

LIVINGSTON
CITY COUNCIL MEETING

January 3, 1995
7:30 P.M.

The Livingston City Council met in regular session Tuesday, January 3, 1995, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Sheryl Dahl, Lee Harris and Fred Hall with Mayor Pat Mikesell presiding. Councilmember Barb Williams was absent.

Motion was made by Dahl, second by Hall, to approve the minutes of December 19, 1994 Regular Council Meeting and December 21, 1994, Special Council Meeting. Motion passed.

Motion was made by Dahl, second by Harris, to accept the bills and claims that were listed for \$65,092.42. Councilmember Hall questioned the Ambulance Fund 5510. City Manager John Orndorff answered Mr. Hall's question that there was no negatives in the account and the 5510 Fund has \$13,253.

Councilmember Harris questioned page 9, item 1005 to Simmons and Co. City Manager Orndorff stated this puts it up to the \$22,500, the contract amount.

Page 11, item 1607 to Jerry Weimer. Fire Chief Tim Parks answered this was reimbursement to Mr. Weimer for a transfer to Fort Harrison, because the clerk did not know how to process a Government credit card for fuel. Motion passed.

Motion was made by Dahl, second by Harris, to approve Resolution No. 2547, A RESOLUTION APPROVING A LETTER AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND TOWN PUMP, INC. RELATING TO DEVELOPMENT ISSUES. Mayor Mikesell requested that City Manager Orndorff read the letter agreement from Town Pump's Attorney Jon Hesse that was dated January, 3, 1995.

Citizen comments were heard from Jim Peterson, Dick Claar and Brant Oswald. Discussion was heard from Council and Attorney Hesse.

An amendment to the motion was made by Hall, second by Harris, that in Section 5, second sentence, to words "a Certificate of Occupancy or" should be crossed out, so that it only reads "...Temporary Certificated of Occupancy be issued..." and then adding ", extending through June 30, 1995." Also, add an item #7; "That the existing building plans currently on record and the existing building permit, will remain in force during the period of the Temporary Certificate of Occupancy and all amendments to those said plans and permits will be made only after consultation with the City Staff."

Attorney Hesse stated these amendments were agreeable. Roll call vote on the amendments were all in favor. Amendment passed. Roll call on the motion was all in favor. Motion passed as amended.

Second 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

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CENTER. Councilmember Dahl noted that the amendments were not included in this ordinance that were made at the previous meeting. City Attorney Jovick stated Council would be voting on the ordinance as amended. All in favor. Motion passed.

Motion was made by Hall, second by Dahl, to approve first reading of Ordinance No. 1800, AN ORDINANCE AMENDING CHAPTER 28 TABLE 5 SUBDIVISION REGULATIONS OF THE CODE OF ORDINANCES ENTITLED "DESIGN STANDARDS FOR PUBLIC ROADS". City Manager Orndorff reported that the handout he gave Council earlier, was the Exhibit A to the Ordinance.

City Planner Woodhull clarified Councilmember Dahl's question on the exhibit. All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve first reading of Ordinance No. 1801, AN ORDINANCE ADDING SECTION 6-55 TO CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "DEVELOPMENT -WATER AND SEWER MAIN EXTENSIONS, STREET INSTALLATION" TO THE LIVINGSTON CODE OF ORDINANCES. All in favor. Motion passed.

Motion was made by Hall, second by Dahl, to approve first reading of Ordinance No. 1802, AN ORDINANCE AMENDING CHAPTER 14 SECTION 14-13.2 (a) ENTITLED "SEWER MAIN EXTENSIONS" OF THE LIVINGSTON CODE OF ORDINANCES TO REQUIRE BY ORDINANCES SEWER MAIN LINES TO BE EXTENDED THE FAR SIDE OF THE PROPERTY BEING DEVELOPED. Supt. of Public Utilities Clint Tinsley answered Councilmember Dahl's question that the Water Main Lines were already addressed at a previous meeting. All in favor. Motion passed.

Motion was made by Hall, second by Dahl, to approve first reading of Ordinance No. 1803, AN ORDINANCE ADDING SECTION 26-49 ENTITLED "DESIGN STANDARDS FOR EXISTING RIGHTS OF WAY" TO CHAPTER 26 STREETS AND SIDEWALKS ARTICLE IV CONSTRUCTION AND REPAIR TO THE LIVINGSTON MUNICIPAL CODE OF ORDINANCES. All in favor. Motion passed.

Motion was made by Dahl, second by Harris, to approve first reading of Ordinance No. 1804, AN ORDINANCE AMENDING CHAPTER 14 SECTION 14-13.2 (d) ENTITLED "SEWER MAIN EXTENSIONS" OF THE LIVINGSTON MUNICIPAL CODE OF ORDINANCES CHANGING THE REIMBURSEMENT PERIOD FOR SEWER MAIN REIMBURSEMENT PAYMENTS FROM THIRTY YEARS TO TEN YEARS. City Manager Orndorff answered Councilmember Hall's question that this will not having any effect to any existing reimbursement areas, only in the future. There are some thirty year reimbursements still in effect. All in favor. Motion passed.

City Manager Orndorff included for Council's information, the minutes of the Library Board, December 15, 1994.

City Manager Orndorff listed a calendar of events through January for Council's information. Mr. Orndorff reported there were 199 applications received as of today.

Council was in agreement to received another set of applicants to review.

A work session on the applications was set for Tuesday, January 17th, 6:30 p.m. before the next Council meeting.

City Manager Orndorff reported that a resolution will be in the next packet for Council to consider a tax break as being requested by the Livingston Credit Union.

City Manager Orndorff explained that Mr. Kovash was requesting approval from Council to connect to the City's sewer main and extend it 100 feet up the alley of Block 4 of the Palace Addition. Motion was made by Hall, second by Dahl, to allow Mr. Kovash to connect to the City's sewer main upon signing Waivers of Protest of Special Improvement Districts for curbs, gutters, sidewalks and street pavement. Motion passed.

Developer Greco's land trade request will be postponed until the first meeting in February.

City Manager Orndorff reported that the City's Development Review Committee recommends and the City Manager endorses, an ordinance to be drafted, that no further water wells be drilled within the City Limits for individuals or corporations.

Mr. Orndorff clarified a question for Councilmember Harris.

The Mayor has received a letter from the State, that in approximately two weeks they will be awarding the CDBG money. Eight organizations, including Livingston, have requested money.

A letter was received today from the Human Rights Commission, denying former Police Officer James A. Perkins claim that his rights were violated when his employment was terminated with the City. This can now go to the court system if Mr. Perkins desires.

Motion was made by Dahl, second by Hall, to have City Staff prepare a three to five year plan for the use of the East Side School. Motion passed.


Councilmember Hall mentioned he attended a meeting last week of people interested in garbage disposal. Those present included the three Commissioners, a member to the Refuse Board and an Incinerator employee. Various options and alternatives were discussed pertaining to the Incinerator. Mr. Hall summarized the meeting for Council.

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

The time was 8:06 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

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LIVINGSTON
CITY COUNCIL MEETINGJanuary 17, 1995
7:30 P.M.

The Livingston City Council met in regular session Tuesday, January 17, 1995, 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 January 3, 1995 regular Council meeting. Motion passed.

Motion was made by Dahl, second by Hall, to accept the bills and claims that were listed for \$167,655.32. Councilmember Harris questioned page 25, item #2389 to Service Outdoor. Supt. of Public Utilities Clint Tinsley explained this was for the installation of door openers at the Utility Building.

Councilmember Williams stated the above claim, should have read "installation" instead of "repair". Other questions from Mrs. Williams were: page 21, item 2095 to Friden Neopost. It was clarified that a portion of the postage meter can only be rented and not purchased.

Page 20, item #1948 to Ram Softwares. Fire Chief Tim Parks explained this was for the Ambulance Billing Clerk for software and support.

Page 18, item 1433 to Industrial Towel for carpet maintenance. Supt. Tinsley clarified that the rugs are now only changed once a week. Mr. Tinsley stated they have bought their own rugs, but they do not hold up to the traffic.

Councilmember Dahl questioned page no. 22, item #2142 to 1st Security Title. City Manager Orndorff explained this was a bill that came in late for the CBDG. Mr. Orndorff will ask the auditor from which fiscal year this will be paid.

Councilmember Hall questioned page 10, item #1210 to Morrison-Maierle/CSSA for consultation. Supt. Tinsley explained this was from July or August, for a study on the Northside Hill. This was approved by the City Council for a survey on the capacity of the sewer lines.

Page 16, item #1310 to Kerin and Associates. Supt. of Public Services Ken Kastelitz explained this was the last payment for his engineering fees for E Street and a few changes on the drainage system on Sleeping Giant Street. Mr. Kastelitz confirmed for Mr. Hall that this was within his bid.

Motion passed.

Motion was made by Williams, second by Dahl, to accept the City-County Boards recommendation to grant approval of the Myhre Advertising Minor Subdivision. City Planner Jim Woodhull explained for Council. Motion passed.

A public hearing was held on Resolution No. 2549, AN EMERGENCY RESOLUTION TO AUTHORIZE THE TRANSFER OF GENERAL FUND RESERVES TO THE SALARIES AND BENEFITS FUND IN THE 1994-1995 FISCAL BUDGET TO PROVIDE FUNDING

FOR COURT PAYMENT OF RELATED OBLIGATIONS. No public comments were heard. Councilmember Dahl questioned the letter from Jerry Weimer concerning Larry Phillips' total reimbursement. City Manager Orndorff explained for Ms. Dahl. Discussion was heard, with City Attorney Bob Jovick explaining further. Motion was made by Williams, second by Dahl, to approve this resolution. Roll call vote was five in favor. Motion passed.

A public hearing was held on Resolution No. 2550, AN EMERGENCY RESOLUTION TO CHANGE THE CITY OF LIVINGSTON'S EMPLOYEE SALARY SCHEDULE FOR FINANCE OFFICER TO INCREASE THE SALARY. City Manager Orndorff explained the request for Councilmember Harris. Further discussion was heard. Motion was made by Williams, second by Dahl, to approve this resolution. Roll call vote was four in favor, Harris opposed. Motion failed due to the vote needed to be unanimous.

Motion was made by Hall, second by Dahl, to approved Resolution No. 2551, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND MATT SMITH FOR RENTAL OF THE LEHRKIND BUILDING. City Manager Orndorff noted for Council they were considering a amended version of the agreement with this resolution. Councilmember Dahl questioned #9, with the City Manager answering. The vote was all in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2552, A RESOLUTION APPROVING A SWIMMING POOL FEES STRUCTURE FOR THE CITY OF LIVINGSTON FOR 1995. Supt. Kastelitz explained the changes in the fee structure for Council and stated the changes were within reason for Councilmember Hall.

Councilmember Dahl asked if there were scholarships for the people who could not afford to pay. Mr. Kastelitz stated not that he was aware of, but in the past, if someone came to them unable to pay, it went to the City Manager for a decision. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to postpone Resolution No. 2545 further into the meeting, so City Attorney Jovick had additional time to check State Statutes. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2554, A RESOLUTION APPROVING THE CITY OF LIVINGSTON'S PARTICIPATION IN THE INTERNATIONAL YEAR OF THE FAMILY LOCAL GOVERNMENT PROGRAM IN SALT LAKE CITY, UTAH. City Manager Orndorff commented on the resolution. All in favor. Motion passed.

Motion was made by Hall, second by Harris, to approve Resolution No. 2556, A RESOLUTION STATING THAT IT IS THE CITY'S OFFICIAL POLICY THAT EACH CITY FUND (EXCEPT THE PAYROLL AND CLAIMS FUNDS) SHALL RECEIVE AN APPROPRIATE PERCENTAGE OF INTEREST EARNINGS EACH MONTH FROM THE CITY OF LIVINGSTON'S POOLED CASH SYSTEM. Councilmember Hall asked there has been a policy in the past. City Manager Orndorff stated he did not believe there was,

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that this was being done as requested by the auditor. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to now consider Resolution No. 2545. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2545, A RESOLUTION APPROVING A TAX BENEFIT FOR CERTAIN RECONSTRUCTION WORK BY THE LIVINGSTON EMPLOYEES FEDERAL CREDIT UNION. City Manager Orndorff explained past City Policy of Council granting tax benefits for Councilmember Hall. A question on the collecting of taxes was asked by Councilmember Williams. City Attorney Jovick and City Manager Orndorff answered all questions asked by Council. All in favor. Motion passed.

Second Reading of Ordinance No. 1800, AN ORDINANCE AMENDING CHAPTER 28 TABLE 5 SUBDIVISION REGULATIONS OF THE CODE OF ORDINANCES ENTITLED "DESIGN STANDARDS FOR PUBLIC ROADS". All in favor. Motion passed.

Second Reading of Ordinance No. 1801, AN ORDINANCE ADDING SECTION 6-55 TO CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "DEVELOPMENT -WATER AND SEWER MAIN EXTENSIONS, STREET INSTALLATION" TO THE LIVINGSTON CODE OF ORDINANCES. All in favor. Motion passed.

Second Reading of Ordinance No. 1802, AN ORDINANCE AMENDING CHAPTER 14 SECTION 14-13.2 (a) ENTITLED "SEWER MAIN EXTENSIONS" OF THE LIVINGSTON CODE OF ORDINANCES TO REQUIRE BY ORDINANCES SEWER MAIN LINES TO BE EXTENDED THE FAR SIDE OF THE PROPERTY BEING DEVELOPED. All in favor. Motion passed.

Second Reading of Ordinance No. 1803, AN ORDINANCE ADDING SECTION 26-49 ENTITLED "DESIGN STANDARDS FOR EXISTING RIGHTS OF WAY" TO CHAPTER 26 STREETS AND SIDEWALKS ARTICLE IV CONSTRUCTION AND REPAIR TO THE LIVINGSTON MUNICIPAL CODE OF ORDINANCES. All in favor. Motion passed.

Second Reading of Ordinance No. 1804, AN ORDINANCE AMENDING CHAPTER 14 SECTION 14-13.2 (d) ENTITLED "SEWER MAIN EXTENSIONS" OF THE LIVINGSTON MUNICIPAL CODE OF ORDINANCES CHANGING THE REIMBURSEMENT PERIOD FOR SEWER MAIN REIMBURSEMENT PAYMENTS FROM THIRTY YEARS TO TEN YEARS. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1805, AN ORDINANCE PROHIBITING THE DRILLING OF NEW WATER WELLS WITHIN THE CITY LIMITS FOR A PERIOD OF SIX MONTHS. Discussion was heard on what the policy was for the asking of an ordinance to be wrote.

Discussion was heard from Staff and Council about this six month moratorium being approve and put in place while staff is working on the Wellhead Protection Ordinance to get it into final form to bring before Council in the future.

Supt. Tinsley was asked to explain the closing of the L Street Well. City Planner Jim Woodhull addressed Council, to explain a handout and map location of the City's wells.

More discussion was heard concerning the development in the area, the need to protect the City's drinking water and the need for a Wellhead Protection Ordinance.

A second amendment to the motion was made by Dahl, second by Williams, by striking out ..."and shall thereafter expire", and then "shall be reviewed in six months".

Staff reported there were six operational city wells as asked by Councilmember Harris. More was discussed about various locations of irrigating wells in the city.

Two comments were heard from Ruth Eggar. City Attorney Jovick gave additional information about the ordinance.

Councilmember Dahl rephrased her amendment, to strikeout "This section shall be effective for a period of six (6) months from the effective date of this Ordinance and shall thereafter expire".

Roll call vote on the second amendment was three in favor, Harris opposed. Amendment passed.

More discussion was heard of where the ordinance originated from and discussion of groundwater flows.

A third amendment to the motion was made by Dahl, second by Williams, by adding "this shall not apply to municipal wells". Roll call on the third amendment was three in favor, Harris opposed. Amendment passed.

Roll call on the original motion was three in favor, Harris opposed. Motion passed as amended.

The following reports and minutes were included for Council's information:

- Fire Chief's Monthly Report for December
- Livingston Fire/Ambulance Report for December
- Livingston Fire/Ambulance Year End Report
- Police Chief's Monthly Report for December
- Police Chief's Year End Report
- City Court Monthly Report
- Utility Billing System Monthly Report for December

A January 4, 1995 letter from the Montana Department of Transportation was included for Council's information. A draft copy of "TransPlan 21 Overview-Policy Goals and Actions" is on the counter if anyone is interested.

City Manager Orndorff listed a calendar of events for Council's information:

January 18th, 3:15 p.m. in the Commissioners Office, an Angel Line Van Meeting. It was requested by the Board to have a Councilmember appointed to the Board. Councilmember Williams volunteered to be present at the meeting. Mr. Orndorff mentioned that the former driver has applied to the State for back wages for an eight hour day rather than the part time day she was working.

January 20th, Local Government Day at the Legislature. City Manager Orndorff explained further for Councilmember Hall.

January 25th, 7:00 p.m., Joint Work Session with the County Commissioners on

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the Comprehensive Plan.

February 6th, Regularly scheduled Council meeting.

February 21st, Tuesday, Regularly scheduled Council meeting, due to National holiday.

January 18th, 10:00 a.m., Waste Management Briefing.

February 2nd, Thursday, 7:00 p.m., Work Session on Job Applicants.

Mayor Mikesell called a five minute recess.

City Manager Orndorff reported the Livingston Government Study meets in the Community Room on the second Thursday of the month at 10:00 a.m.

The County Government Study Commission meets February 2nd at 9:00 a.m. Mr. Orndorff stated he has been asked to speak on Solid Waste.

The Depot Center has received a grant in the amount of \$8,358. There is not a line item in the budget to receive the money, but there is a line item to expend the money to the Depot. An Emergency Budget Amendment will be requested to the authorize the expenditure so that the money can be passed through to the Depot Center.

Motion was made by Williams, second by Dahl, to accept the letter included in the packet, from Mr. Murphy of Industrial Towel, explaining the work that he wants to do at Industrial Towel. Councilmember Williams asked City Attorney Jovick his opinion of this particular letter. Mr. Jovick stated it was better and it does refer to the engineering plans and that the Council could have the motion contingent on the City seeing and reviewing the engineering plans. City Manager Orndorff noted that the plans will be drawn up by the MSU Engineering School. Ms. Williams amended her motion to read, upon further review and approval by City Staff and the Council of the plans, and seconded by Dahl. Motion passed.

Bids were opened January 5, 1995 for a new dump truck for the Water Department. Five bids were received and were bid in various ways. Supt. Tinsley explained the difference in the bid prices for Council, with the recommendation to accept the bid from Kiefer Motors in Livingston for the amount of \$33,621, as they are the lowest bid that meets all the specifications and requirements. Motion was made by Williams, second by Harris, to accept Kiefer Motors bid. Motion passed.

City Manager Orndorff reported that he endorses the Development Review Committee's recommendation that the current request from Mr. Greco, the developer in Block 5 of the Palace Addition, be denied, due to Mr. Greco's change in plans has not been reviewed and approved by City Staff. Supt. Tinsley added additional information for Council. Council was in agreement to the City Manager and the Committees recommendation. Correspondence concerning the referenced development was included into the packet.

Motion was made by Williams, second by Harris, that \$150 per month be the only mileage allowance that is allotted to the City Manager for driving expenses. Motion passed.

City Manager Orndorff gave Council a report on the Landfill Users Summit Meeting he attended in Billings on January 10th.

Mr. Orndorff said there was an individual near Columbus attempting to get a plan built that will chew up old tires.

Councilmember Williams added that she attended the local Refuse District Meeting and that they are proposing to burn tires in the Incinerator during the winter months.

Mr. Orndorff also stated that there is an attempt to get more uniformity among State Solid Waste Inspectors and to form an appeal process.

Included in the packet was a letter from Montana Power Company President Robert Gannon, asking that the City's ordinance be rewritten concerning Surety Bonds. Discussion was heard by Council. City Attorney Jovick stated this was looked into a couple years before and the decision was to leave in place then. Council was in agreement to leave the Ordinance as it already reads.

City Manager will answer Mr. Gannon's letter.

City Manager Orndorff explained his prepared Three Year Extended Budget and that he worked it with only the General Fund.

Mr. Orndorff asked for comments. There were none. Mr. Orndorff then continued to report on the East Side School and a five year rental plan. Discussion was heard with the ADA requirements for the restrooms. Mr. Orndorff reported that he received requests from the Public Works Union and the Fire Fighters Union to open contract negotiations. The City Manager stated he would be coming back to Council at the next meeting to find out what Council will permit him to offer the Unions. Councilmember Dahl would like to see rents competitive with down town rental rates when working on the five year plan. Not for the current tenants, but for future tenants.

A joint Public Hearing on the Comprehensive Plan, with the City Council and County Commissioners is scheduled for January 25th. City Planner Woodhull gave Council a verbal review of the document. Copies are available at the City and County Planning Office.

Included in the packet for Council's information, is Resolution No. 2553. This will come before Council at their next meeting, to approve an application from Livingston Rebuild Center for a tax benefit. Councilmember Williams questioned if LRC's figures on page 118 were correct. City Manager Orndorff will look into.

Councilmember Dahl asked if the City is currently receiving any tax breaks. Mr. Orndorff stated that we did.

Motion was made by Dahl, second by Williams, to approve the reimbursement (Sewer) area as defined for Mr. Kovash in Block 4 of the Palace Addition. Motion passed.

Motion was made by Harris, second by Dahl, to pay the claim to Montana Power Company for the Windfarm. Motion passed.

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City Manager Orndorff reported that the EDA was to close out the Sewer Line Grant effective today. Mainline Construction is arguing with the City over \$15,949, that they claim the City owes them. The City states they did not perform the work.

City Manager Orndorff reported that an individual left a disclosure statement for the City to consider about Federal Government grants concerning recycling garbage. The individual is interested in putting in for a grant, but has a confidential disclosure agreement and, will not say anything about what he has in mind until the agreement is signed. Mr. Orndorff will tell him Council was not interested.

Councilmember Williams stated he was also at the Refuse District Meeting.

City Manager Orndorff provided Council with a letter from the City of Laurel earlier in the day. They are having a problem with the transients in their area and establishing a Committee to address the problem, and they are extending an invitation to any City representative that would like to attend the meeting on January 24th, 7:30 p.m.

Chief of Police Gillett stated that Livingston does not have as big a problem as Laurel does.

Motion was made by Hall, second by Dahl, to have the City Manager investigate the Well Permit Ordinance and prepare an Ordinance clarifying the language. The vote was three in favor. Harris opposed. Motion passed.

Councilmember Williams stated she had received a call from someone on the Northeast side of town, saying they had received a telephone call from the Bozeman Engineer that is working on the SID paving project, that they are trying to get the project going again. Some discussion was heard.

Ms. Williams had some questions on the East Side School:

- Wanted to know if the Wyoming/Safety Council will still be renting office space in the School, since Dan Gutebier is now a County Commissioner.

- Wanted to know if the Herauf's were still using two of the rooms for storage and that the City needs to look into charging them storage rental. Jerry Weimer addressed Council on this item. Ms. Williams would like the City Manager to look into further.

- Heard that the generator the Police Department received from the Water Department would not be put into operation. Chief Gillett confirmed that it would not be and explained what they would be doing for an emergency generator. Further discussion was heard.

Councilmember Harris stated he had a constituent ask him how one goes about filing charges regarding the violation of Livingston City Codes by the Livingston City Council or the City Manager. City Attorney Jovick stated the violation of State Law goes to the County Attorney, and violation of City Law goes through the City Attorney. City Manager Orndorff added a comment.

Motion was made by Harris, that before any type of Ordinance or Resolution is developed, that the City Council approve the intent of that Ordinance or Resolution before it goes any further. Motion died due to lack of a second.

1 Councilmember Harris stated he received a call in regards to juvenile abuse in the Police Department by a father. Mr. Harris wanted to know why Council was not informed. City Manager Orndorff stated he is looking into the situation and City Attorney Jovick stated it was still in confidence. Chief Gillett also explained further for Mr. Harris. More questions were asked by Council.

City Manager Orndorff confirmed for Mayor Mikesell that he has written to the members of the Sister City Cultural Exchange Committee of their appointment to the Committee.

Mayor Mikesell stated he has received a complaint about a large garbage bin on 7th Street. This will be looked into.

Mike Fleming reported to Council and Staff that the Park County Crime Prevention Association would help out in any way they could to get the Community Policing Program going if the City was ever interested. Mr. Fleming stated Community Policing Program was a fabulous program.

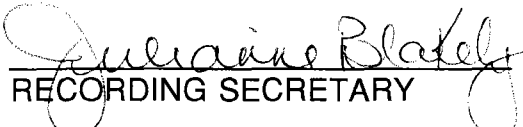
Ruth Eggar addressed Council with a couple comments and passed out handouts for file.

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

The time was 10:26 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

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SPECIAL LIVINGSTON
CITY COUNCIL MEETINGJanuary 24, 1995
4:15 P.M.

The Livingston City Council met in special session Tuesday, January 24, 1995, 4:15 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.

Mayor Mikesell stated there were three items on the special agenda and asked City Manager John Orndorff to explain. The three items were as follows:

- 1) What does the City Council expect of the City Manager in the area of personnel matters?
- 2) Is it proper for an individual Councilmember to place demands on the City Manager?
- 3) Endorse the City Manager's January 20th letter concerning "contact".

Motion was made by Hall, second by Dahl, (a) that the letters of January 20, 1995 from Lee Harris to the City Manger be deemed out of order and shall not be followed as it does not comport with Livingston's City Manager Form of Government. Any future demands of like nature shall also be deemed inappropriate, and (b) that the City Manager proceed as he deems appropriate in investigation of City police personnel matters, and (c) that while the investigation is pending, no member of the City Council shall discuss, directly or indirectly, police department personnel matters with any attorney for the Police department personnel or with any Police department personnel. That any contact of the above type may well serve to jeopardize the city's legal rights and may expose the City to serious liabilities.

Mayor Mikesell asked for questions.

Councilmember Harris asked that the first part be read again. Councilmember Hall read the motion again.

Councilmember Harris stated that he has not attempted to compromise the City Manager Form of Government, that he is only trying to find out what is going on in the City. Mr. Harris stated that Mr. Orndorff is very stingy with his information and that there is a couple Councilmembers who he has no problem in giving that information to, but not to others. Mr. Harris feels that it is his duty and that he has the responsibility to his constituents to know what is going on in the city.

Mr. Harris continued to say that regardless of what kind or type of problems the City had with Mr. Griffin, he always seemed to keep the Councilmembers well informed on what was going on in the City regardless if it was a personnel matter or not.

Councilmember Williams did not agree with Mr. Harris. Mayor Mikesell asked that Mr. Harris get to finish first.

Mr. Harris stated that he is in no way shape, or form attempting to interfere with, number one, the investigation, or number two, with Mr. Orndorff's managing of his personnel. He is interested in finding out what is going on. Mr. Harris stated that it is, and has been kind of embarrassing to have a constituent come up and say, "what is going on with so and so in the City?" With his response is, "Well I really don't know." "The City Manager has not seen fit to inform me of what is going on" "Well, doesn't the City Manager work for you" "Well, yes in a way he does, but he does not want to tell us anything. He seems like rather than informing us on a daily basis as to what is going on in the City, he attempts to save it all up and put it in a booklet for the Council meeting to give you the impression that he is doing a good job. Of which Mr. Harris thoroughly disagrees with. Mr. Harris's personal opinion is that Mr. Orndorff is incompetent.

Councilmember Williams wanted to let Mr. Harris know that she disagrees with him. She stated that she asked Ken Griffin about a personnel matter at one point and he told me that it was none of Council's business.

Councilmember Harris stated that he frequently asked him about different things and was never denied any information whatsoever.

Mayor Mikesell stated that he felt under this type of government, the City Manager Form, that Mr. Orndorff will come to the Council and inform the whole Council at one time. And for one Councilmember to make demands on the Manager without the consent of the rest of the Council is not right. And it is not conforming to the rules of the Manager/Council Form of Government.

Councilmember Harris asked where that is specifically outlined.

Mayor Mikesell stated that he is the Manager and he takes care of the personnel problems within the City. Not the Council.

Councilmember Harris stated to the Mayor that was not the question. He asked where it was specifically stated.

Mayor Mikesell stated that he is the Manager. That we are not the Manager.

Councilmember Harris stated that he was waffling.

Mayor Mikesell stated that he did not care, and asked for more discussion on the motion.

Councilmember Hall stated he did, and that the primary issue here was not Mr. Orndorff. The primary issue is, is the City Manager Form of Government can operate in Livingston. Mr. Hall believes it can. The Manager is in charge of disciplining, hiring, firing and other direction of all members of the City, especially senior staff. Mr. Hall differs with Mr. Harris' version of Mr. Griffin's attempt to continue to keep the Council informed. While

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Mr. Griffin did maintain a paper blizzard to try and detract questions from the real issues. The real issues he chose to ignore, like spending \$440,000 on a Utility Shop Building and not bothering to inform the Council that he was letting major contracts. So Mr. Hall does not believe Mr. Griffin attempted to keep this Council informed, Mr. Hall stated he most specially did not. Mr. Hall went to say that this investigation involves confidential matters involving a large number of city personnel and these city personnel deserve absolute confidentiality. Mr. Hall directed to Mr. Harris that he did not want to know any more than absolutely necessary. These people deserve confidentiality. Lastly, Mr. Hall stated to Mr. Harris that he sees some real serious conflicts of interest and Mr. Harris is exposing this City to serious liabilities and submits (Hall) a letter delivered to the City Attorney dated January 21st from a Mr. Fred Paoli, Attorney at Law, specifically has Mr. Harris speaking with this attorney, discussing City Managers. Mr. Hall is curious of who the client is here and why is the attorney addressing the letter to the City Manager on Mr. Harris's behalf. Mr. Hall finds that completely incomprehensible. Mr. Hall asked who was paying the legal bill for this letter. Was the Chief of Police paying an attorney in order to gain information for Mr. Harris, or is Mr. Harris paying the attorney? Mr. Hall feels this is a serious conflict of interest and that is what this motion here is directed to try and avoid, is to try and keep the city from facing liabilities. Mr. Hall felt it was important for the City Council to go on record that 1) We support the City Manager Form of Government and 2) and that we are going to do everything possible to limit our liability.

Councilmember Harris asked to respond to Mr. Hall's statement and that he has no problems nor does he have a conflict with the City Manager Form of Government. He thinks it is a fine form of government and he strongly endorses it. However, he still believes that the City Council people should know what is going on within the City, and he does want to know. As far as Paoli is concerned, he does not work for Mr. Harris, he did not write that letter in Mr. Harris' behalf.

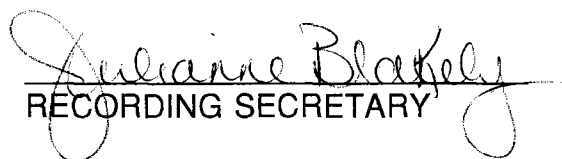
Mayor Mikesell state there was still a motion on the floor and if there was no more discussion, asked for roll call vote. The vote was three in favor, Harris opposed. Motion passed.

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

The time was 4:25 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

February 6, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, February 6, 1995, 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 January 17, 1995 Regular Council Meeting and January 24, 1995 Special Council Meeting. Motion passed.

Motion was made by Dahl, second by Hall, to accept the bills and claims that were listed for \$119,073.24. Councilmember Hall commented the ambulance is charging \$900 in the bills and claims and questioned the operating cash line in the ambulance. City Manager John Orndorff could not answer as he did not have a cash report with him.

Councilmember Williams noticed the utility bills are now coming through for the East Side School. Mrs. Williams would like them to be kept track of.

Councilmember Harris question page 21, item #1256 to Ranger Plumbing for the installation of a toilet at the Lehrkind Building. Supt. of Public Utilities Clint Tinsley explained the base of the toilet was cracked and leaking.

Page 28, item #1520 to Mountain Leatherworks. City Manager Orndorff stated there was a new gun belt purchased for the new officer. Mr. Orndorff or Acting Chief Steve McCann could not answer what the repair was for.

Page 29, item #1786 to the Sportswear Shop. Supt. of Public Services Ken Kastelitz confirmed this was T-shirts for the youth basketball and they were paid for out the users fees. Motion passed.

A public hearing was held on Resolution No. 2553, A RESOLUTION APPROVING THE APPLICATION OF THE LIVINGSTON REBUILD CENTER FOR TAX BENEFIT FOR NEW OR EXPANDING MANUFACTURING INDUSTRY PROPERTY IMPROVEMENTS OR MODERNIZED PROCESSES FOR THE CITY OF LIVINGSTON. Motion was made by Williams, second by Dahl, to approve this resolution. Councilmember Williams stated this was a ten year abatement. A public comment was heard from Warren McGee. Council discussion was heard. Councilmember Dahl asked if all the requirements were met by LRC.

Motion was made by Dahl, second by Hall, to postpone this Resolution No. 2553 until Mr. Jovick can give Council further information. Motion passed.

Mayor Mikesell asked for further public comments. More public comment was heard from Co Engelhart.

City Manager Orndorff requested that the audit presentation be next. Council was in favor.

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City Auditor Max Simmons and his associate, Randy Newburg presented the final audit to the City and offered to answer any questions. A public copy of the final audit will be available for review at the front counter in the City Office. Motion was made by Williams, second by Dahl, to accept the final audit report. All in favor. Motion passed.

Second Reading of Ordinance No. 1805 (AS AMENDED), AN ORDINANCE PROHIBITING THE DRILLING OF NEW WATER WELLS WITHIN THE CITY LIMITS. Extensive discussion on the drilling of wells within the city limits was heard from Council, Staff and Ed Hillman of Environmental Services Drilling, Bill O'Connell of the Montana State Rural Water Association, John Arrigo of the State Water Quality Bureau, Joe Meeks of the Dept. of Health Wellhead Program, Co Engelhart, Lenny Gregrey and Warren McGee. Motion was made by Dahl, second by Williams, to amend Ordinance No. 1805, by adding a sub section b, to Section 3; "This Ordinance shall be in place until the Wellhead Protection Ordinance is written." Roll call vote was Dahl and Williams in favor, Hall and Harris opposed with the Mayor casting the deciding vote as in favor. Amendment passed.

More discussion was heard concerning the banning of wells until a Wellhead Ordinance was in place.

Roll call vote on Ordinance No. 1805 as amended was three in favor, Harris opposed. Motion passed.

City Manager Orndorff called for a short recess. Council was in favor.

Mayor Mikesell called the meeting back to order.

Motion was made by Williams, second by Hall, to approve first reading of Ordinance No. 1806, AN ORDINANCE ADDING SECTION 6-190.1 TO CHAPTER 6 TO REQUIRE APPLICANTS REQUESTING BUILDING PERMITS FOR NEW STRUCTURES TO SIGN A WAIVER OF PROTEST OF S.I.D. BEFORE A BUILDING PERMIT CAN BE ISSUED WHERE CERTAIN PUBLIC IMPROVEMENTS HAVE NOT BEEN COMPLETED. Discussion was heard from Staff and Council. All in favor. Motion passed.

Council went back to Resolution No. 2553. City Attorney Bob Jovick clarified the questions Council presented earlier on Livingston Rebuild Center's application. More comments and discussion was heard from Council. Roll call vote was all in favor. Motion passed.

Minutes of the Library Board Meeting of December 15, 1994 were provided for Council's information.

The Utility Billing System revenues for January 1995 and Supt. Clint Tinsley's Incoming Water and Sewer Revenues Report were included for Council's information.

City Manager Orndorff answered Councilmember Williams' questions concerning engineer Kerin and some developers who are working on another SID for the North N Street area and for the Star Addition. It was noted that the developers do need to pave North N

Street. Supt. Tinsley stated a letter was received by the Develop Review Committee and it will be reviewed at the next DRC meeting.

City Manager Orndorff included a calendar of upcoming meetings. Discussion was heard by Council about the meeting with the City Council and County Commissioners. Council was in favor to cancel this month's meeting due to a scheduling conflict between the entities.

City Manager Orndorff included a copy of a letter from the Park County Finance Director concerning Personnel Seminar offered to the City and County. Mr. Orndorff stated he would agreed to pay \$380 towards the courses if the material covered the EEO requirements of the Human Rights Commission. The seminar is scheduled for March 15th. Councilmember Dahl questioned if the Manager had spoke with someone in Big Timber and them being involved. He stated not at this time.

City Manager Orndorff reported that Roger from United Software Technology visited the City. Mr. Orndorff told him that the City did not want the program that was ordered June 4, 1993 or the license to operate Progress language. United Software Technology did ask to be considered in the future if the City needed any software programs modified.

Included for Council's information is a RISK MANAGEMENT BULLETIN. A booklet, A PUBLIC OFFICIALS GUIDE TO RISK MANAGEMENT was placed in Council's box in the office.

Developer Greco of Bozeman, of the Palace Addition land swap, asked to be on the agenda, but called and canceled.

Included for Council's information is a Department of Administration letter, January 18th, concerning Vehicle Purchases.

Included for Council's information is a memo by former City Manager Griffin concerning Guidance in Dealing with City Council Members.

Assistant Fire Chief Art Swanson completed his probationary period and was removed from probation effective February 1, 1995.

Councilmember Hall questioned a letter from Park County in regards to 911, dated January 31st to Commercial Communications, identifying eleven problems with the system. Some discussion was heard. City Manager Orndorff will write a letter to attempt to get the problems addressed.

City Manager Orndorff reported there will be a meeting of the Livingston Ditch Water Users' Association on February 15th at 5:00 p.m. A letter was included in the packet that explained the meeting. Councilmember Hall volunteered to attend this meeting and report back to Council.

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Included in the packet was a copy of a Dept. of Stand Lands letter dated January 24th, concerning the Abandoned Channel of the Yellowstone River at Livingston. The City Manager has written a letter in an attempt to encourage the State to complete their job of delineating the state ownership of lands within the abandoned channel. One possibility that was discussed in recent City Council meetings, is a land swap for the abandoned channel within or adjacent to the City of Livingston. Mr. Orndorff stated a land trade might be to trade the ownership of Mayor's Landing for the Abandoned Channel, with the understanding that the site would always be a Fishing Access Site and that the City would maintain the site. Discussion was heard from Staff and Council. A comment was heard from Bob Burns.

Motion was made by Hall, second by Williams, that the Manager continues to proceed on the land swap with the State on a negotiating basis and to continue to report back to the Council. Motion passed.

Included in the packet was a letter from Judge Neil Travis dated February 2nd, addressing the need of a courtroom by April 1st. The City Manager will return with a plan to refigure the room. Council was in agreement.

City Manager Orndorff reported he has put out a policy in regards to a subject Councilmember Harris brought up at the last Council meeting. The policy was included for Council's information.

The "sell closing" for the Lehrkind Building is scheduled for Tuesday, February 7th at 2:00 p.m. A problem developed with the roof which will cost \$2,640 to repair. In working with the realtor, the buyer will accept \$2,000 credit on the closing statement and sign a release of liability for the roof. Motion was made by Hall, second by Dahl, that the City accept the offer on the \$2,000 if the buyer assumes all liability for the roof beyond that so that the closing may be carried out. Motion passed.

City Manager Orndorff reported on the two or three confidential letters that Manager has placed in Council's mail boxes. The City and County Attorney's have been working on the case.

Included in the packet was a letter dated January 12, 1995 from Morrison Maierle/CSSA and two other letters concerning the Park Street Sanitary Sewer Project that were dated October 10, 1994 and January 23, 1995. The two packets of material are available from the secretary. Motion was made by Harris, second by Williams, to close out the project and proceed to make a payment of \$2,575.95 to Mainline Construction and \$26.02 to the MDOR. Motion passed.

City Manager Orndorff stated there were three different bills before the legislature concerning cities that deserve official attention. City Planner Jim Woodhull prepared letters that were included in the packet. Council was in agreement to have the City Manager send letters. Councilmember Williams commended Mr. Woodhull on his writing of the letters.

City Manager Orndorff reported there were a dozen applications received for the Finance Officer's position. Mr. Orndorff mentioned about making the position a Contract Position, similar to the City Manager position. This would mean that there would be severance pay involved if the employee is terminated by the City. Mr. Orndorff is not totally in favor of that concept.

City Attorney Jovick answered a question for Councilmember Williams.

City Manager Orndorff stated the three Unions will be opening their negotiations soon and asked the Council what he could offer them. Councilmember Williams suggested a two percent across the board raise. Discussion was heard to look at the figures first. Mr. Orndorff will come up with some personnel cost figures and report back to Council.

City Manager Orndorff reported that the concrete man is scheduled to be in Livingston in March to do the curb and gutter work on East Clark Street and Blue Heron Drive.

Mr. Orndorff reported we are working on the TSEP Program, the Storm Drain Project on Clark and M Streets, which is a matching grant. The curb and gutter needs replacing, the city will do the work, as there is money budgeted. The Manager's question was, there are only a couple streets in the area that are paved, where a trench was dug, and normally when there is paving of a street a SID is involved, if we asphalt a street that does not have asphalt on it now, are we creating a problem with other people that have gravel streets that want asphalt? Mr. Orndorff stated that this was a unique situation, as we are dealing with grant money and that staff is looking for guidance on how proceed about the paving situation.

Supt. Tinsley explained the project further for Council and also answered their questions.

Council was in agreement that the streets should be paved, but to be sure that the public knows this is accomplished with grant money.

Councilmember Dahl brought up the question, that maybe the people in the area do not want their streets paved.

Council stated that the money was there, and for Supt. Tinsley to talk to the people in the area if they wanted the paving and come back to Council with a report. Mr. Tinsley stated he felt that this was a good idea to pave the half block of East Clark Street and the one block of M Street.

Bev Yager of the Park Conservation District has contacted the office and would like to meet with two members of City Council and the City Manager concerning a project. Mayor Mikesell and Councilmember Dahl volunteered.

Motion was made by Harris, second by Williams, to approve the proposed reimbursement payback for Carter Boehm and Ray Plum at the Grandview Estates as outlined in the letters in the packet.

City Manager Orndorff explained that the payback was unique because instead of defining an area, this defines how many houses the sewer line can handle. The first 125 houses, or house equivalent, outside of Grandview Estates that connect to the lines must pay reimbursement. Comments were heard from Staff and Council.

The DRC will meet with Carter Boehm and Ray Plum about the City paying the

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difference between the 8" lines on their plans to a 12" upgrade.

Motion passed.

Discussion was heard concerning Section 9-151 of the City Codes. U-Turns. Comments were heard from Council, City Manager, Supt. Ken Kastelitz, Acting Police Chief Steve McCann, Lenny Gregrey and Mike Fleming. The discussion consisted of amending the codes to not allow U-turns in the City Limits and limiting it only in certain areas of the downtown area. A study will be done.

The handicap parking spot in front of Mental Health is being change to a loading zone.

City Manager Orndorff reported that the American Water Works Association is putting on a class with a down link in Billings by satellite. The cost is \$25 per Councilperson. There is money in the budget for registration, if any of the Council are interested in attending and would pay for their own gas and food. Let the City Manager know if anyone is interested.

Councilmember Harris questioned where the Angel Line Van was being parked. City Manager Orndorff stated he had heard mention at either the Fairgrounds or one other place had been mentioned. Councilmember Williams reported she had also heard the Fairgrounds. It was noted there is not enough room at the new Utility Building to park the Angel Line Van there.

Councilmember Harris commented he seen a dump truck with the front wheels off the ground on Callender Street between M & N Streets. Supt. Kastelitz will check on this.

Councilmember Harris commented on the addendums that get placed in his box after 4:00 p.m. the day of a meeting.

Councilmember Williams stated she has received calls that 45 MPH is too fast from the Yellowstone Motor Inn to the stop light at Loves Lane.

Mrs. Williams also stated the stop lights at Loves Lane are hard to see in the sunlight. Mayor Mikesell said the lights now there are only temporary.

Councilmember Williams stated there should be overhead signs above the stop lights at B & 5th Streets designating the left turning lanes. City Manager Orndorff was asked to draft a letter to the State for the Mayor to sign.

Councilmember Williams stated she also had some citizens wanting the Council to encourage Department Stores back to the area.

Councilmember Williams asked if anything further has been done with trying to get the bonds from Griffin and Christiaens. City Manager Orndorff stated that Mr. Simmons is working on that.

Motion was made by Dahl, second by Williams, to reconsider Ordinance No. 1805.

Motion passed.

Motion was made by Dahl, second by Williams, to amend Ordinance No. 1805, Section 3, Subsection b, to strike out the words "adopt" and add "takes effect". Roll call vote was Hall and Harris opposed and Dahl and Williams in favor with the Mayor casting the deciding vote as in favor. Amendment passed.

Roll call vote on the motion as amended was three in favor, Harris opposed. Motion passed as amended.

Councilmember Dahl stated she has had a couple people contact her about renting space at the old East Side School. Ms. Dahl feels the rents need to be readdressed and a thought out plan on how the building could be used and what renters the Council will allow to rent space. Ms. Dahl would like the rent schedule to come before Council.

City Manager Orndorff responded to Ms. Dahl's request, stating his number one priority right now is personnel. His number two priority is to answer the one hundred and one findings from the auditor that are due to the State by February 28th.

More discussion concerning the East Side School was heard from Council and Staff. Ms. Dahl stated that maybe the staff could start working on a study instead of the City Manager. Ms. Dahl stated she would be glad to help in order for the building to get put to good use.

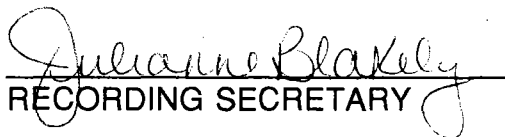
Mike Fleming commented that last week, the Park County Study Commission met and discussed the Refuse District. City Manager Orndorff commented further on the same line.

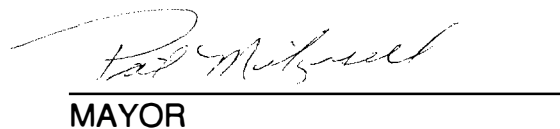
Motion was made by Williams, second by Dahl, to adjourn this meeting there being no further business. Motion passed.

The time was 11:32 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

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LIVINGSTON
CITY COUNCIL MEETINGFebruary 21, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, February 21, 1995, 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 Harris, to approve the minutes of February 6, 1995 regular Council meeting. Councilmember commented on page 5, first paragraph, page 6, paragraph 10 and page 7, paragraph 2.

Councilmember Williams corrected page 4, first sentence should read, "Dept. of State Lands".

Page 5, second paragraph talking about the Union Contracts. Mrs. Williams would like added for the record, that she thought the health benefits were basically maxed.

Motion passed.

Motion was made by Harris, second by Williams, to accept the bills and claims that were listed for \$73,375.16.

Councilmember Harris questioned page 19, item #2005, if this was the final payment on the Eastside School. City Manager John Orndorff confirmed it was.

Motion passed.

Second reading of Ordinance No. 1806, AN ORDINANCE ADDING SECTION 6-190.1 TO CHAPTER 6 TO REQUIRE APPLICANTS REQUESTING BUILDING PERMITS FOR NEW STRUCTURES TO SIGN A WAIVER OF PROTEST OF S.I.D. BEFORE A BUILDING PERMIT CAN BE ISSUED WHERE CERTAIN PUBLIC IMPROVEMENTS HAVE NOT BEEN COMPLETED. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2557, A RESOLUTION AMENDING THE FINANCE OFFICER'S SALARY SCHEDULE ATTACHED TO THE BUDGET FOR FISCAL YEAR 1994-1995 FOR THE CITY OF LIVINGSTON. Councilmember Harris voiced his comments about the Finance Officer's position.

Councilmember Hall called a point of order, quoting Roberts Rules of Order about 10 minute debates and to poll the Council on calling Mr. Harris' debate off. The vote was two in favor, Harris opposed. Passed.

Councilmember Williams responded to some of the points Mr. Harris made.

Councilmember Hall gave his comments.

More comments were heard from Mr. Harris.

An amendment to the motion was made by Williams, second by Hall, to amend Section One to read: Available in the budget through vacancy savings for the City of Livingston is amended as follows: \$29,808 to \$35,000, and to eliminate all other wording.

Discussion was heard concerning the motion. Mrs. Williams clarified she wants the job to start right out at \$35,000.

More discussion was heard. Roll call vote on the amendment was two opposed, Williams in favor. Amendment fails. Roll call on the motion was two in favor, Harris opposed. Motion passed.

Motion was made by Williams, second by Harris, to approve Resolution No. 2558, A BUDGET RESOLUTION INCREASING SPENDING AUTHORITY FOR THE REPAIR & MAINTENANCE LINE IN THE GAS TAX FUND ACCOUNT #2820-210-430240-233 BY THE AMOUNT RECEIVED FROM THE LIVINGSTON SCHOOL DISTRICT OF (\$31,941.85). All in favor. Motion passed.

Motion was made by Hall, second by Harris, to approve Resolution No. 2559, A RESOLUTION ADDING THE JOB DESCRIPTION FOR BUILDING INSPECTOR AND INCORPORATING THIS DESCRIPTION INTO THE GENERAL JOB DESCRIPTIONS FOR THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Harris, second by Hall, to approve Resolution No. 2560, A RESOLUTION OF INTENT TO VACATE THE PLATTED ALLEY IN BLOCK 40 OF THE MINNESOTA ADDITION. Discussion was heard from Staff and Council. Mr. Homer Langley, who is asking to vacate the alley, explained his intent for this request for Council. All in favor. Motion passed.

Motion was made by Williams, second by Harris, to approve Resolution No. 2561, A RESOLUTION OF INTENT TO VACATE A PORTION OF 14TH STREET FROM FRONT STREET NORTHWARD TO THE SOUTHERN LINE OF THE "T" ALLEYS IN BLOCKS TWENTY AND TWENTY-ONE OF THE PALACE ADDITION. All in favor. Motion passed.

City Manager Orndorff included the following information into the packet for Council:

- Fire Chief's Monthly Report, January 1995
- Fire Chief's End of Month Report, January 1995
- Ambulance Report, January 1995
- Police Chief's Monthly Report, January 1995
- Minutes of the City-County Joint Airport and List of Board Members
- City Court Fines and Costs, January 1995
- Monthly Trust Fund Activity, January 1995
- Forfeited Bonds Transfers, January 1995
- Livingston Government Review Study Commission Minutes for January
- Minutes of February Meeting of the Sister City International Educational and Cultural Exchange Program, Inc.

City Manager Orndorff noted that the Sister City Committee met February 9th. Officers elected were: J. Steven Baugh, Chair, John Angle, Vice Chair and Marj Brown, Secretary. The next meeting will be March 2nd. Mayor Mikesell, Vice Chair Angle and

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County Attorney DePuy may show their slides on Naganohara. The public is invited.

City Manager Orndorff included a letter from Senator Burns on Unfunded Mandates Reform Act dated January 31, 1995. Mr. Orndorff also noted he received a letter from Senator Baucus today concerning the same bill.

City Manager Orndorff noted for Council's information there was a well drilled at the cemetery when the new building was built. It supplies water to the building.

City Manager Orndorff referenced the "Fire Me and I'll Sue" Seminar to be held March 15th. Councilmember Dahl asked that Big Timber be included in the seminar. The Finance Director for the County has been asked to check with surrounding towns for interest for this seminar. At this time, it is unknown to how many towns may be involved.

Councilmember Williams questioned if the class will meet the Human Rights Commission requirements. Mr. Orndorff stated the women in the Human Rights Office has approved this.

A calendar of upcoming meetings was listed for Council's information.

City Manager Orndorff stated a public hearing will be held at the City-County Building on March 30th for the City's Government Study Commission. There is not a time set at this time.

Dan Gravage addressed Council concerning the speed limits on Highway 10 West by Keifer Motors. Mr. Gravage's request was that the speed limit be increased by 10 MPH at each speed limit sign up to 55 MPH. He stated there has been a lot of comments heard over the past couple years that the speed limit is too low and needs increasing.

Council was in agreement with Mr. Gravage, and agreed to a traffic study.

Motion was made by Williams, second by Harris, to approve the City's investments and pledged securities as reflected in the Monthly Report for January 1995, City of Livingston Finance Department. Motion passed.

City Manager Orndorff reported there will be some investments maturing at the end of this month and first part of next month.

Included in the packet for Council's consideration, is a letter from Windy City Homeworks, Inc., requesting a 2 hour parking in front the business at 306 S. Main and also on the Clark Street side. They also request a loading zone at the curb cut on Clark Street. Parking in the 300 block of South Main is not currently 2 hours, although it is in the 200 block of South Main.

Extensive discussion was heard from Council and Staff. Motion was made by Williams, second by Harris, to allow the South side of Clark Street from Main Street to the alley as two hour parking.

An amendment to the motion was made by Hall, second by Williams, that the two spaces in front of the retail business on Main Street be reserved for two hour parking. Amendment passed. Motion passed as amended.

Supt. of Public Services Ken Kastelitz stated that a curb cut was already there.

Mayor Mikesell stated the loading zone was already there, due to the curb cut.

City Manager Orndorff reported to Council that the City's Government Study Commission was requested a budget for FY95 totaling \$1,250. Mr. Orndorff noted that City Council at the December 19th meeting approved a resolution transferring \$600 for the Study Commission.

Motion was made by Harris, second by Williams, to approve this request.

Discussion was heard. Council was not in favor of allowing traveling money.

Council was in agreement to consider more in the next budget year and to stay with the \$600 at this time.

Voice vote on the motion was three opposed. Motion failed.

City Manager Orndorff reference the 911 system and a claim that was included. The dictaphone will be installed February 28th and then the system should be ready to go on line. Attached was a claim from High Country Communications for \$3,056 for work performed moving radio and telephone lines out of the City-County Building. Mr. Orndorff noted that the former City Manager said that the City would be responsible for getting everything to the 911 System.

Discussion was heard, with Councilmember Harris asking Chief Lynn Gillett to come to the podium and explain.

Motion was made by Harris, second by Williams, that until more information was obtain, to refuse paying it. Motion passed.

City Manager Orndorff stated that Reso. No. 2480 established a Special Committee to study and recommend an infrastructure replacement program for the City Water and Sewer Departments and any utility rates that might need to be required to address the needs. Recommended for the Committee's membership are: Resident Ray Hokanson and Jim Weamer. A third citizen is to be on the committee also. Councilmembers William and Hall volunteered. Also recommended for the committee is the City Manager and Public Utilities Superintendent.

These appointments will need to be made by the Mayor. The City Manager will look for another citizen.

Included is a letter from Planner Woodhull concerning the Wellhead Protection Ordinance. City Manager Orndorff stated that the Staff needs direction from the Council. Mr. Woodhull was asked to come forward to explain what it was all about and to answer questions.

Some discussion and comments were heard. Council was in agreement to go with the State for support, opposed to the Federal Government.

Mr. Woodhull will poll the original committee to see if there is any interest.

Mayor Mikesell confirmed he would again this year endorse a letter co-signed by the County Commissioners and Mayor of Livingston concerning the SUPERHOST Program.

The Mayor commented he heard a lot of positive on this program and would endorse the letter.

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Staff of the Montana Department of Transportation met with the City's staff at Park Street and 5th Street on February 9th. This location was identified as a location which experienced car-bicycle accidents in the past. The DOT recommends a sidewalk on the south side of 5th Street from Park Street to Front Street. The State only has money for the first 70 feet and it would be up to the City to fund the rest.

Mr. Orndorff hoped the State would come back to the City with what their finalized plan would be. Discussion was heard from Staff and Council.

Councilmember Hall stated that the Chamber of Commerce sign was in the way and need to be moved higher or lower. City Manager Orndorff will look into this.

City Manager Orndorff made note to the Cash Report on page 7 of the Finance Department's Monthly Report for January 1995. The only negative figure is under 5510 Ambulance Services. Mr. Orndorff did note that the account does have sufficient cash receipts and replacement and depreciation cash to have an overall positive balance.

Councilmember Hall commented on the budget from one year ago and commented on the Budget Management at this time.

City Manager Orndorff informed Council the County Commissioners visited the East Side School Building searching for a storage location for the Search and Rescue to store their gear. They are interested in the storeroom on the main floor with the shelves, next to the stairs. A letter may be received at some point.

City Manager Orndorff informed the Council, that the City netted \$158,210 from the sale of the Lehrkind Building. There is a claim in this packet to pay the School District the final payment of \$19,500. Mr. Orndorff suggested that \$50,000 of that money be placed in reserves, earmarked for a new Fire Truck. It was noted that the fleet was aging, with the newest Fire Truck being 20 years old and the oldest was 37 years old. Discussion was heard on earmarking the money for a truck.

Motion was made by Harris, to earmark \$50,000 to reserves for a new Fire Truck. Motion died due to lack of a second.

Councilmember Hall and Williams stated that they were not against the idea, but felt they needed to talk with Fire Chief Tim Parks before they could vote on earmarking \$50,000.

Mayor Mikesell stated that he and Councilmember Harris have had discussion on the need of a new fire truck, as the need has been discussed by past Councils.

Councilmember Hall would like a comprehensive look at what the City's Capital needs may be.

More discussion was heard between Council and Chief Parks. Mayor Mikesell asked the City Manager to put together a Capital Outlay list.

City Manager Orndorff stated the City's Law Enforcement personnel is looking at forming a Scout Explorer Post. Five adults must be on the committee, with people already volunteering for this. The Post would be for males and females who are 14 - 20 years old. They would receive training in police work and could help with crowd control at the 4th of July parade, filing in the Dispatch Center, etc. Mr. Orndorff stated the program would be covered by their Scout Insurance. Mayor and Council felt this was a good idea.

City Manager Orndorff stated Council received a packet of the Final 25 City Manager applicants that scored the highest on individual sheets. Mr. Orndorff informed Council of a replacement page to the booklet.

Some discussion was heard by Council. Another worksession was scheduled for February 27th, 7:00 p.m.

Mr. Orndorff received the go ahead to sending the other 181 applicants a "thank you for applying" letter.

City Manager Orndorff included some percentage figures of personnel costs which were requested at the last Council meeting, for him to go to negotiations with the Unions.

Councilmember Williams stands at a 2% raise and the Council should be omitted from the 2% rate increase. The rest of the Council agreed to the 2% raise for employees.

More discussion was heard about the Final 25 City Manager Applicants list.

City Manager Orndorff commented on City Councilman Harris' two letters of February 9th, that were included in the packet.

Councilmembers gave their opinions on the priority items that were listed. Comments were heard from Council about the hiring of a Finance Officer.

Councilmember Harris voiced his opinion that Mr. Simmons is grossly overpaid for the audit. Mr. Harris questioned how Mr. Simmons would be paid for the investigation obtaining bonds on Christiaens and Griffin. City Manager Orndorff stated it will be the Council's responsibility to pay, that the Council passed a motion to have Mr. Simmons look at this. Mr. Orndorff confirmed for Mr. Harris that a budget amendment will be needed to pay Mr. Simmons.

Councilmember Harris questioned if the City knew how many street lights there were. Supt. Kastelitz stated that we did and he has a list at his office.

Mr. Kastelitz answered for Mr. Harris that the City was getting what they were paying for on the street lights.

Mr. Kastelitz stated the City was responsible for the street lights at Mayor's Landing and reason they were out was because everytime they were replaced, they were broken out, so he quit buying fixtures for that location.

Mr. Harris stated he would like some kind of map with the light locations.

Councilmember Harris questioned City Manager Orndorff on how the Police Department Budget was. Mr. Orndorff stated it was within budget with the exception to the Dispatcher's overtime pay.

Mr. Harris asked for the month of February with the Chief and Captain pay. Mr. Orndorff stated there was approximately a \$1200 month increase. This will be overall with that section of the budget.

Councilmember Harris questioned how the budget was within the Fire Department. Mr. Orndorff reported there has been 88% spent. An adjustment will need to be made at the end of the year.

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Councilmember Williams asked Councilmember Hall to report on the Ditch Water Users Meeting he attended last month. Mr. Hall gave Council a related what had been discussed.

City Attorney Jovick recommended that management look further into what was discussed and also see how many shares the City does own, to take a look at possible financial and/or liability implications for the City.

Councilmember Williams asked if Mayor Mikesell and Councilmember Dahl attended a meeting with the Park Conservation District. Mayor Mikesell stated they have not attended, with the Mayor stating he will find out.

Councilmember Williams questioned City Manager Orndorff if he has heard from Mr. Simmons when he may have something ready concerning Griffin and Christiaens bonds. Mr. Orndorff stated Mr. Simmons said it would be a while.

Councilmember Williams asked Supt. Kastelitz about the street light at M Street Park that is on 24 hours a day. Someone from Montana Power Company has told a citizen they were paying for the lights. Mr. Kastelitz stated that was incorrect, the city is paying for the street light.

Councilmember Hall stated that in July the franchise renewal come due for the City's cable system. Mr. Hall stated there have been numerous comments of people being unhappy with the television service we have been receiving recently.

Mr. Hall requested that the Manager put out a letter to other cable systems requesting proposals to see if anyone is interested in replacing the cable system we have in town. Mr. Hall stated he could provide the Manager with a listing of the top 50 cable operators in the Country to see anyone is interested.

Discussion was heard concerning the problems that have been noted through the public. City Manager Orndorff commented on Channel 7, Billings.

Councilmember Hall commented on Councilmember Harris's February 9th letter and a February 14th letter. Councilmember Harris responded to Mr. Hall's comments.

Dan Gravage addressed Council stated that item 9 on the agenda was an excellent suggestion. This was the possibility of installing a sidewalk along 5th Street between Park and Front Streets.

Bob Weimer addressed Council concerning a ticket he received in the downtown area, and that it is hard to find a parking space near the Senior Citizen Center during the day. He feels there is an Ordinance on the books that states when you are no longer using a driveway, it should be returned to a curb.

Supt. Kastelitz stated where Mr. Weimer is referring to, is being used as a handicap ramp.

Mayor Mikesell questioned if there were any other areas around the downtown business that needs to be reverted back to curb parking. Supt. Kastelitz will look into for the Mayor

and report back.

Ruth Eggar asked if there was a time limit for owners of property with problems that needed to be fixed. Supt. Tinsley explained for Mrs. Eggar, that her problem with her neighbor's leaking water service line has been notified. Mr. Tinsley confirmed for Mrs. Eggar that she could contact the Utility Office to find out who the property owners are.

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

The time was 9:55 p.m.

ATTEST:

APPROVED:

Julianne R. Kelly
RECORDING SECRETARY

Pat Mitchell
MAYOR

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LIVINGSTON
CITY COUNCIL MEETINGMarch 6, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, March 6, 1995, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Fred Hall, Sheryl Dahl and Barb Williams with Mayor Pat Mikesell presiding. Councilmember Lee Harris was absent.

Motion was made by Williams, second by Dahl, to approve the minutes of February 21, 1995 regular Council meeting. Councilmember Williams made a correction to page one, paragraph two, sentence two should read: "Councilmember Harris".

Ms. Williams corrected page seven, first paragraph, second sentence should read: "Mr. Hall related to Council what had been discussed." Motion passed.

Motion was made by Dahl, second by Hall, to accept the bills and claims that were listed for \$30,594.98. Councilmember Williams brought attention to page 22, item #1281 to MPC, for the Eastside School power bill was \$1,912.35, with \$223.70 was electricity, \$1,682.84 for gas, and unmetered was \$5.81.

Councilmember Dahl questioned page 17, item #1294 to Viking Office Products for a cross cut Shredder. This is a paper shredder for the Police Department. The other shredder wore out and could not be used for a trade in.

Ms. Dahl commented on the 15 cases of paper that was ordered and asked if the City was making an effort with recycling because of the rise in paper costs. Staff confirmed the office was using both sides of paper to save on paper.

Councilmember Hall questioned page 13, item 1182 to Mobile Repair and Welding for Fabricate & Install Handrails. Supt. of Utilities Clint Tinsley stated this was for the Sewer Plant from when the State inspected the Plant eight or nine months ago. This was one of the items the City was wrote up on.

Motion passed.

Resolution No. 2563 was not introduced at this time.

Motion was made by Hall, second by Dahl, to approve Resolution No. 2564, A RESOLUTION AUTHORIZING THE CITY OF LIVINGSTON TO RESUBMIT AN APPLICATION TO THE STATE OF MONTANA DEPARTMENT OF COMMERCE, HELENA FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FOR LRC AND SUPPORTING THEIR APPLICATIONS. All in favor. Motion passed.

TCI Manager Don Branton address Council to explain the Channel 7 problems and some about the cable system in general. Questions to Mr. Branton were heard from Council, Lenny Gregrey and Co Ingelhart.

City Manager Orndorff listed the following calendar of events for Council's information:

March 7, 4:30 p.m., check out 911 system, Dispatch Center
 March 9, 10:00 a.m., City and County Government Study Commission with meet concerning Solid Waste.
 March 16, 7:00 p.m., Sister City Committee, Council Chambers
 March 20, 7:30 p.m., City Council Meeting
 March 30, No time set, Study Commission Public Hearing
 March 30, Next Blood Drawing
 April 3, 7:30 p.m., City Council Meeting
 April 11, 7:30 p.m., Board of Health - Fyffee's Rabies Presentation, City Council Building
 April 20, 10:00 a.m., City Government Study Commission

City Manager Orndorff reported that Undersheriff's Room is now a Gun Room and is unavailable for the Code Enforcement Officer. Mr. Orndorff is seeking other office space.

Director John Moore of the State's Professional Development Center will conduct the "Fire Me & I'll Sue" workshop for the managers from Park County and the City of Livingston on March 15th, 8:30 a.m. - 4:30 p.m. A portion of the class will emphasize political belief as a protected status under the Montana Human Rights Act.

Listed in the packet were the Utility Billing System figures for February 1995.

Included for Council's information was the Incoming Water & Sewer Revenues Report as of March 1, 1995.

A trial date of November 14, 1995 was set for the Refuse District - City of Livingston litigation of the Incinerator.

City Manager Orndorff reported that a resident has an objection to the dog licensing fees. The fees are currently, for dogs who are not spade, males - \$10 and females - \$30. This resident believes that fee should be the same for both sexes.

Councilmember Dahl asked if the Code Enforcement Officer has been asked for her input. Mr. Orndorff stated he would discuss this with her.

Motion was made by Williams, second by Dahl, to allow the Red Cross to use the Civic Center in the event of a disaster in this area. Mr. Orndorff stated the Dispatch Center would be listed as the contact point, with Dispatch then reaching the appropriate City Employee. Motion passed.

Councilmember Dahl and Supt. Tinsley looked at the former Council Chamber seats which are stored in the old Water Plant Building. There are 24 seats that could be cleaned and reinstalled in the chambers.

Mr. Orndorff reminded Council that the Chambers needed to be available for the City Judge by the first of April.

City Judge Clerk Julie Juvan will move into the main City Office. Code Enforcement Linda Fyffee will move back into her old office, next to the City Judge.

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Addition chairs were discussed.

A claim from High Country Communications was discussed at the last Council meeting and is again included for Council's decision. Discussion of the bill was heard from Council.

Motion was made by Hall, second by Dahl, that of the total bill, Council authorize the payment on the \$1,653.50 that is connected with the move and do not include the charges which were charged to the 911. Mr. Hall further explained his motion, with more discussion between Council.

Motion was made by Hall, second by Dahl, to table this motion until the bill can be broken out into two portions, 911 and City expenses. Motion passed.

The subject of Fire Lines was discussed at County Commissioners-City Council meeting of March 1st. The ordinance that was passed in 1990 was included in the packet. Also included was a list of buildings having four inch Fire Lines which were billed on December 20, 1994. Mr. Orndorff stated that the Fire Line problem was resolved. It was noted this was an annual rate, not a monthly rate.

It was also agreed at the March 1st meeting with the Commissioners that the parking lot at the back of the City-County Building will be 2 hour parking between 8 a.m. - 5:00 p.m.

The Parking Attendant will patrol this lot after the proper signs are erected and will issue parking tickets. A comment was heard from Urana Clark.

City Manager Orndorff reported that the Development Review Committee (DRC) requested that Montana Homes, L.L.C. give the City a quote on increasing the sewer and water lines for Grandview Estates (Montague Addition) from 8 inch lines to 12 inch lines. The quote for 3,300 feet of Sanitary Sewer Line was \$57,915. The DRC will make a recommendation in the future.

Discussion was heard from Staff and Council. Supt. Tinsley agreed with Councilmember Hall that this was a really high quote.

City Manager Orndorff stated that SID information packet submitted by Engineer Kerin was forwarded to the Development Review Committee for their review and recommendation.

It was noted for the public, that the DRC meets on the first and third Wednesday of each month. Comments were heard from Council

No action was taken at this meeting.

Councilmember Hall brought up for discussion was the Ambulance. Mr. Hall cited a number of items that needed to be addressed to see the Ambulance running at least, at a break even level and to be able to start putting money aside for depreciation.

Suggestions were heard from Urana Clark. Extensive discussion was heard from the Councilmembers, Fire Chief Tim Parks, City Manager Orndorff, Urana Clark, Jerry Weimer, Co Ingelhart, Mike Fleming and Clint Tinsley.

Mr. Hall stated the problem needs to be addressed as soon as possible.

Mayor Mikesell stated he has been approached by several downtown restaurants, that say City employees have told them they will need to have grease traps put in their sinks.

Supt. Tinsley confirmed that the businesses that need the traps will be required to install them. Mr. Tinsley explained further how the grease causes major sewer backups, liability to the City and that this Ordinance is already on the books.

Bernice McGee stated that the Sr. Citizen Center does not use grease.

Co Ingelhart thanked the Sewer guys for their courtesy.

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

The time was 9:10 p.m.

ATTEST:

APPROVED:

Juanita Blakeley
RECORDING SECRETARY

Pat Mikesell
MAYOR

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LIVINGSTON
CITY COUNCIL MEETING

March 20, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, March 20, 1995, 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 Dahl, second by Williams, to approve the minutes of March 6, 1995 regular Council meeting. Motion passed.

Motion was made by Williams, second by Dahl, to accept the bills and claims that were listed for \$46,949.45. Councilmember Harris questioned page 11, item #1144 to High Country Communication. City Manager Orndorff summarized and asked Ms. Williams to explain further as she has spoke to the person submitting the claim. Discussion took place between the Mayor and Council. An amendment to the motion was made by Hall, second by Williams, that by the City paying this bill, does not in any way, waive any rights we may have to collect this money from some other source if in the future an audit should indicate this was not an legitimate contract let by the City. Amendment passed. Mr. Orndorff confirmed to Mr. Hall that the 939 line still has sufficient money to cover this bill.

Councilmember Dahl questioned page 19, item #1861, for 30 chairs for the Council Chambers. Mr. Orndorff stated the old seats will also be placed in the Council Chambers, along with these. The U-Haul rental was for the 30 chairs.

Councilmember Harris questioned page 11, item #1170 to the Local Government Center. Mr. Orndorff stated this registration was for the week long Clerk's school.

Motion passed.

Motion was made by Williams, second by Harris, to pay a claim to Peak Recording and Sound in the amount of \$195.75 for duplicating tapes from the City Manager's interviews of the Law Enforcement personnel. Motion passed.

Mayor Mikesell proclaimed the Month of March as American Red Cross Month.

Motion was made by Williams, second by Harris, to approve the City Board of Adjustments recommendation to grant St. Andrew's Church, 310 East Lewis a variance that would allow them to infringe upon the twenty-five foot front yard setback required in Medium Density Residential (R11) Zoning Districts.

City Planner Jim Woodhull gave background information to the Council. Councilmember Hall asked one question for Mr. Woodhull. Motion passed.

Motion was made by Dahl, second by Hall, to approve Resolution No. 2562, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE LIVINGSTON FIRE & AMBULANCE AND THE SWEET GRASS COUNTY AMBULANCE SERVICE FOR RESOURCES AVAILABLE IN THE CASE OF A DISASTER. All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve Resolution No. 2563, A RESOLUTION OF INTENT TO ANNEX CERTAIN REAL PROPERTY CONTIGUOUS TO THE CITY OF LIVINGSTON. Councilmember Hall asked for clarification. Mr. Orndorff confirmed this was just an intent. The next step will be in two more meetings. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2565, 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. Councilmember Harris questioned why Mayor Mikesell's name was included in the contract. An amendment to the motion was made by Dahl, second by Hall, to strike out Pat Mikesell's name. Amendment passed.

All in favor. Motion passed as amended.

Motion was made by Williams, second by Harris, to approve Resolution No. 2566, A RESOLUTION AMENDING THE JOB DESCRIPTION FOR THE UTILITY WORKER II AND INCORPORATING THIS INTO THE GENERAL JOB DESCRIPTIONS FOR THE CITY OF LIVINGSTON. All in favor. Motion passed.

Resolution No. 2567 was not introduced at this time.

The following reports and minutes were included for Council's information:

- Development Review Committee Minutes for March
- City Judge Monthly Reports for March
- Government Review Study Commission Minutes for February
- Fire Chief's Monthly Activity Reports for February
- Acting Police Chief's Monthly Activity Reports for February
- Library Board Meeting Minutes for January 19, 1995
- Ambulance Financial Report for February
- Sister City International Educational and Cultural Exchange Program Minutes and related papers

Councilmember Harris commented on the Acting Police Chief's February Monthly Report versus the January Monthly Report. Acting Police Chief Steve McCann explained. City Manager Orndorff stated that this subject was best brought up in a worksession. Council was in agreement to agenda this for the next worksession.

City Manager Orndorff reported on the following upcoming calendared events:

- March 20, 7:30 p.m., City Council Meeting
- March 23, 7:00 p.m., Sister City Committee; Council Chambers
- March 24, 3:00 p.m., Utilities Building Open House and Owen Engen's Retirement
- March 28, Fire Fighter Negotiations
- March 29, 1:30 p.m., Bozeman Refuse Meeting
- March 30, 7:30 p.m., Study Commission Public Hearing
- April 3, 7:30 p.m., City Council Meeting

April 4, Public Works Negotiations
 April 5, 4:30 p.m., City-County Meeting
 Discussion of the HOUSING ASSESSMENT & 5 YEAR PLAN
 April 5-6, Super Host Program
 April 11, 7:30 p.m., Board of Health; Fyffe's Rabies Presentation
 April 17, Arbitrate Harrington Case
 April 20, 10:00 a.m., City Government Study Commission
 April 27, Joint Meeting of Study Commissions
 Study Law Enforcement Agencies

City Manager Orndorff explained that the parking lot behind the City-County Building was now 2 hour parking and will be enforced. Mr. Orndorff answered a question for Councilmember Harris.

City Manager Orndorff stated there were some petitions attached to the addendum that no additional 2 hour parking or 15 minute parking areas be established on Clark Street between 2nd Street and B Street and on South Main Street between Clark Street and Geyser Streets. Discussion and comments were heard from Council.

City Manager Orndorff reported that he has authorized the issuing of payment to two checks for the conclusion of the EDA Grant. One to Mainline Construction, Inc. for \$2,575.95 and the other to State of Montana Miscellaneous Tax Division for \$26.02. Council authorized the payment of the checks February 6, 1995 at their regular Council meeting.

City Manager Orndorff explained a memo from Supt of Public Services Ken Kastelitz, March 14, 1995. Mr. Orndorff agrees with Mr. Kastelitz's recommendations that are listed as follows:

BANDSHELL:

NOW: No Charge without power
 \$25.00 per day with power

PROPOSED: \$25.00 per day without power
 \$50.00 per day with power

CITY OWNED PARK LAND, TENNIS COURTS, and BASEBALL FIELDS:

NOW: No Charge
 PROPOSED: \$25.00 per day per court or field

Supt. Kastelitz answered questions that were asked by Council. City Council currently has a set policy that a 15% fee is to be charged of individuals or groups who use City property for activities that charge a fee. Motion was made by Williams, second by Harris, to accept the above listed proposals. Williams incorporated into her motion and Harris

agreeing that the 15% fee would be done away with. Motion passed.

A memo from Supt. Kastelitz dated March 13, 1995 on the usage at the Civic Center was included for Council's information. It was noted that some 8,590 people have used the Civic Center from July 1 until February 28.

Supt. Kastelitz explained a program, Camp Sacajawea, that he is looking to implement for kids during the summer.

City Manager Orndorff reported that he has approved the replacing of glass in the door of the Lehrkind Building. Also, there is a bid from Tim O'Hara to remove the tank buried in the alley for \$5,550. If there is no objection from Council, Mr. Orndorff will proceed with these items.

City Manager Orndorff reported that there are 15 applicants on the City's long list for the City Manager's search. Mr. Orndorff urged Council to review a ICMA's Employment Agreement for Managers that was distributed several weeks ago. Mr. Orndorff stated it was better to start making decisions now rather than at the last moment; but leave some flexibility.

Reference was made to an enclosed letter from the Park County Commissioner's dated March 13, 1995. This was a formal invitation to merge concerning solid waste. If the City Council wishes to proceed, a date and location need to be established for such a meeting. Council was in agreement to work with the County on solid Waste. Commissioner Dan Gutebier was in the audience. March 27th at 4:30 p.m., in the Commissioner's Office was the time and date set for the meeting. It was noted that Council cannot make a decision at the informal meeting. They have to make all decisions at the next Council meeting.

City Crews have fixed Blue Heron Drive. It is expected that the concrete person will arrive on Wednesday to get prepared. Hopefully, they will finish by the end of this week and start on Clark Street the next Monday.

Enclosed in the packet, was a letter dated March 15, 1995, from the Development Review Committee concerning the Grandview Subdivision and a letter from Montana Homes, L.L.C. dated March 1, 1995. Also, in the addendum, there was a memo concerning the basis of Mr. Boehm's \$17.50 amount per foot for the difference between an 8" to a 12" sewer main.

Present for the discussion was Ray Plum, of the proposed subdivision and his attorney Karl Knuchel. Discussion was heard from Council, Staff, Mr. Plum and Mr. Knuchel. Talk was also heard about the City supporting the difference in cost of re-engineering to a 12" sewer system.

Motion was made by Hall, second by Harris, as rapidly as possible, make money available to re-engineer the project into a 12 inch system from a 8 inch system, and pay the engineering costs.

More conversation was heard with Mr. Knuchel and Council, about his clients

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applications for approval for the subdivision and the engineering for the difference size sewer line.

City Attorney Jovick stated that this would have to remain a Developer project and that all's the City could do, is make an offer to provide the money to their Engineer, who could accept or reject.

Roll call vote on the motion to spend money on engineering, was all in favor. Motion passed.

Motion was made by Harris, second by Williams, to table, until such point in time, we can agree with the Developer and have a meeting.

A modified motion was made by Harris, second by Williams, that the City Manager represent the City in the negotiations. The City Manager will bring to Council, any information that needs action. Amendment passed.

Motion to table passed.

Councilmember Hall commented that since the last Council meeting, he feels that the quality of the television reception has improved on most channels, except for channel 7.

City Planner Woodhull explained for Councilmember Dahl, Mr. Willyerd's situation.

Planner Woodhull explained how the study for the East Side School was progressing, for Councilmember Dahl.

Ms. Dahl stated she would like to see if all businesses are required to have the ADA upgrade. Mr. Woodhull explained further. Councilmember Hall commented on a business that has complied with a ADA restroom and the related cost.

Councilmember Dahl questioned the Adopt a Highway Program City Employees were involved in. City Manager Orndorff will investigate into further.

Mayor Mikesell commented that he received a few calls concerning closing the Interstate due to the high wind conditions.

Mike Fleming addressed Council and mentioned that the person to call would be George Bryce, the Disaster and Emergency Services Director, for additional help during instances like the highway being closed. Mr. Bryce would be able to supervise extra help for directing traffic through the City.

Councilmember Hall commented on the wording in the Sewer Ordinance. Mr. Hall would like the City Manager, City Attorney and Supt. of Public Utilities start rewriting the Ordinance as soon as possible. Mr. Orndorff stated that Supt. Tinsley is working on that.

Councilmember Williams commented that she received a complaint concerning parking ticket problems when a Art Show was recently in town. The complainant wanted to know why parking tickets were issued, when the Art Show was bring people to the area.

Acting Chief Steve McCann commented on the situation and also stated that if the someone would contact the City in advance, the parking attendant's schedule would be adjusted accordingly.

A comment was heard from Councilmember Dahl.

City Manager Orndorff answered Lenny Gregrey's question that a worksession will need to be worked up concerning Chief Gillett.

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

The time was 9:22 p.m.

ATTEST:

APPROVED:

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Julianne Blakely
RECORDING SECRETARY

Pat M. Sued
MAYOR

LIVINGSTON
CITY COUNCIL MEETINGApril 3, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, April 3, 1995, 7:30 p.m. in the Community Room at the City County Building. Councilmembers present were Barb Williams, Fred Hall, Sheryl Dahl with Mayor Pat Mikesell presiding. Councilmember Lee Harris was absent.

Motion was made by Dahl, second by Williams, to approve the minutes of March 20, 1995 regular Council meeting. Motion passed.

Motion was made by Dahl, second by Williams, to accept the bills and claims that were listed for \$39,763.88. Councilmember Williams called Council's attention to the Utility Billing claim on page 11. Mrs. Williams commented on the water, sewer and garbage bill for the EastSide School. Acting Police Chief Steve McCann could not figure out where the 159,000 gallons of water went, that was used in the last monthly. Public Utilities Supt. Clint Tinsley stated that was a large amount of water and would look into further. Motion passed.

Mayor Mikesell proclaimed the Week of April 3-8, 1995 as Park County Pioneer Week in the City of Livingston. Mr. Mikesell mentioned that the 59th annual Park County Pioneer Society Banquet will be held Saturday April 8, 1995 at 6:00 p.m. at the Civic Center.

City Planner Jim Woodhull gave background information concerning Phase I of the Mountain View Subdivision.

Motion was made by Williams, second by Dahl, to accept the Improvement Agreement that was listed in the addendum. Questions asked by Council, were answered by Planner Woodhull. All in favor. Motion passed.

Motion was made by Hall, second by Dahl, to accept the final plat of the Mountain View Estates, Phase I. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2568, A RESOLUTION APPROVING A STANDARD AGREEMENT BETWEEN MORRISON MAIERLE/CSSA (ENGINEER) AND THE CITY OF LIVINGSTON TO DETERMINE THE CURRENT AND MAXIMUM FLOW CAPACITIES OF EXISTING SANITARY SEWER MAINS IN THE AREA NORTH OF THE MAIN RAILROAD TRACKS. Supt. Tinsley explained this resolution for Mayor Mikesell. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2569, A RESOLUTION APPROVING A TERMINATION OF LEASE NO. MAIN 216,995 BETWEEN MONTANA RAIL LINK, INC., AND THE CITY OF LIVINGSTON. City Manager Orndorff gave further clarification for Councilmember Williams. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2570, A RESOLUTION APPROVING A RELEASE AND SETTLEMENT AGREEMENT. City Manager Orndorff gave further clarification for Councilmember Hall. Mr. Orndorff stated this did meet the obligations in the agreement. It was noted that Mr. Kelly has already agreed to, and has signed the agreement. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2571, A RESOLUTION OF INTENT TO ADOPT A PROPOSED MASTER PLAN. Councilmember Williams stated that the City has been calling this a "Comprehensive Plan" and did note for the other Councilmembers a couple of changes that will be made to the various zoning maps. Councilmember Williams clarified a question for Councilmember Hall.

All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approved first reading of Ordinance No. 1807, AN ORDINANCE ADDING SECTION 5-11.1 TO CHAPTER 5 TO PLACE RESTRICTIONS UPON SID FORMATION REVOLVING FUND TO LIABILITY. City Planner Woodhull explained the updated version of the Ordinance that was in the addendum.

This ordinance will be in effect, after second reading, at the end of May. This will not affect any of the current SID's. It was stated that Rick Kerin's current SID would not be effected.

All in favor. Motion passed.

The following minutes were listed for Council's information:

Development Review Committee, March 29, 1995
Library Board Meeting, March 16, 1995

The following upcoming calendared dates were listed as follows:

- April 5, 4:30 p.m., County Commissioners-City Council Monthly Meeting; Housing Assessment and 5 Year Plan. Another item requested to be placed on the agenda by Councilmember Hall was to have Sheriff Johnson and Captain McCann to talk about security with the buildings.

- April 5-6, Super Host Program

- April 11, 7:30 p.m., Board of Health; Fyffe's Rabies presentation, City-County Building.

- April 20, 10:00 a.m., City Government Study Commission

- April 27, Joint Meeting of Study Commissions; Study Law Enforcement Agencies.

The Department of Health and Environmental Sciences is sponsoring a half day workshop for municipalities May 25th in Helena. City Manager Orndorff urged Council to attend.

A letter was included that stated there was a delay to the "N" Street Special Improvement District some 30-60 days. Engineer Rick Kerin requested the delay. There is the possibility combining that SID with a SID at the Star Addition.

A Department of Transportation TranPlan 21 is in the City Office for Council's review.

City Manager Orndorff reported on a letter that was received from State District Traffic Engineer Alt. Mr. Alt has a slide presentation which he can give to Council to explain how their traffic studies are conducted. Mayor Mikesell stated that he would like the presentation to be scheduled.

Mayor Mikesell stated that the State said they would be installing a different traffic light and widening the road on Highway 89 South, but, due to the lack of funds, the project will be delayed.

Motion was made by Williams, second by Dahl, to form a joint Solid Waste Study Committee. The Committee will consist of a City Councilmember, a County Commissioner, a Clyde Park Resident, a City Appointee, a County Appointee, and as an advisors, a member from each Government Study Commission, Ed Flatt and Ken Kastelitz. Mayor Mikesell stated he would be the City Council representative. Councilmember Hall stated that Tom Hallin would consider the City Appointee position. Mr. Hallin will be contacted to confirm. Motion passed.

Three bids were received for Street Work Material for 1995. They are as follows:

STS GRAVEL - Livingston

Chips: \$16,560 for 1,200 cubic yards
\$13.80 per cubic yard over 1,200

CENEX - Laurel

Oil - 800 MC: \$21,600 for 27,000 gallons
\$0.80 per gallon over 27,000 gallons

JTL GROUP, INC. - Belgrade

Blacktop Materials -
250 MC Oil: \$25.00 per ton for 500 tons
\$25.00 per ton over 500 tons

Chips: \$19.00 per cubic yard for 1,200 cubic yards
\$19.00 per cubic yard over 1,200 cubic yards

Supt. of Public Services Ken Kastelitz stated these were all the bids received for Mayor Mikesell. Discussion was heard. Mayor Mikesell requested that it be noted, that there was only one bid each, received for Oil and Blacktop Materials.

Motion was made by Dahl, second by Williams, to approve Staff recommendation to accept the bids from STS GRAVEL for the Chips, CENEX for the Oil, and JTL GROUP, INC. for the Blacktop Materials. Motion passed.

Motion was made by Dahl, second by Williams to accept Chris Petrik's resignation from the Historic Preservation Commission and appoint local sign contractor Dick Barrere to the vacant position. City Planner Woodhull answered a question for Councilmember

Dahl. Motion passed.

Motion was made by Dahl, second by Williams, to approve the Mayor's reappointment of the following people to the City-County Planning Board:

Tom Berry
Fred Shellenburg
Dave Amsk
John Fryer

Motion passed.

City Manager Orndorff reported that the cement contractor laid a few hundred feet of curb and gutter on Blue Heron Drive before the last snow fall. The Clark Street Project will be one week behind schedule.

City Manager Orndorff reported that we are down to 13 applicants from the final 25. The deadline for accepting the final essay questions will be April 15th.

Mr. Orndorff urges Council to be reviewing the ICMA City manager Contract and give serious thought to what the City Council should place in such a contract.

A worksession has been scheduled for Monday, April 17th at 6:30 p.m. in the Council Chambers before the regular scheduled meeting.

City Manager Orndorff reported that he has been in contact with Tim Gable, Chamber of Commerce, and Clean-up week will start Saturday, April 22nd, which is advertised as Clean-up Day in Livingston. The City will have a garbage truck and a registration table in the Pamida Parking Lot during that morning.

Councilmember Dahl wants to see City employees working in conjunction with Earth Day for the clean-up.

Tom Bergsing was contacted by a member of the museum, wanting to know if the City would donate the old street signs to the museum. They would place some of the signs on poles and locate them throughout the museum and sell the remainder at a gift counter. Motion was made by Williams, second by Dahl, to donate the old signs to the museum. Motion passed.

City Planner Woodhull briefed Council on the ISTEPA Project.

City manager Orndorff reported he ran a printout of the City's finances and pointed out that the cash report that was printed today, the Library has a negative balance of \$1,949.86. This is the only negative balance within the cash report.

The Ambulance Service has a cash position of \$14,725.90. This is on the plus side.

Motion was made by Williams, second by Dahl, to allow the Park County Search and Rescue, free of charge, one room at the Eastside School, until the City may need the

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space for something else. Motion passed.

City Manager Orndorff stated that the rugs in the Council Chambers have not been cleaned at this time, but will be soon. There are 30 chairs from State Surplus. A hammer was used to remove the folding chairs, that were previously in the Chambers from the floor. We will start out with only the wooden chairs.

City Judge Travis will hold his first Court on Thursday of this week and every Thursday thereafter.

Council was in agreement, to start holding their meetings back in the Council Chambers beginning April 17th.

City Manager Orndorff reported that he has met with the Public Works and Fire Fighters Unions. Another meeting has been scheduled with each Union. Mr. Orndorff stated he explained the 2% limit to the Unions.

The arbitration of the Harrington grievance will be May 17th. The City Manager will have the name of a City Representative for the three member board that will hear the arbitration. Mr. Orndorff will hire Dick Larsen.

City Manager Orndorff stated that City Staff attended a seminar recently, "Fire Me & I'll Sue". This information has been sent to the Human Rights Commission and hopefully will settle King's Human Right's Commission case.

There are two other Human Rights actions pending.

An interview for the Finance Officer's position was scheduled for last Friday. The person to be interviewed called and canceled the appointment before the interview.

Mr. Orndorff has asked another applicant, from Minnesota, if he was willing to interview at his own expense. We are still waiting for his phone call.

Police Officer Terry Willis has completed her one year probation. She is now a regular Patrol Officer.

Firefighter/EMT Jason Rigsby has completed his six month probation. City Manager Orndorff has named him a regular Firefighter.

City Manager Orndorff reported that the City had some NSF checks a year ago. At this period in time, the General Fund is in very good health.

Investments with Piper Jaffary have matured and the money was being returned to the City.

A CD has matured at Empire Savings & Loan. Again, Empire offered the highest interest rate, so the money was put into two different certificates. Council had no objections as long as it was at the highest interest rate.

City Manager Orndorff answered Councilmember Dahl's question as to the status of Mr. Plum and Grand View Subdivision.

Mr. Orndorff stated that Mr. Boehm told him that he is placing an 8" sewer line in

the Subdivision, unless the City forces him to put in a 12" line. The City Attorney has been asked for a legal opinion.

Councilmember Dahl questioned the City Manager about the meeting that she and the Mayor were to have with the Forest Service. Mr. Orndorff will look into.

Councilmember Dahl had a question regarding the development at Mountain View Subdivision, item 3, page 25 of the Council packet. City Planner Woodhull confirmed that money in lieu of land, was earmarked for "M" Street Park.

Councilmember Dahl stated she has heard from people in the downtown area about the streets being swept. It was noted that the area will be swept Tuesday morning.

Councilmember Hall commented on Mr. Boehm connecting the sewer line to the City.

Councilmember Hall asked City Manager Orndorff to look into the cash reports pertaining to the Ambulance Operating.

Mr. Orndorff read what he had from the report in front of him. Mr. Hall questioned if the Ambulance cash operating was up or down from last month. The City Manager stated it stayed about the same and would give a Ambulance collection report at the next meeting.

Mayor Mikesell stated he has received several calls concerning Aldrich's mess on Park Street.

City Manager Orndorff explained what the TranPlan 21 was for Cole Ingelhart.

Mayor Mikesell answered Lenny Gregrey's question about raising the speed limit on Highway 10, that this must go through the State.

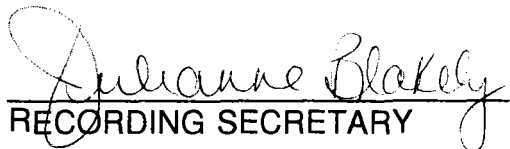
Ruth Eggar addressed Council on behalf of her boss at Pamida Pharmacy. Mayor Mikesell will ask the City Attorney about the use of City stationary for private business.

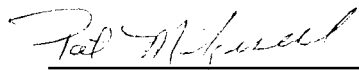
Motion was made by Dahl, second by Williams, to adjourn this meeting there being no further business. Motion passed.

The time was 8:35 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

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LIVINGSTON
CITY COUNCIL MEETINGApril 17, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, April 17, 1995, 7:30 p.m. in the Council Chambers at the City County Building. Councilmembers present were Lee Harris, Barb Williams and Sheryl Dahl with Mayor Pat Mikesell presiding. Councilmember Fred Hall arrived at 8:50 p.m.

Motion was made by Williams, second by Dahl, to approve the minutes of April 3, 1995 regular Council meeting. Motion passed.

Motion was made by Dahl, second by Harris, to accept the bills and claims that were listed for \$61,049.45. Councilmember Williams commented Claim No. 1230 to Parisi's for repair of the boiler at the EastSide School for \$698.53.

Councilmember Harris questioned page 15, item #1258 to Ranger Plumbing for \$4,900. Supt. of Public Utilities, Clint Tinsley, explained this was for a new water softener at the Sewer Plant. Mr. Harris asked if the next item for \$734.58, was related to the last item. Mr. Tinsley confirmed that it was. When they were installing the water softener, they found a number of valves that were not working and were corrected at the same time.

Mr. Harris questioned page 21, item #1450 to Robert Jovick for \$1,207.00. Mr. Jovick stated this was the normal monthly bill.

Mr. Harris questioned page 22, item #1683 to Northwest Pipe Fitting for \$4,289.13. Mr. Tinsley stated this was for one 10" control valve for the B Street Well. Tinsley went on to explain how the valve worked with the Telemetry System.

Motion passed.

Mayor Mikesell proclaimed the Week of April 22-28, 1995 as Clean-up Week in the City of Livingston.

Motion was made by Williams, second by Harris, to approve Resolution No. 2567, A RESOLUTION VACATING A PORTION OF 14TH STREET FROM FRONT STREET NORTHWARD TO THE SOUTHERN LINE OF THE "T" ALLEYS IN BLOCKS TWENTY AND TWENTY-ONE OF THE PALACE ADDITION. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2572, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND THE MONTANA HIGHWAY TRAFFIC SAFETY ADMINISTRATOR, FOR REIMBURSEMENT OF THE COST OF IN-CAR VIDEO EQUIPMENT. Councilmember Dahl questioned the installation cost. Police Chief Steve McCann thought it would be a maximum of \$100 and that there was money in the account to cover the cost.

Chief McCann stated for Councilmember Harris, this for one camera, but it was stated by the State, there may be one or two more available next year.

More discussion was heard. City Manager Orndorff stated this Resolution was for the camera itself. If Council agrees to this resolution, then an emergency budget amendment bringing the grant into the budget will be brought to Council at the next meeting.

All in favor. Motion passed.

Motion was made by Williams, second by Harris, to approve Resolution No. 2573, A RESOLUTION ADOPTING THE PROPOSED MASTERPLAN FOR THE CITY OF LIVINGSTON. City Planner Woodhull explained for Councilmember Dahl. Comments were heard from Council, City Attorney Jovick, Tara Eddy.

City Manager Orndorff stated that Council was holding a worksession next Monday night at 7:00 p.m. to address the City Manager Applicants. Mr. Orndorff stated this should be a short session and that Council may want to address the Comprehensive Plan afterwards. Council was in agreement to add this subject to their agenda.

Motion was made by Harris, second by Dahl, to postpone this resolution until the next Council meeting and agenda this for their worksession next Monday. Motion passed.

Motion was made by Dahl, second by Harris, to approve Resolution No. 2574, A RESOLUTION ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF LIVINGSTON. City Manager Orndorff explained the resolution to Council. A MRL letter of March 31, 1995 and a Montana Department of Transportation letter of April 10, 1995 were included for Council's information. The Highway will be considered later as it is under a different section of the statutes. All in favor. Motion passed.

Second Reading of Ordinance No. 1807, AN ORDINANCE ADDING SECTION 5-11.1 TO CHAPTER 5 TO PLACE RESTRICTIONS UPON SID FORMATION. All in favor. Motion passed.

The following reports and minutes were included for Council's information:

- City Court Fines and Costs, April 3, 1995
- City Court Monthly Trust Fund Activity, March 1995
- City Judge's Forfeited Bonds Transfer, March 1995
- Government Review Study Commission - Special Meeting between the City and County Study Commissions, March 9, 1995. Councilmember Williams commented on the minutes, page 53, paragraph 3, relating to the Refuse District. Councilmember Harris and Mayor Mikesell commented on this subject also.
- Fire Chief's Monthly Report, March 1995
- Fire Chief's End of Month Report, March 1995
- Livingston Fire/Ambulance Report, March 1995
- Acting Police Chief's Monthly Report, March 1995
- Angel Van Line Report for February 1995
- Incoming Water & Sewer Revenues as of April 1, 1995
- Livingston's Sister City Committee Minutes
- Minutes of Sister City International Educational & Cultural Exchange program Inc. Meeting, April 13, 1995

Utility Billing System figures for March were included on the agenda for Council's information.

The following calendar of events were listed for Council's information:

April 17, 6:30 p.m., City Applicants Work Session
 April 17, 7:30 p.m., City Council Meeting
 April 24, 7:00 p.m., City Applicants Work Session/Comprehensive Plan Review
 April 25, 6:30 p.m., Airport Board
 April 27, 10:00 a.m., Joint Study Commissions Meeting, Community Room
 May 1, 7:30 p.m., City Council Meeting
 May 3, 4:30 p.m., Commissions/Councilmembers Meeting
 May 9, 10:00 a.m., Government Study Commission
 May 9, 3:30 p.m., Historic Preservation Committee Meeting
 May 11, 5:15 p.m., Joint Meeting of Sister City Committees; Winchester Cafe-Social Meeting
 May 15, 7:30 p.m., City Council Meeting
 May 25, 10:00 a.m., Joint Study Commissions Meeting; Community Room
 May 29, Memorial Day
 July 16, Livingston's Students depart for Naganohara
 August 4, Naganohara's Students arrive

Formal permission was given to the Livingston Fire Fighters to conduct their 16th Annual Easter Egg Hunt.

Included in the packet for Council's information, was a memo from Fire Chief Tim Parks, 4/11/95 explaining that the firefighters are taking a EMT I (Intermediate) Class. Graduates of this class are expected to help the City increase the rate we charge for the ambulance.

Councilmember Williams commended Fire Chief Parks and the Fire Department for setting up the class and to have our firefighters trained as well as possible.

Mrs. Williams would like Chief Parks to look further into the Insurance.

Discussion was heard concerning the leasing of property behind the City Shop, to Mr. Arthur Yarger. City Manager Orndorff also explained about the development in the Montague Addition that may have an effect on this City property.

The Yargers are aware, that if water and sewer lines are installed to the Mountain View Subdivision in the Montague Addition, the leased property would need to be vacated for that period of time.

Motion was made by Williams, second by Harris, that the lease be granted providing the Yargers agree to the stipulations and that a resolution be drafted at \$100 per year and they will temporarily vacate if the City needs the property.

Councilmember Dahl would like to see in the agreement under section 2, Term, that the term of this lease shall be for one year from those dates that shall automatically renew each year for a maximum of three years. Ms. Dahl would like to add a 2a., upon approval from County Health Inspector due to the property being annexed into the City

and change in section 8, Cancellation, that a 30 day notice would be more appropriate than a 15 day notice.

Motion passed.

City Manager Orndorff mentioned a memo he has distributed to the Council, Police Department Budget - expenditures vs Appropriations, April 12, 1995. Mr. Orndorff noted a typo in paragraph 2, third line, should read 1994 and would like this memo included into the official minutes.

Council had no objects to the Baseball Association borrowing money from the County to construct another baseball field in the ball field complex. The Baseball Association would repay the money to the Commissioners.

Included for Council's review was a Mission Statement prepared by members of the Livingston's Sister City Committee. City Manager noted a small change that had been made. Council did not have any objections. Other Sister City items included:

Deac Guidi will be going to Naganohara this summer to work for the City as Michael Gorton recently had done.

Mr. Orndorff stated it would be good to have a local person or persons to apply under the JET Program for the position of English Teacher in Naganohara.

City Manager Orndorff reported that the water usage at the old EastSide School has dropped from some 5,000 gallons per day to 100 gallons per day. Police Chief McCann turned off water and fixed leaking pipes. A smaller water meter will be installed which will lower the water and sewer bill.

Enclosed for Council's information, are Utility Charts for the EastSide School Building covering the Utility billings from April 1994 - May 1995 and the MPC billings from May 1994 - April 1995.

City Manager Orndorff mentioned about the City Planner doing a staff study on the rental of the EastSide School Building.

Enclosed was a memo, dated April 12, 1995 from Police Chief McCann explaining about complaints that have been received of loud music at the basketball courts behind the City-County Building.

Mayor Mikesell asked questions of the Police Chief concerning the situation. Councilmember Williams stated that she had no objections of music being played on the basketball courts, as long as the music was kept down. No action to ban the music will be taken at this time.

Spring Cleanup will start on Monday, May 1st. City crews will start in the Southeast end of the City and follow the garbage route as close as possible. Everything but full size car bodies will be picked up. Appliances will also be picked up, but will need to be tagged that the freon has been removed.

Friday, April 28th will be Highway Day for the City Employees. The area that will be covered will start at KPRK and extend to McDonald's.

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Monday, May 15th, citizens can start placing their grass clippings on the curbs for City Crews to pick up. This will run through the end of July.

The Street Sweeper will start on schedule Monday, May 1st. Discussion was heard from Council and Staff. It was decided that during the first month, warning tickets only, will be issued by Code Enforcement. For the rest of the sweeper schedule, a Police Officer will then ticket vehicles after sweeper has passed the unmoved vehicles.

Motion was made by Harris, second by Dahl, to approve the City Manager's endorsement of Supt. Clint Tinsley's recommendation that the City Council accept the Mountain View Subdivision and the Vista View Subdivision's water and sewer utilities. All lines have been tested. Motion passed.

Motion was made by Harris, second by Williams, to approve the City Manager's endorsement of Supt. Tinsley's recommendation that the City Council accept Mr. Kovash's sewer line extension on Block 4 of the Palace Addition. Motion passed.

City Manager Orndorff reported that the Public Works Union Negotiator requested that additional monies for pay increases. It was pointed out that the 2% is below the Cost of Living Increase. Mr. Orndorff stated that in two previous negotiating sessions, the Union's request has been reduced in different areas. The major areas are pay increase - 5%, \$30 per quarter clothing allowance increase, and a contract clause permitting the employees to live so many minutes of driving time from their building. Mr. Orndorff stated he does not know at this time how many minutes that is.

Councilmember Harris would like more information to be obtained. Discussion was heard about the distance an employee lives from the City. Supt. Tinsley added to the discussion.

Council stated they will not go with a 5% pay increase. Councilmember Williams stated she would have to stay with a 2% increase.

Council was in agreement not to allow an increase with the clothing allowance.

Councilmember Williams' opinion was, the only thing the City has to bargain with the Union is the driving minutes to work. Mr. Orndorff will go back to the Union with that.

Code Enforcement Officer Linda Fyffe was honored by being selected as one of approximately 200 women by Soroptimist International of the Americans to visit China. Discussion was heard with Council. Motion was made by Dahl, second by Harris, to support Ms. Fyffe by giving her seven days of administrative leave for her trip to China. Motion passed.

City Manager Orndorff stated there is now a schedule book for the Council Chambers. If anyone needs to reserve the room for a meeting, talk with Julie for scheduling.

Bob Gersack has agreed to serve on the Infrastructure Study Committee. The City Manager will list the names of the Committee for the next Council Packet.

City Manager Orndorff placed information in the Council's box concerning the liability and

insurance issues regarding volunteer programs. The session will be held in Bozeman at MSU at McCall Hall on May 8th at 3:00 p.m.

The Livingston Area Chamber of Commerce flyer was placed in Council's box. Police Officer Darren Raney and County Attorney Tara DePuy will show simple steps on how to protect business revenue. The session will be held at the First National Park Bank.

May 1st is the time to start filing for the five Council seats.

A part time employee was hired last week for the office.

Councilmember Dahl questioned the status of the Finance Officer's position. City Manager Orndorff stated he will have a decision on what he will do tomorrow.

Ms. Dahl questioned the meeting with the Forest Service with her and Mayor Mikesell. Mr. Orndorff stated there still is not a date.

Councilmember Harris questioned late payments on the Blue Cross/Blue Shield premiums. City Manager Orndorff stated he did not know what happened, but as soon as he was aware of the situation, it was corrected.

Mr. Harris stated he does not like to be confronted by citizens on happenings in the City of which he is unaware. Mr. Orndorff stated he briefs Councilmembers as they come into the office. Mr. Harris stated he wanted memos on the happenings within the City, instead of coming into the office and being briefed by the City Manager.

Mayor Mikesell stated it has come to his attention, and questioned, that since the roof has been taken out of the Civic Center, what has the heating bill been running? City Manager Orndorff stated the bill has gone up, but it is due to the hours the Civic Center is being used. Supt. Ken Kastelitz confirmed what Mr. Orndorff stated and added that it is not the heat bill that has gone up, but the light bill.

Councilmember Harris asked if the users were being charge enough to cover costs. Mr. Kastelitz quoted the charges on the Civic Center and stated he would like to leave the rates where they currently are to keep people using the building and commented more on the rental of the building.

Mr. Kastelitz explained about the insulation on the roof. Mr. Harris disagreed. Mr. Kastelitz will get the information for Mr. Harris.

Mayor Mikesell questioned the use of the EastSide School gym to offset the Civic Center use. Mr. Kastelitz stated he had talked about that with the last Police Chief and the gym was used for gymnastics last year. The last Police Chief was not in favor of the idea, due to the traffic is created into the EastSide School.

Mr. Mikesell would like staff to look into the school use further. Mr. Kastelitz stated they would need to look into further personnel, that only one person is running the program at this time.

Councilmember Dahl questioned the moving of the Recreation Department to the EastSide School. Mr. Kastelitz would be open to doing something like that, depending what the program was.

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Councilmember Hall apologized for being late.

Mr. Hall would like to find out for the budget, what the cost would be to move the Police Department back to the City-County Building. Also, would like to get some bid prices from local contractors of costs for remodeling in the areas of Police Chief Steve McCann's sketches he presented with some of the rooms in the City-County Building.

Motion was made by Hall, second by Williams, to direct the City Manager to get estimates from Mr. Dunn and whatever else it takes to formalize a plan with the staff, and with Council if they wanted to join in, to move along, that at budget time this can be discussed. Councilmember Dahl amended the motion, second by Hall, that a formal proposal be prepared to stay at the EastSide School should also be done. Some discussion was heard from Council. Amendment passed. Motion as amended passed.

Urana Clark commented on the Courthouse being unguarded. Ms. Clark stated that whatever needs to be done with the Red Cross room is fine with her.

Ralph Hanks had a question on annexation. Mayor Mikesell answered.

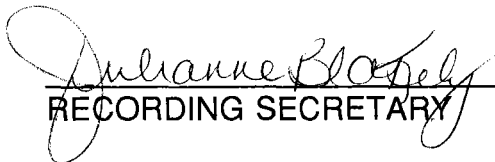
Tara Eddy asked that the agenda's be placed in the back of the Council Chambers. Ms. Eddy also commented on the Dispatcher's being by themselves.


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

The time was 9:10 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

MAYOR
Pat Mikesell
COUNCIL MEMBERS
Sheryl Dahl
Fred Hall
Lee Harris
Barb Williams
JOHN W. ORNDORFF
City Manager

City of Livingston

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

April 12, 1995

To: Mayor and Council Members
From: John Orndorff, City Manager
Re: Police Department Budget Expenditures vs Appropriations

We need to know where we are in the Law Enforcement Budget.

1. The Auditor, over the years, has repeatedly made the recommendation that the City Council establish a fund to be used in paying employees for accumulated vacation time and sick leave time when they leave City employment. Such a fund was not established.

2. This statement is made because the Police Officers' Section of the Budget has been strained by the lack of such a fund. The following shows what was paid since July 1, 1995:

<u>NAME</u>	<u>SICK LEAVE</u>	<u>VACATION</u>	<u>TOTAL</u>
Gartner	\$ 149.99	\$ 677.21	\$ 827.20
Van Every	\$ 90.90	\$ -	\$ 90.90
Gillett	\$8,084.24	\$8,588.64	\$16,642.88
	-----	-----	-----
TOTAL	\$8,325.13	\$9,265.85	\$17,560.98

Also, approximately 10.3% of this total amount was then paid out in other benefits (\$1,811.87)

The following was paid out for Dispatchers:

Pruitt	\$ 374.03	\$ 718.27	\$ 1,092.30
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Then, 10.3% of this amount for benefits was \$125.51.



3. With the above as background information, let us turn to a Statement of Expenditures vs Appropriations printed on April 10th.

a. This print out contains the April 5th payroll so 75% of the time has elapsed.

b. The Sections OPERATIONS and FACILITIES contain the information from claims authorized to be paid at the April 3rd City Council Meeting so 79% of the time period has passed.

c. Please remember that the Health Insurance and the Pension are covered by separate levied mills.

4. The POLICE OFFICERS Section of the budget shows:

a. That 74% of the Section has been spent as of April 10th. At first indication, this is good as we are 75% of the way through the year. The Salary line item is 79% spent. The expenditures will not be as high in the remaining 25% of the budget time. The salary for the current Officers is calculated to be approximately \$21,700 per month, or \$65,100 for the remainder of the year. Add the \$65,100 to the \$227,900 to the amount spent to date and we have \$293,000 which implies that the line item will be overspent approximately \$5,000 on a \$288,000 line item - some 0.02% possible over expenditure.

b. The OVERTIME line item has \$28,000 budgeted and some \$11,500 spent to date, which is 40%. More overtime will be spent as the officers will be having their monthly 2 hour training period. Let us be pessimistic and say that as much money as spent in the last 9 months will be spent in the next 3 months, or, that we will end the year with the OVERTIME line item being 80% spent. This will give us some \$5,600 of the budgeted amount NOT spent by the end of the year.

c. In the final analysis, the Account/Section 1000-131-420101 - Police Officers will end the fiscal year with less than 100% of the budgeted amount spent.

5. Moving now to the Account/Section 1000-131-420102 - Dispatchers we see that the Salaries and Wages are 72% spent. This includes the Sick Leave and Vacation Time pay out of \$1,092.30 (from above).

a. One Dispatcher will be taking maternity leave this summer. This Fiscal Year's time that must be covered includes June 3 - 30. This will cost the City approximately \$2,200 in compensation for a Relief Dispatcher.

b. Chief McCann was given permission to rehire Pruitt as a Relief Dispatcher.

c. At the current rate of spending of \$8,105 per month for Dispatcher Salary and Wages the City would spend \$97,260 by year's end. Add the \$2,200 for the Relief Dispatcher and we'll spend \$99,460, or some \$476 below budget.

6. The Account/Section 1000-131-420103 - Parking Attendant is 73% spent. This Section should be "right on target" for year's end.

7. The Account/Section 1000-131-420104 - is 70% spent. The City Manager hired a part time employee against a vacant position. The employee will be an "understudy" for Julie Juvan - helping the Judge, tickets, Police Department etc. This Section will be a little underspent for the year.

8. The Account/Section 1000-131-420100 - Operating Supplies has \$70,200 budgeted and \$18,349 spent for a percentage figure of 26%. Consider the \$36,600 "spent" for the 911 System and then 78% is spent. We MIGHT close the year underspending this account by some \$3,000 - \$5,000.

9. The Account/Section 1000-131-430620 - Facilities has \$29,419 budgeted and \$14,468 spent for 49% expended. Research is needed to verify that correct postings were made.

10. Overall, the Law Enforcement Department will end the Fiscal Year being under the Expenditure Budget.

Atch: 4/10 Print Out

CITY OF LIVINGSTON
STATEMENT OF EXPENDITURES VS APPROPRIATIONS
FOR THE MONTH ENDING 04/10/95

ACCOUNT	***** MONTH *****			ANNUAL BUDGETED	*** YEAR TO DATE ***		
	BUDGETED	EXPENDED	%		EXPENDED	ENCUMBERED	% REMAINING
TOTAL DEBT SERVICE PAYMENTS	441			5,295	5,566	105	-271
TOTAL CENTRAL STORES	4,522	1,154	25	54,360	38,059	70	16,301
125-SANITARIAN							
440110-SANITARIAN-CITY/COUNTY							
840-INTERGOVERNMENTAL SUPPORT	1,456			17,475			17,475
TOTAL SANITARIAN-CITY/COUNTY	1,456			17,475			17,475
TOTAL SANITARIAN	1,456			17,475			17,475
131-LAW ENFORCEMENT							
420100-OPERATING ACCOUNTS							
220-OPERATING SUPPLIES	458	45	9	5,500	1,186	21	4,314
231-REP AND MAINT SUPPLIES	1,250	447	35	15,000	11,002	73	3,998
311-COMPUTER LEASE	158			1,900	1,901	100	
320-PRINTING/DUPLICATING	250	117	46	3,000	908	30	2,094
334-PUBLIC RELATION SUB/DUES	16			200	100	50	100
350-PROFESSIONAL SERVICES	208			2,500	847	33	1,653
360-REP & MAINT SERVICES	208			2,500	804	32	1,696
380-TRAINING SERVICES	166	322	194	2,000	802	40	1,198
391-CARE OF PRISONERS	93			1,000	802	80	198
975-911 SYSTEM	3,050			36,600			36,600
TOTAL OPERATING ACCOUNTS	5,847	932	15	70,200	18,349	26	51,851
420101-POLICE OFFICERS							
110-SALARIES AND WAGES	24,003			288,039	227,900	79	60,139
115-DUI TASK FORCE	375			4,500	1,568	34	2,933
120-OVERTIME	2,333			28,000	11,427	40	16,573
141-UNEMPLOYMENT INSURANCE	118			1,422	1,086	76	336
142-WORKERS' COMPENSATION	1,869			22,439	16,769	74	5,670
148-CLOTHING ALLOWANCE	600			7,200	4,950	68	2,250
151-MEDICARE	227			2,734	1,744	63	990
TOTAL POLICE OFFICERS	29,525			354,334	265,445	74	88,889
420102-DISPATCHERS							
110-SALARIES AND WAGES	8,328			99,936	72,933	72	27,003
120-OVERTIME	756			9,200	7,943	86	1,257
141-UNEMPLOYMENT INSURANCE	40			481	364	74	127
142-WORKERS' COMPENSATION	130			1,561	1,106	70	455
144-F.I.C.A.	563			6,767	5,014	74	1,753
148-CLOTHING ALLOWANCE	183			2,200	1,644	74	556
151-MEDICARE	131			1,583	1,173	74	410

CITY OF LIVINGSTON
STATEMENT OF EXPENDITURES VS APPROPRIATIONS
FOR THE MONTH ENDING 04/10/95

ACCOUNT	***** MONTH *****			ANNUAL BUDGETED	*** YEAR TO DATE ***		REMAINING
	BUDGETED	EXPENDED	%		EXPENDED	ENCUMBERED	
TOTAL DISPATCHERS	10,141			121,738	90,177	74	31,561
420103-PARKING ATTENDANT							
110-SALARIES AND WAGES	916			10,995	8,028	73	2,967
141-UNEMPLOYMENT INSURANCE	4			50	36	72	14
142-WORKERS' COMPENSATION	69			828	605	73	223
144-F.I.C.A.	56			682	498	72	184
148-CLOTHING ALLOWANCE	36			440	330	75	110
151-MEDICARE	13			160	116	72	44
TOTAL PARKING ATTENDANT	1,094			13,155	9,612	73	3,543
420104-CLERK TYPIST							
110-SALARIES AND WAGES	699			8,394	6,015	71	2,379
120-OVERTIME	16			200	24	11	176
141-UNEMPLOYMENT INSURANCE	3			39	27	69	12
142-WORKERS' COMPENSATION	10			123	86	70	37
144-F.I.C.A.	44			533	363	68	170
151-MEDICARE	10			125	85	67	40
TOTAL CLERK TYPIST	782			9,414	6,599	70	2,815
430620-FACILITIES							
220-OPERATING SUPPLIES	83			1,000	61	6	939
341-UTILITIES-MPC	1,083	1,017	93	13,000	5,316	40	7,684
342-UTILITIES-WTR, SWR, GAS	25	690	999	300	992	330	-692
365-BUILDING REPAIR	25			300	972	324	-672
939-EAST SIDE SCHOOL-REMODEL	1,184			14,219	7,126	50	7,093
971-GENERATOR	50			600			600
TOTAL FACILITIES	2,450	1,706	69	29,419	14,468	49	14,951
TOTAL LAW ENFORCEMENT	49,839	2,638	5	598,260	404,651	67	193,609
141-FIRE PROTECTION							
420400-OPERATING ACCOUNTS							
230-REP & MAINT SUPPLIES	725	18	2	8,700	2,823	32	5,877
312-PUBLIC RELATIONS	41			500			500
313-FIRE PREVENTION	83			1,000	112	11	888
334-PUBLIC RELATION SUB/DUES	41			500	309	61	191
352-CONSULTANT SERVICES	41			500			500
370-TRAVEL	33			400	34	8	366
380-TRAINING SERVICES	125	165	131	1,500	428	28	1,072
395-PHYSICALS	83			1,000	160	16	840
940-CAPITAL OUTLAY	583			7,000	7,000	100	
TOTAL OPERATING ACCOUNTS	1,755	182	10	21,100	10,866	51	10,234

LIVINGSTON
CITY COUNCIL MEETING

May 1, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, May 1, 1995, 7:30 p.m. in the Council Chambers at the City County Building. Councilmembers present were Barb Williams, Fred Hall, Sheryl Dahl, with Mayor Pat Mikesell presiding. Councilmember Lee Harris was absent.

Motion was made by Williams, second by Hall, to approve the minutes of April 17, 1995 regular Council meeting. Motion passed.

Motion was made by Dahl, second by Williams, to accept the bills and claims that were listed for \$58,697.11. City Manager John Orndorff asked that claims #2411 and #2412 on page 19, for reimbursement for Windmill Energy Generation, not be considered at this meeting, that at the next meeting there will be a budget amendment increase to cover these expenditures. An amendment to the motion was made by Hall, second by Dahl, to drop claim #2411 and #2412 until the next meeting. Amendment passed.

Councilmember Hall commented on page 13, claim #1281 to MPC, that the utilities for the EastSide School were really high. Councilmember Williams also commented on the utilities for the EastSide School.

Motion passed as amended.

Mayor Mikesell proclaimed the Week of May 1-7, 1995 as Youth Week in the City of Livingston.

Mayor Mikesell proclaimed Saturday, May 13, 1995 as NALC National Food Drive Day in the City of Livingston, and urged citizens to leave canned food at their mail boxes for the postal workers to pickup. All food collected will go to the Park County Food Bank.

A public hearing was held on Resolution No. 2573, A RESOLUTION ADOPTING THE PROPOSED MASTERPLAN FOR THE CITY OF LIVINGSTON. No public comments were heard. Motion was made by Williams, second by Dahl, to approve this resolution. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2577, A RESOLUTION APPROVING A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT BETWEEN THE CITY OF LIVINGSTON AND THE STATE OF MONTANA DEPARTMENT OF COMMERCE. Councilmember Hall questioned about the tight time frames and restrictions for paying the claims on time. City Manager Orndorff felt this will not be a problem and further explained how the City would be working with LRC on the draw downs.

Councilmember Williams commented along the same line. Project Manager Val Counts arrived and answered questions for Council.

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All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2581, A RESOLUTION APPROVING A LOAN AND SECURITY AGREEMENT, PROMISSORY NOTE AND INTEREST ADJUSTMENT ADDENDUM TO LOAN AND SECURITY AGREEMENT BETWEEN LIVINGSTON REBUILD CENTER, INC., A MONTANA CORPORATION AND THE CITY OF LIVINGSTON, A MUNICIPAL CORPORATION FOR THE CDBG GRANT PROGRAM. City Attorney Bob Jovick explained the contract for Council. City Manager Orndorff pointed out a couple items. Val Counts answered Council's questions.

All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve Resolution No. 2575, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF LIVINGSTON, MONTANA, AND ARTHUR L. YARGER FOR THE LEASE OF PASTURE LAND. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2579, A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND SHIRLEY EWAN. City Manager Orndorff stated that the agreement should read "May" not April. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2580, A RESOLUTION TO AUTHORIZE THE TRANSFER OF FUNDS FROM THE GRANT PROGRAM TO THE CAPITAL OUTLAY-VIDEO EQUIPMENT FUND. All in favor. Motion passed.

The agenda and minutes of March 16, 1995 Library Board meeting were included for Council's information.

City Manager Orndorff asked for discussion of the Adopt-a-Highway program with the City Employees on Park Street. The cleanup has been rescheduled for May 5th, 1:00 p.m.

Discussion was heard concerning the employees doing the cleanup on paid time. Council comments were heard.

The following calendared events were listed for Council's information:

May 3, 4:30 p.m., Commissions/Councilmembers Meeting. It was pointed out that the Refuse Study Commission meeting was to be held at the same time.

May 5, 1:00 p.m., City Employees will clean Park Street.

May 8, 2:00 p.m., Council Chambers, Government Study Commissions to host a coffee, open to the public, for City Manager Finalist Perry Beck.

May 9, 7:00 p.m., Council Chambers, City Council Interview with City Manager Finalist Perry Beck.

May 9, 10:00 a.m., Government Study Commission.

May 9, 3:30 p.m., Historic Preservation Committee.

May 10, 11, & 12, 8:30 a.m., District Court Room, Police Commission Hearing.

May 11, 5:15 p.m., Joint Meeting of Sister City Committees, Winchester Cafe - Social Meeting.

May 12, 2:00 p.m., Council Chambers, Government Study Commissions to host a coffee, open to the public, for City Manager Finalist Dykes. City Manager Finalist Figuly may also be present.

May 13, 1:00 p.m., Council Chambers, City Council interview with City Manager Finalist Dykes.

May 14, 3:00 p.m. or 4:00 p.m., Council Chambers, City Council interview with City Manager Finalist Figuly.

May 15 through July 10, starting 7 a.m., City Crews will pick up bagged grass clippings on Mondays.

May 15, 7:30 p.m., City Council Meeting.

May 25, 10:00 a.m., Community Room, Joint Study Commissions Meeting.

May 29, Memorial Day.

July 16, Livingston's Students depart for Naganohara.

August 4, Naganohara's Students Arrive.

September 30, Oktoberfest.

DES George Bryce has been working the diesel tank situation at the City-County Building. A larger diesel tank must again be placed underground behind the building. There may be a 50% matching grant available and the work could possibly be accomplished this summer.

There was an emergency in that the roofing blew off the roof of the garage portion of the Civic Center. Two informal bids were received. Tri-State Builders was directed to replace the roofing at the cost of \$3,987. Discussion was heard concerning insurance. It will be looked into.

Included in the packet was the 1995 Street Program that lists the City Streets to be chip sealed this summer. This work will start approximately the last week of July.

Enclosed was the City Manager's memo, 4/21/95, to Engineer Kerin concerning the budget for the Blue Heron Drive Special Improvement District. The City's portion was to be \$40,000 plus of in-kind work and materials. Supt. Kastelitz calculated that the City has \$70,400 in the project and Supt. Tinsley still has work to do on the project.

Councilmembers Hall and Dahl asked questions of Supt. Kastelitz.

Livingston in the Park has been cancelled unless the business community desires to form a committee and handle the project. Councilmember Dahl asked that the City let the Chamber of Commerce know.

Enclosed was a letter from Kerin and Associates, 4/21/95, to Dan Herauf concerning some additional work on the 8th Street Special Paving District.

An informative item in the packet, that Engineer Kerin is working on paving Special

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Improvement Districts for N Street and Weimer Addition. Supt. Kastelitz was approached by a property owner concerning a Special Improvement District for the 400 Block of South K Street. It was recommended to the individual that he talk to Engineer Kerin to have the work done at the same time as the other two SIDs. This could become a three block SID.

Motion was made by Williams, second by Dahl, to approve the Mayor's reappointment of Dennis Bruha to the Police Commission for another three year term, ending May 1, 1998. Mayor Mikesell asked for confirmation of Mr. Bruha if he was interested in another three year term. Motion passed.

The City Councilmembers and County Commissioners heard a presentation by the Park County Economic Development Corporation and HRDC, requesting the City donate land to PCEDC for the construction of affordable housing. This was at the last joint meeting. City Manager Orndorff has given the Council a memo identifying two pieces of land that the City Council might consider donating towards this project. The value of the land should be such as to meet the required match dollar amount. Included in the packet, was a memo from Val Counts, PCEDC Executive Director and an aerial photo of the area.

City Manager Orndorff stated there was approximately 22½ acres on the Northside Hill that could be used to place houses and townhouses. Mrs. Counts addressed Council asking for their commitment of the property and to answer their questions.

Councilmember Williams asked if one lot could be reserved for Humanity for Habitat. Mrs. Counts stated that would be a good idea.

HRDC spokesperson Jeff Rupp was introduced to Council for his input. More discussion was heard.

Motion was made by Williams, second by Dahl, that the City gives the property to the PCEDC for the low income housing project. Ms. Dahl asked for the City Attorney's opinion. Mr. Jovick stated the motion should state commitment to give the property, so the PCEDC could explore the grant options, to be able to submit the appropriate grant, with the contingent upon City's consent and approval with the successful grant application. A Council resolution would be needed at a later date to formally and legally commit the property.

An amendment to the motion was made by Williams, second Dahl, that we allow them to explore the possibilities of use and with the contingency that the City will definitely be kept abreast of this and it will meet with Council's approval.

Councilmember Hall commented on the proposed piece of property and volunteered to look at the property to find out what portion of the property is usable and for the title of the property and make a report back to the Manager.

Amendment passed. Motion passed as amended.

Motion was made by Dahl, second by Williams, to have the City Manager pay a Purchase Order #01007 for \$25,000 for the 911 System.

Police Chief Steve McCann explained what the operation was at this time with the 911 System for Councilmember Hall.

An amendment to the motion was made by Hall, second by Dahl, to authorize payment with the proviso that the check not be paid until the equipment is operational and

acceptable and the Chief is satisfied, if the \$25,000 includes the recorder equipment or other equipment, that is not in place yet, that we authorize payment but want it held until the equipment is operating satisfactorily. Amendment passed. Motion passed as amended.

Jann Holter Berntsen, KPRK Radio Station, addressed Council to request that the City Council cooperate on the Third Annual Downtown Hoedown. It is requested that on Saturday, July 1st, they be permitted to block off Callender Street from Main Street to Second Street, starting at 6 p.m. until 11 p.m., and to have the open container rule waived during the time of the event. KPRK would be responsible for barricading the streets.

Extensive discussion was heard, with the a motion being made by Dahl, second by Williams, to allow the Hoedown to have the open container waived from 6 p.m. to 11 p.m. and that they are able to shut down Callender Street from Main to Second Streets on the evening of July 1st.

An amendment to the motion was made by Hall, second by Dahl, that the open container is going to be suspended on Main from Lewis to Park, down Park from Main to Second Streets and then along Second from Park to Callender Streets, that full five blocks where the taverns are and that the Police Chief has full authority, if there are any problems, in his opinion, he can turn it off at any time at his discretion with no appeal and that the sponsors will be responsible for Policing the event. Amendment passed. Motion passed as amended.

Councilmember Dahl suggested to Ms. Berntsen that in the future, maybe the Tavern Association would pool together and use the Murray's catering license and have refreshments at the event.

Mr. Orndorff reference the TSEP Project on East Clark Street. Supt. Tinsley asked for paving/patching bids. Big Sky Asphalt, Inc. will do the work for \$33.45 per ton and Pioneer Ready Mix will do the work for \$32.50 per ton. The paving/patching project will cost approximately \$24,000. Motion was made by Dahl, second by Williams, to approve staff's recommendation to accept the Pioneer Ready Mix bid for \$32.50 per ton to do the work. Motion passed.

City Manager Orndorff asked that a letter from the Police Chief of 4/27/95, concerning the proposed Police Reserve Program be put aside at this time and a worksession be discussed later on in the meeting.

A meeting has been arranged with the Soil Conservation District for Tuesday, May 23, 1 p.m. in the Conference Room of the USD Building. Councilmember Williams will go in the Mayor's place along with Councilmember Dahl.

A letter was received from the Local Government Center, Dr. Ken Weaver, inviting City Manager Orndorff and one elected member of our local government to attend the annual Yellowstone Seminar for Local Government Officials which will cover "Local Relations with the Federal Land Managers." The dates of the seminar are May 25-26. Councilmember Williams will attend the seminar with the City Manager.

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City Manager Orndorff stated informational packets were received from the Consultant of Japan referencing the Jet Program. Mayor Mikesell would like to more publicity in the paper on this program.

The Chamber of Commerce Auction will be held on May 5th at the Depot Center.

City Manager Orndorff stated he received a letter from Councilmember Harris, stating he would not be present at this meeting.

City Manager Orndorff provided Council a Montana League of Cities and Towns letter stating that arrangements have been made with the Department of Health and Environmental Sciences to discuss regulatory and enforcement issues. The first of these meetings will be 10:00 a.m., Friday, May 12th.

City Manager Orndorff provided Council with a pamphlet that lists the Senate Bills and House Bills and legislative action concerning the bills.

City Manager Orndorff stated a Fire Alarm Drill will be held in the next two weeks at the City-County Building.

The Police are doing an investigation concerning six City phones which a Bozeman dealer had to resell for the City. The last time Chief Parks tried to contact the dealer, he was no longer in business. Chief McCann stated there have been no traces of them at this time, and the Bozeman and Belgrade Police are also investigating.

City Manager Orndorff requested a worksession from Council, to discuss money and the budget. The worksession will be set during the week of May 22nd and the date will be narrowed down at the next Council meeting.

City Manager Orndorff read into the minutes an Analysis of Financial Condition and asked that the memo be attached to the official minutes.

Councilmember Williams questioned if money the Ambulance borrowed had been paid back. City Manager Orndorff stated a report will be prepared in the future.

City Manager Orndorff stated that Councilmember Hall pointed out problems with monuments in the surveyed area Palace Addition, in the undeveloped area of the Palace Addition. The monuments need to be at the major street intersections. Mr. Orndorff stated that this may need to be in the form of an Ordinance. Mr. Hall added to the discussion.

City Planner Woodhull will research to see what may already exist in Ordinance form.

City Planner Jim Woodhull gave a presentation of the East Side School Rental Study. The following information was included for background information:

- City Manager memo of 8/23/94 to Key Staff concerning ESS Usage Staff Study with a rewrite of the study;
- City Manager memo of 2/13/95 to Staff Members, cc: City Council, ESS Usage Staff Study;
- Ken Griffin's Five Year Plan - ESS, March 18, 1994.

Discussion was heard concerning the EastSide School from Staff and Council.

Councilmember Dahl asked that City Manager Orndorff research the possibility of a Community Garden at the Old Middle School lot. Mr. Orndorff stated that this was School Property and that maybe a project like this could be spearheaded by a local group.

Councilmember Hall stated he walked by the basketball court behind the City-County Building and commented on the garbage that is collecting there. Mr. Hall stated he will clean up the area this coming Saturday and asked that a garbage drum be provided for future garbage.

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

The time was 9:43 p.m.

ATTEST:

APPROVED:

Julianne Blakely

 RECORDING SECRETARY

Pat Michael

 MAYOR

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INSERT FOLLOWS

MAYOR
Pat Mikesell
COUNCIL MEMBERS
Sheryl Dahl
Fred Hall
Lee Harris
Barb Williams

City of Livingston

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

May 1, 1995

To: Mayor and Council Members
From: John Orndorff, City Manager 
Re: Analysis of Financial Condition

Print outs were printed on May 1st to indicate how the City is doing on our budget. The printed information was analyzed as follows:

CASH REPORT

1000 General Fund has a cash balance of \$291,226.12.

2370 PERD has a negative balance of \$5,044.17.

5510 Ambulance Service has a cash balance of \$10,250.81 and, overall, has a balance of \$20,826.33.

The City has a Grand Total of \$2,155,406.37.

EXPENDITURES VS. APPROPRIATIONS

As of the end of April the computer program considers 83% of the fiscal year to have passed. Remember that the following figures do not include the last pay period.

GENERAL FUND

101 City Council 73% spent

102 Judicial 75% spent

103 Administration 75% spent

104 Financial 72% spent

106 Planning Services 79% spent

- 107 Legal Services 74% spent
- 120 Government Study Commission - print out is not correct, about 50% spent
- 121 Facility Administration/Complex 73% spent
- 122 Central Communications 150% spent (I believe that this has already been read into the minutes as being overspent)
- 123 Central Stores 72% spent
- 124 Sanitarian 0%
- 131 Law Enforcement 71% spent
- 141 Fire Protection 92% spent (At the current rate of spending, the Fire Protection will be overspent. These expenditures need to be researched and verified that the entries were to the right department.)
- 143 Building Inspection 63% spent
- 150 Public Services Department 72% spent
- 151 Street Department 95% spent (This department will probably be overspent by June 30th.)
- 152 Cemetery Department 63% spent
- 153 Parks Department 74% spent
- 160 Other Unallocated Costs 60% spent
- Total General Fund 75% spent

- 2170 City-County Airport Fund The entries need to be corrected as the City Council did pass a resolution listing budgeted expenditures which was not posted.
- 2190 Comprehensive Insurance 100% spent
- 2220 Library 70% spent
- 2260 Emergency Disaster 0%
- 2325 Community Development Fund 26% spent
- 2370 PERD 81% spent
- 2371 Health Insurance 75% spent

2373 Police Pension 79% spent
 2374 Fire Pension 77% spent
 2390 Drug Forfeiture 9% spent
 2393 Drugs Abuse Resist - DARE 31% spent
 2400 SID Light Maintenance 59% spent
 2500 Street Maintenance 70% spent
 2820 Gas Tax 59% spent
 2940 CDBG 43% spent
 3400 SID Revolving 0%
 3650 SID 175 4% spent
 3750 SID 176 53% spent
 4010 Capital Improvement Fund 0%
 5210 Water Operations 57% spent
 5310 Sewer Operation 59% spent
 5410 Solid Waste 68% spent
 5510 Ambulance Services 65% spent
 5710 Wind Farm Electric 55% spent
 5713 Recreation Director 55% spent
 6050 Self Insurance Fund 91% spent
 7049 Cemetery Perpetual Care 0
 7094 Park Improvement Trust 111% (This is not correct as figures
 contained in a resolution passed by the City Council were not
 entered.)
 7370 Seniors Transportation Board 63% spent

Of the City's budgets totaling \$6,133,635 there has been 66% spent! Remember, this does not contain the last pay period in April.

We should end the Fiscal Year underspending the General Fund Budget by at least \$20,000.

We should end the Fiscal Year, if the 4th quarter payments are counted

as revenues in the current Fiscal Year, with about as much revenues as were budgeted.

The two print outs are on the counter by the distribution boxes.

It is requested that a copy of this document be placed with the minutes of this meeting.

cc: City Attorney
Department Heads

LIVINGSTON
CITY COUNCIL MEETING

May 15, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, May 15, 1995, 7:30 p.m. in the Council Chambers 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 May 1, 1995 regular Council meeting. Motion passed.

Motion was made by Dahl, second by Harris, to accept the bills and claims that were listed for \$63,141.87. Councilmember Harris questioned page 17, claim #1231 for rabies vaccinations. Supt. of Public Services Ken Kastelitz stated this was rabies vaccines for Code Enforcement Officer Linda Fyffe.

Councilmember Williams questioned the following: Page 9, to Mailbox Etc. City Manager John Orndorff explained the copy machine broke down during the reproducing of the last Council packet and the copies were finished there.

Page 14, claim #1024 to Alpine Electronics. Supt. of Public Utilities Clint Tinsley explained what the batteries were for.

Page 14, claim # 1072 to the City of Livingston for reimbursement of petty cash. The line item was wrong and the correct number will be charged to the account.

Councilmember Dahl questioned the following: Page 10, to Kelly Smith. City Manager Orndorff stated this was the City's portion of Sanitarian Consultant Fees.

Page 26, claim #1861 to the State of Montana. This was a computer the Police Department has been leasing for some time and the State sold it to the Department for \$100.

Page 28, claim # 2303 to the Pager People. City Manager Orndorff explained this was air time, start up fees and new pagers for the Utility Department.

Councilmember Hall questioned the following: Page 13, claim #1008 to Tech Electric. City Manager Orndorff and Police Chief Steve McCann explained this was for 911 and further in the packet there were invoices from Tech Electric and they dropped part of the costs.

Page 15, claim #1168 for Utilities. Mr. Hall commented that the cost was still high at the East Side School building. Supt. Tinsley explained about the water meter being changed.

Page 16, claim #1214 to Morrison Maierle/CSSA. Supt. Tinsley explained this was 33.3% of consulting for the sewer lines Council approved earlier in the year and was in the budget.

Page 25, claim #1624 to Eagle River Rustics. Supt. Tinsley explained this was for a new counter for the drive in window at the Utility Building. A new counter was more cost effective than parts to fix where there were bare wires.

Motion passed.

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Mayor Mikesell proclaimed May 26, 1995 as American Legion Auxiliary's Poppy Day in the City of Livingston.

City Planner Jim Woodhull gave background information on three variances.

Motion was made by Harris, second by Dahl, to approve the City Board of Adjustments recommendation to allow Dan & Priscilla Flatt, 327 N. 3rd Street a variance from the five (5) foot side setback requirement for RIII zoning districts. They wish to build an addition onto their home that would maintain the exiting setback of the house at 2½ feet. A question was heard from Councilmember Dahl. Motion passed.

Motion was made by Williams, second by Harris to approve the City Board of Adjustments recommendation to allow Mr. Malcolm Williams, 102 S. F Street a variance from the 3500 square foot minimum lot size requirement for RII zoning districts. Mr. Williams owns two lots with two separate structures on the property and wishes to divide these lots so that the structures can be sold separately. Motion passed.

Motion was made by Harris, second by Dahl, to approve the City Board of Adjustments recommendation to allow Mr. John Tecca a variance that would allow one additional sign face on the existing Pamida pylon located on Highway 89. Discussion was heard concerning the sign between the poles being lower than 20 feet. Councilmember Williams stated she wanted to hear MRL's comments on the sign. City Planner Woodhull stated if MRL had any objects, this variance would be void and the railroad did not have a problem with signs within the poles, they needed the signs twenty feet from the ground if the signs were outside the poles. The vote was three in favor. Williams opposed. Motion passed.

A public hearing was held on Resolution no. 2578, AN EMERGENCY RESOLUTION TO CREATE A LINE ITEM IN THE FISCAL YEAR 1994-1995 BUDGET TO PAY THE WIND FARM ELECTRIC SALES TO OWNERS. No public comments were heard. Some discussion was heard from Staff and Council.

Councilmember Williams made a corrected to Section One, should read 1994-1995 Budget. Motion was made by Williams, second by Dahl, to approve this resolution. All in favor. Motion passed.

The following reports and minutes were included for Council's information:

- Minutes of Special Joint Meeting - Park County Study Commission and City Study Commission, April 27, 1995
- Fire Chief's Monthly Report for April
- Police Chief's Monthly Activity Report for April
- Livingston Fire/Ambulance Financial Report for April
- City Zoning Commission Board of Adjustment Minutes for May 9, 1995

The following upcoming calendar of events were included for Council's information:

- May 17, Fire Fighter Arbitration
- May 17, 1:00 p.m., DARE Graduation
- May 22, 7:00 p.m., Budget Worksession

May 23, 1:00 p.m., Soil Conservation District, Dahl & Williams
 May 25, 10:00 p.m., Joint Study Commissions Meeting, Community Room
 May 25 & 26, Yellowstone Seminar for Local Government Officials, West
 Yellowstone, Councilmember Williams and City Manager Orndorff
 May 29, Memorial Day
 June 5, 7:30 p.m., City Council Meeting
 June 7, 4:30 p.m., County Commissioners/City Council Meeting, Commissioners'
 Office
 June 8, 7:00 p.m., City's Sister City Committee, Council Chambers
 June 13, 10:00 a.m., City Government Study Commission Council Chambers,
 Ambulance Department Budget
 June 19, 7:30 p.m., City Council Meeting
 June 22, 10:00 a.m., Combined Study Commissions Meeting, Community Room
 June 22, 7:00 p.m., City's Sister City Committee, Council Chambers
 July 3, 7:30 p.m., City Council Meeting
 July 8, 7:00 p.m., City's Sister City Committee, Council Chambers
 July 13, 10:00 a.m., Government Study Committee, Council Chambers
 July 16, Livingston's Students depart for Naganohara
 September 30, Oktoberfest

The Police Commission Hearing is rescheduled for June 27, 28, and 29, 1995.

The Fire Fighters were granted permission to sponsor the Livingston Kids Trout Derby on August 5th.

The City of Livingston received a check for \$2,987.00 for the roof damage at the Civic Center. There was a \$1,000 deductible.

Included for Council's information, is Section 26-64 of the Municipal Code of Ordinances, concerning survey monument boxes in streets. This was from the discussion at the last Council Meeting.

City Manager Orndorff reported that the Livingston Enterprise (May 8, 1995) had an excellent article entitled "Livingston Sister City Committee FOCUS IS TO PROMOTE CULTURAL EXCHANGES WITH NAGANOHARA.

City Manager Orndorff stated he has put a letter out to the Unions to see if there is any interest in participating with the Adopt-A-Highway Program. A letter from the Department of Transportation was received stating that the two year commitment is up June 1, 1995. The program will not be renewed unless interest is shown and commitment made.

City Manager Orndorff reported that bid specifications for our 911 System did not contain an INSTANT PLAYBACK FEATURE. The INSTANT PLAYBACK will cost approximately \$2,600, being split between City and County. The 911 System is under budget so this could be purchased within the current budget.

Councilmember Dahl asked Chief McCann when the cost estimates will be

available. Chief McCann was hoping they would be in by now, but hopefully soon.

Included in the packet, were Police Department proposed plans for modifications to the East Side School Building and City County Building.

Included in the packet, was a memo from Chief McCann referencing Police Physical Fitness/Morale. Members of the Livingston Police Department are enrolling in the LivingSteps Wellness Clinic and paying \$120 on their own per year for this program.

Next on the agenda was the selection of a new City Manager. City Manager Orndorff complimented Council on being on schedule with the hiring process.

Motion was made by Hall, second by Williams, to extend the offer for the position of City Manager to Perry Beck. Mayor Mikesell asked for discussion between Councilmembers to give their decision and why.

An amendment to the motion was made by Harris, to consider all three candidates and then take a final vote. City Attorney Jovick stated the first motion was in line to make comment on all three candidates.

Motion was made by Harris, to table the original motion pending further discussion. Motion died due to the lack of a second.

Council comments were heard on all three candidates. The vote was five in favor to hire Perry Beck. Motion passed.

A committee was formed to negotiate a contract with Mr. Beck. This included Mayor Mikesell, Councilmember Williams, City Manager Orndorff, and City Attorney Jovick.

Motion was made by Dahl, second by Harris, to pay the claims to Mr. Joyner \$756.90, and Dr. Healow, \$7,518.54 for the electricity generated by the Wind Generators. Motion passed.

Motion was made by Williams, second by Harris, to approve a draw down of \$886.00, against the \$500,000 CDBG Grant. \$657.00 will go to the Park County Economic Development Corporation and \$229.00 to the City's General Fund. Motion passed.

Discussion was heard from Staff and Council referencing the Tangen/Burns Quiet Title Action. Included was a memo from City Planner Woodhull concerning public access behind the property involved. Motion was made by Hall, second by Hall (corrected to Dahl at the May 15th meeting), to have the City Manager consult with the State, to determine how this Quiet Title fits within the general overall study being made of the northside channel. Motion passed.

Discussion was heard regarding the sewer lines, the grease traps in the fast food establishments and the Biochemical Oxygen Demands (BOD's) going into the Waste Water Treatment Plant. Supt. Tinsley addressed Council for their questions and reported the research he has accomplished so far, trying to find a solution to the problem.

Supt. Tinsley will call additional cities in an attempt to find a solution. Tinsley stated he is also waiting for a call from the State.

Motion was made by Williams, second by Dahl, to accept the Development Review Committees recommendation to allow Mr. Greco to extend the water and sewer lines to accommodate his first four lots of Block 5 of the Palace Addition with the following three conditions:

- 1) The street and alley will be graveled as per original specs;
- 2) There will be no more sewer and water extensions, unless the entire project is complete; and,
- 3) A survey will be done to show actual boundary lines of the 4 lots that will be developed.

City Manager Orndorff clarified a question for Councilmember Dahl. Motion passed.

City Manager Orndorff reported that the County Commissioners are considering imposing the ½% additional vehicle levy. They want the City Council to identify how the money will be spent should that be imposed. Councilmember Dahl would like this discussed at Council's Budget Worksession.

Motion was made by Dahl, second by Harris, to have Mr. Orndorff go back to the County and let the Commissioners know the money will be used on one of the following five items, with an item "e" being added:

- a) Use for Law Enforcement - two cars;
- b) Place money in the Restricted Reserve Fund towards the purchase of a new fire engine;
- c) Place money in the Restricted Reserve Fund towards the purchase of a new road grader;
- d) Pay towards the Capital Outlay debt;
- e) Ambulance - Capital Outlay

Motion passed.

City Manager Orndorff asked for Council's input on 5% water and 5% sewer rate increases. Discussion was heard from staff and Council. Mr. Orndorff stated the Infrastructure Committee will need to do some research for a recommendations.

Motion was made by Hall, second by Williams, to start the process to raise the rates. The vote was three in favor, Harris opposed. Motion passed.

Discussion took place with the owners of the Grandview Estates, Carter Boehm and Ray Plum, along with their Contractor, Tim O'Hara, Staff and Council.

Mr. Boehm and Mr. Plum want the City Council to approve, at this meeting, connection of their 8 inch water line and 8 inch sewer line to the City's main lines.

Discussion was heard concerning the City paying additional engineer costs to discover the cost difference between an 8 inch sewer line and a 12 inch sewer line.

Motion was made by Dahl, second by Harris, to have Mr. Boehm contact his engineer to get a bid price for a 10" and 12" sewer line upgrade and then to contact Mr. Tinsley to let the process go through, see what the bids are, and allow Mr. Orndorff to

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make the decision on which bid. Motion passed.

This same requested action took place at the March 20, 1995 Council Meeting.

Included in the packet was a letter dated May 11, 1995 from Vern Rothschiller and an attached map. This is for an offer for the purchase of City owned lots in Block 19 of the Palace Addition.

Also present for the discussion was Sandy Wulf, who requested purchase of the same parcel in May, 1994. Discussion took place with Council, who decided an appraisal should be made of the property before Council decides to sell.

Motion was made by Dahl, second by Williams, to have the property appraised. Motion passed. More discussion was heard.

Motion was made by Dahl, second by Williams, to rescind the previous motion. Motion passed.

Motion was made by Dahl, second by Williams, that Block 19 be appraised and that the cost of the appraisal will be fixed onto the selling price of the land.

Discussion on how the sale is to take place will be heard later.

Motion passed.

City Manager Orndorff asked Council what they would like done in reference to Mr. Lee Alt of the Department of Transportation's speed limit study presentation at the worksession. Motion was made by Williams, second by Hall, to ask the State to study speed limits in the vicinity of the Paradise Inn, the possibility of pedestrian crossing and the light on Second Street in addition to Highway 10 speed limit and the light at Pamida.

Motion passed.

Councilmember Williams noticed that the City is still paying \$700 per month to J & J Cleaning. Mrs. Williams would like a cleaning contract with the County placed on the next City-County Joint meeting agenda.

Ms. Williams stated the Montana Flag in the front of the City-County Building has a hole in the center and asked that it be replaced or repaired.

Ms. Williams asked the status of checking out further, receiving the bond from Mr. Griffin and Mr. Christiaens. She would like to get this item moving and apply for those bonds. City Manager Orndorff will research with Mr. Simmons.

Councilmember Hall stated to Police Chief McCann, that he heard a great deal of praise from downtown merchants, for having his officers on foot patrol on Saturday nights.

Debbie Miller addressed Council of her concerns with children roller blading downtown in front of Ben Franklins. Some discussion was heard.

Tim Parks stated there has been no City Study Commission minutes for about four meetings. City Manager Orndorff was asked to look into this.

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

The time was 10:25 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Pat Mitchell
MAYOR

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LIVINGSTON
CITY COUNCIL MEETINGJune 5, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, June 5, 1995, 7:30 p.m. in the Council Chambers 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 May 15, 1995 regular Council meeting. City Manager John Orndorff made a correction to page 4, sixth paragraph, third sentence, should read, second by Dahl. Motion passed as corrected.

Motion was made by Williams, second by Dahl, to accept the bills and claims that were listed for \$75,355.03. Councilmember Harris questioned the following claims: Page 15, item #1276 to Strong and Bradley's for blades. Supt. of Public Services Ken Kastelitz explained these were mower blades.

Page 22, item #1782 to Micro-Comm, Inc. Supt. of Public Utilities Clint Tinsley explained this was a budgeted telemetry system installed at the B Street Well. Supt. Tinsley answered Councilmember Williams question that this was the third well out of six to have the system installed under the well rehab.

Page 25, item #2389 to Service Outdoor. Fire Chief Tim Parks explained this was replacement of 19 wheels on a garage ("door", Correction from 6-19-95) in the Fire Department. Chief Parks noted that more wheels needed replacing.

Councilmember Williams questioned the following claims: Page 9 to Son Rise Towing. Police Chief Steve McCann confirmed this was for towing a police car. A frost plug was blown.

Page 13, item #1242 to Park Tire, Inc. Supt. Kastelitz stated the account to repair a flat tire should be corrected to come out of the 2500 account.

Councilmember Dahl questioned the following claims: Page 9, item #1005 to Simmons & Co. City Manager Orndorff explained that these were specific items from off the invoices. There is still a additional bill to be received. Ms. Dahl requested a copy of Mr. Simmons contract.

Page 24, item #2248 to Bill Kayser. Chief McCann explained that this was for a criminal case that needed a handwriting analysis.

Councilmember Hall questioned the following claims: Page 16, item 1281 to Montana Power Co. Mr. Hall commented that the April to May power bill for the East Side School was almost \$1,400 for a warm month.

Page 23, item #2127 to Earth Report. Supt. Kastelitz explained the status of the soil contamination and the closure of the program. The State will determine if the project can be closed out after this last test.

Councilmember Harris questioned page 9 to Simmons & Co. Mr. Harris stated he did not remember approval of this expenditure in advance. Mr. Orndorff explained. Mr. Harris asked for copies of the work Council has already approve.

Motion passed.

Mayor Mikesell proclaimed June 21, 1995 as Palmer C. Boyd Day in the City of Livingston. Mr. Boyd will be 100 years old.

A public hearing was held on a test amendment defining Heavy and Light Manufacturing; Amending Table 30.40 and adding definitions to Article II.

City Planner Jim Woodhull explained and asked Council to consider the recommendations that were listed in a memo for the City Manager. No public comments were heard. Discussion was heard.

Motion was made by Harris, second by Hall, to strike the reference to 10 people in both text amendments. Motion passed.

Motion was made by Hall, second by Harris, to approve Resolution No. 2582, A RESOLUTION APPROVING A CONTRACT BETWEEN EARTH REPORT OF BOZEMAN AND THE CITY OF LIVINGSTON FOR THE SOIL CONTAMINATION CLEAN UP AT THE CITY SHOPS. Supt. Kastelitz provided Council with more detail of the cleanup and closure of the contaminated site at the City Shops. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2583, A RESOLUTION OF INTENT TO INCREASE WATER RATES FOR THE CITY OF LIVINGSTON. Discussion was heard. Mayor Mikesell asked that a notice be placed in the newspaper.

Supt. Tinsley stated he will have a report to Council soon. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2585, A RESOLUTION OF INTENT TO INCREASE SEWER RATES FOR THE CITY OF LIVINGSTON. During discussion, it was noted that exhibit "A" needs further looking into.

Motion was made by Hall, second by Harris, to table this item for further research. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2587, A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN STEVEN JOYNER AND THE CITY OF LIVINGSTON FOR WIND GENERATOR EQUIPMENT. All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve Resolution No. 2588, A RESOLUTION APPROVING AN EDA PROJECT NO. 05-01-02564 REQUEST FOR REIMBURSEMENT FROM THE U.S. DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION FOR THE SEWER LINE EXTENSIONS. All in favor. Motion passed.

Motion was made by Harris, second by Dahl, to approve Resolution No. 2589, A RESOLUTION APPROVING A PROFESSIONAL SERVICES CONTRACT BETWEEN THE CITY OF LIVINGSTON AND PARK COUNTY ECONOMIC DEVELOPMENT CORPORATION FOR MANAGEMENT OF CDBG ECONOMIC DEVELOPMENT FUNDS. All in favor. Motion passed.

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Councilmember Dahl questioned when there will be minutes of the City Study Commission meetings.

The following reports and minutes were listed for Council's information:

Monthly Report City Court-Fines and Costs, April 1995
 Monthly Trust Fund Activity, City Court, April 1995
 Minutes of Library Board Meeting, May 18, 1995
 Minutes of the Sister City International Educational and Cultural Exchange Program, Inc. Meeting of May 11, 1995
 Minutes of City Zoning Commission/Board of Adjustments Meeting, May 9, 1995
 Monthly Building Department Report, May 1995
 Minutes of Park County Study Commission - Joint City/County Commissions Meeting, May 25, 1995
 Fire Chief's End of Month Report, May 1995
 Fire Chief's Monthly Report, May 1995
 Utility Billing System Figures, May 1995

The following calendar was listed for Council's information:

June 7, 4:30 p.m., County Commissioners/Councilmembers Meeting, Commissioners' Office
 June 8, 7:00 p.m., City's Sister City Committee, Council Chambers
 June 12, 7:00 p.m., Budget Worksession
 June 13, 10:00 a.m., City Government Study Commission, Council Chambers, Ambulance Department Budget
 June 16, Kim Walker Starts Work in the Office
 June 19, 6:30 p.m., Before the next Council meeting with Dr. LeBlond pertaining to the Ambulance Service
 June 19, 7:30 p.m., City Council Meeting
 June 20, 8:30 a.m., Police Commission Hearing, Community Room
 June 21, 22, 8:30 a.m., Police Commission Hearing, District Courtroom
 June 22, 10:00 a.m., Joint Study Commissions Meeting, Community Room
 June 22, 7:00 p.m., City's Sister City Committee, Council Chambers
 July 3, 7:30 p.m., City Council Meeting, Council Chambers
 July 6, 7:00 p.m., City's Sister City Committee, Council Chambers
 July 11, 10 a.m., Government Study Committee, Council Chambers - Study Law Enforcement Agencies
 July 16, Livingston's Students depart for Naganohara
 July 17, 7:30 p.m., City Council Meeting, Council Chambers
 July 25, On or Before, Set Preliminary Budget
 July 27, 10:00 a.m., Joint Government Study Commissions
 July 27, 7:00 p.m., Sister City Meeting
 August 4, Naganohara's Students Arrive
 August 15, On or Before, Final Budget and Levy
 August 15, City Manager Orndorff's Last Day

September 30, Fourth Annual Oktoberfest

Fire Fighter Patrick Walker completed his six month probationary period and was appointed a regular Fire Fighter effective May 21, 1995.

Enclosed for Council's information, was a letter from Engineer Alt, Montana Department of Transportation, May 17, 1995, responding to the City Manager's letter which listed various requests.

City Manager Orndorff summarized an HRDC's advertisement announcing Phase II of HRDC's Affordable Housing Community Land Trust.

The following two Application for Transfer of Ownership of Montana Liquor Licenses were provided for Council's information:

All-Alcoholic Beverage with Catering Endorsement - Guest House Hotel
Retail Off-Premises Consumption Beer License - B&D Convenience Store
(formerly Town Pump of Livingston #1)

Finance Officer Shirley Ewan and three staff members interviewed applicants for Claims Clerk in the City Office. They were unanimous in the selection of Kim Walker who will start work on June 16th.

A memo from City Planner Jim Woodhull was included for Council's information in regards to a sign request for the Redeemer Lutheran Church. Some comments were heard. No action was taken.

City Manager Orndorff stated the operator of a local greenhouse was in to see him with a complaint. His complaint was that the Park Conservation District was selling trees to the public in competition with him. This person has donated plants to the City during the last few years.

A State Auditor will be reviewing our TSEP Project on June 12th.

Resolution No. 2590 will be before Council for action at their July 3rd Council Meeting. This resolution is a tax abatement request from LRC.

City Manager Orndorff reported on the Tangan/Burns Quiet Title and sees no reason why this item is not approved.

City Planner Woodhull provided more information for Council. City Attorney Bob Jovick explained the legalities about this quiet title.

Discussion was heard from Council, Staff and Mr. Burns.

Motion was made by Harris, second by Dahl, to approve the Quiet Title and that the City sign off on it. Motion passed.

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Motion was made by Dahl, second by Harris, to approve LRC's requested drawdown of the CDBG Economic Development monies of \$12,714.00. Motion passed.

Motion was made by Harris, second by Williams, to allow Matt Long, Main Street Cruisers, the closure of the back road in Sacajawea Park on Saturday, August 19th for their car show. There will be a \$25.00 land use charge. Motion passed.

Park County Economic Development Corporation Executive Director Valarie Counts updated Council on the Affordable Housing Project. Mrs. Counts stated there has been a meeting with HRDC Representatives, a Banker, City Planner Jim Woodhull and several others.

The next step that is needed at this time is to prepare the applications to be submitted in September, a plan needs to be prepared to see how many housing units can be placed on the property and an estimate of costs for what the price will be to extend the water and sewer etc.

HRDC is willing to pay one-third of the cost, the Economic Development Corporation is willing to pay one-third and is looking to see if the City will pay one-third. The application cost is approximately \$5,000 and would be split three ways. These costs cannot be written into the grant.

Council was in agreement that more information is needed before they could make a commitment.

Councilmember Dahl volunteered to be on the Steering Committee.

Included in the packet was a letter from Mr. Perry Beck declining the job of Livingston's City Manager. Motion was made by Dahl, second by Hall, to have John Orndorff contact Mr. Golnar, Mr. Weaver, Mr. Figuly and Mr. Dykes, to see if they are still interested in the position and have Golnar and Weaver in for interviews if still interested.

Some discussion was heard. Mr. Orndorff confirmed for Ms. Dahl there was enough money to bring the other two candidates in for interviews.

Councilmember Hall stated for the public, what Mr. Becks' demands were and that Council would not go along with them.

Voice vote on the motion was four in favor, Harris opposed. Motion passed.

At this time, the Mayor called a 15 minute recess to allow the City Manager to call Mr. Golnar and Mr. Weaver to see if they could come for an interview as soon as possible.

Mayor Mikesell called the meeting back in session. City Manager Orndorff stated that Mr. Weaver would like to come interview and he will be here on the 8th of June depending on travel arrangements. Steven Golnar's home was contacted, and his wife stated he would be happy to come to Livingston to interview.

Mr. Dykes was not home and a message was left on Mr. Figuly's answering machine.

Motion was made by Williams, second by Harris, to pay Mr. Alfred J. Figuly's claim of \$463.98. Motion passed.

A letter from CDBG - Release of Contract Conditions and Funds was included for Council's information.

City Manager Orndorff asked Chief Parks to write a memo on a question of First Responder. That memo was included for Council's information.

A Touch America Bill for the Police Department was included for Council action. Discussion was heard. Finance Officer Ewan will look into what was budgeted.

Motion was made by Hall, second by Harris, to pay the bill and to have a statement of who authorized this contract and hourly expenditures and to have an internal investigation completed. Motion passed.

Motion was made by Hall, second by Williams, to sign off on a letter requesting mediation of the Public Employees Contract question, and the Council appoint two Councilmembers to make decisions in the mediation process. Mayor Mikesell and Councilmember Hall will sit on this mediation. Motion passed.

Discussion was heard from Council concerning a letter to Council from City Attorney Jovick. Mr. Jovick is requesting outside assistance with City Court related matters due to the current work load. Discussion and comments were heard.

Motion was made by Williams, second by Dahl, put in the coming budget \$6,500 to allow the City Attorney to hire Attorney Assistance beginning July 1, 1995. More comments were heard. Councilmember Williams rescinded her motion. More discussion was heard.

Motion was made by Williams, second by Hall, to allow the City Manager, in consultation with the City Attorney, to hire attorney assistance beginning July 1, 1995, to handle City Court related cases and approving \$6,500 for this purpose to be budgeted in the fiscal 1995-1996 budget. An amendment to the motion was made by Hall, second by Williams, clarifying up to \$6,500 for the purpose of being budgeted. Amendment passed.

City Attorney Jovick confirmed for Councilmember Dahl, that a local attorney will be hired. Motion passed as amended.

City Attorney Jovick's request to approve the submission of a budget to increase City Attorney overhead by \$300 per month for the budget year beginning July 1, 1995 will be left for the Budget Worksession. Mr. Jovick explained his request for Council.

City Manager Orndorff discussed budget issues with Council.

Mr. Orndorff stated that the City owes the Enterprise Fund \$81,703.92 plus interest. When the budget is prepared, money needs to be earmarked to pay the interest and hopefully pay some of the principal.

City Manager Orndorff mentioned, for action at the June 19th Council meeting, about possible millage for the Ambulance, Fire Truck and a for Ambulance Fund.

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Councilmember Dahl questioned the status of Mr. Boehm and Mr. Plum. Supt. Tinsley updated Ms. Dahl and Council. The City is waiting to hear from them at this point in time.

Councilmember Williams questioned if the craft items were still in the East Side School. City Manager Orndorff confirmed that they were and would check it out.

Mrs. Williams stated the flags, in the triangle, at Sacajawea Park, were frayed and needed replacing, both the City flag and the United States flag.

Mrs. Williams has received complaints about people walking their dogs in the City's cemetery and allowing the dogs to defecate on grave stones. Discussion was heard from Council. Motion was made by Williams, second by Hall, to amend the City Code Book to allow no dogs in the City's cemetery. Motion passed.

Mayor Mikesell stated that the Chamber of Commerce sign by 5th Street has not been moved yet. Councilmember Williams stated that the Big Brothers and Sisters sign is also in a bad location.

Lenny Gregrey addressed Council with information he obtained from the Bozeman paper in reference to the Wellhead.

Bernice McGee addressed Council in reference to the operator of the greenhouse with a complaint.

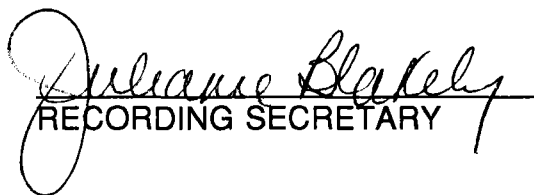
Mrs. McGee also apologized for the lack of City Study Commission minutes.

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

The time was 9:24 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

June 19, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, June 19, 1995, 7:30 p.m. in the Council Chambers 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 the minutes of June 5, 1995 regular Council meeting. Councilmember Williams made a correction to page 1, third paragraph, sentence 10, should read garage "door". Motion passed as corrected.

City Manager Orndorff passed out to Council, Resolution No. 2596, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND LYNN GILLETT.

Attorney for the Police Association, Bill Fraiser addressed Council. Police Chief Steve McCann spoke to Council and sincerely urged Council to approve this agreement, so that everyone can go on with their lives and jobs. Mr. Fraiser also voiced the same opinion. Comments were heard from the Mayor and Council.

Motion was made by Dahl, second by Hall, to approve this resolution. Three in favor. Williams opposed. Motion passed.

Motion was made by Williams, second by Hall, to accept the bills and claims that were listed for \$81,422.40. Councilmember Harris questioned the following claims:

Page 9, Consultant Services to Kelly Smith. City Manager John Orndorff explained this was for help in the Park County Sanitarian's office on the sewer permits etc.

Page 18, item #1242 to Park Tire, Inc. for 10 tires, mounted and balances. Police Chief Steve McCann stated this was two new tires on five of the patrol cars.

Page 28, item #1906 to VanDyken Drilling. Supt. of Public Utilities Clint Tinsely explained that the bearings went out in the B Street Well.

Page 31, item #2435 to Optical Surveillance Systems. Chief McCann stated this was the car video camera for which the City received a grant.

Councilmember Williams questioned the following claims:

Page 18, item #1242 to Park Tire, Inc. for flat tire repair on license #219. Supt. of Public Services Ken Kastelitz stated this was for a garbage truck.

Page 18, item #1242 to Park Tire, Inc. Mrs. Williams confirmed from Chief McCann, Mr. Harris's questions to the same item.

City Manager Orndorff stated that claim #2130 on page 28 to O'Hara Excavation exceeds the line item in the Lehrkind Building budget.

Motion passed.

Mayor Pat Mikesell proclaimed June 26 - July 4, 1995 as Western Days in the City of Livingston.

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Motion was made by Dahl, second by Williams, to approve first reading of Ordinance No. 1808, AN ORDINANCE AMENDING SECTION 7.55 a) OF ARTICLE IV "DISPATCH SERVICES" FOR FALSE ALARMS TO THE DISPATCH CENTER. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1809, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY RECENTLY ANNEXED BY THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Harris, second by Williams, to approve first reading of Ordinance No. 1810, AN ORDINANCE ADDING LIGHT AND HEAVY MANUFACTURING TO CHAPTER 30, ARTICLE II UNDER "DEFINITIONS" AND CHANGING TABLE 30.40 "LIST OF USES" TO ALLOW LIGHT AND HEAVY MANUFACTURING. All in favor. Motion passed.

Motion was made by Williams, second by Harris, to approve first reading of Ordinance No. 1811, AN ORDINANCE ADDING SECTION 9-222 (13) TO THE CODE OF ORDINANCES TO PROHIBIT PARKING IN ANY DESIGNATED FIRE ZONE ADJOINING ANY PUBLIC SCHOOL OR ANY PUBLIC BUILDING. Councilmember Williams asked how this ordinance came about. City Manager Orndorff and Assistant Fire Chief Art Swanson stated there was an incident a while ago and it was not properly designated for fire vehicles as to the signing and color of the curbs.

All in favor. Motion passed.

Motion was made by Williams, second by Hall, to bring off the table, Resolution No. 2585, A RESOLUTION OF INTENT TO INCREASE SEWER RATES FOR THE CITY OF LIVINGSTON. Motion passed.

City Manager Orndorff summarized the material that was included in the packet for Council's information. Mr. Orndorff stated he would like to do the mailing for both sewer and water rate increases at the same time. Voice vote on mailing both increases at the same time was three in favor, Harris opposed. Motion passed.

Councilmember Hall asked Mr. Orndorff to explain the restructuring schedule that was in the exhibit. Discussion was heard.

Roll call vote was three in favor, Harris opposed. Motion passed.

Motion was made by Harris, second by Williams, to approve Resolution No. 2591, A RESOLUTION TRANSFERRING AND BORROWING \$33,000 FROM THE GENERAL FUND AND \$17,000 FROM THE SOLID WASTE FUND FOR THE AMBULANCE SERVICE FOR THE CITY OF LIVINGSTON. City Manager Orndorff confirmed for Councilmember Harris there were sufficient funds. Discussion was heard concerning the Ambulance being able to pay back the loan.

Councilmember Dahl felt the General Fund should subsidize the Ambulance a certain amount of dollars, instead of loaning money that may never be able to be paid back. Mr. Orndorff stated that would be a very basic question during the budget preparation. It was noted that the County subsidized the Ambulance \$35,000 last year.

Mayor Mikesell asked City Attorney Jovick about paying back the loans. Mr. Jovick stated they absolutely must. More discussion was heard.

An amendment to the motion was made by Hall, second by Harris, to eliminate borrowing from Solid Waste Fund and take all \$50,000 from the General Fund. All in favor of the amendment. Motion passed.

All in favor of the motion as amended. Motion passed.

Motion was made by Williams, second by Harris, to approve Resolution No. 2592, A RESOLUTION AUTHORIZING BUDGETARY AUTHORITY TO THE CITY OF LIVINGSTON FOR THE MONTANA TREASURE STATE ENDOWMENT FUNDS FOR THE CITY OF LIVINGSTON. Supt. Tinsley stated for Councilmember Dahl that the grant was received prior to last years budget. Mr. Tinsley went on to say the TSEP Auditors asked for this process as a formality.

All in favor. Motion passed.

Motion was made by Williams, second by Harris, to approve Resolution No. 2593, A RESOLUTION OF INTENT TO ANNEX CERTAIN CONTIGUOUS GOVERNMENT PROPERTY INTO THE CITY OF LIVINGSTON. City Manager Orndorff explained this was the Highway from the East City limits to the Yellowstone River. All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve Resolution No. 2595, A RESOLUTION APPROVING THE PLACEMENT OF A TWO MILL LEVY UPON THE BALLOT AT THE NEXT ELECTION FOR AMBULANCE PURPOSES. All in favor. Motion passed.

The following reports and minutes were included for Council's information:

Sister City International Educational and Cultural Exchange Program, Inc. Meeting, June 8, 1995

Ambulance Accounts Receivable Financial Report for May

Police Department's Monthly Activity Report for May

Building Department Monthly Reports for January, February, March, April and May

City Court - Fines and Costs Monthly Report for May

City Court Monthly Trust Fund Activity for May

City Government Study Commission, Minutes of May 9

City Zoning Commission, Board of Adjustment Minutes of June 13, 1995

The City Manager's information sheet entitled "Information Concerning Fire Department and Ambulance Fund" is attached along with Captain Wagman's sheet concerning "EMS Overtime Call Analysis for the Period 1-1-95 thru 5-31-95"

City Manager Orndorff apologized for cancelling the worksession tonight before the Council meeting. This will be rescheduled.

City Manager Orndorff answered Councilmember Dahl's question that Council will hold budget worksession's in the very near future. Council favored after the 4th of July.

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Mayor Mikesell stated there is a Sister City Committee meeting Thursday, June 22, 1995.

Mayor Mikesell asked if the July 3rd Council meeting could be moved to the 5th of July. City Attorney Jovick stated that it could not just by a vote. Mr. Jovick went on to say if there was no quorum for the 3rd's meeting, a special meeting could be called for the 5th. Four Councilmembers stated they will not be present for the July 3rd meeting. Mayor Mikesell will call a special Council meeting for the 5th of July.

The following calendared events were included for Council's information:

June 22, 10:00 a.m., Joint Meeting of the Government Study Commissions, Community Room

July 5, 4:30 p.m., County Commissioners/City Council Joint Meeting

July 5, Special City Council Meeting

July 11, 10:00 a.m., City Government Study Commission, Council Chambers; possible speaker would be Judy from the MSU Local Government Office

July 16, Livingston's Students depart for Naganohara

July 17, 7:30 p.m., Council Meeting

July 19, 1:00 p.m., Public Works Mediation, Council Chambers

July 25 - ON OR BEFORE, set Preliminary Budget

July 27, 10:00 a.m., Joint Government Study Commission

July 27, 7:00 p.m., Sister City Meeting

August 4, Naganohara's Students arrive

August 15, ON OR BEFORE, Final Budget and Levy

August 15, City Manager Orndorff's last day

September 30, Oktoberfest

Supt. Tinsley prepared and distributed the Report for Livingston Waste Water Department, May 31, 1995.

City Manager Orndorff included for Council's information, an article entitled "The Special Event" from the June 1995 issue of the Montana Municipal Insurance Authority pamphlet. This article discusses liability insurance and we should be aware of the insurance when discussing possible events within the City Limits.

Councilmember Williams thanked Pamida for donating 7 trees, value of \$225.00 and Mayor Mikesell added his thanks to Warren McGee for planting the trees in the Parks.

City Manager Orndorff gathered the figures from MPC bills for the East Side School Building for the current Fiscal Year and included the figures for Council's information.

It was noted that the Board of Adjustment had a variance to consider and forward to the City Council, but there was not a forum present for the June 13th meeting so no action could be taken. City Planner Jim Woodhull explained. Mayor Mikesell felt this was not a good thing and the City should be able to help people out who would like variances.

Mayor Mikesell asked Mr. Woodhull to look into the attendance record of the Board

members.

The Lagoon was lowered last week for repair work. It was noted that the Lagoon and creek contain a large amount of silt.

On June 14th, Life Guards helped three individuals from the swimming pool.

There was a memo in the packet from Supt. Kastelitz concerning usage of the Summer Recreation Program.

Big Sky Paving has completed Blue Heron Drive and is now finishing some private driveways along the drive.

Street Foreman Tom Bergsing discovered a problem with the 8th Street job; weeds growing through the blacktop. Big Sky Paving is to return and correct the problem.

Pioneer Paving has completed the paving of H Street and Clark Street. This was through the TSEP Program.

The School District was billed \$3,350 for false fire alarms. The District is requesting relief.

Councilmember Dahl stated she had heard that the call to the Sleeping Giant Middle School on 2-28-95 (time 1506) should be no charge as it was student caused (charged for \$250) and a call to Washington School on 3-21-95 (time 0733) should not be student charged but District charged for \$100. This would reduce the total bill by \$150 to the School District. More discussion was heard.

Motion was made by Hall, second by Lee, to rescind the last four calls to the Park High School on 2-13-95, if the City can get a timely response from the School District. An amendment to the motion was made by Hall, second by Harris, to change the bill at the Manager's discretion and that the School Board should be advised that if the City can get some kind of plan from them at a fairly timely fashion, we'll waive those charges, but if not, some period of thirty days was to pass and the City still had no reaction, then the charges can stand.

Mayor Mikesell would like requests for the Fire Department not to respond to an alarm, logged in at the Police Department, and not be verbally given to a fireman. More discussion was heard.

Motion passed.

Motion was made by Harris to appoint Mr. Dykes as the next City Manager. Motion died due to the lack of a second.

Motion was made by Williams, second by Hall, to hire Mr. Golnar as our next City Manager. Roll call vote was four in favor. Harris opposed.

Mayor Mikesell asked that the same contract that was previously written be used for Mr. Golnar. Council was in favor.

Included in the packet, was a County Claim, \$22,092.90, for the Sanitarian and Health Inspector. The City budgeted \$17,475 for the Sanitarian. Although the claim is for more than the City budgeted, it is recommended that it be paid. Discussion was heard from

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Council. City Attorney Jovick stated that before Council can act on the claim, the budget will have to be amended. City Manager Orndorff stated a resolution will be prepared for the next meeting. Council would like the Manager to find out where the requested numbers came from.

Motion was made by Harris, second by Dahl, to approve the LRC's drawdown for \$143,206.92. Motion passed.

Bill Leitch from the Park County Environmental Council addressed City Council. His letter was included in the packet reference their receipt. Councilmember Williams commended Mr. Leitch for the PCEC going after the grant.

Included in the packet, was a letter from STANDING ALONE with an attached Assessment Questionnaire. The letter requests that the City support this program with a financial donation or a donation of goods. Council was in agreement that they do not wish to make a donation at this time. Mayor Mikesell stated if sometime we had some goods they could use, he would like it donated.

Motion was made by Harris, second by Williams, to accept the resignation of Ellen Woodbury from the Historic Preservation Board and to appoint Valerie Counts as the replacement. Motion passed.

City Manager Orndorff asked the City Council if they wished to take action on a possible meeting between the Library Board, the County Commissioners and themselves concerning the Library Budget. Council agreed to meet sometime during the third week of July, if this will work for the County.

City Manager Orndorff stated that at the joint County Commissioners/City Councilmember meeting, the subject of hiring a financial person to do a financial study concerning the equipment used for Incinerator operation was discussed. The overall cost is \$5,500. The City's cost would be \$2,750.

Councilmember Harris stated this should be looked at in the next years budget. Mayor Mikesell stated they do not know which way to go with the transfer station and the study would help the Refuse Committee out. Mayor Mikesell felt this study was important.

Discussion was heard on where the money would come from and who the financial person was. Mayor Mikesell stated the County was hoping to get an answer at tonight's meeting.

Supt. Ken Kastelitz stated that this request was for equipment used for the Incinerator operation, but he remembered it being discussed at the Refuse Committee meeting, not only the Incinerator, but also the Transfer Station and everything combined.

Council would like more information. This item is to be on the agenda for the 5th of July Council meeting.

The State Auditor for the TSEP Program performed the audit on June 12th and 13th. This was Resolution No. 2592 in this packet. Mr. Orndorff stated that we are also working on correcting a finding.

The City Manager received a Land Appraisal Report for the City owned property located at Front Street and Sunset Drive. The report stated the market value of the property as of June 9, 1995 as \$20,000.

Discussion was heard. City Attorney Jovick stated he needed to review the document with the City Manager.

Councilmember Williams stated she was not in favor of selling the property at all. That possible use of the City land could be for a substation to the Fire Department.

Councilmember Harris stated that if the City did not need to sell the land, then why sell it.

Councilmember Hall stated there are interested parties and that the City should let them know what the land appraised for and go from there.

City Manager Orndorff stated that after he talks with the City Attorney, he will then agenda this for the meeting of July 5th.

City Manager Orndorff stated there was a payback agreement proposal from George Denton and Henry Fleishman. The City has not be able to get it finalized yet. It will be before Council at their next meeting.

City Manager Orndorff stated that a few days ago, the Ambulance (A-2) was taking paramedics from an air crew and an emergency patient up to the airport, and the engine burned up on the ambulance. There is over 200,000 miles on the ambulance and other worn out conditions.

The City has borrowed the Emigrant Ambulance for a few days. The City will have to pay \$100 per day rental on the vehicle and then increase to \$150 per day.

Assistant Fire Chief Art Swanson addressed Council with a few items concerning the Ambulance breaking down on other occasions. Ass't. Chief Swanson requested that the ambulance be replaced with a new or demo ambulance. He is working with a few companies on getting price quotes.

If Council decided to fix A-2, it would cost approximately \$1,800 to \$2,500 for a new engine. A new radiator was just recently fixed and will need replaced again.

Ass't. Chief Swanson answered for Councilmember Dahl that a fully equipment 94 Demo model ambulance would cost \$67,000 with roughly 5,000 miles.

Finance Officer Shirley Ewan stated there is only one payment left on the City's newest ambulance. Discussion was heard concerning how payments on an ambulance could be made.

It was noted that the County contributes \$35,000 for the Ambulance Service.

Councilmember Dahl asked the City Manager to look into InterCap for funds. City Manager Orndorff will look into the avenues suggested.

Motion was made by Harris, second by Dahl, to approve the claim to Kiefer Motors for a 1995 GMC Dump Truck for the amount of \$33,621.00. This truck was bought locally with two dealers working together. Motion passed.

City Manager Orndorff summarized what was current with the HOEDOWN. Jann Bernsten addressed Council with what was happening on July 1st with the HOEDOWN.

Discussion was heard concerning the catering of liquor for the event. Comments

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were heard from Council, Bryan Pynn, Rhonda Fehlmann and David Waylander of the 49er Casino.

Council was in agreement to stay with the plans this year which allowed for open container in five block area that they passed at the May 1st Council meeting.

Councilmember Harris commented on the condition of a light pole in Miles Park at the baseball fields. It has been leaning farther and farther, over the last two years.

Supt. Kastelitz stated that the Baseball Association said they would be taking care of this. If they do not, the City will have to contact MPC or REA to help fix the pole.

Councilmember Williams stated she has received a complaint about the weeds at the Livingston Ditch along 8th Street. Supt. Kastelitz will look into.

Mrs. Williams commented, passengers from the passenger train, that has been in Livingston, did make a point to see Sacajawea Park. Mrs. Williams commended City Staff.

Councilmember Hall asked the City Manager to contact the Ditch Rider to get some repair work done to the boardwalks, especially near Main Street.

Mr. Hall asked Police Chief McCann if Officers will resume foot patrols on Fridays and Saturday nights. Chief McCann confirmed that he will as manpower is available. Mr. Hall stated that the downtown people appreciate the officers on foot patrol and was good for the area.

Chief McCann stated the 3rd, 4th and 5th of July will be patrolled from 9:00 p.m. until 3:00 a.m.

Mayor Mikesell would like the grassed cut along Highway 89 South and in front of Buttrey's.

Mayor Mikesell asked if anything can be done about panhandlers. City Attorney Jovick stated there is no ordinance in the books on this.

Mayor Mikesell commented on the Chamber of Commerce sign on Park and 5th Streets. City Planner Woodhull stated he was in the process of finding more information on how the sign ended up in the location it did.

Councilmember Williams commented on the Big Brothers and Sisters sign located in the triangle area by Kiefer Motors. That sign is also in a bad location and needs moved back at least three feet.

John Hughes from the Pastime addressed Council on the earlier conversation about the HOEDOWN.

Co Inglehart addressed Council on Resolution No. 2591 and paying off loans that have already been made.

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

The time was 9:52 p.m.

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ATTEST:

APPROVED:

Julianne Blahely
RECORDING SECRETARY

Pat Mitchell
MAYOR

LIVINGSTON
SPECIAL CITY COUNCIL MEETING

July 5, 1995
7:30 P.M.

The Livingston City Council met in special session Wednesday, July 5, 1995, 7:30 p.m. in the Council Chambers at the City County Building. Councilmembers present were Fred Hall, Lee Harris and Barb Williams with Mayor Pat Mikesell presiding. Councilmember Sheryl Dahl arrived at 7:40 p.m.

Motion was made by Williams, second by Harris, to approve the minutes of June 19, 1995 regular Council meeting. Motion passed.

Motion was made by Williams, second by Harris, to accept the bills and claims that were listed for \$78,567.82. Councilmember Williams questioned page 12, item #1008 to Tech Electric for an emergency generator. City Manager Orndorff and Supt. of Public Utilities Clint Tinsley explained. Tinsley stated a new one was budgeted for, but the Tech Electric offered this used one to the City for a good price. The generator is big enough for all of the Waste Water Treatment Plant.

Councilmember Harris questioned the following claims; Page 20, item #1293 to Valley Motor Supply. Fire Chief Tim Parks stated this was a battery for the Ambulance.

Page 21, item #1305 to Yellowstone Hardware Supply. This item was for paint.

Page 31, item #118 and #125. Finance Officer Shirley Ewan explained this was penalties and interest owed by the City, over the last year.

Motion passed.

Motion was made by Harris, second by Williams, to approve Resolution No. 2594, A RESOLUTION TO PROVIDE FOR THE ALTERATION OF THE BOUNDARIES OF THE CITY OF LIVINGSTON BY INCLUDING THEREIN, AS AN ANNEXATION CERTAIN REAL PROPERTY. All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2597, A RESOLUTION FOR BUDGET APPROPRIATION AUTHORITY TO TRANSFER \$4,617.00 TO GENERAL FUND INTERGOVERNMENTAL SUPPORT (SANITARIAN) FROM GENERAL FUND CENTRAL STORES; AND APPROVING PAYMENT OF \$22,092.90 TO PARK COUNTY FOR THE PROVISION OF THIS INTERGOVERNMENTAL SUPPORT.

Discussion was heard concerning what had been budgeted and what the County was asking. An amendment to the motion was made by Harris, second by Dahl, to table this resolution. Amendment to the motion to table passed. An amendment was made by Hall, second by Dahl, to have the City Manager and Finance Officer visit with the County Finance Officer for further research. Amendment passed.

Motion was made by Hall, second by Williams, to approve Resolution No. 2598, A RESOLUTION APPROVING A PAYBACK AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND GEORGE DENTON, OWNER OF MOUNTAIN VIEW ESTATES

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SUBDIVISION OF LIVINGSTON. City Manager Orndorff clarified a question for Councilmember Dahl. Supt. Tinsley explained there was a typo on page 39 in the Council packet and page 4 to the agreement, paragraph #10., should read does "not". All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve Resolution No. 2599, A RESOLUTION APPROVING A PAYBACK AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND HENRY FLEISCHMAN OF MOUNTAIN VIEW DEVELOPMENT INC., OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2600, A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND STEVEN GOLNAR. City Manager Orndorff pointed out there was a faxed contract for their review.

Councilmember Hall questioned page 5 of the agreement. Mayor Mikesell explained that Supt. of Public Services Ken Kastelitz will stand in a Acting City Manager between the dates of August 15th - August 22nd when Mr. Golnar will start working.

Mr. Hall commented on paragraph 14, Vehicle Allowance. Mr. Orndorff explained that it is understood a City vehicle will be available to Mr. Golnar during working hours.

Councilmember Dahl questioned paragraph 16, the Greater Open Space City Manager's Association. Mr. Orndorff explained this was the Regional Managerial Association.

Ms. Dahl questioned paragraph 6, Termination. City Attorney Jovick explained further.

Five in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2601, A RESOLUTION DECLARING THAT THERE SHALL BE NO CITY PRIMARY ELECTION FOR 1995. All in favor. Motion passed.

Second Reading of Ordinance No. 1808, AN ORDINANCE AMENDING SECTION 7.55 a) OF ARTICLE IV "DISPATCH SERVICES" FOR FALSE ALARMS TO THE DISPATCH CENTER. All in favor. Motion passed.

Second Reading of Ordinance No. 1809, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY RECENTLY ANNEXED BY THE CITY OF LIVINGSTON. All in favor. Motion passed.

Second Reading of Ordinance No. 1810, AN ORDINANCE ADDING LIGHT AND HEAVY MANUFACTURING TO CHAPTER 30, ARTICLE II UNDER "DEFINITIONS" AND CHANGING TABLE 30.40 "LIST OF USES" TO ALLOW LIGHT AND HEAVY MANUFACTURING. All in favor. Motion passed.

Second Reading of Ordinance No. 1811, AN ORDINANCE ADDING SECTION 9-222 (13) TO THE CODE OF ORDINANCES TO PROHIBIT PARKING IN ANY DESIGNATED FIRE ZONE ADJOINING ANY PUBLIC SCHOOL OR ANY PUBLIC BUILDING. All in favor.

Motion passed.

The following reports and minutes were included for Council's information:

Minutes of Library Board Meeting, May 18, 1995
 Minutes of Livingston Sister City Committee Meeting, April 27, 1995

The following calendar was included for Council's information:

July 5, 4:30 p.m., County Commissioners/City Councilmembers Joint Meeting
 July 5, 7:30 p.m., Special City Council Meeting
 July 11, 10:00 a.m., City Government Study Commission - Council Chambers
 July 13, 7:00 p.m., Sister City Committee - Council Chambers
 July 12, 4:30 p.m., Meeting with County Commissioners/City Councilmembers and
 Library Board
 July 16, Livingston's Students depart for Naganohara
 July 17, 7:30 p.m., Council Meeting
 July 19, 1:00 p.m., Public Works Mediation - Council Chambers
 July 25, On or Before, Set Preliminary Budget
 July 27, 10:00 a.m., Joint Government Study Commission
 July 27, 7:00 p.m., Sister City Meeting
 August 3, 4:30 p.m., County Commissioners/City Councilmembers Joint Meeting
 August 4, Naganohara's Students Arrive
 August 5, Fire Fighters Sponsor Kid's Trout Derby, Lagoon
 August 7, 7:00 p.m., Reception for Naganohara Students, Basement of Elks Lodge
 August 15, On or Before, Final Budget and Levy
 August 15, City Manager Orndorff's Last Day
 August 23, Linda Fyffe Departs for China
 September 29, Naganohara Wives Association's Dance Group Arrives
 September 30, Oktoberfest

Councilmember Dahl questioned when there will be budget meetings scheduled. City Manager Orndorff stated it will be coming up later in the agenda.

Supt. Tinsley notified two firms that they are violating sewer discharge permits.

It was discovered that forty pages of Journal Vouchers from last year were not posted. This necessary posting will change figures for us.

A letter was received on June 28th, from the Chamber of Commerce requesting that the 32nd Annual Yellowstone Boat Float be given permission to use Mayor's Landing on July 6 and 7th. Due to the lateness of the letter, the City Manager informed the Yellowstone Boat Float that they could use Mayor's Landing.

There are three trees behind G Street Park that were damaged by fires. These trees need to come down and the cost will be \$600.

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The Estimate has been completed on the remodeling of the East Side School Building for the Police Department.

Staff has reinvested the City's money. We now have a \$500,000 CD, 90 days, and a \$200,000 CD, 182 days. These CDs are at the American Bank as that banking institution offered the highest interest rate.

Included in the packet, was a letter dated June 20, 1995, from the Blue Slipper Theater, to Supt. Kastelitz requesting that the City make the Civic Center available at little, or no cost for Shakespeare in the Parks, Monday, July 31st. Discussion was heard from Council. Motion was made by Williams, second by Dahl, to have the Civic Center available if they should need it on Monday, July 31st. More discussion was heard. An amendment to the motion was made by Williams, second by Dahl, to include that it carry a \$25 non-refundable deposit. Amendment passed. Motion passed as amended.

A letter was received, June 23, 1995 from Adventure Cycling Association requesting use of one of the Parks the evening of September 10th to camp 200 bicyclists. This is a non-profit bicycle touring organization based in Missoula. It was suggested that Council approve this request with the Association making a donation to the City for the use of the facilities. Discussion was heard, with Council agreeing to the Band Shell area in Sacajawea Park.

City Attorney Jovick will look into the Ordinance to see if a re-write will be required to allow Council the ability to waive no camping in a City Park.

Motion was made by Harris, second by Dahl, to approve this and has to pass the test as far as the ordinance is concerned. Motion passed.

Motion was made by Harris, second by Williams, to approve sending Linda Fyffe to a course held by the Wyoming-Montana Safety Council, "The Professional Safety Supervisor -1".

The course will be held in Bozeman on July 26, 27 & 28 with the cost being \$260. Some discussion was heard from Council.

Motion passed.

Motion was made by Harris, second by Williams, to accept the resignation of Jeannie Baker from the Sister City Committee and appoint Linda Fyffe as her replacement. Motion passed.

City Manager Orndorff gave Council a recap of the current ambulance situation concerning the engine that burnt and the rental of an ambulance from the Emigrant Fire Department.

City Manager Orndorff stated the City needs to establish a policy for non-union employees concerning Leave of Absences in regards to Health Insurance.

Motion was made by Williams, second by Dahl, to approve the following paragraph into City Policy, "After a non-union employee has used all of his/her sick leave and vacation leave days on an illness, he/she will be placed on a leave of absence without

pay in order that his/her job be held (The employee must work a minimum of 20 hours per week to earn a share of the benefits.) During a leave of absence no benefits are accumulated or allowed. The employee has a responsibility of making arrangements for total payment for insurance premiums during any period where no salary or benefits are due." Motion passed.

Motion was made by Dahl, second by Williams, to approve the bulk fuel bid to Tri-Valley Petroleum for Unleaded fuel for \$1.039 9/10th per gallon and #2 Diesel for \$0.7034 per gallon. Motion passed.

Motion was made by Dahl, second by Williams, to accept Drawdown Request Number 4 for the Economic Development Loan to LRC totaling \$111,217.61. Motion passed.

City Manager Orndorff stated that Steve Swick, from LRC, is offering Council a tour of LRC on Monday July 17th. 4:00 p.m. is the time set for any of the Councilmembers that can make the tour.

City Manager Orndorff reported on a Fax Transmission from the Fleet Management Division of Salt Lake County. There are five 1994 Ford Taurus "P" GL vehicles available with mileage between 10,327 and 12,093. The price of these vehicles is \$13,500. They do not have radio, lights, or siren.

Motion was made by Harris, second by Williams, to budget for and buy one of these vehicles. Motion passed.

City Manager Orndorff reported that staff will be going over the budget on Thursday. A budget worksession was scheduled for Monday, July 10th at 7:00 p.m.

City Manager Orndorff reported to Council the information they requested on borrowing money for an Ambulance through Intercap.

City Manager Orndorff reported that Finance Officer Ewan has been attempting to pin down an answer concerning transferring funds between line items in the budget. Included in the packet was her memo.

Ms. Ewan spoke to Mr. Norm Klein, Local Government Service Center in Billings and he assured her that it is completely legal to transfer line items amongst a fund. It is also okay to transfer amongst Departments providing each Department line item being transferred is in the same fund.

City Manager Orndorff reported that the Solid Waste Attorney has spoke with him. Mr. Orndorff felt it was important that Council meet with him individually to discuss the issues. Council agreed to meet with him Thursday afternoon.

City Manager Orndorff stated he has put a Financial Support Request from the Montana Local Government Energy Committee in Council's box. They are asking for contributions. Mr. Orndorff suggested zero, with Council in agreement.

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City Manager Orndorff asked for discussion concerning the bond issue and whether to have two separate bond issues or combine the ambulance and fire truck.

Councilmembers Harris and Williams was in favor of two separate issues. Discussion was heard between Staff and Council.

It was decided that this would be added to the Monday night worksession for further discussion.

Dr. LeBlond will be invited to the worksession on Monday, July 10th.

City Manager Orndorff reported there were 38 applicants for the opening in the Police Department. This person will not be hired until September 1st.

Discussion was heard about the Finance Office going to monthly claim payments. City Manager Orndorff stated this will be an office savings and explained further. Council was in agreement to this change.

City Manager Orndorff stated that he did receive a letter criticizing him for having Superintendents at the meetings. Mr. Orndorff asked Council what they preferred. Majority of Council said it was a good idea to have them present at the meetings and their overtime should be covered in the budget.

City Manager Orndorff asked for guidance on the budgeting process. There is money for a partial payment to the Capital Improvement Fund Loans that were made. Mr. Orndorff asked Council what they wanted to budget, just interest or a little principle with the interest. Council felt some of the principal should be paid also.

Council was in agreement to pay some principle and the interest. Mr. Orndorff was directed to come up with a figure and go back to Council with it.

City Attorney Jovick will look further into I 105.

The bid came in for remodeling the Police Department at the East Side School. The bid price was \$35,737.00. The bid price for moving back to the City County Building was approximately \$54,000.00 plus \$8,000 or \$9,000 for the 911 System.

City Manager Orndorff stated that if the Police Department stays at the old East Side School Building, approximately \$20,000 per year will need to be budgeted for utilities and something will need to be done with the boiler and address ADA.

Councilmember Hall asked that the details be provided for Council.

City Manager Orndorff reported on the hiring of an accountant to help close out the end of the year books and fixing up the mill levy sheet. Council agreed that this would come out of professional uses. Mr. Orndorff stated that a resolution needed to be prepared for the next meeting on an auditor.

Discussion was heard concerning Simmons & Co. and going out to bid. Staff would like to use Randy Newberg, an accountant for the closeout of the books.

Councilmember Harris stated that the Audit Report did not get to the State Offices until June 1st. Mr. Orndorff will look into this.

Motion was made by Williams, second by Hall, to employ Simmons & Co. to

conduct the fiscal year 1994 & 1995 audit. More discussion was heard.

An amendment to the motion was made by Hall, second by Williams, that a proposal be solicited to Simmons & Co. and to include the cost of the book closing.

A substitute motion was made by Dahl, second by Harris, to go out for a RFP. City Attorney Jovick explained the substitute motion. Councilmember Dahl withdrew her motion.

The vote on the amendment was Williams and Hall in favor. Dahl and Harris opposed, with Mayor Mikesell casting the deciding vote as opposed. Amendment failed.

The vote on the main motion was Williams and Hall in favor. Harris and Dahl opposed, with Mayor Mikesell casting the deciding vote as opposed. Motion failed.

Motion was made by Dahl, second by Harris, to go out with a RFP to solicit proposal for the closing out of 1994-1995 and to do the audit for 1994-1995. The vote was three in favor. Councilmember Hall did not vote. Motion passed.

City Manager Orndorff asked the Council as a body, to clear up a disagreement between Mr. Harris and himself. Council has received the letters.

Mr. Harris has asked that Mr. Orndorff give him complete and in detail accounting of the total cost to the City concerning the investigation of Lynn Gillett. Mr. Orndorff denied that request.

Discussion was heard. Clarification was given by City Attorney Jovick. More discussion was heard.

No action was taken.

Councilmember Dahl asked that bids and costs for the East Side School, and ambulance information be on the worksession agenda for Monday, July 10th.

Ms. Dahl questioned where we were with Carter Boehm and Ray Plum. Mr. Orndorff explained that the Engineer is redrawing their plans.

Ms. Dahl commented that a constituent called her regarding an accident on Chinook Street and was concerned with the signage. Police Chief McCann explained State Laws and people on the right have the right-of-way.

Councilmember Williams questioned when the pot hole between F & G Streets was going to be fixed. Supt. Tinsley explained that there are forty holes that are scheduled to be fixed. This will be a group effort between the Water and Street Departments. This includes the hole Mrs. Williams questioned.

Mrs. Williams stated that Doug Dunn told her there was still an outstanding bill to him in regards to the Police Department. Chief McCann stated he has submitted everything he has received, that this bill may have been submitted at the last meeting. Chief McCann will look into further with Mr. Dunn.

Mayor Mikesell asked Chief McCann how the Hoedown went with open container. Chief McCann commented that there were no problems.

Mayor Mikesell commented that there people in town over the weekend and were bothered by so many kids smoking. Chief McCann commented.

Councilmember Harris stated he was approached by someone that lives in Billings, and

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that they received a sweeper ticket. Mr. Harris was under the understanding that the sweeper tickets were only given to Park County plates. Chief McCann stated that they were not.

Mayor Mikesell asked how the Chamber of Commerce sign was coming along. City Planner Jim Woodhull explained and stated it was up to Council where they would like it moved. Planner Woodhull will contact the Chamber and tell them to move it back a ways.

Councilmember Williams stated she still has trouble with the Big Brother and Sisters sign in the triangle on Park Street.

Co Inglehart commented on item #g on the agenda concerning the City Policy for non-union employees.

Mike Fleming asked when Channel 7 will be back on the air.

Mr. Fleming also commented on the last Joint Government Study Commission meeting and the serious security problems with the Police Department at the East Side School.

Eugenie Drake of the Joe Brooks Chapter of Trouts Unlimited, addressed Council about the chapter installing a sign at Mayors Landing.

Motion was made by Harris, second by Dahl, to approve this sign, but would like to see some plans before it is installed. Ms. Drake stated the sign will be 4'x8', would be made out of wood, and the chapter will take care of the maintenance of the sign

Councilmember Dahl questioned the green dumpsters at the Geyser Street Trailer Court and garbage blowing into Fleshman Creek. Ms. Drake will look into that.

Motion was made by Dahl, second by Harris, to table this request to obtain more information. Motion to table passed.

Fire Chief Tim Parks asked Council what they decided concerning the bond issue discussion earlier in the meeting. Council wanted more information first.

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

LIVINGSTON
CITY COUNCIL MEETING

July 17, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, July 17, 1995, 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 the minutes of July 5, 1995 special Council meeting. Motion passed.

Motion was made by Williams, second by Harris, to accept the bills and claims that were listed for \$235,389.44. Councilmember Hall questioned claim #2253 on page 23 to Bozeman Tree Service. Supt. of Public Services Ken Kastelitz answered that these were large tree removal and not trimming of limbs.

Councilmember Dahl questioned the following claims: Page 12, item #1153 to Larsen and Associates. City Manager Orndorff clarified this as the Harrington arbitration.

Page 17, second claim from the bottom, should be listed as Tri Valley Petroleum for the Building Inspector's gas, instead of Tony's Tubes.

Councilmember Williams questioned the following claims: Page 10, item #1008 to Tech Electric. Mrs. Williams noted that this was the second time the City was billed for the same ballast in the Police Department. Police Chief Steve McCann explained.

Page 15, item #1242 to Park Tire, Inc. for three flat tires to vehicle #242. Supt. Kastelitz explained this was for the tandem truck.

Councilmember Harris questioned the following claims: Page 11, item #1024 to Alpine Electronics. Supt. Kastelitz explained this was a new computer monitor for the Solid Waste Billing computer as the previous monitor burned out.

Page 14, item #1222 to Normont Equipment Company for a miniature TV camera. Supt. Tinsley explained how this camera works in the sewer system.

Page 18, item #1343 to Yardley & Yardley. Mr. Orndorff confirmed this was public defender fees.

Page 20, item #1450 to Bob Jovick. Mr. Jovick stated this was for his monthly overhead.

Page 25, item #2460 to Kurt D. Holm. Mr. Orndorff stated this was appraisal fees for City property and if the property would be sold, the fee would be the buyers responsibility.

Page 25, item #2461, to Kelly Smith. Mr. Orndorff stated this is the third claim to come before Council and it is for the Sanitarian's Office.

Page 26, item #2430 to James Kommer. Mr. Orndorff confirmed this was the Police Commission lawyer for the Gillett case.

Page 27, item #2463 to June Wilkinson, Esquire. This was also for the Harrington arbitration. Mr. Orndorff stated that this claim and the one for Larsen may not be the complete bills.

Motion passed.

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City Planner Jim Woodhull gave a background report to Council on a variance request from George and Marge Boyle at 512 W. Geyser Street. The Boyles are requesting a variance from the five (5) foot rear setback requirement for RII zoning districts. They wish to build an addition onto their home that would maintain the exiting rear line of the house which is on the property line.

Motion was made by Williams, second by Harris, to approve the City Board of Adjustments recommendation to allow the variance. Motion passed.

City Planner Woodhull gave a background report on a variance request from Mark Brooks at 416 S. 3rd Street. Mr. Brooks is requesting a variance from the five (5) foot side setback requirement for RII zoning districts. He wishes to build a new 20' X 24' garage on one side property line in order to make it fit on a single lot.

Motion was made by Harris, second by Dahl, to approve the City Board of Adjustments recommendation to allow the variance. Motion passed.

City Planner Woodhull gave a background report on a variance request from Lyle and Rachel Hinmann located in the 1100 Block of East Lewis. The Hinmann's are requesting a variance from the thirty-five hundred (3500) square foot minimum lot size requirement for RII (MH) zoning districts. A prospective buyer of this vacant property wishes to move an existing house onto this 3225 square foot parcel. This house, if it were placed on this property would meet all required setbacks.

Motion was made by Williams, second by Harris, to approve the City Board of Adjustments recommendation to allow the variance. Motion passed.

A public hearing was held on Resolution No. 2584, A RESOLUTION ADOPTING AN INCREASE IN WATER RATES TO GENERATE A 5% PERCENT INCREASE IN WATER REVENUES FOR THE CITY OF LIVINGSTON. Public comments were heard from Bob Forcell and Lenny Gregrey. A letter in opposition was received by the City from Cliff and Pat Miller.

City Manager Orndorff asked Supt. Tinsley to explain the increase. Mayor Mikesell gave further explanation for the public's information. Comments were heard from Council

Motion was made by Hall, second by Williams, to approve this resolution. The vote was three in favor, Harris opposed. Motion passed.

A public hearing was held on Resolution No. 2586, A RESOLUTION APPROVING A 5% PERCENT INCREASE IN SEWER RATES FOR THE CITY OF LIVINGSTON. Public comment was heard from Howard Harper. A letter in opposition was included in the packet from Steve Hicks. Council voiced their comments.

Motion was made by Williams, second by Hall, to approve this resolution. The vote was three in favor, Harris opposed. Motion passed.

A public hearing was held on Resolution No. 2590, A RESOLUTION APPROVING THE 1995 APPLICATION OF THE LIVINGSTON REBUILD CENTER FOR TAX ABATEMENT FOR NEW OR EXPANDING MANUFACTURING INDUSTRY PROPERTY IMPROVEMENTS OR MODERNIZED PROCESSES FOR THE CITY OF LIVINGSTON. Steve Swick from LRC, addressed Council to answer their questions. Public comment

was heard from Lenny Gregrey.

Motion was made by Williams, second by Hall, to approve this resolution. All in favor. Motion passed.

Public hearing was held on Text Amendment: Mobile and Manufactured Homes. City Planner Woodhull gave background information on this text amendment. Mr. Woodhull explained this has come about due to the shortcomings in the City's current definitions for Mobile Home and Modular Home. The current definitions delineate these two different housing types by classifying any structure built with a permanent chassis as being a Mobile Home. What this amendment would do is allow certain factory built housing units to be considered single family dwellings eligible for placement in any residential zoning district provide they meet certain design specifications, regardless of whether or not they have a metal under-carriage.

Public comment in favor of the change was heard from Bob Weimer.

Motion was made by Williams, second by Hall, to approve Resolution No. 2602, A RESOLUTION TRANSFERRING \$229 FROM THE OFFICE OVERHEAD LINE ITEM, \$2,000.00 FROM FACILITY, OPERATING SUPPLIES LINE ITEM, AND \$14,271 FROM BUILDING REPAIR LINE ITEM TO ADMINISTRATION-MANAGER FOR THE CITY OF LIVINGSTON.

Councilmember Harris questioned what the money would be used for. City Manager Orndorff explained this was to pay a bill to Simmons & Co.

An amendment to the motion was made by Dahl, second by Williams, that under Facility, Operating supplies, striking out 230 and adding 220; under Building Repair, striking out 369 and adding 365; under Building Repair, the first 365 needs changed to 121. Amendment passed.

Councilmember Dahl asked for a detailed description of all invoices the City has received from Mr. Simmons.

Discussion was heard from Council. Mr. Simmons was present to answer questions.

The vote on the motion was three in favor, Harris opposed. Motion passed.

Mayor Mikesell called a ten minute recess.

Mayor Mikesell called the meeting back to order at 8:45 p.m.

City Manager Orndorff asked that the agendaed request to approve the attached claim for Simmons and Company, be included on the agenda for a special Council meeting Mr. Orndorff will be requesting later in the meeting, to pass the preliminary budget.

The following reports and minutes were included for Council's information:

Board of Adjustment Minutes

Sister City International Educational and Cultural Exchange Program, Inc., July
Minutes

Livingston Government Study Commission Minutes of July 11, 1995

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Building Department's Monthly Report for June
 Fire Chief's Monthly and End of Month Report's for June
 Police Chief's Monthly Report for June
 Ambulance Accounts Receivable Report for June
 Councilmember Dahl had a comment on the ambulance.

The following calendar was included for Council's information:

July 17, 4:00 p.m., Tour of LRC for Councilmembers
 July 19, 1:00 p.m., Public Works Mediation, Council Chambers
 July 24, SPECIAL CITY COUNCIL MEETING TO ADOPT PRELIMINARY BUDGET
 July 27, 10:00 a.m., Joint Government Study Commission
 July 27, 7:00 p.m., Sister City Meeting
 August 3, 4:30 p.m., County Commissioners-City Council Joint Meeting
 August 4, Naganohara Student's Arrive
 August 5, Fire Fighters Trout Derby, Lagoon
 August 7, 7:00 p.m., Reception for Naganohara Students, Elks Basement
 August 7, 7:00 p.m., City Council Meeting
 August 10, Proposed Special City Council Meeting for Final Budget and Levy
 August 15, City Manager Orndorff's Last Day
 August 21, 7:30 p.m., City Council Meeting
 August 22, City Manager Steve Golnar's First Day
 August 23, Linda Fyffe departs for China
 September 29, Naganohara Wives Association's Dance Group Arrives
 September 30, Oktoberfest

Other items listed for Council's information:

- Correspondence from the Airlines Antitrust Settlement Administrator. This is in reference to the Ten Percent Airfare Discount Available to your Government Entity Beginning August 8, 1995.
- Loran Fraizer, Montana DOT Butte, called to say that there was no progress to report concerning the stop light at 2nd and Park Streets.
- Jim Edgecomb's (TSEP Project Liaison) report on his review of our project. The items will be addressed.
- Material from MMIA and Wyoming-Montana Safety Council concerning August 31st being SAFETY DAY.
- Letter from Kathleen Kaul expressing appreciation of the work performed by our Police Officers over the Fourth of July weekend. The appropriate officers had this letter place in their personnel files.

City Manager Orndorff requested a Special City Council Meeting for Monday, July 24,

1995, 7:00 p.m., for the purpose of approving the Preliminary Budget and paying some claims.

A budget worksession was set for after this Council meeting and for Thursday, July 20th, 6:30 p.m.

Motion was made by Williams, second by Dahl, to set the Special Council Meeting for Monday. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to re-appoint Kathleen Kaul, the City's representative on the Yellowstone Country Board. Her appointment extends through April 1996. Motion passed.

City Manager Orndorff reported that Finance Officer Ewan has a Request for Proposal format, but we have not been able to work on it yet due to the budget work. Mr. Orndorff has requested a list of State approved auditors from the State.

City Manager Orndorff reported on a letter from Montana Homes, L.L.C. expressing that they would like to vacate Sacket Park in the Montague Subdivision, in exchange to create a green space and erect a walking foot bridge on the neighboring island owned by the City of Livingston.

Mr. Orndorff stated this will be turned over to the Development Review Committee for their recommendation. Council was in agreement.

Councilmember Hall stated his opposition of this request. Mr. Hall stated there is a rental located on this Park.

Motion was made by Harris, second by Williams, to approve LRC's draw down request for \$97,539. Motion passed.

Motion was made by Dahl, second by Hall, to approve the Development Review Committee's recommendation that a one-year extension be granted to Mr. George Denton for preliminary approval of Mountain View Estates Subdivision.

City Planner Woodhull gave Council the background information. Some discussion was heard.

Motion passed.

City Manager Orndorff questioned Council about paying a portion of the Bosworth Claim - financial study information for the combined Solid Waste Committee.

The study is on everything that has to do with Solid Waste. The claim is for \$2,750.

Committee members, Supt. Kastelitz and Mayor Mikesell are in favor of the study and gave Council their opinions.

Discussion was heard about transporting garbage, the landfill and other options that could be used.

Mayor Mikesell gave more information. The study is now in progress and there will be a report in two weeks.

Discussion was heard concerning the City as being only a paying customer to the Refuse District and help the County pay for this study. City Attorney Jovick gave his

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comments on the discussion. Mr. Jovick stated he has other legal concerns that he would like to address individually to Council.

Discussion took place from where in the budget the money would be placed to cover this expenditure if approved.

Discussion took place concerning the flying of a blimp or a tethered balloon at different locations in the City. The tethered balloon would be on a 200' tether.

Council agreed this subject should be covered under an ordinance. Council was not in favor of allowing this. City Planner Woodhull will look further into.

It was requested that the City Council waive the open container law for the Art Walks on July 28th and August 25th. City Manager Orndorff stated that a letter requesting this was not received in time.

Councilmember Williams stated that Council needs to see these requests in writing.

It was decided, that the City Manager will research past approvals and will be before Council at their special meeting of July 24th.

The Park County Economic Development Council and HRDC have presented the City with a contract for architectural work on their proposed housing project. They are asking that the Council accept this contract. The City would be committing up to \$1,667.

Motion was made by Dahl, second by Williams, that the City not approve the contract with Larry Raffety, but rather participate to reimburse the contracting entity up to the \$1,667.

Some discussion was heard. Executive Director, Valarie Counts was present to answer any questions.

Motion passed.

City Manager Orndorff stated the City is working through some problems with the residents on the Blue Heron Drive.

Two letters were received today from residents in the Star Addition in reference to a proposed SID in that area.

Supt. Tinsley believes the Development Review Committee should review all proposed SID's. Council feels this is a good idea.

Motion was made by Dahl, second by Williams, to invite Rick Kerin to a Development Review Committee meeting for discussion on some of Council's questions on his job performances in the past and that there is a freeze on any further SID's that he signs off on until those questions are answered. Motion passed.

Councilmember Dahl requested the proposed budgets before Thursday for her review.

Howard Harper addressed Council on how he feels taxes are getting out of hand.

John Hughes thanked the Police Department for walking through his establishment during the Fourth of July Week.

Mr. Hughes also addressed the proposed raising of business license fees with

Council.

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

The time was 10:00 p.m.

ATTEST:

APPROVED:

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Julianne Blakely
RECORDING SECRETARY

Pat Mitchell
MAYOR

Special LIVINGSTON
CITY COUNCIL MEETING

July 24, 1995
7:30 P.M.

The Livingston City Council met in special session Monday, July 24, 1995, 7:00 p.m. in the Council Chambers at the City County Building. Councilmembers present were Barb Williams, Fred Hall, Sheryl Dahl and Lee Harris with Mayor Pat Mikesell presiding.

Councilmember Dahl questioned if this special meeting was publicly noticed. Staff explained.

Motion was made by Dahl, second by Williams, to accept Fiscal Year End 94-95 bills and claims that listed for \$24,521.93.

Councilmember Harris questioned claim #1005 on page 6 to Simmons & Co. Mr. Harris's question was the finance charges. City Manager Orndorff stated the bills were not paid as they came in, due to there was no money and a misunderstanding between bills. Councilmember Williams stated she researched past packets, and explained what she had found and felt it was an oversight on everyone's part. Extensive discussion was heard from Council and Staff. City Attorney Bob Jovick commented on the finance charges. It was noted during discussion, that even with the finance charges, Mr. Simmons has forgiven approximately \$16,000 worth of bills that was over and above the \$22,500 he would be paid.

Motion was made by Dahl, second by Harris, to table Max Simmon's bill until the next meeting, so there can be more time to look over everything.

More discussion was heard concerning paying the bill at this meeting or the next meeting. Finance Officer Shirley Ewan stated that if Council waits until the next meeting there will be more finance charges and also explained the time frame the City had to have all the end of year bills in and paid.

The vote on tabling the bill was Harris in favor, three opposed. Motion died.

Motion was made by Dahl, second by Williams, to amend the bills and claims by striking out from Simmon's & Co. \$1,441.10 finance charge. More comments were heard.

The vote on the amendment was three in favor, Harris opposed. Motion passed.

Councilmember Dahl questioned the air conditioning unit that was recently installed in the Police Department. Acting Police Chief Darren Raney stated it was removable and could be moved anywhere.

Councilmember Williams questioned page 2, item #1008 to Tech Electric. Supt. of Public Services Ken Kastelitz explained this was labor on installing a timer for the underground sprinkler in Sacajawea Park.

Councilmember Hall questioned Finance Officer Ewan if these were the last of the fiscal year bills. Ms. Ewan hoped that they were. The deadline for last years bills is the end of this month.

The vote for paying the fiscal year 1994-1995 bills and claims, was all in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2603, A RESOLUTION ADOPTING THE PRELIMINARY BUDGET FOR THE CITY OF LIVINGSTON FOR THE FISCAL YEAR JULY 1, 1995 THROUGH JUNE 30, 1996 BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF THE CITY GOVERNMENT. Finance Officer Ewan gave Council the following changes:

- Stated there was one correction in Solid Waste. This was transferring money over and did not change any of the totals.
- There may be a few adjustments to SID #175 and SID #176.
- Obtaining the mills for the Sanitarian.
- Special Revenue Funds for 3 mills for the Ambulance. One mill for certain and the other two mills to be voted on. These will be transferred over.
- CDBG. There is a call into the State for more information.

Roll call vote was three in favor. Harris opposed. Motion passed.

Motion was made by Williams, second by Harris, to approve Resolution No. 2604, A RESOLUTION AMENDING AN AGREEMENT BETWEEN THE LOCAL 2711 OF THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO AND THE CITY OF LIVINGSTON. Discussion was heard concerning the contract language to Article XV, and adding Section F.

An amendment to the motion was made by Hall, to remove Article XV from consideration within Resolution No. 2604 with the idea that we attempt to rewrite the language so that its mutually satisfying. No second was heard. Amendment died.

Motion was made by Dahl, second by Harris, to table Resolution No. 2604 until the City Attorney work on Article XV, Section F, and get the proper verbiage and the right intent and have it before Council at the next meeting. Motion passed to table.

Motion was made by Williams, second by Harris, to waive the open container law for the Livingston Gallery Association for July 28th, August 11th and August 25th for the following area: 100 North and 100 South blocks on Main Street, 100 block of North 2nd Street, and the blocks of Park and Callender Streets between Main and Second Streets. The time period would be between 7:00 p.m. and 10:30 p.m. Motion passed.

City Manager Orndorff reported that at the last meeting discussion was held concerning overnight stays in the City's public parks. A letter was received requesting this stay. Mr. Orndorff listed the section to the Ordinance this covers.

Motion was made by Harris, second by Williams, to allow Adventure Cycling Association to stay overnight in Sacajawea Park in the Bandshell area. The City is asking the Association to give a donation. Discussion was heard from Council.

The vote was three in favor, Hall opposed. Motion passed.

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City Manager Orndorff explained an attached letter of July 14th from Simmons and Co. concerning "an understanding of the services" the firm would supply to the City and an unsolicited proposal to do the City's audit for the next three years. Extensive discussion was heard.

Mr. Orndorff stated that the City had not gone out with an announcement at this time. Councilmember Dahl would still like the City to go out and get other proposals for a comparison.

Finance Officer Ewan stated she has received a list of State approved auditors.

Discussion was heard concerning professional services and enlisting an accountant at this time, due to the time factor of closing out the end of the year books. City Attorney Jovick suggested that the Finance Officer be able to seek and get the help at this time and have a resolution prepared, and then decide on an auditor for the auditing of the FY94-95 books. More discussion was heard on Mr. Simmons' proposals.

Mr. Jovick stated that by the time Council goes out for a RFP and has a chance to analyze whether an accounting firm bidding is trying to entice the City's business by having a low bid, and by the City not having a Finance Officer for a whole year, is going to be a job. If Council feels that Max Simmon's proposal is a reasonable one, Mr. Jovick's urged Council to go with the proposal and also with the page 15 letter, but put a lid on it.

Mr. Jovick stated that with the severe audit criticism, and with all that is coming down on the Finance Officer at once, help is needed now and the City needs to devote the resources now when we need them to avoid another ongoing problem.

Council and Staff discussed how to put a cap on the page 15 letter.

Councilmember Hall stated he would like to see Staff discuss this with Mr. Simmons and get an upward figure (\$2,500 is reasonable) and see a proposal prepared for the next Council meeting after consulting with Simmons, to get the pre-audit work started. Councilmember Williams agreed with Mr. Hall and Mr. Jovick. Mayor Mikesell was in agreement. Councilmember Harris does not want to see us lock ourselves into three years.

Discussion was heard on auditors.

Councilmember Harris will go along with page 15, but not both of the letters. Mayor Mikesell and Councilmember Williams commented they will go along with both letters.

Councilmember Hall told Ms. Ewan to call the Bozeman area auditors on the list to find out what they charge.

Finance Officer Ewan will use Simmon's and Co. for the smaller items and proposals will come before Council at their next meeting.

Council established the date of August 1, 1995 for the Public Hearing on the Final Budget and regular City Council Meeting, August 7, 1995 for the adoption of the Final Budget and Fixing and Levying a Millage for the Annual Tax Levy for the Year Beginning July 1, 1995 and ending June 30, 1996.

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

The time was 8:50 p.m.

ATTEST:

APPROVED:

Julianne Blahely
RECORDING SECRETARY

Pat Mitchell
MAYOR

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Special LIVINGSTON
CITY COUNCIL MEETING

August 1, 1995
7:00 P.M.

The Livingston City Council met in special session Tuesday, August 1, 1995, 7:00 p.m. in the Council Chambers at the City County Building. Councilmembers present were Fred Hall, Sheryl Dahl, Lee Harris and Barb Williams with Mayor Pat Mikesell presiding. (corrected from August 7, 1995 meeting)

A public hearing was held on the FY95-96 Preliminary Budget. Councilmember Dahl questioned Councilmember Harris why he voted against the resolution on the preliminary budget at the last meeting. Mr. Harris stated because of the East Side School.

No public comments were heard.

A public hearing was held on a 2.5 mill levy for service of the Sanitarian's staff. No public comments were heard.

Included on the agenda, was a letter from Councilmember Hall, declaring his intention to rescind a motion made at the July 5, 1995 Council meeting, for a Request for Proposals be made to prepare the 1994-1995 financial audit.

Motion was made by Hall, second by Williams, to rescind the motion this Council passed at the July 5th meeting, calling for Request for Proposals for the 94-95 audit.

Mr. Hall explained his reasoning for requesting the motion to rescind. Opinions and comments were heard from other members of Council and Staff.

Councilmember Dahl stated she would still like to go out for Request for Proposals to see what the going rate would be.

Discussion was heard concerning Simmons & Co.'s August 1, 1995 letter. This letter identified various tasks included in preparing for the audit of the last fiscal year, to pick a firm to audit the last fiscal year, and the time frame the City has to complete the preliminary work.

City Attorney Bob Jovick spoke on some of the concerns and questions that Council may have.

More discussion was heard, with Council and Finance Officer going through item by item, Mr. Simmons' proposal.

Roll call vote was Williams and Hall in favor, Dahl and Harris opposed, with Mayor Mikesell casting the deciding vote as in favor. Motion to rescind passed.

Discussion was then heard to make a motion to accept the services of Max Simmons for the audit.

Motion was made by Williams, second by Dahl, that Mr. Jovick draft a contract for these services that Simmons and Co. proposed at the July 21, 1995 letter to Council for an audit, and, that Council also allow him, with our Finance Officer's approval as needed, to additional financing work for \$55 per hour before November 15th, and \$65 per hour after November 15th, and also, receive monthly accounts and monthly bills, and if necessary ask him to come over for discussion.

Councilmember Dahl questioned if Mr. Simmons charges for coming to the meetings. This will be looked into.

The voice vote was three in favor. Harris opposed. Motion passed.

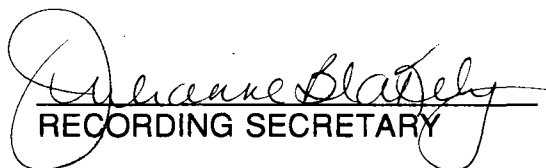
Mayor Mikesell stated the meeting will continue through the August 7, 1995 Council meeting.

Mayor Mikesell asked if anyone else would like to speak on the budget. No comments were heard.

The time was 7:55 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

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LIVINGSTON
CITY COUNCIL MEETING
FINAL BUDGET

August 7, 1995
7:30 P.M.

The Livingston City Council continued their budget meeting, Monday, August 7, 1995, 7:30 p.m. in the Council Chambers 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, Finance Officer Shirley Ewan announced there would be cake and punch after the meeting for City Manager John Orndorff.

Finance Officer Ewan gave Council the changes to the Final Budget:

- The City can levy one mill for the Ambulance, but the other 2 mills will be deducted from the Ambulance Revenue Fund and go into the Ambulance General Fund, because they're too late for the election this year, as they need to be voted on.
- Added \$18,000 into the Fire Department for the Harrington Settlement
- \$90,000 of Gas Tax money was not used this year, so the Gas Tax expenses were raised \$90,000

Motion was made by Williams, second by Dahl, to amend the Preliminary Budget with the above three amendments. Finance Officer Ewan answered a question for Councilmember Dahl concerning the \$18,000 in the Fire Department. Ms. Ewan stated this amount will be sufficient. The vote on the amendment was all in favor. Amendment passed.

Vice Mayor Hall asked for public comments on the proposed budget. No comments were heard.

Motion was made by Dahl, second by Williams, to adopt the Preliminary Budget with changes as the Final Budget. Roll call vote was two in favor. Harris opposed. Final Budget as amended passed.

Motion was made by Williams, second by Dahl, to approve the minutes of July 17, 1995 regular Council Meeting, July 24, 1995 special Council Meeting and August 1, 1995 special Council Meeting. Councilmember Williams stated on the August 1, 1995 special Council meeting, 1st paragraph, last word should read; "presiding". Motion passed as corrected.

Motion was made by Dahl, second by Harris, to accept the bills and claims that were listed for \$89,815.32. Councilmember Williams questioned page 31 to Industrial Towel.

Mrs. Williams stated this claim has always bothered her. Supt. of Pubic Utilities Clint Tinsley and Finance Officer Ewan explained this was for 3 months.

Councilmember Harris questioned page 30, item #2466 to Bill Westfall. Police Chief Steve McCann this was a mid-management coarse that Officer Raney attended for one week.

Page 30, item #2467, to Stephen Pottenberg. City Manager Orndorff reported this was contracted services through the City Attorney's office.

Motion passed.

Motion was made by Harris, second by Dahl, to bring off the table, Resolution No. 2604 A RESOLUTION AMENDING AN AGREEMENT BETWEEN THE LOCAL 2711 OF THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO AND THE CITY OF LIVINGSTON. Motion passed to bring off the table.

Motion was made by Williams, second by Harris, to accept the resolution with the new proposed language. Discussion was heard on the changed verbiage.

Motion was made by Dahl, second by Williams, to amend Resolution No. 2604 by adding Article XV, Section F of exhibit A. Vice Mayor Hall read the section into the minutes as follows:

"F. Employees may live within ten miles or 20 minutes of the employee's normal reporting place for work provided that the employee makes application to the employee's Superintendent and provided that the Superintendent confirms that the home is within ten miles or 20 minutes of the employee's normal reporting place for work. The application and Superintendent's action shall be documented and placed in the employee's personnel file.

Roll call on the amendment was all in favor. Amendment passed.

Roll call vote on the main motion, as amended, was all in favor. Motion passed as amended.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2605, A RESOLUTION APPROVING THE CONSERVATION AGREEMENT BETWEEN THE CITY OF LIVINGSTON, MONTANA AND MONTANA POWER COMPANY FOR THE LIVINGSTON WASTEWATER TREATMENT PLANT ENERGY CONSERVATION PROJECT. Supt. Tinsley explained further for Council.

All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2606, A RESOLUTION FIXING LEVYING A MILLAGE FOR THE ANNUAL TAX LEVY FOR THE YEAR BEGINNING JULY 1, 1995 AND ENDING JUNE 30, ~~1996~~ (corrected to "1996" at 8-21 Council meeting) FOR THE CITY OF LIVINGSTON. Staff confirmed for Councilmember Williams, that this resolution reflects the changes that were previously discussed. Some discussion was heard.

All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve first Reading of Ordinance No. 1813, AN ORDINANCE AMENDING CHAPTER 30, ARTICLE II, DEFINITIONS, TABLE

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30.40, SECTION 30.56 AND ADDING SECTION 30.56.1 FOR MANUFACTURED AND MOBILE HOMES. Vice Mayor Hall confirmed for Councilmember Williams that this reflected the verbiage that Council requested to be added.

All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2608, A RESOLUTION OF THE CITY COMMISSION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF LIVINGSTON, MONTANA, THE QUESTIONS OF ISSUING GENERAL OBLIGATION BONDS IN THE AMOUNT OF SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$75,000) FOR THE PURPOSE OF ACQUIRING AN AMBULANCE, AND TWO HUNDRED THIRTY-TWO THOUSAND AND NO/100 DOLLARS (\$232,000) FOR THE PURPOSE OF ACQUIRING A PUMPER TRUCK FOR THE FIRE DEPARTMENT, AND PAYING COSTS ASSOCIATED WITH THE SALE AND ISSUANCE OF GENERAL OBLIGATION BONDS. The bond for the ambulance will be for five years, and the other bond for fifteen years is for a fire truck.

All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve two additional claims, one to the Park County Sheriff's Office (last years claim) and the balance to Arbitrator Jane R. Wilkinson, Esquire. Motion passed.

The following reports and minutes were listed for Council's information:

Library Board Minutes of June 15th
 Livingston Sister City Committee Minutes of July 13th
 City Judge's Monthly Report for July
 Building Department Monthly Report for July
 Fire Chief's Monthly Report and Month End Report for July
 Police Chief's Monthly Activity Report for July
 Utility Billing System Report for July

The following calendar was listed for Council's information:

August 8, 10:00 a.m., City Government Study Commission meeting, Council Chambers
 August 9, 11:00 a.m., Japanese Exchange Students tour Building
 August 14, 4:00 p.m., Special Council Meeting
 August 15, City Manager Orndorff's last day
 August 16, Ken Kastelitz is Acting City Manager
 August 21, 7:30 p.m., City Council Meeting
 August 22, City Manager Steve Golnar's first day
 August 23, Joint Meeting with County Commissioners and City Councilmembers
 August 23, Linda Fyffe departs for China
 August 24, 9:00 a.m., Joint Government Study Commissions, Council Chambers
 September 5, 7:30 p.m., City Council Meeting
 September 13, Joint Meeting with Council (corrected to "County" at 8-21 Council

meeting)Commissioners and City Councilmembers
 September 29, Nagano-hara Wives Association's Dance Group arrives
 September 30, Oktoberfest
 October 2, 7:30 p.m., City Council Meeting
 October 5, Indications are that this will be the start of the League of Cities Meeting,
 Billings
 October 16, 7:30 p.m., City Council Meeting

Discussion was heard concerning a special Council meeting being held on August 14th. A resolution needs to come before Council concerning assessment of the Street District. The meeting will be held Monday, August 14th at 4:00 p.m.

The City received a letter from the Wyoming-Montana Safety Council terminating their lease in the East Side School Building on September 30, 1995.

Included in the addendum was sign information which the Council had requested earlier from the Joe Brooks Chapter of Trout Unlimited for their proposed sign at Mayor's Landing.

Motion was made by Dahl, second by Williams, to pull this item from the table. City Planner Jim Woodhull answered questions for Council.

An amendment to the motion was made by Dahl, second by Williams, that the Joe Brooks Chapter will maintain the sign as erected, and if failure to maintain such sign, the City will give them notice and will dismantle at City's discretion.

Amendment passed. Motion passed as amended for requested sign permit.

City Manager Orndorff advised Council that the 911 Coordinator states the need for a 911 Advisory Committee to be formed. Mr. Orndorff listed who is needed on that committee:

- A Livingston City Resident appointed by the City Council;
- A Livingston City Public Dispatcher;
- A representative from either the Livingston Police Department or the Livingston Fire and Ambulance Service appointed by the City Manager;
- The City's Finance Officer

Motion was made by Williams, second by Dahl, to choose to have an Advisory Committee for the 911.

Discussion was heard on how the City should search for a citizen for the Committee. Police Chief McCann will obtain a list of interested people.

Council had some questions on part of the Coordinator's memo. Staff will look into what was meant by "or". Discussion took place concerning who should be on the committee, and at this time, Council felt they needed more information before they could make a commitment.

Motion was made by Dahl, second by Williams, to table the motion until nominees are received from the City and figure out the verbiage on how many they want on the Advisory Committee from the City. Motion to table passed.

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A letter was received from Bruce Jones requesting a 15 minute parking sign in front of his business at 120 N. E Street. Discussion was heard concerning different options for parking limitations. Motion was made by Williams, second by Dahl, to allow a 15 minute sign to be put in front of Mr. Jones' business.

More discussion was heard. Motion was made by Dahl, second by Williams, to table this item until more information is obtained from the owner of the Upholstery Center;

Such as business hours, how many days a week they are opened and possibly be present at the next meeting if there are any other questions. Motion table passed.

Motion was made by Williams, second by Dahl, to approval City Staff to use the firm of Dorsey and Whitney to handle the General Obligation Bond for the Fire Truck and Ambulance. Motion passed.

Motion was made by Williams, second by Dahl, to approve Bill Kochs' request to waive the \$50 fee for the use of the Bandshell for the Third Annual AIDS Benefit. A comment was heard from Supt. Kastelitz. Motion passed.

Motion was made by Harris, second by Williams, to approve Mr. George Dentons' request to divide lot 21 of Mountain View Subdivision Phase I into two lots suitable for townhouse development.

City Planner Jim Woodhull summarized for Council. Mr. Woodhull answered a question for Councilmember Williams. Motion passed.

City Planner Woodhull explained that the Development Review Committee recommends that Council approve the final plat of Vista View subdivision proposed by Mr. Henry Fleishman. Conditions placed upon this development have been complied with.

Motion was made by Dahl, second by Williams, to approve the final plat. City Attorney Jovick stated this needs to come before Council as a Resolution. Council did not act on their motion as a resolution was needed to accomplish this request.

City Planner Woodhull summarized to Council, a request from Anthony and Susan Coccozza to buy fractional lots owned by the City. Discussion was heard. Council stated they needed more information before they could make a decision. Also, Council would like staff to look into a policy on selling City ground. Vice Mayor Hall stated this land was given to the City as Park land.

Motion was made by Dahl, second by Harris, to approve a LRC Final Drawdown request for the CDBG Economic Development Grant. Motion passed.

Council did not have any objections to Staff engaging an architect to do the design work for the move of the Police Department back to the City/County Building. Police Chief McCann answered questions for Council. Councilmember Dahl would like to see in writing, everything the County is willing to contribute.

The City Manager received petitions for the creation of Special Improvement Districts for the North N Street/Montana Street area and for the Star Addition. These petitions are

being held pending the termination on the City Council imposed freeze on SIDs.

Motion was made by Harris, second by Williams, to extend some of the benefits to the non-union employees. Discussion was heard on which employees this would include as non-union for living out of the City limits. City Attorney is covered under separate limitations.

Motion was made by Harris, second by Williams, to amend the motion, to make it just a 2.5% hourly increase for wages, until such time it is figured out how the rest of the union contracts work out. Amendment passed. (This hourly increase includes the City Attorney and ~~City Council~~ (deleted at 8-21 Council meeting)).

City Manager Orndorff mentioned that last summer, the City Council passed a resolution establishing a Water and Sewer Department Infrastructure Replacement Committee.

Vice Mayor Hall appointed Councilmember Williams and himself as the Councilmembers on the Committee. Others include; three residents, Jim Weamer, Bob Gersack and Ray Hokanson; City Manager; and Public Utilities Supt. Clint Tinsley.

Mr. Orndorff stated that City Manager Golanr should establish the first meeting date, time and place.

City Manager Orndorff gave a summary to Council on the City Manager Form of Government. Comments on this subject were heard from Council.

No action was taken on the items listed.

City Manager Orndorff listed the "Municipal Code of Ordinances, Section 2-3 Chairman" for discussion amongst Council. Comments were heard from Council and Ruth Eggar. Vice Mayor Hall stated he would like to continue the policy as currently being observed. Councilmember Harris was in agreement.

Councilmember Williams stated she has had a number of calls concerning dogs. Mrs. Williams asked how many police hours were being spent chasing dogs after the Code Enforcement Officer is off duty. Supt. Kastelitz stated a seasonal will be hired next spring for six months. The person will be working a 40 hour week, with part of the duties being on the garbage truck and the other 2-3 days will be catching dogs on the off hours.

Mrs. Williams received a telephone call with the person being opposed to the Northside Housing Project.

Mrs. Williams received a call today, concerned with the traffic on North D Street. There is a day care on the street and apparently there is another around the corner.

Vice Mayor Hall reported on the roving mob of kids in the downtown area. Mr. Hall stated that a number of business owners are starting to complain. Police Chief McCann reported to Council on the guidelines that the Police Department follow.

Mr. Hall asked if there was anything in the Code Books that would not allow the loitering. Police Chief McCann explained what some of the problems with the kids were and that there has always been a problem with kids hanging around, but different areas through out the years.

Vice Mayor Hall asked City Attorney Jovick to look into the loitering laws for

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Council and give a brief report for the next meeting.

Vice Mayor Hall believes that Council should take a look at the present zoning law to see if some changes should be made in regards to schools being allowed in the residential districts. Mr. Hall asked that Mr. Woodhull research further for Council to have something to review.

Councilmember Williams commented on the kids downtown smoking.

Ruth Eggar addressed Council on the Police Reserves Program and concerns with Kevin Harrington.

Urana Clark addressed Council with comments on the kids downtown.

Bernice McGee addressed Council concerning the Government Study Commission and to thank John for everything.

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

The time was 10:00 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

Special LIVINGSTON
CITY COUNCIL MEETING

August 14, 1995
4:00 P.M.

The Livingston City Council met in special session Monday, August 14, 1995, 4:00 p.m. in the Council Chambers at the City County Building. Councilmembers present were Barb Williams and Sheryl Dahl with Vice Mayor Fred Hall presiding.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2609, A RESOLUTION FIXING THE RATE OF ASSESSMENT FOR COSTS OF STREET MAINTENANCE FOR STREET DISTRICTS NO. 1 AND NO. 2 FOR THE 1995-1996 FISCAL YEAR.

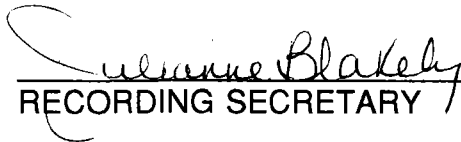
Supt. Ken Kastelitz stated the assessments were the same as last year. All in favor. Motion passed.

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

The time was 4:10 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

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LIVINGSTON
CITY COUNCIL MEETING

August 21, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, August 21, 1995, 7:30 p.m. in the Council Chambers 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 Dahl, second by Williams, to approve the minutes of August 7, 1995 Regular City council Meeting and August 14, 1995 Special City Council Meeting. Councilmember Williams made corrections the August 14th meeting, page 2, fifth paragraph, third sentence, should read "1996"; page 3, second to last sentence, should read "County" Commissioners; page 6, eighth sentence, delete "City Council".

Motion passed as corrected.

Motion was made by Dahl, second by Hall, to accept the bills and claims that were listed for \$184,523.96. Councilmember Harris questioned the following claims: page 10, #117 to Montana Municipal Insurance Authority. Finance Officer Shirley Ewan explained that MMIA paid \$3,000 on the Gillett case with a \$1,000 deductible and the City was billed for the \$1,000 deductible.

Page 13, item #1197 to the Montana Department of Justice. Police Chief Steve McCann stated this was for the City's use of the Criminal Justice Information Network through the computer.

Page 18, item #1324 and page 22, item #2076 to U.S. West and TRI Touch America. Finance Officer Ewan explained U.S. West was the local carrier and TRI was the long distant carrier.

Page 25, item #2422 to Valhalla Energy System. Acting City Manager Ken Kastelitz stated this was the expert witness the City hired to study the Incinerator.

Councilmember Hall questioned page 25, item #2474 to the State of Montana Treasurer. Finance Officer Ewan stated this was a new law from the State, that the City Judge is charged a 5% surcharge on all fines. The Judge has raised his fines by 5% and then each month the 5% is sent to the State.

Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2607, 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 YEARS ENDED JUNE 30, 1995, JUNE 30, 1996 AND JUNE 30, 1997.

Councilmember Harris stated he was opposed. Discussion between Council was heard concerning the City enter into a three year contract. Finance Officer Ewan answered questions for Council.

An amendment to the motion was made by Dahl, second by Harris, by striking out the dates of June 30, 1996 and June 30, 1997. More discussion was heard.

Roll call vote on the amendment was Harris and Dahl in favor, Hall and Williams opposed, with Mayor Mikesell casting the deciding vote as opposed. Amendment died.

Roll call vote on the motion was Hall and Williams in favor, Harris and Dahl opposed, with Mayor Mikesell casting the deciding vote as in favor. Motion passed.

Second Reading of Ordinance No. 1813, AN ORDINANCE AMENDING CHAPTER 30, ARTICLE II, DEFINITIONS, TABLE 30.40, SECTION 30.56 AND ADDING SECTION 30.56.1 FOR MANUFACTURED AND MOBILE HOMES. All in favor. Motion passed.

City Planner Jim Woodhull gave background information to Council concerning a request from the Livingston School District. The District is requesting the City waive the filing fee on a Zone Change Application. Discussion and comments were heard. Council was in agreement, not to waive the filing fee for the District.

The following calendar was included for Council's information:

August 22, City Manager Steve Golnar's First Day
 August 23, Linda Fyffe departs for China
 August 23, 4:30 p.m., Joint City/Commissioners Meeting
 August 24, 9:00 a.m., Joint Government Study Commission Meeting
 September 5, City Council Meeting
 September 7, 7:00 p.m., Possible Sister City Committee Meeting
 September 12, 10:00 a.m., City Government Study Commission Meeting
 September 13, 4:30 p.m., Joint City/Commissioners Meeting
 September 18, 7:30 p.m., City Council Meeting
 September 21, 7:00 p.m., Sister City Committee Meeting
 September 28, 9:00 a.m., Joint Government Study Commission Meeting
 September 30, Oktoberfest
 October 2, 7:30 p.m., City Council Meeting
 October 5-7, Tentative dates for League of Cities Meeting in Billings
 October 10, 10:00 a.m., City Government Study Commission Meeting
 October 16, 7:30 p.m., City Council Meeting
 October 26, 9:00 a.m., Joint Government Study Commission Meeting

The following reports were listed for Council's information:

Fire/Ambulance Accounts Receivable Financial Report for July
 Livingston Government Study Commission Minutes, August 8th
 Sister City International Educational and Cultural Exchange Program, Inc. Minutes for August

The Architect should have the drawing completed in a few days for the remodeling of some space in this building. The remodeling will then be bid.

Community Oriented Policing, Chief McCann's memo of August 15, 1995 is enclosed. Chief McCann spoke further in regards to this program. Discussion was heard from

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Council. Other comments were heard from Jim Peterson, Urana Clark, Gloria Thiede, Ruth Eggar and Mike Fleming.

Chief McCann asked Council if they would be willing to give their help and support, if the City implemented the program. Mayor Mikesell and Councilmember Dahl stated they would support the program.

Young "Gang" Activity, Chief McCann's memo of August 15, 1995 is enclosed.

The 1994 Ford Taurus Police Car has arrived from Salt Lake City.

Application for Transfer of Ownership of Montana All-Alcoholic Beverage License No. 49-047-5587-001, MADAM BULLDOG CASINO (formerly Lucky Cuss), Livingston, Park County, was received for Council's information.

Mobile Repair & Welding has been retained by the City to completely rehabilitate the bar screen and grit chamber at the Sewer Plant. Their quote of \$16,600 is less than the \$20,000 budgeted for this project.

The City is currently in the bid process for a new compact pickup, motor grader and an ambulance. The City has received the \$20,000 in donations for the ambulance.

Gloria Thiede presented Council with a petition with names of people objecting to the reinstatement of employment to Kevin Harrington. Ms. Thiede read the petition to Council. Also, included with the petition was articles from the Livingston Enterprise and Bozeman Chronicle.

Ruth Eggar addressed Council with written comments to the Mayor in regards to the reinstatement of employment to Kevin Harrington.

Motion was made by Dahl, second by Hall, to appoint Pastor Roger Churness as the City member of the 911 Advisory Committee.

Motion was made by Dahl, second by Williams, to pull off the table for discussion, a requested 15 minute parking sign for Mr. Bruce Jones. The vote was Dahl and Williams in favor, Hall and Harris opposed with the Mayor casting the deciding vote as in favor. Motion passed.

An amendment to the last meetings motion was made by Dahl, second by Williams, by putting up a time sign that says 15 minute parking between 8:00 a.m and 5 p.m. More comments were heard. The vote was Dahl and Williams in favor, Hall opposed, Harris abstained. Amendment passed.

More comments and discussion was heard.

Vote on the August 7, 1995 motion to allow a 15 minute sign in front of Mr. Jones' business, was Dahl and Williams in favor, Hall opposed, Harris abstained. Motion passed.

Mr. Clyde Campbell of the Guest House Motel was present, to request that the bus loading zone on Main Street be moved to 107 W. Park Street. His letter was included.

Mr. Campbell introduced the Regional Manager of Greyhound, Thomas Harper. Discussion was heard from Council and these gentlemen. Comments were heard from Gloria Thiede, Jerry Weimer and Mike Fleming.

Councilmember Hall stated this is a public safety issue and would like the Chief McCann to make a study of this area and report back to Council at their next meeting and give his best recommendation based on public safety.

No action was taken at this time.

Councilmember Harris read a prepared statement on his opinion of Mr. Orndorff's job performance.

Councilmember Williams commented on an article about vehicles being parked on boulevards. Mrs. Williams stated she has received a complaint about several vehicles and motor homes on the Northside above Gallatin Street. Chief McCann commented on what the Ordinance reads and stated the people can give him a call on this problem.

Lenny Gregrey commented on the Harrington issue.

Jim Peterson commented on the Harrington issue.

Co Inglehart commented to Councilmember Harris.

Urana Clark commented on the Policing Program.

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

The time was 9:22 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Pat McQuell
MAYOR

LIVINGSTON
CITY COUNCIL MEETING

September 5, 1995
7:30 P.M.

The Livingston City Council met in regular session Tuesday,, 7:30 p.m. in the Council Chambers 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 Harris, to approve the minutes of August 21, 1995 regular Council meeting. Mayor Mikesell corrected page one, last two sentences of the bills and claims, 5% should read "\$5". Motion passed as corrected.

A public hearing was held for the Park County Economic Development Corporation Housing Applications. Executive Director Valerie Counts explained the new HUD program, HOME. Grant writer Barb Richard, Chairman of the Housing Committee Warren Latvala, Karen Couch of Bozeman HRDC, and Engineer to the project, Ray Center answered questions for Council and the public.

Anna Belle Winfrey spoke in opposition to the project and also submitted a letter to Council. John Orndorff urged Council to go through with the grant application. Other public comments and questions were heard from Steve Marti, Mr. Dyer, Ruth Caren Cooper, Tara Eddy and Mike Fleming.

Mayor Mikesell asked each Councilmember their opinion of proceeding with the grant application. All five members were in favor of going ahead with the application.

A public hearing was held for Text Amendment: Amending Section 30.64 Exemption for Non-Conforming Residential Structures.

City Planner Jim Woodhull gave a summarization of the Text Amendment. No public comments were heard.

Motion was made by Williams, second by Harris, to approve first reading of Ordinance No. 1814, AN ORDINANCE AMENDING CHAPTER 30 SECTION 30.64 OF THE CODE OF ORDINANCES FOR EXEMPTION FOR NON-CONFORMING RESIDENTIAL STRUCTURES. All in favor. Motion passed.

City Planner Woodhull gave background information for the Henry & Mollie Edwards Minor Subdivision. The Edwards wish to rearrange lots 17 through 27, Block 4 in the Palace Addition into 3 lots ranging in size from 7000 square feet to 17,965 square feet. Each lot will have access to City sanitary sewer and water. The property is currently zoned RII and is vacant.

Motion was made by Harris, second by Williams, to approve the preliminary plat approval for the minor subdivision as recommended with conditions by the Planning Board.

Three in favor. Hall abstained. Motion passed.

Motion was made by Hall, second by Dahl, to approve Resolution No. 2610, A RESOLUTION APPROVING THE FINAL PLAT OF VISTA VIEW SUBDIVISION, PROPOSED BY MR. HENRY FLEISCHMAN. City Planner Woodhull gave a summary for Council. All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve Amendment to Resolution No. 2606, A RESOLUTION FIXING LEVYING A MILLAGE FOR THE ANNUAL TAX LEVY FOR THE YEAR BEGINNING JULY 1, 1995 AND ENDING JUNE 30, 1996 FOR THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2613, 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. Three in favor, Harris opposed. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2614, A RESOLUTION AMENDING THE CITY POLICY MANUAL UNDER DISCIPLINE FOR THE CITY OF LIVINGSTON. Discussion took place between Council and City Attorney Jovick. A comment was heard from Ruth Eggar.

An amendment to the motion was made by Williams, second by Harris, to replace "of a minor", with "any citizen". All in favor of the amendment. Amendment passed.

All in favor of the motion. Motion passed as amended.

Motion was made by Dahl, second by Harris, to approve Resolution No. 2615, AN EMERGENCY BUDGET RESOLUTION AMENDING THE CITY'S FISCAL YEAR 1995-1996 BUDGET ADDING A LINE ITEM TO CDBG TO TRANSFER FUNDS FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUND TO THE COMMUNITY DEVELOPMENT FUND. Finance Officer Shirley Ewan explained what this would be used for. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2616, A RESOLUTION APPROVING A CONTRACT BETWEEN LIQUID ENGINEERING CORPORATION OF BILLINGS, MONTANA AND THE CITY OF LIVINGSTON FOR CLEANING AND INSPECTION OF THE CITY RESERVOIRS. City Manager Steve Golnar explained. Supt. of Public Utilities Clint Tinsley answered a question for Councilmember Williams.

All in favor. Motion passed.

Motion was made by Williams, second by Hall, to approve first reading of Ordinance No. 1815, AN ORDINANCE ADDING SECTION 22-11(18) TO THE MUNICIPAL CODE OF ORDINANCES BANNING DOGS FROM MOUNTAIN VIEW CEMETERY. Three in favor, Harris opposed. Motion passed.

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City Manager Golnar reported that enclosed separately were copies of Planning Calendars for his use, the City Council's and Department Heads. Mr. Golnar will update the calendars monthly.

Councilmember Williams questioned the date for a Human Rights Commission Meeting in Helena on September 19th. Mr. Golnar stated he will be attending.

Mrs. Williams also questioned if Council will be getting on schedule again with the joint City Council/Park County Commissioners. Mayor Mikesell stated they can still hold the next meeting on October 4th, 4:30 p.m., even if the City Manager is out of town.

City Manager Golnar updated Council on the Dispatch Center Relocation. Police Chief McCann, Architect James Snyder, and Mr. Golnar met with the County Commissioners and Sheriff to coordinate plans and schedules for the Dispatch Center relocation. The Architect delivered plans to the City Offices Tuesday morning. The City has gone out to bid for a Contractor. The Police Chief developed a project schedule that was included in the addendum.

Included in the packet, was a September 1, 1995 memo summarizing the status of the Fuel Tank Removal/Replacement. This project is within budget given the fact that \$5,000 of the \$39,000 total project costs was expended in FY 94-95 for tank removal.

The spending approval limit for City Manager's review has been raised from \$50 to \$500 for non-routine purchases. Supt. Tinsley explained non-routine purchases for Councilmember Williams.

At the Joint City/County meeting, the City Manager was asked to review the feasibility of jointly signing on for U.S. West's Centrex Service with the County. Mr. Golnar has contacted Mr. Dan Green with U.S. West in Helena and will be meeting with him. Mr. Golnar will put something in Council's box when he has it.

City Manager Golnar will be attending the Annual Conference of Montana League of Cities and Towns. Included was the registration form for attendance and Mr. Golnar would like to know if any of the Mayor and Council or Department Heads would be willing and able to attend on October 4-6.

Councilmember Williams stated she would like to attend and will let the Manager know next week. Councilmember Dahl questioned if a person could attend for only one day. It was stated it was possible.

Discussion took place concerning a tree blocking the S-S Sign on Park Street. Supt. of Public Services Ken Kastelitz stated this problem has been brought before the Council a few years ago. The owner of the sign has been in contact with Mr. Kastelitz and is willing to move the tree, if the City is willing to give her the tree. Other options were heard.

Mr. Kastelitz's recommendation was to give her the tree and have her remove it. City Attorney Jovick asked if the tree was on State right-a-way. This will be looked into.

Urana Clark asked if the sign could be removed. More discussion was heard on this.

More research will be conducted, before any action is taken.

City Manager Golnar reported that the City has experienced two accidents involving Police patrol vehicles during the month of August. One totaled a patrol vehicle which will result in a \$4,000 payment from the insurance company and the other one occurred on 8/31/1995 with an estimated damage amount of \$2,800. Both accidents will be covered by outside insurance carriers.

A budget resolution for receipting the insurance funds and expending them on a used replacement vehicle will need to be approved by the City Council in the future.

Council had requested a decision from Police Chief Steve McCann concerning the Bus Depot parking. Mr. Clyde Campbell, Guest House Motel, stated the Bus Depot has moved to Main Street, so the bus parking can stay the way it is.

Mike Fleming commented on the bus parking signs. Supt. Kastelitz stated they are looking into different signs.

Included in the packet, is a memo from the Police Chief requesting Council's approval to meet with Mr. Treesh regarding Community Oriented Policing efforts prior to the October 2, 1995 Council meeting.

Mayor Mikesell set the worksession for 6:30 p.m.

Bids were opened August 25, 1995 for a 1996 4x4 compact pickup with extended cab for the Water Department. Two bids received were as follows:

Whiting Motors - \$18,038.68
Kiefer Motors - \$18,700.00

Motion was made by Dahl, second by Harris, to accept the bid from Whiting Motors for \$18,038.69. Motion passed.

Bids were opened August 31, 1995 for an articulated motor grader. Three bids received were as follows:

Western Plains - \$91,456.00
Tractor & Equipment - \$111,225.00
Hall-Perry - \$118,100.00

Motion was made by Harris, second by Williams, to accept the bid from Western Plains with the options of air-conditioning and blade lift accumulator for a total bid price of \$95,885 with no trade in.

Chris Blanchard of Tractor & Equipment addressed Council with his comments. Supt. Kastelitz explained.

Motion passed.

Motion was made by Dahl, second by Williams, to pull \$7,000 out of Restricted Reserves to purchase the motor grader. Motion passed.

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Bids were opened August 31, 1995 for a 1995 Ambulance. Three bids received were as follows:

Pacific Emergency Vehicles, Inc. - \$67,280 plus \$1,400 shipping
 Professional Sales & Service (Horton) - \$75,000 plus \$1,000 shipping
 Becker Fire Equipment Co. - \$63,248 includes shipping

City Manager Golnar gave a summary of the schedule of debt costs and anticipated revenues for ambulance acquisition.

Discussion was heard concerning when the last payment was to be made for the current ambulance. Finance Officer Shirley Ewan stated that she is looking further into the current ambulance payment schedule.

More discussion took place concerning the upcoming election with the mill levies. Fire Chief Tim Parks has secured donations for \$20,000 (\$10,000 from LRC and \$10,000 from an anonymous donor) that Council stated he needed, before he could go out for bid on an ambulance.

Council discussed the subsidy of the ambulance.

Finance Officer Ewan stated there was \$7,000 of donated monies that can only be used for the ambulance after the closing of the year.

A comment was heard from Jerry Weimer.

Motion was made by Harris, second by Dahl, to accept the bid from Becker Fire Equipment for \$63,248. Three in favor, Hall opposed. Motion passed.

Motion was made by Williams, second by Harris, to waive the Open Container law for the Livingston Oktoberfest, Saturday, September 30th from 8:00 a.m. to 10:00 p.m. in the barricaded Oktoberfest area. Motion passed.

Mayor Mikesell called for a 10 minute recess.

The meeting was called back to order.

Discussion was heard concerning the City/County Incinerator options. Councilmember Hall stated that Commissioner Dan Gutebier and himself have been discussing options of settling of the legal dispute between the City and County over the incinerator.

Mr. Hall stated Council has copies of two different versions of settlement options. One was Mr. Hall's version presented to Mr. Gutebier and the other is Mr. Gutebier's presented to Mr. Hall.

Motion was made by Hall, second by Dahl, that the City of Livingston requests that the Park County Refuse District agree to join the City in the following:

a) 1. That Engineer Cabot Thunem of Iowa, an engineering expert in incineration systems, be hired to review the incineration operation and to provide engineering plan specification for necessary modifications to allow the present incinerator to meet State standards and avoid taxpayer expenses of a costly million to million and a half baghouse system (Engineer's opinion). Mr. Hall reference's Engineer Thunem's letter of August 2, 1995.

2. The City will pay for one half of the expense for hiring this expert engineer and will also pay up to one third of the cost of modifications up to an upper limit of \$10,000 toward the modifications.

3. That the present Refuse District lawsuit against the City of Livingston be placed on hold for a six month period to allow the above engineering and tests to take place to determine whether or not the incinerator can meet the emissions requirements.

b) And Mr. Hall further move that the City obtain legal opinions upon whether a joint Refuse Disposal District could legally exclude liabilities of the landfill and exclude the City's collection system from the authority of that District.

Mr. Hall summarized on the incinerator further and feels the above motion is the first step in delaying the court case will save both sides money and hard feelings. After six months the lawsuit may be able to dropped all together.

Park County Commissioner Dan Gutebier addressed Council with his concerns, and that the City and County should form one District.

Discussion was heard from Council and Mr. Gutebier.

An amendment to the motion was made by Williams, second by Hall, to change the one third to one half and to strike \$10,000 to \$15,000 for modifications. Some discussion was heard. Amendment passed. Motion passed as amended.

Included in the packet, was the new Police Department Procedures for Forgery Reports. Police Chief McCann explained the report further for Council.

Motion was made by Williams, second by Dahl, to approve the New Police Department Procedures for Forgery Reports. Motion passed.

Motion was made by Williams, second by Dahl, to approve the LRC CDBG Drawdown Request for \$1,592. Finance Officer Ewan explained further for Councilmember Williams. Motion passed.

Motion was made by Dahl, second by Williams, to approve the transfer of \$95,000 from Sewer Replacement & Depreciation Restricted Reserves to Operating Cash for Sewer. Finance Officer Ewan explained. Motion passed.

Motion was made by Hall, second by Williams, that the City of Livingston file suit in District Court in challenge of the Arbitrator's decision in the Harrington matter, because the Arbitrator's decision places the City in liability and is in violation of the public policy.

Discussion took place between the Mayor, Council and City Attorney with the concerns of the City and the populace of the City.

Councilmember Harris asked for the City Attorney's opinion and what the cost could entail.

Jerry Weimer, President of the Local 630 Firefighters Union, commented on behalf of the Firefighter's Union.

More discussion was heard concerning the problems that could arise if Mr. Harrington was reinstated.

Ruth Eggar addressed Council with her comments.

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Three in favor, Harris opposed. Motion passed.

Motion was made by Hall, second by Harris, to hire Mr. Robinson, Labor Specialist Attorney to handle this case. City Attorney Jovick explained for Council. Discussion was heard that the costs would be divided over a two year period.

Motion passed.

Police Chief McCann stated that the County is going to provide office space in the City/County Building for the Highway Patrol, which currently has an office in the old East Side School.

Motion was made by Dahl, second by Hall, to write a letter of termination of the City's lease with the Highway Patrol, 30 days from receipt of the letter. Motion passed.

Councilmember Harris stated he has received irate comments from citizens on every time they have moved their vehicle, for the Street Sweeper, and it is not on schedule.

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

The time was 11:19 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Pat Mitchell
MAYOR

LIVINGSTON
CITY COUNCIL MEETING

September 18, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, September 18, 1995, 7:30 p.m. in the Council Chambers 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 Harris, to approve the minutes of September 5, 1995 regular Council meeting. Motion passed.

Motion was made by Dahl, second by Williams, to accept the bills and claims that were listed for \$108,409.24. Councilmember Harris questioned the following claims: Page 24, item #1361 to Newman Traffic Signs. Supt. Public Services Ken Kastelitz stated Supt. of Public Utilities Clint Tinsley purchased a sign for at the Windfarm.

Page 34, item #2482 to Kinko's. City Attorney Bob Jovick stated this was copying costs associated with the Gillett case. Mr. Harris asked what the total cost of the case was. Finance Officer Shirley Ewan will look into.

Councilmember Dahl questioned page 31, item #2294 to CellularOne. Finance Officer Ewan stated this was for the Angel Line Van and paid for out of their account.

Motion passed.

Police Chief Steve McCann presented Officer Eric Severson and Officer Terry Willis with Letters of Commendation for separate, recent incidents they each handled while on duty. City Manager Steve Golnar also thanked each of them with a letter for their performance.

Mayor Mikesell proclaimed October 1-7, 1995 as Fire Prevention Week.

A public hearing was held on second reading of Resolution No. 2609, A RESOLUTION FIXING THE RATE OF ASSESSMENT FOR COSTS OF STREET MAINTENANCE FOR STREET DISTRICTS NO. 1 AND NO. 2 FOR THE 1995-1996 FISCAL YEAR. No public comments were heard. Three in favor, Harris opposed. Motion passed.

A public hearing was held on second reading of Resolution No. 2613, 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. No public comments were heard. Three in favor, Harris opposed. Motion passed.

Motion was made by Williams, second by Hall, to approve Resolution No. 2617, A RESOLUTION TO ESTABLISH A LINE ITEM FOR STUDY COMMISSION SECRETARY AND TRANSFERRING FUNDS FROM TRAVEL ACCOUNT TO STUDY COMMISSION SECRETARY ACCOUNT FOR FISCAL YEAR 1995-1996. Finance Officer Ewan stated

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this was just a portion of the money.

Councilmember Dahl stated she felt paying a secretary \$10 an hour was extravagant. A comment was heard from Urana Clark. Finance Officer Ewan will look into the going rate of a secretary.

All in favor. Motion passed.

Motion was made by Dahl, second by Harris, to approve, Resolution No. 2618, A RESOLUTION AUTHORIZING APPLICATION TO THE MONTANA DEPARTMENT OF COMMERCE FOR A COMMUNITY DEVELOPMENT BLOCK GRANT TO INSTALL INFRASTRUCTURE TO A SITE FOR A PROGRAM OF AFFORDABLE HOUSING CONSTRUCTION TO BENEFIT LOW AND MODERATE INCOME HOUSEHOLDS. All in favor. Motion passed.

Motion was made by Dahl, second by Harris, to approve Resolution No. 2619, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE LOCAL 2711A OF THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, (PUBLIC WORKS) AND THE CITY OF LIVINGSTON. Councilmember Williams commented on Addendum "A", Seasonal Employees making \$6.04 per month. Mrs. Williams assumed this is a typo and should read "per hour". Also, Mrs. Williams commented on Article XX - Discipline, that the language does not contain the language Council recently adopted in the Policy Manual.

Councilmember Dahl questioned if the Public Works Union signs off on the Policy Manual. More discussion was heard concerning this issue.

Motion was made by Dahl, second by Williams, to table Resolution No. 2619. Motion passed.

Second Reading of Ordinance No. 1814, AN ORDINANCE AMENDING CHAPTER 30 SECTION 30.64 OF THE CODE OF ORDINANCES FOR EXEMPTION FOR NON-CONFORMING RESIDENTIAL STRUCTURES. All in favor. Motion passed.

Second Reading of Ordinance No. 1815, AN ORDINANCE ADDING SECTION 22-11(18) TO THE MUNICIPAL CODE OF ORDINANCES BANNING DOGS FROM MOUNTAIN VIEW CEMETERY. All in favor. Motion passed.

City Manager Steve Golnar informed Council that Volunteer Fire Chief Neil Travis has resigned from the Volunteer Fire Department effective October 1, 1995.

The City Government Study Commission will hold a public hearing Thursday, October 12, 1995 at 7:00 p.m. in the City Council Chambers. City Manager Golnar stated this is to discuss the status of their studies.

City Manager Golnar informed Council that a grant application has been submitted to the Sample Foundation for Ambulance Purchase Assistance. Included in the packet was a copy of the application procedures for the Sample Foundation located in Billings, along with a letter applying for a \$10,000 grant. Councilmember Williams commended all involved finding out about this grant.

City Manager Golnar stated that the Police Chief and his Captains will attend a Seminar on Use of Force and Vehicle Operations. Mr. Golnar stated he was invited to attend, but will be attending the Montana League of Cities and Towns Convention in Billings that same week.

Officer Glen Farrell was appointed to the position of Investigator effective September 5, 1995 and Dispatcher Peggy Glass was appointed to the position of Supervising Dispatcher effective September 7, 1995.

Included in the packet was a letter received from citizen Donald E. Uhl suggesting a Boys Club of America be created. City Manager Golnar stated he will get together with Supt. Kastelitz and Recreation Director Lisa Swoboda before getting back to Mr. Uhl.

Mr. Golnar stated that additional petitions objecting to the reinstatement of Kevin Harrington were received in the last couple weeks and are on file in the City Office.

The Council worksession is still on for October 2, 1995, 6:30 p.m. with Dr. Treesh on the Community Orienting Policing.

The following Monthly Reports and Minutes were included for Council's information:

- Livingston Fire/Ambulance Report for August
- Fire Chief's Monthly Report for August
- Police Chief's Monthly Report for August
- Building Inspector's Monthly Report for August
- Incoming Water & Sewer Revenues for August
- City Government Study Commission Minutes, September 12, 1995
- Sister City International Educational and Cultural Exchange Minutes, September 6, 1995
- Library Board Minutes, July 20, 1995

Motion was made by Dahl, second by Williams, to authorize the extension of Water and Sewer Service Line to Mountain View Mobile Home Park, subject to the Development Review Committee's recommendations outlined in their September 13, 1995 letter. Discussion was heard from Council and Staff.

Motion passed.

Motion was made by Williams, second by Harris, to authorize a contract for professional services to complete the close out documents and compliances for the 1992 CDBG Housing Rehabilitation Project to Barbara Richard, not to exceed \$1,200.

Some discussion was heard. Motion passed.

Caron Cooper addressed Council concerning the closure of the loop road at Mayor's Landing Fishing Access Site. Ms. Cooper provided Council last week with material and pictures and would like the City to enforce the closure.

Comments were heard from Council. Supt. Kastelitz stated the City has installed

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chains and cables in the past, but they are soon cut or pulled out of the ground by the railroad ties.

Council was in agreement to try cables again, along with a sign stating no vehicle trespassing.

Police Chief McCann reported that Mayor's Landing is patrolled by the City. Supt. Kastelitz stated there is a lot of vandalism at the area and cannot keep the lights working.

Bids were opened September 18, 1995, for remodeling the City/County Building to accommodate the relocation of the Police Department. City Manager Golnar gave a summary for Council with his recommendation was to rebid the project due to the lack of a specific contract for services being agreed to in advance and only one bid being received which was questionable with regard to some desired contract issues. Rebidding would delay the project for approximately one month, and would probable require the City to start up the boiler in the East Side School. Discussion was heard in reference to Mr. Dave Carter's bid.

Motion was made by Dahl, second by Harris, to direct the City Manager and Chief of Police to go back out for bid on this project. Motion passed.

Councilmember Williams stated she has had a complaint that people are dropping domestic foul at Sacajawea Park.

Mrs. Williams received a call from a person that thinks cats should be on leashes.

Mrs. Williams questioned Supt. Kastelitz on how the Bicyclist Club did in Miles Park. Mr. Kastelitz stated they gave a \$100 donation and everything went fine.

Councilmember Dahl questioned if the bus parking zone should be painted. Supt. Kastelitz stated he wanted to try the new signs first.

Councilmember Hall stated that the owner's of the Pastime Bar in Livingston would like to hold a block party in front of their establishment after the homecoming game this Friday night and would like the Council to authorize closing of the streets from the alley on Callender to Main Street. They will provide music, karaoke, and other people are going to donate food and soft drinks for the students and adults that would like to attend the street dance for a couple hours after homecoming.

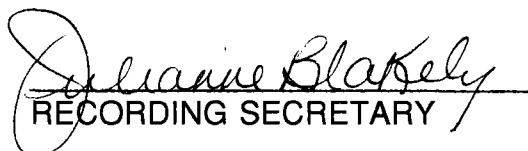
Council thought this would be a good idea and would like for them to provide a coordinated plan to the City Manager, as soon as possible. This would include barricades through the Street Department.

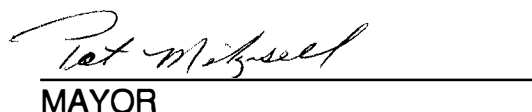
Mayor Mikesell commended Finance Officer Shirley Ewan on getting the books ready for the audit and the great job she has done already with all the hours she has put in. Council was in agreement.

Motion was made by Dahl, second by Williams, to adjourn this meeting there being no further business. Motion passed. The time was 8:43 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

October 2, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, October 2, 1995, 7:30 p.m. in the Council Chambers 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 September 18, 1995 regular Council meeting. Motion passed.

A public hearing was held on Ordinance No. 1818, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO ZONE LOTS 22-32, BLOCK 82, ORIGINAL TOWNSITE, (OLD MIDDLE SCHOOL SITE) AS MEDIUM DENSITY RESIDENTIAL (RII) DISTRICT. City Planner Jim Woodhull explained to Council, that the Livingston School District is requesting a zone change. The parcel is currently vacant and is zoned Public as it was the site of the old middle school. This request is for the zoning to be changed to Medium Density Residential (RII) so that the prospective new owner may develop the property as residential building sites. The City Planning and Zoning Officer recommends that the request to change the zoning designation of this property be granted.

Public comment was heard from property owners in the neighborhood, Dale Dettmann, Dan Indendi, Lori Indendi, Jean Indendi, George Indendi and Temple Richardson, who all agreed they would like the property zoned RI.

Director of Business for the School District, Bill Adamo and Supt. of Public Schools, Vern Beffert addressed Council on behalf of their request.

Caron Cooper, a Zoning Board member explained the requested zone change on behalf of the Board.

Co Inglehart asked that the podium be moved.

Further discussion was heard from Council and the above mentioned residents.

Motion was made by Williams, second by Hall, to approve first reading of Ordinance No. 1818. Three in favor, Harris opposed. Motion passed.

A public hearing was held on Ordinance No. 1819, AN ORDINANCE AMENDING CHAPTER 30 SECTION 30.50 TO REDEFINE AND TO AMEND REGULATIONS FOR SANDWICH BOARD SIGNS. City Planner Woodhull explained to Council, that this was a request from the Historic Preservation Commission to the Board of Adjustment.

Public comments were heard from Dan Indendi and Co Inglehart. Mr. Woodhull explained further for Mr. Indendi.

Councilmember Williams read the Ordinance change for the public. Some discussion was heard.

Motion was made by Harris, second by Williams, to approve first reading of Ordinance No. 1819. All in favor. Motion passed.

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Motion was made by Dahl, second by Williams, to approve first reading of Ordinance No. 1820, AN ORDINANCE REQUIRING A MASTER SIGNAGE PLAN FOR BUILDINGS WITH MORE THAN ONE BUSINESS OCCUPANT. City Planner Woodhull stated this was advertised as a public hearing. Discussion was heard, and since this was not listed in the public hearing section, the Mayor announced a public hearing would be heard at the next meeting on second reading of Ordinance No. 1820.

All in favor. Motion passed.

Motion was made by Dahl, second by Harris, to bring off the table Resolution No. 2619, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE LOCAL 2711A OF THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, (PUBLIC WORKS) AND THE CITY OF LIVINGSTON. Motion passed.

City Manager Steve Golnar noted the changes in the agreement for Council. Mr. Golnar stated the Union will consider the revisions to the Personnel Policy Manual as a bargaining issue during a bargaining session.

All in favor. Motion passed.

City Manager Golnar summarized what has taken place over the last two weeks concerning the rebid or acceptance of a contract to Dave Carter for the remodel of the City/County Building.

Architect Jim Snyder addressed the Mayor and Council to give them a cost estimate of the project. Mr. Snyder stated Mr. Carter's bid was a good bid. Motion was made by Hall, second by Williams, to rescind the motion to consider the bid from Dave Carter at the last meeting for the City/County Remodel (CORRECTED AT OCTOBER 16TH MEETING TO READ: "to rescind the motion made September 18th to rebid the remodel of the City/County Remodel." More discussion was heard from Staff and Council. Three in favor, Harris opposed. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2620, A RESOLUTION APPROVING AN AGREEMENT BETWEEN DAVE CARTER OF CARTER BUILDING SERVICE OF LIVINGSTON, MT AND THE CITY OF LIVINGSTON FOR THE REMODELING OF THE LAW ENFORCEMENT AREA IN THE CITY/COUNTY BUILDING. Council comments were heard. Comments were heard from Bob Weimer and Co Inglehart. Three in favor, Harris opposed. Motion passed.

Motion was made by Williams, second by Harris, to approve Resolution No. 2621, A RESOLUTION APPROVING A MUNICIPAL LEASE AND OPTION AGREEMENT BETWEEN EMERGENCY ONE, INC., OF OAK BROOK, IL AND THE CITY OF LIVINGSTON FOR AN AMBULANCE. City Manager Golnar made a comment. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2622, A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN STEVEN JOYNER, OF TORRINGTON, WYOMING AND THE CITY OF LIVINGSTON FOR WIND ELECTRIC GENERATION. City Manager Golnar commented for Councilmember Williams. All in favor. Motion passed.

Motion was made by Dahl, second by Harris, to approve Resolution No. 2623, A RESOLUTION APPROVING AN AGREEMENT BETWEEN LARRY PHILLIPS AND THE CITY OF LIVINGSTON. An amendment to the motion was made by Dahl, second by Williams, that the City Finance Officer is directed to pay the \$50 immediately, with the check payable to Larry Phillips. All in favor of the amendment. Amendment passed. All in favor of the motion as amended. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2625, A RESOLUTION AUTHORIZING A TRANSFER OF RESIDUAL EQUITY FROM THE AMBULANCE FUND #5510 FISCAL YEAR 1995-1996 AND THE CEMETERY FUND #2240 FISCAL YEAR 1994-1995 TO THE GENERAL FUND #1000. City Manager Golnar and Finance Officer Shirley Ewan explained for Council. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2627, A RESOLUTION APPROVING A CONTRACT BETWEEN PLANNED AND ENGINEERED CONSTRUCTION, INC. OF HELENA, MONTANA AND THE CITY OF LIVINGSTON FOR MANHOLE REHABILITATION. City Manager Golnar commented and stated he hoped to have a short contract developed in the future to generically deal with small contractual agreements like this. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2626, A RESOLUTION OBJECTING TO THE HARD ROCK MINING IMPACT PLAN ON THE EAST BOULDER RIVER PROJECT, SWEET GRASS COUNTY, FOR THE STILLWATER MINING COMPANY, JUNE 15, 1995. City Manager Golnar explained the public comment period. Councilmember Hall questioned why there was not a "therefore".

An amendment to the motion was made by Hall, second by Williams, to include: Therefore, because of potential impacts on the City of Livingston, we request that the City of Livingston be included within the Impact Plan for the East Boulder River Project.

All in favor of the amendment. Amendment passed.

All in favor of the motion as amended. Motion passed.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1817, AN ORDINANCE AMENDING CHAPTER 4 SECTION 4-2 FOR KEEPING LIVESTOCK, FOWL OR SWINE IN THE CITY LIMITS. It was stated this request came from the Code Enforcement Officer. Some discussion was heard.

Motion was made by Hall, second by Dahl, to table this Ordinance for further clarification. Motion passed.

City Manager Golnar mentioned that Jack Tinsley's funeral will be held Thursday, 10:00 a.m. at Franzens.

City Manager Golnar stated a temporary Angel Line employee will be hired for the month of October to serve as a receptionist due to the loss of this service from HRDC. The City will perform the payroll functions for this pass through position.

Hal Haefs, a Summer seasonal employee has been awarded the position of Maintenance

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I Residential Garbage Truck Operator.

The Human Rights Commission affirmed dismissal of Marguerite Walter's charge against the City, September 19, 1995.

City Manager Golnar provided separately, planning calendars for October, November and December. There was a request for January.

City Manager Golnar reported that a close out of SID 175 & 176 has been requested as well as an end to the SID moratorium so that a new SID can be initiated for Star Addition I & II and "N" Street. Mr. Golnar contact Engineer Rick Kerin and informed him that the request will be forwarded to the D.R.C. for their review to determine if SIDs #175 & 176 have complied with City Requirements.

Mr. Golnar stated that the City is in the process of developing proposed SID policies for Council's review. Something could be ready within the next couple meetings.

Mayor Mikesell commented on the 8th Street SID. Mr. Mikesell would like an inspection of this street as he has received criticism from people at the end of the Street, that it is not done right.

Councilmember Williams inquired about the Blue Heron SID and if that project is satisfactory.

Councilmember Hall suggested that all people concerned on both Streets, should address written comments to the DRC, so they (DRC) are aware of the residents concerns. City Planner Woodhull commented. Supt. Kastelitz stated that he and Supt. Tinsley have walked the Blue Heron project with Engineer Kerin and most of the problems have been addressed. Mr. Kastelitz also met with Mr. Kerin on 8th Street to show the Engineer the problems after flooding the street and where the weeds were growing through the asphalt.

City Manager Golnar has received a offer to purchase Block 19 of the Palace Addition. Mr. Golnar has referred this to the DRC Committee for comments.

Councilmember Williams stated there has been two other offers on this property in the last year.

City Manager Golnar reported that the post that holds the cable to the close the road at Mayor's Landing was pulled out of the ground to re-open the gate. Public Works crews have installed another post in cement and have strung another cable across the road entrance.

Supt. Kastelitz has not been able to see if the cable is still in place at this time.

Motion was made by Williams, second by Dahl, to allow the City Manager to join the Montana Economic Developer's Association (MEDA). Motion passed.

City Manager Golnar reported on the City Issues, Goals and Priorities he has been working on. Over the next couple of months, the City Manager will be surveying Council and Department Heads. This will also include any new Councilmembers that may be elected.

City Manager Golnar stated he still needed to contact the Government Study Commission in reference to the secretary's pay.

Motion was made by Dahl, second by Williams, to approve the LRC CDBG drawdown request for \$2,076. Roll call vote was all in favor. Motion passed.

Councilmember Hall commented to Chief McCann in reference to the Community Policing. That by having an officer downtown is having a positive effect.

Motion was made by Dahl, second by Williams, to have Police Chief Steve McCann accomplish what is needed to start the C.O.P. Program. Councilmember Dahl volunteered her services if needed. Motion passed.

Councilmember Dahl thanked staff for their work with this year's Oktoberfest. Ms. Dahl also commended Fire Chief Tim Parks for his annual Pancake Dinner.

Councilmember Williams questioned the status of the Boy's Club. City Manager Golnar stated it was still hanging.

Mrs. Williams has received a request to ask City Manager Golnar to speak louder in the meetings.

Mrs. Williams relayed to other members of Council what she heard from a person at the Oktoberfest, that we should get rid of the high school and take the police cars away from the Officer's and make them ride horses, that way Livingston would be a better place.

Councilmember Harris commented that there should have been more garbage containers at the Oktoberfest.

Mr. Harris questioned if there was a law pertaining to reflectors and lights on bicycles. Police Chief McCann stated he believed there was a provision in the codes for bicycles.

Mr. Harris questioned about an old unlicensed car in the alley between Callender and Lewis Streets and 3rd and Yellowstone Streets. Some discussion was heard. This will be looked into.

Mr. Harris commented on the problem of access that is developing at the northside of the railroad tracks. City Manager Golnar stated that Mr. Orndorff had wrote a letter to the Department of Transportation and the railroad. Mr. Golnar has talked to the Montana Rail Link about possible support or assistance to this problem and has talked about this subject in Department Head meetings. Mr. Golnar is in agreement of the situation and stated it is worthy of following up on again.

Mr. Harris stated he has received numerous complaints about speeders on Lewis Street. Police Chief McCann stated that Officers are radaring and writing tickets and the same problem exists on Geyser Street.

Mr. Harris stated a fish was stolen at Empire Savings.

Councilmember Dahl questioned if the City has heard anything on the Sample Foundation Grant request for help with the purchase of a new ambulance. City Manager Golnar

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stated we will find out in mid-October.

Mayor Mikesell stated he had a request that the Police Officer's should waive and not frown.

Mayor Mikesell asked how the homecoming dance turned out downtown. Councilmember Hall stated it was very successful and there were no problems. The Police Chief stated there was only one fight and was among adults.

Mike Fleming stated there may be some crime prevention money available for manuals and supplies for the COPs program.

Co Inglehart commended the Police Department for a recent incident. Mr. Inglehart also complained about the public agenda's not including additional items that were added in an addendum for the Council's consideration.

Bob Weimer stated there needs to be something in the paper for what side of the street kids are to keep there bikes on.

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

The time was 10:07 p.m.

ATTEST:

APPROVED:

Julianne Blahely
RECORDING SECRETARY

Pat Mikesell
MAYOR

LIVINGSTON
CITY COUNCIL MEETING

October 16, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, October 16, 1995, 7:30 p.m. in the Council Chambers 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 Hall, to approve the minutes of October 2, 1995 regular Council meeting. Councilmember Williams clarified the motion on page 2, third subject, sixth sentence, should have read " to rescind the motion made September 18th to rebid the remodel of the City/County Remodel". Motion passed as corrected.

Motion was made by Dahl, second by Williams, to accept the bills and claims that were listed for \$117,889.30. Councilmember Hall questioned the following claims: Page 17, item #1247, Postmaster of Livingston. City Manager Steve Golnar explained that this was ambulance bond awareness postage.

Page 29, item #1813 to J & J Cleaning. Mr. Hall questioned if we are getting our money's worth. Finance Officer Ewan stated this bill was for both the Police Department and the City's portion of the City/County Building. It was stated that the cleaning was adequate.

Page 9, item #1005 to Simmons & Co. for \$5,761.94. Mr. Hall asked the Finance Officer to explain what all the bill entailed. Ms. Ewan stated that the audit for TSEP Administration was \$1,117. 15. Audit Services up-to-date which is part of their contract was \$1,769.65. The assistance she received was \$1,532.00. City Manager assistance which included Mr. Orndorff and Mr. Golnar was \$1,343.14.

Councilmember Williams questioned the following claims: Page 15, item #1225, to Office Stop, Inc. Supt. of Public Utilities Clint Tinsley explained the type of file cabinet this was.

Discussion was heard concerning the paying of claims once a month or twice a month. Council was polled and it was decided to continue paying claims once a month and when the new computer system is up and running, the city to look into paying twice a month.

Councilmember Harris questioned page 8, item #2511 to Carter Building Service. Finance Officer Ewan stated this claim was entered incorrectly and has been corrected.

Page 9, to Simmons and Company. Mr. Harris gave his opinion.

Page 15, item #1221 to Nevin's House of Glass. This is the City's 37% share for a handicap door opener at the back of the City/County Building.

Page 16, item #1228 to Pamida. Police Chief Steve McCann explained these were video tapes for DUI arrests in the Police Department.

Page 17, item to Park Tire, Inc. Finance Officer Ewan stated this was a tire repair for a large truck in the Street Department.

Page 27, item #1517 to the Montana Legislative Council. Finance Officer Ewan explained these were current Montana Code Annotated books for the City offices.

Page 36, item #2501 to Kendra Anderson. City Attorney Jovick stated this was inappropriately worded and is assistance for the City Attorney's office that Council approved in the summer.

Page 37, item #2510 to Gateway 2000. Finance Officer Ewan explained these computers are for the Water Shop and the City office. These computers will replace the Unix System and the Police Department would like the old system when it was no longer in use for records management purposes.

Councilmember Dahl questioned page 8, to Builders Books, Inc. City Manager Golnar explained this was the current Uniformed Building Code handbook for the Building Inspector.

Ms. Dahl questioned the Polk Directory and it was stated they just came out.

Motion passed.

ABG283

A public hearing was held on second reading of Ordinance No. 1820, AN ORDINANCE REQUIRING A MASTER SIGNAGE PLAN FOR BUILDINGS WITH MORE THAN ONE BUSINESS OCCUPANT. No public comments were heard. All in favor. Motion passed.

Second Reading of Ordinance No. 1818, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO ZONE LOTS 22-32, BLOCK 82, ORIGINAL TOWNSITE, (OLD MIDDLE SCHOOL SITE) AS MEDIUM DENSITY RESIDENTIAL (R11) DISTRICT. Comments were heard from Robert Ebbinger, Jean Indendi, George Indendi, Dale Dettmann, Caron Cooper, Vern Beffert and Dan Indendi. Questions and comments were heard from Council.

Three in favor, Harris opposed. Motion passed.

Motion was made by Dahl, second by Hall, to approve first reading of Ordinance No. 1816, AN ORDINANCE AMENDING CHAPTER 17 SECTION 17.15 TO INCREASE THE LICENSING FEES FOR CITY LICENSES FOR THE CITY OF LIVINGSTON. Councilmember Williams questioned sections (5), (9) and (10), that these were not in her printout. Finance Officer Ewan stated there is a section for these in the Ordinance Book. All licenses were increased by \$35.00.

Mrs. Williams questioned the following: Section (36)(e). This should read "\$95" instead of "\$60".

Section (52). Subsections (aa) and (bb) were left out.

Section (53). Should be changed from "\$60" to "\$65".

Section (83) Reserved. Mrs. Williams stated this was Home Occupation. Finance Officer Ewan stated Home Occupation has been changed to Section (42). More clarification was heard on this section, but no changes were necessary.

Ms. Williams questioned Section (79) on Trailer Courts. City Attorney Jovick answered.

A question was heard from Jean Indendi. Mayor Mikesell answered.

Councilmember Dahl stated there was a typo to Section (4). "nine" should read "ten".

All Beverage was explained as all liquor including beer and wine. Beer and Wine can be sold separately.

An amendment to the motion was made by Dahl, second by Williams, to include the above listed changes.

Discussion was heard that professional services are exempt from the business license fee. City Attorney Jovick explained why some businesses pay fire inspection fees and some do not. Mr. Jovick stated that the Council could take a look at a square footage basis to allocate the fees more fairly.

Roll call on the amendment was all in favor. Amendment passed. All in favor of the motion as amended. Motion passed as amended.

At this time, the Mayor stated the meeting would go into executive session, that the merits of individual privacy exceed the merits of public disclosure. Council went into closed session in regards to a personnel matter. The time was 8:26 p.m.

Council went back into open session at 9:42 p.m.

Resolution No. 2624, A RESOLUTION ADOPTING AN AGREEMENT BETWEEN THE LIVINGSTON POLICE DEPARTMENT EMPLOYEES ASSOCIATION AND THE CITY OF LIVINGSTON. City Manager Golnar requested this item not be introduced at this time for further clarification. Police Chief McCann asked Council for clarification on the Response Time/Residency, where employees may live within ten miles or 20 minutes of the Police Station. Council felt this was up to the Police Chief and the 20 minutes were under adverse conditions.

Councilmember Dahl questioned the section under Discipline, and that it does not include the wording Council recently passed in the Policy Manual. Mr. Golnar stated he will propose to incorporate this new language into the revised contract and also seek to update the reference to Policy and Procedure Manuals.

Ms. Dahl questioned Article V, Section 5.2. This section would be the Supervisor's

decision.

Motion was made by Williams, second by Hall, to approve Resolution No. 2628, A RESOLUTION APPROVING AN AMENDMENT TO EXHIBIT "A" AND ADDING EXHIBIT "C", SCHEDULE OF PAYMENTS, TO THE AGREEMENT BETWEEN DAVE CARTER OF CARTER BUILDING SERVICE OF LIVINGSTON, MT AND THE CITY OF LIVINGSTON FOR THE REMODELING OF THE LAW ENFORCEMENT AREA IN THE CITY/COUNTY BUILDING.

Councilmember Hall asked for further clarification on Exhibit C. City Manager Golnar stated that the initial payment would include the reimbursement for the bonding, and after that it is based on percentage of job completed as determined by the Architect who is designated as the representative for the City in the contract. This would include labor and materials at each billing point. There is a 10% retainage of all labor and material related costs except for the initial bond cost and this retainage will be distributed after the acceptance of the completed job.

All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve Resolution No. 2629, A RESOLUTION APPROVING THE FINAL PLAT AND THE WATER AND SEWER MAINS OF MOUNTAIN VIEW SUBDIVISION PHASE II. City Manager Golnar recommended that this item not be approved at this time. Mr. Golnar stated that Montana Street needed "to be" brought up to grade with the sewer manhole and the City needs as-builts of the whole subdivision. (CORRECTED AT NOVEMBER 6, 1995 MEETING) Supt. Tinsley voiced the same concerns.

Councilmember Hall stated the as-builts needed to be acceptable to Mr. Tinsley.

Motion was made by Hall, second by Harris, to table this Resolution.

All in favor. Motion passed to table.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2630, A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND PARK COUNTY FOR THE CITY-COUNTY LAW ENFORCEMENT DISPATCH CENTER.

Councilmember Dahl questioned 2.B. of the agreement. Police Chief McCann stated there would be no problem.

All in favor. Motion passed.

First Reading of Ordinance No. 1817, AN ORDINANCE AMENDING CHAPTER 4 SECTION 4-2 FOR KEEPING LIVESTOCK, FOWL OR SWINE IN THE CITY LIMITS.

Discussion was heard between Staff and Council on the changes this ordinance entails. City Attorney Jovick stated this was a recommendation from Code Enforcement Officer Linda Fyffe. Council still had a lot of unanswered questions and decided to keep this Ordinance tabled until input from other sources can be obtained.

Second Reading of Ordinance No. 1819, AN ORDINANCE AMENDING CHAPTER 30 SECTION 30.50 TO REDEFINE AND TO AMEND REGULATIONS FOR SANDWICH BOARD SIGNS. All in favor. Motion passed.

The following items were listed in the packet for Council's review:

- Police Chief Monthly Report, September 1995
- Livingston Fire/Ambulance Report, September 1995
- Fire Chief Monthly Report, September 1995
- Building Inspector Monthly Report, September 1995
- Incoming Water & Sewer Revenues, September 1995
- Donations to Ambulance
- Steve Counts and Elroy Birkland has completed their six month probation period.

City Manager Golnar stated that the City of Livingston received a 1996 MMIA Annual Achievement Award for greatest percent decrease in experience for the General Liability Program for 1st and 2nd Class Cities over the last three year period.

City Manager Golnar stated that Council will see an application for annexation along with request for approval of a preliminary plat for the Star Addition Phase III at the November 6, 1995 Council meeting.

City Manager Golnar visited with the Government Study Commission members about concerns Council raised with the \$10 per hour pay they provided to their Secretary. He was informed by the Commission that there has not been a regular person to fill that position for most of the months that the Commission has been established so far, and they do not anticipate one on a regular basis in the future. "They felt that the \$10 per hour rate was justified given the limited hours and quality of service they sought." (CORRECTED AT NOVEMBER 6, 1995 MEETING)

Included in the packet was the October 12th meeting agenda at which a quorum was not present and the September 12, 1995 Study Commission Minutes.

A public hearing by the Government Study Commission was also held on October 11th and was attended by three members of the Study Commission and, Councilmember Barb Williams, resident Howard Harper and the City Manager. Comments were made to the Commission from the public and the Commission also summarized the current status of its studies.

City Manager Golnar has located the Burlington Northern Foundation Grant Application and has contacted this organization and is waiting for their call back. In addition, Mr. Golnar will be in contact with the Department of Transportation to clarify their direction on how to proceed with the rail crossing and has placed a call to Montana Rail Link Safety Officer Ted Hagemo in an effort to get their direction on where to proceed with this issue. John Orndorff informed Mr. Golnar that the State needs to authorize if a crossing across the railway is appropriate and needed, prior to submitting an application for grant assistance to anyone.

Mr. Golnar will also be in contact with the City of Helena, which has been in the process of trying to secure a rail crossing for quite some time.

Mr. Golnar has also spoken with Regional Engineer Rob Bukvich and discussed the possibility of developing a transportation plan for our area, which would include rail crossings, signalization concerns, possible parking study, traffic volume and arterial street needs. Mr. Bukvich suggested that we may form a local Transportation Coordinating Committee and has initiated the process of researching how this might be accomplished.

Councilmember Dahl stated the Coordinating Committee is a good idea. Mr. Golnar will keep Council up to date on any progress.

City Manager Golnar is in the process of notifying members the Council identified to serve on the Infrastructure Replacement Committee and will begin regular meetings to develop a long term plan for water, wastewater and other associated infrastructure replacement. Mr. Golnar anticipates this committee will interface with other Departments' Capital and Facility needs over the course of its business and this should be very helpful in our Capital Program planning. The City Manager is working with Supt. Tinsley to coordinate a time and date.

Included in the packet was an October 3, 1995 letter from Vern Beffert, inviting a group of Administrators from throughout the area, in both the public and private sector, to get together and begin to discuss individual visions of the future and common areas of concern and possible cooperation.

City Manager Golnar stated that some initial recommendations have been received from the Development Review Committee and he has spoken with the City Attorney and have determined that characterization and categorization of City land needs to be done, so that various deed restrictions, common environmentally related concerns, etc., associated with various properties can be identified. Mr. Golnar is working toward having an inventory of land

developed and then begin to work with the DRC to establish policies, which will include criteria used by the City to determine if land is surplus and how the City goes about the disposal of City land to avoid favoritism.

Barb Williams and City Manager Golnar attended the Montana League of Cities and Towns Conference on Thursday and Friday, October 5th and 6th. The conference was very useful in meeting key contacts and understanding more about the legislative and legal environment in which the City must operate.

City Manager Golnar attended the Sister City's Educational Exchange meeting on 10/12/95. They will seek to coordinate a joint meeting between the Educational and Cultural Exchange Committee's of the Sister City's program, to debrief on the visit from the Naganohara Dancer's, to discuss gift policy and fund raising efforts, to discuss the development of an Alumni network and to encourage more home stay's from International visitors.

The joint meeting will be scheduled on November 8th at 5:15 p.m. at the Livingston Bar & Grille or another appropriate Wednesday evening.

Val Counts has asked the City Manager if he would like to serve as a director on the PCEDC Board. Council was in favor of Mr. Golnar being an ex-officio member to the Board.

The Police Department is purchasing copy machine for their office. This will be paid for through drug forfeiture money.

City Manager Golnar stated that the Livingston Rebuild Center is looking to site an above ground diesel tank. Mr. Golnar stated that the City has some concerns related to that from the Fire Codes. LRC is in the process of putting a proposal together to bring to Council. City Planner Jim Woodhull added input.

Motion was made by Dahl, second by Hall, to approve the Blue Slipper's request to close the alley between "B" Street and Main Street for the evenings of October 27, 28, 30, and 31st from 5:00 p.m. to 10:00 p.m. Motion passed.

City Manager Golnar stated that the City has submitted a response to the East Boulder Mine Hard-Rock Mining Impact objecting that the City was not included as a potentially effected local government. Mr. Golnar sat in on a conference call by the Board, with the minutes of that call included in the packet for Council's information. There has been an extension on the comment period for thirty days from that meeting. The City will wait until the next Council meeting of November 6th, to take any official action relating to rescinding the objection pending further information.

City Manager Golnar and City Planner Woodhull are scheduled to go to Big Timber to meet with a number of other people to discuss negotiation of an impact relationship. The Manager will keep Council up todate.

City Manager Golnar stated that he visited with Commissioner Dan Gutebier and Refuse Foreman Ed Flatt last Friday in reference to the Refuse District formation concerns and proposals. Mr. Golnar stated that by 10/31/95, the County needs to have a preliminary plan of action submitted to the State Air Quality Bureau for how it will comply with their emissions standards, and by 12/11/95, the Refuse District needs to file a written plan for how it will eliminate the air emission problem.

Councilmember Williams questioned Attorney Jovick on what would happen if the City goes into a District with the County and then the State files a lawsuit because the emissions test did not pass. Mr. Jovick stated that if the City were to go into the District, they would have known what the test result was.

Mr. Jovick stated that a City representative was advised that there are new regulations pertaining to all incinerators like ours. Mr. Jovick commented further on issues and regulations.

Mr. Golnar stated that the request of the County Commissioners was to see if there could be a joint meeting by the end of the month involving the City Attorney, the Attorney involved with the Refuse District issue, possibly Mr. Thuman, Mae Nan Ellingson the Bond Counsel for the City and possible Bond Counsel for the Refuse District, but the City Attorney would not have enough time to have the meeting quite so soon.

The Manager will seek to have a list of concerns to the Commissioner Gutebier by next week, and if the Commissioners feel they would like a meeting with Council they can let the City know.

Motion was made by Hall, second by Dahl, to approve Special Improvement District 175 & 176. City Manager Golnar stated the only outstanding issue relating to those SIDs at this point, is some of the manholes on Blue Heron Drive need to be rounded to come down to the asphalt around them. The City will not make final payment until the end of next month so we can make sure that all is accomplished.

Supt. Tinsley stated they have talked to everyone in the area, and they all seem to be satisfied.

Motion passed.

Motion was made by Hall, second by Dahl, to authorize the expenditure up to \$750 for an appraisal for a possible land exchange with the State.

In order to move forward with a land exchange around Mayor's Landing and the channel, a value of the land needs to be appraised. City Attorney Jovick said a local appraiser can do the appraisal. Discussion took place on what line item the money to pay for the appraisal would come out of.

An amendment to the motion was made by Hall, second by Dahl, if the Finance Officer can find sufficient funding, she may do this. Amendment passed. Motion as amended passed.

Two bids were received for installing gas heaters to the outer buildings of the Sewer Plant. The bids were as follows:

Ranger Plumbing - \$11,310

Western Plumbing - \$11,020

Motion was made by Harris, second by Dahl, to accept the bid to Western Plumbing for \$11,020.

Supt. Tinsley stated this is part of the energy audit for the Sewer Plant and the work needs to be done by December 31st. Some electrical works needs to be done in addition to this portion. Montana Power Company will willing to pay \$6,000 towards the \$15,000 project.

Motion passed. A contract will be worked up for the next Council meeting.

Motion was made by Harris, second by Dahl, to accept the settlement. This insurance settlement for \$4,000 was because of police car #403 that was involved in an accident a couple weeks ago.

Police Chief McCann answered for Councilmember Williams, that the other car that was recently involved in an accident also, has been repaired and paid for by the insurance and is back in service.

Motion passed.

Councilmember Harris commented that the power pole at Miles Park that he questioned earlier in spring, still has not been repaired. Supt. Kastelitz stated that they are still working on it along with the Baseball Association, and that there is a back stop that needs to be fixed also. Montana Power has been so busy, they do not have time to go down there. Supt. Kastelitz stated they have even tried REA.

Mr. Harris stated that traffic has not slowed down on Lewis Street.

Mr. Harris noticed that the cable that was put up at Mayor's Landing, was back on the ground. Supt. Kastelitz stated a "No Trespassing" sign will be installed and crews will set another post in the ground. Discussion on this problem was heard from Council and Staff.

Staff stated the sewer truck needs to get into this area, so it can not be completely blocked off.

Mr. Harris stated he would like the minutes to reflect that the City has not received reports required under MCA 7-6-4105 and 7-6-4109 since February 1995 and has requested that Management comply with these statutes and supply the reports to Council by the second meeting of the month following close of the month. Mr. Harris stated the past Finance Officer and Accountant provided this report, and he would like to see the reports started again.

Mr. Harris asked the City Manager of what instances the City Police vehicles required or allowed to leave the city limits of Livingston. Police Chief McCann answered for Mr. Harris.

Mr. Harris asked the Police Chief to check an incident out for him and report back to the City Manager.

Councilmember Williams has received a couple calls regarding garbage problems and she wanted to remind people that if they have garbage pickup in their alley, it is a law to have a garbage rack.

Mrs. Williams stated that she wanted to get across to the citizens if a curb is painted yellow, it is for no parking and is against the law.

Councilmember Hall asked Councilmember Harris if he was referring to the financial reports. Mr. Harris stated he was. Council was in agreement, they were all going to ask about this same report.

Mr. Hall stated he would like the DRC to prepare the necessary changes to the Building Permitting Ordinance, such that new plans for construction shall reflect on an actual location for the water meter and a location for the remote reader and that the contractor be required to put in the necessary wiring from the remote to the meter so it is easier for our people.

Supt. Tinsley stated they have tried this before in the past.

Mayor Mikesell stated that someone has said that Sacajawea Park is the "Jewel of Livingston", but the bathrooms were not. Mr. Mikesell questioned if the City could put some money into the restrooms.

Supt. Kastelitz asked for clarification, if they meant the restrooms or the porta-potties. The restrooms have been shut down due to the septic tank problem. Mr. Kastelitz agreed that we need more restrooms in the Park, that the one restroom is not adequate. Mayor Mikesell would like this looked further into.

Members of Council questioned if there was the possibility of grants. Councilmember Dahl stated Yellowstone Country Board member Kathleen Kaul mentioned there has been grant money available for projects like this. Ms. Dahl was unsure if there still was at this time, but it could be look into.

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

The time was 10:55 p.m.

ATTEST:

Julianne Blakely
RECORDING SECRETARY

APPROVED:

Pat Mikesell
MAYOR

LIVINGSTON
CITY COUNCIL MEETINGDecember 4, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, December 4, 1995, 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 Harris, second by Dahl, to approve the minutes of November 20, 1995 regular Council meeting. Motion passed.

Motion was made by Williams, second by Dahl,, to accept the bills and claims that were listed for \$48,916.60. Councilmember Williams questioned the following claims: Page 9 to Big Springs Water Co. for a water cooler. Finance Officer Shirley Ewan will look into. Page 11, item #950441 to Mobile Repair and Welding. Ms. Ewan stated that when the accounts were put onto the new program, this account was missed and that is why there was an asterisk behind the amount showing it was overdrawn. Page 12, item #950414, to Mountain West Land Mobile Radio. Fire Chief Tim Parks stated this was for five batteries for the radios. Item #950411 to Park County Solid Waste District for sludge disposal. Supt. Kastelitz stated this was from the Sewer Plant. Supt. Clint Tinsley will have to answer this question. Items #950401 & #950402 to Park Tire for the Ranger. Clint will need to answer these items.

Motion passed.

Motion was made by Harris, second by Williams, to approve Resolution No. 2635, A RESOLUTION APPROVING A LEASE PURCHASE AGREEMENT BETWEEN ASSOCIATES COMMERCIAL CORPORATION AND THE CITY OF LIVINGSTON FOR PURCHASE A MODEL 710A CHAMPION ROAD GRADER AND PURCHASE OF A SEWER JET. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2639, A RESOLUTION AUTHORIZING THE CLOSE OUT OF SELF INSURANCE FUND #6050 AND TO RUN THE FLEX CLAIM EXPENSES THROUGH THE HEALTH INSURANCE FUND #2371 FOR FISCAL YEAR 1995-1996. Councilmember Harris asked for further explanation. City Manager Golnar and Finance Officer Ewan explained that this was a double expense of a Flex claim and the Resolution will eliminate a step.

All in favor. Motion passed.

Motion was made by Harris, second by Williams, to accept Resolution No. 2638, A RESOLUTION APPROVING A LEASE BETWEEN THE CITY OF LIVINGSTON AND LOGICAL SOFTWARE SOLUTIONS, CORP., OF GREENBELT MARYLAND, FOR RENTAL SPACE AT THE EAST SIDE SCHOOL. City Manager Golnar stated that he is in the process of putting together a package that states what costs are involved in offering space to the software company.

Councilmember Dahl questioned whether the software company has had a background check. City Manager Golnar stated that some background checks were looked into. More discussion on who Mr. Golnar has talked to about this company continued.

Councilmember Williams questioned page 1 of the lease agreement, Section 1. Description of Premises; 2100 square feet of space needs to be added to the lease

LIVINGSTON
CITY COUNCIL MEETING

November 6, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, November 6, 1995, 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 Hall, to approve the minutes of October 16, 1995 regular Council meeting. City Manager Steve Golnar made the following additions to the minutes: Page 3, third paragraph, third sentence should read, "Mr. Golnar stated that Montana Street needed "to be" brought up to grade...", Page 4, fourth paragraph, add a third sentence, "They felt that the \$10 per hour rate was justified given the limited hours and quality of service they sought." An amendment to the motion was made by Hall, second by Williams, to include the above text into the minutes. Amendment passed. Motion passed as amended.

Mayor Mikesell proclaimed November 11, 1995 as Veteran's Day in the City of Livingston.

Mayor Mikesell recognized Mr. Warren McGee for his years of volunteer service in the City of Livingston.

City Planner Jim Woodhull gave background information concerning a variance request from Dennis Noteboom and Mary Plese, 419 North 5th Street, that would allow them to build a seven foot privacy fence along the alley side of their property.

Some questions were heard from Council. Motion was made by Harris, second by Williams, to allow this variance. Motion passed.

Motion was made by Williams, second by Harris, to approve Resolution No. 2624, A RESOLUTION ADOPTING AN AGREEMENT BETWEEN THE LIVINGSTON POLICE DEPARTMENT EMPLOYEES ASSOCIATION AND THE CITY OF LIVINGSTON. City Manager Golnar explained some of the changes. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to pull from the table for discussion, Resolution No. 2629, A RESOLUTION APPROVING THE FINAL PLAT AND THE WATER AND SEWER MAINS OF MOUNTAIN VIEW SUBDIVISION PHASE II. Supt. of Public Utilities Clint Tinsley stated everything was accomplished to approve this resolution. Some questions were heard from Council, with Staff responding. All in favor. Motion passed.

Motion was made by Dahl, second by Harris, to approve Resolution No. 2631, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND WESTERN PLUMBING AND HEATING, INC. FOR THE INSTALLATION OF TWO BUILDING HEATERS AT THE LIVINGSTON SEWER PLANT. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to accept first reading of Ordinance No.1821, AN ORDINANCE AMENDING CHAPTER 7 SECTION 7-8 AUTHORIZING POLICE OFFICERS TO ARREST ANYONE CHARGED WITH A CRIME WITHIN (5) MILES OF THE CORPORATE LIMITS. City Attorney Bob Jovick explained what this ordinance covered for Council. Chief Steve McCann added input. Mr. Jovick stated that

the County Attorney would be consulted based on the language of this ordinance.
All in favor. Motion passed.

Motion was made by Hall, second by Dahl, to accept first reading of Ordinance No. 1822, AN ORDINANCE AMENDING CHAPTER 17-15 (a)(5) AND (b)(10) UNDER CITY LICENSING FEES. City Attorney Jovick stated that this ordinance should be proposed as an amendment to second reading of Ordinance No. 1816 and that first reading of Ordinance No. 1823 in the addendum revises all of the Alcohol and Beverage related licenses in a completely different section of the Code Book. The liquor related licenses should not have been in the general business license section.

Mr. Jovick stated that there should be no Ordinance No. 1822, but include the content into Ordinance No. 1816.

Second reading of Ordinance No. 1816, AN ORDINANCE AMENDING CHAPTER 17 SECTION 17.15 TO INCREASE THE LICENSING FEES FOR CITY LICENSES FOR THE CITY OF LIVINGSTON. An amendment to the ordinance was made by Dahl, second by Williams, to include the items that were formally known as Ordinance No. 1822. All in favor of the amendment. Amendment passed.

All in favor. Motion passed as amended.

Motion was made by Williams, second by Dahl, to accept first reading of Ordinance No. 1823, AN ORDINANCE AMENDING CHAPTER 3 SECTION 3-14 LICENSE FEES FOR ALCOHOL LICENSES. Councilmember Hall pointed out that there were a few changes made in the All Beverage License and that a statue was discovered in the Montana Code that states the City can only charge a license fee up to 5/8ths of the All Beverage State License.

More discussion was heard for Council to understand this ordinance.

All in favor. Motion passed.

Finance Officer Shirley Ewan has provided Council with the Financial Report from July through September. The October report will be provided for the next Council meeting.

City Manager Steve Golnar reported that the Sample Foundation denied a grant for ambulance funding assistance. The application was for \$10,000. An October 30, 1995 letter was included for Council's information stating that their funding was limited and they could not include us in this year's projects.

Included for Council's information was the primary snow plowing and sanding routes for winter of 1995-1996.

Included for Council's information was a November 1, 1995 memo from City Planner Woodhull explaining that the Convalescent Center Building setbacks were justified.

City Planner Woodhull updated Council on current actions relating to the enforcement of Livingston's City Sign Code Ordinance. At this time, Mr. Woodhull has found six sign violations on Park Street and has drafted letters to five of the businesses.

Police Chief McCann has received a request from Officer Jeff Adams to live outside the City Limits in compliance with the newly revised Police Union contract which Council ratified earlier in the meeting. Chief McCann has reviewed this request and has determined that the location is within a 20 minute driving radius of the police station and is recommending

approval.

Discussion was heard concerning if there was a problem with allowing this distance at some future time, that the policy could be revised but not to apply retroactively to any individuals authorized by the Chief under this policy..

City Manager Golnar has authorized Dispatcher Helen Tobiason's request to manage the concession stand at basketball games outside of her Police Employment.

City Manager Golnar received information from Mr. Don Bratten of TCI Cablevision indicating that rates will increase by approximately 6% effective January 1, 1996. Included for Council's information was a rate sheet and channel selection card provided by TCI. Mr. Golnar stated that no formal notice of the rate increase has been served as of this point in time.

Councilmember Hall is opposed to any rate increase unless they would like to provide improved service.

City Manager Golnar will be meeting with Mr. John Lewis of the Montana Department of Transportation's Rail Safety Office prior to his meeting with City Staff, County Commissioners and the District Engineer of the Department of Transportation Tuesday, November 7th at 3:30 p.m. The purpose of the meeting is to discuss transportation issues in general, including rail safety concerns.

Included in the packet for Council's review, was the proposed SID Policy. This item will be on the agenda at the next meeting for Council action. City Manager Golnar stated there would be one change to the proposed policy on page 89, section (a). Mr. Golnar explained what change he would like to that paragraph.

Discussion and comments were heard from Staff and Council.

City Manager Golnar stated that HKM Productions is shooting a Maxwell House Commercial in the downtown area. This is also why the Christmas decorations are up so early.

City Manager Golnar brought to Council's attention that the Park County Economic Development Corporation will be issuing a press release that the Montana Board of Housing has approved an allocation of \$1.447 million dollars in mortgage financing to be provided at 6% interest rates for 30 year mortgages for individuals to purchase low to moderate income houses as part of the HRDC Low to Moderate Income Housing Development. This is one of three related funding mechanisms they are trying to secure to realize this project. In addition there is the Community Development Block Grant Infrastructure Grant that is still outstanding and also the HOME funding construction money. If all of these funding components are acquired the City will provide some land upon which to build the project.

Mr. Jim Rivard indicated an interest in talking with Council concerning the Star Addition Phase III Subdivision Proposal. Mr. Rivard was notified there would be no action taken on this proposed subdivision at this meeting. Mr. Rivard has asked if he could attend the rail crossing meetings with the Manager on Tuesday.

A letter was included for Council's information from Don and Ruth Kern concerning the zoning at Star Addition.

City Manager Golnar stated that the Joint City-County Airport Board approached the Joint City-County meeting last Wednesday requesting support of the City Council and County Commissioners for Gardiner Airport Runway Resurfacing Financial Applications as they need signatures from both entities for each such application. The Airport Board is looking to submit grant and loan applications to fund the resurfacing project.

City Attorney Jovick stated this is part of the normal process. Motion was made by Williams, second by Hall, to authorize the Airport Board to move forward with preparing applications and authorize the Mayor to sign said applications providing that no obligation for financing is required of the City of Livingston. Motion passed.

Motion was made by Dahl, second by Williams, to approve the release of Letter of Credit to George Denton for Mountain View Estates Subdivision. Supt. Tinsley stated the Development Review Committee has approved the release. Motion passed.

Motion was made by Williams, second by Dahl, to approve the release of Letter of Credit to Henry Fleischman for Vista View Subdivision. Supt. Tinsley stated the Development Review Committee has approved the release. Motion passed.

City Manager Golnar described why the Council should reconsider its East Boulder Mine Hard-Rock Mining Impact Objections passed by resolution at an earlier meeting. Mr. Golnar explained that recent modifications added to the impact plan since the City's objection identify the City of Livingston, Park County and various School Districts in our area as potentially affected units of local government and also spells out a process by which the mining company will monitor impact of its employees on the various local governments. The Impact Plan also provides a means for negotiating impact assistance between the mining company and the affected local governments directly.

Motion was made by Dahl, second by Harris, that Council concurs with modifications affecting potentially affected units of governments Stillwater Mining Company East Boulder Hard-Rock Mining Impact Plan. Motion passed.

Motion was made by Hall, second by Dahl, to withdraw the objection to the hard-Rock Mining Impact Plan as filed under Resolution No. 2626. Motion passed.

Included was a letter dated October 22, 1995 from Mr. Tom MacNamee indicating interest and desire to discuss the possible development of the land by the Armory and across the road from the City Cemetery. Mr. MacNamee and Mr. Jonathan Rose addressed Council to explain their concept for development in this area.

Questions and comments were heard from Council. Council stated they would be willing to look over a written proposal from Mr. MacNamee and Mr. Rose.

Council has received a proposal offer from Mr. Karl Knuchel to purchase the East Side School for the amount of \$150,000. Mr. Golnar prepared a memo to Council on October 25, 1995 with some questions for Council to look at.

Motion was made by Dahl, second by Hall, to deny Karl Knuchel's proposal. Motion passed.

Councilmember Dahl stated that Mr. Golnar raised some good questions in the memo and would like Council to get together for discussion of them and also offer Mr. Knuchel a lease option on the property if he would be interested.

Motion was made by Dahl, second Harris, to authorize a contract with Management Risk Analysis by the Executive Group, Billings, Montana. This analysis is personnel policy and law related and should assist the City in identifying strengths and weaknesses of our

current system and specific areas that can be improved upon. The cost is \$360 and will be dispersed equally among various City Departments affected.

The City Manager made note of Council's desire to hear the results of this analysis. Mr. Golnar stated that he is concerned about keeping management and policy concerns regarding the personnel system separate and will therefore seek to have an initial review of findings with the department heads and a summary review of policy and program needs with the consultant and Council.

Motion passed.

Motion was made by Harris, second by Hall, to approve the development of a standard form of Resolution for Budget Transfers between line items. City Manager Golnar suggested that this be developed for staff time savings.

City Attorney Jovick stated this is an acceptable approach and he would put together a draft form.

Motion passed.

A bid was received and opened on October 30th at 10:00 a.m. for a truck mounted sewer jet. One bid was received from Normont Equipment out of Great Falls as follows:

- 1994 Demo \$99,860 with lease option of \$22,619.51 for 5 years
- 1996 Model \$116,600 with lease purchase option of \$26,187.84 for 5 years.

Motion was made Hall, second by Harris, to accept staff recommendation to accept the bid for the 1994 Demo. \$25,000 per year has been budgeted for this equipment. Supt. Tinsley explained for Council.

Motion passed.

City Manager Golnar explained change orders #1 and #2 for the City-County Remodel.

Motion was made by Williams, second by Dahl, to accept both change orders. The County will pay 50% on both change orders. Motion passed.

Motion was made by Dahl, second by Williams, to authorize the payment of claim #2 to Dave Carter in the amount of \$11,286.09. Finance Officer Shirley Ewan explained the claim for Council. Motion passed.

Motion was made by Dahl, second by Hall, to accept Mike Atwood's resignation from the City Zoning Commission and City Board of Adjustment effective November 15, 1995. Motion passed.

City Planner Woodhull stated he will generate a list for two separate appointments; one the City Zoning Commission and the other, the City Board of Adjustment.

Councilmember Dahl questioned a portion of the minutes relating to a question on the number of people present for a quorum.

Mayor Mikesell asked that the City Planner to advertise for the open position.

Councilmember Harris commented that the traffic is still speeding on Lewis Street. Mr. Harris stated he noticed that it was at its worst was between 8-9 a.m. and at 3 p.m.

Mr. Harris asked Supt. Tinsley about an outstanding water bill at the Old Frontier Retirement Home. Mr. Tinsley stated that as far as he knew the bill was still uncollected.

City Attorney Jovick responded to Mr. Harris's question by saying that he has asked the previous owners to pay the bill that amounts to approximately \$2,500 and that he has represented the previous owners on a private matter so he has a conflict of interest to legally pursue the matter further for the City. Mr. Jovick did state he would talk to the

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people, who live out of state, to see if they would pay the bill. Mr. Jovick stated that the City's recourse would be to file a lawsuit in the small claims court.

Councilmember Williams stated she has received a couple of calls concerning tame ducks that people own on the northside of town. The ducks do not stay in the people's yard and Mrs. Williams would like them included into the livestock ordinance that is now with the City Attorney, which would require that any livestock must be kept on its own property.

Councilmember Dahl questioned Police Chief McCann on what the next recourse was after a vehicle is initially ticketed. Chief McCann stated that all they can do is monitor and went on to explain further.

Supt. Tinsley stated for Councilmember Hall that the Infrastructure Committee will meet this Thursday at 4:00 p.m.

Mayor Mikesell asked that the packets be done earlier in the day on Fridays and to hold to the Wednesday deadline for material in the packet.

Bernice McGee made a comment to Councilmember Williams concerning the ducks.

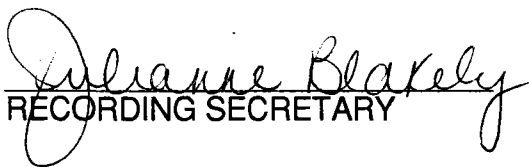
City Manager Golnar questioned if the City should have some sort of policy for future commercials being filmed in town. Supt. Kastelitz stated that he talked with the City Attorney earlier and they agree that some kind of form should be drafted.

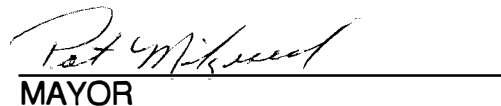
Motion was made by Dahl, second by Williams, to adjourn this meeting there being no further business. Motion passed.

The time was 9:40 p.m.

ATTEST:

APPROVED:

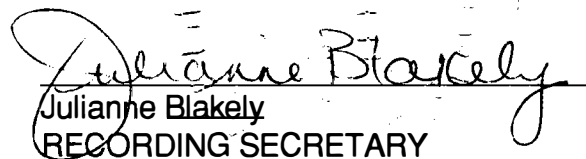

RECORDING SECRETARY


MAYOR

STATE OF MONTANA
CITY OF LIVINGSTON
COUNTY OF PARK

I, Julianne Blakely, Recording Secretary for the Livingston City Council of the City of Livingston, Montana, do hereby certify that the following minutes of November 20, 1995 are correct and true. They were inadvertently left out of the official minute book due to being between computer systems.

Dated this the 1st Day of July, 1996.


Julianne Blakely
RECORDING SECRETARY

LIVINGSTON
CITY COUNCIL MEETING

November 20, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, November 20, 1995, 7:30 p.m., 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 the minutes of November 6, 1995 regular Council meeting. Motion passed.

Motion was made by Dahl, second by Williams, to accept the bills and claims that were listed for \$184,705.65. Councilmember Dahl questioned the following claims:

Page 1, #950230, payment on the Woodchipper. City Manager Steve Golnar stated there was one more payment left, due in December of 1996.

Page 2, #950144, to Bozeman Tree Service. Supt. of Public Services Ken Kastelitz stated that we use the Bozeman service because it is less expensive and they provide the service that is needed.

Page 3, #950331, close out of CDBG. Finance Officer Shirley Ewan stated that Barbara Richard was hired to close out the CDBG and this was for her charge. This will be a reimbursement from CDBG.

Page 5, #950126, for a Helium tank. Police Chief Steve McCann stated this was for a DARE activity.

Page 13, #950056, Bendix King Radio. Supt. Kastelitz stated this was for a mobile radio and was a Capital Outlay item for the Street Department.

Page 18, #950206, to James Snyder for Architectural Fees. This was the County's portion.

Page 17, #95030, to Simmons and Co. Finance Officer Ewan stated that the audit will be complete on December 15th and there will some November charges.

Councilmember Hall questioned the following claims:

Page 5, #950154, to Elk River Concrete Products. Supt. Kastelitz explained this was a Capital Outlay item for a oiler separator tank that the pump hooks up to the sewer lines.

Page 19, #950106, to Terrell's Office Machines. Chief McCann stated this was for a new copy machine purchased for the DARE Program with Drug Forfeiture Funds.

Page 22, #950217, for a multi-function scoreboard. Supt. Kastelitz stated this is for the Civic Center because the old one no longer works. Mr. Kastelitz stated he also working on a donation for the board.

Finance Officer Shirley Ewan made the following corrections:

Page 2, #95006 to Bearing Supply should read \$482.96;

Page 10, #950177 to Mailing Systems Plus should read \$18.50;

Page 22, #950221 should read VW Scientific instead of Valley Motor Supply.

Motion passed.

Mayor Mikesell stated that the Park County Clerk and Recorder has declared a tie in the 1995 election between Lee Harris and Bernice McGee.

Motion was made by Hall, second by Williams, to change the order of the agenda and go to item 9, breaking of the tie. Roll call vote was Dahl and Harris opposed, Williams and Hall in favor, with Mayor Mikesell breaking the tie in favor. Motion passed.

Motion was made by Hall, second by Williams, to break the tie by having each member of the Council vote for the person they choose to nominate for the position. Motion passed.

Sheryl Dahl vote for Lee Harris, Lee Harris vote for Lee Harris, Barb Williams vote for Bernice McGee, Fred Hall vote for Bernice McGee with Mayor Pat Mikesell breaking the tie with a vote for Bernice McGee. Bernice McGee will sit on the new Council.

A public hearing was heard on a zone change request from Mr. Bob Weimer for Block 5, Star Addition #2 to Medium Density Residential (R11) from MC Neighborhood Commercial.

City Planner Jim Woodhull gave Council background information. Public comments were heard from Ruth Kern, Jerry Weimer, Bob Weimer and Urana Clark. Council asked questions to Staff.

Some of the major concerns voiced were having housing so close to the railroad tracks and the increase in residential density causing traffic concerns. Planner Woodhull stated that part of the Star Addition Subdivision was currently in litigation over their covenants and explained what the litigation was about.

Motion was made by Harris, second by Dahl, to approve first reading of Ordinance No. 1824, AN ORDINANCE AMENDING OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM NEIGHBORHOOD COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL (R11) USE. Three opposed, Harris in favor. Motion failed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2634, A RESOLUTION AUTHORIZING THE YEAR END LINE ITEM TRANSFERS AND ADJUSTMENTS FOR FISCAL YEAR 1994-1995 FOR THE CITY OF LIVINGSTON. Finance Officer Ewan made a correction to Section 1, Fund #2941.000.470310.370 should read "\$70.00" and Section 2, third line, the account should be #5510.142.510331.131. An amendment to the motion to include these corrections was made by Williams, second by Harris. All in favor. Amendment passed. All in favor. Motion passed as amended.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2636, A RESOLUTION AUTHORIZING THE YEAR END LINE ITEM TRANSFERS AND ADJUSTMENTS FOR FISCAL YEAR 1995-1996 FOR THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Dahl, second by Harris, to approve Resolution No. 2637, A RESOLUTION AUTHORIZING THE JULY THROUGH SEPTEMBER 1995 BUDGET LINE ITEM TRANSFERS AND ADJUSTMENTS FOR FISCAL YEAR 1995-1996 BUDGET FOR THE CITY OF LIVINGSTON. Council directed Staff to accomplish this on a quarterly basis. All in favor. Motion passed.

Second Reading of Ordinance No. 1821, AN ORDINANCE AMENDING CHAPTER 7 SECTION 7-8 AUTHORIZING POLICE OFFICERS TO ARREST ANYONE CHARGED WITH A CRIME WITHIN (5) MILES OF THE CORPORATE LIMITS. City Attorney Jovick reported to the Council that he has had discussion with the County Attorney on this matter and needs to provide the County Attorney with further material.

Motion was made by Harris, second by Williams, to table second reading of Ordinance No. 1821 at this time. Motion passed.

Second Reading of Ordinance No. 1823, AN ORDINANCE AMENDING CHAPTER 3 SECTION 3-14 LICENSE FEES FOR ALCOHOL LICENSES. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1822, AN ORDINANCE AMENDING CHAPTER 32-7 AND 32-8 FOR POLICE AND FIRE IMPACT FEES. City Manager Golnar answered a question for Councilmember Williams. All in favor. Motion passed.

City Manager Golnar reported that the City Finance Report for October was provided to Council separately. Finance Officer Ewan summarized several items that needed to be addressed.

1) Overdrawn Accounts. Council was in agreement with the Finance Officer to charge an interest rate to all interfund accounts that are overdrawn. Ms. Ewan stated that at present there are 6 accounts overdrawn and they will be charged an interest rate starting November 30, 1995 if they are still overdrawn at that time. If these funds are overdrawn more than three months, the Department Head will be informed and requested to borrow from a solvent fund.

2) Council agreed to allow the Finance Officer to close the Piper Jaffray three long term US Treasury Strips and US Coupons effective November 21, 1995. The loss would be minimal as they do not work the same as Cds. The CD will be left there until maturity in December and the one US Coupon will mature in November.

3) Finance Officer Ewan informed Council that she would like to have a Budget Amendment Resolution by the December 4th Council meeting to close Fund 6050 and run the Flex claims through the Health Insurance Fund. Ms. Ewan stated that this will prevent the expending of these claims twice.

4) The Reserve Funds were listed for Council's information. City Manager Golnar stated that this was the first step towards a Reserve Fund Policy where all reserve funds would be identified for specific uses and purposes for the reserve funds to help guide future governing bodies and staff in determining how to spend the money. The following reports and minutes were included for Council's information:

Livingston Fire/Ambulance Report, October 1995
 Fire Chief Monthly Report, October 1995
 Police Chief Monthly Report, October 1995
 City Judge Monthly Report, October 1995
 Building Inspector Monthly Report, October 1995
 Library Agenda and Minutes, October 1995

City Manager Golnar reported that the City Planner has prepared a schedule of activities for the review of the Star III Subdivision annexation process and future such activities. Staff will be working to develop a generic flow chart or schedule for communication enhancement with future developers. The County has stated that the City should be receiving a letter from the County Attorney indicating that until the property is annexed, the City has no authority to review the subdivision preliminary plat. No letter has been received as of yet.

City Manager Golnar reported that the majority of the City Government Study Commission has voted not to continue working with the County on studying consolidation of Law Enforcement with the City.

The Commission has voted to proceed with the acquisition of model charter information to establish self governing powers for the City. This is to be purchased from the Local Government Center for \$500.

Reservations will be made for a local government review meeting in Bozeman on November 30th and 31st for Lisa Snow, Mike Doyle, Bernice McGee and Larry Blakely.

Ray Hokenson has been elected as the chairperson for the Water and Sewer Infrastructure Replacement Committee. The Committee is discussing the possibility of expanding the focus of the Infrastructure Committee beyond the initially intended Water and Wastewater areas. City Manager Golnar will prepare a propose revision to the resolution that will be reviewed by the Committee at their next scheduled meeting November 30, 1995.

Councilmember Dahl stated her concern was that she didn't wanted the expansion to get out of control and lose their focus.

City Manager Golnar reported that a second Area Communications forum was held on November 15, 1995 at Brand-S Lumber. Mr. Golnar stated this is a useful meeting that a number of local people attended and discussed issues happening around the area. A summary of topics were included for Council's information.

City Manager Golnar stated that he was in the process of updating and organizing materials for training sessions for new City Councilmembers coordinated by the City Manager as outlined in Ordinance No. 1773. Council was in agreement that a 4:30 p.m. time frame would work best for everyone. Mr. Golnar would also like to tie a goals workshop into this session.

City Manager Golnar has reviewed the status of the SID 175 and 176 work and billing with Clint Tinsley, Ken Kastelitz, Shirley Ewan and Rick Kerin, and have agreed to pay a portion of the outstanding bills at this meeting and will withhold the payment of the final few bills until the surrounding pavement around manholes on Blue Heron are beveled. Mr. Golnar is in the process of developing a memo summarizing the status of these SID's and the amount of in house services that were provided by the City and the anticipated total amount to be expended by the Contractor, Engineer and the City in constructing the SID's.

City Manager Golnar stated that he has not received any formal notification from the cable TV company on the rates going up.

Motion was made by Williams, second by Dahl, to accept the proposed drawdown from PCEDC in the amount of \$1,522. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve the Chamber of Commerce request to close Main street from Lewis to Park Street on Friday, December 1st, 1995 from 5:00 p.m. - 9:00 p.m. for "Christmas in Paradise". Patty Kiderlen was present for this request. Motion passed.

Motion was made by Dahl, second by Williams, to waive the two hour parking downtown from December 11th through December 25 for the shopping season. Motion passed.

Tom MacNamee was present to answer questions Council may have on his purchase proposal for development of City land surrounding the Armory. After Mr. MacNamee's presentation, discussion and comments were heard from Council, Staff, Jeff Rupp of HRDC, Jerry Weimer, Urana Clark, Caron Cooper, Don Devine, Tara Eddy and Bob Weimer.

Motion was made by Harris, second by Dahl, to proceed to the next step and enter into negotiations with Mr. MacNamee to develop more specific detailed arrangements for a

land purchase which would be contingent upon development regulations and review guidelines. Councilmember Williams stated that she would like to find out where the City stands with two other developers that are developing the land above this land before the City commits to doing something else.

Councilmember Hall stated that the Development Review Committee needed to become involved at this point. Motion passed.

City Manager Golnar summarized that there was a proposal that Council rejected at the last meeting relating to the sale of the East Side School. Mr. Golnar stated that since that time, the City has been approached by a software company, Logical Software Solutions, that has indicated an interest in a short term rental of a portion of the East Side School amounting to 2,000 to 4,000 square feet. They have indicated that they would like to use the building for a preliminary transitional area to set up shop for their research and development with the plan for building a facility to long term use in this area. It was noted that the heat is not budgeted for that building for the future and the boiler has not been turned on this year. The City Manager explained the desired locations to be occupied and some of the City's concerns before entering into any kind of arrangement on a short term basis.

The City Manager read letters in support of the software company from PCEDC, and the Chamber of Commerce. The Manager wanted to know if Council would support an arrangement where the City would bring in a third party to manage the facility and take the risk of managing and insuring the boiler and acting as landlord or should the City do it instead of a third party.

Councilmember Hall stated this would be an opportunity to bring in new clean industry and would like it left to the Manager to formulate a plan that would accommodate these people.

Councilmember Williams stated this needs to be a no risk venture for the City and also agrees in principal that the software company needs to be liable.

Discussion of options were discussed between Council and the Manager.

Motion was made by Williams, second by Harris, to allow the City Manager to work on the short term lease with the East Side School and Logical Software Solutions Corporation. A comment was heard from Don Devine. Motion passed.

City Manager Golnar stated that the Fire Chief would like to recommend that the Council consider pursuing the Fire Truck and Ambulance Bond Elections in the June 1996 primary.

Councilmember Dahl stated she would like to see the possibility of the Ambulance being on the County wide ballot. Fire Chief Tim Parks stated that has been brought up to him and is worth looking into. Ms. Dahl would like this on the agenda for the January 1996 joint City-County meeting. Discussion was heard on what the cost is to put this issue on the ballot. Finance Officer Ewan answered what she was looking into at this time.

Discussion was heard on how many people vote in the primary election in June versus the general election in November.

City Attorney Jovick suggested that the Council meet with the County for the percentage of voter turn out in previous primary elections and that the next Council should make the decision whether the issue should be placed on the primary ballot.

City Manager Golnar reported that there has been a request for two change orders from the Contractors in combination with the County Commissioners, and both are related to the Dispatch remodel. One is for tiling the floor or installing static free carpet. Costs were discussed with the Manager stating that this is a 50% cost for the City and a 50% cost for the County.

The other item is the installation a 18"x 36" wire glass panel to the door that goes to the visitors room next to the Dispatch Center. This item is being proposed at the request by the Sheriff for security reasons.

The City Manager's recommendation is to authorize tile in the Dispatch Center and not the wire glass window in the visitors room door, because the visitors room is part of the Jail facility and therefore a County expense. Comments and discussion concerning the installation of carpet, electrical that is provided into the Dispatch Center for computers, and other items related to the remodel was heard from Councilmember's Hall and Williams, Jim Snyder, Mike Fleming and Police Chief McCann.

Motion was made by Dahl, second by Hall, to authorize change order item #2B to add new carpet in Dispatch. A comment was heard from Jerry Weimer.

An amendment to the motion was made by Dahl, second by Hall, to add the additional electrical work for the 911 circuit not to exceed \$250 for the total cost. Amendment passed. Motion passed as amended.

Included in the packet for Council's review, was a copy of the lasted version of the proposed SID Policy along with comments from the City Attorney. After further review, it has been determined that this policy should be adopted as an ordinance. The ordinance is expected to be prepared for the next Council meeting.

Councilmember Williams commended City Attorney Jovick for his SID Policy comments.

Motion was made by Dahl, second by Williams, to accept Ellen Woodbury's resignation from the City's Study Commission. Motion passed. It was stated that Bernice McGee will also have to resign from this Committee and find a replacement.

City Manager Golnar reported that the Refuse District has written a letter via the County Attorney in response to the City Attorney's Solid Waste Management District Issues. Mr. Jovick stated he will have an additional letter to respond to the Refuse District's comments.

A certificate of Appreciation was given to Mike Atwood for serving on the City's Zoning Commission and Board of Adjustments.

City Manager Golnar recommended tabling of discussion to revise the Policy on Extended Leave and Health Insurance until the next meeting.

Councilmember Hall gave personal testimony on his experience with the 911 system. He also gave his thanks to Firefighter/EMT's Dave McCann, Jeff Schoenen and Jerry Weimer emphasizing that the City has a good emergency response team.

Councilmember Williams stated that she received a complaint that getting across Park Street on 10th or 11th Streets was impossible. A street light study is being done in that area.

Councilmember Harris congratulated Mrs. McGee on her victory tonight.

Co Inglehart thanked Councilmembers Harris and Hall for their service.

Tara Eddy congratulated Council on their work.

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

business. Motion passed. The time was 10:35 p.m.

ATTEST:

APPROVED:

Julianne Blakely
RECORDING SECRETARY

Pat Mitchell
MAYOR

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LIVINGSTON
CITY COUNCIL MEETING

December 4, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, December 4, 1995, 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 Harris, second by Dahl, to approve the minutes of November 20, 1995 regular Council meeting. Motion passed.

Motion was made by Williams, second by Dahl, to accept the bills and claims that were listed for \$48,916.60. Councilmember Williams questioned the following claims: Page 9 to Big Springs Water Co. for a water cooler. Finance Officer Shirley Ewan will look into. Page 11, item #950441 to Mobile Repair and Welding. Ms. Ewan stated that when the accounts were put onto the new program, this account was missed and that is why there was an asterisk behind the amount showing it was overdrawn. Page 12, item #950414, to Mountain West Land Mobile Radio. Fire Chief Tim Parks stated this was for five batteries for the radios. Item #950411 to Park County Solid Waste District for sludge disposal. Supt. Kastelitz stated this was from the Sewer Plant. Supt. Clint Tinsley will have to answer this question. Items #950401 & #950402 to Park Tire for the Ranger. Clint will need to answer these items.

Motion passed.

Motion was made by Harris, second by Williams, to approve Resolution No. 2635, A RESOLUTION APPROVING A LEASE PURCHASE AGREEMENT BETWEEN ASSOCIATES COMMERCIAL CORPORATION AND THE CITY OF LIVINGSTON FOR PURCHASE A MODEL 710A CHAMPION ROAD GRADER AND PURCHASE OF A SEWER JET. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2639, A RESOLUTION AUTHORIZING THE CLOSE OUT OF SELF INSURANCE FUND #6050 AND TO RUN THE FLEX CLAIM EXPENSES THROUGH THE HEALTH INSURANCE FUND #2371 FOR FISCAL YEAR 1995-1996. Councilmember Harris asked for further explanation. City Manager Golnar and Finance Officer Ewan explained that this was a double expense of a Flex claim and the Resolution will eliminate a step.

All in favor. Motion passed.

Motion was made by Harris, second by Williams, to accept Resolution No. 2638, A RESOLUTION APPROVING A LEASE BETWEEN THE CITY OF LIVINGSTON AND LOGICAL SOFTWARE SOLUTIONS, CORP., OF GREENBELT MARYLAND, FOR RENTAL SPACE AT THE EAST SIDE SCHOOL. City Manager Golnar stated that he is in the process of putting together a package that states what costs are involved in offering space to the software company.

Councilmember Dahl questioned whether the software company has had a background check. City Manager Golnar stated that some background checks were looked into. More discussion on who Mr. Golnar has talked to about this company continued.

Councilmember Williams questioned page 1 of the lease agreement, Section 1. Description of Premises; 2100 square feet of space needs to be added to the lease

agreement. Section 4. Business Use. The first "for the purpose" needs to be deleted from the agreement as it is listed twice.

Ms. Dahl questioned page 8 of the lease agreement Section 30, Contingencies. Discussion was heard that a Special Exception under zoning will be needed if the company does occupy the East Side School.

Councilmember Hall questioned the cost of the renovations. Mr. Golnar stated that what the City is looking at doing is installing electrical heat due to the temporary and short term nature of the lease and there will be heat installed in the basement of the building so the plumbing does not freeze. The \$2,100 estimated included a significant contingency for cost over runs. The agreement under Resolution No. 2641 is to allow for PCEDC to pay for installation of the agreed upon improvements and then to be reimbursed as the City collects rent income.

All in favor. Motion passed.

Motion was made by Harris, second by Williams, to accept Resolution No. 2640, A RESOLUTION ADOPTING AN AGREEMENT BETWEEN THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 630 AND THE CITY OF LIVINGSTON.

All in favor. Motion passed.

Motion was made by Williams, second by Hall, to accept Resolution No. 2633, A RESOLUTION EXPANDING THE SCOPE OF THE SPECIAL WATER AND SEWER DEPARTMENT INFRASTRUCTURE COMMITTEE ESTABLISHED BY RESOLUTION NO. 2480 IN ORDER TO FACILITATE A COMPREHENSIVE AND COORDINATED APPROACH TO THE CITY'S INFRASTRUCTURE REPLACEMENT PROGRAM.

Councilmember Williams stated that she would like to see Fred Hall remain on this committee as a citizen/resident.

An amendment to the motion was made by Williams, second by Dahl, to amend Section 2 to read: That the Committee shall be composed of two members of the City "Council" appointed by the Mayor, "4" Livingston City residents appointed by the Mayor, the City Manager, the Public Utilities Superintendent, the Public Services Superintendent and any other City department Head when issues arise which directly relate to the purpose of and oversight of their department. (CORRECTED AT DECEMBER 18, 1995 MEETING)

Councilmember Hall stated that he is willing to stay on the committee. All in favor of the amendment. Amendment passed.

Mr. Hall reread the title of the resolution and commented.

All in favor. Motion passed as amended.

Motion was made by Dahl, second by Harris, to accept Resolution No. 2641, A RESOLUTION ADOPTING AN AGREEMENT BETWEEN THE PARK COUNTY ECONOMIC DEVELOPMENT CORPORATION AND THE CITY OF LIVINGSTON.

Councilmember Williams asked if there will be any change orders and if so will PCEDC help out. City Manager Golnar confirmed that they would help out.

Mrs. Williams questioned Exhibit "A" for 8 feet of baseboard heat for \$500. Mr. Golnar stated that was correct and the contingencies were \$700. (CORRECTED AT DECEMBER 18, 1995 MEETING)

All in favor. Motion passed.

Second Reading of Ordinance No. 1822, AN ORDINANCE AMENDING CHAPTER 32-7 AND 32-8 FOR POLICE AND FIRE IMPACT FEES.

All in favor. Motion passed.

Motion was made by Harris, second by Williams, to approve first reading of Ordinance No. 1825, AN ORDINANCE RENUMBERING SECTION 11-32 OF THE CODE OF ORDINANCES TO SECTION 11-44. Councilmember Williams questioned what this was. City Attorney Jovick stated that there was an error in the code book and two sections had the same number and this just renumbered one of the sections. No text was changed.

All in favor. Motion passed.

Motion was made by Williams, second by Harris, to approve first reading of Ordinance No. 1826, AN ORDINANCE AMENDING CHAPTER 13 SECTION 13-44 OF THE CODE OF ORDINANCES TO REFLECT INSTALLATION OF NEW METER AND REMOTE IN NEW SERVICES. City Manager Golnar stated this was a result of what Councilmember Hall brought up for discussion a couple meetings past.

All in favor. Motion passed.

City Manager Golnar reported on the Proposal for development of City land surrounding the Armory and that he is still negotiating an agreement for Council's consideration of the sale of that property for review at the December 18, 1995 City Council meeting. The City Attorney has a conflict of interest on reviewing the agreement and later in the agenda, Mr. Golnar will be requesting the assistance of Council to designate an alternate attorney to review this contract. Also enclosed is a preamble to the agreement for Council's information along with a copy of Council minutes from October 17, 1994 relating to the Greco situation on Blocks 3 and 5 of the Palace Addition.

City Planner Jim Woodhull explained background about Greco. Mr. Bill Bishop was in attendance stating that he is no longer in business with Mr. Greco and the name of the business now is Montana Steel Structures. From the minutes of October 17, 1994, the minutes reflected that a resolution would be drafted. That resolution has never been passed.

Councilmember Williams stated that the City had asked for other information from Mr. Greco and he never came back to Council with them. Mrs. Williams questioned how long the City must honor such a request as the one made in October of 1994. Mr. Jovick noted that he could have a conflict of interest, but did ask Planner Woodhull when the application was made, and was it in a corporate name or individual name. Mr. Woodhull stated the minutes just reflected Mr. Greco by name.

Mr. Bishop stated Mr. Greco was speaking on behalf of the firm.

Mr. Jovick stated that because of his conflict of interest that the attorney hired should also review the buy/sell.

Mrs. Williams felt that the preamble needed a few additions, that it say "Subject to applicable State and City Subdivision regulations as well as public City/County Planning Board hearings. That it needs to follow the policies that have already been established.

Mr. Golnar stated that comments have been received by HRDC relating to affordable housing and Mr. MacNamee did provide initial response to subject of affordability in a letter that was passed out today.

City Manager Golnar enclosed a summary of activities and expenditures relating to SID's 175 and 176 along with recommendations on how City revenues should be used from in kind services and materials on this project. Mr. Golnar recommended that the first priority is to pay off SID debts that the City has, and secondly to off set reasonable expenditures made toward this project which would result in reimbursing appropriate accounts.

City Attorney Jovick asked for clarification about the City paying their portion of the bonds due to the in kind service the City has done. Finance Officer Ewan explained more about the bonds and paying them off, with her recommendation to pay off the bonds. Ms.

Ewan stated that at the end of the bond, there will be money to divide up among departments who have outstanding costs relating to this project.

Motion was made by Harris, second by Williams, to pay the bonds off. Motion passed.

Mr. Bill Bishop asked that Council to go back to discussion of item one of the City Manager comments and also asked why no resolution was drafted. Mr. Bishop was informed by members of Council, that what they recalled from last years meeting, was that Mr. Greco was going to come back to Council with more information that would have been a critical part of the resolution.

Councilmember Williams mentioned that the land was to be surveyed and platted to accurately define what land they agree to swap and Mr. Greco agreed to do that at his cost so that this information could be drafted into the resolution.

Council stated that Mr. Greco has never come back to Council with more information. Councilmember Harris recommended that a verbatim of the minutes of the October 17, 1995 meeting were needed at this time to see what transpired. Council was in agreement with this recommendation.

Councilmember Dahl stated to Mr. Bishop that Council would not act on a resolution without the definitive dimensions and all the information.

Mr. Bishop asked Council if they were willing to stay in the same position as discussed last year. Mr. Harris stated that Council would have to go back and review first.

Mr. Phillip Lafournaise, also with Montana Steel Structures, noted his desire for Council to move forward with the same concept.

City Manager Golnar stated to Mr. Bishop and Mr. Lafournaise that a copy of the verbatim would be sent to them before the next Council meeting of December 18, 1995.

Mrs. Williams asked Mr. Bishop if Mr. Greco ever asked him (Mr. Bishop) for a survey or plat to get this going. Mr. Bishop stated that Mr. Greco did not.

City Manager Golnar reported that the first Community Oriented Policing workshop was held on November 28, 1995 and was well attended. Included in the packet was a memo dated November 30, 1995 from Police Chief McCann summarizing the meeting.

Councilmember Dahl commented that additional members to be involved could be Tavern members, Boy or Girl Scout representatives and possibly of one teacher from each school. Police Chief McCann stated that including more civic groups was discussed, but they do need to hold the group size to a manageable size.

City Manager Golnar included a tentative summary of items needed to be reviewed and discussed during the City Council Orientation session. Mr. Golnar would like any comments from Council if they have any additions. The first worksession has been set for Tuesday December 12, 1995 at 4:30 p.m. for the future Council. A worksession for all Councilmembers is set for Monday, December 18, 1995 at 6:30 prior to the regular meeting to discuss issues and goals.

City Manager Golnar reported that the Stillwater Mining Company's impact plan which was agreed to by the City and other governmental entities, has been approve by the Hard Rock Mining Board and copy of those revisions has been forwarded to the City.

Included in the packet were copies of recent construction meetings in regards to the City-County Remodel. The contractor is 75% done with the work. Mr. Golnar stated that with change orders the substantial completion date is expected to be December 11, 1995 and the project completion for December 27, 1995.

Councilmember Williams question page 67 of the packet on the memo from the Building Inspector concerning a County employees office. Mr. Golnar explained that the County has also contracted with the Contractor to do the work and that the County's additional work was not part of the City's contract scope.

City Manager Golnar reported that the paying of bills will now be done twice a month due to the greater efficiency of the new computer system.

City Manager Golnar stated that the Fleshman Creek/Mayor's Landing Right-of-Way land swap is still outstanding. Mr. Golnar noted that a local appraiser gave the City a quote of \$2,000 to appraise the land and that is \$1,250 higher than Council has authorized.

City Attorney Jovick also commented on this item and stated that he is seeking to see if the State has hired someone to do the appraisal. Mr. Jovick recommended to Council that the State does the appraisal.

City Manager Golnar summarized discussions with the County regarding the Refuse District. Included was a copy of an article published in a recent paper stating that the County did pass the air emissions test on the Incinerator. Mr. Golnar did stress that this is a joint effort between the City and the County.

City Attorney Jovick is in the process of drafting a response to the County Attorney's comments on the proposed Refuse District. Mr. Jovick has stated that his major concerns are the significant liabilities which the City might be accepting if it is not careful in how it enters into a cooperative Refuse District Agreement.

Motion was made by Williams, second by Harris, to allow City Manager Steve Golnar executive leave on December 27, 28 and 29, 1995. Council requested that he leave someone in charge on those dates. Motion passed.

City Manager Golnar reported that City staff has authorized a curbcut and removal of one tree located at the alley on Geysler and half block off West Main Street. Mr. Matt Schaeffer of Wilcoxsen's Ice Cream made this request and has guaranteed to replace the removed tree with two trees of at least 2 inches in caliber to be installed in the Spring.

City Manager Golnar reported that the HRDC HOME Grant was awarded in the amount of \$432,000. Included was a memo summarizing the FY 95 HOME funded projects. We are waiting for an award of the Community Development Block Grant Infrastructure money, the last step toward achieving funding for the low to moderate income housing project on Reservoir Street.

City Manager Golnar stated that Mr. Jim Rivard requested to address Council concerning comments on the annexation of Phase III Star Addition. Mr. Rivard was not present, but Mr. Golnar stated that he did provide him with the schedule of process for reviewing the Star III Project which was enclosed.

Motion was made by Williams, second by Harris to approve the drawdown request by Dave Carter in the amount of \$27,300.75. Motion passed.

Discussion was heard concerning the January 2, 1995 Council meeting. Motion was made by Williams, second by Hall, to set a special Council meeting on January 8, 1996

Mayor Mikesell stated that the new Council will have to address revising the January 16, 1996 regular Council meeting to January 22, 1996. No action was taken at this time.

City Manager Golnar reported that he has received a letter of concern from an existing employee in reference to the policy on Extended Leave and Health Insurance. Mr. Golnar read the recent policy that was adopted by Council this past summer and stated that the employee asked for Council to reconsider.

Councilmember Williams stated that the policy seems to be standard when sick leave and vacation leave has been used up.

Councilmember Dahl asked about questioning other cities. Mr. Golnar stated that some cities have been contacted. Staff has encountered a concern about the application of this policy to the letter in combination with following the "Family Medical Leave Act". This act requires an employer to allow an employee up to 120 days off which could involve a combination of paid leave and unpaid leave for family purposes.

Mr. Golnar suggested that Council look at extending health insurance coverage for extended leave where the employee does not have compensated leave accumulated at that point to a multiple of thirty or sixty days beyond the month in which the employee runs out of compensated leave. This would allow the City and the employee a buffer time to continue health coverage.

City Attorney Jovick stated this was a benefit and a policy question and legally he does not see any requirement even if there may be an implication on this issue under the Family Leave Act. More discussion and comments were heard.

Mr. Golnar's suggestion based on all that has been discussed is that the Council authorize up to sixty days of insurance coverage following the month when the employee would run out of insurance. Mr. Hall stated that the City needs to get more specific on the medical basis for a leave of absence.

Mr. Golnar stated that his purpose for bringing this up was that there is an upcoming situation with the employee involved and he wanted Council input prior to making the decision.

Mr. Jovick stated that a less radical change in the policy would be reimbursement to the employee if the employee did come back to work.

More discussion was heard from Council. City Manager Golnar will bring this item back to the next meeting.

Discussion was heard on the City hiring an attorney for review of Home Town Montana Land purchase proposal. City Attorney Jovick stated this would be a request for review. Two people have shown interest; Bruce Becker, and Jon Hess and Steve Potenberg. City Manager Golnar will contact both firms, discuss any potential conflicts of interest and make a selection between the two offices.

Discussion was heard about the Crazy Mountain Acres four foot easement. City Manager Golnar mentioned the possibility of contacting the McNamera's for an offset in the system development charges in exchange for an easement.

City Attorney Jovick explained the four foot easement using a map in the packet. The City has already accepted the sewer line and at the time the City accepted the sewer line, the City should have already had a dedicated easement for the line and should have required that of the developer before having accepted it. This was apparently overlooked such that the City's normal twenty feet on either side of this line left the four foot area in limbo should the City ever desire to work on it. The City has notified the developer who used that sewer line of the problem and has asked the developer to provide the easement,

but when that developer's attorney contacted the attorney for McNamera's mobile home development, McNamera's wanted a very large sum of money for that easement. Mr. Jovick stated that to further discussion and the suggestion by McNamera that \$15,000 be paid for the easement. Mr. Golnar's suggestion was more in the line of \$8,000 in offset bills for the easement to resolve the question. Mr. Jovick stated that the \$8,000 would not be paid in actual dollars by the City it would be offset against an existing obligation of that developer. McNamera owes that City \$48,750 in development fees and this is involved in a potential factual dispute. Mr. Jovick stated that he is certain that the City will have to litigate against McNamera for the balance of the development fees.

Councilmember Hall questioned why no easement was provided for. Mr. Jovick stated that it should have been provided at the time that the City accepted the sewer line. The County process did not include easement.

More discussion was heard. City Manager Golnar stated he would have the application pulled from the file for review at the next meeting.

City Manager Golnar suggested that the position to fill Ellen Woodbury's vacancy on the Government Study Commission be advertised at the December 18, 1995 meeting. There has been notification of one interested person at this time, Fred Kasten. Mr. Golnar will create a summary application so that anyone interested in applying for a position can fill it out thus allowing the Council more information on applicants. A comment was heard from Urana Clark.

Motion was made by Dahl, second by Williams, to accept the resignation from Bernice McGee to the Government Study Commission effective 12/12/95. City Manager Golnar stated that there is a letter of interest for the position from Fred Hall. Motion passed.

City Manager Golnar stated that he will draft a summary advertisement and application to fill Mike Atwood's position on the Zoning Commission and Board of Appeals vacancy. Mr. Golnar noted that there were two interested people, Mike Doyle and Logan Leachman. This appointment will be tabled until that time.

Motion was made by Dahl, second by Harris to accept the resignation from Caron Cooper as of 12/12/95 from the Zoning Commission and Board of Adjustments. City Manager Golnar stated that he was going to advertise to fill the Study Commission vacancy and this vacancy at the same time. Motion passed.

City Manager Golnar reported that the Livingston Fire/Ambulance Service has received approval of certification from the State for the EMT-I level service. Fire Chief Parks stated that each person had to put in about 350 hours of training, with eleven passing. A new fee structure will be constructed to include higher fees for the higher level of service and expertise offered.

Councilmember Williams congratulated the Fire Department for their hard work.

City Manager Golnar summarized that Mountain View Mobile Home Park has been developed in the County with review and input from the City and is anticipated to be annexed after improvements are made and verified from the County. The question is who will pick up their garbage in the mean time. After some discussion, Council was in agreement to wait until the development is annexed before the City picks up the garbage.

City Manager Golnar enclosed for Council's information, a request from White Knight Development indicating their interest in purchasing property in a portion of Block 19 of the

Palace Addition. The land was appraised in June of 1995 at the value of \$20,000. Mr. Hudson of White Knight Development offered \$20,500 in a September 7, 1995 letter. Mr. Golnar noted that previous offers were made on this property but did not amount to the appraised value and were denied.

Councilmember Dahl stated that all city land needs to be reviewed and the City should do a comprehensive use and disposal of public land plan before any land is sold.

Council was in agreement that such a policy be put in place before any land is sold.

Motion was made by Williams, second by Dahl, to postpone the sale of any City owned property until a land use policy is developed. Motion passed. An amendment to the motion was made by Williams, second by Harris, to include inventory into the motion. Motion passed as amended.

Mr. and Mrs. Harold Fick have a request to purchase city property in order to square off their lot in Star Addition. Mrs. Fick questioned how long it will take to come up with the policy and if their request would still be considered.

Mr. Golnar responded to Mrs. Fick's question and stated that her request would still be on the table and hopefully some policy would be ready approximately next month.

Councilmember Dahl stated that all departments need to be involved in the City land policy development and that she would be willing to assist.

Mayor Mikesell stated that the City should keep a list of all interested parties that are requesting to purchase city land.

City Manager Golnar stated that Montana Rail Link has offered to provide materials to assist with extending decorative fencing along City Lease and that he recommends tabling the item at this time.

Councilmember Williams suggested that The Depot Trust be asked to help with this project.

Mike Fleming addressed Council stating that the Credit Union put aside money for this project and was just approved. Discussion was heard that the Credit Union paid for the materials for the first part of this decorative fencing and the High School assisted. A comment was heard from Councilmember Hall.

City Attorney Jovick answered a question for Councilmember Williams.

City Manager Golnar reviewed some information related to the Health Insurance increase the City has received notice of late last week. This will be a 21% increase in Health Insurance rates for current City coverage.

There was a meeting earlier in the day with the Health Insurance/Personnel Committee along with the Insurance representative. Another meeting will be held next week to further discuss the issue with the purpose of developing a recommendation for Council at their next meeting on December 18th regarding health insurance coverage for 1996. Mr. Golnar explained further for Council.

Motion was made by Harris, second by Dahl, to allow the group of churches that put on an annual Christmas dinner to use the Civic Center at no charge. This includes the kitchen and utensils. Motion passed.

Mayor Mikesell mentioned that there was a water leak on 7th Street. Ken Kastelitz stated that City crews were aware of the problem.

Mayor Mikesell questioned what will be done with the pipes at the East Side School with the temperature now dropping. City Manager Golnar stated that the pipes in the upper part will be drained, that a \$200 estimate was received.

Councilmember Dahl asked that a time be set for the City Attorney worksession. The time set was December 13th at 7:00 p.m.

Councilmember Williams questioned City Attorney Jovick if he has heard any word from the bond company about collection on Griffin's and Christiaen's bonds. Mr. Jovick explained and stated that he is due to send out the next letter to the insurance company. From here, Mr. Jovick stated it is just providing information and he was not optimistic of any recovery of money.

Mrs. Williams stated she received a call from someone with Head Start, that they are losing their location as of May 31, 1996 and were curious if a part of the East Side School could be used. More comments were heard from Mrs. Williams. It was noted from the Mayor and City staff that the East Side School could not be used for a school due to the ADA requirements not being met without significant work.

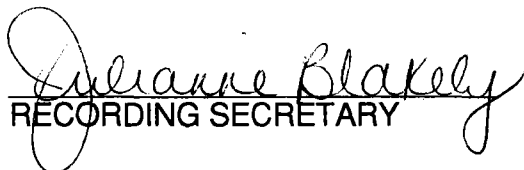
Motion was made by Williams, second by Dahl, to appoint Fred Hall to serve as the 4th City resident to serve on the Infrastructure Replacement Committee as of January 1, 1996. City Manager Golnar mentioned that in the resolution that was passed earlier in the meeting, that it does not cover terms of appointments. City Attorney Jovick stated that he did not think the intent was a permanent structure within the City. Mr. Golnar stated it provides for an annual review and update. Mr. Golnar will bring the resolution back to the committee and suggest a term, unless Council would like to suggest terms. Motion passed.

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

The time was 9:55 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING

December 18, 1995
7:30 P.M.

The Livingston City Council met in regular session Monday, December 18, 1995, 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 December 4, 1995 regular Council meeting. Councilmember Williams made the following corrections: Page 2, the third paragraph, Resolution No. 2633, ninth sentence, should read "That the Committee shall be composed of two members of the City "Council" appointed by the Mayor..."

Page 3, first paragraph, fourth sentence should read, "...the contingencies were "\$700"."

Motion passed as corrected.

Motion was made by Dahl, second by Hall, to accept the bills and claims that were listed for \$121,346.41. Councilmember Williams questioned the following claims: Page 12, item #950575 - CellularOne for \$260.42 was higher than usual. Fire Chief Tim Parks stated that this was air time for the Ambulance.

Page 13, item #950574 - Davis Business Machines for \$1,324.15. This was for copies over and above the yearly maintenance contract.

Page 13, item #950562 - Gray's Road and Rescue for \$292.50. This was wrecker charges for one of the old ambulances.

Page 15, item #950522 - Department of Justice for \$10. Police Chief Steve McCann stated this was Dispatcher training for Wendy Wood.

Councilmember Hall questioned the following claims: Page 19, item #950615 - Valhalla Energy Systems, Inc. City Manager Steve Golnar stated that this was consulting related services and travel for Cabot Theuman, Consultant. This does not include the test done by a Florida firm which will be billed to the County and then they will bill the City. There will be one more bill from Mr. Theuman for approximately \$600 to review the State's response to the test results. Mr. Golnar noted that this bill has been much lower than what was budgeted for and the County is paying half.

Motion passed.

Max Simmons and Randy Newburg of Simmons and Co. the City's auditing firm presented Council with their comments for the current fiscal year audit. The Financial Report will be available after the first of the year.

Mr. Simmons commended the City for their actions they have taken in the last year and items that have been addressed. Mr. Newburg spoke highly of Finance Officer Shirley Ewan for all the accomplishments she has made in the Finance Department in the last few months.

Some comments were heard from Council.

Second reading of Ordinance No. 1821, AN ORDINANCE AMENDING CHAPTER 7 SECTION 7-8 AUTHORIZING POLICE OFFICERS TO ARREST ANYONE CHARGED WITH A CRIME WITHIN (5) MILES OF THE CORPORATE LIMITS. All in favor. Motion passed.

Second reading of Ordinance No. 1825, AN ORDINANCE RENUMBERING SECTION 11-32 OF THE CODE OF ORDINANCES TO SECTION 11-44. All in favor. Motion passed.

Second reading of Ordinance No. 1826, AN ORDINANCE AMENDING CHAPTER 13 SECTION 13-44 OF THE CODE OF ORDINANCES TO REFLECT INSTALLATION OF NEW METER AND REMOTE IN NEW SERVICES. All in favor. Motion passed.

The following information items were included for Council's information:

Letter to Mayor Mamoru Tamura
 Letter from Matt Schaeffer, Wilcoxsons' Ice Cream Co., Inc.
 Thank You Letter to Fire Department from Chamber of Commerce
 Thank You Letter to City from Chamber of Commerce
 Incoming Water and Sewer Revenues
 Police Chief Monthly Report, November 1995
 Fire Chief Monthly Report, November 1995
 Livingston Fire/Ambulance Report, November, 1995
 City Judge Monthly Report, November 1995

Councilmember Dahl asked for clarification on a line in the City Judge's Monthly Report relating to the City Attorney. Discussion was heard from Staff and Council. Finance Officer Ewan clarified further.

City Manager Golnar reported that Council has gone through two City Attorney interviews prior to this Council meeting and one more was scheduled after the Council meeting.

City Manager Golnar stated that the filling of the two City Zoning Board vacancies will be held until the January 1996 meeting. The office has received two or three applications at this time.

Mr. Golnar stated the second Government Study Commission appointment will be filled by the new Council in January.

Discussion was heard concerning a memo from the City Attorney relating to Lisa Swoboda taking leave under the Family Medical Leave Act. The FMLA requires that the employer maintain health insurance coverage during the period of leave and that it continue to pay the employer's portion of health insurance. Mr. Jovick noted that there is a provision that if the employee does not return to work, other than for a medical reason, then the employee has to reimburse the employer for the employer's portion of the health insurance.

Motion was made by Dahl, second by Williams, that the City follow the Family Medical Leave Act and pay health insurance on employees when they take leave of absence within the parameters of the Act. An amendment to the motion was made by Dahl, second by Williams, to have the employees comply with the Medical Leave Act. Amendment passed. City Manager Golnar stated that a policy to cover all employees would come back to Council in January. Discussion took place concerning this policy.

An amendment to the motion was made by Dahl, second by Williams, to specifically state Lisa Swoboda and to delay implementation of a City-wide policy until a later date. Amendment passed. Motion passed as amended.

City Manager Golnar reported the status of the HRDC Housing Project to Council. Request for proposals have been disseminated for engineering and architectural services on the project on Reservoir Street.

Mr. Golnar stated that the Community Development Block Grant funding, which is the last part of the funding associated with this project, was expected to be granted by the end of the month, then a recommendation could be put together for Council to move forward to the next step.

A letter from City Attorney Bob Jovick was included for Council relating to liability issues regarding the Refuse District.

Councilmember Harris commented. The City Manager was directed to pass the letter on to the County Commissioners and the Refuse District.

City Manager Golnar reported that Attorney Bruce Becker was hired as legal advisor for the Home Town Montana Land purchase proposal. Mr. Becker is retained on a 10 hour letter of agreement for legal counsel.

City Manager Golnar updated Council on the status of the City-County Building Remodel. Additional information was placed in Council's boxes earlier.

Mr. Golnar stated that the remodel is nearing completion and that they are within the scheduled time lines for the projected completion date of December 28th. The project could see another change order that could affect the completion date, due to the doors that were ordered and received were rejected by the Contractor as they did not meet specifications. Police Chief McCann explained about the doors further for Councilmember Harris.

Discussion was heard concerning the Council bench. The decision was to hold off on a bench for the Judge/Council at this time, that tables will be adequate for the time being. The Manager was requested to bring a proposal for a dual use Council/Court Chambers bench with a raised floor.

Comments were also heard from Jim Snyder, Architect of the project.

City Manager Golnar stated that the City has received notice from Blue Cross/Blue Shield, the City's health insurance provider, that the City will see a 21% increase over current rates effective January 1, 1996.

Mr. Golnar stated that within the last couple of weeks the Insurance/Personnel Committee has been activated and reviewed various options. Mr. Golnar explained what option the Committee recommended for the short run.

Motion was made Dahl, second by Williams, to allow the City Manager to proceed with the discussed option 3 (Blue Cross/Blue Shield Security Plan with \$1000 deductible/stop gap and \$100 charge for non HMO providers) effective January 1, 1996. Motion passed.

Mr. Golnar thanked the Health Insurance Committee for all their efforts.

Motion was made by Dahl, second by Williams, to approve change order #4 for the sprinkler system in the City Judge's area and a window in the visitor's area requested by the County Commissioners for a total amount of \$611.00. Motion passed.

It was stated for Councilmember Harris, that the over run amount so far was approximately \$4,000.

Motion was made by Williams, second by Dahl, to approve the Park County Economic Development Corporation drawdown of \$1,522. Motion passed.

Motion was made by Dahl, second by Williams, to approve the drawdown requested by Dave Carter for \$12,432.41 to include the Miscellaneous Tax claim for \$139.69. Motion

passed.

City Manager Golnar asked Supt. of Public Utilities Clint Tinsley to summarize background on the Crazy Mountain Four Foot Easement. City Planner Jim Woodhull also provided comments. Comments and discussion was heard also from Council and Rick Kerin, Engineer to the project.

Mr. Golnar stated that signatures are required by the Mayor and City Planner to sign off on the County's Final Plat for the Crazy Mountain Mobile Home Park. Without an easement for the sewer line to include the 4 feet in question, Golnar was told to communicate to the County that the City would not sign the Final Plat.

Councilmember Dahl questioned if the McNamera's are still responsible for the System Development Fees. Mr. Golnar confirmed that it was still the City's position the fees outstanding were due.

City Manager Golnar reported on the Policy on Sale/Use of City Land. He stated that the Policy is not complete at this time, but progress in compiling information that will work toward the creation of this policy is proceeding. The information was listed in the packet. Included with the information, was a legal opinion relating to the adoption of an ordinance which sets forth criteria and a process of disposing of City property that was put together by Attorney Bruce Becker in relation to the MacNamee proposal for the purchase of City owned land by the Armory.

Discussion was heard on the Montana Steel Structures concerns in the "Greco Land Swap". A verbatim of discussion of the October 17, 1994 meeting was included in the packet as requested by Council at the last meeting.

Councilmember Williams questioned whether a "land swap" holds the same weight as a "land sale" where policy is concerned. The opinion of Attorney Becker was that it did and addressed Council with more of his comments. More comments and questions were heard from Council to Mr. Becker.

Mr. Becker reported further on the property in question stating that from the past records that he was able to obtain, the City purchased 40 acres of property for cemetery use which raised questions as to what the property can be used or sold for. With regard to the Armory property, Mr. Golnar clarified with Mr. Orndorff's assistance that the City donated the property for the Armory.

Phillip Lafornea asked Mr. Becker what the legal obligation was from the minutes of the October 17, 1994 meeting. Mr. Becker gave his comments that there appeared to be no legal obligation and stated that the Council was the best body to make a decision concerning this property as they were the ones that heard the request.

More discussion took place between Council, Mr. Becker and Mr. Lafornea. Mr. Lafornea asked Council if they wanted Montana Steel Structures to complete the survey that was discussed last year, with Council stating they should wait until the Land Sale/Use Policy is in effect.

City Manager Golnar stated that the City will get back to individual's representing Greco when the Land Sale/Use Policy is completed.

City Manager Golnar summarized Home Town Montana's proposal on the purchase of City Land and the creation of a policy on the sale/use disposal of City land. The City has received a proposal of purchase from Mr. MacNamee and has also received the Attorney's Opinion relating to the proposal and a letter from Mr. MacNamee regarding what he feels are points identifying the urgency of moving forward with this project. Mr. Golnar requested direction from Council on how to proceed in view of the City Land Sale/Use Policy which is

being proposed.

Mr. Becker has reviewed the background relating to the sale of city property and this property in particular at the request of the Council.

Mr. MacNamee briefly summarized what his points are and stated that he feels Council has made a commitment to him.

Councilmember Harris stated that the City land policy needs to get in place as quick as it can. Council was in agreement. That was the direction of Council.

Motion was made by Dahl, second by Williams, to retain Mr. Becker to help the City facilitate creation of an ordinance establishing a policy on City land use/sale under his current arrangement with the City.

An amendment to the motion was made by Dahl, second by Hall, to approve an additional 10 hours for a total of 20 hours for his engagement with the City. Amendment passed. Motion passed as amended.

City Manager Golnar stated that he and Finance Officer Shirley Ewan are currently working on developing a policy on Reserve Fund Balances for the current fiscal year that was identified as a necessary policy by the auditors prior to them closing our FY 94/95 audit.

Two applications of interest were received to fill the vacancy on the Government Study Commission. Applications were received by Fred Hall and John Orndorff.

Motion was made by Dahl, second by Williams, to appoint Fred Hall to this opening. Motion passed.

City Manager Golnar requested that his Executive Leave be revised to change his leave of December 29th to December 22nd. Ken Kastelitz will be acting City Manager on the days that Mr. Golnar will be gone. Council approved this request.

Discussion was heard concerning the review of the Star III Subdivision Proposal and approving an extension consented to by the Developer for review of the Preliminary Subdivision Plat up to and including January 16, 1996. City Manager Golnar summarized.

Developer's Mike Potter and Thomas Clinton gave a presentation of the subdivision for Council. Engineer Rick Kerin and their attorney Jon Hesse were also present to add input and answer questions.

Other comments and discussion was heard from Council, Staff, Caron Cooper, Val Counts, Bruce Lay and Tim O'Hara. Written comments included in the packet were from Donald and Ruth Kern who reside in the Star Addition.

Mr. Potter stated he would like to get started on the project in March.

The Developer's stated they would agree to waive protest of SID's of a Park Maintenance District and also agreed to a review extension to January 22, 1996 of the subdivision. Mr. Golnar suggested that on the secondary access road, the Council should consider creating a 60 foot right-of-way to be platted in an agreed upon manner in cooperation with the Developer and the City so that no future questions about potential development of this access is encountered.

No other actions were taken at this time. This item will be scheduled for the second Council meeting in January.

Mayor Mikesell presented two proclamations of appreciation , one to Lee Harris and the other to Fred Hall for their serving as an active and dedicated member of the Livingston City Council.

Mayor Mikesell stated that a Certificate of Merit will be provided for Caron Cooper for her service on the Zoning Commission/Board of Adjustment.

Motion was made by Hall, second by Williams, to have the Manager bring together all available materials on various people, McNamera in particular, that owe System Development Fees to be presented to the new City Attorney at the first meeting in order to immediately begin timely collection of fees. Motion passed.

Councilmember Hall stated that he had one last personal item, that even though Lee Harris and himself often did not see eye to eye, that over the last two years he has gained respect for Mr. Harris and has appreciated all the he has done. Mr. Hall shook Mr. Harris's hand.

Councilmember Harris stated that he had one item, that he has always looked out for the taxpayers and that he does not have any personal resentment for other Councilmembers opinions.

Councilmember Dahl stated she will not be at the first meeting of next month, but will be at the meeting for discussion with Carter and Ray.

Ms. Dahl stated that it was a pleasure to work with Fred and Lee.

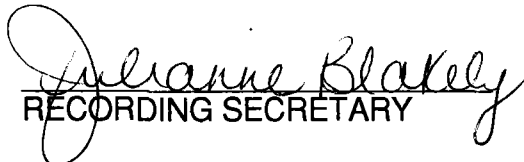
Mike Fleming commented on the fence along the tracks at the Depot Center. The Credit Union will finance and the High School will build the fence.

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

The time was 11:50 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR