



Livingston City Commission Agenda

January 04, 2018

6:30 PM

City – County Complex, Community Room

- 1. Call to Order
- 2. Oath of Office for newly elected City Commissioner Warren Mabie
- 3. Roll Call
- 4. Moment of Silence
- 5. Pledge of Allegiance
- 6. Election of Chairperson and Vice Chairperson and assignment of seats for commissioners Page 4
- 7. Consent Items
 - A. CONSENT - Approve minutes from 12.19.17 regular City Commission meeting Page 7
 - B. CONSENT - Approve Bills and Claims Page 11
 - C. CONSENT - Ratify Claims Page 20
- 8. Proclamations
- 9. Scheduled Public Comment
- 10. Public Hearings
 - D. RESOLUTION NO. 4773 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING THE AUTHORITY TO DRAFT A "SAFE AND ACCESSIBLE STREETS" POLICY. Page 22
- 11. Ordinances
- 12. Resolutions
- 13. Action Items
 - E. DISCUSS/APPROVE/DENY - Livingston Business Improvement District (LBID) and Urban Renewal Agency (URA) request for approval to fund downtown flower basket program Page 28
 - F. DISCUSS/APPROVE/DENY - City Commission Board Appointments for city committees Page 54
 - G. DISCUSS/APPROVE/DENY - Approve updated union negotiation policy Page 57

14. 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).

15. City Manager Comments

16. City Commission Comments

17. Adjournment

Calendar of Events

January 1, 2018 - City Offices closed in observance of New Year's Holiday

January 4, 2018 - 6:30 p.m. - City Commission regular meeting (date change due to holiday), Community Room, City/County Complex

January 8, 2018 - National Clean Off Your Desk Day

January 9, 2018 - National Law Enforcement Appreciation Day

January 9, 2018 - 7:00 p.m. - Board of Adjustments regular meeting, Community Room, City/County Complex

January 9, 2018 - 3:30 p.m. - Historic Preservation Committee regular meeting, Community Room, City/County Complex

January 15, 2018 - City Offices closed in observance of Martin Luther King Jr. Day

January 16, 2018 - 6:30 p.m. - City Commission regular meeting, Community Room, City/County Complex

January 17, 2018 - 8:30 a.m. - Urban Renewal Agency regular meeting, East Room, City/County Complex

January 17, 2018 - 4:00 p.m. - Livingston Park County Library Board regular meeting, Library - 228 West Callender

January 17, 2018 - 5:30 p.m. - Planning Board regular meeting, Community Room, City/County Complex

January 17, 2018 - 6:00 p.m. - Active Transportation Coalition regular meeting, Neptunes Back Room

January 23, 2018 - 12:00 p.m. - Airport Board regular meeting, Mission Field Airport

January 24, 2018 - 6:00 p.m. - Parks and Trails Committee regular meeting, Civic Center

Supplemental Material

Notice

- **Public Comment:** The public can speak about an item on the agenda during discussion of that item by coming up to the table or podium, signing-in, and then waiting to be recognized by the Chairman. 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).
- **Meeting Recording:** An audio and/or video recording of the meeting, or any portion thereof, may be purchased by contacting the City Administration. The City does not warrant the audio and/or video recording as to content, quality, or clarity.
- **Special Accommodation:** If you need special accommodations to attend or participate in our meeting, please contact the Fire Department at least 24 hours in advance of the specific meeting you are planning on attending.

Backup material for agenda item:

Election of Chairperson and Vice Chairperson and election /appointment of seats for commissioners



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Commission Business, 4 Jan 2018

Requested by:

Date of First Consideration/Status:

Purpose of Legislation: Elect Chairman/Vice Chairman, Assign Commission Seating

Statutory Authority/Reference: Livingston Code, Sec 2-14

Background: Prior to conducting business, the Commission must elect the Chair and Vice Chair for the new session. Until elections take place, the previous Chair or Vice Chair shall be the presiding officer for the meeting. Once Chair and Vice Chair have been elected, the Chair shall assign Commission seating for the new session.

Staff Recommendation:

Fiscal Impact:

Regulatory Impact (local):

Attachments: Livingston Municipal Code Excerpt

Sec. 2-14. - Officers and duties.

6

- A. General. Election, voting, absence and vacancy. The City Commission shall annually elect a chair and a vice chair at the first meeting in January to serve until the next chair and vice chair are elected. The chair and vice chair shall retain all the rights and responsibilities held as a member of the commission, including the right to vote. The chair, or in his/her absence the vice chair, shall be the presiding officer at meetings of the commission. In the absence of both the chair and vice chair, the Recording Secretary shall call the meeting to order, call for the roll and the commission members present shall then appoint an acting chair to preside over the meeting.
- B. Chairman. The presiding officer of the City Commission shall be the Chairman who shall preserve strict order and decorum at all meetings of the Commission. The chairman shall assign each Commission member to a seat at the Commission table, as he or she may deem appropriate. The Chairman shall state, or cause to be stated, every motion coming before the Commission, announce the decision of the Commission on all subjects, and decide all questions of order, subject, however, to an appeal to the Commission at large, in which event a majority vote of the Commission shall govern and conclusively determine such question of order.
- C. Vice Chairman. In the Chairman's absence or in the case of the Chairman's inability to act, the Vice Chair shall be designated by the Commission to perform the duties of the Chairman.
- D. Recording Secretary. The Recording Secretary shall record the proceedings of the City Commission and prepare and maintain permanent minutes of the Commission proceedings and shall file and preserve the recordings of the meetings and preserve and maintain the minutes and records in the City Office, which minutes and records shall be a public record; and shall be the custodian of the files and records of the Commission.
- E. Sergeant at arms. The Chief of Police, or such other officer may be designated by the Commission, shall be the Sergeant at Arms who shall assist the Chairman in preserving strict order and decorum at all meetings and shall keep track of the time when the chairman has place time limits upon a speaker's presentation.
- F. Procedure to fill Vacancy in office of City Commissioner. In the event of a vacancy in the office of City Commissioner under Section 7-4-4111, Montana Code Annotated, the City Commission shall use the follow process to fill the vacancy.
1. The City Commission shall determine that a vacancy in the office of a City Commissioner has occurred at either the next scheduled regular meeting of the City Commission or at a duly noticed special meeting as a duly noticed agenda item.
 2. At the aforementioned meeting, the City Commission shall direct staff to publish in the local newspaper, once per week for two (2) successive weeks, and shall post on the City's official posting board a request to have interested person submit an

Backup material for agenda item:

- A. CONSENT - Approve minutes from 12.19.17 regular City Commission meeting

Livingston City Commission Meeting
December 19, 2017
6:30 PM
City-County Complex

1. Call to Order

2. Roll Call

- Bennett, Hoglund, Friedman, Schwarz and Sandberg were present.

3. Moment of Silence

4. Pledge of Allegiance

5. Consent Items (00:01:04)

- A. **CONSENT - Approve minutes from regular 12.5.17 city commission meeting**
- B. **CONSENT - Approve Bills and Claims**
- C. **CONSENT - Ratify Claims**

- Friedman made a motion to approve Consent Items A-C. Schwarz seconded.
 - All in favor, motion passed 5-0.

6. Proclamations

7. Scheduled Public Comment

- A. **SCHEDULED PUBLIC COMMENT - Auditor's Report presented by Morgan Scarr, CPA, from Amatics CPA Group (00:05:30)**

8. Public Hearings

9. Ordinances

10. Resolutions

- A. **RESOLUTION NO. 4769 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTABLISH A "SAFE AND ACCESSIBLE STREETS" POLICY. (00:02:05)**

- Schwarz made a motion to pass Resolution No. 4769. Hoglund seconded.
 - All in favor, motion passed 5-0.

B. RESOLUTION NO. 4770 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR THE NORTHSIDE TRANSPORTATION STUDY.

- Don Platek made comments (00:22:02)
- Patricia Grabow made comments (00:24:40); (01:00:11)
- Warren Mabie made comments (01:04:49)
- Schwarz made a motion to pass Resolution No. 4770. Friedman seconded.
 - All in favor, motion passed 5-0.

C. RESOLUTION NO. 4771 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS REQUIRED TO EXECUTE THE CITY MANAGER'S RECOMMENDATION FOR AMENDMENT #2 TO THE WATER RECLAMATION FACILITY PROFESSIONAL SERVICES AGREEMENT WITH AE2S.

(01:11:51)

- Schwarz made a motion to pass Resolution No. 4771. Hoglund seconded.
 - Motion passed 4-1. (Sandberg opposed.)

D. RESOLUTION NO. 4772 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR THE CALLENDER AND MAIN STREET CAPITAL IMPROVEMENT PROJECT.

(01:28:08)

- Friedman made a motion to pass Resolution No. 4772. Hoglund seconded.
 - Motion passed 4-1. (Sandberg opposed.)

11. Action Items

A. DISCUSS/APPROVE/DENY - Approve Auditor's Report as presented by Morgan Scarr, CPA from Amatics CPA Group (00:15:50)

- Hoglund made a motion to approve Action Item A. Friedman seconded.
 - All in favor, motion passed 5-0.

12. Public Comments (02:48:01)

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).

- Patricia Grabow made comments (01:34:43)
- Warren Mabie made comments (01:39:39)

13. City Manager Comments (01:40:20)

14. City Commission Comments

- Sandberg made comments (01:43:40)
- Schwarz made comments (01:44:14)
- Friedman made comments (01:45:45)
- Hogle made comments (01:46:11)
- Bennett made comments (01:47:47)

15. Adjournment (8:19 PM)

Backup material for agenda item:

- B. CONSENT - Approve Bills and Claims

12/27/17
12:03:19

CITY OF LIVINGSTON
Claim Approval List
For the Accounting Period: 12/17

Page: 1 of 1
Report ID: AP100

* ... Over spent expenditure

Claim	Vendor #/Name/	Document \$/	Disc \$						Cash
Check	Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object	Proj	Account	
34500	3293 BLACKFOOT COMMUNICATIONS	151.48							
166824	12/01/17 Internet	50.49*			2500 151 430220	346		101000	
166824	12/01/17 Internet	50.49*			5310 503 430610	346		101000	
166824	12/01/17 Internet	50.50*			5410 504 430820	346		101000	
34501	23 CARQUEST AUTO PARTS	144.04							
1912397507	12/12/17 Oil filter	37.88*			5410 504 430830	231		101000	
1912397471	12/11/17 Oil filter	18.94			2500 151 430240	232		101000	
1912397506	12/12/17 Air	87.22			2500 151 430240	232		101000	
34502	2112 CHURCHILL EQUIPMENT CO., INC.	13.57							
61863	11/29/17 Fee	13.57			1000 155 430930	361		101000	
34503	102 INDUSTRIAL TOWEL	68.34							
39513	12/15/17 Slate WRF	24.50			5310 503 430610	224		101000	
39513	12/15/17 Mat cleaning	8.77			5310 503 430610	224		101000	
39513	12/15/17 Mat cleaning	8.77			5210 502 430510	224		101000	
39513	12/15/17 Mat cleaning	8.77			5410 504 430820	220		101000	
39513	12/15/17 Mat cleaning	8.77			2500 151 430220	224		101000	
39513	12/15/17 Mat cleaning	8.76			1000 106 411030	200		101000	
34504	2001 KARNATZ TREE SERVICE	520.00							
13	11/04/17 Stump	75.00			1000 155 460430	402		101000	
12	11/04/17 Cemetery stump grinding	445.00			1000 155 430930	402		101000	
34505	1390 KEN'S EQUIPMENT REPAIR, INC	690.60							
50145	12/12/17 410 R	131.25			5210 502 430515	362		101000	
50145	12/12/17 410 R	131.25*			5310 503 430625	362		101000	
50143	12/12/17 410 R	214.05*			5310 503 430625	362		101000	
50143	12/12/17 410 R	214.05			5210 502 430515	362		101000	
34506	776 KENYON NOBLE	107.56							
6322351	12/08/17 M st. Vault toilet concrete	51.66			1000 155 460430	231		101000	
6322005	12/08/11 M st. Vault toilet concrete	14.64			1000 155 460430	231		101000	
6319226	12/06/17 M st.	20.80			1000 155 460430	231		101000	
6320317	12/07/17 M st.	20.46			1000 155 460430	231		101000	
34507	26 LIVINGSTON ACE HARDWARE -	308.87							
B49068	12/13/17 M st. palyground equip.	7.79			1000 155 460430	231		101000	
B46159	12/07/17 Shop	23.97			1000 155 460430	231		101000	
B46087	12/07/17 Shop paint	67.56			1000 155 460430	231		101000	
B45100	12/05/17 Shop paint	40.98			1000 155 460430	231		101000	
B45022	12/05/17 Shop office parts	10.26			1000 155 460430	231		101000	
B49742	12/14/17 Nipple and coupling	158.31			5210 502 430515	231		101000	

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CITY OF LIVINGSTON
Claim Approval List
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Report ID: AP100

* ... Over spent expenditure

Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
34508	3040 MIDWAY RENTAL, INC. 5-838263 12/08/17 M st. playground	12.24 12.24			1000 155 460430	231	101000
34509	3688 MURDOCH'S RANCH & HOME SUPPLY 00686 12/12/17 Tarp and canvas	59.99 59.99			2500 151 430240	232	101000
34510	2437 O'REILLY AUTOMOTIVE, INC 1558431041 09/16/17 V-belt	4.82 4.82			5310 503 430640	231	101000
34511	2299 RIVER BEND THREADS 636 12/08/17 P.W. Ball caps 636 12/08/17 P.W. Ball caps 636 12/08/17 P.W. Ball caps 636 12/08/17 P.W. Ball caps 636 12/08/17 P.W. Ball caps	400.00 80.00 80.00 80.00 80.00			1000 155 430950 2500 151 430240 5210 502 430515 5310 503 430625 5410 504 430830	148 148 148 148	101000 101000 101000 101000 101000
34513	1718 SOLID WASTE SYSTEMS, INC. 0101510 12/07/17 Gripper pad	500.00 500.00*			5410 504 430830	232	101000
34514	1814 SPECIAL LUBE 53792 12/13/17 49-77050	33.00 33.00*			5210 502 430515	232	101000
34515	3046 SPURLINE, INC. 15427 11/30/17 T post puller stand alone	62.99 62.99			1000 155 460430	231	101000
34516	533 T & E THE CAT RENTAL STORE 0430641 11/16/17 Cap fuel	33.98 33.98			5310 503 430640	231	101000
34517	1 TECH ELECTRIC, INC 38493 12/07/17 Troubleshootin	292.50 292.50			5310 503 430640	361	101000
34519	23 CARQUEST AUTO PARTS 1912397818 12/15/17 Jump starter	443.00 443.00*			5410 504 430830	231	101000
34520	294 CHAPPELL'S BODY SHOP, INC. 15790 12/18/17 Adjust door 15789 12/18/17 Install panel and handle	679.39 70.00 609.39			5410 504 430830 5310 503 430625	362 232	101000 101000
34521	26 LIVINGSTON ACE HARDWARE - B51620 12/18/17 bulk propane	21.53 21.53			5210 502 430515	231	101000

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CITY OF LIVINGSTON
Claim Approval List
For the Accounting Period: 12/17

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* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
34522		3740 MARCOM		176.00					
	1712197	12/18/17 Coliform		176.00			5210 502 430515	355	101000
34523		2356 RED TIGER DRILLING, INC		3,047.75					
	9731	12/11/17 Geysers street		3,047.75			5210 502 430515	361	101000
34524		1814 SPECIAL LUBE		37.00					
	53637	11/27/17 GMC 49627		37.00			5410 504 430830	362	101000
34525		3353 STORY DISTRIBUTING		1,032.83					
	78892	12/12/17 Diesel 425g		1,013.63*			1000 123 411700	236	101000
	78892	12/12/17 Additive 24 oz		19.20*			1000 123 411700	236	101000
34526		3744 THOMAS PRINTING, INC.		276.57					
	26705	12/08/17 Sewer maintenance books		276.57			5310 503 430625	231	101000
34527		1430 USA BLUEBOOK		395.96					
	275989	06/15/17 Hach DPD		202.61			5210 502 430515	355	101000
	350707	08/25/17 Service box extension		193.35			5210 502 430515	231	101000
34528		3659 RIVERSIDE HARDWARE LLC		10.00					
	35049	12/14/17 Screwdriver		10.00			1000 123 411700	211	101000
34529		122 DEPARTMENT OF REVENUE		15,386.44					
	4	12/14/17 DAC - Gross Receipts Tax		15,386.44*			5310 503 430640	940	101000
34530		2840 DICK ANDERSON CONSTRUCTION		1523,257.31					
	4	11/22/17 WRF pay application 4		1538,643.75*			5310 503 430640	940	101000
	4	11/22/17 Gross receipts tax withheld		-15,386.44*			5310 503 430640	940	101000
34531		102 INDUSTRIAL TOWEL		32.80					
	39500	12/15/17 Rug maint.		32.80			1000 121 411230	360	101000
34532		3688 MURDOCH'S RANCH & HOME SUPPLY		80.00					
	1540	12/14/17 Tobacco License Refund		80.00			1000 322000		101000
34533		879 VERIZON WIRELESS		406.35					
	9797467286	12/04/17 Air Cards - Nov.		406.35			1000 131 420100	347	101000

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CITY OF LIVINGSTON
Claim Approval List
For the Accounting Period: 12/17

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* ... Over spent expenditure

Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
34534	54 GATEWAY OFFICE SUPPLY	14.49					
	38883 12/14/17 Office Supplies	14.49			1000 123 411700	211	101000
34535	278 MMIA	2,418.99					
	1117015 12/05/17 Deductible Recovery	2,418.99*			5310 503 510331	511	101000
34539	151 NORTHWESTERN ENERGY	10,640.40					
	0709793-4 12/14/17 406 Bennett 50%	262.20			2500 151 430220	341	101000
	0709793-4 12/14/17 406 Bennett 50%	262.21			5410 504 430820	341	101000
	2171060-3 12/13/17 Scale House 408 Bennett	83.20			5410 504 430820	341	101000
	1728687-3 12/06/17 Transfer Station 408 Bennet	610.82			5410 504 430820	341	101000
	3267010-1 12/06/17 Compactor 330 Bennett	135.03			5410 504 430820	341	101000
	0709794-2 12/06/17 WRF 316 Bennett	8,180.49			5310 503 430640	341	101000
	0720048-8 12/06/17 330 Bennett 1/4	238.34			5210 502 430520	341	101000
	0720048-8 12/06/17 330 Bennett 1/4	238.34			5310 503 430620	341	101000
	0720048-8 12/06/17 330 Bennett 1/4	238.35			5410 504 430820	341	101000
	0720048-8 12/06/17 330 Bennett 1/4	238.35			1000 106 411030	341	101000
	3015965-1 12/13/17 Fire Training Center	153.07			1000 141 420400	341	101000
34540	151 NORTHWESTERN ENERGY	1,789.34					
	0709871-8 12/13/17 Star Addition	301.27			2400 420100	340	101000
	3287727-6 12/13/17 320 Alpenglow	41.45			2400 420100	340	101000
	3386783-9 12/13/17 Btwn G and H on Clark	67.35			2400 420100	340	101000
	3386845-6 12/13/17 Btwn I and K on Callender	63.82			2400 420100	340	101000
	3386846-4 12/13/17 Btwn 7th and 8th on Summit	34.40			2400 420100	340	101000
	1498936-2 12/13/17 I90 & 89S	5.85			2400 420100	340	101000
	0709796-7 12/13/17 97 View Vista Dr.	5.85			2400 420100	340	101000
	1893530-4 12/13/17 600 W Park	91.79			2400 420100	340	101000
	1493850-0 12/13/17 412 W Callender	92.23			2400 420100	340	101000
	3141997-1 12/13/17 C and D on Lewis	27.37			2400 420100	340	101000
	2023484-5 12/13/17 1100 W Geyser	5.85			2400 420100	340	101000
	2023479-5 12/13/17 900 W Geyser	5.85			2400 420100	340	101000
	2114861-4 12/13/17 132 South B	203.88			2400 420100	340	101000
	1893536-1 12/13/17 E street and alley	62.91			2400 420100	340	101000
	1893541-1 12/13/17 18 W Park	145.98			2400 420100	340	101000
	1747572-4` 12/13/17 F and G on Callender	40.26			2400 420100	340	101000
	1747570-8 12/13/17 D and E on Callender	72.22			2400 420100	340	101000
	1613803-4 12/13/17 M and N on Callender	94.02			2400 420100	340	101000
	1290352-2` 12/13/17 School Flasher Park and 13	8.36			2400 420100	340	101000
	1134879-4 12/13/17 North 7th and Montana and C	54.51			2400 420100	340	101000
	1134866-1 12/13/17 N. 2nd and Montana and Chin	89.60			2400 420100	340	101000
	0709869-2 12/13/17 Carol lane	120.12			2400 420100	340	101000
	3093027-5 12/13/17 105 W Park	64.36			2400 420100	340	101000
	3093023-4 12/13/17 320 North Main	21.92			2400 420100	340	101000

12/27/17
12:03:19

CITY OF LIVINGSTON
Claim Approval List
For the Accounting Period: 12/17

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* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
	3093003-6	12/13/17 114 W Summit		39.01			2400 420100	340	101000
	3184602-5	12/13/17 202 South 2nd		29.11			2400 420100	340	101000
34542			402 ALPINE ELECTRONICS RADIO SHACK	33.98					
	10244439	12/18/17 USB		33.98			2500 151 430240	232	101000
34543			26 LIVINGSTON ACE HARDWARE -	26.99					
	B51802	12/19/17 Mask valve		26.99			2500 151 430240	231	101000
34544			776 KENYON NOBLE	14.99					
	6336910	12/19/17 Metal cutoff wheel		14.99			2500 151 430240	232	101000
34545			2863 KIMBALL MIDWEST	185.54					
	6031994	12/12/17 Paint supplies		185.54			2500 151 430240	231	101000
34546			2109 ROCKY MOUNTAIN TRUCK CENTER,	539.22					
	0011080782	12/04/17 Filter		139.66			2500 151 430240	232	101000
	0011080781	11/28/17 Light and filter		399.56			2500 151 430240	232	101000
34547			1814 SPECIAL LUBE	128.00					
	53405	11/08/17 493700		61.00			2500 151 430240	362	101000
	53514	12/11/17 GMC 49-9971		67.00			2500 151 430240	362	101000
34548			3353 STORY DISTRIBUTING	731.92					
	78957	12/19/17 Diesel 304g		715.92*			1000 123 411700	236	101000
	78957	12/19/17 Additive 20oz		16.00*			1000 123 411700	236	101000
34549			1 TECH ELECTRIC, INC	399.17					
	38553	12/14/17 Electrical work on lights		399.17			2400 420100	231	101000
34553			151 NORTHWESTERN ENERGY	4,174.55					
	0709873-4	12/13/17 800 W. Cambridge		27.05			5310 503 430625	344	101000
	0719058-0	12/07/17 3 Rogers Lane Lift station		23.84			5310 503 430625	344	101000
	0709914-6	12/07/17 1011 River Dr.		18.70			5310 503 430625	344	101000
	1452951-5	12/07/17 9th and 10th lift station		25.81			5310 503 430625	344	101000
	3258086-2	12/13/17 2800 East Park L.S.		321.13			5310 503 430625	344	101000
	3258262-9	12/06/17 320 Alpenglow L.S		195.72			5310 503 430625	344	101000
	0709892-4	12/13/17 40 Water Tower Ave.		47.70			5210 502 430515	341	101000
	0709876-7	12/08/17 132 South B		1,453.26			5210 502 430515	341	101000
	0709886-6	12/13/17 200 E. Reservoir		92.50			5210 502 430515	341	101000
	0709894-0	12/06/17 56 Water Tower		390.83			5210 502 430515	341	101000
	1441030-2	12/08/17 D and Geyser Well House		975.79			5210 502 430515	341	101000
	0709874-2	12/07/17 Werner Addition Pump		63.33			5210 502 430515	341	101000
	0709875-9	12/07/17 900 River Dr. Pump		131.30			5210 502 430515	341	101000
	1452951-5	12/07/17 Monroe L.S.		407.59			5310 503 430625	344	101000

12/27/17
12:03:19

CITY OF LIVINGSTON
Claim Approval List
For the Accounting Period: 12/17

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* ... Over spent expenditure

Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
34554	151 NORTHWESTERN ENERGY	381.46					
	0709891-6 12/13/17 15 Fleshman Creek	20.42			1000 155 430950	341	101000
	0709870-0 12/13/17 422 South G	209.13			1000 155 430950	341	101000
	0709878-3 12/11/17 227 River Dr.	84.26			1000 155 430950	341	101000
	0709879-1 12/11/17 227 River Dr. Softball fiel	7.35			1000 155 430950	341	101000
	1906055-7 12/14/17 815 North 13th	1.66			1000 155 430950	341	101000
	0720176-7 12/13/17 Weimer Park	28.12			1000 155 430950	341	101000
	1155965-5 12/13/17 229 River dr.	6.09			1000 155 430950	341	101000
	2138754-3 12/13/17 G street Park	18.46			1000 155 430950	341	101000
	3210240-2 12/13/17 616 River Dr.	5.97			1000 155 430950	341	101000
34555	1920 HORIZON AUTO PARTS	17.49					
	812304 12/22/17 Premium capsules	17.49			5310 503 430625	231	101000
34556	2863 KIMBALL MIDWEST	156.29					
	6031952 12/12/17 Med supplies	156.29*			5410 504 430830	231	101000
34557	3688 MURDOCH'S RANCH & HOME SUPPLY	99.96					
	00715 12/22/17 Pushbroom and Shovel	99.96			5210 502 430515	231	101000
34558	1814 SPECIAL LUBE	55.00					
	53313 11/01/17 49-9973A	55.00			5310 503 430625	232	101000
34560	102 INDUSTRIAL TOWEL	38.65					
	39973 12/21/17 Rug maint, towels	38.65			1000 121 411230	360	101000
34561	1747 CANON FINANCIAL SERVICES, INC	100.12					
	18112661 12/25/17 Printer Copier Lease	100.12*			1000 109 460449	320	101000
34562	2999 TEAR IT UP L.L.C.	76.00					
	36774 12/20/17 160#'s Shredding	41.00			2300 132 420160	220	101000
	36774 12/20/17 130#'s Shredding	35.00			1000 131 420100	220	101000
34563	3020 SECURITY SOLUTIONS, INC.	2,430.00					
	7075 12/01/17 Access Control - 911 Center	1,950.00*			2300 132 420160	227	101000
	7085 12/04/17 Access Control - 911 Center	480.00*			2300 132 420160	227	101000
34564	2634 MOTOROLA	26,742.20					
	41243756 11/24/17 #5 - 5% Radio System	13,371.10*			2300 132 420160	940	101000
	41243755 11/24/17 #4 - 5% Radio System	13,371.10*			2300 132 420160	940	101000

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CITY OF LIVINGSTON
Claim Approval List
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* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
34565		3390 TD&H ENGINEERING, INC		1,210.50					
	11258	11/15/17 Water master plan		1,210.50*			2399 502 430520	960	101000
34566		3390 TD&H ENGINEERING, INC		2,909.60					
	11401	12/13/17 Project B15-107 2016CIP		669.21			2500 151 430240	960	101000
	11401	12/13/17 Project B15-107 2016CIP		1,571.18			5210 502 430520	960	101000
	11401	12/13/17 Project B15-107 2016CIP		669.21			5310 503 430630	960	101000
34567		3390 TD&H ENGINEERING, INC		868.25					
	11404	12/14/17 Water master plan		868.25*			2399 502 430520	960	101000
34568		3390 TD&H ENGINEERING, INC		3,276.25					
	11259	11/15/17 080 hydro geologic study		121.50			5210 502 430520	995	101000
	11259	11/15/17 033 Discovery vista		278.08			5210 502 430515	350	101000
	11259	11/15/17 003 Discovery vista		278.08			5310 503 430610	352	101000
	11259	11/15/17 003 Discovery vista		278.09			5310 503 430630	960	101000
	11259	11/15/17 020 General civil		428.00			5310 503 430610	352	101000
	11259	11/15/17 020 General civil		428.00			5210 502 430515	350	101000
	11259	11/15/17 020 General civil		428.00			2500 151 430220	352	101000
	11259	11/15/17 020 General civil		345.50			5310 503 430630	960	101000
	11259	11/15/17 020 General civil		345.50			5210 502 430520	960	101000
	11259	11/15/17 020 General civil		345.50			2500 151 430240	960	101000
34569		3390 TD&H ENGINEERING, INC		5,817.75					
	11400	12/15/17 035 Transfer Station main exte		2,367.25			5410 504 430835	960	101000
	11400	12/15/17 081 9th/10th sewer		760.75			5310 503 430630	960	101000
	11400	12/15/17 033 Discovery vista		256.08			5310 503 430610	352	101000
	11400	12/15/17 033 Discovery vista		256.08			5210 502 430515	350	101000
	11400	12/15/17 033 Discovery vista		256.09			5310 503 430610	352	101000
	11400	12/15/17 020 General civil		538.00			5310 503 430630	960	101000
	11400	12/15/17 020 General civil		538.00			5210 502 430520	960	101000
	11400	12/15/17 020 General civil		538.00			2500 151 430240	960	101000
	11400	12/15/17 023 Octagon review Loves ln		67.25			5210 502 430515	350	101000
	11400	12/15/17 023 Octagon review Loves ln		67.25			5310 503 430610	352	101000
	11400	12/15/17 032 Northtown Subdivsion		57.66			5310 503 430610	352	101000
	11400	12/15/17 032 Northtown Subdivsion		57.67			5210 502 430515	350	101000
	11400	12/15/17 032 Northtown Subdivsion		57.67			2500 151 430220	352	101000
34570		23 CARQUEST AUTO PARTS		14.24					
	1912398179	12/20/17 Headlight Lamp		14.24			1000 131 420100	231	101000

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12:03:19

CITY OF LIVINGSTON
Claim Approval List
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* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
34571		26 LIVINGSTON ACE HARDWARE - B52730 12/20/17 Police Dept. Supplies		26.58 26.58			1000 131 420100	220	101000
34572		2213 SALT LAKE WHOLESALE SPORTS 42132 06/20/17 Ammunition		1,621.00 1,621.00			1000 131 420100	228	101000
34573		3745 ADCOMM ENGINEERING COMPANY 14683 11/16/17 Radio System Review		68,000.00 68,000.00*			2300 132 420160	350	101000
34574		23 CARQUEST AUTO PARTS 1912398575 12/26/17 Battery and latitude		261.99 261.99*			5410 504 430830	232	101000
34575		162 CENTURYLINK 0083 12/16/17 Building Dept.		159.86 159.86			1000 143 420403	343	101000
34576		162 CENTURYLINK 0082 12/16/17 City Shop 50% 0082 12/16/17 City Shop 12% 0082 12/16/17 City Shop 38% 0149 12/16/17 Civic Center		160.53 30.80 7.39 23.40 98.94			2500 151 430220 5310 503 430620 5410 504 430820 1000 109 460449	343 343 343 343	101000 101000 101000 101000
34577		23 CARQUEST AUTO PARTS 1912398398 12/22/17 Ice Cutter		7.98 7.98			1000 131 420100	231	101000
34578		292 UPS STORE #2420, THE 335830705 12/26/17 LPD Shipment		10.14 10.14			1000 123 411700	310	101000
34579		2437 O'REILLY AUTOMOTIVE, INC 1558115840 12/26/17 Wiper Blades 1558115697 12/22/17 Wiper Blades		58.93 42.74 16.19			1000 131 420100 1000 131 420100	231 231	101000 101000
34580		3746 VERIZON WIRELESS - VSAT 170294727 12/19/17 SMS		100.00 100.00			1000 131 420100	350	101000
34581		2608 STATE OF MONTANA - ITSD 20181130 12/12/17 33% Video Conferencing		149.86 149.86			1000 102 410360	380	101000
		# of Claims	72	Total: 1684,535.12					

Backup material for agenda item:

C. CONSENT - Ratify Claims

12/27/17
12:10:12

CITY OF LIVINGSTON
Claim Details by Fund, Account
For the Accounting Period: 12/17

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For Doc # = 34518

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 GENERAL	460442 CIVIC CENTER ADMIN	98 GRAYBEAL'S ALL SERVICE	50% Civic Center Hea	1,850.00
			Total for Fund:	1,850.00
			Total:	1,850.00

Backup material for agenda item:

- A. RESOLUTION NO. 4773 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING THE AUTHORITY TO DRAFT A "SAFE AND ACCESSIBLE STREETS" POLICY.



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Resolution 4773

Requested by: Michael J. Kardoes, City Manager

Date of First Consideration/Status: December 19, 2017, Approval to generate a “Safe and Accessible Streets Policy” for the City of Livingston

Purpose of Legislation: Approval for the City Administration to work with the Active Transportation Coalition, other Civic Groups, and general public involvement to generate a “Safe and Accessible Streets” policy to ultimately present to the City Commission.

Statutory Authority/Reference: Approval to generate a Safe and Accessible Streets policy

Background: The Active Transportation Coalition attended the BACI (Building Active Communities Institute) in May in Butte, Montana. The Coalition identified two goals while attending the conference. The goals are to create an outreach action plan and develop a Safe and Accessible Streets policy draft for recommendation to the City of Livingston City Commission and Park County Commission.

Staff Recommendation: The City Manager recommends approving the Resolution establishing authority to draft a Safe and Accessible Streets policy.

Fiscal Impact: There is no direct fiscal impact for drafting this policy. All stipulations can be accomplished using City Staff time and materials.

Regulatory Impact (local): None at this time. There may be a regulatory impact if the policy is adopted by the City Commission

Attachments: Safe and Accessible Streets Policy Outline

RESOLUTION NO. 4773

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING THE AUTHORITY TO DRAFT A “SAFE AND ACCESSIBLE STREETS” POLICY.

WHEREAS, the City of Livingston would like to improve city streets and sidewalks to make walking and bicycling more convenient; provide increased access to jobs, retail, and schools; improve pedestrian and vehicular safety; and improve transportation options that promote a healthy lifestyle; and;

WHEREAS, establishing a "Safe and Accessible Streets" policy, outline attached hereto as Exhibit A would help those tasked with planning design and implementation to meet the needs in our community, and;

WHEREAS, safe and usable streets are essential in providing safe routes to school for children;

WHEREAS, a "Safe and Accessible Streets" program will include consideration of all aspects of transportation needs outlined by the City in street rehabilitation or construction designs, and;

WHEREAS, a well-designed transportation network will provide improved consideration for safety for residents who choose an alternative mode of transportation methods, and;

WHEREAS, the "Safe and Accessible Streets" policy conforms and supports the City's Growth Policy and implementation of goals and objectives, and the policy supports the City's Capital Improvement Plan.

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Livingston, Montana, as follows:

That the City of Livingston hereby establishes the authority to draft a “Safe and Accessible Streets” policy for the City of Livingston, Montana.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this _____ day of January, 2018.

- Chairman

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

JAY PORTEEN
City Attorney

RESOLUTION NO. 4773 –
Establishing the authority to draft a “Safe and Accessible Streets” policy.

Safe and Accessible Streets Policy Outline

Vision/Intent

The City of Livingston is considering a Safe and Accessible Streets Policy to develop safe, reliable, efficient, integrated, and connected multimodal transportation system that promotes access, mobility, and safe alternatives for all users.

All Users and Modes

The City of Livingston will endeavor to ensure the safety and convenience of all users of the transportation system are accommodated, including pedestrians, bicyclists, transit riders, people of all ages and abilities, motorist, emergency responders, freight providers, and adjacent land users. When there are conflicting needs among users and modes, the following prioritization will apply:

1. safety is the primary concern, followed by mobility;
2. among modes, pedestrians shall come first citywide, followed by the next most vulnerable types of users; and finally,
3. seek balance among all modes involved.

It is recognized that all modes cannot receive the same type of accommodation and space on every street, but the overall goal is that everyone can safely, comfortably, and conveniently travel through the City of Livingston.

Projects and Phases

The City of Livingston will take into consideration the opportunity to create safer and more accessible streets for all users during transportation improvement projects. This may include, but is not limited to: planning, programming, design, right-of-way acquisition, construction, construction engineering, reconstruction, operation, and maintenance. Other changes to transportation facilities on streets and rights-of-way, including capital improvements, re-channelization projects, and major maintenance may also be included where appropriate.

Under this policy, permit application for updates to sidewalk, curb, gutter, and street improvements, or for new development, need to demonstrate compliance with this policy.

Policy Elements

The City of Livingston will work with the Active Transportation Coalition and other interested groups through the public involvement process to define the policy elements specific to the City of Livingston. These elements will refine the vision, provide clear direction and intent, are accountable to the community's needs, and grant the flexibility in design and approach necessary to secure an effective "Safe and Accessible Street" policy process and outcome.

NOTICE

A public hearing will be held by the City Commission of Livingston, Montana, on January 2, 2018, at 6:30 p.m. in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on Resolution No. 4769 entitled A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTABLISH A "SAFE AND ACCESSIBLE STREETS" POLICY.

All interested persons are invited to attend and give their comments. For additional information contact Michael Kardoes, City Manager, 414 East Callender Street, Livingston, MT 59047, or by phone at 823-6000.

Publish December 22 and December 29, 2017.

Backup material for agenda item:

- A. DISCUSS/APPROVE/DENY - Livingston Business Improvement District (LBID) and Urban Renewal Agency (URA) request for approval to fund downtown flower basket program



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Action Item A, 4 Jan 2018

Requested by: URA/LBID

Date of First Consideration/Status: 1st Consideration

Purpose of Legislation: Authorize the URA to continue to participate in the Flower Basket Program

Statutory Authority/Reference: Oversight of URA

Background: See attachment.

Staff Recommendation: Allow URA to budget for Flower Basket Program if they desire.

Fiscal Impact: Approximate cost of \$6K - \$10K per year. Current balance is approximately \$159K.

Regulatory Impact (local):

Attachments: LBID background paper

History of Downtown Planter Basket Program



Since 2009, upon the approval of the recommendation of the URA board members, the City has agreed to payment of planting of flowers in coco liners, installation of flower baskets on downtown light poles and storage of baskets at the contracted vendor's establishment during the non-summer months. Information provided by the City of Livingston finance team includes that in 2016 and 2017, \$4,032 and \$4,959, respectively, was paid to Oak Gardens. They did not have additional information on the amounts paid for baskets, prior to those two years, at the time of the request.

At present, between the months of June and as late as October, 24 beautiful baskets grace the downtown district light poles, providing vibrant and welcoming streetscape decor to locals and visitors in the area. The long-term vision for the "Downtown Planter Basket Program" is to have anywhere between 45-50 planter baskets installed during the summer months in the downtown district (once all downtown streets are completely reconstructed).

Since its inception in 2011, LBID has paid for the contracted labor associated with the maintenance (watering, fertilizing and some pruning/detangling) of the flowers in the baskets. The contractor uses two bags of Peter's Fertilizer per season, a double tank watering system and two low-flow pumps to water baskets at around 1:30 a.m. each morning. Anywhere between 60 and 80 gallons of water is used per night. Flowers are watered and/or fertilized 7 days a week. The contractor also detangles the flowers on an ongoing basis especially after really windy days. The estimated average cost per year for the flower basket maintenance, watering and fertilizing is \$6,500. Since the contractor also empties garbage receptacles and cleans sidewalks as part of the same contract, an exact figure for the basket program is not feasible.

The most recent agreement with a nursery to provide services for planting and installation of the downtown flower baskets ended in 2017. In August 2017, a request for proposals (due 9/30/17) was sent via email



to ten separate landscape consultants and/or nurseries:

LIVINGSTON:

Ace Hardware – Tom Shellenberg – Shellenberg@bresnan.net
 Woods Rose – Kris Fitzgerald – woodsrosemarket@gmail.com
 Native Landscapes – Dave Jensen – nativelandscapes@wispwest.net
 Jodi Litchfield – jodilitch@gmail.com
 Heather’s Garden Services - Heather Muldoon – hgsmontana@gmail.com

BOZEMAN:

Oak Gardens – oakgardens@montana.com
 Lawson – contact@lawsongreenhouse.com
 Cashman – info@cashmannursery.com
 Wagner – Jessica@wagnernursery.net
 MT Gardens – mtgardenscountrymarket@gmail.com

The 2017 proposal was for a contract period of five years and included the following requirements:

1. Planting 24 planters with colorful assortment of sun-loving and hardy (think Livingston winds) flowers, to be potted early enough in the year to have them looking full and beautiful by the time of installation.
2. Replace any fiber matting that has degraded in the existing planters.
3. Install the 24 planters. Installation would take place within the first two weeks of June of each year and be coordinated with the contracted LBID maintenance person.
4. Provide fertilizer for the planters. They will get watered with fertilizer 5 out of 7 days.
5. Trim the plants two times during the summer.
6. Taking down the planters after the growing season. This would take place the end of September or first part of October (generally after the first frost).
7. Store the planters until they are prepared for installation in the next season.

The proposal also included language about pricing out costs per individual basket in case additional planters were bought and hung on additional light poles as those were added during reconstruction activities.

By the deadline of 9/30/17, only one local proposal had been received from Woods Rose on 9/13/17 (see **Attachment A**).

At the October 2017 LBID meeting, board members unanimously approved acceptance of the Woods Rose proposal. Since that time, in conversations with URA members, it was brought to the attention of LBID members that there was a moratorium set on URA spending and that it might be unlikely for the URA to continue to pay for the flower

baskets. At the 12/13/17 URA meeting, Kristen Galbraith, Chair of LBID, gave a presentation about the flower basket proposal and the need for continued assistance from URA funds to sustain the program.

The request from LBID is to enter into a contract with Kris Fitzgerald at Woods Rose so that she can move forward with ordering plugs and acquiring additional greenhouse space to grow the flowers that will be included in the baskets. The request of LBID board members is to also include language and a budget line item for the continued support of the flower program (in perpetuity) by the City of Livingston (through URA funding) in the new bond language that is being developed for the potential continuance of the URA.

Additional information from LBID is included in **Attachment B** which helps explain our district, our board and some of the other projects we work on (including the recently completed Strategic Plan, Banner Program Document, etc.).

If the URA and/or the City cannot help support the flower basket program into the future, it will likely not be as successful as years past – meaning less baskets and less maintenance. The worst case scenario would be that the program was eliminated, as I know myself and several other members of civic groups and boards in Livingston are overcommitted and won't have any additional volunteer hours to try to find another way to finance this program. LBID would not be able to pay for the entire program amount as we have limited tax increment funding; much of that funding goes to other downtown events and maintenance (the Hoot; BrewFest; graffiti remediation; sidewalk and garbage maintenance; banner program; etc.).

Given the amount of downtown reconstruction activities that will be taking place over the next few years, it seems more important than ever to have some these baskets (and our banners) to help with inviting visitors and our locals to continue to walk the streets of historic downtown and support our local merchants.

Attachment A

Woods Rose Flower Basket Proposal

Woods Rose Market
 1372 HWY 10 W
 Livingston, MT

Name/Address
Downtown Livingston Baskets

Date	Estimate No.	Project
09/14/17	13	

Item	Description	Quantity	Cost	Total
Materials	All materials for 24 baskets including: Coco liners, potting soil, slow release fertilizer, plant material and water soluble fertilizer for the season.		1,934.00	1,934.00
Labor	Labor for season including: Installation, pruning and removal of baskets.		1,440.00	1,440.00
Greenhouse	Greenhouse fee for planting, growing, fertilizing and pruning through June install date and storage of planters over winter.		3,350.00	3,350.00
Materials	Cost per additional basket: \$250		0.00	0.00
			Total	\$6,724.00

Attachment B

Relevant LBID Documents



Strategic Plan 2017 - 2021



Approved by the Livingston Business Improvement District on August 18, 2017.

Livingston Business Improvement District
PO Box 284
Livingston, MT 59047
www.downtownlivingston.com

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Strategic Goals	
Short Term	Pages 7-8
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Mission Statement

The Livingston Business Improvement District (LBID) enhances the vitality of downtown Livingston by facilitating commerce, enhancing streetscapes, conducting maintenance and improving security and safety.

Vision Statement

The LBID seeks to be one of the driving forces behind a successful business district which preserves our historic downtown, enriches our culture and continues to improve and maintain the physical appearance and aesthetics of the District in order to continue to attract long-term and viable businesses, invigorate community activity and enhance visitor experiences.

Strategic Plan Process

The Strategic Plan is a format and solution that assists in positioning an organization for success by clarifying goals and providing a scope of activities with which to reach those goals. The objective of the Strategic Plan, as a written document, is to define LBID, its strategies and major areas of focus for the next five years, in order to achieve the District's mission. The planning process also seeks to:

- Provide a framework for decisions involving the core mission and vision of LBID;
- Provide a basis for more detailed implementation and funding planning;
- Explain the need and purpose of LBID in order to inform, educate and promote the District;
- Encourage ongoing assessments of the LBID to stimulate projects, programs and improvement for, and within, the District; and,
- Plan for the continuation of reauthorization of the District in year 2021.

It is the intent of the Board of Trustees to review the Plan annually and incorporate changes, updates and edits with a complete revision in 2021. Comments related to the Strategic Plan can be submitted to the Board of Trustees via e-mail at info@downtownlivingston.com.

Introduction

Recently listed as boasting one of the top fifteen most beautiful Main Streets across America by Architectural Digest, Livingston is a bustling town with rustic charm. Best expressed through distinctive cultural activities, a strong community of creative artists

and an ever-growing food and drink scene, a large number of eclectic businesses line the unique streets of this classy railroad town.

Serving the historic downtown Livingston commercial district since 2011, the LBID has been working for many years to enhance the District by providing funding for summer flower baskets; design, creation and placement of banners; graffiti removal services; sidewalk cleaning; trash receptacle emptying and maintenance; and, program and event contributions to community events, catering to visitors and residents.



Organizational Structure

In 2011, more than 60% of property owners within the proposed LBID boundaries signed a petition in favor of a District and the Livingston City Commission approved its formation. The LBID was formed and boundaries within the District were established. The stated purpose of the LBID is to promote the health, safety, prosperity, security and general welfare of the inhabitants of the City of Livingston and the District. Listed within the City of Livingston Resolution 4178, the LBID will also: 1) facilitate an improved business climate; 2) improve the functional characteristics of the business district; 3) conserve the historic district; and, 4) develop a strong, aggressive marketing program. Pursuant to MCA 7-12-1141, the LBID will be in effect for ten years, from February 1, 2011 to February 1, 2021.



The LBID is governed by a seven-member Board of Trustees with each member serving a term of four years. The Livingston City Commission approves new or re-applying trustees when terms expire. The 2017 LBID trustees include District property owners:

- David DePuy, Member – Owner of Park Hotel Building and 2nd & Lewis Building
- Dan Durgan, Member – Owner of Riverside Hardware
- Tyler Erickson, Member – Owner of American Bank
- Kristen Galbraith, Chair – Co-Owner of Obsidian Collection and Coffee Crossing
- Dan Kaul, Member – Owner of Murray Hotel
- Karla Pettit, Member – Owner of Pickle Barrel
- Dale Sexton, Vice-Chair – Owner of Timber Trails

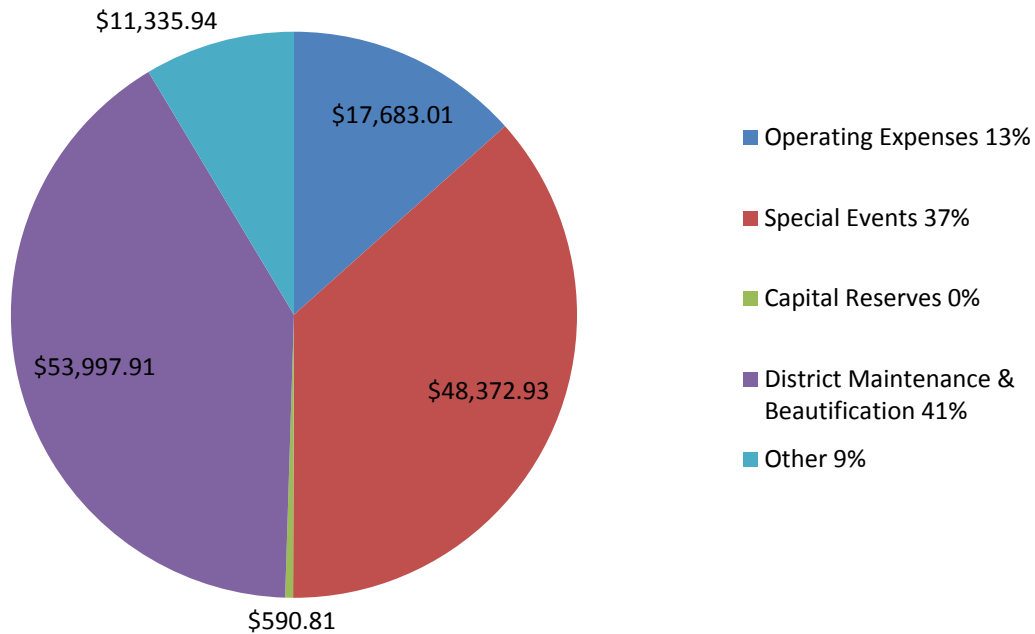
District Finances

The LBID programs and services are funded by an annual special assessment of property owners within the District boundaries. Commercial and partially commercial properties are subject to the BID assessment. Exclusively residential properties, properties used for manufacturing and properties determined to be exempt from real estate taxes are not assessed. As of 2016, there were 139 property owners within the District contributing to the tax base. Taxes paid by property owners are based on the footprint of the building within the District.

The LBID assessment is applied to the annual property tax bills, and is collected by the City of Livingston along with property taxes. The funds are held by City Finance Office in a segregated account, and disbursed to the LBID checking account at a separate

financial institution. The current District budget for enhancement, facilitation, promotion and maintenance is approximately \$42,000 per year.

Over the past five years, the general finance percentages and amounts for LBID expenditures have included: Operating Expenses; Special Events; Capital Reserves; District Maintenance; and, Beautification.



Staffing and Volunteers

The Strategic Plan sets out a very ambitious improvement agenda for the LBID over the next five years. While these activities are important and worthy, the District Board must reach agreement about how it will staff these activities. If the LBID Board is to be successful in implementing goals set forth in the Strategic Plan, the members have agreed to work to develop commitments from others for volunteer/sub-committee needs. At present, a part-time consultant is paid hourly to perform several administrative and website maintenance duties including (but not limited to): minutes recording and finalizing; agenda development and distribution; invoice reconciliation and payment; meeting scheduling; and, website maintenance and edits. One strategy that has been discussed is to develop a collaborative administration position, providing continuity and efficiency, with services to several boards including Urban Renewal Agency, Vision Livingston, LBID and the future Tourism Business Improvement District (TBID).

Achievements and Successes

Utilizing the collective team spirit of dedicated board members, the LBID has endeavored to increase the vitality and health of the District and promoted business within it.

- **Graffiti Remediation Program** – LBID contracts annually with a local private contractor to keep the District graffiti-free. The district is patrolled for graffiti three times per week and the contractor endeavors to remove tags within 24 hours. This “no hang time” policy greatly reduces incidents of additional graffiti activities from other individuals.
- **Flower Basket Program** – LBID contracts annually with a local private contractor to water and maintain 24 flower baskets on the downtown light poles within the District using the LBID truck and watering system which includes double tanks with two low-flow pumps. These services typically occur in the early hours of the morning in conjunction with emptying approximately 24 trash receptacles and policing the streets for litter.
- **Banner Program** – LBID has designed, approved and had four banner designs produced; spring/summer-themed banners are installed from April through late September and winter-themed banners are installed from October through April. The LBID Banner Program is intended to identify the downtown service area; add character and vitality to the downtown streetscapes; and, publicize a diverse range of events, activities and attractions. Approved banners for local events and programs can be displayed in the downtown area for a small fee. The nominal fee supports future banner bracket purchases and other downtown equipment and beautification needs.
- **Brand Livingston** – LBID participated financially and collaboratively with area organizations to create a single brand identity (logo) and advertising campaign to promote Livingston, Montana and the surrounding area. By combining several resources and committing to one promotional strategy, business owners and community leaders created an effective, lasting brand – one that can grow and evolve over time.



- **Livingston Hoot Sponsorship** – Since 2015, LBID has been one of the major sponsors of this annual and free community sponsored event provides fun, food and music on historic Main Street in Livingston. With a kid’s fun area available, and vendors with food, drink, art and more on Main Street, this event drew more than 6,000 participants and spread across three blocks in 2017.

- **Montana on Tap Craft Beer Week Sponsorship** - Tap Into Montana is the ultimate celebration of Montana craft beer. It encompasses a week of craft beer related events hosted by local businesses throughout Livingston, Montana and ends with a Montana-focused Brew Fest. The 2016 Tap Into Montana Brew Fest featured 25 Montana breweries.



- **Public Transit Community Partner Sponsorship** – The LBID Board voted unanimously to support the Windrider Public Transit Program and will provide \$3,000 per year toward the Program in 2017 and 2018. Park County applied for funding through capital and operating assistance grants in early 2017 to implement a Park County Public Transit Program. These funding sources are coordinated and administered through the Montana Department of Transportation Transit Section through pass-through funding provided by the Federal Transit Administration (FTA). Park County requested financial assistance to purchase a 12-passenger light duty bus (with spaces for two wheelchairs) to provide fixed-route and some on-demand transportation services to Park County citizens. LBID will work with the Transit Committee to continue its support of this Program once the two-year pilot portion is complete and as the fixed route service options are expanded.

- **Other Event Sponsorships**

- Active Transportation Farmers Market Sponsorship – 2016 & 2017
- Montana State Classic Soccer Cup Sponsorship – 2016 & 2017
- Greater Livingston Outdoor Adventure Toy Swap – 2015 - 2017
- Building Active Community Initiatives Sponsorship – 2016
- Centennial Celebration (National Park Service) Sponsorship – 2016
- Downtown Parade Sponsorship – 2017

Miscellaneous Accomplishments

- Multiple letters in support related to various Livingston and Park County community projects.

- Contributor to Livingston HealthCare Capital Fund Drive.
- Participant in utility box wrap artwork selection.
- Website development and frequent updates.
- Facebook social page development and updates.

Lessons Learned

Board members have learned a number of lessons from experiences over the last five years including:

- The need for a more efficient District by incorporating a paid administrative assistant to take care of tasks that volunteer board members cannot commit time to provide.
- The need for increased cooperation with other downtown organizations.
- The need for more promotion and outreach marketing and media related to LBID successes and community support.
- The need for more active board member participation and dedicated attendance at meetings.
- The need for data collection on what LBID money - allocated to different events and promotions - is spent on and what it provides to LBID, in terms of overall image, marketing, etc.
- That LBID cannot be a source of revenue for every promotion in the district; the amount used to fund promotions should be itemized as a percentage of the LBID budget.

Strategic Goals

Short Term (by the end of 2018)

1. Successful maintenance and sustainability of LBID programs already in place.
2. Possible coordination of duplicated efforts among downtown and Livingston districts and entities.
3. Billboard placement off the interstate as you approach Livingston from the east, promoting a “shortcut route to Yellowstone” and the many amenities to be discovered when taking the 337 exit.
4. Development of LBID Funding Request Application for all future funding requests.
5. Coordination with local retailers to establish a dedicated committee for special downtown events.

6. Promotion of private investment and business expansion.
7. Identification and pursuit of additional revenue streams and funding resources.
8. Continuation of a capital reserve fund growth and planning for its expenditures.
9. Creation of an annual report in November and/or December of each year to be sent to all property owners (with some photo pages attached for visuals of what goes on with LBID).
10. Annual update of the Strategic Plan to be included as an Addendum to the Strategic Plan each year, focusing on a revision of the Plan at the end of five years.
11. Annual social networking event to include property owners, business owners, non-profit groups, etc. possibly in March.
12. Increased banner program interest with local entities.
13. Updates to LBID map and property owner mailing list.
14. Contingency of board members for attendance at the Montana Downtown Conference each year (usually in October of each year).
15. Review and incorporation of edits/changes to by-laws.

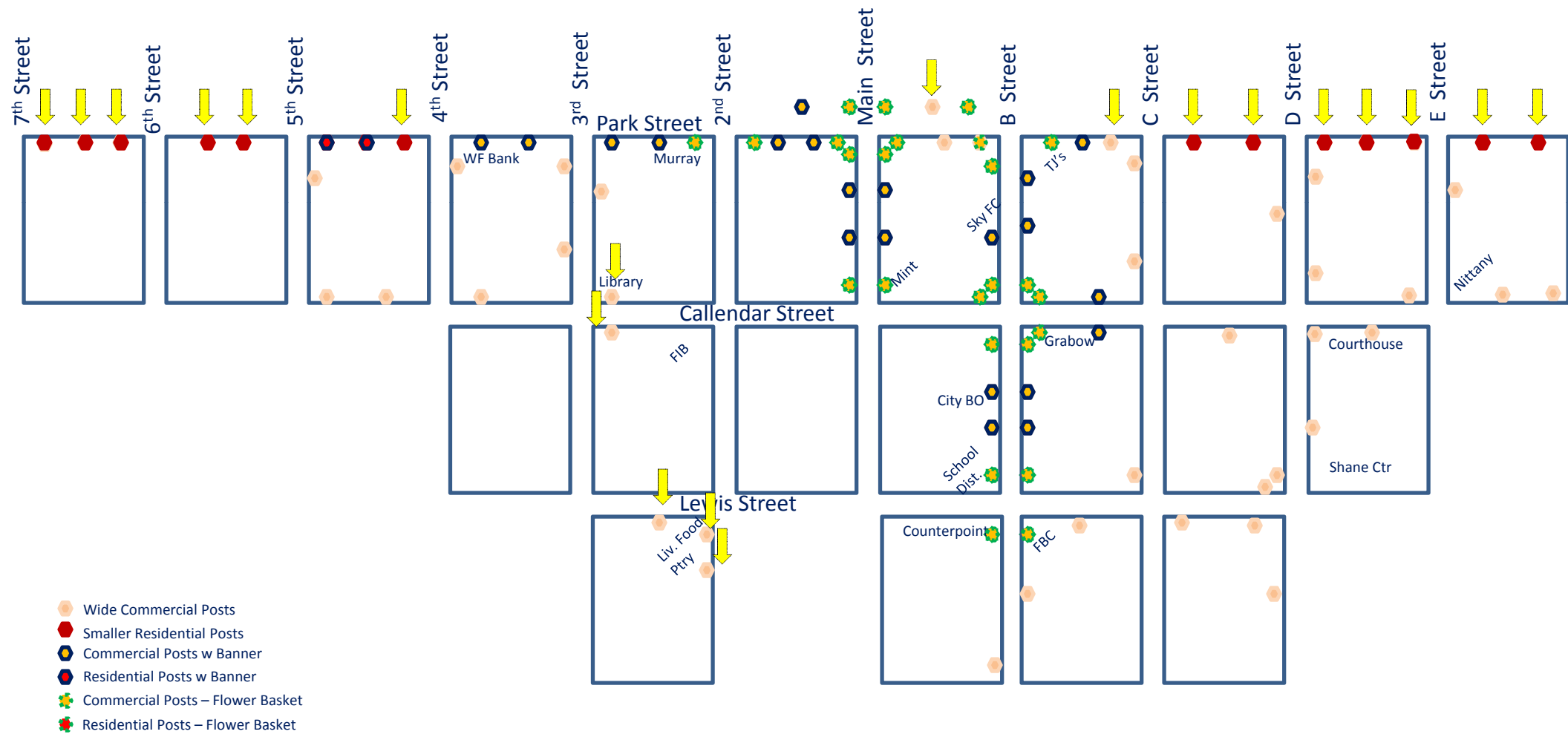
Three-Year Goals (by the end of 2019)

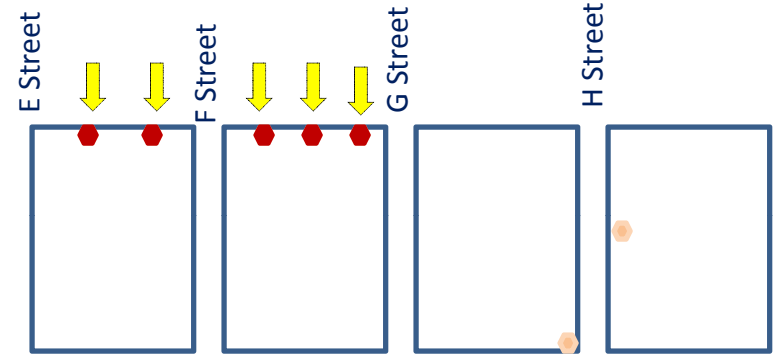
1. Continuation of fulfillment of short-term goals not realized by the end of 2018.
2. Development of an inventory of the number and types of businesses that would create a successful business district (the size and make-up of the demographic we serve; how to address seasonal changes; potential revenue in districts; etc.).
3. Development of LBID (two-page) program for disbursement.
4. Signage in Gardiner, MT advertising/promoting downtown Livingston.
5. Help local building and business owners navigate the COL Capital Improvements Plan.

Five-Year Goals (by the end of 2021)

1. Continuation of fulfillment of goals not realized by the end of 2019.
2. 90% occupancy rate in the District.
3. Pursuit of Main Street Program through Montana Department of Commerce.
4. Consideration of increasing the size of the overall district or a new east end district.
5. Revision of the Strategic Plan based on annual updates.

Banner and Flower Baskets





BANNER PROGRAM OVERVIEW

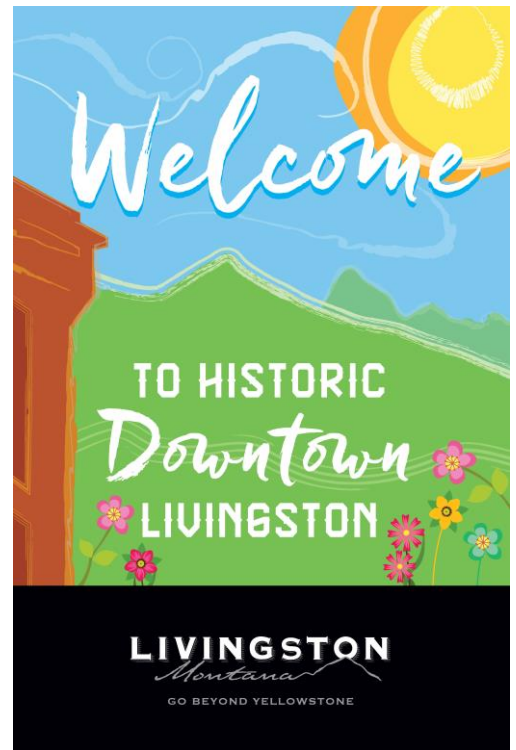
Banners will be changed on the 1st - 5th of each month.

The finished-size of the banners will be **24 inches by 36 inches**; constructed with 22 oz or heavier double-sided, outdoor banner material; print will be on both sides. Banners must be printed with UV resistant outdoor ink and must have 3-inch double-stitched sleeves for the upper and lower banner bracket arms.

To issue uniform design and construction, the organization requesting rental must submit a request with an approved banner design **30 days prior** to the installation. Banner design must be pre-approved by Livingston Business Improvement District (LBID) board members.

Guidelines and Regulations

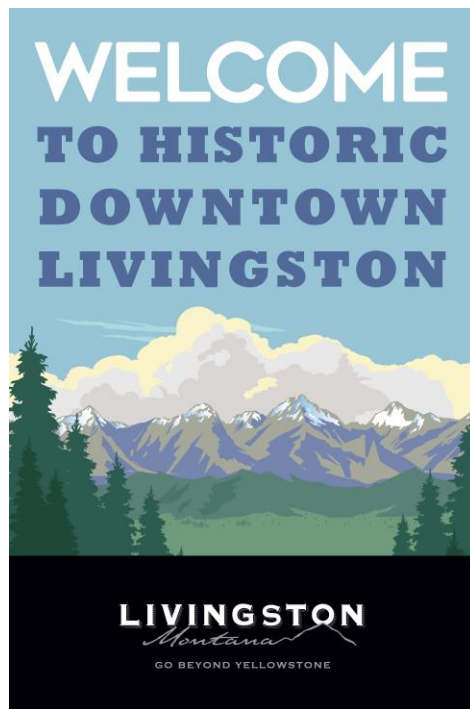
- **Banner Brackets:** Will be installed on commercial “vintage” street lamps only.
- **Banner Spaces:** Are reserved for non-profits and local events promoting Livingston. Livingston School banners may be used as “filler displays” on vacant street lamps.
- **Application:** Download form at www.downtownlivingston.org or email kristen@nittanygrantworks.com or info@downtownlivingston.org. Return the form with a \$15 processing fee, payable to LBID. Send a pdf or jpeg version of the banner design to kristen@nittanygrantworks.com or info@downtownlivingston.org.
- **Design Approval:** Must meet approval of LBID. The bottom 6 inches of the banner must display the Livingston, Montana branding logo. **Digital logo available from LBID.**



- **Banner Purchase:** To maintain banner quality and specifications, organizations must purchase approved design banners from Britten Studios (Ryan Hudson 231-995-8605, rhudson@brittenstudios.com) OR a local provider who must use 22 oz. vinyl and produce

banners exactly to Britten Studios specifications. A sample banner can be accessed by contacting info@downtownlivingston.org.

- **Banner Displays:** Minimum 2 and maximum 20 per organization (as of December 2017). As street lamp numbers increase, minimum and maximum may change.
- **Spare Banners:** One spare banner must be provided by each organization.
- **Rental Fee:** A rental fee of **\$1.00** per day, per banner payable to LBID (see Rental Contract) is required to cover costs of banner installation, bracket maintenance and banner removal. Price reductions are given for more than ten banners displayed at a time.



**DOWNTOWN LIVINGSTON STREET LAMP BANNER
RENTAL CONTRACT AGREEMENT**

This CONTRACT AGREEMENT is made and entered into on the ____ day of _____, 20____ by and between **Livingston Building Improvement District**, PO Box 284, Livingston Montana 59047, herein referred to as **LBID** and _____ (Organization’s Name), located at _____ (Address), herein referred to as **Lessee**.

Whereas the LBID has jurisdiction over the street lamps positioned in the LBID district along the sidewalks and desires to rent the use of the street lamp banner arms to local non-profit organizations and other businesses in support of local events and community promotions.

Whereas the LBID provides maintenance services within the District, and as such, provides the labor and supplies to hang, remove and maintain the street lamp banners.

Whereas the Lessee is a non-profit or community event group which desires to lease the use of the street lamp banner arms from the LBID.

Therefore the LBID and the Lessee agree to the following:

1. **FEE.** Lessee shall be required to pay to the LBID \$_____. This fee is based on the number of banners being installed and the length of time that the banners will be displayed. *The Lessee shall be solely responsible for the cost to design and construct banners.*

2. **TERMS.** The term of the agreement and the subsequent delivery, installation removal and pick-up of banners shall be as follows:
 - Lessee shall deliver the banners to an LBID representative, no less than 5 business days prior to the installation date on _____(mm/dd/yy).
 - Date that the LBID will install the banners _____(mm/dd/yy).
 - Date that the LBID will remove the banners _____(mm/dd/yy).
 - Banners can be stored by LBID; the \$15 processing fee covers the storage fees for the year.
 - If the Lessee does not deliver the banners to LBID by the date specified above, this agreement may be cancelled by the LBID.

3. **BANNER SPECIFICATIONS.** The LBID will install for display ____ (number of banners) for the Lessee. Lessee shall be solely responsible for the design and construction of their own banners. All banners MUST be constructed to the technical specification as described below:

Material: 22 oz. or heavier, double-sided, outdoor banner media, printed on both sides with UV resistant outdoor ink.

Branding provision: The bottom 6” of each banner shall have the Livingston, Montana branding logo included (see logo specifications).

Construction: Double stitched 3” banner arm sleeves at the top and bottom of each banner. Four 3/8 inch grommets, installed 1” from side edges just below the double stitched banner arm sleeve.

To ensure that all proposed banners meet the construction and design standards, the Lessee must submit a proof of the banner design and proposed method of production to LBID prior to production. LBID reserves the right to approve the design and construction specifications of any banners that will be displayed downtown pursuant to this agreement.

4. **INDEMNITY.** Lessee shall assume all risk of loss and indemnify the LBID and the City, affiliated organizations and their agents (directors, officers, agents, committees, and employees) against all liabilities, demands, claims, suits, losses, damages, causes of action, fines or judgments including costs, attorney’s fees and witness fees and the expense incurred thereto for injuries to persons, including death, and for the loss of, damage to, and destruction of property arising from or in connection with the AGREEMENT, unless caused by the gross negligence and willful misconduct by the LBID, the City and/or affiliated organizations and their agents.

5. **INSTALLATION & REMOVAL.** For the paid fee, staff with pre-arranged LBID contract(s) will install and remove all banners on the dates identified within this agreement. If there is a need for immediate removal of a banner(s) due to weather related incidents or event changes, LBID must be notified immediately, and 48 hours will be allowed in order to remove or replace the identified banner(s).

- 6. **MAINTENANCE.** If, during the terms of this AGREEMENT, a banner(s) becomes in any way damaged and/or poses a risk to public safety, the LBID reserves the right to remove said banner(s).

- 7. **MISCELLANEOUS.** The LBID reserves the right to remove any banner for any reason upon written notice to the Lessee. If this right is exercised, the Lessee's fees will be returned on a prorated basis for the remainder of the term of this AGREEMENT. The LBID, the City and/or affiliated organizations are not liable to the Lessee for any delays in the performance of this AGREEMENT or for any incidental loss caused by weather, natural disasters, unnatural disasters, vandalism and/or criminal behaviors of others.

- 8. **ASSIGNMENT.** Lessee will not assign this AGREEMENT or of any part of this AGREEMENT without the prior written consent of the LBID.

Therefore, by signing below, the LBID and the Lessee mutually agree to the terms and conditions of this CONTRACT AGREEMENT.

LBID Representative

_____ (printed name) _____ (title)

_____ (signature) _____ (date)

Lessee

_____ (printed name) _____ (title)

_____ (signature) _____ (date)

FEE SCHEDULE & RENTAL PERIOD

As per the AGREEMENT, there is a \$1.00/per day/per banner fee. The minimum number of banners to be displayed is 2; the maximum number of banners is 20. The minimum number of display days is 30 days or 1 (one) month. Any rental needs after a thirty day period must be in increments of one week. Discounts on displaying 10 or more banners apply to the fee schedule (see below).

Number of Banners	Fee/Banner/30 Days	1 Month Rental Fee	2 Month Rental Fee	3 Month Rental Fee
2	\$ 1.00	\$ 60.00	\$ 120.00	\$ 180.00
4	\$ 1.00	\$ 120.00	\$ 240.00	\$ 360.00
6	\$ 1.00	\$ 180.00	\$ 360.00	\$ 540.00
8	\$ 1.00	\$ 240.00	\$ 480.00	\$ 720.00
10	\$ 0.80	\$ 240.00	\$ 480.00	\$ 720.00
12	\$ 0.80	\$ 288.00	\$ 576.00	\$ 864.00
14	\$ 0.70	\$ 294.00	\$ 588.00	\$ 882.00
16	\$ 0.70	\$ 336.00	\$ 672.00	\$ 1,008.00
18	\$ 0.60	\$ 324.00	\$ 648.00	\$ 972.00
20	\$ 0.60	\$ 360.00	\$ 720.00	\$ 1,080.00

Backup material for agenda item:

- B. DISCUSS/APPROVE/DENY - City Commission Board Appointments for city committees



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Action Item B, 4 Jan 2018

Requested by:

Date of First Consideration/Status:

Purpose of Legislation: Assign Commissioners to Boards and Committees

Statutory Authority/Reference:

Background: There are 11 Board and Committee positions that are required to be filled by City Commissioners.

Staff Recommendation:

Fiscal Impact:

Regulatory Impact (local):

Attachments: List of current Board Assignments.

Current Commission Board Assignments

<u>Board/Committee</u>	–	<u>Commissioner</u>
City Tree Board	–	Commissioner Friedman
Parks & Trails Committee	–	Commissioner Hoglund
Library Board	–	Commissioner Bennett Commissioner Sandberg
Skate Park Committee	–	Commissioner Bennett
Urban Renewal Agency	–	Commissioner Schwarz
City-County Airport Board	–	Commissioner Schwarz
City-County Health Board	–	Commissioner Bennett
City Planning Board	–	Commissioner Hoglund
911 Communications Advisory Committee	–	Commissioner Schwarz
Transportation Coordinating Committee	–	Commissioner Bennett
Sister City Committee	–	Commissioner Friedman
Total Board Assignments:	12	
Recommended Assignments:	11	

Backup material for agenda item:

- C. DISCUSS/APPROVE/DENY - Approve updated union negotiation policy



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Action Item C, 4 Jan 2018

Requested by: Michael J. Kardoes, City Manager

Date of First Consideration/Status: 20 Mar 2012/ Updated 2014/ New Update

Purpose of Legislation: Provide Commission guidance to City Manager for 2018 Union Negotiations.

Statutory Authority/Reference: Budgetary Oversight/ Policy Setting

Background: In March of 2012 the Commission passed a Negotiation Policy that required updates annually. The last update occurred in 2014.

Staff Recommendation: Recommend approving 2018 Negotiation Policy

Fiscal Impact: None

Regulatory Impact (local): None

Attachments:

- Draft Negotiation Policy with change bars
- 2014 Negotiation Policy

City of Livingston

Labor Negotiation Policy 2018

Labor Negotiating Principles

1. Transparency

- A. The City should strive to maintain a consistent approach to bargaining through clear, ongoing communication of policy direction among the City Commission, city employees, and the community.
- B. Labor negotiating principles and procedures should be available to the public, city employees, and collective bargaining organizations.

2. Total Compensation

- A. Compensation decisions should consider the total costs¹ of a position including salary, pension, healthcare, and all other benefits.
- B. Flexibility may be necessary to resolve all issues of the overall compensation package, provided that guiding principles are achieved within budgetary constraints.

3. Fiscal Impact

- A. A stated goal of the City Commission is to work towards developing a general fund reserve of at least 16.6%.

4. Recruitment and Retention

- A. The City's compensation levels should be sufficient to retain qualified employees who are committed to the City's goals, programs, and delivery of high-quality services, understanding that those levels must be economically feasible.
 - 1. Benchmark communities include, but are not limited to: Anaconda-Deer Lodge, Lewistown, Havre, Lockwood (fire only), Laurel, Kalispell, and Miles City.

¹ **Total Compensation** should consider those elements of the wage and benefit structure for which all employees (of the bargaining group) are eligible - Wages, Incentive Pay, Retirement Costs, Insurance Costs, Vacation Costs, Holiday Costs, Clothing/Uniform/Cleaning/Equipment Allowances.

- 2. It is unlikely Livingston can compete with the City of Bozeman on compensation; Bozeman is, however, a competitor for our key staff and employees.

5. Cost Metrics

- A. Avoid contract language that binds the City to decisions made by other agencies.
 - 1. For example, collective bargaining agreements shall avoid the use of automatic increases linked to external indices (such as the Consumer Price Index) when developing compensation adjustment schedules.
 - 2. Such indicators, however, may be helpful and advisory in negotiating annual adjustments.

Labor Negotiating Procedures

1. Establishment of Principles and Procedures

- A. Each year, prior to the start of any negotiations, the City Commission shall establish a set of *Labor Negotiation Principles and Procedures* to be followed in that year’s negotiations.
- B. The *Labor Negotiation Principles and Procedures* will be established by the passage of an affirmative motion to this effect, in an open regular meeting of the City Commission.

2. Negotiating Team

Before negotiations commence the City Manager and their designates will comprise a Negotiating Team, and negotiate all labor contracts on behalf of the City of Livingston.

3. Negotiations Status Update

The City Manager shall provide an update to the City Commission as soon as possible, following a negotiation session with bargaining unit.

4. Final Approval by City Commission

- A. At the beginning of each negotiation period, the City Manager shall remind the bargaining unit representatives that any and all agreements reached should be considered tentative until given final approval by the City Commission.
- B. Once the City Manager and bargaining unit representatives have reached tentative agreement on all negotiating issues, the complete collective bargaining agreement will be presented to the City Commission for consideration. **Such consideration, and final approval or rejection, shall occur in at least two, separate, regular meetings of the City Commission.**

5. Roles and Responsibilities of City Commission During Negotiations

- A. City Commissioners may, and should, express their views on negotiations, but will not interfere with the ability of the City Manager to negotiate on behalf of the City of Livingston.
- B. In order to avoid misunderstandings and potential unfair labor practices³, during the negotiation process members of the City Commission should not communicate to any bargaining unit representative about any matter that is a subject of the negotiations.
- C. The negotiating process shall be defined as the time period starting with the first negotiation session until a collective bargaining agreement has been approved by both parties.
- D. Nothing in this policy shall prohibit members of the City Commission from listening to bargaining unit representatives. However, City Commissioners shall not knowingly respond to or discuss any proposals or disclose otherwise confidential information.

³ **39-31-401, Unfair labor practices of public employer.** It is an unfair labor practice for a public employer to:

- (1) interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in 39-31-201;
- (2) dominate, interfere, or assist in the formation or administration of any labor organization. However, subject to rules adopted by the board under 39-31-104, an employer is not prohibited from permitting employees to confer with the employer during working hours without loss of time or pay.
- (3) discriminate in regard to hire or tenure of employment or any term or condition of employment in order to encourage or discourage membership in any labor organization. However, nothing in this chapter or in any other statute of this state precludes a public employer from making an agreement with an exclusive representative to require, as a condition of employment, that an employee who is not or does not become a union member must have an amount equal to the union initiation fee and monthly dues deducted from the employee's wages in the same manner as check off of union dues.
- (4) discharge or otherwise discriminate against an employee because the employee has signed or filed an affidavit, petition, or complaint or given any information or testimony under this chapter; or
- (5) refuse to bargain collectively in good faith with an exclusive representative.

12/27/2017 2:20:05 PM

Compare Results

Old File:

Labor_Negotiation_Policy (2014).pdf**3 pages (107 KB)**

12/27/2017 2:17:39 PM

versus

New File:

Negotiation Policy (2018).pdf**3 pages (102 KB)**

12/27/2017 2:19:07 PM

Total Changes

12

Text only comparison

Content

4 Replacements
0 Insertions
8 Deletions

Styling and Annotations

0 Styling
0 Annotations

[Go to First Change \(page 1\)](#)

City of Livingston

Labor Negotiation Policy 2018

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3. Fiscal Impact

- A. A stated goal of the City Commission is to work towards developing a general fund reserve of at least 16.6%.

4. Recruitment and Retention

- A. The City's compensation levels should be sufficient to retain qualified employees who are committed to the City's goals, programs, and delivery of high-quality services, understanding that those levels must be economically feasible.
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- (3) discriminate in regard to hire or tenure of employment or any term or condition of employment in order to encourage or discourage membership in any labor organization. However, nothing in this chapter or in any other statute of this state precludes a public employer from making an agreement with an exclusive representative to require, as a condition of employment, that an employee who is not or does not become a union member must have an amount equal to the union initiation fee and monthly dues deducted from the employee's wages in the same manner as check off of union dues.
- (4) discharge or otherwise discriminate against an employee because the employee has signed or filed an affidavit, petition, or complaint or given any information or testimony under this chapter; or
- (5) refuse to bargain collectively in good faith with an exclusive representative.

City Manager
Edwin R. Meece

(406) 222-2005 phone
(406) 222-6823 fax
citymanager@livingstonmontana.org
www.livingstonmontana.org



Chairman
Steve Caldwell

Vice Chairman
James Bennett

Commissioners
Adam Stern
Mel Friedman
Bill Spanning

MEMORANDUM

Date: March 22, 2012

To: All Union Leadership (AFSCME, IAFF, and LPDEA)
City of Livingston - Leadership Team

Re: Labor Negotiation Policy 2012

At their March 20th meeting, the Livingston City Commission finalized a "Labor Negotiation Policy 2012" which will guide the Administration's efforts to negotiate collective bargaining agreements this year. This policy will be reviewed, and updated, annually, prior to the start of our negotiation processes. I am providing a copy of this policy, for your knowledge; however, no action is necessary or requested.

A handwritten signature in black ink, appearing to be "Edwin R. Meece".

C: City Commission

City of Livingston

Labor Negotiation Policy 2014

Labor Negotiating Principles

1. Transparency

- A. The City should strive to maintain a consistent approach to bargaining through clear, ongoing communication of policy direction among the City Commission, city employees, and the community.
- B. Labor negotiating principles and procedures should be available to the public, city employees, and collective bargaining organizations.
- C. Negotiation sessions are to be considered open meetings, and shall be noticed by posting at City Hall, **written notice to the City Commission**, and in the 'briefs' section of the Livingston Enterprise, at least 48 hours in advance.

2. Total Compensation

- A. Compensation decisions should consider the total costs¹ of a position including salary, pension, healthcare, and all other benefits.
- B. Flexibility may be necessary to resolve all issues of the overall compensation package, provided that guiding principles are achieved within budgetary constraints.

3. Fiscal Impact

- A. A stated goal of the City Commission is to work towards developing a general fund reserve of at least 16.6%.²

4. Recruitment and Retention

- A. The City's compensation levels should be sufficient to retain qualified employees who are committed to the City's goals, programs, and delivery of high-quality services, understanding that those levels must be economically feasible.
 - 1. Benchmark communities include, but are not limited to: Anaconda-Deer Lodge, Lewistown, Havre, Lockwood (fire only), Laurel, Kalispell, and Miles City.

¹ **Total Compensation** should consider those elements of the wage and benefit structure for which all employees (of the bargaining group) are eligible - Wages, Incentive Pay, Retirement Costs, Insurance Costs, Vacation Costs, Holiday Costs, Clothing/Uniform/Cleaning/Equipment Allowances.

² "The New Fund Balance", Government Finance Officers Association, 2011

2. It is unlikely Livingston can compete with the City of Bozeman on compensation; Bozeman is, however, a competitor for our key staff and employees.

5. Cost Metrics

- A. Avoid contract language that binds the City to decisions made by other agencies.
 1. For example, collective bargaining agreements shall avoid the use of automatic increases linked to external indices (such as the Consumer Price Index) when developing compensation adjustment schedules.
 2. Such indicators, however, may be helpful and advisory in negotiating annual adjustments.

Labor Negotiating Procedures

1. Establishment of Principles and Procedures

- A. Each year, prior to the start of any negotiations, the City Commission shall establish a set of *Labor Negotiation Principles and Procedures* to be followed in that year's negotiations.
- B. The *Labor Negotiation Principles and Procedures* will be established by the passage of an affirmative motion to this effect, in an open regular meeting of the City Commission.

2. Negotiating Team

- A. Before negotiations commence the City Manager and their designates will comprise a Negotiating Team, and negotiate all labor contracts on behalf of the City of Livingston.

3. Negotiations Status Update

- A. The City Manager shall provide an update to the City Commission, through the *City Manager's Comments* section of the agenda, and an informational e-mail sent to the City Commission, as soon as possible, following a negotiation session with bargaining unit.

4. Final Approval by City Commission

- A. At the beginning of each negotiation period, the City Manager shall remind the bargaining unit representatives that any and all agreements reached should be considered tentative until given final approval by the City Commission.
- B. Once the City Manager and bargaining unit representatives have reached tentative agreement on all negotiating issues, the complete collective bargaining agreement will be presented to the City Commission for consideration. **Such consideration, and final approval or rejection, shall occur in, at least two, separate regular meetings of the City Commission.**

5. Roles and Responsibilities of City Commission During Negotiations

- A. City Commissioners may, and should, express their views on negotiations, but will not interfere with the ability of the City Manager to negotiate on behalf of the City of Livingston.
- B. In order to avoid misunderstandings and potential unfair labor practices³, during the negotiation process members of the City Commission should not communicate to any bargaining unit representative about any matter that is a subject of the negotiations.
- C. The negotiating process shall be defined as the time period starting with the first negotiation session until a collective bargaining agreement has been approved by both parties.
- D. Nothing in this policy shall prohibit members of the City Commission from listening to bargaining unit representatives. However, City Commissioners shall not knowingly respond to or discuss any proposals or disclose otherwise confidential information.

³ **39-31-401, Unfair labor practices of public employer.** It is an unfair labor practice for a public employer to:

- (1) interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in 39-31-201;
- (2) dominate, interfere, or assist in the formation or administration of any labor organization. However, subject to rules adopted by the board under 39-31-104, an employer is not prohibited from permitting employees to confer with the employer during working hours without loss of time or pay.
- (3) discriminate in regard to hire or tenure of employment or any term or condition of employment in order to encourage or discourage membership in any labor organization. However, nothing in this chapter or in any other statute of this state precludes a public employer from making an agreement with an exclusive representative to require, as a condition of employment, that an employee who is not or does not become a union member must have an amount equal to the union initiation fee and monthly dues deducted from the employee's wages in the same manner as check off of union dues.
- (4) discharge or otherwise discriminate against an employee because the employee has signed or filed an affidavit, petition, or complaint or given any information or testimony under this chapter; or
- (5) refuse to bargain collectively in good faith with an exclusive representative.