

LIVINGSTON
CITY COUNCIL MEETING

January 4, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday, January 4, 1993, 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.

No sealed bids were received for property for sale by the City of Livingston located as shown by Plat No. 476. City Attorney Bob Jovick stated verbal bids from the floor would be accepted. The successful bidder is obligated to pay the full cost of the survey for the plat. City Planner Nerud stated that cost is estimated \$2,100. Bidders should be aware that the City is not providing policy of title insurance. The City is delivering title through a Quit Claim Deed. The parcel is as described in the survey. Bill Barnhart verbalized a bid of \$2,500 which included surveying costs. Discussion was heard. Motion was made by Mikesell, second by Gillard, to close the bid opening due to no more bids. Motion passed. Motion was made by Gillard, second by Harris, to accept Mr. Barnhart's bid for the amount of \$2,500. Motion passed.

Motion was made by Harris, second by Gillard, to approve the minutes of December 21, 1992 regular Council meeting. Motion passed.

Motion was made by Harris, second by Mikesell, to accept the bills and claims that were listed for \$61,812.25. City Manager Ken Griffin clarified claims questioned by Council. Griffin will check into the janitor service at the Library. Motion passed approving all bills and claims but excluding claim #1964 to the State Department of Commerce. City Attorney Jovick will look into this claim. Motion passed.

Motion was made by Mikesell, second by Eggar, to approve Resolution No. 2362, A RESOLUTION APPROVING A LEASE AND A BUY/SELL AGREEMENT FOR THE PURCHASE OF THE EASTSIDE SCHOOL BETWEEN THE LIVINGSTON SCHOOL DISTRICT AND THE CITY OF LIVINGSTON. City Manager Griffin pointed out an error on Page 30 of the agreement that should read "1994" instead of "1993". Discussion was heard. All in favor. Motion passed.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2364, A RESOLUTION APPROVING A LISTING AGREEMENT FOR THE LEHRKIND BUILDING WITH MARY A. YATES REALTY AND THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2365, A RESOLUTION APPROVING A POWER PURCHASE AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND THE MONTANA POWER COMPANY. City Manager Griffin

addressed this Agreement and City Attorney Jovick explained. All in favor. Motion passed.

Mayor Dennis stated Council will review and act on Resolution No. 2366, A RESOLUTION SUPPORTING REFORM TO THE MONTANA SUBDIVISION AND PLATTING ACT, at the next Council meeting.

Second 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. Passed.

Councilmember Harris made a motion to increase the City Manager's salary by 4%, just like all other City employees. Councilmember Gillard seconded the motion. City Manager Griffin asked if his job performance was so subordinate to his predecessor's, Mr. Orndorff, that he (Griffin) should be financially penalized. Councilmembers Mikesell, Eggar and Mayor Dennis stated it was not. Gillard stated he did not realize a salary increase would be penalizing Griffin. Gillard then asked Griffin what he thought his salary should be, if 4% was not satisfactory. Griffin stated he felt the Livingston City Manager's salary should be competitive with salaries of City Managers in similar cities within this region. Griffin then made reference to a Memorandum on that subject he had provided the Council.

Councilmember Harris stated he had conducted his own research. He stated the City Manager of Belgrade receives \$30,000 annually. He stated the starting salary of the City of Whitefish is only \$32,000. Upon questioning from Griffin, Harris did acknowledge that the Whitefish manager is currently being paid \$42,101. Mr. Harris offered other evidence from other communities indicating the City Manager's salary for Livingston was not unreasonable.

Attorney Jovick asked permission to address this issue from Mayor Dennis. Mr. Jovick noted he rarely, if ever, comments on this kind of issue for a lot of good reasons. I think, and I know the Mayor has seen the day where the City's top man in pre-city manager days, and now the city manager's salary in this town has traditionally been quite a bit under what was competitive. Over time, we have shown the demands of the job are there, and that position (as manager, or previously superintendent) is critical. If the City is going to move forward, and be competitive, the worst mistake this City can continue to make is to underpay its chief executive. The money spent on a good chief executive repays itself to the City many times over. And, the Council should demand that this top performance is the case. This should be the attitude with which we look at it. The City should not just pay a salary in the lower quartile and expect top performance of the executive. Your last evaluation stated Mr. Griffin was performing well; he should be compensated. I do not think it is right to pay him in the lower quartile when you state his job performance is good. The City has got to do something to place itself in a position to pay for the proper management talent it needs to run its operation. Take a look at the audit report you just received. Look at the budget process Griffin manages. Think about those things you have seen since you have been on the Council. Compare it to previous activities.

Councilmembers Mikesell and Eggar stated they agree with Mr. Jovick's comments.

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Councilmember Harris then noted the Governor has significantly more responsibilities and problems than does the Livingston City Manager, and the Governor of Montana is only paid \$54,000 annually. After asking permission from Mayor Dennis, Griffin noted the governor is not a professional. His only requirement to seek office is to be a registered voter of Montana. Griffin noted he is a professional city manager who has over eight years of experience and twenty years of schooling invested in this profession. Griffin stated Mr. Harris is not comparing apples to apples.

After further discussion, Councilmembers Harris and Gillard withdrew their motion and respective second.

Councilmember Eggar said that for what Mr. Griffin has done, and for where he has us now in the City finances as exhibited by the audit report, that he has brought the City up to a better level than it has been in many years. I think his rapport with the employees is generally outstanding. I would like to see Mr. Griffin's salary brought up to the level of Mr. Orndorff's immediately. We have jerked this guy around a lot in the last year.

Councilmember Mikesell stated he feels the same as Mrs. Eggar. He went on to say that Griffin has proven himself to this town. He agreed that the salary ought to be raised to equal to Orndorff's.

Councilmember Gillard said he also believes Griffin has done a great job, with finances and whipping things into shape, not to mention a lot of other things he has accomplished around town. I am not against raising his salary to \$39,000.

Mayor Dennis asked Mr. Harris for comments. Councilmember Harris stated he is opposed to that raise in salary. He also stated he believes the Council will get a lot of flack from people in the City for raising a salary from \$35,000 to \$39,000.

Councilmember Mikesell said he believes Griffin has already earned the \$4,000 increase in savings to the City. Mr. Harris retorted he believes there would be controversy on savings.

Mayor Dennis said he goes along with Councilmembers Mikesell, Eggar and Gillard. He said Griffin is doing a good job for the City, and as long as he is, he should be paid. I don't think we'll regret it. I think Griffin has really updated us. I have been in this City government longer than most, and we have gone further in the past six to seven months than we have gone in fifteen years, and I think we can thank Mr. Griffin for this.

Councilmember Gillard stated he did not want to have to break another manager in.

Mayor Dennis agreed with Councilmember Harris' comments that we will take flack on this pay raise issue. The Mayor said if you don't take some flack, you are not doing your job.

Councilmember Gillard stated the flack we have taken is not because of anything Griffin has done particularly, other than his inability to get along with people. Gillard stated he knows lots of successful people that do not get along with others well. "I'm looking at the job he has done."

Councilmember Eggar moved to bring Mr. Griffin's salary up to \$39,000. Mr. Gillard seconded the motion. A roll call vote was taken with Councilmembers Eggar, Gillard, and Mikesell in favor; Councilmember Harris voted against the motion. The motion was adopted three to one. Mayor Dennis instructed Attorney Jovick to draft the appropriate resolution amending Griffin's employment contract, to be considered at the

next Council meeting.

City Manager Griffin brought up the second item of City business, the official acceptance of the FYE 92 Audit Report. Motion was made by Gillard, second by Eggar, to accept the FYE 92 Audit Report. Motion passed.

Councilmember Mikesell recommended the City hire locally for Police Officers. City Manager explained the City hires Officers who have already graduated from the Law Enforcement Academy. This way the City saves money by not having to pay for the ten weeks of training required.

More discussion was heard concerning the Railroad crossings.

Councilmember Eggar stated the Youth Advisory Council's New Years dance held at the Civic Center was a success. Approximately 80 students were in attendance.

Councilmember Harris questioned what was going to be done with the roof and the old Water Plant. City Manager Griffin stated Park Clinic is reconsidering using the facility.

Councilmember Harris questioned why the Christmas trees needed to be cut into 4 foot lengths. City Manager explained. He stated in discussing this concept with people who deal with a lot of money daily, that we did not need another person.

Councilmember Harris commented on the Audit Committee's memo concerning an additional person in the Finance Department.

Mayor Dennis stated there are some street lights out around town.

Shelly Blatter reminded Council of the Sister City luncheon on Tuesday and she would like to visit with Council after the meeting to discuss protocol details.

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

The time was 9:47 p.m..

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill R Dennis
MAYOR

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LIVINGSTON
CITY COUNCIL MEETING

January 19, 1993
7:30 p.m.

The Livingston City Council met in regular session Tuesday, January 19, 1993, 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 January 4, 1993 Regular Council meeting. Motion passed.

Motion was made by Eggar, second by Gillard, to accept the bills and claims that were listed for \$93,294.11. City Manager Ken Griffin clarified claims questioned by Council. Motion passed.

Mayor Dennis proclaimed February 5-12, 1993 as Teen Week in the City of Livingston.

Mayor Dennis proclaimed February 7-13, 1993 as Scout Week in the City of Livingston.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2366, A RESOLUTION SUPPORTING REFORM TO THE MONTANA SUBDIVISION AND PLATTING ACT. All in favor. Motion passed.

Motion was made by Mikesell, second by Eggar, to approve Resolution No. 2367, A RESOLUTION AMENDING THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND CITY MANAGER KENTON GRIFFIN CONCERNING A SALARY INCREASE. Harris moved to amend the resolution to read: "Salary, the salary of the manager shall be thirty six thousand, five hundred dollars (\$36,500) per year effective February 18, 1993. A salary review shall be conducted in January 1994 as to any adjustment effective February 18, 1994. Thereafter salary shall be set in the city budget for the fiscal year." Motion died due to lack of a second.

Harris moved to amend the resolution to read: "Salary, the salary of the manager shall be thirty nine thousand, six hundred dollars (\$39,600) per year effective February 18, 1993. the manager will be responsible for his and his family's insurance. His vehicle allowance will not exceed one hundred dollars (\$100) per month. A salary review shall be conducted in January 1994 as to any adjustment effective February 18, 1994. Thereafter salary shall be set in the city budget for the fiscal year." Motion died due to lack of a second.

Harris moved to amend the resolution to read: "Salary, the salary of the manager shall be thirty six thousand, five hundred dollars (\$36,500) per year effective February 18, 1993, with an increase in six months (August 18, 1993) to thirty seven thousand dollars (\$37,000) per year provided the performance is found to be satisfactory by the city. a salary review shall be conducted in January 1994 as to any adjustment effective February 18, 1994. Thereafter salary shall be set in the city budget for the fiscal year." Motion

died due to lack of a second.

Harris moved to amend the resolution to read: "Salary, the salary of the manager shall be thirty six thousand, seven hundred and fifty dollars (\$36,750) per year effective February 18, 1993, with an increase in six months (August 18, 1993) to thirty seven thousand dollars (\$37,000) per year provided the performance is found to be satisfactory by the city. a salary review shall be conducted in January 1994 as to any adjustment effective February 18, 1994. thereafter salary shall be set in the city budget for the fiscal year." Motion died due to lack of a second.

Harris moved to amend the resolution to read: "Salary, the salary of the manager shall be thirty seven thousand dollars (\$37,000) per year effective February 18, 1993. A salary review shall be conducted in January 1994 as to any adjustment effective February 18, 1994. Thereafter salary shall be set in the city budget for the fiscal year." Motion died due to lack of a second. Discussion was heard concerning the City Manager's insurance.

Harris moved to amend the resolution to read: "Salary: the salary of the manager shall be thirty seven thousand, seven hundred and fifty dollars (\$37,750) per year effective February 18, 1993, with an increase in six months to thirty eight thousand dollars (\$38,000) per year provided the performance is found to be satisfactory by the city. A salary review shall be conducted in January 1994 as to any adjustment effective February 18, 1994. Thereafter salary shall be set in the city budget for the fiscal year." Motion died to lack of a second. More discussion was heard. Gillard could see where the manager has saved the city approximately \$49,000 in 10½ months. Mikesell stated the morale of the employees is at its highest. Eggar feels the current Council and City Manager is moving the city into the future. Harris addressed the salary of former City Manager John Orndorff. Salaries and insurance was the topic of continued discussion. The vote on Resolution No. 2367 was three in favor, Harris opposed. Motion passed. Mayor Dennis stated that he and Mr. Griffin did not see eye to eye at one point, but they have worked out their differences.

Motion was made by Gillard, second by Mikesell, to approve first reading of Ordinance No. 1733, AN ORDINANCE AMENDING SECTION 9-246 TO INCLUDE TWO HOUR PARKING ZONES IN FRONT OF ALL CLEAN LAUNDRY AT 128 EAST GEYSER STREET. All in favor. Motion passed.

Motion was made by Harris, second by Mikesell, to approve first reading of Ordinance No. 1734, AN ORDINANCE AMENDING SECTION 26-39 TO PROHIBIT PLACEMENT OF SNOW FROM SIDEWALKS UPON CITY STREETS. Discussion was heard. All in favor. Motion passed.

City Manager Griffin stated Mr. and Mrs. Peterson requested to address Council concerning section 12-26 in the Code of Ordinances. They were not present. No action was taken.

Motion was made by Harris, second by Gillard, to approve the Mayor's reappointment of Larry Raffety, Tom Hardy and Lin Lee to the Historic Preservation Commission for a three year term. Motion passed.

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Motion was made by Harris, second by Gillard, to approve the Mayor's appointment of Bill Leavengood, Doug Crandall, Joe Michaletz, Travis Chevallier, Ray Lee, Roy Korkolo, Jim Hunt Jean Marie-Souvigney and John Bays to the Wellhead Project Community Planning Team. City Manager Griffin explained the purpose of the committee. Motion passed.

The Monthly Budget Summary Report for December 1992 was included for Council information. Councilmember Harris discussed the tax rolls with City Manager Griffin.

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

The Livingston Fire/Ambulance Financial Report for December 1992 was included for Council information. Councilmember Mikesell asked City Manager Griffin for a more detailed report.

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

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

The Police Department Annual Report for 1992 was included for Council information.

The Building Department Annual Report for 1992 was included for Council information.

City Manager Griffin gave Council a status report on the marketing of the Lehrkind Building.

Councilmember Eggar commented on the Proclamation for Teen Week. This a Montana State Program with February 5th being Teen Day. Discussion was heard having a teen as City Manager for a day and spending the day with Ken Griffin. Applications will be received and a student chosen for this position at the 2/1/93 Council meeting.

Motion was made by Gillard, second by Harris, to create a Purchasing Agent position. Positive input was given by Council. Motion passed.

Mayor Dennis commented on a special tax on all vehicles. Finance Officer Jim Christiaen will pursue what the city will net.

Citizen Robert Burns asked for the names of the Wellhead Committee. City Manager Griffin stated the names were in the Council packet in the back of the room.

Councilmember Eggar thanked Mr. and Mrs. Lee for their donation to the Youth Advisory Council.

Motion was made by Eggar, second by Mikesell, to adjourn the meeting there being no

further business. Motion passed.

The time was 8:35 p.m..

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill R. Dennis
MAYOR

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LIVINGSTON
CITY COUNCIL MEETINGFebruary 1, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday, February 1, 1993, 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 Eggar, to approve the minutes of January 19, 1993 regular Council meeting. Motion passed.

Motion was made by Mikesell,, second by Harris, to accept the bills and claims that were listed for \$64,538.65. City Manager Ken Griffin clarified claims questioned by Council. City Attorney Bob Jovick will look further into claim #8923 to the Dept. of Health and Environmental Sciences for the amount of \$6,486.75. Griffin was also directed to write a letter of inquiry to DHS about this claim. Motion passed excluding Claim #8923.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2368, A RESOLUTION ADOPTING THE JOB DESCRIPTION FOR PURCHASING AGENT AND INCORPORATING THE DESCRIPTION INTO THE GENERAL JOB DESCRIPTION FOR THE CITY OF LIVINGSTON. All in favor. Motion Passed.

Second reading of Ordinance No. 1733, AN ORDINANCE AMENDING SECTION 9-246 TO INCLUDE TWO HOUR PARKING ZONES IN FRONT OF ALL CLEAN LAUNDRY AT 128 EAST GEYSER STREET. Mark Engle of Tri-Valley Sheet Metal addressed Council concerning Monday through Friday 2 hour parking as opposed to Monday through Saturday 2 hour parking. Discussion was heard by Council, Staff and Mr. Strubert, owner of the laundromat. Motion was made by Eggar, second by Harris, to amend the ordinance to read "the South side of Geyser Street". A 2 hour parking sign will only be placed in front of the All Clean Laundry. All in favor, motion passed. The vote on second reading of the ordinance was all in favor. Motion Passed.

Second reading of Ordinance No.1734, AN ORDINANCE AMENDING SECTION 26-39 TO PROHIBIT PLACEMENT OF SNOW FROM SIDEWALKS UPON CITY STREETS. All in favor. Motion Passed. Motion was made by Eggar, second by Mikesell, to reconsider this ordinance at the next meeting. Motion Passed.

Bids were opened January 26, 1993 for one Trailer Mounted Sewer Vacuum. Two bids were received as follows:

HALL PERRY - Billings
\$33,384.00

KOIS BROTHERS EQUIPMENT - Great Falls
\$38,830.00

Discussion was heard by Council and Staff. City Manager Griffin explained the low bid did not meet a few of the specifications. This will be a budgeted annual lease/purchase cost of approximately \$7,500 per year for six years. After some discussion, Mikesell stated he was not convinced we could afford all this new equipment we were buying.

Griffin stated with such low interest rates and the cost of inflation, lease-purchase were the only terms which made economic sense. Motion was made by Gillard, second by Harris, to accept the bid from Kois Brothers Equipment. Motion passed. 405

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

City Manager Griffin reported that all Firefighters recently passed their EMT practical tests. Also, a written test was taken and results will not be back for approximately three months.

City Planner Nerud addressed the Council with the staff's plan for managing the Intermodal Surface Transportation Efficiency Act (ISTEA). He explained that he and other staff members, including City Manager Griffin, had been working with several other groups attempting to form a coalesced approach to the ISTEA funding. He noted that this was a grant for six consecutive years, of somewhat less than \$40,000 annually to the City. In summary, the staff proposal calls for the planned expenditure of these funds for the entire term of the grant; not just one year at a time. Mr. Nerud requested the Council bear this staff report in mind, should they receive any requests for ISTEA funding, and/or the City's endorsement. The Council acknowledged the report, but took no further action.

Councilmember Eggar replied to a memo from the City Manager concerning a Soap Box Derby. Mrs. Eggar stated she thought this was a great idea. Council was in favor of this event also.

Councilmember Eggar mentioned that she did not want to see a closed campus on the school noon hour. She believes the lunch hour is their time to get away from school if they choose. Councilmember Harris can see both sides of an open or closed campus.

Councilmember Eggar replied to a memo from the City Manager, stating the city should look into a recent explosion due to a propane tank, in the city of West Yellowstone. Discussion was heard. City Attorney Jovick addressed the issue. City Manager Griffin will get more information.

Councilmember Eggar thanked the City Manager for working on Teen Manager. Motion was made by Harris, second by Eggar, to let all four applicants be Teen Manager for a day. They will each have a Friday during February. Motion passed.

Councilmember Harris stated a concern of his, was the lack of response for quarterly payment from the County for the Ambulance service. City Manager Griffin stated a payment had not been made at this time. Mr. Griffin stated the County has been billed three times for two payments. One payment was received. Discussion was heard. Mr. Harris stated the City needed to pursue this.

Councilmember Harris commented the space in the Council Chambers was getting smaller. City Manager Griffin apologized, but stated the city offices were out of room and did not have any where to go at this time. He also reminded Council he had sent them a Memo a month ago warning of this impending change in space allocation. Discussion was heard. City Attorney Jovick suggested that Council temporarily relocate to the Community Room downstairs. We will look into reserving the Community Room.

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Councilmember Harris stated he liked the City Manager's idea on a telephone system. Motion was made by Harris, second by Eggar, to pursue this further. City Manager Griffin stated bids will be opened on February 11th and submitted to Council at the next meeting. Motion passed.

Councilmember Harris questioned if there was anything new on Solid Waste. City Manager Griffin stated application for a transfer station has taken place, secured permission to temporarily haul solid waste to another facility if needed, pursuing permit application for a compost area instead of a local burn site. Have talked to Montana Rail Link concerning a railroad car on a lease basis to transport solid waste. There is no solution to the tire problem at this time.

Councilmember Gillard commended City Manager Griffin on the Utility Calculation article in the Town Crier. Councilmember Harris would like to see Mr. Griffin elaborate more on the same subject in the next Town Crier.

Councilmember Gillard questioned where the new Sewer Line would start. City Manager Griffin stated it would start at Bennett Street where the Waste Water Treatment Plant was located. The line will stop in front of the Paradise Motel. Sections of the road will be closed during the construction. Mr. Griffin answered Councilmember Mikesell's question that all Park Street business's on septic system will be required to tap on the new sewer line.

City Attorney Jovick stated, in researching the title for the East Side School, it was discovered that the deed goes back to the Montana Territorial Days. The deed was in 1886, when we were a part of Gallatin County.

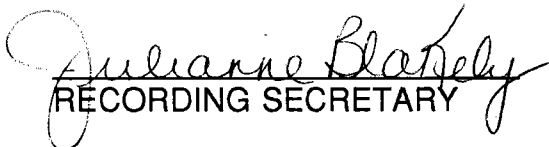
Gary Lee asked when the new Sewer Line Project was going to start. City Manager Griffin stated the project was to start March 15th and the contractor would have 110 days to complete.


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

The time was 9:05 p.m..

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

February 16, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday, February 16, 1993, 7:30 p.m., in the Council Chambers at the City County Building. Councilmembers present were Pat Mikesell, Lee Harris and Ruth Eggar with Mayor Bill R. Dennis presiding. Councilmember Lyle Gillard was absent.

Motion was made by Harris, second by Mikesell, to approve the minutes of February 1, 1993 regular Council meeting. Motion passed.

Motion was made by Mikesell, second by Eggar, to accept the bills and claims that were listed for \$95,912.91. City Manager Ken Griffin clarified claims questioned by Council. Upon recommendation from City Attorney Jovick claim #8923 from the 2/1/93 Council meeting was tabled again until the next meeting. Motion passed.

Comments were heard concerning a sign variance request from Buttrey Food and Drug. City Manager Ken Griffin read a letter in favor of granting the variance, from Councilmember Gillard who was absent. Motion was made by Mikesell, second by Eggar, to approve the variance that was recommended by the Board of Adjustment. Recording Secretary Blakely read the three variances that were proposed: 1) Buttrey's, 2) counter proposed by the City and 3) the Board of Adjustment's Recommendation. Discussion was heard by Council and Norm Dusenberry from Buttrey's. City Attorney Bob Jovick stated a fifth condition could be added to the staff recommendation. Councilmember Mikesell withdrew his motion and Councilmember Eggar withdrew the second.

Motion was made by Mikesell, second by Eggar, to approve the Staff Recommendation and to include a fifth condition to the effect, that no other free standing signs at any other locations for Buttrey's or their successors in interest or for any other owner or tenant of any parcel created out of the Buttrey's parcel. Citizen comments were heard from Kelly Wade, Chris Wistey, Lee Phillips and Barb Williams. Councilmember Harris made an amendment to the motion, to allow Buttrey's to put the signage that they request on their building and then to further discuss the pilon and free standing signs, to arrive at a conclusion at a later date. The motion died for lack of a second.

At this time, the Mayor called for a recess. The time was 8:25 p.m. with Council reconvening at 8:35 p.m. More discussion and comments were heard from George Wuerthner, Rene Marino, Lenny Gregory, Dr. Julie Danaher, Bill Leitch, Bob Spanring and George Anderson. Jim Peterson presented Council with a petition of 140 signatures opposed to the variance. Comments were heard from Marsha Webb, Alex Squillace, Rick Spellman, Duane Colmey, John Rogers, John Fryer and Molly Madison. Motion was made by Mikesell, second by Eggar, to table the recommendation. Motion passed. Motion was made by Harris, second by Mikesell, to allow Buttrey's to put signage totaling 300 feet on their building in accordance with the Board of Adjustment's recommendation

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to Council, and that the Council, at a later date, consider the motion tabled. Motion passed.

Motion was made by Eggar, second by Mikesell, to approve Hardee's original application for a sign variance. City Manager Griffin read Hardee's request. Dave Guckenburgh, President and Barry Simmons, spokesperson from Hardee's were present to answer questions. Comments in favor and opposition to the variance, were heard from Rick Spellman, Lenny Gregory, George Anderson, Chris Wistey, John Fryer, Bill Leitch, Kelly Wade, Rene Marino, Jim Peterson, Tom Hogg, Bob Spanning, Karen Clayton, Linda Petrick, Jane Tecca, Karen Cooper and George Wuerthner. The vote was all in favor. Motion passed.

Motion was made by Eggar, second by Mikesell, to approve Corral West Ranchwear's original application for a sign variance which was recommended for approval by the Board of Adjustment. Comments were heard from Molly Madison, George Wuerthner, Marion Squillace, Chris Wistey, Kelly Wade, John Fryer and Terry Young of Corral West Ranchwear. The vote was all in favor. Motion passed.

Motion was made by Mikesell, second by Harris, to approve Resolution No. 2369, A RESOLUTION APPROVING AN AGREEMENT FOR FEDERAL AID PROJECT NO. STPP 0002(50) BETWEEN THE STATE OF MONTANA, ACTING BY AND THROUGH THE DEPARTMENT OF TRANSPORTATION, AND THE CITY OF LIVINGSTON. City Manager Griffin explained the resolution to Council. All in favor. Motion passed.

Motion was made by Mikesell, second by Eggar, to approve Resolution No. 2370, A RESOLUTION APPROVING A GRANT AGREEMENT BETWEEN THE DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION AND THE CITY OF LIVINGSTON AND PARK COUNTY. City Attorney Bob Jovick explained the resolution to Council. Jerri Miller, Secretary of the Airport Board was present to answer questions. All in favor. Motion passed.

Jerri Miller stated the Regional Glider Competition will be held in Livingston July 25-30, 1993. In 1994 the National Glider Competition will be held in Livingston.

Motion was made by Mikesell, second by Harris, to reconsider Ordinance No. 1734, AN ORDINANCE AMENDING SECTION 26-39 TO PROHIBIT PLACEMENT OF SNOW FROM SIDEWALKS UPON CITY STREETS. Motion to reconsider passed. Motion was made by Harris, second by Eggar, to amend the ordinance to add: If no boulevard exists, snow can be placed in the street, but not in a berm which is perpendicular to the traffic flow. Discussion was heard. All in favor to the amendment. Motion passed. Motion was made by Mikesell, second by Eggar, to approve the ordinance as amended. All in favor. Motion passed.

Bids were opened January 29, 1993 for the Park Street Sewer Project. Ten bids were received. Following are the three lowest bids:

Mainline Construction - Billings
\$770,693.97

Go Pro Construction - Billings
\$825,000.00

Van Dyke Construction - Bozeman
\$833,428.80

Motion was made by Harris, second by Mikesell, to approve the bid from Mainline Construction for the amount of \$770,693.97. Motion passed.

Motion was made by Eggar, second by Mikesell, to advise the County that we will no longer be needing their operator services effective 4-2-93. Motion passed. Motion was made by Eggar, second by Mikesell, to take the bid acceptance for the Telephone System under advisement until the next meeting. Motion passed.

City Manager Griffin explained a memo to Council concerning the Old West Trail Vacation Guide. The City would offer a matching grant to our community businesses for us to jointly place an ad in this publication. Discussion was heard. Motion was made by Mikesell, second by Harris, to approve the City paying half for this ad. Motion passed.

City Manager Griffin explained that the City has been asked by the Park County Environmental Coalition, to place some type of statement on our Utility Bill, that allows a person to make a voluntary \$1.00 contribution to recycling. Discussion was heard concerning where the money would go. It was decided to table this topic, until further information could be obtained.

Motion was made by Harris, second by Mikesell, to approve the Mayor's appointment of Mrs. Kathleen Kaul, owner of the Murray Hotel, to the Yellowstone Country Board, due to Cindy NeSmith's resignation. The vote was two in favor. Eggar opposed. Motion passed.

The Police Department Monthly report for January 1993, was included for Council information.

The City Judge Monthly report for January 1993, was included for Council information.

The Fire Department Monthly report for January 1993, was included for Council information.

The Livingston Fire/Ambulance Monthly report for January 1993, was included for Council information.

The Finance Department Monthly report for January 1993 was included for Council

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information.

The minutes of the City-County Joint Airport Board for January 25, 1993 was included for Council information.

City Manager Griffin stated the City has been requested by the County to assist them with tax collection from businesses that have to buy a City business license. Discussion was heard with the City Attorney stating this would have to be written into the City Ordinances. Motion was made by Harris, second by Mikesell, to approve an amendment proposal to the ordinance. Motion passed.

Motion was made by Eggar, second by Harris, to have Council address the sign ordinance as soon as possible. Discussion was heard. Motion passed.

Councilmember Harris questioned the progress of the Old Middle School site. City Manager Griffin stated the vendor has a permit, that allows so many days for them to complete the project. Griffin stated with the support of the School Board and Architect, they are working on getting the vendor to clean up the site. Discussion was heard.

Councilmember Harris stated he was appalled at the condition of the Civic Center, when he attended the Dan Seals concert. City Manager Griffin stated they are working on repairs at the Civic Center.

Councilmember Mikesell questioned the charge for Fire Inspections and why. City Manager Griffin explained.

Councilmember Mikesell requested that City Staff provide Council with an Ambulance report including the amount of overtime used and charged to the Ambulance each month.

Councilmember Mikesell commended the City Manager on the new signs to the Underpass.

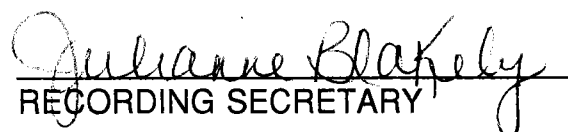
Mayor Dennis questioned the City Manager about Worker's Compensation.

Barbara Williams commented on the sign variances.


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

The time was 11:35 p.m.

ATTEST:


RECORDING SECRETARY

APPROVED:


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

March 1, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday, March 1, 1993, 7:30 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 Lee Harris was absent.

Motion was made by Gillard, second by Mikesell, to approve the minutes of February 16, 1993 Regular Council meeting. Motion passed.

Motion was made by Gillard, second by Mikesell, to accept the bills and claims that were listed for \$42,701.36. City Manager Ken Griffin clarified claims questioned by Council. Motion passed.

Motion was made by Gillard, second by Eggar, to approve payment of claim #8923 from the 2/1/93 meeting. Motion passed.

Motion was made by Gillard, second by Eggar, to approve Resolution No. 2371, A RESOLUTION ADOPTING THE JOB DESCRIPTION FOR WATER AND SEWER MAINTENANCE FOREMAN, UTILITY I AND MAINTENANCE WORKER II AND INCORPORATING THESE DESCRIPTIONS INTO THE GENERAL JOB DESCRIPTIONS FOR THE CITY OF LIVINGSTON. City Manager Ken Griffin answered questions from Councilmember Mikesell. All in favor. Motion passed.

Motion was made by Mikesell, second by Gillard, to approve Resolution No. 2372, A RESOLUTION AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 1992, AND ENDING JUNE 30, 1993, AND TRANSFERRING \$4,848 IN FUNDS FROM THE SUSPENSE FUND AND THE COMPUTER HARDWARE FUND TO THE CAPITAL OUTLAY FUND FOR THE CITY TELEPHONE SYSTEM. All in favor. Motion passed.

Motion was made by Gillard, second by Eggar, to accept the bid from TRI for the amount of \$18,850 for an Automated Telephone System. Two bids were received after the bid opening deadline, for a total of four. All in favor. Motion passed.

Motion was made by Gillard, second by Eggar, to approve Resolution No. 2373, A RESOLUTION APPROVING A MUNICIPAL LEASE AND OPTION AGREEMENT FOR ONE SUPER PRODUCTS 1993 CAMELVAC S/N 93910154 BETWEEN THE WRIGLEY GROUP LTD. AND THE CITY OF LIVINGSTON. Two in favor, Mikesell opposed. Motion passed.

Motion was made by Gillard, second by Mikesell, to approve first reading of Ordinance No. 1735, AN ORDINANCE AMENDING SECTION 17-15 (4) OF THE CODE OF

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ORDINANCES TO CLARIFY APARTMENT HOUSE LICENSING FEES. All in favor. Motion passed.

Motion was made by Gillard, second by Mikesell, to approve first reading of Ordinance No. 1737, AN ORDINANCE ADDING SECTION 17-6 (G) TO THE CODE OF ORDINANCES TO REQUIRE THAT A BUSINESS HAVE ALL PAYMENTS FOR BUSINESS REAL PROPERTY AND BUSINESS PERSONAL PROPERTY PAID CURRENT AS A CONDITION FOR THE ISSUANCE OF A CITY BUSINESS LICENSE. All in favor. Motion passed.

Motion was made by Eggar, second by Gillard, to approve emergency reading of Ordinance No. 1738, AN EMERGENCY ORDINANCE TO PROHIBIT NEW OFF PREMISES SIGNS IN THE CITY OF LIVINGSTON AND DECLARING THAT AN EMERGENCY EXISTS AND DECLARING AN IMMEDIATE EFFECTIVE DATE. City Attorney Bob Jovick stated the Ordinance needed a 2/3rds vote in order to pass. The vote was four in favor with Mayor Dennis casting the 4th vote. Motion passed.

Mayor Dennis proclaimed March 7-13, 1993 as Girl Scout Week in the City of Livingston.

Citizen Lenny Gregory addressed Council concerning the February 16, 1993 Council meeting.

Motion was made by Gillard, second by Mikesell, to allow a temporary special exception to the residency requirement for Police Officer Darren Raney, while he builds a new home. Motion passed.

Motion was made by Mikesell, second by Gillard, to support the Park County Transportation Board Van Project. City Manager Griffin explained that Netzy Durfey wrote the grant and that the grant had been awarded. Griffin has offered to have the City named on the title as co-owner to be able to carry the vehicle on the City's fleet insurance. Also, offered to have the vehicle maintained and serviced by the City's Fleet Mechanic. The Senior Citizens Transportation Board would purchase oil, filters and other parts that may be needed. Motion passed.

Discussion was heard concerning the financing arrangement for a proposed lease/purchase of a new ambulance. City Manager Griffin hand out a list of the local banks and regional finance agencies that bid the financing. Motion was made by Gillard, second by Eggar, to approve Park National and American Bank joint venture at 6.0% and have a resolution drafted to exempt this lease/purchase from the taxing requirements that the bank pays. Motion passed.

Bids were opened March 1, 1993 for an ambulance. One bid was received from Professional Sales and Service for the amount of \$67,530. Two other companies declined to bid. Motion was made by Gillard, second by Mikesell, to take the bid under advisement until the next meeting. Motion passed.

Also, submitted to Council with the ambulance bid, was a report from Fire Chief Dave Frederick showing the amount of donations they have received for a downpayment on the ambulance. The amount was listed at \$34,969.36, which is approximately 46% of the total cost, with another \$1,000 being received today.

City Manager Griffin introduced a request from the Successful Communities program for the creation of a Citizens' Advisory Committee for the City's planning process, and specifically the Comprehensive Land Use Plan. Councilmember Gillard stated he had reservations about the number of County residents on the proposed committee, coupled with the seeming minority of City residents. After some discussion it was agreed that the staff shall provide the Council with a map of the City's 4-1/2 mile planning area, and plot the residences of the proposed committee members thereon. After the Council reviews this map, discussion on the creation of the advisory committee will continue, at the next meeting.

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 the Public Works Union negotiations. The time was 8:20 p.m.

Council resumed open session at 8:36 p.m.

Councilmember Gillard commented on his recent trip to Japan.

Motion was made by Eggar, second by Mikesell, to have an ordinance drafted adopting a 15 MPH around all four blocks of the Hospital. Motion passed.

Discussion was heard concerning the LP Gas tanks and the concern for the regulation of them. Councilmember Eggar stated further study was needed.

Councilmember Eggar clarified her position at Pamida to Mr. Gregory.

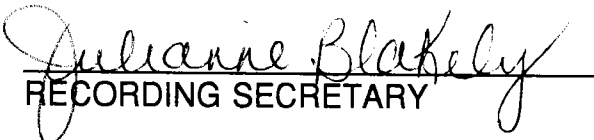
Public Comments concerning the sign ordinance were heard by Jim Peterson, Bill Maloney, George Weurthner, Chan Libby, Gary Lee, Alex Squillace, Phil Wright, Duane Colmy and Louisa Wilcox.

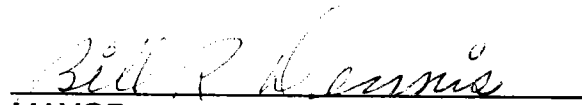
Motion was made by Gillard, second by Mikesell, to adjourn the meeting there being no further business. Motion passed.

The time was 9:07 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

ACA017

LIVINGSTON
CITY COUNCIL MEETING

March 15, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday, March 15, 1993, 7:30 p.m., in the Community Room at the City County Building. Councilmembers present were Ruth Eggar, Lyle Gillard and Lee Harris 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 March 1, 1993 regular Council meeting. Motion passed.

Motion was made by Gillard, second by Harris, to accept the bills and claims that were listed for \$47,954.00. City Manager Ken Griffin clarified claims questioned by Council. Motion passed.

Motion was made by Harris, second by Gillard, to approve a variance for Mr. Robert Price at 1109 W. Crawford from the twenty-five foot front yard requirement to construct an addition to his home. City Planner John Nerud explained the details. Motion passed.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2374, A RESOLUTION APPROVING A CONSTRUCTION CONTRACT FOR THE PARK STREET SANITARY SEWER 1993 BETWEEN MAINLINE CONSTRUCTION, INC. AND THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2375, A RESOLUTION APPROVING AN AGREEMENT FOR SALE AND PURCHASE BETWEEN AMERICAN BANK AND THE CITY OF LIVINGSTON FOR THE PURCHASE OF AN AMBULANCE. City Attorney Jovick pointed out on the first page of the agreement; Payment Amount and Frequency: \$26,000 down payment. Balance of \$41,530 to be financed over five (5) years, with an insert of "five (5) annual payments" at a 6% percent per annum. All in favor. Motion passed.

Motion was made by Eggar, second by Gillard, to recommend to American Bank, that the ambulance bid be accepted by the bank pursuant to the lease purchase agreement. Motion passed.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2376, A RESOLUTION APPROVING A LOAN AGREEMENT BETWEEN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA AND THE CITY OF LIVINGSTON FOR A SEWER RENOVATION AND EXTENSION PROJECT IN THE AMOUNT OF \$406,000. Motion passed.

Motion was made by Harris, second by Eggar, to approve Resolution No. 2377, A

RESOLUTION APPROVING A UTILITY OCCUPANCY AND LOCATION AGREEMENT BETWEEN THE STATE OF MONTANA THROUGH THE DEPARTMENT OF HIGHWAYS AND THE CITY OF LIVINGSTON PERTAINING TO THE INSTALLATION OF AN UNDERGROUND SANITARY SEWER FACILITY. All in favor. Motion passed.

Motion was made by Gillard, second by Eggar, to approve Resolution No. 2378, A RESOLUTION APPROVING AN AGREEMENT BETWEEN MONTANA RAIL LINK, INC., A MONTANA CORPORATION, BURLINGTON NORTHERN RAILROAD COMPANY, A DELAWARE CORPORATION, AND THE CITY OF LIVINGSTON FOR A PIPELINE PERMIT NO. MAIN 600,249 TO CONSTRUCT SANITARY SEWER PIPELINES. All in favor. Motion passed.

Local citizen Don Kern addressed the Council concerning the condition of the 5th Street Railroad Crossing. Mr. Kern provided pictures for Council. Discussion was heard by Council. Chris Wistey commented. City Manager Ken Griffin stated to the audience, that this problem was currently being addressed by the Manager and Councilmember Gillard as soon as the weather warmed up. Councilmember Harris suggested Griffin should meet with MRL. Council was in agreement.

Second reading of Ordinance No. 1735, AN ORDINANCE AMENDING SECTION 17-15 (4) OF THE CODE OF ORDINANCES TO CLARIFY APARTMENT HOUSE LICENSING FEES. All in favor. Motion passed.

Second reading of Ordinance No. 1737, AN ORDINANCE ADDING SECTION 17-6 (G) TO THE CODE OF ORDINANCES TO REQUIRE THAT A BUSINESS HAVE ALL PAYMENTS FOR BUSINESS REAL PROPERTY PAID CURRENT AS A CONDITION FOR THE ISSUANCE OF A CITY BUSINESS LICENSE. All in favor. Motion passed.

Motion was made by Gillard, second by Harris, to approve first reading of Ordinance No. 1739, AN ORDINANCE ADDING SECTION 9-243 TO THE CODE OF ORDINANCES TO RESTRICT PARKING TO ONE HOUR ON THE SOUTH LOT OF THE CITY/COUNTY BUILDING. City Manager Griffin answered a question from Vice Mayor Mikesell. All in favor. Motion passed.

Motion was made by Eggar, second by Gillard, to approve first reading of Ordinance No. 1740, AN ORDINANCE ADDING SECTION 9-150 (e) TO THE CODE OF ORDINANCES RESTRICTING THE SPEED LIMIT AROUND LIVINGSTON MEMORIAL HOSPITAL. Eggar and Gillard agreed to amend "avenue" to "street". All in favor. Motion passed

Further review of the proposed sign ordinance will be on April 5th, 6:00 p.m. worksession, before the Council meeting.

Motion was made by Eggar, second by Gillard, to proceed with gaining more information for a proposed stop light a 2nd and Park Streets. Discussion was heard. Motion passed.

Motion was made by Gillard, second by Harris, to approve the Vice Mayor's

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reappointment of Craig Whitlock, Fred Shellenberg and Dave Amsk to the City-County Planning Board. Motion passed.

Discussion was heard re-addressing the creation of a Citizens Advisory Committee from Successful Communities. Motion was made by Gillard, second by Eggar, to table until further information is obtained. Motion passed.

The City Judge Monthly Report for February 1993 was included for Council information.

The Financial Monthly Report for February 1993 was included for Council information.

The Livingston Fire/Ambulance Monthly Report for February 1993 was included for Council information.

The Fire Department Monthly Report for February 1993 was included for Council information.

The Police Department Monthly Report for February 1993 was included for Council information.

City Manager Griffin reported to Council that the Lehrkind Building was shown a number of times during the past month. There have not been any solid offers at this time.

Griffin also reported that the purchasing position has saved the City over \$5,000 in the last six weeks.

At this time, the Vice 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 the Fire Union contract. The time was 8:32 p.m.

Council resumed session at 8:55 p.m.

City Manager Griffin reported to Council that all Parks in the City of Livingston allow dogs in Parks on a leash excluding Sacajawea Park. Motion was made by Gillard, second by Harris, to have the City Attorney draft an amendment to the ordinance allowing dogs on a leash in Sacajawea Park. Motion passed.

Councilmember Gillard stated the City needed to have a deed on the City portion of ownership to the City/County Complex. Gillard stated the City has been paying bonds on the building since 1976 and does not have any documentation.

Councilmember Harris questioned the condition of the Old Water Plant roof. City Manager Griffin stated this item was not in the budget. Harris stated the roof should be surveyed. Discussion was heard. City Manager Griffin will look into further.

David Scrimm questioned verbatim proceedings for Council meetings. Mr. Scrimm also question how notes were taken for the City Board of Adjustment meetings. Attorney Jovick addressed these concerns.

Jim Peterson questioned the Comfort Inn variance. City Manager Griffin responded. Mr. Peterson also commented to Council that he had hoped they had looked over a packet of material pertaining to Hardee's signs which he had mailed them. Mr. Peterson also officially requested that Council take another look at the Hardee's sign request. Vice Mayor Mikesell stated he would like that request in writing.

Councilmember Harris responded to a comment that Jim Peterson made about Council meeting off to the side during intermissions. Mr. Harris stated this is not true and resented the accusation. Harris also stated he does not have a problem with the variance that was granted to Hardee's.

Lenny Gregory addressed Council about Hardee's signs, echoing Mr. Peterson.

Bob Wiltshire questioned if the worksession that was scheduled for the Sign Ordinance was opened to the public. Vice Mayor Mikesell and City Manager Griffin explained. Mr. Wiltshire also questioned how the Council gauges public opinion. Council responded.

David Scrimm made another comment and asked for Council's telephone numbers.

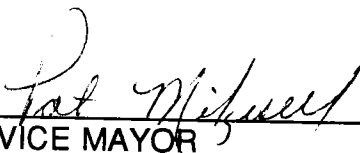
Motion was made by Gillard, second by Eggar, to adjourn the meeting, there being no further business. Motion passed.

The time was 9:26 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


VICE MAYOR

LIVINGSTON
CITY COUNCIL MEETING

April 5, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday, April 5, 1993, 7:30 p.m. in the District Court Room 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 March 15, 1993 regular Council meeting. Motion passed.

Motion was made by Mikesell, second by Eggar, to accept the bills and claims that were listed for \$83,289.60. City Manager Ken Griffin clarified claims questioned by Council. Councilmember Gillard commended the Fire Fighters on raising the money they the new ambulance. Motion passed.

Mayor Dennis proclaimed April 18-24, 1993 as Library Week in the City of Livingston.

Mayor Dennis proclaimed April 6, 1993 as Doug Crandall Day in the City of Livingston and presented Mr. Crandall with a key to the City, for his civic service to Livingston.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2382, A RESOLUTION ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF LIVINGSTON. All in favor. Motion passed.

City Planner John Nerud summarized the Comfort Inn variance. Jim Koehler, owner of the property, addressed Council. Mr. Koehler stated that he was requesting that the proposed tall sign be lowered to 60 feet and the square footage sign be 8' x 24'. City Attorney Jovick cautioned Council against taking action with no written proposal. Motion was made by Harris, second by Mikesell, to send the variance proposal back to the Board of Adjustment and waive the fee for the amended variance. Motion passed. More discussion was heard.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2379, A RESOLUTION ADOPTING THE JOB DESCRIPTION FOR COMMUNITY DEVELOPMENT BLOCK GRANT ADMINISTRATOR AND INCORPORATING THIS DESCRIPTION INTO THE GENERAL JOB DESCRIPTIONS FOR THE CITY OF LIVINGSTON. City Manager Ken Griffin answered Councilmember Mikesell's question about the length of the job and how it was funded. All in favor. Motion passed.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2380, A RESOLUTION AMENDING THE CITY POLICY MANUAL FOR CITY EMPLOYEES. All in favor. Motion passed.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2383, A RESOLUTION ADOPTING THE AMENDMENT TO THE AGREEMENT BETWEEN THE LIVINGSTON LOCAL 2711 OF THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO AND THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Gillard, second by Eggar, to approve Resolution No. 2384, A RESOLUTION IN APPRECIATION OF AMERICAN BANK OF LIVINGSTON FOR FINANCING THE CITY AMBULANCE FOR THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Eggar, second by Mikesell, to approve Resolution No. 2385, A RESOLUTION APPROVING A COMMITMENT AGREEMENT BETWEEN THE BOARD OF INVESTMENTS AND THE CITY OF LIVINGSTON RELATING TO THE BOARD OF INVESTMENTS' INTERCAP REVOLVING PROGRAM. Discussion was heard. All in favor. Motion passed.

Second reading of Ordinance No. 1739, AN ORDINANCE ADDING SECTION 9-243 TO THE CODE OF ORDINANCES TO RESTRICT PARKING TO ONE HOUR ON THE SOUTH LOT OF THE CITY/COUNTY BUILDING. All in favor. Motion passed.

Second reading of Ordinance No. 1740, AN ORDINANCE ADDING SECTION 9-150 (e) TO THE CODE OF ORDINANCES RESTRICTING THE SPEED LIMIT AROUND LIVINGSTON MEMORIAL HOSPITAL. All in favor. Motion passed.

Motion was made by Mikesell, second by Gillard, to approve first reading of Ordinance No. 1741, AN ORDINANCE REPEALING SECTION 4-46 OF THE CODE OF ORDINANCES EXCLUDING DOGS FROM SACAJAWEA PARK. Bernice McGee questioned what this Ordinance was about. City Manager Griffin explained. Discussion was heard by Council and local citizens Marsha Webb, Co Engelhart, John Orndorff and Chan Libbey. The vote was Harris and Gillard in favor and Mikesell and Eggar opposed. Mayor Dennis broke the tie vote as opposed. The Ordinance was killed.

Motion was made by Harris, second by Eggar, to hold a worksession Monday April 12, 1993 at 6:00 p.m. for discussion of the proposed Sign Ordinance. Motion passed.

City Manager Griffin asked that the Blue Heron Drive Bond Award be deferred at this time. No bids were received.

Discussion was heard by members of Council, concerning the City being its own General Contractor for the proposed Water Facility Shop. Harris, Eggar and Gillard were in agreement. Supt. of Public Utilities, Clint Tinsley addressed Council with concerns that the shop will be a public facility and in the future a grant may be written for funding, that if we had a Contractor do the project, the funding of the grant may be more favorable. A comment was made by Warren McGee. City Manager Griffin answered Mayor Dennis's question that the building would be occupied approximately mid-July. Motion was made

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by Gillard, second by Mikesell, to postpone the awarding of the Water Department Facilities Bid until the next meeting. Motion passed.

Discussion was heard concerning the creation of a Citizens Advisory Committee. Council was in agreement that they did not see the need of City Council condoning this committee. If the committee wanted to meet, that would be up to them. Comments were heard from Jim Peterson and Kelly Wade. No action was taken.

Co Engelhart asked why Public Comments could not be put at the beginning of the meeting. The Council and City Attorney responded.

Information from 1992 City Attorney Office Complaints, Requests & Prosecuted report was included for Council.

The minutes of the City-County Joint Airport Board meeting of 3-23-93 was included for Council information.

City Manager Griffin addressed Councilmember Harris' inquiry of the Old Municipal Water Plant roof. Mr. Griffin stated the roof was not salvageable and needed torn down and rebuild. It would cost approximately \$10,000. Griffin stated he would attempt to budget in coming year's budget. The bid was from Tri-State Builders.

City Manager Griffin updated Council on the status of the Lehrkind Building sale.

Councilmember Eggar requested that the budget worksession be changed to April 26th at 6:30 p.m. Council was in agreement.

Mrs. Eggar thanked City Manager Griffin and Department Heads for their time and efforts in supporting and cooking for TEEN GOVERNMENT DAY. Mrs. Eggar stated the kids enjoyed it.

Councilmember Harris stated he had received numerous comments about the new phone system. Mr. Harris asked that a list of extensions continue in the Town Crier.

Councilmember Mikesell stated that he had received three or four complaints about trains sitting over a half an hour at the Bennett Street crossing. City Manager Griffin will talk to MRL about this issue.

Mr. Mikesell stated that Bernice McGee informed him that the State Highway Department redid the 5th Street Crossing in 1980. Some discussion was heard.

Mr. Mikesell asked City Manager Griffin if there was any way to get a traffic light in quicker at 11th or 12th on Park. Mr. Mikesell stated there will be even more traffic because of Buttrey's opening. Mr. Griffin stated he would write a letter to the Governor concerning a traffic light and the speed limit in that area. Griffin also stated there are traffic counters on the road at this time.

Motion was made by Eggar, second by Harris, to allow City Manager Ken Griffin to miss the Council meeting on June 7th. Supt. of Public Services Ken Kastelitz will be Acting City Manager. Motion passed.

Mayor Dennis commented on the County deducting the house cleaning expense from the Ambulance bill.

Lenny Gregrey commented about the 5th Street Railroad Crossing and the Railroad asking for tax breaks.

Mr. Gregrey and Council discussed how a Council meeting is conducted.

Jim Peterson addressed Council concerning Hardee's variance. City Manager Griffin stated word had been received that Hardee's has decided not to build their building. It was stated there is a time limit to utilize variances. Griffin was unsure of that time frame.

Co Engelhart addressed Council with a formal complaint against the City Manager. He furnished Council with a copy of his letter. Council took no action.

David Scrimm asked for clarification of Mayor Dennis's comment of ignoring people with their hands raised at a meeting. He also stated that maybe the public comment section could be rotated in the agenda.

Warren McGee addressed Council with a number of issues concerning the local parks. Mr. McGee felt the Park Board should be re-instituted.

Bob Weimer stated when businesses go out of business, the signs should be removed and this policy enforced.

Kelly Wade questioned if Hardee's decision not to locate in Livingston was due to the sign issue. City Manager Griffin stated he did not have an answer.

John Fryer complimented City Manager Griffin and staff on the great condition of the streets being swept.

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

The time was 9:30 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

ACA017

LIVINGSTON
CITY COUNCIL MEETING

April 19, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday, April 19, 1993, 7:30 p.m. in the Community Room 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 April 5, 1993 regular Council meeting. Motion passed.

Motion was made by Gillard, second by Harris, to accept the bills and claims that were listed for \$248,656.31. Motion was made by Gillard, second by Harris, to amend the motion to take no action on claim #96 to Larry Raffety until legal matters are settled. Motion passed on amendment. City Manager Ken Griffin clarified claims questioned by Council. Motion passed.

Mayor Dennis proclaimed April 30, 1993 as Arbor Day in the City of Livingston.

Mayor Dennis proclaimed May 2-8, 1993 as Drinking Water Week in the City of Livingston.

The sign variance request for Comfort Inn, 114 Loves Lane, was heard at this time. City Manager Griffin explained the variance. Discussion was heard by Council, City Attorney Jovick, David Scrimm, Lenny Gregrey, Jim Koehler (owner of the franchise), and Barb Williams (Chairman of the Board of Adjustment). Attorney Jovick explained that the Council had to take one of two actions on the variance before them. Since the Board of Adjustment had elected not to allow Comfort Inn to amend their variance request, the City Council must either approve the variance as originally requested, or deny it. However, since Mr. Koehler apparently understands the predicament which the City Council is in, Comfort Inn has submitted a Sign Permit (building) application which would allow them to build a 192 square foot sign mounted on a pole such that the total height of the sign would not exceed sixty feet. Councilmember Eggar moved to approve this application. Councilmember Gillard seconded the motion. Discussion followed. Councilmember Gillard then withdrew his second, and Councilmember Eggar withdrew her motion.

Councilmember Mikesell moved to allow Comfort Inn to amend their Sign Permit (building) application to reduce the height to fifty-five feet, retaining the square footage of signage at 192 square feet. Councilmember Gillard seconded the motion. After some discussion, the vote was unanimous to allow the amended application to be received.

Discussion continued, and Councilmember Mikesell made the motion to approve the Comfort Inn Variance application, as originally submitted, on the premise that despite the actual sign to be constructed would comply with the Sign Permit (building) application just received. Councilmember Gillard seconded the motion. The variance was unanimously approved.

Motion was made by Gillard, second by Harris, to approve the City Board of Adjustment's recommendation to grant Terry Hessinger of 116 E. Gallatin Street a variance from the maximum fence height allowed by the Livingston Municipal Codes. Motion passed.

Motion was made by Harris, second by Gillard, to approve the City Board of Adjustment's recommendation to grant Natalie Jenkins at 103 N. N Street a variance from the side setback required by the Livingston Zoning Code. Motion passed.

Motion was made by Eggar to approve first reading of Ordinance No. 1742, AN ORDINANCE SPECIFYING THAT ROBERTS RULES OR ORDER GOVERN PROCEDURE AT CITY COUNCIL MEETINGS AND SPECIFYING LIMITATIONS UPON PUBLIC DEBATE OR COMMENT. Died, due to lack of a second.

Lenny Gregrey addressed the rules of debate, from out of the Livingston Code Book.

Discussion was heard on the proposed Sign Ordinance. Sections 6, 7 and 8 were agreed upon to change language. This item will be held over until the next meeting.

Motion was made by Harris, second by Gillard, to reject all bids to the water Department Facilities bid opening. Motion passed. It was stated that Larry Raffety, architect to the project, has withdrawn his services.

Motion was made by Gillard, second by Harris, to accept the same ordinance as last year for the use of the City sidewalks in the Central Business District for Commercial purposes. Motion passed.

City Manager Griffin reported that the Staff believed we (the City) had markedly more undeveloped Park lands than we would ever be able to develop, from a financial standpoint. He was, therefore, asking the Council's permission to pursue the concept of selling two large parcels of would-be Park lands, and donating the revenues therefrom to existing Park lands, for development and improvement. Discussion followed. Councilmember Gillard moved to authorize Attorney Jovick to research the process required to enable the City to sell this land. Councilmember Harris seconded the motion and it was unanimously approved.

The following monthly reports for March 1993 were included for Council information:

- Animal Control
- Livingston Fire/Ambulance Financial
- Fire Department
- Police Department
- Financial
- City Judge

Councilmember Eggar reminded Council of the meeting with the County Commissioners Wednesday, April 28th, 7:00 p.m. City Manager will get an agenda to the Commissioners

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by 4:00 p.m. on Friday and ask that the Commissioners return an agenda by 4:00 p.m. Monday.

Councilmember Harris stated that City Manager Griffin's memo pertaining to solid waste was an excellent idea.

Motion was made by Harris, second by Gillard, to terminate all other business with Mr. Raffety at this point and time, for the way he walked away from the Water Building without coming and talking to the City first. Motion passed.

Councilmember Harris stated the ordinance concerning dogs in Miles Park should be amended to enable people to have their dogs in voice control.

Mayor Dennis commented on the signs in the parks when he was in Idaho during the last week, which required citizens to pick up and dispose of their dog's deposits.

Lenny Gregrey commented on Council's week to week debates. Councilmember Harris commented. Councilmember Eggar clarified.

Pat Tendeland questioned if April 28th's meeting with the Commissioners was open to the public. Councilmember Eggar stated it was.


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

The time was 9:18 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

May 3, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday, May 3, 1993, 7:30 p.m. in the Community Room 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 Mikesell, second by Gillard, to approve the minutes of regular Council meeting. Motion passed.

Motion was made by Gillard, second by Harris, to accept the bills and claims that were listed for \$44,116.10. City Manager Ken Griffin clarified claims questioned by Council. Motion passed.

Lenny Gregrey presented Mayor Dennis with two loaves of French bread.

Steve Briggs addressed Council requesting that the end of the 600 Block of North M Street, a platted Street, be extended for approximately 100 feet. City Manager Griffin reported to Council that Tom Bergsing had a similar request to extend the alley at 1100 E. Geysler. Griffin stated this would cost approximately \$10,000 for both projects and the City did not have the money. Discussion was heard about the legal requirements to build a platted road and the consensus was that the City was not so obligated. No action was taken.

Mayor Dennis proclaimed May 4, 1993 as National Teacher Day.

Mayor Dennis presented Jim Krusemark from Montana Power Company a Certificate in Recognition of Services. Mr. Krusemark will soon be moving to Missoula.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2386, A RESOLUTION TERMINATING AN AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND LARRY RAFFETY, ARCHITECT. All in favor. Motion passed.

Motion was made by Gillard, second by Mikesell, to close the agreement with Larry Raffety by paying \$1,391.27 for his reimbursable expenses. Motion passed.

Two bids were received for the Swimming Pool Bath House Plumbing Remodeling. Bids were as follows:

Ranger Plumbing & Heating, Inc.
\$16,011.00

Western Plumbing & Heating, Inc.
\$13,929.00

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Staff recommendation is to award the bid to Western Plumbing & Heating, Inc. for the amount of \$13,929.00. Mayor Dennis called upon Scott Lambert from Ranger Plumbing who stated their bid included State Certified removal of asbestos. City Manager Griffin stated Western Plumbing & Heating, Inc. bid included asbestos removal by Envirocon, a independent company. Motion was made by Mikesell, second by Gillard, to approve Western Plumbing & Heating, Inc. bid. Motion passed.

City Manager commented on the County Attorney's letter of 4/28/93. Motion was made by Harris, that the City forward the attached Settlement Offer for a new Agreement to the Refuse District by letter over the Mayor's signature as a "firm offer" and that the Bondholders Attorney be copied and that the City considers the District to continue to be in breach of any prior agreement by charging incineration fees to pay for landfill expenses. Further, the City by this motion does not waive its right to question the validity or enforceability of the prior Agreement. The Recording Secretary read the "Terms of Agreement". Gillard seconded the motion. Motion passed. Motion was made by Gillard, second by Harris, that the City Council refrain from having any meetings with County Commissioners until the Solid Waste issue is resolved. The vote was two in favor, with Eggar and Mikesell opposed. Mayor Dennis cast the deciding vote in favor. Motion passed.

City Manager Griffin introduced discussion on City Investment Policy, upon recommendations from the Audit Committee. Motion was made by Mikesell, second by Eggar, to have City Attorney Jovick prepare a Resolution for the City Investment Policy. Motion passed.

The minutes of the City/County Joint Airport Board meeting for March 30, 1993, was included for Council information.

City Manager Griffin updated the Council on the status of the Lehrkind Building. Discussion was heard.

Motion was made by Gillard, second by Harris, to send the proposed Sign Ordinance to the Board of Adjustment sitting as the Zoning Board. Motion passed.

Councilmember Eggar stated she felt that the proposed sign ordinance should be published in the Enterprise newspaper in its entirety. She stated that such a publication would stop the rumors and half-truths that are circulating through the City. She made a formal motion to publish the proposed ordinance. Councilmember Mikesell seconded the motion. After some discussion, the consensus of the Council seemed to be the publication of the entire ordinance would be too expensive. Eggar and Mikesell withdrew the motion and second, respectively.

Councilmember Eggar then moved that a summary of the proposed ordinance be published in the Enterprise. Councilmember Mikesell seconded the motion. Discussion followed, including input from citizen Jim Petersen. The Mayor called for the question, and the vote was two in favor, two opposed. The Mayor cast the tie vote against the motion to publish an abridged version of the proposed ordinance.

Councilmember Eggar made her original motion a second time, to publish the entire proposed ordinance in the newspaper. Councilmember Mikesell seconded the motion. Discussion followed. Upon calling for the question, the vote was again tied at two in favor and two opposed. The Mayor cast the tie vote in opposition to the motion.

Discussion continued. Councilmember Mikesell moved that the City provide free copies of the proposed ordinance to any citizen who would like a copy. Councilmember Harris seconded the motion. Discussion followed. Upon the question being called, the vote was three in favor of this motion, with Councilmember Eggar opposed; the motion carried. Mayor Dennis and Councilmember Eggar both volunteered to deliver copies to persons who might call the City offices but be unable to come by to pick up their own copy.

During the discussion on signs in general, and the proposed sign ordinance specifically, the following citizens voiced opinions: Lenny Gregrey, Chris Wistey, Phillip Wright, Jim Petersen (already mentioned), and Kelly Wade.

The City staff was also directed to provide copies of the proposed ordinance to the City-County Library.

Councilmember Harris stated that he felt Section 2-90 (Advertisement for Bids) of the City Code should be amended to comply with State purchasing minimums. Discussion followed. Councilmember Harris then made the motion that the City's bid purchasing minimums be raised to concur with the State minimums. Councilmember Gillard seconded the motion. Upon the question being called, three were in favor of having the ordinance amended, Councilmember Mikesell was opposed. The motion carried and City Attorney Jovick will draft an appropriate ordinance to amend Section 2-90 of the City Code.

Jerry Johnson from Bozeman was asked by a citizen's group in Livingston to speak to City Council concerning the Sign Ordinance. Mr. Johnson, (a professor at MSU) spoke on research he has performed in the last year.

Lenny Gregrey commented to Council concerning the Comfort Inn variance.

Duane Colmey commented on the Comfort Inn variance and proposed Sign Ordinance. Mr. Colmey also questioned the leaving of messages for Council with City Staff and why County residents do not have a say in City matters.

Comments were heard by Council concerning a petition from John Fryer on the proposed sign ordinance.

Citizen comments were heard from Lenny Gregrey, John Fryer, Pam Koch, Tom Shands, Chris Wistey, George Wuerthner, Lin Lee, Marion Officer, Terry Hessinger, Bill Koch, Gary Lee, Lee Phillips, Jim Peterson, Bill Leach, Peggy O'Connor, Michelle Franzen, Karen Cooper and Duane Colmey. Tim Cahill questioned if faxed messages to Council would be acceptable. City Manager Griffin stated it would.

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

The time was 10:00 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill Rilemmis
MAYOR

LIVINGSTON
CITY COUNCIL MEETING

May 17, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday, May 17, 1993, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Ruth Eggar, Lyle Gillard and Pat Mikesell, with Mayor Bill R. Dennis presiding. Councilmember Harris was absent.

Motion was made by Gillard, second by Eggar, to approve the minutes of May 3, 1993 regular Council meeting. Motion passed.

Motion was made by Gillard, second by Mikesell, to accept the bills and claims that were listed for \$341,838.00. City Manager Ken Griffin clarified claims questioned by Council. Motion passed.

Mayor Dennis proclaimed June 12, 1993 as Clean-up Day in the City of Livingston.

Mayor Dennis proclaimed the Week of 1-7, 1993 as Youth Week in the City of Livingston.

Motion was made by Mikesell, second by Gillard, to approve the City Board of Adjustment's recommendation to grant Jim Burke, Property Manager of the Edgewater Apartments a special exception to allow Mr. Alex Squillance to operate his consulting firm on the premises of the Edgewater Apartments with conditions. Comments were heard from Ray Ebert and Jim Burke. Discussion was heard from Council and City Staff. The vote was two in favor, with Eggar opposed. Motion passed.

Motion was made by Gillard, second by Mikesell, to approve Resolution No. 2381, A RESOLUTION ADOPTING THE AGREEMENT BETWEEN THE LIVINGSTON POLICE DEPARTMENT EMPLOYEES ASSOCIATION AND THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Gillard, second by Eggar, to approve Resolution No. 2387, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND THE STATE OF MONTANA DEPARTMENT OF COMMERCE, HELENA, FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT. Councilmember Gillard commended City Manager Griffin for the money he has saved the City of Livingston, by negotiating our contracts and writing our own grants and not having to hire outside help. All in favor. Motion passed.

Motion was made by Mikesell, second by Gillard, to approve Resolution No. 2389, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND THE LOCAL 630, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS. All in favor. Motion passed.

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Motion was made by Mikesell, second by Gillard, to approve first reading of Ordinance No. 1743, AN ORDINANCE AMENDING SECTION 17-14 CONCERNING THE SALE OF MERCHANDISE ON STREETS OR SIDEWALKS IN THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Gillard, second by Mikesell, to approve first reading of Ordinance No. 1745, AN ORDINANCE AMENDING SECTION 2-90 OF THE CODE OF ORDINANCES REGARDING ADVERTISEMENTS OF BIDS TO COMPLY WITH STATE LAW LIMITS. All in favor. Motion passed.

City Attorney Bob Jovick introduced the City's Engineers, Fred Sielbach and Evan Borer to Council to explain the Sewer Line Project and the need to cut out six trees from one of the City's Parks along Park Street. Comments were heard from Art Cool, Urana Clarke, Joyce Herauf, Norbert Herauf, Lenae Larson, Peggy O'Connor, Karen Cooper, Eric Schneider, Bernice McGee, Ernie Lytle, John Orndorff, John Mabie, Gary Lee, Chris Wistey, Jay Kiefer, Bob Weimer and Steve Briggs. Discussion was heard from Council, Staff and the Engineers. Motion was made by Eggar, second by Mikesell, to authorize the City Manager to get the six trees in question moved out of the way, temporarily planted, then replanted in the same general vicinity where they sit now. Additionally, the City Manager is to report back to the Council on when, how and who changed the plans taking the pipeline from Park Street and placing it into the park. Griffin asked for clarification: if we can get the trees moved for less than \$6,000, we are to proceed immediately, without further discussion. The Council confirmed that. After further discussion, Mayor Dennis called for the question, it was unanimously adopted.

Motion was made by Gillard, second by Mikesell, to allow open containers of beverage in Sacajawea Park, May 22, 1993 for the Livingston in the Park Celebration. Motion passed.

Motion was made by Gillard, second by Mikesell, to approve the City Manager going out for bids to local realtors for the sale of City real property. Discussion was heard. Motion passed.

Motion was made by Gillard, second by Mikesell, to approve the City Manager and City Attorney pursuing the creation of Section 11-43 to the City Codes regarding LP Gas. Motion passed.

The following Monthly Reports for April 1993, were included for Council information:

- Police Department
- Fire Department
- Livingston Fire/Ambulance
- Financial
- City Court

Mayor Dennis stated the Rotary Club is extending an invitation to all Council, to meet at their luncheon on June 14th.

Karen Cooper addressed Council on reconsidering their decision from the last Council meeting about the method of distributing the sign ordinances.

Eric Schneider introduced himself as the new owner of the Robbins Building. He stated he was going to renovate the store. He expressed concern over the limited signage allowed in the CBD under the proposed sign ordinance.

Steve Briggs addressed Council concerning a road extension he requested at the last meeting. Mr. Briggs asked Council if he could at least get some gravel on the road it would help. No action was taken.

Marsha Webb commented on the use of the three minute timer.

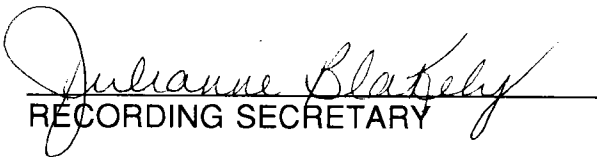
Chris Wistey commented on the need for well planned signs in the Community.

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

The time was 10:15 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

ACA017

SPECIAL
LIVINGSTON
CITY COUNCIL MEETING

May 19, 1993
7:30 p.m.

The Livingston City Council met in special session Wednesday, May 19, 1993, 7:30 p.m. in the District Courtroom at the City County Building. Councilmembers present were Ruth Eggar, Pat Mikesell and Lyle Gillard with Mayor Bill R. Dennis presiding. Councilmember Lee Harris was absent.

City Intern Planner Jim Woodhull reported to Council that four tree contractors were contacted. Only one responded to the site, Mr. Hubert of Bozeman. Hubert confirmed Griffin's previous report to Council that most of the trees were not healthy and at least one was not capable of being moved by anyone.

Supt. of Public Utilities Clint Tinsley explained, with a memo to Council, the process the City took in early 1992 when the applications were first submitted to the Economic Development for the Sanitary Sewer Line Grant. Tinsley read through the memo of times and dates that discussion took place. Tinsley also stated that the plans to run the sewer line in the park, are the same as originally planned and approved by Council. The only change that was made recently was, the City planned to run the sewer line along the hedges on Park Street and was told by U.S. Sprint (telephone), they could not dig near their fiber optic lines. This changed direction of the sewer line was carefully studied to take out the least amount of trees as possible and save the City taxpayers money.

Discussion was heard from Council, City Attorney Jovick, City Manager Griffin and Supt. Clint Tinsley. Discussion and comments were also heard from the audience. City Manager Griffin answered a question from Gary Lee.

Motion was made by Mikesell, second by Eggar, to cut down the four trees that need to be cut down, replace them in the fall with trees of a 10" caliber or more, and move the two cedar trees a few feet over. Motion passed.

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

The time was 8.36 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

June 7, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday, June 7, 1993, 7:30 p.m. in the Community Room 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 Mikesell, to approve the minutes of May 17, 1993 Regular Council Meeting and May 19, 1993 Special Council Meeting. Motion Passed.

Motion was made by Mikesell, second by Gillard, to accept the bills and claims that were listed for \$43,839.24. Acting City Manager Ken Kastelitz clarified claims questioned by Council. Motion Passed.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2390, A RESOLUTION ADOPTING FIXED ASSET POLICY FOR THE CITY OF LIVINGSTON. All in favor. Motion Passed.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2391, A RESOLUTION AMENDING AND INCREASING THE BUDGET OF THE CITY OF LIVINGSTON FOR FISCAL YEAR 1992-93 TO BUDGET FOR MONTANA DEVELOPMENT BLOCK GRANT FUNDS. All in favor. Motion Passed.

Motion was made by Gillard, second by Mikesell, to approve Resolution No. 2392, A RESOLUTION AMENDING AND INCREASING THE BUDGET OF THE CITY OF LIVINGSTON FOR FISCAL YEAR 1992-93 TO BUDGET FOR THE WELLHEAD PRESERVATION GRANT. All in favor. Motion Passed.

Second reading of Ordinance No. 1743, AN ORDINANCE AMENDING SECTION 17-14 CONCERNING THE SALE OF MERCHANDISE ON STREETS OR SIDEWALKS IN THE CITY OF LIVINGSTON. All in favor. Motion Passed.

Second reading of Ordinance No. 1745, AN ORDINANCE AMENDING SECTION 2-90 OF THE CODE OF ORDINANCES REGARDING ADVERTISEMENTS OF BIDS TO COMPLY WITH STATE LAW LIMITS. All in favor. Motion Passed.

Motion was made by Mikesell, second by Harris, to approve first reading of Ordinance No. 1744, AN ORDINANCE AMENDING SECTION 4-41 OF THE CODE OF ORDINANCES CONCERNING DOGS IN MILES AND MAYOR'S LANDING PARKS. Discussion was heard by Council. Motion was made by Gillard, second by Harris, to amend Section #E. The vote was Harris and Gillard in favor of the amendment, Eggar and Mikesell opposed, with Mayor Dennis casting the deciding vote in opposition. Motion died. Motion was made by Harris, second by Mikesell, to postpone the Ordinance until the next Council

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meeting and redefine Section "E". The voice vote was three in favor, Eggar opposed. Motion Passed.

Motion was made by Mikesell, second by Harris, to approve first reading of Ordinance No. 1746, AN ORDINANCE AMENDING SECTION 9-158 OF THE CODE OF ORDINANCES CONCERNING RIDING SKATEBOARDS ON CERTAIN SIDEWALKS. City Attorney Jovick stated this was a typographical correction to the Ordinance. All in favor. Motion Passed.

Motion was made by Harris, second by Gillard, to approve first reading of Ordinance 1747, AN ORDINANCE AMENDING SECTION 9-26 OF THE CODE OF ORDINANCES TO PROVIDE FOR A \$25 ADMINISTRATIVE CHARGE FOR THE IMPOUNDMENT OF MOTOR VEHICLES AND TRAILERS. Police Chief Gillett clarified a question for the Mayor concerning the charges for wrecker services. All in favor. Motion Passed.

Acting City Manager Ken Kastelitz discussed Dispatch Center Costs with Council. Council's decision, is to research further with the County concerning dispatch costs. Motion was made by Harris, second by Gillard, to charge the Rural Fire Departments for Park County, Clyde Park, Emigrant and Springdale as outlined in the supporting information paragraph of City Manager Griffin's memo of June 3rd. That we will also charge \$10 wrecker service fees to people who want to be on the rotation list and \$10 to Alarm Companies which ring into Dispatch as outlined in memo. The vote was three in favor, Mikesell opposed. Motion Passed.

Motion was made by Harris, second by Gillard, to approve Staff recommendation to take the bid award for SID No. 175 for Blue Heron Drive under advisement until the next meeting. Motion Passed.

Motion was made by Gillard, second by Eggar, to approve Resolution No. 2393 OF INTENT TO CREATE SPECIAL IMPROVEMENT DISTRICT NO. 176 STREET PAVING AND DRAINAGE IMPROVEMENTS. 62% of all property owners have signed the petition. Councilmember Mikesell abstained from voting as he is involved in the SID. Three in favor. Motion Passed.

Motion was made by Gillard, second by Harris, to accept Craig Whitlock's resignation from the City-County Planning Board because he moved out of the City Limits. Motion Passed.

Motion was made by Gillard, second by Harris to approve the Mayor's appointment of John Fryer to the open position on the City-County Planning Board. The vote was Gillard and Harris in favor, Eggar and Mikesell opposed with Mayor Dennis casting the deciding vote in favor of the appointment. Motion Passed.

Motion was made by Harris, second by Gillard, to appoint the following people to the CBDG Steering Committee:

Jim Woodhull - City
 Juanita Mallo - Social Services
 Kara Ricketts - Economic Development
 Bob Weimer - Retired - Contractor
 Homer Langley - Project Area Resident
 Ernie Sandberg - Lender

Motion Passed.

Motion was made by Harris, second by Mikesell, to accept the new Livingston Ambulance Service Rates, with Staff clarifying in the definition for 1B of the proposed new rate. Discussion was heard. Motion Passed.

Local Citizen Clayton Olson questioned when the sign ordinance hearing would be held. Council stated the meeting would be held at the Civic Center on June 8th at 7:30 p.m.

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

The time was 8:15 p.m.

ATTEST:

APPROVED:


 RECORDING SECRETARY


 MAYOR

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LIVINGSTON
CITY COUNCIL MEETING

June 21, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday, June 21, 1993, 7:30 p.m. in the Community Room 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 June 7, 1993 Regular Council Meeting. Motion passed.

Motion was made by Gillard, second by Harris, to accept the bills and claims that were listed for \$121,606.98. City Manager Ken Griffin clarified claims questioned by Council. Motion passed.

Mayor Dennis proclaimed June 25 - July 4, 1993 as Western Days in the City of Livingston.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2394, A RESOLUTION APPROVING A WAGE CLASSIFICATION SCHEDULE FY 93-94 FOR THE CITY OF LIVINGSTON. Motion was made by Harris, second by Gillard, to amend the resolution to delete the Assistant Police Chief position from pay grade 9. All in favor, motion passed. The vote was all in favor of the Resolution as amended. Motion passed.

Second reading of Ordinance No. 1746, AN ORDINANCE AMENDING SECTION 9-158 OF THE CODE OF ORDINANCES CONCERNING RIDING SKATEBOARDS ON CERTAIN SIDEWALKS. All in favor. Motion passed.

Second reading of Ordinance No. 1747, AN ORDINANCE AMENDING SECTION 9-26 OF THE CODE OF ORDINANCES TO PROVIDE FOR A \$25 ADMINISTRATIVE CHARGE FOR THE IMPOUNDMENT OF MOTOR VEHICLES AND TRAILERS. All in favor. Motion passed.

First reading of Ordinance No. 1744, AN ORDINANCE AMENDING SECTION 4-41 OF THE CODE OF ORDINANCES CONCERNING DOGS IN MILES AND MAYOR'S LANDING PARKS, was still on the floor from the June 7th Council meeting. Motion was made by Harris, second by Gillard, to strike paragraph "E" from the Ordinance. The vote on the amendment was two in favor, Eggar opposed. Motion passed. The vote on the Ordinance as amended was two in favor, Eggar opposed. Motion passed.

Motion was made by Harris, second by Gillard, to approve first reading of Ordinance No. 1742, AN ORDINANCE SPECIFYING THAT ALL SPEAKERS STATE THEIR RESIDENCE ADDRESS AT CITY COUNCIL MEETINGS AND SPECIFYING

LIMITATIONS UPON PUBLIC DEBATE OR COMMENT. Comments were heard from Jim Peterson and Lenny Gregory. City Manager Ken Griffin addressed the comments. All in favor. Motion passed.

Mayor Dennis called upon City Manager Griffin to discuss the City Business items with the Council. Griffin reintroduced the Public Safety Dispatch Center User Fee issue. He noted that the Council had already agreed to begin charging user fees to rural fire departments, wrecker services and alarm companies at the last meeting. He also noted that the Council had deferred a decision on a fee for Park County use, in the interest of research on existing agreements.

Griffin stated there was no existing written and signed agreement between the City and Park County on the financial management of the law enforcement center in general, nor the dispatch function in particular. He stated the City had adopted and proposed such an agreement to the County in 1988, or so, but the County never responded to the City's offer, let alone adopt it. Some discussion followed. Motion was made by Gillard, second by Harris, to direct the City Manager to begin charging Park County \$2,765.62 per month for Dispatch Center User Fees, beginning August 1, 1993, with the first billing being made in early September. All in favor. Motion passed.

Motion was made by Gillard, second by Harris, to award the Blue Heron Paving SID No. 175, to the low bidder, Big Sky Paving. Discussion was heard concerning no cost overruns to the city and City Attorney Jovick stated that two conditions needed to be incorporated into the motion: #1 Bond counsel provide an opinion to the City that this SID is satisfactory, in light of the Carbon County decision; and, #2 The private placement of the bonds be accomplished in a timely manner. All in favor. Motion passed.

Mr. Leroy Matthews addressed Council concerning the need of another crossing west of town by Star road. Discussion was heard. Motion was made by Gillard, second by Harris, to have City Manager Griffin investigate the availability of grant money to start planning and funding a crossing project. Motion passed.

Mr. Stanley Malcom requested a wavier to § 9-222 (2) of the City Codes, parking a trailer on the boulevard for more than 72 hours. Discussion was heard. No action was taken.

Motion was made by Gillard, second by Harris, to grant the Rodeo/Round-up Association's request for suspension of the open container law, June 25, 1993, 3-10 p.m., on Main Street from Lewis Street to the Guest House Alley. The Association is hosting a "Downtown Hoedown". Motion passed.

The following monthly reports for May 1993 were included for Council information:

- Financial
- City Judge
- Police Department
- Liv. Fire/Ambulance
- Fire Department

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City Manager Griffin gave Council an update on the Lehrkind Building. Motion was made by Harris, second by Gillard, to renew the listing on the building with the current realtor for another six months. Motion passed.

Councilmember Harris stated he had received complaints on the city's new compost pile. City Manager Griffin stated the compost was within the State's regulations and consisted only of grass clippings and woodchips.

Motion was made by Harris, second by Gillard, to grant Mark Black's request for the "Mark's In & Out Rod Run '93, June 25th and 26th.

John Orndorff addressed Council reference the Sewer Line Project. City Manager Griffin clarified.

Bob Weimer stated he received approval from the Police Chief, in accordance with City Code, to have a parade during the American Legion Convention being held in Livingston on July 7th - July 11th.

Mr. Weimer also reported on the extending of the American Legion Baseball Field at Weimer Park. City Attorney Jovick stated this would need a Staff recommendation.

John Adams addressed Council concerning the condition of the W. Chinook Street. City Manager Griffin stated he did not know at this time when the street would be repaired.

Mr. Adams also questioned a proposed property tax. City Manger Griffin stated this was a dead issue, Councilmember Harris reiterated this.


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

The time was 9:00 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

July 6, 1993
7:30 p.m.

The Livingston City Council met in regular session Tuesday, July 6, 1993, 7:30 p.m. in the Community Room 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 June 21, 1993 regular Council meeting. Motion passed.

Motion was made by Harris, second by Mikesell, to accept the bills and claims that were listed for \$52,326.92. City Manager Ken Griffin clarified claims questioned by Council. Motion passed.

Mayor Dennis announced an informal Public Hearing on FYE 94 Budget. The Public Hearing was closed as there was no public input.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2395, A RESOLUTION APPROVING AN INVESTMENT POLICY FOR THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2396, A RESOLUTION OF INTENT TO CREATE SPECIAL IMPROVEMENT DISTRICT NO. 176 STREET PAVING AND DRAINAGE IMPROVEMENTS AS AMENDED. Three in favor. Motion passed. Councilmember Mikesell abstained from voting as he is involved in the project.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2397, A RESOLUTION DECLARING THAT THERE SHALL BE NO CITY PRIMARY ELECTION FOR 1993. All in favor. Motion passed.

Second reading of Ordinance No. 1742, AN ORDINANCE SPECIFYING THAT ALL SPEAKERS STATE THEIR RESIDENCE ADDRESS AT CITY COUNCIL MEETINGS AND SPECIFYING LIMITATIONS UPON PUBLIC DEBATE OR COMMENT. All in favor. Motion passed.

Second reading of Ordinance No. 1744, AN ORDINANCE AMENDING SECTION 4-41 OF THE CODE OF ORDINANCES CONCERNING DOGS IN MILES AND MAYOR'S LANDING PARKS. The vote was three in favor, with Eggar opposed. Motion passed.

Motion was made by Harris, second by Gillard, to award the bid for one Pre-engineered Steel Building to Tri-State Builders, Inc. for \$108,801.00. One other bid was received from Herman Armbrust for the amount of \$134,153.50. All in favor. Motion passed.

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Bids were opened for FY93-94 Bulk Fuel. Bids were as follows:

Tri-Valley Petroleum

Regular - \$.94 4/10 per gallon
Unleaded - \$.97 4/10 per gallon
#2 Diesel - \$.70.9/10 per gallon

Treasure State Fuel

Regular - \$1.15 5/10 per gallon
Unleaded - \$1.15 5/10 per gallon
#2 Diesel - \$.72 9/10 per gallon

Northern Energy

Propane - \$.759 per gallon

Motion was made by Harris, second by Gillard, to take the gas portion of the bid under advisement until the next Council meeting, so that Staff could investigate the large price difference. Motion passed. Motion was made by Harris, second by Gillard, to award the bid for propane for FY93-94 to Northern Energy. Motion passed.

Motion was made by Gillard, second by Mikesell, to approve the Mayor's appointment of Steve Potenberg as one of the City's representative to the Library Board effective July 1, 1993 through 1998 and approve the Mayor's re-appointment of Jane Haugen, Chairperson to another 5 year term. Motion passed.

Motion was made by Harris, second by Gillard, to approve paying off the RISC 6000 Computer System loan from the Solid Waste Enterprise Fund by the General Fund one year early. Motion passed.

Minutes of the City-County Joint Airport Board meetings of April 27 and May 25, 1993, were include for Council information.

City Manager Griffin brought up the fact that the City has been threatened to be sued by the County for differences in the Solid Waste Disposal issues. He then yielded the floor to Attorney Jovick, who provided the Council with more details. Mr. Jovick noted that because only witness testimony can be introduced into a trial as evidence, and consequently he would most probably be called as a witness in any such trial, he recommended to the Council that an outside attorney be hired to represent the City in this pending case. Discussion was heard from the Council in which it was noted that Mr. Jovick can obviously not serve as witness and attorney simultaneously. Motion was made by Harris, second by Gillard, to approve City Attorney Jovick's recommendation that the City hire an Attorney for an outside opinion on the solid waste issue with the County. Additional discussion was heard from Council. The voice vote was three in favor, with Eggar opposed. Motion passed.

It was stated that the Sign Ordinance will be addressed at the July 19th Council meeting. A copy of the proposed Ordinance with the Board of Adjustment's input annotated was provided to the Council for their review.

Discussion was heard concerning the railroad mats. City Manager Griffin wrote a letter to FEMA and has not heard back from them at this time.

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

The time was 8:32 p.m.

ATTEST:

APPROVED:

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Juianne Blakely
RECORDING SECRETARY

Bill Dennis
MAYOR

LIVINGSTON
CITY COUNCIL MEETING

July 19, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday, July 19, 1993, 7:30 p.m. in the Community Room 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 July 6, 1993 regular Council meeting. Motion passed.

Motion was made by Gillard, second by Harris, to accept the bills and claims that were listed for \$157,170.53. City Manager Ken Griffin clarified claims questioned by Council. Motion passed.

A Public Hearing was held on Resolution No. 2401, A RESOLUTION ADOPTING THE PRELIMINARY BUDGET FOR THE CITY OF LIVINGSTON FOR THE FISCAL YEAR JULY 1, 1993 THROUGH JUNE 30, 1994; BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF THE CITY GOVERNMENT. Motion was made by Harris, second by Gillard, to include a 5% raise for the City Judge along with all other City employees. The vote was three in favor, Eggar abstained, motion passed. Motion was made by Gillard, second by Mikesell, to put a new mower at the Park into the budget for \$7,000. All in favor, motion passed. Discussion was heard from Council concerning mats for the Railroad Crossing. Motion was made by Harris, second by Gillard, to adopt Resolution No. 2401. All in favor, motion passed.

Motion was made by Mikesell, second by Eggar, to approve Resolution No. 2399, A RESOLUTION APPROVING A STORAGE AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND THE PARK CLINIC, P.C., A MONTANA PROFESSIONAL CORPORATION. Discussion was heard. All in favor. Motion passed.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2400, A RESOLUTION AMENDING AND UPDATING THE CIVIC CENTER RENTAL RATES. City Manager Ken Griffin explained the fee structure further. All in favor. Motion passed.

Mayor Dennis called upon City Manager Griffin to brief the Council on the City Business issues. Griffin called attention to the proposed sign ordinance as it was returned with comments from the City Board of Adjustment, included in the Council's packet. Discussion followed. Councilmember Harris then stated that he had perused the proposed changes to the proposed ordinance and that he could not see where the Board of Adjustment had made any constructive changes. Furthermore, he was dismayed that the Board of Adjustment proposed deleting the creation of two special sign districts, in the

Interstate Interchange area and the U.S. 89 corridor south of town. Mr. Harris then moved to proceed with the first reading for this ordinance using the document which the Council had forwarded to the Board of Adjustment before they had made changes. Councilmember Mikesell seconded the motion. More discussion followed. The motion was unanimously adopted. Attorney Jovick clarified that he would draft the proper document and have it ready for first reading at the August 2nd Council meeting.

Motion was made by Harris, second by Gillard, to award the gas bid that was discussed at the last Council meeting to Tri-Valley Petroleum. Motion passed.

Discussion was heard concerning the issuing of Street Sweeping tickets to violators. Council was in agreement to notice in the newspaper that the City would start writing tickets.

Stan Broughton addressed City Council concerning livestock inside the City limits. City-County Sanitarian Randy Taylor responded to Mr. Broughton's concerns and the guidelines of the City-County Board of Health. Councilmember Harris would like §4.2 of the City Codes to be amended to reflect anyone who owns more than 2 acres of land in the City, may have livestock on their property. Councilmember Gillard seconded that motion. Further discussion ensued. City Attorney Jovick clarified that Mr. Broughton owned the land in question but that it was for sale and a potential buyer wanted the ability to place horses on the land. The primary issue seemed to be that the Board of Health only met once every three months. If a livestock permit were submitted to the Board of Health today, it would be October before they could act upon it. City Manager Griffin suggested that the Council change that portion of the Code dealing with the frequency of the Board of Health's meetings, as opposed to taking sanitary issues out of their purview. After further discussion, Mr. Harris withdrew his motion with acquiescence by Mr. Gillard. The Council charged City Manager Griffin and City-County Sanitarian Taylor to work on this issue and report back to the Council on the possibility of the Board of Health meeting monthly, when business was before the Board.

The following monthly reports for June 1993 were included for Council information:

- City Judge Year End Report
- Police Department Monthly Report
- Livingston Fire/Ambulance Monthly Report
- Fire Department Monthly Report

City Manager Griffin asked approval from Council to form a Sister City relationship in the Mississippi River Valley for the flood victims. Bob Boyd of Bob Boyd Trucking has agreed to donate a truck to haul donated items to Crystal City Missouri. There is no cost to the City other than some staff time. Council agreed this was a good idea. Griffin offered an August 1st collection deadline with collection points in different areas of town. Councilmember Eggar suggested that the Civic Center be a collection point on a particular weekend. Mr. Griffin will look into this suggestion.

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Councilmember Gillard moved to reinstate the Council's wage to its previous pay (\$100/month/Councilmember & \$150/month for the Mayor)(SEE CORRECTION AUGUST 2, 1993 MINUTES), effective January 1st. Harris seconded the motion. Motion passed. City Attorney Jovick stated this item will need to be added as an amendment to the budget that was adopted earlier in the meeting.

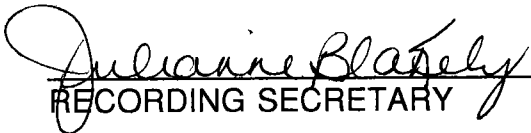
Barb Williams and Jim Peterson addressed City Council concerning the Sign Ordinance.

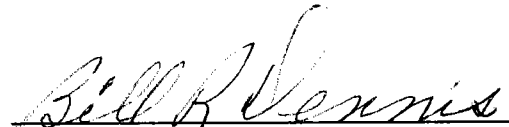
Motion was made by Eggar, second by Gillard, to adjourn the meeting there being no further business. Motion passed.

The time was 9:05 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

August 2, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday, August 2, 1993, 7:30 p.m. in the Community Room 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 July 19, 1993 regular Council meeting. City Manager Ken Griffin stated the first paragraph of page 3 should be corrected to read \$150/month/Councilmember & \$200/month for the Mayor. Motion passed.

Motion was made by Gillard, second by Harris, to accept the bills and claims that were listed for \$41,568.17. City Manager Ken Griffin clarified claims questioned by Council. Motion passed.

Mayor Dennis proclaimed August 4-17, 1993 as Japanese Student Exchange Days in the City of Livingston.

Urana Clark addressed City Council in regards to a Government Study Plan and her ideas on how to merge the City and County together in a working relationship. Lenny Gregory stated he was in support of Ms. Clark's ideas. A show of hands indicated other people in attendance also in support of the idea.

Motion was made by Harris, second by Mikesell, to grant the Livingston Gallery Association's request to waive the open container law for their Gallery Walk, August 13, 1993 from 6:00 p.m. to 11:00 p.m. This would be Callender Street from 2nd to Main Streets and Main Street from Callender to the Guest House Alley. Motion passed.

Motion was made by Gillard, second by Mikesell, to amend the budget to include a legislative salary increase effective January 1, 1994. All in favor to the amendment, by roll call vote. Motion passed.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2402, A RESOLUTION ADOPTING THE FINAL BUDGET FOR THE CITY OF LIVINGSTON FOR THE FISCAL YEAR JULY 1, 1993 THROUGH JUNE 30, 1994; BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF THE CITY GOVERNMENT. City Attorney Bob Jovick summarized that the Preliminary Budget was adopted and this Resolution adopts the Final Budget with the above amendment. All in favor. Motion passed.

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Motion was made by Harris, second by Mikesell, to approve Resolution No. 2403, A RESOLUTION APPROVING THE STANDARD AUDIT CONTRACT BETWEEN THE CITY OF LIVINGSTON AND HOLMES & TURNER. City Manager Ken Griffin addressed Council's questions. All in favor. Motion passed.

Motion was made by Harris, second by Eggar, to approve Resolution No. 2404, A RESOLUTION APPROVING A LEASE BETWEEN THE CITY OF LIVINGSTON AND CRAZY MOUNTAIN KIDS CLUB FOR RENTAL SPACE AT THE CIVIC CENTER. Councilmember Mikesell questioned if the Club paid utilities. City Manager Griffin stated they did not. All in favor. Motion passed.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2405, A RESOLUTION FIXING AND LEVYING A MILLAGE FOR THE ANNUAL TAX LEVY FOR THE YEAR BEGINNING JULY 1, 1993 AND ENDING JUNE 30, 1994 FOR THE CITY OF LIVINGSTON. Councilmember Harris questioned last year's mill levy compared to this year. City Manager Griffin explained. Finance Officer Jim Christiaens stated the City was 2.47 mills lower this year. All in favor. Motion passed.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2406, A RESOLUTION APPROVING A SOLID WASTE AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND THE CITY OF BILLINGS, MONTANA. John Orndorff addressed Council concerning the solid waste issue. City Attorney Jovick and Councilmember Harris clarified some facts. All in favor. Motion passed.

Motion was made by Harris, second by Gillard, to approve first reading of Ordinance No. 1748, AN ORDINANCE AMENDING SECTION 9-158 OF THE CODE OF ORDINANCES TO PROHIBIT THE USE OF ROLLER SKATES AND ROLLER BLADES ON CERTAIN SIDEWALKS. All in favor. Motion passed.

Motion was made by Harris, second by Eggar, to defer introduction of Ordinance No. 1749, AN ORDINANCE AMENDING SECTION 30.50 OF THE CODE OF ORDINANCES FOR SUPPLEMENTARY GENERAL REQUIREMENTS FOR SIGNS until changes are made into final form resulting from the worksession prior to this Council meeting. Motion passed.

Motion was made by Eggar, second by Mikesell, to approve a handicapped parking space in front of Mountain House at 124 S. 2nd Street as requested by Mountain House. Motion passed. A loading zone was also requested, but denied.

Public comment concerning the sign issue was heard from Jim Peterson, Lenny Gregrey and Barb Williams. Steve Beck presented Council with a signed petition to delete portions of the proposed sign ordinance.

City Manager Griffin reported that the City owns 14 lots on the North side of the Livingston Ditch, North of Montana Street, between I and K Streets. This property was deeded to the City in 1943. Mr. B.L. Nead would like to buy this property from the City.

Council gave Mr. Griffin permission to obtain further information from Mr. Nead as to what his intention for the property would be.

Mayor Dennis asked for further discussion on Urana Clark's earlier comments. City Attorney Jovick suggested an outside Mediator be used with two conditions. 1) by outlining a specific area i.e. Dispatch Issue; and 2) Mediator to give a report on the outcome. More discussion was heard. Motion was made by Harris, second by Mikesell, to allow Ms. Clark to form an informal committee to look into sorting out City/County differences. Motion passed.

Councilmember Gillard asked for clarification of a recently passed fee to charge \$10 to security systems when alarms go off and Emergency Personnel need to be dispatched regardless of emergency or non-emergency.

Local Businessman Terry Ricci addressed Council stating the charge for responding to an alarm was unfair. City Manager Griffin commented on security systems.

Bob Weimer asked for a legal definition to a modular home. City Manager Griffin stated this has already been incorporated into the City Code of Ordinances and staff would provide a copy to Mr. Weimer.

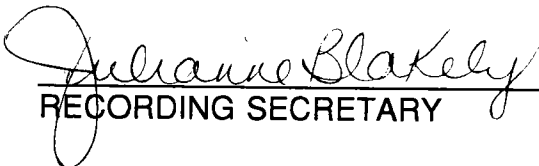
Sherry Bossert from Blue Heron Drive addressed Council under the assumption that SID 175 was on the Agenda. Comments were heard from Laura Anderson and Dorthia LoPresti who also live on Blue Heron Drive. City Manager Griffin stated the City was still waiting on the Engineer.

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

The time was 9:15 p.m.

ATTEST:

APPROVED:


 RECORDING SECRETARY


 MAYOR

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LIVINGSTON
CITY COUNCIL MEETING

August 16, 1993
7:30 p.m.

The Livingston City Council met in regular session, Monday, August 16, 1993, 7:30 p.m. in the Community Room at the City-County Building. Councilmembers present were Ruth Eggar, Pat Mikesell and Lee Harris, with Mayor Bill R. Dennis presiding. Councilmember Lyle Gillard was absent.

Motion was made by Eggar, second by Harris, to approve the minutes of August 2, 1993 regular Council meeting. Motion passed.

Motion was made by Eggar, second by Mikesell, to accept the bills and claims that listed for \$100,176.58. Motion passed.

Edward Hardin, Chairman of Trustees of Rural Fire District #1, addressed the dispatch fee and the fee for filling air pack bottles that was recently passed by Council. Discussion was heard. Council will take all Mr. Hardin mentioned under advisement. Allen Nelson, Board of Director member for the Rural Fire Department commented on annexation.

Motion was made by Harris, second by Mikesell, to approve Resolution No. 2398, A RESOLUTION TRANSFERRING FUNDS FROM CERTAIN ACCOUNTS FOR THE CITY OF LIVINGSTON FOR FISCAL YEAR 1992-1993. All in favor. Motion passed.

Motion was made by Mikesell, second by Eggar, to approve Resolution No. 2407, A RESOLUTION ADOPTING THE JOB DESCRIPTION FOR RECREATION ACTIVITIES DIRECTOR AND INCORPORATING THIS DESCRIPTION INTO THE GENERAL JOB DESCRIPTIONS FOR THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Harris, second by Eggar, to approve Resolution No. 2408, A RESOLUTION APPROVING A LEASING AGREEMENT BETWEEN RADIO DEALERS LEASING AND THE CITY OF LIVINGSTON FOR THE LEASING OF A UNIDEN RADIO. City Manager Ken Griffin answered a question from Councilmember Mikesell. All in favor. Motion passed.

Second reading of Ordinance No. 1748, AN ORDINANCE AMENDING SECTION 9-158 OF THE CODE OF ORDINANCES TO PROHIBIT THE USE OF ROLLER SKATES AND ROLLER BLADES ON CERTAIN SIDEWALKS. All in favor. Motion passed.

Motion was made by Eggar, second by Mikesell, to approve first reading of Ordinance No. 1749, AN ORDINANCE AMENDING SECTION 30.50 OF THE CODE OF ORDINANCES FOR SUPPLEMENTARY GENERAL REQUIREMENTS FOR SIGNS. Discussion was heard concerning portable signs, with Council in agreement to put this section in the final ordinance. Jim Fennel, Spokesperson for Myre Advertising, Lenny Gregory and Bob Wiltshire commented on the sign ordinance. All in favor. Motion passed.

Motion was made by Harris, second by Mikesell, to cancel the September 7th Council meeting. Motion passed.

City Manger Griffin updated Council on the status of the re-roofing projects at the Civic Center and the old Municipal Water Plant. Councilmember Harris assisted in drawing up the specifications for the bidding process.

Motion was made by Eggar, second by Harris, to allow City staff to pursue an appraisal on 14 City lots that B.L. Nead has requested to purchase, to build a house. A sealed bidding process would be required. Discussion was heard. Motion passed.

The County Commissioners have requested a joint worksession with City Councilmembers. Council was in agreement to meet Wednesday, August 25, 1993, at 7:00 p.m.

The following monthly reports for July 1993 were included for Council's information:

- Financial
- City Judge
- Police Chief
- Livingston Fire/Ambulance
- Fire Chief

Rick Kerin, Engineer to the SID #175 project, addressed Council. Discussion was heard. Mayor Dennis questioned if it was possible to work out some details with Mr. Kerin and City Crews.

Jim Peterson spoke to Council regarding debate time. City Attorney Bob Jovick commented. Discussion was heard on the rules of debate.

Lenny Gregrey also spoke about debate time during Council meetings.

Bernice McGee stated that there was Canadian Thistle growing along the creek in Sacajawea Park on the park side of 5th, 6th and 7th Streets.

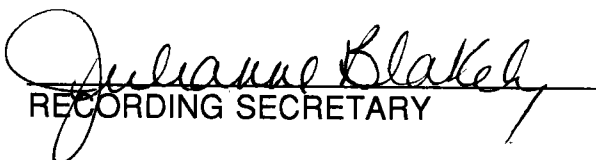
Mayor Dennis stated to members of the Rural Fire District in the audience that Council would discuss the District's requests and have a comment for the September 20th Council meeting or before.

Cole Englehart commented on poor public service.

Motion was made by Eggar, second by Harris, to adjourn the meeting there being no further business. Motion passed. The time was 8:50 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

ACA017

LIVINGSTON
SPECIAL CITY COUNCIL MEETING

August 30, 1993
7:00 p.m.

The Livingston City Council met in special session August 30, 1993, 7:00 p.m. in the Community Room at the City-County Building. Councilmembers present were Pat Mikesell, Lee Harris, Ruth Eggar and Lyle Gillard with Mayor Bill R. Dennis presiding.

Bill Strong, member of the Government Study Commission, requested a date from Council when they could next meet with the Commission. Discussion was heard with the date being set for 6:00 p.m., September 20, 1993 before the next regular Council meeting. The Study Commission agreed to furnish Council with an agenda by September 15th. Councilmember Harris gave Mr. Strong a copy of the Public Meeting Laws from the State Codes for his Committee.

City Manager Ken Griffin explained the City-County Law Enforcement Dispatch Agreement to Council, refreshing their memory from the discussion between the Council and the County Commissioners which occurred at their joint work session on August 25, 1993. Griffin noted that Commissioner Terry Sarrizan had requested that this agreement be expanded to provide free dispatch services for all of the rural fire departments. The consensus was that this agreement was for law enforcement dispatch, and that fire dispatch issues should not be intermingled in this agreement. After some discussion, motion was made by Harris, second by Gillard, to approve Resolution No. 2410, A RESOLUTION APPROVING AN AGREEMENT BETWEEN PARK COUNTY, MONTANA AND THE CITY OF LIVINGSTON FOR A CITY-COUNTY LAW ENFORCEMENT DISPATCH CENTER AGREEMENT. All in favor. Motion passed.

Mayor Dennis introduced continued discussion on requests made by Rural Fire District #1 at the 8/16/93 regular Council meeting. Discussion followed. Councilmember Harris suggested that the \$100 per month fee be waived for the FYE 1994, this year, but that beginning 7/1/94 the fee would be in force. Discussion followed. Councilmember Mikesell moved the \$100 fee be waived for the rest of this year, but take affect 7/1/94. Councilmember Harris seconded the motion. Councilmembers Harris and Mikesell were in favor of the motion, Councilmembers Gillard and Eggar were opposed to the motion. Mayor Dennis cast the tie vote to adopt the motion stating that Rural District #1 had equipment which the City Fire Department needed to rely on. Motion passed.

There was no discussion of a previously made verbal proposal by the Fire District to the City Staff for the District to pay \$10 per incident, without any standard monthly fee.

Motion was made by Harris, second by Mikesell to not waive the request from Rural Fire District #1 to waive the \$3.00 per bottle air filling fee . Motion passed.

Discussion of the Joint Worksession with the County Commissioners were discussed. The date was set to Wednesday, September 22nd, 7:00 p.m. It was agreed upon to invite Sheriff Johnson for discussion of 911. Other items City will agenda are: Loves Lane and View Vista Drive jurisdiction, July 1, 1994 Dispatch Service and 37% of City-County Building property value deed conveyance.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2411, A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT DISTRICT NO. 175. City Manager Griffin and City Attorney Jovick explained the Resolution to Council further. All in favor. Motion passed.

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

The time was 8:40 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill R. Dennis
MAYOR

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SPECIAL
LIVINGSTON
CITY COUNCIL MEETING

September 16, 1993
7:00 p.m.

The Livingston City Council met in special session Thursday, September 16, 1993, 7:00 p.m. in the Community Room at the City County Building. Councilmembers present were Pat Mikesell, Lee Harris, Ruth Eggar and Lyle Gillard, with Mayor Bill R. Dennis presiding.

The special meeting was called to hold an administrative hearing on allegations made against City Manager Griffin by members of the staff of the Crazy Mountain Kids Club.

Mayor Dennis called for input from Terry Williams Ruggles, Rachel Baird, Kari Weninger, Michelle Franzen and Mrs. Cox, the mother of Nichole Barnhart. Questions and discussion were heard by City Council.

Mayor Dennis called for a recess at 8:30 p.m., with the meeting resuming at 8:40 p.m.

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 at 9:12 p.m. to discuss what was heard during the meeting.

The meeting resumed at 10:14 p.m.

Motion was made by Harris, second by Gillard, that no reprimand be given to Mr. Griffin regarding this incident. Motion passed.

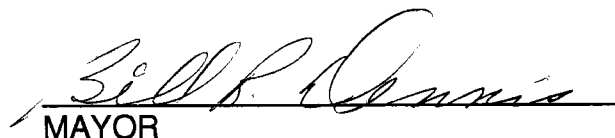
Motion was made by Eggar, second by Gillard, to adjourn the meeting there being no further business. Motion passed.

The time was 10:16 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

September 20, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday, September 20, 1993, 7:30 p.m. in the Community Room 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 August 16, 1993 regular Council meeting and August 30, 1993 special Council meeting. Motion passed.

Motion was made by Gillard, second by Harris, to accept the bills and claims that were listed for \$296,756.74. City Manager Ken Griffin clarified claims questioned by Council and will look into the different fees charged by wrecker services, when the Police Department impounds vehicles. Motion passed.

Mayor Dennis proclaimed October 3-9, 1993 as Fire Prevention Week in the City of Livingston.

Mayor Dennis proclaimed the Month of October as Arts & Humanities Month in the City of Livingston.

Motion was made by Mikesell, second by Gillard, to approve the City board of Adjustments' recommendation to grant Jim Hutchinson, 1524 Mount Baldy Drive, a variance from the front and side yard setbacks required by the Livingston Zoning Codes. Motion passed.

Motion was made by Harris, second by Mikesell, to approve the City-County Planning Boards' recommendation to grant Todd Quisel a Minor Subdivision. Motion passed.

A public hearing was held for Special Improvement District (SID) #175. Comments heard in opposition were from Sherry Marchington-Bossert and Dorthia LoPresti. She also proposed the street be "fixed" by placing broken asphalt pieces and chip sealing over them. City manager Griffin stated this was 50 year old technology and could not recommend the Council take this approach. Ms. Bossert presented Council with one other protest letter. City Attorney Jovick commented that the protest period expired September 15th and the letter could not be used to make up 51% of the protesters, but Council could take the letter under consideration for their vote. Dale Siegle and Sue Coccozza spoke in favor of the SID. Discussion was heard from City Manager Ken Griffin and Council. Tony Coccozza commented to Council that something needed to be done to the road. After all comments were heard, motion was made by Eggar, second by

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Mikesell, to approve Resolution No. 2415, A RESOLUTION RECREATING 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.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2409, A RESOLUTION APPROVING A TRUNK SEWER PIPELINE AND ACCESS EASEMENT AND AGREEMENT BETWEEN MONTANA RAIL LINK, A MONTANA CORPORATION AND THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Harris, second by Mikesell, to approve Resolution No. 2412, A RESOLUTION AUTHORIZING THE ADOPTION AND EXECUTION OF THE REVISED AND RESTATED LIABILITY PROGRAM AGREEMENT ENTERED INTO BETWEEN THE MONTANA MUNICIPAL INSURANCE AUTHORITY AND THE CITY OF LIVINGSTON DATED JULY 1, 1993; AND AUTHORIZING THAT THE ADOPTION AND EXECUTION OF ANY AMENDMENT THERETO MAY BE MADE BY MOTION. All in favor. Motion passed.

Motion was made by Mikesell, second by Gillard, to approve Resolution No. 2413, A RESOLUTION ADOPTING A CITY CAPITAL IMPROVEMENT PROGRAM FUND AND PROVIDING FOR A LOAN BETWEEN CITY FUNDS TO FUND THE FIRST YEAR OF OPERATION. Discussion was heard from Council and City Manager Griffin. All in favor. Motion passed.

Motion was made by Mikesell, second by Gillard, to approve Resolution No. 2414, A RESOLUTION APPROVING AN AGREEMENT BETWEEN MONTANA RAIL LINK INC. A MONTANA CORPORATION AND THE CITY OF LIVINGSTON FOR A FREE STANDING RUBBER CROSSING AT FIFTH STREET. The vote was three in favor, Harris opposed. Motion passed.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2416, A RESOLUTION CREATING SPECIAL IMPROVEMENT DISTRICT NO. 176 STREET PAVING AND DRAINAGE IMPROVEMENTS. The vote was three in favor, Mikesell abstained from voting. Motion passed.

Second reading of Ordinance No. 1749, AN ORDINANCE AMENDING SECTION 30.50 OF THE CODE OF ORDINANCES FOR SUPPLEMENTARY GENERAL REQUIREMENTS FOR SIGNS. Jim Peterson had a question for Council. All in favor. Motion passed.

Motion was made by Harris, second by Eggar, to approve first reading of Ordinance No. 1751, AN ORDINANCE AMENDING AND READOPTING SECTION 9-29 OF THE CODE OF ORDINANCES TO LIMIT THE SPEED OF TRAINS WITHIN THE CITY LIMITS TO 30 MILES PER HOUR. All in favor. Motion passed.

The City-County Joint Worksession has been rescheduled for Wednesday, October 6th at 7:00 p.m., if that day is good for the County Commissioners. Council requested that Park County Sheriff Charley Johnson be invited to attend this worksession.

Motion was made by Gillard, second by Mikesell, to reject all bids for the new Utilities Building due to the high bids and re-bid to include out of town. Motion passed.

Motion was made by Mikesell, second by Gillard, to award the bid for one Trailer Mounted Disc Wood Chipper to Normont Equipment for the amount of \$17,227.00 on a lease program. This is a budgeted item. City Manager Griffin explained that there was a slight anomaly with this bid opening. The bid opening was advertised for, and conducted at 11 AM. The mail was delivered to the City-County Bldg. by the U.S. Postal Service sometime prior to 11 AM. At approximately 11:05 AM, the City-County mail sorter delivered the bid from Normont to the City Offices. After consultation with Attorney Jovick, and his review of the situation, it was determined that Normont's bid could be considered, since the postal service had constructively delivered the mail to the City's agent. Motion passed.

Motion was made by Mikesell, second by Harris, to award the bid for 14 City lots in the Block 34 of the Minnesota Addition, lots 1 thru 7 and 26 thru 32 to B.L. Nead for the amount of \$12,501.00. There was only one bid received. City Manager Griffin reported to Mayor Dennis that Mr. Nead would like to build a earth home at this location. The vote was three in favor, Eggar opposed. Motion passed.

Discussion was heard concerning Section 12-101 & 103 of the City Code Book and section 75-10-505 of the State MCA Book regarding Junk Yards in the City Limits. Motion was made by Mikesell, second by Gillard, to direct City Attorney Jovick to draft and amendment to the Ordinance pertaining to junk yards. Motion passed.

Motion was made by Harris, second by Gillard, to accept the Senior Citizen Van under the City's jurisdiction and guidelines as portrayed in Paragraph "F" in the agreement. Mr. John Anderson, President of the Senior Citizens' Corporation and member of the Senior Van/ Elder Care Committee thanked the City for their help. Motion passed.

Bill Barnhart addressed Council, requesting the purchase of approximately 3 acres of City property in the vicinity of his property. He stated Dave Viers, owner of the Geyser Trailer Court and himself, would like to clean this area up, due to the thickness of the brush making it a fire hazard. Motion was made by Harris, second by Gillard, to find out what the cost of an appraisal would be. City Manager Griffin stated it would be \$100 for a Realtor appraisal and \$400 for a State Certified appraisal. A substitute motion was made by Mikesell, second by Eggar, to obtain a Certified appraisal and add it to the cost of the property. Motion passed.

Lenny Gregrey addressed Council concerning City Codes Section 2-14, Rules of Debate. Discussion was heard.

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The following monthly reports for August 1993 were included for Council information:

Financial
City Judge
Police Chief
Livingston Fire/Ambulance
Fire Chief

City Manager Griffin updated Council on the sale of the Lehrkind Building. Mr. Griffin stated that people have looked at the building, but no offers have been made at this time.

Councilmember Mikesell questioned City Manager Griffin if there would be a cost overrun with the New Utilities Building. Griffin stated that is why it was recommended to Council to reject all bids tonight on the Utilities Building, stating that the bids were too high and that he had no intention of a cost overrun.

Mikesell stated that there needed to be a barrier around the lift station by the Paradise Motel. City Manager Griffin will look into this request.

Mikesell state that he would not be available when the Governor would be in Livingston, but asked City Manager Griffin to push for Montana people to be hired for the jobs at the Cooke City mine and not out-of-State residents.

Councilmember Harris questioned if the E Street bridge and road would be paved. City Manager Griffin stated it would next year. The road base will be done this fall.

Harris questioned the mudhole at the baseball fields. Griffin stated crews were in the process of fixing.

Motion was made by Harris, second by Eggar, to amend and rewrite the contract with Crazy Mountain Kids Club, that when the Club is open and has children there, they are under constant surveillance by a responsible adult, and the audit of the books at the discretion of the City. Motion passed.

City Manager Griffin asked for clarification from Council, that he is to take no action with Crazy Mountain Kids Club without Council's official and expressed approval at a meeting. Council was in agreement.

Jim Peterson commented on Lenny Gregrey's comments and participation during Council meetings.

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

The time was 9:45 p.m.

ATTEST:

APPROVED:

Julianne Blahely
RECORDING SECRETARY

Bill R. Dennis
MAYOR

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LIVINGSTON
CITY COUNCIL MEETING

October 4, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday, October 4, 1993, 7:30 p.m. in the Community Room 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 September 16, 1993 special Council meeting and September 20, 1993 Regular Council meeting. Motion passed.

Motion was made by Gillard, second by Mikesell, to accept the bills and claims that were listed for \$83,127.11. City Manager Ken Griffin clarified claims questioned by Council. Motion passed.

Mayor Dennis proclaimed October 5-8, 1993 as Agriculture Week in the City of Livingston.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2417, A RESOLUTION APPROVING AN AGREEMENT BETWEEN MONTANA RAIL LINK, INC., A MONTANA CORPORATION, BURLINGTON NORTHERN RAILROAD COMPANY, A DELAWARE CORPORATION AND THE CITY OF LIVINGSTON FOR A PIPELINE PERMIT NO. MAIN 600,286. All in favor. Motion passed.

Motion was made by Gillard, second by Mikesell, to approve Resolution No. 2418, A RESOLUTION APPROVING A REVISED LEASE BETWEEN THE CRAZY MOUNTAIN KIDS CLUB AND THE CITY OF LIVINGSTON FOR RENTAL SPACE AT THE CIVIC CENTER. A 10 day time limit for Crazy Mountain Kids Club to sign the lease was added as Section 3 to the Resolution. The vote was all in favor to the amendment. The vote as amended was all in favor. Motion passed.

Motion was made by Mikesell, second by Gillard, to approve Resolution No. 2419, A RESOLUTION ADOPTING THE JOB DESCRIPTIONS FOR POLICE SERGEANT AND POLICE DETECTIVE AND INCORPORATING THESE DESCRIPTIONS INTO THE GENERAL JOB DESCRIPTIONS FOR THE CITY OF LIVINGSTON. City Manager Ken Griffin clarified questions from Council. All in favor. Motion passed.

Motion was made by Gillard, second by Mikesell, to approve Resolution No. 2420, A RESOLUTION RELATING TO \$152,000 POOLED SPECIAL IMPROVEMENT DISTRICT BONDS, SERIES 1993 (SPECIAL IMPROVEMENT DISTRICT NOS. 175 AND 176); AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE THEREOF. City Attorney Jovick stated a Special Council meeting would be needed. Mr. Jovick stated that Section 4, Public Sale, should read Wednesday, October 20th with the time being set at 4:30 p.m. All in favor. Motion passed.

Motion was made by Harris, second by Gillard, to approve first reading of Ordinance No. 1750, AN ORDINANCE AMENDING SECTION 28-1 OF THE CODE OF ORDINANCES TO ADOPT THE 1993 MONTANA MODEL SUBDIVISION REGULATIONS. All in favor. Motion passed.

Second reading of Ordinance No. 1751, AN ORDINANCE AMENDING AND READOPTING SECTION 9-29 OF THE CODE OF ORDINANCES TO LIMIT THE SPEED OF TRAINS WITHIN THE CITY LIMITS TO 30 MILES PER HOUR. All in favor. Motion passed.

Council was in agreement to meet in a Joint Worksession with the County Commissioners, Wednesday October 6, 1993 at 7:00 p.m.

Motion was made by Harris, second by Mikesell, to accept the bid for Rubber Railroad Mats to HI-CORPORATION for the amount of \$24,816. One other bid was received from RIEDEL OMNI RUBBER PRODUCTS, INC. - \$40,800. All in favor. Motion passed.

Motion was made Harris, second by Gillard, to reappoint Roy Korkolo for another 3 year term to the City-County Airport Board. All in favor. Motion passed.

Mayor Dennis asked for a motion to reconstitute the Save the Lagoon Committee. Motion was made by Mikesell. Motion died due to lack of a Second.

Urana Clarke, member of Save the Lagoon Committee addressed Council from a letter she delivered earlier. Discussion was heard.

Shelly Blatter from Sister City Committee, requesting \$250 from the City to pay for a Sister City Luncheon. Motion was made by Eggar, second by Harris, to approve this expenditure. Motion passed. Mrs. Blatter also thanked staff for their time and City Manager Griffin for his writing of the Grants and time he offers to the Sister City Relationship.

Comments were heard from Councilmemeber Gillard and by City Council.

Councilmember Harris requested the Manager to find out where the pole vault belongs that is behind the blue concession stand at the old legion field.

Harris also stated the mudhole between the Civic Center and the baseball fields was still there.

Harris commented that the wood by 9th Street Island had not been taken care of as of this time.

City Manager Griffin responded to Councilmember Harris's question concerning the garbage cans at the baseball fields. Griffin stated they were used this past weekend for the Oktoberfest and would be put back in place at the fields.

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Council responded to Cole Inglehart's questions concerning volunteers, Capitol for a Day and the special meeting that was held September 16th.

John Rogers addressed Council concerning the Lagoon.

Barb Williams addressed Council concerning Pace Construction video taping the sewer lines during the last week, the radio stations at the Oktoberfest, the Lagoon Committee and whether ordinances took 2 or 3 readings. City Manager Griffin responded.

Motion was made by Eggar, second by Mikesell, to direct Mr. Griffin to write a letter to Mr. Tom Hallin inviting him to the next Council meeting. The vote was three in favor, Harris opposed. Motion passed.

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

The time was 9:00 p.m..

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

October 18, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday, October 18, 1993, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Lee Harris, Ruth Eggar, Lyle Gillard and Pat Mikesell with Mayor Bill R. Dennis presiding.

City Manager Ken Griffin announced that Council and Staff had signed a card to recognize Mayor Bill Dennis on his 40 years of Public Service. Coffee, Cider and a Cake were offered to the public to congratulate the Mayor.

A birthday card was also presented to Councilmember Lyle Gillard.

The meeting was recessed for approximately 20 minutes, for the celebration.

Motion was made by Gillard, second by Mikesell, to approve the minutes of October 4, 1993, regular Council meeting. Motion passed.

Motion was made by Gillard, second by Harris, to accept the bills and claims that were listed for \$100,855.11. City Manager Ken Griffin clarified claims questioned by Council. Motion passed.

Mayor Dennis proclaimed October 23-31, 1993 as Drug Free & Proud Week in the City of Livingston, a part of the Nationally recognized Red Ribbon Week.

Motion was made by Harris, second by Gillard, to approve Resolution No. 2421, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND PARK COUNTY TO CONTINUE THE D.A.R.E. EDUCATION IN RURAL SCHOOLS. All in favor. Motion passed.

Mayor Dennis announced the City of Livingston had received a plaque from the City of Crystal City, Missouri, in appreciation of Livingston's contributions and efforts during their recent flood.

City Manager Griffin reported to the Mayor that citizen Tom Hallin was here to discuss the "Save the Lagoon Committee" and letter on this subject which had been introduced a few meetings ago by Urana Clarke. Mayor Dennis recognized Mr. Hallin.

Mr. Hallin referred to his letter and cited seventeen areas in which he believed the City to be shirking its duties in maintaining the lagoon. He went on to say that he saw the problems due to a lack of continuity with elected officials, and thought the Park Board was the only viable solution to proper maintenance of the lagoon.

Mayor Dennis noted that there is no Park Board in the Commission-Manager form of government, under which the City has been operating since 1988. Mr. Hallin stated

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we needed the Park Board for the future of the lagoon.

Discussion followed, including comments from Urana Clarke, John Rogers, Ed Miller, Jerry Weimer and members of the City Council. Councilmember Eggar moved that a "Sacajawea Lagoon Advisory Committee" be formed by the Council, and that two members of this Committee would be the City employees filling the Superintendent of Public Services and the Parks Foreman positions. Mrs. Eggar also made the stipulation, as a part of this motion, that any person who wished to perform manual labor for the Advisory Committee, or the City Parks in general would be required to sign a waiver of liability form holding the City harmless. Councilmember Mikesell seconded the motion. The recommendation was unanimously adopted.

City Manager Griffin was directed to work with Mr. Hallin and Superintendent Kastelitz, then report back to the Council with nominations for the Mayor's appointment to, and the Council's approval of the membership of this Committee.

The City's Finance Officer, Jim Christiaens, addressed Council concerning the actions of a citizen of Livingston. Motion was made by Harris, second by Eggar, to make Finance Officer Christiaens memorandum part of the minutes. Motion passed.

Motion was made by Harris, second by Gillard, to approve the Mayor's appointment of Rick Loftice to the vacant spot on the Police Commission. Motion passed.

Motion was made by Eggar, second by Gillard, to hold the Electrical and Erection bids of the new Water Facility Building under advisement at this time and reject the bid for Concrete, being the bid was too high. Motion passed.

The following monthly staff reports were included for Council information:

- Finance
- City Judge
- Police Chief
- Fire Chief
- Livingston Fire/Ambulance

Also included for Council's review were the minutes of the City-County Joint Airport Board Meetings of July and August 1993.

Councilmember Mikesell questioned if the City had two new ambulances. City Manager Griffin stated the company the City had purchased the ambulance from was providing us with another new ambulance to use while the City's was under warranty repair.

Councilmember Gillard asked permission to go into an Executive Session. Attorney Jovick asked what the nature of the discussion would be, noting that recent State Supreme Court rulings made Executive Sessions for City Councils very restricted. Mr. Gillard called upon Manager Griffin, who explained that Messieurs Gillard and Harris were interested in discussing pending litigation with Park County concerning the disposal of

solid waste. Mr. Jovick stated an Executive Session would not be allowed, legally, to discuss pending litigation.

Mr. Gillard called the Council's attention to a draft letter from Mr. Harris to the County Commissioners and Refuse District #1, concerning their lack of response to Mayor Dennis' letter of May 4, 1993, and the attached five point proposal to resolve the solid waste issue. Mr. Jovick and Councilmembers discussed the issue at length. It was the consensus of the Councilmembers, upon recommendation from Counsel, that it would not be in the best interests of the City to withdraw the five point proposal for resolution at this time.

Councilmember Harris stated he has received a number of complaints of speeding on the street that runs between the Baseball Complex and Park Senior High School. Staff will look into a 15 MPH speed limit sign.

Councilmember Harris stated he was glad to see the big hole at the baseball fields was being filled, but questioned why big rocks are being used. Parks Foreman Eddie Miller stated more fill would be used to cover the big rocks.

Councilmember Harris questioned why 5th Street was blocked off between Callender and Lewis Streets. City Manager Griffin stated it was for a Neighborhood Watch Block party.

Cole Inglehart commented on landfills.

Mayor Dennis thanked everyone for his surprise party earlier in the evening.

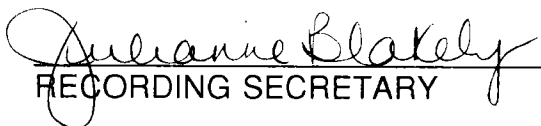
Motion was made by Harris, second by Gillard, to adjourn the meeting there being no further business. Motion passed.

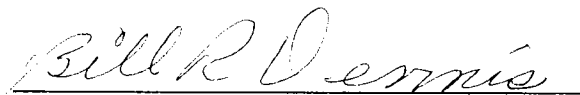
The time was 9:30 p.m.

Attachment

ATTEST:

APPROVED:


 RECORDING SECRETARY


 MAYOR

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MAYOR
Bill R. Dennis
COUNCILMEMBERS

Ruth Eggar
Lyle Gillard
Lee Harris
Pat Mikesell

City of Livingston

414 East Callender Street
Livingston, Montana 59047
(406) 222-2005 • FAX (406) 222-6823

MEMORANDUM

TO: CITY COUNCIL & CITIZENS OF LIVINGSTON

THRU: CITY MANAGER

FROM: FINANCE OFFICER

OCTOBER 18, 1993

RE: FOR THE RECORD

My address tonight is precipitated by the action of one of the citizens of the City of Livingston. This unknown individual has contacted the CPA firm that is presently auditing the city's books for fiscal year ending June 30, 1993. They intimated that the Finance Officer, the City Manager and the City Council have acted inappropriately in regard to the budget process for fiscal year 1993-1994.

I am here to tell you that this is categorically not true and have the documentation available to prove it.

Expressing some concern to the City Manager about past budget practices, I initiated the budget process January 1, 1993 eight months prior to the deadline for passage. I also requested that I be allowed to address the council about my concerns. The City Manager readily agreed and we began the process. We had several lively discussions with the outcome being that for the first time in five years the City of Livingston has a truly balanced budget in the general fund. Our expenditures should not exceed the revenues collected based upon our careful estimates. The city council, city manager, finance officer and department heads worked very long and hard on this budget.

Recognizing the need for some capital improvement projects a decision was made to create a capital improvement fund to address the needs for capital improvements. One of these needs is the rubber mats for the railroad crossing. Our initial estimates forecasted a cost of \$30,000.00. In our continuing efforts to shop and purchase properly the project will end up costing less than \$25,000.00. Another of the projects is fixing the roof on the civic center. Through the extra efforts of councilman Harris, this project will probably not cost as much as originally estimated.



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This new fund in the amount of \$144,000.00 will initially be funded by a loan from three of the enterprise funds on a short term basis. A short term basis is one to two years. I have already determined a way to repay \$70,400.00 of that amount that will not significantly impact the general fund. The enterprise funds will gain a 1% increase in interest difference from the rate we get from investments. We also accomplish some capital improvements that are long overdue. We accomplish all of this without increasing taxes. If everyone wins just what is the problem with that? There is also a good possibility that we may not need to borrow the entire amount or will be able to do some additional projects.

We have complied with all of the statutes of Montana Code Annotated with reference to proper notice, hearings and compliance with open meeting laws. The city council acted within the scope of their authority and used good common sense judgment. They should be commended rather than criticized for their efforts.

Your Finance Officer and City Manager have increased the revenues in the general fund by \$120,000.00 and restructured some \$80,000.00 of expenditures. These funds have allowed us to balance the general fund and put another policeman on the streets, all without increasing your taxes.

The mill levy has also been decreased by 4.91 mills since 1986.

Mr. Mayor I request that this memorandum be made a part of the minutes.



LIVINGSTON
CITY COUNCIL MEETING

November 1, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday, November 1, 1993, 7:30 p.m. in the Community Room 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 October 18, 1993 regular Council meeting. Motion passed.

Motion was made by Gillard, second by Harris, to accept the bills and claims that were listed for \$90,663.10. City Manager Ken Griffin clarified claims questioned by Council. Motion passed.

A public hearing was held for input on a Zone Map Amendment requested by Mr. Carter Boehm. The purpose of this amendment is to allow Mr. Boehm to use an existing, vacant church building as a four-plex. The City Zoning Commission recommends that City Council approve this Zone Map Amendment. Carter Boehm commented to Council. Councilmember Mikesell questioned if the sewer line was adequate. Staff believed it to be, but would look into it. Motion was made by Mikesell, second by Gillard, to approve first reading of Ordinance No. 1753, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM MEDIUM DENSITY RESIDENTIAL (MOBILE HOME) (RII-MH) TO HIGH DENSITY RESIDENTIAL (R-III) USE. All in favor. Motion passed.

Motion was made by Gillard, second by Harris, to approve Resolution No. 2422, A RESOLUTION AMENDING THE JOB DESCRIPTION FOR FIREFIGHTER AND INCORPORATING THIS DESCRIPTION INTO THE GENERAL JOB DESCRIPTIONS FOR THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Harris, second by Gillard, to approve first reading of Ordinance No. 1742, AN ORDINANCE AMENDING SECTION 2-14 TO ADD CLARIFICATION TO CITY COUNCIL RULES OF PROCEDURE FOR TIME LIMITATIONS FOR PERSONS ADDRESSING THE CITY COUNCIL. Comments were heard from Lenny Gregrey and City Attorney Jovick. All in favor. Motion passed.

Discussion was heard from staff and Council reference the City land purchase by B.L. Nead. City Attorney Jovick stated this was an unbusiness-like offer and the City would be looking at problems later on. Motion was made by Eggar, that if B.L. Nead wanted the property, he needed to make a check for \$12,500 to the City. Motion died due to lack of a second. Discussion was heard concerning a counterproposal. Motion was made by Eggar, that Mr. Nead pay \$6,250.50 and the balance in 12 months at 7½% interest rate. Motion died due to lack of a second. Motion was made by Harris, second by Gillard, to

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have City staff work something out with Mr. Nead and also run a credit report.

Discussion was heard concerning the Dispatch Center User Fees. John Egan of Gray's Road & Rescue would like the word "towing" be used instead of "wrecker". Motion was made by Harris, second by Eggar, to make effective November 15, 1993, that the user's that do not pay their bill, will not be provided service. This motion includes a final notice. Motion passed.

Discussion was heard concerning the agreement with Crazy Mountain Kids Club. It was stated that there was ample time to sign the agreement since no money was involved. Motion was made by Eggar, second by Mikesell, that if CMKC could not provide their insurance coverage and signed agreement by November 10, 1993, they would be invited to the November 15th Council meeting for discussion. Motion passed.

Motion was made by Eggar, second by Harris, to accept City's policy of the Sacajawea Lagoon Advisory Committee. Motion passed. City Manager Griffin stated that the City was still waiting to hear from other entities concerning the membership of the Committee.

City Manager Griffin reported to the Council concerning the Windfarm. He stated the contractor (Mike Michaud of Wind Power Systems) was not operating in compliance the contract. City Attorney Jovick explained further for Council. Motion was made by Mikesell, second by Gillard, to grant staff permission to send a default notice (Sec. 7, 10 & 12) to Mr. Michaud. Motion passed.

City Manager Griffin stated late this morning he received an offer from Dave Amsk and signed by Michael P. Amsk, to purchase the 20 +/- acres of city-owned property adjacent to the Armory, north of Star Addition. Discussion followed. Motion was made by Harris, second by Eggar, to reject this offer. Motion passed. Motion was made by Harris, second by Eggar, to not make a counter offer at this time. Motion passed.

Councilmember Gillard mentioned November was the month that the City was going to remind the public about fixing water leaks in their homes, before the sewer is re-calculated for the next three months.

Councilmember Gillard also commented on back belts employees were wearing when he was in Spokane. City Manager Griffin commented on the insurance side of the belts.

Local Citizen Bill Fleming appeared before the Council requesting that they take some affirmative action to get water and sewer utilities turned on at the new Crazy Mountain Acres trailer park. Mayor Dennis called upon Mr. Griffin to brief the Council on the situation. Manager Griffin stated that there were some problems with maintenance easements on the sewer main which serviced this new development. Consequently, the Manager did not believe it was in the best interest of the City to turn on the water, because once the water was on, it had to go into the sewer. And, without access to maintain the sewer lines, he felt the City would be buying a good deal of trouble. Griffin went on to state that his decision to not authorize the initiation of the water service was

made after considerable discussion with Utilities Superintendent Tinsley and Attorney Jovick. Discussion followed. It was the consensus of the Council that this was a most unfortunate situation, but that the City must maintain the same standards for this developer as it had for all other developers; proper easements must be provided to the City prior to utility service being initiated.

Councilmember Harris commented on a call he had received, pertaining to the Board of Adjustment/Zoning Commission making decisions. He noted that from 1/1/92 to 9/30/93, the Board of Adjustment had made 19 recommendations to the City Council. During that period, the Council upheld 17 of these recommendations and modified only two; despite generalizations made to the contrary.

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

The time was 8:55 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill Dennis
MAYOR

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LIVINGSTON
CITY COUNCIL MEETING

November 15, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday, November 15, 1993, 7:30 p.m. in the Community Room 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 November 1, 1993 regular Council meeting. Motion passed.

Motion was made by Mikesell, second by Gillard, to accept the bills and claims that were listed for \$90,476.75. City Manager Ken Griffin clarified claims questioned by Council. Motion passed.

Mayor Dennis proclaimed November 14-20, 1993 as American Education Week.

Motion was made by Harris, second by Mikesell, to approve the City Board of Adjustment's recommendation to grant Terry and Melody Durden, 122 S. P Street, a variance to allow them to build a fence in their front yard that would exceed the maximum allowable height set forth in the Livingston Zoning Code. One condition was, the fence is required to be chain-link, in order to see through. Motion passed.

Resolution No. 2423, A RESOLUTION APPROVING A REVISED LEASE BETWEEN THE CRAZY MOUNTAIN KIDS CLUB AND THE CITY OF LIVINGSTON FOR RENTAL SPACE AT THE CIVIC CENTER. This item was not introduced due to lack of a motion.

Second reading Ordinance No. 1742, AN ORDINANCE AMENDING SECTION 2-14 TO ADD CLARIFICATION TO CITY COUNCIL RULES OR PROCEDURE FOR TIME LIMITATIONS FOR PERSONS ADDRESSING THE CITY COUNCIL. All in favor. Motion passed.

Second reading Ordinance No. 1753, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM MEDIUM DENSITY RESIDENTIAL (MOBILE HOME) (RII-MH) TO HIGH DENSITY RESIDENTIAL (R-III) USE. All in favor. Motion passed.

Motion was made by Mikesell, second by Eggar, to approve first reading of Ordinance No. 1754, AN ORDINANCE ADDING SECTION 11-32 TO THE LIVINGSTON CODE OF ORDINANCES TO REQUIRE PROPERTY OWNERS TO KEEP FREE AND CLEAR ACCESS TO UTILITY TUNNOFFS FOR FIRE PROTECTION PURPOSES. Discussion was heard. Council agreed to table for further review.

Motion was made by Mikesell, second by Gillard, to approve first reading of Ordinance No. 1756, AN ORDINANCE AMENDING SECTION 9-222 (10) OF THE CODE OF ORDINANCES AMENDING THE FINE AMOUNT, PURSUANT TO STATE LAW, FOR PARKING IN A HANDICAP ZONE. All in favor. Motion passed.

Mr. B.L. Nead addressed City Council concerning 14 City lots he recently bid and was awarded. Motion was made by Mikesell, second by Gillard, to require a minimum down payment of 10% and work the rest out with City Manager Griffin. City Attorney Jovick clarified to everyone, that the final result would still come before Council. Motion passed.

City Manager Griffin briefed the Council on a request which had been received from one of the rural, volunteer fire departments. They were ready and willing to pay a monthly Dispatch Center User Fee, but could not afford the present price of \$25 per month. Griffin suggested we charge them \$10 per month, plus \$10 per incident, noting that this particular department may only be dispatched four to five times annually. Motion was made by Harris, second by Mikesell, to accept Griffin's suggested compromise. Motion was unanimously adopted.

Griffin briefed the Council on suggested changes to the City's personnel manuals. Motion was made by Harris, second by Gillard, to approve the recommended updates to the Personnel and Policy Manuals. City Attorney Jovick stated each item would need a resolution. Motion passed.

Motion was made by Gillard, second by Harris, to approve the Finance Officer's request for Resolution, requesting the County Commissioners to impose a ½% tax next fiscal year on Motor Vehicle licenses. Mr. Jovick to prepare the resolution for the next meeting. Motion passed.

City Manager Griffin reported that a letter had been received from the attorney the County had hired, reference the solid waste issue. This letter made a counter-proposal to the City from the Mayor's letter of 5/4/93. Council felt this letter was not a genuine effort to resolve anything. Motion was made by Harris, second by Mikesell, to approve sending the letter included in this Council packet as a response to the County's special attorney. Motion passed.

Motion was made by Harris, second by Gillard, to accept the bid from Pioneer Equipment to provide the City of Livingston with one Mobil TEHDB model sweeper for the amount of \$85,310 on a lease/purchase program with trade-in. Motion passed.

Motion was made by Gillard, second by Mikesell, to accept the sewer line and two related maintenance easements for the Crazy Mountain Acres subdivision, on East Gallatin Street. The motion was unanimously adopted. Attorney Jovick pointed out that we also needed to formally accept the forty foot driveway ingress-egress, as it was dedicated under a separate document. Motion was made by Eggar, second by Gillard to accept the subject street approach.

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Motion was made by Harris, second by Gillard, to accept and approve the ISTEA Grant Application for submission to the State Department of Transportation. Motion passed.

Motion was made by Harris, second by Eggar, to allow Recreation Director Lisa Swoboda to live outside of the 2½ mile radius of the City/County Building, but not more than a three mile radius. Mrs. Swoboda requested approval to live approximately 2-¾ miles from the City/County Building. Mrs. Swoboda was making this request because of the housing crisis in Livingston and her inability to find suitable, affordable housing inside the 2-1/2 mile radius. This motion included Mrs. Swoboda a waiver of annexation. City Manager Griffin recommended approval of this request on the basis that the prime purpose of the residency requirements within the 2-1/2 mile radius was to guarantee a reasonable response time in the event of emergencies. He noted that he could not imagine a time when the Recreation Activities Director would be needed in an emergency. The Mayor stated that he felt all City employees should live inside of the City limits. At the question, the motion was adopted three in favor, with Mr. Mikesell opposed.

Urana Clark addressed Council pertaining to the Government Study Group asking to be allowed to interview City Manager Griffin. Lenny Gregrey requested another worksession between the City Council and the Study Group. That date was set for December 6th at 6:00 p.m., and November 22nd at 8:30 a.m. was set for Ken to met with the Government Study Group.

Motion was made by Harris, second by Gillard, to approve the Mayor's appointment of Thomas Hallin, Warren McGee, Commissioner Terry Sarrazin, Sterling Lantz (Trout Unlimited), Brad Shepherd (Fish, Wildlife & Parks Biologist) and Superintendent Ken Kastelitz and Foreman Eddie Miller to the Sacajawea Lagoon Advisory Committee. Motion passed.

City Manager Griffin introduced the Addendum to the Agenda, requesting that the Council award bids for the erection of the building, and the electrical work on the new utilities building. Griffin cited that these bids were originally received in mid-October, and had been held in abeyance since the Council's 10/18/93 meeting. Councilmember Mikesell moved that the bids be awarded as recommended by Staff: WMK & Company for the erection of the building in the amount of \$35,825 and Tech Electric for the electrical work at the cost \$38,400. Councilmember Gillard seconded the motion and it was unanimously approved.

City Manager Griffin introduced Kuniko Fukae. She is visiting from Japan and studying local government.

The following reports were included for Council information:

- Livingston Fire/Ambulance
- Fire Department
- Police Department
- City Judge
- Finance

The Airport Board Minutes for September 28, 1993 were also included for Council review.

Councilmembers Mikesell and Gillard commented on how nice the 5th Street crossing was, now that the new railroad mats were installed and the street opened up today.

Councilmember Eggar stated she wanted to discuss some employee personnel matters with the Council. Motion was made by Harris, second by Gillard, 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 employee personnel matters. The meeting was closed at 8:52 PM.

The meeting was reopened at 9:18 PM. The Mayor solicited input from the audience, but there was none. Motion was made by Mikesell, second by Harris, to adjourn the meeting there being no further business. Motion passed. The time was 9:23 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill R. Dennis
MAYOR

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LIVINGSTON
CITY COUNCIL MEETINGDecember 6, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday, December 6, 1993, 7:30 p.m. in the Community Room 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 Harris, second by Mikesell, to approve the minutes of November 15, 1993 regular Council meeting. Motion passed.

Motion was made by Harris, second by Mikesell, to accept the bills and claims that were listed for \$77,534.41. City Manager Ken Griffin clarified claims questioned by Council. Motion passed.

Motion was made by Mikesell, second by Harris, to approve the City-County Planning Board's recommendation to allow the Buttrey Food and & Drug parcel to subdivide two additional lots. City Manager Ken Griffin explained. Motion passed.

Motion was made by Harris, second by Mikesell, to approve Resolution No. 2424, A RESOLUTION AMENDING THE CITY POLICY MANUAL FOR THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Mikesell, second by Harris, to approve Resolution No. 2425, A RESOLUTION AMENDING THE CITY PROCEDURE MANUAL FOR THE CITY OF LIVINGSTON. All in favor. Motion passed.

Resolution No. 2426, A RESOLUTION APPROVING A CONTRACT BETWEEN BIG SKY ASPHALT, INC. OF BOZEMAN AND THE CITY OF LIVINGSTON FOR THE SID 175 STREET PAVING AND DRAINAGE IMPROVEMENTS, was not introduced at this time.

Motion was made by Harris, second by Mikesell, to approve Resolution No. 2427, A RESOLUTION APPROVING A LEASE PURCHASE AGREEMENT BETWEEN ASSOCIATES COMMERCIAL CORPORATION. OF IRVING, TEXAS AND THE CITY OF LIVINGSTON FOR A BRUSH BANDIT WOOD CHIPPER. Questions were asked from Council. All in favor. Motion passed.

Discussion was heard by City Council and Staff. City Attorney Jovick stated the Ordinance could pass this reading by amending the wording for Section 11-32 to read: "All owners and occupants of structures upon real property in the City of Livingston shall keep completely free and clear an access to all outside gas, electric, and other utility turnoffs. The passageway must be entirely uncluttered and allow a free passage way of at least three (3) feet in width and the immediate surrounding area must be totally free

of obstacles or clutter." Motion was made by Harris, second by Mikesell, to approve first reading of Ordinance No. 1754 as amended, AN ORDINANCE ADDING SECTION 11-32 TO THE LIVINGSTON CODE OF ORDINANCES TO REQUIRE PROPERTY OWNERS TO KEEP FREE AND CLEAR ACCESS TO UTILITY TURNOFFS FOR FIRE PROTECTION PURPOSES. All in favor as amended. Motion passed.

Second reading of Ordinance No. 1756, AN ORDINANCE AMENDING SECTION 9-222 (10) OF THE CODE OF ORDINANCES AMENDING THE FINE AMOUNT, PURSUANT TO STATE LAW, FOR PARKING IN A HANDICAP ZONE. All in favor. Motion passed.

City Manager Griffin reported on an updated proposal between the City and B.L. Nead for a property purchase. Motion was made by Mikesell, second by Harris, to approve the terms of the purchase with Mr. Nead and have City Attorney Jovick prepare the agreement. The vote was two in favor, Eggar opposed. Motion passed.

Councilmember Harris questioned the lack of a signed agreement with Crazy Mountain Kids Club. City Attorney Jovick reported that their lawyer has been on vacation and the issue was still being addressed. Jovick stated something may be before Council at the next meeting.

Councilmember Harris stated he would be in touch with a roofing company to get a price for reroofing the Old Water Building.

City Manager Griffin stated no parking tickets would be issued the last two weeks before Christmas as a way to help merchants, unless the Council objected. No objection was voiced.

Councilmember Harris again questioned Manager Griffin about some pole vault and high jump equipment stored, or abandoned on the southeastern corner of Miles Park. Griffin replied that he would have to check on it and report back to the Council. Barb Williams questioned what the pole vault was about. Councilmember Harris explained.

Bob Weimer addressed City Council asking that more area in his subdivision be zoned for High Density Residential. He stated that the property on the southwest corner of his subdivision used to be zoned R-3, and that the City changed the zoning while he was on vacation. City Manager Griffin pointed out that this report zone change occurred some ten years ago, or more; not any time recently. Discussion continued. Mayor Dennis and the Council asked Manager Griffin to have the staff evaluate Mr. Weimer's request, and then report back to the Council. If the Council so desired, then they could recommend the zone change to the Zoning Board for their review.

Cole Inglehart inquired if the City could send a letter to Montana Power Company asking them to speed up their work with putting all MPC meters on the outside of the buildings.

Mr. Inglehart also requested extra Police patrols on Crawford Street between 7th and 9th Streets. He stated someone was using ice picks on tires in this area.

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

The time was 8:30 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Bill Dennis
MAYOR

LIVINGSTON
CITY COUNCIL MEETING

December 20, 1993
7:30 p.m.

The Livingston City Council met in regular session Monday December 20, 1993, 7:30 p.m. in the Community Room. Councilmembers present were Pat Mikesell, Lee Harris and Ruth Eggar with Mayor Bill R. Dennis presiding. Councilmember Lyle Gillard was absent.

Motion was made by Harris, second by Eggar, to approve the minutes of December 6, 1993 regular Council Meeting. Motion passed.

Motion was made by Harris, second by Mikesell, to accept the bills and claims that were listed for \$78,655.41. City Manager Ken Griffin clarified claims that were questioned by Council. Motion passed.

City Auditor Bob Gellinger from Holmes & Turner Auditing Firm addressed Council with the management letter of the FY 92-93 Audit Report. A final copy of the audit is forthcoming.

Mayor Dennis recognized Council with "Certificates of Appreciation" for their 1992-1993 term of office.

Motion was made by Harris, second by Eggar, to refer a requested Zone Change Map Amendment in Block 5 of the Star Addition, from Neighborhood Commercial to High Density Residential (R111), to the Zoning Board. Discussion was heard from Council, Staff and Contractor Robin Wesman. City Attorney Bob Jovick clarified. Motion passed.

Motion was made by Harris, second by Mikesell, to approve Resolution No. 2428, A RESOLUTION FOR INTERFUND TRANSFERS FROM CERTAIN ACCOUNTS FOR THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Mikesell, second by Harris, to approve Resolution No. 2429, A RESOLUTION COMMITTING \$100,000 OF THE SEWER FUND RESERVES TO MATCH FUNDS OF THE TREASURE STATE ENDOWMENT PROGRAM FOR A STORM SEWER PROJECT FOR THE CITY OF LIVINGSTON. City Manager Griffin replied to a question from Councilmember Mikesell. All in favor. Motion passed.

Motion was made by Harris, second by Mikesell, to approve Resolution No. 2430, A RESOLUTION APPROVING A CONTRACT FOR DEED BETWEEN THE CITY OF LIVINGSTON, A MUNICIPAL CORPORATION AND B.L. NEAD FOR THE PURCHASE OF REAL PROPERTY BELONGING TO THE CITY OF LIVINGSTON. The vote was Mikesell and Harris in favor with Eggar opposed. Motion passed.

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Motion was made by Mikesell, second by Eggar, to approve Resolution No. 2431, A RESOLUTION APPROVING AN AMENDED LEASE BETWEEN THE CRAZY MOUNTAIN KIDS CLUB AND THE CITY OF LIVINGSTON FOR RENTAL SPACE AT THE CIVIC CENTER as amended. Some discussion was heard. Councilman Harris stated that as a landlord, he did not think it was proper for a tenant to be dictating the terms of a lease, especially considering that CMKC has been using the Civic Center for about 18 months at no charge. The vote was Mikesell in favor, Harris and Eggar opposed. Motion defeated.

Motion was made by Eggar, second by Mikesell, to approve Resolution No. 2432, A RESOLUTION TERMINATING AN AGREEMENT BETWEEN WIND POWER MANUFACTURING, INC. AND THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Harris, second by Eggar, to approve Resolution No. 2433, A RESOLUTION OF INTENTION TO VACATE CERTAIN STREETS AND ALLEYS IN BLOCKS 31-36 OF THE MINNESOTA ADDITION TO THE CITY OF LIVINGSTON. City Manager Griffin replied to a question from Councilmember Harris. The vote was Mikesell and Harris in favor with Eggar opposed. Motion passed.

Second reading of Ordinance No. 2433, AN ORDINANCE ADDING SECTION 11-32 TO THE LIVINGSTON CODE OF ORDINANCES TO REQUIRE PROPERTY OWNERS TO KEEP FREE AND CLEAR ACCESS TO UTILITY TURNOFFS FOR FIRE PROTECTION PURPOSES. Discussion was heard. Councilman Harris expressed concern over the time delays in Montana Power personnel responding to turn off the utilities, when calls are made after normal working hours, due to MPC's new policies concerning stand-by personnel. The Council directed Griffin to make contact with Montana Power Company and see what arrangements could be made for allowing the City's Fire Department to make the utility turn-offs, if MPC personnel do not arrive in a timely manner. At the question, the vote was unanimous to adopt the Ordinance.

Council input was heard regarding a letter from the Park County Commissioners dated December 15, 1993, referencing the February 19, 1974 City County Building Agreement. The County Commissioners were proposing that they be given 37% of the Eastside School property by the City, in exchange for the 37% share of this (City-County Bldg) property that the County is to deed to the City. Discussion followed. Upon recommendations from the City staff, through Griffin, the Council unanimously voted against this proposal. Griffin was directed to come back to the Council with a definitive counter-offer to the County. This item will be brought up at the next Council meeting January 3, 1993.

Griffin introduced a letter from County Commission Chairman Cieri requesting a joint meeting to discuss the Dispatch Center User Fees. Discussion followed. Motion was made by Harris second by Mikesell to set a meeting for 6 PM, January 18th, before the Council meeting of that same date.

Police Chief Lynn Gillett received a plaque from the American Automobile Association congratulating the City of Livingston for the honor of 13 years without a pedestrian death.

Motion was made by Harris, second by Mikesell, to approve the appointment of the following people to the Advisory Housing Task Force:

Mary Yates	Harlan Durgan
Carita Adams	Homer Langley
Cindy Rigler	Tim Parks
Jim Woodhull	Juanita Mallo
Becky Lively	

All in favor. Motion passed.

The following reports were included for Council information:

- Financial
- Livingston Fire/Ambulance
- Fire Department
- Police Department
- City Judge

The City-County Joint Airport Board minutes for October 26, 1993 were included for Council information.

Councilmember Mikesell commented that a Highway Patrolman did not stop for a pedestrian at a crosswalk. Mikesell questioned if anything could be done and suggested putting a reminder in the "Town Crier" that vehicles need to stop for pedestrians.

Councilmember Eggar, brought up a Grif-O-Gram that was dated October 1992 to then Police Chief George Bryce. She was questioning why Griffin was requesting input from Bryce on what needed equipment the Police Department might acquire for \$25,000. She stated she knew this was the money that City would have gotten when it sold an aircraft which the City had acquired in a drug forfeiture case. Griffin stated the \$25,000 in question was concerning possible surplus monies that City might have had available toward the end of FY 93. Griffin denied any knowledge of an aircraft, and noted that traditionally, the City's success in drug forfeiture properties had been quite dismal, with some property having been given to the County Attorney in lieu of prosecuting expense reimbursement. Chief Lynn Gillett echoed Griffin's comments, stating the City has never had access to an aircraft to sell, from drug forfeiture or anything else.

Councilmember Eggar questioned a donation from a Mrs. Voych for a swim pool cover. Griffin reiterated his comments to Mrs. Eggar of several months earlier, when she had brought up this issue in a private conversation. The City records do not reveal any lump sum receipt of \$5,000 for any donation to the Park system. He suggested that if this had been a series of contributions, it was possible the money had been placed in the Parks

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Improvement Trust Fund, which still exists, and is used to hold donations for Park projects until sufficient monies are on hand to accomplish the given project.

Councilmember Harris told City Manager Griffin that he did a good job in the local play he was recently in.


Lenny Gregrey addressed Council with a critique of the Council's performance over the last term.

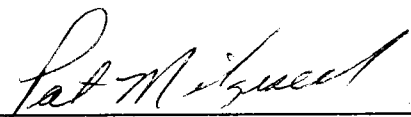
Motion was made by Eggar, second by Harris, to adjourn this meeting there being no further business. Motion passed.

The time was 8:40 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


VICE MAYOR