

LIVINGSTON
CITY COUNCIL MEETING

January 3, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, January 3, 1994 , 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Pat Mikesell, Lee Harris, Sandra Miller and Fred Hall. Councilmember Barb Williams was absent.

Councilmember Harris nominated Councilmember Mikesell for the Temporary Chair and also for the Vice Mayor position for 1994 and moved that the nominations be closed. Second by Miller. City Attorney Bob Jovick called point of order stating that the nominations at this time should only be for Temporary Chair. Harris amended his motion to Mikesell as the Acting Chair. Second by Miller. Motion passed.

Councilmember Miller nominated Councilmember Harris as Mayor and moved that the nominations be closed. Second by Harris. City Attorney Jovick called point of order stating the nomination does not require a second. The City Attorney stated the two motions cannot be together. Miller nominated Lee Harris for Mayor. Councilmember Hall nominated Pat Mikesell for Mayor. Harris called point of order asking for clarification of Miller's nomination, from the City Attorney. Jovick stated there is only one motion allowed on the floor at a time. More discussion of the nomination procedure continued. City Attorney Jovick stated a roll call vote was in order to sustain or not sustain the position of the Chair. A vote yes would be in favor of sustaining Mikesell's position and a vote no would be to overturn Mikesell's position. The Chair may vote if it would affect the outcome. The vote was tied with two yes's from Hall and Mikesell, and two no's from Miller and Harris. City Attorney Jovick stated this was a tie vote and a vote could now be taken to see if the Chair should be over-ruled. A vote yes would be to over-rule the vote and a vote no would sustain the Chair. The vote was tied with two yes's from Miller and Harris, and two no's from Mikesell and Hall. City Attorney Jovick stated another tied vote therefore each name is placed into nomination. The Chair asked for further nominations. The were none. Councilmember Miller moved that the nominations be closed, second by Harris. Motion passed. The Recording Secretary took a roll call vote, with the vote being Hall and Mikesell in favor of Mikesell for Mayor and Miller and Harris in favor of Harris for Mayor. City Attorney Jovick stated there was no majority, so there would be no election of Mayor at this point.

City Manager Griffin stated the appointments that needed to be appointed by the Mayor would not be able to take place until a Mayor would be elected.

Motion was made by Hall, second by Harris, to close all discussion of the Mayor's position and postpone further deliberations of the Mayor until the following meeting. It was clarified that the motion was to move on to other business. Motion passed.

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Motion was made by Harris, second by Miller, to approve the minutes of December 20, 1993 regular Council meeting. Motion passed.

Motion was made by Harris, second by Miller, to accept the bills and claims that were listed for \$124,424.23. City Manager Ken Griffin clarified claims that were questioned by Council. Motion passed.

Motion was made by Harris, second by Miller, to approve the City-County Planning Board's recommendation that the Wesman Minor Subdivision create one (1) additional lot on the parcel, located at the 600 block of North N Street in the Minnesota Addition be approved with the following conditions:

1. Require an additional three feet of this land (running the full length of both lots) be dedicated to the City to allow for the widening of North N Street from Montana Street to the Livingston Ditch, and;
2. Require that a deed restriction be attached to the deed of the undeveloped lot in this subdivision which will be worded as indicated in the Staff report on file in the City Office.

Motion passed.

City Manager Griffin introduced the concept of the City developing a subdivision on the City owned property immediately south of the Armory and east of Star Road. Under the proposal, if the City could secure federal grants to build the infrastructure (water, sewer, stormwater, streets and sidewalks), then the City could create affordable housing for persons with low to moderate income levels. The Council asked some questions and discussion ensued. Griffin assured the Council that this concept was in an effort to secure grant monies; if no grant monies were secured, the project would not move forward. Griffin noted that the grant applications were due 10/1/94, and that between now and then several public hearings and continuing research would be done.

Griffin noted that if the City were to develop this land the developed building lots would then be sold to home builders with restrictions to keep the cost of the finished home down. Further, this subdivision would not be in competition with traditional subdivisions because the people who could qualify for a low to moderate income home would be under-qualified for a traditional mortgage. Griffin reported that at least 51% of the lots would have to be restricted for persons qualifying as low to moderate family income under federal law.

Bob Weimer stated that he felt this subdivision would be in competition with his subdivision and that the City would be undermining his right to make a living.

Eric Schneider stated that this subdivision would be subsidized by local money, whether directly or indirectly, and therefore the City should make it so only Livingston citizens can buy a lot in this area.

Griffin responded that this was an interesting concept about which he would have to check into the legality. He noted that while in meetings in Helena, the City staff was informed that they could not restrict housing purchases to employees of a single

company, for job creation purposes, and therefore he was uncertain the City could restrict purchases to citizens of Livingston, as opposed to anyone in the housing market.

Dean Reiner from Park Welding spoke on his own behalf concerning the Solid Waste collection. City Manager Griffin also provided additional input and will put together a staff report for the next Council meeting.

Council gave the City Manager approval to proceed with Teen Day on February 4, 1994.

City Manager Griffin reported to Council regarding a letter sent to him by Mr. Ronald Fick and a \$25.00 check proposing a "New Tomorrow" research fund. Council agreed Mr. Fick's concept was commendable and for staff to send him a letter of regret along with his check.

Bob Weimer commented on projects that come to the Livingston. Councilmember Harris also commented.

Lanae Larson addressed Council questioning Councilmember Miller's position concerning her new job out of town and her Council position. Acting Chair Mikesell stated that as long as she has legal residency in Livingston, she can be a councilperson. City Attorney Jovick stated there has been no inquiry into Ms. Miller's precise legal residency and that a multiple number of facts needed looking into by State codes.

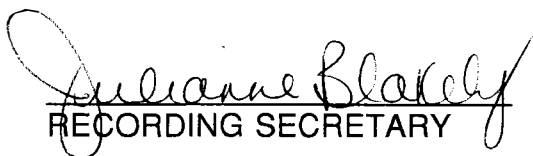
Lenny Gregrey addressed Council with comments regarding the Enterprise. Acting Chair Mikesell stated this was only on one issue.

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

The time was 8:55 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


TEMPORARY ACTING CHAIR

ACA017

LIVINGSTON SPECIAL
CITY COUNCIL MEETING

January 10, 1994
7:30 P.M.

The Livingston City Council met in Special session Monday, January 10, 1994 , 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Fred Hall, Sandra Miller, Barb Williams, Pat Mikesell and Lee Harris.

Motion was made by Harris, second by Mikesell, to nominate Barb Williams as the Temporary Acting Chair. Motion passed.

Councilmember Harris nominated Mrs. Barbara Williams as the Mayor of Livingston and made a motion to close nominations. Williams declined the nomination for Mayor and therefore the nominations should not be closed. Acting Chair Williams asked for any more nominations. Councilmember Hall nominated Pat Mikesell for Mayor. Councilmember Miller nominated Lee Harris for Mayor. Acting Chair Williams asked for any other nominations. Motion was made by Mikesell, second by Hall, to close nominations. Motion passed. A roll call vote was taken for the Mayor position. The vote was two in favor of Harris and two in favor of Mikesell, with Acting Chair Williams making the deciding vote for Mikesell.

Acting Chair Williams turned the meeting over to Mayor Pat Mikesell.

Nominations were opened for Vice Mayor. Councilmember Williams nominated Fred Hall. Motion was made by Harris, second by Hall, to close nominations. Motion passed. The roll call vote for Vice Mayor was two in favor of Hall, Harris declining and Miller abstaining. Fred Hall was elected to the Vice Mayor position.

Mayor Mikesell appointed Bob Jovick as City Attorney. Motion was made by Williams, second by Hall, to approve the Mayor's appointment of Robert Jovick for City Attorney. Motion passed.

Motion was made by Williams, second by Hall, to approve the Mayor's appointment of Lee Phillips, Carita Adams, Caren Cooper, Lenny Gregrey and Mike Atwood to the Board of Adjustment. This board's term runs concurrent with the Mayor's. Comments were heard from Councilmember Harris opposing the appointment of Mr. Gregrey. The roll call vote was two in favor, Harris opposed and Miller abstaining. Motion passed.

Motion was made by Hall, second by Williams, to approve the Mayor's appointment of Bob Segil, Larry Raffety, Tom Hardy, Lin Lee, Carita Adams, Chris Petrik, Clay Ward, Travis Chevallier and Ellen Woodbury to the Historical Preservation Committee. This Committee's term runs concurrent with the Mayor's. All in favor. Motion passed.

Motion was made by Williams, second by Harris, to approve the Mayor's appointment of Chan Libby Jr. for a three year term on the Police Commission. All in favor. Motion passed.

Motion was made by Harris, second by Williams, to approve the Mayor's appointment of Pat Wagman and Dorothy Mullen for three year terms on the City-County Health Board. All in favor. Motion passed.

City Manager Griffin reminded Council their next meeting would be on a Tuesday, due to Monday a holiday. There will be a 6:00 p.m. worksession before the meeting.

Mayor Mikesell stated that everyone is to be treated with respect on this board and in the audience. Everyone is to be addressed as Mr. and Mrs. If someone has the floor, they are not to be interrupted and if someone needs to be gavelled twice, the Mayor will have the Sergeant of Arms escort them out of the building.


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

The time was 7:47 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

January 18, 1994
7:30 P.M.

The Livingston City Council met in regular session Tuesday, January 18, 1994 , 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Lee Harris, Barb Williams and Fred Hall with Mayor Pat Mikesell presiding. Councilmember Sandra Miller was absent.

Motion was made by Harris, second by Hall, to approve the minutes of January 3, 1994 Regular Council meeting and January 10, 1994 Special Council meeting. Councilmember Williams questioned the January 3rd meeting, page 4, paragraph 4, in the first sentence the word "the" needs dropped. All were in favor of the correction. Motion passed.

Motion was made by Harris, second by Williams, to accept the bills and claims that were listed for \$79,252.88. City Manager Ken Griffin clarified claims that were questioned by Council. Motion passed.

Motion was made by Harris, second by Williams, to approve Resolution No. 2434, A RESOLUTION CREATING A NEW CATEGORY OF SERVICE FOR OUT OF COUNTY PATIENTS SERVED BY THE LIVINGSTON AMBULANCE SERVICE. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2435, A RESOLUTION APPROVING AMENDMENTS TO A LEASE BETWEEN THE CRAZY MOUNTAIN KIDS CLUB AND THE CITY OF LIVINGSTON FOR RENTAL SPACE AT THE CIVIC CENTER. Councilmember Harris requested that City Manager Griffin read a history of Crazy Mountain Kids Club for the new Councilmembers. Discussion was heard. The vote was two in favor, Harris opposed. Motion passed.

Motion was made by Williams, second by Hall, to approve first reading of Ordinance No. 1752, AN ORDINANCE ADDING A SECTION 11-43 TO THE LIVINGSTON MUNICIPAL CODE OF ORDINANCES TO PROVIDE FOR ADDITIONAL LIMITS UPON THE STORAGE AND TRANSPORTATION OF LIQUID PETROLEUM GAS. Discussion was heard from Council and Staff, including Fire Chief Dave Frederick who was requesting the added section to the City Code of Ordinances. The vote was two in favor, Harris opposed. Motion passed.

Motion was made Williams, second by Hall, to approve first reading of Ordinance No. 1753, AN ORDINANCE SPECIFYING THAT ROBERTS RULES OF ORDER GOVERN PROCEDURE AT CITY COUNCIL MEETINGS. All in favor. Motion passed.

Mr. Pat Crowley from the State Regulatory Lead-Solid Waste Bureau was invited to this Council meeting to inform Council of the Sub-Chapter D Regulations.

Motion was made by Hall, second by Harris, to allow Dean Reiner to pay the commercial garbage fee since his business and residence is at the same location and this motion is to include all other as one entities, that they should be charged at the commercial rate and not be charged the additional residential rate. Mr. Hall stressed in his motion that this did not include rentals and additional businesses on one piece of property. This motion will also include the list of eleven entities that is on a list in front of Council, that they pay the commercial rate and not both rates. Motion passed. Motion was made by Harris, second by Williams, to have the City Attorney prepare a rewrite of the Ordinance on this subject. Motion passed.

City Manager Griffin requested guidance from Council reference the Dispatch Center User Fees. Discussion was heard, with Council directing the City Manager to write another letter stating a nominal monthly charge will be charged if they want to be included on the system, also a per call charge per use. The current billing charge will be suspended until the issue is resolved.

City Manager Griffin stated the renewal of the Lehrkind Building real estate listing was due. Motion was made by Hall, second by Williams, to direct the City Manager to request formal proposals and sales analysis from all the local Realtors who wish to respond. From the group that wishes to respond, put on a short list for further negotiations.

City Manager Griffin reported to Council concerning local towing company contracts with the Livingston Police Department as requested by Councilmember Harris. On occasion the Police Department needs to tow a vehicle and calls a local towing company that is on a rotation basis. Due to the price fluctuation between the towing company's, it is requested that the City lock in the lowest charges for City towing. Griffin stated that in one other point in time, the Council requested the City bid for towing, with none of the towing companies bidding. Motion was made by Williams, second by Harris, to start using the lower charge by a local towing company. Motion passed.

Former Councilmember Ruth Eggar addressed City Council on Councilmember Sandra Millers' status. Council received a copy of Mrs. Eggar letter earlier in the day.

The following reports were included for Council information:

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

Councilmember Hall addressed Ruth Eggar's concerns that were voiced in her letter to City Council concerning Councilmember Miller. Motion was made by Hall, second by Williams, to direct City Attorney Jovick to examine State and Local statutes and if necessary, contact the Attorney General to find out the residency requirements are required for a person to hold a position of the Livingston City Council and whether Ms.

Miller is qualified for the position under the requirements. The formal report with options, to be ready for the February 7, 1994 regular Council meeting. One other item to be determined upon Ms. Miller's continued seating on the City Council is: if this would expose the City to any other liability from City employees who may feel they are being unfairly treated. Councilmember Harris gave the City Manager an article from another town's paper to read. The article stated Ms. Miller left a message on a reporter's answering machine that she was resigning from her position and the letter of resignation was in the mail to the Livingston Council. Due to the fact, Council does not have the letter at this time, they will follow through with Mr. Hall's motion to follow through with the above stated report. Motion passed.

Councilmember Williams questioned the procedure Council would need to take upon receiving Ms. Miller's resignation. Mayor Mikesell stated they would need to wait for the letter before any decisions can be made.

Patrick Shannon addressed Council asking if the next person in line from the elections could be appointed to fill the possible vacant Council seat. Mayor Mikesell stated if that person was still interested, they could still be considered.

Cole Inglehart questioned why Council was having this discussion (Re: Miller) at this time due to the fact there was not a letter of resignation in the City offices at this time.

Mayor Mikesell will call a special Council meeting at a later date when the resignation letter from Ms. Miller has been received.

Michelle Franzen thanked Council for their support and clarified a couple items Mr. Griffin mentioned in the narrative review of Crazy Mountain Kids Club. Ms. Franzen also invited Council to their next Board meeting February 14th, 7:00 p.m.

Jim Peterson reported his concern to Council regarding the Wellhead Protection Program.

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

The time was 9:20 p.m.

ATTEST:

APPROVED:


 RECORDING SECRETARY


 MAYOR

LIVINGSTON SPECIAL
CITY COUNCIL MEETING

January 21, 1994
4:00 P.M.

The Livingston City Council met in special session Friday, 4:00 p.m. in the Council Chambers at the City County Building. Councilmembers present were Lee Harris and Barb Williams with Mayor Pat Mikesell presiding. Councilmember Fred Hall arrived after roll call.

Motion was made by Harris, second by Williams, to accept the resignation of Councilmember Sandra Miller. Motion passed.

Motion was made by Williams, second by Harris, to accept applications or resumes for the vacant Council position through Wednesday, February 2nd at 5:00 p.m., with interviews being held during a worksession Friday, February 4th at 6:30 p.m. Motion passed.

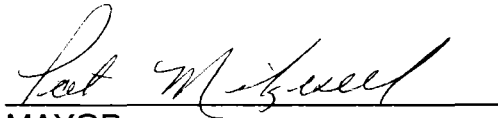
Motion was made by Harris, second by Williams, to adjourn this meeting there being no further business. Motion passed.

The time was 4:10 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

ACA017

LIVINGSTON
CITY COUNCIL MEETING

February 7, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, February 7, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Barb Williams, Fred Hall and Lee Harris with Mayor Pat Mikesell presiding.

Motion was made by Williams, second by Harris, to approve the minutes of February 7, 1994 regular Council meeting. Motion passed.

Councilmember Hall stated that he thought the minutes should reflect a word for word account on all money investment issues in the future.

Mayor Mikesell called for nominations for a new Councilmember. Councilmember Williams nominated Sheryl Dahl, with Councilmember Harris nominating Pam McCutcheon. Motion was made by Hall, second by Williams to close nominations. Motion passed. Discussion of the merits of the nominees were made by Council. The vote was Hall and Williams in favor of Sheryl Dahl, and Harris in favor of Pam McCutcheon. Mayor Mikesell announced the newest Councilmember as Sheryl Dahl.

The oath of office was given to Councilmember Dahl by the recording secretary.

Motion was made by Harris, second by Williams, to accept the bills and claims that were listed for \$165,577.89. City Manager Ken Griffin clarified claims that were questioned by Council. Motion passed.

Mayor Mikesell proclaimed February 8, 1994 as Boy Scout Day in the City of Livingston.

Motion was made by Williams, second by Dahl, to accept the City Board of Adjustment's recommendation to deny the variance to allow Town Pump, Inc. & Affiliates the placement of a fifty-five (55) foot high, free-standing sign on Town Pump's proposed site located in the South Park Street Special Sign District. City Attorney Jovick clarified a question for Councilmember Harris. The voice vote was two in favor, one opposed. Hall abstained from voting as he has performed contract labor for Town Pump. Motion to deny variance passed.

Motion was made by Harris, second by Williams, to approve Resolution No. 2436, A RESOLUTION AUTHORIZING A NEW FUND CALLED COMMUNITY DEVELOPMENT FUND #2325. All in favor. Motion passed.

Motion was made by Harris, second by Hall, to approve Resolution No. 2439, A RESOLUTION APPROVING LEASE PURCHASE AGREEMENT NO. 2987014 BETWEEN BANC ONE LEASING CORPORATION, OF DENVER, COLORADO AND THE CITY OF

LIVINGSTON FOR A 1994 MOBILE STREET SWEEPER. City Manager Griffin clarified a question for Councilmember Hall. All in favor. Motion passed.

Motion was made by Williams, second by Harris, to approve Resolution No. 2440, A RESOLUTION APPROVING AN AGREEMENT BETWEEN MORRISON MAIERLE/CSSA, INC. (ENGINEER) AND THE CITY OF LIVINGSTON FOR REPLACING THE EXISTING CLARK STREET STORM DRAIN AND THE FLESCHEMAN CREEK DISCHARGE STRUCTURE. Discussion was heard by Council. All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve Resolution No. 2441, A RESOLUTION APPROVING AN INFECTION CONTROL PROGRAM POLICY STATEMENT FOR THE LIVINGSTON FIRE/EMS AND LIVINGSTON POLICE DEPARTMENTS TO PROVIDE A COMPREHENSIVE INFECTION CONTROL SYSTEM WHICH MAXIMIZES PROTECTION AGAINST COMMUNICABLE DISEASES FOR ALL MEMBERS, AND FOR THE PUBLIC THEY SERVICE. Councilmember Hall commended the City Manager on the program. All in favor. Motion passed.

Motion was made by Harris, second by Williams, to approve Resolution No. 2442, A RESOLUTION ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF LIVINGSTON, OWNED BY FIRST AMERICAN TITLE INSURANCE COMPANY. City Manager Griffin clarified a question for Councilmember Dahl. The vote was three in favor, with Hall abstaining. Motion passed. This is the land Town Pump is purchasing.

Second reading of Ordinance No. 1752, AN ORDINANCE ADDING A SECTION 11-43 TO THE LIVINGSTON MUNICIPAL CODE OF ORDINANCES TO PROVIDE FOR ADDITIONAL LIMITS UPON THE STORAGE AND TRANSPORTATION OF LIQUID PETROLEUM GAS. Staff clarified a question for Councilmember Williams. Three in favor, Harris opposed. Motion passed.

Second reading of Ordinance No. 1758, AN ORDINANCE SPECIFYING THAT ROBERTS RULES OF ORDER GOVERN PROCEDURE AT CITY COUNCIL MEETINGS. All in favor. Motion passed.

Included in the Council Packet was a list of Loading and Handicap Zones located in the City. Motion was made by Williams, second by Dahl, to accept the current Loading and Handicap Zones as listed. Motion passed.

Two bids were received from local realtors, Western Heritage and Maverick Realty for listing of the Lehrkind Building. Discussion was heard from Council with City Manager Griffin clarifying. Motion was made by Harris, second by Dahl, to relist the building with Western Heritage, at 6% commission, and lower the listing price to \$175,000. Motion passed.

Bob Weimer was present to reiterate his request that Block Five of Star Addition #2 be zoned to facilitate multi-family housing. Mayor Mikesell called upon City Manager Griffin to bring the audience up to date on the situation. Griffin acknowledged that the property

in question was rezoned in 1981 with the advent of a new Zoning Map for the City. The property was previously zoned R-1, and was then rezoned to Neighborhood Commercial. Griffin reported that neither of these zones allowed multi-family in them. Griffin also reported that this property had been zoned B-2 in the County, prior to annexation. And, although the City was unclear as to what a 1977 time-frame of B-2 zoning in the County meant, precisely, there was evidence that it did not allow any multi-family housing in it either. After some discussion, Mayor Mikesell advised Mr. Weimer that if he wanted this property rezoned to facilitate multi-family housing, then Mr. Weimer would have to make application like every other citizen.

City Manager Griffin provided Council with a spread sheet report regarding Dispatch Center User's Fees. Motion was made by Williams, second by Harris, agreeing to the spread sheet report and to direct City Manager Griffin to write a letter to the Commissioners charging Dispatch User Fees effective 7-1-94. Motion passed.

Motion was made by Hall, second by Harris, to request a meeting with the Park County Commissioners in a joint meeting February 23, 1994 at 7:00 p.m. in the Community Room. The agenda is to be discussion of Dispatch and 911. Dispatch Center Location Alternatives to be deferred until the joint meeting. Motion passed.

Motion was made by Hall, second by Dahl, to table the request for Tax Abatement from Eric Schneider of the Robbins Building, until City Staff can investigate further details. Motion passed.

Motion was made by Harris, second by Williams, to deny a request to let someone tap into a "private" sewer line. Motion passed.

Motion was made by Williams, second by Dahl, to accept the offer of Corbin Howard, Attorney representing the Centennial Subdivision in bankruptcy court. The proposal is that the City accept a cash payment for the old sidewalk from the Centennial Subdivision, and then use that money toward creating the whole walking path, not just a sidewalk. Motion passed.

Motion was made by Williams, second by Harris, to accept Pat Wagman's resignation from the City-County Health Board. Motion passed.

Motion was made by Williams, second by Harris, to accept the Mayor's nomination of Linda Fyffe to the City-County Health Board. Motion passed.

Minutes of the City-County Joint Airport Board meetings of November and December 1993 were included for Council information.

Councilmember Hall stated he wanted to go on public record as stating that if any citizen wants to know what he thinks, the citizen should come to him and ask him directly. He (Mr. Hall) did not want to be the subject of rumors. He wants to be representative of what the citizens want.

Councilmember Hall also requested that the City Manager provide the Council with a current computer printout of the budget revenues and expenditures as part of each Council packet. Manager Griffin asked some questions and discussion ensued. It was agreed that the Staff would provide the Council with a computer print out near the beginning of each month, closed out for the previous month. This print out would be provided to Mr. Hall, and if additional copies were desired, the Councilmembers would ask Griffin for extra copies.

Councilmember Hall closed his portion of Councilmember's comments by taking exception to a recent letter to the editor published in the local newspaper and written by formal Councilmember Gillard.

Mayor Mikesell apologized to Bob Weimer for not getting his message to call him back last week.

Councilmember Harris questioned the need of a Handicapped Parking Space in front the Post Office. Motion was made by Dahl, second by Williams, to change a 15 minute parking space in front of the Post Office to a Handicap Space. This space is the last space in front of the Post Office next to the drive in lane. Motion passed.

Councilmember Harris commented on the City-Manager Form of Government in Livingston, noting that Councilmembers are forbidden from making directives to employees and department heads. H noted that last Friday's interviews indicated our citizens did not understand this.

Mayor Mikesell stated he has noticed the M Street Park being used more for basketball. He stated there was not a street light and suggested the City look into gaining one for the Park.

Lenny Gregrey stated he felt the term "vocal minority" should not be used by Councilmembers.

Bernice McGee commented on her support of the Police Department, City Judge and City Council regarding a recent article seen in a newspaper.

Cole Inglehart stated there was a good article in the Thursday night Enterprise concerning turning Dispatch over to the County. Mr. Inglehart also stated there were not enough agenda's.

Mayor Mikesell stated that the public comment period of a meeting was for Public Comments only and not for questions and answers. Mikesell stated that he and the rest of the Council would be willing to stay after the meeting to discuss any questions the public may have to be answered by a Councilmember.

Jim Peterson thanked Council for their support in not granting the variance to Town Pump, Inc., earlier in the meeting.

Mr. Peterson also addressed the proposed Wellhead Protection Ordinance and how it affects the County. City Manager Griffin stated this is in the process of being addressed.

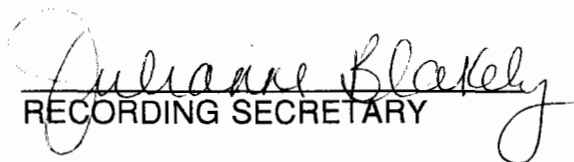
Urana Clark stated she was very happy that the City and County were continuing to meet in joint worksessions.

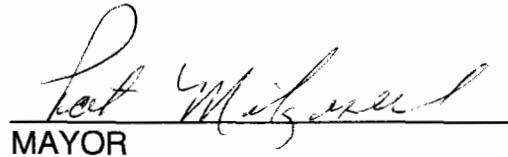
Motion was made by Williams, second by Dahl, to adjourn this meeting there being no further business. Motion passed.

The time was 9:28 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

February 22, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, February 22, 1994 , 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Sheryl Dahl, Lee Harris, Barb Williams and Fred Hall with Mayor Pat Mikesell presiding.

Motion was made by Harris, second by Dahl, to approve the minutes of February 7, 1994 Regular Council meeting.

Councilmember Williams asked for clarification from the last meeting where Councilmember Hall stated that the minutes should reflect a word for word account on money issues discussed by Council. City Manager Griffin stated he thought Mr. Hall wanted word for word accounting of all money investments and apologized for the misunderstanding. Further Council minutes will reflect a more detailed of issues discussed.

Motion was made by Harris, second by Williams, to accept the bills and claims that listed for \$73,507.56. Mrs. Williams questioned the number of Cellular phones listed in the bills and claims to be paid. City Manager Griffin stated this was for 6 phones, plus their installation, antennas, etc. Motion was by Hall, second by Williams, amending the motion, to pay all the bills except the claims listed below:

Claim # 22207, 22208, 22216, 22223, 22229, 22238, 22249, 22251, 22252, 22253, 22254, 22274, 22281, 22282, 22283, 22287, 22292, 22298, 22301, 22302, 22305, 22308, 22310, 22314, 22315, 22317, 22318, 22322, 22322, 22324, 22325, 22326, 22327, 22328, 22332

Mr. Hall stated that he felt these claims fell under four major categories that is: showing an overage, charged off to lines that have no money budgeted, charged to a line item that does not show in the budget or charged out to a travel allowance that is a clerical error or is significantly overcharged. Mr. Hall stated, in good conscience, he could not approve paying these claims until there are answers to the above questions. All in favor. Motion passed. Councilmember Harris commented about line item funding. Discussion continued from Council on this subject. Mr. Hall stated that spending on non-budgeted items is not proper and proper procedure is to place an amount on an un-funded line, an emergency budget amendment is required. Mr. Harris asked Mr. Hall if his recommendation was not to pay the listed claims at all. Mr. Hall stated the claims could be moved to lines already budgeted where it would be appropriate, the City Management may come to the Council to request inserting additional budget lines and placing money in them to pay the bills. Mr. Hall stated he did not mind if all of the above mentioned bills and claims were resubmitted in some other form in the next couple of weeks to be considered for payment. Mr. Hall stated he does not intend for the bills not to be paid,

but would like to see the bills being placed on a proper line item in the budget, which is properly funded or Council authorizes the funding of that line. The voice vote on the original motion as amended, was all in favor.

Mayor Mikesell called a budget worksession for next Monday, February 28, 1994 at 7:00 p.m.

Councilmember Harris questioned the format to this packet's bills and claims. City Manager Griffin stated that was requested by Councilmember Hall and the consensus of Council to having line item numbers listed in the bills and claims from now on. Councilmember Hall questioned the changing of the format of the bills and claims could take extra time. Finance Officer Jim Christiaens stated that the Finance Department's current computer software was not capable of running the reports Council was requesting without additional manhours. Councilmember Williams feels that the line item numbers are necessary for every report in the future. Mayor Mikesell approved Mr. Christiaens' request to look into the cost of new software. Motion was made by Williams, second by Hall, to require line item numbers for all bills and claims in the future. The vote was three in favor, Harris opposed. Motion passed.

City Manager Griffin stated the Zoning Designation for the new Town Pump property will not be addressed at this meeting. City Attorney Jovick will draft an Ordinance for presentation at the next Council meeting. The Zoning Commission is recommending Highway Commercial.

Motion was made by Hall, second by Dahl, to recognize the receipt of the last City Budget for FYE 93. Motion passed.

Bids were opened February 16, 1994, for one 1994 Tractor/Mower/Power Flow Material Collection System for the Parks Department. The two bids received are as follows:

STRONG & BRADLEY - Livingston
John Deere 320 \$5,550 with trade in

GALLATIN EQUIPMENT - Belgrade
John Deere 320 \$4,995 with trade in
John Deere 425 \$6,395 with trade in

Motion was made by Williams, second by Hall, to award the bid to Gallatin Equipment for the John Deere 425. City Manager Griffin clarified a question from Councilmember Dahl. Motion passed.

The following Monthly Reports were included for Council information:

Finance
Livingston Fire/Ambulance
Fire Chief
Police Chief
City Judge

A draft review of Ordinance No. 1760 was included in the packet for Council. Mayor Mikesell asked that this item be included in the Monday night worksession.

Councilmember Dahl stated she felt it was important that Council follow Robert's Rules of Order. City Attorney Jovick stated the Council would receive a copy of a handout that was already given to the Mayor.

Councilmember Hall requested City Manager Griffin provide him with a copy of an itemization of the items that have been spent on the Capital Improvement Fund number 4010. Finance Officer Christiaens stated this report was already being formulated.

Councilmember Harris commented on the last meeting where the Mayor made a statement concerning Public Comment. Mayor Mikesell stated that sometimes the comment period gets going back and forth covering the same material over and over. Mayor Mikesell stated he was willing to talk and answer individual questions after the meeting. City Attorney commented further.

Cole Inglehart referenced an Ordinance from the back of the courtesy packet at the podium concerning the public comments portion of the meeting.

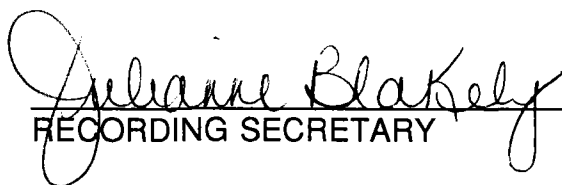
Jim Peterson reminded the City Council that they are representatives of the electorate and elected to be responsible to answer to the electorate. He abhors the arrogance of the idea that the public should not ask questions. He also abhors any atmosphere in which a question is asked and there is no attempt to answer that question.

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

The time was 8:17 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

SPECIAL LIVINGSTON
CITY COUNCIL MEETINGMarch 2, 1994
7:00 P.M.

The Livingston City Council met in special session Wednesday, March 2, 1994, 7:00 p.m. in the Community Room at the City County Building. Councilmembers present were Fred Hall, Sheryl Dahl, Lee Harris and Barb Williams with Mayor Pat Mikesell presiding.

Discussion was heard concerning Dispatch location. City Manager Ken Griffin reported that this subject was a follow-up from the City-County Joint Worksession the previous Monday night. Comments in favor and opposing the Eastside School location as a new Dispatch location were heard from Council, Police Chief Lynn Gillett, Mike Fleming, Urana Clark, Ruth Eggar and Dave Fenton. City Attorney Bob Jovick responded to a comment made by Mr. Fleming. Mayor Mikesell allowed Councilmember Lee Harris to give a presentation that he has put together. Motion was made by Harris, to move Police and Dispatch to the Eastside School and to get 911 up and running. Motion died due to lack of a second.

Motion was made by Hall, second by Williams, to table discussion of 911 for further consideration. Motion passed.

City Manager Griffin stated that the bills and claims that were omitted at the 2/22/94 Council meeting were stapled to the green bar paper and in the traditional format before Council. Councilmember Williams questioned the list of bills and claims from the regular Council meeting and the number of bills and claims that were listed in front of them tonight. City Manager Griffin stated that discussion had taken place between City Attorney Jovick and Finance Officer Jim Christiaens. The two of them felt it was better to adopt the bills that were on the line items that were adopted by budget vouchers and leave the line items that were adopted by journal vouchers alone, until the Council approves a budget amendment Resolution No. 2444. City Attorney Jovick stated that Council has two separate areas of concern; one, the actual pending claims that the Council deferred at the last City Council meeting and two, the necessary budget resolution to add line items and to make adjustments within the budget. The City Finance Office has been working the last couple of days to compile what has been presented to Council as a budget resolution for the General Fund. Mr. Jovick stated the budget resolution covers much more than just the claims. The budget resolution covers an adjustment of a number of items. It was decided that the Council will be given time to look at this material between now and the Monday meeting at which time the formal Budget Resolution would be presented. This would give Council time for review and if they have any questions, to ask them. Mr. Jovick stated the items that are presented tonight for approval did not require the budget Resolution, just a resubmission to a different fund. It was noted there were about a half a dozen claims that were left out of the list for approval tonight, due to the fact they required the Budget Resolution. Motion was made by Harris, second by Dahl, to approve the bills and claims that were listed

before Council. Councilmember Williams questioned vendor #1072 to the City of Livingston, number two for \$48.95. She stated this particular claim was listed as two claims before and now looks like it was combined. Mrs. Williams stated at one point it was charged out to Administration for PR and Travel. Finance Officer Christiaens stated it was charged out to Central Stores. The roll call vote was all in favor. Motion passed.

City Manger Griffin recommended the next item on the special agenda, Resolution No. 2444, should be deferred until the next Council meeting. Council was in agreement.

Mayor Mikesell asked for discussion of requesting a special audit. Motion was made by Hall, to request a special audit of the City budget and finances, with specific input by the City Council as what areas they are most interested in looking into, but the audit is not intended to be a general audit of the City's whole budget. Motion died due to lack of a second.

Motion was made by Williams, second by Hall, to put a cap on spending. Councilmember Harris gave a presentation on the budget. Discussion was heard from Council. Councilmember Hall stated when the past City Manager John Orndorff left office a few years ago, the general fund cash reserves on hand were \$905,000 and that they were no longer and why not. Mr. Hall asked several other questions. Discussion continued amongst the Council. Councilmember Dahl stated that a motion to cap spending was too vague. What spending, precisely, was being targeted? Who would make the decision on what spending was authorized, and what spending was discretionary? Discussion followed. Councilmember Dahl made a motion to amend the pending motion stating that all line items listed on the 2/8/94 budget report printout which show a deficit balance, including those line items which have charges against them without any current year funding shall be capped. Councilmember Harris seconded the motion. Discussion continued. Mayor Mikesell called for the question on the amendment to the pending motion. The amendment was unanimously adopted. Discussion continued. Councilmember Hall asked that Mr. Jovick make a report to the Council and the audience concerning the new water building, stipulating that the Attorney's report cite the trust which has been violated. City Manager Griffin asked Mayor Mikesell if we couldn't attempt to answer the questions Councilmember Hall asked first, before placing more issues on the table. Mayor Mikesell agreed that we needed to clear up things before we proceeded.

City Manager Griffin went to the chalkboard and explained that the City had \$934,000 in cash brought forward on 7/1/91. Because state law only allows the City to carry forward 30% of the total General Fund budget in cash, the City had some \$400,000 in excess cash on hand, which brought the CY 92 mill levy down to 65 mills, from 101.91 mills, which it had been during CY 91. Griffin went on to explain that this is necessitated by a state mandated formula for property taxation and Initiative #105. Griffin also reported that there was approximately \$2 million in cash reserves currently invested by the City, and that this is the same amount of money that had been on hand in February 1992 when he became the City Manager.

Councilmember Hall had stated that the City was engaged in deficit spending. Manager Griffin reported that when the FYE 94 (current) budget was adopted, the City Council had

taken great pains to insure it was balanced. Griffin reported further, however, that this FYE 94 budget was the first City budget which had been balanced in adoption in many years. He cited Mr. Hall's reference to the FYE 93 audit, reflecting some \$300,000 in deficit spending. Griffin stated this is exactly what the budget required, that the City's expenditures in the General Fund would be about \$300,000 more than the revenues it would collect during that same period. Councilmember Hall stated this was precisely what he is concerned about. The City cannot do this. Griffin replied that this was what the Council had formally adopted.

Councilmember Dahl noted that the FYE 94 budget, and previous budgets were adopted by other City Councils. And, this Council would soon have its chance to adopt its own budget, for FYE 95.

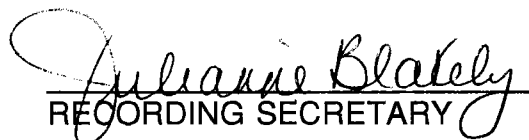
City Manager Griffin asked the Council how the spending cap would affect ambulance and fire service. Griffin noted both of these overtime accounts were in the negative column, but he was concerned about the liability for the City if the spending cap were enforced on these areas. Councilmember Dahl made another motion to amend the pending motion, as amended. The second amendment was to allow spending, without a cap, in the Fire, Ambulance, Police departments' overtime, and the steel erection of the new water building. Councilmember Harris seconded this motion. This second amendment to the pending motion was unanimously adopted. (The original motion is still pending.) Mayor Mikesell asked the Council if they wanted to hear Mr. Jovick's report on his investigation of the new water building construction project. A poll was obtained to hear the report with three in favor, Harris opposed. City Attorney gave Council a verbal review of the files of the New Water Facility Building from the beginning.

City Manager Griffin apologized to Council for the oversight of staff not obtaining Council approval on contracts on the new Water Facility building. Griffin also clarified a question from Councilmember Williams of why a contractor from Butte was not licensed. Councilmember Harris stated all it takes to get a contractor's license from the State is an application and \$50. More discussion was heard concerning the Water Facility Building. It was also noted by Mr. Griffin the cement for the foundation at the new site, was made locally and did pass all tests. Roll call vote on the motion to cap spending was all in favor. Motion passed. Mayor Mikesell related why he wanted a special audit. Councilmember Williams was in agreement with Councilmember Dahl why they did not want a special audit. Mrs. Williams stated they have promises from City Manager and Finance Officer that they will provide the Council with facts and figures as to exactly what is going on with the Water Building.

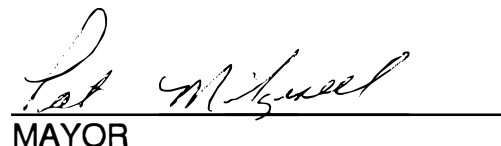
Motion was made by Harris, second by Williams, to adjourn this meeting there being no further business. Motion passed.

The time was 9:36 p.m.

ATTEST:


RECORDING SECRETARY

APPROVED:


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

March 7, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, March 7, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Fred Hall, Sheryl Dahl, Lee Harris and Barb Williams with Mayor Pat Mikesell presiding.

Motion was made by Williams, second by Dahl, to approve the minutes of February 22, 1994 regular Council meeting. Councilmember Hall stated the minutes reflected the order of the meeting well and was what he had in mind. Motion passed.

Motion was made by Williams, second by Hall, to accept the bills and claims that were listed for \$38,825.70. Councilmember Williams questioned claims #1168, #2095 and #1281. City Manager Griffin explained that these items were bills from the Solid Waste Department and were erroneously debited to the wrong line item. Mr. Griffin stated they would be corrected. Motion passed.

Mayor Mikesell proclaimed March 1994 as Red Cross Month in the City of Livingston.

Mayor Mikesell proclaimed March 6-12, 1994 as Girl Scout Week in the City of Livingston.

Motion was made by Hall, second by Williams, to approve Resolution No. 2444, A RESOLUTION APPROVING A BUDGET AMENDMENT TO THE CITY'S FISCAL YEAR 1993-94 BUDGET TRANSFERRING FUNDS BETWEEN CERTAIN LINE ITEMS AND SPECIFYING CERTAIN ADDITIONAL LINE ITEMS. Councilmember Hall specified in his motion that Council only approve pages 15 & 16. Mayor Mikesell clarified pages 17 through 23 as omitted. Councilmember Dahl asked why approving only two pages. Councilmember Hall stated the adjustments to pages 15 & 16 equal each other where on the other pages show changes from the initial bottom lines as budgeted in the original budget. Comments and discussion was heard from Council. The vote for approving the Resolution and pages 15 and 16 were, Williams and Hall in favor, Dahl and Harris opposed, with Mayor Mikesell casting the deciding vote as opposed. Motion was killed. City Manager Griffin stated sub-section 1, to Resolution No. 2444 cannot be addressed due to the Resolution being killed.

Motion was made by Harris, second by Dahl, to approve Resolution No. 2445, A RESOLUTION APPROVING AN AGREEMENT BETWEEN TECH ELECTRIC OF LIVINGSTON AND THE CITY OF LIVINGSTON FOR ELECTRICAL WORK ON THE NEW WATER FACILITY SHOP ON BENNETT STREET. The vote was Harris and Dahl in favor, Williams and Hall opposed, with Mayor Mikesell casting the deciding vote in favor. Motion passed.

Motion was made by Dahl, second by Harris, to approve Resolution No. 2446, A

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RESOLUTION APPROVING AN AGREEMENT BETWEEN WILLIAM KRONMILLER & CO. OF BILLINGS, MONTANA AND THE CITY OF LIVINGSTON FOR STEEL ERECTION ON THE NEW WATER FACILITY SHOP ON BENNETT STREET. The vote was three in favor, Williams opposed. Motion passed.

Motion was made by Dahl, second by Harris, to approve Resolution No. 2447, A RESOLUTION APPROVING AN AGREEMENT BETWEEN RANGER PLUMBING AND HEATING OF LIVINGSTON AND THE CITY OF LIVINGSTON FOR PLUMBING WORK ON THE NEW WATER FACILITY SHOP ON BENNETT STREET. The vote was Hall and Williams opposed, Dahl and Harris in favor, with Mayor Mikesell casting the deciding vote. Motion passed.

Councilmember Williams asked for clarification on Resolution No. 2444. City Manager Griffin understood this resolution was moved to be approved for only pages 15 and 16. The resolution was killed with a three-two vote. City Attorney stated that was correct.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2448, A RESOLUTION APPROVING AN AGREEMENT BETWEEN PARK COUNTY AND THE CITY OF LIVINGSTON FOR THE CITY-COUNTY LAW ENFORCEMENT DISPATCH CENTER. Councilmember Hall felt this was a good agreement and reflects very closely what was decided upon in the joint worksession with the City and County. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1760, POLICE AND FIRE PROTECTION IMPACT FEE ORDINANCE PROVIDING FOR AN IMPOSITION OF AN IMPACT FEE ON LAND DEVELOPMENT TO PROVIDE FOR ADDITIONAL POLICE AND FIRE PROTECTION CAPITAL AND IMPROVEMENT FUNDS. City Manager Griffin explained this ordinance, as drafted, only applies to properties that would be newly annexed into the City and undeveloped. Mr. Griffin clarified for Mrs. Williams that this ordinance does not apply to land that is in the City and undeveloped. All in favor. Motion passed.

Motion was made by Williams, second by Dahl to approve first reading of Ordinance No. 1761, AN ORDINANCE ADDING A SECTION 10-19.2 TO THE LIVINGSTON MUNICIPAL CODE OF ORDINANCES TO PROVIDE FOR A CHARGE FOR A CRIMINAL HISTORY BACKGROUND CHECK PURSUANT TO ANY FEDERAL AND STATE LAW FOR ANY FIREARMS PURCHASE. City Manager Griffin stated that the City is already being called up on to deliver this service. All the ordinance is saying that the Council is approving an administrative fee to help cover staff time and expense to provide the information that is now required by the Federal law. Motion was made by Dahl, second by Harris, to lay the ordinance on the table until there is a State Mandate to follow. Motion passed to table.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1762, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM LIMITED INDUSTRIAL (LI) TO HIGHWAY COMMERCIAL (HC) USE. City Manager Griffin clarified that this was the Town Pump

property. Councilmember Hall questioned if a transfer of land had taken place yet. Mr. Griffin did not know. All in favor. Motion passed.

Mayor Mikesell deferred action at this time on Ordinance No. 1763, AN ORDINANCE AMENDING SECTION 20.62 (3.) OF THE CODE OF ORDINANCES FOR NON-CONFORMING USES OF LAND AND STRUCTURES.

Motion was made by Harris, second by Hall, to approve the necessary steps to fix the Fire Department's garage door problem and allocate the money to do so. Motion passed.

City Manager Griffin stated a Utility Shop financial report was provided to Council last Friday. Mr. Griffin put this item on the agenda in case they wanted to discuss. Mayor Mikesell scheduled a worksession for next Monday, March 14th, 7:30 p.m.

The two bids that were received for the Utility Building office heating system are as follows:

AIR CONTROLS, INC. - Livingston
\$17,990

TRI-COUNTY SHEET METAL - Livingston
\$17,850

Motion was made by Dahl, second by Harris, to award the bid to Tri-County Sheet Metal. The vote was three in favor, Williams opposed. Motion passed.

Bob Fry, Firewarden, Park County Fire Council addressed City Council with a proposal on dispatch fees. Motion was made by Williams, second by Harris, to approve the Fire Council's proposal for a yearly flat rate fee structure. The proposed rate is:

- \$100 flat rate per year for the three small departments.
- \$600 flat rate per year for Rural Fire District #1

The four Rural Departments that can use Livingston Dispatch for the price offered are: Park County Rural Fire District #1, Clyde Park Rural Fire District, Wilsall Rural Fire District and Paradise Valley Fire Service Area. The three departments who are dispatched by Mammoth's dispatch center and do not need service are: Gardiner, Cooke City/Silvergate Fire District and Royal Tenton Ranch Volunteer Fire Department. The Clyde Park City Fire Department does not feel they need dispatch service at present. Mayor Mikesell thanked Mr. Fry and Councilmember Hall commended Mr. Fry on for a good job. All in favor. Motion passed.

Ruth Eggar addressed Council concerning the controversy with the location of the dispatch center and the need to get 911 up and going.

City Manager Griffin stated 2 tree grants have been received by the City. Motion was made by Hall, second by Harris, to put the funds and the revenue fund in place in order to authorize the tree planting grants. The grants received are for \$1,000 and \$1,700. Motion passed.

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Urana Clark stated she has offered the City two trees that are located on her property, but no one from the City has been over to inspect them. City Manager Griffin apologized to Ms. Clark and said he would get moving on this.

Motion was made by Harris, second by Dahl, that the City Police and Dispatch Center be located in the East Wing of the Eastside School. Further that we offer the Park County Sheriff's Office, office space in the Eastside School Building in the amount of 750 sq. ft (one existing classroom) for two years rent free. The third and following years rent to be negotiated between the City Council and the County Commissioners, also that the City Public Safety Personnel and the City Manager proceed with the bid process on the 911 System with the previously hired consultant and in coordination with the Park County Sheriff's Office. Councilmember Hall stated that since 911 and Dispatch both require the expenditure of funds and in his opinion, it is not clear whether there is enough funds available to make those expenditures, he would not be able to support the motion. Mr. Hall stated the constituents that he has spoken with are against separating Law Enforcement and making the move. Councilmember Williams stated that Carlo Cieri stated that the Sheriff's Office will not move to the Eastside School, not even rent free. Mrs. Williams stated the people she has talked with are against the move. Councilmember Dahl feels that we need to get 911 going and we do have the monies for 911, just not money budgeted this year for the remodeling of Eastside School or the City-County Complex. The majority of the people she has talked with, are in favor of moving Dispatch to the Eastside School. Councilmember Dahl questioned the City Manager as to the cost projection for the next 3-5 years. Mr. Griffin stated there was a cost estimate of occupying the third floor at approximately \$40,000. Councilmember Harris gave another presentation for the public that he gave at the previous worksession. Motion was made by Hall, second by Williams, to postpone the motion that is currently on the table, until Council can be presented with a comprehensive 5 year plan. The vote was two in favor, two opposed, with Mayor Mikesell casting the deciding vote as opposed. Motion died. Roll call vote on the first motion was Harris and Dahl in favor, Williams and Hall opposed, with Mayor Mikesell casting the deciding vote as in favor. Motion passed.

City Manager Griffin stated the next item on the agenda was discussion of 911 and that issue was taken care of in the above discussion.

City Manager Griffin informed Council that State Legislature is requiring entities to comply with putting into place a Confined Space Program. Mr. Griffin asked for Council approval to purchase the proper equipment for the Program. Motion was made by Dahl, second by Harris, to allow management to expend the necessary funds to comply with State Legislature's mandate. Motion was made by Williams, second by Dahl, to amend the motion to allow only \$4,500. Mr. Griffin stated this may not be enough money, and if more money was needed the Manager will come back to Council. Mr. Griffin answered Ms. Dahl's question about how much equipment the City had right now. He said about 85% of the needed equipment. Ms. Dahl also asked Mr. Griffin to have the harnesses checked to make sure they would meet OSHA requirements. The vote on the amendment was two in favor, two opposed, with Mayor Mikesell casting the deciding vote as opposed to allowing on \$4,500. Motion died. Roll call vote to expend the funds

necessary for the Confined Space Program was all in favor. Motion passed.

City Manager Griffin clarified to Council that the next worksession on the following Monday would start at 7:30 p.m.

Motion was made by Dahl, second by Harris, to lift the entire spending cap off of the budget. Ms. Dahl stated she would like to commend our city on staying within the budget. She addressed Mr. Christiaens, the Finance Officer, if the InterCap Loan had been received yet. He stated he was working on that at this time. Roll call vote was Hall and Williams opposed and Dahl and Harris in favor, with Mayor Mikesell casting the deciding vote as in favor. Motion passed.

Councilmember Williams stated she talked with Supt. of Public Services, Ken Kastelitz last week about budgets, Water Department buildings, etc. Comments and discussion was heard regarding the cost of the new Water Facility building. Motion was made by Williams, second by Hall, to call for a special audit of the Utility Departments and the Utility Shop to find out how much the new building will cost and how it is to be paid. Councilmember Dahl asked how the audit was to be funded. Councilmember Williams stated she did not care, since more money was still going to be spent. More discussion was heard, then City Manager Griffin clarified Mrs. Williams question that was asking where the money was coming from. Mr. Griffin stated a \$250,000 loan was approved from InterCap, \$100,000 from Water Department Cash Reserves. Salaries and other expenses have already been paid out of FY 93, and when the building is completed, it will be removed out of the budgetary process and put in to the capital assets of the City's finance records. Ms. Dahl stated that she admired all people involved with this project, because they are not General Contractors and asked that a worksession be scheduled before a special audit was accomplished. Mayor Mikesell stated he wanted this issue to be put on the next worksession's agenda with all the figures that City staff has on this building. Councilmember Hall stated the request for the audit is done with the advice of the auditor and the City Attorney. Mr. Hall said he wanted to go on the record as opposed to the decision that was just made over the Eastside School. The roll call vote was Harris and Dahl opposed to the special audit and Williams and Hall in favor, with Mayor Mikesell casting the deciding vote as in favor of the special audit. Motion passed.

Motion was made by Dahl, second by Williams, to accept questions during Public Comment period. Motion passed.

Councilmember Hall gave Mrs. Fenton a public apology for anything he may have said offensive the other night.

Councilmember Harris commented about the FY93 Budget. Discussion was heard by Council, their individual ideas on how budgets need to be formulated and comments that the auditor had said to a couple of Councilmembers who had spoken with him earlier.

Cole Inglehart apologized for the behavior of the public, complimented the new Council and stated he was confused with the newspaper, regarding something that the City

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Manager has said concerning cash brought forward during fiscal years and cash reserves.

Mayor Mikesell asked Mr. Griffin to explain what Mr. Inglehart was confused about. Mr. Griffin went to the chalkboard to explain.

Ruth Hoffman presented Council with petitions in favor of 911. Ms. Hoffman stated that the petitions express the public's opinion that they do not care where 911 is put, just that the City gets the service.

Bernice McGee's opinion was that the moving of the dispatch center should come before the voters. City Attorney Jovick stated that some years ago, the vote of the people combined the City and the County and the General Obligation Bonds were paid on the building. Mr. Jovick stated that the Council does have the ability maintain whatever normal operations and maintenance decisions, of which this issue consists.

Lenny Gregrey questioned the cost to move the Dispatch Center. Mayor Mikesell stated staff has promised \$11,000 for renovating. This does not include 911. City Manager Griffin explained the bidding process and that there is no comparison of the new Water Facility building and the Eastside School.

Cindy Rigler, Manager of Premiere Mortgage, asked when Ordinance No. 1763 would be brought before Council, since it was deferred at tonight's meeting. City Manager Griffin stated that the Ordinance needs to go before the Board of Adjustment at their April 12th meeting and it may be back to Council by May 2nd. Ms. Rigler explained to Council the effect this Ordinance has on them, as financiers and asked that Council not delay passing this.

Eric Snieder complimented Council on their discussions and asked if the Eastside School was wheel chair accessible. City Manager Griffin stated it already was. Mr. Snieder suggested that people may have wanted the streets paved instead of the new building, due to the cost of it.

Urana Clark from the Government Study group invited City Council to spend a session with them. Ms. Clark stated in the beginning there were six issues, now one issue was resolved, one is in the process of being settled and the three left are: they feel the City-County Building should be under one person, they feel there is a problem with the City's telephone system, and the last issue is 911 and Dispatch.

Jim Peterson thanked Council for allowing public comments and questions. Mr. Peterson commented on a U.S. West Survey and questioned where it came from for projections in the rise of population in Livingston. Mr. Peterson commented on the audit of the new building.

City Manager Griffin responded to Mr. Peterson's questions on the U.S. West Survey.

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

The time was 9:45 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Pat Mitchell
MAYOR

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LIVINGSTON
CITY COUNCIL MEETING

March 21, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, March 21, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Sheryl Dahl, Lee Harris, Barb Williams and Fred Hall with Mayor Pat Mikesell presiding.

Motion was made by Williams, second by Dahl, to approve the minutes of March 2, 1994 special Council meeting and March 7, 1994 regular Council meeting. Motion passed.

Motion was made by Williams, second by Dahl, to accept the bills and claims that were listed for \$56,388.86. City Manager Ken Griffin explained that on page 11 there was a typo on a fund that should read 2820. Councilmember Hall questioned page 19 to Mr. Kronmiller and that he did not recognize the line item. City Manager Griffin explained this line item was created after Council directed staff to set up a special set of accounts within the Water Fund to pay for the Water Building. Motion passed.

Mayor Mikesell proclaimed May 3rd as SuperHost Day in the Livingston.

Mayor Mikesell also proclaimed March 21st as Akemi Fukushima Day in the City of Livingston. Mayor Mikesell presented Ms. Fukushima a framed proclamation. Ms. Fukushima made a statement to the audience.

Motion was made by Harris, second by Williams, to approve a variance for Ed and D'Dea Raihl, 120 S. G Street, from the five foot side-yard setback required within RII zoning. Motion passed.

Motion was made by Williams, second by Dahl, to approve a variance for Mr. Myron Kovash, 621 W. Chinook Street, from the twenty-five foot front-yard setback required within R-II zoning. Motion passed.

Motion was made by Williams, second by Hall, to not allow Hardee's Restaurants, S. Park Street, a variance to erect a fifty-five foot high, free standing sign. Councilmember Harris was in favor of the variance. Councilmember Dahl read a letter from Fran Gregrey in opposition. Ms. Dahl stated that of people she has spoken with, one was in favor and eleven were opposed to the variance. Motion was made by Dahl, to lay this issue on the table until a more structured sign ordinance is in place. Motion died due to lack of a second. Hardee's Representative Doug Origer from Billings represented his company for the 55 foot height variance. Others who addressed Council in favor of the variance were: Barry Simmons of Montana Sign Works, Steve Koontz, Dave Fenton, Bob Weimer, Ruth Eggar and Ed Volk. Mr. and Mrs. Zinzer left a message with Councilmember Harris as in favor. Jim Peterson, Jim Liska, John Fryer, Urana Clark, Lynn Haerr and Lenny Gregrey were opposed. Would be District Manager Warren Andy explained to Council

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some of the things Hardee's could donate to the community. Councilmember Hall asked the Hardee's representatives that if the variance was denied, would Hardee's still come to Livingston. Mr. Origer stated there were no more billboards available in the area for advertising and went on to state their case for the sign variance closing with, it would not be economically feasible if their sign could not be seen. Mayor Mikesell stated that he and Mr. Harris had helped draft the Ordinance that is in effect now. Mr. Mikesell stated that he felt the sign ordinance did need readdressed and that everyone in the area of tonight's discussion should have to comply and lower their signs to 55 feet in the 1000 foot area. More discussion was heard from City Council. City Attorney Jovick answered a question from Ms. Dahl, stating that it is up to each member of Council to determine whether Hardee's has proven a hardship to allow them the variance. Roll call vote was three in favor of not allowing the variance and Harris voting no. Motion passed. Variance Denied.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2453, A RESOLUTION CALLING FOR AN ELECTION FOR THE BALLOT QUESTION OF WHETHER OR NOT TO FORM A CITY GOVERNMENT REVIEW COMMISSION. City Manager Griffin explained the resolution to Council. Motion was made by Dahl, second by Williams, to amend and add a second sentence to section one, stating any such study commission shall consist of five members. The voice vote on the amendment was four in favor. Motion passed. The vote on the motion was all in favor. Motion passed.

Two bids were received for concrete slab work for the new Water Facility Department. The bids were as follows:

YELLOWSTONE CONCRETE - Livingston
\$13,500

HIGH TECH CONCRETE - Livingston
\$30,840

Motion was made by Harris, second by Dahl, to approve the bid from Yellowstone Concrete. This bid is for labor and forms. It does not include the concrete. Ruggles will provide the concrete at the cost of approximately \$8,500 from an agreement that was previously approved by Council. The vote was Harris and Dahl in favor, Williams and Hall opposed with Mayor Mikesell casting the deciding vote as in favor. Motion passed.

Motion was made by Harris, second by Dahl, to approve Resolution No. 2450, A RESOLUTION APPROVING A CONTRACT BETWEEN YELLOWSTONE CONCRETE SERVICE OF LIVINGSTON AND THE CITY OF LIVINGSTON FOR CONCRETE SLAB WORK ON THE NEW WATER FACILITY SHOP ON BENNETT STREET. The vote was Williams and Hall opposed, Dahl and Harris in favor with Mayor Mikesell casting the deciding vote as in favor. Motion passed.

One bid was received from the only Corbond dealer within this area for insulating the office area of the new Water Facility. The bid was from Timberline Insulation - GALLATIN

GATEWAY, for the amount of \$13,653. Motion was made by Harris, second by Dahl, to accept this bid. The vote was Harris and Dahl in favor, Williams and Hall opposed with Mayor Mikesell casting the deciding vote as in favor. Motion passed.

Motion was made by Dahl, second by Harris, to approve Resolution No. 2451, A RESOLUTION APPROVING A CONTRACT BETWEEN TIMBERLINE INSULATORS OF GALLATIN GATEWAY, MONTANA AND THE CITY OF LIVINGSTON FOR OFFICE INSULATION ON THE NEW WATER FACILITY SHOP ON BENNETT STREET. The vote was Harris and Dahl in favor, Williams and Hall opposed with Mayor Mikesell casting the deciding vote as in favor. Motion passed.

Bids were received for several aspects of work at the new Water Facility Building. Staff is recommending acceptance of framing and sheetrock work and leave all other bids in abeyance. The bids received for Framing and Sheetrock work were:

WMK - Billings
\$16,492

BRAD SMITH - Livingston
\$27,228.50

Motion was made by Harris, second by Dahl, to accept the bid from WMK. The vote was Harris and Dahl in favor, Williams and Hall opposed, with Mayor Mikesell casting the deciding vote as in favor. Motion passed.

Motion was made by Dahl, second by Harris, to approve Resolution No. 2452, A RESOLUTION APPROVING A CONTRACT BETWEEN WILLIAM KRONMILLER & COMPANY OF BILLINGS AND THE CITY OF LIVINGSTON FOR INTERNAL WALL CONSTRUCTION WORK ON THE NEW WATER FACILITY SHOP ON BENNETT STREET. The vote was Dahl and Harris in favor, Williams and Hall opposed with Mayor Mikesell casting the deciding vote as in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2454, A RESOLUTION ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF LIVINGSTON OWNED BY THE LIVINGSTON GOSPEL TABERNACLE. City Manager Griffin stated an exhibit was left out of the packet. Mr Griffin answered a question from Councilmember Hall regarding payback fees. All in favor. Motion passed.

Second reading of Ordinance No. 1760, POLICE AND FIRE PROTECTION IMPACT FEE ORDINANCE PROVIDING FOR AN IMPOSITION OF AN IMPACT FEE ON LAND DEVELOPMENT TO PROVIDE FOR ADDITIONAL POLICE AND FIRE PROTECTION CAPITAL AND IMPROVEMENT FUNDS. All in favor. Motion passed.

Second reading of Ordinance No. 1762, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM LIMITED INDUSTRIAL (LI) TO HIGHWAY COMMERCIAL (HC) USE. All in favor. Motion passed.

Motion was made by Williams, second by Harris, to approve first reading of Ordinance No. 1763, AN ORDINANCE AMENDING SECTION 30.62 (3.) OF THE CODE OF ORDINANCES FOR NON-CONFORMING USES OF LAND AND STRUCTURES. City Attorney Jovick gave some background information of the ordinance, that local realtors pointed out to the city offices that there were some areas in town that have problems and the Federal Housing Administration and other purchasers of package loans, stated they would not purchase these loans, due to Livingston's Ordinances would apply that if the parcel was vacant for more that a year that the property owners would have to comply with Livingston's current zoning on that property, which could mean that it would revert to commercial and the owners would not be able to rebuild a home on that parcel. The amendment on this section of the Code of Ordinances having to do with not being able to occupy within one year for non-conforming use for houses in a business zone, would not apply to structures which come into the possession of financial institutions or other lien holders, including Federal institutions. Citizens expressing concern were: Cindy Rigler, Manager of Premier Mortgage, Deanna Egeland as home owner in the area, Kayla Egeland as home owner and loan processor at 1st National Park Bank, Sonny O'Neil and Kevin Warren as home owners and Ernie Meador of Apen Real Estate.

During this discussion, Councilmember Williams stated she wants to have the properties along East Callender Street from the west side of C St. to the west side of I St., inclusive, and north to the south side of the 'T' alley rezoned from the existing Highway Commercial zoning district to a residential zoning district. Deanna Egeland, and some other citizens, stated they support this rezoning. It was noted that there are a couple other areas in the City which could have a similar problem; i.e. a good deal of non-comforming uses grandfathered into a zoning district. Discussion followed. Attorney Jovick noted that in order to discuss a zoning change, we needed to suspend the agenda, or discontinue the discussion until it can be agendaed.

Mayor Mikesell polled the Council and it was the consensus (three in favor, one opposed) to suspend the agenda to discuss a possible rezoning of certain properties on East Callender and between Park, C & I streets, as described above.

Councilmember Williams moved that all necessary actions be taken to rezone the property in question as described above, from Highway Commercial to a residential zone. Councilmember Dahl seconded the motion. Attorney Jovick noted that it is common for the Staff to submit a report to the Council detailing the situation and alternatives prior to the Council taking such action. Councilmember Williams responded that the City staff was well aware of the need for this rezoning, as it was discussed by the Board of Adjustment as far back as November 1993. City Manager Griffin responded that this subject may have been discussed by the Board of Adjustment, but that the Staff has not conducted any study on this area, much less the alleged need for a zoning change. Discussion followed.

Councilmember Harris moved to amend the motion to require the Staff to provide the Council with a feasibility study and Staff Report before the idea of rezoning goes any further. Discussion followed. At the question, the vote was four in favor on the amendment to the motion. Councilmember Williams reiterated that she wanted this cited area rezoned ASAP. Discussion continued. Attorney Jovick noted that this is how and why large mistakes are made; actions being taken without proper study.

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Mayor Mikesell called for the question on the original motion. The vote was four in favor. City Manager Griffin responded that Staff would have the report to the Council for the April 4, 1994 meeting.

The agenda was reinstated.

City Manager Griffin gave Council a status report on SID's 175 & 176 bonds sales. Local bank, 1st National Park Bank is interested in and has agreed to purchase the bonds if City Council will allow 5% of the project funds to be placed in the SID revolving fund and an additional ½% on the bond which would also go into the revolving fund, reassuring the solvency of the SID Funds. Motion was made by Williams, second by Dahl, to direct the Finance Officer to proceed with getting this into resolution form. Discussion was heard. Tony Cocozza urged Council to proceed with this project now. A substitute motion was made by Harris, second by Dahl, that the Council accepts the bid of 1st National Park Bank with the terms as outlined by the City Finance Office charging the added ½% and that the Council would use that ½% to go into the Revolving Fund. Motion passed. The Finance Office would then notify Bond Council this motion. City Attorney Jovick stated that Council cannot give authority to proceed on the contract with Pioneer Ready Mix, until the City gets something in writing from the bonding company.

City Manager reported to Council that the chain on the secondary clarifier at the Waste Water Treatment Plant was broken. Motion was made by Harris, second by Hall, to allow staff to repair the chain on the secondary clarifier. Discussion was heard concerning replacing the chain opposed to repairing the chain. Supt. Public Utilities, Clint Tinsley answered questions from Council. Motion was made by Harris, second by Hall, to amend the motion to replace the secondary clarifier with the non metallic chain and sprocket with accessories for \$1,700. Motion passed as amended. The vote on the main motion was all in favor. Motion passed.

Tara DePuy, Secretary to the Board of Directors of the Sister City Committee gave an update to Council and asked for future financial support of the Sister City relations with Naganohara, Japan, in the form of a stipend for a Sister City Coordinator.

Lenny Gregrey addressed Council, criticizing the new water building. Mr. Gregrey also read quotes from some of the 1993 City Council minutes. He also stated that he held Councilmember Harris responsible for the amount of money that was being invested in the Water Building with the City being their own General Contractor, since Mr. Harris was on the previous Council and wanted the City to be their own contractor.

Jim Peterson addressed Council concerning the Wellhead Protection Program and the need to get an Ordinance in place as soon as possible. Mr. Peterson asked that Council direct staff and the Zoning Commission to keep this item on the agenda until it is accomplished.

The following staff reports were included for Council information:

Police Department
Fire Department
Livingston Fire/Ambulance

The minutes of the City-County Joint Airport Board meeting of January 1994 were included for Council information.

City Manager Griffin stated the County Commissioners could not meet with City Council at 7:30 pm on the 23rd of March, but could meet at 4:00 pm on the same day. Council directed Mr. Griffin to try to schedule for March 30th.

Councilmember Hall stated that Mayor Mikesell and City Attorney Jovick met with an accountant in the past week, Mr. Simmons, to interview him for the special audit. Motion was made by Hall, second by Williams, to hire Mr. Simmons to perform the audit that was requested by Council at the last meeting. The vote was three in favor, Harris opposed. Motion passed.

Councilmember Dahl asked that if the person who called her in regards to garbage was in the audience, would please call her back.

Councilmember Harris spoke about what Council did to Livingston and Hardee's tonight.

Mayor Mikesell stated that the basketball court at the Eastside School are well used and would like to see that they are retained and have the street light turned around so there is more light on the court. City Manager Griffin stated that they were being retained and that the fence is also going to be placed around them.

Ray Lee, from the Joe Brooks chapter of Trout Unlimited, stated that he was on the Wellhead Committee last year and encouraged Council to get going on the Wellhead Ordinance.

Mike Fleming spoke to Council concerning the planning of the City-County Building.

Finance Officer Jim Christiaens asked Council if they wanted staff involvement in contacting the auditor or if members of Council would set up the audit. Mayor Mikesell stated that Mr. Simmons will contact Mr. Christiaens or Mr. Griffin. Mr. Jovick stated that staff was invited to the meeting with the auditor, but Mr. Griffin had the flu.

Police Chief Lynn Gillett announced to the public that one of the City's Police Officers, Sgt. Sam Frederick has a malignant brain tumor and that members of the Police, Fire and City Offices are sponsoring a number of events as fund raisers. They are: March 26th at High Country Pizza, April 2nd at Pizza Hut and April 18th a Chili and Pie dinner at the Civic Center. Mayor Mikesell requested from the Enterprise any help they would give on this. Chief Gillett stated there is an account set up at the Credit Union for donations.

Motion was made by Williams, second by Dahl, to adjourn this meeting there being no

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further business. Motion passed.

The time was 10:20 pm.

ATTEST:

Julianne Blakely
RECORDING SECRETARY

APPROVED:

Pat Mikus
MAYOR

LIVINGSTON
CITY COUNCIL MEETING

April 4, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, April 4, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Lee Harris, Barb Williams, Fred Hall and Sheryl Dahl with Mayor Pat Mikesell presiding.

Motion was made by Williams, second by Dahl, to approve the minutes of March 21, 1994 regular Council meeting. Councilmember Williams made a correction to the minutes on page 5, third paragraph, eleventh sentence, should read "Bond Counsel". Councilmember Hall made a correction to page 2, paragraph one, ninth sentence, stating there were two parts to Ms. Dahl's question to City Attorney Jovick. The second was: Does this denial of the variance expose the City to any liability? Mr. Jovick stated he felt the City was on solid legal ground. This was affirmed by Ms. Dahl and Mr. Jovick. Motion passed.

Motion was made by Williams, second by Dahl, to accept the bills and claims that were listed for \$67,740.89. Councilmember Hall questioned page 15 and 16, Tri Valley Petroleum, that line item #5210 was overdrawn. Supt. of Utilities Clint Tinsley explained that a 362 account was combined with the 5210 line item and this year was the first full year for the City Mechanic and some of the money was left in the 362 account. Mr. Tinsley commended Bruce Prucell, the city's mechanic on his abilities. Councilmember Williams questioned pages 22 and 23 to Kronmiller. City Manager Ken Griffin explained that the 50% complete payment last meeting was for sheeting, this meeting was the other 50% payment for completion of the sheeting. There was a 50% complete payment included in this packet for the trim. Mr. Griffin stated the claim to the State of Montana was the 1% contractor tax for Kronmiller. Other claims to Kronmiller will be submitted at later dates as per framing & sheet rock contract agreement approved at the last Council meeting. Motion passed.

Motion was made by Harris, second by Dahl, to approve Resolution No. 2437, A RESOLUTION OF INTENT TO ANNEX CERTAIN REAL PROPERTY, A PORTION OF LOVES LANE, TO THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Harris, second by Dahl, to approve Resolution No. 2449, A RESOLUTION AMENDING THE CITY POLICY MANUAL UNDER DISCIPLINE FOR THE CITY OF LIVINGSTON. Councilmember Williams questioned the last section of this resolution on "abusive language" and "at any time, whether on or off duty", stating she felt it was a little tough and also felt this would be hard to enforce. City Manager Griffin stated that occasionally a city employee has been abusive to a citizen generally off the job, and that the city has no control of them off work, is why this language was requested. City Attorney Jovick suggested the Resolution be tabled if Council feels it should rework this part. Councilmember Williams stated she would like something to be done due to

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the fact that the top of the resolution reads "immediately discharged" and that is what bothers her. Motion was made by Harris, second by Williams, to table this Resolution until the next meeting, to direct staff and Mr. Jovick to change the wording on last part that covers abusive language. Motion passed to table at this time.

Motion was made by Williams, second by Harris, to approve Resolution, 2455, A RESOLUTION APPROVING A COOPERATIVE PURCHASING AGREEMENT BETWEEN THE MONTANA DEPARTMENT OF ADMINISTRATION AND THE CITY OF LIVINGSTON FOR BULK PURCHASING OF SUPPLIES AND SERVICES. Councilmember Williams questioned the part in the agreement where it states a "fee". City Manager Griffin stated there is no fee in place at this time and that the City could discontinue purchasing from the State if they incorporate a fee and it is unreasonable. Mr. Griffin answered Councilmember Hall's questioned, that the City will still continue to purchase locally when prices are competitive. All in favor. Motion passed.

Second reading of Ordinance No. 1763, AN ORDINANCE AMENDING SECTION 30.62 (3.) OF THE CODE OF ORDINANCE FOR NON-CONFORMING USES OF LAND AND STRUCTURES. Councilmember Hall questioned whether this covers all financial institutions or just those mentioned in the ordinance. City Attorney Jovick stated it reads other lien holders also. All in favor. Motion passed.

A public hearing was held for a zone map amendment to Block 5, Star Addition. A petition was included in the packet from residents living in the neighborhood opposed to the zoning change. Citizens addressing Council in opposition were: Gary Blakely, Jim Rivard and Donald Kern. Bob Weimer spoke in favor of the zone change. Discussion was heard from Council. Councilmember Hall asked Mr. Blakely to give a summary of the litigation that was in process at Star Addition. Councilmember Dahl requested a copy of the 1978 covenants to the Star Addition. City Attorney Jovick stated he would review both covenants and will draft a first reading ordinance that would have the effect of making this change and will recommend to Council next meeting whether or not the Council should proceed to vote on the first reading. Mayor Mikesell closed the public hearing at 8:20 p.m.

Motion was made by Dahl, second by Williams, to send the Sign Ordinance back to City staff with a study done on Sunset Clauses and how other cities around the State have dealt with it for the May 16th meeting. Motion passed.

Motion was made by Williams, second by Hall, to direct staff to proceed with a public hearing for the requested zone change consisting of the 100 block north from the T-Alley South to Callender Street from C Street to I Street. Deanna Egeland appealed to have the area rezoned as described. Councilmember Harris spoke on behalf of Mr. Jones, who is opposed to the zone change. City Attorney asked for clarification from Mrs. Williams, if the intent of Council was to go on record as supporting the application of the zone change from Highway Commercial to Residential in this area in order to send it to the Board of Adjustment. Mrs. Williams stated that was the intent of her motion. Mr. Hall agreed to this intent, being he made the second. Motion passed. City Manager Griffin

stated the public hearing will be held on May 10th before the Board of Adjustment and then before City Council at the June 6th meeting. Mr. Hall requested that when City Planner Jim Woodhull sends out the letter of notification, to include in the letter a copy of the zoning ordinance describing residential and commercial.

City Manager Griffin explained the background and location of a requested land purchase from Mr. Bill Barnhart. Previous Council had the land appraised to find out what it was worth. The appraisal cost was \$500. The land was appraised at approximately \$5,000 if it was kept in an Agricultural state. Building upon the property would be prohibited. Nina Celander, spokesperson for Treasure Trails Girl Scouts, read a letter from the Girl Scout Council's President and Executive Director in opposition of the City selling the property. The Girl Scouts own adjoining property. Councilmember Hall asked City Manager Griffin what use this land could be to the City. City Manager Griffin stated the property was immediately adjacent to city property that is being used as a driving range by the Country Club. Adjacent to that is the polo grounds and then Mayor's Landing. All City property. Mr. Griffin stated the potential use as he sees it, would be expansion of the recreational facilities in this area and that the city has no plans in the foreseeable future to build on it. Mr. Griffin noted that City Attorney Jovick pointed out and is evident on the map, that there is significant floodway that goes through part of the property. Motion was made by Williams, second by Dahl, to not sell the property and offer the property to Mr. Barnhart on a yearly renewable lease and he could clean up the property if he so chooses. The vote was three in favor, Harris opposed. Motion passed.

Lenny Gregrey addressed Council concerning the spending on the Water Utility Building, the project should be terminated and no more money put into it. City Manager Griffin answered Mr. Gregrey's questions. Motion was made by Williams, second by Dahl, to allow Mr. Gregrey to continue talking past his six minutes. The vote was three in favor, Harris opposed. Motion passed. Councilmember Williams was in agreement with Mr. Gregrey and made a motion to stop work on the project at this time, or until the new budget year, to see where we are. Councilmember Harris gave his comments about stopping the project as opposed. Mayor Mikesell stated that even if the project was overbudget and he was not sure that it was, he could not see stopping construction of the building when it is almost 80% complete. Councilmember Williams questioned Mr. Tinsley of what percent the building was to being complete and how much more there was to do. Mr. Tinsley explained what needed to be done. Councilmember Dahl asked when Mike Devine could be removed from the City's payroll. Mr. Tinsley stated the end of this month. Councilmember Dahl stated she could not see stopping the construction of the project, due to the fact that the Inter-Cap loan was on shaky ground and it would cost more to finish the project at a later date. Mrs. Williams asked when the building would be finished, with several interjecting if that meant occupied. Mrs. Williams said that is what she meant. City Manager Griffin stated they would be able to occupy the building by the middle of May, but the landscaping and the asphalt millings on the driveway would not be completed by that time. Councilmember Hall gave his comments on the building, but stated there was no choice but to finish the building at this point. Mr. Griffin responded to a comment Mr. Hall made about a water rate increase, stating that the previous Council approved the building of the project only if there was no increase in

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water or sewer. Mr. Griffin also reminded this Council that upon their taking office, the sewer rates were not in good shape and that staff may come to Council for a rate increase, stressing that this would not be related to funding of this new building. Mrs. Williams rescinded her motion.

Bob Weimer addressed City Council concerning the CDBG Committee and affordable housing in Livingston.

City Manager Griffin and Clint Tinsley explained to Council that the Corbond Insulation they are using at the new Water Facility Building will have a 20% cost increase after May 1st. Mr. Griffin and Mr. Tinsley stated that the Office area was the only area to be insulated this fiscal year. The Shop area was to be insulated in the next fiscal year. They requested that Council approve purchasing the Shop area insulation before the 20% increase to save money. Motion was made by Harris to approve this request. Motion died due to lack of a second.

Motion was made by Williams, second by Hall, to allow Councilmember Dahl to be out of town for 15 days from April 26th to May 10th. Motion passed.

Motion was made by Dahl, second by Williams, to direct City Attorney Jovick to draft a resolution for the next meeting for the City to apply for another CBDG Grant through application in October. Motion passed.

Councilmember Dahl stated she would like Mr. Griffin to acquire renters for the Eastside School and the Lehrkind Building. Staff is to develop the parameters for the renting of these buildings and agenda for the next Council meeting. Mr. Griffin stated these parameters were already accomplished for the Eastside School and would be before Council at the next meeting.

Councilmember Williams stated she had a citizen call her to say that he had seen city dump trucks, loaders and backhoes demolishing a house on E. Gallatin Street. City Manager Griffin stated this is part of the CDBG Rehabilitation area and that there is more demolishing that needs to be done. He remarked that the reason city crews were doing the work, was due to grant funds being modified at State's request and that took away the city's capability to hire out this process.

City Manager Griffin stated the employment contract between the city and himself calls for a periodic evaluation of his performance in the April and October time frame, and provided for Council in their packet was Mr. Griffin's job description from the City Code of Ordinances. Councilmembers Dahl and Williams stated they would like to have a worksession or have Mr. Griffin fill out an evaluation form, but no motion was made to this affect. Comments were heard from all of the Councilmembers who gave Mr. Griffin a positive performance evaluation. Ms. Dahl requested a copy of the minutes be placed in Mr. Griffin's personnel file. Mrs. Williams stated she was eager to start working on the next year's budget and was going to look for a lot of guidance from Mr. Griffin and to work very closely with him on the budget. She stated if she had a criticism of him, it

would be on the last year's budget, saying she did not feel the City Manager and last year's Council were together on the budgeting.

Urana Clark stated to Council that one of her concerns was Sacajawea Park and pleaded that Council use volunteers from local prisoners and Warren McGee to help in the park.

Cole Inglehart addressed Council with a couple comments.; one, the evaluation of the City Manager in public session, he felt it should be in private, and two; Reso. #2449 earlier in the meeting, about city employees being abusive. Mayor Mikesell stated to Mr. Inglehart that its the Manager's decision to have his evaluation in open or executive session.

Gary Blakely commented on the local contractors wanting to form an organization and it was up to Council not to let this city become a boom town.

Mr. Inglehart reported that about eighteen months ago, he had experienced a little incident with Mr. Griffin after a Council meeting. In fact, he (Mr. Inglehart) felt it was a major incident. Since that time, he has been out to get Mr. Griffin. Mr. Inglehart said this was wrong of him and gave Mr. Griffin a public apology.

Bernice McGee told Urana Clark that she appreciated her. She also stated Warren cannot do anything heavy due to a back problem during the winter. Mrs. McGee stated that Mr. Griffin is doing a fine job.

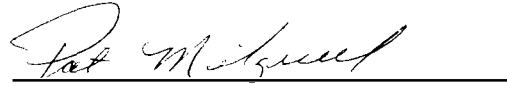
Motion was made by Dahl, second by Harris, to adjourn this meeting there being no further business. Motion passed.

The time was 9:50 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

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LIVINGSTON
CITY COUNCIL MEETING

April 18, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, April 18, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Sheryl Dahl, Lee Harris, Barb Williams and Fred Hall with Mayor Pat Mikesell presiding.

Motion was made by Harris, second by Williams, to approve the minutes of April 4, 1994 regular Council meeting. Councilmember Dahl made a correction to the minutes on page 3, second full paragraph, sentence 16, Ms. Dahl also stated that Council had requested and is now working on an outside audit. Motion passed as corrected.

Motion was made by Harris, second by Williams, to accept the bills and claims that were listed for \$46,575.00. Councilmember Williams questioned a claim on page 20 for additional payments, #1662 to Ken Griffin for items from Costco. Mr. Griffin explained these were items for the new Utility Shop. He was in Billings and anticipated Costco having some of the items they needed at the lower prices. He paid for them out of his personal checking account and sought reimbursement from the City when he returned. Mrs. Williams stated that she noticed the reimbursement was on the old line item and knew that a new line item for the building had be created and asked why. Mr. Griffin stated the \$8000 that was budgeted in this year's budget was to be used for the furnishing of the new building and that is what this purchase was. Mr. Griffin also pointed out to Council that there was a corrected re-cap of accounts payable in their mailbox. Councilmember Hall questioned Mr. Griffin about the process of purchasing a mini-van from a Helena dealer opposed to a local dealer. Mr. Griffin explained the process of going through State negotiated contracts and the money the City was able to save. Mr. Griffin also noted that any dealer in Montana is welcome to participate in the State bidding process. Motion passed.

Mayor Mikesell proclaimed April 23, 1994 as Clean-up Day in the City of Livingston.

Mayor Mikesell also proclaimed May 1, 1994 as Law Day U.S.A. in the City of Livingston.

Mayor Mikesell stated the public hearing for the Wellhead Ordinance was postponed for the 15 day advertising period.

Motion was made by Williams, second by Dahl, to approve the Board of Adjustments' recommendations to grant a variance request from Mr. Silas Counts in the Minnesota Addition, Block 45, Lots 17-20, the West 70 feet. Councilmember Williams commented in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2456, A RESOLUTION APPROVING THAT THE CITY OF LIVINGSTON APPLY TO THE STATE OF MONTANA DEPARTMENT OF COMMERCE, HELENA, FOR A COMMUNITY DEVELOPMENT BLOCK GRANT. All in favor. Motion passed.

Motion was made by Harris, second by Hall, to approve Resolution No. 2458, A RESOLUTION ADOPTING A CITY POLICY FOR ACCEPTANCE OF UTILITY MAINS AND UTILITY MAIN CONSTRUCTION. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2459, A RESOLUTION ASKING PARK COUNTY TO ADOPT A LOCAL OPTION VEHICLE TAX. City Manager Griffin clarified for Councilmember Williams to tax was .005 of the assessment or .5%. Mr. Griffin clarified for Councilmember Harris that this was only a request. Mr. Griffin explained some background to this request for Councilmember Hall. Mr. Griffin stated this could be \$40,000 revenue for the City and the County would get a similar share. All in favor. Motion passed.

Motion was made by Harris, second by Dahl, to approve Resolution No. 2460, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE LOCAL 2711 OF THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO AND THE CITY OF LIVINGSTON. City Manager Griffin answered questions that were asked by Council. All in favor. Motion passed.

Motion was made by Harris, second by Williams, to approve Resolution No. 2461, A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE POLICE DEPARTMENT EMPLOYEES ASSOCIATION AND THE CITY OF LIVINGSTON. Comments were heard by Councilmember Williams. All in favor. Motion passed.

Motion was made by Harris, second by Dahl, to approve Resolution No. 2449, A RESOLUTION AMENDING THE CITY POLICY MANUAL UNDER DISCIPLINE FOR THE CITY OF LIVINGSTON. Councilmember Williams commented that this resolution had the same problem as last time. Mrs. Williams is questioning the part that states "abusive language toward a co-worker, other City personnel or any other citizen." She is in agreement with the concept during working hours, but certainly not during "off duty hours", and perhaps not the precise verbiage of "abusive language". Mrs. Williams stated it would be nice if none of us used abusive language toward each other, but she does not think it is within human nature to never use abusive language.

Discussion followed, including the wisdom of attempting to define just what "abusive language" was. This idea was not pursued. At the question the vote was four opposed. Motion failed.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1759, AN ORDINANCE REPEALING SECTION 12-66 ENTITLED COMPUTATION - COMMERCIAL RATES FOR ADDING SECTION 12-62 (D) TO CLARIFY THE BILLING CHARGES FOR REFUSE FOR COMMERCIAL ESTABLISHMENTS AND FOR COMBINATION COMMERCIAL RESIDENTIAL ESTABLISHMENTS. Councilmember Hall

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questioned the repealing of section one to this ordinance. City Attorney explained. All in favor. Motion passed.

Motion was made by Williams, second by Harris, to approve first reading of Ordinance No. 1765, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FROM CERTAIN REAL PROPERTY TO HIGH DENSITY RESIDENTIAL (R3) FROM NEIGHBORHOOD COMMERCIAL (NC) USE. City Manager Griffin stated this was Block 5 of the Star Addition. Discussion was heard by Council. The vote was three opposed, Harris in favor. Motion failed.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1766, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM HIGHWAY COMMERCIAL (HC) TO HIGH DENSITY RESIDENTIAL (R111) USE. City Manager Griffin explained where this property was located and that it belongs to the Assembly of God. Some discussion was heard. All in favor. Motion passed.

Mayor Mikesell recognized Urana Clarke, to make her requested presentation to the Council on the wisdom of using County jail prisoners for community service labor in the parks, under the direction of Warren McGee. As Miss Clarke began her presentation she made observations about how terribly the City employees had destroyed the vegetation on the banks of the lagoon.

City Manager Griffin raised a point of order, asking that Miss Clarke be required to stick to the subject agendaed, that being the possible use of prisoners for community service activities in the City's parks. Miss Clarke resumed her comments, but adhered to the subject.

Miss Clarke reported that this system of Warren McGee using prisoners and community service-sentenced violators, or miscreants, worked well for many years, and why couldn't the City continue it. She wanted the City to have Warren McGee come back to work in the parks, as a supervisor of these miscreants in labor for the good of the City.

Extensive discussion followed, involving members of the Council, City Manager Griffin, Attorney Jovick, Mr. McGee, Justice of the Peace Egeland, and Miss Clarke. Among other issues, it was agreed that there was no intention on the part of the City to destroy or damage anything by its trimming of the lagoon bank vegetation.

It was agreed that Mr. McGee would come back to work for the City, as a supervisor of miscreant laborers, as selected by the City Judge and the Justice of the Peace. It was further agreed that:

- 1) Mr. McGee would sign the City's Hold Harmless Agreement before initiating any work.
- 2) Mr. McGee would be very careful and do nothing to harm himself.
- 3) Mr. McGee would work for and be responsible to Public Services Superintendent Ken Kastelitz.
- 4) Mr. McGee would give the City reasonable notice when heavy equipment, or other non-standard equipment was needed; generally speaking "reasonable" would be about a week.

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- 5) Mr. McGee would not make expenditures, nor otherwise obligate the City without having prior approval from Superintendent Kastelitz. Mr. McGee will comply with the City's standard procurement procedures.
- 6) The City will pay \$0.45 per man hour of labor for Mr. McGee and all miscreants who perform volunteer, manual labor for the City to the City's workmen's compensation insurance carrier, such that all these persons are covered by workmen's compensation in the event of any accident or injury.

Mr. McGee asked if he would receive cooperation from the City. When asked, Mr. Kastelitz stated that this would not be a problem.

A formal motion was made to affect all of the above by Councilmember Hall, seconded by Councilmember Williams. The motion was unanimously adopted.

Motion was made by Harris, second by Dahl, to accept the following bids for the new water building:

Tape and Texture	Hylite Drywall	\$3,993.60,
Painting	Hylite Painting	\$5,835.00
Tile	Holborn Ceramic Tile	\$1,641.00
Acoustical Ceiling	Contact Systems Inc.	\$3,110.00
Carpeting	David Rust Carpet	\$7,387.00
Masonry	Don Shadley	\$1,100.00

City Manager Griffin clarified some questions for Council. Councilmember Dahl again asked Mr. Griffin if Mr. Devine would be off of the books by the end of April and occupation of the building by mid-May. Mr. Griffin stated yes to both questions. The vote was Harris and Dahl in favor, Williams and Hall as opposed, with Mayor Mikesell casting the deciding vote as in favor. Motion passed.

Mayor Mikesell called upon City Manager Griffin to brief the Council on the possible rent or leasing of space in the Lehrkind Building. Griffin referred the Council to the Staff Report included in tonight's packet. Brief discussion followed. It was agreed to accept the staff recommendations as a starting point for negotiations with potential tenants; rental expense at a rate of \$5 per square foot, per year, for office/retail space, and \$2.60 per square foot, per year for warehouse/industrial space. Further, that each tenant must pay for their own utilities, which in some cases may need to be estimated until separate meters can be installed. Because the building is for sale, the Council directed that these leases/rental agreements be stipulated as a month-to-month arrangement. The rates cited above shall be divided by twelve, for twelve equal, monthly payments, assuming the lease would last for one year. Mr. Jovick noted that any lease agreement would have to come back to the Council for acceptance. Manager Griffin asked if this was approval to advertise for tenants. The Council agreed that was their intent.

Mr. Griffin then brought up the same general subject of leases and rentals, only for the old East Side School. He referred the Council to the Staff Report on the subject of a Five Year Plan for the old school building. Discussion ensued between Councilmembers and staff regarding possible zoning issues, and other matters. It was agreed that the old

school building would only be used for office space leases, with the possible addition of limited off-site storage for electronic and/or magnetic media, as coordinated by the City's Finance Officer. The Council agreed to allow staff to advertise for tenants. The starting negotiation point will be \$3.50 per square foot, per year; utilities to be paid by the tenants, with estimates of use possibly being made until such time as separate meters may be installed. It was agreed that these would be five year leases, with the per square foot lease rate locked in for the first three years of the lease. The rates are lower than market, as the tenants will have to spend their money for renovation; no City monies will be spent on any renovation, save the installation of some type of elevator device. It was further agreed that there would be a \$1.00 per square foot, per year differential added to any lease agreements, until such time as the elevator is fully purchased and installed.

Councilmember Williams moved that the Staff begin seeking tenants. Councilmember Harris seconded the motion and it was unanimously approved.

Tony O'Connor addressed Council to request that the City lease a group of archers property at the Old City Dump behind the Waste Water Treatment Plant for an Archery Range. City Manager Griffin stated his concerns with the liability insurance. Mr. O'Connor answered Councilmember Harris's question that broadheads would not be used. Councilmember Hall suggested that Mr. O'Connor put together a formal proposal with a map and insurance for the next Council meeting. City Attorney Jovick stated the group would need a Certificate of Insurance.

The following monthly reports were included for Council information:

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

City Council took a recess at 9:30 p.m.

Mayor Mikesell called the meeting back to order at 9:40 p.m.

City Manager Griffin gave Council a presentation on what he sees as the thrust of the fiscal year 95 Budget.

City Manager Griffin gave a summary to Council of a request from the Livingston Roping Club. Stan Broughton, a member of the Roping Club, addressed Council wishing to assume the lease from the Polo Club at the Polo Grounds, whose lease expires in October. The Polo Club is willing to relinquish the lease and let the Roping Club have possession of the property around May 15th. Mr. Broughton stated there are 15 members in the Club, they would rope 2-3 times a week and they agree to all the provisions in the Polo Club's lease. The Roping Club stated they would keep calves on the grounds. City Attorney Jovick stated the City may want to charge a nominal fee, maybe \$100 per year, for the lease, to cover administrative costs. Mr. Broughton stated they would like a minimal 5 year lease, with a renewable option. Motion was made by Harris, second by

Dahl, to draft a new lease with the Roping Club for 5 years, \$50 per year with the understanding that the lease price will go up if renewed after the first five years. Motion passed.

City Manager Griffin reported on two city roofs that needed repairing and that the City had been out to bid earlier and was unsuccessful. The roofs are: repair of the Civic Center Roof and the replacement of the roof at the Old Municipal Water Plant. A bid was received earlier in the day from Tri-State Builders. They bid \$5,250 to repair the Civic Center roof and bid \$9,750. The City has budgeted for these repairs. Councilmember Harris stated the City would have to do some of the parapet work on the Civic Center roof. Motion was made by Hall, second by Dahl, to accept Tri-State's bid for both roofs. Motion passed.

Councilmember Williams stated that she felt the evaluation of City Manager Griffin at the April 4th Council meeting was conducted in a haphazard manner. Mrs. Williams then offered opinions she had not included in the 4/4/94 evaluation.

Councilmember Harris recounted that Council, at the last Council meeting, had discussion on Corbond insulation for the shop area of the new Utility Building and did not go for the \$2,200 savings. Again, Harris made the motion to save the City money and buy the remainder of the insulation right away. Motion died due to lack of a second.

Councilmember Hall stated that he felt City Manager Griffin had accurately described his (Hall's) feelings about the FYE 95 budget in his presentation of earlier tonight. Mr. Hall stated he felt that if we could create the FYE 95 Budget such that service delivery was not reduced and still retain all City employees that it would be a major accomplishment. Mr. Hall asked to go on record to say that he hoped to see the next General Fund budget be totally in balanced. Mr. Hall asked Mr. Griffin when an outline of next year's budget might be presented to Council. Mr. Griffin stated the latter part of May. Finance Officer Jim Christiaens stated he could put some information together for the next Council meeting.

Councilmember Dahl stated she wanted to see the minutes of the volunteer boards included in the Council packets.

Lee Phillips, a member of the Zoning Commission, requested that a recorder be provided to them for their meetings. Council directed staff to provide them one.

Warren McGee asked Clint Tinsley about the sidewalk in front of the museum needing to be fixed. City Manager Griffin stated he would get back to Mr. McGee after he researched the situation.

Bernice McGee recognized Urana Clark for all she has done for the community.

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

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The time was 10:23 p.m.

ATTEST:

APPROVED:

Julianne Blakely

RECORDING SECRETARY

Pat Mitchell

MAYOR

LIVINGSTON
CITY COUNCIL MEETING

May 2, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, May 2, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Barb Williams and Fred Hall, with Mayor Pat Mikesell presiding. Councilmembers Sheryl Dahl and Lee Harris were absent.

Motion was made by Williams, second by Hall, to approve the minutes of April 18, 1994 regular Council meeting. Motion passed.

Motion was made by Williams, second by Hall, to accept the bills and claims that were listed for \$112,600.40. Councilmember Hall questioned a claim that was described as grader/video. City Manager Ken Griffin stated he would need to find out. Mr. Hall questioned the claim to B&C Roofing, asking why it was being paid out of an insurance account. Mr. Griffin stated this was an insurance paid repair job. Mr. Hall asked about the summary in the front of the bills and claims that shows the current standing for the Water Account. Mr. Griffin answered that the current cash standing was about \$34,000 for the total fund. Motion passed.

Mayor Mikesell proclaimed May 1-7, 1994 as Water Week in the City of Livingston.

Mayor Mikesell proclaimed May 1-7, 1994 as Youth Week in the City of Livingston.

City Manager Griffin reported to Council that Smith Studios from Bozeman, was interested in purchasing the Lehrkind Building. He presented the Council with individual copies of the formal purchase offer, which was received from Western Heritage Realty about 5:10 this evening. The Manager apologized to the Council for the short time they had to review the proposal, but noted it was largely similar to the offer that he had reported to them in correspondence on Friday.

The offer was to lease the building for up to 24 months, and sometime during that period, Smith would make a downpayment of \$20,000 to purchase the building for \$175,000, with the City carrying the mortgage for 25 years at 8% interest.

Mr. Jovick expressed concern that it may not be in the best interest of the City to enter into a sale of the building tied to a lease at the front end. He suggested this should be two separate processes. As for the sale of the building itself, Mr. Jovick suggested a 20 year term would be more normal and usual, and that a downpayment in the 15% to 20% range would be more in keeping with standard practices.

The Council discussed the offer, with Williams making the motion, Hall seconding the motion, to defer this offer until the May 16, 1994 meeting, if Mr. Smith would extend it to that time, as we would then have a full council to consider the offer. Motion passed. Manager Griffin was instructed to ask the Realtor if the buyer would extend his offer.

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Motion was made by Williams, second by Hall, to approve Resolution No. 2462, A RESOLUTION APPROVING A LEASE BETWEEN THE LIVINGSTON CHAPTER OF ALCOHOLICS ANONYMOUS, OF LIVINGSTON AND THE CITY OF LIVINGSTON FOR RENTAL SPACE IN THE LEHRKIND BUILDING. Councilmember Williams questioned the leasing of the building due to an offer having been received. Mr. Griffin explained this was a month to month basis lease. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2463, A RESOLUTION APPROVING TECHNICAL CHANGES TO RESOLUTION 2415 OF THE CITY OF LIVINGSTON. City Attorney Jovick explained the reasoning for the Resolution. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2464, A RESOLUTION APPROVING TECHNICAL CHANGES TO RESOLUTION 2416 OF THE CITY OF LIVINGSTON. Councilmember Williams commented that this one was much longer. City Attorney Jovick stated the same applies to this Resolution as did the last. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2465, A RESOLUTION APPROVING THE COMMUNITY SERVICE PROGRAM GUIDELINES FOR THE COMMUNITY SERVICE PROGRAM FOR THE CITY OF LIVINGSTON. Councilmember Williams stated that she thought these were a good set of guidelines. Councilmember Hall questioned number three, concerning the work schedule. Councilmember Williams questioned number five and seven. City Manager Griffin answered Council's questions. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2467, A RESOLUTION APPROVING A LEASE OF CERTAIN REAL PROPERTY BETWEEN THE LIVINGSTON ROPING CLUB AND THE CITY OF LIVINGSTON. Councilmember Williams questioned the \$100 rental fee in the agreement. A change will be made, at the last Council meeting the rent was agreed at \$50 per year. City Attorney Jovick explained the changes of this lease with the Roping Club as opposed to the lease with the Polo Club. Discussion was heard. Motion was made by Williams, second by Hall, to amend the main motion to include having the Polo Club sign a statement releasing the grounds from the remaining term of their lease. That lease is up in October of this year. Motion passed. All in favor of the motion as amended. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2468, A RESOLUTION APPROVING AN AGREEMENT BETWEEN BIG SKY ASPHALT, INC. AND THE CITY OF LIVINGSTON FOR WORK RELATIVE TO SID #175 AND SID #176. Manager Griffin noted that these bids had been provided to the Council some time ago, but they could not be awarded until the Bond Counsel was ready to proceed with the sale of the bonds. It was noted that the per unit costs of SID 176 were to be based upon and identical to the per unit costs cited in SID 175. Mr. Hall amended the present motion to affect this stipulation. Mrs. Williams seconded it. Discussion ensued. Upon the question being called by Mayor Mikesell, both the amendment and subsequently the motion to enact Resolution 2468 were adopted by a 2 - 0 vote, with the Mayor endorsing the

affirmative votes.

Motion was made by Williams, second by Hall, to approve Resolution No. 2469, A RESOLUTION APPROVING THE APPLICATION FOR A GRANT FROM THE MONTANA RENEWABLE RESERVE AND GRANT FUND OF THE MONTANA DEPARTMENT OF RESOURCES AND CONSERVATION FOR THE DREDGING OF THE LAGOON AT SACAJAWEA PARK. City Manager Griffin provided more information as requested by Councilmember Hall. Urana Clark gave her comments. The vote was all in favor. Motion passed.

Second Reading of Ordinance No. 1759, AN ORDINANCE REPEALING SECTION 12-66 ENTITLED COMPUTATION - COMMERCIAL RATES AND ADDING SECTION 12-62 (D) TO CLARIFY THE BILLING CHARGES FOR REFUSE FOR COMMERCIAL ESTABLISHMENTS AND FOR COMBINATION COMMERCIAL/RESIDENTIAL ESTABLISHMENTS. All in favor. Motion passed.

Second Reading of Ordinance No. 1766, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM HIGHWAY COMMERCIAL (HC) TO HIGH DENSITY RESIDENTIAL (RIII) USE. City Manager Griffin noted this was the Assembly of God property. All in favor. Motion passed.

City Manager Griffin stated that he received, written notice from Dime Insurance Agency for the Absaroka Archery Club just before tonight's meeting. I was noted that the liability limit is insufficient. Mr. Tony O'Connor stated that at this time, they do not wish to take further action. They are meeting with the Rod and Gun Club to see if the Club can make arrangements there first, and if not, they will come back to Council at the next meeting.

Discussion was heard concerning the Swimming Pool Fee structure, with City Manager Griffin explaining that at the current rates, the pool is losing over \$20,000 annually. Mr. Griffin called attention to two staff reports provided in the packet. Discussion was heard amongst Councilmembers. Several negotiations and compromises were made. Urana Clark commented. Motion was made by Williams, second by Hall, to approve the following increases for the City's swimming pool:

Daily - \$2.00
 Individual Season Pass - \$45.00
 Family Season Pass - \$80.00
 Lessons with Pass - \$10.00
 Lessons without Pass - \$15.00

The vote was all in favor. Motion passed.

A letter from local citizen Kelly Conrow was included in the packet. She would like permission to rent canoes on the lagoon. Discussion was heard by Council, agreeing that the liability would be too high and they do not want to see the Lagoon be commercialized.

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City Manager Griffin requested that Council amend the fixed asset policy that is now in place. As it currently reads, all assets with a value of \$1,000 or more are "booked"; this requires specific knowledge of acquisition costs, date, etc. Griffin advised the Council that it would be much better for the Staff if this value were increased to \$5,000 as a minimum for booked assets. He went on to explain that all assets with a value of \$100 or more would still be inventoried, stickered, and controlled, but that only the \$5,000 items would be booked. The Council agreed that this would be an appropriate amendment to the Fixed Asset Policy, with the motion being made by Hall, second by Williams direct Mr. Jovick to draft an amending Resolution for their next regular meeting. Motion passed.

Bob Weimer addressed Council concerning a rezoning request of his that was denied at the last Council meeting. Councilmember Williams and Hall explained their reasoning against the rezoning. Mayor Mikesell told Mr. Weimer that more access to the area was needed.

Motion was made by Williams, second by Hall, to allow a request from Bill Koch of the Firehouse Playhouse, to purchase the proscenium curtain, three work lights and about a 25-26 foot run of red, white and blue lights that are currently in the stage at the Old Eastside School for \$400. Motion passed.

Councilmember Williams asked if Council was still meeting with the Park County Commissioners on May 4th at 4:30 pm even if it was not a full Council. Mayor Mikesell stated he felt they should.

Mayor Mikesell asked City Manager Griffin to hold off on the ISTEPA issue at this time, referring to the list of policy issues. He would like to discuss it at the meeting with the Commissioners.

City Manager Griffin stated that St. Andrews Church is wanting to expand, but due to the zoning they are now in, they would not be able to do so. Discussion was heard concerning all churches and their zoning. City Attorney Jovick summarized the root of the problem, with Council asking City Staff to look further into this topic and then return to Council.

Mayor Mikesell stated Council could discuss the Sanitarian salary at the Council/Commissioner meeting on Wednesday.

City Manager Griffin stated that there was not a need for a sewer rate increase at the present.

Mayor Mikesell reported that Urana Clarke's Government Study group wanted to meet with Council in a worksession. Councilmember Williams suggested the study group sit in on the City-County worksession on Wednesday.

Mayor Mikesell stated the grass needs cutting on one lot at Mount Baldy Drive.

John Orndorff, Chairman of Habitat of Humanity, read a statement to Council on the program. Mr. Orndorff asked City Manager Griffin if they would be able to apply for a CBDG grant. Mr. Griffin stated they would not be able to, since the City is only allowed to apply for one CDBG grant at a time.

Urana Clark disagreed with Councilmember Williams concerning the rates at the City Swimming Pool.

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

The time was 9:07 pm.

ATTEST:

APPROVED:

Juanne Blakely
RECORDING SECRETARY

Pat McNeill
MAYOR

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LIVINGSTON
CITY COUNCIL MEETING

May 16, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, May 16, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Barb Williams, Fred Hall, Sheryl Dahl and Lee Harris with Mayor Pat Mikesell presiding.

Motion was made by Williams, second by Dahl, to approve the minutes of May 2, 1994 regular Council meeting. Motion passed.

Motion was made by Hall, second by Dahl, to rearrange the agenda and move item 4; CONSIDERATION OF BILLS AND CLAIMS after 9A. Motion passed.

Mayor Mikesell proclaimed May 3, 1994 as National Teacher Day in the City of Livingston.

Mayor Mikesell proclaimed May 27, 1994 as American Legion Auxiliary's Poppy Day in the City of Livingston.

Special Water Fund Auditor Max Simmons, CPA, addressed Council and related to all present that he had been engaged by the City Council, to assist the City with the Water Building Project and evaluate the cash flow of the department. Mr. Simmons stated he was present tonight to indicate that the preliminary work his company has done with the audit and through discussions with the City's Finance Officer and the City Manager, demonstrate there is a need to consider the current cash flow of the City Water Fund. Simmons recommended that the Council borrow, on a short term basis, jointly from the Sewer and the Solid Waste enterprise funds, until the Board of Investments' loan for the building can be resolved. This is anticipated to be in July, at the next scheduled meeting of the governing board.

It was suggested that the Council alter the agenda to bring Resolution #2466 onto the table at this time, as it is a related matter. There were no objections from Council to alter the agenda to read Resolution No. 2466. Motion was made by Dahl, second by Harris, to approve Resolution No. 2466, A RESOLUTION TRANSFERRING FUNDS FROM THE SEWER AND GARBAGE ENTERPRISE FUNDS TO THE WATER ENTERPRISE FUND FOR THE NEW WATER FACILITY SHOP.

Mr. Simmons went on to state that his audit to date indicates that the new building is a needed asset for the City, and that the City's first priority should be to complete construction on that building. Councilmember Williams asked what the cash situation in the Water Department was presently. She noted that the 4/30/94 Cash Report from the Finance Officer reported some \$5,000 left in the fund. Mr. Simmons reported that presently there was about \$12,000 in the fund, due to daily cash receipts. But, went on

to state that the reason for this lack of cash is not due to any mismanagement, but purely because the City was denied the InterCap Loan literally at the moment when the City was ready to draw down the loan to replace Water Fund cash used to fund the building up until March, 1994. Mr. Simmons went on to note that the plan had been for the loan to be placed into the Water Fund, and thereby replace depleted cash reserves, while saving the City interest expense that would have been incurred had the InterCap Loan been drawn upon earlier.

Mr. Simmons called upon Mr. Christiaens, City Finance Officer, to report the current cash status of the Water Fund, as well as some other major funds within the City. Christiaens explained that the cash position of the Water Fund was based on the premise that the InterCap Loan had been approved and could be drawn upon in early March. He stated it was imperative, for the financial well-being of the Water Department, that the City get this loan re-approved, and into the Water Fund. Mr. Christiaens went on to explain the cash flow situation for the City's major funds as we move into the next fiscal year.

Councilmember Hall stated his records and information demonstrated there were far more financial problems in the City than just the Water Fund. He asked Mr. Simmons how the City could have managed things differently to have avoided this cash flow issue. Mr. Hall went on to state that the decision to have saved a few dollars in interest expense by delaying the draw down of the loan was another bad decision. Mr. Hall said it looked real bad for the City to be forced into a position to borrow money from other funds to keep one fund solvent. Mr. Simmons stated this was not at all uncommon for cities to make interfund loans to themselves. Mr. Hall stated that his understanding of the City's situation with the InterCap Loan was that there were two conditions that must be positively accomplished before the loan would be re-approved: 1) a good audit report from the Simmons Company, and 2) City Council action after receipt of this report. Mr. Hall went on to state that he was certain the Board of Investments would not grant the InterCap Loan if Livingston tried to continue business as usual; some changes would have to be made.

Councilmember Williams asked Mr. Simmons when the Audit would be completed. Mr. Simmons stated it would be mid-June.

Councilmember Dahl asked how much money would be needed to fix the Water Fund's cash flow problem. Discussion ensued in which it was noted that the resolution before the Council was to borrow money in increments of \$25,000 each to provide cash for the Water Fund as needed. Councilmember Dahl questioned whether we could delay payment on some of the bills for the Water Fund, thus reducing the amount of money needed to keep the fund solvent. Mr. Jovick noted that the Council has already obligated themselves to paying these bills when contracts were awarded on the construction of the building, on numerous occasions over the past couple of months. Not paying these bills when they are due would not be a good decision.

Councilmember Hall stated that his review of the cash reports indicate there is not \$200,000 available to transfer from the Sewer and Solid Waste funds into the Water

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Fund. It was reiterated that the resolution does not call for the total transfer, but authorizes up to that much money being moved in \$25,000 increments. Mr. Christiaens reported the cash situation and anticipated cash revenues yet to come into the City. Mr. Hall stated he had a real problem with stealing from the Sewer and Solid Waste funds to make the Water Fund solvent. He stated he did not think it was a good idea to take two healthy funds and jeopardize them only to bail out a fund which has been poorly managed. Mr. Hall went on to remark how slowly cash reserves are built in the enterprise funds. He noted that we need to be putting money into infrastructure, and that it might be the only way to resolve this problem was to go to the citizens and secure a rate increase. Mr. Griffin responded that he and the Auditor had been discussing this situation and reported that as early as 1986, the Auditor had reported to the Council that greater water and sewer rates, and consequently revenues were needed to perform infrastructure preventive maintenance. As of this date, however, no Council has enacted a rate structure that adequately provides for needed preventive maintenance of the infrastructure. Discussion continued.

Attorney Jovick suggested that the Council amend the pending resolution to allow up to \$50,000 being taken from each of the two funds to fund the Water Fund, instead of the stated \$100,000. Councilmember Hall moved to amend Resolution #2466 to take \$25,000 out of each of the Sewer and Solid Waste funds on a one time transfer to place into the Water Fund. Councilmember Dahl seconded that motion. The vote was three in favor and Mr. Harris opposed to the amendment. The vote on Resolution #2466, as amended, was unanimously in favor. Resolution #2466 was adopted, as amended.

Motion was made by Williams, second by Harris, to accept the bills and claims that were listed for \$125,184.54. Councilmember Hall questioned item #1834; City Manager Griffin explained that these were quarterly dues to Rotary for Griffin and Tinsley. Mr. Hall mentioned that line item 10333 was overdrawn. Mr. Hall remarked that the peacocks were paid for out of the repair and maintenance fund in the Parks Department. City Manager Griffin stated this was not a Capitol expenditure and there was not a more suitable line item for this. Mr. Hall questioned item #2315, for three porta-potties and that it exceeded the line item. Mr. Griffin stated he needed to check this out. Councilmember Williams stated that she seen that the City had paid back Walter Kirn for his bond. Mrs. Williams questioned item #1021 for CBDG Self Help; Mr. Griffin stated there was some money left over from the CBDG Grant, but not enough to work on a whole house project. The money left can be used by the people in the grant area that want to do extra items to their home themselves. Mrs. Williams questioned item #1074 to Colmey's; Mr. Griffin stated that the daily care of the dogs confiscated has always been charged out to the Solid Waste account. Mrs. Williams questioned item #1242; She states this is listed twice for flat tires. Mr. Griffin will need to look into. Mrs. Williams questioned item #1341 to Chappell's Body Shop on Police car #189. Mr. Griffin stated this was ok'd by the Mayor to fix. Mrs. Williams questioned item #1370 to Pioneer Ready Mix for 300 tons of asphalt. Mr. Griffin stated he would look into this.

Mary Ackerman Yates, Realtor working with the City, addressed Council for a review of offer to purchase the Lehrkind Building by Matt Smith from Smith Studios. Discussion

was heard from Council. City Attorney Jovick stated that he felt this was a poor business arrangement and suggested that Council vote down and not counter offer. Motion was made by Williams, second by Dahl, to reject this offer. Motion passed.

Motion was made by Williams, second by Hall to accept a variance requested by Mr. Henry Counts. The property is located at the corner of Chinook and 10th Streets. This variance will allow Mr. Counts to be allowed to build five feet from the Chinook Street property line. Motion passed.

Motion was made by Williams, second by Harris, to approve Resolution No. 2470, A RESOLUTION ADOPTING A FIXED ASSET POLICY OF THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Harris, second by Williams, to approve Resolution No. 2471, A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE PARK COUNTY SHERIFF'S OFFICE, PARK COUNTY COMMISSIONERS, AND THE CITY OF LIVINGSTON INCLUDING THE SUBORDINATE POLICE AND FIRE DEPARTMENTS FOR THE 9-1-1 PUBLIC SAFETY TELEPHONE SYSTEM. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2472, A RESOLUTION ADDING THE JOB DESCRIPTION FOR FIRE INSPECTOR/TRAINING OFFICER AND INCORPORATING THIS DESCRIPTION INTO THE GENERAL JOB DESCRIPTIONS FOR THE CITY OF LIVINGSTON. Councilmember Hall stated there was a typo on paragraph 4, line 3, should read "contacts". All in favor. Motion passed.

Motion was made by Harris, second by Hall, to approve Resolution No. 2473, A RESOLUTION RELATING TO \$152,700 POOLED SPECIAL IMPROVEMENT DISTRICT BONDS, SERIES 1994 (SPECIAL IMPROVEMENT DISTRICT NOS. 31 AND 32); FIXING THE FORM AND DETAILS AND PROVIDING FOR THE EXECUTION AND DELIVERY THEREOF AND SECURITY THEREFOR. All in favor. Motion passed.

Motion was made by Harris, second by Williams, to award the sale of bonds regarding SID NOS. 175 and 176 to the First National Park Bank. Motion passed.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1767, AN ORDINANCE ADDING ARTICLE X SECTIONS 30.100 THROUGH 30.108 ENTITLED WELLHEAD PROTECTION ORDINANCE TO THE CODE OF ORDINANCES. Discussion was heard concerning the Wellhead Protection Ordinance. City Manager Griffin stated that there has been talk with the Park County Commissioners to hold a public hearing for County citizens. Motion was made by Dahl, to send the ordinance back to the Zoning Board. City Attorney Jovick clarified for Council that this could not be sent back to the Zoning Board, but Council could: accept as is; accept with amendments; or, reject. Ms. Dahl withdrew her motion. Citizen comments were heard from Lenny Gregrey, Jim Peterson, Ray Lee, Gloria Thiede, Mike Atwood and Caren Cooper. The vote on the original motion to pass first reading of the ordinance was, Dahl and Williams in favor and Harris and Hall opposed with Mayor Mikesell casting the deciding vote as

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opposed. Motion failed. Motion was made by Hall, second by Dahl, to form a committee to rewrite the ordinance. Motion passed. Motion was made by Hall, second by Williams, to have a letter drafted to the Park County Commissioners, to explore Section 7-13-4504 with the possibility of forming a Local Water Quality District so the subject may be discussed the next time Council meets with the Commissioners. Motion passed. Motion was made by Dahl, second by Harris, to approve the Mayor's appointment of the following to a committee to rewrite the Wellhead Ordinance: Staff - Jim Woodhull and Tim Parks; Board of Adjustment - Lenny Gregrey, Caren Cooper and Lee Phillips; City Council - Sheryl Dahl and Fred Hall; Citizens - Ray Lee and Jim Petersen. A County Commissioner will be asked to sit on the committee also. Motion passed. The first meeting will be held Wednesday, May 18th at 8:00 pm in the City-County Building.

City Manager Griffin reported on the staff report that was requested for an amendment to the Sign Code. Joe Sabol an attorney representing McDonald's and Cenex was present to speak to Council. The following business owners who have signs and are opposed to lowering include: Daryl Strelnik owner of McDonald's, Doug Klotther owner of Cenex, Jim Koehler owner of Super 8 and Comfort Inn. Other persons in the area opposed to lowering the signs were: Mike Fleming, Renalda Burns owner of S-S Motel, Juanita Fatourous owner of Paradise Inn, Scott Lemert owner of Ranger Plumbing, Nathan Kovash owner of Yellowstone Motor Inn and Mel Maloney owner of Budget Host Motel. These business owners feel that the tall signs next to the Interstate draw customers to Livingston. They also stated that the motels in Livingston do work together. Jim Petersen spoke in support of amending the ordinance. Mayor Mikesell called a worksession for next Wednesday, May 25th at 7:00 pm.

Mayor Mikesell called a recess at 10:25 pm and called the meeting back in session at 10:30 pm.

Motion was made by Hall, second by Williams, to repair a fire hydrant at the Park County Fairgrounds as requested by the Park County Commissioners. Discussion was heard concerning this hydrant. City Manager Griffin answered the Mayor's question that the City was getting paid for performing the repair. This will be an item to be discussed at the June 1st meeting with the Commissioners, if ever the hydrant can be used for fires in the future. Motion passed.

Renae Matthews, Manager of the Bus Depot, is requesting that Council allow her a Bus Loading Zone in front of her new location on Park Street in the Guest House Motel building. Discussion was heard from Council and staff about their concerns on safety with the buses parked on Park Street. Other locations were suggested for a bus stop, with Councilmember Dahl stating the Lehrkind Building would be a suitable location. Motion was made by Williams, second by Harris, to deny this location for a bus loading zone. Clyde Campbell, Owner of the Guest House Motel addressed Council. More discussion was heard. The vote to deny the bus parking zone on Park Street was all in favor. Motion passed. Motion was made by Harris, second by Williams, to approve a bus parking stall on the first three parking stalls on the corner of Main Street south and put the appropriate signage up so the space will be available to meet the schedule of the

buses and to see how this works. Ms. Matthews stated the bus lines will pay for the signs. City Manager Griffin mentioned that all loading zones in the City are up for review at the beginning of Council's term of office. The vote was three in favor, Dahl opposed. Motion passed.

Motion was made by Harris, second by Williams, to not consider an offer to purchase City land in the Palace Addition from Mark and Sandy Wulf at this time. Councilmember Harris stated there is some land renovation work to be done in the future in that area and the City should hold onto this land for now. Motion passed.

Motion was made by Williams, second by Harris, to waive the open container law June 4, 1994 in Sacajawea Park for Livingston in the Parks. Motion passed.

The following April monthly reports were included for Council information:

Livingston Fire/Ambulance
 Fire Chief
 Police Chief
 City Judge

The Historic Preservation Minutes for May 1994 were included for Council information.

City Manager Griffin reminded Council of the upcoming City-County Volleyball game that benefits the Sister City Student Exchange with Naganohara, Japan. Mr. Griffin asked who might be playing from the City Council.

City Manager Griffin stated the City has not yet received a letter the County Commissioners said they would be sending concerning the City-County Sanitarian salary. Staff will ask them for something in writing, again.

Motion was made by Harris, second by Williams, to charge the bill from the auditor for the special audit to the Water Fund. Motion passed.

Councilmember Dahl stated she would be willing to volunteer her time putting a concession stand together at the swimming pool instead of using vending machines. Ms. Dahl felt this would help to fund the swimming pool. City Attorney Jovick stated that staff should study the suggestion. No objections were heard by the Council.

Councilmember Harris stated he has received a number of calls from people that are concerned about the rates being raised at the swimming pool and that may cause a hardship for some people. Mr. Harris suggested to only raise the rates half this year and the other half next year. City Manager Griffin stated he has talked to Public Services Supt. Ken Kastelitz and City Attorney Jovick about this issue. Mr. Griffin asked Council not to change the rates based on input he has received, and there was a program in place for those who cannot afford the higher rate. Motion was made by Hall, second by Harris, to drop the daily rate for ages 16 and under to \$1.00, and the \$2.00 rate

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applies to anyone age 17 and older and to leave all other rates the same. The vote was three in favor, Williams opposed. Motion passed.

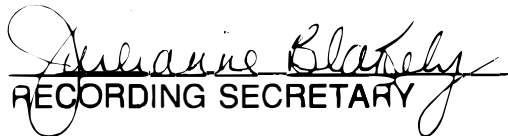
Citizen Gloria Thiede presented the Council with a written letter complaining about Councilmember Harris spraying dandelions in the alley between the Harris and the Thiede-Petersen households. After Ms. Thiede's presentation, her husband Jim Petersen made a similar presentation. Mayor Mikesell directed City Manager Griffin to research whether alleys belong to the citizens, or to the City. He also wanted information on whether the City Codes forbid the introduction of chemicals into an alley-way.

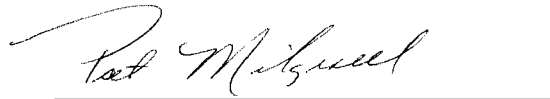
Motion was made by Dahl, second by Hall, to adjourn this meeting there being no further business. Motion passed.

The time was 11:30 pm.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

TO WHOM IT MAY CONCERN

The reason pages 39 through 44 are missing, is the draft minutes of the June 6, 1994 Council meeting were mistakenly printed on those pages instead of the final minutes.

Julianne Blakely 
Recording Secretary

WITNESS:

Ken Kastelitz 
Acting City Manager

LIVINGSTON
CITY COUNCIL MEETING

June 6, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, June 6, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Fred Hall, Sheryl Dahl and Lee Harris with Mayor Pat Mikesell presiding. Councilmember Barb Williams was absent.

Motion was made by Harris, second by Dahl, to approve the minutes of May 16, 1994 regular Council meeting. Motion passed.

Motion was made by Harris, second by Dahl, to accept the bills and claims that were listed for \$124,788.58. Councilmember Hall questioned item #4010 on page 12, suspenders charged to the Capital Improvement fund. City Manager Ken Griffin explained that this was a budgeted item in the Fire Department for the firemen's turnouts and Mr. Griffin explained that anything that will last over a year is a capital expenditure. Mr. Hall commented on the item for the May newsletter stating that over a year, it costs over \$3,300 for printing costs. Mr. Hall wondered if we really need it. Mr. Griffin stated that the previous Council felt it was important enough to mandate that it was done. Mr. Hall stated he may wish to reverse this policy. Mr. Hall questioned item #1431 on page 16 to Jerry's Hardware Hank for paint at \$1,870. Mr. Griffin stated this was special street paint but he was unsure if there were more items and would check it out. Mr. Hall questioned item #1237 on page 21 for 12 memberships at the Park County Rod and Gun Club. Mr. Griffin explained that these were annual memberships for the Police Department and by the City purchasing the memberships it avoids the City from having to maintain their own firing range. Councilmember Dahl questioned item #2105 for 8 sight glasses. Mr. Griffin explained these were devices that go on pumps to see how much oil is in the pumps. Motion passed.

Motion was made by Harris, second by Dahl, to approve Resolution No. 2475, A RESOLUTION APPROVING A LEASE BETWEEN THE CITY OF LIVINGSTON AND THE MONTANA DEPARTMENT OF JUSTICE, MONTANA HIGHWAY PATROL AND A LEASE BETWEEN THE CITY OF LIVINGSTON AND WYOMING/MONTANA SAFETY COUNCIL FOR OFFICE SPACE IN THE FORMER EASTSIDE SCHOOL BUILDING. City Manager Griffin reported that a few changes were needed to the lease with the Montana Highway Patrol. One was with paragraph 17 because the State is self-insured Mr. Griffin reported the additional three paragraphs to be added; termination language, venue requirements, and compliance with all State and Federal laws. City Attorney Jovick stated these additions could be incorporated into the language of the lease and a revised lease would be drafted to include the changes. Council was in agreement. Discussion was heard by Council. Mr. Griffin answered Councilmember Dahl's question that the elevator would be paid for out of revenues generated from the building. Discussion was also heard about changing the content of the lease with the State as opposed to other leases. Police Chief

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Park Street between 5th to 7th Streets for overflow. Motion passed.

Dan Quillen from ERA Realty asked earlier in the week to be on the agenda, but had telephoned and stated he would be unable to attend.

Motion was made by Harris, second by Dahl, to award a bid to Eggar's for mortar repair at the Old Municipal Water Plant for the amount of \$850. Councilmember Harris gave some history of the roof. Motion passed.

Lenny Gregrey presented a Wellhead Status Report and stated that a copy of the document has been submitted to the City Attorney for his review. Mr. Gregrey stated a plotter that was purchased with grant money has never worked. City Manager Griffin and Finance Officer Christiaens stated that the plotter does work. Staff was directed to look into the matter.

Mrs. Joyce Herauf was present to request approval from Council to rent retail space at the Eastside Building. Discussion was heard about the building being zoned public and obtaining renters for the building. Motion was made by Hall, second by Harris, that the rental policy at the Eastside Building include retail outlets and City Attorney Jovick get back to Council with a legal opinion to whether accepting retail space will cause a zoning problem. Motion passed.

Councilmember Harris gave his opinion that a 37% land swap with the County at the Eastside Building would be bad policy. Mr. Harris explained his reasons. Mayor Mikesell stated that if the City rented out space at the building, parking space would need to be provided and he was now opposed to the land swap. Councilmember Hall gave his opinion of how the City-County Agreement read with Mr. Hall and Ms. Dahl requested a copy of the agreement. Staff will supply.

Discussion was heard concerning the roof to the City-County Building. Mayor Mikesell stated the City did not have the funds to fix the complete roof that the County Commissioners had bid out. One item needed to be fixed. Mr. Harris gave the Council a run down on the items that needed fixing and stated that he was opposed to all the bids that were received from the County. He stated he could fix portions cheaper than what the bids were. Councilmember Hall asked that the problems be investigated into further detail with fixed numbers to repair the problems. Mr. Griffin was asked to talk with the Commissioners to come up with a more detailed plan.

Discussion was heard about a memo the City Manager wrote to Council concerning street sweeping parking citations. Motion was made by Dahl, second by Harris to accept the street sweeper schedule for 1994 and include the hours of enforcement that tickets will be issued to be between the hours of 5:00 am until 8:30 am. Mr. Griffin stated that the purpose of the street sweeper was to keep the storm drain systems to properly flow. Motion passed.

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Lynn Gillett stated it was agreeable with him to allow the Highway Patrol to meet with any handicapped individual if necessary in the Police Department until an elevator was put into place. The vote was all in favor with changes. Motion passed.

Motion was made by Dahl, second by Harris, to award the bid for street paving at the Sleeping Giant Middle School to Big Sky Asphalt, Inc. of Bozeman. City Manager Griffin explained only one bid was received and the City is only responsible for schedule "C" in the contract book. The School District is responsible for the rest of the contract. Motion passed.

Motion was made by Dahl, second by Harris, to approve Resolution No. 2476, A RESOLUTION APPROVING A CONTRACT BETWEEN BIG SKY ASPHALT, INC. OF BOZEMAN AND THE CITY OF LIVINGSTON FOR PAVING IMPROVEMENTS ON "E" STREET AND AT THE SLEEPING GIANT MIDDLE SCHOOL CAMPUS. City Manager Griffin pointed out the the road will be public access and the City will maintain it. All in favor. Motion passed.

Kara Ricketts, Executive Director with the Park County Economic Development Corporation addressed Council to request \$2,000 of City funds to perform a study on housing in Park County. Other entities contributing \$2,000 each to this study are Park County, HRDC and PCEDC. City Finance Officer Jim Christiaens stated this was a good cause and that there is CDBG administrative money that can be used. Motion was made by Dahl, second by Harris, to contribute \$2,000 from the City for this study. Motion passed.

Mary Ackerman Yates addressed Council with a second offer from Mr. Smith of Bozeman regarding the purchase of the Lehrkind Building. Mr. Smith's offer was an outright purchase of \$140,000. Discussion was heard with Council being in agreement that the City could wait for the price they were asking. Earlier in the year, Council dropped the asking price from \$250,000 to \$175,000 and they still feel this is a fair price. Motion was made by Hall, second by Dahl, to continue to ask \$175,000 for the Lehrkind Building from Mr. Smith or anyone else that might be interested. All in favor. Motion passed.

Motion was made by Hall, second by Harris, to approve Mr. Tinsley's recommendation of accepting the system as built and approval of the payback schedule of the Crazy Mountain Acres Trailer Park. Discussion took place concerning payback fees from the Adams family should they tap into the utility lines. Mr. Hall made an amendment to the original motion that it becomes effective when the City receives documentation from Mr. McNamara stating the situation with the Adams payback, second by Dahl, with Hall and Harris in agreement to the amendment. The vote on the original motion was all in favor. Motion passed.

Scott Black presented Council with a letter and schedule of events for their upcoming Mark's In & Out Beefburgers 5th Annual Car Show June 24th and 25th. Police Chief confirmed with Mr. Black that their parade route was fine. Motion was made by Harris, second by Dahl, to approve the request from Scott and Mark Black to use the park along

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Mayor Mikesell stated that North "N" Street needed to be bladed. He also reported he had received a call from a Mr. Davis on North 11th Street. Mr. Davis lives on a dead end street and there used to be a dead end sign and requested that one be replaced. Mayor Mikesell also stated he was receiving complaints of dogs in Sacajawea Park and people playing frisbee with their dogs in the Park. City Manager Griffin stated that dogs did need to be on a leash at all times and the only place leashes were not required were in Miles Park along the river and at Mayor's Landing. It was also noted there was no leash length.

Councilmember Hall commented some more on his interpretation on the 37% land swap that has been discussed a number of times and also earlier in the meeting. City Attorney Jovick gave his opinion of the contract with the County concerning the 37% swap of some piece of land. Mr. Jovick stated that sole ownership was the way to go and will give a legal opinion.

Councilmember Dahl stated she felt there needed to be a job description for the Community Service Program Director. Discussion was heard with a decision that the Mayor and Councilmember Dahl would sit down with Warren McGee to talk with him. Councilmember Harris commented this was the City Manager's business through City staff. Ms. Dahl asked that the job description for the Community Service Program Director be on the agenda for the next meeting.

Councilmember Dahl stated that she would like to see the availability of the Old Municipal Water Building on the rental market. City Manager Griffin stated he felt that was an excellent idea and did say that the Park Clinic does rent the southern most part of building for storage. There was no disagreement amongst the Council to the idea of the City Manager advertising the rental of the rest of the building.

Councilmember Dahl was curious about the Community Oriented Policing Program the City Manager gave Council a memo on earlier. Police Chief Gillett thought it looked like a worth while program if Council was interested. Motion was made by Dahl, second by Harris, to allow Mr. Griffin to send a letter of interest to the National Institute of Justice. Motion passed.

Urana Clark addressed Council that the trees she donated to the City and that were placed on the strip of grass along Park Street were sprayed for spruce bud worms free of charge to the city by someone she hired to spray the trees at her residence.

Mrs. Joyce Herauf asked how long it would take Mr. Jovick for a legal opinion of the Eastside School Building. Mr. Jovick stated it would be approximately a week. Mrs. Herauf stated she was purchasing Mr. Weimer's inventory from his current place of business and needed a place to store it. City Manager Griffin stated she could store the inventory in the basement of the Eastside Building until a decision has been made. Mr. Jovick stated that Mrs. Herauf should be aware if a rezoning or variance type of action needed to be done to accommodate retail at the building it could take some time, up to a few months and she should be aware of this fact.

Cole Inglehart commented about the City granting \$2,000 for the research on housing. He stated someone should find out who the businesses are in town with employees that need housing. Mr. Inglehart also commented that if the City has a job description for volunteers that maybe they should be paid.

City Manager Griffin reminded Council that there would be a worksession Monday, June 13, 1994 at 7:00 pm with Mr. Simmons.

Mr. Griffin also reminded Council of a letter they received in the mail to dine over the noon hour on Monday June 13, 1994 with Cabinet-level officials from Russia.

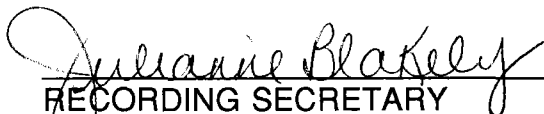
Mr. Don Devine questioned how rental rates were being established on the Eastside building. Mayor Mikesell responded they were based on rates from around town. City Manager Griffin also answered Mr. Devine's questions.

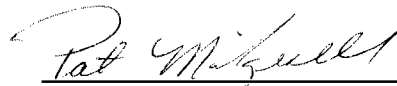
Motion was made by Dahl, second by Harris, to adjourn this meeting there being no further business. Motion passed.

The time was 9:30 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

June 20, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, June 20, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Fred Hall, Sheryl Dahl, Lee Harris and Barb Williams with Mayor Pat Mikesell presiding.

Motion was made by Williams, second by Harris, to approve the minutes of June 6, 1994 regular Council meeting. Motion passed.

Motion was made by Harris, second by Williams, to accept the bills and claims that were listed for \$100,087.97. Councilmember Dahl questioned two claims to Aldrich's for a combined total of \$628.02 for work performed at the East Side School Building. Ms. Dahl reported her concerns with expending money on the East Side Building without budgeting will put us in violation of Montana Codes. Her concerns were how the money was to be tracked without a budget. Mayor Mikesell stated the labor figures should be tracked because they are going directly to the building.

Motion was made by Dahl, second by Hall to amend the bills and claims to not pay two claims, #1021 to Aldrich's at this time. The amendment passed.

City Manager Griffin answered Councilmember Dahl's question concerning a body armor purchase for the Police Department on page 16, claim #1287. Staff determined there would not be capital expenditures money in the next fiscal year for this purchase. Police Chief Gillett still had money in his operations account from this fiscal year and it was estimated that approximately 6 body armors were needed.

Councilmember Dahl questioned a claim on page 8, vendor #1005 to Simmons and Co. in the amount of \$3,482.50. Mr. Griffin stated a bill was paid on June 13th for \$3,106.67. Ms. Dahl commented that both of these claims were for Mr. Simmons fees.

Mr. Griffin answered a question on page 10, claim #620029, to Duane Frelich. This was a two day meeting with an overnight stay in Billings for the Waste Water Treatment Plant. Mr. Griffin answered Ms. Dahl's questions on page 7 to James Stallard and Audrey Morgan. Mr. Stallard is receiving reimbursement from medical bills he incurred from a dog fight. This is handled through Judge Travis' Court.

The claim for Audrey Morgan was a reimbursement out of the Ambulance Fund, due to Ms. Morgan paid first then the insurance paid. Councilmember Williams questioned item #1086 on page 10 to DARE America for \$1,620.17. Mrs. Williams stated through out the bills and claims there are a few more claims for this same item for a total

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of \$2,305.69. Mr. Griffin stated this was all fifth grade students in all of Park County including the City, graduate from DARE. This is approximately 500 - 550 students. Each student receives a DARE teeshirt, pencil, a DARE Graduation Certificate, lapel pin and a DARE bumper sticker. The City and County underwrites the DARE Fund and DARE also accepts contributions from the private sector. Mr. Griffin answered a question for Mr. Harris stating that the City contributes \$5,000 of tax dollars into the fund, with the County putting money into the fund also. Money is spent on DARE purchases out of the fund through out the year.

Councilmember Williams questioned a claim on page 15 to Terrell's Office Machine. Mr. Griffin explained this was a paper shredder for the Police Department. The City is required to either have a paper shredder or a burn barrel for confidential material. This claim was to find out what was wrong with the shredder and to see if it would be fixed.

Councilmember Williams questioned a claim on page 23 to Kenyon Noble Lumber. Mrs. Williams stated there were a few more claims throughout the book paid out of CDBG money. Mr. Griffin explained there was approximately \$20,000 left over in the CDBG Program. The fund needs to be closed out by June 30th. There is insufficient money and time to rehabilitate another house. The City obtained approval from the State Department of Commerce that administers the CBDG Fund, to go into the Community Development Block area and do some neighborhood renovations. This particular claim is for a picket fence along Gallatin Street at the M Street Park. Mr. Griffin stated picnic shelters were being built at M Street Park and three outdoor barbecue grills and two outside durable garbage cans have been ordered. Sixteen garbage racks are being replaced as part of the project. Motion passed on the bills and claims.

Mayor Mikesell proclaimed June 27 - July 4, 1994 as Western Days in the City of Livingston.

Mr. Max Simmons presented Council with copies of the final Special Audit of Water Fund Building Costs. Mr. Max Simmons and Mr. Bill Gusa presented their findings and recommendations at this time. Questions and discussion was heard from Council to the Auditors.

Mr. Simmons answered Councilmember Dahl's question that a timely response back to the Auditor would be before the 10th of July. Mayor Mikesell stated that would be an adequate time frame. Councilmember Hall questioned where else the report may go to, with Mr. Simmons answering the report would be submitted by City Council, including the auditor's responses to the Board of Investments. Councilmember Harris related that he did not agree with Mr. Simmons conclusions. Mr. Harris requested that Mr. Simmons show him where the City was in violation regarding the InterCap Loan. Mr. Simmons quoted Section 5.2 of the InterCap Loan Agreement.

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Mayor Mikesell confirmed to Mr. Harris that he did speak to Mr. Ewer, and the reasons that Mr. Simmons stated was why the loan was not granted. Mr. Simmons answered questions pertaining to his length of time as an auditor and what steps he took to figure out a cost summary for this special audit for Mr. Hall. Mr. Hall went on record to say that he would stand behind Mr. Simmons work one hundred percent. Mr. Harris went on record to disagree. Mrs. Williams agrees with Mr. Hall pertaining to Mr. Simmons. Mayor Mikesell went on record to say the document was very well put together and thanked Mr. Simmons for his work. Ms. Dahl went on record to thank Mr. Simmons for his work and effort. Motion was made by Williams, second by Dahl, to accept this document as the special audit of the Water Fund Building. The vote was three in favor, Harris opposed. Motion passed.

Motion was made by Williams, second by Harris, to approve a variance request from Mr. & Mrs. Robert Segil at 330 S. Yellowstone, from the five (5) foot side yard setback required in RII zoning. They wish to make an addition to their home which is fourteen inches too close to the side property line. Motion passed.

Motion was made by Williams, second by Dahl, to approve a variance request from Suzanne Schneider at 409 South F Street for the 3500 square foot per residential structure minimum lot size requirement for RII zoning. Lee Phillips clarified that the five (5) foot rear setback was not being requested. Motion passed.

Motion was made by Harris, second by Dahl, to approve Resolution No. 2478, A RESOLUTION AUTHORIZING THE CITY OF LIVINGSTON TO SUBMIT AN APPLICATION TO THE STATE OF MONTANA DEPARTMENT OF COMMERCE, HELENA FOR A COMMUNITY DEVELOPMENT BLOCK GRANT. City Manager Griffin explained the resolution to Council. Councilmember Williams encouraged the City to follow all defined procedures as stated on page 33 of the agreement when the City proceeds. All in favor. Motion passed.

Motion was made by Williams, second by Harris, to waive the open container law on June 24th from 5:30 - 8:30 pm on the half block on Main Street from the Guest House alley to Callender Street for the Downtown Hoedown. Motion passed.

Motion was made by Williams, second by Harris, to waive the open container law on July 2nd from 4:00 - 8:00 pm on the half block on Main Street from the Guest House alley to Callender Street. Jan Berntsen from KPRK was present, explaining the Fun Fest would start after the parade. Ms. Berntsen answered City Attorney Jovick question that alcohol was not being promoted. Motion passed.

The following May 1994 reports were included for Council's information:

Livingston Fire/Ambulance Report
Fire Chief Report
City Judge Report
Police Chief Report

The following minutes were included for Council's information:

Historic Preservation Committee, June 1994
City/County Airport Board, February, March and April 1994
Library Board, April 21, 1994

Councilmember Dahl requested that the Board of Adjustment's minutes also be included in the Council packets.

City Manager Griffin reported to Council that a local architect, Jim Snyder, was interested in leasing the Old Municipal Water Plant Building. Mr. Griffin provided Council with Mr. Snyder's written proposal and stated that he (Snyder) was willing to allow Park Clinic to keep leasing their portion until he would need the whole building. The Park Clinic lease is up in July or August. Mr. Griffin answered Councilmember Williams question that Park Clinic pays \$100 per month to lease a portion of the building. Councilmember Dahl questioned the clean-up of the building, with Mr. Griffin stating there was nothing significant that needed cleaning up. Discussion was heard about having a formal lease drafted. City Attorney Jovick stated there is a similar zoning question that pertains to this building as the East Side School Building. Mr. Griffin stated that he believed the City needed to retain a portion of the Old Water Building for active water rights protection. More discussion was heard. Mr. Jovick stated the building would need to be rezoned or the zoning code for allowable Public uses amended and explained the procedures if Council so desires. Mr. Jovick also mentioned that Council may want to re-define what is acceptable or not acceptable within the Public Zoned area as opposed to rezoning the actual area. Councilmember Hall felt if the City intends to rent office space at the building, the City needs to go through the zoning procedure first. Motion was made by Hall, second by Dahl, to begin the process to study where the zoning law can be amended in the public areas so that commercial office space in City owned buildings would be acceptable. Motion passed.

Councilmember Dahl asked that the, Community Service Program, Director and Job Description be put on hold, until which time Council was able to meet with the director of the program.

Councilmember Hall returned to the subject of the special audit report and the fact that Council just accepted the report. Mr. Hall gave his opinion of how he felt the report has exposed the City, from methods were used to construct the Utility Building.

Motion was made by Hall, second by Williams, that as of this meeting, Council terminates the employment of Mr. Griffin as the City Manager, as per the original agreement with him, paragraph 4. Mr. Hall commented on his concerns. Mr. Harris gave his comments and that he did not agree with Mr. Hall. Roll call vote was taken with Harris and Dahl opposed, Williams and Hall in favor. Mayor Mikesell cast the deciding vote as in favor. Motion passed.

Motion was made by Williams, second by Dahl, to ask Simmons and Company to do the regular annual audit of books for the City of Livingston. Amendment to the motion was made by Hall, second by Williams, that from recommendations by the Auditor, the City needs to get more financial reporting. Mr. Hall wants Mr. Simmons to put together a document that details what financial statements the Council should be receiving, what type of format they should be in and what time frame they should be reviewed. The vote on the amendment was three in favor, Harris opposed. Motion passed. The vote on the motion as amended was three in favor, Harris opposed. Motion passed.

Councilmember Williams asked for someone to explain a discrepancy from the financial report from April to May. Her question concerned the CD at Empire Savings and Loan, stating that on April 30, 1994 it was at \$500,000 and it was not to mature until June 29, 1994 and at May 31, 1994 it was down to \$298,000. Finance Officer Jim Christiaens confirmed that particular CD had been redeemed. Mrs. Williams also questioned that between March 31, 1994 and April 30, 1994, the City had a savings account at Empire Savings and Loan, and it was closed with \$21,847.61. Montana Bank savings account was redeemed in that same time frame of \$33,128.80. Mrs. Williams questioned if those actions were permissible without Council approval. Mrs. Williams also stated that a Piper Jaffray account was \$30,435.38 less than it was at the first of this year. Mrs. Williams stated all accounts redeemed total \$287,072.57. City Attorney Jovick stated he needed to review the hard copies of the redemptions before he could give an opinion. Councilmember Hall questioned Mr. Christiaens if the City suffered a penalty for early withdrawal of the CD. Mr. Christiaens stated \$1,600. Mr. Christiaens answered Mayor Mikesell's question that the money went into the checking account.

Mayor Mikesell asked for proposals at this time from Council to choose an Acting City Manager. A suggestion was made by Hall to ask John Orndorff if he was willing to come out of retirement and take the position of Interim City Manager to help manage the City and possibly help with the search of a new Manager. Discussion was heard from Council. Mayor Mikesell asked Mr. Orndorff, who was in the audience if he would consider the position. Mr. Orndorff stated he would discuss this with a committee appointed by the Mayor. Mayor appointed himself and Councilmember Williams to meet

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with Mr. Orndorff after this Council meeting. Motion was made by Hall, second by Dahl, to appoint Ken Kastelitz Acting City Manager until further arrangements are made by Council. Motion passed.

Discussion was heard regarding Ken Griffin's contract. City Attorney Jovick read portions of Mr. Griffin's contract. Motion was made by Dahl, second by Williams, to grant Mr. Griffin 30 days severance pay and 120 days medical insurance. The vote was three in favor, Harris opposed. Motion passed.

Councilmember Hall suggested a worksession to discussion the application of the InterCap Loan. Mayor Mikesell set a worksession for Wednesday, June 22nd at 7:30 pm. Councilmember Dahl stated that a worksession for the budget needed to be scheduled as soon as possible. Mayor Mikesell set a budget worksession for Thursday, June 23rd at 7:30 pm. Finance Officer Christiaens stated he could be at the budget worksession.

Councilmember Hall commented he had questioned the Water Building since he had come into office and felt the audit was worth money.

Ruth Eggar addressed Council with her comments.

Mike Fleming addressed Council with his comments. Mr. Fleming also asked that Council reconsider the \$140,000 offer of the Lehrkind Building.

Councilmember Harris stated some of his comments earlier in the meeting were not addressed to Mr. Fleming.

Cole Inglehart asked for clarification of the general budget. Mayor Mikesell answered his questions concerning the earlier discussion of the CDs.

Jan Dahl addressed Council with questions about Ken Griffin. Mayor Mikesell answered her questions.

Lenny Gregrey read a statement to Council voicing his opinion that there needs to be a change in Management and also commented on the condition of the finances in the City of Livingston.

Gene Benson addressed Council with his comments.

Lee Phillips addressed Council with her comments.

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

The time was 9:55 pm.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

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LIVINGSTON
SPECIAL CITY COUNCIL MEETING

June 27, 1994
7:30 P.M.

The Livingston City Council met in special session Monday, June 27, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Sheryl Dahl, Barb Williams and Fred Hall with Mayor Pat Mikesell presiding. Councilmember Harris was absent.

Motion was made by Williams, second by Hall, to approve Resolution No. 2479, A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT BETWEEN JOHN ORNDORFF AND THE CITY OF LIVINGSTON. Comments from the public were heard from Ruth Eggar, Cole Inglehart and Bernice McGee. Written comments from Councilmember Harris are on file with the transcripts.

Mayor Mikesell announced the meeting would go into executive session, stating that the merits of individual privacy exceed the merits of public disclosure. Council went into executive session at 7:40 pm to discuss the employment agreement with Mr. Orndorff.

Mayor Mikesell called the meeting back to order at 8:50 pm. Councilmember Hall made to the motion to amend the ending date in the employment agreement with Mr. Orndorff from January 31, 1995 to August 31, 1995, seconded by Dahl. Mayor and Council reported to the public on their discussions in executive session.

Mike Fleming questioned the termination provisions of the proposed agreement with Mr. Orndorff. Mayor Mikesell and Councilmember Hall answered.

Don Devine questioned the Council's right to terminate without notice. City Attorney Jovick stated that the City manager serves at the will of the Council and can be terminated without any notice.

Roll call vote taken on the amendment was all in favor. Motion passed. Roll call vote taken on the motion as amended was all in favor. Motion passed.

Discussion took place concerning the contract of previous City Manager Ken Griffin. City Attorney Jovick stated that the contract with Mr. Griffin had a 90 day termination provision. Motion was made by Williams, second by Dahl, to allow Ken Griffin 90 days severance pay and 120 days medical coverage. The mover and seconder to the motion were in agreement to amend that the 90 days severance pay be put on regular city paydays. The voice vote on the motion with the amendment was unanimous in favor.

Motion passed.

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

The time was 9:06 pm.

ATTEST:

APPROVED:

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Suzanne Blakeley
RECORDING SECRETARY

Pat Mitchell
MAYOR

LIVINGSTON
CITY COUNCIL MEETING

July 5, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, July 5, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Barb Williams, Fred Hall and Sheryl Dahl with Mayor Pat Mikesell presiding. Councilmember Lee Harris was absent.

Motion was made by Williams, second by Dahl, to approve the minutes of June 20, 1994 regular Council meeting and June 27, 1994 special Council meeting. Motion was made by Hall, second by Dahl, to amend the minutes of June 20, 1994 meeting where it refers to Councilmember Harris stating that some of his comments earlier in the meeting were not addressed to Mr. Fleming. Mr. Hall requested that those comments that referred to Mr. Gillard be added. The comments were as follows: (Council thanked Mr. Simmons for his work on the special Audit). Councilmember Williams asked Councilmember Harris how a contractor such as himself or builder, can allow something to be built without lien releases. Mr. Harris stated that it was simple and was done all of the time and suggested a talk with Mr. Gillard who built the Frontier for about one third less than anybody told him he could do it for, with Mr. Harris stating that he noticed that nobody talked with Mr. Gillard and he was in on the decision making process. Mrs. Williams stated that they were playing with other peoples money now, with Mr. Harris stating that was true. (Mr. Simmons asked for acceptance or rejection of the special audit) Motion on the amendment passed. Motion as amended passed.

Councilmember Hall suggested that Council rearrange the agenda and go to Resolution No. 2481, A RESOLUTION BORROWING AND TRANSFERRING FUNDS FROM THE SEWER AND SOLID WASTE FUNDS TO THE WATER FUND, in order to fund the Water Department Fund before the bills and claims are considered. Motion was made by Williams, second by Dahl, to approve this resolution. Mayor Mikesell confirmed for Councilmember Williams that this will increase the amount we have borrowed from the Sewer and Solid Waste Fund to \$75,000. City Manager John Orndorff confirmed Councilmember Hall's question that both funds have sufficient money available as reported from receipt's posted earlier in the day. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to accept the bills and claims that were listed for \$93,019.44. Motion passed.

A public hearing was held for a zone change at Lincoln School as requested by the Black Nights Associates who recently purchased the building. City Planner Jim Woodhull stated that the property is currently zoned Public (P) and it is requested the parcel be rezoned to Central Business District (CBD). No public comments were heard. Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1775, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM PUBLIC (P) TO CENTRAL BUSINESS DISTRICT (CBD) USE. Council comments were heard from Williams and Dahl. The vote was all in favor. Motion passed.

City Planner Woodhull gave some background information to Council and the audience on the zone change at the T-Alley South to Callender Street in Blocks 64-69 O.P. Mr. Woodhull also summarized on the two text amendments that were included for Council's information. At this time, a public hearing was held on the zone change. Comments heard opposed to the zone change were George Indendi, Lori Indendi and Michael Long. Comments heard in favor of the zone change were from Sonny O'Neil, Kayla Egeland and Donalene O'Neil. City Attorney Jovick explained the process that was needed for the Zoning Board to proceed and an ordinance will be drafted for the next meeting. Discussion was heard from Council on their comments and concerns with the text amendments. Motion was made by Hall, second by Dahl, to send the text amendments to the Zoning Board to go through the Public Hearing process. Councilmember Dahl told the public if they wanted a copy of the proposed text amendments, they could obtain one at the city office. The vote on the text amendment going to the Zoning Board was two in favor, Williams opposed. Motion passed.

A public hearing was held for a special exception for St. Andrew's Episcopal Church to allow for the enlargement of their church building located at 310 West Lewis Street. No public comments were heard. Motion was made by Williams, second by Dahl to accept this special exception. City Planner Woodhull answered Councilmember Dahl's question the church was currently zoned as RII. Motion passed.

Motion was made by Dahl, second by Williams to approve Resolution No. 2480, A RESOLUTION ESTABLISHING A SPECIAL COMMITTEE TO STUDY AND RECOMMEND AN INFRASTRUCTURE REPLACEMENT PROGRAM FOR THE CITY

WATER AND SEWER DEPARTMENTS. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve first reading of Ordinance No. 1768, AN ORDINANCE ADDING ARTICLE II TO BE ENTITLED "CITY BUDGETARY LIMITATIONS" TO CHAPTER 5 OF THE CODE OF ORDINANCES AND ADDING SECTION 5-20 SETTING FORTH CERTAIN BUDGETARY LIMITATIONS. City Attorney Bob Jovick stated that the ordinance was as discussed, at the worksession, with minor modifications. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1769, AN ORDINANCE ADDING SECTION 5-21 TO THE CODE OF ORDINANCES TO SPECIFY THAT NO SALARIES MAY BE ALTERED NOR SALARY POSITIONS ADDED WITHOUT AN EMERGENCY RESOLUTION ADOPTED BY THE CITY COUNCIL. City Attorney Jovick clarified for Council, that Mr. Orndorff was looking for a policy clarification later in the City Business portion of the meeting, for when a lower level employee fills a higher level position they should receive the higher pay. Mr. Jovick stated that this ordinance did not deal with that situation and further explained that the purpose of the ordinance by using an example; an employee in any department, salaried at \$25,000 in salary, could not be paid \$30,000 in the course of a year without a special emergency resolution and budgetary amendment. More discussion was heard. Mr. Jovick stated that this ordinance is not intended to address short periods of fill in's, but intended to address having those positions in the budget originally, as well as bonus situations. Mr. Jovick answered a question for Councilmember Hall. Mr. Jovick stated that Council should discuss in regular city business what their policy should be and he would write an addition to Ordinance No. 1769 and Council can amend the ordinance at the next meeting. Mr. Orndorff noted to Council that there were three union contracts which varied. The vote was all in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve first reading of Ordinance No. 1770, AN ORDINANCE ADDING SECTION 5-22 TO THE CODE OF ORDINANCES TO PRECLUDE FINANCIAL REIMBURSEMENT FOR PURCHASES MADE BY CITY EMPLOYEES. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve first reading of Ordinance No. 1771, AN ORDINANCE ADDING SECTION 5-23 TO THE CODE OF ORDINANCES TO PROVIDE THAT THE CITY SHALL NOT SERVE AS ITS OWN GENERAL

CONTRACTOR ON ANY CITY BUILDING PROJECTS HAVING A VALUE OVER \$25,000. Mr. Orndorff pointed out that the word "building project" was significant. All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve first reading of Ordinance No. 1772, AN ORDINANCE ADDING SECTION 5-24 TO THE CODE OF ORDINANCES TO REQUIRE PUBLIC NOTICE FOR COMPETITIVE BIDDING PRIOR TO THE AWARD OF ANY CONTRACT FOR PURCHASE IN EXCESS OF \$1000. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve first reading of Ordinance No. 1773, AN ORDINANCE ADDING SECTION 2-35 TO THE CODE OF ORDINANCES TO BE ENTITLED "TRAINING SESSIONS FOR NEW CITY COUNCIL MEMBERS TO BE COORDINATED BY CITY MANAGER". Discussion was heard concerning the definition of newly elected officials and would like to see "newly" changed to "all" elected officials. Motion was made by Dahl, second by Hall, to amend the ordinance by deleting the word "newly" and adding the word "all". The vote on the amendment was all in favor. Motion passed. The vote on the motion as amended was all in favor. Motion passed.

Two bids were received to provide the City of Livingston with bulk fuel for FY94-95. Bids were as follows:

Tri-Valley Petroleum

Regular \$.98 9/10ths per gallon
 Unleaded \$.98 9/10ths per gallon
 #2 Diesel \$.71 1/10th per gallon (no tax)

Northern Energy

Propane \$.80 2/10ths per gallon

Motion was made by Dahl, second by Williams, to approve staff recommendation to award the bid to Tri-Valley Petroleum for regular, unleaded and #2 diesel and Northern Energy the bid for propane. Some discussion was heard. Motion passed.

Mr. Orndorff reported to Council in reference of a letter from Michael Gorton in Naganohara, Japan. Mr. Orndorff stated the Mayor of Naganohara is planning a visit on September 28th and 29th. A joint concert is being arranged with Verne Beffert. Mr. Orndorff mentioned others that were involved and that Council will be kept up to date as

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other developments occur.

Mr. Orndorff mentioned that a group of hunters from Japan will be visiting Livingston in October. Arrangements have already been made by a local outfitter.

Mr. Orndorff mentioned other events involving the Japanese that will be taking place over the next few weeks. Mr. Orndorff stressed that the Japanese were very formal people and Council should all be in attendance to meet them when they are here. Council was in agreement to continue with the program and be involved. Mr. Orndorff will keep Council informed.

City Planner Jim Woodhull explained a Preliminary Plat Subdivision for the Mountain View Estates - Portions of vacated blocks in the Minnesota Addition. George Denton is the subdivider and wishes to divide this parcel of approximately ten acres into thirty separate residential lots. Questions were asked by Council, with Mr. Woodhull answering. City Attorney Jovick questioned item #11 of the Staff Report. Mr. Jovick asked if this item should state "at what point in time the developer would provide the guarantee and for what length of time". Mayor Mikesell questioned item #2. Discussion was heard that the current subdivision regulations required paving. Mr. Jovick stated that City Council policy for a number of years has been to require paving. Mr. Woodhull answered Mr. Jovick's question as to the time frame the Council is on for consideration of the preliminary plat. Mr. Jovick recommended that Council postpone consideration of the plat until the next council meeting so that some of the questions may be answered. Motion was made by Hall, second by Dahl, to postpone until the next meeting. Motion passed. Councilmember Hall stated that item #9 needed looked into. Councilmember Dahl questioned items #3 & #7, with Planner Woodhull answering.

The Crazy Mountain Kids Club Profit/Loss statement for May 1994 was included for Council's information. Mr. Orndorff reported he has a copy of the resolution and agreement with CMKC. Mr. Orndorff read paragraph 4, the section that references where a profit shown for two consecutive months.

The minutes of the City Zoning Commission/Board of Adjustment for May 1994 were included for Council's information.

Mr. Orndorff stated that the false ceiling at the Civic Center will be removed in August and that the fans are in plans. Mr. Orndorff reported that Supt. of Public Services Ken

Kastelitz worked with MPC in obtaining energy efficient lights as replacements. The lights would have cost the City \$2,800 but the City will only have to pay \$400.

Mr. Orndorff stated the mailing of the City's newsletter cost \$415 per month. Council was in agreement with Mr. Orndorff, that there would be no mailing for July and further mailings should be discussed during budget worksessions.

Mr. Orndorff stated that he approved a Sewer purchase order for approximately \$7,000 of materials for the storm drain associated with the Blue Heron paving project. The money will come from the Sewer Capital Outlay Fund and is to be installed on July 8th.

Mr. Orndorff asked for discussion concerning the sweeper ticketing issue. After discussion. It was decided that the Code Enforcement Officer will issue tickets at random from now until August and if it is not effective, Council and Staff will look into further. Councilmember Williams answered a question for Cole Inglehart.

Mr. Orndorff notified Council that a public notice will be published that the Preliminary Budget Hearing will be held on July 25th and the Finalized Budget meeting will be August 4th. Discussion was heard on scheduling a budget worksession. Mr. Orndorff will provide Council with a copy in draft form of the percent of wages that are out of the different accounts. Thursday, July 7th at 7:00 pm was set for the first budget worksession.

Mr. Orndorff stated there would be a meeting with the County Commissioners July 6th at 4:30 pm. One item of discussion will be concerns of the Librarian and her recommendation that a different cleaning method be use by the Library. It is suggested that the City rejoin the County in the cleaning of the City-County Building.

Mr. Orndorff read into the minutes a financial information Report of Revenues for FY93-94, not audited. Mr. Orndorff asked that a copy of this information be included with the official minutes.

Mr. Orndorff stated that the claims in this Council packet were done in the normal way of the last few months. He stated that in the future, they will be presented in a different way and there must be money appropriated for the City to expend it.

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Mr. Orndorff requested a policy decision, summarizing that non-union employees traditionally receive the same benefits as union employees, with the three union contracts containing paragraphs concerning an employee filing a higher level position and receiving the pay of the position. Mr. Orndorff stated that he had seen where Captain Fenton and Supt. Ken Kastelitz were not paid the salary of the positions they filled for a week. Mr. Orndorff is requesting a policy decision from Council. Discussion was heard. Council was in agreement with Councilmember Hall suggestion to discuss this issue at the next worksession.

Mr. Orndorff stated that several phone calls were received late Thursday night concerning motorcycles operating on the city owned property off of Star Road near the Armory. Mr. Orndorff stated signs have been ordered that say "No Trespassing, No Motorcycles" and will be placed on the property. Discussion was heard, with the motion being made by Williams, second by Dahl, to ask Mr. Kastelitz if the wording on the already ordered sign can be changed to "No Motorized Vehicles". Motion passed. This is limited to city property.

Mr. Orndorff stated that Ken Kastelitz is working with the Ford Company for a commercial. The company is wanting to use the Wind Farm in their filming.

Mr. Orndorff stated that Dave Ewer from the Intercap Program returned his telephone call last week. Mr. Orndorff stated he wanted to deliver the special audit answer to him sometime the week of July 25th and that we also need to know how much we want to borrow.

Mr. Orndorff mentioned other concerns that involve money:

- The City still owes the Schools \$20,000 for the East Side School.
- Questioned how the Senior Citizen Van is to operate. Mr. Orndorff stated the driver is taking vacation this month and he was told the City Manager will arrange for a replacement driver from the City's work force in the office.
 - Asked for a policy statement from the Council concerning the position of the City Mechanic as he is being paid out the Central Store Account and how he is to be reimbursed.
 - The City needs \$36,000 for the 911 System.
 - Asked if there were any budgets for the move to the East Side School and the 911 System.

Mr. Orndorff reported that he has instructed the Finance Officer to move the checking account to a different bank for the new fiscal year, stating we may be able to save approximately \$3,000+ with this move.

Police Dispatcher Gayle Pruitt is resigning effective September 1, 1994.

Police Officer Jim Gartner is resigning from the Police Department effective July 7, 1994 to join the Billings Police Department.

The City Court Clerk will be working the hours of 9-6. She will be collecting the money for all fines, parking tickets, etc. and writing all receipts. She is working until 6 pm for more accessibility for the public and this will also lessen the work load for the dispatchers. Mr. Orndorff also noted this addresses an issue that has been in several Auditor reports. Discussion was heard between Council and Staff.

Police Chief Gillett answered Councilmember Williams questions on the process of filling a vacant police officer's position.

Police Chief Gillett answered Councilmember Halls question about losing a dispatch in the Police Department. Chief Gillett stated there is a part time dispatcher currently working and is trained for the position.

Mr. Orndorff answered Mrs. Williams' question that another officer will be placed into the budget. Council asked that discussions of 911 and a police officer be discussed in a worksession.

City Attorney Jovick answered Mr. Orndorff's question referencing 1 mill the voters approved for the City Government Study. Mr. Jovick stated it would be assessed in the Assessment Resolution and that City Finance needs to include that in the millage.

Mr. Orndorff stated that he had signed a letter for the Montana Arts Council Cultural & Aesthetic Project for a \$8,798.00 grant this year for Cindy NeSmith at the Depot. On the cover letter Ms. NeSmith included the paragraph:

"I have asked him to sign the grant, as has been done in the past. however, until you receive a copy of the council minutes after the July 6th meeting it will not be official."

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Motion was made by Williams, second by Dahl, to allow Mr. Orndorff to sign the Montana Arts Council grant. Motion passed.

Mr. Orndorff reported to Council that Supt. Clint Tinsley has met with School Officials and their Engineer concerning the road at the new East Side School. He recommended after viewing the plans, to delete 4 items which saved the school approximately \$6,400 and made things more agreeable to the City. Councilmember Williams asked Mr. Tinsley what items were deleted, with Tinsley stating the Storm Drains.

Mr. Orndorff informed Council that the Waste Water Treatment Plant was inspected by Sandra Stapler from the Employment Relations Division of the Department of Labor and Industry on June 15th. There were six serious findings and findings "Other than Serious". Supt. Tinsley has been notified that these issue need addressed and corrected and a letter sent back that this has been done. Councilmember Williams requested a copy of the findings.

Mr. Orndorff stated that he provided Council with a copy of "Earnings History Summary" for Warrant Date 6/20/94 and 7/5/94. Mr. Orndorff stated this is the payroll data for both hourly and salaried employees. The total city payroll for June was \$186,347.19, with 135 payroll checks issued.

Mr. Orndorff stated he will be reproducing many things for Council. He requested that Council tell him when it is enough.

He also pointed out that the City Manager is responsible for all city employees. He stated that in the past it has been interpreted in many different ways. Mr. Orndorff stated that he did not mind if Council talked with city employees, but that he wanted that city employee to tell him what was discussed. He stated that if Council had any problems with a city employee, to come talk with him, that his door is always open.

Mayor Mikesell stated he has friends who work for the city that he goes camping with. Mr. Orndorff stated that, that was a friendship, and he was more concerned about stopping on the street and talking with an employee.

Councilmember Williams stated she talked with Clint Tinsley earlier in the day about a drinking water problem. All Councilmembers were in agreement that common sense needed to be used on this subject. Mr. Orndorff said he did not mind Council

talking with employees that he only wanted to know the problems.

Mr. Russell Young owner of the Park Plaza Place, appealed to Council about a decision that was made to allow the Bus Station to be in the Guest House Motel Building. Mr. Young stated there has been a massive amount of complications and inconveniences from the location of the bus station and frequently they are not open for their customers, with the people gathering on the sidewalks. He stated people are in his building taking baths in the bathrooms, leaving their luggage in the hallways. Mr. Young does not believe this is the image the downtown business people want to portray.

Mr. Young stated the bus drivers are leaving their busses running, with the exhaust going down the Plaza's hallway. He stated bus drivers are also going into the businesses and asking customers to move their vehicles that are on the streets so the drivers may park their busses. Discussion was heard, with Council and Staff relating that signs have been ordered and when they are received, they will be erected at the designated spaces on Main Street.

Mayor Mikesell stated that Council could only act on where to allow a bus loading zone and that is the only enforcement they have. Councilmember Dahl suggested that Mr. Young contact the Greyhound Bus Lines.

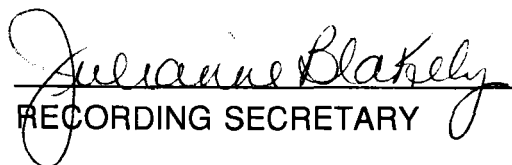
Bernice McGee commented on the Angel Line Van. Mrs. McGee stated that the City Manager should contact Barbara Vandervort and have a meeting. Some discussion was heard.

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

The time was 10:15 pm.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

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INSERT FOLLOWS

C O R R E C T E D C O P Y

FINANCIAL INFORMATION
FOR COUNCIL MEETING
of July 5, 1994

Report of Revenues for FY93-94, not audited

as/of June 30, 1994 (includes June's revenue for Water,
Sewer and Solid Waste.

The Account 1000-General Fund budgeted revenues of \$1,686,223 and we are short of that amount by \$8,182. We will probably receive more than the budgeted amount once all monies are received.

The Account 5210-Water Operating budgeted revenues of \$646,820 and we are now \$67,988 short of that amount.

The Account 5310-Sewer Operating budgeted revenues of \$731,732 and we are now \$24,804 short of that amount.

The Account 5410-Solid Waste budgeted revenues of \$609,500 and we are now \$47,151 over that amount.

The Account 5510-Ambulance Services budgeted revenues of \$188,000 and we are now \$49,776 over that amount.

Report of Expenditures vs Appropriations for FY93-94,
not audited

(Please remember that June's last period pay checks and the final claims are not included in these figures.)

The Account 101-Legislative budgeted \$14,620 and is over spent \$713.

The Account 103-Administration budgeted \$31,540 and is over spent \$8,098.

The Account 121-Facility Administration/Complex budgeted \$46,510 and is over spent \$9,088.

The Account 122-Central Communications budgeted \$22,615 and is over spent \$4,333.

The Account 141-Fire Protection Department budgeted \$360,730 and is over spent \$7,256.

The Account 151-Street Department, Section 430220-Facilities/ City Shop budgeted \$2,850 and is over spent \$580.

The Account 153-Parks Department, Section 460442-Civic Center Administration budgeted \$16,400 and is over spent \$3,477.

The overall General Fund, at this moment, is under spent \$110,020 and the Finance Officer is forecasting that we will end with being under spent approximately \$30,000.

The Account 2370-PERD (Public Employees Retirement) budgeted \$62,000 and is over spent \$15,953.

The Account 2373-Police Pension budgeted \$34,200 and is over spent \$535.

The Account 5210-Water Operating budgeted \$693,456 and is over spent \$236,077. Two items to note: Utility Shop Construction budgeted \$0 and is over spent \$461,416; and, the other item is that \$95,000 was budgeted for depreciation (830) and \$0 was charged against this item.

The Account 5310-Sewer Operating budgeted \$870,966 and is over spent \$48,642.

Please remember that two weeks of salaries, wages, claims and year end items have yet to be posted.

It is probable that Solid Waste Account 430840-Disposal may be over spent when all of the claim are finally paid.

It is probable that Account 7094-Park Improvement Trust will be over spent when the remaining bills are paid.

jwo

C O R R E C T E D C O P Y

SPECIAL LIVINGSTON
CITY COUNCIL MEETING

July 14, 1994
7:00 P.M.

The Livingston City Council met in special session Thursday July 14, 1994, 7:00 p.m., in the Community Room at the City County Building. Councilmembers present were Sheryl Dahl, Lee Harris, Barb Williams and Fred Hall with Mayor Pat Mikesell presiding.

Motion was made by Dahl, second by Harris, to approve Resolution No. 2484, A RESOLUTION APPROVING A NOTICE OF BID AWARD THROUGH PARK COUNTY TO COMMERCIAL COMMUNICATIONS FOR THE CONTROL CONSOLE SYSTEM AND THE ANI/SRR CONTROLLER FOR THE 911 SYSTEM FOR THE CITY OF LIVINGSTON.

Discussion was heard from Staff and Council. Police Chief Gillett answered Council's questions on the measurement location of the console; that everyone would continue to be billed 25¢ on their phone bill; and, that Gardiner was not on this plan.

Chief Gillett handed out and explained a proposed budget for the East Side School and 911.

Discussion was heard concerning that the City still owed the School District \$20,000 for the East Side School. City Manager Orndorff suggested offering the District partial payment this year and payment in full during the next fiscal year. Mr. Orndorff is still waiting to hear from School Administrator Verne Beffert on his proposal.

City Attorney explained what was needed from the Park County Commissioners in regards to floating a bond issue if the need should arise.

Discussion was heard in working with the County and getting all Law Enforcement into the East Side School.

Discussion was heard that the City Manager draft a letter to the County, inviting the County to meet with the Council to talk about joint Law Enforcement at the East Side School. Mr. Orndorff stated a meeting with the Commissioners has already been scheduled. Motion was made by Hall, second by Williams, to amend the motion and have the discussed item added to that agenda to be discussed with the Commissioners at the next regular scheduled meeting. Roll call on the amendment was all in favor. Amendment passed. Roll call on the motion as amended was all in favor. Motion passed.

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

The time was 7:25 pm.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Pat Mitchell
MAYOR

LIVINGSTON
CITY COUNCIL MEETING

July 18, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, July 18, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Barb Williams, Fred Hall and Lee Harris with Mayor Pat Mikesell presiding. Councilmember Sheryl Dahl was absent.

Motion was made by Williams, second by Hall, to approve the minutes of July 5, 1994 regular Council meeting. Motion passed.

Motion was made by Williams, second by Hall, to accept the bills and claims that were listed for \$93,615.82. Councilmember Williams questioned page 12 to Dale Sexton, \$475.00 for Fly Fishing Instruction. It was stated that people did pay for their instructions.

Mrs. Williams questioned page 19 to Tony's Tubes listed twice. City Manager John Orndorff stated the wrong patrol car was listed and should have read #229 and #403.

Mrs. Williams questioned page 26 to Mecklenburg Gardens for \$6,898.00, with the understanding that this was paid for from a grant. Mr. Orndorff answered her question that there was a one year guarantee on the trees and Council received a map in their mail box earlier in the day where the trees were planted.

Councilmember Hall questioned Mr. Orndorff if there was money in the Water Operating Fund to pay the amount of \$12,661.11. Mr. Orndorff stated that \$100,000 was recently transferred into the Water Fund. The last print out he received showed a positive balance of approximately \$82,000.

Councilmember Harris questioned page 12 to Simmons & Co. Mr. Orndorff stated this was for the special audit.

Mr. Harris questioned page 13 to the Class of 1984 for cement. Mr. Orndorff stated this cement was purchased to repair a rock wall along the river and that the Class of '84 made a donation to the Park Trust Fund.

Page 14 for area rugs in the amount of \$156.97 and in reference to page 23 for area type rugs. Mr. Orndorff explained one was for a purchase of rugs and the other for area type rugs Industrial Towel replaces periodically.

Page 14 for petty cash reimbursement and in reference to page 24 item 1171, on having two petty cash funds. Mr. Orndorff explained the petty cash was for miscellaneous items and would get back to Mr. Harris why there are two accounts.

Page 14 item 1197 to the Montana Department of Justice. Mr. Orndorff stated this was the City's half.

Page 18 to Rocky Mountain Printing for Master Arrest Cards/City Share. Mr. Orndorff and Police Chief confirmed this was only the City's share.

Page 18 item 1276. Mr. Harris asked if this for a pruning seale in the Parks. Mr. Orndorff stated it was.

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Page 20 item 1293 to Valley Motor Supply for a battery for meter truck. Mr. Harris commented that a heavy duty battery could be purchased else where for a quarter less than the \$46.62 this claim was for.

Page 20 item 1298 to Western Photo Sales for film. Police Chief Gillett stated that the City purchases all film for the jail and the County pays to have it developed.

Page 21 item 1305 to Yellowstone Hardware for Gymnastic Mats. Mr. Orndorff explained this was a donated item by the Business Merchants for the Recreation Department.

Page 22 item 1343 to Yardley and Yardley. Mr. Orndorff stated this was for various cases and would have to pull the claim to see exactly how many.

Page 22 item 1359 to Insty Prints for City Manager stickers. Mr. Orndorff stated this was stickers with his name, in order to use the old City Manager's stationary.

Page 22 item 1370 to Pioneer Ready Mix for repair of Mt. Baldy Drive in the amount of \$10,820.00. Mr. Orndorff explained this was part of the EDA Sewer Line Project and will obtain further clarification.

Page 24 item 1684 to Dorsey & Whitney for \$6,000. Mr. Orndorff stated he will reproduce this claim and put into Mr. Harris's mail box. Mr. Orndorff stated this may be for legal assistance in putting the bonds together for SID #176.

Page 25 item 1815 to Big Spring Water Co. Mr. Orndorff reported that this was part of the Utility Building.

Page 25 item 1855 to David Rust Carpet, carpet for the fountain. Mr. Orndorff will look into for Mr. Harris.

Page 25 item 1892 to Rocky Mtn Info Network for RMIN annual dues. Police Chief Gillett stated these were dues for the Police Department.

Page 26 item 2334 to Timberline Systems for insulation at the Water Shop. Mr. Orndorff stated this insulation was for the front office portion of the shop.

Page 26 item 2337 to Wal-Mart Stores Inc. for 24 cans of tennis balls. Mr. Orndorff explained this was for the Recreation Department, who has an instructor giving tennis lessons. People taking lessons pay for the instructor.

Motion to pay the bills and claims passed.

City Manager Orndorff referred to the addendum to a bill that is over 30 days past due to Myhre Advertisement. Mr. Orndorff stated that the total bill the City is responsible for is \$2,700, and that part was paid by a grant from Yellowstone Country for billboard rental. Mr. Orndorff stated this was not a budgeted item.

Discussion was heard. City Attorney Jovick suggested the minutes be looked over during that period of time to see where the obligation may be. Motion was made by Fred, second by Williams, to table until the City Attorney has time to look over the material and render a decision. Motion passed.

City Planner Jim Woodhull provided background information for a variance request from Mr. Thomas Burns, 305 E. Montana, that would allow him to infringe upon the 25 foot front yard setback required in Medium Density Residential (R11) Zoning Districts. Motion was made by Williams, second by Hall, to disapprove the variance request as recommended by the City Board of Adjustment in the Staff report.

It was also noted that construction had started before a building permit was issued.

Mr. Burns provided pictures of the construction to Council stating he was wanting to add a solarium onto his house.

Comments heard as opposed were from: Marshall Engstrom and Jack Stevenson. Comments in favor were from: Cheryl Bartha and Blanche Terry. Discussion was heard from Council. The vote to disapprove the variance was two in favor, Harris opposed. The vote to disapprove carries. Motion passed.

Motion was made by Williams, second by Hall, to allow the Crazy Mountain Kids Club permission to use the City Park for a Duck Race on August 21, 1994. Dennis Williams, Treasurer to CMKC, spoke about the fund raiser and that styrofoam ducks would be used. City Attorney Jovick stated there does not seem to be more liability than other events and that the City would rely on it's regular coverage if needed. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2486, A RESOLUTION REQUIRING A BALANCED BUDGET FOR THE REVENUES AND EXPENDITURES, PROVIDED AND USED IN NORMAL OPERATION, IN ALL FUNDS OF THE CITY. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2487, A RESOLUTION CREATING CERTAIN RESERVES IN CITY FUNDS. Councilmember Harris asked for the definition of certain reserves. City Manager Orndorff stated that at this time, it was just being identified, that there will be reserves consisting of the Operating reserve, Capital Replacements reserve, Capital Improvements reserve and Debt Services reserve. Mr. Orndorff stated that these reserves will vary. All in favor. Motion passed.

Motion was made by Hall, second by Williams, to approve Resolution No. 2488, A RESOLUTION APPROVING AN AMENDED LEASE BETWEEN THE CITY OF LIVINGSTON AND THE MONTANA DEPARTMENT OF JUSTICE, MONTANA HIGHWAY PATROL AND A LEASE BETWEEN THE CITY OF LIVINGSTON AND THE WYOMING/MONTANA SAFETY COUNCIL FOR OFFICE SPACE IN THE FORMER EASTSIDE SCHOOL BUILDING. Some discussion was heard, with City Attorney Jovick explained that the State wanted more clarification. Mr. Jovick answered Councilmember Harris' question that City Management had negotiated the economic terms of these leases. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2489, A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND LOCAL 630, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS. Councilmember Hall requested that City Manager Orndorff make for public record, exactly what this raise of \$75 per employee will cost over the course of a year. Mr. Orndorff stated it would cost the City overall \$70,000, the General Fund will have an increase of approximately \$37,700. Mr. Orndorff stated for Mr. Hall the obligation from the Fire Department would be \$13,500.

Councilmember Williams pointed out that the medical increase had not come to Council's knowledge until recently, and that two contracts had already been approved,

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those being the Police and Utilities. Mrs. Williams stated that the Council had no knowledge that the insurance was capped at \$250. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2483, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF BILLINGS, MONTANA AND THE CITY OF LIVINGSTON FOR USE OF BILLINGS'S SANITARY LANDFILL FACILITIES IF THE NEED SHOULD ARISE. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2485, A RESOLUTION AUTHORIZING THE CITY OF LIVINGSTON'S TERMINATION OF THE DECEMBER 1, 1980 AND JUNE 22, 1982 AGREEMENTS WITH PARK COUNTY REFUSE DISPOSAL DISTRICT NO. 1. All in favor. Motion passed.

Motion was made by Hall, second by Williams, to approve Resolution No. 2490, A RESOLUTION APPROVING A STANDARD AUDIT CONTRACT BETWEEN THE CITY OF LIVINGSTON AND SIMMONS AND COMPANY FOR AN AUDIT OF THE GENERAL PURPOSE FINANCIAL STATEMENTS OF THE CITY OF LIVINGSTON FOR FISCAL YEAR ENDED JUNE 30, 1994. City Manager Orndorff stated this Resolution and contract was a result of a motion made by Council a few meetings ago to hire Mr. Simmons and Co. Mr. Orndorff stated Mr. Simmons would be paid a fee of \$50 per hour, not to exceed \$22,500. City Attorney Jovick stated that professional services do not require a written contract.

Comments and discussion were heard from Council. Motion was made by Harris, to amend the first motion to include that the City go out with a RFP to different Auditor's that audit municipalities and request a bid on auditing the last fiscal year's books. Motion died due to lack of a second. More discussion was heard. The vote was two in favor, Harris opposed. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2491, A RESOLUTION APPROVING A CONSULTING AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND TERRY R. HUMANN, CPA FOR ACCOUNTING AND FINANCIAL ANALYSIS AND CONSULTATION. Councilmember Harris was in opposition to hiring Mr. Humann and read the payment clause in the agreement. Mr. Harris also read a written statement. Discussion was heard from Council concerning the agreement.

Councilmember Hall asked Mr. Harris if he had any other CPA he would like to consider. Mr. Hall also asked if Council would be in agreement to table the Resolution until the next meeting. Mr. Harris added that he wanted the motion to include a RFP. Mr. Hall stated that time was the essence and did not think we had enough time to go out with a RFP. Motion was made by Hall, second by Harris, to table this Resolution until Council can research an area local CPA that is acceptable to members of the Council, and present the alternatives to Council at their next regular meeting. City Manager Orndorff stated there would be a problem with this motion, due to the fact that the Intercap Loan application needed hand carried to Helena on the 29th of July and presented to David Ewer.

Mr. Hall asked for clarification from Mr. Orndorff that the Cash Flow Analysis is part of the Intercap Loan application. Mr. Orndorff stated that was his understanding. Mr. Hall

stated that he could not support his own motion. Mr. Harris suggested the Mr. Christiaens be put back on board to get things squared away. The vote on the amendment to table was Harris in favor, Williams and Hall opposed. The Resolution was not tabled. Mayor Mikesell clarified a question for Brenda Adams. The vote on the Resolution was two in favor, Harris opposed. Motion passed.

Second Reading of Ordinance No. 1768, AN ORDINANCE ADDING ARTICLE II TO BE ENTITLED "CITY BUDGETARY LIMITATIONS" TO CHAPTER 5 OF THE CODE OF ORDINANCES AND ADDING SECTION 5-20 SETTING FORTH CERTAIN BUDGETARY LIMITATIONS. All in favor. Motion passed.

Second Reading of Ordinance No. 1769, (As amended) AN ORDINANCE ADDING SECTION 5-21 TO THE CODE OF ORDINANCES TO SPECIFY THAT NO SALARIES MAY BE ALTERED NOR SALARY POSITIONS ADDED WITHOUT AN EMERGENCY RESOLUTION ADOPTED BY THE CITY COUNCIL. Motion was made by Williams, second by Hall, to add sub paragraph B as an amendment to the ordinance. The vote was all in favor of the amendment. The vote on the ordinance as amended, was all in favor. Motion passed.

Second Reading of Ordinance No. 1770, AN ORDINANCE ADDING SECTION 5-22 TO THE CODE OF ORDINANCES TO PRECLUDE FINANCIAL REIMBURSEMENT FOR PURCHASES MADE BY CITY EMPLOYEES. All in favor. Motion passed.

Second Reading of Ordinance No. 1771, AN ORDINANCE ADDING SECTION 5-23 TO THE CODE OF ORDINANCES TO PROVIDE THAT THE CITY SHALL NOT SERVE AS ITS OWN GENERAL CONTRACTOR ON ANY CITY BUILDING PROJECTS HAVING A VALUE OVER \$25,000. All in favor. Motion passed.

Second Reading of Ordinance No. 1772, AN ORDINANCE ADDING SECTION 5-24 TO THE CODE OF ORDINANCES TO REQUIRE PUBLIC NOTICE FOR COMPETITIVE BIDDING PRIOR TO THE AWARD OF ANY CONTRACT FOR PURCHASE IN EXCESS OF \$1000. All in favor. Motion passed.

Second Reading of Ordinance No. 1773, AN ORDINANCE ADDING SECTION 2-35 TO THE CODE OF ORDINANCES TO BE ENTITLED "TRAINING SESSIONS FOR NEW CITY COUNCIL MEMBERS TO BE COORDINATED BY CITY MANAGER". Councilmember Williams stated at the last meeting, an amendment was made to change the word "new" to "all" newly elected City Council members. Comments were heard from Councilmember Harris. Discussion was heard on this subject. City Attorney Jovick stated that Councilmember Dahl asked that this Ordinance be drafted. The vote was two in favor, Harris opposed. Motion passed.

Second Reading of Ordinance No. 1775, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM PUBLIC (P) TO CENTRAL BUSINESS DISTRICT (CBD) USE. All in favor. Motion passed.

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Motion was made by Williams, second by Hall, to approve first Reading of Ordinance No. 1777, AN ORDINANCE ADDING SECTION 5-25 ENTITLED "RESTRICTED RESERVES" REQUIRING A TWO-THIRDS MAJORITY OF THE COUNCIL FOR THE EXPENDITURE OF RESTRICTED RESERVES IN ALL FUNDS OF THE CITY. City Attorney Jovick answered a question for Councilmember Hall, also stating this Ordinance was requested and suggested by the Auditor. Mr. Jovick gave further comments concerning the Ordinance. All in favor. Motion passed.

City Manager Orndorff gave some background and noted there was additional information in the addendum in regards to the City's Street Paving policy for interior streets in a subdivision. Rick Kerin, Engineer to the proposed Denton Subdivision, addressed Council to request that Council adopt the conditions to the subdivision as written through developer extensions and be allowed to accomplish the project in phases if need be, to avoid SID's to the interior streets. City Attorney Jovick stated that item #12 was added to the conditions by memorandum from the City Planner. Motion was made by Harris, second by Hall, to approve the Denton Subdivision as outlined in the 7/18/94 letter. Motion passed.

Motion was made by Williams, second by Hall, to approve first Reading of Ordinance No. 1776, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM HIGHWAY COMMERCIAL (HC) TO RESIDENTIAL (R11) USE. City Attorney Jovick stated Council needed to take action on this ordinance tonight. Motion was made by Hall, second by Harris, to table the T-Alley Zone Change until such time the text amendments that were discussed at the previous meeting, have time to go through the Board of Adjustments for a preliminary hearing. Motion passed.

City Manager Orndorff stated Gayle Pruitt, Police Dispatcher has moved her termination date to July 17th. Regular Part-time employee Wendy Wood will be her replacement.

Motion was made by Harris, second by Williams, to allow the Big Brothers and Sisters Organization to assume the maintenance responsibility of the triangle Park at 7th and Park Streets. Jay Keifer asked if there was a problem with the current shrubs that were in question to be replaced and if the Park's Department could trim them. Mr. Orndorff answered Mr. Keifer's questions.

Discussion was heard from Council, including liability. Councilmember Hall asked for further clarification of what was being asked. Mr. Orndorff stated that the Organization would pick up all costs. City Attorney Jovick explained the liability issue with Council. Councilmember Harris asked if the current shrubs could be utilized in another place. Mayor Mikesell and Council were in agreement to allow the Organization to maintain the triangle on an interim basis and the costs incurred were solely theirs.

Jan Dahl questioned if there was any guidelines in place, with the Mayor and Council answering her questions. It was also noted that the Big Brothers and Sisters Program would follow under the supervision of Ken Kastelitz. Motion passed.

Mr. Orndorff reported on a recent meeting with the County Commissioners, that the City-County Building needs metal caps on the parapet walls. Two bids were received, one

from a Bozeman firm and another from Mr. White who had the low bid. Councilmember Harris asked where the money would come from, with Mr. Orndorff stating it would have to be budgeted. Mr. Harris explained the type of repair work that needed performed on the building. Mr. Harris made the recommendation to only repair part of the wall due to the money situation. He suggested to do the work on a time and material basis and answered Councilmember Williams question that he estimated it would cost between \$500 - \$1000 to only do the necessary work this budget year. Further discussion was heard. Motion was made by Hall, second by Williams, to table any decision on the repair work until the next City Council meeting. Motion passed.

Enclosed in the packet for Council's information was a letter from the Department of Revenue for an Application for Transfer of Ownership and Location of Montana Retail On-Premise Consumption Beer/Wine License No. 49-047-5560-301 for LUCKY LIL'S CASINO OF LIVINGSTON.

The following reports were included for Council's information:

- Utility Billing System Recap - June 1994
- Fire Chief's Monthly Report
- Fire/Ambulance Monthly Report
- City Judge Monthly Report

The Crazy Mountain Kids Club Profit/Loss Statement for June 1994 was enclosed for Council's review. City Manager Orndorff stated the total showed a positive balance, with the agreement stating if a profit was shown for two consecutive months, CMKC was to start paying rent at the Civic Center. Councilmember Harris questioned when the contract expires. Mr. Orndorff will check into this.

The minutes of the City-County Airport Board meeting for June 28, 1994 were included.

Mr. Orndorff gave an update on the InterCap Loan for the Water Fund and stated that the application would be hand carried to Helena on July 29th and will be presented to the Board of Investments in Whitefish on August 14th.

The Mayor wrote a letter to the Governor and a temporary stop light will be installed at Buttreys within 30 days.

Mr. Orndorff stated the City Attorney has done some research and the City can budget 1 mill for the Ambulance reserve and 1 mill for the Sanitarian. It was noted 1 mill is worth approximately \$8,500.

Mr. Orndorff reported that Vicky Nelson Murphy was in today asking questions about the Lehrkind Building. There will be a zoning exception question. The City Manager will keep Council informed.

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There will be a welcoming party for the Japanese students and chaperons at the Depot Center on Friday August 5th at 2:00 pm.

Mr. Orndorff updated Council on the work being done on E Street off of Geyser Street. It is necessary to replace 70' of curb and part of the sidewalk to get the street to grade. Mr. Orndorff has approved the cost of \$1,025 to have the work completed.

Mr. Orndorff explained for the benefit of the audience that the City has many funds in the checking account. He stated that internally the City must maintain the break up of the funds to whatever fund the money goes to. The Enterprise Funds represents businesses, with those funds being the Water, Sewer, Solid Waste and Ambulance.

Mr. Orndorff has asked some of the Department Heads to get together and establish a fee for the generator which belongs to the Sewer Fund, in order that it can be billed against the Police Department for proper accounting.

Mr. Orndorff received a letter from the Police Chief that the City should be billing the Ambulance Service for Dispatching services. Based on 1993 figures, this would have amounted to \$5,547.33.

Mr. Orndorff requested a policy decision from Council, that in the past a salaried position was not entitled to over time. He has discovered that at least one employee in this situation has been keeping track of comp time at time and a half. Councilmember Hall asked what specific positions were being covered under this policy. Mr. Orndorff stated each Department Head. Discussion was heard concerning comp time and that it was an unwritten policy to not allow it. City Attorney Jovick confirmed that this was something that should be included in to the policy guide of the City. Motion was made by Hall, second by Williams, to have the City Attorney draft specific language that comp time will not be paid to salaried employees with the intention of placing it in the City Policy Manual. Councilmember Harris stated that language from this date forward should be included. More discussion was heard. City Attorney clarified that it would be in the Policy Manual from this date forward. Motion was made by Hall, second by Williams, to amend the motion to delete the term "from this day forward" in the first motion. Amendment passed. Motion passed as amended.

Councilmember Harris questioned City Manager Orndorff concerning the previous discussion of the generator. Mr. Orndorff stated he has asked two department heads to figure out a fair price for purchasing the generator. Mr. Orndorff will look to see if there is any value left in the generator.

Mr. Orndorff stated that three Councilpersons were in attendance at both the July 6th and 11th Budget Worksessions. The General Fund Budget Work sessions will start on Tuesday July 19th at 6:00 pm. The Preliminary Budget is to be ready on July 25th and the Final Budget on August 4th.

Mr. Orndorff stated he has discovered a negative General Fund balance for Sept.,

Oct. and November of 1993. He also stated that should our spending for the next three months parallel the spending in 1993, the General Fund will not have money.

Mr. Orndorff stated that his responsibility as City Manager is to make recommendations to City Council. He said that reductions in force may be needed in the General Fund and possible reductions could include some of the following:

- Reducing the four fire fighter crews to two men from the current three men;
- Keeping the one Police Officer Position vacant;
- One or two other Police Officers;
- Reduction in Office Staff; and,
- Reduction in the Parks, Cemetery and Street Departments.

Mr. Orndorff listed for Council the General Fund Budgeted Revenues, Expenditures and Closing Balance for the years 1988 through 1993. He had a correction to the balance in FY 91-92 should have read \$900,000.

Mr. Orndorff provided Council earlier in the day, an employee earning history summary of 1991-92.

At this time, discussion was heard with the audience and Council. Peggy Jacobson handed over to Council, 1,489 signatures of people around the City that are opposed to cutting safety jobs in the Fire and Police Departments. Other members of the audience opposing job cuts or offering different input to the Mayor and Council were from: Bill Spanring, Melody Mount, Brenda Adams, Janelle Adams, Scott VanAvery, Cole Inglehart, Doug Lobough, Melissa Baker, Annette Burns, Doctor Harris, Lori Indendi, Bob Weimer, Ernie Litle, Maria Wood, Debbie Miller, Barbara Dean, Sandra Glenn, Jerome Lord, Evelyn Gillett, Dave Fenton, Pam Schoenen, Ruth Eggar, Lenny Gregrey, Sandy Prom, and Helen Tobiason.

Councilmember Williams stated that she understood that the City and County were working on a Comprehensive Plan. Mrs. Williams encouraged that she would like to see the plan in place within the next 9 months.

Mrs. Williams stated that at the last meeting, the Council voted to approve a committee to study the Infrastructure Replacement Program. She would like to get some members appointed to the Committee in the near future.

Motion was made by Hall, second by Williams, as pursuant to MCA Section 7-6-4234, in general and in particular Section 2B, that Council direct the City Attorney to determine the liabilities on the part of Mr. Griffin, Mr. Christiaens, former Councilmembers Eggar and Gillard and present Councilmember Harris of liabilities accrued by the City because of the City Water Shop which in fact was a totally unbudgeted expenditure and has sent the Water Department into the red and pursuant to that section its states effect of exceeding budget appropriations are personal liabilities and the City, the Municipality, may make a move to recover those monies from the individuals responsible. Mr. Hall feels those five individuals are wholly responsible for the irresponsible spending of the Water Enterprise Fund monies and he would like to begin the process of recovering those monies from the Municipal Officers responsible. A comment was heard from Ruth Eggar. Mr. Hall read

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the section. City Attorney clarified that the motion was for an opinion and not to file a law suit. Roll call vote on the motion was two in favor, Harris opposed. Motion passed.

Councilmember Harris asked who gave the authorization to the City Manager's office painted before Mr. Orndorff was hired. Mr. Orndorff answered Mr. Harris's questions.

Motion was made by Harris, second by Hall, to make the recommendation that the City Council, in order to help the General Fund, cut their wages by 75%. Discussion was heard. An amendment to the motion was made by Williams, second by Hall, to table the motion until there is a full Council for discussion. The amendment to the motion passed.

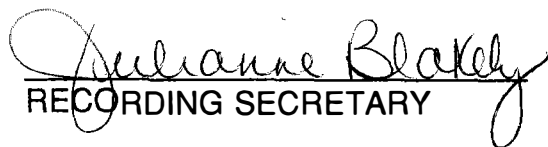
Lee Castin addressed Council with a comment.

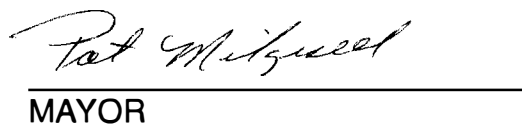
Motion was made by Harris, second by Williams, to adjourn this meeting there being no further business. Motion passed.

The time was 12:57 am.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

SPECIAL LIVINGSTON
CITY COUNCIL MEETING

July 25, 1994
7:30 P.M.

The Livingston City Council met in special session Monday, July 25, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Fred Hall, Sheryl Dahl, Lee Harris and Barb Williams with Mayor Pat Mikesell presiding.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2498, A RESOLUTION ADOPTING THE PRELIMINARY BUDGET FOR THE CITY OF LIVINGSTON FOR THE FISCAL YEAR JULY 1, 1994 THROUGH JUNE 30, 1995 BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF THE CITY GOVERNMENT. Discussion and clarification was heard on the preliminary budget. Motion was made by Harris, second by Dahl, to amend the motion to include a reduction in pay for Council by 75% because of the tight budget. Discussion was heard. Motion was made by Dahl, second by Hall, to table the reduction in pay motion until the next regular scheduled Council meeting. The voice vote was three in favor, Harris opposed. Motion passed.

Discussion continued with the preliminary budget. Roll call vote on the Resolution was three in favor, Harris opposed. Motion passed.

Motion was made by Dahl, second by Williams, to hold a public hearing on the Preliminary Budget, Thursday, July 28, 1994, at 7:30 pm. Motion passed.

Councilmember Harris asked about changing the Final Budget Meeting from August 8th to August 5th. City Attorney Jovick stated the Street Lighting and Maintenance Districts that were now being created and have precise publishing requirements that need noticed in the newspaper. Mr. Jovick stated he will look further into the publication dates to see if the meeting date could be changed.

Motion was made by William, second by Dahl, to approve Resolution No. 2496, A RESOLUTION OF INTENTION TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE CITY OF LIVINGSTON, PARK COUNTY, MONTANA TO DESIGNATE THE BOUNDARIES, TO ESTIMATE COST OF MAINTAINING SUCH LIGHTS AND SUPPLYING ELECTRICAL CURRENT THEREFORE AND TO APPORTION SUCH COSTS AGAINST THE PROPERTY EMBRACED WITHIN THE BOUNDARIES OF SAID DISTRICT. Discussion was heard concerning taxing the people. More discussion was heard stating the citizens were in favor of the Districts rather than losing employees. City Manager Orndorff stated the \$45,000 figure in the Resolution should be changed to \$32,000.

Mr. Orndorff reported to the Council that wives of the Police and Fire Departments have volunteered their time to help with the data research for the Districts. Mayor Mikesell thanked them for their help. More discussion was heard. The vote was three in favor, Harris opposed. Motion passed.

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City Attorney Jovick noted a correction to Ordinance No. 1778, page 2, Section 26-91, next to the last words should read: "75% percent of improved lots".

Mr. Jovick also noted a similar correction to Ordinance No. 1779, Section 26-91, should read the same as Section 26-91, in Ordinance No. 1778.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1778, AN ORDINANCE CREATING ARTICLE VI UNDER CHAPTER 26 TO PROVIDE FOR STREET MAINTENANCE DISTRICTS FOR THE CITY OF LIVINGSTON AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE DUE TO DECLARATION OF EMERGENCY. City Attorney Jovick clarified questions for Council. Discussion was heard. Mayor Mikesell stated if there was 51% written protest against these Districts will kill them. City Attorney Jovick stated he needed to look into the State Statutes, but he thought the 51% was the taxable evaluation of owners.

Mr. Jovick explained the procedure process that would be taken to create the Districts from this time on. Roll call vote was all in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1779, AN ORDINANCE CREATING ARTICLE VI UNDER CHAPTER 26 TO PROVIDE FOR STREET MAINTENANCE DISTRICTS FOR THE CITY OF LIVINGSTON. City Attorney Jovick explained to Council, that the two Ordinances coincided and this would give both Ordinances public notice at the same time. Councilmember Hall asked for clarification on the method of measuring the protest from the Mr. Jovick. Mr. Jovick stated it would be in proportion to the taxable valuation and will recheck the statutes.

Questions and answers were discussed at this time. Roll call vote was all in favor. Motion passed.

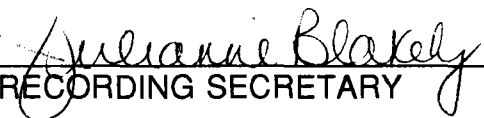
Motion was made by Williams, second by Dahl, to approve Resolution No. 2492, A RESOLUTION OF THE CITY OF LIVINGSTON PROVIDING FOR TWO STREET MAINTENANCE DISTRICTS WITHIN THE BOUNDARIES OF THE CITY OF LIVINGSTON. Three in favor, Harris opposed. Motion passed.


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

The time was

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

SPECIAL LIVINGSTON
CITY COUNCIL MEETING

July 28, 1994
7:30 P.M.

The Livingston City Council met in special session Thursday, July 28, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Barb Williams and Fred Hall with Mayor Pat Mikesell presiding. Councilmember Lee Harris was absent. Councilmember Sheryl Dahl arrived at 7:35 pm.

Mayor Mikesell opened the public hearing for the preliminary budget. Citizens asking questions were: Sandy Prom, Dan Tinsdale, Cindy NeSmith and Ruth Eggar. Questions and answers were also made by Council and Staff.

Motion was made by Williams, second by Hall, to approve Resolution No. 2500, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND JAMES CHRISTIAENS IN RELATION TO HIS RESIGNATION. Discussion took place with Council and Staff. Roll call vote was two in favor, Dahl opposed. Motion passed.

Discussion was heard with a request from the Livingston Gallery Association to suspend the open container law on July 29, 1994 and August 26, 1994 from 6:00 pm to 11:00 pm during the last two "Gallery Walks" downtown. The area includes the 100 North and 100 South blocks on Main Street and Park Street between Main and Second Streets. Discussion was heard on the length of time, and the larger area requested. Comments were heard from Urana Clark, Milla Cummins and Cindy NeSmith. Motion was made by Williams, second by Dahl, to approve the Association's request of July 29, 1994, and have the Police Department monitor the event, with a report back to Council. Council will decide on the August 26, 1994 Gallery Walk closer to the event. Motion passed.

Motion was made by Williams, second by Dahl, to allow the City of Livingston to serve as a "pass through" governmental agency for the Livingston Depot Foundation to make application with the Montana Cultural Trust. Cindy NeSmith, Director of the Livingston Depot Foundation explained the request for Council. Motion passed.

Motion was made by Dahl, second by Williams, to allow a farm family to have the white geese that showed up in Sacajawea Park. Motion passed.

The City has received interest from three individuals to take the City's peacocks. Councilmember Williams stated one person was willing to pay \$100 for the birds. Motion was made by Dahl, second by Williams, to sell the birds to the man that was willing to pay for them. Motion passed.

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Motion was made by Dahl, second by Hall, to approve Resolution No. 2501, A RESOLUTION APPROVING AN AMENDED AGREEMENT BETWEEN THE BOARD OF INVESTMENTS AND THE CITY OF LIVINGSTON FOR THE INTERCAP LOAN APPLICATION FOR THE NEW WATER FACILITY SHOP ON BENNETT STREET.

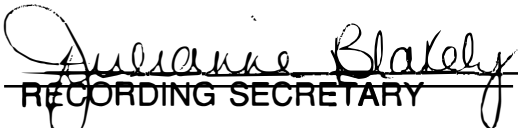
City Manager confirmed this was the agreement he would be presenting to Mr. Dave Ewer on Friday. Mr. Orndorff stated he would also be meeting with John Noell from the Department of Commerce concerning a Community Development Block Grant Economic Grant Application for LRC. All in favor. Motion passed.

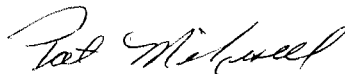
Motion was made by Dahl, second by Williams, to adjourn this meeting there being no further business. Motion passed.

The time was 8:50 pm.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

August 1, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, August 1, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Barb Williams and Lee Harris with Vice Mayor Fred Hall presiding. Mayor Pat Mikesell was absent. Councilmember Dahl arrived at 7:34 pm.

Motion was made by Williams, second by Harris, to approve the minutes of the July 14th special Council meeting, July 18th regular Council meeting, and July 25th, 1994 special Council meeting. Councilmember Williams made a correction to the July 18, 1994 meeting, first paragraph, second sentence, should read "District Courtroom".

Councilmember Harris asked City Manager John Orndorff about the July 18th meeting, page 2, the bills and claims section, items 1343, 1370, 1648, and 1855. These items were listed in the minutes that the City Manager would report back with answer. Mr. Orndorff replied that items 1343 and 1855 were in front of Council this meeting. Mr. Orndorff explained item 1370 and stated item 1648 was in tonight's addendum.

Motion passed as corrected.

Motion was made by Harris, second by Williams, to accept the bills and claims that were listed for \$89,719.21. Councilmember Williams questioned page 19 item 1164 to the Livingston Memorial Hospital for a blood alcohol test. Police Chief Lynn Gillett explained the breathalyzer was in for a yearly checkup and in that case they have to use the Hospitals.

Page 32, item 2340 to IIMC. City Manager Orndorff explained this was membership dues to the International Institute of Municipal Clerks for the Recording Secretary.

Page 32, item 1249 to Postmaster of Livingston. Mr. Orndorff reported this was for the mailing of the Street Maintenance and Lighting Districts.

Councilmember Harris questioned page 17 to Paula King. Mr. Orndorff reported this was a refund for a special exception application that she withdrew.

Page 17 to Kentucky Care Plan. Mr. Orndorff stated it could be through the Flex Plan, but would need to look into further.

Page 17 to Charles Huffman. This was a refund to a patient.

Page 17 to Florence Grady. This was a refund to a patient.

Page 18, item 1021 to Aldrich's. This is for the CBDG project.

Page 19, item 1214 to Morrison-Maierle/CSSA, Inc. Mr. Orndorff explained the claim for \$5,859.97 was for designing work with the TSEP or Storm Drain Project and the claim for \$917.54 was for work on the EDA Mainline Construction Project.

Page 26, item 1431 to Jerry's Hardware Hank for a weed eater spool. Councilmember Harris asked how many spools this for. Mr. Orndorff stated he would need to look at the claim.

Page 26, to Nelle Durgan. Police Chief Gillett stated it could be for a City Judge

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claim. Mr. Harris asked that staff let him know.

Page 27, item 1021, 2 claims to Aldrich's. Mr. Orndorff stated these were for the Police Dispatch Center. Mr. Orndorff also clarified the account numbers between the two claims.

Page 30, item 1982 to Wamco Lab, Inc. Mr. Orndorff stated this was for testing the water at the Sewer Plant.

Page 32, item 2342, to Wilcoxson's Ice Cream. Mr. Orndorff stated this was for ice cream at the Swimming Pool concession stand.

Vice Mayor Fred Hall questioned the charges of the Water Operating Account of 5210 for \$18,992.04 and referring to the most recent financial report ending June, it shows a negative \$90,000 balance. Mr. Orndorff stated reserve money would need to be used to cover this expenditure. Mr. Orndorff reported he received a good response when he presented the Intercap Loan application to Mr. David Ewer in Helena last Friday. He also was told Council there was no need to go to Whitefish on August 14th, that the application stands on its own merits.

Mr. Orndorff answered for Vice Mayor Hall that when the loan is completed the Water Operating will then be in the black. Mr. Orndorff stated when the loan is approved, the City would receive the money mid-to-late September.

Mr. Orndorff confirmed for Mr. Hall there would be sufficient reserves to hold us over until the loan money was received.

Motion passed on the bills and claims.

City Planner Jim Woodhull gave background information on text amendment 30.64, Exemption for Non-Conforming Residential Structures, and text amendment 30.44, Mixed Use Zoning District. These amendments originate from the hearings on the zone change proposed for a six block area between the T-Alley and Callender Street, from C Street to I Street.

Vice Mayor Hall opened the public hearing. Comments heard on the text amendments were from: Deanna Egeland, Bob Jockers, Kayla Egeland, George Indendi, Michael Long and Bill Bickel. Discussion took place with the City Council and citizens.

Planner Woodhull explained for Councilmember Dahl why the Zoning Board voted the way they did. City Attorney Bob Jovick gave an opinion to Council on the text amendments.

Motion was made by Harris, second by Williams, to proceed with drafting an Ordinance for text amendment Section 30.64. Motion passed.

Motion was made by Williams, second by Dahl, to disallow Section 30.44, Mixed Use Zoning District. Mr. Woodhull explained to Councilmember Dahl why he approved this section in his staff recommendation. Motion passed.

Motion was made by Williams, second by Dahl, to bring off the table, first reading of Ordinance No. 1776, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM HIGHWAY COMMERCIAL (HC) TO RESIDENTIAL (R11) USE. All were in favor to bring off the table. Comments and discussion was heard from Council. Citizen comments were heard from George Indendi, Bob Jockers, Michael Long and Verna Guinder. The vote on approving the ordinance was two opposed, Williams in favor. Motion failed.

Renay Matthews from the Bus Depot addressed Council to reconsider the placement of a bus parking zone. Her request is to move the bus parking zone back in front of her business, 98 feet from the corner, and on a time limit is necessary after September 15th. At a previous meeting Council approved a bus parking zone on Main Street next to the Guest House Motel. Discussion was heard. Councilmember Dahl commented there had been complaints from concerned business owners at the Park Plaza Place. Police Chief Gillett felt there still was a safety problem for the citizens and other problems had not been corrected. A comment was heard from Howard Harper. More discussion was heard. Vice Mayor Hall stated since no motion had been made, Council would move on to the next item of business.

Dennis Williams addressed Council on behalf of the Crazy Mountain Kids Club. Mr. Williams requested that Council renew their lease with one amendment. Motion was made by Williams, second by Harris, to draw up a new resolution with basically the same terms, but include that Crazy Mountain Kids Club will pay their own utilities into the lease. Councilmember Dahl abstained from voting, as she is a board member. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2494, A RESOLUTION OF THE CITY OF LIVINGSTON TRANSFERRING THE CASH BALANCE LEFT IN THE GENERAL OBLIGATION FUND FOR CITY-COUNTY BUILDING BOND PAYMENTS TO THE CITY GENERAL FUND. City Manager Orndorff clarified the figure amount for Councilmember Williams. All in favor. Motion passed.

Motion was made by Harris, second by Williams, to approve Resolution No. 2499, A RESOLUTION AMENDING AND APPROVING INCREASE LIVINGSTON AMBULANCE SERVICE RATES FOR THE CITY OF LIVINGSTON. Fire Chief Tim Parks answered Councilmember Dahl's question that the proposed rates were better than other entities throughout the State. All in favor. Motion passed.

Second reading of Ordinance No. 1777, AN ORDINANCE ADDING SECTION 5-25 ENTITLED "RESTRICTED RESERVES" REQUIRING A TWO-THIRDS MAJORITY OF THE COUNCIL FOR THE EXPENDITURE OF RESTRICTED RESERVES IN ALL FUNDS OF THE CITY. Clarification of the Ordinance was heard.

Motion was made by Harris to delete the words "City Finance Officer" from sub paragraph C. Motion died due to lack of a second.

City Attorney Jovick stated a change should be made that reads: Two-Thirds Majority of the "Entire" Council. Motion was made by Dahl, second by Harris, to make an amendment to the motion to add "Entire" to sub paragraph A. Roll call on the amendment was all in favor. Amendment passed. Roll call on the motion as amended was two in favor, Harris opposed. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2502, A RESOLUTION APPROVING SERVICES CONTRACT BETWEEN PARK COUNTY AND THE CITY OF LIVINGSTON FOR SPECIAL DUI ENFORCEMENT. Police Chief Gillett explained the document to Council. Discussion was heard. The vote was all in favor. Motion passed.

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Motion was made by Williams, second by Dahl, to approve Resolution No. 2503, A RESOLUTION APPROVING A MAINTENANCE CONTRACT BETWEEN THE STATE DEPARTMENT OF COMMERCE, LOCAL GOVERNMENT ASSISTANCE DIVISION, LOCAL GOVERNMENT SERVICES BUREAU AND THE CITY OF LIVINGSTON TO INSURE THE AVAILABILITY OF THE DEPARTMENT AS A RESOURCE TO THE ENTITY IN THE MAINTENANCE OF ITS UNIFORM BUDGETARY, ACCOUNTING AND REPORTING SYSTEM (BARS). City Manager Orndorff explained the maintenance agreement to Council, stating, this is where the City can get help from the Department of Commerce. Discussion was heard. Mr. Orndorff will find out who all is eligible to attend the workshops. All in favor. Motion passed.

Mr. Orndorff reported that Fire Chief Parks surveyed various cities on the salaries of a Building Inspector. The average being around \$25,000. Discussion was heard. Council stated they were in the low end bracket, as they were looking at the starting pay of \$20,000.

Mr. Orndorff included in the packet for Council's information, a letter from Senator Burns concerning the Small Business Administration's tree planting program stating that no funds were appropriated for the program.

Mr. Orndorff encouraged Council to review the Annual Report of the Municipal Water Utility for the year ending June 30, 1993 that was recently placed in their mail box in the office.

Mr. Orndorff requested Council to assign a name to the East Side School. Council would like to leave it as East Side School as that is what is written outside of the building. Police Chief Gillett stated, at some point they would like to dedicate a portion of the building at the Law Enforcement side to Sam Frederick.

Mr. Orndorff stated a Councilmember requested that Resolution Nos. 2490 and 2491 be revisited. City Attorney Jovick corrected a statement made referring to Roberts Rules of Order. Mr. Jovick said that a second member who voted for the item, must second the motion is incorrect. The one member who voted for the item, must move to revisit the item is correct. The person who seconds that reconsideration need not have voted for the item. Councilmember Harris stated he would like to see the chapter and sub paragraph, when Roberts Rules of Order are being referred to.

Mr. Orndorff stated the Montana Municipal Insurance Association is waiting for the League of Cities meeting October 5-7, 1994 to make the declaration of dividend at that time. Mr. Orndorff believes the City may receive a dividend in the \$28,000 to \$34,000 range.

Motion was made by Williams, second by Dahl, to pay the bill of \$77.95 to the City of Ocoee for their Comprehensive Plan. City Planner Woodhull stated the document was useful. Councilmember Williams suggested this item be charged from Central Store for the printing. Motion passed.

Mr. Orndorff stated that two more Myhre Advertising bill, each for \$395 have arrived. The City's share amounts to \$2,700. Mr. Orndorff stated nothing was budgeted and no approval of the contract was found in previous City minutes. Discussion was heard along with City Attorney Jovick's opinion. Motion was made by Harris, second by Williams, to send the bills back to Myhre as the City and Council are not legally responsible and to cancel all advertising upon receipt of a letter that was prepared by the City Attorney. More discussion and comments were heard. An amendment to the motion was made by Dahl, second by Williams, to have the City Manager contact the Chamber of Commerce and Yellowstone Country to see if they could pick up the City's portion of the bill. The vote on the amendment was all in favor. Motion passed as amended.

Included for Council information was a Montana Power Company letter and two bills. These bills are authorized by Section 6.4 of the City's Small Power Purchase Agreement. The two invoice amounts are \$1,072 and \$536. Motion was made by Williams, second by Dahl, to approve the City Manager's recommendation to pay these bills. City Manager Orndorff answered Councilmember Harris's question that the bills will be paid out of the Windfarm. Mr. Orndorff went on to explain what the interconnection was. Motion passed.

Mr. Orndorff explained a letter received from the Natural Path Forestry Consultants, Inc. Motion was made by Williams, second by Harris, to allow the City Manager to take the necessary steps to see that the management plan is drawn up that could lead to a \$1,750 grant in the next year. Motion passed.

Motion was made by Williams, second by Harris, to require Mr. Denton to donate \$6,000 to the City Park Fund prior to the filing of the final plat and to earmark the money for the M Street Park. Some discussion was heard with the City Planner. Motion passed.

Mr. Orndorff included for Council's information Earnings History Summary for the July 20, 1993 pay roll (salaried) and July 20, 1994 pay roll (salaried). Mr. Orndorff provided this information as to how much the longevity increase will cost the city. Mr. Orndorff stated he came up with an approximation of \$19,500.

Enclosed for Council's information is a letter from Dr. LeBlond concerning cutbacks in the Fire Department.

Enclosed for Council's information is the application for Transfer of Ownership of Montana, All-Alcoholic Beverage License with Catering Endorsement for Uncle Looie's, (formally the Depot Lounge).

Mr. Orndorff provided Council with 3 information sheets concerning Employee Cost and Earning History's.

Mr. Orndorff provided Council with a copy of the Dorsey & Whitney claim for \$6,000 that was questioned at the last Council meeting. Mr. Orndorff stated this was for the handling of the SID bonds.

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Discussion was heard about the shooting of Commercials in the City. City Manager Orndorff stated he had been in contact with Lonnie Stimac, the Movie/Commercial person at the State level about charging for commercials. Council was in agreement, in the near future to invite Lonnie Stimac to discuss this topic.

Discussion was heard about putting a policy in place to use an engineering firm when needing to calculate reimbursement costs. Mr. Orndorff's request is to hire Morrison-Maierle/CSSA, Inc. on an as needed basis for \$200 per calculation and pass on the cost for who ever needs the reimbursement calculations. Motion was made by Williams, second by Dahl, to direct City Attorney Jovick to amend the Ordinance to reelect the engineering fee. Motion passed.

Motion was made by Dahl, second by Williams, to have the City Manager proceed as a matter of City policy to hire the engineer to do the reimbursement calculations currently pending and pass on that cost to the reimbursement applicant. Motion passed.

Mr. Orndorff reminded Council of their meeting with the County Commissioners Wednesday, August 3rd at 7:00 pm.

Mr. Orndorff informed Council that Yellowstone National Park could get a new field office. He contacted Representative Williams' office and faxed an article to Representative Williams' aide. They were informed that there could be possible office space here for them.

Mr. Orndorff informed Council that he contacted by a Human Rights Division Representative in Helena regarding the case of Officer King. Council will be informed as more develops.

Mr. Orndorff reported that two quotes were received for a maintenance contract with the city's phone system. Discussion was heard. Motion was made by Dahl, second by Williams, that is the lower quote is \$1,100, to proceed with the maintenance contract and to have the City Manager to research further and report back to Council. Motion passed.

The June 1994 Finance Report was provided in the Council's distribution box. City Manager Orndorff summarized the recap of the report for Council as follows:

Shortages; The 311 taxes were short \$24,000 of the expectations;

Four or Five other accounts were short in the \$20,000 range;

Two or Three were short in the \$13-14,000 range;

One was over budget \$40-41,000 than was forecast;

Water Fund Cash is short approximately \$80-90,000;

Some accounts were over and under spent. Mr. Orndorff stated a resolution will be prepared to adjust the line items in the budget at the next meeting;

The grand total is spread out in 34 funds. The following funds have more than \$100,00:

General Fund and it will run out of money this month;

Gas Tax and will be used for materials;

SID 175;

Sewer;

Solid Waste Fund is facing a possible emergency that could possibly use up all of their money;

Cemetery Perpetual Care;

The following two other funds have more than \$50,000 but less than \$100,000:

Health Insurance;

Water, in the different reserve items. But, the water also owes \$150,000;

The General Fund ran on a negative balance last September, October, and November. Also, in May there was a negative balance. Mr. Orndorff stated that the current rate we are going, the first pay period of this new fiscal year was \$62,000 plus for that pay period. If another \$62,000 for the second pay period that is paid on the 5th of August and add in the claims, with there being approximately \$211,000 in the General Fund, this means we will have to make a loan for the General Fund from some other fund, or cash in a CD to be able to make the August 20th payroll and second meeting claims. In addition to that, the accountant has been working on the mill levy sheet for a cash flow situation. He will have something prepared for Council later in the week. On this sheet, for the 111 mill total that we can come up to, we have the General Fund, Insurance, Public Employees Retirement System, Health Insurance, Police Pension and the Fire Pension. The Fire Pension seems to be in good shape. The other four items are going to run out of money as we pay them. The accountants report will show us exactly when.

On the Comprehensive Insurance side, we closed out the year with \$28,000 plus cash to carry over. Last year in August we paid a claim of \$34,000. If we had to pay a like amount now, we could not do it without carrying a negative balance and have to borrow the money from someplace. Mr. Orndorff stated a resolution will be before Council at the next meeting concerning the borrowing of funds from other accounts or the fact a CD needs to be or will have been cashed to pay the bills for the second half of August.

Mr. Orndorff read into the minutes the Capital Improvement Fund 4010; The Parks section overspent \$108.75; The money from the Lucky Cuss Video Poker Machines that was to come in, was to cover part of the loans from the Sewer and Solid Waste. Capital Improvement was funded by \$48,000 loan from the Sewer Department, \$48,000 from the Solid Waste Department and looks like the only amount of money that will be able to be paid back will be this fiscal year and it will be some \$7,000 per account. This means that next year the way the Resolution is written, we will have to consider going to the voters with a levy to fund the Capital Improvement Program, so those two funds can be paid back.

Councilmember Hall asked after we receive the additional Lucky Cuss payment, if that includes zeroing out the \$1,500 negative cash we are showing. Mr. Orndorff confirmed it was and his understanding there was \$15,500 approximately that will be received this year and there is \$1,500, and some, negative balance that needs to be zeroed out and the balance will go to repaying these two accounts.

Councilmember Dahl questioned City Manager Orndorff to why he did not feel it was necessary to assist the Firehouse Five as a "pass through" government entity for a grant

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they were applying for. Mr. Orndorff explained he was out of town on that Friday, he went through the paper work on Saturday, placed a call on Pam Koch's recorder on that day. He suggested to her, since the Firehouse Five was out of the City Limits, that first she should try going through the County. Commissioner Sarrazin came in and picked up the packet on Monday.

Councilmember Harris stated the possibility of changing the August 8th meeting to August 6th was being looked into. City Attorney Jovick reported on the Special Improvement District notice schedule. City Manager Orndorff had asked the Mayor and he said the 8th of August.

Councilmember Harris discussed the lowering of Council's pay. Discussion was heard by the rest of the Council. Motion was made by Harris, second by Williams, to bring the issue off the table to hear discussion of lowering Council's pay. Motion passed to bring off the table. Other comments were heard from: Urana Clark, Cole Inglehart and Ruth Eggar. The voice vote was one in favor, Dahl and Williams opposed, motion failed.

Motion was made by Harris, to terminate the agreement with Mr. Simmons for doing the Annual Audit for the City of Livingston effective immediately and go out for Request for Proposals for an Auditor to perform this fiscal year's audit and put on a bid basis to see what we get. City Attorney Jovick responded to Councilmember Dahl's question concerning if Council was allowed to do this. Motion died due to lack of a second.

Councilmember Harris would like to see the addendum in Council's box no later than Friday afternoon.

Councilmember Harris directed comments to City Attorney Jovick referencing verbatim transcripts from the last Council meeting.

Councilmember Harris stated that at a meeting he could not attend, when Mr. Orndorff was put into office, he wanted a letter to be made part of the minutes. At this time Mr. Harris read the contents of his letter so it be part of the minutes. The letter will be attached to the official minutes.

Motion was made by Harris, to require Mr. Orndorff to reimburse city treasury for the labor that was expended by city employees refurbishing the City Manager's office. Motion died due to lack of a second.

Councilmember Dahl stated she would like to move forward as a Council.

City Manager Orndorff asked for clarification concerning if material that comes across his desk on Friday is to be held for two weeks. Councilmember Harris stated that is not what he was saying about the addendum. Mr. Harris stated he feels the addendum should be in Council's box no later than Friday night, so Council has a chance to review the material before a meeting. Councilmember Dahl was in agreement.

Mr. Orndorff requested one more worksession on the budget before it is put into final form for the 8th. After discussion, the meeting is scheduled for Wednesday, August 3rd, after Council's meeting with the County Commissioners.

Lenney Gregrey read a statement to Council.

Cole Inglehart made a couple comments to Council.

Bernice McGee questioned why weeds were laying on the ground at the Park. Mr. Orndorff stated they will be picked up.

Mike Fleming made a comment to Council.

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

The time was 11:10 pm.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

INSERT FOLLOWS

Prepared remarks of
H. Lee Harris
City Councilman

To be delivered at the
6/27/94
Special Council Meeting

I want the City Council and the citizens of Livingston to understand that I am firmly opposed to Mr. Orndorff being appointed as the City Manager. Based on my previous association with Mr. Orndorff, during his previous tenure as City Manager, I do not feel he is qualified to do the job for reasons which I will point out.

Special Auditor Max Simmons has criticized the previous council because he considers their hiring Mike Devine as a Project Supervisor for the new water building without conducting a full scale job search a violation of the Equal Employment Opportunity Act. Is it now legal for the current city council? You are ready to hire John Orndorff to be the new city manager. There was no search done for this position. You have already hired Mr. Simmons to be our Special Auditor for the new water building, and as of last Monday have hired the Simmons firm to conduct the FYE 94 General Audit. There was no job search for either one of those hirings.

Mr. Orndorff did a miserable job of running the City when he was the manager. I can't see hiring him back. I was on the Council for approximately 17 months while Mr. Orndorff was the manager. Let me relate some of his "accomplishments"

- Mr. Orndorff had the City's water well house on Billman Lane constructed right on the edge of the right of way. What happens when Billman Lane needs to be widened?
- On June 30, 1991, Mr. Orndorff and his Finance Officer said we had \$972,000 cash to carry over into the General Fund for the next fiscal year. Oops! The state says we can only carry forward about \$550,000. So, the citizens were denied \$400,000 of services that should have been provided to them before June 30, 1991.
- Another problem that the audit of the June 1991 fiscal year found: Orndorff and the Finance Officer had made a \$160,000 error in their calculations of the cash brought forward in the water fund. The new city manager (Griffin) had to blow the whistle on the Finance Officer for making huge mistakes in the City's finances. As a member of the City Council, I was one of the most outspoken as to how Griffin should not have attacked the finance officer for this mistake. I now realize that the problem was Mr. Orndorff's unwillingness to identify shortcomings within the City staff and do something about it.
- The FYE 1990 audit (a copy has been provided to you) of Mr. Orndorff's management of the City shows that the General Fund was over expended by \$9,837; and had been budgeted to be over expended by \$221,277. This audit was conducted by your man, Max Simmons.

- Due to time limitations, I could only check on FYE 90, but I am reasonably certain that if budgets for other fiscal years were inspected, similar technical violations would be found.

But wait, there's more. Based on the information I have available today, some of you are prepared to pay Mr. Orndorff \$50,000 a year. I thought he was over paid and under worked at his previous salary of \$39,000. Where's all this money coming from? Council member Hall and associates say the City's broke.

This whole thing smells of collusion and conspiracy among certain members of the city council. A local business man told me he overheard Mr. Hall and Mayor Mikesell talking with Mr. Orndorff immediately before last Monday night's meeting to verify he would take the manager's job when they got Griffin fired. Mr. Hall has done just what he said he would do, and now has tried to justify it. Sorry Fred, who are you trying to fool?

SPECIAL LIVINGSTON
CITY COUNCIL MEETING

August 8, 1994
7:30 P.M.

The Livingston City Council met in special session Monday, August 8, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Sheryl Dahl and Barb Williams with Vice Mayor Pat Miksell presiding. Councilmember Lee Harris and Mayor Pat Mikesell were absent.

Discussion was heard concerning Councilmember Harris being absent.

City Manager John Orndorff explained a multi-page document with changes from the Preliminary Budget to the Final Budget for Council.

Mr. Orndorff stated Street Lighting and Street Maintenance Districts were included into this budget.

Mr. Orndorff answered for Councilmember Williams, that everything in the budget was discussed in previous Council worksessions, with the exception of the Children's Recreation Fund 7092. This item shows a \$10 expenditure every year. This year that has been zeroed out.

Motion was made by Dahl, second by Williams, to approve the changes from the Preliminary Budget to the Final Budget. Councilmember Dahl expressed her concerns with the proposed districts. Mr. Orndorff responded that putting the districts in place were the only solution at this time in order not to have personnel cuts.

Mr. Orndorff explained the Senior Transportation Van for Councilmember Dahl. No mills are levied through the City, this is a pass through from the County, with the City paying \$507 insurance on the van.

Ms. Dahl questioned Planning Services item of the budget and that no money was budgeted for ISTEAA. Mr. Orndorff clarified that \$16,440 was budgeted for and it went into the Community Development Fund.

Mr. Orndorff answered Ms. Dahl's question, that 30% of Karla McCall's wage and 35% of Bruce Prucell's wages were out of Central Store.

Discussion was heard with the Ambulance Fund. Mr. Orndorff confirmed the Ambulance Services revenues meet the expenditures and is balanced.

Motion was made by Dahl, to amend the changes and to require a written legal opinion as brief or extensive as necessary on all agendaed items from Mr. Jovick. Ms. Dahl recinded her motion.

Mr. Orndorff confirmed for Mr. Hall the budget includes the cost for lifting of the unit, the metal cap on the wall, and the digging up of the underground tank in back of the City County Building. The City's share of the roofing cost is in the budget.

Mr. Orndorff stated the 911 will be funded out of the General Fund for Vice Mayor Hall.

Roll call vote on the changes to the Final Budget were all in favor. Motion passed. Motion was made by Williams, second by Dahl, to adopt the Preliminary Budget with changes, as the Final Budget. Mr. Orndorff pointed out that the mill levy was part of the

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budget. Roll call vote was all in favor. Motion passed.

Item four to RE-LIST WESTERN HERITAGE REALTY and item five POSSIBLE WESTERN HERITAGE BUYER was dropped from the Agenda as the Realtor was not able to make the meeting.

Jenny Connelly, Manager of the Park County Food Bank addressed Council. If the Lehrkind Building did sell, is there a possibility of the Food Bank renting space at the East Side School? Mrs. Connelly mentioned that the shelving in the current location is the Food Banks and if a Buy-Sell Agreement was obtained, it that could be noted.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2507, A RESOLUTION ESTIMATING THE COST OF MAINTENANCE IN STREET MAINTENANCE DISTRICTS NO. 20. City Attorney provided Councilmember Dahl a legal opinion regarding the Special Maintenance Districts. Discussion was heard. Mr. Jovick stated Council will have both Districts before them at the August 15th meeting. Supt. Public Services Ken Kastelitz will provide Council with a breakdown.

The vote was all in favor. Motion passed.

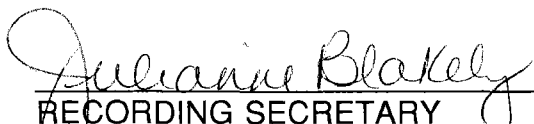
City Manager Orndorff explained the sale of six Fire Department phones back to SMR Communications for \$5,400 at \$150.00 per month for 36 months. Discussion was heard. Motion was made by Williams, second by Dahl, to go out for bids to sell the six the phones. Motion passed.

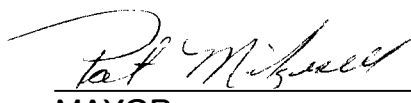
Motion was made by Williams, second by Dahl, to adjourn this meeting there being no further business. Motion passed.

The time was 8:05 pm.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

August 15, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, August 15, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Barb Williams, Fred Hall, Sheryl Dahl, Lee Harris and Mayor Pat Mikesell.

Motion was made by Dahl, second by Williams, to approve the minutes of July 28, 1994 special Council meeting and August 1, 1994 regular Council meeting. Motion passed.

Motion was made by Dahl, second by Williams, to accept the bills and claims that were listed for \$168,616.41. Councilmember Dahl questioned a claim that was submitted by Jo Sykes for travel. Councilmember Harris stated there was a claim for Ms. Sykes, item 2186 in this packet.

Councilmember Hall questioned City Manager John Orndorff on the Water Budget Operating line. Mr. Orndorff stated he called Helena Monday afternoon regarding the InterCap Loan. He was told to call back on Wednesday. Mr. Hall stated he estimated there was approximately under two months revenue left in Water Operating in all funds and was anxious when the money from the loan would be arriving.

Councilmember Williams questioned page 13, number 1004 to S.L. Pynn. Mr. Orndorff explained that was the City's share of having a water line replaced in the ceiling of the City-County Building.

Mrs. Williams questioned page 20, number 1277 to STS Gravel for \$5,000. Mr. Orndorff stated this was for the new East Side School on E Street.

Mrs. Williams questioned page 22, number 1293 to Valley Motor Supply for \$63.36 and a similar claim on page 30 number 2349 to Valley Welders for \$59.50. Mr. Orndorff explained number 2349 was for the wire and number 1293 was for gas to refill a welding tank.

Mr. Orndorff stated there was a duplication of bills for the pumping of the porta potties and one needed to be deleted. The numbers were 134 and 135.

Voice vote on paying the bills, excluding item 134 were all in favor. Motion passed.

Mayor Mikesell opened a public hearing for the Lighting District. Comments opposed to the District were heard from Bob Boyd, Jim Blatter, Pat Miller.

Motion was made by Williams, second by Hall, to approve Resolution No. 2497, A RESOLUTION CREATING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE CITY OF LIVINGSTON, PARK COUNTY, MONTANA, FOR THE PURPOSE OF THE MAINTENANCE AND INSTALLATION OF A LIGHTING DISTRICT TO DESIGNATE THE BOUNDARIES OF SAID DISTRICT TO BE AFFECTED OR BENEFITED BY SAID RESOLUTION; PROVIDING AN APPROXIMATE ESTIMATE OF THE COST THEREOF; AND AN APPROXIMATE ESTIMATE OF THE COST OF MAINTAINING SUCH LIGHTS AND SUPPLYING ELECTRICAL CURRENT; AND TO PROVIDE FOR THE DEFRAYING

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OF THE COST OF SAID IMPROVEMENTS BY SPECIAL ASSESSMENTS AGAINST THE PROPERTY EMBRACED WITHIN SAID DISTRICT.

Discussion was heard about adding a sunset clause to the Resolution. An amendment to the motion was made by Harris, second by Dahl, to add a two year sunset clause. Comments were heard from Council. Roll call vote on the amendment was Harris and Dahl in favor, Williams and Hall opposed. Mayor Mikesell cast the deciding vote as in favor. Amendment to the motion passed.

More discussion was heard concerning the sunset clause and creation of the Districts. Roll call vote on the motion as amended was three in favor, Harris opposed. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2508, A RESOLUTION LEVYING AND ASSESSING LIGHTING DISTRICT MAINTENANCE AND ELECTRICAL CURRENT COST FOR SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 OF THE CITY OF LIVINGSTON, PURSUANT TO THE PROVISIONS OF SECTIONS 7-12-4301 THROUGH 7-12-4338, MCA. The vote was three in favor, Harris opposed. Motion passed.

A public hearing was heard on the creation of Street Maintenance Districts. Citizen comments were heard from Bob Boyd, Jim Blatter, John Schuler, Bernice McGee and Cole Inglehart.

Second Reading of Ordinance No. 1778, AN ORDINANCE CREATING ARTICLE VI UNDER CHAPTER 26 TO PROVIDE FOR STREET MAINTENANCE DISTRICTS FOR THE CITY OF LIVINGSTON AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE DUE TO DECLARATION OF EMERGENCY. Discussion was heard from Council. City Attorney Jovick explained the difference between Ordinance No.'s 1778 & 1779. Councilmember Harris stated he had a motion to make, that in the event the Lehrkind Building was to sell, that we nullify both Lighting and Street Maintenance Districts. Mayor Mikesell stated this would need to be an amendment. Mr. Harris stated he would wait. Motion died. Roll call vote on second reading was Hall and Williams in favor, Dahl and Harris opposed. Mayor Mikesell cast the deciding vote as opposed. Ordinance failed.

Second Reading of Ordinance No. 1779, AN ORDINANCE CREATING ARTICLE VI UNDER CHAPTER 26 TO PROVIDE FOR STREET MAINTENANCE DISTRICTS FOR THE CITY OF LIVINGSTON. Discussion was heard from Council. Mr. Jovick explained the Ordinance for Councilmember Williams.

Councilmember Harris stated he did not understand that the last Ordinance, No. 1778 was for an emergency vote. At this time Council went into a five minute recess to allow City Attorney Jovick time to review the procedure that was raised by Mr. Harris. Motion was made by Harris, second by Williams, to reconsider second reading of Ordinance No. 1778. Motion passed. Motion was made by Dahl, second by Harris, to amend the ordinance by adding a two year sunset clause. Mr. Jovick explained that Ordinance No. 1778 expired in 90 days, and that the motion was more appropriate for Ordinance No. 1779. Councilmembers Dahl and Harris withdrew their motions. Roll call vote on second

reading of Ordinance No. 1778 was four in favor, Dahl opposed. Motion passed.

Council went back to second reading of Ordinance No. 1779. Motion was made by Dahl, second by Harris, to amend the ordinance by adding a two year sunset clause. Ms. Dahl explained her reasoning for the amendment for Councilmember Hall. More discussion was heard concerning the Districts. Roll call on the amendment was Williams and Hall opposed, Dahl and Harris in favor with Mayor Mikesell casting the deciding vote as opposed. Amendment fails. Roll call on the motion was Williams and Hall in favor, Dahl and Harris opposed, with Mayor Mikesell casting the deciding vote as in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve final passage of Resolution No. 2492, A RESOLUTION OF THE CITY OF LIVINGSTON PROVIDING FOR TWO STREET MAINTENANCE DISTRICTS WITHIN THE BOUNDARIES OF THE CITY OF LIVINGSTON. Three in favor, Dahl opposed. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2510, A RESOLUTION OF THE CITY OF LIVINGSTON DETERMINING AND FIXING THE METHODS OF ASSESSMENT IN STREET DISTRICTS NO. 1 AND NO. 2, FIXING THE RATE OF ASSESSMENT FOR COSTS OF STREET MAINTENANCE, PROVIDING FOR NOTICE AND HEARING. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2504, A RESOLUTION APPROVING A NEW LEASE BETWEEN CRAZY MOUNTAIN KIDS CLUB AND THE CITY OF LIVINGSTON. Councilmember Dahl abstained from voting. Councilmember Williams questioned if the agreement includes that CMKC will pay their own utilities. That was confirmed. All in favor. Motion passed.

Motion was made by Hall, second by Harris, to approve Resolution No. 2509, A RESOLUTION TRANSFERRING AND BORROWING \$100,000 FROM THE SOLID WASTE FUND TO THE GENERAL FUND FOR OPERATING EXPENSES FOR THE CITY OF LIVINGSTON. City Manager Orndorff explained how the resolution would operate for Councilmember Hall. Mr. Orndorff stated the money would be transferred as needed.

Mr. Hall asked if all the money would be used. Mr. Orndorff confirmed the money would be used before taxes come in.

Mr. Hall commented that he hoped there would not be an emergency in the Solid Waste Fund.

All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2511, A RESOLUTION TRANSFERRING AND BORROWING \$10,000 FROM THE SOLID WASTE FUND TO THE RECREATION DIRECTOR ENTERPRISE FUND FOR SALARY AND OPERATIONS OF THE RECREATION DIRECTOR FOR THE CITY OF LIVINGSTON. City Manager Orndorff answered Council's questions. All in favor. Motion passed.

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Motion was made by Williams, second by Hall, to approve Resolution No. 2512, A RESOLUTION ACCEPTING AND APPROVING A BUY-SELL AGREEMENT FOR THE SALE OF THE LEHRKIND BUILDING FOR THE CITY OF LIVINGSTON. Councilmember Dahl questioned the City Manager if the changes were included into the agreement, that were made by a memo to Council from Mr. Orndorff. This is a cash offer of \$171,000.

Mr. Orndorff stated the buyer will take care of the roof inspection, building inspection, structural foundation inspection, electrical and plumbing inspection, environmental and structural to include radon, asbestos and toxic waste/hazardous material.

Mr. Orndorff stated the City will take out the two oil tanks that are buried in the alley and the oil furnace inside.

This is contingent upon a zoning variance for light manufacturing and a special exception permit for a single residence.

Closing date is based on approval of the zoning. Buyer will pay for the appraisal.

Mary Ackerman Yates with Western Heritage Realty addressed Council about the offer. Discussion was heard with Council and Ms. Yates.

An amended motion was made by Harris, if the Lehrkind Building sells, it nullifies and void Resolutions 2497, 2508, 2492, 2510, 1778, 1779 as they apply to Street Lighting and Maintenance Districts. Motion died due to lack of a second.

Motion was made by Williams, second by Dahl, to amend the first motion to add to line 9 of the offer, that it states the shelving belongs to the Food Bank. Discussion was heard about the current rental's within the building. Amendment passed.

Ms. Yates explained to the audience who the buyer was.

All in favor of the resolution. Motion passed. It was confirmed, after the changes have been made, City Manager Orndorff has the authority to execute the agreement.

Second Reading of Ordinance No. 1777 (AS AMENDED), AN ORDINANCE ADDING SECTION 5-25 ENTITLED "RESTRICTED RESERVES" REQUIRING A TWO-THIRDS MAJORITY OF THE COUNCIL FOR THE EXPENDITURE OF RESTRICTED RESERVES IN ALL FUNDS OF THE CITY. All in favor. Motion passed.

First Reading of Ordinance No. 1780, AN ORDINANCE ADDING A ZONING TEXT AMENDMENT TO CHAPTER 30, SECTION 30.64 ENTITLED "EXEMPTION FOR NON-CONFORMING RESIDENTIAL STRUCTURES". City Planner asked that this ordinance be disregarded.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1782, AN ORDINANCE ADDING SECTION 30.64 TO CHAPTER 30 OF THE CODE OF ORDINANCES FOR EXEMPTION FOR NON-CONFORMING RESIDENTIAL STRUCTURES. All in favor. Motion passed.

Motion was made by Williams, second by Harris, to approve first reading of Ordinance No. 1781, AN ORDINANCE ADDING (H) TO SECTION 13-97 OF THE CODE OF ORDINANCES TO INCLUDE ENGINEERING FEES. All in favor. Motion passed.

City Manager Orndorff summarized the City's litigation with Park County Refuse District. Mr. Orndorff asked Council if they wished for him to initiate the licensing process for a transfer site by the City Shop. Motion was made by Williams, second by Hall, to grant this permission. Discussion was heard regarding the transferring of Solid Waste.

City Manager Orndorff confirmed that the City had no intentions to stop, on its own accord, dumping at the incinerator. All discussions have only been made on contingency plans if for some reason the City was locked out of the incinerator.

Supt. Public Services Ken Kastelitz stated the licensing process for a transfer station takes up to a year. Mr. Kastelitz stated the fee includes all site inspections.

Motion passed.

Motion was made by Harris, second by Dahl, to send Mr. Kastelitz and one other person to Billings to look at a larger Solid Waste Truck which is available. Discussion was heard concerning using a private company to haul garbage over the road. Motion passed.

Mr. Orndorff reported that at County Commissioners/City Councilmember meetings. The subject of joint ownership of 37% of the East Side School land area was discussed. Councilmember Williams stated the area needed measured for square footage first. Mayor Mikesell stated he was still against moving the basketball court to another location. After some discussion, Mr. Orndorff stated he would look into the measurements.

A Montana Power Company Energy Services Representative conducted an Energy Audit of the East Side School Building. The MPC Data Sheet was provided for Council. MPC will pay the City \$4,670.00 to change out the lights. The Annual savings, based upon the number of hours of usage supplied by Chief Gillett, is forecast to be \$3,863.17.

Mr. Orndorff stated he did not think the City could afford the change out until next year. More discussion was heard.

Mr. Orndorff stated a representative from Johnson Controls, sometime in the past, talked about a Planned Service Agreement that would cost \$2,908 for one year. This agreement will not be pursued at this time.

Enclosed for Council's information were pages from the City Code Book concerning zoning at the East Side School Building. Also, enclosed was a memo from City Planner Woodhull and City Attorney Jovick.

Mr. Orndorff stated an individual approached him about renting space at the East Side School Building for an evening computer school.

There was also an inquiry about renting space at the East Side School Building for a business office where the business is conducted by telephone and facsimile machines.

A letter was included in the packet from Laurie Francis, the Program Director of LIFESTEPS, which is a program through the Livingston Memorial Hospital. Supt. of Public Services Kastelitz showed Ms. Francis space at the East Side School Building. Ms. Francis was interested in two of the ground floor rooms. She stated they would install ramps for people to walk down.

Mr. Orndorff reported that a representative of Youth Dynamics Therapeutic Foster

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Care called concerning the possibility of renting space in the East Side School Building. This group works with and receives clients through the Dept. of Family Services and the Youth Probation Program.

Mr. Orndorff asked Council what they wished to do, with the zoning question and renting to the different individuals. Police Chief Gillett suggested a staff report, due to why the school was not approved to stay open as a school. Discussion was heard more on this subject.

Mayor Mikesell stated the Food Bank need to pay for their own utilities. Mr. Orndorff stated the Food Bank would have problem with the stairs and the preschool is scheduled to start on Sept. 12th.

Councilmember Williams asked for Fire Chief Tim Parks opinion. Chief Parks stated everything has to comply with ADA. Restrooms do not meet ADA.

City Attorney Jovick answered a zoning question for Councilmember Dahl. Motion was made by Dahl, second by Williams, to ask the Zoning Board review the Public status under the Public Zoning, to allow Business and Professional Offices as an acceptable under Public Zoning Use. Motion passed.

Laurie Francis addressed Council to clarify some of Mr. Orndorff's comments. She explained what she was proposing to offer the public. They are willing to pay rent. Ms. Francis also stated the Hospital would probably be willing to put in a lift to help meet ADA requirements. The rooms she was interested in was two classrooms on the first floor.

Jenny Connelly, Manager of the Food Bank addressed Council. She spoke in regards to her organization renting the Lehrkind Building. Ms. Connelly mentioned there is a leaky faucet in the basement at the Lehrkind Building. The Food Bank is interested in two rooms at the East Side School Building.

Judy Lanterman and Sheila Joronen spoke to Council desiring to rent Room 6 for a preschool. Discussion was heard on this topic. Fire Chief Parks explained why the State made the School District close as a school for children.

Ms. Dahl stated she wanted something from the State or School District to be included in the Staff Report.

Motion was made by Williams, second by Harris, to waive the open container law for the Livingston Gallery Association for August 26th. Police Chief Gillett gave a report from the Gallery walk of July 26th. Chief Gillett stated the area should include the 100 North and 100 South blocks on Main Street and Park Street between Main and Second Streets. This expanded area was incorporated into the motion. Motion passed.

Mr. Orndorff requested that the City Council establish a City Policy concerning activities involving admission charges or donations, in the are of the Parks. The Recreation Director's Fund currently receives 15% of receipts. The original policy was established June 17, 1991 by memo that was included for Council's information.

Mr. Orndorff stated specific events which cause the staff to ask for this policy include an AIDS Benefit at the Band Shell, which they will be paying \$25 rental for the Band Shell and are asking a \$3 donation from those who attend, and an individual desires to arrange a volleyball tournament charging entry fees with all fees being returned to the teams as cash awards and tee shirts.

Discussion was heard from Council. Supt. Kastelitz will prepare a staff report on

renting space in the Park area. The decision was to work with what is now in place until Council receives a staff report with recommendations.

A comment was heard from Urana Clark concerning Crazy Mountain Kids Club Duck Race.

Mr. Orndorff stated a letter from TRI Touch America was enclosed for Council's information. The County Commissioners agreed to use this company as their long distance carrier. A representative has been in contact with the City Manager. Council discussed going out to bid for the service. City Attorney Jovick stated this was a technical service and bidding was not necessary. Councilmember Hall suggested to the Manager he obtain request for proposals.

Mr. Orndorff reported a representative of the Dept. of State Lands will be in his office at 3:30 pm on August 24th to discuss ownership of the Fleshman Creek bank land which has been created over the years.

For Council's information, Mr. Orndorff reported there was a recent inquiry concerning parking at a local Bed and Breakfast. A shower was being planned with 100 invited guests. The City Planner was instructed to contact the owners and explain the limitations of the Codes concerning Bed and Breakfasts. Mr. Orndorff stated the shower is now not being held and the Bed and Breakfast is in the process of being sold.

Enclosed for Council's information was a letter from City Planner Woodhull, with an attached letter from Ms. Paula King. Ms. King recently made application for a Special Exception and was refunded her money upon withdrawing the application.

Ms. King was addressed the Council concerning her letter. Discussion was heard of her using "on street parking" as her personal parking to meet codes. Council asked for Mr. Woodhull's comments. More discussion was heard concerning Ms. King being on the Historical Registrar.

Councilmember Dahl asked for the City Attorney's opinion. He based it on the footnote at the bottom of the "List of Uses" on page 60 of the Council packet. This is actually page 171-1 of the Municipal Code Book.

Jeanne Baker, President at the Chamber of Commerce, addressed Council concerning Myhre Advertising invoice. She made reference to the contract that was signed by then City Manager Ken Griffin and Kathleen Kaul, Representative to Yellowstone Country Board, and that Myhre entered that contract in good faith. Discussion was heard.

City Manager Orndorff did not believe this was budgeted, but will double check for Councilmember Dahl to see if this was a budgeted to be paid. Ms. Dahl feels the City is obligated to pay this item.

Ms. Dahl asked how much does the City Manager need to come to Council. City Attorney Jovick answered for Ms. Dahl and also stated he was asked by Council to give his legal opinion concerning the paying of these bills. The City Manager cannot contract, only the City Council can contract. That is why Mr. Jovick gave the opinion that the contract was not legally enforceable.

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Mr. Jovick stated he wrote to Myhre the date following Council action of rejection, and has not received a reply.

Ms. Dahl asked for Mr. Orndorff's opinion. He stated he recommended that it be paid.

Ms. Baker stated she felt there was a \$750 discrepancy according to the contract, in favor of the City. She stated she would be in contact with Myhre to find out what it was.

More discussion was heard. Mayor stated his opinion the bill should be paid. Mr. Hall was opposed to pay. Mrs. Williams stated to wait and see what Myhre says. Mr. Harris's opinion was to clarify the total bill and pay it. Ms. Dahl would like to find out the total obligation and have agendaed for the next meeting.

Councilmember Dahl gave her reasoning of why she wants legal written opinions to accompany agendaed items.

Motion was made by Dahl, second by Harris, to have Mr. Jovick give Council a written legal opinion no matter how long or how short to accompany agendaed items in the regular City Council packet or any City Council meeting. Mrs. Williams responded with her comments. Voice vote was Harris and Dahl in favor, Williams and Hall opposed, with Mayor Mikesell casting the deciding vote as opposed. Motion failed.

Council gave Mr. Orndorff permission to agenda having a pay phone in the front of the building for the next City Council/County Commissioners meeting.

The following reports were included for Council's information:

- Utility Billing Report
- Fire/Ambulance Financial Report
- Fire Chief Report
- Police Chief Report

Councilmember Hall asked for further clarification of the July Fire/Ambulance Financial Report. Some discussion was heard, with Mr. Orndorff stating he will have to get back to Mr. Hall with his answer.

Councilmember Dahl questioned City Attorney Jovick on how to get a mill for the Ambulance. Mr. Jovick explained the steps.

Council was in agreement to start the hiring process for the City manager position after Labor Day. Mr. Orndorff will prepare a "time flow chart" for Council.

Council granted City Manager John Orndorff permission to be out-of-state during the period of September 21-26. Mr. Orndorff will use accrued vacation time and non-paid leave for this period of time.

Councilmember Williams received a citizens complaint concerning trees and shrubs encroaching over the sidewalk eight feet. Mrs. Williams would like this checked into.

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Councilmember Harris was approached by a citizen concerning advertisement signs that were being tacked to the telephone poles. Police Chief Gillett stated the poles are private property.

Mr. Harris stated he was asked by people, why they were refused input at the Final Budget Meeting. Discussion was heard. Councilmember Hall stated he chaired the meeting and if anyone would have wanted to speak, he would have given them the floor. More discussion was heard from Council concerning public comment.

Mr. Harris read some verbatim from the Final Budget meeting.

Mr. Harris stated he felt he was viciously attacked at the last Council meeting for not informing the Chair he would be absent. Mr. Harris went on to say why he could not make the meeting. Mayor Mikesell asked that the meeting move forward.

Mayor Mikesell stated he was contacted by some citizens about horses on the northside of the city. Discussion was heard with Planner Woodhull. These horses are allowed in the City limits with a permit from the Park County Sanitarian. Councilmember Williams stated she has talked to the Sanitarian and this is a two year permit. Discussion was heard.

Bernice McGee commented to Council about there being City Ordinances against some types of animals and barns in the City limits.

Motion was made by Williams, second by Dahl, to ask Mr. Orndorff to contact the Sanitarian about not renewing the permit or rescinding the permit, where the horses are being kept on the northside on City property. Motion passed.

Cole Inglehart addressed Council of the possibility of having some of the sidewalks fixed next year. Councilmember Dahl stated there is a seven year plan for the streets.

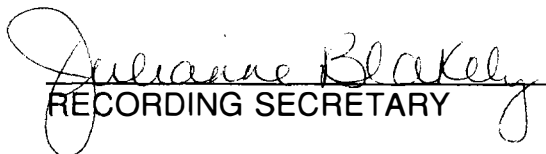
Mr. Inglehart also commented on the comments that are made by Councilmembers.

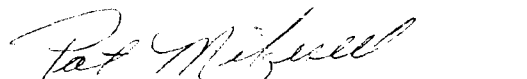
Motion was made by Dahl, second by Hall, to adjourn this meeting there being no further business. Motion passed.

The time was 11:35 pm.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETINGSeptember 6, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, September 6, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Fred Hall, Lee Harris and Barb Williams with Mayor Pat Mikesell presiding. Councilmember Sheryl Dahl was absent.

Motion was made by Williams, second by Hall, to approve the minutes of August 8, 1994 special Council meeting and August 15, 1994 regular Council meeting. Councilmember Williams made a correction to the August 8th meeting, page one, first paragraph should read: Vice Mayor Fred Hall.

Page one, eighth sentence from the bottom of the page, Mrs. Williams wanted clarified to read: "Complex Facility" budget. Motion passed as corrected.

Motion was made by Williams, second by Harris, to accept the bills and claims that were listed for \$90,220.62. Councilmember Hall questioned the Water Operating Fund that was charging out \$12,664.30. City Manager Orndorff confirmed there was cash in the Water Department Fund. Mr. Orndorff also stated the City was waiting for the Intercap Loan money.

Councilmember Williams commented on page 15, item 1111 to First Trust that this was the final bill.

Mrs. Williams commented on page 29, item 2076 to TRI Touch America Inc., stating she felt it was alot of money and hoped the system works well. Councilmember Harris asked for further clarification from Mr. Orndorff. Supt. Clint Tinsley also added what the amount included.

Mr. Harris questioned page 15, item 1112 to First Trust. Mr. Orndorff stated the major portion of the bill was for the creation of the SID's. Only about \$12.00 for Federal Express Fees.

Mr. Harris questioned page 26, item 1431 to Jerry's Hardware Hanks for three hoses. Mr. Orndorff stated he would reproduce the claim for Mr. Harris.

Mr. Harris questioned page 28, item 1906 to VanDyken Drilling for repair on Wells. Mr. Tinsley explained this was repair work on the D Street Well.

Mr. Harris questioned page 29, item 2067 to Credit Systems. Mr. Orndorff stated this was Credit Systems portion of Ambulance collections, and their collection percent was 33%.

Mr. Harris questioned page 29, item 2076 to Tri Touch America Inc. for \$252.00. Mr. Orndorff stated this was for work in the Fire Station and changing another phone.

Mr. Hall questioned an agreement the City had with Yellowstone Hardware for making purchases directly. Mr. Orndorff said, his understanding was the City had not used the Yellowstone Hardware system since April or May. Mr. Hall stated he would like it looked into, and the possibility of putting the system back into operation.

Mrs. Williams questioned the budgeting of \$42,000 for the completion of the Water

Building. Mr. Orndorff will show her after the meeting.

Motion passed.

A public hearing was held on the Amended Subdivision Regulations. Councilmember Harris commented he could not find a reference to alley's or their widths. Discussion was heard on this issue. Citizen comment was heard by Urana Clark.

Motion was made by Harris, second by Williams, to accept first reading of Ordinance No. 1784, AN ORDINANCE ADOPTING AMENDED SUBDIVISION REGULATIONS FOR THE CITY OF LIVINGSTON AND THEREBY AMENDING SECTION 28-1 OF THE CODE OF ORDINANCES. An amended motion was made by Harris, second by Williams, to include standard 20 foot alleys to Table 5, Page 44. All in favor. Amendment passed. All in favor, motion passed as amended.

Motion was made by Williams, second by Hall, to approve final passage of Resolution No. 2508, A RESOLUTION LEVYING AND ASSESSING LIGHTING DISTRICT MAINTENANCE AND ELECTRICAL CURRENT COST FOR SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 OF THE CITY OF LIVINGSTON, PURSUANT TO THE PROVISIONS OF SECTIONS 7-12-4301 THROUGH 7-12-4338, MCA. Supt. of Public Services Ken Kastelitz was asked to give his report on what objections were received. The only objection received, was from Mr. Langley for protest of his individual assessment. No other protests were heard.

City Attorney Jovick answered a question for Mr. Harris regarding the cost calculations to the new districts.

Motion was made by Williams, second by Hall, to deny Mr. Langley's protest. Mr. Hall asked for more clarification from Mr. Jovick. The voice vote was two in favor to deny, Harris opposed. Motion passed.

Roll call vote on the resolution was two in favor, Harris opposed. Motion passed.

Motion was made by Williams, second by Hall, to approve final passage of Resolution No. 2510, A RESOLUTION OF THE CITY OF LIVINGSTON DETERMINING AND FIXING THE METHODS OF ASSESSMENT IN STREET DISTRICTS NO. 1 AND NO. 2, FIXING THE RATE OF ASSESSMENT FOR COSTS OF STREET MAINTENANCE, PROVIDING FOR NOTICE AND HEARING. No protests were received or heard. All in favor. Motion passed.

Motion was made by Harris, second by Hall, to approve Resolution No. 2505, A RESOLUTION APPROVING THE EXECUTION OF A QUIT CLAIM DEED FOR THE YELLOWSTONE MOTOR INN REAL PROPERTY. City Attorney Jovick gave the background information for this resolution. Discussion was heard with Council. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2513, A RESOLUTION FIXING AND LEVYING A MILLAGE FOR THE ANNUAL TAX LEVY FOR THE YEAR BEGINNING JULY 1, 1994 AND ENDING JUNE 30, 1995 FOR THE CITY OF LIVINGSTON. All in favor. Motion passed.

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Motion was made by Harris, second by Williams, to approve Resolution No. 2514, A RESOLUTION APPROVING AN EXCLUSIVE LISTING AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND WESTERN HERITAGE REAL ESTATE OF LIVINGSTON FOR THE SALE OF THE LEHRKIND BUILDING. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2515, A RESOLUTION AUTHORIZING THE SIGNATURES OF CITY EMPLOYEES TO SIGN ON THE CITY'S SAVINGS ACCOUNT AT EMPIRE FEDERAL SAVINGS AND LOAN ASSOCIATION AND OTHER FINANCIAL INSTITUTIONS. All in favor. Motion passed.

Motion was made by Hall, second by Williams, to approve Resolution No. 2516, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE STATE OF MONTANA BOARD OF INVESTMENTS AND THE CITY OF LIVINGSTON FOR THE INTERCAP REVOLVING PROGRAM. City Manager Orndorff noted a correction to page 54 of the packet, that the total project amount should read \$448,800. The total committed amount should read \$446,600. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2517, A RESOLUTION SPECIFYING THE MILLAGE FOR THE LIGHTING DISTRICT #20 AND STREET MAINTENANCE DISTRICTS NO. 1 AND NO. 2 FOR THE CITY OF LIVINGSTON. The vote was two in favor, Harris opposed. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2518, A RESOLUTION APPROVING A LEASE BETWEEN WALKER COMMUNICATIONS INC., A WASHINGTON CORPORATION DOING BUSINESS IN LIVINGSTON AS MONTANA EDGE AND THE CITY OF LIVINGSTON FOR STORAGE SPACE AT THE LEHRKIND BUILDING. City Attorney Jovick stated the space allowed in the agreement needed increased to 1000 square feet. Discussion was heard. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2519, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THOMAS, DEAN & HOSKINS INC., ENGINEERING CONSULTANTS AND THE CITY OF LIVINGSTON FOR WATER AND SEWER MAPPING SERVICES. Supt. Public Utilities Tinsley gave Council additional information regarding the resolution.

An amendment to the motion was made by Williams, second by Harris, to pay \$4,400 instead of \$4,000. Amendment passed. The vote on the motion was all in favor. Motion passed as amended.

Motion was made by Williams, second Hall, to approve Resolution No. 2520, A RESOLUTION APPROVING AN ANNUAL SOFTWARE SERVICE AGREEMENT BETWEEN TAABS, OF TYLER, TEXAS AND THE CITY OF LIVINGSTON. Supt. Tinsley clarified Councilmember Williams' questions. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2521, A RESOLUTION APPROVING A STANDARD AUDIT CONTRACT BETWEEN SIMMONS AND COMPANY, CERTIFIED PUBLIC ACCOUNTANTS AND THE CITY OF

LIVINGSTON. An amendment to the motion was made by Williams, second by Hall, to add appendix "A" to Resolution No. 2521. Amendment passed. The vote on the motion was two in favor, Harris opposed. Motion passed as amended.

Motion was made by Williams, second by Hall, to approve Resolution No. 2522, A RESOLUTION APPROVING A LEASE BETWEEN DAVID G. HEALOW AND THE CITY OF LIVINGSTON FOR EXPERIMENTAL OR COMMERCIAL WIND POWER ELECTRIC GENERATION. City Attorney Jovick explained the lease to Council. Discussion was heard from Council and the audience. All in favor. Motion passed.

Second reading of Ordinance No. 1781, AN ORDINANCE ADDING (H) TO SECTION 13-97 OF THE CODE OF ORDINANCES TO INCLUDE ENGINEERING FEES. All in favor. Motion passed.

Second reading of Ordinance No. 1782, AN ORDINANCE ADDING SECTION 30.64 TO CHAPTER 30 OF THE CODE OF ORDINANCES FOR EXEMPTION FOR NON-CONFORMING RESIDENTIAL STRUCTURES. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve first reading of Ordinance No. 1783, AN ORDINANCE AMENDING SECTIONS 6-1, 6-40, 6-110, 6-130, 6-180 AND 6-191 OF CHAPTER 6 OF THE CODE OF ORDINANCES. City Manager Orndorff confirmed to Mrs. Williams, this ordinance was an update. All in favor. Motion passed.

Motion was made by Hall, second by Williams, to approve first reading of Ordinance No. 1785, AN ORDINANCE AMENDING SECTION 11-30 ADOPTING THE 1994 UNIFORM FIRE CODE. This was also an update. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve first reading of Ordinance No. 1786, AN ORDINANCE AMENDING SECTION 14-83 (4) OF THE CODE OF ORDINANCES TO MAKE THE BUILDING OWNER RESPONSIBLE FOR MAINTENANCE OF SEWER LINES TO BUILDINGS FROM THE CITY MAIN TO THE BUILDING. Discussion was heard from Council, with Supt. Tinsley explaining the reasoning for the ordinance. More discussion was heard between Council, staff and the audience. The vote was two in favor, Harris opposed. Motion passed.

City Manager Orndorff reported the local Swimming Pool Committee donated \$1,375 for a new cover for the swimming pool. It will arrive by next spring and the covers are stored in the shop area at the Civic Center.

Included was a letter from Mental Health Services, Inc. in support to maintaining the present Food Bank location.

Mr. Orndorff noted that a packet of material from the Food Bank was placed in the Council's distribution boxes for their information.

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Mr. Orndorff stated a Staff Study on EastSide School Usage was recently place in the distribution boxes. Discussion was heard from Staff and Council concerning who were the desired renters and the zoning situation. Discussion was heard from Staff and Council.

Councilmember Harris commented not allowing retail.

Councilmember Williams stated she did was opposed to retail sales, was in favor of professional offices and liked the idea of a Governmental Modified Commercial Zone.

Mayor Mikesell was in favor of State offices.

Councilmember Hall would like a definitive ruling from the Fire Chief on the use and stated a policy needed established as to what will be permitted from a safety point of view.

Motion was made by Harris, second by Williams, to grant Bonnie Swandal's request that 40 feet before the alley located in the 200 block of East Callender be dedicated 2-hour parking. Motion passed.

Mr. Orndorff reported a MRL official called requesting that vehicles be prevented from parking parallel to the railroad tracks in Judson Park where there is no fence. People can step out next to the tracks without being aware of the trains. Mr. Orndorff noted with the ISTE A Grant approval it could still be some months away.

Two bids were received for the Clark Street Storm Drain Project. They were as follows:

Elk River Concrete - Helena
\$89,971.82

Dana Kepner - Billings
\$28,461.92

Motion was made by Williams, second by Hall, to approve staff recommendation to award the bid to Elk River Concrete for the amount of \$89,971.82. Dana Kepner's bid did not meet the specifications. Supt. Tinsley answered Council's questions. Motion passed.

Mr. Orndorff included in the packet a letter from the State approving the PED/BIKE PATH (ISTEA Project). Mr. Orndorff also included in the packet other documents for Council's information for the remainder of the match money. \$15,000 is needed from the Community Development Trust.

Engineer Rick Kerin reported to City Manager Orndorff the new East Side School Parking Lots will be paved September 6th and 7th.

Big Sky Paving should move to 8th Street to pave September 8th and 9th.

The Blue Heron paving project is being held up because of the concrete curbing work.

Mr. Orndorff stated there was a water main break tonight on 8th Street that will need fixed before the street can be paved.

Mr. Orndorff stated he wrote to the firm doing the curb work on Blue Heron Drive to make all attempts to finish the project.

Mr. Orndorff reported the cost of the Blue Heron Project is \$127,700 and the 8th street SID was \$25,000. The costs were combined and \$152,700 of bonds were sold. The city's share of this project is \$44,000. The City is doing some \$40,000 of its obligation in labor and materials. There was basically a \$40,000+ "over issuance" of bonds. Mr. Orndorff spoke to a Bank official and Mae Nan Ellingston (Dorsey & Whitney) concerning the subject. The letter to Mae Nan was enclosed for Council's information. The City does not want to pay their share twice for the Blue Heron Drive S.I.D. The project is costing the City more than anticipated. We are doing our best to complete the job this year but there is a question whether it will be done. The City does not have the equipment or experienced personnel to serve as what is basically a sub-contractor to Big Sky Paving.

The State Department of Health and Environmental Sciences' Water Quality Bureau is planning to hold a series of one-day training/information workshops on the laws and regulations dealing with water quality and subdivisions. The cost may be \$35. Discussion was heard. Councilmember Harris may be able to attend depending on the date.

Motion was made by Williams, second by Harris, to approve the City-County Planning boards recommendation to grant conditional approval of the Vista View Plat. City Planner Woodhull reported the conditions were as follows:

- 1) Three (3) feet of this property, running the full length of its frontage on North N Street, will be dedicated to the City to allow for the widening of North N Street.
- 2) Interior Streets: The interior lane shall have a sixty (60) foot right-of-way width and the cul-de-sac shall have a fifty (50) foot radius as shown on the plat. The proposed interior lane will be paved and will be complete with curb and gutter.
- 3) Twenty (20) foot wide utility easements will be provided where utilities are to cross private property.
- 4) Eight inch minimum water and sewer extensions will be required. All main extensions will be required to be extended to the far boundary of the subdivision. Water mains must be looped. Additional fire hydrants shall be provided as required by applicable fire codes. All utility extensions will be subject to State approval.
- 5) An engineer, or a representative thereof, licensed to operate in the State of Montana, will be required to be on-site during utility construction.
- 6) Any utility reimbursement plan must be approved by the City prior to construction of the utility extensions.

- 7) Park land requirements: The applicant will donate, to the City, cash in lieu of park land in the amount of \$2,546.00.
- 8) An engineered drainage plan must be submitted with the final plat.
- 9) The covenants for this subdivision will include provisions for the participation of all lots in an SID for the improvement of North N Street and for the prohibition of further subdivision of the proposed lots.

Discussion was heard concerning an SID in the area. Motion passed.

Mr. Orndorff reported on the construction in progress or in the planning stages.

Five or Six new houses in the Star Addition;

Town Pump construction is in progress. Mr. Orndorff stated their water will not be turned on until the Bac-T tests are taken and returned. They will be on City water.;

A Clinic is to be built where the Helipad is located at the Hospital. Mr. Orndorff explained how the storm drain would work in that area. Discussion was heard. Supt. Tinsley will check out Councilmember Hall's question about storm water drainage with the State;

The Credit Union Building will be expanded;

A proposed subdivision north of the City's shop complex is progressing in the planning stages.

Mr. Orndorff answered Councilmember Williams question that there will be a 3-plex built on the corner of C and Clark Streets.

For planning purposes, Mr. Orndorff provided Council with a four year development plan at the Cemetery for some undeveloped land.

Mr. Orndorff stated the Council should decide at a future date if they wish to water the Cemetery with City water or continue to use the Livingston Ditch. Now it is almost at full pipe capacity and City water is needed.

Work progresses on the sell of the Lehrkind Building. The Title Insurance has been obtained. The Vice President at the bank reported to Mr. Orndorff she anticipates a commitment within the next 10 to 14 days.

Mr. Orndorff provided for Council's information, a Department of Administration, Procurement and Printing Division, Purchasing Bureau letter (August 24th) concerning Vehicle purchases.

Mr. Orndorff reported there has been a great deal of verbal communication concerning the City's Community Development Block Grant Application for an Economic Development Grant to be loaned to the Livingston Rebuild Center for expansion to create new jobs. Mr. Orndorff stated that Randy Peterson now needed to supply the Department with a letter from the director's stating they agree with this loan.

Letters were sent to Wind Power Systems, Inc. and Mr. Donald Steinman stating there were certain materials on the Livingston Wind Farm which might belong to them. This material will be considered abandoned if it is still on the Wind Farm on September 24th. Offers have already been given to the City for this property is abandoned.

Mr. Kenton Lewis, Synergy Power Corporation U.S.A., has talked to staff regarding the use of the Wind Farm to test his firm's generators. The letter is enclosed for Council's information. Discussion was heard. Motion was made by Williams, second by Harris, to have the City Manager pursue the necessary requirements. Motion passed.

Mr. Orndorff reported that a AT&T salesman told him he could save the City 10% on our telephone costs over TRI. Mr. Orndorff stated we are approaching the point where we can bid the City's long distance carrier.

For Council's information, a letter was received from the Dept. of Revenue regarding the liquor license for the 49er Casino, formally the Moose Club's license. Objections can be heard until the 14th of September, 1994.

Council was in agreement to allow placing eight old brown phones in the City's storeroom for the Emergency Operations Center.

Mr. Orndorff stated the City needed to be in a position to annex the City Property where the shop buildings and Waste Water Treatment Plant are located. The City Attorney was asked to investigate the legality of annexing the north channel of the Yellowstone River. Mr. Orndorff stated past the landfill, developers are talking of cleaning the island up for a park with possibly a bridge.

The Recording Secretary gave an update on the Oktoberfest which will be held Saturday, October 1st.

Enclosed for Council's information was the City Judge's Monthly Report for July.

Enclosed for Council's information was the Incoming Water & Sewer Revenues Report as of August 1, 1994. Due to the dry summer the City is \$18,791 ahead of the projected revenues in the Water Department and \$22,845 behind in the Sewer Department.

Council agreed to meet October 24th, 7:00 pm, for a Community Policing presentation from Officials from the State. The presentation should last 45 minutes. Police Chief Gillett gave Council additional information on the program.

Motion was made by Williams, second by Harris, allow Jim Nardella to work on the next RBC at the Waste Water Treatment Plant. Supt. Tinsley reported this was a budgeted item and Mr. Nardella was the only person in the State to do this type of work and was cheaper than the out-of-state company that could do the work. Motion passed.

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Mr. Orndorff reported that the SuperHost would ask the Mayor at the next meeting to declare Oct 3-7 as an International Affair.

Mr. Orndorff reminded Council of their meeting with the County Commissioners for September 7, 1994, 4:30 pm in the Commissioners Room.

Mr. Orndorff stated he has received comments about Aldrich's blocking the sidewalks at their business. Code Enforcement Officer Linda Fyffe checked out the complaint and the City Codes. Mr. Orndorff suggested a rewrite of the Ordinance of allowing items stacked on sidewalks. There were no objections from Council to have staff look further into this.

Some discussion also took place regarding the sandwich signs and their placement.

Council agreed to a worksession September 12th, 7:00 pm, to discuss and formalize what qualities, experience, education etc., they desire in the next City Manager.

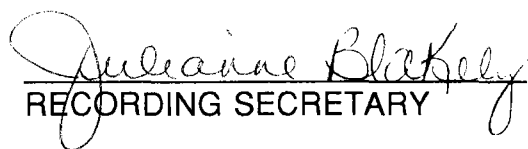
City Attorney Jovick clarified the purpose of a visit from a representative of State Lands. Mr. Jovick stated he felt the State Lands were looking into a long term lease with the City, with the State holding title, regarding Fleshman Creek.

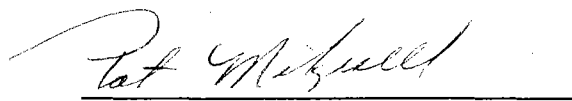
Motion was made by Williams, second by Harris, to adjourn this meeting there being no further business. Motion passed.

The time was 10:02 pm.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

September 19, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, September 19, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Lee Harris, Barb Williams, Fred Hall and Sheryl Dahl with Mayor Pat Mikesell presiding.

Motion was made by Williams, second by Harris, to approve the minutes of September 6, 1994 regular Council meeting. Motion passed.

Motion was made by Dahl, second by Hall, to accept the bills and claims that were listed for \$75,449.93. Councilmember Harris questioned page 13 & 14, item 1000 to A & I Distributors for three drums of oil. City Manager John Orndorff will reproduce the claim for Council

Mr. Harris questioned page 14, item 1005 to Simmons & Co. for \$6,990.00 for audit charges. Mr. Orndorff explained the audit charges that were originally was started on the Water Building and ended up with the application INTERCAP Program for the loan, under consideration tonight. Mr. Orndorff confirmed this was an add on to what Mr. Simmons has already been paid for the Water Building. Councilmember Dahl asked Mr. Orndorff to provide Council with a year to date total.

Ms. Dahl questioned page 15, item 1182, work on the RBC's. Mr. Orndorff explained.

Mr. Orndorff confirmed Ms. Dahl's question that the rehangng of the Basketball hoops was at the Civic Center. Supt. Public Services Ken Kastelitz stated this would be a one time fee. The hoops were removed when the ceiling was being torn down.

Ms. Dahl questioned page 24, item 2165 to Radio Dealers Leasing. Mr. Orndorff stated this was for six phones from the Fire Department that have never worked properly. This claim is paying for the phones, then the City will sell them.

Councilmember Hall commented on the Sewer Operating Account that is paying \$11,791.89. His concern is that from looking in the August Financial Statement, Sewer Operating Funds are running in the red at this time. Mr. Orndorff reported that money has come in since the August report to cover the sewer expenses. Motion passed.

Mayor Mikesell proclaimed October 3-7, 1994 as International Customer Service Week in the City of Livingston.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2524, A RESOLUTION AUTHORIZING CERTAIN INDIVIDUALS EMPLOYED BY THE CITY OF LIVINGSTON TO ACQUIRE FEDERAL SURPLUS PROPERTY FROM THE STATE OF MONTANA, PROPERTY AND SUPPLY BUREAU. City Manager Orndorff provided background information for Councilmember Hall. All in favor. Motion passed.

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Motion was made by Dahl, second by Harris, to approve Resolution No. 2525, A RESOLUTION OFFICIALLY NAMING SLEEPING GIANT STREET AND E STREETS, DECLARING ONE WAY STREETS AND ESTABLISHING A 15 MPH SPEED LIMIT. All in favor. Motion passed.

Motion was made by Williams, second by Harris, to approve Resolution No. 2526, A RESOLUTION RELATING TO \$446,600 WATER SYSTEM REVENUE BOND, SERIES 1994; AUTHORIZING THE ISSUANCE, AWARDED THE SALE AND FIXING THE TERMS AND CONDITIONS THEREOF AND CREATING SPECIAL FUNDS AND ACCOUNTS AND PLEDGING CERTAIN REVENUES AS SECURITY THEREFOR. City Manager Orndorff stated for Councilmember Williams, the City should received the Intercap Loan by September 30th. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2527, A RESOLUTION APPROVING A PROPOSAL SUBMITTED BY SMR COMMUNICATIONS INCORPORATED FOR THE PURCHASE OF SIX MOBILE TELEPHONES BY THE CITY OF LIVINGSTON. Council concerns were heard regarding the terms of the agreement. City Attorney Bob Jovick the proposal does put the City at risk. More discussion was heard from Council and Staff. Motion was made by Hall, second by Harris, to table this resolution until City staff can renegotiate. Motion to table passed.

Second Reading of Ordinance No. 1783, AN ORDINANCE AMENDING SECTIONS 6-1, 6-40, 6-110, 6-130, 6-180 AND 6-191 OF CHAPTER 6 OF THE CODE OF ORDINANCES. All in favor. Motion passed.

Second Reading of Ordinance No. 1784, AN ORDINANCE ADOPTING AMENDED SUBDIVISION REGULATIONS FOR THE CITY OF LIVINGSTON AND THEREBY AMENDING SECTION 28-1 OF THE CODE OF ORDINANCES. All in favor. Motion passed.

Second Reading of Ordinance No. 1785, AN ORDINANCE AMENDING SECTION 11-30 ADOPTING THE 1994 UNIFORM FIRE CODE. All in favor. Motion passed.

Second Reading of Ordinance No. 1786, AN ORDINANCE AMENDING SECTION 14-83 (4) OF THE CODE OF ORDINANCES TO MAKE THE BUILDING OWNER RESPONSIBLE FOR MAINTENANCE OF SEWER LINES TO BUILDINGS FROM THE CITY MAIN TO THE BUILDING. Supt. of Public Utilities Clint Tinsley explained the Ordinance for Councilmember Dahl. Some discussion was heard. The vote was Harris and Dahl opposed, Williams and Hall in favor, with Mayor Mikesell casting the deciding vote as in favor. Motion passed.

At this time, Council heard and had discussion with the following people concerning the listing of the Livingston BN site to the EPA National Priority List:

John Mills, ENVIROCON
John Wardell, EPA

Neil Marsh, Manager of Superfund for DHES
 John Wadhams, DHES
 Dave McAlpin, Aide to Senator Baucus
 Randy Peterson, President of LRC
 Clare Lemke, former LIFE Committee Member (read written statement)
 Bob Raney, State Representative (will provide his letter to the State for Council)
 Dan Porter, former LIFE Committee Member

It was noted in the discussions, the public comment period will expire October 20th. John Wadhams stated a public meeting was planned for the first week in October.

Mayor Mikesell brought the meeting back to order after a ten minute recess.

Discussion was heard concerning Water System Development Fees, Waste Water (Sewerage) Utility Development Fees and Police and Fire Impact Fees. City Manager Orndorff summarized the problem as he understands it to be and read sections from the City Codes in regards to the fees. Others addressing Council were: George Denton, Rick Kerin, Kent Douglass, Attorney for Mr. Denton, Henry Fleishman, Ray Plum and Kemp O'Neil.

Motion was made by Hall, second by Harris, for City Staff to prepare new language to be added to the System Development Fee language that will be permits specific. Motion passed.

Motion was made by Hall, second by Williams, to have new language written to Section 13-96 of the Codes, eliminating the line that says "such reimbursement is possible only for future service connections, not extensions to the line" and rewrite to say, various secondary extensions of the line can be included in the reimbursement. Motion passed. Councilmember Hall invited input from all present, if they wanted to add to the discussion.

More discussion was heard of trying to put a long range plan in place within the City concerning future development. Councilmember Williams stated the City still has some entities in the past that have not paid development fees.

Motion was made by Hall, second by Williams, to direct the City Manager to prepare letters to be sent to Mr. McNamara, Buttreys, Town Pump, and any others that were not on the list, that owes money for development fees should also be included in the letter (and a refund if there was an over payment). This letter is to explain very politely that apparently there was some confusion with past management and their interpretation of our ordinances and after consideration of the Council and consultation with our legal authority, we feel that you owe these fees, based on the existing fee structure and we would like to collect those fees. Emphasize that we will also do our best to cooperative and help them with a pay schedule if that would be necessary, we will be willing to negotiate, but that we feel these fees are owed and we wish to collect them.

Discussion took place with the city attempting to collect the development fees. City Attorney Jovick gave his legal opinion for Councilmember Dahl. Supt. Tinsley answered questions for Council. Motion passed.

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Motion was made by Dahl, second by Williams, to waive the open container law for the Oktoberfest area. Motion passed.

Jim Pannell of Myhre Advertising, Great Falls, explained a request of Myhre to abandon the street right-of-way in Block 2, next to the Super Car Wash. City Attorney Jovick stated City Planner Jim Woodhull is checking with the appropriate State Officials, due to the fact the State Highway is involved. Motion was made by Harris, second by Williams, to table until further information is received. Motion passed.

Mr. Orndorff reported the sell of the Lehrkind building is moving right along. Closing may be sometime during the last week of October.

The city's new Building Inspector will be Peggy Schram of Laurel. She will start work October 3rd. She has a Bachelor of Science Degree, majoring in Civil Engineering Technology, and a Master of Science Degree in Civil Engineering.

The city's new Firefighter will be Jason Rigsby of Malta. He is a member of the Emergency Medical Service. His certificates include Firefighter I, II, and III, and he is a National Registry Emergency Medical Technician.

Motion was made by Dahl, second by Williams, to grant permission for the Homecoming Parade. The parade will assemble between the Civic Center and the High School, up to Main Street, turn left to Callender Street, turn left on 2nd Street to Lewis Street, left to Main Street and back to the High School. Police Chief Lynn Gillett stated the route will be blocked off no more than thirty minutes. Motion passed.

Motion was made by Harris, second by Dahl, to approve an attached request to refund a handicapped person's ticket fine. Motion passed.

The Annual Water and Sewer Reports were submitted to the Public Service Commission. Copies will be provided for Council.

Mr. Orndorff reported the Blue Heron Drive issue continues with engineering changes. There may be a need for two retaining walls, where the hillside was cut. The City feels they have already put in more than their share of the work with the project, so this will have to be worked out.

Orndorff reported the 8th Street paving project was completed.

The September 15th issue of the Livingston ENTERPRISE contained an ad displaying activities at the Civic Center.

Discussion was heard concerning a bus loading zone issue on Park Street by the Guest House Motel. Renae Matthews intended to be in the audience, but was not. Input was heard from Staff and Council to find the best solution to solve the bus parking problems on Park Street where it is becoming a hazard. The Bus Depot does have a bus parking zone on Main Street. Motion was made by Hall, second by Williams, to prohibit bus

parking on both sides of Park Street from 3rd Street to D Street and include "No Parking of Buses" in "Loading Zones". Motion passed.

Mr. Orndorff reported to Council that the City did not purchase a grader at the Yellowstone National Park State Vehicle Auction. The grader sold for approximately \$20,000.

Jeannie Baker was not able to make tonight's meeting to discuss the Myhre bills.

Mr. Orndorff reported at the last Council meeting there was a question concerning the purchase of 3 hoses from Hardware Hanks. The sales slip and purchase order was reproduced for Council.

Mr. Orndorff reported that Yellowstone Hardware and Supply Company's micro fiche reader and films were picked up for use at their Wilsall store. Mr. Orndorff answered Mr. Hall's question that the city no longer has a sales agreement with Yellowstone Hardware.

Crazy Mountain Kids Club Monthly report for August was included for Council's information.

Mayor Mikesell wrote a letter to MRL requesting the timing of the Brand S Chip Train to be changed from noon to the time frame of 5-7 am. A letter was received today and instead of changing the timing of the chip train, the railroad is going to install 50 more feet of track to switch on. Mayor Mikesell stated this was not the answer.

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

- Fire Chief Report
- Police Chief Report
- Ambulance Report
- City Judge's Report

Mr. Orndorff reminded Council that the Delegation from Naganohara and the Drum Corps, will be here September 28th and 29th. There will be a musical performance at the Firehouse 5 in the evening of the 28th.

The second worksession concerning the selection of the next City Manager will be held one hour prior to the next meeting on October 3rd in the Council Chambers.

Mr. Orndorff stated he called the lady from Missoula today concerning the SID Bond issue. Next he will talk to the First National Park Bank officials to see if they will allow the city to prepay our part of the Blue Heron Drive SID Project.

Motion was made by Dahl, second by Williams, to allow Supt. Tinsley to hire Max Berg to dig for the Storm Drain Project not to exceed \$20,000. Discussion was heard with Council and the City Attorney concerning the bidding process. Motion passed.

ABG283

Mr. Orndorff received a letter from John Muir Publications informing that Livingston, Montana has been designated as one of the 100 best in author John Villani's book *The 100 Best Small Art Towns in America*.

Mr. Orndorff reported that Barbara Vandervort from HRDC is picking up more of the work concerning the Angeline Van.

Councilmember Harris questioned why we were taking two months with the advertisements. Councilmember Hall was in agreement and would like to expedite the time frame for advertisements and lengthen the time frame for evaluations. Mayor and Council were in agreement.

Mr. Orndorff provided Council in their packets the following suggested time frame for the hiring process of the next City Manager:

September and October - Deciding what you want and how to evaluate candidates;
 November - Writing the advertisement;
 December 1 - Distribute advertisement;
 January 31 - Application Cut-Off deadline;
 February - Evaluating some 100 candidates;
 March - Refining Candidates, to perhaps 20, and have them response to a mailed questionnaire. Decide on which candidates to interview;
 April - Conduct interview and background checks;
 May - Notify City Manager Selectee so that he/she may give 90 days notice of quitting and move to Livingston;
 August 15 - Interim City Manager's last day and new City Manager reports for work.

Councilmember questioned the situation at the Civic Center concerning the tar on the roof. Supt. Kastelitz and Mr. Harris explained. Mr. Kastelitz stated the Civic Center will be open for the public on October 3rd.

Councilmember Hall stated if there was no ground breaking at Loves Lane by Friday, he would like the Mayor to call the Governor on Monday. Mayor Mikesell stated he had also made a call the previous week.

Mr. Hall would like the City Manager to provide Council with a copy of the cable TV franchise agreement.

Motion was made by Dahl, second by Hall, to adjourn this meeting there being no further business. Motion passed. The time was 11:20 p.m.

ATTEST:


 RECORDING SECRETARY

APPROVED:


 MAYOR

LIVINGSTON
CITY COUNCIL MEETING

October 3, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, October 3, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Sheryl Dahl, Lee Harris, Barb Williams and Fred Hall with Mayor Pat Mikesell presiding.

Motion was made by Dahl, second by Williams, to approve the minutes of September 19, 1994 regular Council meeting. Motion passed.

Motion was made by Harris, second by Dahl, to accept the bills and claims that were listed for \$75,198.83. Councilmember Hall asked the City Manager to explain for public information, how Water Fund 5210 was looking. Mr. Orndorff explained the fund looked good and the City had received the INTERCAP Loan money in the amount of \$446,000, to be repaid over a ten year period.

Councilmember Williams questioned page 9, item #1084 to D.P.C. Industries. Mr. Orndorff stated "damage" should read "demurrage".

Page 11, item #1199 to Montana Motor Supply. Mr. Orndorff explained this claim was for more than cable ties.

Page 10, item #1145 to High Country Rental for a space heater. Mrs. Williams noted she has seen this rental item before and suggested the city should purchase one if they used it more. Mr. Orndorff stated he will look into this and the rental of the space heater is used when work is done on the RBC's.

Page 12, item #1233 to Park County. Supt. Clint Tinsley explained these were for plats obtained from the County for update of the Water and Sewer maps which Council approved at a previous meeting.

Page 14 and 15, item #1298 to Western Photo Sales. Police Chief Lynn Gillett stated this was 20 rolls of 36 exposure film for the Jail.

Councilmember Harris questioned page 8, item #1000 to A & I distributors for drums of oil. Supt. Ken Kastelitz explained.

Page 12, item #1253 to Quality Motor Supply for a alternator. Mr. Harris felt this could be bought cheaper.

Page 14, item #1294 to Viking Office Products. Supt. Tinsley explained this desk was for his office.

Page 17, item #1506 to Terry Humann. Mr. Orndorff stated this was for 16¼ hours at \$50 per hour.

Page 20, item #2362 to Intermountain Thermal. Supt. Tinsley explained this is budgeted inspection of wells when the inspector is in the area.

Motion passed on the bills and claims.

Mayor Mikesell proclaimed October 3-7, 1994 as Fire Prevention Week in the City of Livingston.

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A public hearing was heard for a special exception request for the Lehrkind Building. Mary Ackerman Yates, realtor, was present to answer any questions. Councilmember Williams stated this was a special exception not a zone change. Matt Smith, buyer of the Lehrkind Building was present to answer any questions with his request for Light Manufacturing use. Mr. Smith explained his business to Council. Motion was made by Williams, second by Dahl, to accept both special exception requests as outlined in the Staff Report. Roll call vote was all in favor. Motion passed.

A public hearing was heard for the Text Amendment 30.40. Addition of Business and Professional Offices in Public (P) Zoning Districts. Discussion was heard from Council concerning problems which could to other properties. Public comment was heard from Cole Inglehart. City Attorney Jovick was asked for a legal opinion. City Planner Jim Woodhull explained to Council why the City Zoning Commission recommended disapproval of the text amendment.

Motion was made by Dahl, second by Williams, to have the Board of Adjustment look at the addition of Business and Professional Offices in Public Zoning under a special exception zone. Ms. Dahl stated this motion was for all public zoned land. More discussion was heard. Motion passed.

A public hearing was heard for a zone change request by Vern Rothschiller. Jim Snyder, representing Mr. Rothschiller, addressed Council requesting the change to allow residential development on the recently reclaimed gravel pit site.

Discussion was heard with Council. Motion was made by Dahl, second by Williams, to approve first reading of Ordinance No. 1791, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM INDUSTRIAL (I) TO HIGH DENSITY RESIDENTIAL (RIII) USE. Roll call vote was three in favor, including the Mayor. Hall and Harris abstained from voting due to their involvement with the property. Motion passed.

Motion was made by Williams, second by Harris, to approve Resolution No. 2528, A RESOLUTION AUTHORIZING APPLICATION TO THE MONTANA DEPARTMENT OF COMMERCE FOR A COMMUNITY DEVELOPMENT BLOCK GRANT TO CONDUCT A PROGRAM OF HOUSING REHABILITATION IN AN AREA SOUTH OF PARK STREET IN LIVINGSTON. Barbara Richard from White Sulphur Springs was present to answer Council's questions concerning the application for this grant. Roll call vote was all in favor. Motion passed.

Motion was made by Williams, second by Harris, to approve Resolution No. 2529, A RESOLUTION APPROVING A NIGHT DEPOSITORY AGREEMENT BETWEEN FIRST NATIONAL PARK BANK OF LIVINGSTON AND THE CITY OF LIVINGSTON. Mr. Orndorff answered Mr. Harris' question that the Bank requested the agreement. Roll call vote was all in favor. Motion passed.

Motion was made by Harris, second by Dahl, to approve Resolution No. 2530, A RESOLUTION EXTENDING THE STORAGE AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND THE PARK CLINIC, P.C., A MONTANA PROFESSIONAL

CORPORATION. Councilmember Harris questioned if this agreement meets the zoning requirements. Discussion was heard concerning the zoning.

Mr. Jovick stated the contract has run out and Park Clinic is asking for the one year extension. The Council would have to give the renters adequate time to move out should it not be renewed.

Motion was made by Hall, second by Harris, to table until the zoning can be looked into. Motion passed.

Motion was made by Dahl, second by Williams, to have the Board of Adjustment to look into Warehouse and Storage under Public Zoning and look at it as Special Exception. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2531, A RESOLUTION APPROVING A SETTLEMENT AGREEMENT BETWEEN THE CITY OF LIVINGSTON, AND, THE STATE OF MONTANA HUMAN RIGHTS COMMISSION, AND KEITH W. KING. Mr. Orndorff gave background information for Councilmember Dahl. Roll call vote was all in favor. Motion passed.

Motion was made by Harris, second by Dahl, to approve Resolution No. 2532, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND PARK COUNTY TO CONTINUE THE D.A.R.E. EDUCATION IN RURAL SCHOOLS. This agreement has been discussed with the County. All in favor. Motion passed.

Mayor Mikesell recessed the meeting to obtain signatures for the Community Development Block Grant application. Mayor Mikesell called the meeting back to order.

Motion was made by Williams, second by Harris, to approve first reading of Ordinance No. 1787, AN ORDINANCE AMENDING SECTION 13-19.1 OF THE CODE OF ORDINANCES ENTITLED "WATER SYSTEM DEVELOPMENT FEE" REVISING THE TIME OF PAYMENT OF FEE. Supt. Tinsley answered Council's questions. All in favor. Motion passed.

Motion was made by Harris, second by Dahl, to approve first reading of Ordinance No. 1788, AN ORDINANCE AMENDING SECTION 14-13.3 OF THE CODE OF ORDINANCES ENTITLED "WASTEWATER SYSTEM DEVELOPMENT FEE" REVISING THE TIME OF PAYMENT OF FEE. Supt. Tinsley answered Council's questions. All in favor. Motion passed.

Motion was made by Harris, second by Williams, to approve first reading of Ordinance No. 1789, AN ORDINANCE AMENDING SECTION 13-96 OF THE CODE OF ORDINANCES ENTITLED "REIMBURSEMENT PROCEDURE" TO REVISE THE REIMBURSEMENT CRITERIA. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1790, AN ORDINANCE AMENDING SECTION 2-49 (e) OF THE CODE OF ORDINANCES ENTITLED "CITY FINANCE OFFICER" TO CORRECT A TYPOGRAPHICAL ERROR IN THE EXISTING ORDINANCE. All in favor. Motion

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passed.

City Manager Orndorff reported to Council, they will be receiving a letter reference the Sister City relationship, inviting them to a open public Sister City Committee Meeting, Thursday, 5:15 p.m. at the Sport Restaurant.

Engineer Rick Kerin addressed Council with his proposal to the Mountain View Subdivision. Discussion was heard from Council and Staff. It was reported that the Design Review Board recommends standard City Street widths in the Subdivision. Council was also in favor of standard street widths.

Jeanne Baker was present to discuss the pending Myhre bills. Ms. Baker explained clarification of the bill which she had obtained from Myhre. Motion was made by Dahl, second by Harris, to pull the Myhre bills from the table for discussion. Voice vote was three in favor, Hall opposed. Motion passed.

Considerable discussion was heard concerning how these billboards benefited business in the City. Motion was made by Dahl, second by Harris, to pay the Myhre bills.

Motion was made by Hall, second by Williams, to table this item until the City Manager can prepare an Emergency Budget Amendment. The vote to table was Hall and Williams in favor, Dahl and Harris opposed, with the Mayor casting the deciding vote as opposed to tabling. Motion passed.

Ms. Dahl stated she will get with the City Manager to find money in the budget to pay the Myhre bills. Council asked for a legal opinion from the City Attorney.

Roll call vote on the motion to pay the bills to Myhre was all in favor. Motion passed.

Favorable comments were heard concerning the recent visit of the Naganohara delegation.

Discussion was heard concerning the old Eastside School Restrooms. Council gave Police Chief Gillett approval to look into obtaining estimates for the restrooms.

Included for Council's information, was a letter from Supt. Kastelitz containing a list of items that the engineer needs to address on the Eastside School Project.

Mr. Orndorff noted the engineer made another change in the Blue Heron SID Plan involving the end of the street.

The Cable TV company called concerning work with the project and how its property had been torn out of the ground.

The cement firm may be able to be on-site sometime after October 15th.

Engineer Rick Kerin questioned if there were any results from a meeting earlier in the day.

Included for Council's information, was a memo from Supt. Tinsley concerning the taxes paid to the Public Service Commission and the Consumer Council. It noted the bill was

not paid in FY93-94 and the bills are supposed to be paid on a quarterly basis.

Included for Council's information, was a memo from Supt. Tinsley listing the Yearly Schedule of Capital Improvements for Water and Waste Water Departments.

Mr. Orndorff stated the Storm Drain Project for the East end of town has been delayed again due to the concrete company is having problems with their casting.

Councilmember Williams commended Supt. Tinsley on the above mentioned schedule he put together. Discussion was also hear concerning the TSEP Storm Drain Project with Supt. Tinsley answering.

Included for Council's information, from City Judge Neil Travis concerning the Bus Parking Zone. Supt. Kastelitz has been instructed to place white stripes in the Main Street Bus Zone. A letter of support to the Bus Depot was also included in the packet.

Mr. Orndorff reported that an investment with Piper Jaffray matured and was cashed for \$20,002.21. The also earned interest on investments with Piper Jaffray amounting to \$1,621.81 and this was cashed.

Mr. Orndorff reported on a rental problem concerning the Civic Center. Supt. Kastelitz developed a form specifying information that would be needed for rental of the Civic Center. The form was included for Council's information.

The Board of Investments' INTERCAP check for \$440,000 was received. Mr. Orndorff noted that \$6,000 was retained as part of the processing fee.

Mr. Orndorff provided Council with a list of people, in their last packet, who paid their development fees. The fees have been accounted for in the proper accounts.

Mr. Orndorff provided Council with an initial Application Form for the Development Review Committee. This form was made by City Planner Jim Woodhull.

Councilmember Dahl asked that Council be provided with the recommendations from the Board of Adjustments into the packet.

Councilmember Williams questioned page 85 in the packet, under the Police and Fire Protection Impact Fees, and asked that Planner Woodhull research the top three unit prices.

Mr. Orndorff made some changes to the worksessions. Council will meet Monday, October 10th, 7:30 p.m. for the new City Manager worksession search.

October 6th, 5:15 p.m. at the Sport with the Sister City Committee.

October 17th, 6:30 p.m. with Supt. Beffert and manager Adamo to discuss land possibilities.

October 24th, meeting with the State on Community Policing.

October 5th, 7:00 p.m. with the County Commissioners.

Mr. Orndorff stated a question has been asked about the Food Bank having free utilities. He cited Section 13-59 of the Municipal Codes that reads: There will be no "free water".

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Mr. Orndorff stated Mr. Bill Barnhart has paid \$50 for city land rental. Mr. Barnhart stated he purchased part of the land in the past when he rented the land for \$100. Arrangements were made with the previous City Manager to cut the price in half for the last years land rent and Council agreed to accept the \$50 rent.

Mr. Orndorff thanked staff for their efforts of this year's Oktoberfest.

Mr. Orndorff stated it was time for his three month City Manager's evaluation. A rating form was provided for Council that came out of the City of Livingston Municipal Code Section 2-29. City Manager. Council gave their separate opinions on the Manager's performance.

Councilmember Hall gave Mr. Orndorff a good job performance.

Councilmember Dahl asked Mr. Orndorff a few questions and agreed with Mr. Hall that the Manager did come in during a rocky period.

Councilmember Williams stated Mr. Orndorff rated high on all 19 points of the rating form. Mrs. Williams asked for another copy of the form for Council to rate and turn in.

Councilmember Harris rated Mr. Orndorff down the left of the center line.

Mayor Mikesell stated Mr. Orndorff has kept him informed with everything and he agreed with Mrs. Williams comments.

Mayor Mikesell stated staff did a good job on the Oktoberfest.

Mayor Mikesell stated he has talked to Marvin Dye, head of the Department of Transportation in Helena about the stop light at Loves Lane. The Contractor has not been able to accomplish this job at this time, due to another project he is finishing with.

Mr. Mikesell stated if anyone had any complaints about the light not being up yet, they are to contact: John Blacker at 586-9562 in Bozeman or Marvin Dye at 444-6201 in Helena.

Police Chief Gillett noted this is only a temporary light. A permanent light will be erected in April of 1995.

It was mentioned there will be a 45 MPH zone to the stop light.

Councilmember Harris questioned the PILT funds the County recently received. Mr. Orndorff will look into this for Mr. Harris.

Harris made a motion to amend Ordinance No. 1779 and add a 18 month sunset clause into the ordinance, second was by Dahl. City Attorney Jovick stated the motion was out of order because the ordinance has already been passed and fully adopted by Council. Mr. Jovick stated a new ordinance would need to be introduced to Council with two readings to amend the original ordinance.

Mr. Jovick stated his office could be notified if someone wanted to have an ordinance drafted.

At this time, Mr. Harris withdrew his motion and asked Mr. Jovick's office to draft an ordinance amending the mentioned ordinance to include the sunset clause.

A voice vote was taken to have the City Attorney's office draft the ordinance. The

vote was Harris and Dahl in favor, Hall and Williams opposed. Mayor Mikesell cast the deciding vote as opposed to amending the ordinance with a sunset clause. Request denied.

More discussion was heard concerning the Street and Lighting Districts ordinances and the assessments.

Councilmember Williams said she has had a call from a Board Director to the Food Bank referencing free utilities for the Food Bank. Ms. Williams stated she would like to find a way for the Council to continue helping them and asked for input from the Council.

Councilmember Dahl questioned if there was anyone in the City with grant writing skills. City Manager Orndorff will look into.

More discussion was heard. Ms. Dahl stated she would like to see the Food Banks Board of Directors appeal to Council and have a worksession to see what their needs may be.

Councilmember Dahl reported there was a broken pipe in a dangerous location on Main and Callender Streets. Supt. Tinsley will take care of this.

Councilmember Hall thanked staff for their efforts with the Oktoberfest.

Mr. Hall would like to see if a caution or slow speed sign could be erected at the 500 block of N. 2nd Street. Supt. Kastelitz and Police Chief Gillett will look into.

Councilmember Harris stated he is still receiving complaints with the manhole between 7th and 8th Streets on Lewis. Supt. Tinsley reported that this was taken care of a few days before and will again look into.

Councilmember Hall reported there was rebar sticking out where the curb is deteriorating on Park Street across from Whiting Motors. Discussion was heard concerning this problem. Supt. Kastelitz stated he would again notify the State.

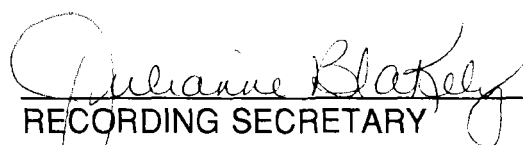
Engineer Rick Kerin addressed Council for their decision on the street width he discussed earlier in the meeting. Mayor and Council were in agreement of keeping the street width at 32 feet. Supt. Tinsley stated the Development Committee has not received the plans for review and it would be a good idea for the committee to review what could be allowed.

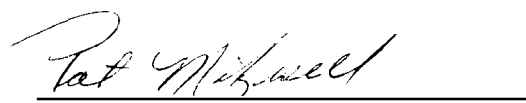
Mike Fleming addressed Council about changing the 15 MPH speed limit to 25 MPH on Cambridge Street at the Hospital. It was noted that the Hospital is planning an expansion on that side.

Motion was made by Dahl, second by Harris, to adjourn this meeting there being no further business. Motion passed. The time was 10:10 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

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LIVINGSTON
CITY COUNCIL MEETINGOctober 17, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, October 17, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Fred Hall, Sheryl Dahl, Lee Harris and Barb Williams with Mayor Pat Mikesell presiding.

Motion was made by Williams, second by Harris, to approve the minutes of October 3, 1994 regular Council meeting. Motion passed.

Motion was made by Dahl, second by Williams, to accept the bills and claims that were listed for \$31,634.07. Councilmember Williams commented on the flat tires in the Street Department.

Councilmember Harris questioned page 9, item 1 for Wellhead Maps. City Manager John Orndorff and City Planner Jim Woodhull reported the maps were designed for the Wellhead Program.

Same page item 2, Nurse Fees. Mr. Orndorff explained this was an Ambulance Transfer to Billings for six hours.

Claim number 1021 to Aldrich's on page 9 & 10. Mr. Orndorff stated they do give the City a discount.

Claim number 1199 to Montana Motor Supply on page 12. Mr. Orndorff will look to see if this vendor discounts the City.

Page 13, item 1242 to Park Tire Inc. Mr. Orndorff confirmed one was a heavy equipment tire and the others were for standard vehicles.

Page 15, item 1306 to Yellowstone Locksmith. Supt. of Public Services Ken Kastelitz stated the city lost a ring of keys for the dumpsters, and this claim was to replace them.

Page 16, item 1764 to Blake Nursery. This was under the CDBG Grant money for trees and supplies.

Page 17. item 2090 to Corbin Howard. Mr. Orndorff explained this was reimbursement of water and sewer fees in the Centennial Subdivision. This is pass through money and Mr. Howard is the bankrupt attorney. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2506, A RESOLUTION ADOPTING A SCHEDULE OF CITY FEES FOR FALSE ALARMS TO THE DISPATCH CENTER. City Manager Orndorff stated an amended resolution would be considered to delay effective date. Discussion was heard between Staff and Council. Citizen comments were heard from Bob Gersack of 1st National Park Bank, Cole Inglehart, Ernie Sandberg of Empire Federal Savings and Loan. More discussion was heard through out the group. Motion was made by Dahl, second by Williams, to table Resolution No. 2506 and return it to Council at their next scheduled meeting in ordinance form, as heard in discussion. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2533, A RESOLUTION TRANSFERRING AND BORROWING UP TO A MAXIMUM OF \$16,000 FROM THE SEWER FUND TO THE LIGHT MAINTENANCE DISTRICT ACCOUNT VALID THROUGH JUNE 30, 1995 TO PROVIDE OPERATING CASH AWAITING RECEIPT OF TAX REVENUES FOR THE CITY OF LIVINGSTON. Mr. Orndorff explained the borrowing between accounts. A comment was heard from Cole Inglehart, with discussion heard from Council. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2534, A RESOLUTION TRANSFERRING AND BORROWING UP TO A MAXIMUM OF \$51,000 FROM THE SOLID WASTE FUND TO THE STREET MAINTENANCE DISTRICT ACCOUNT VALID THROUGH JUNE 30, 1995 TO PROVIDE OPERATING CASH AWAITING RECEIPT OF TAX REVENUES FOR THE CITY OF LIVINGSTON. Councilmember Dahl questioned the paying back of the funds. Mr. Orndorff stated the funds are to be paid back by June 30, 1995 as the Resolution states. City Attorney Jovick stated a schedule is not needed. Discussion Motion was made by Dahl, second by Williams, to amend the motion to Resolution No. 2534 by adding Section 2, that the City pay back a fixed interest rate of 6%. Roll call vote on the amendment was three in favor, Harris opposed. Amendment passed. Roll call vote on original motion was three in favor, Harris opposed. Motion passed as amended.

Motion was made by Dahl, second by Hall, that it was the Council's intent as they passed Resolution No. 2533 to pay back an interest rate of 6%. Roll call vote was three in favor, Harris opposed. Motion passed.

Councilmember Dahl questioned if the taxes are not what were expected, and Council could not pay the funds back, what would then happen. Mr. Orndorff stated he would have to go back to Council.

Motion was made by Harris, second by Hall, to approve Resolution No. 2535, A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND PARK COUNTY TO CONTINUE THE D.A.R.E. EDUCATION IN RURAL SCHOOLS. Police Chief Lynn Gillett explained the amendment for Council. All in favor. Motion passed.

Second Reading of Ordinance No. 1787, AN ORDINANCE AMENDING SECTION 13-19.1 OF THE CODE OF ORDINANCES ENTITLED "WATER SYSTEM DEVELOPMENT FEE" REVISING THE TIME OF PAYMENT OF FEE. All in favor. Motion passed.

Second Reading of Ordinance No. 1788, AN ORDINANCE AMENDING SECTION 14-13.3 OF THE CODE OF ORDINANCES ENTITLED "WASTEWATER SYSTEM DEVELOPMENT FEE" REVISING THE TIME OF PAYMENT OF FEE. All in favor. Motion passed.

Second Reading of Ordinance No. 1789, AN ORDINANCE AMENDING SECTION 13-96 OF THE CODE OF ORDINANCES ENTITLED "REIMBURSEMENT PROCEDURE" TO REVISE THE REIMBURSEMENT CRITERIA. All in favor. Motion passed.

Second Reading of Ordinance No. 1790, AN ORDINANCE AMENDING SECTION 2-49 (e) OF THE CODE OF ORDINANCES ENTITLED "CITY FINANCE OFFICER" TO CORRECT A TYPOGRAPHICAL ERROR IN THE EXISTING ORDINANCE. All in favor. Motion passed.

Second Reading of Ordinance No. 1791, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM INDUSTRIAL (I) TO HIGH DENSITY RESIDENTIAL (R111) USE. Property owners in the area, Mike Chappell and Jim Hannon addressed Council with their objections to the rezoning. Discussion was heard from Council on the rezoning and on subdivision reviews.

Mr. Jovick stated the developer would need to be included in discussions with the City to resolve any dilemmas. Motion was made by Harris, second by Dahl, to table Ordinance No. 1791 pending further legal review. Roll call vote was all in favor. Motion passed.

Fire Chief Tim Parks introduced new City employees, Jason Rigsby, Firefighter/EMT and Peggy Schram, Building Inspector, to City Council.

City Manager Orndorff stated there were several people in the audience to speak about the SID for paving in the Minnesota Addition. Mr. Orndorff noted he had received a letter from Engineer Rick Kerin with a list of property owners names in the area with partial signatures.

Property owners speaking as opposed to the paving of their streets were: Fred McAdam, Bernard Blakenship, James Smith, Robert Peters, Della Baldwin, Dan Peters, Dale Wood, and Sue Stanyard.

Developers of the Mountain View Subdivision, Robin Wesman, and View Vista Subdivision, George Denton, spoke on their concept of creating a SID for the entire area.

More discussion was heard from Council, Staff and the Public. City Attorney Jovick stated this situation may demonstrate a need for the City to revisit what the City Council expects from developers.

Motion was made by Hall, second by Dahl, to send the proposed petition back to the Engineer to be reworked. Ms. Dahl stated she would like to see on the next petition whether all property owners were for or against the SID. Mayor Mikesell wants two separate SID's. One for the developers and one for the residents already there.

An amended motion was made by Hall, second by Dahl, to have the City Manager to attach and forward a letter the Engineer describing the consensus of Council through the discussion tonight and specifically wanting to see at least two districts. Amendment passed. Original motion passed as amended.

One bid was received for insulation of the Utility Building from D's Insulation of Billings. Several options were listed. Motion was made by Dahl, second by Williams, to approve option #4 for the amount of \$20,260. Mrs. Williams commended Supt. Tinsley on his savings of \$10,000 for the City. Motion passed.

Mr. Orndorff stated a dividend of \$34,855 was received from the Montana Municipal Insurance Authority. The money will be used to pay on insurance. Using this payment

now will save over \$1,000 of interest. Accompanying information was also included for Council's information.

The City received a letter dated 10/11/94 from the Montana Department of Fish, Wildlife and Parks. Mr. Orndorff stated a copy of the letter was forwarded to the Lagoon Committee.

A memo was received from the State Local government Assistance Division concerning state audit and the hopes for continuation of the program. Mr. Orndorff answered questions on this subject for Councilmember Williams.

The Chamber of Commerce's Merchants Committee requested that Main Street, from Lewis Street to Park Street, be closed during the period of 12:00 - 6:30 p.m. on December 3rd for the Annual Christmas Stroll. They also requested that the 100 block of East Callender, 100 block of South B, and 100 block of East Lewis be closed to accommodate the children's hayride. Motion was made by Harris, second by Williams, to approve as outlined. Councilmember Hall questioned the larger area to be closed and the time change. Mr. Hall's concern was, if all downtown merchants were aware of the area. Supt. Kastelitz stated a letter was received from the Chamber of Commerce for these requests. More discussion was heard. Motion was made by Dahl, second by Hall, to postpone this request, until the Chamber of Commerce Merchants Committee sends Council a letter of downtown businesses either opposed or for the closure of the streets during the above time frame. Motion to postpone passed.

Mr. Orndorff updated Council on the Storm Drain Project that is currently being performed.

Discussion was heard concerning a request to place a 15 m.p.h. sped limit in the 300 block of W. Callender Street. Supt. Kastelitz will conduct a study on this.

Mr. Orndorff stated the Council has changed their position on paving and concrete work required of the developers during the past few years. The Development Review Board needs to know what Council's policy is as they talk with developers. Mr. Orndorff suggested a policy be written, in the form of a Resolution or Ordinance, as to exactly what Council expects of the developers. Discussion was heard from Council concerning the rewriting of the Ordinance.

Bozeman Developer Mike Greco introduced himself to Council as one of Livingston's developers. He has purchased land in the Palace Addition to build affordable housing. Mr. Greco stated 40 homes are to be built. His comments to Council were on the lines of what his intentions were and to find out what Council will require of him.

Council was in agreement to rewrite the ordinance. Additional discussion was heard. Council talked about requiring a "waiver of a SID" to the policy, where single homes are built in newer developed areas.

It was mentioned during discussion that the View Vista Subdivision is a total different project and the guidelines are not the same as Mr. Greco's project.

Motion was made by Williams, second by Dahl, as a condition for Mr. Mike Greco

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to get a building permit, he put in sidewalks, curbs, gutters, and agree not sell the spec home property. Councilmember Hall asked for clarification of the motion as to when the home may be sold. Mr. Greco stated the property at some point will have to be sold. More discussion was heard. Mr. Jovick stated a waiver of SID protest is appropriate, as the city cannot tell someone not to sell. Williams and Dahl rescinded their motion and second.

Motion was made by Williams, second by Dahl, as a condition of obtaining a building permit, Mr. Greco will put in sidewalks, curbs and gutters, and sign a SID waiver of protest for paving. Mr. Jovick requested that Mr. Greco provide the city with a \$1,000 CD. Williams and Dahl rescinded their motion and second.

Motion was made by Williams, second by Dahl, that Mr. Greco put in sidewalks, curbs and gutters and place a \$1,000 CD in the City's name and agree to a SID wavier for paved streets. Motion passed.

Mr. Orndorff explained to Council that Mr. Greco will be building on Blocks 3 and 5 in the Palace Addition. He mentioned a couple possibilities of how the water main could be extended.

Mr. Orndorff's question to the Council was, if they would consider trading the developer sufficient land to square off block 3, in exchange for the developer extending the water main line across City property to the water main line by the Armory. Mr. Greco showed Council a platted map of the area, with discussion following.

Motion was made by Harris, second by Williams, to have a resolution drafted to set out the proposed project and proposed land exchange, with it having to be surveyed and platted to accurately define what land the City agrees to swap. Mr. Orndorff noted that the developer would carry the development through the subdivision application process and then the City would sign it off. Mr. Jovick confirmed this. Mr. Greco will absorb the cost of the survey. Motion passed.

Included for Council's information was a Montana Power Company October 3, 1994 letter concerning a Power Purchase Agreement. Mr. Orndorff stated this will be put in a suspense file for late November.

A letter dated October 11th, MPC reduced the Contract Capacity to 129 kw. Mr. Orndorff has attempted to get in touch with the individual to discuss the reduction, but will pursue it.

Included for Council's information was a copy of Director Robinson's, DHES, response to Representative Raney's letter concerning the EPA's Proposed Listing of the BN Livingston Superfund Site on the National Priorities List. Motion was made by Williams, second by Dahl, that the Council would send the Manager's draft letter requesting Livingston be listed on the National Priority List.

Mr. Orndorff reported to Council that the auditor and he were talking about the 911 System. This will be in the audit report and Mr. Orndorff will have to bring back to Council at a different time.

Mr. Orndorff provided for a Council, a five year list of Capital Improvement items the previous City Manager was going to work with. It was stated, there were several items the City could not do.

Mr. Orndorff also reported on the Capital Improvement Program Fund and how money was needed to pay back funds.

Mr. Orndorff spoke to Council about CI 66 and CI 67, stating that CI 67 was the most significant to local governments. Mr. Orndorff discussed the difficulties the city could face in the future and the need for city to put in place rate increases by the first of January should C67 become law. Supt. Tinsley reported that the he heard some towns were researching leasing or selling their municipal systems.

Mr. Orndorff would like to work on a three to five year budget, including paying back loans made to the Capital Improvements Fund. Discussion was heard on how, over time, to pay off the new \$446,000 loan. Mr. Jovick suggested an advisable policy for Council, would be a five year goal and that it may be necessary for the City to sell assets.

Other items the City Manager mentioned: Staff has quoted \$8,500 for putting a restroom in the old Eastside School, where the drinking fountain is.

The boiler has a plugged vent and that the School District spent 15 hours a week maintaining the boiler system.

The following September reports were included for Council's information:

- Corrected Profit & Loss Statement for Crazy Mountain Kids Club
 - CMKC will be closing at the end of the month.
- Fire Department Monthly Report
- Fire/Ambulance Monthly Report
- Utility Billing System Report
- Earnings History Summary for first quarter
- Police Department Monthly Report
- City Zoning Commission/Board of Adjustment Minutes

Mr. Orndorff gave Council a brief review of the Sister City Relationship. Discussion was then heard on establishing a Sister City Board with the Sister City International Educational and Cultural Exchange Program as a sub-committee of the Board.

Council was in agreement to appoint a separate committee and to place an ad for the City to accept applications for the committee. The committee is to consist of seven members.

Mr. Orndorff mentioned the Myhre bill was included in this packet of bills and claims. A letter was received reducing the bill to \$2,000.

Mr. Orndorff referenced the earlier worksession with the School Representatives. Council was in agreement, not to have staff pursue the selling of land to the School District.

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Mr. Orndorff referenced the pending sell of the Lehrkind Building to Matt Smith. Because of the time frame that was specified on the special SBA loan, Mr. Smith has asked to lease the Lehrkind Building until the loan is approved. Council was in agreement to this. This will take place approximately December 1st and Councilmember Williams would like the City to let the other tenants know. City Attorney Jovick will draft a lease agreement for this.

Mr. Orndorff placed a calendar of events in Councils mail boxes. The next meeting will be next Monday, October 24th at 7:00 p.m., with the State on Community Policing.

Wednesday, November 2nd at 4:00 p.m., in the Commissioners office for a joint meeting.

The next City Manager worksession is set for 6:30 p.m. before the next Council meeting of November 7th.

Fire Chief Tim Parks addressed the Council on the filling of the Fire Departments Fire Inspector/Training Officer position. Discussion was heard. City Manager Orndorff will look further into the contract and budget to see if the extra pay has been budgeted and let Council know for the next meeting.

Councilmember Hall commented to Todd of the Enterprise on how well Council has worked together tonight.

Councilmember Dahl commented on the problems with the old Eastside School. She would like to see a long term five year plan. She would like to see the rent competitive with downtown property owners.

Ms. Dahl would like to hear from Fire Chief Parks on his concerns with the School.

Councilmember Williams stated she has received a complaint about the speed on Park Street, starting at the Yellowstone Motor Inn, that 45 m.p.h. was too fast. It was noted that the speed is set by the State.

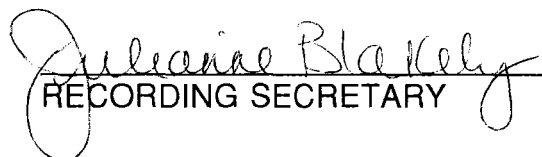
Mrs. Williams said there was a couple other issues pending with the old Eastside School. The pending zoning that is with the Board of Adjustment, and whether Chief Parks has already given an opinion about the School. Mr. Orndorff stated it was recently placed in Council's boxes.

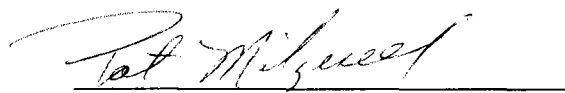
Todd Dvorak questioned the \$86,000 in the Capital Improvement and the Lucky Cuss money that was to cover it. City Attorney Jovick commented.

Motion was made by Harris, second by Dahl, to adjourn this meeting there being no further business. Motion passed. The time was 12:00 a.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

November 7, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, November 7, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Sheryl Dahl, Lee Harris, Barb Williams and Fred Hall with Mayor Pat Mikesell presiding.

Motion was made by Dahl, second by Williams, to approve the minutes of October 17, 1994 regular Council meeting. Motion passed.

Motion was made by Dahl, second by Hall, to accept the bills and claims that were listed for \$158,072.57. Councilmember Harris questioned the following claims:

Page 11, item 1005 to Simmons and Co. for audit work. City Manager John Orndorff said to divide by 50 to come up with how many hours for this claim. Mr. Orndorff stated that Mr. Simmons has used the money approved for him and what he is now doing, is without cost. Mr. Orndorff stated Mr. Simmons has not billed out his total charges at this time. The City will be billed for the rest of the amount. Mr. Simmons has spent more hours above and beyond what was contracted.

Page 11, item 1021 to Aldrichs. This was material for the Police Station at the Eastside School.

Page 11, item 1045 to Berg Excavation. This was for the Storm Drain Project and there will be one more claim from this company. Supt. Clint Tinsley explained where the egress was to the water line for Mr. Harris.

Page 13, item 1131, to Great Northern Equipment. This was for the removal of the ceiling at the Civic Center.

Page 22, item 1284 to Tony's Tubes. This was repair of a flat tire for the same vehicle at two different dates.

Page 32, item 2127 to Earth Report. This was a check up on the fuel spill many months ago, at the City Shops. There will be one more inspection, December or January. This is only a half City pay.

Page 34, item 2370 to Montana Laser. This was for the laying of material for the Storm Drain Project.

Councilmember Williams questioned the following claims:

Page 11, item 1045 to Berg Excavation. Supt. Tinsley explained this was a 50-50 match with the TSEP Grant for Mrs. Williams. The city will pay the whole amount and be reimbursed for half.

Page 15, item 1168 to Livingston Utility Billing. Mrs. Williams stated \$10 was billed out to Fund 2240 which was a cemetery account in the previous year. The account needs to be changed to the General Fund.

Page 26, item 1306 to Yellowstone Locksmith. This was for garbage keys. Not all keys were made last month.

Page 27, item 1314 to House of Clean for a swimming pool cover at \$1,375. Mrs. Williams noted this was billed out to 7094, Community Trust, with only \$1,400 being in

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this line item.

Page 28, item 1430 to TAABS. Supt. Tinsley explained these envelopes were used for multi-mailing of bills, shut-off notices and other items.

Pages 32 & 32, item 2193 to Landoe, Brown & Planalp. Mr. Orndorff explained the first claim was for legal services in fiscal year 94/95 and the following claim was legal services in fiscal year 93/94.

Councilmember Hall questioned the following claims:

Page 32, item 2109 and page 34, item 2367 for the Eastside School. Police Chief Lynn Gillett answered that the line items were running close to the budget.

Motion passed.

Motion was made by Williams, second by Harris, to approve Resolution No. 2537, A RESOLUTION APPROVING AN ADDENDUM TO BUY/SELL AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND MATT SMITH COVERING THE REAL PROPERTY KNOWN AS THE LEHRKIND BUILDING. Mayor Mikesell noted that the agreement should read \$1,250 instead of \$250.

City Manager Orndorff stated they should know about the loan around Thanksgiving. Realtor Mary Ackermann Yates sent her apologies for not being able to attend this Council meeting.

All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to take second reading of Ordinance No. 1791 off the table for discussion. Motion passed.

City Attorney Bob Jovick summarized this ordinance was tabled because of questions concerning attaching certain conditions to the zoning. Further review indicated conditions should not and could not be attached to the zoning, however, an application still needed to be made to the Planning Board because of the redesignation of lots in the subdivision. This application has been submitted to City Planner Jim Woodhull. Discussion was heard from Council. Roll call vote was three in favor, Hall abstained. Motion passed.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1794, AN ORDINANCE AMENDING CHAPTER 13 SEC. 13-19. A-4-b. OF THE CODE OF ORDINANCES TO RAISE THE STREET OPENING PERMIT FEE. Discussion was heard regarding the street opening fee. Motion was made by Harris, second by Williams, to amend the Ordinance to raise the fee from \$25.00 to \$30.00. All in favor of the amendment. Motion passed. All in favor of first reading. Motion passed as amended.

Motion was made by Dahl, second by Hall, to approve Resolution No. 2538, A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY OF LIVINGSTON AND D'S INC. OF BILLINGS, MONTANA FOR INSULATION FOR THE NEW WATER FACILITY SHOP ON BENNETT STREET. Supt. Tinsley explained the type of insulation for Councilmember Harris. All in favor. Motion passed.

City Manager Orndorff mentioned that Engineer Rick Kerin, who is working on the two subdivisions at the top of N Street, is requesting that the City grant approval for him to

connect the projects to city water and sewer, including giving him a letter to send the State for State approval. The Development Review Committee discussed this and does not want to grant this request. There are still some questions with the reimbursement area, and if the pipe diameters are large enough for the proposed reimbursement area. No action will be taken until the Committee can decide what they want.

Mr. Orndorff read a prepared letter he wrote earlier in the day concerning Town Pump and their drilling of a unauthorized well.

Various staff members went to the worksite, the drill was shut down and the building permit to the project was considered "void".

Mr. Orndorff wrote to Mr. Robert Milne, Construction & Development Manager for Town Pump that there would be no further work on the site until the situation was corrected. The letter was faxed to the Town Pump offices in Butte and to the DHES in Helena.

Motion was made by Dahl, second by Williams, to pull from the table, the Chamber of Commerce's request to close off an area downtown for the Christmas Stroll on December 3rd. Motion passed.

A letter and list of businesses were included in the packet to show their cooperation of the street closure.

A motion and second from the previous meeting was still on the floor, to grant the Chamber's request. Motion passed.

A letter was received from "Celebration of Youth" Day, Co-Chair Patty Kiderlen, asking what requirements they must meet, to hold a parade on Friday, November 25, 1994, 5:30 p.m. starting at the Senior Citizen's Center and end at the lighting of the Christmas tree in Judsen Park. They also request the service of the Police Department.

Motion was made by Dahl, second by Williams, to allow the children's parade on November 25th from 5:30 p.m. until finish.

Discussion was heard from Council. Motion was made by Dahl, second by Williams, to amend the motion that there shall be one adult for every five children. Amendment passes. Motion passed as amended.

Mr. Orndorff reported he had sent a letter to Engineer Rick Kerin concerning the proposed SID in the Minnesota Addition and expressed Council's concerns. Mr. Kerin stated that he would drop the SID. Mr. Orndorff noted there was no written response to the letter.

Mr. Orndorff reported that Motor Parts Supply Stores do give the city a government discount price.

Included for Council's information, was a letter from the Dept. of Revenue referencing the Application for Issuance of One Original (New) Montana All-Alcoholic Fraternal License for the MOOSE LODGE.

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Patrolman Scott VanEvery has resigned effective November 14, 1994.

Firefighter Earl Wood is retiring with his last shift being November 15th-16th.

Mr. Orndorff reported that an ad appeared in the Livingston Enterprise and letters sent to previous student chaperons seeking applications to serve on the City's Sister City Cultural Exchange Commission. Three people inquired about the Committee. Considerable discussion was heard from Council and Staff. A comment was heard from Ruth Eggar.

Motion was made by Williams, second by Harris, to allow the City Manager to place another ad in the paper to seek further applications. Motion passed.

Motion was made by Harris, second by Dahl, to approve the Mayor's re-appointment of Rick Loftice for a three year term to the Police Commission. Motion passed.

City Manager Orndorff stated the Police Commission and Police Chief will be interviewing applicants for the two vacant positions on the 17th.

Council scheduled the second meeting in January, for the Sister City Exchange Students to share their trip to Japan with Council.

Motion was made by Williams, second by Harris, to accept Supt. Kastelitz's staff study, recommending against a request to lower the speed limit in the 300 block of West Callender Street. Motion passed.

For Council's information a TCI letter, explaining the addition of 3¢ to the Cable TV bill, was placed in the packet.

A letter was included from SYNERGY Power (USA) Corporation, stating that Mr. Kenton Lewis will not test prototype wind generators at the Wind Farm at this time.

Mr. Orndorff noted that the move to the Utility Building took the experienced "counter people". This lack of experience is being overcome by office staff establishing books on various subjects that are handled at the counter, to simplify the transactions. Secretary Blakely prepared the first book on Snow Removal Licenses.

Engineer Kerin was sent a letter stating that the Blue Heron SID Project was "closed down" for the winter.

Enclosed for Council's information was a letter from Diane Conradi objecting to the Inclusion of North "I" Street in the Proposed Minnesota Addition SID.

Enclosed for Council's information was a letter from Gerald N. Sebby objecting to the Lighting and Street Maintenance Districts.

Mr. Orndorff stated it was discovered that not all Mountain View Cemetery Rate Schedule fees, effective August 1, 1991, has been utilized. Staff has been instructed to use these fees.

Motion was made by Williams, second by Hall, to remove from the table the abandonment of Old Park Street. Discussion was heard.

Motion was made by Williams, second by Harris, to have a resolution of abandonment drafted.

More discussion was heard regarding False Alarm Fees. A letter was included in the packet from Mr. Sandberg of Empire Federal Savings and Loan. Also, a memo from Police Chief Lynn Gillett was included.

Mr. Orndorff noted a letter was written to the Alarm Companies concerning the implementation date. Comments were heard from Bernice McGee, Senior Citizen Center; Ken Brown, Security by Kenco; Ruth Fowler, Pres. of Norwest Bank; Cole Inglehart, and Dale Miller, Securitec.

Motion was made by Dahl, second by Williams, to no longer monitor alarms. An amendment was made by Dahl, second by Williams, that the motion is effective when Law Enforcement moves to the Eastside School. Amendment passed. Motion passed as amended.

Councilmember Dahl requested a worksession for more input and discussion from any of the alarm company's the City has billed.

Mr. Orndorff provided a Health Insurance Claim Form for Council's information. This is the first time an uncollectible form has been discussed with Council.

The City previously submitted uncollectible claims to a Collection Agency, when an individual does not leave an estate, and then it becomes a dead issue at the agency.

Motion was made by Dahl, second by Hall, that any point in time when the Manager deems an Ambulance account uncollectible, that he can write it off as a zero balance. Council should be informed of these actions on a quarterly basis. Discussion was heard. Motion passed.

A jury trial has been scheduled for June 19, 1995 at 9:00 a.m. in the Park County Courtroom in reference to the City of Livingston/Park County Refuse District Case No. 94-103.

Mr. Orndorff asked that a policy decision not be made tonight regarding the City Manager's Vehicle Allowance and be discussed over the next couple worksessions.

Council did not object to having its three Certificates of Deposit with the same banking institutions. It was determined that the money from the recently matured CD could be kept in the checking account, until the taxes are received.

A bid was received to install ADA bathrooms at the Eastside School in the amount of \$10,260. Mr. Orndorff noted that there may be another bid coming in and he would keep Council informed.

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Councilmember Dahl stated she would still like to see a plan of what is envisioned at the School, even if it is over a worksession. Mr. Orndorff stated he has been working on a three year budget, but was unable to have it ready for tonight.

Included for Council's information was a October 5th Montana University System letter concerning CI 66 and 67.

Mr. Orndorff stated he has worked up rate increases in water and sewer should the initiatives pass.

Mr. Orndorff reported that Auditor Simmons will present a Management letter to Council at their December 5th meeting. The final audit report will be presented at the following meeting.

Also noted by the Manager, was that last fall the General Fund carried a negative balance for a period of time and the City's checking account had insufficient funds last May, and a CD was cashed to cover it.

Mr. Orndorff discussed a letter from Judge Travis requesting secretarial help. Part of the problem concerned sick leave. Council agreed to allow a dispatcher, utilizing overtime, help the clerk get caught up.

Mr. Orndorff reported a visit he had from a saleslady representing the OLD WEST TRAIL MAGAZINE wanting the city to purchase an ad in their magazine. Manager Orndorff stated "no" several times.

Information was included the packet for Council resulting from research of the Old West Magazine files. Council does not want to buy an ad for the City of Livingston. They feel this would fall under the Chamber of Commerce.

Mr. Orndorff referenced his letter of October 18th concerning the Capital Improvement Fund, 4010. He acknowledged an oversight was made in the total figure of \$53,557.67 and that the first two payments were not to go into the 4010 fund. But, the last two payments in the last fiscal year and all future payments were to go into the 4010 fund.

Mr. Orndorff questioned the Council if they would like a Resolution presented clarifying the loan repayments. Council stated they would.

Discussion was heard. Motion was made by Dahl, second by Harris, to repay the loans over the next five years at 4% interest rate starting in the next budget year. Motion passed.

Mr. Orndorff mentioned that the Auditor has been questioning why developmental fees were not charged for certain locations within the City. City Attorney Jovick's legal opinion was, that the way the Ordinance was written, the Star Addition could not be charged.

Mr. Orndorff spoke about the City agreeing at the last meeting to trade sufficient land to square off Block 3 in the Palace Addition.

Included in the packet was a diagram, of how City property in the Palace Addition could be divided into blocks and lots for possible future development. Council was in agreement to pay to have this city property platted. Motion was made by Williams, to

go ahead and have this area platted. Discussion was heard concerning the subdivision regulations in this area.

City Attorney Jovick stated from the discussion heard on the issues, management could do the necessary work for the exchange with the developer and keeping the separate issue of the larger City plans on hold until City Staff can work up a step by step method for that. City Manager Orndorff stated the first step then will be for the City to work on squaring off the block. Councilmember Williams rescinded her motion. Staff will proceed with squaring off Block 3.

A letter from the Montana Municipal Insurance Authority, October 20th, was included for Council's review.

The following reports were included for Council's information:

- City Court Monthly Report
- Library Board Minutes of Sept. 15th
- Water & Sewer Revenues as of November 1, 1994
- Fire Chief Report

The 911 consoles are in place at the Eastside School but the panels are not installed. The monthly charges will be some \$753.48 and the yearly charge will be \$9,641.16. The City Manager will include this yearly charge in his extended budget.

The Clark Street/M Street Storm Drain Line Project will close down today as far as excavating. There will still be some cleanup. Street and gutter work will be finished in the Spring.

Mr. Orndorff commented on a "spring" line that was found during the digging. This 6" line runs on Clark, starting between D & E Streets, and was connected to the Storm Drain Line at H Street.

City Manager Orndorff commented on a request for him to make the Council Meeting Packets thinner. He suggested he may put City items not requiring attention in a different location of the packet.

There will be action on a quiet title deed for Tangan/Burns, concerning the bank at Fleshman Creek and an alley and portion of a city street, in the next packet. There will be a diagram for Council.

The Mayor was served with the Tim Kelly legal action earlier in the day.

Paper work has been received for an application for COPS. This is to get Federal Funds to hire additional Police Officers. Council will address it at their next meeting.

Mr. Orndorff provided Council earlier with a notice of public hearing pertaining to property owned by Wayne Peterson. The notice will be held November 28th in the Commissioners office, to hear Mr. Peterson's request for a zone change by the Armory.

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Councilmember Hall felt it was a mistake to see anymore of the City of Livingston surrounded by suburban tracks which will strangle any future expansion of the City. Mr. Hall wanted to see the City go on record as opposed to changing the zoning to allow one acre tracks.

Motion was made by Hall, second by Dahl, to have the City Manager draft a letter to the Planning Board and County Commissioners, stating the City wants to see urban development in the area, opposed to suburban development. Motion passed.

There has been no further contact with the developers at Monical's property in reference to the water and sewer extensions.

City Manager Orndorff reported that on May 6, 1993, the former Finance Officer signed a Purchase Order for United Software Technology to develop an "on counter" cash receipting program at a cost of \$2,405. Mr. Orndorff explained in further detail for Council. The Manager's recommendation was to Discussion was heard. Appropriate reproduced material was included in the packet.

Motion was made by Dahl, second by Williams, to have the City Manager discuss any billing with Big Sky Data Systems. Motion passed.

City Attorney Jovick felt the City's initial approach to this problem is to indicate that performance is far too late and not timely in any event with the Manager writing a letter in follow up.

Chief Gillett stated there may be a couple staff members that have further information concerning the software.

Councilmember Harris received a phone call about a tree being cut down in Judsen Park. It was clarified the tree had blown down.

Mr. Orndorff explained to Mr. Harris that Envirocon was drilling test wells on 7th Street in reference to a gas leak at the Mini Mart.

Mr. Harris brought up discussion, about the development now going to the North side of the railroad tracks and need to find a means and money to help getting a underpass or overpass to this area.

Councilmember Williams apologized for her lack of understanding with the alarm situation and for taking up extra time.

Councilmember Dahl told Fire Chief Tim Parks that his EMT's were outstanding.

Councilmember Hall commented further referencing Mr. Harris's topic of needing another railroad crossing. More discussion was heard. Motion was made by Hall, second by Harris, to direct Mr. Jovick to do further research to find out if the City has any power to gain a right-of-way at the crossing. Motion passed.

Fire Chief Parks stated that the City needs to establish a boundary locate at the south side of the City Shops and Waste Water Treatment Plant.

Ruth Eggar handed Council a letter in regards to her complaint as a citizen and tax payer.

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

The time was 10:55 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Pat McNeill
MAYOR

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LIVINGSTON
CITY COUNCIL MEETINGNovember 21, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, November 21, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Sheryl Dahl, Lee Harris and Barb Williams with Vice Mayor Fred Hall presiding. Mayor Pat Mikesell was absent.

At this time, the Sister City Student Exchange Program participants gave a presentation on their trip to Nagano-hara Japan.

Motion was made by Dahl, second by Williams, to approve the minutes of November 7, 1994 regular Council meeting. Councilmember Williams stated a sentence needed finished on page 8, fourth paragraph, fourth line; it should read "The Manager's recommendation was to wait until a new Manager and Finance Officer were on board." Motion passed.

Motion was made by Dahl, second by Williams, to accept the bills and claims that were listed for \$131,540.50. Councilmember Harris questioned page 16, item #1199 to Montana Motor Supply for batteries. Fire Chief Tim Parks stated these were special batteries for the ambulance.

Page 22, item 1432 to John's Champion Auto for a battery. This was for a Police Car.

Page 25, item 2374 to Jami Breen. She is a gymnastics instructor in the Recreation Department.

Councilmember Williams questioned page 17, item 1242. This was snow tires in the Police Department. Motion passed.

Motion was made by Williams, second by Harris, to approve Resolution No. 2536, A RESOLUTION AMENDING PAGE 7 UNDER DISCIPLINE OF THE CITY POLICY MANUAL FOR THE CITY OF LIVINGSTON. Councilmember Williams questioned the reason for this resolution. City Manager Orndorff explained. City Attorney Bob Jovick clarified this only changed one sentence in the discipline section of the ordinance. All in favor. Motion passed.

Motion was made by Williams, second by Harris, to approve Resolution No. 2539, A RESOLUTION OF INTENT TO VACATE THE STREET RIGHT-OF-WAY ABUTTING BLOCK 2 AT THE CORNER OF 11TH AND PARK STREETS. All in favor. Motion passed.

Motion was made by Harris, second by Dahl, to approve Resolution No. 2540, A RESOLUTION TRANSFERRING AND BORROWING \$7,000 FROM THE SOLID WASTE FUND AND TRANSFERRING IT TO THE AMBULANCE FUND FOR OPERATING

EXPENSES FOR THE CITY OF LIVINGSTON. A comment was heard from Councilmember Williams. City Manager Orndorff answered questions for Vice Mayor Hall. Mr. Hall stated the ambulance fund needed to be watched, and when it gets close to being a deficit, he would like Council to be notified.

All in favor. Motion passed.

Second reading Ordinance No. 1794 (As Amended), AN ORDINANCE AMENDING CHAPTER 13 SEC. 13-19. A-4-b. OF THE CODE OF ORDINANCES TO RAISE THE STREET OPENING PERMIT FEE.

Chandra Libbey, Urana Clark, Jacobus "Co" Engelhart and John Angle have submitted letters to be considered for the City's Sister City Cultural Exchange Committee. A second ad was submitted to the Enterprise.

Eight applicants were interviewed by the Chief of Police and Police Commission.

The Building Inspector was instructed to visit all businesses within the City to introduce herself and check on City Licenses. A recent check revealed some businesses have not purchased their City Business License.

A representative of Buttrey's called for the legal description of their property. The City's bill for development fees will be routed to the correct office upon receipt of the legal description.

There is still no word on the panels for the 911 consoles.

Trout Unlimited requested the local representative of the Department of Fish Wildlife and Parks to investigate the City's installation of the Clark/M Streets Storm Drain Project. Supt. Clint Tinsley explained further.

Fire Chief Parks and his staff discovered and followed-up on a national mail fraud concerning the National Fire Service Yearbook. This was brought to the attention of the Fire Department by a local businessman.

State Hazardous Material plan presentation is scheduled for December 20th and all elected officials are invited. Enclosed was a Park County Rural Fire Council letter.

The following reports were included for Council's information:

- Crazy Mountain Kids Club's last Profit and Loss Statement.
- City Judge's Monthly Report
- Police Chief's Monthly Report
- Minutes of the City Zoning Commission/Board of Adjustment for September and November
- Livingston Fire/Ambulance Monthly Report

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Included in the packet was a letter from the Montana Department of Fish, Wildlife and Parks addressed to Montana Trail Enthusiast.

The City Recreation Director moved her office to the former Crazy Mountain Kids Club area.

Key Staff will meet December 9th at 11:00 a.m. with the City's Insurance Carrier's Employee Assistance Program Staff (VRI - Vocational Resources, Inc.). This program will cover Communications and Sexual Harassment.

Town Pump, Inc. has hired Attorney Jon Hesse to represent their firm concerning the City of Livingston and the City's position of a water well at the new site and the development fees. Town Pump's contention is that the former City Manager waived the development fees in exchange for the water main line and the sewer main line being extended to the far edge of Town Pump's property.

Attorney Hess and City Manager Orndorff will meet Wednesday to discuss the situation.

Their Engineer, Gerald Gaston, asked to be on the agenda tonight, but was not present.

City Planner Jim Woodhull explained to Council about a variance request from Mr. Herauf. This request is to build a 25' x 40' addition onto the structure at 206 S. 11th. The Board of Adjustment recommends Disapproval.

Discussion was heard from Council. Councilmember Williams went on record as receiving a phone call in opposition to the addition. Comments were heard from Norbert Herauf, Charlene Fraizer, Joyce Herauf and Lenny Gregory.

Motion was made by Dahl, second by Williams, to table the variance request until City Planner Woodhull can provide more information for Council and to prove there would be adequate parking available. Motion passed.

City Manager Orndorff and Supt. Tinsley reported that Industrial Towel wishes to reuse their waste water in their wash process. The City's sewer bill is based on water usage. Mr. Tinsley stated that the solution would be to install an instrument to measure the actual waste water flow. Material was included in the packet for Council's review. Discussion was heard. Motion was made by Harris, second by Williams, to table until further information is obtained from Industrial Towel. Motion passed.

Included for Council's review was a new draft of Ordinance No. 1793, False Alarm Fees. City Manager Orndorff noted that section 1a should be changed to "quarter" instead of month. Discussion was heard. Mr. Orndorff will send the draft Ordinance to the Alarm Companies for their approval. Discussion was heard concerning who should be billed for the false alarms.

Council was in agreement to have a joint City Council-County Commissioner public hearing concerning the Comprehensive Plan in January 1995.

Included in the packet was a letter from Sullivan, Tabaracci and O'Rourke-Mullins reference Tangan and Burns Quiet Title Actions. City Attorney Jovick stated why the City is involved. Discussion was heard.

City Attorney asked whether a letter from the State had been distributed to Council. City Manager Orndorff stated he will copy it for Council.

Motion was made by Harris, second by Williams, to table pending further information to the Council. Motion passed.

City Planner Woodhull explained that U.S. West was requesting an additional phone line easement next to the City's large water reservoir on the north side hill. Supt. Tinsley did not have a problem with this request. Council was in favor of approving the easement.

City Manager Orndorff provided Council with a map and more information concerning developers wanting to develop the Montague Addition and requesting tiered reimbursement for an area over 522 acres. The section in the Code of Ordinances covering "water line extensions" was included in the packet. Council and Staff discussion was heard concerning reimbursements.

Bob Wiemer was in to see the City Manager. His son talked to a MRL representative about a railroad crossing. They would be willing to donate a lot in the Star Addition for a crossing.

The Park County Economic Development Council may be working on a crossing also. There was no objects from Council with the City Manager following this up with MRL.

The City Government Review Committee met last Friday. The committee will meet the 2nd and 4th Thursday at 10:00 a.m., starting on December 8th, subject to change. Motion was made by Williams, second by Dahl, to approve the Vice Mayor's appointment, of the individual filling the City Manager's position being the ex officio member of City Government Study. Motion passed.

Councilmember Harris asked that he has received messages on his answering machine without last names and phone numbers. He asked Todd from the Enterprise to mention in the paper he would respond if there was a phone number.

Councilmember Williams stated she received a phone call from someone that was questioning the progress at the Eastside School. Police Chief Gillett stated they were waiting for the vendor. Mr. Gillett does not believe they can make the move by November 28th as believed.

Chief Gillett confirmed for Mrs. Williams that they were still within the budgeted amount.

Chief Gillett explained he had contacted MPC and there was no charge to hook up the generator.

Mrs. Williams questioned the heating bill at the school. Chief Gillett has not received a bill at this time.

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Councilmember Dahl questioned how the 3-year plan was going for the Eastside School and feels it is important to have a worksession.

City Manager Orndorff responded that after the auditor gives his report on the Management Letter at the next meeting, the City will know where it stands financially. Mr. Orndorff has prepared a three-year extended budget for the General Fund, which will be presented at the next meeting or two. Then the City will have a better financial understanding on which to base planning for the Eastside School.

Some discussion was heard concerning the City Zoning Board.

Ms. Dahl feels rent should be competitive at the Eastside School.

Councilmember Williams commented on the Zoning Board minutes that were included in the packet, where the subject was about the zoning and what would be allowable in the Eastside School.

Lenny Gregory made clarification to comments made out the Zoning Board.

Motion was made by , second by , to adjourn this meeting there being no further business. Motion passed. (corrected at 12-5-94 meeting)

The time was 10:00 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Fred J. Hall
VICE MAYOR

LIVINGSTON
CITY COUNCIL MEETING

December 5, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, December 5, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Barb Williams, Fred Hall, Sheryl Dahl and Lee Harris with Mayor Pat Mikesell presiding.

Motion was made by Dahl, second by Williams, to approve the minutes of November 21, 1994 regular Council meeting. Councilmember Williams made a correction to page 1, paragraph 5, third line, should read: Councilmember "Dahl". Also page 5, fourth paragraph should read: Motion was made by "Dahl", second by "Williams".

Motion passed as corrected.

Motion was made by Dahl, second by Williams, to accept the bills and claims that were listed for \$28,738.38. Councilmember Harris questioned page 16, item #1293 to Valley Motor Supply for a battery. City Manager John Orndorff stated the city's mechanic shops for the best price and that we get a government discount. This was a 1100 amp battery.

Page 17, item #1343 to Yardley and Yardley. Mr. Orndorff stated this was a monthly bill for court appointed attorneys. Motion passed.

Shannon Wardinsky presented an AAA Pedestrian Award to Chief of Police Lynn Gillett. Ms. Wardinsky stated this was the seventeenth time Livingston has received this award for pedestrian safety and that Livingston was one of 12 Montana cities to receive the award this year.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2542, A RESOLUTION AUTHORIZING THE INCREASE SPENDING AUTHORITY OF THE PARK IMPROVEMENT TRUST FUND #7094-000-460430-930 BY THE DONATED AMOUNT OF \$1495 FOR THE CITY OF LIVINGSTON. Councilmember Harris asked where the money was coming from. City Manager Orndorff explained this was donated money added to the account. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2543, A RESOLUTION APPROVING THE BLUE CROSS/BLUE SHIELD FLEXIBLE COMPENSATION PLAN FOR THE CITY EMPLOYEES OF THE CITY OF LIVINGSTON. City Manager Orndorff pointed out that this agreement was reached by the City Personnel Insurance Committee and the agreement represents a 5% increase. All in favor. Motion passed.

A public hearing was held on Resolution No. 2544, A RESOLUTION VACATING THE STREET RIGHT-OF-WAY ABUTTING BLOCK 2 AT THE CORNER OF 11TH AND PARK STREETS. No public comments was heard. Motion was made by Harris, second by Williams, to approve this Resolution. All in favor. Motion passed.

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A public hearing was held on the text amendment for public zoning. Tara Eddy addressed Council with her discussion.

More discussion was heard between Council and Staff. Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1799, AN ORDINANCE AMENDING CHAPTER 30 ZONING TABLE 30.40 LIST OF USES FOR BUSINESS & PROFESSIONAL OFFICES AND WAREHOUSE & ENCLOSED STORAGE. City Planner Jim Woodhull answered Councilmember Hall's question of why the Zoning Board recommended disapproval. Roll call vote was three in favor, Hall opposed. Motion passed.

A public hearing was held on first reading of Ordinance No. 1798, AN ORDINANCE AMENDING CHAPTER 30 UNDER ZONING TO ADD TOWNHOUSES. No public comments were heard. Motion was made by Williams, second by Harris, to approve this ordinance on first reading. City Planner Woodhull answered Councilmember Harris's question on the definition of a townhouse. Roll call vote was all in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve first reading of Ordinance No. 1796, AN ORDINANCE AMENDING CHAPTER 22 SECTIONS 22-6, 22-10 AND 22-11 PERTAINING TO FEES AND REGULATIONS FOR THE CEMETERY. All in favor. Motion passed.

Motion was made by Dahl, second by Harris, to approve first reading Ordinance No. 1797, AN ORDINANCE AMENDING CHAPTER 13 SECTION 13-93 WATER EXTENSION REQUIREMENTS. All in favor. Motion passed.

City Manager Orndorff updated Council on the events that have taken place with the development of the new Town Pump. Mr. Orndorff learned on December 1st that the construction people have degraded the bank of Billman Creek. It seems that the runoff water from the front parking lot is designed to go into the creek.

Town Pump is asking to have their business license issued for opening December 15th. Mr. Orndorff discussed some memos and letters he distributed to the Council.

The Attorney for Town Pump, Jon Hesse, was present to discuss the Development Fees, Reimbursement Fees and the Water Well situation with Council.

Mr. Hesse stated Town Pump will meet their obligation to pay the reimbursement fees later this week.

Extensive discussion was heard between Staff, Council and Mr. Hesse on the three subjects stated above. Motion was made by Hall, second by Harris, to ask the City Manager and City Attorney to draft an agreement to be signed by Town Pump, whereby Town Pump specifically commits to use only City sewer and water services for all facilities, and upon signature of that agreement, we will consider their application for a business license, but until that agreement is signed, there will be no consideration of the business license.

More discussion was heard concerning the well. City Attorney Jovick recommended against acting on the existing motion, and went on to explain.

An amendment to the motion was made by Hall, second by Dahl, that business license will be issued only after the system development fees have been paid. More

discussion was heard on the water and sewer lines and the impact on these lines should a motel be built at the back of their property. During the discussion, both sides admitted they do not want an adversarial relationship.

City Attorney Jovick asked the chair for a 5 minute recess to ask Attorney Hesse additional questions. Mayor Mikesell called the meeting back to order. Mr. Hesse requested that Council table the issue and reconsider their request at the December 19th meeting and consider approval of Town Pump's business license on December 20th. Motion was made by Dahl, second by Hall, to table the motion and the amendment until the December 19th meeting, having legal information input at that point in time, we will pull it from the table for Council to make it's decision. Motion passed.

The City's auditor, Max Simmons and his associate Randy Newburg presented Council with the Management Letter of their results of the FY 93-94 audit. Mr. Simmons stated the Final Audit Report will be forthcoming in January. There were 101 significant issues identified in the letter that was discussed by the auditors.

City Manager Orndorff stated Marj Brown submitted a letter volunteering for the Sister City Cultural Exchange Committee. Mr. Orndorff gave Council another letter he had received during the day from another person for this committee. Urana Clark withdrew her application since there were enough volunteers for the committee.

City Manager Orndorff enclosed information on the Energy Audit at the Waste Water Treatment Plant.

City Manager Orndorff included a report from Supt. Clint Tinsley with the status of Capital Outlay Projects.

City Manager Orndorff listed a calendar of events:

December 7th - City-County Meeting,, 4:30 p.m. in the Commissioners Office.

Mr. Orndorff stated, as to date, there is 124 City Manager applicants. He requested a December 12th worksession to see what Council thought of the trial packet. Councilmember Dahl requested another packet of 25 applicants. Mayor Mikesell stated December 12th would work.

December 19th - Regularly scheduled City Council Meeting.

January 3rd will be the first meeting of the new year, due to January 2nd being an employee holiday.

Councilmember Hall, as acting Mayor, attended the meeting at the County Commissioners in reference to Mr. Wayne Peterson's application to divide his property which is adjacent to the City Limits.

A letter was enclosed from the Economic Development Division, Montana Department of Commerce, concerning the application of an Economic Development CDBG Loan for the Livingston Rebuild Center.

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Three charts were developed and included in the packet to inform everyone how the Civic Center is being used. Councilmember Dahl commended Supt. Ken Kastelitz and also mentioned there was free advertising to be found for City activities.

City Manager Orndorff stated he has issued a Procedure for City Business licenses and for the Mail. They were included in the packet. Councilmember Dahl questioned one item on the Business Licenses with the Manager clarifying.

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

- Utility Billing System
- Fire Chief's Report for November
- Minutes of the Sister City International Educational and Cultural Exchange Program, Inc. meeting of November 10th.

In compliance with the Montana Supreme Court decision, Mr. Orndorff as City Manager, recommended that Howard Larry Phillips be reinstated as a Fire Fighter with his original date of seniority; that he be paid for the term he was suspended, and that the City Manager have the necessary Emergency Budget Amendment prepared for the City Council to act on at the next City Council Meeting.

The City Attorney is preparing a letter that explains the Supreme Court decision. Questions were asked by Council.

Mr. Orndorff stated the backpay included the base salary, longevity, EMS Certificates and Holiday pay, pension, and the medical insurance. Fire Chief Tim Parks questioned whether overtime needs to be included. The City Attorney stated the statutes on reinstatement are not explicit on the backpay.

Motion was made by Hall, second by Williams, to instruct the Manager based on Mr. Phillips original date of seniority, to calculate his backpay based on salary, longevity, EMS Certificates, Holiday pay, pension, health and all appropriate State fees and instruct Mr. Phillips that he will be expected to report to work on the Wednesday shift.

Discussion was heard with the information within the motion. A comment was heard by Don Devine.

The motion was amended by Dahl, that Mr. Phillips is given notice that he should waive his rights of pay if he does not come back to work on Wednesday because he needs to give proper notice to his boss. Amendment dies due to lack of a second.

More discussion was heard. Roll call vote on the motion was all in favor. Motion passed.

City Manager Orndorff is requesting that the Council establish a policy that, "The City Council, as a body, will not discuss any developments with developers until a recommendation has been received, through the City Manager, from the Development Review Committee."

Mr. Orndorff stated the Development Review Committee is becoming more structured. The Committee will meet the first and third Wednesday at 9:00 a.m. Developers must make an appointment the Friday before, and leave any materials, plans, etc., they want considered by the committee. Minutes will be taken.

Motion was made by Dahl, second by Williams, to have Mr. Orndorff come to Council with a resolution, at the next meeting, concerning this subject. Motion passed.

The realtor is currently looking at a closing date around Christmas for the sale of the Lehrkind Building. Mr. O'Hara will dig up the fuel tank in the alley at the appropriate time.

Enclosed for Council's information was a Proposal for Services from Richard Larsen & Associates, Inc., Consultants, to Montana Cities and Counties. Mr. Orndorff stated he felt it was a good idea.

Councilmember Dahl had questions for Mr. Orndorff. No further comments were heard from Council. Mr. Orndorff stated he would drop the issue.

Enclosed was a City of Billings letter, with attachments, concerning the Montana Public Service Commission requesting input into the concept of regulating landfills in the State of Montana as Public Utilities. The City does have a contract with the City of Billings to use the Billings landfill. Mr. Orndorff stated that a letter of support for the Billing's position seems to be in order and such a letter was drafted and is enclosed. Motion was made by Williams, second by Harris, to send the letter to the Public Service Commission. Councilmember Dahl asked a question of the City Attorney. Motion passed.

Motion was made by Williams, second by Dahl, to remove from the table for discussion the issue with Industrial Towel. Motion passed.

Enclosed for Council's information was Supt. Tinsley's report on Industrial Towel. Councilmember Williams, City Manager Orndorff and Supt. Tinsley toured Industrial Towel on December 1st. Mr. Orndorff reported on the visit. Councilmember Williams stated Council was waiting for a letter of intent of exactly what Industrial Towel wants to do.

Mayor Mikesell asked Supt. Tinsley to get the letter by the next Council meeting. Councilmember Dahl asked Mr. Tinsley to check with the Sanitarian also.

Motion was made by Hall, second by Dahl, to have the City Manager formulate a policy whereby we may require people to monitor their sewer disposal so the City knows what amounts are being disposed of, so that we may appropriately charge for this. Motion passed.

Motion was made by Hall, second by Dahl, to suspend the downtown parking tickets from December 6th through December 26th, with the City Manager making public that Council expects merchants to manage their employees from taking advantage of the change of policy. Police Chief Lynn Gillett stated he could use the Parking Attendant in the office. Motion passed.

Motion was made by Williams, second by Dahl, to defer any action on the Tangan/Burns Deed Action until the next meeting. Mr. Orndorff stated he has put information in the Council's boxes on this subject. Motion passed.

City Planner Woodhull updated Council on the Herauf Variance Request. Mr. Woodhull stated the mailboxes Mr. Herauf was bidding on, were awarded to another firm. Mr. Woodhull reported there would not be enough parking. Motion was made by Dahl,

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second by Hall, to bring this off the table. Motion passed.

Motion was made by Dahl, second by Hall, to deny the variance that was requested by Mr. Herauf. Motion passed.

Mr. Orndorff received a Police Commission letter, recommending three applicants for employment in the Police Department.

Larry Tod Paske will start December 16th and Robert Dean Hildebrand will start on January 16th.

A letter of complaint was put into Council's mailbox. Mr. Orndorff stated the individual wanted Council to be informed of a situation. He was called at home by this individual because the individual wanted Council action. The matter, in the letter, is an active Police investigation. Thus, the item is not on the agenda.

Motion was made by Williams, second by Dahl, to approve the Mayor's reappointment of Dave Amsk, Tom Berry, John Fryer and Fred Shellenberg to serve another two-year term on the City-County Planning Board. Motion passed.

City Manager Orndorff stated the person who works on the 911 panels should be here tomorrow.

Enclosed was a memo from Police Chief Gillett. There continues to be a problem with the heating system. It could cost approximately \$20,000 to have the boiler replaced. Chief Gillett stated they could make the boiler operational temporarily for \$233.

Councilmember Hall stated the building was a white elephant, the City should cut their losses, shut the doors to the building and bring 911 back into the City/County Building.

Councilmember Williams suggested the Councilmembers talk to the Commissioners at Wednesday's meeting.

Councilmember Dahl felt the Eastside School should be given more time and would like to see more city staff input.

Discussion was heard between Staff and Council about moving 911 back to the City-County Building and leaving it at the Eastside School.

Motion was made by Hall, second by Dahl, to appropriate the necessary \$230 some dollars to repair it, but, along with that motion let's sit down on Wednesday when we meet with the County Commission members and see if there is some meeting of the minds. We are going to have all the necessary maps to show, in detail, "who occupies what" in the building, and we are going to have real hard figures to work with, let's see if there is some middle ground we can arrive at and then see where it goes, if necessary call a special meeting and talk about it on Friday. Motion passed.

City Manager Orndorff read a memo he wrote on development. Motion was made by Williams, second by Hall, to allow Mr. Orndorff and Mr. Tinsley to get in touch with the consulting firm, Morrison-Maierle/CSSA, to tell us what the present water and sewer lines can handle and do that study, instead of the mapping project. Council comments were heard, with Supt. Tinsley explaining why the study was important. Motion passed.

Councilmember Dahl questioned City Manager Orndorff on what happened with Jerry Spalding and the housing project. Planner Woodhull explained that the zoning will be allowed.

Lenny Gregrey made a comment about Town Pump. Mr. Gregrey also commented on employee bonds.

Co Inglehart commented on the consulting agencies. Mr. Inglehart also commented on Mr. Phillips.

Bob Weimer addressed Council concerning driveways.

Don Devine questioned the city's obligation of annexing Mr. Peterson's property.

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

The time was 12:00 a.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Pat McGee
MAYOR

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LIVINGSTON
CITY COUNCIL MEETINGDecember 19, 1994
7:30 P.M.

The Livingston City Council met in regular session Monday, December 19, 1994, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Sheryl Dahl, Lee Harris, Barb Williams and Fred Hall with Mayor Pat Mikesell presiding.

Mayor Mikesell stated a Disciplinary Hearing would be held later in the meeting, and if anyone has any documented evidence on this case that they would like the Council to hear, they can contact the City Manager during the recess.

Motion was made by Dahl, second by Williams, to approve the minutes of December 5, 1994 regular Council meeting. Motion passed.

Motion was made by Dahl, second by Williams, to accept the bills and claims that were listed for \$47,783.46. Councilmember Harris questioned page 10, item 1026, to Larry Raffety. City Manager John Orndorff clarified this was reimbursement to him for postage of the Historical Committee newsletter and the money was grant money.

Page 11, item 1073, to Coast to Coast. This was for a various items for the Civic Center.

Page 11, item 1088, to the Department of Revenue. This was a late payment that the City was not aware of for the Utilities.

Page 19, item 1305, to Yellowstone Hardware. This was for florescent paint and broom handles.

Page 20, item 1366, to the Water Quality Bureau. This was the annual discharge permit for the swimming pool.

Councilmember Williams questioned page 9, to WMC Photo Services. This should be billed out to 106 instead of 123.

Page 13 - 14, to MRL for two lease permits for the Water Department. Mr. Orndorff explained that throughout the year, the City has to make lease payments to the railroad for the various locations where we have underground lines. Each permit is on a yearly basis.

Page 20, item 1433, to Industrial Towel. This was rug maintenance for two months at the Utility Building.

Page 20, item 1452, three items to Team Lab Co. The hand cleaner, glass cleaner and silicone is a one year supply. The lift cleaner and enzymes will last for one year and the root killer will last six months. The hand cleaner and bowl cleaner for the Civic Center will last for six months.

Councilmember Hall questioned page 13, item 1199, that was charged out to the Ambulance, and page 17, item 1285, for fuel charged to the Ambulance. Mr. Hall wanted to take note of the November Financial Cash Report, that the Ambulance is running in the red. Some discussion was heard about the recent loan to the Ambulance Fund.

City Attorney Bob Jovick questioned if the approval of this claim would put the line

over budget for the year. It was stated no, these claims would not. Mr. Jovick went on to say that maybe in this instance, the line item would be within the budget, maybe however, as Mr. Hall pointed out, the cash coming is not on a management basis keeping up. Therefore, the Council may act legally, it may constitute a management cash flow problem.

Mr. Hall stated this cash flow line needed to be watched, and if it continues to run in the red, the rate fees need to be put back on the table. Roll call vote on the bills and claims were all in favor. Motion passed.

A public hearing was held on Resolution No. 2541, AN EMERGENCY RESOLUTION TRANSFERRING FUNDS FROM THE ADMINISTRATION - CITY MANAGER FUND TO THE GOVERNMENT STUDY COMMISSION FUNDS FOR SUPPLIES AND TRAINING, AND INCREASING THE ASSISTANCE FIRE CHIEF'S SALARY FROM A PROBATIONARY LEVEL. Motion was made by Williams, second by Dahl, to approve this Resolution. City Manager Orndorff answered a question for Ms. Dahl.

Mr. Orndorff stated for Ms. Dahl there would be another budget amendment before Council in the future to pay Mr. Phillips.

Co Inglehart addressed Council.

Ms. Dahl questioned the money for the Government Study Commission. Mr. Orndorff clarified.

City Attorney Jovick confirmed for Mrs. Williams, the two were combined because they were both emergency resolutions.

Roll call vote was five in favor. Motion passed.

Second reading of Ordinance No. 1796, AN ORDINANCE AMENDING CHAPTER 22 SECTIONS 22-6, 22-10 AND 22-11 PERTAINING TO FEES AND REGULATIONS FOR THE CEMETERY. All in favor. Motion passed.

Second reading of Ordinance No. 1797, AN ORDINANCE AMENDING CHAPTER 13 SECTION 13-93 WATER EXTENSION REQUIREMENTS. All in favor. Motion passed.

Second reading of Ordinance No. 1798, AN ORDINANCE AMENDING CHAPTER 30 UNDER ZONING TO ADD TOWNHOUSES. All in favor. Motion passed.

Second reading of Ordinance No. 1799, AN ORDINANCE AMENDING CHAPTER 30 ZONING TABLE 30.40 LIST OF USES FOR BUSINESS & PROFESSIONAL OFFICES AND WAREHOUSE & ENCLOSED STORAGE. Three in favor, Hall opposed. Motion passed.

Motion was made by Williams, second by Dahl to approve first reading of Ordinance No. 1793, AN ORDINANCE ADDING ARTICLE IV "DISPATCH SERVICES" AND SECTION 7-60 TO THE CODE OF ORDINANCES ADOPTING A SCHEDULE OF CITY FEES FOR FALSE ALARMS TO THE DISPATCH CENTER. Councilmember Williams stated there were no additions and deletions to this ordinance as discussed in previous meetings.

An amendment to the motion was made by Dahl, second by Williams, adding to

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Section A, ... "any given calendar quarter"...; and in Section C, to delete "to the schools". Roll call on the amendment was all in favor. Motion passed.

Roll call on the motion as amended was all in favor. Motion passed.

Motion was made by Williams, second by Harris, to approve Resolution No. 2546, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND PACE CONSTRUCTION INC. OF BILLINGS, MONTANA FOR CAMERA INSPECTION OF THE CITY SEWER LINE. Supt. Clint Tinsley answered Mrs. Williams' question that this has already been budgeted. Mr. Orndorff pointed out this agreement was for \$19,000 and \$25,000 was budgeted. All in favor. Motion passed.

Mayor Mikesell announced the meeting would go into executive session stating that the merits of individual privacy exceeds the merits of public disclosure. The meeting was closed for a Disciplinary Hearing.

The meeting went back into open session at 10:37 p.m.

Motion was made by Hall, second by Williams, to adopt the City Council findings dated December 19, 1994 and that the last item, following the findings, the City Council of the City of Livingston orders as follows: 1. That Kevin Harrington be terminated.

Mayor Mikesell asked for any discussion from the Council or the audience. No comments were heard.

Roll call vote was four in favor, Harris opposed. Motion passed.

Mayor Mikesell called for a ten minute recess.

Included in the packet was information concerning the Community Oriented Policing Services (COPS) program. Discussion was heard. Council was in agreement this was a worthwhile program, but did not feel it was feasible at this time.

City Manager Orndorff reported that the County has brought over a tax check in the amount of \$578,613. The Solid Waste Fund was repaid.

City Manager Orndorff read for everyone's information the dates the City Offices would be closed over the holidays. Other calendared meetings include:

Tuesday January 3rd - Regular Council Meeting
Wednesday January 4th, 4:30 p.m., City-County Meeting

The following reports were included for Council's information:

Minutes of Sister City International Educational and Cultural Exchange Program, Inc. of December 8th.

Agenda and Minutes of November 17th meeting of the Library Board
November Report of incoming Water and Sewer Revenues
Ambulance Accounts Receivable Financial Report for November
Police Department November Monthly Activity Report

Motion was made by Williams, second by Harris to appoint the following people to the Sister City Cultural Exchange Committee. An amendment to the motion was made by Hall, second by Williams, that the terms for the Sister City Exchange be three years and staggered them, and when their terms are expired, they will each be up for a three year term. The list is as follows:

John Angle - One Year Term
 Jeannie Baker - Two Year Term
 J. Steven Baugh - Three Year Term
 Marj Brown - One Year Term
 Jacobus "Co" Engelhart - Two Year Term
 Chandra Libby - Three Year Term
 Michael Gorton - One Year Term

All were in favor of the amendment, motion passed. All were in favor of the motion as amended. Motion passed. City Manager will set up the first meeting in January. Council was in favor of the five items listed for the Committee to accomplish.

Enclosed for Council's information was Mr. Murphy's letter concerning the intent of Industrial Towel for the work they would like done at their business. City Attorney Jovick stated along with Councilmember Williams that the letter of intent should be in more detail. Mr. Jovick stated it should include whether the type of monitor suggested to use is acceptable to the City. Also, a better description of what the reuse system is, along with assurances that would not be in anyway connected to their regular system that is hooked to the City Water System, so the City would be protected.

Discussion was heard between Council and Staff. Mr. Jovick stated if any of the Council had items they would like included in the letter, to let him know after the meeting and he would get together with Supt. Tinsley.

Enclosed was a letter from the Department of Military Affairs concerning the Alarm System at the Armory. Councilmember Harris asked Police Chief his opinion. Motion was made by Harris, second by Hall, to exempt them from the requirements that exist. Chief Gillett clarified they would still be bound by the False Alarm Fees and other fees. Motion passed.

City Manager Orndorff stated there were three businesses who have not responded to Supt. Tinsley's letter requiring connection to the new Park Street Sewer Line by January 1, 1995. There is one business who is unable to meet the deadline but is seeking an extension until July 1, 1995 and is willing to immediately pay the hookup/development fee of \$1,025. Supt. Tinsley confirmed for Mayor Mikesell that the business had one year to hook on to the new line and that three notices have been sent to them.

Motion was made by Hall, second by Williams, that the three business that have not responded to City letters at all, that we take whatever administrative or legal that is necessary, and the fourth respondent that is asking for a delay and is willing to pay the hookup, to grant him the delay as long as he is willing to pay the hookup fee.

Supt. Tinsley answered a question for citizen Jim Peterson. Motion passed.

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City Manager Orndorff mentioned that the City Council has discussed title to the Fleshman Creek bank at recent meetings. Included in the packet for Council, was a letter of suggestion from the City Attorney. Discussion was heard by Council. Motion was made by Hall, second by Dahl, that the City Manager direct a letter to the State Lands office, opening discussion on this trade of City property for disputed lands within the old river bed. Motion passed.

City Attorney Jovick updated Council of his discussions with Jon Hesse, Attorney for Town Pump, over the last couple weeks. Mr. Jovick commented on Mr. Hesses' December 16th and 19th letters that were provided to Council earlier in the meeting, stating that the letters reflect what has been discussed, with one exception. That being, the City has sought to require paving prior to opening, due to the heavy truck traffic and other obvious potential operation problems with a facility this large and with this much traffic.

Attorney Hesse addressed Council to explain Town Pump's proposals in the letter dated December 16, 1994. Others speaking on behalf of Town Pump were: Engineer Jerry Gaston, Ed Juvan and local Manager Gordon Garnet. Town Pump's discussion at this time was the drilling of a well on their property.

City Manager Orndorff reported on a list of requirements from staff that needed accomplished for Town Pump to obtain a Final Inspection and a City Business License.

Attorney Hesse stated the letter of December 16th covered the issues discussed at the last Council meeting and the letter of December 19th covered the issues going on with Town Pump and the State.

City Attorney Jovick reported to Council that the City Manager had received a memorandum from key City Staff of their concerns.

Attorney Jovick stated the letter dated December 16th is intended to be attached to Resolution No. 2547. If it is the Council's desire to proceed with this letter, Mr. Jovick suggested that there be an addition to the four point stated in the letter, adding a number five: That any well drilled by Town Pump, be according to Municipal Standards as set forth by Mr. Juvan, Engineering Groundwater Geologist, to the City Council meeting of December 19, 1994.

Input was heard from citizens Jim Peterson, Lenny Gregrey and Co Engelhart.

Attorney Hesse commented on the paper he received that listed the City Staff points to be accomplished. Tapping fees were discussed by staff and Mr. Hesse.

Councilmember Hall stated in the spirit of cooperation, he would support the issuance of the Temporary Certificate of Occupancy, with the proviso of understanding that anytime in the future while this Temporary Certificate is in place, that if the Building Inspector determines the compact material has failed in such a way it significantly compromises the safety of the groundwater, then she may pull the Certificate of Occupancy, and that puts a heavy requirement of maintenance on Town Pump. But, Mr. Hall is not willing to compromise on the well issue at this time.

Attorney Jovick stated that the remaining issue is whether the well casing needs to be pulled prior to the City allowing the building inspection for the occupancy.

More discussion was heard concerning the contents of the December 19th letter.

Mayor Mikesell called a Special Council Meeting for Wednesday, December 21st at 7:00 p.m. in the Community Room for further discussion of this issue.

City Manager Orndorff handed out to Council, a memo referencing Mountain View and Vista View Subdivision hook ups. Mayor Mikesell stated he wanted this added to the special meeting on Wednesday, so they would have time to review the documents.

Councilmember Hall referenced a couple conversations with Auditor Max Simmons, it was indicated that there were several former members of City Management position that were responsible for misspending of City funds and violations of State Statutes.

Motion was made by Hall, second by Williams, that the Manager direct a letter to Mr. Simmons, requesting him to outline the procedures where the City may begin the process of collecting monies through the City's Insurance to cover some of the losses and request that Mr. Simmons reports back to Council the next time he is present, so that Council may made the decision if they want to pursue collection of those monies. Three in favor, Harris opposed. Motion passed.

Mayor Mikesell stated there was pipe left on the side walk on H Street. Supt. Tinsley stated it has already been removed.

Lenny Gregrey addressed Council about the Wellhead Committee.

Co Engelhart mentioned a ticket he recently received and also referenced Town Pump.

Ruth Eggar addressed Council referenced employee investigations.

Gloria Thiede thanked Council for their Disciplinary Hearing.

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

The time was 12:40 a.m.

ATTEST:

APPROVED:

Juerranne Blakely
RECORDING SECRETARY

Tom Mikesell
MAYOR

ABG283

SPECIAL LIVINGSTON
CITY COUNCIL MEETINGDecember 21, 1994
7:00 P.M.

The Livingston City Council met in special session Wednesday, December 21, 1994, 7:00 p.m. in the Community Room at the City County Building. Councilmembers present were Barb Williams, Fred Hall and Sheryl Dahl with Mayor Pat Mikesell presiding. Councilmember Harris was absent.

Mayor Pat Mikesell stated that Town Pump has requested to delay the meeting with City Council until the 27th.

Motion was made by Williams, second by Dahl, to approve a claim to Charles Worthington. This claim was paid by his medical insurance. Motion passed.

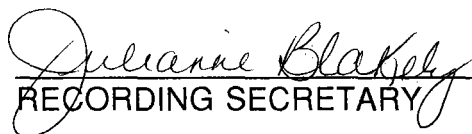
Motion was made by Williams, second by Dahl, to allow Mountain View & Vista View Subdivisions permission to connect to the City utilities. Discussion was heard concerning the payment of development fees. An amendment to the motion was made by Williams, second by Dahl, subject to the development fees being paid at the time water is turned on at each lot. Amendment passed. Motion passed as amended.

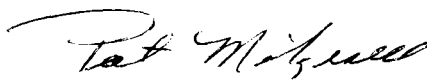
Motion was made by Hall, second by Dahl, to adjourn this meeting there being no further business. Motion passed.

The time was 7:12 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR