

**Minutes of Livingston City Commission**  
**January 4, 2010**  
**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. Consent Items (00:01:00):**

- a. Blakeman moved to approve consent items, Beebe seconded.
  - i. All in favor, motion to approve consent items passed.

**C. Meeting was recessed for a brief reception to recognize departing City Commissioners and swear in newly elected City Commissioners.**

- a. Times on recording started over at zero.

**D. Roll Call:**

- a. Commissioners present were Steve Caldwell, Rick VanAken, Juliann Jones, James Bennett, and Bill Spannring.

**E. Selection of Chair and Vice-Chair for 2010 (00:01:00):**

- a. VanAken moved to nominate Steve Caldwell for Chair, Jones seconded.
  - i. Three in favor (Jones, VanAken, Caldwell), two against (Bennett, Spannring). Motion to nominate passed.
- b. Jones moved to nominate James Bennett for Vice-Chair, Spannring seconded.
  - i. All in favor, motion to nominate passed.

**F. Review Committee Vacancies & Consider Nomination for Committee Appointments (00:06:00):**

- a. VanAken moved to direct staff to advertise all vacant citizen appointments, Jones seconded.
  - i. Four in favor, one abstained (Spannring). Motion passed.
- b. Bennett moved to re-appoint Jones to the Tree Board, VanAken seconded.
  - i. All in favor, motion to re-appoint passed.
- c. VanAken moved to table discussion on the Infrastructure Replacement Committee nomination, Jones seconded.
  - i. All in favor, motion to table discussion passed.
- d. Jones moved to appoint Bennett to the Skate Park Committee, VanAken seconded.
  - i. All in favor, motion to appoint passed.
- e. Bennett moved to re-appoint VanAken to the City-County Building Maintenance Committee, Jones seconded.
  - i. All in favor, motion to re-appoint passed.

- f. Bennett moved to appoint Jones to the City-County Health Board, VanAken seconded.
  - i. All in favor, motion to appoint passed.
- g. Bennett moved to re-appoint Jones to the Communications Advisory Committee, VanAken seconded.
  - i. All in favor, motion to re-appoint passed.
- h. VanAken moved to appoint Caldwell and Spannring to the City Planning Board, Jones seconded.
  - i. All in favor, motion to appoint passed.
- i. VanAken moved to appoint Spannring to the EMS Committee, Bennett seconded.
  - i. All in favor, motion to appoint passed.
- j. VanAken moved to appoint Bennett and Spannring to the Urban Transportation Committee, Jones seconded.
  - i. All in favor, motion to appoint passed.
- k. Jones moved to re-appoint VanAken to the Sister City Committee, Bennett seconded.
  - i. All in favor, motion to appoint passed.
- l. Discussion of appointment to the Livingston Trust was deferred until next meeting.

**G. Consent Items (01:01:06):**

- a. Jones moved to approve consent items, VanAken seconded.
  - i. All in favor, motion to approve passed.

**H. Scheduled Public Comment (01:02:01):**

- a. Lenny Gregrey spoke regarding page 9 of the City Budget document, and asked that funds be managed in a prudent manner because he is concerned for himself and his fellow taxpayers.

**I. Public Hearings (01:19:10):**

- a. Resolution No. 4090- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING 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 THE 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.
  - i. There was no public comment.
  - ii. VanAken moved to approve Resolution No. 4090, Jones seconded.
    - 1. Four in favor, one against (Spannring). Motion passed.

**J. Resolutions (01:30:12):**

- a. Resolution No. 4091- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH WILLIAMS CIVIL DIVISION, INC. FOR THE 2009

IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT PROJECT IN  
THE BID AMOUNT OF \$575,850.00.

- i. VanAken moved to approve Resolution No. 4091, Jones seconded.
  - 1. All in favor, motion to approve passed.

**K. Action Items (01:38:48):**

- a. Action Item A- Discuss/approve/deny appointment to the City/County Airport Board for a city representative. Only one application was received (Kerry LaDuke).
  - i. Jones moved to approve appointment of Kerry LaDuke to the City/County Airport Board, VanAken seconded.
    - 1. All in favor, motion to appoint passed.

**L. City Manager Comments:**

- a. There were none.

**M. City Commission Comments (01:44:43):**

- a. Caldwell, VanAken, Spanning, and Bennett made comments.

**N. Public Comments (02:03:26):**

- a. Nancy Adkins thanked Ms. Keyes for running the netbook and the projector so that the audience could follow along in the packet. She also said she is worried about taxes, the rising unemployment, and people in limited incomes, like herself, so she encouraged the Commission to be very frugal, and suggested utilizing more volunteers.

**O. Adjournment:**

- a. VanAken moved to adjourn, Jones seconded.
  - i. All in favor, motion to adjourn passed.
- b. The meeting was adjourned at 9:20 p.m.

Attest:

Approve:

---

Robyn Keyes  
Recording Secretary

---

Steve Caldwell  
Commission Chairman

**Minutes of Livingston City Commission**  
**January 19, 2010**  
**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, Rick VanAken, Juliann Jones, Bill Spanring, and James Bennett.

**B. Consent Items (00:00:10):**

- a. VanAken moved to approve consent items, Jones seconded.
- b. All in favor, motion to approve consent items passed.

**C. Resolutions (00:01:10):**

- a. Resolution No. 4092- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH THE MONTANA ARTS COUNCIL AS SPONSOR FOR A MONTANA CULTURAL TRUST GRANT FOR THE LIVINGSTON DEPOT CENTER..
  - i. Jones moved to approve Resolution No. 4092, VanAken seconded.
  - ii. Diana Seider, executive director of the Livingston Depot Foundation, offered to address any questions the Commission had concerning the resolution, and said it would be an honor for the City to host this exhibit.
  - iii. All in favor, motion to approve resolution passed.
- b. Resolution No. 4093- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN LEASE AGREEMENT WITH WISP WEST.net FOR LEASE OF CITY PROPERTY.
  - i. VanAken moved to approve Resolution No. 4093, Jones seconded.
  - ii. All in favor, motion to approve resolution passed.
- c. Resolution No. 4094- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN MAINTENANCE INSPECTION AND SERVICE AGREEMENT WITH M.E.T. VALVES AND CONTROL IN THE AMOUNT OF \$3,500.00 FOR INCOMING AND OUTGOING FLOW METER AT THE WASTE WATER TREATMENT PLANT.
  - i. Chairman Caldwell read the resolution and discussion was held.
  - ii. All voted in favor of the resolution.
- d. Resolution No. 4095- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN INTERLOCAL AGREEMENT WITH PARK COUNTY FOR MAINTENANCE OF CULVERTS WITHIN CITY OF LIVINGSTON.
  - i. Bennett moved to approve Resolution No. 4095, VanAken seconded.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

- ii. All in favor, motion to approve resolution passed.

**D. Action Items (00:20:08):**

- a. Action Item A- Discuss/approve/deny request of waiver of fees for the rental of the Civic Center from Bruce Lay for the 3 on 3 basketball tournament fundraising event to be held on February 27<sup>th</sup>.
  - i. Bennett moved to approve Action Item A, Jones seconded.
  - ii. All in favor, motion to approve passed.
- b. Action Item B- Discuss bid process for the Northside Park Soccer Fields project and other project details.
  - i. Jeff Dickerson answered questions that the Commission had regarding the project.
- c. Action Item C- Discuss procedure used for Chair/Vice Chair appointments (1/4/10); including use/replacement of rules for conduct of City Commission meetings.
  - i. Lenny Gregrey suggested having at least two commissioners nominated for a position and then voting on the nominations, and also suggested that rules be drawn up for the selection of Chair/Vice Chair that do not involve the use of a motion.
  - ii. Patricia Grabow said she believes Robert's Rules of Order creates consistency and that she has no faith in the proposal of a simpler set of rules.
  - iii. Jim Hunt said the Commissioners need to speak into their microphones because the audience cannot hear.
- d. Action Item D- Discuss Budget Process and transparency (Montana Policy Institute).
  - i. Carl Graham of the Montana Policy Institute (MPI) explained what his organization could offer the City at the suggestion of Bennett, and provided a packet of information.
  - ii. Consensus was reached to have Bennett work with the City Manager and the MPI to come up with some ideas for the City.
- e. Discuss Administration's pending negotiations with the Montana Department of Transportation (MDT) regarding "Memorandum of Understanding" for railroad underpass project.

**E. City Manager Comments (01:37:00):**

- a. VanAken made comments.

**F. City Commission Comments (01:39:00):**

- a. Spannring and Bennett made comments.

**G. Public Comments (01:42:14):**

- a. Lenny Gregrey suggested the City come up with alternatives for the process of picking up leaves from the City residents in the fall that would better suit the community's needs.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

**H. Adjournment (01:45:00):**

- a. Bennett moved to adjourn the meeting, VanAken seconded.
- b. All in favor, motion to adjourn passed.
- c. Meeting was adjourned at 8:46 p.m.

Attest:

Approve:

---

Robyn Keyes  
Recording Secretary

---

Steve Caldwell  
Commission Chairman

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

**Minutes of Livingston City Commission**  
**February 1, 2010**  
**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, Rick VanAken, Juliann Jones, Bill Spannring, and James Bennett.

**B. Consent Items:**

- a. VanAken moved to approve consent items, Bennett seconded.
- b. All in favor, motion to approve consent items passed.

**C. Scheduled Public Comment:**

- a. Lori Ryker spoke regarding the Artemis Institute.

**D. Resolutions:**

- a. Resolution No. 4097- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN INDEMNIFICATION AGREEMENT FOR NORTHERN ROCKY MOUNTAIN RC&D.
  - i. Jones moved to approve Resolution No. 4097, VanAken seconded.
  - ii. All in favor, motion to approve passed.

**E. Action Items:**

- a. Schedule City Commission Orientation #2 (MMIA/Risk Management; Facilities Tour; City Manager hiring and personnel procedures)-February.
  - i. Scheduled for February 22, 2010 from 8:00a.m.-12:00p.m., starting at Public Works.
- b. Schedule City Commission/City Manager goal setting and budget priorities workshop-late February.
  - i. Scheduled for March 3, 2010 at 2:00 p.m. in Community Room.
- c. Discuss/approve/deny Administration recommendation regarding management of CDBG-Economic Development revolving loan fund.
  - i. Bennett moved to approve recommendation, VanAken seconded.
  - ii. All in favor, motion to approve passed.
- d. Discuss/approve/deny Tree Board recommendation to adopt new policies on tree/infrastructure conflicts and selection of trees to be planted (on the boulevards only).
  - i. Mark Rehder spoke regarding the tree succession plan from the Tree Board and provided a letter to the Commission and the Administration.
  - ii. Consensus was reached to postpone consideration of the new tree policies pending discussion related to implementation of a tree district to fund replacement and maintenance of trees and sidewalks.
- e. Brief presentation of HWY 89 Bridge aesthetics (from TCC meeting of 1/27).

**F. City Manager Comments:**

- a. There were none.

**G. City Commission Comments:**

- a. Bennett, Spanring, and VanAken made comments.

**H. Public Comments:**

- a. Kevin Funk commented on the revolving loan fund and the State of the City event.

**I. Adjournment:**

- a. Bennett moved to adjourn the meeting, VanAken seconded.
- b. All in favor, motion to adjourn passed.
- c. Meeting was adjourned at 9:07 p.m.

Attest:

Approve:

---

Pam Payovich  
Acting Recording Secretary

---

Steve Caldwell  
Commission Chairman



**Minutes of Livingston City Commission**  
**February 16, 2010**  
**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, Rick VanAken, Bill Spannring, and James Bennett. Juliann Jones was absent.

**B. Consent Items (00:00:44):**

- a. Bennett moved to approve consent items, VanAken seconded.
  - i. After discussion, the motion was amended to approve items A and C.
  - ii. All in favor, amended motion passed.
- b. Bennett moved to approve consent item B, VanAken seconded.
- c. All in favor, motion to approve passed.

**C. Resolutions (00:03:40):**

- a. Resolution No. 4096 (00:03:40)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2009-2010 BY INCREASING APPROPRIATIONS IN THE AMOUNT OF \$226,205.58 AND CALLING FOR A PUBLIC HEARING THEREON.
  - i. VanAken moved to approve Resolution No. 4096, Bennett seconded.
  - ii. All in favor, motion to approve passed.
- b. Resolution No. 4099 (00:24:28)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH NUMEROUS BANDS FOR SUMMERFEST ALONG THE YELLOWSTONE, 2010.
  - i. Bennett moved to approve Resolution No. 4099, VanAken seconded.
  - ii. All in favor, motion to approve passed.
- c. Resolution No. 4100 (00:27:40)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONSTRUCTION AGREEMENT WITH PARK COUNTY GRANTING USE OF CITY PROPERTY DURING CONSTRUCTION OF 9<sup>TH</sup> STREET BRIDGE.
  - i. Bennett moved to approve Resolution No. 4100, VanAken seconded.
  - ii. All in favor, motion to approve passed.

**D. Action Items (00:31:13):**

- a. Action Item A (00:31:13)-Discuss/approve/deny with Montana Department of Transportation (MDT) for (Livingston Star Road Grade Separated Rail Crossing) Memorandum of Understanding. (MDT will attend by phone).
  - i. Carol Strizch with MDT answered questions for the Commission via phone.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

- ii. VanAken moved to approve Memorandum of Understanding, Bennett seconded.
  - iii. All in favor, motion to approve passed.
- b. Action Item B (01:08:07)-Discuss/approve/deny City staff's recommendation for a one-year extension of the preliminary approval of the Brookstone Subdivision (Mantzey's).
  - i. Spannrng moved to postpone consideration of Item B until the next meeting on 3/1/2010. Bennett seconded.
  - ii. Carlo Cieri said he is a resident of Green Acres and he sees a problem with this issue because of the water hook-up issue. He agreed that postponing it until the City Attorney is back would be a good idea.
  - iii. Bennett called the question, Spannrng seconded.
  - iv. All in favor, motion to postpone passed.

\*FIVE MINUTE RECESS\*Times re-set\*

- c. Action Item E moved up (00:00:00)-Presentation from Police Officer, Matt Tubaugh regarding the addition of a canine officer.
  - i. Bennett moved to endorse the effort to proceed with this item by Officer Tubaugh, Spannrng seconded.
  - ii. All in favor, motion to endorse the canine officer effort passed.
- d. Action Item C (00:19:30)- Discuss possible changes to Dog/Cat licensing fees.
  - i. Vicki Blakeman explained to the Commission how the fee increases were developed, and suggested discussing the issue again in a few years when useful data can be collected.
  - ii. Mary Beebe, the local organizer for Spay/Neuter Clinics, also explained how the increased fees were developed and spoke in support of leaving the fees as they are.
  - iii. Ted Williams spoke regarding his displeasure with dogs roaming his neighborhood and leaving messes in his yard. He suggested mandatory pound charges and mandatory clean-up after pets to help address dogs that are unleashed and roaming during the night hours.
  - iv. No action was taken.
- e. Action Item D (01:04:21)- Discuss distributing an economic condition survey in utility bills.
  - i. Mary Beebe suggested using available resources first to be able to get at more specific questions to put in the utility bills.
  - ii. No action was taken, but staff was directed to come up with some kind of survey to be placed in the utility bills.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

- f. Action Item F (01:12:00)- Discuss draft Ordinance regarding amendment of the City Commission's rules of procedure to govern proceedings of the City Commission and to fill the vacancy of a City Commissioner.
  - i. Bennett moved to postpone consideration of Item F until the next meeting on 3/1/2010. Spannring seconded.
  - ii. All in favor, motion to postpone consideration passed.
  
- g. Action Item G (01:12:30)- Discuss/approve/deny City's efforts with regard to Livingston Baseball Association hosting U12 Tournament, July 15<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, and 18<sup>th</sup>, 2010; and the potential operational conflicts with Summerfest.
  - i. Matt Dowdell explained that the games would be during the day only, and the biggest concerns for the participants would be loud music and alcohol at Summerfest. He added that the group has gotten approval from Park High School to use the school parking lot for the Tournament.
  - ii. Bennett moved to work towards working together to hold both events, Spannring seconded.
  - iii. All in favor, motion passed.

**E. City Manager Comments (01:30:41):**

- a. There were no comments on the City Manager Comments.

**F. City Commission Comments (01:31:37):**

- a. Spannring made comments.

**G. Public Comments (01:33:15):**

- a. There were none.

**H. Adjournment:**

- a. Bennett moved to adjourn the meeting, VanAken seconded.
- b. All in favor, motion passed.
- c. Meeting was adjourned at 10:15 p.m.

Attest:

Approve:

---

Robyn Keyes  
Recording Secretary

---

Steve Caldwell  
Commission Chairman

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

**Minutes of Livingston City Commission**  
**March 1, 2010**  
**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, Rick VanAken, James Bennett, Bill Spanring, and Juliann Jones.

**B. Consent Items (00:01:40):**

- a. VanAken moved to approve consent items, Jones seconded.
- b. All in favor, motion to approve consent items passed.

**C. Proclamations (00:02:40):**

- a. A proclamation for "Public Safety Dispatchers Week" on April 11<sup>th</sup>-April 17<sup>th</sup>, 2010 was read by Chairman Caldwell.

**D. Scheduled Public Comment (00:09:48):**

- a. W. Joyce Sutton explained that she had provided a letter to the City regarding her concerns with the alley by her house.
- b. Stuart Leidner, Executive Director of Prospera Business Network, gave a presentation regarding how Prospera could manage the City and County Revolving Loan Funds.
  - i. Marty Malone, County Commissioner, spoke in support of the presentation and said it would be a good opportunity for the City and County to work together to help small businesses in the community.
  - ii. Phillip Fletcher, County Planning Director, explained the process the committee went through to choose a group to present to both commissions, and said Prospera was the unanimous choice to bring forward.
  - iii. Randy Taylor, County Commissioner, said Fletcher had done a great job with choosing a group to present and believes using Prospera could help fill the empty stores in the community.
- c. Victor Donovan asked questions about the City's ADA transition process and policies, and if there is an ADA complaint process. He added that he is concerned over what is going on downtown with handicapped parking and trying to get a handicapped spot for himself in front of the Miles Building.

**E. Public Hearings (00:47:35):**

- a. Resolution No. 4098- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2009-2010, BY INCREASING APPROPRIATIONS IN THE AMOUNT OF \$226,205.58.
  - i. There was no public comment on Resolution No. 4098.
  - ii. Jones moved to approve Resolution No. 4098, Bennett seconded.
  - iii. All in favor, motion to approve passed.

**F. Resolutions (00:56:46):**

- a. Resolution No. 4101- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN MEMORANDUM OF UNDERSTANDING WITH THE MONTANA DEPARTMENT OF TRANSPORTATION FOR PLANNING AND CONSTRUCTION OF STAR ROAD-GRADE SEPARATED RAIL CROSSING.
  - i. VanAken moved to approve Resolution No. 4101, Jones seconded.
  - ii. All in favor, motion to approve passed.

**G. Action Items (01:05:52):**

- a. Action Item A (01:05:52) - Discuss/approve/deny the operating agreements governing the signage grant approved by the Livingston Urban Renewal Agency.
  - i. The Commission agreed to postpone discussion of Action Item A until the next meeting.
- b. Action Item B (01:07:45)- Discuss/approve/deny the proposal of additional work on the Watson park area to allow the City to use the Remote Studio work as a match for a grant to get funding for the trail from Artemis Institute.
  - i. Lori Ryker with the Artemis Institute provided information and answered questions.
  - ii. Item was set aside for further discussion at a later date.
- c. Action Item C (01:20:45) - Discuss/approve/deny the City Zoning Commission's recommendation for the Boehm Annexation to be zoned Industrial (I).
  - i. Bennett moved to bring the recommendation to zone Industrial back as an ordinance. VanAken seconded.
  - ii. All in favor, motion to bring back as ordinance passed.

- d. Action Item D (01:25:12)- Discuss/approve/deny the request from Mr. Lay with Coldwell Banker Maverick Realty for a one-year extension of the preliminary approval of the Townhouse Manors Subdivision.
  - i. Bennett moved to approve extension request, VanAken seconded.
  - ii. All in favor, motion to approve passed.
  
- e. Action Item E (01:27:00) - Discuss/approve/deny the request from Mr. Mantzey for a one-year extension of the preliminary approval of the Brookstone Subdivision.
  - i. Bennett moved to approve extension request, VanAken seconded.
  - ii. All in favor, motion to approve passed.

**H. City Manager Comments (01:42:40):**

- a. There were none.

**I. City Commission Comments (01:43:11):**

- a. Spanring and Bennett made comments.

**J. Public Comments (02:12:20):**

- a. There were none.

**K. Adjournment (02:12:50):**

- a. VanAken moved to adjourn the meeting, Bennett seconded.
- b. All in favor, motion to adjourn passed.
- c. The meeting was adjourned at 9:14 p.m.

Attest:

Approve:

---

Robyn Keyes  
Recording Secretary

---

Steve Caldwell  
Commission Chairman

**Minutes of Livingston City Commission**  
**March 15, 2010**  
**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, James Bennett, Bill Spannring, Rick VanAken, and Juliann Jones.

**B. Consent Items (00:00:46):**

- a. Bennett moved to approve consent items, Jones seconded.
- b. All in favor, motion to approve passed.

**C. Ordinances (00:01:15):**

- a. Ordinance No. 2017- 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 ZONING RECENTLY ANNEXED LAND DESCRIBED AS LOT 2 OF MINOR SUBDIVISION PLAT NO. 228 LOCATED IN A PORTION OF THE SOUTHWEST ON-QUARTER OF SECTION 7, TOWNSHIP 2 SOUTH, RANGE 10 EAST P.M.M., PARK COUNTY, MONTANA, AS INDUSTRIAL (I).
  - i. VanAken moved to approve Ordinance No. 2017, Jones seconded.
  - ii. All in favor, motion to approve passed.

**D. Resolutions:**

- a. Resolution No. 4102 (00:03:24)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH "THE GOOD EARTH WORKS CO. INC.", IN THE AMOUNT OF \$517,832.00 FOR THE NORTHSIDE PARK AND SOCCER FIELDS COMPLEX PROJECT-PHASE 1-FIELDS 1 AND 2.
  - i. Commission skipped to Action Item A.
  - ii. Action Item A (00:03:45) - Discuss/approve/deny recommendation from Carl Thuesen, Landscape Architect for the Northside Park Soccer Field project to be awarded to "The Good Earth Works Co., Inc." in the amount of \$517,832.
    1. Jeff Dickerson, with the Livingston Youth Soccer Association, said that the money is available to transfer to the City for this project.
    2. VanAken moved to accept award of the bid from "The Good Earth Works Co., Inc." in the amount of \$517,832 and authorize bid reduction negotiations on the items identified in the attached letters upon the condition that the Livingston Youth Soccer Association transfers the necessary project funds to the City of Livingston. Bennett seconded.
    3. All in favor, motion passed.
  - iii. Bennett moved to approve Resolution No. 4102, VanAken seconded.
  - iv. All in favor, motion to approve passed.

- b. Resolution No. 4103 (00:18:22)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING FIRE AND RESCUE AUTOMATIC AID AGREEMENT WITH PARK COUNTY RURAL FIRE DISTRICT #1 AND AUTHORIZING CITY MANAGER TO SIGN AUTOMATIC AID AGREEMENT.
  - i. Bennett moved to approve Resolution No. 4103, Jones seconded.
  - ii. All in favor, motion to approve passed.

**E. Action Items:**

- a. Action Item B (00:20:18) - Discuss the potential merits of regulating approved locations for medical marijuana production and/or sale via zoning or alternative regulatory processes.
  - i. Derek Smith read a prepared statement in support of medical marijuana and creating guidelines for growing in Livingston.
  - ii. David Mealock spoke against medical marijuana, stating that he thinks it is unfortunate society is promoting its use, and that he supports keeping it away from the residential, downtown, and school areas.
  - iii. Mark Wentworth served a notice of default to the City Commission.
  - iv. Spannring moved to direct staff to bring back a final ordinance regarding placing a temporary moratorium on medical marijuana. Bennett seconded.
  - v. All in favor, motion passed.
- b. Action Item C (00:58:36) - Discuss draft Ordinance regarding amendment of the City Commission's rules of procedure to govern proceedings of the City Commission and to fill the vacancy of a City Commissioner.
  - i. Bennett moved to schedule a work session to work on the details of this item. Spannring seconded.
  - ii. All in favor, motion to schedule session passed.
  - iii. Work session was scheduled for Monday, March 22<sup>nd</sup>, at 7:00 p.m.
- c. Action Item D (01:03:00) - Schedule Workshop for "City Manager's Goals/Work Plan."
  - i. Workshop was scheduled for Monday, April 12<sup>th</sup>, at 7:00 p.m.

**F. City Manager Comments (01:04:36):**

- a. Bennett made comments.

**G. City Commission Comments (01:06:22):**

- a. Spannring, VanAken, and Caldwell made comments.

**H. Public Comments (01:22:54):**

- a. Karla Pettit made comments regarding the Request for Qualifications process for engineering services with the City, and expressed her dissatisfaction with the selection made because the company chosen is not local.
- b. John Fryer made comments expressing his disappointment with the selection of a contractor for the City engineering services that was not a local company.



**I. Adjournment (01:34:45):**

- a. VanAken moved to adjourn the meeting, Bennett seconded.
- b. All in favor, motion passed.
- c. Meeting was adjourned at 8:35 p.m.

Attest:

Approve:

---

Robyn Keyes  
Recording Secretary

---

Steve Caldwell  
Chairman of Commission

**Meeting of Livingston City Commission**  
**April 5, 2010**  
**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, Rick VanAken, James Bennett, Juliann Jones, and Bill Spanning.

**B) Consent Items (00:00:40):**

- a. VanAken moved to approve Consent Items A-D and F. Jones seconded.
  - i. All in favor, motion to approve Items A-D and F passed.
- b. Spanning moved to approve Consent Item E, conditional upon pre-payment of two police officers and placement of bathroom facilities as recommended by the County Sanitarian. Jones seconded.
  - i. All in favor, motion to approve Consent Item E passed.
- c. VanAken moved to bring a discussion back at a future meeting regarding fees for use of park areas by non-local groups. Bennett seconded.
  - i. All in favor, motion passed.
- d. Bennett moved to approve Consent Item G, conditional upon the City of Livingston being listed as an additional insured on the insurance certificate. Spanning seconded.
  - i. All in favor, motion to approve Consent Item G passed.

**C) Public Hearings:**

- a. Ordinance No. 2017 (00:13:40)- 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 ZONING RECENTLY ANNEXED LAND DESCRIBED AS 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, AS INDUSTRIAL (I). (CARTER BOEHM)
  - i. There was no public comment.
  - ii. VanAken moved to approve Ordinance No. 2017, Bennett seconded.
  - iii. All in favor, motion to approve passed.
- b. Ordinance No. 2018 (00:15:30)- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, IMPOSING A TEMPORARY MORATORIUM ON THE OPENING, OPERATION, AND LICENSING OF ANY ESTABLISHMENTS THAT GROW, SELL, OR DISTRIBUTE MEDICAL MARIJUANA, AND DIRECTING THE STUDY OF NEW PROPOSED ORDINANCES TO REGULATE SUCH ESTABLISHMENTS.
  - i. There was no public comment.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

- ii. Spanning moved to approve Ordinance No. 2018, Bennett seconded.
- iii. All in favor, motion to approve passed.

**D) Ordinances:**

- a. Ordinance No. 2019 (00:20:32) - 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 AMENDING ITS RULES OF PROCEDURE TO GOVERN PROCEEDINGS OF THE CITY COMMISSION AND TO FILL THE VACANCY OF A CITY COMMISSIONER.
  - i. VanAken moved to approve Ordinance No. 2019, Jones seconded.
  - ii. All in favor, motion to approve passed.
- b. Ordinance No. 2020 (00:23:00)- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 17 OF THE LIVINGSTON MUNICIPAL CODE AS ENACTED BY ORDINANCE NO. 1735 AND AS AMENDED BY ORDINANCE NO. 1990 BY REQUIRING A BUSINESS LICENSE FOR A COMMERCIAL MEDICAL MARIJUANA CAREGIVER.
  - i. VanAken moved to postpone consideration of Ordinance No. 2020 until the next meeting (4/19/2010). Bennett seconded.
  - ii. All in favor, motion to postpone consideration passed.

**E) Resolutions:**

- a. Resolution No. 4104 (00:30:05)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RELATING TO \$463,000 SEWER SYSTEM REVENUE BOND (DNRC WATER POLLUTION CONTROL STATE REVOLVING LOAN PROGRAM), SERIES 2010; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF.
  - i. Bennett moved to approve Resolution No. 4104, Jones seconded.
  - ii. All in favor, motion to approve passed.
- b. Resolution No. 4105 (00:31:28)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN SUB-RECIPIENT AGREEMENT WITH PROSPERA BUSINESS NETWORK.
  - i. Bennett moved to postpone consideration of Resolution No. 4105 until the next meeting (4/19/2010). VanAken seconded.
  - ii. All in favor, motion to postpone consideration passed.
- c. Resolution No. 4106 (00:32:35)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO TRADE A 1992 FORD HORTON AMBULANCE TO PARK COUNTY RURAL FIRE DISTRICT #1 IN EXCHANGE FOR A 1999 CHEVROLET TAHOE LS AND GIVING NOTICE OF SUCH INTENT.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

- i. Jones moved to approve Resolution No. 4106, Bennett seconded.
- ii. Dan Skattum spoke and said that he knows the Tahoe is not in the greatest of condition.
- iii. Four in favor, one against (Spannring). Motion to approve passed.

**d. Resolution No. 4107 (00:44:31)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING USE OF STATE OF MONTANA SHORT-TERM INVESTMENT POOL.**

- i. Jones moved to approve Resolution No. 4107, VanAken seconded.
- ii. Four in favor, one abstained (Spannring). Motion to approve passed.

**F) Action Items:**

- a. Special Presentation-Government Finance Officers Association (GFOA) "Distinguished Budget Presentation Award" to Miral Gamradt and Jessie Hogg. (00:53:00)
- b. Discuss/approve/deny donation of 10 surplus property bicycles to Sleeping Giant Middle School. (00:54:15)
  - i. Bennett moved to approve donation of bicycles, Jones seconded.
  - ii. All in favor, motion to approve passed.
- c. Discuss/approve/deny application for special parking spaces reserved for disabled persons on a public street from Dorothy and Marco Parisi located at 123 South "G" Street. (00:55:33)
  - i. Bennett moved to approve application, VanAken seconded.
  - ii. All in favor, motion to approve passed.
- d. Discuss/approve/deny the City Planning Board's recommendation for conditional approval #3 of the Boehm subdivision to read "No new building permits will be issued within this subdivision until City sewer service is available". (00:56:50)
  - i. Bennett moved to approve findings of fact, Spannring seconded.
    - 1. All in favor, motion to approve findings of fact passed.
  - ii. VanAken moved to approve the recommendation for approval with the aforementioned conditions, Bennett seconded.
    - 1. All in favor, motion to approve recommendation passed.

**G) City Manager Comments (00:59:20):**

- a. Bennett, Spannring, and Jones made comments.

**H) City Commission Comments (01:03:11):**

- a. Bennett, Spannring, VanAken, and Caldwell made comments.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

**I) Public Comments (01:16:25):**

- a. Ruth Dargis commended the Police Department and City Attorney for their yearlong effort to get the Z Barn convicted for breaking noise laws, and asked the Commission to act to tighten the zoning laws to address the amplified music issue in a residential commercial area.
  - i. Caldwell suggested that the issue be brought back after the sentencing is done for the convictions.

**J) Adjournment (01:26:55):**

- a. Bennett moved to adjourn the meeting, VanAken seconded.
- b. All in favor, motion to adjourn passed.
- c. The meeting was adjourned at 8:28 p.m.

Attest:

Approve:

---

Robyn Keyes  
Recording Secretary

---

Steve Caldwell  
Commission Chairman

**Minutes of Livingston City Commission**  
**April 19, 2010**  
**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, James Bennett, Bill Spannring, and Juliann Jones. Rick VanAken was absent.

**B) Consent Items:**

- a. Bennett moved to approve Consent Items, Jones seconded.
- b. All in favor, motion to approve passed.

**C) Scheduled Public Comment:**

- a. Nancy Adkins spoke regarding the City recycling program. She provided a copy of her comments.
- b. Alex Scaff spoke regarding his interest in televising or internet streaming City Commission meetings, and also his interest in creating a bike program within the community where bikes are left at designated locations to be used by anyone.

**D) Public Hearings:**

- a. Resolution No. 4108- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING TRADE OF A 1992 FORD HORTON AMBULANCE TO PARK COUNTY RURAL FIRE DISTRICT #1 IN EXCHANGE FOR A 1999 CHEVROLET TAHOE LS.
  - i. Dan Babcox, Rural Fire District #1 Chief, cleared up statements made at the previous meeting regarding the safety of the Tahoe and the reasons for the trade. He also said he would like to see Spannring recuse himself regarding this item because Spannring operates a competing ambulance service in the community. *medical transport* 5-0
  - ii. Jones moved to approve Resolution No. 4108, Bennett seconded.
  - iii. Three in favor (Caldwell, Bennett, and Jones) and one opposed (Spannring). Motion passed.
  
- b. Ordinance No. 2019- 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 AMENDING ITS RULES OF PROCEDURE TO GOVERN PROCEEDINGS OF THE CITY COMMISSION AND TO FILL THE VACANCY OF A CITY COMMISSIONER.
  - i. There was no public comment.
  - ii. Jones moved to approve Ordinance No. 2019, Bennett seconded.
  - iii. All in favor, motion to approve passed.

**E) Resolutions:**

- a. Resolution No. 4105- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN SUB-RECIPIENT AGREEMENT WITH PROSPERA BUSINESS NETWORK.
  - i. Stuart Leidner, with Prospera, was available to answer questions.

- ii. Bennett moved to approve Resolution No. 4105, Jones seconded.
  - iii. All in favor, motion to approve passed.
- b. Resolution No. 4109- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING AGREEMENT WITH MONTANA DEPARTMENT OF ADMINISTRATION AND JUNKERMIER, CLARK, CAMPENELLA & STEVENS FOR AUDIT OF THE CITY OF LIVINGSTON FOR THE PERIOD JULY 1, 2009 THROUGH JUNE 30, 2012.
  - i. Bennett moved to approve Resolution No. 4109, Jones seconded.
  - ii. All in favor, motion to approve passed.
- c. Resolution No. 4110- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING DONATION OF SURVEY EQUIPMENT TO YELLOWSTONE GATEWAY MUSEUM OF PARK COUNTY.
  - i. Jones moved to approve Resolution No. 4110, Bennett seconded.
  - ii. All in favor, motion to approve passed.

**F) Action Items:**

- a. Action Item A- Park Street Construction Project update.
  - i. Nancy Adkins asked several questions regarding the project.
  - ii. Jim Woodhull provided a map and set of drawings detailing the project to the Commission.
- b. Action Item B- Discuss/approve/deny the Development Review Committee's recommendation for a street vacation from John and Rebecca Foster of the 700 Block of North "E" Street.
  - i. Bennett moved to bring back the recommendation as a resolution, Jones seconded.
  - ii. All in favor, motion passed.
- c. Action Item C- Discuss/approve/deny change order request #1 for the Livingston WWTP 2009 Improvement project.
  - i. Bennett moved to approve the change order request, Jones seconded.
  - ii. All in favor, motion to approve passed.
- d. Action Item D- Discuss appointments as advertised; possible interviews and/or extensions.
  - i. Commission decided to schedule interviews prior to 7:00 at the May 3<sup>rd</sup> meeting, and directed staff to re-advertise in the meantime.
- e. Action Item E- Discuss/approve/deny arrangement with Knife River of installation of conduit and bases, during Park Street Project (MDT), for \$76,500.
  - i. Jones moved to bring back Item E as a resolution including the condition that the project budget not exceed \$76,500. Spanning seconded.
  - ii. All in favor, motion passed.
- f. Discuss initial "Ice Skating" season with Livingston Ice Skating Association.
  - i. Adam Stern, Rudy Greger, Dixie Lee Bullock, Bob Zimmer, Jake Ever, Alex Scaff, Annie Bell, and Tara Eddy all made comments.

- g. Reschedule workshop to set FY 2010-2011 goals for the City Manager.
  - i. The workshop was rescheduled for Tuesday, May 11, 2010 at 6:00 p.m.

**G) City Manager Comments:**

- a. Bennett made comments on the City Manager's Comments.

**H) City Commission Comments:**

- a. Spannring and Jones made comments.

**I) Public Comments:**

- a. Mary Cross, Dixie Lee Bullock, Adam Stern, Tara Eddy, and Jake Ever made comments.

**J) Adjournment:**

- a. Bennett moved to adjourn the meeting, Jones seconded.
- b. All in favor, motion to adjourn passed.
- c. Meeting was adjourned at 9:55 p.m.

Attest:

Approve:

---

Robyn Keyes  
Recording Secretary

---

Steve Caldwell  
Commission Chairman



Minutes of Livingston City Commission  
 May 3, 2010  
 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, James Bennett, Bill Spannring, Juliann Jones, and Rick VanAken.

B) Consent Items (00:01:02):

- a. VanAken moved to approve Consent Items B and C, Bennett seconded.
  - i. All in favor, motion to approve passed.
- b. Spannring moved to amend Consent Item A to clarify that he works for a medical transport company, not an ambulance service. Bennett seconded.
  - i. Meece suggested adding the clarification in parentheses, as the statement in the minutes was made by a member of the public, and should not be altered.
  - ii. Spannring moved to make a substitute motion to add clarification of his business in parentheses after the statement in question. VanAken seconded.
    1. All in favor, substitute motion passed.
  - iii. Bennett moved to approve Consent Item A, VanAken seconded.
    1. All in favor, motion to approve Consent Item A passed.

C) Scheduled Public Comment (00:04:15):

- a. Lenny Gregrey discussed his concerns with maintenance of trees in the boulevard and said he does not believe citizens should have to care for trees that are growing in the boulevards because he believes it would be hazardous to have citizens taking care of these kinds of things. He said it should be incumbent on the City to take care of City property.

D) Resolutions:

- a. Resolution No. 4111 (00:16:20) - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO DISCONTINUE AND VACATE A PORTION OF THE UNDEVELOPED NORTH "E" STREET RIGHT-OF-WAY LYING NORTHERLY OF SUMMIT STREET, SOUTHERLY OF HIGH GROUND SUBDIVISION, FIRST FILING, AND LOCATED BETWEEN BLOCKS 1 AND 2 OF THE ORIGINAL TOWNSITE TO THE CITY OF LIVINGSTON, MONTANA, MAINTAINING A TWENTY FOOT (20') UTILITY EASEMENT, AND CALLING FOR A PUBLIC HEARING.
  - i. Bennett moved to approve Resolution No. 4111, Spannring seconded.
  - ii. All in favor, motion to approve passed.
- b. Resolution No. 4112 (00:17:23)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN TASK ORDER NO. 2 WITH DOWL HKM FORMERLY DOING BUSINESS AS HKM ENGINEERING INC. FOR GRADE SEPARATED RAIL CROSSING IN THE AMOUNT OF \$178,825.00.
  - i. Jones moved to approve Resolution No. 4112, VanAken seconded.
  - ii. All in favor, motion to approve passed.

- c. Resolution No. 4113 (00:29:52)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND AUTHORIZING CITY MANAGER TO SIGN COLLECTIVE BARGAINING AGREEMENT WITH LOCAL # 630 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS FOR THE PERIOD OF JULY 1, 2010 THROUGH JUNE 30, 2013.
    - i. ~~Jones moved to approve Resolution No. 4113, VanAken seconded.~~
    - ii. Three in favor (Jones, Caldwell, VanAken), two against (Spannring, Bennett), motion to approve passed.
  - d. Resolution No. 4114 (01:07:20)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH STAHLY ENGINEERING.
    - i. Jones moved to approve Resolution No. 4114, Bennett seconded.
    - ii. All in favor, motion to approve passed.
  - e. Resolution No. 4115 (01:17:44)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH KNIFE RIVER TO INSTALL CONDUIT, SWEEPS, AND CONCRETE LIGHT POLE BASES IN THE AMOUNT OF \$76,500.00.
    - i. VanAken moved to approve Resolution No. 4115, Bennett seconded.
    - ii. All in favor, motion to approve passed.
- E) A five minute recess was taken. The meeting resumed at 8:25 p.m. and the recording time started over.
- F) Action Items (00:00:00):
- a. Action Item A (00:00:00) - Discuss/approve/deny grant application of \$19,795 from Vision Livingston Downtown Partnership Design Committee by Urban Renewal Authority.
    - i. Adam Stern, representing the URA, was available to answer any questions.
    - ii. Bennett moved to approve Action Item A, Spannring seconded.
    - iii. All in favor, motion to approve passed.
  - b. Action Item B (00:17:42) - Discuss/approve/deny changes to the Urban Renewal Authority bylaws.
    - i. Stern was also available to answer questions on this item.
    - ii. VanAken moved to approve Action Item B, Jones seconded.
    - iii. All in favor, motion to approve passed.
  - c. Action Item C (00:19:31) - Discuss/approve/deny final plat approval for Boehm subdivision located at Miles Avenue and Bennett Street.
    - i. Bennett moved to approve Action Item C, VanAken seconded.
    - ii. All in favor, motion to approve passed.
  - d. Action Item D (00:21:02) - Discuss/approve/deny grant application for the Livingston/Park County Airport.
    - i. Rick Donaldson with Robert Peccia Assoc. was available to answer questions.
    - ii. Jones moved to approve the grant application and bring the item back as a resolution. Bennett seconded.
    - iii. All in favor, motion passed.

- e. Action Item G (item was addressed early due to its relation to Item D) (00:34:30)- Discuss/approve/deny CIP/Pre-application for the Mission Field project no. 3-30-0051-005-2010 from the City/County Airport Board.
  - i. Bennett moved to approve Action Item G, Jones seconded.
  - ii. All in favor, motion to approve passed.
- f. Action Item E (00:40:20)- Discuss/approve/deny proposal from Artemis Institute for Summer and Fall projects (2010).
  - i. Lori Ryker was available to answer questions, and gave a brief presentation.
  - ii. Jones moved to approve the Summer 2010 project, VanAken seconded.
  - iii. Three in favor (Jones, Caldwell, VanAken), two abstained (Bennett, Spanning). Motion passed.
- g. Action Item F (01:00:00) - Discuss/approve/deny request from Livingston Ditch for City of Livingston to participate in a project for rehabilitation of Ditch.
  - i. Dave Haug and Jackie Nelson were available to answer questions as representatives of the Livingston Ditch.
  - ii. Commission agreed to bring the item back on May 12<sup>th</sup> at a special meeting at 7:00 p.m.

G) City Manager Comments (01:53:23):

- a. VanAken and Bennett made comments.

H) City Commission Comments (01:57:54):

- a. Bennett, Spanning, and VanAken made comments.

I) Public Comments (02:06:08):

- a. Lisa Adams expressed how dangerous she feels the discussed ditch area really is and encouraged it to be repaired. She also encouraged Bennett and Spanning to keep up their good work.

J) Adjournment:

- a. Bennett moved to adjourn the meeting, VanAken seconded.
- b. All in favor, motion to adjourn passed.
- c. Meeting was adjourned at 10:37 p.m.

Attest:

Approve:

\_\_\_\_\_  
 Robyn Keyes  
 Recording Secretary

\_\_\_\_\_  
 Steve Caldwell  
 Commission Chairman

**Minutes of Livingston City Commission**  
**May 12, 2010**  
**Special Meeting**  
**7:00 p.m.**

**Roll Call:** Steve Caldwell, Juliann Jones, Rick VanAken, James Bennett, Bill Spannring.

Chairman Caldwell opened the meeting at 7:01 pm.

Mr. Dave Haug from the Livingston Ditch Association (LDA) made a brief presentation regarding their request to the City Commission for both a Letter of Support, and financial participation, in a grant application for rehabilitation of the Livingston Ditch between Main and Yellowstone Streets (@ 600 feet). The LDA is proposing a three-way split between the City, County, and their membership.

After considerable discussion, Commissioner Jones made a motion to give the Livingston Ditch Association a Letter of Support – which would include language indicating that the City of Livingston would continue to explore the possibility of financial participation IF a clear public benefit to Livingston’s citizens could be determined.

Motion seconded by Commissioner Spannring.

City Manager Meece took role, with all (5) Commissioners voting in support of the motion.

Meeting was adjourned at 8:03 p.m.

Attest:

Approve:

---

Robyn Keyes  
RECORDING SECRETARY

---

Steve Caldwell  
COMMISSION CHAIRMAN

**Minutes of Livingston City Commission**  
**May 17, 2010**  
**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, James Bennett, Bill Spannring, Rick VanAken, and Juliann Jones.

**B) Consent Items (00:01:00):**

- a. VanAken moved to approve Consent Items A and B, Bennett seconded.
  - i. All in favor, motion to approve Items A and B passed.
- b. Bennett moved to approve Consent Item C, Spannring seconded.
  - i. All in favor, motion to approve Item C passed.
- c. Bennett moved to approve Consent Items D and E, Spannring seconded.
  - i. All in favor, motion to approve passed.

**C) Public Hearings (00:06:10):**

- a. Resolution No. 4116- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DISCONTINUING AND VACATING A PORTION OF THE UNDEVELOPED NORTH "E" STREET RIGHT-OF-WAY LYING NORTHERLY OF SUMMIT STREET, SOUTHERLY OF HIGH GROUND SUBDIVISION, FIRST FILING, AND LOCATED BETWEEN BLOCKS 1 AND 2 OF THE ORIGINAL TOWNSITE TO THE CITY OF LIVINGSTON, MONTANA, MAINTAINING A TWENTY FOOT (20') UTILITY EASEMENT.
  - i. There was no public comment on Resolution No. 4116.
  - ii. VanAken moved to approve Resolution No. 4116, Bennett seconded.
  - iii. All in favor, motion to approve passed.

**D) Resolutions:**

- a. Resolution No. 4117 (00:07:44)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2009-2010, BY INCREASING REVENUES IN THE AMOUNT OF \$252,000 AND EXPENDITURES IN THE AMOUNT OF \$50,412 AND CALLING FOR A PUBLIC HEARING.
  - i. Jones moved to approve Resolution No. 4117, VanAken seconded.
  - ii. All in favor, motion to approve passed.
- b. Resolution No. 4118 (00:18:37)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN INTERLOCAL AGREEMENT WITH MISSOURI RIVER DRUG TASK FORCE FOR FISCAL YEAR 2010-2011.
  - i. Jones moved to approve Resolution No. 4118 with a change to the resolution so it covers fiscal years 2010-2011 and 2011-2012. Bennett seconded.
  - ii. All in favor, motion to approve resolution with changes passed.
- c. Resolution No. 4119 (00:25:09) - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING THE SUMMERFEST COMMITTEE.

- i. Jones move to approve Resolution No. 4119, with a change to the resolution so it reads "serve for an unspecified term" in place of "serve at his pleasure." VanAken seconded.
  - ii. All in favor, motion to approve resolution with change passed.
- d. Resolution No. 4120 (00:35:25)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING AGREEMENT WITH EXCEL K-9 SERVICES, INC. FOR PURCHASE OF A POLICE CANINE AND TRAINING SCHOOL.
  - i. Bennett moved to approve Resolution No. 4120, VanAken seconded.
  - ii. All in favor, motion to approve passed.

**E) Action Items:**

- a. Discuss/approve/deny the City Zoning Commission's recommendation for Fred Hall's zone change request (00:50:05).
  - i. Jones moved to bring Item A back as an ordinance, VanAken seconded.
  - ii. All in favor, motion to approve passed.
- b. Appoint individuals for City Commission/Board vacancies (00:53:09).
  - i. City Tree Board-
    - 1. Consensus to leave position open.
  - ii. Skate Park Committee-
    - 1. Jones moved to appoint Josh Adams and Angie Hiser to the Skate Park Committee, Bennett seconded.
    - 2. All in favor, motion to appoint Adams and Hiser passed.
  - iii. Urban Renewal Agency-
    - 1. Jones moved to appoint Lauren Silano to the URA, VanAken seconded.
    - 2. Bennett moved to appoint Lisa Adams to the URA, Spanring seconded.
    - 3. Spanring moved to appoint Patricia Grabow to the URA, VanAken seconded.
    - 4. In accordance with Robert's Rules of Order, nominations were voted on in the order they were received.
      - a. Three in favor to appoint Lauren Silano to the URA (Jones, Caldwell, VanAken), two against (Bennett, Spanring).
      - b. Motion to appoint Silano passed.
  - iv. City-County Board of Health-
    - 1. Jones moved to appoint Mary Beebe to the Board of Health, Bennett seconded.
    - 2. All in favor, motion to appoint Beebe passed.
  - v. Livingston Urban Transportation Committee (TCC)-
    - 1. Bennett moved to appoint Adam Stern to the TCC, Jones seconded.
    - 2. All in favor, motion to appoint Stern passed.
- c. Discuss/approve/deny subordination agreement for Crazy Mountain Productions to obtain funding for improvements to the East Side School and/or schedule a special meeting to take action (01:05:45).
  - i. Jones moved to approve the subordination agreement and bring back a resolution authorizing the City Manager to sign the subordination agreement. Bennett seconded.

- ii. Rosamond Stanton explained why Crazy Woman Investments, LLC. is interested in investing in this project, and answered questions.
  - iii. Storrs Bishop explained why Crazy Mountain Productions is interested in entering in to this subordination agreement, and answered questions.
  - iv. All in favor, motion passed.
- d. Discuss/approve/deny establishing a contract with Livingston Food Pantry to assist with development of a community garden that grows produce for distribution by the Livingston Food Pantry (01:33:56).
- i. Jones moved to approve establishment of a contract with Livingston Food Pantry, VanAken seconded.
  - ii. Three in favor (VanAken, Jones, Caldwell), two against (Bennett, Spannring). Motion passed.

**F) City Manager Comments:**

- a. There were none.

**G) City Commission Comments (02:00:30):**

- a. Jones, VanAken, and Spannring made comments.

**H) Public Comments (02:07:15):**

- a. There were none.

**I) Adjournment:**

- a. VanAken moved to adjourn the meeting, Bennett seconded.
- b. All in favor, motion to adjourn passed.
- c. Meeting was adjourned at 9:09 p.m.

Attest:

Approve:

---

Robyn Keyes  
Recording Secretary

---

Steve Caldwell  
Commission Chairman

**Minutes of Livingston City Commission**  
**June 7, 2010**  
**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, James Bennett, Rick VanAken, Juliann Jones, and Bill Spannring.

**B) Consent Items (00:00:45):**

- a. Bennett moved to approve Consent Items, VanAken seconded.
- b. All in favor, motion to approve Consent Items passed.

**C) Public Hearings (00:01:15):**

- a. Resolution No. 4121- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2009-2010, BY INCREASING REVENUES IN THE AMOUNT OF \$252,000 AND EXPENDITURES IN THE AMOUNT OF \$50,412.
  - i. There was no public comment.
  - ii. VanAken moved to approve Resolution No. 4121, Bennett seconded.
  - iii. All in favor, motion to approve passed.

**D) Resolutions:**

- a. Joint Resolution No. 2010-1 (00:03:00)- A RESOLUTION OF THE CITY COMMISSION AND COUNTY OF PARK, APPROVING A LOAN IN THE AMOUNT OF \$4,625.00, TOGETHER WITH INTEREST THEREON AT THE RATE OF 1.624% PER ANNUM ON THE UNPAID BALANCE OF THE PRINCIPAL UNTIL PAID, FROM THE AERONAUTICS DIVISION OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF MONTANA TO THE CITY OF LIVINGSTON AND COUNTY OF PARK, FOR THE PURPOSE OF A DESIGN AND ENGINEERING STUDY FOR MISSION FIELD, LOCATED IN PARK COUNTY MONTANA, PROVIDING FOR THE REPAYMENT OF LOAN, AND THE TERMS THEREOF.
  - i. Jones moved to approve Joint Resolution No. 2010-1, VanAken seconded.
  - ii. All in favor, motion to approve passed.
- b. Resolution No. 4122 (00:04:30)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING AN IDENTITY THEFT PREVENTION PROGRAM FOR THE CITY OF LIVINGSTON, MONTANA.
  - i. Bennett moved to postpone Resolution No. 4122 indefinitely until further information is available, VanAken seconded.
  - ii. All in favor, motion to postpone passed.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.



- c. Resolution No. 4123 (00:05:42)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING SUBORDINATION OF TRUST INDENTURE IN THE EAST SIDE SCHOOL TRANSACTION BETWEEN THE CITY OF LIVINGSTON, AS SELLER, AND CRAZY MOUNTAIN PRODUCTIONS, AS PURCHASER.
  - i. Jones moved to approve Resolution No. 4123 with a change of financing amount to \$200,000. Bennett seconded.
  - ii. All in favor, motion to approve with change passed.
  
- d. Resolution No. 4124 (00:08:45)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING MEMORANDUM OF UNDERSTANDING AMENDING COLLECTIVE BARGAINING AGREEMENT WITH THE LIVINGSTON POLICE DEPARTMENT EMPLOYEE ASSOCIATION.
  - i. Bennett moved to approve, VanAken seconded.
  - ii. All in favor, motion to approve passed.
  
- e. Resolution No. 4125 (00:11:08)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET FOR FISCAL YEAR BEGINNING ON JULY 2, 2010, AND ENDING JUNE 30, 2011, (FY2010-2011), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND AT [www.livingstonmontana.org](http://www.livingstonmontana.org), AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS.
  - i. Jones moved to approve Resolution No. 4125, VanAken seconded.
  - ii. Four in favor (Caldwell, Jones, VanAken, Bennett), one against (Spannring). Motion to approve passed.
  
- f. Resolution No. 4126 (0013:12)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AMENDED SUB-RECIPIENT AGREEMENT WITH PROSPERA BUSINESS NETWORK.
  - i. Bennett moved to approve Resolution No. 4126, Spannring seconded.
  - ii. All in favor, motion to approve passed.
  
- g. Resolution No. 4127 (00:17:47)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN MEMORANDUM OF UNDERSTANDING WITH THE LIVINGSTON FOOD PANTRY FOR ITS COMMUNITY GARDEN PROJECT.
  - i. Jones moved to approve Resolution No. 4127, VanAken seconded.
  - ii. Three in favor (Caldwell, VanAken, Jones), two against (Bennett, Spannring). Motion to approve passed.

**E) Action Items:**

- a. Discuss/approve/deny transfer of "Old" Fire Engine #2 to Yellowstone Gateway Museum (00:27:00).
  - i. VanAken moved to bring back a resolution to approve the transfer of the title of "Old" Fire Engine #2 to Yellowstone Gateway Museum, Jones seconded.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.



**Minutes of Livingston City Commission**  
**June 21, 2010**  
**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, James Bennett, Bill Spannring, Rick VanAken, and Juliann Jones.

**B) Consent Items (00:00:35):**

- a. Bennett moved to approve Consent Items, Spannring seconded.
- b. All in favor, motion to approve Consent Items passed.

**C) Proclamations (00:01:08):**

- a. A proclamation for Rodeo Days in the City of Livingston was read by Chairman Caldwell.

**D) Scheduled Public Comment (00: 02:26):**

- a. Lori Ryker and a group of students from the Artemis Institute made a presentation regarding a proposed schematic design and budget for proposed improvements to the City's park property located west of the Highway 89 bridge at the Yellowstone River.

**E) Public Hearings (00:49:04):**

- a. Resolution No. 4128- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND ADOPTING THE FINAL BUDGET FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2010, AND ENDING JUNE 30, 2011, (FY2010-2011), MAKING APPROPRIATIONS AND ESTABLISHING SPENDING LIMITS AND AUTHORIZING TRANSFER OF APPROPRIATIONS WITHIN SAME FUND.
  - i. There was no public comment on Resolution No. 4128.
  - ii. Jones moved to approve Resolution No. 4128, VanAken seconded.
  - iii. Four in favor (Caldwell, Jones, VanAken, Bennett), one against (Spannring). Motion to approve passed.

**F) Resolutions:**

- a. Resolution No. 4129 (01:00:28)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING DONATION OF FIRETRUCK AND DECOMMISSIONED SELF-CONTAINED BREATHING APPARATUS TO YELLOWSTONE GATEWAY MUSEUM OF PARK COUNTY.
  - i. VanAken moved to approve Resolution No. 4129, Bennett seconded.
  - ii. All in favor, motion to approve passed.
- b. Resolution No. 4130 (01:01:57)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUILDING PERMIT FEE SCHEDULE AND CALLING FOR A PUBLIC HEARING.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

- i. Jones moved to approve Resolution No. 4130, Bennett seconded.
- ii. All in favor, motion to approve passed.

**G) Action Items:**

- a. Discuss/approve/deny appointment of Dave Pettit for the Police Commission. His term would expire 5/13. (01:05:12)
  - i. Jones moved to accept the application to reappoint Dave Pettit to the Police Commission. Bennett seconded.
  - ii. All in favor, motion to accept application and appoint passed.
- b. Discuss/approve/deny creation of Tree District (01:08:40).
  - i. Dave Lichte, chairman of the Tree Board, presented the recommendations from the Tree Board regarding a proposed Tree District, and answered questions.
  - ii. Consensus was reached to bring back an explanation of all options of forming a Tree District
- c. Discuss/approve/deny change order #2 from CTA Engineering for the Wastewater Treatment Plant Improvements 2009 (01:47:55).
  - i. Scott Nelson, with CTA Engineering, was available to answer questions.
  - ii. VanAken moved to approve Change Order #2, Jones seconded.
  - iii. All in favor, motion to approve Change Order #2 passed.
- d. Discuss Montana Boat Builders Revolving Loan Fund (RLF) (012:04:48).
  - i. Stuart Leidner with Prospera Business Network was available to answer questions.
  - ii. No action was taken.

**H) City Manager Comments (02:18:42):**

- a. There were none.

**I) City Commission Comments (02:19:08):**

- a. Jones, VanAken, Spannring, Bennett, and Caldwell all made comments.

**J) Public Comments (02:34:00):**

- a. There were none.

**K) Adjournment:**

- a. Bennett moved to adjourn the meeting, VanAken seconded.
- b. All in favor, motion passed.
- c. Meeting was adjourned at 9:35 p.m.

Attest:

Approve:

\_\_\_\_\_  
 Robyn Keyes  
 Recording Secretary

\_\_\_\_\_  
 Steve Caldwell  
 Commission Chairman

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

**Minutes of Livingston City Commission**  
**July 6, 2010**  
**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, James Bennett, Juliann Jones, and Rick VanAken. Bill Spanring was absent.

**B) Consent Items (00:00:42):**

- a. Bennett moved to approve Consent Items, VanAken seconded.
- b. All in favor, motion to approve Consent Items passed.

**C) Public Hearings (00:01:08):**

- a. Resolution No. 4132- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUILDING PERMIT FEE SCHEDULE.
  - i. There was no public comment on Resolution No. 4132.
  - ii. VanAken moved to approve Resolution No. 4132, Jones seconded.
  - iii. All in favor, motion to approve Resolution No. 4132 passed.

**D) Resolutions:**

- a. Resolution No. 4131 (00:02:10)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) FOR CIVIC CENTER ENERGY RETROFITS PROJECT IN THE AMOUNT OF \$156,975.00 UNDER THE PROVISIONS OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.
  - i. Jones moved to approve Resolution No. 4131, VanAken seconded.
  - ii. All in favor, motion to approve Resolution No. 4131 passed.
- b. Resolution No. 4133 (00:12:22)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AGREEMENT WITH MONTANA DEPARTMENT OF REVENUE TO COLLECT OUTSTANDING CITY COURT FINES AND FEES.
  - i. Bennett moved to approve Resolution No. 4133, VanAken seconded.
  - ii. All in favor, motion to approve Resolution No. 4133 passed.
- c. Resolution No. 4134 (00:23:11)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO RAISE THE WATER RATE IN THE AMOUNT OF 14% TO BE EFFECTIVE ON SEPTEMBER 1, 2010, AND CALLING FOR A PUBLIC HEARING.
  - i. Jones moved to approve Resolution No. 4134, VanAken seconded.
  - ii. All in favor, motion to approve Resolution No. 4134 passed.
- d. Resolution No. 4135 (00:29:42)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO RAISE THE SEWER RATE IN THE AMOUNT OF 19% TO BE EFFECTIVE ON SEPTEMBER 1, 2010, AND CALLING FOR A PUBLIC HEARING.
  - i. Jones moved to approve Resolution No. 4135, Bennett seconded.
  - ii. All in favor, motion to approve Resolution No. 4135 passed.

- e. Resolution No. 4136 (00:36:30)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING CONCEPTIONAL APPROVAL OF ARTEMIS INSTITUTE PROPOSED FALL REMOTE STUDIO PROJECT 2010 FOR PROPERTY DONATED TO THE CITY BY TED AND GEORGANN WATSON.
  - i. Jones moved to approve Resolution No. 4136, VanAken seconded.
  - ii. All in favor, motion to approve passed.

**E) Action Items:**

- a. Action Item A (00:40:50) - Schedule Work Session to review "Personnel Policy" updates.
  - i. Work session was tentatively scheduled for Monday, August 9<sup>th</sup>, 2010, at 6:00 p.m.
- b. Action Item B (00:43:25) - Discuss/approve/deny City Manager's 2010 Goals and Work Plan.
  - i. VanAken moved to approve City Manager's 2010 Goals and Work Plan, Bennett seconded.
  - ii. All in favor, motion to approve passed.
- c. Action Item C (00:47:44) - Discuss with Fleshman Creek Acres residents on Street Maintenance and Street Lighting fees.
  - i. Stephen Woodruff spoke in support of the Fleshman Creek Acres (FCA) group and their requests to at least make the 50% abatement in street and light maintenance district fees permanent, or to re-do the district fees altogether to make a more even distribution across all City residents.
  - ii. Leroy Matthews, Fleshman Creek Acres developer, said he would also like to at least see the 50% abatement made permanent.
  - iii. Robert Price said he owns property in FCA and would like to see the taxes for the subdivision lowered.
  - iv. Danny Matthews said he also owns property in FCA and said that just because this is how the assessments have always been done does not mean the methodology is correct.
  - v. David Rust said he lives on a developed lot in FCA and that he feels everyone should pay an equal amount for the district fees because FCA does not even wish to have street lights in their subdivision.
  - vi. Nancy Kelleher said she recently bought land in FCA and agrees with what the other residents have had to say regarding the district fees.
  - vii. The Administration was directed to bring back further data to see what other options would look like for the Street Maintenance and Street Lighting district fees if other methods of assessment were used.

**\*\*A FIVE MINUTE RECESS WAS TAKEN. RECORDING TIMES START BACK AT ZERO\*\***

- d. Action Item D (00:00:00) - Discuss/approve/deny creation of Tree District's.
  - i. Direction was given to the Administration to bring back information on how many parcels in the City do or do not have trees in their boulevards.

- e. Action Item E (00:36:50) - Discuss/approve/deny Artemis project funding suggestions.
  - i. Jones moved to approve the letter of agreement with Artemis and to bring back a resolution authorizing the City Manager to sign the agreement. Bennett seconded.
  - ii. All in favor, motion passed.
  
- f. Action Item F (00:44:00)- Discuss/approve/deny the accumulated funds available from the Skillman Trust fund to be used for the Northside Park from the Livingston Youth Soccer Association.
  - i. VanAken moved to approve use of the accumulated interest from the Skillman Fund by LYSA for the Northside Park. Bennett seconded.
  - ii. All in favor, motion to approve passed.

**F) City Manager Comments (00:49:50):**

- a. Bennett made comments on the City Manager comments.

**G) City Commission Comments (00:50:14):**

- a. Bennett and VanAken made comments.

**H) Public Comments (00:56:40):**

- a. Harry Schaefer spoke regarding issues he has with dust from unpaved streets near his home on the North C. St area; he stated that the streets there are heavily used and a solution other than spraying chemicals to try to cover up the dust needs to be found.
- b. Donald Steinman spoke to urge the City Commission to consider a resolution he presented regarding the Glass Steagall Act (and the need for it to be re-instated). He requested to be scheduled as soon as possible to speak formally at a Commission meeting on the topic.

**I) Adjournment:**

- a. VanAken moved to adjourn the meeting, Jones seconded.
- b. All in favor, motion to adjourn passed.
- c. Meeting was adjourned at 9:50 p.m.

Attest:

Approve:

---

Robyn Keyes  
Recording Secretary

---

Steve Caldwell  
Commission Chairman

**Minutes of Livingston City Commission**  
**July 19, 2010**  
**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, Bill Spannring, Juliann Jones, Rick VanAken, and James Bennett.

**B) Consent Items:**

- a. Bennett moved to approve Consent Items, VanAken seconded.
- b. All in favor, motion to approve Consent Items passed.

**C) Scheduled Public Comment (00:01:14):**

- a. Lori Ryker and students from the Artemis Institute presented their proposed plans for trail markers placed on the property donated to the City by Ted and Georgann Watson; they anticipate the markers to be in place by August 10, 2010.

**D) Resolutions:**

- a. Resolution No. 4138 (00:06:18)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING CONTRACT WITH ARTEMIS INSTITUTE FOR FALL REMOTE STUDIO PROJECT 2010 FOR PROPERTY DONATED TO THE CITY BY TED AND GEORGANN WATSON IN THE AMOUNT OF \$11,700.00
  - i. Jones moved to approve Resolution No. 4138, Bennett seconded.
  - ii. All in favor, motion to approve Resolution No. 4138 passed.
- b. Resolution No. 4137 (00:10:05)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTABLISH A \$4.00 PER MONTH RECYCLING SURCHARGE FOR CUSTOMERS OF THE CITY'S SOLID WASTE DISPOSAL SYSTEM, AND CALLING FOR A PUBLIC HEARING.
  - i. Lenny Gregrey made comments questioning if the cost of recycling justifies the service provided.
  - ii. Jones moved to approve Resolution No. 4137, VanAken seconded.
  - iii. All in favor, motion to approve Resolution No. 4137 passed.
- c. Resolution No. 4139 (00:58:51)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, SUPPORTING PARTNERSHIPS FOR PARK COUNTY'S APPLICATION TO THE NATIONAL PARK SERVICE FOR LOCAL TRAIL DEVELOPMENT GRANT.
  - i. VanAken moved to approve Resolution No. 4139, Jones seconded.
  - ii. Four in favor (Jones, VanAken, Caldwell, Bennett), one against (Spannring). Motion to approve Resolution No. 4139 passed.
- d. Resolution No. 4140 (01:03:12)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, SUPPORTING A CLIMATE CONTROL SYSTEM FOR THE YELLOWSTONE GATEWAY MUSEUM OF PARK COUNTY.
  - i. VanAken moved to approve Resolution No. 4140, Bennett seconded.
  - ii. All in favor, motion to approve Resolution No. 4140 passed.



**E) Action Items:**

- a. Action Item A (01:10:18)**-Discuss Street Maintenance and Street Lighting District issues regarding Freshman Creek Acres.
- i. Steve Woodruff, representative for FCA, suggested using the square footage system with a cap, or if equal assessment is the right thing, to go that route.
  - ii. Lenny Gregrey suggested putting off decisions until all of the information is available.
  - iii. No action was taken.

**\*\*\*A FIVE MINUTE RECESS WAS TAKEN AT 9:00 P.M. RECORDING TIME STARTS BACK AT ZERO\*\*\***

- b. Action Item B (00:00:00)** - Discuss road surface issues on North "C" Street.
- i. Harry Schaefer, property owner on North "C" Street, requested that something be done to decrease the amount of dust in the North "C" Street area, but did not know if the residents of the area would be willing to enter into an SID because they would all like to see something for no cost.
  - ii. The Administration was directed to refer the issue to the City's engineering firm for a recommendation back to the Administration regarding potential options and costs of those options.
- c. Action Item C (00:31:33)** - Discuss/approve/deny changing the day/time for City Commission meetings.
- i. Bennett moved to direct staff to bring back an ordinance for changing meeting time and date to the first and third Tuesday of the month at 6:30 p.m. VanAken seconded.
  - ii. All in favor, motion to bring back ordinance passed.
- d. Action Item D (00:37:00)** - Discuss/approve/deny Urban Renewal Authority grant to Vision Livingston Downtown Partnership for promotion.
- i. Dana Taylor, with the URA, explained the signage project and how VLDP has provided matching grant funds for this project.
  - ii. Amber Fowler, VLDP member, explained how the project was developed to continue to strengthen the Livingston business community because permanent signage is essential.
  - iii. Don Gimbel explained that the two groups have been working with the MDOT to get permission to put permanent signage in the desired locations, and also explained that they are looking for Commission approval for the use of the money the URA has granted to VLDP.
  - iv. Tom Marsh, who designed the proposed signage, said that Livingston needs a spotlight for its tourism and by paying the State to put up the signs it keeps the project more local.
  - v. Jones moved to approve Action Item D, Spannring seconded.
  - vi. All in favor, motion to approve Item D passed.
- e. Action Item E (00:50:27)** - Discuss/approve/deny establishment of a Tree District.
- i. Lenny Gregrey spoke about the Tree District, explaining that trees in the community belong to everyone so money to care for trees should come from everyone.

- ii. Madeline Lawrence said it seems like trees are similar to streets and street lights, which are paid for by everyone, so trees should be, too.
  - iii. Maggie Hayden said trees produce oxygen which benefits everyone.
  - iv. VanAken moved to direct staff to bring back a proposal to have a ballot referendum on a Tree District. Jones seconded.
  - v. All in favor, motion to bring back proposal passed.
- f. **Action Item F (01:24:40)** - Discuss/approve/deny recommendation from the Zoning Commission and Administration regarding Medical Marijuana.
- i. Maggie Hayden explained that she does not believe medical marijuana should be criminalized in any way and that it should be allowed as a home occupation because it is an agricultural product.
  - ii. Monica Blanchard spoke against the recommendation, and said creating laws that do not allow people to take their medication is wrong.
  - iii. Madeline Lawrence said she feels medical marijuana should be treated like alcohol or tobacco in terms of regulation because it is a booming industry.
  - iv. Spanning moved to approve the Zoning Commission's recommendation, along with the Administration's additional proposal, including the modification of home occupation. Jones seconded.
  - v. Four in favor (Spanning, VanAken, Caldwell, Jones), one against (Bennett). Motion to approve passed.

**F) City Manager Comments (01:57:42):**

- a. Spanning and Bennett made comments.

**G) City Commission Comments (01:59:49):**

- a. Caldwell made comments.

**H) Public Comments:**

- a. There were no public comments.

**I) Adjournment:**

- a. VanAken moved to adjourn the meeting, Bennett seconded.
- b. All in favor, motion to adjourn passed.
- c. The meeting was adjourned at 11:10 p.m.

ATTEST:

APPROVE:

---

Robyn Keyes  
Recording Secretary

---

Steve Caldwell  
Commission Chairman

**Minutes of Livingston City Commission**  
**August 2, 2010**  
**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, Bill Spannring, Juliann Jones, Rick VanAken, and James Bennett (via telephone).

**B) Consent Items (00:01:00):**

- a. VanAken moved to approve Consent Items, Spannring seconded.
- b. All in favor, motion to approve Consent Items passed.

**C) Public Hearings:**

**\*\*Due to the extensive public comment, brief summaries of each comment are written below but full commentary can be heard on the meeting's recording.\*\***

- a. Resolution No. 4141 (00:02:00)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RAISING THE WATER RATE IN THE AMOUNT OF 14% TO BE EFFECTIVE ON SEPTEMBER 1, 2010.
  - i. Robert Moore read a statement he prepared in opposition to the rate increases.
  - ii. George Benson said his concern is not with the money but with the lack of inspection and material used in projects these rate increases will fund, especially due to the need to fix infrastructure not just in the downtown area, but in the streets adjacent to downtown.
  - iii. John Orndorff said while it is true that the City Commissions in the past would not give rate increases, the money from current rate increases needs to be conserved and a lower mode of spending by the City is necessary.
  - iv. Barb Williams said she is a previous member of the Livingston City Commission and is in favor of the rate increases because they are necessary for the City to be eligible for more grants and added that Livingston rates are relatively low compared to other cities. She suggested forgetting the proposed fees for recycling and trees, though.
  - v. Eugene W. Raney said the increases should be voted on by the public because most citizens are feeling the economic pinch, and added that previously mentioned flooding issues are legitimate concerns.
  - vi. William Miller said he is a retired citizen of Livingston and objects to the amount of the rate increases because people on fixed incomes are often living below the poverty level and cannot afford these increases.
  - vii. Tonia Torren said the construction of the rates does not make sense or encourage conservation, and suggested a system of paying for rates incrementally, where those who use less pay lower rates.
  - viii. Eugene Raney asked for the different rates for different meters to be explained.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

- ix. Richard Morris asked also to have the different rates for different meters to be explained.
- x. Laurie Benner expressed her support of the rate increases, and her gratitude for the exemplary services provided by the City of Livingston. She said that the deal citizens get is almost too good to be true because these are services that people cannot live without, and that the rate increases are worth it because Livingston rates are still well below many communities in Montana.
- xi. Lynnett Ritterbush said she has a problem with the sewer rates being charged on things like water for lawns and gardens and that she does not think the sewer rates should increase.
- xii. Richard J. Bakosh said he is concerned about the inconsistencies in usage costs for the vacant residence he owns.
- xiii. Rick Loftice said 60% of people in town are retired and do not have the money to pay for these increases, and that wages and vehicles should be cut instead.
- xiv. Robert Moore said 14% and 19% are not accurate numbers because they compound each year on top of the other rate increases in the past two years.
- xv. Rick Loftice said comparing Livingston rates to those in Wyoming is not a good comparison because citizens in Wyoming have oil and gas money.
- xvi. Cody Vincent said if the thickness of the pipes changes the rate but two people still could use the same amount, then that is not a fair system, and that leaks need to be fixed.
- xvii. Harold England said he owned a successful flooring business and had to have his own wages cut due to the economy so City employees should see their wages cut, too.
- xviii. Maggie Beauvais said, as a local business owner, she has had to drastically cut the cost of rent for her tenants because many of them are unemployed while utility rates still keep going up, and that people cannot survive like that so how can it be justified that City employees get wage increases when others have no money. She suggested doing rate increases when the outlook for people is better.
- xix. Lindie Gibson said she sees both sides of this argument, but that everyone must act like they are on a team because the citizens elected the City officials, and that City budgets only have so much money in them to be worked with. She added that she supports the rate increases because rates in Livingston are much cheaper than elsewhere and since it is a matter of budget issues, suggested something like a wage freeze for a few years.
- xx. Lenny Gregrey asked if money from different enterprise funds could be reallocated from those with surpluses to those without to fix this issue because it means too much has been borrowed if there is a surplus.
- xxi. Janet Sharp said she is a senior citizen, landlord, and homeowner and does not see how people can afford these increases because there is no room for excess at this time, and that she is against raising the rates to this extent, including the recycling fee.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

- xxii. Raea Morris said she appreciates what the City does but people cannot afford this, and also that the County had a wage freeze this year.
  - xxiii. Nancy Adkins said she is concerned there are people who cannot afford this and if the Commission feels the need to pass these rate increases, then there needs to be some kind of relief for low income people.
  - xxiv. Maggie Beauvais said it cannot be expected that the same people in the community keep providing for those people who need assistance and cannot continue holding up the rest of the community.
  - xxv. Richard Morris said the State has had a wage freeze, too, so he cannot see how the City can expect to do a rate increase.
  - xxvi. Thomas Burns said that it is hard for a lot of people in this town and that there are a lot of fees and taxes that Livingston residents are expected to pay, and is against the rate increases because he feels there are other methods to make money and wages need to be cut in the City.
  - xxvii. Jason Hopkin said he understands how difficult it is to ask for people's money and to increase rates this much this quickly is unreasonable.
  - xxviii. The public hearing was closed.
  - xxix. Jones moved to approve Resolution No. 4141, VanAken seconded.
  - xxx. Four in favor (Jones, Bennett, Caldwell, VanAken), one against (Spannring). Motion to approve Resolution No. 4141 passed.
- b. Resolution No. 4142 (01:43:15)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RAISING THE SEWER RATE IN THE AMOUNT OF 19% TO BE EFFECTIVE ON SEPTEMBER 1, 2010.
- i. There was no public comment.
  - ii. VanAken moved to approve Resolution No. 4142, Jones seconded.
  - iii. Four in favor (VanAken, Jones, Caldwell, Bennett), one against (Spannring). Motion to approve Resolution No. 4142 passed.
- c. Resolution No. 4146 (01:48:00)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING A \$4.00 PER MONTH RECYCLING SURCHARGE FOR CUSTOMERS OF THE CITY'S SOLID WASTE DISPOSAL SYSTEM.
- i. Lindie Gibson said she thinks recycling is an excellent idea but suggested keeping an eye on the future and how this surcharge would impact the community; she said she feels the surcharge is punishment for the well-intending people who do recycle, when instead the City should be encouraging recycling. She also suggested outsourcing it to a private business.
  - ii. Nancy Adkins said the lack of containers for recycling is an issue because then asking for the surcharge is asking citizens to pay a fee for a service they do not even really have. She suggested creating a committee to study the entire issue of recycling and also suggested privatizing recycling. She added that the charge would create no incentive for the average person to recycle.
  - iii. Eugene Raney said the concept of the recycling program is a good idea but suggested some kind of reimbursement to those who do recycle, and added

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

that the facility should be open 24 hours a day in order for recycling to be a money-making business.

- iv. Morris Gullickson asked if this resolution included fees for trees in the boulevards.
- v. Amy Vincent said the City needs to step back and look at itself like a business with two options-cut spending or make more money. She said there must be ways money could be cut back that is spent on recycling because it should be a money-making business, and suggested not charging the people who do want to recycle.
- vi. Linda Marr said she agrees recycling is good but wonders why the City got into the business of it if it was known the cost of it could not be covered. She also said there should be ways to help those on fixed incomes be able to afford these increases because she does not necessarily agree with the rate increases but feels there should be some method of helping out people to pay them.
- vii. Lisa Adams said she feels her family represents all sides of this situation because her husband works for the City but she understands what people are going through because she has seen their income shrink in the past two years. She said there needs to be methods to help those who cannot afford these kinds of charges without costing everyone else more and suggested spreading the cost out and asked if the cost would continue to increase if it was not approved this year.
- viii. George Vincent said 60% of people in the community are older and if they cannot afford to live here then they will leave, which in turn will make others leave. He said people need to be taught how to recycle and the City will start making money that way on recycling because the numbers tell the story and if money is not being made recycling then is the City really recycling. He also said recycling should be free and it is not fair to pass this charge on to the citizens.
- ix. Jamie Denney said she owns a private recycling business (Curbside Recycling) that runs off of monthly service charges to the customers, and said that it is not easy to make money in the recycling business. She said people need to respect the program because many did not and that is why the bins at Pamida had to be removed, and added that the cost to recycle increases when people do not respect it. She also said that location is part of the high expense to recycle and by living in Montana, it is more expensive because of the cost to ship recycled items elsewhere, and that it would overall increase the garbage rates if programs like this are gotten rid of because people will start loading everything into their blue garbage cans instead of recycling materials.
- x. Lenny Gregrey asked how much sludge the composting process could create, and if the City would package and sell the mixture. He added that he sees a future problem with creation of too much of the mixture that will cost the taxpayers down the road, too.
- xi. Mike Waldren said that nothing is free and if people want more services, that will equal more cost. He also said he loves Sacajawea Park.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

- xii. Vicki Miller said that she agrees at this point there needs to be more research into recycling options because people need to be educated on how to recycle.
- xiii. Lynnett Ritterbush asked where the big price tag of composting is coming from if money is being saved by doing things with the sludge that will be created. She also said citizens can compost at their own homes and she is impressed with how the recycling facilities are run now because the ones at Pamida were abused.
- xiv. Maggie Beauvais asked if the \$265,000 is a direct cost to the City, and if it is, the system does not appear to be working so why would the City continue to engage in this practice. She said there is a need to revamp practices to adhere to what the times now require and things should be dealt with in the present, not how they used to be.
- xv. Barb Williams said that if the City just stops recycling right now and start putting all of those items into the garbage, then the increased garbage will start costing everyone a lot more if there is no recycling at all.
- xvi. Lenny Gregrey said it would be a worthwhile cost to transport more waste away so someone else could deal with it because the refuse rate is a bargain and he would rather pay for that than pay for the losing cause of recycling or to pay for hiring more people.
- xvii. William Miller said it seems like the City is only dabbling in recycling instead of being actually in recycling.
- xviii. Justin Lobaugh said there are always costs for things, especially in situations like last year where the bad windstorm broke down branches that could not have fit into the trash and the City workers promptly removed them which he appreciated.

**\*\*There was a five minute recess at this time\*\***

- xix. Amy Vincent asked the Commission to either vote no on this item or put the vote off until sometime in the future until more research could be done.
- xx. The public hearing was closed.
- xxi. VanAken moved to approve Resolution No. 4146, Jones seconded.
- xxii. None in favor, all against. Motion to approve Resolution No. 4146 failed.

**\*\*There was a ten minute recess. Meeting reconvened at 10:37 p.m. \*\***

#### **D) Ordinances:**

- a. Ordinance No. 2020 (00:00:00)- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 17 OF THE LIVINGSTON MUNICIPAL CODE AS ENACTED BY ORDINANCE NO. 1735 AND AS AMENDED BY ORDINANCE NO. 1990 BY REQUIRING A BUSINESS LICENSE FOR A COMMERCIAL MEDICAL MARIJUANA CAREGIVER.
  - i. VanAken moved to approve Ordinance No. 2020, Spanring seconded.
  - ii. All in favor, motion to approve Ordinance No. 2020 passed.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

- b. Ordinance No. 2021 (00:02:30) - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 2019 AS CODIFIED BY ARTICLE II-COMMISSION AND CHAIRMAN OF CHAPTER 2-GOVERNMENT AND ADMINISTRATION OF THE LIVINGSTON MUNICIPAL CODE BY AMENDING THE REGULAR MEETING NIGHT TO THE FIRST AND THIRD TUESDAYS OF EVERY MONTH AT 6:30 P.M.
  - i. VanAken moved to approve Ordinance No. 2021, Spannring seconded.
  - ii. All in favor, motion to approve Ordinance No. 2021 passed.
  
- c. Ordinance No. 2022 (00:04:02)- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE ZONING CODE BY PROVIDING A DEFINITION FOR A MEDICAL MARIJUANA FACILITIES, BY AMENDING SECTIONS 30.40 LIST OF USES BY ALLOWING MEDICAL MARIJUANA FACILITIES IN LIGHT INDUSTRIAL (LI) AND INDUSTRIAL (I) ZONES AND PROHIBITING MEDICAL MARIJUANA FACILITIES AS A HOME OCCUPATION.
  - i. Jones moved to approve Ordinance No. 2022, Spannring seconded.
  - ii. All in favor, motion to approve Ordinance No. 2022 passed.
  
- d. Ordinance No. 2023 (00:05:30)- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING CRIMINAL OFFENSES PROHIBITING THE SALE OF MEDICAL MARIJUANA WITHIN 1000 FEET OF A PUBLIC OR PRIVATE SCHOOL OR LICENSED CHILD CARE FACILITY, PROHIBITING THE PRESENCE OF CHILDREN UNDER THE AGE OF 18 IN A MEDICAL MARIJUANA FACILITY UNLESS THEY ARE A QUALIFYING PATIENT AND ARE ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN, PROHIBITING THE USE OF MEDICAL MARIJUANA ON THE PREMISES OF A MEDICAL MARIJUANA FACILITY, AND PROHIBITING THE USE OF MEDICAL MARIJUANA ON PUBLIC RIGHT-OF-WAYS, STREETS, ALLEYS OR OTHER PUBLIC PROPERTY, AND ESTABLISHING A PENALTY FOR VIOLATION THEREOF.
  - i. VanAken moved to approve Ordinance No. 2023, Jones seconded.
  - ii. All in favor, motion to approve Ordinance No. 2023 passed.
  
- e. Ordinance No. 2024 (00:06:45)- 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 LOTS 16-20 AND THE ABANDONED ALLEY, BLOCK 21 OF THE PALACE ADDITION, FROM MEDIUM DENSITY RESIDENTIAL (RII) TO INDUSTRIAL (I).
  - i. Spannring moved to approve Ordinance No. 2024, VanAken seconded.
  - ii. All in favor, motion to approve Ordinance No. 2024 passed.
  
- f. Ordinance No. 2025 (00:08:28) - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1940 AS CODIFIED BY CHAPTER 26 STREETS AND SIDEWALKS, ARTICLE VIII-EXCAVATION PERMIT-PUBLIC RIGHTS-OF-WAY, SECTIONS 26-100 THROUGH 26-101 BY PROVIDING THAT FEES FOR

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.



EXCAVATION PERMIT TO WORK IN THE PUBLIC RIGHT-OF-WAY TO BE SET BY RESOLUTION.

- i. Jones moved to approve Ordinance No. 2025, VanAken seconded.
- ii. All in favor, motion to approve Ordinance No. 2025 passed.

**E) Resolutions:**

- a. Resolution No. 4143 (00:11:35)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$47,356.00 FOR FISCAL YEAR 2010-2011 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.
  - i. VanAken moved to approve Resolution No. 4143, Jones seconded.
  - ii. All in favor, motion to approve Resolution No. 4143 passed.
  
- b. Resolution No. 4144 (00:13:36) - 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 \$93,212.00 FOR FISCAL YEAR 2010-2011 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.
  - i. Jones moved to approve Resolution No. 4144, Spannring seconded.
  - ii. All in favor, motion to approve Resolution No. 4144 passed.
  
- c. Resolution No. 4145 (00:14:34)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING AND IMPROVING STREETS AND ALLEYS IN FURTHERANCE OF THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR STREET MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2010-2011 IN THE ESTIMATED AMOUNT OF \$676,389.00 AND OF ITS INTENT TO LEVY AND ASSESS 100% THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT AND CALLING FOR A PUBLIC HEARING.
  - i. VanAken moved to approve Resolution No. 4145, Spannring seconded.
  - ii. All in favor, motion to approve Resolution No. 4145 passed.
  
- d. Resolution No. 4147 (00:16:06)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTABLISH EXCAVATION PERMIT FEES FOR WORKING WITHIN THE PUBLIC RIGHT-OF-WAY.
  - i. Jones moved to approve Resolution No. 4147, VanAken seconded.
  - ii. All in favor, motion to approve Resolution No. 4147 passed.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

**F) Action Items:**

- a. Action Item A (00:18:24) - Discuss/approve/deny request for change order #3 for the City of Livingston's Wastewater Treatment Plant Improvements 2009 project from CTA Architects.
  - i. Spannring moved to postpone consideration of Action Items A and B until the August 16, 2010 meeting, VanAken seconded.
  - ii. All in favor, motion to postpone consideration of Action Items A and B passed.
- b. Action Item B- Discuss/approve/deny request for stop work order for the City of Livingston's Wastewater Treatment Plant Improvements 2009 project from CTA Architects.
  - i. Action Item B was postponed in the previous item's motion.
- c. Action Item C (00:20:50) - Discuss/approve/deny draft ballot issue question for Tree District.
  - i. Lenny Gregrey asked if the Commission's decision tonight is the final decision on this item.
  - ii. Commission reached consensus that the Commission would administer and retain the Tree Board to make recommendations regarding the Tree District.
  - iii. VanAken moved to direct administration to bring back a resolution to take to ballot establishing Tree District with \$19.00 charge with City Commission directly administering the District and permanent provision. Spannring seconded.
    - 1. Three in favor (Caldwell, VanAken, Jones), two against (Spannring, Bennett). Motion to bring back resolution passed.
- d. Action Item D (00:44:39)- Discuss/approve/deny request from Yellowstone Ballet Company to authorize City Manager to sign application for the Cultural Trust grant.
  - i. VanAken moved to approve Action Item D, Spannring seconded.
  - ii. All in favor, motion to approve Action Item D passed.

**G) City Manager Comments (00:45:56):**

- a. There were none.

**H) City Commission Comments (00:46:22):**

- a. Spannring made comments.

**I) Public Comments (00:47:18):**

- a. There were none.

**J) Adjournment:**

- a. VanAken moved to adjourn the meeting, Jones seconded.
- b. All in favor, motion to adjourn passed.
- c. The meeting was adjourned at 11:25 p.m.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

ATTEST:

APPROVE:

---

Robyn Keyes  
Recording Secretary

---

Steve Caldwell  
Commission Chairman

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

August 2, 2010

**Minutes of Livingston City Commission**  
**August 16, 2010**  
**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 James Bennett, Bill Spannring, Rick VanAken, and Steve Caldwell. Juliann Jones was absent.

**B) Consent Items:**

- a. Bennett moved to approve Consent Items, VanAken seconded.
- b. All in favor, motion to approve Consent Items passed.

**C) Scheduled Public Comment (00:01:17):**

- a. Jerry Weimer was scheduled to comment on Moon Circle/Soccer Field Parking Lot but was not present to discuss.

**D) Public Hearings:**

- a. Ordinance No. 2020 (00:01:36)- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 17 OF THE LIVINGSTON MUNICIPAL CODE AS ENACTED BY ORDINANCE NO. 1735 AND AS AMENDED BY ORDINANCE NO. 1990 BY REQUIRING A BUSINESS LICENSE FOR A COMMERCIAL MEDICAL MARIJUANA CAREGIVER.
  - i. There was no public comment.
  - ii. Spannring moved to approve Ordinance No. 2020, VanAken seconded.
  - iii. All in favor, motion to approve Ordinance No. 2020 passed.
- b. Ordinance No. 2021 (00:05:05) - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 2019 AS CODIFIED BY ARTICLE II--COMMISSION AND CHAIRMAN OF CHAPTER 2--GOVERNMENT AND ADMINISTRATION OF THE LIVINGSTON MUNICIPAL CODE BY AMENDING THE REGULAR MEETING NIGHT TO THE FIRST AND THIRD TUESDAYS OF EVERY MONTH AT 6:30 P.M.
  - i. There was no public comment.
  - ii. VanAken moved to approve Ordinance No. 2021, Bennett seconded.
  - iii. All in favor, motion to approve Ordinance No. 2021 passed.
- c. Ordinance No. 2023 (00:06:44)- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING CRIMINAL OFFENSES PROHIBITING THE SALE OF MEDICAL MARIJUANA WITHIN 1000 FEET OF A PUBLIC OR PRIVATE SCHOOL OR LICENSED CHILD CARE FACILITY, PROHIBITING THE PRESENCE OF CHILDREN UNDER THE AGE OF 18 IN A MEDICAL MARIJUANA FACILITY UNLESS THEY ARE A QUALIFYING PATIENT AND ARE ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN, PROHIBITING THE USE OF MEDICAL MARIJUANA ON THE PREMISES OF A MEDICAL MARIJUANA FACILITY, AND PROHIBITING THE USE OF MEDICAL MARIJUANA ON PUBLIC RIGHT-OF-

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.



- i. There was no public comment.
  - ii. VanAken moved to approve Resolution No. 4150, Spannring seconded.
  - iii. All in favor, motion to approve Resolution No. 4150 passed.
- h. Resolution No. 4151 (00:27:41)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING EXCAVATION PERMIT FEES FOR WORKING WITHIN THE PUBLIC RIGHT-OF-WAY.
  - i. There was no public comment.
  - ii. Bennett moved to approve Resolution No. 4151, VanAken seconded.
  - iii. All in favor, motion to approve Resolution No. 4151 passed.

**E) Resolutions:**

- a. Resolution No. 4153 (00:30:34)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ORDER A REFERENDUM ON THE CREATION OF A TREE DISTRICT IN THE CITY OF LIVINGSTON.
  - i. Barbara Britt said she feels the \$19 is not an unreasonably high fee but she has paid a lot in the past for her trees to be trimmed so the costs all add up.
  - ii. Lenny Gregrey said he feels the public spoke at the last meeting regarding any additional fees being charged right now and he does not believe that if the option were given to citizens to vote on that it would pass. He said the City needs to adjust spending so a moderate plan can be developed that deals with the trees but can be paid for without the additional fee to the citizens. He also suggested using a system of permits for citizens to have their low hanging branches trimmed.
  - iii. Spannring moved to approve Resolution No. 4153, Bennett seconded.
  - iv. Two in favor (Caldwell, VanAken), two against (Spannring, Bennett). Motion failed.

**F) Action Items:**

- a. Discuss/approve/deny request for change order #3 for the City of Livingston's Wastewater Treatment Plant Improvements 2009 project from CTA Architects. (01:22:00)
  - i. Parks Frady with CTA Architects was present to answer questions from the Commission.
  - ii. Bennett moved to approve Action Item A, Spannring seconded.
  - iii. All in favor, motion to approve Item A passed.
- b. Discuss/approve/deny request for stop work order for the City of Livingston's Wastewater Treatment Plant Improvements 2009 project from CTA Architects. (01:41:04)
  - i. Mr. Frady answered any questions the Commission had.
  - ii. VanAken moved to approve Action Item B, Spannring seconded.
  - iii. All in favor, motion to approve Item B passed.
- c. Discuss/approve/deny request for modification to CTA Architects contract for Wastewater Treatment Plant Improvements project. (01:43:52)

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

- i. Spannring moved to accept all staff recommendations regarding the CTA letter including any other costs associated with project oversight outside the contractual scope of work that staff believes to be acceptable. Bennett seconded.
- ii. All in favor, motion passed.

**G) City Manager Comments (01:55:30):**

- a. There were none.

**H) City Commission Comments (01:55:50):**

- a. VanAken, Bennett, and Spannring all made comments.

**I) Public Comment (02:11:25):**

- a. Marilyn Green said she feels there is a lot of misunderstanding about the effects of medical marijuana on the body and that the dealers are using medical marijuana as a way to infiltrate society with drugs. She said she has also heard marijuana use chips away at DNA molecules and that teens are greatly affected by the legalization of the drug because it is a gateway drug that makes people susceptible to other drugs.

**J) Adjournment:**

- a. VanAken moved to adjourn the meeting, Spannring seconded.
- b. All in favor, motion to adjourn passed.
- c. The meeting was adjourned at 9:17 p.m.

ATTEST:

APPROVE:

---

Robyn Keyes  
Recording Secretary

---

Steve Caldwell  
Commission Chairman

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

**Minutes of Livingston City Commission**  
**September 7, 2010**  
**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 Rick VanAken, Bill Spannring, Juliann Jones, James Bennett, and Steve Caldwell.

**B) Consent Items (00:00:46):**

- a. VanAken moved to approve Consent Items, Bennett seconded.
- b. All in favor, motion to approve passed.

**C) Scheduled Public Comment (00:01:10):**

- a. Lenny Gregrey spoke regarding public participation at work sessions and meetings after an incident occurred at a work session he had been present at several weeks before. He emphasized that the public needs to be allowed to participate in meetings and know the rules as to how they can participate.

**D) Public Hearings:**

- a. Ordinance No. 2022 (00:06:12)- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE ZONING CODE BY PROVIDING A DEFINITION FOR A MEDICAL MARIJUANA FACILITIES, BY AMENDING SECTION 30.40 LIST OF USES BY ALLOWING MEDICAL MARIJUANA FACILITIES IN LIGHT INDUSTRIAL (LI) AND INDUSTRIAL (I) ZONES AND PROHIBITING MEDICAL MARIJUANA FACILITIES AS A HOME OCCUPATION.
  - i. There was no public comment.
  - ii. VanAken moved to approve Ordinance No. 2022, Jones seconded.
  - iii. Four in favor (Caldwell, Jones, VanAken, Spannring), one against (Bennett). Motion to approve Ordinance No. 2022 passed.
- b. Ordinance No. 2024 (00:14:20)- 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 LOTS 16-20 AND THE ABANDONED ALLEY, BLOCK 21 OF THE PALACE ADDITION, FROM MEDIUM DENSITY RESIDENTIAL (RII) TO INDUSTRIAL (I).
  - i. There was no public comment.
  - ii. Bennett moved to approve Ordinance No. 2024, VanAken seconded.
  - iii. All in favor, motion to approve Ordinance No. 2024 passed.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.



**E) Resolutions:**

- a. Resolution No. 4152 (00:15:34)- 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 ONE ACRE LOCATED WITHIN STREET MAINTENANCE DISTRICT NO. 1 AND STREET LIGHTING DISTRICT NO. 20 AND AMENDING RESOLUTION NOS. 4148, 4149, AND 4150.
  - i. Jones moved to approve Resolution No. 4152, Bennett seconded.
  - ii. All in favor, motion to approve Resolution No. 4152 passed.
  
- b. Resolution No. 4154 (00:18:54)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN "ADMINISTRATIVE ORDER ON CONSENT" WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY.
  - i. Robert Seamons with Stahley Engineering was present to answer questions.
  - ii. Nancy Adkins spoke to express her deep concern because the public has not been adequately informed about this serious situation.
  - iii. VanAken moved to approve Resolution No. 4154, Jones seconded.
  - iv. All in favor, motion to approve Resolution No. 4154 passed.
  
- c. Action Item B was addressed (00:49:26) - DISCUSS/APPROVE/DENY REQUEST FROM FINANCE DIRECTOR REGARDING THE MILL LEVIES FOR FISCAL YEAR 2010-2011 (FY10-11).
  - i. No action was taken, item was only discussed.
  
- d. Resolution No. 4155 (00:48:54)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO FIX THE TAX LEVY FOR FISCAL YEAR 2010-2011 AND GIVING NOTICE OF A PUBLIC HEARING THEREON.
  - i. Jones moved to approve Resolution No. 4155, VanAken seconded.
  - ii. All in favor, motion to approve Resolution No. 4155 passed.
  
- e. Action Item A was addressed (01:03:37) - DISCUSS/APPROVE/DENY RECOMMENDATION TO ACCEPT BIDS FOR ENERGY EFFICIENCY RETROFITS TO THE CIVIC CENTER.
  - i. Jones moved to approve Action Item A, VanAken seconded.
  - ii. All in favor, motion to approve Action Item A passed.
  
- f. Resolution No. 4156 (01:08:16)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH ABSAROKA ELECTRIC FOR TASK ONE OF THE CIVIC CENTER ENERGY EFFICIENCY PROJECT.
  - i. Bennett moved to approve Resolution No. 4156, Jones seconded.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

- ii. All in favor, motion to approve Resolution No. 4156 passed.
- g. Resolution No. 4157 (01:08:56)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH BIOSEAL FOR TASK TWO OF THE CIVIC CENTER ENERGY EFFICIENCY PROJECT.
    - i. Bennett moved to approve Resolution No. 4157, VanAken seconded.
    - ii. All in favor, motion to approve Resolution No. 4157 passed.
  - h. Resolution No. 4158 (01:09:35)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH NEVIN'S GLASS & WINDOWS FOR TASK THREE OF THE CIVIC CENTER ENERGY EFFICIENCY PROJECT.
    - i. Bennett moved to approve Resolution No. 4158, VanAken seconded.
    - ii. All in favor, motion to approve Resolution No. 4158 passed.
  - i. Resolution No. 4159 (01:10:10)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO GRANT EASEMENT FOR NORTHWESTERN ENERGY FOR THE RELOCATION AND UPGRADE OF ELECTRIC UTILITIES TO THE EAST SIDE SCHOOL.
    - i. Tim Williams, project manager for the East Side Arts Center, was available to answer questions.
    - ii. VanAken moved to approve Resolution No. 4159, Jones seconded.
    - iii. Four in favor (Jones, VanAken, Caldwell, Bennett), one against (Spannring). Motion to approve Resolution No. 4159 passed.

**F) Action Items:**

- a. Action Item C (01:29:00) - Discuss/approve/deny request from Carter Boehm for De-Annexation.
  - i. VanAken moved to approve Action Item C, Spannring seconded.
  - ii. None in favor, all against. Motion to approve Action Item C failed.
- b. Action Item D (01:37:18)- Discuss/approve/deny request for special parking space from Earlene Bowers located at 420 East Lewis Street.
  - i. Jones moved to approve Action Item D, VanAken seconded.
  - ii. All in favor, motion to approve Action Item D passed.
- c. Action Item E (01:42:08) - Discussion regarding fiscal sustainability of salary increases, revenues and fund balances (reserves).
  - i. No action was taken.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

**G) City Manager Comments (01:55:10):**

- a. Jones and VanAken made comments.

**H) City Commission Comments (01:58:06):**

- a. Bennett, Spanring, and VanAken made comments.

**I) Public Comments (02:19:50):**

- a. There were none.

**J) Adjournment:**

- a. VanAken moved to adjourn the meeting, Bennett seconded.
- b. All in favor, motion to adjourn passed.
- c. The meeting was adjourned at 9:19 p.m.

ATTEST:

APPROVE:

---

Robyn Keyes  
Recording Secretary

---

Steve Caldwell  
Commission Chairman

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

**Minutes of Livingston City Commission  
Special Meeting-September 14, 2010  
6:30 p.m.**

**A) Call to Order:**

- a. Chairman Caldwell called the meeting to order at 6:30 p.m.
- b. Commissioners present were Steve Caldwell, Rick VanAken, Juliann Jones, James Bennett, and Bill Spannring.

**B) Public Hearing:**

- a. Resolution No. 4160- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, FIXING THE TAX LEVY FOR FISCAL YEAR 2010-2011.
  - i. There was no public comment.
  - ii. Bennett moved to approve Resolution No. 4160, Jones seconded.
  - iii. Four in favor (VanAken, Bennett, Jones, Caldwell), one against (Spannring).  
Motion to approve Resolution No. 4160 passed.

**C) Public Comment:**

- a. There was no public comment.

**D) Adjournment:**

- a. VanAken moved to adjourn the meeting, Bennett seconded.
- b. All in favor, motion to adjourn passed.
- c. The meeting was adjourned at 6:53 p.m.

ATTEST:

APPROVE:

---

Robyn Keyes  
Recording Secretary

---

Steve Caldwell  
Commission Chairman

**Minutes of Livingston City Commission**  
**September 21, 2010**  
**6:30 p.m.**

**A) Call to Order:**

- a. Chairman Caldwell called the meeting to order at 6:30 p.m.
- b. Commissioners present were Steve Caldwell, Juliann Jones, James Bennett, and Bill Spannring. Rick VanAken was absent.

**B) Consent Items:**

- a. Jones moved to approve Consent Items, Bennett seconded.
- b. All in favor, motion to approve Consent Items passed.

**C) Public Hearings:**

- a. Resolution No. 4161- 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 RESOLUTION NOS. 4148, 4149, AND 4150.
  - i. There was no public comment.
  - ii. Jones moved to approve Resolution No. 4161, Bennett seconded.
  - iii. All in favor, motion to approve Resolution No. 4161 passed.

**D) Resolutions:**

- a. Resolution No. 4162- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GRANTING A 50% REDUCTION IN ASSESSMENT AREA FOR LOTS LOCATED IN FLESHMAN CREEK ACRES SUBDIVISION IN RESPONSE TO OBJECTIONS TO ASSESSMENTS FOR STREET MAINTENANCE DISTRICT NO. 1 AND STREET LIGHTING DISTRICT NO. 20 AND MODIFYING RESOLUTION NOS. 4148, 4149, 4150, AND 4161.
  - i. Bennett moved to approve Resolution No. 4162, Spannring seconded.
  - ii. Discussion of Resolution No. 4162 was postponed and readdressed after Action Item B.
  - iii. All in favor, motion to approve Resolution No. 4162 passed.
- b. Resolution No. 4163- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING PORTIONS OF THE CITY OF LIVINGSTON'S POLICY AND PROCEDURES MANUAL FOR ITS EMPLOYEES.
  - i. Bennett moved to approve Resolution No. 4163, Spannring seconded.
  - ii. All in favor, motion to approve Resolution No. 4163 passed.

**E) Action Items:**

- a. Action Item A- Discuss/approve/deny the City Board of Adjustments recommendation variance request from Carla Pagliaro.
  - i. Action Item A was removed from the agenda.
- b. Action Item B- Discuss/approve/deny tax protest from Carter Boehm.
  - i. Discussion was held on Action Item B and no action was taken.

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

- c. Action Item C- Discuss City Manager's recommendations regarding new methods for funding sidewalk improvements.
  - i. Discussion was held on Action Item C and no action was taken.
- d. Action Item D- Discuss fourth quarter budget review for fiscal year 2010-2011.
  - i. Discussion was held on Action Item D and no action was taken.

**F) City Manager Comments:**

- a. There were none.

**G) City Commission Comments:**

- a. Bennett, Spannring, Jones, and Caldwell all made comments.

**H) Public Comments:**

- a. Bill Stephens spoke regarding the issues surrounding the neighborhood that the Z-Barn is located in. He expressed his concern for the neighborhood due to the type of activities that are occurring in relation to the bar being located in a residential area and he said that type of business is not good for the residents or kids in the neighborhood.
- b. Jacob Devries spoke in support of Stephens' statements, explaining that he, too, lives in the area of the Z-Barn and agrees that the establishment is a nuisance to the residential neighborhood.

**I) Adjournment:**

- a. Bennett moved to adjourn the meeting, Spannring seconded.
- b. All in favor, motion to adjourn passed.
- c. The meeting was adjourned at 8:01 p.m.

ATTEST:

APPROVE:

---

Robyn Keyes  
Recording Secretary

---

Steve Caldwell  
Commission Chairman

Times noted in parenthesis next to each section is the location of the item on the meeting recording, available at [www.livingstonmontana.org](http://www.livingstonmontana.org) or at the City Office, 414 E. Callender St.

**Minutes of Livingston City Commission**  
**October 5, 2010**  
**6:30 p.m.**

**A) Roll Call:**

- a. Chairman Caldwell called the meeting to order at 6:30 p.m.
- b. Commissioners present were Steve Caldwell, James Bennett, Rick VanAken, Bill Spannring, and Juliann Jones.

**B) Consent Items (00:01:00):**

- a. Bennett moved to approve Consent Items A, B, and D. Spannring seconded.
  - i. All in favor, motion to approve Consent Items A, B, and D passed.
- b. Bennett moved to approve Consent Item C, VanAken seconded.
  - i. All in favor, motion to approve Consent Item C passed.

**C) Scheduled Public Comment (00:12:52):**

- a. Ed Meece and Bruce Becker spoke regarding relocation of a "well" donation on the Ted Watson property.

**D) Ordinances:**

- a. Ordinance No. 2026 (00:16:06)- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 11 OF THE LIVINGSTON MUNICIPAL CODE BY REPEALING ORDINANCE NO. 1990 AND BY ENACTING REQUIREMENTS FOR THE ISSUANCE OF SAFETY INSPECTION CERTIFICATES, SPECIAL BUSINESS LICENSES AND ALCOHOLIC BEVERAGE LICENSES AND BY PROVIDING THAT SAFETY INSPECTION CERTIFICATES, SPECIAL BUSINESS LICENSES AND ALCOHOLIC BEVERAGE LICENSES BE SET BY RESOLUTION.
  - i. Jones moved to approve Ordinance No. 2026, VanAken seconded.
  - ii. All in favor, motion to approve Ordinance No. 2026 passed.
- b. Ordinance No. 2027 (00:37:00) - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE 1674 AS CODIFIED IN SECTION 10-17 THROUGH 10-17.3 OF THE LIVINGSTON MUNICIPAL CODE BY TRANSFERRING THE LICENSING REQUIREMENT FOR TOBACCO VENDING MACHINES TO THE CITY OF LIVINGSTON SAFETY INSPECTION CERTIFICATES, SPECIAL BUSINESS LICENSES AND ALCOHOLIC BEVERAGE LICENSES ACT AS ENACTED BY ORDINANCE NO. 2026.
  - i. Jones moved to approve Ordinance No. 2027, Bennett seconded.
  - ii. All in favor, motion to approve Ordinance No. 2027 passed.
- c. Ordinance No. 2028 (00:38:30)- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REQUIRING ALL BUILDINGS TO COMPLY WITH BUILDING CODES AND AMENDING ORDINANCE NO. 1983 AS CODIFIED BY CHAPTER 6 OF THE LIVINGSTON MUNICIPAL CODE, BY ADOPTING BY REFERENCE THE 2009 INTERNATIONAL BUILDING CODE (IBC); THE 2009 INTERNATIONAL MECHANICAL CODE—RESIDENTIAL ONLY (IMC); THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE (IECC); AND THE 2009 INTERNATIONAL EXISTING BUILDING CODE (IEBQ AND DELETING THE FIRE LIMIT DESCRIPTION).
  - i. Bennett moved to approve Ordinance No. 2028, Jones seconded.

- ii. Anthony Miley asked several questions regarding the authority under which the City must comply with these codes.
- iii. All in favor, motion to approve Ordinance No. 2028 passed.

**E) Resolutions:**

- a. Resolution No. 4164 (00:50:36)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2009-2010, BY INCREASING REVENUES IN THE AMOUNT OF \$29,740.00 AND EXPENDITURES IN THE AMOUNT OF \$25,515.00 AND CALLING FOR A PUBLIC HEARING.
  - i. Bennett moved to approve Resolution No. 4164, Spannring seconded.
  - ii. All in favor, motion to approve Resolution No. 4164 passed.
  
- b. Resolution No. 4165 (00:52:48)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN GRANT AGREEMENT WITH THE MONTANA DEPARTMENT OF COMMERCE FOR THE TREASURE STATE ENDOWMENT PROGRAM (TSEP) FOR A PRELIMINARY ENGINEERING REPORT (PER) FOR THE WASTEWATER TREATMENT PLANT, NOT TO EXCEED \$15,000.00.
  - i. VanAken moved to approve Resolution No. 4165, Bennett seconded.
  - ii. All in favor, motion to approve Resolution No. 4165 passed.
  
- c. Resolution No. 4166 (00:57:00)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTABLISH SAFETY INSPECTION CERTIFICATE FEES, SPECIAL BUSINESS LICENSE FEES AND ALCOHOLIC BEVERAGE LICENSE FEES.
  - i. Bennett moved to approve Resolution No. 4166, VanAken seconded
  - ii. All in favor, motion to approve Resolution No. 4166 passed.

**F) Action Items:**

- a. Action Item A (01:01:40) -Discuss/approve/deny appointing applicants for the City Tree Board-(2) applications received for three vacant seats.
  - i. Jones moved to appoint the two applicants for the tree board, Bennett seconded.
  - ii. All in favor, motion to appoint applicants passed.
  
- b. Action Item B (01:03:22) -Consider John French's request and schedule public comment on request.
  - i. John Foster explained his concerns about the proposed agreement between the City and Mr. French.
  - ii. Rebecca Foster provided photos of damage Mr. French has done to city property from driving across it.
  - iii. VanAken moved to bring back a resolution authorizing the City Manager to sign the agreement. Jones seconded.
  - iv. Four in favor (Spannring, VanAken, Jones, and Caldwell), one against (Bennett). Motion passed.



- c. Action Item C (01:25:25)-Discuss recycling workshop follow-up/impacts.
  - i. John Foster suggested the City sell compost in the spring for residents to purchase and use, and suggested using the compost in empty lots that could be rented out as garden space to City residents.
  - ii. Anthony Miley said he thinks people would volunteer to help keep the composting program going because people want to help protect the environment.
  - iii. No action was taken.

**G) City Manager Comments (02:20:18):**

- a. Spannring made comments.

**H) City Commission Comments (02:25:43):**

- a. Bennett, Caldwell, Spannring, and VanAken all made comments.

**I) Public Comments (02:35:50):**

- a. There were no public comments.

**J) Adjourn:**

- a. Bennett moved to adjourn the meeting, VanAken seconded.
- b. All in favor, motion to adjourn the meeting passed.
- c. The meeting was adjourned at 9:06 p.m.

ATTEST:

APPROVE:

---

Robyn Keyes  
Recording Secretary

---

Steve Caldwell  
Commission Chairman

**Minutes of Livingston City Commission  
October 19, 2010  
6:30 p.m.**

**A) Roll Call:**

- a. Chairman Caldwell called the meeting to order at 6:30 p.m.
- b. Commissioners present were Steve Caldwell, James Bennett, Rick VanAken, Juliann Jones, and Bill Spannring (arrived late).

**B) Consent Items (00:00:43):**

- a. VanAken moved to approve Consent Items, Jones seconded.
- b. All in favor, motion to approve Consent Items passed.

**C) Scheduled Public Comment (00:05:00):**

- a. Lori Ryker and students of the Artemis Institute presented their fall projects for the Remote Studio, and answered questions.
- b. Adam Stern asked to save his comments for discussion of the Ice Skating rink.

**D) Public Hearings:**

- a. Ordinance No. 2026 (00:15:25)- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 11 OF THE LIVINGSTON MUNICIPAL CODE BY REPEALING ORDINANCE NO. 1990 AND BY ENACTING REQUIREMENTS FOR THE ISSUANCE OF SAFETY INSPECTION CERTIFICATES, SPECIAL BUSINESS LICENSES AND ALCOHOLIC BEVERAGE LICENSES AND BY PROVIDING THAT SAFETY INSPECTION CERTIFICATES, SPECIAL BUSINESS LICENSES AND ALCOHOLIC BEVERAGE LICENSES BY SET BY RESOLUTION.
  - i. There was no public comment.
  - ii. Bennett moved to approve Ordinance No. 2026, VanAken seconded.
  - iii. Bennett moved to amend Ordinance No. 2026 to incorporate the City Manager's suggested addition to Section O(1)(a). VanAken seconded the motion to amend.
  - iv. Four in favor (VanAken, Caldwell, Bennett, Jones), one against (Spannring) to approve the amendment. The motion to amend passed.
  - v. All in favor, motion to approve Ordinance No. 2026 passed.
- b. Ordinance No. 2027 (00:27:47) - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1674 AS CODIFIED IN SECTION 10-17 THROUGH 10-17.3 OF THE LIVINGSTON MUNICIPAL CODE BY TRANSFERRING THE LICENSING REQUIREMENT FOR TOBACCO VENDING MACHINES TO THE CITY OF LIVINGSTON SAFETY INSPECTION CERTIFICATES, SPECIAL BUSINESS LICENSES AND ALCOHOLIC BEVERAGE LICENSES ACT AS ENACTED BY ORDINANCE NO. 2026.
  - i. There was no public comment.
  - ii. Bennett moved to approve Ordinance No. 2027, VanAken seconded.
  - iii. All in favor, motion to approve Ordinance No. 2027 passed.

- c. Ordinance No. 2028 (00:31:35)- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REQUIRING ALL BUILDINGS TO COMPLY WITH THE BUILDING CODES AND AMENDING ORDINANCE NO. 1983 AS CODIFIED BY CHAPTER 6 OF THE LIVINGSTON MUNICIPAL CODE, BY ADOPTING BY REFERENCE THE 2009 INTERNATIONAL BUILDING CODE (IBC); THE 2009 INTERNATIONAL MECHANICAL CODE— RESIDENTIAL ONLY (IMC); AND THE 2009 INTERNATIONAL EXISTING BUILDING CODE (IECC) AND DELETING THE FIRE LIMIT DESCRIPTION.
  - i. Jones moved to approve Ordinance No. 2028, Bennett seconded.
  - ii. Anthony Miley suggested that the Commission check in to what the IECC contains in case there is anything hidden in the language that would hold the City responsible for something that it is not aware of.
  - iii. All in favor, motion to approve Ordinance No. 2028 approved.
  
- d. Resolution No. 4167 (00:38:40)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING SAFETY INSPECTION CERTIFICATE FEES, SPECIAL BUSINESS LICENSE FEES AND ALCOHOLIC BEVERAGE LICENSE FEES.
  - i. There was no public comment.
  - ii. Bennett moved to approve Resolution No. 4167, VanAken seconded.
  - iii. All in favor, motion to approve Resolution No. 4167 passed.
  
- e. Resolution No. 4168 (00:41:38)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2009-2010, BY INCREASING REVENUES IN THE AMOUNT OF \$29,740.00 AND EXPENDITURES IN THE AMOUNT OF \$25,515.00.
  - i. There was no public comment.
  - ii. Bennett moved to approve Resolution No. 4168, VanAken seconded.
  - iii. All in favor, motion to approve Resolution No. 4168 passed.

**E) Resolutions:**

- a. Resolution No. 4169 (00:44:00)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH JOHN FRENCH.
  - i. VanAken moved to approve Resolution No. 4169, Jones seconded.
  - ii. None in favor, all against. Motion to approve Resolution No. 4169 failed.
  
- b. Resolution No. 4170 (00:54:47)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH STAHLY ENGINEERING FOR CITY UTILITY MAPPING PROJECT IN THE AMOUNT OF \$33,800.00. (BUDGETED FY 2010-2011).
  - i. Greg Benjamin with Stahly Engineering was available to answer questions regarding this resolution and the next two resolutions.
  - ii. Bennett moved to approve Resolution No. 4170, VanAken seconded.
  - iii. All in favor, motion to approve Resolution No. 4170 passed.

- c. Resolution No. 4171 (01:13:15)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH STAHLY ENGINEERING FOR LIVINGSTON DOWNTOWN ALLEYS PROJECT BETWEEN PARK AND CALLENDER STREETS FROM "B" STREET TO 3<sup>RD</sup> STREET IN THE AMOUNT OF \$54,600.00. (BUDGETED FY 2010-2011).
  - i. Jones moved to approve Resolution No. 4171, Bennett seconded.
  - ii. All in favor, motion to approve Resolution No. 4171 passed.
  
- d. Resolution No. 4172 (01:19:40)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH STAHLY ENGINEERING FOR CAMBRIDGE AVENUE STORM WATER OUTLET PROJECT IN THE AMOUNT OF \$3,800.00. (BUDGETED FY 2010-2011).
  - i. Bennett moved to approve Resolution No. 4172, VanAken seconded.
  - ii. All in favor, motion to approve Resolution No. 4172 passed.
  
- e. Resolution No. 4173 (01:24:12)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RESOLUTION OF ITS INTENT TO AUTHORIZE CITY MANAGER TO SIGN OPERATING AGREEMENT WITH THE LIVINGSTON ICE SKATING ASSOCIATION AND CALLING FOR A PUBLIC HEARING.
  - i. Adam Stern, LISA President, presented a copy of the revised draft operating agreement (to be used as the proposed operating agreement for the next reading of the resolution at the public hearing) and answered questions.
  - ii. Tara Eddy read a statement in opposition to the skating rinks.
  - iii. Dixie Lee Bullock spoke against the skating rinks and hockey playing.
  - iv. Henry Gailer spoke in favor of the skating rinks.
  - v. George Kelly spoke in favor of the skating rinks.
  - vi. Aaron and August Schuerr spoke in favor of the skating rinks.
  - vii. Michelle Mickelson spoke in favor of the skating rinks.
  - viii. Rudy Gregor said he is looking forward to working with the City and residents this winter with the winter recreation opportunities available.
  - ix. Jake Evers spoke in favor of the skating rinks.
  - x. Derek Stringer spoke in favor of the skating rinks.
  - xi. Matt Higgins spoke in favor of the skating rinks.
  - xii. Mike Cox spoke in favor of the skating rinks and provided a copy of a letter of support from a neighbor to the rinks.
  - xiii. Matthew Gailer spoke in favor of the skating rinks.
  - xiv. Jones moved to approve Resolution No. 4173, VanAken seconded.
  - xv. Three in favor (Caldwell, VanAken, Jones), two against (Spanning, Bennett). Motion to approve Resolution No. 4173 passed.

**F) Action Items:**

- a. Action Item A (02:18:13) - Discuss advertising for the two vacancies on the City Board of Adjustments.
  - i. Consensus was reached to advertise.
  
- b. Action Item B (02:19:46) - Discuss/approve/deny Urban Renewal Agency spending plan for downtown infrastructure projects.



Minutes of Livingston City Commission  
November 2, 2010  
6:30 p.m.

**A) Call to Order:**

- a. Chairman Caldwell called the meeting to order at 6:30 p.m.
- b. Commissioners present were Steve Caldwell, Rick VanAken, James Bennett, Juliann Jones, and Bill Spanning.

**B) Consent Items (00:00:37):**

- a. Bennett moved to approve Consent Items, Spanning seconded.
- b. All in favor, motion to approve Consent Items passed.

**C) Public Hearings (00:01:00):**

- a. Resolution No. 4174- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN OPERATING AGREEMENT WITH THE LIVINGSTON ICE SKATING ASSOCIATION (LISA).

- i. Chairman Caldwell opened the floor to public comment.
  1. Dana Christian spoke in support of LISA.
  2. Kevin Funk spoke against LISA having hockey at this location.
  3. Dan Eddy spoke against LISA having hockey and skating at this location.
  4. Matt Higgins spoke in favor of LISA.
  5. Lenny Gregrey spoke against LISA having hockey at this location.
  6. Howard Harper suggested locating the skating rinks on the Watson property on the east end of town.
  7. Tara Eddy read a prepared statement against LISA having hockey at this location.
  8. Jake Evers spoke in support of LISA.
  9. Bill Moser suggested using donated materials to locate the skating rinks elsewhere.
  10. There was no further public comment.
- ii. Jones moved to approve Resolution No. 4174, VanAken seconded.
  1. Adam Stern, LISA president, was available to answer questions.
  2. Spanning moved to amend the resolution to require LISA to have the same type of insurance as required by the City for other special events. Bennett seconded.
    - a. Tara Eddy said rotating the rink does not make it right.
    - b. Sherri Newman commented that adding additional insurance does not necessarily mean homes will be covered from damages from hockey pucks.
    - c. All in favor, motion to amend passed.
  3. VanAken moved to amend Item 2 of the agreement with LISA to state "15 days notice." Spanning seconded.
    - a. All in favor, motion to amend passed.
  4. VanAken moved to amend Item 17 of the agreement with LISA to state "No hockey after 6:00 p.m." Bennett seconded.
    - a. All in favor, motion to amend passed.
- iii. Four in favor, one against (Spanning). Motion to approve Resolution No. 4174 passed.

**D) Action Items:**

- a. Action Item A (02:06:04) - Discuss/approve/deny appointment to the City Tree Board.
  - i. Jones moved to accept Vicki Blakeman's application to the Tree Board, VanAken seconded.
  - ii. All in favor, motion to accept application passed.
- b. Action Item B (02:07:54) - Discuss street-sweeping operations.
  - i. Discussion of this item was postponed until the next meeting.

**E) City Manager Comments (02:10:16):**

- a. Jones, Bennett, Spannring, and Caldwell made comments.

**F) City Commission Comments (02:12:03):**

- a. Spannring, VanAken, and Jones made comments.

**G) Public Comments (02:13:65):**

- a. Sherri Newman spoke regarding her displeasure with a letter that Commissioner Spannring sent out in support of a candidate for sheriff. She provided copies of a letter she wrote in response to Spannring's letter, along with copies of his letter.

**H) Adjourn:**

- a. Bennett moved to adjourn the meeting, VanAken seconded.
- b. All in favor, motion to adjourn passed.
- c. The meeting was adjourned at 8:51 p.m.

ATTEST:

APPROVE:

---

Robyn Keyes  
Recording Secretary

---

Steve Caldwell  
Commission Chairman

**Minutes of Livingston City Commission  
November 16, 2010  
6:30 p.m.**

**A) Call to Order:**

- a. Chairman Caldwell called the meeting to order at 6:30 p.m.
- b. Commissioners present were Steve Caldwell, Rick VanAken, Bill Spannring, and James Bennett. Juliann Jones was absent.

**B) Consent Items (00:00:40):**

- a. Bennett moved to approve Consent Items, VanAken seconded.
- b. All in favor, motion to approve Consent Items passed.

**C) Scheduled Public Comment:**

- a. Angie Hiser (00:01:08) gave an update on McNair Skate Park. Derek Smith also spoke and provided additional updates.
- b. Sherri Newman (00:07:30) spoke as a follow-up to the letter she provided to the Commission at the previous meeting regarding a letter sent out from Commissioner Spannring endorsing a candidate for Park County Sherriff. She identified several areas in the City Commission's Code of Conduct that she felt Spannring had violated, and she asked the Commission to take action against him regarding these items.

**D) Resolutions:**

- a. **Resolution No. 4175 (00:17:34)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING THE CITY OF LIVINGSTON POLICY FOR PUBLIC RECORDS REQUEST AND DISCLOSURE THEREOF.**
  - i. VanAken moved to approve Resolution No. 4175, Bennett seconded.
  - ii. Patricia Grabow spoke regarding her experience with submitting public records requests and suggested the Commission take a careful look at this new policy.
  - iii. Bennett suggested several changes to the language of the resolution, and consensus was reached to accept those changes.
  - iv. All in favor, motion to approve Resolution No. 4175 passed.

**E) Action Items:**

- a. **Action Item A (00:45:00) - Appoint Parks master plan Steering Committee representatives from the City Commission.**
  - i. VanAken and Bennett were appointed to the Steering Committee.
- b. **Action Item B (00:52:10) - Discuss/approve/deny request from Livingston Rotary (Fish, Wildlife and Parks Grant).**
  - i. Sarah Scofield spoke as the Water Spray Park Committee Chair for the Livingston Rotary, and explained the request and answered questions.
  - ii. Spannring moved to approve Action Item B, Bennett seconded.
  - iii. All in favor, motion to approve Action Item B passed.
- c. **Action Item C (00:57:27) – Discuss/approve/deny sidewalk bid recommendation.**
  - i. Bennett moved to approve Action Item C, VanAken seconded.
  - ii. All in favor, motion to approve Action Item C passed.
- d. **Action Item D (01:03:05) – Discuss street-sweeping operations.**



- i. Jack Luther agreed that the main problem is parked cars and overhanging branches, and suggested that putting out more information on the sweeping schedule and requirements to the citizens would help with the issues.
    - ii. Fred Shellenberg suggested putting the garbage cans from the streets into the alleys to keep the street-sweeper from having to go around the cans.
  - e. **Action Item E (01:17:00) – Review City Commission “Code of Conduct” and decide if “Code of Conduct” complaints relating to Commissioner Spanning require further action.**
    - i. Patricia Grabow spoke regarding her belief that the “Code of Conduct” is unconstitutional.
    - ii. Sherri Newman spoke regarding her belief that Spanning should face consequences for what she believes were violations of the Code.
    - iii. Dan Babcox encouraged the Commission to take action on this issue to discourage this kind of behavior.
    - iv. The Commission did not take action.
    - v. Newman spoke again to voice her disappointment with no action being taken.

**F) City Manager Comments (02:00:40):**

- a. Bennett made comments.

**G) City Commission Comments (02:04:48):**

- a. VanAken made comments.

**H) Public Comments (02:07:20):**

- a. Patricia Grabow applauded the Commission and City Manager for taking a look at the street-sweeper operations.
- b. A.J. Miley spoke to let the Commission know he felt they handled the “Code of Conduct” issue well and that he felt the Commission did its job.

**I) Adjournment:**

- a. Bennett moved to adjourn the meeting, Spanning seconded.
- b. All in favor, motion to adjourn passed.
- c. The meeting was adjourned at 8:40 p.m.

ATTEST:

APPROVE:

---

Robyn Keyes  
Recording Secretary

---

Steve Caldwell  
Commission Chairman

**Minutes of Livingston City Commission**  
**December 7, 2010**  
**6:30 p.m.**

**A) Call to Order:**

- a. Chairman Caldwell called the meeting to order at 6:30 p.m.
- b. Commissioners present were Steve Caldwell, James Bennett, Bill Spanning, Rick VanAken, and Juliann Jones.

**B) Consent Items (00:01:30):**

- a. Bennett moved to approve Consent Items, Jones seconded.
- b. All in favor, motion to approve Consent Items passed.

**C) Scheduled Public Comment (00:02:27):**

- a. Ken Weaver and Judy Mathre made a presentation on the Self-Governing/Charter form of government in Montana.
  - i. Lenny Gregrey directed questions to the City Manager and to Weaver and Mathre.
  - ii. John Orndorff spoke regarding his experience with exploring charter government options in Livingston.

**D) Resolutions:**

- a. **Resolution No. 4176 (00:51:35) - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO CREATE A BUSINESS IMPROVEMENT DISTRICT, FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, PROSPERITY, SECURITY AND GENERAL WELFARE OF THE INHABITANTS OF THE DISTRICT AND THE PUBLIC AND WHICH WILL BE OF SPECIAL BENEFIT TO THE PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT, AND GIVING NOTICE OF 15 DAY PROTEST PERIOD.**
  - i. Dan Schmidt, with Vision Livingston Downtown Partnership, presented information and answered questions.
  - ii. Bennett moved to postpone Resolution No. 4176 indefinitely, VanAken seconded.
  - iii. All in favor, motion to postpone Resolution No. 4176 indefinitely passed.

**E) Action Items:**

- a. **Action Item A (00:58:15) - Discuss/approve/deny audit for fiscal year 2009-2010. (Merilee Glover with Junkermier/Clark/Campanella & Stevens, PC.).**
  - i. Glover presented information from the audit and answered questions from the Commission .
- b. **Action Item B (01:18:56) - Discuss/approve/deny advertising for vacancies on the Summerfest Committee (2 vacancies); Board of Adjustments (2 vacancies); and, Urban Renewal Agency (1 vacancy).**
  - i. Commission gave consensus for the administration to advertise the vacancies listed.

- c. **Action Item C (01:20:07) - Discuss/approve/deny request from the City Commission, to the Livingston Zoning Commission that they consider a change to the Zoning Ordinance with regard to Special Exception Permits for operation of a Bed & Breakfast facility.**
  - i. Julie Kennedy presented information relevant to this request.
  - ii. VanAken moved to ask the Zoning Commission to consider changes to the ordinance covering Bed & Breakfast facilities, Jones seconded.
  - iii. All in favor, motion to approve request passed.
  
- d. **Action Item D (01:29:46) - Discuss/approve/deny request from Livingston Ice Skating Association regarding the insurance requirement attached to their agreement with the City of Livingston.**
  - i. Adam Stern, LISA President, was present to provide information and answer questions.
  - ii. Bennett moved to waive the obligation to require LISA to have additional insurance and to strike #18 from the list of requirements included in the operating agreement. Jones seconded.
  - iii. Four in favor, one against (Spannring). Motion to waive the insurance obligation passed.

**F) City Manager Comments (01:35:30):**

- a. Bennett made comments.

**G) City Commission Comments (01:42:47):**

- a. Bennett, Spannring, and VanAken made comments.

**H) Public Comments (01:49:00):**

- a. There were no public comments.

**I) Adjournment:**

- a. Bennett moved to adjourn the meeting, VanAken seconded.
- b. All in favor, motion to adjourn passed.
- c. The meeting was adjourned at 8:20 p.m.

ATTEST:

APPROVE:

---

Robyn Keyes  
Recording Secretary

---

Steve Caldwell  
Commission Chairman

**Minutes of Livingston City Commission  
December 21, 2010  
6:30 p.m.**

**A) Call to Order:**

- a. Chairman Caldwell called the meeting to order at 6:30 p.m.
- b. Commissioners present were Rick VanAken, Steve Caldwell, Juliann Jones, and James Bennett. Bill Spanning arrived late.

**B) Consent Items (00:01:15):**

- a. VanAken moved to approve Consent Items, Bennett seconded.
- b. All in favor, motion to approve Consent Items passed.

**C) Proclamations (00:03:08):**

- a. Chairman Caldwell read a proclamation for Arbor Day, which is observed the last Friday of April of every year.

**D) Action Items:**

- a. **Action Item A (00:04:12) -Discuss/approve/deny next steps on self-governing/charter government.**
  - i. Bennett moved to schedule a date for a workshop, VanAken seconded.
  - ii. A workshop was set for January 11, 2011 at 6:30 p.m.
  - iii. All in favor, motion to schedule a date for a workshop passed.
- b. **Action Item B (00:05:48) -Discuss/approve/deny Request for Qualifications (RFQ) for selection of a consultant to develop the 'Master Plan' for the parks and trails system.**
  - i. Bennett moved to approve the RFQ to be sent out, VanAken seconded.
  - ii. All in favor, motion to approve RFQ passed.

**E) City Manager Comments (00:13:48):**

- a. Jones, Bennett, and Spanning made comments.

**F) City Commission Comments (00:21:40):**

- a. Bennett, Spanning, VanAken, Jones, and Caldwell made comments.
- b. Adam Stern answered some questions regarding the LISA ice skating and hockey rinks.

**G) Public Comments (00:32:46):**

- a. There were no public comments.

**H) Adjournment:**

- a. Bennett moved to adjourn the meeting, VanAken seconded.
- b. All in favor, motion to adjourn passed.
- c. The meeting was adjourned at 7:03 p.m.

**ATTEST:**

**APPROVE:**

---

**Robyn Keyes  
Recording Secretary**

---

**Steve Caldwell  
Commission Chairman**