



Motorists wait for a train at the Fifth Street crossing Wednesday morning in Livingston.

Enterprise photo by Nate Howard

Residents given more time to weigh in on new rail crossing

By Johnathan Hettinger
Enterprise Staff Writer

The community will have more opportunities to weigh in on a proposed \$17.5 million project that would include a railroad crossing west of town, the city commission decided Tuesday.

After an almost four-hour long meeting Tuesday, the commission voted 4-0 to hold public meetings and continue the discussion on the next steps in pursuing a railroad crossing at PFL Way, extending Front Street to the crossing and funding new infrastructure work for anticipated residential growth in that area.

There was very little discussion of the intricacies of implementing a new project – including how it would be funded – at Tuesday’s meeting. The next steps on the project were not discussed until after 9 p.m. – more than two and a half hours into the meeting.

Instead, the majority of the discussion focused on whether the Northside Transportation Plan, which was presented to the commission Tuesday, should be accepted as an official city document. The commission accepted the document – by a 4-0 vote – over the objection of the majority of the people who weighed in at the meeting.

Ultimately, two main themes emerged out of the meeting: something needs to be done to help with traffic trying to get to the north side of Livingston and the community needs more time to weigh in on a potential solution.

“I can’t imagine us not – at this time – moving forward with it,” said Chairwoman Dorel Hoglund. “When I ran for commission initially over five years ago, this was the issue I saw as almost more impor-

Commissioner’s ability to vote questioned during meeting

By Johnathan Hettinger
Enterprise Staff Writer

Commissioner Sarah Sandberg was not allowed to vote at Tuesday’s Livingston City Commission meeting because she called in to the meeting instead of being physically present. The commission informally decided Sandberg should not be allowed to vote, per advice from City Attorney Jay Porteen. Porteen cited Article II, Section 9, of the Montana Constitution which states that “no person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies...” “I think the Montana constitution is clear,” Porteen said. Yet elected officials across Montana often attend meetings by phone. And Sandberg said she retained her own legal counsel on the issue, who advised her that she should be able to vote. But three of the four commissioners present decided they wanted to listen to Porteen’s advice.

tant than anything else. For me to see this to fruition would be amazing.”

Northside Transportation Plan

At the meeting, City Manager Mike Kardoes gave background on the project, including the history of the actions taken about the crossing and how the city spent \$1.6 million on planning for a crossing at Star Road, which the plan found isn’t the best location for a crossing. Then, engineers from Mason and Associates presented the Northside Transportation Plan – a wide-reaching new traffic plan for the northwest side of Livingston. The traffic plan, commissioned in December and recently completed, includes a crossing of the railroad tracks at Printing For Less Way, the creation of three arterial

“I’m leaning toward caution on this,” said Commissioner Dorel Hoglund. Commissioner Warren Mabie said there isn’t a lack of communication, everyone could hear Sandberg and he would’ve liked for her to vote. But the other three present decided against it. Attorney Mike Meloy, of the Montana Freedom of Information Hotline, said he thinks Sandberg should be allowed to vote but gave “kudos” to Porteen for being cautious. “Both the Constitution and the statute use the word ‘observe,’ Meloy said. “But if her vote were challenged, I doubt any court would so hold. As long as the public was permitted to hear her and see the rest of the Commission it probably meets the legal open meeting requirements.” Porteen said the city will start a new system where commissioners can video call in, so they can be “observed.” All of the decisions were made 4-0, so Sandberg would not have cast the deciding vote.

through streets by extending Front and Geyser all the way through to Printing For Less, and significantly more roads to help traffic better navigate the north side of Livingston.

Originally, the plan called for an underpass at PFL Way, but the commission decided Tuesday to amend the study to just say a “separated grade crossing” and to discuss whether it would be an underpass or overpass at a later date.

The Northside Transportation Plan was used as background for a proposed \$17.5 million project that would include construction of a new underpass and the extension of Front Street.

Acceptance of traffic plan

The key point raised in the discussion of the Northside Transportation Plan was whether the com-

mission approving the document was premature, considering the city does not have a growth plan.

The plan assumed full development of the north side of Livingston, projecting the construction of more than 2,000 new homes in the area north of the tracks.

Commissioner Sarah Sandberg, who called into the meeting and was not allowed to vote, said that the city needs a study about where it’s going to grow.

“What happens if we see growth to the north and east and south and east?” Sandberg said. “That goes back to my discussion on not having a comprehensive review or study.”

Sandberg said the lack of those other documents will make the plan the “default” planning document.

“To avoid that, we need to work on a comprehensive growth policy,” Sandberg said.

Other commissioners voiced support for updating the city’s growth policy – the document that guides the commission in deciding how and where the city will

grow. The policy, created in 2004, was updated in 2017 with little public input, and the community has pushed for an updated policy.

But commissioners said they don’t view the Northside Transportation Plan as a binding document, but rather as information to help make an informed decision – including a potential update to the growth policy.

“This is a starting point,” said Commissioner Warren Mabie. “There’s assumptions being made that may or may not happen. But this is a paid-for document. It’s not written in stone.”

Hoglund said the city will use the document to inform its decisions, but that doesn’t mean it will be the only document used.

See **Crossing**, Page 2

Trump lashes out at Cohen

WASHINGTON (AP) — Facing a growing threat to his presidency, President Donald Trump lashed at his former personal lawyer Michael Cohen, a day after the onetime “fixer” implicated Trump in a campaign cover-up to buy the silence of women who said they had sexual relationships with him.



DONALD TRUMP

Trump on Wednesday accused Cohen of making up “stories in order to get a ‘deal’” from federal prosecutors. Cohen pleaded guilty to campaign finance violations that the lawyer said he carried out in coordination with Trump. “If anyone is looking for a good lawyer, I w o u l d strongly suggest that you don’t retain the services of Michael Cohen!” Trump tweeted Wednesday.



MICHAEL COHEN

In a split screen for the history books, Cohen’s admission to the crimes in federal court in New York on Tuesday came at nearly the same moment that Trump’s onetime campaign chairman, Paul Manafort, was convicted by a jury in Virginia of financial misdeeds. Manafort faces separate charges in September in the District of Columbia that include acting as a foreign agent.

The back-to-back blows resulted from the work of special counsel Robert Mueller, who is investigating Russia’s attempts to sway voters in the 2016 election, including hacking Democrats’ emails, whether the Trump campaign may have cooperated, and if the president himself obstructed justice in investigating both.

Trump has denounced the probe again Wednesday on Twitter as a “witch hunt.” Cohen’s lawyer, Lanny Davis, said Wednesday that Cohen has information “that would be of interest” to the special counsel. Davis said Cohen is not looking for a presidential pardon.

“My observation is that the topics relating to hacking and the crime of hacking ... that there are subjects that Michael Cohen could address that would be of interest to the special counsel,” Davis said in a series of television interviews.

Trump soon weighed in on Twitter, taking his shot at Cohen and praising Manafort, saying he has “such respect for a brave man!”

Manafort, Trump wrote, had “tremendous pressure on him and, unlike Michael Cohen, he refused to ‘break.’” But there was no doubt that Cohen’s acknowledgement of a coordinated payoff scheme puts Trump’s presidency on the defensive.

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OBITUARIES

Marjorie Frances (Haymond) Beckman

Marjorie Frances (Haymond) Beckman, 92, of Bozeman, Mont. formerly of the Glasgow/Fort Peck area died peacefully on Tuesday, Aug. 21, 2018 at her current residence, the Spring Creek Inn, in Bozeman, with family at her side. Service details and a complete obituary are forthcoming. Arrangements are pending under the care of Franzen-Davis Funeral Home and Crematory in Livingston. Online condolences may be shared at Franzen-Davis.com.

STATE SHORTS

Man killed by police in Great Falls identified

GREAT FALLS (AP) — Officials in north-central Montana have released the name of a man who was shot and killed by a Great Falls police officer.

The Fergus County Coroner’s Office said 67-year-old Charles A. Marcotte died Sunday evening.

George Littlefield told the Great Falls Tribune that his neighbor, Marcotte, had said “he couldn’t handle it anymore,” as the two men talked on Littlefield’s porch on Sunday.

Littlefield said Marcotte walked away with a gun and told Littlefield not to follow him, but to call 911.

Littlefield says police talked with Marcotte for about an hour but were unable to get him to put down the gun.

Police Chief David Bowen says at least one of the four officers involved is on administrative leave while the shooting is being investigated.

Montana Supreme Court upholds Green Party’s ballot removal

HELENA (AP) — The Montana Supreme Court has upheld a state judge’s decision to remove Montana Green Party candidates from the November ballot.

The justices issued the order Tuesday and said they’d file their written opinion later. Thursday is the deadline for the Secretary of State’s Office to certify general election ballots.

The Montana Democratic Party and three voters challenged about 200 signatures used to qualify the Green Party for ballot access.

District Judge James Reynolds disqualified about 85 signatures in early July, leaving the Green Party without enough valid signatures.

Secretary of State Corey Stapleton, a Republican, appealed Reynolds’ decision.

Both Democrats and Republicans agree the Green Party could siphon votes away from Democratic candidates, including U.S. Sen. Jon Tester, who is being challenged by Republican State Auditor Matt Rosendale.

Crossing, from Page 1

Many citizens raised questions about how the city can know where to grow without a growth policy. Among those weighing in was Kellie Voyich, who owns property on Highway 10 that is currently in the county. Voyich said the plan is too overreaching without enough information. The plan recommends an extension of Geyser Street all the way through her land.

“I have an issue with you adopting the elements that aren’t backed up with something more substantial,” Voyich said. “It’s sort of putting the cart before the horse.”

Kardoes asked Voyich what would make her feel more comfortable.

“I don’t like that road crossing through our property,” Voyich said. “Nobody came to talk to us about this at all, which would’ve been nice.”

Kardoes said the road is just a line on the map at this point, showing that if the land is ever annexed into the city, it would be prudent for the city to ensure there is an arterial road in that area. Voyich said without engineering that backs up that the property would be suitable for a road, she objects to the road being included in an official city document. Voyich said the city needs a growth policy to decide if it even wants to grow that way. But Kardoes said any engineering work would be premature at this point. He also said this document doesn’t preclude a growth policy but just shows the way traffic will likely flow.

\$17.5 million project

With the meeting running past 10 p.m., the commission provided little feedback on the \$17.5 million project’s specifics but made it clear they want to move forward on the project.

The “conservative” cost estimates include: \$6 million for a crossing, \$5.4 million for an extension of Front Street, \$1 million for sewer work and \$1 million for water work.

The project would likely be paid for through a variety of funds: \$2.5 million from Urban Route Funds from the Montana Department of Transportation, \$2 million in utility costs from the water and sewer funds, \$13 million would be from a combination of a city mill levy and a special improvement taxing district.

Under a presentation Kardoes gave the commission, a city mill levy would raise \$6 million to \$9 million of the \$13 million, while the special improvement district would cover between \$3.6 million and \$6.6 million.

A special improvement district would tax people benefitting from the project at a higher rate than those homes that don’t benefit as much from the project. The district would likely include houses on the north side of the tracks, though it’s not clear how far that district would go.

For Commissioner Mel Friedman, a solution to deal with traffic at the Fifth Street crossing is the biggest priority for the city.

“It’s a real problem and we have to face it,” Friedman said.

Friedman said with the development happening on the north side, that should be the city’s priority, but the city needs input from its citizens.

“I think to satisfy everybody, we have to get everything else out and put it on the table,” Friedman said. “But there’s no question the problem exists right now and it can only get worse.”

Friedman said the transportation plan can help with the growth policy.

“We have to get everybody’s input and get a good growth policy for the city of Livingston and go forward,” Friedman said. “I don’t know where all that fits in.”

Sandberg said even though this plan could help with future growth on the north side, it still doesn’t address the issues at Fifth Street.

“This is as good as it’s going to get,” Sandberg said. “I know that doesn’t make our constituents on the north side very happy.”

BRIEFS

- Best-selling science writer **David Quammen** will discuss his latest book, “The Tangled Tree: A Radical New History of Life,” at 7 p.m. on Thursday, Aug. 23 at Elk River Books.
- **The Blue Slipper Theatre** will present its new production, the fast-paced farce “Night Comes Early,” at 8 p.m. on Friday and Saturday and 3 p.m. on Sunday. The show will run through Sept. 2. Tickets are available by phone at 406-222-7720 or online at www.blueslipper-theatre.org.
- **An exhibit featuring James Weikert** will open on Friday, Aug. 24 at The Frame Garden during the Livingston Art Walk from 5:30 to 8 p.m.
- **Livingston’s Yellowstone Bus Tours** of the city’s four historic districts begin from the Livingston Depot Center, starting at 6:30 p.m. on Fridays and Saturdays through Sept. 2. There is one tour each of those days. For more information, call Jack Luther at 222-5275.
- **The Yellowstone Gateway Museum’s** summer hours through September are: 10 a.m. to 5 p.m. seven days a week. The museum is at 118 W. Chinook St. in Livingston. For more information, visit www.yellowstonegatewaymuseum.org or call 222-4184.
- **Counterpoint Inc. accepts aluminum beverage cans for recycling.** It will pay per pound for them, or accept them as a donation. Bring cans in anytime between 8 a.m. and 4 p.m. Monday through Friday to Counterpoint’s location at 116 E. Lewis St.
- **Park County Weed Control** will do noxious weed spraying on the Montana Department of Transportation and Park County road right of ways through Oct. 31. For more information, call the Park County Weed Control District at 223-1306.

CALENDAR

WEDNESDAY

- Livingston Farmers Market, Miles Park, 4:30-7:30 p.m.
- Happy Hour AA meeting, Vince Grant Hall, 1306 E. Park St., 5 p.m.
- Al-Anon, Vince Grant Hall, 1306 E. Park St., 5 p.m.
- Overeaters Anonymous meeting, Big Book Studies, Vince Grant Hall, 6:30 p.m.
- Golden Word Toastmasters, Gardiner Ranger Station, U.S. Highway 89 South,

6:30-7:30 p.m.

- Pinochle, Senior Center, 6:45 p.m.
- Narcotics Anonymous, Vince Grant Hall, 7 p.m.
- 449 Group AA meeting, Loaves and Fishes, Clark and Main streets, 8 p.m.

THURSDAY

- Open Walking, Livingston Civic Center, 8 a.m.
- Tot Time, Civic Center, 10 a.m.

- Books and Babies, Livingston-Park County Public Library, 10:30-11 a.m.
- Open Gym, Civic Center, noon-1 p.m.
- Water Aerobics Class, Yellowstone Pioneer Lodge, noon
- Alzheimer’s Support, Senior Center, 1 p.m.
- RSVP Crafters, Park County Senior Center, 206 S. Main St., 1-3 p.m.
- Emotions Anonymous

- Group, Peer Solutions Drop-In Center, 104 W. Clark St., 4-5 p.m. Call 222-3332.
- Park County Rod and Gun Club trap shooting, 6 p.m. Public welcome.
- Bridge Club, The Livingston Food Pantry, 6:15 p.m.
- Q & A, AA meeting, Vince Grant Hall, 1306 E. Park St., 7 p.m.
- Orient Chapter No. 6, Order of Eastern Star, Masonic Temple, 7:30 p.m.

Bullock stands by semiautomatic weapons ban comment on CNN

HELENA (AP) — Montana’s governor is standing by his recent comments that he’d support a ban on some semiautomatic weapons, saying Tuesday that it’s one of several measures that should be considered to curtail gun violence.

The two-term Democratic governor, who is considering a 2020 presidential run, first voiced his support for a weapons ban Sunday in answer to a question posed during an interview on CNN. Gov. Steve Bullock held a news conference in the Montana Capitol on Tuesday and clarified his position: No taking away weapons from law-abiding gun owners and no ban on semiautomatic weapons that are conventionally used by hunters.

“When I view an assault weapons ban, it’s sort of military, semiautomatic, typically removable clips, a magazine of 10 or more — it’s like the AR-15s,” Bullock said of the rifle that has been used in several mass shootings, such as the one earlier this year at a Parkland, Florida, school shooting where 17 people died.

Bullock said gun violence should be looked at as a public health crisis and that he wants a conversation on a range of restrictions that would make schoolchildren and communities safer. They include universal background checks, cracking down on straw purchases of weapons, banning bump stocks and passing so-called red-flag laws that allow a court to temporarily restrict a person’s access to firearms.

“Frankly, I’m just tired of lowering the flags for school mass shootings and I’m tired of gun violence being part of our collective discussion for a week or two after another mass school shooting and then we move on,” he said.

Montana Republican Party chairwoman Debra Lamm said the state’s residents are now seeing Bullock for the “gun-grabbing liberal” he really is after he spent years promising that he would protect gun rights.

“In his absurd look at a run for president, he’s trying to court the liberal coast-



AP photo by Matt Volz

Gov. Steve Bullock listens Tuesday to a question during a news conference in Helena.

al elites by backing universal background checks and a ban on semi-automatic guns,” Lamm said. “That’s a non-starter for Montanans.”

Amy Hunter, a spokeswoman for the National Rifle Association, said Bullock is kowtowing to the gun control lobby and dismissing the constitutional rights of his constituents.

“By doubling down on his support for a ban on commonly owned rifles, Gov. Bullock proved beyond any doubt how out-of-touch he is with Montana voters,” Hunter said.

Gun control advocates praised Bullock for supporting a ban and other policies.

“I’m hopeful the Montana state legislature will follow Gov. Bullock’s lead and pass common-sense laws to keep our families safe,” said Kiely Lammers, who heads the Montana chapter of Moms Demand Action for Gun Sense in America.

Bullock said he is not proposing any specific bills or policy changes at this time. He also denied that the timing of his announcement had anything to do with his exploration of a possible presidential bid.

Bullock is in between trips to early voting states after speaking at the Iowa

state fair last week and heading to New Hampshire on Friday.

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