

Minutes of Livingston City Commission

January 4, 2011

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, Bill Spanring, Juliann Jones, James Bennett, and Rick VanAken.

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) Selection of Chairman and Vice Chair for 2011 (00:01:05):

- a. Bennett moved to keep the Chair and Vice Chair as is for 2011, VanAken seconded.
- b. All in favor, motion to keep Chair and Vice Chair as is passed.

D) Review Committee Vacancies & Consider Nomination for Committee Appointments (00:02:05):

- a. Jones moved to retain existing board appointments, VanAken seconded.
 - i. All in favor, motion to retain existing board appointments passed.
- b. Bennett moved to promptly advertise all remaining board vacancies, Jones seconded.
 - i. All in favor, motion to advertise vacancies passed.

E) City Manager Comments:

- a. There were none.

F) City Commission Comments (00:04:37):

- a. Spanring and Bennett made comments.

G) Public Comments (00:17:38):

- a. Torsten Prah spoke on behalf of the IAFF #630 and stated that the union is in support of a drug and alcohol policy but found points of contention in the proposed policy that the union would like to address.
- b. Adam Stern answered questions regarding the Urban Renewal Annual Report provided to the City Commission.

H) Adjournment:

- a. Bennett moved to adjourn the meeting, Jones seconded.
- b. All in favor, motion to adjourn passed.
- c. The meeting was adjourned at 6:55 p.m.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
Commission Chairman

Minutes of Livingston City Commission
January 18, 2011
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, Rick VanAken, and Juliann Jones. Bill Spanning was absent.

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

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

C) Scheduled Public Comment (00:01:05):

- a. Ashly Holland, Prevention Specialist with Southwest Chemical Dependency, spoke regarding the programs her agency provides and the projects she has been working on.

D) Resolutions:

- a. **Resolution No. 4177 (00:11:45)- 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. Jones moved to approve Resolution No. 4177, VanAken seconded.
 - ii. All in favor, motion to approve Resolution No. 4177 passed.

E) Action Items:

- a. **Action Item A (00:15:32)- Discuss/approve/deny allocations for special parking spaces reserved for disabled persons on a public street.**
 - i. Jones moved to approve Action Item A, Bennett seconded.
 - ii. All in favor, motion to approve Action Item A passed.
- b. **Action Item B (00:19:42) - Discuss advertising for vacancy on the City/County Health Board.**
 - i. Bennett moved to direct staff to advertise the City/County Health Board vacancy, VanAken seconded.
 - ii. All in favor, motion to direct staff to advertise vacancy passed.
- c. **Action Item C (00:20:28) - Discuss potential Urban Renewal projects (short/mid/long-range priority), that can be accomplished with TIF funds (and private partnership) not committed to the infrastructure projects (to be provided at the meeting).**
 - i. Adam Stern made a presentation on the potential projects, and answered any questions.
 - ii. The Commission provided consensus for the Urban Renewal Agency to move forward and bring back specific recommendations as they arise.

F) City Manager Comments (01:05:48):

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

G) City Commission Comments (01:08:40):

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

H) Public Comments (01:13:23):

- a. Seth Rivard, IAFF #630 President, addressed issues that were brought up at the 1/4/2011 Commission meeting.

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 7:45 p.m.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
Commission Chairman

**Minutes of Livingston City Commission
February 1, 2011
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, Bill Spannring, Juliann Jones, Rick VanAken, and James Bennett.

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

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

C) Scheduled Public Comment (00:06:49):

- a. Ted Madden with the Park County Community Foundation made a presentation and answered questions from the Commission.

D) Resolutions:

- a. **Resolution No. 4176 (00:22:40) - 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. Jones moved to approve Resolution No. 4176, Bennett seconded.
 - ii. All in favor, motion to approve Resolution No. 4176 passed.
- b. **Resolution No. 4179 (00:29:30)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2010-2011, BY INCREASING REVENUES IN THE AMOUNT OF \$962,052 AND BY INCREASING APPROPRIATIONS IN THE AMOUNT OF \$1,130,752,00 AND CALLING FOR A PUBLIC HEARING.**
 - i. VanAken moved to approve Resolution No. 4179, Jones seconded.
 - ii. All in favor, motion to approve Resolution No. 4179 passed.
- c. **Resolution No. 4180 (00:39:27)- 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, 2011.**
 - i. Jones moved to approve Resolution No. 4180, Bennett seconded.
 - ii. All in favor, motion to approve Resolution No. 4180 passed.

E) Action Items:

- a. **Discuss/approve/deny next steps regarding charter and self-governing powers (00:43:24).**
 - i. Spannring moved to direct staff to draft a self-governing charter for the City of Livingston. Jones seconded.

- ii. All in favor, motion to direct staff to draft a self-governing charter passed.
- b. **Discuss/approve/deny for board vacancies advertised. (None for the Board of Appeals, 1 [one] for the Board of Adjustments, none for the Historic Preservation Commission, 2 [two] for the Urban Renewal Agency, and 5 [five] for the City Planning Board). (00:58:52)**
 - i. Jones moved to appoint all applicants for all positions except for the Planning Board, whose applicants the City Commission will interview. VanAken seconded.
 - ii. All in favor, motion to appoint and interview passed.
 - iii. Interviews for Planning Board were set for February 15th, 2011, at 6:00 p.m.

F) City Manager Comments (01:02:33):

- a. VanAken and Spannring made comments.

G) City Commission Comments (01:05:40):

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

H) Public Comments (01:14:27):

- a. There were none.

I) Executive Session:

- a. To discuss litigation strategy (following the 2/15/2011 deadline).
- b. The City Commission went into Executive Session at approximately 7:50 p.m.
- c. The City Commission came out of Executive Session at 8:45 p.m.

J) Action Item After Executive Session:

- a. **Discuss/approve/deny any actions necessary to implement litigation strategy.**
 - i. Spannring moved that the City of Livingston continues with the lawsuit against the Heart K Land and Cattle Company and the Park Conservation District. VanAken seconded.
 - ii. All in favor, motion to continue lawsuit passed.

K) Adjournment:

- a. Bennett moved to adjourn the meeting, VanAken seconded.
- b. Four in favor, one abstained (Spannring). Motion to adjourn passed.
- c. The meeting was adjourned at 8:47 p.m.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
Commission Chairman

Minutes of Livingston City Commission
February 15, 2011
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 (00:00:41):

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

C) Public Hearing:

- a. **Resolution No. 4181 (00:01:12)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2010-2011, BY INCREASING THE REVENUES IN THE AMOUNT OF \$962,052 AND BY INCREASING APPROPRIATIONS IN THE AMOUNT OF \$1,130,752.00.**
 - i. There was no public comment.
 - ii. Jones moved to approve Resolution No. 4181, Bennett seconded.
 - iii. All in favor, motion to approve Resolution No. 4181 passed.

D) Resolutions:

- a. **Resolution No. 4182 (00:03:10)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING AGREEMENT WITH MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FOR GRANT FOR PROVIDING FIVE (5) AUTOMATIC EXTERNAL DEFIBRILLATORS.**
 - i. Bennett moved to approve Resolution No. 4182, VanAken seconded.
 - ii. All in favor, motion to approve Resolution No. 4182 passed.
- b. **Resolution No. 4183 (00:12:35)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DESIGNATING SPECIFIC CITY EMPLOYEES WHO ARE AUTHORIZED TO ACQUIRE FEDERAL SURPLUS FROM THE STATE OF MONTANA FOR THE CITY OF LIVINGSTON, MONTANA.**
 - i. Bennett moved to approve Resolution No. 4184, Jones seconded.
 - ii. All in favor, motion to approve Resolution No. 4184 passed.
- c. **Resolution No. 4184 (00:14:50) - A RESOLUTION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH AFSCME LOCAL 2711-A APPROVING THE FEBRUARY 2011 POLICY REGARDING ALCOHOL AND CONTROLLED SUBSTANCE USE AND TESTING.**
 - i. Resolution No. 4184 was postponed until the next meeting.

d. Resolution No. 4185 (00:15:25)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING APPLICATION FOR LAND & WATER CONSERVATION FUND ASSISTANCE.

- i. Sarah Scofield was available to answer questions as a representative of the Livingston Rotary.
- ii. Jones moved to approve Resolution No. 4185, Bennett seconded.
- iii. All in favor, motion to approve Resolution No. 4185 passed.

E) Action Items:

a. Action Item A (00:19:37) - Discuss/approve/deny authorizing the City Manager to sign grant application for the Capital Improvement Plan for the Airport.

- i. Jerri Miller and Kerry LaDuke were present to answer questions.
- ii. Jones moved to approve authorization to sign grant application, Bennett seconded.
- iii. All in favor, motion to approve authorization to sign grant application passed.

b. Action Item B (00:28:40) - Appoint City Planning Board members. Four (4) vacancies need to be filled.

- i. Consensus was reached to postpone consideration until the next meeting.

F) City Manager Comments (00:31:07):

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

G) City Commission Comments (00:37:26):

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

H) Public Comments (00:47:45):

- a. There were no public comments.

I) Adjournment:

- 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 7:18 p.m.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
Commission Chairman

Minutes of Livingston City Commission
March 1, 2011
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 James Bennett, Bill Spanning, Juliann Jones, Rick VanAken, and Steve Caldwell.

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

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

C) Public Hearings:

- a. **Resolution No. 4186 (00:09:00)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CREATING 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.**
 - i. Carol Mories explained her letter of protest included in the Commission packet, and asked several questions regarding the BID.
 - ii. Patricia Grabow reiterated the main points of the letter she provided for the Commission packet.
 - iii. Don Gimbel spoke in favor of the BID and answered questions that others had posed during the public hearing.
 - iv. Dan Schmidt spoke in favor of the BID and answered questions that others had posed during the public hearing.
 - v. Ryan Springer spoke in favor of the BID and further clarified information.
 - vi. The public hearing was closed.
 - vii. Jones moved to approve Resolution No. 4186, VanAken seconded.
 - viii. Adam Stern spoke to clarify some information regarding the BID boundaries.
 - ix. Bob Ebinger answered some questions the Commission had.
 - x. All in favor, motion to approve Resolution No. 4186 passed.

D) Resolutions:

- a. **Resolution No. 4184 (01:04:00)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH AFSCME LOCAL 2711-A APPROVING THE FEBRUARY 2011 PERSONNEL POLICY WHICH INCLUDES ALCOHOL AND CONTROLLED SUBSTANCE USE AND TESTING.**
 - i. VanAken moved to approve Resolution No. 4184, Jones seconded.
 - ii. All in favor, motion to approve Resolution No. 4184 passed.

b. Resolution No. 4187 (01:14:20)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, IN SUPPORT OF AMTRAK PASSENGER RAIL SERVICE ACROSS MONTANA'S SOUTHERN ROUTE AND CONTINUED FUNDING FOR AMTRAK'S EMPIRE BUILDER ROUTE ACROSS MONTANA'S HI-LINE.

- i. VanAken moved to approve Resolution No. 4187, Jones seconded.
- ii. All in favor, motion to approve Resolution No. 4187 passed.

E) Action Items:

a. Action Item A (01:23:30) - Discuss Urban Renewal Agency street arts program.

- i. Adam Stern, URA President, made a presentation on the proposed street arts program, and answered questions from the Commission and the public.
- ii. Carol Mories spoke regarding her feelings that the approved BID should fund this project.
- iii. Patricia Grabow spoke regarding her concerns with how TIF money is spent and that she would like to see money made off of the arts program, if implemented, come back to the City and the URA.
- iv. Laura Bray spoke in favor of the arts program, explaining she proposed it to the URA and that she feels there are options to be explored.
- v. General direction was given by the Commission to do further research on the topic.

b. Action Item B (012:02:36) - Appoint City Planning Board members. Four (4) vacancies need to be filled.

- i. Jones moved to accept four applications for the Planning Board (Vicki Blakeman, Mark Rehder, Adam Stern, and John Fryer), and to accept Gary Blakely's application for Historic Preservation. VanAken seconded.
- ii. Four in favor, one against (Bennett). Motion to accept applications to boards passed.

F) City Manager Comments (02:04:52):

- a. There were none.

G) City Commission Comments (02:05:22):

- a. Bennett, Caldwell, and Spannring all made comments.
- b. Spannring asked that his comments be written out. They were as follows:
 - i. I believe the transfer station, glass crushing operation, is making the individuals that do that sick, and the only way I think this argument will be solved is if they are tested by competent doctors, their respiratory systems are checked. We've been crushing glass for a year, the transfer station's been open for more than a year and I think a physical runs about 600 bucks per person and I think we should spend the money and see if these guys' health is being affected, and if it is we need to take steps to stop whatever's going on. I was an EMT for many, many years and I talked to these guys, they got respiratory issues. I mean, when I go there and dump garbage, they have respiratory issues and I know one of them smokes but I still think they have respiratory issues and I think they are getting sick there. When I was growing up as a child, anybody that worked in a body shop never lived past 65 or 70 because they couldn't breathe and I think the fine dust is causing these people grief, and I also am concerned about anybody dumping garbage

there, that any of that fine dust blowing around that you can't see, it's microscopic, might be affecting the public in general and I think we need to figure it out. Anyway, that's my comment and I'd like that to be in the record please.

H) Public Comments (02:17:13):

- a. There were none.

I) Adjournment:

- a. VanAken moved to adjourn the meeting, Bennett seconded.
- b. All in favor, motion to adjourn the meeting passed.
- c. The meeting was adjourned at 8:47 p.m.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
Commission Chairman

Minutes of Livingston City Commission
March 15, 2011
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, Juliann Jones, Bill Spannring, Steve Caldwell, and James Bennett.

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

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

C) Proclamations (00:01:17):

- a. Caldwell made a proclamation for "Public Safety Dispatchers Week" that will be held from April 10th through April 16th, 2011.

D) Ordinances:

- a. **Ordinance No. 2029 (00:02:40)- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE ZONE CODE TO ALLOW BED AND BREAKFASTS IN THE SINGLE FAMILY RESIDENTIAL ZONE (R1) AND REMOVE THE SPECIAL EXCEPTION REQUIREMENT FOR BED AND BREAKFASTS.**
 - i. Bennett moved to approve Ordinance No. 2029, VanAken seconded.
 - ii. All in favor, motion to approve Ordinance No. 2029 passed.

E) Resolutions:

- a. **Resolution No. 4188 (00:03:51) - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING THE BOARD OF TRUSTEES FOR THE LIVINGSTON BUSINESS IMPROVEMENT DISTRICT.**
 - i. VanAken moved to approve Resolution No. 4188, Bennett seconded.
 - ii. All in favor, motion to approve Resolution No. 4188 passed.
- b. **Resolution No. 4189 (00:12:25)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACTS FOR SUMMERFEST ALONG THE YELLOWSTONE, 2011.**
 - i. Bennett moved to approve Resolution No. 4189, Jones seconded.
 - ii. All in favor, motion to approve Resolution No. 4189 passed.
- c. **Resolution No. 4190 (00:14:56)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR THE CITY OF LIVINGSTON FOR FISCAL YEARS 2012-2016.**
 - i. Jones moved to approve Resolution No. 4190, VanAken seconded.
 - ii. All in favor, motion to approve Resolution No. 4190 passed.
- d. **Resolution No. 4191 (00:30:00) - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING CEMETERY DEED FORM.**
 - i. Bennett moved to approve Resolution No. 4191, Spannring seconded.
 - ii. Wording of the resolution was changed from "Ed Meece" to "City Manager."
 - iii. All in favor, motion to approve Resolution No. 4191 passed.

e. Resolution No. 4192 (00:33:10)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN RIGHT-OF-ENTRY FOR SITE INSPECTION FOR NON-FEDERAL PUBLIC LANDS FORM UNDER THE MILITARY MUNITIONS RESPONSE PROGRAM.

- i. Bennett moved to approve Resolution No. 4192, VanAken seconded.
- ii. All in favor, motion to approve Resolution No. 4192 passed.

F) Action Items:

a. Action Item A (00:37:40) - Discuss/approve/deny a proposal to form a Tree District.

****A five (5) minute recess was taken at 7:25 p.m. **** The recording times started again at zero.

- i. Adam Stern, member of the Tree Board, made a presentation and answered questions from the Commission.
- ii. Vicki Blakeman, member of the Tree Board, spoke in favor of formation of a Tree District and provided further justification for the District.
- iii. Jean Bennett spoke against forming a Tree District.
- iv. Mark Sukut, member of the Tree Board, spoke in favor of forming a Tree District.
- v. Laura Bray spoke in favor of formation of a Tree District.
- vi. Eddie Miller, member of the Tree Board, spoke in favor of formation of a Tree District.
- vii. Mike Gomez, member of the Tree Board, spoke in favor of formation of a Tree District.
- viii. Jacob Devries spoke in favor of formation of a Tree District.
- ix. Lee Parriott spoke against formation of a Tree District.
- x. Carol Morries spoke against formation of a Tree District.
- xi. The Commission reached a consensus to direct the Tree Board to continue to study the issue, consider and incorporate public and Commission concerns expressed during the meeting, and develop a recommendation on whether to take the question of establishing a District to a public vote.

b. Action Item B (01:02:45) - Appoint Gary Blakely to the Board of Adjustments.

- i. Jones moved to appoint Blakely to the Board of Adjustments, VanAken seconded.
- ii. All in favor, motion to appoint Blakely to the Board of Adjustments passed.

c. Action Item C (01:04:22) - Discuss applications for the Historic Preservation Commission.

- i. Consensus was reached to bring this item back as an action item at the next Commission meeting.

G) City Manager Comments (01:06:11):

- a. Spannring and Bennett made comments.

H) City Commission Comments (01:07:35):

- a. Spannring and Caldwell made comments.

I) Public Comments (01:12:20):

- a. There were none.

J) Adjournment:

- a. VanAken moved to adjourn the meeting, Bennett seconded.
- b. All in favor, motion to adjourn the meeting passed.
- c. The meeting was adjourned at 8:42 p.m.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
Commission Chairman

Minutes of Livingston City Commission
April 5, 2011
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, Bill Spanring, James Bennett, and Rick VanAken.

B) Consent Items:

- a. Commissioner Bennett moved to approve Consent Items B and C, Spanring seconded.
 - i. All in favor, motion to approve Consent Items B and C passed.
- b. Bennett moved to amend Consent Item A to have Action Item A include that he gave a presentation on the tree district. Spanring seconded the amendment.
 - i. All in favor, motion to amend passed.
- c. Bennett moved to approve Consent Item A as amended, Spanring seconded.
 - i. All in favor, motion to approve Consent Item A as amended passed.

C) Scheduled Public Comment (00:02:42):

- a. Barbara Woodbury, Sanitarian, explained to the Commission what her job entails and how she serves both city and county residents.

D) Resolutions:

- a. **Resolution No. 4193 (00:11:36)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN BORROWER'S CERTIFICATION PURSUANT TO THE BUY AMERICAN PROVISION FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) OF 2009.**
 - i. Bennett moved to approve Resolution No. 4193, VanAken seconded.
 - ii. All in favor, motion to approve Resolution No. 4193 passed.
- b. **Resolution No. 4194 (00:17:50)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTABLISH A NON-CITY RESIDENT RATE FOR USE OF THE CITY'S SWIMMING POOL IN THE AMOUNT OF \$4.00 PER DAY PER PERSON, \$60.00 HER PERSON FOR ANNUAL PASS, \$99.00 FAMILY PASS AND SWIMMING LESSONS AT THE RATE OF \$45.00 PER PERSON PER SEASON.**
 - i. Jones moved to approve Resolution No. 4194, VanAken seconded.
 - ii. All in favor, motion to approve Resolution No. 4194 passed.

E) Action Items:

- a. Action Item A (00:24:00) - Discuss/approve/deny applications for the Historic Preservation Commission. (3 applications, 6 vacancies)**
 - i. Jones moved to accept applications and continue to advertise for the remaining vacancies. Bennett seconded.
 - ii. All in favor, motion to accept applications passed.

- b. Action Item B (00:25:30) - Discuss/approve/deny the "URA Street Arts Program."**
 - i. Adam Stern made a brief presentation.
 - ii. Jones moved to extend \$2,000 of URA money in a 0% interest loan with approval of the Street Arts Program as presented. Spannring seconded.
 - iii. All in favor, motion passed.

- c. Action Item C (00:42:10) - Discuss/approve/deny appointment "At Large" for the City/County Airport Board to Ray Sundling.**
 - i. Jones moved to approve appointment of Ray Sundling to the Airport Board, Bennett seconded.
 - ii. Four in favor, one against (Spannring). Motion to approve appointment passed.

- d. Action Item D (00:43:24) - Discuss/approve/deny purchase of a 2006 Dodge Charger for the Police Department in the amount of \$12,725.00 from Veto Enterprises.**
 - i. Bennett moved to approve purchase of vehicle, Jones seconded.
 - ii. All in favor, motion to approve purchase of vehicle passed.

- e. Action Item F- Discuss/approve/deny budget work session dates and times.**
 - i. VanAken moved to approve scheduling budget workshops for the discussed dates and times of April 12th and April 20th, from 3:30-5:30 p.m. and May 4th from 6:30-8:30 p.m. Jones seconded.
 - ii. All in favor, motion to approve scheduling workshops for the discussed dates and times passed.

- f. Action Item G- Mediation has been set for May 23rd and May 24th, 2011 in the BNSF case. We need to designate a City Commissioner to go to Great Falls for mediation. We also need to set dates for Executive Session to discuss litigation strategy with our attorney's in the City of Livingston et al vs. BNSF case on proposed date May 17th, 2011 at 6:00 p.m. and an Executive Session on May 26th, 2011 at 6:00 p.m.**
 - i. Bennett moved to approve the dates and times for the Executive Sessions on May 17th and May 26th, 2011, VanAken seconded.
 1. All in favor, motion to approve dates and times passed.

- ii. VanAken moved to send the Commission Chairman to Great Falls for the mediation, Jones seconded.
- iii. All in favor, motion to send Chairman to Great Falls passed.

g. Action Item E-Andrew Baxley—Presentation “Economic Resource Profile”

- i. City of Livingston Intern, Andrew Baxley, made a presentation of his work on the Economic Resource Profile, and answered any questions the Commission had.

F) City Manager Comments:

- a. There were none.

G) City Commission Comments:

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

H) Public Comments:

- a. Torsten Prahl, representative for the IAFF #630, presented information regarding IAFF #630's desire to fundraise to get a climbing boulder for Fireman's Park, and asked for general support from the Commission.
- b. Adam Stern discussed the graphs he had provided Commissioner Bennett with regarding past budgets for the City of Livingston.

I) Adjournment:

- a. Bennett moved to adjourn the meeting, VanAken seconded.
- b. All in favor, motion to adjourn passed.
- c. Meeting was adjourned at 8:22 p.m.

Attest:

Approve:

Robyn Keyes
Recording Secretary

Steve Caldwell
Commission Chairman

Minutes of Livingston City Commission
April 19, 2011
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 Bill Spannring, James Bennett, Rick VanAken, and Steve Caldwell. Juliann Jones was absent.

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

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

C) Public Hearings:

- a. **Ordinance No. 2029 (00:01:20)- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE ZONE CODE TO ALLOW BED AND BREAKFASTS IN THE SINGLE FAMILY RESIDENTIAL ZONE (R1) AND REMOVE THE SPECIAL EXCEPTION REQUIREMENT FOR BED AND BREAKFASTS.**
 - i. There was no public comment.
 - ii. Bennett moved to approve Ordinance No. 2029, VanAken seconded.
 - iii. All in favor, motion to approve Ordinance No. 2029 passed.

- b. **Resolution No. 4196 (00:02:25)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING A NON-CITY RESIDENT RATE FOR USE OF THE CITY'S SWIMMING POOL IN THE AMOUNT OF \$4.00 PER DAY PER PERSON, \$60.00 PER PERSON FOR ANNUAL PASS, \$99.00 FAMILY PASS AND SWIMMING LESSONS AT THE RATE OF \$45.00 PER PERSON PER SEASON.**
 - i. There was no public comment.
 - ii. VanAken moved to approve Resolution No. 4196, Bennett seconded.
 - iii. All in favor, motion to approve Resolution No. 4196 passed.

D) Ordinances:

- a. **Ordinance No. 2030 (00:06:00)- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE 2009 AND CHAPTER 9, ARTICLE IV OF THE LIVINGSTON MUNICIPAL CODE ENTITLED "PARKING, STOPPING, AND STANDING" AND SPECIFICALLY SECTION 9-246 BY EXPANDING THE 2 HOUR PARKING RESTRICTION TO INCLUDE BOTH SIDES OF CALLENDER STREET BETWEEN "D STREET" AND "E STREET," AND DELETING REFERENCE TO EAST SIDE SCHOOL PARKING LOT AND PROVIDING A PENALTY FOR VIOLATION.**
 - i. VanAken moved to approve Ordinance No. 2030, Bennett seconded.
 - ii. All in favor, motion to approve Ordinance No. 2030 passed.

E) Resolutions:

- a. Resolution No. 4195 (00:15:50)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH THE MONTANA HISTORIC PRESERVATION OFFICE FOR GRANT FOR LOCAL HISTORIC PRESERVATION FOR PERIOD APRIL 1, 2011 TO MARCH 31, 2012.**
 - i. Bennett moved to approve Resolution No. 4195, Spannring seconded.
 - ii. All in favor, motion to approve Resolution No. 4195 passed.

- b. Resolution No. 4197 (00:19:42)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AN AGREEMENT WITH LOCAL GOVERNMENT ASSOCIATES, INC., FOR CONSULTING SERVICES RELATED TO A BALLOT REFERENDUM ON CHARTER GOVERNMENT.**
 - i. Bennett moved to approve Resolution No. 4197, VanAken seconded.
 - ii. Three in favor, one against (Spannring). Motion to approve Resolution No. 4197 passed.

F) Action Items:

- a. Action Item A (00:42:33)- Discuss/approve/deny application for the City/County Health Board as a City representative.**
 - i. VanAken moved to approve the application of Brandi Merman to the Health Board, Bennett seconded.
 - ii. All in favor, motion to approve application passed.

- b. Action Item B (00:45:36)- Discuss/approve/deny the recommendation of the Request for Qualifications (RFQ) for the "Master Plan" for the parks and trails.**
 - i. VanAken moved to approve recommendation of bid award to CTA Engineering on the condition of successfully negotiating a contract for the Master Plan.
 - ii. There was no second; the motion failed.

- c. Action Item C (00:50:06)- Discuss/approve/deny application for the Office of Board of Trustees for the Livingston Business Improvement District.**
 - i. Bennett moved to appoint the five (5) applicants to the BID Board of Trustees, Spannring seconded.
 - ii. All in favor, motion to appoint applicants passed.
 - iii. Consensus was given to continue advertising for the remaining vacant positions.

- d. Action Item D (00:53:15)- Bennett #1.**
 - i. Bennett made a presentation.
 - ii. Adam Stern made comments regarding Bennett's presentation.

- iii. Warren Mabie made comments regarding Bennett's presentation.
- iv. Joe Parriott made comments regarding Bennett's presentation.
- v. Lisa Adams made comments regarding Bennett's presentation.
- vi. Seth Rivard made comments regarding Bennett's presentation.

e. Action Item E (01:35:30)- Bennett #2.

- i. Bennett made a presentation.
- ii. Seth Rivard made comments regarding Bennett's presentation.

f. Action Item F (01:51:50)- Discuss/approve/deny the Urban Renewal Agency Parking Lot Improvement Program projects.

- i. Adam Stern made a presentation of the proposed URA Parking Lot Improvement Projects.
- ii. Spannring moved to approve the proposed projects conditioned on approval of contract language by the City Attorney . Bennett seconded.
- iii. All in favor, motion to sign agreement passed.

g. Action Item G (02:05:10)- Discuss dates for a workshop to be scheduled to determine Street Maintenance District fees on Mulehaven Drive.

- i. Consensus was given to discuss the item at the April 20th, 2011 budget workshop.

G) City Manager Comments (02:07:30):

- a. Spannring and Caldwell made comments.

H) City Commission Comments (02:08:40):

- a. There were none.

I) Public Comments (02:08:57):

- a. There were none.

J) Adjournment:

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

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
Commission Chairman

Minutes of Livingston City Commission
May 3, 2011
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, Bill Spannring, Juliann Jones, Rick VanAken, and James Bennett.

B) Consent Items (00:00:49):

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

C) Public Hearings:

- a. **Ordinance No. 2030 (00:02:45)- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE 2009 AND CHAPTER 9, ARTICLE IV OF THE LIVINGSTON MUNICIPAL CODE ENTITLED "PARKING, STOPPING, AND STANDING" AND SPECIFICALLY SECTION 9-246 BY EXPANDING THE 2 HOUR PARKING RESTRICTION TO INCLUDE BOTH SIDES OF CALLENDER STREET BETWEEN "D STREET" AND "E STREET," AND DELETING REFERENCE TO EAST SIDE SCHOOL PARKING LOT AND PROVIDING A PENALTY FOR VIOLATION.**
 - i. There was no public comment.
 - ii. Bennett moved to approve Ordinance No. 2030, VanAken seconded.
 - iii. All in favor, motion to approve Ordinance No. 2030 passed.

D) Resolutions:

- a. **Resolution No. 4198 (00:05:12)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN COLLECTIVE BARGAINING AGREEMENT WITH THE LIVINGSTON POLICE DEPARTMENT EMPLOYEE ASSOCIATION FOR FISCAL YEAR 2011-2012.**
 - i. Jones moved to approve Resolution No. 4198, Bennett seconded.
 - ii. Four in favor (Jones, VanAken, Caldwell, Spannring), one against (Bennett). Motion to approve Resolution No. 4198 passed.

E) Action Items:

- a. **Action Item A (00:23:02)- Discuss/approve/deny applications for the Office of Board of Trustees for the Livingston Business Improvement District.**
 - i. Jones moved to accept both applications received without interviewing, VanAken seconded.
 - ii. All in favor, motion to accept both applications without interviewing passed.
- b. **Action Item B (00:25:30)- Discuss the City Manager's goals and priorities process for fiscal year 2012-2013.**
 - i. Consensus was given to schedule a workshop to discuss Action Item B on May 10th, 2011, at 6:30 p.m.

- c. Action Item C (00:29:07)- Discuss/deny/approve RFQ Award for Parks Master Plan.**
- i. Rachel Feigley spoke in favor of awarding the RFQ for the Parks Master Plan.
 - ii. Nancy Adkins spoke against awarding the RFQ for the Parks Master Plan.
 - iii. Tom Kitts spoke against awarding the RFQ for the Parks Master Plan.
 - iv. Lisa Kitts spoke against awarding the RFQ for the Parks Master Plan.
 - v. Pete Feigley spoke in favor of awarding the RFQ for the Parks Master Plan.
 - vi. Pat Miller made comments regarding awarding the RFQ for the Parks Master Plan.
 - vii. VanAken moved to approve the RFQ Award for the Parks Master Plan to CTA, Jones seconded.
 - viii. Three in favor (Jones, Caldwell, VanAken), two against (Spannring, Bennett). Motion to approve RFQ Award passed.

F) City Manager Comments (01:12:15):

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

G) City Commission Comments (01:15:18):

- a. There were none.

H) Public Comments (01:15:53):

- a. Lisa Adams made comments regarding skate nights at the Civic Center and the Parks Master Plan.

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 7:47 p.m.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
Commission Chairman

Minutes of Livingston City Commission
May 3, 2011
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, Bill Spannring, Juliann Jones, Rick VanAken, and James Bennett.

B) Consent Items (00:00:49):

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

C) Public Hearings:

- a. **Ordinance No. 2030 (00:02:45)- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE 2009 AND CHAPTER 9, ARTICLE IV OF THE LIVINGSTON MUNICIPAL CODE ENTITLED "PARKING, STOPPING, AND STANDING" AND SPECIFICALLY SECTION 9-246 BY EXPANDING THE 2 HOUR PARKING RESTRICTION TO INCLUDE BOTH SIDES OF CALLENDER STREET BETWEEN "D STREET" AND "E STREET," AND DELETING REFERENCE TO EAST SIDE SCHOOL PARKING LOT AND PROVIDING A PENALTY FOR VIOLATION.**
 - i. There was no public comment.
 - ii. Bennett moved to approve Ordinance No. 2030, VanAken seconded.
 - iii. All in favor, motion to approve Ordinance No. 2030 passed.

D) Resolutions:

- a. **Resolution No. 4198 (00:05:12)- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN COLLECTIVE BARGAINING AGREEMENT WITH THE LIVINGSTON POLICE DEPARTMENT EMPLOYEE ASSOCIATION FOR FISCAL YEAR 2011-2012.**
 - i. Jones moved to approve Resolution No. 4198, Bennett seconded.
 - ii. Four in favor (Jones, VanAken, Caldwell, Spannring), one against (Bennett). Motion to approve Resolution No. 4198 passed.

E) Action Items:

- a. **Action Item A (00:23:02)- Discuss/approve/deny applications for the Office of Board of Trustees for the Livingston Business Improvement District.**
 - i. Jones moved to accept both applications received without interviewing, VanAken seconded.
 - ii. All in favor, motion to accept both applications without interviewing passed.
- b. **Action Item B (00:25:30)- Discuss the City Manager's goals and priorities process for fiscal year 2012-2013.**
 - i. Consensus was given to schedule a workshop to discuss Action Item B on May 10th, 2011, at 6:30 p.m.

- c. Action Item C (00:29:07)- Discuss/deny/approve RFQ Award for Parks Master Plan.**
- i. Rachel Feigley spoke in favor of awarding the RFQ for the Parks Master Plan.
 - ii. Nancy Adkins spoke against awarding the RFQ for the Parks Master Plan.
 - iii. Tom Kitts spoke against awarding the RFQ for the Parks Master Plan.
 - iv. Lisa Kitts spoke against awarding the RFQ for the Parks Master Plan.
 - v. Pete Feigley spoke in favor of awarding the RFQ for the Parks Master Plan.
 - vi. Pat Miller made comments regarding awarding the RFQ for the Parks Master Plan.
 - vii. VanAken moved to approve the RFQ Award for the Parks Master Plan to CTA, Jones seconded.
 - viii. Three in favor (Jones, Caldwell, VanAken), two against (Spannring, Bennett). Motion to approve RFQ Award passed.

F) City Manager Comments (01:12:15):

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

G) City Commission Comments (01:15:18):

- a. There were none.

H) Public Comments (01:15:53):

- a. Lisa Adams made comments regarding skate nights at the Civic Center and the Parks Master Plan.

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 7:47 p.m.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
Commission Chairman

Minutes of the Livingston City Commission
May 17, 2011
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, Bill Spannring, Juliann Jones, Rick VanAken, and James Bennett.
- B) Consent Items (00:00:45):
 - a. Bennett moved to approve Consent Items, Spannring seconded.
 - i. All in favor, motion to approve Consent Items passed.
- C) Resolutions:
 - a. Resolution 4199 (00:01:20) – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH IAFF LOCAL #630 APPROVING THE FEBRUARY 2011 PERSONNEL POLICY WHICH INCLUDES ALCOHOL AND CONTROLLED SUBSTANCE USE AND TESTING.
 - i. Seth Rivard IAFF President answered questions.
 - ii. Jones moved to approve the resolution, VanAken seconded.
 - 1. All in favor, the motion passed.
 - b. Addendum Resolution 4200 (00:23:18) – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH THE MONTANA DEPARTMENT OF TRANSPORTATION FOR THE LIVINGSTON WYE PROJECT #STPP 11-1(62)54 I/C.
 - i. Bennett moved to approve the resolution, Spannring seconded.
 - ii. All in favor, the motion passed.
- D) Action Item A (00:27:07): Discuss Street Maintenance District relating to the Mulehaven Subdivision.
 - a. Steve Woodruff spoke in favor of lower fee assessment.
 - b. Leroy Mathews answered questions regarding Mulehaven Subdivision.
 - c. Spannring moved to explore the option of a cap on the amount owed of some multiple of the median assessed value. Jones seconded.
 - d. All in favor, the motion passed.
- E) City Manager Comments (57:07)
 - a. Spannring made comments
- F) City Commission Comments (00:58:10):
 - a. Spannring and VanAken made comments.
- G) Public Comment
 - a. There were no public comments.
- H) Adjournment
 - a. Bennett moved to adjourn the meeting and VanAken seconded.
 - b. All in favor, the motion passed.
 - c. The meeting was adjourned at 7:42 p.m.

ATTEST:

APPROVE:

Robyn Keyes
Recording Secretary

Steve Caldwell
Commission Chairman

Minutes of the Livingston City Commission

June 7, 2011

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, Bill Spannring, Steve Bennett, Juliann Jones, and Rick VanAken.
- B) Consent items (00:00:56):
 - a. Bennett moved to approve consent items, Spannring seconded.
 - i. All in favor, motion to approve Consent items passed.
- C) Proclamations (00:01:39):
 - a. A proclamation for Rodeo Days in the City of Livingston.
- D) Resolutions:
 - a. Resolution No. 4178 (00:03:06) – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING COMMITTED FUND BALANCES PURSUANT TO GASB 45.
 - i. Jones moved to approve the resolution, VanAken seconded.
 - ii. All in favor, the motion passed.
 - b. Resolution No. 4201 (00:10:58) – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2011, AND ENDING JUNE 30, 2012, (FY2011-2012), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT www.livingstonmontana.org , GIVING NOTICE OF AN INCREASE IN PROPERTY TAXES IN THE AMOUNT OF SIX PER CENT (6%) OVER THE PRIOR FISCAL YEAR, AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS.
 - i. Resolution was postponed awaiting budget figures.
 - c. Resolution No. 4202 (00:11:14) – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR THE THIRD QUARTER FOR FISCAL YEAR 2010-2011, BY INCREASING EXPENDITURES IN THE AMOUNT OF \$125,725.00 BY TRANSFERRING FUNDS FROM RESERVES IN THE AMOUNT OF \$125,725.00 AND CALLING FOR A PUBLIC HEARING.
 - i. VanAken moved to approve the resolution, Jones seconded.
 - ii. Caldwell, VanAken and Jones voted in favor of the resolution; Bennett and Spannring opposed the resolution. The resolution passed.
 - d. Resolution No. 4203 (00:17:34)– A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH CTA ENGINEERING FOR PARKS AND TRAILS SYSTEM MASTER PLAN IN THE AMOUNT OF \$30,000.00.
 - i. VanAken moved to approve the resolution, Jones seconded.
 - ii. Caldwell, VanAken and Jones voted in favor of the resolution; Bennett and Spannring opposed the resolution. The resolution passed.
 - e. Resolution No. 4204 (00:20:18) - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN RECREATIONAL TRAILS PROGRAM PROJECT AGREEMENT WITH THE MONTANA STATE PARKS, A

DIVISION OF THE MONTANA FISH, WILDLIFE & PARKS TO RECEIVE A GRANT NOT TO EXCEED \$19,998.00.

- i. Jones moved to approve the resolution, VanAken seconded.
 - ii. Breanna Polacik of Nittany Grantworks commented on the resolution.
 - iii. Caldwell, VanAken and Jones voted in favor of the resolution; Bennett and Spannrng opposed the resolution. The resolution passed.
 - f. Resolution No. 4205 (00:27:36) – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH AFSCME LOCAL #2711-A APPROVING WATER/SEWER PAGER COMPENSATION POLICY.
 - i. Jones moved to approve the resolution, Bennett seconded.
 - ii. Peggy Glass, Communication Service Coordinator, commented on the resolution.
 - iii. All in favor, the motion passed.
 - g. Resolution No. 4206 (00:35:29) – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DESIGNATING TERMS OF OFFICE OF THE LIVINGSTON BUSINESS IMPROVEMENT DISTRICT AS WELL AS DESIGNATING FIRST PRESIDING OFFICER AND BOARD SECRETARY.
 - i. Bennett moved to approve the resolution, VanAken seconded.
 - ii. All in favor, the motion passed.
 - h. Resolution No. 4207 (00:38:23) – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH NITTANY GRANTWORKS FOR GRANT WRITING AND GRANT MANAGEMENT SERVICES FOR FISCAL YEAR 2011-2012 IN THE AMOUNT OF \$61,500.00.
 - i. Bennett moved to approve the resolution, Jones seconded.
 - ii. Breanna Polacik of Nittany Grantworks commented in favor of the resolution.
 - iii. Lori Benner of Nittany Grantworks commented in favor of the resolution.
 - iv. All in favor, the resolution passed.
 - i. Resolution No. 4208 (01:08:45) – 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 2012-2013.
 - i. Bennett moved to approve the resolution, Spannrng seconded.
 - ii. Darren Raney, Police Chief, commented in support of the resolution.
 - iii. All in favor, the motion passed.
 - j. Resolution No. 4209 (01:16:31) – A RESOLUTION OF THE CITY OF LIVINGSTON AND COUNTY OF PARK, APPROVING A LOAN IN THE AMOUNT OF \$77,500.00, TOGETHER WITH INTEREST THEREON AT THE RATE OF 1.625% 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 AIRPORT IMPROVEMENT PROJECT FOR MISSION FIELD, LOCATED IN PARK COUNTY MONTANA, PROVIDING FOR THE REPAYMENT OF LOAN, AND THE TERMS THEREOF.
 - i. Caldwell moved to approve the resolution, VanAken seconded.
 - ii. All in favor, the motion passed.
- E) Action Items:
- a. Action Item A (1:18:47) - Discuss/approve/deny the Livingston Urban Renewal Agency's Parking Lot Improvement program for project #3 [Shane Lalani Center parking lot (415

East Lewis Street]], and project #4 [Gavne Insurance boulevard (406 South Main Street)].

- i. Bennett moved to approve Action Item A, Spannring seconded.
 - ii. Adam Stern of Crazy Mountain Productions commented in support of the proposal.
 - iii. All in favor, the motion to approve Action Item A passed.
 - b. Action Item B (01:26:51) – Discuss May 18, 2011 letter from the election administrator to the City of Livingston concerning a ballot election for the 2011 city election.
 - i. Bennett moved to direct the City Manager to bring back a resolution directing the Park County to have a polling place election, Spannring seconded.
 - ii. Adam Stern asked questions about the absentee ballot process.
 - iii. All in favor, the motion passed.
 - c. Action Item C (01:32:15) – Discuss the committee report for the Grants Committee. (VanAken).
 - d. Action Item D (1:42:15) – Discuss/approve/deny applications for special parking spaces for Russell Burlingame and Marco Parisi.
 - i. Bennett moved to approve the application of Russell Burlingame for a special parking space, VanAken seconded.
 1. All in favor, the motion passed.
 - ii. VanAken moved to deny the application of Marco Parisi for a special parking space, Jones seconded.
 1. Clint Tinsley, Public Works Director, commented on the application.
 2. All in favor, the motion passed.
 - e. Action Item E (1:51:05) – Discuss/approve/deny the parking request for 3 spaces to be labeled “2 Hour Parking” in front of Mustang Catering located at 215 West Lewis.
 - i. Commissioners discussed the request and deferred action.
- F) Recess (01:59:47)
 - a. Chairman Caldwell called for a five minute recess at the request of City Manager Ed Meece.
- G) City Manager Comments (Part 2 | 00:00:01):
 - a. Clint Tinsley, Public Works Director, commented on flooding issues
 - b. Spannring made comments.
 - c. VanAken made comments.
- H) Public Comment (00:39:21)
 - a. No public comment
- I) Adjournment (00:40:38):
 - a. Bennett moved to adjourn the meeting, Jones seconded.
 - i. All in favor, the motion passed.
 - b. The meeting adjourned at 9:17 p.m.

ATTEST:

David Fine
Recording Secretary

APPROVE:

Steve Caldwell
Commission Chairman

Minutes of the Livingston City Commission
June 21, 2011
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, Bill Spannring, James Bennett, Juliann Jones, and Rick VanAken.
- B) Consent Items (00:01:00):
 - a. Bennett moved to approve consent items, Spannring seconded.
 - i. All in favor, motion to approve Consent Items passed.
- C) Scheduled Public Comment:
 - a. David Lewis (00:01:30) commented in opposition to property tax increases.
 - b. Frank Horiel (00:04:30) commented in opposition to property tax increases.
 - c. Bill Moser (00:08:00) commented on the informal organization of the City.
- D) Public Hearing:
 - a. Resolution No. 4210 (00:20:46) – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR THE THIRD QUARTER FOR FISCAL YEAR 2010-2011, BY INCREASING EXPENDITURES IN THE AMOUNT OF \$125,725.00 BY TRANSFERRING FUNDS FROM RESERVES IN THE AMOUNT OF \$125,725.00.
 - i. Patricia Grabow (00:21:59) commented in opposition to the resolution.
 - ii. Nancy Adkins (00:24:01) commented in opposition to the resolution.
 - iii. Lenny Gregrey (00:24:39) commented in opposition to the resolution.
 - iv. VanAken (00:26:21) moved to approve the Resolution, Jones seconded.
 - 1. VanAken, Caldwell and Jones voted in favor of the resolution, Spannring and Bennett opposed.
 - a. The resolution passed.
- E) Resolutions:
 - a. Resolution No. 4201 (00:43:50)– A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2011, AND ENDING JUNE 30, 2012, (FY2011-2012), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT www.livingstonmontana.org , GIVING NOTICE OF AN INCREASE IN PROPERTY TAXES IN THE AMOUNT OF SIX PER CENT (6%) OVER THE PRIOR FISCAL YEAR, AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS.
 - i. The resolution was withdrawn from the agenda due to procedural error related to public notice requirements.
 - b. Resolution No. 4211 (00:44:12) – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACTS TO PROVIDE EMERGENCY SERVICES DURING THE FLOOD EVENT OF THE YELLOWSTONE IN 2011.
 - i. Bennett moved to approve the Resolution, Jones seconded.
 - 1. All in favor, the motion passed.

- c. Resolution No. 4212 (01:03:15) – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OBJECTING TO A MAIL BALLOT ELECTION FOR CITY ELECTION.
 - i. Bennett moved to approve the Resolution, Spannring seconded.
 - 1. All in favor, the motion passed.
- d. Resolution No. 4213 (1:05:25) – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE REFINANCING OF THE LOAN MADE TO SOLID WASTE FUND AUTHORIZED BY RESOLUTION NO. 3870.
 - i. City Manager Meece suggested that the Resolution be withdrawn from the agenda.
 - ii. Bennett moved to postpone the consideration of the Resolution to July 5, Jones seconded.
 - 1. Bennett substituted a motion to consider the Resolution on July 19, Jones seconded.
 - a. All in favor, the motion passed.
- e. Action Items:
 - i. Action Item A (01:10:34) – Discuss/approve/deny the parking request for 3 spaces to be labeled “2 Hour Parking” in front of Mustang Catering located at 215 West Lewis.
 - 1. Spannring moved to grant a two space loading zone sign, Bennett seconded.
 - a. All in favor, the motion passed.
 - ii. Action Item B (01:16:10) – Discuss/approve/deny request of fee waiver for the Bandshell from Shauna Johnson for a benefit concert to be held on June 24, 2011.
 - 1. Bennett moved to approve the waiver, Spannring seconded.
 - a. All in favor, the motion passed.
 - iii. Action Item C (1:18:18) – Discuss street and light maintenance district at Mule Haven Subdivision.
 - 1. Steve Woodruff (01:21:06), a Mule Haven property owner, commented.
 - 2. Leroy Mathews (01:26:43), a Mule Haven property owner, commented.
 - 3. City Manager Meece proposed providing the commission with a draft ordinance and a list of relief amounts in increments of 10% for future discussion.
 - iv. Chairman Caldwell called for a 5 minute recess at 8:05 p.m.
 - v. Action Item D (00:00:00, Part 2) – Discuss FY 2011 third quarter budget reports.
 - 1. Miral Gamradt, Finance Director, commented on the budget report.
 - vi. Action Item E (00:13:48) – Schedule an Executive Session for the purpose of conducting the City Manager’s annual performance evaluation.
 - 1. Commissioners agreed by unanimous consent to schedule the performance evaluation on July 12 at 6:30 p.m.
 - vii. Action Item F (00:15:10) – Discuss/approve/deny Commissioner Bennett’s request for an Action Item to be added to the July 5, 2011, City Commission Agenda, regarding a discussion of Commissioner Spannring’s concerns with Fire Chief Davis’ comments to the newspaper.
 - 1. Seth Rivard commented on the Action Item.
 - 2. Bennett moved to place Action Item F as an agenda item for the July 5, 2011 City Commission Meeting, Spannring seconded.

- a. Caldwell, Bennett, VanAken, and Jones opposed the motion.
Spanning abstained.
 - i. The motion failed.
- viii. Action Item G (00:30:06) – Discuss FY 2012 Budget.
 - 1. Lenny Gregrey (00:42:20) commented on the budget.
 - 2. Rik Pittendorfer (00:55:49) commented on the budget.
 - 3. Patricia Grabow (01:05:45) commented on the budget.
- f. City Manager Comments (01:11:45):
- g. Public Comment:
 - i. Lisa Adams (1:23:58) made comments.
 - ii. Tom Kitts (01:28:57) made comments.

ATTEST:

APPROVE:

David Fine
Recording Secretary

Steve Caldwell
Commission Chairman

Minutes of Livingston City Commission
July 5, 2011
6:30 p.m.

- 1) Chairman Caldwell called the meeting to order at 6:30 p.m.
 - a. Commissioners present were Steve Caldwell, James Bennett, Rick VanAken, Bill Spanring, and Juliann Jones.
- 2) Consent Items :
 - a. Bennett moved to approve Consent Items A, B, D, E; Jones seconded (00:00:46).
 - i. All in favor, the motion passed.
 - b. Bennett moved to approve Consent Item C; VanAken seconded (00:01:28).
 - i. All in favor, the motion passed.
- 3) Ordinances:
 - A. Ordinance No. 2031 – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR AN ELECTION ON THE BALLOT ISSUE ON THE QUESTION OF WHETHER THE ELECTORS OF THE CITY OF LIVINGSTON SHOULD ADOPT A SELF GOVERNMENT CHARTER WITH THE COMMISSION-MANAGER PLAN OF GOVERNMENT. (00:04:02)
 - a. Bennett moved to approve the Ordinance; VanAken seconded.
 - b. Jones moved to amend the Ordinance to remove the words “for a term not to exceed three years” from Section 3.01.01 of the Charter; VanAken seconded.
 - i. Caldwell, Bennett, VanAken, and Jones voted in favor of the motion; Spanring opposed.
 - c. Jones moved to adopt the ballot language suggested by Weaver with the addition of the word “continuing” before “commission-manager plan of government,” Bennett seconded.
 - i. Caldwell, Bennett, VanAken, and Jones voted in favor of the motion; Spanring abstained.
 - d. Caldwell, Bennett, VanAken, and Jones voted in favor of the Ordinance as amended; Spanring opposed.
- 4) Resolutions:
 - a. Resolution No. 4214 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH BEN BULLINGTON FOR SUMMERFEST ALONG THE YELLOWSTONE, 2011. (01:01:55)
 - i. Bennett moved to approve the Resolution; Jones seconded.
 1. All in favor, the motion passed.
- 5) Action Items:
 - a. Action Item A: Discuss/approve/deny recommendation from Stahly Engineering and Associates for the Sewer and Water Main Replacement Project to be awarded to Sime Construction in the amount of \$1,049,780.00. (01:03:30)
 - i. Clint Tinsley, Public Works Director, commented.
 - ii. Kurt Thomson with Stahly Engineering commented.
 - iii. Jones moved to approve the contract; VanAken seconded.
 1. All in favor, the motion passed.
 - b. Action Item B: Discuss/approve/ deny applications for appointment to the Urban Renewal Agency. We have two vacancies on this board – and Ryann Rivard and Daniel Schmidt have submitted applications. (01:16:51)

- i. Jones moved to appoint Ryann Rivard and Daniel Schmidt to the Urban Renewal Agency; VanAken seconded.
 - 1. All in favor, the motion passed.
 - c. Action Item C: Review "Draft" Ordinance – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING CAPS FOR MULE HAVEN SUBDIVISION FOR THE STREET MAINTAINANCE DISTRICT AND STREET LIGHTING DISTRICT. (01:20:40)
 - i. Jim Woodhull, Director of Planning and Building Code Enforcement, commented.
 - ii. The Commission directed the Administration to return with an Ordinance establishing caps at the 50% level for the two districts.
- 6) City Manager comments (01:34:00):
 - a. Ed Meece, City Manager, made comments.
- 7) Commissioner comments (01:35:40):
 - a. Bennett made comments.
- 8) Public Comment (01:36:50):
 - a. Bill Stephens made comments.
 - b. Ruth Dargis made comments.
 - c. Bruce Becker, City Attorney, made comments.
 - d. Darren Raney, Chief of Police, made comments.
 - e. Patti Orndorff made comments.

ATTEST:

APPROVE:

David Fine
Recording Secretary

Steve Caldwell
Commission Chairman

Minutes of the Livingston City Commission

July 19, 2011

6:30 p.m.

1. Chairman Caldwell called the meeting to order at 6:30 pm.
 - a. Commissioners present were Steve Caldwell, James Bennett, Rick VanAken, Bill Spannring, and Juliann Jones.
2. Consent Items (00:00:42):
 - a. Bennett moved to approve Consent Items A, B, C, D; Spannring seconded.
 - i. All in favor, the motion passed.
3. Scheduled Public Comment (00:01:16):
 - a. Alex Scaff was not in attendance for the scheduled agenda item.
4. Public Hearing:
 - a. Ordinance No. 2031 – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR AN ELECTION ON THE BALLOT ISSUE ON THE QUESTION OF WHETHER THE ELECTORS OF THE CITY OF LIVINGSTON SHOULD ADOPT A SELF GOVERNMENT CHARTER WITH THE COMMISSION-MANAGER PLAN OF GOVERNMENT (00:01:26).
 - i. Lee Parriot commented in opposition to the Ordinance.
 - ii. Lenny Gregory commented in opposition to the Ordinance.
 - iii. Jones moved to approve the Ordinance; VanAken seconded.
 1. Bennett moved to amend the Ordinance Section 3.01.01 to be in accordance with state statute requiring approval by the affirmative vote of a majority of the whole commission for removal of the City Manager; Spannring seconded. All in favor, the amendment motion passed. (00:25:09)
 2. Caldwell, VanAken, and Jones voted in favor of the main motion; Bennett and Spannring opposed. The motion passed.
5. Ordinances:
 - a. Ordinance No. 2032 – AN ORDINANCE OF THE CITY COMMISSION OF LIVINGSTON, MONTANA, ESTABLISHING SQUARE FOOTAGE CAPS FOR LOTS LOCATED IN MULE HAVEN SUBDIVISION FOR ASSESSMENTS FOR THE STREET MAINTAINENCE DISTRICT AND STREET LIGHTING DISTRICT (00:44:18).
 - i. Steve Woodruff commented on the Ordinance.
 - ii. Leroy Matthews commented on the Ordinance.
 - iii. Spannring moved to amend the Ordinance to give Mule Haven Subdivision lots an 80% discount; Bennett seconded.
 1. Spannring voted in favor of amendment. Bennett, Caldwell, Jones and VanAken opposed. The motion failed.
 - iv. Bennett moved to amend the Ordinance to establish square footage caps at 70% instead of 50% for Mule Haven Subdivision; Spannring seconded.
 1. All in favor, the motion passed.
 - v. Jones moved to approve the Ordinance as amended; VanAken seconded.
 1. All in favor, the motion passed.
6. Scheduled Public Comment:
 - a. Alex Scaff commented on the dead trees at “G” Street Park and the gas leak repair of Geyser Street. (01:13:30)
7. Resolutions:

- a. Resolution No. 4215 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH STAHLY ENGINEERING FOR CONSTRUCTION INSPECTION, STAKING AND ADMINISTRATION OF T-ALLEYS WATER AND SANITARY SEWER REPLACEMENT PROJECT IN THE AMOUNT OF \$80,544.00. (01:24:30)
 - i. Bennett moved to approve the Resolution; Spannring seconded.
 - 1. All in favor, the motion passed.
- b. Resolution No. 4216 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONSTRUCTION AGREEMENT WITH SIME CONSTRUCTION FOR CONSTRUCTION T-ALLEYS WATER AND SANITARY SEWER REPLACEMENT PROJECT IN THE AMOUNT OF \$1,049,780.00. (01:33:22)
 - i. Spannring moved to approve the Resolution, Bennett seconded.
 - 1. All in favor, the motion passed.
- c. Resolution No. 4217 – 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 2011-2012 IN THE ESTIMATED AMOUNT OF \$784,000.00 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. (01:39:35)
 - i. Lenny Gregory commented on the Resolution.
 - ii. Harold Stewart commented on the Resolution.
 - iii. Spannring moved to approve the Resolution; Bennett seconded.
 - 1. Jones, Spannring, VanAken, and Caldwell voted in favor of the motion; Bennett opposed.
 - a. The motion passed.
 - iv. Chairman Caldwell called for a five minute recess at 8:28 p.m.
- d. Resolution No. 4218 - 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 \$47,260.00 FOR FISCAL YEAR 2011-2012 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. (00:00:00, Part 2)
 - i. Bennett moved to approve the Resolution; VanAken seconded.
 - 1. All in favor, the motion passed.
- e. Resolution No. 4219 - 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 \$91,740.00 FOR FISCAL YEAR 2011-2012 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. (00:03:14)
 - i. Bennett moved to approved the Resolution; VanAken seconded.
 - 1. All in favor, the motion passed.

- f. Resolution No. 4220 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH TWO BIT FRANKS FOR SUMMERFEST ALONG THE YELLOWSTONE, 2011 (00:08:48).
 - i. VanAken moved to approve the Resolution; Spannring seconded.
 - 1. All in favor, the motion passed.
- 8. Action Items:
 - a. Action Item A: Discuss/ approve/ deny the Parking Lot Improvement Program Project #5 from the Urban Renewal agency for replacing a chunk of concrete in the Payne Realty parking lot with a tree in the amount of \$2,183 or \$1,783. (00:10:12)
 - i. Adam Stern presented and answered questions.
 - ii. Jones moved to approve Project No. 5; Bennett seconded.
 - 1. All in favor, the motion passed.
 - b. Action Item B: Discuss/ approve/ deny the Parking Lot Improvement Program Project #6 from the Urban Renewal agency for replacing an old sign pylon at Key Insurance parking lot with a 4' x 4' planter and tree in the amount of \$1,858. (00:16:28)
 - i. Bennett moved to approve Project No. 6; Spannring seconded.
 - 1. All in favor, the motion passed.
 - c. Action Item C: Discuss/ approve/ deny budget alignment policy for the Livingston Urban Renewal agency. (00:17:10)
 - i. Adam Stern presented and answered questions.
 - ii. Bennett moved to approve the policy; Spannring seconded.
 - 1. All in favor, the motion passed.
 - d. Action Item D: Discuss advertising for a city representative to the City/ County Health Board as our city representative has resigned. (00:23:47)
 - i. The Commission directed the Administration to advertise for a city representative.
- 9. City Manager Comments (00:24:11):
 - a. VanAken, Spannring and Bennett made comments.
- 10. City Commission Comments (00:29:36):
 - a. Bennett, Spannring and VanAken made comments.
- 11. Public Comment (00:34:00):
 - a. Wayne Fink made comments.
- 12. Adjournment:
 - a. Bennett moved to adjourn the meeting; VanAken seconded.
 - i. All in favor, the motion passed.
 - ii. The meeting adjourned at 9:15 p.m.

ATTEST:

APPROVE:

David Fine
Recording Secretary

Steve Caldwell
Commission Chairman

Livingston City Commission Minutes
August 2, 2011
6:30 p.m.

1. Roll Call:
 - a. Steve Caldwell, Rick VanAken, James Bennett, and Bill Spannring were present.
 - b. Juliann Jones was absent.
2. Consent Items:
 - a. Spannring moved to approve Consent Items A, C, D, E; Bennett seconded. (00:00:41)
 - i. All in favor the motion passed 4-0.
 - b. Spannring moved to approve Consent Item B; Bennett seconded (00:02:49).
 - i. All in favor the motion passed 4-0.
3. Public Comment:
 - a. Lenny Gregrey commented in opposition to the proposed Charter. (00:03:13)
4. Public Hearings:
 - a. Ordinance No. 2032 – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING SQUARE FOOTAGE CAPS FOR LOTS LOCATED IN MULE HAVEN SUBDIVISION FOR ASSESSMENTS FOR THE STREET MAINTENANCE DISTRICT AND STREET LIGHTING DISTRICT. (00:12:37)
 - i. Steve Woodruff, a Mule Haven property owner, commented on the Ordinance.
 - ii. Bennett moved to approve the Ordinance; VanAken seconded.
 1. Bennett moved to amend the Ordinance by removing the words “whether developed or undeveloped” from Section 26-90 and “except as provided therein” from Section 26-91; Spannring seconded.
 - a. All in favor, the motion to amend passed 4-0.
 2. All in favor, the motion to approve the ordinance passed 4-0.
 - b. Resolution No. 4221 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING 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 2011-2012 IN THE ESTIMATED AMOUNT OF \$784,000.00 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT.(00:19:46)
 - i. Lenny Gregrey commented in opposition to the Resolution.
 - ii. Joe Parriott commented in opposition to the Resolution.
 - iii. VanAken moved to approve the Resolution, Bennett seconded.
 - iv. Clint Tinsley, Public Works Director, commented on the Resolution.
 - v. Miral Gamradt, Finance Director, commented on the Resolution.
 - vi. VanAken moved to amend the Resolution to levy and assess at the FY 2011 level of \$670,000; Bennett seconded.
 1. All in favor, the motion to amend passed 4-0.
 - vii. All in favor, the motion to approve the Resolution passed 4-0.
 - c. Resolution No. 4222 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$47,260.00 FOR FISCAL YEAR 2011-2012 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. (00:57.41)

- i. Rick Pittendorfer commented on the Resolution.
 - ii. Bennett moved to approve the Resolution; VanAken seconded.
 - 1. All in favor, the motion passed 4-0.
 - d. Resolution No. 4223 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, MODIFYING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES THEREIN AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS OF \$91,740.00 FOR FISCAL YEAR 2011-2012 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. (01:03:25)
 - i. Joe Parriott commented on the Resolution.
 - ii. Lee Parriott commented on the Resolution.
 - iii. Bennett moved to approve the Resolution; Spannring seconded.
 - 1. All in favor, the motion passed 4-0.
- 5. Ordinances:
 - a. Ordinance No. 2033 – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE FLOODPLAIN REGULATIONS FOR THE CITY OF LIVINGSTON. (01:16:35)
 - i. Bennett moved to approve the Ordinance; Spannring seconded.
 - ii. Patti Orndoff commented on the Ordinance.
 - iii. Jim Woodhull, Director of Planning and Building, commented on the Ordinance.
 - iv. All in favor, the motion to approve the Ordinance passed 4-0.
- 6. Action Items:
 - a. Discuss/approve/deny the budget alignment policy for the Livingston Urban Renewal Agency downtown street furniture proposal from Vision Livingston Downtown Partnership Design committee in the amount of \$25,690. (01:23:45)
 - i. Adam Stern of the Livingston Urban Renewal Agency presented the proposal.
 - ii. Patti Orndoff commented on the sponsorship plaques.
 - iii. VanAken moved to approve the Action Item; Bennett seconded.
 - 1. All in favor, the motion passed 4-0.
 - b. Discuss/approve/deny the Livingston Urban Renewal Agency's Parking Lot Improvement program for project #7 [Moose Lodge Mural]. (01:34:58)
 - i. Adam Stern of the Livingston Urban Renewal Agency presented the proposal.
 - ii. VanAken and Spannring suggested simplifying the mural design.
 - iii. Patti Orndoff commented that she thought the mural could be done well.
 - iv. The City Commission directed the Urban Renewal Agency to return with examples of simplified designs.
 - c. Discuss/ approve/ deny applications for special parking spaces for Gary Travis. (01:48:55)
 - i. Bennett moved to approve the application; VanAken seconded.
 - 1. All in favor, the motion passed 4-0.
- 7. City Commission Comments:
 - a. VanAken commented. (01:50:30)
- 8. Adjournment:
 - a. Bennett moved to adjourn; VanAken seconded.
 - i. All in favor, the motion passed 4-0.
 - ii. The meeting adjourned at 8:23 p.m.

ATTEST:

David Fine
Recording Secretary

APPROVE:

Steve Caldwell
Commission Chairman

August 2, 2011

Livingston City Commission Minutes
August 16, 2011
6:30 p.m.

1. Roll Call:
 - a. Steve Caldwell, Rick VanAken, Bill Spannring, James Bennett were present.
 - b. Juliann Jones was absent.
2. Consent Items:
 - a. Bennett moved to approve Consent Items A, C, D; VanAken seconded. (00:00:48)
 - i. All in favor, the motion passed 4-0.
 - b. Consent Item B was discussed. (00:01:14)
 - c. Spannring moved to approve Consent Item B; VanAken seconded. (00:17:57)
 - i. Spannring moved to "amend the motion to not pay the Clear Creek Hydrology invoice," Consent Item B; Bennett seconded. (00:18:26)
 1. Bennett, Caldwell, VanAken voted against the motion to amend; Spannring opposed.
 2. The motion to amend failed 1-3.
 - ii. Bennett, Caldwell, VanAken voted in favor of the motion to approve Consent Item B; Spannring opposed. (00:41:27)
 1. The motion passed 3-1.
3. Public Hearings:
 - a. Ordinance No. 2033 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE FLOODPLAIN REGULATIONS FOR THE CITY OF LIVINGSTON. (00:41:45)
 - i. There was no public comment during the public hearing.
 - ii. Bennett moved to approve the Ordinance; VanAken seconded.
 1. All in favor, the motion to approve the Ordinance passed 4-0.
4. Resolutions:
 - a. Resolution No. 4201 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2011, AND ENDING JUNE 30, 2012, (FY2011-2012), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT www.livingstonmontana.org , GIVING NOTICE OF AN INCREASE IN PROPERTY TAXES IN THE AMOUNT OF ONE PER CENT (1%) OVER THE PRIOR FISCAL YEAR, AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS.(00:45:32)
 - i. Bennett moved to approve the Resolution; VanAken seconded.
 - ii. The City Commission discussed the Resolution.
 - iii. Chairman Caldwell called for a 5 minute recess.
 - iv. The City Commission meeting resumed following the recess. Commissioners continued their discussion of Resolution No. 4201).
 1. Begin Part 2 of the Official Record. (00:00:00, Part 2)
 - v. Don Gimbel commented on the Budget. (00:23:20)
 - vi. Patricia Grabow commented on the Budget. (00:28:14)
 - vii. Rik Pittendorfer commend on the Budget. (00:54:03)
 - viii. Lisa Kitts commented on the Budget. (00:58:09)
 - ix. Karla Pettit commented on the Budget. (00:59:50)

- x. Spannring moved to “cut the City Manager’s position and terminate the City Manager’s position.” (01:09:19)
 - 1. The motion, having received no second, failed.
 - xi. Patricia Grabow commented on the Budget. (01:33:29)
 - xii. Chairman Caldwell called for a 5 minute recess.
 - xiii. The City Commission meeting resumed following the recess. Commissioners continued their discussion of Resolution No. 4201
 - 1. Begin Part 3 of the Official Record. (00:00:00, Part 3)
 - xiv. Bennett moved to amend Resolution No. 4201 by reducing the Legislative expenditures by \$10,000, the lawnmower expenditures in the Parks and Cemetery fund by \$13,000, and \$2,000 of the tree expenditures budget; VanAken seconded. (00:39:55)
 - 1. Caldwell, VanAken, Bennett voted in favor of the motion to amend; Spannring opposed.
 - a. The motion to amend passed 3-1.
 - xv. Lenny Gregrey commented on the Budget Resolution. (00:53:30)
 - xvi. Patricia Grabow commented on the Budget Resolution. (01:09:15)
 - xvii. The City Commission voted on the motion to approve Resolution No. 4201 as amended. (01:16:31)
 - 1. Caldwell, VanAken, Bennett voted in favor of the motion; Spannring opposed.
 - b. Resolution No. 4226 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO FIX THE TAX LEVY FOR FISCAL YEAR 2011-2012 AND GIVING NOTICE OF A PUBLIC HEARING THEREON.
 - i. VanAken moved to approve Resolution No. 4226; Bennett seconded.
 - ii. VanAken moved to amend the motion to reflect the amendment made to the Budget Resolution eliminating the 1% increase; Bennett seconded.
 - 1. Caldwell, Bennett, VanAken voted in favor of the motion to amend; Spannring opposed.
 - a. The motion to amend passed 3-1.
 - iii. Caldwell, VanAken, Bennett voted in favor of the motion to approve Resolution No. 4226 as amended; Spannring opposed.
 - 1. The motion passed 3-1.
 - c. Resolution No. 4225 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE RATE FOR COLLECTION AND DISPOSAL OF SOLID WASTE IN THE AMOUNT OF \$3.00 PER MONTH. (01:21:00)
 - i. VanAken moved to postpone consideration of the Resolution until the September 6 regular meeting; Bennett seconded.
 - 1. All in favor, the motion passed 4-0.
5. Action Items:
- a. Action Item A: (01:21:43)
 - i. Bruce Becker, City Attorney, provided the opinion that the Commission had already approved a special meeting on August 30 through their earlier actions.
6. City Manager Comments:
- a. The City Manager made no comments.
7. Commissioner Comments:
- a. Spannring made comments. (01:22:19)
8. Public Comment:

- a. No members of the public made comments.
- 9. Adjournment:
 - a. VanAken moved to adjourn the City Commission meeting; Bennett seconded.
 - i. All in favor, the motion passed 4-0.
 - b. The meeting adjourned at 11:33 p.m.

ATTEST:

APPROVE:

David Fine
Recording Secretary

Steve Caldwell
Commission Chairman

**Livingston City Commission Special Meeting
Minutes August 30, 2011
6:30 p.m.**

1. Roll Call
 - a. Steve Caldwell, Rick VanAken, Bill Spannring, James Bennett were present.
 - b. Juliann Jones was absent.
2. Pledge of Allegiance
 - a. Caldwell led the reading of the Pledge of Allegiance.
3. Public Hearings
 - a. Resolution No. 4227 – 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, 2011, AND ENDING JUNE 30, 2012, (FY2011-2012), MAKING APPROPRIATIONS AND ESTABLISHING SPENDING LIMITS AND AUTHORIZING TRANSFER OF APPROPRIATIONS WITHIN SAME FUND.
 - i. Public Hearing Comment:
 1. Lenny Gregory commented on the budget. (00:00:00)
 2. Nancy Adkins commented on the budget. (00:03:15)
 3. Patti Orndorff commented on the budget. (00:05:20)
 4. Lee Parriott commented on the budget. (00:06:02)
 5. Joe Parriott commented on the budget. (00:08:45)
 6. Patti Orndorff commented that she believed the Commission was not adhering to Robert’s Rules of Order.
 7. Hearing no further public comment, Chairman Caldwell closed the Public Hearing. (00:12:15)
 - ii. The Commission considered Resolution No. 4227.
 1. Bennett moved to approve Resolution No. 4227.Spannring seconded.
 2. Bennett moved to amend the budget “for not raising the water and sewer rates.” (00:13:54)
 - a. The motion to amend did not receive a second.
 3. Nancy Adkins commented on the budget. (00:32:21)
 4. John Orndorff commented on the budget. (00:35:30)
 5. Patti Orndorff commented on the budget and dead body found in the reservoir. (00:55:30)
 6. John Orndorff commented on the body found in the reservoir and clarified that no body was found in the reservoir. (00:56:43)
 7. Chairman Caldwell ruled discussion of reservoir issues out of order in a discussion of the Budget resolution. (00:57:23)
 - iii. Bennett moved “to institute a charge for the green cans.” Spannring seconded. (01:23:44)
 1. Spannring called the question. (01:34:44)
 2. Bennett withdrew his motion. Spannring withdrew his second. (01:35:23)
 - iv. Bennett moved to “direct the administration to bring back [to the City Commission] a recommendation on the green can program.” Spannring seconded. (01:35:31)
 1. Spannring, Bennett, Caldwell, VanAken voted in favor of the motion.
 - a. All in favor, the motion passed 4-0.

- v. The City Commission continued its consideration of Resolution No. 4227.
 - 1. Patti Orndorff commented on green cans and glass recycling. (01:41:45)
- vi. The Commission voted on the motion to approve Resolution No. 4227.
 - 1. VanAken, Bennett, Caldwell voted in favor of the motion. Spannring opposed.
 - a. The motion passed 3-1.
- vii. Chairman Caldwell called for a recess. (01:48:25)
- b. Resolution No. 4228 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, FIXING THE TAX LEVY FOR FISCAL YEAR 2011-2012. (00:00:00, Part 2)
 - i. Public Hearing Comment:
 - 1. There was no public comment on the Resolution.
 - ii. Bennett moved to approve Resolution No. 4228. VanAken seconded. (00:00:32)
 - 1. Caldwell, VanAken, Bennett, Spannring voted in favor of the motion.
 - a. All in favor, the motion passed 4-0.
- 4. Public Comment:
 - a. Dwight Krohne commented on his family's issue with the cemetery rules. (00:03:45)
 - b. Bennett and Spannring asked for the Krohne family's issue with the cemetery rules to be placed on the agenda of the next City Commission. (00:20:15)
 - c. Kitty Krohne commented on her family's issue with the cemetery rules. (00:21:16)
 - d. Dave Amsk commented in support of an exception to the cemetery rules. (00:24:04)
- 5. Adjournment (00:25:15):
 - a. Bennett moved to adjourn the City Commission meeting. VanAken seconded. All in favor, the motion passed 4-0.

ATTEST:

APPROVE:

David Fine
Recording Secretary

Steve Caldwell
Commission Chairman

Livingston City Commission Minutes
September 6, 2011
6:30 p.m.

1. Roll Call:
 - a. Steve Caldwell, Rick VanAken, Juliann Jones, Bill Spannring, and James Bennett were present.
2. Consent Items:
 - a. Bennett moved to approve Consent Items A-B. Jones seconded.
3. Resolutions:
 - a. Resolution No. 4232 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE REFINANCING OF THE LOAN MADE TO THE SOLID WASTE FUND AUTHORIZED BY RESOLUTION NO. 3870. (00:01:30)
 - i. Bennett moved to approve the Resolution. VanAken seconded.
 1. All in favor, the motion passed.
 - b. Resolution No. 4225 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE RATE FOR COLLECTION AND DISPOSAL OF SOLID WASTE IN THE AMOUNT OF \$3.00 PER MONTH. (00:20:47)
 - i. Bennett moved to approve the Resolution. VanAken seconded.
 - ii. Nancy Adkins commented on the Resolution. (00:50:33)
 - iii. Elizabeth Lahren commented on the Resolution. (01:02:16)
 - iv. Lee Parriott commented on the Resolution. (01:17:15)
 - v. Spannring moved to amend Resolution No. 4225 to change the proposed \$3 a month increase on all solid waste customers to a \$1.50 increase for all residential customers and a 15% increase for all commercial customers. Bennett seconded. (01:25:12)
 1. All in favor, the motion to amend passed.
 - vi. Vote on the motion to approve Resolution No. 4225 as amended.
 1. All in favor, the motion passed.
 - c. Resolution No. 4230 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO RAISE THE WATER RATE IN THE AMOUNT OF 2%, AND CALLING FOR A PUBLIC HEARING. (01:26:48)
 - i. VanAken moved to approve the Resolution. Spannring seconded.
 - ii. Vote on the motion to approve the Resolution.
 1. All in favor, the motion passed.
 - iii. Caldwell called for a 5 minute recess. (End Part 1)
 - d. Resolution No. 4231 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO RAISE THE SEWER RATE IN THE AMOUNT OF 2%, AND CALLING FOR A PUBLIC HEARING. (00:00:00, Part 2)
 - i. VanAken moved to approve the Resolution. Jones seconded.
 1. All in favor, the motion passed.
 - e. Resolution No. 4229 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN COLLECTIVE BARGAINING AGREEMENT WITH AFSCME LOCAL 2711A FOR PERIOD JULY 1, 2011 THROUGH JUNE 30, 2014. (00:02:05)
 - i. Consideration of Resolution was postponed to the September 20, 2011 Commission meeting.

- f. Resolution No. 4224 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH STAHLY ENGINEERING FOR REVIEWING AND UPDATING CITY OF LIVINGSTON IMPACT FEES IN THE AMOUNT OF \$16,000.00. (00:02:35)
 - i. Bennett moved to approve the Resolution. VanAken seconded.
 - 1. Bennett, Caldwell, VanAken, and Jones voted in favor of the motion. Spanning voted against the motion.
 - a. The motion passed 4-1.
4. Action Items:
- a. Discuss/approve/deny the Livingston Urban Renewal Agency’s Parking Lot Improvement program for project #7 [Moose Lodge Mural]. (00:34:10)
 - i. Adam Stern of the Urban Renewal Agency asked that the project be placed on hold indefinitely.
 - 1. The Commission agreed by consensus to indefinitely postpone consideration of this action item.
 - b. Discuss/ approve/ deny applications for special parking spaces for Arnold and Pansy Nelson. (00:34:31)
 - i. Bennett moved to approve the application for special parking spaces. VanAken seconded.
 - 1. All in favor, the motion passed.
 - c. Discuss/ approve/ deny request to add to the “City’s Special Event Policy” that those persons wishing to host a special event where alcohol is to be served obtain an “Alcohol Server” training prior to their event from Southwest Chemical Dependency. (00:38:38)
 - i. The Commission considered the request and postponed action until it could be discovered whether this training would cost money for the groups hosting events. (00:44:47)
 - ii. The Commission resumed consideration of the request. (00:55:05)
 - iii. Bennett moved to approve the request. Jones seconded.
 - 1. All in favor, the motion passed.
 - d. Discuss/ approve/ deny request to complete the paving project at Mission Airport Field in the amount of \$8,460.53. (00:44:54)
 - i. The Commission agreed by consensus to take no action and postpone consideration of the request indefinitely.
 - e. Discuss/ approve/ deny the proposal to create a “Quiet Zone” . (00:55:50)
 - i. The Commission agreed by consensus to take no action.
 - f. Discuss how to direct staff in getting a city representative on the City/ County Health Board. (01:04:45)
 - i. The Commission by consensus directed staff to re-advertise the position.
5. Adjournment:
- a. Bennett moved to adjourn the meeting. VanAken seconded.
 - b. The City Commission meeting adjourned at 9: 34 p.m.

ATTEST:

APPROVE:

David Fine
Recording Secretary

Steve Caldwell
Commission Chairman

Livingston City Commission
September 20, 2011
6:30 p.m.

- 1) Roll Call:
 - a. Steve Caldwell, James Bennett, Bill Spannring, and Rick VanAken were present.
 - b. Juliann Jones was absent.
- 2) Consent Items:
 - a. Bennett moved to approve Consent Items A-E. VanAken seconded.
 - i. All in favor, the motion passed 4-0.
- 3) Public Hearing:
 - a. Resolution No. 4234 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING THE RATE FOR COLLECTION AND DISPOSAL OF SOLID WASTE IN THE AMOUNT OF \$1.50 PER MONTH PER RESIDENTIAL CUSTOMER AND 15% INCREASE IN THE RATE STRUCTURE FOR COMMERCIAL CUSTOMER. (00:01:35)
 - i. Karla Pettit made comments. She provided the Commission with a petition bearing 57 signatures in opposition to the commercial rate increase. (00:03:45)
 - ii. Jack Luther made comments. (00:11:25)
 - iii. Lee Parriott made comments. (00:14:23)
 - iv. Sara Sandberg made comments. (00:16:50)
 - v. Lisa Adams made comments. (00:18:31)
 - vi. Rose Klumpers made comments. (00:19:38)
 - vii. Hearing no further public comment, Chairman Caldwell closed the Public Hearing. (00:20:54)
 - viii. Spannring moved to approve Resolution No. 4234. VanAken seconded.
 1. All in favor, the Resolution passed 4-0.
- 4) Ordinances:
 - a. Ordinance No. 2034 – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 2033 ADOPTING THE FLOODPLAIN REGULATIONS FOR THE CITY OF LIVINGSTON AS MODIFIED BY THE STATE OF MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION. (01:05:36)
 - i. Bennett moved to approve the Ordinance. VanAken seconded.
 1. All in favor, the motion passed 4-0.
- 5) Resolutions:
 - a. Resolution No. 4229 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN COLLECTIVE BARGAINING AGREEMENT WITH AFSCME LOCAL 2711A FOR PERIOD JULY 1, 2011 THROUGH JUNE 30, 2014. (01:08:50)
 - i. Spannring moved to approve the Resolution. Bennett seconded.
 1. Chairman Caldwell called for a 5 minute recess at 8:58 p.m. (01:25:55)
 2. The meeting resumed. (Begin Part 2 of the recording 00:00:00)
 3. Spannring called the question. (00:39:35)
 - a. Caldwell and VanAken voted in favor of approving Resolution No. 4229; Bennett and Spannring opposed.
 - i. The motion failed 2-2.
 - ii. Bennett moved to reconsider Resolution No. 4229 at the next meeting of the City Commission. (00:40:46)

1. Caldwell, Bennett and VanAken voted in favor of the motion to reconsider; Spannring opposed.
 - b. Resolution No. 4233 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING AGREEMENT WITH MONTANA DEPARTMENT OF TRANSPORTATION TO RECEIVE COLD-MILLED BITUMINOUS MATERIAL. (00:46:20)
 - i. Bennett moved to approve Resolution No. 4233; Spannring seconded.
 1. All in favor, the motion passed 4-0.
 - c. Resolution No. 4235 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH DOWL HKM TO PREPARE TIGER GRANT APPLICATION IN THE AMOUNT OF \$9,291.00. (00:47:50)
 - i. VanAken moved to approve the Resolution; Bennett seconded.
 1. All in favor, the motion passed 4-0.
- 6) Public Comment:
- a. Joe Parriott made comments. (01:13:05)
- 7) Adjournment:
- a. VanAken moved to adjourn; Bennett seconded.
 - i. All in favor, the meeting adjourned at 9:20 p.m.

ATTEST:

APPROVE:

David Fine
Recording Secretary

Steve Caldwell
Commission Chairman

Livingston City Commission Minutes
October 4, 2011
6:30 p.m.

- 1) Roll Call:
 - a. Steve Caldwell, James Bennett, Rick VanAken, and Bill Spannring were present.
 - b. Juliann Jones was absent.

- 2) Consent Items (00:00:48):
 - i. Bennett moved to approve the Consent Items. VanAken seconded.
 - ii. All in favor, the motion passed 4-0.

- 3) Scheduled Public Comment:
 - a. Hilary Wheeler-Smith and Alex Scaff made presented their proposed improvements to "G" Street Park. (00:01:14)
 - i. The Commission recommended that Ms. Wheeler-Smith and Mr. Scaff work with the administration to develop an action item concerning their proposal.

- 4) Public Hearings:
 - a. Resolution No. 2034 – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 2033 ADOPTING THE FLOODPLAIN REGULATIONS FOR THE CITY OF LIVINGSTON AS MODIFIED BY THE STATE OF MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION. (00:13:50)
 - i. There was no public comment on the Resolution.
 - ii. Bennett moved to approve the Resolution. VanAken seconded.
 1. All in favor, the motion passed 4-0.
 - b. Resolution No. 4236 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RAISING THE SEWER RATE IN THE AMOUNT OF 2%. (00:15:55)
 - i. Linda Mahr made comments.
 - ii. Bennett moved to approve Resolution No. 4236. VanAken seconded.
 1. Caldwell and VanAken voted in favor of the motion; Spannring and Bennett opposed.
 - a. The motion failed 2-2.
 - c. Resolution No. 4237 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RAISING THE WATER RATE IN THE AMOUNT OF 2%. (00:25:50)
 - i. William Mahr made comments.
 - ii. Laura Bray made comments.
 - iii. Bennett moved to approve the Resolution. VanAken seconded.
 1. Caldwell and VanAken voted in favor of the motion; Spannring and Bennett opposed.
 - a. The motion failed 2-2.

- 5) Resolutions:
 - a. Resolution No. 4229 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN COLLECTIVE BARGAINING AGREEMENT WITH AFSCME LOCAL 2711A FOR PERIOD JULY 1, 2011 THROUGH JUNE 30, 2014. (00:42:53)
 - i. Bennett moved to approve the Resolution. VanAken seconded.

- ii. Caldwell and VanAken voted in favor of the motion; Spannring and Bennett opposed.
 - 1. The motion failed 2-2.
 - b. Resolution No. 4238 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2010-2011, BY MAKING REVENUE ADJUSTMENTS IN THE AMOUNT OF \$127,000.00 AND APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$135,655.00 AND CALLING FOR A PUBLIC HEARING. (00:58:55)
 - i. Bennett moved to approve the Resolution. VanAken seconded.
 - 1. All in favor, the motion passed 4-0.
 - c. Resolution No. 4239 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE HAZARD MITIGATION PLAN DATED SEPTEMBER, 2011. (01:06:18)
 - i. Joe Parriott commented on the Resolution. (01:12:12)
 - ii. Bennett moved to approve the Resolution. VanAken seconded.
 - 1. All in favor, the motion passed 4-0.
 - d. Resolution No. 4240 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE CITY OF LIVINGSTON SPECIAL EVENTS POLICY TO REQUIRE ALCOHOL SERVER TRAINING FOR ALL EVENTS PROVIDING ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY AND DIRECTING THE CITY MANAGER TO CARRY OUT THE SPECIAL EVENT POLICY AS AN ADMINISTRATIVE PROCEDURE. (01:14:32)
 - i. Bennett moved to approve the Resolution. VanAken seconded.
 - 1. All in favor, the motion passed 4-0.
- 6) Action Items:
- a. Discuss/approve/deny appointment to the Historic Preservation Commission. (One vacancy left on this board). (01:20:40)
 - i. Bennett moved to approve the application for Mr. Luther. VanAken seconded.
 - 1. All in favor, the motion passed 4-0.
 - b. Discuss/approve/deny annual operating agreement with Livingston Ice Skating Association. (01:22:57)
 - i. Matthew Higgins from the Livingston Ice Skating Association board commented on the operating agreement.
 - ii. Bennett moved to approve the agreement with the Livingston Ice Skating Association. Spannring seconded.
 - 1. Bennett moved to amend the motion to approve ice skating and exclude hockey. Spannring seconded. (01:31:49)
 - a. David Milak made comments. (01:54:20)
 - b. Dana Christian made comments. (00:00:00, Part 2)
 - c. All in favor, the motion to amend passed 4-0.
 - 2. All in favor, the motion to approve the agreement with Livingston Ice Skating as amended passed 4-0.
 - c. Discuss/approve/deny Livingston Urban Renewal Agency Grant application from Vision Livingston Downtown Partnership Design Committee in the amount of \$3,115.00. (00:09:25)
 - i. Bennett moved to approve the grant application. VanAken seconded.
 - 1. All in favor, the motion passed.

- 7) Public Comment:
 - a. John Orndorff made comments. (00:28:30)
- 8) Adjournment:
 - a. VanAken moved to adjourn. Spanning seconded.
 - i. Caldwell, VanAken, and Spanning voted in favor of the motion.
 - 1. All in favor, the motion passed 3-0.

ATTEST:

APPROVE:

David Fine
Recording Secretary

Steve Caldwell
Commission Chairman

City Commission Minutes
October 18, 2011
6:30 p.m.

1. CALL TO ORDER.
 - a. Chairman Caldwell called the meeting to order at 6:30 p.m.
2. ROLL CALL.
 - a. Caldwell, Bennett, and Spannring were present.
 - b. VanAken and Jones were absent.
3. PLEDGE OF ALLEGIANCE.
4. CONSENT ITEMS:
 - a. Consent Item A, "Approve October 4, 2011 City Commission meeting minutes," was removed from consideration by the Administration.
 - b. Bennett moved to approve Consent Items B and C. Spannring seconded.
 - i. All in favor, the motion passed 3-0.
5. PROCLAMATIONS:
 - a. None.
6. SCHEDULED PUBLIC COMMENT:
 - a. None.
7. PUBLIC HEARINGS:
 - a. Resolution No. 4241 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2010-2011, BY MAKING REVENUE ADJUSTMENTS IN THE AMOUNT OF \$127,000.00 AND APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$135,655.00. (00:01:28)
 - i. Chairman Caldwell solicited public comment. Hearing no comment, Chairman Caldwell closed the public hearing.
 - ii. Bennett moved to approve Resolution No. 4241. Spannring seconded.
 1. All in favor, the motion passed 3-0.
 - b. Request for waiver of impact fees from Livingston School District. (00:14:52)
 - i. Jim Woodhull, Director of Planning and Building/ Code Enforcement, commented on the request.
 - ii. Frank Horiel, Livingston School Board Member, made comments. (00:14:55)
 - iii. George Borneman made comments. (00:20:15)
 - iv. Tim Stevens made comments. (00:21:32)
 - v. Nathan Robinson submitted comments for the record via email. (On file)
 - vi. Hearing no further public comment, Chairman Caldwell closed the hearing.

- vii. Bennett moved to defer this decision until the Commission has further information and that the funds that have already been paid for this impact fee be held in reserve so that they cannot be spent, so that if there is a future refund the monies will be available. Spanning seconded.
 - 1. Caldwell and Bennett voted in favor of the motion. Spanning voted against the motion.
 - a. The Commission recessed to clarify the status of the motion under the Rules of Procedure for the Livingston City Commission. (00:42:11)
 - b. City Attorney Bruce Becker advised Chairman Caldwell that under Section 2-15 of the Rules, Quorum: "A quorum shall consist of three (3) commission members. However, an affirmative vote of the majority of the entire Commission shall be necessary to adopt or reject any motion." (00:00:00, Part 2)
 - i. The motion failed 2-1, not having received a vote of the majority of the entire commission.

8. ORDINANCES:

- a. Ordinance No. 2035 – AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 2010 AS CODIFIED BY CHAPTER 23 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED TREES BY REQUIRING ABUTTING PROPERTY OWNERS TO BE RESPONSIBLE FOR REGULAR WATERING CARE AND MAINTENANCE OF STREET TREES.
 - i. Discussion of Ordinance No. 2035 was moved to Action Item 10 D at the request of the Administration.

9. RESOLUTIONS:

- a. Resolution No. 4242 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING USE AGREEMENT WITH THE LIVINGSTON ICE SKATING ASSOCIATION FOR DEVELOPMENT OF AN ICE SKATING RINK AND ESTABLISHING RULES AND REGULATIONS FOR USE. (00:00:50)
 - i. Bennett moved to approve the Resolution. Spanning seconded.
 - 1. Matthew Higgins, Interim President of the Livingston Ice Skating Association, made comments. (00:05:27)
 - 2. All in favor, the motion passed 3-0

- b. Resolution No. 4243 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONSTRUCTION AGREEMENT WITH THE MONTANA DEPARTMENT OF TRANSPORTATION FOR FEDERAL AID PROJECT NO. UPP7404(6) TO SEAL AND COVER FRONT STREET FROM MAIN STREET TO MOUNTAIN VIEW CEMETERY. (00:08:31)
 - i. Bennett moved to approve the Resolution. Spannrng seconded.
 - 1. All in favor, the motion passed 3-0.

10.ACTION ITEMS:

- a. Kevin Larkin – Presentation for a name change of the “M” Street Park to be renamed to the “Katie Bonnell Park”.
 - i. The Administration received general direction from the Commission to draft a Resolution of Intent to change the name of the park for consideration at a future meeting. (00:22:35)
- b. Discuss/approve/deny protest from the Livingston School District management of building permit fees. (00:23:21)
 - i. Jim Woodhull, Director of Planning and Building/ Code Enforcement, responded to questions.
 - ii. Nancy Adkins made comments. (00:30:45)
 - iii. Sarah Sandberg made comments. (00:31:45)
 - iv. The Commission took no action on this item.
- d. Discuss proposed Ordinance No. 2035. (00:33:00)
 - i. Nancy Adkins made comments. (00:42:38)
 - ii. Patricia Grabow made comments. (00:44:04)
 - iii. Joe Parriott made comments. (00:50:35)
 - iv. Alex Scaff made comments. (00:57:03)
 - v. Lisa Adams made comments. (01:13:20)
 - vi. Lee Parriott made comments. (01:18:15)
 - vii. Spannrng moved to have the Commission reconsider this Item in January 2012. Bennett seconded. (01:22:25)
 - 1. All in favor, the motion passed 3-0.
- c. Presentation of the 2011 Urban Forestry Excellence Award.
 - i. Ed Meece presented the award to Clint Tinsley and Sandy Wulf representing the City of Livingston Public Works Department. (01:23:14)

11.CITY COMMISSION COMMENTS.

- a. Spannrng asked about the status of negotiations with AFSCME and made comments on that matter. (01:26:36)

- b. Bennett asked about the possibility of requesting an executive session to discuss the City's negotiations with AFSCME. (01:37:25)
 - i. Caldwell expressed reservations about holding an executive session. (01:39:55)
 - ii. The Commission agreed to put the issue of an executive session on the November 1 agenda, unless the mediation timeline required earlier action. (01:43:03)
- c. Bennett made comments on solid waste rate increases. (01:43:25)

12.PUBLIC COMMENTS. (01:46:25)

- a. Patricia Grabow made comments on the trees in Sacajawea Park. (01:46:34)
 - i. Ed Meece and Clint Tinsley, Public Works Director, responded to Ms. Grabow's comments.

13.ADJOURNMENT.

- a. Bennett moved to adjourn the meeting. Spanning seconded.
 - i. All in favor, the motion passed 3-0.
 - ii. The meeting adjourned at 9:16 p.m.

ATTEST:

APPROVE:

David Fine
Recording Secretary

Steve Caldwell
Commission Chairman

Livingston City Commission Minutes

November 1, 2011

6:30 p.m.

1. Roll Call:
 - a. Caldwell, Bennett, and Spannring were present.
 - b. VanAken and Jones were absent.
2. Consent Items:
 - a. Bennett moved to approve Consent Items A, B, and D. Spannring seconded. (00:00:40)
 - i. All in favor, the motion passed 3-0.
 - b. Bennett moved to approve Consent Item C. Spannring seconded.
 - i. Bennett asked questions about the American Express claim. (00:01:04)
 - ii. Spannring asked questions about the American Express claim. (00:02:52)
 - iii. Caldwell and Bennett voted in favor of the motion. Spannring voted against the motion. (00:04:00)
 1. The motion, not having received the requisite 3 votes required for passage by the rules, failed 2-1.
3. Scheduled Public Comment:
 - a. Michael McCormick, Executive Director of the Livingston Food Pantry, made a presentation on his organization. (00:04:29)
4. Resolutions:
 - a. Resolution No. 4244 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO RENAME “M” STREET PARK TO “KATIE BONNELL PARK.” (00:29:01)
 - i. Bennett moved to approve the Resolution. Spannring seconded.
 1. All in favor the motion passed 3-0.
 - b. Resolution No. 4245 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING CITY MANAGER TO SIGN SETTLEMENT AGREEMENT IN THE MATTER OF WILLIAM MIEGS V. CITY OF LIVINGSTON, PARK COUNTY, JOSEPH HARRIS AND GALLATIN COUNTY. (00:31:15)
 - i. Bennett moved to approve the Resolution. Spannring seconded.
 1. Mike Lilly, the attorney representing the City of Livingston in this matter, encourage the Commission to approve Resolution No. 4245.
 2. All in favor, the motion passed 3-0.
 - c. Resolution No. 4246 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA OF ITS INTENT TO DESIGNATE A STOP INTERSECTION FOR NORTH BOUND TRAFFIC AT THE INTERSECTION OF 8TH AND MONTANA STREET. (00:41:54)
 - i. Bennett moved to approve the Resolution. Spannring seconded.
 1. Darren Raney, Chief of Police, testified in favor of the Resolution as a public safety measure.
 2. All in favor, the motion passed 3-0.
5. Action Items:
 - a. Action Item A – Discuss/ approve/deny authorizing the City Manager to sign the State of Montana application for the use of the frequency coordination procedure with the Livingston Fire Department. (00:47:50)
 - i. Jeff Schoenen, Acting Fire Chief, made comments. (00:48:00)
 - ii. Peggy Glass, 911 Communications Director, made comments. (00:58:16)

iii. Spannring moved to have the City Manager "sign a letter of concurrence for the frequency agreement with the United States Government for a digital system."
Bennett seconded. (00:59:20)

1. All in favor, the motion passed 3-0.

6. Commissioner Comments:

a. Spannring made comments. (01:00:39)

b. Bennett made comments. (01:01:21)

7. Public Comment (01:02:44):

a. No members of the public made comments.

8. Adjournment:

a. Bennett moved to adjourn the meeting. Spannring seconded.

i. All in favor, the motion passed 3-0.

ii. The meeting adjourned at 7:32 p.m.

ATTEST:

APPROVE:

David Fine
Recording Secretary

Steve Caldwell
Commission Chairman

Livingston City Commission Minutes
November 15, 2011
6:30 p.m.

- 1) Roll Call:
 - a. Steve Caldwell, James Bennett, Bill Spannring and Rick VanAken were present.
 - b. Juliann Jones was absent.
- 2) Consent Items: (00:02:11)
 - a. Spannring requested separate consideration of Consent Items B and C.
 - b. VanAken moved to approve Consent Items A and D. Bennett seconded.
 - i. All in favor, the motion passed 4-0.
 - c. Discussion of Consent Item B (00:03:20):
 - i. Spannring requested clarification of the Ratify term in the Consent Item.
 1. Bruce Becker, City Attorney, made comments on ratification. (00:04:04)
 - ii. Bennett moved to approve Consent Items B and C. VanAken seconded. (00:30:20)
 1. Caldwell, Bennett and VanAken voted in favor of the motion. Spannring abstained.
 2. The motion passed 3-0.
- 3) Public Hearings:
 - a. Resolution No. 4247 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RENAMING “M” STREET PARK TO “KATIE BONNELL PARK.” (00:30:50)
 - i. Kelly Bonnell Bishop of Polson, Montana commented on behalf of Ms. Bonnell’s family.
 - ii. Spannring moved to approve the Resolution. VanAken seconded.
 1. All in favor, the motion passed 4-0.
 - b. Resolution No. 4248 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REPLACING A YIELD RIGHT OF WAY SIGN WITH A STOP SIGN ON 8TH STREET FOR NORTH BOUND TRAFFIC AT THE INTERSECTION OF 8TH AND MONTANA STREET. (00:34:52)
 - i. VanAken moved to approve the Resolution. Bennett seconded.
 1. All in favor, the motion passed 4-0.
- 4) Action Items:
 - a. Action Item A: Discuss/ approve/ deny nomination of Captain Jeff Schoenen as City Fire Chief. (00:37:00)
 - i. Bennett moved to “have an executive session, scheduled and noticed, so we can have a personal one-on-one with the candidate for the Fire Chief.” Spannring seconded. (00:53:30)
 1. All in favor, the motion passed 4-0.
 - ii. No action was taken on Action Item A.
 - b. Action Item B: Discuss/ approve/ deny proposal from LISA (Livingston Ice Skating Association) for location of a hockey rink near the Civic Center. (01:07:25)
 - i. Matt Higgins with LISA made comments.
 - ii. Bennett moved to approve the Action Item. Spannring seconded.
 1. All in favor, the motion passed 4-0.
 - c. Action Item C: Discuss/ approve/ deny Alex Scaff’s proposal to install combination of labyrinth and sundial (children educational tool) at Sacajawea Park in the former wading

pool location at no cost to the City. Also recycling bin installed at no cost to the City for aluminum can recycling. (01:15:50)

- i. Alex Scaff made comments.
 - ii. Bennett moved to approve the proposal. VanAken seconded.
 1. All in favor, the motion passed 4-0.
- d. Action Item D: Discuss policy and procedures related to travel and claims payment. (01:32:25)
- i. The Commission discussed policy and procedures related to travel and claims payment.
 - ii. Chairman Caldwell declared a five minute recess. (01:59:00)
- e. Action Item E (Addendum): Bid on Surplus – Fire Truck (Begin Part 2; 00:00:00)
- i. Spannrng moved to approve Action Item E under the condition that the vehicle be driven with a load of water on it and the pump tested by our own fire department with a maximum bid up to \$40,000. Bennett seconded. (00:14:20)
 1. Spannrng withdrew his motion. (00:22:50)
 - ii. Spannrng moved to approve Bid on Surplus Fire Truck up to \$42,557. Bennett seconded. (00:30:02)
 1. All in favor, the motion passed 4-0.
- f. Commissioner and City Manager Comments: (00:30:48)
- i. VanAken made comments. (00:30:58)
 - ii. Spannrng made comments. (00:44:02)
 - iii. Bennett made comments. (00:45:23)
 - iv. Caldwell made comments. (00:45:53)
 - v. Meece and Commissioners discussed the upcoming Commissioner Orientation sessions.
- g. Public Comment:
- i. Patricia Grabow made comments. (00:46:00)
 - ii. Jerry Weimer made comments. (00:57:45)
- h. Adjournment:
- i. VanAken moved to adjourn the meeting. Bennett seconded.
 1. All in favor, the motion passed.
 - a. The meeting adjourned at 9:32.

ATTEST:

APPROVE:

David Fine
Recording Secretary

Steve Caldwell
Commissioner Chairman

Livingston City Commission Minutes
December 6, 2011
6:30 p.m.

1. Call to Order.
 - a. Chairman Caldwell called the meeting to order at 6:30 p.m.
2. Roll Call.
 - a. Caldwell, Bennett, Spannring, and VanAken were present.
 - b. Jones was absent.
3. Pledge of Allegiance.
4. Consent Items.
 - a. Consent Item A: Approve November 15, 2011 City Commission meeting minutes. (00:00:58)
 - i. Bennett moved to approve Consent Item A. VanAken seconded.
 - ii. All in favor, the motion passed 4-0.
 - b. Consent Item B: Approve American Express Claim prepaid. (Due date). (00:01:33)
 - i. Bennett moved to approve Consent Item B. VanAken seconded.
 1. Caldwell, Bennett and VanAken voted in favor of the motion. Spannring voted against the motion.
 - a. The motion passed 3-1.
 - c. Consent Item C: Approve bills and claims for 2nd half of November 2011. (00:02:23)
 - i. Bennett moved to approve Consent Item C. VanAken seconded.
 1. All in favor, the motion passed 4-0.
 - d. Consent Item D: Approve request of fee waiver for the Christmas Dinner from the Community Christmas Committee to be held Christmas Day at the Civic Center. (00:03:27)
 - i. Bennett moved to approve Consent Item D. VanAken seconded.
 1. All in favor, the motion passed 4-0.
5. Proclamations.
 - a. None.
6. Scheduled Public Comment.
 - a. None.
7. Public Hearings.
 - a. None
8. Ordinances.
 - a. None.
9. Resolutions.
 - a. None.
10. Action Items.
 - a. Action Item A: Re-appoint Steve McCann to the Police Commission. (00:04:11)
 - i. Bennett moved to approve Action Item A. Spannring seconded.
 1. All in favor, the motion passed 4-0.
 - b. Action Item B: Schedule Early January workshop – “Pre-Capital Improvement Plan discussion: Street Maintenance Fund.” (00:07:13)
 - i. The workshop was scheduled for Tuesday, January 10, 2012 at 6:30 p.m.
 - c. Action Item C: Discuss/ Approve/ Deny Pedestrian / Vehicle Safety Project with the Livingston School District. (00:10:44)

- i. Derek Stringer, Todd Wester, and Breanna Polacik made a presentation on behalf of the Livingston School District.
 - ii. Bennett made a motion concerning Action Item C. Spannring seconded. (00:27:58)
 - 1. Bennett withdrew his motion with the consent of Spannring.
 - iii. VanAken moved that "we approve the application request from the schools for the View Vista Drive enhancement project." Bennett seconded. (00:31:30)
 - 1. George Smith, Transportation Coordinator of Livingston Schools made comments on guard rails. (00:34:45)
 - 2. Kristina Langford spoke in favor of school safety and adding more stop signs. She recommended that stop signs be added to the intersections of Geyser & F St. and Geyser & E St., as well as a crosswalk from the tennis courts of Eastside School at E St. (00:36:32)
 - 3. Joe Parriott made comments on guard rails. (00:40:15)
 - 4. Rich Moore, Livingston School District Superintendent, spoke in favor of the project. (44:00)
 - 5. All in favor, the motion passed 4-0.
 - d. Action Item D: Discuss/ Approve/ Deny joint economic development projects:
 - i. Northern Rocky Mountain Economic Development District. (00:48:28)
 - 1. Stuart Leidner of Prospera Business Network made a presentation on the issue.
 - 2. Lee Parriott expressed concern that the City of Bozeman and the City of Livingston, two cities of different populations, are splitting costs evenly. (01:11:17)
 - 3. Spannring moved to approve the funding of \$7000 to be split between Park County and the City of Livingston for NRMEDD startup costs. VanAken seconded. (01:18:30)
 - a. All in favor, the motion passed 4-0.
 - ii. Site Selector Software. (01:22:10)
 - 1. Stuart Leidner of Prospera Business Network made a presentation on the Site Selector software.
 - 2. Spannring moved to approve the City's participation and to direct staff to bring back a resolution authorizing the City Manager to sign an MOU with the City of Bozeman for the Site Selector software. (01:43:43)
 - a. All in favor, the motion passed 4-0.
 - e. Action Item E: Submission of Fiscal Year 2010-2011 Audit by Junkermier, Clark, Campanella & Stevens (JCCS). (01:44:30)
 - i. Merrilee Glover, with JCCS, made a presentation of the audit.
 - f. Update of Contract status with AFSCME #2711-A. (01:58:35)
 - i. Ed Meece made a presentation on the Contract status.
- 11. Executive Session. (00:00:00, Part 2)
 - a. Personnel issue. Jeff Schoenen, Fire Chief Nominee and Acting Fire Chief, waived his right to a closed session.
- 12. Action Item after Executive Session. (00:36:52)
 - a. Discuss/ Approve/ Deny approval of Jeff Schoenen, for appointment by the City Manager, as Fire Chief.
 - i. VanAken moved to approve Jeff Schoenen as Fire Chief. Spannring seconded.

1. Caldwell, Bennett and VanAken voted in favor of the motion to approve.
Spannring vote against the motion to approve.
 - a. The motion passed 3-1.
13. City Manager Comments.
 - a. The City Manager made no additional comments.
14. Supplementals.
 - a. None.
15. Calendar of Events.
 - a. See the Agenda.
16. City Commission Comments.
 - a. VanAken made comments. (00:40:30)
 - b. Bennett made comments. (00:47:10)
 - c. Caldwell made comments. (00:52:16)
17. Public Comment.
 - a. None.
18. Adjournment.
 - a. Bennett moved to adjourn the meeting. VanAken seconded.
 - i. All in favor, the motion passed 4-0.
 - b. The meeting adjourned at 9:33 p.m.

ATTEST:

APPROVE:

David Fine
Recording Secretary

Steve Caldwell
Commission Chairman

**Livingston City Commission Minutes
December 20, 2011
6:30 p.m.**

1. No Quorum:
 - a. Steve Caldwell and Rick VanAken were present. Juliann Jones, James Bennett and Bill Spanning were absent.
 - b. Having failed to achieve a quorum of members present, the meeting did not commence.
2. Jeff Schoenen was sworn in as Fire Chief.
3. Rick VanAken was recognized for his service.
4. Juliann Jones was recognized for her service.

ATTEST:

APPROVE:

David Fine
Recording Secretary

Steve Caldwell
Commission Chairman