

Minutes for the first meeting in January of 2013 City Commission Meeting, could not be located.

Livingston City Commission Minutes
January 15, 2013
6:30 PM
City – County Complex, Community Room

1. Call to Order:

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call:

- Steve Caldwell, James Bennett, Bill Spannring, and Adam Stern were present.
- Mel Friedman was absent.

3. Moment of Silence

4. Pledge of Allegiance

5. Nominate and Elect City Commission Chairman and Vice-Chairman:

- Spannring moved to retain Steve Caldwell as Chairman and James Bennett as Vice Chairman. Stern seconded.
 - All in favor, the motion passed 4-0.

6. Consent Items:

- A. Approve City Commission minutes from December 18, 2012.
- B. Ratify claims for 2nd Half of December, 2012.
- C. Approve bills and claims for 1st half of January, 2013.
- Spannring moved to approve Consent Items A and C. Bennett seconded.
 - All in favor, the motion passed 4-0.
- Spannring moved to approve Consent Item B. Bennett seconded.
 - Caldwell, Bennett, and Stern voted yes, in favor of the motion. Spannring voted no, in opposition to the motion.
 - The motion passed 3-1.

7. Proclamations

- None

8. Scheduled Public Comment

- None

9. Public Hearings

- None

10. Ordinances

- None

11. Resolutions:

- A. Resolution No. 4337** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING GRANT APPLICATION TO MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC) FOR THE 2013 URBAN AND COMMUNITY FORESTRY GRANT PROGRAM IN THE AMOUNT OF \$12,750.00. (00:02:45)
- Bennett moved to approve Resolution No. 4337. Stern seconded.
 - All in favor, the motion passed 4-0.
- B. Resolution No. 4338** - RESOLUTION AUTHORIZING PARTICPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA ANNUAL ADJUSTABLE RATE TENDER OPTION MUNICIPAL FINANCE CONSOLIDATION ACT BONDS (INTERCAP REVOLVING PROGRAM), APPROVING THE FORM AND TERMS OF THE LOAN AGREEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO. (00:20:10)
- Bennett moved to approve Resolution No. 4338. Stern seconded.
 - All in favor, the motion passed 4-0.
- C. Resolution No. 4339** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH STAHLY ENGINEERING FOR ENGINEERING SERVICES FOR THE 2013 LIVINGSTON MAIN STREET PROJECT IN THE AMOUNT OF \$92,500.00. (00:24:54)
- Bennett moved to approve Resolution No. 4339. Stern seconded.
 - All in favor, the motion passed 4-0.
- D. Resolution 4340** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO A JOINT AGREEMENT WITH PARK COUNTY WITH CTS AMERICA FOR PUBLIC SAFETY SOFTWARE IN THE AMOUNT OF \$352,750.00 AND AN ANNUAL MAINTENANCE FEE OF \$49,613.00 BEGINNING IN THE SECOND YEAR THROUGH THE FIFTH YEAR OF THE CONTRACT ALL TO BE SHARED WITH PARK COUNTY. (00:51:55)
- Bennett moved to approve Resolution No. 4340. Stern seconded.
 - All in favor, the motion passed 4-0.
- E. Resolution No. 4341** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING YELLOWSTONE GATEWAY MUSEUM AS AN ARCHIVE FOR SELECT CITY RECORDS. (00:56:37)
- Bennett moved to approve Resolution No. 4341. Stern seconded.
 - All in favor, the motion passed 4-0.

12. Action Items:

- A. Review Committee Vacancies and Consider Nomination for Committee Appointments.**
- Stern moved to continue current commission committee appointments. Bennett seconded. (00:59:35)
 - Bennett moved to amend the motion to appoint Mel Friedman to the EMS Committee, replacing Bill Spannring. Stern seconded.
 - All in favor, the motion to amend passed 4-0.

- All in favor, the motion to continue current commission committee appointments, as amended, passed 4-0.
- B. Discuss/approve/deny making the Parks and Trails Committee a permanent advisory board. (01:08:50)**
 - Brenda Adams made comments.
 - Stern moved to direct the Administration to bring back a resolution creating a permanent Parks and Trails Advisory Board. Bennett seconded.
 - All in favor, the motion passed 4-0.
- C. Discuss Legal Memorandum Regarding the Implications of a City Residency Policy for all (new) Department Heads. (01:16:18)**
- D. Discuss/Approve/Deny the Placement of Stop Signs at 7th & Callender. (01:23:34)**
 - Stern move to “direct the Administration to bring back an Ordinance requiring the placement of stop signs at 7th and Callender.” Bennett seconded.
 - Caldwell, Bennett, and Stern voted yes, in favor of the motion. Spannring voted no, in opposition to the motion.
 - The motion passed 3-1.
- E. Discuss/Approve/Deny Bid Recommendation for Single Axle Conventional Cab Dump Truck and Dump Body to Rocky Mountain Truck in the Amount of \$99,813.00. (01:26:45)**
 - Bennett moved to “approve the bid recommendation and direct the Administration to bring back a Resolution authorizing City Manager to sign the contract with Rocky Mountain Truck.” Stern seconded.
 - All in favor, the motion passed 4-0.
- F. Discuss/Approve/Deny Possible Reconsideration of 12-18-12 Resolution in Support of Montana Rail Link. (01:29:53)**
 - Stern moved to reconsider the issue of a Resolution in Support of Montana Rail Link. Bennett seconded.
 - Margie Kidder made comments.
 - Brenda Adams made comments.
 - Spannring moved to postpone consideration until the next meeting when all members of the commission are on hand. Bennett seconded.
 - Spannring withdrew his motion with the consent of Bennett.
- G. Discuss/Approve/Deny a letter to the U.S. Corps of Engineers regarding comment on a pending Environmental Impact Study of increased coal train rail traffic. (01:54:08)**
 - Janet Sharpless made comments.
 - Kerry Fee, representing Park County Environmental Coalition, made comments.
 - Joan Kresich made comments.
 - Bill Edwards made comments.
 - Justin Dalby made comments.
 - Dan Sullivan made comments.
 - Jamie Isaly made comments.
 - Patricia Grabow made comments.
 - Brenda Adams made comments.
 - Bill Shannon made comments.
 - Rachel Feigley made comments
 - Justin Dalby made comments.
 - Pete Feigley made comments.
 - Kerry Fee made comments.
 - Pete Feigley made comments.

- George Kelly made comments.
- Jaime Isaly made comments.
- Patricia Grabow made comments.
- Kerry Fee made comments.
- Spannring move to approve the EIS letter to the Corps of Engineers regarding increased coal train traffic. Stern seconded.
 - Stern proposed a substitute motion to send a letter to the U.S. Army Corps of Engineers requesting that Livingston be included in the scope of the EIS and noting the following concerns: 1) Increased noise, 2) reduced access to the north side, 3) potential health effects. Bennett seconded.
 - Caldwell, Spannring, and Stern voted yes, in favor of the substitute motion. Bennett voted no, in opposition to the substitute motion.
 - The substitute motion passed 3-1.

13. City Manager Comment (02:33:42):

- Ed Meece, City Manager, made comments.

14. City Commission Comments (03:34:27):

- Stern made comments.
 - Stern requested that a discussion of City-County Complex security be placed on the next City Commission Agenda. Caldwell seconded.
- Spannring made comments.
- Bennett made comments.
- Caldwell made comments.

15. Public Comments (03:48:51):

- Patricia Grabow made comments.

16. Adjournment:

- Bennett moved to adjourn the meeting. Stern seconded.
 - Hearing no objection, Chairman Caldwell adjourned the meeting at 10:21 p.m.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

Livingston City Commission Agenda
February 05, 2013
6:30 PM
City – County Complex, Community Room

1. Call to Order:

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call:

- Steve Caldwell, James Bennett, Bill Spannring, Adam Stern, and Mel Friedman were present.

3. Moment of Silence

4. Pledge of Allegiance

5. Consent Items (00:01:31):

- A. Approve City Commission Minutes from January 15, 2013.
- B. Approve Bills and Claims for the 2nd half of January, 2013.
- Bennett moved to approve Consent Items A – B. Stern seconded.
 - All in favor, the motion passed 5-0.

6. Proclamations

- None

7. Scheduled Public Comment (00:02:13):

- A. Rotary Update on Water Spray Park
 - Sarah Skofield, of Livingston Rotary, gave an update on the Water Spray Park.

8. Public Hearings

- None

9. Ordinances

- None

10. Resolutions:

- A. **Resolution No. 4342** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO DESIGNATE A STOP INTERSECTION FOR NORTH BOUND AND SOUTH BOUND TRAFFIC ON NORTH 7TH STREET AT ITS INTERSECTION WITH CALLENDER STREET. (00:04:08)
 - Bennett moved to approve Resolution No. 4342. Friedman seconded.
 - All in favor, the motion passed 5-0.

- B. Resolution No. 4343** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CITY MANAGER TO SIGN AGREEMENT WITH ROCKY MOUNTAIN TRUCK IN THE AMOUNT OF \$99,813.00. (00:07:17)
- Bennett moved to approve Resolution No. 4343. Stern seconded.
 - All in favor, the motion passed 5-0.
- C. Resolution No. 4344** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING THE CITY OF LIVINGSTON PARKS AND TRAILS COMMITTEE AS A PERMANENT ADVISORY BOARD TO THE CITY COMMISSION. (00:09:46)
- Stern moved to approve Resolution No. 4344. Friedman seconded.
 - Stern moved to amend the 7th paragraph of the resolution to read, "That there is hereby established the City of Livingston Parks and Trails Advisory Committee to advise the City Commission in the long-term planning and development of the parks and trails system, and other duties as assigned to assist the City of Livingston in implementing the Parks and Trails Master Plan which shall consist of nine members appointed by the commission until January 2014 when membership will be revisited." Spannring seconded.
 - All in favor, the motion to amend passed 5-0.
 - All in favor, the motion to approve Resolution No. 4344 passed 5-0.
- D. Resolution No. 4345** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH CUTTHROAT COMMUNICATIONS FOR MONITORED NETWORK INTERNET SERVICE. (00:19:27)
- Bennett moved to approve Resolution No. 4345. Friedman seconded.
 - All in favor, the motion passed 5-0.
- E. Resolution No. 4346** - RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN TEMPORARY OCCUPANCY PERMIT FOR INSTALLATION OF TEMPORARY DOCK, JERSEY RAIL, AND CONCRETE BLOCKS FOR STORAGE OF GLASS (CULLET) TO BE LOADED INTO RAIL CARS. (00:24:04)
- Brenda Adams made comments.
 - Bennett moved to approve Resolution No. 4346. Stern seconded.
 - All in favor, the motion passed 5-0.
- Agenda Item 11. A.** (00:33:15):
- The City Commission considered Agenda Item 11.A – Discuss creation of Voluntary Retirement Incentive Program. (To be considered before Resolution No. 4347.)
- F. Resolution No. 4347** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CITY MANAGER TO SIGN RETAINER AGREEMENT WITH CROWLEY FLECK FOR PROFESSIONAL LEGAL SERVICE FOR RETIREMENT INCENTIVE PROGRAM. (To be considered after Action Item A). (00:55:10)
- Bennett moved to approve Resolution No. 4347. Friedman seconded.
 - All in favor, the motion passed 5-0.
- G. Resolution No. 4349** – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH COMDATA NETWORK, INC. FOR FUEL CARDS FOR PUBLIC WORKS, POLICE, AND FIRE-EMS. (00:55:40)

- Bennett moved to approve Resolution No. 4349. Stern seconded.
 - All in favor, the motion passed 5-0.

11. Action Items:

- A.** Discuss creation of Voluntary Retirement Incentive Program. (To be considered before Resolution No. 4347). (00:33:15)
 - The Administration will facilitate a discussion around the concept of proposing a 'severance incentive' to all city employees with more than 30 years of service. A limited audio-visual presentation will be made at the meeting. This is a conceptual conversation only at the moment.
- B.** Discuss with Breanna Polacik, Nittany Grantworks, the recent Tree Grant award, from the MT-DNRC, and why certain elements were included (for example new trees and web site) and the level of costs at which they were included. (00:59:18)
 - Breanna Polacik, Nittany Grantworks, made comments.
- C.** Update and discussion regarding the January 16 Tree Board meeting. (01:11:38)
 - Vicki Blakeman made comments.
- D.** Update and discussion regarding the January 23 Parks and Trails Committee meeting. (01:18:35)
- E.** Discuss City - County Complex security and efforts underway with the Park County Commission. (01:27:50)
- F.** Discuss/Approve/Deny - Draft Resolution - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, IN SUPPORT OF MONTANA RAIL LINK.
 - Bennett moved to bring back the Resolution for consideration at the next City Commission meeting. Stern seconded.
 - All in favor, the motion passed 5-0.

12. City Manager Comment:

- The City Manager made no comments.

13. City Commission Comments:

- Friedman made comments.
- Spannring made comments.
- Bennett made comments.
- Patti Orndorff made comments.

14. Public Comments:

- Patti Orndorff made comments.
- Sharon Snow made comments.

Executive Session:

- Executive Session - Discussion of Litigation Strategy
 - Chairman Caldwell closed the meeting for an Executive Session to discuss litigation strategy, as allowed by MCA 2-3-203.
 - Chairman Caldwell reopened the meeting.
 - The City Commission took no action on this matter.

15. Adjournment:

- Hearing no objection to adjournment, Chairman Caldwell adjourned the meeting at 9:25 p.m.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

Livingston City Commission Agenda
March 05, 2013
6:30 PM
City – County Complex, Community Room

1. Call to Order:

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call:

- Steve Caldwell, James Bennett, Bill Spannring, Adam Stern, and Mel Friedman were present.

3. Moment of Silence.

4. Pledge of Allegiance.

5. Consent Items (00:01:10):

- A. Approve City Commission Minutes from February 19, 2013.
- B. Approve bills and claims for the 2nd Half of February, 2013.
- Bennett moved to approve Consent Items A-B. Friedman seconded.
 - Caldwell, Bennett, Spannring, and Stern voted yes, in favor of the motion. Spannring voted no, in opposition to the motion.
 - The motion passed 4-1.

6. Proclamations:

- A. Proclamation of Public Safety Communication Officers Week. (00:01:37)

7. Scheduled Public Comment:

- A. Michael McCormick, Livingston Food Pantry (00:03:00)

8. Public Hearings.

- None.

9. Ordinances.

- None

10. Resolutions:

- A. **Resolution No. 4353** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FOR FUNDING CONSTRUCTION OF THE COMMUNITY FOOD SYSTEM CENTER AND COMMUNITY KITCHEN PROPOSED BY THE LIVINGSTON FOOD PANTRY. (00:24:12)
 - Bennett moved to approve Resolution No. 4353. Stern seconded.
 - All in favor, the motion passed 5-0.

- B. Resolution No. 4354** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT #MT-CDBG-12PL-11 WITH MONTANA DEPARTMENT OF COMMERCE FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FOR PRELIMINARY ARCHITECTURAL REPORT (PAR) FOR THE COMMUNITY FOOD CENTER. (00:25:35)
- Michael McCormick, Executive Director of Livingston Food Pantry, made comments.
 - Bennett moved to approve Resolution No. 4354. Friedman seconded.
 - All in favor, the motion passed 5-0.
- C. Resolution No. 4355** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2012-2013, BY MAKING REVENUE ADJUSTMENTS IN THE AMOUNT OF \$146,542.00 AND APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$160,689.00 AND CALLING FOR A PUBLIC HEARING. (00:30:30)
- Bennett moved to approve Resolution No. 4355. Stern seconded.
 - All in favor, the motion passed 5-0.
- D. RESOLUTION NO. 4356** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH THE LAW FIRM OF HUGHES, KELLNER, SULLIVAN & ALKE TO ADVISE THE CITY REGARDING A PERSONNEL COMPLAINT FILED BY CITY STAFF. (00:33:53)
- Bennett moved to approve Resolution No. 4356. Stern seconded.
 - All in favor, the motion passed 5-0.
- E. RESOLUTION NO. 4357** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH THE LAW FIRM OF AXILON LAW GROUP, PLLC, TO INVESTIGATE A PERSONNEL COMPLAINT FILED BY CITY STAFF. (00:36:40)
- Bennett moved to approve Resolution No. 4357. Friedman seconded.
 - All in favor, the motion passed 5-0.

11. Action Items:

- A.** Discuss/Approve/Deny grant applications to the Community Transportation Enhancement Program and Community Development Block Grant (Livingston Food Pantry); Breanna Polacik, Nittany Grantworks, will assist in the discussion. (00:37:55)
- The Commission discussed Action Item A.
 - Brenda Adams made comments.
- B.** Discuss/Approve/Deny request to rename "Miles Park" after Warren and Bernice McGee. (01:17:30)
- The Commission discussed Action Item B.
 - Patti Orndorff made comments.
 - Katherine Todd made comments.

- C. Discuss/Approve/Deny Bid Recommendation for Concrete Deck Motor Truck Scales from Gallatin Scales in the amount of \$84,000. (01:26:10)
 - o Stern moved to direct the administration to bring back a resolution authorizing the City Manager to sign a contract to buy truck scales for \$84,000. Friedman seconded.
 - All in favor, the motion passed 5-0.
- D. Discuss operation of the Dispatch Center with the City Manager. (01:34:35)
- E. Discuss "role and purpose of City-County meetings." (02:10:10)

12. City Manager Comment:

- The City Manager made no comments.

13. City Commission Comments:

- Friedman made comments. (02:18:52)
- Stern made comments. (02:19:30)
- Spannring made comments. (02:26:45)
- Bennett made comments. (02:29:40)
- Caldwell made comments. (02:39:56)

14. Public Comments:

- No members of the public made comments.

15. Executive Session:

- Executive Session to discuss a personnel issue involving the City Manager. (02:40:20)
- Chairman Caldwell read the notice regarding closing the City Commission meeting to discuss a personnel issue as allowed by MCA 2-3-203. Chairman Caldwell closed the meeting at 9:18 pm. (Part 2, recording)
- Chairman Caldwell ended the closed meeting at 10:24 p.m. (Part 3, recording)

16. Adjournment:

- Friedman moved adjourn the meeting. Stern seconded.
 - o Hearing no objection, Chairman Caldwell adjourned the meeting at 10:25 p.m.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

Livingston City Commission Agenda
March 19, 2013
6:30 PM
City – County Complex, Community Room

1. Call to Order:

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call:

- Steve Caldwell, James Bennett, Bill Spannring, Adam Stern, and Mel Friedman were present.

3. Moment of Silence

4. Pledge of Allegiance

5. Consent Items: (00:02:28):

- A. Approve City Commission Minutes from March 5, 2013.
- B. Approve bills and claims for the 1st Half of March, 2013.
- Bennett moved to approve Consent Items. Friedman seconded.
 - Caldwell, Bennett, Spannring, and Stern voted yes, in favor of the motion. Spannring voted no, in opposition to the motion.
 - The motion passed 4-1.

6. Proclamations:

- None

7. Scheduled Public Comment:

- None

8. Public Hearings:

- A. **Resolution No. 4358** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2012-2013, BY MAKING REVENUE ADJUSTMENTS IN THE AMOUNT OF \$146,542.00 AND APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$160,689.00. (00:02:55)
 - No public comment made.
 - Bennett moved to approve Resolution No. 4358. Stern seconded.
 - All in favor, the motion passed 5-0.

9. Ordinances.

- None

10. Resolutions:

- A. **Resolution No. 4359** - 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 2, 2013 TO MARCH 31, 2014. (00:5:21)
 - Stern moved to approve Resolution No. 4359. Friedman seconded.
 - All in favor, the motion passed 5-0.

- B. Resolution No. 4360** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH GALLATIN SCALES, INC. FOR INSTALLATION OF A SCALE AT PUBLIC WORKS. (00:08:45)
- Bennett moved to approve Resolution No. 4360. Stern seconded.
 - All in favor, the motion passed 5-0.
- C. Resolution No. 4361** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RESOLUTION OF INTENT TO CLOSE INACTIVE WIND FARM FUND #5710 IN THE AMOUNT OF \$3,121.84. (00:18:47)
- Stern moved to approve Resolution No. 4361. Friedman seconded.
 - All in favor, the motion passed 5-0.
- D. Resolution No. 4362** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH AFSCME LOCAL #2711-A APPROVING VOLUNTARY SEVERANCE INCENTIVE TO THOSE MEMBER EMPLOYEES AS OF APRIL 19, 2013, WHO ARE ELIGIBLE FOR NORMAL SERVICE RETIREMENT WHO NOTIFY THE CITY BY MAY 13, 2013, THAT THEY WILL VOLUNTARILY TERMINATE EMPLOYMENT BEFORE SEPTEMBER 1, 2013. (00:22:37)
- Bennett moved to approve Resolution No. 4362. Stern seconded.
 - All in favor, the motion passed 5-0.

11. Action Items:

- A. Discuss/Approve/Deny naming of "Sacajawea Park Drive" to "McGee Drive." (00:34:16)**
- The Commission discussed Action Item A.
 - Bennett moved to change Park Drive to McGee Drive, Friedman Seconded.
 - Bruce Becker clarified that if approved, a Resolution of Intent would be brought back by the administration.
 - All in favor, the motion passed 5-0.
- B. Discuss/Approve/Deny Bid Award for Yellowstone Tree Care for tree maintenance at the Depot in the amount of \$8,200. (00:38:17)**
- The Commission discussed Action Item B.
 - Bennett moved to approve Action Item B. Stern seconded.
 - Diane O'Brian (Seader) with the Livingston Depot Foundation made comments. (40:06)
 - All in favor, the motion passed 5-0.
- C. Discuss statutory requirements regarding the bonding of elected officials (MCA 2-9-701; 2-9-703; 7-4-2213; additional). (00:42:58)**
- The Commission discussed Action Item C.
- D. Discuss Old Water Works Building. No bids received by March 1, 2013 deadline. (00:50:33)**
- The Commission discussed Action Item D.
 - Sabrina Crew made comments. (00:55:29)

E. Discuss/approve/deny appointments of Karla Pettit and Bob Ebinger to the Urban Renewal Agency (URA). Karla's term expired in January and Theresa Coleman resigned from the URA. (01:02 :56)

- o Bennett moved to approve Karla Pettit and Bob Ebinger to the URA Board. Stern seconded.
 - All in favor, the motion passed 5-0.

F. Discuss/Approve/Deny the possible cancelation of the April 2, 2013, City Commission meeting. (01:03:56)

- o The Commission discussed Action Item F.

12. City Manager Comment:

- The City Manager made comments. (01:08:30)

13. City Commission Comments:

- Friedman made comments. (01:10:19)
- Stern made no comments.
- Spannring made comments. (01:10:53)
- Bennett made no comments.
- Caldwell made no comments.

14. Public Comments:

- Marion Armstrong made comments. (01:16:51)
- Dianne O'Brian made comments. (01:17:16)
- Carol Goosey, and Larry Teeder, Livingston Park County Tennis Association, made comments. (01:18:16)

15. Executive Session:

- Executive Session to discuss performance evaluation involving the City Manager. (02:40:20)
- Chairman Caldwell read the notice regarding closing the City Commission meeting to discuss the performance evaluation as allowed by MCA 2-3-203(3). Chairman Caldwell closed the meeting at 8:06 p.m.

16. Adjournment:

- The meeting was adjourned at 9:32 p.m.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

Livingston City Commission Minutes
April 02, 2013
6:30 PM
City – County Complex, Community Room

1. Call to Order:

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call:

- Steve Caldwell, Bill Spanning, Adam Stern, and Mel Friedman were present.
- James Bennett was absent.

3. Moment of Silence.

4. Pledge of Allegiance.

5. Consent Items (00:01:12):

- A. Approve City Commission Minutes from March 19, 2013.
- B. Approve Bills and Claims for the 2nd half of March, 2013.
- C. Waive rental fees of Civic Center, for April 12th event to recognize foster families that work through Yellowstone Boys and Girls Ranch.
- Stern moved to approve Consent Items A-C. Friedman seconded.
 - All in favor, the motion passed 4-0.

6. Proclamations:

- A. Proclamation National Service Recognition Day (requested by Senior Corps; includes Retired Senior Volunteer and Senior Companion Program, both of which we have locally)

7. Oath of Office Ceremony:

- A. Oath of Office for new police officer - Alesha Woodland (Chairman Caldwell to officiate)

8. Scheduled Public Comment.

- None.

9. Public Hearings:

- A. Resolution No. 4365 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, TO CLOSE INACTIVE WIND FARM FUND #5710 IN THE AMOUNT OF \$3,121.84. (00:07:24)
 - Stern moved to approve Resolution No. 4365. Friedman seconded.
 - All in favor, the motion passed 4-0.

10. Ordinances.

- None.

11. Resolutions:

- A. Resolution No. 4363** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH YELLOWSTONE TREE CARE FOR TREE MAINTENANCE AT THE LIVINGSTON DEPOT. (00:10:25)
- Stern moved to approve Resolution No. 4363. Friedman seconded.
 - All in favor, the motion passed 4-0.
- B. Resolution No. 4364** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO CHANGE THE NAME OF SACAJAWEA PARK DRIVE TO MCGEE DRIVE. (00:11:32)
- Stern moved to approve Resolution No. 4364. Friedman seconded.
 - All in favor, the motion passed 4-0.
- C. Resolution No. 4366** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH SAFETRAC SOLUTIONS TO PROVIDE COMPREHENSIVE MANAGEMENT OF COMMERCIAL DRIVER'S LICENCE (CDL) DRIVER QUALIFICATION FILES, INCLUDING DRUG AND ALCOHOL TESTING AND BACKGROUND INVESTIGATION SERVICES. (00:12:55)
- Friedman moved to approve Resolution No. 4366. Stern seconded.
 - All in favor, the motion passed 4-0.

12. Action Items:

- A. Discuss/Approve/Deny a 2013 application for the expenditure of Livingston's Community Transportation Enhancement Program (CTEP) funds for the replacement of sidewalks and installation of handicapped accessible intersections. (00:25:25)**
- Breanna Polacik, Nittany Grantworks, made comments.
 - Stern moved to approve Action Item A. Friedman seconded.
 - Spannring, Stern, and Friedman voted yes, in favor of the motion. Caldwell recused himself from the vote.
 - The motion passed 3-0.
- B. Discuss/Approve/Deny Natural Gas Franchise Proposed by NorthWestern Energy. (00:18:04)**
- Pat Patterson, Operations Manager for Northwestern Energy, made comments.
 - Spannring moved to approve Action Item B. Friedman seconded.
 - All in favor, the motion passed 4-0.
- C. Discuss/Approve/Deny special utility line exception for Livingston Health Care, Inc. (00:31:55)**
- Wayne Freeman with CTA – engineers for Livingston Health Care, Inc. made comments.
 - Kris Desper, an engineer with CTA, made comments.
 - The Commission discussed Action Item C.
- D. Discuss potential Ordinance changes regarding the Animal Policy for Miles Park during Special Events. (00:58:10)**

- Stern moved to direct the Administration to bring back an Ordinance excluding dogs from the Farmer’s Market. Friedman seconded.
 - All in favor, the motion passed 4-0.

13. City Manager Comment:

- On March 26th, Livingston Fire responded to an active structure fire at R-Y Timber; as part of mutual aid with Park Rural #1. Between the two departments, an active attack was made – with two interior crews. Chief Schoenen’s department performed in text book fashion, without injury to any personnel, according to their training and expertise. JOB WELL DONE!
- The Preliminary Architecture Report (PAR) for the Livingston Food Pantry has been completed by CTA Engineering, and provides an excellent summary of the need, feasibility, and preliminary design of this new structure. A copy of the report is available online at www.livingstonmontana.org (documents of interest section).

14. City Commission Comments (01:09:45):

- Friedman made comments.
- Stern made comments.
- Bennett made comments.
- Caldwell made comments.

15. Public Comments:

- No members of the public made comments.

16. Adjournment:

- Stern moved to adjourn the meeting. Friedman seconded.
 - Hearing no objection, Chairman Caldwell adjourned the meeting at 7:49 p.m.

17. Calendar of Events.

18. Supplemental Material:

- Commissioner Spannring requested discussion on the topic of drug testing for fire and/or police employees on March 19, 2013. Please see attached memo regarding the status of legal research.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

Livingston City Commission Agenda
April 16, 2013
6:30 PM
City – County Complex, Community Room

1. Call to Order:

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call:

- Steve Caldwell, James Bennett, Bill Spanring, Adam Stern, and Mel Friedman were present.

3. Moment of Silence.

4. Pledge of Allegiance.

5. Consent Items (00:07:15):

- A. Approve April 2, 2013 City Commission Minutes.
- B. Approve Claims for 1st Half of April, 2013.
- C. Ratify Claim for April 9, 2013.
- D. Waive rental fees for the Civic Center at request of Shift, Inc. for Bicycle Safety event.
- Spanring moved to approve all Consent Items, except Item C. Friedman seconded.
 - Caldwell, Bennett, Spanring, Stern and Friedman voted yes, in favor of the motion.
 - The motion passed, 5-0
 - Spanring moved to approve Consent Item C. Bennett Seconded.
 - Caldwell, Bennett, Stern and Friedman voted yes, in favor of the motion.
 - Spanring voted no, in opposition to the motion.
 - The motion passed 4-1.

6. Proclamations:

- None.

7. Scheduled Public Comment:

- A. Jann Lambert, representing the residents of the 500 block of North Main Street made comments (00:08:14).

8. Public Hearings.

- A. **Resolution No. 4367** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CHANGING THE NAME OF SACAJAWEA PARK DRIVE TO MCGEE DRIVE (00:33:23).
 - Patricia Grabow made comments.
 - Bennett moved to approve Resolution No. 4367. Friedman seconded.
 - All in favor, the motion passed 5-0.

9. Ordinances.

- A. **Ordinance No. 2045** - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 2008 AS CODIFIED IN CHAPTER 4, ANIMALS, OF THE LIVINGSTON MUNICIPAL CODE TO EXCLUDE DOGS FROM SPECIAL EVENTS IN MILES PARK, EXCLUDING LICENSED SERVICE ANIMALS, UNLESS PERMISSION IS GRANTED THROUGH THE SPECIAL EVENTS APPROVAL PROCESS (00:36:44).
 - o Stern moved to approve Ordinance No. 2045. Friedman seconded.
 - All in favor, the motion passed 5-0.

- B. **Ordinance No. 2044** - AN ORDINANCE GRANTING TO NORTHWESTERN CORPORATION d/b/a/ NORTHWESTERN ENERGY A NON-EXCLUSIVE FRANCHISE AND FIXING THE TERMS THEREOF UNDER WHICH SAID COMPANY MAY CONSTRUCT, EQUIP, LAY, MAINTAIN AND OPERATE NATURAL GAS DELIVERY FACILITIES IN, UNDER, UPON, OVER AND ACROSS STREETS, AVENUES, ALLEYS, HIGHWAYS, BRIDGES, EASEMENTS AND OTHER PUBLIC PLACES IN THE CITY OF LIVINGSTON, MONTANA, AND MAY DELIVER AND SELL NATURAL GAS (00:40:18).
 - o Bennett moved to approve Ordinance No. 2044. Stern seconded.
 - All in favor, the motion passed 5-0.

10. Resolutions:

- A. **Resolution No. 4368** – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO CONTINUE INERLOCAL AGREEMENT WITH MISSOURI RIVER DRUG TASK FORCE FOR APRIL 11, 2013 THROUGH JUNE 30, 2015 (00:45:20).
 - o Bennett moved to approve Resolution No. 4368. Stern seconded.
 - All in favor, the motion passed 5-0.

11. Action Items:

- A. Discuss/Approve/Deny appointment of Dave Pettit to the Police Commission for a term ending May 2014 (00:53:50).
 - o The Commission discussed Action Item A.
 - o Bennett moved to approve Action Item A. Friedman seconded.
 - All in favor, the motion passed 5-0.

- B. Discuss/Approve/Deny recommendation from Stahly Engineering of award for 2013 North Main Street Project to Dick Anderson Construction, Inc. in the amount of \$1,266,281.00, including Alternates 1 and 2 (00:55:18).
 - o Kurt Thomson, Stahly Engineering, made comments.
 - o Spanning moved to approve Action Item B and bring back a Resolution authorizing the City Manager to sign a contract with Dick Anderson Construction. Stern seconded.
 - o The Commission discussed Action Item B.
 - o Patricia Grabow made comments.
 - o Marian Armstrong made comments.
 - All in favor, the motion passed 5-0.

- C. Discuss/Approve/Deny funding request from the Livingston Tennis Association (\$2500) as related to soil testing and tennis court design work from Allied Engineers (01:06:45).
 - o The Commission discussed Action item C.
 - o Carol Goosey, Livingston Park County Tennis Association made comments.
 - o Stern moved to approve a grant of \$2,500 to the Livingston Tennis Association, conditional upon equal grants from Park County, Livingston School District and the Tennis Association for the soil testing and design work, to be paid after the Association has raised \$15,000. Spannring seconded.
 - All in favor, the motion passed 5-0.

- D. Discuss/Accept 2014-2018 Capital Improvement Plan (CIP) (01:28:46).
 - o The Commission discussed Action Item D.
 - o Spannring moved to accept the Capital Improvement Plan. Bennett seconded.
 - All in favor, the motion passed 5-0.

- E. Discuss Drug Testing for Fire Department employees (01:34:57).
 - o The Commission discussed Action Item E.

- F. Discuss/Approve/Deny request from Livingston HealthCare for deferral of Water and Sewer Ordinances (01:41:58).
 - o The Commission discussed Action Item F.
 - o Kris Desper, CTA Architects Engineers, made comments.
 - o Patricia Grabow made comments.
 - o Stern moved to approve Action Item F. Spannring seconded.
 - All in favor, the motion passed 5-0.

12. City Manager Comment:

- The City Manager made comments (01:58:24).

13. City Commission Comments:

- Friedman made comments (01:59:07).
- Stern made no comments.
- Spannring made comments (01:59:28).
- Bennett made comments (02:02:04).
- Caldwell made comments (02:02:40).

14. Public Comments:

- Patricia Grabow made comments (02:02:57).

15. Adjournment:

- Bennett moved adjourn the meeting. Friedman seconded.
 - o Hearing no objection, Chairman Caldwell adjourned the meeting at 8:33 p.m.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

Livingston City Commission Minutes
May 07, 2013
6:30 PM
City – County Complex, Community Room

1. Call to Order:

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call:

- Steve Caldwell, James Bennett, Bill Spannring, Adam Stern, and Mel Friedman were present.

3. Moment of Silence.

4. Pledge of Allegiance.

5. Consent Items (00:01:20)

- A. Approve City Commission Meeting minutes from April 16, 2013.
 - B. Approve Claims for 1st half of April, 2013.
 - C. Ratify Claim for April 26, 2013.
 - D. Approve request for overnight camping at Mayor's Landing on July 11, 2013 for Yellowstone Boat Float.
- Spannring moved to approve Consent Items A, B, and D. Bennett seconded.
 - All in favor, the motion passed 5-0.
 - Bennett moved to approve Consent Item C. Friedman seconded.
 - Caldwell, Bennett, Stern, and Friedman voted yes in favor of the motion. Spannring voted no in opposition to the motion.
 - The motion passed 4-1.

6. Proclamations:

- A. Municipal Clerks Week, May 5-11, 2013.

7. Scheduled Public Comment:

- A. Diana Sieder with the Livingston Depot will discuss the recent DNRC grant and the acquisition of additional trees. (00:03:50)
 - Stephen Woodruff made comments on behalf of the Livingston Depot.
 - Bennett requested that a discussion of this issue be placed on the agenda for the next City Commission meeting. Friedman seconded.

8. Public Hearings:

- A. Ordinance No. 2044 - AN ORDINANCE GRANTING TO NORTHWESTERN CORPORATION d/b/a/ NORTHWESTERN ENERGY A NON-EXCLUSIVE FRANCHISE AND FIXING THE TERMS THEREOF UNDER WHICH SAID COMPANY MAY CONSTRUCT, EQUIP, LAY, MAINTAIN AND OPERATE NATURAL GAS DELIVERY FACILITIES IN, UNDER, UPON, OVER AND ACROSS STREETS, AVENUES, ALLEYS, HIGHWAYS, BRIDGES, EASEMENTS AND OTHER PUBLIC PLACES IN THE CITY OF LIVINGSTON, MONTANA, AND MAY DELIVER AND SELL NATURAL GAS. (00:24:00)**
- Rick Burt made comments on behalf of Northwestern Energy.
 - Bennett moved to approve Ordinance No. 2044. Stern seconded.
 - All in favor, the motion passed 5-0.
- B. Ordinance No. 2045 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 2008 AS CODIFIED IN CHAPTER 4, ANIMALS, OF THE LIVINGSTON MUNICIPAL CODE TO EXCLUDE DOGS FROM SPECIAL EVENTS IN MILES PARK, EXCLUDING LICENSED SERVICE ANIMALS, UNLESS PERMISSION IS GRANTED THROUGH THE SPECIAL EVENTS APPROVAL PROCESS. (00:27:05)**
- No members of the public made comments.
 - Stern moved to approve Ordinance No. 2045. Friedman seconded.
 - All in favor, the motion passed 5-0.

9. Ordinances.

- None.

10. Resolutions:

- A. Resolution No. 4369 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONSTRUCTION SERVICES AGREEMENT WITH DICK ANDERSON CONSTRUCTION, INC FOR 2013 MAIN STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$1,266,281. (00:29:10)**
- Bennett moved to approve Resolution No. 4369. Spanring seconded.
 - All in favor, the motion passed 5-0.
- B. Resolution No. 4370 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING DISPERSEMENT OF A PORTION OF THE PRINCIPAL BALANCE OF THE ECONOMIC DEVELOPMENT REVOLVING LOAN FUNDS ADMINISTERED BY PROSPERA TO FUND THE MONTANA STATE UNIVERSITY EXTENSION ECONOMIC DEVELOPMENT SPECIALIST POSITION. (00:32:05)**
- Stuart Leidner made comments on behalf of Prospera Business Network, which manages the revolving loan fund.
 - Bennett moved to approve Resolution No. 4370. Stern seconded.
 - All in favor, the motion passed 5-0.
- C. Resolution No. 4371 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AMENDMENT TO AGREEMENT WITH THE MONTANA HISTORIC PRESERVATION OFFICE FOR GRANT FOR LOCAL HISTORIC PRESERVATION FOR PERIOD APRIL 2, 2013 TO MARCH 31, 2014. (00:39:50)**
- Bennett moved to approve Resolution No. 4371. Stern seconded.
 - All in favor, the motion passed 5-0.

- D. Resolution No. 4372** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AMENDMENT TO AGREEMENT WITH NITTANY GRANTWORKS FOR ADDITIONAL GRANT WRITING AND GRANT MANAGEMENT SERVICES FOR FISCAL YEAR 2012-2013 IN THE AMOUNT OF \$9,600. (00:41:55)
- Friedman moved to approve Resolution No. 4372. Stern seconded.
 - All in favor, the motion passed 5-0.
- E. Resolution No. 4373** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE WATER RATE IN THE AMOUNT OF 2% TO BECOME EFFECTIVE FOR JUNE 2013 WATER USAGE, BILLED IN JULY. (00:57:15)
- Patricia Grabow made comments.
 - Bennett moved to approve Resolution No. 4373. Stern seconded.
 - All in favor, the motion passed 5-0.
- F. Resolution No. 4374** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE THE SEWER RATE IN THE AMOUNT OF 11% TO BECOME EFFECTIVE FOR JUNE 2013 SEWER USAGE, BILLED IN JULY. (1:23:45)
- Lenny Gregrey made comments.
 - Patricia Grabow made comments.
 - Chris Rogers made comments.
 - Bennett moved to approve Resolution No. 4374. Friedman seconded.
 - All in favor, the motion passed 5-0.
- G. Resolution No. 4375** - 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 2% PER MONTH PER RESIDENTIAL CUSTOMER AND 2% PER COMMERCIAL CUSTOMER TO BECOME EFFECTIVE JULY, 2013 AND CALLING FOR A PUBLIC HEARING. (01:50:08)
- Patricia Grabow made comments.
 - Bennett moved to approve Resolution No. 7375. Stern seconded.
 - All in favor, the motion passed 5-0.
- H. Resolution No. 4376** - 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 2013-2014 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. (02:06:30)
- Stern moved to approve Resolution No. 4376. Friedman seconded.
 - All in favor, the motion passed 5-0.
- I. Resolution No. 4377** - 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 2013-2014 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. (02:13:08)

- Stern moved to approve Resolution No. 4377. Bennett seconded.
 - All in favor, the motion passed 5-0.

J. Resolution No. 4378 - 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 2013-2014 IN THE ESTIMATED AMOUNT OF \$822,950, WHICH IS AN 9% INCREASE FROM THE PRIOR FISCAL YEAR 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. (02:15:05)

- Bennett moved to approve Resolution No. 4378. Friedman seconded.
 - All in favor, the motion passed 5-0.

K. Resolution No. 4379 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE AMBULANCE SERVICE RATES. (02:24:40)

- Bennett moved to approve Resolution No. 4379. Stern seconded.
 - All in favor, the motion passed 5-0.

11. Action Items:

A. Discuss sidewalk vault issues as part of downtown capital projects. (Begin Part 2; 00:00:00)

- Patricia Grabow made comments.

B. Discuss/Approve/Deny request from Gregory Durham to place a Montana Fallen Soldiers Memorial Wall at Callender and "D" Street. (00:23:48)

- Gregory Durham made comments.
- Stern moved to provide a Letter of Support for the Montana Fallen Soldiers Memorial Wall contingent upon a positive vote from the Park County Commission approving the site for the project. Bennett seconded.
 - All in favor, the motion passed 5-0.

C. Discuss/Approve/Deny appointment of Tyler Erickson and David Depuy to the Business Improvement District Board of Directors.

D. Discuss/Approve/Deny re-appointment of Mary Beebe to the City/County Health Board.

E. Discuss/Approve/Deny appointment of Joseph Parriott to the Board of Adjustments.

- Bennett moved to approve **Action Items C, D, and E.** Stern seconded. (00:30:35)
 - All in favor, the motion passed 5-0.

F. Approve/Discuss/Deny extension of Sub-Recipient Agreement with Prospera Business Network. (00:31:50)

- Stern moved to approve Action Item F. Bennett seconded.
 - All in favor, the motion passed 5-0.

12. City Manager Comment:

- The City Manager made no comments.

13. City Commission Comments: (00:33:25)

- Friedman made comments.
- Spanring made comments.
- Bennett made comments.

14. Public Comments:

- No members of the public made comments.

15. Adjournment:

- Bennett moved to adjourn the meeting. Stern seconded.
 - Hearing no objection, Chairman Caldwell adjourned the meeting at 9:52 p.m.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

Livingston City Commission Agenda
May 21, 2013
6:30 PM
City – County Complex, Community Room

1. Call to Order:

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call:

- Steve Caldwell, James Bennett, Bill Spannring, Adam Stern, and Mel Friedman were present.

3. Moment of Silence.

4. Pledge of Allegiance.

5. Consent Items:

- A. Approve City Commission Meeting minutes from May 7, 2013.
- B. Approve Claims for the first half of May, 2013.

- Stern moved to approve Consent Items A and B. Bennett seconded.
 - All in favor, the motion passed 5-0.

6. Proclamations.

- None.

7. Scheduled Public Comment:

- A. Rob Gilmore, Northern Rocky Mountain Economic Development District. (00:01:30)

8. Public Hearings:

- A. **Resolution No. 4383** - 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 2013-2014 AND LEVYING AND ASSESSING 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. (00:18:15)

- No members of the public made comments.
- Bennett moved to approve Resolution No. 4383. Friedman seconded.
 - All in favor, the motion passed 5-0.

- B. **Resolution No. 4384** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, TO MODIFY 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 2013-2014 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. (00:20:17)

- No members of the public made comments.
- Friedman moved to approve Resolution No. 4384. Stern seconded.
 - All in favor, the motion passed 5-0.

C. Resolution No. 4385 - 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 2013-2014 IN THE ESTIMATED AMOUNT OF \$822,950, WHICH IS AN 9% INCREASE FROM THE PRIOR FISCAL YEAR AND LEVYING AND ASSESSING 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. (00:21:50)

- No members of the public made comments.
- Stern moved to approve Resolution No. 4385. Friedman seconded.
 - All in favor, the motion passed 5-0.

D. Resolution No. 4386 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING AMBULANCE SERVICE RATES. (00:29:30)

- No members of the public made comments.
- Bennett moved to approve Resolution No. 4386. Stern seconded.
 - All in favor, the motion passed 5-0.

9. Ordinances.

- None.

10. Resolutions:

A. Resolution No. 4380 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AMENDED SUB-RECIPIENT AGREEMENT WITH PROSPERA BUSINESS NETWORK. (00:32:58)

- Bennett moved to approve Resolution No. 4380. Stern seconded.
 - All in favor, the motion passed 5-0.

B. Resolution No. 4381 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RATIFYING CONTRACT WITH EXPRESS EMPLOYMENT PROFESSIONALS FOR REFERRAL OF A PUBLIC SAFETY COMMUNICATIONS OFFICER. (00:35:10)

- Bennett moved to approve Resolution No. 4381. Friedman seconded.
 - All in favor, the motion passed 5-0.

C. Resolution No. 4382 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING SUBMISSION OF A TREASURE STATE ENDOWMENT PROGRAM (TSEP) APPLICATION TO THE MONTANA DEPARTMENT OF COMMERCE IN THE AMOUNT OF \$15,000 FOR DRINKING WATER PLANNING FUNDS. (00:39:50)

- Bennett moved to approve Resolution No. 4382. Stern seconded.
 - All in favor, the motion passed 5-0.

11. Action Items:

- A. Discuss/approve/deny appointment of Rebecca Swandal to the Police Commission for a term expiring May, 2014. (00:43:40)
 - o Stern moved to approve Action Item A. Friedman seconded.
 - o All in favor, the motion passed 5-0.

- B. Discuss/Approve/Deny Parking Lot Improvement Program projects for Spring 2013 (Urban Renewal Authority). (00:44:15)
 - o Stern moved to approve Action Item B for up to \$4,070. Friedman seconded.
 - All in favor, the motion passed 5-0.

- C. Discuss/Approve/Deny possible action regarding final disposition of Depot/COL/DNRC "Tree" grant.
 - o Stern moved to adopt the City Manager’s recommendation for Action Item C [as described on page 78 of the Commission Packet.]. Friedman seconded.
 - All in favor, the motion passed 5-0.

12. City Manager Comment (01:03:55):

- Ed Meece, City Manager, made comments.

13. City Commission Comments (01:12:50):

- Friedman made comments.
- Stern made comments.
- Spannrng made comments
- Bennett made comments.

14. Public Comments:

- No members of the public made comments.

15. Adjournment:

- Stern moved to adjourn the meeting. Bennett seconded.
 - o Hearing no objection, Chairman Caldwell adjourned the meeting at 7:57 p.m.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

Livingston City Commission Minutes
June 04, 2013
6:30 PM
City – County Complex, Community Room

1. Call to Order:

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call:

- Steve Caldwell, James Bennett, Bill Spannring, Adam Stern, and Mel Friedman were present.

3. Moment of Silence.

4. Pledge of Allegiance.

5. Consent Items:

- A. Approve City Commission Meeting minutes from May 21, 2013.
- B. Approve bills and claims for the 2nd half of May, 2013.
- Bennett moved to approve Consent Items A and B. Friedman seconded.
 - Caldwell, Bennett, Stern, and Friedman voted yes, in favor of the motion. Spannring voted no, in opposition to the motion.

6. Proclamations:

- Chairman Caldwell proclaimed June 27, 2013 – July 4, 2013 as Rodeo Days in the City of Livingston. (Addendum)

7. Scheduled Public Comment:

- A. Greg Durham proposed renaming the KPRK Bridge, Veterans Bridge. (00:02:15)
 - Jeff Ebert with the Montana Department of Transportation made comments.
 - Bennett requested adding the bridge renaming issue to the agenda for June 18, 2013. Friedman seconded.

8. Public Hearings:

- A. **Resolution No. 4387** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING THE WATER RATE IN THE AMOUNT OF 2% TO BECOME EFFECTIVE FOR JUNE 2013 WATER USAGE, BILLED IN JULY. (00:07:30)
 - Patricia Grabow made comments.
 - Mariann Armstrong made comments.
 - Derek Smith made comments.
 - Pat Miller made comments.
 - Bennett moved to approve Resolution No. 4387. Friedman seconded.
 - All in favor, the motion passed 5-0.

- B. Resolution No. 4388** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING THE SEWER RATE IN THE AMOUNT OF 11% TO BECOME EFFECTIVE FOR JUNE 2013 SEWER USAGE, BILLED IN JULY. (00:57:11)
- Mariann Armstrong made comments.
 - Patricia Grabow made comments.
 - Derek Smith made comments.
 - Stern moved to approve Resolution No. 4388. Bennett seconded.
 - All in favor, the motion passed 5-0.
- C. Resolution No. 4389** - 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 2% PER MONTH PER RESIDENTIAL CUSTOMER AND 2% INCREASE IN THE RATE STRUCTURE FOR COMMERCIAL CUSTOMER TO BECOME EFFECTIVE FOR JUNE 2013 USAGE, BILLED IN JULY. (01:33:15)
- Patricia Grabow made comments.
 - Patricia Grabow made additional comments.
 - Stern moved to approve Resolution No. 4389. Friedman seconded.
 - All in favor, the motion passed 5-0.

9. Ordinances.

- None.

10. Resolutions:

- A. Resolution No. 4390** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET IN THE AMOUNT OF \$15,387,509 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2013, AND ENDING JUNE 30, 2014, (FY2013-2014), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT www.livingstonmontana.org, AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS. (01:48:50)
- Bennett requested adding discussion of a hiring freeze to the June 18, 2013 agenda. Spannring seconded.
 - Bennett moved to approve Resolution No. 4390. Stern seconded.
 - Caldwell, Bennett, Stern, and Friedman voted yes, in favor of the motion. Spannring voted no, in opposition to the motion.
 - The motion passed 4-1.
- B. Resolution No. 4391** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE CITY OF LIVINGSTON SPECIAL EVENTS POLICY TO REFLECT CHANGES TO THE ANIMAL ORDINANCE AND AMBULANCE RATE CHANGES. (03:17:28)
- Bennett moved to approve Resolution No. 4391. Stern seconded.
 - All in favor, the motion passed 5-0.
- C. Resolution No. 4392** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH THE STATE OF MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC). (03:18:12)

- Stern moved to approve Resolution No. 4392. Friedman seconded.
 - All in favor, the motion passed 5-0

11. Action Items:

- A. Discuss/Approve/Deny proposal from David Bushnell Construction to build a covered sidewalk at 218 South Main Street. (03:21:15)
 - The item was rescheduled for the June 18, 2013 City Commission meeting.
- B. Discuss parks and recreation activities around the Civic Center. (03:21:34)
 - The item was rescheduled for the June 18, 2013 City Commission meeting.
- C. Discuss/Approve/Deny proposal from Lucas Schad regarding the sale/rehabilitation of the Old Water Works Building - within a time frame that would accommodate the 2013 building season. (03:21:40)
 - Stern moved to “direct the administration to open the RFP process with language on the tanks that identifies liability and leaves disposition of the tanks open to negotiation.” Friedman seconded.
 - Caldwell, Stern, and Friedman voted yes, in favor of the motion. Bennett voted no, in opposition to the motion. Spannring abstained.
 - The motion passed 3-1.
- D. Discuss ongoing maintenance issues within the City - County Complex. (03:45:16)

12. City Manager Comment:

- None

13. City Commission Comments (03:46:06):

- Friedman made comments.
- Stern made comments.
- Spannring made comments.
- Bennett made comments.
 - Bennett asked that an Executive Session be added to the June 18 City Commission Agenda to discuss litigation strategy stemming from a personnel issue. Spannring seconded.

14. Public Comments:

- No members of the public made comments.

15. Adjournment:

- Stern moved to adjourn the City Commission meeting. Friedman seconded.
 - Hearing no objection, Chairman Caldwell adjourned the meeting at 10:25 p.m.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

Livingston City Commission Agenda
June 18, 2013
6:30 PM
City – County Complex, Community Room

1. Call to Order:

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call:

- Steve Caldwell, James Bennett, Bill Spannring, Adam Stern, and Mel Friedman were present.

3. Moment of Silence.

4. Pledge of Allegiance.

- Bennett moved to “immediately fire our City Manager and start the process of hiring a new City Manager.” Spannring seconded. (00:01:21)
 - The City Commission discussed the motion.
 - Bennett offered a substitute motion to add an Action Item to the next City Commission meeting to discuss firing the City Manager and starting the process of hiring a new City Manager.
 - The substitute motion failed for lack of a second.
 - Bennett and Spannring voted yes, in favor of the original motion. Caldwell, Stern, and Friedman voted no, in opposition to the original motion.
 - The motion failed 2-3.

5. Consent Items (00:05:58):

- A.** Approve City Commission Meeting minutes from June 4, 2013.
- B.** Approve Bills and Claims for 1st half of June, 2013.
- Stern moved to approve Consent Items A – B. Friedman seconded.
 - All in favor, the motion passed 5-0.

6. Proclamations.

- None.

7. Scheduled Public Comment.

- None.

8. Public Hearings:

- A. Resolution No. 4393** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND ADOPTING THE FINAL BUDGET IN THE AMOUNT OF \$15,455,918 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2013, AND ENDING JUNE 30, 2014, (FY2013-2014), AND MAKING APPROPRIATIONS AND ESTABLISHING SPENDING LIMITS AND AUTHORIZING TRANSFER OF APPROPRIATIONS WITHIN THE SAME FUND. (00:08:20)
- Chairman Caldwell opened the Public Hearing on the Resolution.
 - Nancy Adkins made comments.
 - Dave Armstrong made comments.
 - Nancy Kessler made comments.
 - Patricia Grabow made comments.
 - Mariann Armstrong made comments.
 - Seeing no additional members of the public wishing to make comments, Chairman Caldwell closed the hearing.
 - Stern moved to approve Resolution No. 4393. Friedman seconded.
 - Spannring moved to direct Mr. Meece [the City Manager] to cut 3.5% from the expenditures of the General Fund. Bennett seconded.
 - Bennett and Spannring voted yes, in favor of the motion. Caldwell, Stern, and Friedman voted no, in opposition to the motion.
 - The motion failed 2-3.
 - Bennett moved to accept the proposal from the City Manager on page 36 of the City Commission packet [A proposal to reduce General Fund expenditures by \$101,628]. Friedman seconded.
 - Caldwell, Bennett, Stern, and Friedman voted yes, in favor of the motion. Spannring abstained.
 - The motion passed 4-1.
 - Caldwell, Stern, and Friedman voted yes, in favor of final passage of the motion to approve Resolution No. 4393 as amended. Bennett and Spannring voted no, in opposition to the motion.
 - The motion passed 3-2.

9. Ordinances:

10. Resolutions:

- A. Resolution No. 4394** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROJECT AGREEMENT WITH MONTANA DEPARTMENT OF TRANSPORTATION FOR THE COMMUNITY TRANSPORTATION ENHANCEMENT PROGRAM VIEW VISTA DRIVE SIDEWALK PROJECT. (02:13:13)
- Bennett moved to approve Resolution No. 4394. Stern seconded.
 - All in favor, the motion passed 5-0.

11. Action Items:

- A. Discuss/Approve/Deny 2013 purchase of downtown street furniture by the Urban Renewal Agency (URA). (02:15:40)
 - Ryann Rivard made comments on behalf of the URA.
 - Stern moved to approve Action Item A. Bennett seconded.
 - All in favor, the motion passed 5-0.

- B. Discuss/Approve/Deny Urban Renewal Agency (URA) grant to Livingston Tennis Association. (02:25:30)
 - Ryann Rivard made comments on behalf of the URA.
 - Barbara Dean made comments.
 - Spannrning moved to approve the expenditure from the URA in the form of an \$11,500 grant from the URA to the Livingston Tennis Association. Friedman seconded.
 - All in favor, the motion passed 5-0.

- C. Discuss/Approve/Deny a draft resolution in support of Montana Department of Transportation formally naming the "KPRK" bridge "Veterans Bridge". (02:52:30)
 - Greg Durham made comments on behalf of Operation Fallen Soldier.
 - Dale Siegle made comments.
 - Stern moved to direct the Administration to bring back a Resolution to rename the KPRK Bridge, "Veterans Bridge". Bennett seconded.
 - All in favor, the motion passed 5-0.

- D. Discuss/Approve/Deny proposal from David Bushnell Construction to build a covered sidewalk at 218 South Main Street.
 - Spannrning moved to approve Action Item D. Stern seconded.
 - All in favor, the motion passed 5-0.

- E. Discuss/Approve/Deny (re) appointments for City representatives to the City/County Library Board.
- F. Discuss/Approve/Deny appointment of Kara Stermitz to the Board of Adjustments.
- G. Discuss/Approve/Deny (re) appointment of Airport Board members.

- Stern moved to approve Action Items E, F, and G. Friedman seconded. (03:05:40)
 - All in favor, the motion passed 5-0.

- H. Discuss parks and recreation activities around the Civic Center. (03:06:45)
 - Commissioner Stern asked that Action Item G, which was placed on the agenda at his request, be placed on the agenda of the next regular City Commission meeting.

- I. Discuss/Approve/Deny policy regarding City funding for underground street vaults, during the downtown construction projects. (03:07:15)
 - o Patricia Grabow made comments.
 - o Stern moved to provide \$3,000 to each [vault] owner, to restore or fill-in the [underground street] vaults, [as part of a municipal infrastructure project,] as long as structural stability is assured. Friedman seconded.
 - Caldwell, Spannring, Stern, and Friedman voted yes, in favor of the motion. Bennett voted no, in opposition to the motion.
 - The motion passed 4-1.

12. City Manager Comments.

- None.

13. City Commission Comments (03:37:00):

- Stern made comments.
- Bennett made comments.
 - o Bennett asked that a discussion of hiring freezes, pay freezes, and expenditure reductions be placed on the next City Commission agenda. Spannring seconded.

14. Public Comments (03:30:40):

- Mariann Armstrong made comments.
- Patricia Grabow made comments.
- Barbara Dean made comments.
- The regular meeting ended at 10:10 p.m.

15. Executive Session to Discuss Litigation Strategy Executive Session - Litigation Strategy.

- Chairman Caldwell closed the City Commission meeting to discuss litigation strategy:
 - o “Under 2-3-203 Montana Code Annotated, the Chairman hereby closes this meeting of the City Commission to discuss a litigation strategy. Upon advice of our attorneys, a public discussion would have a detrimental effect upon the City’s position in the case of MONTANA PUBLIC EMPLOYEES ASSOCIATION ON BEHALF OF MATT TUBAUGH V. CITY OF LIVINGSTON, et al. Following the executive session, the City Commission will reconvene in an open meeting to make any decision in respect to the City’s litigation strategy, if any decision is to be made.”
 - o The City Commission reconvened in open session and took no action.

16. Adjournment (00:00:00, Part 2):

- Stern moved to adjourn the meeting. Friedman seconded.
 - o Hearing no objection, the meeting adjourned at 10:59 p.m.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

**Livingston City Commission Agenda
Special Meeting: July 9, 2013
5:00 PM
City – County Complex, Community Room**

1. Call to Order:

- Chairman Caldwell called the meeting to order at 5:00 p.m.

2. Roll Call:

- Caldwell, Bennett, and Friedman were present. Spannring and Stern were absent.

3. Moment of Silence.

4. Pledge of Allegiance.

5. Resolution:

A. Resolution No. 4395 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RELATING TO ECONOMIC DEVELOPMENT REVENUE BONDS (LIVINGSTON HEALTHCARE PROJECT) OF THE CITY IN AN APPROXIMATE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$17,500,000; GRANTING PRELIMINARY APPROVAL THERETO; CALLING A PUBLIC HEARING ON SUCH BONDS AND PROJECT; AND DECLARING OFFICIAL INTENT FOR CERTAIN EXPENSES TO BE REIMBURSED FROM THE PROCEEDS OF THE BONDS. (00:01:11)

- Bren Lowe, CEO of Livingston Health Care, made comments.
- Jessie Hogg, Chief Financial Officer, made comments.
- Friedman moved to approve Resolution No. 4395. Bennett seconded.
 - All in favor, the motion passed 3-0.

6. City Manager Comments:

- None.

7. City Commissioner Comments:

- None.

8. Public Comments:

- Bren Lowe, CEO of Livingston Health Care, made comments.

9. Adjournment:

- Bennett moved to adjourn the meeting. Friedman seconded.
 - Hearing no objection, Chairman Caldwell adjourned the meeting at 5:12 p.m.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

Livingston City Commission Agenda
July 16, 2013
6:30 PM
City – County Complex, Community Room

1. Call to Order:

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call:

- Steve Caldwell, James Bennett, Bill Spannring, Adam Stern, and Mel Friedman were present.

3. Moment of Silence.

4. Pledge of Allegiance.

5. Consent Items (00:01:26):

- A. Approve minutes from the June 6, 2013 City Commission meeting.
- B. Ratify Bills and Claims from 7-2-13 (FY 2012-2013).
- C. Ratify Bills and Claims for 7-2-13 (FY 2013-2014).
- D. Approve Bills and Claims for 7-16-13 (FY 2012-2013).
- E. Approve Bills and Claims for 7-16-13 (FY 2013-2014).

- Bennett moved to approve Consent Items A-E. Stern seconded.
 - All in favor, the motion passed 5-0.

6. Proclamations.

- None.

7. Scheduled Public Comment:

- Lenny Gregrey made comments. (00:02:00)

8. Public Hearings.

- None.

9. Ordinances.

- None.

10. Resolutions:

- A. **Resolution No. 4396** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH STAHLY ENGINEERING & ASSOCIATES FOR ADMINISTRATION OF 2013 MAIN STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$106,128. (00:11:10)
 - Shannon Holmes, Public Works Director, made comments.
 - Spannring moved to approve Resolution No. 4296. Friedman seconded.
 - All in favor, the motion passed 5-0.

B. Resolution No. 4397 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING SALE OF SURPLUS CITY PROPERTY AND ABANDONED PROPERTY. (00:18:35)

- Stern moved to approve Resolution No. 4397. Bennett seconded.
 - All in favor, the motion passed 5-0.

C. Resolution No. 4398 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, IN SUPPORT OF NAMING THE YELLOWSTONE RIVER BRIDGE AT THE EASTERLY ENTRANCE TO THE CITY OF LIVINGSTON AND LOCALLY KNOWN AS THE “KPRK” BRIDGE, AS “VETERANS BRIDGE”. (00:21:05)

- Bennett moved to approve Resolution No. 4398. Stern seconded.
 - All in favor, the motion passed 5-0.

11. Action Items:

A. Discuss parks and recreation activities around the Civic Center. (Commissioner Stern) (00:23:15)

- The City Commission discussed Action Item A.

B. Discuss/Approve/Deny submissions to the Water Works RFP process. (00:51:24)

- Lucas Schad made comments.
- Jack Luther, Chairman of the Historic Preservation Commission, made comments.
- Stern moved to accept in concept the proposal presented by Mr. Schad and to direct the Administration to bring back a draft contract reflecting that proposal. Bennett seconded.
 - All in favor, the motion passed 5-0.
- The City Commission recessed for 5 minutes following the vote on Action Item B.

F. Discuss/ Approve/ Deny request by Cycle Greater Yellowstone to camp in Sacajawea Park. (Begin Part 2; 00:00:00)

- Chairman Caldwell moved up consideration of Action Item F.
- David Fine, Administrative Services Director, made comments.
- Sherry Moore, Assistant Event Director for Cycle Greater Yellowstone, made comments.
- Michael McCormick made comments on behalf of the Livingston Food Pantry.
- Stern moved to approve Action Item F. Friedman seconded.
 - All in favor, the motion passed 5-0.

C. Discuss recent voting and precinct changes. Approve/Deny the use of a mail ballot election for the 2013 General Election. (Part 2; 00:10:48)

- Bennett moved to direct the Administration to bring back a resolution endorsing a regular polling place election for 2013. Spannring seconded.
 - Caldwell, Bennett, Spannring, and Friedman voted yes, in favor of the motion. Stern voted no, in opposition to the motion.
 - The motion passed 4-1.

D. Discuss/Approve/Deny hiring freezes, pay freezes and expenditure reductions. (Commissioner Bennett) (Part 2; 00:20:50)

- The City Commission discussed Action Item D.

- Marian Armstrong made comments.
- E. Discuss City Manager form of government. (Commissioner Bennett) (Part 2; 01:13:25)
 - Patricia Grabow made comments.
 - Bennett requested that discussion of firing the City Manager be placed on the next City Commission agenda. Spanning seconded.
- G. Discuss/Approve/Deny Street Arts Program Applications: 1 - Eyman 2 – Bates (Part 2; 1:28:35)
 - Stern moved to approve Action Item G. Bennett seconded.
 - All in favor, the motion passed 5-0.
- H. Discuss/Approve/Deny Street Vacation Request from Wayne Fink for the 600 block of North H Street. (01:33:20)
 - Kim Fink made comments.
 - Wayne Fink made comments.
 - William Smith made comments.
 - Bennett moved to direct the Administration to bring back a resolution of intent to vacate the 600 block of North H Street. Spanning seconded.
 - All in favor, the motion passed 5-0.
- I. Discuss/Approve/Deny recommendation from Planning Board for conditional approval of the Loves Lane Townhome Subdivision. (01:51:15)
 - Bennett moved to approve the findings of fact, as contained in the staff report, for the Loves Lane Townhome Subdivision. Spanning seconded.
 - All in favor, the motion passed 5-0.
 - Stern moved to provide conditional approval to the Loves Lane Townhome Subdivision. Spanning seconded.
 - All in favor, the motion passed 5-0.

12. City Manager Comment:

- The City Manager made comments. (01:57:30)

13. City Commission Comments:

- Friedman made comments.
- Stern made comments.
 - Stern requested that a discussion of the administrative reorganization be placed on the next City Commission agenda. Friedman seconded.
- Spanning made comments.

14. Public Comments (01:58:10):

- Patricia Grabow made comments.
- Wayne Fink made comments.
- Jay Kiefer made comments.

15. Adjournment:

- Stern moved to adjourn the meeting. Bennett seconded.
 - Hearing no objection, Chairman Caldwell adjourned the meeting at 10:37 p.m.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

Livingston City Commission Summary Minutes

August 06, 2013

6:30 PM

City – County Complex, Community Room

1. Call to Order:

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call:

- Steve Caldwell, James Bennett, Bill Spannring, Adam Stern, and Mel Friedman were present.

3. Moment of Silence.

4. Pledge of Allegiance.

5. Consent Items:

- A. Approve City Commission Minutes from July 9, 2013.**
 - B. Approve City Commission Minutes from July 16, 2013.**
 - C. Ratify bills and claims already paid.**
 - D. Approve bills and claims for FY 2012-2013.**
 - E. Approve bills and claims for 2nd half of July 2013.**
- Bennett moved to approve Consent Items A – E. Stern seconded.
 - All in favor, the motion passed 5-0.

6. Proclamations:

- None.

7. Scheduled Public Comment:

- A. Bren Lowe, CEO, Livingston Health Care (LHC) gave a presentation on the LHC new facility project. (00:02:30)**
- B. Carol Goosey, Livingston Tennis Association. (00:13:45)**
 - Larry Teeter from the Livingston Tennis Association made comments.

8. Public Hearings:

- A. Resolution No. 4400 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RELATING TO ECONOMIC DEVELOPMENT REVENUE BONDS (LIVINGSTON HEALTHCARE PROJECT) OF THE CITY IN AN APPROXIMATE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$17,500,000; GRANTING PRELIMINARY APPROVAL THERETO; CALLING A PUBLIC HEARING ON SUCH BONDS AND PROJECT; AND DECLARING OFFICIAL INTENT FOR CERTAIN EXPENSES TO BE REIMBURSED FROM THE PROCEEDS OF THE BONDS. (00:25:30)**
- Ben Johnson, the City of Livingston's Bond Counsel, with the law firm of Kennedy and Graven, answered questions on the Resolution.
 - Bennett moved to approve Resolution No. 4400. Friedman seconded.
 - All in favor, the motion passed 5-0.

9. Ordinances.

- None.

10. Resolutions:

- A. Resolution No. 4399 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OBJECTING TO A MAIL BALLOT ELECTION FOR THE 2013 MUNICIPAL ELECTION. (00:35:00)**
- David Armstrong made comments.
 - Barbara Dean made comments.
 - Stuart Leidner made comments.
 - Patricia Grabow made comments.
 - Marian Armstrong made comments.
 - Drusilla Omni made comments.
 - Marsha Ann Evans made comments.
 - Debbie Miller made comments.
 - Nancy Adkins made comments.
 - Barbara Dean made comments.
 - Drusilla Omni made comments.
 - Bennett moved to approve Resolution No. 4399. Spannring seconded.
 - Caldwell, Bennett, Spannring, and Friedman voted yes, in favor of the motion. Stern voted no, in opposition to the motion.
 - The motion passed 4-1.
- B. Resolution No. 4401 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO DISCONTINUE AND VACATE A PORTION OF UNDEVELOPED "H" STREET NORTH OF MONTANA STREET BETWEEN BLOCK 32 AND 33 OF THE MINNESOTA ADDITION TO THE CITY OF LIVINGSTON, MONTANA, ADJACENT TO LOTS 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, BLOCK 32 AND LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, OF BLOCK 33, ALL IN SAID MINNESOTA ADDITION, AND CALLING FOR A PUBLIC HEARING. (00:00:00, Begin Part 2)**
- Bennett moved to approved Resolution No. 4401. Stern seconded.
 - All in favor, the motion passed 5-0.

11. Action Items:

- A. Discuss communication of the administrative reorganization. (00:09:03)**
- B. Discuss/Approve/Deny Termination of City Manager. (00:25:06)**
- Nancy Adkins made comments.
 - Stuart Leidner made comments.
 - Warren Mabie made comments.
 - Matt Tubaugh made comments.
 - Patricia Grabow made comments.
 - Laurellen Friedman made comments.
 - Barbara Dean made comments.
 - Nancy Adkins made comments.
 - Marianne Armstrong made comments.
 - Bennett moved to terminate the City Manager. Spannring seconded.
 - Bennett and Spannring voted yes, in favor of the motion to terminate the City Manager. Caldwell, Stern, and Friedman voted no, in opposition to the motion to terminate the City Manager.
- C. Discuss/Approve/Deny easements for Fleshman Creek project. (01:27:44)**
- Bruce Becker, City Attorney, made comments.
 - Shannon Holmes, Public Works Director, made comments.
 - George Bornemann, CTA, made comments.
 - Spannring moved to approve the easements for the Fleshman Creek Project. Stern seconded.
 - All in favor, the motion passed 5-0.
- D. Discuss/Approve/Deny City of Livingston's Disclaimer of Interest regarding the Berrum Addition, District Court Case DV-13-12, a quiet title action in which the City has no interest. (01:32:35)**
- Stern moved to approve Action Item D. Friedman seconded.
 - All in favor, the motion passed 5-0.
- E. Discuss/Approve/Deny negotiated changes in economic conditions in the Collective Bargaining Agreement with AFSCME Local No. 2711-A. (01:39:30)**
- Jessie Hogg, Chief Financial Officer, made comments.
 - Stern moved to approve Action Item E. Friedman seconded.
 - Caldwell, Spannring, Stern, and Friedman voted yes, in favor of the motion. Bennett abstained from voting.
 - The motion passed 4-0.
- F. Discuss/Approve/Deny Collective Bargaining Agreement (CBA) with IAFF Local No. 630. (01:57:35)**
- Jeff Schoenen, Fire Chief, made comments.
 - Jessie Hogg, Chief Financial Officer made comments.
 - Stern moved to direct the Administration to draft a Resolution authorizing the City Manager to sign the negotiated contract with IAFF Local No. 630. Friedman seconded.
 - Caldwell, Stern, and Friedman voted yes, in favor of the motion. Bennett and Spannring voted no, in opposition to the motion.
 - The motion passed 3-2.

12. City Manager Comment:

- Ed Meece, City Manager, made no comments.

13. City Commission Comments (02:36:00):

- Friedman made comments.
- Spanning made comments.
- Bennett made comments.

14. Public Comments (02:39:55):

- Seth Rivard, President, IAFF Local No. 630 made comments.
- Barbara Dean made comments.
- Pat Walker made comments.
- Rich O'Brian made comments.
- (End Recording Part 2)

15. Executive Session to Discuss Litigation Strategy:

- **Discussion of litigation strategy regarding David Folsom v. City of Livingston.**
 - Chairman Caldwell closed the meeting to discuss litigation strategy as allowed by 2-3-203 MCA.
 - The City Commission returned to regular session.
 - Stern moved to ask Mike Lilly, counsel for the City of Livingston, to make an offer of judgment to David and Alana Folsom of \$25,436.40 together with Court Costs and the resulting attorney's fees. Bennett seconded.
 - All in favor, the motion passed 5-0.

16. Adjournment:

- Friedman moved to adjourn the meeting. Stern seconded.
 - Hearing no objection, Chairman Caldwell adjourned the meeting at 10:48 p.m.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

**Livingston City Commission Minutes
August 20, 2013
6:30 PM
City – County Complex, Community Room**

1. Call to Order:

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call:

- Steve Caldwell, James Bennett, Bill Spannring, Adam Stern, and Mel Friedman were present.

3. Moment of Silence.

4. Pledge of Allegiance.

5. Consent Items (00:01:12):

- A. Approve City Commission Minutes from August 6, 2013.
- B. Approve Bills and Claims for the 1st half of August, 2013.
- C. Approve Bills and Claims for Fiscal Year 2012-2013.
- Bennett moved to approve Consent Items A-C. Stern seconded.
 - All in favor, the motion passed 5-0.
- D. Approve waiver of street closure fees for High School Homecoming Parade.
 - Tiffany Parsons, Park High School Student Body President, made comments.
 - Bennett moved to approve Consent Item D. Stern seconded.
 - All in favor, the motion passed 5-0.

6. Proclamations.

- None.

7. Scheduled Public Comment.

- None.

8. Public Hearings:

- A. **Resolution No. 4405** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DISCONTINUING AND VACATING A PORTION OF UNDEVELOPED "H" STREET NORTH OF MONTANA STREET BETWEEN BLOCK 32 AND 33 OF THE MINNESOTA ADDITION TO THE CITY OF LIVINGSTON, MONTANA, ADJACENT TO LOTS 7, 8, 9, 10, 11, 12, 13, AND 14, BLOCK 32 AND LOTS 20, 21, 22, 23, 24, 25, 26 AND 27, OF BLOCK 33.
 - The Public Hearing on Resolution No. 4405 was postponed at the request of the Administration.

9. Ordinances:

- None.

10. Resolutions:

- A. Resolution No. 4402** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO FIX THE TAX LEVY FOR FISCAL YEAR 2013-2014 AND GIVING NOTICE OF A PUBLIC HEARING THEREON. (00:04:00)
- Bennett requested that a discussion of reconsidering the budgetary and mill value allocations regarding the library be added to the next City Commission agenda. Friedman seconded.
 - Stern moved to approve Resolution No. 4402. Friedman seconded.
 - All in favor, the motion passed 5-0.
- B. Resolution No. 4403** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROJECT AGREEMENT WITH MONTANA DEPARTMENT OF TRANSPORTATION FOR THE COMMUNITY TRANSPORTATION ENHANCEMENT PROGRAM CITY SIDEWALKS LIVINGSTON PROJECT. (00:15:55)
- Bennett moved to approve Resolution No. 4403. Friedman seconded.
 - Bennett, Spannring, Stern, and Friedman voted yes, in favor of the motion. Caldwell recused himself from the vote.
 - The motion passed 4-0.
- C. Resolution No. 4404** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN GRANT AGREEMENT WITH THE MONTANA DEPARTMENT OF COMMERCE FOR THE TREASURE STATE ENDOWMENT PROGRAM (TSEP) FOR DRINKING WATER PLANNING FUNDS IN THE AMOUNT OF \$15,000. (00:18:55)
- Shannon Holmes, Public Works Director, made comments.
 - Bennett moved to approve Resolution No. 4404. Stern seconded.
 - All in favor, the motion passed 5-0.
- D. RESOLUTION No. 4406** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN COLLECTIVE BARGAINING AGREEMENT WITH AFSCME LOCAL 2711 A FOR PERIOD JULY 1, 2013 THROUGH JUNE 30, 2014. (00:24:20)
- Stern moved to approve Resolution No. 4406. Bennett seconded.
 - Caldwell, Stern, and Friedman voted yes, in favor of the motion. Bennett and Spannring voted no, in opposition to the motion.
 - The motion passed 3-2.
- E. Resolution No. 4407** - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN COLLECTIVE BARGAINING AGREEMENT WITH LOCAL #630 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS FOR THE PERIOD OF JULY 1, 2013 THROUGH JUNE 30, 2016. (00:35:40)
- Stern moved to approve Resolution No. 4407. Bennett seconded.
 - Caldwell, Stern, and Friedman voted yes, in favor of the motion. Bennett and Spannring voted no, in opposition to the motion.
 - The motion passed 3-2.

11. Action Items:

A. Discuss/Approve/Deny Agreement for Purchase and Sale of Real Property regarding Water Works Building. (00:47:15)

- Lucas Schad made comments.
- Bruce Becker, City Attorney, made comments.
- Jim Woodhull, Planning and Building Director, made comments.
- Stern moved to approve Action Item A. Friedman seconded.
 - All in favor, the motion passed 5-0.
- Wyatt Newman made comments.
- Mary Murphy made comments.
- Macy Ricketts made comments.
- Kara Stermitz made comments.

B. Discuss coordination with Park County administration to achieve the most efficient use of the City-County Building. (Commissioner Stern) (01:19:20)

- Patricia Grabow made comments.

C. Discuss/Approve/Deny request from Northern Plains and Park County Environmental Council for scoping letter regarding Longview Coal Export Terminal Environmental Impact Study. (01:43:45)

- Stern moved to send a letter to the appropriate agency for the Longview Coal Port environmental impact study (EIS).
 - Caldwell, Spannring, Stern, and Friedman voted yes, in favor of the motion. Bennett voted no, in opposition to the motion.
 - The motion passed 4-1.

12. City Manager Comment:

- Ed Meece, City Manager, made comments. (02:02:00)

13. City Commission Comments (02:07:00):

- Friedman made comments.
- Stern made comments.
- Spannring made comments.
- Bennett made comments.

14. Public Comments (02:18:23):

- Seth Rivard, President, IAFF Local #630 made comments.
- Patricia Grabow made comments.

15. Adjournment:

- Stern moved to adjourn the meeting. Friedman seconded.
 - Hearing no objection, Chairman Caldwell adjourned the meeting at 8:56 p.m.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

Livingston City Commission Minutes

September 3, 2013

6:30 PM

City – County Complex, Community Room

(Note from the Recording Secretary: The City creates two audio recordings and a video recording of each City Commission meeting. During the September 3, 2013 meeting one of the two audio recorders failed; recording failure is why we have a backup. The recording secretary later found that the audio recording on the backup device was corrupted. Fortunately, the video recording of the City Commission meeting is intact and available as the official record for viewing at the City office. This recording meets the requirements for maintaining a record of State Law and City Ordinance. As always, citizens are welcome to purchase their own copy of the video recording on DVD. As a result of this incident, one of the two audio recording devices has been replaced.)

1. Call to Order:

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call:

- Steve Caldwell, James Bennett, Bill Spanring, Adam Stern, and Mel Friedman were present.

3. Moment of Silence.

4. Pledge of Allegiance.

5. Consent Items

- A. Approve City Commission Minutes from August 20, 2013.
- B. Approve Bills and Claims for the 2nd Half of August, 2013.

- Stern moved to approve Consent Items A and B. Friedman seconded.
 - All in favor, the motion passed 5-0.

6. Proclamations.

- None.

7. Scheduled Public Comment:

- A. Derek Smith - Skate Park Committee.
 - i. Hillary Wheeler-Smith also made comments on behalf of the Skate Park Committee.
- B. Wyatt Neumann - Regarding Water Works Building.

8. Public Hearings

- A. Resolution No. 4405 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DISCONTINUING AND VACATING A PORTION OF UNDEVELOPED "H" STREET NORTH OF MONTANA STREET BETWEEN BLOCK 32 AND 33 OF THE MINNESOTA ADDITION TO THE CITY OF LIVINGSTON, MONTANA, ADJACENT TO LOTS 6, 7, 8, 9, 10, 11, 12, 13, AND 14, BLOCK 32 AND LOTS 20, 21, 22, 23, 24, 25, 26 AND 27, OF BLOCK 33.**
- Jim Woodhull, Building and Planning Director, made comments.
 - Jackie Robbins made comments.
 - Anne Eppelstein made comments.
 - Kim Fink made comments.
 - Wayne Fink made comments.
 - Jackie Robbins made comments.
 - Chairman Caldwell continued the Public Hearing to the October 1, 2013 meeting of the City Commission.
- B. Resolution No. 4408 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, FIXING THE TAX LEVY FOR FISCAL YEAR 2013-2014.**
- No members of the public made comments.
 - Bennett moved to approve Resolution No. 4408. Friedman seconded.
 - All in favor, the motion passed 5-0.

9. Ordinances.

- None.

10. Resolutions:

- A. Resolution No. 4409 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN AGREEMENT WITH CAROLINA SOFTWARE, INC. FOR WASTEWORX SCALE STATION SOFTWARE.**
- Jessie Hogg, Chief Financial Officer, made comments.
 - Bennett moved to approve Resolution No. 4409. Stern seconded.
 - Caldwell, Spanring, Stern, and Friedman voted yes, in favor of the motion. Bennett voted no, in opposition to the motion.
 - The motion passed 4-1.
- B. Resolution No. 4410 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING AGREEMENT WITH MONTANA DEPARTMENT OF ADMINISTRATION AND AMATICS CPA GROUP FOR AUDIT OF THE CITY OF LIVINGSTON FOR THE PERIOD JULY 1, 2013, THROUGH JUNE 30, 2015.**
- Stern moved to approve Resolution No. 4410. Friedman seconded.
 - All in favor, the motion passed 5-0.

- C. Resolution No. 4411 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY FOR WATER WORKS BUILDING WITH LUCAS AND AMY SCHAD.**
- Mary Murphy made comments.
 - Bennett moved to approve Resolution No. 4411. Stern seconded.
 - All in favor, the motion passed 5-0.

11. Action Items

- A. Discuss/Approve/Deny Planning Board's Text Amendment recommendation amending Table 30.40 List of Uses.**
- Jim Woodhull, Building and Planning Director, made comments.
 - Stern moved to direct the administration to draft an ordinance incorporating the recommended amendments to the Table 30.40 List of Uses. Spanning seconded
 - All in favor, the motion passed 5-0.
- B. Update on the North Main Street infrastructure project.**
- Shannon Holmes, Public Works Director, provided a project update.
- C. Discuss operation of the Glass Pulverizer, recycled glass shipments, and short term outlook of glass recycling operations. (Spanning)**
- The City Commission discussed Action Item C.
- D. Discuss/Approve/Deny altering the budgetary and mill value allocations for the Livingston-Park County Library. (Bennett)**
- Nancy Kessler made comments on behalf of the Library Board.
 - Bennett moved to transfer 2.79 mills to the Library. Stern seconded.
 - Bennett withdrew his motion, with the second accepting the withdrawal.
 - Bennett moved to do an interfund transfer of \$30,000 from the General Fund to the Library Fund. Spanning seconded.
 - Bennett, Spanning, Stern, and Friedman voted yes, in favor of the motion. Caldwell voted no, in opposition to the motion.
 - The motion passed 4-1.
- E. Discuss/Approve/Deny Recommendation from Allied Engineering regarding the Livingston Tennis Courts Improvement Project.**
- Shannon Holmes, Public Works Director, made comments.
 - Erik Garberg with Allied Engineering made comments.
 - Carol Goosey made comments of behalf of the Livingston Tennis Association.
 - Bennett moved to approve Action Item E. Stern seconded.
 - All opposed, the motion to approve Action Item E failed 5-0.

12. City Manager Comment:

- None.

13. City Commission Comments:

- Stern made comments.
- Spannring made comments.
- Bennett made comments.

14. Public Comments:

- Wayne Fink made comments.

15. Adjournment:

- Stern moved to adjourn the meeting. Bennett seconded.
 - Hearing no objection, Chairman Caldwell adjourned the meeting at 9:35 p.m.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

Livingston City Commission Agenda

September 17, 2013

6:30 PM

City – County Complex, Community Room

1. Call to Order:

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call:

- Steve Caldwell, James Bennett, Bill Spanring, Adam Stern, and Mel Friedman were present.

3. Moment of Silence.

4. Pledge of Allegiance.

5. Consent Items (00:01:15):

- A. **Approve City Commission Minutes from September 3, 2013.**
- B. **Approve Bills and Claims for the 1st half of September, 2013.**

- Stern moved to approve Consent Items A and B; Friedman seconded.
 - All in favor, the motion passed 5-0.

6. Proclamations:

- A. **Proclamation recognizing Pollution Prevention Week and Community Closet's Most Valuable Pollution Prevention Award.**

7. Scheduled Public Comment:

- A. **Mary Cassidy and Sarah Scofield, Rotary Club Update on G Street Spray Park. (00:03:00)**
- B. **Katie Weaver, MSU Economic and Community Development Extension Agent. (00:07:43)**

8. Public Hearings.

- None.

9. Ordinances

- A. Ordinance No. 2046 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE ZONE CODE BY AMENDING LIST OF USES RELATED TO PLANNING BOARDS RECOMMENDATION UPON REVIEW OF THE GROWTH POLICY. (00:17:45)**
- Jim Woodhull, Building and Planning Director, made comments.
 - Stern moved to approve Ordinance No. 2046; Friedman seconded.
 - All in favor, the motion passed 5-0.

10. Resolutions

- A. Resolution No. 4412 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN APPLICATION WITH MONTANA DEPARTMENT OF TRANSPORTATION FOR DRIVEWAY APPROACH FOR NEW HOSPITAL. (00:40:35)**
- Bennett moved to approve Resolution No. 4412; Stern seconded.
 - All in favor, the motion passed 5-0.
- B. Resolution No. 4413 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2013-2014, BY MAKING A REVENUE AND EXPENDITURE ADJUSTMENT IN THE AMOUNT OF \$30,000.00 AND CALLING FOR A PUBLIC HEARING. (00:45:40)**
- Robin Albright, President of the Library Board, made comments.
 - Bennett moved to approve Resolution No. 4413; Spannring seconded.
 - Bennett, Spannring, Stern, and Friedman voted yes, in favor of the motion. Caldwell voted no, in opposition to the motion.
 - The motion passed 4-1.

11. Action Items:

- A. Discuss/Approve/Deny recommendation from staff to award FY 13-15 engineering services to Stahly Engineering. (00:52:26)**
- Bennett moved to approve Action Item A. Friedman seconded.
 - All in favor, the motion passed 5-0.
- B. Discuss/Approve/Deny Lease Amendment with The Shane Lalani Center. (00:55:10)**
- Bennett moved to approve Action Item B. Stern seconded.
 - All in favor, the motion passed 5-0.

C. Discuss/Approve/Deny award of contract to CTA Engineering for design and construction services related to construction of a new Livingston Food Pantry and Food Systems facility.

(01:03:55)

- Bennett moved to direct the administration to draft a resolution authorizing the City Manager to sign a contract with CTA Engineering; Stern seconded.
 - All in favor, the motion passed 5-0.

12. City Manager Comment:

- Ed Meece, City Manager, made comments. (01:12:40)

13. City Commission Comments:

- Friedman made comments (01:16:05)
- Stern made comments. (01:17:40)
- Spannring made comments. (01:17:50)
- Bennett made comments. (01:20:22)
- Caldwell made comments. (01:26:30)

14. Public Comments:

- No members of the public made comments.

15. Adjournment:

- Bennett moved to adjourn the meeting. Friedman seconded.
 - Hearing no objection, the meeting adjourned at 7:59 p.m.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

**Livingston City Commission Minutes
October 01, 2013
6:30 PM
City – County Complex, Community Room**

1. Call to Order:

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call:

- Steve Caldwell, James Bennett, Bill Spannring, Adam Stern, and Mel Friedman were present.

3. Moment of Silence.

4. Pledge of Allegiance.

5. Consent Items:

- A. Approve City Commission Minutes from September 17, 2013.**
- B. Approve Bills and Claims for the 2nd half of September, 2013.**
- C. Approve waiver of fee request to rent Civic Center by Aglow Livingston Lighthouse.**

- Bennett moved to approve Consent Items A-C; Stern seconded.
 - All in favor, the motion passed 5-0.

6. Proclamations.

- None.

7. Scheduled Public Comment:

- None.

8. Public Hearings:

- A. Resolution No. 4414 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2013-2014, BY MAKING A REVENUE AND EXPENDITURE ADJUSTMENT IN THE AMOUNT OF \$30,000.00. (00:01:35)**

- Milla Cummins made comments.
- Margot Aserlind made comments.
- Nancy Kessler made comments.
- Bill Moser made comments.
- Nancy Kessler made comments.
- Bennett moved to approve Resolution No. 4414; Friedman seconded.
 - All in favor, the motion passed 5-0.

9. Ordinances.

- None.

10. Resolutions:

A. Resolution No. 4415 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AMENDMENT TO SHANE LALANI CENTER/CITY OF LIVINGSTON LEASE. (00:30:45)

- Bennett moved to approve Resolution No. 4415; Spanning seconded.
 - All in favor, the motion passed 5-0.

B. Resolution No. 4416 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH STAHL ENGINEERING FOR FISCAL YEARS 2013-2015. (00:33:10)

- Stern moved to approve Resolution No. 4416; Friedman seconded.
 - All in favor, the motion passed 5-0.

C. Resolution No. 4417 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH CTA ARCHITECTS ENGINEERS THE CONSTRUCTION OF THE LIVINGSTON FOOD PANTRY FOOD SERVICE CENTER IN THE AMOUNT OF \$68,985. (00:34:30)

- Friedman moved to approve Resolution No. 4417; Bennett seconded.
 - All in favor, the motion passed 5-0.

D. Resolution No. 4418 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO DISCONTINUE AND VACATE THE WESTERLY 33 FEET OF THE UNDEVELOPED "H" STREET RIGHT-OF-WAY ADJACENT TO LOTS 6, 7, 8, 9, 10, 11, 12, AND 13, AND A PORTION OF SAID RIGHT-OF-WAY ADJACENT TO LOT 14, OF BLOCK 32 OF THE MINNESOTA ADDITION TO THE CITY OF LIVINGSTON AND CALLING FOR A PUBLIC HEARING. (00:37:15)

- Jim Woodhull, Building and Planning Director, made comments.
- Anne Eccleston made comments.
- Spanning moved to approve Resolution No. 4418; Stern seconded.
 - All in favor, the motion passed 5-0.

E. Resolution No. 4419 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMENDIN THE BUDGET FOR FISCAL YEAR 2012-2013, BY MAKING REVENUE ADJUSTMENTS IN THE AMOUNT OF \$664,111.00 AND APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$726,121.00. (01:08:50)

- Bennett moved to approve Resolution No. 4419; Friedman seconded.
 - All in favor, the motion passed 5-0.

11. Action Items:

A. Discuss/Approve/Deny Application for Special Parking Space - 506 East Geyser Street.

(01:13:45)

- Shannon Holmes, Public Works Director, made comments.
- Friedman moved to approve Action Item A; Stern seconded.
 - All in favor, the motion passed 5-0.

B. Discussion about street parking, inoperable/junk vehicles, and the overall code enforcement program. (01:17:15)

- Jim Woodhull, Building and Planning Director, made comments.
- Troy Selland made comments.
- Wayne Fink made comments.
- Jack Luther made comments.

C. Discuss federal legislation concerning heavier trucks (up to 97,000 lbs.) on federal interstates (H.R.612). (01:56:50)

- Spook Stang, a representative of the Motor Carriers of Montana, made comments.

12. City Manager Comment:

- Ed Meece, City Manager, made comments. (02:07:05)

13. City Commission Comments (02:13:30):

- Friedman made comments.
- Stern made comments.
- Spanring made comments.
- Bennett made comments.

14. Public Comments (02:26:35):

- Jay Kiefer made comments.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

**Livingston City Commission Minutes
October 15, 2013
6:30 PM
City – County Complex, Community Room**

1. Call to Order:

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call:

- Steve Caldwell, James Bennett, Bill Spanning, Adam Stern, and Mel Friedman were present.

3. Moment of Silence.

4. Pledge of Allegiance.

5. Consent Items:

- A. Approve City Commission Minutes from October 1, 2013.**
- B. Approve Bills and Claims for the 1st half of October, 2013.**
- C. Approve 1st Quarter Pledged Securities Report.**

- Bennett moved to approve Consent Items A-C; Stern seconded.
 - All in favor, the motion passed 5-0.

6. Proclamations.

- None.

7. Scheduled Public Comment.

- None.

8. Public Hearings:

- A. Ordinance No. 2046 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE ZONE CODE BY AMENDING LIST OF USES RELATED TO PLANNING BOARDS RECOMMENDATION UPON REVIEW OF THE GROWTH POLICY. (00:01:45)**

- Stern moved to approve Ordinance No. 2046; Friedman seconded.
 - All in favor, the motion passed 5-0.

B. Resolution No. 4420 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DISCONTINUING AND VACATING THE WESTERLY 33 FEET OF THE UNDEVELOPED "H" STREET RIGHT-OF-WAY ADJACENT TO LOTS 6, 7, 8, 9, 10, 11, 12, AND 13, AND A PORTION OF SAID RIGHT-OF-WAY ADJACENT TO LOT 14, OF BLOCK 32 OF THE MINNESOTA ADDITION TO THE CITY OF LIVINGSTON. (00:03:50)

- Anne Eccleston made comments.
- Seeing no additional members of the public wishing to make comments, Chairman Caldwell closed the public hearing.
- Bennett moved to approve Resolution No. 4420; Spannring seconded.
 - Friedman moved to reopen the public hearing; Stern seconded.
 - Caldwell, Bennett, and Spannring voted no, in opposition to the motion. Stern and Friedman voted yes, in favor of the motion. The motion failed 2-3.
 - All in favor, the motion to approve Resolution No. 4420 passed 5-0.

C. Resolution No. 4421 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2012-2013, BY MAKING REVENUE ADJUSTMENTS IN THE AMOUNT OF \$664,111 AND APPROPRIATION ADJUSTMENTS IN THE AMOUNT OF \$726,121. (00:21:15)

- Bennett moved to approve Resolution No. 4421; Stern seconded.
 - All in favor, the motion passed 5-0.

9. Ordinances.

- None.

10. Resolutions:

A. Resolution No. 4422 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN HOLD HARMLESS AGREEMENT WITH PARK COUNTY, MONTANA FOR THE FLESHMAN CREEK PROJECT. (00:28:55)

- Bennett moved to approve Resolution No. 4422; Friedman seconded.
 - All in favor, the motion passed 5-0.

B. Resolution No. 4423 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RATIFYING CITY MANAGER'S SIGNATURE ON TEMPORARY RIGHT OF ENTRY AND OCCUPANCY AGREEMENT NO. 601.788 WITH MONTANA RAIL LINK. (00:31:45)

- Stern moved to approve Resolution No. 4423; Spannring seconded.
 - All in favor, the motion passed 5-0.

C. Resolution No. 4424 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN APPLICATION WITH MONTANA DEPARTMENT OF TRANSPORTATION FOR DRIVEWAY APPROACH FOR NEW LIVINGSTON HEALTH CARE LIFT STATION. (00:35:10)

- Friedman moved to approve Resolution No. 4424; Bennett seconded.
 - All in favor, the motion passed 5-0.

D. Resolution No. 4425 - RESOLUTION RATIFYING CALL FOR PUBLIC HEARING RELATING TO ECONOMIC DEVELOPMENT REVENUE NOTES (LIVINGSTON HEALTHCARE PROJECT) OF THE CITY IN AN APPROXIMATE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$26,000,000. (00:36:45)

- Bennett moved to approve Resolution No. 4425; Stern seconded.
 - All in favor, the motion passed 5-0.

11. Action Items:

A. Discuss lowering Speed Limit on 200 block of South 9th (Raney). (00:39:00)

- Bennett moved to direct the Administration to draft an ordinance lowering the speed limit in the 200 block of South 9th Street to 15 miles per hour; Spanring seconded.
 - All in favor, the motion passed 5-0.

B. Discuss/Approve/Deny recommendation from Zoning Commission as related to the Waterworks Preservation Zoning District. (00:43:10)

- Jim Woodhull, Building and Planning Director, made comments.
- Mary Murphy made comments.
- Nancy Adkins made comments.
- Bennett moved to direct the Administration to draft an Ordinance amending the zoning for the Waterworks Building Preservation Zoning District. Friedman seconded.
 - All in favor, the motion passed 5-0.

12. City Manager Comment:

- Ed Meece, City Manager, made comments. (01:01:05)

13. City Commission Comments (01:03:30):

- Friedman made comments.
- Spanring made comments.
- Bennett made comments.
 - Shannon Holmes, Public Works Director, responded to Bennett's comments.

14. Public Comments (01:09:37):

- Dixie Lee Bullock made comments.

15. Adjournment:

- Bennett moved to adjourn the meeting; Stern seconded.
 - Hearing no objection, Chairman Caldwell adjourned the meeting at 7:45 p.m.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

**Livingston City Commission Minutes
November 05, 2013
6:30 PM
City – County Complex, Community Room**

1. Call to Order:

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call:

- Steve Caldwell, James Bennett, Bill Spannring, Adam Stern, and Mel Friedman were present.

3. Moment of Silence.

4. Pledge of Allegiance.

5. Consent Items (00:01:10):

- A. Approve City Commission Minutes from October 15, 2013.**
- B. Ratify Claim from October 24, 2013.**
- C. Approve Bills and Claims for 2nd half of October, 2013.**

- Bennett moved to approve Consent Items A-C; Friedman seconded.
 - All in favor, the motion passed 5-0.

6. Proclamations.

- None.

7. Scheduled Public Comment.

- None.

8. Public Hearings:

- A. Resolution No. 4426 - RESOLUTION AUTHORIZING A PROJECT UNDER MONTANA CODE ANNOTATED, TITLE 90, CHAPTER 5, PART 1, AS AMENDED, AND THE ISSUANCE AND SALE OF \$26,000,000 REVENUE ANTICIPATION NOTES (LIVINGSTON HEALTHCARE PROJECT), SERIES 2013, TO FINANCE A PORTION OF THE SAME; APPROVING THE FORM OF DOCUMENTATION IN CONNECTION THEREWITH; AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE NOTES AND DOCUMENTATION. (00:01:25)**
 - No members of the public made comments.
 - Bennett moved to approve the amended red line version of Resolution No. 4426 that was provided to the City Commission; Stern seconded.
 - All in favor, the motion passed 5-0.

9. Ordinances:

A. Ordinance No. 2047 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 1 OF ORDINANCE NO. 1997 AS CODIFIED IN SECTION 9-150 ENTITLED SPEED LIMITS BY ESTABLISHING A 15 MILE SCHOOL ZONE FOR THE PRESCHOOL ON THE 200 BLOCK OF SOUTH 9TH STREET. (00:05:00)

- Stern moved to approve Ordinance No. 2047; Friedman seconded.
 - All in favor, the motion passed 5-0.

B. Ordinance No. 2048 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 2 OF ORDINANCE NO. 1963 TO ALLOW FOR THE ADDITIONAL USE OF BARBER SHOP/BEAUTY PARLOR AND TEMPORARY FENCING DURING BUILDING RESTORATION. (00:06:20)

- Stern moved to approve Resolution No. 2048; Friedman seconded.
 - All in favor, the motion passed 5-0.

10. Resolutions:

A. Resolution No. 4427 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH CTA ARCHITECTS ENGINEERS THE CONSTRUCTION OF THE LIVINGSTON FOOD PANTRY FOOD SERVICE CENTER IN THE AMOUNT OF \$68,985. (00:08:08)

- Friedman moved to approve Resolution No. 4427. Stern seconded.
 - All in favor, the motion passed 5-0.

B. Resolution No. 4428 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN HOLD HARMLESS AND RELEASE AGREEMENT WITH HEART K LAND AND CATTLE CO. INC. (00:09:50)

- Shannon Holmes, Public Works Director, made comments.
- Bennett moved to approve Resolution No. 4428; Spannring seconded.
 - All in favor, the motion passed 5-0.

C. Resolution No. 4429 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN VOLUNTARY RESOLUTION AGREEMENT FOR HRB CASE NO. 0131016160. (00:14:45)

- Bennett moved to approve Resolution No. 4429. Spannring seconded.
 - All in favor, the motion passed 5-0.

11. Action Items:**A. Discuss/Approve/Deny Special Parking Request from Kenneth Nissen. (00:27:48)**

- Bennett moved to approve Action Item A; Stern seconded.
 - All in favor, the motion passed 5-0.

B. Discuss/Approve/Deny Memorandum of Understanding with Livingston School District regarding fence alterations near River Road. (00:31:18)

- Bennett moved to approve Action Item B; Spanning seconded.
 - All in favor, the motion passed 5-0.

12. City Manager Comment:

- None.

13. City Commission Comments (00:37:35)

- Friedman made comments.
- Stern made comments.
- Spanning made comments.
- Bennett made comments.

14. Public Comments:

- Eugene Raney made comments.
- Brady Zang made comments.
- David Armstrong made comments.
- Marian Armstrong made comments.

15. Adjournment:

- Bennett moved to adjourn the meeting; Friedman seconded.
 - Hearing no objection, Chairman Caldwell adjourned the meeting at 7:51 p.m.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

**Livingston City Commission Minutes
November 19, 2013
6:30 PM
City – County Complex, Community Room**

1. Call to Order:

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call:

- Steve Caldwell, James Bennett, Bill Spanning, Adam Stern, and Mel Friedman were present.

3. Moment of Silence.

4. Pledge of Allegiance.

Recognition of Fire Chief Schoenen.

5. Consent Items (00:01:10):

- A. Approve City Commission Minutes from November 5, 2013.**
- B. Ratify Claim from November 05, 2013.**
- C. Approve Bills and Claims for 1st half of November, 2013.**

- Bennett moved to approve Consent Items A-C; Friedman seconded.
 - All in favor, the motion passed 5-0.

6. Proclamations.

- None.

7. Scheduled Public Comment.

- None.

8. Public Hearings:

- None

9. Ordinances:

- A. ORDINANCE NO. 2047 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 1 OF ORDINANCE NO. 1997 AS CODIFIED IN SECTION 9-150 ENTITLED SPEED LIMITS BY ESTABLISHING A 15 MILE SCHOOL ZONE FOR THE PRESCHOOL ON THE 200 BLOCK OF SOUTH 9TH STREET. (00:05:35)**
 - No members of the public made comments.
 - Bennett moved to approve Ordinance No. 2047; Stern seconded.
 - All in favor, the motion passed 5-0.

10. Resolutions:

- None.

11. Action Items:**A. Discuss Issues related to Z Barn. (00:07:40)**

- Paul Thibauelt made comments.
- Jim Mullan made comments.
- Dennis Franks made comments.
- Don Johnson made comments
- Michael Brannon made comments
- Ruth Dargis made comments.
- Lisa Maher made comments.
- Rose Direly made comments.
- Becky Franks made comments
- Bill Stevens made comments

B. Discuss/Approve/Deny Options regarding Sacajawea Park House. (01:14:09)

- Caldwell proposed postponing the discussion to December 3rd meeting.

12. City Manager Comment:

- None.

13. City Commission Comments (01:15:13)

- Stern made comments.
- Spannring made comments.
- Bennett made comments.

14. Public Comments:

- None.

15. Adjournment:

- Bennett moved to adjourn the meeting; Stern seconded.
 - Hearing no objection, Chairman Caldwell adjourned the meeting at 8:12 p.m.

ATTEST:

APPROVE:

David Fine, Recording Secretary

Steve Caldwell, Commission Chairman

Livingston City Commission Minutes
December 3, 2013
6:30 PM
City- County Complex, Community Room

1. Call to order

- Chairman Caldwell called the meeting to order at 6:30 p.m.

2. Roll Call

- Steve Caldwell, James Bennett, Bill Spannring, Adam Stern, and Mel Friedman were present.

3. Moment of Silence.

4. Pledge of Allegiance.

5. . Recognize Chairman Caldwell and Commissioner Spannring.

6. Consent Items (00:10:15):

A. Approve City Commission Minutes for November 19, 2013.

B. Approve Bills and Claims for 2nd half of November, 2013.

- Bennett moved to approve Consent Items A-B; Friedman seconded.
 - All in favor, the motion passed 5-0.

7. Proclamations

- None.

8. Scheduled Public Comment

A. Katie Weaver, MSU Park County Economic & Community Development Extension Agent. (00:10:30)

9. Public Hearings

- None.

10. Public Hearings

A. Ordinance No. 2048 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 2 OF ORDINANCE NO. 1963 TO ALLOW FOR THE ADDITIONAL USE OF BARBER SHOP/BEAUTY PARLOR AND TEMPORARY FENCING DURING BUILDING RESTORATION. (00:23:29)

- Kara Sturritz made comments. (00:25:02)
- Commissioner Stern made comments (00:31:00)

- Commissioner Bennett made comments (00:35:04)
- Brenda Adams made comments (00:44:03)
- Commissioner Stern made comments (00:47:15)
- Commissioner Spannring made comments (00:47:55)
- Stern moved to approve Ordinance No. 2048; Friedman seconded.
 - All in favor, the motion passed 5-0.

11. Resolutions

A. Resolution No. 4429 – A RESOLUTION OF THE CITY AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH STAHLY ENGINEERING FOR THE COMMUNITY TRANSPORTATION ENHANCEMENT PROGRAM (CTEP) VIEW VISTA DRIVE SIDEWALK PROJECT. (02:00:10)

- Bennett made comments. (02:01:35)
- Spannring moved to approve Resolution No. 4429; Stern seconded.
 - All in favor, the motion passed 5-0.

12. Action Items

A. Discuss/Approve/Deny Change Order No. 1 regarding the 2013 Main Street Construction Project. (00:52:40)

- Kurt Thompson made comments. (00:54:40)
- Commissioner Bennett made comments. (00:56:45)
- Shannon Holmes, Public Works Director made comments. (00:58:39)
- Commissioner Stern made comments. (01:03:09)
- Commissioner Spannring made comments. (01:03:35)
- Stern moved to approving the change order #1 and instructing city staff to bring back resolution authorizing City Manager to authorize change order; Bennett seconded.
 - All in favor, the motion passed 5-0.

B. Discuss parking space proposal at Senior Center - Commissioner Spannring. (01:07:30)

- Commissioner Stern made comments. (01:10:20)
- Commissioner Friedman made comments. (01:13:22)
- Chairman Caldwell made comments. (01:13:43)
- Commissioner Spannring made comments. (01:14:40)

C. Discuss/Approve/Deny options regarding house in Sacajawea Park.

- Commissioner Spannring made comments. (01:19:26)
- Commissioner Stern made comments. (01:19:34)
- Commissioner Bennett made comments. (01:21:28)
- Stern moved to approve Action Item C to remove house at Sacajawea Park; Bennett seconded.
 - All in favor, the motion passed 4-1. Caldwell, Bennett, Stern, Friedman voted in favor of the motion, Spannring voted against.

D. Discuss FY 2012-2013 Audit by Amatics CPA. Materials to be provided at City Commission Meeting. (01:23:06)

- Morgan Scare made comments. (01:24:03)

13. City Manager Comment (01:37:40)

City Manager Comments: Police Chief Raney has been working with the Park County Sheriff's Department to develop specific recommendations related to security planning/enhancement for the City-County Building. As a result, a joint administrative meeting will be held, soon, to begin translating those recommendations into our respective facility and law enforcement budgets. Due to the sensitive nature of these conversations, Chief Raney is reluctant to offer much further detail at this time.

14. City Commission Comments

- Commissioner Bennett made comments. (01:49:29)
- Chairman Caldwell made comments. (01:58:02)
- Commissioner Friedman made comments. (01:40:27)
- Commissioner Stern made comments. (01:41:07)
- Commissioner Spanning made comments. (01:45:24)

15. Public Comments

Individuals are reminded that public comments should be limited to items over which the City Commission has supervision, control, jurisdiction, or advisory power (MCA 2-3-202).

- Brenda Adams made comments. (02:02:50)
- Greg Duram made comments. (02:12:32)

16. Adjournment (02:15:20)

**Livingston City Commission Minutes
December 17, 2013
6:30 PM
City – County Complex, Community Room**

1. Call to Order

- Chairman Caldwell called the meeting to order at 6:30.

2. Roll Call

- Steve Caldwell, James Bennett, Bill Spanning, Adam Stern, and Mel Friedman were present.

3. Moment of Silence

4. Pledge of Allegiance

5. Consent Items (00:01:45)

A. Approve City Commission Minutes from December 3, 2013.

B. Approve Bills and Claims for the 1st half of December, 2013.

- Bennett moved to approve Consent Items A and B. Stern seconded.
 - All in favor, the motion passed 5-0.

C. Discuss/Approve/Deny Proclamation Request from Livingston Elks Lodge 246 for Patriotism Week for September 7-13, 2014.

- Bennett moved to approve Consent Item C. Friedman seconded.
 - All in favor, the motion passed 5-0.

6. Proclamations

- None.

7. Scheduled Public Comment

A. Michael McCormick, Livingston Food Pantry. (00:09:29)

8. Public Hearings

- None.

9. Ordinances

- None.

10. Resolutions

A. Resolution No. 4427 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DIRECTING CITY MANAGER TO APPROPRIATE \$450,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR CONSTRUCTION OF THE FOOD PANTRY PROJECT. (00:15:56)

- Bennett moved to approve Resolution 4427. Friedman seconded.
 - All in favor, the motion passed 5-0.

B. Resolution No. 4428 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DESIGNATING BREANNA POLACIK AS THE ENVIRONMENTAL CERTIFYING OFFICIAL FOR THE CDBG FOOD PANTRY PROJECT. (00:17:33)

- Bennett moved to approve Resolution 4428. Stern seconded.
 - All in favor, motion passed 5-0.

C. Resolution No. 4429 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH SWANSON EASY DECONSTRUCTION FOR DECONSTRUCTION OF THE SACAJAWEA PARK HOUSE. (00:21:27)

- Barbara Dean made comments. (00:23:32)
- Barbara Dean made comments. (00:30:29)
- Stern moved to open RFP process to remove house in Sacajawea Park. Bennett seconded.
 - All in favor, motion passed 5-0.
- Bennett moved to table Resolution 4429 until after an RFP process to find other ways to remove the house from Sacajawea Park. Stern seconded.
 - All in favor, motion passed 5-0.

11. Action Items

- None.

12. City Manager Comment

- None.

13. City Commission Comments

- Friedman made comments. (00:31:32)
- Stern made comments. (00:32:58)
- Spanring made comments. (00:35:57)
- Bennett made comments. (00:37:32)
- Caldwell made comments. (00:38:43)

14. Public Comments

- Barbara Dean made comments. (00:39:00)
- Patricia Grabou made comments. (00:42:23)

15. Adjournment (00:46:06)