

LIVINGSTON  
CITY COMMISSION MEETING  
January 2, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, January 2, 2006 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, Shirley Ewan, Clint Tinsley, Jim Woodhull, Kevin Harrington, Peggy Glass and Pam Payovich. Jim Mastin was absent.

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

- A. Approve December 19, 2005 Regular City Commission Meeting Minutes.
- B. Accept Bills and Claims for 2<sup>nd</sup> half of December 2005.

Patricia Grabow asked about what Ms. Bishop requested from the Commission on page 3 of the minutes a list of questions that they would like to have put on the survey and wondered what that was. Vicki Blakeman stated that this was an action item on tonight's agenda.

Patricia Grabow requested on page 6 of the minutes to change the word City to city to read: 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 requested on page 9 of the minutes to put the amount in under her comments what Shirley Ewan provided for economic development in the budget.

Patricia Grabow requested also in her comments where she stated: "She also commented that the Commission needs to take a serious look into reimbursing the County for the Library for their usages", she meant that the City needs to take a look down the road into this kind of donation to the museum itself. Because it had been predicated on the remark before about a City-County Museum.

Ms. Grabow asked about the claim on page 11 from the Bozeman Daily Chronicle for the advertisements for the Special Improvement District and Infrastructure Engineering projects. Pam Payovich, Recording Secretary, replied that this was the cost of the advertising in the newspaper.

LIVINGSTON  
CITY COMMISSION MEETING  
January 17, 2006  
(Tuesday)  
7:30 P.M.

The Livingston City Commission met in regular session on Tuesday, January 17, 2006 due to the holiday on Monday, January 16, 2006 in the Community Room in the City/County Complex. Commissioners present were Mary Beebe, Patricia Grabow, Vicki Blakeman and Steve Caldwell. Bob Ebinger was absent.

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

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

- A. Approve January 2, 2006 Regular City Commission Meeting Minutes.
- B. Accept Bills and Claims for 1<sup>st</sup> half of January 2006 and end of the year for 2005.
- C. Department Heads Reports and Other Monthly Minutes.
- D. Approve Development and Review Committee (DRC) recommendation for selection of the engineering firm for the Special Improvement District and Infrastructure projects for the City of Livingston for two (2) years.

Patricia Grabow requested that Pam Payovich, Recording Secretary, listen to the tape from the previous meeting to verify who seconded the nomination for Chairman.

Pam Payovich, Recording Secretary, listened to the tapes and verified that Bob Ebinger seconded Steve Caldwell's nomination for Chairman.

Patricia Grabow requested to revise page 5 of the minutes in her comments to read: "This application is due January 3, 2006 and she ~~wondered if the City Commission would concur with her~~ concur with the other City Commission members of the City of Livingston's intent to apply for the Montana Main Street program."

Ms. Grabow commented on item "D" of the consent items. She expressed dissatisfaction with the process by which the Development and Review Committee (DRC) scored the responding engineering firms, feeling it showed prejudice. She maintained that more than one firm should be utilized.

Also Ms. Grabow mentioned that being given the engineering firm for the City of Livingston for two (2) consecutive cycles and the only engineering firm than the engineering firm is given another advantage again because of the prior experience for Livingston. She believes that could be an ethical violation as well. She stated that some alternatives might be to allow the



City Commission to see the actual scoring because they are the final determiner and asked to put this decision of this item off until the next meeting. She suggested to allow all engineering firms be available for the City of Livingston projects as that the scores were not that different.

Ms. Grabow asked why the Historic Preservation Commission minutes were not in the packet for the Department Heads monthly reports at this time. Recording Secretary, Pam Payovich, stated that she hadn't received a report from this Historic Preservation Commission this month.

Mary Beebe asked about the claim from JWC Environmental and wondered what a monster muffin grinder was. Clint Tinsley explained.

Ms. Beebe also asked about the claim from MEMSA Marketing and wondered what MEMSA was. Jim Mastin clarified (Emergency Medical Services (EMS) State Conference.)

Mary Beebe asked about the claim for Public Employees Retirement for buyback for Richard Wood. Shirley Ewan explained.

Vicki Blakeman stated that the City of Livingston does use other engineers for other projects, and the City is not locked into one (1) engineering firm.

Steve Caldwell commented that the evaluation criteria for the engineering firm selection are actually laid out in (MCA) 18-8-204, and felt the scoring system was legitimate.

Clint Tinsley stated that the City of Livingston does hire other engineering firms for other projects other than CTA Nelson Engineering.

Vicki Blakeman stated that to her it gives a sense of real continuity to the whole project when dealing with the same engineer. She wouldn't feel comfortable having two (2) or three (3) engineers working on the same project. She is perfectly comfortable with the DRC's recommendation.

Mary Beebe concurred that she is also comfortable with DRC's recommendation.

Patricia Grabow was concerned about the ethical situation that is being created by this.

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

Scheduled Public Comments:

Tracey Jette, Executive Director of Gallatin Development Corporation made a request for matching funding from the City of Livingston for their Micro-Business Loan application from the Montana Department of Commerce. She explained the program, gave a brief history of her experience, and answered

questions from the Commission. Information was provided in the packet for the City Commission's review.

Mary Beebe asked Ms. Jette if she had any examples of any micro-businesses in Gallatin County or any place in the State that have funded through this.

Ms. Jette commented that this program was administered by Human Resource and Development Corporation (HRDC) six (6) or seven (7) years ago out of Gallatin County. Ms. Jette at that time was in Havre so she doesn't know what businesses in this area were funded from this source. The maximum employees is 10 employees and \$500,000 of gross annual sales or less in order for a business to receive this funding. She believes that 75% of the businesses funded were start-up businesses with 2 or 3 employees.

Steve Caldwell stated that the City Commission cannot take action on this tonight because it is not advertised as an agenda item.

Ms. Jette commented that she could submit with the application a note stating that this decision is pending.

Action Items:

A discussion was held to review a draft Ordinance for changing rules of procedures for conducting city business by the City Commission.

The City Attorney, Bruce Becker, explained changes reflected in the draft.

Following a discussion, motion was made by Blakeman, second by Grabow, to direct the City Attorney to make appropriate changes to the draft Ordinance and bring back to the City Commission at the next meeting for first reading.

All in favor, Motion passed.

A discussion was held to authorize City Manager to send letter of support for Montana Public Power Incorporation Acquisition of NorthWestern Utility System.

Motion was made by Blakeman, second by Grabow, to authorize City Manager to send letter of support for Montana Public Power Incorporation Acquisition of NorthWestern Utility System.

All in favor, Motion passed.

A discussion was held to select City Commission representatives for the Police Union Collective Bargaining Negotiating team.

Motion was made by Blakeman, second by Beebe, to appoint Patricia Grabow and Mary Beebe, as City Commission representatives for the Police Union Collective Bargaining Negotiating team.

All in favor, Motion passed.

A discussion was held to appoint the City/County Solid Waste Sub-Committee as the Selection Committee for Solid Waste Engineering Study Firm.

Motion was made by Grabow, second by Blakeman, to appoint the City/County Solid Waste Sub-Committee as the Selection Committee for Solid Waste Engineering Study Firm.

All in favor, Motion passed.

A discussion was held to direct City Attorney to develop a Resolution for an Engineering Contract with the City of Livingston and the engineering firm approve by the City Commission.

Motion was made by Blakeman, second by Beebe, to direct City Attorney to develop a Resolution for an Engineering Contract with the City of Livingston and CTA Nelson Engineering for the Special Improvement District and Infrastructure projects.

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

The Acting City Manager's written comments were reviewed.

- Patricia Grabow wondered if the advertisement for the vacancies of Boards had been noticed. Pam Payovich, Recording Secretary, stated that the advertisement has been noticed and she has not received any applications for any of the vacancies as of yet.
- Patricia Grabow thanked Shirley Ewan for her memo regarding Park County Museum funding and the FY 2006-2007 museum budget.
- Patricia Grabow commented that she didn't know that the City of Livingston doesn't have a Master Plan or a Comprehensive Plan. Jim Woodhull stated that the Growth Policy is the replacement for the Master Plan and Comprehensive Plan.
- Steve Caldwell commented about the Railroad Crossing Feasibility Study and stated the City is apparently still short of funding, even after the reduced scope of work from HKM Engineering was proposed. He wondered if the City needs to move forward with the Railroad Crossing Feasibility Study. Darren Raney commented that the scope of work has been reduced as much as the City can go. Its been narrowed down to two (2) specific locations. Mr. Raney stated that there may be some state funding that Mr. Jim Lynch referred him to and the District Supervisor who agreed to research it and get back with him, has not done so yet. Mr. Raney agrees with Mr. Caldwell that the City does need to find some funding to implement the Railroad Crossing Feasibility Study.

Vicki Blakeman asked if the City had pursued or considered pursuing any of the developers for funding. Mr. Raney commented that he has not but may do so when the timing is right.

- Steve Caldwell asked about the Impact Fee Study. The Commission determined to have the Workshop for the Impact Fee Study at 6:00 p.m. before the February 6, 2006 City Commission meeting. Darren Raney commented that it should be noticed.

Commissioner Blakeman Comments:

- She asked if the City had stream setbacks like the County has in their Growth Policy. Jim Woodhull commented that the City does not have setbacks for streams, but this could be sent to the City Planning Board for their review.

It was the consensus of the Commission to have a discussion put on the next City Commission meeting agenda whether to request the City Planning Board to consider setbacks for streams.

- She said Josh Kellar agreed to facilitate the City/County Workshop on January 23, 2006. She is going to meet with him on Friday, January 20, 2006 and requested Commissioners provide any information for that meeting to her in order to give it to Mr. Kellar.
- She wondered if she could stay on the Livingston Community Trust Board as the Commission representative. The Commission concurred that she can stay on the Board.

Commissioner Beebe Comments:

- She gave an update on the Skate Board Park Committee meetings. They are really moving ahead and planning different ways to do fund-raising. She mentioned that there is a lot of enthusiasm with this group and the Skate Board Park Committee has made some suggestions to coordinate with the Livingston Youth Soccer Association about the soccer fields being built on the North side and to possibly have a Skate Board Park also on the North side of town.
- She also mentioned that she attended the "Energy Forum", and suggested with new subdivision's coming into the City, to possibly incorporate any kind of energy savings, if state statute allows. Also, she suggested that weatherization be part of the proposed housing rehabilitation project.

Commissioner Ebinger absent.

Commissioner Grabow Comments:

- She would like to piggyback what Ms. Beebe said and felt our only hope was to contact our Senators and Congressmen and get them to regulate PP&L.

- She would like to see if the Commission could get the Grant Writing Committee reports. Darren Raney stated that he could email them to all of the Commissioners.
- She asked if the Historic Preservation Officer could help with putting together the Main Street program application. Darren Raney stated he felt that would be appropriate.
- She inquired about the Discovery Vista overlays on guidelines in the subdivision application and wondered if she could get a copy of those. Jim Woodhull stated that they would be available after they are prepared by the City Planning Board, which will be this week.
- She expressed concern about the relationship of the Bozeman Trail and the road across Fleshman Creek and wondered if there could be a cultural study done. Jim Woodhull stated that it has already been done on the specific 64 acres. Ms. Grabow feels that needs to be brought to the next City/County meeting to discuss the possibility of a cultural study.
- She asked when the Audit Report will be available. Shirley Ewan stated that it is done but the Auditor's have until June 30<sup>th</sup> to get it to the City.
- She mentioned that she went to the Greg Krueger presentation. She commented that it was one of the most remarkable presentations that she has ever seen, and that his analysis was valuable to the downtown. She provided all of the Commissioners with Mr. Krueger power-point presentation and gave a brief overview of the seminar.

Chairman Caldwell Comments:

- He asked where the City was on the Old Water Works Building survey. Jim Woodhull stated that it was done today.
- He asked if the designs standards of the Old Water Works Building will be a recommendation on the February 6, 2006 City Commission meeting agenda. Jim Woodhull said that the design standards will be presented to the Commission with the City Planning Boards recommendation on the February 6, 2006 City Commission meeting.
- He thanked Patricia Grabow and Mary Beebe for attending and participating in Mr. Krueger's presentation at the Urban Renewal Authority Workshop.

No public comments were given.

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

The time was 8:50 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION

Verbatim minutes.

Patricia Grabow made comment on item 3, D.

Patricia Grabow – “She has a series of questions to ask on this. On page 41 it gives the, apparently I know historically I have opposed to having one (1) engineering firm. I have frequently said I felt that we should at least have a couple of engineering firms available to the City at this point in our history. But I’m particularly concerned about this scoring process. It gives just the overall SID and Infrastructure score and then if you look on page 44 some of the criteria are budget requirement, location, recent and current work for the City.”

Steve Caldwell – “page 46.”

Patricia Grabow – “Yea, but that too page 46 the qualification evaluation. It says you get 20 points for location of firm, 20 points on related experience on similar projects. Obviously, that has been broken down into the scoring that we just given the final numbers on and I really feel like we are we should be able to see the scoring itself. Because I have real concerns related to rules of conduct (MCA 2-2-104) of the Montana Code (b) number 1 & 2 when we talk about the location of the firm and we give them 20 points for that and then should we give for example CTA Engineering additional points for being in the City of Livingston or favorable location. In fact, CTA Engineering firm is the biggest engineering firm in Billings. We happen to have a branch here in town and may have been given extra points for that but had you been the engineering firm for Livingston, Montana and made \$750,000 in one (1) year you may have opened up a branch there and in course of your being the engineering firm for Livingston in the last four (4) years which gives that firm an unfair advantage in the actual scoring process. And I’m very concerned about either the appearance of impropriety or impropriety itself. So I really feel like a judgment can’t be made tonight until I really in all fairness to everybody that we... until we see the actual scoring on this. And then the firm gets 20 points for related experience on some of the projects. Well if you have in fact been the engineering firm for Livingston for two (2) full cycles and the only engineering firm for Livingston then your given an unfair advantage again because of your prior experience with Livingston. And I think that could be an ethical violation as well so some alternatives might be to allow the Commissioners to see the actual scoring because we are the final say on that and put this off until the next meeting so that we can see that final scoring or really take a serious look at allowing all three (3) applicants to be available to the City of Livingston. Not that they have to be chosen but to have these, the scores weren’t that different. Given those conceivable advantages the scores were not really all that different. And it might be to the City’s advantage to open up this to some other alternatives. Just given a situation this summer for example in which it could be that Morrison & Maierle may have a better configuration for a given project. We could possibly save money for the City and be fair to everybody involved. So I really think that we should take a very, very serious look at that and I object to just simply approving that tonight.”

LIVINGSTON  
CITY COMMISSION  
SPECIAL MEETING  
January 25, 2006  
7:00 p.m.

The Livingston City Commission had a special meeting on Wednesday, January 25, 2006 at 7:00 p.m. in the District Court Room in the City/County Building. Commissioners present were Vicki Blakeman, Mary Beebe, Steve Caldwell and Patricia Grabow. Bob Ebinger was present by telephone.

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

A discussion was held to review, discuss and decide contractual terms, to select a candidate for the position of City Manager and to offer a contract.

After much discussion, motion was made by Beebe, second by Grabow, to recommend Peter Jankowski as the City Manager candidate and offer a contract.

All in favor, Motion passed.

The Commission also discussed the City Manager contract and made corrections to the contract. The City Commission directed the City Attorney to make these changes to the City Manager contract.

No Commissioner's had any comments.

No Public Comments were given.

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

The time was 8:15 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION



LIVINGSTON  
CITY COMMISSION  
SPECIAL MEETING  
January 31, 2006  
3:30 p.m.

The Livingston City Commission had a special meeting on Tuesday, January 31, 2006 at 3:30 p.m. in the Community Room in the City/County Building. Commissioners present were Bob Ebinger, Vicki Blakeman, Mary Beebe and Steve Caldwell. Patricia Grabow was absent.

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

A discussion was held to consider the City/County Solid Waste Sub-Committee's recommendation for selection of an engineering firm to perform a solid waste management study.

After much discussion, motion was made by Blakeman, second by Beebe, to accept the City/County Solid Waste Sub-Committee's recommendation of Zia Engineering & Environmental Consultants, LLC as the engineering firm to perform a solid waste management study.

All in favor, Motion passed.

The Commission also discussed their direction for the City/County Sub-Committee to proceed with negotiations for a contract with Zia Engineering & Environmental Consultants, LLC.

Motion was made by Blakeman, second by Ebinger, to direct the City/County Sub-Committee to proceed with negotiations for a contract with Zia Engineering & Environmental Consultants, LLC.

All in favor, Motion passed.

No Commissioner's had any comments.

No Public Comments were given.

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

The time was 3:43 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION

Ms. Grabow also asked about the claim from Crash Repair Center for impounding a 1991 Subaru and a Black Ford Pickup and wondered if these vehicles were from the public parking lot. Darren Raney stated that he doesn't believe that these vehicles were from the public parking lot.

Bob Ebinger requested on page 9 of the minutes under his comments to change the work "instance's" to "instances" to read: "He wondered what the Ordinance stated about these particular instances and if there was a violation for parking on the street."

Mr. Ebinger asked about the claim from Newman Traffic Signs for street signs and wondered if the claim was for the new traffic signs on 5<sup>th</sup> Street. Shirley Ewan commented that the claim was for several signs being placed in the City.

Mary Beebe expressed concern about the claim from Northwestern Energy and wondered if any of the facilities for the City could do any conservation planning.

All in favor of consent items, Motion passed.

The meeting was adjourned in order to turn the reigns over to the newly elected City Commissioners.

Pam Payovich, 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 7:50 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.

Vicki Blakeman nominated Steve Caldwell, as Chairman of the City Commission, second by Bob Ebinger.

Steve Caldwell was elected to be Chairman unanimously.

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

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

Vicki Blakeman was elected to be Vice Chairman.

Vicki Blakeman commented that when she was first appointed Chairman of the City Commission she bought a pin that is a Silver Flag and she had it engraved with the "Livingston City Commission Chairman". She passed the pin on to Mr. Caldwell along with the gavel.

Patricia Grabow thanked Vicki Blakeman for being Chairman of the City Commission for three (3) years.

The Chairman, Steve Caldwell, initiated a review of Committee vacancies and nominations for appointments to the City Boards and Committees.

It was the consensus of the Commission to advertise all City positions for Advisory Boards, Commissions and Task Forces, for which the terms have expired, with the exception of the City Planning Board. This will be extended until the Commission's first meeting in February.

Motion was made by Ebinger, second by Blakeman, to re-appoint the city representatives; Dude Tyler, Gary Blakely, John Fryer, Mark Rehder and Clint Tinsley, to the City Planning Board for a two (2) year term.

Vicki Blakeman made a suggestion to appoint half of the City Planning Board members for one (1) year and the other half for two (2) years.

Pam Payovich, Recording Secretary, commented that the City Planning Board has a four (4) year term, as their terms are concurrent with the City Commissioners terms.

Bruce Becker, City Attorney will research and verify what the State statute is for the terms for the members of the City Planning Board and report back to the City Commission at their first meeting in February.

The motion was tabled by Ebinger, second by Blakeman.

No action will be taken until the first meeting in February.

On the City Commission appointment boards the same City Commissioner members will stay on their boards.

Public Hearings:

A public hearing was held and the second reading on Resolution No. 3708 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR THE CITY OF LIVINGSTON FOR FISCAL YEAR 2004-2005.**

No public comment was given.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3708.

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

Resolutions:

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3709 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DESIGNATING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE CITY OF LIVINGSTON, MONTANA.**

All in favor, Motion passed.

Motion was made by Ebinger, second by Blakeman, to approve Resolution No. 3710 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX MATHEWS SUBDIVISION.**

All in favor, Motion passed.

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3711 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DESIGNATING THAT STOP SIGNS BE PLACED ON CLARK STREET AT ITS INTERSECTION WITH FIFTH STREET.**

Darren Raney stated upon reviewing the 2000 Marvin and Associates Transportation Study, the document recommended that this intersection be controlled by placing stop signs on Clark Street instead of Fifth Street. He spoke with a Montana Department of Transportation engineer who concurred that it was the better alternative. Mr. Raney said it makes sense to facilitate the safe and smooth flow of north/south bound traffic on 5<sup>th</sup> Street rather than on Clark Street.

All in favor, Motion passed.

Action Items:

A discussion was held to review and approve questions proposed for the Government Study Commission public survey.

Steve Caldwell mentioned that the Government Study Commission is looking more for topics than questions from the City Commission.

Vicki Blakeman stated that she would like the following on the public survey:

1. What do you see as the primary responsibility for local government?

2. Should the city government be a lead organization for economic development, business development, tourism, etc.?
3. How important is consolidation of services between local government's?

Patricia Grabow stated that she would like to see if the Government Study Commission is interested in going back to wards so that City Commissioners would be accountable to the citizens in their wards.

Motion was made by Ebinger, second by Grabow, to approve the topics and/or questions proposed by the City Commission for the Government Study Commission public survey.

All in favor, Motion passed.

The Acting City Manager's written comments were reviewed.

- Patricia Grabow asked about the Night Sky Ordinance that is proposed to be presented at the January 17, 2006 meeting and wondered if the Commission should have a workshop prior to public comment and adoption of this Ordinance.

It was the concurrence of the Commission to schedule a Workshop on February 13, 2006 at 7:00 p.m. to discuss the Night Sky Ordinance. Then the Night Sky Ordinance will come back to the City Commission after the Workshop.

- Steve Caldwell asked if Staff had received estimated costs from Northwestern Energy on changing the lights. Clint Tinsley stated that he received a cost estimate from Northwestern Energy on Friday, December 30, 2005, and it appears that it won't cost as much as he thought. He will provide this time schedule on how many lights would need to be replaced in the City and how long it is going to take to do this in the City.
- Patricia Grabow requested that Mr. Raney stay on top of the railroad crossing status on a regular basis if at all possible.

Commissioner Grabow Comments:

- She commented that she handed out an application at the beginning of the meeting for a letter of intent to apply jointly with the City of Livingston and the Livingston Downtown Association for the Montana Main Street program. This application is due January 3, 2006 and she concurred with the City Commission that the City of Livingston should intend on applying for the Montana Main Street program.

It was the concurrence of the City Commission to move forward and fax this letter of intent to apply tomorrow to the Montana Main Street program along with Chairman, Steve Caldwell signature and

President of the Livingston Downtown Association, Joel Reinholz signature, then send original via mail.

For the record, the Livingston City Commission was unable to comply with the law due to the notice requirements because of the way this intent to apply application was presented to the cities from the Montana Main Street program. The City Commission sees no other alternative but to act accordingly for the sake of the community.

- She also mentioned that she had met with the City Attorney and the City Manager today and suggested that the City Commission take a serious look at how to put items on the agenda.
- She also wanted City Staff to follow-up on the alley issue with Toby McAdams and inform him to go to the Design and Review Committee first with his concerns before coming to the City Commission.
- She also expressed concern over the City putting two (2) huge cement blocks in the alleyway behind Fernando's without any kind of sign to say that this is a dead end street. It just so happens that everyone turns down her business back yard in order to get back out of the alley. She feels that a Fire Truck could not get through that alley if need be.

Darren Raney commented that this alley is historically a dead end alley that goes into a private lot that used to be a school. The alley was open when the school had it and they had problems with junk vehicles being abandoned there also. He stated that it was his idea to put the barricades up in that alley so that vehicles would not be conveniently abandoned in the parking lot. He spoke with the Fire Chief before pursuing this and he concurred that it would not be a problem as far as fire safety.

#### Commissioner Ebinger Comments:

- He commented about the mixture that was put into the sand to melt the snow. He heard from several residents that it made the road slushy and slippery and suggested that the City look into alternatives in the future.
- He also commented that several members that are a part of the Mayor's Landing Committee brought to his attention that there was some monies left in that Mayor's Landing Restoration fund account for the bridge. He would like to have the figure on how much is in that account in order to get back to the Committee. Shirley Ewan stated that the City did not get the money that they were suppose to from American River and there was no money available.

Darren Raney stated that he has been following up on the American Rivers funding but has not been successful as of yet.

- He requested that anything with the Old Water Works Building be put off until February due to busy scheduling. Jim Woodhull stated that the Public Hearing will be the first meeting in February.
- He wanted to mention that he doesn't want to see signs go up but commented that Mayor's Landing has had some people digging for bottles creating huge pieces of rif-rat to break away from the edge. He wanted to know what the Commission would like to see have done.

Ms. Beebe commented that she believes that there were signs at one time requesting no digging. She believes that the signs need to be put back up for the safety of the public.

Commissioner Beebe Comments:

- She asked about the garbage cans downtown. Clint Tinsley commented that the first one is done and after talking with Mr. Nardella last week he stated that the more cans that are ordered the less it will cost. He needs to get an exact number of cans as to how many businesses want them in order to get back to Mr. Nardella so they can determine the cost of each can.
- She also commented that the handicap parking on Clark Street behind the Mental Health Center is a point of confusion. There is actually a handicap sign that has two (2) license plate numbers on it. But most people think that it is for just one (1) vehicle not two (2) vehicles.
- She also mentioned that one program of the Montana Focus show featured an informative discussion of the Urban Renewal District on the east end of Bozeman and a more recent program focused on affordable housing in Montana. According to the program, Livingston was second to Big Fork in percentage increase of housing prices in the year 2005. Livingston houses increased an average of 40% in the last year.

Commissioner Blakeman Comments:

- She mentioned that she agrees with Ms. Grabow about developing a policy for putting things on the agenda. It used to require two (2) Commissioners consensus in order to put something on the agenda and bring to the City Manager before the agenda is finalized for the next meeting.
- She stated that there has been some discussion with Josh Kellar from Rocky Mountain Community Development about affordable housing and wanted to make sure that the City Commission keeps this going.
- She would like to keep her standing as a City Commissioner representative on the Rocky Mountain Community Development Board.

Chairman Caldwell Comments:

- He wondered if there is an interest in getting a Workshop together with City Staff on the budget. Darren Raney stated that the Department Heads are already planning on having a Workshop. February 15, 2006 at 7:00 p.m. was suggested and scheduled.
- He asked what the status was with the Old Water Works Building survey. Jim Woodhull stated that the survey is supposed to be available for the second meeting in January.
- He also asked about the Railroad Crossing Feasibility Study status. Jim Woodhull stated that the Consultant had taken the holidays off and was suppose to get back to him sometime this week.
- He wondered if there was any interest of getting a Workshop scheduled on the downtown zoning issue or does the Commission want to wait. The Commission concurred that they would just as soon wait until the dust settles from the last discussion.
- He wanted to thank Commissioner Blakeman for her three (3) year Chairmanship for the Commission and for her effectiveness, her fairness and inclusiveness and her total commitment to the City and the City Commission. He said, "She will be a hard act to follow".

No public comments were given.

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

The time was 9:18 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION



LIVINGSTON  
CITY COMMISSION MEETING  
February 6, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, February 6, 2006 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, Shirley Ewan, Clint Tinsley, Jim Woodhull, Jim Mastin, Peggy Glass and Pam Payovich.

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

- A. Approve January 17, 2006 (Tuesday) Regular City Commission Meeting Minutes.
- B. Approve January 25, 2006 (Wednesday) Special City Commission Meeting Minutes.
- C. Approve January 31, 2006 (Tuesday) Special City Commission Meeting Minutes.
- D. Accept Bills and Claims for 2<sup>nd</sup> half of January 2006 and end of year for 2005.
- E. Approve Special Event request for the "Patricia Coleman Foundation" run to be held on May 27, 2006, contingent upon receiving liability insurance naming the City of Livingston as additional insured and waiving the statutory maximum.
- F. Approve Special Event request for the Montana Babe Ruth/Cal Ripken State Boys Championship to be held on July 19<sup>th</sup> through July 23<sup>rd</sup>, 2006.

Patricia Grabow requested that on page 2 of the minutes, where the Commission discussed the selection of the engineering firm, that the verbatim transcription be added at the end of the minutes. The Commission concurred.

Grabow asked about the claim from the Billings Gazette. The Recording Secretary stated that this was for the request for proposals for the selection of an engineering firm for the special improvement district projects and the infrastructure projects.

Grabow asked about the claim from Moore, O'Connell & Repling for the water rights work and wondered what the status was on the water rights issue. The City Attorney clarified, and explained that the water rights legal work is completed.

Grabow commented about the claim from Northwestern Energy and wondered if the City has considered looking into solar panels. Steve Caldwell stated that the City/County Alternative Energy Committee is exploring primarily wind power at this time but other alternatives are out there too.

Grabow asked about the claim from Stephen Potenberg and wondered what a (TK) was. Shirley Ewan stated that those are document numbers for the public defender.

Bob Ebinger asked about the recent funding request from Tracey Jette, Executive Director of Gallatin Development Corporation and wondered whether the Commission took action on the request. Steve Caldwell stated that the Commission has not taken action on the request, and suggested that there should be an action item on the next City Commission meeting agenda.

Ebinger asked about Commissioner Blakeman's comments concerning stream setbacks, and wondered if the City Planning Board had considered setbacks for streams as of yet. Steve Caldwell stated that this is a timely issue and should be put on the agenda for the next City Commission meeting to direct the City Planning Board to consider setbacks for streams.

Ebinger asked about the claim from Karnatz Tree Service and wondered if this line item has been overspent. Shirley Ewan stated that this line item is overspent because of the tree damage from the wind.

Ebinger asked about the claim from Livingston Health Care and wondered what "PALS" training and materials was. Jim Mastin commented that (PALS) means Pediatric Advanced Life Support.

Ebinger also asked about the claim from Montana Rail Link for the annual lease. Clint Tinsley stated that this is for the sewer line lease that goes down Park Street under the Rail Road property.

Ebinger asked questioned the claim from Mountain Air Sports for youth basketball tee shirts. Shirley Ewan stated that the City recovers this expense by charging participation fees, which includes a tee shirt for youths participating in recreation activities.

Ebinger asked about the claim from Northwestern Energy for the Swimming Pool since it was closed for the winter. Clint Tinsley commented that he wasn't sure, but will find out and bring back to the City Commission.

Ebinger asked about the required insurance issues for the Patricia Coleman Foundation special event request. Bruce Becker explained that the State of Montana arbitrarily sets our liability limits at \$750,000 per claim and \$1,500,000 per occurrence. Insurance companies sell insurance in increments of \$1,000,000 per occurrence and \$500,000 per claim, and there is quite a difference in the cost of insurance from \$1,000,000 to \$2,000,000.

The Patricia Coleman Foundation asked the City to accept liability insurance of \$1,000,000 per occurrence and \$500,000 per claim for their special event request. The Commission concurred with the request.

Ebinger questioned why the Patricia Coleman Foundation special event did not ask for Emergency Medical Services (EMT's). Jim Mastin commented that he could guarantee three (3) on duty EMT's provided they are not on a call.

Blakeman asked about the claim from Graybeal's All Service for heating system work and inquired if the repairs were under warranty. Shirley Ewan commented that the heating work was past the warranty.

All in favor of consent items, Motion passed.

Scheduled Public Comments.

A public comment was given by Josh Kellar with the Rocky Mountain Community Development (RC&D) organization to update the Commission on the owner/occupied housing rehabilitation project that was discussed several months ago. They met with the Human Resource & Development Council (HRDC) and plan to implement an owner/occupied housing rehabilitation and weatherization program.

A public comment was given by Michael C. Sprague with Trout Headwaters, Inc. regarding their research into the environmental condition and water quality of Fleshman Creek. They identified many detrimental impacts that have severely affected the creek where it flows through Livingston. An extensive report was provided separately. Sprague asked for support from the City to develop management guidelines to preserve the creek.

A public comment was given by Mike Costanti with Matney-Frantz Engineering to discuss Wind Energy and propose that the City Commission consider applying for a Clean Renewable Energy Bonds.

Costanti offered his firm's services to the City and County to prepare and submit a Clean Renewable Energy Bond application for the purpose of securing funding for a wind project that will serve a portion of the electrical needs of the City of Livingston and Park County in compliance with the requirements of The Energy Policy Act. The Commission directed Staff to research the proposal and provide a recommendation.

Public Hearings:

A public hearing was held and the second reading on Resolution No. 3713 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING LAND CONTIGUOUS TO THE CITY DESCRIBED AS LOTS 5B THROUGH 5M, INCLUSIVE, OF SUBDIVISION PLAT NO. 495 WHICH**

**IS LOCATED IN NW ¼ OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 9 EAST.  
(MATHEWS SUBDIVISION ANNEXATION)**

No public comment were given.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3713.

All in favor, Motion passed.

Ordinances:

Motion was made by Blakeman, second by Ebinger, to approve the first reading of Ordinance No. 1962 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ITS RULES OF PROCEDURE FOR CONDUCTING CITY BUSINESS BY PROVIDING THAT TWO CITY COMMISSIONERS CAN PLACE AN ITEM ON AGENDA FOR CONSIDERATION, AND AMENDING ORDINANCE NO. 1921 AS CODIFIED BY CHAPTER 2, SECTION 2-10 THROUGH 2-35 OF THE LIVINGSTON MUNICIPAL CODE.**

The Commission directed the City Attorney to research Section 2-21 (Public Hearings) as to whether to keep this paragraph (2) where it states: “the Commission shall wait one (1) week before making a decision unless this rule is unanimously waived by the City Commission”, or not.

All in favor, Motion passed.

Motion was made by Ebinger, second by Blakeman, to approve the first reading of Ordinance No. 1963 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 3-.13 ENTITLED OFFICIAL ZONING MAP OF THE LIVINGSTON MUNICIPAL CODE BY REZONING PORTIONS OF LOTS 19, 20, 21, 22, 23, 24, 25, 26 AND 27 OF BLOCK 35 OF THE PARK ADDITIONS TO THE CITY OF LIVINGSTON, MONTANA, AS DESCRIBED BY LOT “W” OF AMENDED SUBDIVISION PLAT NO. 498, FROM PUBLIC ZONE (P) TO A PRESERVATION ZONING DISTRICT (PZD) AND ENACTING REGULATIONS FOR THE WATERWORKS PRESERVATION ZONING DISTRICT.**

Motion was made by Grabow, second by Ebinger, to amend Ordinance No. 1963 in Section 2 under Building Restrictions to add language that “no hedges shall be permitted”.

Jim Woodhull clarified that “no fences” and “no hedges” are treated the same under the zoning code and the reason for that is for the site visibility on the corners, alley approaches, driveways, etc. This could be put in the deed restrictions of the property. The Commission concurred that this would be a better alternative.

Motion was made by Grabow, second by Ebinger, to withdraw amendment motion.

All in favor of Ordinance No. 1963 as written, Motion passed.

Resolutions:

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3712 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AGREEMENT WITH LIVINGSTON YOUTH SOCCER ASSOCIATION FOR DEVELOPMENT OF SOCCER COMPLEX AND PARK AND DEDICATING LAND FOR SOCCER FIELDS AND PARK.**

All in favor, Motion passed.

A change in the agenda order was requested to have Resolution No. 3717 and Resolution No. 3718 for discussion next to accommodate out of town guests who were present to support the resolutions.

Motion was made by Ebinger, second by Blakeman, to change order of Resolution to move Resolution No. 3717 and Resolution No. 3718 to (B) and (C).

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3717 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE AMBULANCE SERVICE RATES.**

Bob Brown, EMS Director, gave background information for the need to increase ambulance rates and adopt a formal policy for billing.

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3718 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND ADOPTING EMERGENCY MEDICAL SERVICES BILLING POLICY AND PROCEDURE.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3714 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH CTA NELSON ENGINEERING FOR ENGINEERING SERVICES FOR SPECIAL IMPROVEMENTS DISTRICTS.**

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

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3715 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH CTA NELSON ENGINEERING FOR ENGINEERING SERVICES FOR INFRASTRUCTURE PROJECTS.**

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

Action Items:

A discussion was held to appoint citizen committee members for:

1. Board of Adjustments – 1 member.
2. Historic Preservation Commission – 2 members.
3. Urban Renewal Authority – 1 member.

There were only three (3) applications received in the City Office for the Historic Preservation Commission.

It was the consensus of the Commission to set up interviews for these applicants for the Historic Preservation Commission on February 14, 2006 starting at 5:30 p.m. in the Community. The Recording Secretary will schedule and coordinate these interviews.

Motion was made by Ebinger, second by Grabow, to direct the Acting City Manager to re-advertise for the Board of Adjustments and the Urban Renewal Authority vacancies.

All in favor, Motion passed.

A discussion was held to determine the terms for the City Planning Board members and point members or direct Recording Secretary to advertise for vacancies.

The City Commission determined to have two (2) year staggered terms for the members of the City Planning Board, including the following amendments:

1. One member appointed by the City Commission from its own membership.
2. One member appointed by the City Commission who, at the Commission's discretion, may be an employee of the City of Livingston or hold public office in Livingston or Park County.
3. One member appointed by the Chairman of the Commission,

upon designation by the Board of County Commissioners of Park County.

4. Four citizen members appointed by the Chairman of the Commission who shall be resident freeholders within the City of Livingston, who shall be qualified by knowledge and experience in matters pertaining to the development of the City and hold no other office in City government.

A draft Ordinance will be brought back to the City Commission specifying the following:

1. One (1) member appointed by the City Commission from its own membership;
2. One (1) member appointed by the City Commission who may be an employee of the City of Livingston or hold public office in Livingston or Park County;
3. One (1) member appointed by the Chairman of the Commission, upon designation by the Board of County Commissioners of Park County; and,
4. Four (4) citizen members appointed by the Chairman of the Commission who are resident freeholders within the City of Livingston and are qualified by knowledge and experience in matters pertaining to the development of the City and hold no other office in city government.

A discussion was held to consider the Great Bend of the Yellowstone Lewis & Clark Commission's request for funding the sidewalks for the Sacajawea statue site and bring the electricity across River Drive. The estimated cost is \$6,000.00. The Commission denied the request due to financial constraints.

A discussion was held to consider the City Zoning Commission's recommendation that the Jondrow Annexation be zoned as RII Residential.

Jim Woodhull gave background information. This property is located on Fleshman Creek Road and is immediately west of the Northern Lights Subdivision. The property is approximately 64 acres in size and is being submitted to the City as a residential subdivision. The City Zoning Commission recommends that the City designate this annexed property as RII Residential.

Motion was made by Ebinger, second by Beebe, to approve the Findings of Fact of the Jondrow Annexation being zoned as RII Residential.

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve the City Zoning Commission recommendation zone change for the Jondrow Annexation to RII Residential.

All in favor, Motion passed.

The next two (2) items on the agenda were to direct City Staff and City Attorney to prepare a Resolution of Intent adopting impact fees and also to direct City Staff to advertise for an Impact Fee Advisory Committee. There was no action taken on these items, as the Commission wants to wait until they have adopted the Impact Fee Study with the City Staff's final draft.

A discussion was held to consider approving revisions to an employment contract with Peter Jankowski to serve as City Manager.

After much discussion the City Commission agreed to offer a contract to Jankowski.

The Acting City Manager's written comments were reviewed.

- Bob Ebinger commented about the letter from Montana Rail Link that it was extremely insulting.
- Bob Ebinger also commented about the issues with Thomas Burns and hopes that this issue has been taken care of in order to alleviate the problem.
- Patricia Grabow noted that the Commission has inadvertently forgotten to do the City Attorney's evaluation in January as scheduled. It was scheduled for the next City Commission meeting on Tuesday, February 21, 2006.
- Ms. Grabow suggested that the Historic Preservation Officer, Gregory Legge be involved with the Main Street Program. She requested that Mr. Legge be involved with the Downtown Association for the Main Street project since he has already been trained. Darren Raney commented that if the Commission concurred with Ms. Grabow he would like the Downtown Association to approach the City of Livingston to help initiate the Main Street Program. The Commission concurred that the Downtown Association needs to take the lead and initiate the Main Street Program.

Commissioner Grabow had no comments.

Commissioner Ebinger had no comments.

Commissioner Beebe had no comments.

Commissioner Biakeman Comments:

- She commented that it is not appropriate for any single commissioner to use Staff time to research something that has already been acted on by the Commission as a whole.

Chairman Caldwell had no comments.



No public comments were given.

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

The time was 9:59 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION  
SPECIAL MEETING  
February 15, 2006  
5:00 p.m.

The Livingston City Commission had a special meeting on Wednesday, February 15, 2006 at 5:00 p.m. in the Community Room in the City/County Building. Commissioners present were Mary Beebe, Steve Caldwell, Patricia Grabow and Bob Ebinger. Vicki Blakeman showed up at 5:10 p.m.

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

A discussion was held to review, discuss and determine contractual terms, to select a candidate for the position of City Manager and to offer a contract.

After much discussion, motion was made by Ebinger, second by Beebe, to recommend Ed Meece as the City Manager candidate and offer a contract.

All in favor, Motion passed.

The Commission also discussed the City Manager contract and made some corrections to the contract. The City Commission directed the City Attorney to make these changes to the City Manager contract.

Motion was made by Ebinger, second by Beebe, to offer an amended contract to Ed Meece.

All in favor, Motion passed.

No Commissioner's had any comments.

No Public Comments were given.

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

The time was 5:18 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
February 21, 2006  
(Tuesday)  
7:30 P.M.

The Livingston City Commission met in regular session on Tuesday, February 21, 2006 due to President's Day holiday on Monday, February 20, 2006 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, Jim Woodhull, Jim Mastin, Peggy Glass and Pam Payovich. Clint Tinsley and Shirley Ewan were absent.

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

- A. Approve February 6, 2006 regular City Commission Meeting minutes.
- B. Approve February 15, 2006 (Wednesday) special City Commission Meeting minutes.
- C. Accept bills and claims for 1<sup>st</sup> half of February 2006 and for 2005.
- D. Department heads monthly reports and other minutes.

Grabow asked about the claim from CTA Nelson Engineering and wondered if this was for any impact fee work. Darren Raney said that it wasn't.

Grabow questioned what the claim from Parco Neon Signs was for. Darren Raney stated that he didn't know at this time but would find out and relay back to the Commission at the next meeting.

Grabow commented about the Historic Preservation Commission meeting minutes and was wondering if it would be possible for City Staff to provide an orientation on Roberts Rules of Order to this Commission in regards to taking minutes.

Steve Caldwell stated that the Historic Preservation Commission doesn't have to have by-laws or follow Roberts Rules of Order.

It was the consensus of the majority of the Commission that this was not necessary.

Grabow asked about the expenditure budget report for the Library and wondered what the Summerfest/Promotional line item was for. Darren Raney stated that this item was put in the Library's budget but he will inquire as to why it is titled this way and report back to the Commission.

Ebinger asked about the claim from Northwestern Energy for the Swimming Pool and wondered why it is so high as the Swimming Pool is closed.

Ebinger asked about the claim from Northwestern Energy for the Civic Center also and asked that the employees and persons using the Civic Center be conscientious.

Ebinger commented about the value of permits for new commercial buildings and stated that this is a very impressive amount for the City of Livingston.

Ebinger commented about the 2-hour parking tickets and wondered if there is something that the City Staff can do to make people aware of the "B" Street Parking Lot as a courtesy. Darren Raney stated that going back into the reports it seems that January and February months seem to be the highest parking violations probably from the cold season.

Ebinger mentioned that in the Urban Renewal Agency minutes it requested that Clint Tinsley be invited and/or reminded to come to the meetings. It is the responsibility of the Urban Renewal Agency to invite Clint Tinsley as he is not required to attend these meetings.

Ebinger commented under old business for the meeting on the Library Board minutes about the Library expansion project and brick work that remains to be finished. He knows that these bricks are difficult to find but he would like this taken care of as soon as possible and feels that this project is not complete until the bricks are replaced. He suggested having a letter written to the Library inquiring about this issue so that it isn't forgotten about.

Caldwell requested on page 2 of the minutes to change the word "timing" to "timely" to read: "Steve Caldwell stated that this is a timely issue and should be put on the agenda for the next City Commission meeting to direct the City Planning Board to consider setbacks for streams."

Caldwell requested on page 3 of the minutes to change the word "and" to "of" to read: ".....will serve a portion of the electrical needs of the City of Livingston and Park County in compliance with the requirements of The Energy Policy Act."

Caldwell requested on page 5 of the minutes to change the word "amended" to "amendment" to read: "Motion was made by Grabow, second by Ebinger, to withdraw amendment motion."

Caldwell commented on page 7 of the minutes where it states: "A draft Ordinance will be brought back to the City Commission specifying that three (3) members will have one (1) year terms and four (4) members will have two (2) year terms". He doesn't believe that this is what was intended to be in the Ordinance and that what was intended is in the packet tonight.

Recording Secretary will change the significance of this statement as so reflected in the Ordinance.

Caldwell requested on page 7 of the minutes to add the words "revisions to" to read: "A discussion was held to consider approving revisions to an employment contract with Peter Jankowski to serve as City Manager".

Caldwell requested on page 8 of the minutes to add the word "revised" to read: "After much discussion the City Commission agreed to offer a revised contract to Jankowski".

All in favor of consent items as amended, Motion passed.

Public Hearings:

A public hearing was held and the second reading on Ordinance No. 1962 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ITS RULES OF PROCEDURE FOR CONDUCTING CITY BUSINESS BY PROVIDING THAT TWO CITY COMMISSIONERS CAN PLACE AN ITEM ON AGENDA FOR CONSIDERATION, AND AMENDING ORDINANCE NO. 1921 AS CODIFIED BY CHAPTER 2, SECTION 2-10 THROUGH 2-35 OF THE LIVINGSTON MUNICIPAL CODE.**

No public comments were given.

Motion was made by Ebinger, second by Blakeman, to approve Ordinance No. 1962.

All in favor, Motion passed.

A public hearing was held and the second reading on Resolution No. 3719 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING AMBULANCE SERVICE RATES.**

No public comments were given.

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3719.

All in favor, Motion passed.

Ordinances:

Motion was made by Blakeman, second by Ebinger, to approve the first reading of Ordinance No. 1964 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 ENTITLED OFFICIAL ZONING MAP OF THE LIVINGSTON MUNICIPAL CODE BY ZONING PARCEL 1 AND PARCEL 2 OF CERTIFICATE OF SURVEY NO. 2015 AG LOCATED IN THE SOUTHEAST ¼ OF SECTION 15, TOWNSHIP 2 SOUTH,**

**RANGE 9 EAST, P.M.M., PARK COUNTY, MONTANA, AS R-II, MEDIUM DENSITY RESIDENTIAL.**

Grabow requested to change the Ordinance to less density population area which would be R-1, Less Density Residential. Her reasons are that she feels that the Bozeman Trail does exist within this site and that it would be cost effective to go with a less density residential zoning with this property.

Ebinger asked for other reasons why Grabow was asking for less density zoning.

Caldwell asked Mr. Woodhull if the zoning recommendation of this property was consistent with the Growth Policy. Mr. Woodhull stated that it is.

Grabow feels that there needs to be an extensive cultural study done in this area for the Bozeman Trail and have less dense zoning for this property.

Blakeman mentioned that the City of Livingston's Growth Policy identifies growth in this area.

Ebinger requested if any historical remains or markings were located on this property during development that it be documented.

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

A public hearing will be held on March 20, 2006 for Ordinance No. 1964.

Resolutions:

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3716 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN APPLICATION FOR LAND AND WATER CONSERVATION FUND ASSISTANCE FOR DEVELOPMENT OF LIVINGSTON NORTHSIDE PARK AND SOCCER FIELDS COMPLEX.**

Motion was made by Blakeman, second by Beebe, to amend Resolution No. 3716 contingent upon the Livingston Youth Soccer Association having full funding for this project before the City will accept the grant.

All in favor, Motion passed.

All in favor of Resolution No. 3716 as amended, Motion passed.

Action Items:

A discussion was held to appoint citizen committee members for the historic preservation commission.

Applications were received from Reid Erickson, James Williams and Merri Ketterer. Interviews also took place on February 14<sup>th</sup> with these three (3) applicants.

Motion was made by Ebinger, second by Beebe, to appoint Reid Erickson and James Williams to the Historic Preservation Commission.

The Commission requested to have letters sent to all of the applicants thanking them for applying for these vacancies and assure the applicant that was not chosen that it was a difficult decision and to encourage her to apply for other board vacancies with the City of Livingston in the future.

All in favor, Motion passed.

A discussion was held to consider request for funding contribution toward Gallatin Development Corporation.

Motion was made Ebinger, second by Beebe, to deny the request for funding contribution from Gallatin Development Corporation.

All in favor, Motion passed.

A discussion was held to review and consider draft Ordinance No. 1965 amending the City Planning Board terms.

After much discussion it was the consensus of the Commission to bring back the draft Ordinance for first reading at the next meeting.

Motion was made by Blakeman, second by Ebinger, to direct City Attorney to bring back draft Ordinance No. 1965 amending the City Planning Board terms for first reading at the next meeting.

All in favor, Motion passed.

A discussion was held to consider directing City staff to proceed with the marketing plan for the Old Waterworks Building.

Motion was made by Blakeman, second by Beebe, to direct City staff to proceed with the marketing plan for the Old Waterworks Building.

Grabow suggested that the Commission add under deed restrictions to not allow fences or hedges and no parking allowed on the north side of the property.

Ebinger stated that no fences or no hedges are allowed is in the zoning Ordinance for this property.

Blakeman inquired about the possibility of converting the underground tanks into an underground parking lot. She wondered if this would be allowed.

Motion was made by Ebinger, second by Grabow, to add to the deed restrictions for no surface parking on the north side of the building.

All in favor, Motion passed.

Tara Eddy of 604 South 9<sup>th</sup> Street thanked the Commission for this amendment to the zoning Ordinance. She commented that everyone that signed the petition for the sale of this property is still concerned and wants to make sure that everything on this property is safe guarded. She was wondering if no fences could also be put into the deed restrictions. She also requested that the mitigation of the tanks be completed and the ground reseeded within 100 days of the sale of the building because of the concern of the liability and safety of the people in the community.

Motion was made by Grabow, second by Ebinger, to add to the deed restrictions no fences will be allowed on the property.

All in favor, Motion passed.

All in favor of the approval of the marketing plan for the Old Waterworks Building as amended, Motion passed.

Motion was made by Blakeman, second by Beebe, to direct City staff to proceed with the sale of the Old Waterworks property.

All in favor, Motion passed.

A discussion was held to consider preliminary plat approval for Discovery Vista Subdivision.

Jim Woodhull, City Planner, gave background information relating to the preliminary plat approval for Discovery Vista Subdivision.

The City Planning Board recommended conditional approval of this subdivision and the suggested conditions were listed in the staff report that was provided in the Commission's packet.

Motion was made by Ebinger, second by Beebe, to approve Findings of Fact for the Discovery Vista Subdivision preliminary plat.

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

Motion was made by Ebinger, second by Blakeman, to approve the additional conditions.



Motion was made by Ebinger, second by Beebe, to add to the conditions a statement that reads: "Cultural and Historic artifacts: The City shall be notified of any significant findings and all State and Federal regulations will be followed regarding the documentation and disposition of any historic or archeological materials found."

All in favor, Motion passed.

Motion was made by Grabow that should historical significance be established the developer will make accommodations. No second.

4 in favor to approve the additional conditions as amended; Ebinger, Blakeman, Beebe and Caldwell, 1 against; Grabow, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve the preliminary plat for Discovery Vista Subdivision with the approved conditions.

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

The next item on the agenda was to discuss and consider approving an employment contract with Ed Meece to serve as City Manager for the City of Livingston.

The Commission did not feel that there was any action necessary to be taken at this time for this item.

The Acting City Manager's written comments were reviewed.

- Patricia Grabow asked about the impact fee study and wondered how the Commission could have input on this study before the final adoption. Darren Raney stated that it would be brought to the Commission as a draft Ordinance and at that time the Commission could make any changes, suggestions or comments.
- Bob Ebinger asked about the follow up to Michael Sprague presentation regarding Fleshman Creek management and wondered if the community could put together a project to fence out the beavers and wanted to know how to implement this and commented that possibly the Mayor's Landing Committee could be involved with this.
- Bob Ebinger asked about Fleshman Creek setbacks and knows that Jim Woodhull is working on this. He said that he would like to have this sooner than later because setbacks need to be established for the undeveloped land before additional subdivisions are going to be proposed.

Commissioner Blakeman Comments:

- She mentioned that there is going to be a going away party for Paula Clawson on February 28, 2006 at 4:30 p.m. and requested Recording Secretary to help find a room for this occasion.

Commissioner Beebe Comments:

- She asked what the status was with the Section 205 Study. Darren Raney stated that he has not heard from any of these people since early December. The City is at the mercy of the Corp of Engineers.

Commissioner Ebinger Comments:

- He made a comment that the Upper Freshman Creek is not included in the Section 205 Study.
- He commented at the budget meeting there was discussion as to what the City could do away with and the Historic Preservation Office was mentioned. He stated that he would like the City to be aware of the fact that the whole design for downtown and the design that people seem to like the best is the historic character of our downtown and feels that people would like to preserve that.
- He mentioned that he attended the recycling meeting for a few minutes before the meeting and they requested Clint Tinsley's attendance at the next recycling meeting on March 7, 2006 at 5:30 p.m. and asked the City Manager to ask Clint if he would be there.

Commissioner Grabow Comments:

- She asked that with the Section 205 Study if the City could consider going through the congressional delegation to get some kind of a response. Darren Raney commented that he believes that the congressional delegation could control the funding but the study is actually done by the Corp of Engineers. Mr. Raney stated that he would try to contact some other people from the Corp in order to get some kind of answer.
- She wanted to compliment the Staff for updating the web site but commented she had one request about the City organization page to be updated. Recording Secretary, Pam Payovich mentioned that she just updated that page today.
- She also mentioned that she has a letter for the Commission to consider that there be more than one City Attorney.
- She commented that she appreciated all of the things that went into the Budget Workshop but she feels that the job of the Commissioners is to have the larger view of the community brought to the table and the City Manager to implement this. She would like to see the City Commission take a serious look at increasing taxable revenue for the City and suggested to bring back Mr. Greg Krueger from Billings to have a workshop with the Commission. Also she would like to take a serious look at having a workshop for the Old East Side School.

Chairman Caldwell Comments:

- He wanted to remind the Commission that the consent items should not require that much discussion and if there are issues with the consent items the Commission should keep them separate so they can be discussed further.
- He wanted to know if there is a consensus on moving forward with a revised parking fee schedule. Darren Raney feels that the City does need to look at it and feels there needs to be a computerized system. The cost of the equipment to do this is approximately \$15,000.00. Otherwise there is no way that the parking attendant can keep track as to whether it is a second or third parking violation or warning violation. He will look at revenues as to how to pay for this equipment and see if it would be cost effective.

Public Comments:

- Tara Eddy of 604 South 9<sup>th</sup> Street thanked the Commission and City staff for all of their time on issues and for the courtesy and respect of the community.

A short recess was taken at 9:25 p.m.

The meeting went back into session at 9:50 p.m.

The City Attorney's evaluation was held. It was noted by the majority of the City Commission that the City Attorney's performance was satisfactory. Patricia Grabow provided her comments in writing.

The Commission concurred that it would be more efficient if the City Attorney became an employee with the City rather than be on a contractual basis.

The meeting went into executive session for discussing a personnel matter.

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

The time was 10:50 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
March 6, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, March 6, 2006 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 7:32 p.m.

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

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

- A. Approve February 21, 2006 regular City Commission Meeting minutes.
- B. Accept bills and claims for 2<sup>nd</sup> half of February 2006 and for 2005.

Ebinger requested on page 5 of the minutes to change the word "them" to "her" to read: "The Commission requested to have letters sent to all of the applicants thanking them for applying for these vacancies and assure the applicant that was not chosen that it was a difficult decision and to encourage her to apply for other board vacancies with the City of Livingston in the future."

Ebinger asked for clarification about the claim from Park County for the Sanitarian and wondered if this was half of the salary from the City for this position. Shirley Ewan stated that there are two people in this position and this is half of both of their salaries for the year.

Grabow commented on page 4 of the minutes where it states: "Blakeman mentioned that the City of Livingston's Growth Policy encourages growth in this area", and feels that this was a confusing statement and wondered if more detail could be added to this discussion.

After some discussion, the minutes were revised to read: "Blakeman mentioned that the City of Livingston's Growth Policy identifies potential growth in this area."

Grabow asked on page 9 of the minutes to reflect that she provided her own written comments concerning the City Attorney's evaluation to be disseminated to other commissioners. What will be added to the minutes is: "Patricia Grabow provided her comments in writing."

Grabow asked about the claim on page 14 and wondered what "bank runs" were. Shirley Ewan commented that all of the girls in the office take turns

every month to run to the bank for the deposits at the end of the day and this is for their reimbursement.

Grabow asked about the claim from Amy Schilling. Caldwell stated that Amy is the Government Study Commission's secretary and this is her income for doing the minutes. It is in the budget.

All in favor of consent items as amended, Motion passed.

#### Employee Recognition:

A recognition ceremony was held for Firefighters Dick Wood and Matt Spong for their services in Iraq. Acting City Manager, Darren Raney presented Mr. Wood and Mr. Spong with a plaque thanking them for their devoted services.

#### Proclamations:

Chairman, Caldwell, read a proclamation recognizing April 9, 2006 through April 15, 2006 as "Public Safety Dispatchers Week" in the City of Livingston.

#### Scheduled Public Comment:

Bob Moore gave a presentation on a proposal for activating free channels with Bresnan franchise. He provided an ordinance from the town of Jackson, Wyoming to the Commission as an example. His request was to possibly provide televised City Commission meetings and/or County Commission meetings to the public. He will gather more information from Bresnan and bring this proposal back later.

Ebinger commented that he wanted to make sure that this proposal would not cost the City anything.

#### Public Hearings:

A public hearing was held and the second reading on Ordinance No. 1963 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 ENTITLED OFFICIAL ZONING MAP OF THE LIVINGSTON MUNICIPAL CODE BY REZONING PORTIONS OF LOTS 19, 20, 21, 22, 23, 24, 25, 26 AND 27 OF BLOCK 35 OF THE PARK ADDITION TO THE CITY OF LIVINGSTON, MONTANA, AS DESCRIBED BY LOT "W" OF AMENDED SUBDIVISION PLAT NO. 498, FROM PUBLIC ZONE (P) TO A PRESERVATION ZONING DISTRICT (PZD) AND ENACTING REGULATIONS FOR THE WATERWORKS PRESERVATION ZONING DISTRICT.**

Tara Eddy of 604 South 9<sup>th</sup> Street requested that on page 3 of the Ordinance to change the wording under signage so that it was in line with the signage regulations in residential areas. She also requested that under building restrictions no additions could be made to the Old Water Works building.

Motion was made by Blakeman, second by Ebinger, to approve Ordinance No. 1963.

Motion was made by Grabow, second by Ebinger, to amend Ordinance No. 1963 under signage to read: "The following Signage will be allowed: One (1) non-illuminated, wall sign not to exceed 12 square feet or one (1) non-illuminated monument sign not to exceed four (4) feet in height and six (6) feet in length and located at least five (5) feet from the 10<sup>th</sup> Street property line", and under building restrictions to read: "Building Restrictions: To maintain the park-like atmosphere of the surrounding land, no fences shall be permitted and no additions shall be made to the Old Water Works building."

After much discussion it was the concurrence of the majority of the Commission to have the wording as described above.

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

All in favor of Ordinance No. 1963 as amended, Motion passed.

Ordinances:

Motion was made by Ebinger, second by Beebe, to approve first reading of Ordinance No. 1965 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE 1922 AS CODIFIED BY SECTION 27-3 OF THE LIVINGSTON MUNICIPAL CODE BY ESTABLISHING THE TERM OF OFFICE FOR CITY COMMISSIONER MEMBER TO BE COEXTENSIVE WITH THE TERM OF OFFICE AS CITY COMMISSIONER AND BY ESTABLISHING TWO YEAR OVERLAPPING TERMS FOR NON-CITY COMMISSION MEMBERS.**

All in favor, Motion passed.

A public hearing will be held on Ordinance No. 1965 at the March 20, 2006 City Commission meeting.

Resolutions:

Motion was made by Ebinger, second by Blakeman, to approve Resolution No. 3720 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING SETTLEMENT IN THE AMOUNT OF \$15,000.00 AND AUTHORIZING CITY MANAGER TO SIGN SETTLEMENT AGREEMENT IN THE MATTER OF ROSEMARY HENRY V. CITY OF LIVINGSTON, HRB CASE NO. 0061011836, EEOC CASE NO. 32DAA600082.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3721 – **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 2005-2006.**

Chairman, Caldwell, clarified that on page 7 of the agreement under Ambulance – 5510 the Defibrillator will be removed so the total cost would be \$18,490.00. Shirley Ewan commented the reason for this change was that the Fire Department had already purchased the defibrillator for \$1,000.00.

All in favor, Motion passed.

Motion was made by Blakeman, second by Grabow, to approve Resolution No. 3722 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, EXPRESSING OFFICIAL INTENT REGARDING CERTAIN CAPITAL EXPENDITURES TO BE REIMBURSED WITH PROCEEDS OF CLEAN RENEWABLE ENERGY BONDS.**

All in favor, Motion passed.

Motion was made by Ebinger, second by Blakeman, to approve Resolution No. 3723 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH MATNEY-FRANZ ENGINEERING FOR SUBMISSION OF A CLEAN RENEWABLE ENERGY BOND (CREB) APPLICATION.**

All in favor, Motion passed.

Motion was made by Ebinger, second by Blakeman, to approve Resolution No. 3724 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH ZIA ENGINEERING AND ENVIRONMENTAL CONSULTANTS, LLC, FOR SOLID WASTE MANAGEMENT STUDY.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3725 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND EDWIN MEECE AS CITY MANAGER.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3726 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH THE MONTANA HISTORIC PRESERVATION OFFICE.**

All in favor, Motion passed.

Action Items:

A discussion was held to appoint applicants for the Urban Renewal Authority and the Board of Adjustments.

Motion was made by Blakeman, second by Beebe, to appoint Mary Hagemeyer to serve on the Urban Renewal Authority for a four (4) year term expiring January 2010.

Hagemeyer was known by Commissioners, who felt there was no need for an interview.

All in favor, Motion passed.

It was the consensus of the Commission to set up an interview with Russ Himmelspach for the Board of Adjustments position vacancy. The interview will take place on March 20, 2006 at 7:00 p.m. in the Community Room of the City/County Complex.

Himmelspach was not known by the Commission, therefore they felt an interview was appropriate.

A discussion was held to consider directing City Manager to advertise for a board member as a City representative to the Library Board as the City's representative George Boyer, has resigned and his term will expire July 2008.

Motion was made by Blakeman, second by Ebinger, to direct City Manager to advertise for a board member as a City representative to the Library Board.

All in favor, Motion passed.

A discussion was held to review and consider a draft Ordinance – **AN ORDINANCE OF THE LIVINGSTON CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 23 OF THE LIVINGSTON MUNICIPAL CODE BY REQUIRING A NON-MONETARY PERMIT TO WORK ON TREES LOCATED ON PUBLIC PROPERTY.**

Bob Ebinger gave background information relating to the City Tree Board requested recommended changes.

Motion was made by Ebinger, second by Blakeman, to direct City Attorney to bring back Tree Ordinance with suggested changes from the City Tree Board for first reading at the next City Commission meeting on March 20, 2006.

All in favor, Motion passed.

A discussion was held to review and consider a draft Ordinance – **AN ORDINANCE OF THE LIVINGSTON CITY COMMISSION OF THE CITY OF**



**LIVINGSTON, MONTANA, ENACTING THE NIGHT SKY PROTECTION ACT FOR THE CITY OF LIVINGSTON, MONTANA, AND PROVIDING A PENALTY FOR VIOLATION.**

After much discussion, motion was made by Ebinger, second by Grabow, to direct City Attorney to bring back Night Sky Protection Ordinance with suggested changes for first reading at the next City Commission meeting on March 20, 2006.

All in favor, Motion passed.

A discussion was held to review and consider a draft Ordinance – **AN ORDINANCE OF THE LIVINGSTON CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING IMPACT FEES UPON NEW DEVELOPMENT TO FUND ALL OR A PORTION OF THE PUBLIC FACILITY CAPITAL IMPROVEMENTS AFFECTED BY THE NEW DEVELOPMENT AND PROVIDING A METHOD FOR CALCULATING, IMPOSING AND COLLECTING IMPACT FEES.**

Motion was made by Blakeman, second by Beebe, to direct City Attorney to bring back an Impact Fee Ordinance with staff recommendations for first reading at the next City Commission meeting on March 20, 2006.

All in favor, Motion passed.

A discussion was held to review and consider Fleshman Clean-up Sponsorship with Trout Headwaters, Inc.

Motion was made by Grabow, second by Beebe, to sponsor Fleshman Clean-up with Trout Headwaters, Inc. not to exceed \$150.00.

All in favor, Motion passed.

A discussion was held to consider pursuing the process involved with changing the status of the City Attorney as an employee instead of a contractual position.

Motion was made by Blakeman, second by Beebe, to pursue the process involved with changing the status of the City Attorney as an employee position in-house instead of a contractual position.

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

The Acting City Manager's written comments were reviewed.

- Grabow requested that the Summerfest Director coordinate with the Lewis and Clark Committee, as there is a Lewis and Clark Bicentennial Boat Float at the same time.

- Ebinger commented that there is a major celebration in donating the Sacajawea Statue to the City and County at the same time and they are coordinating with Summerfest Director.
- Ebinger thanked Darren Raney for responding so quickly on all of the questions from the Commission.
- Ebinger commented about the fire department outside employment position requests that when they come back from Great Falls and work for the City of Livingston, that they should be rested so that they do not have any accidents. He was concerned about them being overworked.
- Beebe thanked Darren Raney for following up on the Section 205 Study.
- Blakeman commented that the 7<sup>th</sup> Street foot bridge looks beautiful and is really glad that it is done.

Commissioner Blakeman Comments:

- She was wondering about the Angel Line status and if there had been a decision made as to whether the City turn over operations to the County or not. Darren Raney commented that this could be put on a City/County meeting agenda.
- She asked about the 60 foot right-of-way at the north end of the proposed Soccer fields and wondered where the City was on this. Darren Raney commented that he did send the Livingston Youth Soccer Association a letter requesting this and that they follow up on this.
- She was asked from some citizens about the testing of the plume and they were very concerned about the in-door air and was wondering if the City wanted to follow-up with Montana Development of Environmental Quality (DEQ) on this. Clint Tinsley stated that there is a contact person at DEQ for this information that can be passed onto the citizens and he will implement this.
- She asked about the Solid Waste Sub-Committee meeting and wondered if it was scheduled for tomorrow. Clint Tinsley stated that it is scheduled for tomorrow at 3:00 p.m. in the Community Room.

Commissioner Beebe Comments:

- She commented that there is going to be a meeting tomorrow, March 7, 2006 at 5:30 p.m. with the Local Advisory Council for Mental Health in the Community Room.

Commissioner Ebinger Comments:

- He commented that there is a Recycling Meeting Thursday, March 9, 2006 at 5:30 p.m. in the Community Room.
- He reminded everyone of the Wind Energy bus tour on Wednesday morning.

Commissioner Grabow Comments:

- She asked the City Attorney if it was o.k. to talk with one of the developers on the Bozeman Trail. She commented that she attended the "Governors Council" on Historic and Cultural properties and at the "Council" she found out that the Fish and Wildlife has money that could go towards creating bike path along the Bozeman Trail. She feels that this would be an interesting thing to look into.
- She wanted to know whether the City has to go before the Historic Preservation Committee for signage. She is concerned about the "B" Street Parking lot sign. It is not required for the City to go before the Historic Preservation Committee. Darren Raney stated that it is a regulating sign.
- She thanked Darren Raney for a remarkable job as Acting City Manager.
- She wanted to reiterate about the Lewis and Clark Boat float tying in with the Summerfest and she didn't mean not to consider the Sacajawea Statue donation celebration but she would also like to coordinate with the boat float also.
- She wanted to know if there could be another workshop with Mr. Greg Krueger. The Urban Renewal Authority and the Downtown Association needs to implement this workshop and the Commission could attend as citizens.

Chairman Caldwell Comments:

- He wanted to commend the Acting City Manager and all of the Department Heads for their remarkable work during the past six months.

Public Comments:

- Mary Kistthart of 411 South 12<sup>th</sup> Street commented that she wanted to tell the Commission that she appreciates the "Night Sky Protection" Ordinance being proposed but also wanted to make it aware of the importance of having enough lighting in our City, such as the "B" Street Parking Lot, for the safety of the public.

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

The time was 9:50 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
March 20, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, March 20, 2006 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, Ed Meece, Shirley Ewan, Darren Raney, Jim Woodhull, Jim Mastin, Peggy Glass and Pam Payovich. Clint Tinsley was absent.

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

- A. Approve March 6, 2006 regular City Commission Meeting minutes.
- B. Accept bills and claims for 1<sup>st</sup> half of March 2006 and for 2005.
- C. Department Heads monthly reports and other minutes.
- D. Approve special event request for Farmer's Market to be held every Wednesday at Miles Park starting June 7, 2006 and ending September 20, 2006.

Grabow mentioned that on page 6 of the minutes that on the Night Sky Ordinance there were several changes noted and was wondering if this could be stated in the minutes. Caldwell stated that the Ordinance is on tonight's meeting with suggested changes. Also the "Night Sky Ordinance" is on the City's website at [ci.livingston.mt.us](http://ci.livingston.mt.us) with the changes suggested for the public hearing on April 3, 2006.

Grabow asked about the claim from Livingston School District for the Ice Dogs game bus fee. Darren Raney commented that this is an event that has been going on for the past five years with the D.A.R.E. program and this item is budgeted.

Grabow asked about the claim from the Government Training Institute and wondered what it was for. Darren Raney stated that this is for an upcoming Police Training institution training for three of his officers and it is budgeted.

Grabow asked if the position for the Library Board city representative vacancy had been advertised. Pam Payovich, Recording Secretary commented that it has been advertised.

Ebinger asked about the claim from Farm Plan and wanted to know who this was. Shirley Ewan stated that it is for Strong & Bradley's.

Ebinger asked about the claim from Promissor and was curious what type of company this was. Shirley Ewan stated this is where the Building Inspector's take their exams for licensing.

Ebinger asked about the claim from Viking Office Products and requested that the City try and buy office products locally.

Beebe requested that on page 7 of the minutes to change the words under her commented "Livingston Advocacy Committee" to "Local Advisory Council" to read: "She commented that there is going to be a meeting tomorrow, March 7, 2006 at 5:30 p.m. with the Local Advisory Council for Mental Health in the Community Room.

Beebe asked about the claim from Western Systems & Fabrication for grass and garbage carts and was wondering what this was for. Shirley Ewan stated that the Public Works Department has purchased new bins for lawn trimmings and recycling.

Grabow requested that on page 8 of the minutes to change the word "Agricultural" to "Cultural" "properties" to read: "She commented that she attended the Governors Council on Historic and Cultural Agricultural properties buildings and at the Council she found out that the Fish and Wildlife has money that could go towards creating a bike path along the Bozeman Trail."

All in favor of consent items as amended, Motion passed.

#### Proclamations:

Chairman, Caldwell, read a proclamation declaring the month of July 2006 as "Clark on the Yellowstone" month in the City of Livingston.

#### Scheduled Public Comment:

Bill Moser gave a presentation on potential flooding issues. He provided the Commission with a lot of information in their packets about potential flooding in the City of Livingston.

#### Variances:

Michelle Goodwine, owner of property located at 515 West Park Street, requested a variance from the front setback requirement for Highway Commercial zoning districts. She wished to replace the existing building on this property, which has no front setback, with a new structure that would be eight (8) feet from the front property line. Code requires a twenty (20) foot front setback.

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

Motion was made by Blakeman, second by Beebe, to approve the Findings of Fact for the Goodwine variance request.

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve the Goodwine variance request.

Ebinger commented that he wondered if the City had a parking Ordinance that would include landscaping and is concerned about parking bordering Park Street.

Jim Woodhull commented that the City Parking Ordinance requires screening from parking areas not from other commercial properties from the public right-of-way with a minimal four (4) foot high vegetated and/or fence.

Ron Fick of 311 East Geyser spoke against this variance request.

Ebinger asked what the plan height of the building was. Michelle Goodwine stated that there is one (1) story in the front and then the back has a vaulted ceiling inside and an attic up above.

Grabow asked how far back it would be before the ceiling is vaulted. Ms. Goodwine stated that she believes it is 35' to 40'.

Grabow commented that the visibility is dangerous at this intersection and asked if the builder could take a serious look at the 20' setback as a possibility and reconsider their plans and look at another alternative.

Ebinger commented that he is very much opposed to having parking in the front. But he would like to see the builder consider the 20' setback without considering the loss of parking spaces.

Beebe commented that she is concerned about the Commission setting precedence where the City starts having more and more crowding on Park Street. She doesn't understand about the need for the variance.

Michelle Goodwine stated that the purpose for the setback request is because as the property is actually two (2) parcels, parcel "A" and parcel "B" which may allow for parcel "B" to be sold separately in the future. By allowing for an 8' setback in front it would be a tremendous improvement and would be all green space allowing for all of the parking in the rear of the property. She would like to see more green space along the corridor of Park Street.

Grabow commended Ms. Goodwine on this project as an improvement. But she hopes that there is some way that the contractor could keep the 20' setback for good visual corridor.

Darren Raney commented that he doesn't feel that visibility is the issue relating to accidents on this intersection that it is a busy intersection.

Michelle Goodwine commented that the only other alternative she would have would be to move the building all the way back to the property line and have all of the parking in the front in order to utilize all of the parcel space.

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

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 this business, which would extend to within six feet nine inches (6' 9") of front property line. Code requires a twenty (20) foot front setback.

Jim Woodhull, City Planner, gave background information relating to this variance request and stated that the Board of Adjustment's recommended approval of this variance request.

Motion was made by Blakeman, second by Beebe, to approve the Findings of Fact for Eyecare Professionals variance request.

All in favor, Motion passed.

Motion was made by Ebinger, second by Blakeman, to approve Eyecare Professionals variance request.

All in favor, Motion passed.

Resolutions:

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3729 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING IMPACT FEE STUDY FOR THE CITY OF LIVINGSTON, MONTANA.**

All in favor, Motion passed.

Public Hearings:

A short recess was taken at 8:42 p.m.

The meeting went back into session at 8:47 p.m.

A public hearing was held on Ordinance No. 1964 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 ENTITLED OFFICIAL ZONING MAP OF THE LIVINGSTON MUNICIPAL CODE BY ZONING PARCEL 1 AND PARCEL 2 OF CERTIFICATE OF SURVEY NO. 2015 AG LOCATED IN THE SOUTHEAST ¼ OF SECTION 15, TOWNSHIP 2 SOUTH, RANGE 9 EAST, P.M.M., PARK COUNTY, MONTANA, AS R-II, MEDIUM DENSITY RESIDENTIAL. (JONDROW).**

No public comments were given.

Motion was made by Ebinger, second by Blakeman, to approve Ordinance No. 1964.

All in favor, Motion passed.

A public hearing was held on Ordinance No. 1965 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE 1922 AS CODIFIED BY SECTION 27-3 OF THE LIVINGSTON MUNICIPAL CODE BY ESTABLISHING THE TERM OF OFFICE OF CITY COMMISSIONER MEMBER TO BE COEXTENSIVE WITH THE TERM OF OFFICE AS CITY COMMISSIONER AND BY ESTABLISHING TWO YEAR OVERLAPPING TERMS FOR NON-CITY COMMISSION MEMBERS.**

No public comments were given.

Motion was made by Ebinger, second by Blakeman, to approve Ordinance No. 1965.

All in favor, Motion passed.

Ordinances:

The first reading of Ordinance No. 1966 was held – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 23 OF THE LIVINGSTON MUNICIPAL CODE BY REQUIRING A NON-MONETARY PERMIT TO WORK ON TREES LOCATED ON PUBLIC PROPERTY.**

Motion was made by Ebinger, second by Beebe, to approve Ordinance No. 1966.

No action taken.

Motion was made by Ebinger, second by Beebe, to post-pone Ordinance No. 1966 and send back to the City Tree Board to integrate the suggestions given by Paul Hook of 215 South 7<sup>th</sup> Street.

All in favor, Motion passed.

The first reading of Ordinance No. 1967 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,  
AND PROVIDING A PENALTY FOR VIOLATION.**

Motion was made by Blakeman, second by Ebinger, to approve Ordinance No. 1967.

Grabow commented that this Night Sky Ordinance would probably cost the City close to \$133,000 to change out the existing lights. She wondered if the new lights would be part of the Infrastructure Improvement program for downtown and would like to have more information provided by Mr. Tinsley and the City Manager for a rational plan relating to this program.

After much discussion the Commission determined that the wording in the Ordinance under non-conforming street lights was sufficient.

Ebinger made comment about the violation and civil penalty and suggested to have read: "A 3<sup>rd</sup> or subsequent offense is punishable by a civil fine of not more than \$50.00" rather than each day thereafter.

Bruce Becker stated that Mr. Meece had mentioned to him that several of the business lights in the downtown area would be out of compliance when this Ordinance goes into effect.

Motion was made by Blakeman, second by Beebe, to amend Ordinance No. 1967 to add: "to exempt neon signs and existing lighting signs in the downtown historic district which flash, chase, move, revolve, rotate, blink, flicker, or vary in intensity or color, however, such lights must be turned off when the business is closed."

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve Ordinance No. 1967 as amended.

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

A public hearing will be held on Ordinance No. 1967 at the April 3, 2006 City Commission meeting.

Motion was made by Ebinger, second by Blakeman, to approve Ordinance No. 1968 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING IMPACT FEES UPON NEW DEVELOPMENT TO FUND ALL OR A PORTION OF THE PUBLIC FACILITY CAPITAL IMPROVEMENTS AFFECTED BY NEW DEVELOPMENT AND PROVIDING A METHOD FOR CALCULATING AND COLLECTING IMPACT FEES.**

Motion was made by Ebinger, second by Blakeman, to approve Ordinance No. 1968.

Grabow commended City Staff on revising this Ordinance to meet suggested criteria.

Ebinger suggested excluding the Urban Renewal District making them exempt to impact fees. He commented that he will abstain from this motion as he has a building downtown.

Motion was made by Grabow, second by Beebe, to amend Ordinance No. 1968 to exclude the urban renewal downtown area.

Blakeman and Caldwell felt that this would be a mistake and think that it would be unfair. They think that impact fees should be city-wide as the downtown development impacts the City just as much as outside development does.

Grabow felt that outside the downtown area development actually costs the taxpayers the 2.4 dollars for every dollar created. The downtown area creates revenue for the community. She feels that the City would lose money without creating incentives for the downtown business owners and future owners.

1 in favor; Grabow, 3 against; Blakeman, Beebe and Caldwell, 1 abstained; Ebinger, Motion denied.

All in favor of Ordinance No. 1968 as written, Motion passed.

A public hearing will be held on Ordinance No. 1968 at the April 3, 2006 City Commission meeting.

Resolutions:

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3727 – **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 MAIN REPLACEMENT PROJECT IN "E", "F", & "G" STREETS FROM PARK STREET TO CALLENDER STREET INCLUDING PARK STREET FROM "E" STREET TO "H" STREET IN THE AMOUNT OF \$48,665.00 PLUS REIMBURSABLE EXPENSES.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3728 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONSTRUCTION AGREEMENT WITH THE MONTANA DEPARTMENT OF TRANSPORTATION FOR "H" STREET FROM PARK STREET TO BUTTE STREET.**

All in favor, Motion passed.

Action Items:

A discussion was held to determine the City Planning Board members their terms.

The City Commission after much discussion determined the following for the City Planning Board member's terms:

Dude Tyler -	Term will end 1/08
Gary Blakely -	Term will end 1/08
John Fryer -	Term will end 1/09
Mark Rehder -	Term will end 1/09
Vicki Blakeman -	Term will end 1/10
Clint Tinsley -	Term will end 1/10
Ann Hallowell -	Term will end 1/08

A discussion was held to review and consider minor subdivision request from Cliff Ingledew.

Mr. Cliff Ingledew wished to create a one lot minor subdivision by dividing the existing Lot 24 of Mountain View Subdivision, Phase One into Lots 24A and 24B. The purpose of this subdivision is to create the ability to build a two-unit town home on this parcel.

Motion was made by Blakeman, second by Ebinger, to approve the Findings of Fact of this minor subdivision request.

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve Ingledew minor subdivision request.

All in favor, Motion passed.

A discussion was held to consider directing City staff to advertise for an Impact Fee Committee required by law.

Motion was made by Blakeman, second by Beebe, to direct City staff to advertise for an Impact Fee Committee.

All in favor, Motion passed.

A discussion was held to review and consider the Great Bend of the Yellowstone Lewis & Clark Heritage Commission request for the St. Charles Expedition group camping at Sacajawea Park during the Sacajawea Statue donation celebration on July 14<sup>th</sup> and 15<sup>th</sup>, 2006.

Motion was made by Blakeman, second by Ebinger, to approve the Great Bend of the Yellowstone Lewis & Clark Heritage Commission request.

Sandra Cahill was present representing the Great Bend of the Yellowstone Lewis & Clark Heritage Commission.

All in favor, Motion passed.

The Commission held an interview with Russ Himmelspach for a vacancy on the Board of Adjustments committee prior to the City Commission meeting at 7:00 p.m.

Motion was made by Ebinger, second by Blakeman, to appoint Russ Himmelspach to the Board of Adjustments Committee as a City representative.

All in favor, Motion passed.

The Acting City Manager's written comments were reviewed.

- Blakeman thanked Mr. Raney for his very nice comments.

Mr. Meece, City Manager, made comment and noted to the Commission that the agreement with the Livingston Youth Soccer Association for Resolution No. 3712 has been signed.

Commissioner Blakeman had no comments.

Commissioner Beebe Comments:

- She reminded everyone that there is going to be a Spay and Neuter Clinic on Sunday, March 26<sup>th</sup> at the Fairgrounds and commented if anyone would like to volunteer it would very much be appreciated.

Commissioner Ebinger Comments:

- He commented that there has been talk about changing signage on the Highway routing through Livingston and mentioned to those people that the Commission has already requested this with the Montana Department of Transportation (MDT) for brown signage. He has put together a packet for Mr. Meece with the contact information so he can follow up with MDT so that he can be aware of what the Commission has requested.

Commissioner Grabow Comments:

- She reminded others about the Power of Place Conference and mentioned that it was one of the best conference's she has ever attended.
- She mentioned the clean-up with Burlington Northern Santa Fe (BNSF) was very much appreciated with what went into this task. She requested that the Commission be updated with this.

- She also mentioned the trips to the wind farms in Martinsdale and Judith Gap. She would like the City Manager to coordinate with the School District to be involved with the wind farm.
- She mentioned that she is looking forward to meeting with the City Manager about her concern on a consistent basis about as the City grows that we took at some alternatives what basically turns out to be strip zoning for entrances to Livingston that surround the I-90 corridor. She believes that the City needs to look at strategic planning to try and encourage some scenario other than what the City is dealing with in developing the downtown.
- She stated that there is possibly some funding being developed for the Bozeman Trail and she appreciates the support of the Commission to move forward with a cultural study for this.

Chairman Caldwell Comments:

- He stated that he sent out an email communication from Gary Weiner a resource specialist with the National Park Service regarding the issue of deterioration on the hill-side up on the north side hill. This is not a high priority but at some point there is a resource area on the north hill that will turn into a sacrifice area. With the continued residential development in that area he feels that there is going to be pressure for additional recreation in terms of trails. He has suggested to the Trails Committee to work with those people on the north hill in order to develop a plan for police signage and trail signage.
- He mentioned the progress with the Burlington Northern Clean-up with Department of Environmental Quality (DEQ) and stated that he had mixed feelings now that the State has taken it over as DEQ was coming close to having this testing completed.

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 9:55 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
April 3, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, April 3, 2006 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, Ed Meece, Darren Raney, Clint Tinsley, Jim Woodhull, Peggy Glass and Pam Payovich. Jim Mastin and Shirley Ewan were absent.

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

- A. Approve March 20, 2006 regular City Commission Meeting minutes.
- B. Accept bills and claims for 2<sup>nd</sup> half of March 2006 and for 2005.

Grabow requested on page nine of the minutes to change the conference mentioned to "Power of Place" conference not the "Clean Cities and Towns" conference.

Grabow asked about the claim from Harrison Plaza Suites Hotel and wondered what kind of training this was. Darren Raney stated that this claim was for a building inspection course that two of the building department personnel attended.

Commissioner Grabow commented about the Tri-County Network request for City funding and that the funding was requested last year. At that time, Commissioner Grabow's understanding was that \$2,500.00 could be made available. This would have been accomplished by pulling funds from other line-items. However, the city did not take action upon the matter.

Ebinger requested on page three of the minutes to change the word "vents" to "fence" to read: "Jim Woodhull commented that the City Parking Ordinance requires screening from parking areas not from other commercial properties from the public right-of-way with a minimal of four (4) foot high vegetated and/or fence."

Caldwell asked what the above reference paragraph meant. Jim Woodhull stated that commercial properties need to screen parking areas from public right-of-way with either vegetation or fences that are at least four (4) feet high.

All in favor of consent items, Motion passed.

Scheduled Public Comment:

A public comment was held with Jerri Miller from the Tri-County Network Against Domestic & Sexual Violence. Ms. Miller asked the City for financial support for the next fiscal year budget in order for Tri-County Network to continue their operating program.

Ms. Miller mentioned that she will be off of work from April 20<sup>th</sup> through May 30<sup>th</sup> but she can be reached at home during this time if anyone needs to request anything from her pertaining to the Tri-County Network Against Domestic & Sexual Violence and thanked the Commission for their time.

A public comment was held with Ryan Springer from the Downtown Business Association regarding a proposal for the downtown economic development. Mr. Springer made comment on behalf of the Urban Renewal Agency as well as the Livingston Downtown Business Association regarding a proposal for a Livingston Downtown Business partnership. The Urban Renewal Agency, the Livingston Downtown Business Association and the Alliance Development Corporation are proposing hiring an Executive Director. They are also in the interim proposing to hire a contractual consultant where part of whose responsibility will be to hire a permanent Executive Director.

Motion was made by Grabow, second by Blakeman, to use the \$10,000 in the Urban Renewal (TIF) budget money to allow Urban Renewal Agency to move forward with the Request for Proposals (RFP) for the contractual consultant.

All in favor, Motion passed.

A public comment was scheduled with Bob Fleming to give an update on the City/County Recycling Sub-Committee status but he was not able to attend and will be scheduled for a later date.

#### Public Hearings:

A public hearing was held requesting a Growth Policy Amendment from the City Planning Board.

In October of 2004 the City created the Light Industrial (LI) zoning designation. As part of that legislation, provisions were included that would eliminate certain special exception requirements and expand the list of allowable uses with the LI zone once the City put in place Design Review Guidelines.

The City Planning Board has created a working draft of these Design Review Guidelines. Before they could formally consider a Text Amendment to the zoning ordinance the maps needed to be amended to the Growth Policy. The maps were provided to the Commission for their review.

The amendment would read: "In addition, Maps 4, 5 and 6 serve to identify key gateway areas to the City. These maps are included here because the City intends to apply a Design Review Overlay Zone to these particular areas if and when they are annexed into the City's jurisdiction. This overlay zoning

will provide for some addition regulation over non-residential buildings in order to maintain aesthetically pleasing entrances into our community."

No public comments were given.

Motion was made by Blakeman, second by Beebe, to approve the Findings of Fact for the Growth Policy Amendment.

Caldwell stated: "This is not zoning, it's establishing a framework for future zoning."

Grabow felt that the City Planning Board should have gone to the County and talked with the people that worked for a year on creating the Growth Policy for the County in these areas just as a courtesy.

The amendment would allow the City to include gateway areas in the Growth Policy map, with the intention of applying zoning regulations in these areas if and when they are annexed into the City. The amendment is part of the ongoing process by City Planners to develop design review guidelines for the City that determine allowable uses for land with a Light Industrial (LI) zoning designation. The majority of the land affected by the design review guidelines is currently outside the City's jurisdiction and therefore would need to appear in the Growth Policy's future zoning section.

Blakeman commented that she feels that this is an excellent tool to prepare the community as to what the City's intentions are.

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

Motion was made by Blakeman, second by Beebe, to approve the Growth Policy Amendment.

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

A public hearing was held for Ordinance No. 1967 - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ENACTING THE NIGHT SKY PROTECTION ACT FOR THE CITY OF LIVINGSTON, MONTANA, AND PROVIDING A PENALTY FOR VIOLATION.**

No public comments were given.

Motion was made by Blakeman, second by Beebe, to approve Ordinance No. 1967.

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



A public hearing was held for Ordinance No. 1968 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING IMPACT FEES UPON NEW DEVELOPMENT TO FUND ALL OR A PORTION OF THE PUBLIC FACILITY CAPITAL IMPROVEMENTS AFFECTED BY NEW DEVELOPMENT AND PROVIDING A METHOD FOR CALCULATING AND COLLECTING IMPACT FEES.**

No public comments were given.

Motion was made by Blakeman, second by Beebe, to approve Ordinance No. 1968.

Grabow asked if this Ordinance was approved when would it go into affect. Bruce Becker stated 30 days after approval. Grabow complimented City Staff for all of their hard work on the impact fee study.

All in favor, Motion passed.

Resolutions:

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3678 Corrected – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DISCONTINUING AND VACATING A PORTION OF UNDEVELOPED 13<sup>TH</sup> 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 Blakeman, second by Beebe, to approve Resolution No. 3730 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND AUTHORIZING LEASE WITH PARK COUNTY ROPING CLUB.**

Bob Ebinger mentioned about the maintenance and repair and alterations and improvements clauses and commented that the bleachers at this location are very unsafe and if something happens that the City not be liable.

Bruce Becker stated that he would contact the Roping Club and request them to either repair the bleachers or remove them.

Steve Caldwell requested that the term of the lease be changed to the 1<sup>st</sup> of February 2004 so that the Roping Club is covered from the prior expiration date.

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3731 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF**

**LIVINGSTON, MONTANA, ACCEPTING EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF WATER/SEWER PIPELINE AND APPURTENANCES ACROSS CERTIFICATE OF SURVEY NO. 1727 LOCATED IN THE N ½ OF SECTION 18, T2S, R10E, P.M.M.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3732 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ACCEPTING DRAINAGE EASEMENT AND AGREEMENT ACROSS CERTIFICATE OF SURVEY NO. 1727 LOCATED IN THE N ½ OF SECTION 18, T2S, R10E, P.M.M.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3733 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO PAYBACK AGREEMENT WITH PARAMOUNT HOMES, LLC FOR RIDGEVIEW TRAILS SUBDIVISION PAYBACK FOR SEWER EXTENSION IN THE AMOUNT OF \$293,787.12.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3734 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO PAYBACK AGREEMENT WITH PARAMOUNT HOMES, LLC FOR RIDGEVIEW TRAILS SUBDIVISION PAYBACK FOR WATER MAIN EXTENSION IN THE AMOUNT OF \$238,579.71.**

All in favor, Motion passed.

Action Items:

A discussion was held to appoint City Planning Board members.

Motion was made by Caldwell, second by Blakeman, to nominate the City Planning Board members with their terms as noted.

All in favor, Motion passed.

The City Planning Board members are as follows:

		<u>Expires</u>
Dude Tyler	Term	1/08
Gary Blakely	Term	1/08
John Fryer	Term	1/09
Mark Rehder	Term	1/09
Vicki Blakeman, City Commissioner	Term	1/10
Clint Tinsley, Public Works Director	Term	1/10
Ann Hallowell, County Representative	Term	1/08

*Term of office – Ordinance No. 1965 – Commissioner member  
coextensive with the term of office.*

A discussion was held to review and approve construction for utilities in the Silver Saddle Subdivision.

Clint Tinsley, Public Works Director gave background information relating to this request.

Motion was made by Blakeman, second by Beebe, to approve construction for utilities in the Silver Saddle Subdivision.

All in favor, Motion passed.

A discussion was held to review and approve Development Review Committee (DRC) recommendation for sewer line extension to Block 1 of the Palace Addition.

Clint Tinsley, Public Works Director gave background information relating to this request.

Motion was made by Blakeman, second by Beebe, to approve DRC's recommendation for sewer line extension to Block 1 of the Palace Addition.

All in favor, Motion passed.

A discussion was held to review and approve DRC'S recommendation for a street vacation from Montana Land Investments and if approved direct City Attorney to develop a resolution for the street vacation to bring back at the next City Commission meeting.

This was a request from Nick Currie to vacate the alley located north of Reservoir Street in the Palace Addition, between 10<sup>th</sup> and 11<sup>th</sup> Street.

Motion was made by Blakeman, second by Beebe, to approve DRC's recommendation for a street vacation from Montana Land Investments to vacate the alley located north of Reservoir Street in the Palace Addition, between 10<sup>th</sup> and 11<sup>th</sup> Street and direct City Attorney to develop a resolution for the street vacation.

All in favor, Motion passed.

A discussion was held to direct City Staff to re-advertise for the City's representative for the Library Board as no applications were received.

Motion was made by Beebe, second by Blakeman, to direct Staff to re-advertise for the City's representative to the Library Board.

All in favor, Motion passed.

Mr. Meece mentioned that Bob Brown's term has expired on the City/County Health Board and requested if the City Commission wanted him to advertise for this position.

It was the Commission's consensus to advertise for the City's representative vacancy on the City/County Health Board and ask Bob to serve on this board in the interim.

City Manager's Comments:

- Mr. Meece mentioned that the City Planner will be providing for the Commission's information on a monthly basis the Board of Adjustment and the City Planning Board's meeting dates and applications.
- Mr. Meece also mentioned that he had written a letter to Mr. Jim Lynch, Director of the Montana Department of Transportation concerning the brown directional signs and commented that he hopes to hear from Mr. Lynch within a week considering this matter.
- Grabow requested that the calendar of events be put in the packet for the Commission's information.
- Ebinger mentioned the letter to the Park County Senior Citizens Center regarding the buildings condition and commented that he feels that this is going to be difficult for the Senior Citizens Center to raise this much money for installing the sprinkler system to meet building code by the end of the year.

Mr. Meece commented that this was done at the request of Park County because of grant issues that they were working on for the Park County Senior Citizens Center. The grant writer knows what the City's concerns are with the life/safety issues of the building.

Grabow asked if the grant writer's list could be provided in the Commission's packet or by email so that the whole Commission knows what grants she is working on and what the amounts of the grants may be.

Mr. Meece commented that he feels that if it is documented that the Park County Senior Citizens Center is taking steps to implement the building being brought up to compliance with the building code then he thinks that the building official will recognize that and extend the deadline.

Beebe asked if the Tax Increment Financing (TIF) money could be used for this type of improvement project that would increase property values.

Clint Tinsley commented that through the Infrastructure process that these types of improvements can be implemented with the TIF money to help centers, such as the Park County Senior Citizens Center, bring their building up to code.

Commissioner Blakeman had no comments.

Commissioner Beebe Comments:

- She mentioned that she had heard from a citizen that was concerned about not being able to park in front of their place of employment. The problem was that one side of the street is two (2) hour parking and the other side is not. What has been brought to her mind is the increased pressure on the residential streets surrounding the downtown area because employees do park there.
- She also mentioned that she had been contacted by a downtown business that they have had problems with others dumping items behind their building that they cannot sell and this has increased their garbage costs. She commented to this business that there is an engineering study for solid waste going on for the City and County and hopefully this will resolve their problems. Clint Tinsley mentioned that he is aware of this problem and is looking into a sign for this particular business that states, "no dumping in the alley". Mr. Tinsley's solution to this matter is to hopefully catch the people that are dumping. There is a roll-off at the transfer station for furniture and appliances.
- She mentioned that the Spay and Neuter Clinic that was held on Sunday was a success even though there were fewer animals brought to the clinic this time and thanked those who volunteered to help. Hopefully this will be a relief to the animal shelter as a result.
- She also commented about the letter from an individual who had concerns about all of the subdivisions being approved by the City and asked just how many subdivisions are being built. Jim Woodhull stated that there are actually only two subdivisions being developed right now in the City. Ms. Beebe commented that maybe the Commission could do a public relations meeting around the railroad crossing and subdivision approvals.
- She mentioned that the Local Advisory Council on Mental Health is starting a local National Alliance for the Mentally Ill (NAMI) chapter and there will be a kick-off meeting on April 27, 2006 at 7:00 p.m. at the Library.

Commissioner Ebinger Comments:

- He wanted to congratulate Mr. Caldwell on his interview in the paper.

Commissioner Grabow Comments:

- She wanted to know if the School District had been notified regarding the wind energy proposal. Mr. Meece stated that he will be meeting with Mr. Anderson from the School this week and bring this issue up. Ms. Grabow feels that it would be more effective with the City, County and the School District.
- She wanted to know what the status was with the railroad overpass. Mr. Meece commented that he met with the engineering firm today and they brought him some information regarding the

railroad crossing issue and he replied to them that he would get back to them within the next week or so.

- She wanted to applaud the work of our grant writer and wanted to know if she would be available to go to a grant workshop for trails on April 14<sup>th</sup> in Helena. If the grant-writer is not available then Ms. Grabow will be going herself.
- She asked about the Landscaping project and commented that it is her understanding that this project will begin next week. Mr. Tinsley stated that the sprinkler system will be installed next week and believes that planting could start as early as next week.
- She wanted to know what the status was with the Glenn Addition. Clint Tinsley stated that he and the City Attorney have met with individuals from the Glenn Addition to talk to them about retaining an easement to re-route the water line through the addition and he will let the Commission know when it is resolved.
- She wanted to know if the Old East Side School has been added to the Historic register and the status of making the Depot a National Historic landmark. Jim Woodhull commented that he knows that a lot has been done on the landmark for the Depot but he is not sure whether the application for the East Side School being added to the Historic register has been done. Bob Ebinger commented that he felt that there should be a time limit imposed on completing the application for putting the Old East Side School on the Historic register.
- She wanted to say what a pleasure it has been to work with the new City Manager this week.

Chairman Caldwell Comments:

- He made comment about the Department of Environmental Quality (DEQ) and what the State's assumption is of the railroad clean-up and what that means to the City of Livingston and stated he will send around a note once he finds out what is going on.

No public comments were given.

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

The time was 9:12 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
April 17, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, April 17, 2006 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, Ed Meece, Darren Raney, Clint Tinsley, Jim Woodhull, Jim Mastin, Peggy Glass and Pam Payovich. Shirley Ewan was absent.

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

- A. Approve April 3, 2006 regular City Commission Meeting minutes.
- B. Accept bills and claims for 1<sup>st</sup> half of April 2006.
- C. Department Heads monthly reports and other Committee minutes.
- D. Request of waiver of rental fee for the Civic Center for the annual Kidfest of Livingston on May 6, 2006 at 10:00 a.m. to 1:00 p.m.

All in favor of consent items, Motion passed.

Chairman, Caldwell, read a proclamation recognizing April 28, 2006 as "Arbor Day" in the City of Livingston.

Scheduled Public Comment:

A scheduled public comment was held with Bob Fleming of the City/County Recycling Sub-Committee. He provided the Commission with an update of the Committee and requested support from the City along with the County for Headwaters Recycling, as they are the only source for recycling at this time.

A scheduled public comment was held to provide information regarding the Community Mercantile Building. Doug Truex, who was scheduled to provide the information, was not available so Bob Ebinger spoke on behalf of Mercantile.

Mr. Ebinger commented that there was a grand opening last Tuesday night for the Mercantile and at this point the finishing touches are going on. This is a business that individuals can invest in their own community by purchasing a "share of Main Street" and help create a quality clothing and dry goods store for the community of Livingston. Shares of stock are \$500 each and their goal is to raise \$400,000 to open the "Mercantile" before the fall school season. A list of board members for the "Mercantile" that you can contact are as follows:

Doug Truex	222-2288
Dave Viers	222-7722
Bob Ebinger	222-0438
Sharon Walker	222-0773
Victor Robbins	222-2950

Resolutions:

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3735 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ADOPT AND COLLECT DEVELOPMENT IMPACT FEES ON QUALIFYING DEVELOPMENTS AND CALLING FOR A PUBLIC HEARING THEREON.**

All in favor, Motion passed.

A public hearing will be held on May 1, 2006 for the above referenced Resolution.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3736 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO DISCONTINUE AND VACATE ALL BUT THE NORTHERLY 30 FEET OF THE UNDEVELOPED ALLEY RIGHT OF WAY LOCATED IN BLOCK 1 OF THE PALACE ADDITION TO THE CITY OF LIVINGSTON, MONTANA, TO ROBERT A. CURRIE.**

All in favor, Motion passed.

A public hearing will be held on May 1, 2006 for the above referenced Resolution.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3737 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING RETROACTIVELY AMENDMENT TO CONTRACT WITH MONTANA DEPARTMENT OF TRANSPORTATION FOR THE "H" STREET FROM PARK STREET TO BUTTE STREET RECONSTRUCTION PROJECT #STPU 7409(4).**

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3738 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND AUTHORIZING CITY MANAGER TO SIGN COLLECTIVE BARGAINING AGREEMENT WITH THE LIVINGSTON POLICE DEPARTMENT EMPLOYEE ASSOCIATION FOR FY 2006-2007, FY 2007-2008 AND FY 2008-2009.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3739 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AMENDED**



**INTERIM INTERLOCAL AGREEMENT WITH PARK COUNTY, MONTANA FOR DISPOSAL OF SOLID WASTE.**

All in favor, Motion passed.

**Action Items:**

A discussion was held to accept Bob Ebinger's letter of resignation from the Livingston Historic Preservation Commission and direct Staff to advertise for a Business District person to serve on this Commission.

Motion was made by Blakeman, second by Ebinger, to offer the Historic Preservation Commission position to Merri Ketterer, who applied for this position earlier in the year, if she is still interested.

After much discussion the Commission concurred that they need to set precedence for their own policies.

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

Motion was made by Ebinger, second by Blakeman, to direct Staff to advertise for the vacancy for the Historic Preservation Commission position.

All in favor, Motion passed.

The Commission also concurred to have the Recording Secretary notify Merri Ketterer and let her know that there is a position on the Historic Preservation Commission open and ask her to reapply.

A discussion was held to consider approving a vacation of street ROW in the 1100 Block of West Park Street. The utility easement within this vacated area will remain intact.

Motion was made by Blakeman, second by Beebe, to approve street vacation for the 1100 Block of West Park Street.

All in favor, Motion passed.

A discussion was held to authorize Staff to complete a transaction for the purchase of property in the amount of \$4,185.00 to supplement the City street system.

Clint Tinsley gave background information relating to above referenced transaction.

Motion was made by Blakeman, second by Beebe, to authorize Staff to purchase property to line up a four-way intersection at Tana and Maple Lane.

All in favor, Motion passed.

The next item on the agenda (to consider approving a street vacation for 112 East Gallatin Street) was cancelled and may be rescheduled.

A discussion was held to consider cooperation with Park County for ½ of the cost of the Bozeman Trail Cultural Study. Julia Sirovetz, a member of the Park County Friends of Historic Preservation, provided a letter to the Commission for their consideration.

Motion was made by Ebinger, second by Grabow, to cooperate with Park County and pay ½ of the cost of the Bozeman Trail Cultural Study.

All in favor, Motion passed.

A discussion was held to consider agreeing to accept maintenance of Sacajawea statue and separate account for transferred funds.

Motion was made by Blakeman, second by Ebinger, to accept maintenance of Sacajawea statue and separately account for transferred funds when the monument is completed and placed in Sacajawea Park.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

Commissioner Blakeman Comments:

- As a result of the Section 205 Study public meeting, that was held last week, she asked what the status is of the floodway maps. It was her understanding, when the City started the Section 205 Study, of the floodway/floodplain maps would be put on hold until the Section 205 Study was completed. Ed Meece stated that Mr. Greg Johnson, Corp of Engineers, indicated that was correct. Jim Woodhull noted that the Federal Emergency Management Agency (FEMA) will be having a meeting with the County on April 26, 2006 at 2:30 p.m. in the Community Room to talk about floodway and floodplain issues.
- She mentioned that the City Commission has talked about possibly raising parking fees downtown, and was wondering if this would be the right time to bring it to the Downtown Association for their input.

Commissioner Beebe had no comments.

Commissioner Ebinger Comments:

- He mentioned the Old Waterworks Building sale is due on May 3, 2006 and wondered if anyone had turned in any bids. Pam Payovich stated that she had several people pick up packets but no one has turned them in.
- He commented about the Spring clean-up starting May 1<sup>st</sup>. He understands that residents can use their own garbage cans or bag

the leaves since all of the green garbage cans are gone and wondered if the City could advertise this information in order to let the community know.

- He asked about the relocation of the emergency communications equipment towers to the Livingston Peak. He is concerned that this would be more lighting on the Livingston Peak and he would like to be updated as this gets implemented. Jim Mastin commented that there are existing towers on Livingston Peak and they belong to Cellular One, Verizon Wireless, the County and the Hospital, among others. The Fire Department would move their antenna that is on the north hill to Livingston Peak in coordinating with the Police Department and Rural Fire to keep the maintenance cost-effective.
- He commented about the sale of property on 2<sup>nd</sup> and Clark and that the buyer intended to live in the property as a single house dwelling. This building is commercially zoned and could not convert back to residential. Mr. Ebinger requested that the Commission investigate the possibility of allowing less dense uses within the Downtown Commercial District, such as certain types of residential zoning.

Commissioner Grabow Comments:

- She commented about the Clean Cities Coalition membership and was wondering if Staff could research what it takes to join the Clean Cities Coalition. Vicki Blakeman stated that it costs \$5,000.00 to join the Clean Cities Coalition and the City has not had the money in the budget in the past in order to join.
- A constituent has concerns about the City and County records, specifically in the Police Department, and if they are preserved correctly. She will provide a letter from this person and requested that the City take a look at their concerns and report back to her.
- She requested that the City look at hiring a City/County Historic Preservation Officer.
- She asked if the School District has joined the wind energy CREB application. Mr. Meece commented that he has made several attempts to meet with Mr. Costanti about the wind energy project, without success. As soon as he meets with Mr. Costanti, he will discuss the matter with School District representatives.
- She commended the "Northern Pacific Beanery" and appreciates what has happened in that building.

Chairman Caldwell Comments:

- He asked about the status of the City's sign ordinance. Mr. Meece and Mr. Woodhull said they will investigate the matter and recommend any changes needed to the ordinance.
- He commended Ms. Payovich for her efforts of updating the City's web-site.

No public comments were given.

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

The time was 8:45 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
May 1, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, May 1, 2006 in the Community Room of the City/County Complex. Commissioners present were Mary Beebe, Patricia Grabow, Vicki Blakeman, Bob Ebinger and Steve Caldwell.

Staff members present were Bruce Becker, Ed Meece, Darren Raney, Clint Tinsley, Jim Woodhull, Jim Mastin, Peggy Glass, Duncan Edwards and Pam Payovich. Shirley Ewan was absent.

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

- A. Approve April 17, 2006 regular City Commission Meeting minutes.
- B. Accept bills and claims for 2<sup>nd</sup> half of April 2006.
- C. Approve request from the General Federation of Women's Clubs of Montana for installation of a bench, by the tennis courts, in Sacajawea Park, in memory of Ellen Graybeal and Vera Horsley.
- D. Approve request for waiver of rental fee for the Civic Center to host a countywide Job Fair on May 13, 2006 from 8:00 a.m. – 5:00 p.m. (Livingston Workforce Center)

Ebinger requested that page one of the minutes be changed, with the word "building" to "business": "This is a business where individuals can invest in their own community by purchasing a 'share of Main Street' and help create a quality clothing and dry goods store for the community of Livingston."

Ebinger asked about the claim from Dave's Key Shop and wondered if this was a local company. Pam Payovich commented that she thought it was a local company but has found out since then that it is a company located in Bozeman.

Ebinger commented about the claim from Qwest and stated that the Civic Center portion of the bill still seems high compared to the rest of the departments.

Blakeman asked about the claim from D.W. Burns and wondered why it was so high to replace the water heater in the City/County Complex. Ed Meece stated that he would research the item and get back to the City Commission.

All in favor of consent items, Motion passed.

Public Hearings:

A public hearing was held on the second reading of Resolution No. 3740 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON,**

**MONTANA, ADOPTING AND IMPOSING DEVELOPMENT IMPACT FEES ON QUALIFYING DEVELOPMENTS.**

No public comments were given.

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3740.

All in favor, Motion passed.

A public hearing was held on the second reading of Resolution No. 3743 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DISCONTINUING AND VACATING ALL BUT THE NORTHERLY 30 FEET OF THE UNDEVELOPED ALLEY RIGHT OF WAY LOCATED IN BLOCK 1 OF THE PALACE ADDITION TO THE CITY OF LIVINGSTON, MONTANA, TO ROBERT A. CURRIE.**

No public comments were given.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3743.

All in favor, Motion passed.

Resolutions:

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3741 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING TEMPORARY LIGHT DUTY POLICY.**

Mr. Meece stated that the policy was developed by the management staff, and reviewed by the Montana Municipal Insurance Authority. It will allow the City more flexibility in determining whether to bring injured employees back to work quicker. Presently, the union contracts do not have a light duty policy. Mr. Meece will write the unions asking for their approval and, upon adoption, this policy will also become part of the policy and procedures manual.

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3742 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO DISCONTINUE AND VACATE A PORTION OF THE OLD PARK STREET RIGHT-OF-WAY TO YELLOWSTONE COUNTRY FOOD & BEVERAGE, INC., (Taco Johns) AND CALLING FOR A PUBLIC HEARING.**

All in favor, Motion passed.

A public hearing will be held on May 15, 2006 for the above referenced Resolution.

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3744 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN INTERLOCAL AGREEMENT WITH MISSOURI RIVER DRUG TASK FORCE FOR FISCAL YEAR 2006-2007.**

All in favor, Motion passed.

Action Items:

A discussion was held to review and consider a draft Ordinance – **AN ORDINANCE OF THE LIVINGSTON CITY COMMISSION ESTABLISHING A DEPARTMENT OF LAW, DESIGNATING THE CITY ATTORNEY AS DIRECTOR OF THE DEPARTMENT OF LAW, AND PLACING THE DEPARTMENT OF LAW UNDER THE DIRECTION OF THE CITY MANAGER, REPEALING ORDINANCE NOS. 1521 AND 1900.**

Motion was made by Ebinger, second by Blakeman, to direct the City Attorney to bring back the draft Ordinance as referenced above for first reading at the next City Commission meeting.

Grabow asked if by establishing a law department, the City would add additional staff. Mr. Meece stated that, at this time, the law department would be only the City Attorney.

Grabow asked what the cost difference would be for the City Attorney to become a city employee. Mr. Meece stated that, according to staff calculations, it would cost approximately \$10,000 to \$15,000 more than a contractual position. This Ordinance will establish the department and the position.

Ms. Grabow wondered what the benefits would be of having the City Attorney as a City employee rather than a contracted position.

Mr. Meece stated that, as a City staff member, the City Attorney would have no other clients. They would work exclusively for the City of Livingston. It would allow the City to use the City Attorney more effectively, as they would be a resource "at hand" all of the time. In addition, the City Attorney will take a more active role in the legislative affairs of the City.

All in favor, Motion passed.

A discussion was held to re-appoint Bob Brown to the City/County Health Board. Mr. Brown was the only applicant to apply for this vacancy.

Motion was made by Blakeman, second by Ebinger, to re-appoint Bob Brown as City representative to the City/County Health Board.

All in favor, Motion passed.

A discussion was held to direct Staff to re-advertise for the City representative of the Library Board position vacancy, as there were no applications received.

A discussion was held regarding re-advertisement for volunteers to serve on the Development Impact Fee Advisory Committee -- specifically for Certified Public Accountant. Five applications were received, but none are licensed as a Certified Public Accountant.

Motion was made by Blakeman, second by Beebe, to direct Staff to re-advertise for the City representative of the Library Board and for the Development Impact Fee Advisory Committee -- specifically for a Certified Public Accountant.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Patricia Grabow asked about the Clean Renewable Energy Bonds (CREB) application and wondered what the status was. Mr. Meece commented that the City of Livingston's application has been submitted and awards should be made within 60-90 days.
- Patricia Grabow asked about the status of changes to the sign ordinance, so that the city can enforce it. Mr. Meece stated that Mr. Becker and Mr. Woodhull are working on this matter, and will bring back any changes for the next City Commission meeting.
- Bob Ebinger reminded the Commission about the City/County Meeting on Tuesday, May 2, 2006 at 4:00 p.m. in the County Commissioners Chambers and that the Development Impact Fee Advisory Committee applicant interviews will start at 5:15 p.m.
- Mr. Meece stated that Mr. Haefs (Code Enforcement) has issued 95 junk vehicles letters, to date. All of these vehicles are in the public right-of-way, as those on public property will be addressed in phase 2 of the enforcement effort.

Commissioner Blakeman Comments:

- She asked about the east end of the city where the boulevards are being dug up if the City is going to re-level. Clint Tinsley stated that the city does re-level the boulevards in March and April will try and get them done by this Summer.

Commissioner Beebe Comments:

- She asked about the status of the affordable housing project. Mr. Meece stated that he met with Mr. Kellar, and Mrs. Brown, to discuss the project. Mr. Kellar, and Mrs. Brown, are preparing to come back to the City Commission within the next two (2) City Commission meetings with more specifics about the program.
- She commented that the Federal Emergency Management Agency (FEMA) presentation was very informative.



- She asked if residents could get grass collected without a green can. Clint Tinsley stated that you can call the Utility Office, and schedule an appointment for a special grass pickup.

Commissioner Ebinger Comments:

- He wondered if FEMA understood that the flood maps will not be published by the state until the Section 205 efforts are completed.
- He asked when the Old Water Works Building RFP is due. Ms. Payovich stated the Water Works RFP is due Wednesday, May 3, 2006 at 5:00 p.m., and she has not received any proposals.
- He commented that Montana Department of Transportation's (MDOT's) original criteria brown signs included cities not just historic sites. It came out later that MDOT's brown signs were to be used for historic sites only.

Commissioner Grabow Comments:

- She wanted to know the status of the cable television packet that was delivered by Bob Moore. Mr. Meece said it is his understanding that the information provided is separate from the public access channel. This proposal is in conjunction with enhancing and establishing film, art, and music classes at the high school.
- She wanted to let everyone know that on May 20, 2006 at 2:00 p.m. there is going to be a celebration at the "Poor Farm".
- She mentioned that the city could apply for a grant to establish bike trails where Bozeman trail has been located. However, the grant deadline would expire before the Trails study and Bozeman Trail cultural study were complete. It was the consensus of the Commission that Ms. Grabow get approval from the Grants Committee and Trails and Greenways Open Space Task Force before moving forward with the grant application.

Chairman Caldwell Comments:

- He asked what the status was for the budget. Mr. Meece stated that he hopes that staff will be ready by next meeting.
- He asked if there was anything new on the railroad overpass issues. Mr. Meece said that he had met with HKM Engineers, and received a revised scope of work today. This item will be brought up at the City/County meeting tomorrow, with the updated information.
- He asked about the status of changes to the parking fee schedule. Mr. Meece stated that staff would study the issue and prepare recommendations for the City Commissions' review.

Public Comments:

- Lenny Gregory of 429 South 9<sup>th</sup> asked about the leaves being picked up in the later months of the year. Clint Tinsley stated that Mr. Gregory can call the Public Works Department and they will come by and pick up his bags of leaves anytime.

Darren Raney, Police Chief stated that the Police Department was notified today, from the Montana Board of Crime Control, that the Livingston Police Department has been certified for crime data reporting. Livingston is one of only twenty cities statewide that have completed this certification.

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

The time was 8:47 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
May 15, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, May 15, 2006 in the Community Room of the City/County Complex. Commissioners present were Steve Caldwell, Bob Ebinger, Mary Beebe and Vicki Blakeman. Patricia Grabow was absent.

Staff members present were Bruce Becker, Ed Meece, Shirley Ewan, Darren Raney, Jim Woodhull, Jim Mastin, Peggy Glass, Duncan Edwards and Pam Payovich.

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

- A. Approve May 1, 2006 regular City Commission Meeting minutes.
- B. Accept bills and claims for 1<sup>st</sup> half of May 2006.
- C. Department heads monthly reports and other minutes.
- D. Approve special event request from the Livingston Roundup Association to have the Livingston Roundup Hoedown on June 30, 2006 at 5:00 p.m. to 11:00 p.m. at the Bandshell in Sacajawea Park.
- E. Approve request from the 49'er Casino for the Yellowstone Boat Float for the use of Mayor's Landing for overnight camping on Thursday, July 6, 2006.

In the addendum:

- F. Approve special event request from the Sleeping Giant Middle School (SGMS) for the 6<sup>th</sup>, 7<sup>th</sup> & 8<sup>th</sup> graders mini-governor cup run to be held on Friday, May 26, 2006.

Ebinger asked about the claim from Morrison & Maierle, Inc., and wondered what the findings were of the groundwater testing. Shirley Ewan stated that the test results were positive.

Ebinger requested that the minutes of Historic Preservation Commission be provided to the Commission on a timely basis, and be more thorough in content.

Ebinger commented about the Trails and Greenway Task Force minutes on April 20, 2006. Those minutes state: "The Task Force letter has gone out to the BLM, and soon to the DNRC as well, requesting that the agencies maintain their properties just south of the river for recreational purposes, and that they work with us to develop trails on them." He wondered what the Task Force is talking about. Steve Caldwell commented that he was not at the last meeting, but will inquire on the matter.

Ebinger asked about the insurance requirement request from the City Manager relating to the Yellowstone River Boat Float request for the use of

Mayor's Landing for overnight camping on Thursday, July 6, 2006. Bruce Becker commented that this is not an organized event, with a sponsor. It is an informal event that has occurred for the past 20 years.

Beebe inquired about the minutes from the Trails & Greenways Task Force, on page 28 of the packet, regarding the fact that someone is doing a grant proposal to build a piece of trail. It was her understanding that the Bozeman Trail was being de-linked from this grant, and that it was going to be incorporated into a larger Trails & Greenways Task Force effort. She feels that this is a stand-alone project, without reference to the formal plan being developed by the Trails & Greenways Task Force. Steve Caldwell commented that the Commission needs to get more information from the Grants' Committee and their understanding on this proposal.

Blakeman requested that her comments, on page 4, be changed from the word "re-seed" to "re-level", to read: "She asked about the east end of the city where the boulevards are being dug up if the City is going to re-level. Clint Tinsley stated that the city does re-level the boulevards in March and April and will try and get them done by this Summer."

Blakeman asked about the claim from Karl Knuchel, P.C. and wondered what the City got for \$13.63, as Mr. Knuchel is a fine attorney. Bruce Becker commented that it was probably for public defender work.

Blakeman commented that she would like to applaud the Library for adopting the "Library Bill of Rights", the "Freedom to View Statement" and the "Freedom to Read Statement".

Ebinger echoed Blakeman's commendation of the Library.

All in favor of consent items, Motion passed.

Proclamation:

Chairman, Steve Caldwell, read a proclamation proclaiming Friday, May 26, 2006 as "American Legion Auxiliary's Poppy Day" in the City of Livingston.

Scheduled Public Comment:

A public comment was scheduled for citizen concerns of the Ridgeview Trails Major Subdivision process approval.

Julie Kennedy spoke on behalf of the Prairie Drive Subdivision Home Owner's Association. Ms. Kennedy requested the City Commission not approve the final plat of the Ridgeview Trails Major Subdivision. The Prairie Drive Subdivision homeowner's have concerns pertaining to the existing easement and other issues that need to be resolved by the developer.

Mr. Meece made comment that he had received several letters from seventh grade students at Sleeping Giant Middle School, asking that recreational

opportunities be expanded for kids their age. He mentioned that these letters were very well written, and that he had spoken to Ms. Blair (teacher) about how to keep the students engaged on this topic. The letters will be available, in the administrative offices, for the City Commission's review. He also thanked the students, and Ms. Blair, for coming to the City Commission meeting.

Variations:

Charles Caplis and Signe Lahren, owners of property located at 517 South 11<sup>th</sup> Street, requested a variance from the maximum height requirement for R-2 zoning districts; which is twenty-seven feet. After receiving plan approval by the City Building Department, actual construction increased the height of the structure to twenty-eight and one-half feet tall. Both City staff and the Board of Adjustments recommended disapproval of the variance request.

Motion was made by Blakeman, second by Beebe, to approve the Findings of Fact for the above referenced variance request.

Ebinger asked about question #4 - *"Will the granting of this variance request be in harmony with the general purpose and intent of this ordinance?"* It was answered *"Yes. The purpose of this ordinance is to protect the general health and welfare of the community and specifically to provide for uniformity in the height of buildings. I do not believe that allowing this height violation to remain would have and adverse affect on the neighborhood."* Mr. Woodhull commented that this question could be answered yes or no in his opinion. However, he stated, the decision must consider the answer to all four questions as a whole.

2 in favor; Blakeman and Caldwell, 2 against; Ebinger and Beebe, Motion tied, Findings of Fact are not approved.

Motion was made by Blakeman, second by Ebinger, to approve the above referenced variance request.

Ebinger commented that he feels that this was an unfortunate situation and that the height was exceeded by 18 ½ inches. The work that is estimated to replace the roof is going to cost approximately \$14,000.00, which is approximately \$1,800.00 per inch. He doesn't like to go against the determination of Staff but does find this to be excessive.

Beebe commented that she has a concern, however, she thinks that it would be, in fact, in harmony with the general purpose and intent of the zoning ordinance.

Blakeman commented that she does agree with her fellow commissioners, on the cost issue, but does not want to set precedence with this incident. It does seem to be an inadvertent oversight, and she would be inclined to approve the variance.

Ed Meece commented that he could certainly understand the concern for the cost of the mitigation, but stated that we need to be careful not to look at just the cost in this situation. If this was just a \$1.00 correction the City Commission would probably disapprove the variance. He stated that the City cannot let the cost of correction blur the fact that this is a self-imposed hardship. The plans were compliant when reviewed by City Staff. The change was made by the builder, with or without the consent of the homeowner. Mr. Meece asked the City Commission to be careful not to prescribe relief based upon the cost to the grieving party. He encouraged the Commission to support the City Staff, and the City Board of Adjustments, and disapprove the request.

Caldwell agreed with Mr. Meece' comments, although he sympathized with the homeowners and builder. He feels that it was an honest mistake, but that the City Commission should grant variances based on issues that are related to inherent limitations of the building site.

Ebinger clarified his calculations and refigured that it would cost \$1,270.00 per inch based on 11 inches of height.

Mr. Meece commented that the City has laws in place for a reason, and either we need to enforce them or get rid of them.

2 in favor; Beebe and Ebinger, 2 against; Blakeman and Caldwell,  
Motion denied for Lahren variance request.

Kevin and Diana Hutchins, owners of property located at 115 South "E" Street requested a variance from the rear setback requirement for R-2 zoning districts. They want to build a second story onto an existing garage, which is approximately three (3) feet from the rear property line. Code requires a five (5) foot rear setback.

The City Board of Adjustments recommended approval of this variance request.

Motion was made by Ebinger, second by Blakeman, to approve the Findings of Fact for the Hutchins variance request.

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve the Hutchins variance request.

All in favor, Motion passed.

Rex and Beverly Madsen, owners of property located at 502 North "B" Street requested a variance from both the front and side setback requirements for R-2 zoning districts. They want to build additions onto their existing house, which would result in the home being seventeen and one-half (17 ½) feet

from the front property line and six (6) inches from the side property line adjacent to the street. Code requires a twenty-five (25) foot front setback and a ten (10) foot setback on the side adjacent to a street.

The City Board of Adjustments recommended approval of the above referenced variance request.

Motion was made by Ebinger, second by Blakeman, to approve the Findings of Fact of the Madsen variance request.

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve the Madsen variance request.

All in favor, Motion passed.

A short recess was taken at 8:05 p.m.

The meeting went back into session at 8:07 p.m.

Ordinances:

The first reading of Ordinance No. 1969 was held – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING A DEPARTMENT OF LAW, DESIGNATING THE CITY ATTORNEY AS DIRECTOR OF THE DEPARTMENT OF LAW, AND PLACING THE DEPARTMENT OF LAW UNDER THE DIRECTION OF THE CITY MANAGER, REPEALING ORDINANCE NOS. 1521 AND 1900.**

Motion was made by Blakeman, second by Ebinger, to approve first reading of Ordinance No. 1969.

All in favor, Motion passed.

A public hearing will be held on Ordinance No. 1969 at the City Commission meeting to be held on June 5, 2006.

Public Hearings:

A public hearing was held on Resolution No. 3745 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DISCONTINUING AND VACATING A PORTION OF THE OLD PARK STREET RIGHT-OF-WAY TO YELLOWSTONE COUNTRY FOOD & BEVERAGE, INC.**

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3745.

All in favor, Motion passed.

Resolutions:

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3746 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH PARK COUNTY, MONTANA FOR SPRING CLEANUP FOR 2006.**

All in favor, Motion passed.

Motion was made by Ebinger, second by Blakeman, to approve Resolution No. 3747 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT REGARDING CERTAIN CAPITAL EXPENDITURES TO BE REIMBURSED WITH PROCEEDS OF CLEAN RENEWABLE ENERGY BONDS.**

Blakeman commented that she has a concern with Section 1.02 – “The issuer expects to pay certain expenditures in connection with the Project”, and requested that it be changed to “expenditures not to exceed \$500.00”.

Motion was made by Blakeman, second by Ebinger, to amend Resolution No. 3747 to read: “expenditures not to exceed five hundred dollars (\$500.00)” in Section 1.02.

All in favor, Motion passed.

All in favor of Resolution No. 3747 as amended, Motion passed.

Action Items:

A discussion was held to approve position description for the City Attorney.

Motion was made by Blakeman, second by Ebinger, to direct City Attorney to bring back a Resolution at the next City Commission meeting adopting position description for the City Attorney as amended by City Manager.

All in favor, Motion passed.

A discussion was held to appoint two (2) applicants to the Impact Fee Advisory Committee. The City has also re-advertised for the certified public accountant (CPA) vacancy, as none of the applicants were qualified as a CPA. The applicants are:

1. Robert Moore
2. Francis Horiel
3. John Orndorff
4. Mary Hagemeyer
5. Chris Rodi

Motion was made by Blakeman, second by Ebinger, to nominate Francis Horiel and Chris Rodi to the Development Impact Fee Advisory Committee.

All in favor, Motion passed.



A discussion was held to appoint Merri Ketterer to the Historic Preservation Commission.

Motion was made by Blakeman, second by Ebinger, to appoint Merri Ketterer to the Historic Preservation Commission.

All in favor, Motion passed.

A discussion was held to approve the purchase of two (2) pickup trucks, and one (1) trailer for the Building Inspection/Code Enforcement Department. Mr. Meece commented that all of the local dealerships were given an opportunity to bid on the purchase.

Motion was made by Blakeman, second by Ebinger, to approve purchase of two (2) pickup trucks and one (1) trailer for the Building Inspection/Code Enforcement Department from the State price contract Bison Ford (Great Falls) and Valley Trailer Sales.

All in favor, Motion passed.

A discussion was held to approve a request from the Urban Renewal Authority to contract with *Solutions Downtown Consultants* for consulting services needed to establish a Downtown Business Partnership.

Bob Moore, from the Urban Renewal Authority, spoke on behalf of the group.

Motion was made by Ebinger, second by Blakeman, to negotiate a contract with *Solutions Downtown Consultants* for consulting services, not to exceed a maximum of \$10,000.

All in favor, Motion passed.

A discussion was held to consider and approve the purchase of a Sewer-Vac machine in the amount of \$84,175 from Utility Specialties, Inc.

Motion was made by Blakeman, second by Ebinger, to approve the purchase of a Sewer-Vac machine in the amount of \$84,175 from Utility Specialties, Inc. with a lease purchase option of \$19,525 per year for 5 years.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

Commissioner Blakeman Comments:

- She asked about the monies for the Section 205 Study from Representative Rehberg, and wondered how the money was going to be appropriated. Mr. Meece stated that he didn't know but would inquire and get back to the Commission.

- She asked Mr. Meece if he had an update about the Federal Emergency Management Agency (FEMA) situation. Mr. Meece commented that he has heard from Ms. Camrud today, during which she expressed that it was not her intention to assert that the City might not take a particular action due to political unpopularity.
- She asked if Mr. Magsig had been contacted yet about replacement of his boulevard sidewalk. Mr. Meece stated that he will contact Mr. Magsig in the next twenty-four hours.

Commissioner Beebe had no comments.

Commissioner Ebinger Comments:

- He mentioned that there was a lot of vandalism in town last weekend, and was wondered if anything could be done to alleviate the problem. Mr. Meece commented that he will discuss the matter with Chief Raney and see what opportunities for addressing the problem might exist.

Commissioner Grabow was absent.

Chairman Caldwell Comments:

- He commented that there is a new Project Officer for the Burlington Northern clean-up, and that the Department of Environmental Quality (DEQ) seems to be taking a very firm line with the responsible parties.
- He asked about the Carol Lane project. Bruce Becker commented that he has heard from their attorney and is working on the agreement.
- He asked if there was any update on the railroad overpass study. Mr. Meece stated that he has included the cost of the study in the FY 07 draft budget, and that it will be discussed at the next City/County meeting.
- He asked if a budget workshop could be scheduled. It was determined to have a Budget Workshop on Tuesday, May 23, 2006 at 7:00 p.m. Also a workshop will be held on Monday, May 22, 2006 at 6:00 p.m. regarding possible annexation of the Watson property.

Public Comments:

- Caren Roberty, Community Development Director of the Human Resource Development Council (HRDC), stated that the HRDC would like to make a proposal for further Owner-Occupied Rehabilitation Housing projects in Livingston. Ms. Roberty mentioned that Mike Phinney, Program Director of the Energy Programs was also present.

Chairman Caldwell, asked that Ms. Roberty provide more information to the City Manager, regarding the Homeowner's Rehabilitation Program, so that the Commission can take action on this issue in the future.

- John Olsen of 514 North "L" Street inquired about the City's recent junk vehicle enforcement program. Mr. Becker commented that this law has been on the books for quite awhile, but has not been adequately enforced.
- Nick Richards of 216 West Chinook asked if his car is in the public view because it is sitting in a rear-yard, visible from the alley way. The car does have a complete body but no engine. Mr. Richards asked if would still be in violation if the car was registered. Duncan Edwards, Building Official, commented that under the law that if the vehicle is in the public right of way and is visible then it is in violation. It needs to be out of the public view.
- Jennifer Blair of 429 South 5<sup>th</sup> Street made comment about Mr. Ebinger's concerns of vandalism in the City. She suggested that the Commission read the letters from her students, and remember that the students do want to become involved in this part of civic life.

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

The time was 9:01 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
June 5, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, June 5, 2006 in the Community Room of the City/County Complex. Commissioners present were Patricia Grabow, Steve Caldwell, Bob Ebinger, Mary Beebe and Vicki Blakeman.

Staff members present were Bruce Becker, Ed Meece, Darren Raney, Jim Woodhull, Jim Mastin, Peggy Glass, Clint Tinsley, Duncan Edwards and Pam Payovich.

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

- A. Approve May 15, 2006 regular City Commission Meeting minutes.
- B. Accept bills and claims for 2<sup>nd</sup> half of May 2006.
- C. Approve special event request from the Livingston Downtown Association for the Outdoor Music Festival every Saturday night from July 1, 2006 through August 19, 2006 at 6:30 p.m. to 8:30 p.m. Approval contingent upon receiving liability insurance naming the City of Livingston as an additional insured.

Patricia Grabow requested that on page 3 of the May 15, 2006, minutes the word "violation" be changed to "variation", to read: "I do not believe that allowing this height variation to remain would have any adverse affect on the neighborhood."

Ms. Grabow asked about the claim from Morrison & Maierle, Inc. Mr. Meece stated that the City buys computer service hours in multi-hour increments.

Ms. Grabow made comment about the Northwestern Energy bill, and how much it costs the city to supply power.

Bob Ebinger apologized for not getting his corrections in earlier, and requested that on page 4 of the May 15, 2006 minutes his comment "based on an 11 inch height" be added, to read: "Ebinger clarified his calculations and refigured that it would cost \$1,270.00 per inch based on an 11 inch height."

Mr. Ebinger asked about the claim from Nittany Grantworks. Mr. Meece stated that it was for the time Ms. Benner spent preparing for the potential purchase of a Glass Pulverizer.

Mr. Ebinger also commented about the Northwestern Energy bill, and hopes it will decrease as the city and county develop alternative energy methods in Livingston and Park County.

Mr. Ebinger asked about the claim from Walker Excavation for water line repair at PrintingForLess (PFL); and wondered what needed to be repaired. Clint Tinsley stat that as Walker Excavation prepared to hook up PFL's water line to the city's main, they discovered the main was broke. The City asked them to repair the line while they were finishing construction of the PFL line.

Mr. Ebinger asked about the special event request from the Livingston Downtown Association, and what the Commission thought about requesting more toilet services. As the Murray, the Owl, and possibly the Hiatt, were listed as restroom facilities. He commented that, with 250 people anticipated to attend, he felt additional toilet services should be provided.

The above referenced event was approved contingent upon receiving liability insurance naming the City of Livingston as an additional insured.

All in favor of consent items, Motion passed.

Proclamation:

Chairman, Steve Caldwell, read a proclamation proclaiming June 30, 2006 through July 5, 2006 as "Rodeo Days" in the City of Livingston.

Scheduled Public Comment:

A scheduled public comment was given by Jackson Welker with the Skate Park Committee. Mr. Welker updated the Commission on the progress of the improvements and maintenance to the McNair Skate Park.

Public Hearings:

The second reading of Ordinance No. 1969 was held - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING A DEPARTMENT OF LAW, DESIGNATING THE CITY ATTORNEY AS DIRECTOR OF THE DEPARTMENT OF LAW, AND PLACING THE DEPARTMENT OF LAW UNDER THE DIRECTION OF THE CITY MANAGER, REPEALING ORDINANCE NOS. 1521 AND 1900.**

No public comments were given.

Motion was made by Blakeman, second by Ebinger, to approve second reading of Ordinance No. 1969.

Grabow made comment that the City Attorney has always been accessible to the City Commission, and was wondered if this will change. Mr. Meece stated that the City Attorney will be a City employee, and therefore will report to the City Manager. The City Manager is then accountable to the City Commission.

All in favor, Motion passed.

A public hearing was held on the Ridgeview Trails Subdivision – Final Plat Approval. This was a continued public hearing as the Special Meeting scheduled for June 1, 2006 was cancelled due to lawsuit filed in District Court.

Bruce Becker, City Attorney, reminded the Commission that the City is in litigation with the Prairie Drive Homeowners Association, Julie Wilmer-Kennedy and David & Joann Gibson. He further commented that he would counsel the Commission not to discuss any of the items involved in the litigation. Mr. Becker stated that the purpose of tonight's meeting is to approve final plat of Ridgeview Trails Subdivision. In August of 2005, the City set preliminary conditions on final plat approval. So the issue before the City Commission is whether or not the Ridgeview Trails Subdivision preliminary plat conditions have been met. Mr. Becker concluded by stating that the City Commission should direct their questions or comments accordingly.

Mr. Meece stated that the Development and Review Committee recommends final plat approval, based on satisfactory completion of the preliminary approval conditions.

Mr. Tom Romans, 623 North Main Street, commented on the Ridgeview Trails Subdivision final plat approval, and stated that he would recommend approval of the final plat.

Motion was made by Blakeman, second by Beebe, to approve the Ridgeview Trails Subdivision Final Plat Approval.

Patricia Grabow commented that she originally voted against the plat for the Ridgeview Trails Subdivision.

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

Ordinances:

The first reading of Ordinance No. 1970 was held - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE COMMUNITY DECAY ORDINANCE BY DECLARING JUNK VEHICLES TO BE NUISANCES, ESTABLISHING A PROCEDURE FOR THE TOWING, IMPOUNDMENT AND ABATEMENT OF JUNK VEHICLES AND ESTABLISHING A CIVIL PENALTY.**

Motion was made by Blakeman, second by Beebe, to approve first reading of Ordinance No. 1970.

Bob Ebinger commented that he feels that the City should have some provision for exercising good judgment when it comes to vehicles that are being repaired on private property.

Mr. Meece mentioned that the problem is how long does the City allow them to finish the project. Shielding the vehicle would remove the problem of whether the vehicle is being repaired. This ordinance has been on the books for the City of Livingston for a number of years, though not well enforced. The change being made here is to remove the abandoned vehicle provisions and rely instead on State law.

An inoperable vehicle that is currently licensed is not immediately considered a junk vehicle.

John Olsen of 514 North "L" Street commented about Ordinance No. 1970, and mentioned that putting a cover over a junk vehicle would allow rodents to make nests. He believes that covering a vehicle would not help the disappearance of the junk vehicles from the public view.

All in favor, Motion passed.

A public hearing will be held on Ordinance No. 1970 on June 19, 2006.

Resolutions:

Motion was made by Grabow, second by Ebinger, to approve Resolution No. 3748 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO PROFESSIONAL SERVICE CONTRACT WITH PARK COUNTY, MONTANA, AND HISTORICAL DISCOVERIES FOR BOZEMAN TRAIL PROJECT.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3749 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING JOB DESCRIPTION FOR THE CITY ATTORNEY.**

All in favor, Motion passed.

Action Items:

A discussion was held to review and approve proposed amendments and changes from the City Tree Board to Ordinance No. 1966 - **AN ORDINANCE OF THE LIVINGSTON CITY COMMISSION AMENDING CHAPTER 23 OF THE LIVINGSTON MUNICIPAL CODE BY REQUIRING A NON-MONETARY PERMIT TO WORK ON TREES LOCATED ON PUBLIC PROPERTY.**

There was discussion among the Commissioners and City staff about the trees that were topped by Northwestern Energy on Lewis Street.

Motion was made by Grabow, second by Ebinger, to direct City Manager file a complaint with the Public Service Commission (PSC).

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to incorporate the changes from the City Tree Board into Ordinance No. 1966, and direct the City Attorney to bring Ordinance No. 1966 back for first reading at the June 19th City Commission meeting.

All in favor, Motion passed.

A discussion was held to consider accepting resignation from Vangie Lee on the Board of Directors for the Yellowstone Country, Montana Board of Tourism. Also, direct City staff to advertise for the unexpired term of a city representative to the Yellowstone Country Board of Directors until 4/08.

Motion was made by Ebinger, second by Blakeman, to accept resignation from Vangie Lee on the Board of Directors for the Yellowstone Country, Montana Board of Tourism and direct City staff to advertise for the unexpired term of a city representative to the Yellowstone Country Board of Directors until 4/08.

It was the consensus of the Commission to have a letter written to Vangie Lee thanking her for her time and service on the Yellowstone Country Board (as a city representative).

All in favor, Motion passed.

A discussion was held to authorize the City Manager to list the City owned property in California with Nicolene "Nic" Lundborg, Real Estate Consultant of REMAX Realtors.

A Motion was made by Blakeman, second by Beebe, to authorize City Manager to list the City owned property in California with Nicolene "Nic" Lundborg, Real Estate Consultant of REMAX Realtors.

All in favor, Motion passed.

A discussion was held to appoint Nancy Kessler to the Library Board as a city representative as she was the only one who applied.

Motion was made by Ebinger, second by Blakeman, to appoint Nancy Kessler to the Library Board as a city representative.

All in favor, Motion passed.

A discussion was held to review and approve City Manager evaluation format and schedule City Manager's evaluation for June 19, 2006 City Commission meeting.

Patricia Grabow mentioned that she has concerns about the City Manager format that it is not a viable evaluation tool.



Steve Caldwell commented that since the City Commission has not established viable goals for the City Manager, it seems to be unfair to evaluate him on goals. He understands Ms. Grabow's concerns but suggested the Commission move forward with this tool at this time.

Patricia Grabow stated that she would like to see a more viable tool used in future evaluations, and asked the City Manager to develop a better evaluation form.

Motion was made by Blakeman, second by Beebe, to approve City Manager evaluation format and schedule City Manager's evaluation for June 19, 2006 City Commission meeting.

All in favor, Motion passed

The City Manager's evaluation will be an executive session at the end of the June 19, 2006 City Commission meeting.

An agenda item regarding approval of the settlement agreement with Julie Wilmer et al versus Paramount Homes, LLC, et al was cancelled due to changes in the lawsuit situation.

As an addendum, the Commission discussed the possible approval of the transfer and purchase of the Old Water Works Building; from the Water Department to the Building Department. In return, the Building Department will pay \$50,000 annually for the next four (4) years (with no interest). A development plan was attached.

Motion was made by Blakeman, second by Ebinger, to approve the transfer and purchase of the Old Water Works Building from the Water Department to the Building Department in the amount of \$50,000 per year for four (4) years with no interest.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Patricia Grabow asked about the interim solid waste agreement re-submitted by Park County, for re-negotiation of several issues. Mr. Meece stated that the City has not received a new draft of this agreement. Mr. Meece mentioned that this item is on the City/County agenda for tomorrow's meeting.
- Vicki Blakeman asked if the Commission could see the examples of the flag being proposed. Pam Payovich, Recording Secretary, stated that she will provide the example before the end of the meeting tonight.

Commissioner Blakeman Comments:

- She made comment that she has received several compliments on the Mountain View Cemetery this year in that it looked beautiful on Memorial Day.

Commissioner Beebe had no comments.

Commissioner Ebinger Comments:

- He commented that we shouldn't forget about the students from the Sleeping Giant School, and their desire to find ways to create new recreational in programs in the City. Mr. Meece said that he would keep the City Commission informed on the status of this matter.
- He commented about the Trails & Greenways Task Force minutes, and their action to send letters to Burlington Northern and the Department of Natural Resources & Conservation. Mr. Meece stated that he will follow-up on this.
- He asked about the Rehberg money for the Section 205 Study and was wondering what the status was. Mr. Meece stated he will follow-up and get back to the City Commission.
- He asked about the status of Carol Lane. Bruce Becker commented that the City has received a letter from an Attorney representing a resident in that area, stating they had not resolved their differences with the other residents regarding the easement. Bruce Becker stated that he will keep the Commission apprised.
- He asked about the Railroad crossing study. Mr. Meece stated that this item is on the City/County agenda for discussion at tomorrow's meeting.
- He stated that the Landscaping 2000 project is looking very nice at the I-90 Interchange but was wondering what the sled riders are going to do this winter with all of the trees in the wayside. They will have to watch for trees!!!!
- He commented about budget for next year, and knows that there is going to be a scarcity of funds available for the Tri-County Network organization. However, he was wondering if anything at all could be sent their way.
- He mentioned that the annual Historic Preservation Conference is coming up and wondered if one of the City Commissioner's was interested in attending.
- He stated that he had received an email today from Laura Bray, was wondering about the Wading Pools and if the City could put them back into operation. He suggested that City staff look at some alternatives for using the wading pools this summer, and report back to the Commission. Mr. Meece states he would do so.

Commissioner Grabow Comments:

- She wanted to know if the City could take a serious look into extending Main Street and 2<sup>nd</sup> Street into the Historic Preservation District. Mr. Ebinger commented that the Historic Preservation Commission has stated that there is too much open space in those areas and they would not qualify. Ms. Grabow wanted to know also if Sacajawea Park area would qualify for this.

- She mentioned that she had talked with Sheryl Dahl who asked Ms. Grabow if the Northern Lights Subdivision was required to have motion activated porch lights.
- She wanted to mention that she had measured the River depth, with the help of Warren McGee, and that this information should be forwarded to the Corps of Engineers as they proceed with the Section 205 Study.
- She asked if a workshop could be set up to discuss converting the (Old) East Side School into condominiums. Mr. Meece stated that while the staff would like to develop the school as new City Hall, it is not a high-priority at the moment. It was discussed at the FY 07r budget workshop that it is a long-range goal, but if the Commission so desires it can become a higher priority. It was the consensus of the Commission to have a workshop, within the next two (2) months, in order to be able to gather more information.
- She asked about the status of MSU working with the city to re-develop the Civic Center. With Summerfest, and the dedication of the Sacajawea statue, it would nice if the Civic Center could be painted.
- She feels that the City should keep close tabs on the sale of Northwestern Energy, and hopefully the city will get wind energy developed soon.

Chairman Caldwell had no comments.

No public comments were given.

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

The time was 9:17 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
June 19, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, June 19, 2006 in the Community Room of the City/County Complex. Commissioners present were Vicki Blakeman, Mary Beebe, Steve Caldwell, Patricia Grabow and Bob Ebinger.

Staff members present were Bruce Becker, Ed Meece, Jim Mastin, Duncan Edwards, Glenn Farrell and Pam Payovich. Shirley Ewan, Clint Tinsley, Jim Woodhull, Darren Raney and Peggy Glass were absent.

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

- A. Approve June 5, 2006 regular City Commission Meeting minutes.
- B. Accept bills and claims for 1<sup>st</sup> half of June 2006.
- C. Department heads monthly reports and Committee minutes.
- D. Review request from the Livingston Baseball Association for waiving the standard special event fees.
- E. Approve recommendation from Public Works Director for the City Sidewalk replacement program bid to be awarded to SDSI Concrete in the amount of \$4.75 per square foot.
- F. Approve special event request from the Livingston Chamber of Commerce for the Livingston Roundup Parade to be held on July 2, 2006 at 3:00 p.m.

Patricia Grabow requested that on page 8 of the minutes of the June 5, 2006, minutes that under her Commissioner comments to change her discussion on the levee to read: "She wanted to mention that Warren McGee had measured the distance between the top of the levee and the height of the River at peak flood stage and there is an 8-foot difference. That confirms that the River has shifted and has gone down relatively to the levee and that this information should be forwarded to the Corps of Engineers as they proceed with the Section 205 Study."

Ms. Grabow asked about the claim from the City of Bozeman Recreation Department on WSI Training and wondered whom the training was for. Mr. Meece stated that the training was for the lifeguards at the Swimming Pool for the Summer.

Ms. Grabow asked about the claim from North American Digester Cleaning and wondered what this was for. Mr. Meece stated that this claim has to deal with the Treatment Plant. A digester is part of the treatment facility and every so often it has to be cleaned and the filters replaced.

Ms. Grabow asked about the claim from Park County Solid Waste District and mentioned that she doesn't recall seeing anything like this in the budget

before and was wondering if this was being added. Mr. Meece stated that this is the monthly billing from the County for the City monthly dumping charges to the Transfer Station and this is included in the budget.

Ms. Grabow asked about the claim from Neil Travis as acting judge and was wondering what this was for. Mr. Meece commented that Judge Lord went on vacation and Neil Travis filled in for him during his absence.

Bob Ebinger requested that on page 7 of the minutes of the June 5, 2006, in his Commissioner comments to change his discussion on the Historic Preservation Conference to read: "He mentioned that the annual Historic Preservation Conference is coming up and wondered if one of the City Commissioner's and/or a member of the Historic Preservation Commission was interested in attending."

Mr. Ebinger asked about the claim from CTA Nelson Engineering and wondered what the portion was for the report for the glass pulverizer was for. Mr. Meece stated that this was a report of expected usage, volume of glass that could be recycled and also dealt with the type of structure that would be needed to house the glass pulverizer and was all part of the requirement for the grant application for the Glass Pulverizer.

Mr. Ebinger asked about the claim from Montana Municipal Insurance Authority (MMIA) for the Guest House and wondered what this was for. Mr. Meece stated that it was for a sidewalk accident in front of the Guest House.

Mr. Ebinger asked in regards to the 911 Communication Meeting report and wanted to know what the "consortium" meeting was. Jim Mastin stated that consortium includes Sweetgrass, Park, Gallatin, Madison and Meagher Counties.

Mr. Ebinger asked also in regards to the 911 Communication Meeting report about the discussion on the separate mill levy for dispatch versus waiting to do one for all of law enforcement and emergency response and wondered what the outcome was of this discussion. Jim Mastin stated that nothing is going to be done for awhile pertaining to this.

Mr. Ebinger stated that he would like to congratulate Chief Mastin and others tested in passing their Paramedic tests from the whole City Commission.

Mr. Ebinger asked about the City Sidewalk Program bid and mentioned that the low bidders starting date was mid September whereas the higher bid was immediately and was wondering if this would be effective. Mr. Meece stated that he would comment about this later.

Mary Beebe asked about the claim from Northwester Energy for the bore under the Highway hookup service and wondered what this was for. Mr. Meece stated that is for the Landscaping Project being done at the I-90 Interchange in order to provide water for the irrigation system for the project.

Ms. Beebe stated that she just wanted to say that Bonnie Travis submitted her resignation to the Library and would like to recognize her for her expertise with the Library and community in general. The Commission requested to send a letter on their behalf.

All in favor of consent items, Motion passed.

Ed Meece suggested reconsideration of item "E" of the consent items (City Sidewalk replacement program bid) as per City policy it is required to have a bid bond received with the bid. Neither applicant provided a bid bond with their bids, which was part of the specifications. Mr. Meece suggested that the Commission reject all bids and re-open the bid process for the City Sidewalk replacement program.

Motion was made by Blakeman, second by Ebinger, to reconsider item "E" of the consent items.

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve item "E" of the consent items.

All against, Motion denied.

#### Scheduled Public Comment:

A scheduled public comment was given by Annemari Volpone of 3480 Old Yellowstone Trail North for the Spay and Neuter Clinic requesting funding from the City in the FY 2006-07 budget in order to put on a Spay and Neuter Clinic twice this next year in the City of Livingston. This request was for \$4,000.00 from the City to help support the Clinic. Ms. Volpone provided the Commission with the statistics from the past Spay and Neuter Clinic progress.

Tiffani Zimmerman of 1324 US Highway 10 West made comment that the Spay and Neuter Clinic is a significant event as a resource to reduce the number of animals in the City and not have the Stafford Animal Shelter get overcrowded with animals.

#### Ordinances:

The first reading of Ordinance No. 1966 amended was held – **AN ORDINANCE OF CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 23 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED TREES BY REQUIRING A NON-MONETARY PERMIT AND COMPLIANCE WITH ANSI A300 STANDARDS FOR TRIMMING AND PRUNING TREES LOCATED ON PUBLIC PROPERTY.**

Motion was made by Blakeman, second by Beebe, to approve first reading of Ordinance No. 1966 amended.

All in favor, Motion passed.

Warren McGee commented that the trees in the Park need to be pruned and the bushes are blocking the walkways.

A public hearing will be held on July 3, 2006 for the above reference Ordinance.

Public Hearings:

The second reading of Ordinance No. 1970 was held - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE COMMUNITY DECAY ORDINANCE BY DECLARING JUNK VEHICLES TO BE NUISANCES, ESTABLISHING A PROCEDURE FOR THE TOWING, IMPOUNDMENT AND ABATEMENT OF JUNK VEHICLES AND ESTABLISHING A CIVIL PENALTY.**

Julie Schram of 116 South "L" Street, Tim Hardesty on behalf of John Olsen of 514 North "L" Street, Susan Connell of 613 East Geyser Street, Nick Richards of 216 West Chinook, David Melaka, and Ray Richards of 703 Quasar Lane all spoke against this Ordinance.

Julie Schram, Susan Connell, Nick Richards and John Olsen provided the Commission with written comments of their concerns relating to the above referenced Ordinance.

Motion was made by Blakeman to approve second reading of Ordinance No. 1970 no second was made.

Mr. Meece mentioned that this Ordinance only changed what was already on the books one thing which was section "A" and the rest of the Ordinance is still in place.

Motion was made by Ebinger, second by Beebe, to reconsider approval of Ordinance No. 1970.

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve Ordinance No. 1970.

Bob Ebinger stated that he feels that the Commission should allow the residents of the City to be able to work on their cars whether it be by permit system or renewable duration of time allowed and other alternatives for people who can't afford to take their car to a garage to have it worked on or those that do like to work on their own vehicle on their own property.

Mary Beebe stated that she feels that her concern is not so much with the Ordinance itself but the enforcement because obviously this Ordinance has been on the books for a long time but the City did not have Staff to be able

to enforce it. She feels that there is a legitimate reason why community decay can be a problem in other issues than just esthetic. She thinks that the people that spoke tonight have very valid points.

Patricia Grabow commented that the reason why the Commission has public hearings is so the people of the community that elected members of the Commission can hear the community's concerns and tonight she would like to thank the people that spoke. She believes that this Ordinance is very poorly written and appreciates the fact that people do come to the meetings to be heard.

Vicki Blakeman commented that the Commission couldn't develop an Ordinance for our Police Officers not to be able to enforce. The City's Ordinances have to be enforced or there is not reason to have them. She agrees that she has heard some very valid concerns this evening for re-writing this Ordinance. Most of her concerns are with the private property rights. She proposed a workshop for this Ordinance and to take input from the community so that the Commission can write an Ordinance that protects a private property owner's rights better.

Mr. Meece wanted to echo the Commissioners comments and also mentioned that the Commission authorized the City to purchase a trailer specifically for towing junk vehicles. He agrees that some changes can be made to this Ordinance but the enforcement officers in the field needs a standard to go by so until this Ordinance changes these guideline are what the officers have.

Motion was made by Grabow, second by Beebe, to amend Ordinance No. 1970 to reduce the violations of this chapter shall be declared a nuisance and shall be punishable by a civil penalty of not more than \$50.00 for each violation or if the infraction is a repeat offense, a civil penalty not to exceed \$20.00 for each repeat violation.

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve Ordinance No. 1970 as amended.

All in favor, Motion passed.

There will be a City Commission Workshop on June 26, 2006 at 7:30 p.m. in the Community Room of the City/County Complex for the purpose of incorporating the public's proposed changes and concerns to Ordinance No. 1970 as referenced above.

A break was taken at 9:12 p.m.

The meeting went back into session at 9:22 p.m.

Resolutions:



Motion was made by Ebinger, second by Blakeman, to approve Resolution No. 3750 - **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 \$24,300.00 WITHOUT PRIOR WRITTEN APPROVAL OF CITY.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3751 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CHAIRMAN OF THE CITY COMMISSION TO SIGN QUITCLAIM DEED TO RESOLVE FINCH LANE DISCREPANCY.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3752 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN MUTUAL AID AGREEMENT WITH THE STATE OF WYOMING AND THE CITY OF CODY, WYOMING FOR HELL'S ANGELS RALLY.**

All in favor, Motion passed.

Motion was made by Ebinger, second by Blakeman, to approve Resolution No. 3753 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN USE AGREEMENT WITH LIVINGSTON YOUTH SOCCER ASSOCIATION.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3754 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RELATING TO \$1,911,000 SEWER SYSTEM REVENUE BOND (DNRC REVOLVING LOAN PROGRAM), SERIES 2006; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF.**

All in favor, Motion passed.

Action Items:

A discussion was held to consider authorizing City Manager and City Attorney to proceed with contracts necessary to start Livingston Home Rehabilitation program, in cooperation with Human Resource Development Corporation (HRDC) and Rocky Mountain Resource, Conservation and Development (RC&D).

Motion was made by Blakeman, second by Ebinger, to authorize City Manager and City Attorney to proceed with contract necessary to start

Livingston Home Rehabilitation program, in cooperation with HRDC and RC&D.

All in favor, Motion passed.

A discussion was held to consider authorizing the City Recreation Department to conduct the Pool Vouchers Program for the Summer 2007.

Mr. Meece commented that this is a program that the City started last year to subsidize some of the costs for low-income residents for accessing pool and recreational activities.

Motion was made by Blakeman, second by Ebinger, to authorize the City Recreation Department to conduct the Pool Vouchers Program for the Summer 2007.

All in favor, Motion passed.

A discussion was held to consider the City's purchase of new City flags. A concept drawing was provided to the Commission.

Mr. Meece commented that he just wanted to let the Commission know where City staff is at with the flag for the City of Livingston.

It was the consensus of the City Commission to move forward with the design proposed but in black and white not colored.

A discussion was held to consider approving City Manager to compensate Dan Gravage for consulting and technical services for the design of the 7<sup>th</sup> Street Pedestrian Bridge.

Motion was made by Blakeman, second by Ebinger, to approve City Manager to compensate Dan Gravage for consulting and technical services for the design of the 7<sup>th</sup> Street Pedestrian Bridge.

All in favor, Motion passed.

A discussion was held discussing wading pools and to determine policy to move forward.

Mr. Meece commented that Clint Tinsley, Bruce Becker and Eddie Miller and himself met to discuss the above reference. The two (2) issues that were brought up were:

1. Lifeguard issues – The City of Livingston's wading pools were installed quite a distance away from the regular swimming pool.
2. Water Quality – As of right now the water comes into the wading pool, overflows the top of the curb and then that water is directly discharged into the Yellowstone River.

If the City of Livingston continues operating the wading pools, as the way the wading pools are now the City would have to get a discharge permit from the State. While none of Staff is comfortable with letting the State dictate this process Staff recommends keeping the wading pools closed and see what grants opportunities are available for some type of water play facility.

Patricia Grabow disagreed with Staff recommendation. She would like to see the City look into ways of keeping the wading pools open. As the wading pools have been a large investment of the community.

Mary Beebe stated that it was her belief that the City would have to fill and drain the wading pools every day or put a 5-foot fence around them. Also it would require an attendant that is licensed with a CPR.

It was the consensus of the Commission to have Staff find alternatives to develop a workable issue with the wading pools being opened in the budget for the next fiscal year.

It was also requested by the Commission for City Staff to be proactive if it is determined to continue to keep the wading pools closed to inform the community either by advertising something in the paper or putting some kind of information on the City's website what the issues are.

A discussion was held to consider waiving the residency requirement for the Certified Public Accountant (CPA) representative for the Development Impact Fee Advisory Committee.

Mr. Meece commented that he had provided a letter to all of the Certified Public Accountants that have businesses in the City requesting participation of the Development Impact Fee Advisory Committee. The only parties that were interested for this position live outside the City limits but have businesses in the City.

Motion was made by Blakeman, second by Beebe, to waive the residency requirement for the Development Impact Fee Advisory Committee as long as the applicants have or do business in the City of Livingston.

The City Manager's written comments were reviewed.

- Bob Ebinger asked about the re-draft of the Interim Solid Waste Agreement from Park County and wondered what the status was. Mr. Meece commented that he has not received a revised document yet but will keep the Commission informed.

Commissioner Blakeman Comments:

- She stated that she had a request from Dan Rice, from PrintingForLess.com about the streets of the property belonging now to the City and would like some clarification as to how that process was done. Mr. Rice also asked if PrintingForLess.com could have a dedication ceremony of the streets. Mr. Meece stated that he would contact him and explain the process.

- She commented that her being with the Resource Conservation & Development (RC&D) and mentioned that the Small Business District Administration (SBDA) helps develop small businesses in the Meagher, Gallatin and Park Counties and requested to check and see if Park County is being considered for these funds.

Commissioner Beebe Comments:

- She stated that some people in the community would like to know why "G" Street Park maintenance has been so neglected compared to Sacajawea Park. She was wondering what could be done to have it better maintained.
- She asked if the City could make the Tree Ordinance process more readily available to the public. It was determined that the Recording Secretary will put something on the web-site for this process for the community information on how trees are to be trimmed.

Commissioner Ebinger Comments:

- He commented about the windows at the East Side School and mentioned that there needs to have something done soon before they decay. He suggested to get an estimated on how much it would cost to prime and paint the windows.

Commissioner Grabow Comments:

- She asked if anything else has occurred on the brown signs on the Highway. Mr. Meece stated that not at this point but will follow-up and get back to the Commission.
- She mentioned that with the citizens of the City paying 37% of the cost of the Museum and paying double for the Library and was wondering if the County has been informed. Mr. Meece stated that he has provided a detailed list to the County for all of the measures that the City already participate in and included in that list were also some items that the City will ask the County to begin considering participating in.
- She mentioned that she will not be at the July 17, 2006 City Commission meeting.
- She also commented with the regards of emails the tendency to possibly seek feedback from City Commissioners from the office of the City Manager and to be cautious. Mr. Meece asked for some examples from her so he knows what she is talking about. The Commission requested Bruce Becker, City Attorney to look into the legality of emails and get back with them.
- She asked if the Maverick building was within the 10-foot setback that the City Commission approved. Duncan Edwards stated that the Maverick building is within the variance setback that was approved by the Commission.

Chairman Caldwell Comments:

- He asked where Staff was on the budget. Mr. Meece commented that the budget is in the works and that he is waiting to hear from

the County on the City/County issues as to where the County is with their budget.

Public Comments:

- Susan Connell asked in regards to the wading pools and commented that they are not even 2 feet deep and don't flow over the sides. Mr. Meece stated that the water being 2 feet down is just how it gets identified as a wading pool and not a swimming pool but still means that they have to have a lifeguard.

The meeting went into executive session at 10:40 p.m. for Ed Meece, City Manager, 90-day evaluation.

The meeting reconvened at 10:43 p.m.

The performance evaluation of the City Manager is a matter of individual privacy. Frank, honest and critical evaluations would not occur without confidentiality during the performance evaluation. The substantial value of confidential evaluations is apparent and clearly exceeds the merits of public disclosure. Therefore, pursuant to Montana Code Annotated (MCA) 2-3-203 (3), the meeting of the City Commission will be closed to the public as Chairman, Steve Caldwell, determined that the demands of the individual's right to privacy clearly exceed the merits of public disclosure.

The meeting went into open session at 12:03 a.m.

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

The time was 12:04 a.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
July 3, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, July 3, 2006 in the Community Room of the City/County Complex. Commissioners present were Mary Beebe, Patricia Grabow, Vicki Blakeman, Bob Ebinger and Steve Caldwell.

Staff members present were Ed Meece, Shirley Ewan, Darren Raney, Clint Tinsley, Jim Woodhull and Pam Payovich. Bruce Becker, Jim Mastin, Duncan Edwards and Peggy Glass were absent.

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

- A. Approve June 19, 2006 regular City Commission Meeting minutes.
- B. Accept bills and claims for 2<sup>nd</sup> half of June 2006 and FY 2006-07.
- C. Approve request for donation of a family swimming pass to be given away at the Kids Derby from the Fire Department.
- D. Approve special event request from Stafford Animal Shelter for the "Bark in the Park" to be held on July 30, 2006 at the Bandshell and Miles Park.

Grabow requested that, page seven, be changed from the word "waging" to "wading" to read: "A discussion was held discussing wading pools and to determine policy to move forward."

Grabow asked that, page eight, the minutes be changed to add that she mentioned the possibility of turning the water from the wading pools into 'gray water' for irrigation. Blakeman commented that it was her recollection that the chlorine from the water would kill the grass and this was why it shouldn't be an alternative. Ms. Grabow stated that is why the water should be turned into gray water, as this takes all of the chlorine out of the water before hitting the ground. Caldwell stated that he feels that this should come from staff, if in fact it could be an alternative.

Grabow requested that, page nine, include her suggestion of turning the East side School into condominiums.

Grabow mentioned that, page nine, under her comments on the Maverick building that she believes it was a 8-foot setback and not a 6-foot setback. She asked to have this clarified. Jim Woodhull stated that he believes that it was a 10-foot setback.

Grabow asked about the special event request for the "Bark in the Park" and wondered why staff had not signed the event before it was put into the packet.

Pam Payovich, Recording Secretary, stated that that she received this request late on Thursday afternoon and all department heads had not reviewed it.

Ebinger asked for some clarification, page nine, about Grabow's comments regarding the City's payment of 37% of the cost of the Museum and Library in addition to City appropriations. Grabow stated that citizens of the City pay county taxes, which are used towards the cost of the museum, and the 37% was just generally speaking. She would like to have a discussion with the county about this situation.

Ebinger asked about the claim from Bridger Electric, specifically asking when the Callender Street lighting was going to be hooked up. Clint Tinsley stated that the work has been completed.

Beebe asked about the claim from Karnatz Tree Service and wondered if this was for removing vines and limbs from the Old Water Works Building. Ed Meece stated that it was for the removal of limbs and vines at the Old Water Works Building in order to eliminate water damage.

Beebe asked about the claim from Splash Design & Installation and wondered what this was for. Clint Tinsley stated that this was for the replacement of the irrigation pump at the Old Water Works Building.

All in favor of consent items, Motion passed.

Variances:

A discussion was held to revisit Rex and Beverly Madsen variance request.

At the Livingston City Commission meeting on May 15, 2006 the Commission voted to approve the Madsen variance request from the terms of the Livingston Zoning Code.

Motion was made by Ebinger, second by Beebe, to revisit Rex and Beverly Madsen variance request.

All in favor, Motion passed.

According to Jim Woodhull, the survey revealed that the entire property is actually farther to the north than originally thought and so an amendment to the original action is needed to correct the matter. The applicant still intends to build exactly what is shown on the site plan. The issue was that rather than being six-inches from the line; they required a variance to build out to the line. In order to complete the project the porch on the new part of the building will actually be over this property line and into the ditch right-of-way. The applicant already has permission from the Ditch Board for this encroachment.

The City Commission was asked to alter this variance to allow them to build to the lot line. The agreement with the Ditch Company will then deal with the encroachment.

Motion was made by Ebinger, second by Beebe, to approve Rex and Beverly Madsen variance request.

All in favor, Motion passed.

Public Hearings:

The second reading of Ordinance No. 1966 amended was held - **AN ORDINANCE OF CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 23 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED TREES BY REQUIRING A NON-MONETARY PERMIT AND COMPLIANCE WITH ANSI A300 STANDARDS FOR TRIMMING AND PRUNING TREES LOCATED ON PUBLIC PROPERTY.**

No public comments were given.

Ebinger requested, page three, the word "nor" be changed to "not" to read: "The diameter measurement shall be taken where the cut will occur, not from the tip or middle of the limb."

Mr. Meece commented that changes were needed to Section 23-13 "Pruning Standards" to "Pruning & Trimming standards", and the word "pruning" to "trimming" to read: "All commercial tree companies shall have a Certified Arborist conducting the pruning trimming or shall be on site during the pruning trimming of all publicly owned trees by February 15, 2007."

Motion was made by Blakeman, second by Ebinger, to approve Ordinance No. 1966 amended.

Motion was made by Blakeman, second by Ebinger, to amend Ordinance No. 1966 amended as text above.

All in favor, Motion passed.

Motion was made by Grabow, second by Beebe, to amend Ordinance No. 1966 to correct typo in Section 23-28 - Penalty, to be changed to \$50.00 not \$500.00.

All in favor, Motion passed.

All in favor of Ordinance No. 1966 as amended, Motion passed.

Ordinances:

The first reading of Ordinance No. 1971 was held - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE COMMUNITY DECAY ORDINANCE BY INCREASING TIME LIMIT FOR**



**WORKING ON MOTOR VEHICLES FROM 20 DAYS TO 90 DAYS, AND INCREASING CIVIL PENALTY.**

Motion was made by Blakeman, second by Beebe, to approve first reading of Ordinance No. 1971.

Mr. Meece commented that, as a result of the Public Workshop, Staff re-drafted the ordinance. The changes were to extend the limit for working on motor vehicles from 20 days to 90 days and increasing the penalty from \$50.00 to \$300.00 for each violation and from \$20.00 to \$50.00 for each subsequent violation.

Grabow stated that she believes a \$300.00 penalty for each violation is quite a significant amount.

Motion was made by Grabow to change the wording in Section 12-102 (B) to read: "Each day the civil infraction continues "could" be a separate and punishable civil offense", no second.

4 in favor to approve first reading of Ordinance No. 1971; Caldwell, Beebe, Ebinger and Blakeman, 1 against; Grabow, Motion passed.

A public hearing will be held on the above reference Ordinance No. 1971 on July 17, 2006 at the City Commission meeting.

The first reading of Ordinance No. 1972 was held – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1968 BY ESTABLISHING A PROCESS FOR INDIVIDUAL ASSESSMENTS UNDER CERTAIN CIRCUMSTANCES.**

Motion was made by Blakeman, second by Beebe, to approve first reading of Ordinance No. 1972.

After much discussion, Motion was made by Ebinger, second by Grabow, to amend Ordinance No. 1972 Section 2.20 subsection "E" (1) to add "of the Building Department", to read: "Application: individual assessments of development impact fees may be made by application to the Director of the Building Department, prior to receiving building permits, site development permits, manufacture/mobile home installation permits, or other necessary approvals from the City."

All in favor, Motion passed.

All in favor of Ordinance No. 1972 as amended, Motion passed.

A public hearing will be held on the above reference Ordinance No. 1972 on July 17, 2006 at the City Commission meeting.

Resolutions:

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3757 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SOLUTIONS DOWNTOWN CONSULTANTS, LLC FOR THE TIFD URBAN RENEWAL MANAGEMENT ORGANIZATIONS, NOT TO EXCEED \$10,000.00.**

Ebinger asked if it was customary to provide lodging at the state rate with a contractor that is working for the government. Mr. Meece stated that he would research the issue.

Ebinger asked if under "Communication" it could be added to read: "Maintain scheduled dialogue with and between key stakeholders "to include but not limited to":"

1. Property Owners
2. Merchants
3. Chamber of Commerce
4. City and County staff and officials
5. School District
6. "Historic Preservation Commission"
7. "Livingston Downtown Association"
8. Urban Renewal Committee
  - a. Attend most meeting (excused if schedule conflicts with already scheduled meetings)

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3758 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ACCEPTING ROAD AND UTILITY EASEMENT FOR LOVE'S LANE AND WILLOW LANE.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3759 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ACCEPTING BID IN THE AMOUNT OF \$28,106.50 FOR REMODELING OF CITY ADMINISTRATIVE OFFICES AND UTILITY OFFICES AND AWARDED CONTRACT.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3760 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT EXTENDING CONTRACT WITH ZIA ENGINEERING FOR SOLID WASTE MANAGEMENT STUDY.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3761 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX THAT PORTION OF UNDEVELOPED FLESHMAN CREEK ROAD RIGHT-OF-WAY WHICH IS DESCRIBED AS BEING LOCATED 30' ON EITHER SIDE OF THE EAST-WEST CENTERLINE OF SECTION 14 TOWNSHIP 2 SOUTH, RANGE 9 EAST, P.M.M.**

All in favor, Motion passed.

Action Items:

A discussion was held to consider approving and authorizing City Manager to sign agreement for architectural service from Christopher Livingston, AIA with ELEVEN ELEVEN Design Studio for the Old Water Works Building scope of work.

Motion was made by Ebinger, second by Beebe, to approve authorizing City Manager to sign agreement for architectural service from Christopher Livingston, AIA with ELEVEN ELEVEN Design Studio for the Old Water Works Building scope of work.

All in favor, Motion passed.

A discussion was held to appoint Larry Blakely as the Certified Public Accountant (CPA) representative for the Development Impact Fee Advisory Committee.

Motion was made by Blakeman, second by Beebe, to appoint Larry Blakely to serve as the CPA representative for the Development Impact Fee Advisory Committee.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Grabow thanked Mr. Meece for following up with the brown signs.
- Grabow commented on Mr. Meece's statement about meeting with each department head to conduct a strength/weakness evaluation and goal-setting for the next twelve months. Grabow remarked that she is an advocate of long-term strategic planning and implementation. Mr. Meece stated that this strength/weakness evaluation and goal-setting process is for the individual department head on a professional level.
- Ebinger wanted to know what the status was with the City/County Solid Waste Interim agreement and wondered if there are any hang-ups. Mr. Meece said the agreement has not been finalized. As staff believes it obligates the City to bring the County 20 tons of garbage a day -- which doesn't work when the City has to take a full load to Logan every day. The issue is on the agenda for the City/County meeting on Wednesday.
- Ebinger asked why the School District did not want to commit to re-starting the School Resource Officer (SRO) at Park High> Mr.

Meece explained the school district did not want to commit to future cost-sharing and participation in the program. Money does not appear to be the only consideration.

- Ebinger asked about the Insurance Services Office (ISO) inspection of the Building and Code Enforcement program and if the City got low marks would they need to consider setting budget funds aside for correcting problems. Mr. Meece stated that such corrections would be similar to the Fire Department, covering such items with budget funds.
- Ebinger congratulated Mr. Meece for working with Director Lynch, Montana Department of Transportation (MDOT), to get the "Brown Signs" for the City.
- Ebinger also mentioned that there is going to be a City/County meeting on Wednesday, July 5, 2006 at 4:00 p.m. and commented that it was not on the calendar.

Commissioner Blakeman Comments:

- She stated that the Livingston Area Chamber of Commerce's Parade was very successful, and that the streets were very clean afterwards. Clint Tinsley commented that the football team from Park High School helped pick up all of the garbage after the Parade.

Commissioner Beebe Comments:

- She mentioned that city residents have asked about doggy bags, for feces, availability at places where people frequently walk their dogs.
- She commented that she has observed that Charlene and Tom Burns' trees are encroaching on city roadway between 7<sup>th</sup> Street and alley and expressed concern that members of the public do not know they can use that roadway as public access as it appears to be an extension of Thomas and Charlene Burns' yard.
- She also mentioned that a city resident had stated his intention to cut down mature boulevard trees. She wanted clarification that residents must get permission to cut boulevard trees from the City. She expressed concern that city residents do not know they must get permission to remove boulevard trees.

Commissioner Ebinger Comments:

- He made comment that doggy bags use to be available at Miles Park, and at the Skate Park. However, they didn't because the posts were knocked down. He suggested this be researched again.
- He wanted to know how the swimming pool operation was going, with regards to clouding of the water. Clint Tinsley stated that he isn't aware of any problems, so far, this year.
- He asked about the Old East Side School windows, and mentioned that the City should get estimates for repair of the windows.
- He asked about the sidewalk bid, commenting that the City awarded the project to the lowest bidder although they were not able to start until September.

- He commented on the maintenance of "G" Street Park, and that he and Ms. Beebe wanted to make sure the over all condition of "G" Street Park wasn't forgotten.
- He asked if the City Attorney was researching email communications between the Commissioners and City Administration. Mr. Meece stated that he has discussed with Bruce Becker the possibility of developing an email policy, and more information will be provided to the City Commission.

#### Commissioner Grabow Comments:

- She wanted to know about the possibility of looking into how trees were planted and how the City developed the "Urban Forest". She mentioned that there are people still living in the City that helped create the "Urban Forest", and they could help educate the community.
- She asked about the status of garbage cans in the downtown business district. Clint Tinsley stated that this would be a question better asked of the Livingston Downtown Association.
- She complimented the Staff for their professionalism in handling the Bozeman Trail grant application.
- She wanted to know when the City will start the budget process. Mr. Meece stated that the budget is nearly complete, as reviewed at the budget hearing, however the City is waiting for an answer from the county on several issues of joint participation.
- She wanted to mention the article in the Bozeman Chronicle, about the City of Bozeman purchasing software that records and transcribes minutes of their City Commission meetings. The minutes are then placed on-line, their web site. She thinks this would be something useful for the City to look into.
- She wanted to express her concerns about the Dex phone directory and that they do not list Livingston residents and businesses individually; and finds this offensive. Livingston is trying to retain their identity, and to have a phone company do something like this is a concern.
- She mentioned that the County Commissioners are very interested in wind energy and would like to know if there is the possibility of a commercial wind farm facility. Caldwell stated that the City and the County are joint participants in a bond program for the purpose of funding a wind farm.
- She attended the State Historic Preservation Conference and wanted to make the City aware of the possibility of grants for the downtown street lighting. She will provide the information to Mr. Meece.

#### Chairman Caldwell Comments:

- He asked about the status of possible annexation of Ted Watson's property. Jim Woodhull stated that there is going to be a meeting held on July 11<sup>th</sup> or 12<sup>th</sup> depending upon when Mr. Watson is available.

- He mentioned the previous discussion about the proliferation of temporary/portable signs, and the status of changes to the sign ordinance. Mr. Meece commented that he will meet with the City Attorney about this issue, and report back to the Commission.

Public Comments:

- Nick Richards of 216 West Chinook Street commented that he is very concerned about the proposed changes to the junk vehicles ordinance, and feels that citizen concerns and comments were not taken into consideration.

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

The time was 9:15 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
July 17, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, July 17, 2006 in the Community Room of the City/County Complex. Commissioners present were Vicki Blakeman, Mary Beebe, Steve Caldwell, Patricia Grabow and Bob Ebinger.

Staff members present were Bruce Becker, Ed Meece, Shirley Ewan, Darren Raney, Clint Tinsley, Jim Woodhull, Jim Woodhull, Duncan Edwards, Peggy Glass and Pam Payovich.

Motion was made by Blakeman, second by Beebe, to approve consent items except item "F" as follows:

- A. Approve July 3, 2006 regular City Commission Meeting minutes.
- B. Accept bills and claims for 1<sup>st</sup> half of July 2006 and FY 2006-07.
- C. Department heads monthly reports and other Committee reports.
- D. Approve request for permission to play music using a DJ at the Bandshell on August 12, 2006 until 10:00 p.m. from Christine Lutes.
- E. Approve request for permission to play music using a DJ during the "Relay for Life" event on July 28<sup>th</sup> and July 29<sup>th</sup> from 6:00 p.m. on July 28<sup>th</sup> to 7:00 a.m. on July 29<sup>th</sup> at the Park High Track/Football Field.
- F. Approve request for waiver of fees at the Civic Center from "Plumm Summer" from the filming questionnaire on July 8, 2006.
- G. Approve recommendation from the Development Review Committee (DRC) request for annexation of the Montague Addition.

Grabow asked about the claim from Black Mountain Software and wondered what it was for. Shirley Ewan stated that this contract is for the accounting software for the Utility Department.

Grabow asked about the claim from Montana Municipal Insurance Authority (MMIA) for the Liability Coverage and wondered why it was so high. Shirley Ewan stated that this amount is derived based on salaries of employees with the City and because the City belongs to this organization is why we have MMIA for our insurance needs. Mr. Meece commented that MMIA is very experienced with municipal risk management programs and this is very beneficial to City operations.

Grabow asked why Christina Lutes was requesting a 1000 PM stop time for a DJ at the Bandshell. Mr. Meece stated that this is a wedding celebration.

Ebinger asked about the rental of the Bandshell and wondered why the City doesn't require insurance its use. Bruce Becker stated that the City has never required insurance for the rental of the Bandshell but will investigate if it's needed.

Ebinger commented about the "Relay for Life", and that if they are planning to go all night long they probably need a waiver of the "Night Sky Ordinance".

Blakeman asked about the claim from Colonial Research Chemical Corporation. Mr. Meece stated that this claim is for air fresheners (bathroom).

Blakeman asked about the water rights' bills the City keeps receiving, and wondered when they are going to stop. Bruce Becker stated that they should be done as the City has received the certificate of water transfer.

Blakeman asked about the claim from Zia Engineering, and commented that she thought that the City/County weren't going to pay Zia Engineering until the project was completed. Mr. Meece commented that this is the City's portion of the first billing from Zia Engineering. Mr. Meece has spoken with Mr. Hurley, County Operations Manager, and he said that ZIA had met the guidelines for payment.

All in favor of consent items except item "F", Motion passed.

Motion was made by Blakeman, second by Beebe, to approve consent item number "F".

Blakeman commented that the fees at the Civic Center are not very high, and don't even completely cover the cost of rental. She felt the movie should pay for the rental fee.

All against, Motion denied.

#### Employee Recognition:

Kim Villa, Dispatcher was recognized for helping deliver a baby over the telephone. She was commended for a job well done by Peggy Glass, 911 Communications Coordinator, and presented with a Blue Stork Pin for her professional service.

Mr. Meece commented that, unintentionally, the outstanding work of the Dispatch Department does get overlooked. He stated that he is very impressed with the City dispatchers, and that they are highly trained and well supervised.

Carrie Shockley (City/County GIS Coordinator) was recognized, by a letter from Sandy Wulf (Project Coordinator), for her expertise and service.

#### Scheduled Public Comments:

A scheduled public comment was given by Jerri Miller, Secretary of the City/County Airport Board. Ms. Miller gave an update of the City/County Airport Board's activities. Kerry LaDuke, Chairman of the City/County Airport



Board was also present. Mr. Miller stated that the City/County Airport Board has completed their \$500,000 project (95% federally funded). The Board would like to invite everyone to come see the improvements. Also, Ms. Miller mentioned that the City/County Airport Board meetings are held the 4<sup>th</sup> Tuesday of every month, noon, at Clarks Crossing restaurant. She thanked the City Commission for their time.

A scheduled public comment was given by Scott Bernhart, Northwestern Energy, on the proper pruning and trimming of trees in the boulevard. During his presentation, Mr. Bernhart identified the correct method for trimming and pruning trees. All parties involved, City staff, City Tree Board and Northwestern Energy will work together to coordinate as Northwestern undertakes trimming activities.

Dixie Bullock of 606 South 10<sup>th</sup> Street made comment about a tree that was trimmed at her residence.

A scheduled public comment was cancelled, regarding fundraising for the JUNIPER ART CENTER.

#### Public Hearings:

A public hearing was held to consider a text amendment for the addition of design guidelines to the zoning code. This amendment would add to the zoning code a list of design criteria, to be applied as an overlay zone in commercially zoned entrance corridors of the City, thereby creating more aesthetic and functional gateways into the City.

The building design guidelines focus on promoting buildings that will be compatible in scale and appear to "fit" in the community by using materials and forms that are a part of Livingston's design traditions. As such, they address only broad-scale topics and do not dictate specific architectural styles or building details.

No public comments were given.

Motion was made by Blakeman, second by Beebe, to approve the Findings of Fact.

All in favor, Motion passed.

Motion was made by Ebinger, second by Beebe, to amend the text amendment and change all of the "should" to "shall" throughout the document.

All in favor, Motion passed.

Motion was made by Grabow, **no second**, to limit the height restriction to the 30' in the commercial zone as the signage restrictions are in the overlay zone.

No action taken as there was no second on the motion.

Motion was made by Blakeman, second by Beebe, to approve the text amendment for the design guidelines to the zoning code.

All in favor, Motion passed.

The second reading of Ordinance No. 1971 was held – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE COMMUNITY DECAY ORDINANCE BY INCREASING TIME LIMIT FOR WORKING ON MOTOR VEHICLES FROM 20 DAYS TO 90 DAYS, AND INCREASING CIVIL PENALTY.**

Tim Hardesty of 516 North "L" Street made comment. His primary concern was that he feels that this Ordinance violates the rights of private property owners.

Nick Richards of 216 West Chinook Street made comment. He agrees with Mr. Hardesty that this Ordinance violates the rights of private property owners.

Motion was made by Blakeman, second by Beebe, to approve second reading of Ordinance No. 1971.

Grabow asked about having a non-monetary permit that allowed people to work on their vehicle, longer than the 90 days, and if this type of permit would comply with State law. Bruce Becker said that State law provides if an individual has more than three (3) vehicles on their private property it is determined to be a "Junk Yard".

Blakeman stated that she has no problem of having one (1) vehicle in an individual's private yard that doesn't work. Sometimes it takes a lot of time to get the money together to work on a vehicle.

Mr. Meece stated that he agrees with Commissioner Blakeman, however, this Ordinance doesn't restrict anyone from having a vehicle stored on their property -- it just requires that the vehicle be screened or covered. It is a protection for the neighbor.

Beebe stated that she agrees with Mr. Meece, and commented that she has talked with several people who are grateful that junk vehicles have to be screened or covered and that the Ordinance is now being enforced. She concluded by stating that she sees nothing in this Ordinance that prohibits private property owners from working on vehicles on their property.

Ebinger agrees with everything that Commissioner Beebe said, but there are several people in the community that do not have fences on their property. He believes that there could be some accommodations for those private property owners that do not have fences and only have a front yard.

A break was taken at 8:52 p.m.

The meeting went back into session at 9:02 p.m.

Bruce Becker reviewed the statutes and quoted Montana Code Annotated 75-10-505 – *"Notwithstanding the provisions of this part, any person possessing one or more junk vehicles, regardless of ownership, shall shield the vehicles from public view or remove the vehicles to a licensed motor vehicle wrecking facility or to a licensed motor vehicle graveyard after the vehicles are released from the owner."*

Mr. Becker stated that State law says that if an individual has one (1) junk vehicle on their private property it has to be shielded. The City cannot circumvent state law.

Grabow asked if the State legislature alters that state law could the City Commission revisit this Ordinance. Bruce Becker stated yes.

All in favor, Motion passed.

The second reading of Ordinance No. 1972 was held – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1968 BY ESTABLISHING A PROCESS FOR INDIVIDUAL ASSESSMENTS UNDER CERTAIN CIRCUMSTANCES.**

No public comments were given.

Motion was made by Blakeman, second by Ebinger, to approve second reading of Ordinance No. 1972.

All in favor, Motion passed.

Ordinances:

The first reading of Ordinance No. 1973 was held – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NOS. 1877 AND 1890 BY ADOPTING NEW CAPITAL IMPROVEMENTS PLAN TO PREPARE AND IMPROVE STREETS, AVENUES AND ALLEYS WITHIN STREET MAINTENANCE DISTRICT NO. 1.**

Mr. Meece stated that this is an Ordinance, which the City passes under authorization of State law, that allows the City to create street improvements districts and perform maintenance and construction procedures for streets, avenues and alleys.

Motion was made by Blakeman, second by Beebe, to approve first reading of Ordinance No. 1973.

All in favor, Motion passed.

Resolutions:

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3759 - Amended - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE CONTRACT WITH DAVID BUSHNELL CONSTRUCTION TO THE AMOUNT OF \$24,349.00.**

All in favor, Motion passed.

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3755 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING AND IMPROVING STREETS AND ALLEYS IN STREET MAINTENANCE DISTRICT NO. 1 IN THE AMOUNT OF \$383,211.00 FOR FISCAL YEAR 2006-2007 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 Blakeman, second by Beebe, to approve Resolution No. 3756 - **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 2006-2007 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 Ebinger, second by Beebe, to approve Resolution No. 3762 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO MODIFY SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS 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 2006-2007 ESTIMATED TO BE IN THE AMOUNT OF \$41,000.00 AND CALLING FOR A PUBLIC HEARING THEREON.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3763 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO LEASE AND OPTION AGREEMENT WITH GOVERNMENT LEASING COMPANY FOR PURCHASE OF TRAILER MOUNTED SEWER VACUUM IN THE AMOUNT OF \$84,175.00.**

All in favor, Motion passed.

## Action Items:

A discussion was held to consider and/or approve additional CTEP funding allocation for the sign to the I-90 2000 – Landscaping – Livingston, Control #4528 project in the amount of \$17,217.84. This sign was part of the original scope of work for this project but was deleted due to the initial cost estimates in the \$50,000 range.

Mr. Meece commented that this is the final step of the I-90 "2000 Landscaping" project. This sign would be located on 89, south of I-90, at the Interchange, across from McDonald's.

After much discussion, with the Commission decided to move forward with this sign proposal for the I-90 "2000 Landscaping" project, and to ask the Livingston Downtown Association to provide some matching funds for this sign.

Motion was made by Ebinger, second by Beebe, to approve the additional CTEP funding allocation for the sign to the I-90 "2000 Landscaping – Livingston, Control #4528" project in the amount of \$17,217.84 and asking the Livingston Downtown Association to help with the City matching funds.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Grabow wanted to add a comment to the brown signs issue. She commented that the vision was to have something very attractive stating "Original Gateway to Yellowstone". This celebrates the City's beautiful Depot Center that has been added to the historic register as a National Historic Landmark. She would like to consider proposing legislation in this next session to have the kind of signage that Livingston needs.
- Ebinger concurred with Ms. Grabow but feels that this needs to be done on a state-wide level. These signs may not be what we wanted, but it is a stepping-stone and Director Lynch went to great lengths to get these signs for the City of Livingston.
- Caldwell stated that he feels that the City should take what they get and express our gratitude to Director Lynch for his assistance.
- Blakeman asked about the status of the rock crusher being placed at Discovery Vista. Mr. Meece stated that, initially, staff did not believe this would be a good idea. However, a group of city representatives observed the operation of the rock crusher on site. The group was very impressed. The developers use water to significantly reduce the dust, and the equipment is placed behind being behind berms to cut down on the noise. Use of the crusher, on site, will eliminate approximately 1000 dump truck loads of gravel; increasing safety for nearby residents and traffic.
- Grabow stated that it is her understanding of the law regarding the abatement to the bridges is that the City owns that which is attached to the land and the County owns the bridge itself. Bruce

Becker stated that the approaches to the bridges are owned by the City and the bridges and their structures are owned by the County.

Commissioner Blakeman Comments:

- She wanted to know if she could have permission from the Commission to purchase a key from the City for a local family reunion. All Commissioners gave their permission.
- She stated that all she has heard about the Summerfest is great compliments -- that it was the best one yet.

Commissioner Beebe Comments:

- She commented that she knows several people that have moved to Missoula and commented about their water playgrounds. She heard that you could activate the water sprays with a button so the water doesn't have to be going all of the time.
- She also asked about the status of the Section 205 Study. Mr. Meece stated that the Corp of Engineers have provided the City of Livingston with a preliminary outline of the next phase. The Corp of Engineers is going to set up dates for coming to Livingston to begin Phase II of the Section 205 Study.

Commissioner Ebinger Comments:

- He commented about the "H" Street project and has some concerns about possible losing several trees, and that no one was available to deal with this on Friday. Mr. Ebinger has mentioned this to Mr. Meece, and Mr. Meece will be contacting the City Tree Board tomorrow.
- He commented about the cost estimate of the Old East Side School windows, and wondered what the status was. Mr. Meece stated that Mr. Haefs and Mr. Edwards have inspected the building and will be providing repair estimates soon.
- He asked about the Watson property status. Mr. Meece stated that the City of Livingston has an agreement with the Watson's approximately 90% completed. There will be some minor language changes, in order to allow the multi-family home alternative if the utilities under the Yellowstone River are cost-prohibitive. Mr. Ebinger stated that the existing homes and barn on the Watson property would be a great addition to the City as far as part of a park for agriculture history in Park County.
- He asked about the status of the Solid Waste agreement with the County. Mr. Meece replied that a draft has not been finalized with the County.
- He mentioned the letter written by Mr. Schafer about the dust issues, and has encouraged Mr. Schafer to write letters to all of the Commissioners to keep everyone apprised.
- He wanted to clarify why the City shouldn't give the fee waiver to the movie film company. He stated about an earlier conversation with the film company where they said they knew about the costs of the Park and the Civic Center and would present no problem.

- He stated that there is a Water Park Committee that is being formed, to propose raising private funds to assist the City in developing such a facility.
- He commented that he attended both dedication ceremonies for the Sacajawea Statue and feels that this is a great addition to the City. He would like to have a formal letter done of thanks recognizing them at the next City Commission meeting.
- He stated that it had been mentioned to him about the cost for a family at Summerfest, and wondered if the City could do something about this next year.

Commissioner Grabow Comments:

- She wanted to echo Commissioner Ebinger's comments about the Sacajawea statue dedication, and commented that it was one of the highlights in her life. She would like to see if the City could do a proclamation for this.
- She would like to have a letter written to Mary Hagemeyer on the improvements to the Depot Center, as she has done a lot of work.
- She asked about the possibility of re-opening the wading pools for the rest of the summer. She doesn't feel that the chlorine in the water couldn't be pumped onto the grass but could be dissipated before it reaches the grass. Mr. Meece stated that he has met with Mr. Tinsley about this, and the amount of chlorine in the water has to be the same as it is in the swimming pools. The water would have to be de-chlorinated before it hit the ground, and require DEQ approval/permitting, which would be an expensive and timely process.
- She asked about the back taxes for Talgo being paid by Carter Boehm. Mr. Meece stated that Talgo had requested that the County settle with them for \$300,000 of owed back taxes (\$700,000 actually owed). Mr. Meece stated the administration had informed the County that almost 1/2 of the back taxes owed are payable to the City. Likewise, there doesn't appear to be clear legal authority to provide this type of relief. Directly following that meeting Carter Boehm paid the amount to the County Treasurer and bought the tax certificate. Montana Rail-Link (MRL) has since agreed to buy Talgo. Any back taxes owed are now a matter to be resolved between Mr. Boehm and MRL.
- She asked what the status was on the budget. Mr. Meece stated that the City is still waiting on answers from the County as far as any shared expenses are concerned.
- She commented that she is very embarrassed by the Civic Center. She would like to know what can be done as the Civic Center exterior is deteriorating rapidly.
- She wanted to mention that the "Relay for Life" is July 28<sup>th</sup> and July 29<sup>th</sup> and commented that this is a wonderful way to express our support for cancer research.

Chairman Caldwell Comments:

- He wanted to know what the status was with the temporary sign issue. Bruce Becker stated that he will have something provided to the Commission at the next City Commission meeting. Mr. Meece commented that one of the things that the City is going to do with the sign Ordinance is to insert that historic sign issues have to be addressed to the Historic Preservation Commission at the same time.

No public comments were given.

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

The time was 10:28 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION



LIVINGSTON  
CITY COMMISSION  
SPECIAL MEETING  
July 20, 2006  
6:00 p.m.

The Livingston City Commission had a special meeting on Thursday, July 20, 2006 at 6:00 p.m. in the District Court Room in the City/County Building. Commissioners present were Steve Caldwell, Vicki Blakeman, Mary Beebe, Patricia Grabow and Bob Ebinger.

Staff members present were Bruce Becker, Ed Meece, Darren Raney, Clint Tinsley, Jim Mastin and Pam Payovich. Shirley Ewan, Jim Woodhull and Peggy Glass were absent.

Matt Collingwood of the Montana Department of Transportation was present.

A discussion was held regarding the loss of trees resulting from the "H" Street project.

Mr. Meece gave background information relating to the loss of trees on "H" Street. (See attached letter).

There was considerable discussion between the City Commission, City Staff, residents, HKM Engineering and Montana Department of Transportation (MDOT) about communication of the loss of trees on "H" Street.

City residents present were as follows:

Cheryl Pompper of 321 South "H" Street  
Hillary Taylor of 119 North "L" Street  
Laura Bray of 409 South "F" Street  
Michael Nugent of 203 South "H" Street  
Naomi Nugent of 203 South "H" Street  
Jim Barrett of 231 South "H" Street  
Theresa Alkire of 724 East Geyser  
Sandy Seely of 322 ½ South "H" Street  
Della Tucker of 317 South "H" Street

Design staff of HKM Engineering was present.

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

The time was 8:05 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
Pam Payovich  
RECORDING SECRETARY

\_\_\_\_\_  
Steve Caldwell  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
August 7, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, August 7, 2006 in the Community Room of the City/County Complex. Commissioners present were Steve Caldwell, Mary Beebe, Bob Ebinger, Vicki Blakeman and Patricia Grabow.

Staff members present were Bruce Becker, Ed Meece, Shirley Ewan, Darren Raney, Clint Tinsley, Jim Woodhull, Jim Mastin, Duncan Edwards, Peggy Glass and Pam Payovich.

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

- A. Approve July 17, 2006 regular City Commission meeting minutes.
- B. Approve July 20, 2006 special City Commission meeting minutes.
- C. Accept bills and claims for 2<sup>nd</sup> half of July 2006.
- D. Accept bills and claims for FY 2005-2006.
- E. Historic Preservation Commission minutes.
- F. Approve special event request for the Leon Russell concert at the Bandshell on September 13, 2006 from Lazy "H" Productions contingent upon receiving liability insurance naming the City of Livingston as an additional insured.

Grabow requested on page seven (7) of the minutes to add "as a National Historic Landmark" to read: "This celebrates the City's beautiful Depot Center that has been added to the historic register as a National Historic Landmark."

Grabow requested on page nine (9) of the minutes to change her comments to read: "She feels that the chlorine in the water would dissipate, as it does when someone waters their lawn, before it reaches the grass."

Grabow also requested that on page nine (9) of the minutes under her comments to change her comments to read: "She commented that she is very embarrassed by the Civic Center. She would like to see the Civic Center exterior be repainted as it is deteriorating rapidly."

Ebinger requested on page five (5) of the minutes to delete the words "or a back yard" to read: "He believes that there could be some accommodations for those private property owners that do not have fences and only have a front yard to do work on."

Ebinger also requested that on page nine (9) of the minutes to change the spelling of "Boehm" throughout the paragraph.

Ebinger asked about the claim from AME, Inc. and wondered why this line item was over spent. Mr. Meece explained that the claim from AME, Inc. is for their work on the One Month Sewer project. Mr. Meece explained that the line item is shown as overspent based on the original project proposal, it has since been revised to include grant money from the Corps of Engineers and is within budget.

Ebinger requested that the minutes of the Historic Preservation Commission be provided to the City Commission in a more timely manner.

Blakeman asked if something had been worked out between the Farmers Market and Leon Russell concert. Bob Moore, Lazy H Productions, stated that the Farmers Market will hold their event in the Civic Center on September 13, 2006 and on September 14, 2006 at Sacajawea Park. He thanked Mr. Meece, Bob Ebinger and Steve Caldwell for their suggestions.

Caldwell asked about the claim from A-Core of Montana for a curb cut and its location. Clint Tinsley stated was for a curb-out in Northern Lights subdivision. There was a storm drain in the middle of a resident's driveway, and this was requested to be moved.

All in favor of consent items, Motion passed.

#### Employee Recognition:

Joseph Harris, Police Officer was recognized for his civil duty in risking his life to save another by acting quickly. He was awarded the "Medal of Valor" by Police Chief, Darren Raney for his services. Mr. Raney stated that police officers quite often put themselves in difficult situations and are faced with extreme risks. Mr. Harris saved a person's life that seriously intended to commit suicide. Mr. Raney thanked Officer Harris for his courageous service in acting very quickly.

#### Scheduled Public Comments:

Lil Erickson from the Corporation for the Northern Rockies made comment concerning the issues with "Farmers Market" and the "Leon Russell" concert. She thanked the Commissioners for backing the permit approved for August 16<sup>th</sup> and September 13<sup>th</sup>. The Corporation for the Northern Rockies (CNR) were able to negotiate a workable solution with "A Plumm Summer" and with Mr. Moore for the "Leon Russell" concert.

Ms. Erickson asked if the Commission would consider waiving the fees that CNR would be charged for the rental of the Bandshell for this season.

Annie Conley, 116 South "Q" Street, also spoke about the issue with the "Leon Russell" concert and "Farmers Market" being held the same day.

Hillary Taylor, 117 North "L" Street, also made comment on the matter.

Public Hearings:

A public hearing was held for a Zoning map amendment for Howard and Viola Wood. Howard and Viola Wood are the owners of property described as a .24 acre portion of the NE ¼ of the NE ¼, Section 23, Township 2 South, Range 9 East, requested that this property, located at 2 Parkway Drive, be re-zoned from Medium Density Residential (RII) to Highway Commercial (HC).

The Planning Commission recommended approval of this zone change request.

No public comments were given.

Motion was made by Blakeman, second by Beebe, to approve the Findings of Fact for the Wood's Zone Map Amendment request.

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve the Wood's Zone Map Amendment request.

All in favor, Motion passed.

A public hearing was held for a text amendment on residential uses in the Central Business District.

The City Planning staff was asked to explore the possibility of allowing existing houses within the Central Business District (CBD) to be used for residential purposes even though they have been, at one time, converted to a conforming commercial use. The zoning ordinance requires a converted, non-conforming use, such as a house, to remain commercial once converted.

The proposed changes to the existing zoning ordinance are as follows:

Section 30.40 – List of Uses:

Under CBD – Replace Not Allowed (N) with Allowed (A) for Single Family Dwelling and Duplex.

Section 30.30 – Definitions:

CBD – The Central Business District is intended to accommodate stores, hotels, government and cultural centers, professional offices, service establishments and **all manner of housing with an emphasis on high-density residential uses,**

The Zoning Commission recommended approval of this text amendment.

No public comments were given.

Motion was made by Blakeman, second by Beebe, to approve the Findings of Fact for the text amendment for residential uses in the Central Business District.

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve the text amendment for residential uses in the Central Business District as noted.

All in favor, Motion passed.

A public hearing was held for Ordinance No. 1973 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NOS. 1877 AND 1890 BY ADOPTING NEW CAPITAL IMPROVEMENTS PLAN TO PREPARE AND IMPROVE STREETS, AVENUES AND ALLEYS WITHIN STREET MAINTENANCE DISTRICT NO. 1.**

No public comments were given.

Motion was made by Blakeman, second by Ebinger, to approve Ordinance No. 1973.

All in favor, Motion passed.

A public hearing was held for Resolution No. 3764 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING THAT PORTION OF UNDEVELOPED FLESHMAN CREEK ROAD RIGHT-OF-WAY WHICH IS DESCRIBED AS BEING LOCATED 30' ON EITHER SIDE OF THE EAST-WEST CENTERLINE OF SECTION 14 TOWNSHIP 2 SOUTH, RANGE 9 EAST, P.M.M.**

Josh Meredith of 720 North 10<sup>th</sup> Street made comment. Mr. Meredith stated that his property borders this property as described in Resolution No. 3764. His property is in the Palace Addition and includes parcel lot 23 and all lots 24 through 28 and parcel lot 29 through 32. He recommended that the City Commission consider annexing the whole 60-foot easement on the north side of the section line of the County Road.

Jim Woodhull stated that the purpose of annexing this road is to get jurisdiction of the property, not to build a road.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3764.

All in favor, Motion passed.

A public hearing was held for Resolution No. 3766 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING AND IMPROVING STREETS AND ALLEYS IN STREET MAINTENANCE DISTRICT NO. 1 IN THE AMOUNT OF \$383,211.00**

**FOR FISCAL YEAR 2006-2007 AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS AGAINST ALL PARCELS OF PROPERTY WITHIN SAID DISTRICT.**

No public comments were given.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3766.

All in favor, Motion passed.

A public hearing was held for Resolution No. 3767 - **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 LEVYING AND ASSESSING ALL PARCELS OF PROPERTY WITHIN SAID DISTRICT FOR 100 PER CENT OF SAID COSTS FOR FISCAL YEAR 2006-2007 ESTIMATED TO BE IN THE AMOUNT OF \$56,500.00.**

No public comments were given.

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3767.

All in favor, Motion passed.

A public hearing was held for Resolution No. 3768 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, MODIFYING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS THEREIN AND LEVYING AND ASSESSING ALL PARCELS OF PROPERTY WITHIN SAID DISTRICT FOR 100 PER CENT OF SAID COSTS FOR FISCAL YEAR 2006-2007 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. 3768.

All in favor, Motion passed.

Ordinances:

Motion was made by Blakeman, second by Beebe, to approve first reading of Ordinance No. 1974 - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA'S ZONING ORDINANCE BY ESTABLISHING BUILDINGS DESIGN GUIDELINES STANDARDS IN THE DESIGN REVIEW OVERLAY DISTRICT.**

After much discussion, Motion was made by Grabow, second by Beebe, to change all of the words "guidelines" to "standards" throughout Ordinance No. 1974.

All in favor, Motion passed.

All in favor of Ordinance No. 1974 as amended, Motion passed.

A public hearing will be held on September 5, 2006 for the above referenced Ordinance No. 1974.

Motion was made by Blakeman, second by Beebe, to approve first reading of Ordinance No. 1975 - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA'S AMENDING THE ZONING ORDINANCE BY ESTABLISHING AN ENFORCEMENT PROCESS AND PENALTY FOR VIOLATIONS OF SIGN CODE, REQUIRING COMPLIANCE WITH HISTORIC DISTRICT PRESERVATION ZONING AND BY INTEGRATING THE REQUIREMENTS OF THE NIGHT SKY ORDINANCE INTO THE SIGN CODE.**

Ed Meece explained to the City Commission the proposed additions to the Sign section of the Zoning Ordinance.

The Commission requested a few minor changes in the Ordinance, and asked the City Attorney to update it before second reading and public hearing.

All in favor, Motion passed.

A public hearing will be held on September 5, 2006 for the above reference Ordinance No. 1975.

A short break was taken at 8:53 p.m.

The meeting went back into session at 8:59 p.m.

Resolutions:

Next on the agenda was Resolution No. 3765 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO LEVY AND IMPOSE 15.4 OF AUTHORIZED AND UNUSED RESERVED MILLS FOR USE IN FISCAL YEAR 2006-2007 PURSUANT TO 15-10-420 (1)(b) MONTANA CODE ANNOTATED; and,**

Resolution No. 3769 - **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 AUGUST 21, 2006, ON THE PRELIMINARY MUNICIPAL BUDGET FOR FISCAL YEAR 2006-2007 AND OF ITS INTENT TO APPROVE THE FINAL BUDGET ON AUGUST 21, 2006, TO MAKE APPROPRIATIONS ACCORDINGLY AND TO FIX THE TAX LEVY.**

Ed Meece suggested that the Commission table its consideration of Resolution No. 3765 and Resolution No. 3769, and schedule a special workshop to discuss the budget.

Motion was made by Ebinger, second by Grabow, to table Resolution No. 3765 and Resolution No. 3769 until the City Commission meeting on August 21, 2006.

All in favor, Motion passed.

It was determined by the Commission to have a workshop on August 14, 2006 at 7:00 p.m. in the Community Room of the City/County Complex in order to review the proposed budget.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3770 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO REVISE THE CITY OF LIVINGSTON GROWTH POLICY TO INCLUDE FUTURE DEVELOPMENT OF GATEWAY AREAS TO THE CITY.**

The Commission requested that Exhibit "A" to Resolution No. 3770 be changed to read: "The potential areas identified are the railroad property between Gallatin Street and the tracks, Highway 10 West and Highway 10 East going toward the Interchanges and the west side of Highway 89 South as far Guthrie Lane."

Motion was made by Blakeman, second by Grabow, to amend Resolution No. 3770 as stated above to the City Attorney.

All in favor, Motion passed.

All in favor of Resolution No. 3770 as amended, Motion passed.

A public hearing will be held on August 21, 2006 for the above referenced Resolution No. 3770.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3771 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX LAND CONTIGUOUS TO THE CITY DESCRIBED AS BEING ALL OF BLOCKS 11, 12, 13, 15, AND LOTS 1 THROUGH 7 OF BLOCK 14 OF THE MONTAGUE PLACE SUBDIVISION LOCATED IN THE N ½ OF SECTION SEVEN, TOWNSHIP 2 SOUTH, RANGE 10 EAST, P.M.M. PARK COUNTY, MONTANA.**

All in favor, Motion passed.

#### Action Items:

Ed Meece provided the Commission with a memo, and map, explaining the tree removal plan, to date, for the trees on "H" Street. Copies of the memo can be obtained in the City Office from the Administrative Support/Recording Secretary either by phone 823-6001 or by email at [admrecsecretary@ci.livingston.mt.us](mailto:admrecsecretary@ci.livingston.mt.us)



The City Commission requested that the City obtain a second opinion on the removals, from a qualified professional. Beebe requested that the wood resulting from these removals not be wasted, or dumped. Mr. Tinsley stated that it is being stored in the Public Works yard until a decision is made on how to dispose of it.

Several members of the public made comments. They were as follows:

1. Hillary Taylor of 119 South "L" Street
2. Jodi Litchfield of 120 North "H" Street
3. Dale Roberts of 122 South "H" Street
4. Silas Counts of 121 South "H" Street
5. Terry Counts of 126 South "H" Street
6. Trey Coon of 801 East Lewis Street

A discussion was held to authorize City Manager to sign the documents necessary to accept a buy/sell offer on a piece of property in California, jointly owned with the Elks and Masons.

Motion was made by Blakeman, second by Beebe, to authorize City Manager to sign the documents necessary to accept a buy/sell offer on a piece of property in California, jointly owned with the Elks and Masons.

All in favor, Motion passed.

A discussion was held to review and consider approval of final report from the Urban Design Advisory Committee.

Motion was made by Blakeman, second by Beebe, to approve the final report from the Urban Design Advisory Committee.

All in favor, Motion passed.

The City Commission requested the City Manager to contact the members of the Urban Design Advisory Committee to discuss if they would like to continue and/or dissolve at this time.

The City Manager's written comments were reviewed.

- Grabow commended the City Manager on his discussions with Northwestern Energy.
- Ebinger concurred with Grabow's comment.
- Ebinger also mentioned that he is glad the City is possibly getting a web-cam at Sacajawea Park.
- Beebe commented that she is glad that the wading pool issues are still being discussed, and that possibly a water playground will be developed in Sacajawea Park.
- Blakeman asked when the Commission will have a final report from Summerfest. Mr. Meece stated that a report has been submitted, and he hopes to meet with Mr. Kastelitz soon. Following that discussion, the report will be submitted to the City Commission.

- Caldwell asked if "A Plumm Summer" needed a new permit due to the fact that they changed the dates. Mr. Meece stated that he thought it would be better to amend their permit, upon completion of their activities.
- Mr. Meece stated that the Trails and Greenways Task Force meeting is scheduled to be on August 10, 2006 at 6:30 p.m.
- Mr. Meece stated that the budget packet that was handed out to the Commission with their Commission packets is current as of Friday afternoon. This morning new information was received regarding the 'floating mills', this will necessitate changes to the budget.

Commissioner Blakeman Comments:

- She requested that the Commission receive their budgets early, on so they adequate time to review it before the workshop.
- She liked the idea of putting an event calendar on the City web-site, and feels this would make it easier the Livingston Chamber of Commerce to keep residents and tourists informed as well.
- She commented that she is getting a lot of complaints about the movie activities, from downtown business owners. The business owners feel they are losing money, due to street closures/etc, and that the movie is not communicating well about such matters.

Commissioner Beebe Comments:

- She commented that John Fryer complained about sidewalk damage, in front of his business, from skate-boarders. The sidewalk is crumbling and some of the purple glass insets are becoming damaged.
- She also asked about the placement of garbage cans downtown. Grabow commented that Clint Tinsley and Joel Reinholz are going to be marketing the new garbage cans on Thursday afternoon to the downtown business owners.

Commissioner Ebinger Comments:

- He commented that Dan Gutebier had stated that he had a better insurance proposal for the City, and was wondered why his company was not chosen. Mr. Meece stated that it was only for the Fire Department, and City had already finalized their insurance agreement with Montana Municipal Insurance Authority (MMIA). Mr. Meece explained that in addition to coverage, MMIA has other risk management resources, for example: MMIA is planning on preparing to conduct safety audits in each City department, at no expense to the City, during the month of September.
- He asked what the status was with the Bandshell rental insurance. Mr. Meece stated that he doesn't have a recommendation at this time.
- He asked about the I-90 signage, and possible communicating with the Downtown Association for matching funds. He also wanted to be sure that the sign is not backlit. Mr. Meece stated that there is only one neon bar that trims the sign.

- He asked about the Yellowstone River Bridge at Sacajawea Park, and commented that the structure is the responsibility of County government. He feels that this bridge really needs to be worked on as soon as possible. Clint Tinsley stated that it is on the County's schedule for improvements, in the near future.
- He asked about the East Side School window repair status. Mr. Meece stated that the estimates should be available for review at the 8-21-06 meeting.
- He asked about the Solid Waste agreement. This is moving forward and hopes there will be an agreement with Zia Engineering on the Solid Waste study in order for the City and the County to come to an agreement.
- He wanted to be sure that a Thank You letter is written to the Great Bend of the Yellowstone Lewis and Clark Heritage Commission for their participation with the Sacajawea statue.
- He commented that he has only had one email complaint about the movie. He is very impressed with their signage informing people that all businesses downtown are open. To this point, he hasn't had a hard time parking downtown.
- He would like to thank all of those people involved in coordinating the issues of the "Farmers Market", the "Leon Russell" concert and the "A Plumm Summer" movie conflicts and feels that this is what should have happened.

Commissioner Grabow Comments:

- She wanted to echo Mr. Ebinger's comments about the movie, and the effort required to get films located in Montana. The long-term effect for the business community is going to be positive, and she would like to commend the movie crew for bringing the film to Livingston.
- She wanted to say again since we have a slim budget that we should be looking at increasing our tax base.
- She stated that at the last meeting she suggested that City staff investigate painting the Civic Center with the assistance of Community Service volunteers.
- She commented about the landscaping in the "B" Street parking lot, and wondered if in fact this was going to happen. Clint Tinsley stated that there is no plan for landscaping in the "B" Street parking lot.
- She stated that she would like to compliment the National Park Conservation Association for the brochure they mailed out. She mentioned that Livingston is part of the Greater Yellowstone National Park, and when the City creates pollution it goes to the Park. In the brochure it mentions a preliminary study of the bio-diesel buses and knows that the Park is interested in bring a bus into Livingston. She would like to see the City continue with the concept of bio-diesel.
- She mentioned that she would like to have the Yellowstone Country Board of Directors vacancy advertised again. Livingston needs to be more aggressive with this organization.

- She mentioned that on August 15<sup>th</sup> at 6:30 p.m., at the Elks Lodge, is the kick off of the downtown partnership and everyone is invited to attend.

Chairman Caldwell Comments:

- He commented that he did hear from Harry Schaffer of the dust control issue and doesn't know what the City's options are as of yet.

Public comments:

Hillary Taylor of 119 South "L" Street made comments that the City should establish budget funds for the annual removal and replacement of trees.

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

The time was 10:40 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
August 21, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, August 21, 2006 in the Community Room of the City/County Complex. Commissioners present were Vicki Blakeman, Mary Beebe, Steve Caldwell, Patricia Grabow and Bob Ebinger.

Staff members present were Bruce Becker, Ed Meece, Shirley Ewan, Darren Raney, Clint Tinsley, Jim Woodhull, Jim Mastin, Duncan Edwards, Peggy Glass and Pam Payovich.

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

- A. Approve August 7, 2006 regular City Commission meeting minutes.
- B. Accept bills and claims for 1<sup>st</sup> half of August 2006.
- C. Department Heads monthly reports and other committee minutes.
- D. Approve special event request from R-Y Timber for their company picnic to be held at Sacajawea Park on August 26, 2006 at 5:00 p.m. Also camping for them by the tennis courts at the Park in order to prepare and barbeque meat for the picnic on August 25, 2006, 2006.
- E. Approve and award bid for City fleet as recommended by City Manager.
- F. Addendum: Approve special event request from the Corporation for the Northern Rockies for "Farmers Market" to be held on September 13<sup>th</sup> at the Civic Center and September 14<sup>th</sup> at Miles Park.

Grabow asked why there were no Historic Preservation Commission (HPC) minutes in the packet. Mr. Meece stated that the HPC minutes were provided in the packets last Commission meeting and no other minutes had been received before this meeting.

Grabow asked why Whiting Motors was the only one that provided a bid for the City fleet vehicle repair. Mr. Meece stated that the bid was advertised in the Livingston Enterprise, and was also faxed to every auto repair business in the City.

Grabow asked about the claim from B & L Grinding for grinding of compost pile and wondered if this was a regular budgeted item. Clint Tinsley stated that it is a budgeted item and it is done twice a year.

Grabow asked about the claim from Centrone Services and wondered why the City turns over collections so quickly. Shirley Ewan stated that if the City doesn't turn them over quickly, administrative staff cannot accommodate the volume of tickets received.

Grabow asked about the claim from CTA Nelson Engineering and wondered why this line item was over spent. Clint Tinsley stated that the biggest reason for the extra cost from CTA Nelson Engineering is because the contractor for the "One Month Sewer" project went over project time.

Ebinger asked about the claim from Colmey Veterinary Hospital for the injured puppy and wondered if this animal was from the Stafford Animal Shelter. Vicki Blakeman stated that when the Animal Control Officer picks up an injured animal that is significantly injured she takes them directly to a veterinarian.

Ebinger asked about the claim from Home Depot, and whether the item could have been purchased locally. Shirley Ewan stated the item was not available locally.

Ebinger asked about the Montana Municipal Insurance Authority (MMIA) claim and wondered what this was for. Shirley Ewan stated that a resident filed a claim against the City for flooding and damage to their house.

Ebinger stated that he thinks the amount of 2-hour parking tickets given last month is excessive. He believes the City should be more lenient in the summer months – due to tourism.

Ebinger asked about the sewer revenues being \$3000 under budget, and if this was an indication of a problem. Clint Tinsley stated at this time it is really to early to tell.

Ebinger asked about the Park County Local Emergency Planning Committee (LEPC) minutes and commented that he didn't understand what they said. Peggy Glass stated that the first part is a plan that was put on by the Health Department for flu shots. Mr. Meece stated that LEPC is a group that prepares for any disasters in the City and/or County. These minutes indicate that they are trying to get grants for practice exercises to prepare for a disaster.

Ebinger mentioned that the City needs to have a representative for the Yellowstone Country Board of Directors. Mr. Meece mentioned that the City has advertised for this position three times, and have not had any applications. He stated that if the Commission knows anyone that is interested, please ask them to fill out an application.

Blakeman asked about the claim from Centrone Services and wondered what percent do they receive for the City. Shirley Ewan stated that the City collects 50% to 75% and Centrone collects about the same.

Blakeman asked about the claim from Tire-Rama for tires for the Angel Line van's and wondered if the County is going to take over Angel Line. Clint Tinsley stated that this question came up in a City/County meeting before Mr. Meece became City Manager and there hasn't been anything mentioned

since then. The Commission asked if this could be brought up at the next City/County meeting for further discussion.

Caldwell brought up the issue about the 2-hour parking tickets and mentioned that when someone parks in a place for 2 to 3 hours at a time it precludes someone else from parking there.

All in favor of consent items, Motion passed.

Variations:

North "N" LLC, owners of property located at 605 North "N" Street, requested a variance from the side setback requirement for RII zoning districts. They want to build a carport for the residents of the existing apartment building, which is proposed to have no setback from the side property line. Code requires a five (5) foot side setback.

The Findings of Fact section of the staff report supported a recommendation of approval of this variance request as referenced above.

Motion was made by Ebinger, second by Beebe, to approve the Findings of Fact of North "N" LLC variance request.

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve North "N" LLC variance request.

All in favor, Motion passed.

Public Hearings:

**A public hearing was held for Resolution No. 3772 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING LAND CONTIGUOUS TO THE CITY DESCRIBED AS BEING ALL OF BLOCKS 11, 12, 13, 15, AND LOTS 1 THROUGH 7 OF BLOCK 14 OF THE MONTAGUE PLACE SUBDIVISION LOCATED IN THE N ½ OF SECTION SEVEN, TOWNSHIP 2 SOUTH, RANGE 10 EAST, P.M.M. PARK COUNTY, MONTANA.**

Hillary Taylor of 14 Cokedale asked if the Commission could require a setback from the Yellowstone River, for Lots 4 through 7 of Block 14. Ms. Taylor mentioned that if this property was in the County, their regulations would require a 100' setback.

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3772.

Ebinger asked what the setback was for the City. Caldwell stated that he doesn't believe that the City has a setback from the River requirement and wondered what the legal authority would be for requiring a setback.

Jim Woodhull stated that the Commission would have to amend the subdivision regulations and suggested that this be done through the Zoning Ordinance.

Caldwell asked if the setback of the River could be a condition of this annexation. Mr. Woodhull commented that he feels that the land is further back from the River than the map that was provided shows.

Mr. Tinsley stated that he could provide a more accurate map for the Commissioner to see that the 100' setback requirement would not be necessary.

All against, Motion denied.

A public hearing was held for Resolution No. 3773 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REVISING THE CITY OF LIVINGSTON GROWTH POLICY TO INCLUDE FUTURE DEVELOPMENT OF GATEWAY AREAS TO THE CITY.**

No public comments were given.

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3773.

All in favor, Motion passed.

Ordinances:

The first reading was held on Ordinance No. 1976 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 ENTITLED OFFICIAL ZONING MAP OF THE LIVINGSTON MUNICIPAL CODE BY REZONING, A .24 ACRE TRACT LOCATED IN THE NE ¼ OF SECTION 23, T2S, R9E, FROM MEDIUM DENSITY RESIDENTIAL (RII) TO HIGHWAY COMMERCIAL (HC).**

Motion was made by Ebinger, second by Beebe, to approve first reading of Ordinance No. 1976.

All in favor, Motion passed.

A public hearing will be held on September 18, 2006 for Ordinance No. 1976.

The first reading was held on Ordinance No. 1977 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE DEFINITION OF CENTRAL BUSINESS DISTRICT AS CODIFIED IN SECTION 30.30 TO ALLOW RESIDENTIAL HOUSING AND AMENDING SECTION 30.40 LIST OF USES IN THE CENTRAL BUSINESS DISTRICT TO ALLOW RESIDENTIAL USES IN THE CENTRAL BUSINESS DISTRICT (CBD).**

Motion was made by Ebinger, second by Grabow, to approve Ordinance No. 1977.



Motion was made by Ebinger, second by Grabow, to amend Ordinance No. 1977 to use the alternate language under CBD to read: "...all manner of housing with an emphasis on high-density residential uses".

All in favor, Motion passed.

All in favor of Ordinance No. 1977 as amended, Motion passed.

A public hearing will be held on September 18, 2006 for Ordinance No. 1977.

Resolutions:

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3765 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO LEVY AND IMPOSE 15.4 OF AUTHORIZED AND UNUSED RESERVED MILLS FOR USE IN FISCAL YEAR 2006-2007 PURSUANT TO 15-10-420 (1)(b) MONTANA CODE ANNOTATED.**

Ebinger asked in the sixth whereas to delete the work "value" to read: "Whereas, the mill value for FY 2006-2007 is 150.74 which is 1.26 mills less than was levied by the City for FY 2005-2006."

Ebinger asked to change FY 2006-2006 to FY 2005-2006 to read: "That it is the intent of the City of Livingston, Montana, to impose the 15.4 mill reserved by the City for use in FY 2005-2006 and to maintain these additional mills as part of the mill levy for future years."

All in favor, Motion passed.

A public hearing will be on Tuesday, September 5, 2006 for Resolution No. 3765.

Motion was made by Blakeman, second by Beebe to approve Resolution No. 3769 - **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 5, 2006, ON THE PRELIMINARY MUNICIPAL BUDGET FOR FISCAL YEAR 2006-2007 AND OF ITS INTENT TO APPROVE THE FINAL BUDGET ON AUGUST 21, 2006, TO MAKE APPROPRIATIONS ACCORDINGLY AND TO FIX THE TAX LEVY.**

Mr. Meece noted that a supplementary packet of changes to the proposed FY 07 budget was provided to the Commission.

Grabow stated that she was very disappointed that the public didn't show up at the workshop on the budget. She stated "...is government an efficient supplement of providing services or is it the voice of the people. Does it reflect what the community wishes!" She doesn't believe that this budget reflects what the community wants, from what she has heard. She believes the budget isn't back to basics, and commented that back to basics to her is

government of the people, by the people, and for the people. She is concerned about the "back to basics" philosophy that this budget is suppose to be.

Mr. Meece stated that his "back to basics" philosophy is that he is trying to take a look at our core of services as a government. The services that he believes our citizens most expect us to provide and provide them well; such as fire, police, public safety, recreation, dispatching, planning, and zoning. The FY 07 budgeting process took a look at how well the City is providing these services, and how well we are caring for our assets.

Beebe said she is uncertain as what items the public is asking for, that aren't addressed in the budget. She said that perhaps Commissioner Grabow could provide a list of these items to the City Commission.

Blakeman stated that she believes that the public is looking at the government to provide what they need, not necessarily what they want. Even though their wants are valid, their needs are more important than their wants.

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

A public hearing will be held on Tuesday, September 5, 2006 for Resolution No. 3774.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3774 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE CITY OF LIVINGSTON ANNEXATION POLICY TO INCLUDE FUTURE DEVELOPMENT AROUND THE CITY.**

Grabow asked if this annexation request included Green Acres. The map provided in the packet does include Green Acres.

This doesn't necessarily mean that all of the proposed property line will be annexed in the City. Each parcel will consider annexation on its own time.

All in favor, Motion passed.

Action Items:

A discussion was held to consider requests for abatement's for street improvement districts from individuals.

An abatement of property taxes was requested from Cheryl Bartha of 1001 Ridgeway Drive.

No action was taken.

An abatement of property taxes was requested from Lahren Family Trust of the Lease #501 from Montana Rail Link Inc. This property is maintained by the Highway Department.

No action was taken.

An abatement of property taxes was requested from Shawn Titeca. A description of this property provided by owner and a map was requested by the Commission before taking any action.

A discussion was held to review and consider approval of the County Resolution for the Use of Meeting Rooms in the City/County Complex.

After much discussion it was determined to post-pone the Resolution as referenced above until the next City Commission meeting. The Commission wants to discuss their concerns with the County Commissioners at the next City/County meeting before taking action.

A discussion was held to reconsider paying a portion of the Headwaters Cooperative Recycling invoice in the amount of \$10,946.10.

Mr. Meece commented that the invoice as referenced above is in the packet from Headwaters Cooperative Recycling. This is a pro-rated bill. Last year was the first year that the City has ever paid for a portion of the Headwaters Cooperative Recycling bill. City Staff is concerned about this bill. The recyclables have not been picked up properly. As the canisters have become full then the recyclables start flowing around the canisters because of untimely pick-ups.

Lee Grindinger, Chairman of the Refuse Board, was present to answer any questions from the Commission.

Blakeman commented that the average citizen will only see that the City isn't recycling their newspapers or the bottles. Until the City or the County has a viable alternative for next year, the City should pay for the portion of the Headwaters Cooperative Recycling invoice.

Motion was made by Ebinger, second by Blakeman, to sign a contract with Headwaters Cooperative Recycling for the next fiscal year.

Mr. Meece commented that he feels the contract needs to have some kind of guidelines based upon the performance that has to be delivered.

Motion was withdrawn.

Motion was made by Ebinger, second by Blakeman, to join the County in paying a portion of the Headwaters Cooperative Recycling invoice in the amount of \$10,946.10.

All in favor, Motion passed.

Motion was made by Ebinger, second by Blakeman, to reconsider Resolution No. 3772.

All in favor, Motion passed.

Motion was made by Grabow, second by Blakeman, to post-pone Resolution No. 3772 for consideration until, Tuesday, September 5, 2006 City Commission meeting.

All in favor, Motion passed.

A discussion was held to consider the recommendation from the Public Works Director to authorize CTA Nelson Engineering additional fees in order to provide engineering services for the City to bid E, F & G Streets Water Main project in the amount of \$18,910.00.

Motion was made by Blakeman, second by Beebe, to authorize CTA Nelson Engineering additional fees required to provide engineering services for the City to bid E, F & G Streets Water Main project in the amount of \$18,910.00.

Ebinger asked why the City crews were helping on the "H" Street project. Clint Tinsley stated that the City usually starts water projects the third Monday of every month, and with the "H" Street project going on the City has not been able to start the water project. After the "H" Street project is done, there will be little time to do the E, F & G street water projects before winter. With the cost of materials continually going up, Mr. Tinsley would like to go out for bid on this project.

Grabow stated that essentially these additional fees for CTA Nelson Engineering are because of the "H" Street project delaying the water project on E, F & G streets. Clint Tinsley said that is not necessarily true. The City decided to delay the water project on E, F, and G streets so that it would not interfere with the "H" Street project and because it had a shortage of manpower. He feels that the City needs to go out for bid, and investigate hiring a contractor for this project before the cost of materials goes up any higher.

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

A discussion was held to consider authorizing the City Manager to sign a purchase order for a City of Livingston flag. The proposed flag will be the City of Livingston logo in black and white with the background color of sky blue.

Motion was made by Blakeman, second by Beebe, to authorize City Manager to sign purchase order for a City of Livingston flag as referenced above.

All in favor, Motion passed.

A discussion was held to authorize City Manager to move forward with the stabilization improvement proposal for the East Side School in the amount of \$49,314.00.

Mr. Meece provided the Commission in their packets a memo for stabilization improvements for the East Side School.

Mr. Meece stated that these are the estimates that the City Commission requested for the East Side School. He stated that project "B" could wait. Duncan Edwards stated that he would recommend doing project "A" and project "C" right a way.

Ebinger mentioned that on project "C" -- replacement of 12 exterior doors with new locks, and rebuilding of shed doors on west side, with siding repair work; and repair of 21 lower window casings -- to be sure this project is done by the Secretary of Interior standards.

Grabow stated that CTEP monies could help with this project. Also she mentioned that the East Side School still is not on the national historic register. There could be funding for this instead of taking it out of the City budget. Funding could be, Grabow believes, available through grants and other sources.

Ebinger feels that the problem is if the City applies for any grants now they wouldn't get them until next year and the School needs to be fixed immediately before there is any more deterioration.

After much discussion, the Commission determined to have City staff present a recommendation for funding for projects A, C & D, and investigate if there are any grants/emergency funding available.

A discussion was held to consider authorizing the Tri-County Network Against Domestic & Sexual Violence the use of the City of Livingston logo for a fundraiser called "Livingstonopoly".

Motion was made by Blakeman, second by Ebinger, to authorize the Tri-County Network Against Domestic & Sexual Violence to use the City of Livingston logo for a fundraiser called "Livingstonopoly" subject to the consent from the original artist.

All in favor, Motion passed.

A discussion was held to give administration direction regarding "A Plumm Summer" offer to finish painting the bandshell (either returning the front façade to White or completing the Buttercup color on the back).

Grabow stated that she had talked with the Historic Preservation Commissioners (HPC) and they would like to have time to pick out an appropriate color for the Bandshell. Ms. Grabow also contacted Kenyon

Noble and they offered to donate the paint for painting the Bandshell. I was suggested by the Chairman of the Historic Preservation Commission that they pick out ten colors that they like and take to the HPC so they could make the final determination of the color scheme for the Park.

After much discussion it was determined to ask the HPC to select a new color for the band shell, and coordinate the cost for re-painting with the administration.

Motion was made by Blakeman, second by Ebinger, to appoint Matt Tubaugh as a full-time employee and to authorize City Manager to send letter confirming appointment.

All in favor, Motion passed.

A project status and update of the trees was given on the "H" Street project by Ed Meece, City Manager.

Mr. Meece provided the Commission with a map on the "H" Street project of the trees that were removed, where the trees will be replaced and also where the trees will still have to be removed.

Mr. Meece stated that Ryan Stover, City Forester, City of Bozeman, came to Livingston to give his opinion of the removal of the trees on "H" Street. Mr. Stover concurred with the decisions made by the City of Livingston, and the Forester, Ron Nelson. Mr. Stover also took a sample of one of the Elm trees to see if it was diseased, and will let Mr. Meece know.

Mr. Meece noted that he will keep the Commission and the public up to date on the removal and replacement of trees on the "H" Street project.

The City Manager's written comments were reviewed.

- Ebinger asked about the special meeting with the County and wanted to know if this was going to be held on September 18, 2006. Mr. Meece stated it was determined by the County to be held on September 18, 2006 at 1:00 p.m. and wondered if this is all right with the City Commission. The City Commission concurred.

Commissioner Blakeman Comments:

- She mentioned that at the budget workshop it was brought up about the letter relating to the sign on the Interchange at Exit No. 333 and was wondering what the status was. Mr. Meece stated that the City has been communicating with Montana Department of Transportation (MDOT) and with Mr. Raffety. Mr. Meece mentioned that there was a letter sent to Jodi Litchfield on the original approval of the sign when it was first proposed for the exact location. Mr. Meece will contact MDOT when he receives a copy of the letter from Ms. Litchfield.

Commissioner Beebe Comments:

- She asked if the City sells their composting or is this a plan for the future. Clint Tinsley stated that the City's compost is not for sale. Most of the composting this year was taken to the Cemetery to start the tree farm. The City will know more next year about the progress with the Cemetery and what the condition will be for the composting as to whether the City can sell it or not.
- She asked about the banner from the Sport to the light pole for live poker. She was wondering if this banner fits in with the sign code and if the owners of the Sport could be forced to put the banner flat against the building so it wouldn't be so intrusive. Jim Woodhull stated that they have 30 days to change the banner but as long as they meet certain specifications for height, material and they purchase a permit it is not illegal.

Commissioner Ebinger Comments:

- He asked about the request of waiving all of the fees for the use of the Bandshell from Farmers Market and was wondering if they had requested this formally. It was the consensus of the Commission to put this item on the next City Commission meeting agenda.

Commissioner Grabow Comments:

- She asked if public comments could be put on the agenda at the beginning of the City Commission meeting. Steve Caldwell stated that if someone wants to comment about something that is topic related on the agenda then the Commission takes their comments anyway. This is what the scheduled public comment section is for on the agenda. Anyone can write a letter to the Commission referencing what they would like to talk about and then it can be put on the next City Commission agenda as a scheduled public comment. Scheduled public comments are on the agenda right after consent items.
- She made comment about long strategic planning for increasing the tax base. She feels that the Commission should take a serious look into strategic planning.
- She noted that in the minutes of the Trails & Greenways Task Force they mentioned the potential of forming a Park's Committee. She feels that this would be worth the City's best interest to have a Park's Committee. Ms. Grabow commented that there used to be a Park's Committee that made recommendations and raised money for Sacajawea Park.

Chairman Caldwell Comments:

- He asked if the City has investigated the skateboarders damaging the sidewalks. Mr. Meece stated that he has seen more activity at the skate park but also has seen skateboarder's downtown and doesn't know what the significance of this is. Mr. Meece commented that there is some curb damage on the sidewalks but doesn't know how extensive it is. The Commission requested that

LIVINGSTON  
CITY COMMISSION MEETING  
September 5, 2006  
(Tuesday)  
7:30 P.M.

The Livingston City Commission met in regular session on Tuesday, September 5, 2006 in the Community Room of the City/County Complex. Commissioners present were Patricia Grabow, Steve Caldwell, Bob Ebinger, Mary Beebe and Vicki Blakeman.

Staff members present were Bruce Becker, Ed Meece, Shirley Ewan, Darren Raney, Clint Tinsley, Jim Woodhull, Jim Mastin, Duncan Edwards, Peggy Glass and Pam Payovich.

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

- A. Approve August 21, 2006 regular City Commission meeting minutes.
- B. Accept bills and claims for 2<sup>nd</sup> half of August 2006.

All in favor of consent items, Motion passed.

A scheduled public comment was scheduled for Lloyd Anderson but he was not present for comment.

Public Hearings:

A public hearing was held on Ordinance No. 1974 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE CITY OF LIVINGSTON, MONTANA, AMENDING THE CITY OF LIVINGSTON, MONTANA'S ZONING ORDINANCE BY ESTABLISHING BUILDINGS DESIGN REVIEW OVERLAY DISTRICT.**

No public comments were given.

Motion was made by Ebinger, second by Beebe, to approve second reading of Ordinance No. 1974.

All in favor, Motion passed.

A public hearing was held on Ordinance No. 1975 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE CITY OF LIVINGSTON, MONTANA'S ZONING ORDINANCE BY ESTABLISHING AN ENFORCEMENT PROCESS AND PENALTY FOR VIOLATIONS OF SIGN CODE, REQUIRING COMPLIANCE WITH HISTORIC DISTRICT PRESERVATION ZONING AND BY INTEGRATING THE REQUIREMENTS OF THE NIGHT SKY ORDINANCE INTO THE SIGN CODE.**

No public comments were given.



Motion was made by Ebinger, second by Beebe, to approve second reading of Ordinance No. 1975.

Grabow commented about the fifteen (15) working day delivery of the notice of violation, and felt that this is not enough time and should be changed to forty-five (45) working days.

Blakeman stated that this Ordinance deals with a business owner who is in violation. There is already a process that allows for a 30-day temporary sign, which results in the same amount of time.

Motion was made by Grabow to change the wording to read: "If the violation is not brought into compliance within forty-five (45) working days from the personal delivery of the notice of violation." No second was given.

4 in favor to approve Ordinance No. 1975 as written; Blakeman, Beebe, Caldwell and Ebinger; 1 against, Grabow, Motion passed.

A public hearing was held for Resolution No. 3772 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING LAND CONTIGUOUS TO THE CITY DESCRIBED AS BEING ALL OF BLOCKS 11, 12, 13, 15, AND LOTS 1 THROUGH 7 OF BLOCK 14 OF THE MONTAGUE PLACE SUBDIVISION LOCATED IN THE N ½ OF SECTION SEVEN, TOWNSHIP 2 SOUTH, RANGE 10 EAST, P.M.M. PARK COUNTY, MONTANA.**

No public comments were given.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3772.

All in favor, Motion passed.

A public hearing was held for Resolution No. 3776 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE CITY OF LIVINGSTON ANNEXATION POLICY TO INCLUDE FUTURE DEVELOPMENT AROUND THE CITY.**

No public comments were given.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3776.

All in favor, Motion passed.

A public hearing was held for Resolution No. 3779 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, IMPOSING 15.4 OF AUTHORIZED AND UNUSED RESERVED MILLS FOR USE IN FISCAL YEAR 2006-2007 PURSUANT TO 15-10-420 (1)(b) MONTANA CODE ANNOTATED.**

No public comments were given.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3779.

All in favor, Motion passed.

A public hearing was held for Resolution No. 3778 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2006-2007, ESTABLISHING THE TAX LEVY, MAKING APPROPRIATIONS AND AUTHORIZING CITY MANAGER TO AMEND BUDGET.**

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3778.

Grabow stated that she still feels that this budget does not reflect many of the priorities of the community.

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

Ordinances:

The first reading was held on Ordinance No. 1978 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1915 AND 1933 AS CODIFIED IN CHAPTER 4, ANIMALS, OF THE LIVINGSTON MUNICIPAL CODE BY PROVIDING THAT DOG LICENSE FEES BE SET BY RESOLUTION.**

Motion was made by Blakeman, second by Beebe, to approve first reading of Ordinance No. 1978.

All in favor, Motion passed.

A public hearing will be held on September 18, 2006 for Ordinance No. 1978.

Resolutions:

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3775 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE DOG LICENSE FEE BY INCREASING THE FEE IN THE AMOUNT OF \$5.00.**

Grabow suggested that the license fee for spayed or neutered dogs be increased from \$10 to \$15 and the license fee for un-spayed or un-neutered dogs should be increased from \$20 to \$35.

Motion was made by Grabow, second by Beebe, to increase the license fee of dogs for spayed or neutered dogs from \$10 to \$15 and to increase the license fee of dogs un-spayed or un-neutered from \$20 to \$35.

All in favor, Motion passed.

All in favor of Resolution No. 3775 as amended, Motion passed.

A public hearing will be held on September 18, 2006 for Resolution No. 3775.

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3777 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX LAND CONTIGUOUS TO THE CITY DESCRIBED AS BEING THAT PORTION OF LOVE'S LANE FROM ITS JUNCTION WITH U.S. HIGHWAY 89 SOUTH TO THE WESTERLY BOUNDARY OF LOT 4 AND LOT 11 OF THE ORIGINAL PLAT OF ACREVILLE PLAT NO. 393, LOCATED IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 9 EAST, P.M.M., PARK COUNTY, MONTANA.**

All in favor, Motion passed.

Action Items:

A discussion was held to re-consider requests for abatement's for street improvement districts from individuals.

An abatement of property taxes was requested from Cheryl Walsh of 1001 Ridgeway Drive.

Motion was made by Ebinger to approve abatement of property taxes requested from Cheryl Walsh of 1001 Ridgeway Drive, No second. Motion fails.

An abatement of property taxes was requested from Lahren Family Trust of the Lease #501 from Montana Rail Link Inc. This property is maintained by the Highway Department.

Motion was made by Ebinger to approve abatement of property taxes requested from the Lahren Family Trust, No second. Motion fails.

An abatement of property taxes was requested from Shawn Titeca of 426 North 12<sup>th</sup> Street.

City staff recommended that Mr. Titeca be granted relief from street maintenance district assessments on lots 8-13 on 11<sup>th</sup> Street, upon the condition that these lots remain undeveloped. Upon development, by this owner, or subsequent owners, lots 3-13 will revert to participation in the street maintenance district.

Motion was made by Blakeman, second by Grabow, to grant relief to Shawn Titeca of 426 North 12<sup>th</sup> Street from street maintenance district assessments on lots 8-13 on 11<sup>th</sup> Street, upon the condition that these lots remain undeveloped. Upon development, by this owner, or subsequent owners, lots 3-13 will revert to participation in the street maintenance district.

All in favor, Motion passed.

An abatement of property taxes was requested from Susan and Robert Osborn of 1008 Ridgeway Drive.

Motion was made by Blakeman, second by Ebinger, to approve abatement of property taxes from Susan and Robert Osborn of 1008 Ridgeway Drive.

All against, Motion denied.

A discussion was held to review and approve the County Resolution for the use of the meeting rooms in the City/County Complex.

Motion was made by Blakeman, second by Ebinger, to approve the County Resolution for the use of the meeting rooms in the City/County Complex.

All in favor, Motion passed.

A discussion was held to review and approve amendment to professional services contract for Zia Engineering and Environmental Consultants with the County.

Motion was made by Grabow, second by Blakeman, to approve amendment to professional services contract for Zia Engineering and Environmental consultants with the County.

All in favor, Motion passed.

A project status and update of the trees was given on the "H" Street project by Ed Meece, City Manager.

Mr. Meece provided the Commission with a map on the "H" Street project of the trees that were removed, where the trees will be replaced and also where the trees will still have to be removed.

Mr. Meece noted that he will keep the Commission and the public up to date on the removal and replacement of trees on the "H" Street project.

A discussion was held to approve request from Farmers Market to waive fees for the use of the Bandshell.

Steve Caldwell re-cused himself from this discussion, due to his position as Chairman of the Board for the Corporation for the Northern Rockies.

After much discussion, it was determined to waive a portion of the fees.

Motion was made by Ebinger, second by Beebe, to waive Farmers Market's fees for the use of the Bandshell during the 2006 Summer in the amount of \$800.00.

3 in favor; Beebe, Blakeman and Ebinger, 1 against; Grabow and 1 re-cused; Caldwell, Motion passed.

A discussion was held to accept or modify recommendation regarding stabilization improvements to the Old East Side School building.

Mr. Meece provided in the packet his suggested alternatives for funding the projects discussed regarding the Old East Side School building in the amount of \$48,394.

**Alternatives:**

- 1). ***Reduce Technology project by \$10,000  
Reduce Urban Design Plan by \$12,000  
Eliminate Sprinklers at Cemetery - \$20,000  
Utilize \$2,000 for East Side Maintenance  
Eliminate the Restroom project - \$5,110***

***Total - \$49,110***

- 2). ***Same as above, except leave the Urban Design Plan alone and instead reduce the Sidewalk budget by \$12,000.***

The alternatives above would allow the City to make the improvements at the Old East Side School, without cutting operational items. All of the items are important, however, if the City Commission deems this a bigger priority then staff will accommodate that desire.

Motion was made by Ebinger, second by Beebe, to accept alternative one (1) as stated above regarding the stabilization improvements to the Old East Side School building.

Grabow asked if the money for the Urban Design Plan was for the cost projections to be given for the design of Downtown. Clint Tinsley stated that price of engineering for the Downtown is well over what is in the budget. The money in the Urban Design Plan is for studies of the design of downtown not for the construction.

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

A discussion was held to consider approving content of annexation agreement with Ted Watson, direct Staff to draft a Resolution of Intent to Annex and authorize City Manager to sign annexation agreement.

Motion was made by Blakeman, second by Ebinger, to approve content of annexation agreement with Ted Watson, direct Staff to draft a Resolution of Intent to Annex and authorize City Manager to sign annexation agreement.

All in favor, Motion passed.

Mr. Ted Watson thanked the Commission for their consideration of this annexation proposal.

A discussion was held to accept resignation from Judge Jerome Lord, and direct Staff how to proceed regarding the selection of a finalist for appointment to this office.

Judge Lord addressed the Commission as to the reasoning for his resignation. Mr. Lord offered his assistance to the Commission, as needed, in the interview process for his replacement.

Motion was made by Grabow, second by Ebinger, to accept Judge Jerome Lord's resignation.

All in favor, Motion passed.

Mr. Meece commented that on behalf of the City Staff, we have all enjoyed working with Judge Lord and he will be missed.

The City Manager's written comments were reviewed.

Commissioner Blakeman Comments:

- She commented that when the Commission talked about raising the dog licensing fees they had talked about bringing the cat licensing issue back to the table. She stated that she had talked to the Bozeman Code Enforcement Officer because Bozeman licenses cats. Bozeman's fees for cat licensing is \$10 for un-spayed and un-neutered cats and \$5 for spayed and neutered cats, and they have a choice as to whether to have the cat wear the tag or not wear the tag. Then if the cat gets picked up the violation is \$50 for at-large fee, \$50 for no-license fee and \$100 for no rabies vaccinations.

The Commission requested that this be brought back to the Commission soon for the safety and welfare of the cats.

Commissioner Beebe Comments:

- She asked if it was legal for horses to be ridden down by Mayor's Landing. Bruce Becker stated that the City has prohibited horses on the Bike Path but is not aware of any horses being prohibited down at Mayor's Landing.

Commissioner Ebinger Comments:

- He mentioned that Bozeman has a Committee working on affordable housing and feels that Livingston could learn a lot from this Committee.
- He wanted to mention that the skateboarders are still playing downtown and asked Mr. Meece if he would let the Skate Park Committee be made aware of this.

Commissioner Grabow Comments:

- She asked how much the City has spent on emergency planning. Mr. Meece commented that the Emergency Operations Plan is a county prepared/administered document. Grabow said, "The citizens of Livingston are breathing contaminated air! What would the Commissioners and citizens of Livingston do if the Derby fire moved towards Livingston?" She feels that the County emergency plan has not included oriented key elected officials to procedures. Commissioners of the community need to be more readily informed on how to be prepared for emergency disasters of this nature. She mentioned that the plan that the County spent so much money on is not informing the Commissioners of the community respectively and she is very concerned.

Mr. Meece stated that the Park County Emergency Operations plan is a responsibility of Park County Disaster & Emergency Services. In reviewing this plan, Mr. Meece commented that it is really not much different than similar documents he has seen in other cities. They are basically organized off of a series of contingencies that are recommended by the National Disaster Planning Agency. Mr. Meece stated that he doesn't know the cost was of assembling the Park County Plan, but feels that it does reflect what other cities and counties do. He mentioned that there is an ongoing process for practice drills, and preparations, conducted by the Local Emergency Planning Committee and that the Sheriff's office is in close communications on the wildfires. Typically, emergency response operations are part of the administrative function of government. The Fire Chief participates in all of the briefing of any emergency related disaster. For example, the Police Chief and Mr. Meece were called for helping with traffic control when Interstate 90 was closed due to the smoke.

- She suggested that in cases like the Yellowstone Country Board of Directors vacancy (advertised three (3) times) that the City write a press release rather than advertising in the classified section. Other issues could be covered by press release as well.
- She asked if the Recording Secretary could put the agenda for the Commission meetings in the Livingston Weekly. Beebe stated that it costs \$90.00 to put in the Livingston Weekly.
- She commented about the City's new Sign Ordinance and wondered if this could be put on the website for the community to reference for their information.
- She also wondered if the City could put the information on the website about the floodway, floodplain maps or have a possible press release.
- She also mentioned about the Western Transportation Institute the meeting on September 14, 2006 at 4:00 p.m. at Counterpoint with the Transportation Advisory Group.

Chairman Caldwell had no comments.

Public Comments:

- In the City Manager's comments Mr. Meece stated that the City had received a request from Mr. and Mrs. Harold Heres, to forgive a \$12,000 loan made to the previous owner of their home (part of a rehabilitation project). After determining that the lien had been properly filed, and was missed during the Heres title search procedure, the administration denied this request.

Mr. and Mrs. Heres were present at the meeting and made comment. They provided a written comment to the Recording Secretary that they addressed to the Commission.

After hearing the Heres comments, the Commission suggested to the Heres to get a legal opinion on this situation. Mr. Becker also stated that he would further research the City's options under the CDBG program.

- Cheryl Walsh of 1001 Ridgeway Drive asked if the Commission would reschedule her abatement request as she felt that she did not get a fair chance to explain her situation.

The Commission granted her request to be scheduled for a public comment at the next City Commission meeting on September 18, 2006.

It was requested of the Commission to re-advertise for the vacancy to the Yellowstone Country Board of Directors for a City representative and to possibly have a press release relating to this vacancy.

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

The time was 9:55 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION



LIVINGSTON  
CITY COMMISSION MEETING  
September 18, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, September 18, 2006 in the Community Room of the City/County Complex. Commissioners present were Mary Beebe, Patricia Grabow, Vicki Blakeman, Bob Ebinger and Steve Caldwell.

Staff members present were Bruce Becker, Ed Meece, Shirley Ewan, Darren Raney, Clint Tinsley, Jim Woodhull, Jim Mastin, Duncan Edwards, Peggy Glass and Pam Payovich.

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

- A. Approve September 5, 2006 regular City Commission meeting minutes.
- B. Accept bills and claims for 1<sup>st</sup> half of September 2006.
- C. Department heads monthly reports and other committee minutes.

Grabow requested to change her comments to read: "She asked how much the City has spent on emergency planning. Mr. Meece commented that the Emergency Operations Plan is a county prepared/administered document. Grabow said, "The citizens of Livingston are breathing contaminated air! What would the Commissioners and citizens of Livingston do if the Derby fire moved towards Livingston?" She feels that key officials have not been oriented on the County emergency plan ~~has not been distributed properly.~~ Commissioners and citizens of the community need to be more readily informed on how to be prepared for emergency disasters of this nature."

Grabow asked to change the word "annexes" to "contingencies" to read: "They are basically organized off of a series of ~~annexes~~ contingencies that are recommended by the National Disaster Planning Agency."

Grabow also asked to add to her comments: "She suggested that in cases like the Yellowstone Country Board of Directors vacancy (advertised three (3) times) that the City write a press release rather than advertising in the classified section. Other issues could be covered by press release as well."

Grabow asked to delete in her comment: "She asked if ~~the City could keep the public informed on certain criteria and wondered~~ if the Recording Secretary could put the agenda for the Commission meetings in the Livingston Weekly."

All in favor of consent items, Motion passed.

Scheduled public comment:

Cheryl Walsh of 1001 Ridgeway requested that the Commission reconsider her request for abatement for the street improvement district. Ms. Walsh provided the Commission with photos of her property. She asked the Commission if she could have a portion of the district charges waived, since the likelihood of the roads being improved on this lot is uncertain due to the steep slope.

After much discussion there was no motion to reconsider Ms. Walsh's request for abatement for street improvement district.

Public Hearings:

The second reading was held on Ordinance No. 1976 - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 ENTITLED OFFICIAL ZONING MAP OF THE LIVINGSTON MUNICIPAL CODE BY REZONING, A .24 ACRE TRACT LOCATED IN THE NE ¼ OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 9 EAST, FROM MEDIUM DENSITY RESIDENTIAL (RII) TO HIGHWAY COMMERCIAL (HC).**

No public comments were given.

Motion was made by Blakeman, second by Ebinger, to approve second reading of Ordinance No. 1976.

All in favor, Motion passed.

The second reading was held on Ordinance No. 1977 - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE DEFINITION OF CENTRAL BUSINESS DISTRICT AS CODIFIED IN SECTION 30.30 TO ALLOW RESIDENTIAL HOUSING AND AMENDING SECTION 30.40 LIST OF USES IN THE CENTRAL BUSINESS DISTRICT TO ALLOW RESIDENTIAL USES IN THE CENTRAL BUSINESS DISTRICT (CBD).**

No public comments were given.

Motion was made by Ebinger, second by Beebe, to approve second reading of Ordinance No. 1977.

All in favor, Motion passed.

The second reading was held on Ordinance No. 1978 - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1915 AND 1933 AS CODIFIED IN CHAPTER 4, ANIMALS, OF THE LIVINGSTON MUNICIPAL CODE BY PROVIDING THAT DOG LICENSE FEES BE SET BY RESOLUTION.**

No public comments were given.

Motion was made by Blakeman, second by Beebe, to approve second reading of Ordinance No. 1978.

All in favor, Motion passed.

The second reading was held on Resolution No. 3782 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING DOG LICENSE FEES FROM \$10 TO \$15 FOR SPAYED OR NEUTERED DOGS AND FROM \$20 TO \$35 FOR UN-SPAYED AND UN-NEUTERED DOGS.**

No public comments were given.

Motion was made by Blakeman, second by Beebe, to approve second reading of Resolution No. 3782.

All in favor, Motion passed.

Resolutions:

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3780 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AMENDED PROFESSIONAL SERVICES AGREEMENT WITH CTA NELSON ENGINEERING FOR ADDITIONAL ENGINEERING SERVICES FOR THE WATER MAIN REPLACEMENT PROJECT IN E, F & G STREETS FROM PARK STREET TO CALLENDER STREET INCLUDING PARK STREET FROM "E" STREET TO "H" STREET IN THE AMOUNT OF \$18,910 PLUS REIMBURSABLE EXPENSES.**

Mr. Meece commented that the City received one (1) bid on this project and the amount of the bid was \$200,000 over what was estimated. The City staff has decided to reject the bid at this time, and possibly re-bid this fall. If there are no bids received, at that time, within the estimate, then the project may be done in-house.

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3781 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, MOVING THE HANDICAP PARKING SPOT IN FRONT OF BOOKS, ETC., TO THE LAST PARKING SPOT ON THE WESTSIDE OF MAIN STREET IN THE 100 BLOCK OF SOUTH MAIN STREET.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3783 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF**

**LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH TED AND GEORGANN WATSON FOR PROPERTY LOCATED IN A PORTION OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 9 EAST AND IN PORTIONS OF SECTION 7, 8, 18, AND 19 TOWNSHIP 2 SOUTH RANGE 10 EAST.**

Ebinger suggested that the Resolution reference that the property is located within the design overlay district.

Caldwell asked if a map should be attached, indicating the particular home sites mentioned in 8(b) of the agreement, and referenced in the agreement. Ted and Georgann Watson were present, and Mr. Watson agreed with the addition of the map requested by Chairman Caldwell.

Motion was made by Blakeman, second by Beebe, to amend Resolution No. 3783 to reference the attachment of a map for the particular sites as platted.

All in favor, Motion passed.

Motion was made by Ebinger, second by Blakeman, to amend Resolution No. 3783 to reference the design overlay district in the 5<sup>th</sup> and 6<sup>th</sup> whereas.

All in favor, Motion passed.

Motion was made by Ebinger to add screening to the list of visual impacts that will provide mitigation. No second.

Jim Woodhull stated that in order to have any building sites, a request for subdivision approval has to take place. At that time the Commission could review the covenants and list screening as a condition.

Ebinger withdrew his motion.

All in favor of Resolution No. 3783 as amended, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3784 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX BY PETITION OF TED AND GEORGANN WATSON CERTAIN LAND CONTIGUOUS TO THE CITY OF LIVINGSTON LOCATED IN A PORTION OF SECTION 7, 8, 18, AND 19, TOWNSHIP 2 SOUTH, RANGE 10 EAST AND PORTIONS OF PUBLIC ROADS IN OR ADJACENT TO SAID ANNEXATION KNOWN AS A PORTION OF MYERS LANE, A PORTION OF THE BOULDER ROAD (SWINGLEY ROUTE) AND A PORTION OF THE UN-NAMED COUNTY ROAD RIGHT OF WAY (OLD ROAD TO BILLINGS).**

All in favor, Motion passed.

A public hearing will be held relating to Resolution No. 3784 at the October 16, 2006 City Commission meeting.

Motion was made by Blakeman, second by Grabow, to approve Resolution No. 3785 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING PARTICIPATION IN THE MONTANA MAIN STREET PROGRAM AND DESIGNATING THE CITY MANAGER TO REPRESENT THE CITY ON THE LOCAL NON-PROFIT DOWNTOWN LIVINGSTON PARTNERSHIP BOARD OF DIRECTORS.**

Mr. Meece stated that this Resolution was presented by the current vision project. One of their goals is to make application for the Main Street program.

All in favor, Motion passed.

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3786 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH KEN KASTELITZ AS SUMMERFEST 2007 DIRECTOR.**

All in favor, Motion passed.

#### Action Items:

A discussion was held to appoint the City Judge's replacement.

Beebe asked if there was any more clarification on the residency issue that the Commission has not received yet. Bruce Becker commented that he would suggest that his research demonstrated strong arguments for either position (30 days or 1 year), and so the Commission should not let the residency issue be the deciding factor in appointing the City Judge.

Caldwell commented that the Commission should look at the qualifications first. Blakeman stated that Chad Glenn does have high qualifications, but her concern is that he will be moving on [to other positions] rather quickly. She feels that it would benefit the City if they appointed someone who would be staying. Caldwell stated that he shares those concerns, and doesn't see Mr. Glenn satisfied in this position.

Grabow commented that she feels that the Commission has a real opportunity to have someone with a law degree serving as City Judge. Grabow said, that Mr. Glenn stated in his interview that he stay in the position through the next election.

Caldwell stated that he doesn't disagree, or discredit Mr. Glenn's commitment to stay through the next election. His concern is the cost of a more long-term appointment not gaining experience in the meantime.

Ebinger stated that he was impressed by all of the candidates with different qualifications and merits. One candidate was incredibly enthusiastic, and he feels that a lot of times enthusiasm is great motivation for success. He is very pleased to have this difficulty in choosing one of the three well qualified candidates.

Caldwell concurred with Ebinger's comments.

Beebe commented that there is something to be said for someone who is familiar with the operations of the Judge's office, and the functions of the City office in general.

Motion was made by Beebe, second by Ebinger, to nominate Kara Bailey for City Judge.

Motion was made by Grabow to nominate Chad Glenn as City Judge, no second.

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

A short recess was taken at 8:22 p.m.

The meeting went back into session at 8:27 p.m.

A discussion was held to review and consider a "draft" Ordinance - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 21 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED PAWNBROKERS AND JUNK DEALERS BY ADDING SECONDHAND DEALER, REDEFINING PAWNBROKER, AMENDING THE LAW REGARDING RECORDS TO BE KEPT BY PAWNBROKER, ETC., PROVIDING A MEANS TO SECURE STOLEN PROPERTY, AND ESTABLISHING A CIVIL INFRACTION AND PENALTY FOR VIOLATION.**

Mr. Meece commented that Chief Raney has asked to make changes in the pawn ordinance. Chief Raney commented that he wanted to put a penalty section in the Ordinance in order to enforce compliance. The Police Department has had a problem with pawnshops not providing enough information, to the LPD, when someone brings an item to the pawnshop for sale.

The purpose of the revised ordinance is to ensure such businesses comply with basic consumer protection, while helping the Police Department facilitate the identification of criminal activities through the timely collection of transaction information.

Caldwell commented that in the draft ordinance it states the need of the name, current address, current telephone number of the purchaser and an accurate description of the person including date of birth, sex, height,

weight, race, color of eyes, color of hair and signature. He is concerned if the pawnshop has received a valid driver license, state identification or a current passport then this would include the description of the person. Chief Raney stated that receiving a copy of the driver license or a state identification from the pawnshop would be satisfactory, however, a lot of people do not have a valid driver license or a picture identification card.

Grabow stated that this puts an incredible burden on secondhand stores. For example: Cowboy Collection, Senior Citizens, Clare's Closet, Bob n' Lu's 2<sup>nd</sup> Hand, etc. These stores would also fit in this ordinance as written. She feels that this ordinance shouldn't include secondhand stores.

Ebinger commented that he concurs with Grabow as it states in the ordinance that the secondhand and junk stores retain the item for 30 days and they don't always keep items that long; the turn over may be much faster.

Chief Raney stated that he doesn't feel that this would be an inconvenience for secondhand stores. It would help the Police Department identify if something was brought to their store and later found out that an item was stolen. The Police Department could locate the item in a more timely manner.

Mr. Meece suggested that the pawnbroker be required to keep an item for at least 30 days after receipt before selling, and the secondhand dealer and junk dealer be required to keep an item for at least two (2) weeks instead of 30 days.

The Commission requested the City Attorney bring this Ordinance back to them at the next City Commission meeting with their suggested changes for first reading.

A discussion was held to review some Cat Licensing Ordinances from other cities in the State.

Ebinger commented that he feels comfortable with combining Missoula and Great Falls Cat Licensing Ordinances. He likes the idea of the nuisance issue and likes the voluntary registering.

Caldwell mentioned that he doesn't feel cats should be treated any differently than dogs.

Blakeman commented that she feels that all cats should be registered, whether they are tagged or not is the owner's discretion.

Grabow stated that she doesn't know enough about cat licensing to make a decision. She would like to hear from people that are knowledgeable in this line of work before looking into any of these ordinances.

Bruce Becker stated that he did ask the Animal/Garbage Control Officer to provide some background information. The Animal/Garbage Control Officer stated that in 2005, she took into possession 60 cats [5 were returned to owner, 45 were turned over to the Stafford Animal Shelter and 10 were euthanized]. In 2006 through August of this year, she took into possession 34 cats [6 returned to owner, 26 were turned over to the Stafford Animal Shelter and 2 were euthanized].

Beebe stated that she has worked with the Animal Shelter before it was a Shelter. She feels that registering cats would help fund educational programs, such as spay - neuter clinics, and would provide protection of these animals for owners that care about their cats. The ordinance that she prefers is the Bozeman ordinance.

Blakeman commented that cats stay longer than dogs at the Shelter, and feels that owners of cats should be treated that same way as dog owners. She also likes the Bozeman ordinance.

After much discussion it was determined to ask the Animal/Garbage Control Officer for her opinion on how cat licensing should be handled, with that information brought for discussion at a future City Commission meeting.

A discussion was held to authorize City Manager to sign release for Harold and Susan Heres.

Mr. Meece stated that Bruce Becker did some further research relating to the above reference. They have spoken with Al Jones, Regional Development Officer with the Montana Department of Commerce, who informed them that it would seem within the guidelines if the City released the loan on Mr. and Mrs. Heres property in this particular case.

Motion was made by Blakeman, second by Beebe, to authorize City Manager to sign release for Harold and Susan Heres.

Ebinger stated that he feels that this is the right thing to do.

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

A discussion was held to approve dates for the Livingston Summerfest to be held on July 20 - 22, 2007.

Motion was made by Blakeman, second by Ebinger, approve Livingston Summerfest to be held on July 20 - 22, 2007.

All in favor, Motion passed.



A discussion was held on the update of the "H" Street project with regards to the removal and replacement of trees.

Mr. Meece updated the Commission that additional trees will need to be removed are: 303 South "H", 309 South "H", 329 South "H", 332 South "H", 328 South "H" (2 trees), 314 South "H", 310 South "H" and 304 South "H" (3 trees). These removals are due to the state's design/construction of the boulevards on this block of "H" Street. Mr. Meece is unsure when/how this design became part of the project.

The Commission had significant concerns about the issues of the removal of trees on the "H" Street project. They felt they have been left out of the complete process and interrupted by the community that they weren't aware of what was going on.

Mr. Meece also mentioned that there is going to be a meeting with the Transportation Coordinating Committee (TCC) on Wednesday, September 27, 2006 at 1:00 p.m., which consists of several members from the Montana Department of Transportation. He is going to ask the Committee for their approval/recommendation letter to increase the urban allocations funding for the "H" Street project at this meeting. He will also request that the MDOT pay for the cost of tree and stump removal, and replacement, due to their boulevard design on the 300 block of "H" Street.

The item regarding a discussion of the Self-Governing Powers initiative of the Government Study Commission was withdrawn from the agenda.

The City Manager's written comments were reviewed.

- Grabow asked about the Request For Proposals (RFP) for the design and construction of a Water Playground. She wondered if the Commission had approved this. Mr. Meece stated that City staff was given direction to advertise for RFP's for a Water Playground. When the RFP's are received then staff will make a recommendation to the Commission for their approval.
- Ebinger asked about the Yellowstone Preserve (Rustad) and was wondering when this will occur. Mr. Meece stated that City Staff is waiting for a re-draft of the annexation agreement.

Commissioner Blakeman had no comments.

Commissioner Beebe Comments:

- She mentioned the closing of Ricci's, and commented that it is going to have an impact on residents who relied on this store for groceries. Many of these residents that do not have vehicles and could walk to the store to get a few groceries. She was wondering if someone could get in contact with Angel Line and see if they are going to try and arrange something for these residents.

Mr. Meece stated that the Transportation Advisory Committee (TAC) met at 4:00 p.m. on September 14, 2006. He stated that the State is proposing a new method for monies that they make available for local transportation. That program would require the community to create a Transportation Coordination Plan (TCP). This is a process that is going to take some time to create, however, Angel Line is already planning to start a general public grocery run several times a week.

Commissioner Ebinger Comments:

- He commented that there is a City Tree Board meeting on September 20, 2006 at noon that he will not be able to attend and was wondering if another Commissioner would like to attend. Ms. Grabow volunteered to attend in his absence.
- He stated that he had talked with Ross Gamon, with the Department of Transportation. Mr. Gamon thought that the TCC had been dissolved in Livingston. Mr. Meece commented that the TCC has not dissolved. There has not been a necessity for the TCC to meet until the "H" Street project problems had occurred.
- He mentioned when he attended the Leon Russell concert there were five (5) porta-potties located near the standing bathroom at the Skate Park. He commented that when it gets dark outside, the ballads and cables that define the walkway from the grass, are really dangerous when walking to the restrooms. He is concerned that someone will trip and fall over those cables. Mr. Meece stated that he will address this issue with the Public Works Director.

Commissioner Grabow Comments:

- She is concerned that there is not enough public awareness of the City Commission meetings and was wondering if the City could provide more notice.
- She mentioned the fact that the Yellowstone Country Board of Directors representative has been advertised three (3) times and no applications have been received. She suggested having City Staff write a press release relating to the Yellowstone Country Board of Directors position.
- She mentioned the holes around the Civic Center from the "Farmers Market", and wondered if this area could be paved. Mr. Meece stated that he will discuss this with the Public Works Director.
- She also stated that a Parks Committee should be created.

Chairman Caldwell Comments:

- He mentioned that the Commission is making a lot of comments during the meeting that are unnecessary. He asked if the Commission could make their comments more concise, and only raise issues to be proposed for inclusion on the agenda at a succeeding City Commission meeting.

Public Comments:

- Bill Moser of Pray made comment. He commented that it was nice to be able to come in the front door of the City/County meeting during a meeting. He stated that the Montana Department of Transportation has 'plan-in-hand' meetings, and felt that the City of Livingston could have attended such a meeting about the "H" Street project. Either they ignored such a meeting, or attended and didn't understand what they heard. Mr. Meece asked if Mr. Moser has documentation to support either allegation. Mr. Moser said he did not have any such documentation.

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

The time was 9:51 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
October 2, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, October 2, 2006 in the Community Room of the City/County Complex. Commissioners present were Mary Beebe, Patricia Grabow, Vicki Blakeman, Bob Ebinger and Steve Caldwell.

Staff members present were Bruce Becker, Ed Meece, Shirley Ewan, Darren Raney, Jim Woodhull, Jim Mastin, Duncan Edwards, Peggy Glass and Pam Payovich. Clint Tinsley was absent.

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

- A. Approve September 18, 2006 regular City Commission meeting minutes.
- B. Accept bills and claims for 2<sup>nd</sup> half of September 2006.

Motion was made by Ebinger, second by Grabow, to amend consent items to approve minutes separately.

Bob Ebinger asked if the minutes on page 8 where the discussion was held on the update of the "H" Street project with regards to the removal and replacement of trees, could reflect the Commissioners concerns.

Added to the September 18, 2006 City Commission meeting minutes: "The Commission had significant concerns about the issues of the removal of trees on the "H" Street project. They felt they have been left out of the process and not kept advised of what was going on."

Motion was made by Ebinger, second by Beebe, to approve the minutes as amended.

All in favor, Motion passed.

All in favor of consent items as amended, Motion passed.

Scheduled public comment:

Randy Schrauder and Jamie Morris gave a brief presentation regarding their planned development and annexation request for the Yellowstone Preserve Development.

In the annexation agreement, Mr. Schrauder commented, the Preserve would be responsible for extending the water and sewer lines across the River on the

eastside of Livingston at their cost. Also, the annexation agreement mentions a conceptual plan for two at-grade rail crossings into the subdivision. The current approaches will be realigned according to the needs of the railroad, for their storage yard, and to meet adequate access separation requirements for the state (MDOT). The adjacent railroad and highway rights-of-way will also be annexed in order to facilitate the dedication of the at-grade crossings. The city will be required to assist with the at-grade crossing permits. Once the City of Livingston approves the annexation of the property, then Montana Rail Link and Burlington Northern will draft an agreement for the development and planned dedication of the new approaches that will be dedicated to the City of Livingston.

Grabow commented that she has numerous concerns about this proposed development and feels that this development is pre-mature before moving forward. Some of her concerns were as follows:

- At-grade railroad crossings, the City would be taking on a huge responsibility;
- Annexing property with 10 acres of Commercial, the person who develops the property could turn around and sell it and also that the whole downtown of Livingston is only 10 acres. This community doesn't need another community near by.
- Cost to the City of this entire proposed development. She feels that there are far too many flaws for this proposed annexation of the City to even be considered before next Spring.

She has too many questions about the proposal to move forward at this time.

A short recess was taken at 8:05 p.m.

The meeting went back into session at 8:12 p.m.

Ordinances:

The first reading was held on Ordinance No. 1979 - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 8 OF THE LIVINGSTON MUNICIPAL CODE BY ADOPTING STATE QUALIFICATIONS FOR CITY JUDGE.**

No public comments were given.

Motion was made by Blakeman, second by Ebinger, to approve Ordinance No. 1979.

Motion was made by Blakeman, second by Beebe, to amend Ordinance No. 1979 for qualifications to read: "The City Judge must be a resident of the county in which the City or town is located for one (1) year prior to election or appointment."

Grabow felt that when an individual that has lived in the City of Livingston for a long time, and then moves away for a short time, they should be considered.

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

4 in favor; Blakeman, Beebe, Caldwell and Ebinger, 1 against; Grabow, to approve Ordinance No. 1979 as amended, Motion passed.

#### Resolutions:

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3787 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO CHANGE THE NAME OF HARRISON STREET TO LITTLE CREEK BEND.**

All in favor, Motion passed.

Motion was made by Ebinger, second by Beebe, to approve Resolution No. 3789 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, MOVING THE HANDICAP PARKING SPOT FROM IN FRONT OF THE FIREHALL FITNESS AND HEALTH CENTER TO IN FRONT OF LADY ANN'S BEAUTY SALON, 119 ½ EAST CALLENDER STREET.**

All in favor, Motion passed.

#### Action Items:

A discussion was held to update the "H" Street project. Mr. Meece noted that Matt Collingwood and Jeff Ebert, Montana Department of Transportation (MDT), were present to answer any questions from the Commission.

Mr. Meece reminded the Commission of staff's recommendation to remove most of the remaining trees on "H" Street from Clark to Geyser. This action results from a need to change how the boulevards were designed, and built. At this point, modification is needed to correct slope and elevation issues, and that work creates significant stability issues for the remaining trees.

Mr. Meece stated that he has verified that the boulevard design was part of the original design, although staff did not understand it would exist in its present form.

The Transportation Coordinating Committee met on September 27, 2006, and discussed and approved the City Manager's request for a blanket authorization to expend additional Urban Fund Allocation(s) on the "H" Street project. These funds will include the cost of the removal of trees, the replacement of trees, stump grinding, and the mitigation of issues resulting from the original

boulevard design and its impact on pedestrian use and drainage. The City and the Montana Department of Transportation will jointly formulate a joint statement, press release that will be hand delivered to every home on "H" Street that explains the final steps to occur on this project.

Matt Collingwood, with MDT, demonstrated the significance of the design for the "H" Street project with the historic drainage issues. This demonstration illustrated the importance of lowering Geyser Street on "H" Street in order for the water to flow downward. Jeff Ebert, MDT, commented that the "H Street" project has been a learning process for them, especially with regard to clear and accurate communication of how a finished project will look/operate.

Mr. Meece mentioned that in future projects, the City and Montana Department of Transportation will engage in more regular project update meetings (open to the public).

An item on the addendum was moved up to approve the final plat for water, sewer and streets for Grassy Butte Subdivision.

Motion was made by Blakeman, second by Beebe, to approve the final plat for water, sewer and streets for Grassy Butte Subdivision.

All in favor, Motion passed.

A discussion was held to review and discuss annexation agreement from Yellowstone Community Partners, LLC.

After much discussion with the Commission, motion was made by Blakeman, second by Ebinger, to direct the City Attorney and the City Manager to bring back a resolution of intent to annex the "Yellowstone Preserve" property.

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

A discussion was held to reject any or all bids received regarding the City's proposed E, F & G Street project(s).

Motion was made by Ebinger, second by Grabow, to reject all bids received regarding the city's proposed E, F & G Street project(s).

All in favor, Motion passed.

A discussion was held to review and possibly appoint the Yellowstone Country Board of Directors applicant.

Motion was made by Beebe, second by Grabow, to appoint John Lamey as the City's representative on the Yellowstone Country Board of Directors.

All in favor, Motion passed.

A discussion was held to authorize City Manager to sign amendment to the services contract with Zia Engineering for Task 5.

Motion was made by Blakeman, second by Beebe, to authorize City Manager to sign amendment to the services contract with Zia Engineering for Task 5.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Ebinger mentioned that Jeanne Marie Souvigney had contacted him and asked that the Commission give her time to look for additional funding for the construction of foot bridges (as related to the Mayor's Landing project).

Commissioner Blakeman had no comments.

Commissioner Beebe Comments:

- She asked what the status was with the Home Renovation Project with the Human Resource Development Council (HRDC). Mr. Meece stated that the City is waiting on contract documents to come from Caron Roberty with HRDC.

Commissioner Ebinger Comments:

- He asked if the Commission would see the Pawnbroker Ordinance back at the next City Commission meeting. Mr. Meece stated that the Police Chief is working on addressing the Commission concerns in the Ordinance and will hopefully have it back at the next City Commission meeting.

Commissioner Grabow Comments:

- She had the same concerns about the Pawnbroker Ordinance as Mr. Ebinger did. She mentioned that some businesses wrote letters about the Pawnbroker Ordinance and wondered if the Commission could get copies.
- She provided the Commission with a letter note regarding her position on the allowable content of Commissioner's Comments, and her interpretation of the Livingston Municipal Code.

Bruce Becker stated the Commissioners can make comments under the City's ordinance, with regard to measures, concerns or proposals. Steve Caldwell stated that he is trying to limit 'Commissioner Comments' to future actions in order to keep meeting length manageable.

- She mentioned that there is a group that is interested in collecting donations to paint the Civic Center and wondered if a press release could be done for this proposal. The Commission directed Ms.



Grabow to ask the Livingston Area Chamber of Commerce to do a press release to initiate donations to paint the Civic Center.

Chairman Caldwell had no comments.

No public comments were given.

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

The time was 9:16 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
October 16, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, October 16, 2006 in the Community Room of the City/County Complex. Commissioners present were Vicki Blakeman, Mary Beebe, Steve Caldwell, Patricia Grabow and Bob Ebinger.

Staff members present were Bruce Becker, Ed Meece, Shirley Ewan, Darren Raney, Clint Tinsley, Jim Woodhull, Jim Mastin, Peggy Glass and Pam Payovich. Duncan Edwards was absent.

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

- A. Approve October 2, 2006 regular City Commission meeting minutes.
- B. Accept bills and claims for 1<sup>st</sup> half of October 2006.
- C. Department heads monthly reports and other Committee minutes.

All in favor, Motion passed.

Scheduled public comment:

Ron Gray of 487 Cokedale Road, owner of R. G. Lumber made comment about his concerns of the proposal for annexation for the Yellowstone Preserve property. Mr. Gray feels that the City of Livingston shouldn't be too hasty about the decisions that they make as far as property is concerned. Mr. Gray commented that it is important to have Industrial sites in the area. He would like to be able to own the property that his business resides on. He would like to see this annexation tabled until everyone has the opportunity to look at what the Yellowstone Preserve has planned for and see if it is what the public needs in this community. He thanked the Commission for their time.

Kelly O'Hare of 405 South 2<sup>nd</sup> Street, a business owner located out on the property, made comment about his concerns of the proposal for annexation for the Yellowstone Preserve property. He asked the Commission to reject or table this annexation proposal until further details, benefits and costs are more clear. He feels that this annexation could cost a loss of as many as 50 jobs. Mr. O'Hara mentioned that there wouldn't be an Industrial Park left in the community if the businesses that are in that area had to leave. This proposed annexation would impact wildlife, the environment and safety issues. He would like to see the City of Livingston grow smart and wonders if this annexation fits into our community. He thanked the Commission for their time.

Public Hearings:

The second reading was held on Ordinance No. 1979 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 8 OF THE LIVINGSTON MUNICIPAL CODE BY ADOPTING STATE QUALIFICATIONS FOR CITY JUDGE.**

No public comments were given.

Motion was made by Blakeman, second by Ebinger, to approve Ordinance No. 1979.

All in favor, Motion passed.

The second reading was held on Resolution No. 3790 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CHANGING THE NAME OF HARRISON STREET TO LITTLE CREEK BEND.**

No public comments were given.

Motion was made by Ebinger, second by Beebe, to approve second reading of Resolution No. 3790.

All in favor, Motion passed.

The second reading was held on Resolution No. 3791 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING LAND CONTIGUOUS TO THE CITY DESCRIBED AS BEING THAT PORTION OF LOVE'S LANE FROM ITS JUNCTION WITH U.S. HIGHWAY 89 SOUTH TO THE WESTERLY BOUNDARY OF LOT 4 AND LOT 11 OF THE ORIGINAL PLAT OF ACREVILLE PLAT NO. 393, LOCATED IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 9 EAST, P.M.M., PARK COUNTY, MONTANA.**

No public comments were given.

Motion was made by Blakeman, second by Beebe, to approve second reading of Resolution No. 3791.

All in favor, Motion passed.

The second reading was held on Resolution No. 3792 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING BY THE PETITION OF TED AND GEORGANN WATSON CERTAIN LAND CONTIGUOUS TO THE CITY OF LIVINGSTON LOCATED IN A PORTION OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 9 EAST AND IN PORTIONS OF SECTIONS 7, 8, 18 AND 19, TOWNSHIP 2 SOUTH, RANGE 10 EAST AND PORTIONS OF PUBLIC ROADS IN OR ADJACENT TO SAID ANNEXATION KNOWN AS A PORTION OF MYERS LANE, A PORTION OF THE BOULDER ROAD (SWINGLEY ROUTE) AND A PORTION OF THE UNNAMED COUNTY ROAD RIGHT OF WAY (OLD ROAD TO BILLINGS).**

Bob Zimmer of 119 South "H" Street made comment. He is opposed to this annexation on both the east and south side of the Yellowstone River. He is objected to having utilities run across the River. He feels that the City needs **to protect the general public issues when they are considering annexation.**

Motion was made by Blakeman, second by Beebe, to approve second reading of Resolution No. 3792.

All in favor, Motion passed.

Resolutions:

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3793 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH YELLOWSTONE COMMUNITY PARTNERS, L.L.C., AND HEADWATERS WALKING HORSE RANCH, L.L.C., FOR PROPERTY DESCRIBED AS BEING ALL OF SECTION 5, 7 & 8 OF TOWNSHIP 2 SOUTH, RANGE 10 EAST, PARK COUNTY, MONTANA, LYING NORTHWESTERLY OF THE MONTANA RAIL LINK (BNSF) RIGHT-OF-WAY AND SOUTHEASTERLY OF THE LOW WATER LINE OF THE YELLOWSTONE RIVER, DESCRIBED BY EXHIBIT A.**

Jim Woodhull, City Planner, made comment about the annexation process. He indicated Resolution No. 3793 is an annexation request -- whether or not the City will take over the jurisdiction of this property. This property is located in the County, a portion of the property is zoned Agricultural and another portion is zoned Industrial. By annexing the property into the City, it does not affect the current zoning or the uses on the property. The City is required to review the existing zoning within 90 days after annexation. At such time, it can retain that zoning or apply its own zoning. Since the City doesn't have the same zoning Ordinance as the County, nor the same definitions, not to mention the City doesn't have an Agricultural zone, zoning must change to conform to the City's Ordinance. This is done through a public process before the Zoning Commission, and the City Commission. None of that will happen until the property is annexed. The only question now is does the City wish to take jurisdiction of this property? If the property is annexed and subsequently zoned by the City, then the developer will need to come forward with a subdivision proposal in order to create parcels, lots, roads and utilities. All of which are subject to the Planning Board and City Commission review. The City's standards require that the developer install all of the utilities, all of the streets, street lights, boulevards, curbs, and gutters and in this case, railroad crossings. If those issues, as well as the highway issues, cannot be resolved to the City's satisfaction the subdivision won't be approved. In order to get to that point, the City must have jurisdiction of the property.

Caldwell asked what the developer's options were, in terms of how they can develop the property if it is not annexed into the City? What differences are there between developing in the County and developing in the City?

Mr. Woodhull replied that there are several options, with most of them being a low-density residential site development.

Blakeman commented that the City has Light Industrial Zoning and Industrial Zoning, and many of the businesses on this property could fit under those types of zoning. Jim Woodhull concurred and stated that the City's Light Industrial Zone is similar to the County's Commercial Zoning.

Mr. Meece commented that even if the City Commission decided to annex or to zone this property, the City would not require the businesses already on the property to disappear. Whether the businesses would have to leave would be between them and the property owner.

Grabow asked if the City Commission decided to pass Resolution No. 3793 tonight would the City be making any kind of a commitment on zoning, utilities, payback agreement, flood plain, railroad crossing?

Jim Woodhull stated that it is his understanding that this agreement would acknowledge that the City Commission is going into this process with their eyes open, knowing what the ultimate goal of the developer is at this time. Because zoning and subdivision are two separate public processes, the City cannot commit by this annexation action on any of those details.

Bruce Becker, City Attorney, concurred with Mr. Woodhull. He stated that this agreement is a plan to agree to what the developer would like to see, the City Commission will consider these things but still need to go through the zoning and subdivision processes. At both of these processes, the public would have the opportunity for input.

Caldwell asked if it's accurate to describe the annexation agreement as a letter of intent rather than a contract? Mr. Becker concurred.

Ebinger requested the annexation agreement, under zoning, to change the word "will" to "may" to read: "Subject to ordinary and public zoning requirements, the City ~~will~~ may proceed with applying the zoning designations as depicted on Exhibit A." His reason for this request is that the City has categories under those zoning regulations that the City Commission may want to change for this annexation proposal.

Bruce Becker commented that this change would have to be agreed to with the developer.

Mr. Meece suggested that the Commission identify changes to the agreement tonight and then present and discuss them with the developer and get their response to whether or not they would be willing to accept those terms and how they would proceed.

Caldwell stated that he didn't feel that the Commission would need to negotiate tonight, but just identify issues and then the developer can get back to the Commission at a future meeting.

Ebinger suggested that instead of doing these changes tonight, the Commission should have a Workshop to discuss these issues at length, and then bring it back to a Commission meeting for adoption. He doesn't feel that he can vote on this annexation agreement tonight, with all of the issues being considered.

Blakeman stated that the next Resolution No. 3794 on the agenda is a Resolution of Intent to Annex and if passed, then a public hearing would be on the November 20, 2006 City Commission meeting. That is when the annexation would be adopted if the Commission so desires.

Beebe commented that the Commission could proceed tonight with a first vote and still have the Workshop.

Grabow made comment that at the last City Commission meeting the annexation agreement was with the Yellowstone Community Partners, L.L.C. and now the annexation agreement is with Yellowstone Community Partners, L.L.C. and Headwaters Walking Horse Ranch, L.L.C. She would like to know who the Commission is dealing with.

Bruce Becker clarified that when he started researching the records, he discovered that this piece of property had two (2) owners. One owner of this property has an 80% interest and the other has a 20% interest. When he brought this to the developer's attention they amended their documents to reflect the dual ownership.

After much discussion with the City Commission, it was determined to have a Workshop on the Yellowstone Preserve property proposal for annexation on November 2, 2006 at 6:30 p.m. in the Community Room of the City/County Complex. At this Workshop, the City Commission and the representatives for the owners of the property will determine the language of the annexation agreement. At a regular scheduled City Commission meeting, following the workshop, the annexation agreement will be presented to the Commission for approval.

Also, there will be a walk through, on the Yellowstone Preserve property, at 2:00 p.m. on November 2, 2006 at the main entrance on Rustad Lane. The public is invited to attend both the Workshop and the walk through.

A short break was taken at 9:17 p.m.

The meeting went back into session at 9:29 p.m.

Motion was made by Blakeman, second by Beebe, to amend original motion to table Resolution No. 3793 until the November 6, 2006 City Commission meeting.

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to table Resolution No. 3794 until the November 6, 2006 City Commission meeting – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX BY THE PETITION OF YELLOWSTONE COMMUNITY PARTNERS, L.L.C., AND HEADWATERS WALKING HORSE RANCH L.L.C., CERTAIN LAND CONTIGUOUS TO THE CITY OF LIVINGSTON, MONTANA, DESCRIBED AS BEING ALL OF SECTIONS 5, 7 & 8 OF TOWNSHIP 2 SOUTH, RANGE 10 EAST, PARK COUNTY, MONTANA, LYING NORTHWESTERLY OF THE MONTANA RAIL LINK (BNSF) RIGHT-OF-WAY AND SOUTHEASTERLY OF THE LOW WATER LINE OF THE YELLOWSTONE RIVER, DESCRIBED BY EXHIBIT A.**

All in favor, Motion passed.

The City Commission and the representatives of the property determined with the Workshop and the walk through for the Yellowstone Preserve being held on November 2, 2006, there would not be enough time to prepare new documents by the November 6, 2006 City Commission meeting.

Motion was made by Blakeman, second by Ebinger, to postpone consideration of Resolution No. 3793 until the November 20, 2006 City Commission meeting.

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to postpone consideration of Resolution No. 3794 until the November 20, 2006 City Commission meeting.

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3795 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE FINAL BUDGET FOR FISCAL YEAR 2006-2007 AS ADOPTED BY RESOLUTION NO. 3778 TO CORRECT THE MISCALCULATION OF THE FLOATING MILL BY LEVYING AND IMPOSING AN ADDITIONAL 2.21 MILLS, AND CALLING FOR A PUBLIC HEARING.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3796 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AGREEMENT WITH THE MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS FOR A LAND & WATER**

**CONSERVATION FUND GRANT FOR THE NORTHSIDE PARK AND SOCCER FIELDS.**

All in favor, Motion passed.

**Action Items:**

Motion was made by Ebinger, second by Beebe, to post-pone the discussion and review of the proposal to lease/sell a portion of the East Side School until the November 6, 2006 City Commission meeting.

All in favor, Motion passed.

A discussion was held to discuss cat licensing with the Code Enforcement Officer/Building Inspector and the Animal/Garbage Control Officer.

Brad Haefs, Code Enforcement Officer, commented that he agrees that there needs to be some kind of licensing for cats in the City of Livingston. He said that the sample Ordinances given to him, and Judy Roy, were excellent. He suggested that they be combined in a way that would fit our city.

Beebe asked what kind of fee would they consider would be appropriate for cat licensing.

Brad Haefs stated he believes cat licensing shouldn't be too restrictive, but there should be a two (2) stage fee, as for dogs, altered and unaltered. One issue would be limiting the number of cats owned by a household, with the number dependent on whether they are altered or unaltered. Another issue would be not allowing cats to be a nuisance to neighbors. He suggested 6 cats per household if they are altered and 2 cats per household if they are unaltered.

Judy Roy stated that she would like to see something on the books regarding cats, so they do not become a nuisance for residents.

The City Commission directed the City Attorney to bring back an Ordinance proposing that cats be licensed at the next City Commission meeting.

A discussion was held for the potential to change the Livingston Municipal Code Section 2-78 - Employment policies - regarding job descriptions.

Mr. Meece stated his request to eliminate job descriptions be approved by the City Commission (Livingston Municipal Code Section 2-78). He feels that job descriptions need to be fluid, especially since the City is undergoing several re-organizations.

The Commission directed that a Resolution be brought back to the Commission in order to adopt this proposed change to the Livingston Municipal Code.



An item was discussed to review the Zia Engineering Contract. The County requested that Zia provide a cost and time estimate to provide facilitation services to a working group of City and County government – to review all the issues involved with organizing a joint solid waste authority. The cost estimate that Zia Engineering provided to the County was \$6,520.00 and the City would pay ½ of that estimate, which would be \$3,260.00.

Blakeman asked since the City and County have already paid for the Zia Engineering contract and the County got the \$10,000 grant, would that grant already cover this request. Mr. Meece stated that the \$10,000 grant was to cover the Country's portion of the original cost of the Zia Engineering contract.

Mr. Meece asked the City Commission if they would like to meet with the County Commissioners to discuss whether they would like to go forward with this request or not.

Blakeman commented that she is interested in moving forward but is not interested in paying for it. Caldwell concurred and mentioned that the City and County have already done a lot of this work in the previous committee.

Mr. Meece stated that he feels that there is enough professional staff between the City and the County that they could facilitate this type of a session.

The City Manager's written comments were reviewed.

- Grabow asked about the School Resource Officer (SRO) position and wondered if the City voted to fund this position. Caldwell replied "no" that the School Board did not except the City's offer. Grabow asked how does the City go back in the budget and look for funding for this position. Mr. Meece replied that in the FY 2006-07 budget the City added another police officer position. Originally the plan was to dedicate that position to the SRO, but the School District did not agree at that time. That officer has been re-assigned and given general duties in the police department.

Following the 'gun' incident, Mr. Meece met with the School District and renewed the original SRO offer. The City has not heard back from the School District as of yet whether they will accept the offer or not.

Commissioner Grabow Comments:

- She asked that the City write thank you letters to those businesses and individuals that were involved in the painting of the Bandshell.
- She mentioned that the Clean Cities Coalition is now called the Greater Yellowstone Teton Clean Energy Coalition and they are meeting on October 19, 2006 in Bozeman. She stated that the City has never donated to this and feels that any kind of donation would be appreciated and asked for the City Commission thoughts. At the meeting on October 19, 2006 the Greater Yellowstone Teton Clean Energy Coalition is going to focus on Livingston bio-diesel potential. She asked if the Commission would donate \$100.00 to the organization.

Ebinger seconded her motion that this be brought back as an action item.

Commissioner Ebinger Comments:

- He commented about how high the Bear Claw Petroleum claim was and wanted to point out our energy goals.
- He mentioned that the County had expectations of meeting with the City Commission on Wednesday, October 18, 2006, about the Zia Engineering request. Mr. Meece commented that the County had put that on their calendar in case the City would agree.
- He requested to let the County know that the City is going to have this Workshop for the Yellowstone Preserve annexation agreement and proposal.
- He mentioned that the City Tree Board was meeting on Wednesday, October 18, 2006 at Noon. He will not be able to attend and asked if another City Commissioner could attend in his place. Grabow volunteered.

Commissioner Beebe Comments:

- She mentioned that there are a lot of broken down vehicles along Park Street and was wondering if the City could do something about them. Chief Raney commented that they would investigate.
- She asked about the Park County Victim Witness Assistance Program and how it relates to the City. Bruce Becker stated that this person sits in on legal proceedings and coordinates with victims during the litigation process. Beebe asked how anyone could get referred to them. Chief Raney stated that position is funded through a grant for violence/assault related crimes, and is available to City cases where the police officer would refer people to them. They are a liaison to assist a person through the process, for counseling if needed, to provide for victim compensation, and to direct them to resources that are available to assist them in testifying.
- She mentioned that she was asked by a resident, who is building a house, that they were going to have a lien put on their property if a contractor did not pay for supplies. She asked if this was legal? Bruce Becker stated this is called a Mechanics Lien and mentioned this is not a City issue.

Commissioner Blakeman Comments:

- She asked if the City had a City flag yet. The Recording Secretary replied that it is still in the process of being completed and will keep the Commission posted.
- She asked when the City/County meeting would be held? It will be on November 8, 2006 at 4:00 p.m. because of the general election on November 7, 2006 as City and County offices will be closed. The Commission asked if they could have an agenda provided to them for the City/County meeting.

- She asked if the underpass was closed today because of all of the rain. Clint Tinsley stated that it was closed for approximately 15 minutes in the morning.
- She mentioned that she had received two comments this week about how nice "H" Street looks and how fast everything was done.
- She asked if the Bandshell had been painted.

Chairman Caldwell Comments:

- He mentioned that he had received a comment from a business owner of the Sterling Building on south main about the handicap parking space upfront. His concern is that people cannot determine that is a handicap parking spot until they are already there. He was wondering what it would take to extend the paint out in the street so you could identify that it is a handicap parking space. Clint Tinsley stated that he would check into this and get back to the Commission on what should happen.
- He commented that he had received complaints from some individuals about an issue of junk vehicles stored and parked on Chinook Street. Mr. Meece stated that the City is preparing to take several different courses of action over the month or so.
- He commented that he had received some feed back from some residents that the "B" Street underpass looks much better, and the pigeon situation has improved. He thanked City staff.

Mr. Meece mentioned that he had put a copy of the new City Purchasing Policy in the Commissioners mailboxes, for their information. He stated that this is effective immediately and thanked all of the task force members that put this together.

Public Comments:

- Bob Hamre of 132 South Yellowstone commented that before the City Commission makes any kind of decision to remember, "do no harm". Mr. Hamre mentioned that there didn't seem to be any obligation of the developer for an economic impact study to be done. He asked if this could be talked about at the Workshop.

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

The time was 10:24 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
Pam Payovich  
RECORDING SECRETARY

\_\_\_\_\_  
Steve Caldwell  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
November 6, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, November 6, 2006 in the Community Room of the City/County Complex. Commissioners present were Vicki Blakeman, Mary Beebe, Steve Caldwell, Patricia Grabow and Bob Ebinger.

Staff members present were Bruce Becker, Ed Meece, Darren Raney, Clint Tinsley, Jim Woodhull, Kevin Harrington, Peggy Glass and Pam Payovich. Duncan Edwards, Shirley Ewan and Jim Mastin were absent.

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

- A. Approve October 16, 2006 regular City Commission meeting minutes.
- B. Accept bills and claims for 2<sup>nd</sup> half of October 2006.
- C. Livingston Tree Board minutes from their September 20, 2006 meeting.

All in favor, Motion passed.

Scheduled public comment:

John Schuler of 33 Love's Lane made comment about the lack of consistent work being done on Love's Lane and the multiple closures to motor vehicle traffic. He is concerned about fire protection since this project is not completed. He asked if the Commission would have a notice put in the paper as to when this job will be completed.

Clint Tinsley stated that this project has taken the longest that he has ever seen in the City. These condominiums cannot be sold until city utilities are in and operating. Mr. Tinsley stated that he will require that Love's Lane be re-opened for traffic as soon as possible.

Jay Kiefer, President of the Livingston Elks Lodge requested a designation of a loading/unloading zone on Lewis Street beside the Livingston Elks Lodge. He also stated that an RV has abused the parking laws and blocked beer distributors and bands from accessing the Lodge. Mr. Kiefer also requested that the curbs be repainted yellow.

Mr. Kiefer also requested if speakers in Commission Workshops could please use microphones so that the public could hear.

Josh Kellar, Coordinator of the Northern Rocky Mountain Resource Conservation & Development (RC&D) gave an update on the Livingston Owner-Occupied Housing Rehabilitation program plan. Mr. Kellar provided the information relating to this program. He stated that RC&D, in partnership with

Human Resource Development Council (HRDC) District IX, is submitting this plan to the City. Together they intend to begin marketing and outreach efforts for the program in November 2006 and complete the program in July 2007.

Public Hearings:

The second reading and public hearing was held for Resolution No. 3798 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE FINAL BUDGET FOR FISCAL YEAR 2006-2007 AS ADOPTED BY RESOLUTION NO. 3778 TO CORRECT THE MISCALCULATION OF THE FLOATING MILL BY LEVYING AND IMPOSING AN ADDITIONAL 2.21 MILLS.**

No public comments were given.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3798.

All in favor, Motion passed.

Resolutions:

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3797 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING FORGIVENESS OF LOAN FROM GENERAL FUND ACCOUNT #1000 TO AMBULANCE FUND ACCOUNT #5510.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3799 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN LEASE PURCHASE AGREEMENT WITH GMAC FOR PURCHASE OF TWO CHEVROLET COLORADO PICKUP TRUCKS FOR POLICE DEPARTMENT.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3800 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CONTRACT WITH LIVINGSTON SCHOOL DISTRICT'S NOS. 1 AND 4 FOR SCHOOL RESOURCE OFFICER.**

All in favor, Motion passed.

Action Items:

A discussion was held to review draft Ordinance – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 2, ARTICLE III AND IV OF THE LIVINGSTON MUNICIPAL CODE ENTITLED GOVERNMENT AND ADMINISTRATION, OFFICERS AND EMPLOYEES.**

Mr. Meece gave background information relating to this proposed Ordinance. At the last City Commission meeting, Mr. Meece requested that changes to job descriptions not require approval of the City Commission – as currently stated in the municipal code. The Commission requested to have the City Attorney bring this Ordinance back at the next City Commission meeting on November 20, 2006 for first reading.

A discussion was held to review draft Ordinance – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1915, 1933 AND 1978 AS CODIFIED IN CHAPTER 4, ANIMALS, OF THE LIVINGSTON MUNICIPAL CODE BY PROVIDING FOR LICENSING OF CATS, BY ESTABLISHING LICENSE FEES AND OTHER FEES BY RESOLUTION AND BY ESTABLISHING PENALTIES FOR VIOLATIONS.**

After much discussion the Commission requested to have the City Attorney bring this Ordinance back at the November 20, 2006 meeting for first reading -- with their suggested comments.

A discussion was held to review a draft Resolution – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTABLISH LICENSE FEES AND OTHER FEES PURSUANT TO THE ANIMAL CONTROL ORDINANCE.**

After much discussion the Commission requested to have the City Attorney bring this Resolution back at the City Commission meeting on November 20, 2006 for first reading.

A discussion was held to review request for designation of loading/unloading zone on Lewis Street beside the Livingston Elks Lodge.

Bob Ebinger recused himself from this discussion.

Motion was made by Blakeman, second by Beebe, to approve designation of a loading/unloading zone on Lewis Street beside the Livingston Elks Lodge.

Motion was made by Blakeman, second by Beebe, to amend motion as stated above to include the painting of the loading/unloading zone **white**.

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

A change of order on the agenda was requested by the Chairman, Caldwell to have action item "F" before action item "E".

A short break was taken at 8:35 p.m.

The meeting went back into session at 8:40 p.m.

A discussion was held for the consideration and/or approval of a letter to the Editor regarding the Yellowstone Preserve annexation process. A draft proposal letter was provided by Chairman, Caldwell.

Motion was made by Blakeman, second by Beebe, to submit the letter to the Editor of the Livingston Enterprise regarding the Yellowstone Preserve annexation process and signed by Commissioners.

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

A discussion was held to initiate disciplinary action against Commission Grabow regarding improper conduct. It was determined that the City Commission does not currently have rules in place that govern the conduct of individual commissioners.

Motion was made by Blakeman, second by Beebe, to direct the City Attorney develop a Code of Conduct and enforcement policy for the City Commission meeting on November 20, 2006.

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

The Commission determined to post-pone the lease/sell portion of the East Side School discussion until the 2<sup>nd</sup> City Commission meeting in December, which would be December 18, 2006.

A discussion was held to consider Park County's request for an agreement from the plaintiffs that Park County has complied with terms of the settlement for the East Interchange Lawsuit. The City Manager provided a letter in the packet concurring with Park County's request.

Chairman, Caldwell asked whether there was an interest from the Commission in adding a condition in the agreement that there will be no variances extended and no conditional uses allowed until the required zoning revisions are made. Commissioner Blakeman and Ebinger concurred. Mr. Meece commented that he believes this request would require modification of the settlement agreement. The Commission asked if the City Attorney would notify the other parties Attorney and determine if this actually would require modification of the settlement agreement and bring back at the next City Commission meeting on November 20, 2006.

A discussion was held to consider donating \$100.00 to the Greater Yellowstone Teton Clean Energy Coalition.

Motion was made by Blakeman, second by Ebinger, to donate \$100.00 to the Greater Yellowstone Teton Clean Energy Coalition.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Ebinger asked about the attempt mitigation of several junk vehicles on 6<sup>th</sup> and Chinook and wondered if these cars have been towed since 5 days have passed. Mr. Meece commented that some of the vehicles have been moved and the process will continue during this week.
- Beebe asked about the cars on Park Street and wondered if City staff had checked those out. Darren Raney commented that the cars that he saw on Park Street are legally parked.
- Beebe asked if there was going to be a City/County meeting this week. Mr. Meece commented that it will be on Wednesday, November 8<sup>th</sup> at 4:00 p.m.
- Caldwell asked if the City has ever assessed fines on the 6<sup>th</sup> and Chinook situation or attempted any meanings on the property to recover the fines or is that even something the City can do. Bruce Becker stated that the City is trying to attempt to recover their costs and that the problem is the vehicles are not registered to the same individual, they are registered to several individuals.

Commissioner Blakeman Comments:

- She remarked that she went to a seminar, in Red Lodge, about the link between animal cruelty and human domestic violence. She would like to share this information with several City employees and anyone else who may be interested.

Commissioner Beebe Comments:

- She commented that she has a newsletter from the Billings Regional Humane Society about the hoarding of animals, in this case it was horses. She stated that she has been looking up some of the legal precedence for controlling hoarding.

Commissioner Ebinger Comments:

- He asked if the Commission could move the Yellowstone Preserve from their calendar on November 20<sup>th</sup> to the first week of December because he is going to be out of town. He understands that the representative from Yellowstone Preserve would not be able to be available on the first week of December. Mr. Meece stated that he will contact the representatives with Yellowstone Preserve and offer them the discussion instead on December 4<sup>th</sup> or December 18<sup>th</sup> and then advise the Commission of their response.

Commissioner Grabow Comments:

- She commented that she has found someone to paint the Civic Center, and was wondering if City staff would follow up on this. Mr. Meece asked Commissioner Grabow to provide him with the information.
- She mentioned that a document ended up in Commissioner's mailboxes which are email notes to herself. She asked the Commission to disregard this document, and stated that this is not public information.



- She commented that she attended the City Tree Board meeting in the absence of Commissioner Ebinger and wondered if there is some way that the City can replace the trees that have to come down. She would like to see the City look into tree replacement at this time. Caldwell asked how does a tree get purchased by a property owner and put in the boulevard then the tree becomes owned by the City, but yet taken care of by the property owner. Mr. Meece stated that trees are treated similar to sidewalks where the adjacent property owner of the sidewalk is responsible for the maintenance of the sidewalk.
- She wanted to know the status of the wind energy (CREB's) application. Mr. Meece stated that there is a meeting on November 21, 2006 in Helena with all of the parties that have applied, the primary engineering firms and members of the State Department of Natural Resources (DNR). The expectations for this meeting are to layout the process for going forward.

Commissioner Blakeman made comment about the email that was received in the Commissioners mailboxes, which Ms. Grabow says are private notes. It looks like it was sent to many people. It is quite inflammatory and simply saying that it wasn't done isn't legitimate. Ms. Grabow stated that if everyone looks at this document it says that it is from her, but it is not from her computer address. It says it is sent to several people and she did not send it to these people. She would like to see an investigation done by law enforcement. These are truly her notes to herself and it is nobody's business but her own, Grabow replied.

Chairman Caldwell has no comments.

Public Comments:

- Jay Kiefer of 13 Riverside Drive commented about the letter that Commissioner Grabow submitted to the Enterprise. He stated that if it had not been for her letter he would not have known about the Workshop for Yellowstone Preserve that was held last week. He really doesn't think that the City wants to invite the citizens of Livingston about a major development. He feels that these types of meetings should be open and above board.

Mr. Meece stated that the Workshop for the Yellowstone Preserve was publicly noticed. As with all of the meetings and documents of the City, the City is bound by the Montana Open Meetings Act. Since the beginning of the process of the proposed Yellowstone Preserve annexation, City Staff has actually gone beyond the normal scope of open public access on this issue. The City could have done the process for this proposed annexation much quicker and in a much more compressed fashion, and the City chose not to. Because of that, the City has had subsequent public discussions to make sure that the citizens of the community had access to this issue.

Blakeman commented that the Commission does not have an issue with the letter that was submitted to the Livingston Enterprise by Commissioner Grabow; it was the allegation of illegal meetings and inaccurate information stated in the letter.

- Rick VanAken of 220 West Montana Street thanked the City and the Commissioners on the attempt for mitigation of several junk vehicles located near 6<sup>th</sup> and Chinook Street and stated that this has been going on for several years.
- Scott McMillion, Reporter of the Bozeman Chronicle, commented about the issue of open meetings and suggested that the Commission be sure not to allow this to become an issue. Mr. Meece stated all of the workshops and/or meetings of the proposed Yellowstone Preserve annexation were noticed even though there was not going to be a quorum of the Commission attending at the same time. Mr. McMillion stated that this is beyond what is required of local government. Mr. Meece asked Mr. McMillion about the City of Livingston's advertisements of all of the meetings/workshops this summer if this was standard practice from what he would see in other local governments. Mr. McMillion replied that for a non-action meeting that this was beyond what other local governments would have done.
- Bob Moore of 407 North 3<sup>rd</sup> Street made comment about the policy that the Commission requested the City Attorney to develop for a disciplinary course of action for the City Commission. He suggested including in this policy that Commissioners disclose membership, as well as financial interests in corporations, 501C3's, or other organizations.

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

The time was 9:23 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
November 20, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, November 20, 2006 in the Community Room of the City/County Complex. Commissioners present were Mary Beebe, Patricia Grabow, Vicki Blakeman and Steve Caldwell. Bob Ebinger was absent.

Staff members present were Bruce Becker, Ed Meece, Darren Raney, Jim Woodhull, Jim Mastin, Duncan Edwards, Peggy Glass and Pam Payovich. Shirley Ewan and Clint Tinsley were absent.

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

- A. Approve November 6, 2006 regular City Commission meeting minutes.
- B. Accept bills and claims for 1<sup>st</sup> half of November 2006.
- C. Department heads monthly reports and other boards/commissions minutes.
- D. Approve Livingston Recreation Coordinator, Cathy Bergsing, recommendation to waive the Civic Center rental fees for the annual Community Christmas Dinner.
- E. Approve special event request from the Livingston Downtown Association for the Livingston Holiday Stroll to be held on December 8, 2006.

All in favor, Motion passed.

Scheduled public comment:

Bob Moore of 407 North 3<sup>rd</sup> Street made comment about the press release that City Manager, Ed Meece, had made in the Livingston Enterprise concerning the Yellowstone Preserve proposed annexation. In the press release, Mr. Meece requested public comment regarding the Yellowstone Preserve proposed annexation.

Mr. Moore stated that he wanted to speak in favor of the Yellowstone Preserve proposed annexation and feels that the community would be foolish not to approve the annexation. He feels that the all of the people involved with this proposal are of very high quality and have stepped up and had an answer for every question asked of them.

Ordinances:

Motion was made by Blakeman, second by Beebe, to approve first reading of Ordinance No. 1980 - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1915, 1933**

**AND 1978 AS CODIFIED IN CHAPTER 4, ANIMALS, OF THE LIVINGSTON MUNICIPAL CODE BY PROVIDING FOR LICENSING OF CATS, BY ESTABLISHING LICENSE FEES AND OTHER FEES BY RESOLUTION AND BY ESTABLISHING PENALTIES FOR VIOLATIONS.**

Blakeman disclosed that she is the Executive Director of the Stafford Animal Shelter.

Beebe asked to change the wording of the Ordinance on Section 4-44 (a) and (b) – Disposition of unredeemed animals, to read: "If an impounded animal is not redeemed by the owner or some person acting in the owner's behalf within five (5) days of impoundment, then the Animal Control Officer will turn the animal over to the Animal Shelter." "All right, title and interest in the animal's original owner shall be forfeited if the animal is not redeemed within five (5) days."

Grabow commented that she had the privilege of participating at the Spay and Neutered Clinic and feels that most of the animals there were gathered from residents barns or abandoned buildings and they did not necessarily own them. In the Ordinance it states: "*Owner shall include any person owning, possessing, keeping, or harboring an animal or allowing the animal to remain on the person's residence. For purposes of this ordinance, anyone who feeds or otherwise attracts a stray or homeless animal to said person's residence shall be deemed to the owner of said animal.*" Grabow feels that it would be helpful not to have this phrase in the ordinance or consider some other wording so as not to jeopardize those people who have taken an interest in decreasing the population of animals in the City.

Blakeman stated that she has a concern about this because many times a hoarder will say that the animals do not belong to them. By leaving this statement in the ordinance the City gives the Animal Control Officer a tool to use.

Beebe stated that this ordinance isn't to punish people for taking care of animals it is to try and reduce the neglect of animals.

Caldwell stated that the Commission is always faced with the risk of over specifying ordinances to every condition. He feels that the Commission needs in this ordinance some kind of statutory basis for mitigating the problem, while understanding that there is opportunity for discretion in enforcement.

All in favor, Motion passed.

A public hearing will be held on Ordinance No. 1980 on December 4, 2006 at the City Commission meeting.

Motion was made by Blakeman, second by Beebe, to approve first reading of Ordinance No. 1981 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 2, ARTICLE III AND**

**IV OF THE LIVINGSTON MUNICIPAL CODE ENTITLED GOVERNMENT AND ADMINISTRATION, OFFICERS AND EMPLOYEES.**

All in favor, Motion passed.

A public hearing will be held on Ordinance No. 1981 on December 4, 2006 at the City Commission meeting.

Resolutions:

Motion was made by Blakeman, second by Beebe, to approve first reading of Resolution No. 3793 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AUTHORIZE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH YELLOWSTONE COMMUNITY PARTNERS, L.L.C., AND HEADWATERS WALKING HORSE RANCH, L.L.C., FOR PROPERTY DESCRIBED AS BEING ALL OF SECTIONS 5, 7 & 8 OF TOWNSHIP 2 SOUTH, RANGE 10 EAST, PARK COUNTY MONTANA, LYING NORTHWESTERLY OF THE MONTANA RAIL LINK (BNSF) RIGHT-OF-WAY AND SOUTHEASTERLY OF THE LOW WATER LINE OF THE YELLOWSTONE RIVER, DESCRIBED BY EXHIBIT A, AND CALLING FOR A PUBLIC HEARING.**

The Commission requested of the annexation agreement under the zoning section to change the sentence to read: *"Subject to ordinary and public zoning requirements, the City will proceed and may apply the zoning designations as indicated on Exhibit 'B' and the List of Uses and Restrictions per Exhibit 'I'."*

Motion was made by Blakeman, second by Beebe, to amend Resolution No. 3793 as stated above.

All in favor of amendment, Motion passed.

Grabow complimented the developers of this property and found them to be very resourceful and is a plan for smart growth. She remains concerned about the railroad crossing, the highway bridge, the traffic situation and the flood plain.

Caldwell stated that the railroad crossing would contain the most current safety equipment needed.

3 in favor; Blakeman, Beebe and Caldwell, 1 against; Grabow, of Resolution No. 3793 as amended, Motion passed.

A public hearing will be held on December 18, 2006 at the City Commission meeting regarding Resolution No. 3793.

Motion was made by Blakeman, second by Beebe, to approve first reading of Resolution No. 3794 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX BY THE**

**PETITION OF YELLOWSTONE COMMUNITY PARTNERS, L.L.C., AND HEADWATERS WALKING HORSE RANCH, L.L.C., CERTAIN LAND CONTIGUOUS TO THE CITY OF LIVINGSTON, MONTANA, DESCRIBED AS BEING ALL OF SECTIONS 5, 7 & 8 OF TOWNSHIP 2 SOUTH, RANGE 10 EAST, PARK COUNTY, MONTANA, LYING NORTHWESTERLY OF THE MONTANA RAIL LINK (BNSF) RIGHT-OF-WAY AND SOUTHEASTERLY OF THE LOW WATER LINE OF THE YELLOWSTONE RIVER, DESCRIBED BY EXHIBIT "A".**

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

A public hearing will be held on December 18, 2006 at the City Commission meeting regarding Resolution No. 3794.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3802 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTABLISH LICENSE FEES AND OTHER FEES PURSUANT TO THE ANIMAL CONTROL ORDINANCE.**

Motion was made by Beebe, second by Grabow, to amend Resolution No. 3802 to state that the increase of \$15 in unaltered dog license fees, 1/2 of the license fees of cattery and kennel fees and \$15 of unaltered cats license fees will be ear marked toward the spaying and neutering of animals in the community.

All in favor, Motion passed.

All in favor of Resolution No. 3802 as amended, Motion passed.

A public hearing will be held on December 4, 2006 at the City Commission meeting regarding Resolution No. 3802.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3803 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH HKM FOR SEPARATED RAIL CROSSING FEASIBILITY STUDY IN THE ESTIMATED AMOUNT OF \$81,585.00.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3804 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH HRDC TO ESTABLISH AND ADMINISTER CITY OF LIVINGSTON HOMEOWNERS REHABILITATION PROJECT IN THE AMOUNT NOT TO EXCEED \$17,000.00.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3805 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN**

**PROFESSIONAL SERVICES AGREEMENT WITH GRANITE ENTERPRISES, LLC,  
FOR ON-GOING COMPUTER AND NETWORK TECHNICAL SUPPORT.**

All in favor, Motion passed.

Action Items:

A discussion was held to consider Park County's request for an agreement from the plaintiffs that Park County has complied with terms of the settlement for the East Interchange Lawsuit.

Motion was made by Blakeman, second by Beebe, to accept Park County's request for an agreement from the plaintiffs that Park County has complied with terms of the settlement for the East Interchange Lawsuit to the best of their ability and direct City Manager to sign the agreement with Park County acknowledging it.

All against, Motion denied.

After much discussion it was requested of the Commission to have this discussion at the City/County meeting on December 5, 2006 in order to have them answer questions and concerns.

A discussion was held to consider adding the "Trails" study to the City's subdivision regulations.

Mr. Meece stated that at the last City/County meeting it was requested to have the "Trails" study implemented into the City subdivision regulations. A discussion with Jim Woodhull and Bruce Becker indicated that it was their consensus to adopt the "Trails" study as an advisory plan for guidelines in the subdivision regulations instead of as a legal requirement.

After much discussion it was determined by the Commission to have the "Trails" study as an administrative resource but not as a requirement and requested to have this "Trails" study put on the web site for public viewing.

Motion was made by Blakeman, second by Beebe, to direct the City Attorney to create a Resolution implementing the "Trails" plan as part of the City's subdivision regulations as an advisory guide.

All in favor, Motion passed.

A discussion was held to review the "Draft" of the Rules of Conduct for the Livingston Commission.

After much discussion the City Attorney requested to have each Commissioner submit their suggestions to him in writing, he will integrate them into a draft for review at a later City Commission meeting.

A discussion was held regarding the Summerfest Director becoming an employee, not an independent contractor.

Mr. Meece had drafted a job description for the Summerfest Director for the Commission and was provided in the packet.

A resolution to repeal the previous Resolution for the Summerfest Director to be an independent contract will be brought back to the City Commission consideration at the next City Commission meeting. Then administration can move forward, if the Commission so desires, with the job description for the Summerfest Director as an employee.

A discussion was held to consider approving final design of a City flag. An example of a black and white City logo and a color version of the City logo (with a background of "sky blue") were presented to the Commission for their consideration. The City Commission concurred to purchase a color version of the City logo for the City of Livingston flag. A new City of Livingston flag will be presented to the Commission in approximately 3-4 weeks.

A discussion was held of procedure to fill a vacancy on the City Commission as of January 1, 2007.

Commissioner Bob Ebinger has been elected as the state representative for the House and will be resigning as of January 1, 2007 as he cannot be both a city commissioner and a state representative. The state law requires that a vacancy on the City Commission must be filled within 30 days of the vacancy by a majority vote of the commission. The term for this vacancy will expire on the first Monday of January, 2008.

The Commission concurred to direct staff to move forward with advertising for the vacancy on the City Commission as of January 1, 2007. Also the Commission discussed Mr. Ebinger being able to vote for his replacement.

Lenny Gregrey of 429 South 9<sup>th</sup> Street made comment. He feels that Bob Ebinger should not be able to vote for his replacement as previous people who have left their office have not voted for their replacement.

Bruce Becker, City Attorney stated that he agrees with Mr. Gregrey to not allow Mr. Ebinger to vote for his replacement.

The City Manager's written comments were reviewed.

- Grabow commented about the Vision Livingston Downtown Partnership and wondered why the Senior Center was not included in the Executive Board. Mr. Meece stated that was not his decision. The Executive Committee is not the entire board as there are 13 members including several "at-large" seats. There is no reason that the Senior Center could not have a representative on the board if that group so desires.
- Grabow commented that she commends Jim Woodhull for becoming certified as a Residential Building Inspector.



Commissioner Blakeman had no comments.

Commissioner Beebe Comments:

- She wanted to know what the status was on the bridge on "M" Street and wondered if there was any progress on the walking bridge at this point. Mr. Meece stated that there isn't any progress, at this time. In the original grant the walking bridge was included in the funding. The grant was expended completely before the walking bridge was built. The City has spent \$3,000 more than the grant for this project.
- She asked about the self-governing initiative being voted against, and wondered if there was any recourse at this point. Bruce Becker stated that it is possible for the City Commission to initiate a charter initiative in the next election (fall of 2007).
- She wanted to know what the progress was of the downtown garbage cans. Mr. Meece stated that he believes that they have sold 12 of the garbage cans (to date).
- She mentioned that at the Montana Spay and Neutered Clinic this past weekend, there were 167 cats and 49 dogs from the City of Livingston and surrounding areas. She feels that it was a very successful clinic.

Commissioner Grabow Comments:

- She wanted to know when the Commission was going to meet for the next legislative session on their priorities. Caldwell suggested that they wait until Commissioner Ebinger could be available to attend.
- She feels that an Industrial Zoning area is needed in the City limits and would like to see what perimeters the Commission can look at in pursuing this so that these businesses that are already industrial can look at relocating to.
- She would like to commend the Senior Center for going ahead with the CDBG grant in order to address the problems that are in existence at the center.

Chairman Caldwell had no comments.

Commissioner Ebinger absent.

Public Comments:

- Ann Hollowell of Fleshman Creek asked a question concerning the trails study and wondered who would have the liability of trails. Bruce Becker stated that the City would own the trail and so would assume the liability and upkeep. Ms. Hollowell asked for the City to keep in mind all of this when expanding on new trails in the City.
- Patty Miller of 605 North Yellowstone Street commented that she has some concerns of the animal ordinance because she is a pet caregiver. She stated that it isn't identifying the people that own the pets; it's identifying the addresses. She suggested that the City do an animal census and that she would volunteer to help do this.

- Anna O'Hara asked for some clarification. When the Commission was speaking about the East Interchange and the Bob Boyd property they mentioned that Park County will have no ability to change the zoning on that property for quite some time. Her concern is that her husband owns one of the businesses on the Yellowstone Preserve Community partner's property and they will be removed. The property on the East Interchange is the property that they are looking at to relocate. Mr. Meece stated, that he understands a portion of that property is zoned commercial and the County, because of the growth policy initiative, cannot change that zoning. He stated what the City Commission did tonight does not change anything that the County has or doesn't have zoned commercial.
- Wally O'Hara of 203 South Yellowstone commented that the Yellowstone Preserve Community partners have given notice to their industrial tenants of their requirement to vacate the property. It is very important he feels that these businesses have somewhere to move to in or around the City and asked for the Commission's and the City for their help. Caldwell stated that he wished that the Commission had more options.
- Warren McGee made comments of the toxic waste, and showed a picture of an area below the railroad bridge. He mentioned that Envirocon did the environmental cleanup and this area was measured for toxic waste across the stream and downstream from the bridge. There was toxic waste in the aquifer between there and 5 miles east end of the Airport. Mr. McGee stated with the City possibly annexing this property, that the property owner of the Yellowstone Preserve will have to be standing good for all of environmental damage that will done in the future. Caldwell stated that the property owner would be liable for cleaning up the toxic waste not the City.
- Bob Zimmer of 118 South "H" Street made comment about the community facing a very large and complex growth issue. There is not just one subdivision or one issue that stands alone. He feels that while the City and/or County has all of those issues to address of applications, on their own merits, it is a big task to coordinate those into long-term quality life for the community. He asked what have the economic benefits been of recent annexations. For instance: Northern Lights. What is the cost/benefit ratio to the community? Is it positive? He would like to see conscientious decisions made by the City and the County Commission for the benefit of the community with economic and social issues in mind. One of the key components of the community is the Yellowstone River and there are a lot of people that make their living on the River. He feels once the River gets impacted with all of the growth, those people who make their living on the River will be affected. He asked the Commission to take all of these components into consideration as they go through the zoning and subdivision processes of these proposed annexations.
- Bob Skillman of 522 North 11<sup>th</sup> commented that he has worked for Rebbles for several years and the property owners have been told that they have to move their business.

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

The time was 9:52 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
December 4, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, December 4, 2006 in the Community Room of the City/County Complex. Commissioners present were Mary Beebe, Vicki Blakeman, Bob Ebinger and Steve Caldwell. Patricia Grabow joined the meeting by telephone at 7:34 p.m.

Staff members present were Bruce Becker, Ed Meece, Darren Raney, Jim Woodhull, Jim Mastin, Duncan Edwards, Clint Tinsley and Pam Payovich. Shirley Ewan and Peggy Glass were absent.

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

- A. Approve November 20, 2006 regular City Commission meeting minutes.
- B. Accept bills and claims for 2<sup>nd</sup> half of November 2006.
- C. Approve two-hour parking waiver request for the Christmas Holiday from Monday, December 11, 2006 through Friday, December 29, 2006.
- D. Approve recommendation from Public Works Director for the new 2007 loader to be awarded to Tractor & Equipment for a 5-year lease purchase of \$30,529.00 per year.

All in favor, Motion passed.

Scheduled public comment:

Donna Pace with the Sister Cities Committee gave an update on the Livingston Sister City Cultural and Student Exchange program. Ms. Pace asked for more City involvement and support with the Sister Cities program. She also asked the City to consider funding a vehicle to transport the Japanese visitors around the City. The next Japanese student tour will be here in Livingston on August 4, 2007 and leave on August 14, 2007. The students from Livingston that were chosen, will leave for Japan on July 10, 2007 and return on July 23, 2007.

Public Hearings:

A public hearing was held on Ordinance No. 1980 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1915, 1933 AND 1978 AS CODIFIED IN CHAPTER 4, ANIMALS, OF THE LIVINGSTON MUNICIPAL CODE BY PROVIDING FOR LICENSING OF CATS, BY ESTABLISHING LICENSE FEES AND OTHER FEES BY RESOLUTION AND BY ESTABLISHING PENALTIES FOR VIOLATIONS.**

Kris King of 425 West Chinook stated that she feels this Ordinance is a great idea so that cat owners can help pay for some of the animal control costs that dog owners have been primarily subsidizing. The Ordinance would also give

the Animal Control Officer some tools to enforce the problem of excessive animals in the community and encourage people to spay and neuter their animals.

Motion was made by Blakeman, second by Ebinger, to approve Ordinance No. 1980.

Beebe stated reservations about the part of the Ordinance regarding the restraint of cats, which had been the focus of the Friday Enterprise article. Since the article came out, she had heard several people express fears that this portion of the Ordinance would be used by neighbors to retaliate against each other and justify violence against their cats. Beebe stated that she had researched some ordinances around the Country and believed the Ordinance could be modified so as to be less threatening and more supportive of spay/neuter and the humane treatment of animals. She believes if the public has more time to discuss the full Ordinance, there will be more support and compliance with licensing requirements.

Blakeman stated that she agrees with some of Beebe's comments but wants to be careful that the Commission respects the personal property rights of all citizens. She would be in favor of modifying the Ordinance.

All against, Motion denied.

After much discussion it was requested that the Commission give their written concerns, and suggested changes, to the City Attorney so that a re-drafted Ordinance could come back at a later date.

A public hearing was held on Ordinance No. 1981 - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 2, ARTICLE III AND IV OF THE LIVINGSTON MUNICIPAL CODE ENTITLED GOVERNMENT AND ADMINISTRATION, OFFICERS AND EMPLOYEES.**

No public comments were given.

Motion was made by Ebinger, second by Blakeman, to approve Ordinance No. 1981.

All in favor, Motion passed.

A public hearing was held on second reading of (Resolution No. 3802) Resolution No. 3806 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING LICENSE FEES AND OTHER FEES PURSUANT TO THE ANIMAL CONTROL ORDINANCE.**

No action was taken because of Ordinance No. 1980 being denied.

Resolutions:

Motion was made by Beebe, second by Blakeman, to approve Resolution No. 3807 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REPEALING RESOLUTION NO. 3786, WHICH AUTHORIZED AGREEMENT WITH KEN KASTELITZ AS SUMMERFEST 2007 DIRECTOR.**

All in favor, Motion passed.

Action Items:

A discussion was held to review a draft Ordinance – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 21 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED PAWNBROKERS AND JUNK DEALERS BY ADDING SECONDHAND DEALER, REDEFINING PAWNBROKER, AMENDING THE LAW REGARDING RECORDS TO BE KEPT BY PAWNBROKER, ETC., PROVING A MEANS TO SECURE STOLEN PROPERTY, AND ESTABLISHING CRIMINAL AND CIVIL INFRACTION AND PENALTY FOR VIOLATIONS.**

After discussion, the Commission asked the City Attorney to bring this draft back as an Ordinance for first reading, in January 2007, with their corrections and suggested additions.

A discussion was held to accept resignation of Bobby Parks on the Urban Renewal Authority to direct Staff as to how to proceed with this vacancy. It was also noted that Lynn Chan's term on the Urban Renewal Authority expires January 2007.

Motion was made by Blakeman, second by Ebinger, to accept resignation of Bobby Parks on the Urban Renewal Authority and direct City staff to advertise for Mr. Parks and Lynn Chan's vacancies to the Urban Renewal Authority.

All in favor, Motion passed.

A discussion was held to approve the Development Review Committee (DRC) recommendation for the Eagle Landing Bonding request.

The DRC received a letter from the Engineering firm for the Eagle Landing project, requesting a change in the original conditions of approval for the subdivision/development (primarily, installation of the sanitary sewer and water main extensions). They also asked that the City accept a Letter of Credit as security for the remaining improvements.

Motion was made by Blakeman, second by Ebinger, to accept the recommendation of the City Manager for the request from Eagle Landing Bonding, as stated in the memorandum, with security acceptable to the City Manager.

All in favor, Motion passed.

A discussion was held to review and/or approve the selection of a possible location for a new Water Playground.

Mr. Meece gave background information relating to the need for a Water Playground within the City, to replace the wading pools.

Cyndy Rigler spoke on behalf of the Rotary Club and explained a couple of possible locations for a new Water Playground. She suggested "G" Street Park or the area on the west side of the Old Wastewater Treatment Building.

After discussion, the Commission determined that "G" Street Park would be more suitable for the new Water Playground as parking would not be as much of an issue as it would be at the Old Wastewater Treatment Building area.

Mr. Meece thanked the Rotary Club for working on this project and the Commission concurred.

A discussion was held to approve the expenditure for the purchase of a lap-top computer. This computer would be solely utilized to digitally record the City Commission meetings:

- 1). More reliable storage method than audio cassettes.
- 2). Allow for quick electronic posting to the web site.
- 3). Easier and cheaper duplication for public access.

The Commission agreed that this is a necessity, and gave the City Manager permission to move forward with the purchase of the lap-top.

The City Manager's written comments were reviewed.

Commissioner Blakeman had no comments.

Commissioner Beebe Comments:

- She wanted to explain why the Cat Ordinance concerns came up so late in the process. The article in the Enterprise spoke only of the restraint portion and many people who had knowledge of and had supported the cat licensing Ordinance up to the time of this article expressed concern and even alarm. The time of the article, three days before the second reading, did not allow enough public debate to address fears and make any changes that would improve the restraint portion. She apologized for the late time and the inconvenience.

Commissioner Ebinger Comments:

- He commented that in the last minutes there was discussion about him voting on the appointment of his replacement. It was never his intent to be a part of that discussion or process.

Commissioner Grabow Comments:

- She asked if the Commission had determined a time to discuss their agenda for the 2007 Montana Legislative Session.

Caldwell stated that the Commission hasn't scheduled the discussion of legislative proposals yet, and asked Mr. Ebinger what a good time would be for the elected legislators to be available.

Mr. Meece stated that perhaps the City Commission would like to have their discussions first and then have a follow-up meeting with the legislators.

After much discussion the Commission concurred to have a work session on December 11, 2006 at 6:00 p.m. to discuss legislative issues.

- She asked if there was time line on filling the Historic Preservation Officer position vacancy.

Mr. Meece stated that the City has received Mr. Gregory Legge's resignation, due to health reasons. He also wished him the fullest recovery. At this point the City is evaluating how the Historic Preservation Officer position will be replaced.

Chairman Caldwell had no comments.

Public Comments:

- Bruce Gagne', owner of Action Pawn, made comment about the proposed Pawnbrokers Ordinance. He thanked Darren Raney for keeping him apprised on this Ordinance. He would like to suggest that Law Enforcement set up a liaison within the second-hand dealers as part of the ordinance process.
- Margo Kidder of 305 West Lewis requested the "Dog Park" be named after a recent deceased dog of Bill Campbell. Steve Caldwell stated that there is an initiative headed in that direction.

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

The time was 8:50 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION



LIVINGSTON  
CITY COMMISSION MEETING  
December 18, 2006  
7:30 P.M.

The Livingston City Commission met in regular session on Monday, December 18, 2006 in the Community Room of the City/County Complex. Commissioners present were Bob Ebinger, Vicki Blakeman, Patricia Grabow, Mary Beebe and Steve Caldwell.

Staff members present were Bruce Becker, Ed Meece, Shirley Ewan, Darren Raney, Jim Woodhull, Jim Mastin, Duncan Edwards, Clint Tinsley, Peggy Glass and Pam Payovich.

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

- A. Approve December 4, 2006 regular City Commission meeting minutes.
- B. Accept bills and claims for 1<sup>st</sup> half of December 2006.
- C. Department heads monthly reports and other committee/boards minutes.
- D. Approve special event request from the Stafford Animal Shelter for the "Bark in the Park" to be held on August 19, 2007.
- E. Approve special event request from the Federation of Fly Fishers for the Fly Fishing Federation Conclave to be held on July 31, 2007 - August 4, 2007.

All in favor, Motion passed.

Public Hearings:

A public hearing was held on Resolution No. 3809 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING BY THE PETITION OF YELLOWSTONE COMMUNITY PARTNERS, L.L.C., AND HEADWATERS WALKING HORSE RANCH, L.L.C., CERTAIN LAND CONTIGUOUS TO THE CITY OF LIVINGSTON, MONTANA, DESCRIBED AS BEING ALL OF SECTIONS 5, 7 & 8 OF TOWNSHIP 2 SOUTH, RANGE 10 EAST, PARK COUNTY, MONTANA, LYING NORTHWESTERLY OF THE MONTANA RAIL LINK (BNSF) RIGHT-OF-WAY AND SOUTHEASTERLY OF THE LOW WATER LINE OF THE YELLOWSTONE RIVER, DESCRIBED BY EXHIBIT "A".**

Gary George of 511 South 11<sup>th</sup> Street made comment. He stated that he has lived in Livingston since 2000 and he has no financial connection with the proposed annexation nor does he know any of the people involved. Mr. George commented that he lived in eastern Oregon off the main east highway when they planned on building a truck stop near the city limits. He asked the City Commission to use deliberate speed to study all of the negative and positive factors before entering into an agreement to annex this property.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3809.

Grabow appreciated the comments of Mr. George and stated that in the course of the last several weeks she has heard from several people about this annexation. There are still questions that have been asked all along. There was a person interested in buying the property and couldn't because of the type of business they wanted to have and the business would be in the flood plain. Ms. Grabow commented that Livingston is a river community. She feels that this annexation would have very much of an impact on the River. She also doesn't feel that the public has adequate information about this annexation and is very concerned.

Blakeman stated that she has concerns about this property being annexed as well as Commissioner Grabow does. She feels this property is a priceless asset to the community and she wants to see the property protected for the whole entire community. This is why she is for this annexation, because with this annexation and the Watson's annexation, the City can preserve public access to the whole corridor of the River for the entire community and not just a few landowners. The City would have control over how this property is going to be developed.

Ebinger concurred with Commissioner Blakeman and feels that there is enough additional work that will need to be done to have the public involved. He feels that there has been ample discussion with the public with this proposed annexation.

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

**A public hearing was held on Resolution No. 3810 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH YELLOWSTONE COMMUNITY PARTNERS, L.L.C., AND HEADWATERS WALKING HORSE RANCH, L.L.C., FOR PROPERTY DESCRIBED AS BEING ALL OF SECTIONS 5, 7 & 8 OF TOWNSHIP 2 SOUTH, RANGE 10 EAST, PARK COUNTY, MONTANA, LYING NORTHWESTERLY OF THE MONTANA RAIL LINK (BNSF) RIGHT-OF-WAY AND SOUTHEASTERLY OF THE LOW WATER LINE OF THE YELLOWSTONE RIVER, DESCRIBED BY EXHIBIT "A".**

Bob Zimmer of 119 South "H" Street made comment. He thanked the Commission for their diligent consideration on this proposed annexation and having the best interests of the community at heart.

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3810.

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

Resolutions:

Resolution No. 3808 was deleted from the agenda. - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING LETTER OF CREDIT TO FINISH CONDITIONS ON PRELIMINARY PLAT APPROVAL FOR EAGLE LANDING CONDOMINIUM SUBDIVISION.**

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3811 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTABLISH LICENSE FEES AND OTHER FEES PURSUANT TO THE ANIMAL CONTROL ORDINANCE.**

All in favor, Motion passed.

A public hearing will be held on Resolution No. 3811 on January 2, 2007.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3812 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTABLISH VEHICLE TOWING AND STORAGE FEES.**

All in favor, Motion passed.

A public hearing will be held on Resolution No. 3812 on January 2, 2007.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3813 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN ENGINEERING AGREEMENT WITH CTA NELSON ENGINEERING FOR RECONSTRUCTION OF E, F, AND G STREETS FROM PARK STREET TO CALLENDER STREET AND THE RECONSTRUCTION OF CALLENDER STREET FROM "D" STREET TO "H" STREET IN THE AMOUNT OF \$68,114 PLUS REIMBURSABLE EXPENSES.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Beebe, to approve Resolution No. 3814 - **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 WATER MAIN REPLACEMENT FROM PARK STREET TO CALLENDER STREET INCLUDING PARK STREET FROM "B" STREET TO "E" STREET IN THE AMOUNT OF \$53,590.00 PLUS REIMBURSABLE EXPENSES.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Ebinger, to approve Resolution No. 3815 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CERTAIN EMPLOYEES TO ACQUIRE FEDERAL SURPLUS FROM THE STATE OF MONTANA FOR THE CITY OF LIVINGSTON, MONTANA.**

All in favor, Motion passed.

Action Items:

A discussion was held to authorize City Attorney to sign "Notice of Satisfaction of Settlement Agreement" with Park County.

Mr. Meece commented that this is a follow-up response of the discussion of the last City/County meeting.

Motion was made by Blakeman, second by Beebe, to authorize City Attorney to sign "Notice of Satisfaction of Settlement Agreement" with Park County.

All in favor, Motion passed.

A discussion was held to appoint an applicant to fill the City Commission vacancy.

Applicants that applied for the City Commission vacancy were John Grant, Rick VanAken, Dianne O'Brian, Mark Pesa and Rodney Dagel.

Beebe nominated Rick VanAken. Blakeman nominated John Grant.

Rick VanAken was unanimously appointed to fill the City Commission vacancy. Bob Ebinger recused himself from voting.

The Commission commented that everyone that applied was an excellent candidate. They asked to please keep coming and staying involved.

A discussion was held to appoint the City Manager to the board of the Economic Development District (RC&D).

Mr. Meece commented that the Rocky Mountain Corporation and Development Center has worked diligently to get an Economic Development District in Park and Gallatin Counties. One of their requirements is to form a board with a variety of background experiences and they have asked the City to appoint someone to be on that board.

Motion was made by Blakeman, second by Ebinger, to appoint the City Manager to the board of Economic Development District (RC&D).

All in favor, Motion passed.

Addendum:

A discussion was held to approve naming the dog park at Mayor's Landing after "Moja" Campbell.

Motion was made by Blakeman, second by Beebe, to approve naming the dog park at Mayor's Landing after "Moja" Campbell.

All in favor, Motion passed.

A discussion was held to authorize the Request for Qualifications (RFQ) for the Wind Energy project.

Mr. Meece gave background information about the RFQ for the Wind Energy project.

Motion was made by Blakeman, second by Ebinger, to authorize the City Manager to put together a RFQ for the Wind Energy project.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Blakeman asked since the City did not get the grant for the Glass Pulverizer what happens now. Clint Tinsley stated that he just heard today that the City didn't get the grant for the Glass Pulverizer. The Grant's Committee meets every two weeks, sometimes every week on grants that are available.

Commissioner Blakeman had no comments.

Commissioner Beebe had no comments.

Commissioner Ebinger Comments:

- He addressed the Commission with a letter of resignation to become effective on December 31, 2006. He commented that he has thoroughly enjoyed his four-year tenure as a Livingston City Commissioner. He will deeply miss his association with the Commission, City Manager, Ed Meece, our great supporting staff, and department professionals.

Commissioner Grabow Comments:

- She wanted to know if the East Side School would be on the agenda. Mr. Meece apologized for not having on the agenda tonight but will be sure and have it on the agenda for the first meeting in January.
- She commented that she doesn't believe that Mr. Ebinger is replaceable. She hopes that the City can move forward in keeping beautiful the City of Livingston historical downtown.

Chairman Caldwell Comments:

- He mentioned that he had spoken with Diane Taliaferro from the Forest Service last week, she was also on the Trails & Greenway Task Force committee, and reminded him that there was a couple of offers on hand and wanted to make sure the Commission didn't forget.

- o Offer from the Forest Service to provide survey and design work for bridges at "M" and "Q" streets.
- o Offer from the National Forest Service from Denver for free brochures layout and design.

Mr. Meece commented that he would like to echo the comments from Staff on Mr. Ebinger's departure. He does appreciate him and thanked him for all of his support.

No public comments were given.

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

The time was 8:22 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Steve Caldwell  
CHAIRMAN, CITY COMMISSION