proposal to deed the gulch portion of the Affordable Housing Trust property back to the City to be used as open space and a trail. Steve Golnar wasn't clear where the Commission wanted to go with this after he had initially introduced it in his comments at a previous meeting but will put it on the agenda for the next meeting.

Steve Golnar commented about the two (2) sets of minutes that were not provided in the Commission packet. He wanted clarification from the Commission as to whether they wanted action or verbatim minutes. He suggested the Commission move towards action minutes with some clarification of what was said on an item that was debated. Mr. Golnar also mentioned that he is proposing in next years budget to get a new recording system that the minutes would be recorded on a CD (Computer Compact Disk) which would allow for accessing verbal information of meetings quicker instead of having to listen to a whole tape recording. Also the equipment that Mr. Golnar is going to propose may have the option that would allow us to transcribe segments as long as people spoke one at a time. This would allow for a verbatim record of portions of the minutes. His suggestion was to move towards action minutes thus limiting the time spent on transcribing the minutes and relying more on recordings for the specific discussions at a meeting.

Steve Caldwell stated that it has always been his position that he would rather see action minutes because they are easier to review. His concern has always been that if the Commission is approving minutes with a large amount of detail that there will always be conflicts and different opinions. He is all in favor in moving to action minutes.

Vicki, Mary and Bob all agreed with Mr. Caldwell. Bob Ebinger added that it would be his only concern that if there was a difference of opinion that it be stated in the minutes that there was a discussion concerning the subject.

Steve Golnar stated that he feels during Commission comments is a time for the Commission to have more policy commentary and that's when they could have more specifics stated on a subject and noted that there will be backup if they want to listen to the tape.

It was the concurrence of the Commissioner's present to wait until all Commissioners are present and to discuss providing policy direction to move forward with action minutes.

Commissioner Grabow was absent.

Commissioner Ebinger Comments:

- He asked if the City Manager had asked Staff who could participate in the Preservation Café Workshop in Billings. Steve Golnar stated that he did forward the brochure onto the Public Works Department but hasn't heard who may be able to attend.

Commissioner Beebe Comments:

- She stated that she had gone to Clara's Closet to donate some items and commented to them that if they didn't want some of the items that she could take them back home and put it in her garbage. An employee who works at Clara's Closet stated to Ms. Beebe that they don't mind taking items that may be somewhat worn out because they do recycle. Ms. Beebe commented that Clara's Closet idea of exploring ways to sew rags is setting up a model for recycling and would like to commend them on their efforts.

Commissioner Caldwell Comments:

- He stated that he heard from a couple of residents that live on Geyser Street that it was their impression that the street was done and now it is all torn up again. Clint Tinsley stated that he didn't know about the street being torn up again because he drove through Geyser Street on Sunday and it was the finished product other than the chip seal, which will be swept off.

Chairman, Blakeman had no comments.

No Public comments were given.

Motion was made by Caldwell, second by Ebinger, to adjourn the meeting there being no further business. Motion passed.

The time was 9:30 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
July 5, 2005
(Tuesday)
7:30 P.M.

The Livingston City Commission met in regular session on Tuesday, July 05, 2005 in the Community Room in the City/County Complex. Commissioners present were Mary Beebe, Vicki Blakeman, Bob Ebinger and Steve Caldwell. Patricia Grabow arrived 5 minutes later.

Staff Members present were Bruce Becker, Steve Golnar, Shirley Ewan, Darren Raney, Clint Tinsley, Jim Mastin, Jim Woodhull and Pam Payovich. Peggy Glass was absent.

Motion was made by Caldwell, second by Ebinger, to approve consent items as follows:

- A. Approve June 6, 2005 Regular City Commission Meeting Minutes.
- B. Approve June 13, 2005 Special City Commission Meeting Minutes.
- C. Approve June 20, 2005 Regular City Commission Meeting Minutes.
- D. Accept Bills and Claims for 2nd half of June & Pre-pays for FY 05-06.
- E. Approve Special Event Request for the Fish Walk to be held on August 11, 2005 from 6:00 p.m. through 9:00 p.m. Contingent upon Staff review.

Bob Ebinger requested on page 24 of the minutes in his comments to change "perducinary" to "fiduciary irresponsible" in order to read: "Bob Ebinger stated that he wasn't at the City/County meeting but it is fiduciary irresponsible for the City not to look at alternatives when faced with a \$100.00 per ton proposal from the County". Within the same paragraph he also requested to change the word "opponment" to "proponent" in order to read: "He has always been an proponent to work with the County on this."

Mr. Ebinger also requested on page 27 of the minutes in his Commissioner comments to change the word "reiterate" to "initiate" and also to change the word "loosing" to "losing" in order to read: "He mentioned that he would like Staff to initiate the idea of sprinklers systems being required for new development in order to reduce the possibility of losing areas because of the emergency response time."

Bob Ebinger asked about the claim from Home Depot for the bath house repair and wanted to persuade Staff to look for parts locally first and then seek outside of the City. Shirley Ewan stated that these parts were not available locally.

Mr. Ebinger asked about the claim from Timber Trails for bicycle repair and maintenance and wanted to know if this was for bike patrol. Darren Raney stated yes.

Mr. Ebinger also noted the claim from True Value Hardware and stated that it is nice to see the City using our local businesses.

Bob Ebinger stated that he wanted to add some things to the special event request for the "Fish Walk" because he is on the Committee. He has discussed with the Police Chief about posting signs a day before this event notifying the public of the street closures.

Mary Beebe requested on page 12 of the minutes in her comments to change the word "quietly" to "quickly" in order to read: "Mary Beebe commented that this is scaring her somewhat with it all happening so quickly in that the City doesn't have the impact fees in place and that the City is so much under prepared not only for the growth of the City but in the donut area also and would like to emphasize more communication than what they have had."

Ms. Beebe also requested on page 18 of the minutes under Mr. Legge's comments to change the word "envious" to "environment" in order to read: "Mr. Legge commented from a citizen point of view he feels quite strongly about is the City Commission and a few members of Catalyst strove to involve our young teenagers in a process that would have a long term effect on the environment of the City."

Mary Beebe also requested on page 20 of the minutes under her comments to add the word "not" so as to read: "She wanted more public involvement but its not too late, and to look at this as an opportunity."

Ms. Beebe also requested on page 46 of the minutes under her Commissioner comments that it wasn't Ms. Cooper from Clara's Closet that she spoke with but an employee that works there. So it would read: "An employee at Clara's Closet stated to Ms. Beebe that they don't mind taking items that may be somewhat worn out because they do recycle." Also Ms. Beebe requested to change the word "sell" to "sew", in her comments in order to read: "Ms. Beebe commented that Clara's Closet idea of exploring ways to sew rags is setting up a model for recycling and would like to commend them on their efforts."

Mary Beebe asked about the claim from Koch's Tennis Court Service and commented that the tennis courts are all done.

Ms. Beebe also asked about the claim from Northwestern Energy for the Sewer Plant in the amount of \$5,279.81 and commented that Staff may want to think about something different since we are planning on upgrading the Sewer Plant and that the City should have an energy efficient system incorporated with the upgrade of the Sewer Plant.

Clint Tinsley stated that he had an energy audit done and Northwestern Energy helped the City fund the audit three (3) years ago at the Sewer Plant.

Steve Caldwell stated on the minutes that he has 130 comments or none and thought that he would have none and move on to the Fish Walk special event request. Mr. Caldwell mentioned that it seems that the Commission has been asked repeatedly to waive fees and is concerned as to whether the City is able to cover costs.

Bob Ebinger stated that he has reviewed this with Police Chief, Darren Raney, and the employees of the event are going to set up and tear down the barricades themselves. Mr. Ebinger also added that he hoped that this event is co-sponsored by the City since it will be during the Fly Fishers Federations Conclave.

Steve Golnar stated that he would like to point out that this special event request be approved contingent upon Staff review.

Patricia Grabow apologized for being late as the handicapped door was locked and she was not made aware of.

All in favor of consent items, Motion passed.

Public Hearings:

A public hearing was scheduled to be held for the second reading of Ordinance No. 1955 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GRANTING A NONEXCLUSIVE FRANCHISE TO BRESNAN COMMUNICAITONS, LLC, FOR THE PURPOSE OF CONSTRUCTING AND OPERATING A CABLE TELEVISION SYSTEM.**

No public comments were given.

Steve Golnar proposed this public hearing to be continued because the Public Works Department needs to coordinate with Bresnan Communications about the public access in order to not create obstacles for the City.

Motion was made by Ebinger, second by Beebe, to post-pone consideration of Ordinance No. 1955 and continue public hearing until July 18, 2005.

All in favor, Motion passed.

A public hearing was held for the second reading of Ordinance No. 1958 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 ENTITLED OFFICIAL ZONING MAP OF CHAPTER 30 "ZONING" OF THE LIVINGSTON MUNICIPAL CODE BY DESIGNATING RECENTLY ANNEXED LAND DESCRIBED AS 10 ACRES, MORE OR LESS, WHICH IS CONTIGUOUS TO THE CITY AND DESCRIBED AS LOTS 3**

& 4 OF THE ORIGINAL PLAT OF ACREVILLE, PLAT NO. 393, LOCATED IN SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 9 EAST, M.P.M., AS HIGH DENSITY RESIDENTIAL (RIII).

No public comments were given.

Motion was made by Caldwell, second by Ebinger, to approve Ordinance No. 1958.

Steve Caldwell pointed out to Bruce Becker that within the body of the Ordinance there are several references to the property being contiguous to the City. He believes that the property is no longer contiguous to the City but is part of it. Bruce Becker confirmed it is contiguous to part of the City and will be corrected. Steve Caldwell requested that this be corrected throughout the Ordinance.

The new title of Ordinance No. 1958 is as follows: **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 ENTITLED OFFICIAL ZONING MAP OF CHAPTER 30 "ZONING" OF THE LIVINGSTON MUNICIPAL CODE BY DESIGNATING RECENTLY ANNEXED LAND DESCRIBED AS LOTS 3 & 4 OF THE ORIGINAL PLAT OF ACREVILLE, PLAT NO. 393, LOCATED IN SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 9 EAST, M.P.M., AS HIGH DENSITY RESIDENTIAL (RIII).**

All in favor, Motion passed.

Resolutions:

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3647 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING POSITION DESCRIPTION FOR PROJECT COORDINATOR.**

Steve Caldwell asked Clint Tinsley if it was necessary under Education and Experience to have at least five (5) years experience dealing with public works. Clint Tinsley stated he felt that it is necessary. Mr. Caldwell also asked about requiring experience managing employees and that he doesn't see where this position would need to have this responsibility. Clint Tinsley stated that it was not to be required and suggested to the Commission to have it deleted.

It was the concurrence of the Commission to delete "experience managing employees" under Education and Experience of the project coordinator position description.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3648 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND AUTHORIZING CITY MANAGER TO SIGN COLLECTIVE BARGAINING AGREEMENT WITH AFSCME LOCAL 2711A FOR PERIOD JULY 1, 2005 THROUGH JUNE 30, 2008.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe to approve Resolution No. 3649 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN APPLICATION TO CHANGE WATER RIGHTS.**

Steve Golnar gave background information relating to the application to change water rights. Mr. Golnar stated that the purpose of the change is to preserve the City's options for retaining rights to use the water in the future.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3650 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN ENGINEERING FOR PrintingForLess.com WATER AND SEWER EXTENSIONS ALONG HIGHWAY 10 FROM EXISTING WATER AND SEWER MAINS NEAR JEFFERSON STREET TO THE PrintingForLess.com PROPERTY IN THE AMOUNT OF \$57,050.00.**

Vicki Blakeman stated that she does work for PrintingForLess.com and that the City Attorney has informed her that she has no conflict of interest of these issues.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3651 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH MORRISON AND MAIERLE FOR AN IMPACT FEE STUDY IN THE AMOUNT OF \$30,500.00.**

All in favor, Motion passed.

Resolution No. 3652 was scheduled for discussion and requested by Bruce Becker, City Attorney, to post-pone until the next meeting on July 18, 2005 because of the conflict of building fees and what the fee was going to be on this Resolution – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTABLISH FEES FOR SUBDIVISION REVIEW, ZONING ADMINISTRATION AND SITE PLAN REVIEW AND CALLING FOR A PUBLIC HEARING.**

No action was taken.

Action Items:

A discussion was held to determine whether the City Commission was interested in selling or mothballing the Old Water Works Building.

After much discussion it was the concurrence of the Commission to have the Old Water Works Building put up for sale in order to get the building back on the public tax roll. The Commission also discussed the possibility of selling the building with restrictions and these restrictions would be reflected on the request for proposals when advertised for sale.

Tara Eddy of 604 South 9th Street made comment and urged the Commission to set restrictions to no more than five (5) feet around the perimeter of the building.

Motion was made by Ebinger, second by Caldwell, to re-zone the structure of the Old Water Works Building and whatever property is abutting the building into Preservation Zoning District.

All in favor, Motion passed.

The Commission also directed City Staff to prepare a footprint of the Old Water Works Building property before the public process and to have Mr. Golnar, City Manager write a letter to Fred Paoli of their decision to sell the Old Water Works Building.

A discussion was held to appoint someone to fill the vacant position on the Yellowstone Country Board of Directors as a City representative.

There were two (2) applications received. One was from Vangie Lee and the other from Deborah Wicks.

Motion was made by Ebinger, second by Beebe, to nominate Vangie Lee for the vacant position.

The Commission made comment that it was a difficult decision as both applicants were very much qualified.

All in favor, Motion passed.

A discussion was held to appoint applicants to the Urban Design Advisory Committee and to re-advertise to fill specific vacancies that remain in the Committee.

Motion was made by Grabow, second by Caldwell, to appoint Lynn Chan, Karla Pettit, Joel Reinholz, Linnea Pritchard and David Wistey and re-advertise to fill specific vacancies that remain on the Committee.

All in favor, Motion passed.

A discussion was held by the Commission to discuss requested memorandum of understanding with David Stein and approval of approach to his property off of East Gallatin (on the steep hill).

Bruce Becker, City Attorney stated that he has done research on this request and feels that Mr. Stein really doesn't need any direction from the City Commission.

The City Commission requested that the City Manager telephone Mr. Stein tomorrow and write him a letter to follow up the Commission's decision and allow the process to be coordinated by City Staff.

No action was taken.

A discussion was held to consider Human Resource Development Council (HRDC) proposal to deed the gulch portion of the Affordable Housing Trust property back to the City to be used as open space and a trail.

It was the Commission's decision to direct City Manager to write a letter to the Human Resource Development Council indicating that the City is interested and will further evaluate the possibility of accepting this donation in the context of an overall trails and open space planning perspective.

A discussion was held to review the Zoning Commission's recommendation of the Ridgeview Trail Annexation.

Jim Woodhull, City Planner gave background information. It was Zoning Commission's recommendation to designate this annexed property as RII meeting density residential zoning (RII) medium density residential zoning.

Motion was made by Caldwell, second by Beebe, to approve the Findings of Facts.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to direct City Attorney to prepare an Ordinance establishing RII medium density residential zoning for the Ridgeview Trails property.

All in favor, Motion passed.

A discussion was held to consider renewal of Alliance Development Corporation contract for Economic Development services for FY 2005-06 and FY 2006-07.

Steve Golnar gave background information relating to the Alliance Development Corporation's proposal for the renewal of the contract with the City for an additional 2-year period with a funding level of \$24,000 per year. The City Commission instructed him to place this on the agenda for tonight's meeting in order to discuss the contract with Park County at the City/County meeting to be held on Wednesday, July 6, 2005.

Mr. Golnar's recommendation stated that the Economic Development Committee should be supported as the City moves into an era in the community where economic development is more possible than it has been in the past with the expanded infrastructure and available space. He also mentioned that he has not explored with the Economic Development Committee if there was anything less than \$24,000, which would allow them to continue to provide services as they have proposed.

Bob Ebinger stated that following the meeting of the Alliance Development Corporation last week that another possible funding mechanism was mentioned to him. There is \$19,000 in the revolving fund as far as interest earnings that could be used to help projects and commented that he didn't know if the Commission would want to pursue those funds or not.

Steve Golnar commented that the \$19,000 figure quoted Staff needs to investigate and review.

Vicki Blakeman stated that at one time the City talked about the Alliance Development Corporation becoming a sub-recipient and the reason why they didn't was because City Staff wasn't confident that they could carry out the duties that would be required. Shirley Ewan commented it was because the Economic Development Organizations haven't been able to keep staff consistently. Vicki Blakeman stated that this could be another avenue of funding that could go back to the Alliance Development Corporation in order for them to become self-supportive.

Shirley Ewan also stated that the Alliance Development Corporation can have 18% of the interest as a sub-recipient and not the full amount.

Dana Taylor, President of the Alliance Development Corporation stated that he will explain where the \$19,000 figure was derived from. The Alliance Development Corporation Treasurer, Tom Vincent went through the loans that are outstanding in the City Revolving Loan Fund and projected interest payments coming in on time in the next year to be approximately \$19,000. Mr. Taylor stated that he has had some discussions with Al Jones, with the Department of Commerce as to whether these funds can be used for

administration and Mr. Jones indicated to him that they could be if the Alliance Development Corporation were to become a sub-recipient.

Patricia Grabow stated that the Alliance Development Corporation (ADC) has developed a good track record better than before, and if the Commission chooses to allow ADC to be a sub-recipient then the City's goal would be ADC become self-sufficient and not have contracts with the City. Ms. Grabow feels that the ADC members are very much capable and would support the idea for ADC to become self-sufficient and not have to enter into a contract with the City.

Vicki Blakeman stated that she feels that this is a way to give ADC an incentive in order to get the money and loan the money.

Steve Caldwell stated that he feels that this would give more incentive to the ADC to pursue a greater amount of private sector funding which he feels has not been developed as much as it should have.

Bob Ebinger stated that he would like to weigh in on the sub-recipient discussion and that the City is worried about how they are going to pay for this. He commented that the contract is a two (2) year contract as opposed to a one (1) year renewable contract and was wondering if this would be possible if the City decides to go with full funding.

The Commission concurred to wait to make a decision on the ADC contract until after the City/County meeting on Wednesday, July 6, 2005 and to bring back at the next City Commission meeting on July 18, 2005 with the City Commission.

A discussion was held to consider directing Staff to seek separate quotes for landfill services, garbage transport and bids for solid waste transfer station development.

Steve Golnar stated that this was in follow-up to the City's current situation with garbage disposal. He commented that the City is hauling to Logan at this point and the City needs to evaluate their options for the future. It was suggested that the City seek to go out for proposals for landfill services, garbage transportation services and initiate the bidding process for a solid waste transfer station development separately.

Patricia Grabow commented that she is so frustrated with the role that the City has played in the entire City agreement. She believes the determination that she has created is because she is really questioning the role of the City Manager at this point to do the job that is before him. She stated that she was at a meeting one month before the City ended the contract with the Refuse Board at which Mr. Golnar stated there would be a contract at the next meeting that the City would have with the County to continue negotiations and to stay with them. Then it was put before the Commission

for the City to take a look at the development of a transfer station for the City separately. She feels that the entire complicated situation rests entirely on the shoulders of the City Manager and she is very disappointed. She questions his performance to the point where she feels that he should be evaluated and knows that he will be evaluated later. Ms. Grabow feels that what has happened in this situation was that the County was upfront with the City and the City was not upfront with the County. She thinks that the City was planning on some things and did not tell the County that they were already thinking about them. The City needs to work with the County and understand that this is important. Ms. Grabow went on to say the recommendation that the City Manager states "no" we are choosing to go separately with our own transfer station and she doesn't want the City to ride on the back ego of somebody that she wants the City to act on the best interest of the citizens of the community. She can't believe that this has come before the City Commission again! She is very disappointed that the City Manager has acted without listening to the City Commission or to be upfront with the County.

Vicki Blakeman stated that she respectively disagrees with Ms. Grabow in the respect that the City has been upfront with the County. The City has asked for figures and facts for more than a year. The City entered into an agreement with the County with the stipulation that the City and County would be able to development something together. Ms. Blakeman's feelings are that the County has let the City down. The City is part of the County and the County has not come through with what they said they would. The City has not seen solid figures from the County and the City knows what they can do with the City can do their garbage for. The City knows the County's plan is too expensive and the City has no say in what the County does and yet the City is expected to go along with them and assume that the City is doing the right thing. She doesn't think that it does justice to our City residents to make them pay more for something just because the County can't manage their landfill and the City should have access to the landfill. Ms. Blakeman feels as County residents the City residents should be able to use the landfill and the City is still working towards a plan to accomplish that. She stated in the meantime if the City can come up with a better plan to get rid of their garbage that costs less, why would the City not want to do that than go with the County with the more expensive plan.

Patricia Grabow stated with all do respect the County said it very clearly that if we are going to figure exactly how much the disposal of garbage that they could not consider the landfill into those figures. The City didn't take that into consideration. She respectively doesn't agree with Ms. Blakeman. The County has come up with figures as rapidly as they can. The County has worked very hard in developing a transfer station and has been very successful. She commented if the City would have taken the landfill figures into account then the figures probably would have been more than what the County figures proposed were. The City has to consider the entire picture! She stated that the City has to take a serious look in respect to asking

themselves are we a part of this County or are we not. She is not in favor of the City duplicating services and thinks that the City should be working with the County.

Bob Ebinger stated that he disagrees entirely with Ms. Grabow that the County is acting in good faith. He believes that when the Refuse Board voted the City out that it is not acting in good faith. Mr. Ebinger also stated that he does agree with Ms. Grabow on having duplicate systems with the City and the County for solid waste disposal. He thinks at this point of time the City needs to go out for bid to get a separate quote on a transfer station and coordinate with the County with them going out for bid for a transfer station in the respect of who has the best answer. He thinks that the City is a part of the County and that the City should have access to the landfill and the County now is feeling suicidal because they have quit allowing City residents to go to the landfill. The County cannot operate the landfill without the City residents. He feels that this is just another aspect of the County not thinking about the City and County together. Over a year ago the City didn't want to just be a member of the Refuse Board the City wanted to reconfigure it and have it make sense as a City and a County Refuse District and they never got there. The City and County need to be equal partners and until this happens the City and the County need to look at separate options.

Mary Beebe stated that she concurs with everything that Mr. Ebinger said. Also she added that she thinks that one of the things that everyone needs to remember is that garbage is a pragmatic issue. This is not a poker game! She mentioned that this discussion has been going on for quite some time even before she was a City Commissioner. The City passed several Resolution's asking the County to develop a system that was flexible and cost effective. The City did do a "Request for Proposals" for a transfer station last year and so this is nothing new. What is new is all of the people on the Refuse Board and two of the County Commissioners. She feels the history that is coming out is a brand new history to her. She agrees that the City has been negotiating in good faith and they have been talking upfront and having discussions with the County. We don't have to make "garbage" a political issue and most people know that garbage disposal is a central service and they just want their garbage taken care of. She feels like a spin on it but somehow the City is betraying the County and is really a disservice to all what this City Commissioner and members of this Commission have done for over a year and a half to try and reach a reasonable agreement. Granted she agrees that all of us are County residents but that doesn't mean that the City has to subject themselves to a bunch of unknown's and uncertainties the City needs some certainty. The City needs to know how much their waste disposal is going to cost and not rely on a rebate in the future from the County. The City businesses and residents need to know what is going to happen in the future. Ms. Beebe stated when a relationship becomes unreliable you leave it and you go take care of yourself until you can reach some kind of negotiating point. But you don't just sit there and

wait for the County to take the City at first hand. She is really outraged by the insinuation that the City somehow is undermining the process.

Steve Caldwell stated that there wasn't much he could add to that. He commented that he could say that the City has absolutely been straight forward with the County from day one. There has not been any hidden agenda's. Part of the problem is that the City is part of the County but the City is not part of the Refuse District and we need to remember that. He stated that the City is dealing with two (2) separate waste streams. Construction Waste and Municipal Garbage. Two separate facilities. There is no economic basis for tying this together. Mr. Caldwell stated that the City Commissioners need to remember that they represent the City not the Refuse District or the County. He stated it does make sense to work with the County but not at the cost that they have proposed for City residents to pay for disposal more than they have to.

Patricia Grabow stated that the County said that they would look at what the cost would be except for the landfill and they have never had those figures. They chose to find out what those figures would actually be. She feels that it is absolutely not a good decision and acting in good faith for the City to look at their own transfer station when there is already one in place for the County. She understands that she is a minority on this City Commission however she feels that the County has every right to put in order what the difference is without the landfill otherwise the costs are not accurate. This sets the message that the City is polarizing.

Steve Caldwell stated that he did want to point out that the County does have six (6) months of data on tonnage of the costs at the landfill in which there volume are less than what would be seen in the summer so their estimates based on those costs in fact would be conservative. He feels that the County has enough data right now to quote the City a cost for a City resident to dispose their garbage at the landfill. This is in fact a business decision and the City needs to know their costs as well. He stated that it makes sense for the City to go ahead and pursue quotes on these services to know what the costs are. The City cannot make a decision based only on the costs given to us by the County. None of this ties the City Commission to a decision it is just information.

Patricia Grabow stated that she wants the message across to the County that this is not the final decision. This is strictly money. The County has to have the capacity to determine the figures in order to get the costs on the landfill.

Steve Caldwell stated that he couldn't say this enough that the City is exploring options and we are not making long-term decisions. Everybody needs to understand this.

Lee Harris who had spent five years serving on the City Commission in the past made comment. He was involved several times in negotiations with the

County for the garbage disposal and stated that the landfill to his understanding has a limited life left. He feels that what the City and County are doing is the best solution to the garbage disposal for City and County residents at this time.

Bob Ebinger wanted to mention that the vote on the Refuse Board for City residents to use the land was three (3) in favor and four (4) against and that it was not unanimous.

Motion was made by Caldwell, second by Beebe, to direct Staff to seek quotes for Landfill Services, Garbage Transportation Services and Bids for Solid Transfer Station development by exploring options for waste disposal for the City of Livingston.

4 in favor; Ebinger, Blakeman, Beebe and Caldwell, 1 against; Grabow, Motion passed.

A discussion was held to consider providing relief to Park County for Indigent Burial Fees at Mountain View Cemetery.

Bob Ebinger stated that the City should work with the County on this. He suggested to reduce the cost of a plot for the County to \$150.00 and to keep the cost the same for opening and closing of the grave as of the March 23, 2000 rate; which is \$200.00 for an adult full-size and \$100.00 for a child full-size, and continue this for two (2) years and then re-evaluate the costs to see if we need to increase them. We need to work with the County and most indigent burials are for people that die in the City.

The Commission concurred with Mr. Ebinger and Mr. Golnar suggested to have this reflected on the March 23, 2000 rate sheet for indigent burials for the cost of \$150.00.

Motion was made by Ebinger, second by Grabow, to reduce the cost of indigent burials fees to \$150.00 per adult site and \$50.00 per child site and keep the opening and closing costs the same rate from the March 23, 2000 fee schedule for two (2) years effective July 1, 2005.

All in favor, Motion passed.

It was the Commission's decision to bring this fee schedule for the Mountain View Cemetery back to the Commission at a later date with fee increases after Staff review.

A short break was taken at 9:45 p.m.

The meeting went back into session at 9:50 p.m.

Vicki Blakeman, Chairman requested to have agenda item number (N) at this time so that Dan Rice can leave from the meeting.

A discussion was held to consider directing City Attorney and Bond Counsel to increase Special Improvement Districts associated with the West End Development (PFL water and sewer extensions) by \$145,000 for a total of \$487,000.

Steve Golnar stated this increase is for the figures based on the bids exceeding the cost of the estimates.

Motion was made by Caldwell, second by Beebe, to direct City Attorney and Bond Counsel to increase Special Improvement Districts associated with the West End Development (PFL water and sewer extensions) by \$145,000 for a total of \$487,000.

All in favor, Motion passed.

A discussion was held to discuss the creation of a Public Arts Commission.

Patricia Grabow suggested working with the School District in order to develop the Public Arts Commission and Catalyst Group to see if they would be interested on working on the creation of this Public Arts Commission. This she believes would help to make the planning process take place for public art. She feels that this would avoid some of problems that the City Commission has had in the last few months.

Bob Ebinger suggested to contact Steve Fox would be the most logical person to contact or the Montana Arts Council to get information about creating the Public Arts Commission.

Steve Caldwell stated that this is a great idea and feels that this would provide a means of establishing some protocols and overall standards for public art and also provides a vehicle for public input.

Chairman, Blakeman suggested that this issue be taken up in the Fall, as things were busy at present.

A discussion was held to confirm from the Commission on the direction of action minutes to be prepared for the minutes of the City Commission meetings.

After much discussion of the Commission it was determine to prepare modified action minutes for the Commission meetings.

Motion was made by Caldwell, second by Beebe, to direct Staff to move forward with modified basis minutes.

All in favor, Motion passed.

A discussion was held to consider approving funding for the Public Works Project Coordinator position effective July 1, 2005 annual salary of \$31,200.00.

Motion was made by Ebinger, second by Caldwell, to approve funding for the Public Works Project Coordinator effective July 1, 2005 at an annual salary of \$31,200.00.

All in favor, Motion passed.

A discussion was held to consider appointment of new Trails and Greenways Task Force member to replace Lynn Chan.

Lynn Chan has indicated to the Trails and Greenways Task Force that she would not be able to attend meetings during the Summer due to her construction involvement in Yellowstone National Park.

The Trails and Greenways Task Force recommended Rachel Feigley who they were seriously considering for their joint appointment as the 7th member but instead choose Diane Taliaferro. Ms. Feigley is a city resident.

Motion was made by Ebinger, second by Caldwell, to approve appointment of Rachel Feigley to the new Trails and Greenway Task Force to replace Lynn Chan.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Bob Ebinger wanted to thank Staff for giving the information on the parking ticket break down.
- Bob Ebinger commented on the letter concerning the north side of town of the need for public parks. We are not alone on this and the City needs to find areas for appropriate parks and see what is available.
- Bob Ebinger also commented that the City needs to address the handicapped access issue and wants Staff to come up with some ideas.
- Steve Caldwell stated that if the City doesn't plan for Parks in specific locations it is probably not going to happen and asked to pursue solutions as soon as possible.
- Steve Caldwell asked about the "B" Street Parking Lot issue and wondered why it had not been taken care of. Steve Golnar stated that the individuals involved have not been able to get together. Mr. Caldwell requested to have this resolved by next meeting and do what we can.

- Steve Caldwell asked about the MRL and City of Livingston priority issues and what does the City do in the long term. Steve Golnar stated that the City thought that this was resolved with MRL but the alternative was not still available by the time the City was ready to put the project out for bids. Mr. Caldwell suggested that the City needs solutions and that perhaps eminent domain may be appropriate.
- Vicki Blakeman wanted to know where the City was with CTEP at Exit No. 333. Steve Golnar stated that the City didn't get any bids when it was advertised and what is holding it up now for re-advertising is the site for the electricity to operate the sign. The Commission would like to see something soon.

Commissioner Grabow Comments:

- She stated that she has a serious concern regarding the memo that she received from Mr. Golnar regarding the Development Review Committee (DRC). Her suggestions was and she stated: "She cannot be as a City Commissioner in a position where she finds a lot of audio-modified public acre development after everybody in the community knows about it." She believes that this is an oversight role of the City Manager by the City Commission and that she should be able to attend these DRC meetings. She suggested that City Staff have a workshop to explain to the Commission what the DRC does in detail and in order for the City Commission to better participate and find out information on the design review process so that the City Commission is not denied their responsibilities. She feels like she is in the dark and finds that disappointing.

Commissioner Ebinger Comments:

- He asked about the Automated Garbage Truck inspection and wanted to know what happened. Clint Tinsley stated that they did inspect the truck and did not buy that truck but found one in Denver that they brought to Billings and purchased that truck for \$260 less than what was approved by the Commission.
- He noticed the trees at the East Side School are in very poor condition and this is a bad example for the City. He proposed to have the trees to be watered and find some kind of solution to resolve this issue.
- He also asked about the sprinklers being required on the North Side of the towns new housing in that this would allow for emergency services to get there in a timely manner and asked to be sure that this issue not be forgotten.
- He stated the subject of the Refuse District whether the City is part of the County and if City residents can use the landfill. He feels that this is the Attorney General's opinion and asks the City Attorney to pursue this.

Commissioner Beebe Comments:

- She asked about the "H" Street project of the trees on the street and wondered what was done with the trees. Clint Tinsley stated that only one (1) tree was taken out along "H" Street and the State is actually bringing out the curb so as to not disturb the roots of the trees.
- She asked about the possibility of increasing dog licensing fees being increased to support the Spay/Neutered vouchers that would be administered to the Stafford Animal Shelter. The Shelter lost their grant and they need help in investing ways to prevent cleaning up the mess of the abundance of animals.

Commissioner Caldwell Comments:

- He asked about the funding for the Railroad Crossing Feasibility Study. Steve Golnar stated that the City is proposing \$25,000 with \$25,000 from the County but the County hasn't committed to that. Mr. Caldwell asked to speed up the process of this study as it is a very important issue.
- He wondered what the status was on the development of the design guidelines. Jim Woodhull stated that the Zoning Board decided to slow down on this and revisit the whole concept of what it was for.

Chairman, Blakeman Comments:

- She stated that she had a question from a constituent that lives up on North Main Street that the road was torn up early in the Spring and they wondered if that was going to just be a patch or was it going to be chipped and sealed. Clint Tinsley stated that it should be patched in the next two weeks. This person can call the Utility Office if they have any questions at 222-1142.

No Public comments were given.

Motion was made by Ebinger, second by Beebe, to adjourn the meeting there being no further business. Motion passed.

The time was 10:59 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION SPECIAL MEETING
July 7, 2004
6:30 P.M.

The Livingston City Commission met in special session on Thursday, July 7, 2005 in the Community Room in the City/County Complex. Commissioners present were Bob Ebinger, Steve Caldwell, Mary Beebe and Patricia Grabow. Vicki Blakeman arrived later at 7:03 p.m.

The City Attorney's evaluation was undertaken first. It was noted by the majority of the City Commission that the City Attorney's performance met standards.

The meeting went into executive session at 7:37 p.m.

In closing the special meeting of the City Commission, Chairman Blakeman determined that the performance evaluation of City Manager, Steve Golnar, was a matter of individual privacy and that the substantial value of a confidential evaluation was apparent and clearly exceeds the merits of public disclosure.

Thereafter, the City Commission went into executive session for the performance evaluation of the City Manager, Steve Golnar.

The City Commission came out of executive session at 8:02 p.m.

Motion was made by Ebinger, second by Beebe, to adjourn the meeting there being no further business. Motion passed.

The time was 8:04 p.m.

ATTEST:

APPROVED:

Bruce Becker
CITY ATTORNEY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
July 18, 2005
7:30 P.M.

The Livingston City Commission met in regular session on Monday, July 18, 2005 in the Community Room in the City/County Complex. Commissioners present were Vicki Blakeman, Mary Beebe, Steve Caldwell, Patricia Grabow and Bob Ebinger.

Staff Members present were Bruce Becker, Steve Golnar, Shirley Ewan, Darren Raney, Clint Tinsley, Jim Mastin, Jim Woodhull and Pam Payovich. Peggy Glass was absent.

Motion was made by Ebinger, second by Beebe, to approve consent items as follows:

- A. Approve July 5, 2005 Regular City Commission Meeting Minutes.
- B. Approve July 13, 2005 Special City Commission Meeting Minutes.
- C. Accept Bills and Claims for 1st half of July & Pre-pays for FY 05-06.
- D. Department Heads Monthly Reports and Other Minutes.

Bob Ebinger requested on page 11 of the minutes under his comments to delete the sentence: "He was at the Refuse Board meeting last week and they voted the City out".

Mr. Ebinger asked about the claim from Columbine Control Company and wondered what this was for. Shirley Ewan stated that the materials purchased from Columbine Control Company was for the Wastewater Treatment Plant.

Mr. Ebinger also asked why the Northwestern Energy bills were not on the claims. Ms. Ewan stated that the City hasn't received the billing from Northwestern Energy yet.

Mary Beebe requested on page 11 of the minutes under her comments to change the word "traumatic" to "pragmatic" so as to read: "Also she added that she thinks that one of the things that everyone needs to remember is that garbage is a pragmatic issue."

Steve Caldwell requested on page 4 of the minutes under his comment to change the word "stated" to "confirmed" and delete "it is contiguous to" and add "that the property" so as to read: "Bruce Becker confirmed that the property is part of the City".

Steve Caldwell requested on page 12 of the minutes under his comment to change the word "Board" to "District" so as to read: "Part of the problem is that the City is part of the County but the City is not part of the Refuse

District and we need to remember that." Mr. Caldwell also requested on page 12 of the minutes under his comment to add the word "only" so as to read: "The City cannot make a decision based only on the costs given to us by the County". Also on page 12 Mr. Caldwell requested to change the word "concrete" to "long-term" so as to read: "Steve Caldwell stated that he couldn't say this enough that the City is exploring options and we are not making long-term decisions."

Mr. Caldwell requested on page 14 of the minutes under his comment to change the word "of" to "for" so as to read: "Steve Caldwell stated that this is a great idea and feels that this would provide a means of establishing some protocols and overall standards for public art and also provides a vehicle for public input." Also Mr. Caldwell requested on page 14 to add the word "modified" so as to read: "After much discussion of the Commission it was determined to prepare modified action minutes for the Commission meetings." Again on page 14 Mr. Caldwell requested to change the word "bases" to "basis" so as to read: "Motion was made by Caldwell, second by Beebe, to direct Staff to move forward with modified basis minutes."

Steve Caldwell asked about the claim from Dorsey and Whitney and wondered what it was for. Shirley Ewan stated that these claims are for the revenue bonds for the water and sewer projects.

All in favor of consent items, Motion passed.

Scheduled Public Comments:

Lynn Chan, a member of the Urban Renewal Authority, made comment about the concept of ensuring the coordination of projects which take place on public property under the jurisdiction of other bodies. Ms. Chan provided a sample of her proposed format in order to follow a process in which groups coordinate projects with the City. The Commission requested that this be placed on the agenda for action at their next City Commission meeting.

Ordinances:

Motion was made by Caldwell, second by Beebe, to approve first reading of Ordinance No. 1959 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 ENTITLED OFFICIAL ZONING MAP OF CHAPTER 30 "ZONING" OF THE LIVINGSTON MUNICIPAL CODE BY DESIGNATING RECENTLY ANNEXED LAND DESCRIBED AS LOT 2 OF MINOR SUBDIVISION NO. 183 AS DEPICTED ON S/D #253, LOCATED IN NORTHWEST ¼ AND THE NORTHEAST ¼ OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 9 EAST, M.P.M., AS MEDIUM DENSITY RESIDENTIAL (RII).**

All in favor, Motion passed.

A public hearing will be held relating to Ordinance No. 1959 on August 15, 2005.

Public Hearings:

A continued public hearing was held for the second reading of Ordinance No. 1955 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GRANTING A NONEXCLUSIVE FRANCHISE TO BRESNAN COMMUNICAITONS, LLC, FOR THE PURPOSE OF CONSTRUCTING AND OPERATING A CABLE TELEVISION SYSTEM.**

No public comments were given.

Motion was made by Ebinger, second by Caldwell, to approve second reading of Ordinance No. 1955.

All in favor, Motion passed.

A public hearing was held for second reading of Ordinance No. 1956 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1911 AS CODIFIED IN SECTION 10-6 OF THE LIVINGSTON MUNICIPAL CODE BY PROHIBITING AMPLIFIED SOUND WHICH CAN BE HEARD AT A DISTANCE OF 50 FEET FROM THE VEHICLE CAUSING THE SOUND BY EXTENDING THE NOISE PROHIBITION TO 24 HOURS PER DAY.**

Vicki Blakeman, Chairman commented that this Ordinance is the same as what is on the books now and the only difference is that it will be effective for 24 hours instead of the hours from 10:00 p.m. to 7:00 a.m.

Motion was made by Caldwell, second by Beebe, to approve second reading of Ordinance No. 1956.

All against, Motion denied.

The City Commission directed the City Attorney to research the "vibration coming from a vehicle at a distance of 50 feet" referring to an Ordinance in Tucson, Arizona, and to possibly incorporate this into the existing Ordinance for Amplified Sound and bring back a draft Ordinance at the next City Commission meeting for their consideration.

Resolutions:

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3652 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTABLISH FEES FOR SUBDIVISION REVIEW, ZONING ADMINISTRATION AND CALLING FOR A PUBLIC HEARING.**

All in favor, Motion passed

A public hearing will be held on August 1, 2005 to Establish Fees for Subdivision Review and Zoning Administration.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3653 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO CONSTRUCTION AGREEMENT WITH A.M.E., INC. FOR ONE-MONTH SEWER IN THE AMOUNT OF \$1,370,695.00.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3655 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH CTA NELSON ENGINEERING FOR WASTEWATER TREATMENT PLANT PROJECT IN THE AMOUNT OF \$203,400.00.**

Steve Golnar stated that the Commissioners authorized him to execute a funding agreement with the Corp of Engineers and commented that he is waiting to confirm funding availability to allow for this project to continue. He suggested to the Commission to pass this Resolution contingent upon confirmation of funding from Corp of Engineers Section 595 Program.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3655 contingent upon confirmation of funding from Corp of Engineers Section 595 Program.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3655 as amended.

All in favor, Motion passed.

Resolution No. 3656 was scheduled for approval but was requested by City Staff to be taken off of the agenda for the Commission's consideration indefinitely.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3658 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 179; AUTHORIZING AN INCREASE TO \$487,000 IN PRINCIPAL AMOUNT OF BONDS TO BE DRAWN UPON, AND SPECIAL ASSESSMENTS LEVIED IN, THE DISTRICT, AND AMENDING RESOLUTION NOS. 3612 AND 3625 IN THIS RESPECT.**

All in favor, Motion passed.

A discussion was held to appoint Jill Kraus to the City/County Health Board as a City representative.

Jill Kraus was the only one that applied for this vacancy to the City/County Health Board.

Motion was made by Ebinger, second by Beebe, to appoint Jill Kraus to the City/County Health Board as a City representative.

All in favor, Motion passed.

The next two items on the agenda were relating to PrintingForLess.com. Vicki Blakeman, Chairman, recused herself from these discussions as she is an employee of PrintingForLess.com.

A discussion was held to consider approval of the CDBG Grant Draw #7 Training Grant for PrintingForLess.com in the amount of \$3,450.72.

Motion was made by Caldwell, second by Beebe, to approve CDBG Grant Draw #7 Training Grant for PrintingForLess.com in the amount of \$3,450.72.

4 in favor; Beebe, Grabow, Ebinger and Caldwell, 1 recused;
Blakeman, Motion passed.

A discussion was held to consider approval of payment of \$1,748.13 to Alliance Development Corporation for the Draw #7 PrintingForLess.com CDBG Grant.

Motion was made by Caldwell, second by Ebinger, to approve payment of \$1,748.13 to Alliance Development Corporation for the Draw #7 PrintingForLess.com CDBG Grant.

4 in favor; Grabow, Caldwell, Ebinger and Beebe, 1 recused;
Blakeman, Motion passed.

A discussion was held to designate terms for the Urban Design Advisory Committee appointees.

It was the concurrence of the City Commission to allow the appointees of this Urban Design Advisory Committee to determine their own term assignments.

There is also an advertisement for additional members to this Committee and the deadline is July 25, 2005 at 5:00 p.m. It was determined by the Commission to have interviews with applicants on July 26, 2005 starting at 6:00 p.m.

A discussion was held to consider renewal of the Alliance Development Corporation contract for Economic Development Services for FY 2005-06 at \$24,000 per year and alternative sub-recipient funding strategy and relationship.

Bob Ebinger requested a Workshop be scheduled with City staff to provide the Commission with more information about a sub-recipient agreement.

It was the concurrence of the Commission to have a Workshop on July 26, 2005 at 7:00 p.m. to discuss the model of a sub-recipient in order to better understand its purpose.

A discussion was held to consider directing the City Attorney to work with Park County Civil Attorney to research alternatives to Park County Refuse Board legal structure to give equal representation and authority to both the City and County participants.

Motion was made by Ebinger, second by Grabow, to direct the City Attorney to work with the Park County Civil Attorney to draft legal options and operational plans with the relevant personnel for the City and County to jointly handle and administer refuse collection and disposal.

All in favor, Motion passed.

A discussion was held to propose a response to the Refuse Board on what the City wants regarding Solid Waste Disposal concerns.

Motion was made by Caldwell, second by Ebinger, to direct City Attorney to write a letter to the Refuse Board on what the City wants regarding Solid Waste Disposal.

All in favor, Motion passed.

Discussions were held to consider authorizing the expenditure and approve payment of up to \$2,000 to purchase cardboard baler at auction.

Motion was made by Ebinger, second by Beebe, to authorize the expenditure and approve payment of up to \$2,000 to purchase cardboard baler at auction.

All in favor, Motion passed.

A discussion was held to review proposed City/County GIS Agreement and direct City Manager to send draft letter to Park County Commission.

After much discussion the following changes of the letter were requested of the Commission:

1. 3rd Whereas – Delete “annual basis” and add “quarterly basis” to read: “Whereas, the GIS Coordinator is a County employee and the City will reimburse the County for one-half of the GIS budget on a quarterly basis.”
2. Section 4 – First sentence should add “by June 30th” to read: “On an annual basis, the GIS Coordinator will submit to the City and the County the anticipated budget for the upcoming fiscal year by June 30th. Second sentence should add “and City” to read: “After the County and City have approved the budget for that fiscal year,.....”
3. The second paragraph of Section 4 should have the following additional language added to it: “The total cost increases to this budget shall not exceed 4% for fiscal year unless agreed to by both parties.”
4. Delete Section 9.

The City Manager’s written comments were reviewed.

- Bob Ebinger asked about the Depot letter and inquired about the payment to the Contractor and wondered if the City is paying the Contractor before the City gets the money. Shirley Ewan stated that is how the City does all contracts.
- Bob Ebinger asked about the Krohne water line issue and wondered what the status was. Bruce Becker stated that Clint Tinsley and himself met last week about this and Mr. Becker is in the process of drafting a letter to send back to the Krohne’s addressing Clint’s concerns in order to get this issue resolved.
- Steve Caldwell asked about the status of the “B” Street Parking lot. Steve Golnar stated that the Public Works Director wasn’t able to attend the last meeting and will coordinate another meeting with Mr. Tinsley and the other people involved in this so that the City can move forward.

Commissioner Grabow Comments:

- She mentioned that the City has sadly lost a very wonderful young man this last week who was the Governor of the Moose Lodge and wanted to offer her condolences to his family and friends. His name was Walker Wilmuth.

Commissioner Ebinger Comments:

- He wondered about the Landscaping project and understands that it is the electrical that is holding this project up. Steve Golnar stated the City is going to move forward without the electrical issue and the other issue is the size of the pipe that feeds the irrigation system. The request was to possibly consider a 2” pipe to go to that system and after pricing out the pipe it was too expensive. Mr. Golnar stated that this will go out for bid after specifications have been updated with Jodi Litchfield, Project Coordinator.

- He asked about the status of the Attorney General's opinion of the County not allowing the City to use the Landfill. Bruce Becker commented that he was still working on it.
- He stated that he had several citizens ask about "H" Street if it was going to be chip sealed between now and when the State is going to tear it up again next year. Clint Tinsley stated that the Contractor should be done sometime next week and then the City will put asphalt on "H" Street and will try to keep up with it until next year.
- He asked about the wading pool closures. Bruce Becker submitted a memo to the Commission concerning this issue and summarized for them. Mr. Becker suggested that City Staff to post temporary signs to say either or both to say: "NO LIFEGUARD ON DUTY" and/or "ADULT SUPERVISION REQUIRED" before considering to open the wading pools. City Staff will look into opening the pools.

Commissioner Beebe had no comments.

Commissioner Caldwell Comments:

- He said that Mr. Woodhull stated at the last meeting that the Zoning Commission was going to slow down on their guidelines and was wondering what the status was since then. Vicki Blakeman stated that the City Planning Board has not had a meeting yet to initiate this. Mr. Caldwell asked to keep the Commission up-to-date on this.
- He wanted to know what the status of the Old Water Works Building was and if Staff was going to develop some recommendations as far as footprints of the property being considered for sale by the City. Steve Golnar stated that Staff is in the process of developing these guidelines and will look at the blueprints to develop the footprints identifying the sub-structure.

Chairman Blakeman Comments:

- She stated that she had a few people ask her about the weeds along the bike path on Highway 89 South and commented that she has noticed that some have been mowed but then the weeds on the other side of the fence of the railroad right of way haven't been mowed. She requested that this be taken care of as soon as possible. Clint Tinsley stated that the County was going to spray the weeds but it may be that the cost of the chemicals have gotten too expensive.
- She also stated that she had another question from a citizen about the lights on 3rd Street and wanted to know if the City has an idea as to when they were going to be available. Clint Tinsley commented that it could be another two to three months before the lights are available.

Public comments given:

- Co Engelhart of 430 South 8th Street made comment about the past City Managers and stated that he feels that Steve Golnar has done a very good job for the City of Livingston as City Manager. Mr. Engelhart thanked Steve Golnar for his services as City Manager and wished him good luck.
- Thomas Burns of 501 South 7th Street made comment of the problems that occur when it rains resulting in water flooding his garage. He requested assistance from City Staff to help in resolving this problem.

The meeting went into closed session at 9:00 p.m.

The meeting reconvened at 9:10 p.m.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3657 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ACCEPTING CITY MANAGER'S PROPOSED SEVERANCE AGREEMENT.**

All in favor, Motion passed.

A discussion was held to consider accepting City Manager's letter of resignation.

Motion was made by Caldwell, second by Beebe, to accept City Manager's letter of resignation.

All in favor, Motion passed.

A discussion was held to appoint the Acting City Manager.

Motion was made by Ebinger, second by Caldwell, to appoint Darren Raney as Acting City Manager contingent upon terms of appointment being agreed on.

All in favor, Motion passed.

It was the concurrence of the City Commission to have a meeting between Darren Raney, Vicki Blakeman and Mary Beebe on Tuesday, July 19, 2005 at 7:00 p.m. to discuss terms of being appointed Acting City Manager.

A Special Meeting will be held on July 25, 2005 at 6:30 p.m. to consider Darren Raney's contract for Acting City Manager. Also on July 25, 2005 at 7:00 p.m. there will be a Budget Workshop for the City Commission and City Staff to discuss budget issues.

Motion was made by Ebinger, second by Grabow, to adjourn the meeting there being no further business. Motion passed.

The time was 9:20 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
August 1, 2005
7:30 P.M.

The Livingston City Commission met in regular session on Monday, August 1, 2005 in the Community Room in the City/County Complex. Commissioners present were Bob Ebinger, Vicki Blakeman, Patricia Grabow, Mary Beebe and Steve Caldwell.

Staff Members present were Bruce Becker, Darren Raney, Shirley Ewan, Clint Tinsley, Jim Mastin, Jim Woodhull, Peggy Glass and Pam Payovich.

Motion was made by Caldwell, second by Beebe, to approve consent items as follows:

- A. Approve July 18, 2005 Regular City Commission Meeting Minutes.
- B. Approve July 25, 2005 Special City Commission Meeting Minutes.
- C. Accept Bills and Claims for 2nd half of July & Pre-pays for FY 05-06.
- D. Approve Special Event Request for the annual "Bark in the Park" from Stafford Animal Shelter to be held on August 28, 2005 contingent upon Staff review.

Patricia Grabow requested on page 11 of the minutes in her comments to listen to the tape in order to determine what the actual message was that she stated in her comments.

I, Pam Payovich, Recording Secretary, have listened to the tape and have determined the following message to be added to the minutes:

What is underlined is what I have added to the July 25, 2005 Special City Commission minutes.

Commissioner Grabow Comments:

- She requested with the interim City Manager if any memos or correspondence that goes beyond the City Manager's desk could be forwarded to the City Commission before being presented to the recipient. Ms. Grabow referenced a letter that had been recently sent to the County and the Refuse District, which she felt did not reflect the City's intent. After much discussion, the City Commission concurred that the letter did reflect what the Commission directed the City Manager to write.

Regarding the claim from Diamond D Construction, Ms. Grabow suggested to change the word "root" to "roof" to read: "Depot Roof Project".

Also Ms. Grabow commented about the claim from Northwestern Energy and requested if the City could check into receiving an energy efficient lighting

test from Northwestern Energy. This could allow for the City to receive some funding for improvements to the lighting in order for the City to bring the costs of the City's bills down at a more efficient price.

Ms. Grabow also asked what the claim from Rockin Micro was for and was it for the whole year. Peggy Glass stated that this included one computer and the total amount of the claim was for the whole year.

Bob Ebinger asked about the special event request from the Stafford Animal Shelter for the "Bark in the Park" to be held on August 28, 2005 and wondered if the feces from the dogs could be cleaned up. Mary Beebe stated that while the owners are walking their dogs that they have a baggy with them to clean up their dog feces. Mr. Ebinger also mentioned that during the "Bark in the Park" walk-a-thon that everyone needs to be considerate of the neighborhood, and suggested we notify them to be sure they clean up after their dogs.

Steve Caldwell requested of the minutes on page 1 to delete the words "and will be corrected" in order to read: "Bruce Becker confirmed that the property is part of the City ~~and will be corrected~~".

Mr. Caldwell also requested on page 6 of the minutes to change the word "of" to "by" in order to read: "After much discussion the following changes of the letter were request of by the Commission".

Steve Caldwell asked on page 5 of the minutes to change the word "term" to "assignment" in order to read: "It was the concurrence of the City Commission to allow the appointees of this Urban Design Advisory Committee to determine their own assignments". The City Commission determines the terms.

Vicki Blakeman asked about the claim from John P. Mabie, CPA for consulting the Water Plant lease and wanted to know if this was for an old bill or did the City have him do more work. Shirley Ewan stated that this was for an old bill, that he was finishing up what the City had originally asked him to do.

All in favor of consent items, Motion passed.

Variances:

Jamie and Shari Barney, owners of Eyecare Professionals, located at 305 West Park Street, requested a variance from the front setback requirement for Highway Commercial Zoning Districts. They wished to build an addition onto their existing building, which would extend out to the front property line. Code requires a twenty-five (25) foot front setback.

Jim Woodhull gave background information relating to this request.

After much discussion from the Commission, including comments from Dale Sexton of 319 North Main Street, it was determined to post-pone any decision on this variance request until the next meeting.

Chairman Blakeman asked Mr. Woodhull if he would request from the Architect of Eyecare Professionals a set of architectural drawings in order for the Commission to review this proposed variance prior to making a decision.

Motion was made by Ebinger, second by Beebe, to post-pone Jamie and Shari Barney, owners of Eyecare Professionals, located at 305 West Park Street, variance request from the front setback requirement for Highway Commercial Zoning Districts.

All in favor, Motion passed.

Public Hearings:

A public hearing was held for Resolution No. 3658 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING AN INCREASE TO THE CITY'S AGGREGATE PRINCIPAL AMOUNT OF THE CITY'S SPECIAL IMPROVEMENT DISTRICT NO. 179 BONDS TO \$487,000, AND SPECIAL ASSESSMENTS LEVIED IN THE DISTRICT, AND AMENDING RESOLUTIONS NO. 3612 AND 3625 IN THIS RESPECT.**

Jim Hunt of 417 South 9th Street asked how this would affect all property owners. Shirley Ewan stated that this is just for PrintingForLess.com property and has nothing to do with any other property owners.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3658.

Patricia Grabow stated that she didn't quite see how this job's cost could have been under estimated and was concerned about the process.

Shirley Ewan stated that the cost of construction was increased because of the addition of the pump station.

All in favor, Motion passed.

A public hearing was held for Resolution No. 3661 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING FEES FOR SUBDIVISION REVIEW AND ZONING ADMINISTRATION.**

No public comments were given.

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3661.

All in favor, Motion passed.

Resolutions:

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3654 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING INTERLOCAL AGREEMENT WITH PARK COUNTY, MONTANA, FOR GEOGRAPHIC INFORMATION SYSTEM.**

Steve Caldwell requested some minor changes on page 3 in the agreement. They are as follows:

1. "The total cost increases to this budget shall not exceed 4% for each fiscal year unless agreed to by both parties."
2. "Such sources of funding may include, but not be limited to, weed and pest control, Enhanced 911, City or County departments or State or Federal program grant assistance."
3. "Funding shall be reviewed quarterly to take into consideration any additional funding which may be obtained and may be used to offset the parties' obligations hereunder."
4. "Both the City and the County shall each be allowed 30 maps printed with the large format plotter each fiscal year at no cost."
5. "After the maximum number of allowable maps has been reached by either the City or the County, the department requesting the map will be responsible for paying for the map requested."

All in favor, Motion passed

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3659 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING FEE SCHEDULE FOR THE MOUNTAIN VIEW CEMETERY.**

Patricia Grabow requested to have the fee schedule changed as follows:

**Mountain View Cemetery
Fee Schedule**

~~Effective March 23, 2009~~

Cremation Site-----	\$150
Adult Site (full size)-----	\$300
Child Site (under five years of age)-----	\$100
Park County Indigent Burials (Adult Site)-----	\$150

~~(Note: This fee is effective from July 1, 2005 through June 30, 2007.)~~

Park County Indigent Burials (Child Site)-----	\$ 50
---	-------

~~(Note: This fee is effective from July 1, 2005 through June 30, 2007.)~~

Adult Opening & Closing	\$200
Adult Opening & Closing on Holidays/Weekends	\$400
Ashes Opening & Closing	\$100
Ashes Opening & Closing on Holidays/Weekends	\$200
Child Opening & Closing	\$100
Child Opening & Closing on Holidays/Weekends	\$200
Adult Disinterment	\$400
Disinterment Under Five Years of Age	\$200

CONTACTS

	<u>Phone #</u>
Chuck Counts – Cemetery	222-3119
Pam Payovich – Administrative/Recording Secretary	823-6001
Franzen – Davis Funeral Home	222-2531

All in favor, Motion passed.

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3662 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CHAIRMAN OF THE CITY COMMISSION TO SIGN WARRANTY DEED CONVEYING CITY PROPERTY TO U.S. SEAMLESS OF SW MONTANA.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3663 with change from two to four reserved parking places – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING LEASE OF LIVINGSTON SCHOOL DISTRICT PROPERTY FOR PUBLIC PARKING.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3664 with the changes in red – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING LEASE OF LINCOLN SCHOOL FOUNDATION PROPERTY FOR PUBLIC PARKING.**

All in favor, Motion passed.

The Commission thanked Darren Raney and Clint Tinsley for getting the Resolution's completed with the Livingston School District and the Lincoln School Foundation for the lease of the "B" Street Parking Lot in a timely manner.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3665 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RELATING TO \$161,000 SPECIAL IMPROVEMENT**

DISTRICT NO. 179 BOND (DNRC REVOLVING LOAN PROGRAM), SERIES 2005A; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF AND PROVIDING FOR THE SECURITY THEREOF.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3666 – **RELATING TO \$326,000 SPECIAL IMPROVEMENT DISTRICT NO. 179 BOND (DNRC DRINKING WATER REVOLVING LOAN PROGRAM), SERIES 2005B; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF.**

All in favor, Motion passed.

Motion was made by Ebinger, second by Caldwell, to approve Resolution No. 3667 – **RELATING TO \$694,000 TAXABLE TAX INCREMENT INDUSTRIAL DISTRICT REVENUE BOND (DNRC REVOLVING LOAN PROGRAM), SERIES 2005A; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF AND AMENDING RESOLUTIONS NOS. 3590 AND 3591.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3668 – **RELATING TO \$338,000 TAXABLE TAX INCREMENT INDUSTRIAL DISTRICT REVENUE BOND (DNRC DRINKING WATER REVOLVING LOAN PROGRAM), SERIES 2005B; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3669 – **RELATING TO \$700,000 WATER SYSTEM REVENUE BOND (DNRC DRINKING WATER REVOLVING LOAN PROGRAM), SERIES 2005A; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3670 – **RELATING TO \$200,000 WATER SYSTEM REVENUE BOND (DNRC DRINKING WATER REVOLVING LOAN PROGRAM), SERIES 2005B; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF.**

All in favor, Motion passed.

Actions Items:

A discussion was held to consider appointing Bonnie Severson to the Urban Design Advisory Committee as a member of the Senior Citizens Center representative and to re-advertise for the vacant position of an architect, an artist or in the alternative, an additional member of the Urban Renewal Authority.

Motion was made by Ebinger, second by Beebe, to appoint Bonnie Severson to the Urban Design Advisory Committee as a member of the Senior Citizens Center representative and to re-advertise for the vacant position of an architect, an artist or in the alternative, an additional member of the Urban Renewal Authority.

All in favor, Motion passed.

A discussion was held to consider the proposed "Livingston City Projects - Review Checklist" sample format from the Urban Renewal Authority.

After much discussion with the Commission it was determined to have City Staff review this checklist and respond back to the Commission at a later City Commission meeting.

A discussion was held to review request to abandon 13th Street between Montana and Gallatin Streets and the alley in Block 22 of the Palace Addition from Don Eastep.

Motion was made by Ebinger, second by Caldwell, to approve request to abandon 13th Street between Montana and Gallatin Streets and the alley in Block 22 of the Palace Addition.

All in favor, Motion passed.

The City Commission reviewed a Draft Ordinance - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1911 AS CODIFIED IN SECTION 10-6 OF THE LIVINGSTON MUNICIPAL CODE BY INCLUDING VIBRATIONS IN THE DEFINITION OF AMPLIFIED SOUND.**

After much discussion with the Commission and City Staff it was the concurrence of the Commission to kill this proposed Ordinance.

A discussion was held to direct the City Finance Officer and City Attorney to develop a sub-recipient agreement with the Alliance Development Corporation (ADC) along with a program income plan.

Dana Taylor, President of the Alliance Development Corporation, was present for any questions from the City Commission.

It was the concurrence of the Commission to direct the City Finance Officer and City Attorney to develop a sub-recipient agreement with the ADC along with a program income plan for two (2) years to try to be presented at the next City Commission meeting.

A discussion was held to consider authorizing the City/County Grant Writer, Lori Benner, to apply for a \$10,000 grant to fund a study determining the long-term solution for Solid Waste Disposal. This study is anticipated to cost \$25,000 and if the grant is successful the City and County will each pay \$7,500.

Motion was made by Ebinger, second by Grabow, to authorize City/County Grant Writer, Lori Benner, to apply for this grant and conduct the study.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Patricia Grabow commented that she felt that Mr. Raney was doing a great job as Acting City Manager.
- Bob Ebinger concurred with Ms. Grabow and mentioned that he would not be present at the Corp of Engineers meeting on August 3, 2005.
- Vicki Blakeman wanted to remind everyone of the meeting with Mr. Ken Weaver from the Local Government Center tomorrow, August 2, 2005 from 4:30 p.m. to 6:30 p.m.

Commissioner Grabow Comments:

- She wanted to complement the community on their efforts for victims of cancer at the "Relay for Life" event.
- She stated that she would like to see some mechanism for beginning the process of implementing the long-term planning development in the City. She mentioned one of the ways of doing this would be to have a workshop in order to look at some of the possibilities. She frequently has mentioned a community development commission and suggested to schedule a workshop to hear what the ideas of people are in the community regarding this. She feels that the City has a remarkable Staff but thinks that the long-term planning for the City has been missed for a long period of time. She suggested adding an Assistant City Manager to pursue long-term planning development in the City.
- She also would like to discuss the resort tax and if there is the possibility of dedicating the collection to recreation. Ms. Grabow stated that she has talked with the legislators to possibly work the resort tax into the special session in September.
- She also asked about Carter's culvert problem and wondered if City Staff had taken care of it. Clint Tinsley stated that he priced out some culverts and gave the pricing to the County as they had informed the City that the County is in charge of culverts.

Commissioner Ebinger Comments:

- He stated that last Thursday was the 1st Film and TV Advisory Committee meeting and hopefully this committee will meet on a monthly basis.
- He commented that he had spoke with John Bohlinger, Lieutenant Governor, about boosting the tax incentive percentages in the special session. Mr. Bohlinger's reply made him feel that bringing up the resort tax issue would not be considered.
- He feels that it is a good idea to pursue an Assistant City Manager as Patricia does and to have one on board by the first of the year. The Assistant Manager could be the bureaucratic person who could be working on day-to-day functions.
- He also mentioned to his knowledge the Historic Preservation Officer has never had an evaluation and would greatly appreciate it if he would. Jim Woodhull stated that yes he has had an evaluation 8 months ago. Mr. Ebinger asked if he could have an update on the Historic Preservation Officer's performance.

Commissioner Beebe Comments:

- She wanted to know what the status was on the wading pools in the City and if anything has changed. Bruce Becker stated that he has wrote a letter to Paige Johnson, of the Department of Public Health & Human Services with his opinion of his analysis of wading pools having a lifeguard on duty during operating hours. He has not heard back from Ms. Johnson and will let the Commission know when he does.
- She also mentioned that she was approached by Hillary Taylor from Neptune Brewery at the Farmer's Market this week and said something to her about having to pay \$60.00 every time she had a booth at the Farmer's Market and wondered if this was true. Shirley Ewan stated that the City's Ordinance states that if a person sells alcohol as catering that it is \$60.00 per event. Not all of the booths at Farmer's Market have to pay this just those that are selling alcohol. Ms. Taylor was only getting charged \$35.00 per day per event and this was only for catering not catering with alcohol. The City Commission requested to have City Staff review the Ordinance for business license fees and report back to the Commission with Staff concerns and recommendations at the September 6, 2005 City Commission meeting.

Commissioner Caldwell Comments:

- He agreed with the City's long-term planning efforts at this point and thinks that the new City Manager should make this a priority and if the City needs Staff to help the City Manager with these efforts then the City needs to budget for this.
- He asked what the Mill Levy outcome was. Shirley Ewan stated that the amount of the mill went up \$304.00 per mill but the

amount of mills decreased four (4) mills. She is going to try and get the difference out of the funds before having to go towards the general fund.

- He stated that he had a concern from a resident from the North side of town about the music downtown last week at O'Ryans on several occasions. He feels that there has been a lot of confusion with the Police Department and Dispatch as to when and where the Ordinance applies. Mr. Caldwell stated that it is great to have music down town but if the music carries up hill and after 10:00 p.m. this is a source of disturbance. He asked Staff to clarify this with O'Ryans and distinguish what the Ordinance is.
- He asked if it might be useful to have a briefing from Gary Weiner from the Trails and Greenways Task Force trails survey with the City and the County for the results of the survey. The City Commission concurred to have it possibly during the first meeting in September.

Mr. Ebinger commented that he had been down at Mayor's Landing recently and wanted to know if Steve Caldwell could ask Gary Weiner if the City could request his expertise and look at the beaver dam construction problem, whether there is any or not, between Mayor's Landing and the River. He feels that the beaver dams are starting to affect the flow of the Yellowstone River. Mr. Ebinger would like Gary to give the City suggestions as to how to resolve the beaver dam problem.

Chairman Blakeman Comments:

- She commented that she does agree with the long-term planning development but feels that it is too soon to have a part-time position as she is very concerned about the budget. Once the City Manager position is filled, she feels we could then possibly pursue this part-time position of Assistant City Manager.

Patricia Grabow commented that she would like to see just the exploration of this position so if the City had a Workshop then the City Commission and City Staff could see the options out there. She also stated that she would like to have a workshop to pursue some of the ideas and then begin to explore things and not wait to get a City Manger because there may be many possibilities that the City is missing at this point. She would like to suggest individuals for this workshop and feels that the City needs more information on long-term planning.

Steve Caldwell stated that the City and County have a joint effort in growth planning in place now and is in the process of developing some goals, most of which apply to things like organizing the rules and regulations with growth outside of the City.

Patricia Grabow stated that her concern is more in terms of economic development and alternative energy and working with the City/County Grant Writer more effectively as far as the legislature with State and Congress to step up activities in this area. She requested direction from the Commission.

The Commission concurred to have Patricia go through an exploration phase and report back to the rest of the Commission.

- Vicki Blakeman stated that the Commission needs to think about time and the fact that they have a lot on their plate right now to get a City Manager on board.

Public Comments given:

- Jim Hunt of 417 South 9th requested that the Commission talk directly into the microphones as the audience cannot hear them when they speak. He suggested that the Commission invest into more microphones so that each Commission could have one microphone in front of them. This would help allow the public to hear and get involved in City government at the City Commission meetings. He concluded by saying that the Commission does have a tough job but the public needs to hear what is going on in order to get involved and thanked the Commission for their time.

The Commission requested Staff to pursue investing into more microphones.

Motion was made by Ebinger, second by Caldwell, to adjourn the meeting there being no further business. Motion passed.

The time was 9:50 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
August 15, 2005
7:30 P.M.

The Livingston City Commission met in regular session on Monday, August 15, 2005 in the Community Room in the City/County Complex. Commissioners present were Bob Ebinger, Vicki Blakeman, Patricia Grabow, Mary Beebe and Steve Caldwell.

Staff Members present were Bruce Becker, Darren Raney, Clint Tinsley, Jim Mastin, Jim Woodhull, Peggy Glass and Pam Payovich. Shirley Ewan was absent.

Motion was made by Caldwell, second by Ebinger, to approve consent items as follows:

- A. Approve August 1, 2005 Regular City Commission Meeting Minutes.
- B. Accept Bills and Claims for 1st half of August & Pre-pays for FY 05-06.
- C. Department Heads Monthly Reports and Other Minutes.

Patricia Grabow asked about the claim from Logan Landfill and wondered how much tonnage this bill was for. Clint Tinsley stated that the cost is \$27.00 per ton so the tonnage would be 469 tons for this month.

Bob Ebinger asked about the claim from Bearclaw Petroleum and wondered what the line item for solid waste was for. Clint Tinsley stated that this claim was for fixing the hydraulics on the garbage trucks and for a couple of tires on one of the garbage trucks. He also commented that the trucks are getting approximately 17 miles per gallon but will need complete set of tires within the next six months and higher maintenance which is already estimated in the proposed budget for FY 2005-06.

Mr. Ebinger asked about the minutes from the April 12, 2005 Historic Preservation Commission pertaining to the design review for the Yellowstone Boot Company for their sign and commented that their signage was erected without a permit or approval for the sign from the Board. Mr. Ebinger asked that City staff come up with some ideas to have all businesses comply with regulations in this matter.

Patricia Grabow added that Montana Edge has been out of compliance with their signage for two (2) years and other businesses have also.

Bob Ebinger also asked about the claim from the Library for utilities and commented that Milla Cummins had stated to him that these utilities were for the Library during the new construction. He would like to see if the City could help with the Library's controlling their expenses during these times.

Mr. Ebinger also commented about the Library budget and stated that he didn't see where the City's contribution was noted.

Vicki Blakeman stated that she believes that the City contributes part of a mill to the Library budget. She would like to clarify this with Shirley Ewan, Finance Officer as to what the City does contribute to the Library.

Steve Caldwell asked why the building permits for the year were not the same amount as the building permit fees in total. Clint Tinsley stated that he would find out and get back to the Commission.

Vicki Blakeman asked about the claims for sign removal and what they were for. Darren Raney stated that they were for handicap sign removal.

All in favor of consent items, Motion passed.

Variances:

Jamie and Shari Barney, owners of Eyecare Professionals, located at 305 West Park Street, requested a variance from the front setback requirement for Highway Commercial Zoning Districts. This request was tabled at the request of the Barney's.

Ted and Sandra Williams, owners of property located at 407 and 407 1/2 North 12th Street, are requesting a variance from the minimum lot size requirement for Industrial (I) Zoning districts. They wish to divide this property in order to sell one of their two existing buildings. The two resulting parcels would be approximately 3,718 sq. ft. and 5,580 sq. ft. in size. Code requires minimum of 6,000 sq. ft. per industrial parcel.

Motion was made by Caldwell, second by Ebinger, to approve Findings of Fact for variance request from Ted and Sandra Williams.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve variance request from Ted and Sandra Williams.

All in favor, Motion passed.

Dan and Tara Eddy, owners of property located at 609 South 9th Street, are requesting a variance from the front and side setback requirement for RII Zoning districts. They wish to remove an existing storage shed and place a home on this property, a portion of which would extend out to both the front and side property lines. Code requires a twenty-five (25) foot front setback and a ten (10) foot setback on a side adjacent to a street.

Jim Woodhull gave background information relating to this variance request.

Motion was made by Caldwell, second by Beebe, to approve Findings of Fact for variance request from Dan and Tara Eddy.

Bob Ebinger asked if this property was considered potential flood plain. Jim Woodhull stated that there is no flood plain designated on Fleshman Creek.

Mr. Ebinger stated that this is a fine variance to request but commented that the property owner's knew of the pre-existing conditions when they bought the property. He doesn't want everyone to think that he will approve all of the variance requests of this nature, when people purchase property knowing of the limitations for use.

4 in favor; Caldwell, Beebe, Ebinger and Blakeman, 1 against; Grabow, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve variance request from Dan and Tara Eddy.

3 in favor; Ebinger, Blakeman and Caldwell, 2 against; Grabow and Beebe, Motion passed.

Public Hearings:

A public hearing was held to approve second reading of Ordinance No. 1959 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 ENTITLED OFFICIAL ZONING MAP OF CHAPTER 30 "ZONING" OF THE LIVINGSTON MUNICIPAL CODE BY DESIGNATING RECENTLY ANNEXED LAND DESCRIBED AS LOT 2 OF MINOR SUBDIVISION NO. 183 AS DEPICTED ON S/D #253, LOCATED IN NORTHWEST ¼ AND THE NORTHEAST ¼ OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 9 EAST, M.P.M., AS MEDIUM DENSITY RESIDENTIAL (RII).**

No public comments were given.

Motion was made by Caldwell, second by Ebinger, to approve second reading of Ordinance No. 1959.

All in favor, Motion passed.

Resolutions:

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3671 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING EASEMENT FOR SEWER MAIN.**

All in favor, Motion passed.

Motion was made by Ebinger, second by Caldwell, to approve Resolution No. 3672 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ACKNOWLEDGING RECEIPT OF PRELIMINARY BUDGET, GIVING NOTICE OF A PUBLIC HEARING TO BE HELD ON SEPTEMBER 6, 2005, 2005, ON THE PRELIMINARY MUNICIPAL BUDGET FOR FISCAL YEAR 2005-2006 AND OF ITS INTENT TO APPROVE THE FINAL BUDGET ON SEPTEMBER 6, 2005, TO MAKE APPROPRIATIONS ACCORDINGLY AND TO FIX THE TAX LEVY.**

All in favor, Motion passed.

Motion was made by Ebinger, second by Caldwell, to approve Resolution No. 3673 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO DISCONTINUE AND VACATE A PORTION OF UNDEVELOPED 13TH STREET LOCATED BETWEEN MONTANA AND GALLATIN STREETS AND BETWEEN BLOCKS 21 AND 22 OF THE PALACE ADDITION TO THE CITY OF LIVINGSTON, MONTANA, AND TO DISCONTINUE AND VACATE THE UNDEVELOPED ALLEY LOCATED IN BLOCK 22 BETWEEN MONTANA AND GALLATIN STREETS ALL LOCATED IN THE PALACE ADDITION TO THE CITY OF LIVINGSTON, MONTANA.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3674 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH NITTANY GRANTWORKS NOT TO EXCEED \$19,800.00 WITHOUT PRIOR WRITTEN APPROVAL OF CITY.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3675 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH CTA NELSON ENGINEERING IN THE AMOUNT OF \$25,000.00 WITH REIMBURSABLE EXPENSES IN THE AMOUNT OF \$4,995.00 FOR THE SEWER COLLECTION SYSTEM MODELING PROJECT FOR THE CITY OF LIVINGSTON, MONTANA.**

All in favor, Motion passed.

Motion was made by Ebinger, second by Caldwell, to approve Resolution No. 3676 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH CTA NELSON ENGINEERING IN THE AMOUNT OF \$25,000.00 WITH REIMBURSABLE EXPENSES IN THE AMOUNT OF \$4,995.00 FOR THE WATER DISTRIBUTION SYSTEM MODELING PROJECT FOR THE CITY OF LIVINGSTON, MONTANA.**

All in favor, Motion passed.

Actions Items:

A discussion was held to review and consider approval of Preliminary Plat for the Ridgeview Trails Subdivision.

United States Seamless of SW Montana, owner of Lot 2 of S/D 253, located in Section 14, T2S, R9E, is proposing to subdivide this 29-acre parcel into 102 single-family and town home lots. This parcel was recently annexed by the City and is currently in process to be zoned RII residential.

Bob Ebinger and Patricia Grabow requested a workshop on this proposal before taking any action. They felt that they could not approve the finding of facts on the preliminary plat proposal.

Motion was made by Ebinger to have a workshop.

No one seconded.

Jim Woodhull stated that State Subdivision law requires the City act on a proposed subdivision within 60 days. The application was accepted on June 27, 2005 which means that the Commission would need to reconvene to take action before the end of the month.

Bob Ebinger commented about the finding of facts in the conditions about controlling the weeds. He feels it is very important for the safety and health of all citizens.

Mr. Ebinger also stated that he is concerned about the emergency services to this area because of the needed additional railroad crossing that will not be completed for at least 5 to 7 years and inquired about requiring sprinkler systems for the new development as a condition for approval.

Mr. Ebinger also asked if the landscaping could be rolling and kind of flat using a xeriscape landscaping as opposed to large scale water insensitive landscaping.

Bob Ebinger also suggested that when excavation is being done during new development to document any archeological artifacts in order to make allowances. If anything is discovered to take time out so that we are not destroying valuable archeological resources or historical artifacts.

Vicki Blakeman mentioned that she is on the Planning Board Committee. While the board was discussing this proposed preliminary plat, lighting was discussed and they felt the City should restrict lighting through a night sky ordinance. This subdivision will have yard lights at this time. She also stated that one thing that the Commission needs to remember is that the City's Growth Policy encourages infill so that residents would be with City services. We wanted tighter infill close to town, and this development complies with our growth policy.

Bob Ebinger wanted to state that he is not against this project but would like to see some conditions added with conditional approval of this subdivision proposal.

Patricia Grabow asked if the Commission had any recourse if there was miss-information in front of them in the packet. She suggested that with the Bridger and Bozeman Trails that the Commission takes a serious look at putting a bike path through both of the trails. She feels that if this proposed subdivision is on these trails that the Commission be cautious approving it tonight without knowing exactly whether the trails are there or not.

Bruce Becker stated that if there is something found on the property of historic significance that it has to be documented.

Motion was made by Caldwell, second by Beebe, to require an archeology survey under standards outlined in Federal Law being added as a condition for approval.

All in favor, Motion passed.

Sara Sandberg of the School District stated the concern that she has is about the School District property being adjacent to this property, and that a road is being planned on the easement into the subdivision. She commented that there are no plans for a new school at this time, but expressed concern about the increased traffic flow past a school if one should be built in the future.

Clint Tinsley stated that the secondary road going through the easement, from the development to 9th Street, is a provisional requirement. Also the road will be built by the developer and at their cost.

Mary Beebe concurred with Patricia Grabow in that this is a lot of information to absorb tonight to make a decision and feels that the community is going to pay the large price for this.

Cecelia Reiner, a GRI/Broker with Real Estate and Development representing the developers, spoke in favor of the Ridgeview Trails Subdivision proposal.

Motion was made by Caldwell, second by Ebinger, to approve Preliminary Plat for the Ridgeview Trails Subdivision on conditions being met as amended.

3 in favor; Ebinger, Blakeman and Caldwell, 2 against; Grabow and Beebe, Motion passed.

A discussion was held to consider letter of resignation from Cloe Erickson from the Historic Preservation Commission and direct Staff to advertise to fill vacancy for term ending January 1, 2006.

After much discussion it was determined not to re-advertise for this vacancy until January 1, 2006 due to the fact that there are already eight (8) active members on the Historic Preservation Commission.

It was requested of the Commission to have Acting City Manager write a letter to Cloe Erickson thanking her for her continued service on the Historic Preservation Commission and wish her well.

The City Manager's written comments were reviewed.

- Patricia Grabow stated that she really appreciated Mr. Raney's honesty in the memo that he presented to the Commission in which he stated his strengths and weaknesses.
- Bob Ebinger echoed Ms. Grabow's comments.

A discussion was held with the Commission to schedule a Budget Workshop on August 22, 2005 at 7:00 p.m.

- Bob Ebinger asked about the fee for liquor catering license to sell alcohol and if in fact it is \$35.00 per event. Darren Raney stated that was his opinion based upon the state license law.

It was the concurrence of the Commission to request the City Attorney to bring a revised license fee structure back to the Commission for their review and suggestions at the next City Commission meeting.

- Mary Beebe also thanked Darren Raney for his honesty in needing support and clarification from Staff with their expertise.
- Steve Caldwell asked where we stand on the paving of the "B" Street parking lot and the Park High School parking lot. Clint Tinsley stated that the "B" Street parking lot was done and that his crews have started paving at the Park High School parking lot. Hopefully all of the paving will be done by the time school starts. Mr. Tinsley also commented that all of the parking lots will be chip sealed and marked before winter comes, if possible.
- Vicki Blakeman asked about the walk through for the 2000 Landscaping Project. Pam Payovich stated that the walk through was today and that the bid closes August 26, 2005.

Commissioner Grabow Comments:

- She asked to have a workshop scheduled for subdivision review before the other subdivisions are proposed around the City.

It was the concurrence of the Commission to schedule a public workshop for subdivision review on August 29, 2005 at 7:00 p.m.

- She commented that Mr. Ebinger had mentioned that we could have the historic signs up soon and she wondered if we could contact the State to support the City in doing this.
- She commented that Department Heads are at every City Commission meeting and she was wondering if this is necessary. She was wondering if it could be considered that some Department

Heads didn't need to attend the City Commission if nothing is on the agenda pertaining to their department. Darren Raney stated that it is difficult to determine whether something is going to be discussed about a particular department until the City Commission meeting. The City does compensate Department Heads for coming to City Commission meetings by giving them 7 days administrative leave comp time for the year.

Commissioner Ebinger Comments:

- He asked for the update for the Historic Preservation Officer performance review. Jim Woodhull stated that he is working on Mr. Legge's performance review and will have it completed soon.
- He also asked if Darren could write a letter welcoming back Jeff Schoenen from his service at Iraq.

Commissioner Beebe Comments:

- She commented that she hoped that in the future the Commission could have more workshops on the information on the subdivision being proposed. She feels that a lot of her concerns about proposed subdivisions came too late and feels not very responsible as a Commissioner and would like to be better informed.

Patricia Grabow requested that the Development and Review Committee provide minutes in the packet in order to keep the entire Commission up to date on the process of the subdivision review.

- She also stated that with economic development the Section 205 Study should include the 12 houses at Mayor's Landing that are going to be built because no one has built them yet but they may get overlooked. She can't believe that area is not going to flood!

Commissioner Caldwell Comments:

- He commented that Mr. Ebinger brought up the frustration in not being able to enforce Historic Preservation standards and was wondering if the Commission could implement this in an Ordinance to enforce that. Jim Woodhull explained that the City would have the ability to remove the sign when no building permit has been issued.
- He also asked about the status of the "Night Sky Ordinance". Bruce Becker stated that he had given all of the information to Bob Ebinger. Mr. Caldwell said that he would give the examples all back to Mr. Becker and recommended to start with the Helena example and bring back to the Commission within the next three (3) City Commission meetings.
- He asked about the status of the City Manager vacancy advertisement. Vicki Blakeman asked Darren Raney to have an item on the agenda to clarify and put out the City Manager advertisement for the next meeting.

Chairman Blakeman Comments:

- She echoed the status of the City Manager advertisement.

Public Comments given:

- Bob Moore of 407 North 3rd Street commented on property being proposed as the Ridgeview Trails Subdivision. He was concerned about the old home that is adjacent to the subdivision and felt that it should be preserved, possibly as park land. He commented that there are not many of these old homesteads left any longer.
- Mr. Moore also commented as to why the City Commission is being forced to deal with so much for \$250.00 per month. He stated that his observation is that the Commission should be at least half-time positions so that their time could be more utilized in decision-making process.
- Lenny Gregory of 429 South 9th Street asked about his observation of the garbage trucks and noticed that there has been two (2) people in the cab and wondered why. Clint Tinsley stated that this is for operators in training.
- Sara Sandberg commented as a Staff member of the School District she wanted to thank Jim Woodhull, Clint Tinsley and Darren Raney for all that they have done. She also commented that it is nice to see the positive work that is being done in the community for the different entities. She stated as a private citizen her concern is the growth issues, which everyone is concerned about. She is not against growth in the City, but constantly hears that you cannot stop growth, and wonders why. She feels that the City cannot accommodate another 300 cars going across the railroad tracks. She requested of the Commission that when they look at these proposed community growth issues that they look at the community as a whole.

Motion was made by Ebinger, second by Caldwell, to adjourn the meeting there being no further business. Motion passed.

The time was 10:15 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
September 6, 2005
(Tuesday)
7:30 P.M.

The Livingston City Commission met in regular session on Tuesday, September 6, 2005 in the Community Room in the City/County Complex. Commissioners present were Mary Beebe, Patricia Grabow, Vicki Blakeman, Bob Ebinger and Steve Caldwell.

Staff Members present were Bruce Becker, Darren Raney, Shirley Ewan, Clint Tinsley, Jim Mastin, Jim Woodhull, Peggy Glass and Pam Payovich.

Motion was made by Ebinger, second by Caldwell, to approve consent items as follows:

- A. Approve August 15, 2005 Regular City Commission Meeting Minutes.
- B. Accept Bills and Claims for 2nd half of August.
- C. Approve Bid Proposal for Street Reconstruction, "I" through "L" Street, including Callender Street to Gallatin Asphalt in the amount of \$387,274.50.

Patricia Grabow requested on page 1 of the minutes to add her comments about the signage for Historic Preservation in the downtown businesses to read: "Patricia Grabow added that Montana Edge has been out of compliance with their signage for two (2) years and other businesses have also".

Ms. Grabow also wanted to apologize for her comment regarding the Bridger and Bozeman trails during the discussion last week of the proposed preliminary plat approval for the Ridgeview Trails Subdivision. She stated that she did clarify that the trails do not go through the Ridgeview Trails Subdivision.

Bob Ebinger requested on page 8 of the minutes to clarify Commissioner Caldwell's comments about enforcing Historic Preservation standards and what Jim Woodhull said to read: "Jim Woodhull explained that the City would have the ability to remove the sign when no building permit has been issued".

Bob Ebinger asked about the claim from Chemsearch and wondered what this was for. Clint Tinsley stated that he would ask Eddie Miller, Parks & Recreational Foreman what this claim was for and report back to the Commission at the next meeting.

Mr. Ebinger asked about the claim from Minnesota Trapline Products and had questions regarding the use of traps in the City. Clint Tinsley stated that the claim was for live traps used for skunks, stray cats and beavers.

Mr. Ebinger expressed concern about traps causing injury to pets and wanted to ensure the City was taking precautions.

Mr. Ebinger asked about the claim from Moore, O'Connell & Repling and wanted to know how the water rights issue is coming along. Bruce Becker stated that the application has been submitted to the Department of Natural Resources and Soil Conservation and should be completed soon.

Mr. Ebinger expressed concern about the claim from Northwestern Energy for the Swimming Pool and requested that Staff figure ways to reduce the heating costs. He acknowledged full support for the swimming pool and recreation.

Ms. Beebe asked about the claims for the refunds of impact fees. Darren Raney stated that these impact fees were illegally collected under an old City Ordinance that has been repealed by the City Commission. Bruce Becker stated that these refunds apply to police and fire only.

Ms. Beebe inquired about the bill from Northwestern Energy and wondered if any of the pump claims are going to be removed from Northwestern Energy's bill when the new sewer line is installed. Clint Tinsley stated that the claim for the pump station at 9th and Cambridge for Northwestern Energy would be eliminated.

Vicki Blakeman asked about the claim from Park County Sheriff for bookings and wanted to know if this was an average. Darren Raney stated that this would be about average.

All in favor of consent items, Motion passed.

Personnel Recognition:

A recognition ceremony was held for Firefighter Jeff Schoenen for his services in Iraq. Chairman, Vicki Blakeman presented Mr. Schoenen with a plaque thanking him for his devoted services.

Variances:

Nathan and Kathleen Kirsch, owners of property located at Loves Lane and Willow Lane and described as Lots 3 and 4 of the Acreville Subdivision, requested a variance from the maximum building height for High Density Residential (RIII) Zoning districts. They wish to develop this ten (10) acre parcel into a condominium subdivision consisting of ten (10) buildings. Four of these buildings are proposed to be 44 feet tall and four are proposed at 46 1/2 feet tall. Code allows a maximum building height of 36 feet.

An additional setback will be required at the southwest corner of this project. The building here will not be less than fifteen (15) feet from the neighboring property lines.

Bob Ebinger asked regarding the "Night Sky Ordinance" if the lighting in this subdivision was going to follow the ordinance standards. Jim Woodhull stated that the lighting will be part of the subdivision application which has not come before the City Planning Board yet. The planning board will specifically request for the lighting requirements from the "Night Sky Ordinance" standards for the subdivision approval.

Motion was made by Caldwell, second by Ebinger, to approve Findings of Fact for variance request from Nathan & Kathleen Hirsch.

Patricia Grabow stated that she is very concerned about this variance with the additional height and is opposed to it. She thought that the builder could find some way to make the buildings comply with the height restriction and be economically feasible.

Christopher Yearick, Principal Architect with Pilari Architects for the Hirsch property made comment. He stated that in order to have the least negative impact on the site they would like to build a series of three (3) story units in order to allow for open green space and save the existing trees. All residents would be able to enjoy the existing trees that would be retained and the increased building height would allow the architect much more design freedom. This design freedom would in turn make it much easier to create a project with great architectural interest and beauty.

4 in favor; Caldwell, Beebe, Ebinger and Blakeman, 1 against;
Grabow, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve variance request from Nathan & Kathleen Hirsch with a condition of an additional setback required at the southwest corner of the building not to be less than fifteen (15) feet from the neighboring property lines.

Bob Ebinger stated that he would like to request of the developer to look into some alternatives to satisfy the neighbors concerns of this property being developed.

4 in favor; Ebinger, Blakeman, Beebe and Caldwell, 1 against;
Grabow, Motion passed.

Public Hearings:

A public hearing was held for second reading of Resolution No. 3677 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND ADOPTING THE FINAL BUDGET FOR FISCAL**

YEAR 2005-2006, ESTABLISHING THE TAX LEVY, MAKING APPROPRIATIONS AND AUTHORIZING CITY MANAGER TO AMEND BUDGET.

No public comments were given.

Motion was made by Ebinger, second by Caldwell, to amend professional services under the Solid Waste Department (Acct. #5410.504.430820.350) from \$10,000 to \$15,000.

All in favor, Motion passed.

Motion was made by Grabow to amend the budget to remove \$300,000 of capital outlay under the Solid Waste Department (Acct. #5410.504.430835.940) for the transfer station.

No one seconded.

Patricia Grabow provided to the Finance Officer a list of proposed additions to the revenue enhancement potentials, which should be pursued or considered in the budget with the Commission's concurrence. Ms. Ewan stated that she will add these suggestions to the budget narrative.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3677 as amended.

4 in favor; Blakeman, Beebe, Caldwell and Ebinger, 1 against; Grabow, Motion passed.

A public hearing was held for second reading of Resolution No. 3678 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DISCONTINUING AND VACATING A PORTION OF UNDEVELOPED 13TH STREET LOCATED BETWEEN MONTANA AND GALLATIN STREETS AND BETWEEN BLOCKS 21 AND 22 OF THE PALACE ADDITION TO THE CITY OF LIVINGSTON, MONTANA, AND TO DISCONTINUE AND VACATE THE UNDEVELOPED ALLEY LOCATED IN BLOCK 22 BETWEEN MONTANA AND GALLATIN STREETS ALL LOCATED IN THE PALACE ADDITION TO THE CITY OF LIVINGSTON, MONTANA.**

No public comments were given.

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3678.

All in favor, Motion passed.

Resolutions:

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3679 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF**

LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH KEN KASTELITZ AS SUMMERFEST 2006 DIRECTOR AND AUTHORIZING EXPENDITURE OF \$1,950.00.

Bob Ebinger stated that he would like to commend Mr. Kastelitz on his job for Summerfest in that he has done a wonderful job.

Steve Caldwell asked to change under the agreement the City's responsibilities liaison person to be listed as "Public Works Director".

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3680 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DESIGNATING AS PUBLIC STREETS CITY PROPERTY ADJACENT TO BLOCK 3 OF THE PALACE ADDITION.**

All in favor, Motion passed.

Bruce Becker stated to the Commission that the City will need to name this street in the near future.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3681 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING HAZARD MITIGATION PLAN.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3682 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH GALLATIN ASPHALT FOR STREET RECONSTRUCTION FOR "I" THROUGH "L" STREETS INCLUDING CALLENDER STREET IN THE AMOUNT OF \$387,274.50.**

All in favor, Motion passed.

Actions Items:

A discussion was held to dedicate the dates of July 14th, July 15th and July 16th, 2006 for the Annual Summerfest along the Yellowstone event.

Motion was made by Ebinger, second by Caldwell, to dedicate the dates of July 14th, July 15th and July 16th, 2006 for the Annual Summerfest along the Yellowstone event.

All in favor, Motion passed.

A discussion was held to review proposed boundary lines that could define the Old Water Works property being considered for sale and direct Staff on how to proceed.

City Staff recommended that the boundaries of the Old Water Works building provide minimum side setbacks on the south side and include sufficient space on the east side for a potential buyer to utilize the area for their needs. The north boundary would extend far enough to include the underground cement storage tanks in order to transfer the responsibility of dealing with the tanks to the new owner.

Motion was made by Caldwell, second by Ebinger, to approve the boundary lines of the Old Water Works building as Staff proposed.

All in favor, Motion passed.

Motion was made by Ebinger, second by Caldwell, to direct Staff to proceed with developing a plan to sell the Old Water Works building.

All in favor, Motion passed.

A discussion was held to review and consider draft revised business licenses, safety inspection certificates and alcoholic beverage license ordinances.

The City Attorney provided a draft ordinance for the Commission's review, which was an entirely different structure than what the City currently has in place. Licensing would be contingent upon a safety inspection and would open up the licensing requirement to more businesses and establishments than what is currently licensed. The ordinance proposed referred to a fee schedule. The fee schedule would be based on square footage of the structure being licensed. Also mentioned in the proposed Ordinance was vendors participating in City approved special events, such as Summerfest, would be excluded from licensing, and regularly recurring seasonal events (approved through one Special Event Request), such as Farmer's Market, would be considered one event for the purpose of purchasing a liquor license.

After much discussion it was the consensus of the Commission to have the City Attorney bring this Ordinance back to them along with a developed fee schedule by the first meeting in October for their review with their concerns.

Chairman, Vicki Blakeman changed the order of the agenda to go to action item number "F".

A discussion was held to consider the Tower Terrace Subdivision Preliminary plat approval.

Divide Development Company, LC, owner of property located in the SW ¼ of Section 12, Township 2 South, Range 9 East and adjacent to Water Tower

Avenue, proposed to divide this fifteen (15) acre parcel into thirteen (13) residential lots. This vacant property was annexed into the City in the late 1970's and is zoned RII, Medium Density Residential.

City Staff recommended approval of the Tower Terrace Subdivision with the suggested conditions as follows:

1. A waiver of SID protest must be signed by the Subdivider that guarantees the participation of all lots in the subdivision in a future improvement district for public improvement.
2. All sewer and water main extensions will be a minimum of eight (8) inch.
3. A Montana licensed engineer will be required to be on site during utility construction.
4. Any utility reimbursement plan must be submitted to, and approved by, the City prior to the beginning of construction.
5. The subdivider will be responsible for all required street signing to include traffic control signs as well as street name signs. All signs will be built and installed according to City specifications. Painting of curbs at fire hydrants will also be required.
6. The applicant, prior to final plat approval, will formally request that the City vacate the existing Water Tower Avenue and reserve a pedestrian path within the old right-of-way. The subdivider will provide any infrastructure required to close this road to vehicles.
7. The subdivider, as a condition of final plat approval, will provide a written statement from Northwestern Energy approving of the construction plans as they relate to the high-pressure gas line.
8. The covenants for this subdivision will require each homeowner to install a yard light that is night sky friendly. This covenant will also provide guidance as to the style and location of these yard lights.

After much discussion the Commission asked to add an additional condition to the proposed Tower Terrace Subdivision preliminary plat. They requested that the developer hire a qualified archeologist and if any artifacts were discovered to let the City know.

Motion was made by Ebinger, second by Caldwell, to have the developer hire a qualified archeologist and if any artifacts were discovered to turn over to the City.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Findings of Fact for the Tower Terrace Subdivision Preliminary Plat.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve the Tower Terrace Subdivision Preliminary Plat subject to conditions.

All in favor, Motion passed.

A discussion was held to review and consider the draft "Night Sky Ordinance" developed by the City Attorney.

The Commission after much discussion gave some suggestions to the City Attorney for the proposed "Night Sky Ordinance" and asked to bring this back to them by the first meeting in October for their review and approval.

A discussion was held to clarify the City manager vacancy advertisement.

The Commission determined to make some corrections to the advertisement and bring back to the next City Commission meeting for their approval.

A discussion was held to consider revoking permission to build on North "F" Street right-of-way and direct City manager to write a letter to current property owner of 610 North "F" Street.

In the 1950's the City Council authorized the resident of 610 No. F Street to build a garage in the City street right of way in front of the property, at the end of North F Street. The building inspector recently discovered that the garage was unstable and in danger of collapsing. It was a three-sided structure, with an open front supported by a center post. The building was leaning and could be rocked back and forth by hand. It was easily accessible to the public, particularly attractive to children. Since it was setting on the City right of way, we were ultimately responsible for the structure and were faced with liability exposure in the event someone was injured. The current property owner of 610 North "F" Street (a descent of the person who constructed the garage) was notified and failed to rectify the problem. 610 North "F" Street is currently a rental. As a risk management measure, the City demolished the building and removed the debris.

Given the existing authorization to construct a garage on this site, there may be an assumption that the resident may be allowed to rebuild there. If allowed, the City faces continued liability and inherent responsibility for any structure located in our right of way.

Darren Raney, Acting City Manager, provided a draft letter for the Commission's review to the property owner of this property. The Commission agreed to delete the last sentence of the letter and have the letter sent.

Motion was made by Caldwell, second by Grabow, to revoke authorization to build a structure in the City's right-of-way at the end of North "F" Street,

adjacent to 610 North "F" Street and direct City Manager to send a letter to the owner of this residence informing them of this.

All in favor, Motion passed.

A discussion was held to approve and designate the members to the City Grant Committee. This Committee will meet on the 2nd Tuesday of every month at 10:00 a.m. at the Building Utility Office Conference Room on Bennett Street. The first meeting will be September 13, 2005.

The members are as follows:

1. Bob Ebinger – City Commissioner
2. Patricia Grabow – City Commissioner
3. Sandy Wulf – Public Works Project Coordinator
4. Peggy Glass – 911 Dispatch Coordinator
5. Mary Ann Thorson – Accounts Payable Clerk
6. Darren Raney – Acting City Manager/Police Chief

Motion was made by Caldwell, second by Beebe, to approve the members for the City Grant Committee as stated above.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Patricia Grabow thanked Darren Raney for providing the Commission with the Development Review Committee minutes that he sent and that they were very helpful.
- Steve Caldwell commented about the project review form that was provided by the Urban Renewal Agency and agreed that the form is probably complex and wondered what steps Staff would implement to keep communication open on relevant issues concerning the Urban Renewal Agency. Darren Raney stated that he doesn't really know of any specific incident that created particular concern. Mr. Raney stated that Staff would make a commitment to keep the Urban Renewal Agency apprised of any issues relevant to them and regarding the downtown area.

Patricia Grabow stated that Steve Golnar attended all of the Urban Renewal Agency meetings and requested to have either the Acting City Manager, Darren Raney or one of the Commissioners attend these meetings to keep the communication up to date. Darren Raney stated that he would attend the meetings in the future.

Bob Ebinger stated that other committee's need the communication to stay open with the City.

- Steve Caldwell commended Joseph Harris and Nathan Wulf, particularly Joseph Harris whose actions were above and beyond the call of duty.

Commissioner Grabow Comments:

- She made comment about the Bozeman and Bridger trails and asked Bruce Becker if he had a chance to contact the Montana Highway Department to find out if there is a way to preserve these trails. Bruce Becker stated that he was not able to reach them but his preliminary observation is until the 1920's there were no state highways. All public roads were maintained and created by the County.

Ms. Grabow stated that some organizations in town are looking at some possible grants in order to try and preserve the Bozeman and Bridger trails. They are almost unique in that they are the only trails going through our community, which the entire trail has not been altered. She would like to see the City move forward and work with the County in seeking such grants to preserve these trails.

- She asked if the Historic Preservation Commission had done any work at all regarding the brown signs. Bob Ebinger stated it depends upon whether the State Historic Preservation Officer can come and give us a presentation on how the City can do surveys and make sure that they comply.
- She reiterated that she would like to see the City dropping the lawsuit with the County. She feels that the continuation of the lawsuit may jeopardize the property owners on the east end of town during this period of growth and would harm the relationship with the County.
- She also asked about the City/County meetings and if the City could have minutes for that meeting. No actions are taken at these meetings, so it was determined that minutes are not necessary.
- She asked if the East Side School could be a temporary place for housing for "Hurricane Katrina" victims. Darren Raney stated that there is no heat or water in the East Side School. Ms. Grabow stated that there are already three (3) families that have come here from there.
- She reminded everyone of the Urban Design Advisory Committee public meeting on September 14, 2005 at 6:30 p.m. in the Community Room of the City/County Complex and would like any assistance in advertising the Public meeting. Pam Payovich stated that she has already public noticed this meeting.
- She also mentioned that she may be gone on the September 19, 2005 City Commission meeting.

Commissioner Ebinger Comments:

- He asked about the business compliance with signage.
- He mentioned performance review for Gregory Legge, Historic Preservation Officer. Jim Woodhull stated that one has been already completed and doesn't know if that information is available to the Commission. Bruce Becker stated that he will let the Commission know if it is possible to review this information.
- He suggested along with the Design Review Committee reviewing design standards and he thinks that it would be best having a design committee developed with professionals that have this type of expertise, involving such people as an architect, review the designs before bringing it back to the City Planning Board for their approval of the subdivisions being proposed.

Commissioner Beebe Comments:

- She asked about bridges and stated since bridges are the responsibility of the County what is happening with the 7th Street Walking Bridge. Clint Tinsley stated that he is waiting for the iron railing and hopes it will be done next week. Clint Tinsley stated that the "M" Street Bridge has never been approved to begin any work. Bruce Becker stated that the 7th Street Walking Bridge belongs to the City not the County. The City is responsible for approaches to the bridges.
- She asked about the jurisdiction of creeks if the City or the County is responsible for the maintenance. The County is responsible for the maintenance of creeks. Bruce Becker stated that the State is responsible for creeks.
- She also stated that she has a friend that lives on the North side of town and they are concerned about the bike paths on that end of town.

Commissioner Caldwell Comments:

- He mentioned that he would like to thank City staff for completing the budget.

Chairman Blakeman Comments:

- She asked about the trail on the Girl Scout side near Mayor's Landing and the City needs to make sure that they have an easement across there.
- She also wanted to make sure that the bond issue for the overpass would be added to the agenda for the City/County meeting. Bob Ebinger also asked if the \$1.20 per person for recycling be discussed at the City/County meeting.

Public Comments:

- Chris Grabow commented about the unmarked intersections in the City and suggested the City consider putting up stop signs at more intersections to help prevent accidents from happening.

Motion was made by Caldwell, second by Beebe, to adjourn the meeting there being no further business. Motion passed.

The time was 10:37 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
September 19, 2005
7:30 P.M.

The Livingston City Commission met in regular session on Monday, September 19, 2005 in the Community Room in the City/County Complex. Commissioners present were Vicki Blakeman, Mary Beebe, Steve Caldwell and Bob Ebinger. Patricia Grabow was absent.

Staff Members present were Bruce Becker, Darren Raney, Shirley Ewan, Clint Tinsley, Jim Mastin, Jim Woodhull and Pam Payovich. Peggy Glass was absent.

Motion was made by Ebinger, second by Caldwell, to approve consent items as follows:

- A. Approve September 6, 2005 (Tuesday) Regular City Commission Meeting Minutes.
- B. Accept Bills and Claims for 1st half of September.
- C. Department Heads Monthly Reports and Other Committee Minutes.
- D. Approve Bid Proposal for 2000 Landscaping Project to Native Landscapes & Reclamation, Inc. in the amount of \$94,170.00.
- E. Approve Special Event Request from Livingston School District No. 2 for Homecoming Parade to be held on September 23, 2005 at 4:00 p.m.

Bob Ebinger requested to clarify Ms. Beebe's comments in the minutes about the bike paths on the north side of town. Ms. Beebe stated that her friend was concerned about people using the roads on the steep hill and she suggested that the Trails & Green Way Task Force look into getting bike paths established in that area.

Bob Ebinger asked about the claim from Park County Solid Waste District. Shirley Ewan stated this was for the garage demolition cost to the landfill.

Bob Ebinger asked about the claim for Public Employees Retirement buy back. Shirley Ewan stated that this was for Jeff Schoenen's military time PERS.

Bob Ebinger asked about the claim from Semmaterials L.P. and wondered what HRMS-2 stood for. Shirley Ewan stated that this claim is for oil for chip seal.

Bob Ebinger asked about the Police Department report and wondered what the juvenile contacts youth offense reports were for. Darren Raney stated that these offenses are for any juvenile related citations or referrals issues.

Mr. Ebinger also asked what TRO stood for. Darren Raney stated that it means "Temporary Restraining Order".

Mr. Ebinger commented about the minutes from the Library Board under Old Business. They talked about the major items still awaiting completion including the 3rd Street entrance area and façade, a guardrail and handrail on the alley exit ramp and landscaping. He stated that there is also still some repair to the brick and to the windows on the Post Office side and feels that they are going to be short on getting that completed and wondered if the Depot bricks that are left over could be used for the Library.

Mr. Ebinger also wanted to remind the Library that construction projects need to come to the Historic Preservation Commission for their review because it is a historic building.

Mr. Ebinger referred to the Library Budget report, where it states the 500% increase in gas and utilities and a 50% increase in electricity, and wanted to know what the City and County could do to help them.

Mr. Ebinger commented about the bid for the 2000 Landscaping Project and stated that the original bid was \$39,000 over but still feels that it is over the budget because it has gone on for two (2) years. He urged the City to be more diligent in completing projects in a timely manner in the future.

Mary Beebe asked the claim from the Department of Justice and wondered what CJIN Lease was for. Darren Raney stated that this is the criminal justice information network for Law Enforcement to retrieve information and that this is the lease amount that the State charges us for connecting with this system.

Mary Beebe also asked about the Department of Army Corps of Engineers claim for the Section 205 Study and wanted to know where the City is now with this. Darren Raney stated that is the payment for the work that the Corp has already done for the first phase of the Section 205 Study.

Ms. Beebe asked about the claim from Med-Write and wanted to know what percent this is. Shirley Ewan stated that this is 6% of what Med-Write collects for the City for ambulance billing services.

Ms. Beebe asked about the claim from Stafford Animal Shelter and wanted to know how much the City actually pays every month. Shirley Ewan stated that this claim is for everything and that the shelter raised their boarding fees. There is no access fee that the Shelter gets every month.

Vicki Blakeman asked about the Moore, O'Connell and Reffling claim and wanted to know how much the City had left. Shirley Ewan stated they said to her that this was close but they were not done with the water right work as of yet.

All in favor of consent items, Motion passed.

Scheduled Public Comments:

Josh Kellar, Coordinator with Northern Rocky Mountain RC&D, made comments regarding an owner occupied rehabilitation project in the City of Livingston.

Mr. Kellar provided information about this project to the Commission in the packet.

Bob Brown, Livingston Fire & Rescue, stated that this may be a good time for the department to do an injury prevention program with Northern Rocky Mountain RC&D because funding has been an issue for the past four (4) years. He commented that he doesn't know the demographics of these houses that are classified as lower to median income regarding housing condition for the state. There was an injury fall prevention program in 2001 that the Livingston Fire & Rescue Department received a small grant for but have not been able to continue due to funding. The Livingston Fire & Rescue Department would like to be incorporated into the owner occupied rehabilitation project with Northern Rocky Mountain RC&D and have smoke detectors, grab rails or anything in the house depending on the age of the occupant to address these issues.

Caren Roberty, with Human Resource Development Council (HRDC), stated that HRDC has run a home weatherization program for 30 years and they are really excited of this idea that Josh Kellar has come up with because they already have the contractors on Staff and under contract and all of the federal funding sources HRDC has already dealt with. She stated that she was authorized by her boss to offer their help, and if the city is interested just to give them a call. They would be interested in helping get this program started with the City.

Tom McNabb, with the MSU Architectural School, gave a presentation on a proposal for Architectural Services available to the City.

Some of the prospective projects that he suggested for the Livingston area include the following:

- Public Reuse of East Side School.
- Revitalization of South Entrance or Exit No. 333 to the City.
- Park Master Plan.
- Construction of Visitor/Information Center.

It was the Commission's consensus to first meet with the Livingston Chamber of Commerce, the Urban Renewal Authority, the Urban Design Advisory Committee and the Historic Preservation Commission so that all parties can

determine what two (2) or three (3) possible projects would be most beneficial to the City.

The City will get back to the MSU Architectural School within the next two (2) weeks with their possible proposed projects for them to move forward with.

Resolutions:

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3683 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN EMERGENCY SERVICES COMMUNICATION AGREEMENT WITH PARK COUNTY.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3684 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PARK ELECTRIC TO PROVIDE AFTER HOUR DISPATCH SERVICES.**

All in favor, Motion passed.

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3685 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH NATIVE LANDSCAPING & RECLAMATION, INC. IN THE AMOUNT OF \$94,170.00.**

Bob Ebinger wanted to know if the City should put the sign back out for bid or just sit on the money.

Steve Caldwell suggested that the City wait until the City does a gateway revitalization study.

Vicki Blakeman asked when Native Landscaping feels that they can get this project done. Darren Raney stated that Native Landscaping feels that this can get done this fall.

Vicki Blakeman asked about the plants and what guarantee they would have if they were planted this fall. Darren Raney stated that this could be a condition to the contract.

Motion was made by Ebinger, second by Caldwell, to amend Resolution No. 3685 to add a condition to include guarantee plants and trees will survive for one (1) year.

All in favor, Motion passed.

Mary Beebe asked to change the City's responsibilities liaison as Public Works Director not Clint Tinsley and delete the word either.

All in favor of Resolution No. 3685 as amended, Motion passed.

Actions Items:

A discussion was held to clarify and move forward with the City Manager vacancy advertisement.

Steve Caldwell requested some typo changes to be made to the advertisement. They were adding the word "and" and replacing the colon with a period to read: "Bachelor's degree or equivalent, and minimum five years public or private sector management experience, with demonstrated human resource management, prioritization, planning, and project execution capabilities;".

The Commission also requested to have the City Manager vacancy advertisement put into the International City Manager's Association (ICMA) publication news brochure. The Recording Secretary stated that she would follow up on this and let the Commission know when the next brochure would be going out in order to identify a deadline date to receive applications and resumes.

The Commission also requested that the advertisement be provided to our local job service for their assistance in searching for the City Manager vacancy.

Motion was made by Caldwell, second by Ebinger, to approve the City Manager vacancy advertisement with the noted changes and authorize the deadline of two (2) weeks beyond publication date of the International City Manager's Association publication.

All in favor, Motion passed.

A discussion was held to review and consider Silver Saddles Subdivision Preliminary Plat approval.

Jim Woodhull gave background information relating to this proposed subdivision preliminary plat approval.

Mr. Steve Kilwein, owner of property located in the SE ¼ of section 12, Township 2 South, Range 9 East, Minnesota Addition, proposed to divide this 7.6 acre parcel into twenty-eight (28) residential lots. This vacant property is zoned for single-family and duplex residential development.

The City Planning Board recommended conditional approval of this subdivision with the following conditions:

1. A waiver of SID protest must be signed by the Subdivider that guarantees the participation of all lots in the subdivision in a future improvement district for public improvements.
2. All sewer and water main extensions will be a minimum of eight (8) inch.
3. A Montana licensed engineer will be required to be on site during utility construction.
4. Any utility reimbursement plan must be submitted to, and approved by, the City prior to the beginning of construction.
5. The subdivider will be responsible for all required street signing to include traffic control signs as well as street name signs. All signs will be built and installed according to City specifications. Painting of curbs at fire hydrants will also be required.
6. The applicant, prior to final plat approval, will provide to the City cash-in-lieu of parkland equal to the fair market value of 11% of the unsubdivided, unimproved land area of this project.
7. The subdivider will provide an additional easement for maintaining the Livingston Ditch. The easement will total thirty (30) feet from the centerline of the ditch.
8. The temporary cul-de-sac on the west end of Tana Lane will be established by a recorded easement.

Motion was made by Caldwell, second by Beebe, to approve Finding of Facts for the Silver Saddle Subdivision Preliminary Plat.

Bob Ebinger asked about the unknown archeological resources for Historic Preservation. He would like to have the City notified and any findings documented as a condition of approval.

Steve Caldwell asked about the condition of the homeowner installing a yard light that is night sky friendly and why it is not listed on the conditions of this subdivision preliminary plat approval.

Jim Woodhull stated that it was missed and he will add this condition.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve the Silver Saddles Subdivision Preliminary Plat.

Motion was made by Ebinger, second by Caldwell, to add a condition for archeological historic artifacts and have the City be notified and any findings documented.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to add a condition for street lighting standards be established to be consistent with the City of Bozeman's "Night Sky Ordinance".

All in favor, Motion passed.

All in favor of Silver Saddles Subdivision Preliminary Plat, Motion passed.

A discussion was held to review and consider Eagle Landing Subdivision Preliminary Plat approval.

Jim Woodhull gave background information relating to this proposed subdivision preliminary plat approval.

Nathan and Kathleen Hirsch, owners of Lots 3 & 4 of Acreville Subdivision, located in the Southeast ¼ Section 23, Township 2 South, Range 9 East, are proposing to create 160 condominium units on this 10-acre parcel. This parcel was recently annexed by the City and has been zoned RIII residential. The area consists of mostly flat terrain and can be served by City sewer and water quite easily. This property is adjacent to Highway Commercial zoning to the east and RI County zoning to the west.

The City Planning Board recommended conditional approval of this subdivision with the following conditions:

1. A waiver of SID protest must be signed by the Subdivider that guarantees the participation of all units in the subdivision in a future improvement district for public improvements.
2. All sewer and water main extensions will be a minimum of eight (8) inch.
3. A Montana licensed engineer will be required to be on site during utility construction.
4. Any utility reimbursement plan must be submitted to, and approved by, the City prior to the beginning of construction.
5. The subdivider will be responsible for all required street signing to include traffic control signs as well as street name signs. All signs will be built and installed according to City specifications. Painting of curbs at fire hydrants will also be required.
6. The subdivider will relocate the exiting ditch on a twenty-foot wide pad, accessible at all points, in such a way that the ditch will enter and exit the project property at the same points it now does.
7. The subdivider will be bound by the landscaping and lighting plans that have been submitted to the City. All lighting will be night-sky friendly.

Motion was made by Caldwell, second by Beebe, to approve Findings of Fact for the Eagle Landing Subdivision Preliminary Plat.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve the Eagle Landing Subdivision Preliminary Plat subject to conditions.

Motion was made by Caldwell, second by Beebe, to add a condition for street lighting standards be established consistent with the City of Bozeman's "Night Sky Ordinance".

All in favor, Motion passed.

Motion was made by Ebinger, second by Caldwell, to add a condition for archeological historic artifacts and have the City be notified and any findings documented.

All in favor, Motion passed.

All in favor of the Eagle Landing Subdivision Preliminary Plat subject to conditions, Motion passed.

Motion was made by Caldwell, second by Ebinger, to reconsider approval of Silver Saddle Subdivision Preliminary Plat.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Silver Saddle Subdivision Preliminary Plat subject to condition outlined in Staff report as amended.

All in favor, Motion passed.

A discussion was held to review application from Jim Barrett for the Urban Design Advisory Committee to fill final vacancy.

Motion was made by Ebinger, second by Beebe, to appoint Jim Barrett to the Urban Design Advisory Committee.

All in favor, Motion passed.

Steve Caldwell commented that the Commission's policy states that we can, but that we don't have to, have interviews before making the appointment.

A discussion was held to approve water and sewer extension plans for Block 3 of the Palace Addition.

Clint Tinsley, Public Works Director provided the Commission with the water and sewer extension plans for Block 3 of the Palace Addition.

Motion was made by Caldwell, second by Beebe, to approve water and sewer extension plans for Block 3 of the Palace Addition.

All in favor, Motion passed.

A discussion was held to discuss regulating "B" Street Parking Lot and direct City Attorney to revise City Ordinance to reflect this.

Darren Raney, Acting City Manager, recommended to revise the City Parking Ordinance to prohibit parking from 3:00 a.m. through 6:00 a.m. each day. This would discourage both long-term parking and overnight parking and could be easily enforced. It would also allow for cleaning and maintenance of the lot during these hours as needed. The Ordinance could exclude the reserved spaces that the City has agreed to provide for the School Administration and the Fly Fishing Center and allow them to use the spaces as they see fit.

Motion was made by Ebinger, second by Beebe, to accept the City Manager's suggestions on the "B" Street Parking Lot.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to remove the 100 Block of "B" Street from the 2 hour parking district.

All in favor, Motion passed.

A discussion was held to designate the name "Bitterroot Street" for the un-named street dedicated as a public right-of-way per Resolution No. 3680. This name will apply to the street located on the northwesterly side of Block 3 of the Palace Addition, as set forth in Exhibit "A" attached to Resolution No. 3680.

Motion was made by Caldwell, second by Ebinger, to designate the name "Bitterroot Street" for the un-named street dedicated as a public right-of-way per Resolution No. 3680.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- No Commissioner's commented.

Commissioner Grabow was absent.

Commissioner Ebinger Comments:

- He reiterated his original suggestion to have another committee appointed in order to move forward with the design standards for the light industrial zone. Vicki Blakeman stated that this is going to

be brought up at the next City Planning Board meeting to determine the criteria that needs to be gone over and that another committee doesn't need to be appointed.

- He asked about the easement from the Girl Scout parcel and wanted to make sure that this doesn't get forgotten. Mr. Ebinger stated that he feels that the City should explore the possibilities of purchasing or leasing this property.
- He wanted to congratulate all of the firefighters and the Fire Chief and others for keeping everything under control during the explosion last week and that it was handled excellently.
- He thanked Darren Raney for his decisiveness and his leadership during his Acting City Manager position.

Commissioner Beebe Comments:

- She asked if anyone knew what was going to be placed in the Ben Franklin's building. Steve Caldwell stated that he heard that a new rehabilitation program may be going in there but not certain. Ms. Beebe stated that she is very concerned with Ben Franklin's going out of business that it is one of those stores that Livingston will never be able to get back.
- She wanted to know if the Urban Design Advisory Committee could do a study on the parking inventory for our downtown businesses in terms of strategic needs not just numbers.
- She commented that she feels that the Urban Design Advisory Committee should not have Commissioner's on this Committee, as they are an advisory committee to the Commission. She was wondering in terms of due process, and has some concern. She felt the Commission needs to think about this in general, about having Commissioners on advisory boards and committees.

Commissioner Caldwell Comments:

- He asked about the status of the Old Water Works Building as far as advertisement. Darren Raney stated that he will provide the Commission with a schedule of what needs to be done in order to move forward with the sale of the Old Water Works Building at the next City Commission meeting.
- He responded about the question that Mr. Ebinger asked a few meetings ago about beaver dams and that he had approached Gary Weiner about this and Mr. Weiner responded by saying: "We piped one of the beaver dams to allow fish passage and keep the beaver pond elevation from getting too high. The beaver dams affect the flow of Fleshman Creek but not the Yellowstone River."

Chairman Blakeman Comments:

- She wanted to know about the MSU Architectural School proposal and what the City could do. If the City could write letters to all of the Committee's involved to get involved.

- She also wanted to know how the City can move forward with the housing project and get the grant writer involved with HRDC and requested Darren Raney to follow up on this and get back to the Commission.
- She stated that she was walking down Callender Street, and where they tore out the curb and gutter on the corners it is very dangerous and wondered if the City shouldn't have cones to identify these hazard.

Public Comments:

- Clint Tinsley also wanted to thank the Police Department, the Fire Department and Rural Fire Department for everything that they did during the explosion last week as part of his family is in that neighborhood.

Motion was made by Caldwell, second by Beebe, to adjourn the meeting there being no further business. Motion passed.

The time was 9:45 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
October 3, 2005
7:30 P.M.

The Livingston City Commission met in regular session on Monday, October 3, 2005 in the Community Room in the City/County Complex. Commissioners present were Steve Caldwell, Mary Beebe, Bob Ebinger, Vicki Blakeman and Patricia Grabow.

Staff Members present were Bruce Becker, Darren Raney, Clint Tinsley, Jim Mastin, Jim Woodhull, Peggy Glass and Pam Payovich. Shirley Ewan was absent.

Motion was made by Caldwell, second by Beebe, to approve consent items as follows:

- A. Approve September 19, 2005 Regular City Commission Meeting Minutes.
- B. Accept Bills and Claims for 2nd half of September.
- C. Approve Special Event Request from the Lewis & Clark Committee 200 Year Bicentennial Dedication of the Sacajawea Statue on July 14th through July 16th, 2006 in coordination with Summerfest 2006.
- D. Approve recommendation from Darren Raney for bid proposals for a 2006 Chevrolet Impala Police Pursuit Vehicle to Whiting Chevrolet Cadillac Sunseeker RV's in the amount of \$20,259.43.

Bob Ebinger requested of the minutes on page 10 under his comments to change the word "desiveness" to "decisiveness" to read: "He thanked Darren Raney for his decisiveness and his leadership during his Acting City Manager position".

Mr. Ebinger asked about the claim from A.M.E. and wanted to have an update on the construction for the One Month Sewer replacement project. Mr. Tinsley stated that there are problems with A.M.E. being behind on construction for the one-month sewer project but hopefully everything will be worked out by Wednesday of this week and that this claim is for materials brought on site.

Bob Ebinger asked about the claim from Northwestern Energy and the two line items for the Sewer Plant and the Swimming Pool. He felt that the claim for the Swimming Pool should be brought up at the City/County meeting because if the City is absorbing the total cost of running the Swimming Pool the City needs to ask the County for their assistance.

Bob Ebinger commented about the claim from Plaza Suite Hotel for Duncan Edwards for 6 nights and wondered why he did not attend the Historic

Preservation Conference for one day in Billings and wants to make sure that his priorities involves Historic Preservation.

Mr. Ebinger asked about the claim from Qwest and commented that the Civic Center phone bill was quite a large amount and wondered why. Darren Raney stated that he would find out from Shirley Ewan and let the Commission know.

Patricia Grabow mentioned of the minutes in the first paragraph that it should read September 19, 2005 instead of September 6, 2005.

Patricia Grabow asked about the claim from Bankers Systems and wondered what drive up envelopes were. They are sealed envelopes for utility bills to be paid to the Utility Department at the drive up window.

Ms. Grabow asked about the claim from Franzen-Davis Funeral Home to replace damaged urns. Pam Payovich, Recording Secretary stated that there were urns damaged at the Cemetery by workers of the City and Franzen's replaced them so the City had to reimburse Franzen's.

Mr. Grabow asked about the claim from Granite Enterprises for computer and monitor and wondered who this claim was for. Darren Raney stated that this was for replacing two computers for the police department that was in the budget.

Patricia Grabow wanted to know about the claim for Gregory Legge for reimbursement of meals for the Historic Preservation Workshop and wanted to know what workshop this was for. Bob Ebinger stated that this was when the State Historic Preservation Officer came to Livingston to help show Gregory how to fill out the forms for historic register.

Ms. Grabow also asked about the claim from Livingston Utility Department for City Parks and Park Garbage and wondered what this was for. Clint Tinsley stated that this claim is for the garbage that is actually picked up in the parks.

Mr. Grabow also wanted to mention that she echoed Ms. Beebe's comments from the last meeting about Ben Franklin's in that she is saddened about the loss of this vital downtown business.

Steve Caldwell asked to amend the minutes regarding the revitalization of entrance to the City on page three to add "south" entrance or "Exit No. 333".

Mary Beebe requested to amend her comments in the minutes to read: "She wanted to know if the Urban Design Advisory Committee could do a study on the parking inventory for our downtown businesses in terms of strategic needs not just numbers."

Vicki Blakeman asked about the claim from David Rust Carpet Center for window covers and wondered what these were for. Darren Raney stated that he didn't know but will find out and let the Commission know.

Steve Caldwell asked about the City not being named as an additional insured for the Lewis & Clark Committee Bicentennial Dedication special event and wanted to know who covers that. Bruce Becker stated that the City should be named as an additional insured under the Park County insurance certificate.

Motion was made by Caldwell, second by Ebinger, to approve the Lewis & Clark Committee Bicentennial Dedication special event request subject to having the City of Livingston added as an additional insured on the certificate of insurance from Park County.

All in favor, Motion passed.

All in favor of consent items as amended, Motion passed.

Ordinances:

The first reading of Ordinance No. 1960 was held – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE 1939 AND CHAPTER 9, ARTICLE IV OF THE LIVINGSTON MUNICIPAL CODE ENTITLED PARKING, STOPPING, AND STANDING BY ESTABLISHING A PARKING TIME LIMIT FOR THE "B" STREET PARKING LOT AND BY REMOVING THE TWO HOUR PARKING LIMIT ON "B" STREET BETWEEN CALLENDER AND LEWIS STREET.**

Motion was made by Caldwell, second by Beebe, to approve first reading of Ordinance No. 1960.

Bob Ebinger stated that he agrees with the hours of limitation parking in the parking lot but doesn't agree with wanting to remove two-hour parking limit on either side of "B" Street between Callender and Lewis Streets. He would like to leave "B" Street between Callender and Lewis Streets with two-hour parking for now and possibly adjust the parking as time goes on.

Patricia Grabow agreed with Bob Ebinger and stated that, in light of Pam Schoenen's comments that were provided to the Commission, she feels that the two-hour parking should be maintained on "B" Street.

Motion was made by Ebinger, second by Grabow, to amend Ordinance No. 1960 to exclude removing the two hour parking limit on "B" Street between Callender and Lewis Street.

All in favor, Motion passed.

Steve Caldwell asked about the portion of any street within the restricted or congested area limits of the City and wondered how this is defined. Bruce Becker stated that this is defined in another section of the City codes and it is basically in the downtown area.

Steve Caldwell asked if restricted or congested area limits of the City should be capitalized. Bruce Becker stated that "yes" it probably should be capitalized. Mr. Becker stated that he would correct this in the Ordinance before the next meeting for the public hearing.

Also Mr. Caldwell asked to have the fire limit district of the City capitalized in Section 9-227.

All in favor of Ordinance No. 1960 as amended, Motion passed.

Resolutions:

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3686 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING DISTRICT NO. 1 IN THE AMOUNT OF \$383,211.00 FOR FISCAL YEAR 2005-2006 AND OF ITS INTENT TO LEVY AND ASSESS 100% OF THE ESTIMATED COSTS AGAINST ALL PARCELS OF PROPERTY WITHIN SAID DISTRICT AND CALLING FOR A PUBLIC HEARING THEREON.**

All in favor, Motion passed.

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3687 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO LIGHTS IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 AND OF ITS INTENT TO LEVY AND ASSESS ALL PARCELS OF PROPERTY WITHIN SAID DISTRICT FOR 100 PER CENT OF SAID COSTS FOR FISCAL YEAR 2005-2006 ESTIMATED TO BE IN THE AMOUNT OF \$56,500.00 AND CALLING FOR A PUBLIC HEARING THEREON.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3688 – **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 STREETS LIGHTS THEREIN AND OF ITS INTENT TO LEVY AND ASSESS ALL PARCELS OF PROPERTY WITHIN SAID DISTRICT FOR 100 PER CENT OF SAID COSTS FOR FISCAL YEAR 2005-2006 ESTIMATED TO BE IN THE AMOUNT OF \$41,000.00 AND CALLING FOR A PUBLIC HEARING THEREON.**

All in favor, Motion passed.

Actions Items:

A discussion was held to consider allowing sidewalk to be installed along the south side of the 1000 Block of West Geyser Street that abuts the curb rather than having a boulevard.

Darren Raney stated that this is a request going against the City Ordinance and he feels that the City Commission should make the decision as to whether to grant the request or not.

Bob Ebinger asked why the sidewalk to the east was allowed to abut the street with no boulevard, across from Winan's School on Geyser Street. Darren Raney stated that he doesn't have an answer for them. Clint Tinsley commented that Washington School also had sidewalks abutting the street without having boulevards.

Clint Tinsley stated that these types of requests have been approved by the City Manager in the past but Darren Raney, Acting City Manager wanted to bring this to the Commission for their approval.

Bob Ebinger stated that he is against granting this request because if the Commission starts making allowances then it could lead to a continual trend.

After much discussion the Commission determined that they want to pursue boulevards in the City and deny this request.

Motion was made by Caldwell, second by Beebe, to allow sidewalk to be installed along the south side of the 1000 Block of West Geyser Street that abuts the curb rather than having a boulevard.

No one in favor, Motion denied.

A discussion was held to review and consider draft Night Sky Ordinance - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING STANDARDS FOR THE NIGHT SKY PROTECTION ACT.**

After much discussion the Commission gave the City Attorney some suggested changes to the draft Ordinance.

Bruce Becker will bring this Ordinance back to the City Commission at the next City Commission meeting with those suggested changes for first reading.

A discussion was held to consider approving the Old Water Works Building sales plan and to direct City Staff to proceed with survey of property.

Darren Raney commented that if the Commission elects to sell the property, direct Staff to proceed with the process as identified in the plans, beginning with a survey of the property.

Patricia Grabow stated that she would like to re-think the Commission's decision to sell the additional 70 feet of the property. She would like to see the 5 feet around the building sold and keeping the rest of the property and feels that the City should retain the underground tanks.

Bob Ebinger stated that he disagrees with Ms. Grabow because in the proposed deed restrictions the City could add other restrictions that address the concerns here, such as no additional structures, no fencing, etc. Mr. Ebinger also believes that retaining the underground tanks would be a bad idea for the City. The tanks would add liability to the City forever and if someone wants the building for residential or commercial use then they should assume that liability.

Patricia Grabow stated that she feels that the City could do both. We could put deed restrictions on the building and also charge the potential buyer additional money for the demolition or abatement of the tanks. Then the City would get rid of the liability.

Tara Eddy of 604 South 9th Street spoke against what was proposed to the Commission in terms of the plans and boundaries presented by City Staff. She also feels that the City should take the responsibility of the demolition or the abatement of the underground tanks.

Ms. Eddy also presented to the Recording Secretary a citizen petition against any change of current use of the Water Works Park and Water Works Building.

Kara Ricketts of 618 South 10th Street concurred with Tara Eddy's comments about the Old Water Works Building.

After much discussion the Commission determined to direct Staff to get an actual estimate for the demolition or abatement of the underground tanks in order to move forward with the sale of the building and how much property surrounding the building should be sold.

Also the Commission decided to have a workshop to tour the Old Water Works Building property to determine actual boundaries for the sale of the property. The Workshop will be on October 12, 2005 at 3:30 p.m.

A discussion was held to review and consider Eastep Subdivision Preliminary Plat approval.

Jim Woodhull gave background information relating to the Eastep Subdivision Preliminary Plat request.

Mr. Donald Eastep, owner of property located between Montana and Front Streets in the vicinity of 13th and 14th Streets, which is described as Lots 1-15 and Lots 21-35 of Block 21, and Lots 17-32 of Block 22, all in the Palace Addition to the City of Livingston, proposed to subdivide this 4.5 acres parcel into seven (7) residential lots. This vacant property is zoned RIII, High Density Residential. The City Planning Board recommended conditional approval of this subdivision.

Motion was made by Ebinger, second by Caldwell, to approve the Findings of Fact for the Eastep Preliminary Plat.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve the Eastep Subdivision Preliminary Plat contingent upon conditions as follows:

1. A waiver of SID protest must be signed by the Subdivider that guarantees the participation of all lots in the subdivision in a future improvement district for public improvements.
2. All sewer and water main extensions will be a minimum of eight (8) inch.
3. A Montana licensed engineer will be required to be on site during utility construction.
4. Any utility reimbursement plan must be submitted to, and approved by, the City prior to the beginning of construction.
5. The subdivider will be responsible for all required street signing to include traffic control signs as well as street name signs. All signs will be built and installed according to City specifications. Painting of curbs at fire hydrants will also be required.
6. The covenants for this subdivision shall require each unit to maintain a night sky friendly yard light. Bozeman's night sky standards will be used until Livingston passes its own Ordinance.
7. Any historic or archeological finds, discovered during construction, will be reported to the City and documented as required by State and Federal Law.

All in favor, Motion passed.

A discussion was held to review and approve a draft letter to the Girls Scout Organization for the possibility of buying back property for the City.

Motion was made by Caldwell, second by Ebinger, to approve draft letter to the Girls Scout Organization for obtaining an easement from the organization for a trail which would follow the course of Fleshman Creek, along the golf course driving range and to River Drive and obtaining a right of first refusal from the Girls Scout Organization if they ever decide to sell the camp.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Bob Ebinger commented about the RC&D proposed housing rehabilitation project (s) in Livingston and stated that he thinks that we need to define seniors and low-income people and suggested the City address both needs as a 50/50.
- Patricia Grabow asked about the South Interchange Landscaping status, and if the City was going to go out for bid with the signs. Bob Ebinger stated that the Commission decided to put a hold on the signs because the MSU Architectural School suggested that they might propose a design for the South Entrance. Clint Tinsley stated that he would give a cost proposal to the Commission for the sign at the next City Commission meeting.
- Mary Beebe commented that she liked the letters that Darren Raney presented to the Commission in the packet for follow-up. She also commented that she liked the way he covered a lot of territory in the letter about the grant for an engineering study.

Commissioner Grabow Comments:

- She asked if it has been clarified that MSU Architectural Design School is obligated to do the follow up at the other two (2) meetings with the Urban Design Advisory Committee. She would like to see them complete the downtown design before the Committee moves them onto another task.
- She wanted to find out the status of the Railroad Crossing study status. Jim Woodhull stated that he had spoke with the people two weeks ago and that they replied to him that they would have an answer to him this week.
- She reported that she did go to the Historic Preservation Commission meeting and they indicated to her that they are exploring the possibility of the brown historic signs.
- She also mentioned that she did go to the Clean Cities Coalition meeting and she commented that they are still exploring the possibility of compressed natural gas buses being moved into the private sector. She would like to see the City explore this alternative fuel as well as clean public and private transportation for the community's benefit.
- She would like to see the City go out for bid for where the City house it's money and that an RFP (Request for Proposal) be created so that the six (6) banks in town have an opportunity to bid for our money housing. Vicki Blakeman commented that she did not agree and would like to keep it as is so that the City doesn't have the expense in changing the forms. Patricia stated that this would not favor one bank over another bank and that the City has held their money for ten (10) years in one bank. Steve Caldwell commented that he would like to hear from the Finance Officer first before he can make a decision. Mary Beebe stated that this is not one of her

priorities but she would be willing to hear the Finance Officer's report. Bob Ebinger stated that he would like to see what the interest rates are at each bank. He commented that if the City isn't getting the best rate that he would like to explore other opportunities, but it would have to be somewhat substantial in order for the City to make the change because of the cost associated with the change. Patricia commented that she feels that it would be worth exploring since the City represents the whole community. It was the concurrence of the Commission to wait for the Finance Officer's report before making a final decision.

- She wanted to make the community aware that there has been a proposal for a \$27 million dollar museum south of town and that she has real concerns about this entering the realm of that discussion because the City of Livingston has such a viable downtown historic center. This would pull away visitors from the downtown center, which may or may not survive.

Commissioner Ebinger Comments:

- He mimicked Ms. Grabow's concerns about the museum being proposed south of town and thinks that this would be a very unfortunate occurrence. "Museums belong in the community not outside of the community."
- He appreciated that Jim Woodhull came up with the archeological historic definition that he put into the Eastep Subdivision Preliminary Plat condition and that he liked the way it was worded.
- He mentioned to the County that the City has the archeological policy on new subdivisions and the County liked this idea and may be looking into applying this to their own subdivision regulations.
- He referred to Mary Beebe's comments at the last meeting about the Urban Renewal Authority looking into the parking issues. He wanted to know what the status was and feels that this is something that they could be doing. Ms. Grabow stated that she has attended those meetings and the Urban Renewal Authority has parking as a priority on their list but they haven't done an inventory as of yet.
- He commented about Freshman Creek on the North part of the Yellowstone River and stated that the Beaver Dams near Mayor's Landing are collecting a lot of garbage. He wondered what the City could do about this problem in order to clean this up.
- He commented about "M" Street and Freshman Creek where the grate fills up with leaves that are almost as high as the grate. He asked for the City's assistance in getting this cleaned up.
- He wanted to know what has happened to the City's Street Sweeper. Clint Tinsley stated that the individual that usually runs the Street Sweeper has been ill and hasn't come back to work. With all of the work that the City is doing with the sidewalks, street projects and sewer projects the street sweeper hasn't been a

priority. Hopefully in the next week or two he can get the Street Sweeper back in operation.

- He asked if the Commission could get a PrintingForLess.com progress report with the utility extension.
- He commented that he mentioned at the last meeting about the Library being able to get bricks on the Post Office side and was wondering if there had been any follow-up on this. Darren Raney stated that he hasn't as of yet.

Commissioner Caldwell Comments:

- He commented that the City had a meeting with the County about 6-8 weeks ago with the intent of harmonizing subdivision standards and was wondering if there was any update on this. Jim Woodhull stated the County Planner, Mike came to him four (4) weeks ago wanting to reschedule the meeting and then went on a 10 day vacation and hasn't gotten back to Jim as of yet.

Commissioner Beebe Comments:

- She wanted to comment that she enjoyed discussing the issue of parking on "B" Street because it was a strategic decision.
- She stated that she has heard comments from people about the designs for the downtown that are being put up in the banks and wondered if they have any comments who they should give them to. Pam Payovich, Recording Secretary, stated that anyone who would like to make a comment should email them to citycommission@ci.livingston.mt.us and then she will distribute them to the Commission and to City Staff for their information.

Chairman Blakeman Comments:

- She wanted to say that the Solid Waste group has been working on an Interlocal Agreement with Tara Depuy and hopes to get copies of these out to everyone by tomorrow so that it can be discussed with the County tomorrow.
- She wanted to know what the Commission thought about going to the Old Water Works building as a group. It was the concurrence of the Commission to schedule a Workshop on October 12, 2005 at 3:30 p.m. to meet at the Old Water Works Building in order to discuss the proposed uses and zoning of said property and discuss the terms of the proposed sale of said property. No formal decisions will be made.

No public comments were given.

Motion was made by Caldwell, second by Ebinger, to adjourn the meeting there being no further business. Motion passed.

The time was 10:14 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
October 17, 2005
7:30 P.M.

The Livingston City Commission met in regular session on Monday, October 17, 2005 in the Community Room in the City/County Complex. Commissioners present were Vicki Blakeman, Mary Beebe, Steve Caldwell and Bob Ebinger. Patricia Grabow arrived at 7:35 p.m.

Staff Members present were Bruce Becker, Darren Raney, Shirley Ewan, Clint Tinsley, Jim Mastin, Jim Woodhull, Peggy Glass and Pam Payovich.

Motion was made by Caldwell, second by Ebinger, to approve consent items as follows:

- A. Approve October 3, 2005 Regular City Commission Meeting Minutes.
- B. Accept Bills and Claims for 1st half of October.
- C. Department Heads Monthly Reports and Other Minutes.

Bob Ebinger asked about the Yellowstone Country Montana Board of Directors meeting minutes held on September 13, 2005 and commented that the City's representative was not at this meeting. Also Mr. Ebinger asked what kinds of trade shows the Yellowstone Country board would like to attend such as the Snowmobile Power Sport Show and the Winter Sports Expo and other winter sports events and commented that he hopes that Livingston gets its fair share of tourists traveling through because Livingston isn't promoted as a winter sports place.

Mr. Ebinger also commented that he found the Yellowstone Country Board of Directors minutes were very confusing, listing the people that attended at the end. He suggested to list the people who attended at the beginning of the minutes.

Referring to the Library Board minutes, Mr. Ebinger mentioned that in the past he has talked about the bricks being used from the Depot to repair the missing bricks at the Library. He asked if Mr. Raney could write a letter suggesting this. He expressed concern that the bricks be matched up properly.

Mary Beebe mentioned that the highest number of calls to Dispatch was dogs and animals and is related to the Montana Spay and Neuter Task Force Clinic that she will comment at the end of the meeting.

Ms. Beebe asked about the claim for the City of Livingston for the Commissioners tee-off fees and wondered what this was for. Clint Tinsley stated that this was for a Golfing Tournament sponsorship by the

Commissioners every year to raise funds for the City Recreational Department.

Ms. Beebe asked about the Public Library Claims and wondered what the claim for irrigation water was for. Clint Tinsley stated that there is a separate meter for irrigation water.

Patricia Grabow asked about the claim from Morrison-Maierle Systems for the Impact Fee Study and wanted to know when this was going to be completed. Shirley Ewan stated that this claim was for what they had charged up-to-date. Ms. Grabow asked if there was any idea when this study was going to be done. Darren Raney stated Morrison-Maierle has indicated to him that they hope to complete this study by the end of the year or the first of next year.

Ms. Grabow asked about the claim for Montana Rail Link for the lease and wondered what lease this was for. Shirley Ewan stated that the claim is for the lease for the water and sewer mains that go under the railroad tracks. Ms. Grabow asked if there is a map for all of the water and sewer mains that go under the railroad tracks. At Ms. Grabow's request, Mr. Tinsley agreed to provide the Commission with a map of all of the water and sewer mains that are under the tracks.

Patricia Grabow asked about the claim from the Stafford Animal Shelter and wanted to know what ACO fees were. Mary Beebe stated that these are access fees. Shirley Ewan stated that the City gets charged \$750.00 per month access fees from the shelter. Boarding and vaccinations are an additional cost to the City.

Ms. Grabow asked about the building permit fees report and wanted to know where the City houses this money that they collect for building fees. Shirley Ewan stated that all of the additional money that the City has goes into CD's.

Patricia Grabow also stated that the Commission received the minutes from the Development and Review Committee one time and would like to see them again provided to the Commission.

Ms. Grabow also mentioned that she was pleased to see that parking tickets have decreased although it is less revenue to the City and was wondering if that could have something to do with the "B" Street Parking Lot. Darren Raney stated that the City will find out as time goes on whether the "B" Street Parking Lot helped with the impact of parking downtown.

All in favor of consent items, Motion passed.

Scheduled Public Comments:

Diana Seider of the Depot Foundation gave a status update on the Depot Restoration project.

Ms. Seider indicated to the Commission that the Livingston Depot has made significant progress with its roof restoration and restabilization project. Between shingles, brick washing, and other visible elements, things are looking very nice at the Livingston Depot. She provided the Commission with the status report to date and commented that the project is about 2/3's complete. Her concerns about the project was the timeframe for completion and potential damage to the building if the roof work was not completed by October 31st. While some elements are non-critical, she urged the City to exercise all options to ensure the roof is completed on time.

Natalie Jenkins of the Depot Board of Trustee stated that she spoke with a representative from GAF, who is the manufacturer of the roof shingles. They relayed some of the recommendations for the shingles material to be installed properly.

1. If the weather goes below 40° all roofing should be hand tabbed with mastic using a ¼" bead under each tab.
2. The weather should be above 40° for at least 30 days for the roof to seal down properly.
3. If dust or dirt gets under the shingles, they will never seal

The Depot Foundation is concerned about the delays. They are also concerned that if the contractor doesn't get the roof done before the weather gets bad then the roof will not last as long as it should.

Motion was made by Ebinger, second by Grabow, to have the City Attorney write a letter to Diamond Construction addressing the City's concerns about the quality of the finished product, expressing concerns for their company's ability to meet the contract deadlines, and that they will be accountable if the roofing fails.

All in favor, Motion passed.

Variances:

A variance from front setback requirement of RII zoning districts was requested by Mr. Tom Elliott, owner of property described as Lots 31 & 32, Block 82, Original Plat, and located at the corner of 5th and Callender Streets. He wished to build a two-unit townhouse on these lots, which would be a setback of twenty-five (25) feet from 5th Street and ten (10) feet from Callender Street. Code requires a twenty-five (25) foot front setback on each of the two (2) units.

Jim Woodhull gave background information relating to this variance request and stated that a public hearing was held with the Board of Adjustments for

this variance request but a quorum was not present. Several people spoke at this hearing and the only negative comment was one concerning traffic visibility for vehicles traveling north in the alley of this block. The Staff recommendation was for approval of this variance request on the condition of approval of the plans that have been presented to Staff at this time.

Motion was made by Caldwell, second by Ebinger, to approve the Findings of Fact for Tom Elliott's variance request.

4 in favor; Caldwell, Beebe, Ebinger and Blakeman; 1 against; Grabow, Motion passed.

Glen Pritchard, Diana Seider, Whitney Martin and Steve Puglisi made comments about this variance request.

There was much discussion with the Commission and the public concerning the development site plan, and whether it can be a condition for approving the variance.

Motion was made by Ebinger, second by Beebe, to post-pone any action on Tom Elliott's variance request until the November 7, 2005 City Commission meeting.

All in favor, Motion passed.

Public Hearings:

A public hearing was held for Ordinance No. 1960 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE 1939 AND CHAPTER 9, ARTICLE IV OF THE LIVINGSTON MUNICIPAL CODE ENTITLED PARKING, STOPPING, AND STANDING BY ESTABLISHING A PARKING TIME LIMIT FOR THE "B" STREET PARKING LOT.**

No public comments were given.

Motion was made by Caldwell, second by Ebinger, to approve Ordinance No. 1960.

All in favor, Motion passed.

A public hearing was held on Resolution No. 3689 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING 100% OF THE ESTIMATED COST OF MAINTAINING AND IMPROVING STREETS AND ALLEYS IN STREET MAINTENANCE DISTRICT NO. 1 IN THE AMOUNT OF \$383,211.00 AGAINST EACH PARCEL OF LAND WITHIN SAID DISTRICT FOR FISCAL YEAR 2005-2006.**

No public comments were given.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3689.

All in favor, Motion passed.

A public hearing was held for Resolution No. 3690 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING 100% OF THE ESTIMATED COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO LIGHTS IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$56,500.00 AGAINST EACH PARCEL OF LAND WITHIN SAID DISTRICT FOR FISCAL YEAR 2005-2006.**

No public comments were given.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3690.

Patricia Grabow commented that she feels like the Commission is in a position where the City is being forced to accept lighting that is totally inferior and against what the City Commission is going to pass with the "Night Sky Ordinance". She also commented that there must be a better way than paying good money for light posts that are practically mutilated in places that people are trying to beautify and was wondering if there was any thing that the City can do.

The City Night Sky Ordinance that the Commission may be passing tonight specifies that all street lights in the City must be in compliance by the year of 2017.

4 in favor; Caldwell, Ebinger, Beebe and Blakeman; 1 abstained; Grabow, Motion passed.

A public hearing was held for Resolution No. 3691 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, MODIFYING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREETS LIGHTS THEREIN AND LEVYING AND ASSESSING AGAINST ALL PARCELS OF PROPERTY WITHIN SAID DISTRICT FOR 100 PER CENT OF SAID COSTS FOR FISCAL YEAR 2005-2006 ESTIMATED TO BE IN THE AMOUNT OF \$41,000.00.**

No public comments were given.

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3691.

All in favor, Motion passed.

Ordinances:

The first reading of Ordinance No. 1961 was held – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ENACTING THE NIGHT SKY PROTECTION ACT FOR THE CITY OF LIVINGSTON, MONTANA.**

Motion was made by Caldwell, second by Beebe, to approve Ordinance No. 1961.

Motion was made by Ebinger, second by Caldwell, to amend Ordinance No. 1961 in Section 3 that all outdoor lighting shall conform to the "Night Sky Ordinance" in the City of Livingston by January 1, 2017 or earlier.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Ordinance No. 1961 as amended.

All in favor, Motion passed.

A public hearing will be held on Ordinance No. 1961 at the next City Commission meeting on November 7, 2005.

Resolutions:

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3692 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND ADOPTING THE REVISED AND RESTATED INTERLOCAL AGREEMENT GOVERNING THE MONTANA MUNICIPAL INSURANCE AUTHORITY.**

All in favor, Motion passed.

Actions Items:

A discussion was held to consider the sale of the Old Water Works building and approve the sales plan.

Chairman Vicki Blakeman commented that the Commission did tour the Old Water Works building property.

Lais Eddy of 604 South 9th Street commented that he has spent a lot of time playing tag and sledding down the hill at the Old Water Works property. He feels that it would be a sad situation if the City sold any more land than necessary around the building.

Bob Ebinger stated that having toured the property and the building, and looking at the cost estimates for mitigation, he feels that the City needs to sell that area that includes the underground water tank to whomever wants to buy the property so that the City doesn't have to carry the liability. It is

the City's responsibility to inform the potential buyer that the underground tanks need to be mitigated but that it goes with the property. He also commented that fencing could be done historically pleasing in order to save the buyer and the City the liabilities and have a clause in the agreement that no additional buildings could be built on this property. Mr. Ebinger doesn't feel that the City can afford to mitigate the Old Water Works building themselves. The City needs to sell the building in order to procure more open space.

Patricia Grabow stated that this has been such a dilemma for her because she was the one that put pressure on the City Commission to move forward in selling the Old Water Works building. She commented that the more the Commission goes into the process of selling the building the more it is going to cost to mitigate that area that the City Commission has determined with the building and the property involved. At this point she feels that it is going to be more of a liability to sell the building than not. She knows that the City is financially strapped at this time and the City Commission has looked at selling a building similar like this but the Old Water Works building is such a unique building that she is not willing to consider selling the additional 70 feet of the property that is being proposed. She would like to take a serious look at trying to find money to mitigate this property. She is not willing to sell the additional 70 feet because she feels that this is going to come back and haunt the City in the future.

Bob Ebinger stated that, after conferring with Montana Municipal Insurance Authority (MMIA) about the liability issues, the City has to move forward in selling the building and the property or find the money to mitigate the liability. We can't sit back and wait! The City needs to find a way to mitigate the liability issues. He feels that the City should sell the property with the additional 70 feet.

Mary Beebe feels that the City needs to sell the building and the property in order to reduce the liability and still be able to maintain the open space for the community. She doesn't feel that the City has the money to do both the mitigation and restoration of the building. She was one of the Commissioner's that wanted to keep the building and the property and have it renovated and save it for a public space, but now feels that this is not financially feasible.

Steve Caldwell concurred with Ms. Beebe's comments. He feels that keeping the building would have the highest out of pocket costs for the City. He thinks that the City does need to sell the building and the additional 70 feet.

Vicki Blakeman stated that she has been on the Commission since the thoughts of selling the Old Water Works building came about because the building is falling apart. As the Commission has moved in the direction of selling the building they have found out more and more expenditures. The upside of selling this building is that the Commission has discovered more

alternatives in the private sector and more interest. She agrees with Ms. Beebe, Mr. Caldwell and Mr. Ebinger in that this building really does need to be sold or it is going to deteriorate if the City doesn't do something with it. There are so many other pressing concerns that this governing body has to spend its money on that she is for selling enough property to alleviate the City's liability concerns and work on what restrictions there are.

Motion was made by Ebinger, second by Caldwell, to sell the Old Water Works Building with the tanks attached to the property and direct Staff to proceed with the process as identified in the October 3, 2005 City Commission packet for the "Timeline for Sale" changing the dates accordingly.

Bob Moore made comment about the proposed sale of the Old Water Works building and suggested a bond issue to maintain the building as a public structure, possibly turned into a controlled, low maintenance water fountain. The City could maintain the architectural lines and he feels that the City needs to look more into the future for the community. He requested to try and find some money to make the area safe for the community and hold onto its historical value.

Bob Ebinger commented that the City already has 3 to 4 bond issues that are being contemplated over for the next few years and he doesn't believe that the City needs anymore at this time.

4 in favor; Caldwell, Ebinger, Beebe and Blakeman, 1 against; Grabow, Motion passed.

A discussion was held to consider approval of water, sewer and storm drain improvements to the Ridgeview Trail Subdivision. This information was provided in the August 15, 2005 City Commission packet.

Motion was made by Caldwell, second by Beebe, to approve the water, sewer and storm drain improvements to the Ridgeview Trail Subdivision.

All in favor, Motion passed.

A discussion was held to consider approval of water, sewer and storm drain improvements to the Grassy Butte (Eastep) Subdivision. The information for the proposed improvements was provided in the current City Commission packet.

Motion was made by Caldwell, second by Ebinger, to approve the water, sewer and storm drain improvements to the Grassy Butte (Eastep) Subdivision.

All in favor, Motion passed.

A discussion was held to consider authorization to go for bid for a "Z" Wall for a temporary outside Transfer Station.

Clint Tinsley stated that he feels confident that the meeting with the County will go very well as planned on Thursday, but if in fact it doesn't go well he is concerned about the City hauling garbage daily to Logan via truck through the winter months. The escalating fuel costs would become less cost effective. The City could construct an outside structure known as a "Z" wall and reduce the overall costs. This structure would be used to store several roll-off type garbage storage bins that are filled with garbage. Due to the larger storage capacity, this would require far fewer trips than are now being done. The City doesn't have to have the City Commission's authorization to go out for bid for this "Z" wall structure but Mr. Tinsley wanted to give the Commission an idea as to what may occur if the County and City cannot work out a good cost effective solid waste disposal Interlocal agreement. It is an option for the City to consider if negotiations with the County fail.

The Acting City Manager's written comments were reviewed.

- Patricia Grabow asked about a number of issues raised in the minutes. She was wondering, for example, if the MSU Design Committee needed to attend the other meetings of the Urban Design Advisory Committee, and if they have fulfilled their contract. She suggested the City Manager review the minutes and address all issues brought up.

Darren Raney asked what other things were not addressed in his comments of the minutes and Ms. Grabow commented that she would provide him a list.

- Ms. Grabow asked about the rescheduling of the Army Corp of Engineers for the Section 205 Study. Darren Raney stated that they are looking at rescheduling of that meeting to be held on November 17th but will keep in touch with him.
- Patricia Grabow commented about the letter from Shirley Ewan regarding the bidding from the community banks on the City's checking account. She feels that the role of the Commission is to be certain that the City represents the entire community and to request that the City attempts one (1) time in ten (10) years to go out for bid for our checking account.

Motion was made by Grabow to explore other communities in similar size if they go out for bid regarding their checking account.

There was no second. Motion died.

It was the Commission's consensus to give Ms. Grabow permission to go ahead and research this herself with other communities in similar size rather

than having City Staff take the time to explore options as there is too much time involved.

- Bob Ebinger asked about the "Most Improved Experience Modification Factor for the General Liability Program" safety award and was wondering what this was for. Shirley Ewan stated that the City of Livingston received this commendation because the City was the lowest in the State of Montana for Workman's Compensation.

Commissioner Grabow Comments:

- She commented that she is very concerned about long-term strategic economic development for the City of Livingston. She feels that we are not acting on this and denying that it does exist. She feels the Alliance Development Corporation monies that are in the budget could be used for a position for the City in order to utilize strategic economic development. She suggested to have a workshop to explore a long-term economic development commission and consider bringing this up at the next City Commission meeting.
- She also asked if the Historic Preservation Commission consider those areas on Main Street south of Lewis to the High School, 2nd to Sacajawea Park and Sacajawea Park. She would like to have them design the mechanism in that they are able to coordinate future historic designs.
- She would like to inform the Commission for the Main Street Pilot Program as the City of Livingston is being considered by the committee.
- She would like to have on the City/County agenda the issue about the museum.

Commissioner Ebinger Comments:

- He stated that he did not understand Ms. Grabow's idea of design review for the Historic Preservation Commission because they don't have any authority over anything that is not in the Historic District. This would have to go to the State office for design review.
- He commented that the City of Livingston would be a great Main Street Pilot Program but it really is up to the businesses downtown.
- He asked about John Grant's issue wanting to use glass in his sidewalk and wondered what the status was of this request. Clint Tinsley commented that nothing has happened as of yet but will follow up on it.
- He commented that the Urban Renewal Authority was going to do a study on the parking issues in the downtown area and wondered what the status was on this. He would like to have an update of this at the next meeting.
- He stated that at the last meeting he brought up the cleaning issue at Mayor's Landing with the plastic and paper being caught in the beaver dams and mentioned that the community would like to help

and wanted to know Staff's direction as to how to pursue this involvement.

- He stated that he went to an eminent domain meeting last week in Bozeman and it was brought to his attention that private property could be taken for and given to another private entity in the Urban Renewal development.
- He also wanted to know if the street sweeper has returned. Clint Tinsley stated that it was out today and should be out all week.
- He commented about the building fees being collected and wanted to know what was being done with these funds so that they don't go back to the State at the end of the year. Clint Tinsley stated that the building department is looking at hiring another building inspector and possible remodeling.
- He stated that the City Manager's applications are in the office and commented that it is legal for the Commissioners to review them but not open to the public.

Commissioner Beebe Comments:

- She mentioned that the Spay & Neuter Clinic is coming up on November 20, 2005 and wanted to point out that the bill for the Stafford Animal Shelter is substantially high because of all of the boarding of the puppies and kittens. She feels that this is the reason why she thinks that the City needs the Spay & Neuter Clinic to reduce the amount of animals in the City.

Bonnie Goodman was present from the Spay & Neuter Clinic and mentioned that Livingston would be the last stop for this Clinic and hoped that the City could help support this Clinic. The last time this Clinic was done in Livingston there was a 50% decrease in animals. She asked if the City could give \$2,000.00 to help support the Spay & Neuter Clinic this year.

- She asked about the downtown garbage cans and wondered what the status was. Clint Tinsley stated that there has been one (1) can built and hopefully other downtown businesses will sign up to get their garbage cans built.
- She also mentioned that several people are getting concerned about the loss of retail on ground floor downtown. There are buildings selling and was wondering if the City could explore an Ordinance prohibiting offices on the ground floor of the downtown area. Bruce Becker stated that he would check to see what Bozeman has relating to this.

Commissioner Caldwell Comments:

- He asked about the status of coordination with the County on Subdivision regulations being discussed. Jim Woodhull stated that he had spoke with Mike Spencer of the County Planning office and

he stated that Mike was planning on scheduling a meeting with City representatives relating to this issue.

- He also wanted to know what would make sense in requesting a report from the Grants Committee priority list. Patricia Grabow stated that there is a time-line that has been developed by the Grants Committee and this could be provided in the City Commission packets.

Chairman Blakeman had no comments.

No public comments were given.

Motion was made by Caldwell, second by Ebinger, to adjourn the meeting there being no further business. Motion passed.

The time was 10:25 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION
SPECIAL MEETING
November 1, 2005
6:00 p.m.

The Livingston City Commission had a special meeting on Tuesday, November 1, 2005 at 6:00 p.m. in the Community Room in the City/County Building. Commissioners present were Patricia Grabow, Steve Caldwell, Bob Ebinger, Mary Beebe and Vicki Blakeman.

Staff Members present were Bruce Becker, Darren Raney, Clint Tinsley, Jim Mastin and Pam Payovich. Shirley Ewan, Peggy Glass and Jim Woodhull were absent.

Motion was made by Caldwell, second by Grabow, to approve consent items as follows:

- Approve claim for A.M.E. in the amount of \$48,981.14 and \$521.08 for miscellaneous tax for work completed.

All in favor of consent item, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Interlocal Agreement with Park County, Montana, for Solid Waste Disposal at the County Transfer Station.

All in favor, Motion passed.

Motion was made by Ebinger, second by Caldwell, to approve a Request for Proposal (RFP) for a City/County Solid Waste Engineering Study.

It was the Commission's consensus to have Steve Caldwell email Tara Depuy his suggested changes and receive the final form after Tara Depuy has reviewed and approved it.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to adjourn the meeting there being no further business. Motion passed.

The time was 6:12 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
November 7, 2005
7:30 P.M.

The Livingston City Commission met in regular session on Monday, November 7, 2005 in the Community Room in the City/County Complex. Commissioners present were Patricia Grabow, Steve Caldwell, Bob Ebinger, Mary Beebe and Vicki Blakeman.

Staff Members present were Bruce Becker, Darren Raney, Shirley Ewan, Clint Tinsley, Jim Mastin, Jim Woodhull, Peggy Glass and Pam Payovich.

Motion was made by Ebinger, second by Caldwell, to approve consent items as follows:

- A. Approve October 17, 2005 Regular City Commission Meeting Minutes.
- B. Approve November 1, 2005 Special City Commission Meeting Minutes.
- C. Accept Bills and Claims for 2nd half of October.

Patricia Grabow asked if the reference in the minutes to her late arrival at the last meeting could be removed. Bruce Becker stated that it has always been noted in the minutes as to who arrives late and who is absent.

Ms. Grabow also made comment regarding ADA compliance issues in the City/County Complex. She feels that it isn't a good idea to have to go to Dispatch to have them unlock the door.

Bob Ebinger commented that this issue was brought up at the last City/County meeting. There is a problem with the building being completely unlocked after hours for security purposes. The City and County have to figure out what to do to have the building ADA compliant and still have the building secured after hours.

Patricia Grabow asked about Bob Ebinger's comment about the Yellowstone Country Montana Board of Directors. She mentioned that the paragraph was confusing and wondered if it could be re-worded so that it was more understanding. Bob Ebinger commented that what he was trying to say was that the Yellowstone Country Board minutes indicated they were promoting a Snowmobile Power support show and the Winter Sport expo. It was his concern, since Livingston hasn't been advertising themselves in the past as a winter sport City, that they get their fair share of dollars that are going into Travel Montana.

Ms. Grabow asked about the maps that were provided to the Commission of the sewer and water lines that go under the railroad tracks. She wondered how much it costs to run the water and sewer lines under the tracks. Clint

Tinsley stated that he would provide this information to the Commission when he has it completed.

Ms. Grabow asked about the claim from Dust Control and wanted to know what magnesium chloride was. Clint Tinsley stated that magnesium chloride is put on the graveled streets to keep the dust controlled.

Bob Ebinger requested, under Acting City Manager's comments, on page 10 that "accommodation" be changed to "commendation" to read: "Shirley Ewan stated that the City of Livingston received this commendation because the City was the lowest in the State of Montana for Workman's Compensation."

Also Bob Ebinger requested, under Patricia Grabow's comments, to change the word "doesn't" to "does" to read: "She feels that we are not acting on this and denying that it does exist."

Mr. Ebinger also requested under Patricia Grabow's comments to change the word "forum" to "inform" to read: "She would like to inform the Commission about the Main Street Pilot Program as the City of Livingston is being considered by the committee."

Bob Ebinger requested under his comments in the minutes to change the words "Central Historical District" to "State Historic Preservation Board" if we wanted to expand the District to read: "This would have to go to the State Historic Preservation Board if we wanted to expand the District for design review."

Mr. Ebinger wondered, under Mary Beebe's comments, what she meant. Mary Beebe stated that she had requested the Recording Secretary to change the word "pass" to "explore" and delete the word "retail" to read: "There are buildings selling and wondering if the City could explore an Ordinance prohibiting ~~retail~~ offices on the ground floor of the downtown area."

Bob Ebinger asked about the claim for the Costco membership and wondered whom the membership was for. Shirley Ewan stated that City employees can get Costco membership. Mr. Ebinger commented that he doesn't mind if employees go to Costco but hope that they check with the Livingston stores before they pursue Costco. Shirley Ewan commented that the City employee's do check with Livingston merchants first before buying things at Costco.

Bob Ebinger asked about the claim from John Haines in returning 6 graves to the City and wondered what this was for. Pam Payovich stated that John Haines had purchased six (6) graves from the City and decided to return them as him and his family are going to be buried elsewhere.

Mr. Ebinger asked about the claim from HKM Engineering and wondered what the lab analyses were. Clint Tinsley stated that HKM Engineering is the City's firm that does the bacteria test in the water each month.

Mr. Ebinger asked about the claim from Hyalite Environmental, LLP and wanted to know what environmental assessment this was for. Clint Tinsley stated that this was the environmental assessment done on the Sewer Plant and the One-Month Line project for the Corp of Engineers.

Bob Ebinger asked about the claim from the Livingston Masonic Lodge #32 and wanted to know if the City had sold this property yet. Bruce Becker stated that the property hasn't been sold as of yet.

Mr. Ebinger asked about the claim from Park County and wondered what it was for. Shirley Ewan stated that the claim was for telephone charges.

Mary Beebe requested to have in her comments changed on page 1 of the minutes to add the "Montana Spay and Neuter Task Force Clinic" to read: "Mary Beebe mentioned that the highest number of calls to Dispatch was dogs and animals and is related to ~~something else that she will comment at the end of the meeting~~ the Montana Spay and Neuter Task Force Clinic".

Ms. Beebe asked about the claim from Liquid Engineering Corporation and wondered what the claim was for. Clint Tinsley stated that this claim is for cleaning of the City's water reservoir tanks.

All in favor of consent items, Motion passed.

Variations:

A variance from front setback requirement of RII zoning districts was requested by Mr. Tom Elliott, owner of property described as Lots 31 & 32, Block 82, Original Plat, and located at the corner of 5th and Callender Streets. He wished to build a two-unit townhouse on these lots, which would be a setback of twenty-five (25) feet from 5th Street and ten (10) feet from Callender Street. Code requires a twenty-five (25) foot front setback on each of the two (2) units.

Mr. Elliott was present and showed elevation drawings to the Commission to clarify what his plans were for this property.

The findings of facts were approved at the last meeting held on October 17, 2005.

Bruce Becker provided a memo in the packet for the Commission about his conclusions to the variance being granted and commented that a variance runs with the land and does not expire when property ownership changes,

unless specifically set to expire after a stated period of time or upon the occurrence of a predetermined event.

Motion was made by Caldwell, second by Grabow, to grant approval of the Elliott variance until such time as the subject property may be sold or otherwise conveyed prior to construction.

Motion was made by Ebinger, second by Grabow, to amend variance to allow a bay window structure or an architectural design structure to be constructed on the Callender side of the structure and not to exceed 4' feet.

All in favor of amendment, Motion passed.

All in favor to grant approval of the Elliott variance as amended, Motion passed.

Public Hearings:

A public hearing for Ordinance No. 1961 was held – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ENACTING THE NIGHT SKY PROTECTION ACT FOR THE CITY OF LIVINGSTON, MONTANA.**

Myron Kovash of 11 Willow Drive asked the Commission where the funding is coming from for this Ordinance?

Vicki Blakeman stated that the City will have to pay for the street light replacement and that has already been in effect and will continue on.

Myron Kovash commented that he feels this is a lot to ask of the residents in Livingston because of safety and health issues. He stated that the citizens safety would be affected due to cutting back on lighting and that the City would end up with more crime and vandalism.

After much discussion it was the Commission's consensus to give this Ordinance more time to implement in order to determine the cost of the City's street light replacement schedule. Also the Commission requested that the City explore grant funding for lighting and to have a workshop relating to this Ordinance by the January 16, 2006 City Commission meeting in order to give Staff adequate time for the community's input.

Motion was made by Caldwell, second by Ebinger, to post-pone consideration of Ordinance No. 1961 until the regular City Commission meeting on January 16, 2006.

All in favor, Motion passed.

Resolutions:

Chairman, Vicki Blakeman stated that Resolution's No. 3693, No. 3694, No. 3695, No. 3696 and No. 3697, since they relate to personnel matters, should be discussed in a closed session before the next City Commission meeting on November 21, 2005.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3698 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING NEW JOB DESCRIPTION FOR THE POSITION OF BUILDING OFFICIAL.**

The Commission after much discussion gave several suggested changes and typo errors to the job description and requested the City Attorney to update.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3699 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN INTERIM INTERLOCAL AGREEMENT WITH PARK COUNTY, MONTANA FOR DISPOSAL OF SOLID WASTE.**

All in favor, Motion passed.

Actions Items:

A discussion was held to review and approve Van Dyken Minor Subdivision.

Paramount Homes, owned by the Van Dykens, wished to create five lots from a parcel of land purchased from the City that is adjacent to their land in Block 3 of the Palace Addition. This subdivision would square off and make complete this original city block that was not platted beyond the center section line of Section 14.

The City Planning Board recommended approval of the Van Dyken minor subdivision.

Motion was made by Caldwell, second by Beebe, to approve the Findings of Fact.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve the Van Dyken minor subdivision.

All in favor, Motion passed.

A discussion was held to consider annexation request by the Jondrow family and Discovery Vista, LLC.

The Development Review Committee recommended approval of the Jondrow family and Discovery Vista, LLC annexation request.

Motion was made by Caldwell, second by Beebe, to direct City Attorney to prepare a Resolution of Annexation by the Jondrow Family and Discovery Vista, LLC to annex parcels 1 and 2 of Certificate of Survey (COS) 2015 Agriculture (AG).

All in favor, Motion passed.

A discussion was held to consider Montana State University (MSU) School of Architecture proposal to design a public project.

Darren Raney stated that MSU School of Architecture would like a proposal to design probably sometime next year and would like some kind of idea for a civic project. He has solicited ideas from various committees and groups and received some responses. His recommendation was to come up with something fairly simple and reasonable that the City could actually accomplish, where the City would have to hire an architect to do anyway.

Mr. Raney commented that one of the ideas that came to his attention was the remodel of the Civic Center. Also mentioned was the "B" Street Parking lot landscaping and Mr. Raney suggested this to be a backup idea in case MSU feels that the Civic Center remodel is too much for them to handle. These ideas would be fairly reasonable and not beyond the scope of work.

After much discussion it was the Commission's consensus to agree with Mr. Raney's suggestions with the Civic Center remodel being the first proposal.

A discussion was held to consider and approve funding towards the Montana Spay and Neuter Task Force in the amount of \$2,000.00.

Shirley Ewan, Finance Officer, suggested that funding be taken from the Alliance Development Corporation (ADC) for Community Development Block Grant (CDBG) funds line item.

After much discussion the Commission determined to provide funding from the Code Enforcement line item not from the ADC line item for economic development.

Motion was made by Caldwell, second by Ebinger, to approve funding in the amount of \$2,000.00 toward the Montana Spay and Neuter Task Force.

All in favor, Motion passed.

A discussion was held to authorize City Manager to send letter to Montana Department of Transportation to install Brown Historic Signage on I-90 exits.

Motion was made by Beebe, second by Grabow, to authorize City Manager to send letter to Montana Department of Transportation to install Brown Historic Signage on I-90 exits.

All in favor, Motion passed.

The Acting City Manager's written comments were reviewed.

- Bob Ebinger commented that the garbage along Fleshman Creek and the beaver dam near Mayor's Landing has still not been cleaned up.
- Bob Ebinger wanted to commend City crews on the "M" Street grate. Debris has been dug out and has allowed the water to flow freely now.
- Bob Ebinger stated that he feels that the City should inform the Glenn Addition Association with a letter that the City hasn't forgotten about them and that the City is working on the water line servicing.
- Steve Caldwell asked if a survey had been done for the Old Water Works building. Jim Woodhull commented that according to the time line the survey needs to be done by November 16th.
- Steve Caldwell wanted to know if there had been a direct response from Montana Rail Link (MRL) or Burlington Northern Santa Fe (BNSF) to the City Attorney's excellent letter regarding rail-crossing permits. City Attorney commented that he had not received a response as of yet.

- Patricia Grabow mentioned that she thought that there was a Section 205 Study meeting on November 17th. Darren Raney commented that he had not heard a response back for sure.
- Patricia Grabow commented about the Glenn Addition water line servicing and mentioned that she had spoke with someone from that addition and that it had been almost a year since a decision was made. They had responded to her that if the City didn't take any action that the Glenn Addition was considering a lawsuit. She would like to see an estimate on how much it would cost the City to put a water line in the Glenn Addition by December 5th.

Commissioner Grabow Comments:

- She wanted to ask the City Attorney specifically what the status was with the City's relationship with BNSF. Bruce Becker stated that he had not heard back from them. She believes that if the City had had long-term strategic planning in place that the railroad crossing would be in place by now. She would like to keep this railroad crossing issue on the priority list.
- She commented that a citizen asked her what was happening with the Street Sweeping and if the alleys were graded. Clint Tinsley stated that alleys will start to be graded Wednesday or Thursday of this week. The Street Sweeper will be running next week every day unless it is too cold, freezing up the sweeper.

Commissioner Ebinger Comments:

- He stated that, getting back to the railroad crossing, the City needs a study pursuing Federal funding or could the City just do a bond issue. Jim Woodhull stated that the study is based on Federal funding. Mr. Ebinger commented if the City did a bond issue the City could fund the railroad crossing themselves.
- He commented about condominiumizing East Side School and believes that the City should look into this possibility. He would like to know the advantages or disadvantages of this.
- He asked about banning offices on the ground floor of the Historic downtown. He mentioned that Bozeman has this type of Ordinance and would like the City of Livingston to consider this also.
- He asked if the City had stopped doing the greens pickup on Monday's. Clint Tinsley stated that yes the City stopped last Monday. Those individuals that still want green pickups can call the Utility Office to have them picked up.

Commissioner Beebe had no comments.

Commissioner Caldwell Comments:

- He agreed that the City needs to look at ways of funding the railroad crossing themselves. He would like City Staff to look at where the railroad crossing should be.

Chairman Blakeman Comments:

- She commented that the Commission needs to set up a time to go through the City Manager's applications.

The Commission concurred to have a Work Session on November 16, 2005 at 7:00 p.m. to review the City Manager's applications.

- She commented that at the Rocky Mountain Community Development meeting they wanted to know if the storm drainage water retention at the Branding Iron Subdivision was the City's responsibility now. Clint Tinsley stated that he had written a letter to them that the City will assume the responsibility of the storm drainage water retention.
- She commented that she had received a few calls about the Skate Park and was wondering what the City is going to do about the Skate Park. She would like to have this on the next City Commission agenda to search for the City's options.

Public Comments:

- Paula Clawson of 401 South Main Street commented that she felt that it was inappropriate that the Commission took off the Resolution's on the agenda for personnel, to be discussed in an executive session. She stated that Montana State Law allows the public the right to information concerning the spending of public funds.
- Gladys Durden of Livingston commented that the City has needed a railroad crossing for 55 years.

Motion was made by Ebinger, second by Caldwell, to adjourn the meeting there being no further business. Motion passed.

The time was 10:12 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
November 21, 2005
7:30 P.M.

The Livingston City Commission met in regular session on Monday, November 21, 2005 in the Community Room in the City/County Complex. Commissioners present were Mary Beebe, Patricia Grabow, Vicki Blakeman, Bob Ebinger and Steve Caldwell.

Staff Members present were Bruce Becker, Darren Raney, Shirley Ewan, Clint Tinsley, Jim Mastin, Jim Woodhull, Peggy Glass and Pam Payovich.

Motion was made by Caldwell, second by Ebinger, to approve consent items as follows:

- A. Approve November 7, 2005 Regular City Commission Meeting Minutes.
- B. Accept Bills and Claims for 1st half of November.
- C. Department Heads Monthly Reports and Other Minutes.
- D. Approve Special Event Request for the Christmas Stroll to be held on December 3, 2005.
- E. Approve Two-Hour Parking Waiver request for the Christmas Holiday from Monday, December 12, 2005 through Friday, December 30, 2005.

Patricia Grabow asked about the Building Department report and wanted to know where the money is being housed after the fees are collected. Shirley Ewan stated that the money is housed in CD's at different banks in the City.

Patricia Grabow asked about the Development and Review Committee report in the packet and wondered if the Committee had met since September. Clint Tinsley stated that the Committee hasn't met since September and the report will be in the second Commission meeting packet in December after the Committee approves the minutes.

Bob Ebinger asked about the claim from Chief Supply and wanted to know what nasal cannulas are. Shirley Ewan stated that it is a tube to administer oxygen through the nose.

Bob Ebinger asked the claim from Bird-X, Inc. for the quadblaster bird repeller. He was curious what the status was after installation, and if it has proved effective or not.

Bob Ebinger asked about the claim from Montana Municipal Insurance Authority (MMIA) for Thomas Burns's deductible and wondered what this was for. Shirley Ewan stated that Mr. Burns filed a claim with the City and that it is the amount of the deductible for his flood damage.

Mr. Ebinger also mentioned that the Qwest bill for the Civic Center seems to still be high and wondered why. Shirley Ewan stated that the Civic Center has five (5) separate phone lines and that is the combined cost of the lines together.

Mr. Ebinger asked Clint Tinsley if he sees a problem with collecting water and sewer revenues that was budgeted to increase. Clint Tinsley commented that it may be a problem collecting what was budgeted without knowing what the weather is going to be in May and June next year. Mr. Ebinger asked Mr. Tinsley if he would keep the Commission updated periodically through the rest of the fiscal year.

Mary Beebe requested that on page 7 of the minutes the wording to be changed to read: "After much discussion the Commission determined to provide funding from the Code Enforcement line item which pays for animal control now not from the Alliance Development Corporation (ADC) line item for economic development."

Steve Caldwell asked about the Special Event request from Ryan Springer from the Downtown Association and commented that the applicant is not the same as the insured. Bruce Becker stated that the application could be changed to read the Downtown Association not an individual.

Steve Caldwell also commented about the issue of waiving the two-hour parking and feels that some downtown business employees abuse the parking privilege. It was decided to gather input from businesses about how effective the waiver is, and if they support it.

All in favor of consent items, Motion passed.

Scheduled Public Comments:

Jerri Miller from Tri-County Network Against Domestic Violence made comment requesting funding from the City in the amount of approximately \$5,000.00 or whatever amount available for the Tri-County Network Against Domestic Violence shelter staff. Ms. Miller stated that this organization does receive funding from Park County and some donations from Sweetgrass County.

Vangie Lee, City representative for the Yellowstone Country Board, gave a presentation on the update of the Yellowstone Country Board progress and presented the Commission with a written report.

Variances:

Jason and Robyn Pfahl, owners of property located at 1114 East Lewis Street, requested a variance from the side and rear setback requirements for RII (MH) zoning districts. They wished to re-build an existing garage in its

original location approximately one (1) foot from the rear property line and two (2) feet from the side property line. Code requires a five (5) foot setback at both the rear and side. The Board of Adjustments recommended approval of this variance request.

Motion was made by Caldwell, second by Beebe, to approve Findings of Fact for the Pfahl variance request.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve variance request.

All in favor, Motion passed.

Resolutions:

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3693 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, PROVIDING EQUITY ADJUSTMENT FOR ACCOUNTS RECEIVABLE/ACCOUNTING CLERK, ACCOUNTING/ACCOUNTS PAYABLE CLERK AND PAYROLL/PERSONNEL CLERK IN THE AMOUNT OF \$1,200.00.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3694 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING 3% RAISE IN BASE RATE OF PAY FOR NON-UNION CITY EMPLOYEES FOR FISCAL YEAR 2005-2006.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3695 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING ADJUSTED BASE SALARY FOR ADMINISTRATIVE SECRETARY FOR FISCAL YEAR 2005-2006 IN THE AMOUNT OF \$29,780.00.**

Patricia Grabow commented that she feels in principle this is not the appropriate way to give equity adjustments to City employees. She believes that it could be done more expeditiously to make all of the adjustments within the system itself and not piecemealed.

Bob Ebinger asked what other positions are needing an equity adjustment analysis.

Darren Raney stated that he doesn't feel that any other positions are at this time. The last time a salary analysis was done was five (5) years ago when a pay grade system was established and since then there have been a few

adjustments that have been made. He feels that the City is in need of doing another evaluation process in a more formal way of establishing pay grades and confirming salary range from minimum to maximum.

Mr. Raney commented that these equity adjustments were some that were being looked at pursuant to this year's budget process. During one of the budget process meetings the Commission authorized funds to be appropriated in the budget for these identified positions. The Commission did not approve the expenditure until the wage equity study was done. Now that he has done the equity study, Mr. Raney believes that they were fair in using the most comparable communities and within our own system to ensure these raises are equitable.

Vicki Blakeman, Chairman, commented that she feels that this isn't piecemealing at all. This is the final step other than the whole grade level adjustments. All of the Union's equity adjustments have been done and the Department Heads also. Ms. Blakeman feels that Mr. Raney has used a very good standard process, which she finds very valuable in comparison to similar communities. She does feel that the grade levels should be looked into for all employees for the next fiscal year adjustments.

4 in favor; Caldwell, Ebinger, Beebe and Blakeman, 1 against;
Grabow, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3696 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING ADJUSTED BASE SALARY FOR FINANCE OFFICER FOR FISCAL YEAR 2005-2006 IN THE AMOUNT OF \$51,798.00.**

4 in favor; Caldwell, Beebe, Ebinger and Blakeman, 1 against;
Grabow, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3697 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING ADJUSTED BASE SALARY FOR BUILDING INSPECTOR I FOR FISCAL YEAR 2005-2006 IN THE AMOUNT OF \$30,500.00.**

4 in favor; Ebinger, Blakeman, Beebe and Caldwell, 1 against;
Grabow, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3700 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DESIGNATING THE POSITION OF BUILDING OFFICIAL AS AN FAIR LABOR STANDARD'S ACT (FLSA) EXEMPT EXECUTIVE EMPLOYEE AND ESTABLISHING ADJUSTED SALARY FOR BUILDING OFFICIAL IN THE AMOUNT OF \$47,000.00.**

4 in favor; Blakeman, Beebe, Caldwell and Ebinger, 1 against;
Grabow, Motion passed.

Motion was made by Ebinger, second by Caldwell, to approve Resolution No. 3701 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING BY PETITION PARCEL 1 AND PARCEL 2 OF CERTIFICATE OF SURVEY NO. 2015 AG LOCATED IN THE SE1/4 OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 9 EAST, P.M.M. PARK COUNTY, MONTANA.**

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3702 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING NEW EMPLOYEE POLICIES AND PROCEDURES MANUAL FOR THE CITY OF LIVINGSTON, MONTANA AND REPEALING PREVIOUS POLICY MANUAL AND PROCEDURE MANUAL AND MODIFICATIONS THERETO.**

All in favor, Motion passed.

Actions Items:

A discussion was held to review Glenn Addition water line and direct City Staff with the Commission's recommendation.

Darren Raney stated that close to a year ago the City annexed this property and there was the unresolved issue as to who owns the water line. The City has been unable to find official record of any easements whatsoever for this water line. It seems there may be informal agreements, but, pursuant to research done by City staff, there is no easement for the City to take over at the present time. Without an easement, the City is unable to enter the property to do maintenance work on this water line. He has advised residents, Denis Brandon and Dr. James LaValley, of his recommendations and invited them to the Commission meeting. Mr. Brandon and Dr. James LaValley were present, but did not comment.

Mr. Raney's recommendation was to direct City staff to pursue immediate acquisition of a utility easement for the Glenn Addition private water line.

Motion was made by Caldwell, second by Grabow, to direct Staff to immediately pursue documentation or the acquisition of a utility easement for the Glenn Addition private water line.

All in favor, Motion passed.

A discussion was held to consider turning Skate Park property in alternative use.

Mr. Thomas Romans, Chairman of the Skate Park Committee, made comment relating to this subject of considering turning the Skate Park property into alternative use. He stated that he had discussed with City Staff about possibly turning the Skate Park into basketball courts before the sudden burst of community residents wanting to leave the Skate Park as is. There was a large number of people present at the meeting from the community wanting to keep the Skate Park in its present state.

Mr. Romans apologized to the Commission and to City Staff for the condition of the Skate Park. He made comment that he was not aware of the problems that the City has had in regards to vandalism, windows shattered on stored vehicles in the impound lot, damage to the Civic Center, damage to adjoining fencing, damage to the nearby restrooms, and excessive littering. He stated that due to the lack of interest in the Skate Park Committee he has been the only individual that has been actively involved in the Committee.

The people present at the meeting that want to participate in the Skate Park upkeep were not there when Mr. Romans was in need of assistance but he is grateful that they have come forward now to get involved with the Skate Park. With all this said Mr. Romans gave his verbal resignation as Chairman of the Skate Park Committee and asked the Commission to give the newly formed group support to demonstrate their ability to move forward in keeping the Skate Park up in good condition. Mr. Romans mentioned that Jackson Welker will be a new candidate for the Chairman of the Skate Park Committee. Mr. Romans also commented that he will offer his assistance to the new group for the Skate Park Committee.

Jackson Welker of 112 South "I" Street spoke on behalf of the newly formed Skate Park Committee. Mr. Welker provided the Commission a document stating the new Skate Park Committee's goals in the operation of the Skate Park. The document provided is as follows:

Accomplishments since the first meeting on November 18, 2005

1. Four (4) adult members will be serving on the Skate Park Committee in hopes to add four (4) to five (5) youth officers to speak for their peers and learn the operation of the Skate Park and insure longevity of the organization.
2. The current Committee will work with the City of Livingston to maintain structure and appearance.
3. A contact sheet has been created and distributed to evaluate youth interest in Skate Park involvement and sustainability.
4. \$20,000 matching funds from a private donor have been promised.
5. \$1,000 matching funds from Wal-Mart.

Immediate tasks - Saturday December 10, 2005

1. Enclose openings on the ramps and build a storage compartment for maintenance tools.
2. Handrail around the mini ramp.

3. The Committee will take care of the graffiti on the Civic Center.

Goals

1. Youth officers leading a Skate Park Advisory Committee mentored by current adult Advisory Committee members.

Maintenance

Strategies for Maintenance Include:

1. Graffiti will be removed within 24 hours.
2. Safety rules and regulations will be posted.
3. Trash receptacles need to be placed with signs instructing their use.
4. Sustainable funding for repair and maintenance.
5. One Saturday a month for routine maintenance mandatory by all Committee members.
6. Initially a public meeting will be held every other week.

Impact of Community Skate Park

1. Community involvement and civic responsibility.
2. Respect for property due to involvement by youth participants.
3. Technical skills-constructing repair and maintenance.

We hope to change the view of the Skate Park for both the children and adults that use the park and the public that shares the area. We believe it can be done!

The Skate Park Advisory Committee adult members will be Jackson Welker, Chair; Shawn Birch, Vice Chair; Kelly Welker, Treasurer; and, Brian Reinsvold, Secretary.

Mr. Welker mentioned that while he was growing up in Livingston his friends and he thought long and hard of having a Skate Park and it was a very difficult thing to do. Now that the City of Livingston has one, Mr. Welker would like to take the opportunity to involve himself and other interested individuals in keeping the Skate Park in good condition and appearance.

Bob Ebinger stated that he is all in favor of allowing this group to continue to try and make the Skate Park work for the community.

Steve Caldwell also stated that he is very supportive of any attempt this group puts together to salvage the situation at the Skate Park and has the social benefit.

Patricia Grabow commented that she is also supportive of continuing the Skate Park.

It was the Commission's consensus to allow the Skate Park to continue and wished the new group good luck in their efforts.

Darren Raney commented that there are liability issues at the Skate Park that need to be taken care of immediately. The City does not have sufficient funds to replace the ramps in the near future so the Commission needs to determine funding sources to restore and maintain the Skate Park. Mr. Raney also mentioned that the Skate Park is a City Park and recommends that the Skate Park Committee coordinate with the City's Park & Recreational Director, Eddie Miller. He requested that the Skate Park Committee keep on target dealing with the issues of cleaning and maintenance along with the coordination of Eddie Miller in a joint effort.

The Commission thanked this group for taking upon the responsibility of the Skate Park and again wished them good luck.

A discussion was held to review and consider Ordinance banning Main Floor Office spaces downtown.

Vicki Blakeman, Chairman commented that the Commission is considering having a more balanced downtown and are trying to come up with some way to initiate this process. She stated that putting this Ordinance banning Main Floor Office spaces downtown on the agenda was to get input from the downtown businesses and whether they feel that this is an issue they would like the Commission to pursue and if so how to get there.

Bob Ebinger suggested that the Downtown Association, the Urban Renewal Authority, Historic Preservation Commission and the Livingston Area Chamber of Commerce might be interested in looking into this Ordinance banning main floor office spaces in downtown. This would allow for balance and mixed growth and also not ignoring the importance of retail downtown and not let it pass away.

Steve Caldwell stated that the Commission needs to make sure that the City has a dialogue with the Downtown Association because the issues are more commercial than architectural.

After much discussion a consensus of the Commission was to ask these organizations to pursue researching the interest of downtown businesses in possibly looking into this Ordinance banning main floor offices spaces. Also suggested was to schedule a Workshop after the first of next year with all of these organizations in order to coordinate with the City Commission as a catalyst.

Laura Bray of 409 South "F" Street commented that she feels that it would be great if there was some kind of workshop or brainstorming discussion. She stated that the Livingston Gallery Association approached this topic at its

last meeting and that there was a unanimous agreement with every business owner present that this was a very important topic to discuss.

A discussion was held to consider appointing a City Commissioner to the Sister Cities Committee.

Motion was made by Ebinger, second by Caldwell, to appoint Mary Beebe to the Sister Cities Committee as a City Commissioner representative.

All in favor, Motion passed.

The Acting City Manager's written comments were reviewed.

- Patricia Grabow asked that the City Commission be kept up dated with the projects that are high priorities of the City.
- Bob Ebinger thanked Clint Tinsley and Brad Haefs for cleaning up the beaver ponds down at the Yellowstone River.
- Bob Ebinger commented that he feels that the City and County need to determine whether to use the \$30,000 that was budgeted for the Railroad Crossing Study and have it put on the next City/County meeting agenda.
- Bob Ebinger also requested to have the beaver problem suggestions put on the next City/County meeting agenda.
- Vicki Blakeman stated that Mr. Lenny Gregory asked her to say that the tree wrapping is not working down at the Park.
- Vicki Blakeman asked if the next Section 205 meeting has been scheduled yet. Darren Raney stated that it has not been definitely rescheduled yet but will inform the Commission when it is.

Commissioner Grabow Comments:

- She wanted to urge everyone to go to the banks and take a look at the display for the downtown design. There is a request for input on how to envision your town.
- She wanted to know if the City will get an audit report from the auditors or how does that work. Shirley Ewan stated that the City will get an audit report but probably not until January.
- She wondered why she was listed under the Building Committee on the web-site and wanted to know when those meetings are. Pam Payovich commented that Bob Ebinger is on the Building and Maintenance Committee but she will look at the web-site and let Ms. Grabow know.
- She believes that moving beavers from one water shed to the next watershed is a viable way of getting the beavers relocated. Darren Raney commented that about a year ago the City had a Fish and Wildlife Biologist come to the City and address the problems of beavers and he told the City that they will have the beavers forever. The biggest problem is Fleshman Creek and with the River coming in and that's what beavers do is float up and down the river and look for tributaries to relocate. This will be a problem for

Livingston due to this issue. If the beavers were relocated they would just become a problem to someone else.

- She wanted to comment that the idea of a resort tax is not dead and as the community grows there seems to be more and more of an interest in it. She encouraged the Commission not to drop the resort tax issue.
- She also wanted to look into a facade program and would like to have the City/County Grant Writer involved with this program. She also inquired about the report for the timeline for grants. Darren Raney stated that he would provide this report to her and the Commission.

Commissioner Ebinger Comments:

- He wanted to know about the bird repellent that was to be installed under the "B" Street Bridge and wondered how effective it has been. Clint Tinsley stated that it has been installed and it is not working. Mr. Tinsley suggested to return the bird repellent machine and get the City's money back. He commented that the City does need to get rid of the pigeons because it is becoming a serious health risk. The Commission concurred to send back the bird repellent machine. Also the Commission asked Clint Tinsley to look into other alternatives in trying to get rid of the pigeons.
- He wanted to know the status of the water rights. Clint Tinsley stated that the actual report of the water rights were sent to the Department of Natural Resources and Conservation (DNRC). DNRC sent the report back to the City last week requesting more information and he is still researching the information that they requested then he will send it back to them.
- He wanted to know about the timeline of the work that A.M.E. Inc. is doing for the City. Clint Tinsley commented that the City is working with A.M.E. along with Northwestern Energy to try and get the projects done that the City hired A.M.E. to do.
- He also wanted to know if the City had received any response from the Girl's Scouts. Darren Raney stated that he has not heard from them yet.
- He wanted to know if anyone was going to the Trade Tech meeting at the Best Western on December 2, 2005 and commented that he was going to try and attend.

Commissioner Beebe Comments:

- She wanted to thank everyone who participated in the Spay and Neutered Clinic and mentioned that it was a great success. She feels that the outcome of this clinic could be that the animal numbers at the Animal Shelter will be reduced.
- She asked when the City will hear about the impact fees. Darren Raney stated that the City should hear the preliminary numbers of the impact fees by the end of the year.

- She asked about the list of communication projects that had happened and wanted to get a copy of it. Jim Mastin stated that this was a list of things that Frank Smith had done and he will provide Ms. Beebe with that list.

Ms. Beebe asked if the Communication Committee minutes could be provided to the Commission in their packets in order to keep them apprised.

Commissioner Caldwell Comments:

- He requested that the City get some kind of feedback from the Livingston Area Chamber of Commerce and the downtown businesses on the effectiveness of the two-hour parking waiver during the Holiday shopping period in order to determine whether or not the City should continue the two-hour parking waiver next year. Darren Raney stated that he would follow up on this for the Commission's information for next year's determination as to whether to do the two-hour parking waiver.
- He wanted to know if the Old Water Works Building Survey had been completed. Jim Woodhull stated that it was not done but should be completed soon.
- He wanted to know the status of the Interchange Landscaping project and wondered if this project was done for the season. Clint Tinsley stated that the irrigation system has been installed because of the contractor's work schedule and the rest of the project will be completed next Spring.
- He wanted to know if the City had received a response back from Burlington Northern Santa Fe (BNSF). Bruce Becker stated that the City received a letter today from Montana Rail Link (MRL) that stated that they disagreed with his concerns and that they would like him to get back to them with a proposal that the City of Livingston could live with and they would pass it on to the BNSF. Vicki Blakeman asked why are we dealing with MRL and not BNSF. Bruce Becker stated BNSF has leased this area to MRL and BNSF has reserved the right to approve any sort of railroad crossing permits. Darren Raney stated that he would provide a copy of the letter from MRL to the Commission for their information.
- He mentioned that the City has a residential development on "Q" Street and reserved an easement from that property down to the River and wanted to confirm this because the Trails and Greenways Task Force has inquired about it. Vicki Blakeman stated that she has the corridor that she received from Bruce Becker and will provide a copy of this to the Trails and Greenways Task Force for their information.
- He asked if the Engineering Study RFP from the County for the Solid Waste had been sent out yet. Darren Raney stated that he didn't know for sure but thought that it would go out this week some time.

Chairman Blakeman Comments:

- She announced that the Commission, at their Executive Work Session, had discussed applicants that did not meet the minimal requirements for the City Manager position. She provided the list of individual's resumes that didn't meet the minimal requirements to the Recording Secretary for the record. A final list of City Manager applicants for the Commission's consideration will be on the agenda at the next City Commission meeting.

Public Comments:

- Dave Wistey of 12 Bighorn Drive asked if the City has assumed the responsibility of the water and sewer lines in the Kayle Subdivision. Vicki Blakeman stated yes.

Mr. Wistey asked if the City would consider extending the leaf pickup schedule and he has several bags of leaves. Clint Tinsley stated for those individuals that have leaf bags for the City to pick up to call the Building and Utility Office at 222-1142 and they will come and pick up the bags.

- Gladys Durden of 105 West Gallatin Street commented she feels that the City Commission has been negligent in approving the subdivisions because of the problem that the City has in not having another railroad crossing in place in order to take care of the people.

Motion was made by Caldwell, second by Ebinger, to adjourn the meeting there being no further business. Motion passed.

The time was 10:45 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
December 5, 2005
7:30 P.M.

The Livingston City Commission met in regular session on Monday, December 5, 2005 in the Community Room in the City/County Complex. Commissioners present were Mary Beebe, Patricia Grabow, Vicki Blakeman, Bob Ebinger and Steve Caldwell.

Staff Members present were Bruce Becker, Darren Raney, Shirley Ewan, Clint Tinsley, Jim Mastin, Jim Woodhull, Peggy Glass and Pam Payovich.

Motion was made by Ebinger, second by Caldwell, to approve consent items as follows:

- A. Approve November 21, 2005 Regular City Commission Meeting Minutes.
- B. Accept Bills and Claims for 2nd half of November.
- C. Approve request to Waive Rental Fee for Community Christmas Dinner to be held on December 24, 2005 and December 25, 2005 at the Civic Center.

Patricia Grabow requested that on page 3 and page 4 of the minutes that piece mealed be changed to piecemealed.

Ms. Grabow commented that on page 5 of the minutes it stated that City staff would pursue immediate acquisition of a utility easement for the Glenn Addition private water line. She was wondering if this had been done yet. Darren Raney stated that the City Attorney has been gone for a week and that he will research this now that he has returned.

Patricia Grabow commented that on page 9 of the minutes under her comments it states that she was listed under the Building Committee on the City web site and that she was mistaken that it is the Infrastructure Committee. She would like this Committee to let her know when they meet.

Ms. Grabow asked about the claim from Concrete Materials of Montana and wondered if this was a local company. Clint Tinsley stated that this company is in Livingston.

Ms. Grabow asked about the claim from Dorsey & Whitney and wondered what this was for. Shirley Ewan stated that this claim from Dorsey & Whitney is for PrintingForLess.com bond counsel.

Patricia Grabow asked about the claim for the swimming instructor and wondered why the City is paying for an instructor now during the winter.

Shirley Ewan stated that swimming lessons are being given at the Yellowstone Best Western inside.

Ms. Grabow mentioned that on the Proclamation that was in the packet to be approved that the "Yellowstone Gateway Museum of Park County" should be changed to the "Park County Historic Society".

Bob Ebinger requested on page 5 of the minutes that both Dr. LaValley and Mr. Brandon were present at the meeting and would like this noted.

Mr. Ebinger also requested he would like to add his statement that he hoped that the City could find a way to budget the cost of the water line for the residents of the Glenn Addition.

Bob Ebinger asked to change the word "way" to "away" on page 8 of the minutes and delete the word "it" to read: "This would allow for balance and mixed growth and also not ignoring the importance of retail downtown and not let it pass away".

Mr. Ebinger also commented that he doesn't want to hear the word "ban" ever again and clarified that the Commission is not wanting to ban "any" stores downtown including retail stores.

Mr. Ebinger also requested on page 12 of the minutes under Chairman, Blakeman comments to change the word "selected" to "discussed" and delete the word "more" to read: "She announced that the Commission, at their Executive Work Session, had discussed ~~more~~ applicants that did not meet the minimal requirements for the City Manager position."

Mr. Ebinger asked about the claim from County Market for birthday gift cards and wondered what this was for. Shirley Ewan stated that it should be birthday gift certificates not cards.

Mr. Ebinger asked about the lunch allowance of \$6.00 for the Montana Municipal Insurance Authority (MMIA) meeting and wondered if this was the State allowance. Bruce Becker stated that this is state law and if the Commission wants it changed they will have to talk to our representatives.

Bob Ebinger asked about the claim from the Livingston Enterprise for the presentation from Talgo America and wondered why the City is paying for an ad for someone to give a presentation. Shirley Ewan stated that this was the Special Meeting notice that was put in the Livingston Enterprise and was not just for the Talgo America presentation.

Mr. Ebinger asked about the insurance for the Christmas Dinner waiver request. Darren Raney stated that the City has never requested insurance before. Bruce Becker commented that they do have insurance but the City isn't requiring them to pay for it because this is a community function.

Mary Beebe wanted to comment that she would like to concur in using a different word rather than "banning" office space because that it not the Commission's intent to "ban" downtown offices.

All in favor of consent items, Motion passed.

Proclamations:

Vicki Blakeman, Chairman read a Proclamation recognizing the week of January 22, 2006 through January 28, 2006 as "Cowboy and Ranching Heritage Week".

It was requested prior to change the Yellowstone Gateway Museum of Park County to Park County Historic Society and also requested to add the word film in the third whereas.

Scheduled Public Comments:

Brian Sparks as a "private citizen" gave a presentation about economic interest in the future of the Museum with the importance of the City Commission informed contribution to the public dialog taking place. Mr. Sparks provided information concerning his issues in the packet for the Commission's information. Mr. Sparks thanked the Commission for allowing him to present this information.

Resolutions:

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3700 amended – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DESIGNATING THE POSITION OF BUILDING OFFICIAL AS AN FAIR LABOR STANDARD'S ACT (FLSA) EXEMPT EXECUTIVE EMPLOYEE AND ESTABLISHING ADJUSTED SALARY FOR BUILDING OFFICIAL IN THE AMOUNT OF \$47,000.00. Amending effective date.**

The effective date will be December 16, 2005 instead of July 1, 2005.

All in favor, Motion passed.

Action Items:

A discussion was held to consider Talgo America's request for a Community Development Block Grant (CDBG) loan request from the City of Livingston in the amount of \$300,000.00.

Darren Raney commented that Talgo America requested to have this postponed as they are not ready to present this proposal to the Commission as of yet but will at a later date.

A discussion was held to review a draft Ordinance – AMENDING CHAPTER 23 OF THE LIVINGSTON MUNICIPAL CODE BY REQUIRING A NON-MONETARY PERMIT TO WORK ON TREES LOCATED ON PUBLIC PROPERTY.

Lenny Gregrey of 429 South 9th Street, Alain Kennedy of 108 South "F" Street and Mira Bednarek of 115 South "H" Street made comments relating to this Ordinance.

After much discussion with the Commission it was determined to have this Ordinance reviewed again by the City Tree Board before bringing it back to the Commission for their consideration of first reading.

A discussion was held to consider funding support to the Tri-County Network Against Domestic & Sexual Violence in the amount of \$5,000.00.

Darren Raney commented in his recommendation that he fully supports the services provided by the Tri-County Network but feels that the City needs to budget for expenditures of this magnitude each fiscal year, and such funds should be clearly identified and designated in a line item in the budget. He also feels that such contributions for non-governmental expenses should be limited to what has been specifically identified in the existing budget.

Motion was made by Ebinger, second by Caldwell, to post-pone considering funding support to the Tri-County Network Against Domestic & Sexual Violence until additional research is done to determine whether or not funding can come from this years budget to assist this group.

All in favor, Motion passed.

A discussion was held to consider funding request from the Urban Renewal Authority to pay for travel expenses for Greg Krueger to come to Livingston for a Workshop.

Motion was made by Caldwell, second by Beebe, to approve funding request from Urban Renewal Authority to pay travel expenses for Greg Krueger to come to Livingston for a Workshop not to exceed \$150.00.

All in favor, Motion passed.

Darren Raney also commented that the Urban Renewal Authority had asked that the Commission suggest some tentative dates as for Mr. Krueger to come and have this Workshop so that we can coordinate with him. The Urban Renewal Authority suggested either January 13th or January 20th, 2006 that would work for Mr. Krueger. The Commission commented that either one of those dates would be fine with them.

A discussion was held to consider approval of the proposed new street lights.

Clint Tinsley, Public Works Director, commented that the lights would be slightly different from the ones that were originally installed in town. The new lights would conform to the City of Bozeman's "night sky friendly" ordinance. They would be shaped differently and the color would be slightly different but the lighting would shine in a downward direction.

Motion was made by Caldwell, second by Ebinger, to approve new street lights proposed by the Public Works Director.

All in favor, Motion passed.

A discussion was held to approve semi-final list of applicants for the City Manager's position vacancy.

Vicki Blakeman, Chairman gave the semi-final list to the Recording Secretary of applicants for the City Manager's position vacancy. Those applicants that were not chosen will be receiving letters from the Recording Secretary to inform them that they were not selected and thank them for their interest. The individuals that were selected for the semi-final list will be notified via email with a formal questionnaire asking them one (1) question regarding current issues of importance to the City of Livingston and three (3) questions of hypothetical situations and requesting their responses. After reviewing questionnaire responses, the Commission will make another selection in order to determine how many finalists will be chosen to interview with the Commission.

Motion was made by Grabow, second by Ebinger, to approve the semi-final list of applicants for the City Manager's position vacancy from the Executive Workshop and also approve the suggested questionnaire for the semi-final applicants.

All in favor, Motion passed.

The Acting City Manager's written comments were reviewed.

- Patricia Grabow wanted to know where the beavers are being moved. Darren Raney commented that the most effective way to get rid of the beavers by trapping and removing them completely in order to keep the numbers down. Ms. Grabow wanted to know what the difference of cost is from live trapping and removing them or shooting them. Darren Raney stated that live trapping is going to be more costly because of the time involved.
- Patricia Grabow commented that she was grateful that the Committee meetings dates and times were on the City Manager's calendar and wondered if all of the Committee meetings could be put on the City Manager calendar. It was requested if anyone had a meeting or knew of one to let the Recording Secretary know and she will put it on the calendar.

- Bob Ebinger commented about the MSU School of Architecture designing of the Civic Center remodel and felt that designing was the wrong terminology for this historic building. Mr. Ebinger stated that MSU School of Architecture would be working within the historic context of what the City can do with the Civic Center. He wanted to make sure that this was the Commission's understanding that the MSU School of Architecture would be working with the City in designing this historic building.
- Bob Ebinger wanted to mention that on December 14th there will be the Governor's TV and Film Advisory Council in Livingston at 119 South Main Street upstairs and is open to the public.
- Bob Ebinger also mentioned that he went to the Depot Foundation meeting concerning the Depot Restoration project and he feels that much of the problems stem from the contractors' lack of previous historical preservation experience.
- Vicki Blakeman asked when the Section 205 Study meeting is going to take place. Darren Raney commented that he has not heard back from the Corp of Engineers due to their involvement with Hurricane Katrina but Mr. Raney will let them know as soon as he is informed which will probably be after the first of next year.

Commissioner Caldwell Comments:

- He wondered if City Staff has pursued a monthly cash flow forecast and wanted to know if there were any train wrecks coming up. Shirley Ewan stated that there is no train wrecks coming up and the City has ample amounts of cash after completing the PrintingForLess.com bonds, but the City still needs to watch general fund cash flow. Ms. Ewan also commented that Darren Raney and she have determined to have a \$500.00 limit on purchase orders. Any expenditure over \$500.00 will have to have prior authorization from the City Manager.
- He wanted to know the status of the construction on Lewis and Callender Streets between 3rd and Yellowstone Street. Clint Tinsley stated that is the Sewer project and the contractor is trying to get this done and Mr. Tinsley is confident that the project will be completed within the next two (2) weeks.

Commissioner Beebe Comments:

- She commented that the City had talked about raising the dog license fee in order to earmark \$5.00 for a community spay and neuter fund to be administered by the shelter and was wondering if there was still time to do this. Shirley Ewan stated that licenses have already started being sold at \$10.00 and if the Commission agrees to earmark the \$5.00 for a community spay and neuter fund, maybe next year the City can apply the fee in the budget.
- She wanted to know when the Sister Cities meetings are. The Recording Secretary commented that she would find out when the Sister Cities meetings are and let her know.

Commissioner Ebinger Comments:

- He asked if the agenda for the City/County meeting could be emailed to the Commission before the meeting. The Recording Secretary stated that she would email the City/County agenda to the Commission tomorrow morning.
- He stated that he would not be at the January 16, 2006 City Commission meeting.

Commissioner Grabow Comments:

- She commented that January seems to be Workshop month and was wondering when the Lighting issue and the East Side School issue was going to be discussed and wondered how they are initiated. Vicki Blakeman stated that the Commission schedules these workshops at the City Commission meetings and that some workshops are initiated by the community not the Commission.
- She would like to take a serious look in the resort tax effort in our community. Bob Ebinger commented that this needs to be initiated by the business community.

Chairman Blakeman had no comments.

Public Comments:

- Mira Bednarek of 115 South "H" Street asked about the issue of recycling in Livingston. She commented that it is her understanding that businesses have their own containers for cardboard and was wondering if the City would provide a container at Pamida for City residents have a place for cardboard. Vicki Blakeman stated that the City is working on this and hopes that issue will be resolved in the near future with the recycling plan. Clint Tinsley stated that residents can bring their cardboard down at the Utility Office that there is a container there specifically for cardboard by the Wastewater Plant.
- Ms. Bednarek also asked about the "H" Street project and was wondering when the project is going to be completed. The State will put "H" Street back together next Spring as "H" Street is an urban street owned by the State.
- Alain Kennedy of 108 South "F" Street commented that it would be really helpful in the near future if the City would put a recycling container at the Pamida parking lot for the convenience of City residents.
- Laura Bray of 409 South "F" Street commented about the cardboard issue also. She wanted to let the City know that the cardboard container behind her business doesn't have one of doors on one side of it and that it is difficult to put the cardboard boxes in the container and keep them in the container before the wind picks it up. She wanted to know if the container could be emptied more often and have the lid fixed on the container.

Motion was made by Caldwell, second by Ebinger, to adjourn the meeting there being no further business. Motion passed.

The time was 9:30 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION

LIVINGSTON
CITY COMMISSION MEETING
December 19, 2005
7:30 P.M.

The Livingston City Commission met in regular session on Monday, December 19, 2005 in the Community Room in the City/County Complex. Commissioners present were Vicki Blakeman, Mary Beebe, Steve Caldwell, Patricia Grabow and Bob Ebinger.

Staff Members present were Bruce Becker, Darren Raney, Shirley Ewan, Clint Tinsley, Jim Mastin, Jim Woodhull, Peggy Glass and Pam Payovich.

Motion was made by Ebinger, second by Caldwell, to approve consent items as follows:

- A. Approve December 5, 2005 Regular City Commission Meeting Minutes.
- B. Accept Bills and Claims for 1st half of December.
Additional item in the Addendum – Claim for 1st half of December – U.S. Trust – Tax Increment Interest payment for SID #179 – Interest and bond payment for PrintingForLess.com project.
- C. Department Heads Monthly Reports and Other Minutes.

Patricia Grabow asked about the claim from Brenntag Pacific, Inc. for ice slicers and wanted to know what they were. Clint Tinsley stated that this is the material that looks like sawdust that is mixed with sand to spread on the streets to melt the snow.

Ms. Grabow asked about the claim from the Stafford Animal Shelter and wondered if the amount paid included the \$750.00 monthly charge and additional costs. Shirley Ewan stated that it does include the monthly charge and the rest is for boarding fees.

Bob Ebinger commented that Livingston isn't the only community that has animal problems, as there was an article in the Bozeman Chronicle that they are having problems in Bozeman as well with the abundance of animals.

Mr. Ebinger asked about the claim from A.M.E. Inc. and wanted to know what the status was with this project. Clint Tinsley stated that A.M.E. is working on River Drive and there is a water main crossing tomorrow. Also the water line at Park Clinic will be worked on and Hellsmark water line will be worked on while the weather holds out. Fourteen (14) sewer lines have been completed out of twenty-seven (27) for this project and the rest will be completed when all of the utilities are located. The project will probably go until next Spring.

Mr. Ebinger also asked about the claim for Clarence Flikkema for transporting bed sludge and wondered what bed sludge was. Clint Tinsley stated that this

is bed sludge from the Wastewater Treatment Plant that has dried. Mr. Flikkema is a Dairy farmer and scatters the sludge onto fields for fertilizer.

Mr. Ebinger asked who "Pam" was in the Park County Local Emergency Planning Committee's minutes, as it was not noted who she was. Jim Mastin stated that Pam Shrauger is the Grant Consultant who wrote the pre-disaster mitigation plan.

Mr. Ebinger also asked where the SAR tower was of the Park County Local Emergency Planning Committee's minutes. Jim Mastin stated that the SAR tower will be at the old County shops near the Fairgrounds.

Mr. Ebinger made a comment under programs of the Library claims he knew that there was a special room built in the Library for teenagers and sees that under the programs offered he feels that this room is the least used as attendance for teenagers is quite low.

Mary Beebe asked about the claim from Energy Laboratories, Inc. and wondered what the sludge analysis was for and if the plant effluent nutrient was for putting back into the River. Clint Tinsley stated that the City is required to have an analysis done every year for plant effluent nutrient treatment that is put back into the River and the sludge is dried from the wastewater treatment plant for fertilizer.

All in favor of consent items, Motion passed.

Variations:

Dean and Gwynne Moore, owners of property described as Lot 12, Block 1, Werner Addition (located on Meadowlark Lane), requested a variance from both the minimum lot size and side setback requirements for RI zoning districts. They wished to construct a home on this vacant lot. The parcel is 7,775 square feet in size and the home being proposed is approximately six (6) feet from the north property line and eight and one-half (8 ½) feet from the south property line. Code requires a minimum lot size of 9,600 square feet and 15-foot side setbacks.

Jim Woodhull, City Planner, gave background information relating to this variance request.

Motion was made by Caldwell, second by Ebinger, to approve Findings of Fact for the Moore Variance request.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Moore Variance request.

All in favor, Motion passed.

Penny Lippincott, owner of property described as the South ½ of Lot 7 and all of Lot 8, Block 73, Original Township (116 South "G" Street), requested a variance from the minimum lot size requirements for RII zoning districts. Ms. Lippincott wished to convert an existing garage into a second dwelling unit on this parcel. The parcel is 5,250 square feet in size. Code requires a minimum lot size of 7,000 square feet for two dwelling units.

Jim Woodhull, City Planner, gave background information relating to this variance request. Mr. Woodhull provided a letter from Caren Roberty, Human Resource Development Council (HRDC) Director offering support of this variance request as Ms. Lippincott has agreed upon completion of both dwelling units to deed the entire property to HRDC after her vacating the converted unit in order to make available to elderly lower-income persons.

Motion was made by Caldwell, second by Beebe, to approve Findings of Fact for the Lippincott Variance request.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Lippincott Variance request conditioned upon recommendations from the Board of Adjustments.

All in favor, Motion passed.

Scheduled Public Comments:

A presentation was given by Laurie Bishop from the Government Study Commission on a proposed public survey. This survey will be drafted by June of 2006 in order to have the results back before the General Election for 2006 in November. The survey will cost approximately \$3,000.00 not including postage. Ms. Bishop requested that the Commission consider putting in the 2006-2007 budget a total of \$4,000.00 for the Government Study Commission funding in order to have this survey for the public and for the Government Study Commission operating expenses. Ms. Bishop requested from the Commission a list of questions that they would like to have put on the survey.

This will be an action item on the January 2, 2006 City Commission meeting agenda for the Commission's review and approval.

A presentation was given by Jeff Dickerson for the proposed soccer fields to be constructed near the Livingston National Guard on City owned property. Mr. Dickerson provided maps and information to the Commission for this proposal. He also provided the Commission a master plan budget estimate

and summary for the proposed scope of work for the Livingston Youth Soccer Park.

Steve Caldwell stated that he would encourage the Livingston Youth Soccer Association to, as they see critical path items come up, like the land use agreement, coordinate well in advance with the City Manager in order to permit timely actions to take place.

Mr. Dickerson thanked the Commission for their time.

A presentation was given by Toby McAdam on parking issues in the downtown alleys. He commented that he has a business downtown that he needs to park in the alley for loading and unloading. He asked for a distance and a length to be added to the alley-parking Ordinance.

Bruce Becker commented that this proposal needs to be taken to the Downtown Design and Review Committee for their review and consideration before being brought forth to the City Commission for their approval.

Jackson Welker of the Skate Park Committee gave an update on the progress of the newly formed committee. He stated that they have appointed three (3) new youth members to the Skate Park Committee.

Public Hearings:

A public hearing was held to approve the Old Water Works Building property zoning change. The City received a petition protesting this zone change. Of the seven (7) individual property owners within 150 feet of this property, three (3) had signed the protest petition. This represented 42.8% protest. Anything more than 25% protest required a super-majority of four (4) votes in order for the City Commission to approve the zone change.

The petition was provided to the Commissioner's separately.

Jim Woodhull, City Planner, gave background information relating to this zone change. The City of Livingston, owner of property described as a portion of Lots 20-27, Block 35, Park Addition, requested that this property, known as the Old Waterworks Building, be re-zoned from Public (P) to Preservation Zoning District (PZD). This zone change would allow the City to sell this property with the goal of preserving the re-using of the existing building.

The City Zoning Commission recommended approval of the Old Waterworks Building zone change from Public (P) to Preservation Zoning District (PZD). The Zoning Commission recommended approval of the specific elements in the Staff Report with the addition of a clause prohibiting fences on this property.

The suggested details of the zoning designation were as follows:

Uses Allowed: Single Family Residence, Duplex, Business and Professional Offices.

Setbacks: Front – 25 feet, Side – 5 feet, Rear – 15 feet.

Signs: One (1) non-illuminated, wall sign not to exceed 16 square feet and/or one (1) non-illuminated, monument sign not to exceed 5 feet tall or 8 feet long. Monument signs must be placed at least 5 feet from all property lines.

Parking: Single Family Dwelling – 2 off-street parking spaces.
Duplex – 2 off-street parking spaces per dwelling unit.
Business Office – 1 off-street parking space per 500 feet of gross floor area.

Public comments concerning this zone change for the Old Waterworks Building were heard from Mary and Joseph Murphy of 610 South 10th Street; Tara, Dan and Kyra Eddy of 604 South 9th Street; Linda Mahr of 113 South "M" Street; Diana Seider of 126 South 5th Street; and, Dave King of 625 South 11th Street. Mary and Joseph Murphy, Dave King and all of the Eddy's spoke against this zone change for the Old Waterworks Building. Diana Seider and Linda Mahr spoke in favor of the zone change for the Old Waterworks Building.

Motion was made by Caldwell, second by Beebe, to approve the Findings of Fact for the Old Water Works Building property zone change.

All in favor, Motion passed.

Motion was made by Caldwell, second by Beebe, to approve the Old Water Works Building zone change from Public (P) to Preservation Zoning District (PZD) incorporating specific elements in staff report with the addition of the clause prohibiting fencing on the property.

Motion was made by Ebinger, second by Caldwell, to amend the zone change for parking of a business office to be 1 off-street parking space per 1,000 feet of gross floor area.

2 in favor; Ebinger and Grabow, 3 against; Caldwell, Beebe and Blakeman, Motion denied for amendment.

All in favor of original motion to approve the Old Water Works Building zone change as stated, Motion passed.

Resolutions:

Motion was made by Caldwell, second by Beebe, to approve Resolution No. 3703 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR THE CITY OF LIVINGSTON FOR FISCAL YEAR 2004-2005 AND CALLING FOR A PUBLIC HEARING.**

Shirley Ewan explained to the Commission the reasons for the amendments in the budget.

There will be a public hearing held on January 2, 2006 City Commission meeting regarding the amendments to the budget.

All in favor, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3704 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING NEW JOB DESCRIPTION FOR THE POSITION OF BUILDING INSPECTOR, LEVEL II, AND ESTABLISHING ANNUAL WAGE.**

Clint Tinsley stated that this position and the one's to follow are to support the Building Department due to the growth in the City of Livingston and that they were all budgeted for. This would allow for the Building Department to give timely services in the future due to the growth that is expected in the city in the years to come.

Patricia Grabow made comment of this job description and the others that follow and she felt that these job descriptions should have been done before they were budgeted for.

4 in favor; Blakeman, Beebe, Caldwell and Ebinger, 1 against; Grabow, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3705 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING NEW JOB DESCRIPTION FOR THE POSITION OF SECRETARY/PERMIT TECHNICIAN IN THE BUILDING DEPARTMENT AND ESTABLISHING ANNUAL WAGE.**

4 in favor; Beebe, Blakeman, Ebinger and Caldwell, 1 against; Grabow, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3707 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING NEW JOB DESCRIPTION FOR THE POSITION OF ANIMAL/GARBAGE CONTROL OFFICER, AND ESTABLISHING ANNUAL WAGE.**

4 in favor; Caldwell, Beebe, Ebinger and Blakeman, 1 against;
Grabow, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Resolution No. 3706 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING NEW JOB DESCRIPTION FOR THE POSITION OF CODE ENFORCEMENT INSPECTOR IN THE BUILDING DEPARTMENT, REPEALING AND TRANSFERRING DUTIES FOR THE POSITION OF CODE ENFORCEMENT OFFICER AND ESTABLISHING ANNUAL WAGE.**

4 in favor; Caldwell, Ebinger, Beebe and Blakeman, 1 against;
Grabow, Motion passed.

Motion was made by Caldwell, second by Ebinger, to approve Joint Resolution – **JOINT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PARK COUNTY, MONTANA, AND THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, PERTAINING TO JOINT AIRPORTS AND LANDING FIELDS, CONTINUING A JOINT BOARD OR BODY FOR THE PLANNING, ACQUISITION, ESTABLISHMENT, DEVELOPMENT, CONSTRUCTION, ENLARGEMENT, IMPROVEMENT, MAINTENANCE, EQUIPMENT, OPERATION, REGULATION, PROTECTION AND POLICING OF SUCH JOINT AIRPORTS OR LANDING FIELDS AND DEFINING THE POWERS AND DUTIES OF SAID JOINT BOARD.**

This joint Resolution was in regards specifically in changing the number of meetings of the Board from twelve (12) to ten (10) each year.

This joint Resolution submitted to the City also was modified by the City Attorney to correctly reflect Livingston's form of government. Council was replace by Commission, Mayor was replaced with Chairman of the City Commission and Clerk of the City was replaced with Recording Secretary.

All in favor, Motion passed.

Action Items:

A discussion was held to consider placement of stop signs at 5th and Clark Streets.

Darren Raney stated that the local records indicated that officers have filed at least 15 Montana state accident reports resulting from vehicle accidents at this location since early 2001. There was a total of 43 accidents investigated on Clark Street. Mr. Raney commented that this intersection seems to have a comparatively high number of accidents that would likely be reduced by controlling the intersection with stop signs. He suggested to the Commission that they direct the City Attorney to prepare a resolution calling for the placement of stop signs at 5th and Clark Streets, requiring 5th Street traffic to stop and regulating Clark Street as a through street at this intersection.

Motion was made by Caldwell, second by Grabow, to direct City Attorney to prepare a resolution calling for the placement of stop signs at 5th and Clark Streets, requiring 5th Street traffic to stop and regulating Clark Street as a through street at this intersection.

All in favor, Motion passed.

A discussion was held to determine some tentative dates for the Risk Management Session for City Commissioners proposed by MMIA.

It was the Commission's consensus to wait until after January 2006 to set any tentative dates for the Risk Management Session proposed by MMIA as the City Manager's interviews are a priority now.

A discussion was held to approve the list of applicants for the City Manager's position vacancy to be interviewed.

Vicki Blakeman, Chairman, stated that the Commission has determined the applicants that they want to interview for the position of City Manager. The Commission will be contacting those people to set up interviews tomorrow.

Motion was made by Caldwell, second by Ebinger, to approve the list of applicants selected during the Executive Work Session for the City Manager's position vacancy to be interviewed.

All in favor, Motion passed.

The Acting City Manager's written comments were reviewed.

- Steve Caldwell asked about the Impact Fee Study and requested to have explained to him what this meant. Darren Raney stated that the City is gathering information as a whole to avoid funding commitments that the City cannot afford in the future. The City will need to be conservative and very realistic in what they impose impact fees on. The City Staff is still on track to have impact fees adopted and implemented by April, if this is what the Commission wants.
- Patricia Grabow asked how much the City spent to do an impact fee study. Darren Raney stated that \$30,500 was budgeted for the impact fee study. The City Staff is well over half done with the study but the City doesn't know what the final cost will be at this time. A draft Ordinance will be presented to the Commission by February in order for impact fees to be implemented if this is what they want City Staff to do.

Commissioner Caldwell had no comments.

Commissioner Beebe had no comments.

Commissioner Ebinger Comments:

- He commented that the Commission has talked about recycling of cardboard and plastics to have a container placed at Pamida and was wondering what the status was on this container. Vicki Blakeman stated that the Solid Waste Master Plan with the City and County group has determined that with the Recycling Group that has been recently formed in the City to allow them take the lead on implementing recycling. Then once the Commission has appointed a new City Manager he or she will work with them.
- He commented that he has had a resident complain about big rigs parking their trailers on City streets and then driving away on Main and Montana and also complained about campers being parked on the street and the people are living in them. He wondered what the Ordinance stated about these particular instances and if there was a violation for parking on the street. Darren Raney stated that both situations are illegal and to advise them to call the Police Department and let them follow through with the violation.
- He wanted to ask about the Talgo situation and commented that the grant application is in their hands in order for them to come to the City.

Commissioner Grabow Comments:

- She commented that she thought that she had asked at the last meeting as to what monies has been budgeted for economic development and would like a list. Shirley Ewan provided this amount.
- She commented that she had participated in the Main Street program application. In order to qualify for the Main Street program the application has to be in by January 3, 2006.
- She commented that on the museum process that has been going on a very interesting thing has come to the forum. When it comes to taxpayer's money it is called a Park County Museum but the taxpayers in the City also contribute money that ultimately ends up paying the salary and maintenance of the museum. Her suggestion was to call the museum a City-County Museum not just the Park County Museum.
- She also commented that the Commission needs to take a serious look into reimbursing the County for the Library for their usages.
- She mentioned that she feels that the Commission needs to set up some times for workshops after the City Manager interviews are completed.

Chairman Blakeman Comments:

- She asked where does the City go on the Soccer Fields and wondered what the next step was for the City. Clint Tinsley's commented that in order for the Soccer Youth Association to get a grant formalized they have to have an agreement with the City stating that they have use of the land for soccer fields for at least

15 years. Bruce Becker stated that the Commission could have an action item on the next agenda directing him to develop a proposal with the Livingston Soccer Youth Association in order to do a resolution. The Commission asked Mr. Becker if he could go ahead and just do a Resolution in order to make sure the Soccer Youth Association can move forward to apply with grant funding.

- She was curious about the letter that the Commission received from the Trails & Greenway Task Force and if that was in response as to what the City had done. Steve Caldwell stated that the letter was more directed towards the County in that the Trails & Greenway Task Force was looking at the County abandoning property.
- She wanted to know about the piece of property that is the County roadway on the north side of town, near the Armory, and what does the City need to do. Bruce Becker stated that he will write the letter to the County asking them to annex the 60 foot right of way if the Commission so desires. She would like Mr. Becker to move forward with this.
- She wanted to comment about the issues that Ms. Grabow had brought up about economic development. Ms. Blakeman feels that the groups in the City associated with economic development need to take the lead and write a letter to the City requesting funding.

No public comments were given.

Motion was made by Caldwell, second by Ebinger, to adjourn the meeting there being no further business. Motion passed.

The time was 10:36 p.m.

ATTEST:

APPROVED:

Pam Payovich
RECORDING SECRETARY

Vicki Blakeman
CHAIRMAN, CITY COMMISSION