

LIVINGSTON
SPECIAL CITY COUNCIL
MEETING

January 8, 1992
6:00 p.m.

The Livingston City Council met in special session Wednesday, January 8, 1992, 6:00 p.m., in the council chambers at the City-County Building. Councilmembers present were Ruth Eggar, Lyle Gillard, Pat Mikesell and Lee Harris with Mayor Bill R. Dennis presiding.

Consultant Dick Larsen was present to assist Council with the applications received for City Manager. Larsen stated Council needed to determine what type of person they wanted for this position. He stated the hiring of a Manager, is to get Council where they want to be with needs and goals. Discussion was heard between Larsen and Council on the City's needs.

Larsen explained a Personality Profile Test that could be done on the final applicants. The results of this Profile will indicate whether the applicant is the type of individual for which the Council is seeking. The Profile was very beneficial to the Belgrade City Council during their search for a City Manager.

Larsen suggested Council sit down as a group and narrow applications to ten, rating them one through ten, with ten being their number one pick. Then rate the top five the same way, and then the top three. Larsen offered to reference check finalist.

There will be a special council meeting Friday, January 10, 1992, 6:30 p.m. to narrow the applications to ten, five and three. The top three applicants will be brought in for interviews, with two extra applications if needed. Salary range will be discussed at this time also.

If possible, Council would like a new Manager on the job before City Manager Orndorff retires.

Motion was made by Harris, second by Gillard, to hire Consultant Larsen for the reference checks. Three in favor, Eggar opposed. Motion passed. A Personality Profile Test will also be completed on the top five candidates. Larsen will have the Profile results back to the City Saturday, January 18th.

Finance Officer Harrington explained the refinancing of the Sewer System Revenue Bonds to Council.

Motion was made by Harris, second by Mikesell to hire D.A. Davidson as the underwriter for the refunding of the Sewer Bonds and inserting this into Resolution No. 2286. Motion passed.

Motion was made by Harris, second by Eggar, to approve Resolution No. 2286, A RESOLUTION APPROVING THE SELECTION OF AN UNDERWRITER FOR REFUNDING THE 1980 SEWERAGE SYSTEM REVENUE BONDS AND THE ISSUANCE OF NEW BONDS. All in favor. Motion passed.

Motion was made by Eggar, second by Mikesell, to approve Resolution No. 2281, A RESOLUTION APPROVING AN AGREEMENT WITH DORSEY & WHITNEY TO SERVE AS BOND COUNSEL WITH RESPECT TO THE REFINANCING OF THE OUTSTANDING SERIES 1980 SEWERAGE SYSTEM REVENUE BONDS. All in favor. Passed.

Councilmember Mikesell questioned City Manager Orndorff if he would be around to help the new City Manager if needed. He stated he would for a while.

Motion was made by Harris, second by Mikesell, to adjourn this meeting there being no further business. Motion passed.

The time was 7:55 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill R Dennis
MAYOR

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LIVINGSTON
SPECIAL CITY COUNCIL
MEETING

January 10, 1992
6:30 p.m.

The Livingston City Council met in special session Friday, January 10, 1992, 6:30 p.m., in the council chambers at the City-County Building. Councilmembers present were Lee Harris, Ruth Eggar, Lyle Gillard and Pat Mikesell with Mayor Bill R. Dennis presiding.

At this time the Mayor announced the meeting will go into executive session, stating that the merits of individual privacy exceed the merits of public disclosure. The Council went into executive session to discuss applicants and select the finalists for position of City Manager.

Motion was made by Harris, second by Eggar, to adjourn this meeting there being no further business. Motion passed.

The time was 7:50 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

January 21, 1992
7:30 p.m.

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The Livingston City Council met in regular session at 7:30 p.m., Tuesday January 6, 1992 in the council chambers at the City-County Building. Councilmembers present were Ruth Eggar, Lyle Gillard and Pat Mikesell with Mayor Bill R. Dennis presiding. Councilmember Lee Harris was absent.

Motion was made by Gillard, second by Mikesell, to approve the minutes of January 6, 1992 regular council meeting, January 8, 1992 special council meeting and January 10, 1992 special council meeting. Motion passed. Harris absent.

Motion was made by Eggar, second by Gillard, to accept the bills and claims that listed for \$43,261.20. Motion passed. Harris absent.

Motion was made by Gillard, second by Eggar to approve Resolution No. 2287, A RESOLUTION APPROVING A BOND PURCHASE AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND D.A. DAVIDSON OF GREAT FALLS, MONTANA, FOR THE PURPOSE OF REFUNDING THE 1980 SEWER REVENUE BONDS. Three in favor, Harris absent. Motion passed.

Motion and consent to changes made by Eggar, second and consent to changes were by Mikesell to approve Resolution No. 2288, A RESOLUTION RELATING TO \$595,000 SANITARY SEWERAGE SYSTEM REVENUE REFUNDING BONDS, SERIES, 1992; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF AND CREATING SPECIAL FUNDS AND ACCOUNTS AND PLEDGING CERTAIN REVENUES AS SECURITY FOR SUCH BONDS AND ANY ADDITIONAL BONDS with additions. Finance Officer Jeanne Harrington went through the documents with Council, pointing out the additions. Three in favor, Harris absent. Motion passed.

Second reading of Ordinance No. 1699, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO INCLUDE CERTAIN ANNEXED REAL PROPERTY OWNED BY BUTTREY DRUG AND FOOD COMPANY AND ZONING SAID PROPERTY AS HC (HIGHWAY COMMERCIAL) USE. Three in favor, Harris absent. Passed.

Second reading of Ordinance No. 1700, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO INCLUDE CERTAIN ANNEXED REAL PROPERTY OWNED BY HAROLD R. CROWELL AND YVONNE CROWELL AND ZONING SAID REAL PROPERTY AS HC (HIGHWAY COMMERCIAL) USE. Three in favor, Harris absent. Passed.

Second reading of Ordinance No. 1701, AN ORDINANCE AMENDING SECTION 9-25 AND 9-26 OF THE CODE OF ORDINANCES TO INCLUDE THE IMPOUNDMENT AND LIEN ON TRAILERS LEFT ILLEGALLY PARKED ON CITY STREETS. Three in favor, Harris absent. Passed.

Councilmember Eggar nominated Councilmember Pat Mikesell for Vice Mayor's position. All in favor. Passed.

Discussion was heard concerning "15-Minute Parking" Policy requests from downtown business owners. One hour parking was suggested. It was decided to not allow any more 15 minute parking spaces and more information on one hour parking will be brought to Council.

The Montana Environmental Training Center will hold a Public Relations and Public Notification Seminar, February 5th at Northern Montana College in Havre, if Council is interested in attending.

Enclosed for Council information is the Application for Transfer of Ownership of Off-Premise Consumption Beer/Wine License for John's IGA.

A letter was received from Montana Rail Link, stating that if the City will purchase the rubber matts for the 5th Street railroad crossing, approximately \$26,000, MRL will install the matts at no charge.

L.I.F.E. Letter to John Wadhams, January 6, 1992 was included for Council information.

L.I.F.E. Letter to Director Iverson, DHES, and attached letter from an individual diagnosed as having cancer were included in the packet for Council information.

Included for Council information, is an article from the Livingston Enterprise, January 7, 1992, concerning Clean Water Act and Mobile Home Parks. City Manager explained the cost to mobile home park owners. A member of the Council and 3 staff members received questions from such owners desiring City water and sewer services.

City-County Airport Board Minutes, December 17, 1991 were enclosed.

A FAA Letter dated January 8, 1992 was received. Another letter was received referring to the January 8th letter, requesting the City look into the complaint and a give them a response in writing, on the findings regarding this matter within 2 weeks of receiving the letter. Council was in agreement to let the president of the Airport Board handle matter.

The Airport Board Secretary furnished enclosed material for Council to review prior to the February 10th Joint Airport Meeting.

The Fire Department 1991 Year End Report was included.

Reports of the BN Clean-up Site are available in the City Office.

Public Services Superintendent Ken Kastelitz reported to Council concerning a request from property owners on Blue Heron Drive looking for an alternate route off the hill. This alternate route would be to connect Reservoir Street with Blue Heron Drive. State

Engineers surveyed the area for grades. Kastelitz stated the steepness of the hill and the intersection would be to dangerous. He requested this be denied and Council was in agreement.

Public Utilities Superintendent Clint Tinsley reported to Council concerning a memo to the City Manager regarding State mandated Discharge Monitoring Permit and their requirements. Tinsley noted that some of the changes were minor, but others will cost the Sewer Department thousand of dollars every year. One of the more severe changes is the "Acute Toxicity Test". The test costs \$850 per quarter, and is required by State law to be taken quarterly. If the test fails, then the Acute Toxicity Test has to be taken every 30 days until passed.

Other additions added to the Discharge Monitoring Permit, were sludge Management requirements. The State has required we test for PCB's. This test will be an additional \$200 per year. The State maintain that we can not apply sludge when the following conditions are evident:

1. When soil is saturated;
2. When Soil is frozen;
3. When Soil is covered with snow;
4. When raining or when precipitation is imminent.

Tinsley stated this will be an added expense to his department, for which the Sewer Department will need to budget at least an additional \$10,000.

Engineering will begin on Chinook Street for the Water Main Replacement Program during the next week.

The Reroofing Project at the Waste Water Treatment Plant is 40-50% completed as of this date. Tinsley stated the State Building Inspector "shut down" the reroofing project for one day, as the required State Building Permit was not procured. Tinsley handled the proper paper work in Helena, with the project resuming the following day. He was informed all work performed within the City limits and paid for by public money, also requires a State Building Permit.

Supt. Tinsley and two employees traveled to Helena to examine their TV Camera Program for sewer lines. He reported on the equipment Helena has and how such equipment could help our City.

City Planner John Nerud provided Council with Subdivision information and the process. Nerud stated there were several subdivisions in the planning stage in the area at this time.

The pre-application for the EDA Grant was received and signed by Mayor Dennis on Friday and sent to the Economic Development Administration Office in Helena. After review, it will be sent to Denver.

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At this time, Mayor Dennis announced the meeting will go into executive session, stating that the merits of individual privacy exceed the merits of public disclosure. The council went into executive session to discuss the City Manager hiring process and Public Works Contract Negotiations. The time was 8:20 p.m.

Motion was made by Eggar, second by Mikesell, to adjourn this meeting there being no further business. Motion passed.

The time was 11:15 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill R. Dennis
MAYOR

LIVINGSTON
SPECIAL CITY COUNCIL MEETING

January 30, 1992
4:00 p.m.

The Livingston City Council met in special session Thursday, January 30, 1992, 4:00 p.m. in the council chambers at the City-County Building. Councilmembers present were Pat Mikesell, Lee Harris, Ruth Eggar and Lyle Gillard with Mayor Bill R. Dennis presiding.

The purpose of the special meeting was to discuss and determine the salary range and benefits of a new City Manager.

Motion was made by Gillard, second by Harris, to offer the new City Manager \$31,000 starting pay and \$4,000 at the end of one year upon examination of his performance, as per phone conversation. The vote was Gillard and Harris in favor, Eggar and Mikesell opposed. Mayor Dennis broke the tie as opposed.

After discussion was heard by members of Council, motion was made by Eggar, second by Harris, to offer \$33,000 base salary, with a \$2,000 increase after a six month acceptable evaluation and then to be negotiated after one year. Motion passed.

City Manager Orndorff will call the applicants and inform them of the salary.

Motion was made by Eggar, second by Gillard, to adjourn the meeting there being no further business.

The time was 4:23 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill R. Dennis
MAYOR

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SPECIAL
CITY COUNCIL MEETING

February 1, 1992
1:30 p.m.

The Livingston City Council met in special session Saturday, February 1, 1992, 1:30 p.m., in the council chambers at the City-County Building. Councilmembers present were Lee Harris, Ruth Eggar, Lyle Gillard and Pat Mikesell with Mayor Bill R. Dennis presiding.

The purpose of the special session was to interview for the position of City Manager.

City Manager Orndorff introduced Mr. Kenton Griffin to City Council.

Each Councilmember asked Mr. Griffin questions and in turn Mr. Griffin questioned Council.

Motion was made by Harris, second by Eggar, that the meeting go into closed executive session, with Mayor Dennis stating that the merits of individual privacy exceed the merits of public disclosure. The time was 2:35 p.m.

Council returned to open session at 3:45 p.m.

Motion was made by Eggar, second by Mikesell, to hire Mr. Griffin upon successful negotiation of an employment agreement. Motion Passed.

Motion was made by Harris, second by Gillard, to adjourn the meeting there being no further business. Motion Passed.

The time was 3:47 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

February 3, 1992
7:30 p.m.

The Livingston City Council met in regular session Monday, February 3, 1992, 7:30 p.m., in the council chambers at the City-County Building. Councilmembers present were Lyle Gillard, Pat Mikesell, Lee Harris and Ruth Eggar with Mayor Bill R. Dennis presiding.

Motion was made by Gillard, second by Harris, to approve the minutes of January 21, 1992 regular council meeting, January 30, 1992 special council meeting and February 1, 1992 special council meeting. Motion passed.

Motion was made by Eggar, second by Gillard, to accept the bills and claims that listed for \$40,526.92. Motion passed.

Motion was made by Harris, second by Gillard to approve Resolution No. 2289, A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND KENTON G. GRIFFIN OF JEFFERSONVILLE, IN, FOR THE POSITION OF CITY MANAGER FOR THE CITY OF LIVINGSTON. All in favor. Motion passed.

City Manager Orndorff reported on the progress of the Economic Development Administration Pre-Application that is being reviewed in Denver. The City is now waiting for the decision.

Doug Crandall from Brand S Lumber Company addressed Council concerning the proposed land trade between Plum Creek and Forest Service. A map was displayed of the areas being negotiated for the trade. Crandall requested Council write to the Congressional Delegation and ask our Congressmen to pull this issue off the Wilderness Bill and look at the exchange on its own merits.

One hour parking in the Business District was discussed. Business owners Tom Hardy and Jim Weamer addressed Council in opposition. City Planner John Nerud also spoke to Council. Discussion was heard by staff and Council. It was decided to keep 2 hour parking.

A Certificate of Achievement was awarded to Assistant Fire Chief/Building Inspector Tim Parks by the National Fire Academy for completing a course on Fire/Arson Investigation.

The Building Department Year End Report was enclosed for Council information.

The Annual Police Department Report was enclosed for Council information. Councilmember Harris questioned Police Chief George Bryce on one of the headings. Chief Bryce stated the heading could be changed so there would be no further confusion.

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The City-County Planning Board Annual Report was enclosed for Council information.

The Utility Billing System, January 1992, was enclosed for Council information.

The Statement of Expenditures versus Appropriations through January 29, 1992 was enclosed for Council information.

Discussion was heard concerning oil spots from parked cars. No ordinances were found on this subject. Council is in agreement to pursue this.

The Montana Cities and Towns Conference will be in Lewistown, October 7th-9th.

Supt. Public Services Ken Kastelitz reported that street lighting has been requested for the following 8 intersections on the North Side Hill:

- North Main and Reservoir
- North B and Reservoir
- North C and Reservoir
- North D and Reservoir
- East Summit and North C
- East Summit and North D
- East Montana and North C
- East Montana and North D

Kastelitz contacted Montana Power, they would install the street lights at no cost to the City and all the wiring would be underground. The City would pay the monthly light fee.

Montana Power is in the process of changing the lights in Sacajawea Park. They are replacing the mercury vapor lights with sodium vapor lights. Some of the poles are being replaced and all new underground wiring is being installed. Kastelitz stated this will be approximately \$90 a month savings to the City.

Two lights are being requested at Mayor's Landing. Montana Power will donate two poles and the labor. They would charge the City their cost for lights and wiring. The power would come from the Polo Grounds and be wired from overhead. Motion was made by Harris, second by Eggar, to approve the installing of these lights. Motion passed.

The second phase of Sacajawea Park Sprinkling System Project will begin in March, weather permitting. Both phases are scheduled to be operating this summer.

Councilmember Harris questioned Supt. Kastelitz on the progress of the Civic Center Roof. Kastelitz stated the Engineer had called earlier in the day and discussed the roof with him, and he would be sending a letter.

City Manager Orndorff spoke to Council concerning overtime on water repairs.

Supt. Public Utilities Clint Tinsley reported on problem areas with service valves in the uptown area. Tinsley would like to install service valves at Main Street and at B Street on Clark Street, and at Main Street and at 2nd Street on Clark Street. This project would be scheduled for next Sunday, due to the area of water to be shut off.

Motion was made by Gillard, second by Mikesell to grant permission for a property owner to install a 6" tap for 4 trailers on 8 lots. This 6" line would be a private line at the alley between M Street and Gallatin Street, with individual meters to each trailer. The vote was three in favor, Eggar opposed. Motion passed.

The Waste Water Treatment Plant Reroofing Project is now 75% completed. The project should be completed in a another week.

Included in the packet was a memo from the City Manager to the City Planner concerning Loves Lane and Buttrey's Property, a letter from Buttrey's with a map and a letter from Park County Commissioners stating they will not contest the City of Livingston's Annexation of a portion of Loves Lane directly adjacent to Buttrey property and extending the length of Buttrey's property providing Buttrey's closes on the purchase of the Park Road Mobile Home Park.

Norman Dusenberry addressed Council concerning a letter sent to City Council, January 28, 1992, confirming Buttrey's and the City of Livingston's obligation to the proposed development. Motion was made by Mikesell, second by Harris, agreeing to the contents of this letter. Motion passed.

City Planner John Nerud stated the City is intending to develop Jack Weimer Park at Star Addition this spring. Money is available for concession stands.

Council received a staff report concerning the Bed and Breakfast Ordinance.

Local citizen Ernie Faure spoke to Council on behalf of the Zoning Ordinance concerning Bed and Breakfast's.

City Manager Orndorff reported on Public Works Negotiations. The first session was held. Orndorff stated a change needs to be made to the Health Insurance. The Police and Fire Contracts have Health Insurance Premium openings. The Firefighters have requested this opening. It is recommended since the other 2 unions are opened for Health Insurance, the Police Contract should also be negotiated at this time. Council was in agreement to open all the Union Contracts on Health Insurance with Consultant Dick Larsen serving as negotiator, as he is familiar with the issues.

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City Manager is preparing a Water Rate Study before he retires. The FAA letter was turned over the Airport Board. The Airport Board has asked Park County Attorney to investigate the case.

City Manager included his work schedule in the packet.

The next Council Meeting will be held Tuesday, February 18th, due to President's Day February 17th.

Joint meetings with City Council, County Commissioners and Airport Board will be held Monday, February 10th at 7:00 p.m., in the Community Room. Information concerning this meeting was included in the previous packet.

City Council is scheduled to meet with the Refuse District February 24th, 7:30 p.m. in the Community Room. Information concerning the incinerator was placed in Council's boxes today. City Attorney suggested this meeting be moved a month forward, to give the new City Manager time to review the material.

Public Works Negotiations will resume on February 13th.

Motion was made by Eggar, second by Mikesell, to establish a policy when a Councilmember will be absent, he or she should notify the Mayor or City Manager. If excused, the member will be paid, if unexcused, the member will not be paid. The vote was three in favor, Harris opposed. Motion passed.

City Manager Orndorff reported on a news release from Roger Alla, Agency on Aging. A public hearing will heard on February 21st, 1-5 p.m., at the Bozeman Senior Citizen Center.

Councilmember Eggar mentioned she would like Council to consider a Youth Advisory Council Board for the City of Livingston. Mayor Dennis asked that Councilmember Eggar look into this and report back to Council.

Local citizen Ernie Faure stated he is not against the Bed and Breakfast, he is opposing all other activities that go on within the Bed and Breakfast.

Motion was made by Harris, second by Eggar, to adjourn this meeting there being no further business. Motion passed.

The time was 9:20 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill R. Dennis
MAYOR

SPECIAL
CITY COUNCIL MEETING

February 10, 1992
7:00 p.m.

The Livingston City Council met in special session Monday, February 10, 1992, 7:00 p.m., in the council chambers at the City-County Building. Councilmembers present were Ruth Eggar, Lyle Gillard and Pat Mikesell with mayor Bill R. Dennis presiding. Councilmember Lee Harris was absent sick.

The purpose of the special session was to have discussion with the City-County Joint Airport Board and the County Commissioners concerning the proposed joint resolution and operations of the City-County Airport.

County Commissioners present were Chairman Carlo Cieri, Jim Hunt and Larry Lovely. Airport Board members present were Chairman Pope, Ford, Korkalo. County Attorney Swandal and Mr. Chapman (Gardiner FO) were also present.

Airport Board Secretary Jerri Miller explained the operation of the Board, separation of the budgets for the three fields, updates planned for the Mission Field and Gardiner Field, objecting to the planned pullout of the Flight Service, and the old versus the proposed resolution. The update for Gardiner field is estimated at \$950,000 and the update for Mission Field is \$550,000. The FAA will supply 90% of the money for the updates. The Board is planning to solicit donations from local area people and apply to the Livingston Trust Fund for the required 10% matching funds. (The departure of Flight Service would remove \$9,000 of revenue from the budget.)

City Manager Orndorff voiced concerns raised by some residents of Livingston. The major concern is that of double taxation - Park County taxes for the airfields and the City Council budgeted part of the City's tax money to support Mission Field. Another concern is that: "Why should the City of Livingston have responsibility and possible liability for the Wilsall Airfield and the Gardiner Airfield?" It was pointed out that the City owns one half of the land and facilities at all three airfields, at least on paper.

The possibility of having a Joint Airport Board for the City-County Airport and a County Board for the other two airfields was discussed and discarded.

Attorney Swandal stated that some minor language changes were needed in the proposed resolution. Further discussion took place and it was agreed that this was a good opportunity for the City and County to work together and if after a few months a new resolution was needed such a resolution could be prepared for action. Motion was made by Gillard, second by Eggar, to have the City

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Attorney prepare the proposed resolution in proper format for City Council action on March 2, 1992.

Motion was made by Gillard, second by Eggar, to adjourn the meeting there being no further business. Motion Passed.

The time was 7:45 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill R Dennis
MAYOR

LIVINGSTON
CITY COUNCIL MEETING

February 18, 1992
7:30 p.m.

The Livingston City Council met in regular session Tuesday, February 18, 1992, 7:30 p.m., in the council chambers at the City-County Building. Councilmembers present were Lee Harris, Ruth Eggar, Lyle Gillard and Pat Mikesell with Mayor Bill R. Dennis presiding.

Motion was made by Mikesell, second by Eggar, to approve the minutes of February 3, 1992 regular council meeting and February 10, 1992 special council meeting. Motion passed.

Motion was made by Eggar, second by Harris, to accept the bills and claims that listed for \$62,983.91. Motion passed.

Grant Writer Rusty Rokita and Engineer Dave Mosser of Morrison Maierle was present to discuss and answer questions concerning the submittal of an application to the U.S. Department of Commerce, Economic Development Administration, for a matching \$681,500 grant to install a sewer line in the City. Mr. Rokita used charts in his presentation to Council. Councilmember Harris asked if the charts could be reproduced for City information and further review. Councilmember Harris also thanked Mr. Rokita for using the charts in his demonstration. Motion was made by Gillard, second by Eggar, to approve Resolution No. 2290, A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION TO THE U.S. DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION, FOR A MATCHING \$681,500 GRANT TO INSTALL A SEWER LINE FROM THE WASTE WATER TREATMENT PLANT TO THE VICINITY OF ROGERS LANE. All in favor, motion passed.

Consultant Dick Larsen was present and explained the final results of the Public Works Union Contract negotiations to Council. The Health and Insurance Committee is currently meeting on the Insurance portion of the contract. Council was in agreement to wait until the next meeting to read Resolution No. 2291, A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY OF LIVINGSTON AND THE AFSCME LOCAL 2711, until the new members of Council have a chance to read over the contract.

City Manager John Orndorff introduced new City Manager Ken Griffin to the public.

Included was a January 28, 1992 letter from the City-County Joint Airport Board for Council information.

A delegation of 20 Town Councilmen from Naganohara are planning a visit to Livingston June 21st - June 24th.

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Mr. Norm Dusenberry, Buttrey's Food, addressed Council pertaining to a February 13, 1992 letter. Motion was made by Harris, second by Mikesell, to approve the easement letter as proposed. Motion passed.

Councilmember Ruth Eggar proposed to City Council, on setting up a Youth Advisory Council Board for the children in Livingston and Park County. Several people are willing to work on a volunteer basis to make the Board work. The Board would consist of Educators, Law Enforcement, local youth counselor, Social Services, all local youth organizations, etc. The youth would consist of boys and girls from grades 8th through 12th. Mayor Dennis stated this sounds great. It would be brought before Council for approval when a Board was organized.

A "Sidewalk Ordinance Checklist" was included in the packet for Council to review. City Manager Orndorff reported a resident, who had to replace his sidewalk a few years ago, is planning to bring legal action against the City if the Sidewalk Improvement/Replacement Program is not continued.

A letter from Mike Owens was in the packet, requesting Councilmember's to review City Ordinances concerning dog ownership and licensing. No action was taken at this time.

The Montana League of Cities and Towns letter was included in the packet for Council information. The subject to the letter was "Small City Environmental Regulations Americans With Disabilities Act".

The Fire Department Monthly Report for January 1992 was enclosed for Council information.

The Police Department Monthly Report for January 1992 was enclosed for Council information.

Public Services Superintendent, Ken Kastelitz reported two underground tanks behind the City's shop were removed. The ground under the tanks were dry, but gas was detected under the gas pump. The City will be notified in two - three weeks of the procedure we will have to follow to clean this up. The tanks have been in the ground approximately fifteen years.

Public Utilities Superintendent, Clint Tinsley stated the Waste Water Treatment Plant roof is completed except for rain gutters.

The Front Street Project is scheduled to begin the first of March.

Because of a miscalculation in Capital Outlay Reserves, the Chinook Street Project will not be started this spring as intended. If money is available, the engineering will be completed this budget year.

The Clarence Street Liftstation is scheduled to begin in a couple weeks.

A Health Advisory for February was issued to Livingston by the State of Montana Friday, February 14, 1992. Eight water samples were taken Monday, February 10th, with four samples returning with non-harmful bacteria. The advisory is not a "boil order" and is to be noticed in the local newspaper and a Health Advisory will be sent with each Utility Bill. Twelve more samples were taken Friday evening, February 14th and sent to Helena. Three of these samples returned bad. Supt. Tinsley stated water samples are taken every month and the advisory could be lifted next month. City crews will be flushing fire hydrants and adding chlorination to the water system over the next few days.

Mayor Dennis questioned Tinsley about the Geyser Street Main Line. Tinsley stated crews will work on Geyser Street the next Sunday.

City Planner John Nerud reported the dedication of Mayor's Landing Fishing Access Site will take place May 16th. Director of Fish, Wildlife and Parks K.L. Cool will be one of the speakers. The Governor and Lt. Governor have been issued invitations.

Planner Nerud stated more money may be available for future work at Mayor's Landing.

A public hearing will be held Tuesday, February 25, 1992, 7:00 p.m. in the Council Chambers in front of the City-County Planning Board for a preliminary plat review of the Island Park Trailer Court Subdivision of Dwight and Kittie Krohne.

Development has been started at Jack Weimer Park on the concession stand. Soccer will start April 4th and American Legion Baseball may play at the Park this coming season.

City Manager Orndorff reported negotiations will begin February 27th with Local No. 630, International Association of Firefighters and Livingston Police Department Employees Association, concerning Health Insurance premiums.

Kim Eyerly, Cemetery Sexton is currently on sick leave and in the process of filing for disability Retirement.

The City's Auditor Alan Tronson will give the audit report at the March 2nd Council Meeting. He requested a worksession for March 16th, 6:00 p.m., to go over the financial status of the Water Funds.

A final check was sent to the Bonding Co. for Oltrogge Construction.

Councilmember Harris questioned the new City Manager's moving expense allotment. The Recording Secretary will listen for discussion on this topic on previous tapes. City Attorney Jovick

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stated we should see what bids come in at, before any action is taken with the moving expenses.

Councilmember Harris questioned Police Chief George Bryce concerning motorcycle helmets.

Councilmember Harris questioned City Manager Orndorff concerning 2 agreements pertaining to Solid Waste.

Councilmember Harris stated he received some comments concerning Fire Inspections. Mayor Dennis confirmed these inspections were mandated by the State. Staff will investigate further.

Councilmember Harris questioned Supt. Kastelitz about the Civic Center roof. Kastelitz stated the balcony can be removed without having to strengthen the trusses. Fire Chief Dave Frederick agreed with the Engineer.

Councilmember Harris questioned Supt. Kastelitz about the sprinkler system in Sacajawea Park. Kastelitz stated the second phase to this project has been ordered. Seasonal employees will be hired when the material is received sometime in March.

Councilmember Harris commented to new City Manager Ken Griffin his opinion that the Code Enforcement Officer should be placed within the Police Department.

Councilmember Eggar received calls concerning the Talcott House having a reception over the weekend and the parking problems this creates. City Planner Nerud commented also. Planner Nerud read the portion concerning Bed & Breakfast's from the Zoning Ordinance. City Attorney Jovick will draft a definition of a Bed and Breakfast for the next meeting.

Councilmember Mikesell questioned the licensing of Dog Kennels. Planner Nerud stated they were allowed in Industrial and Highway Commercial areas without a special exception. The Animal Ordinances are in the process of being updated.

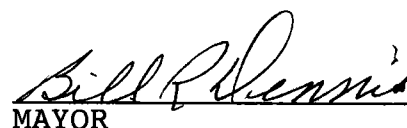
Motion was made by Harris, second by Eggar, to adjourn this meeting there being no further business.

The time was 9:40 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

stated we should see what bids come in at, before any action is taken with the moving expenses.

Councilmember Harris questioned Police Chief George Bryce concerning motorcycle helmets.

Councilmember Harris questioned City Manager Orndorff concerning 2 agreements pertaining to Solid Waste.

Councilmember Harris stated he received some comments concerning Fire Inspections. Mayor Dennis confirmed these inspections were mandated by the State. Staff will investigate further.

Councilmember Harris questioned Supt. Kastelitz about the Civic Center roof. Kastelitz stated the balcony can be removed without having to strengthen the trusses. Fire Chief Dave Frederick agreed with the Engineer.

Councilmember Harris questioned Supt. Kastelitz about the sprinkler system in Sacajawea Park. Kastelitz stated the second phase to this project has been ordered. Seasonal employees will be hired when the material is received sometime in March.

Councilmember Harris commented to new City Manager Ken Griffin his opinion that the Code Enforcement Officer should be placed within the Police Department.

Councilmember Eggar received calls concerning the Talcott House having a reception over the weekend and the parking problems this creates. City Planner Nerud commented also. Planner Nerud read the portion concerning Bed & Breakfast's from the Zoning Ordinance. City Attorney Jovick will draft a definition of a Bed and Breakfast for the next meeting.

Councilmember Mikesell questioned the licensing of Dog Kennels. Planner Nerud stated they were allowed in Industrial and Highway Commercial areas without a special exception. The Animal Ordinances are in the process of being updated.

Motion was made by Harris, second by Eggar, to adjourn this meeting there being no further business.

The time was 9:40 p.m.

ATTEST:

APPROVED:

RECORDING SECRETARY

MAYOR

ACA017

LIVINGSTON
CITY COUNCIL MEETING

March 2, 1992
7:30 p.m.

The Livingston City Council met in regular session Monday, March 2, 1992, 7:30 p.m., in the Council Chambers at the City-County Building. Councilmembers present were Pat Mikesell, Lee Harris, Ruth Eggar and Lyle Gillard, with Mayor Bill R. Dennis presiding.

Motion was made by Gillard, second by Harris, to approve the minutes of February 18, 1992 regular council meeting. Motion passed.

Motion was made by Eggar, second by Mikesell, to accept the bills and claims that listed for \$77,294.60. Councilmember Harris questioned claim #1085 on page 2, Dana Kepner and claim #1182 on page 3, Mobile Repair and Welding. City Manager Ken Griffin clarified. Motion passed.

Mayor Dennis proclaimed March 8-14, 1992 as Girl Scout Week.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2291, A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY OF LIVINGSTON AND THE AFSCME LOCAL 2711. All in favor. Motion passed.

Motion was made by Gillard, second by Mikesell, to approve Resolution No. 2292, A RESOLUTION AMENDING THE WAGE AND CLASSIFICATION TABLE TO PROVIDE FOR A GRADE 6 LEVEL FOR WASTEWATER PLANT CHIEF OPERATOR AND TO PROVIDE FOR INCREASED CEILINGS ON PAY RANGES. All in favor. Motion passed.

Motion was made by Eggar, second by Gillard, to approve Resolution No. 2293, A RESOLUTION AMENDING THE "JOB DESCRIPTIONS FOR CITY EMPLOYEES" TO ADD WASTEWATER PLANT CHIEF OPERATOR. City Manager Griffin explained the Resolution for Councilmember Harris. All in favor. Motion passed.

Ordinance No. 1702, A ORDINANCE AMENDING ARTICLE II DEFINITIONS OF THE ZONING CODE (CHAPTER 30) OF THE CODE OF ORDINANCES TO DEFINE BED AND BREAKFASTS was read, but not acted on. Motion was made by Harris, second by Gillard, to submit the proposed Ordinance to the Zoning Board for their consideration then it will go before Council for first and second readings. Local citizen, Ernie Faure addressed Council for a definition on Bed and Breakfasts. All in favor. Motion passed.

City Auditor Alan Tronson of Tronson and Cotterell, distributed and presented the FY 1990-1991 audit report to Council.

City Manager Ken Griffin stated there will be a 6:00 p.m. worksession before the next council meeting, March 16th. Auditor Tronson will be present to answer any questions.

Mayor Dennis called a special council meeting, Wednesday, March 18, 1992 at 6:00 p.m. This is in regards to Labor Negotiations.

A "City Day" has been scheduled for Saturday April 11th, at 8:00 a.m., for Council and City Manager Griffin to tour City Facilities.

City Manager Griffin placed Finance Officer Jeanne Harrington on suspension with pay, pending a full investigation of the financial status of the City.

A Billings Gazette Reporter will visit Japan in May and is making a special trip to Naganojara.

The City has received the Removal-Action Work Plan for Soil Containing Chlorinated Volatile Organic Compounds in the Livingston Rail Yard. This Work Plan is in the City Office if anyone wishes to review.

Minutes of the City-County Joint Airport Board Meeting of January 28, 1992 were included for Council review.

The Chamber of Commerce has requested the City and County jointly, host April's addition of the Chamber's "Business After Hours" social gathering. Council was in favor and set the date of Wednesday, April 1st at the City-County Building, beginning at 5:30 p.m.

Motion was made by Gillard, second by Mikesell, to appoint Spencer Pynn, at-large member, to the City-County Planning Board for the term of 1-1-92 to 1-1-94. The County Commissioners will need to approve this appointment also. Motion passed.

Councilmember Gillard suggested a Clean-up Day in the City. City Manager Griffin stated a Clean-up Day is scheduled for this spring and he would get a date back to Council.

Mayor Dennis and Councilmember Harris commented on a letter that local business, Tire-O-Rama is going out of business.

Local citizen Mike Owens addressed Council concerning a letter he submitted in the council packet of the last meeting. Mr. Owens spoke about the Ordinance pertaining to the number of dogs within the City Limits. Council stated they would look into this.

Bernice McGee commented on the Gallatin Dog Show that is held in Sacajawea Park.

Motion was made by Eggar, second by Harris, to adjourn this meeting there being no further business.

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The time was 9:00 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill R. Dennis
MAYOR

LIVINGSTON
CITY COUNCIL MEETING

March 16, 1992
7:30 p.m.

The Livingston City Council met in regular session Monday, March 16, 1992, 7:30 p.m., in the council chambers at the City-County Building. Councilmembers present were Lee Harris, Ruth Eggar, Lyle Gillard and Pat Mikesell with Mayor Bill R. Dennis presiding.

Motion was made by Harris, second by Gillard, to approve the minutes of March 2, 1992 regular council meeting. Motion passed.

Motion was made by Eggar, second by Gillard, to accept the bills and claims that listed for \$57,060.87. Councilmember Gillard questioned claim #1322. City Manager Ken Griffin stated the claim was for ammunition for Law Enforcement. Councilman Gillard questioned how purchasing was done. City Manager Griffin stated with purchase orders. Councilmember Harris questioned if the City owned a welder. City Manager stated there is a welder at the Cemetery Shop. Motion passed.

Mayor Dennis proclaimed March 29, 1992 as "Women in Military Service for America Day".

Motion was made by Harris, second by Mikesell, to approve the City Board of Adjustment's recommendation to grant a fifteen foot rear yard requirement variance to Ken Spalding at 112 S. L Street. Motion passed.

Motion was made by Harris, second by Eggar, to approve the City Board of Adjustment's recommendation to grant a twenty-five foot front yard requirement variance to Bob Peters at 1201 E. Gallatin Street. Questions from council were answered by City Planner John Nerud. Motion passed.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2295, A RESOLUTION AUTHORIZING THE EXPENDITURE FOR THE PURCHASE OF A POLICE CAR, AS APPROPRIATED IN THE CURRENT FISCAL YEAR'S BUDGET. Discussion was heard concerning painting City vehicles a uniform color. All in favor. Passed.

Motion was made by Gillard, second by Eggar, to approve Resolution No. 2294, A JOINT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PARK COUNTY, MONTANA, AND THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, PERTAINING TO JOINT AIRPORTS AND LANDING FIELDS, CONTINUING A JOINT BOARD OR BODY FOR THE PLANNING, ACQUISITION, ESTABLISHMENT, DEVELOPMENT, CONSTRUCTION, ENLARGEMENT, IMPROVEMENT, MAINTENANCE, EQUIPMENT, OPERATION, REGULATION, PROTECTION AND POLICING OF SUCH JOINT AIRPORTS OR LANDING FIELDS AND DEFINING THE POWERS AND DUTIES OF SAID JOINT BOARD. Airport Board Secretary Jerri Miller addressed Council concerning the City-

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County Joint Airport Resolution. Mrs. Miller also stated the FAA set December 1992 as the date to close the Livingston Flight Service Station and requested that Council and the public write letters to their Congressmen to rescind this decision. All in favor. Motion passed.

Ken Handle, spokesperson for Veterans of Foreign War, presented Council with two new flags to replace the flags in Sacajawea Park.

Spokepersons for "Boards in Motion" addressed City Council concerning skateboarding. The group is looking for a 100'x 100' area to concrete for skate ramps. Discussion was heard, concerning liability problems the City could experience if a skateboard park was on City property. Councilmember Ruth Eggar requested a Special Council Meeting for Wednesday, March 25, 1992, 7:00 p.m., to meet with from "Boards in Motion" and City Council.

Jane Habberman and John Bays, Park Conservation District presented a short slide show to Council. Discussion was heard concerning the City of Livingston joining the District. City Attorney Jovick will check a legal question concerning the 1.5 mils the City would need to collect, to be in the District. This issue will be added to the March 25th Special Meeting Agenda.

The Fire Department Monthly Report for February 1992 was included for Council information.

The Police Department Monthly Report for February 1992 was included for Council information.

Councilmember Eggar stated she and others thought a City Logo was a nice idea. Councilmember Mikesell felt in put on the logo should be city wide. Discussion was heard concerning a community wide contest.

Councilmember Eggar questioned what the cost would be to have all City vehicles painted one color. Discussion was heard.

Councilmember Eggar is interested in seeing the Civic Center used for entertainment. Discussion was heard.

City Manager Griffin explained to Council the studies needed for Impact Fees.

Councilmember Gillard requested the water revenue and expenses for one month, excluding repairs etc. City Manager Griffin will supply Council with this information.

Councilmember Gillard questioned sidewalk repair. City Manager Griffin talked last week to representatives from Montana Municipal Insurance Association (MMIA) concerning the sidewalk issue.

Councilmember Mikesell requested the sewer revenue and expenses for one month.

Motion was made by Eggar, second by Mikesell, to create and appoint an Economic Development Committee. Members include:

Board of Directors: Mike Atwood, Jamie Barney, S. Santee, Fred Shellenberg, B. Jockers, Roy Korkalo, Pete Story, Rod Siring, J. Fields, Darwin Rabenberg, Rich Daem, Jim Krusemark, Steve Pottenberg and B. Crawford

County Commissioners: Carlo Cieri, Larry Lovely and Jim Hunt

City Council: Mayor Bill R. Dennis, Lee Harris, Lyle Gillard, Pat Mikesell and Ruth Eggar,

City Planner John Nerud
County Planner Valerie Counts
City-County Sanitarian Randy Taylor
City Manager Ken Griffin

The vote was all in favor. Motion passed.

Bob Weimer, Chairman of the Convention Committee, stated the American Legion Convention will be held in Livingston July 7,8,9,10 & 11, 1993.

Mayor Dennis stated a meeting will be held Thursday, March 19th, 10:30 a.m. with Bob Weimer, Mayor Dennis and City Planner to discussion Jack Weimer Memorial Park.

Councilmember Eggar reported the Livingston Business and Professional Women is holding a public forum Wednesday, March 18th, 7:00 p.m. in the Park High School Cafeteria. The topic will be a variety of Community issues.

Motion was made by Mikesell, second by Gillard, to adjourn the meeting there being no further business. Motion passed.

The time was 9:20 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill R. Dennis
MAYOR

ACAO17

SPECIAL LIVINGSTON
CITY COUNCIL
MEETING

March 18, 1992
6:00 p.m.

The Livingston City Council met in special session Wednesday, March 18, 1992, 6:00 p.m. in the council chambers at the City-County Building. Councilmembers present were Lyle Gillard, Pat Mikesell and Ruth Eggar with Mayor Bill R. Dennis presiding.

At this time Mayor Dennis announced the meeting will go into executive session, stating that the merits of individual privacy exceed the merits of public disclosure. The Council went into executive session in regards to labor negotiations at 6:05 p.m.

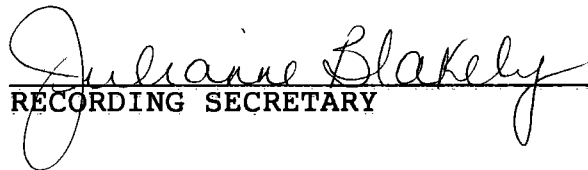
The meeting resumed at 6:55 p.m.

Motion was made by Eggar, second by Gillard, to adjourn this meeting there being no further business. Motion passed.

The time was 6:55 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

SPECIAL LIVINGSTON
CITY COUNCIL MEETING

March 25, 1992
7:00 p.m.

The Livingston City Council met in special session Wednesday, March 25, 1992, 7:00 p.m. in the council chambers at the City-County Building. Councilmembers present were Pat Mikesell, Lee Harris, Ruth Eggar and Lyle Gillard with Mayor Bill R. Dennis presiding.

City Attorney Bob Jovick reported on the legal issues pertaining to the Park Conservation District's proposal for the City of Livingston joining the District. Attorney Jovick stated the Park Conservation District would have a levy through the Park County Commissioners. Since the levy would not go through City Council, I-105 is not applicable. The City Council would have a couple member-representatives on the District's governing board from the City, if they are included in the District. The City Council does not have to do anything for the District to expand. A petition with 10% of the qualified electors is needed to get on the ballot. No permission of City Council is needed.

Lee Phillips addressed Council on behalf of Boards in Motion, a skateboard group. Discussion was heard from Council, Ms. Phillips, Mr. and Mrs. Haugen, who live across the street from the old middle school, and kids in the audience. City Manager Ken Griffin stated the City would look into some land by the Civic Center but liability is still the issue. City Manager Griffin also stated, the City cannot endorse the use of skateboards on the highway. Councilmembers Ruth Eggar and Pat Mikesell will sit on a special committee with representatives from Boards in Motion, which will be held Wednesday, April 15th at 7:00 p.m., in the Council Chambers.

City Attorney Jovick gave a report of his findings on the moving expenses for the City Manager's relocation. Motion was made by Eggar, second by Gillard, to accept the bid for moving from A. Arnold & Sons and reimburse Mr. Griffin for up to \$6,180. Motion passed.

Motion was made by Harris, second by Eggar, to accept the Finance Officer's resignation. Motion passed.

Motion was made by Harris, second by Eggar, to approve the claim to Jeanne Harrington dated March 25, 1992. Motion passed.

Motion was made by Eggar, second by Gillard to adjourn this meeting there being no further business. Motion passed. The time was 8:20 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill R. Dennis
MAYOR

ACA017

LIVINGSTON
CITY COUNCIL MEETING

April 6, 1992
7:30 p.m.

The Livingston City council met in regular session Monday, April 6, 1992, 7:30 p.m., in the council chambers at the City-County Building. Councilmembers present were Lee Harris, Ruth Eggar, Lyle Gillard and Pat Mikesell with Mayor Bill R. Dennis presiding.

Motion was made by Gillard, second by Mikesell, to approve the minutes of March 16, 1992 regular council meeting, March 18, 1992 special council meeting and March 25, 1992 special council meeting. Motion passed.

Motion was made by Gillard, second by Harris, to accept the bills and claims that were listed for \$64,299.75. Councilmember Gillard questioned Claim #5587, Dana Kepner Co. City Manager Griffin will look into this claim. Councilmember Gillard questioned Claim #5614, Walker Safety & Signing Co. City Manager Griffin explained these were for approximately 100 intersection signs used for replacing signs on a long range project. Councilmember Gillard questioned Claim #5627, House of Clean. City Manager Griffin will look into this claim. Councilmember Harris questioned Claim #5588, Gray's Road Rescue. Chief Bryce stated this was for impounding a vehicle. Councilmember Harris questioned Claim #5598, MT Rural Water Systems. City Manager Griffin stated it was a membership for Utilities Supt. Tinsley. Councilmember Harris questioned Claim #5605, Park County Rod & Gun Club. City Manager Griffin stated this was for the Police Department. Councilmember Harris questioned Claim #5615, Strong & Bradley's. City Manager Griffin stated these were parts for Water and Sewer Departments. Councilmember Harris questioned Claim #1438, Super Car Wash. Chief Bryce stated this was for his department and City Manager Griffin stated the garbage trucks were also washed at the car wash. Councilmember Harris questioned Claim's #5638 & 5639, Becker Fire Equipment Co. City Manager Griffin stated these were budgeted items and he will look into this claim. Councilmember Harris questioned Claim #5642, Brass Monkey/Sandman. City Manager Griffin stated this was for sandblasting of the City Pool. Councilmember Harris questioned Claim #1471, Quill Corporation. City Manager Griffin stated this was for a budgeted Fax machine. Councilmember Harris questioned Claim #5653, Winter's Roof Company. City Manager Griffin clarified this to be the final payment on the reroofing of the Waste Water Treatment Plant. Motion passed.

Mayor Dennis proclaimed April 5-11, 1992 as Library Week.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2296, A RESOLUTION AMENDING THE JOB DESCRIPTION OF FINANCE OFFICER FOR THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Gillard, second by Eggar, to approve Resolution No. 2297, A RESOLUTION APPROVING A RELEASE TO BURLINGTON NORTHERN RAILROAD REGARDING THE L AND Q STREET WELLS. City Attorney Jovick stated the Resolution pertained only to the L and Q Street Wells and not any other problem that might arise. All in favor. Motion passed.

Motion was made by Eggar, second by Harris, to approve first reading of Ordinance No. 1703, AN ORDINANCE AMENDING SECTION 12-65 OF THE CODE OF ORDINANCES TO DELETE REFERENCE TO AN ADDED CHARGE FOR EXTRA CANS OR BAGS IN RESIDENTIAL GARBAGE PICKUP. All in favor. Motion passed.

Motion was made by Gillard, second by Harris, to accept a formal withdrawal of the preliminary plat of the Island Park Trailer Court Subdivision from Mr. and Mrs. Krohne. Motion passed.

Mayor Dennis presented a Certificate of Appreciation to Mr. and Mrs. Robert Weimer in recognition of service to Jack Weimer Memorial Park.

Mr. Weimer addressed City Council requesting an underpass on Front Street by Star Addition. Mr. Weimer did have an engineering study a few years back. Mayor Dennis stated an underpass was needed in this area. Discussion was heard. Mayor Dennis stated it would be investigated.

Mr. Weimer thanked everyone for their help with Jack Weimer Memorial Park. Mr. Weimer gave City Council his resignation as Mars Park and Jack Weimer Memorial Park superintendent. Motion was made by Gillard, second by Mikesell to accept Mr. Weimer's resignation. Councilmember Harris asked for discussion. After discussion Mayor Dennis asked Councilmembers to withdraw their motions and this resignation will be tabled until the next meeting.

Mr. and Mrs. Dan Kaul, owners of the Murray Hotel, have requested two loading zones in front of their business. After discussion, motion was made by Mikesell, second by Harris, to have loading zones reviewed every two years, concurrent with Mayor and Council's terms. Attorney Jovick pointed out this would require an Ordinance. He agreed to draft one. Councilmembers withdrew their motion and second. Motion was made by Harris, second by Mikesell to grant Mr. and Mrs. Kaul one loading zone space on Second Street at the front door and one loading zone space located at the last stall on Park Street. Motion passed.

Motion was made by Mikesell, second by Eggar, to notify Phil Hartung to take down a dog run connecting from his property to Fleshman Creek that runs along Sacajawea Park. Council stated this was an eye sore. Motion passed.

Motion was made by Gillard, second by Eggar, to accept the Fiscal Year 1991-1992 Audit and forward the Audit Letter. Motion passed.

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The Fire Department Monthly Report for March 1992 was included in the packet.

The Police Department Monthly Report for March 1992 was included in the packet. City Manager Griffin mentioned 14 burglary cases were solved and gives credit to Chief Bryce and his department.

Minutes of the City-County Joint Airport Board Meeting for March 1992 was included in the packet.

Councilmember Eggar stated the City Manager's idea on forming a City Band and City Softball League were "excellent idea's".

Councilmember Harris requested tabs be placed on the Council packets or some type of cross reference.

Bernice McGee stated the loading zone stall in front of the Senior Citizens Center can be changed to 10 a.m. - 2 p.m. parking. Now the parking time is 6:00 a.m. - 6 p.m.

Arlen Harris addressed Council concerning intersection traffic at the bottom of the short hill on Gallatin Street. City Manager to investigate.

Mayor Dennis reminded Council of the City Tour Day scheduled for Saturday April 11th, starting at 8:00 a.m.

At this time, Mayor Dennis announced the meeting would go into executive session, stating that the merits of individual privacy exceed the merits of public disclosure. The council went into executive session to discuss labor negotiations. The time was 8:30 p.m.

Council returned to open session at 8:45 p.m.

Discussion was heard concerning an ambulance service and the Fire Department.

Mayor Dennis questioned when will something be done with water rates. City Manager Griffin stated a draft Ordinance will be presented at the next meeting. A 25% differential will be looked into for Water and Sewer users outside the city limits. Tap fees were also discussed.

Motion was made by Eggar, second by Mikesell, to adjourn this meeting there being no further business. Motion passed.

The time was 9:00 p.m.

ATTEST:


RECORDING SECRETARY

APPROVED:


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

April 20, 1992
7:30 p.m.

The Livingston City Council met in regular session Monday, April 20, 1992, 7:30 p.m. in the council chambers at the City-County Building. Councilmembers present were Lee Harris, Ruth Eggar, Lyle Gillard and Pat Mikesell with Mayor Bill R. Dennis presiding.

Motion was made by Gillard, second by Harris, to approve the minutes of April 6, 1992 regular council meeting. Motion passed.

Motion was made by Gillard, second by Mikesell, to accept the bills and claims that were listed for \$43,142.94. Councilmember Harris questioned claim #5666 for chest waders. City Manager Ken Griffin will look into this claim. Councilmember Harris questioned claim #5671 for safety belts. City Manager Griffin stated the Fire Department recently purchased safety belts, but he will clarify. Councilmember Harris questioned claim #5695, Western Photo Sales. City Manager Griffin will look into this claim. Councilmember Harris questioned claim #5700, March Public Defender. Mayor Dennis clarified this was a case basis. Councilmember Harris questioned claim #5715, Photoscan Northwest. City Manager Griffin stated this was repair of the facilities camera that transmits a picture into the Dispatcher's office. Councilmember Harris questioned claim #5716, Manhour/Backhoe. City Manager Griffin will look into this claim. Councilmember Harris questioned claim #5722 for electrical repair. City Manager Griffin will look into this claim. Councilmember Harris questioned claim #5745, Bozeman Daily Chronicle. City Manager Griffin stated this was advertisement for Finance Officer's position. Griffin stated seven candidates have applied to date. Motion passed.

Mayor Dennis proclaimed "April 25 - May 3, 1992 as Clean-up Week in the City of Livingston".

Resolution No. 2299 is deferred until the next council meeting.

Motion was made by Eggar, second by Mikesell, to approve Resolution No. 2299, A RESOLUTION OF INTENT TO INCREASE WATER RATES FOR THE CITY OF LIVINGSTON. City Manager Griffin explained the Resolution to Council and stated this put the public on notice of intent. Some discussion was heard from Council, staff, local citizen John Adams Sr., Rebecca Clark from the Park Co. Food Bank and a lady who did not state her name. The vote was three in favor, Harris opposed. Passed.

Second Reading of Ordinance No. 1703, AN ORDINANCE AMENDING SECTION 12-65 OF THE CODE OF ORDINANCES TO DELETE REFERENCE TO AN ADDED CHARGE FOR EXTRA CANS OR BAGS IN RESIDENTIAL GARBAGE PICKUP. All in favor. Motion passed.

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Motion was made by Eggar, second by Mikesell, to approve first reading of Ordinance No. 1704, AN ORDINANCE ADDING A SECTION 13-19.1 TO THE CODE OF ORDINANCES TO ESTABLISH A SYSTEM DEVELOPMENT FEE FOR THE CITY'S FRESH WATER ENTERPRISE FUND, PROVIDING FOR SEVERABILITY, & ESTABLISHING AN EFFECTIVE DATE. City Manager Griffin explained the Ordinance to Council, with discussion following. All in favor. Motion passed.

Motion was made by Eggar, second by Gillard, to approve first reading of Ordinance No. 1705, AN ORDINANCE ADDING A SECTION 14-13.3 TO THE CODE OF ORDINANCES TO ESTABLISH A SYSTEM DEVELOPMENT FEE FOR THE CITY'S WASTE WATER ENTERPRISE FUND, PROVIDING FOR MANAGEMENT OF THESE MONIES, PROVIDING FOR SEVERABILITY, & ESTABLISHING AN EFFECTIVE DATE. City Attorney Bob Jovick answered a question for Councilmember Mikesell. City Manager Griffin stated this was in the best interest of the city. All in favor. Motion passed.

Motion was made by Eggar, second by Mikesell, to approve first reading of Ordinance No. 1706, AN ORDINANCE DELETING TABLE B OF SECTION 13-19 (B) (2) OF THE CODE OF ORDINANCES REGARDING WATER CONNECTION FEES. All in favor. Motion passed.

Motion was made by Mikesell, second by Eggar, to approve first reading of Ordinance No. 1707, AN ORDINANCE ADDING ARTICLE VII TO CHAPTER 2 OF THE CODE OF ORDINANCES ENTITLED "DEVELOPMENT REVIEW FEES" ESTABLISHING DEVELOPMENT REVIEW FEE ASSESSMENTS FOR REZONING, SPECIAL EXCEPTIONS, COMPREHENSIVE PLAN AMENDMENTS, APPLICATIONS FOR PLANNED UNIT DEVELOPMENTS, AND APPLICATIONS FOR DEVELOPMENT REVIEW/APPROVAL FOR ALL PROPOSED SUBDIVISIONS AND COMMERCIAL SITE PLANS; PROVIDING FOR ADMINISTRATIVE PROCEDURE; PROVIDING FOR EXEMPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. All in favor. Motion passed.

Griffin reported that office staff met with representatives from the Denver Regional Office of the Economical Development Administration. They stated the application looks good. The City should have information on the project the first part of June.

Motion was made by Gillard, second by Eggar, to award Morrison Maierle/CSSA the contract to engineer to the EDA Sewer Project. This award will not take effect until the receipt of the grant. Motion passed.

Motion was made by Harris, second by Gillard, to reappoint Cindy NeSmith as a representative to the Yellowstone Country Montana, Inc. Board. Motion passed.

Included in the packet, was a memo and map showing the loading zones within the City. Tom Hardy from the Retail Subcommittee for the Chamber of Commerce, spoke to Council concerning parking in downtown Livingston. A meeting is scheduled for Thursday, 4:00 p.m., with the Fire Chief, Police Chief, Supt. Public Services, City

Manager and Mr. Hardy to look at the parking situation.

Motion was made by Harris, second by Mikesell, to appoint Mike Owen to the City-County Health Board. The vote was three in favor, Eggar opposed.

Mark Bolin from the Livingston Enterprise, is requesting the Council to consider expanding the No Bikes/Skateboards Ordinance, to include the area by the Enterprise. No action was taken.

Mayor Dennis commented on a Letter of Commendation to the Fire Department for putting together the 13th Annual Easter Egg Hunt in Sacajawea Park.

Mayor Dennis requested City Manager Griffin to pursue an Arts and Craft Fair for the Civic Center. This would be to generate money for miscellaneous items not budgeted for the Civic Center. The fair will be scheduled for sometime in October.

Councilmember Harris stated Bob Weimer gave him copies of pictures to activities going on in Jack Weimer Memorial Park. Mr. Weimer explained the pictures to Council. Councilmember Mikesell stated Brand-S would be willing to use their roller for the field.

John Adams Sr. spoke on behalf of the condition of 5th Street railroad crossing. Mayor Dennis stated this was the railroad's responsibility. He also questioned to whom the Code Enforcement Officer was responsible. City Manager Griffin stated the position was responsible to the Public Service Superintendent.

Bob Weimer stated the Armory is in favor of an railroad underpass on Front Street and is willing to help in any way.

At this time, Mayor Dennis stated the meeting would go into closed session, stating the merits of individual privacy exceed the merits of public disclosure. The meeting was closed to discuss ethics of Councilmembers. The time was 8:30 p.m.

The meeting resumed at 8:48 p.m.

Motion was made by Harris to not accept the resignation of Bob Weimer. Discussion was heard. Motion died due to lack of a second.

Councilmember Mikesell asked that all business be finished prior to executive session.

Discussion was heard about the Councilmembers playing a basketball game with the County Commissioners to raise money to send Middle School students to Japan as part of the Sister City Program. Council was in agreement.

Councilmember Eggar questioned the progress of the City Band. City Manager Griffin stated there have been inquiries.

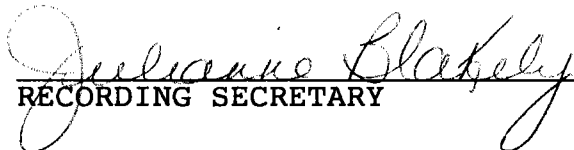
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Motion was made by Eggar, second by Mikesell, to adjourn this meeting there being no further business. Motion passed.

The time was 9:05 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

SPECIAL
LIVINGSTON CITY COUNCIL
MEETING

April 27, 1992
6:00 p.m.

The Livingston City Council met in special session Monday, April 27, 1992, 6:00 p.m. in the council chambers at the City-County Building. Councilmembers present were Ruth Eggar, Lyle Gillard, Pat Mikesell and Lee Harris with Mayor Bill R. Dennis presiding.

The purpose of the special session was to discuss Warren McGee's working relationship with the City.

Discussion was heard from Council, staff, local citizens: Marty Claar, Bill Barnhart, Netzy Durfey, Bernice McGee, Mrs. John Adams, Howard Harper and Mrs. Weimer. Liability was the issue.

Councilmember Mikesell asked that the liability be addressed at the next regular council meeting. Attorney Jovick was asked to research.

Motion was made by Eggar, second by Mikesell, to adjourn this meeting there being no further business. The time was 7:05 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

May 4, 1992
7:30 p.m.

The Livingston City Council met in regular session Monday, May 4, 1992, 7:30 p.m. in the council chambers at the City-County Building. Councilmembers present were Lee Harris, Ruth Eggar, Lyle Gillard and Pat Mikesell with Mayor Bill R. Dennis presiding.

Motion was made by Harris, second by Gillard, to approve the minutes of April 20, 1992 regular council meeting and April 27, 1992 special council meeting. Motion passed.

Motion was made by Eggar, second by Mikesell, to accept the bills and claims that were listed for \$61,673.16. Motion passed.

Mayor Dennis proclaimed May 10-17, 1992 as Historic Preservation Week.

Mayor Dennis proclaimed May 1992 as Senior Citizen Month.

Mayor Dennis proclaimed May 1-7, 1992 as Youth Week in the City of Livingston.

City Attorney Bob Jovick stated Resolution No. 2298, A RESOLUTION APPROVING AN AGREEMENT AND FORM OF RELEASE BETWEEN BURLINGTON NORTHERN RAILROAD AND THE CITY OF LIVINGSTON REGARDING LIVINGSTON CITY SHOPS, will be deferred until a later date and the City is to proceed with the engineering of the proposed water line on Gallatin Street.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2301, A RESOLUTION ADOPTING AN AMERICAN WITH DISABILITIES ACT GRIEVANCE PROCEDURE FOR THE CITY OF LIVINGSTON. City Attorney Jovick stated section 3 should read: "ADA Compliance Officer" instead of "Tim Parks". All in favor. Motion passed.

Motion was made by Eggar, second by Gillard, to approve Resolution NO. 2302, A RESOLUTION APPROVING A \$25.00 PER DAY ELECTRICAL USE FEE FOR THE MILES PARK BANDSHELL. City Manager Griffin answered a question of Councilmember Harris. All in favor. Motion passed.

Second reading of Ordinance No. 1704, AN ORDINANCE ADDING A SECTION 13-19.1 TO THE CODE OF ORDINANCES TO ESTABLISH A SYSTEM DEVELOPMENT FEE FOR THE CITY'S FRESH WATER ENTERPRISE FUND, PROVIDING FOR SEVERABILITY, & ESTABLISHING AN EFFECTIVE DATE. Councilmember questioned the Ordinance with City Manager Griffin and Fire Chief Frederick answering. All in favor. Motion passed.

Second reading of Ordinance No. 1705, AN ORDINANCE ADDING A SECTION 14-13.3 TO THE CODE OF ORDINANCES TO ESTABLISH A SYSTEM DEVELOPMENT FEE FOR THE CITY'S WASTE WATER ENTERPRISE FUND, PROVIDING FOR MANAGEMENT OF THESE MONIES, PROVIDING FOR SEVERABILITY, & ESTABLISHING AN EFFECTIVE DATE. All in favor. Motion passed.

Second reading of Ordinance No. 1706, AN ORDINANCE DELETING TABLE B OF SECTION 13-19 (B) (2) OF THE CODE OF ORDINANCES REGARDING WATER CONNECTION FEES. All in favor. Motion passed.

Second reading of Ordinance No. 1707, AN ORDINANCE ADDING ARTICLE VII TO CHAPTER 2 OF THE CODE OF ORDINANCES ENTITLED "DEVELOPMENT REVIEW FEES" ESTABLISHING DEVELOPMENT REVIEW FEE ASSESSMENTS FOR REZONING, SPECIAL EXCEPTIONS, COMPREHENSIVE PLAN AMENDMENTS, APPLICATIONS FOR PLANNED UNIT DEVELOPMENTS, AND APPLICATIONS FOR DEVELOPMENT REVIEW/APPROVAL FOR ALL PROPOSED SUBDIVISIONS AND COMMERCIAL SITE PLANS; PROVIDING FOR ADMINISTRATIVE PROCEDURE; PROVIDING FOR EXEMPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. All in favor. Motion passed.

Motion was made by Gillard, second by Harris, to approve first reading of Ordinance No. 1708, AN ORDINANCE AMENDING SECTION 9-232 OF THE CODE OF ORDINANCES TO ADD A SUBSECTION CONCERNING RESTRICTED PARKING ZONES. All in favor. Motion passed.

City Manager requested a land transfer proposal be deferred at this time. Mr. Bill Barnhart requested to address Council, but was not present at the meeting.

Motion was made by Eggar, second by Mikesell, to select the logo on page 17 in the council packet as the City's new logo. The logo was hand drawn by Tim Parks. Mayor Dennis requested the City maintain "Yellowstone Country" on the stationery. Motion passed.

Fire Chief Dave Frederick addressed Council's questions concerning the fire rating system and how the city can keep the lower rating. Bob Weimer stated it was easier to keep our rating than to get it back after it was lost.

Motion was made by Eggar, second by Mikesell, to deny Robert McLaughlins' request to hook two buildings to an existing 4" sewer service line. Motion passed.

City Manager Griffin corrected figures he had added to a memo dated April 28, 1992 from Councilmember Harris. Discussion was heard from Council and Staff concerning solid waste, the landfill and the incinerator. Councilmembers Eggar and Mikesell will meet with the Refuse Board on May 14th. Discussion was heard concerning the Code Enforcement Officer random monitoring to the incinerator. More discussion will take place at a later date.

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City Manager Griffin informed Council, Supt. of Public Services Ken Kastelitz was out of the hospital in Billings and will return to work next monday, May 11th.

The City-County Grudge Match to raise money to send local Middle School students to Japan, has been requested to be changed from basketball to volleyball. The date is scheduled for May 28th at 7:30 p.m. Tickets will be sold at various locations.

City Officials met with School Officials Friday, May 1st concerning the East Side School. Also, School Officials will approach Council at the next meeting pertaining to the E Street Bridge.

Councilmembers Mikesell and Eggar have met with Boards in Motion and insurance is still the issue. Councilmember Mikesell stated it was a productive meeting. Another meeting has been scheduled.

Councilmember Mikesell is in favor of sending a newsletter to City residents along with their monthly water bill. If not enough news for one month is possible, the news letter would be sent quarterly. The newsletter will be named "The Town Crier".

Councilmember Harris questioned the progress of the Swimming Pool. City Manager Griffin stated the pool is proposed to open June 15th. Griffin also stated high water is already a problem to finish painting the deep end of the pool. The deep end will be painted early next spring.

Councilmember Harris questioned what could be done with the dandelions in the baseball fields and Park. City Manager Griffin stated he would check into Montana Law, as to what chemicals can be used.

Councilmember Eggar questioned the possibility of Council holding worksessions. City Attorney Jovick stated worksessions have been held before a regular council meeting in the past.

Councilmember Eggar mentioned the liability coverage for volunteers working in the City of Livingston. Councilmember Eggar also mentioned the City Manager is doing the work Council directs him to do.

Clare Lemke spoke to Council concerning Warren McGee and all he has accomplished within the city.

Bob Weimer stated there is interest at Jack Weimer Memorial Park to install a baseball diamond for baseball practice. City Manager Griffin stated this item needs discussed with the Superintendents involved with the Park.

Soccer coach Mike Killorn spoke to Council on behalf of Jack Weimer Memorial Park stating this could be one of the best soccer fields in the State and could bring more revenue into the city.

Bill Leitch spoke to Council concerning volunteerism.

Motion was made by Eggar, second by Gillard, to adjourn the meeting there being no further business. Motion passed.

The time was 9:00 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill R. Dennis
MAYOR

ACA017

LIVINGSTON
CITY COUNCIL MEETINGMay 18, 1992
7:30 p.m.

The Livingston City Council met in regular session Monday, May 18, 1992, 7:30 p.m., in the council chambers at the City-County Building. Councilmembers present were Ruth Eggar, Lyle Gillard, Pat Mikesell with Mayor Bill R. Dennis presiding. Councilmember Lee Harris was absent.

Motion was made by Gillard, second by Mikesell, to approve the minutes of May 4, 1992 regular council meeting. Motion passed. Harris absent.

Motion was made by Gillard, second by Eggar, to accept the bills and claims that were listed for \$44,675.00. Motion passed. Harris absent.

A public hearing was held concerning a 12% water revenue increase. City Manager Ken Griffin gave a briefing before public comments were heard. A \$.16 differential per 1,000 gallons was proposed for housing on both hills, and an additional \$1.41 for 8 houses located on Highground Ave. Mike Owen spoke in opposition to the increase. At this time Council moved into the District Court room, due to the lack of seating in the council chambers. Citizens opposed to the higher proposed water charge for the northside hills were: Steve Koontz, Gene Benson, Pat Miller, Pam Harvey, Lucy Hager, Adrienne (unknown last name), Rich Daem, Tana Miller and Murray Sutton. Comments were heard from: Marshall Engstrom, Dale McCleary (Controller for Livingston Rebuild Center), Howard Harper, Yvonne Adams and Carlo Cieri. Nathan Kovash manager of the Yellowstone Motor Inn, asked Council questions with City Manager Griffin clarifying. Comments from Councilmember Harris who was absent, were read by the Recording Secretary. The general thrust of the comments made in opposition to the proposed revenue increase was that they were not opposed to the new rates for the flat part of the city, but felt the differentials for the hill homes were unfair. Discussion was also heard from Council, with Councilmember Eggar stating she would like the Resolution tabled until next meeting. Mayor Dennis closed the public hearing at 8:50 p.m. Resolution No. 2300 was not introduced.

Council resumed session at 8:55 p.m. in the council chambers.

Motion was made by Gillard, second by Eggar, to approve Resolution No. 2305, A RESOLUTION OF INTENT TO VACATE THE REMAINDER OF GLOBE STREET, /BOARDMAN STREET/EAST-WEST ALLEY IN BLOCK 39 ALL IN THE PALACE ADDITION. City Manager Griffin explained the Resolution to Council and clarified a question by Councilmember Mikesell. All in favor, motion passed. Harris absent.

City Attorney Jovick stated Resolution No. 2303 will not be introduced, due to an approval consent has not been received to date. Mr. Jovick stated this was expected for the next meeting.

Second Reading of Ordinance No. 1708, AN ORDINANCE AMENDING SECTION 9-232 OF THE CODE OF ORDINANCES TO ADD A SUBSECTION CONCERNING RESTRICTED PARKING ZONES. Motion passed. Harris absent.

Supt. of Schools, Vern Beffert, Bill Adamo and Doug Hardy gave a presentation to Council, requesting that the City Council approve a bridge and a through street on south "E" Street from the north side of Fleshman Creek to where it will connect with View Vista Drive. The road is proposed to be one way only for safety purposes. The School District approached Council last year on this topic and was denied. Mr. Beffert stated they are currently working with the County Commissioners to widen View Vista Drive and make changes in the parking areas at Park High School. This would be a shared expense between the School District, Park County and City of Livingston. Motion was made by Eggar, second by Mikesell, to have a resolution drawn for platting an approach on "E" Street and to proceed with a meeting with all parties to figure out technicalities. Motion passed. Harris absent.

Bill Barnhart handed out maps of his property to Council, with two different proposals that would protect his water line in the rear of his property. Mayor Dennis stated the City will look into the request and get back to Mr. Barnhart.

Gordon Brittan addressed Council concerning the Montana Wind Turbine, Inc. The City has a power purchase agreement with the Montana Power Company (MPC) for wind-generated electricity and expires July 1992 along with the land lease. Mr. Brittan proposed that the City renegotiate the MPC contract to retain current specifics, as well as increasing the amount of power which could be generated at the City's Wind Farm and sold to MPC. The Council concurred to direct Attorney Jovick and City Manager Griffin to open negotiations with MPC. Mr. Brittan noted there are presently 4 machines and could be additional 12 wind turbines, if the contract with MPC can be successfully negotiated. Motion was made by Gillard, second by Mikesell to pursue renegotiating of the contract with MPC. Motion passed. Harris absent.

Motion was made by Eggar, second by Gillard, to allow the Crazy Mountain Kids Club the use of the east wing of the Civic Center for the summer. The Club has their own insurance and would list the City as an additional insured. The motion and second was withdrawn, with Mikesell making the motion to have a contract drawn for the use of the Civic Center with same intent as previous motion, second by Eggar. Motion passed. Harris absent.

Motion was made by Gillard, second by Mikesell, to approve the Board of Adjustment's recommendation to grant Tim Dauenhauer at 108 S. I Street a variance from the fifteen foot rear yard requirement specified for RII (MH) zoning district. Motion passed. Harris

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absent.

Motion was made by Eggar, second by Mikesell, to approve the Mayor's appointment of Councilman Lyle Gillard, Citizen Tom Hardy, Finance Officer Jim Christiaens and City Manager Ken Griffin to the Audit Committee. Motion passed. Harris absent.

Motion was made by Gillard, second by Mikesell, to approve the Mayor's appointment of Al Maurillo, Bev Deporto, Vince Burns, Jon Hess and Lynn Walden to the City's ADA Committee. Assistant Chief Tim Parks is the Committee Facilitator. Motion passed. Harris absent.

Motion was made by Eggar, second by Mikesell, to purchase the City Manager to pursue a Flexible Compensation Plan for the employees. Motion passed. Harris absent.

Motion was made by Eggar, second by Gillard, to purchase new carpet in the offices and the hallway on the City side of the building, with the carpet purchased locally. The bid was awarded to David Rust Carpet at \$12.50/sq. yard. Councilmember Eggar amended the motion to go with the 15 year carpet, all in favor. Motion passed. Harris absent.

City Manager Griffin called the Council's attention to a spreadsheet report in their packet noting a \$400,000 increase in available cash for the FYE 92 Budget as compared to earlier years. He stated calculations were still being performed for the yet to begin FYE 93, but initial indications were , we still had too much cash available to enable the City to utilize the benefits of Initiative 105, as opposed to the 65 Mill limit the City had been forced into in FYE 92. Griffin recommended the Council consider purchasing a new Fire Truck, outright, with the extra cash available, in order to allow the City the benefits of I-105. Some discussion followed. The general consensus was a Fire Truck would be a wise use of the money, especially considering it would save the average homeowner \$30 on their annual fire insurance premium, a total cost city-wide of over \$90,000.00. Attorney Jovick stated the Council was moving too quickly and that they needed to have a report from the City Finance Officer before making a decision to expend some \$200,000. No further action was taken.

Discussion was also heard concerning the proposed ambulance service.

The Fire Department's Month End Report for April 1992 was included for Council's information.

The Police Department's Month End Report for April 1992 was included for Council's information.

The City-County Joint Airport Board Minutes for March 26, 1992 was included for Council's information.

Councilmember's Mikesell and Eggar strongly objected to Councilmember Harris not being present at the meeting, but having notes read on his opinions. City Attorney Jovick stated anyone can write in public comments. Mr. Jovick stated when any member of the Council has the floor, that member can read from pertinent written material.

Councilmember Eggar stated her understanding, when a member of Council was going to be out of town, they were to contact Council in advance of when they were going to be gone. Councilmember Gillard stated the next council meeting when Councilmember Harris was present, would be the time to solve this.

Mayor Dennis stated he would like the June 8th work session at 7:00 p.m. The purpose of this work session is preliminary budget work; like City goals and priorities.

Councilmember Eggar would like to see Mr. Barnhart's request addressed as soon as possible. Mayor Dennis stated he would like it solved at the first meeting in June.

Mayor Dennis stated that he does not agree with item number nine of the Bed and Breakfast Ordinance Draft. A comment was heard by Ernie Faure. City Manager Griffin explained the reasoning behind the draft to Council.

Motion was made by Mikesell, second by Eggar, to adjourn the meeting there being no further business. Motion passed.


The time was 10:12 p.m.

ATTEST:

APPROVED:



 RECORDING SECRETARY



 MAYOR

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LIVINGSTON
CITY COUNCIL MEETINGJune 1, 1992
7:30 p.m.

The Livingston City Council met in regular session Monday, June 1, 1992, 7:30 p.m., in the council chambers at the City-County Building. Councilmembers present were Lyle Gillard, Pat Mikesell, Lee Harris and Ruth Eggar with Mayor Bill R. Dennis.

Motion was made by Gillard, second by Mikesell, to approve the minutes of May 18, 1992 regular council meeting. Motion passed.

Motion was made by Gillard, second by Eggar, to accept the bills and claims that listed for \$30,193.61. Councilmember Harris questioned claim # 6991, to Energy Laboratories Inc. City Manager Ken Griffin stated this was for federally mandated testing. Harris questioned claim #6996, to Mobile Repair and Welding. Griffin stated this was for vehicle repairs and for fabrication of a hoist device. Harris questioned claim #7003, to Parisi Western Plumbing. Griffin stated this was for pipe couplings for the Clarence Street Lift Station. Harris questioned claim #7020, to Montana Seals and Packing. Griffin stated this was for repacking seals and a pump at the Waste Water Treatment Plant. Harris questioned claim #7025, to Honeywell. Griffin stated this was for 37% of the City's portion of the air conditioning and heating system to the building. Harris questioned claim #7033, to Reid Psychological System. Griffin stated this was for psychological testing of interviewees in the Police Department. Harris questioned claim #7038, to Rent a Wreck. Griffin stated this for a citizens car that ran into an unlit City barricade. The Police statement proved the barricade was not properly visible. Councilmember Gillard questioned claim #6993, to Livingston Ready Mix Inc. Griffin stated this was for street patching. Gillard questioned claim #7039, to John Schuler. Griffin stated this was for out of pocket expenses incurred in travel to police training. Motion passed.

A public hearing was held at this time on Resolution No. 2308, A RESOLUTION APPROVING THE VACATION OF A PORTION OF GLOBE STREET AND APPROVING THE VACATION OF A PORTION OF AN ALLEY BETWEEN MONROE AND JEFFERSON STREET CONDITIONED UPON CERTAIN REQUIREMENTS. City Manager Griffin explained the map exhibit to Council. Mr. Dan Voyich addressed his objections to the vacations. Other comments were heard from Todd Quisel (requesting the vacation), Mayor, Council, Bob Weimer and Jerry Weimer. The public hearing was closed at 8:00 p.m. Motion was made by Eggar, second by Mikesell to accept this resolution. All in favor. Motion passed.

Motion was made by Harris, second by Gillard, to accept Resolution No. 2300, A RESOLUTION ADOPTING AN INCREASE IN WATER RATES TO GENERATE AN APPROXIMATE 5.2% INCREASE IN WATER REVENUES FOR THE CITY OF LIVINGSTON. Discussion was heard from Council, staff, Bob

Weimer, Bill Spannring, Gerald Stephens, Jerry Weimer and Lee Phillips. City Attorney Jovick read a portion of the State Statutes that stated Council may, if they choose, have another rate change within a 12 month period, as long as the combined percentage does not exceed 12%. The vote was two in favor, Eggar and Mikesell opposed. Mayor Dennis was in favor, breaking the tie. Motion passed.

City Manager Griffin deferred Resolution No. 2306, A RESOLUTION AUTHORIZING AN EMERGENCY BUDGET FOR THE EXPENDITURE OF SURPLUS FUNDS BY THE CITY OF LIVINGSTON FOR A NEW FIRE TRUCK AND INCREASING THE BUDGET FOR THE FISCAL YEAR 1991-1992 at this time.

Motion was made by Eggar, second by Gillard, to accept Resolution No. 2307, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF LIVINGSTON, MONTANA, AND ARTHUR L. YARGER FOR THE LEASE OF PASTURE LAND. All in favor. Motion passed.

Bill Barnhart addressed Council concerning two proposals he provided them at the previous council meeting. Mr. Barnhart is requesting that Council only consider the second smaller proposal. City Attorney Jovick stated for Council information, a proposal could possibly include a public right-of-way to Fleshman Creek, and possibly put the parcel up for bid. Mr. Jovick stated a survey would need done to the parcel before selling. Discussion was heard. Mayor Dennis stated the City would proceed with a survey. Mr. Barnhart requested a oral bid, if the parcel went through the bidding process.

Motion was made by Eggar, second by Harris to have a resolution drafted for the audit contract with Tronson and Cotterell. Motion passed.

City Manager Griffin requested Council approval, to enter into an agreement with the State Bureau of Land Management. The city is to be the recipient of a pilot project. The State Urban Forester would come to the city to conduct a tree inventory. Motion was made by Gillard, second by Mikesell, to approve proceeding with the project and have a resolution prepared for the next meeting. Motion passed.

Motion was made by Harris, second by Eggar, to approve drafting a contract, to buy Hall's Ambulance Service's Livingston branch for \$25,000 for two fully equipped ambulances. Discussion was heard from Staff and Council. Motion passed.

The Japanese Delegation will meet in the council chambers, Monday, June 21st, 9:00 a.m. for a gift exchange.

Councilmember Mikesell voiced his concerns, relating to Councilmember Harris and the State Statutes against leaving town without notice. Discussion was heard by Council. Motion was made by Eggar, second by Mikesell, to contact Park County Attorney Nels Swandal for his assistance to proceed with removing Mr. Harris from

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City Council seat. Park County Attorney Swandal will conduct an investigation. The vote was two in favor, Harris and Gillard opposed. Mayor Dennis was in favor, breaking the tie. Motion passed.

Councilmember Eggar commended City Manager Griffin on his job performance to date. Mrs. Eggar stated the manager should be compensated a salary becoming to his responsibilities and his efforts put forth so far.

Councilmember Harris stated he disagreed with Mrs. Eggar. The city should stick with the agreement they already have with the City Manager. Harris also stated he did not agree with the evaluation.

Bob Weimer commented that people involved in an incident, should be notified before the newspaper is notified. Mr. Weimer also commented that he does not want to see the City's ratings for Fire Insurance lost if it can be avoided.

Yvonne Adams questioned council if there is any possibility of having an audio system installed in the council chambers.

Councilmember Harris stated there are two large holes in the road at Miles Park behind the High School.

Councilmember Harris questioned the status of the Civic Center roof. City Manager Griffin stated the project was on hold at this time. The leaks have been fixed and the reroofing will not be completed until the balcony is removed.

Councilmember Harris questioned the status of the Swimming Pool. City Manager Griffin stated everything is on schedule.

Councilmember Harris questioned the completion of the Underpass Park and the County donating top soil. City Manager Griffin stated he was unaware of the soil. Griffin did state the railroad ties on Front and Main Streets need to be pulled back because of insurance liability.

Councilmember Harris questioned irrigation water at Mayor's Landing. City Manager Griffin stated the city is looking into pumping water from the Yellowstone River to this area. Also at this time, Supt. of Utilities Clint Tinsley and City Attorney Jovick are looking into the water rights.

Councilmember Harris questioned the dog fence along Fleshman Creek located in Sacajawea Park that was to be removed. City Manager Griffin will follow up on this.

Councilmember Harris stated he would like Council to have Mr. Griffin, or Council, apologize to Mr. McGee for the way the McGee problem was handled. City Manager Griffin stated Councilmember Eggar and himself met with Mr. and Mrs. McGee on May 12th. Councilmember Gillard and Councilmember Mikesell agreed the

situation was not handled properly. Councilmember Eggar voiced her opinion.

At this time, Mayor Dennis announced the meeting would go into executive session, stating that the merits of individual privacy exceed the merits of public disclosure. The Council went into executive session for evaluation of the City Manager.

Council went back in session at 10:30 p.m.

Mayor Dennis stated City Manager Griffin is doing a good job. Motion was made by Mikesell, second by Eggar, to raise the City Manager's salary to \$37,000 as of July 1, 1992, with an amendment to his contract, and after six a month review, a raise depending on the review. Discussion was heard from Council. It was noted that former City Manager Orndorff's salary was \$39,576. The vote was two in favor, Harris and Gillard opposed. Mayor Dennis was in favor, breaking the tie. Motion passed.

Motion was made by Eggar, second by Gillard, to adjourn the meeting there being no further business.

The time was 10:35 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill R. Dennis
MAYOR

LIVINGSTON
CITY COUNCIL MEETING

June 15, 1992
7:30 p.m.

Livingston City Council met in regular session, Monday, June 15, 1992, 7:30 p.m. in the council chambers at the City-County Building. Councilmembers present were Ruth Eggar, Lyle Gillard, Pat Mikesell and Lee Harris with Mayor Bill R. Dennis presiding.

Motion was made by Gillard, second by Harris, to approve the minutes of June 1, 1992 regular council meeting. Motion passed.

Motion was made by Eggar, second by Gillard, to accept the bills and claims that were listed for \$89,622.82. Councilmember Harris questioned the following claims: claim #7064, to Gall's Inc. City Manager Griffin stated this was for 3 budgeted video camera systems for the police cars. Claim # 7079, to Park County. Griffin stated this was the City's portion of the Sanitarian's annual pay. Claim # 7080, to Park County. Griffin stated this was the City's portion of the switchboard and janitorial services. Claim #7100, to Big Sky Systems. Griffin stated this was for the computer system's maintenance contract. Claim #7114, to Computer Land. Griffin stated this was budgeted computer hardware and software. Claim #7118, to Audio Intelligence. Griffin stated this was for the Telemetry System at the wells and Waste Water Treatment Plant. Claim #7112, to Liv. High School. Griffin stated he would need to look into claim. Later research showed it was for a utility shed at the Police firing range. Claim #7124, to Fisher Scientific. Griffin stated this was a budgeted capital outlay for the Waste Water Treatment Plant. Claim #7126, to Ray O'Herron Co. Griff stated this was budgeted outlay in the Police Department for guns. Claim #7127, to Mountain Leather Works. Griffin stated this was budgeted outlay in the Police Department for leather holster equipment. Claim #7132 to Compaq Comp Corp. Griffin stated this was budgeted computer hardware. Councilmember Gillard questioned the following claims: claim #7096 to Wind Farm Power Mfg Inc. City Manager Griffin stated this was money passed on to the company after the city receives money from Montana Power. The city receives a 3% administrative fee. Claim #7103, to Pioneer Ready Mix. Griffin stated this was for street maintenance. Claim #7117, to City Manager Griffin. Griffin stated this was reimbursement for travel and baseball bats. Claim #7119, to The Sportswear Shop. Griffin stated this was for City Logo t-shirts. Gillard questioned the total amount of the bills and claims for one month. Griffin stated this is the end of the City's fiscal year, and some items are not purchased until the end of the fiscal year. Motion passed.

Mayor Dennis proclaimed June 21 - 23, 1992 as Naganohara Days in the City of Livingston.

Mayor Dennis proclaimed June 28 - July 4, 1992 as Western Week in the City of Livingston.

A public hearing was held for David Kinslow at 320 S. Yellowstone Street requesting a special exception for a bed and breakfast in a Medium Density Residential (RII) zoning district. No public comments were heard. The City Board of Adjustment recommends granting this special exception. Motion was made by Eggar, second Gillard to grant the request. Motion passed.

Motion was made by Eggar, second by Mikesell, to approve Resolution No. 2309, A RESOLUTION APPROVING AN AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND CITY MANAGER KENTON G. GRIFFIN CONCERNING A SALARY INCREASE. Discussion was heard by local citizens and Council. Harris moved to amend Resolution No. 2309 to read: Salary. The salary of the manager shall be thirty three thousand, five hundred dollars per year (\$33,500) with an increase in 3 months to \$35,000 per year provided the performance is found suitable by the City. A salary review shall be conducted in January 1993 as to any adjustment effective February 6, 1993 and thereafter salary shall be set in the City Budget for the fiscal year. Seconded by Gillard. The vote was two in favor, Eggar and Mikesell opposed. Mayor Dennis cast the deciding vote as opposed. Motion failed.

Harris moved a second amendment to Resolution No. 2309 to read: Salary. The salary of the manager shall be thirty four thousand dollars per year (\$34,000) with an increase in 3 months to \$35,000 per year provided the performance is found suitable by the City. A salary review shall be conducted in January 1993 as to any adjustments effective February 6, 1993 and thereafter salary shall be set in the City Budget for the fiscal year. Seconded by Gillard. The vote on the amendment was three in favor, Eggar opposed. Second amendment passed. The vote on Resolution No. 2309 as amended, was two in favor, Mikesell and Eggar opposed. Mayor Dennis cast the deciding vote in favor of the Resolution. Resolution No. 2309 passed as amended.

Motion was made Harris, second by Gillard, to accept Resolution No. 2310, A RESOLUTION APPROVING THE RENEWAL OF THE STANDARD AUDIT CONTRACT BETWEEN THE CITY OF LIVINGSTON AND TRONSON AND COTTERELL. All in favor. Motion passed.

Motion was made by Gillard, second by Mikesell, to approve Resolution No. 2311, A RESOLUTION APPROVING A TREE INVENTORY CONTRACT WITH THE STATE BUREAU OF LAND MANAGEMENT AND THE CITY OF LIVINGSTON FOR A TREE MANAGEMENT PLAN FOR THE CITY OF LIVINGSTON. All in favor. Motion passed.

City Attorney Jovick reported the changes in the ambulance agreement to Council. Motion was made by Harris, second by Mikesell to approve Resolution No. 2312, A RESOLUTION APPROVING AN

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AGREEMENT FOR SALE AND PURCHASE BETWEEN HALLS EMERGENCY, INC AND THE CITY OF LIVINGSTON FOR THE OPERATION OF HALL'S EMERGENCY SERVICE OF LIVINGSTON. Discussion was heard. City Manager Griffin stated a meeting is scheduled for June 22nd with the Park County Commissioners. Motion was made by Mikesell to postpone Resolution No. 2312 until City Council meets with the Park County Commissioners, second by Harris. Motion passed.

Motion was made by Eggar, to accept on first reading Ordinance No. 1709, AN ORDINANCE CREATING ARTICLE VI UNDER CHAPTER 26 FOR STREET MAINTENANCE DISTRICTS FOR THE CITY OF LIVINGSTON. Ordinance No. 1709 was killed due to lack of second.

Motion was made by Mikesell, second by Eggar to accept Resolution No. 2315, A RESOLUTION APPROVING AN AGREEMENT BETWEEN MATNEY-FRANTZ ENGINEERING, P.C. AND THE CITY OF LIVINGSTON FOR ENGINEERING SERVICES PERTAINING TO SOIL REMEDIATION AT THE CITY SHOPS. Motion and second was recalled. Resolution No. 2315 was tabled until the contract is available.

The Livingston's Informed Friends of the Environment (L.I.F.E.) addressed Council with a review of what the committee has accomplished during the past few years. The current members then gave Council a letter of resignation.

Discussion took place about the National Main Street Program. This program is for the purpose of promoting, revitalizing and developing the downtown shopping area. Council felt the program was too costly, when the local merchants are already looking for more parking spaces, as that is what the downtown area is lacking. City Manager Griffin stated 5 more parking spaces have been added in the downtown area at this time. No action concerning the program will be taken.

Discussion was heard concerning the sale of merchandise on the sidewalks in the business district. Council would like staff to look into the regulations to other Montana towns and retailing on sidewalks. Motion was made by Gillard, second by Eggar, to draft an ordinance change that would suffice for the downtown merchants to retail on the sidewalks for 12 weeks. Motion passed.

Motion was made by Harris, second by Mikesell, to rent to the Round-up Association the use of the Ambulance Service during the rodeo, upon the city purchasing the Ambulance Service. Motion passed.

The Fire Department Monthly Report for May 1992 was included for Council information.

The Police Department Monthly Report for May 1992 was included for Council information.

The Budget Monthly Status Report was included for Council information.

An agenda to the Hard-Rock Mining Impact Board was included for Council information.

Councilmember Harris commented on the weeds along the river to the Long property. Also, the tall weeds around the Civic Center and ball fields.

Councilmember Harris questioned the roof to the Old Water Plant. City Manager Griffin stated there was an interest by a local entity to lease the facility from the City and if approved by Council, they would perform the renovation.

Councilmember Harris questioned the unused money for the Civic Center. City Manager Griffin stated there is a line item in the budget for the next fiscal year for the roof. Harris also commented that the Civic Center and Bandshell were in need of painting.

The Utilities Crew will pursue work on the Underpass Park.

Councilmember Harris questioned water at Mayor's Landing. City Manager Griffin stated City Attorney Jovick and Utilities Supt. Tinsley are looking into the Water Rights issue. Water is pumped from the Yellowstone River.

Councilmember Harris commented on the unauthorized uses of the Police and Fire Radios. City Manager Griffin explained.

Motion was made by Harris, second by Gillard, that the City Manager be required to make a formal written apology this week to Mr. Warren McGee for the manner in which the McGee incident was handled. If the Council passes the motion and the Manager refuses to comply, a letter shall be placed in his personnel file to the effect that he (the City Manager) has refused to follow Council directions. Discussion was heard from Council. City Manager Griffin stated he would address a letter of apology to Mr. McGee. The vote was three in favor. Eggar opposed. Motion passed.

Motion was made by Harris, second by Gillard, that the City Council reduce all salaries and wages paid to them by the City of Livingston by 75%. Said reduction to be effective July 1, 1992. City Attorney Jovick stated the salaries set for the Council are going to be made in the next budget year. The effect of this proposed motion, would be annual, as it can only be carried forward in the next budget year. Attorney Jovick's recommendation would be an amendment to the motion that would read, the next fiscal year's budget would reduce the salaries in the amount described. Harris revised the motion to have the manager put in the budget for the upcoming fiscal year a salary commiserate with a 75% reduction of present salary. All in favor. Motion passed.

Motion was made by Gillard, second by Harris, to proceed with all needed surveying, to have street lights on the north side hill and to be initiated after July 1, 1992. Motion passed.

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Councilmember Gillard questioned City Manager Griffin about a \$350,00 shortfall in the City. Griffin stated that it is not truly a "shortfall". The \$350,000 is the anticipated difference between the current fiscal year budget (FYE 92) and the proposed budget for FYE 93. The City's General Fund budget for next year will be approximately \$350,000 smaller than the current year's budget. The reason for this shortage is that the City had about \$400,000 more in cash available on 7/1/91 than it required. Consequently, Griffin explained, the City's property tax mill level fell from 101.91 mills in FYE 1991 to 65 mills in FYE 1992. Because of the revenue limitations placed upon local governments by Initiative 105, the City can only generate approximately 83 mills for the FYE 1993 General Fund budget, which will result in a total revenue decrease of about \$350,000 from the previous year.

City Manager Griffin stated he has met with a local surveyor in reference to Bill Barnhart's request. The surveyor suggested the property should be made into an documented transferable easement and if the city did grant this easement, no property would be transferred and the City would continue ownership of the property. The surveyor has been instructed to proceed with his survey under this parameter, otherwise the City will have to go into a subdivision process, due to the fact a new parcel of land would be created. Mr. Barnhart was in the audience and stated he would still like to be able to purchase the property.

Ernie Faure addressed Council concerning the tax on automobiles on public roads. City Manager explained.

Margaret Walter addressed Council concerning rock music in her neighborhood.


Motion was made by Eggar, second by Gillard, to adjourn this meeting there being no further business. Motion passed.

The time was 10:25 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

SPECIAL
LIVINGSTON
CITY COUNCIL MEETING

June 22, 1992

The Livingston City Council met in special session Monday, June 22, 1992, 9:04 a.m. in the council chambers at the City County Building. Councilmembers present were Lyle Gillard, Pat Mikesell, Lee Harris and Ruth Eggar with Mayor Bill R. Dennis presiding.

Mayor Dennis welcomed the City Councilors and officials from our Sister City, Nagano, Japan.

Mayor Tamura, of Nagano, thanked everyone involved in the Sister City Program for their assistance and support. He spoke in Japanese, but his comments were translated into English by Japanese Interpreter Brad Kirby.

Council Chairman Asai, also of Nagano, spoke in appreciation of Livingston's participation with Nagano in the Sister City program.

City Manager Griffin welcomed all of the Japanese officials.

Vice Mayor Mikesell welcomed the Japanese officials.

Councilmember Harris welcomed the Japanese officials, noting that he had lived in Japan for three years.

Councilmember Eggar welcomed the Japanese officials.

Councilmember Gillard welcomed the Japanese officials and stated he would like to visit Nagano in the future.

Doug Crandall, chairman of the Livingston Sister City Committee welcomed the Japanese officials.

Mayor Tamura exchanged gifts with Mayor Dennis.

The Japanese officials left after photographs were taken of all the officials from both cities.

Mayor Dennis resumed control of the meeting for discussions on the City's acquisition of an ambulance service. The meeting resumed special session at 9:45 a.m.

Motion was made by Harris, second by Mikesell, to request \$35,000 contribution from Park County to help fund the ambulance service, and in May 1993, re-negotiate the contract with the County. Discussion was heard, with Council in agreement, to request a decision from the Park County Commissioners no later than 12 noon,

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Friday, June 26th. All in favor. Motion passed.

City Council is in agreement that the ambulance service needs to be a joint effort between City and County, if the County citizens are to receive the service.

Motion was made by Mikesell, second by Eggar, to take Resolution No. 2312, A RESOLUTION APPROVING AN AGREEMENT FOR SALE AND PURCHASE BETWEEN HALLS EMERGENCY, INC AND THE CITY OF LIVINGSTON FOR THE OPERATION OF HALL'S EMERGENCY SERVICE OF LIVINGSTON from the table. Motion passed.

Motion was made by Harris, second by Mikesell, to approve Resolution No. 2312. All in favor. Motion passed.


Motion was made by Harris, second by Eggar, to adjourn the meeting there being no further business. Motion passed.

The time was 10:10 a.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

SPECIAL
LIVINGSTON COUNCIL MEETING

June 29, 1992
7:00 p.m.

The Livingston City Council met in special session Monday, June 29, 1992 at 7:00 p.m. in the Council Chambers at the City County Building. Councilmembers present were Lee Harris, Ruth Eggar, Lyle Gillard and Pat Mikesell with Mayor Bill R. Dennis presiding.

Motion was made by Harris, second by Eggar, to have an appropriate contract drafted and resolution for the next Council meeting to finalize an agreement between the City and County to proceed with an Ambulance Service subsidy from the County. Motion passed.

Motion was made by Eggar, second by Mikesell, to adjourn the meeting there being no further business. Motion passed.

The time was 7:04 p.m.

ATTEST:

APPROVED:

Julianne Blakely

RECORDING SECRETARY

Bill R. Dennis

MAYOR

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LIVINGSTON
CITY COUNCIL MEETINGJuly 6, 1992
7:30 p.m.

The Livingston City Council met in regular session Monday, July 6, 1992, 7:30 p.m., in the council chambers at the City-County Building. Councilmembers present were Ruth Eggar, Lyle Gillard, Pat Mikesell and Lee Harris with Mayor Bill R. Dennis presiding.

Motion was made by Gillard, second by Mikesell, to approve the minutes of June 15, 1992 regular council meeting, June 22, 1992 special council meeting and June 29, 1992 special council meeting. Motion passed.

Motion was made by Eggar, second by Gillard, to accept the bills and claims that were listed for \$132,649.48. Questions were asked by Councilmembers Harris and Gillard with City Manager Ken Griffin clarifying. Motion passed.

Mark Bolin from the Livingston Enterprise, addressed Council concerning skateboards and bikes on the sidewalks at the 400 block of south Main Street and 100 block of east Geyser Street. Mr. Bolin requested that the existing ordinance pertaining to riding skateboards and bicycles on the sidewalks be extended to include this area. Discussion was heard, with the consent of Council to proceed with drafting an amendment to the Ordinance to include the 100 blocks of east and west Geyser Streets and include the 400 block of south Main Street.

A public hearing was held on Resolution No. 2303, A RESOLUTION TO ABANDON THE UNNAMED PUBLIC STREET RUNNING THROUGH LOTS "A, B AND C" AS DESCRIBED ON PLAT NUMBER 341. Input was given by City Manager Griffin and City Attorney Jovick. The resolution was deferred at this time, with the public hearing left open and continuing through the first meeting in August and taking action if necessary. No public comments were offered at this time. Motion was made by Harris, second by Eggar, to continue and include the public hearing through the first meeting in August. Motion passed.

A public hearing was held on Resolution No. 2318, A RESOLUTION APPROVING THE PRELIMINARY BUDGET FOR THE YEAR BEGINNING JULY 1, 1992, AND ENDING JUNE 30, 1993, SETTING SALARIES FOR OFFICERS AND EMPLOYEES FOR THE CITY OF LIVINGSTON, MONTANA, AND ESTABLISHING THE FUNDS UPON WHICH ACCOUNTS WILL BE DRAWN. City Attorney Jovick summarized the procedure to the preliminary budget. Discussion and comments was heard by Council and citizens: John Orndorff with a prepared statement to council, Tommy Thompson, John Craig and Bob Braiser. More discussion was heard concerning the proposed Street Maintenance District Program, with Council not in favor of the district. Motion was made by Harris, second by Mikesell to postpone consideration of Resolution No. 2318 until after consideration of

other resolutions. All in favor. Motion passed.

Motion was made by Harris, second by Mikesell, to approve Resolution No. 2306, A RESOLUTION AUTHORIZING EXECUTION OF A FINANCIAL ASSISTANCE AWARD TO THE CITY OF LIVINGSTON FROM THE ECONOMIC DEVELOPMENT ADMINISTRATION FOR A SEWER LINE CONSTRUCTION GRANT. City Manager Griffin explained the agreement to Council and also stated the city has 45 days to find assistance from the date the grant is approved. All in favor. Motion passed.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2315, A RESOLUTION APPROVING AN AGREEMENT BETWEEN MATNEY-FRANTZ ENGINEERING, P.C. AND THE CITY OF LIVINGSTON FOR ENGINEERING SERVICES PERTAINING TO SOIL REMEDIATION AT THE CITY SHOPS. All in favor. Motion passed.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2316, A RESOLUTION AUTHORIZING CERTAIN INDIVIDUALS EMPLOYED BY THE CITY OF LIVINGSTON TO ACQUIRE FEDERAL SURPLUS PROPERTY FROM THE STATE OF MONTANA, PROPERTY AND SUPPLY BUREAU. Discussion was held by Council. All in favor. Motion passed.

Motion was made by Gillard, second by Mikesell, to approve Resolution No. 2317, A RESOLUTION APPROVING AN AGREEMENT BETWEEN PARK COUNTY AND THE CITY OF LIVINGSTON FOR AMBULANCE SERVICE. All in favor. Motion passed.

Motion was made by Eggar, second by Mikesell, to approve Resolution No. 2319, A RESOLUTION APPROVING A LEASE BETWEEN THE CRAZY MOUNTAIN KIDS CLUB AND THE CITY OF LIVINGSTON FOR RENTAL SPACE AT THE CIVIC CENTER. All in favor. Motion passed.

Motion was made by Eggar, second by Mikesell, to approve Resolution No. 2320, A RESOLUTION ADOPTING A JOB DESCRIPTION FOR A CITY PLANNER POSITION AND INCORPORATING THE DESCRIPTION INTO THE GENERAL JOB DESCRIPTION FOR THE CITY OF LIVINGSTON. Discussion was heard. All in favor. Motion passed.

Motion was made by Mikesell, second by Eggar, to approve Resolution No. 2321, A RESOLUTION SETTING AMBULANCE FEES AND CHARGES FOR THE CITY OF LIVINGSTON. Discussion took place concerning the fee schedule. All in favor. Motion passed.

Motion was made by Harris, second by Mikesell, to approve first reading of Ordinance No. 1702, AN ORDINANCE ADDING SECTIONS 30.43.1 TO 30.43.12 TO CHAPTER 30, ARTICLE IV, OF THE CODE OF ORDINANCES TO DEFINE BED AND BREAKFASTS AND TO PROVIDE FOR SPECIFIC LIMITATIONS THEREON. Discussion was heard by Council and Ernest Faure, with a motion made by Harris, second by Eggar, to amend section 30.43.10 to read: A Bed and Breakfast already in existence at the time of this

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Ordinance's effective date shall have "90 days" to conform with the provisions of the Ordinance except existing establishments shall be grandfathered as to the requirements of 30.43.7. The vote on the amendment was three in favor, Gillard opposed. Motion passed. The vote on first reading of the ordinance as amended was all in favor. Motion passed.

Motion was made by Eggar, to approve first reading of Ordinance No. 1709, AN ORDINANCE CREATING ARTICLE VI UNDER CHAPTER 26 FOR STREET MAINTENANCE DISTRICTS FOR THE CITY OF LIVINGSTON. Died due to lack of second.

Motion was made by Mikesell, second by Eggar, to approve first reading of Ordinance No. 1710, AN EMERGENCY ORDINANCE AMENDING SECTION 17-14 CONCERNING THE SALE OF MERCHANDISE ON STREETS OR SIDEWALKS IN THE CITY OF LIVINGSTON. Discussion was heard. All in favor. Motion passed.

Motion was made by Eggar, second by Gillard, to approve first reading of Ordinance No. 1712, AN ORDINANCE AMENDING SECTION 4-20 (d) OF THE CODE OF ORDINANCES TO CHANGE THE DELINQUENCY PENALTY TO \$10.00 IN ADDITION TO THE AMOUNT OF THE FEE. All in favor. Motion passed.

Livingston City Council meeting went into a 5 minute recess. Meeting was called back to order by Mayor Dennis.

Motion was made by Gillard, second by Harris to approve Resolution No. 2318, A RESOLUTION APPROVING THE PRELIMINARY BUDGET FOR THE YEAR BEGINNING JULY 1, 1992, AND ENDING JUNE 30, 1993, SETTING SALARIES FOR OFFICERS AND EMPLOYEES FOR THE CITY OF LIVINGSTON, MONTANA, AND ESTABLISHING THE FUNDS UPON WHICH ACCOUNTS WILL BE DRAWN, as corrected. The revenue line item in the preliminary budget for the Maintenance District will be -0-. A worksession was scheduled for July 13th at 7:00 p.m. City Manager Griffin will provide a proposed final budget printout for Council by Friday, July 10th. A public hearing on the Final Budget will be heard at the July 20th Council meeting and the Final Budget will be adopted at the August 3rd Council meeting. City Attorney Jovick clarified the preliminary budget includes a list of Capital Items and a list of salaries for all City employees. All in favor. Motion passed.

Motion was made by Harris, second by Eggar, to allow new police officer, Keith King, to live in the Windmill Trailer Court for six months until he can find a place within the City or other arrangements are made. Motion passed.

Mr. Elmer Hogstad, 630 South 13th, requested from Council, to allow him to extend the city's water main to hook a trailer up to the city's water for his family's purposes only. Motion was made by Harris, second by Gillard, to approve this 3/4" copper pipe water line. Motion passed.

Motion was made by Harris, second by Eggar, to allow the Livingston Rotary to change the name of Judson Park to Depot Center-Rotary Park. Motion passed.

Motion was made by Harris, second by Gillard, to allow the boat floaters to camp overnight Thursday night only at Mayor's Landing. The gate will be opened between the landfill and Mayor's Landing for camping. Motion passed.

City Manager Griffin asked the Council's input on the issue of raising the City's share of the matching monies for the recently awarded Economic Development Administration's Grant for the sewer line extension and upgrade. Griffin noted the EDA was contributing \$681,500 and the City would need to contribute \$718,500 in order to actually receive the grant money. Griffin focused the Councilmembers' attention on his Memo of the same subject, wherein he recommended taking \$300,000 from the City's Sewer Enterprise Fund Reserves. The consensus of the Council was that this was a good idea. Griffin then sought input on how to come up with the additional \$400,000. Discussion followed resulting in Council directing Griffin to explore the possibilities and report back to them with the most economical means possible to raise the money. Griffin stated that he believed the State's revolving loan fund, Intercap, would be the least expensive, but was concerned about the time-frame parameters associated with that program. Griffin agreed to research and report back to the Council.

The Police Department Monthly Report for June 1992, was included for Council information.

The minutes of the City-County Joint Airport Board Meeting for May 26, 1992, was included for Council information.

Discussion was heard concerning water wells drilled within the City. Motion was made by Mikesell, second by Eggar, to have an Ordinance drafted, that prohibits drilling wells in the City Limits. Motion passed.

Motion was made by Harris, second by Gillard, to approve bidding the Gallatin Street Waterline extension. This project is paid for by Burlington Northern. City Attorney Jovick stated a formal agreement with BN, would be presented to City Council after the bids were opened. Motion passed.

Councilmember Mikesell requested an Ambulance Monthly Report for in and out of the City. City Manager Griffin stated this would be accomplished the second meeting in August.

Councilmember Eggar made a motion to enter Mr. Swandal's letter dated July 2, 1992 regarding the Harris investigation into the minutes (attached 1st letter) for a matter of record. Eggar read a letter from Attorney Swandal dated June 1, 1992, addressed to Mayor Dennis, to Council. Motion was made by Eggar, second by Mikesell to remove Councilmember Harris from seat of office. Discussion was heard, with Harris amending the motion, to have the rest of July 2, 1992 and July 6, 1992 letters read into the minutes.

The vote was two in favor, Gillard and Harris opposed. Mayor Dennis cast the deciding vote as opposed, stating we, on the Council have to work together and stop the fighting, get behind the City Manager and let's move forward for the good of the City. Motion failed. Councilmember Eggar explained why she did this, was because of State Statutes.

Bob Weimer reported to Council, that the American Legion Convention will be in Livingston next year. Mr. Weimer requested permission to allow the Legionnaires to park their recreational vehicles along the Depot Center. Discussion was heard about parking in Miles Park. City Attorney Jovick will look into the Ordinance concerning parking overnight in the Park. Council was in agreement to work out a parking place.

Margaret Walker addressed Council stating the world would be better off if the spirit of the law was followed, and not just the letter of the law.


Motion was made by Eggar, second by Gillard, to adjourn the meeting there being no further business. Motion passed.

The time was 10:30 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

Park County Attorney


Wm. Nels Swandal

Tara DePuy Deputy

Jon M. Hesse Deputy

414 East Callender — Livingston, MT 59047
Telephone: (406) 222-6120 ext. 239

July 2, 1992


Ken Griffin
City Manager
414 East Callender Street
Livingston, MT 59047

*c. Mayor
Council
Atty Jovitz*

re: Harris investigation

Dear Ken:

I have conducted an investigation into Councilman Lee Harris' unauthorized absence from the City of Livingston for over 10 days in May of this year. In conducting this investigation I talked to present council members, past council members, other city officials, reviewed tapes from the meetings of February 3, 1992, and May 18, 1992, and reviewed minutes of those meetings in addition to the statutes. From that investigation I make the following findings of fact:

1. That Councilman Harris was out of the City of Livingston for more than 10 consecutive days without first obtaining the consent of the council;
2. That Section 7-4-4111(5) MCA, 1991, which applies to municipal offices in general, states that an office becomes vacant if the incumbent is absent from the city or town continuously for 10 days without the consent of the council.
3. That Section 7-4-4111 has been in existence since 1895.
4. That Section 7-3-4322 specifically applies to the commission-manager form of government and states a commission office becomes vacant if an incumbent misses five consecutive regular meetings without authorization of the council.
5. While it appears that Section 7-3-4111 may have been adhered to in the 1960s and 1970s, since at least 1980 the city council has not enforced the provisions of Section 7-4-4111(5).



6. That it is the opinion of the city attorney that Section 7-4-4111(5) is not constitutional and he has conveyed that opinion to council members since 1980.

7. That council members have a right to rely on the opinion and advice of the city attorney.

8. That the council in prior years expressed a desire not to publicly let it be known that they would be absent and thus become a target for burglary or other property crimes. This desire for nonpublicity of an absence was most recently expressed and reaffirmed by Mayor Bill Dennis during the council meeting of June 15, 1992.

9. That during the February 3, 1992, meeting of the council, Section 7-4-4111(5) was discussed. The city manager at that time, John Orndorff, stated that while it was the general consensus that the consent provision could not be enforced, a council member who was going to be absent should notify the mayor.

10. That during that meeting a motion was passed that when a council member will be absent or out of town, he or she should notify the Mayor or City Manager.

11. Councilman Harris states he tried to call Mayor Dennis numerous times to advise him that he would miss the May 18 meeting. When he was unable to contact Mayor Dennis, Councilman Harris did contact Councilman Gillard, who informed the city manager that Harris would not be able to attend the meeting.

12. That the motion passed set an internal policy for the board but did not comply with the provisions of Section 7-4-4111(5).

13. That the council has not enforced the provisions of Section 7-4-4111(5) nor has it given adequate or proper notice of its intent to do so.

14. That to attempt to enforce the provisions of Section 7-4-4111(5) at this time and declare the seat of Councilman Harris vacated would be unfair.


Based on those Findings, I make the following recommendations:

1. That the office of Councilman Harris not be vacated.



2. That if the council believes that enforcement of Section 7-4-4111(5) is in the best interests of the council, that it unequivocally state that its provisions will be enforced and that consent of the council is required before any member is absent from the City for 10 consecutive days or more.

Sincerely,


WM. NELS SWANDAL
Park County Attorney

wns/la

COMMENT

It is important that members of the council keep someone informed when they are going to be absent from a meeting or from the City for an extended period of time, and council members should be concerned about the absence of other members. Absences can impede or delay the function of the council. For example, some emergency measures require a unanimous vote of the council before they become effective, and it would be impossible to do that if the mayor or city manager could not locate council members at all times.

In this case it appears that the provisions of Section 7-4-4111(5) were enforced in the 1960's and 1970's, and council members formally requested the consent of the council for absences. Apparently, one time after consent of the council was obtained by a council member for an absence during an open meeting, the home of the absent councilman was burglarized. At that time consent and notification of an absence was not enforced and has not been enforced since 1980.



The city attorney has advised council members that he believes the provisions of Section 7-4-4111(5) are unconstitutional. I made a finding that council members have a right to rely on that advice and should not be penalized for doing so. A strict reading of the statute could lead to some incredible results. To illustrate, let's assume that a council member was a contractor or a construction worker who landed a job in Bozeman and the requirements were such that it was necessary that he be on the job site for 24 hours a day for 10 days. If he worked, ate and slept on the job site for those 10 days, and did not first obtain the council's permission to do so, they could declare his office vacant.

It appears that the intent of Section 7-4-4111(5) was to ensure that council members faithfully and diligently performed their duties. While such a provision may have been needed at one time, modern communication methods allow council members and any other office holder to easily keep up with events while out of town. Further, the current two year terms provide an efficient political check for any member who is not adequately discharging his public responsibility. Finally, the Montana Recall Act and Section 7-4-4111(6) could also be used to remove any member who neglects to fulfill their official duties. There is no allegation here that Councilman Harris has not diligently performed his duties.

The present council did discuss the provisions of Section 7-4-4111(5) at a meeting in February. After that discussion my review of the tape and minutes of that meeting indicate that a motion was passed that stated a council member should notify the mayor or city manager if that member will be absent from a meeting or out of town. Obviously, this motion did not comply with the provisions of Section 7-4-4111(5) because it did not require the consent of the council. Further, the motion was permissive in nature. I found that that motion and the discussion were inadequate to warn any council member that a decade long practice of not requiring notice was going to be changed and that if they did not comply they would lose their office. Enforcing that provision at this time would be grossly unfair.

If the council is going to enforce Section 7-4-4111(5) they have the right to do so, however they should be aware that constitutional problems may exist with the statute. The council should thoroughly discuss the ramifications of enforcement amongst themselves and their attorney before taking any action. If, following those discussions, it is decided to enforce the provisions of 7-4-4111(5), that policy change should be publicly and unequivocally announced and followed. All future absences in excess of the 10 days would require consent of the council, not a simple notification of the mayor or city manager. Because consent of the council is required it appears to me that it would have to be given in an open, public meeting.



Park County Attorney

Wm. Nels Swandal

Tara DePuy Deputy

Jon M. Hesse Deputy

414 East Callender — Livingston, MT 59047
Telephone: (406) 222-6120 ext. 239

June 1, 1992

Mayor Bill Dennis
414 East Callender Street
City-County Complex
Livingston, MT 59047

re: complaints regarding absence by a council member

Dear Mayor Dennis:

After our discussions today regarding the complaints you have received I reviewed section 7-4-4111, MCA, 1991. Subsection (5) states that an office becomes vacant when an incumbent is absent from the city or town he represents continuously for 10 days without the consent of the council.

It is my understanding that one or more council members may raise the issue of whether or not the provisions cited above apply to an incumbent council member. If that issue is raised it obviously has to be investigated before a final decision is made. My office would be available to assist the City in this regard. If the council wishes the assistance of my office I would ask that a formal request be made. The request should contain an outline of the known facts, the issues the council wants resolved and a list of possible witnesses.

Sincerely,


WM. NELS SWANDAL
Park County Attorney

wns/la

cc: Ken Griffin
Bob Jovick



LIVINGSTON
CITY COUNCIL MEETING

July 20, 1992
7:30 p.m.

The Livingston City Council met in regular session Monday, July 20, 1992, 7:30 p.m., in the council chambers at the City-County Building. Councilmembers present were Lee Harris, Ruth Eggar, Lyle Gillard and Pat Mikesell with Mayor Bill R. Dennis presiding.

Motion was made by Gillard, second by Eggar, to approve the minutes of July 6, 1992 regular council meeting. Councilmember Harris amended the minutes to include a second letter, dated June 1, 1992, from the County Attorney. Motion passed.

Motion was made by Gillard, second by Harris, to accept the bills and claims that were listed for \$54,484.17. Questions were asked by Councilmembers Gillard and Harris, with City Manager Ken Griffin clarifying. Griffin also defined the amount of claims from last fiscal year and the new fiscal year. Motion passed.

Fire Chief Dave Frederick introduced the new firefighters: Chris Bruha, Jeff Schoenen, Jeromy Jacobson and Dave McCann and Police Chief George Bryce introduced the new police officers: John Shuler and Keith King to City Council. Officer John Schwabel was not at the meeting.

A public hearing was held on the final budget. City Manager Griffin explained the printouts to Council. No public comments were heard.

A public hearing was continued on Resolution No. 2303, A RESOLUTION TO ABANDON THE UNNAMED PUBLIC STREET RUNNING THROUGH LOTS "A, B, AND C" AS DESCRIBED ON PLAT NUMBER 341, and continues to be deferred until the August 3rd council meeting. No public comments were heard at this time.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2322, A RESOLUTION ADOPTING THE JOB DESCRIPTION FOR FLEET MECHANIC AND INCORPORATING THE DESCRIPTION INTO THE GENERAL JOB DESCRIPTION FOR THE CITY OF LIVINGSTON. All in favor. Motion passed. Councilmember Harris questioned City Manager Griffin if this will eliminate mechanic charges. Griffin stated yes, most work will now be done inhouse at the City Shops, with the exception of major rebuilding.

Motion was made by Harris, second by Mikesell, to approve Resolution No. 2323, A RESOLUTION OFFICIALLY ADOPTING THE AMERICANS WITH DISABILITIES ACT TRANSITION PLAN FOR THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2324, A RESOLUTION ENDORSING THE PARK COUNTY ECONOMIC DEVELOPMENT

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CORPORATION AS THE SPONSORING ORGANIZATION FOR THE CITY OF LIVINGSTON FOR THE MONTANA CERTIFIED CITIES PROGRAM. All in favor. Motion passed.

Motion was made by Eggar, second by Mikesell, to approve Resolution No. 2325, A RESOLUTION OF INTENT TO INCREASE SEWER RATES FOR THE CITY OF LIVINGSTON. City Manager Griffin explained the attached three proposals. Discussion was heard and further explanations on the three proposals. Councilmember Eggar moved to use the rate increase proposal shown in column "E" as exhibit "A". Mikesell seconded the motion. All in favor. Motion passed.

City Manager Griffin then asked the Council for input on how they wanted to proceed with securing the City's portion of the EDA Sewer Grant matching monies. Griffin noted the City would need to borrow \$418,500 from some source and cited a Memo on the subject he had already distributed to the Council. Councilmember Gillard stated we needed to go the most economical way possible, which he believed was using the State's InterCap Loan program, based on the information Griffin had provided earlier. Further discussion followed with the consensus being that a ten year loan was superior to a twenty year bond. It was also noted that the associated costs for issuance of the ten year loan were just under half of the costs for issuing a twenty year bond. Griffin was directed to apply for the State loan program, and to keep the Council informed.

Second Reading Ordinance No. 1702, AN ORDINANCE ADDING SECTIONS 30.43.1 TO 30.43.12 TO CHAPTER 30, ARTICLE IV, OF THE CODE OF ORDINANCES TO DEFINE BED AND BREAKFASTS AND TO PROVIDE FOR SPECIFIC LIMITATIONS THEREON. All in favor. Motion passed.

Second Reading Ordinance No. 1712, AN ORDINANCE AMENDING SECTION 4-20 (d) OF THE CODE OF ORDINANCES TO CHANGE THE DELINQUENCY PENALTY TO \$10.00 IN ADDITION TO THE AMOUNT OF THE FEE. All in favor. Motion passed.

Motion was made by Gillard, second by Mikesell, to approve first reading of Ordinance No. 1713, AN ORDINANCE AMENDING SECTIONS 6-1, 6-40, 6-110, 6-130, 6-180 AND 6-191 OF CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "UNIFORM BUILDING CODE" TO INCLUDE THE NEWEST EDITIONS OF THE UNIFORM BUILDING AND COMPANION CODES. Discussion was heard. All in favor. Motion passed.

Motion was made by Eggar, second by Harris, to approve first reading of Ordinance No. 1714, AN ORDINANCE AMENDING SECTION 9-158 AND SECTION 9-178 (b) TO INCLUDE THE 100 BLOCK OF EAST AND WEST GEYSER, THE 400 BLOCK OF SOUTH MAIN STREET TO PROHIBIT SKATEBOARDS AND BICYCLES ON SIDEWALKS. All in favor. Motion passed.

Motion was made by Eggar, second by Mikesell, to draft an Ordinance to include all areas downtown prohibiting skateboards, roller blades, roller skates and bicycles on the

sidewalks. Motion passed.

Motion was made by Eggar, second by Mikesell, to approve first reading of Ordinance No. 1715, AN ORDINANCE ADDING SECTION 12-85 TO THE CODE OF ORDINANCES PROVIDING THAT NO PERSONS SHALL HAUL THEIR OWN OR ANY OTHER REFUSE TO ANY DISPOSAL FACILITY. Discussion was heard. Motion was made by Eggar, second by Mikesell to amend the motion to change sub-section #c to read, "Owners of tire shops may haul their tires to the incinerator and pay the tipping fee to the incinerator." All in favor on the amendment. Motion passed. More discussion followed. Motion was made by Eggar, second by Harris, to add a sub-section #e to read, "The City may designate periodically certain days for disposal of business records or documents. All in favor on the amendment. Motion passed. The vote on the ordinance as amended was all in favor. Motion passed.

Motion was made by Eggar, second by Mikesell, to approve first reading of Ordinance No. 1716, AN ORDINANCE GENERALLY AMENDING SECTION 12-61, 12-62, 12-63 AND 12-67 OF ARTICLE IV OF CHAPTER 12 CLARIFYING THE METHOD OF ASSESSMENT FOR COSTS OF SANITATION SERVICES. City Attorney Jovick summarized the Ordinance for Council, with discussion following. Motion was made by Harris, second by Eggar, to amend a portion of sub-section #b to read: "The City Manager may hold a hearing on the appeal. The Manager's decision may be appealed to the City Council." The vote on the amendment was all in favor. Motion passed. Discussion was heard on Section 12-67. Motion was made by Harris, second by Eggar, to table the Ordinance as amended. Motion passed.

Discussion was heard concerning the solid waste billing structure. City Attorney Jovick stated the changing of solid waste fees could be adopted with a Resolution, to be introduced at the August 3rd regular meeting.

Motion was made by Eggar, second by Mikesell, to approve first reading of Ordinance No. 1717, AN ORDINANCE PROHIBITING THE DRILLING OF NEW WATER WELLS WITHIN THE CITY LIMITS. Discussion was heard, with a motion made by Gillard, second by Mikesell, to amend the Ordinance to be effective for one year. The vote on the amendment was all in favor. Motion passed. Motion was made by Harris, second by Gillard, excluded shall be persons drilling a well for irrigation purposes of less than 50 foot depth and less than 2 inches in diameter. The vote on the amendment was two in favor, Mikesell and Eggar opposed, with Mayor Dennis casting the deciding vote as opposed. Amendment failed. The vote on the Ordinance was three in favor, Harris opposed. Motion passed.

Motion was made by Gillard, second by Mikesell, to approve first reading of Ordinance No. 1719, AN ORDINANCE AMENDING SECTION 11-30 ADOPTING THE 1991 FIRE PREVENTION CODE. All in favor. Motion passed.

Motion was made by Gillard, second by Eggar, to approve the Mayor's reappointment of Ken Ford to the City-County Joint Airport Board for a three year term ending July, 1,

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1995. Motion passed.

Motion was made by Mikesell, second by Gillard, to allow the American Legion the use of Miles Park during their convention in Livingston, July 7th - 11th, 1993. All in favor. Motion passed. Discussion was heard concerning a portion of Miles Park being used as a RV Park. City Manager Griffin will research.

The Fire Department's Monthly Report for June 1992 was included for Council's information.

City Manager Griffin explained the Budget Status Montly Report to Council.

Minutes of the City-County Joint Airport meeting of June 30, 1992 was included for Council's information.

Motion was made by Gillard, second by Harris, to allow the Livingston Depot Center to cite the City as the sponsoring entity in order for the Depot Center Foundation to receive a education coordinator funding grant from the Montana Cultural Trust. City Manager Griffin explained that the Depot Foundation could not receive the grant directly; the grant had to be paid to a local government. Griffin also noted that previous Manager Orndorff had requested a 10% administrative fee over the actual grant request be funded, such money to stay in the City's possession as payment for allowing the pass-thru of funds. This administrative fee was not funded by the Grant. Griffin recommended approval of the grant and the City's sponsorship thereof, stating that it would not be a significant addition of work to the City's finance office. All in favor, the request for City sponsorship was honored. Motion passed.

The City-County Airport Board will meet Tuesday, July 28th, 7:00 p.m. at the airport. The board is requesting any or all of City Council attend this meeting.

Councilmember Harris commented on some people approaching him about ordinances and resolutions that have been passed in the last few weeks.

Gary Lee asked some questions concerning Ordinance No. 1702 and requested a copy of the ordinance, which Attorney Jovick provided for him.

Motion was made by Gillard, second by Harris, to adjourn this meeting there being no further business. Motion passed.

The time was 9:30 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING
FINAL BUDGET

August 3, 1992
7:30 p.m.

The Livingston City Council met in regular session Monday, August 3, 1992, 7:30 p.m., in the council chambers at the City-County Building. Councilmembers present were Lee Harris, Ruth Eggar, Lyle Gillard and Pat Mikesell with Mayor Bill R. Dennis presiding.

Motion was made by Gillard, second by Mikesell, to approve the minutes of July 20, 1992 regular council meeting. Motion passed.

Motion was made by Gillard, second by Harris, to accept the bills and claims that were listed for \$67,066.73. Questions were asked by Councilmembers Gillard and Harris, with City Manager Ken Griffin clarifying. Griffin also explained the amount that was expended from each fund. Motion passed.

A public hearing was held on Resolution No. 2332, A RESOLUTION OF INTENT TO ABANDON THE UNNAMED PUBLIC STREET RUNNING THROUGH LOTS "A, B, AND C" AS DESCRIBED ON PLAT NUMBER 341. Comments were heard from Mike Dockery, an attorney speaking on behalf of Buttrey Food and Drug, and Corbin Howard, bankruptcy trustee representing Recreational Leasing. City Attorney Bob Jovick clarified the procedure to Council. Motion was made by Harris, second by Gillard, to approve Resolution No. 2332. All in favor, motion passed. Motion was made by Gillard, second by Harris, to table Resolution No. 2303, A RESOLUTION TO ABANDON THE UNNAMED PUBLIC STREET RUNNING THROUGH LOTS "A,B, AND C" AS DESCRIBED ON PLAT NUMBER 341. Motion passed.

A public hearing was continued on the Final Budget. Motion was made by Gillard, second by Mikesell, to approve Resolution No. 2318, A RESOLUTION APPROVING THE PRELIMINARY BUDGET FOR THE YEAR BEGINNING JULY 1, 1992, AND ENDING JUNE 30, 1993, SETTING SALARIES FOR OFFICERS AND EMPLOYEES FOR THE CITY OF LIVINGSTON, MONTANA, AND ESTABLISHING THE FUNDS UPON WHICH ACCOUNTS WILL BE DRAWN. No public comments were heard. All in favor. Motion passed.

Motion was made by Gillard, second by Eggar, to approve Resolution No. 2333, A RESOLUTION FIXING AND LEVYING A MILLAGE FOR THE ANNUAL TAX LEVY FOR THE YEAR BEGINNING JULY 1, 1992 AND ENDING JUNE 30, 1993 FOR THE CITY OF LIVINGSTON. City Manager Griffin answered a question asked by citizen Ernie Faure. All in favor. Motion passed.

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Motion was made by Mikesell, second by Eggar, to approve Resolution No. 2326, A RESOLUTION ADOPTING THE GARBAGE RATES FOR THE FISCAL YEAR 1992/1993 TO DEFRAY THE COST OF SANITATION SERVICES FOR THE CITY OF LIVINGSTON. City Manager Griffin clarified a point for Councilmember Harris. All in favor. Motion passed.

Motion was made by Eggar, second by Gillard, to approve Resolution No. 2327, A RESOLUTION ADOPTING THE JOB DESCRIPTION FOR SECRETARY IN THE POLICE DEPARTMENT AND INCORPORATING THE DESCRIPTION INTO THE GENERAL JOB DESCRIPTION FOR THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Eggar, to approve Resolution No. 2328, A RESOLUTION ADOPTING THE JOB DESCRIPTION FOR ASSISTANT CHIEF IN THE POLICE DEPARTMENT AND INCORPORATING THE DESCRIPTION INTO THE GENERAL JOB DESCRIPTION FOR THE CITY OF LIVINGSTON. Died due to lack of second.

Motion was made by Gillard, second by Eggar, to approve Resolution No. 2330, A RESOLUTION ADOPTING THE JOB DESCRIPTION FOR DISPATCHER II IN THE POLICE DEPARTMENT AND INCORPORATING THE DESCRIPTION INTO THE GENERAL JOB DESCRIPTION FOR THE CITY OF LIVINGSTON. City Manager Griffin answered a question for Councilmember Harris. All in favor. Motion passed.

Motion was made by Mikesell, second by Eggar, to approve Resolution No. 2331, A RESOLUTION TRANSFERRING FUNDS FROM CERTAIN ACCOUNTS FOR THE CITY OF LIVINGSTON FOR FISCAL YEAR 1991-1992. City Manager Griffin explained the legal requirements to enact this resolution upon questioning from Councilmember Gillard. All in favor. Motion passed.

Second reading of Ordinance No. 1713, AN ORDINANCE AMENDING SECTIONS 6-1, 6-40, 6-110, 6-130, 6-180 AND 6-191 OF CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "UNIFORM BUILDING CODE" TO INCLUDE THE NEWEST EDITIONS OF THE UNIFORM BUILDING AND COMPANION CODES. All in favor. Motion passed.

Second reading of Ordinance No. 1714, AN ORDINANCE AMENDING SECTION 9-158 AND SECTION 9-178 (b) TO INCLUDE THE 100 BLOCK OF EAST AND WEST GEYSER, THE 400 BLOCK OF SOUTH MAIN STREET TO PROHIBIT SKATEBOARDS AND BICYCLES ON SIDEWALKS. All in favor. Motion passed.

Second reading of Ordinance No. 1715, AN ORDINANCE ADDING SECTION 12-85 TO THE CODE OF ORDINANCES PROVIDING THAT NO PERSONS SHALL HAUL THEIR OWN OR ANY OTHER REFUSE TO ANY DISPOSAL FACILITY. City Attorney Jovick clarified a concern on the amendments for Councilmember Gillard. All in favor. Motion passed.

Motion was made by Mikesell, second by Eggar, to take off the table, Ordinance No. 1716, AN ORDINANCE GENERALLY AMENDING SECTION 12-61, 12-62, 12-63 AND 12-67 OF ARTICLE VI OF CHAPTER 12 CLARIFYING THE METHOD OF ASSESSMENT FOR COSTS OF SANITATION SERVICES. Motion passed. Motion was made by Harris, second by Eggar, to amend Section 12-67, deleting the language: "and all multifamily dwellings containing two (2) or more separate dwelling units". All in favor to the amendment. Motion passed. Discussion was heard. Motion was made by Harris, second by Eggar, to table Ordinance No. 1716 as amended, pending further review. All in favor. Motion passed.

Second reading of Ordinance No. 1717, AN ORDINANCE PROHIBITING THE DRILLING OF NEW WATER WELLS WITHIN THE CITY LIMITS, amended to be limited "FOR A PERIOD OF ONE YEAR", to be studied and reconsidered at the end of that period. Discussion was heard from Council, Staff, Sandra Miller, Bob Burns, Ernie Faure, Joe Michaletz from the State Department of Health and Environmental Sciences and John Mills from Envirocon. The vote was three in favor, Harris opposed. Motion passed.

Second Reading Ordinance No. 1719, AN ORDINANCE AMENDING SECTION 11-30 ADOPTING THE 1991 FIRE PREVENTION CODE. All in favor. Motion passed.

No motion was heard on first reading of Ordinance No. 1718, AN ORDINANCE ADDING SECTION 10.27.1 TO THE CODE OF ORDINANCES CHARGING \$100 FOR EACH ADDITIONAL BURGLAR FALSE ALARM RESPONDED TO BY THE POLICE DEPARTMENT WITHIN A 30 DAY PERIOD. No action was taken.

Motion was made by Gillard, second by Mikesell, to approve first reading of Ordinance No. 1720, AN ORDINANCE AMENDING SECTION 2-74 OF THE CODE OF ORDINANCES CHANGING THE RESIDENCY REQUIREMENTS FOR EMPLOYEES OR APPOINTED CITY OFFICERS. City Manager Griffin presented a letter to Council concerning the housing situation in Livingston. All in favor. Motion passed.

At this time, the City Council meeting went into a 5 minute recess. The meeting was called back to order by Mayor Dennis.

Jeff Rupp and Caren Couch addressed Council requesting their sponsorship of HRDC's Home Grant application. Mr. Rupp and Ms. Couch answered questions from the Council and the audience. It was reported that the Council had received a petition signed by 76 of the neighbors to the project objecting to it. Rupp, in responding to questions, pointed out that there would only be two-three bedroom units in the entire complex. They estimated there would be roughly 60 individuals housed in the complex when it was operating at capacity.

After further discussion, the Council stated they would not support HRDC's grant application unless and until HRDC satisfied the concerns of all 76 residents who had signed the petition objecting to rezoning and renovation of the old Middle School in conjunction with the HRDC proposal. No further action was taken.

Motion was made by Gillard, second by Harris, to create and make appointments to the Shade Tree Advisory Board. Appointed to the Board were: City Planner John Nerud, Facilitator; Sandy Smith, Rita Beard, Dennis Davaz, Shirley Young, Steve Beck, Tom & Bonnie Murphy, Jane Haberman, Jeanne-Marie Souvigny, Jeff Eads, Bill Leitch, Rob Jorstenzer, Edith Sorenson, John Taillie and Temple Richardson. All in favor. Motion passed.

City Manager Griffin explained the Livingston Fire/Ambulance Financial Report for July 1992 to Council. Discussion was heard, with Griffin clarifying.

Motion was made by Mikesell, second by Eggar, to allow the City Manager to write a letter of intent to the School Board concerning the possible purchase of the old Eastside School. The vote was three in favor, Harris opposed. Motion passed.

Discussion was heard by Council concerning a Special Improvement District on Blue Heron Drive. Council would like the engineer to attend a council meeting to provide additional information. City Attorney Jovick stated that Council needed to look at City policies concerning costs to SID's.

City Manager Griffin will pursue a matter concerning non-licensed vendors at short-term festivals.

Council was in agreement to look into selling the Lehrkind Building and building a water shop on City property next to the City Shops. At this time, the Water Department pays rent to the General Fund for their own building.

City Manager Griffin discussed the idea of street lighting districts. Council was in agreement to not take any action at this time.

Council was in agreement to create an out-of-town courtesy parking ticket. The recipients can take the ticket to designated restaurants for a free cup of coffee or tea.

City Manager Griffin stated the City is still working with the surveyor on Mr. Barnhart's request.

The City has contacted a surveyor to begin work on fixing the alignment of C, D, and Reservoir Streets. It is expected to be late August before we know anything.

Arrangements have been made, to have the balconies in the Civic Center removed at no charge to the City, sometime this fall.

Councilmember Harris questioned if a sprinkler system was being installed at the Old Water Plant. City Manager Griffin confirmed this was a budgeted item from last fiscal year.

Councilmember Harris questioned rental of the Old Water Plant to the Park Clinic. City Manager Griffin stated the City Attorney has drafted a lease agreement and is waiting for the Utilities Superintendent to review.

Mayor Dennis requested staff check to see if Dennis Bruha's term has expired with the Police Commission.

Mayor Dennis stated Council's next meeting will be held at their regular date, August 17th.

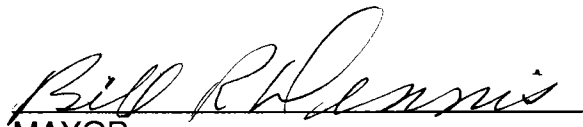
Motion was made by Mikesell, second by Eggar, to adjourn this meeting there being no further business. Motion passed.

The time was 10:20 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

ACA017

LIVINGSTON
CITY COUNCIL MEETING

August 17, 1992
7:30 p.m.

The Livingston City Council met in regular session Monday, August 17, 1992, 7:30 p.m. in the council chambers at the City-County Building. Councilmembers present were Lee Harris, Ruth Eggar and Lyle Gillard with Mayor Bill R. Dennis presiding. Councilmember Pat Mikesell was absent.

Motion was made by Gillard, second by Harris, to approve the minutes of August 3, 1992 regular council meeting. Mayor Dennis amended page 4, paragraph 6, shall read "Council was in agreement to look into selling the Lehrkind Building and building a water shop on City property next to the existing City Shop, near the Sewer Treatment Plant. The Water Department currently makes a rental payment to the General Fund for its use of the Lehrkind Building. This payment could be used as a mortgage payment." Motion passed.

Motion was made by Gillard, second by Eggar, to accept the bills and claims that were listed for \$20,466.70. Questions were asked by Councilmembers Gillard and Harris, with City Manager Griffin clarifying. Motion passed.

Mayor Dennis proclaimed August 18, 1992 as United to Service America Day in the City of Livingston.

Motion was made by Harris, second by Gillard, to grant George Bullock at 319 S. 7th Street, a variance from the five foot side yard requirement. Motion passed.

Motion was made by Harris, second by Gillard, to grant Park Tire at 1222 E. Park Street, a variance from the one hundred square feet maximum sign size specified by the Livingston Municipal Codes. Motion passed.

City Attorney Jovick commented on this Resolution. Motion was made by Eggar, second by Gillard, to continue a public hearing on Resolution No. 2334, A RESOLUTION ABANDONING THE UNNAMED PUBLIC STREET RUNNING THROUGH LOTS "A, B, AND C" AS DESCRIBED ON PLAT NUMBER 341, until a special council meeting August 27th or at the time council may call a special session. Resolution No. 2334 was deferred at this time. Motion passed.

A public hearing was held on Resolution No. 2337, A RESOLUTION APPROVING THE INCREASE IN SEWER RATES FOR THE CITY OF LIVINGSTON. City Manager Griffin explained the increase was to fund a loan for matching funds to the EDA Grant the City of Livingston received for a new sewer line on Park Street that will run from the East end of town by the Waste Water Treatment Plant out to Highway 89 South. Opposing comments were heard from: Nancy Olson, Pat Miller, Marian Officer. Dennis Jones

telephoned to say he was against the rate increase. Bob Weimer stated the City needed to move forward. Discussion was heard from Council, with the motion being made by Eggar, second by Gillard, to approve this increase. Three in favor, Mikesell absent. Motion passed.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2298, A RESOLUTION APPROVING AN AGREEMENT AND FORM OF RELEASE BETWEEN BURLINGTON NORTHERN RAILROAD AND THE CITY OF LIVINGSTON REGARDING LIVINGSTON CITY SHOPS. City Attorney Jovick stated he received a faxed execution of the agreement on behalf of Burlington Northern by their Attorney. Citizen Ernie Faure questioned as to what the release was for, with Attorney Jovick and Mayor Dennis explaining. Three in favor, Mikesell absent. Motion passed.

Motion was made by Gillard, second by Eggar, to approve Resolution No. 2329, A RESOLUTION AUTHORIZING THE ADOPTION OF THE FLEXIBLE BENEFITS PLAN FOR EMPLOYEES OF THE CITY OF LIVINGSTON. City Manager Griffin explained the insurance would still be with Blue Cross, Blue Shield, but the carrier would be with AFLAC. This will be a savings to the City. City Attorney Jovick recommended subsection c should be changed to read: The plan shall be administered by AFLAC, per the attached Exhibit "A" plan. Council accepted this amendment, as discussed. The vote was three in favor, Mikesell absent. Motion passed.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2335, A RESOLUTION APPROVING AN AMENDMENT TO ARTICLE IX OF THE AGREEMENT BETWEEN THE LOCAL NO. 630, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS AND THE CITY OF LIVINGSTON. Three in favor, Mikesell absent. Motion passed.

Resolution No. 2336, A RESOLUTION APPROVING A STORAGE AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND THE PARK CLINIC, P.C., A MONTANA PROFESSIONAL CORPORATION was deferred at this time.

Motion was made by Harris, second by Eggar, to bring off the table to consider second reading of Ordinance No. 1716, AN ORDINANCE GENERALLY AMENDING SECTION 12-61, 12-62, 12-63 AND 12-67 OF ARTICLE VI OF CHAPTER 12 CLARIFYING THE METHOD OF ASSESSMENT FOR COSTS OF SANITATION SERVICES. Motion passed. Discussion was heard. The vote on second reading of the Ordinance was three in favor, Mikesell absent. Motion passed. Motion was made by Harris, second by Gillard, that the City Attorney query the Public Utilities Commission on the legality to the first eight paragraphs of the ordinance. More discussion was heard. Councilmembers Harris and Gillard withdrew their motion and second.

Second reading of Ordinance No. 1720, AN ORDINANCE AMENDING SECTION 2-74 OF THE CODE OF ORDINANCES CHANGING THE RESIDENCY REQUIREMENTS FOR EMPLOYEES OR APPOINTED CITY OFFICERS. Three in favor. Motion passed.

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Discussion was heard concerning a possible Ordinance to reduce mechanically generated false fire alarms. No action was taken.

Motion was made by Harris, second by Gillard, to approve the Mayor's appointment of Brian Ward as a representative to the 911 Oversight Committee for one year. Motion passed.

Discussion was heard by Council to cancel the September 8th council meeting. All were in agreement.

Motion was made by Eggar, second by Gillard, to approve the Mayor's re-appointment of Dennis Bruha to the Police Commission for another 3 year term ending 5/95. City Manager Griffin and Police Chief Bryce explained the function of the Police Commission. Motion passed.

Motion was made by Harris, second by Gillard, to award the bid for the Gallatin Street Waterline Project to Kenny's Inc. from Hardin in the amount of \$98,119.00. Tabulation of all bids by the City's engineer, Morrison Maierle/CSSA, were included in the packet. The three lowest bidders were:

Kenny's Inc.	\$ 98,119.00
Sharbono Construction	106,954.00
Johnston Excavating, Inc.	119,665.00

All in favor. Motion passed.

Discussion was heard of a proposed letter to Park County concerning proposed landfill increases. Council was in agreement to sign this letter and deliver to the County Commissioners. City Manager Griffin read the letter to the public.

The Police Department Monthly Report for July, 1992 was included for council information.

The Fire Department Monthly Report for July, 1992 was included for council information.

The City-County Joint Airport Board minutes for July 28, 1992, was included for council information.

Councilmember Eggar stated the Youth Advisory Board will meet on August 27th at 4:30 p.m. in the council chambers.

Councilmember Harris questioned City Manager Griffin on the itinerary for the Japanese's next visit in September. Griffin stated it was only for Council information.

Councilmember Harris commented on the Letter of Commendation to Dave Frederick and a sign placed at Mission Field. Harris questioned a portion of the letter stating 3 members of council volunteered to provide the sign. City Manager Griffin and City Attorney Jovick clarified.

Councilmember Harris commented on the May 18th meeting.

Mayor Dennis stated he received a phone call from Ronald Green, the new manager at Mountain House Thrift Shop. The Mayor then visited the shop & commended the renovation that had occurred.

Pat Miller questioned the status on the Old Middle School. City Manager Griffin stated there is a time frame between the Board of Adjustment's hearing and a hearing before City Council, which will be held at the September 21st meeting.

Ms. Miller also thanked the City for the "Town Crier" newsletter and for the pictures the Japanese left for her on their last visit.

Bob Weimer addressed Council concerning zoning and apartments being built at Star Subdivision. He asked Council to waive the rezoning fee so he could initiate the process. Mr. Weimer felt his property would be a good alternative for HRDC to consider. Council and City Manager explained HRDC can only use existing structures and renovation, not new construction. No further action was taken.

Motion was made by Eggar, second by Gillard, to adjourn this meeting there being no further business. Motion passed.

The time was 9:10 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill R. Dennis
MAYOR

ACA017

**SPECIAL
LIVINGSTON
CITY COUNCIL MEETING**

**September 1, 1992
5:00 p.m.**

Livingston City Council met in special session Tuesday, September 1, 1992, 5:00 p.m. in the council chambers at the City County Building. Councilmembers present were Lyle Gillard, Pat Mikesell and Ruth Eggar, with Mayor Bill R. Dennis presiding. Councilmember Harris was absent.

Motion was made by Eggar, second by Mikesell, to approve Resolution No. 2334, A RESOLUTION ABANDONING THE UNNAMED PUBLIC STREET RUNNING THROUGH LOTS "A, B, AND C" AS DESCRIBED ON PLAT NUMBER 341. This was a continuation of public hearing from the last meeting, with no public comments heard. All in favor. Motion passed. Harris absent.

Motion was made by Eggar, second by Gillard, to approve Resolution No. 2339, A RESOLUTION TO AUTHORIZE SUBMISSION OF APPLICATION TO THE MONTANA CDBG PROGRAM. Councilmember Eggar questioned the time limit, with City Manager Griffin stating the application needs to be submitted prior to October 1, 1992. Griffin also stated all supporting documents are completed as of this date. Grant Writer Rusty Rokita volunteered to re-submit the application at no charge other than expenses, due to the grant not being funded last year. All in favor. Motion passed. Harris absent.

Bids were opened Monday, August 31, 1992 for a lease/purchase of a four wheel drive Front End Loader/Tool Carrier. Bids were as follows:

Tractor & Equipment Co. - Billings

Caterpillar IT-28B Integrated Tool Carrier

Payment per Year for 5 Years	\$ 16,121.00
Five Year Total (No Balloon Payment)	\$ 80,606.00
Interest Rate	6.5%
MEETS ALL SPECIFICATIONS	

Modern Machinery Co., Inc. - Billings

KOMATSU WA180-1

Payment per Year for 5 Years	\$ 15,598.00
Five Year Total (No Balloon Payment)	\$ 77,990.00
Interest Rate	6.5%
DOES NOT MEET ALL SPECIFICATIONS	

Hall-Perry Equipment Co.

John Deere 544E - TC

Payment per Year for 5 Years	\$ 12,050.00
Five Year Total (Balloon Payment)	\$ 80,250.00 (approximately)
Interest Rate	6.5%

DOES NOT MEET ALL SPECIFICATIONS

Motion was made by Eggar, second by Mikesell, to approve the bid from Tractor & Equipment. Motion passed.

Bids were opened Monday, August 31, 1992 for a lease/purchase of a four wheel drive Backhoe. Bids were as follows:

Tractor & Equipment Co. - Billings

Caterpillar 416

Total Price \$ 36,568.00

Gallatin Equipment Co. - Belgrade

John Deere 310D

Total Price \$ 31,197.00

Motion was made by Eggar, second by Mikesell, to approve the bid from Gallatin Equipment Co. Motion passed.

Motion was made by Eggar, second by Gillard, to adjourn the meeting there being no further business. Motion passed.

ATTEST:

APPROVED:

Julianne Blakely

 RECORDING SECRETARY

Bill R. Dennis

 MAYOR

ACAO17

LIVINGSTON
CITY COUNCIL MEETING

September 21, 1992
7:30 p.m.

The Livingston City Council met in regular session Monday September 21, 1992, 7:30 p.m. in the council chambers at the City County Building. Councilmembers present were Ruth Eggar, Lyle Gillard and Pat Mikesell with Mayor Bill R. Dennis presiding. Councilmember Lee Harris was absent.

Motion was made by Gillard, second by Mikesell, to approve the minutes of August 17, 1992 Regular Council meeting and September 1, 1992 Special Council meeting. Motion passed.

Motion was made by Mikesell, second by Eggar, to accept the bills and claims that listed for \$185,169.61. City Manager Griffin explained a few claims requested by Councilmember Gillard. Motion passed.

Mayor Dennis proclaimed September 28 - October 2, 1992 as Agriculture Week in the City of Livingston.

Mayor Dennis proclaimed October 5 - 11, 1992 as Fire Prevention Week in the City of Livingston.

A public hearing was held on a Zone Map Amendment for Richard Bartlett at 504 E. Callender Street. Public comments heard in opposition, were by Michael Long and Oliver Tendelin. Comments heard in favor, were by Jack Redman and Dr. Bartlett. Mayor Dennis asked City Planner John Nerud who was in the audience, for a review on what other businesses can be allowed in this area. Motion was made by Eggar, second by Mikesell to approve the Zone Map Amendment requested by Dr. Bartlett. Mayor Dennis was required to vote because of valid protest petition on file. The vote was four in favor, with Harris absent. Motion passed.

Motion was made by Mikesell, second by Gillard, to approve Resolution No. 2340, A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY OF LIVINGSTON AND KENNEY'S INC. OF HARDIN, MONTANA FOR INSTALLATION OF THE GALLATIN STREET WATERLINE. All in favor. Motion passed.

Motion was made by Gillard, second by Mikesell, to approve Resolution No. 2341, A RESOLUTION APPROVING A COMMITMENT AGREEMENT BETWEEN THE STATE OF MONTANA BOARD OF INVESTMENTS AND THE CITY OF LIVINGSTON FOR THE CITY SEWER RENOVATION AND EXTENSION. All in favor. Motion passed.

Motion was made by Gillard, second by Eggar, to approve Resolution No. 2342, A RESOLUTION APPROVING AN AMENDMENT TO ADDENDUM A OF THE AGREEMENT BETWEEN THE LOCAL NO. 2711B, LIVINGSTON POLICE DEPARTMENT EMPLOYEES AND THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Gillard, second by Mikesell, to approve Resolution No. 2343, A RESOLUTION APPROVING A LEASE FINANCING AGREEMENT BETWEEN DEERE CREDIT INC., AND THE CITY OF LIVINGSTON FOR THE PURCHASE OF A BACKHOE. All in favor. Motion passed.

Motion was made by Mikesell, second by Gillard, to approve Resolution No. 2344, A RESOLUTION APPROVING A LEASE FINANCING AGREEMENT BETWEEN TRACTOR AND EQUIPMENT COMPANY, INC., AND THE CITY OF LIVINGSTON FOR THE LEASE PURCHASE OF A FRONT END LOADER. All in favor. Motion passed.

Motion was made by Eggar, second by Mikesell, to approve Resolution No. 2345, A RESOLUTION APPROVING AN AMENDMENT TO ADDENDUM C OF THE AGREEMENT BETWEEN THE LOCAL NO. 2711, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AND THE CITY OF LIVINGSTON. All in favor. Motion passed.

First Reading Ordinance No. 1721, AN ORDINANCE AMENDING SECTION 10-7 AND 10-8 OF THE CODE OF ORDINANCES FOR CARRYING OPEN CONTAINERS AND DRINKING BEER OR LIQUOR IN PUBLIC IN THE CITY OF LIVINGSTON TO PROVIDE AN EXCEPTION FOR SPECIAL EVENTS. All in favor. Motion passed.

Ordinance No. 1722, DECLARING AN EMERGENCY AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE FOR AN ORDINANCE AMENDING SECTION 10-7 AND 10-8 OF THE CODE OF ORDINANCES FOR CARRYING OPEN CONTAINERS AND DRINKING BEER OR LIQUOR IN PUBLIC IN THE CITY OF LIVINGSTON TO PROVIDE AN EXCEPTION FOR SPECIAL EVENTS. All in favor. Motion passed.

City Manager Griffin reported to Council, that an official letter of withdrawal was received from the Human Resource Development Council (HRDC) for their Zone Map Amendment Petition on the Old Middle School property.

Rick Kerin, Engineer, briefed Council on a proposed Special Improvement District (SID) on Blue Heron Drive.

Citizen Bill Barnhart appeared before the Council seeking guidance on his earlier request for the opportunity to purchase City-owned land adjacent to his property, through which his utility lines run. He gave the Council some of the recent history. After extensive discussion it was agreed that the City would sell Mr. Barnhart the land in question for a reasonable fee. In addition to the expense for the land, Mr. Barnhart would pay for all survey expenses (\$500.00 to be paid in advance), any legal expenses, any subdivision

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expenses, and any other related expenses. In other words, the City would cooperate with Mr. Barnhart to transfer the land, but the City would bear none of the expense for so doing. Mr. Barnhart agreed to all of these stipulations. His primary concern is that he can purchase the land outright, and clear it off as he pleases.

Todd Quisel was present to request that City Crews perform the work for a water line extension to his property. The project was bid out to private contractors, with no bids received. In order for Mr. Quisel to occupy his facility, he must have City water extended to it. After discussion, Council was in agreement to have a contract drafted and brought before Council at the next scheduled council meeting.

The City has been awarded a Pedestrian Safety Award from the American Automobile Association. This award is for 12 years of safety.

The Police Department Monthly Report for August 1992, was included for council information.

The Fire Department Monthly Report for August 1992, was included for council information.

The Budget Summary Report for August, 1992, was included for council information. City Manger Griffin summarized the report for council.

The Ambulance Finance Report for August 1992, was included separately from the packet, for council review.

Minutes of the City County Joint Airport Board meeting for August 26, 1992, was included for council information.

Discussion was heard concerning the proposed sale of the Lehrkind Building. The building was appraised at \$250,000.00. Council was in agreement to draft a sealed bid process, with the City carrying the mortgage with a down payment for 15 years, details to be worked out in the bid documents and submitted at the 10/5/92 meeting.

Discussion was heard concerning the current Civic Center fees. A draft resolution will be prepared for Council.

Mayor Dennis questioned City Manager Griffin on the surveying status on fixing the alignment of C,D, and Reservoir Streets. Estimated costs are \$2000.

Councilmember Eggar questioned City Manager Griffin if anyone additional was contacted for the CIP Advisory Board. Griffin stated there were not, and he would take any suggestions.

Mayor Dennis questioned the L.I.F.E. Committee. City Manager Griffin stated City Planner John Nerud was dealing with this project, until someone was willing to take it

over.

Councilmember Mikesell questioned the status of a stop sign in Sacajawea Park. City Manager Griffin is waiting for Supt. Ken Kastelitz to return from vacation before he has an answer.

City Manager Griffin will look into a City Judge Report, requested by Councilmember Mikesell.

Councilmember Gillard made a motion to rescind the ordinance being drafted to limit the City Manager's capability to hire and fire city employees. Mayor Dennis stated the city is waiting for a reply from the Attorney General. No action was taken.

Councilmember Mikesell stated he would like to pursue changing the fine amount on violations to City Ordinances. Councilmember Eggar was in agreement.

Councilmember Eggar stated the speed limit sign located at the underpass has been down for some time. City Manager Griffin stated that area is a project that is not completed. The Public Utilities Crew has offered their own time to finish the project, when they complete other projects.

Mayor Dennis questioned the Mayor's Landing sign that is down on Park Street. City Planner Nerud stated some changes were being made before the sign was put back up.

Mayor Dennis commented on the street lights that have been out for sometime. City Manager Griffin stated he has been in contact with Montana Power Company, and he would contact them again.

Motion was made by Mikesell, second by Eggar, to adjourn this meeting there being no further business. Motion passed.

The time was 9:15 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill R. Dennis
MAYOR

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LIVINGSTON
CITY COUNCIL MEETING

October 5, 1992
7:30 p.m.

The Livingston City council met in regular session Monday October 5, 1992, 7:30 p.m. in the Council Chambers at the City-County Building. Councilmembers present were Lee Harris, Ruth Eggar and Lyle Gillard, with Vice Mayor Pat Mikesell presiding. Mayor Bill R. Dennis was absent.

Motion was made by Gillard, second by Eggar, to approve the minutes of September 21, 1992 Regular Council meeting. Motion passed.

Motion was made by Gillard, second by Eggar, to accept the bills and claims that were listed for \$27,776.17. City Manager Ken Griffin clarified claims questioned by Councilmember Harris. Griffin also reported how much was expended from each fund. Motion passed.

Motion was made by Eggar, second by Gillard, to approve a Minor Subdivision (Amended Plat) for Harold Busby at 815 East Callender/232 South I. An easement for one water line will be granted. Motion passed.

Discussion was heard concerning a Minor Subdivision (Amended Plat) for Don Viers at 131 South Main/109 West Lewis. This item will be sent back to the City Planner to set conditions with Mr. Viers. Motion was made by Eggar, second by Harris, to table until the next Council meeting. Motion passed.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2346, A RESOLUTION APPROVING AN AGREEMENT BETWEEN MORRISON-MAIERLE/CSSA AND THE CITY OF LIVINGSTON FOR CONSTRUCTION OF A SEWER LINE AND LIFT STATION TO THE CITY WASTEWATER TREATMENT PLANT. All in favor. Motion passed.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2347, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND PARK COUNTY TO CONTINUE D.A.R.E. EDUCATION IN RURAL SCHOOLS. All in favor. Motion passed.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2349, A RESOLUTION APPROVING A RIGHT-OF-WAY EASEMENT TO THE PARK COUNTY SHERIFF'S DEPARTMENT FOR ACCESS TO THE RADIO TOWERS. All in favor. Motion passed.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2350, A RESOLUTION ADOPTING NEW CIVIC CENTER RENTAL FEES. All in favor. Motion passed.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2351, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF LIVINGSTON, MONTANA AND PARK COUNTY, MONTANA. All in favor. Motion passed.

Second reading of Ordinance No. 1721, AN ORDINANCE AMENDING SECTION 10-7 AND 10-8 OF THE CODE OF ORDINANCES FOR CARRYING OPEN CONTAINERS AND DRINKING BEER OR LIQUOR IN PUBLIC IN THE CITY OF LIVINGSTON TO PROVIDE AN EXCEPTION FOR SPECIAL EVENTS. All in favor. Motion passed.

Motion was made by Gillard, second by Harris, to approve first reading of Ordinance No. 1723, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM MEDIUM DENSITY RESIDENTIAL (RII) TO NEIGHBORHOOD COMMERCIAL (NC) USE. All in favor. Motion passed.

Motion was made by Gillard, second by Harris, to approve first reading of Ordinance No. 1724, AN ORDINANCE ADDING SECTION 11-9 TO CHAPTER 11 OF THE CODE OF ORDINANCES TO PROVIDE THAT PERSONS MAY NOT PROGRAM AN AUTOMATIC DIALING BURGLAR/FIRE ALARM DEVICE INTO A 911 PHONE NUMBER. All in favor. Motion passed.

Discussion was heard concerning going to bid with the Lehrkind Building. Motion was made by Gillard, second by Harris, to amend "Option 2", to 20 years. Council directed the bid process to be initiated. Motion passed.

The City Judge Monthly Report for September 1992 was included for Council information.

The Police Department Monthly Report for September 1992 was included for Council information.

City Manager Griffin stated a drop box for Utility Bills will be installed at John's IGA.

The City Manager also reported that he had been approached by County Treasurer Dennis Tobiason concerning a Tax Incentive Award that the City had made to Cenex in the Spring of 1991. Basically, the State minimum requirements for the Tax Incentive program to be awarded to an entity, said entity had to have a minimum investment of \$500,000.00. In this particular instance, Cenex had only invested some \$448,000.00. Griffin's question, then, is: Does the Council want to investigate whether the Tax Incentive Award made to Cenex is proper, or a problem? The Council concurred that they wanted to know if there had been an error made.

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City Manager Griffin explained to Councilmember Harris why there is only one stop sign in Sacajawea Park.

Councilmember Harris questioned City Manager Griffin concerning chip sealing.

Councilmember Harris questioned City Manager Griffin concerning the Street Sweeper.

Harris also questioned the downtown parking spaces. City Manager Griffin stated 14 spaces were gained in all. Griffin stated there were guidelines the City has to follow to receive Federal Urban funding.

Councilmember Gillard complimented City Manager Griffin and the Street Department, stating the streets are marked the best they have ever been.

Councilmember Eggar reported that the Youth Advisory Committee met September 24th and presently there are 24 members. The next meeting will be held at the Civic Center, their new location.

Councilmember Harris requested a total from each fund on the bills and claims be included for Council information.

Park County citizen Carlo Cieri appeared before the Council questioning several issues surrounding the Gallatin Street water line extension, as well as the related road right-of-way easement the Council had just accepted earlier. Mr. Cieri stated that he believed a letter from Mr. Griffin to the Park County Commissioners, of which he is currently the Chairman, defamed him because Griffin insinuated Cieri had used his political office for personal gains. He demanded a public apology from Griffin.

City Manager Griffin stated that he was acting upon facts that were made available to him at the time the letter was written. Griffin went on to state that he was unaware of any new evidence or facts in the matter, but was willing to discuss them if there were any.

Mr. Cieri questioned Griffin, "Then you are not willing to make a public apology." Griffin responded that he did not believe there was anything for which he needed to apologize. Cieri stated that was all he wanted to know and took his seat.

At one time, near the end of the exchange between Cieri and Griffin, Acting Mayor Mikesell gaveled and announced the exchange was out of order. Councilmember Harris offered that perhaps Griffin was not aware of all the facts in the matter, but he (Harris) was certain Griffin had not purposefully intended any defamation of Mr. Cieri's character.

Local citizen Gary Lee addressed Council for their consideration on lowering curfew to midnight. Discussion was heard from Council and Chief of Police, George Bryce. Bryce stated current curfew for anyone 18 years or younger is 10:00 p.m. Sunday - Thursday and 1:00 a.m. Friday, Saturday and Holidays. It was suggested to Mr. Lee to contact the Juvenile Probation Officer, Mike Fleming on the action that is taken, once a juvenile has been arrested.

Motion was made by Harris, second by Gillard, to adjourn this meeting there being no further business.

The time was 8:42 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill R. Dennis
MAYOR

ACA017

LIVINGSTON
CITY COUNCIL MEETING

October 19, 1992
7:30 p.m.

The Livingston City Council met in regular session Monday, October 19, 1992, 7:30 p.m. in the Council Chambers at the City County Building. Councilmembers present were Lee Harris, Ruth Eggar and Pat Mikesell, with Mayor Bill R. Dennis presiding. Councilmember Lyle Gillard was absent.

Motion was made by Eggar, second by Harris, to approve the minutes of October 5, 1992 regular Council meeting. Motion passed.

Motion was made by Mikesell, second by Eggar, to accept the bills and claims that were listed for \$86,692.86. City Manager Ken Griffin clarified claims questioned by Council. Motion passed.

Motion was made by Harris, second by Eggar, to approve a Minor Subdivision (Amended Plat) for Don Viers at 109 West Lewis, conditioned upon the owner accomplishing a common wall and common roof agreement with respect to the parcel. All in favor, motion passed.

Motion was made by Mikesell, second by Eggar, to approve the City Board of Adjustment's recommendation, not to grant Terry Humann, 227 South H Street, a variance from the five foot side yard requirement. Mr. Humann was granted a five foot rear setback. Motion passed.

Motion was made by Harris, second by Mikesell, to approve the City Board of Adjustment's recommendation to grant Terry Caldwell, 401 North 9th, a variance from both of the side yard requirements. Motion passed.

Motion was made by Eggar, second by Mikesell, to approve Resolution No. 2352, A RESOLUTION APPROVING AN AGREEMENT BETWEEN BANK SOUTH, N.A., A NATIONAL BANKING ASSOCIATION AND THE CITY OF LIVINGSTON, MONTANA. All in favor, motion passed.

Motion was made by Eggar, second by Mikesell, to approve Resolution No. 2338, A RESOLUTION APPROVING AN AGREEMENT BETWEEN LARRY RAFFETY ARCHITECT AND THE CITY OF LIVINGSTON FOR ARCHITECTURAL SERVICES FOR THE WATER DEPARTMENT OFFICE AND MAINTENANCE FACILITY. All in favor, motion passed.

Motion was made by Mikesell, second by Harris, to approve Resolution No. 2356, A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, TO CREATE A SPECIAL IMPROVEMENT DISTRICT TO BE KNOWN AS SPECIAL IMPROVEMENT DISTRICT NO. 175 FOR STREET PAVING, CURB AND GUTTER AND DRAINAGE IMPROVEMENTS. All in favor, motion passed.

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Motion was made by Harris, second by Mikesell, to approve Resolution No. 2354, A RESOLUTION RELATING TO PARTICIPATION IN POOLED SELF-INSURANCE PROGRAM; APPROVING AND AUTHORIZING THE MONTANA MUNICIPAL INSURANCE AUTHORITY TO ISSUE BONDS ON BEHALF OF THE MUNICIPALITY, TO REFUND THE OUTSTANDING WORKERS' COMPENSATION PROGRAM REVENUE BONDS ISSUED BY THE AUTHORITY ON BEHALF OF THE MUNICIPALITY, APPROVING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT RELATING THERETO AND AUTHORIZING THE ISSUANCE AND COMMITTING TO EXECUTE AND DELIVER TO THE MONTANA MUNICIPALITY INSURANCE AUTHORITY A GENERAL OBLIGATION NOTE EVIDENCING THE MUNICIPALITY'S PROPORTIONATE SHARE OF PRINCIPAL OF AND INTEREST ON THE REFUNDING BONDS AND THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS. City Manager Griffin explained the resolution to Council. All in favor, motion passed.

Motion was made by Harris, second by Mikesell, to approve Resolution No. 2355, A RESOLUTION RELATING TO PARTICIPATION IN POOLED SELF-INSURANCE PROGRAM; APPROVING AND AUTHORIZING THE MONTANA MUNICIPAL INSURANCE AUTHORITY TO ISSUE BONDS ON BEHALF OF THE MUNICIPALITY, TO REFUND THE OUTSTANDING LIABILITY INSURANCE BONDS ISSUED BY THE AUTHORITY ON BEHALF OF THE MUNICIPALITY, APPROVING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT RELATING THERETO AND AUTHORIZING THE ISSUANCE AND COMMITTING TO EXECUTE AND DELIVER TO THE MONTANA MUNICIPALITY INSURANCE AUTHORITY A GENERAL OBLIGATION NOTE EVIDENCING THE MUNICIPALITY'S PROPORTIONATE SHARE OF PRINCIPAL OF AND INTEREST ON THE REFUNDING BONDS AND THE EXECUTION AND DELIVERY OF RELATED DOCUMENTS. All in favor, motion passed.

Second reading Ordinance No. 1723, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM MEDIUM DENSITY RESIDENTIAL (RII) TO NEIGHBORHOOD COMMERCIAL (NC) USE. All in favor, motion passed.

Second reading Ordinance No. 1724, AN ORDINANCE ADDING SECTION 11-9 TO CHAPTER 11 OF THE CODE OF ORDINANCES TO PROVIDE THAT PERSONS MAY NOT PROGRAM AN AUTOMATIC DIALING BURGLAR/FIRE ALARM DEVICE INTO A 911 PHONE NUMBER. City Manager Griffin noted that 911 was not in place yet. City Attorney Jovick stated there is a provision in the Code of Ordinances that covers all penalties to an Ordinance if one is not separately defined. All in favor, motion passed.

Motion was made by Harris, second by Mikesell, to approve first reading of Ordinance No. 1725, AN ORDINANCE ADDING ARTICLE IV TO CHAPTER 11 OF THE CODE OF ORDINANCES TO PROVIDE FOR CITY COST RECOVERY FOR HAZARDOUS MATERIALS AND POWER LINE EMERGENCIES. All in favor, motion passed.

Motion was made by Eggar, second by Harris, to approve the Mayor's re-appoint of Harold Mosback to the City-County Health Board for another 3 year term. Motion passed.

Councilmember Eggar thanked the City Manager and staff for their work and the success of the Oktoberfest. The Mayor stated all of Council felt the Oktoberfest was very successful.

Councilmember Eggar questioned billing procedures concerning the Livingston Fire & Ambulance service transfers. City Manager Griffin explained how the stand-by and on-duty crews operated in the Fire Department for Councilmember Eggar.

Councilmember Mikesell questioned the City Manager on the status of overtime used for the Ambulance Service. Griffin explained the Fire Chief and he monitor overtime used closely.

Mayor Dennis requested that EMS calls and Fire calls be listed separately on the Fire Department Monthly Reports.

Councilmember Eggar questioned if Council had received a Year End Report from the Police Department. City Manager Griffin will look into this.

Councilmember Eggar requested a trial balance for the Fire Department overtime status and also for the Police Department.

Councilmember Harris questioned the proposed Water Department Office and Maintenance Facility structure. City Manager Griffin will report back to Mr. Harris with his answers.

Councilmember Harris questioned a cable on the East side of the Civic Center Building. City Manager Griffin will look into this.

Councilmember Mikesell questioned where the waterline will end on City property for Gallatin Street Waterline Project. Discussion was heard.

Councilmember Mikesell stated that Mr. Quisel could not allow renters into his storage units until a water line was to his property. City Manager Griffin confirmed this and stated Mr. Quisel now has found a contractor to do the water line work for him.

Local citizen John Orndorff questioned if the City has heard anything from the State, concerning lowering the speed limit on Highway 89. This will be looked into.

Motion was made by Mikesell, second by Harris, to adjourn the meeting there being no further business. Motion passed.

The time was 8:15 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill R. Dennis
MAYOR

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LIVINGSTON
CITY COUNCIL MEETING

November 2, 1992
7:30 p.m.

The Livingston City Council met in regular session Monday, November 2, 1992, 7:30 p.m. in the Council Chambers at the City County Building. Councilmembers present were Pat Mikesell, Lee Harris, Ruth Eggar and Lyle Gillard with Mayor Bill R. Dennis presiding.

A presentation was given to Council by Middle School students who visited Japan this past summer. Chris Angle, Mark Melin and Sara Walker narrated a slide show and described items they brought back with them from Japan. Their chaperon was Middle School teacher Marla Bray. The trip was organized by Shelly Blatter and partially funded by the City hosted City-County Power Volleyball match this past summer.

Motion was made by Harris, second by Gillard, to approve the minutes of October 19, 1992 regular Council meeting. Motion passed.

Motion was made by Mikesell, second by Harris, to accept the bills and claims that were listed for \$60,456.24. City Manager Ken Griffin clarified claims questioned by Council. Motion passed.

Mayor Dennis presented Jim Shadoan a Certificate of Appreciation for his service on the Historic Preservation District. Mr. Shadoan has resigned from this board.

Motion was made by Eggar, second by Mikesell, to approve the Mayor's appointment of Lin Lee to the Historic Preservation District Review Board. Motion passed.

Motion was made by Gillard, second by Harris, to approve the City-County Planning Boards' recommendation to grant Dennis Bauer, 1318 West Front Street a Minor Subdivision (Amended Plat) for his property. Motion passed.

Second reading of Ordinance No. 1725, AN ORDINANCE ADDING ARTICLE IV TO CHAPTER 11 OF THE CODE OF ORDINANCES TO PROVIDE FOR CITY COST RECOVERY FOR HAZARDOUS MATERIALS AND POWER LINE EMERGENCIES. All in favor. Passed.

Motion was made by Harris, second by Gillard, to accept the bid on a digester gas mixing compressor from Nash Engineering Company in the amount of \$14,153.00. Motion passed.

Motion was made by Gillard, second by Harris, to approve the Mayor's appointment of Carita Adams to the Board of Adjustment/Zoning Commission. Ms. Adams will replace Larry Raffety who resigned from the board. Motion passed.

After discussion, motion was made by Gillard, second by Harris, to set a policy, not to let Councilmembers ride in Police Cars. All in favor. Motion passed.

Councilmember Mikesell stated the City needs to stand by and enforce the Solid Waste Rules. Councilmember's Gillard and Harris were in agreement. Discussion was heard.

Councilmember Harris commented on a memo to Councilmember Eggar, concerning a police incident that took place October 16th and 17th, was handled properly he felt.

City Manager Griffin reported that the Department of Transportation was contacted concerning a question from John Orndorff. Griffin stated no action will be taken on a traffic survey south of Livingston, until Buttrey's opens.

Mayor Dennis questioned City Manager Griffin about a letter from Mr. Gregory concerning a camper parked at the Rosedale Gardens. Griffin explained the situation was addressed and the man in violation was escorted out of town on two separate occasions.

Pam and Keith Haugen and Gary and Lin Lee addressed Council concerning the skateboard problem at the Old Middle School. They would like the no skateboarding on sidewalk ordinance extended to this area. Discussion was heard from everyone. No action was taken.

At this time the Mayor announced the meeting would go into executive session, stating that the merits of individual privacy exceed the merits of public disclosure. Council went into executive session to discuss personnel and departments at 9:00 p.m.

Council reconvened at 9:44 p.m.

Motion was made by Harris, second by Mikesell, to adjourn this meeting there being no further business. Motion passed.

The time was 9:45 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

ACA017

LIVINGSTON
CITY COUNCIL MEETING

November 16, 1992
7:30 p.m.

The Livingston City Council met in regular session Monday, November 16, 1992, 7:30 p.m. in the District Court Room due to large number of citizens in attendance at the City County Building. Councilmembers present were Lyle Gillard, Pat Mikesell, Ruth Eggar and Lee Harris with Mayor Bill R. Dennis presiding.

Motion was made by Gillard, second by Mikesell, to approve the minutes of November 2, 1992 regular Council meeting. Motion passed.

Motion was made by Mikesell, second by Harris, to accept the bills and claims that listed for \$66,786.74. City Manager Ken Griffin clarified claims questioned by Councilmember Harris. Motion passed.

Mayor Dennis stated he had proclaimed November 14, 1992 as Veterans of Foreign War Buddy Poppy Day in the City of Livingston.

A public hearing was held for Zone Text Amendments to Chapter 30 of the Livingston Municipal Code. City Planner John Nerud briefed Council. One comment was heard by Bob Burns. Motion was made by Gillard, second by Mikesell, to approve first reading of Ordinance No. 1727, AN ORDINANCE AMENDING CHAPTER 30 ARTICLE II OF THE CODE OF ORDINANCES TO ADD MANUFACTURED HOME AND MODULAR HOME TO THE LIST OF DEFINITIONS. All in favor. Motion passed. Motion was made by Mikesell, second by Eggar, to approve on first reading Ordinance No. 1728, AN ORDINANCE AMENDING CHAPTER 30 TABLE 30.41 RESIDENTIAL DENSITY REQUIREMENTS. All in favor. Motion passed.

A public hearing was held for a Zone Map Amendment (Mountainview Subdivision). City Planner Nerud briefed Council. Comments were heard from Judy Smith, Della Baldwin and Robin Wesman. Councilmember Harris commented this was only a zone change and that subdivision issues should not be focused upon until the plat comes before the Council. Discussion was heard. Motion was made by Eggar, second by Mikesell, to proceed with drafting of an Ordinance for this zone change. Motion passed.

A protest hearing was held at this time on Special Improvement District No. 175 (Blue Heron Drive). Comment against the paving district was heard by Sherry Marchington Bossert. City Manager Griffin explained further with discussion following from Council. Council directed Griffin to contact each property owner, explain the situation to them, and ask for their feelings.

Motion was made by Gillard, second by Mikesell, to approve Resolution No. 2357, A RESOLUTION APPROVING AN AGREEMENT BETWEEN SHERYL DAHL, d/b/a/

BEARTOOTH BAKING & CATERING COMPANY AND THE CITY OF LIVINGSTON, MONTANA. All in favor. Motion passed.

Motion was made by Harris, second by Gillard, to approve first reading of Ordinance No. 1729, AN ORDINANCE AMENDING CHAPTER 9-222 FOR HANDICAPPED PARKING TO DELETE LOCAL POLICE DEPARTMENT ISSUANCE OF HANDICAPPED DECALS. All in favor. Motion passed. City Manager Griffin explained this ordinance to the audience.

Mayor Dennis called upon Planner Nerud to brief the Council on the updated status of the proposed land transfer from the City to Mr. Barnhart. Mr. Nerud reported that the survey field work was complete and the scale drawing they had before them showed the work. He noted that the County (this property is all located in the County, not the City) had suggested that a simple boundary relocation be used, instead of the creation of a new plat and thus requiring the subdivision regulations to have standing.

City Manager Griffin noted that there were some legal concerns about not doing a full subdivision process. Griffin deferred to City Attorney Jovick who elaborated upon Griffin's comments.

Councilmember Harris queried if there wasn't some way to just get the land transferred and get the process over with. Mr. Jovick and Mr. Nerud both cautioned that the City needs to require the same parameters of itself as it would of some citizen making application. Councilmember Eggar questioned how much more time would transpire before this could be accomplished. She and other councilmembers noted its already been several months, with some reference to several years and several councils ago that it actually started. Mr. Nerud stated he thought he could have the subdivision process through the planning channels by the January 4th Council meeting. That date seemed satisfactory to the Council, and Nerud was instructed to proceed.

Attorney Jovick noted that part of the reason the subdivision process was necessary was to insure a newly created parcel which could then go through the public bidding process for sale.

Councilmembers Mikesell and Eggar requested that the bidding process be an oral bid process, conducted in conjunction with a Council meeting.

City Manager Griffin introduced a related problem that was discovered incidental to the survey work on the property adjacent to Mr. Barnhart. It seems that one of the corner fence posts surrounding the Geyser Trailer Park was encroaching onto City property by 18 feet. The fence line itself encroached onto City property for about 160 linear feet, in a triangular fashion from the misaligned fence post. Griffin noted this meant the trailer park encroached on a total of about 2,700 square feet of City property. Griffin suggested one method of resolving this problem was for Todd Quisel, the current owner of the trailer park, to buy the land from the City. He reported that he had discussed the proposition with Mr. Quisel, and that Mr. Quisel was willing to purchase the property from the City. Griffin noted the key problem being: How much is 2,700 square feet of property on the "wrong" side of a fence line worth?

Mr. Barnhart reported that the fence line in question has been in place since before 1945.

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Councilmember Harris made a motion that the property in question be transferred to Mr. Quisel for the sum of \$1.00. Councilmember Mikesell seconded the motion and it was unanimously adopted.

Councilmember Eggar moved that George Boyer be re-appointed to the Library Board, with a term expiration of 6/30/94. Councilmember Harris seconded the motion and it was unanimously adopted.

Citizen Brad Smith asked the City Council to allow him some sort of variance on the limit of two dogs. Smith acknowledged he had four dogs, but noted one was fifteen and another was thirteen. He purported that one of the dogs would soon die of old age, and he really did not want to get rid of the dogs arbitrarily.

Discussion followed, as well as some interaction from the audience; a neighbor of Mr. Smith's. Councilmember Harris recommended that Mr. Smith coordinate with his back door neighbor and have two of the dogs' registrations moved from Mr. Smith's name and address to those of the neighbor. All agreed. Citizens in the audience applauded the compromise.

Bids were opened November 10, 1992 for One 20 Cubic Yard Rearloading Compactor Body. Bids received were as follows:

Hall Perry - Billings	\$28,473 plus scales
Kois Brothers - Great Falls	\$29,886 total
HCL - Billings	\$27,516 plus scales

Motion was made by Harris, second by Gillard, to approve the bid from Kois Brothers Equipment Co., Great Falls, MT, in the amount of \$29,886, to provide a Compactor for a garbage truck to the City of Livingston. Motion passed.

Bids were opened November 10, 1992 for one single Axle Conventional Cab 35,000 G.V.W.R., Cab & Chassis. Bids received were as follows:

Whiting Motors - Livingston	\$32,922 with trade
Kiefer Motors - Livingston	\$37,000 with trade

Motion was made by Harris, second by Eggar, to approve the bid from Whiting Motors in the amount of \$32,922, to provide a Cab & Chassis to the City of Livingston. Motion passed.

Motion was made by Eggar, second by Mikesell, to approve staff pursuing a Treasure State Endowment Program (TSEP) Grant for storm sewer renovation on the southeast side of the City. City Manager Griffin explained the program to Council. Motion passed.

The Livingston Fire/Ambulance Financial Report for October 1992 was included for Council information. City Manager Griffin answered questions for Council.

The Fire Department Monthly Report for October 1992 was included for Council information.

The Police Department Monthly Report for October 1992 was included for Council information.

The Monthly budget Summary Report for October 1992 was included for Council information.

The minutes of the City-County Joint Airport Board meeting for October 28, 1992 were included for Council information.

City Manager Griffin updated Council with the Police Chief Selection Process. Mayor Dennis clarified that he had nothing to do with the Police Chief Selection Process, that the press misquoted him.

City Manager recognized to Council, a Diamond Award that was presented to D.A.R.E and a Diamond Award that was presented to the Firefighters. These awards are honoring employees for the work they do with children in Livingston.

Councilmember Mikesell stated he has contacted all but one councilmember, and they are in favor of hiring Lynn Gillett as the next Police Chief.

After questioning, City Manager Griffin explained to Councilmember Eggar how he came up with the six member Police Chief Review Board. Mrs. Eggar stated she felt this board would be very bias and is against the board.

Councilmember Eggar talked about a petition that is circulating against the City Manager.

Councilmember Eggar recommended due to the input of several citizens and the community, that we give Mr. Griffin an appraisal of his work performance, and recommended to the Council, that when we do, we give him a 90 day probation period. Mrs. Eggar stated she was going to ask for Mr. Griffin's dismissal, but after seeing the petition, she cannot do that fairly and honestly. Mrs. Eggar stated she would do it after 90 days if his actions are not straightened out. No action was taken

Mayor Dennis wished Chief of Police George Bryce good luck on his retirement.

Mayor Dennis stated he agreed with Councilmember Eggar on the 90 day probation period and that he was" hoping tonight there would be enough votes on the floor to dispose of this gentleman" (Griffin).

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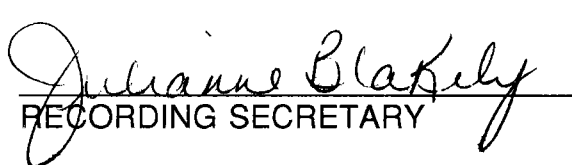
Public comments were heard by Vince Veto, Lin Lee, Noni Kost, Marty Claar, Gene Benson, Jerry Weimer, Bob Burns, Bernice McGee and Mrs. Burns. Discussion was also heard from Council. The consensus as that Griffin should be terminated as City Manager. discussion from the audience also focused upon forcing Griffin to promote CPT Gillett to Police Chief. No action was taken.

Motion was made by Harris, second by Gillard, to adjourn the meeting there being no further business.

The time was 10:20 p.m.

ATTEST:

APPROVE:


RECORDING SECRETARY


MAYOR

SPECIAL
LIVINGSTON COUNCIL MEETING

December 7, 1992
6:30 p.m.

The Livingston City Council met in special session Monday, December 7, 1992 at 6:30 p.m. in the Council Chambers at the City County Building. Councilmembers present were Lyle Gillard, Lee Harris and Ruth Eggar with Vice Mayor Pat Mikesell presiding. Mayor Bill R. Dennis was absent.

Vice Mayor Mikesell announced the meeting would go into executive session, stating that the merits of individual privacy exceed the merits of public disclosure. Council went into executive session for an evaluation of the City Manager.

Council resumed open session at 7:05 p.m. Vice Mayor Mikesell stated the City Council has given a performance review to the City Manager and overall the City Manager has been given a good performance review, with the Council behind the City Manager. Critiques of performance were covered with the City Manager.

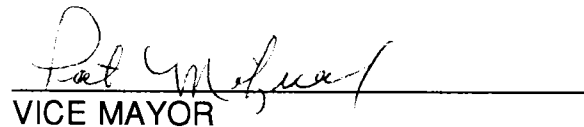
Motion was made by Eggar, second by Harris, to adjourn the meeting there being no further business. Motion passed.

The time was 7:07 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


VICE MAYOR


MAYOR

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LIVINGSTON
CITY COUNCIL MEETINGDecember 7, 1992
7:30 p.m.

The Livingston City Council met in regular session Monday, December 7, 1992, 7:30 p.m. in the Council Chambers at the City County Building. Councilmembers present were Lee Harris, Ruth Eggar and Lyle Gillard with Vice Mayor Pat Mikesell presiding. Mayor Bill R. Dennis was absent.

Vice Mayor Mikesell stated that in executive session, the City council has given a performance review to the City Manager and overall the City Manager has been given a good performance review, with the Council behind the City Manager. Critiques of performance were covered with the City Manager.

Motion was made by Gillard, second by Harris, to approve the minutes of November 16, 1992 regular Council meeting. Motion passed.

City Manager Ken Griffin reported to the Council and public, that a public information booklet, containing the Council Packet would be available on the podium at the back of the room at all Council meetings from now on.

Motion was made by Gillard, second by Harris, to accept the bills and claims that were listed for \$169,501.85. City Manager Ken Griffin clarified claims questioned by Council. Motion passed.

City Planner John Nerud explained a Minor Subdivision (Amended Plat) for Geraldine Barry, 430 N. 8th. Motion was made by Harris, second by Eggar, to approve the Minor Subdivision on the condition that separate water and sewer taps be installed. Motion passed.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2358, A RESOLUTION CREATING A SPECIAL IMPROVEMENT DISTRICT TO BE KNOWN AS SPECIAL IMPROVEMENT DISTRICT NO. 175 FOR STREET PAVING, CURB AND GUTTER AND DRAINAGE IMPROVEMENTS. Discussion was heard by Council, property owner Tony Cocozza, engineer Rick Kerin and City Manager Ken Griffin. All in favor. Motion passed.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2353, A RESOLUTION ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF LIVINGSTON OWNED BY BARBARA BRITT. All in favor. Motion passed.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2360, A RESOLUTION ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF LIVINGSTON OWNED BY CHAN AND DAWN LIBBEY. All in favor. Motion passed.

Motion was made by Eggar, second by Gillard, to approve Resolution No. 2361, A RESOLUTION ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF LIVINGSTON OWNED BY EUGENE AND NANCY PETERS. All in favor. Motion passed.

Second reading Ordinance No. 1727, AN ORDINANCE AMENDING CHAPTER 30 ARTICLE II OF THE CODE OF ORDINANCES TO ADD MANUFACTURED HOME AND MODULAR HOME TO THE LIST OF DEFINITIONS. All in favor. Motion passed.

Second reading Ordinance No. 1728, AN ORDINANCE AMENDING CHAPTER 30 TABLE 30.41 RESIDENTIAL DENSITY REQUIREMENTS. All in favor. Motion passed.

Second reading Ordinance No. 1729, AN ORDINANCE AMENDING CHAPTER 9-222 FOR HANDICAPPED PARKING TO DELETE LOCAL POLICE DEPARTMENT ISSUANCE OF HANDICAPPED DECALS. All in favor. Motion passed.

Motion was made by Gillard, second by Harris, to approve first reading of Ordinance No. 1730, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM MEDIUM DENSITY RESIDENTIAL (RII) TO HIGH DENSITY RESIDENTIAL (R-III) USE. Judy Smith spoke against the zone change. City Planner Nerud explained further for Council. All in favor. Motion passed.

Motion was made by Gillard, second by Eggar, to approve first reading of Ordinance No. 1731, AN ORDINANCE AMENDING SECTION 9-158 TO INCLUDE CERTAIN ADDITIONAL AREAS TO PROHIBIT SKATEBOARDS ON SIDEWALKS. Police Chief Lynn Gillett clarified that where ever it reads Yellowstone Street in the gray shaded area on the ordinance, should read 5th Street. This was agreed and included in the motion. All in favor. Motion passed.

The City Judge Month End Reports for October and November 1992 was included for Council information.

City Manager Griffin introduced Mrs. Shelley Blatter of the Sister City Student Exchange program, who addressed the Council. Mrs. Blatter noted that there were a total of 50 people who were responsible for the success of the first year's Student Exchange project with Naganohara. She said she thought it would be nice if an appreciation dinner were hosted for these people. She noted the Sister City Program overall was vested in the City and therefore thought a logical place to begin this type of appreciation dinner was with the City Council. She presented a tentative budget detailing an estimated expense of \$300.00.

Councilmember Gillard stated that he felt the Sister City Program was very important to the City, and to the community as a whole. He went onto state that the student exchange program is an integral part to this program. Discussion followed.

Councilmembers Gillard and Harris asked City Manager Griffin if the City could afford to pay \$300 for a dinner. Griffin assured the Council that although not a "budgeted" line item per se, this expenditure would not have a negative impact upon the budget. Councilmember Gillard moved for the City to sponsor a Sister City Exchange Student Dinner for approximately 50 people. Councilmember Harris seconded the motion and it was unanimously approved.

Discussion was heard concerning selling of the Lehrkind Building. Motion was made by Gillard, second by Harris, to list the building as a multiple listing, with a Resolution to be prepared for the next council meeting. Motion passed.

Bill Adamo from the School District has requested that the building permit fees for the new East Side School be waived. Discussion was heard, with a motion being made by Harris, second by Gillard, to require the District to pay the permit fees. Motion passed.

Motion was made by Gillard, second by Eggar, to table the resignation of Dean Holmes from the City-County Planning Board and Appointment of Tom Berry to the same board, until the next meeting when the Mayor could make this appointment. Motion passed.

Finance Officer Jim Christiaens spoke to Council concerning Governmental Agency Concerns in regard to our loan commitment for the Sewer Extension Project. Mr. Christiaens stated the CDBG Grant application in the amount of \$375,000 was at risk due to the recent disorder in local administration.

City Manager Griffin informed Council that a new Police Officer, Gerald Cox was hired.

Councilmember Gillard had a suggestion for improvement to the 5th Street Railroad Crossing, that the city could repair themselves. City Manager Griffin will look into further.

Vice Mayor Mikesell congratulated Police Chief Lynn Gillett on his new position.

Vice Mayor Mikesell read City Manager Griffins' evaluation again.

Public comments in favor of the City Manager Form of Government and/or in support of the City Manager were heard by: Bernice McGee, Becki Crosby, David Waylander, Mike Atwood, Clint Tinsley, Bob Weimer and Dr. Wm Harris. Councilmember Harris also stated he supports the City Manager.

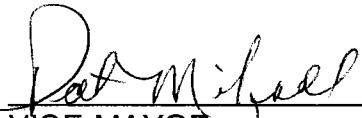
Motion was made by Harris, second by Eggar, to adjourn the meeting there being no further business. Motion passed.

The time was 8:40 p.m.

ATTEST:


RECORDING SECRETARY

APPROVED:


VICE MAYOR


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

December 21, 1992
7:30 p.m.

The Livingston City Council met in regular session Monday, December 21, 1992, 7:30 p.m. in the Council Chambers at the City County Building. Councilmembers present were Lyle Gillard, Pat Mikesell, Lee Harris and Ruth Eggar with Mayor Bill R. Dennis presiding.

Motion was made by Harris, second by Gillard, to approve the minutes of December 7, 1992 Special Council Meeting and Regular Council Meeting. City Manager Ken Griffin stated there needed to be a correction made to the Regular Council Meeting minutes. The roll call on Ordinance No. 1731, should have read: Two in favor, Eggar opposed. Motion passed as corrected. Motion passed.

Motion was made by Mikesell, second by Gillard, to accept the bills and claims that were listed for \$37,440.01. City Manager Ken Griffin clarified claims questioned by Council. Motion passed.

City Auditor Alan Tronson presented the final audit report for FY 91/92. Mr. Tronson reported that the City Manager, Finance Officer, Department Supervisors and Staff did a good job managing the city's revenues and expenses in the last year. Council deferred on a motion to accept the audit at this time.

Motion was made by Harris, second by Mikesell, to approve Resolution No. 2363, A RESOLUTION APPROVING AN AGREEMENT WITH DAN BAILEY, A MONTANA CORPORATION AND GIVING APPROVAL FOR USE OF A CITY ALLEYWAY FOR FIBER OPTIC CABLE. All in favor. Motion passed.

Second reading of Ordinance No. 1730, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM MEDIUM DENSITY RESIDENTIAL (RII) TO HIGH DENSITY RESIDENTIAL (R-III) USE. All in favor. Motion passed.

Second reading of Ordinance No. 1731, AN ORDINANCE AMENDING SECTION 9-158 TO INCLUDE CERTAIN ADDITIONAL AREAS TO PROHIBIT SKATEBOARDS ON SIDEWALKS. Motion was made by Gillard, second by Harris to Table the ordinance at this time. The vote was two in favor, two opposed with Mayor Dennis breaking the tie with a no vote. Discussion was heard by citizens opposing the ordinance: Rea Hargraves read a letter from Tony Moore with petition, Jody Fink and Gary Murphy. Discussion was heard from Council and City Manager Griffin was directed to read a letter submitted in favor of the ordinance from Pam Haugen. The vote on second reading of the Ordinance was four opposed. Councilmember Harris noted to the Mayor that the Council was now in the same place they would have been if the ordinance had been tabled.

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Motion was made by Harris, second by Mikesell, to approve first reading of Ordinance No. 1732, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO ADD CERTAIN REAL PROPERTIES NEWLY ANNEXED INTO THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Mikesell, second by Harris, to grant Scott Stubbart from the All Clean Laundry on East Geysler, a 2 hour parking zone in front of his business. Motion passed.

City Manager Griffin was given approval to proceed with listing the Lehrkind Building with a realty agency.

Motion was made by Harris, second by Lyle, to accept the resignation of Dean Holmes from the City-County Planning Board and approve the Mayor's appointment of Tom Berry to the City-County Planning Board. Councilmember Mikesell questioned if there were certain requirements to be on this board. City Planner Nerud explained. Motion passed.

The Livingston Fire/Ambulance Monthly report for November 1992 was included for Council's information.

The Fire Department Monthly report for November 1992 was included for Council's information.

The Police Department Monthly report for November 1992 was included for Council's information.

The Finance Department Monthly report for November 1992 was included for Council's information.

The City-County Joint Airport Board minutes for November 24, 1992 was included for Council's information.

Councilmember Mikesell questioned the no bike symbol on the underpass. City Manager Griffin will look into this.

Councilmember Eggar questioned the "Road Closed" sign at Gallatin and Yellowstone Streets. Discussion was heard. City Manager Griffin will look into this.

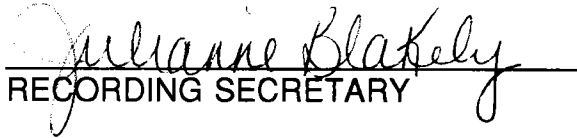
Bob Weimer stated to Council, he would like to see the City progress with the underpass off of Star Road. City Manager Griffin explained that the MRL has stated we can build the underpass, but at City expense. This is estimated at \$500,000. Griffin explained he did not see where in the budget (a combined City budget of about \$3.5 Million annually) this amount of unused money could be found anytime in the foreseeable future.

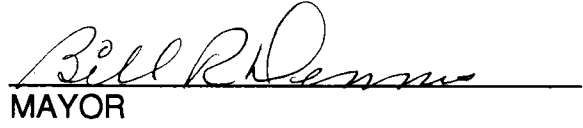
Motion was made by Gillard, second by Eggar, to adjourn the meeting there being no further business. Motion passed.

The time was 8:40 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

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