

**CITY OF LIVINGSTON
CITY COMMISSION MEETING
January 5th, 2009**

The Livingston City Commission met in a regular session on Monday, January 5th, 2008. Commissioners present were Steve Caldwell, Vicki Blakeman, Mary Beebe, Rick VanAken, and Juliann Jones.

Staff members present were Ed Meece, Bruce Becker, Darren Raney, Alan Davis, Clint Tinsley, Peggy Glass, Jim Woodhull, and Robyn Keyes.

Motion was made by Blakeman to approve consent items, seconded by Beebe.

No discussion.

All in favor, motion to approve consent items passed.

SELECTION OF CHAIR AND VICE CHAIR FOR 2009:

Beebe nominated Steve Caldwell for Commission Chair, Blakeman seconded.

No discussion.

All in favor, motion to appoint Caldwell as Chair passed.

Beebe nominated Vicki Blakeman as Commission Vice-Chair, VanAken seconded.

No discussion.

All in favor, motion to appoint Blakeman as Vice-Chair passed.

REVIEW COMMITTEE VACANCIES & CONSIDER NOMINATION FOR COMMITTEE APPOINTMENTS:

Beebe nominated VanAken to the Infrastructure Replacement Committee, Blakeman seconded.

No discussion.

All in favor, motion to appoint VanAken to the Infrastructure Replacement Committee passed.

Beebe moved to reappoint Blakeman to City Planning Board, Jones seconded.

No discussion.

All in favor, motion to reappoint Blakeman passed.

Blakeman moved to nominate Beebe to the Skate Park Committee, VanAken seconded.

No discussion.

All in favor, motion to nominate Beebe to the Skate Park Committee passed.

Blakeman moved to nominate Dana Taylor to the Urban Renewal Agency, Beebe seconded.

No discussion.

All in favor, motion to nominate Dana Taylor to the Urban Renewal Agency passed.

Blakeman moved to nominate VanAken to the City-County Building Maintenance Committee, Beebe seconded.

No discussion.

All in favor, motion to nominate VanAken to the City-County Building Maintenance Committee passed.

Caldwell appointed Beebe to the City-County Health Board.

Blakeman moved to nominate Beebe to the EMS Committee and Jones to the Communications Advisory Committee, VanAken seconded.

No discussion.

All in favor, motion to nominate Beebe to the EMS Committee and Jones to the Communications Advisory Committee passed.

Jones moved to nominate Blakeman and VanAken to the Urban Transportation Committee, Beebe seconded.

No discussion.

All in favor, motion to nominate Blakeman and VanAken to the Urban Transportation Committee passed.

Blakeman moved to nominate VanAken to the Sister City Committee, Jones seconded.

No discussion.

All in favor, motion to nominate VanAken to the Sister City Committee passed.

Caldwell questioned whether the Commission would want to advertise for the position on Yellowstone Country again.

Meece said that someone who had gone directly to the group, instead of through the Commission, had actually filled the spot, and he said he would look into whether or not this is allowable since the person represents the City.

Jones said she would be on it if necessary.

SCHEDULED PUBLIC COMMENT:

There was none.

VARIANCE REQUESTS:

There were none.

PUBLIC HEARINGS:

Ordinance No. 2008- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1984 AS CODIFIED IN CHAPTER 4, ANIMALS, OF THE LIVINGSTON MUNICIPAL CODE BY REQUIRING DOGS AND CATS 4 MONTHS OR OLDER TO BE LICENSED AND INCREASING PENALTY FOR VIOLATIONS.

There was no public comment.

Blakeman moved to approve Ordinance No. 2008, Beebe seconded.

Discussion:

Beebe said that there were a few notations that needed to be changed in the ordinance. Specifically, she noticed that at the bottom of page 51, the wording needed to be changed from "cats under 6 months" to "cats under 4 months."

Caldwell stated that this would need to be done by amendment.

Beebe moved to amend Ordinance No. 2008 by changing "cats under 6 months" to "cats under 4 months." Blakeman seconded.

No discussion.

All in favor, amendment to Ordinance No. 2008 passed.

Beebe also stated that she felt wording needed to be added to page 54 along the lines of "Cats shall be exempt from this unless determined to be a nuisance animal." She said this had been brought up several times before.

Beebe moved to amend Ordinance No. 2008 by adding the sentence, "Cats shall be exempt from this unless determined to be a nuisance animal." Blakeman seconded.

Becker stated that he felt adding this sentence was unnecessary.

Beebe said that she wanted to make sure that it was known that this commission intentionally excluded cats from the restraint requirement. Her concern was that without an affirmative statement to that effect the ordinance could be changed by mistake. She added that her reason for concern was that at two separate commission meetings the city manager and then Commissioner VanAken had inquired about the "mistaken" omission of the word "cat" from the restraint section of the ordinance. These inquiries suggested that the intent of the ordinance is not clear. Clarification of the intent of this commission to exempt cats from the restraint requirement could be achieved by adding a sentence that asserts that position in an affirmative manner, not simply by omission. She asked the city attorney to put that clarification into a legally acceptable format, adding that this exemption had been an important part of gaining support for cat licensing in the city of Livingston.

Meece said that he understood her concerns, but that even if the sentence was added, future commissions could take it out and include cats.

Becker stated that page 46 had definitions of the animals that were required to be on a leash so adding the sentence would be superfluous.

Becker also said that it would create a double negative by adding the sentence, so if it were to be added, "unless determined to be a nuisance animal" would need to be removed.

Meece said that when writing laws, the goal is to provide instruction, and not commentary, because commentary creates room for ambiguity. Caldwell suggested that if there were to be descriptive language, it could be added to the whereases.

Becker said that the point of the Commission discussing the ordinance is to discuss the 4 months of age provision. Beebe withdrew her motion to amend. Blakeman withdrew her second to the motion to amend.

No further discussion.

All in favor, motion to approve Ordinance No. 2008 passed.

Ordinance No. 2009- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1999 AND CHAPTER 9, ARTICLE IV OF THE LIVINGSTON MUNICIPAL CODE ENTITLED PARKING, STOPPING, AND STANDING BY REMOVING THE 2-HOUR PARKING RESTRICTION FROM A PORTION OF SOUTH MAIN STREET AND ESTABLISHING A PERMIT SYSTEM FOR EXTENDED PARKING IN THE 2-HOUR PARKING ZONE UNDER CERTAIN CONDITIONS AND PROVIDING A PENTALTY FOR VIOLATION.

Public Comment:

Erica Strickland, owner of True Value, came forward and asked if more background on the topic the ordinance addresses could be given.

Meece said that the City has an administrative procedure for individuals to buy parking spaces in the downtown area by the day for contractors, etc. for up to a certain length of time. This ordinance, he explained, would move it from an administrative procedure to part of the City Code.

Strickland asked if there would be rules for citizens if they wanted to rent a parking spot.

Meece said in the future, the permits will be issued by the Building Department, and that it would be specifically for construction or remodel work.

Strickland also asked where the 2-hour time limit would be eliminated.

Raney answered that it would be by the Sherwood Apartment Homes and across the street in front of several private residences.

Tinsley added that he has concerns about allowing parking in that area when it comes to snow removal, so he would like it to somehow be worded to help with the issue.

Meece said that he had entertained similar thoughts, and that he feels it is an excellent point that needs to be addressed separately because he would like a broader policy involving snow routes, etc. later on.
No further public comment.

Blakeman moved to approve Ordinance No. 2009, VanAken seconded.

Discussion:

Blakeman questioned whether the boot had been used, and Raney said that it is used periodically.

No further discussion.

All in favor, motion to approve Ordinance No. 2009 passed.

Ordinance No. 2010- AN ORDINANCE OF THE 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 comment.

Blakeman moved to approve Ordinance No. 2010, Beebe seconded.

No discussion.

All in favor, motion to approve Ordinance No. 2010 passed.

Resolution No. 4007- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DISCONTINUING AND VACATING A PORTION OF THE UNDEVELOPED "L" STREET RIGHT-OF-WAY AND LOCATED BETWEEN BLOCK 129 OF THE RIVERSIDE ADDITION TO THE CITY OF LIVINGSTON, MONTANA, AND REVISED TRACT "C" OF AMENDED CERTIFICATE OF SURVEY NO. 2055.

Public Comment:

Matt Dettori asked for a point of clarification as to where Block 129 was located.

Blakeman said it is at the end of L Street where it connects to Geysler, and that there is no road there now.

No further public comment.

Blakeman moved to approve Resolution No. 4007, Beebe seconded.

There was no discussion.

All in favor, motion to approve Resolution No. 4007 passed.

Resolution No. 4008- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING LICENSE FEE FOR SERVICE DOGS ONE YEAR OF AGE OR OLDER.

No public comment.

Blakeman moved to approve Resolution No. 4008, Beebe seconded.

No discussion.

All in favor, motion to approve Resolution No. 4008 passed.

ORDINANCES:

There were none.

RESOLUTIONS:

Resolution No. 4009- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTABLISH FEES FOR EXTENDED PARKING OR RESERVED PARKING IN THE 2-HOUR DOWNTOWN PARKING ZONE IN THE AMOUNT OF \$10.00 PER DAY AND CALLING FOR A PUBLIC HEARING.

Blakeman moved to approve Resolution No. 4009, VanAken seconded.

Discussion:

Jones questioned what the fees had previously been. Caldwell said it was a change from \$2.50 per day to the \$10.00 per day.

No further discussion.

All in favor, motion to approve Resolution No. 4009 passed.

ACTION ITEMS:

Action Item A:

Discuss/approve/deny appointment to the Urban Renewal Authority for Dana Taylor.

Addressed earlier in the meeting.

Action Item B:

Discuss/approve/deny re-opening of the bid process for the Old Water Works Building.

Meece stated that the formal RFP process had been completed late in 2008 and no bids had been received. However, there recently has been a request to re-open the bid process because Karl Knuchel's firm got their bid in late, but are still interested in the building.

Beebe asked what the process would be to re-open the bid.

Becker said that the process would be to re-advertise and then the Commission could decide if they wanted to accept any bids received. Meece added that the administration's preference would be to replicate the exact process that had been previously done.

Blakeman stated that she is not interested in re-opening the process.

Meece added that he had gotten some ballpark proposals for demolition of the building, and they had come in around \$15,000.00 net of salvage value for the materials, therefore making the final cost of demolition around \$20,000.00 if the bricks from the building are saved.

VanAken asked whether the demolition bids had included using the building's materials to fill in the vaults. Tinsley said that the bids included taking the top off the vaults and filling them in, with the City supplying necessary dirt.

VanAken then said that he feels it would be worth it to try again but that he is interested in hearing Blakeman's reasons that she is no longer interested.

Blakeman said that she is concerned with the property as a whole, not the building, because it is parkland and she is concerned with giving up access to the whole block of parkland with a hole in the middle of it removed. She believes that it diminishes the value of the entire block.

Beebe asked Blakeman whether she was just concerned about letting go of the land. Blakeman said that the property itself, with a hole in the middle of it, limits its entire use.

Caldwell said that there is a hole in the usable property now that is occupied by the building, so he would like to see more proposals.

Knuchel came forward and said that the Commission would not have to accept any new bids, but he would like them to see what his clients have in mind so the issue of the building could be resolved.

VanAken asked if a motion would be needed to re-open the process. Meece said that was correct, and that it would need to be a motion to authorize staff to re-open the bid process with the same exact provisions as before.

VanAken moved to re-open the bid process for the Old Water Works Building, Jones seconded.

No further discussion.

Three in favor (VanAken, Jones, and Caldwell), two against (Blakeman and Beebe).

Motion to re-open the bid process for the Old Water Works Building passed.

Action Item C:

Discuss/approve/deny Spalding verses City of Livingston, et al settlement and authorize City Manager to sign.

Caldwell asked for a summary of the issue.

Becker said it is from the case where the house blew up on the east side of town several years ago, and that it is a settlement in which the City is relieved of all liabilities except for court and attorney costs.

Caldwell asked whether the City has an open claim against Northwest Energy. Becker said it does not.

Meece said he is looking for permission from the Commission for the administration to sign the settlement.

Caldwell questioned how the Commission is involved in closing it but was not involved in opening the settlement to begin with. Becker said it cannot be controlled who sues the City, and it would only be the deductible that the City would actually have to pay towards the court and attorney costs.
No further discussion.

Blakeman moved to give the administration permission to sign the settlement, contingent upon dismissal of the lawsuit. Beebe seconded.

All in favor, motion to approve Action Item C passed.

CITY MANAGER COMMENTS:

There were none.

CITY COMMISSION COMMENTS:

Jones said that she had received several complaints about plowing of the streets during the recent snowstorm that hit the city. She also said that she had noticed both sets of streetlights were running on a corner on the east side of town. Finally, someone had also asked her whether impact fees could be made to be payable upon completion.

Meece said that generally the impact fee is the cost of doing business and motivation for projects to be finished. Woodhull added that the upfront cost is to guarantee a finished project.

Meece also said that the streetlights are up to Northwest Energy to turn off. Tinsley added that the City has GPS on all of their lights to define ownership so that the City is not paying for the cost of running the lights owned by Northwest Energy.

Meece addressed the snow removal issue by saying he had been part of various conversations over the past few days about how to handle the problem. He said that within 72 hours of the snowstorm, Public Works operated 12 pieces of equipment non-stop to keep up with the snow removal. Also, he said that ice cannot be plowed, and that heat is really the only way to get the ice to melt because the salt and calcium chloride mixtures can only do so much. He also wanted to emphasize that the City does not plow secondary streets unless public safety is an issue.

Caldwell added that any change in the strategy for snow removal would likely not involve getting more equipment because storms of that severity are an unusual

event. Meece agreed, and said that the City cannot "equipment up" for a rare event.

Jones asked what the primary routes are, and Meece said that there is a copy of the snowplow routes in the City Commissioner handbook.

Beebe asked if alleys were of primary importance for plowing.

Meece said that they are because of the need for trash trucks to be able to access them, and also to make the utility poles in the alleys accessible. He also said that he is looking to improve communication with the citizens about snow removal via the website and in future utility bills.

VanAken said that he had also received some complaints regarding the streets during the storm, and that he had tried to explain to people that it was an unusual circumstance and that the City was doing the best it could.

VanAken also questioned the sporadic implementation of the stop sign at the Y in town, and asked if the State is the one who moves it.

Tinsley said it is completely controlled by the State DOT, and that there had been an agreement to put flashers on the sign with the State so they should be up on the sign.

VanAken said that he had noticed some of the railroad crossings have gotten quite rough. Meece addressed this and said the issue is MRL's responsibility to maintain the crossings but the City blades tear them up so he attempted to get in contact with MRL but had not heard back from them on this occasion.

Beebe said that she felt that citizens asking questions about snow removal was good, and she agreed that increased communication is one of the main ways to address the issue. She also mentioned that Mary Bell Harper had recently passed away, leaving the city's taxi service not in operation at this time. She suggested possibly bringing it up at the upcoming transportation meeting to see whether the community can somehow come together to help get the service back up and running.

Meece said that he has traditionally looked at taxi service issues as ones that the market will correct in due time, and that the City does not have resources to put towards it.

Beebe noted that she was not suggesting monetary support but exploration of other means of support. She noted that when we have no taxi service it creates a hardship for those in the community who do not have their own cars and who cannot walk. She also noted that the Harpers were not really entrepreneurs but simply people who saw the need for the service and did what they could to provide it. They paid their drivers but did not really have a profit-oriented

business. She clarified that she wants the city manager to be aware of this issue when attending the Transportation Coordinating Committee meeting tomorrow.

Blakeman asked when the transportation coordination meeting is. VanAken said that he thought it was the following evening.

Meece said no, that it typically is the third Wednesday of the month. Jones asked whether the DOT meetings were monthly, and Meece said they are not, that they are quarterly.

Beebe asked for a point of clarification if there are two transportation committees.

Meece said yes, one coordinates and one advises.

No further comments.

PUBLIC COMMENTS:

Karyle Frasier said that she wanted to give the Commission a heads-up because the design committee for Vision Livingston has been working hard and is getting close to their final conception to show the Commission soon. She said Vision Livingston would provide a presentation to the Commission at a future date.

VanAken asked when the State of the City is scheduled. Meece said it would be January 22nd.

Being no further business, motion was made by Blakeman to adjourn the meeting, and seconded by Beebe.

All in favor, motion to adjourn passed.

The time was 9:04 pm.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
City Commission Chair

**CITY OF LIVINGSTON
CITY COMMISSION MEETING
JANUARY 20, 2009**

The Livingston City Commission met in a regular session on Tuesday, January 20th, 2009. Commissioners present were Steve Caldwell, Vicki Blakeman, Mary Beebe, and Rick VanAken. Juliann Jones was absent.

Staff members present were Darren Raney, Bruce Becker, Alan Davis, Jim Woodhull, Clint Tinsley, Peggy Glass, and Robyn Keyes.

Motion to approve consent items was made by Blakeman, seconded by Beebe.

All in favor, motion to approve consent items passed.

SCHEDULED PUBLIC COMMENT:

There was none.

VARIANCE REQUESTS:

There were none.

PUBLIC HEARINGS:

Resolution No. 4010- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING FEES FOR EXTENDED PARKING OR RESERVED PARKING IN THE 2 HOUR DOWNTOWN PARKING ZONE IN THE AMOUNT OF \$10.00 PER DAY PER VEHICLE OR PER PARKING SPACE.

No public comment was heard.

Blakeman moved to approve Resolution No. 4010, Beebe seconded.

Discussion:

VanAken said that he had spoken to Meece about the issue of \$10/vehicle or \$10/space, and that since any vehicle would take up at least one space and some vehicles could take up more than one space, there might be no reason to put "vehicle" in the resolution.

Raney said that there actually is a reason for both terms to be in the resolution, so it can apply to vehicle-specific permits, where a vehicle is moved around, or permits for a specific space.

No further discussion.

All in favor, motion to approve Resolution No. 4010 passed.

ORDINANCES:

There were none.

RESOLUTIONS:

Resolution No. 4011- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING DEVELOPER'S REQUEST TO EXTEND THE PRELIMINARY PLAT APPROVAL FOR THE DISCOVERY VISTA SUBDIVISION FOR AN ADDITIONAL FIVE YEAR PERIOD.

Blakeman moved to approve Resolution No. 4011, Beebe seconded.

Discussion:

Woodhull explained that this request had been looked at one year ago, and the Commission at that point had asked for it to be brought back in one year's time for an additional five-year extension.

VanAken asked for clarification why it had not originally been for a five-year period. Woodhull said that the subdivision regulations required a one year extension, and then for it to be brought back for the five-year period to be requested.

No further discussion.

All in favor, motion to approve Resolution No. 4011 passed.

ACTION ITEMS:

Action Item A:

Discuss/approve/deny application for Urban Forestry Program Development Grant and authorize City Manager to sign agreement.

Raney stated that the administration recommends approval of this action item.

Beebe asked if there was anything in the grant that went beyond removal of the trees, such as replanting them.

Raney said that it is just for an inventory to help determine which trees should be removed and then later replanted.

Caldwell asked if there is a provision in the budget to match the funds, as it requests. Raney said that he believes there is.

Blakeman asked if it would be for a student forester. Raney again said yes.

VanAken asked if it was known who the student forester/intern would be at this point, and if it would be someone local.

Raney said that the applications have not been sent out yet and that it is not in the City's control to ensure that it is someone local.

Blakeman moved to authorize the City Manager to sign an agreement for the Urban Forestry Program Development Grant, VanAken seconded.

Discussion:

VanAken stated that he noticed the timeline given in the packet was already behind schedule.

Tinsley said that the delay is due to waiting on the agreement to be signed and on receiving applications, which have not been sent out yet. He also said that the work could not begin until the spring, when there is better weather, and when more students are out of college and available to apply.

VanAken asked if the late start would impact the September 1st deadline. Tinsley said it would not, and restated that the current weather is not prime to GPS trees.

No further discussion.

All in favor, motion to authorize the City Manager to sign the agreement passed.

Action Item B:

Discuss/approve/deny request from the Livingston Area Transportation Coordinating Committee for investment in the Streamline Livingston to Bozeman service.

Raney clarified that the action item did not need approval or denial, but simply needed discussion on how the Commission would recommend the administration proceeds.

Dave Eaton came forward and explained that the item is requesting funding from the City in the sum of \$30,000 to support the Streamline Bus system, which currently is running one route daily to Livingston and back to Bozeman. He said that if the City could not find the \$30,000, that his group would like the City to provide as much funding as possible and help to find additional sources to cover the shortage.

Caldwell questioned why Streamline does not charge its users for the service.

Lisa Ballard said that the decision had been made to make Streamline a fare-free service because the cost to collect a fee would be almost as much as the fees collected.

Blakeman said that while she would love to support the service the bus provides, the City's budget does not allow for anything extra at all right now. She said that the City could help make an effort to find grants, etc. to help with the funding to match the requested money.

Ballard said that the group has had discussions with the Montana Department of Transportation, who said they would pitch in funding if the City and County could provide some, as well, and also that funding from MSU is not guaranteed for the next fiscal year.

Beebe asked if the requested money would be for expansion of the service or to maintain the service. Ballard said it would be for both.

Caldwell stated that the Commission could direct the staff to look for options on funding sources but it would be difficult because the City already has many financial constraints.

Blakeman asked if the \$120,000 from MSU would be available for the next year. Ballard said yes, because that is money that comes from student fees, but money directly from MSU is still under negotiation.

Caldwell said that it could be recommended to look both inside and outside of the City's budget for funding sources to aid the group.

Raney said that the City staff would need to know the deadline that a decision would have to be made by in order to give an answer by then. Eaton said the group would need to hear from the City by March 2nd, 2009.

Blakeman said that it would be unrealistic to have an answer by that date because the City's budget for the next fiscal year is not complete by then. Caldwell added

that the city's mill revenues are often not calculated and available from the state until well into the next fiscal year.

Blakeman said that the City could know by fall if there would be money or not.

Caldwell suggested the group re-visit with the City Manager in late spring (May/June) about the issue. Blakeman added that searching for additional revenue sources could be done in the meantime.

Beebe said at the recent Transportation meeting, other local sources for the bus system had been discussed, and asked Eaton if Streamline had debated using any of them.

Eaton said that the group had, and that they were also looking to both foundation and private support.

Blakeman moved to direct City staff to look for funding in the 2009/2010 budget, and outside of the budget if none existed within it. Beebe seconded.

No further discussion.

All in favor, motion to direct City staff to look for funding sources passed.

Action Item C:

Discuss/approve/deny work session with Vision Livingston to be held on February 9th, 2009.

Karyle Frazier said that Vision Livingston is requesting a public meeting/work session for the upcoming B.I.D. process because it is moving along quickly, and the group would like public input before going much further. She would like to squeeze the session in on February 9th.

Caldwell said that would work for him. The commission then directed staff to advertise the meeting for Monday, February 9th, 2009, at 7:00 pm.

CITY MANAGER COMMENTS:

Beebe asked which side of the alley the garbage pick-up would be on. Tinsley said it would depend on the direction the garbage truck was traveling through the alley.

Blakeman asked what the situation was that led to the \$40,000 shortfall in the City budget.

Raney said that it is always a challenge to try to decrease expenditures and that the administration hopes to know where the cuts will be coming from by the next meeting.

Beebe asked how the shortfall was discovered. Blakeman said it was discovered in the recent audit.

Blakeman asked if the website meeting had taken place that day. Raney said that it had, and that the calendar function looked very promising and that a lot of good information was presented on it to the website group.

CITY COMMISSION COMMENTS:

Blakeman said that she had received several complaints about the recycling site's location, its lack of signage, and also that some of the bins have been overflowing. She suggested that more signs be put up.

Tinsley said that more signs had been put up in the past week, and that Four Corners Recycling comes and empties the bins the next day after they are called, but once the bugs are all worked out, the site will function better.

Caldwell said that he had also heard generally positive comments about the recycling program, but that he had noticed a strong desire by the community for the site to be more centrally located.

Tinsley said that relocation would be difficult because the cost and ease of operations are more manageable when the site is located near Public Works so someone can be on-site to keep it cleaned up and maintained.

VanAken said that he had also received similar comments about the recycling. He also said that he had stopped by the Civics 101 class being taught by Meece and that 17 people had signed up, creating great potential for the class.

Caldwell requested a status report from the Grant Committee to get an idea of what is out there in an organized fashion.

VanAken asked if any of the City's pending projects had been called in to the state in attempts to get them into the federal stimulus package to receive funding.

Tinsley said some projects had been forwarded on from the state to the federal level to try to find funding. He also said that there are two projects included in the stimulus package that was sent to the feds.

Caldwell added that there had been discussion of trying to add the Underpass funding into that package, but since the project is not shovel-ready, it could be difficult, although several approaches for generating federal funding are being

explored. He also said that he had noticed the dog bag dispensers at the ends of the levee had been empty for quite some time.

PUBLIC COMMENT:

Torsten Prah1 expressed his support for the Streamline Bus project because he feels it is an asset for Livingston and helps decrease traffic over the Bozeman pass.

Margot Kidder said that there is a group in the community that has assembled to support a project for a month-long drive (Park County Cares) to help out the food bank and Loaves and Fishes. She said that she would like official support from the City of Livingston and wants to challenge the City to see join in the competition to see which organization in the community can raise the most.

Caldwell said that he believes there would likely be interest from the Commission in this project.

Raney said that he will work to generate an internal contest in the City and a proclamation will be issued at the next Commission meeting.

Jim Earl spoke in support of the Streamline Bus project and added that the money requested from the City would be used to add a second daily service to Livingston from Bozeman. He also said it would help the reverse commuters who live in Bozeman and want to come to Livingston for work or shopping purposes, which could help Livingston businesses in the future.

VanAken asked where the Streamline bus that commutes is stored.

Earl said it is stored in Bozeman on North 19th Street.

VanAken commented that it might save money if the bus was stored in Livingston.

Blakeman asked where the pick-up for the bus is. Prah1 said it is at Pamida.

Janet Kennedy said she works for the Montana Independent Living Project and that there is a large population with disabilities in the Livingston/Bozeman area which having a route back and forth could help because there previously has been more housing for the disabled in Livingston but little to no way to be transported between the two towns.

No further public comment.

Being no further business, motion was made by Blakeman to adjourn the meeting, and seconded by Beebe.

All in favor, motion to adjourn passed.

The time was 7:56 pm.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
City Commission Chair

**CITY OF LIVINGSTON
CITY COMMISSION MEETING
February 2, 2009**

The Livingston City Commission met in a regular session on Monday, February 2nd, 2009. Commissioners present were Steve Caldwell, Vicki Blakeman, Rick VanAken, Mary Beebe, and Juliann Jones.

Staff members present were Ed Meece, Bruce Becker, Darren Raney, Alan Davis, Jim Woodhull, Clint Tinsley, Peggy Glass, and Robyn Keyes.

Motion to approve consent items was made by Blakeman, seconded by Beebe.

All in favor, motion to approve consent items passed.

SCHEDULED PUBLIC COMMENT:

Linda Pattengale came forward and stated that she had a signed petition from downtown businesses/residents who are uneasy at the location of the Mountain Country Women's Clinic. She said that many feel the downtown will not benefit from this business, nor its location, and it will harm the climate of the downtown business area.

Caldwell said that the item Pattengale was discussing was not on the agenda for decision so the Commission could take no action.

Nancy Kessler came forward as a representative of the supporters of Dr. Wicklund and the Mountain Country Women's Clinic. She stated that the clinic will provide all aspects of a women's clinic and all procedures the clinic will perform are legal. Also, she said the clinic would help provide a needed boost to the economy by providing nearly half a dozen jobs and also by already putting over \$60,000.00 into the local economy so far.

PROCLAMATION:

Caldwell read aloud the proclamation for "Food for All."

VARIANCE REQUESTS:

There were none.

PUBLIC HEARINGS:

There were none.

ORDINANCES:

There were none.

RESOLUTIONS:**Resolution No. 4012- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CONTRACT WITH U.S. MERCHANT SYSTEMS TO PROCESS CREDIT CARDS FOR CITY OF LIVINGSTON.**

Blakeman moved to approve Resolution No. 4012. VanAken seconded.

Discussion:

Meece said that the City has already been accepting credit cards as a form of payment but feels that U.S. Merchant Systems would best provide the service for the City.

Blakeman asked whether there would still be two terminals that accept credit card payments. Meece said yes, that it would be a seamless transition and that this is just a better option.

Caldwell asked whether there had been a bid process. Meece said that a local resident who represents the company had approached the City, and the amount of cost for the service is below bid requirements. He also said that the City would not be under a contract and could leave the company at any time.

VanAken questioned what the level of improvement would be.

Meece said that there would be improvement in the level of cost per transaction and variable fees, depending on the nature of the card used.

VanAken also asked whether there would be any types of cards that would not be accepted. Meece said currently the service the City uses does not accept American Express but the new company would accept all types of cards.

Myra Stein came forward and said that she conducts the same type of service here in town and would appreciate an opportunity to serve the City. She said all contracts under her are also month-to-month and there is no termination fee.

She also said that she is looking to expand her business across Montana and would like to talk with the City.

Meece asked whether she had a proposal, which she did.

Blakeman moved to table Resolution No. 4012, Beebe seconded.

All in favor, motion to table Resolution No. 4012 passed.

Resolution No. 4013- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CONTRACT WITH ALLIED WASTE SYSTEMS TO DISPOSE OF SOLID WASTE FOR THE AMOUNT OF \$53.00 PER TON.

Blakeman moved to approve Resolution No. 4013, VanAken seconded.

Discussion:

Meece stated that the contract would be where the City provides disposal service to Allied Waste for other areas near Livingston. He added that it would initially be mostly construction debris but that it could expand to solid waste.

Caldwell asked whether the agreement would cover its cost. Meece said that it would.

No further discussion.

All in favor, motion to approve Resolution No. 4013 passed.

ACTION ITEMS:

Action Item A:

Discuss appointments of the City Tree Board (David Lichte and Kylie Karnatz). No applications were received for the Board of Appeals (Building).

Meece said that the staff had been instructed to advertise the vacancies but that no applications had been received for the Board of Appeals.

Jones said that she is still uncomfortable with anyone in the tree service business being on the Tree Board.

Blakeman stated that she is also concerned with the applicant not seeing how there might be a conflict of interest.

Beebe said she would like to interview Mr. Lichte. The rest of the Commission agreed. An interview was scheduled for Monday, February 9th at 6:45 pm.

A consensus was reached to take no action with the other applicant.

Action Item B:

Discussion of Railroad Underpass strategy.

- 1) Environmental Study.
- 2) Washington DC lobbying (appropriation request).

Meece said there have been many conversations about the state and federal budgets, and that appropriations requests have been submitted to the federal government. He said there is also the possibility of getting money through the federal stimulus package.

Meece continued by saying that it is evident that in order for the process of the underpass to be accelerated the environmental study component of the project needs to be done sooner than later. He therefore wanted to know whether he had the Commission's permission to prepare an RFQ for the study (after which a contract would be negotiated with the selected vendor) and to begin to use the Mill Levy funds to pay for the study. He said that the study has to be done one way or another, so it is just a matter of doing it now or later, and that the money spent on it will not go towards any funds matching but it will lower the overall cost down the road.

Caldwell asked whether there would be no money amount involved since it would be an RFQ. Meece said the RFQ would include a cost estimate but that contract development would be a negotiated process.

VanAken commented that he understood the Mill Levy had led people to understand that if the underpass is not build within a certain time frame that their money would be refunded to them.

Meece said this was correct, and that the funds left after five years time had passed would go back to the taxpayers.

Caldwell asked whether the monitoring of the completion of the underpass would be triggered by a time limit or by success of receiving federal funds.

Meece said that the statement "reasonable timing" has its own meaning in Montana law, but that the Mill Levy would create \$650,000.00 over the course of five years.

A consensus was agreed for Meece to put out an RFQ for the environmental assessment.

Meece said that the other aspect of the underpass discussion involves his idea for a more cost-effective way for a delegation representing the City to deliver the appropriations request to the federal government. He said that former fire chief Jim Mastin lives near DC now, and could possibly go to DC and present the information on behalf of the City because Mastin is very familiar with the project.

Blakeman said that she feels Mastin has good experience and knowledge of the issue to present it on behalf of the City. Jones agreed.

A consensus was agreed for Meece to pursue having Jim Mastin present the information to the city's Congressional representatives.

Action Item C:

Discussion of FEMA/ Floodplain Study.

Meece said a more detailed presentation would come before the Commission in the near future and that within the next 30 days a response should arrive from FEMA. He also showed the Commission the new maps of the floodplain that were received by the City and submitted to FEMA.

Meece also said that the next action would be to do the same type of study on Fleschman Creek, and that the administration is hoping FEMA will accept the new, sound maps instead of the ones that had been given to FEMA from the Corps of Engineers.

Caldwell asked whether there had been any indication of when a response from FEMA would come back. Meece said he would give them 30 days and then begin calling them.

Action Item D:

Discussion of FY 2009 Budget Amendment.

Meece said that the mid-year budget amendment proposal was due to a change in the Montana Department of Revenue's alterations to property tax mill values that had not been recognized by the previous finance officer. He said that the administration feels making cuts to the general fund are the most fiscally responsible actions to take, and that the purpose of bringing this up tonight is to discuss the proposed changes.

Caldwell said he saw that some changes are barely noticeable compared to the original budget items, while others are proportionately larger. Meece said that he tried not to penalize any one area but the problem is that the budget has already been cut down to the bone so finding more areas to cut is not easy and the

administration is close to the point of having to make service cuts from the general fund whether any more budget cuts have to be made.

Beebe asked whether this was the \$40,000.00 that had been discussed at a previous meeting. Meece said that it was.

Blakeman asked what was being cut from the police radio grant. Meece said that it originally had been written as a net but grant revenues went to the state and the radios came in cheaper than expected so the expenditures could be lessened, and that other areas of alterations are just matching up finances, such as with the elections.

Caldwell asked whether there were more expenditures expected for the 205 study. Meece said there was not.

Blakeman asked whether there would be plans for East Side that would not be able to be done if money was cut from that section. Meece said no, the amount in the budget is set aside for just in case situations.

Beebe asked whether there was a full-time position that was already vacant. Meece said that was correct, and that the roaming crew had taken over those duties so the position could be eliminated.

VanAken asked whether the administration was looking for action to bring a resolution back to the Commission. Meece said that was correct.

A consensus was agreed for a resolution based on the budget amendments to be brought back to the Commission.

CITY MANAGER COMMENTS:

Jones said that she would like even more detailed information in the future regarding the floodplain mapping process.

VanAken wanted to commend the 'Civics 101' class being taught by Meece and highly recommends visiting it or taking it. He also said that he feels the State of the City address is a good idea and appreciates that the City is working together with the schools.

Blakeman noted that the Planning Board meeting is on February 18th.

CITY COMMISSION COMMENTS:

VanAken said that he had stopped by the Friendraiser meeting for Landon's Lookout and wanted to emphasize how badly the community needs a project of

this nature. He also said he had some comments made to him by citizens about the change in garbage collection and how some feel it does not take into consideration the elderly population who may have disabilities.

VanAken also said that he liked the City of Bozeman's "wish list" Caldwell had emailed out from the Chronicle because it gave an idea of what Bozeman was attempting to get from the federal stimulus package. He said that a resident had mentioned to him studying the upper end of Fleschman Creek would be easier around this time of year because that is when many of the problems are created with the ice and snow.

Jones said that she would also like to get a "wish list" prepared for the City. Meece said that the City does have several items in the federal stimulus package because the governor had asked state agencies which projects were shovel-ready and then put them into the package.

Blakeman suggested that Meece explain the reasoning behind switching the garbage cans in alleys to one side since there was a large audience at the meeting.

Meece said that the City, in combination with Park County, did a waste study and found it could be more cost-effective to have the garbage cans on one side of the alley so the garbage truck did not have to make two trips through each alley. He added that he recognizes there will be some situations that will not allow for the shift to one side but that a trial/error process would continue, with alterations made as necessary. This keeps more enterprise money in the fund to stay in the department when the costs are reduced.

PUBLIC COMMENT:

(The following comments are a brief paraphrase; an audio recording of the meeting is available for full disclosure).

Mary Beth Adams, a nurse practitioner from Belgrade, said she works at a clinic that has full resources for women with pregnancy needs, and that the peaceful protests will not vilify Dr. Wicklund nor cause any harm to personal property.

Harry Neden said he would like the Commission to pass a proposition supporting what he believes the majority of the community feels towards the clinic, which is disapproval.

Margot Kidder suggested the protesters congregate on the corner near the Post Office so they are out of the way of businesses but still can be heard.

Helen Longshore made a statement of three points of peace, justice, and equality.

Sherry Pickle thanked the Commission for its hard work and asked the Commission to begin to address the growing rift in the community caused by the women's clinic. She said she feels a Commission meeting is not an appropriate venue for the discussion and would like a meeting place to be set up where the discussion would be better located.

Kevin Funk stated concern with the economy in Livingston and suggested the Commission begin to look forward to see where the City will be financially if the economy continues to decline.

Mary Conrad said she supports the opening of the women's clinic.

Penelope Price said she had an abortion 23 years ago and would like to warn people of the mental effects having one can leave with a person.

Jim Peterson said he believes strongly in the Constitution so if health practices can offer legal services then it is not up to the Commission to have to make a moral decision.

Erica Strickland, a Main Street business owner, asked what is being done to protect the existing downtown businesses from the fall-out the clinic could create, such as lack of parking spaces.

Donette Osen, a Bozeman resident, said there is a distinct difference between dying from war and dying from an abortion because soldiers had a choice.

Rebecca Wupreshi, a Bozeman resident, commented that without the women's clinic, the economic outlook for the area would be better because there would be more children born, which would increase the need for doctors and teachers and other various professions.

Ben Fluke, a family physician for the Livingston community, said that the Park Clinic has a women's healthcare department, and that Community Health Partners exists in town, too, so there is no need for another women's clinic in Park County.

Annette Osen, a Bozeman resident, said that women from Bozeman will probably come to this clinic for what is a proven risky procedure, and also questioned what kind of laws would regulate the disposal of human remains from the women's clinic.

Cole Engelhart said that he thinks all women who are pregnant face a very difficult decision as it is and the doctors who perform these procedures do not do so joyfully, but out of a need for their services.

David Mealock said he likes the idea of a greater dialogue to take place on this issue at a designated time and venue. He also offered spiritual counseling

services to women and proposed that half of business license revenue go towards supporting women and their children who need help.

Ron Chapel said he would like to see the alleys in the City be graded or some measure taken to smooth them out because the garbage trucks have beaten them up so much over the years. He also said that he served so women in America could have a legal choice.

Jean Buckner said she moved to Livingston from Billings to raise her children and her children would not be here without the right to life. She also said she sees nothing wrong with adults being abstinent if they have no desire to have kids.

John Hutten, a resident of Bozeman, said the doctor being discussed takes her trade very seriously and there is a rigorous interview process before a woman can be approved to have the abortion procedure.

Francis Smart commented that it seems the Commission is more concerned with waste disposal than the issues that brought such a large audience to the meeting, and that the Commission reflects the voice of Livingston so it should reflect the majority of the citizen's views.

Don Wood said no one has mentioned what happens to the fetus when it is aborted and how it feels.

Judy Pattengale said that people view Livingston as a beautiful place so she does not want the Livingston image to be tarnished by this clinic.

Timmery Michael said it is up to those with the voices and power to help those who do not have a say.

Elise Coppulus, a Bozeman resident, said that being near MSU would allow women from the college to make a decision they could regret by terminating their pregnancies and that college students could be harmed by having a clinic so close.

David Stanley mentioned that the high level of pregnancy in Belgrade schools has nothing to do with the need for a full women's healthcare clinic in Livingston, MT.

Dawn Zeanus said she brought her family to Livingston to live in a peaceful community, and also that the prices being posted on the clinic's website is just wrong in her eyes.

Marcia Beers said that there is a constant stream of children who walk past where the clinic is located that are going to want to know what is going on inside of it when they see all the protesters outside, and that those who are trying to protect the unborn are not going to go away.

Dee Dietrich said she works in adoption and has seen the repercussions of parents having children who should not have and has seen the hurt children who are victims of abuse because of it. She said she is pro-child, pro-family, and pro-choice.

Linda Kenoyer said she is new to Livingston and thinks that it is great that so many medical needs for all can be taken care of just on Main Street alone.

Dee Mast stated that she comes to Livingston from Bozeman for medical care and is glad to see the clinic come in and open.

Judy Kelly, a Bozeman resident, said she does not know what the Commission can do on the topic but that she would like to point out Roe v. Wade provides for abortion for all 9 months of pregnancy and related the issue of abortion with watching the Holocaust happen.

Marion Armstrong said that it may be legal to have an abortion but slavery and not allowing women to vote also was once legal.

Marion Barker questioned who would take care of the women post-abortion.

Ken Nelson said that this issue crosses all lines and it is not just the Christian community that is involved in the protests.

Alvira Kubal stated that no one would be at the meeting if their mothers had gotten abortions.

No further public comment.

Being no further business, motion was made by Blakeman to adjourn the meeting, and seconded by Beebe.

All in favor, motion to adjourn passed.

The time was 9:10 pm.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
City Commission Chair

**CITY OF LIVINGSTON
CITY COMMISSION MEETING
February 17th, 2009**

The Livingston City Commission met in a regular session on Tuesday, February 17th, 2009. Commissioners present were Steve Caldwell, Vicki Blakeman, Mary Beebe, Rick VanAken, and Juliann Jones.

Staff members present were Ed Meece, Bruce Becker, Darren Raney, Alan Davis, Peggy Glass, Jim Woodhull, and Robyn Keyes.

Motion to approve consent items was made by Blakeman, seconded by Beebe.

Beebe clarified that the waiver of fees at the Civic Center is for a vaccination clinic.

All in favor, motion to approve consent items passed.

SCHEDULED PUBLIC COMMENT:

Kristoffer Erickson came forward to present an idea for a Livingston Climbing Boulder Project that would place an artificial boulder in Moja Park for public use. He said the group is looking to raise money for the project (which should be around \$15-20k) this summer and to finish it up by this fall. He explained that Bozeman has two boulders, and looks to put in three more, and that he feels the community of Livingston could benefit from a similar project. His request is for the City to designate an area in the park for the boulder to be placed.

Beebe asked if alternative locations for the boulder have been explored. Erickson said they have not at this point.

Blakeman asked where the two in Bozeman are located. Erickson said they are in Langhor Park and by the Bozeman Pond.

Caldwell asked where Meece would like to see this proposal go next. Meece said the staff would need to do some level of research, including having talks with the informal group involved with Moja Park, and that the administration's biggest concern is risk management.

Caldwell suggested Erickson and Meece meet to determine how to move forward.

Meece added that the City does not have extra money for this project, not even in the Rec or Trails funds. Caldwell said it might have to be a privately funded project.

Erickson said that the Bozeman boulders were privately funded but the City took over responsibility of care for them once they were completed.

VARIANCE REQUESTS:

There were none.

PUBLIC HEARINGS:

There were none.

ORDINANCES:

There were none.

RESOLUTIONS:

Resolution No. 4014- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2008-2009, BY DECREASING BUDGETARY AUTHORITY IN THE AMOUNT OF \$40,222.00 AND CALLING FOR A PUBLIC HEARING THEREON.

Blakeman moved to approve Resolution No. 4014, VanAken seconded.

Discussion:

Meece stated, for a point of review, that the reduction is due to a miscalculation in the property tax mill value.

VanAken asked what portion of the Spay/Neuter fund was cut. Meece said it had originally been \$7,000 and it was cut down to \$4,000.

Beebe added that the group had almost reached the \$4,000.00 and that funds from both the City and the County were almost exhausted for the year.

No further discussion.

All in favor, motion to approve Resolution No. 4014 passed.

ACTION ITEMS:

Action Item A:

Discuss City "Wish List" (Federal Stimulus Package).

Meece said that this item was on the agenda at the request of Commissioner Jones. He continued that, at this point, the stimulus project has been somewhat unclear, but that the Obama Administration requested that state create a demonstration of needs to be funded through the stimulus package process, and that the projects are a mix of state and local needs, but all have a final review at the state level.

Meece stated that Congress had assured the states that the money would flow back to the state to be re-distributed to the entities in need, such as Treasure State Endowment Projects (TSEP), and to localities and their programs. He said that the City has two projects on the list- one for digester lids and the composting project, and the second for replacement of all one-month sewer lines. He added that some projects ended up making it on the list twice, so the extra money due to the duplication could fund projects there were not put on the list initially, such as the list he included of the most shovel-ready projects in the City that the state has reviewed, and also the North Side soccer complex if that option would be available.

Caldwell asked whether additional projects could be funded if the first round of funds was not fully allocated.

Meece said he believes so, and also that the list was not prioritized so the state will have to do that as well.

Caldwell asked whether the KPRK Bridge was part of the MDT list. Meece said that it was not because it is not shovel-ready, but that other projects getting funded could free up more MDT funding for the bridge.

Blakeman asked whether the chip seal for Park St. was far enough along to make it on the list. Meece said he thinks some of the smaller projects are on the list.

Blakeman then asked what Meece's opinion on what action should be taken.

Meece said that the most the administration could do would be to draft and send a letter to the Governor's Office to remind him of the City's projects, but that he hesitates to do so because he does not want to divert attention from the Railroad Underpass project because an agreement to get the Environmental Assessment completed could move it up on the list.

Caldwell asked whether the first phase of the downtown reconstruction would be on the list. Meece said the projects listed in the packet emphasize, according to the Tinsley, where money would be best spent in Livingston at this time.

Caldwell also asked whether there was a cost estimate for the six items not currently on the request list, to which Meece said there was, and it would be enough to absorb any changes, such as cost in materials.

Meece also added that the downtown vaults project is feasible, but moving the project forward could create timing problems when considering other downtown infrastructure projects.

Blakeman said she thinks that all environmental work with the state for the North Side soccer fields has been done, and views construction and operation of the soccer fields as an economic stimulus, so it might be good to try to get funding to finish them.

Meece said the issue with that is Fish, Wildlife, and Parks has given money for the project that has not yet been spent, so there might be problems getting more money for the project when what it has received has not been expended. Caldwell suggested a second funding resource might work in that case, and Blakeman said the group had raised a lot of money already on their own to create a match.

Jones said that the City needs new trees and it is easy to be shovel-ready for that. Blakeman added that it would coincide well with the tree inventory.

Meece said that is a good idea, but since there is not a designated tree project at this time, getting funds for it might be a challenge. Blakeman suggested if necessary one could be created quickly.

Blakeman also mentioned using funding for the trail study. Meece said that this, too, is a good idea but like the tree idea, there is not a specific project at this time to present to the Governor's Office.

Caldwell said that if more funding gets freed up at the state and local level, it still might be difficult to move freed up funds to other departments within the City. Meece said this was correct.

Caldwell asked if the opportunity comes up to reallocate funds due to the stimulus package whether the staff will bring the issue back to the Commission. Meece said yes, and he can send the letter to the state, too, to remind them of the City projects.

VanAken said that it should be kept in mind that other communities across the state are probably doing this same thing, so sending a letter, as an extra effort is a good idea. He also stated that it seems to him many shovel-ready projects will not be ready due to the slow down in the construction industry.

Action Item B:

Discuss Grant Committee operations and priorities for 2009.

Meece said he had asked Laurie Benner to be at the meeting to give an overview for the Grant Committee. He also said that the two of them have discussed creating a screening process for grants to help deal more with priority for funding then to deal with proposals as they pop up. It would be more beneficial to screen them as they come in to determine whether the proposal fits within a predetermined priority category. Benner agreed.

Blakeman agreed with the idea of a priority list, and said that she likes the idea of a broad outline of priorities that would be driven by the departments. She said that gate keeping is a good management method for grants but also said that she thinks there are a lot of functions the City cannot do without grant money.

Meece stated that the biggest pieces would be department driven and perhaps the Leadership Team could determine a list of priorities for discussion with the Commission and the Grant Committee that would be broad but allow discretion at the same time.

Blakeman asked whether the staff needed direction on this. Meece said that the Leadership Team would work together to create something for the Commission that could then be taken to the Grant Committee as a guidance document.

Benner said that she knows infrastructure is important to the City, as is Parks and Rec, so she is hoping the stimulus plan can provide more funds for these departments to compete for. She also mentioned that the Grant Committee has discussed creating a Capital Improvement Plan for the City for 5 years out that would extend across all departments, so more planning for use of funds and needs in departments could be planned for.

Meece stated that a critical piece of a C.I.P. is identifying revenue sources, which is somewhat difficult at this time, but the new Finance Director may be given this task.

No further discussion.

Action Item C:

Discuss/deny/approve appointment to the Northern Rocky Mountain RC&D Board of Directors.

Caldwell said that Blakeman has been term limited out, and questioned whether VanAken would be interested due to his involvement with the Senior Center renovation project.

VanAken said that he would be interested, and sees automatic ties for himself to the Board.

Beebe moved to appoint VanAken to the Northern Rocky Mountain RC&D Board of Directors, Blakeman seconded.

All in favor, motion to appoint VanAken to the Northern Rocky Mountain RC&D Board of Directors passed.

Blakeman asked whether Meece would write a letter describing this action; Meece said that he would, and also noted that he is on the Economic subcommittee of the Board and that the former subcommittee president has recently term limited out, so Meece is now the president.

No further discussion.

Action Item D:

Discuss/deny/approve the City Zoning Commission's recommendation for a text amendment changing the definition of "structure."

Woodhull said that the zoning text amendment was proposed by the Planning staff, and that they would like it changed so zoning is in compliance with the residential building code so the structures cannot just be located anywhere on someone's property. He stated that the Zoning Commission recommends this action be taken.

Blakeman moved to direct the staff to bring back this item as an ordinance, Beebe seconded.

Discussion:

VanAken question whether Section 105-Permits is the City's permit process. Woodhull said that is correct, but the City has adopted the International Code and there is a conflict between definitions. Blakeman added that they are two different documents; Woodhull clarified that the proposed change would be made to the City Zoning Code.

No further discussion.

All in favor, motion to bring back this item as an ordinance passed. Item will be brought back on March 2nd, 2009.

CITY MANAGER COMMENTS:

Jones asked why the City continues to get asked to put out an RFP for the Old Water Works Building but no bids are then received.

Becker said that the problem is with the cisterns because a buyer would be required to fill them in without being able to use the property and it is very expensive to fill them in.

Jones also said that she would love for the Firehouse Five Theater to use the Old Eastside School building.

VanAken said he is glad to see the City is tracking bills that are in the legislature that are relevant to the City; he also commented that this legislative session seems to be a bit quiet compared to recent years.

Meece said that he and the County Commissioners have a conference call weekly with Livingston's local legislative representatives to discuss local interests.

Beebe asked whether the Theater group would renovate the Old Eastside School if they were to use it. Meece said that a full proposal will be brought to the Commission at the next meeting, but the idea is to phase in changes, and not all of the space in the building would be used.

Blakeman asked whether the building would need a new heating system. Meece said the details would be in the proposal, which will include a concept and a request for a workshop.

No further comments.

CITY COMMISSION COMMENTS:

Blakeman said Kitty and Dwight Krohne had approached her about a residence on the corner of Park St. that might have public decay issues near the Krohne's location. She also said that Senate Bill 429 is attempting to do away with all specialty license plates in the state so she is going up to Helena on Thursday to discuss the issue.

Raney said the proposal could have merit from an enforcement standpoint because, although the specialty plate program is a good revenue source for many groups, it is difficult to know where vehicles are from with the many license plate options.

Beebe said the license plate revenue is a big funding source for the MT Spay/Neuter Task Force.

Beebe also said that House Bill 221 addresses animal hoarding, and thought it might be good to provide insight on it because of the City's experiences related to the issue. Blakeman added that the date for the hearing on the bill has not been set but that it has been discussed at the City/County meeting.

VanAken mentioned that he recommends talking to the City Forester on the upcoming Management Exchange with the City of Great Falls because they have experience with Dutch elm disease issues and might have good advice for how to handle it. He also mentioned that the Friends of Yellowstone Gateway Museum's annual meeting is scheduled for Thursday, February 26th.

Jones questioned whether Jim Mastin had been approached about presenting the City's underpass appropriations request to Congress. Meece said he had asked Mastin, and he is open to doing it. She also said that she noticed on the ICMA website that the EPA is offering to receive applications for national experts to provide smart-growth analyses to cities, so she suggested looking into it, and that the deadline is around April 23rd.

Caldwell asked whether there was a City policy for stump grinding. Meece said the City used to remove trees without the stumps, and that it has only been within the past year or so that the policy has changed to include stump removal.

Caldwell also asked whether a feasibility study had been done for a Railroad Quiet Zone; Meece said he has talked with HKM and at this point there are no external funding sources but he is keeping an eye open for some if they pop up. He also asked about the details on outstanding revolving loans. Meece said that he has not heard back yet but he will follow through with it when he does.

Caldwell said he had received a request to personally endorse a letter of support for President Obama's Clean Energy Act, and asked what process would be required if the city commission wanted to add its endorsement. He also said he would forward the letter on to the staff.

Becker said that it would need to be put on the agenda and voted on.

No further comments.

PUBLIC COMMENT:

Laura Bray, a Vision Livingston member, said she would like to put additional emphasis on getting the downtown reconstruction plan some funding through the stimulus plan. She said she sees the plan as a hugely political item and worries it may not go as planned, so she would like the City to look to push for funding for items that have political appeal, in the hopes that they might get put closer to the top of the list.

She also wanted to make a note about trees in the City because she is shocked that the Tree Board has not said anything about disposal of trees infected with Dutch elm disease, and that many cities in the state have created ordinances surrounding the issue, so she would like to see that done here, too.

Meece said that any ordinance that is put in place must have grounds for enforcement, and the cost for someone to take care of the stumps/trees involved in the Dutch elm issue is at least \$600.00, so it becomes a question of financial resources. He added that the current Tree Board has taken great steps to do what they can.

No further public comment.

Being no further business, motion was made by VanAken to adjourn the meeting, and seconded by Blakeman.

All in favor, motion to adjourn passed.

The time was 8:49 pm.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
City Commission Chair

**CITY OF LIVINGSTON
CITY COMMISSION MEETING
March 2nd, 2009**

The Livingston City Commission met in a regular session on Monday, March 2nd, 2009. Commissioners present were Steve Caldwell, Vicki Blakeman, Mary Beebe, Rick VanAken, and Juliann Jones.

Staff members present were Ed Meece, Bruce Becker, Glenn Farrell, Clint Tinsley, Jim Woodhull, Alan Davis, and Robyn Keyes.

Motion to approve consent items A and B was made by Blakeman, seconded by Beebe.

All in favor, motion to approve consent items A and B passed.

Blakeman said that she would like to specify that approval of consent item C is contingent upon the City receiving insurance coverage for the event. She then moved to approve consent item C contingent upon proof of insurance, VanAken seconded

All in favor, motion to approve consent item C passed.

PROCLAMATIONS:

A proclamation for "Public Safety Dispatchers Week" from April 12th through April 18th, 2009.

SCHEDULED PUBLIC COMMENT:

There was none.

VARIANCE REQUESTS:

There were none.

PUBLIC HEARINGS:

Resolution No. 4015- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2008-2009, BY DECREASING BUDGETARY AUTHORITY IN THE AMOUNT OF \$40,222.00.

No public comment was heard.

Blakeman moved to approve Resolution No. 4015, VanAken seconded.

No discussion.

All in favor, motion to approve Resolution No. 4015 passed.

ORDINANCES:

Ordinance No. 2011- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING BY AMENDING THE DEFINITION OF "STRUCTURE", DELETING A REFERENCE TO THE CITY-COUNTY PLANNING BOARD, AND MAKING AN EXCEPTION FOR SMALL ACCESSORY USE STRUCTURES IN SETBACKS.

Blakeman moved to approve Ordinance No. 2011, Jones seconded.

No discussion.

All in favor, motion to approve Ordinance No. 2011 passed.

RESOLUTIONS:

There were none.

ACTION ITEMS:

Caldwell moved Action Item E up to the front of the Action Items agenda.

Action Item E:

Discuss proposal from Crazy Mountain Productions regarding East Side School and request for Workshop with the City Commission.

Meece stated that Russell Lewis of CMP had approached him several months ago about the possibility of the group moving their location to the Old East Side building, and that the group, along with Lewis, is here tonight to briefly explain their ideas, and to propose setting up a workshop with the Commission, City staff, and interested public.

Lewis provided the Commission with an outline of his presentation for the evening. He went on to state that the mission of CMP is to strengthen the community with performing arts because a theater brings people together, and that they would like to do this by creating a Community Center for the Arts located in the Old East Side School. CMP proposes to enter into either a lease or purchase agreement with the City for the building, which would eventually be restored according to historic preservation standards.

Lewis said that there would be two phases to updating the building: phase one would be to bring the building up to code and to relocate the Firehouse 5 playhouse to the location, and phase two would be to build an addition to the building and restore the exterior to its historic nature.

Discussion:

Meece stated that in the past three years he has had various proposals put in front of him for the use of the building but this one seems to be one of the most promising.

Caldwell said he is interested in seeing a feasibility study and financial evaluation for the proposal. Lewis said they have been working on a business plan.

Caldwell asked how soon CMP could be ready to have the requested workshop. Lewis said sometime mid-March would be best.

The workshop was scheduled by consensus for Monday, March 23rd at 7:00pm.

Action Item A:

Approve/deny appointment of David Lichte to the City Tree Board.

Blakeman moved to nominate David Lichte to the City Tree Board, Beebe seconded.

No discussion.

All in favor, motion to nominate Mr. Lichte to the City Tree Board passed.

Action Item B:

Approve/deny letter to President Obama.

Caldwell asked whether the idea is for the Commission to elect to be an additional signer to the letter in the packet.

Jeanne-Marie Souvigney said the group could either send the letter independently or as a participating signer, and that either option is fine.

VanAken asked whether there needed to be some originality to the letter if the group would rather sign it alone; Souvigney said it depends on the approach the Commission wants to take. She said they could use the one in the packet to reinforce the same points as others sending in the letter, or they could create their own letter.

Caldwell stated that perhaps the Commission's endorsement is more important than the specific language in the letter.

Blakeman moved to approve the letter as is and send it as a Commission. Beebe seconded.

Blakeman said that VanAken makes excellent points in emphasizing Livingston's uniqueness but that the intent of signing the letter is more important because it is already a wordy document as it is.

All in favor, motion to approve and sign the letter to President Obama passed.

Meece said he will prepare the letter for Commission signature and have the Commissioners come in to sign it.

Action Item C:

Approve/deny City Manager to sign 2009 Summerfest contracts with various bands.

Meece said that the one item in the packet covers all contracts necessary for the event at this time. Becker added that he felt it was best to get the Commission's authorization to sign them.

VanAken asked whether the packet included contracts with all of the acts that would be performing. Meece said that an additional one needs to be finalized and that it will then be brought back to the Commission.

Blakeman moved to direct the City Manager to sign 2009 Summerfest contracts, Beebe seconded.

No further discussion.

All in favor, motion to approve signature of contracts passed.

Action Item D:

Discuss "Donut" Zoning issues and implications.

Meece said, as the Commission is aware, on February 17th the County Commission stated that they can no longer enforce zoning in the "donut" area, which had existed prior to the dissolution of the City/County Planning Board. At this point the County Commission is still deliberating and has not acted.

Meece' continued that there are two steps the City can pursue, both of which are found in an Interlocal Agreement between the City and County.

Caldwell asked whether the only omission in the Interlocal Agreement is a provision for zoning. Meece said that was correct.

Meece said he would like to point out that Item B of the Interlocal Agreement is supported by state statute and that the administration will continue to work very closely with the Health Department. Caldwell asked whether waivers associated with Item B are made at the state level or by the County Sanitarian; Meece said it would be at the County level.

Blakeman asked whether by doing this the County has abdicated their ability to make zoning requirements inside the donut area. Meece said that the Interlocal Agreement still applies, and Woodhull said that County subdivision regulations still stand.

Blakeman also asked whether the Interlocal Agreement addressed mainly the "what" the County put in, rather than the "how." Woodhull said it is actually the opposite.

Caldwell asked whether there was anything else that the City could do at this point. Meece said it would be best to give the County Commission time to sort through the information and then figure out how to deal with it.

Meece also mentioned that Chapter 4 of the County Growth Policy deals with the donut area, and that it will be difficult for them to implement their Growth Policy without active zoning.

Blakeman asked whether it was best at this point to just make sure the County abides by the terms of the Interlocal Agreement. Meece said yes.

Caldwell asked how the two-mile radius of the Interlocal Agreement compares with the former donut's boundaries. Woodhull said the donut was a 4.5-mile radius but the two-mile area was developed to address the possibility that the City could adopt a different form of government as a second-class Montana city. VanAken said that it would be good for the City to attend the March 11th meeting so that people know the City is aware of what is taking place.

Meece said that Becker, Woodhull, and he have discussed coming up with a write-up of the practical implications of what this could mean for the City if it continues to grow. Woodhull added that the difficulty lies in the ability of the City to plan for appropriate development in specific areas.

Blakeman said she also sees challenges with industrial and commercial development. Meece said this was a good point and added that annexation could become too problematic at some point and might not occur.

Blakeman asked whether City staff would be at the 3/11 meeting to represent the City's position; Meece said yes.

VanAken asked whether it would be possible for the staff to create a list of talking points for the Commissioners to reference when community members questioned them on the issue. Meece said that was an excellent suggestion and that it could be done.

No further discussion.

CITY MANAGER COMMENTS:

There were none.

CITY COMMISSION COMMENTS:

VanAken mentioned that he had been questioned about the group proposing a rail car building facility in Livingston via the paper and news but said he had not heard anything official about it.

Beebe said that the low-cost rabies vaccination clinic held the past weekend by the Spay/Neuter Task Force and the Stafford Animal Shelter was very successful and they had around 110 animals show up for it.

Blakeman said that they also sold 49 animal licenses, almost half of which were for cats, at the event. She also said she would like to extend a thanks to Duane Colmey for leading the effort for rabies vaccination in the community, and that the group plans to do another event like this again.

VanAken added that four counties in the state are under rabies quarantine so this is really an important issue.

Blakeman said she had read the article put in her mailbox by Meece on the property tax issues and asked how this might affect the City.

Meece said it was unknown at this point because property tax discussion is still tied up in the legislature but it should float to the top soon.

Blakeman added that it seems to her that Montana seems to be holding its own in property tax values in comparison to the country so far; Meece agreed and said he hopes it stays this way.

Blakeman also mentioned that it would be time to do Meece's annual review. Caldwell suggested using the same format as last year, and scheduled it for Monday, March 30th at 7:00 pm.

Jones said that it had been 30 days since the drawings had been submitted to FEMA so she would like them to be checked on. Meece said he should hear back towards the end of the month on the drawings and that he has left messages with the FEMA district coordinator.

PUBLIC COMMENT:

Karyle Frazier said she wanted to alert the Commission that Vision Livingston has scheduled a second public hearing on March 24th for the Streetscape Design project, and that there has been good public response to the proposed design. She also mentioned that the state is considering pulling the funding for the main street program from the appropriations bill, so she would like support in letting the state know that this funding is important to communities like Livingston.

Meece said that he had spoken with Representative Ebinger, who hoped that the funding would go back into the appropriations bill.

No further public comment.

Being no further business, motion was made by Blakeman to adjourn the meeting, and seconded by Beebe.

All in favor, motion to adjourn passed.

The time was 8:03 pm.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
City Commission Chair

**CITY OF LIVINGSTON
CITY COMMISSION MEETING
March 16th, 2009**

The Livingston City Commission met in a regular session on Monday, March 16th, 2009. Commissioners present were Steve Caldwell, Vicki Blakeman, Mary Beebe, Rick VanAken, and Juliann Jones.

Staff members present were Ed Meece, Bruce Becker, Darren Raney, Alan Davis, Jim Woodhull, Miral Gamradt, Clint Tinsley, and Robyn Keyes.

Motion to approve consent items was made by Blakeman, seconded by Beebe.

All in favor, motion to approve consent items passed.

PROCLAMATIONS:

A proclamation for the "Silver Star Shining for Sacrifice Honoring our Wounded and Ill."

SCHEDULED PUBLIC COMMENT:

Heather Burdette spoke to the Commission regarding the desire of the Yellowstone Business Partnership to have Livingston join in their sustainable building efforts. She explained that the group is working to include local governments in developing a ratings system that would be applicable to municipalities, and that the idea would be to have an end product of communities becoming certified through a third party process.

Blakeman asked how the pilot program would play out for the City of Livingston. Burdette said that the group has solicited private businesses to be pilots, and now is looking for local governments to join in. She said that Bozeman has agreed to be a pilot, as has Gallatin County.

Meece asked whether, if the City were to become a pilot, the group would be asking the administration to work through the process to create a scorecard for municipalities.

Burdette said they hope to incorporate portions of their process into local government's growth plans and to guide city operations on how to grow and manage, both within the private and public sectors. The basic idea would be to develop a rating system and then use it to see how many "points" the City could receive. She also added that there is an option for an internal plan (Uncommon Sense) that would involve City operations.

Meece said that if the Commission would like to set this as a priority, he will do so, but that he is cautious about the venture because it is a very large project that would create a need for a lot of people to be involved and put forth a lot of time and effort to include the community in the project.

Blakeman asked whether the administration had looked into this in a detailed fashion. Meece said they had not at this point, and that he wanted to first see how the Commission felt about it and what its priority level might be.

Beebe said she would support the project because she likes the idea of the benefits of cooperative action with areas like the City of Bozeman.

Meece said he would allow the Commission to digest this information presented to them tonight and suggested at least two commissioners attend the training for the project on April 6th and 7th at Chico. Caldwell and Jones indicated they were interested in attending and would plan on doing so.

Blakeman asked whether there was an application that would need to be filled out. Burdette said there is an application, and that it is available online for the April 6th-7th training.

VanAken asked whether the number of business members had grown since the reported number of 100 in 2004. Burdette said yes, that it had grown to about 250 business members.

No further discussion or questions.

Meece introduced Miral Gamradt, the City's new Finance Director, to the Commission.

VARIANCE REQUESTS:

There were none.

PUBLIC HEARINGS:

There were none.

ORDINANCES:

There were none.

RESOLUTIONS:

Resolution No. 4016- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AMENDMENT TO INTERLOCAL AGREEMENT WITH MISSOURI RIVER DRUG TASK FORCE FOR FISCAL YEAR 2008-2009 AND EXTENDING AGREEMENT THROUGH FISCAL YEAR 2009-2010.

Blakeman moved to approve Resolution No. 4016. Beebe seconded.

Discussion:

Meece stated that this item is annually brought before the Commission, and that the Missouri River Drug Task Force (MRDTF) is a joint effort of several regional law enforcement agencies.

Raney said that the only changes to the agreement are for the formula to calculate how the funds that are forfeited are split up, and requires that those funds stay within the MRDTF, and to extend the agreement through the 2009-2010 FY, eliminating the need for the Commission to approve it again in a few months. He also said that the contract extending to June 30th is a change, and that the contribution for the coming fiscal year might decrease.

Blakeman asked if the changes were reflected in the document in the packet. Raney said that they were.

No further discussion.

All in favor, motion to approve Resolution No. 4016 passed.

Resolution No. 4017- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH CTA FOR IMPROVEMENTS AT THE WASTEWATER TREATMENT PLANT 2009, CITY OF LIVINGSTON.

Blakeman moved to approve Resolution No. 4017, VanAken seconded.

Discussion:

Meece said the background on this resolution is that the City made a request in the past with the State's Treasure State Endowment Program (TSEP) grant for money for composter and digester lids, and at this point the legislature has indicated that the grant requirement amounts for TSEP will be funded with stimulus money that the State receives. However, the project must be shovel-ready within 120 days to receive the money, so it needs to be fast-tracked. He said that the administration recommends extending the contract with CTA in order for them to have the project shovel-ready when the time comes, and that TSEP will cover \$1.6 million of the funds necessary for the project, which means another \$1 million will be needed, but he is hoping to also receive that amount through the stimulus funding.

Caldwell asked whether the City would be pursuing this project in the absence of stimulus funding. Meece said yes, because then the City can capitalize on the newest technology for the lids because the current ones are 26-years old and badly need replacement.

Caldwell also asked whether the project would increase composting capacity. Tinsley said that is one of the goals of the project.

Scott Nelson said the project is also designed to permit the utilization of methane gas to fire the boilers by putting in new digester lids that will capture the gas to provide cogeneration capability.

VanAken asked if other projects would move up on the list if the funding originally intended for this project was freed up by the stimulus plan funding. Meece said yes, but that the City would still have to go into debt to cover the additional costs of this project.

Blakeman asked if there was a timeline for this project because she did not see one in the packet. Meece said that time is of the essence, and that the shovel-ready part would need to be done within 120 days of notification of the funding, and that the contract would take the City through the construction phase.

No further discussion.

All in favor, motion to approve Resolution No. 4017 passed.

ACTION ITEMS:

Action Item A: Approve/deny City Manager to sign 2009 Summerfest contracts for the "Drifters."

Meece said that this contract is for the "Drifters," who are the headline show for the 2009 Summerfest.

Blakeman moved to approve Action Item A and direct the staff to sign contracts with the "Drifters." Jones seconded.

Blakeman asked whether the group in charge of sound for Summerfest had seen the rider for the equipment. Meece said he is not positive, but that he thought they had.

No further discussion.

All in favor, motion to approve Action Item A passed.

Action Item B: Discuss/deny/approve/award bid related to third party processing of credit card transactions (recent RFP). Will provide information separately.

Postponed until April 6th, 2009 meeting.

Action Item C: Discuss/modify/deny/approve draft of 'reserved handicapped parking' ordinance for formal presentation to City Commission.

Raney said that the City currently does not have an ordinance pertaining to reserved parking spaces downtown for the handicapped, and that there also is no process for enforcing the existing ordinance as it exists in other areas of town. He added that there is a desire to have a formal process in place so he drafted this potential ordinance with ideas for specific regulations, etc.

Caldwell noted the open item in the penalties description segment.

Raney said there would have to be a penalty for violations, and that he would propose the same fee as the state's which is \$100.00 for non-handicapped vehicles who park in handicapped spots. The ordinance and penalty that would also address handicapped vehicles that are not parked in their assigned handicapped spots. Raney suggests a flat fee of \$100.00 for all violations.

Caldwell asked whether the space reservations are clearly marked. Raney said that they are, and that he suggests keeping the handicapped designation placard in place for designating vehicles owned by the handicapped.

Blakeman asked whether section A would be for any handicapped-designated vehicles, and if section B was for all vehicles. Raney said that was correct, and that section A is primarily for any space reserved for handicapped-owned vehicles on a street near a business.

Blakeman said that she agrees that the fines should be the same across the board, and then moved to direct staff to bring back an ordinance pertaining to Action Item C. Jones seconded.

Public Comment:

Vic Donovan came forward and said that he thinks it is important for the City to address handicapped issues and to create a better environment for the disabled to bring more handicapped people to live in the community. He said that he came to Livingston after he broke his neck last year and that with the weather conditions that occur in Montana, it is essential for the handicapped to have reserved spots in order to get to their vehicles in the changing weather.

Caldwell asked whether Donovan's concern was outside of the scope of the ordinance. Meece said that was correct, and that he would advise not going any further with this discussion tonight because the citizen before the Commission has pending legal action against the City. Meece also noted that there are multiple handicapped parking spots in the parking lot of Mr. Donovan's residence.

Blakeman said she feels that the large population of handicapped people in the downtown area needs to be discussed.

Caldwell suggested bringing back the ordinance with an inventory of the available handicapped spots in the city limits.

Meece said that this could be addressed, even though it was not part of the original intent, and that an inventory can be done. He added that many multiple residential buildings already have their own separate handicapped-designated parking spots reserved.

No further discussion.

All in favor, motion to bring back Action Item C as an ordinance passed.

Lisa Kitts came forward to address Action Item C regarding the requirement that those seeking reserved handicapped parking spaces be the registered owner of their vehicle. She feels this requirement may harm many disabled people because many handicapped people choose not to own vehicles. She also suggested standard sizes for handicapped parking spaces and noted that the placard requirement creates problems because the disabled person must be with the driver in order to park in a handicapped spot. She added that she does not agree with the proof of residency requirement because some disabled people do not live in a residence full-time or own the home in which they live.

Meece said he would like to look at the information that Kitts provided to compare it to findings the City already has.

Action Item D: Discuss/deny/approve Park County request to participate in joint recycling efforts at the Livingston Transfer Station.

Meece said that the proposal in the packet is current and complete, and Full Circle Recycling requested that the County residents be notified they can bring their recycling to the City transfer station.

Caldwell asked whether there was movement towards an inter-local agreement. Meece said yes, or at least toward a memorandum of understanding with the County.

Blakeman moved to direct the administration to prepare an inter-local agreement. Beebe seconded.

Blakeman said she would like the recycling to be open to anyone, anywhere, so that it is seamless and County residents can bring their recycling to the City facility, and vice-versa.

Meece said he would try to include that language in the agreement, and that he would like to commend the Commission because none of this would be possible without their approval of the new transfer station.

No further discussion.

All in favor, motion passed.

Action Item E: Discuss/deny/approve request from Livingston Rotary for use of the Skillman Trust Fund to construct "G" Street Water Spray Park project.

Meece said that the letter included in the packet is from the Rotary, regarding their desire to proceed with construction on the "G" Street project because they have secured almost all of the needed funds for phase one, which would be the 'sprayground' construction. The group has requested that the City remove the wading pool that is in the park, and now is asking that funds from the Skillman Trust Fund be used for the water park.

Jones asked what the Skillman Trust Fund is. Becker said that it came from a former Livingston resident who left the City \$100,000 and a piece of property in Nevada. The interest from the money is used each year for city park and recreation projects, or retained for future park projects.

Meece added that there are yearly requests for the use of the funds for community park and recreation projects, such as the soccer fields.

Blakeman asked if the \$8,000 surplus over the original \$100,000 amount is from the sale of the land. Meece said that it is a result of not spending the full amount the interest accrued in past years.

Blakeman moved to approve Action Item E, on the condition that the money has not already been promised elsewhere. Jones seconded.

No discussion.

All in favor; motion to approve Action Item E passed.

CITY MANAGER COMMENTS

Meece said that he wanted to expand on the legislative updates provided in the packet. He said that he will be in Helena on Wednesday to lobby for the Local Option Sales Tax Bill (SB 506), and that development of the State budget is proceeding and is connected to the stimulus package. He added that a Local Option tax, if passed by either Park County or the City of Livingston, would essentially allow a \$300,000 reduction in Livingston property tax revenues, with a burden of the same amount shifted to those paying the sales tax, such as area tourists.

Blakeman asked whether the property tax relief would only go to residents of the City. Meece said yes, and that the amounts of money residents spend on the sales tax would be determined by their own purchasing practices.

Blakeman also asked whether there would be a sunset on a local sales tax. Meece said there was, and that it would have to be re-approved every 10 years.

VanAken said that a region must be a legally incorporated entity to benefit from the tax because they must have a budgetary entity, and asked what the inspiration was behind the regional revenue sharing provision.

Meece said it is purely political, and was included to reduce opposition to the bill from rural areas.

Blakeman asked whether the \$1500.00 paid for the calendar on the website was a down payment.

Meece said that it covered the entire cost of adding that module to the City's website, and the calendar is currently being developed.

CITY COMMISSION COMMENTS:

Blakeman said she would be absent for the April 6th Commission meeting.

Caldwell asked whether staff had reviewed the location for the previously proposed climbing boulder project. Meece said that it had not yet been, but that he would get to it soon.

Caldwell also asked whether the Quiet Zone was still on the long-term calendar, and the same for the Old Water Works building next steps. Meece said they both were on the calendar to be reviewed.

Caldwell questioned whether the FEMA maps had been received. Meece said he had received a phone call about the maps just that day and that it would be near the end of the week or the beginning of next week before the letters could be sent in to FEMA.

PUBLIC COMMENT:

There was none.

Being no further business, motion was made by Blakeman to adjourn the meeting, and seconded by Beebe.

All in favor, motion to adjourn passed.

The time was 8:34 pm.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
City Commission Chair

**CITY OF LIVINGSTON
CITY COMMISSION SPECIAL MEETING
April 1, 2009**

The Livingston City Commission met in a special meeting on Wednesday, April 1, 2009. Commissioners present were Steve Caldwell, Vicki Blakeman, Mary Beebe, Rick VanAken, and Juliann Jones.

Staff members present were Ed Meece, Bruce Becker, Darren Raney, Alan Davis, Jim Woodhull, and Robyn Keyes.

The only agenda item for the meeting was discussion of the City Manager's contract.

Blakeman moved to terminate the City Manager's contract, Beebe seconded.

Discussion:

Blakeman read a prepared statement to voice her concerns.

Meece read a prepared statement to voice his side of the issue.

VanAken read a prepared statement to voice his concerns.

Jones stated that she feels this is a difficult decision to make, but that Meece seems to escalate conflict, not fix it, and that she thinks the City needs to move on from his leadership.

Beebe read a prepared statement to voice her concerns.

Caldwell read a prepared statement to voice his concerns.

Public Comment:

(The following comments are a brief paraphrase; an audio recording of the meeting is available for full disclosure).

Tammy Kevwitch said that she has met with Meece in the past about an economic strategy she has been working on for the past 7 years, and in the past 1-½ years Meece has helped her to focus her mind and organize her idea so that now she is preparing to take it to Governor Schweitzer. She said that her ability to get the project this far has been helped immensely by Meece's ability to be the first to truly help her.

Eugene Raney said that he has had constant issues with his property being flooded due to street construction since 1987, and that he contacted Meece in 2007 about it but nothing has been done up to this point although he was told that it would be fixed by Meece and Clint

Tinsley. He said that Meece needs to be eliminated because of the lies that were told to him by the administration and that someone needs to be in Meece's position that can fix his problems.

Mark Hartwig said that it seems that the Commission has already made their decision but that he thinks Meece does his job very well. He also said that despite the problems between the Commission and Meece, the City seems to have made great progress and could be headed towards a perfect storm if Meece is terminated and three commissioners are lost this fall. He continued that he has never felt slighted by any actions taken by the City in his dealings with Meece, even if those actions have not been in his own favor.

Nancy Atkins said she would like to thank the Commission for speaking out and feels the City needs a new direction and a new view.

Daniel Peterson said that he took Meece's 'Civics 101' class and that Meece has good soul quality, which would make a trying and traumatic signal to get rid of someone with such character.

Shelley Baxley said that she heard the Commission say they are all elected officials so they should listen to the community. She also said that she has had nothing but positive interaction with Meece and that she sees him helping the community out in many ways even outside of his job, and she supports Meece and appreciates who he is.

Patricia Grabow said she thinks the Commission's action is courageous and thinks the statements made by the Commissioners have been accurate. She suggested the Commission hiring a professional to hire another city manager and that it would be worth the money.

James Bennett said that he admits that he knows many people do not come to the Commission meetings but that he has spent many hours with Meece and has always found him to be someone who is humble to learn and has never found him to be confrontational. He also said that he feels Meece reflected that same willingness to learn, grow, and listen in his statement, and that he knows from experience of being on other boards in the community that working through issues can be hard when there are conflicting personalities but that underneath the emotions there can be something positive and of value.

Peter Vandergrift said he can only speak to his interaction with Meece on various projects but that Meece has been nothing but professional and through his leadership, Meece was able to complete a project way in advance of when it was scheduled to be finished.

Lee Parriott stated that she has known Meece since the beginning of his time here and that she has always known him to work in a professional manner through the Angel Line Board and other various groups they have worked together on. She also said that she heard Meece mention he would like to work with the Commission through a mediator to try to solve the issues and she would like to know why that has not happened already because she feels it is the right way to approach things. However, she said it seems like the Commission already has their minds made up and that it would be a bad move for the City if Meece is terminated, and that she can positively attest that Meece has not been engaging in a "PR Campaign" as was implied.

Shannon King came forward and said that while she does not know Meece as the city manager, she knows him on a personal level and that she cannot speak more highly of anyone. She said she has lived here long enough to know that Meece is a huge improvement for Livingston compared to the previous city manager.

Lenny Gregrey, who said he served on the City Commission previously, has seen several city managers come and go since the change in form of government in Livingston occurred. When he was on the Commission, he said that he did not always necessarily agree with the city manager but he never felt a motion should be made to terminate any city manager. Instead, he said that the Commission, during his time, gave the manager at the time a written list of areas where he was lacking to be reviewed in 6 months. He stated that he has no personal relations with Meece, but that he has had a few pleasant experiences with him.

Gregrey continued that when he heard about the issues going on with Meece in the past week in terms of the possible termination of his contract, he decided to investigate further. He said that several commissioners told him that they could not comment on the reasons behind this action due to personnel reasons, and that through his own evaluations, he clearly sees that this is simply a difference in management styles. He asked if any of the commission's problems with Meece had ever been put down on paper and given to the manager with a given timeline for him to make changes within. He added that even as a citizen, he himself does not know the direction the City is going in since it has not been vocalized or worked on to be fixed, so it is only right to give Meece a fair shot and a chance to correct himself because if it is personnel-related issues that are causing these problems, that is what the grievance process in the City policy is in place for.

Lisa Peterson said that she thinks the Commission should listen to the community and agreed that she felt like the Commission has already made up their minds but that they need to listen to the City, which is its citizens.

Diane O'Brian said that she has been to most of the Commission meetings over the past few years, and that she hopes the Commission does not have an underlying agenda because she feels like they have already made their minds up regarding Meece's contract. She said that she would like to see a mediator be involved because the people elect the Commission, and what is important is best for the community, not what has been decided outside of the meetings. Also, she said that she has seen Meece's commitment to the Commission and the community even when his family face great tragedy and urged the community to attend meetings in the future to support Meece 150%.

Chris Kukulski said that he appreciates the recognition of Meece's character and that no good city manager expects to not be held accountable. He said that the Bozeman City Commission has been direct with him and hopes that the Livingston Commission can do the same thing with Meece because it is how things get accomplished. Also, he stated that there is a fair and right way to do things, and considering that Meece called him the previous week and made a statement about how he thought he was having the "best year ever," he feels the biggest problem is a breakdown in communication.

Kukulski suggested a cooling off period for the Commission and Meece, perhaps to include the evaluation that still has not taken place. He added that about five months ago he had

been told by a Livingston City Commissioner about all the good things that Meece had accomplished for the City, so perhaps the Commission should look at the successes such as who Meece has hired in the administration and the quality of those people, including Miral Gamradt, who formerly was Kukulski's finance director. He concluded by saying that some of the best relationships he now has stemmed from those who he had major issues with but that working through those issues strengthened the relationships, and that it is never too late to try to fix things unless the Commission goes ahead and makes a decision without exploring all of their options first.

Jim Durgan, a Park County Commissioner, said he is also speaking as a concerned member of Park Co. aside from speaking as a County Commissioner. He said that he hopes the City Commission can make the right decision because many options have been brought up during this meeting that should be contemplated because oftentimes hasty decisions can get the best of people. He also said that he is impressed by Meece's attention to detail, the level to which he knows what he is talking about, and also his commitment to his job. He added that he knows Meece can be candid, but that it is not always a bad thing and that he appreciates knowing where he stands with Meece because of this.

Bill Broughten said that he believes that a problem is that Meece can be terminated at any time and for no reason. He said that the reason the Commission is here tonight is because of their ability to let someone go without reason because with all other positions there must be reasonable discharge and steps that are taken. He asked if the Commission had put their dissatisfaction with Meece into writing before it got to this, and if all of them have the same ideas and dissatisfactions as the others. He finished by saying that he would like to know what the Commission does want and the direction they see Livingston going in, and would like that information given to Meece so he can have a chance to address it.

Laurie Bishop said she truly could not think of five commissioners or a city manager that she has more respect for. She said she feels compelled to fight for Meece even if the Commission has the right to terminate him because the community deserves a chance to understand what is going on so she asked the Commission to reserve their right to do so. Also, she stated that she has a strong sense that the City is on a good course and the community has been well served by Meece and could continue to be, and that a potential divisiveness in the community could exist that could come from making this decision.

Jerry Baxley said that Meece is a personal friend but he has thought about this outside of that realm, and said perhaps the path of new direction for the City is occurring right now and while it is uncomfortable at the moment, it could be taking the City where it needs to be going and could be the best thing in the end. He said that Meece is the man to take the City in that positive direction and to get through the uncomfortable change.

Lorellen Friedman commented that she is not generally politically involved but that she sees this situation as one where she is looking at the forest, which is fixable, while the Commission is only looking at the trees. She said she is disappointed in the lack of transparency from the Commission and that she sees the lack of communication as fixable. She also said she is disappointed to see and feel like the Commission has already made their decision, and that she is curious if anyone asked Meece why he thinks along the lines that he

does because the community is must better served if this problem is worked on to be fixed instead of deciding to terminate Meece.

Sherry Anderson said she finds Meece to be a man of compassion and integrity who may be plain spoken but everyone always knows where they stand with him. She said she also feels that the Commission has already made their decision but that this is a fixable thing because deciding to terminate Meece could be very traumatic for the City and could have traumatic repercussions.

Bill Moser said he is a resident of the county but that he takes care of property within the city limits, and that he feels Meece needs to resolve many issues within the City instead of passing them off onto someone else. He also questioned the City's use of water samples from years back to create reports for 2009, and that an answer is owed by Meece to the community. He additionally stated that he has not heard any of the Commission members give a concrete reason as to why Meece needs to be terminated, and that while he could speak on both positives and negatives about Meece, the Commission needs to give solid reasons instead of leaving blame to be placed on the next scapegoats.

No further public comment.

Meece spoke, saying that he had and had not heard some of the comments that were presented at the meeting tonight. He said that this had been one of the most interesting evenings of his life, and that he found encouragement from the public and the Commission that the City of Livingston is bigger than its problems and can get through them. He stated he still believes that he and the Commission can work through the issues to do whatever it takes to fix them and he takes responsibility for all the decisions he has made. Therefore he would like to work together as a team to fix this and make great strides in doing so.

VanAken said he would like to make a substitute motion.

Blakeman withdrew her motion to terminate the contract of the city manager, and Beebe withdrew her second to the motion.

VanAken moved to have the Commission and Mr. Meece seek a mediator to try to resolve the matter at hand before proceeding with further action on Mr. Meece's contract. Jones seconded.

Discussion:

Blakeman said that she feels like it has been agonizing enough up to this point for all the Commissioners to have arrived at this place together, so part of this could be more uncertainty for all involved.

Beebe said that she would support trying to move forward because she heard tonight that the community is confused and she does not want to see the community harmed. She said she does believe Meece is a person of good character and that she had felt compelled to make a decision because she felt the problems were not fixable but that if the community

needs more time to understand how this point was arrived at and why it has come to this, then she is willing to give it another chance.

Beebe continued that none of the Commissioners have felt happy about arriving at this point but she realizes that there are a lot of people who have not been involved and is concerned that the community perception is that the Commission has its own agenda, so less harm would occur by trying to instead move forward and resolve the problems. She agreed that part of the problem is communication and that everyone needs to work on this by working to communicate better because she thinks there is wisdom in the community and feels that the citizens' concerns are valid. She added that she does think that Meece has done an exceptional job in many ways, therefore maybe the path is bumpy right now to get to the end goal of success, and that she remembers when Meece first came to Livingston he was surprised that the citizens felt they should be directly involved in decision-making but that she agrees they should and respects everyone's comments that they made tonight.

Jones said that she has reservations but that she would like to work with a mediator, even though she does have concerns that maybe the problem is not just in communication. She said that she hopes Meece will listen more, scream less, and make this work.

Blakeman said that there are real problems that exist between the Commission and the management but that she feels everyone in the community needs to be represented as best as the Commission can. She added that she does not want the public to perceive that the Commission has taken this lightly, but that it has been a lengthy process to arrive here and she thinks it can be taken seriously now that it is in the open.

VanAken said that he would not have offered a substitute motion if he was not torn about this decision, and that if this motion were approved that the responsibility is on Meece to help find a mediator and a process to fix this failure to communicate. He asked the other Commissioners if they thought they should create a timeline to have the mediation completed, but said he is reluctant to suggest one without some insight as to an appropriate amount of time.

Blakeman asked if there was a legally set time. Becker said there is not.

Meece said he is willing to adapt to whatever time frame the Commission would like but it has to depend on how soon a mediator can be available to come. He said he thought that it would be reasonable to try to have a first session with a mediator within 30 days and then go from there.

Blakeman agreed, and asked what happens in the meantime, whether Meece remains in an active manager position or if he is placed on administrative leave and so on.

Meece said that decision is up to the prerogative of the Commission but he feels that there is an excellent team in place within the City of Livingston and he feels he and the team can continue to function while working towards mediation because he is comfortable doing the job in the meantime.

Caldwell said that he would like to leave Meece in place, with the understanding that a mediator is to be brought in as soon as possible.

Beebe said that it would be hard to make a good determination for a timeline until the availability of a mediator could be known.

Caldwell asked whether there was a good commitment to move forward in good faith that Meece would find a mediator as soon as possible (within 30 days). The Commission all agreed that there was.

No further discussion.

All in favor, motion to accept a mediator and postpone decision on Meece contract passed.

Being no further business, motion was made by Blakeman to adjourn the meeting, and seconded by Beebe.

All in favor, motion to adjourn passed.

The time was 9:00 pm.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
City Commission Chair

CITY OF LIVINGSTON
CITY COMMISSION MEETING
April 6th, 2009

The Livingston City Commission met in a regular session on Monday, April 6th, 2009. Commissioners present were Steve Caldwell, Juliann Jones, Mary Beebe, and Rick VanAken. Vicki Blakeman was absent.

Staff members present were Ed Meece, Bruce Becker, Alan Davis, Jim Woodhull, Peggy Glass, and Robyn Keyes.

Motion to approve consent items was made by VanAken, seconded by Jones.

All in favor, motion to approve consent items passed.

PROCLAMATIONS:

A proclamation was read by Caldwell recognizing Arbor Day to be held on April 24, 2009.

SCHEDULED PUBLIC COMMENT:

Presenter of scheduled public comment was not present at the meeting.

VARIANCE REQUESTS:

There were none.

PUBLIC HEARINGS:

Ordinance No. 2011- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING BY AMENDING THE DEFINITION OF "STRUCTURE," DELETING A REFERENCE TO THE CITY-COUNTY PLANNING BOARD, AND MAKING AN EXCEPTION FOR SMALL ACCESSORY USE STRUCTURES IN SETBACKS.

There was no public comment.

VanAken moved to approve Ordinance No. 2011, Beebe seconded.

Discussion:

VanAken said that he wanted to make sure the public understood that the main function of this ordinance was to allow the zoning code to accommodate the placement of small moveable structures such as tool sheds without requiring a variance.

Woodhull said that structures under 120 square feet are not required to be permitted and this change is to make the City's zoning code reflect that.

No further discussion.

All in favor, motion to approve Ordinance No. 2011 passed.

ORDINANCES:

Ordinance No. 2012- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 9 ARTICLE IV OF THE LIVINGSTON MUNICIPAL CODE ENTITLED "PARKING, STOPPING AND STANDING" BY ADDING A NEW SECTION PROVIDING FOR A PROCEDURE FOR ESTABLISHING SPECIAL PARKING SPACES FOR PERSONS WITH DISABILITIES AND FOR ESTABLISHING SPECIAL RESERVED PARKING SPACES FOR PERSONS WITH DISABILITIES OUTSIDE OF THE 2-HOUR PARKING ZONE AND AMENDING SECTION 9-222 BY ADDING A PROHIBITION AGAINST PARKING IN A SPECIAL RESERVED PARKING SPACE AND ESTABLISHING A PENALTY FOR VIOLATION.

Jones moved to approve Ordinance No. 2012, Beebe seconded.

Discussion:

Meece said that this ordinance had started as a draft at the last Commission meeting, and that this new version takes into account discussion both from the public and the commissioners from that meeting. He reiterated that this ordinance essentially codifies this issue so that it can be enforced and regulated.

Beebe asked whether the issue of vehicle ownership had been eliminated, which was confirmed by Meece.

Jones asked whether interested parties would still have to come before the Commission to get ultimate approval to reserve a special parking space. Becker said that was correct.

Meece said that section A.1. talks about vehicle registration vs. vehicle ownership.

Beebe asked whether the Commission should continue to talk about the ordinance or whether they should wait for public comment to conclude first. Caldwell said it was fine to continue discussing it, since a formal public hearing on the ordinance was scheduled to take place on April 20.

Beebe said that she could imagine a situation arising where someone needs a handicapped parking space but they do not operate a vehicle, although their caregiver does so for them, and she asked whether there was some kind of variance request for a scenario such as this.

Caldwell said that he believes special cases, and all cases for that matter, will come before the Commission, and Becker said that section C. of the ordinance addresses this.

Caldwell asked for clarification of the conditions of the permit referenced in section Ca(i)2. Becker said that the provisions of that permit are in the whereases.

VanAken asked whether the provision allows a handicapped person to get a permit even if they do not own or operate a vehicle. Becker said yes, because the permit requestor just needs to show medical need for the permit.

Meece added that perhaps language should be added to define a primary caregiver.

VanAken said that in some sections, additional language might not need to be added because the "or" sections provide alternate ways for someone to qualify for a permit.

Caldwell said that he had a few questions on the ordinance. He asked for clarification about what a "dwelling unit" meant.

Becker said that a dwelling unit refers to places like apartment buildings or places where multiple residents reside in separate units, allowing multiple spaces to be requested if necessary.

Beebe said that the Miles Building has 40 apartments so if one was requested for each apartment, would they all be granted?

Becker said that multiple vehicles can be allowed per space, but he can create a limit per dwelling unit if the Commission would like.

Meece said that if the purpose of the ordinance is to provide special parking places then the commission could be trying to solve a problem that does not exist.

Caldwell said he is okay with leaving that area of the ordinance as is, and also noted that Item F duplicates Item N with a few minor exceptions, so he suggested removing one of them. Becker agreed.

Public Comment:

Nancy Atkins said that since she has had to use handicapped spaces, she sees the problems that exist with them. She said that it does not appear that there is enough handicapped parking near the Senior Center, and that she thinks there needs to be a handicapped parking space on every block of the downtown area.

Caldwell said that these were good points and that a previously requested inventory of the handicapped spaces in the city would be useful.

Tom Kitts commented that nowhere in the ordinance is there language regarding accessibility and that, according to the Montana Code Annotated, all items (MCA) would have to be complied with if Item D were complied with.

Caldwell asked whether Meece and Becker could take a look at this for the next meeting. Meece said that they would.

Lisa Kitts asked how someone could give proof of permanent address.

Caldwell said that the person requesting the space would supply a permanent address in the application for the space.

Kitts asked what would happen if someone tried to say that someone disabled lived in their residence and requested a reserved spot when really there were no disabled residents in the home.

Becker said it would be an issue of findings of fact and the permit would be revoked.

Caldwell said that the person requesting the space would have to be the disabled person, and not their caregiver, which could help with this issue.

Meece also said that the City could require the person applying for the permit to submit a piece of mail or someone from the administration could go to his or her door to ensure that the person requesting the permit lives at that residence.

Caldwell also said that complaints by neighbors needing parking could trigger an investigation.

Kitts asked what kinds of proof of permanent address exist. Meece said items like utility bills, property tax returns, and other various documents could be used.

VanAken said that short of someone being a very good scam artist, the process would essentially be the same as when anyone was required to verify their permanent address.

A woman who introduced herself as "Mary" asked what would happen if there was a situation where someone moved out of a residence and the handicapped spot still remained.

Caldwell said that a person in that situation would not qualify for the annual renewal of the permit, and that if someone does not show up to re-apply, then they will not be re-issued a permit. He added that these issues fall under enforcement, which is up to the administration, not the Commission, to deal with.

Kitts asked why a placard must be placed in a car parked in a reserved spot that has a license plate matching the number on the sign. Caldwell said it was for enforcement purposes.

Kitts also asked why the license plate matching the sign would not be enough because placards are moveable and sometimes a handicapped person might need to take their placard with them in someone else's vehicle while their own vehicle would remain in the reserved parking space.

Meece asked whether the state issues only one placard per person. Kitts said yes. Meece said he could see how this could become an issue.

Kitts also asked whether family members of a disabled person would be able to use or move a vehicle that has a spot reserved for it. Caldwell said if the placard requirement was removed then he believes it would solve that issue.

Kitts asked when the next public hearing on the ordinance would be. VanAken said it would be on the 20th of April at the next Commission meeting, and Caldwell added that it would be advertised in the paper.

No further public comment or discussion.

All in favor, motion to approve Ordinance No. 2012, passed.

RESOLUTIONS:

Resolution No. 4012- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CONTRACT WITH U.S. MERCHANT SYSTEMS TO PROCESS CREDIT CARDS FOR CITY OF LIVINGSTON (To be dealt with following approval of action items).

ACTION ITEMS:

Action Item A: Discuss/approve/deny authorization to move the handicap parking space from the south side of Callender Street adjacent to the alley between 2nd and Main Street to the vicinity of the front entrance of the Miles Building adjacent to the established loading zone.

Becker said that a discrimination suit had been filed against the City due to lack of a handicap space in front of the Miles Building, and as part of the discussion with the Montana Human Rights Bureau, he said he would look into making a reasonable accommodation by moving the Callender Street spot to the front of the Miles Building near the loading zone currently in place there. Meece added that the spot is a general handicapped spot, not a reserved one.

Becker added that, with respect to Action Item B, the gentleman behind the suit also wants the reserved spot currently behind the Miles Building to be moved to the front of the building and the 2-hour parking limit waived on all handicapped parking spaces in the City as well.

Beebe said that she felt it would be a good idea to put a new handicapped spot in front of the Miles Building and leave the one that exists where it is, so a spot is added instead of just moving one.

Meece said that there is no limit of the number of handicapped spots that can be downtown to his knowledge, so it would be feasible to create a new spot and leave the old one on Callender Street, too. He stated his only concern is keeping in mind the balance that needs to be struck between spots for particular locations.

Caldwell said that he has noticed that there are typically open parking spaces in that block of Second Street.

VanAken asked why the Callender Street spot is in its current location, and whether it was because the alley created a ramp for wheelchair use. Becker said he believes it is there from the days when Public Drug was at that location.

Beebe said that she feels it would be okay to add a new spot and keep the old one right now due to the seemingly easy nature of finding a parking spot there as it is, and that it would be good to at least try it out.

No further discussion.

Beebe moved to direct staff to add a handicapped spot in the front of the Miles Building and leave the Callender Street spot in existence. VanAken seconded.

No further discussion.

Beebe moved to direct staff to add a handicapped spot in the front of the Miles Building and leave the other spot in existence. VanAken seconded.

All in favor, motion passed.

Action Item B: Discuss/approve/deny removing the 2-hour parking limit on all handicap parking spots in the downtown 2-hour parking zone and direct staff to bring back ordinance with revisions for removing in the 2-hour downtown zone the 2-hour parking limit for all handicap parking spots.

Caldwell asked whether this would create a quasi-reserved space issue. Becker said that the restrictions now are only Monday through Friday, from 9:00 am to 5:00 pm, but it would be first come, first served for the handicap spots and people then could leave their vehicles in the spots for unknown amounts of time.

Meece said that there needs to be a balance between accommodating versus the idea of taking off the 2-hour limit, because that could hinder other disabled people from getting a handicap spot because of people who would not be required to move their vehicles.

Caldwell said this whole idea goes along with his concern over the annual 2-hour limit waiver during the Christmas holidays because it decreases parking space turnover.

Jones said that she thinks the handicap spots need to turn over like any other parking space downtown.

Beebe said there was a situation in the past where a disabled person who worked on the edge of the 2-hour zone needed a spot where they didn't have to move their vehicle every two hours, but that there always is a situation that can disprove the rule and she said that she believes all people with disabilities need equal access to the handicap spots.

No action was taken.

Action Item C: Approve bid recommendation related to third party processing of credit/debit card transactions for the City with U.S. Merchant Systems.

Meece said that pages 55 and 60 in the packet are a resolution and memo from Miral Gamradt from the RFP process for the credit card transaction firm selection. He continued that the administration felt the best way to deal with multiple interested parties was to issue an RFP and the finance department, after reviewing both proposals, recommends the City use U.S. Merchant Systems.

Caldwell asked whether U.S. Merchant Systems was a local company. Meece said that they are not headquartered here but that they do have a representative who lives in Livingston.

Caldwell also asked whether the contract would be from month to month so the City could stop using the company at any time. Meece said that was correct.

VanAken said that he felt like the memo from Jessie Hogg and Gamradt was very straightforward and explained the recommendation quite well, and that he feels the Commission should go in that direction.

VanAken moved to award the bid to U.S. Merchant Systems, Jones seconded.

No further discussion.

All in favor, motion to award bid to U.S. Merchant Systems passed.

At this time, the Commission returned to Resolution No. 4012.

VanAken moved to approve Resolution No. 4012, Beebe seconded.

No further discussion.

All in favor, motion to approve Resolution No. 4012 passed.

Action Item D: Discuss/approve/deny applications from Vision Livingston Downtown Partnership from Urban Renewal Agency of \$15,000 for URA administrative support and VLDP operating expenses and \$10,000 to coordinate a signage and promotions program for the TIF district throughout construction.

Meece explained that the item contains two different grants that Vision Livingston has applied for, and that the administration is supportive of this action.

Dana Taylor, Vision Livingston member, said that the Urban Renewal Agency met and approved these grants. He further stated that Vision Livingston is vigorously moving forward with the B.I.D. process and it should hit the streets in one to two weeks to be presented to the downtown businesses to get their feedback.

Caldwell said he noticed the funding would run out in December 2009. Taylor said the group might fall short of making that deadline but that they are working to get membership funds and perhaps to do some private fundraising.

Meece said he wanted to add a soft reminder that the City does support Vision Livingston but that the sooner the group gets as much external funds as possible, the better, because the group is getting past their two year agreement from the City.

Taylor said he understood, and thanked the city manager for being so understanding.

Caldwell added that the original intention was for Vision Livingston to be a partnership with the City, not a City program. Taylor agreed, and said that it is time for the downtown to step up and start pitching in funding.

VanAken moved to approve the applications for both grants, Jones seconded.

No further discussion.

All in favor, motion to approve Action Item D passed.

Action Item E: Approve/deny City Manager to sign "Memorandum of Understanding" with Park County for recycling.

Meece said this item was discussed at the last Commission meeting, and that this is the drafted memo of understanding developed out of that discussion. He also said that if the Commission approved it, he would take it to the County and ask them to do the same.

Beebe asked whether the memo would say that everyone has equal access to all of the facilities, regardless of whether they live in the City or County. Meece said that was correct.

Beebe also asked whether the County would be done using Headwaters Recycling now. Meece said they would be done with them at the end of April, but some recycling spots will remain out in the County, and that he will recommend that there be no residence restrictions for the use of those, either.

VanAken moved to authorize the City Manager to sign the "Memorandum of Understanding." Jones seconded.

No further discussion.

All in favor, motion to authorize the City Manager to sign the memo passed.

Action Item F: Discuss/deny/approve City's involvement in "Sustainability Development" pilot program.

Meece said that he and Caldwell attended the first day of the Sustainability Development Workshop that day. He said that it was educational and interesting, and that he feels the administration would support being involved for the purpose of helping the group address the difficulties of using their framework within local government, but at this point he would like to refrain from actually submitting an application.

Meece also said that it was evident to him at the workshop that the group is missing information from areas like Livingston, so there could be difficulties if the City were to apply at this point, but that he would like to help the group define standards and then apply if or when these issues are addressed. Caldwell agreed with this.

Meece continued by saying he believes it would be beneficial to have an elected official from the City working with the administration on this because political considerations need to be in place, too, for an additional viewpoint. He said that the administration can operate under general Commission direction but that he will need the Commission to decide which of them would like to work on it.

Beebe said it sounds like it will be helpful to the group for Livingston to be involved to make the process more effective.

Meece said that he would need to relay this information to the Yellowstone Business Partnership tomorrow at the second day of the workshop. The Commission agreed and directed the City's participation through the framework development process.

Action Item G: Discuss/approve/deny appointments recommended by the Northern Rocky Mountain RC&D for the revolving loan fund committee.

Meece stated that on page 73 of the packet was a list of individuals contacted by the Northern Rocky Mountain RC&D. He said that the group manages the City's revolving loan funds and, due to the current economy, two loans need to be restructured, and that RC&D needs the Commission's approval to do so. He also said that it helps the City maintain some sense of direction with the group by appointing the board members.

VanAken moved to approve the nominees presented on page 73 to include Miral Gamradt as a City representative. Jones seconded.

No further discussion.

All in favor, motion passed.

Action Item H: Applying for federal funding to hire one police officer through the COPS hiring recovery program.

Meece said that as part of the Federal Stimulus Package, funding has been dropped into the COPS program to fund 3 years of a new police officer, after which the City would take responsibility for funding the position. He said that he has seen this program go both ways but that the City will need at least one additional officer in the next few years, and that the administration is in favor of applying for the grant. Gamradt feels the City could begin to address the needed funding for the fourth year now, so by the time that fourth year arrived, the City would have the funds to continue to keep that officer position.

VanAken said that Meece's explanation eases his concerns of being able to commit to keeping that officer position in place in year four as well as all the current positions for the four-year duration. He also asked what would happen if in year four a cut did have to be made.

Meece said he does not know where the cut would take place, but that is why the finance department would begin to work with the police department to build the amount into the police department's budget to prepare financially for that fourth year. He explained that the City would begin putting money aside before the new officer was hired so a cut would not have to be made in that fourth year.

Beebe asked when the City would find out whether they received the grant if they were to apply for it. Meece said the application needs to be in by April 14th and then he could find out more information.

Beebe also asked, if the City received the grant but was not able to move forward with it, whether there would be an option to reject the funds. Meece said the City could reject the funds up until the point at which a new officer was hired, or the City could choose not to comply with the terms of the grant, which would hinder the ability for the City to get other federal funding in other areas.

VanAken moved to approve the request to apply for the COPS grant, Beebe seconded.

All in favor, motion to approve request to apply passed.

Action Item I: Discuss/approve/deny selection of third party facilitator for City Commission and City Manager relations.

Meece said that he and Becker had met with Caldwell and Blakeman to discuss a facilitator, and so far two names of potential people had come up. He said that he has started

contacting both individuals, and both, after receiving emails containing the specifics, said they would get back with Meece as soon as possible regarding their availability.

Caldwell suggested contacting Ken Weaver, as well, and Beebe agreed.

VanAken said if it helps to keep options open, then to go ahead with contacting the third suggestion.

Meece added that John Cummings at MMIA also had some suggestions for which they could look into using.

Action Item J: Discuss/approve/deny a change to the traffic configuration at the intersection of 9th Street and River Drive, such that 9th Street traffic (including the bridge) is not required to stop; and establishing Stop signs for traffic on River Drive.

Meece apologized for the addendum but said that the County brought this item to him on Friday and asked him to bring it to tonight's meeting to see about switching the stop sign configuration at 9th Street and River Drive back to how it was before the bridge collapsed, and that the administration has no objections to doing so.

VanAken said that if this is what the County would like, then he sees no problem with it.

No further discussion.

VanAken moved to approve the County's request to switch the stop signs at 9th and River back to their original configuration, Beebe seconded.

All in favor, motion passed.

CITY MANAGER COMMENTS:

There were none.

CITY COMMISSION COMMENTS:

VanAken said that he had attended both the Chamber Awards Dinner on Friday and the Pioneer Society Dinner on Saturday and saw that both groups are dealing with losing members. He recommended that people get involved with the groups. He also came back to the issue of handicap parking spaces around the Senior Center, stating that the issue has been brought to his attention before but he does not know whether it is feasible to add more spaces due to the loading/unloading zones that sit on the perimeter of the Center.

Beebe said that the Spay/Neuter Task Force had an event on Sunday, April 5th, and they had good turnout of 50 dogs and 50 cats brought in to be altered. She said she also has had

someone contact her about the condition of the cemetery that they had noticed several years ago and she had promised to bring it up.

Meece said that the cemetery is in dramatically better condition than it was a few years ago.

Caldwell asked whether Public Works was doing hot patches on the streets yet or if they were waiting for warmer weather. Meece said the City has a new pothole-patching machine but that the truck that can pull it had broken down for a few days. It should be back up and running, and Commissioners could give him areas to add to the list of needed repairs.

Meece also said that he had a conference call with the FEMA consultant and that at this point the consulting engineer has a few minor tweaks to be made to the maps but otherwise they look good. The next step is another conference call with FEMA to hear the "go" signal from them, and then the City gets 6 months to adopt and incorporate the maps. He added that he feels this is exceptionally good news.

Caldwell said he felt that if FEMA had any major objections regarding the maps that the City would have heard them by now.

Jones asked where the third party consultant engineers came from. Meece said that FEMA had hired them.

Caldwell asked what the latest was on the local option sales tax bill in the Montana legislature.

Meece said that he had heard that the bill had died, and had worse reception with a better-written bill this session than it had with a poorly written bill two years ago.

Beebe asked whether the bill had attempted to limit property taxes. Meece said that he had heard this was the direction the legislature was heading.

Jones asked if Meece thought the failure of the bill had to do with Montanans worrying that tourists would not come if there were a sales tax. Meece said he would imagine that had something to do with it, but also that the poor economy could have been a big factor, too, even though the bill contained something to benefit everyone.

Caldwell asked whether the Old East Side School RFP would be on the next agenda, and also whether there had been any progress on the climbing boulder site evaluation. Meece said that the Old East Side School project would be on the next agenda, and that staff was working on setting up a meeting in Bozeman to look at one of their boulders that day.

PUBLIC COMMENT:

There was none.

Being no further business, motion was made by Blakeman to adjourn the meeting, and seconded by Beebe.

All in favor, motion to adjourn passed.

The time was 8:34 pm.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
City Commission Chair

**CITY OF LIVINGSTON
CITY COMMISSION MEETING
MAY 4TH, 2009**

The Livingston City Commission met in a regular session on Monday, May 4th, 2009. Commissioners present were Steve Caldwell, Vicki Blakeman, Mary Beebe, Rick VanAken, and Juliann Jones.

Staff members present were Ed Meece, Bruce Becker, Alan Davis, Glenn Farrell, Miral Gamradt, Clint Tinsley, and Robyn Keyes.

Motion to approve consent items was made by Blakeman, seconded by Beebe. All in favor, motion passed.

PROCLAMATIONS:

There were none.

SCHEDULED PUBLIC COMMENT:

There was none.

VARIANCE REQUESTS:

There were none.

PUBLIC HEARINGS:

There were none.

ORDINANCES:

There were none.

RESOLUTIONS:

Resolution No. 4024- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING A TIPPING FEE FOR GLASS AND ESTABLISHING A RATE FOR SELLING PULVERIZED GLASS.

Blakeman moved to approve Resolution No. 4024, Jones seconded.

Discussion:

Meece said that the City had acquired a glass pulverizer along with the Transfer Station and the first customers are now trickling in. He said that there has been an administratively established rate charged for the glass pulverizer but he would like to have one established legislatively since customers are now becoming part of the equation.

Blakeman asked whether depreciation costs are included. Meece said they are.

Blakeman also asked what an estimated life of the pulverizer is. Tinsley said it is around 10 years.

Caldwell asked what the commercial solid waste rate is. Tinsley said it is approximately \$141.00 per ton.

Caldwell also asked whether, due to the previously mentioned solid waste cost, there is an incentive for glass to be recycled. Tinsley said yes, that there definitely is. Meece added that several downtown businesses are already showing interest.

Blakeman asked whether local businesses were charged for bringing glass in. Tinsley said there is no cost to local businesses.

VanAken asked what benefits exist if it costs the City \$29.00 to pulverize and people are being charged \$29.00 as a tipping fee.

Meece said some of the benefits include helping to cover the costs of the building used for the transfer station and pulverizer, along with helping to pay labor costs for the pulverizer. He also said that the City can use the product for projects or it can be resold at the \$15.00 rate.

Caldwell asked whether this would be less than it would cost the City to buy the product elsewhere. Tinsley said it is about half of what that cost would be, plus it would cost shipping to get the product here.

No further discussion.

All in favor, motion to approve Resolution No. 4024 passed.

Resolution No. 4025- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY

MANAGER TO SIGN APPLICATION FOR A TREASURE STATE ENDOWMENT PROGRAM (TSEP) GRANT FOR THE PRELIMINARY ENGINEERING REPORT TO DETERMINE COMPLIANCE OF THE CITY'S WASTEWATER TREATMENT PLANT (WWTP) WITH STATE AND FEDERAL REQUIREMENTS.

Blakeman moved to approve Resolution No. 4025, Beebe seconded.

Discussion:

Meece said that this grant is available to help with long-term planning for wastewater treatment, and that the City was notified of it at the last Grant Committee meeting.

Blakeman asked whether the matching funds are in this year's or next year's budget. Meece said they are in next year's under solid waste.

Caldwell asked whether this would be a project that would be done with or without the grant. Meece said that it would be.

Blakeman asked whether the entire plan for the wastewater treatment plant had been looked over. Tinsley said that it had, and that some of the higher end recommendations made by Morrison and Maierle had been done.

No further discussion.

All in favor, motion to approve Resolution No. 4025 passed.

Resolution No. 4026- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING A NON-PROFIT FEE FOR RENTAL OF THE BANDSHELL.

Meece stated that this item was discussed at the last Commission meeting, and the administration had said they would discuss it and bring it back. This resolution proposes a fee of \$90/day with power, and \$50/day without power, for use of the bandshell area for non-profit organizations. This is a \$30/day reduction from the costs for organizations that are not classified as non-profits.

Blakeman moved to approve Resolution No. 4026, Beebe seconded.

Discussion:

Blakeman said that if she recalled correctly, the increase in fees done last year was because bandshell costs were not being met. Meece said that was correct, and that it was part of a whole re-do of the facility rental costs for the City as a whole.

Blakeman said that she feels funny acting on this item when she runs a non-profit who sometimes uses the facility so she said she might refrain from speaking on it if there is a conflict of interest.

Becker said that he did not see a conflict of interest, but that she could recues herself if she feels uncomfortable.

Lil Erickson came forward to state that her group (Western Sustainability Exchange) had submitted a letter to the City saying that while the group appreciates the \$30/day reduction for non-profits, it is still a raise of \$40/day so she would like to see the Farmer's Market considered separately from other non-profits because she feels the event provides immense services to the community, along with public benefit and economic development. She said she would like to see her group pay a 20% increase in fees, instead of the \$90 and/or \$50.

Caldwell asked what the vendors at the Farmer's Market are charged to have a booth.

Rob Bankston of WSE said that there are several booth sizes, all with different costs, ranging from \$6 to \$20. He also explained that the "Youth Booths" can rent a space for \$2 per event, and at the end of the season their money is given to a non-profit organization to help teach them about overhead costs and giving back to the community.

Blakeman asked whether there was a fee for non-profit vendors, too. Bankston said a true non-profit is given a space for free, and the others pay 50% of the normal cost.

Caldwell asked whether such a request as this should be made in the event application, where a request of fee waiver could be submitted.

Meece said that he would be comfortable if the group wanted to request a fee waiver as part of their application.

Caldwell suggested postponing the decision on this specific case until the event application is received, and said the Commission should vote on this item as a decision for non-profits in general. Erickson said her group had already submitted a letter proposing paying a 20% increase so she would like that letter to be considered as WSE's formal request for fee abatement.

Beebe said there needed to be a change in the whereases from \$80/hour to \$80/event.

VanAken asked whether the \$80 mentioned in the memo on page 40 included the \$40 of overtime cost for an employee to shut down and re-open the area. Meece said that it does.

No further discussion.

All in favor, motion to approve Resolution No. 4026 passed.

Resolution No. 4027- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE BASE SEWER RATE IN THE AMOUNT OF 19% PER MONTH, EFFECTIVE JULY 1, 2009.

Blakeman moved to approve Resolution No. 4027, Jones seconded.

Meece said this item was brought back by Commission recommendation. He said the information on the chart on page 67 had been updated, as requested, and that in the case of both rates (sewer and water) a resolution for 14/19 had been included, as had a second option of the accelerated increase for both.

Blakeman asked what the cost per 1000 is after the average usage of 8,000 gallons for water. Tinsley said it is the same no matter what. Meece added that it comes to about \$2.00.

Blakeman also asked when the sewage was measured. Tinsley said it was from December to February, so a possible issue could be the snowbirds that do not live in their homes during the winter months.

Blakeman then asked whether it was accurate that the City needed to increase their rates to meet the state average to be eligible to receive low-cost loans and grants. Meece said this was correct.

VanAken asked for clarification as to why the rates needed to be raised to meet state averages.

Meece said grants, such as the one through TSEP, would need these increases so that the City average met the state average to be eligible.

Gamradt added that there is a revenue production requirement with loans from the state, so the City has to be able to produce the required coverage; otherwise it is not eligible to receive the funds.

VanAken asked whether the City would reach the qualification threshold if the sewer rates were to be raised 19% and the water rates raised 14%. Meece said yes, after last year's conversation with the state it was determined that this second round of rate increases would put Livingston at the state average level.

Caldwell commented that the state average is kind of a moving target because if Livingston increases their rates, then the state average will be changed, too.

Caldwell also said that the idea of having to defer five projects still troubles him, and while he understands that there is no way to do the projects with the lower levels of increases, that bothers him more than either of the proposed increase options does.

Gamradt said that he, too, has struggled with the idea of putting off projects and that he has debated trying to get loans from the state but he also sees difficulty with that because considering the City's current financial standing, it would be hard to accept putting the City deeper into debt.

Meece agreed that the administration does not want to make a habit of putting off projects but said that Gamradt has a point because he, too, gets a troubled feeling about going further into debt when it is unknown whether the increased rates will even generate the expected level of revenues.

Blakeman said that, based on last year's shortfalls, it is hard to even be sure whether it is going to be possible to meet targeted revenues this year because people might cut back even more to save money.

Meece agreed, saying that he feels this is a catch-22 because while encouraging greater water conservation is a good thing, it is also hard on the City because it relies on those funds.

Beebe stated that she is concerned with the timing and also with putting off the projects because she does not feel that the projects are of a discretionary nature, but rather that they are essential. She also asked when the general fund would be replenished.

Meece said property tax payments will come in again in June but that the general fund is not the only thing that keeps the projects from being done; he said he would hate to put the City in worse financial shape and have worse news six months from now.

Caldwell said he is worried that a rolling deferral of projects will be created. Meece agreed that this worries him, too, but that he does not have an answer for the concern.

Beebe said that it is also hard to have to defer the projects because then a good bid has to be deferred.

Caldwell said that he would support the lower level of increases as long as the administration tries to find some way to still fund the projects.

Meece said he understands, and if the administration sees any opportunities where revenue could be supported he will bring it up for discussion.

Tinsley added that the current bids have a limited time frame, so Commission direction is needed by next meeting.

Beebe asked whether a special meeting would be needed for the bids. Meece said he did not believe that it was needed.

Caldwell suggested postponing consideration of Resolution No. 4027A. Becker suggested the Commission approve both resolutions on each rate increase (water and sewer) and then they could choose one set of options at the first meeting in June. This way the Commission could have the most options.

VanAken said that he feels he represents a lot of the senior citizen population in the community; therefore as bad as he would feel about postponing the projects, he is not comfortable with the bigger of the two proposed increases.

VanAken called the question.

All in favor, motion to approve Resolution No. 4027 passed.

Resolution No. 4027 (Option "A")- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE BASE SEWER RATE IN THE AMOUNT OF 38% PER MONTH EFFECTIVE JULY 1, 2009.

Blakeman moved to approve Resolution No. 4027 (Option "A"), Beebe seconded.

Blakeman clarified that this is purely a procedural motion. Caldwell agreed.

Four in favor, one against (VanAken), motion to approve Resolution No. 4027 (Option "A"). Motion passed.

Resolution No. 4028- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE BASE WATER RATE IN THE AMOUNT OF 14% PER MONTH EFFECTIVE JULY 1, 2009.

Blakeman moved to approve Resolution No. 4028, VanAken seconded.

No discussion.

All in favor, motion to approve Resolution No. 4028 passed.

Resolution No. 4028 (Option "A")- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS

INTENT TO INCREASE THE BASE WATER RATE IN THE AMOUNT OF 28% PER MONTH EFFECTIVE JULY 1, 2009.

Blakeman moved to approve Resolution No. 4028 (Option "A"), Beebe seconded.

Caldwell clarified that this motion is procedural, and also requested that the "per month" in all four motions be removed.

No further discussion.

Four in favor, one against (VanAken), motion to approve Resolution No. 4028 (Option "A"). Motion passed.

Resolution No. 4029- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO SELL THE EAST SIDE SCHOOL BUILDING AND PROPERTY DESCRIBED AT TRACT A-1 AND TRACT B-1 OF SUBDIVISION PLAT NO. 410 AND CALLING FOR A PUBLIC HEARING THEREON.

Blakeman moved to approve Resolution No. 4029, Beebe seconded.

Discussion:

Blakeman asked whether the appraisal on the property had been done yet. Meece said that it had not, but he would do it as soon as he could contact the appraiser.

Caldwell said he hoped that the appraisal would be available by the time bids are received.

Beebe questioned whether the current appraisal would stand if there were no bids received. Meece said that the current file would be used for now until the new appraisal is done, and that the Commission can decide to negotiate with the preferred bidder if necessary.

Caldwell said the public hearing would be at the next Commission meeting (5/18).

No further discussion.

All in favor, motion to approve Resolution No. 4029 passed.

ACTION ITEMS:

Action Item A: Discuss/approve/deny "draft" agreement with the Community Garden.

Beebe moved to postpone discussion on this item so a more finished product could be brought to the Commission from the Ciboria group. VanAken seconded.

Discussion:

Beebe said she would like to work out the details of the contract for the garden outside of a Commission meeting so time in the meeting is not wasted, and that those involved would like to try to get more groups involved and get people enthused about the project.

Meece asked whether anything else was needed from the administration.

Beebe said there is nothing at this time, and what the group will bring back should be brief and result in a one-year contract since more time is needed to build the organizational capacity for the project.

Meece clarified that the Commission and administration are waiting on a response from Ciboria. Beebe said that was correct.

Public Comment:

Merle Abbott asked who has the authority to give the land to the group to be used for this garden. She also said she is concerned about the decrease in property value for those homeowners in the area.

Caldwell said that the land is not being given to Ciboria, but that a use is being allowed for the time being and it will still remain City property.

Abbott said that she feels the neighborhood should have more input, and that she is concerned about unleashed dogs in the garden.

Blakeman said that there already is a public path in that area which dogs are allowed on and leashes are required.

Abbott said she is against the garden being located in the proposed spot.

Ben Wagman asked whether, if this land is cemetery property, it is even doable to have a garden on it according to zoning, etc. and also asked how that ground is paid for.

Becker said he does not believe there are restrictive covenants on the land because the City is not selling it, and as long as the ground is not used against its end goal he sees no problem with using it for the garden.

Wagman said he feels the once proposed "small" garden project has grown in scope, and now includes a pavilion and a green house, structures that could

obstruct views for the neighborhood. He also asked whether these buildings would be constructed to City code.

Beebe said that the contract, for now, would just be for one year and the ultimate plans (including pavilion and green house) are not part of the discussion at this time. She said it is more of an attempt to get an idea of what will be done in one year, which probably will not include any actual gardening on the site.

Caldwell added that there is no pavilion in the current contract proposal, and most of what Wagman brought up is well beyond the next year.

Wagman said that he understood that a condition of the original agreement included putting in a footbridge and he fears that if one thing is allowed to slip by without being complied with then more things will continue to do the same.

Caldwell said that the idea behind the contract is so that everyone knows what is going on with the garden.

No further discussion.

All in favor, motion to postpone passed.

Action Item B: Discuss/approve/deny Staff recommendation regarding the Old Water Works Building.

Meece stated that the administration had been asked to make a recommendation for the building, and that the last RFP had included bids for demolition. He added that the administration would recommend putting out a formal RFP for demolition bids only.

VanAken noted that the last paragraph of the memo mentioned that someone interested in buying the building had approached the City, and asked whether more had been heard from that person.

Meece said he has not heard more since the initial discussion with the interested party.

VanAken said he really sees no hope for selling the building at this point.

Meece said that if the Commission were agreeable, he would pursue putting out an RFP for demolition, which would be a very basic document.

Blakeman said she would like to see some provision in the RFP for reclamation of the bricks.

Tinsley said that the demolition bids included in the last RFP were probably comparatively low because the buyer would be responsible for providing any

extra material needed to fill the holes, so if a dump truck, etc. was needed to remove the bricks under a new RFP, the price would more than likely go up.

Blakeman said she would just like to see if anyone is interested in reclaiming the bricks.

Caldwell suggested leaving the RFP open to allow for that possibility because someone could provide their own fill, but the more options they leave available to the bidders, the better it is.

No further discussion.

Action Item C: Discuss/approve/deny joining Park County Refuse Board as an "Observing Member" only (no loss of policy, votes, or operational control).

Meece said on page 93 of the packet is an email from the Refuse Board offering the City the chance for participation on the Board; he added that the administration's stance would be simply to be an advising member.

Caldwell said he would be comfortable having an advisory role on an advisory board.

Blakeman asked how the City would staff it. Meece said it would probably be he and Tinsley who attended the meetings.

VanAken asked what the difference was between and observer and advisor. Caldwell also asked whether there would be any potential liability with being a member.

Meece said he suggested that he tell the Refuse Board that the City will begin to attend the board meetings, but that the City will not be taking an official seat at this time.

Blakeman asked whether the County's solid waste hauling and disposal contract is almost up, and said that she would like for the City to be at the meetings. Meece said he believes the contract is up in August.

A consensus for City non-member participation in Refuse Board meetings was given.

Action Item D: Discuss/approve/deny contract for maintenance of Sacajawea Statue (Mike Gomez).

Meece said that even prior to the statue's being turned over to the City, Mr. Gomez had been in this role; however, his contract has expired and the City has been asked to renew it. He recommended bringing this back in a resolution.

Caldwell asked how much money is in the statue-restricted fund. Meece said there is \$35,050.

Blakeman moved to bring back this item in a resolution. VanAken seconded.

No further discussion.

All in favor, motion to bring back as a resolution passed.

Action Item E: Approve release of request for proposals (RFP) for sale/lease of former East Side School.

Caldwell asked whether the Commission needed to wait for the second reading of the notice for public hearing before approving this. Meece said that release of the RFP could be approved contingent upon the Commission's approval of a resolution authorizing sale or lease of the school.

A consensus was agreed upon to approve release of the RFP upon Commission approval of a resolution authorizing sale or lease of the school.

Action Item F: Discuss/approve/deny letter to Montana Rail Link (MRL) about poor condition of "Y" rail crossing.

Meece reminded the Commissioners that the need to get MRL involved to repair the MRL rail crossing at the "Y" intersection had been discussed at the previous meeting. He said that the MDT (Montana Department of Transportation) had now requested that the Commission send a letter to MRL to attempt to get the repairs expedited.

Caldwell suggested adding the word "earliest" to imply urgency in the letter and while he had some other minor changes, he felt okay with the letter.

VanAken said he believes it would be helpful to MRL if the branch lines that create the "Y" were identified in the letter.

No further discussion.

Action Item G: Discuss "2009 Legislative Activity" report from the City Manager.

Meece said that at the request of the Commission, he created this summary report of his 2009 legislative activity.

Blakeman asked what the letters stood for; Meece said they stood for names of sponsoring representatives or senators.

Blakeman added that she has not had time to thoroughly look through this so she would like to reserve the right to bring back questions at a later date.

No further discussion.

CITY MANAGER COMMENTS:

Jones asked whether the promotion policy with the fire department is just for within the union. Meece said yes, that it is part of the most recent IAFF contract.

Jones also asked where and when Sandy Wulf was going to her conference. Meece said she went last week and that it was in Billings.

VanAken asked what the word "competitive" meant in the promotion policy.

Meece said that previously promotions had strictly been based on the most senior qualified employee, and that in the most recent collective bargaining process, certification per position requirements had changed, and therefore a need for a competitive promotion policy was developed. He added that the IAFF had been given a great amount of discretion in creating this policy.

VanAken said that he had received a complaint today about the muddiness of the area around the recycling bins, and offered a suggestion of creating enough space between the various bins that people could drive up to them and be able to do a sort of drive-by with their recycling.

Caldwell added that if a location of maximum discouragement of citizen recycling could have been selected, this one would be it.

Tinsley said that there are long-term plans to pave the road and the parking lot of the recycling area this summer, and that he feels the current location is a good one because it allows for supervision of the drop-offs. He added that more problems are created when there is no supervision, and that there are already issues with people dropping off plastic bags full of recycling materials without actually putting them in the appropriate spots. He added that if there was not someone on site to stay on top of this, it could cause more issues.

Meece agreed, and said that the ability to supervise the facility helps keep the area in better shape. He suggested the possibility of a satellite location in the future.

Jones said it seems to her a lack of signage is also a problem. Tinsley said over \$3000 worth of new signs had been ordered and should be up very soon, if not already.

Beebe said she appreciated the inventory of handicapped parking spaces.

Blakeman asked whether the grant for recycling advertising had come through yet. Meece said he had not heard anything, and Tinsley said that he had heard through the grapevine that the City did not receive it, although he has not officially heard that yet.

CITY COMMISSION COMMENTS:

VanAken said that he had thought that the handicapped spot listed second was just a loading zone. Meece said he would check into it.

Jones said that she appreciated the addition to the packet of the minutes from other groups and boards and the added letters from department heads, and that she would like to see even more minutes from other groups.

Caldwell asked whether in the March finance report the professional services charges in the Commission category were related to Clear Creek Hydrology charges. Meece said yes, and that the charges in the Administration category came from the fire chief search and some grant-related costs.

Caldwell asked whether anything had been heard on the FEMA map review. Meece said that he had talked to Mr. Mitchell of Clear Creek Hydrology on Saturday, and that he said they were expecting to finish the last items on the check-off and that they would get the maps to FEMA this week. He added that as long as the maps got to FEMA on time, FEMA should issue a letter sometime in May.

Caldwell also said that he had been part of a meeting with area bankers and lawyers about the current economic situation, and the most substantive thing that was developed from the meeting was a rack card he would like to suggest be put in utility bills that had phone numbers and contact information that might be helpful to members of the community in the face of difficult economic conditions.

Meece said he has no objection to putting it in the utility bill, but that his thought is that since it mentions specific people, the City could end up with commentary from people not listed, so he suggested using general contacts such as the realtor's association. He added that he does think the idea is a very positive step.

Caldwell asked whether there was any new information on the climbing boulder. Meece said he was still waiting to hear back from the boulder group, who he had tasked to talk to the Moja Park group.

Blakeman asked whether public hearings on the FEMA maps would be held. Meece said they would, once the maps are provisionally approved.

VanAken said that he had offered to the City Manager to try to use whatever personal connections he might have with MRL to get some attention on the needed repairs for the "Y" intersection, but when he saw the emails about the meetings with the MDT about the crossing, he held off getting involved at this point. He also said that the letter from Meece to Eugene Raney is very much appreciated.

PUBLIC COMMENT:

There was none.

Being no further business, motion was made by Blakeman to adjourn the meeting, and seconded by Beebe.

All in favor, motion to adjourn passed.

The time was 9:05 pm.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
City Commission Chair

**CITY OF LIVINGSTON
CITY COMMISSION MEETING
MAY 18TH, 2009**

The Livingston City Commission met in a regular session on Monday, May 18th, 2009. Commissioners present were Steve Caldwell, Vicki Blakeman, Mary Beebe, Rick VanAken, and Juliann Jones.

Staff members present were Ed Meece, Bruce Becker, Jim Woodhull, Alan Davis, Clint Tinsley, and Robyn Keyes.

Motion to approve consent items was made by Blakeman, seconded by VanAken. All in favor, motion to approve consent items passed.

PROCLAMATIONS:

Caldwell read two proclamations-a Memorial Day Proclamation and an American Legion Auxiliary's Poppy Day Proclamation.

SCHEDULED PUBLIC COMMENT:

Rosamond L. Stanton came forward to discuss the possibility of closing off a section of Yellowstone Street on Halloween night due to the abundance of children of all ages who visit that area to trick-or-treat. She said nearly 1,000 kids are expected this coming Halloween, and due to the minimal street lights and stop signs at some intersections on Yellowstone, she would like to see it closed off for a few hours to increase the safety for the children visiting the area.

Meece said that both he and Chief Raney have discussed this idea with Stanton and they both feel that it is a good idea that the administration would support. He suggested the possibility of closing off the five block points on Yellowstone, and then three alleys that run into the street, too. He added that public works staff would have to be utilized and given overtime, but that he feels it would be a worthwhile undertaking.

Caldwell asked whether this item would need Commission action or if it could just be done administratively. Meece said he believed the administration could take care of it but that he wanted the Commission to be able to ask Stanton questions. Caldwell added that a notice of it could be placed in the fall utility bulletin.

Jones said she has some concerns about residents on Yellowstone not being able to access their homes during the street closure.

Caldwell said that it might make sense to bring this item back in the future as a resolution to bring more opportunity to discuss it with the public. Meece agreed.

VanAken asked whether some people in the community might think this is going too far due to the influx of children who already visit that street on Halloween night, and that it might encourage even more to come to the area.

Stanton said it could indeed create bring more kids to Yellowstone Street, but that it would not be a bad thing and instead would be a great thing.

Caldwell added that the additional safety measures in the Yellowstone Street area of town on Halloween could bring more focus to that area and less on other areas.

Meece said that the administration would discuss the idea with public works and bring back the resolution at a future meeting. Caldwell suggested waiting until a meeting closer to Halloween so that more attention could be brought to the idea.

PUBLIC HEARINGS:

Resolution No. 4030- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, TO SELL THE EAST SIDE SCHOOL BUILDING AND PROPERTY DESCRIBED AT TRACT A-1 AND TRACT B-1 OF SUBDIVISION PLAT NO. 410.

There was no public comment.

Blakeman moved to approve Resolution No. 4030, Jones seconded.

No discussion.

All in favor, motion to approve Resolution No. 4030 passed.

Meece said that he had put a copy of the redrafted RFP in the packet and since the resolution passed, he will issue the RFP as soon as possible.

ORDINANCES:

There were none.

RESOLUTIONS:

There were none.

ACTION ITEMS:

Action Item A: Discuss/approve/deny request from Western Sustainability Exchange that the rate increase for the use of the Bandshell and Park be no more than 20% over last year expenses during Farmer's Market 2009 season.

Meece said that this item is a follow-up to a discussion at the May 4th meeting, where he suggested the Commission specifically address the Farmer's Market as a separate issue.

Caldwell mentioned that he is currently on the advisory board for the Western Sustainability Exchange (WSE) but that he does not see there being a conflict of interest. The city attorney concurred.

Blakeman asked what kind of action the administration was looking for. Meece said he simply needs some kind of affirmative action to allow him to release the altered fee schedule for WSE if the Commission approves of it.

Blakeman moved to honor the request made by WSE for the Farmer's Market, Beebe seconded.

Jones said she feels it is important to do this to continue to allow community members to sell their goods at the market.

Caldwell asked whether the increase for WSE would be to \$60 instead of \$90. Meece said yes, and that the \$60 was up from \$50 the previous year.

Beebe said she had thought about this item in relation to other area non-profits and that she feels this market is more of a service than a fundraising activity, so she could agree with giving the group a smaller fee increase, and that it is defensible to do so.

Blakeman said she thinks the argument that the market is an economic driver also makes the request defensible.

VanAken said he would take Blakeman's point one step further by keeping in mind the possibility of the market being relocated to the downtown area under the new streetscape design.

Beebe asked whether WSE would also be increasing their booth rental fees 20%. Lil Erickson said it would be more like 10%, if at all.

Meece asked whether the goal of the market with booth rental fees is to break even or to make a profit and fundraise. Erickson said that the idea is essentially to just be able to pay for itself; therefore little profit by WSE is made.

No further discussion.

All in favor, motion to honor request made by WSE passed.

Action Item B: Discuss/approve/deny Request for Proposals for the demolition and/or salvage of materials for the Old Water Works Building.

Meece said page 87 of the packet had the requested RFP for the administration to bring back for demolition or salvage of the building. He also said that two parties have recently expressed interest in purchasing the building.

Beebe asked if the RFP could include a potential sale of the building along with the option for demolition or salvage. Meece said that could be done but questioned how the different bids could be compared with one another due to the differing costs for each option.

Becker also said that if the Commission would like to sell the building a new resolution of intent to sell needs to be passed.

Caldwell asked when the last sale of the building was proposed, and if an appraisal was done at that time. Meece said it was last appraised in October 2008.

Blakeman said she would like to see sale of the building as an option because the Commission has never determined the route they would like to see the building go.

Meece said the administration would bring back a resolution of intent to sell or demolish/salvage. Becker said he would have it ready for the next meeting (6/1).

Blakeman asked when the bids would subsequently be let. Meece said he could have changes made to the RFP for the next meeting, leaving it ready to be sent out approximately June 16th, making it back for action by around the second meeting in July.

Consensus of the Commission was to bring back a resolution of intent to sell so possibility of a sale could be included in the RFP for demolition or salvage.

Beebe asked Mr. Baerg, one of the parties interested in purchasing the building, what he envisions as the ultimate use of the building. He said it would be for residential use or an office building perhaps, but that he is exploring options right now and envisions something not in conflict with petitions done in the past against use of the building.

Meece asked, in terms of the RFP design, if the Commission wanted it to be similar to what was done with the East Side School building, along with detailed information from those who propose to have a use for the building.

Caldwell said that it would be helpful to have some idea of the bidder's proposed use of the building.

Blakeman asked whether there was historic zoning in the area of the building. Becker said that it is zoned for duplex residential or office space, but he was not sure of the historical aspect of it.

Baerg said that he had listed some additional issues that need to be addressed regarding the building.

Julia Reichert said she is a representative of the other party interested in buying the building. The party she represents is interested in using it for an educational center for kids due to his involvement in underwater cameras and aquatics.

Caldwell asked whether using it as an educational center would be consistent with the current zoning. Becker said he would look into it, and Woodhull said the historic zoning might include that use.

No further discussion.

Action Item C: Discuss/approve/deny request from *Nittany Grantworks* to add ninety hours of service to their existing contract for grant development services.

Meece said this item came to him in the form of a request from Lori Benner at Nittany Grantworks to increase her contractual hours to include an additional 90 hours for her service for grantworks for the City. He said that with the increasing opportunities for the City to apply for grant opportunities with stimulus money and other funds, the administration cannot argue against this request and therefore would recommend its approval due to Nittany's excellent track record for the City.

Blakeman asked whether some of the grant costs had an administrative component to them. Meece said it is hard to generalize but that he does believe that applies for some of the grant opportunities.

Blakeman moved to approve Action Item C, VanAken seconded.

No further discussion.

All in favor, motion to approve Action Item C passed.

Action Item D: Discuss/approve/deny Request for Proposals for Grant Development Services.

Meece said that this item quotes the same information as Item C, but that it is a different issue. He said that Benner had recommended that the City engage in an RFP process to hire a grant development contractor because an increasing number of grants are going to require competitive bidding. He said that while Benner runs the risk of her firm not having the winning bid, she thought it would be best for the City so ready documentation could be available. He added that he would bring ready documentation back to the next Commission meeting if the Commission would like him to.

VanAken asked whether there would be competitive bidding in the RFP process. Meece said that there would be.

VanAken said that it is commendable that Benner would request this action even though her firm might not win the contract. Meece agreed.

Caldwell said the Commission could approve the issuance of an RFP tonight if the Commission would like.

Blakeman moved to develop and publish an RFP for grant development services, Beebe seconded.

No further discussion.

All in favor, motion to develop and publish an RFP for grant development services passed.

CITY MANAGER COMMENTS:

Beebe asked for some elaboration on the MSU concrete project and when it would be done. Meece said they are looking to pilot the project as soon as possible, and that he is going to recommend to MSU that they have a glass collection drive on campus so they can say they used their own glass in the project.

Caldwell asked whether MSU has its own glass collection, or if it is through the City of Bozeman. Meece said he is unsure.

Caldwell also asked whether anything had been heard from Yellowstone Park about glass collection. Tinsley said he was waiting for it to be finalized.

Meece said he would like to pass along kudos to the cemetery/roaming crew in public works because the cemetery is in excellent shape for the upcoming

Memorial Day weekend. Caldwell agreed, and said the roaming crew has an excellent track record.

CITY COMMISSION COMMENTS:

Blakeman asked whether budget workshops would be commencing soon. Meece said they would be, and that Gamradt has been on vacation but they should be ready to do so by the end of May.

Caldwell said that he would like to have a better understanding of the budget and its condition before he makes a list of priorities for the coming fiscal year. Meece suggested setting up a meeting just to discuss the budget and its status.

A meeting was set for Wednesday, May 27th at 7:00 pm.

VanAken mentioned that he has received some complains about dirt bike and ATV riders using the draw to the left of the North Side Hill. He said people have been complaining about the noise it creates. He asked whether the City enforces prohibition of motorized use in this area even though he had been told it is owned by HRDC.

Meece said he believes a strip of it was given to the City, but that the rest is private land.

Jones asked whether the residents could call in noise complaints. VanAken said he has suggested that, but the residents say the people using the ATVs, etc. often are gone before the police can arrive. He also voiced concern over the spread of noxious weeds and erosion in the area due to these activities.

Meece said that he believes the police recently caught someone up there. Raney added that the problem is that it is an issue of trespassing because it is private property, but the signage gets torn down frequently so the property boundary is not properly posted. He said the issue of public nuisance could be raised, but then the issue is being able to identify the people out on the land when they often have helmets on and do not have license plates. Raney said that the police would plan to be more aggressive in the area, however.

Caldwell also asked about the status of the utility bill insert he discussed a few meetings back that would include information for community members on some financial options to help with the current economic conditions.

Meece apologized but said that he had not had time to get to it, but that he would send out his comments on it the following day.

PUBLIC COMMENT:

Patricia Grabow said she would like to address two different issues. She said that she previously had a suit against the City regarding the East Side School so she would like to submit an overview of that lawsuit and also has several questions about the appraisal. She asked whether there is a specific date for the appraisal.

Meece said it was to be done by the end of the month. Caldwell added that the previous appraisal is public record so bidders have access to that until the new one is available, and that the appraisal is just a piece of all of the necessary information.

Grabow said her concerns have to do with issues of transparency.

Meece said that with the appraisal due at the end of the month, and the bids not due until June 10th at 3:00 pm, there is plenty of time for the public and any bidders to see the newest appraisal before they submit their bids.

Grabow also cautioned the City against putting a non-profit organization in the building because some sort of business plan needs to be created in her eyes so the City does not end up back with the building if things go wrong. She added that the hopes of renting out spaces in the building would be scarce according to her knowledge and while she is supportive of the Firehouse 5, she would like to see discussions based on private sector information.

Grabow also expressed her concern about the possibility of B St. not being redone this year.

Caldwell said it would be part of the discussion at the next meeting in regard to the possible utility rate increases.

Grabow said she would like to find out where the money for B St. had been spent because to her knowledge it had been planned for that project.

Meece said she could read previous Commission meeting minutes to find that information out because it has not been spent on other things, but it is due to a decrease in expected revenues, not an increase in expenditures. He added that the administration is looking into every available option they can to find the money for the project.

Grabow stated she feels the priority should be in finishing the infrastructure project, including the downtown area, and that she would like to see where the money for those projects was spent in public works since it is not there. She also brought up that she had asked the City administration for a list of all vehicles recently purchased by the City and she was not satisfied with what was given to her.

Meece said the administration would not create documents that do not exist but that they will provide copies of existing documents. He added that when the administration was asked for the inventory of vehicles that had been purchased, he made it clear that new records, as a commonly followed local government policy across the state, are not usually created, but the exact documents the City has on file were provided.

Grabow asked whether she could get an audit on the City's expenditures done. Caldwell said she could request documents, as Meece had told her.

Grabow said she is concerned for the businesses in the downtown/B St. area because they need to be informed as to what type of adjustments they need to make.

Meece clarified that the City receives annual audits from an independent, outside source which is available online at the City's website.

Grabow added that on May 26th John Tester will be in Bozeman to discuss returning rail passenger service to Montana and she would like to see people attend.

Being no further business, motion was made by Blakeman to adjourn the meeting, and seconded by Beebe.

All in favor, motion to adjourn passed.

The time was 8:05 pm.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
City Commission Chair

**CITY OF LIVINGSTON
CITY COMMISSION MEETING
JUNE 1ST, 2009**

The Livingston City Commission met in a regular session on Monday, June 1st, 2009. Commissioners present were Steve Caldwell, Vicki Blakeman, Mary Beebe, Rick VanAken, and Juliann Jones.

Staff members present were Ed Meece, Bruce Becker, Glenn Farrell, Jim Woodhull, Clint Tinsley, Alan Davis, and Robyn Keyes.

Motion to approve consent items was made by Blakeman, seconded by Beebe. All in favor, motion to approve consent items passed.

PROCLAMATIONS:

Caldwell read a proclamation, declaring "Rodeo Days" to be June 28th-July 4th, 2009.

SCHEDULED PUBLIC COMMENT:

Adam Stern, with the Livingston Ice Skating Association (LISA) came forward to present the group's idea for a community skating and hockey rink. He provided a handout to the Commission with details of the location and description of what would need to be provided by the City and what LISA would provide.

Stern explained that the goal for the project is to set up a community hockey and recreational skating rink and the basic motivation comes from the large number of community members who he says support ice skating and hockey in the community. He explained that the proposed location in the upper part of the Water Works Park was chosen because its environmental factors are the most conducive to maintaining the ice needed for the rinks. Also explained was the formation of the rinks, which would include the use of 8" and 4' tall boards to keep the water in the rinks and provide a barrier for pucks in the hockey rink.

Beebe asked what the length of the skating season would be. Stern said it would be approximately from December to March.

Jones asked whether lights would be installed around the rinks. Stern said lights would be in the future plans, but not for the first year at least, which would instead be focused on basic set-up.

VanAken asked whether the rinks would be sunken into the ground or flush with the ground. Stern said there is a debate within the group on this topic, but that

the general idea is to have them essentially at ground level, and the nightly flooding would be done by volunteers.

Caldwell asked whether 8" would be sufficient as a barrier to stop hockey pucks from escaping the rink. Stern said it really would not be, but boards are not really needed to play hockey.

Caldwell said that he is concerned with public safety and having the open skating rink next to the hockey rink without some kind of barrier. Stern suggested LISA could put up boards between the rinks, and Caldwell suggested nets to avoid the warming from more boards.

Caldwell also asked whether the insurance coverage that the City already has under MMIA would cover the skating and hockey rinks. Meece said he believes it would be similar to what the City has for the skate park.

Meece said that LISA has done an excellent job with the initial model and that he looks at it as a similar project to the skate park or community garden where the City would have a partnership with the group.

Caldwell asked whether Meece would like an operating agreement like those other groups have created with the City. Meece said that would be good.

Blakeman asked what the size of the rinks would be. Stern said the open skating rink would be 152' by 65' and the hockey rink would be 152' by 78'.

Caldwell asked whether the cost of the hydrant to flood the rinks was known. Stern said it is around \$400.00.

Blakeman asked whether LISA had an estimate of what their water use would be during the season. Stern said he had no idea at this point.

VanAken asked what the method of draining the rinks would be. Stern said it would melt into the ground, and Tinsley added that the melting water from the rink would not be an issue.

Tara Eddy said she had looked at the drawing of the rinks proposed by LISA and the raised berm on W. Cambridge St. is what she drives on to get access to her house, therefore she is concerned about her street access being taken up by the rinks. She said she feels an area such as M St. Park has more room for the rinks.

Caldwell said the property boundaries on W. Cambridge would need to be clarified.

Joseph Murphy said he lives in the area of the proposed rinks and while he feels the rinks would increase the property value of his home, he would like to see the rinks done well because the wind in that area has been known to be a problem

and he does not want the boards from the rink to blow into his yard. He would like to see a well-drawn set of plans, but he said he likes the idea and is simply concerned for the liability of the City if this is not done well.

Holly Power stated that she is concerned with the noise the rinks will create because sound travels easily in that area so she suggested limiting the hours. She also said she is concerned about water drainage from the rink area by changing the property so she would like it done so water can still drain from the area when it accumulates during other seasons.

PUBLIC HEARINGS:

Resolution No. 4032- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING THE BASE SEWER RATE IN THE AMOUNT OF 19% EFFECTIVE JULY 1, 2009.

Caldwell opened the public hearing.

Amy Sizemore read a prepared letter that had been sent to the Commission a few days prior to the meeting.

Bruce Reid said that he feels the 28% increase proposal is ludicrous considering the economic times, and that he completely disagrees with the proposal.

Patricia Grabow stated she was at the meeting to speak on behalf of the Livingston Downtown Business Owners Board. She said she must protest the proposed increase in water and sewer rates and that while she read the rationale for the raises in the recent water/sewer bills, it is the same as it has always been, she feels, which is not reason enough in her eyes.

Grabow also commented that no new services would be provided with the rate increases, and that she feels there is extreme overspending in the water and sewer departments. She said the departments knew the downtown reconstruction was coming up but that it was not appropriately budgeted for ahead of time, and that she would like to see the City's audit reports for the past 3 years. Also, she said that downtown businesses are looking at a 30% vacancy rate and a 50% cut in business in the downtown area, and that many businesses have had to close or move and those who remain cannot afford the rate increases right now or there will be more vacancies and loss of businesses.

Don Gimbel said that he owns the Sterling Hotel downtown and that he is also involved in the Downtown Business Owners Association. He said that he reviewed bills from the City for water and sewer from past years and that he feels it is an inappropriate time in the economy to ask people to pay an increase. He

would like to see the rate increase proposals put on hold until the economy starts to turn around.

Lenny Gregrey said he is against the proposed increases and that he concurs with the previous arguments given against it. He said he would like to know why a statement made by a commissioner in the newspaper was never retracted where one commissioner said they should do the reconstruction while the price on the bids is right, therefore justifying the rate increases. He added that the economic recession is reason enough to postpone the construction projects that the increases would help pay for, and he referenced the newspaper article again where the City Manager and Finance Director advised the Commission to not go ahead with construction.

Lenny Woodward said that all the residents of the community need water and that there does not need to be another tax on it.

Bill Spanring said that he owns several rental houses in the community that are not all rented and that he could see the water income decreasing due to people not paying their bills if the rates go up. Most cities keep reserves, he said, and he believes this Commission spent those reserves. He added that the economic downturn is reason to put off the projects and homeowners will be put out of business if the rates are increased.

Maggie Beauvais said she has a personal issue with the City involving the renovation of her building on Callender St. She said the street repairs done by the City were done poorly, causing water to run into her building, and the City said that it would put the claim into their insurance company and nothing has happened. Therefore, since the City has shunned her, she feels that she needs to ask what kind of benefits would be given to the community if the rates were increased, and that she would like to see the budget and where the money was spent, creating the need to raise the rates.

Nancy Adkins said she is opposed to all of the rate increases, and that there are many people in the community living on fixed incomes that cannot afford this.

Joel Pattengale said he noticed that the rationale for the rate increases is similar to those put out in 2003 and that he is curious about the reasons for the increases if the rates are so low that the City cannot qualify for grants. He said he would like to know where all of the "surpluses" and grant monies were burned up and where the funds from previous rate increases have gone. He added that he would like to see the increases put off until the times are economically better.

Jeff Tong said that he feels he has a good idea of the state of the sewer systems in Livingston and he feels approximately \$1/day that the average resident would be increased is an appropriate price to pay to fix the sewers.

No further public comment.

Blakeman moved to approve Resolution No. 4032, Beebe seconded.

Discussion:

Beebe said that she believes she is the one who made the comment in the paper about the reasonable bids being a reason to go ahead with the projects, and she still believes that. She said it is unfortunate that the rate increases were set up in the past as a three part process, and that it should have been done all at once, but she believes that the City will never be able to take full advantage of state and federal resources if the average rate is never reached.

Beebe added that she is also a senior citizen living on a fixed income but this is not something she personally would like to scrimp on, even though she knows that any increase hurts. She said she will support the rate increases for the well being of the future of Livingston, and that Livingston has typically been a low priced place to live in terms of water and sewer rates.

Blakeman stated that by doing this, the City will be enabled to attain more stimulus money, therefore allowing money from the citizens to go further. She added that the City's insurance claims have been substantially lowered with the street improvements that have already been done. She also said that the City budget is available in the library and online for the public to look at.

Caldwell commented that the enterprise funds are managed as separate business units so the revenues received by the water and sewer funds stay in their own separate funds.

VanAken said that he knows this process is confusing, but that this resolution amounts to approximately \$6.22/month in increases for residents and the Commission will try very hard to hold the line to the 19/14% increases.

VanAken continued that he feels he represents a big portion of the fixed income community, and that he has been working really hard with that group towards finding ways to conserve water, because reduced use is something that everyone will have to look at. These are projects that have to be done and the low bids for them need to be taken advantage of so the projects do not continue to be pushed back for years to come. He said he does not see an alternative way without putting the City in worse financial shape in years to come and he will support the increases.

Caldwell added that the City had previously experienced 20+ years of deferred water and sewer projects so they are still playing catch-up; therefore they need to take advantage of the proposed increase to take advantage of state and federal money. He said it is time to establish a solid base.

Don Gimbel mentioned concerns with the gas pipeline due to the three recent gas line explosions in surrounding Montana communities, and asked if the City was concerned about this.

Meece said there is a concern and that he agrees with Gimbel, and that he would draw a line back to Caldwell's point that some of the lines are old because of the catch-up that is still being played to get the lines up to date.

No further discussion.

All in favor, motion to approve Resolution No. 4032 passed.

Resolution No. 4032 (Option A)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING THE BASE SEWER RATE IN THE AMOUNT OF 38% EFFECTIVE JULY 1, 2009.

No action was taken due to passage of the previous resolution.

Resolution No. 4033- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RAISING THE BASE WATER RATE IN THE AMOUNT OF 14% EFFECTIVE JULY 1, 2009.

Caldwell opened the public hearing.

Nancy Adkins stated that she was confused because the newspaper did not clarify that if the lower rate increases were passed that the projects would still be done.

Meece said that it was the original recommendation of the staff that the projects not be done at the lower rate increase but the staff was asked to further investigate funding options. He said that the finance director worked with an intercap loan through the state to make it possible to approve the lower rate increase and still do the projects, although it is not wise to continue to take such actions, and the loan would be addressed in Action Item B.

Patricia Grabow said she is appealing to the Commission to turn down the rate increases again, even though she said that she believes that she has seen in the past 8 years that if an item is on the agenda it will be passed. She added that the issue is whether or not this situation is going to be a viable choice to make because if businesses keep closing, the City is going to have less revenue. She also said that she is surprised the Public Works Department has not been carefully budgeted especially during tough economic times and she wondered what the department would purchase now with the rate increases.

No further public comment.

Blakeman moved to approve Resolution No. 4033, VanAken seconded.

Discussion:

Blakeman said that Grabow raises some interesting points but if the City does not maintain its infrastructure there is no point to even own a business downtown. She also said that all of the money from the increases goes into enterprise funds so what can be spent is only what is brought in, and basic maintenance is necessary to keep things working right. She said she is sorry that it is going to cost the residents but the average user will only pay \$10 more per month.

Beebe reemphasized that when the City goes to apply for grants or loans, awarding of those is based on the rates so if the City does not raise its rates then state revenues will not be available to help pay for future projects, and for her, that is the whole rationale.

Meece explained that it is similar to the digester lid project, where even if a grant was applied for or not, the City would have to replace it, and when the City was able to qualify for a TSEP grant, the state pays \$600,000 instead of the residents of Livingston paying for it in local revenues.

VanAken said that in the flyer that went out to the community, the proposed increase would put the City at the levels of similar sized communities in the state, and that being unable to receive grants and loans unless rates meet the average is essentially an unfunded mandate from the state. He compared it to the underpass where the City had to show commitment on their side first and then the state and federal government committed to paying money for the project, too. He added that he is a firm believer in setting a track and following it so he will try to follow it to the best of his abilities.

Lenny Gregrey said he understands the need for infrastructure maintenance and that when it is broken down, the increase is merely peanuts. He said that the problem he has is that when the City gets the grants so the residents do not have to spend their money, new projects always seem to rise to the top and the saved money is quickly spent. He advised the Commission try to be prudent in their spending and not to act like there is ever a surplus in the pocket.

Meece said he would like to echo Gregrey's comment about being as fiscally prudent as the City can be and he would not make the request for the increases if he did not feel like it was good stewardship.

Caldwell added that the City is not in a position to not be fiscally prudent.

No further discussion.

All in favor, motion to approve Resolution No. 4033 passed.

Resolution No. 4033 (Option A)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RAISING THE BASE WATER RATE IN THE AMOUNT OF 28% EFFECTIVE JULY 1, 2009.

No action was taken due to the passage of the previous resolution.

ORDINANCES:

There were none.

RESOLUTIONS:

Resolution No. 4034- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO EITHER SELL OR DEMOLISH THE OLD WATER WORKS BUILDING UNDER CERTAIN TERMS AND CONDITIONS AND CALLING FOR A PUBLIC HEARING.

Blakeman moved to approve Resolution No. 4034, VanAken seconded.

Meece said the administration had previously discussed establishing an RFP and that the two parties interested in purchase, instead of demolition, had been brought up at the last Commission meeting, so the RFP was revised to include sale as an option, too.

Blakeman asked whether the RFP had been released yet and whether the dates would be pushed back if it had not been sent out.

Becker said that it would be released after the public hearing because of the need for a resolution of intent to sell; therefore it would be released after the next Commission meeting.

Jones asked that when the public hearing occurs the Commission be given information regarding the costs to the City just to maintain the building.

Tinsley said that minor repairs are the only costs essentially.

Caldwell suggested it would be good to have the property tax amount that a potential owner of the building would have to pay.

VanAken also said that the insurance costs to the City would be good to know, and Caldwell said the estimated utility revenues paid by a prospective purchaser would be good, too.

Meece said that the previously mentioned costs for the building mostly revolved around insurance claims and that the annual maintenance of the building does not cost much.

Caldwell said that the dates need to be changed in the RFP and there are several other changes to be made, including establishing a timeline for Item 7 and adding a section requiring a description of proposed use if purchased.

Beebe asked when the latest appraisal on the building was. Meece said it was done within the past 6 months, and Blakeman pointed out it was included in the packet on pg. 41.

No further discussion.

All in favor, motion to approve Resolution No. 4034 passed.

ACTION ITEMS:

Action Item A: Discuss/award/reject bid for "Package 2" (Bridger Communications) to trade used radios for new handheld radios.

Meece stated that the police department had old radios that no longer fit their use so they advertised for a trade and this is the bid they received that they would prefer to accept. He added that Chief Raney supports option 2 for the trade.

Caldwell asked whether the fire and police all operate together on the same radios. Farrell said they are just on different channels.

Blakeman asked whether it would be a straight trade with no additional costs. Meece said that was correct.

Blakeman moved to approve "Package 2" for radios with refurbishing. Beebe seconded.

No further discussion.

All in favor, motion to approve "Package 2" passed.

Action Item B: Discuss/award/reject bid for 2009 Water/Sewer projects and discuss financial arrangements for these projects.

Meece said, as he had previously mentioned, the 14/19% increases in utility rates were recommended without taking on the street and sewer projects by the administration initially, but the options were reinvestigated and the finance

director put a memo in the packet suggesting the option of taking a 10 year intercap loan to help pay for the projects with the lower level of rate increases. He added that he does not believe this is a good long term solution but it is good to use for this project at this time, and that the administration recommends accepting the bid from Williams Civil Division.

Caldwell asked whether the Commission would see a resolution to sign the contract at the next meeting. Meece said that was correct.

Caldwell asked what the current balance of the system impact fee account is. Meece said the value of impact fees spent on the projects is \$267,894.00.

Blakeman moved to award the bid to Williams Civil Division, Jones seconded.

No further discussion.

All in favor, motion to award bid to Williams Civil Division passed.

Action Item C: Discuss team approach to Mystery Ranch economic development opportunity.

Meece said he had attended a tour of Mystery Ranch on Thursday and that there is an increased level of interest from the firm in locating in the City, or at least in Park County. He said there is interest in creating a team with the County and the Chamber of Commerce that would include two City Commissioners.

Blakeman asked whether Meece had gotten feedback on the project from the County yet. He said that he had spoken with them on Friday, and they all agreed that a unified approach would be best, and that it was placed as an action item on the City/County meeting agenda.

Beebe suggested keeping the Chamber as the center of contact. Meece agreed, and said that he is looking for two commissioners to be appointed to the team.

Beebe moved to appoint Blakeman and Caldwell to the Mystery Ranch team, VanAken seconded.

Jones said that if Blakeman were not interested, she would be glad to take her place.

Beebe amended her motion to appoint Caldwell and Jones to the team, Blakeman seconded.

All in favor, motion to appoint Caldwell and Jones to the Mystery Ranch team passed.

Kevin Funk said he sees a real opportunity for the City and County to come together on this project with the area professionals so possibly even more businesses can be brought into the community.

Action Item D: Discuss authorizing advertising of board members for the City/County Airport Board (June, 2009) and for the Police Commission (May, 2009).

Meece said he is requesting Commission approval to authorize the advertisement of the two vacant board positions. Applicants must be City residents and fill out an application available in the City office or online.

Blakeman moved to authorize advertisement of open board positions, Beebe seconded.

No further discussion.

All in favor, motion to authorize advertisement of open board positions passed.

Action Item E: Discuss progress with "Action Plan".

Meece said that he does not have a lot for this item but that it had been discussed to put it on the agenda as a regular action item.

Blakeman asked whether the plan was chronological. Caldwell said he feels it is so workshop dates should start getting set up.

Blakeman said she feels having current information on this item on the agenda every time is a good idea.

CITY MANAGER COMMENTS:

There were none.

CITY COMMISSION COMMENTS:

Blakeman said she visited with Ted Watson about high water impacts on the park/trail property Watson had given the City and she said she believes he has discussed this with the administration, too. Meece said yes, and that he has another meeting with Watson on Thursday.

Beebe asked whether the issues would be legal issues or ditch issues. Blakeman said she believes they are one in the same, and Caldwell suggested that it could also be an easement issue.

Jones asked when the second budget workshop was going to be scheduled. Meece suggested the topic for it is the utility budgets, and the entire enterprise funds if time allowed.

Caldwell set the meeting for June 8th, 2009 at 7:00 pm.

Caldwell said he is glad to see the Winan's/Geyser St. speeding issue being addressed by the police and that he would like to see more attention to enforcement on the remaining sections of Geyser St. and Lewis Street as well, especially with kids out of school for the summer.

Meece said the original discussions with the Department of Transportation was to put more stop signs in but the DOT compromised by putting up more signage without using more stop signs.

Caldwell said his expectation is to hope for more and better enforcement with vehicles speeding in the area. Farrell said the police department is continually using the radar in the area and trying to increase enforcement.

Caldwell asked whether an action item should be set up regarding the ice skating and hockey rinks, or would it be better to leave it open pending development of an operating agreement. Meece said he would continue discussions with LISA and provide a status report at the next meeting.

Caldwell asked to have a short memo written up by Gamradt providing a summary of information presented at the ARRA seminar in Billings on June 2nd.

Jones asked what time limits are provided by the noise ordinance. Becker said it is from 10 pm to 7 am, and Caldwell said a separate noise restriction could be put in the contract with LISA if the project is approved.

VanAken asked whether public works has any idea when the Y Crossing will be fixed by MRL. Meece said MRL has told the City "sometime this summer."

Caldwell asked whether the materials were already out at the Y for the crossing. Meece said they are still at an old site in Gallatin County.

VanAken asked when public works is supposed to get the hot patch machine back at work again. Tinsley said it will be back in the middle of June and the cold patch will be available for use tomorrow.

PUBLIC COMMENTS:

Tara Eddy said she would like to make sure the staff does not put the rink in W. Cambridge St. Meece said it is one of the issues on the list that LISA needs to clarify.

Adam Stern said that he thinks netting between the rinks would be a great idea and that boards blowing away would not be an issue. He also said he is unsure of how the group could deal with the noise issue except that parks close in the City at 11 pm.

Beebe reminded everyone that the only part of this project that has occurred is public comment and it has not been approved yet.

Being no further business, motion was made by Blakeman to adjourn the meeting, and seconded by Beebe.

All in favor, motion to adjourn passed.

The time was 9:18 pm.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
City Commission Chair

**CITY OF LIVINGSTON
CITY COMMISSION MEETING
JUNE 15th, 2009**

The Livingston City Commission met in a regular session on Monday, June 15th, 2009. Commissioners present were Steve Caldwell, Vicki Blakeman, Mary Beebe, Rick VanAken, and Juliann Jones.

Staff members present were Ed Meece, Bruce Becker, Darren Raney, Alan Davis, Jim Woodhull, Peggy Glass, Clint Tinsley, and Robyn Keyes.

A promotional ceremony was held for the Fire Department's promotion of Patrick Walker and Andy Marlowe to the rank of Captain in the department. A ten-minute reception was held.

Motion to approve consent items was made by Blakeman, and seconded by Beebe. All in favor, motion passed.

SCHEDULED PUBLIC COMMENT:

Jack Nardella spoke to the Commission about his desire for the City to create an ordinance that would allow live poker games after 2 am. He explained that state law says it is illegal unless an ordinance is created, and he feels that much of the business in live poker that has been taken away by Bozeman, who has an ordinance allowing this, could be brought back to Livingston.

Beebe asked if the players are not coming at all, or if they leave before 2 am since they know the game will have to be over.

Nardella said that since the games typically do not start until later in the night, most people do not come at all because they do not like to play for a limited amount of time. He also said that the live poker location that currently exists at the Mint Bar has separate access from the bar itself, so if the poker were to go on past 2 am it would not conflict with liquor laws, and that he also has discussed this ordinance idea with Chief Raney.

Blakeman asked if Nardella would have any problem with the restrictions outlined by Chief Raney that would have to be part of this ordinance. Nardella said that he did not.

Blakeman moved to direct City staff to bring back a draft ordinance to allow for live card games after 2 am, VanAken seconded.

No further discussion.

All in favor, motion to bring back draft ordinance passed.

PUBLIC HEARINGS:

Resolution No. 4035- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, TO EITHER SELL OR DEMOLISH THE OLD WATER WORKS BUILDING UNDER CERTAIN TERMS AND CONDITONS AND CALLING FOR A PUBLIC HEARING.

There was no public comment.

Blakeman moved to approve Resolution No. 4035, VanAken seconded.

Discussion:

Meece said that there had been a request from Jones at the previous meeting to see the cost to the City to maintain the building, which he said he sent out in an email on June 10th.

Caldwell commented that the potential property tax revenue would likely be higher than the presented estimate for a renovated building, as compared with its present condition.

Jones said she feels like there is a third option, which is to fill in the lowest level and then leave the shell of the building to create a pavilion. Caldwell said there is always that option if all of the bids are declined.

Blakeman asked if the Commission was to be making comments on the invitation to bid. Caldwell said yes.

Blakeman informed the Commission that page 9 was missing. Becker said he could get that piece of information.

Blakeman moved to table Resolution No. 4035 until after the Resolutions, Beebe seconded.

All in favor, motion to table passed.

ORDINANCES:

There were none.

RESOLUTIONS:

Resolution No. 4031- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN LEASE AGREEMENT WITH WILLIAMS CIVIL DIVISION, INC. FOR THE 2009 SEWER AND WATER MAIN REPLACEMENT PROJECT IN THE AMOUNT OF \$509,628.00.

Blakeman moved to approve Resolution No. 4031, Beebe seconded.

Discussion:

Meece reminded the Commission that the awarding of this project to Williams Civil Division had been done at the last meeting, so this item would finalize the contract.

Blakeman asked what the nature of the error was in the original bid winner. Meece said the bidder had omitted about \$30K for traffic control costs and they were offered the chance to proceed on the basis of including traffic control within their original bid amount, but the bidder withdrew their offer.

VanAken asked if the monthly payment on the intercap loan would increase since the original amount of the project was increased to \$509, 628.00. Meece said the payments would remain the same as previously discussed and that the difference would be made up out of the system development fees.

No further discussion.

All in favor, motion to approve Resolution No. 4031 passed.

Resolution No. 4036- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO PURCHASE NEW AMBULANCE IN THE AMOUNT OF \$147,233.00.

Blakeman moved to approve Resolution No. 4036, Jones seconded.

Discussion:

Meece said, as Chief Davis wrote in the memo in the packet, that this purchase is desperately needed and would be able to be done with the existing cash in the ambulance fund. He also said it is important to remember that the City gets money from the County mill levy specifically for a new ambulance but the purchase had to be postponed over the past few years due to other financial needs.

Caldwell asked if an improvement in collections allows this purchase to be made. Meece said that is part of it, along with the competitive rates charged by the City's ambulance service.

No further discussion.

All in favor, motion to approve Resolution No. 4036 passed.

Resolution No. 4037- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN INTERLOCAL AGREEMENT WITH PARK COUNTY, MONTANA, FOR A CITY-COUNTY IT/GIS PROGRAM.

Blakeman moved to approve Resolution No. 4037, Beebe seconded.

Discussion:

Meece said that this agreement is a result of the City and County working together for approximately the past two and a half months, which resulted in both sides agreeing to consolidate efforts in this area to cut costs and help standardize between both parties. He added that the administration is comfortable with this agreement.

Caldwell asked if the County Commission had passed the agreement yet. Meece said they had not, but that it is on their immediate to-do list.

Meece said the County services would take place of the current provider (Granite Enterprises) for network maintenance and routine services, and the cost would be \$75 per month per computer and would provide a replacement of City computers at a rate of about five computers per year.

Blakeman asked if a contract with Granite Enterprises would exist still. Meece said it would for everything above the level of network maintenance.

VanAken asked what the general financial outcome for the City would be with this agreement. Meece said that over the past 18 months, the City has spent \$60,000 on these types of services, with \$18,000 of that going towards a server replacement. He said that right now, with the services the City currently uses, it costs \$75 per hour for even minor maintenance, and with this new agreement, it would be \$75 per month per computer, so it would replace existing service charges.

VanAken asked if there would be additional charges per phone extension on landlines. Meece said yes, but it is only for landlines, not cell phones.

Blakeman asked if the \$75 per month also applies to those extensions. Meece said that it does, and that the City has approximately 32 extensions.

Caldwell asked how many computers the City has. Meece said it is around 45-50.

Blakeman stated she was confused on how the computer replacement would occur. Meece said it would break down proportionate to the costs of the machines that are being replaced.

No further discussion.

All in favor, motion to approve Resolution No. 4037 passed.

The Commission returned to Resolution No. 4035.

There was no further discussion.

All in favor, motion to approve Resolution No. 4035 passed.

ACTION ITEMS:

Action Item A: Discuss/approve/deny request from Chuck Tanner, property owner declaring a "hardship" to extend the sidewalk construction in front of his business to five (5) years instead of one (1) year.

Meece said that the City's code enforcement program specifies that it be up to the property owner to fix sidewalks if the City deems them a hazard, but the City gets a bid together from a contractor to offer to the property owner at a competitive price. He said that the sidewalk in question is in the commercial area of town (in front of The Sport) and is in need of repair/replacement. The current owner (Mr. Tanner) would like to fix the sidewalk, but cannot pay for it all at once so according to law, he can request that the City allows him to pay it back over 5 years with interest.

Blakeman asked if that specific sidewalk would be torn up when the downtown project is done. Meece said yes, and Tinsley added that it is unsure when that would be, though, because the formal requests have not been made that would allow public works to know what the downtown project schedule will be.

Caldwell said he would prefer that Mr. Tanner did not have to do this and then have to replace the same sidewalk again in three to four years.

Tinsley said that several places are going to have to do the same thing because the temporary repairs that were made are not holding up to the wear and tear they should.

Tinsley added that that this area is where the majority of claims to the City come from involving sidewalks.

Blakeman asked what the total cost would be to be split over five years. Tinsley said he did not have it available with him.

Meece said he would prefer to not have to redo the sidewalks in this area if they are redone soon, either, but it is a heavily trafficked area of town and the risk management of the sidewalk and potential liability belong to the City.

Beebe asked if the piece of sidewalk was classified as high risk in terms of the damages that have been done to it. Meece said yes.

Tinsley said this sidewalk area is categorized as one of the 10 worst sidewalks in the City.

Beebe asked whether, in the event that the Commission approved Mr. Tanner's request, street and sidewalk replacements in the downtown area within the next five years, would result in Tanner's having to pay twice.

Meece said that he would, but that there are others who would have to do this, as well.

Blakeman moved to approve Mr. Tanner's request to repay the sidewalk repair outside of his business over a five (5) year period, Beebe seconded.

All in favor, motion to approve Mr. Tanner's request passed.

Action Item B: Discuss/approve/deny letter from City Commission in reference to the Burlington Northern Santa Fe (BNSF) and Montana Department of Environmental Quality (DEQ) relationship.

Meece said the City had been asked to support DEQ enforcement efforts in the BNSF rail yard cleanup, and that the letter's point is to remind the DEQ director of the governor's strong stance on enforcement.

Caldwell said that the Park County Environmental Council has sent a similar letter.

Blakeman stated she feels the City and the Commission need to stay on top of this issue and make sure the DEQ has the City's full backing.

Blakeman moved to approve signing and sending the letter, Jones seconded.

VanAken asked if each Commissioner would sign the letter. Meece said yes, and that it will get passed around before the meeting is over.

Jones said that she likes the letter and supports it.

No further discussion.

All in favor, motion to approve signing and sending the letter passed.

Action Item C: Schedule a workshop to discuss and evaluate alternative bid proposals for the East Side School.

Meece said that the bids for East Side School had expired the previous week and a public opening of the bids had taken place. He explained that he drafted this agenda item in such a manner so that a workshop could be set up because the two bids received are quite different; one is for a purchase of the building for \$150,000.00 and the other includes several options, including donation of the building that could be negotiable through improvements to the building being made by the bidder, or a lease proposal to be considered also in regard to improvements made by the bidder. He said that a workshop would give the Commission a better opportunity to review the bids and make a decision.

Caldwell scheduled the meeting for Tuesday, June 23rd, 2009, at 7pm.

Meece suggested scheduling it as a special meeting instead so an action could be taken at the meeting. The Commission agreed.

Action Item D: Brief discussion of stimulus-related loan programs.

Meece asked to postpone this item because he would like to have Gamradt present at the discussion, so he suggested postponing it until the next budget workshop.

The Commission agreed by consensus.

Action Item E: Update and discuss progress with proposed Ice Skating rinks.

Meece said a flyer is included in the packet, along with photos, that shows the proposed area and dimensions of the proposed rinks, and that he would like to try to get an idea of what an operating agreement would look like for the next meeting.

Blakeman asked if the issue with the right of way on Cambridge St. was resolved. Meece said that the proposed rink would extend to the City side of the Cambridge St. berm and that the rink's extension into the right of way would not affect vehicle access to the residence in question.

Meece said the next step would be to draft an operating agreement with the Livingston Ice Skating Association (LISA) but he wanted to see if the Commission had any objections on the location and dimensions proposed first. He also said that the staff has not identified any fatal flaws with the project at this time.

Blakeman said that since the issues of access have been addressed she is okay with it.

Joseph Murphy, a resident of the area near the proposed rinks, said he would like to see a skating rink in the community but he would like it to be at a different location. He said he feels the bandshell area is a better location because the area is close to the high school so physical education classes could easily access the rinks, and also because there are no houses there, plenty of parking, and toilet facilities available. He stated he is also concerned with the lack of complete diagrams of the rinks and the possibility of the City getting sued if the rinks are not done correctly. He added that he feels like people would use the rinks but he would like to see it be at a more accessible site so more people could watch the skating and use the rinks.

Caldwell said that one of the big considerations for the rink location is protection from the sun and wind, which the proposed area on 10th St. provides.

Murphy said he has thought of this but that the branches in the proposed area are bad and the rinks would end up with branches from the trees in them because storms break them down easily.

Dixie Lee Bullock, who also lives in the area of the proposed rinks, said she was misled originally to believe that it would only be one skating rink that would have an educational focus to help children learn how to skate, and now she has found out it is to be two rinks. She said that she has heard that excavation would have to take place, and that the branches in the area are an issue, and also that she heard there would be flood lights and porta-potties, neither of which she supports as a resident of the neighborhood. She also expressed concerns over the excitement and profanities that come with adult hockey games, and she said she also feels Sacajawea Park would be a better location because facilities already exist to support the rinks.

Adam Stern, president of LISA, said he was glad to hear from the citizens because it is important for the group to hear feedback and acknowledge their concerns. He said that the distance from the schools is not an issue because it still would be within walking distance, and he understands that the area is a residential neighborhood, but the people living there already choose to live next to a park, for which there are both park and

noise ordinances that would address many concerns. He also said that lights would not be installed within the first year, and if they were proposed to be installed at a later date, every effort to comply with the Night Sky Policy of the City would be made, and that he personally is not in support of putting lights in.

Stern continued that the operating agreement could have restricted hours for the use of lights. He stated that wind and sun are the most critical components of determining a location for the rinks, and the 10th St. Park is the only spot in town that would provide adequate protection for the ice. He said he is unsure of how to deal with the parking issue but signage could be put in place to inform those using the rinks where they can and cannot park their vehicles, and that LISA has gotten rid of the ideas for placement of porta-potties at the site.

Stern added that he believes the current plans are well thought out and drafted so concerns over the plans are not applicable, and the rinks will be built to be structurally sound. He also said that the image of hockey players is incorrect because a lot of the interest in Livingston is from the parents and youth hockey crowd, so those adults would no more be accepting of the use of profanity in themselves than they would be coming from their children. No trees will be hurt, he said, and the site will be brought up to the level of the tree roots with extra dirt so no damage will be done to those, either. He finished by saying that Sacajawea Park is too exposed and has no water supply, so it is not possible to put the rinks there.

Caldwell said that there is a lot of fine tuning that would be done in the first season of the rinks and LISA will be motivated to resolve problems as they arise in order to continue providing the opportunity over the long term.

Murphy clarified that he feels the high school is not within walking distance of the proposed location during the allotted amount of time for a class period, and also that he does not believe wind is a real factor that would keep ice from forming so he suggested checking the facts presented by Stern because he does not believe them to be facts at all.

Action Item F: Discuss/approve/deny HB 645 (stimulus) projects.

Meece said HB 645 passed in the 2009 Montana Legislature, and that stimulus funds were allocated by population. He further explained that the City's money is to be used for safety and building repairs in Sacajawea Park and street/sidewalk repairs. Within

the existing definitions of these two areas, he said he has provided a list of four recommendations for priorities for City projects, and the order of the priorities is up to the Commission's discretion.

Blakeman said she noticed that at one point the tennis courts were on the list but now they are not, and she wondered why. Meece said the public works department had helped him redefine the list and that they had been removed due to that.

Caldwell asked if there were cost estimates for items 3 and 4. Tinsley said the bathrooms in the park would be \$25,000 and the bathrooms at the baseball field would be \$60,000.

Meece said the City would have 18 months to spend the funds, so once the projects that make the priority list are bid, the list can be worked down until all of the money is spent. He also said that the estimates might be bid lower which would free up more money for other projects.

Caldwell said there is hope that the City could get matching funds for projects such as the ones at the baseball fields and tennis courts.

Meece also said that if other states do not spend their stimulus money in time, Montana could get more from them, but it could also go the other way, too.

Blakeman said she would like to reorganize the list of priorities to 2,3,4,1 because the first ones are more visual projects that deal with the children and the parks more. She said she would also like to see the tennis courts back on the list as a 5th item, at least to see what the bids for the project would come in at.

Caldwell agreed with putting the tennis courts back on, and said perhaps the Commission could leverage the costs of that item with school district participation.

Jones said she feels that the list could also include projects that pay off in the long run by increasing energy efficiency. Meece agreed, but said that the State has energy bloc grants coming available this fall that would be geared towards energy savings that the City could apply for.

Beebe asked if the sprinkler system is near the top of the priority list because it would help save money and water. Meece said it would help save in labor costs, and Tinsley said it would conserve water because it could be run during the night instead of the middle of the day when it takes more water, and requires city labor to manage the sprinklers.

Caldwell said the heavy use of the area could make it important to improve the sprinkler systems.

Tinsley said all of the ideas he suggested revolved around reducing labor costs.

Beebe moved to write the list of priorities as 2,3,4,1, and to add the tennis courts as 5.

Meece explained that if the exterior of the Civic Center building is let go for much longer, the interior is going to deteriorate, therefore he placed it at #1 because in the three years he has been here, the money has never been there to repair it.

Meece stated that he also believes that Sacajawea Park is one of the premier parks in the state and that the Civic Center is a third-world building detracting from the appeal of the park because it can be seen from essentially everywhere in the park. He said, however, he has no issue if the Commission wants to reorder the priorities to not have the Civic Center at the top.

Beebe moved to withdraw her previous motion, Jones seconded.

All in favor to withdraw motion.

VanAken said that he sees a lot of questions that still need to be answered, such as what the Civic Center project encompasses. Meece said it would involve repair of all four walls, stucco repair, and a complete paint job. Meece also said that a varied amount of numbers have come in for the bids in the past, ranging up to \$88,000.

VanAken asked if the awning is an issue. Meece said there are at least two spots where the awning is beginning to chip away at the columns.

VanAken said that he sees there are a lot of trade-offs so it is difficult to decide priorities but the point is well taken that the Civic Center is an eye-sore right now so essentially the decision is to take care of it or get rid of it.

Jones asked how the Civic Center is heated, and Caldwell asked if it was insulated.

Meece said it is barely insulated, but not in the roof, and that the heating in the building could be an excellent project for an energy conservation related grant.

Caldwell said that he has been convinced by the argument to preserve existing physical assets, which is why he would like to add the tennis courts to the list, too.

Meece said once the priority list is established, not necessarily in a specific order, RFPs for bids could be put out for the projects and then the administration could bring back the results to help determine what projects to do and which are actual priorities.

VanAken said he feels putting all five items out to bid could help determine where to spend the stimulus money.

A consensus was reached to put the five items out for bid and readdress the priorities when those results have come in.

Action Item G: Discuss Tammy Kevwitch letter regarding presentation to City Commission.

Meece said the letter provided to the Commission was sent back in May.

Caldwell asked what the City's role in Kevwitch's vision is. Meece said Kevwitch would like to give the Commission an idea of several items that locally deal with coalitions, so she might have requests for City involvement, but that he feels giving her a limited time for a scheduled public comment at one of the meetings in July might be best. The Commission agreed.

ACTION PLAN PROGRESS:

Meece said he wanted to make sure this item was on the agenda and that he has been collecting examples of workplans from other cities that he will compile onto a CD for each Commission member.

Caldwell said the Commission could get assistance on this from Ken Weaver, and that he would contact Weaver to see when he might be able to participate in a workshop.

CITY MANAGER COMMENTS:

There were none.

CITY COMMISSION COMMENTS:

VanAken said he would like to compliment the City street crews that have been out patching the N. Yellowstone St. area. He said he has also received some complaints about the alley behind the Post Office and First Interstate Bank because they are in terrible shape.

Tinsley said the t-alleys are scheduled to be torn up next year, but the exact schedule of when those ones will be redone is not known yet, but the sewer and alleys will be redone in coordination with surface repairs.

VanAken also mentioned that Caldwell had given him some information that there might be an update on Mystery Ranch. Meece said the team had its first meeting

recently and several possible locations had been discussed, which would all be put into a matrix for consideration. He also said that more in depth financial information from the company would be necessary to go much further.

Blakeman said she had received a call from a citizen on the hill to thank the City for the increased signage in the area to help enforce motorized use restrictions in the hills and gulleys up there.

PUBLIC COMMENTS:

Lenny Gregrey said he would like to thank the Commission for having a thankless job, but that he is speaking because he read in the paper about a proposed rate increase in solid waste fees for City residents, and he has concerns that are similar to the ones he voiced at the previous meeting in regard to raising the sewer and water fees. He said there needs to be truth in advertising, and that when the rate increases are broken down into month by month, they do sound like small amounts, but those all add up to a large number for a per year increase per residence.

Gregrey said it is hard to get the true picture of the year-to-year cost the increases cause, but the effects are long-term and the Commission needs to have some mercy on the residents of Livingston this year because they have already passed two other rate increases. He also asked each Commissioner to think about all of the expenditures they have been asked to vote on in their career as a Commissioner and reflect on if they have ever really said no to any.

Caldwell said that refuse rate discussions have not even taken place yet so he is unsure of why the Enterprise put that information in their article.

Beebe said she had responded to the article in the paper and written a letter to the editor but decided against sending it. However, she wanted to let people know that the headline had surprised her, too, and the gist of the budget talks was not an increase in refuse fees, but she had simply used it as an example in discussion.

Joseph Murphy spoke again, this time to say that he feels those who use the boat ramp at the end of 9th St. are essentially running businesses so there should be some kind of permit they have to buy to use the parking area on the streets so the City could get some kind of money back from them.

Being no further business, motion was made by Blakeman to adjourn the meeting, and seconded by Beebe.

All in favor, motion passed.

The time was 9:12 pm.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
City Commission Chair

**CITY OF LIVINGSTON
CITY COMMISSION SPECIAL MEETING
JUNE 23, 2009**

The Livingston City Commission met in a special meeting on Tuesday, June 23, 2009.

Commissioners present were Steve Caldwell, Vicki Blakeman, Juliann Jones, Mary Beebe, and Rick VanAken.

Staff members present were Alan Davis, Ed Meece, and Robyn Keyes.

The only item on the agenda was to discuss, and possibly take action on, the two bids that were received regarding the sale of East Side School.

Meece said two bids had been received; one was for the purchase of the building, and the other was for the donation or lease of the building. He said that the bids had closed on June 10th, and the Commission could take action tonight if it desired at the end of the discussion.

Meece said that the purchase option is through a trust and would be a straightforward sale of the building for \$150,000.00. The other option is a development purchase/lease bid by Crazy Mountain Productions (CMP) by which they would either use the space out of donation from the City or lease it in return for improvements to the building that would eventually total the current appraisal value of the property. If the improvements were not made as scheduled, the property would revert to City ownership, and the lease would be for 10 years with a minimum similar investment of approximately \$3,500.00 per month.

Caldwell asked whether the design drawings presented by CMP had been changed since the workshop the Commission held with the group. Russell Lewis said that they are more developed.

Meece said the trust bid listed ideas for use, but it was not a narrow or specific list.

Caldwell said he feels the choice is between a known proposal for development and an unknown prospect for potential development.

Blakeman said that the trust bid price is also far below the building's appraisal value.

Meece said the Commission could take action to award the bid to one party or they could direct the administration to negotiate with either party, too.

Caldwell said that negotiations would probably not change the trust proposal by much since it is so broad.

Blakeman asked whether Meece felt the need to have anything clarified in the bids. Meece said he did not, and that he is comfortable with either option.

Beebe said she is not comfortable with simply a "whatever" use proposed by the trust for many reasons.

Blakeman said the Commission and City would just have to have faith that the trust would do the right thing, or they could go with the CMP option because the use for the property is already known. She also said that she likes the idea of a community theater.

VanAken said he feels his standpoint is that there is one bid that had a lot of work put into it and CMP did their legwork to create a fully prepared proposal, and while it would be nice to have the money up front as would happen with the trust bid, the lack of clarity could cause problems that cannot be solved tonight because no representatives from the trust came to the meeting. He added that he feels CMP has community support.

Caldwell said it has always been a goal to get the building back into use, which is why he considers CMP the better option.

Caldwell asked whether there was consensus on which direction to go; the Commission consensus was to direct discussion toward consideration of the CMP proposal.

Caldwell asked whether there were thoughts on either option of CMP's bid in terms of direction from the administration.

Meece said he would be comfortable with either a donation or a lease agreement, but CMP makes a good point with their second option to use the building as collateral and accelerate their ability to move the proposed development along.

Blakeman said that it seems to her either option would revert the property to the City if CMP failed, but the second option seems best because she would like to see the building put back into good use.

Meece said that, under state statute, if the property is donated to CMP, the non-profit group must agree to restore the property or it will revert back to the City. This provision could be specifically put into the contract for donation.

Blakeman moved to direct the administration to draw a document up for donation of the East Side School property to Crazy Mountain Productions with a minimum investment of \$420,000 and a minimum timeframe during which the investment must be done. Beebe seconded.

Meece asked CMP if three years would be a reasonable timeframe for the initial investments. Storrs Bishop said that would be good for them.

Meece said the administration would sit down with CMP and the City Attorney to draft an agreement to donate under the Commission-set guidelines with an understanding on storage and parking issues, and use issues inside the facility. He also said there is a zoning concern, but it can be handled by creating the document with language

pertaining to approval of the application contingent on a zoning change to facilitate the proposed uses of the facility.

Blakeman asked what the zoning would need to be for CMP's use. Meece said he is not sure of the answer in terms of existing zones but it might be best to create a special zone. Caldwell suggested the possibility of an amendment of allowed uses under the existing zoning as an alternative to creation of a new zone. Meece agreed to consult with the city planner regarding the feasibility of various alternative approaches.

No further discussion.

All in favor, motion to direct the administration to draw up a document for donation of East Side to Crazy Mountain Productions passed.

Blakeman asked how the process would play out now. Meece said he would try to have a negotiated contract document back for the first meeting in July, but it would definitely be back to the Commission by the second meeting on July 20th.

The representatives at the meeting for CMP all thanked the Commission and administration for their support.

Being no further business, motion was made by Blakeman to adjourn the meeting, and seconded by Beebe.

All in favor, motion to adjourn passed.

The time was 7:28 pm.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
City Commission Chair

**CITY OF LIVINGSTON
CITY COMMISSION MEETING
JULY 6, 2009**

The Livingston City Commission met in a regular session on Monday, July 6th, 2009. Commissioners present were Steve Caldwell, Vicki Blakeman, Mary Beebe, and Rick VanAken. Juliann Jones was absent.

Staff members present were Ed Meece, Bruce Becker, Peggy Glass, Jim Woodhull, Alan Davis, Clint Tinsley, Darren Raney, and Robyn Keyes.

Motion to approve consent items was made by Blakeman, seconded by Beebe. All in favor, motion passed.

ORDINANCES:

Ordinance No. 2013- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 1 OF ORDINANCE NO. 1997 AS CODIFIED IN SECTION 9-150 ENTITLED SPEED LIMITS BY INCREASING THE SPEED LIMIT ON GEYSER STREET IN THE WINANS SCHOOL DISTRICT FROM 15 MILES PER HOUR TO 20 MILES PER HOUR.

Blakeman moved to approve Ordinance No. 2013, VanAken seconded.

Discussion:

Meece clarified that although the area is a school zone, the ordinance is looking to raise the speed limit because the State performed a traffic study in this section of Geysers St. and they decided it would be better to put up boxes with flashing, light-up indicators that come out during school hours to warn drivers of the school zone than keep the speed limit at 15 mph. Also, in order to put the boxes in place, the speed limit must meet the uniform traffic code of 20 mph.

Blakeman said she thinks it is a good idea and worth at least a trial period. She asked if the City would be charged for the boxes. Meece said no, that the DOT would pay for them.

Caldwell asked if there would be an opportunity to monitor whether there was a speeding decrease in the area after the boxes are implemented if. Meece said he could request it.

VanAken asked how long it would be to reverse the decision if the Commission was not satisfied with the results of the boxes. Meece said the speed limit could always be

decreased in the future but it would be in violation of the uniform traffic code, which could hurt the City towards getting state funding for street projects in the future.

Blakeman asked if the machines would be in place for a specific amount of time. Meece said they would be permanent.

Beebe asked how Winans School feels about the increase in speed limit.

Meece said Mr. Huntzicker, the principal, was present at the meeting with the State and said that he was willing to try the machines.

Beebe also asked if the City would face a consequence if the speed limit remained below the uniform traffic code and chose to not put the machines in.

Meece said if the Commission later decided to move the speed limit back down to 15mph, the City could lose opportunities for funding, but said he sees no consequence if the limit does not go up in the first place.

Blakeman asked who would be responsible for upkeep of the machines. Meece said it would be up to the DOT.

Beebe asked if there could be some way to keep the speed limit at 15mph and try a local system similar to the machines from the State.

Meece said that due to the lack of funding for Winans School to have its own crossing guard like East Side and Park High have, the only option would be to try to purchase the machines on their own, but since the street is part of an urban route, the City might not even be able to implement them without State involvement.

Meece also said the DOT had indicated the machines would be put in by the time school started back up in the fall.

VanAken asked if the machines' hours would be just during the school hours. Meece said that was correct, and that they would not be on outside of school hours. He added that the idea is to keep the machines coming on and off on a daily basis so people continue to notice them, instead of just get used to them.

VanAken also asked if the speeds on the side streets of Winans would change their speed limits, too. Meece said they would remain at 15mph.

No further discussion.

All in favor, motion to approve Ordinance 2013 passed.

RESOLUTIONS:

Resolution No. 4038- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH BRIDGER COMMUNICATIONS TO PROVIDE SERVICES FOR 911 DISPATCH CENTER AND THE CITY OF LIVINGSTON POLICE DEPARTMENT.

Blakeman moved to approve Resolution No. 4038, Beebe seconded.

Discussion:

Meece stated that Bridger Communications is one of the primary vendors of communication to the dispatch center and that this is the same kind of contract that the City has had with them in the past.

No further discussion.

All in favor, motion to approve Resolution No. 4038 passed.

Resolution No. 4039- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICER FOR FISCAL YEARS 2009-2010, 2010-2011, AND 2011-2012.

Blakeman moved to approve Resolution No. 4039, VanAken seconded.

Discussion:

Meece explained that the School Resource Officer (SRO) is a fully certified regular police officer that is positioned at the school location during the school year to interact with the students and increase school safety. He said that the contract is the result of an agreement made with the school district several years ago, and this would renew it for three more years. He also said the school district pays for 50% of the officer's wage and benefit costs.

Caldwell asked if officers were being rotated through the position. Raney said that the officers rotate through the SRO position on a three-year basis and that the officer selected is someone who is suited to interact with kids at the school. He also said that the three-year term is important because it takes additional time and resources to get an officer trained for the SRO position.

VanAken asked if the agreement was the same as it had been in the past. Meece said that this one calls for the school district to pay 50% of wage and benefit costs starting the first year, where in the past it had been split up between years.

No further discussion.

All in favor, motion to approve Resolution No. 4039 passed.

Resolution No. 4040- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH STAFFORD ANIMAL SHELTER FOR FISCAL YEAR 2009-2010 AND 2010-2011.

Blakeman stated that she was recusing herself from discussing and voting on this resolution because the Stafford Animal Shelter employs her.

VanAken moved to approve Resolution No. 4040, Beebe seconded.

Meece stated that this is the standard agreement used in the past with Stafford Animal Shelter, and that he sees the overall impact of the cost increase as \$1000.00 or less.

Caldwell asked if this was a fee for services agreement. Meece said that it was.

VanAken asked if an extreme case of animal hoarding (for example) happened again, what would happen in terms of the fees. Meece said he believes that the City paid the cost in the case VanAken was referring to but that any time an extreme situation like that occurs, the City attempts to get restitution for the costs it incurs.

No further discussion.

All in favor, motion to approve Resolution No. 4040 passed.

Resolution No. 4041- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RELATING TO FINANCING OF CERTAIN PROPOSED PROJECTS; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE.

Blakeman moved to approve Resolution No. 4041, VanAken seconded.

Discussion:

Meece made a point of clarification that the State of Montana issues bonds whose proceeds go to communities across the state in the form of loans, and that this

resolution is a piece of housekeeping to assure the IRS that the City has done everything to qualify for said loans.

Caldwell asked where the difference in amounts came from on the two pages. Meece said the difference is the amount from the digester lid grant.

No further discussion.

All in favor, motion to approve Resolution No. 4041 passed.

Resolution No. 4042- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN INTERLOCAL AGREEMENT WITH SEVERAL LOCAL GOVERNMENTS FOR JOINT RECRUITMENT FOR LAW ENFORCEMENT OFFICERS.

Meece explained that the City would like to begin to participate in the consortium to help with the selection of new police officers when positions become available. He said that it is a pre-existing group that develops a pool of applicants who the City must then hire from, and the City would have a seat on the consortium board.

Raney stated he recommends passing this resolution and that this is similar to what the fire departments do.

Caldwell asked what the current cost to recruit police officers is. Meece said it would save the City money to join because the pool of applicants would already exist to choose from, and its members would already have completed the physical and written tests necessary.

Beebe asked how someone interested in joining the consortium would go about it, and who would pay for it. Raney said the individual pays to test and join the consortium pool, with testing held in various locations throughout the year.

VanAken asked if there is a screening process to become part of the consortium pool. Raney said there is an initial screening of applicants to make sure they meet the requirements of state law for police officer requirements, and the consortium would do the written and physical testing. He added that the City would do background checks, interviews, and ensure the applicants selected to interview meet any internal standards within the City.

No further discussion.

All in favor, motion to approve Resolution No. 4042 passed.

ACTION ITEMS:

Action Item A: Discuss/approve/deny "draft" Ordinance-AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1625 AS CODIFIED BY CHAPTER 15 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED "GAMBLING" BY AUTHORIZING LIVE CARD GAMES BETWEEN THE HOURS OF 2:00 A.M. AND 8:00 A.M. AND ESTABLISHING A PENALTY FOR VIOLATION.

Meece said this is a draft ordinance from discussion at the previous Commission meeting.

Caldwell requested addition of a penalty for violation section in the ordinance.

Blakeman said she feels the ordinance addresses all of the concerns that were brought up in the previous meeting's discussion, and she moved to bring back the draft ordinance as an ordinance. Beebe seconded.

No further discussion.

All in favor, motion to bring back as ordinance passed.

Action Item B: Discuss/approve/deny Collective Bargaining Agreement with Livingston Police Department Employee Association.

Meece explained that the documents in the packet begin with a summary statement of the negotiation between the LPDEA and the City administration involving the agreement. He added that the document is a draft that the LPDEA has given tentative approval, so the purpose of discussing it tonight is to get Commission input so a final document can be prepared.

Caldwell asked if the LPDEA had voted to approve the document. Meece said he has been told the union agrees with the contract as it stands.

VanAken questioned the increase in certification pay for members of the LPDEA who get their EMT certification. Meece said the LPDEA currently has one officer who is EMT certified, and he is hoping more will choose to gain certification to develop resources in emergency services.

Blakeman asked if sergeants have different shifts than the regular shifts. Raney said sergeant shifts are from 12:00 am to 8:00 pm to provide a filler between the rest of the officers who work four ten hour shifts.

Blakeman moved to have the administration bring the document back in a resolution for approval. Beebe seconded.

No further discussion.

All in favor, motion to bring back the document as a resolution passed.

Action Item C: Discuss operating agreement with Livingston Ice Skating Association.

Meece stated that this document is a result of the ongoing discussions with LISA regarding the construction of two temporary ice rinks at the 10th St. Park and the document helps distinguish between the City's obligations and LISA's obligations.

Blakeman asked what would constitute an 'unusually high use of water' under 4.C. Meece said that would be determined by consulting with other cities that have rinks of this nature.

Caldwell asked if the daily flooding would be just to top off the rinks. Meece said he believes that is correct.

VanAken asked if the hours in item #14 are the standard hours for City parks, because in the winter months it gets darker much earlier than the closing hours. Meece said that those hours are correct, and that there is no plan for lights at the rinks at this point.

Caldwell said he felt the process would be a learning and adaptation exercise. Blakeman agreed, and said she felt it would be a good idea to reevaluate next year.

Joseph Murphy said he thinks a different location for the rinks would be best, such as near the bandshell so they would be closer to the high school, which would allow students more access to the rinks during class time.

Matt Blank, a board member of LISA, said the proposed location is the best in the City for maintaining the ice on the rinks because of the shading provided by the trees, and that he believes kids will still have plenty of opportunities to use the rinks if they are located at the 10th St. Park.

Beebe said she feels this is a trial phase and if the community shows a large interest, the rinks and their location could adapt to the community's demands.

Adam Stern said the long-term vision of the rinks could always change, including a second location for rinks if there is enough interest from the community.

Blakeman moved to direct staff to bring back a resolution with a formal agreement between the City and LISA. Beebe seconded.

VanAken asked if the rinks had been discussed with Park High School. Stern said he had informed the athletic director they were looking to do this project and it was requested that LISA keep the school informed on the progress of the rinks.

No further discussion.

All in favor, motion to bring back a resolution with a formal agreement passed.

Action Item D: Discuss/approve/deny bid from Nittany Grantworks to provide grant writing and grant management services for the City in the amount not to exceed \$108,000 for FY 2009-2010 and FY 2010-2011.

Meece explained that the majority of the stimulus grants and many upcoming grants the City will apply for have a continual requirement for using the same grant writer to prepare the documents. The City put out an RFP for grant services, and the only bid received was the one from Nittany Grantworks. The cost for the services is a budgeted amount typically spent out of the professional services line item under administration. He added that he has never seen a more effective grant writer than Ms. Benner and the administration strongly supports awarding this bid to Nittany, and he would like to bring this back as a resolution.

Blakeman moved to bring back the bid award to Nittany Grantworks as a resolution. VanAken seconded.

No further discussion.

All in favor, motion to bring back as a resolution passed.

Action Item E: Discuss/approve/deny appointments to the Police Commission and the City/County Airport Board.

Meece stated that staff had requested the Commission's authorization to advertise the open board positions, and that a second opening had occurred in the Airport Board, so there are three open positions and three applications.

Beebe said she felt comfortable with all three applicants but that she would like to further discuss the response on the conflict of interest question provided by Mr. Denton in his application. VanAken added that he, too, would like to talk to Mr. Denton.

Beebe suggested interviewing all of the applicants.

Consensus was reached to interview the three applicants prior to the next Commission meeting on July 20, 2009 at 6:30 pm.

Action Item F: Discuss/approve/deny request, from City Manager, for authority to negotiate with lowest bidder (Coleman Construction) toward contract for construction of North Side Soccer Complex and Park.

Meece stated that the City has been working with the Soccer Association for several years in an effort to develop a North Side Soccer Complex and Park, and approximately three weeks ago, the RFP was let out for bids to start the project. Three bids were received at the bid opening on 7/2/09, and there was a large disparity between the bid amounts and the cost anticipated by the Soccer Association for the project.

Meece explained that the administration is looking for Commission authority to negotiate with the lowest bidder (Coleman Construction) to lower the proposed cost to a more affordable range for the Association, along with authority to ensure all bids meet the technical requirements for responsiveness.

Jeff Dickerson, a member of the Soccer Association, added that no details of the bids have been reviewed at this time, but they would like the architect who drafted up the plans to review the bids to determine which is the most responsive bid in comparison to the RFP, and in comparison to the other bids.

Meece said the idea is to try to get the cost substantially lowered so the Soccer Association can afford to start the project this year.

Caldwell asked if in the event that none of the bidders did lower their costs, would the Association re-draft the park plans. Dickerson said that could be done, but the growing season is ending soon and that is important to get vegetation established before the fall.

Caldwell asked what kind of direction the administration needed to move forward. Meece said he would like the authority for the administration to negotiate costs with the most responsive bidder in an attempt to do a value-based redesign.

Dickerson said the idea is not to fundamentally redesign the project but to find out where the cost differences are and see what can be changed.

Becker said a motion would need to be made to authorize the administration to negotiate with the bidders.

VanAken moved to give authority to the City administration to negotiate with the bidders in an attempt to lower the North Side Soccer Complex and Park costs. Beebe seconded.

Discussion:

Beebe said she feels she cannot ask more questions until the next step of the process is completed so she would like to see the project move along quickly so the Commission can have more details. Dickerson said he would like to get the bids to the architect as soon as possible, and Meece added that the administration would need to be involved in the process to approve the modifications so hardships are not created for the City.

VanAken asked if the numbers in the line items were provided with an idea of the preliminary base project. Dickerson said the alternative numbers were put in to at least get the City park portion of the complex in place by taking advantage of getting a better cost in the current economy.

VanAken asked if Dickerson could explain what the alternates for the project are.

Dickerson said that the base bid covers the entire earthwork on the City property and the gravel parking lot placement. The first alternate would be for the earthwork on field 4, which is on the school district property. The second alternate is the concrete walks connecting the fields and different parking lot areas, and the third alternate is the parking lot concrete work. The fourth alternate is the site furnishings, the fifth is the tree placement throughout the park, and the sixth is for field one construction.

Kelly O'Hara, a representative from Langlass & Associates, said he knows his company did not come in as the lowest bidder but he would like the most qualified who has the ability to help with the value engineering to at least be considered. He explained he would like the Commission to fully understand the large extent that qualifications come into play and that the way the base bid specifications were laid out could be open to change.

Meece asked if O'Hara meant he would like to see the same value-based redesign process be gone through for all three bidders that would be undertaken with the lowest responsive bidder. O'Hara said there could be several ways to approach it but that Langlass has done many sports-related field projects, giving them experience in the area, and that he would like whoever has the most qualified bid still be given the chance to negotiate.

Meece said one of the pieces of evaluating the bids is reviewing the qualifications of the bidder for the project and the cost to negotiate with all three bidders could be expensive. At this point in the process, he added, the potential exists to identify the

lowest responsive bidder, therefore he would like to see the architect evaluate the bids and go from there.

Caldwell stated he is uncomfortable with changing the bid process rules midstream, especially given the timeframe and expectations.

Beebe asked how limited the City is in determining the most responsive bidder. Becker said state law defines what the City can do.

VanAken asked if a time clock is in place because the fields would need to be seeded this fall. Meece said that is accurate, and that there is also the 60 day time clock that the bids are good for.

No further discussion.

All in favor, motion to grant administration authority to negotiate approved.

Action Item G: Discuss/approve/deny bid for the Old Waterworks Building.

Meece said that with Commission approval, the administration had advertised an RFP for the Old Waterworks Building, and that only one bid had been received at the opening on 6/30/09. He clarified that the bidder did have some changes to the conditions for purchase other than what were listed in the RFP, and that the bid was for a purchase price of \$52,000.00.

VanAken stated the two major changes he noticed were extending the acreage on the north side and also that the City would be charged with the demolition and filling in of the north and east cisterns, which he believes he had been told would be at least \$15-20K.

Blakeman commented that in all of the other proposals for purchase of the building in the past, it was incumbent on the purchaser to demolish and fill in the cisterns so she did not feel it would be fair to go against what had been done in the past.

Meece added that the \$15-20K estimate to fill in the cisterns was based on the assumption that materials from the demolished building would be used to fill the cisterns, so the cost to fill them in with imported material would probably be significantly higher.

Caldwell asked if the City or the owner was obligated to fill in the cisterns, or if they could be left alone. Meece said he feels the issue should be mitigated and they should be filled.

Becker stated the previous public hearing regarding the sale of the building had been based on specific dimensions of the property and this bid goes against what was discussed. Caldwell said it is essentially an unresponsive bid, and Meece agreed that the bid substantially altered what the Commission agreed it would do in the RFP.

Beebe agreed, and said she felt the proposed changes in terms would probably generate serious concerns from the surrounding neighborhood, even though she would really love to save the building. She added that the low purchase price does not concern her, but the changes to the conditions do.

Blakeman asked how the Commission could proceed. Meece said the two conditions requested substantially alter the bid specifications so the administration could reissue the RFP or stop at this point.

Caldwell said he felt that if the RFP were to be reissued based on the same conditions, the same result would occur. Meece said the RFP could be changed, or the options could be changed, or the City could again review the cost to demolish the building and fill the cisterns.

Blakeman stated she sees the building as a liability to the City as long as it stands in its present conditions, and the cost for the City to fill in the cisterns would be nearly as much as the proposed purchase price. Therefore she has not heard enough reason to keep the building.

VanAken brought up the additional issue of what the purchaser might try to do with the property, and that the bid received paints the City into a corner because the building is a liability and it has essentially become unworkable to resell it, therefore he believes the best option is to demolish it.

Jim Baerg, the bidder on the project, stated that he feels the community essentially wants to keep the building standing and he would hate for the City to later regret demolishing it. He said he understands that the price is not near what the Commission had hoped for, but he feels he would be able to take on the building and repair it using his construction background, allowing the building to be turned into a place that benefits people instead of tearing it down.

Beebe asked Baerg if he had excluded the cisterns due to financial reasons. Baerg said he looked into the property as two parts-the building and the cisterns-and lumping the two together would increase the risk level beyond what he felt it was worth, and he felt the City had the machinery and potential to fill the cisterns in.

Tinsley said that filling in the cisterns is a larger project than he would want the City crew to take on.

Blakeman asked what the previously estimated cost to fill in the cisterns without tearing down the building was. Tinsley said he could not recall the amount.

Caldwell asked Baerg if he had changed the footprint of the property to accommodate a parking requirement. Baerg said that it was his working assumption due to the lot size that a larger parking lot would be necessary, and that it would also help with parking concerns near Park Clinic and the Yellowstone River in that area.

Woodhull said no parking requirement existed unless the building was added on to, making it a more situational issue than a legal one.

Blakeman said that regardless of the ultimate decision for the building's fate, she does not feel comfortable accepting this bid because it is so different from the RFP. Meece said the administration agrees.

VanAken asked what the time frame to respond to the bid is. Caldwell said the Commission could deny it or take no action, and Meece said the bid would be good for 60 days.

Blakeman moved to approve the bid received by the City for the Old Waterworks Building. Beebe seconded.

No further discussion.

All votes against, motion to approve the bid failed.

Meece asked if the Commission had any additional direction at this time. Caldwell said he would like to see a discussion on demolition of the building brought back as an action item. Meece said he would have the estimates refreshed for demolition and using the material as fill for the cisterns, and also renew estimates on what it would cost to fill the cisterns without demolishing the building.

Action Item H: Discuss/approve/deny request for assessment relief, Fleshman Creek Acres Subdivision.

Meece said there are two letters in the packet related to this issue that were faced last year regarding Fleshman Creek Acres (FCA). He explained that a resolution last year had contained a 50% decrease in assessment costs for the subdivision and that the administration would support the same amount again.

Caldwell asked when the property had been annexed into the City. Meece said it was near the end of 2005.

Steve Woodruff, a representative for FCA and an owner of one of the lots in the subdivision, stated that even with the 50% decrease, the residents of FCA still pay 4-5 times what people in the historic area of the City pay, and that he feels this is akin to taxation without representation because the streets are not paved as they were proposed to be, and other promises have not been kept.

Woodruff also said that in the current economic conditions, the high costs have even more of an impact on the FCA residents, so he said the group is requested an 80% decrease because he does not feel a single family home on one lot in FCA has no more impact on the City than any other resident, and that the 80% would be closer to reaching a long-term solution.

Caldwell said he feels there are two sets of arguments on this issue, but that he is more persuaded by the argument that the FCA residents are paying for services that they are not receiving. Meece stated that nowhere in the City are fees paid simply for the area in front of a resident's home, but instead that it is for Citywide coverage. He also said that typically streets are paved either at the time of development, or through a special improvement district, as was the case with Carol Lane.

Meece explained that while he understands that it looks unfair from the FCA standpoint, he believes the 50% cap is equitable and a more long-term agreement would leave the administration feeling unfavorable to 50% because making it permanent would make it much more problematic. Becker added that it is an annual assessment so it is virtually impossible to commit to a long-term agreement.

VanAken asked if there are any projections on when the FCA would get lights, paved streets, and have plowed streets in the wintertime. Tinsley said it is attempting to be put on schedule for August of this year, by using highway millings to pave with. He added that his crew does plow the roads, but not residential routes, which is the same throughout the City, and there are no plans for streetlights at this time because some of the residents do not want them.

Caldwell asked whether a percentage commitment cap could be considered constraining to future commissions. Becker said it could be different for various classes of property, which is what Bozeman has done.

Woodruff said he has seen larger lots in the City limits that are assessed at lower rates. Meece said the arrangement is between property tax assessments and property owners, and that the administration recommends 50% at least for the next year for FCA.

Becker said this issue would be incorporated in a future resolution of assessment for streetlights and streets.

Beebe said that last time this issue was discussed, the Commission had explored several options and the only other one that stood out was assessment by market value and not square footage; however, she said perhaps it would be possible to create two sets of methods for assessment.

Becker stated he believes that commercial and residential districts could some day be created for streetlights and streets. Meece commented that the market value method becomes a huge administrative undertaking, and Woodhull added that it would duplicate what the assessor does for the City already.

Beebe stated that 50% seems like a reasonable reduction for the time being when other City residents do not receive a reduction.

Caldwell commented that he would like to see a more programmatic approach for the whole City at some point and would like to see a recommendation from the administration for direction to go. Meece said that the administration had given the Commission its recommendation last year, but if the Commission would like the administration to go in a new direction then he just needs to know the course they would like.

VanAken said that another year of 50% seems like the best the Commission and City can do for now, and Caldwell said that with the assumption that the highway millings will be put down to pave the streets in FCA, he would be comfortable with sticking with a 50% reduction. A consensus was reached to maintain the 50% reduction.

Action Item I: Review and approve boundary readjustment on Watson property donation.

Becker showed the Commission a more detailed description of the change on a larger map.

Blakeman moved to instruct the Commission chair to sign the boundary readjustment. VanAken seconded.

No further discussion.

All in favor, motion passed.

Action Item J: Approve alley vacation request from Ms. Alexandra Rome on 1100 Block East Clark Street.

Woodhull said this alley is located near the dead end of M Street, which was also vacated several years ago. Ms. Rome is requesting a vacation of the northern section of the property, the utilities in the area do not oppose the vacation, and the DRC has no objection, Woodhull said.

Blakeman asked, were the alley to be vacated, if half of the property would go to one owner and half to the other. Woodhull said that was correct, and that he does not believe the lots behind the property are usable spaces.

Caldwell asked if there were issues with provision of emergency services. Davis said there would be none.

Esther Manhardt, who lives next to the alley requested to be vacated, said that she has only met Ms. Rome once and she had implied she would abandon the alley so each property owner would receive half of it, but she questions the accuracy of the drawing of the alley and the amount of land being given up.

Blakeman asked if there was a reason not to vacate the whole alley. Woodhull said there is no reason not to, but he was just responding to the request to vacate part of it. Blakeman also asked how wide the alley is. Woodhull said it is 20 feet wide.

Manhardt stated she is interested in preserving the future of her property and her own access to the alley. Caldwell said a public hearing would be needed on the issue, were it to be brought back as a resolution.

Meece requested Manhardt leave the documents she provided to the Commission with the administration so staff could look into her claims in more depth. Becker said he still would need to review the survey Manhardt said she used, dated 11/21/05.

Blakeman said she hesitates to vacate an alley where someone would like to retain access to his or her property. Beebe added that she would like more information, and that she would not feel right to outright deny the request at this point.

Caldwell suggested getting more information and having the request be brought back at the next Commission meeting.

VanAken asked if the property owners take ownership when an alley is vacated. Meece said rights to ownership on the property are abandoned.

Blakeman moved to bring back the request for vacation for a first reading of a resolution. Beebe seconded.

No further discussion.

All in favor, motion to bring back request for vacation passed.

Action Item K: Discuss dedication of "Park" and trail land at cemetery.

Meece explained that it had been requested that he place this item on the agenda because of community interest, especially from the people involved in the community garden project.

Blakeman explained that since the Commission was concerned that the community garden group did not have enough experience to get the garden going this year, perhaps the land for the garden could be dedicated as some kind of park land to reserve it for use by the community garden in the future.

Caldwell asked if there would need to be a resolution to establish an area as parkland. Meece asked if the Commission wanted the administration to bring back a draft resolution and defined parcel of land for the garden/park, and also asked Tinsley if there had been any defined issues with the cemetery land.

Tinsley said that sooner or later, the cemetery would need to use that land, and suggested designating the land as a future community garden instead of parkland because a park would require many obligations of his crew that he is not equipped for. Blakeman said the idea was for more of a "nature park."

Meece said he would like to explore more options to get more details because the possible expansion of the cemetery some day concerns him, and he would like the capacity to see some investment from the community garden group before City land is set aside.

Beebe stated the idea is to try to get away from single group use of the land, and that she would like to see it more as an area for public access in the broader spectrum.

Caldwell said the item would need to be developed more before it is an agenda item again, and that he would like to see a specific proposal to be brought back.

Meece said he is confused whether or not the idea is to open up the land or restrict public use. Beebe said the main idea is to create a clear definition of what the area is to be.

No further discussion.

ACTION PLAN PROGRESS:

Caldwell said he had talked to Ken Weaver about aiding in developing a vision for the City; Weaver said he would be glad to assist. A date was set for 8/10/09 at 6pm, contingent on availability of Weaver and City Commissioner Jones.

CITY MANAGER COMMENTS:

There were none.

CITY COMMISSION COMMENTS:

VanAken commented that the community needs to show up and speak at the Commission meetings if so many of them really are concerned with the fate of the Old Waterworks Building. He also said that he is still receiving complaints about the condition of the alley behind the Post Office.

PUBLIC COMMENTS:

Bill Moser said that he appreciates that the City has chosen to keep the front doors unlocked and also that in the past week, he had to use the dispatch services and the woman who helped him was very competent and served him well.

Moser asked Beebe if she had declared bankruptcy within the past few years. Beebe said that she had.

Moser then asked if Blakeman had owned a business that had went under.

Becker and Caldwell disallowed these comments, and did not respond to Moser's questions.

Moser asked why Caldwell and Meece have been harassing a woman in the community, who does not even live in the City most of the year, about her property upkeep when the City/County parking lot has not been maintained.

Meece said that it is up to Park County to maintain the building and the parking lots, but he will research the situation further regarding the situation Moser mentioned.

Moser said that he sees a lot of double standards within the City.

Beebe said that Moser could find the answers to his questions in the Livingston Enterprise, if he or anyone else wanted to look them up.

No further public comments.

Being no further business, motion was made by Blakeman to adjourn the meeting, and seconded by Beebe.

All in favor, motion passed.

The time was 10:26 pm.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
City Commission Chair

**CITY OF LIVINGSTON
CITY COMMISSION MEETING
JULY 20, 2009**

The Livingston City Commission met in a regular session on Monday, July 20th, 2009. Commissioners present were Steve Caldwell, Vicki Blakeman, and Rick VanAken. Juliann Jones and Mary Beebe were absent.

Staff members present were Ed Meece, Bruce Becker, Glenn Farrell, Alan Davis, Clint Tinsley, and Robyn Keyes.

Motion to approve consent items, with exception of item E, made by Blakeman, seconded by VanAken. All in favor, motion passed.

Blakeman moved to approve Consent Item E contingent upon proof of insurance. VanAken seconded. All in favor, motion passed.

SCHEDULED PUBLIC COMMENT:

Charlotte Trolinger came forward to speak regarding the observation last week outside of her rented home that the City was planning to remove four mature silver maple trees in the "K" Street boulevard. She said she sees nothing wrong with these trees, other than that they have harmed the sidewalk, but she would like the trees to remain, and provided some suggestions of possible sidewalk alternatives, or removal of the sidewalk all together. She commented that she feels the removal of the trees will harm the environmental quality of the neighborhood, and it would take a long time to replace mature trees such as these four.

Trolinger said that the Public Works Department gave her a month to see what action could be taken before they would look to remove the trees again, and she strongly suggested that the City find an alternative to removal.

Tammy Kevwitch came forward to speak about her economic development strategy, Artists of the USA. She said she has been working on an economic development strategy for over 7 years, because after 9/11 happened, a group was developed in the community to brainstorm ideas about how to return tourism to the area to help the local economy. She explained that she came up with the idea to publish magazines for communities that welcome people to the communities, and after that, she came up with the idea to create a publication that focuses on artists in the areas she promotes.

Kevwitch stated she would simply like to inform the Commission of her plans, which have three main components. The first is a television show titled "Yellowstone Country's Got Talent," the second is a magazine for free promotion for area visual artists, and the third is a community discounts magazine that would be a voice for worthy organizations and an attempt to

get kids in the community involved. She added that any money made off of these projects will go directly to the community, and she is simply looking for emotional support from the administration and the Commission.

Caldwell wished her the best of luck, and requested that she let the Commission and staff know if she needs any assistance.

PUBLIC HEARINGS:

Ordinance No. 2013- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 1 OF ORDINANCE NO. 1997 AS CODIFIED IN SECTION 9-150 ENTITLED SPEED LIMITS BY INCREASING THE SPEED LIMIT ON GEYSER STREET IN THE WINANS SCHOOL DISTRICT FROM 15 MILES PER HOUR TO 20 MILES PER HOUR.

Caldwell clarified that the reasoning behind this ordinance is to increase the speed limit so the state will put in flashing school zone signs at the location.

Alex Scaff asked what would happen with the two dips in the road at the ends of the school zone. Caldwell said no physical alterations to the street are planned, and the signs will highlight the presence of the school zone in an attempt to have better overall compliance.

Meece explained that the administration had been contacted by concerned parents of Winans students, so he met with them, a DOT representative, and the Winans principal, in an attempt to come up with a solution for the speeding problem in the area. He said the speed limit that exists now is not up to the uniform traffic standard, so the DOT agreed to purchase and install the signs to alert drivers to the presence of kids during school hours, if the City would raise the speed limit to meet the minimum standard. The signs, he said, would not be on all the time, but instead come on during school hours, so drivers would not get used to seeing them all hours of the day.

Meece also stated that the bottom line is that Geyser Street is part of an urban route so the State has the majority of the say in what happens with the street, therefore the State strongly suggested the speed limit be increased to 20 mph, and this way, the State is paying for the increased signage in the area, not the City.

Scaff questioned why the 15 mph signs could not be made bigger because he feels all the signs in the world are not going to make better drivers, or make drivers comply with the 20 mph speed limit because people will just get used to the signs. He added that he thinks it is a ridiculous and wasteful maneuver, and suggested increasing police patrol and radar in the area.

Caldwell said that Scaff's suggested alternative of increased police presence would not be without cost to the City. Meece added that the police department did do an intensive patrol of the area recently, but with the limited resources the City has, he said he is willing to try another alternative as an attempt to gain compliance.

No further comments, the public hearing was closed.

Blakeman moved to approve Ordinance No. 2013, VanAken seconded.

Discussion:

VanAken asked if the DOT had indicated that these signs had been tried and been successful elsewhere. Meece said the DOT said there has been success in Butte and Billings so far. VanAken stated he feels the City needs to be pragmatic in dealing with this issue and try this proposed solution out.

No further discussion.

All in favor, motion to approve Ordinance No. 2013 passed.

ORDINANCES:

Ordinance No. 2014- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1625 AS CODIFIED BY CHAPTER 15 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED "GAMBLING" BY AUTHORIZING LIVE CARD GAMES BETWEEN THE HOURS OF 2:00 AM AND 8:00 AM AND ESTABLISHING A PENALTY FOR VIOLATION.

Blakeman moved to approve Ordinance No. 2014, VanAken seconded.

Caldwell noted that the ordinance now contains a penalty section for violation.

No further discussion.

All in favor, motion to approve Ordinance No. 2014 passed.

RESOLUTIONS:

Resolution No. 4043- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE REGULATIONS FOR MOUNTAIN VIEW CEMETERY TO ALLOW BURIALS ON SUNDAYS AND HOLIDAYS.

Meece said pg. 107 of the packet has background for this resolution. He explained that previous cemetery regulations had restricted burials on Sundays but the fee schedule includes a rate for weekend burials, therefore while the situations are few and far between, he feels it is appropriate to offer the availability of burial on a Sunday or holiday for families whose schedules might need one of those days. He also said that the Public Works department has indicated that they have enough staff to handle this additional option for burial days, and that the higher fees for weekends and holidays are sufficient to cover staff overtime costs.

VanAken moved to approve Resolution No. 4043, Blakeman seconded.

No further discussion.

All in favor, motion to approve Resolution No. 4043 passed.

Resolution No. 4044- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING AND IMPROVING STREETS AND ALLEYS IN STREET MAINTAINANCE DISTRIC NO. 1 IN THE AMOUNT OF \$717,000.00 FOR FISCAL YEAR 2009-2010 AND OF ITS INTENT TO LEVY AND ASSESS 100% OF THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT AND CALLING FOR A PUBLIC HEARING.

Blakeman moved to approve Resolution No. 4044, VanAken seconded.

Discussion:

Meece said that the City is required by State law to pass this resolution, and the following ones related to it, each year. This street light district encompasses the entire City and the rate is established using square footage of property as a basis to allocate the amounts.

Meece said the \$717,000 reflects annexation of land into the district so citizens should not see increases versus last year's assessments. He added that anything under one acre gets the full 100% assessment and anything over gets 50%. There are a few areas in the City which one large lot exists because the subdivision review process has not been completed, and that land comes in at 10% of the rate for the time being.

Caldwell asked whether this rate schedule represents a long-term allocation basis. Meece said it is in place for just this next year, but it could always be codified into multiple years, or indefinitely.

Caldwell explained that he brought that point up because he heard citizens voice their concerns of the uncertainty created by the existing system of annual abatements. Meece said the staff could bring forward a separate resolution in the future to deal with this issue.

Blakeman asked what category PrintingForLess.com is in. Meece said the company has two tracts of land, one that is in the improved district, and the other which is in the unimproved district.

VanAken said he has struggled recently to understand the time-lapse issue for property to be brought in at the full rate for taxation, and he asked if these assessments would fall under that restriction. Meece said they would not, because these rates are determined by square footage, not taxable value.

Blakeman asked what the past year's assessment was. Meece said it was approximately \$650,000.00, and the increase is due to the new property that has come into the City.

Tinsley added that the street maintenance assessment is for new streets to replace worn streets, and that it covers around 6-9 blocks annually, including street employee wages and construction materials.

No further discussion.

All in favor, motion to approve Resolution No. 4044 passed.

Resolution No. 4045- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$57,000.00 FOR FISCAL YEAR 2009-2010 AND OF ITS INTENT TO LEVY AND ASSESS 100% OF THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT AND CALLING FOR A PUBLIC HEARING.

Blakeman moved to approve Resolution No. 4045, VanAken seconded.

Discussion:

Meece said that this is the same idea as the previous street district resolution, and that the lighting district encompasses the entire community because there is not separation between improved and unimproved districts.

VanAken asked what the previous year's assessment had been. Meece said it was the same rate and same amount last year as proposed this year.

Blakeman asked if the property that is new to the City is included in this assessment. Meece said they are included, but there are no additional new projects in those areas at this time.

No further discussion.

All in favor, motion to approve Resolution No. 4045 passed.

Resolution No. 4046- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO MODIFY SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES THEREIN AND TO LEVY AND ASSESS 100% OF THE ESTIMATED COSTS OF \$77,214.00 FOR FISCAL YEAR 2009-2010 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT, AND CALLING FOR A PUBLIC HEARING.

Blakeman moved to approve Resolution No. 4046, VanAken seconded.

Discussion:

Blakeman asked how many streetlights Public Works intends to replace this year. Tinsley said it is unknown at this point because the Downtown Association's lights they have chosen cost more than the traditional lights, therefore it is unknown how many will be needed per block until later in the year. However, Tinsley did say that the new lights are made in Anaconda, which VanAken pointed out is a local source.

No further discussion.

All in favor, motion to approve Resolution No. 4046 passed.

Resolution No. 4047- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF COMPLETION OF THE PRELIMINARY BUDGET FOR FISCAL YEAR 2009-2010 AND GIVING NOTICE OF A PUBLIC HEARING THEREON.

Blakeman moved to approve Resolution No. 4047, VanAken seconded.

Discussion:

Meece said that at the last budget workshop, the administration had presented the budget document that this resolution is based on, with the intent of using it as a basis for the final budget document in September.

Blakeman asked when the public hearing would be. Meece said they could leave it open from the next meeting until whenever the final budget is brought back.

Lenny Gregrey came forward and said he has no objection to what is in the budget but that he would like to know what has been added to the budget. He also questioned a news article from the Enterprise from the previous week regarding the City's stimulus priorities, and asked if it would be Public Works and City staff that would do the projects, or if it would be private firms.

Meece responded that the City does not have the expertise needed to do the projects. Gregrey said he just wanted that clarified because of his experience with the 7th Street Bridge project when he was on the Commission in 2002. He was also concerned about taking away Public Works employees from their daily duties to do big projects. He also commented that the City needs to stick with what they intend to do on these projects and not include a cushion for 'just in case' in the cost estimates.

Caldwell noted that the city commission and staff were aware that the use of city staff comes at the cost of the foregone value of work they would otherwise be doing.
No further discussion.

All in favor, motion to approve Resolution No. 4047 passed.

Resolution No. 4048- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN COLLECTIVE BARGAINING AGREEMENT WITH LIVINGSTON POLICE DEPARTMENT EMPLOYEE ASSOCIATION FOR FISCAL YEARS 2009-2010, 2010-2011, AND 2011-2012.

VanAken moved to approve Resolution No. 4048, Blakeman seconded.

Discussion:

Meece explained that the contract is for two years, so the third year should be removed from the resolution.

VanAken asked if the members of the LPDEA had voted on this yet. Meece said they had taken an informal vote, in which they gave tentative approval to the agreement, so that if the Commission passes the resolution, it will go back to the union for the final vote.

No further discussion.

All in favor, motion to approve Resolution No. 4048 passed.

Resolution No. 4049- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH NITTANY GRANTWORKS FOR GRANT WRITING AND GRANT MANAGEMENT SERVICES FOR FISCAL YEAR 2009-2010 AND 2010-2011.

VanAken moved to approve Resolution No. 4049, Blakeman seconded.

Discussion:

Blakeman noted that as previously stated in discussion of this topic, Nittany Grantworks more than pays for itself and serves the City very well. Meece said the administration definitely agrees.

No further discussion.

All in favor, motion to approve Resolution No. 4049 passed.

Resolution No. 4050- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO DEVELOP A CAPITAL IMPROVEMENT PLAN FOR THE CITY.

Blakeman moved to approve Resolution No. 4050, VanAken seconded.

Discussion:

Meece explained that the City had been awarded a grant that would provide \$5,000 for the City to use for a Capital Improvement Plan, as long as the City provided an equal funding match. The timeline had already passed, so he said he would go back to the DNRC and request an extension of the July deadline.

Blakeman asked if an outside firm would do this process. Meece said that the administration's intent is to have an outside firm do the process, and said that, since the total cost of the project would likely exceed \$10,000.00, perhaps there could be a way to use city staff or students from MSU to supplement the \$10,000.00 budget.

VanAken said he noticed in section one that the wastewater treatment system is the only one that was mentioned. Meece explained that the attachment references the City's entire infrastructure, and expands the scope

of work beyond DNRC's more limited goals to develop a more comprehensive work product that would be more useful for the city.

Blakeman asked if the contract would come back to the Commission. Meece said it is required to.

No further discussion.

All in favor, motion to approve Resolution No. 4050 passed.

Resolution No. 4051- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AUTHORIZE CITY MANAGER TO SIGN OPERATING AGREEMENT WITH THE LIVINGSTON ICE SKATING ASSOCIATION AND CALLING FOR A PUBLIC HEARING.

Blakeman moved to approve Resolution No. 4051, VanAken seconded.

Discussion:

Caldwell asked if this was the same agreement the Commission had seen at the previous meeting. Meece said that it was.

VanAken asked if the public hearing would be on August 3rd. Becker said that was correct.

Joseph Murphy came forward and said he felt it is important for him to explain why he is at the meeting speaking again. He explained that he is not against the skating/hockey rinks, but he is concerned for the benefits of the students in the community who he feels would not be able to access the rinks at the 10th St. location as part of an academic curriculum. He said he had spoke to Jim Benvenga, the Park High Athletic Director, who told him that the high school had never stated that it did not have interest in the rinks for curriculum use. Kids need the chance to be part of their curriculum, Murphy added, and he would like to see this item postponed until school is back in session in September so the school system could be part of the conversation.

Blakeman said that part of her concern with locating the rinks at Miles Park, as Murphy has suggested, is that there is a possibility of an underground sprinkler system being implemented at the park, and she does not want to see that system adversely impacted by the rinks. She also said that she is concerned because Miles Park already sees heavy traffic and the 10th St. Park does not see as much.

VanAken added that if the rinks were to become a permanent structure, they could not be put at Miles Park because of activities like the farmer's market and Summerfest. He also said that he knows from LISA that shade, which

the 10th St. Park has, is important to the longevity of the ice on the rinks, so he feels inclined to move forward with the originally proposed location because there will still be a public hearing on this issue at the next meeting.

Laura Bray said that her concern is with the entire City parks program because there are many different projects proposed each year but she has never seen evidence of a master plan for the City parks, which she believes is a problem. She said she thinks there needs to be a cohesive idea for the use of the whole parks system, and added that she feels the ice skating rinks near the schools would be great.

Bill Spanning also said that it has been mentioned to him that the parks system lacks a master plan and he thinks it would be a good idea to have one, too.

No further discussion.

All in favor, motion to approve Resolution No. 4051 passed.

ACTION ITEMS:

Action Item A: Discuss/approve/deny request for waiver of Noise Ordinance for the "Relay for Life" to be held at the Park High Track/Football Field on July 24, 2009 at 6:00 pm.

Meece said that the letter concerning this in the packet from the Relay For Life group explains that their fundraiser is for cancer research and is an annual event that goes for 12 hours, therefore requiring them to request a waiver of the Noise Ordinance.

Blakeman moved to approve the request for a waiver of the Noise Ordinance. VanAken seconded.

Discussion:

Blakeman asked if the police department had received any complaints about the event the past year. Farrell said they had not, and that he believes it to be a pretty quiet event.

VanAken said he believes the waiver applies more to the time frame of the event, rather than the actual noise level it creates.

No further discussion.

All in favor, motion to approve request for waiver passed.

Action Item B: Discuss/approve/deny revisions of agreement for Resolution No. 4037 authorizing City Manager to sign Interlocal agreement with Park County, Montana, for a City/County IT/GIS Program.

Meece said that after passage and signature of the previous agreement, the County had made a few small changes to the document so he would like the Commission to agree to sign the altered document, at the request of the County.

Discussion of this item was postponed until the new document could be shown to the Commission later in the meeting.

Action Item C: Discuss/approve/deny appointments to Police Commission and City/County Airport Board.

Meece stated that the Commission had interviewed two of the three candidates for these three positions earlier that evening.

Blakeman asked if the two vacancies were on the Airport Board. Meece said that was correct.

Blakeman moved to appoint Ms. Zink to the Police Commission, and to appoint Mr. Loubaugh and Mr. Denton to the City/County Airport Board. VanAken seconded.

All in favor, motion to appoint to the boards passed.

Action Item D: Discuss/approve/deny salary increase request from City Judge for FY 2009-2010.

Meece said that he had received a request from the City Judge for a \$3/hour pay increase, and that it is of his opinion that, as the appointed City Manager, it should not be up to him to decide the salary of an elected official, so he wanted to bring it to the Commission for a decision and discussion.

Blakeman stated that, given the tight City budget, she is concerned with the full \$3/hour but she suggested a \$1.50/hour increase.

Blakeman moved to increase the salary of the City Judge by \$1.50/hour. VanAken seconded.

Discussion:

VanAken said that he also felt some reservations about giving the judge a \$3/hour raise because the City Clerk is now a full-time employee, so that should help with some of the judge's workload.

Bill Spannring said that the better jobs in the community these days seem to be with the government sector but we are living in a world where less of an increase for public workers will have to happen to get the private sector back on its feet.

VanAken said he wishes the situation were that the better jobs were in the private sector and that he knows the times are tough for many but the Commission has to look at these things on a case by case basis and the judge makes a good case for a pay increase so he still supports the increase in salary.

No further discussion.

All in favor, motion to increase salary by \$1.50/hour passed.

Action Item E: Discuss/approve/deny arrangements with Montana Department of Transportation for funding, oversight, and consultant selection, as related to Phase One of the Rail Road Underpass.

Meece explained that in September 2008, the citizens of Livingston voted in a special election to pass a special mill levy to help finance the construction of a new railroad underpass. In early 2009, the City was notified that it had received money from the federal government for part of the project, and those funds have been released and allocated so the State has to program the project into its State Transportation Project list, and then allocate the money to Livingston.

Meece further explained that in order for the City to move forward, a memo of understanding needs to be drafted with the DOT on how this project will go forward, and to stipulate the scope of work for Phase One, which involves how the City will select a consultant, which the Federal Highway Administration will co-sign. He added that no money could be designated as the City's local match requirement until this memo is executed. Phase One could be done with a loan against the coming tax revenue, but he would prefer not to do that and save that money for Phase Two.

Meece also said that the memo from the DOT had not arrived at the City yet but he wanted to still discuss this topic at this meeting. The State has its own consultant procedure which meets all of the Federal guidelines so it would save the administration time and money to let the DOT perform the consultant selection process, with the City being allowed input in the process. Meece said that if the Commission is comfortable with using the State process, the wheels could begin to turn more quickly, although since it is a State process, there is very little wiggle room for the administration or the Commission to change anything.

Caldwell said he would assume most consultants who would respond to a project of this nature would already be familiar with the State process. Meece agreed.

Blakeman moved to approve using the State consultant selection process. VanAken seconded.

Discussion:

VanAken said that he feels somewhat gun-shy but he knows this template for consultant selection is used quite often and that it would essentially go more smoothly if it were used.

Caldwell asked what timeframe is expected for the environmental assessment portion of Phase One. Meece said identifying the time frame is part of the process.

Alex Scaff asked how comfortable Burlington Northern Santa Fe is with an underpass being dug under their train tracks. Meece said BNSF has been involved from the very first discussions, so they are completely aware of and comfortable with this project.

Scaff also asked why it is an underpass and not an overpass. Meece said the ballot measure in September 2008 had been for an underpass, and the initial study had looked into an overpass but the underpass was determined to be the best option, due to the land use and location. Caldwell added that the existing topography of the area is more suited for an underpass.

No further discussion.

All in favor, motion to approve passed.

Action Item F: Discuss/approve/deny stimulus projects (non-bid) for sprinkler system in Sacajawea Park and the restrooms on the west end of Sacajawea Park.

Meece said that the Commission could deal with this item in several ways. The administration had said that it would put out the RFPs for the stimulus priority list of projects, but two of the items on the list - the sprinklers at Sacajawea Park and the bathrooms on the west end of Sacajawea Park - do not require RFPs. He said that the amount estimated for the sprinklers would be \$30,000 and the amount for the bathroom would be \$19,234, and that while the estimated costs for the two projects had been identified, the Commission could wait until the other three RFPs have been returned to make any kind of decisions.

VanAken said that given the fact that the City might be saving money on both of the non-bid projects, there might be other funds freed up from the stimulus money for the projects requiring the RFPs. Meece agreed, and said that while the two non-bid projects only total around \$51,000 now, the other projects could also come in higher than anticipated.

Laura Bray said this goes back to the notion she brought up earlier about the City Parks needing a master plan, especially with the idea of the project for more bathrooms at the west end of Sacajawea Park. She further said that G St. Park has bathrooms that are condemned, leaving no functional bathroom at that park, so putting in a third set of bathrooms at Sacajawea Park seems like not the best idea to her because Sacajawea is not the only park in the City. She also said that the City could opt to pitch in for bathrooms at G St. Park, where the proposed Rotary Club water park is to go in, which would help the Rotary out and help make G St. Park a more functional park for the community.

Meece said he does not disagree with Bray but the stimulus funding guidelines require either projects at Sacajawea Park or projects involving streets and sidewalks.

Caldwell asked if the proposed bathroom would be in the vicinity of the gazebo at Sacajawea Park. Meece said that was correct.

Blakeman asked if the bathroom would be one unisex bathroom, and not two separate ones. Meece said that was also correct. He also said that the Commission does not have to act on either item tonight, but that he just wanted the group to have the information.

Blakeman asked what the time frame for the proposed sprinkler system would be. Meece said it is essentially the sooner, the better, to guarantee getting the system in this season.

VanAken moved to approve using a portion of the City's stimulus money for an underground sprinkler system in Sacajawea Park. Blakeman seconded.

Discussion:

VanAken asked if the sprinkler system would be for the entire park. Meece said it would be mostly for the areas that have to be hand watered right now.

Alex Scaff noted that the G St. Park area residents have discussed the impact of the proposed water park with the Rotary but he had heard a rumor that the neighborhood was all okay with the project, which is not true he said because there is a huge impact on the neighborhood and the parking in the area.

Caldwell suggested sending a list of the area residents' concerns to the Rotary and the City Manager.

No further discussion.

All in favor, motion to approve use of a portion of the stimulus money for underground sprinklers in Sacajawea Park passed.

Action Item B Revisited:

Blakeman moved to authorize the City Manager to sign the new agreement with the County. VanAken seconded.

Blakeman asked if the agreement would preclude the costs from Granite Enterprises. Meece said that Granite will remain a contractor with the City but that the bill will go to the County, who will use money paid monthly by the City for those costs.

No further discussion.

All in favor, motion to authorize City Manager to sign the new agreement passed.

ACTION PLAN PROGRESS:

Caldwell suggested waiting for the next Commission meeting to allow the full commission to discuss creating a work product for the vision setting session. The discussion was postponed until the meeting on August 3rd.

CITY MANAGER COMMENTS:

VanAken asked if Meece could explain the salary for the Economic Development District Director. Meece said the RC&D district, which covers Gallatin, Park, and Meagher Counties, pays the position. He added that he put this item in his comments in the agenda because he wanted the Commission to be aware that the position is open, and he wanted to explain that it is not a City-created entity.

CITY COMMISSION COMMENTS:

Blakeman said she would like to give kudos to the Summerfest committee and the City workers who worked at the event, and that she thought it went very well. She also addressed the idea of a master plan for the parks; she agreed that it is a good idea, but suggested doing it as the trails master plan

was created, which was via a short-lived committee to develop the plan and do the research.

Consensus was given to put creation of a committee for a parks master plan on the action items for the next agenda.

PUBLIC COMMENTS:

Secilia Marino said she owns the property with the four silver maple trees on it, and she bought the property partly because of those trees and the benefits that they provide to the surrounding neighborhood. She stated she would not like to see them torn down and feels the only solution at this point is to not have a sidewalk, because the sidewalk connectivity in the area is limited, or at least look into alternative solutions.

Bill Spannring said that healthy, mature trees have a great value, so if there is any way to save the four in discussion, the City should go out of its way to do so.

No further public comment.

Being no further business, motion was made by Blakeman to adjourn the meeting, and seconded by VanAken.

All in favor, motion passed.

The time was 9:30 pm.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
City Commission Chair

**CITY OF LIVINGSTON
CITY COMMISSION MEETING
AUGUST 3, 2009**

The Livingston City Commission met in a regular session on Monday, August 3rd, 2009. Commissioners present were Steve Caldwell, Vicki Blakeman, Mary Beebe, Rick VanAken, and Juliann Jones.

Staff members present were Bruce Becker, Alan Davis, Darren Raney, Clint Tinsley, Jim Woodhull, Peggy Glass, and Robyn Keyes.

Motion to approve consent items was made by Blakeman, seconded by Beebe. All in favor, motion passed.

SCHEDULED PUBLIC COMMENT:

Secilia Marino stated that she was at the meeting to beg for forgiveness for not keeping her sidewalks and trees maintained, and to beg to not have her four trees removed on the corner of K St. and Geysler St. She said she has had four different arborists come in to determine the condition of her trees, and overall she has been told that they are about an 8.5 out of 10, and that it is unknown what is breaking the sidewalks up until the sidewalk is first removed to determine if it is even the fault of the tree roots that the sidewalk has buckled. She said that the arborists have written up statements of their findings, which she can provide, and that she will willingly repair the sidewalk and prune the trees on her own if her trees can stay in place.

Caldwell said that there are defined domains of authority with situations such as this, and it is not really up to the City Commission to deal with this; however, it is up to the administration, and he recommended talking further with Ed Meece and Tinsley on the issue.

Tinsley said that he will be asking the Tree Board to look into this situation and give a recommendation to the administration, but he thinks that the trees can be left in place for the time being if a workable solution is fully developed.

Marino said that she knows it is important to keep an eye on the trees from the liability standpoint of the City but she hopes that the administration and Meece can have a change of heart about her trees.

Bill Stephens said he is very interested in the trees being preserved because he has seen that the trees in this situation at Marino's property look healthy, her house looks good, and he understands that several solutions to the issue have been proposed, and he thinks elevating the grade on the sidewalk would help with the problem.

PUBLIC HEARINGS:

Ordinance No. 2014- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1625 AS CODIFIED BY CHAPTER 15 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED "GAMBLING" BY AUTHORIZING LIVE CARD GAMES BETWEEN THE HOURS OF 2:00 A.M. AND 8:00 A.M. AND ESTABLISHING A PENALTY FOR VIOLATION.

Ruth Dargis said she is against this ordinance and does not see the point to it. She said she feels it is irresponsible and feels people, due to the current economic situation, will lose too much money because some people will become desperate.

No further public comment, the public hearing was closed.

Blakeman moved to approve Ordinance No. 2014, VanAken seconded.

Discussion:

Beebe explained that the request to change this ordinance stemmed from the competition Bozeman is creating by allowing these extended hours, which has led to people who might play in Livingston going over to Bozeman and taking business away from Livingston. She also said that the ordinance deals with hours, not gambling itself.

Raney said that he has checked with other communities that have the extended hours and has heard of no problems, therefore he sees no problem for the police with extending the hours for live card games. He added that no alcohol could be served during these extended hours, which solves a lot of the potential problems and potential public safety issues.

Caldwell added that if problems do arise, the decision could always be reversed.

No further discussion.

All in favor, motion to approve Ordinance No. 2014 passed.

Resolution No. 4052- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS OF MAINTAINING AND IMPROVING STREETS AND ALLEYS IN THE AMOUNT OF \$717,000.00 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT.

There was no public comment.

Blakeman moved to approve Resolution No. 4052, Beebe seconded.

No discussion.

All in favor, motion to approve Resolution No. 4052 passed.

Resolution No. 4053- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS OF MAINTANING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$57,000.00 FOR FISCAL YEAR 2009-2010 AGAINST EVER PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT.

There was no public comment.

Blakeman moved to approve Resolution No. 4053, VanAken seconded.

No discussion.

All in favor, motion to approve Resolution No. 4053 passed.

Resolution No. 4054- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, MODIFYING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES THEREIN AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS OF \$77,214.00 FOR FISCAL YEAR 2009-2010 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT.

There was no public comment.

Blakeman moved to approve Resolution No. 4054, Beebe seconded.

Discussion:

VanAken said that he wanted to make sure people understood that extensive discussion had taken place on this and the two previous resolutions at previous Commission meetings and budget workshops, and that all three resolutions fall into the realm of continuing resolutions that are done each year.

No further discussion.

All in favor, motion to approve Resolution No. 4054 passed.

Resolution No. 4055- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN OPERATING AGREEMENT WITH LIVINGSTON ICE SKATING ASSOCIATION.

There was no public comment.

Blakeman moved to approve Resolution No. 4055, VanAken seconded.

Discussion:

Beebe said that this has been a long but worthwhile process and she feels it will be a great experiment.

VanAken said that he feels LISA has worked hard to create a workable plan for all parties involved, and since it is initially a one-year agreement, the City is not locked into anything because there is room to make changes if necessary. Also, he said that he feels it will be put at a good location and he is glad to see that part of the park being used finally.

No further discussion.

All in favor, motion to approve Resolution No. 4055 passed.

ORDINANCES:

There were none.

RESOLUTIONS:

Resolution No. 4056- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH SLEUTH SOFTWARE FOR BUSINESS HOURS SUPPORT FOR SLEUTH SOFTWARE IN THE AMOUNT OF \$2,903.65.

Raney said that this is the same resolution as previously done since 2001, and that it is necessary to have this. He also said there have been no problems with this software at this point.

Blakeman moved to approve Resolution No. 4056, VanAken seconded.

Discussion:

Caldwell asked if this was the same cost as before. Raney said the cost of the service contract has not increased in price since the city starting using this software in 2001.

No further discussion.

All in favor, motion to approve Resolution No. 4056 passed.

Resolution No. 4057- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RELATING TO FINANCING OF CERTAIN PROPOSED PROJECTS; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE.

Caldwell stated that this is essentially another 'housekeeping' resolution.

Blakeman moved to approve Resolution No. 4057, Beebe seconded.

Blakeman asked if the city would be borrowing only a portion of the costs on all of the projects. Davis said that was correct, and that the rest comes from impact fees.

No further discussion.

All in favor, motion to approve Resolution No. 4057 passed.

ACTION ITEMS:

Action Item A: Discuss/approve/deny "Memorandum of Understanding" for the Livingston Police Department.

Davis stated that a provision for shift differential and overtime pay for the School Resource Officer (SRO) was not included in the original agreement given to the Commission, and that the parties to the agreement had intended that such a provision be included. He added that the school system pays 50% of the cost for this position.

Blakeman moved to approve the MOU for the Livingston Police Department, VanAken seconded.

No discussion.

All in favor, motion to approve MOU passed.

Action Item B: Discuss/approve/deny Community Center feasibility study with Livingston School District.

Caldwell explained that the study/proposal is an exploratory analysis and is in the nature of a feasibility study, and is an opportunity to see if a project of this nature would make sense.

Blakeman asked if it would involve public hearings. Caldwell said it is essentially a public involvement exercise from beginning to end.

VanAken stated that he knows there are three to four organizations in the community who want to be involved on this project so his primary concern is getting the community all on the same page to work together because there is no need for a divided effort. He added that he is anxious to see how it all goes because a project like this has been talked about for years.

Blakeman moved to approve the City's involvement in the feasibility study at a level of 1/3 of the cost of \$25,000.00. Beebe seconded.

Caldwell added that this funding would come from the professional services account of the City Commission's budget.

No further discussion.

All in favor, motion to approve City involvement at 1/3 of the cost passed.

Action Item C: Discuss City tree inventory/removal/replacement program.

Blakeman said she would like to see the Commission officially approve the plan that Tinsley brought up earlier to prioritize the removal of dead trees and solicit the Tree Board's involvement in development of a management plan for city trees. This would give public works and the Tree Board time to develop a plan within budgetary constraints.

Davis suggested that creation of an operating plan would make sense. Becker agreed that it might be best to approach the Tree Board for their advice.

Jones noted that the Tree Board does not meet again until September.

VanAken said he agrees with Blakeman, and said that it is important to get rid of the dead and sick trees and plant new ones in their place because Dutch Elm Disease will take all of the elms in the City if given the chance. He recalled his experience in Great Falls and how successfully the city there attacked the disease. He added that he would like to see the City move in a similar direction to help the situation, and asked if Ordinance No. 2010 is the most current ordinance on the situation.

Becker said that Ordinance No. 2010 is the most current ordinance on the issue, and Caldwell said that 2010 could be revised if the Tree Board directed the Commission down that road.

Caldwell requested that the staff return at the next Commission meeting with more information and direction on recommended policy.

Gary George came forward and said he had recently observed the tree intern using a GPS device on the tree in his front yard, and recommended that the trees on the curbs be dealt with by stewardship, and not chainsaws because he believes in taking care of that which someone already has. He also said that this is a Tree City so he would like to see its trees be managed like that of a Tree City, because trees are oftentimes living memorials, like his is to his father-in-law. He also recommended management instead of removal, like he has seen Montana Power do with their power lines and trees.

Marino asked what an estimate of a time frame would be for her to get her trees pruned since it is only doable in the summertime, so she could have an idea of how long she would have before the trees are slated to be removed. Caldwell told her that it is again an operating decision so she needs to speak with Meece about this; the Commission also gave general direction for the staff to bring back a recommendation.

No further discussion.

Action Item D: Discuss/approve/deny revised staff recommendation for vacation of alley, Block V, Riverside addition.

Davis stated that the development review committee has recommended denying this request. Woodhull added that since the application was accepted, it has been discovered there is no sewer accessibility in the neighboring areas.

Becker recommended taking no action if the Commission wanted to deny the vacation request.

Blakeman said that she feels, at some point, the City might want access through to Geyser St. so she would like to see that option preserved. VanAken agreed.

Caldwell suggested that a decision by the Commission might be more effective than taking no action.

VanAken moved to approve vacation of the alley, Block V, Riverside addition. Beebe seconded.

No Commissioners in favor, motion to approve failed.

Action Item E: Discuss/approve/deny stimulus bids.

Davis said that Meece recommends accepting the bid to resurface the tennis courts and recommends re-bidding the Civic Center work.

Blakeman said that, with discussions going on about the possibility of renovating the Civic Center as part of a recreational facility development, she is somewhat uncomfortable spending money on the building now just to have it be re-done in a few years.

Davis reminded the Commission that Meece has spoken in the past about the dire need to redo the Civic Center exterior, but also that the administration understands the Commission's budget concerns.

Tinsley said he agrees with Meece that the Civic Center is currently the eyesore of the Sacajawea Park area and suggested waiting until Meece had returned to have this discussion.

Davis added that the recommendation from Meece was just to re-bid the project, not to make any final decisions on doing the project. Blakeman said she would like more information on who determined what the threat level of the Civic Center falling apart is.

Beebe said she has a hard time determining what is realistic with the feasibility study for the potential Community Center so she wants to make sure the City does not end up with nothing being done to the Civic Center, and the timing issue concerns her.

VanAken said he has reservations about putting money into projects that could be replaced again in the near future but the Civic Center is a community icon and he is concerned with hedging bets on the 'might happens' because that has been done on past projects and no action ended up being taken at all. He added that the Community Center feasibility study could take quite some time to come to fruition and be shovel-ready, so his inclination is that putting money into the Civic Center exterior would not make a difference in the study, therefore he would like to see it re-bid to buy some additional time for a decision.

VanAken moved to re-advertize bids for the Civic Center project, and to approve the recommended tennis court resurfacing bid. Jones seconded.

No further discussion.

All in favor, motion passed.

ACTION PLAN PROGRESS:

Caldwell said that Ken Weaver had agreed to assist with the Commission's Vision development meeting on August 10, and that Weaver had suggested getting some thoughts together before the meeting on tentative ideas for the work product the Commission would like to see.

VanAken asked if it would be helpful for all Commissioners to develop their own ideas of vision statements. Caldwell said that his understanding is that the ultimate objective of the exercise is to develop a strategic plan for guiding how the Commission and City Manager work together, so it might make sense to work backwards towards a vision of how the components of city government work together first.

Blakeman asked what Caldwell suggested bringing to next week's meeting. Caldwell said simply bringing an expectation for those results would be good.

Beebe said that there were some major points brought up in the facilitation that could be highlighted, such as the relationship between the City Manager and City Commission regarding operations and policy, and a protocol to work in the interface between the two domains.

Blakeman said she thought it would be useful to go over the things defined by law that belong to each domain. Becker said he could provide copies of the statutes, to which Caldwell agreed because he said that a better understanding of the different roles would be helpful.

Adam Stern said that he thinks the Commission could pass a resolution stating the vision that is created on all of these topics, such as pertaining to this tree issue, for direction so that staff members can implement those general goals and directions for the City, which would help also inform the public and the community.

CITY MANAGER COMMENTS:

VanAken said he is very pleased with the possibility of more appropriations coming to the City to help with the Railroad Underpass project.

CITY COMMISSION COMMENTS:

Beebe asked if there are any signs of money available to re-do the G St. Park bathrooms. Caldwell said that the available funds were allocated specifically to Sacajawea Park and city streets and sidewalks, but that there is a procedure that could re-direct some of the stimulus money to other projects. He added that he also believed that the renovation of G Street Park restrooms was tied in to the Rotary Water Park project; Tinsley said that is part of the discussion with the Rotary.

VanAken said he feels it is remarkably fortuitous that MRL has had to close the Mullan Tunnel for construction, which has helped there not be so much train traffic through Livingston while the underpass is closed. He also asked when the underpass would be opened again.

Tinsley said the connections of the water mains are complete but since there has to be emergency vehicle access allowed through the underpass, concrete can only be poured on one half of the street at a time, and that concrete has to cure enough to hold heavy vehicles such as fire trucks. He added that he hopes to have the underpass open by the last week in August, but that might be pushing it.

VanAken also said that people have been complaining to him about the washboards on the streets that got chip-sealed, and also that people need to move their vehicles when the street sweeper is in use so that the street sweeper can effectively do its job. He added that he sees some attention has been given to the alley behind First Interstate Bank, so he hopes the alley behind the Post Office can get some attention next.

Caldwell asked what the potential liability is to the City created by the tree that fell into the river by the 9th St. Bridge, and also where the merry-go-round from Sacajawea Park has gone. Tinsley said he would look into it because he did not have an answer at this time.

PUBLIC COMMENTS:

There were none.

Being no further business, motion was made by Blakeman to adjourn the meeting, and seconded by VanAken.

All in favor, motion passed.

The time was 8:25 pm.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
City Commission Chair

**CITY OF LIVINGSTON
CITY COMMISSION SPECIAL MEETING
AUGUST 10, 2009**

The Livingston City Commission met in a special meeting on Monday, August 10th, 2009, at 6:00 p.m.

Commissioners present were Steve Caldwell, Vicki Blakeman, Rick VanAken, Mary Beebe, and Juliann Jones.

Staff members present were Ed Meece, Miral Gamradt, and Robyn Keyes.

The purpose of the meeting was to have a discussion with Ken Weaver regarding how a better, more effective relationship could exist between the City Manager and the City Commission.

A discussion ensued where Weaver provided his services as a consultant on how this could be accomplished, and the group decided to meet again on August 24th, 2009 at 6:00 pm to discuss goal-setting between the two entities. Weaver also stated that the charge for his services would be \$1,500.00, not including aiding in training or evaluating.

Being no further business, motion was made by Blakeman to adjourn the meeting, and seconded by VanAken.

All in favor, motion passed.

The time was 8:05 pm.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
City Commission Chair

**CITY OF LIVINGSTON
CITY COMMISSION MEETING
AUGUST 17, 2009**

The Livingston City Commission met in a regular session on Monday, August 17, 2009. Commissioners present were Steve Caldwell, Vicki Blakeman, Rick VanAken, and Mary Beebe.

Staff members present were Ed Meece, Bruce Becker, Darren Raney, Alan Davis, Jim Woodhull, Clint Tinsley, Miral Gamradt, Peggy Glass, and Robyn Keyes.

A motion to approve Consent Items was made by Blakeman.

VanAken said he would like to pull items B and F to discuss separately. Blakeman withdrew her motion.

VanAken moved to approve Consent Items A, C, D, and E, Beebe seconded. All in favor, motion passed.

VanAken said he would like to see a sentence added to item B to reflect that Ken Weaver said he would provide a write-up of the meeting/discussion. He then moved to amend Consent Item B by adding a sentence of the previously mentioned nature to the August 10th Special Meeting minutes. Beebe seconded.

All in favor, motion to amend passed.

VanAken moved to approve Consent Item B as amended, Beebe seconded. All in favor, motion to approve Item B as amended passed.

VanAken moved to approve Consent Item F, Blakeman seconded.

VanAken asked if the administration is comfortable with waiving the fee in this item. Meece said that the administration is and that it has been done in the past, but that he does not recommend approving the waiver of fee for the parade because the money is used to reimburse the cost to the City to hold a parade.

Blakeman asked whether, if the Commission were to approve the event, the fee waiver for the parade would be approved, too. Meece said it did not; a separate motion to approve the fee waiver would be necessary. He also said that he could not think of an example of a fundraiser where the fee had been waived in the past.

VanAken said he would like to see consistency, therefore if other events have not gotten the fee waiver, he does not see why there should be one for this event.

All in favor, motion to approve Consent Item F passed.

SCHEDULED PUBLIC COMMENT:

Alex Scaff, a representative of the East Side Neighborhood Association, came forward to discuss issues with G St. Park. He provided a list of things the group would like to see handled before any big projects in the park are done, and that the group would like to see park items be re-used instead of purchased wherever possible. Scaff also said there is concern over traffic calming measures in the area because some of the main ways to get to the park are alley crossings, which are uncontrolled.

Scaff also expressed concern over the traffic on Geyser St. and said that the group would like to see some kind of warning to drivers be put in place, especially in the alley areas. He provided copies of the list to the Commission, and Meece said that the two of them could address the list at a meeting scheduled for the following day.

Beebe said that she likes the list, and feels that it is thorough and succinct.

PUBLIC HEARINGS:

Continued Public Notice-Resolution No. 4047- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF COMPLETION OF THE PRELIMINARY BUDGET FOR FISCAL YEAR 2009-2010 AND GIVING NOTICE OF A PUBLIC HEARING.

There was no public comment, and no action was taken at this point.

ORDINANCES:

There were none.

RESOLUTIONS:

Resolution No. 4058- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTABLISH LIMITS ON ASSESSMENTS FOR BENEFITTED PARCELS OF PROPERTY LARGER THAN ON EACRE LOCATED WITHIN STREET MAINTENANCE DISTRICT NO. 1 AND STREET LIGHTING DISTRICT NO. 20.

Blakeman moved to approve Resolution No. 4058, Beebe seconded.

Discussion:

Meece explained that the background on this resolution is that the City decided three years ago to create one district of each kind (lighting and street), in which as many properties as possible would be included since all citizens use the streets and lights, regardless of where they live within the City. He continued by explaining that Fleschman Creek Acres is the first area to have difficulty with this arrangement, and for now, the group has been given a 50% waiver of the fees. Now, Meece said, the City is in the position of having several very large property chunks that are completely undeveloped, so this resolution would help address that issue by keeping 95% of the community's assessments as is, and allowing a 50% fee reduction for 1-5 acre parcels, and providing that any undeveloped areas within the City that are over 5 acres be capped at the 5 acre assessment level.

Caldwell said that he agrees with the concept of the proposed formula for the 1-5 acre parcels, and asked if the budget was developed on the original formulations, rather than with the proposed formula.

Meece said the budget is based on how much would be done without the 5-acre cap but staff felt the \$34,000 adjustment for Yellowstone Preserve and the other undeveloped land is a big step; therefore the budget would be slightly changed, which would be reflected before final budget passage.

Caldwell asked if the resolution on the assessments could still be altered; Meece said it has not been turned in to the State yet so that is an option, and that if the rates were changed, everyone's rates would remain the same because the primary effect is on parcels that are more than 5 acres.

Caldwell suggested assessing the 1-5 acre parcels at 100% of the first acre and 40% of the incremental square footage to solve some formulation problems, and to create more of a graduated assessment.

Woodhull said that would not be a problem, and Becker suggested amending the resolution tonight.

Blakeman asked Caldwell to clarify his suggested formula. Caldwell said it would allow for assessment of the first acre of the 1-5 acre lots at 100%, then at 40% for the 2-5 acres, up to 5 acres, which would smooth the line.

Meece added that the proposed formula would decrease the fees for Fleschman Creek Acres, and he would like to double check the formula's impact on the budget.

VanAken moved to amend Resolution No. 4058 to use Caldwell's proposed formula, Beebe seconded.

All in favor, motion to amend passed.

Beebe moved to approve Resolution No. 4058 as amended, Blakeman seconded.

All in favor, motion to approve Resolution No. 4058 as amended passed.

No further discussion.

Resolution No. 4059- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE RATE FOR COLLECTION AND DISPOSAL OF SOLID WASTE IN THE AMOUNT OF 3%.

Beebe moved to approve Resolution No. 4059, VanAken seconded.

Discussion:

Meece explained that this had been part of the discussion during the budget process. He said that the City has often bypassed cost of living increases so he would like to avoid continuing to do so, which would avoid having to do huge increases all at once down the road. He added that the resolution, if passed, would come back for a public hearing at the next meeting, and that the rate increase would help cover some of the increased costs and expenses that occur in the solid waste fund over the course of a year.

Blakeman asked if the free compost pick-up costs are a part of this fund, too. Meece said that it is, along with items such as recycling efforts and wage costs for running the glass pulverizer.

Caldwell asked if 3% would be enough to cover the necessary increased costs in the fund. Meece said he feels it should cover the costs well enough, but it might be slow to show up due to already being into the fiscal year 2009-2010 at this point.

Beebe said she feels it is reasonable to increase the rate incrementally but she feels it might not be the right year to start since other rate increases were passed, as well. She said she does not want the citizens to get overwhelmed, even if the case for the increase is completely reasonable, because she feels people will just hear "increase" and not the 3%.

Caldwell asked what budget items would have to be cut if the increase was not passed. Meece said it is a complex fund so he would not be able to fully answer that question tonight. He added that the administration could try to move some things back to the general fund if it came down to it, but then that would take away from the general fund surplus amount.

VanAken commented that he saw that a single-family residence would have an increase of 44 cents per month, and if it would also apply to commercial businesses, and asked if he had read that correctly. Meece said that was correct.

VanAken said that while Beebe's points are correct, if the 3% is not done this year then it could have to be a 6% increase next year, and he does not feel that 3% would break the bank, even though he understands how citizens could see it as another increase, but he does not feel 44 cents is that drastic.

Meece said the costs could be lower in general if the City had a landfill in its county, like other communities do, but since this is not the case, the cost is a bit higher because of having to haul the waste to the Great Falls landfill.

Nancy Adkins said that it is not about the 44 cents but that this would be an increase on top of a lot of other expenses and increases already done this year to the community; she instead suggesting finding a way to create an incentive to reduce garbage in households by more recycling, which would supplement increasing the rate for solid waste. She also said that recycling needs to be promoted more effectively and more containers in additional locations for recycling need to be available.

No further discussion. All in favor, motion to approve Resolution No. 4059 passed.

Resolution No. 4060- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH CTA FOR FEASIBILITY STUDY OF THE LIVINGSTON EVENTS AND ARTS FACILITY.

Meece explained that this had been discussed at the previous Commission meeting to partner with the School District and hopefully Park County to promote research into this possible project. He added that the City has been asked to participate in a feasibility study, and that this proposed facility would benefit the City in areas such as being able to close the existing pool and increase recreation resources.

Beebe moved to approve Resolution No. 4060, Blakeman seconded.

VanAken asked if the other community groups had been brought into the discussion of this facility/project yet. Meece said that they all had come together to talk at a meeting approximately three weeks ago, and that the idea is to have a lot of community meetings as part of the process to get as much input as possible from the citizens.

All in favor, motion to approve Resolution No. 4060 passed.

Resolution No. 4061- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, SUPPORTING THE RETENTION OF HEALTHY MATURE TREES ON PUBLIC LAND OWNED BY THE CITY OF LIVINGSTON.

Meece said that several Commission members had requested this resolution and that this is just a beginning point to go from if the Commission would like to make changes to it.

VanAken asked if it would have a public hearing or if action on it tonight would be the final action. Becker said the Commission is welcome to have a public hearing on it but it is a statement of policy of the City Commission so they are not required to have one.

Beebe said she is not comfortable with passing the resolution as it stands tonight because she would like some public input and time to look over the resolution because of how pertinent of an issue it is at this time in the City to some residents. She added that she would like to explore resolutions other cities might have on the subject.

Caldwell asked if she would like to make revisions to the resolution. Beebe said she would be more like additions and refinements.

Beebe moved to postpone action on Resolution No. 4061 until the next meeting, September 8th, 2009. VanAken seconded.

No further discussion. All in favor, motion to postpone passed.

Adam Stern suggested that since this resolution is a statement of purpose essentially, that a statement of purpose is part of the wording, and he also said it needs to address sidewalk issues, too, since trees and sidewalks seem to go hand in hand.

Caldwell said that could be addressed in amendments to the current ordinance on the issue. Meece added that there are two roads being taken on the same issue- the Tree Board will be involved in recommendations for amendments to the tree ordinance, and the resolution is a statement of policy.

Stern said he feels the resolution needs to have teeth. Caldwell said that the teeth come in the ordinance to convey the changes in philosophy expressed in the resolution.

Meece added that the purpose of this resolution is to be a policy/philosophy statement of the City Commission, and while he sees what Stern is saying, those points will be reflected in the ordinance to match the resolution and create teeth for enforcement.

Blakeman said the Commission wants to be on record as being proactive on the issue of saving healthy trees; Meece added that the guidance for the administration to do so

comes in the changes to the ordinance, which will be a parallel track to the resolution's philosophy.

Nancy Adkins suggested defining what a 'healthy tree' is, and added that sometimes tree roots from privately owned trees come up into public property so the owners of the trees need to take care of their roots but also the citizens need to know what kind of time limit exists for them to take care of issues of that nature.

Meece told Adkins to have anyone concerned with that issue contact him to get on the sidewalk replacement list, which is annually updated for the entire City.

No further discussion.

ACTION ITEMS:

Action Item A: Discuss/approve/deny bids relating to Civic Center repair (HB #645) and discussion of possibly changing HB 645 priorities. Due to process timing (advertisement requirements) actual bids will be distributed at meeting.

Meece explained that as part of the stimulus package, HB 645 was created, which is where the City has gotten allocated money from that, at this point, is to be put to use in Sacajawea Park and for streets and sidewalks. However, he said these allocations could be changed. He further explained that this item is part of a list of 5 priorities the Commission previously determined, and through the bid process, a new bid that met state law was received for the Civic Center project for an amount of \$55,345, which would leave nearly \$30,000 to be spent if the Commission wants to approve this bid.

Blakeman said that she is still against spending more money on the Civic Center and would like to know the structural risks of not fixing the exterior of the facility. Tinsley said the structure's health was assessed a few years ago so that information should be available.

Meece said that the roof completion has helped fix some of the damage problems but the administration position is that the Civic Center is an icon of Sacajawea Park and its current appearance diminishes the look of the area. However, he said that the stucco should keep the building from falling down. He further said that he has often heard it said that when there is money available, the Civic Center should be fixed, so now that the money is available through the stimulus funding, he feels it would be a visible use of funds and would maintain a structure the City already has.

Blakeman said she does agree but if the Community Center feasibility is going to be looked into, she would hate to spend money on the Civic Center only to have it be

redone or closed in a few years. Meece said he understood what she was saying, but feels the timeline of the Community Center is fairly uncertain at this point.

Blakeman also said that she sees a value in the two projects the Commission already approved for use of stimulus funds and she feels that the remaining money could be spent on projects that have double impacts (needed and entailing operating cost reductions to the City) rather than do ones that are flashy.

Caldwell asked if the remaining \$25,000 would be enough to install a sprinkler system in Miles Park. Tinsley said it could cover it.

Blakeman asked if a sprinkler system was in place in the cemetery. Tinsley said it is feasible to do one but it would be very expensive; Meece added that the City is already purchasing two new sprinklers to help with the watering in the cemetery.

Beebe stated that she questions what the future of the Civic Center holds, because she feels uncertain about repairing the exterior when the building itself is not energy-efficient and up to the standards of today's needs. She said that sprinklers may not be as obvious to the community but that project would pay for itself over and over again, and that this is a one-time opportunity to think about the things that will pay for themselves and help stabilize the sustainable things in the City, while the Civic Center is not a building of the future.

Meece said he understands and respects these viewpoints and he is willing to have the administration review where else the stimulus money could be spent, but said that the Civic Center, like the City pool, may not be a facility of the future but it is what the City has so it will continue to be used until a viable alternative becomes available.

Meece also said that he will work diligently to help make the Community Center a reality, but he would like the Commission to keep in mind that the future is always uncertain. Caldwell added that this project would help mitigate future exterior maintenance costs from the Civic Center.

VanAken said that he still views the Civic Center as an icon of the community but it is an eyesore until it is fixed up. He explained that he sees a problem in the 'what ifs' with the Community Center because it also has the potential to be located elsewhere than near the Civic Center, and the entire project will not just happen overnight. He also said that he thought the Commission had decided fixing up the exterior of the Civic Center is a priority, which meant there is commitment to doing something with the facility.

VanAken asked how long the bid for the Civic Center would be good for, and if the project is of a seasonal nature. Meece said the bid is good for 60 days and the cost of waiting longer to do the project is risking cold weather. He also said that the stimulus

money has 18 months from May 2009 to be spent, and the money cannot be secured until the final information on all projects can be provided to the State.

VanAken moved to approve the bid from Stucco Tech for repair of the exterior of the Civic Center. Beebe seconded.

Discussion:

Caldwell asked Meece if there were no constraints of where the stimulus money could be spent, where would the administration like to see it go. Meece said there is certainly other projects that could be done that are large, community-enhancing projects, such as the G St. Water Park or the Soccer Association Park, but some of those projects have timing problems for availability of the specialized contractors that would be needed.

Blakeman asked if the City has to apply for all of its stimulus money at once. Meece said 90% of it could be received when the project list and specifications are complete, and then the final 10% is received after a progress report of the projects is given to the State.

Blakeman also asked if the money could be applied for even if the timing of the projects is for later on. Meece said that work just has to be shown by September 30, 2010.

Nancy Adkins said she feels the background of the Civic Center is extremely important to the history of Livingston and if its looks were improved, it would be used more often. She also said that the facility is emotionally important to the people of Livingston because the WPA built it many years ago. The sprinklers are only used a few months out of the year, where the building is used year-round, especially if it was fixed up because she said she does not see the Community Center being done in two years, and that she agrees with what Meece has said.

Beebe asked if there would be any additional funding available from elsewhere to improve the efficiency of the building. Meece said that there would be grants available to apply for this fall that would be on a competitive basis that the City could try to get.

Beebe suggested that if any improvements are going to be made to the exterior of the Civic Center then the interior needs to have money put into it, too, to increase the building's energy efficiency to cut down on the cost of the building's use. Therefore, she said that all of the stimulus money would have to be used in order to make the building truly functional in her eyes, and while her sense of responsibility is torn, she feels the Civic Center is a money pit and the stimulus funds could be used for other projects that give back.

Meece said he believes this is why money has not been spend on the Civic Center in the past, but now an unexpected revenue source became available that could provide the funds to fix it up.

Blakeman said she feels the focus needs to be shifted from the old to looking towards new alternatives that benefit a larger population, such as the Community Center would.

Karyle Frazier, a member of the Historic Preservation Commission, said she disagrees with Blakeman because keeping the historical integrity of a building such as the Civic Center is so important to a community. She recommended putting the money into the facility, and even more if necessary, because then the rates for its use could be increased and people would still pay the fees because it is used for so much already, and she hopes that the community could have the facility maintained to keep the historical integrity of the project intact.

Beebe said there is still a trade-off to do this project because there are other projects that are important to other people, and she does not feel the Civic Center is as important of a building to save as East Side School for example.

Tony Tecca, owner of Stucco Tech, asked what the Commission would like to see be done with the walls inside the Civic Center. Beebe said money could be used to do a study of how usability of the building could be increased.

Tecca suggested outsulation of the building, along with insulating the roof, because little things like those two suggestions could help maintain the efficiency of the building and even increase its efficiency; he explained there are lots of options that could be done.

Beebe said she is not against the renovation in general, but feels that the stimulus money could be spent further somewhere else.

No further discussion.

Two voted for (Caldwell, VanAken) and two voted against (Beebe, Blakeman). Motion failed.

Blakeman said she would like the administration to see if the money could be expanded to use in the other City parks and then the Commission be given a list of additional possible projects based on that recommendation.

Meece said that where the money is spent could be changed, but that the administration would need some kind of idea where to go from the Commission to help redefine the priorities for spending stimulus money.

Caldwell said he feels the Commission seems to favor capital projects that reduce costs in the parks.

Blakeman said she would like the Water Park to be further explored as a possible option, and that she would like to keep the options open for the bids that have been received on the park bathroom projects already on the priority list. Meece said he would get back to the Commission at the first meeting in September because the deadline created by changing weather for the construction season is getting close.

Action Item B: Discuss/approve/deny appointing Steve Caldwell as a City representative to the Community Center (School) project Executive Committee.

Blakeman moved to appoint Caldwell to the Executive Committee, Beebe seconded.

VanAken asked if the City only gets one representative on the committee. Caldwell said they are just asking for one for now, and Meece added that they are hoping to get one from the County, the City, and the School District.

All in favor, motion to appoint Caldwell passed.

Action Item C: Discuss/approve/deny appointing Mary Beebe as the City voting representative to the City/County Health Board or request staff to advertise for a voting City representative to this Board.

Beebe explained that she would like to be able to participate in the board, rather than just observe, so she could be able to vote on the issues. She asked if there is any legal requirement to advertise the position.

Becker said that the Commission could advertise if they desired to do so but since Beebe has been on the board for such a lengthy amount of time, the Chair could just nominate her.

Caldwell nominated Beebe to be the voting representative for the City of Livingston to the City/County Health Board, VanAken seconded.

All in favor, nomination passed.

Action Item D: Discuss "Draft" narratives for inclusion in FY 2010 budget.

Meece explained that Gamradt had helped develop this idea to continue to try to provide as transparent of a budget as possible, and it also puts Livingston in line with the developing national standards in terms of budget preparation.

Gamradt said these narratives provide a lot of information; he also said that the GFOA provides a set of criteria that if the City achieved a specific level of compliance with, an award would be received that would provide the City a lot of benefits. He further explained that the draft approach provides more of a long-range perspective that helps create long-range goals for the City and Commission on which to base performance measures. He said it also moves away from line item budgets towards looking at what the City is going to accomplish and how.

VanAken asked if, under the Scope, the administration could not authorize expenditure. Gamradt said passage of the budget by the Commission would provide authorization to spend, and that it is possible to have each department limited to the overall dollar amount of funding appropriated by the Commission. Meece added that the Commission can decide on whatever level of authorization the group desires but the wording provided is in line with how the City does it currently.

VanAken also asked what the difference between earmarking and what the City does now is. Meece said an earmark is different from collecting revenues because an earmark has a very specific use.

Blakeman said that one-time revenues concern her, such as the SRO officer position, so she would like to see the salary picked up in situations such as that so it is not ongoing. Gamradt agreed, and said that it is similar to the stimulus funding because it is one-time revenue so it should not be marked to finance something that is ongoing.

Caldwell asked if there was any kind of guidance for selecting the independent auditor on page 81. Gamradt said the GFOA recommends creating an audit committee to make a recommendation.

Caldwell also asked if any action needed to be taken on this item. Meece said it did not, that he wanted the Commission to see what the finance department and department heads have been working on creating, and that there will be more of this down the road.

Caldwell said he feels it is good for the City to be moving in this direction. Blakeman agreed.

CITY MANAGER COMMENTS:

Blakeman clarified that the cardboard compactor was not discussed to be located in the downtown area, but it was discussed that a second one could go in that location some day. Meece said he agrees, but that he wanted to make sure the community did not think something was being taken away from them.

CITY COMMISSION COMMENTS:

Blakeman said it had been discussed at the previous meeting to create a park use plan, and she clarified that it would not be an ongoing committee but a one-time effort with a definite end point. Caldwell said it could be similar to the trails committee.

VanAken said he appreciated Meece coming to the Senior Center to assist in surveying the situation of excessive chlorine getting into the water.

PUBLIC COMMENT:

Karyle Frazier commended the public works department on their work at B St. and their excellent communication with the downtown merchants located in the area. She also said that she has been laid off from Vision Livingston, leaving the downtown program with an inactive status on the state list of Main Street programs, which impacts the Business Improvement District progress, too. She suggested several options to help Vision Livingston get additional funding, during which she mentioned that she has talked to the County who said they are open to the potential of matching a \$25,000 grant from the Urban Renewal Authority, and she urged the Commission to discuss with the Vision Livingston Board ways to keep the program afloat.

John Hykes, manager of the Livingston Mercantile, came forward to express his concern over the Vision Livingston situation because he feels that the program has gained great momentum and he would hate it to take steps backward. He added that a healthy, viable city requires a healthy, viable main street and without Vision Livingston, Livingston runs the risk of falling backwards and having wasted the money that the City initially gave to the program.

Being no further business, motion was made by Blakeman to adjourn the meeting, and seconded by Beebe.

All in favor, motion passed.

The time was 9:48 pm.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
City Commission Chair

**Summary Minutes of Livingston City Commission Meeting
September 8, 2009
7:00 p.m.**

A. Call to order/Roll Call:

- a. Commissioner Caldwell called the meeting to order at 7:00 pm.
- b. Commission members present were: Steve Caldwell, Vicki Blakeman, Rick VanAken, Mary Beebe, and Juliann Jones; also City Manager, Ed Meece.

B. Consent Items:

- a. Blakeman moved for approval, Beebe seconded.
- b. All in favor, motion to approve passed.

C. Special Presentations:

- a. Chief Raney introduced Officer Jessika Kynett and announced that she has been promoted to full-time regular status in the Police Department.
- b. Butch Weedon, director of Montana State University Fire Services Training School, presented Firefighter I certifications.

D. Proclamations:

- a. Proclamation of National Patriotism Week, September 7-11, 2009.

E. Scheduled Public Comment:

- a. Lenny Gregrey addressed the Commission regarding their recent vote to not use stimulus money to repair the exterior of the Civic Center.

F. Public Hearings:

1. **Resolution No. 4062- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING THE BASE RATE FOR COLLECTION AND DISPOSAL OF SOLID WASTE IN THE AMOUNT OF 3%.**
 - a. VanAken moved to approve, Beebe seconded.
 - b. All in favor, motion passed.
2. **Resolution No. 4066- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2009-2010, ESTABLISHING THE TAX LEVY, MAKING APPROPRIATIONS AND AUTHORIZING THE CITY MANAGER TO AMEND THE BUDGET.**
 - a. Blakeman moved to approve, Beebe seconded.
 - b. All in favor, motion passed.
3. **East Side School Zone Change-**
 - a. Blakeman moved to approve change, Jones seconded.
 - b. All in favor, motion to approve passed.

G. Ordinances:

There were none.

H. Resolutions:

- 1. Resolution No. 4063- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING LIMITS ON ASSESSMENTS FOR BENEFITTED PARCELS OF PROPERTY LARGER THAN ONE ACRE LOCATED WITHIN STREET MAINTENANCE DISTRICT NO. 1 AND STREET LIGHTING DISTRICT NO. 20 AND AMENDING RESOLUTIONS NOS. 4052 AND 4053.**
 - a. Beebe moved to approve, VanAken seconded.
 - b. All in favor, motion to approve passed.
- 2. Action Item A: Discuss/approve/deny recommendation of award from CTA Civil Engineers for the bids received for the City of Livingston 2009 asphalt overlay project to BIG SKY ASPHALT, INC., in the amount of \$70,000.00.**
 - a. Jones moved to approve recommendation, VanAken seconded.
 - b. All in favor, motion to approve recommendation passed.
- 3. Resolution No. 4064-A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH BIG SKY ASPHALT, INC., FOR THE 2009 ASPHALT OVERLAY PROJECT IN THE AMOUNT OF \$70,000.00.**
 - a. VanAken moved to approve, Jones seconded.
 - b. All in favor, motion to approve passed.
- 4. Resolution No. 4065- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE CITY OF LIVINGSTON CO-COMPOSTING FACILITIES PLAN AND PROVIDING A STATEMENT THAT THE CITY HAS BUDGETED FOR AND PLANS TO IMPLEMENT AND OPERATE A COMMUNITY WIDE COMPOSTING FACILITY.**
 - a. Blakeman moved to approve, Beebe seconded.
 - b. All in favor, motion to approve passed.
- 5. Action Item B: Discuss/approve/deny recommendation of award from CTA Civil Engineers for the bids received for the City of Livingston 2009 Wastewater Treatment Plant improvements procurement project.**
 - a. Jones moved to approve recommendation, VanAken seconded.
 - b. All in favor, motion to approve passed.
- 6. Resolution No. 4067- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROCUREMENT AGREEMENT WITH WESTECH IN THE AMOUNT OF \$95,504.00 FOR PURCHASE OF THE DIGESTER COVER FOR THE 2009 WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT.**
 - a. Blakeman moved to approve, VanAken seconded.
 - b. All in favor, motion passed.

7. **Resolution No. 4068- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROCUREMENT AGREEMENT WITH JDV EQUIPMENT IN THE AMOUNT OF \$77,850.00 FOR PURCHASE OF THE DIGESTER MIXING AND HX SYSTEM FOR THE 2009 WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT.**
 - a. Jones moved to approve, Blakeman seconded.
 - b. All in favor, motion to approve passed.
 8. **Resolution No. 4069- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROCUREMENT AGREEMENT WITH HUBER TECHNOLOGY IN THE AMOUNT OF \$178,244.00 FOR PURCHASE OF THE SLUDGE DE-WATERING SYSTEM FOR THE 2009 WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT.**
 - a. Beebe moved to approve, Jones seconded.
 - b. All in favor, motion to approve passed.
 9. **Resolution No. 4070- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROCUREMENT AGREEMENT WITH ENGINEERED COMPOST SYSTEMS IN THE AMOUNT OF \$83,900.00 FOR PURCHASE OF THE MIXER FOR THE 2009 WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT.**
 - a. VanAken moved to approve, Beebe seconded.
 - b. All in favor, motion to approve passed.
 10. **Resolution No. 4071- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROCUREMENT AGREEMENT WITH ENGINEERED COMPOST SYSTEMS IN THE AMOUNT OF \$358,100.00 FOR PURCHASE OF IN-VESSEL COMPOSTING SYSTEM FOR THE 2009 WASTEWATER TREATMENT PLANT IMPROVEMENTS PROJECT.**
 - a. Beebe moved to approve, VanAken seconded.
 - b. All in favor, motion to approve passed.
 11. **Resolution No. 4072- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH LOCAL 630 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS ADOPTING PROMOTION POLICY IMPLEMENTING ARTICLE X-VACANCIES AND PROMOTIONS SECTION 10.1-PROMOTIONS.**
 - a. VanAken moved to approve, Beebe seconded.
 - b. All in favor, motion to approve passed.
- I. Action Items:**
1. **Action Item C:** Discuss/approve/deny request from the Livingston Youth Soccer Association to reject bids for the Northside Park and Soccer Fields.
 - a. Blakeman moved to approve bids, VanAken seconded.
 - b. No Commissioners voted in favor, motion to approve bids failed.
 2. **Action Item D:** Discuss/approve/deny expenditure of H.B. 645 funds (stimulus) in coordination of Administration's August 28, 2009 proposal (#2).

- a. VanAken moved to approve expenditure proposal option #2, Blakeman seconded.
 - b. All in favor, motion to approve expenditure passed.
- 3. **Action Item E:** Discuss 'Meeting Minutes' issues related to format, content, and policy regarding recordings of the meetings.
 - a. Consensus was reached to test pilot a system of using recordings of meetings as official meeting minutes and creating a set of action/summary minutes to supplement the recordings.

- J. **Action Plan Progress:**
 - a. Nothing was discussed at this time.

- K. **City Manager Comments:**
 - a. Jones and VanAken made statements.

- L. **City Commission Comments:**
 - a. Blakeman, Beebe, VanAken, Jones, and Caldwell all made comments.

- M. **Public Comments:**
 - a. Dr. Baskett spoke to request reconsideration of a fee waiver for the Shrine Parade in October.
 - b. Tom Wilke spoke on the same topic as Dr. Baskett.

- N. **City Manager Comments (revisited):**
 - a. Blakeman moved to reconsider Resolution No. 4066, Jones seconded.
 - b. All in favor, motion to reconsider passed.
 - c. VanAken moved to approve Resolution No. 4066 by including exhibit B-1. Blakeman seconded.
 - d. All in favor, motion to approve passed.

- O. **Adjournment:**
 - a. The meeting was adjourned by Caldwell at 9:34 p.m.

Meeting of the City Commission of the City of Livingston

September 15, 2009 Special Meeting of the City Commission of the City of Livingston

6:00 call to order

Roll Call

Vicki Blakeman present

Steve Caldwell present

Rick VanAken present

Julianne Jones present

Mary Beebe present

Persons in attendance

Bruce Becker, City Attorney acting as recording secretary.

Karl Knuchel, attorney at law, representing the City in the case of City of Livingston, et al. v. Burlington Northern Santa Fe Railroad, et al.

Mark Hartwig, attorney at law, representing the City in the case of City of Livingston, et al. v. Burlington Northern Santa Fe Railroad, et al.

6:02 Executive Session - Chairman Caldwell read attached Notice of Executive Session to Discuss Litigation in the case of City of Livingston, et al. v. Burlington Northern Santa Fe Railroad, et al.

City Commission went into executive session to discuss litigation strategy.

6:34 City Commission returned to open session.

Motion by Commissioner Blakeman, Seconded by Commissioner VanAken to authorize the City's attorneys to respond to an offer to negotiate a settlement in the case of City of Livingston, et al. v. Burlington Northern Santa Fe Railroad, et al.

Vote

Blakeman for

Caldwell for

VanAken for

Jones for

Beebe for

Caldwell determined that motion passed

Caldwell – call for public comment

None

Blakeman moved to adjourn, seconded by VanAken all in favor

6:35 Adjourned

Minutes of Livingston City Commission
September 21, 2009
7:00 p.m.

A. Call to order/Roll call

- a. Commissioner Caldwell called the meeting to order at 7:00 p.m.
- b. Commissioners present were Steve Caldwell, Mary Beebe, Vicki Blakeman, Rick VanAken, and Juliann Jones.

B. Consent Items (00:02:00):

- a. Beebe moved to approve Consent Items A-D, VanAken seconded.
- b. All in favor, motion to approve A-D passed.
- c. VanAken moved to approve Consent Item E, Blakeman seconded.
 - i. Tom Weik spoke in favor of approval of Item E.
- d. All in favor, motion to approve passed.

C. Special Presentation (00:08:53):

- a. Peggy Glass recognized Dispatchers Kim Villa and Angie Hiser for their recent promotions to Dispatch Supervisors. A five minute recess was taken.

D. Consent Items (revisited) (00:01:00):

- a. Jones moved to approve Consent Item F, Beebe seconded.
- b. All in favor, motion to approve passed.

E. Scheduled Public Comment (00:01:15):

- a. Marsha Carlin and Shelly Kurschner presented a donation of the Military Monument in Sacajawea Park from the Military Families of Park County to the City of Livingston; Chairman Caldwell accepted the donation of this monument, on behalf of the City of Livingston.

F. Ordinances (00:02:27):

- a. Ordinance No. 2015- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED THE OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY REZONING TRACT A-1 AND TRACT B-1 OF SUBDIVISION PLAT NO. 410 LOCATED IN BLOCK 75 OF THE ORIGINAL TOWNSITE PLAT, COMMONLY REFERRED TO AS THE OLD EASTSIDE SCHOOL, FROM NEIGHBORHOOD COMMERCIAL (NC) TO CENTRAL BUSINESS DISTRICT (CBD).
 - i. Blakeman moved to approve Ordinance No. 2015, Beebe seconded.
 - ii. Nancy Adkins suggested placing signage in the adjacent neighborhood to the area discussed to make the neighborhood aware of the zone change.
 - iii. All in favor, motion to approve passed.

G. Resolutions (00:11:20):

- a. Resolution No. 4073-A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH CRAZY MOUNTAIN PRODUCTIONS FOR SALE OF EASTSIDE SCHOOL.
 - i. VanAken moved to approve Resolution No. 4073, Jones seconded.
 - ii. Adkins and Lenny Gregrey spoke regarding the resolution.
 - iii. All in favor, motion to approve passed.

- b. Resolution No. 4074- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTABLISH A HALLOWEEN ZONE FOR SAFE TRICK OR TREATING AND CLOSING YELLOWSTONE STREET FROM 6:00 P.M. UNTIL 9:00 P.M. TO ALL VEHICULAR TRAFFIC AND CALLING FOR A PUBLIC HEARING.
 - i. Blakeman moved to approve Resolution No. 4074, Beebe seconded.
 - ii. Karyle Frazier said she applauds the Commission for doing this.
 - iii. All in favor, motion to approve passed.

H. Action Items (00:27:50):

- a. Action Item A- Discuss/approve/deny the Administration's proposals (1 and 2) for the use of HB 645 funds (stimulus related), to include possible reconsideration of a project to restore the exterior of Civic Center.
 - i. Beebe moved to substitute the Civic Center exterior/stucco project for the vehicle barrier project in Sacajawea Park in the list of stimulus funds projects, VanAken seconded.
 - ii. Adkins, Gregrey, and Jim Hunt all spoke in favor of approval.
 - iii. All in favor, motion passed.

I. City Manager Comments (01:10:30):

- a. VanAken and Blakeman made comments.

J. City Commission Comments (01:16:00):

- a. Blakeman, Beebe, VanAken, and Jones made comments.

K. Public Comments (01:34:56):

- a. Adkins spoke regarding her desire to see the City and County considered as one community.
- b. Diane O'Brian spoke regarding her desire to see more community members attend Commission meetings and her excitement to see the Civic Center improved, and also to offer her help any way she could.

L. Adjournment:

- a. Blakeman moved to adjourn, Beebe seconded.

- b. All in favor, motion to adjourn passed.
- c. Meeting adjourned at 8:59 p.m.

Minutes of the Livingston City Commission

October 5, 2009

7:00 p.m.

A. Call to order/roll call:

- a. Chairman Caldwell called the meeting to order at 7:00 p.m.
- b. Commissioners present were Steve Caldwell, Vicki Blakeman, Mary Beebe, and Juliann Jones. Rick VanAken was absent.

B. Consent Items (00:00:50):

- a. Blakeman moved to approve consent items, Beebe seconded.
- b. All in favor, motion to approve consent items passed.

C. Scheduled Public Comment (00:01:10):

- a. Lindie Gibson commented on issues of disturbing the peace in her neighborhood, open parking issues on City streets, and the new sidewalks in the Park and D St. area and the H St. and Geysers St. area.

D. Public Hearings (00:30:05):

- a. Resolution No. 4075- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING A HALLOWEEN ZONE FOR SAFE TRICK OR TREATING AND CLOSING YELLOWSTONE STREET FROM CALLENDER STREET TO GEYSER STREET FROM 6:00 P.M. UNTIL 9:00 P.M. ON HALLOWEEN TO ALL VEHICULAR TRAFFIC.
 - i. Lindie Gibson and Margo Coffey spoke against the resolution.
 - ii. Laurellen Friedman, Rosamond Stanton, and Storrs Bishop spoke in favor of the resolution.
 - iii. Blakeman moved to approve Resolution No. 4075, Jones seconded.
 - iv. All in favor, motion to approve passed.

E. Ordinances (00:52:35):

- a. Ordinance No. 2016- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1962 AS CODIFIED BY ARTICLE II-COMMISSION AND CHAIRMAN OF CHAPTER 2-GOVERNMENT AND ADMINISTRATION OF THE LIVINGSTON MUNICIPAL CODE BY DESIGNATING THE DIGITAL RECORDING THEREOF AS THE OFFICIAL PUBLIC RECORD OF THE PROCEEDINGS OF THE LIVINGSTON CITY COMMISSION AND ESTABLISHING THE FORMAT FOR THE OFFICIAL MINUTES THEREOF.
 - i. Beebe moved to approve Ordinance No. 2016, Jones seconded.
 - ii. Nancy Adkins spoke regarding the need for accessibility for citizens to obtain copies of the meeting recordings.
 - iii. All in favor, motion to approve passed.

Times noted in parenthesis next to each section are location of item on meeting recording, available on www.livingstonmontana.org or at the City Office, 414 E. Callender Street.

F. Resolutions (00:59:40):

- a. Resolution No. 4076- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH STUCCO TEC, INC. FOR RESURFACING OF THE EXTERIOR OF THE CIVIC CENTER IN THE BID AMOUNT OF \$55,345.00.
 - i. Beebe moved to approve Resolution No. 4076, Blakeman seconded.
 - ii. All in favor, motion to approve passed.

- b. Resolution No. 4077- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH PARK COUNTY, MONTANA, TO CONTINUE D.A.R.E. PROGRAM FOR SCHOOLS LOCATED OUTSIDE OF THE CITY OF LIVINGSTON.
 - i. Jones moved to approve Resolution No. 4077, Beebe seconded.
 - 1. Blakeman moved to amend Resolution No. 4077, Beebe seconded.
 - 2. All in favor, motion to amend passed.
 - ii. All in favor, motion to approve passed.

- c. Resolution No. 4078- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RELATING TO \$152,941 WATER SYSTEM REVENUE BOND, SERIES 2009; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF AND THE SECURITY THEREFORE.
 - i. Jones moved to approve Resolution No. 4078, Beebe seconded.
 - ii. All in favor, motion to approve passed.

- d. Resolution No. 4079- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RELATING TO \$141,743 SEWER SYSTEM REVENUE BOND, SERIES 2009; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF AND THE SECURITY THEREFORE.
 - i. Jones moved to approve Resolution No. 4079, Beebe seconded.
 - ii. All in favor, motion to approve passed.

G. Action Items (01:07:55):

- a. Action Item A- Discuss "Master Plan" process proposal for Park and Recreational Facilities.
 - i. Beebe moved to direct staff to put out an RFP based on the scope of work provided in the packet. Jones seconded.
 - ii. All in favor, motion passed.

H. Action Plan Progress(01:15:50):

- a. A meeting with Ken Weaver was scheduled for October 26, 2009 at 6:00 p.m.

- I. **City Manager Comments (01:16:45):**
 - a. Blakeman made comments.

- J. **City Commission Comments (01:17:16):**
 - a. Blakeman, Beebe, and Jones all made comments.

- K. **Public Comments (01:21:30):**
 - a. Bill Spannring spoke regarding if there would be a cost to the City to close Yellowstone Street on Halloween, and also if composting was being done.

- L. **Adjournment:**
 - a. Blakeman moved to adjourn, Beebe seconded.
 - b. Meeting was adjourned at 8:28 p.m.

Minutes of the Livingston City Commission
October 19, 2009
7:00 p.m.

A. Call to order/roll call:

- a. Chairman Caldwell called the meeting to order at 7:00 p.m.
- b. Commissioners present were Steve Caldwell, Vicki Blakeman, Mary Beebe, Rick VanAken, and Juliann Jones.

B. Consent Items (00:00:45):

- a. Beebe moved to approve consent items, Jones seconded.
- b. All in favor, motion to approve consent items passed.

C. Proclamations (00:01:00):

- a. Caldwell read 'A proclamation supporting the International Day of Climate Action on October 24, 2009, as part of the Global 350 effort.'

D. Scheduled Public Comment (00:02:04):

- a. Mark Rehder spoke to encourage the Commission to consider a resolution of support for the community garden project and also to write a letter of support for the Yellowstone Youth Food Systems Initiative to the USDA.
 - i. Commission asked that staff work with Rehder to draft a letter and a resolution.
- b. Bill Moser spoke to request the Commission look into creating a resolution that would express dissatisfaction with the US Patriot Act.
 - i. Commission asked that staff work to combine the supplied resolution examples with current federal draft legislation addressing this topic to create a document for the Commission to look over at a future meeting.

E. Public Hearings (00:13:45):

- a. Ordinance No. 2015- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED THE OFFICAL ZONING MAP OF THE CITY OF LIVINGSTON BY REZONING TRACT A-1 AND TRACT B-1 OF SUBDIVISION PLAT NO. 410 LOCATED IN BLOCK 75 OF THE ORIGINAL TOWNSITE PLAT, COMMONLY REFERRED TO AS THE OLD EASTSIDE SCHOOL, FROM NEIGHBORHOOD COMMERCIAL (NC) TO CENTRAL BUSINESS DISTRICT (CBD).
 - i. There was no public comment.
 - ii. VanAken moved to approve Ordinance No. 2015, Beebe seconded.
 - iii. All in favor, motion to approve passed.
- b. Ordinance No. 2016- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1962 AS CODIFIED BY

Time noted in parenthesis next to each section is the location of the item on meeting recording, available on www.livingstonmontana.org or at the City Office, 414 E. Callender Street.

ARTICLE II-COMMISSION AND CHARIMAN OF CHAPTER 2-GOVERNMENT AND ADMINSTRATION OF THE LIVINGSTON MUNICIPAL CODE BY DESIGNATING THE DIGITAL RECORDING THEREOF AS THE OFFICAL PUBLIC RECORD OF THE PROCEEDINGS OF THE LIVINGSTON CITY COMMISSION AND ESTABLISHING THE FORMAT FOR THE OFFICIAL MINUTES THEREOF.

- i. There was no public comment.
- ii. Jones moved to approve Ordinance No. 2016, VanAken seconded.
- iii. All in favor, motion to approve passed.

F. Ordinances:

- a. There were none.

G. Resolutions (00:16:30):

- a. Amended Resolution No. 4079- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RELATING TO \$152,941 WATER SYSTEM REVENUE BOND, SERIES 2009; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF AND THE SECURITY THEREFORE.
 - i. Blakeman moved to approve the Execution Version of Amended Resolution No. 4079, Beebe seconded.
 - ii. All in favor, motion to approve passed.

- b. Amended Resolution No. 4078- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RELATING TO \$141,743 SEWER SYSTEM REVENUE BOND, SERIES 2009; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF AND THE SECURITY THEREFORE.
 - i. Blakeman moved to approve the Execution Version of Amended Resolution No. 4078, VanAken seconded.
 - ii. All in favor, motion to approve passed.

H. Action Items (00:24:15):

- a. Action Item A- Discuss/approve/deny "Green Screens" proposal from Administration.
 - i. Jones moved to approve implementation of "Green Screens," Beebe seconded.
 - ii. All in favor, motion to approve passed.

- b. Action Item B-Discussion of nuisance/weed enforcement.
 - i. Jim Woodhull and Clint Tinsley spoke to explain this item.

- c. Action Item C- Resignation letter from Eleanor Wend to the Urban Renewal Authority. Direct staff to advertise for vacancy.
 - i. Blakeman moved to direct staff to advertise the vacancy, Beebe seconded.

Time noted in parenthesis next to each section is the location of the item on meeting recording, available on www.livingstonmontana.org or at the City Office, 414 E. Callender Street.

ii. All in favor, motion passed.

I. **City Manager Comments (00:59:00):**

a. There were none.

J. **City Commission Comments (01:00:00):**

a. Jones, VanAken, Beebe, Blakeman, and Caldwell all made comments.

K. **Public Comments (01:11:00):**

a. Nancy Adkins spoke regarding her concerns with the quality of the City water supply.

b. Bill Spannring reiterated that chlorine in water evaporates, and also wanted to thank the department heads with the City for their cooperation with answering his recent questions.

L. **Adjournment (01:23:00):**

a. Blakeman moved to adjourn, Beebe seconded.

b. All in favor, motion to adjourn passed.

c. Meeting was adjourned at 8:23 p.m.

Minutes of the Livingston City Commission
November 2, 2009
7:00 p.m.

A. Call to order/roll call:

- a. Chairman Caldwell called the meeting to order at 7:00 p.m.
- b. Commissioners present were Steve Caldwell, Vicki Blakeman, Mary Beebe, Rick VanAken, and Juliann Jones.

B. Consent Items (00:00:18):

- a. Blakeman moved to approve consent items, Beebe passed.
- b. All in favor, motion to approve consent items passed.

C. Resolutions (00:00:32):

- a. Resolution No. 4080- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, SUPPORTING COMMUNITY GARDENS WITHIN THE CITY OF LIVINGSTON, MONTANA.
 - i. Beebe moved to approve Resolution No. 4080, VanAken seconded.
 - ii. All in favor, motion to approve passed.
- b. Resolution No. 4081- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, UPHOLDING THE HUMAN RIGHTS AND CIVIL LIBERTIES OF THE RESIDENTS OF LIVINGSTON, MONTANA.
 - i. Blakeman moved to approve Resolution No. 4081, Jones seconded.
 - ii. Nancy Adkins asked for an explanation for the need of this resolution.
 - iii. All in favor, motion to approve passed.
- c. Resolution No. 4082- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CONTRACT #STMGF-60-MP-077 WITH MONTANA DEPARTMENT OF COMMERCE FOR MONTANA REINVESTMENT ACT IN AN AMOUNT NOT TO EXCEED \$134,301.37 FOR INFRASTRUCTURE PROJECTS, INCLUDING THE TENNIS COURTS, SACAJAWEA PARK IRRIGATION, CIVIC CENTER STUCCO, GALLATIN STREET WALK PATH, WEBB PARK IRRIGATION, AND MOBILE SPEED ALERT SIGN.
 - i. VanAken moved to approve Resolution No. 4082, Beebe seconded.
 - ii. All in favor, motion to approve passed.
- d. Resolution No. 4083- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, SUPPORTING THE YELLOWSTONE GATEWAY MUSEUM OF PARK COUNTY.
 - i. VanAken moved to approve Resolution No. 4083, Jones seconded.
 - ii. All in favor, motion to approve passed.

D. Action Items (00:11:18):

- a. Action Item A- Discuss/approve/deny letter of support for the “Yellowstone Youth Food Systems Initiative”
 - i. Blakeman moved to approve letter of support, Jones seconded.
 - ii. All in favor, motion to approve passed.

- b. Action Item B- Discuss/approve/deny Tim Williams, Police Officer, request of waiver for residency requirements.
 - i. Blakeman moved to approve waiver, Beebe seconded.
 - ii. All in favor, motion to approve passed.

E. City Manager Comments (00:20:28):

- a. Beebe commented.

F. City Commission Comments (00:24:58):

- a. Blakeman and Beebe commented.

G. Public Comments (00:26:00):

- a. There were none.

H. Adjournment (00:26:30):

- a. Blakeman moved to adjourn meeting, VanAken seconded.
- b. All in favor, motion to adjourn passed.
- c. Meeting was adjourned at 7:26 p.m.

Minutes of the Livingston City Commission
November 16, 2009
7:00 p.m.

A. Call to Order

- a. Chairman Caldwell called the meeting to order at 7:00 p.m.
- b. Commissioners present were: Steve Caldwell, Vicki Blakeman, and Rick VanAken. Juliann Jones and Mary Beebe were absent.

B. Consent Items (00:00:20)

- a. Blakeman moved to approve consent items, VanAken seconded.
- b. All in favor, motion to approve passed.

C. Scheduled Public Comment (00:00:30)

- a. Lenny Gregrey spoke regarding his displeasure with the Commission for not discussing the Patriot Act Resolution with the public more before passing the item at the previous meeting.
- b. Mark Rehder spoke to request a letter of commitment/endorsement from the City for the use of a piece of property behind the Civic Center for a community garden location.
- c. Bill Moser spoke in support of the Patriot Act Resolution, and also to discuss City water quality because there are three areas in the recent testing results that concern him.

D. Resolutions (00:23:50)

- a. Resolution No. 4083- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH THE 49'ER DINER AND CASINO FOR SUPPLYING FOOD AND BEVERAGES TO THE SUMMERFEST 2010 AND 2011.
 - i. Blakeman moved to approve Resolution No. 4083, VanAken seconded.
 - ii. All in favor, motion to approve passed.
- b. Resolution No. 4084- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO THE PARAMOUNT HOME/STRONG PAYBACK AGREEMENT FOR SEWER EXTENSION IN BLOCKS 2 AND 6 OF THE PALACE ADDITION TO THE CITY OF LIVINGSTON.
 - i. VanAken moved to approve Resolution No. 4084, Blakeman seconded.
 - ii. All in favor, motion to approve passed.
- c. Resolution No. 4085- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RELATING TO \$750,000 SEWER SYSTEM REVENUE BONDS (DNRC WATER POLLUTION CONTROL STATE REVOLVING LOAN PROGRAM), CONSISTING OF \$390,700 SUBORDINATE LIEN, TAXABLE SERIES

2009A BOND AND \$359,300 SERIES 2009B BOND; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF.

- i. Blakeman moved to approve Resolution No. 4085, VanAken seconded.
 - ii. All in favor, motion to approve passed.

- d. Resolution No. 4086- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH MONTANA DEPARTMENT OF TRANSPORTATION TO ADJUST 36 WATER VALVES IN PREPARATION FOR PARK STREET CONSTRUCTION PROJECT.
 - i. VanAken moved to approve Resolution No. 4086, Blakeman seconded.
 - ii. Brenda Adams asked where the water mains would be located.
 - iii. Patricia Grabow said she is concerned that the corridor on Park St. has a significant historical importance so that should be taken into consideration.
 - iv. Bill Moser said he thinks the public needs to be involved in this process.
 - v. All in favor, motion to approve passed.

- e. Resolution No. 4087- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH MONTANA DEPARTMENT OF TRANSPORTATION (MDOT) FOR MDOT TO RECEIVE FEDERAL FUNDS FOR FEDERAL AID PROJECT NO. ARRA STPP 11-1(50)53 FOR PARK STREET RECONSTRUCTION PROJECT REQUIRING CITY TO COMPLY WITH STATE AND FEDERAL TRAFFIC REGULATIONS.
 - i. Blakeman moved to approve Resolution No. 4087, VanAken seconded.
 - ii. All in favor, motion to approve passed.

E. Action Items (00:46:50)

- a. Action Item A- Discuss applications for Urban Renewal Authority vacancy and/or schedule interviews with applicants.
 - i. Interviews were scheduled for the next Commission meeting (12/7/09) at 6:30 p.m. with all three candidates, pending their availability.

- b. Action Item B- Discuss/approve/deny "City Commission/City Manager" policy.
 - i. Blakeman moved to direct staff to bring policy back as a resolution, VanAken seconded.
 - ii. Brenda Adams asked where a copy of this policy could be found, and if the public would be able to amend it.
 - iii. All in favor, motion to bring back as a resolution passed.

- c. Action Item C- Discuss scheduling a "quarterly review" with the City Commission starting January 2010.
 - i. A review was scheduled for January 19th, 2010, at 1:30 p.m. in the Community Room of the City/County Complex.

- d. Action Item D- Discuss/approve/deny letter of resignation from Juliann Jones effective November 16, 2009 and discuss procedure to fill vacancy on City Commission.
 - i. Commission decided to advertise vacancy for 15 days, and then schedule all applicants for an interview prior to 12/7/09 meeting.
 - ii. James Bennett said he feels it is inappropriate for Jones to resign at this time and that the newly elected Commissioners should have a say in the decision.
 - iii. Bill Spanning asked how many times this process has been used, if State law sets the process, and if the new Commissioners would be part of the process.
 - iv. Patricia Grabow expressed her concern about the timing of the resignation because she feels it is inappropriate, and that Jones should date her resignation so the new Commissioners can participate.
 - v. Bill Moser asked if Jones would be involved in the process of the selection of her replacement, and if the Commission had information of her resignation before the letter was received.

F. City Manager Comments (01:13:40)

- a. VanAken spoke, and Ed Meece added two additional comments.

G. City Commission Comments (01:16:15)

- a. VanAken made comments.

H. Public Comments (01:19:20)

- a. Ed Turner said he is here in support of the community garden project and also that he is glad to see the Park St. project moving along so quickly because he supports it.
- b. Brenda Adams said she feels the timing of Jones' resignation is awkward and that it would be advantageous to have the newly elected Commissioners involved in the process.
- c. Bill Moser said he has known about Jones planning to resign for two months so he is unsure of how the other Commissioners did not know about it.

I. Adjournment (01:24:00)

- a. Blakeman moved to adjourn the meeting, VanAken seconded.
- b. All in favor, motion to adjourn passed.
- c. Meeting was adjourned at 8:24 p.m.

Minutes of Livingston City Commission
December 7, 2009
7:00 p.m.

A. Call to Order:

- a. Chairman Caldwell called the meeting to order at 7:00 p.m.
- b. Commissioners present were Steve Caldwell, Vicki Blakeman, Mary Beebe, and Rick VanAken.

B. Consent Items (00:00:15):

- a. Blakeman moved to approve consent items, VanAken seconded.
- b. All in favor, motion to approve consent items passed.

C. Scheduled Public Comment (00:00:30):

- a. Vic Donovan spoke to address issues with handicapped parking spaces around the Miles Building and requested the ability to have a variance so that he could have an individually reserved handicapped spot in front of the building. He also stated that handicapped spots are misused too often by those who are not handicapped and would like to see more enforcement on this issue.
- b. John Cummings, with the Montana Municipal Interlocal Authority, presented Ed Meece and the City of Livingston the Bob Worthington Risk Management Achievement Award.

D. Resolutions (00:12:46):

- a. Resolution No. 4088- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING CITY COMMISSION-CITY MANAGER POLICY.
 - i. VanAken moved to approve Resolution No. 4088, Blakeman seconded.
 - ii. Lenny Gregrey said Item 6 concerns him because it seems to muzzle the Commission and is a freedom of speech issue; he suggested tabling the resolution until January.
 - iii. James Bennett discussed points that concerned him in the document, and asked for clarification.
 - iv. Bill Spanring requested the resolution be tabled until January when the new commission has been seated.
 - v. VanAken (presenter of the original motion) changed his motion to remove Item 6 from the document, Blakeman (second to the original motion) agreed to the change.
 - vi. Jim Hunt said he feels it is sad the public cannot follow along on the document and suggested tabling the resolution for a month until the new commission is in place.
 - vii. Storrs Bishop commended the Commission and the City Manager for working together on this document because he believes in the

governmental process to protect the citizens and added that he is pleased both side set goals to hold themselves accountable.

viii. All in favor, motion to approve passed.

E. Action Items (00:52:02):

- a. Action Item A- Discuss/approve/deny the Development Review Committee's recommendation for Mr. Boehm's Annexation Petition.
 - i. Blakeman moved to direct the Administration to bring back a resolution of intent to annex, Beebe seconded.
 - ii. All in favor, motion passed.
- b. Action Item B- Discuss/approve/deny draft recommendation from the City Tree Board to change the Tree Ordinance.
 - i. Nancy Adkins questioned the replacement of trees that had been removed in several areas of town.
 - ii. Brenda Adams said she is concerned about citizens being able to afford to pay for the upkeep of trees.
- c. Action Item C- Discuss/approve/deny City Manager's recommendation on Handicapped Parking Space applications.
 - i. Jim Hunt noted that there is the Angel Line service, which as wheelchair lifts and other means to help handicapped citizens get around, especially in the colder weather; he said therefore there would not be a need for more parking spaces to be turned into handicapped spaces.
 - ii. VanAken moved to approve the recommendation, Beebe seconded.
 - iii. All in favor, motion passed.
- d. Action Item D- Discuss/approve/deny advertising for vacancy on the City/County Airport Board (Doug Lobaugh retired).
 - i. Blakeman moved to direct the Administration to advertise for all available vacancies on the Airport Board. Beebe seconded.
 - ii. All in favor, motion passed.

F. City Manager Comments (01:31:24):

- a. VanAken, Blakeman, and Caldwell made comments.

G. City Commission Comments (01:39:27):

- a. VanAken and Caldwell made comments.

H. Public Comments (01:46:45):

- a. Mark Wentworth said he is serving the officials around the state a Notice of Understanding, which he provided copies of.
- b. Brenda Adams asked if the City could look into installing places in the downtown sidewalks for flags to be placed for events such as Veteran's Day, etc. to show appreciation for the military.
- c. Storrs Bishop said he was prompted to attend the meeting tonight because of receiving an automated phone call from livingstonvoters.org, but said he does

not feel that the Commission is eroding his rights and is doing its job; therefore he disagrees with those who do not support the process by which the Commission intends to fill its vacancy.

- d. Bill Spanring said he noticed there is an ordinance pertaining to the shoveling of sidewalks but that he has seen City property is not always shoveled in a timely manner; he also asked how the City would deal with a decrease in revenues if that were to occur, and how long it would take until the City would know what the amount of collected revenues is.

I. **Adjournment (01:56:00):**

- a. Blakeman moved to adjourn the meeting, VanAken seconded.
- b. All in favor, motion to adjourn passed.
- c. Meeting was adjourned at 8:56 p.m.

Attest:

Approve:

Robyn Keyes
Recording Secretary

Steve Caldwell
Commission Chairman

Minutes of Livingston City Commission
December 21, 2009
7:00 p.m.

A. Call to Order:

- a. Chairman Caldwell called the meeting to order at 7:00 p.m.
- b. Commissioners present were Steve Caldwell, Vicki Blakeman, Mary Beebe, Rick VanAken, and Juliann Jones.

B. Memo from the City Attorney:

- a. Caldwell read a prepared memo from Bruce Becker, City Attorney for the City of Livingston.

C. Consent Items (00:01:36):

- a. VanAken moved to approve Consent Items, Blakeman seconded.
- b. All in favor, motion to approve passed.

D. Resolutions (00:02:00):

- a. Resolution No. 4089- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX BY PETITION OF MONTANA HOMES, L.L.C. CERTAIN LAND WHICH IS CONTIGUOUS TO THE CITY OF LIVINGSTON AND DESCRIBED AS BEING LOT 2 OF MINOR SUBDIVISION PLAT NO. 228 LOCATED IN A PORTION OF THE SOUTHWEST ONE-QUARTER OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 10 EAST, P.M.M., PARK COUNTY, MONTANA (CARTER BOEHM).
 - i. Blakeman moved to approve Resolution No. 4089, Jones seconded.
 - ii. All in favor, motion to approve passed.

E. Action Items (00:03:57):

- a. Action Item A- Appoint vacancy for the Urban Renewal Authority. Applicants are Adam Stern, Karyle Frazier and Eric Monroe.
 - i. VanAken moved to appoint Adam Stern, Beebe seconded.
 - ii. All in favor, motion to appoint passed.
- b. Action Item B- Discuss/approve/deny award for bid for a "Used" Tandem Axle Dump Truck to Kevin Funk in the amount of \$25,000. He was the only one that bid.
 - i. Jones moved to approve bid award to Kevin Funk, VanAken seconded.
 - ii. All in favor, motion to award passed.
- c. Action Item C- Discuss/approve/deny bid recommendation from CTA Engineers for the City of Livingston 2009 Waste Water Treatment Plant Improvements to Williams Civil Division, Inc. in the amount of \$575,850.00.
 - i. Blakeman moved to approve recommendation from CTA for bid award, Beebe seconded.
 - ii. All in favor, motion to approve passed.

- d. Action Item D- Discuss/approve/deny request for Senior Center regarding temporary change to Angel Line parking during construction.
 - i. VanAken moved to approve, Beebe seconded.
 - ii. All in favor, motion to approve passed.
- e. Action Item E- Discuss possible re-structure of Revolving Loan Fund (RLF) loan to Montana Boat Builders.
 - i. Jason Cajune spoke to explain his position as the owner of Montana Boat Builders.
 - ii. Blakeman moved to have the Administration bring back a formal proposal for loan restructuring, VanAken seconded.
 - iii. All in favor, motion passed.
- f. Action Item F- Discuss and take any action(s) deemed necessary to implement the Judge's order (12/21/09) with regard to Commissioner Jones' resignation and filling vacant City Commissioner seat.
 - i. VanAken moved to hold a special meeting on December 30th, 2009 to consider options to address the resignation and its subsequent withdrawal. Blakeman seconded.
 - ii. VanAken amended the motion to include a special meeting time of 7:00 p.m., Blakeman seconded.
 - iii. James Bennett said he is sorry to have to see this because it is an embarrassment to the City.
 - iv. All in favor, motion to hold special meeting passed.

F. City Manager Comments (00:47:47):

- a. VanAken, Beebe, and Blakeman made comments.

G. City Commission Comments (00:54:07):

- a. Blakeman and VanAken made comments.

H. Public Comments (00:57:43):

- a. Nancy Adkins asked if minutes will be taken at the special meeting and also asked if there is a policy for how many meetings a City Commissioner can be absent from. She also said she does not see the Commission and the City Manager as having separate roles, which she does not approve of, and that the Commissioners all need separate email addresses for the public to send comments to. She also thanked Blakeman and Beebe for their services.
- b. Bill Spannring thanked the Commission for not dragging out the issue of filling the Commission seat any longer, said he looks forward to serving on the Commission, and thanked Blakeman and Beebe for their services.
- c. Robert Moore said he thinks what the Commission did tonight is slippery and he is embarrassed by it, and he feels the people have spoken; therefore he will look into a recall petition.
- d. Bill Moser said the Commission missed their fiduciary duty tonight by not taking a public roll and said the public should acknowledge the hours Blakeman and Beebe put in as Commissioners. He also said Montana Boat

Builders is a company that would be a tragedy for the area to lose, and asked if the RLF is insured funds.

- e. Bonnie Hyatt-Murphy said she thinks it is important for the public to know that someone can decide to rescind a resignation, that being close to being elected does not mean you got elected, and that she feels the elected officials in this community are somehow accessible at all times.

I. Adjournment (01:22:19):

- a. Blakeman moved to adjourn the meeting, Beebe seconded.
- b. All in favor, motion to adjourn passed.
- c. Meeting was adjourned at 8:23 p.m.

Attest:

Approve:

Robyn Keyes
Recording Secretary

Steve Caldwell
Commission Chairman