

LIVINGSTON  
CITY COUNCIL MEETING

320

January 8, 1996  
7:30 p.m.

The Livingston City Council met in special session Monday, January 8, 1996, 7:30 p.m. in the Community Room at the City-County Building with the Oath of Office. Councilmembers present were Barb Williams, Bernice McGee, Caron Cooper with Mayor Pat Mikesell presiding. Councilmember Sheryl Dahl was absent.

Councilmember Williams nominated Pat Mikesell as Mayor and moved that the nominations be closed. Second by Cooper. All in favor. Motion passed.

Councilmember McGee nominated Councilmember Barb Williams as Vice Mayor and moved that the nominations be closed. Second by Cooper. All in favor. Motion passed.

Discussion was heard concerning the appointment of the City Attorney and a contract. Council requested that a periodic six months evaluation of the City Attorney be written into his contract.

Motion was made by Cooper, second by McGee, to approve the Mayor's appointment of Bruce Becker for the City Attorney for a term from January 8, 1996 to January 2, 1998. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve the minutes of December 18, 1995 regular Council meeting. Motion passed.

Motion was made by Williams, second by Cooper, to accept the bills and claims that were listed for \$94,203.77. Councilmember Williams questioned the following claims:

Page 9, item #950845 to Big Springs Water Co. Supt. Clint Tinsley stated that they are waiting for the water sample results before eliminating water coolers from the Utilities Building and the Sewer Plant no longer has the water cooler. This was one of the last bills for water cooler services.

Page 10, item #950906 to Costco. Finance Officer Shirley Ewan explained that the City has a membership there and that City employees can also purchase memberships.

Page 12, item #950769 to High Country Communications, three services listed, \$50.00, 537.50 and 170.00. The two in question are \$537.50 (which County will be paying half) and the \$170.00. Discussion was heard, with these last two items being tabled at this time from the approval of all the bills and claims.

Page 13, item #950782 to MedTrans of Billings. Finance Officer Ewan explained that when A-4 broke down going to Billings, this company had to finishing transporting the patient.

Ms. Williams commented that she noticed several asterisks throughout the bills and claims list and stated that the biggest one is on page 15, item #950852 to Northwest Boiler, Inc. Supt. Tinsley responded that there has been a reimbursement to this account and after this meeting the account will not be overdrawn.

Councilmember Cooper questioned the following claims:

Page 9, item #950745 for the City Attorney's ad. City Manger Golnar stated that this ad ran 2 times.

Page 10, item #950880 to Dana Kempner. Supt. Tinsley stated these are water meter supplies for his department inventory and that most of the costs are paid by developers.

Page 12, item #950848 to Inter Mountain Lab. Supt. Tinsley explained for Ms. Cooper how frequently water samples were taken and what was State mandated for taking water samples.

Page 14, item #950790 to Montana Power Co. Ms. Cooper asked for clarification if these were one or two monthly bills.

All in favor of paying the bills and claims except for \$537.50 and \$170.00 to High Country Communications. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2645, A RESOLUTION SETTING FEES FOR ADVANCE LIFE SUPPORT SERVICES FOR THE LIVINGSTON AMBULANCE SERVICE. Discussion was heard from Council and Staff. All in favor. Motion passed.

City Manager Golnar requested that Resolution No. 2646, A RESOLUTION APPROVING A GENERAL PROJECT DEVELOPMENT AND CONSTRUCTION AGREEMENT BETWEEN THE MONTANA DEPARTMENT OF TRANSPORTATION AND THE CITY OF LIVINGSTON FOR A PEDESTRIAN/BIKE PATH, not be considered at this time as he would like more feedback from Staff and project supporters relating to trail maintenance and liability concerns.

City Manager Golnar requested more feedback from Council on Resolution No. 2647, A RESOLUTION APPROVING A CTEP MAINTENANCE AGREEMENT BETWEEN THE MONTANA DEPARTMENT OF TRANSPORTATION AND THE CITY OF LIVINGSTON FOR A PEDESTRIAN/BIKE PATH. This also was not considered at this time.

Motion was made by Cooper, second by McGee, to approve Resolution No. 2648, A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT FOR CITY ATTORNEY POSITION.

Section 2; Contracted Service Package; the annual sum of "\$61,000" is to be filled in.

Motion was made by Cooper, second by McGee, to amend the City Attorney contract to include an evaluation period which would be every six months. All in favor of the amendment. Amendment passed. All in favor of the motion as amended. Motion passed.

Mr. Becker thanked the Council and stated that the contract is acceptable to him.

Motion was made by Williams, second by McGee, to approve first reading of Ordinance No.1827, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, SETTING FORTH THE PROCEDURE FOR CLASSIFYING REAL PROPERTY OWNED BY THE CITY OF LIVINGSTON INTO CATEGORIES OF PROPERTY HELD FOR A SPECIFIC PUBLIC PURPOSE AND PROPERTY HELD MERELY IN A PROPRIETARY CAPACITY; PROVIDING FOR RECLASSIFICATION OF PROPERTY HELD FOR A SPECIFIC PUBLIC PURPOSE UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR A COMPETITIVE PROCEDURE FOR THE DISPOSAL OF REAL PROPERTY OWNED BY THE CITY OF LIVINGSTON WHICH IS EITHER NOT NEEDED OR IS UNSUITABLE FOR PUBLIC USE OR HAS BEEN APPROVED FOR DISPOSAL BY THE ELECTORS IN THE CASE OF PROPERTY HELD FOR A SPECIFIC PUBLIC PURPOSE; AND ESTABLISHING THE CITY'S

AFFORDABLE HOUSING MISSION THROUGH DISPOSING OF CITY OWNED PROPERTY TO FURTHER SAID MISSION AND PROVIDING THE CRITERIA FOR EVALUATING BIDS IN FURTHERANCE OF THE AFFORDABLE HOUSING MISSION.

322

Attorney Bruce Becker explained questions of Councilmember Cooper.

Comments were heard from Council to further refine the Ordinance. Discussion was heard concerning the rating criteria. Ms. Cooper stated that if any City land was sold, she would like the City to acquire more land with that money. Tom MacNamee commented on the rating criteria.

A memo from the Development Review Committee was also included with their comments on the sale of City lands.

All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve the Mayor's appointment of the following people to the City Board of Adjustment, Zoning Commission, Planning Board, Board of Appeals:

Returning - Lee Phillips, Carita Adams and Lenny Gregrey

New - Tara Eddy and Logan Leachman

Motion passed.

Motion was made by Williams, second by Cooper, to approve the Mayor's appointment of the following people to the Historical Preservation Commission (all returning):

Bob Segil, Larry Raffety, Tom Hardy, Lin Lee, Carita Adams, Dick Barrere, Clay Ward, Travis Chevalier and Val Counts

Motion passed.

Councilmember Williams nominated Caron Cooper to fill the Council opening to the Infrastructure Committee. Council was in favor. The next Infrastructure Committee meeting will be held Thursday, January 18<sup>th</sup> at 4:30 p.m.

City Manager Golnar stated that he is in the process of revising calendars for the next three months.

Supt. of Public Utilities Clint Tinsley was asked by the City Manager to summarize an enclosed memo from the Development Review Committee that gives their recommendations on the Star III Subdivision Proposal. Mr. Tinsley answered questions of the Council.

One of Council's concerns was with the secondary road and curb. Some members of Council would like the road that leads to the hospital in Bozeman be looked further into for its size.

Mr. Rick Kerin was present to comment. The Star III Subdivision Proposal will come before Council at the January 22<sup>nd</sup> Council meeting.

City Planner Jim Woodhull gave background information of the suggested role of the Development Review Committee in the development process of Subdivisions and Annexations. Included in the packet was a January 3<sup>rd</sup> memo from the DRC suggesting revisions to their guidelines.

City Manager Golnar stated that Supt. Tinsley and himself met with Carter Boehm and Ray Plum on January 2<sup>nd</sup> to discuss the status of the Grandview Estates. The following follow up actions will be taken as a result of that meeting:

- Mr. Golnar will listen to the May 15<sup>th</sup>, 1995 Council tape regarding Council's direction on an 8" sewer line;
- Supt. Tinsley will meet with Tim O'Hara to review hard cost differentials on 8" vs. 12" sewer line installation;
- A letter from the City formalizing the payback provision for the sewer and water lines approved at the February 6<sup>th</sup>, 1995 Council meeting was requested. Mr. Tinsley indicated some concern that the letter should be attached to subdivision approval and not sent out prior to this time;
- City ownership of "Grandview Island" will be investigated by City staff. Discussion of this last issue was heard from Council, stating that they did not want the liability of the island and this should not be a issue.

Mr. Golnar stated that once the City is able to get answers to the above issues, they will get together with Mr. Boehm to proceed with discussions relating to this proposal.

Councilmember Cooper asked that this property be included in the Council Orientation Tour.

City Manager Golnar read a letter for Council from City Planner Woodhull to Park County Planner Ellen Woodbury regarding the City's position on the need for a sewer line easement for the entire sewer main and extension to the Mountain View Subdivision prior to the Mayor and Planner signing off on the County's mobile home subdivision plat.

This item will be reviewed by the new City Attorney.

City Manager Golnar stated that the joint City/County meeting is scheduled for January 17<sup>th</sup>, 1996 at 4:30 p.m. Enclosed was the tentative agenda for Council's review.

City Manager Golnar included a proposed Council Orientation Workshop Schedule with some tentative dates as follows:

January 16<sup>th</sup>, 4:00 p.m. was set for legal issues with Council and Montana Municipal Insurance Authority (MMIA) and Administrative Chapter in City Code Book.

January 17<sup>th</sup>, 11:00 a.m. - City Tour #1.

January 22<sup>nd</sup>, 6:30 p.m. - City Manager Performance Evaluation.

January 24<sup>th</sup>, 4:30 p.m. - Roles and Responsibilities with Ken Weaver of the Local Government Center at MSU.

No specific date in February has been set for Tour #2.

February 20<sup>th</sup>, 6:30 p.m. - Management Audit Review.

March 1996 - Initiate Budget Process for FY 96-97.

Other informational items were:

December 19<sup>th</sup>, 1995 letter from TCI Cablevision of Montana indicating a proposed rate increase effective February 1996.

December 21<sup>st</sup>, 1995 Chamber of Commerce request for Community Tourism and Assessment Program application letter of endorsement.

December 27<sup>th</sup>, 1995 Fire Protection fee protest.

Complaint on doubling of business license fee.

Livingston Rail Yard Confirmation Soil Sampling Report dated December 5<sup>th</sup>, 1995 has been received and is on file in the City Office.

Other pending items were:

Restricted Reserve Fund Balance Policy;  
SID Policy Ordinance;  
HRDC/PCEDC Interlocal Agreement;  
Audit Report to be received one week prior to the January 22<sup>nd</sup>, 1996 Council Meeting;

Rail Crossing meeting with the State and MRL to be scheduled;  
Organizational meeting with the Livingston Area Transportation Coordinating Committee tentatively set for Friday, January 26<sup>th</sup>;

MRL donation offer to materials for fence construction. Mr. Golnar questioned if the City should approach MRL for cooperative assistance for fencing along the Bike Path to be developed from 5<sup>th</sup> Street past Buttrey's;

City Manager 1995 performance review are due on January 17<sup>th</sup>;  
City Goals process to be completed including Council goals, Department Head goals and joint Council/Department Head workshop for City goals.

City Manager Golnar provided information for Council concerning the City/County Complex Change Order #5 which included 10 items which are outside of the scope of the bid specifications for the remodel job. The Contractor is requesting payment on three of the ten items. Also discussed was a bill from High Country Communications that was tabled earlier from the bills and claims.

Council questioned #9 on attachment "A" to Change Order #5 in the amount of \$558.00. Dave Carter, Contractor stated that this was a separate item than what High Country Communications billed out. It was also noted that on #9, for \$558.00, the County will pay half. The \$170.00 listed as #10 on the attachment will not be considered with the Change Order, as it is being billed by High Country Communications.

Discussion was heard concerning different portions of the remodel and what was to be paid.

Motion was made by Williams, second by Cooper, to approve Change Order #5 in the amount of \$894.00. Motion passed.

Mr. Golnar gave a status report on Change Order #6 with the City/County Remodel. Discussion was heard from Council, Staff, the Architect and the Contractor on the type of bench that will be built. A comment was heard from Mike Fleming. A short recess

325

was taken for Council to look at the size of the proposed Council Chambers/Judges Court Room and decide the bench size.

Motion was made by Cooper, second by McGee, to approve a Council/Judge's Bench for \$750. Motion died.

A substitute motion was made by Williams, second by Cooper, to approve one solitary Judge's Bench with a limit not to exceed \$500 and using existing lumber. Motion passed.

Motion was made by Cooper, second by McGee, to appoint John Orndorff to fill the vacancy on the Government Study Commission. Motion passed.

A list of individuals who are delinquent on their Development Fees was presented pursuant to Council's previous request. Supt. Tinsley answered questions for Councilmember Cooper.

Ms. Cooper questioned if interest could be added to the unpaid fees. Comments were heard and collection will be initiated by the attorney.

City Manager Golnar provided Council with a schedule of 1996's regular Council meetings.

Motion was made by Williams, second by Cooper, to move January 16, 1996 regular Council meeting to January 22, 1996. Motion passed.

City Manager Golnar gave Council background information concerning an inquiry he has received on leasing a portion of the East Side School. Mr. Golnar's recommendation was that before proceeding further, to get Council's feedback on the long and short term expectations relating to the building and listed several steps for Council to consider.

Councilmember McGee stated that she has received three phone calls concerning accumulated garbage in people's backyards. Supt. Kastelitz stated that Code Enforcement will look into the problem.

Councilmember Williams and Councilmember McGee commented on the method that was used for semi's backing into the alley between Main and Second Streets on Lewis, and that a fire hydrant was going to get hit someday. Ms. McGee stated that semi's have already ruined a couple of dumpsters.

Councilmember Cooper stated that she received a phone call from Jo Sykes in regards to Ms. Sykes seeking some relief from an "unreal" business license due to the fact that she has a Kennel license in the City. Ms. Sykes feels that she pays too much for her license and would like to know why it is not at the lower price that some other licenses are.

It was noted that Kennel Licenses are issued through zoning and there are currently two Kennel Licenses issued in the City.

Finance Officer Ewan responded that the fees were set a long time ago and all fees recently went up \$35 and she did not have the answer to why a Kennel License was \$15 higher than some of the other fees, other than Kennel License fees were only allowed under certain zoning requirements.

Mike Fleming commented that the City/County Building was built for everyone.

326

Mr. Fleming also commented that during the last County election for County Attorney the vote was not against Mr. Becker, but the vote was for someone else.

Mayor Mikesell presented outgoing City Attorney Bob Jovick with a picture for his 20 years of service to the City of Livingston. Mr. Jovick stated that he has enjoyed his years of service and thanked everyone for the present.

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

The time was 10:50 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
MAYOR

LIVINGSTON  
CITY COUNCIL MEETING

January 22, 1996  
7:30 p.m.

The Livingston City Council met in special session Monday, January 22, 1996, 7:30 p.m. in the Community Room at the City-County Building. Councilmembers present were Barb Williams, Bernice McGee, Sheryl Dahl and Caron Cooper with Mayor Pat Mikesell presiding.

Motion was made by Williams, second by McGee, to approve the minutes of January 8, 1996 special City Council meeting. Motion passed.

Motion was made by Dahl, second by Williams, to accept the bills and claims that listed for \$72,079.23. Councilmember Cooper questioned the following claims:

Page 10, item #950914 to Banc One Leasing. Finance Officer Shirley Ewan clarified that this was a twice a year lease/purchase payment for the Street Sweeper and that there was one more year to pay on it. *See correction 2/5/96 meeting - JG*

Page 13, item #950966 to Mobile Repair and Welding. Supt. Ken Kastelitz explained this was to repair a backstop at the baseball field that the wind had caught. Supt. Kastelitz explained the upkeep of the fields for Ms. Cooper.

Page 16, item #951013 to Team Laboratory. Supt. Kastelitz explained that this was for EPA approved weed killer for the dandelions and other weeds at all the Parks. Ms. Cooper stated she would further discuss this at a later date.

Page 19, item #951035 to the Post Office. Fire Chief Parks explained why the Fire Department has a post office box. It was noted that the Police Department also has a mail box.

Page 20, item #951052 to Yellowstone Hardware. Supt. Kastelitz stated the De Con was for mice in the City Shops.

Councilmember Dahl questioned the following claims:

Page 11, item #950936 to High Country Communications. Police Chief Steve McCann stated this was for Doug Dunn. Mr. Dunn gave an estimated cost of \$8,000 to accomplish the wiring of the 911 System back to the City-County Building. This claim was for other work than what was in the estimated cost. The County will pay half of the \$537.50 and the other amount the City is responsible for is \$170.00.

Page 15, item #950986 to Parisi's Western Plumbing. Finance Officer Ewan answered Ms. Dahl's question on the repair and cleaning of the building.

Page 18, item #951034 to the Post Master. Finance Officer Ewan explained what the different items listed to the Post Master were about.

Motion passed.

Mr. Max Simmons and Mr. Randy Newburg of Simmons and Co. presented Council with the audit report for the last fiscal year. Mr. Simmons stated that staff has done a good job with cleaning up with the City's records in the last year and that Council is welcome to call them at anytime with any questions.

Motion was made by Dahl, second by Cooper, to approve Resolution No. 2649, A  
RESOLUTION AUTHORIZING THE OCTOBER THROUGH DECEMBER, 1995



BUDGET LINE ITEM TRANSFERS AND ADJUSTMENTS FOR FISCAL YEAR 1995-1996 BUDGET FOR THE CITY OF LIVINGSTON. Finance Officer Ewan stated that fund #1000.142.420730.220 needs to be changed from \$16.00 to \$21.00. Object #230 that is being decreased by \$16.00 needs to be changed to \$21.00.

An amendment to the motion was made by Dahl, second by Cooper, to make these changes. Amendment passed.

Motion passed as amended.

Motion was made by Dahl, second by Cooper, to approve Resolution No. 2650, A RESOLUTION ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF LIVINGSTON OWNED BY STAR LAND COMPANY.

Councilmember Dahl questioned Section 2 of the exhibit. City Planner Jim Woodhull answered Ms. Dahl's questions as to when the property would go on the tax rolls and about the impact fees.

All in favor. Motion passed.

Resolution No. 2651, A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN INTERLOCAL AGREEMENT WITH HRDC FOR ADMINISTRATION OF CDBG HOUSING GRANT will be held over until the next Council meeting.

City Manager Steve Golnar stated that this was provided at this meeting as an information item and summarized the status of this project for Council. Mr. Golnar reported that the City of Livingston has received \$400,000 in Community Development Block Grant funding which was the last part of the funding for the low to moderate income housing project. Seven proposals have been received for engineering and architectural services.

Mr. Golnar stated that one of the reasons for holding off on Council approval of this resolution at this time, is that the Department of Commerce would like to review it before the City and HRDC enter into an agreement.

The City Attorney, City Manager and various Staff members answered questions for Council during discussion.

A title revision was made to Ordinance No. 1827, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CREATING THE PROCEDURE FOR CLASSIFYING AND DISPOSING OF REAL PROPERTY OWNED BY THE CITY EITHER TO THE HIGHEST BIDDER OR, IN THE ALTERNATIVE, AS MAY BE DETERMINED BY THE CITY COUNCIL, TO THE BEST COMMUNITY OR ECONOMIC DEVELOPMENT PROPOSAL on second reading.

Discussion was heard from Council on changes they would like before final passage of the ordinance.

City Manager Golnar mentioned that a summary of leases that are outstanding on City property will be provided to Council for the next meeting.

Council agreed to table the ordinance and not take action at this time.

Motion was made by Dahl, second by Cooper, to approve first reading of Ordinance No. 1828, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY RECENTLY ANNEXED BY THE CITY OF LIVINGSTON.

Councilmember Williams stated that in Section 1, it should read "R11" instead of R1T. City Attorney Becker stated that it has already been changed on the original.

All in favor. Motion passed.

City Manager Golnar stated he will provide Council with an informed decision at the next meeting in regards to the Park Street Bike Path funding and maintenance agreement research.

City Manager Golnar is working on a request for proposals for health insurance along with the Insurance and Personnel Committee.

City Manager Golnar stated that staff is working towards having the Special Improvement District Policy Ordinance ready for the February 5<sup>th</sup> Council meeting.

City Manager Golnar stated that staff is working toward the February 5<sup>th</sup> Council meeting to present first review of the Subdivision Regulations for Council. Councilmember Cooper requested that the changes be in red line format.

The Refuse/Sanitation Orientation for Council with Attorney Planalp and City Attorney Becker will be held January 23<sup>rd</sup> at 10:00 a.m.

Supt. of Public Utilities informed Council of a long standing water loss problem associated with the Depot Center. City Manager Golnar and Supt. Tinsley provided information and ideas on how the problem could be solved and stated that it would be an expensive project, but one that needed to be dealt with.

Discussion was heard with Council. A recommendation will be given to Council at their next meeting.

City Manager Golnar stated that he or a representative of the City will attend the Headwaters Cooperative Recycling program on February 8<sup>th</sup>.

Councilmember Dahl stated she was interested in attending. Council requested feedback from the Manager after the meeting.

A letter was included in the packet from the Department of Environmental Quality, Air Quality Division notifying that they have reviewed the emission Test Results for the Park County Incinerator. The next source test must be completed by 11/17/99.

City Manager Golnar reported to Council that Police Officer Tod Paske has successfully completed his one year probation.

The following items were listed for Council's information:

Police Chief Monthly Report, December 1995

Fire Chief Monthly Report, December 1995

Ambulance Monthly Report, December 1995

City Judge Monthly Report, December 1995 - Finance Officer Ewan answered questions for Councilmember Williams.

Library Board Minutes, December 21, 1995 - Finance Officer Ewan clarified a question for Councilmember Williams.

Water & Sewer Revenues, December 1995 - Supt. Tinsley explained this item for Mayor Mikesell.

Building Inspector Monthly Report, December 1995

Building Inspector Yearly Report, 1995

Motion was made by Dahl, second by Williams, to approve the PCEDC/CDBG drawdown for the amount of \$1,869. Motion passed.

Motion was made by Dahl, second by Williams, to waive the no camping in the Park requirement at the Miles Park Bandshell and request a donation for the date of noon August 5<sup>th</sup> until noon of August 6<sup>th</sup> to Adventure Cycling Association.

Supt. Kastelitz stated that there were no problems last year.

Motion passed.

City Manager Golnar recommended approval of a request by the Livingston School District for new water service to the District's soon to be built support facility building on the High School campus. Discussion was heard concerning various issues which included Section 13-37 of City Code's.

Motion was made by Dahl, second by Cooper, to approve the new water service line. The vote was Cooper and Dahl in favor, Williams and McGee opposed with Mayor Mikesell casting the deciding vote as opposed. Motion failed.

City Manager Golnar enclosed for Council's information, follow up letters from Mr. Mike Potter relating to discussion that Staff has had with the developer following Council's last meeting concerning the Star III Project.

This project concept has been approved by the City/County Planning Board, the Zoning Commission has approved RII zoning contingent upon annexation which was approved at this meeting and the Development Review Committee has established basic recommendations and guidelines for approval of this project. Mr. Golnar identified additional conditions that Mr. Potter had agreed with both in the Manager's recommendation, an addendum to the agenda, and letters dated January 12<sup>th</sup> and 16<sup>th</sup>, 1996. He recommended approval of the preliminary subdivision plat for Star III along with the City Manager's additions.

Extensive discussion on the proposed subdivision was heard on Council's concerns. Mr. Potter was present for the discussion.

Motion was made by Dahl, second by Cooper, to approve the preliminary subdivision plat for Star III taking into consideration the noted development stipulations in the packet and also #3; Mars Park Parking Area, Bumper Stops, and #4; Fence Barrier to keep vehicles out of the Park, that are listed in the addendum on additional information with Star III.

Council went on to discuss issue by issue that was listed in the packet and addendum.

City Attorney Becker stated that Section 1. Convenances status - An agreement was in the works.

Motion was made by Cooper, second by Williams, to amend the motion on Section 2.b. , that payments for the right-of-way will be made in one payment, made with the initiation of Phase I of Star III, along with the language that the developer will also pay for the survey of the right-of-way. All in favor. Motion passed.

Section 3 should read Mars Park.

Motion was made by Cooper, second by Williams, to amend the motion on Section 3, so that it reads Mars Park parking lot shall number 6. Roll call vote was three in favor. McGee opposed. Motion passed. *See correction 3/1/96 meeting JB*

Councilmember Dahl questioned if on Section 7.c., the streets became part of the Street District. Supt. Kastelitz stated that they did, and also the City will received gas tax money on them.

City Manager Golnar asked that number two in the addendum be added for clarification to Section 2.b. in the regular packet so that acreage and dollar amount of the City land parcels are clear to all parties.

An amendment to the motion was made by Cooper, second by Dahl, that under Article VIII - Architectural Controls. Section 20.; Entry/Drive Lighting be removed from the covenances. Further discussion was heard on this amendment. Roll call vote on the amendment was all opposed. Amendment died.

An amendment to the motion was made by Cooper, second by Dahl, that in the covenances, Article VIII, Section 20, that "The light must be activated by a photo cell for night time operation", be removed from the covenances. Roll call vote was three in favor. McGee opposed. Amendment passed.

Three in favor of the main motion. McGee opposed. Motion passed.

Mayor Mikesell appointed Councilmember Bernice McGee and citizen Mike Fleming as City/County Building Committee Representatives.

City Manager Golnar reported that Joan Magone has requested the use of the Civic Center for a fund raising concert to support the Sister Cities Student Exchange Program.

Motion was made by Williams, second by Cooper, to allow the Sister City the use of the Civic Center at no charge to hold a concert, if the Park County Economic Development Corporation does not use the Civic Center that same date, with the stipulation that there are enough chaperones.

An amendment to the motion was made by Williams, second by Cooper, to ask for a \$100 refundable damage deposit if there is no damage.

An amendment to the motion was made by Dahl, second by Cooper, by having a \$125 fee to cover having someone working and to cover expenses.

Councilmember Dahl would like to put together a cohesive plan to follow.

Vote on the first amendment was in favor. Amendment passed.

An amendment to the motion was made by Williams, second by Dahl, that the dance has to be completely without shoes. Amendment passed.

Voice vote on the original motion was in favor. Motion passed as amended.

Councilmember Cooper reported to Supt. Kastelitz that one of the barriers is down at Miles Park. Discussion was heard concerning vehicles parking all around the ball fields. Mr. Kastelitz stated that they will still barricade the area off.

This will be looked into further and discussed at a later date.

Councilmember McGee commented that she felt the vote tonight during the Star III discussion was against the kids by not letting them have a parking lot at the Park.

Mrs. McGee also commented on the letter that was received at the Senior Citizen Center concerning the turning of water off the first of March if they have not installed grease traps by then. Supt. Tinsley stated that if the Center would let the Utilities Office know that they have scheduled the work to be done, that if Western Plumbing has not been able to accomplish the work by then, the Sr. Center would not have their water shut off.

Supt. Tinsley will talk to John at Western Plumbing concerning the Sr. Citizen Center's need for two grease traps.

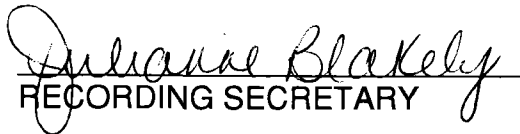
Mike Fleming addressed Council that he felt the Council was micro managing.

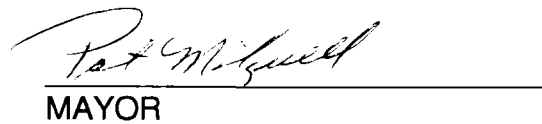
Motion was made by McGee, second by Dahl, to adjourn this meeting there being no further business. Motion passed.

The time was 11:00 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
MAYOR

LIVINGSTON  
CITY COUNCIL MEETINGFebruary 5, 1996  
7:30 p.m.

The Livingston City Council met in regular session Monday, February 5, 1996, 7:30 p.m. in the Community Room at the City-County Building. Councilmembers present were Sheryl Dahl, Caron Cooper, Barb Williams, and Bernice McGee with Mayor Pat Mikesell present.

Motion was made by Williams, second by Cooper, to approve the minutes of January 22, 1996 regular City Council meeting. Councilmember Cooper questioned page one, third paragraph, fifth sentence. It was clarified by Finance Officer Ewan to read, "two and a half more years". Motion passed.

Motion was made by Williams, second by Dahl, to accept the bills and claims that amounted to \$77,424.25. Councilmember Williams commented on page 7, item #951097, to Supt. Clint Tinsley on the distilled water.

Councilmember Cooper questioned the following claims: page 8, item #951208 to the Department of Revenue Tax Bureau. Supt. Tinsley explained.

Page 9, item #951123 to 1<sup>st</sup> Trust for Interest Payment on the Sewage System Revenue Bonds. Finance Officer Shirley stated that this was strictly a interest payment that is paid twice a year and the principal is paid at a later date.

Page 10, item #951140 to the Livingston Enterprise for a legal on Star III. City Planner Jim Woodhull clarified that the filing fees cover this type of expenses.

Motion passed.

Mayor Mikesell proclaimed February 4<sup>th</sup> - 10<sup>th</sup>, 1996 as Boy Scout Week in the City of Livingston.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2652, A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO TRANSPORTATION PLANNING AGREEMENT WITH STATE OF MONTANA AND PARK COUNTY, MT. Councilmember Cooper questioned the list of representatives. City Manager Steve Golnar responded. Some discussion took place.

All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2653, A RESOLUTION ADOPTING A PROGRAM INCOME PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT REVOLVING FUNDS. Urana Clark asked for clarification of this resolution.

Councilmember Cooper asked for clarification of language in the resolution.

All in favor. Motion passed.

Motion was made Dahl, second by Williams, to approve first reading Ordinance No. 1827, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CREATING THE PROCEDURE FOR CLASSIFYING AND DISPOSING OF

REAL PROPERTY OWNED BY THE CITY EITHER TO THE HIGHEST BIDDER OR, IN THE ALTERNATIVE, AS MAY BE DETERMINED BY THE CITY COUNCIL, TO THE BEST COMMUNITY OR ECONOMIC DEVELOPMENT PROPOSAL AND PROVIDING FOR THE DISTRIBUTION OF SALE'S PROCEEDS. City Manager Golnar stated that because the City Attorney feels that the content of this ordinance has changed substantially since the other first reading and also that the City wants to encourage public comment, that he recommended that Council reread this ordinance on first reading and publish the Council's intention to have second reading of the ordinance at the next regular scheduled Council meeting, February 20, 1996.

Council questioned what would happen with the previous first reading of this ordinance. City Attorney Becker stated that nothing would be done with the initial first reading, that this would be the ordinance on file.

Information also included with the ordinance was a February 1, 1996 letter from Mr. Thomas MacNamee of Home Town Montana and a request from William C. Dabney III with Farm House Partners who has indicated interest in City owned property.

Direction was heard from Council for additions and corrections they wanted to see in the ordinance for second reading.

All in favor. Motion passed.

Discussion was heard on a list of Lease/Rental Agreements that were included into the packet. Mr. Golnar stated that he has the file on each lease in his office. Councilmember Cooper requested an update on the leases at the next meeting.

Mr. Golnar stated that there was possibly one more lease that was not listed and that was with Mr. Bill Barnhart.

Second Reading Ordinance No. 1828, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY RECENTLY ANNEXED BY THE CITY OF LIVINGSTON. No public comments were heard.

All in favor. Motion passed.

City Manager Golnar included a schedule for the updating of the Subdivision Regulations.

A letter dated 1/29/96 from Potter Clinton Development regarding Star III Subdivision Development stipulations was received. Also included for Council's information was a letter to Mr. Potter from City Planner Woodhull. Mr. Potter plans to move forward with his project this spring.

City Manager Golnar reported on current Solid Waste Related Activities:

- Supt. of Public Services Ken Kastelitz will attend the Refuse District meetings. Also minutes from a recent meeting were included for Council's review.
- City Manager Golnar attended the Park County Landfill Closure public hearing. Copies of handouts from that meeting were included for Council's information.
- Included was an agenda to the Headwaters Cooperative Recycling Project. Anyone interested may attend. Councilmember Dahl stated that she would

not be able to attend as previously planned. Supt. Kastelitz stated that he is on their mailing list and will pass on all information he may receive.

Enclosed were follow up issues from the City/County meeting of January 17, 1996. Also included were February 1<sup>st</sup> memo's from the City Attorney and Fire Chief relating to the meeting.

Enclosed for Council's information was a memo from the City Manager summarizing and responding to Municipal Court Concerns. What was not able to be addressed will be encountered during the preparing of the 1996-1997 Budget.

Enclosed was a letter regarding the Park Street Bike Path from the Chamber of Commerce along with a response from the City Manager seeking more specific commitments from them prior to bringing this back for Council action. Discussion and comments were heard from Council and Staff.

Enclosed was a copy of a proposed Community Decay Ordinance prepared by the Park County Health Board, which it is proposed to be adopted by both the City and the County. The Commissioners would like to hold joint public hearings on the proposed ordinance and take action at the same time as the City does so that the adoption of this ordinance can be coordinated.

Council gave their comments and concerns on enforcement to the City Manager and City Attorney. City Attorney Becker will look further into jurisdictional concerns that he had with the enforcement of the proposed ordinance and discuss the most appropriate way for the City to enact this ordinance in coordination with the County.

City Manager Golnar reported in follow up to Council's request pertaining to a City/County Facility Plan. A questionnaire that was sent to Department Heads in the City portion of the City/County Complex to assemble information and initiate what we might be looking at now and in the future as far as adequacy of existing space and needs for the future. This questionnaire was copied to the County Commissioners for there information.

Brad Haefs has been hired as a Maintenance I Worker on the Residential Garbage Truck.

Officer Dean Hildebrandt has completed his probationary period with the City of Livingston.

The following calendar was listed for Council's information:

- February 7<sup>th</sup>, 4:30 p.m. - Joint City/County Meeting
- February 12<sup>th</sup>, 4:30 p.m. - City Council Orientation - Comprehensive Plan (City and County Planners - 1 hour)
- February 13<sup>th</sup>, 10:00 a.m. - City Government Study Commission Meeting
- February 15<sup>th</sup>, 7:00 p.m. - Sister City Committee Cultural Exchange
- February 19<sup>th</sup>, HOLIDAY - President's Day
- February 20<sup>th</sup>, 6:30 p.m. - Worksession - Management Audit Review



February 22<sup>nd</sup>, 8:00 p.m. - Masonic Temple Presentation on Americanism to the Eastern Star Group  
 February 23<sup>rd</sup>, 2:00 p.m. - City Council Tour #2  
 February 28<sup>th</sup>, 7:00 p.m. - Community Oriented Policing  
 March - Budget Preparation Begins  
 March 20<sup>th</sup> - 22<sup>nd</sup>, Local Government Workshop - Bozeman; Dahl, Williams, Cooper and McGee to attend

City Manager Golnar reported that the Park County Economic Development Corporation has written a letter to Mr. Ron Yanke of the Boise Idaho who is considering purchase of Brand S Lumber Mill offering assistance, information and support. Mr. Golnar was also going to write a letter offering what ever assistance the City can give. Councilmember Williams thanked PCEDC for this.

City Manager Golnar presented a request from Dixie Lee Jimison proposing to do business as Double Tree Carriage Works. Included was a copy of the proposed carriage to be used and the City Manager has reviewed the issue with the Police Chief and Staff and they see no problems at this time.

A business license would be required to operate this activity in town under the "Vehicles for Hire" section. Supt. Kastelitz indicated that a horse diaper would be required and other than that he saw no problems.

Motion was made by Williams, second by McGee, that the City allow Ms. Jimison to run her carriage business on a limited basis at this time, and if she does establish a regular route, that she come to this Council and let them know the route.

Motion passed.

Discussion was heard concerning the Civic Center Rental Policy and Use of Liquor at the Civic Center and Use of the Civic Center by groups.

City Manager Golnar stated City sanctioned events, such as Sister City groups could be classified as sanctioned events and the City could support their activities periodically.

Councilmember Williams stated that she felt only City sanctioned events should be supported by the Civic Center at no charge and she said they would be very few.

Discussion on the alcohol use in the Civic Center was heard with Supt. Ken Kastelitz. The PCEDC is interested in renting the Civic Center for a band on March 16<sup>th</sup>. Insurance coverage was discussed.

Councilmember Dahl stated she would like it looked into, what the caters liability level and request no less than \$300,000 as their liability level, so that PCEDC can move forward with their plans.

Ms. Dahl also would like to see at least one City employee working at the Civic Center when there is alcohol being served. Supt. Kastelitz suggested just having a person with a pager on duty, that this would cut costs down.

Motion was made by Williams, second by McGee, to approve the selection committees recommendation to hire Morrison/Maierle as the engineering firm to do services for the Livingston Affordable Housing Project and to authorize the City Manager to negotiate a engineering services contract with Morrison/Maierle.

All in favor. Motion passed.

Provided for Council separately, was a letter proposed to be sent to the Chairperson of the County Commissioners relating to the Refuse District Lawsuit and Future Incinerator and Landfill Agreements.

City Manager Golnar reported that the letter was a response to the County and the Refuse District relating to where the City stands and proposes to proceed with settling the differences on the Refuse District Lawsuit and related issues.

Council pointed out some changes they would like made before the letter was sent out.

Councilmember Dahl stated she would be willing to work on this issue along with the Mayor and City Manager.

City Manager Golnar stated that Fire Chief Tim Parks has requested that Council consider holding a June 1996 special election for a Fire Truck Bond Issue. Research has been done as to the appropriate time for a bond issue. Discussion was heard with Staff and Council. Mr. Golnar mentioned that other issues out there also are the Ambulance Bond Issue and the Ambulance Operating Mill Levy which was passed for one year, and needs to be brought up again this November.

Motion was made by Williams, second by Cooper, to wait until the November election to put any Ambulance, Fire Truck or Mill Levy Issue on the November ballot. It will be decided at a later date how many of those three issues the City does want on the ballot.

All in favor. Motion passed.

City Manager Golnar enclosed a request for payment of Dave Carter with Carter Construction. Mr. Carter is requesting \$4,591.32 which brings him to his 10% retainage. There is also a request from Jim Snyder, Architect to the remodel project, in the amount of \$1,190.00. A summary was included in the packet that showed the current status of the budget versus the actual on the 1995 City/County Building Remodel costs.

Councilmember Williams would like to have researched, the possibility of having the County pay more than what is written in the documents, \$311 for the Architect. Mr. Golnar stated that there is a good possibility that we should reasonably be able to charge the County more, due to the majority of the change orders were associated with the Dispatch Center.

Mr. Golnar stated that there is one more payment due to the State for the amount of \$46.38. This is the 1% miscellaneous tax paid to the Department of Revenue on behalf of the Contractor.

Motion was made by Dahl, second by Williams, to pay Dave Carter Construction \$4,591.32, James Snyder, Architect \$1,190.00 and Montana Department of Revenue \$46.38.

All in favor. Motion passed.

Councilmember Cooper stated that she has received a complaint from Dave Colmey who lives across the street from the newest Town Pump, and that Town Pump's PA system has been disturbing him. He has written a letter to them a couple weeks ago that seemed to work for a short period of time, but now the sound louder once again.

City Manager Golnar stated that he will look into this to see what may be done.

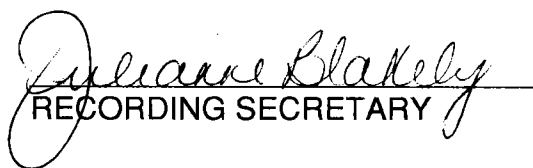
Councilmember McGee mentioned that the streets had been very rutty with ice and asked Supt. Kastelitz what was used to clean the street of these icy ruts. Mr. Kastelitz stated that the streets were graded. Mrs. McGee commended and thanked him for the grading.


Mayor Mikesell questioned Fire Chief Parks if the Lagoon could be flooded for a skating rink. Chief Parks stated that the Department no longer does that, due to having tried everything to make a skating rink and nothing will work. Much of this was attributed to the wind not allowing the water to freeze smoothly.

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

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
MAYOR

LIVINGSTON  
CITY COUNCIL MEETING

February 20, 1996  
7:30 p.m.

The Livingston City Council met in regular session Tuesday, February 20, 1996, 7:30 p.m. in the Community Room at the City-county Building. Councilmembers present were Sheryl Dahl, Caron Cooper, Barb Williams and Bernice McGee with Mayor Pat Mikesell presiding.

Motion was made by Dahl, second by Williams, to approve the minutes of February 5, 1996 regular City Council meeting.

Motion was made by Dahl, second by Williams, to accept the bills and claims that that were listed for \$42,983.86, and to included the claim in the addendum for reimbursement from ICMA-RC to be forwarded to PERS for John Orndorff in the amount of \$6,819.68.

Councilmember Cooper commented on a few computer related items and asked to discuss further at the end of the meeting.

Councilmember Williams commented on page 11 & 14, Items # 951294, 951296 and 951330 pertaining to the City County Building. Mrs. Williams stated that the funds are getting a little short and needed to be watched.

Motion passed.

Motion was made by Dahl, second by McGee, to approve Resolution No. 2651, A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN INTERLOCAL AGREEMENT WITH HRDC FOR ADMINISTRATION OF CDBG HOUSING GRANT.

All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2655, A RESOLUTION OF CITY COUNCIL OF THE CITY OF LIVINGSTON, MT ESTABLISHING A CASH RESERVE POLICY AS PART OF ITS OVERALL FISCAL POLICY.

City Manager Steve Golnar made a correction to page 3 of the proposed policy addendum that should read the maturity date of the annual principal bond payment of \$70,000 should reflect the year "2000" instead of "\$2,000".

Mr. Golnar went on to explain the Resolution for Council.

All in favor. Motion passed.

Second Reading Ordinance No. 1827, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CREATING THE PROCEDURE FOR CLASSIFYING AND DISPOSING OF REAL PROPERTY OWNED BY THE CITY EITHER TO THE HIGHEST BIDDER OR, IN THE ALTERNATIVE, AS MAY BE DETERMINED BY THE CITY COUNCIL, TO THE BEST COMMUNITY OR ECONOMIC DEVELOPMENT PROPOSAL AND PROVIDING FOR THE DISTRIBUTION OF SALE'S PROCEEDS.

Mayor Mikesell stated that at this time a public hearing would be held on second reading of the Ordinance. Public comments were heard from Urana Clark, Lenny

Gregrey, Mary Bebee, Dennis Glick, John Mabie, Gayle Habineir, Steve Hicks, Valarie Counts and Thomas Burns. The public hearing was closed at 7:55 p.m.

Extensive discussion was then heard on the contents of the Ordinance from the City Attorney, City Manager and Council.

An amendment was made by Dahl, second by Cooper, that 60% of the money received as a result of the sale of open, undeveloped property shall be restricted for the acquisition of other open, undeveloped property and/or easements from willing sellers for the general public's recreation benefit's within the boundaries set forth in the Comprehensive Plan. This money can also be used to support minimal infrastructure requirements (such as fences and signs) appropriate to the need of any parcels and/or easements acquired with these funds. 40% of the money received as a result of the sale of open, undeveloped property shall be restricted for the use and maintaining or upgrading present parks or public land. Money received as a result of the sale of developed property (including structures) shall be deposited to the City's General Fund for future appropriation as determined appropriate by the City Council.

More discussion was heard on the amendment. The vote was Cooper and Dahl in favor of the amendment. Williams and McGee opposed with Mayor Mikesell casting the deciding vote as opposed. Amendment failed.

Finance Officer Shirley Ewan is going to look into if there is any kind of trust that can be set up for the funds from the sale of public land.

Motion was made by Cooper, second by Williams, to table this until the next meeting. All in favor. Motion passed.

Councilmember Dahl asked that a worksession be set to obtain more input and information after some discussion it was determined that the Council would continue the public hearing on this matter at its next meeting on March 4<sup>th</sup>.

Mayor Mikesell called for a 10 minute recess at 9:00 p.m.

Council was back in session at 9:10 p.m.

City Manager Golnar stated that the SID Policy for Council's consideration and adoption had to be postponed until the March 4<sup>th</sup> Council meeting.

City Manager Golnar stated that the City/County Refuse District Negotiations Session has been confirmed for February 28<sup>th</sup> at 2:00 p.m.

A joint workshop on Library Funding has been set for February 27<sup>th</sup>, 4:00 p.m. City Manager Golnar asked City Attorney Bruce Becker to also attend this meeting. Councilmember Barb Williams is on this committee.

The following Council Orientation Schedule was listed as follows for Council's information:

February 23, 1996 2:00 p.m. - Tour #2; Meet at City Hall.

February 26, 1996 4:30 p.m. - Comprehensive Plan Orientation with City and County Planners.

March 4, 1996 6:30 p.m. - City Hall; Administrative Chapter of Code Book and City Council Rules of Procedure with City Attorney, City Manager and Administrative Secretary.

March 11, 1996 4:30 p.m. - Budget Preparation; Finance Officer and City Manager.

March 21-22, 1996 (Bozeman MSU) Local Government Workshop (Council).

March 25, 1996 4:30 p.m - City Hall; Goals Workshop #1.

To be Scheduled - Goals Workshop #2.

To be Scheduled - Goals Workshop #3.

Included in the packet for Council's information, was a letter from Architect Larry Raffety requesting time before the City Council at their March 4<sup>th</sup> meeting to discuss design of streets and sidewalks in the City of Livingston.

City Manager Golnar informed Council that he met with Livingston Rebuild Center staff to discuss current City issues and how LRC and the City might work together for the betterment of the Community.

Mr. Golnar questioned Council if they were interested in working on a long term cooperative agreement between LRC and the City. Council felt that such City support should be more wide-ranging than with only one company.

Council was in favor of working with the PCEDC on a generic agreement and that they were supportive of all business and did not want to single out any business. (Corrected at March 4, 1996 meeting) Comments were heard from Council.

City Manager Golnar stated that a three month schedule for Civic Center activities and events was previously placed in Council's box.

City Manager Golnar stated that he would like to initiate a budget calendar to begin the budget process. It was decided that the worksessions would be held on off Council meeting nights, Mondays at 4:30 p.m.

City Manager Golnar included a basic outline for the development of a Film Policy and is interested in Council's comments and participation.

Other pending items include:

Completion and dissemination of the Health Insurance RFP. City Manager Golnar gave Council additional information.

Development of the Depot Center water problem recommendation after meeting further with the Attorney, the Utility Supt. and representative of the Depot Center.

City Attorney Bruce Becker explained to Council that he would like to discuss sometime in a worksession, the development of some City Council rules of procedure which would be used in combination with the Administrative section of the City Codes.

The following information items were listed for Council's information:

- Response to The Thaw of February 7, 1996. - City Manager Golnar noted that there was a memo in the packet summarizing the response to the flooding in the City on February 7<sup>th</sup> and 8<sup>th</sup>. Mr. Golnar also gave his praise

and thanks to the individuals involved. The costs above and beyond basic operating costs were approximately \$17, 817 at this time. This does not include any assistance from the County or normal City operations or material costs. It was noted that 2 mills were allowed to be assessed for the disaster and the City Manager will keep Council posted as the numbers change.

- Letter from Jane Christman - City Manager Golnar explained that this was relating to a sex offender and that there was a policy in effect.
- Traffic Citation Statistics - Councilmember Williams commended the Police Department and that they were doing a good job.
- Republican Action Plan - City Manager Golnar summarized for Council. Councilmember Dahl would like the County and the School to be invited to the meeting.
- Livingston Area Chamber of Commerce Courtesy Phone.
- Livingston Government Study Commission Minutes.
- Livingston Fire/Ambulance Monthly Report, January 1996.
- Fire Chief Monthly Report, January 1996.
- City Judge Monthly Report, January 1996.
- Meeting of the Library Board, January 18, 1996.
- Meeting of the Library Board, February 15, 1996.

Motion was made by Williams, second by Dahl, to accept the request for payment for a drawdown from PCEDC for the amount of \$1,591. All in favor. Motion passed.

Included in the packet was a February 12, 1996 letter from the Soroptomist Club identifying support and the availability of \$1,000 in funding for the Bike Path Project and requesting indication from the City if the Bike Path will actually become a reality before they disperse the funds to the City.

Mr. Golnar stated that the City still needs to secure the remaining funds of \$1,053 for the project along with the \$1,000. Discussion was heard from the Manager and Council.

Mr. Golnar recommends that a letter is sent to the Soroptomist Club thanking them for their interest and support and to indicated the City's intention to move forward with the project.

Included was a draft copy of a proposed letter of commitment to Headwaters Cooperative Recycling Project which talks about responding to some of their questions and indicating the City's continued support in becoming a member of this regional cooperative recycling effort. This will require coordination and cooperation with the County.

Councilmember Dahl stated that she would like to try and attend the upcoming meeting in Boulder.

A letter of resignation from Steven Potenberg from the Library Board was received. This is a City appointed position. The City will provide an application form for the Library Board to take applications for the open position.

No action was taken at this time.

A letter dated February 9, 1996 from Counterpoint was included in the packet. They are forming a Community Advisory Committee and requesting that a representative from the City attend the initial meeting.

Councilmember Cooper stated that she could commit to the first meeting.

Councilmember Cooper asked staff what the plans for servicing and maintaining office equipment. City Manager Golnar stated that he would put something together.

Ms. Cooper mentioned the pesticide issue that came up at another meeting during the bills and claims, stating that she would like public notice when any public areas are sprayed.

Councilmember Dahl stated that she would like the City to look at addressing the charging of interest to the Ambulance bills and would like Council to address.

Ms. Dahl stated that business license fees have yet to be addressed. City Manager Golnar stated that this could be addressed during the budget process in a worksession.

Ms. Dahl stated that she is concerned about the Brand-S closure and would like the impact of this to be looked into.

Councilmember Williams stated she has received a lot of calls concerning the land issue. One of the calls was that the person would like to see something done with the Parks and requested that dogs be banned from "G" Street Park due to the animals going to the bathroom in the parks.

Mrs. Williams also brought up the issue of charging interest to the Ambulance Bills and possibly the Utility bill. Supt. Clint Tinsley and Finance Officer Shirley Ewan gave input to Council on the problems of charging interest could create. After listening to discussion on this subject, Council decided not to pursue the interest charge.

Mrs. Williams questioned how long before McDonald's has to have their sign fixed. City Planner Jim Woodhull clarified for Council the time frame. More discussion was heard.

Mrs. Williams questioned a proposed trailer court near Green Acres and heard that it will be put on city water and sewer and be annexed into the City. Supt. Tinsley explained that the DRC Committee will be reviewing the proposed project at their next meeting. If the developer requests city water and sewer, a signed waiver of annexation and a waiver of SID will be required.

Mayor Mikesell questioned Supt. Tinsley if all of the water hookups on Park Street are on septic systems. Mr. Tinsley stated that all are hooked up except for two and that their water has been shut off. Mayor Mikesell requested a list.

Mayor Mikesell stated that he considered the basketball court at East Side School part of the Parks Department and would like a maintenance program there. Discussion was heard with staff and Council.

Mayor Mikesell stated that someone has asked him why the City no longer has the employee of the month program and asked the City Manager to talk with staff.

Comments were heard about the cars in the parking lot behind the City/County Building.



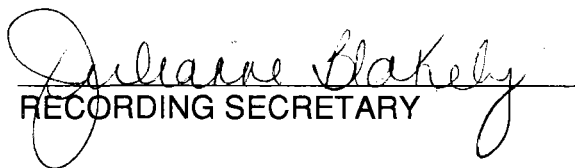
Valarie Counts questioned the status of the annexation policy. City Planner Woodhull reported that it was in the process.

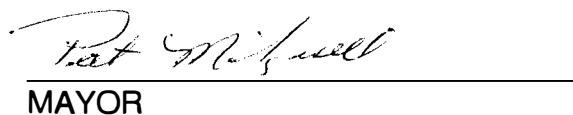
Motion was made by Cooper, second by Dahl, to adjourn this meeting there being no further business. Motion passed.

The time was 10:10 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
MAYOR

LIVINGSTON  
CITY COUNCIL MEETING

March 4, 1996  
7:30 p.m.

The Livingston City Council met in regular session Monday, March 4, 1996, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Bernice McGee, Sheryl Dahl, Caron Cooper and Barb Williams with Mayor Pat Mikesell presiding.

Motion was made by Williams, second by Dahl, to amend the minutes of January 22, 1996 Council meeting, to reflect that Councilmember Bernice McGee was actually in favor of approving Star III Preliminary Subdivision Plat. Motion passed.

Motion was made by Williams, second by McGee, to approve the Minutes of February 20, 1996 regular Council meeting. Councilmember Cooper stated that on page three, third paragraph, the sentence that reads "Council was in agreement that the City should work with Park County Economic Development Corporation and LRC, as a "guinea pig" in developing such a generic agreement" was not what Council agreed to.

The minutes will be changed to "Council was in favor of working with the PCEDC on a generic agreement and that they were supportive of all business and did not want to single out any business".

Motion passed as amended.

Motion was made by Dahl, second by Cooper, to accept the bills and claims as listed for \$77,786.52.

Councilmember Cooper questioned how the computer system was managed. City Manager Golnar explained the two computers and printer that were listed on page 12 of the bills and claims and agreed to summarize computer maintenance and purchasing practices of the City.

Ms. Cooper questioned page 17 to the Executive Group. That covers the report that the Group provided the City. City Manager Golnar stated that he was going to request proposals for follow up work and not just use that specific group to determine consultant and costs for the FY 96-97 Budget.

Page 17 to Sister City with an asteric. City Manager Golnar stated that is an expenditure that he would like to reflect and continue on an annual base in the legislative budget. Funds will be transferred from another portion of the budget to cover this expenditure and it will show up during the budget process.

Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2656, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING ITS SPECIAL IMPROVEMENT DISTRICT POLICY.

City Attorney Bruce Becker summarized the policy for Council. Discussion and comments were heard from Staff and Council. Developer George Denton and Engineer Rick Kerin addressed the Council. City Manager Golnar read from two letters that were included in the packet for comments from the Potter Clinton Development and Developer George Denton.

All in favor. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2657, A RESOLUTION AMENDING THE TEXT OF RESOLUTION NO. 2294 PERTAINING TO THE JOINT CITY/COUNTY AIRPORT BOARD. Councilmember Williams asked for clarification.

All in favor. Motion passed.

Motion was made by McGee, second by Dahl, to bring off the table second reading of Ordinance No. 1827, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CREATING THE PROCEDURE FOR CLASSIFYING AND DISPOSING OF REAL PROPERTY OWNED BY THE CITY EITHER TO THE HIGHEST BIDDER OR, IN THE ALTERNATIVE, AS MAY BE DETERMINED BY THE CITY COUNCIL, TO THE BEST COMMUNITY OR ECONOMIC DEVELOPMENT PROPOSAL AND PROVIDING FOR THE DISTRIBUTION OF SALE'S PROCEEDS.

Motion passed.

City Manager Golnar read the options listed in the ordinance for the public and noted that one more option was added.

The following people addressed Council with their public comments and concerns: Dennis Glick, Bob Weimer, Tara Eddy, Jim Peterson, Mike Fleming, Sicilian Marino, Bob Raney, Tim Stevens, Brant Oswald, John Mabie, Tom MacNamee, Gary Lee, Amy Tichmyer, Lenny Gregrey and Mary Beebe.

Letters in the packet for Council's information was provided from Department of Commerce Norman Klein, Vern Beffert, Caron Cooper, Barb Williams, Lenny Gregrey, Kelly Wade and Mary Beebe.

Motion was made by Williams, second by McGee, that option "e" be accepted with the following amendments:

1. Money received from the sale of open, undeveloped City owned property shall first be used to reimburse any special fund or account which may have been used to originally purchase the property in the amount of 10% of the total sale price;
2. Thereafter, 50% of the remaining money received as a result of the sale of open, undeveloped property shall be deposited into a Capital Acquisition Project Fund earmarked for the acquisition of other open, undeveloped property and/or easements from willing sellers for the general public's benefit within the boundaries set forth in the Comprehensive Plan. This money can also be used to support minimal infrastructure requirements (such as fences and signs) appropriate to the needs of any parcels and/or easements acquired with these funds. Additionally, the funds received from the sale of each open, undeveloped property parcel shall remain in the Capital Acquisition Project Fund for a period not to exceed ten (10) years. Thereafter, it must revert to the General Fund for the purpose of being transferred to the Capital Improvement Fund in the method described by State Statute 7-6-4134 and earmarked specifically for Capital Improvements of existing city parks, greenspaces and open land or for the acquisition of other open, undeveloped property and/or easements from willing sellers for the

general public's benefit within the boundaries set forth in the Comprehensive Plan. The other 50% of the remaining money received as a result of the sale of open, undeveloped property shall be deposited in the General Fund for the purpose of being transferred to the Capital Improvement Fund in the method described by State Statute 7-6-4134 and earmarked specifically for Capital Improvements of existing city parks, greenspaces and open land or for the acquisition of other open, undeveloped property and/or easements from willing sellers for the general public's benefit within the boundaries set forth in the Comprehensive Plan.

3. Money received as a result of the sale of developed property (including structures) shall be deposited to the City's General Fund for future appropriation as determined appropriate by the City Council.

Further discussion was heard on the ordinance and the amendment. Roll call vote on the amendment was Dahl and Cooper opposed. Williams and McGee in favor. Mayor Mikesell cast the deciding vote as in favor. Amendment passed.

Motion was made by Dahl, second by Cooper, to table Ordinance No. 1827 until more worksessions and input can be obtained and bringing it back to Council at the last meeting in April. Roll call vote on tabling was Dahl and Cooper in favor. Williams and McGee opposed. Mayor Mikesell cast the deciding vote as opposed. Motion to table died.

A few comments were heard from the audience.

Motion was made by Williams, second by McGee, to accept the amended version of Ordinance No. 1827. Roll call vote was McGee and Williams in favor. Dahl and Cooper opposed. Mayor Mikesell cast the deciding vote as in favor. Ordinance No. 1827 passed as amended.

At 9:30 p.m. the Mayor called for a 10 minute recess.

Council went back into session at 9:40 p.m.

City Manager Golnar provided an agenda for Council's review for the February 28<sup>th</sup> Solid Waste discussions with the County in an attempt to resolve the differences with the Landfill and Incinerator issues. A memo dated February 20, 1996 from Attorney Planalp was included for Council's information.

Included in the packet were February 8<sup>th</sup>, 22<sup>nd</sup>, 23<sup>rd</sup> and 26<sup>th</sup> letters between Finance Officer Shirley Ewan and the Department of Commerce relating to the follow up of the FY94-95 Audit.

City Manager Golnar stated that with the attentiveness that Ms. Ewan is showing toward addressing and resolving concerns brought up by the audit, that our financial system and confidence in it should continue to improve.

City Manager Golnar reported that Health Insurance RFP's will be going out next week. The proposals are expected to be back by Friday March 22<sup>nd</sup> and the Manager will have the information on which plan the City would like to go with on about the first meeting in May. This packet of information is available in the City Office.

Mr. Golnar stated that he has also put the health insurance issue on the City/County Agenda to discuss possible ways that the City and County might coordinate or cooperate in providing health insurance to employees.

City Manager Golnar stated that referencing the HRDC Housing Project, it will be at least one month before the contract between the State and the City for receipt of Community Development Block Grant funds are signed. An environmental assessment needs to be done along with some other preliminary details.

A draft charter has been developed and is currently under review by the Government Study Commission. Their next two meetings are schedule for March 6<sup>th</sup> at 10:00 a.m. and April 9<sup>th</sup> at 10:00 a.m.

City Manager Golnar stated that an agreement has been made with the Park County Economic Development Council and the City for a concert on the March 16, 1996.

The Sister City Committee has requested the use of the Civic Center on the evening of March 15, 1996 for a junior high and high school dance. This Sister City dance will be a fund raiser sanctioned by the City.

Mr. Golnar mentioned that another group is interested in holding an activity in the Civic Center in June.

City Manager Golnar asked for coordination of scheduling a workshop with Council on Subdivision Regulations, Annexation Policy and Development Review Process. Times and dates were discussed.

Mr. Golnar suggested that the City Planner and Chairman of the DRC be present at the Subdivision workshop along with the City Manager, City Attorney and City Council.

The City/County Meeting has been rescheduled from March 6<sup>th</sup> to March 13<sup>th</sup>. City Manager Golnar asked for comments on the agenda. Council was in favor of deleting item #6 of the agenda to further address City/County space needs before presenting it to the County Commissioners during the joint meeting.

The following upcoming meetings were listed for Council's information:

- March 4<sup>th</sup>, 6:30 p.m. - Council Worksession
- March 7<sup>th</sup>, 5:15 p.m. - Sister City Education Committee - Bar & Grille
- March 11<sup>th</sup>, 4:30 p.m. - Budget Preparation Worksession - City Meeting Room
- March 13<sup>th</sup>, 4:30 p.m. - City/County Meeting - Commissioners Room
- March 18<sup>th</sup>, 6:00 p.m. - Goals Worksession - City Meeting Room
- March 21<sup>st</sup> & 22<sup>nd</sup> - Local Gov't. Workshop - Council - Holiday Inn, Bozeman
- March 25<sup>th</sup>, 4:30 p.m. - Subdivision Worksession - City Meeting Room

The following upcoming meetings for Manager and/or Staff were listed for Council's information:

- March 5<sup>th</sup> 1:30 p.m. - Federal Assistance for "Thaw of 96" - Bozeman
- March 5<sup>th</sup> 9:00 a.m. - 4:00 p.m. - The Employment Process from Employers Perspective - Yellowstone Motor Inn

March 6<sup>th</sup> & 7<sup>th</sup> - Infrastructure Financing Seminar - Billings (Councilmember Cooper asked the City Manager to look into the LRC grant monies to fund some staff training)

March 20<sup>th</sup> - 22<sup>nd</sup> - Local Gov't. Workshop - Holiday Inn, Bozeman

April 25<sup>th</sup> & 26<sup>th</sup> - Greater Open Space City Manager's Association Conference - Laramie Wyoming

May 8<sup>th</sup>, 9<sup>th</sup>, & 10<sup>th</sup> - Governor's Conference on Community Infrastructure

Mr. Larry Raffety gave Council a presentation on Subdivision Design Standards. After the presentation Council invited Mr. Raffety to the Subdivision worksession that was scheduled for March 25<sup>th</sup> at 4:30 p.m.

Motion was made by Dahl, second by McGee, to approve the sewer extension for the Edward's Subdivision, Block 4, Palace Addition. Some clarification was heard.

All in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to authorize the City Manager to sign the an improvement agreement with Edward's Subdivision, Block 4, Palace Addition.

An amendment to the motion was made by Cooper, second by Dahl, to authorize the City Manager to sign the improvement agreement contingent upon the City's receipt of a signed irrevocable letter of credit and approve the final plat for Edward's Subdivision, Block 4, Palace Addition. Roll call vote on the amendment was four opposed.

Roll call vote on the original motion was four opposed.

Motion was made by Dahl, second by Cooper, to authorize the Manager to sign the improvement agreement contingent upon the City's receipt of a signed irrevocable letter of credit and approve the final plan of Block 4, Palace Addition with Edward's Subdivision. All in favor. Motion passed.

Motion was made by Dahl, second by Cooper, to approve water and sewer connections for White Knight Development, Block 20, Palace Addition, contingent upon:

- 1) All water and sewer extensions will be done in accordance to the Montana State Standards;
- 2) A waiver of protest of SID be signed; and ,
- 3) The sewer line between manhole number 3 and 4 be maintained by the property owner and not the City.

Supt. Clint Tinsley showed Council the proposed request from a map. Discussion was heard concerning the property. City Planner Woodhull added input. It was noted that the owners of the property have to maintain the sewer main from manhole #3 to manhole #4 and is not the City's responsibility.

Councilmember Williams stated there was no map in the packet to review and requested that in the future maps be included.

Each hookup will have to pay the system development fees.

All in favor. Motion passed.

City Manager Golnar provided background information for Council in regards to the Development Review Committee's recommendation that the City Manager to forward a

letter to the County with the five exceptions that are listed in the motion concerning the Verde Estate Subdivision Development Plans.

Discussion was heard on what conditions the Council desired to submit to the County Commissioners for their public hearing on the proposed subdivision.

Comments were heard from the proposed subdivision developer George Denton.

Motion was made by Cooper, second by Dahl, that Council supports the approval of the Verde Estates Subdivision Development Plans with the following exceptions:

- 1) If the project is connected to the Green Acres private water main, the City will require notarized authorization from Green Acres allowing this connection;
- 2) The developer will be required to sign and file, with the County Clerk and Recorder, waivers of annexation protest and SID protest;
- 3) A ten (10) foot easement will be required along Miles Avenue for the placement of a sidewalk which will be constructed at the time of street paving. The County may also want a similar easement along Maple Street;
- 4) All engineering for sewer and water must be submitted to the Development Review Committee prior to any construction taking place. Authorization to connect to City utilities must be approved by the City Council;
- 5) That the City recommend that eleven percent (11%) be set aside to be used for open space and a developed structure not substituted for this requirement; and,

Council then directed the City Manager to write a letter to the County articulating that this criteria be incorporated into its review and approval of the proposed development.

More discussion was heard. Mr. Denton stated that this trailer court will be for people 55 years and older. All in favor. Motion passed.

City Manager Golnar summarized to Council, Change Order #7 1995 City/County Complex Remodeling Project. Listed in the packet was a 1995 City/County Building Remodel Cost Summary.

Motion was made by Dahl, second by McGee, to approve Change Order #7 for the 911 Center electrical for the amount of \$232.80 for the City/County Complex Remodel. All in favor. Motion passed.

Comments were heard concerning remodel costs for the construction. City Manager Golnar gave input on other ways of establishing construction project contractual relationships to work toward cost control.

City Manager Golnar addressed two enclosed memos from Police Chief Steve McCann along with a bill and description of work provided by High Country Communications. The initial anticipated budget for this phase was \$8,000. Actual labor and equipment charges totaled \$11,742.20. A breakdown of the bill was included in the packet.

It was noted that the County Commissioners have indicated that they never agreed to pay one half of the 911 Center Communications related bill. More discussion on this issue was heard. Some members of Council thought they remembered a letter signing off on what proportions the County was willing to pay.

Motion was made by Dahl, second by Williams, to accept the letter of resignation from Kathleen Kaul as the City's appointee to the Yellowstone Country Board. City Manager Golnar stated this will be advertised and he will visit with the board. Motion passed.

Motion was made by Williams, second by Dahl, to pay High Country Communication Doug Dunn \$3,960. Concerns were heard from Councilmember Dahl. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to pay the Department of Revenue and Miscellaneous Tax Division \$40. All in favor. Motion passed.

Councilmember Cooper questioned City Planner Woodhull about sign ordinance enforcement. Ms. Cooper addressed a few signs that are not in compliance. Councilmember Dahl questioned County Market's sign that is broken. Planner Woodhull will look into. Another sign that was still in question was the Spaghetti Wrangler sign. This will be looked into also.

Ms. Cooper questioned if a voice mail extension could be set up for Council. This will be looked into.

Ms. Cooper questioned if anything was going on with the noise at Town Pump in reference to Duane Colmey's complaint. City Manager Golnar stated nothing has taken place at this time.

Mayor Mikesell questioned what was happening with the two sewer lines on Park Street. City Attorney Bruce Becker and Supt. Clint Tinsley are looking into.

Councilmember Dahl questioned the System Development Fees that are still outstanding. This issue is also at the City Attorney's office.

Councilmember McGee commended Caron Cooper for her work and research on the land policy.

Mrs. McGee commended Finance Officer Shirley Ewan for all the work she has done.

Lenny Gregrey commented on public input and would like to see the phone calls Council receives outside of a Council meeting be put into public record.

Mike Fleming commented on public input.

Tara Eddy asked that the public agenda be placed in the back of the room along with extra agenda's.



Jim Peterson commented on people having their say, the selling of City property, and the sharing of view points.

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

The time was 11:24 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
MAYOR

LIVINGSTON  
CITY COUNCIL MEETINGMarch 18, 1996  
7:30 p.m.

The Livingston City Council met in regular session Monday, March 18, 1996, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Barb Williams, Bernice McGee, Sheryl Dahl and Caron Cooper with Mayor Pat Mikesell presiding.

At this time City Manager Golnar gave recognition to Dispatcher Beverly Koder for her performance beyond the call of duty during an incident with a women having a baby at home and Ms. Koder assisting her on the phone until emergency personnel could arrive.

Mr. Golnar also recognized Firefighter/EMT's Jason Rigsby, Chris Bruha and Bill Spanning and Police Officer Eric Severson for their assistance of this incident.

Motion was made by Dahl, second by Cooper, to approve the minutes of March 4, 1996 regular City Council meeting. Motion passed.

Motion was made by Williams, second by Dahl, to accept the bills and claims that listed for \$53,762.27. Councilmember Dahl questioned the following claims: Page 9, item #951506 to Colmey's Pet Plaza. Finance Officer Shirley Ewan stated this item was for all the care of the animals.

Page 10, item #951511 to Doug Dunn for \$160. Police Chief Steve McCann stated that U.S. West recently reimbursed the City for this item.

Page 10, item #951511 to Doug Dunn for \$168. Fire Chief Tim Parks stated this was to fix the EMS Radio that was struck by lightning.

Councilmember Williams questioned the following claims: Page 9, item #951626 to Black Mountain Software. Mrs. Williams commented that there were asterisks behind the amount indicating that budgeted funds were close to being over expended. She also noted that on page 10, item #951512 to Shirley Ewan, there was an asterisk behind that amount.

Page 11, item #951526 to Lagerquist for \$2.74. Finance Officer Ewan explained the check to pay this was the above amount short. Mrs. Williams stated that there was asterisks by this expenditure as well.

Page 12, item #951614 to Laurie McPhie. Staff explained that Ms. McPhie was the assistant Recreational Director.

Page 12, item #951538 to Mobile Repair and Welding. Supt. Clint Tinsley explained that this was rehabilitation of the grit chambers at the Wastewater Treatment Plant and was budgeted as a Capital Outlay project.

Page 12, item #951625 to the Montana Department of Environment. Supt. Tinsley explained that this for a discharge permit for the swimming pool.

Page 13, item #951620 to PERD. Finance Officer Ewan explained that this was membership dues for all employees.

Councilmember Cooper questioned the following claims: Page 9, item #951506 to Colmey's. Finance Officer Ewan explained further.

Page 17, item #951595 to Van Dyken Drilling. Supt. Tinsley explained that this to repair the Clinic well. Motion passed.

City Planner Woodhull gave Council background information on a variance request from Mr. John Roth, 720 W. Front Street. Mr. Roth is requesting a variance from the five (5) foot side yard setback requirement for RII zoning districts and wishes to build an addition onto his house that would continue the existing line of the house on or very near the side property line. A letter from Mr. Roth's neighbors was included in the packet and favoring the variance.

Planner Woodhull answered questions for Council.

Motion was made by Williams, second by Dahl, to approve the City Board of Adjustment's recommendation to grant the variance. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2658, A RESOLUTION OF THE CITY COUNCIL OF LIVINGSTON, MONTANA, DESIGNATING THE CITY OF LIVINGSTON'S AGENT FOR OBTAINING FEDERAL FINANCIAL ASSISTANCE UNDER THE DISASTER RELIEF ACT. City Manager Golnar explained a question for Councilmember Williams. All in favor. Motion passed.

The following information items were listed for Council's information:

- Financial Report for February 1996 - Provided Separately
- Incoming Water and Sewer Revenues, February 1996
- Police Chief Monthly Report, February 1996
- City Judge Monthly Report, February 1996
- Fire Chief Monthly Report, February 1996
- Livingston Fire/Ambulance Monthly Report, February 1996
- Board of Director's Vacancy - MMIA
- Application for Transfer of Ownership of All-Alcoholic Beverage License

Councilmember Williams questioned Fire Chief Tim Parks on the Fire Chief report. Mrs. Williams requested that more information be listed on the reports such as time and addresses. Fire Chief Parks stated that he could do that, and that these are State reports and the information on them is the minimum that the State requires.

More discussion was heard with Council and Staff.

City Manager Golnar stated that the deadline to receive proposals for health insurance has been extended to May 1, 1996.

Mr. Golnar state that he would be looking into the option of having an "agents of record", which designates an agent as a designated representative to bid a insurance company for the City, that this may save the City money and time in comparing proposals.

City Manager Golnar stated that the next step that must be taken to implement Ordinance No. 1827 (City Land Use) is inventorying and classification of City Land in accordance with the categories identified in the ordinance. This would then need to be passed by Resolution by the City Council. Information was provided in the packet for Council. Mr. Golnar stated that this should be ready by the next Council meeting. Councilmember Dahl questioned sections of the Ordinance that requires certain

requirements before disposing of City lands. Discussion was heard with the City Manager. It was noted that the City does not currently have an annexation plan but there is one in the process at this time. Other plans that the City does not have completed at this time which the ordinance refers to include a Parks and Open Space Plan and a Transportation Plan.

Ms. Dahl stated that she felt the citizens needed to know that there is more planning to do before the City actually sells any City land.

City Manager Golnar stated that any petitions for SID requests need to be completed on City provided petition forms which can be obtained from the City Planner.

Motion was made by Dahl, second by Cooper, to lift the SID freeze. All in favor. Motion passed.

City Manager Golnar stated that he is in the process of providing worksheets to the Department Heads and Council has had an initial budget orientation workshop.

Councilmember Dahl would like the fees for professional services (fire inspections) looked further into during this budget season.

City Manager Golnar reported to Council that he was contacted by Logical Software Solutions and was notified that they will not be pursuing rental space in the East Side School. The City Manager has been contacted by other parties with interest in renting portions of the East Side School. Mr. Golnar stated that LRC is interested in office space and suggested to Council that it may be easier to coordinate a master contract with an organization like Park County Economic Development Corporation to coordinate subleasing of various parts of the building in accordance with some general guidelines articulated in a master lease.

Herman Wilson, Cole Ingram and Terry Tillett were present to express interest in the East Side School gym for racquetball courts. Discussion was heard with Council.

A worksession was scheduled for April 8<sup>th</sup>, 4:00 p.m. to further discuss future short and long term uses of the East Side School. The Mr. Wilson, Mr. Ingram and Mr. Tillett were asked to have their proposals into the City by April 3<sup>rd</sup>.

City Manager Golnar reported on the status of the Sister Cities Committee.

Mr. Golnar noted that the committee made \$800 from their funding raising dance at the Civic Center on March 15<sup>th</sup>.

The following upcoming meetings were provided for Council's information:

- March 19<sup>th</sup>, 4:30 p.m. - City/County Meeting to discuss 911 relocation and Library Mill Levy - County Commissioners Room
- March 20<sup>th</sup>, 2:00 p.m. - City/County Solid Waste Discussions Continue
- March 28<sup>th</sup>, 4:00 p.m. - Utilities Building Conference Room - Infrastructure Replacement Committee Grants Workshop
- March 25<sup>th</sup>, 4:30 p.m. - Subdivision Workshop - City/County Building
- March 26<sup>th</sup>, 10:00 p.m. - Government Study Commission Meeting
- March 21<sup>st</sup> and 22<sup>nd</sup> - Government Workshop Local Government Center - Bozeman Holiday Inn
- April 1<sup>st</sup>, 6:15 p.m. - Goals Worksession
- April 8<sup>th</sup>, 4:00 p.m. - East Side School Worksession

Councilmember Dahl requested more information on the Library Mill Levy.

Included in the packet was a March 11<sup>th</sup> memo on the Subdivision Regulations. The Subdivision Draft Regulations will be distributed to all Councilmembers and Mr. Raffety prior to the worksession scheduled on March 25<sup>th</sup>.

Included for Council's information were scheduled negotiation dates to initiate discussions the Public Works, Police and Fire Unions for renewal of their various contracts.

Bids were received and opened for the sale of public utilities equipment on March 11, 1996. High bids were as follows:

1976 John Deere Mower	Al Lahren	\$ 211.00
1975 Dump Truck	Onsite Management	\$3,000.00
1981 GMC Van	Steve Himmelpach	\$ 301.00

Motion was made by Dahl, second by McGee, to accept the Utilities Supt. recommendation to award the bids to the above highest bidders. All in favor. Motion passed.

Motion was made by Cooper, second by Williams, to approve the PCEDC LRC CDBG drawdown for the amount of \$1,790. All in favor. Motion passed.

Included in the packet was a copy of the March 7<sup>th</sup>, 1996 Refuse Settlement Proposal from the County as result of our initial meeting with them on February 28<sup>th</sup>, 1996. City Manager Golnar summarized the meeting results and the negotiating committee is currently in the process of developing the counter proposal which will be provided for Council's review prior to sending it out.

County would like to postpone the planned meeting for March 20<sup>th</sup> to at least March 27<sup>th</sup>.

This issue will be included in the next Council packet and voted on.

City Manager Golnar brought Council up to date with the County Library Mill Levy proposal. A comment was heard from Urana Clark. This item will be brought back to Council at the next meeting.

Information has been received from Doug Dunn. City Manager Golnar stated that he will have information in a packet for Council's City/County meeting.

Mr. Dunn was asked to split out his costs for removing the 911 console from the East Side School and installation to the Dispatch Center.

Further discussion was heard. Motion was made by Dahl, second by Williams, that the City of Livingston commit \$3,000 to the 911 Fund for the period of one year dated from March 18<sup>th</sup>, 1996 to March 18<sup>th</sup>, 1997 in the event that any of the 911 equipment breaks down and the committee needs that money to have repairs done. All in favor. Motion passed. It was noted that the County also needs to give their approval.

Included in the packet was Change Order #8 for the City/County Remodel project along with a bill for \$500 articulating the cost for a telephone installation to the jail. Cost of this expense is proposed to be split 50/50 between the City and the County.

Motion was made by Cooper, second by Williams, to approve Change Order #8 for telephone installation for the jail and authorize payment of \$250 by the City. All in favor. Motion passed.

A letter from the Sheriff was also included with the Change Order information.

Discussion was heard concerning the monitors that used to be on the old dispatch system to monitor the jail, outer hallway by Dispatch and outside the building. Also mention was the intercom in the Judge's Court Room.

Motion was made by Cooper, second by Dahl, to authorize the City Manager to sign Depot grant contract for \$3,000 for the Depot Foundation/Operation Support from Montana Cultural Trust. All in favor. Motion passed.

Councilmember Dahl stated that on page 42 of the packet, George Bryce was still listed as the Chief of Police. Police Chief McCann stated that he has notified the State on this.

Councilmember Cooper questioned if there has been any follow up on Council getting centralized phone messages through the phone system. Staff answered that this will be worked on.

Ms. Cooper stated that she would like to see the barriers put back up in Miles Park before baseball practice gets started for this season and her opinion is that motorized vehicles should not be in a park.

Ms. Cooper stated that if the Manager would like to go with her, she would show him and would like this accomplished within the next month.

Mr. Golnar stated that he would get with Supt. Kastelitz and Mayor Mikesell asked that they take the Police Chief also.

City Manager Golnar reported that he has had initial discussions about the noise at the Town Pump. The Manager will do more follow up.

Co Inglehart reported that there was not public comment section on tonight's agenda.

Mr. Inglehart asked if someone could take a look at a house being demolished on South K and Lewis Streets, that it is a public nuisance.

Mike Fleming commented to Council that Larry Raffety gave a nice presentation at the last Council meeting and encouraged the Council to follow up by pursuing the assistance of a consultant to assist the community in identifying what is special about our City and how development standards could be written to encourage perpetrating this vision.

Mr. Fleming mentioned that a couple months ago Councilmember Williams commented on the City's portion of the Honeywell costs to the City/County Building. Mr. Fleming stated that he has done some research on the heating system and found that the County pays \$25,000+ per year for just the service of monitoring the heating program.

Mr. Fleming felt that for that amount, someone else could do maintenance work and take care of the heater.

Mr. Fleming stated that he does not have the authority to do any further. That would have to be up to management.

Mr. Fleming stated that the Justice of the Peace's office used to have a buzzer that went up stairs. The Treasurer used to have an alarm that went into Dispatch.


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

The time was 9:20 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
MAYOR

LIVINGSTON  
CITY COUNCIL MEETING

April 1, 1996  
7:30 p.m.

The Livingston City Council met in regular session April 1, 1996, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Sheryl Dahl, Caron Cooper, Barb Williams and Bernice McGee with Mayor Pat Mikesell presiding.

Motion was made by Cooper, second by Dahl, to approve the minutes of March 18, 1996 regular City Council meeting. Motion passed.

Motion was made by Dahl, second by Williams, to approve the bills and claims that listed for \$37,106.21. Mayor Mikesell questioned page 7, item #951858 to Bruce Becker. Finance Officer Shirley Ewan explained why the asterisks were behind this account that Mr. Becker was being paid out of and that transfers will be made at the next Council meeting.

Councilmember Williams questioned the following claims: page 10, item #951668 to Steve Golnar. Finance Officer Ewan explained about the CDBG travel account.

Page 12, item #951699 to Montana State Treasurer. These are the Judges fines and is State collected money.

Page 13, item #951722 to Jeff Schoenen. There was a typographical error in the description.

Page 13, item #951708 to Pamida. Mrs. Williams was just calling attention to the asterisk behind the account number.

Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2659, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA CLASSIFYING PROPERTY OWNED BY THE CITY OF LIVINGSTON.

An amendment to the motion was made by Williams, second by Cooper, to insert the word "or" at the second whereas, fourth line, should read: ..economic "or" community development. All in favor. Amendment passed.

City Manager Steve Golnar referred Council to the addendum that included a list of individuals interested in City owned property. Discussion was heard concerning property that Bill Barnhart has requested to purchase in the past from the City. It was noted that it would take a public vote to sell the property if Council determines that this be classified as "Public Purpose Property" as per the ordinance.

Other property was discussed with members of Council voicing their concerns. Discussion took place on the City property Inventory list and how some parcels of property were categorized as they were. A request was made that a history be done of public property before classifying the land.

City Manager Golnar will do more specifics on Mayor's Landing property, the Maintenance Shop land, the Windfarm and the Palace Addition, Block 19.



Motion was made by Dahl, second by Cooper, to table Resolution No. 2659 until the next meeting, so that City Staff can come back with the inventory points Council has raised. All in favor. Motion passed.

The following information items were included for Council's information:

Application for Transfer of Ownership and Location of Montana Retail On-Premises Consumption Beer/Wine License - THE PIZZA GARDEN (formerly Trail Ride Inn). Councilmember Williams stated that there was more information than what was needed. An informational letter will be provided in the future.

Application for Transfer of Ownership of All-Beverage License - PARADISE INN.

Montana Department of Commerce - Statewide Advisory Council for FAIM (Families Achieving Independence in Montana).

United States Senate - Cosponsored Procurement Conference.

Montana Department of Commerce - Filled Vacancy to the Business Relocation Assistance Position.

Livingston Town Pump, Trucks exiting onto Billman Lane. City Manager Golnar stated that County Attorney Tara DePuy has not heard anything at this time.

Easter Egg Hunt.

Included in the packet was a March 23, 1996 letter from County Attorney DePuy requesting to include the City of Livingston in the County's 1996 Victim/Witness Assistance Program at no cost to the City.

Motion was made by Dahl, second by Williams, to include the City of Livingston in the Park County's Victim/Witness Assistance Program and also authorize the City Manager to send the enclosed proposed letter to Park County Attorney Tara DePuy. All in favor. Motion passed.

Bids were opened March 25, 1996 for Street Materials. Three bids were received are as follows:

**STS GRAVEL - Livingston**

Chips: \$19,458 for 1,380 cubic yards  
\$14.10 per cubic yard over 1,380

**CENEX - Laurel**

Oil - 800 MC: \$20,093.85 for 31,500 gallons  
\$.6379 per gallon over 31,500 gallons

Blacktop

250 MC Oil:               \$30,750.00 for 200 tons  
                                   \$153.75 per ton over 200 tons

**JTL GROUP, INC. - Belgrade**

Blacktop  
 250 MC Oil:               \$25.90 for 200 tons  
                                   \$25.90 per ton over 200 tons

Chips:                     \$11.00 for 1,380 cubic yards  
                                   \$11.00 over 1,380 cubic yards

Motion was made by Williams, second by McGee to accept the bid from the **JTL GROUP, INC.** for the 250 MC Oil in the amount of \$25.90 per ton and for the Chips in the amount of \$11.00 per cubic yard, and from **CENEX** for the 800 MC Oil in the amount of \$.6379 per gallon.

All in favor. Motion passed.

City Manager Golnar followed up on previous discussions of Council establishing a policy for extension of water and wastewater services to Campus Style Complexes. Supt. of Public Utilities Clint Tinsley stated in a memo dated March 29, 1996 that he does not feel that the current City Ordinances should be changed to allow the campus style utility hook-ups at least until further review of what ordinances read in other City's and went on to say that Livingston's ordinance is clear on this situation.

Mr. Tinsley was asked to look into what other cities do.

Motion was made by Dahl, second by Williams, to approve the sewer main extension for Summit View Apartments. All in favor. Motion passed.

Included in the packet was a summary of distribution of costs associated with the close out of the 911 Relocation Project. City Manager Golnar stated that the total City share would be \$6,929.60 and the County's share would be \$2,520.10 and the total 911 share would be \$3,000.

Mr. Golnar has reviewed a memo dated March 27, 1996 with the County Commissioners. Questions from Council were answered by City Manager Golnar.

Motion was made by Williams, second by McGee, that Council approve Mr. Golnar's 1995 City/County Building Remodel of 911 Relocation costs and break down of cost sharing and that we close out the 911 Relocation Project and go with this to the Commissioner's at the next City/County meeting. All in favor. Motion passed.

City Manager Golnar reported that a final inspection walk through was held on Thursday, March 28, 1996 at 9:00 a.m. and included the County Commissioners, Sheriff, Police Department, Architect and City Manager.

Project Architect Jim Snyder reported to the City Manager that he has completed the project close out request and has reviewed Sheriff Johnson's letter and determined that his concerns are not specific to the project scope and that Mr. Snyder has filled out insurance/bonding forms on this contract and will send these in to the insurance company. The bond will stay in effect for a one year warranty period.

Motion was made by Williams, second by Dahl, to approve the final payment of \$7,513.12 for the City/County Remodel Project. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to pay \$2,491.10 to Doug Dunn doing business as High Country Communications.

Councilmember Dahl questioned if there was money to pay this bill. Police Chief Steve McCann stated that one of the police officers has resigned effective March 20<sup>th</sup> and he would be willing to wait for a period of forty-five days before filling the position, which would adequately cover the costs. Chief McCann also confirmed that miscellaneous items had been taken care of to clean up the project. Three in favor, Cooper absent for vote. Motion passed.

Motion was made by Williams, second by Dahl, to pay the State of Montana Miscellaneous Tax Division a total of \$42.40. \$17.48 of that being for Dave Carter Construction and \$24.90 being on Doug Dunn. Three in favor, Cooper absent for vote. Motion passed.

City Manager Golnar included in the packet for Council's review and summarized a copy of the draft proposal to Park County relating to Solid Waste. Also provided was a spreadsheet of the costs of implementing the County's proposal for the City in addition to a summary Refuse Budget dividing revenues and expenditures into the three categories of Incinerator/Landfill/Collection which was completed by the County. A copy of the County's March 7, 1996 Refuse Settlement Proposal, the City February 28, 1996 agenda and the February 6, 1996 letter from the City to the County relating to Refuse District Lawsuit and future Incinerator and Landfill agreements were included for Council's information.

Motion was made by Dahl, second by Williams, to approve the Solid Waste Proposal to the County. Mr. Golnar answered questions for Council. Supt. Ken Kastelitz clarified a question made by Council. Lee Harris addressed Council with a statement opposing the proposal.

All in favor. Motion passed.

City Manager Golnar explained the Library Funding Proposal that was in the addendum for Council. Mr. Golnar's recommendation was to notify the County that the City would like to revise its contract with the County for support of the Library to reflect support of City residents from a County wide mill levy to a more equitable sharing of cost of 50/50 for FY 96-97 and that future cost sharing of Library funding should take into consideration City resident's payment of a County wide Library mill levy to determine appropriate shares.

Council and Staff discussed the spreadsheets that were included in the addendum. No action was taken, this was only informational at this time.

Motion was made by Williams, second by Dahl, to accept the final approval of the sewer line for the Hank Edward's Subdivision. Supt. Tinsley confirmed that everything was done according to a letter from the project engineer. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to release the letter of credit for Hank Edward's. All in favor. Motion passed.

City Manager Golnar followed up on the Subdivision Regulation Workshop and requested more direction from Council for updating the subdivision policy. Staff input was also requested in the discussions. Mr. Golnar suggested that Council adopt an addendum to

the existing subdivision regulations or the document prepared by staff to allow for continuity and consistency in communicating what is expected of subdividers in the interim while we are focusing on revising our subdivision regulations and development standards.

Something will be at the next Council meeting for Council's action.

City Manager Golnar stated that the Infrastructure Committee recommended that the City pursue a Treasure State Endowment Program Grant in the amount of \$500,000 to assist with achieving the infrastructure replacement program. Mr. Golnar will be working with the Department of Commerce, an engineer for design services and the possibility of a grant writer. This will be brought before Council for their final authorization prior to submitting it to the State. The deadline is June 17, 1996. Council was in favor of the City Manager pursuing this grant funding.

Councilmember Cooper questioned if there was money available in the grant for administration to cover the grant writing. Mr. Golnar confirmed that there was.

City Manager Golnar stated that he will also be investigating the possibility of developing a grant application to the Department of Natural Resources for assistance in developing the Parks, Recreation and Open Space Plan. The deadline is May 15, 1996. Councilmember Dahl suggested that maybe PCEDC could be useful for the grant writing.

Councilmember Cooper asked for clarification if this would be grant money to do a plan or if this grant gives the City money to implement a plan. Mr. Golnar stated that this would relating to the planning effort. Ms. Cooper will follow up with the Manager at a later date.

City Manager Golnar reported that the Chamber of Commerce Tourism Committee met at the Chamber with the Department of Transportation on Monday March 25, 1996 to discuss entrance signs to the Community off of the East End Interchange. The Tourism Committee will be developing a proposal for coordinated signing including roadway signs on the Interstate, entryway signs and community directional signs. ISTEA funding was identified as a potential source for assisting with this effort. The Chamber will be getting back to the City.

Councilmember Cooper questioned if ISTEA money was appropriate for this type of project. Mr. Golnar explained some of the uses of ISTEA money and stated he could provide additional information to Ms. Cooper.

City Manager Golnar stated that the City has received an invitation to attend an April 8<sup>th</sup> meeting at the City/County Building with the Lt. Governor, which conflicts with the April 8<sup>th</sup> worksession on the East Side School.

The East Side School worksession was rescheduled for Wednesday, April 10<sup>th</sup> with a tour of the school starting at 3:00 p.m. and returning to the City/County Building for a 4:00 p.m. worksession.

Mr. Golnar noted that LRC will be sending a proposal for renting of the East Side School and that Cole Ingram contacted the Manager that his group was no longer interested in space at the school.

Mayor Mikesell would like a list of everyone that has come forward with a proposal to be put on the agenda and would be in favor of going through a second party for rental agreements.

City Manager Golnar reported that Farm House Partners have dropped interest in purchasing City land for affordable rental housing. A March 14, 1996 letter was included for Council's information.

City Manager Golnar stated there was a Bike Path meeting at 8:00 a.m. on April 1<sup>st</sup> and another meeting has been scheduled for Thursday, April 4<sup>th</sup>, 8:00 a.m. to discuss picking up the funding of the balance of money needed to fund the local match.

In follow up to the "Thaw of 96" with the estimated reimbursable costs that the City is eligible for amounts to \$26,944.40. The City has been designated as part of the Federal Disaster Area associated with the flooding experienced in Montana in early February and is in the process of applying for 75% grant reimbursement for the above expenses.

A Hazard Mitigation Training Workshop is scheduled in Bozeman on April 5<sup>th</sup> at 8:00 a.m. City Manager Golnar stated that Livingston is eligible for receiving grants to help mitigate potential flood hazards in the future and that he and Planner Jim Woodhull were planning on attending.

City Manager Golnar confirmed for Councilmember Williams that the 4:30 p.m., April 3<sup>rd</sup> meeting with the Commissioners is still scheduled. Items the Manager would like to discuss include, the City/County Refuse Agreement, Library Mill Levy and the 911 Relocation/Remodel. Mayor Mikesell requested to add to the meeting agenda, coordinating Subdivision Regulations within the 4 mile radius.

City Manager Golnar included the following current additional pending projects for Council's information:

Depot Center water system leak needs to be addressed. - Councilmember Dahl stated that the DNRC has grants available under renewable resource grants that especially geared for water projects to conserve water.

Town Pump noise complaint needs to be finally followed up on - Mr. Golnar stated that he will following up with Mr. Colmey.

An addendum on the Health Insurance Bid Package needs to be sent out.

Budget schedules finalized.

East Side School meeting agenda finalized and advertised.

Government Study Commission Report Coordination - I suggest that the Council and Government Study Commission get together to review and discuss proposed Commission recommendations.

Goals Workshop handouts are in the process of being developed.

Centralized phone messages at the city hall for Councilmembers continues to be worked on by Julie Blakely.

Barriers at Miles Park will be looked at with Ken Kastelitz and Police Chief McCann on Monday April 1<sup>st</sup>. - Councilmember Cooper stated that she would like to see this area closed off before the baseball season starts.

Alternatives to the existing Honeywell heater and ventilating and air conditioning system maintenance contract need to be investigated.

Buzzers for the Justice of the Peace and Treasurers Office in addition to follow up to the Sheriff's letter identifying issues of concern relating to the facilities of the Dispatch console need to be followed up on.

Councilmember Dahl voiced her concerns should the H Street Town Pump expand and would like a buffer ordinance looked into. Councilmember Williams commented on the zoning in this area.

Councilmember Williams stated that she has heard of problems with the signal at the 5<sup>th</sup> Street crossing and it has been suggested that MRL should have a person directing traffic in this area when there are no trains and the signals are down for a lengthy period of time due to a malfunction.

Councilmember Cooper commented on the possible new and expanded version of Town Pump on H Street and that Council may want to consider what is appropriate in town development. Ms. Cooper has no tools to suggest at this time, but Council may want to deal with in the future after Council is done with Subdivision and Annexation.

Ms. Cooper stated that she found a nasty letter to the editor in the Montana Pioneer about the City's Police Department and would like the letter to be responded to.

Councilmember Williams stated that there are a number of residents that would like cats to be licensed. Councilmember Cooper stated this was a good example when Council has mentioned going over the fee structure.

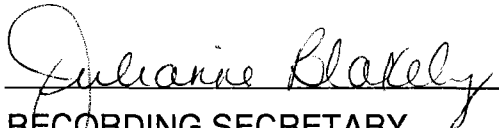
Mike Fleming commented that he does not understand why the City feels they have a right to ask 50% for the Library when there are other towns that do not have the opportunity to visit the Library. Mr. Fleming also stated that he was glad to see how Council voted on the incinerator issue.


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

LIVINGSTON  
CITY COUNCIL MEETING

April 15, 1996  
7:30 p.m.

The Livingston City Council met in regular session Monday, April 15, 1996, 7:30 p.m. in the Community Room at the City-County Building. Councilmembers present were Bernice McGee, Sheryl Dahl, and Caron Cooper, with Mayor Pat Mikesell presiding. Councilmember Barb Williams was absent.

Motion was made by Dahl, second by McGee, to approve the minutes of April 1, 1996 regular City Council meeting. All in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to approve the bills and claims that listed for \$32,360.39. Finance Officer Shirley Ewan answered a question for Councilmember Cooper referencing how the Sanitarian is paid.

Motion passed.

Mayor Mikesell proclaimed the Week of April 20-26, 1996 as Beautification Week in the City of Livingston.

Motion was made by McGee, second by Cooper, to approve a variance request by Mr. James Warnick at 928 W. Front Street from the twenty-five foot front yard setback and the ten foot setback on a side adjacent to a street as required in R11 zoning districts.

City Planner Jim Woodhull gave Council background information.

Councilmember Cooper had a question about the side set back taking out any trees. Mr. Warnick answered that no trees with be affected.

All in favor. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2659, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CLASSIFYING PROPERTY OWNED BY THE CITY OF LIVINGSTON.

City Manager Golnar stated that this resolution is not ready to be passed at this time, that staff is still researching ownership of various parcels. Mr. Golnar gave a status report of City land identified for follow up that was listed in the packet.

City Attorney Bruce Becker stated that he is looking for an old ariel photo of Livingston to clarify ownership of a parcel in question which is now an island in the Yellowstone River.

No action was taken.

Motion was made by Dahl, second by Cooper, to approve Resolution No. 2660, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE JANUARY THROUGH MARCH, 1996 BUDGET LINE ITEM TRANSFERS AND ADJUSTMENTS FOR FISCAL YEAR 1995-1996 BUDGET FOR THE CITY OF LIVINGSTON. City Manager commented on future line item transfers. All in favor. Motion passed.

The following information items were listed for Council's review:

Livingston Fire/Ambulance Monthly Report, March 1996.

Fire Chief Monthly Report, March 1996.

Library Board Minutes, February 15, 1996.

City Judge Monthly Report, March 1996.

Incoming Water & Sewer Monthly Revenues, March 1996.

Police Chief Monthly Report, March 1996. Police Chief McCann explained the unlocking of vehicles for the public as questioned by Councilmember Cooper.

Town Pump Letter.

Remodel - Judge's Note. City Manager Golnar explained further for Mayor Mikesell.

City Manager Golnar stated that the Financial report was provided separately, as was the resolution authorizing quarterly line items transfers to allow for Council to make comparisons. Mr. Golnar stated that Finance Officer Ewan reported that the City will meet the General Fund Revenue Estimates for the current fiscal year. Ms. Ewan stated that the Corporation Tax will be coming in late.

City Manager Golnar included copies of letters from the Department of Commerce in reference to Building Codes issues and explained further.

Supt. of Public Utilities Clint Tinsley answered a question for Mayor Mikesell.

City Attorney Bruce Becker stated that he is following up with the Town Pump noise complaint. Mr. Becker will also be drafting a letter.

City Manager Golnar reported that he has toured Miles Park around the ball fields in regards to closing traffic to the area with Police Chief Steve McCann and Supt. of Public Services Ken Kastelitz. Enclosed was a letter from the Baseball Association requesting relocation of a T-Ball field and a dog leash requirement. The City Manager's recommendation is to further study this issue with the parties involved.

Councilmember Cooper stated that she would like to be involved in the discussions.

The following City employees have completed their six month probation period:

Hal Haefs as a Maintenance I Worker in the Solid Waste Department  
Dwight Haines as Maintenance II Residential Garbage Truck Driver  
Scott Bowles as Maintenance II Worker in the Street Department



Enclosed was an April 5, 1996 thank you letter from Danette Berglin of the Sister City Committee indicating that they raised over \$800 from the concert held at the Civic Center.

A letter of resignation from Sister City Committee member Chandra Libbey was received. Mr. Golnar stated that a form for appointees will be provided to the committee for recommendation of a new board member.

City Manager Golnar stated that he visited with the Lt. Governor Dennis Rehberg on April 8, 1996. Mr. Golnar mentioned some of the items discussed.

The following is a list of Public Service Department Updates:

Civic Center to be used as base for April 20<sup>th</sup>, 8:00 a.m. to 12:00 noon, Chamber/City Wide Clean up. Supt. Kastelitz explained for Councilmember Cooper that due to bad weather in the past at the Pamida parking lot, the base will be located this year at the Civic Center.

Bag clippings to be picked up by City Crews on Mondays starting at 7:00 a.m. on May 6<sup>th</sup> through July 15<sup>th</sup>. The clippings will be picked up on the boulevards.

Street Sweep will start on its route May 6, 1996. Warning tickets will be issued for the first two weeks. Council approved that the Police will start issuing sweeper tickets on May 20, 1996.

Spring Clean up will start May 6, 1996. The City crews will follow the residential garbage route.

The above items will be noticed in the newspaper.

The following upcoming meetings were listed for Council's information:

April 18 <sup>th</sup> , 8:00 a.m.	Bike Path Meeting at City Hall
April 24, 25, & 26	Greater Open Space, City manager's Meeting in Wyoming.
April 29 <sup>th</sup> , 4:00 p.m.	Goal Meeting with Council Rescheduled.
May 8, 9, & 10	Governor's Infrastructure Conference. (material enclosed in packet)

City Manager Golnar requested clarification from Council on specific changes to the proposed Subdivision Regulations. Mr. Golnar stated that the regulations are proposed to be before Council for first reading on May 6<sup>th</sup>.

Some discussion was heard between Staff and Council.

Discussion was heard concerning a request from the Livingston Gallery Association asking that the open container law be waived for the following dates:

Friday, June 7, 1996  
Friday, July 5, 1996

Friday, August 2, 1996

Friday, August 9, 1996

No action was taken at this time as Council needed more information before approval.

Motion was made by Cooper, second by Dahl, to approve the KPRK's Hoedown requested closure of Callender Street between Second and Main Streets on June 29, 1996 from 5:00 p.m. to 11:00 p.m. and waive the open container law at the same time, the same date on the streets, Park between Second and Main, Main between Park and Callender, Callender between Main and Second, and Second between Callender and Park.

Jann Bernsten from KPRK addressed Council with further information on this request.

All in favor. Motion passed.

Motion was made by McGee, second by Dahl, to approve the use of \$1,200 from the Park Improvement Trust Fund for Weimer Memorial Ball Field restroom/concessions stand. Comments were heard from Councilmembers McGee, Cooper and Dahl.

All in favor. Motion passed.

City Manager Golnar included in the packet a summary of local funding generated from a radio telethon Friday, April 5<sup>th</sup> for raising funds to meet the local match required for the Bike/Walking Path CTEP Grant. Mr. Golnar stated that \$21,505 has been accumulated.

Motion was made by Dahl, second by Cooper, to authorize the City Manager to execute general project development agreement (STPE 11-1)(26)54, control number, 2779). All in favor. Motion passed.

Motion was made by Dahl, second by Cooper, to authorize the City Manager to execute CTEP maintenance agreement (STPE 11-1)(26)54, control number, 2779). All in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to authorize the City Manager to disseminate the RFP's for the Bike/Pedestrian Path design services. All in favor. Motion passed.

City Manager Golnar thanked the Chamber of Commerce and their subcommittee for final funding, KPRK and all other individuals who have helped with this project.

City Manager Golnar explained an engineer agreement between the HRDC and Morrison-Maierle, Inc. in regards to the Housing Project.

Motion was made by Dahl, second by McGee, to approve the CDBG Management Plan with HRDC. All in favor. Motion passed.

Jeff Rupp answered a question for Councilmember Cooper concerning a conservation easement.

Discussion was heard concerning Council's direction from a April 10<sup>th</sup> workshop to develop a request for proposals for the lease of the East Side School. City Manager Golnar stated that there was an updated proposed lease included for their review in the addendum.

Motion was made by Dahl, second by Cooper, to authorize the City Manager to advertise RFP's for lease of the East Side School.

After more discussion, an amendment to the motion was made by Dahl, second by Cooper, by adding after the sentence "The term of the proposed lease will be for a period not to exceed five (5) years" and interjecting "subject to renegotiation after initial term". All in favor. Motion passed as amended. All in favor of the motion as amended. Motion passed.

It was asked that Mr. Golnar contact Scott McMillan of the Bozeman paper, to see if there was any interest in him writing an article about the East Side School.

City Manager Golnar reported to Council about them considering to initiate a zoning change for this complex and referring the matter to the Board of Zoning Adjustment's if they wish to lease out the East Side School. City Planner Woodhull suggested that by defining this area as Central Business District, appropriate uses could be practiced in the East Side School building. Mr. Woodhull provided more information for Council.

Discussion was heard from Council to Staff.

Motion was made by Cooper, second by McGee, to initiate a zone change for the City/County Complex and the Old East Side School to Central Business District.

After further discussion, it was decided that the Manager will talk to the County Commissioners to see if they are in favor of the zone change before the City proceeds to the City Board of Adjustments. This item will come back on the next agenda.

Roll call vote was all opposed to initiate the zone change this meeting. Motion failed.

White Knight Development has withdrawn their request for a special Council meeting.

City Manager Golnar gave a review of County Payment of the 911 Center relocation cost share request and to consider payment of the unpaid balance. Mr. Golnar noted that the City has received payment from the County in two checks in the amounts of \$6,164.40, and \$3,000.00 from the 911 Fund.

Mr. Golnar went over the 1995-1996 City/County Building Remodel Cost Summary with Council.

A discrepancy was found in the amounts. Finance Officer Ewan researched further. Council went on the next item on the agenda.

Ms. Ewan reported on her findings to Council. Councilmember Dahl questioned what has been paid to Doug Dunn. City Manager Golnar answered.

Motion was made by Cooper, second by McGee, to pay Doug Dunn \$9,133.92.

Ms. Dahl questioned further what has already been paid out to Doug Dunn.

Discussion was heard with Staff and Council. Finance Officer Ewan went back upstairs for further research. Council then went to item eleven of the agenda.

Finance Officer Ewan apologized for the error, that Mr. Dunn was paid \$4,000 at the end of February. An amendment to the motion was made by Cooper, second by Dahl, to amend the previous motion to show that the balance from the 911 installation to Doug Dunn should be in the amount of \$5,226.19. Councilmember Dahl questioned if this included the County share of \$2,520.10 and was confirmed it did. All in favor of the amendment. Amendment passed. All in favor of the original motion. Motion passed as amended.

Motion was made by Cooper, second by Dahl, to pay Montana Miscellaneous Tax Division the amount of \$52.27. All in favor. Motion passed.

City Manager Golnar included in the addendum, Resolution No. 2633 on the Infrastructure Committee and an April 15, 1996 proposal for a TSEP Grant application and preliminary engineering by Morrison-Maierle, Inc.

Mr. Golnar called on Supt. of Public Utilities Tinsley to see if the amount quoted in the letter from Morrison-Maierle was within reason. Supt. Tinsley stated that he did not know.

Mr. Golnar and Supt. Tinsley explained for Council the time frame for getting the grant in by. Discussion was heard from Council and Staff.

Supt. Tinsley clarified for Mr. Golnar that he had \$10,000 left in his budget for engineering services.

It was noted that this is a \$500,000 project and the matching grant would be in the amount of \$250,000.

Councilmember Dahl stated that prior to the final contract, that Staff make sure that Morrison-Maierle's grant writer is competitive with other grant writers.

Councilmember Cooper stated that before any decision is finalized, that she would like to have a better idea on what share TSEP might be able to provide to off set preliminary engineering and grant writing costs if it is a successful application.

Ms. Cooper stated that if the City did not want to go to TSEP directly, that the City can go to other community's that have received TSEP in the past.

Motion was made by Cooper, second by Dahl, to authorize the City Manager to negotiate a contract with Morrison-Maierle for grant writing assistance and preliminary engineering for 1997 and 1998 infrastructure improvements. All in favor. Motion passed.

City Manager Golnar summarized a grant proposal concept for Parks, Open Space Planning and Implementation to the Department of Natural Resources for Council's review and approval. Mr. Golnar stated that the Department of Natural Resources grant applications are due May 15<sup>th</sup>. Included in the packet was a proposal abstract which focuses on preserving the water ways and reducing the impact on riparian habitats in the Yellowstone River area.

Mr. Golnar stated this concept has been reviewed with the Department of Natural Resources staff, Jim Woodhull, Ken Kastelitz and Dennis Glick.

Motion was made by Cooper, second by Dahl, to approve the Department of Natural Resources, Parks, Open Space Planning and Implementation grant concept and to develop an application for the May 15<sup>th</sup> application deadline. All in favor. Motion passed.

At this time Council went into a 10 minute recess at 9:15 p.m. Mayor Mikesell called the meeting back to order at 9:25 p.m.

Councilmember McGee asked the Fire Chief about a false alarm at the Sr. Citizen Center on March 30<sup>th</sup> at 11:23 a.m., and if it was when a ceiling was being put in. Chief Parks stated that he would need to look back and see.

Mayor Mikesell asked City Attorney Becker if letters to Buttrey's and McNamera's regarding uncollected development fees had been sent. Attorney Becker stated that he is working on them, that he has met with Sandy McNamera, who showed him a letter from former City Manager Ken Griffin that stated they did not have to pay. Mr. Becker

stated that he sees a problem with that one and is hoping to get a letter out to Buttrey's this week.

Co Inglehart addressed Council questioning the East Side School being vacated as it was unsafe. Fire Chief Parks answered the State mandated that the school was no longer safe for children, as they had classes and the lunch room in the basement.

Mayor Mikesell explained to Mr. Inglehart that it was the City's decision for the Police Department to move to the East Side School. Councilmember Dahl gave her reasoning why she wanted the Police Department back to the City/County Complex.

Co Inglehart commended Councilmember Dahl for her remembrance of the City having paid the \$4,000 to Doug Dunn.

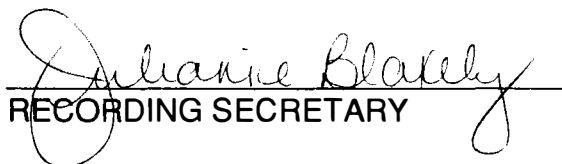
Bob Weimer addressed Council with his thanks for them helping with getting the Jack Weimer Memorial Park moving along. Mr. Weimer also thanked everyone else that has worked on the Park in the last 12 years.

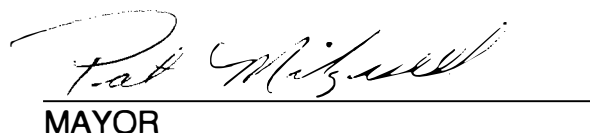
Motion was made by Dahl, second by Cooper, to adjourn this meeting there being no further business. Motion passed.

The time was 9:35 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
MAYOR

LIVINGSTON  
CITY COUNCIL MEETINGMay 6, 1996  
7:30 p.m.

The Livingston City Council met in regular session Monday, May 6, 1996, 7:30 p.m. in the Community Room at the City-County Building. Councilmembers present were Barb Williams, Bernice McGee and Caron Cooper with Mayor Mikesell presiding. Councilmember Sheryl Dahl arrived at 7:35 p.m.

Motion was made by Cooper, second by McGee, to approve the minutes of April 15, 1996 regular City Council meeting. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve the bills and claims that were listed for \$102,111.09. Councilmember Cooper questioned page 8, item #951986 that there was an asterisk behind the account. Finance Officer Shirley Ewan stated that the account was overdrawn and the Department was aware of it, and money would be transferred into the account.

Finance Officer Ewan stated that there was one bill on the list that she would like to withdraw for payment to Reliable for \$177.23 on page 17, item #952107. Ms. Ewan stated that the wrong merchandise was shipped and was being returned.

All was in favor of paying the bills and claims except for #952107. Motion passed.

Mayor Mikesell proclaimed May 7, 1996 as National Teacher Day in the City of Livingston.

Motion was made by Williams, second by McGee, to table Resolution No. 2659, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CLASSIFYING PROPERTY OWNED BY THE CITY OF LIVINGSTON. City Manager Golnar stated that this was not ready at this time. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2661, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA AMENDING AND INCREASING THE BUDGET OF THE CITY OF LIVINGSTON FOR FISCAL YEAR 1995-96 BY APPROPRIATING MONTANA DEVELOPMENT BLOCK GRANT FUNDS FOR THE PCEDC AFFORDABLE HOUSING PROJECT. Finance Officer Ewan answered a question concerning amending the budget beyond it's initial appropriation for Councilmember Dahl. This will carry over in the budget for two fiscal years. Five in favor. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2662, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO EXECUTE GENERAL PROJECT DEVELOPMENT AND CONSTRUCTION AGREEMENT FOR THE PARK STREET BIKE/PEDESTRIAN PATH. All in favor. Motion passed.

Motion was made by Dahl, second by Cooper, to approve Resolution No. 2663, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO EXECUTE THE CTEP MAINTENANCE AGREEMENT FOR THE PARK STREET BIKE/PEDESTRIAN PATH. City Manager Golnar stated that Council authorized him to sign the agreements at the last meeting as with Resolution No. 2662. The resolutions are for filing purposes. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2664, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH MORRISON-MAIERLE, INC. FOR GRANT WRITING ASSISTANCE AND PRELIMINARY ENGINEERING FOR THE 1997-98 INFRASTRUCTURE IMPROVEMENTS. All in favor. Motion passed.

Discussion was heard considering a request from White Knight Development to abandon streets and alleys in the Palace Addition. DRC has reviewed the request and recommends that the City only abandon the alley on Block 20 from lots 1-10. Supt. Tinsley stated that the request for the additional streets and alleys to be abandoned will be reviewed further once the committee reviews a sight plan of what the development intends to do in that area.

Councilmember Cooper questioned what happens to the land once it is abandoned. Staff stated that it is divided between the property owners on both sides. Other questions heard from Council were answered by Staff.

Mayor Mikesell stated that he was told that abandonment's were not being recorded at the County. Staff will seek to assure that this is done in the future.

Motion was made by Williams, second by McGee, to approve Resolution No. 2665, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, DECLARING ITS INTENT TO VACATE THE ALLEY RIGHT-OF-WAY ABUTTING LOTS 1-10 OF BLOCK 20, PALACE ADDITION AND DIRECTING THE CITY MANAGER TO PROVIDE NOTICE AS REQUIRED BY LAW. All in favor. Motion passed.

City Manager Golnar reported on the Subdivision Regulations and that they would be before Council for first reading at the next meeting. Councilmember Dahl asked that light pollution and landscaping be addressed. City Planner Woodhull confirmed for Ms. Dahl that the Planning Board has reviewed the proposed subdivision regulations. Councilmember Cooper stated she would need to look at her notes and would follow up to Mr. Woodhull with comments.

City Manager Golnar reported on the DNRC proposal for Livingston Open Space Planning Conservation Initiative Grant. Mr. Golnar read the summary included in the packet that was in draft form.

The City Manager requested any comments or suggestions from Council on this proposal and reminded them that the deadline for the grant application was May 15<sup>th</sup>. Mr. Golnar noted that if the grant was to go outside the city limits in the 4 ½ planning area, that the County Commissioners would need to be notified for their comments. This item could be discussed at the City/County meeting on May 7<sup>th</sup>.

Council gave their approval to move forward with the application.

City Manager Golnar reported to Council that Martin Kolence has requested a letter from the City permitting him to remove beaver from the Fleshman Creek Channel in Sacajawea Park. Council was in agreement that the beaver be trapped alive.

Councilmember McGee stated that the mesh around the trees to keep the beaver away, are to tight and will not give the trees room to grow.

Councilmember Cooper would like to know how many beavers Mr. Kolence has trapped and to periodically let Council know how many he is trapping.

Discussion took place concerning the renewal of the Street Lighting District. The sunset clause that is now in place expires this year. City Manager Golnar suggested that steps be taken to remove the sunset clause for the district and increase the assessment by \$6,000 to take care of cash flow concerns identified in Finance Officer Ewan's April 26, 1996 letter.

Motion was made by Williams, second by Cooper, that the City take steps to remove the sunset clause for the Street Lighting District and to increase the assessment by \$6,000 to take care of the cash flow concerns, and would like a resolution and the proper steps to be taken to get this moving.

Mayor Mikesell stated that he has a problem with this.

Discussion was heard between Council and Staff. Councilmember Dahl stated that she has heard from someone that does not have a street light on their block and is still being assessed. Planner Woodhull clarified questions from Council.

Councilmember Williams stated that she would like Attorney Becker to look into the assessing of property where there is no lighting on the block.

All in favor. Motion passed.

City Manager Golnar reported that City Planner Woodhull and Supt. Kastelitz are developing proposals for renewal and revision to the Street Maintenance District Assessment that will be provided to Council in the near future. Mr. Golnar stated that the same applies to this District as the Lighting District.

Discussion was heard concerning the Depot Center water problem. The City Manager has requested a letter from the City Attorney to clarify who is responsible. Supt. Clint Tinsley reported further on responsibility of the line and liability.

Supt. Tinsley stated that the line does not leak in the winter time, only in the summer months. Mr. Tinsley stated that this is not a leak, it is not leaking at this time and in his opinion if the responsibility was that of the City's, then they should fix the line, and if the responsibility is that of the Depot Center's, then they should get the line fixed. MRL has stated that they will not take responsibility for the line.

Mayor Mikesell asked for the Attorney's opinion by the next meeting. City Manager stated that he has authorized the water bill at the Depot to remain delinquent until the problem can be worked on.

City Manager Golnar stated that he has responded to the City Judge's memo of April 8, 1996. The bench has not be elevated by 12 inches, the molding around the floor and plug covers will be followed up on and the 2 tables requested will be a budgeted item in the up coming fiscal year.



City Manager Golnar has requested from the City Attorney, a report of legal activities accomplished and underway for Council's information. City Attorney Becker asked for clarification from Council exactly what they would like. Council asked questions of Mr. Becker.

City Attorney Becker will provide a report for Council at the next meeting. Mr. Becker gave Council the status of the following issues:

Cemetery damage to headstones  
 Development Fees to Buttrey's Food  
 Human Rights Commission - Karla McCall

Discussion and comments were heard on the above issues by Council. Mayor Mikesell stated that the Buttrey's issue has gone on long enough, that he wanted the City Attorney to get tough on them, and also with the cemetery headstone issue.

The Recording Secretary will transcribe any voice mail messages in the phone system that Council may receive at phone number 222-2005, extension 203.

City Manager Golnar summarized for Council what the City could expect in reimbursed costs due to the "Thaw of 96". Finance Officer Ewan stated that the amounts have changed from the Federal Emergency Management Agency review and she should have the new figures sometime next week.

Ms. Ewan answered a question for Councilmember Cooper.

City Manager Golnar stated that he has authorized the Police position vacancy to be filled. This is following a lapse of time to allow for accumulation of funds to offset the overages in the 911 Center Remodel.

Assistant Recreation Director Laurie McPhie has completed her 6 month probation.

The Animal Control schedule was included for Council's information which included the seasonal Animal Control person.

The Livingston Government Study Commission preliminary report has been issued and copies have been provided separately for Council. The City Manager will let Council know when the last day for comments on this report is and a schedule. There will be public hearings. Copies of the report are available in the City Office and at the Library.

The tentative agenda for the City/County meeting for Tuesday, May 7<sup>th</sup> at 4:30 p.m. was enclosed for Council's information. City Manager Golnar stated that he will be recommending postponement of the Library Funding Plan until another meeting.

Motion was made by Cooper, second by Williams, to approve the waiver of the open container law for the dates of:

June 7, 1996  
 July 5, 1996  
 August 2, 1996  
 August 9, 1996

From 6-9 p.m. each night, and the area being on Main Street from Park to Lewis Streets, 2<sup>nd</sup> Street from Park to Callender Streets, Callender Street from Main to 2<sup>nd</sup> Streets, and Park Street from 2<sup>nd</sup> to Main Streets. All in favor. Motion passed.

A request for sponsorship of a Montana Arts Council Grant for the Yellowstone Ballet Company was reviewed. Board Director Michelle Franzen spoke on behalf for the Ballet. Finance Officer Ewan responded to a question by Councilmember Williams, that the money would just be a pass through at the City.

Motion was made by Williams, second by Cooper, to accept the request for City sponsorship of a Montana Arts Council Grant for the Yellowstone Ballet Company. All in favor. Motion passed.

Discussion was heard concerning the bids received on leasing of the East Side School. Two responses were received. The City Manager read a letter that was received from LRC that they were unable to put a bid in on the East School at this time. Representatives of the Summit University Press were present and are interested in a three year lease.

A letter was received the day of the meeting from Double Divide, Inc. on behalf of a new movie, "The Horse Whisperer" that is proposed of being filmed in the Livingston area. They are looking for a 5 month lease ending October 31, 1996 and need a commitment by May 13<sup>th</sup>.

Discussion was heard concerning holding a special Council meeting next Monday, May 13<sup>th</sup> at 7:00 p.m.

Carol Fontana addressed Council for Double Divide, Inc. Richard Smith and Murray Steinman addressed Council for the Summit University Press.

Discussion was heard on what each party's needs were for the lease of the East Side School.

Florescent lighting, utilities, garbage, parking and the boiler was discussed by Council and the representatives of Summit University Press.

Finance Officer Ewan stated that the City's records that are currently being stored in the East Side School should not be placed in the basement of the school due to their historical value should there be any water damage.

Council would like Summit University Press and Double Divide, Inc. to get together and see if the school could be leased jointly by both parties. City Manager Golnar will provide Summit University Press additional information including a revised lease that they apparently did not receive.

Roy Korkalo, spokesperson for Livingston Rebuild Center addressed Council, saying that they have great reservations and strongly disagree with a statement made by Summit University Press concerning the lease of the school and that the Press is moving because of safety and health concerns.

At this time Council took a 10 minute recess. The time was 9:00 p.m.

Mayor Mikesell called the meeting back to order at 9:10 p.m.

City Manager Golnar stated that the Miles Park Management/Coordination of Uses was included in the addendum. A letter was enclosed from Councilmember Cooper following a tour of Miles Park that was attended by Mr. Golnar, Ken Kastelitz, Linda Fyffe, Lee Harris and Ms. Cooper.

Mr. Golnar gave follow up from the last meeting and his recommendations. Mick Livermore, representative to the Baseball Association addressed Council for discussion with the Council.

Steve Briggs, President of the Baseball Association addressed Council for further discussion with Council.

Council's direction for this issue is as follows:

- A. Motor Vehicle Traffic - Close motor vehicle traffic off at the concession stand at the back softball field (option A). Limited access should be allowed to the back side of the softball field only for equipment transport or in emergency instances.
- B. The Baseball Association is to net the existing T-Ball field to protect players from incoming balls from other fields.
- C. Voice command for dogs in Miles Park will continue.

City Planner Jim Woodhull gave Council an introductory summary of the HRDC-CDBG Housing Project Preliminary Subdivision Plat. The City-County Planning Board recommends conditional approval of the following:

- 1) Interior Streets: The interior street will be a private drive, shall be paved and improved with curb and gutter and shall have a minimum of 24 feet of driving surface in a 40 foot right-of way.
- 2) Existing Streets: High Ground Avenue and Reservoir Street will be paved and improved with curb and gutter.
- 3) Sidewalks: Sidewalks, not less than 5 feet wide, will be required in the following locations: From the project's west boundary on Reservoir Street to the corner of Main and Reservoir on the north side of Reservoir, from the corner of Main and Reservoir to the north side of Lot 22 and along the north side of the private drive along its entire length.
- 4) Utility Extensions: All sewer main extensions will be eight inch. All water main extensions will be eight inch.
- 5) A Montana licensed engineer, or his representative, will be required to be on site during utility construction.
- 6) Any utility reimbursement plan must be submitted to, and approved by, the City prior to the beginning of construction.

- 7) A waiver of SID protest must be signed by the Subdivider which guarantees the participation of all lots in the subdivision in a future improvement district.
- 8) Prior to any construction, engineered plans must be provided to, and approved by, the City.

Planner Woodhull answered for Councilmember Williams that Block 23 is un-subdivided at this time and that it is a possible phase II at another time.

Motion was made by Williams, second by McGee, to approve the HRDC - CDBG Housing Project Preliminary Subdivision Plat.

An amendment to the motion was made by Williams, second by McGee, to include "conditional approval". (CORRECTED AT 5/20/96 MEETING)

HRDC Director Jeff Rupp addressed Council stating that they have designated one duplex lot, two structures will also be donated for the local Habitat for Humanity group. Mr. Rupp mentioned that the project could be bid out locally. A youth program grant was applied for to help build the houses. Councilmember Cooper stated that she would like local people considered as tenants for the project first and that Council be kept informed when selecting tenants starts and what the criteria is.

All in favor of the amendment. Amendment passed. All in favor of the motion as amended. Motion passed as amended.

Jack Schumke, Engineer Morrison-Maierle gave further background information from a map on the development. It was noted that boulevards will be installed.

Motion was made by Dahl, second by Williams, to appoint Caren Couch to the position of Environmental Review Officer. All in favor. Motion passed.

Mr. Golnar reported on the land ownership and property transfer and that the property will not transfer until the survey is completed. Mr. Schumke stated that they are estimating approximately 6 weeks until construction starts.

The DRC recommends final approval of the plans for water and sewer extensions for the White Knight Development at 14<sup>th</sup> and Montana Streets in the Palace Addition.

Motion was made by Dahl, second by McGee, to approve final plans for this project for White Knight Development. All in favor. Motion passed.

Supt. of Public Utilities Clint Tinsley gave background information pertaining to Hank Edward's payback area for sewer line extension at lots A, B, & C, Block 4, Palace Addition and how the payback works.

Motion was made by Dahl, second by Cooper, to approve the payback area for Mr. Hank Edwards. All in favor. Motion passed.

City Manager Golnar informed Council that the name of Star III Subdivision has been renamed to Northern Lights Subdivision. Also included in the packet was a January 23, 1996 letter identifying the conditions which the preliminary plat was approved under.

A memo dated May 2, 1996 from the chairman of the DRC states that the committee recommends approval of the plans for construction of Northern Lights Subdivision. Supt. Tinsley explained the difference in the plans that have previously been submitted to Council for subdivision review. Supt. Tinsley explained two minor changes for Council. Discussion was heard.

Motion was made by Cooper, second by Dahl, to approve the engineering plans for infrastructure construction at Northern Lights Subdivision. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve the sewer extension for the State Highway Shops. Supt. Tinsley summarized that through State regulations, all the State shops are being brought up to date. It was noted that the shops are within the city limits. All in favor. Motion passed.

City Manager Golnar stated that he has followed up from last Council meeting to the County Commissioners on whether they would or would not be supportive of a zone change for the entire block including East Side School and the City-County Complex to "Central Business District". The Commissioners verbally stated they would be supportive.

Some discussion was heard concerning the zoning and its uses in certain areas. Motion was made by Dahl, second by Cooper, to authorize staff to initiate the zone change for the City-County Complex and the old East Side School and to have the County articulate their non-objection in writing and have Bruce Becker look into the Fire Station being allowed under the CBD Zone. More discussion was heard. All in favor. Motion passed.

City Attorney Bruce Becker summarized a case through the Human Rights Commission that was filed by former city employee Karla McCall. Mr. Becker stated that at this time Mrs. McCall would accept \$6,800 as a complete settlement of the claim against the City of Livingston.

Attorney Becker read what the charges were for Councilmember Williams and the rest of Council. Councilmember Dahl requested a copy of the documents. No action was taken.

City Manager Golnar stated that the Park High Ranger Boosters Club has requested the donation of a family swim pass to be used as an auction item. Discussion was heard concerning the legality of the City donating services. Finance Officer Ewan was worried about starting the practice, and where would it end. Mr. Golnar's recommendation was to not get into the business of donating services that the City provides. Comments were heard from Council.

Motion was made by Dahl, second by Cooper, to donate a family swim pass to the Ranger Booster Club. Three in favor, Williams opposed. Motion passed.

Motion was made by Cooper, second by Dahl, to appoint Patti Kiderlen to the Yellowstone Country Board for a three year term. All in favor. Motion passed.

Included in the packet was a letter from Supt. Clint Tinsley questioning if the Parks Department should have to pay a Water Development fee for water hook up to the concession stand at Weimer Memorial Ball Field. City Manager Golnar's recommendation was to waive the development fee.

A lengthy discussion was heard. A question was heard from Mike Fleming to the Council. Council was not in favor of waiving the development fee. Supt. Tinsley stated it would be approximately \$2,000, which will come out of the General Fund to the Water Fund. Councilmember Dahl stated that she would like staff to notify the Legion Ball Club

and let them know of the situation. Ms. Dahl also stated that she would like to see the ordinance revisited.

This item was tabled at this time.

Motion was made by Cooper, second by Williams, to approve payment to Donald Robinson for legal services in the amount of \$ 10,466.84. All in favor. Motion passed. This is for the City of Livingston vs. Kevin Harrington.

City Manager Golnar reported that the Refuse District will only receive garbage at the Incinerator at the rate of \$80 per ton and with payment following after each Council meeting. Mr. Golnar stated that this letter will be reviewed on May 7, 1996 at the City-County meeting.

In the addendum was a letter dated May 6, 1996 from Park County Commission Dan Gutebier regarding Refuse Settlement/Proposal. City Attorney Becker responded further and stated that special Counsel Planalp recommended that the City pay this bill, but under protest, without waiving our rights to seek reimbursement and without admitting that the County's billing is legal under contractual arrangements. Mr. Planalp was concerned that going to Billings or some other facility to dispose of our garbage may put the City in violation of the contract the City has with the County.

Councilmember Dahl gave Council her comments as she would not be able to attend the City-County meeting.

Mr. Golnar stated that the City needs to acknowledge receipt of the May 3, 1996 letter, identify what the City's response is going to be and if it is to be paid under protest, while reserving our rights. The City should also identify that it is impractical and impossible to meet the requirements in the County's letter. Also the City needs to acknowledge the May 6, 1996 letter responding to the last City proposal to the County on the solid waste issue as a whole and set a date for negotiations.

Ms. Dahl would like staff to go back to 1982 until now, on how increases were done at the Incinerator.

Councilmember Dahl received a phone call from Mr. Flash Sumner who is legally blind, in regards to parking on the boulevard in front of his home. City Manger Golnar will see that this is followed up on.

Councilmember Williams clarified the following meetings:

Tuesday, May 7<sup>th</sup>, 4:30 p.m. - Meeting with the Commissioners

Monday, May 13<sup>th</sup>, 7:00 p.m. - Tentative Special Meeting and Goals Workshop  
to follow

Mrs. Williams commented on the time that the Council packets are getting out and need to find a way to make things run more smoothly the week before a Council meeting.

Mayor Mikesell questioned the status of the two business's on Park Street concerning sewer hook ups. Attorney Becker stated that he will be writing the letters this week.

Mayor Mikesell also commented that he has received more complaints concerning the Chamber of Commerce sign that is located on Park and 5<sup>th</sup> Streets and that it is traffic hazard.

Councilmember Cooper asked the City Manager to look into the two trees that were to be planted at the house next to Wilcoxson's. Ms. Cooper stated that now is the time to be planting them and that they were to be at least 2" in diameter.

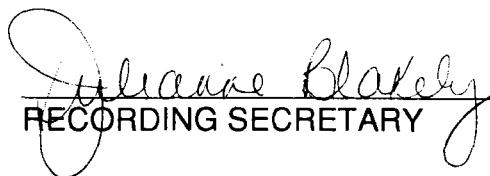
Mike Fleming addressed Council with his comments on the Incinerator. Councilmember Williams responded.


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

The time was 11:35 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
MAYOR

LIVINGSTON  
CITY COUNCIL SPECIAL MEETING

May 13, 1996  
7:00 p.m.

The Livingston City Council met in special session Monday, May 13, 1996, 7:00 p.m. in the Community Room at the City-County Building. Councilmembers present were Barb Williams, Bernice McGee, and Caron Cooper with Mayor Mikesell presiding. Councilmember Sheryl Dahl was absent.

The Council agenda for this special meeting was to consider proposed lease of East Side School building. Steve Golnar, City Manager provided updated proposals from both the Summit University Press and from Double Divide, Inc. A letter was also provided from the Livingston Area Chamber of Commerce.

Steve Golnar provided a written recommendation for the Council which he read, in summary he concluded that:

" I believe that the Council lead both parties to believe that the City would continue to receive competitive proposals for the lease of the East Side School.

RECOMMENDATION #1: Reject all bids received for consideration at the May 6, 1996 Livingston City Council meeting.

RECOMMENDATION #2: Award the Lease to Double Divide, Inc. for the period from May 14, 1996 to October 15, 1996. Encourage Double Divide to allow limited access to the building beginning on October 1, 1996 to begin preparation of the building prior to their occupancy, so long as such activities do not interfere with Double Divide's activities. Direct staff to prepare a lease agreement with Summit University Press to "begin" (CORRECTED AT 5/20/96 MEETING) October 15, 1996 and to be considered for approval by the Livingston City Council at it's May 20, 1996 regular City Council meeting."

Motion was made by Cooper, second by Williams to award the lease to Double Divide, Inc. for the terms specified by the City Manager's Recommendation #2 for the period from May 14, 1996 to October 15, 1996 along with other recommendations that are provided by the City Manager.

Discussion was heard concerning this Recommendation. Councilmember Williams questioned Double Divide and Dixie Bullock if housing is not available is Livingston still going to be the site for the production operation? Dixie Bullock stated that the response for the housing has been encouraging. She has had very good response from Paradise Valley. The motels have been cooperative. She feels that with the city's cooperation they will be fine where the housing is concerned. Councilmember Williams questioned when Double Divide could sign the contract? Carole Fontana from Double Divide, Inc. commented on signing of the contract. They need to submit it to their legal



department at the studio in California before they sign the contract. In response to the time frame for getting it signed, Carole Fontana stated that probably no sooner than Monday, May 20, 1996. Carole Fontana also stated that she would push for Friday, May 17, 1996.

Carole Fontana asked for a copy of the City Manager's Recommendation which was provided to her. Councilmember Williams questioned if Double Divide was willing to extend the lease until November 1, 1996. Carole Fontana agreed to the extension. Councilmember Williams questioned Double Divide on the part of the recommendation where Double Divide would allow limited access to the building by Summit University Press starting October 1, 1996. Carole Fontana replied by stating that it would depend on what kind of work they (Summit) wanted to do, where they wanted to start, and what Double Divide was using those facilities for. She stated that hopefully by October 1, 1996 they would be down sizing and sharing parts of the facility might be possible. However if they were in principle photography and had all editorial and screening rooms there it would make sharing very difficult. Councilmember Williams stated that she would be willing to propose to move that date where Double Divide might allow limited access to the building from October 1 to October 15, 1996.

City Manager Golnar questioned if the city's storage room was still available on the main floor under Double Divide's plan for use of the building. Carole Fontana stated the room was still available for the city's storage.

Double Divide had Parisi check out the boiler and it does work but there may be problems with the pipes going from the boiler to the upstairs. Double Divide has a proposal from an electrical company on what needs to be done to get air conditioning installed. She does not think that is within their means at this time. She will give the city a copy of this proposal for their records. Double Divide still needs to get someone from Bison Engineering in Helena to come down and check for the radon and asbestos levels.

Councilmember Williams questioned Summit University Press about moving their rental date to November 1, 1996 with 2 weeks prior to that to look over building and moving in. Ed Francis, Vice President of Summit University Press responded to Councilmember Williams questions. He stated it would be difficult for them to commit at this time to do that. They have made a number of attempts to contact Double Divide and try to get a little more specific on what they would or would not be willing to do. He talked to Mr. Joe Dishner from Double Divide in Los Angeles he stated that anything Double Divide did to the building would be temporary in nature and that anything they did would not be of any long term benefit. Mr. Francis had concerns about Double Divide being receptive to any work being done prior to them leaving the building. Summit University Press's interest in the building is time driven. Because of these reasons it would be difficult for them to commit at this time. The reason they were interested in leasing the building and the subleasing to Double Divide was to coordinate the improvements. Summit University Press was under the impression that the city was looking for a long term lease, something that would earn the city \$100,000.00 to \$200,000.00 over a 5 year period.

City Manager Golnar questioned Double Divide about the electrical system.

Carole Fontana commented that there would be enough power for their needs. They may need to make improvements for computers, air conditioners, and so forth. All work would be to code. They probably won't pursue full scale electrical improvements. It would cost \$25,000.00 to make all electrical improvements to the building.

City Manager Golnar questioned Double Divide about the boiler. Carole Fontana had talked with Parisi's Plumbing and they said they could see about \$1,400.00 worth of repairs that need to be done. There is no way to tell what kind of conditions the pipes are in until they are filled with water.

Mayor Mikesell stated that any improvements Double Divide did would be to code. The city would see to that. Carole Fontana stated that they would not be doing anything to the bathrooms. She also stated that the only thing that they would be doing would be bringing a dial tone to the building and it would be according to code. She feels the lighting is sufficient.

Mr. Francis from Summit University Press stated that whatever Double Divide was allowed to do that the City's expectations be consistent with what Summit Press would be allowed to do.

Mayor Mikesell responded by saying that the City does not want to see the building hurt in any way and that the City would not have a problem with this. He also stated that the building should be in the same condition when Double Divide leaves as it is today. If there are some improvements that Double Divide is able to do, then all the better, but the building shouldn't be hurt or any worse off than it is today.

Councilmember Williams stated that she would like to rent the East Side School Building to Double Divide through October 31, 1996 and then have Summit University Press take over with a lease on November 1, 1996.

Dixie Bullock spoke in favor of leasing to Double Divide, Inc.

Councilmember Williams moved to amend the motion Councilmember Cooper seconded to award the lease to Double Divide, Inc. starting on or around May 20, 1996 through October 31, 1996. First preference after that would be offered to Summit University Press with the terms they already presented in their proposal.

Mayor Mikesell asked for any questions about amendment. Carole Fontana had questions about start date. Mr. Francis had questions about the first preference. These were answered by Councilmember Williams and Mayor Mikesell.

Mayor Mikesell stated that if no other discussion roll call vote on the amendment. Caron Cooper yes, Barb Williams yes, Bernice McGee yes.

Three in favor, Amendment passed.

Original Motion roll call vote, Bernice McGee yes, Caron Cooper yes, Barb Williams yes. Three in favor, Motion passed.

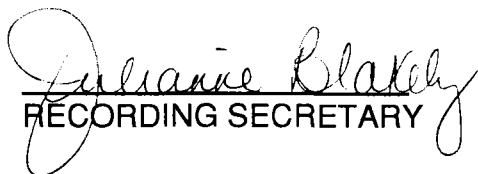
Councilmember Cooper stated they should discuss where lease money should go. Staff will provide a recommendation at the next meeting.

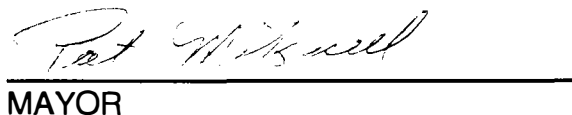
Councilmember Cooper moved to adjourn meeting Councilmember Williams seconded it. All in favor motion carries.

The time was 7:45 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
MAYOR

LIVINGSTON  
CITY COUNCIL MEETINGMay 20, 1996  
7:30 p.m.

The Livingston City Council met in regular session Monday, May 20, 1996, 7:30 p.m. in the Community Room at the City-County Building. Councilmembers present were Sheryl Dahl, Caron Cooper, Barb Williams and Bernice McGee with Mayor Pat Mikesell presiding.

Motion was made by Williams, second by Cooper, to approve the minutes of May 6, 1996 regular City Council meeting and the May 13, 1996 Special City Council meeting.

Councilmember Williams corrected page 3, first sentence, should read Martin "Kolence" and also the last sentence in that paragraph should read Mr. "Kolence". Page 7, third paragraph, second sentence should read "conditional" approval. Special Council meeting, page 11, under recommendation #2, last sentence should read, Summit University Press to "begin" October 15, 1996. Motion passed as corrected.

Motion was made by Williams, second by Dahl, to accept the bills and claims that listed for \$70,515.97. Councilmember Dahl questioned the following: page 15, item #952206, to Ben Meadows Company, Inc. Supt. of Public Services Ken Kastelitz explained the tally meters were for the dump trucks.

Page 16, item #952223 to Harbor Freight Tools. Supt. of Public Utilities Clint Tinsley explained that this was for the Sewer Department.

Page 18, Item #952245 to Parisi's Western Plumbing. Ms. Dahl felt that this should be the softball associations expense and that a contract should be worked out with the association. Supt. Kastelitz stated that he is in the process of working out agreements with the associations, but there is no agreement with the concession stand.

Page 19, item, #952310 to the Park County Solid Waste District. Ms. Dahl asked for clarification of the old rate and the new rate. City Manager Golnar explained that this was charged on a per tonnage basis and the new rate is \$80 per ton and the old rate was \$60 per ton. Mr. Golnar went to page 3 of the addendum for additional solid waste information concerning billing. Discussion was heard on the solid waste rates.

An amendment to the motion was made by Williams, second by Dahl, to increase by \$25.22 under protest. City Attorney Bruce Becker explained what paying under protest means. All in favor of the amendment. Amendment passed.

Councilmember Cooper questioned an invoice for solid waste that totaled \$33,425 in the addendum. City Manager Golnar explained that was the billing for April's garbage collection. Ms. Cooper stated that the invoices needed to have billing dates on them. More discussion was heard, with staff and the manager clarifying. Councilmember Dahl gave her opinion on the rate increase.

Councilmember Williams questions stated that the Park Department #153 still have asterisks. Finance Officer Shirley Ewan stated that will be fixed at the end of the fiscal year which is also the end of the forth quarter. The Cemetery was also commented on.

Councilmember McGee questioned the following: page 16, items #952214 & #952215 to Colonial Research Chemical Corp. Supt. Kastelitz stated that he needed to

check further into, but believe it was for weed killer and stated that all weed killer that the City buys is EPA approved.

Page 17, item #952296 to Louis Kovash. Supt. Tinsley explained that this was a sewer main payback.

Page 19, item #952249 to Rainbow Enterprise. Finance Officer Ewan explained that this was the City Logo put onto a computer disk.

Councilmember Cooper questioned the weeds killer discussion. Supt. Kastelitz stated that the Parks Department will advertise before it applies it.

Ms. Cooper questioned the following: page 18, item #952234 to Livingston Granite Memorials. City Attorney Becker reported on what he has found so far concerning the cemetery damage from cows. Mr. Becker stated that the people in the area are not being cooperative. Further comments were heard and the attorney is still investigating the situation.

Page 19, item #952242 to Park Clinic. Supt. Kastelitz stated that this was rabies vaccination for the Code Enforcement Seasonal.

Urana Clark voiced her concerns about the weed killer.

An amendment to the bills and claims was made by Dahl, second by Williams, by striking out claim #952310, item #2, pending further discussion. More questions to staff was heard from Councilmember Williams and Councilmember Dahl. City Manager Golnar was directed to make sure that the City is not paying for one day twice.

Mayor Mikesell postponed the bills and claims and the amendment until Council can obtain the correct billing on the solid waste claim.

Mayor Mikesell proclaimed May 24, 1996 as American Legion Auxiliary's Poppy Day in the City of Livingston.

Mayor Mikesell proclaimed June 1, 1996 as Stand for Children Day in the City of Livingston.

Resolution No. 2659, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CLASSIFYING PROPERTY OWNED BY THE CITY OF LIVINGSTON. City Manager Golnar recommended tabling of the Resolution. Councilmember Williams questioned why there is still no list on City property. City Planner Jim Woodhull reported to Council on what pieces of property information has not been able to be obtained at this point.

Councilmember Dahl suggested that this resolution not come before Council until everything is ready. Council was in agreement.

This resolution is still tabled.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2666, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY OF LIVINGSTON A LEASE AGREEMENT FOR THE EAST SIDE SCHOOL WITH DOUBLE DIVIDE, INC. / "THE HORSE WHISPERER". City Manager Golnar pointed out to Council that this agreement is different than the one in the last Council packet. Revisions have been made. A certificate of insurance has been received, and a security deposit in the amount of \$7,000 and a prorated first months rent for the use of the East Side School.

Councilmember Williams mentioned that the certificate of insurance expires on

June 30, 1996. City Attorney Becker noted this. All in favor. Motion passed.

Motion was made by Dahl, second by Cooper, to approve Resolution No. 2667, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY OF LIVINGSTON THE COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT NO. MT-CDBG-95-HR-15. City Attorney Becker stated that in review of the original contract that was submitted, he found it was worded that the City of Livingston would be responsible for the construction of the 22 units. Mr. Becker checked with HRDC and they have agreed to amend it to say that the City is responsible for infrastructure but that the houses will be built by HRDC.

An amendment to the motion was made by Cooper, second by Dahl, that the City CDBG Grant will be responsible for the infrastructure of 22 units of single family housing and to be constructed by HRDC. Whereas #5, Scope of Activities, the language be modified in the paragraph, "The City of Livingston will construct 22 units of single family housing affordable..." to read, "That the City will assist in the development of a Human Resource Development Council of District IX, Inc.'s Affordable Housing Land Trust by installing the infrastructure improvements to the site. Improvements construction to include water, sewer, streets, curb, gutter, sidewalks and other infrastructure improvements as needed to prepare the site for the HRDC to construct 22 affordable townhouses for single family home ownership." All in favor of the amendment. Amendment passed. All in favor of the motion as amended. Motion passed as amended.

Motion was made by Cooper, second by Dahl, to approve first reading of Ordinance No. 1829, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CREATING A PUBLICLY OWNED AND OPERATED EXCEPTION TO THE SEPARATE WATER SERVICE LINE REQUIREMENT FOR EACH BUILDING AND/OR HOUSE AND EXEMPTING CITY OWNED AND OPERATED FACILITIES FROM PAYING THE WATER DEVELOPMENT FEE BY AMENDING TWO SECTIONS OF ORDINANCE NO 1658, WHICH HAVE BEEN CODIFIED IN THE LIVINGSTON MUNICIPAL CODE AS SECTION 13-37 AND 13-19.1, RESPECTIVELY. Questions were asked from Councilmember Williams. One of her concerns was about the sewer. City Manager Golnar gave suggestions on how to respond to future problems. Staff and Manager comments were heard along with a spokesperson for the School District, Bill Adamo. Extensive discussion was heard.

Motion was made by Dahl, second by McGee, to table Ordinance No. 1829 until it can come back to Council with the verbiage that they have asked for and also the water development fees and also the sewer development fees come before Council as a new Ordinance at the next meeting.

City Attorney Becker confirmed with Council the following changes:

- 1) Define Public Entity;
- 2) Provision that in the event that the Campus is segregated by ownership that they will be required to have a separate service line;
- 3) That the Facility be provided adequate water as determined by the Fire Department and Public Utility Codes.

Roll call vote on the motion to table was four opposed. Motion to table failed. A comment was heard from Mike Fleming.

It was noted that the second reading of Ordinance No. 1829 will be a public hearing. Roll call vote was all in favor of first reading and to include the three changes noted by the Attorney. Motion passed.

At this time Council recessed for 10 minutes. The time was 9:10 p.m.

Mayor Mikesell called the meeting back to order at 9:20 p.m.

City Manager Golnar requested direction concerning the water at the Jack Weimer Memorial Park concession stand.

Motion was made by Williams, second by Cooper, to turn the water on at Jack Weimer Legion Park concession stand at 8:00 a.m. tomorrow morning. Roll call vote was Williams in favor, three opposed. Motion failed.

At this time Council revisited the bills and claims.

Supt. Kastelitz mentioned in the addendum, the incinerator fees for May at the old rate were for May 1, 2, and 3, 1996 and that the incinerator fees at the new rate were for May 5, 6, 7, 8 and 9, 1996. Mr. Kastelitz stated that if Council wanted to add the discussed 31¢. Councilmember Dahl reiterated her amendment. Roll call vote on the second amendment was Dahl in favor, and three opposed. Amendment died.

Roll call on the original motion including the first amendment, was all in favor. Motion passed.

City Manager Golnar clarified that the amendment also included payment under protest for the \$80.31. Mayor Mikesell confirmed.

Motion was made by Williams, second by Cooper, to approve first reading of Ordinance No. 1830, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, VACATING THE ALLEY RIGHT-OF-WAY ABUTTING LOTS 1-10 OF BLOCK 20, PALACE ADDITION TO THE CITY OF LIVINGSTON, MONTANA.

Councilmember Cooper questioned the abandonment of City land with no compensation. Discussion was heard from Staff and Council. City Attorney Becker suggested that other cities be looked into as to what they do.

Motion was made by Cooper, second by Williams, to table first reading of Ordinance No. 1830. All in favor. Motion passed.

Motion was made by Cooper, second by Williams, to approve first reading of Ordinance No. 1831, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ENACTING "SUBDIVISION REGULATION OF THE CITY OF LIVINGSTON, MONTANA," AND REPEALER. Councilmember Dahl stated that revisions she wanted in the ordinance were not there. Those being light pollution and landscaping requirements into the Subdivision Regulations. Discussion was heard. Revisions will be made for second reading. All in favor. Motion passed.

City Planner Jim Woodhull gave background information on a variance request from the Livingston Sign Code as requested by Mr. Dale Sexton. Mr. Sexton would like to place three wall signs on his business located at 309 W. Park Street. The three signs being proposed would meet the square footage limitations for wall signs in a commercial zone.

The City Board of Adjustment and City Zoning Administrator recommends

approval.

Motion was made by Cooper, second by Dahl, to approve the variance for Mr. Dale Sexton with the provision that the variance becomes void if a free-standing sign is ever placed on this property. All in favor. Motion passed.

City Planner Woodhull gave background information on a variance request from the twenty-five foot front setback requirement for RII zoning districts as requested by Mr. Bill Bishop. Mr. Bishop would like to build a two-unit townhouse on property he owns which is described as Lots 15 and 16, Block 5, Palace Addition, located at the corner of Summit and 12<sup>th</sup> Streets. The proposed structure would have a front setback of approximately 18.5 feet.

The City Board of Adjustment and City Zoning Administrator recommends disapproval.

Motion was made by Williams, second by Cooper, that Council agrees with the Board of Adjustment and disapproves the Bishop Variance. All in favor. Motion passed.

The following information items were listed for Council's information:

- Sister City Board, May 2, 1996
- Park Co. Planner Letter to Sandy McNamara
- Water & Sewer Revenues, April 1996
- City Judge Monthly Report, April 1996
- Ambulance Monthly Report, April 1996
- Fire Chief Monthly Report, April 1996
- Building Inspector Monthly Report, April 1996
- Police Chief Monthly Report, April 1996
- Library Board, April 18, 1996

Mayor Mikesell requested a monthly report from the Recreation Department.

Councilmember Cooper questioned Park County Library expenditure budget 96-97. City Manager Golnar stated that something would be before Council at their next meeting.

The Government Study Commission schedule was listed for Council's information. A public hearing will be held Thursday, May 30<sup>th</sup>, 7:00 p.m. at the City/County Building.

City Manager Golnar reported that solid waste history on Incinerator Fee increases since 1982 were provided separately. Also provided separately was a history of City garbage collection rates.

Councilmember Dahl questioned if the City would be looking at a rate increase. Mr. Golnar stated that he thought there would be a rate increase and explained further.

Councilmember Williams questioned what the City would do with the rate increase if the City won the lawsuit. Mr. Golnar stated that he would prepare for the next meeting what the rate increase should be to cover the \$80.31 over the course of the fiscal year.

Ms. Dahl requested information from other communities as to what they pay for commercial garbage and whether it is a government entity that is hauling or a private entity hauling the garbage.



Discussion was heard concerning the Chamber of Commerce Sign at Park and 5<sup>th</sup> Streets. The sign obstructs the view on Park Street when on 5<sup>th</sup> Street. The sign does not meet the ordinance.

Council direction to the City Planner was for him to contact the Chamber of Commerce and have them relocate the sign.

City Manager Golnar reported that he has contact Matt Schaeffer with Wilcoxson's Ice Cream. Mr. Schaeffer indicated that he has planted two trees on the boulevard on Second Street to replace the tree that was taken out to expand the access to the alley.

It was noted that the trees were not 2" in diameter as approval of the tree removed was granted for. Mr. Golnar noted that the trees were budding. Discussion was heard.

Mayor Mikesell directed City Manager Golnar to talk with Mr. Schaeffer.

City Manager Golnar informed Council that portable radio's have been ordered from the Drug Forfeiture Fund.

City Manager Golnar included for Council's information a narrative summary of the history and background of the Bike/Pedestrian Path. The City Manager is currently working on updating the schedule for development. The State still needs to approve the project before it can be advertised.

The County Commissioners have submitted in writing to the City Manager, that they have no objections in the City pursuing a zone change for the East Side School and the City/County Complex.

Motion was made by Cooper, second by Dahl, to request a zone change for the City/County Complex and the East Side to Central Business District. Three in favor, Williams opposed. Motion passed.

A Community Vision 2020 Survey was included for Council's information, along with a cover letter explaining the survey. Council may fill these out only if they wish to.

The District Legislative Meeting for the Montana League of Cities will be held in Bozeman on Tuesday, May 28<sup>th</sup> at 4:00 p.m. City Manager Golnar encouraged Council and interested staff to attend this meeting. Mayor Mikesell and Councilmember Williams are interested in attending.

A May 7, 1996 letter from Mr. Mike Potter of the Northern Lights Subdivision was included summarizing the current status of the project.

City Manager Golnar included copies of letters which were sent to those citizens on Park Street without sewer hoop-ups. Attorney Becker summarized further.

Motion was made by Williams, second by Cooper, to instruct Attorney Becker to begin litigation to enforce the codes for the Good-time Sports and Park Wheel Alignment. All in favor. Motion passed.

Councilmember Dahl reported on where in the last meeting minutes, a motion to move forward on the zone change was made. Ms. Dahl stated that the City still needs to find

out about the Fire Station issue in the proposed zone change. A comment was heard from Fire Chief Parks. More discussion was heard from Council and Staff.

City Manager Golnar reported that he has received a request from the Angel Line Van Services for a relocation of a parking space in front of the Senior Citizen's Center to ease access, and the elimination of another handicapped parking space in front of the Post Office as suggested by a citizen. Supt. Kastelitz explained the handicapped parking at the Post Office.

Motion was made by Dahl, second by Williams, to authorize the City Manager to go ahead and change the loading zone to the position that would be best for the Angel Van for the Senior Citizen Center. All in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to authorize the use of Park space from 7<sup>th</sup> to 9<sup>th</sup> Streets for the 7<sup>th</sup> annual Mark's In & Out Car Show.

The date of the event is June 21<sup>st</sup> and 22<sup>nd</sup>. Scott Black, representing Mark's In and Out, was present to answer Council's questions.

Mr. Black stated that his letter does request further Park space in case of overflow if needed.

Councilmember Dahl stated that public safety was important.

Supt. Kastelitz answered Council concerns that there is no damage to the sprinkler heads or to the grass.

An amendment to the motion was made by Dahl, second by Cooper, to grant a variance to the noise ordinance to midnight for the evening of June 22<sup>nd</sup>. All in favor of the amendment. Amendment passed. All in favor of the motion as amended. Motion passed as amended.

City Manager Golnar requested authorization for payment of a \$250.00 application fee to the Department of Natural Resources for the Livingston Open Space Conservation Initiative Grant.

Mr. Golnar stated that the application was sent in on May 15<sup>th</sup> and he has a copy for review.

Motion was made by Cooper, second by Dahl, to authorize payment of \$250.00 application fee for DNRC Grant.

This money is non-refundable even if the City does not get the grant. Finance Officer Ewan stated that this money will come out of the Community Development account.

Ms. Ewan stated that a letter should be sent to Mr. Dennis Glick for the time spent on applying for this grant on his own time. Council was in agreement.

All in favor. Motion passed.

City Manager Golnar stated that he is proposing to send a letter to the County Commissioners requesting levying of the full Motor Vehicle Option Tax. The amount is approximately \$50,000. Mr. Golnar stated that this would cover the cost of two slightly used police cars that would be purchased from Salt Lake County and are fully equipped, 27 pagers for Fire and Ambulance personnel, and a Municipal Court Capital outlay. The outlay includes two new computers, one receipt printer and computer upgrades as required by Montana Supreme Court, desk and chair for clerk, chair for Judge, courtroom clock, two tables and wood and labor to raise the bench 18".

Motion was made by Cooper, second by Williams, to authorize the request to

County Commissioners for levying of Full Motor Vehicle ½% Option Tax.

A comment was heard from Steve Hicks. Other comments were heard from Staff and Council.

All in favor. Motion passed.

City Manager Golnar reported that one of the Police Department's radar guns no longer works and is not economically repairable.

Motion was made by Williams, second by Cooper, to authorize a line item transfer of funds for purchase of a new radar gun. All in favor. Motion passed.

City Manager Golnar reported on the Depot Center water problem. A letter from City Attorney Becker was included in the addendum. Mr. Becker further explained his letter for Council.

Councilmember Williams stated that she was in agreement with the Attorney and suggested that the City work in cooperation with the Depot Center in tracking where the water is going. Supt. Tinsley confirmed that the City could, and that they are reading the meter every week on Monday's to see if water use is going up in the park. Mr. Tinsley stated that he did not believe that a major leak existed because extreme usage was only apparent in the summer months. He also did not suspect that the water could be going to residents.

Discussion was heard from Staff and Council with suggestions on where the water may be going.

Motion was made by Dahl, second by Williams, to direct the City Manager to write a letter to the Depot Center updating them on the City's efforts to check metered usage every week and not to charge the Depot Center for the minimum meter charge for the Judson Park master meter, but only for actual water used in excess of other metered water usage.

All in favor. Motion passed.

City Manager Golnar reported that the Development Review Committee recommends approval of water extension to the Green Acres subdivision.

Motion was made by Williams, second by Cooper, to approve the water extension for Green Acres.

Supt. Tinsley stated that Green Acres Homeowners Association will be paying for the extension, and system development fees will be required on all hook ups that are currently not on the line. Mr. Tinsley commented further.

All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to change the agenda to have "Measures and Proposals by Members of the City Council and Public Comments" before Council goes into executive session. All in favor. Motion passed.

Councilmember Cooper stated that she has received a couple of phone calls of concern on why the City was blocking traffic at Miles Park. Ms. Cooper explained why and they were satisfied.

Councilmember Cooper stated that the barrier that had been erected along the river by

the Civic Center has been driven over as of Sunday. Supt. Kastelitz will look into. More discussion was heard.

Councilmember Cooper questioned about the routine traffic inspections last year during the Fly Fishing Convention by the Highway patrol and if there was anything that the City could do about it. It was stated there was not.

Councilmember Williams stated that the alley between H and Park Streets is once again congested. Supt. Kastelitz stated that when emergency personnel cannot make it through an alley they call city crews to let them know. No call has been made.

Captain Brack thought that the problem will soon be resolved due to development plans for a new gas station in the area.

Councilmember Williams stated that she and Councilmember McGee received a phone call today from Bill Barnhart concerning the creek that runs behind his house. Mrs. Williams stated that it appears that Trout Unlimited has dredged an S-curb and it collects garbage. Mayor Mikesell stated the he believes that it purposely done for spawning purposes.

Councilmember Williams stated that something needs to be done with the rent from the East Side School and believes that Finance Officer Shirley Ewan has an excellent suggestion. Part of the rent, \$1,000 a month sounds good to Mrs. Williams, to payback the Enterprises for their \$48,000 loans to the 4010 fund in the General Fund.

Motion was made by Williams, second by Dahl, that a proposal come back to Council at the next meeting to this effect for more discussion. All in favor. Motion passed.

Mayor Mikesell stated that this meeting will go into executive session, that the merits of individual privacy exceed the merits of public disclosure. Council went into closed session to discuss Karla McCall vs. The City of Livingston. The time was 11:10 p.m.

Mayor Mikesell called the meeting back into open session at 11:55 p.m.

Motion was made by Dahl, second by Williams, to authorize the City Attorney to offer a settlement of \$2,000 on the case of Karla McCall. Five in favor. Motion passed.

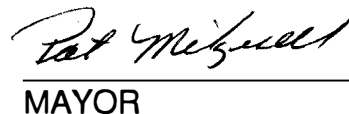
Motion was made by Cooper, second by Dahl, to adjourn this meeting there being not further business. All in favor. Motion passed.

The time was 11:59 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
MAYOR

LIVINGSTON  
CITY COUNCIL MEETING

June 3, 1996  
7:30 p.m.

The Livingston City Council met in regular session Monday, June 3, 1996, 7:30 p.m. in the Community Room at the City-County Building. Councilmembers present were Barb Williams, Bernice McGee, Sheryl Dahl, and Caron Cooper with Mayor Pat Mikesell presiding.

Motion was made by Williams, second by McGee, to approve the minutes of May 20, 1996 regular City Council meeting. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to accept the bills and claims that listed for \$59,032.54. Councilmember Williams questioned item #952433 on page 17 to Utilities Specialties. Supt. Tinsley was on vacation and Mrs. Williams will ask for clarification when he returns. All in favor. Motion passed.

A public hearing was held on a zone map amendment (zone change) request on property located at 110 S. 3<sup>rd</sup> Street, owned by James T. Redmon. The property is currently zoned Medium Density Residential (R11). Mr. Redmon wishes to use the parcel for a party and entertainment rental store and is requesting to rezone to a Central Business District (CBD).

City Planner Jim Woodhull gave Council further background information. It was pointed out that there is currently an error on the zoning map. Discussion was heard from Staff and Council concerning different zonings in a same block.

Troy Redmon, applicant, addressed Council in favor of the zone change. Other comments in favor of the zone change were heard from Jill Redmon, Bob Benson and Vuco Voyich. Mr. Woodhull stated that information was inadvertently left out of the packet, a recommendation from the Zoning Commission recommending disapproval of the zone change and also two letters from Mr. Benson and James Walter. Other written comments in favor received were from Dan Kaul, Murray Hotel and Tim Krein, Timothy's. Written comments opposing the zone change were from Ianthe Swensen, Joseph Swindlehurst, Willetta Reber, and Robert and Helen Wilson.

More discussion was heard. Motion was made by Williams, second by Dahl, to approve the zone change on this particular piece of property from R11 to CBD.

Mr. Redmon stated that he would have very subtle signage in front of his business.

The vote was three in favor, Cooper opposed. Motion passed.

Councilmember Dahl stated that she would like the zoning requirements looked into in the future. (CORRECTED AT 6/17/96 MEETING)

A public hearing was held for the Treasure State Endowment Project (TSEP). Patrick Murtagh of Morrison Maierle Engineers, Billings, introduced the project to Council and the public. The City of Livingston is applying for a matching grant to the Montana Department of Commerce for financial assistance from TSEP for water line replacement.

Mr. Murtagh stated that the work with cost approximately \$501,000 for the construction, funding would be \$250,000 from the City's reserves in the Water Fund. This does not included anything from the development fund which has been set aside to develop new wells or whatever else is required for increased development. \$250,000 is applied for through the TSEP Grant, which comes from the coal tax. Questions and comments were heard from Council. Bob Weimer spoke in favor of the project.

City Manager Steve Golnar answered for Council that a 3% water and sewer rate increase would be proposed.

Motion was made by Cooper, second by Dahl, to approve Resolution No. 2670, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SUBMIT TREASURE STATE ENDOWMENT PROGRAM APPLICATION TO THE MONTANA DEPARTMENT OF COMMERCE. All in favor. Motion passed.

Motion was made by Cooper, second by McGee, to approve Resolution No. 2659, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CLASSIFYING PROPERTY OWNED BY THE CITY OF LIVINGSTON. City Manager Golnar updated Council on the Inventorying and Classification Schedule. Mr. Golnar stated that there were three categories identified in the ordinance and that there was a fourth category of property that is still being researched.

City Planner Woodhull clarified a question for Councilmember Cooper on the Mayor's Landing property. Mr. Woodhull explained the lease of the driving range.

An amendment to the motion was made by Cooper, second by Dahl, amending the Land Classification Worksheet - Miles Park, to include in item e, "open space". All in favor. Amendment passed.

An amendment to the motion was made by Cooper, second by Williams, amending the Land Classification Worksheet - Marks Park, that item e, the actual use of the property should read "City Park". All in favor. Amendment passed.

An amendment to the motion was made by Dahl, second by Cooper, amending the Land Classification Worksheet - South & East of Armory, item e, that the actual use of the property should read "Open Space". All in favor. Amendment passed.

Further discussion was heard concerning City Owned land between Staff and Council. Comments were heard from Tom MacNamee.

City Manager Golnar clarified Council's intention on the classification of lands for Mr. MacNamee.

City Manager Golnar asked for direction on how to proceed with the people still interested in City property. Council stated that he should review the list of interested persons.

Councilmember Dahl indicated that she felt that before proposals for purchase of City property could be considered by the City Council, that Ordinance No. 1827 requires in Section 5.a. that one of the factors to be considered is "whether the disposal of the property will further or have a detrimental impact on the Comprehensive Plan for the City of Livingston and the Comprehensive Plan's auxiliary annexation, transportation and recreation plans...". City Manager Golnar ask Attorney Becker's opinion as to if the City may review and consider proposals for purchase of property prior to the development of the auxiliary plans noted previously. Mr. Becker responded that the ordinance anticipates that such plans will be developed, but because these

areas are addressed to a certain extent in the Comprehensive Plan, that Council could rely on the Comprehensive Plan in the meantime.

All in favor of the motion as amended. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2668, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, RATIFYING THE PROPOSED SETTLEMENT OFFER TO PARK COUNTY REFUSE DISTRICT NO. 1. Councilmember Williams stated that on page 68 of the packet, #13, she would like to see the word "anticipated" worded stronger to read "will be taken care of as part of".

Councilmember Dahl pointed out that the Enterprise reporter was never barred or told that he could not go into the joint meeting. Ms. Dahl stated that the blanks on page 67 needs to be completed before anything is signed off on, the County with the green boxes and would like a definition on "household trash".

Councilmember Cooper stated that item #12 on page 67 of the packet, she would like to see this item as a per ton basis and would like the County to comment.

City Manager Golnar stated that there will be more information at the next meeting on item #5, page 70.

Discussion was heard.

Lee Harris addressed Council opposing Resolution No. 2668. Councilmembers Dahl and Williams responded to Mr. Harris.

More discussion was heard.

All in favor. Motion passed.

Councilmember Cooper was excused at 9:05 p.m.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2669, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, APPROVING A FIVE YEAR CAPITAL IMPROVEMENT INFRASTRUCTURE REPLACEMENT PLAN FOR THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to change the agenda to allow discussion of the East Side School rental to take place.

Joe Dishner, Production Manager to Double Divide/"The Horse Whisperer", addressed City Council stating that filming of the project has been postponed until next year and would be requesting an extension of their lease into 1997. Some discussion was heard. Mr. Steinman from the Summit University Press addressed Council with his comments on behalf of the Press that is also interested in leasing the East Side School.

City Manager Golnar stated that his recommendation is to move forward with Summit University Press proposal along with Double Divide proposal for the next meeting.

No action was taken.

Motion was made by Williams, second by Dahl, to pull from the table, first reading of Ordinance No. 1830, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, VACATING THE ALLEY RIGHT-OF-WAY ABUTTING LOTS 1-10 OF BLOCK 20, PALACE ADDITION TO THE CITY OF LIVINGSTON, MONTANA. Motion passed.

Attorney Becker gave some explanation to the Council with questions being asked by Council. City Planner Jim Woodhull commented.

Roll call vote on first reading of Ordinance No. 1830 was all in favor. Motion passed.

Motion was made by Dahl, second by Williams, to have City Staff investigate an application fee proposal or fee structure for abandonment's of easements vacating alley ways and right-of-ways.

City Attorney Becker commented further.

An amendment to the motion was made by Dahl, second by Williams, to add the date of July 2, 1996 to bring the application proposal to Council. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1832, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1783 IN PART AND ADOPTING BY REFERENCE THE CABO ONE AND TWO FAMILY DWELLING CODE, 1995 EDITION. City Attorney Becker clarified a question for Councilmember Williams. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve first reading of Ordinance No. 1833, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, EXEMPTING CITY OWNED AND OPERATED FACILITIES FROM PAYING THE WASTEWATER SYSTEM DEVELOPMENT FEE BY AMENDING ORDINANCE NOS. 1705 AND 1788, WHICH HAVE BEEN CODIFIED IN THE LIVINGSTON MUNICIPAL CODE AS SECTION 14-13.3. All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1829 , AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CREATING A PUBLICLY OWNED AND OPERATED EXCEPTION TO THE SEPARATE WATER SERVICE LINE REQUIREMENT FOR EACH BUILDING AND/OR HOUSE AND EXEMPTING CITY OWNED AND OPERATED FACILITIES FROM PAYING THE WATER DEVELOPMENT FEE BY AMENDING TWO SECTIONS OF ORDINANCE NO 1658, WHICH HAVE BEEN CODIFIED IN THE LIVINGSTON MUNICIPAL CODE AS SECTION 13-37 AND 13-19.1, RESPECTIVELY. A comment was heard from Mike Fleming. All in favor. Motion passed.

Councilmember Dahl stated that she would like to have second readings to the ordinances noticed on the agenda as public hearings.

Motion was made by Dahl, second by Williams, to have the Water Department turn on the water at the Legion Ball Field concession stand. All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1831, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ENACTING "SUBDIVISION REGULATION OF THE CITY OF LIVINGSTON, MONTANA ," AND REPEALER. No public comments were heard. All in favor. Motion passed.

City Manager Golnar reported that he has sent a letter to the Depot Center regarding the water problem and has not heard anything back at this time.



A thank you letter to Mr. Dennis Glick for his time in preparing the DNRC Grant application was included for Council's information.

City Manager Golnar reported on the open space issues. Information was listed in the packet for Council.

Mr. Bob Jovick sent a letter dated May 28, 1996 referencing Ordinance No. 1827 on behalf of Mr. Tom MacNamee. Mr. Golnar stated that he will review the comments with the City Attorney and Mr. Jovick to see if there is any merit to bring this issue back to Council at the next meeting.

City Manager Golnar stated that Mr. Bob Weimer has approached him about revisiting his request for rezoning Block 5 of the Star II Addition from Neighborhood Commercial to RII Zoning. Mr. Golnar referred this to the City Planner and City Attorney for their recommendation to be brought back to the next meeting.

Some discussion was heard with Staff and Council, with questions being directed to Mr. Weimer.

Councilmember Williams would like the Planner and Attorney to check into Legislative provisions that might allow revisiting a zone change request that has already been acted upon within one year.

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

- June 5<sup>th</sup>, 4:30 p.m. - City County Meeting
- June 6<sup>th</sup>, 5:15 p.m. - Sister City Meeting - Paradise Inn
- June 11<sup>th</sup>, 7:00 p.m. - Zoning
- June 17<sup>th</sup>, 7:30 p.m. - City Council Meeting
- June 18<sup>th</sup>, 2:00 p.m. - 4:00 p.m. - CTEP Information Workshop - Bozeman Public Library
- June 20<sup>th</sup>, 7:00 p.m. - Sister City's Cultural Exchange Committee
- June 24<sup>th</sup>, 7:00 p.m. - Council Budget Worksession
- June 25<sup>th</sup>, 7:00 p.m. - Citizen Planning Board - Community Room

City Manager Golnar reported that he has talked with Matt Schaeffer of Wilcoxson's and that in addition to the two trees that Mr. Schaeffer has planted, he has agreed to plant two more trees on 2<sup>nd</sup> Street in the boulevard.

City Manager Golnar congratulated the following employees for training they have attended:

- Police Chief Steve McCann - One week schooling on Law Enforcement Executive Management
- Kim Walker, Stacy Sunvison and Pat Grigsby - SuperHost Training

City Manager Golnar reported that Tom MacNamee has provided him with two copies of a video addressing the urban sprawl issue. Mr. Golnar stated that he has a copy if any Councilmember is interested they could borrow.

City Manager Golnar reported to Council on a meeting with the Yellowstone Builders Association that was attended by the City Attorney, Building Inspector and City Manager.

Motion was made by Williams, second by McGee, to authorize U.S. WEST easement request for buried cable as described in right-of-way number 22449. All in favor. Motion passed.

City Manager Golnar updated Council concerning City Health Insurance. The Insurance Committee's recommendation is to continue with the existing program, Blue Cross/Blue Shield at the existing deductibles, etc. The Committee also recommends that the City adopt a policy that requires that an employee be required to at least carry single coverage under the City of Livingston's group health insurance plan in order to preserve the integrity of the group.

Motion was made by Dahl, second by McGee, to authorize the City Manager to negotiate a contract with the health insurance carrier recommended by the Insurance Committee. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, that the City go along with the Insurance Committee's recommendation that the City adopt a policy that requires that if an employee receives enough contribution into the flex plan to pay at least a single rate that employee must be enrolled in the group plan.

Councilmember Dahl questioned if the Unions will be involved. Mr. Golnar confirmed that they would. Two contracts are currently opened and Public Works is not opened this year. Mr. Golnar will bring this issue up during discussions.

All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to appoint Mr. George Boyer to the Livingston/Park County Public Library Board. Mr. Boyer will fill the seat left vacant by the resignation of Mr. Stephen Potenberg earlier in the year. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Shirley Ewan's plan for the revenues received from the East Side School. All in favor. Motion passed.

City Manager Golnar summarized for Council a letter requesting abandonment of a parcel of property located next to the Lagoon owned by Gina Shroyer who is in the process of trying to sell her house. This property has been maintained by Ms. Shroyer and she would like to clear title to it to expedite the sale of her house.

Ms. Shroyer addressed Council to answer any of their questions. City Planner Woodhull also gave Council additional information.

Mr. Golnar stated that the City will clarify issues relating to the parcel that are still in question for next Council meeting.

City Attorney Becker summarized on a forfeiture case. The County has agreed to settle its claim for \$5,000 and the City would be proposing to do the same. The money would go into the Drug Forfeiture Fund.

Motion was made by Williams, second by Dahl, to accept the proposal to claim \$5,000 on the drug forfeiture money. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to deviate from the agenda and go to directly to Introduction of Measures and Proposals by Members of the City Council and Public Comments and then go into Executive Session. All in favor. Motion passed.

Motion was made by Dahl, second by McGee, to have Staff re-look the Commercial Zoning requirements, such as buffer zones, business types, light pollution and noise pollution.

Councilmember Dahl explained her reasoning why she would like this re-looked at due to the proposed gas station on H Street. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to have the Residential Zoning looked into for landscaping, especially in subdivision requirements. All in favor. Motion passed.

Councilmember Williams stated that she has received phones call concerning cats and what could be done. Mrs. Williams stated that rabies could be a concern and would like to find a solution for Code Enforcement to deal with the cat problem. Discussion was heard with Staff and Council.

Motion was made by Williams, second by McGee, to look over the dog ordinance and see if it can be applied to cats.

Mayor Mikesell was against this idea. Councilmember Dahl stated that she would like to see what other cities do.

All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to ask Jim Woodhull to take a rezoning issue concerning the half lot on 108 S. 3<sup>rd</sup> Street. All in favor. Motion passed.

Mayor Mikesell questioned City Attorney Becker what the status was with the two sewer lines on Park Street. Attorney Becker responded that suits have been filed, but neither parties have responded to the Mr. Becker's letter.

Mayor Mikesell stated that this meeting will go into executive session, that the merits of individual privacy exceed the merits of public disclosure. Council went into closed session to discuss personnel. The time was 10:19 p.m.

Mayor Mikesell called the meeting back into open session at 10:40 p.m.

Motion was made by Dahl, second by Williams, to grant approval for a leave of absence for 30 days with a return date of July 1, 1996 to Terry Willis, without pay. All in favor. Motion passed.

Motion was made by Williams, second by McGee, to authorize City Attorney Becker to offer Karla McCall \$3,000 with no apology to settle her claim, as the City's last and best offer. 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 10:43 p.m.

ATTEST:

APPROVED:

*Dulianne Blakel*  
RECORDING SECRETARY

*Pat McQuill*  
MAYOR

LIVINGSTON  
CITY COUNCIL MEETING

June 17, 1996  
7:30 p.m.

The Livingston City Council met in regular session Monday, June 17, 1996, 7:30 p.m. in the District Courtroom at the City-County Building. Councilmembers present were Barb Williams and Caron Cooper with Mayor Pat Mikesell presiding. Councilmembers Bernice McGee and Sheryl Dahl were absent. Councilmember Dahl arrived at 8:40 p.m.

Motion was made by Cooper, second by Williams, to approve the minutes of the June 3, 1996 regular City Council meeting. Councilmember Williams questioned page one, fourth paragraph, end of first sentence that read that property was owned by James T. Redmon. Someone in the audience confirmed that Mr. Redmon does own the property.

Mrs. Williams corrected the last sentence in the same discussion as above, should read, "Councilmember Dahl stated that she would like the zoning requirements looked into in the future".

All in favor as corrected. Motion passed.

Motion was made by Cooper, second by Williams, to accept the bills and claims that listed for \$42,10.32. It was noted that claim #952467 on page 9 in the amount of \$719.70 is to be canceled from the list to be paid. Fire Chief Tim Parks explained that the item was being returned.

Councilmember Williams questioned the following claims: Page 10, item #952475 to Colmey's Pet Plaza. Mrs. Williams commented on the amount.

Page 10, item #952476 to Commercial Communications to rebuild 911 files after moving. Police Chief Steve McCann answered for Council.

Page 13, item #952524 to the Montana State Treasurer. City Manager Golnar will have the Finance Officer follow up tomorrow.

Page 17, item #952568, to Valhalla Energy Systems, Inc. City Manager Golnar stated that this was to Cabot Thumen and a 50/50 split with the County.

Councilmember Cooper thanked staff for the clean copy of the bills and claims.

All in favor of paying the bills and claims excluding claim #952467. Motion passed.

Mayor Mikesell proclaimed June 28 - July 5, 1996 as Rodeo Days in the City of Livingston.

Motion was made by Cooper, second by Williams, to approve a variance request from Ms. Mary Beebe at 219. South E Street. Ms. Beebe is requesting a variance from the six foot maximum fence height for Residential zoning districts. She wishes to build a 6'8" fence on her property in order to screen her property from her neighbor.

Leeta Beebe Shands addressed Council on behalf of her sister. Councilmember Williams noted that Ms. Beebe has already started work on the fence. Ms. Shands confirmed that she had.

All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1830, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, VACATING THE ALLEY RIGHT-OF-WAY ABUTTING LOTS 1-10 OF BLOCK 20, PALACE ADDITION TO THE CITY OF LIVINGSTON, MONTANA. No public comments were heard. All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1832, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1783 IN PART AND ADOPTING BY REFERENCE THE CABO ONE AND TWO FAMILY DWELLING CODE, 1995 EDITION. No public comments were heard. All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1833, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, EXEMPTING CITY OWNED AND OPERATED FACILITIES FROM PAYING THE WASTEWATER SYSTEM DEVELOPMENT FEE BY AMENDING ORDINANCE NOS. 1705 AND 1788, WHICH HAVE BEEN CODIFIED IN THE LIVINGSTON MUNICIPAL CODE AS SECTION 14-13.3. No public comments were heard. All in favor. Motion passed.

Motion was made by Cooper, second by Williams, to approve Resolution No. 2671, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, DECLARING ITS INTENT TO VACATE A PORTION OF THE UNDEVELOPED CRAWFORD AVENUE RIGHT-OF-WAY LOCATED IN THE SIX HUNDRED OF BLOCK THEREOF AND DIRECTING CITY MANAGER TO PROVIDE NOTICE AS REQUIRED BY LAW. Property owner Gina Shroyer was present to answer questions for Council.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2672, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING EXPENDITURE OF UNENCUMBERED FUNDS IN FUND #2190. City Manager Golnar reported that this was to extend insurance coverage to track with the fiscal year and that the money is available but the additional expenditure needed to be budgeted for. All in favor. Motion passed.

Motion was made by Cooper, second by Williams, to approve Resolution No. 2673, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO A CONTRACT WITH BLUE CROSS/BLUE SHIELD OF MONTANA TO PROVIDE INSURANCE. City Manager Golnar reported that this contract is the same that the City entered into in January and that all costs and deductibles are the same. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2674, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN SETTLEMENT AGREEMENT AND AUTHORIZING PAYMENT OF CLAIM. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2675, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA,

AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH THE MONTANA HISTORIC PRESERVATION OFFICE. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve first reading of Ordinance No. 1834, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM MEDIUM DENSITY RESIDENTIAL (RII) TO CENTRAL BUSINESS DISTRICT (CBD) USE.

Mayor Mikesell allowed public comments on first reading of this ordinance. The following people spoke in opposition; Lee Phillips, Eleanor Hall, John Fryer, Lenny Gregrey, Helen Wilson, Donna Armentaro on behalf of St. Andrews Church, Gary Lee, Bruce Hall and Paula Simmons. Councilmember Cooper read a letter in opposition for Willetta Reber who was present in the audience. A fax was received in opposition from Deborah Bull.

Speaking in favor was Kelly Anderson and Vuco Voyich.

Discussion was heard from Staff and Council. Motion was made by Williams, second by Dahl, to table the ordinance at this time.

Further discussion took place on the zoning of this neighborhood.

The vote to table was three in favor, Cooper opposed. Motion passed.

A worksession to further discuss this item was scheduled for July 1<sup>st</sup>, 6:30 p.m. before the next regular City Council meeting.

Council directed City Planner Jim Woodhull to find answers to specific questions for the worksession:

- 1) Poll Mr. Benson on how he feels about zoning Residential or Commercial.
- 2) Find out about Mountain Pines Preschool's backyard.
- 3) How and when this happened.
- 4) What these property owners deed's state on the West side of 3<sup>rd</sup> Street.
- 5) What was discussed at the last meeting to try and understand what the mistake was.
- 6) Like to have City Attorney's position on applicant's attorney stating that Council has no legal ground with which to deny this request.

The following information items were listed for Council's information:

Finance Report - Provided Separately.

City Court Monthly Report, May 1996.

Police Chief Monthly Report, May 1996.

Livingston Fire/Ambulance Monthly Report, May 1996.

Fire Chief Monthly Report, May 1996.

Building Inspector Monthly Report, May 1996.

Minutes of Sister City International, Educational and Cultural Exchange Program, Inc., June 6, 1996 and Memo from Sister City President.

Minutes of Safety Committee, April 17, 1996.

Mayor Mikesell stated that he would like to have the Water and Sewer Monthly Report and the Recreation Monthly Report in the next packet.

City Manager Golnar reported that the Treasure State Endowment Program Grant request for Water, Sewer and Street improvements for FY 97-98 and FY 98-99 have been submitted. Gas Tax in the amount of \$26,750 could be used as a match towards street improvements.

Mr. Golnar clarified a question about the total grant amount for Councilmember Cooper.

City Manager Golnar stated that a workshop on Livable Neighborhoods/Traffic Calming is scheduled for June 19, 1996. Councilmember Dahl stated that she would like to see at least two people attend.

A petition for including the City of Livingston in the Park Conservation District was in the packet for Council's information. City Manager Golnar asked for direction on how the City should respond to this. Councilmember Cooper stated that the response should be favorably.

Council would like the City Manager to obtain more information.

City Manager Golnar reported the status of the Albright State wide property tax protest litigation for Council and explained the background on this. A letter from the Montana League of Cities was included in the packet.

Enclosed in the packet was a response from Judge Travis concerning a complaint on a street sweeper citation. Supt. of Public Utilities Clint Tinsley confirmed for Council that information on the street sweeper was on the Water Bills. Police McCann added that for two weeks, schedules were put on the windshields of vehicles.

City Manager Golnar reported that the City Attorney has prepared an application for street and alley vacations. Discussion was heard on how to fill out number 10 of the application. City Attorney Becker was directed to make changes as discussed.

City Manager Golnar reported that Northern Lights Subdivision construction of the road began on Tuesday, June 11, 1996. Mr. Golnar received some concerns from Elana Blakely, the abutting property owner to the road and stated that he has been in contact with the developer and engineer and they will strive to work things out to meet everyone's needs.

Councilmember Cooper questioned if the City has received payment for the Northern Lights Road easement. Mr. Golnar stated that they have not and payment is due with the Final Plat.

City Manager Golnar stated that he has postponed further discussion on sale of city lands until the next Council meeting due to the current flooding situation.



City Manager Golnar gave Council an update on the status of the flood situation.

Mr. Golnar stated that the Governor has been formally asked to declare a state of disaster by the City of Livingston and Park County, and also to begin work toward requesting a Presidential disaster declaration for this area.

Councilmember Williams stated that Red Cross and the Salvation Army were not on the list of organizations Mr. Golnar provided to Council that were involved with the flood. Mr. Golnar indicated that the list of organizations involved would be expanded to include these.

Discussion was heard on a request from LRC for a tax abatement. Steve Swick, Treasurer of LRC was present to answer questions for Council. The amount LRC is requesting tax relief on is approximately \$3,200. Mr. Swick stated that LRC has received tax relief every year starting in 1988 except for 1993.

Councilmember Dahl stated that she would like to tour the Livingston Rebuild facilities and see a compiled list of abatements from the Finance Officer. City Manager Golnar will coordinate a tour with anyone interested.

Motion was made by Dahl, second Williams, to direct the City Attorney to prepare a resolution setting public hearing for tax abatement for LRC at the next scheduled City Council meeting. All in favor. Motion passed.

City Attorney Becker gave an update on the request to revisit the rezoning of Block 5 of the Star II Addition. The property cannot be brought back for one year. There is no legislation at the State level that would allow property to be reconsidered for a zone change within one year. Council was in agreement to have the City Attorney draft a letter to Mr. Weimer of his conclusions and the Council's expectations.

Discussion was heard concerning the lease of the East Side School. City Manager Golnar's recommendation was to stay with the current lease commitment to Double Divide, Inc./"The Horse Whisperer". City Attorney Becker prepared a summary lease comparison of terms of the leases under Double Divide, Inc. and Summit University Press proposals which were included in the packet.

Changes were noted in the "Addendum to East Side School Lease" to change from September 1, 1997 to September 30, 1997 in three areas of the lease.

Joe Dishner of the "The Horse Whisperer" addressed Council to answer their questions. Mr. Dishner confirmed that the boiler maintenance person will check on the East Side School Building on a daily basis. Further discussion was heard on this issue.

Councilmember Dahl stated for the record that 20 people have contacted her in favor of Double Divide continuing with their lease and 1 person contacted her in favor of Summit University Press. Councilmember Cooper stated she received calls of one in favor of Double Divide and one in favor of Summit University. Councilmember Williams stated she received 3 calls in favor of Double Divide and one in favor of Summit Press.

Fire Chief Tim Parks commented, that if rooms at the East Side School were to be made available during the time that Double Divide is not actively using the school, he would be interested in using some of the rooms for the Ambulance EMT training.

Ed Francis of the Summit University Press addressed Council with his comments. Councilmember Williams responded to Mr. Francis.

Motion was made by Williams, second by Cooper, to extend Double Divide's contract through September 30, 1997.

Ms. Cooper suggested that maybe with the lease extension, a provision be placed into the contract for if the tenants do not fulfill the occupancy part of the contract or maintenance. Further discussion was heard with Mr. Dishner. It was suggested to include into the contract that Double Divide pay the rent through 1996 in one check.

All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to accept the resignation of Larry Raffety from the Historic Preservation Commission. All in favor. Motion passed.

Councilmember Dahl stated that she would like a letter of appreciation sent to Larry for all the work he has done for the City over the years. Council was all in agreement.

City Manager Golnar reported on the Joint City-County Public Library Agreement that was provided in the addendum.

Mr. Golnar stated that section 4. FINANCING THE LIBRARY., has been significantly revised and explained the updated information. More discussion was heard with Council and the Manager. It was suggested that the Librarian be invited to the City/County Meeting.

Councilmember Cooper commented that if this was a five year contract, there was only a two year agreement written in the contract.

Council would like a clearer breakdown of what a City resident will be paying with the extra 2 ½ mills that were discussed.

No action was taken at this time.

Motion was made by Cooper, second by Williams, to approve the payment of transfer to pay the Dime Insurance bill.

An amendment to the motion was made by Williams, second by Dahl, to add the total of \$2,492. All in favor. Amendment passed.

All in favor of the motion as amended. Motion passed.

Councilmember Dahl apologized for being late

Councilmember Dahl stated that she has noticed in recent travels, that some of the States have signs on the highways that shows the route to downtown historical districts.

Motion was made by Dahl, second by Cooper, to direct the City Manager to contact the Department of Highways about signage that would lead to the Historic Downtown of Livingston.

An amendment to the motion was made by Dahl, second by Williams, to have the City Manager also contact the Livingston Chamber of Commerce and Patti Kiderlen, who is also the representative to the Yellowstone County Board. All in favor. Amendment passed.

All in favor of the motion as amended. Motion passed.

Ms. Dahl would like the City Manager to have contact with the Department of Highways before moving forward with the other contacts.

Councilmember Williams stated that she received a call from the East side of town, wondering if South I through K Streets could be chipped sealed like they were on Geyser Street about ten years ago.

Councilmember Dahl stated that currently there is a SID being proposed by Kerin and Associates. Further discussion was heard with Staff. Supt. Tinsley explained to Council the different surfaces that are done to roads and what the wear and tear are.

James Newmaster of the Star Addition commented on SID's.

City Manager Golnar confirmed for Mrs. Williams that the June 24, 1996, 7:00 p.m., budget session is still on. Mr. Golnar stated that he will have a packet of material ready for Council on the Friday before the meeting.

Councilmember Dahl stated that she would like the calendar of events to continue in the Council packets.

Dwight Harriman of the Star Addition commented on the requested revisiting of rezoning Block 5 of the Star II Addition and is opposed to the proposed church that may build in that block.

Jim Ford , Sun Avenue, stated that he owns 2 blocks in Block 5 of the Star II Addition and is concerned if the proposed church builds in this area. Mr. Ford would like Council to reconsider Bob Weimer's rezone request. Council and Staff explained that there was no chance to have that done for one year.

Eric Newhouse, Highground Ave., reported that he is helping out with the project and looking for lots. Mr. Newhouse stated that the church is willing to work with people in the neighborhood.

James Newmaster, Comet Avenue, commented on his concerns on noise and Star Road if the church built in this area.

Supt. of Public Utilities Clint Tinsley addressed City Council to publicly thank all of the City Employees for work that they did during the crisis of the flood.

Mayor Mikesell thanked everyone for their work during the flood.

Councilmember Williams stated that she received a call of thanks for the time and efforts of employees and the fantastic job they had done.

City Manager Golnar added to what Clint stated and recognized the long hours that were worked.

Mr. Golnar stated that the estimated actual response cost as of June 17<sup>th</sup>, is about \$49,000.

Mrs. Williams pointed out that on Saturday night, the Salvation Army served 74 meals in the Water Shop, 40 meals were sent out and 13 meals were sent out to the National Guard men.

Motion was made by Cooper, second by Williams, to adjourn this meeting there being no further business. All in favor. Motion passed.

The time was 10:40 p.m.

411

ATTEST:

APPROVED:

*Julianne Blakely*  
RECORDING SECRETARY

*Pat McFuell*  
MAYOR

LIVINGSTON  
CITY COUNCIL MEETING  
July 1, 1996  
7:30 p.m.

The Livingston City Council met in regular session Monday, July 1, 1996, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Caron Cooper, Barb Williams, Bernice McGee and Sheryl Dahl with Mayor Pat Mikesell.

Motion was made by Williams, second by Dahl, to approve the minutes of June 17, 1996 regular City Council meeting. Motion passed.

Motion was made by Williams, second by Cooper, to accept the bills and claims that listed for \$37,195.94. Councilmember Williams questioned the following claims: Page 9, item #952715 to Kenneth Threet. Mrs. Williams commented if the City would be able to recoup this expense.

Page 13, item #952626 to Guy's Glass. City Manager Steve Golnar stated that the City will be seeking reimbursement as this is flood related.

Page 15, item #952646 to MMIA. These were Police related claims.

Page 15, item #952648 to Mobile Repair. Supt. of Public Utilities explained that this was part of the capital outlay program and \$15,000 was budgeted.

Page 17, item #952668 to Steve Potenberg. City Attorney Bruce Becker explained that this was for legal assistance on a conflicting case.

Councilmember Cooper questioned page 17, item #952659 to the Pager People. Supt. Tinsley explained that they had bought the pagers and this was for the service.

All in favor. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2677, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO EXECUTE ADDENDUM TO THE EAST SIDE SCHOOL WITH DOUBLE DIVIDE, INC./"THE HORSE WHISPERER." All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2678, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE RECREATION DEPARTMENT FUND #5713 TO BORROW FROM THE SOLID WASTE FUND #5410 THE SUM OF \$6,500.00 AND AUTHORIZING THE TRANSFER OF MONEY BETWEEN ACCOUNTS. Supt. of Public Services Ken Kastelitz stated that this should be paid back in one year. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2679, A RESOLUTION OF THE CITY OF LIVINGSTON, MONTANA, DEDICATING AND RESERVING HIGH GROUND AVENUE AND BLUE HERON DRIVE AS PUBLIC RIGHTS-OF-WAY. Discussion was heard that there was not enough public notice for Council to approve this Resolution at this meeting as it was in the addendum.

Jeff Rupp of HRDC introduced Mike Smith, Engineer with Morrison Maierle who explained the current status of the CDBG Housing Project.

Motion was made by Cooper, second by Dahl, to table Resolution No. 2679. All in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to take off the table, Ordinance No. 1834, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM MEDIUM DENSITY RESIDENTIAL (R11) TO CENTRAL BUSINESS DISTRICT (CBD) USE. All in favor. Motion passed.

Public comments in support of the zone change was heard from the following: Pamela Koch, Vuco Voyich, Bob Benson, Jill Redmon, Jewel Redmon Kelly Anderson and Gwen Handl.

Public comments opposed were heard from: John Fryer, John Zumpano, Donna Armentaro and Lin Lee. Mr. Fryer stated that he had a list of 13 people within the 150 foot radius that was also opposed.

Councilmember Cooper stated that there were also letters in favor. Council spoke there concerns. Some discussion was heard about allowing restricted covenants or special exception. Item 6 of the Lowe Test fact finding was discussed.

Councilmember Dahl made a motion to amend Ordinance No. 1834 by adding the Lowe Test fact findings into the ordinance and that the fact findings by the City Planner was found to not pass. Amendment died due to lack of a second.

City Planner Woodhull explained the procedures for zone changes. A comment was heard from Lee Phillips, Chairman of the Zoning Commission.

Motion was made by Dahl, second by Williams, to send Ordinance No. 1834 back to the Zoning Board to have it looked into as a possible special exception. Councilmember Dahl and Williams rescinded their motion and second.

The vote on first reading of the Ordinance was four opposed. Motion on first reading of Ordinance No. 1834 died.

Motion was made by Cooper, second by Williams, to approve first reading of Ordinance No. 1835, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, VACATING A PORTION OF THE UNDEVELOPED CRAWFORD AVENUE RIGHT-OF-WAY LOCATED IN THE SIX HUNDRED BLOCK THEREOF, WHICH IS EASTERLY OF AND CONTIGUOUS TO THAT PORTION OF CRAWFORD AVENUE VACATED BY CITY RESOLUTION NO. 2045 AND BOUNDED ON THE EAST BY THE EXTENSION OF THE WEST LINE OF THE ALLEY IN BLOCK 22 OF THE PARK ADDITION TO THE CITY OF LIVINGSTON, MONTANA, EXCEPTING FROM VACATION THE NORTHERLY TEN FEET THEREOF. All in favor. Motion passed.

The Recreation year to date report 1995/1996 and the Incoming Water and Sewer Monthly Report for May 1996 was included for Council's information.

Supt. of Public Services Ken Kastelitz answered questions for Council.

City Manager Steve Golnar reported that LRC has withdrawn their request for tax abatement on 1996 expansion.

A drug settlement agreement to the City and the County was included for Council's information.

Included in the packet was a letter dated June 24, 1996 from the Montana Department of Commerce to HRDC Housing Community Development Block Grant Funding being authorized to reimburse City's expenses. City Manager Golnar noted that the City may now begin drawdown's on the grant.

City Manager Golnar reported that a Local Law Enforcement Block grant has been applied for. Police Chief Steve McCann explained for Council.

Included was a memo dated June 25, 1996 from the City Manager relating to expenditure control for FY end 95-96, and a June 17, 1996 memo from the Finance Officer Shirley Ewan.

City Manager Golnar requested a Business License Fee workshop in conjunction with a future Council budget worksession. Comments were heard from Council. Mr. Golnar stated that he will have a summary of fees for the next meeting.

City Manager Golnar proposed that Council adopt the Joint City/County Public Library Agreement that was included in the packet at their next meeting.

Council will be meeting with the County on this item on July 10, 1996.

Council was in agreement to have an ordinance drafted for the next meeting for the implementation of Parking Ticket Summons Administrative Fees.

Dog Licensing and Fees were discussed. Councilmember Williams stated that on the memo dated June 5, 1996 from Supt. Kastelitz the proposed fees for un-neutered male and un-spayed female were discussed at an earlier date to be amended to \$20.00 each.

Council questioned what needed to be done with cats and would like Code Enforcement Officer Linda Fyffe to attend the next Council budget worksession, Monday June 8, 1996 at 6:30 p.m.

An ordinance for first reading will be prepared for the next meeting to address the proposed amended fee schedule.

City Manager Golnar summarized for Council a request to revise the Fire Inspection Fees. Council requested more background information before a fee is set. An ordinance for first reading will be prepared for the next meeting.

City Manager Golnar reported on the Street Lighting District and Street Maintenance Districts. Council was in agreement to move forward on this. Ordinances and legal notices will be prepared.

An ordinance will be prepared for an emergency 2 mill levy due to the recent flooding.

City Manager Golnar reported that future action on implementing the Council imposed Ambulance Operating Mill Levy (1 Mill). City Attorney Becker will look into on what time frame the mill can be levied.

City Manager Golnar commented on the items for voter approval which included:

Ambulance Operating Mill Levy - 2 mills over a multiple year period; Fire Truck Bond Issue; and, Ambulance Bond Issue.

The City Manager stated that these issues needed to be into the County Offices before August 15<sup>th</sup> to be placed on the November ballot.

Councilmember Dahl pointed out that when work is started on the Fire Truck and Ambulance, word needs to get out to voters that they need to get out to vote. These two items passed at the last election, but there was not enough voter turn out to see them through. Ms. Dahl stated that she felt the Council should go out with the Fire Department and discuss this with community groups. Ms. Dahl stated that they should work with the Fire Department.

City Manager Golnar stated that another item that will be brought up in the near future is the setting of water, sewer and solid waste rates. This will be discussed at the next budget workshop.

City Manager Golnar reported that the Finance Officer has completed her probationary period.

City Manager Golnar reported on the petitions to include the City of Livingston within the Park Conservation District. Mr. Golnar has contacted the Park Conservation District and they stated they did not received enough signatures on the petition and it is not an issue at this time.

Eugene W. Raney, 120 E. Summit addressed Council in regards to the Northside hill drainage and to thank the City and Clint Tinsley for backing Mr. Raney up in support of what the water does up on the hill.

Mr. Raney requested that the City grade his alley back to where it was before. City Manager Golnar stated that Supt. Kastelitz and himself would be going up the hill visit with Mr. Bill Raney on Tuesday, July 2<sup>nd</sup>. **Work on East Reservoir Street on the hill above due to the HRDC Housing Project should take some of the pressure off of that area also.**

Motion was made by Williams, second by McGee, to approve the Bill Bishop Project in Block 3 and 5 of the Palace Addition. All in favor. Motion passed.

Motion was made by McGee, second by Williams, to approve the plans and specifications of the HRDC Project. All in favor. Motion passed.

Council reviewed the Park County and Refuse District Board Proposal for Cause No. 94-103 - Solid Waste Lawsuit Settlement which was included in the packet.

City Manager Golnar stated that he has gone through a review of the settlement proposal received from the Park County Commissioners and the differences that were offered by the City on June 4, 1996.

Mr. Golnar noted that on the second page (page 77 in the packet) of the Commissioners proposal, clarification was needed on number 5, that, .....will pay a fee equivalent of \$30.00 per household "per year", be added.

Mr. Golnar stated that it needs to be established with the County prior to entering into a legal agreement:



the number of households the City will agree to pay  
the landfill "household equivalent assessment"

The City Manager's recommendation was to acknowledge the receipt of the County's letter and recognize that the County's letter is consistent with the City's June 4, 1996 letter in content, and instruct legal staff to prepare a formal Solid Waste Settlement Agreement with Park County and the Refuse District Board.

Councilmember Cooper stated that she would like to see on number 5 that the County will also be paying the \$30 landfill fee. Ms. Cooper would also like to see number 4 and another place within the settlement that mentions ash disposal, that the decisions on hauling of ash be based on an economic decision and not policy.

City Attorney Becker explained for Council the legal steps that will be taken to finalize the settlement, with the final contract being approve by Council resolution.

Further discussion was heard from Council and the Manager. Council was in agreement to the Manager's recommendation.

Bids were received and opened on June 26, 1996 to provide bulk fuel to the City of Livingston for FY 96-97. The two bids that were received are as follows:

TREASURE STATE FUEL - Livingston

Unleaded Gas	\$1.11 per gallon
Diesel	\$ .74.9 per gallon

TRI-VALLEY PETROLEUM - Livingston

Unleaded Gas	\$1.10.6 per gallon
Diesel	\$ .73.4 per gallon

Motion was made by Cooper, second by Dahl, to award the bid for unleaded gas and diesel to Tri-Valley Petroleum for FY 1996-1997.

Motion was made by Cooper, second by Dahl, to approve payment of \$480.50 to Jennifer Linsted for Emergency Operations Center Receptionist Services. City Manager Golnar explained the position and thanked the First Interstate Bank for paying for this position during the flood.

All in favor. Motion passed.

City Manager Golnar summarized a memo from him to the Insurance Committee dated June 28, 1996. The Manager also received a letter from employee Peggy Jacobsen stating her concerns of part-time people being required to sign up for single coverage if they chose to and not being able to just use the flex plan money for medical. Also commenting was Wendy Wood, Police Union President and Helen Tobiason, a member of the Police Union Negotiating Committee. Extensive discussion was heard from Council and Staff.

Motion was made by Williams, second by Cooper, that the City accept the proposal stated in the City Manager's memo, that if an employee accumulates less than enough Flex Plan contribution to cover the single insurance rate, then that employee shall have one of the following options:

- 1) Pay the difference to receive single health insurance coverage under the City of Livingston group; or

- 2) Not receive group health insurance coverage or any Flex Plan payment.

More discussion was heard on the motion, and how the Insurance Committee runs its meeting.

Mayor Mikesell called a 10 minute recess at 10:33 p.m. to look up what the Union Contracts contain in reference to Health Insurance and the Flex Plan. Councilmember Cooper left the meeting at this time.

Council went back into open session at 10:43 p.m. City Manager Golnar read the Union Contract and Procedure Manuel sections under insurance for Council.

Attorney Becker stated he would like more time to look into this issue before Council took any action.

Motion was made by Dahl, second by McGee, to table this item until the next Council meeting. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to change the order of the agenda to hear Public Comment before Introduction of Measures and Proposals by Members of City Council. All in favor. Motion passed.

Richard Jones addressed Council with a statement of his concerns at the local City Swimming Pool. Mayor Mikesell stated that he had a question to the City Manager and has heard complaints from his daughter on the temperature of the City Pool.

Supt. Kastelitz will report back to Council on Mr. Jones allegations and questions that arose from Council about the Pool.

Mayor Mikesell requested that Mr. Kastelitz include into his report on how many people use the City Pool per day.

Councilmember Williams stated that she has received a complaint about the bushes at H Street and Clark Street.

Councilmember Williams stated that she would like to see the City Planner's Lowe Test to be more specific with yes and no answers.

Councilmember Williams requested that the City Manager continue to put into the packet, a calendar of events at the end of City Manager comments.

Mrs. Williams clarified that the next time Council will meet is next Monday, July 8<sup>th</sup>, 6:30 p.m. for a budget worksession and Wednesday, July 10<sup>th</sup>, 4:30 p.m. with the County Commissioners.

Motion was made by Dahl, second by Williams, to accept the 12 point Lowe Test for the Redmon zone change that was submitted by the Planner. All in favor. Motion passed.

Mayor Mikesell commented on the weeds that needs cut at the empty lot on Callender and 5<sup>th</sup> Streets. Supt. Kastelitz stated that the property owner has been notified and has so many days to respond before the City will cut the weeds and bill the owner.

Mayor Mikesell stated that he has received complaints about a house on Chinook and North Main Streets that is in the process of being remodeled. The chain link fence is bent over and kids are getting into the house as it is open with no windows.

City Manager Golnar stated he will contact Code Enforcement as there are ordinances on the books that would cover this.

Mayor Mikesell stated that he has received a call from a person concerning a "fairness issue", that the people are getting ticketed or chalk marks on their trailers and motorhomes can sit on the street all year and not be ticketed. Mayor Mikesell stated that he would like this issue on the agenda for the next meeting. Further discussion was heard with Staff and Council.

Mayor Mikesell commented on building materials in the alley on the North hill.

Councilmember McGee questioned if there was any chance of the City making the North side of the subway look as nice as the East side. Mrs. McGee suggested that maybe a service group could do the work.

Councilmember Williams commented again on cars being on the boulevards when the street sweeper runs. Staff comments were that tickets are being put on cars in violation. Mrs. Williams stated that she did see a number of cars in violation.

Supt. Kastelitz noted that the street sweeper is broke down at this time. They are waiting for a part.

Councilmember Williams questioned the status of the Depot Water Issue. Supt. Tinsley explained for Council.

City Manager Golnar has spoke to Diana Sieder with the Depot Center and the attention the City has taken on this issue has been well received.

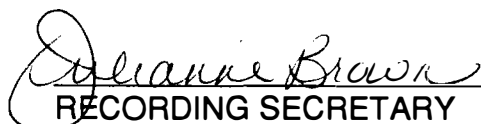
Mayor Mikesell questioned where the City was at on the Bike Path Project. City Manager Golnar stated that he needs to get together with the Committee and get the RFP together as that is the next step.


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

The time was 11:25 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
MAYOR

Special Livingston  
City Council Meeting  
July 8, 1996  
6:30 p.m.

The Livingston City Council met in special session Monday, July 8, 1996 at 6:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Sheryl Dahl, Barb Williams, Bernice McGee and Mayor Pat Mikesell. Councilmember Cooper was absent.

Motion was made by Dahl, second by McGee, to approve Resolution No. 2679, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, DEDICATING AND RESERVING HIGH GROUND AVENUE AND BLUE HERON DRIVE AS PUBLIC RIGHTS-OF-WAY. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to authorize the Mayor to sign the Certificate of Survey for the property described in exhibit "A" of Resolution No. 2679 and allow filing of Certificate of Survey. All in favor. Motion passed.

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

The time was 6:34 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
MAYOR

LIVINGSTON  
CITY COUNCIL MEETING  
July 15, 1996  
7:30 p.m.

The Livingston City Council met in regular session, Monday, July 15, 1996, 7:30 p.m. in the Community Room at the City-County Building. Councilmembers present were Barb Williams, Bernice McGee and Sheryl Dahl with Mayor Pat Mikesell presiding. Councilmember Caron Cooper was absent.

Motion was made by Williams, second by Dahl, to approve the minutes of July 1, 1996 regular City Council meeting and the minutes of July 8, 1996 special City Council meeting. Motion passed.

Motion was made by Williams, second by Dahl, to accept the bills and claims that listed for \$94,289.46 (FY 95-96) and \$1,826.35 (FY96-97). Motion passed.

A public hearing was held on second reading of Ordinance No. 1835, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, VACATING A PORTION OF THE UNDEVELOPED CRAWFORD AVENUE RIGHT-OF-WAY LOCATED IN THE SIX HUNDRED BLOCK THEREOF, WHICH IS EASTERLY OF AND CONTIGUOUS TO THAT PORTION OF CRAWFORD AVENUE VACATED BY CITY RESOLUTION NO. 2045 AND BOUNDED ON THE EAST BY THE EXTENSION OF THE WEST LINE OF THE ALLEY IN BLOCK 22 OF THE PARK ADDITION TO THE CITY OF LIVINGSTON, MONTANA, EXCEPTING FROM VACATION THE NORTHERLY TEN FEET THEREOF. No public comments were heard. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2680, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO LEVYING AN EMERGENCY MILLAGE TO COVER EXPENDITURES INCURRED AS A RESULT OF AN EMERGENCY. City Manager Golnar gave Council a summary of current assessment. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2681, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE WATER RATES FOR THE CITY OF LIVINGSTON BY 3%. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2682, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE SEWER RATES FOR THE CITY OF LIVINGSTON BY 3%. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2683, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO LEVYING A 2.8 MILL TO PROVIDE PUBLIC HEALTH

PROGRAMS. Councilmember asked for clarification that this was the Sanitarian. The City Manager confirmed that it was. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2684, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTENANCE IN STREET MAINTENANCE DISTRICTS NO. 1 AND NO. 2 AND LEVYING AND ASSESSING ALL PARCELS OF PROPERTY WITHIN SAID DISTRICTS FOR 100 PER CENT OF SAID COSTS. City Manager Golnar summarized the costs. Some discussion was heard with Staff and Council. Three in favor. Mayor Mikesell opposed. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2685, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO RECREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20, DESCRIBING THE BOUNDARIES THEREOF AND ESTIMATING THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT, AND DESCRIBING THE PROPORTION OF SUCH COST TO BE ASSESSED AGAINST THE PROPERTY THEREIN. Councilmember Dahl questioned the City Manager why the whole City was not included in the district. Discussion was heard on the boundaries of the district.

City Manager Golnar was directed to contact Montana Power Co. about information on installation of street lights on the Northside hill in the 600-700 Blocks of B, C, & D Streets. Three in favor. Mayor Mikesell opposed. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2686, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO LEVYING A 1 MILL TO DEFRAY THE COSTS INCURRED IN PROVIDING AMBULANCE SERVICE. Councilmember Williams stated that the Ambulance did a good job, but would like the Ambulance to show the citizens that they are trying to cut some expenses, and agrees that public input is needed. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2687, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT UPON APPROVAL OF THE ELECTORATE TO LEVY AN ADDITIONAL 2 MILLS ON THE DOLLAR OF THE TAXABLE PROPERTY IN THE CITY TO DEFRAY THE COSTS INCURRED IN PROVIDING AND SUPPORTING AMBULANCE SERVICE TO THE COMMUNITY. Councilmember Williams stated that everything she stated for the record on Resolution No. 2686, stands the same for this resolution. Mrs. Williams stated that she would like the Firefighters to be able to come up with budget saving measures to cut the cost of the Ambulance Service. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2688, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE GARBAGE/SOLID WASTE DISPOSAL RATES FOR THE CITY OF LIVINGSTON. Councilmember Williams stated her concerns. City Manager Golnar explained the issue further. Randy Newberg, Accountant for Simmons

& Co. was present to give Council more information and the methodology of assessing of Solid Waste rates.

More questions were brought up for discussion. Mr. Newberg recommended that the Council adopt rates similar to those proposed for the short term and that Council form an Advisory Group for a long term rate solution which is most acceptable to the Community.

All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve first reading of Ordinance No. 1836, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1497, WHICH IS CODIFIED AS SECTION 11-32 IN THE LIVINGSTON MUNICIPAL CODE, BY INCREASING THE FEE FOR FIRE INSPECTION. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1837, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1518, WHICH IS CODIFIED AS SECTION 4-20 IN THE LIVINGSTON MUNICIPAL CODE, BY INCREASING THE DOG LICENSE FEE AND BOARDING FEES. All in favor. Motion passed.

Motion was made by Dahl, second by McGee, to approve first reading of Ordinance No. 1838, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING A SECTION OF ORDINANCE NO. 1354, WHICH IS CODIFIED AS SECTION 4-34 IN THE LIVINGSTON MUNICIPAL CODE, BY REQUIRING AN IMPOUND FEE FOR ALL DOGS AT LARGE TAKEN INTO CUSTODY BY THE DOG WARDEN. All in favor. Motion passed.

The following information items were listed for Council's information:

- Livingston Fire/Ambulance Monthly Report, June 1996.
- Fire Chief Monthly Report, June 1996.
- Building Inspector Monthly Report, June 1996.
- Police Chief Monthly Report, June 1996.
- City Judge Monthly Report, June 1996.
- Minutes of the Library Board, May 16, 1996.
- Incoming Water and Sewer Revenues, June 1996.
- Recreation Report, June 1996.

Councilmember Dahl stated that she received a call about the street sweeper. Discussion was heard about Code Enforcement versus a Police Officer following the sweeper. Ms. Dahl would like it looked into on how many tickets the judge dismisses.

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

- July 16, 10:00 a.m. - Government Study Commission Meets
- July 18, 5:30 p.m. - Chamber After Hours - River Inn Bed and Breakfast
- July 18, 7:00 p.m. - Sister Cities Cultural Exchange Committee - City/County Complex
- July 25<sup>th</sup> or 26<sup>th</sup> - Finance Officer to Provide Council Full Budget

July 29, 7:00 p.m. - Special City Council Meeting  
 July 29, 7:30 p.m. - Budget Worksession  
 Aug 5, 6:00 p.m. - Sister Cities Banquet - Elks Club  
 Aug 5, 7:30 p.m. - City Council Meeting  
 Aug 6, 10:00 a.m. - Sister Cities Tour - Mayor and City Manager  
 Aug 7, 4:30 p.m. - City/County Meeting  
 Aug 4<sup>th</sup> - 14<sup>th</sup> - Japanese Kids Are Here

City Manager Golnar reported that the mediation is requested with the Police Union negotiations.

City Manger Golnar provided Council with a redlined version of the Joint City/County Public Library Agreement revisions. Changes were noted on page 69 of the packet.

Council directed the City Manager to submit the agreement with changes as written to the County's attorney.

A letter dated June 28, 1996 from victim/Witness Coordinator George Bryce was included in the packet informing Council that the funding for the Victims/ Witness Program for 1996-1997 was approved.

A thank you letter dated June 21, 1996 was received from School Superintendent Vern Beffert for the help during the flood.

Letters were included from the City Attorney on the legal status to Buttrey's and the Cemetery damage to the headstones.

City Manager Golnar approved contract work to be provided by the City after hours to Gardiner for line locating services, providing all expenses were reimbursed.

A critique has been scheduled for the Yellowstone Flood on Thursday, July 18<sup>th</sup>, 1:30 p.m. in the Community Room.

City Manager Golnar stated that he will be providing Council with more budget information on the Ambulance and Library.

City Manager Golnar stated that he has received a letter from the City Judge referencing the City Court Clerk position. Randy Newberg of Simmons and Company commented. Comments were also heard from Finance Officer Ewan.

Council directed the City Manager to take the information he has heard and deal with Judge Travis on that basis.

City Manager Golnar stated that he has met with the Insurance Committee and reported on the Committee's voting to consider the addition to the insurance carrying requirements for employees. Mr. Golnar resubmitted his recommendation to adopt the policy as proposed at the last meeting with proposed revisions.

Motion was made by Williams, second by McGee, to resubmit Mrs. Williams motion that the City does accept the recommendation for the personnel policy from the Insurance Committee.



Councilmember Dahl questioned if the City should do the changes in the Personnel Policy to reflect this before it is moved ahead. Ms. Dahl also questioned how this is to effect the Union contracts and felt that the proper direction was to make the changes in the Personnel Policy and get the okay from the Unions.

Discussion was heard from Staff and Council, and that this policy would violate the Union contract.

City Manager Golnar stated that the resolution to change the Personnel Policies is a necessary step, and one of Mr. Golnar's additional concerns is the signing up for Flex Plan options has been delayed for some employees and he felt that a consistent and expeditious resolution was needed to resolve this issue.

Councilmember Dahl felt that they were violating employees contracts.

More comments were heard. Councilmember Williams suggested that on page 80 of the packet, number one, she would like the sentence changed to read "If an employee is receiving enough insurance contribution from the City to pay at least the single rate, that employee must be enrolled in the group plan at the single rate or above."; number two, she would like the wording "Flex Plan" changed to "insurance".

The vote was three in favor. Dahl opposed. Motion passed. Councilmember Dahl stated that she would like to see a resolution come before Council on the change in the Personnel Policy. Councilmember Williams commented on all three Unions also.

Option 1 was noted as the option the City was recommending.

Motion was made by Dahl, second by Williams, to allow the Blue Slipper Theatre to hold Shakespeare in the Park at the old Water Building on August 11<sup>th</sup>, 6:30 p.m.

City Manager Golnar stated that the Civic Center is already rented on this date, as this was the Blue Slippers second request in case of rain.

All in favor. Motion passed.

Councilmember Dahl suggested that someone contact the "The Horse Whisperer" about the Blue Slipper using the East Side School gym as an alternative. City Manager Golnar will look into.

Council discussed a request from Jeffery Dickerson for closure of L Street on August 24<sup>th</sup>, 11:00 a.m. - 5:30 p.m. for an open house at his veterinary clinic.

Motion was made by Dahl, second by Williams, to disapprove this request. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve the Mayor's appointment of Architect Candace Tillotson-Miller to Historic Preservation Committee. All in favor. Motion passed.

City Manager Golnar updated Council on the draft Solid Waste Settlement Agreement in the packet and the information that was listed in the addendum. Comments and discussion was heard on the methodology of charging garbage. Discussion took place to do away with household assessment.

Councilmember Dahl requested the status on Cabot Thueman and commented on recycling. Mr. Golnar stated that a revised draft will be ready for the next meeting.

City Manager Golnar stated that he requested information from Acting Police Chief Darren Raney in reference to City Code 9-224 "Vehicles exceeding eighteen feet in length to park parallel."

Council and Staff discussion took place on several sections of the code book that refers to parking on the streets and fairness issues pertaining to motorhomes and trailers.

Council decision was to send to the City Attorney for clean up, sections 9-237 and 9-239 (a) and to get further clarification on section 9-239 (b).

Motion was made by Dahl, second by Williams, to approve the budget calendar as presented to Council with the August 12<sup>th</sup> date as final budget approval. All in favor. Motion passed.

Councilmember Williams once again questioned the status of having property owners cut and prune weeds and tree growth on the boulevard at H and Clark Streets. Supt. of Public Services Ken Kastelitz stated that the property owner has been sent a letter and if no action is taken, the City will take care of it and send a bill to the owner.

Mayor Mikesell commented on the weeds at 5<sup>th</sup> and Callender Streets where the old middle school was located. Supt. Kastelitz stated that he notice someone has been there cutting some of the weeds and the City will probably need to send another letter.

Mayor Mikesell asked for discussion on a letter that was received earlier from the Oktoberfest Committee. The letter stated that the Committee was interested in charging a \$2 button fee for admission to cover costs incurred for advertising and the bands.

Comments were heard from Council and they had no problem with the \$2 charge.

Councilmember Dahl suggested that each vendor be allotted a couple buttons so that they would be able to get in an out of the Oktoberfest area.

Councilmember McGee gave a Building Committee update report on a meeting that was held last Thursday. Committee member Mike Fleming also commented.

Councilmember Williams requested a follow up letter pertaining to the temperature of the City's swimming pool. Supt. Kastelitz stated that he is working on it and went on to stated that the maximum heat of the pool is 78° and explained the heating system further. Mr. Kastelitz also stated that there was no City employee at the Bozeman meeting.

Mike Fleming commented that the Kiwana's painted the underpass and the Credit Union provided the paint.


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

The time was 10:05 p.m.

ATTEST:

  
RECORDING SECRETARY

APPROVED:

  
MAYOR

Special Livingston  
City Council Meeting  
July 29, 1996  
7:00 p.m.

The Livingston City Council met in special session, Monday, July 29, 1996, 7:00 p.m., in the Community Room at the City/County Building. Councilmembers present were Bernice McGee, Sheryl Dahl and Caron Cooper with Vice Mayor Barb Williams presiding. Mayor Pat Mikesell arrived at 7:10 p.m.

Motion was made by Dahl, second by Cooper, to approve the FY 95-96 bills. Finance Officer Shirley Ewan explained the claims versus the financial report for Councilmember Cooper and Council.

Councilmember Dahl commented on the amount of tires purchased and repaired during the last year. Ms. Dahl suggested that the City try to get a bulk deal on tires each year as a cost savings to the City. Supt. of Public Services Ken Kastelitz stated that his department does bid out tires when he knows they need a number of them.

Finance Officer Ewan explained the Disaster Assistance (2260) fund for Councilmember Cooper.

Councilmember Williams questioned the claim to Volk Electric for subway lights. City Manager Steve Golnar confirmed that these were for the underpass.

All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve the FY 96-97 bills. Councilmember Dahl questioned page 1 of the 96-97 bills, item #952890 to Jamie Breen for mileage. Supt. of Public Services Ken Kastelitz explained that she is the gymnastic instructor and travels from Bozeman. Discussion was heard about paying mileage with a contract. Also discussed was the possibility of Council adopting a policy on mileage.

Councilmember questioned the claim on the bottom of page 1 and the top of page 2, to Dime Insurance that lists numerous vehicles. Finance Officer Ewan explained that this was the fleet coverage on the City's vehicles for the whole year.

Mrs. Williams questioned page three to MMIA. Ms. Ewan stated that this was for City liability insurance for the entire year.

Councilmember Dahl questioned page 4 to U.S. West for phones at the Baseball Fields. Supt. Kastelitz explained that the phone was connected for three months out of the year and one of the past City Manager's stated that the City would pay for the phone to allow for emergency service contact from the ball fields.

Councilmember Cooper questioned page 3, item #952918 to MPC. Finance Officer Ewan explained that this was the annual cost for the Windfarm as there is a yearly hookup fee. The City is reimbursed for this item.

All in favor. Motion passed.

Council and Staff reviewed the Financial Report as of June 30, 1996.

Finance Officer Ewan explained items in the cover memo to the City Manager for Council. Council was in favor of Ms. Ewan's request to purchase a CD.

Mr. Jeff Dickerson was present to request that Council reconsider the closing of L Street for an open house at the Veterinary Clinic. Motion was made by Dahl, second by Cooper, to grant street closure to Livingston Veterinary Hospital on August 24, 1996 from 11:00 a.m. to 5:30 p.m., provided that they pick up the barriers on Friday and set them up themselves and take them down and return them to the City Shops on Monday, August 26<sup>th</sup>; and to encourage two signs if the City has them, to note that the streets are closed ahead. Four in favor, Williams opposed. Motion passed.

Discussion was heard on a request to close Lewis Street between B and C Streets on Wednesday, August 7, 1996 from 5:00 p.m. to 9:00 p.m. for the Fly Fishing Federation Grand Opening. City Manager Golnar gave Council a report. No one from the organization was present. After discussion, Council still had questions that needed answered by the Federation. This item will move to the August 5, 1996 regular meeting.

Motion was made by Cooper, second by Dahl, to authorize the City Manager to sign the Depot Center grant application to the Montana Cultural Trust for a special project for Tourism Promotion through Tours and Outreach. 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 7:45 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
MAYOR

LIVINGSTON  
CITY COUNCIL MEETING  
August 5, 1996  
7:30 p.m.

The Livingston City Council met in regular session Monday, August 5, 1996, 7:30 p.m. in the District Courtroom at the City/County Building. Councilmembers present were Barb Williams, Bernice McGee, Sheryl Dahl and Caron Cooper with Mayor Pat Mikesell presiding.

Motion was made by Williams, second by Cooper, to approve the minutes of the July 15, 1996 regular City Council meeting and minutes of July 29, 1996 special City Council meeting. Motion passed.

Motion was made by Cooper, second by Dahl, to accept the bills and claims that listed for \$25,604.41. Councilmember Dahl questioned page 9, item #952948 for gym seal. Supt. of Public Services Ken Kastelitz explained, with Ms. Dahl stating that she would like other prices looked into in the future.

Ms. Dahl questioned the swim lesson refunds. Supt. Kastelitz stated that if a child gets hurt or cannot participate in the paid lessons, refunds are given.

Councilmember Williams questioned the medical reimbursements. Finance Officer Shirley Ewan stated that a resolution will be drafted for the next regular meeting to close out the fund.

Motion passed.

Motion was made by Williams, second by McGee, to change the agenda to have Resolution No. 2689 acted upon before the public hearings. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2689, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING MAYOR TO EXECUTE DEED. City Planner Jim Woodhull stated that the minor subdivision needed to be acted upon before the resolution, and went on to explain further.

Motion was made by Williams, second by Cooper, to accept the preliminary plat for a minor subdivision on High Ground. All in favor. Motion passed.

Caron Couch from HRDC was present to answer any questions of Council. Ms. Couch explained the land trust.

All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1836, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1497, WHICH IS CODIFIED AS SECTION 11-32 IN THE LIVINGSTON MUNICIPAL CODE, BY INCREASING THE FEE FOR FIRE INSPECTION. Citizen Steve Hicks spoke as opposed. Barbara Dean asked a question.

All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1837, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1518, WHICH IS CODIFIED AS SECTION 4-20 IN THE LIVINGSTON MUNICIPAL CODE, BY INCREASING THE DOG LICENSE FEE AND BOARDING FEES. Citizen Steve Hicks spoke as opposed.

Councilmember Cooper commented on a letter from Terey Artz that was included in the packet. Other Council comments were heard.

All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1838, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING A SECTION OF ORDINANCE NO. 1354, WHICH IS CODIFIED AS SECTION 4-34 IN THE LIVINGSTON MUNICIPAL CODE, BY REQUIRING AN IMPOUND FEE FOR ALL DOGS AT LARGE TAKEN INTO CUSTODY BY THE DOG WARDEN. Citizen Rik Pittendorfer asked questions of Council.

All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to table Resolution No. 2690, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AN EMERGENCY MILLAGE TO COVER EXPENDITURES INCURRED AS A RESULT OF AN EMERGENCY as requested by the City Manager.

All in favor. Motion passed.

A public hearing was held on Resolution No. 2691, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, INCREASING WATER RATES BY 3%. Motion was made by Williams, second by McGee, to accept this resolution.

Citizen comments were heard from Robert Peters, Rik Pittendorfer and Barbara Dean. Included in the packet was a letter concerning water and sewer rates received from Cleola Shuyler. Supt. of Public Utilities Clint Tinsley explained for the audience.

An amendment to the motion was made by Cooper, second by Williams, adding to the sentence that starts "That water rates for all customers of the City of Livingston Municipal Water Department are hereby increase by 3% to be placed in a special account for replacement of water distribution system". All in favor of the amendment. Amendment passed.

Council discussion was heard along with more audience input. Councilmember Dahl stated that she was opposed to the increase this year.

Three in favor of the motion, Dahl opposed. Motion passed as amended.

A public hearing was held on Resolution No. 2692, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, INCREASING SEWER RATES BY 3%. Citizen comments were heard from Robert Peters, Rik Pittendorfer and Deb Corbett. Included in the packet was a letter concerning water and sewer rates received from Cleola Shuyler.

Supt. Tinsley explained the letter that the citizens received in the mail. It was noted that there was a mistake on the table for the 15,000 gallon users. Mr. Tinsley stated that it should be \$46.50. All other rates were correct. Council directed Supt. Tinsley to notice all 15,000 gallon users with a correct rate table.

Discussion and comments were heard from members of Council.

A motion to amend Resolution No. 2692 was made by Cooper, second by Dahl, to include language starting with the sentence "That the sewer rates for all customers of the City of Livingston, Montana, are hereby increased by 3%" and adding the language, "to be placed in a special account for replacement of the sewer distribution system". All in favor. Amendment passed.

Councilmember Dahl stated that she is opposed to the increase at this time and would like to hold off for one more year.

Motion was made by Cooper, second by Williams, to accept Resolution No. 2692, with the amendment to include the language "That the 3% increase be placed in a special account for replacement of the sewer distribution system".

All in favor of the amendment. Amendment passed. All in favor of the motion. Motion passed as amended.

A public hearing was held on Resolution No. 2693, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, LEVYING A 2.65 MILLS TO PROVIDE PUBLIC HEALTH PROGRAMS. Mayor Mikesell asked that the City Manager explain the resolution to the audience.

Citizen comments were heard from Barbara Dean, Deb Corbett, Rik Pittendorfer, Ruth Eggar and Valarie Counts.

Motion was made by Williams, second by Dahl, to accept this resolution. Councilmember Cooper responded further. All in favor. Motion passed.

A public hearing was held on Resolution No. 2694, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ASSESSING AND LEVYING 100 PER CENT OF THE COSTS OF MAINTENANCE IN STREET MAINTENANCE DISTRICTS NO. 1 AND NO. 2 ON ALL PARCELS OF PROPERTY LOCATED WITHIN SAID DISTRICTS. Mayor Mikesell asked that the City Manager explain the resolution to the audience.

Citizen comments were heard from John Schuler, Thomas Burns, Steve Hicks, Deb Corbett, Barbara Dean, and R E Buettner. Michael Miller and Lee Harris spoke in opposition. Discussion took place with the Mayor calling for a 10 minute recess at 9:40 p.m.

The meeting was called back to order at 9:50 p.m. More discussion took place concerning the protests.

Motion was made by Williams, second by McGee, to accept Resolution No. 2694.

Councilmember Dahl stated that she would like staff to find a way to assess more fairly. More Council and audience was heard. Two Miller protests and Harris's protests will be looked further into.

A 5 minute recess was called by Mayor Mikesell at 10:40 p.m. to look up last year's assessment. The meeting was called back to order at 10:45 p.m.

An amendment to the motion was made by Cooper, second by Dahl, to change the amount that is being assessed in both the paved and unpaved districts to be equal to the assessment of last year which totaled \$104,305. \$70,890 for District #2 for paved streets. and \$33,415 for District #1 for unpaved streets. The vote on the amendment was Williams and McGee opposed, Dahl and Cooper in favor, with Mayor Mikesell casting the deciding vote as in favor. Amendment passed.

Roll call vote on the main motion. Motion passed as amended.

A public hearing was held on Resolution No. 2695, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, TO RE-CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 AND ESTABLISHING THE BOUNDARIES THEREOF. Michael Miller protested along with his father, Jess Elton Miller who sent a letter by mail, as did Lee Harris. Steve Hicks spoke in opposition. Other citizen comments were heard from Deb Corbett, Jody Fink, Barbara Dean and R E Buettner. Letters under protest or opposed that were received at the City Office during the 15 day written comment period included: Joanne and Calvin Barthuly, Gerald Sebby, Stanley Cornell, Scott Dennis, Dorothea LoPresti, Bruce Carroll, Mayda Burns, George Denton, Gilbert and Mable Easton, Roald and Carmen Mogen, Minnie Wallace, Walt and Ellen Waldum, Jody Fink, Marshall and Gladys Engstrom, Anna Rose Adams, John and Jaeni Williams, Mrs. H. Zakovi, Al Vietz, Livingston Area Chamber of Commerce, Bonnie Swandal, Nanette Begg, Michael and Bridget Miller, Jess and Anna Miller, Shelia Heidt, Chris Roulson, and James Rogers.

Discussion was heard between the Council and audience. Supt. Kastelitz stated that MPC changed the lights a few years ago to sodium vapor light as they were cheaper. It was noted to the audience that MPC owns the lights and that the City only pays the electricity. Supt. Kastelitz will check out what the cost is for the other lights.

Motion was made by Cooper, second by McGee, to accept Resolution No. 2695. All in favor. Motion passed.

Discussion took place concerning the assessment of the district before the final budget was passed.

A public hearing was held on Resolution No. 2696, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, LEVYING 1 MILL TO DEFRAY THE COSTS INCURRED IN PROVIDING AMBULANCE SERVICE. Citizen comments were heard from Deb Corbette, Bob Peters, R E Buettner, Barbara Dean, Steve Hicks and Jeff Schoenen. Discussion and comments was heard from Council.

Motion was made by Cooper, second by Dahl, to accept Resolution No. 2696. Three in favor, Cooper opposed. Motion passed.

A public hearing was held on Resolution No. 2698, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, INCREASING GARBAGE/SOLID WASTE DISPOSAL RATES. Mayor Mikesell requested that the City Manager provide background information. Mr. Golnar also introduced Bob Planalp, Special Counsel, to answer any additional questions anyone may have.

Citizen comments were heard from Barbara Dean, Bob Peters, R E Buettner and Lee Harris. Park County Commissioner Dan Gutebier summarized the study done on this issue.

Motion was made by Cooper, second by Williams, to accept Resolution No. 2698. Discussion was heard with Council, Commissioner Gutebier and the audience. Council discussion was heard concerning option A versus option B.

An amendment to the motion was made by Cooper, second by Dahl, to show that Exhibit A will consist of the rate structure B. All in favor. Amendment passed.

All in favor of the motion. Motion passed as amended.

Mayor Mikesell called for a 5 minute break at 11:45 p.m. The meeting was called back to order at 11:50 p.m.



Motion was made by Cooper, second by McGee, to change the agenda in order to hear Resolution No. 2700 next. All in favor. Motion passed.

Motion was made by Cooper, second by Williams, to approve Resolution No. 2700, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN SETTLEMENT AGREEMENT RESOLVING DISPUTE WITH PARK COUNTY REFUSE DISTRICT. City Manager Golnar reported that the settlement agreement has been reviewed by the Park County Refuse District and Park County and have indicated agreement with the terms that are in the addendum.

Minor changes were noted in the agreement by the City Manager and Bob Planalp, Special Counsel for the City on the Refuse issue. Mr. Planalp will make the changes and send the City the corrected pages.

Commissioner Gutebier confirmed for Council that the green boxes will be monitored. Mr. Gutebier explained further and added that the green boxes will also be fenced.

An amendment was made by Dahl, second by Williams, reflecting the Solid Waste Settlement Agreement for attachment A being the Solid Waste Settlement Agreement in the addendum and authorizing in the first sentence the City Manager and Mayor to sign settlement agreement. All in favor. Amendment passed.

All in favor of the motion. Motion passed as amended.

A public hearing was held on Resolution No. 2699, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE PRELIMINARY BUDGET FOR THE CITY OF LIVINGSTON FOR FISCAL YEAR JULY 1, 1996, THROUGH JUNE 30, 1997, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF THE CITY GOVERNMENT. No public comments were heard. Motion was made by Dahl, second by Cooper, to approve Resolution No. 2699. Discussion was heard concerning the light district rates.

An amendment to the motion was made by Dahl, second by Cooper, to amend the preliminary budget on the Street District to reflect figures that were stated on last years rates. All in favor. Amendment passed.

All in favor of the motion. Motion passed as amended. The public hearing will be opened and continue day to day until the August 12, 1996 Special City Council meeting.

A public hearing was held on a Zone Map Amendment, Block 75, O. P. City Planner Jim Woodhull explained what the public hearing was about and that the City of Livingston is requesting that the zoning on Block 75 of the Original Plat of the City of Livingston be rezoned from Public (p) to Central Business District (CBD). This block consists of the City/County Complex and the old East Side School.

Citizen comment was heard from Barbara Dean.

Motion was made by Cooper, second by Dahl, to change the zoning designation of Block 75, Original Plat from Public to Neighborhood Commercial. All in favor. Motion passed.

Motion was made by Dahl, second by Cooper, to approve Resolution No. 2697, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, SUBMITTING TO THE VOTERS OF THE CITY OF LIVINGSTON A BALLOT ISSUE AUTHORIZING THE CITY OF LIVINGSTON TO LEVY AN ADDITIONAL 2 MILLS ON THE DOLLAR OF THE TAXABLE PROPERTY IN THE CITY TO DEFRAY THE COSTS INCURRED IN PROVIDING AND SUPPORTING AMBULANCE SERVICE TO THE COMMUNITY. Councilmember Williams summarized what this resolution was about. City Manager Golnar stated that this would be effective FY 97-98 for 2 years.

All in favor. Motion passed.

The following City Manager Comments were listed for Council's information:

1. Potential agenda issues for August 12, 1996 Special Council meeting.
2. City Manager's request to MPC for cost and installation of various street lights.
3. Municipal Court Budget and Clerk request status.
4. Calendar of Events:
  - August 5, 1996 - Noon - LRC Safety Picnic
  - August 5, 1996 - 6:00 p.m. - Sister City Banquet at the Elk's Lodge
  - August 5, 1996 - 7:30 p.m. - Council Meeting and Budget Public Hearing
  - August 6, 1996 - 10:00 a.m. - Sister Cities Tour (to last until about Noon)
  - August 7, 1996 - 4:30 p.m. - City/County Meeting
  - August 7, 1996 - 5:30 p.m. - City Manager Welcomes Fly Fisherman's Federation to Town
  - August 12, 1996 - 7:30 p.m. - FY 96-97 Budget Public Hearing Continues
5. Sister Cities Tour.
6. Prices received for sewer upgrades associated with Grandview Subdivision.
7. Follow up on hazards associated with house on Chinook and North Main Streets.
8. Corp. of Engineers study for Yellowstone Bank Stabilization.
9. Grand Opening of the Fly Fisher's International Fly Fishing Center.
10. Geese droppings in the Park.
11. Disposition of Armory property.

City Manager Golnar reported that the City of Livingston recently received a 15 Year Achievement award from the AAA Pedestrian Protection Program.

Motion was made by Dahl, second by Williams, to eliminate the bus loading zone on Lewis Street in front of the old Lincoln School. All in favor. Motion passed.

Motion was made by Dahl, second by Cooper, to approve the HRDC CDBG Drawdown request for \$13,634.22. All in favor. Motion passed.

Motion was made by Dahl, second by Cooper, to approve the temporary street closure of the southern section of the road that leads around the back side of the Park (Park Road) from 8:00 a.m. to approximately 6:00 p.m. on Saturday, August 17<sup>th</sup> for the Main Street Cruisers.

Councilmember Williams wanted to go on recording that she does approve this as it is a public event.

All in favor. Motion passed.

City Manager Golnar addressed the COPS Program Hiring Grant and recommended to Council that they not pursue the COPS Hiring Grant at this time.

Motion was made by Williams, to accept the COPS Hiring Grant at this time. Motion died due to lack of a second.

Councilmember McGee stated that she has received a couple of calls about the gravel street on the East end of Lewis Street. Supt. Kastelitz reported on when the street had been graded and stated that the streets will not be graded until there is more moisture.

Councilmember Cooper mentioned a couple of items she would like brought up at the next Council meeting. One was how a person could request a stop sign on certain streets; and the other was, address the goose dropping problem that was brought up in a letter.

Councilmember Williams thanked Supt. Kastelitz for taking care of the tree/weeds on H and Geyser Streets.

Fire Chief Tim Parks questioned where the Fire Truck and Ambulance Bonds was. The City Manager stated that he would put it on the August 12<sup>th</sup> Special City Council meeting. It was noted that a resolution on this item needs to be at the Clerk and Recorder's office on or before August 15<sup>th</sup> to be on the upcoming November ballot.

City Manager Golnar reported on a few items that will be on the agenda for the Special Council meeting August 12<sup>th</sup>.


Mayor Mikesell stated the public hearing on the preliminary budget will continue day to day until August 12, 1996, 7:30 p.m. Special Council Meeting.

The time was 1:25 a.m.

ATTEST:

  
RECORDING SECRETARY

APPROVE:

  
MAYOR

Special Livingston  
City Council Meeting  
August 12, 1996  
7:30 p.m.

The Livingston City Council met in special session Monday, August 12, 1996, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Barb Williams, Bernice McGee and Caron Cooper with Mayor Pat Mikesell presiding. Councilmembers Sheryl Dahl arrived at 7:35 p.m.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2701, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING DIRECTOR OF FINANCE TO CLOSE OUT ACCOUNTS NO LONGER NEEDED AND TO TRANSFER BALANCES INTO OTHER ACCOUNTS. City Manager Steve Golnar gave further explanation. Three in favor, Dahl absent. Motion passed.

Motion was made by Williams, second by Cooper, to rearrange the agenda to consider bringing off the table, Resolution No. 2690 as agenda item #4A. Move Resolution No. 2702 to agenda item #4B and move Resolution No. 2703 to agenda item #4C.

Motion passed.

Motion was made by Cooper, second by Williams, to accept Resolution No. 2704, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING DIRECTOR OF FINANCE TO CLOSE OUT ACCOUNTS AND TRANSFER MONEY. This moved the Ambulance Operation from General Fund to a Special Revenue Fund and Recreation Director Activity from an Enterprise Fund to a Special Revenue Fund. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2705, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND AUTHORIZING DIRECTOR OF FINANCE TO RECEIVE A 2% PAY RAISE. Barbara Dean asked a question of Council.

All in favor. Motion passed.

Motion was made by Cooper, second by Williams, to approve Resolution No. 2706, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, SUBMITTING TO THE VOTERS OF THE CITY OF LIVINGSTON A QUESTION OF ISSUING GENERAL OBLIGATION BONDS IN THE AMOUNT OF SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) 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. Discussion took place on the obligation bonds and what the taxpayers assessment would be. City Manager Golnar answered Council's question concerning election costs.

Discussion was heard from Council about informing the community. Councilmember Williams went on record opposing to Council campaigning and stated that she refused to take a side on this issue.

City Manager Golnar will look into out of City rates if the County decides not to provide support in some way for the ambulance, should the bond issue pass. A comment was heard from Barbara Dean.

Five in favor. Motion passed.

Motion was made by Williams, second by Dahl, to bring off the table Resolution No. 2690, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AN EMERGENCY MILLAGE TO COVER EXPENDITURES INCURRED AS A RESULT OF AN EMERGENCY.

Finance Officer Shirley Ewan answered questions for Council concerning the expenditures. Comments concerning restoration of the river banks by Miles Park were heard. City Manager Golnar responded that the National Park Service is lending the use of a landscape architect for restoration ideas. Mr. Golnar also mentioned the Corp. of Engineers are preparing a proposal for a study of alternatives relating to the river bank and that the City would be asked to participate in funding the study.

Mayor Mikesell asked for public comment. Citizen Dennis Plummer commented.

Five in favor. Motion passed.

The public hearing continued with the Preliminary Budget. No public comments were heard.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2702, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR JULY 1, 1996, THROUGH JUNE 30, 1997. All in favor. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2703, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, FIXING THE TAX LEVY FOR THE CITY OF LIVINGSTON FOR FISCAL YEAR JULY 1, 1996 THROUGH JUNE 30, 1997. All in favor. Motion passed.

Discussion was heard concerning the City Manager's performance review. Council stated that they would like the evaluation to go to the Department Heads and City Attorney also. All evaluation forms are due into the City Manager by

September 13, 1996. A special meeting was set for the City Manager evaluation in executive session on Monday, September 23, 1996, 7:30 p.m.

Discussion was heard concerning the City Attorney's performance review. City Manager Golnar stated that an evaluation form will be created for this evaluation. Council stated that they would like comments from the City Judge, City Manager and Department Heads. The time frame that evaluations are due in are the same as the City Manager's and the City Attorney's evaluation will be first on September 23, 1996, 7:30 p.m.


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

The time was 8:20 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
MAYOR

Livingston  
City Council Meeting

August 19, 1996  
7:30 p.m.

The Livingston City Council met in regular session Monday, August 19, 1996, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Caron Cooper and Bernice McGee with Vice Mayor Barb Williams presiding. Mayor Mikesell was absent. Councilmember Dahl arrived at 7:34 p.m.

Motion was made by Cooper, second by McGee, to approve the minutes of August 12, 1996 special City Council meeting. Motion passed.

Motion was made by Cooper, second by McGee, to accept the bills and claims that listed for \$80,313.05. Councilmember Cooper questioned the following claims: page 4, item #952054 - City Manager explained this was a donation from the Bozeman Rotary due to the Yellowstone River flood; Page 5, item #953072 - This was for printer ribbons and toner; Page 9, item #953124 - This was for a handicap sign refund.

City Planner Jim Woodhull gave Council background information on a variance requested by Valley Motor Supply Co. They wish to construct an addition to their loading dock which would extend all the way to the sidewalk on the 5<sup>th</sup> Street side of their property described as Lots 9-12, Block 57 of the Original Plat.

Council discussion took place. Motion was made by Cooper, second by Dahl, to disapprove the variance. All in favor. Motion passed.

Motion was made by Dahl, second by Cooper, to approve Resolution No. 2707, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO LIGHTS IN SPECIAL LIGHTING DISTRICT NO. 20 AND LEVYING AND ASSESSING ALL PARCELS OF PROPERTY WITHIN SAID DISTRICTS FOR 100 PER CENT OF SAID COSTS. Finance Officer Shirley Ewan answered questions by Council on the assessments. Staff and Council discussion took place.

City Planner Woodhull stated it would take a 2-3 months time frame to assess the district.

All in favor. Motion passed.

Motion was made by Dahl, second by McGee, to approve Resolution No. 2708, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH PARK COUNTY FOR OPERATION AND FUNDING OF CITY-COUNTY LIBRARY. Joint City/County Librarian Milla Cummins addressed Council requesting that this item be tabled for further discussion. The Library Board feels that there is a section that is not correct and would like more time for clarification.

Motion was made by Cooper, second by Dahl, to table Resolution No. 2708. All in favor. Motion to table passed.

Motion was made by Cooper, second by Dahl, to approve Resolution No. 2709, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN UNDER TRACK PIPELINE AGREEMENT WITH MONTANA RAIL LINK AND AGREEMENT WITH SANDRA McNAMARA. City Manager Golnar explained further. Councilmember Williams would like Ms. McNamara's address inserted into the resolution. Council and Staff discussion was heard concerning language changes in the resolution.

Discussion was heard about the possibility of the City making more water available to the other side of the tracks.

Motion was made by Cooper, second by Dahl, to table Resolution No. 2709. All in favor. Motion to table passed.

Motion was made by Dahl, second by Cooper, to approve Resolution No. 2710, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH MONTANA RAIL LINK AND STATE OF MONTANA FOR THE ACQUISITION AND INSTALLATION OF A CROSSING AT LOVE'S LANE AND PROVIDING FOR MAINTENANCE OF WARNING SIGN AND PAVEMENT MARKINGS. Councilmember questioned why this was being requested. City Manager Golnar explained that the request came from the State and not the Railroad. The agreement would be a three party contract, State, City and County. Council stated that this is not a City Street.

Council discussed the issue and was in agreement that a crossing at the Star Addition was more important and would like further information from the State about the crossing arms at Love's Lane.

The City Manager will obtain more information to bring back to Council at the next meeting.

Motion was made by Dahl, second by McGee, to table Resolution No. 2710. All in favor. Motion to table passed.

Motion was made by McGee, second by Dahl, to table Resolution No. 2711, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH PARK COUNTY MONTANA TO SHARE MAINTENANCE COSTS OF WARNING SIGN AND PAVEMENT MARKINGS AT LOVE'S LANE GRADE CROSSING. All in favor. Motion to table passed.

Motion was made by Cooper, second by McGee, to approve first reading of Ordinance No. 1840, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON, MONTANA, TO REZONE BLOCK 75 OF THE ORIGINAL TOWNSITE FROM PUBLIC ZONE (P) TO NEIGHBORHOOD COMMERCIAL ZONE (NC). All in favor. Motion passed.

The following reports were listed for Council's information:

Finance Report, July 1996 - (Provided Separately)  
Livingston Fire/Ambulance Monthly Report, July 1996.



Fire Chief Monthly Reports, July 1996. - Councilmember Williams commented on the Fireman overtime in the first month. Councilmember Dahl asked for further clarification from the Fire Chief. Some items were discussed.

Building Inspector Monthly Report, July 1996. - Councilmember Cooper questioned the construction portion of the report. City Manager Golnar stated he would find out what the construction number was.

Water and Sewer Revenues, July 1996.

Police Chief Monthly Report, July 1996.

Recreation Monthly Report, July 1996.

Recreation Department Activities Calendar.

Library Board Minutes, July 25, 1996.

City Judge Monthly Report, July 1996.

Sister City Minutes, August 1, 1996.

Crime Rate Summary. - Councilmember Williams stated that she was shocked with the crime rate.

Discussion and background information took place concerning goose droppings in Sacajawea Park. This is in follow up to a letter that was received at the City and included in the packet. City Manager Golnar reported to Council on the information he received from Parks Foreman Eddie Miller. Comments were heard from Barbara Dean, Milla Cummins and Bob Weimer. Mike Fleming commented on the pigeons in the Underpass.

Councilmember McGee suggested that the City Manager contact Hank Fabish with the Fish and Game Department. Councilmember Cooper also suggested the Audubon Society.

City Manager Golnar reported to Council on the Street Sweeper parking citations and waiver practices. Enclosed was a letter from the Manager to the Judge and the Judge's response. Discussion was heard on what was being done this year and what could be done next year.

Council stated that they would like a plan formulated between the Police Department and the Judge and to advertise better next year.

City Manager Golnar informed Council that he received a letter of resignation from firefighter Larry Phillips. Mr. Golnar stated that he has delayed the process of filling the position until consequences and alternatives of filling this position can be more fully evaluated given the unsettled nature of Union negotiations and the limited budget.

Councilmember Dahl questioned the overtime used covering this shift and when the City Manager sees a decision being made. The City Manager answered Ms. Dahl's questions and stated that he would be able to answer better at the next meeting.

City Manager Golnar reported that he has set up a meeting with the Department Heads for review and discussion of the City Manager's Evaluation.

City Manager Golnar has also set up a meeting with the Department Heads to discuss the City Attorney's evaluation.

The following Calendar of Events was listed for Council's information:

- August 19<sup>th</sup>, 7:30 p.m. - Regular City Council Meeting
- August 20<sup>th</sup>, 7:00 p.m. - County Decay Ordinance Hearing
- August 21<sup>st</sup>, 9:00 a.m. - Manager Interview with KPRK Radio
- August 21<sup>st</sup>, 4:00 p.m. - City/County Meeting - The Library Agreement will be added to this agenda.
- Sept. 3<sup>rd</sup>, 7:00 p.m. - (Tuesday) Regular City Council Meeting - Council to consider signing 1980 Solid Waste Contract Amendment
- Sept. 4<sup>th</sup>, 4:30 p.m. - City/County Meeting, Exchange of Checks in Accordance with Solid Waste Settlement Agreement
- Sept. 13<sup>th</sup>, - City Manager and City Attorney's Evaluation in to Manager's Office from City Council
- Sept. 16<sup>th</sup>, 7:30 p.m. - Regular City Council Meeting
- Sept. 21<sup>st</sup>, - Oktoberfest
- Sept. 23<sup>rd</sup>, 7:30 p.m. - Special Council Meeting for City Attorney and City Manager Evaluations

City Manager Golnar stated that he has asked the Fire Chief to begin the bond issue public information preparations. Mr. Golnar stated that the Fire Chief and himself met with the Commissioners on August 15<sup>th</sup> to discuss the County's reaction to the City's request for a County wide bond issue to support an ambulance purchase. It was too late for the County to get an issue on the ballot this year.

Long term solutions including raising the existing County wide levy to cover operating and capital expenses or forming a district were discussed and will be discussed to greater extent at the City/County meeting on August 21<sup>st</sup>.

City Manager Golnar reported that he will be contacting Pastor Churness about his position on the 911 Committee. Pastor Churness has been unable to attend any of the meetings. At this point, Mr. Golnar has not had the opportunity to visit with him.

City Manager Golnar reported that the Park County Economic Development Corporation recently received a \$99,999 Rural Enterprise Small Business Grant. Mr. Golnar explained the grant to the public.

City Manager Golnar granted Helen Tobiason permission to work outside her dispatch job.

Listed in City Manager Comments were the effective dates of the recent rate increases.

Motion was made by Cooper, second by Dahl, to waive the \$50 rental fee for the band shell in Miles Park for Sunday, August 25<sup>th</sup>, 2:00 p.m. for the Montana Artist for Aids Benefit. This was a request from the Firehouse 5 Playhouse.

All in favor. Motion passed.

City Manager Golnar summarized the Development Review Committee's recommendation on the proposed Star I and Star II development SID's.

Motion was made by Dahl, second by Cooper, to authorize selection of Engineering Firm to prepare preliminary estimates so that a resolution of intent for creation of the paving SID for Star I and Star II can be created.

City Manager Golnar stated that he will be sending out RFP's.  
All in favor. Motion passed.

City Manager Golnar summarized the Development Review Committee's recommendation on the proposed N Street SID. City Planner Woodhull answered Councilmember Cooper's question on the percent of the build out.

Motion was made by Dahl, second by McGee, to disapprove the N Street District. All in favor. Motion passed.

Vice Mayor Williams called for a 10 minute recess as requested by Council so that they would have time to read the addendum. The time was 9:10 p.m. The meeting was called back to order at 9:20 p.m.

City Manager Golnar summarized the Development Review Committee's recommendation for sewer upgrades associated with a 3,400 foot extension of sewer pipe to the Grandview Subdivision. City Planner Woodhull explained the subdivision further for Council.

Council and Staff discussion was heard. A comment was heard from Barbara Dean.

Motion was made by Cooper, second by Dahl, to authorize an increase in the sewer main from 8" to 10" from manhole A to manhole J and from manhole A to manhole K at the cost of \$9,800 to the City to be paid from Development Fee Reserves for the area at Grandview Estates. All in favor. Motion passed.

Motion was made by Cooper, second by McGee, to authorize extension of the sewer and water lines to the Grandview Estates Project in accordance with Grandview Estates Project water and sewer overall site map dated August 1994 with the amendment that the 3,400 foot sewer line extension from manhole A to manhole J and from manhole A to manhole K be a 10" line subject to City Code requirements.

An amendment to the motion was made by Cooper, second by Dahl, to amend the motion to include the 4 City Code requirements:

- a. Easements for water and sewer and public rights of way for streets and alleys be granted by the developer;
- b. Waiver of protest to annexation and request for Rural Fire district withdrawal must be signed;
- c. Waiver of protest of creation of Special Improvement District must be signed; and,
- d. No water will be turned on until System Development Fees are paid as per City Code Sections 13-19.1D. & 14-13.3.C.

City Manager Golnar answered Councilmember Dahl's questions on the emergency vehicles responding to this project. Mr. Golnar confirmed that they will pay Fire Impact Fees. Ms. Dahl would like the Manager to notify the developers of this impact fee.

All in favor of the amendment. Amendment passed.

Motion was made by Dahl, second by McGee, to amend the motion by adding an item e, that Impact Fees will be paid in accordance with City Ordinance for Fire and Police. All in favor of the amendment. Amendment passed.

All in favor of the motion. Motion passed as amended.

City Manager Golnar provided in the packet for Council and summarized the proposed scope of work for a general stability study of the Yellowstone River which would be accomplished by the Army Corps of Engineers. The total cost of the river study amounts to \$27,500 which is proposed to be split between the Corps of Engineers, State Department of Transportation, Park County and the City of Livingston.

Councilmember Cooper commented on activities within the scope of the work that she felt were not needed and that the contract did not include an Environmental Impact Study.

Council identified that the cost sharing split of \$3,437.50 with the County was an unfair amount to the City. The City Manager responded to the cost sharing issue. Mr. Golnar noted that a meeting is scheduled regarding this issue along the river bank by Miles Park on Wednesday, August 21<sup>st</sup> at 1:30 p.m. Council is welcome to attend.

More comments and questions were heard from Council. Motion was made by Cooper, second by Dahl, to table any further discussion of the Channel Stability Study until a future Council meeting. All in favor. Motion passed.

Mike Smith of Morrison/Maierle summarized their recommendation of awarding a contract for the construction of the infrastructure in the Land Trust for HRDC's Low Income Housing Project. Mr. Smith confirmed for Councilmember Cooper that arrangements with the contractor have been made for the removal of any rock. A comment was heard from Barbara Dean.

Motion was made by McGee, second by Dahl, to accept Ucon Inc.'s bid of \$237,181.17. All in favor. Motion passed.

Councilmember Cooper directed a question to the City Attorney on valid letters of protest for the Light District. Mr. Becker stated that he will need to review the letters as they protested the creation of the district and the current protest period will be to protest the actual assessment and it would be Council's decision to determine whether the letters were a valid protest.

Councilmember Cooper asked City Planner Woodhull for an update on the Board of Adjustments and Zoning Committee's last weeks meeting. Mr. Woodhull stated that the Board granted property at 110 S. 3<sup>rd</sup> Street approval of a Major Home Occupation permit with conditions.

Mr. Woodhull stated that the text amendment will be before Council at a later date.

Councilmember Cooper stated that a citizen has talked with her on how she could get a stop sign installed on Geyser Street by Winans School. Supt. Kastelitz explained that it is requested in writing and went on to explain the procedure that was used to see if a stop sign was feasible.

Councilmember Dahl stated that she would like to discuss with the City Manager a Fire Plan and an Evacuation Plan with the dry season we are currently in and what the City

would do if we were in a situation of a wild land fire and have him talk with the Fire Chief and Rural Fire. Ms. Dahl would like the City to be prepared.

Councilmember Dahl requested from the City Attorney by the next meeting, a follow up of legal business on outstanding issues; Harrington's case, McNamara's case, Buttrey's and few others that are out there.

Councilmember Dahl directed the City Manager to look into the Highway Commercial Zoning requirements, buffer zones and her main concern at this time is the new H Street Town Pump to see changes and guidelines for Highway Commercial Zoning.

Vice Mayor Williams would like the minutes of the Board of Adjustment and Zoning back into the packets. Also the Design Review Board minutes.

Vice Mayor Williams stated that she would like members of City Council try to arrive on time.

Bob Weimer addressed Council on the on going crossing issue by the Star Subdivision. Some discussion was heard with Mr. Weimer and Council.

Mike Fleming commented on the Corps of Engineers. Councilmember Cooper responded.

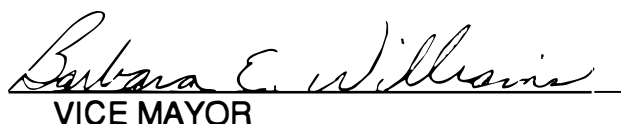
Motion was made by Cooper, second by McGee, to adjourn this meeting there being no further business. All in favor. Motion passed.

The time was 10:10 p.m.

ATTEST:

APPROVED:

  
 \_\_\_\_\_  
 RECORDING SECRETARY

  
 \_\_\_\_\_  
 VICE MAYOR

LIVINGSTON  
CITY COUNCIL MEETING  
September 3, 1996  
7:30 p.m.

The Livingston City Council met in regular session Tuesday, September 3, 1996, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Barb Williams, Sheryl Dahl and Caron Cooper with Mayor Pat Mikesell presiding. Councilmember Bernice McGee was absent.

Motion was made by Dahl, second by Cooper, to approve the minutes of the August 5, 1996 regular City Council meeting and the August 19, 1996 regular City Council meeting. Motion passed.

Motion was made by Cooper, second by Dahl, to accept the bills and claims that listed for \$147,467.62. Councilmember Dahl questioned page 20, item #953258. Ms. Dahl asked Mr. Golnar to find out what the County's phone bill is currently under their new system in comparison to the City's phone bill.

Councilmember Williams question page 15, item #952194 to Chappel's. This was explained as restitution refund the City Judge collected.

Page 16, item #953205 to Guy's Glass. Supt. of Public Utilities Clint Tinsley explained that this was a repair to the upper booster station.

Page 17, item #953216 to Robert Jovick. Police Chief Steve McCann explained that this was for the Police Department while City Attorney Becker was on vacation.

Page 17, item #953226 to Mon-Dak Chemical, Inc. for 50# of stabilizer/chlorine. Supt. of Public Services Ken Kastelitz stated that he would need to check into this.

Motion passed.

A public hearing was held on second reading of Ordinance No. 1840, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON, MONTANA, TO REZONE BLOCK 75 OF THE ORIGINAL TOWNSITE FROM PUBLIC ZONE (P) TO NEIGHBORHOOD COMMERCIAL ZONE (NC). No public comments were heard.

All in favor. Motion passed.

A public hearing was held on Resolution No. 2715, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING ALL PARCELS OF PROPERTY WITHIN SPECIAL LIGHTING DISTRICT NO. 20 FOR 100 PER CENT OF THE COSTS OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT IN THE AMOUNT OF \$38,600.00. No public comments were heard. Written protests were received from Steve Hicks and Lee Harris. And Those comments received for the August 5, 1996 public hearing on Street Lighting District creation which related to the assessment level were also identified as acceptable comments to be considered.

Discussion was heard from Council and Staff on how to proceed with looking into the protests and that the assessment list was requested to be into the Assessor by September 13<sup>th</sup>, but could be extended until after the next (9/16/96) meeting.

Motion was made by Dahl, second by Cooper, to accept Resolution No. 2715. An amendment to Resolution No. 2715 was made by Cooper, second by Dahl, to direct City Staff to investigate the protests of John and Janie Williams, 2 Miller's, Mr. Harris and Mr. Hicks, to determine if their protests are valid.

Gloria Ross addressed Council in protest of her 8 lots and the end of North 6<sup>th</sup> Street.

Ms. Cooper included Gloria Ross in her amendment, as there was no second at that point.

More discussion was heard concerning the other written protests. Mayor Mikesell directed staff to come back to Council if the other protests are not valid.

Councilmember Cooper changed her amendment to include City Staff to examine all letters of protest against the Lighting District and determine if any of the people hold multiple lots, seconded by Dahl.

More discussion was heard.

All in favor of the amendment. Amendment passed. Motion was made by Cooper, second by Dahl, to table Resolution No. 2715 to bring back to the table at the next City Council meeting. All in favor. Motion to table passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2709, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH SANDRA McNAMARA TO PROVIDE WATER SERVICES. Supt. Tinsley addressed Council to answer questions that they had at a previous meeting.

All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to bring off the table Resolution No. 2710, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH MONTANA RAIL LINK AND STATE OF MONTANA FOR THE ACQUISITION AND INSTALLATION OF A CROSSING AT LOVE'S LANE AND PROVIDING FOR MAINTENANCE OF WARNING SIGN AND PAVEMENT MARKINGS. All in favor to bring off the table. Motion passed.

City Manager Golnar explained for Council why the State was wanting to install a crossing at Love's Lane. Some discussion and concerns were heard from Council.

City Manager Golnar explained to Council, what the City's responsibility for maintaining of the markings would be. Discussion was heard on where the costs would come from and clarification on the City's involvement. Mr. Golnar clarified for Council what he was told by Mr. Bob Fisher of the Montana Department of Transportation.

All in favor of the original motion. Motion passed.

Motion was made by Williams, second by Cooper, to bring off the table Resolution No. 2711, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH PARK COUNTY MONTANA TO SHARE MAINTENANCE COSTS OF WARNING SIGN AND PAVEMENT MARKINGS AT LOVE'S LANE GRADE CROSSING. All in favor to bring off the table. Motion passed.

All in favor of the original motion. Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2712, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN SUPPLEMENT TO PERMIT NO. 600,065 WITH MONTANA RAIL LINK FOR AN UNDER TRACK PIPELINE. All in favor. Motion passed.

Mayor Mikesell stated that Resolution No. 2713 and Resolution No. 2714 will not be brought up at this time.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2716, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN COST SHARE AGREEMENT WITH THE U.S. ARMY CORPS OF ENGINEERS AND PARK COUNTY, MONTANA, FOR THE CHANNEL STABILITY STUDY OF THE YELLOWSTONE RIVER IN THE VICINITY OF LIVINGSTON, MONTANA. Discussion was heard from Council. City Manager Golnar summarized the scope of work document for Council. A comment was heard from Urana Clark.

Discussion was heard concerning where the City could come up with money for funding of the City's share, as there is no funding in the budget for this particular study.

Councilmember Williams noted that there was not an exhibit "A" attached with this resolution.

Council felt that the County should contact the School District to see if they were willing to fund the balance that the City was requested to pay by the County.

An amendment to the motion was made by Williams, second by Cooper, that the City allow \$3,500 to go toward the revised scope of the Army Corps of Engineers plan. All in favor of the amendment. Amendment passed.

All in favor. Motion passed as amended.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2717, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN "AMENDMENT NO. 2 TO THE SOLID WASTE DISPOSAL AGREEMENT BETWEEN THE CITY OF LIVINGSTON AND PARK COUNTY REFUSE DISPOSAL DISTRICT NO. 1." Councilmember Williams stated that there was a typo on page 1, 1<sup>st</sup> paragraph, last sentence, which should read: December 1, "1980" instead of "1990".

Councilmember Dahl questioned recycling to the City Manager. Mr. Golnar reported that the County will be contracting with the 10 County area to take care of the recycling. Ms. Dahl stated that she would like to see a interlocal agreement as there is proposed to be three sites within the City. Ms. Dahl stated that she would like this item put on the City/County agenda for their September 4<sup>th</sup> meeting.

All in favor. Motion passed.

Mayor Mikesell called for a ten minute recess.

Mayor Mikesell called the meeting back in session.

Motion was made by Dahl, second by Williams, to approve first reading of Ordinance No. 1841, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 32-6 OF ORDINANCE NO. 1760 TO CLARIFY



THAT THE POLICE AND FIRE PROTECTION IMPACT FEE FOR MULTI-FAMILY OR TWO FAMILY DWELLINGS OR DUPLEX IS REQUIRED FOR EACH UNIT. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve first reading of Ordinance No. 1842, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NOS. 1783 AND 1832 TO RECONCILE LOCAL CODES WITH STATE CODES BY ADOPTING THE 1993 EDITION OF THE MODEL ENERGY CODE AS AMENDED, THE 1991 EDITION OF THE UNIFORM PLUMBING CODE AS AMENDED, THE 1993 MODEL ENERGY CODE AS AMENDED, ADOPTING THE STATE OF MONTANA'S MODIFICATIONS TO THE UNIFORM BUILDING CODE, THE CABO ONE AND TWO FAMILY DWELLING CODE, THE UNIFORM MECHANICAL CODE, THE CODE FOR BUILDING CONSERVATION, UNIFORM HOUSING CODE AND REPEALING THE NATIONAL ELECTRICAL CODE. All in favor. Motion passed.

City Manager Golnar summarized the status of Grandview Estates Project.

Councilmember Williams stated that she wanted the City Manager to keep Council informed on this project.

City Manager Golnar included in the packet, a letter from former Manager Ken Griffin had researched on Goose Droppings. Mr. Golnar stated that he would be contacting the State Fish and Game Department to update on this issue.

Mr. Golnar stated that relating to the pigeon droppings in the underpass, that there is a product "bird-proof", a repellent liquid in caulking cartridge compound, that he is currently looking into. Councilmember Cooper passed along to the Manager a pamphlet that may be information to the City from a local citizen.

City Manager Golnar reported that will be seeking to fill the vacant Firefighter position. Mr. Golnar stated that filling the position would be in the best interest of the City if they were to maintain current staffing levels.

City Manager Golnar reminded Council that their evaluations of the City Manager and City Attorney are due in to him by September 13<sup>th</sup>. Mr. Golnar stated that he will turning in an evaluation on the City Attorney also.

City Manager Golnar included in the packet for Council's information, a letter he wrote to HRDC on the awarding of the contractor bid to Ucon, Inc.

City Manager Golnar stated the City Attorney is currently working on a summary of legal issues.

Pastor Roger Churness indicated to the City Manager that he is not interested in continuing being on the 911 Committee.

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

September 4<sup>th</sup>, 4:00 p.m. - City/County Meeting - See enclosed agenda.  
September 5<sup>th</sup>, 5:15 p.m. - Sister City Educ. Committee - Paradise Inn

September 5<sup>th</sup>, 7:00 p.m. - Sister City Cult. Committee - City/County Complex (prepare for Business Exchange on Sept. 14, 15, & 16)  
 September 13<sup>th</sup>, City Manager and City Attorney Evaluations Due  
 September 12<sup>th</sup> & 13<sup>th</sup>, City Manager Attends Employer Relations Arbitration Conference in Missoula.  
 September 15<sup>th</sup>, Manager and Mayor Tour the City Visiting Business Men from Japan.  
 September 16<sup>th</sup>, 7:30 p.m. - City Council Meeting  
 September 16<sup>th</sup>, Daytime Tour with Sister Cities Business Exchange Participants  
 September 21<sup>st</sup>, Oktoberfest  
 September 23<sup>rd</sup>, City Manager and City Attorney Performance Evaluations  
 October 1<sup>st</sup>. 10:00 a.m. - Livingston Urban Trans. Planning Coordinating Committee Meeting - Community Room  
 October 9, 10, & 11<sup>th</sup>, Montana League of Cities & Towns - Kalispell  
 October 23<sup>rd</sup> & 24<sup>th</sup>, Working with the Montana Dept. of Trans. - Whitefish

City Manager Golnar reported on the upcoming business exchange through the Sister Cities Cultural Exchange Committee. They will be arriving on September 15<sup>th</sup>.

City Manager Golnar included in the packet, a membership roster of the Livingston Urban Transportation Planning Coordinating Committee. Councilmember Caron Cooper was appointed as the City Council Representative. The City will advertise in paper for a City Resident Representative.

A meeting is scheduled for October 1, 1996, 10:00 a.m. in the Community Room at the City/County Complex.

Officer Jason Sarisky has completed his one year probationary period with the Livingston Police Department and will now be a permanent Patrolman.

City Manager Golnar included an informational brochure for Council's information on the proposed Eye Run scheduled for September 21, 1996 in Livingston. City Attorney Bruce Becker stated his concerns on the runners running on the right hand side of the road with traffic and they should be running on the other side of the road. Marisa Hardy, a representative of the Eye Run was presented and noted the concern and will correct it.

Dawn Boucher addressed Council with her concerns that the City did not pursue the COPS Grant for hiring an additional officer. Ms. Boucher presented Council with a petition of over 400 names.

Discussion was heard from Staff and Council. Motion was made by Williams, second by Dahl, to allow Chief McCann to go ahead and send in the application for the COP Grant for hiring another Policeman.

More discussion was heard on how another officer would be paid for since the current budget has already been passed. Other discussions were heard.

Councilmember Dahl asked the City Manager if he would listen to what Caron and Barb's concerns were and have a study back to Council.

All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to pay the Department of Army Corps of Engineers \$3,500 for the Channel Stability Study. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to authorize the Finance Officer to take \$100,000 out of operating reserves from Solid Waste Fund for payment to Park County Refuse District for Solid Waste Settlement. All in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to authorize payment of \$100,000 to Park County Refuse District for Settlement of Solid Waste Lawsuit. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to authorize payment to John Deere Credit for \$7,048.96.

This was for final payment of the backhoe/loader.

All in favor. Motion passed.

Councilmember Dahl questioned the City Manager of the status of the disaster plan for range fires. Mr. Golnar responded.

Councilmember Dahl stated that some has questioned her on why the boulevards at the old East Side School have not been watered. Ms. Dahl responded that it was the tenants responsibility and would like the City Manager to look into.

Councilmember Dahl followed up on the zoning regulations that she has requested in the Commercial District. City Manager Golnar confirmed that Staff has begun working on this and City Planner Woodhull stated that a Text Amendment will come before Council at their October meeting.

Councilmember Dahl stated that she would like anything that is tabled during a meeting be noted on the next agenda.

A worksession was scheduled for the Light District on September 16, 1996, 6:45 p.m. before the next regular Council meeting. Council requested that Jim Woodhull and Ken Kastelitz be present.

Councilmember Dahl asked Finance Officer Ewan about the Swimming Pool power bill. Ms. Ewan stated that was the actual bill.

Councilmember Cooper requested a season end summary of the Swimming Pool.

Councilmember Cooper requested that the City Manager explore the PCEDC/CDBG/LRC Grant that when the money comes back from LRC and what the City can do to get some of the money for City functions: training, zoning related issues, etc.

Councilmember Cooper gave her thanks to the Fire Department for their efforts with the Kids Fishing Derby and stated that they did a great job. Ms. Cooper volunteered her services for next year if needed.

451

Mayor Mikesell questioned Supt. Tinsley on the water usage of the Depot Center. Mr. Tinsley responded stating that there was no change.

Mayor Mikesell questioned the City Manager if he has contacted MRL about the metal for the fence. Mr. Golnar confirmed that he had and that he has left a message.

Mayor Mikesell questioned the status of the Bike Path. City Manager Golnar reported. Mayor Mikesell stated that he wanted the project accomplished before Spring.

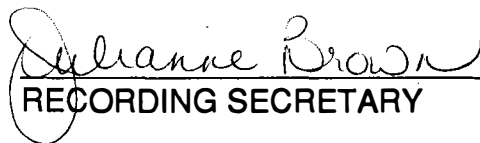
Eric Severson thanked Council for allowing for the applying of the COPS Grant and glad that the pay raise was brought up.


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

The time was 10:12 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
MAYOR

LIVINGSTON  
CITY COUNCIL MEETING  
September 16, 1996  
7:30 p.m.

452

The Livingston City Council met in regular session Monday, September 16, 1996, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Caron Cooper, Barb Williams and Bernice McGee with Mayor Pat Mikesell presiding. Councilmember Sheryl Dahl was absent.

Motion was made by Williams, second by Cooper, to approve the minutes of September 3, 1996 regular City Council meeting. Motion passed.

Motion was made by Cooper, second by Williams, to accept the bills and claims that listed for \$58,941.25. Councilmember Williams questioned the following claims: page 10, item #953338 to the Livingston Utility Billing. Supt. of Public Services Ken Kastelitz explained the July/August water, sewer and garbage for the Parks Department.

Page 11, item #953351 to the Montana State Treasurer. Finance Officer Shirley Ewan explained this is the extra \$5 that the Judge collects on all fines that goes to the State.

Page 12, item #953366 to Gayle Pruitt. Finance Officer Ewan explained that this was to close out her Flex up to June 30<sup>th</sup>.

Councilmember Cooper questioned the following claims: page 8, item #953311 to Alpine Yamaha. Supt. of Public Utilities Clint Tinsley explained that was for one lawn mower trailer split between accounts.

Page 9, item #953324 to 6 DPC Industries, Inc. Supt. Tinsley stated that was for rent of chlorine bottles.

Page 10, item #953338 to the Livingston Utility Billing. Finance Officer Ewan stated that this was one month billing. Supt. Kastelitz answered further questions for Ms. Cooper in regards to the water, sewer and garbage bill.

Page 10, item #953344 to Montana Crane Service. Supt. Tinsley stated that this was a capital outlay item and was for RBC repair at the Sewer Treatment Plant.

Page 11, item #953354 to Montana Rail Link. Supt. Tinsley explained the pipeline leases listed in this item.

Page 11, item #953355 to MSD Computer Supply. Supt. Tinsley stated that this was for one computer upgrade and was paid out of three different accounts, with Utility Billing staff members installing the upgrades.

Motion passed.

A public hearing was held on second reading of Ordinance No. 1841, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 32-6 OF ORDINANCE NO. 1760 TO CLARIFY THAT THE POLICE AND FIRE PROTECTION IMPACT FEE FOR MULTI-FAMILY OR TWO-FAMILY DWELLINGS OR DUPLEX IS REQUIRED FOR EACH UNIT. No public comments were heard. All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1842, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NOS. 1783 AND 1832 TO RECONCILE LOCAL CODES WITH STATE CODES BY ADOPTING THE 1993 EDITION OF THE MODEL ENERGY CODE AS

45 AMENDED, THE 1991 EDITION OF THE UNIFORM PLUMBING CODE AS AMENDED, THE 1993 MODEL ENERGY CODE AS AMENDED, ADOPTING THE STATE OF MONTANA'S MODIFICATIONS TO THE UNIFORM BUILDING CODE, THE CABO ONE AND TWO FAMILY DWELLING CODE, THE UNIFORM MECHANICAL CODE, THE CODE FOR BUILDING CONSERVATION, UNIFORM HOUSING CODE AND REPEALING THE NATIONAL ELECTRICAL CODE. No public comments were heard. All in favor. Motion passed.

Motion was made by Cooper, second by Williams, to bring off the table, Resolution No. 2715, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING ALL PARCELS OF PROPERTY WITHIN SPECIAL LIGHTING DISTRICT NO. 20 FOR 100 PER CENT OF THE COSTS OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT IN THE AMOUNT OF \$38,600.00. Motion passed.

Discussion was heard from Council over the protests that have been voiced and received in writing. Council was in agreement that all protests do fit the criteria within the district that was established and therefore do not deserve exception to the assessment. All in favor of the original motion of the September 3, 1996 meeting. Motion passed.

No action was taken on Resolution No. 2713 and Resolution No. 2714 as all Councilmembers need to vote.

The following information items were included for Council's information:

- Financial Report, August 1996 - Provided Separately
- Fire Chief Monthly Report, August 1996 - Members of Staff clarified a question for Councilmember Williams.
- Fire/Ambulance Monthly Report, August 1996
- Police Chief Monthly Report, August 1996
- City Judge Monthly Report, August 1996
- Recreation Year to Date Report, August 1996
- Recreation Activities Calendar, September 1996
- Incoming Water & Sewer Revenues, August 1996
- Building Inspector Monthly Report, August 1996
- City/County Joint Library Minutes, August 22, 1996

City Manager Golnar stated that the Status Report has already been passed out in preparation for the City Manager and City Attorney evaluations.

City Manager Golnar stated that he will follow up on items identified at the last Council meeting.

City Manager Golnar reported that he included in the packet copies of Montana League of Cities and Town memorandum dated August 16, 1996 referencing legislation to be supported.

A memo from Supt. Kastelitz was included referencing clarification on the Chlorine/Stabilizer that was questioned at the last Council meeting.

City Manager Golnar included minutes of the July 17, 1996 Safety Committee. The Committee has recommended that the City adopt the Montana/Wyoming Safety Committee policy Manual in its entirety by reference.

454

City Manager Golnar has authorized Supt. Tinsley to proceed with the planning of a water line extension to the Rainbow Trailer Court.

City Manager Golnar has authorized Supt. Tinsley to purchase water meters to update and address losses in the water system.

City Manager Golnar has authorized the temporary filling of employee Ron Flack's position.

City Manager Golnar stated that the Supreme Court will fund \$4,300 to provide a new computer system for the Municipal Court and the City will pay \$2,000 from budget Court funds.

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

- September 4<sup>th</sup>, 4:30 p.m. - City/County Meeting - See enclosed agenda.
- September 5<sup>th</sup>, 5:15 p.m. - Sister City Educ. Committee - Paradise Inn
- September 5<sup>th</sup>, 7:00 p.m. - Sister City Cult. Committee - City/County Complex  
(prepare for Business Exchange on Sept. 14, 15, & 16)
- September 12<sup>th</sup> & 13<sup>th</sup>, City Manager Attends Employer Relations Arbitration Conference in Missoula.
- September 15<sup>th</sup>, Manager and Mayor Tour the City Visiting Business Men from Japan.
- September 16<sup>th</sup>, 7:30 p.m. - City Council Meeting
- September 16<sup>th</sup>, Daytime Tour with Sister Cities Business Exchange Participants
- September 21<sup>st</sup>, Oktoberfest
- September 23<sup>rd</sup>, City Manager and City Attorney Performance Evaluations
- October 9, 10, & 11<sup>th</sup>, Montana League of Cities & Towns - Kalispell
- October 23<sup>rd</sup> & 24<sup>th</sup>, Working with the Montana Dept. of Trans. - Whitefish

Motion was made by Cooper, second by Williams, to waive the open container law for the Livingston Oktoberfest Saturday, September 21, 1996 from 8:00 a.m. to 10:00 p.m. in the barricaded Oktoberfest area. Motion passed.

Motion was made by Williams, second by McGee, to appoint Mr. James Robert Dean to the City/County Airport Board for the term of office from August 1, 1996 through July 31, 2000. Motion passed.

Motion was made by Williams, second by McGee, to authorize the additional \$150 be paid for the Yellowstone River Bank Stabilization Study by the U.S. Corps of Engineers and have it come from the emergency fund.

City Manager Golnar stated that the Livingston School Board authorized \$2,000 in contribution to the Corps of Engineers study. All in favor. Motion passed. City Manager Golnar summarized to Council a request from Thomas Burns, 501 S. 7<sup>th</sup>. Mr. Burns is requesting permission to place a chain link fence on City owned land north of his property. Mr. Golnar's recommendation was not to allow the construction of such fence as he felt it was bad policy. And if Council did allow the fence, an agreement

45 was entered into with Mr. Burns that the City may access its property as necessary in conducting City business with no liability for damage or repair to the fence.

Motion was made by Williams, second by Cooper, to deny the building of the fence on City property at the Burns residence on South 7<sup>th</sup>.

Charlene and Thomas Burns were present to explain why they were requesting the fence. Discussion was heard with Staff and Council.

City Attorney Bruce Becker stated that allowing for this type of requests sets a bad precedence and was not in favor of allowing for the request.

Roll call vote on the motion was three opposed, Williams in favor. Motion died. Council stated that they wanted to leave the 19' walkway. Establish a limit and whatever language that the City Attorney wanted to use to draft an agreement covering access, liability, waiver and acknowledgment of trespassing and will move the fence at anytime. Councilmember Cooper stated that she would like to see this on the next meetings agenda.

Motion was made by Cooper, second by McGee, to pay Barb Richard, Grant Writer the amount of \$9,950.00 for consulting services for the CDBG. All in favor. Motion passed.

Councilmember Barb Williams made comment about the recent Japanese visit. Mrs. Williams stated that she would like to see that in future Japanese visits with potluck dinners, that they be opened up to City Employees.

Councilmember McGee commended Ken Kastelitz and his crew for the street work that they have done this summer. Mrs. McGee also commended the Park's crew for all the work they have done.

Mayor Mikesell told Police Chief Steve McCann that he has received a number of complaints about the action of the kids on the downtown streets. Chief McCann stated that the Department relies on the complaints when called in.

Mayor Mikesell questioned the City Attorney on the status of the sewer situation on Park Street. Attorney Becker stated that the suit has been filed. Mr. Taylor cannot be served as the Police Department cannot locate him, apparently he has moved. Good Time Sports is waiting for a trial date.

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

The time was 8:25 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
MAYOR



SPECIAL LIVINGSTON  
CITY COUNCIL MEETING

September 23, 1996  
7:30 p.m.

The Livingston City Council met in special session Monday, September 23, 1996, 7:30 p.m., in the Community Room at the City/County Building. Councilmembers present were Caron Cooper, Barb Williams, Bernice McGee and Sheryl Dahl with Mayor Pat Mikesell presiding.

City Manager Golnar provided Council with a summary of the evaluation of City Attorney Bruce Becker. Council and the Attorney discussed the Attorney's evaluation in open session.

At 8:30 p.m. the Mayor stated that the meeting would go into executive session, that the merits of individual privacy exceed the merits of public disclosure. The Council went into closed session for the evaluation of City Manager Steve Golnar.

The meeting went back into open session at 10:07 p.m.


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

The time was 10:07 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
MAYOR

LIVINGSTON  
CITY COUNCIL MEETING  
October 7, 1996  
7:30 p.m.

The Livingston City Council met in regular session Monday, October 7, 1996, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Sheryl Dahl, Caron Cooper, Barb Williams and Bernice McGee with Mayor Pat Mikesell presiding.

Motion was made by Williams, second by Dahl, to approve the minutes of September 16, 1996 regular City Council meeting and September 23, 1996 special City Council meeting. Motion passed.

Motion was made by Dahl, second by Williams, to accept the bills and claims that listed for \$87,886.93. Councilmember Williams noted that the Fire Department has asterisks by several of its claims.

Councilmember Cooper questioned the following claims: page 6, item #953412 to Black Mountain Software. Supt. of Public Services Ken Kastelitz answered that this was a budgeted item to upgrade the Solid Waste program.

Page 7, item #953415 to Bridger Communications. Fire Chief Tim Parks stated that this was pagers for the Fire Department and was to be paid out of Vehicle Tax with a split by two funds.

Page 9, item #953443 to Jerry's Hardware Hank. Supt. Kastelitz stated was winterizing the restrooms with anti-freeze.

Page 10, item #953451 to the Livingston Enterprise. City Manager Steve Golnar confirmed that this was a split with the County on the advertisement for Janitorial bids.

Page 10, item #953552 to the Livingston Enterprise. City Planner Jim Woodhull confirmed that the application fees pertaining to the planning hearing notices cover advertising costs.

Page 12, item #953557 to Ron Nelson Tree Removal. Supt. Kastelitz stated there were boulevard trees that the City could not remove themselves. Mr. Kastelitz confirmed that the money comes out of Parks and that the Parks Department takes care of any problems with trees in the boulevards.

Page 17, item #953652 to the Post Office. Staff answered that this was postage for the Fire/Ambulance brochures. Discussion was heard that Council gave \$500 and this was for \$1,200. If the bonds pass, the money to cover the postage will come out of that, if not, then it will come out of the General Fund. City Manager Golnar explained that some of the costs did not turn out as anticipated and he gave the go ahead to get the brochures out.

A public hearing was held on a Zone Map Amendment: Lots 1-8 & 29-32 of Block 40 in the Minnesota Addition. City Planner Woodhull gave the background information. Mr. Homer Langley is requesting a zone change for property located at the intersection of Montana and North N Streets. The property is currently zoned Medium Density Residential (Mobile Home) (RII(MH)) and is vacant. Mr. Langley is requesting that the parcel be rezoned to a designation of High Density Residential (RIII).

No public comments were heard. Planner Woodhull answered questions asked by Council.

Motion was made by McGee, second by Williams, to draft an ordinance to allow Mr. Langley to change from RII to RIII. All in favor. Motion passed.

Councilmember Cooper requested that the Planner write the street names being discussed on the maps in the future.

City Planner Woodhull gave Council the background information of a variance request by Harold and Elinore Rediske at 1528 Mount Baldy Drive. They are requesting a variance from the fifteen (15) foot side setback requirement for RI zoning districts to build a deck onto their house which would be three (3) feet from the side property line.

Both the Planning Department and City Board of Adjustments recommended approval of this request.

Motion was made by Cooper, second by Dahl, to approve the variance request of the Rediske's. All in favor. Motion passed.

City Planner Woodhull gave Council the background information of a variance request by Logan Leachman at 115 S. 9<sup>th</sup> Street. Mr. Leachman is requesting a variance from the five (5) foot side setback requirement for RII zoning districts to build an addition onto his garage which would be two (2) feet from the side property line.

Both the Planning Department and City Board of Adjustments recommended approval of this request.

Motion was made by Williams, second Dahl, to accept the Leachman variance. Planner Woodhull explained the attached map for Councilmember Williams.

All in favor. Motion passed.

Resolution No. 2713 was not heard at this time.

Resolution No. 2714 was not heard at this time.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2718, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, APPOINTING HATCH ACT INFORMATION OFFICER. All in favor. Motion passed.

Motion was made by Dahl, second by Cooper, to approve Resolution No. 2719, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CITY MANAGER EMPLOYMENT AGREEMENT. Discussion was heard between Council and the City Manager. Three in favor, Williams opposed. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2720, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN CONTIGUOUS PROPERTY COMMONLY REFERRED TO AS THE MOUNTAIN VIEW TRAILER PARK, INTO THE CORPORATE LIMITS OF THE CITY OF LIVINGSTON, MONTANA. It was noted that the utilities have been extended and waivers signed. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2721, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA,

OF ITS INTENT TO ANNEX CERTAIN CONTIGUOUS PROPERTY COMMONLY REFERRED TO AS THE CRAZY MOUNTAIN TRAILER PARK, INTO THE CORPORATE LIMITS OF THE CITY OF LIVINGSTON, MONTANA. It was noted that the property changed ownership on September 15<sup>th</sup> and the system development fees are not paid at this time.

Motion was made by Dahl, second by Cooper, to approve Resolution No. 2722, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE INSURANCE/PENSION SECTION OF THE CITY'S POLICY MANUAL FOR EMPLOYEES TO REQUIRE EMPLOYEES TO ENROLL IN GROUP HEALTH INSURANCE PLAN, OR IN THE ALTERNATIVE TO ALLOW PAYMENT INTO A FLEX PLAN WHEN EMPLOYEE DOES NOT QUALIFY FOR GROUP HEALTH INSURANCE. City Manager Golnar explained the background of this resolution. All in favor. Motion passed.

Motion was made by Cooper, second by McGee, to approve Resolution No. 2723, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO ENCROACHMENT AGREEMENT WITH THOMAS BURNS. Councilmember Williams stated why she was still opposed to the agreement. Discussion was heard between Council and City Attorney Bruce Becker. Thomas Burns addressed Council with more discussion heard from both parties.

Motion was made by Dahl, second by Cooper, to table Resolution No. 2723 until the City Attorney and the City Manager have time to draw up a lease and an annual fee. All in favor. Motion to table passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2724, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PARK COUNTY, MONTANA, TO PAY 27% OF THE JANITORIAL SERVICES CONTRACT AND 37% OF BATHROOM AND CLEANING SUPPLIES. City Manager Golnar explained the agreement further. Mr. Golnar stated that the City will start working with the County on developing maintenance agreements following the cleaning contract being set into motion. All in favor. Motion passed.

City Manager Golnar put into place, a General Fund spending control order until property taxes are received in December.

City Manager Golnar has instructed Supt. Tinsley to begin reading the Judson Park meter on a monthly basis.

City Manager Golnar reported that the City and County held a productive joint meeting. Mr. Golnar also requested potential annexation of Gallatin and Bennett Streets from the County Commissioners.

Mr. Golnar enclosed a memo for Council's information directing City Employees not to park on the street next to the City/County Building.

City Manager Golnar summarized the activities of the Livingston Area Transportation Coordinating Committee meeting that was recently held.

City Manager Golnar included in the packet, the minutes of the October 2, 1996 Pedestrian/Bike Path meeting and other material pertaining the project. Advertisement on Request for Proposals will be out this week.

City Manager Golnar commented that request for proposals similar to the Pedestrian/Bike Path will be sent out soon for engineering services for SID's to be provided on an annual basis.

City Manager reported on an enclosed letter dated September 30, 1996 from the Dept. of Natural Resources relating to the abandoned channel of the Yellowstone River Land Swap and that the State is not interested in an exchange for Mayor's Landing due to the liability of the prior landfill.

Discussion was heard from Council and Staff. Mr. Golnar stated that this was all informational at this point. It was suggested that a worksession may be held in the future to update the current Council on past status of this item.

A Commercial Landscaping Requirement draft was enclosed in the packet for Council's review. The draft is currently being considered by the Zoning Board. City Planner Woodhull answered a question for Councilmember Dahl.

Enclosed was an October 3, 1996 memo from the Park County Economic Development Corporation regarding the use of community development block grant funds. City Manager Golnar will be meeting with PCEDC Director Val Counts to further review and discuss the program income plan as they are beginning to use the recaptured funds from the LRC loan.

Discussion was heard from the Manager, Finance Officer Shirley Ewan and Council.

City Manager Golnar authorized outside employment as requested by Police Officer Aaron Churness.

An enclosed calendar of events for October Recreation Activities was listed for Council's information.

The City will begin coordinating articles "City Views" in the Park County Real Estate Newspaper. The first of this series is on the Ambulance/Fire Truck and Ambulance Operating Mill levies to be on the November ballot.

City Manager Golnar stated that he is still currently working on a letter to the Legislators relating to specific areas of concern and interest to the City.

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

- Oct 7<sup>th</sup>, 5:00 p.m. - Firefighter's Pancake Supper
- Oct 7<sup>th</sup>, 7:30 p.m. - Council Meeting
- Oct 9<sup>th</sup>, 10<sup>th</sup>, & 11<sup>th</sup>, - Montana League of Cities and Towns; Kalispell, Montana
- Oct 17<sup>th</sup>, 7:00 p.m. - Sister City Cultural Exchange Committee
- Oct 21<sup>st</sup>, 7:30 p.m. - Council Meeting

Nov 4<sup>th</sup>, 7:30 p.m. - Council Meeting

Nov 5<sup>th</sup> - Election Day (City Office's will be Closed)

Motion was made by Cooper, second by Dahl, to appoint Jim Snyder to the Livingston Urban Area Transportation Coordinating Committee. Some discussion was heard. The vote was Cooper and Williams in favor, McGee and Dahl opposed with Mayor Mikesell casting the deciding vote as opposed. Motion failed.

Motion was made by Dahl, second by McGee, to appoint Bob Weimer to the Livingston Urban Area Transportation Coordinating Committee. All in favor. Motion passed.

City Planner Woodhull summarized that the Development Review Committee recommends that the City Council approve a street and alley vacation for Homer Langley.

City Attorney Bruce Becker stated that he has proposed an abandonment fee but the fee has not been enacted as of this time. Councilmember Williams and Mayor Mikesell stated that this should be a number one priority. Discussion was heard concerning this subject between Staff, Attorney and Council. Fred Hall, Surveyor to the project addressed Council with his comments.

More discussion took place this abandonment and Council passing an abandonment fee in the near future.

Motion was made by Dahl, second by McGee, to approve the petition to abandon streets and alleys for Homer Langley. All in favor. Motion passed.

City Planner Jim Woodhull gave background information of Mr. Homer Langley wishing to aggregate and rearrange lots 1-8 & 29-32 in Block 40 of the Minnesota Addition in three (3) parcels for use as multi-family building lots. Each lot would be accessed by an existing City street and would be serviced by City sanitary sewer and water. The City/County Planning Board recommends that the City Council grant conditional approval for the subdivision proposed by Mr. Langley.

Discussion and questions were asked by Council to the Planner. A comment was heard from Urana Clark.

Motion was made by Williams, second by Dahl, that Council conditionally approve the preliminary plat - Homer Langley for Lots 1-8 & 29-32, Block 40, Minnesota Addition with the conditions being the waiver of protest must be signed by the Subdivider which guarantees the participation of all lots in the subdivision in a future improvement district for street improvement. All in favor. Motion passed.

Fred Hall addressed Council on the action they had just taken.

City Planner Woodhull gave background information on Montana Homes request to divide one lot into two (2) 4,384 square foot building sites located in the Palace addition, Block 33, Lot 29A. Each lot would be accessed by an existing City street and would be serviced by City sanitary sewer and water. The property is zoned R11 and the proposed division would meet existing zoning requirements.

The City/County Planning Board recommends that the City Council grant conditional approval for the proposed subdivision to Montana Homes LLC with three conditions. Planner Woodhull and Supt. Tinsley answered questions for Council.

Motion was made by Williams, second by Dahl, to grant conditional approval to the one lot minor subdivision: Montana Home LLC, Lot 29A, Block 33, Palace Additional with the following three conditions:

- 1) A waiver of protest must be signed by the Subdivider which guarantees the participation of all lots in the subdivision in a future improvement district for street improvements;
- 2) A ten (10) foot utility easement along the boundary line between Lots 29A-1 and 29A-2 must be provided for water service to Lot 28A;
- 3) The developer will install standard curb, gutter and sidewalk on the 8<sup>th</sup> Street side of this property.

All in favor. Motion passed.

Motion was made by Dahl, second by Cooper, to approve the CDBG drawdown in the amount of \$4,622. All in favor. Motion passed.

Councilmember Sheryl Dahl stated that she would like to see Resolution No. 2723 come back to the next Council meeting in reference to Mr. Burn's land with a lease.

Councilmember Dahl would like to see the abandonment schedule with a fee structure built in, at the next meeting.

Councilmember Dahl questioned if the City Manager had received any response to letters he had put into the packet in regards to an insurance issue. Mr. Golnar confirmed that he had been in contact with the insurance company and the problems were being taken care of.

Councilmember Williams state that she has received a call from a person who's travel trailer was on the street and he received a ticket, but a RV down the street did not receive a ticket. Discussion was heard from Staff and Council.

The City Manager, City Attorney and Police Chief will get together to straighten out this section of the ordinance.

Councilmember Cooper questioned to Supt. Tinsley on a complaint she received from a property owner, that their renters moved out without paying the water and sewer bill. Mr. Tinsley explained that the property owners are responsible for the bills.

Councilmember Cooper made one more comment in reference to comments that Fred Hall and Urana Clark made earlier in the meeting on growth and that the City does not show for it through the development.

Councilmember McGee commented to the Chief of Police on skateboarders on the side walk and her being confronted by a young person on a bike. Mrs. McGee questioned the possibility of a Policeman walking an area. Chief McCann responded that he has had conversations with the City Manager over the same issues and discussed that maybe next week, on an overtime basis, having an officer walk the downtown area for

one week from approximately 3:00 p.m. to 7:00 p.m. to see if these problems can be addressed.

Mike Fleming commented on the growth of the City and the depth of the pigeon droppings at the underpass.

Councilmember McGee asked the City Manager to talk to Bob Jenkins with Tri State about the sticky stuff they put on the Senior Citizen Center to keep the birds away. Mr. Golnar has the information and is still looking into it.

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

The time was 9:40 p.m.

ATTEST:

APPROVED:

  
\_\_\_\_\_  
RECORDING SECRETARY

  
\_\_\_\_\_  
MAYOR



LIVINGSTON  
CITY COUNCIL MEETING  
October 21, 1996  
7:30 p.m.

The Livingston City Council met in regular session Monday, October 21, 1996, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Caron Cooper, Barb Williams, Bernice McGee and Sheryl Dahl with Mayor Pat Mikesell presiding.

Motion was made by Cooper, second by Dahl, to approve the minutes of the October 7, 1996 regular City Council meeting. Motion passed.

Motion was made by Dahl, second by Williams, to accept the bills and claims that listed for \$43,344.10. Councilmember Williams questioned the following claims: page 8, item #953814 to Belgrade Tire Rama. Supt. of Public Utilities Clint Tinsley stated this work was for the sludge truck and Belgrade is the closest place that can align the tires for this big of truck.

Page 8, item #953690 to Brad Ragan Tire. Fire Chief Tim Parks stated that these were bought at Government rates and were the best buy.

Page 10, Item #953779 to the House of Clean. Supt. of Public Services Ken Kastelitz confirmed that this was toilet paper for the Cemetery.

Page 11, item #953718 to the Livingston Utility Billings. Supt. Kastelitz confirmed that this would be the last month for such a high utility bill in the Parks as the water has been shut off for the winter.

Page 13, item #953729 to Orange Street Motor Inn. Police Chief Steve McCann stated that this was for 2 weeks of lodging at State Rates for Officer Willis while she was attending department training.

Motion passed.

A public hearing was held on Resolution No. 2713, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR THE FIRE PENSION FUND #2374 FOR FISCAL YEAR 1995-1996 BY INCREASING IN THE AMOUNT OF \$2,000.00. No public comments were heard. Motion was made by Williams, second by McGee, to approve Resolution No. 2713. Finance Officer Shirley Ewan answered a question for Councilmember Cooper that this was to come from the Fire Pension Reserves. All in favor. Motion passed.

A public hearing was held on Resolution No. 2714, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR THE EMERGENCY DISASTER FUND #2260 FOR FISCAL YEAR 1995-1996 BY INCREASING THE BUDGET IN THE AMOUNT OF \$17,000.00 NECESSITATED BY THE FLOOD OF 1996. No public comments were heard. Motion was made by Dahl, second by Williams, to approve Resolution No. 2714. All in favor. Motion passed.

Resolution No. 2723 was not addressed at this time.

A public hearing was held on Resolution No. 2725, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FUND #2400-SID-LIGHT DISTRICT FOR FISCAL YEAR 1995-1996 BY INCREASING THE BUDGET IN THE AMOUNT OF \$57.00. No public comments were heard. Motion was made by Dahl, second by Williams, to approve Resolution No. 2725. Finance Officer Ewan answered a question for Councilmember Williams that the \$57 was an interest charge. All in favor. Motion passed.

A public hearing was held on Resolution No. 2726, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 1995-1996 FOR FUND #4010 BY TRANSFERRING \$47,901.00 TO FUND #3650-SID 175 AND FUND #3750-SID 176. No public comments were heard. Motion was made by Dahl, second by McGee, to approve Resolution No. 2726. Finance Officer Ewan gave Council background information on this item. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2727, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CHANGING THE NAME OF A PORTION OF THE STREET NOW NAMED EAST MILKY WAY TO NORTHERN LIGHTS ROAD. City Attorney Bruce Becker stated that there are no addresses on this street. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2728, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE JULY THROUGH SEPTEMBER, 1996 BUDGET LINE ITEM TRANSFERS AND ADJUSTMENTS FOR THE FISCAL YEAR 1996-1997 BUDGET FOR THE CITY OF LIVINGSTON. Finance Officer Ewan confirmed for Councilmember Williams that this will be done quarterly. Ms. Ewan answered a question on liability insurance over expenditures for Councilmember Cooper. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2729, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE STREET/ALLEY VACATION APPLICATION AND FEES. Discussion was heard from Council, Staff and the City Attorney.

An amendment to exhibit A was made by Williams, second by Cooper, that #10, Non-Refundable Fee be a flat fee of \$225. All in favor of the amendment. Amendment passed.

More discussion was heard. A second amendment to the motion was made by Dahl, second by Cooper, by adding to the note at the bottom of the page, that the City may also request a portion of the vacation be retained as a public thoroughfare. All in favor of the second amendment. Amendment passed.

All in favor of the motion as amended. Motion passed as amended.

Motion was made by Williams, second by McGee, to approve Resolution No. 2730, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, DECLARING ITS INTENT TO VACATE A PORTION OF "O" STREET AND THE ALLEY IN BLOCK 40, MINNESOTA ADDITION TO THE CITY OF LIVINGSTON, MONTANA, AS FURTHER DESCRIBED IN THE ATTACHED MAP. All in favor. Motion passed.

Motion was made by Williams, second by Dahl to approve first reading of Ordinance No. 1844, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM MEDIUM DENSITY RESIDENTIAL MOBILE HOME (RIIMH) TO HIGH DENSITY RESIDENTIAL (RIII) USE. City Planner Jim Woodhull answered a question for Councilmember Cooper. All in favor. Motion passed.

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

Livingston Fire/Ambulance Report, September 1996  
 Incoming Water and Sewer Revenues, September 1996 - Councilmember Cooper questioned the water and sewer revenues. Supt. Tinsley stated that when there is more revenue than expected, the excess goes into reserves.  
 Police Chief Monthly Report, September 1996  
 Building Inspector Monthly Report, September 1996  
 City Judge Monthly Report, September 1996  
 Fire Chief Monthly Report, September 1996  
 Recreation Monthly Report, September 1996  
 Library Minutes, September 26, 1996

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

Oct 21<sup>st</sup>, 7:30 p.m. - Council Meeting  
 Oct 24<sup>th</sup>, 7:00 p.m. - City Court Room - Community Oriented Policing Meeting  
 Oct 25<sup>th</sup>, Helena - Dept. of Transportation Building, 2701 Prospect Ave., Meeting Between Municipal Officials and the Director and Top Management of the Dept. of Transportation to Discuss Street and Highway Issues in Relationship Between State and Local Governments - Councilmember Dahl stated that she would like the City Manager to look further into signs directing traffic to the Historical District at the entrances into the Livingston.  
 Oct 30<sup>th</sup>, 10:00 a.m. - Gallatin County Courthouse - Headwaters Cooperative Recycling Project and Municipal Composting Feasibility Study at 1:30 p.m. that Afternoon  
 Nov 4<sup>th</sup>, 7:30 p.m. - Council Meeting  
 Nov 5<sup>th</sup>, Election Day Holiday  
 Nov 6<sup>th</sup>, 4:00 p.m. - City/County Meeting  
 Nov 7<sup>th</sup>, Sister City Education Meeting  
 Nov 11<sup>th</sup>, Veteran's Day Holiday  
 Nov 13<sup>th</sup>, 4:00 p.m. - Community Room - BN Cleanup Status Report Joint Meeting with the County and the Park County Environmental Coalition  
 Nov 18<sup>th</sup>, 7:30 p.m. - Council Meeting  
 Nov 21<sup>st</sup>, 7:00 p.m. - Sister City Cultural Exchange  
 Nov 28<sup>th</sup>, Thanksgiving

City Manager Golnar stated that he is in the process of setting up a meeting with County Commissioner Terry Sarrazin and Refuse Board Member Harold Stewart along with Dan Kaul of the Murray Hotel who requested the meeting, regarding commercial garbage service costs. The meeting is tentatively set up for Wednesday, October 23<sup>rd</sup>

at 10:00 a.m. Mayor Mikesell stated that he would like a Councilmember present if possible.

City Manager Golnar listed possible discussion topics for the joint City/County November 6, 1996 meeting. Added to the list was Building City/County Maintenance Agreement. Councilmember Cooper stated that she would like to see at the meeting after November 6<sup>th</sup>, the video taping of Spring Creek done by Fish, Wildlife and Parks. Ms. Cooper stated there is an interesting Hydrologist from Spokane Washington who talked about the dynamics of the river. Mr. Golnar stated he had information on how to obtain the tape and would follow up in obtaining it.

City Manager Golnar summarized information from his recent attendance at the Montana League of Cities and Towns. A report was prepared separately.

City Manager Golnar also provided separately for Council's information, the Resolutions that passed at the League meeting in addition to the proposed changes to the Treasurer's State Endowment Program (TSEP) statute.

Motion was made by Dahl, second by Williams, to approve the second CDBG Drawdown of \$60,747.82. All in favor. Motion passed.

The Livingston Chamber of Commerce Merchants Committee has requested in writing, to close streets for a Halloween Parade on Thursday, October 31 and permission to close streets on Friday, December 6<sup>th</sup> for Christmas in Paradise.

It was decided after discussions with the Police Chief and Supt. of Public Services, that it was not necessary to close the streets for the Halloween Parade, but to provide an escort for the parade. Concerns of the length of the parade were heard from Council, with a suggestion to the Chamber of Commerce that the cut off be between the Moose and the parts store. No action was needed from Council for the Halloween Parade.

Motion was made by Cooper, second by Williams, to approve street closure from Main Street from Lewis Street to Park Street and Callender Street from Main to 2<sup>nd</sup> Streets from 5:00 p.m. to 9:00 p.m. on Friday, December 6<sup>th</sup> for Christmas in Paradise. All in favor. Motion passed.

City Manager Golnar reported on a memo from the Development Review Committee, that the guard rails at the creek crossing on Northern Lights Road not be required at this time, but to be reviewed again when Phase II is started.

Mr. Golnar's concern was that there was no definite date for when Phase II will happen and suggested reviewing the need for guard rails up to one year from the Council's acceptance of the final plat. Supt. Tinsley stated that when the final plat is approved, which should be at the next Council meeting, that if this item is not addressed before then, the City cannot require the developer's to install the guard rails. Mr. Tinsley suggested a certified check or some kind of bond be required before the final plat is approved to cover the expense of the guard rails at a later date. Council was in agreement. City Attorney Becker is to have something in writing on this item for the next meeting.

Motion was made by Dahl, second by Williams, to approve the DRC's recommendation to accept the light plan for Phase I only of the Northern Lights Subdivision. All in favor. Motion passed.

City Manager Golnar summarized for Council an agreement with the Critical Illness and Trauma Foundation, Inc. for providing a computer to the Fire Department. The cost to the City at this time would be \$45 for a switch to put on the telephone line. After three years, the computer would cost the City an optional, but recommended \$200 maintenance fee for two years and then after five years the computer would be the sole property of the Fire Department. No additional phone line was required.

Motion was made by Dahl, second by Williams, to authorize the City Manager to sign the agreement with the Critical Illness and Trauma Foundation for the computer use. Councilmember Williams asked for clarification of #5.

All in favor. Motion passed.

Councilmember Dahl stated to City Manager Golnar that she believed the City needed a policy which requires the detailing of costs anytime that City Staff is needed outside of a regular shift.

Councilmember Dahl requested that when something has been tabled on the agenda, to note it on the next agenda.

Councilmember Dahl questioned City Attorney Becker on Resolution No. 2729. Earlier in the meeting Mr. Becker stated that Council may need to follow up on another Resolution. Discussion was heard between Council, Staff and the Attorney.

An inventory of all undeveloped platted streets and alleys is to be assembled.

Supt. Kastelitz commented that the Veterinarian that was to use City barricades to block off a portion of a street never did pick them up. Mr. Kastelitz stated that he does not know what was used to barricade the street and the street probably was not blocked off properly.

Councilmember Williams commented on junky property in the City and wanted to know if something can be done. Comments and discussion was heard with the City Manager recommending that the City's policy on enforcing the Community Decay Ordinance in commercial zoned areas should be looked into for more consistent enforcement. The City Attorney will look at the Ordinance.

Councilmember Williams stated that she received a call from a naturalist informing her that the City is banding their trees wrong in its efforts to protect them from the beavers and that Staff should review the tree banding in Sacajawea Park.

Councilmember Williams questioned Police Chief McCann about the law relating to being gainfully employed in the State of Montana and the need for license plates. Chief McCann confirmed Mrs. Williams understanding and explained further on how the law is enforced.

Councilmember McGee added to Mrs. Williams comments and noted that she had received the same phone call from a citizen on junky residences.

Councilmember Dahl suggested rewriting the requirements of zoning areas.

Councilmember Cooper stated that she received a phone from a person concerned that her neighbor's barn may fall down onto her property and what City Official she should contact. City Planner Jim Woodhull told her to give him a call.

Mayor Mikesell commented on a voice mail message from Craig Harris concerning the Chamber of Commerce sign near 5<sup>th</sup> and Park Streets in Judson Park. Mayor Mikesell stated that he has brought this up a number of times. City Manager Golnar reported that the Chamber will relocate the sign in coordination with the Depot Center.

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

The time was 8:42 p.m.

ATTEST:

  
RECORDING SECRETARY

APPROVED:

  
MAYOR

LIVINGSTON  
CITY COUNCIL MEETING  
November 4, 1996  
7:30 p.m.

The Livingston City Council met in regular session November 4, 1996, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Bernice McGee, Sheryl Dahl, Caron Cooper and Barb Williams with Mayor Pat Mikesell presiding.

Motion was made by Dahl, second by Cooper, to approve the minutes of October 21, 1996 regular City Council meeting. Motion passed.

Motion was made by Williams, second by Dahl, to accept the bills and claims that listed for \$94,912.91. Councilmember Williams questioned the following claims:

Page 8, item #953864 to Dana Kepner. Supt. of Public Utilities Clint Tinsley explained.

Page 9, item #953890 to the Livingston Enterprise. Mrs. Williams noticed that the Study Commission inserts had an asterisk by it. It was confirmed there was money to pay this item.

Page 12, item #953910, to the Park County Treasurer. Finance Officer Shirley Ewan stated that this was a refund as the Treasurer paid the City too much money.

Page 12, item #953911 to Park Radio & TV. Mrs. Williams questioned why there was no line item listed. Finance Officer Ewan clarified.

Councilmember Cooper questioned page 9, item #953877 to Robert Furu. Acting Police Chief Dave Fenton explained that this was for a polygraph exam.

Councilmember Dahl questioned the following claims:

Page 11, item #953909 to the Park County Solid Waste District. Supt. Kastelitz stated that this was for actual use.

Page 12, item #953923 to Simmons & Co. Finance Officer Ewan explained how the auditor charged.

Motion passed.

Mayor Pat Mikesell proclaimed November 9, 1996 as the annual sale of Buddy Poppies by the Veterans of Foreign Wars of the United States.

Mayor Mikesell proclaimed November 12<sup>th</sup> - December 12<sup>th</sup>, 1996 as American Association of University Women's Month in the City of Livingston.

A public hearing was held on second reading of Ordinance No. 1844, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY FROM MEDIUM DENSITY RESIDENTIAL MOBILE HOME (RIIMH) TO HIGH DENSITY RESIDENTIAL (RIII) USE. No public comments were heard. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution NO. 2731, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE APRIL THROUGH JUNE, 1996 BUDGET LINE ITEM

TRANSFERS AND ADJUSTMENTS FOR THE FISCAL YEAR 1995-1996 BUDGET FOR THE CITY OF LIVINGSTON. Discussion was heard on Exhibit "A". Finance Officer Ewan explained and clarified where needed. Five in favor. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2732, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING CERTAIN CONTIGUOUS PROPERTY COMMONLY REFERRED TO AS THE MOUNTAIN VIEW TRAILER PARK, INTO THE CORPORATE LIMITS OF THE CITY OF LIVINGSTON, MONTANA. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2733, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING CERTAIN CONTIGUOUS PROPERTY COMMONLY REFERRED TO AS THE CRAZY MOUNTAIN TRAILER PARK, INTO THE CORPORATE LIMITS OF THE CITY OF LIVINGSTON, MONTANA. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2734, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING SUBORDINATION OF CDBG REHABILITATION LOAN. Councilmember Williams asked for clarification of the City Attorney with the City signing off on this resolution. City Attorney Becker stated what the resolution was about. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2735, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO CHANGE THE NAME OF A PORTION OF CLARENCE AVENUE TO RIVER DRIVE. All in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to approve Resolution No. 2736, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, APPROVING THE FINAL SUBDIVISION PLAT FOR THE NORTHERN LIGHTS SUBDIVISION - PHASE I. City Manager Golnar confirmed for Mrs. Williams, that the letters of credit have been received. Also, a check for the right-of-way, SID and Park Improvement waivers have been signed and certified covenants received.

Councilmember Williams requested that Council receive a copy of the letters of credit when it applies in future instances. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1845, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, VACATING A PORTION OF UNDEVELOPED "O" STREET ADJACENT TO THE EAST SIDE OF BLOCK 40 AND TO VACATE THE UNDEVELOPED ALLEY OF BLOCK 40, ALL LOCATED IN THE MINNESOTA ADDITION TO THE CITY OF LIVINGSTON, MONTANA. All in favor. Motion passed.

Mike Potter of Potter Clinton Development (Northern Lights Subdivision) handed out maps of the subdivision to Council and Staff members. Mr. Potter thanked Council, the Administrator and Staff for the months of hard work and patience to make the subdivision come together correctly.



Mayor Mikesell called a 5 minute recess for the signing of the Northern Lights Subdivision Phase I Final Plat.

Council would like the City Manager to provided and have available print outs of budget transfers. Finance Officer Ewan answered questions for Councilmember Cooper.

City Manager Golnar reported that proposals for design of the Pedestrian/Bike Path Design are due on November 8<sup>th</sup>. A recommendation of the selection committee will come before Council at their first meeting in December. Councilmember Cooper questioned the evaluating criteria. Mr. Golnar stated that there was no established agreed upon method and that a pre-meeting with the selection committee was planned to ensure consistency.

City Manager Golnar reported that the Request for Proposals for engineering services for SID Project have been advertised. These are due on November 15<sup>th</sup>. A copy of the proposal was included in the packet for Council's information.

City Manager Golnar reported on a response letter to Tom McNamee doing business as Home Town Montana L.L.C. who is looking into purchasing and developing property abutting the City with possible annexation. Mr. McNamee does not want to put the current landowner in a position of annexing to the City or changing classification in the event the sale to him does not close.

Mr. Golnar reported that another issue that needs to be addressed as a result of these discussions, is the need for the City to develop a Planned Unit Development Zone to be consistent with the City's Subdivision Regulations.

Comments and discussion was heard from Council and Staff. Mr. Golnar stated the letter discussing the annexation agreement would be on the City/County Agenda. More ideas and comments were discussed.

City Manager Golnar informed Council that the TSEP Grant Application for water main, valve and fire hydrant replacement was denied. Also enclosed was a memo from Supt. Tinsley summarizing the results of the application. Councilmember Cooper stated she would like a letter from the City Manager summarizing points that Mr. Tinsley stated, be addressed to someone at the State level in Helena. Council was in agreement as Mr. Tinsley raised some good concerns.

Enclosed in the packet was a summary of costs incurred by the Public Utilities Department for being called out and fighting a grass fire at Billman Creek. City Manager Golnar stated that the sewer jet hose was damaged during the fires and he has authorized replacement of the hose.

Mayor Mikesell questioned who called the Utility Department to the Fire. Discussion was heard on this item, with Mayor Mikesell stating that he would like to have a meeting with the head of Rural Fire and Supt. Tinsley.

City Manager Golnar reported on a letter that was received from Elizabeth Douglas relating to visual pollution of the power pole replacement. Discussion was heard. City Attorney Becker will see what the easement says concerning the poles. Mr. Golnar will obtain an update for the next meeting.

City Manager Golnar reported on the summer of 1996 Swimming Pool expenses vs. revenues that was provided separately to Council. Supt. Kastelitz responded to Council's questions regarding the report.

Councilmember Cooper requested a more detailed report for the next Council meeting.

City Manager Golnar included into the packet, City issues that he brought to the table when Councilmember Williams and himself attended a League of Cities/Department of Transportation meeting held in Helena on October 25<sup>th</sup>.

City Manager Golnar reported that the Loves Lane grade crossing signal agreement has been fully executed. The City will be advised when construction begins and when the signals are completed and in place.

City Manager Golnar reported that he and City Attorney Becker have received additional background information relating to the abandoned channel of the Yellowstone River issue. Attorney Becker added additional comments.

Mr. Golnar will keep Council updated as he waits to hear from the State, before a worksession is scheduled with the Council.

The following upcoming meetings and events were listed for Council's information:

- Nov. 4<sup>th</sup>, 7:30 p.m. - Regular Council Meeting
- Nov. 5<sup>th</sup>, - Election Day - No Work Holiday
- Nov. 5<sup>th</sup>, 3:00 p.m. - Post Office Relocation Meeting - 1<sup>st</sup> Interstate Bank Meeting Room.
- Nov. 6<sup>th</sup>, 4:00 p.m. - City/County Meeting - See Agenda Enclosed - A separate packet will be provided for the meeting.
- Nov. 11<sup>th</sup>, - Veteran's Day Holiday
- Nov. 13<sup>th</sup>, 4:00 p.m. - Community Room - BN Cleanup Status Report Joint Meeting with Park County and Park County Environmental Coalition.
- Nov. 14<sup>th</sup>, 5:15 p.m. - Joint Meeting Sister Cities Committee - Paradise Inn Dining
- Nov. 18<sup>th</sup>, 7:30 p.m. - City Council Meeting
- Nov. 20<sup>th</sup>, 7:00 p.m. - Sister Cultural Exchange Committee
- Nov. 28<sup>th</sup>, - Thanksgiving

Motion was made by Cooper, second by Williams, to reflect this Council's support of keeping the Post Office in its present location in the downtown area. Five in favor. Motion passed.

A Recreational Activities Calendar for November 1996 was included for Council's information. Supt. Kastelitz added additional comments.

Motion was made by Williams, second by Dahl, to approve CDBG Drawdown #3 in the amount of \$15,986.18. Mike Smith, Project Engineer updated Council on the status of the project.

All in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to suspend enforcement activity for 2 hour parking from Monday, December 16<sup>th</sup> through Friday, January 3<sup>rd</sup>, 1997. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to appoint Kirk Michels to the Board of Adjustment and the Design Review Board. (These are two separate appointments.) All in favor. Motion passed.

Councilmember Williams stated that she received a call from an elderly lady about the boisterous kids and that this lady will not go out after dusk. She is afraid to walk on City streets during the day because the kids are too rough on their skateboards and bicycles and their language is terrible.

Acting Police Chief Dave Fenton stated that something is in the process. Plain clothes officers will patrol the downtown area for several hours per day during this week to see if the Police Department can control this situation.

City Manager Golnar is to keep Council notified.

Councilmember Cooper commented on the HRDC Project, stating that she was disappointed on the qualifications for getting a house, was 12 months residency in Park County. Ms. Cooper stated she felt this was more a City based project and wanted to see priorities given to people who were here more than 12 months.

City Manager Golnar stated that these concerns could be passed on the Caron Couch. Finance Officer Ewan stated that these adjustments can be made.

More comments were heard from Council, with longevity and Livingston residents given more consideration. This item will be looked into further.

Councilmember Cooper stated that Jr. Women's Club minutes in the local newspaper mentioned building bathrooms in Sacajawea Park. The Club is going to go to the Livingston Community Trust to see if there are funds available. Mayor Mikesell commented on the Livingston Community Trust.

Councilmember Cooper thanked City Manager Golnar and Pat Mikesell for each taking a pie in the face at the Depot Halloween Party benefiting the Counterpoint.

Councilmember Dahl questioned if waivers of annexation are charged for by the City and does this charge cover expenses. City Planner Woodhull explained an example of a waiver of annexation. City Attorney Becker stated that the City could look into the charging for expenses in the Annexation Policy.

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

The time was 9:15 p.m.

ATTEST:

APPROVED:

*Dulianne Brown*  
RECORDING SECRETARY

*Pat Mikesell*  
MAYOR

**THIS IS THE END OF THIS BOOK**

LIVINGSTON  
CITY COUNCIL MEETING  
November 18, 1996  
7:30 p.m.

The Livingston City Council met in regular session November 18, 1996, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Sheryl Dahl, Caron Cooper, Barb Williams and Bernice McGee with Mayor Pat Mikesell presiding.

Motion was made by Williams, second by Dahl, to approve the minutes of November 4, 1996 regular City Council meeting. Motion passed.

Motion was made by Dahl, second by McGee, to accept the bills and claims that listed for \$43,191.19. Councilmember Williams questioned the following claims: Page 9, item #954024 to P.E.C. Inc. Supt. of Public Utilities Clint Tinsley stated that this was for 6 manholes and explained further.

Page 11, item #954042 to Tractor and Equipment Co. City Manager Steve Golnar explained that this was a budgeted expenditure for an engine overhaul for a garbage truck and a new engine was required.

Councilmember Dahl questioned the following claims: Page 7, item #953971 to Davis Business Machines. City Manager Golnar explained that this was for a yearly maintenance contract for the copy machine and excess copies.

Page 9, item #954007 to the Montana State Treasurer. This was the \$5 City Judge surcharge payable to the State.

Page 10, item #954019 to the Park Clinic. This was the new Firefighter employee physical.

Motion passed.

A public hearing was held on a zone change request by Mollie and Hank Edward's from RII to RIII for Block 4 in the Palace Addition. City Planner Jim Woodhull addressed Council with the background to the proposal. City Manager Steve Golnar read #7 of the 12 point "Lowe" Test.

Ginger Parsekian spoke in opposition. Molly Edward's addressed Council in favor of her project and to explain the property and passed out pictures for Council. Also speaking on Mrs. Edward's behalf was her attorney Jon Hesse and Michelle Goodwine of Maverick Realty.

City Attorney Bruce Becker commented on the 12 point "Lowe" Test. Planner Woodhull answered a spot zoning question for Councilmember Cooper. More discussion was heard.

Motion was made by Dahl, second by Cooper, to table the Edward's Zone Change to the first meeting in December with a worksession to address the "Lowe" Test in the mean time.

A worksession was scheduled for 6:30 p.m. before the next Council meeting of December 2<sup>nd</sup> with the zone change coming before Council at their regular meeting on the same day.

All in favor to table. Motion passed.

A public hearing was held on second reading of Ordinance No. 1845, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, VACATING A PORTION OF UNDEVELOPED "O" STREET ADJACENT TO THE EAST SIDE OF BLOCK 40 AND TO VACATE THE UNDEVELOPED ALLEY OF BLOCK 40, ALL LOCATED IN THE MINNESOTA ADDITION TO THE CITY OF LIVINGSTON, MONTANA. No public comments were heard. All in favor. Motion passed.

City Planner Woodhull gave Council background information on a variance request by Ralph Fehlmann, 421 S. 7<sup>th</sup> Street. Mr. Fehlmann is requesting a variance from the five (5) foot side setback requirement for RII zoning districts as he wishes to rebuild and expand his existing garage which is (1) one foot from the side property line. Ralph Fehlmann spoke on his own behalf.

Motion was made by Cooper, second by McGee, to grant this variance request. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2737, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, APPROVING THE ADDENDUM TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY TO PROVIDE DISPATCH SERVICES. City Manager Golnar made a clarification. All in favor. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2738, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN CONTIGUOUS PROPERTY BEING A PORTION OF LOT 4 LOCATED IN SECTION 7, TOWNSHIP 2 SOUTH, RANGE 10 EAST INTO THE CORPORATE LIMITS OF THE CITY OF LIVINGSTON, MONTANA. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2739, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN CONTIGUOUS PROPERTY COMMONLY REFERRED TO AS THE KINGDOM HALL BEING A PORTION OF LOT 3 LOCATED IN SECTION 7, TOWNSHIP 2 SOUTH, RANGE 10 EAST INTO THE CORPORATE LIMITS OF THE CITY OF LIVINGSTON, MONTANA. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2740, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ANNEX CERTAIN CONTIGUOUS PROPERTY TO THE CITY OF LIVINGSTON BEING LOCATED IN SECTION 7, TOWNSHIP 2 SOUTH, RANGE 10 EAST, INTO THE CORPORATE LIMITS OF THE CITY OF LIVINGSTON, MONTANA. City Manager Golnar clarified a question for Councilmember Williams. All in favor. Motion passed.

Motion was made by Dahl, second by McGee, to approve Resolution No. 2742, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO PROFESSIONAL SERVICES AGREEMENT WITH SCOTT NELSON ENGINEERING, INC. All in favor. Motion passed.

The following information items were listed Council's information:

Finance Department Monthly Report Ending October 31, 1996.  
(Provided Separately)

Livingston Fire/Ambulance Monthly Report October 1996.  
Recreation Year to Date Report October 1996.  
City Judge Monthly Report October 1996.  
Incoming Water & Sewer Revenues October 1996.  
Building Department Monthly October 1996.  
Library Board Minutes October 17, 1996.  
Fire Chief Monthly Report October 1996.  
Police Chief Monthly Report October 1996.

Councilmember Cooper stated that since the Ambulance operating mill levy did not pass, she would like to set up a worksession in the next couple of months to start working as a community to determine what we can afford to do. Ms. Cooper stated that she would like to hear from Community members that have utilized the Ambulance Service.

A worksession will be scheduled for the second half of January.

City Manager Golnar stated that he will be writing a letter to the Treasure State Endowment Program with a copy to the Legislators.

Summer Swimming Pool Expenses were provided for Council's information. Council would like a Recreation workshop scheduled for April.

City Manager Golnar stated that he will be contacting the State to determine their status on gaining prices for the value of land referencing the abandoned channel of the Yellowstone River. A workshop will be scheduled when more information has been obtained.

Enclosed in the packet for Council's information was a memo to Caron Couch in regards to Council's concerns on Livingston Resident "Passed on to HRDC and Park County Economic Development Corporation.

City Manager Golnar reported on the relocation of the Post Office, stating that there was a meeting earlier in the evening. A couple of letters were included in the packet for Council's information. Mr. Golnar asked if Council had any direction for him to follow up on the meeting. Mayor Mikesell stated that the Council has shown its direction. Council suggested contacting the Governor and Sentators's individually.

More discussion and comments were heard from Council. City Attorney Becker will look into a few of Councilmember Dahl's questions. Comments were heard of offering the East Side School. City Manager Golnar will have a proposal for Council's consideration at its next meeting.

Enclosed was a November 7, 1996 memo summarizing the interim plan for Assistant Recreation Director.

Included in the packet was a progress report on capital projects from the Public Utilities Department. Management commended Supt. Tinsley on the report format.

Discussion was heard on an enclosed response to Elizabeth Douglas in regards to her power pole and visual pollution concerns. City Manager Golnar stated that he has contacted John Carmody of MPC who indicated that the City could implement some regulations within corporate limits relating to height of the power poles, but cautioned that the limiting of height could result in more poles needing to be placed closer together. Mr. Golnar suggested policy guidelines be developed in conjunction with Montana Power.

Councilmember Cooper stated that she would like to be kept informed.

City Manager Golnar stated that Library Agreement questions have been submitted to the City and County Attorney's.

City Manager Golnar reported that \$23,856 in Worker's Compensation premium dividend's have been received by the City. This will be redistributed to the City funds from which they came.

City Manager Golnar reported that a cooperative grant with the schools and hospital is being pursued in an effort to reduce tobacco use by contracting with off duty officers.

City Manager Golnar stated that he is nearly done with a long term fiscal profile for the City which will assist him in finalizing contract proposals for the Police and Fire Unions. A worksession was scheduled for Monday, November 25, 1996 at 7:00 p.m. Material for the worksession is to be provided to Council by 3:00 p.m. on Friday.

The following upcoming meetings and events were listed for Council's information:

- Nov 18<sup>th</sup>, 7:30 p.m. - City Council Meeting
- Nov 19<sup>th</sup>, 3:00 p.m. - Sport Restaurant, PCEDC
- Nov 20<sup>th</sup>, 7:00 p.m. - County Zoning Ordinance Public Hearing
- Nov 20<sup>th</sup>, 7:00 p.m. - Sister City Cultural Exchange Committee
- Nov 21<sup>st</sup>, 7:00 p.m. - Community Oriented Policing Meeting
- Nov 28<sup>th</sup>, Thanksgiving
- Dec 2<sup>nd</sup>, 7:30 p.m. - City Council Meeting
- Dec 4<sup>th</sup>, 4 or 4:30 p.m. - City/County Meeting
- Dec 5<sup>th</sup>, 5:15 p.m. - Sister Cities Committee Meeting (may be joint meeting)
- Dec 5<sup>th</sup>, 9:00 a.m. - Community Vision 20/20 - LivingSteps
- Dec 10<sup>th</sup>, 2:00 p.m. - Community Room, Public Service Commission Long Distance Rates Eliminated to Bozeman
- Dec 11<sup>th</sup>, 5:30 p.m. - Tree of Life Dedication - Depot Center

Project Engineer to the CDBG/HRDC Affordable Housing Project, Mike Smith gave Council an update of the project.

Motion was made by Williams, second by Dahl, to approve the CDBG Drawdown #4 in the amount of \$9,268.10. All in favor. Motion passed.



Motion was made by Dahl, second by Cooper, to approve a cash bond refund to Rodney Anderson. City Attorney Becker explained.

All in favor. Motion passed.

A request was received from James Mackey, owner and operator of the Lagoon located near Sacajawea Park Lagoon. Mr. Mackey is proposing that he be allowed to have one paddleboat for rent on the Lagoon.

Urana Clark spoke in opposition of the request. Betsi Stewart was present on Mr. Mackey's behalf. A comment was heard from Tara Eddy.

Discussion was heard from Council with input from the City Attorney. Comments were heard on having a policy on not commercializing City Parks and properties.

Motion was made by Williams, second by McGee, to deny the paddleboat rental request on the Lagoon. All in favor. Motion passed.

In response to a County question regarding the City's interest in joint participation of a County-wide Community Decay Ordinance, City Manager Golnar recommended that the City maintain its own Community Decay Ordinance. Some discussion took place while reviewing the City's current Decay Ordinance. Council was in agreement with the City Attorney on some changes he suggested to implement at a later date. Motion was made by Dahl, second by McGee, that the City Council maintains its current Community Decay Ordinance. An amendment to the motion was made by Dahl, second by McGee, by including that the City does not pursue the County wide joint Community Decay Ordinance. All in favor of the amendment. Amendment passed. All in favor of the motion as amended. Motion passed as amended.

Motion was made by Dahl, second by Williams, to direct the City Attorney to prepare an ordinance on 2 hour parking around the City/County Complex. Discussion was heard concerning the signs. City Manager Golnar will look into the possibility of getting signs at Mayor's Landing. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to waive the rental fee at the Civic Center for the Christmas Dinner. (This was a request from Dan Indendi.) All in favor. Motion passed.

Councilmember Williams questioned Police Chief McCann about the situation downtown with the young people. Chief McCann reported that during the week a plain clothed officer patrolled the downtown area and that some citations were issued. Comments from downtown businesses indicated that they thought it was worthwhile and the businesses indicated that they had observed the groups had decreased by up to 70%. Chief McCann stated overtime cost was a factor and that he felt this could not be done 2-3 times per week.

Councilmember Cooper stated that she has received several calls concerning the load testing of the engines. City Attorney Becker stated that the concerned citizens should call the State Department of Environmental Sciences. Police Chief McCann stated that there is an ordinance that takes affect at 10:00 p.m. prohibiting load testing after that hour. Ms. Cooper stated that one of her complainants went to sleep earlier than 10:00 p.m. due to their job schedule.

Councilmember Dahl questioned Planner Woodhull regarding the fact that there was no mention in the minutes of the zoning meeting relating to commercial landscaping and buffer zone regulations that had been talked about by the Council at previous meetings. Mr. Woodhull answered Ms. Dahl by indicating that the Zoning Board had in fact been involved in the review of these proposed regulations and that they would soon be ready for Council's review.

Councilmember Dahl commented on some programs that were implemented in the Police Department in Bozeman. One of them being Cops of Bikes. Police Chief McCann responded.

Ms. Dahl questioned if the Police Officers were still walking the beat downtown as she has not seen Officers out recently. Chief McCann stated that the Officers do still walk the downtown area as they are able to. Also they walk the downtown area every night after 2:00 a.m. to check the locks in the downtown area.

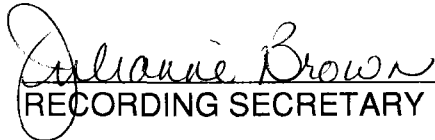
Mike Fleming commented on the current Post Office and its historical value.


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

The time was 9:37 p.m.

ATTEST:

APPROVED:

  
 RECORDING SECRETARY

  
 MAYOR

LIVINGSTON  
CITY COUNCIL MEETING  
December 2, 1996  
7:30 p.m.

The Livingston City Council met in regular session December 2, 1996, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Caron Cooper, Barb Williams, Bernice McGee and Sheryl Dahl with Mayor Pat Mikesell presiding.

Motion was made by Cooper, second by McGee, to approve the minutes of the November 18, 1996 regular City Council meeting. Motion passed.

Motion was made by Dahl, second by Williams, to accept the bills and claims that listed for \$83,362.98. Councilmember Williams questioned page 11, item #954117 to Simmons and Co. Finance Officer Shirley Ewan stated that this is for the actual audit.

Councilmember Cooper questioned page 11, item #954114 to Rocky Mountain Printing. Finance Officer Ewan explained the dog license receipt books for Ms. Cooper and that they were more specialized receipts than regular receipt books which allowed for recording of rabies vaccination date, dog license number, etc.

Motion passed.

Motion was made by Dahl, second by Williams, to pull the Edward's Zone Change from the table.

Motion was made by Williams, second by Cooper, to accept number 1,3,4,5,6,8,9,10 & 11 of the Zoning Commission's 12 point Lowe Test and amend the Lowe Test by accepting the Planner's answer's to number 2,7, & 12 of the Lowe Test. Concerns were heard from the Council as a petition was given to them during the worksession held before the regular meeting. Mayor Mikesell had confirmed with the City Attorney that ample time was given for the public hearing and this petition. If the petition was accepted then the City would have to go through the whole process once again. Citizen comments opposing the zone change were heard from Ginger Parsekian and Laverne Parisi.

Motion was made by Dahl, second by Cooper, to make a change in the agenda to move on to Resolution's while waiting for the City Attorney's opinion on State statutes. Motion passed. Council re-addressed this issue after taking action on the resolutions and ordinance.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2741, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CHANGING THE NAME OF A PORTION OF CLARENCE AVENUE TO RIVER DRIVE. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2743, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING ITS FAIR HOUSING POLICY. City Manager Steve Golnar and Finance Officer Ewan answered questions for Councilmember Cooper. All in favor. Motion passed.

Motion was made by Dahl, second by Cooper, to approve Resolution No. 2744, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO PROFESSIONAL SERVICES AGREEMENT WITH SCOTT NELSON ENGINEERING, INC. All in favor. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2745, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH LOCAL GOVERNMENT CENTER FOR PREPARING JOB DESCRIPTIONS AND PROPOSED PERSONNEL POLICIES FOR THE CITY OF LIVINGSTON, MONTANA. City Manager Golnar confirmed questions that were asked by Council.

All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2746, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, DESIGNATING PARK COUNTY DES COORDINATOR AS CITY'S AGENT TO MAKE APPLICATION TO THE STATE OF MONTANA FOR FINANCIAL ASSISTANCE FROM GOVERNOR'S EMERGENCY AND DISASTER FUND FOR THE CITY OF LIVINGSTON, MONTANA. City Manager Golnar clarified why this resolution was needed. Questions were answered for Councilmember Cooper on the survey report.

All in favor. Motion passed.

Motion was made by Dahl, second by Cooper, to approve first reading of Ordinance No. 1846, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING A TWO HOUR PER DAY PARKING ZONE ON A PORTION OF "D" STREET, "E" STREET AND CALLENDER STREETS, MAKING IT AN OFFENSE TO VIOLATE SAID PARKING RESTRICTION AND TO PROVIDE A PENALTY FOR SAID VIOLATION. Much discussion was heard. Parking Enforcement Officer Peggy Jacobsen addressed Council on the enforcement of the back parking lot.

An amendment to the motion was made by Dahl, second by Cooper, by adding to section 2, number 3, that employee vehicles are exempt that are called in on emergency's. Fire Chief Parks stated that if an employee received a ticket during an emergency, then that employee would then need to go to the Judge for dismissal of the ticket. All in favor of the amendment. Amendment passed.

A second amendment to the motion was made by Dahl, second by Cooper, adding a number 4 to section 2, any vehicles that falls within the City/County Complex parking plan will also be exempt. All in favor of the second amendment. Amendment passed. All in favor of the original motion as amended. Motion passed as amended.

At this time Council went back to item 5 of the agenda, Edward's Zone Change. City Attorney Becker stated that the City has complied with the statutory requirements. Discussion was heard between Council and Staff. Attorney Becker stated that in his opinion this was not spot zoning. Jim Hannon addressed Council with his comments.

Three in favor of accepting number 1,3,4,5,6,8,9,10 & 11 of the Zoning Commission's 12 point Lowe Test and amend the Lowe Test by accepting the Planner's answer's to number 2,7, & 12 of the Lowe Test, Dahl opposed. Motion passed.

Motion was made by Williams, second by McGee, to allow the Edward's Zone Change from RII to RIII. Three in favor, Dahl opposed. Motion passed.

City Manager Golnar asked if there were any questions on last meetings Financial Report. None were asked.

City Manager Golnar summarized for Council on an article from the Montana League of Cities and Towns newsletter which talks about reappraisal. Also included for Council's information was preliminary information on the reappraisal. Mr. Golnar stated that the information showed a 71% increase in Park County in appraised evaluations. The City Manager will keep Council informed.

City Manager Golnar provided for Council's information, Wage and Salary Survey that will be published by the Department of Labor and Industry in January. Mr. Golnar will see what the City can use from that information.

City Manager Golnar summarized the upcoming TCI Cable Television rate changes. This is for Council's information.

Motion was made by Dahl, second by Cooper to authorize the City Manager to draft a letter to TCI requesting public input to what programming our Community would like to have. All in favor. Motion passed.

Included in the packet was a letter dated November 19, 1996 from Mr. James Green with the Montana DES indicating that the Presidential Disaster Declaration has been turned down for the flooding disaster that occurred in June of 1996.

City Manager Golnar reported that a conditional offer of employment has been offered to Michelle Morris to serve as a Police Officer. Ms. Morris is to complete the Montana Law Enforcement Academy within one year.

City Manager Golnar stated that he received a letter from the Department of Transportation indicating that two speed zone studies that were requested by the City should be completed within the next three months or so. The two locations to be studied are Highway 10 West past Mountain GMC and Highway 89 South to the stop light in the vicinity of the Centennial Subdivision.

The following are possible agenda items for the City/County meeting scheduled for December 5<sup>th</sup>:

- Library Agreement and legal interpretation of questions.
- Ambulance District possible creation.
- Building Committee Report including Maintenance Man Proposal.
- Cemetery Indigent Burials (Should the City waive fees for County burial of indigents)
- River bank stabilization status and reviewing of video from Spring Creek meeting.
- Consider agreement on disaster response "Mutual Aid".
- Post Office Relocation and Possible Site Proposal Coordination.
- Local Legislative Meeting Timing on Agenda.

City/County Complex Parking Plan was added as an agenda item.

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

- Dec 2<sup>nd</sup>, 6:30 p.m. - Workshop Edward's Zone Change
- Dec 2<sup>nd</sup>, 7:30 p.m. - City Council Meeting
- Dec 5<sup>th</sup>, 9:00 a.m. - Vision 20/20 LivingSteps
- Dec 5<sup>th</sup>, 4:00 p.m. - City/County Meeting (Changed from Dec 4<sup>th</sup>)
- Dec 5<sup>th</sup>, 5:15 p.m. - Sister Cities Education Committee - Paradise Inn
- Dec 9<sup>th</sup>, 7:00 p.m. - Workshop Infrastructure Program Funding
- Dec 10<sup>th</sup>, 2:00 p.m. - Community Room - Public Service Commission Eliminate  
Long Distance Rates between Livingston and Bozeman
- Dec 12<sup>th</sup>, 7:00 p.m. - Sister Cities Joint Annual Meeting
- Dec 16<sup>th</sup>, 7:30 p.m. - City Council Meeting
- Dec 19<sup>th</sup>, 7:00 p.m. - Sister Cities Cultural Exchange Committee
- Dec 20<sup>th</sup>, 2-5 p.m. - City/County Christmas Party
- Dec 23<sup>rd</sup> through Dec 27<sup>th</sup> - City Manager on Vacation
- Dec 25<sup>th</sup> - Christmas Day
- Jan 6<sup>th</sup>, 7:30 p.m. - City Council Meeting

A Council Worksession Calendar was included for Council's information. An Infrastructure worksession will be held on Monday December 9, 1996 at 7:00 p.m.

Included for Council's information were draft letters on TSEP and funding issues to local legislators.

Motion was made by Dahl, second by Williams, to approve CDBG Drawdown #5 in the amount of \$6,603.06.

Engineer Mike Smith gave Council a report on the CDBG Affordable Housing Project.

All in favor. Motion passed.

City Manager Golnar summarized the Police Union Contract Offer from a budget information worksheet he prepared, and gave Council his recommendations. Discussion was heard on what to offer the Police Union.

Finance Officer Ewan will check with the Department of Commerce on questions that were asked by Councilmember Dahl. A comment was heard from Peggy Jacobsen.

Motion was made by Williams, second by McGee, that Council will allow a 2% increase in salary, 2 additional personal days, physicals every other year, increase in clothing \$600.00 for Dispatch/Parking Attendant for the budget year 96-97, in addition, Council will propose this offer for a two year contract, another 2% in 97-98, keep the 2 additional personal days, continue the physicals every other year, allow the increase in clothing to remain at \$600.00 for Dispatch/Parking Attendant.

Mr. Golnar explained to Council what the Police Union's proposal was.

All in favor. Motion passed. Councilmember Williams clarified that this has nothing to do with the COP Grant or Officer.

City Manager Golnar stated that he was not able to compute the Fire Union Contract proposal at this time. Mr. Golnar is to let the Mayor know by 4:00 p.m. Wednesday, December 4<sup>th</sup> if there is to be a special meeting on the following Monday night, December 9<sup>th</sup>.

Motion was made by Dahl, second by Williams, to approve the sale of old Police Department vehicles and the proceeds of the sale going to the purchasing of new vehicles. All in favor. Motion passed.

Discussion was heard concerning the City Council submitting a proposal to the Post Office offering the old East Side School as a possible site for its development. Council was divided on offering the East Side School because of the demolition of this structure which it would require.

Motion was made by Cooper, second by Dahl, that Council does not consider proposing the East Side School site for the Post Office. Comments and discussion was heard on this motion. More discussion was heard. The vote was Dahl and Cooper in favor. Williams and McGee opposed with Mayor casting the deciding vote as opposed. Motion failed.

Motion was made by Dahl, second by Williams, to direct the City Manager to construct a proposal and send it to the Post Office by the December 9<sup>th</sup> deadline using the East Side School as a site. Types of proposals and what to base the proposal on was discussed. Concerns were heard from Architect Jim Snyder. Councilmember Cooper stated that she would like a legal opinion from the Attorney on the implementation of the sale of the East Side School as City property. All opposed. Motion failed.

City Manager Golnar summarized on the selection process of an engineering firm to design the Pedestrian/Bike path. Motion was made by Cooper, second by Dahl, to have the City Manager negotiate a contract with TD&H for the Pedestrian/Bike Path Design. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve a claim to Associates Leasing for final payment of \$4,672.48 for the wood chipper. All in favor. Motion passed.

Mayor Mikesell commented on the American Flag flying at the front of the City/County Building. It was reported to him that a new flag has already replaced the old one.

Mayor Mikesell stated that he would like the ordinance looked into on shoveling the sidewalks in residential areas.

Tara Eddy addressed Council with her opinion on the recent rezoning.

Harry Nedens stated that he has a dust problem where he lives on 620 N. C and presented Council with a SID paving petition.

Mr. Nedens commented on the City Leash Law. Mayor Mikesell asked Supt. Kastelitz to have the Code Enforcement Officer check the area more frequently.

~~Ms. Bishop commented on the Post Office staying in the downtown area.~~

Ms. Bishop commented on the shoveling of sidewalks.

Bob Weimer questioned the replacing of curbs when a driveway has been removed.

Mr. Weimer stated that the audience cannot hear what is being said.

Ruth Eggar addressed Council with her concerns on rehiring Mr. Harrington and would be back next meeting with signatures.

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

The time was 10:12 p.m.

ATTEST:

APPROVED:

Julianne Brown  
RECORDING SECRETARY

Pat Mitchell  
MAYOR

FIRST SENTENCE TOP OF THIS PAGE READS:

*JB*

Laurie Bishop addressed Council with her disappointment on the recent rezoning.



LIVINGSTON  
CITY COUNCIL MEETING

December 16, 1996  
7:30 p.m.

The Livingston City Council met in regular session Monday, December 16, 1996, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Bernice McGee, Sheryl Dahl, Caron Cooper and Barb Williams with Mayor Pat Mikesell presiding.

Motion was made by Williams, second by Dahl, to approve the minutes of December 2, 1996 regular City Council meeting. Motion passed.

Motion was made by Dahl, second by Cooper, to accept the bills and claims that listed for \$39,065.83. Councilmember Cooper questioned the following claims: page 7, item #954310 to Black Mountain Software. Finance Officer Shirley Ewan explained that the exact amount of the claim has been budgeted.

Page 7, item #954202 to Caliber Press, Inc. Police Chief Steve McCann stated this was a training tape for ground assault.

Page 9, item #954219 to IBC. Supt. of Public Utilities explained which boiler this was for.

Page 12, item #954267, to RAM Electronics. Ms. Cooper clarified that this claim was for computer workstation and not printer.

Councilmember McGee questioned the claim on page 15, item #954294 to Yellowstone Motor Inn. Supt. of Public Services Ken Kastelitz explained this was rental of the swimming pool for swimming lessons through the Recreation Department. Lesson fees cover the cost of the pool rental.

Councilmember Williams questioned the following claims: page 8, item #954210 to David Rust Carpet Center. Supt. Kastelitz explained this was for a window at the Civic Center. Page 8, item #954298 to Rhonda Hochhalter and page 11, item #954299 to Marie Moore. Supt. Kastelitz stated they are swim instructors through the Recreation Program.

Page 9, item #954226 to the Livingston Enterprise with an asterisk behind the amount. Finance Officer Shirley Ewan confirmed that money will be transferred.

Page 9, item #954312 to Livingston Ford. Finance Officer Ewan stated that the Angel Line Van broke down and this was for the repair.

Page 10, item #954234 to Byron Masonry with an asterisk behind the amount. Finance Officer Ewan stated that this was money that was moved from the CDBG loan when it was closed out and moved to Community Development.

Page 12, item #954267 to Ram Electronics. This item will be set aside until Resolution No. 2747 has been addressed by Council.

Page 15, item #954289 to Dan Yardley was an asterisk. Finance Officer Ewan will check into this item.

Motion passed to pay the bills and claims excluding item #954267.

Motion was made by Cooper, second by Dahl, to table second reading of Ordinance No. 1846. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2747, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ACCEPT BID FROM RAM ELECTRONICS FOR COMPUTER EQUIPMENT AND SOFTWARE AND TO PREPAY THE PURCHASE PRICE IN ORDER TO OBTAIN 7% DISCOUNT. Councilmember Cooper questioned the breakdown of costs and stated this was a good deal. Police Chief Steve McCann answered Ms. Cooper's question and also one for Mrs. Williams. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to pay claim #954267 to Ram Electronics for a total of \$7,682.73. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2748, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING CERTAIN CONTIGUOUS PROPERTY BEING A PORTION OF LOT 4 LOCATED IN SECTION 7, TOWNSHIP 2 SOUTH, RANGE 10 EAST INTO THE CORPORATE LIMITS OF THE CITY OF LIVINGSTON, MONTANA. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2749, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING CERTAIN CONTIGUOUS PROPERTY COMMONLY REFERRED TO AS THE KINGDOM HALL BEING A PORTION OF LOT 3 LOCATED IN SECTION 7, TOWNSHIP 2 SOUTH, RANGE 10 EAST INTO THE CORPORATE LIMITS OF THE CITY OF LIVINGSTON, MONTANA. All in favor. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2750, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING CERTAIN CONTIGUOUS PROPERTY TO THE CITY OF LIVINGSTON BEING LOCATED IN SECTION 7, TOWNSHIP 2 SOUTH, RANGE 10 EAST, INTO THE CORPORATE LIMITS OF THE CITY OF LIVINGSTON, MONTANA. All in favor. Motion passed.

The Finance Director's Report was provided to Council separately.

The following monthly reports were listed for Council's information:

- Livingston Fire/Ambulance Monthly Report, November 1996
- Fire Chief Monthly Report, November 1996
- Police Chief Monthly Report, November 1996
- Building Inspector Monthly Report, November 1996
- Recreation Year to Date Report, November 1996
- Recreation Activities for December 1996
- Meeting of the Library Board, November 21, 1996

City Manager Steve Golnar reported that the Chamber of Commerce sign at 5<sup>th</sup> and Park Streets has been removed at this time and would be relocated at a later date.

Officer Dean Hildebrandt was given a commendation by the City Manager for his skillful response to an attempted suicide.

Authorization was given to Officer Jason Sarisky for outside part-time employment.

Enclosed was a memo from the City Manager to the City Attorney in follow up to the sale or lease of City Property and that the implementation of such, needs to be further addressed.

City Manager Golnar sent a letter to TCI Cable TV requesting public comment on the programs. Councilmember Cooper asked the City Manager to clarify the language in the letter stating where the City would like to undertake or coordinate a survey. Mr. Golnar will contact TCI to clarify that the City will not do the survey.

City Manager Golnar stated that the City and the County need to come to some sort of an agreement with the Library Agreement as it is in a significant deficit situation and the City may need to start loaning the Library Fund money. Finance Officer Ewan stated that interest was not budget for.

Included was a memo from the City Manager to the City Planner, City Attorney and the Development Review Committee discussing coordination with a City/County Zoning Plan.

City Attorney Becker, Supt. Kastelitz and Police Chief McCann have been directed by the City Manager to review the enforcement of snow shoveling on the sidewalks in residential areas for a January meeting. Councilmember Williams commented on a phone call she received on this subject.

City Manager Golnar reported that the Police Bargaining Offer which the Council authorized at the last meeting has been presented, reviewed and denied by the Police Union. Mr. Golnar stated that they will be meeting on December 19<sup>th</sup>.

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

- Dec 18<sup>th</sup>, 4:00 p.m. - City/County Meeting
- Dec 18<sup>th</sup>, 7:00 p.m. - Sister Cities Cultural Exchange Committee
- Dec 20<sup>th</sup>, 2-5:00 p.m. - City/County Christmas Party - Community Room
- Dec 23<sup>rd</sup>-27<sup>th</sup> - City Manager on Vacation, Acting City Manager will be Ken Kastelitz
- Jan 6<sup>th</sup>, 7:30 p.m. - Council Meeting
- Jan 8<sup>th</sup>, 6:00 p.m. - Special Council Meeting to Meet with Attorney Robinson  
Relating to the Harrington Issue
- Jan 13<sup>th</sup>, 7:00 p.m. - Wastewater Budget Worksession
- Jan 27<sup>th</sup> 7:00 p.m. - Ambulance Funding Worksession

A worksession calendar was included for Council's information. City Manager Golnar stated that he is waiting to obtain more information from the State before he schedules a worksession on the abandoned Yellowstone River Channel.

Steve Hicks addressed City Council of his protested Maintenance District payments. Discussion was heard with Council. City Planner Jim Woodhull explained the districts to Mr. Hicks. Council invited Mr. Hicks to their upcoming worksession in February for his input.

Henry Strecker also addressed Council with him being opposed to the Street Maintenance District. Council also invited Mr. Strecker to the worksession.

Shaundra Hildebrandt of the Park Conservation District spoke to Council of a review of the Yellowstone River Water Reservation that takes place every ten years. Ms. Hildebrandt strongly suggested to Council that they write the legislature exempting the City from the 10 year review. City Manager Golnar will follow up on this issue and the City Attorney will prepare a Resolution for the next meeting.

Morrison Maierle Engineer Mike Smith updated Council on the Affordable Housing Project. The project was shut down for the winter on November 28<sup>th</sup>. HRDC Director Jeff Rupp gave Council an administrative update on the Housing Project.

Motion was made by Dahl, second by Williams, to approve CDBG Drawdown #6 in the amount of \$38,528.01. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to authorize the City Manager to negotiate a contract for engineering of SID projects with Scott Nelson, Engineer. City Manager Golnar explained that 6 proposals were received and answered for Council the criteria used in making the determination of engineering services. Mr. Golnar also answered a question for Councilmember Cooper.

All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve claim to First Trust for the interest payment on SIDs for the total of \$4,657.50. All in favor. Motion passed.

Council reviewed a letter written by the City Manager referencing the Post Office alley and what the City could do to help keep the Post Office in their current location. Discussion was heard. The City Manager was directed by Council to write a general introductory letter to the Postal Service on this subject.

Discussion was heard on reconsidering the proposal of the East Side School site for the Post Office. This was requested by the Mayor. Options were heard. Other comments along with Council's were heard from John Fryer, Jerry Weimer, Tim Stevens and Laurie Bishop. After more discussion, Council was in favor of not reconsidering the offer of the East Side School site for the proposed new Post Office location at this time.

Mayor Mikesell called a 10 minute recess at 9:20 p.m. Mayor Mikesell called the meeting back into session at 9:30 p.m.

City Manager Golnar provided separately a packet of information to authorize City Manager to make Firefighter Contract Offer. Mr. Golnar summarized what his offer to the Fire Union was for Council. Discussion was heard from Council, Staff and Richard Wood. Motion was made by Williams, second by Cooper, to authorize the City Manager to offer \$130 per month EMT-I Certification pay for one year only and a 2%

base pay increase, and that the Council establish a policy that the EMT-I level of certification should be the highest that the City intends to pay for at this time and that any such future certification must be approved by the Council in advance. All in favor. Motion passed.

A donation was received from Blake Nursery for the amount of \$300. Motion was made by Cooper, second by Dahl, to accept the donation from Blake Nursery. Councilmember Cooper stated that she has already called the Nursery and thanked them and requested that the City Manager also send an official letter of thanks. All in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to authorize conveyance of the Clarence Street signs to the Clarence family, Katherine Shelley. All in favor. Motion passed.

Councilmember McGee questioned Supt. Kastelitz if he had seen the tree that has been cut down in the Park.

Councilmember Cooper received a call from someone in the 100 block of N. F concerning a neighbors car that blocks the sidewalk by the way he parks. Police Chief McCann answered Ms. Cooper's concerns stating that this has been brought up before by the same individual and the Chief has instructed the person to report the car parked in the driveway but the individual refuses to do so. Other Councilmembers have received this same complaint in the past.

Councilmember Dahl stated that a few meetings ago she had requested a policy that Council had voted on, for an application of alley vacations and zone changes. City Manager Golnar stated that this item is on his list and will make note and try for the first meeting in February.

Councilmember Dahl questioned Planner Jim Woodhull how the Highway Commercial Zoning Regulations were coming along. Mr. Woodhull stated that the Zoning Commission was still working on this item and it would be sometime in March before the Council sees the Board's proposed regulations. Mr. Woodhull will notify Council when it goes to the Board.

Councilmember Dahl would like the Council, on official letterhead, write a letter to Congress on how as a City, Council feels about the Post Office. Carbon copies to be provided to Post Office officials.

Councilmember Dahl will be out of town on February 10<sup>th</sup>. The worksession that was scheduled for that date will be moved to February 24<sup>th</sup>. The people that were invited to this worksession will be notified. City Manager Golnar will write a letter to these people.

Mayor Mikesell questioned the status of the Decay Ordinance. City Attorney Bruce Becker updated Council on a specific incident that is currently being addressed. Mayor Mikesell stated that he would like the Attorney to keep Council informed.

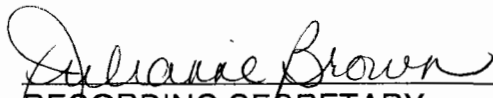
Finance Officer Shirley Ewan stated the account number that was questioned earlier in the meeting during bills and claims, was a wrong account number and will be corrected in the morning.

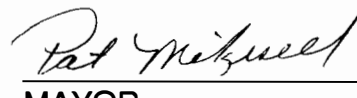
Motion was made by Dahl, second by McGee, to adjourn this meeting there being no further business. Motion passed.

The time was 10:10 p.m.

ATTEST:

APPROVED:

  
\_\_\_\_\_  
RECORDING SECRETARY

  
\_\_\_\_\_  
MAYOR