

Special Livingston
City Council Meeting
January 8, 1997
6:00 p.m.

The Livingston City Council met in special session Wednesday, January 8, 1997, 6:00 p.m. in the District Court Room at the City/County Building to meet with special Counsel Donald Robinson of Butte on a personnel matter. Councilmembers present were Caron Cooper, Barb Williams, Sheryl Dahl with Mayor Pat Mikesell presiding. Councilmember Bernice McGee was absent.

At this time Council went into executive session with respect to litigation when an open meeting would have a detrimental effect on the litigating position of the City of Livingston.

The meeting returned to open session at 7:20 p.m.

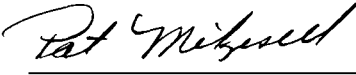
Motion was made by Williams, second by Dahl, to adjourn this meeting there being no further business. Motion passed.

The time was 7:20 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

SPECIAL LIVINGSTON
CITY COUNCIL MEETING
January 13, 1997
7:00 p.m.

The Livingston City Council met in special session Monday, January 13, 1997, 7:00 p.m. in the City Court Room at the City/County Building. Councilmembers present were Sheryl Dahl, Caron Cooper and Barb Williams with Mayor Pat Mikesell presiding. Councilmember Bernice McGee was absent.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2753, A RESOLUTION RELATING TO \$307,000 GENERAL OBLIGATION BONDS, SERIES 1997; AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE THEREOF. All in favor. Motion passed.

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

The time was 7:02 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING
January 21, 1997
7:30 p.m.

The Livingston City Council met in regular session Tuesday, January 21, 1997, 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 Boy Scout John Angle asked the Council and audience join with him in saying the Pledge of Allegiance.

Motion was made by Williams, second by Dahl, to approve the minutes of January 6, 1997 regular City Council meeting, January 8, 1997 special City Council meeting and January 13, 1997 special City Council meeting. Motion passed.

Motion was made by Williams, second by Dahl, to accept the bills and claims that listed for \$75,740.78. Councilmember Dahl questioned the following claims: page 11, item #954596 to Honeywell. Ms. Dahl would like the Building Committee to look into taking Mr. Fleming's advise on looking into other contractors other than Honeywell.

Page 16, item #954664 to the State of Montana. Finance Officer Shirley Ewan stated that this is a yearly lease for the Dental Clinic and City Pool for creek front property from the State.

Page 18, item #954694 to Walker Safety and Signing Co. Supt. of Public Services Ken Kastelitz stated that these were for street sign purchases on a five year plan with one year being left.

Page 18, item #954695 to Wayne-Dalton of Bozeman. This is out of capital outlay for an overhead door at the City Shops and is the second door replaced in a three year program.

Councilmember Williams questioned the following claims: page 16, item #954674 to Tech Electric. Ms. Williams wanted to point out to Councilmember Cooper the City share of a ballast replaced at the City/County Complex.

Page 15, item #954656 to Ranger Plumbing. This was to change a meter out at ST Mary's Church.

Page 15, item #954659 to Ruggles Excavation. Supt. Kastelitz stated that this was for a new septic system for the Civic Center. This was not planned for but was an emergency.

Councilmember Cooper questioned the following claims: page 12, item #954616 to Montana Communication Network. Police Chief Steve McCann stated that this was for Internet hook-up.

Page 13, item #954610 to MPH Industries for a radar gun. Chief McCann answered further questions for Ms. Cooper.

Page 15, item #954659 to Ruggles Excavation. This was the same claim that Mrs. Williams questioned. Ms. Cooper questioned if there were any plans in the future of connecting the sewer lines to the City system. Supt. Kastelitz stated that not at this time. Further discussion was heard.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE OCTOBER THROUGH DECEMBER, 1996, BUDGET LINE ITEM TRANSFERS AND ADJUSTMENTS FOR THE FISCAL YEAR 1996-1997 BUDGET FOR THE CITY OF LIVINGSTON. Five in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2755, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, RETAINING DORSEY AND WHITNEY AS BOND COUNSEL AND AUTHORIZING CITY MANAGER TO SIGN RETAINER AGREEMENT. An amendment to the motion was made by Williams, second by Cooper, that the third "Whereas" to say, ... services to be in the amount of \$4,500 to \$4,800.00 and out of pocket costs are not expected to exceed \$500.00. All in favor of the amendment. Amendment passed. All in favor of the motion. Motion passed as amended.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2756, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, RETAINING D. A. DAVIDSON & CO. TO SELL BONDS AND AUTHORIZING CITY MANAGER TO SIGN RETAINER AGREEMENT. All in favor. Motion passed.

Motion was made by Dahl, second by McGee, to approve Resolution No. 2757, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CERTAIN EMPLOYEES TO ACQUIRE FEDERAL SURPLUS FROM THE STATE OF MONTANA FOR CITY. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2758, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH LIVINGSTON POLICE DEPARTMENT EMPLOYEES ASSOCIATION. City Manager Golnar stated that this contract eliminates the two extra personal days previously discussed and proposes a 2.8% increase and the other items (clothing allowance and physicals) as previously discussed. Finance Officer Ewan stated that a budget amendment in resolution form will need to be passed at another meeting.

All in favor. Motion passed.

Page 18, item #954695 for the overhead doors at the City Shops. Supt. Kastelitz explained why this item was coming out of the solid waste account.
Motion passed.

Mayor Mikesell proclaimed the week of February 2, 1997 as Boy Scout Week in the City of Livingston.

City Planner Jim Woodhull gave background on a variance requested by Mr. Alec Rainey, 305 S. I, from the twenty-five (25) foot front setback requirement for RII (MH) zoning districts. Mr. Rainey wishes to rebuild and expand his existing front porch.

Motion was made by Williams, second by Cooper, to accept the variance for Rainey on South I Street. All in favor. Motion passed.

Motion was made by Dahl, second by McGee, to approve Resolution No. 2754, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE OCTOBER THROUGH DECEMBER, 1996, BUDGET LINE ITEM TRANSFERS AND ADJUSTMENTS FOR THE FISCAL YEAR 1996-1997 BUDGET FOR THE CITY OF LIVINGSTON. Five in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2755, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, RETAINING DORSEY AND WHITNEY AS BOND COUNSEL AND AUTHORIZING CITY MANAGER TO SIGN RETAINER AGREEMENT. An amendment to the motion was made by Williams, second by Cooper, that the third "Whereas" to say, ... services to be in the amount of \$4,500 to \$4,800.00 and out of pocket costs are not expected to exceed \$500.00. All in favor of the amendment. Amendment passed. All in favor of the motion. Motion passed as amended.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2756, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, RETAINING D. A. DAVIDSON & CO. TO SELL BONDS AND AUTHORIZING CITY MANAGER TO SIGN RETAINER AGREEMENT. All in favor. Motion passed.

Motion was made by Dahl, second by McGee, to approve Resolution No. 2757, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CERTAIN EMPLOYEES TO ACQUIRE FEDERAL SURPLUS FROM THE STATE OF MONTANA FOR CITY. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2758, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH LIVINGSTON POLICE DEPARTMENT EMPLOYEES ASSOCIATION. City Manager Golnar stated that this contract eliminates the two extra personal days previously discussed and proposes a 2.8% increase and the other items (clothing allowance and physicals) as previously discussed. Finance Officer Ewan stated that a budget amendment in resolution form will need to be passed at another meeting.

All in favor. Motion passed.

Motion was made by Dahl, second by McGee, to approve Resolution No. 2759, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING REVENUE ACCOUNT #222.331183 FOR THE LIBRARY BUDGET FOR THE PURPOSE OF APPROPRIATING A FEDERAL GRANT. City Manager Golnar stated that this was a grant that was awarded last year but not received until this year and not anticipated in the current budget. The budget is being revised to reflect the receipt and expenditure of those funds.

All in favor. Motion passed.

Motion was made by Dahl, second by McGee, to approve Resolution No. 2760, 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. City Manager Golnar pointed out that a letter has been forwarded to the City and County Attorneys relating to follow up on the 5 mill levying capability of the County for City/County Library funding and the limitations of I-105 and on this ability. Mr. Golnar reviewed a letter from the County Attorney responding that she is requesting an Attorney General's Opinion on this issue as well as the double taxation issue.

All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to bring off the table first reading of Ordinance No. 1848, 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 HIGH DENSITY RESIDENTIAL (RIII) USE. All in favor to bring off the table. Motion passed.

Extensive discussion was heard with a motion being made by Cooper, second by Dahl, to reconsider the findings of the Lowe Test on the Edward's Zone Change. The vote was Cooper and Dahl in favor, Williams and McGee opposed, with Mayor Mikesell casting the deciding vote as opposed. Motion died.

The vote on the original motion that was made at the January 6, 1997 meeting was Cooper and Dahl opposed, Williams and McGee in favor, with Mayor Mikesell casting the deciding vote as in favor. Motion passed for first reading.

Mike Bentley, Field Representative for Council 9 Local 2711A Union addressed Council on behalf of the Public Works Union. Mr. Bentley stated that the union is to going to mediation to settle the contract.

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

- Finance Officer Monthly Report, December 1996 (Provided Separately)
- Police Chief Monthly Report, December 1996
- Fire Chief Monthly Report, December 1996
- Livingston Fire/Ambulance, December 1996
- Recreation Monthly Report, December 1996
- Recreation Activities Calendar for January 1997
- Library Board Minutes, November 21, 1996
- City Judge Monthly Report, December 1996
- Incoming Water and Sewer Revenues, December 1996

City Manager Golnar noted that Water revenues are ahead this year due to the dry summer and high usage, and that we were a little behind in Sewer revenues versus projections.

Councilmember Cooper questioned a portion of the Recreation Monthly Report and asked specifically if the Recreation Fund was paying back the loan from the Solid Waste Fund that was outstanding. Finance Officer Ewan stated that it is being paid back quarterly and summarized further.

Parking Space Plan revision update was given to Council by the City Manager.

The Balance Sheet and Income for December 30, 1996 Landfill, Incinerator and Collections County Report was enclosed for Council's information per the City's settlement agreement with the County on the Incinerator and Landfill. Councilmember Cooper questioned the direction to take if there were any clarification questions relating to the report. City Manager Golnar stated to direct them to him.

City Attorney Becker is still working on developing an ordinance creating Above Ground Tank Code revisions.

Included in the packet was a request by the Public Works Union for medication. City Manager Golnar summarized. Mr. Golnar asked Council for more authority to offer more than 2.0% wage increase to the Public Works Union in upcoming negotiations. Mayor Mikesell stated that he would be willing to go up to a 2.5% wage increase. Councilmember Dahl requested a spreadsheet on breakdowns of different cost of living percent increases like Mr. Golnar has provided Council for other union wage discussions.

City Manager Golnar has appointed Art Swanson as Acting Fire Chief until further notice.

A letter was included in the packet to the Department of Commerce regarding the TSEP Loan that was turned down by the City.

Included in the packet was the latest draft of landscaping requirements for various zoning districts being considered by the Zoning Board. The requirements have not been passed yet due to the lack of a quorum at the last Zoning Board meeting.

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

Jan 20th, Martin Luther King Day Holiday
 Jan 21st, 7:30 p.m. - Tuesday - City Council Meeting
 Feb 3rd, 7:30 p.m. - City Council Meeting
 Feb 5th, 4:30 p.m. - City/County Meeting
 Feb 10th - 13th, Incident Command School - Manager and Department Heads
 Feb 17th, President's Day Holiday
 Feb 18th, 7:30 p.m. - Tuesday - City Council Meeting
 Feb 19th, 7:00 p.m. - Sister Cities Committee Meeting

City Manager Golnar received a request from the Fire Union to reschedule the Ambulance Funding Workshop. This has been rescheduled for March 10th. Mayor Mikesell stated that he would like Med-Trans invited to the worksession.

Motion was made by Williams, second by Cooper, to approve HRDC Drawdown #7 in the amount of \$13,637.28. All in favor. Motion passed.

Mayor Mikesell moved to consider item #8 on the agenda out of order.

Dave Crawford, Engineer at TD&H Engineering addressed Council to answer any questions in regards to directing the City Attorney to prepare a resolution authorizing the City Manager to sign a professional services agreement for the Bike/Pedestrian Path Design. Mr. Crawford stated that the path needs to be at least 8 feet wide to be funded as a Bike Path under the program. Discussion was heard about graveling the path. Other alternatives were discussed. City Manager Golnar stated that the City has been waiting for the State's concurrence with the contract and that such concurrence has been received. A resolution will be drafted for the next meeting.

City Planner Woodhull answered questions regarding the consideration of a Temporary Zone Change Policy. Motion was made by Dahl, second by Cooper, to grant a temporary zone change policy freezing consideration of requests from RI or RII to RIII for a period not to exceed 6 months. All in favor. Motion passed.

Motion was made by Dahl, second by McGee, to reappoint Dave Amsk, John Fryer and Fred Shellenberg to the City/County Planning Board. All in favor. Motion passed. The City will advertise for the City's other opening to the Board.

A draft letter to the Park County Commissioners was prepared for City support of a part time maintenance person for the City/County Complex. City Manager Golnar summarized for Council the contents of the letter and the limitations identified with the proposed support.

Councilmember Cooper questioned a sentence in the draft letter. Mr. Golnar will revise.

Motion was made by Dahl, second by Williams, to authorize the letter of agreement with Park County for City support of part time maintenance person for City/County Complex. All in favor. Motion passed.

City Manager Golnar summarized for Council a proposed City/County Sand Bag Policy.

Motion was made by Williams, second by Dahl, to authorize the City Manager to sign the Sand Bag Policy - Attachment 1 of the Emergency Operations Plans.

Councilmember Dahl requested if the DES could line up where sand could be obtained during an emergency.

All in favor. Motion passed.

Discussion was heard to consider participation and support of planning meetings with Post Office Officials on Post Office expansion/relocation alternatives. Additional information was included in the packet. Comments were heard from Council.

No action was taken at this time.

City Manager Golnar summarized an offer from Park County to apply for use of County ISTEFA Funds for a historic traffic signal at Park and Second Streets is a local match can be provided. \$4,100 is the needed match. Council discussion was heard.

Mr. Golnar stated that the challenge for the City would be to work with the community to see if matching funds could be contributed. No other action was taken at this time.

Motion was made by Williams, second by McGee, to authorize a Library interest charge waiver of \$213.10 due to delay's experienced in negotiating City/County Library Funding Contract. Finance Officer Ewan stated that this will be absorbed by the General Fund. All in favor. Motion passed.

Councilmember Dahl was curious about the status of the policy to charge application fees for zone changes, etc. and would it be ready for the 2nd meeting in February. Ms. Dahl stated that she would like the policy to read, that anything that the City has to pay that doesn't benefit taxpayers but only those making the request to be charged the fees. City Manager Golnar responded with different policies that Council has requested, with one being the movie policy to start with. City Planner Woodhull also responded to Ms. Dahl's questions.

Councilmember Dahl questioned City Attorney Becker that when the City moves forward in a court case if that would need a formal motion from Council. Attorney Becker confirmed that it did.

Councilmember Dahl received a call concerning the load testing for the railroad. The caller mentioned that other communities have ordinances against this. There is one in Missoula to look at. Attorney Becker will research this matter.

Councilmember Dahl questioned if Council was to review any rents or leases that may be due and asked the City Manager to look into.

Councilmember Williams received a complaint about the brightness of the lights at the new town pump on H Street. City Planner Woodhull will review and verify for Council.

Councilmember Cooper questioned the possibility of an ice skating rink at M Street Park. Mayor Mikesell stated that he would like staff to check with Bozeman on possible ways to make an ice skating rink at M Street Park.

Mayor Mikesell called for executive session when open meeting will have a detrimental effect on the litigating position of the City of Livingston. The time was 9:36 p.m.

The meeting went back into open session at 10:03 p.m.

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

The time was 10:04 p.m.

ATTEST:

APPROVED:

Julianne Brown
RECORDING SECRETARY

Pat Mitchell
MAYOR

LIVINGSTON
CITY COUNCIL MEETING
February 3, 1997
7:30 p.m.

The Livingston City Council met in regular session Monday, February 3, 1997, 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 McGee, to approve the minutes of January 21, 1997 regular Council meeting. Motion passed.

Motion was made by Williams, second by Cooper, to accept the bills and claims that listed for \$93,293.35. Councilmember Williams questioned the following claims: page 8, items #954758 and #954759 to All Service Tire and Alignment. Mrs. Williams commented on the prices. Finance Officer Shirley Ewan stated that these were for two tires mounted and balanced and disposal of a tire.

Page 8, item #954757 to Allied Technical Sales. Supt. of Public Utilities Clint Tinsley clarified that this was for a re-circulating pump for the Sewer Plant.

Page 9, item #954770 to Galls, Inc. Captain Dave Fenton stated that these Slim Jim's were used to unlock doors.

Page 11, item #954797 to Masune Company. Acting Fire Chief Art Swanson answered that the activated charcoal was used by the Ambulance to treat drug overdoses.

Page 11, item #954798 to the Montana Department of Commerce. Finance Officer Ewan stated that the City pays filing fees every year for the Audit.

Page 12, item #954806 to Montana Power Co. Supt. Tinsley stated that this was for the power usage at the Sewer Plant and the reason that it was so high was due to the cold weather.

Page 13, item #954817 to Park County. This was for the City's share of the elevator repair.

Page 16, item #954848 to Western Union. Captain Fenton did not know what this was for.

Page 16, item #954711 to Travelers Insurance. Finance Officer Ewan confirmed for Mrs. Williams that this for the City Manager's life insurance that the City is a co-beneficiary of.

Councilmember Cooper questioned the following claims: page 11, item #954789 to the Livingston Ditch Water. Supt. of Public Services Ken Kastelitz stated that this was an annual fee for irrigation at the Cemetery.

Page 11, item #954790 to the Livingston Enterprise. City Attorney Bruce Becker reported on the advertisement for bids in the newspapers.

Page 14, item #954760 to Associates Leasing, Inc. Finance Officer Ewan stated that this was for the grader payment and that this item was divided incorrectly between principle and interest in the budget and that it will be corrected through a future budget amendment.

Motion passed.

A public hearing was held on second reading of Ordinance No. 1848, 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 HIGH DENSITY RESIDENTIAL (RIII) USE.

No public comments were heard. Three in favor, Cooper opposed. Motion passed.

City Manager Steve Golnar reported on a bid opening that was held earlier today for the sale of General Obligation Bonds for the acquisition of a new Fire Truck and a new Ambulance. Five bids were received as follows:

D.A. Davidson	\$125,225.89 @ 5.1259%
American Bank	\$121,658.65 @ 4.97993%
Juran & Moody	\$129,314.28 @ 5.2933%
Zions Bank - SLC	\$126,997.94 @5.19849%
Dain Bosworth/ 1 st Interstate	\$123,158.56 @ 5.041329%

Low bid was from American Bank. The City Manager recommended that Council enter into an agreement to finance with American Bank.

Motion was made by Cooper, second by Williams, to approve Resolution No. 2761, A RESOLUTION RELATING TO \$307,000 GENERAL OBLIGATION BONDS, SERIES 1997; AWARDING THE SALE THEREOF AND APPROVING CERTAIN MATTERS RELATING THERETO. All in favor. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2762, A RESOLUTION RELATING TO \$307,000 GENERAL OBLIGATION BONDS, SERIES 1997; DETERMINING THE FORM AND DETAILS, AUTHORIZING THE EXECUTION AND DELIVERY AND LEVYING TAXES FOR THE PAYMENT THEREOF. All in favor. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2763, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND AUTHORIZING CITY MANAGER TO ENTER INTO PROFESSIONAL SERVICES CONTRACT FOR THE ENGINEERING OF THE LIVINGSTON BICYCLE AND PEDESTRIAN PATH. City Manager Golnar summarized that this was the same as to what was discussed during the last meeting. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2764, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO CONSTRUCTION CONTRACT FOR CONCRETE PAD WITH FRIDLEY CONSTRUCTION. City Attorney Bruce Becker stated that there was one revision to the standard contract and has been added. Discussion was heard between Attorney Becker and Supt. Tinsley regarding the bond requirement that is stated in the contract. Mr. Becker stated that they could look further into this requirement. All in favor. Motion passed.

City Manager Golnar invited discussion on the proposed filming questionnaire and fee schedule. Questions still remain on the insurance and City personnel employment/liability while off regular duty. Councilmember Cooper spoke her concerns on the language in item #3, "Commercial Reference to City" of the Filming Conditions. After discussion, the first sentence in item #3 will be deleted, leaving the second sentence. A resolution will be drafted for the next Council meeting.

City Manager Golnar summarized his concerns on the City's ability to fund an infrastructure replacement program. This was based upon certain recent critical events included denial of the TSEP Grant and Council's hesitation to increase Street Maintenance and Street Lighting District funding and a possible move to reduce Maintenance District revenue generating capabilities. This reduction would result from reducing the assessable properties for Street Maintenance Districts by creating a policy for favored treatment of large properties without all improvements. Mr. Golnar stated that he is in the process of developing a letter to the Infrastructure Replacement Committee to involve them in discussions on where the City goes from here and where does the City go with the Committee. Discussion was heard between staff and Council. Councilmember Cooper suggested that the Committee be invited to the Street Maintenance worksession.

Two letters were included in the packet that were sent to the City in regards to the City/County Airport Boards concerns relating to the loss of Weather Observers at Mission Field.

Motion was made by Williams, second by McGee, to ask City Manager Golnar to write a letter in support of the Airport Board and the Weather Observers and write it to who it may pertain to and also to the legislator's that the City does support human beings to be Weather Observers at Mission Field. All in favor. Motion passed.

City Manager Golnar suggested to Council that an RII Zoning Freeze workshop be held on February 4th or 5th. After discussion, it was decided that Councilmember Dahl be contacted to see if she could make the 4th at 7:00 p.m.

Council stated that they were not interested in pursuing a "Community Spirit Award" at this time. Councilmember Cooper will e-mail for an application.

Enclosed in the packet was a Public Utilities Progress Report on capital projects planned for this year. Supt. Tinsley answered questions for Council.

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

- Feb 3rd, 7:30 p.m. - Regular City Council Meeting
- Feb 4th, 7:00 p.m. (tentative) - RII Zoning Freeze Workshop
- Feb 5th, 4:30 p.m. - Joint City/County Meeting
- Feb 10th - 13th, Incident Command System School - Park County Courthouse-
Involving City Manager, Police Chief, Fire Representative, and Public
Services Director
- Feb 17th, President's Day - City Offices Closed
- Feb 18th, 7:30 p.m. - Regular City Council Meeting
- Feb 19th, 7:00 p.m. - Sister Cities Committee Meeting

Feb 24th, 7:00 p.m. - Maintenance District Worksession
 Mar 10th, 7:00 p.m. - Ambulance Funding Worksession

A Council worksession calendar was also included in the packet.

A Thank You was received from Mr. Philip Wright, thanking the City for changing the name of Clarence Avenue to River Drive.

Included in the packet was information pertaining to HB 295 on the Lodging Facility Use Tax. City Manager Golnar reported further. Comments opposing the Bill were heard from Patty Kiderlen, Chamber of Commerce Director, Mayor Mikesell, Councilmember Cooper and Dave Kinslow. Comments in favor of the bill were heard from Councilmember Williams, Councilmember McGee, Shirley Ewan and Tara Eddy. After further discussion, Mayor Mikesell stated that if the tax was raised 1% higher for infrastructure and the current percentage stayed with tourism advertising, he would consider supporting that, there was general agreement from the Councilmembers that the Mayor's suggestion was a reasonable "consensus opinion", however no vote was taken.

Bids were opened January 24, 1997 for a 1997 Ambulance. One bid was received as follows:

Wheeled Coach Industries - Buffalo, WY
 \$78,887.47

As the price quoted from Wheeled Coach Industries was too high, staff's recommendation was to reject the bid, revise the specifications and re-advertise.

Motion was made by Williams, second by Cooper, to reject all ambulance bids, revise the specs and re-advertise. Acting Fire Chief Art Swanson answered questions on the re-bidding for Council.

All in favor. Motion passed.

Bids were opened January 24, 1997 for a 1997 Fire Truck. The 5 bids received were as follows:

Superior Fire Apparatus Co. - Helena, MT
 \$178,778.00
 Smeal Fire Apparatus Co. - Snyder, NB
 \$224,316.00
 Becker Fire Equipment Co. - Casper, WY
 \$221,446.00
 Central States Fire Apparatus, Inc. - Lyons, SD
 \$251,887.00
 Pierce Manufacturing, Inc./Hughes Fire Equipment - Billings, MT
 \$223,216.00

Because the prices quoted were too high or did not meet all specifications, staff recommendation was not to accept any of the bids and re-advertise. Acting Fire Chief Art Swanson explained the truck bids for Council.

Motion was made by Cooper, second by Williams, to reject all bids for the fire truck and re-advertise. All in favor. Motion passed.

Councilmember McGee commented on the garbage in the alley behind the old telephone building. Supt. Kastelitz will follow up on this for Mrs. McGee.

Mrs. McGee stated that a lady will be calling the City Manager to report garbage next to her home.

Councilmember McGee commended the City Employees on fabulous job they did during the flooding experienced from Freshman Creek over the weekend.

Councilmember Williams commented that she wants the City to work on whether or not the School District can replace their fuel tanks above ground. Mrs. Williams would like this in place by May 1st.

Councilmember Williams would like staff to look into the bright lights at the new Town Pump.

City Manager Golnar reported that he received a message back from the Postal Service relating the response that the City wrote after the last Council meeting. Mr. Brazington responded that he will look into arranging a tour with architects.

City Manager Golnar summarized for Council on what would be on the City/County Joint meeting agenda.

Mayor Mikesell called for executive session when open meeting will have a detrimental effect on the litigating position of the City of Livingston. The time was 9:00 p.m.

Council went back into open session at 9:36 p.m.


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

The time was 9:36 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING
February 18, 1997
7:30 p.m.

The Livingston City Council met in regular session February 18, 1997, 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 Dahl, second by Williams, to approve the minutes of February 3, 1997 regular Council meeting. Motion passed.

Motion was made by Williams, second by Cooper, to accept the bills and claims that listed for \$41,850.48. Councilmember Williams questioned the following claims: page 7, item #954890 to the Department of Environmental Quality. Supt. of Public Utilities Clint Tinsley stated that this is a yearly fee and is \$2 for each active water service.

Page 9, item #954919 to Mountain Air Sports. Mrs. Williams wanted to note to Finance Officer Shirley Ewan that the Recreation Department has a couple asterisks behind the amounts. Supt. of Public Services Ken Kastelitz explained that part of this was due to swimming at the Yellowstone Motor Inn. He did not budget enough for the pool being rented four times and with two of the other youth sports more kids participated that anticipated and more T-shirts had to be ordered. These extra costs will be covered out of wages.

Page 10, item #954926 to Parisi's Plumbing. Supt. Kastelitz stated that this was for a hot water heater that went out and was split out of the Solid Waste Department and Street Department. It was noted that this was a commercial water heater.

Page 13, item #954996 to W.S. Darley & Co. Police Chief Steve McCann stated that this was for replacement of chemical weapons in the Police Department.

Councilmember Cooper questioned the following claims: follow up to item #954996 to W.S. Darley & Co. Police Chief McCann stated that these chemical weapons have not been replaced since 1976 and further explained what the useful life of these were.

Page 7, item #954897 to Doug Dunn. Acting Fire Chief Art Swanson stated that this was to replace the fire radio in the station and confirmed it was a one time cost.

Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2765, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO PROFESSIONAL SERVICES CONTRACT WITH SCOTT NELSON ENGINEERING FOR S.I.D.'s. City Manager Steve Golnar clarified the agreement for Council. Some discussion was heard. City Attorney Bruce Becker stated that an Exhibit "B" is still coming. Motion was made by Dahl, second by Cooper, to table this resolution until the next meeting. All in favor to table. Motion passed.

Motion was made by Dahl, second by Cooper, to approve Resolution No. 2766, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING MOVIE POLICY. Councilmember Williams questioned item #3 of the Film Policy. After some discussion, an amendment to the motion was made by Cooper, second by Williams, to add to the end of the sentence, "after review of the script". All in favor of the amended motion. Amendment passed. All in favor of the original motion. Motion passed as amended.

Motion was made by Dahl, second by McGee, to approve Resolution No. 2767, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO CONTRACT FOR WIRING GENERATOR WITH TECH ELECTRIC. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1850, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY RECENTLY ANNEXED INTO THE CORPORATE LIMITS OF THE CITY OF LIVINGSTON. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1851, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY RECENTLY ANNEXED INTO THE CORPORATE LIMITS OF THE CITY OF LIVINGSTON. City Planner Woodhull clarified the zoning of the property as RMO. All in favor. Motion passed.

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

- Finance Monthly Report, January 1997 (provided separately)
- City Judge Monthly Report, January 1997
- Fire Chief Monthly Report, January 1997
- Recreation Year to Date Report, January 1997
- Livingston Fire/Ambulance Monthly Report, January 1997
- Fire Chief Monthly Report, January 1997
- Library Director's Monthly Report and Minutes, December 1996
- Incoming Water & Sewer Revenues, January 1997
- Building Inspector Monthly Report, January 1997
- Building Inspector Yearly Report, 1996 - Councilmember Williams commented on the report as a calendar year versus a fiscal year. City Manager Golnar responded that is how the Building Inspector is expected to provide her reports to the State. Mr. Golnar stated that he would have the Building Inspector prepare the report for Council on a fiscal year basis also.
- Refuse District Board Minutes and Year End Report, 1996 - Councilmember Cooper commented that no one from the City attended the Refuse District Board meeting in November. City Manager Golnar stated that Ken Kastelitz and himself usually attend, but had something else going on at that time. Finance Officer Ewan attended the last meeting until Ken Kastelitz could arrive.
- Sister City International Educational & Cultural Exchange Program Agenda for February 19, 1997

Enclosed in the packet was a City lease status summary. Finance Officer Ewan stated that Steve Joyner broke his lease with the City at the windfarm and the lease will not be renewed. Also, the Park Clinic lease of the old water plant needs to be added to the list. The lease with the Driving Range will be looked further into by staff.

City Manager Golnar reported on the State Statutes allowing the City to levy an additional 2 mills for the support of ambulance services. Mr. Golnar noted that for FY 97-98 the City would not be able to use those mills as they did not pass in the last election. If the City wishes to put the additional 2 mills on the ballot in September if there is a Primary Election or November for the General Election and it passes, the effective date of collecting the mills would be for FY 98-99.

Street Maintenance/Street Lighting District Workshop materials will be provided to Council during the week.

City Manager Golnar reported that he has received requests to initiate negotiations for FY 97-98 from all of the Unions. Mr. Golnar requested upcoming direction from Council on language and economics to offer the Unions this year. Councilmember Williams stated that she wanted it clarified in the union contract were it states that family will be transferred in the ambulance free of charge. Mrs. Williams would like that narrowed down to immediate family which would include step children living in the home. Finance Officer Ewan stated that these transfers are submitted to the insurance company for what they will pay. Councilmember Cooper stated that she would be interested in seeing the Department of Labor's cost of living indicator reports and Golnar indicated he would provide the report.

Discussion was heard concerning a letter dated February 3, 1997 from Mr. Chris Boyd, Assistant Director, offering the Gallatin Valley Land Trust assistance on trail plans if the City of Livingston was interested. Councilmember's Cooper and Dahl stated their interest. Ms. Dahl stated that she would like to see from the City of Livingston, a map identifying city land that could be used for trails.

A Local Emergency Planning Committee meeting on Flood Planning Preparations has been scheduled for March 12th, 9:00 a.m. at the City/County Building.

City Manager Golnar stated that the Housing Rehabilitation Project Audit has been completed and passed. Mr. Golnar thanked Finance Officer Ewan for her efforts in retrieving and providing the auditors with past records.

City Manager Golnar provided a memo from the Utility Department on updates to SB-248 and SB-274. Mr. Golnar summarized on these Senate Bills. Councilmember Williams thanked Clint Tinsley and Becki Crosby for going to Helena and sticking up for the City. Councilmember Cooper requested updated information on bills that pertain to the City in a manner that Council may respond.

City Manager Golnar reported on the Post Office relocation/expansion status and on a February 24th meeting preparations. A letter was received from Clair Brazington on Postal Worker's concerns. Mr. Golnar expanded further on the intent of the meeting. Members of Council would like the press, County Commissioners, a representative

from the Senior Citizen's and a few more individuals within the community to be included at this meeting. Council stated that this was not their meeting.

City Manager Golnar commented on the draft landscaping ordinance that was placed in Council's box. The Zoning Board has passed this draft and recommends adoption by Council. City Planner Woodhull explained what has been added to the draft ordinance. The Attorney will be directed to draft an ordinance for first reading at the next meeting. Mr. Woodhull answered a question for Councilmember Cooper.

City Manager Golnar stated that the Sheriff of Gallatin County is encouraging the City of Livingston and Park County to join the Missouri Drug Task Force. Police Chief Steve McCann summarized on the Task Force further. This would be one year at no charge and then the City would have to see what the cost would be thereafter. Park County is in the process of joining. Council is interested and would like background information on the group. City Attorney Becker will review the contract as will be provided by Chief McCann.

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

Feb 17 - Monday - President's Day Holiday
 Feb 18 - Tuesday, 7:30 p.m. - City Council Meeting
 Feb 19 - 7:00 p.m. - Sister Cities Committee Meeting
 Feb 24 - 3:00 p.m. - Post Office Meeting on Site Selection/Expansion
 Feb 24 - 7:00 p.m. - Maintenance District Worksession
 Feb 26 - 7:00 p.m. - Public Meeting - Public Health Assessment for the Burlington Northern Railyard Site
 March 3 - 7:30 p.m. - City Council Meeting
 March 5 - 4:30 p.m. - Joint City/County Meeting (City's agenda)
 March 9-11 - All Day- Community Oriented Policing Team Workshop - Butte - COP Grant does pay for anyone interested in the workshop.
 March 10 - 7:00 p.m. - Ambulance Funding Worksession
 March 12 - 9:00 a.m. - Local Emergency Planning Committee Meeting
 March 17 - 7:30 p.m. - City Council Meeting
 March 19 - 7:00 p.m. - Sister Cities Committee Meeting
 March 21 - (Billings) - Montana Infrastructure Financing Workshop (Manager & some staff)

A Council worksession calendar was provided for Council's information.

Motion was made by Williams, second by Cooper, to adopt an all volunteer Board Member Policy that volunteer board members who miss three consecutive meetings without giving proper notice are allowed to be replaced. All in favor. Motion passed. The attorney will draft a resolution.

Finance Officer Ewan requested discussion from Council to open up the bidding process on CD's to out of town bidders. Council was in favor to keep the competitive bidding process within the local institutions of Livingston. No other action was taken.

Included in the packet was a working draft Ordinance No. 1849 pertaining to Aboveground Storage Fuel Tanks. City Attorney Becker lead Council through the working draft with corrections he has made to the ordinance. Some discussion for clarification was heard. Councilmember Williams stated she would like section two "application fee", to be \$250. A clean copy of the draft will be prepared for the next Council meeting.

One application was received from a volunteer citizen applying for a City board position. Council did not act on this application at this time and directed to advertise in the local briefs for the opened position on the City/County Planning Board and also for the opening on the 911 Committee.

Motion was made by Dahl, second by McGee, to formally accept the Jr. Women's request to proceed with a fund raising project to develop approximately \$38,500 worth of bathroom improvements in Sacajawea Park by authorizing the City Manager to write a letter to the Jr. Women's Club assuring them of the City's support with much detail. All in favor. Motion passed.

Discussion was heard concerning a request by the Livingston Rebuild Center for a 1997 tax abatement in the amount of \$7,623. The application and other information was included in the Council packet. City Manager Golnar recommended that the City Attorney prepare a resolution to set a public hearing for the 17th of March. Council stated that they would like further information on the items that were listed for an abatement, how many jobs were added and a tour of LRC before they could make any decisions to go further at this time. No Council action was taken at this time.

City Manager Golnar reported that correspondence was received from Mr. Harrington's attorney. City Attorney Becker stated that Council was not in a position to make a decision tonight because Council was not aware of the latest correspondence. Mr. Becker recommended executive session to discuss the information and make a decision prior to February 28th for a special Council meeting. This date will be verified.

Motion was made by Cooper, second by Dahl, to move item 7.C.#7 on the agenda to item #10. All in favor. Motion passed.

Councilmember Dahl apologized to Council for missing the last meeting and asked the Mayor if she is going to be late, should she come to the meeting or not? Mayor Mikesell stated that she should come to the meeting. Ms. Dahl also asked Mayor Mikesell that she not be publicly reprimanded if she is late. He stated that she would not be, and to call him or the Manager if she feels she is going to be late.

Councilmember Dahl reported where she stands on House Bill 295 and is in favor of tourism, but would like to see the City gain on revenues. City Manager Golnar will look into the status of the bill at this time.

Councilmember McGee questioned who fills the hole going into the drive through at the Post Office. Supt. Kastelitz stated his department would be responsible and will look into it.

Councilmember Williams reported that she received a call concerning beavers doing damage to the trees behind the D Street Well. Mrs. Williams did drive by and could see where the beavers were causing damage and also seen a beaver. Eddie Miller stated that three beavers were removed from that site over the weekend. Mrs. Williams is also under the understanding that there is beaver damage at the 7th Street bridge in Sacajawea Park.

Councilmember Williams stated that she has received a complaint of garbage between 6th and 7th Street in the 300 block South. Supt. Kastelitz will look into.

Mrs. Williams also commented that the City needs to be on the look out for people that do not have garbage racks in alleys as required.

Councilmember Williams questioned Finance Officer Shirley Ewan before the meeting on how the City's finances are looking in the reserves and commented that Council and staff needed to start keeping very close attention before the end of the fiscal year as to how the finances are looking.

Councilmember Cooper followed up on Councilmember McGee's comments on potholes. Ms. Cooper received a call from a person concerning a situation where a car hit a pothole and sustained damage and the person wanted to know if the City's insurance covers that damage. City Attorney Becker stated that would be through his office.

Councilmember Cooper questioned the criteria for signs that are damaged, have changed due to ownership, grandfathered or tall signs on when they would need to come down. City Planner Woodhull answered and will look further into the disrepair.

Councilmember Dahl commented on a recent letter to the editor in the Livingston Enterprise on a "speed trap". Ms. Dahl requested that the City Manager write these people back to let them know that Livingston is currently working on the problem in that area with the Department of Transportation and it is a State Highway and not in the City's jurisdiction for signage of a speed limit.

Ruth Eggar addressed Council with her comments and concerns that she and other citizens have, concerning reinstatement of Kevin Harrington. She stated that law suits will be filed if Mr. Harrington is reinstated.

Mayor Mikesell called for executive session that an open meeting would have a detrimental effect on the litigating position of the City of Livingston. Council went into executive session at 9:26 p.m.

Council came back into open session at 10:20 p.m.

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

The time was 10:20 p.m.

ATTEST:

APPROVED:

Suzanne Brown
RECORDING SECRETARY

Pat Mikull
MAYOR

LIVINGSTON
CITY COUNCIL MEETING
March 3, 1997
7:30 p.m.

The Livingston City Council met in regular session March 3, 1997, 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 Cooper, to approve the minutes of February 18, 1997 regular City Council meeting. Motion passed.

Motion was made by Dahl, second by Cooper, to accept the bills and claims for \$84,086.41. Motion passed.

Mayor Mikesell proclaimed the month of March as AMERICAN RED CROSS MONTH.

A public hearing was held on second reading of Ordinance No. 1850, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY RECENTLY ANNEXED INTO THE CORPORATE LIMITS OF THE CITY OF LIVINGSTON. No public comments were heard. City Manager Golnar identified this piece of property as Crazy Mountain Trailer Court. All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1851, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP TO REZONE CERTAIN REAL PROPERTY RECENTLY ANNEXED INTO THE CORPORATE LIMITS OF THE CITY OF LIVINGSTON. No public comments were heard. City Manager Golnar identified this piece of property as Mountain View Trailer Court. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to bring off the table Resolution No. 2765, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO PROFESSIONAL SERVICES CONTRACT WITH SCOTT NELSON ENGINEERING FOR S.I.D.'s. City Manager Golnar pointed out that Exhibit B was included with the resolution. If some items within the contract are not used, the City will not be charged for them. All in favor of bringing off the table. Motion passed. All in favor of the original motion. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2768, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, APPROVING ADDENDUM A AND ADDENDUM B TO THE PUBLIC WORKS CONTRACT. Councilmember Williams asked for clarification of what was new within the contract. City Manager Golnar stated that only the 2.8% increase was new and the language in Addendum B was revised. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1849, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON,

MONTANA, AMENDING ORDINANCE NO. 1307 AS CODIFIED BY SECTION 11-32 OF THE LIVINGSTON MUNICIPAL CODE AUTHORIZING ABOVEGROUND STORAGE TANKS FOR CLASS II FUELS UNDER CERTAIN CIRCUMSTANCES. All in favor. Motion passed.

Included in the packet was a February 24, 1997 memo from Finance Officer Shirley Ewan summarizing General Fund Cash Balances from July 1991 to present. City Manager Golnar summarized off the memo that the City needs to operate within the current operating expenses and try to build up the reserves for the long term. The Mayor and Council thanked Ms. Ewan for her informational material.

City Manager Golnar reported that Police Officer Aaron Churness has resigned from the Department effective February 20, 1997. The Police Commission's list of tested and interviewed applicants has been depleted and the Police Chief has been given permission by the City Manager to advertise for the opening. The position may not be filled until approximately May 15, 1997.

City Manager Golnar provided Council with a updated summary of the status of the Post Office. Discussion was heard from Council and the Manager. Councilmember Cooper stated that she would like Council to be kept informed of the site. Ms. Cooper stated that she would like to see a copy of the FPC 919 which is the planning concept for the new facility or annex and hear of any comments if it said that the Council could not.

Included in the packet was a letter that the City Manager wrote in response to the letter to the editor submitted by Mr. and Mrs. Hatheway concerning a speed trap. The letter and a copy of the article was forwarded to the District Engineer with the Department of Transportation as there is being a study conducted by the State at this section of highway.

City Attorney Bruce Becker explained to Council the status of the City versus Dore community decay enforcement proceedings.

City Manager Golnar attended a meeting at the Department of Transportation office in Helena with the County Commissioners and Department of Emergency Services on February 25, 1997 to assemble combined comments on the Corp. of Engineers draft study referencing the Yellowstone River Channel Stability Study. Draft comments were provided for Council by the Manager. Comments were heard from Council, Staff and Urana Clark. Supt. Kastelitz informed Council where the bank along the river adjacent to City property needed to be rip rapped.

City Manager Golnar updated Council on the Livingston Land Trust Architect selection process. Mr. Golnar identified Acting Fire Chief Art Swanson and Building Inspector Peggy Schram as two City appointees to serve on the interview committee. Councilmember Cooper stated that she may interested in serving as the third City member depending on when the interviews will be held.

The review of the updated Flood Plain Map for the City of Livingston is scheduled for March 17, 1997 with the Federal Emergency Management Association (FEMA). State

Flood Plan Coordinator Karl Christians plans to be in attendance at the next Council meeting to review the proposed flood plain revisions.

Another orientation and tour of the Livingston Rebuild Center facility was scheduled for March 4th at 3:30 p.m. LRC has requested a tax abatement from the City . Council requested a tour and further information before they would take any action on this request.

City Manager Golnar reported that he attended the public hearing and presentation from the agency for Toxic Substances and Disease Registry relating to the Burlington Northern Railyard cleanup. Mr. Golnar stated that he has copies of the reports in his office for Council's review. The ASTDR's conclusion was that the Burlington Northern site constitutes no apparent public health hazard. The State emphasized that clean up of the site to met environmental laws is still necessary. Councilmember Williams made a comment that she heard about this subject on a news broadcast in another part of the State.

Mr. Golnar stated that his intention is to provide copies of the summary conclusions to both the County Commissioners and City Council in advance of the March 12, 1997 joint meeting.

Four people applied for the City appointee opening to the City/County Planning Board. One applicant, Dudley L. Tyler was present at the meeting. Mr. Tyler addressed Council as requested by the Mayor.

Motion was made by Dahl, second by Cooper, to approve the Mayor's appointment of Mr. Dudley L. Tyler to the joint City/County Planning Board. All in favor. Motion passed. Mr. Tyler's appointment will run through January 1, 1999.

Motion was made by Dahl, second by Williams, to approve the Development Review Committees recommendation to allow in concept, phase I water and sewer main development for the Assembly of God Church. Supt. Clint Tinsley explained to Council what phase I consisted of and further stated that the church's plans may change but that they wanted approval of this concept, if it was the path they decided to take.

All in favor. Motion passed.

Included in the packet was a proposed Annexation Policy developed by City Planner Jim Woodhull. Planner Woodhull answered questions that were asked by the City Manager.

City Manager Golnar applauded staff for the preparation of the policy.

Motion was made by Williams, second by Dahl, to direct the City Attorney to develop a resolution to adopt the Annexation Plan. All in favor. Motion passed.

City Manager Golnar reported on flood insurance. Included in the packet was a memo from Finance Officer Shirley Ewan reporting on her findings after talking with Joe Schuster of Dime Insurance. Also included were copies of flood insurance premiums and applications. The total cost of the annual premium would be \$2,582. The premiums need to be in effect at least 30 days prior to any flooding. Ms. Ewan answered a question from Councilmember Cooper.

Motion was made by Dahl, second by McGee, to authorize the City Manager to purchase the flood insurance for the Civic Center Warehouse, Park Caretaker's House,

Pool Change House, Bandshell and Park Maintenance Building. All in favor. Motion passed.

Councilmember Williams questioned Police Chief Steve McCann on the status of the COP Grant. Chief McCann stated that he has not heard anything at this time and will call this week.

Councilmember Williams stated that she received a complaint from a resident at Callender and D Streets. The street light continues to turn off and on. Supt. Kastelitz stated that this light has been reported 3 times and the Police Department has just given him a list consisting of approximately 30 lights that are out around the city that will be turned into Montana Power. It was discussed that the City needs to write Montana Power as the City still has to pay the light bill if they are working or not. City Manager Golnar will contact the Montana Power Company.

Councilmember Cooper reported that she is receiving a number of calls complaining of Magic Diamond's sign at the new Town Pump. City Manager Golnar stated that he has talked with the Construction Manager with Town Pump. The construction manager stated that a molded covering needed to be put on when the weather warmed up. There is nothing in the city codes to prohibit what is now in place.

Ms. Cooper asked City Planner and other Councilmembers to take notice at North on G Street to Park Street, the tall sign at the new Town Pump location as it blocks vision on Park Street. Ms. Cooper also questioned the legality of other signs around town.

Councilmember Dahl questioned if the Magic Diamond sign comply with the internal illumination. It was stated that there is nothing in the City Codes that covers illumination. Ms. Dahl questioned if the City could request from Town Pump that they could dim or shield the bright lights under the gas bay. Mr. Golnar stated that he will call them again.

Mayor Mikesell called for executive session that an open meeting would have a detrimental effect on the litigating position of the City of Livingston. Council went into executive session at 8:40 p.m.

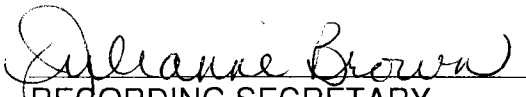
Council returned to open session at 9:01 p.m.


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

The time was 9:01 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING
March 17, 1997
7:30 p.m.

The Livingston City Council met in regular session Monday, March 17, 1997, 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 March 3, 1997 regular City Council meeting. Motion passed.

Motion was made by Cooper, second by Dahl, to accept the bills and claims that listed for \$64,219.25. Councilmember Williams commented and questioned the following claims: page 5, item #955244 to Comnet Cellular. There was an asterisk by one of the accounts. Page 6, item #955167 to Dorsey & Whitney and item #955168 to Fed-Ex. There were asterisks by these accounts. Page 6, item #955170 to Fred Pryor Seminars. City Manager Golnar reported that this was a computer training course that a number of employees attended. Page 6, item #955172 to Gallatin Equipment. Mrs. Williams questioned the motor for impactor. It was noted that Supt. of Public Utilities was not present and the City Manager would get clarification of this item from him. Page 11, item #955225 to West-Lite Corp. Chief of Police Steve McCann stated that these were light bulbs for the Police Dispatch area.

Councilmember Cooper questioned page 7, item #755169 to Livingston Rotary Club. Ms. Cooper questioned that this was for the third quarter. City Manager Golnar responded that this was the current bill sent by the Club for payment.

Motion passed.

Councilmember Williams stated that she has received a few phone calls complaining that the people in the audience cannot hear what Council is talking about during their meetings. Mrs. Williams asked that Council speak louder.

A number of flood related issues were heard at this time. Motion was made by Dahl, second by Williams, to approve the City of Livingston Declaration Order that deals with the flooding and along with that including on or about Spring 1997. Five in favor. Motion passed.

In response to a question, Mr. Golnar reported that the County passed such an emergency Declaration last week.

City Manager Golnar summarized a prioritized list of improvements to the river bank. Also City rip rapping/bank stabilization measures and the possible funding. Supt. of Public Services Ken Kastelitz went through the list with Council and gave them the approximate funding amounts of \$141,000 to pay for the top 4 tasks on the list.

In response to a question from Councilmember Cooper, City Manager Golnar stated that he has periodically checked with the chief landscape architect from Yellowstone National Park. He has not heard from her recently, but will try and contact

her for further comment on the City's plans with regard to flood control and long term landscaping.

Mr. Golnar reported that the Army Corp of Engineers may pay for a portion of the river bank work for flood control through their "Advance Measures" program, but no definite commitment from the Corp had been made.

Mr. Golnar answered for Council that the Corp of Engineers should be getting back to the City with their report in mid April.

Council directed the City Manager to go to the School Board meeting to see what percent the School District could possibly help with the improvements to the river bank.

Motion was made by Williams, second by Cooper, to proceed with the permitting process for the Corp areas that were discussed and bids for the flood control along the Yellowstone River. Five in favor. Motion passed.

City Manager Golnar reported that there were a number of individuals present from the State Flood Plain Coordinator's Office in the Dept. of Natural Resources (DNRC) and the Denver FEMA Office. Carl Christians, DNRC in Helena briefed the Council on what his department is doing within the City and the County with the insurance program and adopted flood plain program. Discussion was heard on the 100 year flood plain map and the revising of the map through FEMA. John Liou of FEMA addressed Council on a draft flood plain map and requested the City's and public comments on this proposed Flood Plain map revision.

Mayor Mikesell called for a 10 minute recess at 8:50 p.m.

Council went back into session at 9:00 p.m.

A public hearing was held on second reading of Ordinance No. 1849, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1307 AS CODIFIED BY SECTION 11-32 OF THE LIVINGSTON MUNICIPAL CODE AUTHORIZING ABOVEGROUND STORAGE TANKS FOR CLASS II FUELS UNDER CERTAIN CIRCUMSTANCES. No public comments were heard. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2769, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, STATING THE FACTS OF THE EMERGENCY AND AUTHORIZING EXPENDITURES OR INCURRING LIABILITIES NECESSARY TO MEET THE STATE OF EMERGENCY.

City Manager Golnar called Council's attention to a proposed revised Resolution with highlighted changes. Copies of the declaration were sent to the Department of Emergency Services. Discussion was heard concerning the amount listed on page 2 of the resolution, item #3.

An amendment to the motion was made by Dahl, second by Cooper, to amend #3, "That the strengthening of the river bank with riprap has been estimated to cost \$141,000", and #5, "That the City is hereby authorized to make expenditures or incur liabilities not to exceed \$141,000 and all funds must be approved by the Council", and the sixth whereas, change to "\$141,000". Five in favor of the amendment. Amendment passed.

Councilmember Cooper would like City Staff to research how many years the City can levy mills to pay the debt off from the flood.

Five in favor of the motion as amended. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2770, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING A POLICY FOR ANNEXATION OF PROPERTY INTO THE CITY OF LIVINGSTON. Councilmember Dahl stated that a map is to be attached. Ms. Dahl would like the City Manager to work on some legislation with the County Commissioners to coordinate development in the 4 mile City/County planning area particularly the area that borders the City and County limits. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve first reading of Ordinance No. 1852, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, REQUIRING LANDSCAPING AND RESTRICTING LIGHTING FOR NEW COMMERCIAL, INDUSTRIAL, MULTI-FAMILY AND MOBILE HOME DEVELOPMENT IN THE CITY OF LIVINGSTON WHERE SUCH DEVELOPMENT HAS AN IMPACT UPON ABUTTING OR ADJACENT LOWER DENSITY USES AND ESTABLISHING A PENALTY FOR VIOLATION THEREOF. Discussion was heard concerning additional verbiage to be included to cover remodels and expansions. City Attorney Becker will research Council's concerns further for the next meeting. Motion was made by Dahl, second by Cooper, to table this item until the next meeting. All in favor. Motion to table passed.

Motion was made by Williams, second by Cooper, to approve first reading of Ordinance No. 1853, AN ORDINANCE OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE STATE OF MONTANA'S MODIFICATIONS TO SECTION 1312.1 OF THE 1994 UNIFORM MECHANICAL CODE. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve first reading of Ordinance No. 1854, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE STATE OF MONTANA'S MODIFICATIONS TO THE UNIFORM PLUMBING CODE. All in favor. Motion passed.

Motion was made by Dahl, second by Cooper, to approve first reading of Ordinance No. 1855, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1720 AS CODIFIED BY SECTION 2-74 OF THE LIVINGSTON MUNICIPAL CODE BY INCREASING THE RADIUS AROUND THE CITY WITHIN WHICH CITY OFFICERS AND EMPLOYEES ARE REQUIRED TO LIVE TO 10 MILES OR TWENTY MINUTES. Council stated that this ordinance needed additional work. Motion was made by Dahl, second by Williams, to table this item until the next meeting. Mayor Mikesell stated that he did not believe this item should be an issue. City Manager Golnar explained why this amendment was before Council, that a new employee of the City lives 5 miles from town and that Golnar was proposing to make the residency requirement consistent with the Police and Public Works Unions contracts for all employees except Fire and Ambulance employees. Mayor Mikesell responded that if an employee is not covered by a Union allowing the employee to live

within 10 miles, then a request in writing for an exemption from the residency requirement needs to be submitted for approval of Council.

The exception for the new employee will be brought back before Council at their next regular meeting.

All in favor to table. Motion passed.

The following items were provided for Council's information:

Finance Report (Provided Separately)
 Livingston Fire/Ambulance Monthly Report, February 1997
 Fire Chief Monthly Report, February 1997
 Police Chief Monthly Report, February 1997
 City Judge Monthly Report, February 1997
 Recreation Year to Date Report, February 1997
 Library Board Minutes, January 16, 1997
 Sister City Minutes, February 19, 1997
 Sister City Agenda, March 11, 1997
 Sister City Exchange Students for 1997
 Building Monthly Report, February 1997

City Manager comments included the following:

- Yellowstone River Flood Preparations
- Budget Workshop Status - Three worksessions have been scheduled for April. April 9th, 14th and 28th all at 7:00 p.m.
- Word was received that the closure of the Weather Observation Office at Mission Field was postponed for 4 months.
- Cost of Historic Enhancement to Park and 2nd Street Traffic Lights.
- Status of Town Pump Casino Sign.
- Possible Solutions for Ambulance Funding Concerns.
- Ambulance Bid opening on March 31st, 3:00 p.m.

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

March 17th, 7:30 p.m. - City Council Meeting
 March 18th, 3:00 p.m. - PCEDC
 March 19th, 7:00 p.m. - Sister Cities Meeting
 March 20th, 10:00 a.m. - Charting the Path to Balanced Success(Yellowstone Motor Inn)
 March 21st, (Billings) - MT Infrastructure Financing Workshop (Manager & Some Staff)
 March 25th, 7:00 p.m. - Review Preliminary Bike Path & Design Options
 March 27th, 7:00 p.m. - COP Meeting
 March 27th, 5:30 p.m. - Town Talk; Job Service (Community Room)
 April 7th, 7:30 p.m. - City Council Meeting
 April 7th & 8th - (Missoula) Organizational Change (MT Board of Crime Control)
 April 9th, 7:00 p.m. - Fire, Ambulance and Police Budget Worksession
 April 14th, 7:00 p.m. - Parks, Cemetery, Recreation, Solid Waste, Gas Tax and Maintenance District Budget Worksession
 April 16th, 17th, & 18th - Local Government Officials Workshop
 April 23rd & 24th - Greater Open Space City Managers (Billings)
 April 28th, 7:00 p.m. - Water/Sewer and Rest of General Fund Budget Worksession
 June 12th - 9:00 a.m. - Legislative Update - Community Room

An updated Council Budget Worksession Schedule was enclosed.

Monthly calendars from March - June were provided separately.

City Manager Golnar reported that the Local Government Center training session will be held April 13th-18th with the public officials session from April 16th - 18th. No Councilmembers will be attending this year.

City Manager Golnar received a letter of resignation today from Building Inspector Peggy Schram effective March 31, 1997. Mr. Golnar will seek to fill the position.

Two applications were received to fill the vacant position on the 911 Committee. The Police Chief reviewed the applicants and recommends the appointment of Kara Roberts. Motion was made by Williams, second by Dahl, to appoint Kara Roberts to the 911 Committee vacancy. All in favor. Motion passed.

Bids were opened February 28, 1997 for a 1997 Fire Truck. The 5 bids received are as follows:

Becker Fire Equipment Co. - Casper, WY

\$198,681.00 - Truck Bid
\$ 38,600.20 - Equipment Bid

Superior Fire Apparatus Co. - Helena, MT

A. \$216,217.00 - Truck Bid
B. \$190,148.00 - Truck Bid
C. \$193,948.00 - Truck Bid
\$ 37,782.00 - Equipment Bid

Smeal Fire Apparatus Co. - Snyder, NB

\$193,239.00 - Truck Bid
Alternate #1 - \$165,590.00 - Truck Bid
\$ 37,025.45 - Equipment Bid

Central States Fire Apparatus, Inc. - Lyons, SD

\$199,655.00 - Truck Bid
\$ 35,722.00 - Equipment Bid
Alternate #1 - \$180,133.00 - Truck Bid
\$ 31,598.00 - Equipment Bid

L.N. Curtis & Son - Salt Lake City, UT

\$ 16,613.00 - Equipment Bid Only

Acting Assistant Fire Chief Jerry Weimer explained the review of the bids. Jack Martinz from Superior Fire Apparatus addressed Council with his comments.

Motion was made by Cooper, second by Williams, to accept the bid from Central State Fire Apparatus for the Alternate Bid of \$180,133 and Equipment for \$31,598 for a total amount of \$211,731 and to also authorize expenditures of \$11,805 for the acquisition of additional fire truck related equipment. All in favor. Motion passed.

Discussion was heard to consider the Chamber of Commerce/Rotary Restroom Facility proposal and request for a 10 year maintenance commitment. City Manager Golnar summarized in conjunction with Ken Kastelitz what the City would be looking at for operating expenses if the City did take on the 10 year maintenance commitment. Comments on the proposed project were heard from Mary Weamer, Chamber of Commerce; Dave Molebash, Rotary Club; and, Diana Sieder of the Depot Center. Mr. Golnar stated that the State is under a requirement to expend the money for the proposed facility by June 1, 1997. More information from each of the parties was requested. No Council action was taken at this time.

Included in the packet were current assessment criteria and maps for the Street Lighting and Maintenance District. City Manager Golnar stated he is working toward having something finalized for the next Council meeting. Discussion on possible ways to assess were heard from Council and Staff.

Motion was made by Williams, second by McGee, to ask the City Attorney to prepare a resolution to hear public comment on considering LRC tax abatement request for the City. Three in favor. Cooper absent. Motion passed.

Motion was made by Dahl, second by McGee, to consider the Legion proposal for Weimer Park improvements, along those lines, the City would like to make sure the Legion has approval from the City before they move forward. Three in favor. Motion passed.

Councilmember Williams received a call asking why the B Street Underpass was so dirty. Supt. Kastelitz stated his crews will be cleaning it soon but have to wait until it is not so cold.

Councilmember Williams questioned why 2 City trucks loaded with dirt heading East of Park Street and where they were going. Supt. Kastelitz stated that they were hauling the free sand that was given to the City and County. The City is stock piling theirs at the City Shop.

Mayor Mikesell stated that he receives two or three complaints a day on the holes on Park Street in front of the Mini Mart. Ken will let Clint know and also let him know that Council would like flashing lights placed at the location in the mean time.

Councilmember McGee stated that she receives many calls over and over again from her neighbors concerning a barking dog in the neighborhood. Mrs. McGee read a part of the code where this problem is defined. She has talked to the Code Enforcement Officer and Mrs. McGee would like to know why nothing is being done about this problem. City Attorney Becker stated that the Code Enforcement Officer provides a log for the neighbors to register the times that the animal is a nuisance. Attorney Becker told Mrs. McGee to have her neighbor contact him if she files a complaint.

Councilmember McGee reported that in the alley between 2nd and 3rd Street off of Lewis Street at the Cranky Ranky Car Lot, they are parking their pickups so that the tail end of the truck is into the alley.

Councilmember McGee reported that when she drove through the alley between G and H Streets off of Park Streets, that Mr. Dore's property is worse than ever. Attorney Becker stated that the situation is in court at this time and the court has ordered mediation. Attorney Becker stated that he would really like to have a Councilmember attend the next mediation session. If mediation does not work, the Judge will then issue a trial date.

Councilmember Dahl asked City Planner Jim Woodhull if some material can be incorporated into the sign codes concerning the changing, remodel, etc. of a sign. Planner Woodhull stated that there are several changes that are soon to be going before the Zoning Board and this item is one of them. Once the Zoning Board approves proposed changes then Council will be asked to act on them.

Councilmember Dahl questioned if the number of gaming machines can be limited within the City. She has been asked this question by a number of people. Ms. Dahl would like the Council to look at what the machines are doing to the community and would like to set a standard for what the Council may want for the future of the City. City Attorney Becker stated that the number of machines a business can have is regulated.


Councilmember Dahl received comment from someone on the vandalism that has occurred on 5th Street and questioned if the curfew siren on the Fire Station could be re-established. Some discussion was heard from Council and Staff. Ms. Dahl suggested that the curfew hours be revisited. Police Chief McCann commented that he felt inconsistencies with children's ages and the curfew hours. Mayor Mikesell did not want this item placed on the agenda.

Councilmember Dahl would like to start working on a rough draft Open Space Policy.


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

The time was 11:45 p.m.

ATTEST:


RECORDING SECRETARY

APPROVED:


MAYOR

LIVINGSTON
CITY COUNCIL MEETING
April 7, 1997
7:30 p.m.

The Livingston City Council met in regular session Monday, April 7, 1997, 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 Williams, second by McGee, to approve the minutes of March 17, 1997 regular City Council meeting. City Manager Steve Golnar had two corrections. Page 7, 5th paragraph, 3rd sentence should read "Ms." Dahl. Page 5, last paragraph, 2nd sentence, the last name "Martinz" should be added to Jack. Motion passed as corrected.

Motion was made by Williams, second by Cooper, to approve the bills and claims that listed for \$103,792.25. Councilmember Williams questioned the following claims: Page 10, item #955353 to Egeland's Transmission. Captain Dave Fenton answered that this was parts and labor to car #432 due to a transmission problem. Captain Fenton noted that this was the Police Department's second newest vehicle.

Page 17, item #955356 to Swandal, Douglas, Frazier. City Attorney Bruce Becker stated that this was for the Dore Mediation. Mrs. Williams commented to Council that she wanted them to be aware that the City is paying for the mediation and that something still needs to be done.

Councilmember Cooper questioned the following claims: Page 13, item #955381 to MMIA. City Manager Golnar explained one claim was for an accident involving a City employee and the other was a sewer claim due to a back flow into a private home. Council stated that they would like more information on the sewer claim.

City Manager Golnar referred Council to page 18, item #955457 to Tri Valley Petroleum. Mr. Golnar proposed to pay the remainder of the fuel charges for the remainder of the year for Street Maintenance out of the Gas Tax Fund, 2820.210.430240.233 as the fund that pays for this fuel is out of money. It was noted that the heavy snow this winter is why the fuel bills have been running so high.

2820.210.430240.231. An amendment to the motion was made by Williams, second by Dahl, that the fuel charges \$329.74, \$502.18 and \$95.66 instead be charged to Gas Tax. Amendment passed. Original motion passed as amended.

City Auditor Max Simmons presented the FY 95-96 audit report. Mr. Simmons then answered questions asked by Council and commented as to why this report was so late coming to them.

Motion was made by Cooper, second by Dahl, to accept the audit report for FY 95-96. Five in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1853, AN ORDINANCE OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE STATE OF MONTANA'S MODIFICATIONS TO SECTION 1312.1 OF THE 1994 UNIFORM MECHANICAL CODE. No public comments were heard. All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1854, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE STATE OF MONTANA'S MODIFICATIONS TO THE UNIFORM PLUMBING CODE. No public comments were heard. All in favor. Motion passed.

Motion was made by Dahl, second by McGee, to approve Resolution No. 2771, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING A POLICY FOR UNEXCUSED ABSENCES FROM VOLUNTEER CITY BOARDS. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2772, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO CONTRACT FOR BOILER WITH MONTANA INDUSTRIAL BOILER COMBUSTION. Supt. Tinsley explained exhibit A for Council. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2773, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO CONTRACT FOR RADIO TELEMETRY UNIT WITH INDUSTRIAL SYSTEMS INC. Supt. of Public Utilities Tinsley answered questions concerning insurance and bonding. All in favor. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2774, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, SETTING A PUBLIC HEARING TO DETERMINE WHETHER IT IS IN THE PUBLIC INTEREST TO APPROVE THE USE OF TAX INCENTIVES FOR THE LIVINGSTON REBUILD CENTER'S IMPROVEMENTS OR MODERNIZED PROCESSES VALUED AT \$1,782,878.00. Mayor Mikesell commented that he felt this was in the best interest of this Council to go forward with this request. Roy Korkalo of LRC was present. All in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to bring off the table Ordinance No. 1852, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, REQUIRING LANDSCAPING AND BUFFERING AND RESTRICTING LIGHTING FOR NEW OR ALTERED COMMERCIAL, INDUSTRIAL, R-III AND RMO ZONES TO LESSEN THE IMPACT ON EXISTING INCOMPATIBLE USES IN SAID ZONES AND IN ABUTTING OR ADJACENT R-I AND R-II RESIDENTIAL ZONES AND ESTABLISHING A PENALTY FOR VIOLATION THEREOF. Comments were heard concerning the changes that were made from the last meeting. An amendment to the motion was made by Dahl, second by Williams, to reflect the changes of the rewriting of this ordinance. Amendment passed. All in favor of the original motion as amended. Motion passed.

Motion was made by Williams, second by Dahl, to bring off the table Ordinance No. 1855, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1720 AS CODIFIED BY SECTION 2-74 OF THE LIVINGSTON MUNICIPAL CODE BY CREATING AN EXCEPTION FOR

COLLECTIVE BARGAINING AGREEMENTS. An amendment to the motion was made by Dahl, second by Williams, to reflect the new verbiage. City Manager commented on the ordinance and stated by adopting this the City Administrative Code section would be revised and the Policy and Procedure Manual's will come back to Council for updates to reflect this revised wording in the near future. All in favor. Amendment passed. All in favor of the original motion as amended. Motion passed.

City Manager Golnar stated that Spring clean up by City Crews will begin on May 5th until finished. The Street Sweeper will begin running its schedule also on May 5th with warning tickets being written for the first month by the Code Enforcement Officer. Grass pick up at the curb will begin on May 19th.

City Manager Golnar reported that Park Street by the Mini Mart has been patched.

City Manager Golnar reported on a question that was brought up at the last Council meeting in the bills and claims. The item was a new motor for the compacting machine used by the Water Department.

Enclosed was a letter from the City Manager to Black Diamond Aggregate, Inc. thanking them for the sand they donated to the City and County this year.

A March 27, 1997 letter from LRC to the Dept. of Environmental Quality was included for Council's information. The City Attorney and City Manager are working to coordinate a meeting with MRL, LRC, the State and Park County Environmental Council concerning load testing and diesel fumes concerns.

City Manager Golnar stated that any comments relating to the FEMA Flood Plain Maps that were presented at the last Council meeting should be directed to either City Planner Woodhull or himself. A comment letter will be drafted for Council to review at a future meeting.

Discussion was heard concerning flood preparation and financing. Since the last meeting, the City Manager has secured the services of a local engineer to further develop plans for flood preparations. The U.S. Army Corp of Engineers visited the area on March 25, 1997 to tour and review the area and consider the potential for advanced measures assistance. The City Manager is waiting for the results of their study. A final decision from the School Board providing up to \$10,000 in financial assistance is expected after their meeting on April 8th. Mr. Golnar has requested that Scott Nelson Engineers prepare specifications for rip rapping of the Mayor's Landing area river bank as the Corp of Engineers will not participate in any work in this area. Permits have been applied for. Prior to the Corp initiating any work, the city would need to enter into an advanced measures agreement with the Corp of Engineers. Mr. Golnar will provide more information as he receives it.

City Manager Golnar stated that he will seek to meet with the Fire Union as soon as possible to initiate discussion on how to follow up on the Ambulance Funding Workshop in cooperation with the Union.

A BN Clean-up Public Health Assessment draft letter was included for Council's information. The City Manager has reviewed this with the technical assistance person from Park County Environmental Coalition that was hired through the grant. Council was in favor of sending the letter out ourselves and not involving the County.

The Transportation Coordinating Committee will be meeting on April 8th. An agenda and minutes of the January 14th meeting were provided to Council separately.

Comments and discussion was heard concerning the restroom facility proposal in Depot/Rotary Park. The Chamber of Commerce has decided to withdraw their request for going forward with the project, but they do feel there is a long term need for some sort of public restroom facility in the community.

Discussion was heard on who owns the real estate under the Depot Center. Staff will find out more information on this.

City Manager Golnar updated Council on the status of the Post Office renovation. Mr. Golnar has requested Architect Jonathan Foote's formal participation and review of any design for renovating the existing Post Office as invited by the Postal Service. Mr. Golnar will be in contact with Mr. Brazington and keep Council updated. Councilmember Cooper stated that she would like to see the project monitored.

Firefighter Jonathan A. Marlowe has successfully completed his six month probation period and was appointed to regular Firefighter status as of March 19, 1997.

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

- April 7th, 7:30 p.m. - City Council Meeting
- April 7th & 8th - (Missoula) Organizational Change (MT Board of Crime Control)
- April 8th, 10:00 a.m. - Transportation Coordinating Committee Meeting
- April 9th, 7:00 p.m. - Fire, Ambulance and Police Budget Worksession
- April 14th, 7:00 p.m. - Parks, Cemetery, Recreation, Solid Waste, Gas Tax and Maintenance District Budget Worksession
- April 15th, 4:30 p.m. - City/County Meeting (Tuesday)
- April 16th, 7:00 p.m. - Sister Cities Committee Meeting
- April 16th, 17th, & 18th - Local Government Officials Workshop
- April 21st, 7:30 p.m. - City Council Meeting
- April 23rd & 24th - Greater Open Space City Managers (Billings)
- April 24th & 25th - Emergency Disaster Exercise
- April 28th, 7:00 p.m. - Water/Sewer and Rest of General Fund Budget Worksession
- May 13th, 1:00 p.m. - DARE Graduation Ceremony Park County Fairgrounds
- June 12th - 9:00 a.m. - Legislative Update - Community Room

The proposed City/County meeting agenda for Tuesday April 15th, 4:30 p.m. will be provided.

Discussion was heard concerning a request that the City Manager participate on the Community Health Center Steering Committee. Council agreed that the Manager has too many items going on at this time.

Methods of assessment for the Maintenance District's were discussed along with a 4/3/97 memo from the City Attorney and a letter from Steve Hicks requesting action on his protest. City Manager Golnar stated that the level of funding and method of assessment should be ready for the next meeting. Attorney Becker will prepare a draft criteria to be used to assess the districts for Council's review and approval. Mr. Golnar was directed to send a formal letter to Mr. Hicks in response to his letter.

City Manager Golnar gave Supt. of Public Utilities Tinsley approval to proceed with a one block water main extension for North 8th Street. This is a budgeted project and the work will be in house. The State has already approved these plans and specifications.

Enclosed in the packet was a letter dated 4/1/97 from Supt. of Public Services Kastelitz to the American Legion Baseball Association authorizing ball field improvements.

One bid was received for a 1997 Ambulance. The bid was from Wheeled Coach located in Wyoming with 3 quotes being made. They are as follows:

- 1) Custom built 1997 149" type 3 - \$74,570.52
- 2) New 1997 E-450 Super-Duty 163" demonstrator - \$72,884.21
- 3) New 1997 149" demonstrator - \$68,229.47

Acting Fire Chief Art Swanson and Acting Assistant Fire Chief Jerry Weimer reported to Council what each bid quote contained and the department's recommendation. Discussion was heard concerning the need for a defibrillator for the new ambulance and that the bond was not set high enough to cover this equipment. It was noted by Acting Assistant Fire Chief Weimer that Wheeled Coach may be interested in the old suburban ambulance in trade of a life pack unit.

Motion was made by Cooper, second by Williams, to authorize the acquisition of the recommended Super-Duty 163" Demonstrator model ambulance. All in favor. Motion passed. This ambulance has approximately 10,000 miles on it and the company will include a striker cot, lettering and decals for a total cost of \$72,472.00.

Motion was made by Williams, second by McGee, to pursue the exchange of the old suburban ambulance for a defibrillation unit. All in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to authorize June Cechovic to be granted an exception from the 2 ½ mile straight-line radius residency requirement for City employees due to unusual hardship. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve the pre-payment claim in the amount of \$12,825 to the Montana Industrial Boiler Combustion Co. All in favor. Motion passed.

Discussion took place of a draft ordinance restricting the shooting of a bow, crossbow, atlatl or other device within the city limits. City Attorney Becker summarized the draft with comments being added by members of Council. Mayor Mikesell stated that he would like "sponsored events" added to the ordinance and brought back to Council at the next meeting.

Motion was made by Cooper, second by Williams, to approve the selection of Mr. Snyder, Architect, to the HRDC's project and to direct the City Manager to write a letter to HRDC informing them of the City's consent to his selection as project architect. All in favor. Motion passed. Val Counts Director to PCEDC commented on the noticing for an architect.

A March 26, 1997 letter was received from St. Mary's Catholic School requesting an appeal of a liability claim denial for the expense of a new pressure reducing valve that was installed at the school. The City's liability insurance has recommended no payment. Correspondence was included for Council's information.

City Manager Golnar noted that he has met with Father Dale and Principal Michelle Morris of St. Mary's and have agreed to revise their February 1997 water and sewer bill charge from 74,000 gallons to an average of 16,000 gallons.

Discussion was heard from Council and Staff. Principal Morris was present on behalf of the school's request.

Councilmember Dahl requested of Supt. Tinsley that in the future when a plumber is needed by the City on private property that he would ask the property owner who they would prefer as a plumber. Mayor Mikesell told Principal Morris that it was the school's obligation and not the City's.

Council considered a request from Counter Point for use of a park site along the Lagoon and the use of chairs for a fund raiser. Council commented on their concerns with so many people being so close to the water and offered them the use of the Bandshell area for their concert. The Council also indicated a willingness to consider the waiver of park use fee if they did relocate to this area if Counter Point came back to Council with their decision. Supt. Kastelitz and Council were not in favor of allowing the use of the chairs.

Motion was made by Dahl, second by Williams, to authorize the construction of a storage shed in the Baseball Complex by the Baseball Association with plans subject to review by the City Supt. of Public Services. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve the DRC recommendation for the approval of the water and sewer main extension for Block 5 of Palace Addition. All in favor. Motion passed.

Councilmember Dahl read a letter to fellow Councilmembers regarding Council working together as a team she was unable to travel back east with her father and stated she would provide each of them a copy of the letter. Ms. Dahl also stated that she will provide the City Manager with any travel plans she may have in the future and encouraged the City Council to be more flexible and work together as a team with non established meeting dates.

Co Inglehart opposed to LRC's request for tax abatement, commended Councilmember Dahl for her remarks concerning the property owner being asked which plumber they would prefer.

Eric Severson commented on the proposed ordinance concerning bow and arrows in the City and thanked City Manager Golnar, Councilmember Dahl and City Attorney Becker for attending the Policeman's Ball.

Co Inglehart addressed Council on the ambulance.

Jerry Weimer clarified for Co Inglehart concerning the ambulances.

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

The time was 10:15 p.m.

ATTEST:

APPROVED:

Dulianne Brown
RECORDING SECRETARY

Pat Mifusell
MAYOR

LIVINGSTON
CITY COUNCIL MEETING
April 21, 1997
7:30 p.m.

The Livingston City Council met in regular session Monday, April 21, 1997, 7:30 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 Mikesell arrived at 8:30 p.m.

Motion was made by Dahl, second by Cooper, to approve the minutes of April 7, 1997 regular City Council meeting. City Manager Golnar clarified on page 5, 6th paragraph, last sentence should be "\$72,472.00". Motion passed as corrected.

Motion was made by Cooper, second by Dahl, to accept the bills and claims that listed for \$100,532.08. Councilmember Dahl questioned page 11 to Joseph Mason for balance of volunteer Firefighter pension withheld. Vice-Mayor Williams explained that Mr. Mason puts into this fund once a year and he is the only volunteer firefighter who pursues this pension option at this time.

Councilmember Cooper questioned page 11 to MMIA. City Manager Steve Golnar explained that the first claim was when the garbage truck drove too close to a building and bent a piece of metal that was under the snow. The second claim was when the garbage truck slid into a car that was parked in an alley during icy conditions.

Vice-Mayor Williams questioned the following claims; page 8 to Bridger Communications. Acting Fire Chief Art Swanson confirmed that this was a radio for the new fire truck out of the amount budgeted for extra equipment.

Page 10 to Lagerquist Corp. City Manager Golnar stated that this was for the City's share of elevator maintenance in the City/County Building.

Motion passed.

A public hearing was held on second reading of Ordinance No. 1852, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, REQUIRING LANDSCAPING AND BUFFERING AND RESTRICTING LIGHTING FOR NEW OR ALTERED COMMERCIAL, INDUSTRIAL, R-III AND RMO ZONES TO LESSEN THE IMPACT ON EXISTING INCOMPATIBLE USES IN SAID ZONES AND IN ABUTTING OR ADJACENT R-I AND R-II RESIDENTIAL ZONES AND ESTABLISHING A PENALTY FOR VIOLATION THEREOF. No public comments were heard. All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1855, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1720 AS CODIFIED BY SECTION 2-74 OF THE LIVINGSTON MUNICIPAL CODE BY CREATING AN EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENTS. No public comments were heard. All in favor. Motion passed.

Motion was made by Dahl, second by Cooper, to approve Resolution No. 2775 , A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE JANUARY THROUGH MARCH, 1997, BUDGET LINE ITEM

TRANSFERS AND ADJUSTMENTS FOR THE FISCAL YEAR 1996-1997 BUDGET FOR THE CITY OF LIVINGSTON. Finance Officer Ewan clarified questions that were asked by Councilmember Cooper.

Ms. Cooper stated that it was important to update the budget sheets after the approval of the budget transfers.

All in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to approve Resolution No. 2776, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING RENTAL RATES FOR THE CIVIC CENTER. Finance Officer Ewan answered for Councilmember Dahl the reasoning of the separate rates for non-residence were that the residents help support the Civic Center through their tax dollars.

Councilmember Dahl would like a deposit from the movie "The Horse Whisperer" for possible road damage as they requested to park vehicles at the Civic Center during the day when they are filming in Big Timber.

It was noted that there is State Emergency money to fix the road behind the Civic Center.

Vice Mayor Williams questioned if the movie company parks at the Civic Center, if it would take any parking away from other paying customers. Supt. Kastelitz stated it would not.

All in favor. Motion passed.

Motion was made by Dahl, second by McGee, to approve Resolution No. 2777, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH THE STATE OF MONTANA FOR STREAM BED ACCESS. Councilmember Cooper questioned page 37, item #5, the section on Land Use License, as to where the footage's mentioned were. Discussion was heard with the City Manager and Engineer Scott Nelson. The section in question mentions the stabilization of three areas but only lists two footage's. Mr. Nelson explained what his application covered along the river bank. Mr. Nelson stated that the applications he submitted were for the City to do some separate rip rap work and not the work proposed to be done by the Corp of Engineers.

Motion was made by Dahl, second by Cooper, to have Resolution No. 2777 moved to right before City Business on the agenda in order to give Mr. Nelson time for additional research and provide Council maps. All in favor of moving this resolution later into the meeting. Motion passed.

Motion was made by Dahl, second by Cooper, to approve first reading of Ordinance No. 1856, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ZONING PROPERTY RECENTLY ANNEXED INTO THE CITY, COMMONLY REFERRED TO AS THE RUGGLES ANNEXATION, AS AN INDUSTRIAL ZONE. All in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to approve first reading of Ordinance No. 1857, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ZONING PROPERTY RECENTLY ANNEXED INTO THE CITY, COMMONLY REFERRED TO AS THE KINGDOM HALL ANNEXATION, AS A

NEIGHBORHOOD COMMERCIAL ZONE. City Planner Jim Woodhull answered for Councilmember Cooper that this property and the next property to be considered were zoned RI in the County. All in favor. Motion passed.

Motion was made by Dahl, second by Cooper, to approve first reading of Ordinance No. 1858, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ZONING PROPERTY RECENTLY ANNEXED INTO THE CITY, COMMONLY REFERRED TO AS THE TAYLOR ANNEXATION, AS A MEDIUM DENSITY, MOBILE HOME ZONE (RIIMH). All in favor. Motion passed.

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

- Finance Officer Monthly Report, March 1997 (provided separately)
- City Judge Monthly Report, March 1997
- Police Chief Monthly Report, March 1997
- Water & Sewer Monthly Report, February 1997 - Councilmember Williams questioned why the sewer revenues were approximately \$25,000 behind anticipated. Councilmember Cooper stated that she asked Supt. Tinsley about this item earlier and he stated that he has kept his expenditures a similar amount below budget. Finance Officer Ewan mentioned that the new sewer rates based on winter water usage have been recently calculated and they may also bring in more revenues.
- Water & Sewer Monthly Report, March 1997
- Livingston Fire/Ambulance Report, March 1997
- Fire Chief Monthly Report, March 1997
- Recreation Monthly Report, March 1997
- Recreation Calendar, April 1997
- Library Board Minutes, February 20, 1997
- Fourth Legislative Update
- Letter from Federal Aviation Administration

Councilmember Dahl questioned if Council was to act on a letter included in the packet from Caron Couch of HRDC. Finance Officer Ewan stated that this item was covered through the budget transfers earlier in the meeting.

The City Manager's comments included the following issues:

A \$1,500 sewer backflow claim sent by MMIA to Livingston should have been sent to Lewistown. The check has been returned by MMIA for the payment of this claim.

Depot Center owner/lease status was summarized in the packet for Council's information.

The current status of the public restrooms in the downtown area is that the grant with the Montana Department of Transportation is not going to be pursued by the Chamber of Commerce at this time. But there is a continued interest from the Chamber of Commerce, Rotary, etc. to look into a restroom facility in the downtown area.

There is interest in making arrangements to try to get a porta potty out of sight perhaps behind the baggage room to deal with the immediate restroom concerns.

Preparations for potential flooding of the Yellowstone River was discussed. City Manager Golnar stated that the City has received reports from the Corp of Engineers under their Advanced Measures Program. Included in the report is a 2 page agreement between the United States of America and the City of Livingston for emergency assistance.

Mr. Golnar stated that he will be asking Council to set up a special meeting to consider this agreement some time this week. Mr. Golnar told the Council that they needed to be aware that by entering into this, the City agrees to either remove or make permanent the improvements (the levies being proposed). The City also agrees to provide a borrow site (a site for clay type dirt). Rip rapping, the excavation and placement of materials would be provided by the Corp of Engineers. Funding has been approved by the Corp of Engineers.

Councilmember Cooper stated that she had a number of problems with what the Corp was proposing and what it is going to cost the City long term. Ms. Cooper stated she would like to have a better idea of what the costs are, for making this permanent or removing it, before the next meeting. Ms. Cooper stated for the record that it seems what the City has learned in recent years about flooding is that the levies actually worsen flooding because the water builds up and then breaks. There is no advanced warning when the levies break and causes much more damage due to the velocity of the water moving across the town opposed to over flowing the banks. Ms. Cooper stated that she felt it has been proven in many places in the country in recent years that levies do not provide a long term, safe protection from floods and she does not like the idea that any government entity putting this much money into a system that she feels is doomed to fail and cost the citizens of Livingston more money than we think we are saving by not putting in the rip rap.

Comments were heard from John Bailey, Urana Clark, Bill Adamo representing the School District, and Warren McGee. Mr. Adamo stated that the Board was very enthused with the project.

Mr. Golnar pointed out for Council's information, that there is a proposal in the Corp of Engineers documents to go with rip rapping of the bank 500' up and down shore from the Bandshell area which has been identified as a weak point. That is proposed to go from the toe of the existing shoreline to the top of the proposed new levy.

Mr. Golnar will get with the Corp of Engineers and invite them to a meeting as soon as they can get here to talk about the proposed Advanced Measures in more detail.

Mr. Golnar stated that the Corp will not divulge what their budget is, but did state that the City's expense would be the cost of the dirt (borrow material).

Vice Mayor Williams stated that the special meeting will be advertised and invited anyone who may wish to comment when the Corp arrives to come to the special meeting.

Councilmember Cooper requested a clean printout or map to be Federal Expressed to them as the faxed copy is not clear.

Councilmember Dahl would like the ball fields to be assessed to determine how much damage it would cause the baseball fields and concession stands if the levy was built behind this area.

City Attorney Becker has sent a letter to the H Street Town Pump informing them of their sign being located in the public right-of-way and requesting a response within 10 days. There has been no reply as of yet. Attorney Becker confirmed to Council that he was prepared to commence legal action to have the sign removed. Council would like to be kept informed.

City Manager Golnar summarized comments concerning the Street Assessment District methodology along with a memo from the City Attorney. Re-drafting of the boundaries was discussed at the last Council meeting. Mr. Golnar stated that all protested items needed to be reviewed individually. Councilmember Dahl updated Council on what was discussed at a previous worksession, that in order for a protester to come before Council and protest the districts, that protester would need to attend the public hearing and in writing give protest for the formal protest period that they are allowed. City Staff will be directed after that meeting to go forward review the circumstances relating to the property and come back to Council with recommendations on each protest for the next tax year. Protesters will need to protest every year.

Staff and Council discussion was heard.

City Manager Golnar stated that a package of proposed responses to all the concerns and any proposed revisions to the district's boundaries will be prepared. This will be for the next tax year.

Councilmember Dahl stated that she would like to see a resolution, something in writing or a policy to explain to the public how the assessment district protest process works.

City Manager Golnar reported that he has contacted Montana Power Company requesting follow up information from the workshop to see what options are available for billing of new street lights and separating installation costs from the power bill. Mr. Golnar asked for clarification from Council if they were proposing to have the Street Lighting District cover all properties within the City. Council was in favor of all properties in the City. The Mayor was not in favor of all properties within the City.

Council requested a resolution to come before Council for a vote.

Finance Officer Ewan stated that MPC contacted her today to say that the electric bill will be going up 2-3% for street lighting. Ms. Ewan answered a question for Councilmember Cooper that MPC will be completely deregulated by next January.

A copy of the 1997 chip sealing program was included for Council's information.

City Manager Golnar reported that Special Improvement District #177 will be the next SID for paving at Star I and Star II Additions. Mr. Golnar's proposal is to bring a resolution of intent to form the SID at the next regular Council meeting on May 5th. A public hearing process will be required. The estimated cost for the bonds is approximately \$228,000.

A thank you letter from Supt. of Public Schools Vern Beffert for Pat Wagman's participation on the School Board was enclosed for Council's information.

City Manager Golnar stated the City will be working on the following items as a result of the last City/County meeting: Panic Button Policy, Ambulance Rate Adjustment, County Solid Waste Fund Financial Review and the County Claim for Flood

Assistance. Council will consider a full time City/County maintenance person position in the FY 97-98 budget. Councilmember Dahl stated she did not see where it mentioned the Declaration of Salaried Employees during a disaster that they will be paid overtime. Ms. Dahl also requested that the Finance Officer look into the FEMA rates.

City Manager Golnar reported that there was a recent Transportation Coordinating Committee. Mr. Golnar will be meeting with members of the Depot Foundation next Wednesday at noon along with the MT Department of Transportation Traffic Engineer to talk about the signalization at the intersection of Park and Second Streets.

City Manager Golnar reported that the County is talking about going full time with the maintenance person and incorporating the mowing at Green Acres and some mosquito spraying. This will include approximately a \$5,000 break for the City. Mr. Golnar will include this in the budgeting process.

City Manager Golnar updated Council on the status of the Horse Whisperer movie production. Earlier in the meeting discussion was heard concerning the parking at the Civic Center. Supt. Kastelitz stated that the movie company will be parking on the West side of the Civic Center along the Bandshell area.

Council directed Staff to request a donation from the movie company to pay for the use of the power to their camera truck.

Motion was made by Dahl, second by Cooper, to allow Horse Whisperer's to park at the Civic Center as per the letter dated April 16, 1997 as well as waiving the curfew time for their designated parking lot and the camera truck on the other side of the Civic Center. All in favor. Motion passed.

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

- April 21st, 7:30 p.m. - City Council Meeting
- April 23rd & 24th - Greater Open Space City Managers (Billings)
- April 24th & 25th - Emergency Disaster (Flood) Exercise - Park County
- April 28th, 7:00 p.m. - Water/Sewer and Rest of General Fund Budget Work Session
- May 5th, 7:30 p.m. - City Council Meeting
- May 9th, 2:00 p.m. - Diesel Fumes/Noise Workshop (Community Room)
- May 13th, 1:00 p.m. - DARE Graduation Ceremony Park County Fairgrounds
- May 19th, 7:30 p.m. - City Council Meeting
- May 21st, 7:00 p.m. - Sister Cities Committee
- June 12th, 9:00 a.m. - Legislative Update- Community Room

At this time Council went back to discussions of Resolution No. 2777. This was a lease agreement with the State of Montana for Stream Bed Access. Engineer Scott Nelson did review and the lengths that were questioned earlier in the agreement.

Councilmember Cooper spoke on a couple points in the agreement and what the City would be committing themselves into with long term costs. Another concern of Ms. Cooper's was if the City could include re-vegetation and noxious weed control into the emergency mill levy.

City Manager Golnar pointed out that re-vegetation was anticipated to be City work and not Corp of Engineer's work.

Roll call vote was all in favor. Motion passed.

A 15 minute parking request was received by the Montana Boot Co. City Manager Golnar summarized on this request for Council and stated that based on concerns about equity and consistency in parking in the downtown district for other business owners, recommended that this request be denied.

No action was taken by Council.

City Manager Golnar summarized for Council a review of the Solid Waste Administrative Rules as requested by Mr. Myron G. Winship and his concerns of the City's billing of solid waste services when a home is vacant for a few months. Mr. Golnar's recommendation was for Council to maintain the policy currently in use.

No action was taken by Council.

City Manager Golnar reported that at the Transportation Coordinating meeting held on April 8, 1997, the Department of Transportation requested that the City request in writing that the Highway Commission expend \$13,000 of the City's Urban System Funds for use of rail crossing improvements on Highway 10 in the City Limits.

Some discussion was heard on the Urban System Funds with Mr. Golnar explaining to Council why the fund had a negative balance.

Councilmember Cooper commented and does not see the need to commit \$13,000 to this project. Council was in agreement not to act on this project.

Motion was made by Cooper, second by Dahl, to authorize payment of a claim for \$200 to purchase Land Use License No. 8182 from State of Montana for Streambank Stabilization Activities. All in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to authorize construction of two signs in the Historic District located at 110 and 116 E. Callender Street. City Manager Golnar summarized that the Historic Design Review Committee has approved the design of the signs. Dick Barrere of Delta Signs was present to answer Council's questions. City Planner Woodhull reported that the Historic Preservation Commission is going to limit these types of signs to architecture and buildings of a certain period.

All in favor. Motion passed.

Motion was made by Williams, second by McGee, to authorize payment of claim for \$6,862.10 for 1996 Flood Response Reimbursements to Park County. City Manager Golnar explained this claim. All in favor. Motion passed.

Councilmember Cooper commended Supt. Kastelitz for his fencing efforts behind the baseball fields at Miles Park that the grass looks great and the fencing was successful on keeping people off of the grass.

Councilmember Williams stated that she received a complaint from a lady asking why it takes three firemen to do a safety check in her small business which is in the middle of a large business and then was charged \$70.

Councilmember Williams received a call from a lady who has a neighbor who has three dogs. Mrs. Williams stated she has talked to Code Enforcement Officer Linda Fyffe who stated that it needs to be proven. Mrs. Williams stated that everyone needs to keep an eye out for anyone who may have more than 2 dogs.

Councilmember Williams was contacted by some people downtown who do not want another summer to come without some sort of ordinance that will forbid the kids from blocking the doors to their places of business. They would like to know if Council could put an ordinance in place to accomplish this.

Councilmember Williams was contacted by a lady complaining that it is impossible to cross Park Street to get to Pamida. Mrs. Williams told her that the MT Department of Transportation stated that it was not the State's responsibility that it was the property owners responsibility to pay for the construction of such a traffic signal. The lady reported to Mrs. Williams that she contacted the DOT and they stated that the City should press them more and they will definitely help the City in putting a traffic light in the area. Mrs. Williams stated that she did not know exactly what the lady meant. The lady also stated that a light should be put in the area before the tourist season and before somebody was killed.

Councilmember Dahl stated that she would like to see changes in the ambulance charges for the Council soon.

Councilmember Dahl stated that in the future when ever Council has any land use issue or something similar that maps are included in the packet so that they know the area they are referring to.

Councilmember Dahl stated that she would like put on the agenda for the next City/County meeting, was zoning and ordinances carrying over into the County. Ms. Dahl explained further and stated that City Planner Woodhull said the City would need to go to the County for discussion of this.

Planner Woodhull answered a question for the City Manager concerning City Zoning, County Zoning and City/County Planning Board.

Mayor Mikesell stated that he has been approached concerning the geese in the Park.

Mayor Mikesell invited Herman Brattan to address the Council further on the geese problems and that they have taken over the Park.

City Manager Golnar stated that the City should contact the Fish & Game to see if they have any suggestions. Councilmember Cooper commented if there was any way people could be persuaded to not feed them.

Councilmember McGee stated that a family was in the middle of the geese and having a good time and the geese were not hurting them. Mrs. McGee is not in favor of passing an ordinance against feeding the birds.

Supt. of Public Utilities Clint Tinsley addressed Council to notify them that the Water Quality Bureau will be doing an audit of the Sewer Plant. City Manager Golnar stated that he put a letter in the Council's mailbox.

Supt. Tinsley stated that the Water Quality Bureau would like to have a meeting on Wednesday April 23, 1997 at 11:00 a.m. to discuss what they will be doing. Mayor

and Council is encouraged to attend. Friday April 25, 1997 at 1:00 p.m. there will be a meeting at the Utility Building to discuss the findings.

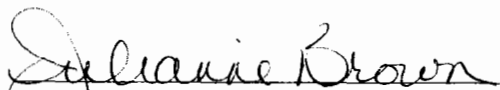
Bud Albrecht addressed Council concerning the trees in the Park and if the wire is not cut around the trees, they are all going to die. Mr. Albrecht stated that something needs to be done.

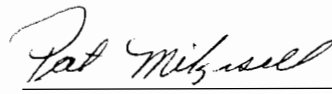
Motion was made by Dahl, second by Cooper, to adjourn this meeting there being no further business. Motion passed.

The time was 9:55 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

SPECIAL
LIVINGSTON
CITY COUNCIL MEETING
April 24, 1997
7:00 p.m.

The Livingston City Council met in special session Thursday, April 24, 1997, 7:00 p.m. in the District Court Room at the City/County Building. Councilmembers present were Barb Williams, Bernice McGee, Sheryl Dahl and Caron Cooper with Mayor Pat Mikesell presiding.

Council was polled on whether they wanted to participate in the Missouri River Task Force. Motion was made by Dahl, second by McGee, to authorize the City Manager and Chief of Police to go ahead with the Interlocal Agreement drafted for Missouri River Drug Task Force. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2778, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO CONTRACT WITH THE UNITED STATES ARMY CORP OF ENGINEERS FOR ADVANCE MEASURES TO FIGHT THE ANTICIPATED FLOOD OF THE YELLOWSTONE RIVER.

Mayor Mikesell announced to the audience that he would take public comments and there would be a 3 minute time period only.

City Manager Steve Golnar reported that he had toured the site with the Corp of Engineers, the local Engineer (Scott Nelson) and Surveyor (Fred Hall) and other members of the community earlier in the day. The cost for the borrow which would be the City's expense is estimated between \$12,500 to \$25,000 for 25,000 yards. (City Manager Golnar told Council that these figures would be high) This price would be for purchasing the material only. Mr. Golnar mentioned that the School District has designated \$10,000 toward this project, also the emergency mill levy that would consist of \$18,176. There is also the possibility to borrow from the Enterprise Funds and to repay the Enterprise Funds with emergency mill levy money for the balance. All options for funding will be continued to be pursued.

Councilmember Cooper requested that the scope of work to be performed was explained. Corp of Engineers Mike Kelly addressed City Council with options of three routes that could be taken. Mr. Kelly stated that the Golf Course would be receptive to place a levy on their property. Engineer Scott Nelson also responded to questions that were asked by Council and the audience.

Comments were heard from Doug Chandler, John Bailey, Urana Clark, Ralph Backes, Wayne Aserlind, Vern Beffert, Sue Lacke, Dr. Dennis Noteboom, Father Dale Yukovich, Bruce Carroll, Fred Hall, Karen Searle, Don Devine.

Mr. Kelly anticipates the levy would take approximately 7 days to build. Mr. Kelly also mentioned that it was up to the City on how to proceed.

Councilmember Cooper voiced her concerns and needed further information before she could make a decision. Councilmember McGee commented on the comments that were heard tonight and stated that she was for the resolution.

Councilmember Dahl made the motion to amend Resolution No. 2778, by including plan 5 in the Scope of Work to encompass the dike being constructed behind

the Civic Center and into the school parking lot and through the football field and intersecting into Mr. Long's dike. Seconded by Councilmember Cooper. More discussion was heard on how the Council should proceed. Mike Kelly stated that the Corp of Engineers could be requested to be in Livingston during a flood fight and would be willing to look at other alignments other than that proposed. Mr. Kelly stated that he would try to get a hydrologist present if Council were to continue the meeting to Saturday morning. Roll call vote was Dahl and Cooper in favor, Williams and McGee opposed with Mayor Mikesell casting the deciding vote as opposed. Motion failed.

Motion was made by Dahl, second by Cooper, to table Resolution No. 2278 until Saturday, April 28, 1997 at 9:00 a.m. in the District Court Room if available and can obtain alignments that Council can vote on. The vote was three in favor. Williams opposed. Motion passed.

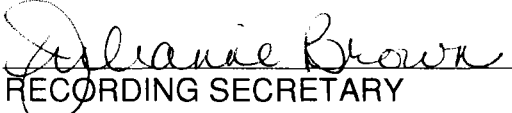
At this time Mayor Mikesell called for executive session that an open meeting would have a detrimental effect on the litigation position of the City.


Council went back into open session at 10:10 p.m. and will reconvene at 9:00 a.m. Saturday April 24, 1997.

The time was 10:10 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

SPECIAL
LIVINGSTON
CITY COUNCIL MEETING
April 26, 1997
9:00 a.m.

The Livingston City Council reconvened their meeting of Thursday April 24, 1997 on Saturday April 26, 1997, 9:00 a.m. in the District Court Room at the City/County Building. Councilmember present were Bernice McGee, Caron Cooper and Barb Williams with Mayor Pat Mikesell presiding. Councilmember Sheryl Dahl was absent.

Motion was made by Cooper, second by Williams, to add and consider Resolution No. 2779 and Resolution No. 2780 to the agenda due to a state of emergency having been declared. All in favor. Motion passed.

Motion was made by Cooper, second by Williams, to take Resolution No. 2778 off the table. All in favor. Motion passed.

Mayor Mikesell asked for a presentation from the Corp of Engineers. City Manager Steve Golnar introduced Corp members Mike Kelly, Joe Hughes, Jim Winjum and Mike Mickelson.

Mike Kelly emphasized that the City of Livingston requested assistance from the Corp of Engineers to prevent flood damages and that the Corp was not here to trying to tell the City what to do, but to provide the City with the maximum benefit.

Mr. Kelly stated that he has looked closer into the concerns of Council from Thursday night's meeting and summarized what he had worked up over the past couple days. Members of the Corp answered questions that were asked by Council and the public.

Councilmember Cooper asked Mr. Kelly to expand on item 3a of the contract.

It was noted that the proposed dike will be approximately 8,000 feet in length. Mr. Kelly stated that the Corp will assist the City with the flood fight at the time of flooding if the City were to request this.

Citizen comments were heard from Bill Barnhart, Bruce Carroll, Doc Hughes, Marty Gande, Greg Strong and Urana Clark. Joel Tohtz of Fish and Game was present and mentioned permits that were needed. Greg Strong offered travertine if it was needed.

City Manager Golnar reported that the anticipated cost for re-vegetation from 10th Street to 9th Street and some sort of vegetation on the remainder of the dike from the rock wall through the baseball field to Long's property, estimated at 3,000 feet would be \$21,000 or \$7.00 per foot.

Councilmember Williams asked questions to the Corp that were given to her before the meeting from Councilmember Dahl who could not make this meeting.

City Manager Golnar stated that he will seek contributions from other parties if possible. Council requested that the City Manager ask the County for contributions.

Councilmember McGee stated that City Manager Golnar has done an outstanding job on this project. Mayor Mikesell also commended Mr. Golnar and Corp for work they have put into helping the Council.

Roll call vote on Thursday nights motion to approve Resolution No. 2778 was Williams, McGee and Mikesell in favor, Cooper opposed. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2779, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SOLICIT BIDS FOR BORROW MATERIAL TO ASSIST THE ARMY CORP OF ENGINEERS FOR ADVANCE MEASURES TO FIGHT THE ANTICIPATED FLOOD OF THE YELLOWSTONE RIVER. City Manager Golnar informed that Council that there would be an abbreviated bidding process which would bypass the regular advertising requirements as this is an emergency situation as authorized by State Statues.

Borrow sites have been identified and City Manager Golnar will be working with the Attorney and Corp for the bidding process to start Sunday or Monday.

Roll call was Williams, McGee and Mikesell in favor, Cooper opposed. Motion passed.

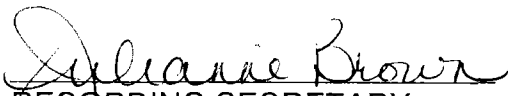
Resolution No. 2780 was not heard at this time and will be moved to the May 5th regular City Council meeting.

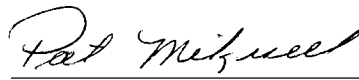
Motion was made by Cooper, second by Williams, to adjourn this meeting there being no further business. Motion passed.

The time was 10:55 a.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

SPECIAL
LIVINGSTON
CITY COUNCIL MEETING
April 30, 1997
7:00 p.m.

The Livingston City Council met in special session Wednesday, April 30, 1997, 7:10 p.m. in the District Court Room at the City/County Building. Councilmembers present were Barb Williams, Bernice McGee, Sheryl Dahl and Caron Cooper with Mayor Pat Mikesell presiding.

Mayor Mikesell called for executive session stating where an open meeting would have a detrimental effect on the litigating position of the City of Livingston. The meeting closed at 7:10 p.m.

The meeting was called back into open session at 7:57 p.m.

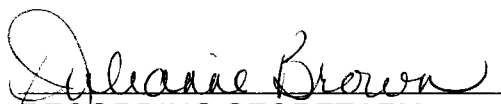
Motion was made by Cooper, second by Dahl, to approve Resolution No. 2781, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AGREEMENT WITH KEVIN HARRINGTON SETTLING ALL CLAIMS AND LAWSUITS AND AUTHORIZING CITY MANAGER TO SIGN. Five in favor. Motion passed.

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

The time was 7:59 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING
May 5, 1997
7:30 p.m.

The Livingston City Council met in regular session Monday, May 5, 1997, 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 April 21, 1997 Regular City Council Meeting; April 24, 1997 Special City Council Meeting; April 26, 1997 Special City Council Meeting; and, April 30, 1997 Special City Council Meeting. Motion passed.

Motion was made by Cooper, second by Dahl, to accept the bills and claims that listed for \$69,602.13. Councilmember Cooper questioned the following claims: page 15, item #955643 to Aldrich's for material for the Judge's bench. Staff reported that the Fire Department built the bench.

Page 15, item #955647 to Bridger Electric for work at the Legion Field concession stand. Staff reported that Northern Lights money was used for this work.

Page 19 & 20, items #955711 & 955738 to Scott Nelson Engineering and Western Micro Line P.C. City Manager Golnar reported that the City is paying these costs. Ms. Cooper questioned why the City would be paying for the survey of the levy. Mr. Golnar reported that the survey was accomplished before the Corp of Engineers funded the project.

Ms. Cooper commented to other members of Council that several people who spoke in favor of the levy were actually employed by the project and that in the future she would like people asked to what their financial interests are on specific projects.

Motion passed.

Mayor Mikesell proclaimed the following:

Week of May 4th, 1997 as Youth Week in the City of Livingston.

Week of May 10th - 16th, 1997 as Beautification Week in the City of Livingston.

Saturday, May 10, 1997 as National Food Drive Day in the City of Livingston

A public hearing was heard on second reading of Ordinance No. 1856, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ZONING PROPERTY RECENTLY ANNEXED INTO THE CITY, COMMONLY REFERRED TO AS THE RUGGLES ANNEXATION, AS AN INDUSTRIAL ZONE. No public comments were heard. All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1857, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ZONING PROPERTY RECENTLY ANNEXED INTO THE CITY, COMMONLY REFERRED TO AS THE KINGDOM HALL ANNEXATION, AS A NEIGHBORHOOD COMMERCIAL ZONE. No public comments were heard. All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1858, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ZONING PROPERTY RECENTLY ANNEXED INTO THE CITY, COMMONLY REFERRED TO AS THE TAYLOR ANNEXATION, AS A MEDIUM DENSITY, MOBILE HOME ZONE (RIIMH). No public comments were heard. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2780, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ACCEPT BID AND AUTHORIZING EXPENDITURE FROM EMERGENCY DISASTER FUND LINE ITEM #2260-160-510331800 TO PAY FOR THE BORROW MATERIAL TO PURCHASE BORROW MATERIAL IN THE AMOUNT OF \$0.57 PER CUBIC YARD TO ASSIST THE ARMY CORP OF ENGINEERS TO FIGHT THE ANTICIPATED FLOOD OF THE YELLOWSTONE RIVER. Councilmember Cooper questioned if funds needed to be transferred to this line item. Finance Officer Shirley Ewan responded that funds will be transferred at the end of the quarter. All in favor. Motion passed.

City Manager brought up for discussion, additional rip rapping of the river bank between the boat ramp by 10th Street and the 9th Street Island Bridge where the County stopped rip rapping. Mr. Golnar stated that rip rapping of this area is not incorporated into the Corp of Engineers project and the City does have Contractors available that may be able to give a good price. The City Manager and Supt. of Public Services Ken Kastelitz stated that the rip rap work does need to be done. Supt. Kastelitz stated that the cost would be approximately \$13,000 and that JTL would possibly be able to do the work since they are already in the area.

City Manager Golnar stated that a bid packet could be put together fairly easy. Members of Council stated that they would be in favor of an abbreviated bidding process. Discussion was heard on when a special meeting could be held to open bids and obtain Council approval.

Supt. Kastelitz responded to Councilmember Cooper that the crews are doing an excellent job with building the dike.

Motion was made by Cooper, second by Williams, to have a special meeting Wednesday, May 7, 1997 at 4:15 p.m. to discuss and take action on bids for rip rapping. Five in favor. Motion passed. Council stated they would waive their fee for this special meeting.

Motion was made by Dahl, second by McGee, that City Council waive the formal bidding requirement in order to go out for bid for rip rap material. Five in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution NO. 2782, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AGREEMENT WITH MISSOURI RIVER DRUG TASK FORCE. An amendment to the motion was made by Dahl, second by Cooper, by striking out the 1st day of February and adding the 5th day of May. All in favor of the amendment. Amendment passed. All in favor of the motion as amended. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2783, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA,

APPROVING THE APPLICATION OF THE LIVINGSTON REBUILD CENTER'S FOR TAX REDUCTION UNDER 15-24-1401 *ET SEQ.* MONTANA CODE ANNOTATED FOR IMPROVEMENTS OR MODERNIZED PROCESSES VALUED AT \$1,782,878.00. City Attorney Becker made a correction at the fourth "Whereas", should read "5th of May".

A public hearing was held at this time on this Resolution. Speaking in favor was Roy Korkalo, a representative of LRC.

Councilmember Cooper spoke her feelings on abatements and her concerns about the fairness issue to the smaller businesses. Council asked Mr. Korkalo if he would report what the County's abatement to LRC was. Mr. Korkalo responded and stated that the County disallowed approximately 18% of what was being requested. Discussion was heard with Council on what should be excluded in the abatement.

An amendment to the motion was made by Cooper, second by Dahl, to remove office equipment, furniture and maintenance in and out. More discussion was heard on the amendment.

Motion was made by Dahl, second by Cooper, to table Resolution No. 2783 until the next meeting in May in order to have more time to discuss what Council may look at for determining if abatements are to be granted or not. City Attorney Becker ruled that action needed to be taken on the amendment before a motion to table could be considered.

Roll call on the amendment was Williams and McGee opposed, Dahl and Cooper in favor. Mayor Mikesell cast the deciding vote as opposed. Amendment failed.

Motion was made Dahl, second by Cooper, to table Resolution No. 2783 until the next meeting in May with a workshop scheduled in between to discuss this. Roll call was Williams and McGee opposed, Dahl and Cooper in favor. Mayor Mikesell cast the deciding vote as opposed. Motion failed.

Roll call on original motion was three in favor, Cooper opposed. Motion passed.

Motion was made by Cooper, second by Dahl, to approve Resolution No. 2784, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 177; DECLARING IT TO BE THE INTENTION OF THE CITY COUNCIL TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND. Finance Officer Ewan stated that City Attorney Becker has made all the corrections that were made by bond counsel Dorsey & Whitney.

All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve first reading of Ordinance No. 1859, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING THE CRIME OF THROWING, SHOOTING, FIRING OR OTHERWISE DISCHARGING AN ARROW, BOLT, OR OTHER PROJECTILE FROM A BOW, CROSSBOW, ATLATL OR OTHER DEVICE WITHIN THE CITY OF LIVINGSTON, MONTANA AND PROVIDING FOR THE PENALTY. Mayor Mikesell stated that he has talked to several officers on the Livingston Police Department and they are opposed to this ordinance.

Councilmember Williams felt that this covers a safety issue.

It was determined that wrist rockets and sling shots are also covered under this ordinance. All in favor. Motion passed.

City Manager Golnar updated Council on the Post Office Remodel/Expansion status and included a joint press release that was issued by the Postal Service, after review and input from Mr. Golnar, on May 1, 1997 with their decision to move forward with the remodeling of the existing postal facility for retail services with a separate back office annex to be constructed. It was City Manager Golnar's suggestion to appoint a design review committee to work with the postal service on the design process and to work with Jonathan Foote, a local architect donating his services. Discussion was heard on the forming of this committee. Council was in favor of advertising for applications and the Committee size should be 5-7 members. Possible members included a person from the City Design Review Committee, City Planner, Post Office person, Architect, and Caron Cooper volunteered to be the Councilmember representative. City Manager Golnar stated that he will advertise and bring back applications to the next meeting.

Mayor Mikesell called for a ten minute break at 8:20 p.m. Council went back into open session at 8:31 p.m.

Included in the packet was a letter appointing Jerry Weimer as Assistant Fire Chief effective May 1, 1997.

City Manager Golnar gave Council an Advance Measures Levy Construction update.

Also included in the packet was a letter from the Park Clinic relating to sand bags and executed easements from John Long and the Livingston Country Club for the levy alignment.

Councilmember Cooper stated the JTL trucks needed to drive at a slower speed in the Mayor's Landing area.

Mr. Golnar reported that tree removal has been accomplished in the Park area.

Councilmember Cooper requested a financial summary as some figures were not included in the levy status provided. Traffic control funding was discussed. Staff's time for traffic control and coordination is being kept track of. City Manager Golnar stated he would try to be reimbursed by FEMA for some of the expenses, but he did not guarantee that this project was reimbursable. Mr. Golnar stated that the City is working with DES at this point to try to secure matching or supporting funding if possible for the City's expenses for this preparatory work.

Mr. Golnar noted that there have been some complaints about dust on the streets due to levy material hauling and the contractor will begin wetting the streets down on Tuesday.

City Manager Golnar reported that there was a Sewer Plant performance evaluation from April 23rd through April 25th. Individuals from the Department of Environmental Quality toured and reviewed the operations and efficiency of the Livingston Waste Water Treatment Plant. The results were very positive and the State was pleased with the way the plant is ran. Mr. Golnar stated that Clint Tinsley, Steve Briggs and the Sewer Plant Staff should be commended.

A letter was included in the packet identifying that the FAA is currently in the process of conducting its annual review (ASOS Evaluation) of automated weather observation systems at Mission Field.

A letter was received by the City in response from the Department of Health and Human Services on Burlington Northern/Livingston Complex/Livingston Park County Montana Public health Assessment that was prepared by the Agency for Toxic Substances and Disease Registry. Mr. Golnar stated that they have received the City's comments and they will be taken into consideration in preparation of the final report.

Council reviewed a letter dated March 25, 1997, received by the Livingston Junior Women's Club from the Livingston Community Trust authorizing funding for their Sacajawea Park Bathroom Facility project. The Trust required a monitoring process for the restroom maintenance for a 5 year period by the Junior Women's Club. Supt. of Public Services Kastelitz stated there will be no problems with the upkeep of the restrooms in the Park in response to the Trust's concern.

City Manager Golnar told Council that he will put together a revised budget packet that will include Library Funding as prepared by Librarian Milla Cummins prior to the next budget worksession scheduled for Monday May 12, 1997.

City Manager Golnar reported that the following three City positions will be advertised for:

- Building Inspector
- Fire Chief
- Accounting Clerk-Finance

Police Chief Steve McCann stated that one of his officer's has resigned from the force effective this day. Chief McCann will be hiring 2 officer's June 2nd.

Councilmember Dahl requested that the City Manager explain how he was going to advertise for the Fire Chief's position. Mr. Golnar answered that he will advertise with a short description of what the City is looking for. Mr. Golnar's suggestion was to assemble a team of individuals to look at applicant's and that he will include the State Fire Marshall's office, possibly 1-2 Chief's from the surrounding area, Council representative and possibly a Union representative. Mr. Golnar stated that he will advertise inside and outside the Department with the State Fire Training School, Municipal League, and possibly with the Western Jobs Available.

Ms. Dahl stated her opinion was that this position should be considered to be hired from inside the department first to show support for our Firemen and if they do not meet the criteria, then advertise outside the department.

Councilmember Williams stated that she supported City Manager Golnar's decision to go outside the department.

Mayor Mikesell said he would like to see it kept within the department, but stated he supported Mr. Golnar's decision to advertise and it should be advertised outside the State also.

Councilmember Cooper stated feelers should be put out for a Fire Chief with a ranking system which gives consideration for local candidates and has no problem advertising for the position.

The following Calendar of Events was listed for Council's information:

May 5th , 7:30 p.m. - City Council Meeting
 May 7th , 4:30 p.m. - City/County Meeting
 May 9th , 2:00 p.m. - Diesel Fumes/Noise Workshop (Community Room)
 May 12th , 6:30 p.m. - Water/Sewer and Rest of General Revenue Budget Work
 Session
 May 13th , 1:00 p.m. - DARE Graduation Ceremony Park County Fairgrounds
 May 19th , 6:30 p.m. - Budget Worksession
 May 19th , 7:30 p.m. - City Council Meeting
 May 21st , 7:00 p.m. - Sister Cities Committee
 May 27th , 6:30 p.m. - Budget Worksession
 June 12th , 9:00 a.m. - Legislative Update- Community Room

Budget worksessions were scheduled for every Monday night 6:30 p.m. through the adoption of the budget. The nights of regular Council meetings the worksessions will last for 45 minutes. On off Council meeting nights, the worksession will close by 8:00 p.m.

The following tentative agenda items for the City/County meeting of 5/7/97 were listed for Council's information:

Library Funding
 Cleanup Coordination
 Maintenance Person (full time) (\$6,946 City Share)
 Buzzers/Panic Buttons

Mayor Mikesell asked that requesting the Commissioners' to change the hours of the landfill to 6:00 p.m. every other Saturday be added to this agenda.

Motion was made by Cooper, second by Dahl, to approve the Sewer Replacement Project at S-S Trailer Court and Motel with the condition that this is a private sewer system on a private trailer park and is not accepted or maintained by the City of Livingston.

Supt. of Public Utilities Clint Tinsley explained that there were two problems with the S-S Trailer Court. One is the sewer system, and the other is the water system. Their water service comes from a meter pit that is in front of Western Plumbing. DRC has discussed the situation at the S-S Trailer Court and feels that in time if the trailer park changes use significantly, then the water system would have to be replaced. Supt. Tinsley stated if the park is changed and new lines needed to be installed, then a request for annexation would come before Council.

All in favor. Motion passed.

Discussion took place on a DRC recommendation to refer a request for the creation of a SID on the 600 & 700 Blocks of North C Streets to the City's contracted engineer for review and consideration.

Supt. Tinsley explained the situation of these streets due to the steepness of the area. Supt. Tinsley stated that they are not looking for approval of the SID, but for an engineering study of the grade of the streets to see if the location warrants being paved.

Councilmember Cooper stated that she would like to know first what it would cost to have City contract engineer Scott Nelson look at this project.

Supt. Tinsley stated that 75% of the property owners in the requested SID area are interested.

Supt. Tinsley stated that if a grade study was done on the area, the DRC Committee could use the information for later references with similar projects.

City Manager Golnar stated that funding for the study would be divided between various funds.

Council requested an estimate from Engineer Scott Nelson before they granted approval of the study. Supt. Tinsley stated that he would talk to Mr. Nelson and DRC would bring back another recommendation. No formal Council action was taken.

City Manager Golnar requested authorization from Council to send a draft letter to the Montana Department of Transportation for a study of traffic signalization at 3rd and Park Streets as opposed to signalization at 2nd and Park Streets. After discussion, Council was in agreement to keep the same plan that was currently studied at 2nd and Park Streets and not send this letter.

Mr. Jamie Isaly addressed Council to request one way vehicle access around the backside of the East end baseball field in the Baseball Complex. This topic was also discussed last year by the City Council. More discussion was heard with Mr. Isaly, Council and Staff. Council was still in agreement not to allow vehicle traffic behind the baseball fields. No action was taken.

Councilmember Dahl informed Council and the Manager that she would be out of town from May 20th through May 25th.

Councilmember Dahl requested a proposed budget from the City Manager on how much money he looks at spending on advertising for the Fire Chief's position and also more information on what Mr. Golnar is proposing for the time line, competitive wages, is the City offering moving and traveling expenses for interviewing etc. and if it will be included in the proposed budget. Ms. Dahl stated that she would like to see when looking at the assessment of the applications, the personnel locally should received extra points accordingly to longevity, etc.

Councilmember Cooper received a call from a person that lives on the corner of Geysler and E Streets concerning a huge puddle along E Street when the snow melted where the new road was put in. Supt. Kastelitz stated that when the new road was put in, it was not able to meet up with the old road very well and it will puddle in the area. Supt. Kastelitz stated possibly a sump drain could be put into the area, but was not sure there would be anything else that could be done.

Councilmember Cooper questioned City Attorney Becker on the Diamond Lil's Casino sign. Attorney Becker stated that he has written a letter to them and called them last Friday. Town Pump stated that they have hired the Gaston Engineering firm to resurvey the area. New survey marks have been put on the ground, but Attorney Becker stated that he has not been formally notified of Town Pump's intentions at this time.

Assistant Fire Chief Jerry Weimer stated that he and City Planner Woodhull have also inspected the area since the engineering company has surveyed.

Attorney Becker stated that if the sign is in the public right-of-way, the City will force Town Pump to remove it.

Councilmember Cooper stated that at one of the past meetings, a Police Officer who was in the audience, talked to the Mayor after the meeting concerning the Code Enforcement Officer issuing the sweeper tickets instead of a Police Officer.

City Manager Golnar reported that the Code Enforcement Officer starts out issuing the warning tickets for the first month and then regular tickets are issued by the Officers there after. Discussion was heard from Council and Staff.

Mayor Mikesell suggested in splitting the issuing of the tickets between the two offices each morning.

City Manager Golnar told Council that he would come back with a recommendation for Council.

Mayor Mikesell commented that the City has a sign ordinance and there are currently signs around the city that the businesses are not in business. Mayor Mikesell suggested a walk through once a year on the signs with letters written to the property owners to remove or fix their signs.

Mayor Mikesell questioned the ordinance about the trailers on the streets. City Attorney Becker stated he would get back to him.

Mayor Mikesell questioned the status of the Dore community decay issue. Assistant Fire Chief Jerry Weimer reported that he and Planner Woodhull stopped by Dore's place and talked with Mr. Dore about where a fence was supposed to go. Attorney Becker stated that Mr. Dore had 45 days from the day of mediation to put the fence up. Around May 15th would be the end of the 45 day period.

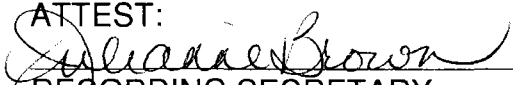
Councilmember Dahl requested that the City Manager prepare a reminder in writing to Mr. Dore from Planner Woodhull per Council's discussion, to include the remaining time to install the fence from the mediation date.

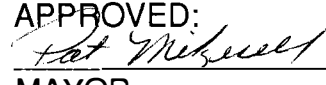
Mayor Mikesell apologized to the Council and the audience. Councilmember Williams stated that she felt Mayor Mikesell owed Councilmember Dahl an apology and also felt that Ms. Dahl owed the Mayor an apology. Ms. Dahl apologized to the Mayor.

Chris Wester commented on the sign issue stating that the S-S Motel sign that is across View Vista Drive is no longer called a motel, but called S-S Trailer and Mobile Community.

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

The time was 10:10 p.m.

ATTEST:

 RECORDING SECRETARY

APPROVED:

 MAYOR

SPECIAL
LIVINGSTON
CITY COUNCIL MEETING
May 7, 1997
4:15 p.m.

The Livingston City Council met in special session Wednesday, May 7, 1997, 4:15 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.

A bid opening for riprap, bedding and to have the material installed was held prior to the meeting. The following bids were received:

O'Hara Excavation - Livingston
OPTION 1 - \$23,411
OPTION 2 - \$17,840

Bainter Construction - Livingston
OPTION 1 - \$36,379
OPTION 2 - \$15,410

JTL - Belgrade
OPTION 1 - \$28,100
OPTION 2 - No Bid

Archie Mann Excavating - Livingston
OPTION 1 - \$18,550
OPTION 2 - No Bid

Motion was made by Dahl, second by Williams, to approve Resolution No. 2785, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ACCEPT BID AND AUTHORIZING EXPENDITURE FROM EMERGENCY DISASTER FUND LINE ITEM #2260-160-510331800 TO PAY FOR RIPRAP AND BEDDING AND TO PURCHASE SAID MATERIAL IN THE AMOUNT OF \$_____ PER TON INSTALLED IN PLACE TO FLOOD FIGHT THE ANTICIPATED FLOOD OF THE YELLOWSTONE RIVER.

City Manager Steve Golnar's recommendation was to go with the bid from Archie Mann Excavating, option 1 in the amount of \$18,550. Discussion was heard on the wide range of bids.

An amendment to the motion was made by Dahl, second by Williams, to add the Archie Mann, option 1 bid with the price of rip rap at \$14.95 per ton for a total of \$14,950 and bedding in the amount of \$3,600 for a overall total of \$18,550. Three in favor of the amendment, Cooper opposed. Amendment passed.

Roll call on the motion as amended was three in favor, Cooper opposed. Motion passed as amended. Councilmember Cooper pointed out that the City's costs for participation in the levy project are now over \$100,000.

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

The time was 4:30 p.m.

ATTEST:

APPROVED:

Julianne Brown
RECORDING SECRETARY

Pat Mitchell
MAYOR

LIVINGSTON
CITY COUNCIL MEETING
May 19, 1997
7:30 p.m.

The Livingston City Council met in regular session Monday, May 19, 1997, 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 Dahl, to approve the minutes of May 5, 1997 regular City Council meeting and May 7, 1997 special City Council meeting. Councilmember Williams made a correction to page four of the regular meeting, last paragraph, second to the last sentence should read, "The results were very "positive"..." Motion passed.

Motion was made by Dahl, second by Williams, to accept the bills and claims that listed for \$21,370.84. Councilmember Cooper questioned the claims to Scott Nelson Engineering #955813 and Western Micro Line #955833. City Manager Steve Golnar explained the dates of service and what the charges per hour were for these two businesses. Mr. Golnar stated that he had hired the firms. Extensive discussion was heard. Mr. Golnar stated that there will be another bill after this one for approximately \$800 and another survey bill and he intended to pay for these services out of his professional services if necessary when the work began.

City Attorney Bruce Becker answered a question for Councilmember Williams that the City had to provide for the levy project, an easement, the borrow material, traffic control, and an estimate on how much borrow material needed to be used.

Councilmember Cooper spoke her concerns and objections to the costs that have been incurred to date and ADDED TO THE MINUTES AT THE JUNE 2, 1997 MEETING, "where these individuals discussed the project and did not disclose that they had a financial interest in the project".

Councilmember Williams called to attention that Solid Waste has several asterisks behind the accounts.

Motion passed.

Mayor Mikesell proclaimed Friday, May 23, 1997 as American Legion Auxiliary's Poppy Day in the City of Livingston.

City Planner Jim Woodhull briefed Council on a variance request from the five foot side setback requirement for RII zoning districts. James and Terri Hartly located at 107 South 7th Street wish to expand their existing house which is three feet from the side property line. Motion was made by Dahl, second by Williams, to approve this variance request. All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1859, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING THE CRIME OF THROWING, SHOOTING, FIRING OR OTHERWISE DISCHARGING AN ARROW, BOLT, OR OTHER PROJECTILE FROM A BOW, CROSSBOW, ATLATL

OR OTHER DEVICE WITHIN THE CITY OF LIVINGSTON, MONTANA AND PROVIDING FOR THE PENALTY. No public comments were heard. All in favor. Motion passed.

A public hearing was held on a Text Amendment for RIII Zoning. City Planner Woodhull reported that Council has put in place a "freeze" on all zone changes to RIII designations until certain modifications are made to the Zoning Code which will limit the impact of High Density development on surrounding, lower density property. No public comments were heard. Motion was made by Williams, second by McGee, to accept the Zoning Commissions Text Amendment changes for RIII Zoning.

Councilmember Dahl questioned City Planner Woodhull as to what the discussion was at the meeting, because the minutes showed that two members of the board voted against the change. Mr. Woodhull explained. Further discussion was held. Councilmember Cooper questioned the cost of the notice and site map that is to be advertised in the paper. Mr. Woodhull confirmed that the application fees cover the advertisement, of the notice and map in the paper and he will provide the necessary materials for advertising.

Motion was made by Dahl, second by Williams, to table the Text Amendment for RIII Zoning until the next City Council meeting with a higher height possibly 32 feet being looked at. All in favor. Motion to table passed.

This will come back to Council in ordinance form at the next meeting.

A public hearing was held on Text Amendment to Section 30.50. City Planner Woodhull explained the background of this change. No public comments were heard. Motion was made by Cooper, second by Dahl, to accept the Text Amendment to Section 30.50 as recommended by the Zoning Commission. This will be brought back in the form of an ordinance at the next meeting. City Planner Woodhull explained questions that were asked by Council. A definition of what voluntarily modified is, will be added to the ordinance.

Planner Woodhull explained how two signs at the new Town Pump could be allowed.

Councilmember Cooper thanked Planner Woodhull for including the site maps in the packet for Council's information.

All in favor. Motion passed.

City Manager Steve Golnar addressed the next item that was in the addendum for Council.

Motion was made by Cooper, second by Dahl, to approve Resolution No. 2786, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING MAYOR TO EXECUTE ATTACHED DOCUMENTS TO TRANSFER CITY'S INTEREST IN CERTAIN REAL PROPERTY PURSUANT TO THE TERMS OF THE SECONDARY INDUSTRIAL AND COMMERCIAL DEVELOPMENT NOTE ISSUED TO THE FLEISHMAN CREEK PARTNERS FOR THE CONSTRUCTION OF THE MEDICAL/DENTAL CENTER contingent on proof that they have fulfilled their obligation under the Trust Indention Security Agreement.

All in favor. Motion passed.

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

Finance Department Monthly Report, April 1997 (Separately) - Councilmember Cooper questioned the first page of the Finance Report in the summary memo from the Finance Officer. Ms. Cooper stated that the Engineer and Surveyor figures were incorrect. City Manager Golnar responded. Ms. Cooper stated that under anticipated costs, something needs to be included for the final survey. Ms. Cooper asked Mr. Golnar if the road repair within the City and the County will be included. Mr. Golnar stated that he had not included those costs as of this time. Mr. Golnar confirmed that the borrow material will change approximately \$2,000 because of the re-surveying. Ms. Cooper noted that wages are at \$28,000 without a flood fight.

Fire Chief's Monthly Report, April 1997

City Judge's Monthly Report, April 1997

Recreation Monthly Report, April 1997

Livingston Fire/Ambulance Monthly Report, April 1997

Water & Sewer Revenues, April 1997

Police Chief Monthly Report, April 1997

Library Board Minutes, March 20, 1997

Library Director's Report, March 1997

City Manager Golnar informed Council that Post Office Remodel/Expansion Committee Members will be advertised for twice. Included was a sample application for Council's information.

City Staff will be working on Memorial Day at the Mountain View Cemetery. The hours will be from 6:00 a.m. until 6:00 p.m.

City Manager Golnar reported on CTEP Allocation and Obligation Deadline. Mr. Golnar stated that he has visited with the Engineer on the Bike/Path project and the CTEP office and determined that we could expand the existing Bike/Path project to include the re-alignment and the sprinkler systems proposed for the boulevard areas in addition to some drip irrigation system installation and some trees along the new alignment behind the Pamida parking lot. Mr. Golnar has asked Mr. Crawford to develop these costs for presentation at an upcoming public meeting involving the Council and other interested parties. Council stated that a public meeting could be held during a regular Council meeting that does not have a lot on the agenda. Included in the packet, was a letter dated April 15, 1997 from MRL identifying concurrence with the proposed re-alignment of the Bike Path.

Council would like the City Manager to start getting prices for re-vegetation of the levy. Councilmember Cooper gave Mr. Golnar a couple suggestions where to obtain estimates. The Park County Extension Agent was also suggested.

Councilmember Williams mentioned that it was suggested that a public input hearing be held on to whether to keep the levy or not.

City Attorney Becker and City Manager Golnar along with representatives of Park County Environmental Coalition met with representatives of Montana Rail Link, LRC and the Department of Environmental Quality to initiate plans for a public discussion relating to an upcoming train diesel admission and noise public hearing. While the City of Livingston has no specific ordinance relating to the above concern, the City has

agreed to broker a meeting discussing these topics. Enclosed are letters written by MRL and LRC to the Environmental Specialists at the Dept. of Environmental Quality regarding this topic in addition to Park County Environmental Coalitions concerns preparation for this meeting. Also enclosed is a February 1, 1997 article about EPA proposing railroad smog curbs.

The date for the public meeting has been scheduled for June 17th at 7:00 p.m.

A copy of a employee news bulletin from LRC was included in the packet for Council's information. The topic was the recent tax abatement.

City Manager Golnar reported that he will be in the process of continuing to develop a levy update. Mr. Golnar suggested that he should write letters relating to request for assistance on deferring the cost that the City has incurred for its share of levy work, but suggested that the Mayor sign the letters.

City Manager Golnar stated that he had nothing new at this time on the Fire Chief search, but stated he would have something for Council at the next meeting.

City Manager Golnar stated that he has visited with City Planner Woodhull concerning the Building Inspector position with the Planner being the supervisor to the position. Mr. Golnar reported that he was considering the creation of a Community Development Director position, moving the current Planner into this position and leaving the Planner position open. After some discussion, Council questioned why create the new position for Community Development Director. They felt the supervisor could still be the Planner.

Enclosed was a May 16, 1997 letter to Ms. Barbara Bailey of HRS Field Office for the hospital's latest grant pursuing the creation of a Community Health Care Facility. Backup information was also provided for Council's information.

Included in the packet was a letter to Randy Peterson, LRC relating to the recent tax abatement granted by the City Council.

Included in the packet was a memo from the City Manager on the enforcement of two hour parking around the City/County Complex.

Councilmember Dahl stated there was a \$56 bill in the bills and claims for LRC's tax abatement notice in the paper. It was clarified that LRC was billed for this advertisement in the newspaper.

Motion was made by Dahl, second by Williams, to grant a variance to Mark's In and Out for their rod run on June 21st to allow the music to play until midnight and to also allow for them to park on the beautification strip. All in favor. Motion passed.

Supt. of Public Services Ken Kastelitz stated that there have been no problems with the previous year's Rod Runs by Mark's In and Out.

Bids were opened May 6, 1997 for 1997 Street Material. Three bids were received are as follows:

STS GRAVEL - Livingston

Chips: \$14,835.00 for 1,380 cubic yards
\$10.75 per cubic yard over 1,380

CENEX - Laurel

Oil - 800 MC: \$.74/gallon for 31,500 gallons
\$.74 per gallon over 31,500 gallons

JTL GROUP, INC. - Belgrade

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

Chips: \$10.00 per cubic yard for 1,380 cubic yards
\$10.00 per cubic yard over 1,380 cubic yards

Motion was made by Dahl, second by Williams, to accept the bid from **JTL GROUP, INC.** for Blacktop in the amount of \$25.90 per ton and Chips in the amount of \$10.00 per cubic yard, and the bid from **CENEX** for the 800 MC Oil in the amount of \$.74 per gallon. All in favor. Motion passed.

Discussion was heard concerning a draft letter to be sent to the Montana Department of Transportation to proceed with planning, design and installation of traffic signalization at Park and 2nd Streets. City Manager Golnar received a letter from the Murray Hotel and the Winchester Café in opposition to the traffic light. Patty Miller addressed Council with her comments in opposition of the traffic light. Other ideas were discussed. Bob Weimer addressed Council with his comments.

Council directed the City Manager to find out about sequencing of the other traffic lights that are currently installed. Mayor Mikesell directed that City Manager to go ahead and rewrite the letter to include some of the discussions that were heard at this meeting.

Council considered a request from the Chamber of Commerce for removal of the cable to the old landfill road at Mayor's Landing for the Boat Float July 9 & 10, 1997. After discussion, Council stated that Mayor's Landing is not an appropriate place for parking. The high water and river is currently taking part of the road in the area that is being requested for access. Supt. Kastelitz suggested the fairgrounds. The Roping Arena was also mentioned. No Council action was taken.

Caron Couch of HRDC updated Council on the Housing Project. HRDC Engineer Mike Smith updated Council on the current status of the building at this time. Paving in the area should start June 1st.

Motion was made by Williams, second by McGee, to approve the HRDC budget amendment to move the cost of architectural plans preparation into the CDBG. All in favor. Motion passed.

It was clarified that Council was only approving HRDC's request and this had nothing to do with the City's accounting. All in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to ratify the Police Union Contract proposal for FY 97-98 through 2000. Councilmember Williams stated that on page 99 of the packet, item #1, that this should be clarified clearly that the \$600 is only for FY 97-98 and that another \$600 will not be added next year and the following year after that.

A resolution will be brought back to Council for the next meeting.

All in favor. Motion passed.

Motion was made by Williams, second by McGee, to approve a change order #1 for the Riverside Park Rip Rap Archie Mann Construction.

City Manager Golnar explained that this change order eliminated the bedding from the bid. The material on site would serve as a bedding better than hauling in other material.

All in favor. Motion passed.

City Manager Golnar explained a request that he received from the Horse Whisperer movie. They are asking for permission to park three or four work trucks (semi's) on Lewis Street behind the East Side School for a period of up to thirteen days through June 2nd. They also have a scene at a residential home in Livingston and they would like permission to bring in all of the company vehicles the day before filming to be left over night to prepare for the morning start. Supt. Kastelitz mentioned that they also have vehicles parked on E Street.

Council's suggestion was that they move their cars into the street and put the trucks into the parking lot. Supt. Kastelitz explained why one of the big trucks was being parked in the parking lot and could not see any reason why any of the other trucks were not being parked at the City Shops where the movie company already has permission to park.

Council addressed the issue of the shoot at the residential home. The movie company is not sure where the residential shoot is going to be. Council stated that they could not make a decision until they had more detailed information on when and where the shoot would be and they give the City enough lead time. Mayor Mikesell stated that he does not have a problem with the City Manager making the decision for a twenty four hour street closure.

Councilmember Williams brought up the cat ordinance. She has been questioned by citizens on this subject. Mrs. Williams stated that she felt the City should license cats. Further discussion was heard between Councilmembers. City Attorney Becker stated he would call Code Enforcement in Bozeman to see how theirs is enforced.

Councilmember Cooper mentioned that she seen a truck spraying chemicals at the Mayor's Landing and a jogger said it smelled like herbicides. City Manager Golnar reported that it was not a City vehicle. It was noted that someone may be spraying for mosquito's. Ms. Cooper stated that if spraying is going on, then the area needs to be posted. City Manager will follow up on this.

Councilmember Dahl brought up that based on the flood, the emergency siren on the Fire Department Building needs to be hooked up.

Councilmember Dahl asked if the City has talked to Mary Jo about a flood evacuation plan. Assistant Fire Chief Jerry Weimer confirmed that there was one in place.

Councilmember Dahl spoke to City Manager Golnar and stated that the lesson the City has learned with the Corp of Engineer's contract, that in the future when the City enters into a contract, she would like to see all the fees that the City is going to be incurring first.

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

The time was 9:43 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING
June 2, 1997
7:30 p.m.

The Livingston City Council met in regular session Monday, June 2, 1997, 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 May 19, 1997 regular Council meeting. Councilmember Cooper added to the minutes on page 1, third paragraph, pertaining to the claims to Scott Nelson Engineering and Western Micro Line, "where these individuals discussed the project and did not disclose that they had a financial interest in the project."

Councilmember Williams made a correction to page 6, second paragraph, third to the last sentence should read, "...that another \$600 will "not" be added next year..."

Motion passed as corrected.

Motion was made by Dahl, second by Williams, to accept the bills and claims that listed for \$114,793.46.

Councilmember Cooper questioned the following claims: page 8, item #955885 to Archie Mann Excavating. Engineer Scott Nelson explained the installation of the barbs to protect trees was in addition to the initial scope of work.

Page 9, item #955902 to Fred Pryor Seminars. This is a seminar for Jerry Weimer to attend in Billings. Ms. Cooper commented that there was an asterisk on the account fund.

Councilmember Williams questioned the following claims: page 12, item #955940 to Montana Power Company. Fund account 2400, Street Lighting District, that the amount was \$3,034.86 and Mrs. Williams questioned if this was with the new rate increase. Finance Officer Shirley Ewan stated that the rate went up 2 months ago and is anticipated to go up next year.

Page 13, item #955950 to Poore, Roth & Robinson, legal fee settlement in the amount of \$387.50. Finance Officer Ewan stated that as far as the City knows this is the last payment for legal services.

Motion passed.

Mayor Mikesell proclaimed June 6, 7, & 8, 1997 as Business and Professional Women's Days in the City of Livingston, Montana.

A public hearing was held for public comments regarding long term plans for flood control levee. City Manager Steve Golnar gave background on the subject. Mr. Golnar stated that when the City entered into this project the intention was that a portion of the project as a temporary measure, which is the portion that is in the street between 9th Street Island bridge and the triangular garden on Riverside Drive by the Lagoon and the remainder of the levee was intended to be permanent. One of the that Council anticipated was what it would cost to extract that portion of the levee along Riverside Drive which was estimated to cost \$15,000 when the project was first started.

Mr. Golnar stated that this item is up for discussion with the public on what they think about the levee and the long term plans that the City should pursue.

Councilmember Williams read comments from Noreen & Eddie Hentz and Dean & Alva Nelson as they could not make the meeting.

Other public comments that were heard from citizens in the audience included: Louis Armentaro, John Bailey and Don Devine.

City Manager Golnar read the written comments he had received. They were from: W.L. Barnhart, Warren McGee, Ed Carrell, S. Charles Nicholson, Rick Loftice, Kenneth L. Ruggles and Marjorie G. Ruggles, and Anita Brawner.

Army Corp of Engineer representatives Joe Hughes and Kevin Adams were present to answer any questions and also explained what qualifies for the Corp Permanent Levee program and what the benefits of the program were.

It was noted that the State will do another survey, but Mr. Golnar does not know who will be responsible for the payment. Mr. Golnar stated he will find out.

Staff and Council comments were also heard. Mayor Mikesell encouraged people to continue to write the City with their comments, positive and negative, and that there will be more public comments at the meeting in the future.

Councilmember Cooper stated she had a lot of financial questions that were not being answered at this time. Her concerns were about the re-vegetation and rehabilitation for fisheries.

A public hearing was held for a Special Exception for HRDC (Headstart) on F & Callender Street). City Planner Jim Woodhull gave the background information for Council.

Motion was made by Dahl, second by McGee, to approve the HRDC (Headstart) Special Exception for Zoning at Lot 30,31, & 32, Block 101 of the Original Townsite of the City of Livingston.

Mike Roberti, Director of Headstart, addressed Council with his comments.

Councilmember Williams encouraged the special exception and stated that there seemed to be no problems with the proposed use of this property. Councilmember McGee commented that Headstart helps a lot of children.

All in favor. Motion passed.

A public hearing was held to consider any protests relating to SID No. 177. Public comments in favor of the project was heard from Charley Pipal. A written comment in favor was received by Kathy & Dean Jehowski.

Comments opposed were heard from Milla Cummins, Kathy Leon, Candace Reed and Beth Hern.

Other comments were heard from Jerry Weimer, Myrna Dehn and Bob Weimer.

City Manager Steve Golnar and Planner Jim Woodhull explained to the audience the SID process.

The public hearing was closed.

Resolution No. 2787, A RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 177; CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE

WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE. City Attorney stated that Section 3 needed to reflect that 9 protests were received.

Motion was made by Williams, second by McGee, to approve Resolution No. 2787.

City Planner Woodhull and Engineer Scott Nelson explained costs, City property, curb and gutters for Councilmember Cooper.

Councilmember Williams commented that 9 protests out of 55 property owners was 16% opposed to the project. Mrs. Williams also commented on how many people received the letters of creation of the SID and did not protest.

Councilmember Dahl does not believe its fair to say that the project could come in cheaper, because there is no guarantees that it will. Ms. Dahl believes it is an undue hardship on the property owners at this time.

Three in favor, Dahl opposed. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2788, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, RETAINING DORSEY AND WHITNEY AS BOND COUNSEL FOR S.I.D. #177 AND AUTHORIZING CITY MANAGER TO SIGN RETAINER AGREEMENT. Three in favor, Dahl opposed. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2789, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, RETAINING D.A. DAVIDSON & CO. TO SELL BONDS FOR S.I.D. #177 AND AUTHORIZING CITY MANAGER TO SIGN AGREEMENT. Three in favor, Dahl opposed. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2790, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH MORRISON MAIERLE, INC. TO UPDATE WATER AND SEWER MAIN AND SERVICE BOOKS. All in favor. Motion passed.

Motion was made by Dahl, second by McGee, to approve Resolution No. 2791, 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 clarified that the contract for consideration in the packet was last year's contract. The actual contract for this year was received today and were put in Council's boxes. The total janitorial cost for the City & County is \$1,960 per month, the same as last year's cost. All in favor. Motion passed.

Motion was made by Williams, second by McGee, to approve first reading Ordinance No. 1860, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING PORTIONS OF ORDINANCE NO. 1749 AS CODIFIED BY THE LIVINGSTON MUNICIPAL CODE SECTION 30.50 BY REQUIRING SET BACKS FOR SIGNS, CLEAR VISION ZONES, AMENDING DEFINITIONS AND BY REQUIRING EXISTING SIGNS TO COMPLY WITH THE AMENDMENTS WHEN THEY

ARE VOLUNTARILY MODIFIED. Councilmember Cooper directed questions to City Planner Jim Woodhull. Planner Woodhull clarified Ms. Cooper's questions.

All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve first reading Ordinance No. 1861, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING PORTIONS OF ORDINANCE NO. 1479 AS CODIFIED BY THE LIVINGSTON MUNICIPAL CODE AS SECTION 30.41, 30.71.C.4, AND 30.71.C.5, AND AMENDING ORDINANCE 1707 AS CODIFIED BY THE LIVINGSTON MUNICIPAL CODE AS SECTION 30.93. City Council thanked Planner Woodhull for his work on the included map.

All in favor. Motion passed.

City Manager Golnar reported that he will be providing a summary of costs for the construction of the levee for the Council.

City Manager Golnar summarized flood preparations that were identified in the packet.

- Cost of Engineering and Surveying for Levee Construction and Rip Rapping.
- Levee Reconstruction/Re-vegetation.
- Borrow Site Permitting - City Manager Golnar recommended that the City apply for the permit at no charge from the Department of Environmental Quality who will in turn assist the City preparation of the permit with the landowner.
- Two Mill Emergency Levy - City Attorney Becker suggests that the City impose these mills when the City imposes the mills for the next fiscal year. Mr. Golnar stated that it should be acknowledged that the City has extended beyond our local capacity in the event that any additional resources are required for the flood fight.

Mr. Golnar requested that the items on the addendum be added to the regular agenda, with one being the signing of the Flood Disaster Declaration as the river is over the 10 foot level.

In budget related issues:

- Included in the packet for Council's review is a draft resolution adopting a policy for determining objections to assessments for Street Lighting Districts and Street Maintenance Districts as requested by Council. This item will be added to the next meetings agenda.
- Status of COPS Grant - City Manager Golnar recommends against acting on hiring an officer before actually receiving the grant documentation and agreement with the COPS Grant office. Councilmember Williams commented that she was very much in favor of the grant, but not in favor in hiring until the money has been received. It was noted by other members of Council that the budget process has not been completed at this time also.
- Health Insurance Renewal Status - City Manager Golnar reported that the Insurance Committee is in the process of working with Blue Cross/Blue Shield and other carriers to determine recommendation for health insurance

renewal for FY 97-98. The City is looking at a 9.9% increase in rates for health insurance from Blue Cross/Blue Shield with the existing coverage.

More information will be provided to Council as it develops. Joe Klemick of AFLAC will coordinate flex plan renewals with City employees by July 1, 1997.

Mr. Golnar identified that the City's practice of providing extension of health insurance to retirees, under and over 65 is an issue that some insurance companies are starting to become more selective about as this adds to the cost of the insurance.

Mr. Golnar answered a question from Councilmember Cooper concerning an insurance proposal in the budget for full time employees.

Included in the packet was a proposed budget for the Bike/Pedestrian Path Project which included re-alignment/irrigation and landscaping additions. City Manager Golnar summarized further on the project. The estimated project cost with the re-alignment totals \$261,700. A public hearing is scheduled to be heard at the next Council meeting relating to the use of CTEP funds.

Mr. Golnar answered for Councilmember Cooper that the initial project cost of the Bike Path was \$157,000. Ms. Cooper stated that she would like to have an idea of what the difference is in costs, as there is only so much money that the City has and can be raised.

City Attorney Bruce Becker explained a memo he had written to the Election Administrator relating to a proposed Obscenity Initiative that may be on the City's ballot in November. Mr. Becker noted that at least 15% of the registered voters signatures needed to be on the petition before it could become a ballot issue.

Discussion was heard from Council.

City Manager Golnar updated Council on the spraying at Mayor's Landing. It was determined that the Park County Extension Office has been spraying this area for spotted knapweed for approximately 15 years. Mr. Williams of the Extension Office did provide the City Manager with information on the herbicide used which is Amine 4. Mr. Williams will also develop some form of posting process to alert residents of when this chemical is being used in the City limits. It was also noted, that mosquito spraying will begin about June 20th and a schedule to notify the public when the spraying takes place will be developed.

A proposed City/County Agenda for June 4th, 4:30 p.m. was provided separately for Council. City Manager Golnar summarized the agenda.

City Manager Golnar updated Council on Sister City activities.

An Ambulance Funding Workshop with the City and County was discussed. The dates to propose to the County are June 11th or 12th at 4:30 p.m. This date will be confirmed at the next joint City/County meeting.

Councilmember Cooper questioned if all the worksessions were being noticed in the newspaper. City Manager Golnar confirmed they would be.

Motion was made by Cooper, second by Williams, to waive the open container law in conjunction with the Summer Gallery Walks, June 20th, July 18th and August 15th, from 7:00 p.m. until 10:00 p.m. The area is Main Street from Park to Lewis Streets, Second Street from Park to Callender Streets, Callender Street from Main to Second Streets and Park Street from Second to Main Streets. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve HRDC CDBG Drawdown #8. Finance Officer Ewan explained for Councilmember Williams. Ms. Ewan stated that the total bill being paid was \$66,717.13. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to authorize the City Manager to submit request to Montana Department of Transportation to proceed with planning, design and installation of the traffic signal at 2nd and Park Streets.

City Manager Golnar commented further. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to accept a \$100 donation from Business and Professional Women's Club to replace trees in the Sacajawea Park area.

A thank you letter will be sent. Councilmember Cooper asked that the City Manager obtain clarification from Business and Professional Women's Club President Patti Orndorff on where the Club designates the trees to be planted in Sacajawea Park.

All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to accept the request from KPRK/Livingston Rodeo Association for waiver of open container law Saturday, June 28, 1997, to include the same area as last year, which was; Park between Second and Main, Main between Park and Callender, Callender between Main and Second, and Second between Callender and Park. Discussion was heard concerning the exact location of the open container. Jim Conley addressed Council with additional information.

An amendment to the motion was made by Dahl, second by Williams, to also grant permission to block off Callender Street from Main to Second that night from 5:00 p.m. until 11:00 p.m. All in favor of the amendment. Amendment passed.

All in favor of the original motion. Motion passed as amended.

Councilmember Dahl questioned if the function knew that they needed to pay a fee for the blocking of the Streets. Ms. Dahl stated that the Manager will need to notify them.

Discussion was heard to consider a request for monetary support for a Sister Cities trip to Naganojara, Japan from Councilmember Barb Williams. Motion was made by McGee, second by Dahl, to consider the request for monetary support for Barb Williams to go to Japan at the \$1,150.

Roll call vote was Williams abstained, McGee in favor, Dahl and Cooper opposed. Motion failed.

City Manager Golnar asked that Council go to the addendum for further information on the ½% Vehicle Option Tax. Mr. Golnar stated that the public hearing is scheduled for June 9th at 2:00 p.m. in the Commissioners Room. Council was encouraged to attend. Motion was made by Williams, second by Dahl, to authorize the City Manager to sign

letter to Park County requesting ½ % Optional Vehicle Tax assistance in the amount of \$48,000. All in favor. Motion passed.

City Manager Golnar gave background to an "Exempt Employees" Policy in respect to additional compensation in a declared emergency. Questions were asked by Council on which employees this would cover. After discussion, it was directed back to the City Attorney to look into, to include the City Manager and the Finance Officer. This will be brought back to Council at their next meeting.

It was discussed that this should go into the Personnel Manual if passed.

City Manager Golnar reported that there was no applications received for members of the proposed Design Review Committee for Post Office Remodel/Expansion. Mr. Golnar stated that interested individuals include: Architect Jonathan Foote, Councilmember Cooper, and Business person John Fryer. City Planner Jim Woodhull would also be a member. Planner Woodhull will check with the City's Design Review Committee to see if any interest.

Councilmember Dahl nominated Dan Kaul of the Murray Hotel and asked that the City Manager call to ask Mr. Kaul.

Council will appoint this committee as they obtain all the people.

Motion was made by Cooper, second by Dahl, that Council declare a disaster pursuant to Section 10-3-(402 or 403) MCA in the City of Livingston. Five in favor. Motion passed.

Council then signed a Flood Disaster Declaration.

Motion was made by Cooper, second by Williams, to approve the Montana Industrial Boiler claim for \$1,353.00. All in favor. Motion passed.

City Manager Golnar explained this claim for Council.

Councilmember Williams questioned City Attorney Becker if he has looked into Bozemans' cat ordinance. Mr. Becker stated he has a copy at his office.

Councilmember Williams stated her concerns where the river is undercutting beyond the rip rapping area behind the baseball fields and wanted to know what was going to be done. Supt. Kastelitz stated that he is going to give a flood update after Council's comments.

Councilmember Williams questioned the Police Chief about having two new Police Officers hired by this date. Chief McCann stated that one has been hired, and he is still waiting for more information from the Police Commission on the hiring of a second officer.

Councilmember Dahl stated that she would like City Manager Golnar and Finance Officer Ewan to work on accounting services for outside funds. She would like to find a way to make it more fair than just a flat fee and to work on this during the budget process.

Ms. Dahl clarified what she meant for Councilmember Williams.

Councilmember Dahl stated she would like minutes taken at the City/County meetings as it makes everyone accountable.

Councilmember Dahl stated that enough be assessed to cover anticipated cost increases when the Light District assessment is being developed for Council's consideration.

Councilmember Dahl informed City Planner Woodhull that the old Town Pump building on H Street does have a Nitro-Green sign banner. Planner Woodhull explained how this could be allowed.

Councilmember Dahl requested an update on the flood fight costs by the next Council meeting. City Manager Golnar stated he would do a flood fight and also a levee.

Mayor Mikesell stated he was contacted by a person who has two old trees in the boulevard and would like to cut them down and replace them with two new trees. Supt. Kastelitz responded that there is a City ordinance on trees, and unless they are damaged or dying, they are not allowed to be cut down. Supt. Kastelitz explained the process, saying that there is an application at his office to be filled out for removal of a tree, Eddie Miller will determine the need.

Mayor Mikesell questioned the City Attorney why Goodtime Sports is still not hooked onto the sewer line. Mayor Mikesell stated that the business is still open and it has been over a year. Attorney Becker did not realize there was a third party and will look check on this. Supt. Kastelitz stated that Goodtime Sports was going by a different name and this could be the confusion.

Supt. Ken Kastelitz reported that there is a second movie being made in Livingston. It is a TNT film with a lot of shooting in Livingston for a three week period. The "Horse Whisperer" is still being filmed in the area.

Supt. Kastelitz updated Council on the current flood fight. The Corp of Engineers arrived today to assist the City. Problem areas were identified. One being at Reuterwalls and the Edgewater Apartments. The headgates at the Park Clinic. The boat ramp has been blocked off at Park Clinic.

Supt. Kastelitz identified a problem behind the Bandshell by the baseballs fields. The East Channel, instead of coming straight across into the old channel like it used to, is now turning and hitting the bank behind the Bandshell at the end of the rip rap. Today the bank started to erode and drop off into the river. Discussion was heard on costs, who would be responsible to pay and how to proceed if the City needs to start hauling big rock to the area immediately. Today river levels crested at 10'2" and is still rising each day. Supt. Kastelitz stated there is also seepage under the levee at the Golf Course.

Councilmember Williams asked if this was actually a flood fight the City was now dealing with. Mr. Golnar confirmed that it was and that the City should now be in disaster mode.

More discussion was heard on how much money to allot Supt. Kastelitz for this flood fight and how to allow staff to proceed with dumping additional big rock in the problem area if the need was immediate.

Council stated they would like the Corp or School District to pay for the additional rip rap work that may be needed. City Manager Golnar stated that he would be able to obtain more information on this in the morning and telephone poll Council on what decision to proceed.

Motion was made by Dahl, second by Williams, to allow the spending authority of \$40,000 to be spent on rock contingent upon the condition that the School District and the Corp of Engineering are called into it first, especially the Corp first, this will be the last avenue of funding the emergency rock work, as there are other responsibilities out there that the City needs to pay for.

Councilmember Dahl stated that she does not want this motion done unless there is authority from the Council and that Council be called when the rock is being hauled with information being provided on how much rock is being hauled.

Three in favor, Cooper opposed. Motion passed.

Bob Weimer addressed Council with flood comments.


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

The time was 11:20 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING
June 16, 1997
7:30 p.m.

The Livingston City Council met in regular session Monday, June 16, 1997, 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 June 2, 1997 regular City Council meeting. Motion passed.

Motion was made by Dahl, second by Williams, to accept the bills and claims that listed for \$86,960.73. Councilmember Dahl questioned the following claims: Page 13, item #956022, to Global Computer Supplies for a scanner. This was purchased by the Police Department with Drug Forfeiture Funds. Ms. Dahl felt that these funds could be used for something else like Officer safety. Police Chief Steve McCann clarified further.

Page 13, item #956108, to Global Computer Supplies. This item was for computer diskettes.

Councilmember Williams questioned the following claims: Page 11, item #956001, to Colonial Research Chemical Corp. The 6 gallons of peachy is a swimming pool cleaner.

Page 12, item #956016, to Egeland's Transmission. This item was to repair a water pump in police car #432. Chief McCann explained further.

Page 13 & 14, items #956112 to Beatrice Huber and #956036 to LivingSteps Wellness Center. These items were for damage deposit refunds at the Civic Center.

Page 14, item #956051 to MMIA. This was a windshield damage from a rock thrown by a dump truck hauling material for the flood fight. Finance Officer Shirley Ewan stated that she charged this to the Disaster Fund.

Page 14, item #956117 to MMIA for a pothole claim. Finance Officer Ewan stated that the claim was denied, but this was MMIA's charge for investigating the claim.

Page 15, items #956043 and #956044 to Montana Communication Network. This was for the Internet. Councilmember Cooper explained why these two items are not shared.

Page 16, item #956111 to Simmons and Company. This was for audit adjustments. City Manager Golnar explained that these charges were to close out some books in order to get prepared for the audit for last fiscal year according to our auditors. Finance Officer Ewan added that she spoke to Norm Klien at the Montana Department of Commerce and he stated that this work did not have to be done, but Simmons and Company did the work anyway and charged the City for the work. Councilmember Dahl made the suggestion that staff get this in writing for when Simmons and Company does the next years audit, they have to get any work prior approved before they go ahead it. Ms. Dahl would like to see this as policy for next year.

Page 17 & 18, item # 956081 to Tri Valley Petroleum. Mrs. Williams was curious if any of these fuel charges could be charged to the flood fight. Finance Officer Ewan stated that she is submitting them to the State, but if the City gets paid for equipment charges, which is at a higher rate, we cannot do both.

Councilmember Cooper questioned the following claims: Page 15, item #956054 to Pamida. These were batteries for barricades and they were not flood related.

Page 16, item #956603 to Scott Nelson Engineering. Ms. Cooper questioned if this was the last flood related bill the City would receive from him. City Manager Golnar stated that it was, but Mr. Nelson is also contracted for SID work.

Page 17, item #956110 to Thomas, Dean & Hoskins. This was for engineering of the Bike Path. City Manager Golnar stated that this covers surveying of the alignments to develop the proposals to submit to MRL for their approval. Mr. Golnar summarized the project further.

Motion passed.

Mayor Mikesell proclaimed June 27 - July 5, 1997 as Rodeo Days in the City of Livingston, Montana.

A public hearing was held on second reading Ordinance No. 1860, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING PORTIONS OF ORDINANCE NO. 1749 AS CODIFIED BY THE LIVINGSTON MUNICIPAL CODE SECTION 30.50 BY REQUIRING SET BACKS FOR SIGNS, CLEAR VISION ZONES, AMENDING DEFINITIONS AND BY REQUIRING EXISTING SIGNS TO COMPLY WITH THE AMENDMENTS WHEN THEY ARE VOLUNTARILY MODIFIED. No public comments were heard. All in favor. Motion passed.

A public hearing was held on second reading Ordinance No. 1861, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING PORTIONS OF ORDINANCE NO. 1479 AS CODIFIED BY THE LIVINGSTON MUNICIPAL CODE AS SECTION 30.41, 30.71.C.4, AND 30.71.C.5, AND AMENDING ORDINANCE 1707 AS CODIFIED BY THE LIVINGSTON MUNICIPAL CODE AS SECTION 30.93. No public comments were heard. Council discussion was heard. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2792, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH LIVINGSTON POLICE DEPARTMENT EMPLOYEES ASSOCIATION. City Manager Golnar explained that in the addendum, there were three changes in the proposed contract that were reviewed with Officer Jerry Lord. Mr. Golnar went through those changes with Council.

All in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to approve Resolution No. 2793, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING OVERTIME POLICY FOR EXEMPT EMPLOYEES IN A DECLARED DISASTER. City Manager stated that he has some hesitation as to when this applies and when it does not apply under the Department of Emergency Services. Mr. Golnar

stated that he could look into this item for further clarification that the DES would agree to and that if Council did pass the resolution, that they pass it retroactively before the disaster mode of the flood on June 2, 1997.

Motion was made by Cooper, second by McGee, to table this resolution.

Councilmember Dahl questioned why the work was not done before it was brought to Council and further stated that if the work is not done, it should not be before Council.

All in favor to table. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2794, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING A POLICY FOR DETERMINING OBJECTIONS TO ASSESSMENTS FOR STREET LIGHTING DISTRICTS AND STREET MAINTENANCE DISTRICTS.

Councilmember Cooper questioned 1.C. City Attorney Becker answered.

All in favor. Motion passed.

Ms. Cooper stated that when anyone called the City about objections to maintenance districts, that a copy of this resolution should be sent to the individual.

Motion was made by Cooper, second by Dahl, to approve Resolution No. 2795, 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 Dahl, second by Cooper, to approve Resolution No. 2796, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING AMBULANCE SERVICE RATES. Discussion was heard on the attached rate schedule.

An amendment to the motion was made by Dahl, second by Cooper, to delete "1F" and change "2J" to be "\$8.00 per loaded mile". All in favor of the amendment. Amendment passed. All in favor of the motion as amended. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2797, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AND SUBMIT IMMIGRATION AND NATURALIZATION FORM I-129 TO FACILITATE SISTER CITY'S PROGRAM FOR A COORDINATOR OF INTERNATIONAL RELATIONS AND TO PAY APPLICATION FEE. All in favor. Motion passed.

Councilmember Williams commented that she was pleased that the Council could see the value of the Sister City Program by going ahead with paying the \$75 fee to submit the above form.

Motion was made by Williams, second by Dahl, to approve Resolution NO. 2798, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE U.S. DEPARTMENT OF TRANSPORTATION TO OBTAIN PRELIMINARY BREATH TEST DEVICES FOR DETECTION OF ALCOHOL. City Manager Golnar stated that "U.S." in the title and in the first whereas needed to be changed to "Montana".

Police Chief Steve McCann explained how the grant money was available to the City of Livingston for breath test devises.

All in favor. Motion passed.

The following department monthly reports were provided for Council's information:

Finance Report, May 1997
 Police Chief Monthly Report, May 1997
 Fire Chief Monthly Report, May 1997
 Fire/Ambulance Monthly Report, May 1997 - Councilmember Dahl commented on calls to the jail.
 City Judge Monthly Report, May 1997
 Incoming Water & Sewer Revenues, May 1997
 Recreation Year to Date Report, May 1997
 Recreation Department Calendar, June 1997
 Library Board Minutes, April 17, 1997
 Library Director's Report, April 1997
 Public Utilities Progress Report

City Manager Golnar sent a memo to the Acting Fire Chief for follow up on the Ambulance Funding Workshop #2.

The Vehicle Option Tax Levy was set a .25% by the Park County Commissioners. County Resolution 594 was included in the packet. City Manager Golnar suggested that one police car be included in the budget instead of two cars and a portion of a copy machine also be paid by the Vehicle Option Tax Levy.

Acting Fire Chief Art Swanson submitted a letter of resignation effective July 1, 1997.

A final bill was received from Attorney Robinson regarding the Harrington case. The final bill amounts to \$4,958.76. This bill will come before Council at their next regular meeting.

Mike Smith of Morrison-Maierle informed City Manager Golnar that they hoped to start paving the HRDC project by June 19th or 20th depending on rain delays which have prevented them from finishing sooner.

City Manager Golnar provided an additional comment that was received regarding the paving district in the Star Addition from Jim and Evie Rivard. Also a comment was received from Eunice Nelson relating to the levee project.

Mr. Golnar asked for discussion on holding a public hearing on the levee and the bike path. Council asked that the public hearings are staggered at the next two meetings.

The Park County Weed and Pest Control will be spraying for mosquito's with a produce called "Biomist". The hope to begin spraying before the end of June. Clay Williams will provide the City with a sheet describing the chemical once he receives it. Signs have also been made and will be posted in town when herbicide's are being sprayed.

City Manager Golnar stated that the Mayor will be inviting the Governor to participate in the Sister Cities Exchange with Naganohara. Included in the packet was a draft letter and a summary of the itinerary for the October visit.

Councilmember Cooper stated that in the first line of the draft letter should read "participant".

A levee summary and status update was given by the City Manager. Mr. Golnar stated that he provided Council with a separate report on the levee status and that this report will need to be updated over the next couple weeks.

Mr. Golnar clarified questions that were asked by Council. Mr. Golnar stated that he has contacted the Corps of Engineers requesting a written description of what is required in order to qualify for the Corps of Engineers Levee Program.

Discussion was heard on how much it was going to cost on the Green Acres roads and other costs that have incurred with the flood fight and clean up.

Councilmember Cooper stated she would like a cost update for the next Council meeting.

City Manager Golnar recognized Officer Glenn Farrell for his treatment of an individual coming to our community to retrieve a vehicle. Mr. Golnar will write a letter of acknowledgment.

City Manager Golnar recognized Firefighter Bob Brown for his efforts and work in preparing information relating to Ambulance costs and revenues. Mr. Golnar will follow up with a letter.

City Manager Golnar stated that he would put out a summary of up coming calendar of events which was not included in the packet.

City Manager Golnar stated that there will be a Diesel Emissions and Noise public meeting Tuesday, June 17, 1997 at 7:00 p.m. at the City/County Building. MRL, LRC and Montana Environmental Air Quality will be involved with the meeting.

City Manager Golnar will be attending the School Board meeting on Tuesday, June 17, 1997 at 7:00 p.m. concerning the levee status and the City's request for additional funding assistance from the School.

There will be a budget worksession next Monday at 6:30 p.m. The Police will be the first item on the agenda and then the rest of the General Fund will be reviewed. A updated revenue sheet will be provided to Council in advance as well.

Motion was made by Cooper, second by Dahl, to allow Montana Crossroads Magazine to hold a Shakespeare in the Parks performance at the 9th Street Water Park at 6:30 p.m. on August 5, 1997.

Discussion was heard concerning the land use fee.

All in favor. Motion passed.

Lynette Dodson, owner of Montana Crossroads Magazine was present to provide additional information for Council.

Motion was made by Cooper, second by Dahl, to allow Montana Crossroads Magazine to sponsor a Montana Renaissance Western Fair from 3:00 p.m. to 6:00 p.m. on August 5, 1997 prior to the Shakespeare performance and to charge a \$25 land use fee. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to authorize SID 175 and 176 bond payment in the amount of \$20,567.50. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to appoint the following people to the Design Review Committee for Post Office Remodel/Expansion:

Caron Cooper, City Council
Jonathan Foote, Architectural Representative
John Fryer, Downtown Business Representative
Kirk Michaels, Historic Design Review Committee
Dan Kaul, Downtown Business Representative
Jim Woodhull, City Planner/Historic Preservation Officer

All in favor. Motion passed.

City Manager Golnar updated Council on the Insurance Committee's progress in looking into different options of insurance for City employees. Some discussion was heard from Council.

Motion was made by Cooper, second by Williams, to authorize the City Manager to sign contract for health insurance coverage with Montana League of Cities and Towns (MMIA) Health Insurance pool, contingent upon employee approval. All in favor. Motion passed.

Councilmember Williams thanked City Attorney Becker for the Cat Ordinance he researched. Discussion was heard concerning the City Council implementing this ordinance. After the discussion it was decided that Council would not pursue a Cat Ordinance.

Councilmember Dahl stated she would like to have the joint City/County meetings recorded for accountability.

Motion was made by Dahl, second by McGee, to have the City/County monthly meetings recorded.

The issue was discussed with the motion being of Council's support and to agenda this item for the next City/County meeting to see if the Commissioner's are in favor of recording the meetings.

All in favor. Motion passed.

Councilmember Dahl questioned the City Manager and Finance Officer on how the accounting is charged to Administrative. Ms. Dahl stated she would come in at another time to visit with Finance Officer Ewan.

Councilmember Dahl mentioned the possibility of charging Ambulance Impact fees. She would like this looked into.

Also, coordination with Clyde Park and Gardiner.

Councilmember Dahl would like to see a checklist prepared for Dispatch for them to use during an emergency call. Ms. Dahl would like to see this in the next packet. An

additional comment on this issue was heard from Councilmember Williams who was in agreement with Councilmember Dahl.

Councilmember Dahl would like additional information concerning a 2 man roll versus a 3 man roll in the Ambulance.

Councilmember Cooper added an additional comment to this item.

Co Inglehart complimented the City and City Manager for foresight in the building of the levee.

Supt. of Public Services Ken Kastelitz addressed Council to let them know what an outstanding job the City Crews did in the past week during the flood fight. They were willing to work all hours and do what ever was necessary in order to get the job done.

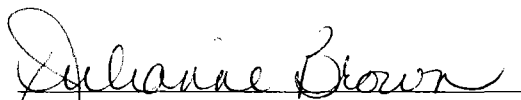
Lynette Dodson addressed Council to thank them for approving the location for Shakespeare in the Park and to invite Council to attend.

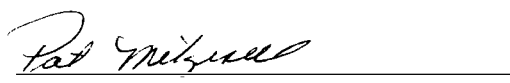
Motion was made by Dahl, second by Williams, to adjourn this meeting there being no further business. Motion passed.

The time was 9:25 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

SPECIAL
CITY COUNCIL MEETING
June 23, 1997
6:30 p.m.

The Livingston City Council met in special session Monday, June 23, 1997 at 6:30 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.

City Manager Steve Golnar and Supt. of Public Services Ken Kastelitz summarized for Council options relating to the City's paving of Chestnut Lane and Arbor Drive in the County as a result of haul damage to the mentioned roads when the levee was being constructed.

Staff provided a summary of what the re-paving project would cost if City crews accomplished the work. There would be no monetary or time savings by the City doing the work verses having a contractor do the work.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2801, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO A CONTRACT TO REPAIR COUNTY ROADS DAMAGED BY THE ADVANCED MEASURES TO FLOOD FIGHT UNDER A DECLARED EMERGENCY.

Two bids were received for the paving with Mr. Golnar explaining what the bids consisted of.

It was noted that the JTL Construction bid was lowest and that the bid form would be "Exhibit A", to the contract when completed.

An amendment to the motion was made by Williams, second by Dahl, that the letter from JTL stating they could do the work for the total sum of \$9,200 be included as Exhibit A. All in favor of the amendment. Amendment passed. Councilmember Dahl questioned the City Manager where the money will come from if not paid for by DES. Mr. Golnar responded that it would come out of the Disaster and Emergency Fund and refunded by emergency mill levies if no other way. Mr. Golnar confirmed that if the City was to do the work, it would be billed in the same way.

More discussion was heard on where money would come from now to pay for flood related expenses until it is determined who is responsible for the funding.

Mr. Golnar stated that there is still a problem with a cattle guard on one of the haul roads and a number of areas on Garnier Avenue needed to be patched. This work was anticipated to be done by City Crews.

Another amendment was made to the motion by Dahl, second by Williams, by adding a completion date of June 28, 1997. All in favor of the amendment. Amendment passed.

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

City Manager Golnar updated Council on the Insurance Committee's decision for FY 97-98 coverage. A questionnaire was distributed to employees. The committee has recommended that any decision to change the distribution of health flex benefits be postponed until the issue can be reviewed further by the Insurance Committee and employees. Mr. Golnar also informed City Council of the urgency for this contract

needing to be signed before the beginning of the new fiscal year and requested authority to sign a contract with either Blue Cross/Blue Shield or the League of Cities and Towns Pool for employee Health Insurance Coverage for FY 97-98, depending upon the result of the employee's vote for an insurance plan. Mr. Golnar answered questions for Council.

Motion was made by Williams, second by McGee, to authorize the City Manager to sign the contract for health insurance coverage for which ever way the majority of City employees vote.

More clarification was heard.

All in favor. Motion passed.

Discussion was heard concerning a request from the Chamber of Commerce asking for a waiver of the open container law for the day of the parade.

Police Chief stated his opposition of the request. Patty Kiderlen was present.

The streets will be blocked by City employees as they have been in the past.

Councilmember Dahl stated that she would like to see additional garbage containers located in the downtown vicinity. Supt. Kastelitz confirmed this could be accomplished and the containers will be picked up Monday morning.

No action was taken on the open container law request.


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

The time was 7:20 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING
July 7, 1997
7:30 p.m.

The Livingston City Council met July 7, 1997, 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.

Motion was made by Williams, second by Dahl, to approve the June 16, 1997 regular City Council meeting minutes and June 23, 1997 special City Council meeting minutes. Motion passed.

Motion was made by Dahl, second by Williams, to approve the bills and claims that listed for \$219,029.55. Councilmember Cooper questioned the following claims: an item on page 12 for a bathroom remodel. City Manager reported that this claim and a claim on another page relating to the bathroom remodel were for the caretaker's house in Sacajawea Park. Discussion and comments were heard from Council, with Councilmember Dahl stating that the contract should be reviewed and approved by the City Council and Ms. Cooper stating that since this house is City owned that maybe it should be part of the Council orientation tour. Supt. of Public Services Ken Kastelitz stated that as part of the Public Works Union contract, the caretaker is allowed \$1,200 per year for upkeep to the house.

Page 15, item #956298 to the Local Government Center. City Manager Golnar stated that first cut drafts of the job descriptions have been received and this payment is for 100%. Mr. Golnar stated that he will be reviewing the job descriptions with employees and will continue to receive service from the Local Government Center.

Page 15, item #956302, to MMIA. City Attorney Becker stated that he has not seen the claim, but informed Council that the City is being sued by Mr. Batten for the 1996 flood of Fleshman Creek and this would be the City's share of attorney fees. City Manager Golnar stated that this flood was covered under a Federal Disaster Declaration for Montana.

An amendment to the motion was made by Cooper, second by Dahl, that claim #956302, the MMIA deductible of \$318 should be changed to fund number 2260 because it reflects a loss that happened during an emergency. Motion passed.

Page 19, item #956346 to Strong & Bradley's. Ms. Cooper questioned if this was fencing related to the flood. Supt. Kastelitz stated he will need to look further into this claim.

Councilmember Williams stated she had the same questions with Park Improvements as did Ms. Cooper. Mrs. Williams also questioned the following claims: page 10, to All Service Tire & Alignment for tire repair and on page 19, to Strong & Bradley's for blades. These items were charged to the Cemetery. Mrs. Williams questioned if this was maintenance or if 2 mowers had broke down in the Cemetery at the same time. Supt. Kastelitz stated that it did happen.

Page 10, item #956240 to Alpine Electronics Radio Shack for a plug in charger. This was charged to the disaster fund with City Manager Golnar stating it was for a cell phone.

An amendment to the motion was made by Dahl, second by Williams, to include the July 1997 bills that were inadvertently left out of the packet for the amount of \$37,581.56. Councilmember Williams questioned page 1, item #956432 to the Montana LECC. Police Chief Steve McCann answered that this was tuition for a 2 day conference sponsored by the US Attorney in Billings on gang related policy's.

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

A public hearing was held on 1997 flood advanced measures levee long term planning. City Manager Golnar summarized further. Mr. Golnar stated that this was just for public comment at this time to hear what the public feels about the future of the levee structure. Tara Eddy addressed Council with her concerns and would like to see a portion of the levee removed. No other public comment was heard.

City Manager Golnar spoke on where the City goes from here with the 3 levees that were constructed during the flood fight. They are: The Corps temporary 8,100 foot levee along City property from the Park Clinic parking lot through Mr. Long's property abutting the Golf Course; Mayor's Landing Levee and Q & Lewis Street's Levee.

Mr. Golnar questioned Council if they want to keep the levee's. Supt. of Public Services Ken Kastelitz stated he would like to keep the Mayor's Landing levee and to remove the Q and Lewis Street levee. Mr. Golnar stated that the City still does not have all the answers to the Corps levee at this time. The Corps will be sending a inspector to Livingston for inspection of the large levee. A summary letter from the Corps of Engineers is included in the packet.

Mr. Golnar stated that he will be talking to the private property owners about easements and long term agreements for maintenance.

Councilmember Dahl stated that if the City does not make a determination of the permanency of the levee within 30 days, she would like the Corps of Engineers contacted for advice.

Councilmember Cooper spoke her concerns from material provided by the Corps of Engineers faxed June 26, 1997. The first being #5 on erosion protection and the other was #6 of removing all the trees on the levee cross sections. Mr. Golnar stated he has addressed Ms. Cooper's concern relating to the trees to the Corps in a letter requesting participation in the Non-Federal Levee Program.

Ms. Cooper also requested a budget figure for costs incurred at Q Street and what was the cost of removal of part of the Mayor's Landing levee.

Discussion was heard concerning if the Q Street levee would follow under State disaster declaration for damages.

Motion was made by Cooper, second by Dahl, to remove from the table, Resolution No. 2793, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING OVERTIME POLICY FOR EXEMPT EMPLOYEES IN A DECLARED DISASTER. Motion passed. All in favor of the original motion. Motion passed.

Motion was made by Dahl, second by Williams, to approve, Resolution No. 2802, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, DECLARING THAT THERE SHALL BE NO CITY PRIMARY ELECTION FOR 1997. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve, Resolution No. 2803, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR A PUBLIC HEARING ON THE CITY'S INTENT TO LEVY AN EMERGENCY 2 MILLS FOR FISCAL YEAR 1997-1998 TO COVER EXPENDITURES INCURRED AS A RESULT OF YELLOWSTONE RIVER FLOOD EMERGENCY /DISASTER OF 1997. Councilmember Cooper questioned if this would need to be approve every year that the City was making the payments. City Manager Golnar confirmed it did. All in favor. Motion passed.

Motion was made by Cooper, second by Williams, to approve Resolution No. 2804, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR A PUBLIC HEARING ON THE CITY'S INTENT TO LEVY \$58,665.00 TO PAY JUDGMENT IN THE CASE OF HARRINGTON V. CITY OF LIVINGSTON AND \$370.00 TO PAY PLAINTIFF'S COST OF SUIT. The blank line calling for the public hearing is to be filled in as July 21, 1997. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve, Resolution No. 2805, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO LEVY 1 MILL TO DEFRAY THE COSTS INCURRED IN PROVIDING AMBULANCE SERVICE FOR FISCAL YEAR 1997-1998 AND CALLING FOR PUBLIC HEARING. The blank line calling for the public hearing is to be filled in as July 21, 1997. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve, Resolution No. 2806, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, STATING ITS INTENT TO LEVY 2.5 MILLS TO PROVIDE PUBLIC HEALTH PROGRAMS DURING FISCAL YEAR 1997-1998. Councilmember Cooper questioned the 2.5 mills. Mr. Golnar stated that there would be a fund balance carried over from last year, so that is why the mill levy has been reduced this year. The blank line calling for the public hearing is to be filled in as July 21, 1997. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve, Resolution No. 2807, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO EXCEED THE CURRENT STATUTORY MILL LEVY ON THE APPROVAL OF A MAJORITY OF QUALIFIED ELECTORS OF A BALLOT ISSUE APPROVING A 2 MILL LEVY ON THE DOLLAR OF THE TAXABLE PROPERTY IN THE CITY TO DEFRAY THE COSTS INCURRED IN PROVIDING AND SUPPORTING AMBULANCE SERVICE TO THE CITY. Mr. Golnar stated this would be effective in the 1998-1999 budget. Discussion was heard concerning this item going County wide. More discussion was heard to agenda this item to the City/County meeting.

Motion was made by Cooper, second by Williams, to table Resolution No. 2807 until the next City Council meeting.

Councilmember Dahl stated this was requested from the County approximately 3 months ago. Ms. Dahl stated she still have the notes from that meeting for the City Manager to review. All in favor to table. Motion passed.

Motion was made by Williams, second by Cooper, to approve, Resolution No. 2808, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO LEVY AND ASSESS A TAX UPON ALL BENEFITED PROPERTY LOCATED WITHIN SPECIAL IMPROVEMENT DISTRICT #177 TO DEFRAY THE COSTS OF MAKING SAID IMPROVEMENTS AND RELATED COSTS AND TO SECURE THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND.

Councilmember Dahl stated she has heard of another SID being formed and could that SID and SID #177 be combined. Finance Officer Shirley Ewan responded she has also heard of another SID being considered and looked into combining the two SID's, but found that it would not lower the cost of SID #177.

Councilmember Cooper had a couple questions regarding exhibit B. City Planner Jim Woodhull and Finance Officer Ewan responded.

The vote was three in favor, Dahl opposed. Motion passed.

City Manager Golnar stated that the budget workshop agenda will be provided separately. Mr. Golnar will bring to the budget workshop, back ground information on resolutions of intent for the street lighting and maintenance districts.

City Manager Golnar thanked all city crews and representatives who were involved with the preparation for high waters and the flood fighting efforts of 1997.

City Manager Golnar has appointed Assistant Fire Chief Jerry Weimer as Acting Fire Chief effective 7/1/97.

Mr. Golnar stated he would like to start advertising for the Fire Chief position this week and look at closing out acceptance of applications around the 20th or 25th of August with selection by the 15th of September.

Councilmember Dahl questioned where the money would come from for the advertisement of this position. Mr. Golnar stated the total expense for the selection process is about \$3,232.40 and would come out of the Fire Department budget.

Ms. Dahl stated she would like to see a time budget. Council discussion was heard on the advertisement. Jerry Weimer commented that the memo in the packet appointing him Acting Fire Chief contained the wrong salary figure. City Manager Golnar stated that this has already been corrected to \$36,593 and will be sent out.

City Manager Golnar gave Council an update on the status of the Sister City student and cultural exchange programs and plans.

City Manager Golnar gave Council an update on the status of the Post Office Design Review Committee. They will met sometime in July.

The following upcoming calendar of events was provided for Council's information:

- July 7th, 6:30 p.m. - Budget Workshop
- July 7th, 7:30 p.m. - City Council Meeting
- July 8th, 10:00 a.m. - Transportation Coordinating Committee
- July 14th, 6:30 p.m. - Budget Workshop - Community Room
- July 16th, 7:00 p.m. - Sister Cities Meeting - City Court Chambers
- July 21st, 6:30 p.m. - Budget Workshop

- July 21st, 7:30 p.m. - City Council Meeting - Community Room - Public Hearing
(Bike/Pedestrian Path Project Scope)
- July 28th, 6:30 p.m. - Budget Workshop - Community Room
- Aug 4th, 6:30 p.m. - Budget Workshop
- Aug 4th, 7:30 p.m. - City Council Meeting - Community Room
- Aug 11th, 6:30 p.m. - Special Meeting to Approve Budget (tentative)

Included in the packet was a tentative FY 97-98 budget calendar. Mr. Golnar stated that the City does not have the value of a mill levy at this time, his recommendation is for Council to pass the FY 97-98 budget using last fiscal year's mill levy value which was \$9,088 per mill. If the value changes significantly, then the City would need to recalculate and amend the budget.

City Manager Golnar reported what would be on the City/County meeting agenda scheduled for July 9, 1997 at 4:30 p.m. Councilmember Cooper stated she would like an update on the recycling program added to the agenda.

City Manager Golnar stated a public hearing for the Bike/Pedestrian Path is scheduled for July 21, 1997. A Bike/Pedestrian Path Committee meeting is scheduled for July 10th, 8:00 a.m. to find out which direction they would like to see the Bike/Pedestrian Path take.

Mayor Mikesell commented that he did not see why the people in the City should have to pay for the realignment of the Bike/Pedestrian Path just because of some businesses objected to parking and access concerns. The Mayor feels the businesses should pay for the realignment and would like this brought up at the Bike Path meeting.

Councilmember Cooper agreed completely with the Mayor and also added that at the next Transportation Coordinating meeting she would like to discuss the general businesses that use public right of way's as their private drives.

City Council approved vacation for the City Manager July 17th through July 28th.

Discussion was heard concerning sign code issues including a letter relating to the removal of a sign at the Interstate Conoco, a June 26, 1997 memo relating to sign heights in response to a question by Councilmember Cooper, and a copy of the existing ordinance applying to sign heights. City Planner Jim Woodhull explained that the section of the Municipal Code pertaining to this issue was printed incorrectly. He looked up the original ordinance and it is correct. The code book will reflect the correction when it is next updated.

Ms. Cooper stated she would like the County to be informed about the incorrect sign height requirements in the City Codes and provided with the corrected city ordinance information. City Planner Woodhull will do this and also inform the County of the City's landscaping requirements.

City Manager Golnar reported on the Audit follow up. Enclosed for Council's information was a June 16, 1997 letter to the Department of Commerce prepared by Finance Officer Shirley Ewan responding to issues brought up in the Audit Report for the FY ending June 30, 1996.

City Manager Golnar reported that the Fire Department has requested to use the Lagoon to sponsor the Kids Fish Derby as done in previous years. The date is set for August 2nd. The Mayor stated this should be an action item.

Councilmember Dahl questioned if a letter was ever sent to Max Simmons, that he does not do any work unless approved by the City first. City Manager Golnar stated the letter has not been written as of this date.

Amanda Zakovi addressed City Council concerning a letter she wrote to the City last year and never received a comment on the letter. Ms. Zakovi reported that she has broken her hand due to the lack of sidewalk repair. Ms. Zakovi's request of the Council was to implement a Sidewalk Repair Program. Discussion was heard from Council with the Mayor asking the City Attorney to research what programs other towns may have.

Councilmember Cooper stated that along with the repair issue, she would like to find out if property owners could put in sidewalks where there are none as a safety issue especially in the neighborhoods with schools as there are no sidewalks for the children to walk on.

Bill Moser was scheduled to address Council regarding traffic. He called and asked to be rescheduled for the next meeting.

Caron Couch and Mike Smith updated Council on HRDC/CDBG Affordable Housing Project.

Motion was made by Williams, second by McGee, to approve the HRDC/CDBG drawdown #9 for the amount of \$35,546.81. All in favor. Motion passed.

City Manager Golnar summarized on recent correspondence from the Montana Department of Transportation requesting confirmation from the City for the installation of the traffic signal on 2nd and Park Streets. Mayor Mikesell stated that a letter to DOT has been voted on twice to have the light installed and does not feel this needed to come back to Council again. More comments and discussion was heard from Council and the Manager.

Mr. Golnar noted to Council that the ADA Accessibility Plan needs to be updated with regards to sidewalks and access in front of the Depot Center and the law was not in effect in 1990. Montana DOT will need to go through an environmental and cultural resources review process with the abutting historical facilities if this has not already been done to meet State law.

Motion was made by Williams, second by Cooper, to ask Manager Golnar to send the draft letter in the packet to MT DOT stating that Council is confirming the City of Livingston does want the Montana Department of Transportation to proceed with development of the 2nd and Park Streets traffic light, ASAP.

John Sullivan and Diana Sieder of the Depot Center spoke in opposition to the installation of the traffic light.

An amendment to the motion was made by Dahl, second by Cooper, by requesting that the letter be written in such a way that also addresses who pays for the ADA Accessibility and who decides on the historic changes of the Depot Center (sidewalks).

Mr. Golnar stated that the attorney had suggested that the City limit the contribution to the light by saying that the City proposes or is interested in spending the \$3,000 matching grant money or a 13% match for the entire project.

The vote on the amendment was four opposed. Amendment died.

An amendment to the motion was made by Williams, second by McGee, to amend the letter that the City of Livingston wants to spend \$3,000 to put in a traffic light at the corner of 2nd and Park Streets which not only meets the ADA requirements, but also complies with the historic nature of the historic district and the structure of the Depot Center. All in favor of the amendment. Amendment passed. All in favor of the motion as amended. Motion passed.

Motion was made by Williams, second by McGee, to approve the Mayor's appointment of J. Taylor Pierson to the City Board of Adjustments. City Manager Golnar summarized on the appointment. One other application was received from Amy Titgemeier.

Three in favor, Cooper opposed. Motion passed.

Council reviewed an application for a street/alley vacation requested by Robert J. Jenkins and David Waylander at Cambridge Street from 8th Street to the alley between 8th and 9th Streets. City Planner Jim Woodhull gave Council background information on the request. The Development Review Committee recommends that this request be denied because of the potential for required access into this area for flood or ice jam related work on the creek.

Natalie Jenkins was present on behalf of the applicants.

Motion was made by Cooper, second by Williams, to approve the application for street and alley vacation on Cambridge from 8th Street to alley between 8th and 9th contingent upon a deed restriction that prohibits the building of any structure including a fence on this property.

City Attorney Bruce Becker stated that this cannot be done with a deed as it is a vacation even though it will be recorded.

City Manager Golnar stated his concerns of consistency. More discussion was heard that Council has debated this type of issue in the past and did not allow the request. Councilmember Dahl agreed with Mr. Golnar and added that Council should listen to Staff's recommendation and the City should do some homework for the next vacation request if it could go on a deed.

Roll call vote was four opposed. Motion died.

Two bids were received to provide fuel for FY 97-98. They were as follows:

Tri-Valley Petroleum - Livingston

Unleaded - \$1.06 per gallon

#2 Diesel - \$.758 per gallon

Treasure State Fuel - Livingston

Unleaded - \$1.059 per gallon

#2 Diesel - \$.755 per gallon

Motion was made by Dahl, second by Williams, to award the bid to Treasure State Fuel of Livingston for the bid for unleaded gas and #2 diesel for FY 97-98. Unleaded being \$1.059 per gallon and #2 Diesel being \$7.55 per gallon.

All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to accept deed to San Bernidino property as part of Bryant Skillman estate bequest to the City of Livingston after we have ascertained that there are no problems with taxes, any other environmental issues for liens of record.

City Manager Golnar corrected this to be a 5 acre parcel. City Attorney Becker stated that some time ago he suggested to Mr. Yardley, local attorney for the estate, that he keep the estate open to sell the property and then make the distribution of the money to the various entities. The attorney in California does not want to do that, but instead wants to close out the estate, and give the City of Livingston our 1/3^d of the lots. Mr. Golnar suggested that the City take the land and move the process forward.

All in favor. Motion passed.

City Manager Golnar reported that there are a number of out standing balances to close out flood related costs and reimbursement for FY 95-96 owed to the Enterprise Funds related to labor and equipment provided for the flood fight that occurred in 1995 and 1996.

Motion was made by Dahl, second by Williams, to authorize writing off the amount of debt that was incurred during the 1995-96 flood season to the Enterprise Funds that was not reimbursed. All in favor. Motion passed.

Motion was made by Dahl, second by Cooper, to approve the check for \$85 to the US Dept. of Justice for I-129 Petition. All in favor. Motion passed.

Council reviewed a letter received from the Park County Commissioners regarding Ambulance/Library Funding for FY 97-98. City Manager Golnar stated that the Commissioners will provide in addition to the \$32,000 subsidy to the Ambulance, \$5,000 more with the proviso that the Council consider dropping the charges for the ambulance calls to the jail. Councilmember Williams stated she does not see the County's request for Council to consider dropping ambulance charges for jail responses as a contingency. Mr. Golnar re-stated that they (Commissioners) would like the Council to consider dropping the charges.

Jerry Weimer commented that the City could work with the Sheriff's department and alleviate some of the unnecessary calls from the jail. Mayor Mikesell commented that the County Commissioners and City Council are behind them 100% and that it would be a win win situation.

Mr. Golnar went on to report in the letter, that the Commissioners have identified that they will fund \$5,000 plus the 2.5 mill levy that a county wide (including the City property) will generate in taxes. The subsidy above the mill levy from the County is only for this fiscal year and the Library Board will have to go to the voters for additional funding.

Councilmember Williams commented to Library Director Milla Cummins that this issue was touched upon during the budget worksession earlier in the evening and let her know that Council does not exactly agree with what the County wants to do. Mayor Mikesell reported to Ms. Cummins that the Council will provide \$12,500 in funding above its 7 mill levy and the County will only go \$5,000 more than the proposed County 2.5 mill levy. Mayor Mikesell also questioned if the Library mill levy goes to the voters, who pays the

\$3,000 to put it on the ballot. Ms. Cummins stated that is the same question that the Library Board has had and that the whole issue was not addressed in the current agreement as to who's cost it would be.

The above items will be further discussed at the next joint City/County meeting.

Motion was made by Cooper, second by Williams, to allow the Fire Department to use the Lagoon for its Trout Derby on August 2nd and waive any use fees. All in favor. Motion passed.

Mayor Mikesell reported to Supt. Kastelitz that branches are blocking the street view on Geyser Street going onto Park Street by Pizza Hut and Yardley's property. Also there is a hedge on the corner of 7th and Geyser Streets.

Mayor Mikesell commented on the traffic that was backed up on Park Street at 5:00 p.m. tonight. This included traffic at the intersection of 2nd and Park Streets. Other traffic comments were heard from Staff throughout the town.

Councilmember Cooper stated that during the weekend she met someone who previously had worked for Buttrey's. Ms. Cooper questioned him if the City wanted to get their hookup fee for Buttrey's as he was involved with opening the one in Livingston, who should the City write to. His suggestion was Wayne Peterson in Great Falls. Mayor Mikesell suggested turning off their services.

Councilmember Cooper commented on the Potter Clinton Northern Lights Subdivision, that the developers insinuated that they would be doing affordable housing projects and that was why they asked for certain items to be waived. Ms. Cooper just wanted to note to Council that the first house that was built is listed at \$148,000.

Councilmember Williams commented that she talked with a lady this morning with suggestions on how to deal with cat problems. The lady would like the Livingston Utility Billing to put on their bills once a month, "Please be a Responsible Pet Owner, Spay or Neuter Your Cat". Supt. Tinsley stated he would do whatever Council directed him to do.

Councilmember McGee voiced her complaints of the roller blades on Main and 2nd Streets. She shared with Council an instance on the day of the parade and did bring it to the attention of the Police Chief.

Supt. Kastelitz stated that the Street Department has been directed to stencil the no bikes or roller blades symbol on the downtown business district corner sidewalks.

Mayor Mikesell stated that if City Crews did not have time to do the stenciling, that it would be a great project for the Boy Scouts or Girl Scouts.

Councilmember McGee commented on young people setting off fireworks in the City limits. Police Chief McCann commented further.

Councilmember Williams questioned if the City was liable if a young person hurts someone when roller blading downtown and the City has not enforced it. Attorney Becker stated no, the City was not liable. Police Chief McCann stated that the Code is enforced, but the Police Department cannot catch everyone.

Councilmember Dahl questioned the status of the Magic Diamond sign. Mayor Mikesell responded that it has been moved.

Councilmember Dahl request that whenever Council addresses resolutions with public hearings, to fill in the dates. Mayor Mikesell felt it should be noted in the meeting. Ms. Dahl stated then the date should be filled in by whoever is making the motion to approve the resolution.

Councilmember Dahl stated that the "Entering Livingston" sign on Gallatin Street by the Incinerator is in disrepair and not even in the right place anymore.

Councilmember Dahl would like staff to follow up in preparing an ordinance on a Sidewalk Repair Program. Ms. Dahl suggested that the liaison from Naganohara could do the internship checking the sidewalks.

Mayor Mikesell would like the City Attorney to check into other various towns with such programs and identify what the problems are that might arise and anticipate how to address these problems in Livingston.

Councilmember Dahl would also like to see a alley and street vacation policy come before Council that would deal with easements and deeds. Ms. Dahl stated that there was no hurry on this policy, that around November would be all right.

Don Divine addressed Council with levee comments, the do not enter sign on River Drive entering Sacajawea Park, and comments on training of the Department Heads.

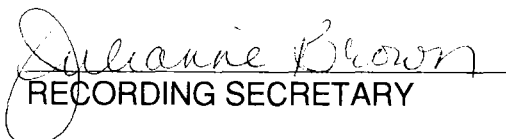
Milla Cummins commented on the signal at 2nd and Park Streets.

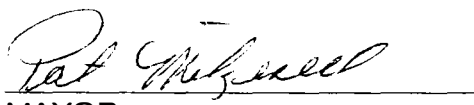
Motion was made by Cooper, second by Williams, to adjourn this meeting there being no further business. Motion passed.

The time was 10:45 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING
July 21, 1997
7:30 p.m.

The Livingston City Council met in regular session Monday, July 21, 1997, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Caron Cooper, Barb Williams and Sheryl Dahl with Mayor Pat Mikesell presiding. Councilmember Bernice McGee was absent.

Motion was made by Dahl, second by Williams, to approve the minutes of the July 7, 1997 regular City Council meeting. Motion passed.

Motion was made by Williams, second by Dahl, to accept the bills and claims that listed for \$26,337.20 and \$17,294.14. Councilmember Williams questioned the following claims: page 12, item #956531 to Entenmann-Rovin Co. for a nickel free badge. Police Chief Steve McCann stated this was for one of the Police Officer's who is allergic to nickel.

Page 17, item #956497 to Crosby Opinion Service. Finance Officer Shirley Ewan stated that this Attorney General's opinions.

Motion passed.

Motion was made by Williams, second by Dahl, to move the action items next on the agenda. Motion passed.

Motion was made by Williams, second by Cooper, to approve the claim for Scott Nelson Engineering for SID #177 in the amount of \$6,955. Scott Nelson explained for Councilmember Dahl, this claim was for the preliminary engineering for putting the plans and specifications together. This was for after the SID was approved.

Three in favor, Dahl opposed. Motion passed.

Carl Swanson of the Livingston Jaycees was present to address three projects the club would like to pursue in the city. The requests were for a volleyball pit in one of the parks, flag posting in the downtown area and replacing the current wooden fort in Sacajawea Park with new handicap accessible park equipment. Acting City Manager Ken Kastelitz answered Council's questions and stated he would like to take this under advisement and obtain more information from the City's liability insurance and then get back to Council. Mr. Kastelitz also stated that the City's Park equipment was recently inspected.

Mr. Swanson stated that they would be asking the City for financial assistance. Mr. Kastelitz will let the Historic Committee know of the flag post request as it would be in the historical district.

A public hearing was held on Resolution No. 2812, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AN EMERGENCY 2 MILLS FOR FISCAL YEAR 1997-1998 TO COVER EXPENDITURES INCURRED AS A RESULT OF YELLOWSTONE RIVER FLOOD EMERGENCY/DISASTER OF 1997.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2812.

No public comments were heard.

Finance Officer Ewan answered a question on the dollar amounts for Councilmember Dahl. Ms. Ewan stated that the City can only levy 2 mills per year and it will take many years to pay for this.

All in favor. Motion passed.

A public hearing was held on Resolution No. 2813, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING 1 MILL TO DEFRAY THE COSTS INCURRED IN PROVIDING AMBULANCE SERVICE FOR FISCAL YEAR 1997-1998.

Motion was made by Dahl, second by Cooper, to approve Resolution No. 2813.

No public comments were heard.

All in favor. Motion passed.

A public hearing was held on Resolution No. 2814, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING 2.5 MILLS TO PROVIDE PUBLIC HEALTH PROGRAMS DURING FISCAL YEAR 1997-1998.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2814, that would read " A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING ENOUGH MILLS EQUIVALENT TO \$25,750 AND NOT TO EXCEED 5 MILLS TO PROVIDE PUBLIC HEALTH PROGRAMS DURING FISCAL YEAR 1997-1997.

No public comments were heard.

All in favor. Motion passed.

A public hearing was held on Resolution No. 2815, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING A TAX UPON ALL BENEFITED PROPERTY LOCATED WITHIN SPECIAL IMPROVEMENT DISTRICT #177 TO DEFRAY THE COSTS OF MAKING SAID IMPROVEMENTS AND RELATED COSTS AND TO SECURE THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2815. Public comments were heard from Ruth Kern, Jim Rivard and Jerry Weimer.

Discussion was heard from Council and Engineer Scott Nelson on Mrs. Kern's concerns that there were no provisions made for a drainage problem in front of her house. Mr. Nelson confirmed to Council that there would be a cost change to the project but it would be minor.

Councilmember Cooper requested that Mr. Nelson inform the Council when the actual cost for the SID is received. Mr. Nelson stated the bid opening will be July 28, 1997 at 2:00 p.m. at the City/County Building.

The vote was three in favor, Dahl opposed. Motion passed.

City Planner Jim Woodhull gave Council background information on a variance request from Mr. Michael Eyre who owns property on the corner of G and Lewis Streets. Mr. Eyre is requesting a variance from the five foot side setback requirement for RII zoning districts as well as a variance from the 3,500 sq. ft. lot size requirement. He wishes to rearrange his property so that each of the three existing houses would become a separate parcel.

The City Board of Adjustment recommends disapproval of the variance. Planner Woodhull responded to Councilmember Cooper, that if the variance was approved, a subdivision process would then follow.

Discussion was heard from Staff and Council concerning the location of the sewer line that is located under the three houses if in the future there were any sewer problems.

Mr. Eyre's architect Gerald Dubiel was present to answer Council's questions. Discussion was heard concerning easements to the property to access the sewer line if the property was divided.

Motion was made by Williams, second by Cooper, to table the variance from Mr. Michael Eyre, corner of G and Lewis Streets until Council gets further information from Mr. Eyre's attorney pertaining to the easement for a sanitary sewer system. All in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to approve No. 2816, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ALTER THE BOUNDARIES OF STREET MAINTENANCE DISTRICT NO. 2 (PAVED STREETS) AND TO ASSESS SAID PROPERTY BASED UPON THE SQUARE FOOT METHOD OF ASSESSMENT.

Councilmember Williams commented that at the last budget session, Council talked about creating one maintenance district for both paved and graveled streets. Mrs. Williams is with the understanding that this cannot be done on this short of notice this year, but would definitely like to see one district next year and would like it worked on very soon. Acting City Manager Kastelitz stated that it would not be a problem for next year.

Councilmember Dahl questioned the cost to publicly notice the entire community. Staff roughly figured \$1,100.

Three in favor, Mikesell opposed. Motion passed.

Motion was made by Dahl, second by Williams, to approve, Resolution No. 2817, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ALTER THE BOUNDARIES OF STREET LIGHTING DISTRICT NO. 20 AND TO ASSESS SAID PROPERTY BASED UPON THE SQUARE FOOT METHOD OF ASSESSMENT.

Councilmember Dahl questioned if the properties that the city annexed during the past year was included in the boundaries, along with portions of Northern Lights. City Planner Woodhull confirmed they would be included.

Three in favor, Mikesell opposed. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2799, 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 OF ITS INTENT TO LEVY AND ASSESS ALL PARCELS OF PROPERTY WITHIN SAID DISTRICTS FOR 100 PER CENT OF SAID COSTS FOR FISCAL YEAR 1997-1998 ESTIMATED TO BE IN THE AMOUNT OF \$44,000.00 AND CALLING FOR A PUBLIC HEARING THEREON. The public hearing date was set for August 4, 1997. Three in favor, Mikesell opposed. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2800, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTENANCE FOR STREET MAINTENANCE DISTRICTS NO. 1 AND NO. 2, AND OF ITS INTENT TO LEVY AND ASSESS ALL PARCELS OF PROPERTY WITHIN SAID DISTRICTS FOR 100 PER CENT OF SAID COSTS FOR FISCAL YEAR 1997-1998 AND CALLING A PUBLIC HEARING THEREON with the public hearing date set for August 4, 1997. Three in favor, Mikesell opposed. Motion passed.

Motion was made by Cooper, second by Williams to approve, amended Resolution No. 2804, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR A PUBLIC HEARING ON THE CITY'S INTENT TO LEVY \$61,535.00 TO PAY JUDGMENT IN THE CASE OF HARRINGTON V. CITY OF LIVINGSTON. The public hearing date was set for August 4, 1997.

Councilmember Williams stated she received a couple phone calls on this issue and that the Union backed Mr. Harrington. Acting Fire Chief Jerry Weimer responded to Mrs. Williams that the Union represented Harrington's rights as to the way he was laid off because the City did not follow State law, but did not defend Harrington's actions on his own time.

All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to pull off the table, Resolution No. 2807, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO EXCEED THE CURRENT STATUTORY MILL LEVY ON THE APPROVAL OF A MAJORITY OF QUALIFIED ELECTORS OF A BALLOT ISSUE APPROVING A 2 MILL LEVY ON THE DOLLAR OF THE TAXABLE PROPERTY IN THE CITY TO DEFRAY THE COSTS INCURRED IN PROVIDING AND SUPPORTING AMBULANCE SERVICE TO THE CITY. All in favor. Motion passed.

Acting City Manager Kastelitz informed Council that the County already has a 2 mill levy for ambulance. They are only using 1.2 of the mills. Therefore, the County is not interested in a City/County mill levy at this time.

Mr. Kastelitz stated that the County did propose they would raise it to the 2 mills if the City would go .8 more on theirs. Mr. Kastelitz stated that the City is at the limit on its mill levy so we would not be interested in the County proposal.

Staff and Council discussion was heard.

An amendment to the motion was made by Cooper, second by Dahl, to amend Resolution No. 2807 that every time the figure, "a 2 mill levy" is stated, that the language is changed to "up to a 2 mill levy". All in favor of the amendment. Amendment passed.

All in favor of the original motion as amended. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2810, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE LOAN OF \$4,000.00 FROM SOLID WASTE FUND #5410 TO RECREATION DIRECTOR'S FUND #2210. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2811, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA,

AUTHORIZING CITY MANAGER TO SIGN POLICE DISPATCH AGREEMENT WITH PARK COUNTY, MONTANA.

Councilmember Dahl questioned the panic buttons. City Attorney Becker stated that is a separate issue than the Dispatch agreement.

An amendment to the motion was made by Dahl, second by Cooper, to allow the Mayor to sign instead of the City Manager. All in favor of the amendment. Amendment passed.

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

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

Finance Officer's Monthly Report, June 1997 (Provided Separately)
 Recreation Monthly Report, June 1997
 Livingston Fire Ambulance Monthly Report, June 1997
 Acting Fire Chief Monthly Report, June 1997
 City Judge Monthly Report, June 1997
 Police Chief Monthly Report, June 1997
 Incoming Water & Sewer Monthly Report, June 1997
 Library Minutes & Director's Report, May 1997

Councilmember Cooper thanked Acting Fire Chief Jerry Weimer for the overtime report on the ambulance.

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

July 21st, 7:30 p.m. - City Council Meeting - Community Room
 July 28th, 6:30 p.m. - Budget Workshop - Community Room
 Aug 4th, 6:30 p.m. - Budget Workshop - Community Room
 Aug 4th, 7:30 p.m. - City Council Meeting - Community Room
 Aug 11th, 6:30 p.m. - Special Meeting to Approve Budget (tentative)
 Aug 12th, 10:00 a.m. - Transportation Coordinating Committee Meeting -
 Community Room - See enclosed agenda

Sister Cities Exchange is also scheduled to begin in early August.

Acting City Manager Ken Kastelitz stated there will a budget worksession next Monday night which will include parts of the budget that have not been addressed by Council as of yet. Finance Officer Ewan will have as much of the material as she can by Friday.

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

The time was 8:35 p.m.

ATTEST:


 RECORDING SECRETARY

APPROVED:


 MAYOR

Livingston
City Council Meeting
August 4, 1997
7:30 p.m.

The Livingston City Council met in regular session Monday, August 4, 1997 at 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 Williams, second by Dahl, to approve the minutes of July 21, 1997 regular City Council meeting. Motion passed.

Motion was made by Williams, second by Cooper, to accept the bills and claims that listed for \$195,315.12. Councilmember Cooper questioned the following claims: page 7, item #956604 to Hank Edwards, reimbursement for sewer system fee. Finance Officer Shirley Ewan stated that this is a developer's reimbursement fee.

Page 8 & 9, item #956678 to MMIA for liability premiums. Ms. Cooper questioned the funds with the asterisks. Finance Officer Ewan stated that FY 97-98 budget line item amounts were changed after these were entered in to the computer and that these asterisks will not appear in the next budget report.

Page 9, item #95662 to Mrs. Klawitter for a sewer line repair. Supt. of Public Utilities Clint Tinsley explained there were roots in a section of sewer line that was the City's responsibility.

Councilmember Williams questioned the following claims: page 9, item #95662 to Mrs. Klawitter for a sewer line repair. Mrs. Williams questioned if this was turned into the City's insurance company. Supt. Tinsley stated that there is a \$1,500 deductible, the claim is for \$1,648.96 and he did not feel that there was enough to submit a claim for.

Page 11, item #956656 to Strong and Bradley for a battery. Mrs. Williams questioned if this was for the lawn mower in the Cemetery. Finance Officer Ewan stated she would have to clarify with the foreman at the Cemetery.

Motion passed.

Mayor Mikesell thanked in a proclamation, Deac Guidi for his service a Livingston's Sister City Liaison to Naganohara, Japan.

Mayor Mikesell thanked in a proclamation, the City of Naganohara, Japan for their support of the Sister City Liaison Program.

A public hearing was held on Resolution No. 2818, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ALTERING THE BOUNDARIES OF STREET MAINTENANCE DISTRICT NO. 2 (PAVED STREETS) BY ADDING BENEFITED PROPERTY AND DELETING FROM STREET MAINTENANCE DISTRICT NO. 1 (UNPAVED STREETS) CERTAIN PROPERTY WHICH IS DEEMED NOT BENEFITED. City Manager Steve Golnar explained why there were two resolutions in the packet pertaining to this subject.

Motion was made by Cooper, second by Williams, to accept Resolution No. 2818 as seen on page 15 of the Council packet.

A letter was received from Steve Hicks protesting the Street Maintenance & Lighting Districts. No other public comments were heard.

Councilmember Cooper commented that this resolution responds to protests that were heard from last year and questioned if now was the time for protests to be heard for FY 97-98. City Attorney Bruce Becker stated that the current resolution addresses Council's response to last years protests and resolution #2821 later in the meeting is the proper time and place to hear protests for the upcoming year.

All in favor. Motion passed.

A public hearing was held on Resolution No. 2819, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ALTERING THE BOUNDARIES OF STREET LIGHTING DISTRICT NO. 20.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2819.

Comments were heard from John Foster, Chester Marion, Leona Truex, Ken Boe, and Patrice Yost. Councilmember Dahl received comments from Jerry Spalding and Don Burwitz. Additional written comments were received from Steve Hicks and Bill Moore.

Supt. Kastelitz answered for Council that some lights will be placed on Front Street this year and the addition of lights on Highground. B, C, and D Streets will be Council's decision at some later date. There are no plans to install street lights on Blue Heron Drive at this time.

Discussion was heard from Staff and Council.

Roll call vote was Dahl and Williams in favor, McGee and Cooper opposed with Mayor Mikesell casting the deciding vote as opposed. Motion died.

Motion was made by Cooper, second by Dahl, to approve Resolution No. 2820, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING ALL PARCELS OF PROPERTY WITHIN STREET LIGHTING DISTRICT, AS ALTERED, 100 PER CENT OF COSTS FOR MAINTENANCE AND FOR PROVIDING ELECTRICITY FOR FISCAL YEAR 1997-1998. An amendment to the motion was made by Cooper, second by Dahl, to strike any reference to the phrase "as altered" from the text and delete the whole first paragraph. Three in favor of the amendment, Williams opposed. Amendment passed.

A public hearing was held on Resolution No. 2820. Councilmember Dahl explained to the public what was going on with this resolution as the previous resolution died. No public comments were heard.

Three in favor, Williams opposed. Motion passed as amended.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2821, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING ALL PARCELS OF PROPERTY WITHIN STREET MAINTENANCE DISTRICT NO. 1 AND NO. 2, AS ALTERED, FOR 100 PER CENT OF SAID COSTS FOR FISCAL YEAR 1997-1998. A public hearing was held at this time. No public comments were heard.

All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2822, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING SUFFICIENT MILLS TO PAY \$61,535.00 JUDGMENT IN THE CASE OF HARRINGTON V. CITY OF LIVINGSTON. A public hearing was held on this resolution. No public comments were heard.

After hearing comments from Councilmember Dahl, an amendment to the motion was made by Dahl, second by Cooper, by striking out \$61,535 and sufficient mills to pay \$31,535.

Council and Staff discussion was heard concerning the amendment.

Roll call on the amendment was Dahl in favor, three opposed. Amendment died. Roll call on the original motion was four in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to approve Resolution No. 2826, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN ADDENDUM #1 TO PROFESSIONAL SERVICE CONTRACT REVISING SCOPE OF BIKE/PEDESTRIAN PATH ENGINEERING AGREEMENT. A public hearing was held on this resolution.

City Manager Steve Golnar provided background information for the public. Mr. Golnar stated he has contacted the property owners associated with the Park Street Mall by letter requesting monetary support for the realignment to the Bike Path.

Bike/Pedestrian Path Alternatives #1, #2, & #3 were discussed in brief. Mayor Mikesell polled the Council and they were in favor of Alternative #2, the realigned path up Highway 10 and cutting across at the rail crossing before Pamida, without irrigation, for the scope of work for the Bike Path.

Councilmember Cooper reported that she was listed twice on the donation list.

Jon Hesse, representative for Barbara Britt, Park Street Mall property owner, commented on behalf of his client. Other comments were heard from Barbara Britt, Marcie Robb Huson, and Tom Melin. Mr. Melin stated Farmer's Insurance offers so much money per year for agents to work on community projects, and Mr. Melin has already applied for some money for the Sister Cities Program and was considering applying for additional support for the Bike Path Project. Bob Raney explained the concept of the Bike Path when the idea was first talked about 5 years ago.

Mr. Golnar confirmed for Council that section 3 of the addendum contract only includes the design of an irrigation system along Park Street and the realigned Bike Path up Highway 10 will only include surveying and design for the realigned path.

All in favor. Motion passed.

Three bids were received for the Star Subdivision Special Improvement District #177, they are as follows:

Big Sky Asphalt, Inc. - Bozeman
\$124,000.00

JTL Group, Inc. - Belgrade
\$121,321.00

Daktanna Paving LLC - Belgrade
\$125,332.00

Motion was made by Williams, second by Cooper, to award the bid to JTL Group, Inc. of Belgrade in the amount of \$121,321. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2823, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO A CONTRACT WITH JTL FOR SPECIAL IMPROVEMENT DISTRICT #177 IMPROVEMENTS.

City Attorney Becker answered a question for Councilmember Williams on the time frame of the SID project.

All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2824, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE LOAN OF \$50,000.00 FROM CEMETERY PERPETUAL CARE FUND #7049 TO EMERGENCY DISASTER FUND #2260.

All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2825, A RESOLUTION RELATING TO \$163,000 SPECIAL IMPROVEMENT DISTRICT NO. 177 BONDS; AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE THEREOF AND AUTHORIZING THE PLEDGE OF THE REVOLVING FUND TO THE SECURITY THEREOF.

All in favor. Motion passed.

Dawn Boucher requested to address the City Council at this meeting but was not present.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2827, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ACCEPTING COPS GRANT AND AUTHORIZING CITY MANAGER TO SIGN AGREEMENT. No public comment was heard.

Roll call vote was Williams in favor, three opposed. Motion died.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2828, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CORRECTING DISCREPANCY IN CALCULATION OF LOT OR PARCEL SIZE AND RE-LEVYING SPECIAL ASSESSMENT ON PROPERTY LOCATED IN SPECIAL IMPROVEMENT DISTRICT #177 (SID #177).

All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2829, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CONDITIONALLY ADOPTING THE PRELIMINARY BUDGET FOR THE CITY OF LIVINGSTON FOR FISCAL YEAR JULY 1, 1997, THROUGH JUNE 30, 1998, BY ESTIMATING REVENUES AND RESOURCES AND APPROPRIATING FUNDS FOR THE OPERATION OF THE CITY GOVERNMENT AND ESTIMATING THE VALUE OF THE MILL. Finance Officer Shirley Ewan answered for Councilmember Cooper that the final budget will be approved next Monday in Special session and when the City finds out what the value of a mill is, the Council can legally amend the budget.

All in favor. Motion passed.

City Manager Golnar reported that the 1996 Yellowstone Flood reimbursements have been distributed back to the funds which were due outstanding balances in proportion to the State's partial reimbursement to the City. Enclosed was a June 23, 1997 memo from Finance Officer Ewan.

Discussion was heard concerning the repair of the Bandshell loop road. If the levee remains on the road, the State will not provide the City with the funding to repair the road.

Mayor Mikesell stated he would like the retention of the levee brought back to Council at the next regular meeting and the first meeting in September for public hearings and that Council should make a decision relating to the permanent plans for the levy on the second meeting to be held September 2nd.

Supt. of Public Services Ken Kastelitz informed Council that the road along River Drive by the flowers at the wye was starting to buckle. Supt. Kastelitz asked if the road could be claimed for flood damage reimbursement if the levee was removed and if so, how soon does the levee need to be removed.

Councilmember Dahl requested a worksession on the levee after the Special City Council meeting next week. Mayor Mikesell confirmed the desire for a worksession.

Enclosed was a memo inviting Cities and Towns to attend an orientation session in the City/County Complex on August 8th at 1:30 p.m. to discuss disaster assistance. Also enclosed was a July 28, 1997 letter proclaiming a Federal Presidential disaster in the State of Montana including Park County and Livingston. The letter identifies that up to 75% of pre flood costs probably would be funded if a Federal Disaster is declared.

City Manager Golnar reported that he has distributed letters to property owners associated with the levee and those apparently benefited from the installation of the levee. Mr. Golnar has requested property owners to consider authorizing long term easement agreements which would allow for the maintenance of such a levee. Mr. Golnar stated he will also be contacting the Corp of Engineers as he has not received a letter back from his inquiry on participation in the non public levee Corps Assistance Programs.

City Manager Golnar reported on the current status of the Post Office Design Review and Annex Property Site Selection Process and that there is nothing definite at this time, but maybe by the end of August. Mr. Golnar stated that they will probably construct the annex first and then the remodeling on the existing building will be initiated.

Included in the packet was a letter of support written by the City Manager for Travel Montana Tourism Infrastructure Investment Grant for Matt Smith Studios. Finance Officer Shirley Ewan will look into the use of grant monies as CDBG money is proposed to be used for the loan.

Included in the packet was a memo from Acting Fire Chief Jerry Weimer summarizing that the costs for repairs to the fire truck are estimated approximately \$5,000 instead of the initially anticipated \$10,000.

Motion was made by Dahl, second by McGee, to reappoint Roy Korkalo to the City/County Joint Airport Board for another 4 year term. The term expires June 30, 2001. Motion passed.

No Council action was taken on a request from the Food Bank for Council to consider lowering or eliminating the garbage collection rates for them. A draft letter from the City

Manager was included for Council's review that states the City's position that fees associated with Enterprise Funds cannot be waived.

City Manager Golnar provided a memo for Council's information on Street Lighting system changes for FY 97-98 and beyond. A July 21, 1997 letter from Mel Kotur, Energy Services, Bozeman, was included to confirm the addition of street lights along Front Street.

Motion was made by Williams, second by Dahl, to allow City Manager Golnar to contact Montana Power and confirm that the City does want streets lights installed on West Front Street as listed on page 135. Turn 2 existing lights toward Front Street; Install 3 lights with underground wiring; Install 2 lights with above ground, plus installing a twin head light at the East Side School.

All in favor. Motion passed.

Motion was made by Dahl, second by McGee, to approve the CDBG drawdown #10 in the amount of \$59,671.63.

All in favor. Motion passed.

Councilmember Cooper questioned if the City would be having a meeting with the County this month. City Manager Golnar confirmed that they would and will talk with the Commissioners about putting the meeting off for one week to August 13th.

Councilmember Cooper stated she would be out of town from August 14th though the next week, and would not be at the Council meeting of August 18th.

Councilmember Williams questioned if the August 18th meeting can legally be held as Councilmember Cooper and Mayor Mikesell will be absent. City Attorney Becker confirmed they could. Mayor Mikesell requested that the City Manager limit the agenda for this meeting.

Councilmember Dahl stated that she would like the City Manager to follow up on the alternatives on the 2nd Street Stop Light, in case of the possibility of not getting the stop light, she would like the alternatives looked at if the need to be implemented.

Councilmember Cooper stated there will be a Transportation Coordinating Meeting next Tuesday.

Mayor Mikesell commented that he does not want the investigation of alternatives to the 2nd and Park Street Light to take over and for it to appear that the Council is changing their minds on the light. Ms. Dahl stated that was not her intent.

City Manager Golnar stated that he was hoping to hear from the State before the meeting on the limited \$3,000 support that was offered by the City. Mr. Golnar stated he does have this issue on the Transportation Coordinating Committee agenda for Tuesday, August 12th, where Montana Department of Transportation's intentions can be determined.

Councilmember Williams stated that the matter of finding the \$3,000 has come up several times. Mrs. Williams stated she has spoken with Supt. Kastelitz and the \$3,000 could come out of Gas Tax money. Finance Officer Ewan confirmed that is where it is budgeted to come from in the FY 97-98 budget.

City Manager Golnar requested a special meeting for August 11, 1997 at 7:30 p.m. to approve the final budget and review bids for Bond Registrar for SID #177. Mayor Mikesell confirmed this meeting date.

Mayor Mikesell stated the public hearing on the preliminary budget will continue day to day until August 11, 1997, 7:30 p.m. special Council meeting.

The time was 9:20 p.m.

ATTEST:

APPROVED:

Julianne Brown
RECORDING SECRETARY

Pat Mikesell
MAYOR

Special Livingston
City Council Meeting
August 11, 1997
7:30 p.m.

The Livingston City Council met in special session on Monday, August 1, 1997 at 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 present.

The public hearing continued with the Preliminary Budget. No public comments were heard.

Motion was made by Cooper, second by Dahl, to approve Resolution No. 2830, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CONDITIONALLY ADOPTING THE FINAL BUDGET FOR THE CITY OF LIVINGSTON FOR FISCAL YEAR JULY 1, 1997, THROUGH JUNE 30, 1998, AND APPROPRIATING FUNDS FOR THE OPERATION OF THE CITY GOVERNMENT PENDING STATE CERTIFICATION FOR THE VALUE OF THE MILL.

An amendment to the motion was made by Dahl, second by Williams, to include:

Account #5410.504.430830 to increase the budget \$702; and,
To increase account #1000.153.460445 to the amount of \$568; and,
Account #1000.102.410360.353 to read \$4,000; and,
Account #1000.102.410360.390 to read \$1,500; and,
Fund #2400.000.420100.331 to be changed to -0- and the \$1,500 to be moved to Utility/Street Lights, object 340.

All in favor of the amendment. Amendment passed.

City Manager Steve Golnar reported to Council on a August 6, 1997 memo from the Municipal Court Judge. Judge Travis states "...If the Council chooses not to increase the Clerk to a minimum $\frac{3}{4}$ time for this budget year, I will have to ask the District Court Judge to certify the claim and compel the City to comply." City Attorney Bruce Becker clarified for Council what the Judge's term "to certify the claim" meant.

Councilmember Dahl requested that the Judge show the Council a work schedule, time on task of the duties that his Clerk is performing, to prove that he needs more than a $\frac{1}{2}$ time person. Ms. Dahl stated that based on the feedback they, as a Council has received, the Municipal Judge does not need more than a $\frac{1}{2}$ time person.

Mayor Mikesell questioned if the Judge's abilities have suffered by only having a $\frac{1}{2}$ time person.

Councilmember Cooper recalled earlier correspondence from the Judge where he stated, because of computerization, he needs more time.

Council would like to see if the Judge has had a statistical increase over the past couple of years.

Finance Officer Shirley Ewan stated that the time pays are behind, but they are upstairs and are not done downstairs. If the position was to move downstairs $\frac{3}{4}$ time, the time pays would have to go downstairs with her. There is more to do upstairs $\frac{3}{4}$ time than downstairs.

More discussion was heard on this item. Finance Officer Ewan confirmed that all the Judge's money for staffing comes from the General Fund.

Council added to the list they wanted answered from the Judge for the City Manager to include: How much have the cases gone up, type of cases that are paper work intensive, who is doing those. Mr. Golnar stated he will bring more information to Council at their next meeting.

Mr. Golnar reported on the Street Lighting District and that an estimate for cost per lot in the Street Lighting District was \$5.40, after Supt. Kastelitz had a chance to re-compute the costs per lot, the actual cost is \$5.60 per lot with the existing district rather than the proposed City wide Street Lighting Maintenance District.

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

Motion was made by Cooper, second by Williams to name Norwest Investment Management & Trust as Bond Registrar for SID #177. Finance Officer Shirley Ewan answered questions pertaining to this issue for Council.

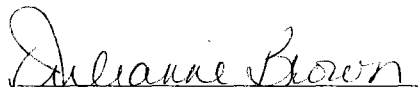
All in favor. Motion passed.

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

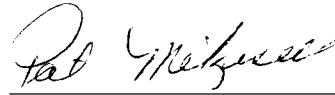
The time was 7:50 p.m.

ATTEST:

APPROVED:



 RECORDING SECRETARY



 MAYOR

LIVINGSTON
CITY COUNCIL MEETING
August 18, 1997
7:30 p.m.

The Livingston City Council met in regular session Monday, August 18, 1997, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Sheryl Dahl and Bernice McGee with Vice Mayor Barb Williams presiding. Councilmember Caron Cooper and Mayor Pat Mikesell were absent.

Motion was made by Dahl, second by McGee, to approve the minutes of August 4, 1997 regular City Council meeting and August 11, 1997 special City Council meeting. Motion passed.

Motion was made by Dahl, second by McGee, to accept the bills and claims that listed for \$31,692.16. Vice Mayor Barb Williams questioned the following claims: page 13, item #956731 to Jerry's Hardware Hank. Supt. of Public Services Ken Kastelitz clarified that "MEK" was a special street paint.

Page 20, item #956820 to Yellowstone Concrete & Service. Supt. Kastelitz explained that was for a concrete slab for an alley approach between B & C Streets in the 400 block.

Motion passed.

A public hearing was held on the Levee Vegetation and Access Plan. City Manager Steve Golnar updated Council on the current status of this issue.

Councilmember Dahl requested additional considerations from the City Manager. Ms. Dahl would like more options and prices relating to the keeping or removing of the levee so that Council has more information to make a decision.

Public comments in favor of the levee were heard from Co Inglehart and Richard Saxton. Comments in opposition were heard from Urana Clark and Pat Miller. Eddie Miller is in favor of keeping the levee and made a suggestion on how to open a portion of River Drive to one way traffic and still keep the levee in place.

Mr. Golnar responded to Ms. Dahl's earlier requests and mentioned the difficulties he is facing on trying to research prices and options. Mr. Golnar further explained that the Corps of Engineers would not be here to inspect the levee until sometime in October and did not feel that after the public hearing to be held at the next meeting was a feasible time to make a permanent decision regarding the long term future of the levee, but the Council should plan for the short term now which should include vegetation.

Motion was made by Dahl, second by McGee, to pull the Eyre variance from the table. City Planner Jim Woodhull updated Council on this variance that was tabled at the July 21, 1997 Council meeting. Mr. Woodhull stated it was tabled pending further information on how to track the required utility easement across the property. The applicant has provided a new drawing that shows an alternate route for the sewer lines in the boulevard.

Mr. Eyre addressed Council stating that the new drawing is a better way of solving the problems and has talked with Supt. of Public Utilities Clint Tinsley.

Vice Mayor Barb Williams reported to Mr. Eyre that staff believes the sewer line should be installed prior to dividing the property. Supt. Tinsley explained further that there were no laws requiring Mr. Eyre to move the lines and that the sewer lines can be where they are. Supt. Tinsley stated that it would show more of a benefit, if the sewer line was installed to each individual property before the sale of the property and does have the concern that if one of the property's sewer line would plug up and the other properties do not want to pay a share of replacing the line.

Councilmember Dahl explained to Mr. Eyre that the City has no way to notice potential new property owners on a deed when the property is split, that all households are responsible for replacement of the sewer line. Ms. Dahl stated that the Council is looking at this as a fairness issue and this is why Council is discussing a stipulation on the variance to require Mr. Eyre to replace the sewer line before he ~~sells the property~~ divides the property before its sale. (Corrected at 9/2/97 meeting).

City Attorney Bruce Becker read a telefax transmittal to the Council from Mike Eyre's attorney that would include language into a deed referring to Lots B and C of the property requesting to be split. Staff and Council discussion was heard on this language into a deed.

Motion was made by Dahl, second by McGee, to grant the Eyre variance request contingent upon him replacing the sewer service lines in front of the property prior to the variance going through. All in favor. Motion passed.

City Planner Jim Woodhull gave background information on a variance request from Mr. William Hughes located at 223 S. 11th. Mr. Hughes wishes to build an addition onto his house that would follow the same line as the existing structure and is requesting a variance from the five foot side setback requirement for RII zoning districts. Mr. Hughes was present.

Motion was made by Dahl, second by McGee, to approve the Hughes variance request. All in favor. Motion passed.

City Planner Jim Woodhull gave background information on a variance request from Mr. Mike Donahue. Mr. Donahue wishes to add a basement entrance onto his house that would follow the same line as the existing front porch and is requesting a variance from the twenty-five foot front setback requirement for RII (MH) zoning districts. Mr. Donahue was present.

Motion was made by Dahl, second by McGee, to grant the Donahue variance request. All in favor. Motion passed.

Mr. Lee Alt of the Montana Department of Transportation gave City Council a presentation on a speed zone study on Highway 89 South and Highway 10 West.

Recommended changes were noted for Council. Mr. Alt will send the City a letter in follow up to this presentation to allow Council to comment on the States recommended changes and make changes if they wish so that the State can incorporate them into a report for the State Commission. The City has 60 days to respond to this letter.

Councilmember Dahl questioned signage at the wye located on Park Street and Highway 10 West. Mr. Alt stated that he would look into that area being marked better for traffic coming into Livingston.

City Manager Steve Golnar questioned signage and road markings of Highway 10 West in regards to the proposed Bike/Pedestrian Path that will be running across

the highway. Mr. Alt stated that the State will mark the area upon request by letter from the City.

Councilmember McGee questioned the highway sign that is attached to the interstate on Highway 89 South and how hard it is to see the stop sign. Mr. Alt does not know if the sign can be structurally raised without getting into other problems. Mr. Alt stated that a new intersection is being designed at this time in that area and will take this sign into consideration. City Manager Golnar clarified that at the Urban Area Transportation Coordinating Committee that was recently held, that a "Plan in Hand" meeting will be held for the design of the Loves Lane intersection and highway improvements from Rogers Lane to Merrill Lane that are planned for the area. Mr. Golnar will let Council know when the "Plan in Hand" meeting is scheduled.

Motion was made by Dahl, second by McGee, to approve Resolution No. 2831, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING BALLOT LANGUAGE TO BE SUBMITTED TO ELECTORS' ON ISSUE OF AUTHORIZING THE LEVY OF 2 ADDITIONAL MILLS ON THE DOLLAR OF THE TAXABLE PROPERTY IN THE CITY TO DEFRAY THE COSTS INCURRED IN PROVIDING AND SUPPORTING AMBULANCE SERVICE TO THE CITY. All in favor. Motion passed.

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

- Finance Monthly Report, July 1997 (provided separately)
- Fire Department Monthly Reports, July 1997
- Livingston Fire/Ambulance Monthly Report, July 1997
- Police Department Monthly Report, July 1997
- City Judge Monthly Report, July 1997
- Water & Sewer Revenues, July 1997
- Recreation Monthly Report, July 1997
- Library, July 1997

Vice Mayor Barb Williams complemented Acting Fire Chief Jerry Weimer on the Fire and Ambulance Report he included in the packet. Acting Chief Weimer stated if there were any other requests that Council would like to see on the report, to let him know. Acting Chief Weimer also reported on a memo that was included in the City Manager's comments pertaining to Big Timber transfers to Billings as projected revenue increases for the Department. Discussion was heard from Council and Mr. Weimer concerning these transfers.

Vice Mayor Williams questioned this being tried on a trial basis. City Manager Golnar stated he does have this in his report for later and feels the need to get a better handle on the numbers and figure out what actual costs are and replacement costs. Another concern of Mr. Golnar's is overtime costs. Mr. Golnar stated that if Council wanted to continue to pursue this, the budget would need to be amended and that the Commissioners should be notified. Acting Chief Weimer responded that he has already given the Commissioner's the same information and has tried to meet up with them a couple times to explain the transfers, but they have not been in.

Councilmember Dahl asked that these type of transfers be included into his report.

Vice Mayor Williams commented that the Water Revenues were down this year so far.

Mary Murphy of 428 N. B Street requested that she be allowed to park backwards all year long on the street she lives on. Mrs. Murphy stated that she have a very bad back problem and it was hard for her to open her door. Included with her request was a letter from one of her physicians.

Staff discussion was heard. A handicap sign would be needed at a \$50 one time sign fee and two vehicle plates will be listed on the sign.

Motion was made by Dahl, second by McGee, to grant Mary Murphy the ability to park backwards on her street, 428 N. B and to have a handicapped sign placed by her house with her two license plate numbers listed on it. All in favor. Motion passed.

City Manager Steve Golnar updated Council on the FEMA Revised Flood Plain Map status. Mr. John Liou estimates that the flood plain maps will not be adopted for 1-1 ½ years officially to where they could be used for insurance purposes.

A total of 32 resumes were reviewed and short listed by a staff committee on the Building Inspector selection process. City Planner Woodhull will be setting up interviews.

City Manager Golnar reported on the Transportation Coordinating Committee meeting process. Mr. Golnar noted that the Committee did vote to seek funding for phase I and phase II of the feasibility analysis that was on page 70 of the packet pertaining to an overpass.

Bob Jockers, President of the Library Board wants to pass on to the City Council that the Library Board thanks the City for smoothing the transition in the Library funding and making a difficult situation palatable.

City Manager Golnar has sent memo's to Municipal Court Judge Travis and Finance Officer Ewan to help determine the need and impact of going to a ¾ time Court Clerk.

Enclosed was a report from DEQ on the water system inspection done on June 27, 1997. It noted that it was a good inspection. A letter of commendation to Tom Butcher was included in the packet on a job well done as he is in charge of inspection maintenance of the wells on a daily basis.

Vice Mayor Barb Williams also thanked Supt. Clint Tinsley and Foreman Steve Brewer and everyone on the Water Department for a job well done.

A letter was received from Montana Rail Link indicating their response from the City's request for funding of the Livingston Bike/Pedestrian Path. The basic response is that they will be providing access and right of way as their support of the project.

City Manager Golnar attended a briefing and presentation by a paleontologist from Argentina and Mr. Matt Smith of Smith Studios relating to their proposed joint venture to be held in Livingston. Mr. Golnar reported that he did receive a copy of the Travel Infrastructure Investment Program Grant application from PCEDC if any of the Council are interested.

Vice Mayor Williams would like to hear from Finance Officer Shirley Ewan on this item, as Ms. Ewan stated some concerns at a previous meeting.

City Manager Golnar reported that he attended the public hearing on the adoption of the final County budget and included for Council's information a copy of that budget.

Mr. Golnar pointed out one item of concern is that the County did identify a negative balance in their Library Fund of \$8,630. Mr. Golnar went on to identify that the County has appropriated funds consistent with the City's proposed funding level for FY 97-98, but this may fall short of expectations if they need to reimburse their fund first and revenues do not exceed last year's as a result of the reappraisal.

City Manager Golnar included in the packet, a summary of FY 96-97 financial activities related to the Landfill and Incinerator in addition to the proposed budgets for 97-98 which have since been adopted.

Recycling is to begin on September 1, 1997 and the County wide assessment of \$1.20 per household is in place.

Incinerator Bond payments exceeded what was contracted for through the bond issue. The County and Refuse Board feel the best way to move toward rectifying this situation is to seek refinancing of the bonds. Mr. Golnar anticipates that the City will need to have further discussions on the solid waste bond issue situation and possible financing.

City Manager Golnar summarized again on the EMS transfers from Big Timber to Billings. Mr. Golnar stated that he still feels that the City should continue to look at it. Acting Fire Chief Jerry Weimer put together initial figures and the those figures need to be fine tuned to make sure that all costs are identified along with the revenue. Mr. Golnar also feels that the County needs to be on board because he is concerned about the City paying for the ambulance through a City bond issue and that better provision for replacing the ambulance needs to made than what has been established through the budgeting process. Mr. Golnar will keep Council informed.

The Livingston Police Commission met and is recommending Thomas Totland to be hired as the next City's Police Officer. Mr. Golnar has given Police Chief Steve McCann authorization to make a conditional offer of employment. Mr. Totland is currently a Yellowstone National Park employee in Mammoth. Chief McCann stated that Mr. Totland has a large amount of training and experience and is highly recommended by his supervisors and came out number one of all applicants.

Motion was made by Dahl, second by McGee, to authorize the City Manager to send the enclosed draft letter to CTEP. All in favor. Motion passed.

City Manager Golnar provided additional background information referencing the revision in the scope to the Park Street Bike/Pedestrian Path Project.

Motion was made by Dahl, second by McGee, to approve \$83,815 for the Sanitary Sewerage System Revenue Bonds. All in favor. Motion passed.

City Manager Golnar explained that there were three more payments after this year. The payment is due on September 1st which is a holiday, so this needs to be approved at this meeting in order to spend the money on the 1st.

Councilmember McGee stated that she took some exceptions to comments that were said earlier in the meeting referencing the levee and about people laughing about the levee. Mrs. McGee stated she has not heard anyone laughing or snickering about it. She has had people from all over and they all think the levee is great the City was smart to have put it up and hope that it will be left.

Mrs. McGee also stated that the comment made earlier in the meeting, that there is less Sacajawea Park with the levee in place, was not true.

City Attorney Bruce Becker commented that he was in Forsyth today and that is why he was late for the meeting, and just remembered that they have a nice levee that runs the full length of the city with a native grass.

Councilmember McGee asked if the shrubs along River Drive could be taken out and push part of the levee back to make a one way street.

Mrs. McGee stated that someone has tried to drive a vehicle on the levee.

City Manager Golnar responded to Mrs. McGee and that the City will be required to seed and is currently looking into prices.

Vice Mayor Williams received a complaint about large semi trucks on Lewis Street and why they were driving down Lewis Street and not Park Street.

Vice Mayor Williams had received several complaints about noise at the Lagoon Deli and was pleased to received the letter from the Chief of Police. Mrs. Williams reported to the complainant that if the noise continued, to continue to call the Police Department.

Vice Mayor Williams asked if anyone planned any vacations in the near future. Councilmember Dahl stated she will be out of town the last week of September and the first two weeks of October. She will only miss one meeting.

Vice Mayor Williams asked for a progress report on the Japanese Liaison Yoshi. City Manager Golnar responded saying that he was still settling in.

Co Inglehart addressed Council on behalf of his son in law concerning chip sealing in the area of L and Clark Streets. Mr. Inglehart also made comment about the flood plain map.

City Manager Golnar responded to Mr. Inglehart, concerning the status with FEMA and the new flood plain map update.

Councilmember Dahl and Supt. of Public Services Kastelitz responded that the reason the chip sealing ends where it does, is due to the pavement ending and the city cannot chip seal on gravel streets.

Sue Martin addressed Council to publicly thank them and Police Chief McCann for addressing the noise problem at the Lagoon Deli. Ms. Martin stated she is still concerned about the open containers and a Duel of the Bands that is still scheduled for August 31st. Ms. Martin does feel that there are a number of minors at the Deli after 10:00 p.m. and would like that looked into.

Discussion was heard between Council and Staff. Councilmember Williams encouraged the residents that live in the neighborhood to keep calling the Police Department with the noise and to file a complaint if necessary.

Bob Brown addressed Council and cautioned them about a trial period for transfers. Mr. Brown stated that their calls are through Medicaid and Medicare and can take up to 6 months to pay. A 6 month trial period would not work as there would be a lot of expenditures and not revenues. A minimum time period is 1 ½ - 2 years to see if it will work. Mr. Brown stated that this is where an ambulance service makes its money is through transfers. The department would like the chance to do this.

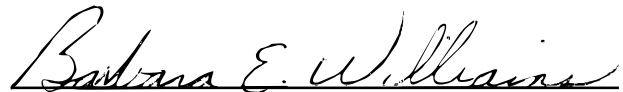
Motion was made by Dahl, second by McGee, to adjourn this meeting there being no further business. Motion passed.

The time was 9:20 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


VICE MAYOR

LIVINGSTON
CITY COUNCIL MEETING
September 2, 1997
7:30 p.m.

The Livingston City Council met in regular session, Tuesday, September 2, 1997 at 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 August 18, 1997 regular City Council meeting. Councilmember Williams made a correction to the minutes, page 2, second paragraph, last sentence should read: "...to require Mr. Eyre to replace the sewer line before he "divides" the property before its sale."

Motion passed as corrected.

Motion was made by Williams, second by Dahl, to approve the bills and claims that listed for \$93,347.64. Councilmember Williams questioned the following claims: page 11, item #956876 to the Livingston Enterprise. Mrs. Williams questioned the item for 10 mills for Harrington. City Manager Golnar confirmed that the maximum was 10 mills that could be assessed by the City to cover a settlement, and even though only 6.7 mills were assessed, the resolution was defined as it was.

Page 14, item #956916 to Service Master. Finance Officer Shirley Ewan confirmed that this was for cleaning of the Fire Station upstairs and for the Fire Department Offices. Mrs. Williams questioned why this was charged out to the Ambulance Fund and not to the Fire Department. Ms. Ewan stated that was the department head's choice.

Finance Officer Shirley Ewan asked for one correction on page 11, item #956878, to read "Livingston Fire Service".

Motion passed.

A public hearing was held on the Levee Vegetation and Access Plan. City Manager Golnar summarized to Council verbally and also included material in the packet concerning on going discussions relating to the City's short term and long term plans for the levee.

After some Council discussion, public comments were heard from Urana Clark and Bill Shrigley. Councilmember Cooper stated her concerns about the legal status, executive order of the levee. (Added at 9/15/97 meeting)

Motion was made by Dahl, second by Williams, to approve Resolution No. 2832, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH NORTHWEST INDUSTRIAL SCRUB. Councilmember Williams commented that there was not an address listed for the company. Supt. of Public Utilities Clint Tinsley stated he had one at his office and explained where the company is from and what type of work they perform.

City Attorney Bruce Becker stated that the State Tax Law would not apply.

All in favor. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2833, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN LIGHTING AGREEMENT WITH MONTANA POWER COMPANY. Councilmember Cooper questioned the terms of the agreement and locking the City into only using Montana Power Company lights. City Manager Golnar stated he has discussed this issue with Attorney Becker. Attorney Becker summarized that he has talked with Mel Kotur at Montana Power and deregulation is only going to affect the supply source. Attorney Becker confirmed that the City will be locked into paying Montana Power for 5 years for only the lights listed, even in a deregulated market.

All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2834, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING MAYOR TO SIGN MODIFICATION TO CTEP GENERAL PROJECT DEVELOPMENT AND CONSTRUCTION AGREEMENT. All in favor. Motion passed.

Two bids were received on September 2, 1997 for SID #177 bonds. The two bids were as follows:

D.A. Davidson - 6.0264447%
American Bank - 5.17726%

Finance Officer Shirley Ewan recommended that the City accept the bid from American Bank to provide the bonds.

Bridget Ekstrom from D.A. Davidson was present for any questions.

Motion was made by Williams, second by McGee, to accept the American Bank bid and charging out at 5.9%. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve in the addendum, Resolution No. 2835, A RESOLUTION RELATING TO \$163,000 SPECIAL IMPROVEMENT DISTRICT NO. 177 BONDS; AWARDED THE SALE THEREOF AND APPROVING CERTAIN MATTERS WITH RESPECT THERETO. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve in the addendum, Resolution No. 2836, A RESOLUTION RELATING TO \$163,000 POOLED SPECIAL IMPROVEMENT DISTRICT NO. 177 BONDS' FIXING THE FORM AND DETAILS AND PROVIDING FOR THE EXECUTION AND DELIVERY THEREOF AND SECURITY THEREFOR. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2837, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR PUBLIC HEARING FOLLOWING DUE NOTICE ON AMENDING THE

BUDGET FOR THE AMBULANCE SPECIAL REVENUE FUND #2230 FOR FISCAL YEAR 1996-1997 BY INCREASING SAID FUND IN THE AMOUNT OF \$8,347.20.

Councilmember Cooper questioned the first Whereas, last sentence stating the unanticipated retirements of two fire chiefs. Finance Officer Ewan stated that accumulated sick leave and vacation leave were paid for the two people retiring which was unanticipated.

All in favor. Motion passed.

City Manager Golnar reported on the following items:

- Chip sealing in the downtown area;
- Crime Statistics Update;
- Dispatcher Helen Tobiason's resignation;
- Request from Police Chief McCann to spend \$479.90 from Drug Forfeiture Fund for a cassette transcriber/recorder. Councilmember Cooper asked if this could be funded from the Missouri River Drug Task Force. If not, Council has no problem with the expenditure from the Drug Forfeiture Fund.
- Mr. Golnar will be meeting with the Livingston Police Department Association regarding concerns about the 7k clause in their contract.
- Summarized the Fire Chief search - applications have been received;
- Discussion was heard concerning the Big Timber Ambulance transfers - Mr. Golnar reported to Council that he would like to see how it pencils out and will be bringing in an outside accountant to make sure of the numbers as Finance Officer Ewan will be working with the Auditors;
- Fire Collective Bargaining negotiations will go to mediation;
- Introduced Yoshi, the Sister Cities Liaison to Council and summarized further on Yoshi's position over the next two years. Another phone line will be installed in the Code Enforcement Office for Yoshi. This will be paid out of the City Manager's budget;
- Reported the City Judge's response to the Court Clerk questionnaire. Finance Officer Ewan will be responding by the next meeting.

The following Calendar of Events was listed for Council's information:

September 1st, Labor Day Holiday
 Tues. Sept. 2nd, 7:30 p.m. - Council Meeting
 Sept. 5th, 1:00 p.m. - On Site Field Review of Loves Lane, Dept. of Transportation Project
 Sept. 15th, 7:30 p.m. - Council Meeting
 Sept. 17th, 7:00 p.m. - Sister Cities Meeting - Winans School
 Sept. 24th & 25th - City Manager Tentative Attendance at Montana Employee Relations Dispute Resolution Conference
 Sept. 27th - Livingston 6th Annual Oktoberfest

The joint City/County meeting will be scheduled for September 8th or 11th at 4:30 p.m. in the Commissioner's office.

Councilmember Dahl mentioned it was time for evaluations for the City Manager and City Attorney. This will be scheduled.

Other items City Manager Golnar reported on:

- Harmful to Minors Initiative Status - The petition passed and will be on the ballot.
- Shut down of Dana Designs Productions Facility in Livingston - See enclosed August 28, 1997 letter.
- Rocky Transition between Insurance Programs - Correspondence between Mr. Golnar and the insurance company and employees was reviewed.
- Placement of Recycling Bins - Location for another city site?
- General Fund Cash Flow Plan to be Developed - Some discussion was heard on when the Police Chief could purchase a police car as there is one on hold in Salt Lake. City Manager Golnar stated that the car should be pursued, but a cash flow plan needs to be developed with the Department Heads and will be presented in the near future.
- Community Tele-Management Plan Proposal - City Manager explained the proposal. Council will read the proposal and give an answer to the City Manager by September 8th as to whether or not they would like a presentation.
- East Side School Lease/Property Management Advertisement Discussion - City Manager confirmed for Council that there have been improvements done by the current renters and he will accomplish an inventory of improvements and follow up with Double Divide on building file shelves for the archives as per the contract.

Jeff Rupp of HRDC in Bozeman, updated Council on the Affordable Housing Project. Mr. Rupp did state that they were short of dirt and would be seeking to relocate some fill dirt from another location on the Affordable Housing Land Trust property. He also brought Council up to date on HRDC's proposed resolution for drainage concerns at the intersection of North Main and Reservoir Streets.

A draft letter was included in the packet for Council approval of a response to Montana Department of Transportation on the speed zone surveys and recommendations for Highway 10 coming into the City and Highway South 89. Council was in agreement to send the letter as drafted.

Motion was made by Cooper, second by Dahl, to authorize SID Engineering Feasibility Study by Scott Nelson Engineering of C, D & E, Montana and Summit Streets in the amount of \$1,160 with a start work date of January 1, 1998. All in favor. Motion passed.

Discussion was heard on authorizing the City Manager to request proposals for hydroseeding of the Levee. Mr. Golnar stated that the City does have one bid in hand, but does recommend that the City advertises for more bids.

Mr. Chuck Donovan stated that the City could have some additional dirt from his property and the City would have to haul. Mr. Tom Lane volunteered equipment for work related to the levee. It was also suggested that County Extension Agent Marty Malone be contacted for any further information he may have on reseeding or soil quality.

Germination concerns were also heard from Council and they would like to have answers concerning if it was too late in the season to plant before they spend money on hydroseeding.

Councilmember Cooper requested that when Finance Officer Ewan is finished with the audit, she would like to have an update of what the swimming pool did this season, and what the costs were, especially Montana Power.

Councilmember Cooper commented on the Police Officers on bicycles. Ms. Cooper thinks it is a great idea and appreciates the initiative of the officers.

City Manager Golnar added more information to the status of the bike patrols and that there are donations coming in that are helping to pay for the bicycles and some of the equipment.

Councilmember Dahl agreed with Councilmember Cooper concerning the Police Officers on bicycles and that the bike patrols are making a difference. Ms. Dahl asked that the City Manager write attaboys letters to the officers.

Ms. Dahl informed Council and the Manager that Storrs Bishop and herself will be challenging the community for funding raising for equipment and to promote bicycle safety.

Councilmember Dahl asked if the S-S sign could be removed from Park Street as they are no longer a hotel.

Councilmember Dahl mentioned to Mayor Mikesell that her point about noticing to the public about the chip sealing of the downtown area, was more so that the cars would be off the street and the City would not have to be paying for the towing.

Mayor Mikesell brought up for discussion, the need for a cell phone for himself and if the Council was in favor of a cell phone program within the City and whether to offer the program to city officials only, or city wide. The price of the monthly payments of the phone service could be deducted once a month out of the persons check and if a person went over the 60 minute free air time, the person would have to pay the additional. Discussion was then heard on how wide the program should be offered. Council was in agreement to keep the offer limited. Finance Officer Ewan has a call in to a representative of ComNet for additional information. The Mayor will be signed up for a phone.

A letter was received from Whitney Scofield with her concerns of the condition of the public swimming pool. Mayor Mikesell stated that the pool facility was in need of more repair. Park Foreman Eddie Miller stated that the locker rooms were recently painted after the pool closed for the season.

Council directed the City Manager to sent a letter to Ms. Scofield thanking her for her comments.

A letter was received from Storrs Bishop of Saddle Sore Cycles expressing his support of the police officers patrolling on bicycles.

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

The time was 9:25 p.m.

ATTEST:

APPROVED:

Juleanne Brown
RECORDING SECRETARY

Pat McInerney
MAYOR

LIVINGSTON
CITY COUNCIL MEETING
September 15, 1997
7:30 p.m.

The Livingston City Council met in regular session Monday, September 15, 1997 at 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 Dahl, to approve the minutes of September 2, 1997 regular City Council meeting. Councilmember Cooper added to the minutes on page 1, sixth paragraph on the public hearing of the levee,: "Councilmember Cooper stated her concerns about the legal status, executive order of the levee."

Motion passed with changes.

Motion was made by Williams, second by Cooper, to accept the bills and claims that listed for \$58,641.64. Councilmember Cooper questioned the following: page 9, item #957018 to High Country Rental, Inc. This was a purchase of a weed eater for the Parks Department.

Page 10, item #957033 to Lagerquist. This was for September maintenance of the City/County Buildings elevator.

Page 13, item #957076 to The Jackson Hole One Fly. This was a damage deposit refund for use of the Civic Center, with the building being inspected for any damage.

Councilmember Williams questioned the following: page 8, item #957003 to Crash Repair. This was to tow police car #402 into Livingston as the transmission went out on it.

Page 10, item #957036 to the Livingston Enterprise. Changes related to: Hughes Board of Adjustment, Donahue Board of Adjustment and Harrington 10 Mills are to be deleted from the claim. Actual revised payment to be made to the Livingston Enterprise is \$957.

Page 13, item #957066 to Richard Stordalen. Ms. Williams' concern was the asterisk for this expenditure item in the Street Fund. This was not an expected expenditure and since this claim was for weed removal, the amount charged will be added to the property owners tax rolls for reimbursement to the City. Supt. of Public Services Ken Kastelitz stated there will be another claim like this one at the next meeting.

An amendment to the motion was made by Williams, second by Cooper, to delete three claims to be paid to the Livingston Enterprise, Donahue Hearing, Harrington 10 Mills and Hughes Board of Adjustment. All in favor. Amendment passed.

Councilmember Dahl questioned page 11, item #957041 to Debbie McGrath. This was a swimming pool pass refund caused by medical reasons for a child.

All in favor as amended. Motion passed. The total amount of bills and claims to be paid were amended to \$58,565.64.

Mayor Mikesell changed the agenda and went to agenda item #7.C.7, request for annexation from Econolodge for Fatouros's. Supt. of Public Utilities Clint Tinsley provided copies of the building plans for Council's review.

A memo from the Development Review Committee was included in the packet with recommended conditions for the requested annexation. Councilmember Cooper questioned condition #1, that the City will require 10' of the property on the south side of Rogers Lane for widening of Rogers Lane or pedestrian traffic for Rogers Lane. Sidewalk and driveway concerns were heard from Council. Juanita Fatouros stated that sidewalks were currently not in the plans.

Myron Kovash addressed Council to answer any questions.

Councilmember Cooper stated that she would like to see the access addressed in future updated plans.

Motion was made by Williams, second by McGee, to request the annexation for the Econolodge off of Roger's Lane and allow them to begin their building as soon as they can, subject to the five conditions identified in the September 11, 1997 DRC memo.

An amendment to the motion was made by Dahl, second by Cooper, by adding a number six to the DRC memo to also have controlled access shown on their next plans.

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

Council then addressed item #7.C.6. on the agenda.

One proposal for hydroseeding of the levee was received. The proposal received was from Day Spring Landscaping of Bozeman in the amount of \$.0425 per square foot for 75,200 square feet of levee for a total price of \$3,196.00 and was in the addendum. This bid reflects both sides of the levee.

Discussion was heard concerning the planting of seeds on the levee this time of the year. City Manager Steve Golnar stated that he has talked to Park County Extension Agent Marty Malone concerning the levee. Councilmember Williams stated that the specifications for bids, mentioned a guarantee from the bidder for growth of the seeds. Mr. Golnar commented on Mrs. Williams question as to what extent of growth could be guaranteed.

Councilmember Cooper questioned if the seed mixture that was bid is acceptable to the Fish, Wildlife and Parks. Mr. Golnar will follow up with the Fish, Wildlife and Parks before the mix is in place.

Comments opposing the levee were heard from Urana Clarke.

Motion was made by Dahl, second by Williams, to approve the Day Spring Landscaping bid. All in favor. Motion passed.

The public hearing that was to be held on Resolution No. 2837 passed at the September 2, 1997 City Council meeting, will be heard at the October 6, 1997 City Council meeting.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2838, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, RESOLVING DISPUTE WITH BUTTREY FOODS OVER SYSTEM DEVELOPMENT

FEES BY ACCEPTING \$13,000.00 AND AUTHORIZING CITY MANAGER TO SIGN RELEASE. All in favor. Motion passed.

Department Head reports and Committee minutes were included for Council's information. Finance Officer Shirley Ewan clarified, that in the Finance Report that was provided separately, first page, the bond percentage rate should be "5.9 %" and not the 6.9% that was reported.

Councilmember Dahl stated concerns to Supt. of Public Utilities Clint Tinsley on water revenues. Supt. Tinsley stated that his report is conservative and will have to wait for spring for the year to even out.

Mayor Mikesell commented on the overtime in the Fire Department with Councilmember Cooper asking follow up questions. Acting Fire Chief Jerry Weimer explained how he figured out the overtime. Finance Officer Ewan stated that the overtime hours listed on the Livingston Fire/Ambulance reports were exact overtime hours. Acting Fire Chief Weimer stated that the refusals are not listed on his report and that would be what would make up the difference. He will include the refusals in future reports.

A response to Whitney Scofield's letter on the swimming pool was included for Council's information. City Manager Golnar stated that in the first sentence on the second page should have included an extra word to the sentence, "As I had said before, a large scale project like this should require *"involvement"* of multiple entities.....".

The Police Chief contacted the Missouri River Task Force and they would not fund the requested transcriber/recorder for the department. City Manager Golnar has authorize Chief McCann to purchase the transcriber with Drug Forfeiture Funds.

City Manager Golnar has given Council evaluation forms for the City Manager and City Attorney. Discussion was heard on when the evaluations would take place. Mr. Golnar stated he would like the evaluations in ahead of time so that he can tabulate them.

The evaluations will take place either on October 27th during a worksession at 7:00 p.m. or at the October 20th regular meeting. This will be decided at the first meeting in October.

City Manager Golnar summarized on the Community Tele-Management Plan Proposal. Council stated they were not interested in pursuing this further.

Mayor Mikesell has received a cell phone. The City will pay for the base rate and Mayor Mikesell will pay for any charges over the basic sixty minutes which the base rate includes.

City Manager Golnar stated that a more formalized cash flow plan will be developed. Mr. Golnar will be implementing a requirement that expenditures over \$500 are to be pre-authorized by the City Manager during the tight cash flow situation.

Finance Officer Ewan has informed the City Manager that by November 1997, if property taxes have not been received, the City may need to borrow funds to maintain operations of the City. Mr. Golnar's suggestion would be to borrow from the water fund and pay it back at what the City's checking account interest is or whatever interest the

water fund is gaining from its investments at present, which ever is higher. If needed, the City Attorney will draw up a resolution outlining the conditions of the loan.

A September 12, 1997 memo with attached Post Office press release and site drawings for the proposed site of the Post Office Annex were included for Council's review and information. The site selected is located behind the Yellowstone Gateway Mall and Pamida Store. The Post Office will be requesting annexation upon sale of the property. System Development fees were discussed. Councilmember Cooper commented that since the Postal Service does not receive tax payer dollars and operates on fee based charges and runs like a business, the City should receive the Impact Fees and System Development Fees for the services that the it provides.

Councilmember Dahl's concerns were to be sure that the Postal Service adhere to zoning and certain City Ordinance requirements.

City Manager Golnar summarized the events of Loves Lane "Plan-In-Hand" meeting with the Montana Department of Transportation. Mr. Golnar wanted to let the Council know of a fence that separates the proposed Bike Path from the railroad from Roger's Lane to Billman Lane. The fence proposed to be installed is approximately a 4' fence and consists of two horizontal bars. An earlier suggestion was to run the same type of decorative rod iron fence that runs along the railroad tracks behind the Depot Center and Rotary Depot Park. Safety questions were brought up by the State on the rod iron fence with the pointed tops being placed in close proximity to a bike path. Mr. Golnar will check with the architect to the Bike/Pedestrian Path to see if there are any other suggestions and the cost of these alternatives.

Mr. Golnar stated there are approximately 5-6 street lights which are planned to be installed around the intersections of Buttrey's and McDonald's as part of the same project. Mr. Golnar stated if Council would like a different type of street light other than the standard metal pole, then the City would be required to pay the difference. The Department of Transportation will pay the street light bill in this area.

A letter was received from Gloria Fournier dated August 26, 1997 identifying concerns about the materials used for chip sealing. Mr. Golnar has been in contact with Ms. Fournier several time. Councilmember Dahl commented in follow up to the importance of noticing for chip sealing.

Several thank you letters were received commenting on the service they received from the Ambulance Service.

Two notes were received commenting on the levee.

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

- Sept. 15th, 7:30 p.m. - Council Meeting
- Sept. 17th, 7:00 p.m. - Sister Cities Meeting - Winans School
- Sept. 17th, 9:00 a.m. - LivingSteps Wellness Center Meeting
- Sept. 24th & 25th - City Manager Tentative Attendance at Montana Employee Relations Dispute Resolution Conference
- Sept. 25th, 11:30 a.m. - Englewood Development Company - Affordable Housing
- Sept. 27th - Livingston's 6th Annual Oktoberfest
- Oct. 6th, 5:00 p.m. - Firefighter's Pancake Supper - Fire Prevention Week
- Oct. 6th, 7:30 p.m. - City Council Meeting

Oct. 7th, 10:00 a.m. - Quarterly Environmental Meeting - Helena
 Oct. 8th - 10th - MT League of Cities & Towns Annual Conference - Helena
 Oct. 9th - 10:00 a.m. - 2nd & Park Street Plan-in-Hand Meeting - City/County
 Building - West Room
 Oct 13th - Columbus Day Holiday - City Offices Closed

Council questioned the City Manager for a date on the next City/County meeting. Mr. Golnar set the first Wednesday, October 1st at 4:30 p.m. for this meeting.

Mayor Mikesell reminded everyone that on October 6, 1997 is the Fireman's Pancake Dinner and this is a very good event.

Motion was made by Dahl, second by Cooper, to waive the open container law for the Oktoberfest which will be September 27, 1997 in the barricaded Oktoberfest area for the hours of 10:00 a.m. until 10:00 p.m. All in favor. Motion passed. A letter will also be prepared for Council's signature.

A letter dated September 3, 1997 was received from the Chamber of Commerce identifying that the Chamber does not have manpower or time available to continue managing the Christmas lights during the holidays. Chamber Director Patty Kiderlen addressed Council with her request that the City assume this project. Ms. Kiderlen stated that the Chamber would write a grant to the Community Trust to pay for new intersection lights.

Discussion and comments were heard from Staff and Council. Staff stated that they do not have the manpower or the time to take on this project. Council suggested other entities that the Chamber may want to contact for their support. Council also suggested that the Livingston Enterprise write an article to the public looking for support of this project.

No action was taken.

Motion was made by Dahl, second by McGee, to approve HRDC/CDBG Drawdown #11 for the amount of \$22,538.77. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve the CDBG Budget Amendment contract number MT-CDBG-95HR-15, the budget amendment to be \$5,745 from the construction line item to the engineering line item. All in favor. Motion passed.

A letter was received from the Southwest Chemical Dependency dated August 28, 1997. They are requesting the allocation of some or all of the beer tax revenues that the City might stand to gain this fiscal year due to a change in recent legislation. Mr. Golnar's recommendation was not to act of this request at this time as the money has not been received.

No action was taken.

A rental property management information packet for the East Side School was included in the packet for Council's information.

Motion was made by Dahl, second by Cooper, to approve the RFP for leasing of the East Side School.

Councilmember Dahl stated she would like to see an advertising budget. Ms. Dahl also would like property management looked further into to see how it works. Discussion was heard from other members of Council.

Councilmember Williams mentioned that if the City was to use the lease agreement that is listed in the packet, she would like to see a change on page 3 of the agreement, section 14; Subletting, other than to the distributor of the "picture"... "Picture" would need to be omitted.

City Manager Golnar will get back to Council on some of their questions and concerns.

Mr. Golnar confirmed to Ms. Cooper that he would list the notice for the RFP's in the real estate/commercial section of the newspaper and not in the legal section. Councilmember Cooper stated she would like the Manager to keep costs down.

All in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to authorize the City Attorney to prepare a resolution of intent to annex the property upon which J & L Country Store is located subject to the conditions identified in the September 11, 1997 DRC memo.

City Manager Golnar clarified that this would be the first reading of an ordinance. Councilmember Cooper changed the wording in her motion from resolution to ordinance.

Discussion was heard concerning grandfathering of the proposed property. Councilmember Dahl stated her concerns of vehicles driving over the curb adjacent to Centennial Drive. Supt. Tinsley stated Centennial Drive is a private drive owned by Centennial Subdivision and they will not want a curb cut at that location.

All in favor. Motion passed.

Motion was made by Cooper, second by Dahl, to approve the proposal from the Montana Boot Company to install their sign on their new location on Main Street.

All in favor. Motion passed.

Councilmember Cooper commented on the amount of correspondence that Council receives in their mail boxes in the City Office which is also duplicated in the Council packet. Ms. Cooper's request was that they not receive the same paper work twice.

Councilmember Cooper reported to other members of Council, that she provided the City Manager earlier in the day from the Helena paper, an article that imposed a tree/boulevard special improvement district in all of Helena, with an average price per home owner was \$10 per year. This district was imposed to look into improving tree health and the planting of more trees.

Councilmember Williams commented on the recycling containers behind the Forest Service building and that another location within the City was needed for the recycling containers. Mrs. Williams was wondering why the Pamida parking lot was not being pursued. City Manager Golnar stated he would coordinate with the County. Councilmember Dahl also suggested to Mr. Golnar that he talk with Commissioner Gutebier if there would be money in the budget for possible signage.

Councilmember McGee commented on the height of the weeds and bushes along the railroad tracks. Acting Fire Chief Jerry Weimer stated the railroad is going to start

cutting weeds soon. (Added at 10/6/97 meeting) Finance Officer Ewan stated she noticed someone cutting them today.

Councilmember McGee commented on curb cuts that are not currently being used. Mrs. McGee stated there is one on Lewis Street across from the Holbrook Church and if someone parked in this location, would they get a ticket.

Mayor Mikesell commented that there were several around town.

Mayor Mikesell reported to Council that Gloria Fournier came into the City Office to visit with the City Manager and himself concerning the fire hydrant on the corner of Callender and 3rd Streets next to the Ebert Apartments. This fire hydrant is leaning over and the Water Department has to replace it. There is talk about cutting down the big tree that is next to the hydrant. Mayor Mikesell stated he would like every way possible to see the tree stay.

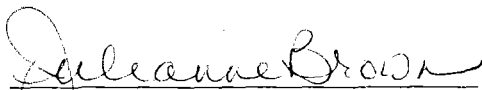
Supt. Tinsley stated he has already decided this. He will go across the street to install the fire hydrant. Discussion was heard concerning the replacing of the fire hydrant. Mayor Mikesell and staff were in agreement that the car that hit the fire hydrant will have to pay for the labor and replacement of the hydrant, but not the cost of moving they hydrant in another location to save the tree.


Motion was made by Cooper, second by Dahl, to adjourn this meeting there being not further business. Motion passed.

The time was 10:00 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING
October 6, 1997
7:30 p.m.

The Livingston City Council met in regular session on Monday, October 6, 1997 at 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Bernice McGee, Caron Cooper and Barb Williams with Mayor Pat Mikesell presiding. Councilmember Sheryl Dahl was absent.

Motion was made by Cooper, second by Williams, to approve the minutes of September 15, 1997 regular Council meeting. Councilmember Williams made a change to page 7, first paragraph, second sentence, "...the railroad is going to start "cutting weeds" soon."

Motion passed as changed.

Motion was made by Williams, second by Cooper, to accept the bills and claims that listed for \$120,460.58. Councilmember Cooper questioned the following claims: page 9, item #957215 to the City of Livingston for the restitution of a police car. Finance Officer Shirley Ewan stated this was court awarded and will go into the Police Department's restricted reserves.

Page 10, item #957364 to the Dept. of Environmental Quality for application fees. Finance Officer Ewan stated this was for an operator's certificate.

Page 16, item #957304 to Ron Nelson for tree removal (power lines). Supt. of Public Services Ken Kastelitz clarified the removal of the tree and why Mr. Nelson was hired.

All in favor. Motion passed.

Mayor Mikesell proclaimed October 6-14, 1997 as Fire Prevention Week in the City of Livingston.

A public hearing was held on Resolution No. 2841, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR THE AMBULANCE SPECIAL REVENUE FUND #2230 FOR FISCAL YEAR 1996-1997 BY INCREASING SAID FUND IN THE AMOUNT OF \$8,347.20.

No public comments were heard. City Manager Steve Golnar made a correction to the third whereas, it should read "October 6, 1997".

Councilmember Cooper questioned how many Council votes it takes to amend the budget, with Mr. Golnar responding that under the new law, it only takes a majority vote to amend the budget. Motion was made by Williams, second by Cooper, to approve Resolution No. 2841. All in favor. Motion passed.

City Planner Jim Woodhull gave background information on a variance request from Mr. Ed Kinnick at 507 E. Gallatin Street. Mr. Kinnick is requesting a variance from the five foot side setback requirements for R11 zoning districts as he wishes to utilize a single lot which he owns to build a garage with no side setback on either side. The lot is across the alley from his residence. The Board of Adjustment is recommending approval of this variance request.

Motion was made by Cooper, second by McGee, to approve the Kinnick variance request. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2840, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR A PUBLIC HEARING ON AMENDING THE BUDGET FOR FISCAL YEAR 1996-1997 BY INCREASING SALARIES NECESSITATED BY COLLECTIVE BARGAINING. An amendment to the motion was made by Williams, second by Cooper, to amend a salary on page 34, Mayor, should be \$2,400. All in favor of the amendment. Amendment passed.

Councilmember Cooper questioned which salaries were not reflected in the 1996-97 budget. Finance Officer Ewan stated all the Unions and that the same steps will need to be taken to amend the 1997-98 budget.

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

Motion was made by Williams, second by McGee, to approve Resolution No. 2842, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, EXTENDING LEASE OF EAST SIDE SCHOOL BY DOUBLE DIVIDE, INC. "THE HORSE WHISPERER." City Manager Golnar reported that Double Divide has requested a month to month extension, possibly up to December. Mr. Golnar also reported on the advertisement of lease or property management for the East Side School as was listed in the packet.

Concerns were heard on item number three of the Addendum to East Side School Lease. Discussion was heard.

Motion was made by Cooper, second by Williams, to amend exhibit A to Resolution No. 2842 so that under the recitals, item three (3), a new sentence is added: "In the event that this building is unoccupied, the tenants still retain full responsibility of the building and its contents." All in favor of the amendment. Amendment passed.

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

Motion was made by Williams, second by Cooper, to approve Resolution No. 2843, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH SIMMONS AND COMPANY FOR NON-AUDITING ACCOUNTING AND MANAGEMENT ADVISORY SERVICES. All in favor. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2845, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING BY PETITION LOTS 15A AND 15B OF CERTIFICATE OF SURVEY NO. 170A WHICH IS LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 9 EAST. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2846, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING BY PETITION TRACT NO. 1 OF PLAT NO. 424 LOCATED IN THE SOUTHEAST ONE-QUARTER SOUTHEAST ONE-QUARTER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 9 EAST. The annexation is of the J & L Country Store. All in favor. Motion passed.

Motion was made by Williams, second by McGee, to approve Resolution No. 2847, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO CONTRACT FOR SEEDING OF LEVEE. The blanks in Section 14 of the agreement are to be dated; commence on or before the 15th of October, 1997 and completed on or before November 1, 1997.

All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2848, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO SUBLEASE OF RADIO TOWER SITE ON LANE RANCH. Section 1 of the Sub Lease shall be in the sum of \$50 per year.

All in favor. Motion passed.

City Manager Steve Golnar explained why Resolution No. 2844 was not addressed at this meeting. The City was informed today that the mill figures were not correct from the Assessor's Office and will need to be re-computed as each mill will be \$9 lower. The price of a new mill is \$9,202. The resolution will be revised and come before Council at their next meeting.

Bill Mosser addressed Council with his concerns on traffic in the City of Livingston.

City Manager Golnar reported that the City/County Airport Board approved a lease with TimeMasters. Included in the packet was a letter dated October 1, 1997 from Vice Chairman John Stillman along with the final lease document.

Confirmation of the speed zone comments for U.S. 89 South and Old U.S. 10 West from the City were received by the Department of Transportation per letter dated September 15, 1997.

Loves Lane Plan-In-Hand Report comments requested by October 10, 1997. City Manager Golnar will be commenting in coordination with City staff and the City's consultants with the Bike Path.

2nd and Park Streets Plan-In-Hand meeting for the intersection light is scheduled for Thursday, October 9, 1997 at 10:00 a.m. in the West Room at the City/County Building.

Wendy Wood has been appointed as a full time dispatcher effective September 16, 1997.

The Building Inspector position was offered to Mr. J. Taylor Pierson of Livingston.

City Manager Golnar stated he expects to have a Fire Chief recommendation for Council's consent at the November 3, 1997 meeting.

City Manager Golnar reported that the audit of HRDC Affordable Housing Project was positive. Included was a summary dated September 18, 1997.

Included in the packet was a schedule for the Naganohara Cultural Business Exchange. A draft letter from Mayor Mikesell to Mayor Tamura was also included in the Council packet.

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

- Oct 6, 5:00 p.m. - Firefighter's Pancake Supper and Fire Prevention Week Kick-Off
- Oct 6, 7:30 p.m. - City Council Meeting
- Oct 8-10, Montana League of Cities and Towns Annual Conference - Helena - Manager to attend.
- Oct 9, 10:00 a.m. - 2nd and Park Streets Plan-In-Hand Meeting - West Room City County Building (Manager will also attend this)
- Oct 13, Columbus Day Holiday - City Offices Closed
- Oct 15, 7:00 p.m. - Sister City Meeting - Winans School
- Oct 20, 7:30 p.m. - City Council Meeting

City Manager Golnar stated he will be attending the League of Cities and Towns Meeting in Helena and proposes to change the City/County meeting from October 8th to October 15th.

City Manager Golnar will schedule the City Manager and City Attorney's evaluation for the October 20th regular City Council meeting in executive session.

City Manager Golnar reported that he is still working on reviewing the figures to determine if the City's involvement in the ambulance transfers from Big Timber is merited.

City Manager Golnar stated that he will not be able to get together with the City Judge and the Finance Officer until the week of October 13th to discuss the City Court Clerk moving to $\frac{3}{4}$ time for the Judge.

Discussion was heard from the City Manager and Council about Police overtime (7k) concerns. Mr. Golnar has met with the Police Union representatives twice since the conclusion of the collective bargaining agreement. The Union has identified some concern over the implementation of the 7K exemption for Police Officers under the Fair Labor Standards Act which was agreed to in the contract.

Mr. Golnar explained how the 7k exemption worked.

Police Chief McCann gave Council an example of the problems the officers are having. More discussion was heard, with the Mayor and Council stating they would like a resolution before them at the next meeting along with more information of the officers concerns.

City Manager Golnar reported to Council that the Levee Status Report has not been completed at this time. Mr. Golnar did respond to Councilmember Cooper that he has checked into questions she has asked.

Motion was made by Williams, second by Cooper, to accept the LRC/CDBG final Drawdown #15 in the amount of \$6,067.00. City Manager Golnar reported that the amount of money left in the \$500,000 grant is \$1,896.

All in favor. Motion passed.

Council addressed a request from the Livingston Area Chamber of Commerce. No representatives from the Chamber were present. The Chamber requested permission to have the street lights shut off on Main Street from the 200 block of South Main to and including the 100 block of North Main Street for a Torch Light Parade on Friday, November 28th from 6:00 p.m. to 8:00 p.m.

Police Chief Steve McCann and Supt. of Public Services Ken Kastelitz voiced their concerns about unlit intersections and the blocking off of too many intersections at one time.

Motion was made by Williams, second by McGee, to table the Chamber of Commerce request to shut off the street lights for the Torch Light Parade the day after Thanksgiving. Motion passed.

Veronica Turley, a member of the Livingston Junior Chamber of Commerce was present to request Council's support of the 1997 Children's Halloween Parade on October 31, 1997. They were requesting closure of a section of Main Street or the barricading off of an area for the parade to proceed through.

Discussion and concerns were heard from staff and Council. Police Chief McCann reported on the problems at last year's parade. He would like the parade to be no more than two blocks long.

Mrs. Turley is to keep in contact with the Police as they will be the escort for the parade.

A request was received from Jim Snyder, architect for the Habitat for Humanity Housing Project for the City to waive or pay the building permit fees. Finance Officer Shirley Ewan indicated that she had looked into the paying of the building permit from the proceeds that have accumulated from loan repayments on the CDBG housing rehabilitation project from 1992 and that CDBG rules would allow this.

Motion was made by Williams, second by McGee, to use \$975 of the Community Development Block Grant Housing Funds that were recaptured from the project to go toward payment of the Habitat for Humanity Housing building permit.

All in favor. Motion passed.

Councilmember Cooper thanked the Fire Department and crew for the wonderful pancake dinner they held earlier in the evening.

Councilmember McGee hoped that all the people going to Naganohara have a good time and come home safely. Mrs. McGee stated she was sorry that Council could not find it in their hearts to pay Barb Williams' way as she is representing the City of Livingston.

Mayor Mikesell thanked City staff for their work with the 1997 Oktoberfest.

Mayor Mikesell stated that it has been brought to his attention by two separate people concerning propane in the City limits. He would like the two Chief's and any other members of City staff that may have comments about propane bottles being used or sold in the City limits write them down for the next Council meeting.

Dennis Turley addressed Council concerning a parade permit for the Halloween parade. He was informed that none was needed.

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

The time was 8:40 p.m.

ATTEST:

APPROVED:

Silvianne Brown
RECORDING SECRETARY

Pat Mitchell
MAYOR

LIVINGSTON
CITY COUNCIL MEETING
October 20, 1997
7:30 p.m.

The Livingston City Council met in regular session on Monday, October 20, 1997 at 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 Dahl, to approve the minutes of October 6, 1997 regular City Council meeting. Motion passed.

Netzy Durfey addressed Council on behalf of the Habitat for Humanity Board of Directors to extend a sincere thank you to the Mayor and City Council for their cooperation in Habitat's efforts for provide affordable housing to Park County families. Ms. Durfey gave Council two letters of thank you and treats.

Motion was made by Dahl, second by Williams, to accept the bills and claims that listed for \$30,915.59. Councilmember Williams brought to staff's attention, page 11, item #957432, that the sewer account was overdrawn. Supt. of Public Utilities Clint Tinsley explained that this was an unforeseen expense for a sewer problem and also item #957428 to Montana Rail Link for a sewer pipeline lease.

Councilmember Cooper questioned the following claims: page 13, item #957452 to Rocky Mountain Printing for door hangers. Supt. Tinsley stated these are heavy papered door hangers for delinquent notices.

Page 14, item #957456 to Sundling Sand & Gravel. Supt. Tinsley stated that this material has already gone out for bid.

Motion passed.

Mayor Mikesell proclaimed October 15, 1997 as ESOP Association's National "Sharing the Wealth" Campaign in the City of Livingston, Montana.

A public hearing was held on Resolution No. 2853, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 1996-1997 BY INCREASING SALARIES NECESSITATED BY COLLECTIVE BARGAINING.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2853. No public comments were heard.

All in favor. Motion passed.

City Planner Jim Woodhull gave background information on a variance request by Jack Bauer, 615 Robin Lane from the fifteen foot side setback requirement for RI zoning districts. Mr. Bauer wishes to add a covered parking area onto his house that would extend all the way to the side property line. The existing house is only 10 ½ feet from the side property line. The Board of Adjustment is recommending approval of this variance request.

Councilmember Williams stated her concerns with this variance. City Planner Woodhull answered additional questions for Mrs. Williams.

Mr. Bauer addressed Council with his comments and stated that he has talked with his neighbors who have no objections for the covered parking area.

Councilmember Cooper asked for additional clarification to Planner Woodhull. Motion was made by Dahl, second by Cooper, to approve the Bauer variance request. (Corrected at the 11/3/97 meeting)

Roll call vote was three in favor, Williams opposed. Motion passed.

Motion was made by Dahl, second by Cooper, to approve Resolution No. 2844, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, FINALIZING BUDGET FOR FISCAL YEAR JULY 1, 1997, THROUGH JUNE 30, 1998 REFLECTING THE CERTIFIED MILL LEVY, STATE MANDATED RESERVES AND THE PURCHASE OF ADDITIONAL EQUIPMENT FOR THE FIRE TRUCK. City Manager Steve Golnar reported that this is a revised resolution with updated mill levy figure inserted and budgets have been revised accordingly.

Councilmember Cooper questioned page 30, item 1, the last account. Finance Officer Shirley Ewan stated that since all of the Unions have not settled, money needed to be expensed within the budget for when the Unions have settled. Ms. Ewan stated that this money will not be expended for any other purpose until settlement is achieved.

All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2849, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN ACCEPTANCE OF BOARD OF CRIME CONTROL GRANT TO LIVINGSTON POLICE DEPARTMENT. Councilmember Cooper stated it was great that the Police Department was receiving grant money for equipment. Ms. Cooper questioned the Police Chief on how many computers that the department currently has, and how many does he feel they need in the coming year or two. Police Chief Steve McCann stated that the department has three at this time, with this computer making four, and this should be adequate for the present time.

All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2850, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING BUDGET LINE ITEM TRANSFERS FOR 1ST QUARTER FISCAL YEAR 1997-1998. All in favor. Motion passed.

Motion was made by Dahl, second by Cooper, to approve Resolution No. 2851, A RESOLUTION OF THE CITY COUNCIL OF THE OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING APRIL THROUGH JUNE, 1997, BUDGET LINE ITEM TRANSFERS AND ADJUSTMENTS FOR THE FISCAL YEAR 1996-1997 BUDGET FOR THE CITY OF LIVINGSTON. Councilmember Cooper commented on page 66, account #1000.141.420401.201 for \$9,895.13. Ms. Cooper believed that this extension was incorrect. Finance Officer Ewan stated that the extension should be 120.

An amendment to the motion was made by Cooper, second by Williams, to amend Resolution No. 2851 to show that account #1000.141.420401.201 should read the extension "120". All in favor of the amendment. Amendment passed.

All in favor of the motion was amended. Motion passed as amended.

Motion was made by Dahl, second by Cooper, to approve Resolution No. 2852, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING AMENDMENT TO COLLECTIVE BARGAINING AGREEMENT WITH POLICE DEPARTMENT. Councilmember Williams stated she did have a problem with this agreement as the Union did sign the Union agreement with this item in it. Mrs. Williams asked how many situations have arisen since 7/1/97 that were similar to those mentioned in a memo from Glen Farrell representative to the Police Union. Mrs. Williams stated it was very little time that was being asking for through the existing overtime contract provisions and wished that the Police Association would agree to follow the contract as it would show good faith. Mrs. Williams pointed out that each patrolman was given a \$50 a month raise.

City Manager Steve Golnar summarized the proposed changes to the contract of including sick and vacation leave into "hours worked" for purposes of computing overtime.

Mr. Farrell addressed Council on how the 7(k) program within the contract did not work for the officers. Discussion was heard between Council, staff and Mr. Farrell.

Councilmember Cooper questioned what the estimate of financial impact the change might be. Mr. Golnar stated he did not have the answer with him, but would need to go back to his notes.

Mr. Golnar stated that the practice of including sick and vacation hours into "time worked" for purposes of computing overtime after 43 hours per week will be re-evaluated next year during Union negotiations. Mr. Farrell thanked Council for taking their time on this issue.

All in favor. Motion passed.

The following Department Head Monthly Reports and Committee Minutes were included for Council's information.

- Finance Report, September 1997 to be provided separately
- Acting Fire Chief Monthly Report, September 1997
- City Court Monthly Report, September 1997
- Livingston Fire/Ambulance Monthly Report, September 1997
- Police Chief Monthly Report, August 1997
- Police Chief Monthly Report, September 1997
- Incoming Water & Sewer Revenues, September 1997
- Recreation Monthly Report, September 1997
- Library Board Minutes, August 28, 1997
- Library Directors Report, August 1997

Councilmember Cooper questioned the Fire/Ambulance report on holiday pay. It was explained that overtime pay was paid to the Firemen who were on duty the twenty four hour shift that went into the holiday and they received overtime pay from midnight to 8:00 a.m.

City Manager Golnar reported there was a report included in the packet on cell phone use. Councilmember Williams stated she read the report and it seemed logical to her and was the Fire Chief's duty to check on.

Mayor Mikesell stated he has told Acting Fire Chief Weimer to rotate the ambulances to keep the cell use down, plus keep wear and tear down on one outfit.

Councilmember Dahl questioned 911 training for the dispatchers. Police Chief McCann stated that there was not enough interest in the State to hold a dispatcher training session and the dispatchers would probably have to go out of the State to receive the training. Concerns were heard from Council and staff.

Ms. Dahl directed City Manager Golnar to find a way to have both entities (Fire & Dispatch) work together so that they can be more effective. Mr. Golnar responded that what is happening right now is because we do not have dispatchers who are trained to a level where they can provide all the information needed by EMT's to assess the situation.

Mr. Golnar stated that staff will try to work on getting a training course line up again.

Acting Fire Chief Jerry Weimer stated that the two entities (Fire & Dispatch) are working together and do have a good repertoire with each other.

Mr. Golnar commented on the rotation of the ambulance and has talked to Acting Fire Chief Weimer about the way that the ambulances are used.

Supt. of Public Utilities Tinsley commented on his report about the water usage and revenues.

City Manager Golnar reported that Double Divide, Inc. contacted him on October 15th requesting the lease be terminated by October 31st instead of pursuing the lease extension. The sub-lease extending the lease has not been signed by the City because of the requested change in wording. Mr. Golnar requested to Double Divide that they pay the lease for a thirty day period from the date of notification.

Mr. Golnar stated that he is coordinating with Double Divide to ensure an archive and storage room for City use. The City will be winterizing the building.

Councilmember Williams stated that Double Divide would like their deposit back before Friday, October 24th, but it is not normal to give a deposit back until after the people have moved out. Mrs. Williams suggested that the building is inspected after they leave before the damage deposit is refunded.

City Manager Golnar updated Council on the status of the levee. The landscaping company will be holding off until next week for the seeding of the levee. Mr. Golnar stated he talked with rancher Tom Lane about harrowing of the levee, but Mr. Lane is too busy at this time. Mr. Golnar stated he will look further into a solution to harrow the levee before it is seeded.

Included in the packet was a summary of Presidential Disaster Assistance requested, and for what funding will be received. A summary of what the State has recommended funding for was included in the addendum. The total is \$107,000. Included in this funding is assistance that the school requested also.

Mr. Golnar stated he will look into verifying funding to clarify if all bills have been included in the damage survey reports.

City Manager Golnar reported that the PL 84-99 Inspection of the Livingston Levee has been delayed until after the Montana Department of Transportation finishes surveying the river cross sections which is estimated to be November or December 1997.

Mr. Golnar talked about the 205 Program, which is the long term Corp of Engineers Engineering Analysis for structural and non structural solutions to flood plain

management. Mr. Golnar was asked by the Corp of Engineers to send a letter confirming that the City is interested in the 205 Study funding assistance and that the City is with the understanding that if the City did get this assistance, matching funds would be required from the City after the first \$100,000.

Councilmember Cooper questioned if the City was committed to providing this match by requesting the 205 Study assistance. Mr. Golnar stated no, that the City was not committed until the funding was accepted to proceed with the a 205 Project.

Councilmember Dahl questioned what the average cost of the study would be. Mr. Golnar stated that it was suggested that \$150,000 be reserved for the study. There is no answer to what an actual study will cost as they vary.

Ms. Cooper questioned if the Corp could show the City of Livingston a study that they have done on another community so that we understand more of what the study does.

Discussion was heard from members of Council, with Mr. Golnar stating that all he is looking for right now is some type of appropriation so that there is money set aside for the project. Mr. Golnar will write a letter.

Comments from Acting Fire Chief Weimer regarding propane in the City limits were included in the packet. There is new technology on storing propane. Chief Weimer gave background information on this subject.

A couple businesses that are not in the City limits and sell propane and were curious if they still be able to sell propane in the City limits if they are annexed or due the fact that they are so close to the City limits. Acting Chief Weimer stated that if Council changed the ordinance to updated technologies, like what was done with the diesel tank for the school, then the City would be able to deal with propane sales on an individual basis and the Fire Department would have a handle on where the propane would be going in. Mayor Mikesell agreed with this.

City Attorney Bruce Becker was asked to look further into this with Acting Chief Weimer.

City Manager Golnar reported that he intended to have a letter to the City Judge referencing the $\frac{3}{4}$ time Court Clerk request. Mr. Golnar summarized what was discussed during a meeting between the Judge, Finance Officer and himself. The City Judge did state he would continue with a $\frac{1}{2}$ time clerk for the rest of this fiscal year, but would be requesting a full time clerk in the next fiscal year. Other issues were discussed and City Manager Golnar will provide this letter to Council when it goes out.

Council stated they would like to see what the City Court Clerks role is in other communities of our size.

J. Taylor Pierson has accepted the job of Building Inspector and will begin on November 3rd. As Mr. Pierson is on the Zoning Board, the position will be re-advertised.

JonEllen Snyder has been hired as part time Dispatcher as of October 16th.

City Manager Golnar reported to Council that he will have a Fire Chief recommendation for Council's consent at the November 3rd meeting.

Included in the packet was a letter dated October 7, 1997 from Big Brothers and Big Sisters of Park County informing the City that they are no longer able to maintain the Park located at Park and 7th Streets. City Manager Golnar stated that the Parks and Maintenance Department will need to do this now.

A Plan-in-Hand meeting for the Park and 2nd Streets traffic light was held on October 9, 1997. A summary of the meeting was included in the packet. The Department of Transportation is working on a proposed plan from the for traffic signalization of that intersection and will schedule a public hearing on the issue.

City Manager Golnar sent comments of the Love's Lane project to the Montana Department of Transportation. The City is still working on obtaining information from landscape architects that are working with the City on the Bike Path project relating to railings and fences.

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

- Oct 20, 7:30 p.m. - Council Meeting
- Oct 22, 7:00 p.m. - Sister Cities Meeting - Winan's School
- Oct 26, Daylight Savings Ends (Fall Back)
- Nov 3, 7:30 p.m. - City Council Meeting
- Nov 4, Election Day (Local Election - City Offices will be open)
- Nov 11, Veteran's Day - City Offices will be closed

City Manager Golnar reported that there was no City/County meeting during the last week due to three Councilmembers who were not in town. The meeting will be rescheduled for the first Wednesday of November.

Included in the packet for Council's information was an application for Transfer of Ownership of MT Retail On-Premise Consumption Beer/Wine License No. 49-047-5523-301, THE SPORT RESTAURANT, (formerly Clint's Family Restaurant), Livingston, Park County.

The Park County Environmental Coalition (PCEC) expressed concern over delay in completing and presenting feasibility study and proposed plan for the Livingston BN Railyard site. City Manager Golnar stated that he has received word from the State today relating to the BN Cleanup and has not had a chance to read it.

City Manager Golnar stated he will be following up on two letters he has received from County Commissions in Wyoming talking about Yellowstone National Park Winter Visitor's Use Management. The Wyoming Commissioners have sent gateway communities to Yellowstone copies of these letters relating to snowmobile and winter use in Yellowstone.

Mayor Mikesell was in favor of the City Manager following up on these letters as we are a tourist community.

Mr. Golnar answered Councilmember Dahl that he was not sure if the Chamber of Commerce was involved with this and that he will follow up with the Chamber on this issue.

Other members of Council stated that they would like copies of the letters for review. After reviewing they will let the City Manager know if they would like him to proceed.

Council requested comment on a memo included in the packet that was dated October 6, 1997 from Supt. of Public Utilities Tinsley to City Manager Golnar regarding culverts & highway crossings for proposed highway project to take effect in 1998 South of Love's Lane.

City Manager Golnar responded that these were attachments that he sent into the Montana Department of Transportation along with his comment letter.

Councilmember Williams commented on the last page of the memo where Supt. Tinsley states he will come up with some costs and get back to the City Manager. Mrs. Williams would like to hear what costs he comes up with and stated that this project makes very good sense to her.

Caron Roberty of HRDC was present to provide information and answer any questions relating to the HRDC plans to contract for installation of asphalt crown the intersection of Highground & Reservoir Streets. City Manager Golnar stated that this will be within the grant amount that the City has for infrastructure on the project.

Councilmember Williams was pleased that this was under budget.

Extensive discussion was heard regarding the Chamber of Commerce request to shut off street lights in the downtown area for a Torch Light Parade on November 28th from 6:00 p.m. to 8:00 p.m. This request was before Council at their last meeting, but no representatives of the Chamber were present.

Jim Durfey was present for discussion. Mr. Durfey stated that they expect approximately 600 people participating in the parade. The main topic of discussion was how and where streets should be barricaded and who would man the barricades.

Motion was made by Dahl, second by Cooper, to allow the Chamber of Commerce to have the Torch Light Parade with certain contingencies, that would be the barricading, overtime costs, clearing of the route, if all of those solutions can be met with Chief McCann, Ken Kastelitz, Chamber and Steve Golnar and be worked out then Council will allow the parade to happen and to shut off the lights.

Council clarified that overtime costs means any city crews needed to clear the route and transport, set up and man barricading. Other suggestions were that the Chamber try to defray costs with donations from people watching the parade and the participants signing a liability form. Council stated they want 100% of overtime coverage at least with the clearing costs. Mayor Mikesell stated that maybe Police Officers or Firefighters would volunteer their time.

Motion passed.

Motion was made by Dahl, second by Williams, to authorize a reserve handicapped parking space for a Library Employee.

Councilmember Cooper questioned if there would be any stipulations on the sign. City Manager Golnar stated that a license number will be placed on the sign and staff will be talking with Library personnel for specifics.

Motion passed.

City Manager Golnar asked for review and comment on the Governor's draft executive order creating the Upper Yellowstone River Task Force and identify possible representatives. A memo from the City Manager dated October 7, 1997 to Mayor, City Council and Park County Commissioners along with a fax from the Governor's office was included for Council's information.

Council stated that they would like to submit the name of Ken Kastelitz to represent the City of Livingston and also would like the local PCEC (Park County Environmental Coalition) as representatives to the task force.

Discussion was heard concerning an October 15, 1997 memo from Barbara Vandervort who manages the Angel Line Van. The Angel Line Board recommends raising the Angel Line Bus Driver's salary to 3%. Barbara Vandervort was present.

City Manager Golnar stated he received a number of questions relating to the employment and budget management relationship between the Angel Line Drivers and the City of Livingston. Are they employees of the City of Livingston? Are their salaries set by the City Council? Or, are their salaries set by the Angel Line Board?

The Angel Line Board has identified what they felt was a reasonable pay level for the drivers and are recommending a change. Included in the packet was a detail summary of the City's relationship with Angel Line dated September 22, 1993. Mr. Golnar stated that the City Attorney has some concerns of that relationship because the City has people on our payroll that are not controlled by the City, but controlled by the Board.

Mr. Golnar stated that the reason he brought this issue up with Council, is that a budget transfer will have to go before Council for the next quarter and that he wanted Council up to date on the situation before he authorizes payroll changes.

City Attorney Becker's concern was potential liability and MMIA has agreed with him. MMIA's suggestion was that the City enter into a Management Agreement with the Senior Citizen Center. Councilmember McGee stated that the Senior Citizen Center has nothing to do with this issue. Other MMIA suggestions included: making the driver's City employees; enter a Management Agreement; or, turn it back to which ever group regulates the drivers.

Mr. Golnar feels that the City has made a commitment to Angel Line in helping them apply for a grant to obtain the Senior Transportation Bus and the City needs to continue that support.

Mr. Golnar stated that he has not been able to be in contact with the County Commissioners on this issue.

Mayor Mikesell stated that the wage increase for the drivers should go before the Angel Line Board and not City Council.

Council would like to hear more from the City Attorney on a few of his concerns. Attorney Becker stated he would try to have a memo for Council by the next meeting. No Council action was taken.

Motion was made by Cooper, second Dahl, to accept donation of fractional lots 15 through 22 in Block 9 of the Palace Addition from David DePuy, Duane Lindeman and Claude Hookham absent any environmental problems. Motion passed.

City Manager Golnar stated that the final inspection of the old East Side School by the Police Chief and himself was scheduled for October 21st. The status of the building will also be reviewed on the 21st.

Mayor Mikesell directed the City Manager to have the building winterized by someone who knows what they are doing so that there are no surprises next spring.

Councilmember Dahl feels that the City should follow the lease agreement that Double Divide has with the City and that the deposit should not be return until they have moved out completely. Council was in agreement.

Councilmember Williams commented on the City Manager and City Attorney's evaluation. Mrs. Williams was told by Mr. Golnar that only Councilmember McGee and herself had turned in the requested evaluation information to the City Manager and felt the other three members of Council should be reprimanded severely for not having their evaluations in.

Councilmember Dahl responded that she has never given or been given an evaluation prior to the evaluation itself. Ms. Dahl stated she is doing the same as last year and presenting the evaluation at the meeting tonight.

Councilmember Williams commented that she had a very good time on the recent Sister City Business/Cultural Exchange in Naganojara, Japan. It was an extremely good learning trip and the Sister City relationship is really strong in Japan and wishes that everyone could be a part of this relationship.

Councilmember Cooper stated she had a number of questions on the FEMA figures but will visit with the City Manager at another time.

Mayor Mikesell stated that the meeting would go into executive session that the merits of individual privacy exceed the merits of public disclosure for evaluation of the City Manager and City Attorney. The time was 10:10 p.m.


Mayor Mikesell called the meeting back into regular session at 11:30 p.m.

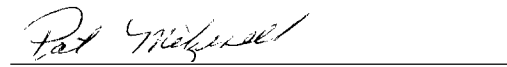
Motion was made by Cooper, second by Dahl, to adjourn this meeting there being no further business. Motion passed.

The time was 11:30 p.m.

ATTEST:

APPROVED:


RECORDING SECRETARY


MAYOR

LIVINGSTON
CITY COUNCIL MEETING
November 3, 1997
7:30 p.m.

The Livingston City Council met in regular session Monday, November 3, 1997, 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 October 20, 1997 regular Council meeting. Councilmember Dahl made a correction to page two, first paragraph, to add "Motion was made by Dahl, second by Cooper, to approve the Bauer variance request."

Motion passed as corrected.

Motion was made by Dahl, second by Williams, to accept the bills and claims that listed for \$90,519.46. Motion passed.

Mayor Mikesell proclaimed November 8th as the annual sale of Buddy Poppies by the Veterans of Foreign Wars of the United States.

Public comment was heard from the following individuals regarding the hiring of a Fire Chief outside of the Fire Department: Bob Hampson, Doug Lobaugh spokes person for the Livingston Fire Department, Sandy Seely presented a petition to City Council with 429 signatures in favor of Jerry Weimer, Ramona Vik, Harvey Mayer, Ken Gray, Barbara Dean, Bill Hughes, Sandy Prom, Rachella Devine, Ed Clark, Donna Armentaro, Peg Jacobsen, Fred Hall, Jerry Weimer, Bob Skillman, Gay Barlette, Jay Keifer, Joe Copenhaver, Don Devine, David Kinslow, Jack Yardley, Della Tucker, Lenny Gregory, Bill Spannring, Warren Case, Lee Harris, Pat Wagman and Les Williams.

Other written comments received in the City Office were from Larry Blakely, Lani Hartung, the physicians of Livingston Memorial Hospital and Jo Ann & Russ Ferguson.

City Manager Golnar read the following statement on the Fire Chief Position Description and Selection Process:

"As you are aware, I had some concerns about appointing a Fire Chief candidate strictly based on seniority as early as January of 1997. As a result, I appointed an acting chief while I reviewed the position description, qualifications and experiences that we expect in a Fire Chief. This review included the State Fire Marshal's office, the State of Montana

Fire Training School, various City Managers and Fire Chiefs in Montana, in addition to the Acting Fire Chief.

After reviewing what was described by the original position description, versus what the ideal responsibilities and qualifications for a Fire Chief responsible for Fire and Ambulance services with 15 full time employees and 10 volunteers, and a budget of \$729,000, I decided that the position description that we had, only required technical certifications as a Firefighter and an EMT, but no management, budgetary, or department head level skills. I revised the Fire Chief position description to reflect the skills desired for the position.

I recommended that the search for Fire Chief be opened up so that we could seek the best candidate with the best skills (including management, fire and emergency medical skills to fill the job). I suggested this approach as opposed to the long standing tradition of promoting the individual with the greatest amount of longevity in the Fire Department to the role of Fire Chief. The City Council endorsed this approach and asked for me to develop a budget, time line and Fire Chief Selection Committee for their information prior to my proceeding. I developed these and identified my recommended Selection Committee which included the following representatives:

The Director of State of Montana Fire Training School
The Fire Chief of Billings
A representative of the Fire Association
A representative of the Hospital Board, and a Fiscal
Conservative
The City Manager

The Council confirmed the selection of this committee and had no additions or deletions.

The position was advertised in the Livingston Enterprise, Jobs Available, through Job Service, and through the State Fire Training School. 37 applicants were received. The Selection Committee, after an orientation by the City Manager, reviewed resumes and reduced the candidates to a short list of 9. The City Manager took these applications and performed an oral interview with each candidate for about one hour over the phone and then checked up on references and concerns and narrowed the list to 6 who were then contracted for interviews.

The Committee only interviewed 4 applicants. It was the unanimous conclusion of the entire committee that Robert Schmidt be

nominated for Fire chief. I agree with this recommendation. I believe that this appointment will enhance our Fire Department and City.”

Motion was made by Williams, second by McGee, to approve Resolution No. 2854, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, CONSENTING TO THE NOMINATION OF AND AUTHORIZING CITY MANAGER TO MAKE CONDITIONAL OFFER OF EMPLOYMENT TO ROBERT SCHMIDT FOR THE POSITION OF FIRE CHIEF OF THE LIVINGSTON FIRE DEPARTMENT. Councilmembers Williams, Cooper, McGee and Mayor Mikesell gave their opinions of going out of the department for a new Fire Chief.

Councilmember Dahl questioned the two month severance pay within the six months probation period and up to two years. City Manager stated that was the way it was proposed at this time.

Ms. Dahl also questioned the job requirements that were received from the City Manager and went on to say she was the only member that supported hiring within the ranks of the department.

Butch Weeden, Director of the State Fire Training School, answered a question for City Manager Golnar.

City Manager Golnar explained the time he spent on the search for a Fire Chief and where he advertised. All costs have not be compiled at this time.

Councilmember Cooper stated that she was not comfortable voting to hire someone site unseen.

City Attorney Becker confirmed to Councilmember Dahl, that the letter attached to the resolution, was exhibit A.

An amendment to the motion was made by Dahl, second by Williams, to amend Resolution No. 2854, exhibit A, saying that the severance will be paid after the six month probationary period. All in favor of the amendment. Amendment passed.

Roll call vote on the original motion as amended was McGee and Williams in favor, Dahl and Cooper opposed with Mayor Mikesell casting the deciding vote as in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2855, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, EDORSING THE PARK COUNTY ECONOMIC DEVELOPMENT CORPORATION AS THE CERTIFIED COMMUNITY LEAD ORGANIZATION FOR THE CITY OF LIVINGSTON. City Manager Golnar confirmed for Councilmember Williams, that this was a continuation an existing relationship.

Mr. Golnar confirmed for Councilmember Cooper, that this did not commit the City to any financial obligation.

All in favor. Motion passed.

Mayor Mikesell directed the Recording Secretary to include into the minutes a comment that was said by Lee Harris as he was exiting the room, “Pat, you know

what I said about that box of rocks." Mayor Mikesell wanted this noted so if there were any damages to his house, property, wife or kid, that Mr. Harris is responsible.

City Manager Steve Golnar reported that the movie has vacated the East Side School building as of the first of November. They will continue to use the parking lot and the facility for their security people through the expiration of the lease on November 15th. They have stopped paying the utility bills as of November. The City has had the building winterized by Parisi Plumbing. Mr. Golnar stated he has not inspected the building as of yet, but will be with the Police Chief and have a recommendation at the next Council meeting along with a refund amount for the damage deposit.

City Manager Golnar reported that an arrangement has been worked out with the Chamber of Commerce regarding the Torch Light Parade the day after Thanksgiving. This has been reviewed with the Police Chief, Supt. Of Public Services and Chamber representatives.

The seeding of the levee was accomplished on October 31, 1997. The levee was harrowed in cooperation with City crews and the Park High Agricultural Class.

The handicap parking space at the Library has been installed.

City Manager Golnar's response to the Governor's Office on the Upper Yellowstone River Task Force was included for Council's information.

A letter dated October 23, 1997 from Dan Rostad of Big Timber, MT was received commenting on the traffic flow problem around the hospital. Council requested a report back at the next Council meeting.

The Airport Board signed a contract with TimeMaster's, Inc. on October 28, 1997.

A letter dated October 30, 1997 was received from Dan Yardley, Attorney, summarizing the \$102,590.93 bequeathment from the Bryant Skillman estate. City Manager Golnar stated he would be working with the City Attorney on parameters identifying how this money can be used. Finance Officer Shirley Ewan stated that the money would go into the Park Improvement Fund for now. The money was identified for recreational purposes.

Included in the packet was a letter from TCI summarizing current status of programming changes.

City Manager Golnar reported that US West will be building a communications center in Helena which will employ 250 employees.

The City has received \$107,000 from the State via FEMA for flood reimbursements for requested assistance. The City has received a request from the School Board for some reimbursement as they provided assistance to the City.

The following calendar was included for Council's information:

Nov 3rd, 7:30 p.m. - City Council Meeting
 Nov 4th, Election Day (City Offices will be Opened)
 Nov 5th, 4:30 p.m. - Joint City/County Meeting
 Nov 11th - Veteran's Day (City Offices will be Closed)
 Nov 17th - City Council Meeting
 Nov 19th, 7:00 p.m. - Sister Cities Meeting - Winan's School
 Nov 27th - Thanksgiving Day (City Offices will be Closed)

City Manager Golnar updated Council on the tentative agenda for the joint City/County meeting scheduled for November 5th.

Discussion was heard on item two of the agenda referencing the roads on Rogers Lane. Supt. Of Public Services Ken Kastelitz stated that he works with the County Foreman and they trade off streets for snow removal. Mr. Golnar stated that Commissioner Hunt has stated that the City and the County may want a written understanding on maintenance above and beyond snow removal. Supt. Kastelitz stated he would not be in favor of that.

Councilmember Williams stated she would not be at the joint City/County meeting.

Councilmember Dahl stated that one of her concerns was the perimeter development around Livingston City Limits. It has been said before, that authority has to come from the County for the City to be able to enforce any of its zoning regulations or requirements in the perimeter area outside of City Limits. More discussion was heard. Ms. Dahl would like this researched further so that further discussion with the County could be pursued. Council was interested in finding out further information.

An application for Transfer of Ownership of Montana Retail On-Premise Consumption Beer/Wine License No. 49-047-5618-301, YELLOWSTONE TRUCK STOP, Livingston, Park County was received for Council's information.

Two applications were received to fill the opening to the City Board of Adjustments/ Zoning Commission. They were Susan J. Daniel and Amy Titgemeier.

Motion was made by Dahl, second by Cooper, to approve the Mayor's appointment of Amy Titgemeier to this board. Motion passed.

Motion was made by Dahl, second by McGee, to approve the CDBG/HRDC Drawdown #12 for \$37,984.32. Motion passed.

City Manager Golnar summarized for Council a proposed laundromat by Livingston Inn owned by Bob Wesler. The DRC Committee has reviewed this and recommends approval of the proposed laundromat and the utilities to the laundromat with the stipulation that the new plat is filed by November 3, 1997. The DRC has a signed Letter of Request to Annex, a signed Petition to Withdraw from the Rural Fire District, a signed Waiver of Protest of SID, and a surveyed legal description of the new tract where the laundromat would be. This is the tract to be annexed. Annexation to the remainder of the property will take place at a later date. Supt. Of Public Utilities Clint Tinsley answered Council's questions.

Motion was made by Dahl, second by Williams, to approve annexation and proposed extension of utilities to tract M of the Bob Wesler property. Motion passed.

Councilmember Williams commended Supt. Clint Tinsley for going to bat for the City in connection with the Airport Board saying they may not let the City land apply our sewer sludge on the Airport property. Supt. Tinsley attended the Airport Board meeting and is working with them on this item. Mrs. Williams thanked him and asked him to keep Council informed.

Councilmember Dahl questioned City Manager Golnar what his future procedures were going to be for hiring other department heads. Ms. Dahl asked Mr. Golnar if he was going to set precedence for going outside the departments or decide each department separately.

Ms. Dahl felt it was Council's duty to the department heads to let them know how the hiring process was going to be in future.

City Manager will respond at another time to Ms. Dahl's questions.

Councilmember McGee stated that tonight's decision was the hardest decision that she has ever had to make. Mrs. McGee commented that she has known Jerry since he was a kid, he has done a good job, but she is also thinking about the City, that maybe with some new ideas for our fire department and for them to learn more, it may work out better.

Barbara Dean commented on the ambulance service that was in place in the past. Mrs. Dean also stated that the Council is who purchased the ambulance service.

Greg Kessler advised other Councilmembers to watch their vehicles as his has been vandalized and to keep a close watch on your property.

Mr. Kessler also commented to the Council that they should have been more involved in the hiring process of the new Fire Chief.

Bob Brown addressed Council stating his opinion that they made a terrible mistake tonight in hiring out side of the department. Mr. Brown stated that Jerry Weimer also took the responsibilities of Inspector Trainer when he was the Assistant Fire Chief and also was asked to take on the Building Inspector's position when he was in the acting Fire Chief's position, which save the City money.

Mr. Brown stated that the department will be able to work with the new guy, as they are professionals.

Jerry Weimer addressed Council stating that he was glad all of this was over, that it was a long ten months.

Mr. Weimer hopes that when the time comes to get the public behind our ambulance service, as they have in the past, and that we have not lost the hospital and their donations.

Mr. Weimer stated that the people in the community like him. Mr. Weimer stated that he loved the community, the fire department and it was going to hurt drastically if this all hurts the fire department. Mr. Weimer blames himself for not being good enough in Council's eyes.

Mr. Weimer stated that some positive changes have been implemented into the Fire Department over the past months and that other ideas have been held off to see who may be in the Fire Chief position.

Mr. Weimer stated he was willing to learn the changes necessary to do this Fire Department job.

Bob Weimer commented about when he was on the volunteer Fire Department for many years.

Mr. Weimer stated that the one thing Council did not look at was the cooperation and support from the guys in the department.

Ken Gray addressed Council regarding a comment that was made by Councilmember McGee, that this was one of the worse meetings she ever wanted to attended because she knew what was going to take place, and that every one of the Councilmembers probably felt that way. Mr. Gray stated that he feels, this is the way every single Firefighter is going to feel when the new Fire Chief starts work. Mr. Gray felt Council made the wrong decision tonight.

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

The time was 10:20 p.m.

ATTEST:

APPROVED:

Julianne Brown
RECORDING SECRETARY

Pat Mitchell
MAYOR

LIVINGSTON
CITY COUNCIL MEETING
November 17, 1997
7:30 p.m.

The Livingston City Council met in regular session Monday, November 17, 1997, 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.

City Manager Steve Golnar introduced Taylor Pierson, the new Building Inspector to Council.

Motion was made by Dahl, second by Williams, to approve the minutes of November 3, 1997 regular City Council meeting. Motion passed.

Motion was made by Williams, second Dahl, to accept the bills and claims that listed for \$33,951.84. Councilmember Cooper questioned the following claims: page 12, items #957693 & 957694 to the Livingston Enterprise. Finance Officer Shirley Ewan explained these bills were not received and were outstanding from last fiscal year. Stacy Sunvison has met with the Enterprise to get the bills up to date.

Page 14, item #957728 to Pamida. Supt. Of Public Services Ken Kastelitz stated that these items were for Code Enforcement and the Garbage Trucks.

Councilmember Dahl questioned page 11, item #957683 to Honeywell. Ms. Dahl stated that the Council has discussed looking into the Honeywell contract in the past and requested that the City Manager provide them with an update by the next meeting.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2861, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING BY PETITION TRACT M OF CERTIFICATE OF SURVEY NO. 170A WHICH IS LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 9 EAST. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2862, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE CONDITIONAL OFFER OF EMPLOYMENT TO ROBERT SCHMIDT FOR THE POSITION OF FIRE CHIEF OF THE LIVINGSTON FIRE DEPARTMENT AND AUTHORIZING CITY MANAGER TO SIGN THE AMENDED CONDITIONAL OFFER OF EMPLOYMENT. Councilmember Dahl explained her written request to the City Manager which were included in the packet on pages 31 & 32. Ms. Dahl questioned if the City would like to ratify old or new job descriptions as the City Manager develops them. That Council should give him direction on this.

Ms. Dahl is concerned with the budget on page 41 that included Fire Chief selection costs. Other costs that she would like to see included are travel, meals, and certifications. City Manager Golnar explained cost assessments for the certifications and indicated that he hoped the training could be done in house for both EMT and Firefighter certification. Bill Spanring answered a question for Mr. Golnar.

Mr. Golnar stated that \$2,500 was budgeted for Kevin Harrington for his certifications and he confirmed for Ms. Dahl that \$2,500 would be a high estimate of dollars to be spent for Mr. Schmidt's EMT certification, while he was hoping that the cost would be closer to \$500 using in house trainers. .

Ms. Dahl stated that she felt the City was taking on an expense to hire outside and pay for Mr. Schmidt's re-certifications. Discussion was heard on the costs of hiring an outside Fire Chief with a high figure of it costing as high as \$11,000. Ms. Dahl stated that it was her understanding that when the City budgeted for the expense of hiring a Fire Chief, that the City would not pay any moving costs and feels that Council should hold to their word. Councilmember Williams felt if the new Fire Chief could come in and save the City money with the overtime costs in the Fire and Ambulance Departments, it would be worth it.

Overtime transfers and transfers to Big Timber were discussed.
Roll call vote was Dahl opposed, three in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve first reading of Ordinance No. 1862, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ZONING PROPERTY RECENTLY ANNEXED INTO THE CITY AS HIGHWAY COMMERCIAL. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve first reading of Ordinance No. 1863, A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ZONING PROPERTY RECENTLY ANNEXED INTO THE CITY AS HIGHWAY COMMERCIAL. All in favor. Motion passed.

Doc Hughes addressed City regarding an article in the Livingston Enterprise on November 10th. Mr. Hughes felt that Councilmember Dahl's comment in the article was inappropriate and felt she should resign from her position. Mr. Hughes asked the Council to officially censure Ms. Dahl for her comment. Council did not censure Ms. Dahl.

Councilmember Williams stated that members of Council should not say things that may end up in print.

Councilmember McGee stated she though it was sad when someone makes statements and puts themselves in a position.

Mayor Mikesell commented that he agrees with a lot of what Doc Hughes said and was surprised at what Ms. Dahl said and ashamed of her actions.

Councilmember Dahl had no comment.

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

- Finance Officer Monthly Report, October 1997 (Provided Separately)
- Police Chief Monthly Report, October 1997
- City Court Monthly Report, October 1997
- Fire Ambulance Monthly Report, October 1997
- Recreation Year to Date Report, October 1997
- Acting Fire Chief Monthly Report, October 1997
- Incoming Water & Sewer Monthly Report, October 1997
- Library Minutes & Director's Report, September 1997

Councilmember Williams commented on the Finance Officer's monthly report, the Finance Officer's opening letter that stated Council needs to approve the paying off of a loan to the Perpetual Cemetery in the amount of \$50,000 plus interest with the money we have received from FEMA.

Motion was made by Williams, second by Dahl, to pay the transfer of \$50,000 plus the interest from the FEMA money received back into the Cemetery Perpetual Care Fund. All in favor. Motion passed.

Councilmember Dahl requested a monthly report from the City Attorney.

City Manager Golnar has been informed by the Post Office that they would like to see the Post Office Annex site acquired and the design of the Post Office Annex completed and out to bid prior to initiating work on the remodeling of the downtown Post Office. Their estimate for when the design work will begin is around February 1998.

City Manager Golnar reported that Department Heads looked into the traffic flow problem around the Hospital that was requested by a citizen a couple weeks ago. Supt. Ken Kastelitz, Police Chief Steve McCann and Acting Fire Chief Jerry Weimer reviewed the area. Their conclusion is that there is little that can be done differently in this area. Supt. Kastelitz answered questions for Council.

Other items mentioned in the City Managers Comments for Council's information was:

Collective Bargaining Status - Wednesday, November 19th is scheduled with the Firefighters to continue mediation; The Police Department Employees Association has informed the City Manager that the civilian employees want to separate from the sworn officers for representation purposes; the next meeting with the Public Works Union is in early December.

The City Manager sent a Community Charter letter of support for the Credit Union.

The Outgoing Councilmembers were reminded that their City Code books and comprehensive plans should be returned to the City Office. If the Code Book is not returned, they will be charged \$75.

Bike Path Support - Pam Schoenen, fitness director at the Fire Hall Fitness Center informed the City Manager that the Fitness Center along with the Living Steps Wellness Center will be initiating a fund raiser on February 7th to support the Bike/Pedestrian Path which is in need of some additional local support. Mr. Golnar will provide more information as it develops.

County Responds to Library questions on when election can be held. A response from Park County Attorney Tara DePuy was received.

Doming of the Swimming Pool - The City has received a proposal from Terry Tillett for the possible doming the existing swimming pool. Mr. Tillett has indicated an interest in speaking with Council about this concept at some future meeting. A copy of the proposal can be reviewed in the City Manager's office.

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

Nov 19th, 7:00 p.m. - Sister City Meeting
 Dec 1st, 7:30 p.m. - City Council Meeting
 Dec 8th, 6:30 p.m. - City Council Orientation Session Roles & Responsibilities/Team Building with Ken Weaver
 Dec 10th, 4:30 p.m. - City County Meeting
 Dec 15th, 7:30 p.m. - City Council Meeting
 Dec 17th, 7:00 p.m. - Sister City Meeting

Councilmember Dahl stated that Matt Smith of Smith Studios has invited Council to the Livingston Bar & Grille on Wednesday, November 19th from 5-7 p.m. for a reception with the Museum and Chinese delegates.

Heather Adams and Aleena Pitman of the Park High School TNT Club were present to request that the curfew law be extended on the evening of the Park High Winter Formal, December 6, 1997. Ms. Pitman explained that a post formal party was proposed to start immediately after the dance, starting with a movie at the Theatre and then continue to The Sport Next Door for music, snacks and drinks until 4:00 a.m.

Chaperones will be attending both after midnight events. A sign in and out sheet will be provided for students and they will be hand stamped to show they have been at the event.

Police Chief Steve McCann stated that he has no objections to what the TNT Club was proposing. Chief McCann does not believe that the curfew needs to be waived as it would have to be waived for everyone. As long as the youth are inside at a chaperoned activity, there would be no problem with the curfew. Chief McCann feels the only problem there could be is at 2:00 a.m. when the movie lets out. He feels the students could be allowed approximately 15 minutes to get from the Movie Theatre to the Sport without waiving curfew and

the students participating in the after Formal party will have been hand stamped. After 2:15 a.m., if they are not in the Sport, they would be sited for curfew. The same type thing would apply at 4:00 a.m. when the Sport closes, they would have approximately 15 minutes to go home.

Motion was made by Dahl, second by McGee, to authorize payment to the School District of \$11,250 which represents reimbursement of 75% of the flood related expenses.

City Manager Golnar summarized this reimbursement was from the FEMA money received by the City. Mr. Golnar also answered a question for Councilmember Cooper on page 2, #4 under Sources, of the School District's letter requesting the reimbursement of 75%.

Councilmember Williams questioned if the City should received some reimbursement from the School for the labor of building the levee. Ms. Cooper explained that the City's labor was traffic control as the labor of building the levee was contracted out. Mr. Golnar added more comments.

Councilmember Dahl stated that in the Finance Officer's report, it was said at the end of the report that the City needs a plan. Mr. Dahl asked the City Manager to provide Council with a report at the next meeting. Finance Officer Ewan stated that money is owed to a number of other funds and needs to be distributed.

City Manager Golnar stated that he thinks the City will end up assessing an emergency levy for more than this year to bring us back to a zero fund balance in the Emergency Disaster Fund.

Ms. Dahl mentioned an article that was in the Billings Gazette that was provided in Council's boxes in the office pertaining to flooding and old landfill sites along the river. Mr. Golnar responded that in early 1997 a proposal for rip rapping of Mayor's Landing was drafted and he could provide this for Council at their next meeting also.

All in favor. Motion passed.

City Manager Golnar stated that the City received one property management/lease proposal from Caldwell Banker/Maverick Realty for the East Side School. Mr. Golnar stated that there was quite a difference between what the proposal was from Caldwell Banker/Maverick Realty and what the City's request was, and feels that negotiations with the proposer are necessary. Mr. Golnar stated that this proposal was received by the deadline and recommends that the City reject the proposal, re-advertise and keep negotiating with all potential people interested in leasing the East Side School.

Also in an addendum, was a proposal received from Karl Knuchel to lease the East Side School. Mr. Golnar has some concerns with this proposal and feels that the City needs further clarity in the arrangement that was given. Mr. Golnar suggested that the City pursue further negotiations on both proposals and continue advertising.

Council was in agreement to further negotiate with the proposals that were received and bring them back to the next meeting.

A public comment was heard from Barbara Dean.

Included in the packet was a November 13, 1997 memo from the Chairman of the Development Review Committee recommending that the City annex the property for the proposed Post Office Annex subject to conditions identified in the memo. The current owners of the property do not want it annexed if the Postal Service does not purchase the property.

City Planner provided Council with a map of the property. Council took a ten minute break to review the plans. Supt. Of Public Services Clint Tinsley asked for a commitment from Council and to answer Council's questions. Council then took another ten minute break to allow the City Attorney time to look up a State Statute.

Supt. Tinsley stated the proposed site plan was within the City's ordinances and requirements for landscaping. The Post Office agrees to widen and pave Jefferson Street, install curbs, gutters and sidewalks, and to develop the boulevard, and plant trees every 25' where the area will allow. Mr. Tinsley noted that there are some approaches off of Jefferson Street to some storage units where they will not be able to plant trees.

The Post Office agreed to extend the water main from behind Pamida and connect it to the main on Globe Street, as that would give the City a looped line to provide more fire flow for that area. The Post Office has agreed to extend the sewer main to the far end of their property. The DRC reviewed and approved the storm water retention plan and the storm water drainage plan.

Paving of Cottonwood Street will not be done as the Post Office has identified that it is not wide enough to use as a roadway and looking at the legal description of Cottonwood Street, it is not a dedicated County road that the City could annex and maintain, or that the County could give to the City. The Post Office changed the site plan to show that all accesses will be off Highway 10 on Jefferson Street.

After reviewing the site plans and all the conditions set forth, the DRC recommends that the City Manager recommend that the Council approve the site plan and approve the annexation of the property once the Post Office purchases it and requests annexation. The City did not want to annex the property before the purchase is done, but needed to give the Post Office a commitment that it will be annexed if the conditions are met.

Discussion was heard between Staff, Council and Bryant Schroeder of the Postal Service. Mr. Schroeder stated that if any additional lights are needed, the Postal Service will have them installed.

A public comment was heard from Barbara Dean. Motion was made by Williams, second by Dahl, to approve the conditions of the annexation for the proposed Post Office Annex property subject to purchase of said property by the Postal Service and will determine at a future time whether another street light is necessary, and if so, the Post Office will go to the expense of putting in additional street lighting.

All in favor. Motion passed.

Discussion was heard to the defining of "Recreation Purposes" to the Skillman Estate consisted of. A letter was received from Yardley & Yardley, Attorneys at Law on this bequeathment of \$102,590.93. Mayor Mikesell stated that a relative

of Mr. Skillman was willing to come to the next meeting and talk to Council about what Mr. Skillman may have wanted the City to do with the money.

Finance Officer Shirley Ewan has put the money into a 6% CD. City Manager Golnar's suggestion was to put the money into the above type of fund and distribute the interest from this fund for one time annual expenses and improvements for recreational purposes as the City comes to define that. Mr. Golnar stated that the money cannot be used until FY 98-99.

Councilmember Cooper asked Supt. Kastelitz if he had any suggestions on what the money could be used for. Supt. Kastelitz suggested a few items. Mr. Kastelitz will provide Council with a list of his suggestions.

A public comment was heard from Barbara Dean.

Council stated they would like to use the interest and not the principal and does not feel that Mr. Skillman's cousin needs to attend the next meeting, but to let him know that Council appreciates his comments.

Motion was made by Williams, second by Dahl, that Council appoint Chan Libbey Jr. to a three year term retroactive May 1997 through May 2000 and also appoint Rick Loftice to a three year term retroactive May 1996 through May 1999. Motion passed.

Discussion on voting procedure was heard. Attorney Becker wrote a summary on concerns on whether the Mayor has the power to vote or not in response to a question by Councilmember Dahl. Mr. Golnar did provide in the addendum, excerpts from Chapter 2, "Government and Administration" in the Livingston City Codes.

Councilmember Dahl commented on Council's privilege to vote and that Council is elected as five voting members. Ms. Dahl proceeded to give her opinion on Mayor voting procedures and would like in the next term, the Mayor be a part of the voting procedure as it is in the Municipal Codes. Ms. Dahl asked that the City Attorney answer if Robert's Rules supersedes that Municipal City Code Book. City Attorney Bruce Becker agreed that the Mayor should vote and also stated that in talking with Pat Mikesell earlier in the day, that many years ago there was a feeling between that Council, that the Mayor should be a neutral officer and should only vote to break a tie. Attorney Becker added further information about legislative law and stated there is additional research on a couple of ordinances he still needed to do.

Ms. Dahl stated that this comes from when Mayor Dennis was in office and set precedence with the change in government that went to Manager-Commission form of government. Ms. Dahl stated that this may be the opportunity for Council to move forward with the times.

Mayor Mikesell stated that he did not understand why Ms. Dahl was attacking him. Mayor Mikesell stated that she is doing this at the end of a two year term and he has been Mayor for four years and went on to say, that if this Council would have proposed doing this at the beginning of the two years, he would not have had a problem with it. But for the last four years, the Council has been following Robert's Rules. Mayor Mikesell stated that this should have been brought up to the next Council.

Councilmember McGee stated that she was on the Council when it changed to the new form of government, and they were told at that time that the Council voted who they wanted to have as Mayor and the Mayor could say whether he wanted to be a voting member or not. Mrs. McGee suggested that when the new Council meets with Mr. Weaver, they should ask him.

Ms. Dahl stated that two years ago during Council Orientation, that Mr. Weaver stated that the Mayor should vote. Councilmember Williams responded that she remembers that as well.

Mrs. Williams stated that she feels that Ms. Dahl was correct that Robert's Rules do govern except what is specifically set forth in an ordinance, and the ordinance does say that every member of the Council shall vote. Mrs. Williams stated that she has felt all along that all five members should vote. Mrs. Williams stated that she was led to believe that there was a discrepancy MCA and one did not rule out the other.

Ms. Dahl explained she was not faulting Mayor Mikesell, but she was asked how she felt about this issue and a rotating chair, that she did not just bring this issue up on her own.

Councilmember Williams commented to City Planner Woodhull on the signage at a couple gas stations on 89 South that are no longer doing business and that the signs should come down. Any new signs must meet the City Codes.

It was also stated that the Real Estate Connection sign was still on a building on Main Street across from the Enterprise.

Councilmember Dahl questioned Planner Woodhull if the tall sign was gone in that area. Planner Woodhull stated that the new property owners could not have the tall sign grandfathered.

Councilmember McGee questioned why the stop sign on River Drive still in place. Supt. Ken Kastelitz explained that the road is narrow next to the levee for two vehicles to pass, so the stop sign has stayed in place until a decision is made on the levee.

Councilmember Dahl asked that with future site plans, she would to see the lighting requirements included.

Councilmember Dahl mentioned to other members of Council on an article talking about the Yellowstone Heritage Partnership. Ms. Dahl asked if the City should comment and the deadline is December 5, 1997. City Manager Golnar stated that the City has been invited to participate and he has some information on this and will contact the group to update Council.

Councilmember Cooper stated she was interested in what the proposal is that the Partnership is looking for comments on.

Councilmember Williams stated she has talked to Park County Planner Ellen Woodbury and heard that she does not feel it is feasible and the people owning land by the river are not interested.

Ms. Dahl stated that the City owns a huge chunk of land along the river and this may be some thing that the City can work on.

Councilmember Dahl stated that she went to Butte and saw a great ice rink and thinks it would be great if our City could have one. Ms. Dahl feels that the City would have to work in conjunction with the School. This rink she saw looks like it was set up on a track at a school. Supt. Kastelitz was directed to call Butte to find out further information.

Councilmember Dahl asked the City Manager about the handout she provided him last week regarding number 5 on severance pay and contracts with other department heads and the protocol on hiring department heads in the future, if he could provide her an answer at the next Council meeting.

Co Inglehart addressed Council to thank the present Council for the work they have done.

Mr. Inglehart also directed comments to Councilmember Dahl and commented on the hiring of a Fire Chief.

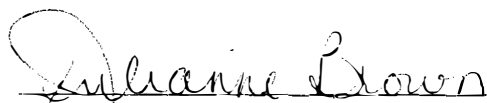
Barbara Dean addressed Council and commented that Councilmember Dahl has done a good job and she also addressed hiring within the departments.

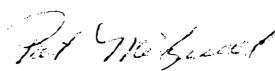
Motion was made by Dahl, second by Cooper, to adjourn this meeting there being no further business. Motion passed.

The time was 9:30 p.m.

ATTEST:

APPROVED:


 JULIANNE BROWN
 RECORDING SECRETARY



 MAYOR

LIVINGSTON
CITY COUNCIL MEETING
December 1, 1997
7:30 p.m.

The Livingston City Council met in regular session on Monday, December 1, 1997 at 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 arrived at 7:34 p.m.

Motion was made by Williams, second by Cooper, to approve the minutes of November 17, 1997 regular City Council meeting. Motion passed.

Motion was made by Williams, second by Cooper, to accept the bills and claims that listed for \$236,835.59. City Manager Steve Golnar reported to Council that Engineer Scott Nelson was in the audience if they had any questions on the SID #177 paving project that was recently completed at Star Addition.

Motion passed.

A public hearing was held on second reading of Ordinance No. 1862, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ZONING PROPERTY RECENTLY ANNEXED INTO THE CITY AS HIGHWAY COMMERCIAL. No public comments were heard. Four in favor. Motion passed. Councilmember Dahl absent.

A public hearing was held on second reading of Ordinance No. 1863, A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ZONING PROPERTY RECENTLY ANNEXED INTO THE CITY AS HIGHWAY COMMERCIAL. No public comments were heard. All in favor. Motion passed.

Motion was made by Williams, second by Dahl, to approve Resolution No. 2863, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO PROFESSIONAL SERVICES CONTRACT FOR ENGINEERING OF THE CHINOOK STREET WATER MAIN REPLACEMENT PROJECT. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2864, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN LOAN AGREEMENT WITH SMITH STUDIOS. An amendment to the motion was made by Cooper, second by Dahl, under the Loan Agreement Section 3, Request for Funds, to

add a sentence: A minimum draw down at any one time is \$10,000. All in favor of the amendment. Amendment passed. All in favor of the motion as amended. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2865, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN LEASE OF CHRISTMAS LIGHTS WITH CHAMBER OF COMMERCE. City Manager Golnar referred Council to a revised lease agreement in the addendum for adoption. A number four was added that states, "The City agrees to provide liability insurance coverage."

The lease is only for the 1997 Christmas season. City Manager Golnar stated that the City's liability insurance is subject to a \$1,500 deductible.

Councilmember Cooper questioned how many intersections were to be decorated in the downtown area. Staff answered three. All in favor. Motion passed.

City Manager Golnar stated that it needs to be determined what the amount of repairs are needed to fix the floors at the East Side School. A summary of concerns were included in the packet.

A meeting with the Yellowstone Heritage Partnership meeting will be held Tuesday, December 2nd at 10:30 a.m. in the Community Room at the City/County Building to discuss their Yellowstone Heritage Partnership proposal. Council was provided with the proposal. Mr. Golnar stated that all of the Council was welcome to attend and he will submit the City's comments from the out come of this meeting with the deadline being December 5th.

Councilmember Williams commented that she had said at a previous meeting that she thought the County Commissioners were against the Yellowstone Heritage Partnership, but after reading a letter included in the packet that was from the Commissioners, she was glad to see that they were in favor of proceeding as it had nothing to do with land use.

City Manager Golnar followed up with the Post Office annexation request. Councilmember Williams questioned who would be the Council representative on the Post Office Design Review Committee for 1998. Mr. Golnar stated that re-appointments will be made after the new Council is seated.

A tentative meeting has been scheduled for the Post Office Design Review Committee focusing on the existing downtown Post Office on January 14th at 1:00 p.m. in the West Room at the City/County Building.

City Manager Golnar is still in the process of negotiating with the individuals identifying an interest in leasing the East Side School.

City Manager Golnar has authorized a request from Police Officer Jason Sarisky for additional employment subject to the Police Chief's review that it continues to be a workable situation.

Enclosed was a November 21, 1997 letter from Engineer Scott Nelson closing out the SID #177 project.

A November 26, 1997 memo from the City Attorney following up on when the Mayor votes was included for Council's information.

Included in the packet was a November Report on Activities for the City Attorney. Council thanked Attorney Becker for providing them with this information.

City Manager Golnar reported that the Livingston Rebuild Center Community Development Block Grant was closed. Mr. Golnar will write a letter to LRC in recognition for their contribution for getting the grant. The money will be retained within the Community and available to be reloaned to projects like Matt Smith Studios through the revolving fund.

Included was a revised City/County Maintenance Plan discussed during a City/County meeting. The next City/County meeting is scheduled for December 10th.

Included in the packet was a copy of an advertisement that appeared in the local newspaper regarding the Livingston Affordable Housing Land Trust.

A calendar of events was included for Council's information.

City Manager Golnar informed the Council that he had with him plans that were developed in follow-up to the floods of 1996 that proposed rip rapping and barbing of the bank of the Mayor's Landing area to protect it from further erosion. The total cost estimate was \$75,250. The City Manager had cost estimates and drawings available if any Councilmember was interested in looking at them.

The City has received a signed conditional offer of employment from Robert Schmidt for Fire Chief.

City Manager Golnar gave a general response at this time concerning the criteria he intended to use for future Department Head selection. Mr. Golnar stated that he seeks to ensure that the best candidate is selected for the position of the department head and that he supports the practice of training City employees to allow them to advance, but would not see the completion of such

training as a guarantee for an employee to be appointed to a department head position.

City Manager Golnar stated he would like to further discuss the topic of Job Descriptions further during the Council orientation process and he was open for discussion. Mr. Golnar stated he felt it would be better to deal with the Job Descriptions as a block rather than individually.

Motion was made by Williams, second by Dahl, to suspend the two hour parking during the Christmas shopping season beginning at 8:00 a.m. December 15th through December 28th.

Councilmember Cooper questioned what the Parking Enforcement Officer does during this time period. Police Chief Steve McCann stated that she helps out in Dispatch.

Motion passed.

City Manager Golnar directed Council to the addendum that contained revised information on adopting the 1997 Flood Recovery Plan. Discussion was heard pertaining to the levee. Mr. Golnar stated that if the City does not relocate any part of the levee in the Hruza area, the City will need to pay a portion of the money received back to FEMA.

Motion was made by Williams, second by McGee, to authorize the Finance Officer to pay back the appropriate funds as follows:

Street Department -	Overtime Object 120	\$2,198.00
	Equipment Object 232	3,522.00
Water Department -	Overtime Object 120	4,427.00
	Equipment Object 232	1,226.00
Sewer Department -	Overtime Object 120	8,803.00
	Equipment Object 232	49.00
	Equipment Object 231	176.00
Gas Tax Department -	Overtime Object 120	6,415.00
	Materials Object 233	7,753.00
Solid Waste Department -	Overtime Object 120	4,921.00
	Equipment Object 232	215.00
Parks Department -	Overtime Object 120	1,383.00
	Equipment Object 232	30.00
Public Services Dept. -	Overtime Object 120	372.00
Finance Department -	Overtime Object 120	278.00
Fire Department -	Overtime Object 120	554.00
Ambulance Department -	Overtime Object 120	<u>116.00</u>
	<i>TOTAL</i>	\$42,438.00

All in favor. Motion passed.

Further discussion took place concerning the levee and the 1997 Flood Recovery Plan.

Councilmember Cooper questioned the permits and what is the City's total responsibility pertaining to the levee. Ms. Cooper would like to make sure that the City knows what they are liable for as an additional expense if the burden would fall on the City, as it was the City's permit and the City needs to follow all State and Federal regulations.

Councilmember Dahl stated that before Council makes a decision on the Flood Response Plan, she would like to hear back on the permitting and any future re-vegetating that may be needed. City Manager Golnar stated he would have this information for the next meeting.

Council and staff reviewed a draft resolution which defines recreational purposes to the Bryant Skillman Bequest. Comments will be incorporated from the discussion and presented to Council at the next meeting in final resolution form for adoption.

Councilmember Williams commented that there are four handicapped parking spaces behind the City/County Building. Police Chief McCann stated that the County has done away with the Employee of the Month parking space and made it into another handicap space some time ago. Mrs. Williams felt that this many parking spaces were overkill.

Councilmember McGee noticed in the paper tonight that someone has finally complained to the Police about people driving on the levee. Mrs. McGee stated that she cannot understand why there isn't some way that the Police could go around the levee area more often to try and catch the people driving on the levee. Mrs. McGee stated that she resents the way the levee is being taken care of.

Police Chief McCann stated that he is open to any suggestions she may have.

City Manager Golnar stated that there has been discussion about putting rocks or something at the base of the levee. Mrs. McGee stated that can not be done until the Corp. of Engineers gives permission to do that. Mrs. McGee asked when the Corp. of Engineers is going to be here.

Councilmember Dahl suggested snow fence and/or signs that states no motorized vehicles. Mr. Golnar stated that he would look further into this.

Police Chief McCann stated that in the event that they did catch someone driving on the levee, he did not know what he would be able to cite them for and there is nothing in the City Codes that prevents this.

Mayor Mikesell recommended that an ordinance be drafted with a fine of \$500, so that the Police do have guidelines for enforcing driving on the levee.

A witness, and a license plate number would be needed to identify a driver.

Supt. Tinsley commented that a snow fence may not work.

Councilmember Dahl questioned the memo from Judge Travis on the ordinance which covers driving in school zones. City Manager Golnar confirmed that this will be before Council soon.

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:

Suzanne Brown
RECORDING SECRETARY

Pat Mitchell
MAYOR

LIVINGSTON
CITY COUNCIL MEETING
December 15, 1997
7:30 p.m.

The Livingston City Council met in regular session Monday, December 15, 1997, 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 Dahl, to approve the minutes of December 1, 1997 regular City Council meeting. Motion passed.

Motion was made by Williams, second by Dahl, to accept the bills and claims that listed for \$86,147.74. Motion passed.

Auditor Max Simmons of Simmons and Co. presented the FY 96-97 Final Audit Report to the City Council.

Motion was made by Cooper, second by Williams, to accept the FY 96-97 Final Audit Report. All in favor. Motion passed.

Mayor Mikesell stated to Mr. Simmons that he may be receiving phone calls from the Council elect and asked that he help them out as much as he could.

Motion was made by Cooper, second by Williams, to approve Corrected Resolution No. 2861, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING BY PETITION TRACT M OF CERTIFICATE OF SURVEY NO. 1443 WHICH IS LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 9 EAST. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2866, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, DEFINING RECREATIONAL PURPOSES IN RESPECT TO THE BRYANT SKILLMAN BEQUEST. All in favor. Motion passed.

Motion was made by Cooper, second by Williams, to approve Resolution No. 2867, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CITY MANAGER EMPLOYMENT AGREEMENT. Discussion was heard concerning the Manager getting his raise before City Employees. City Manager Golnar explained that this is the Council that gave him his performance evaluation and felt it was unfair to ask the new Council coming in to make a decision on his raise as they have not performed a performance evaluation on him.

Mr. Golnar stated that he plans to give the non-union employees their raises after the Union contracts are settled and that he had no problem waiting for settlement with the two outstanding unions before his wage increase is implemented. All raises are retroactive July 1, 1997.

An amendment to the motion was made by Dahl, second by Cooper, to become effective upon the date that the settlement of all union and non-union agreements has been achieved. All in favor of the amendment. Amendment passed.

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

Motion was made by Dahl, second by Williams, to approve first reading of Ordinance No. 1864, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING "SECTION 9-150. SPEED ZONES" OF THE LIVINGSTON MUNICIPAL CODE BY ACKNOWLEDGING THE EXISTENCE OF SPEED ZONES IN EXCESS OF 25 M.P.H., BY EXTENDING THE HOURS IN WHICH THE SCHOOL SPEED ZONE IS IN EFFECT, AND BY INCLUDING TIMES IN WHICH SCHOOL FUNCTIONS ARE TAKING PLACE OR CHILDREN ARE NOTICEABLY PRESENT.

Councilmember Williams questioned the Police Chief if a bus of kids returns from an out of town game at 10:30 p.m., that this ordinance would cover the 15 MPH speed limit. Police Chief McCann stated that it would.

All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve first reading of Ordinance No. 1865, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ZONING PROPERTY RECENTLY ANNEXED INTO THE CITY AS HIGHWAY COMMERCIAL. All in favor. Motion passed.

Motion was made by Williams, second by McGee, to approve first reading of Ordinance No. 1866, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING THE CRIME OF DRIVING, OPERATING OR BEING IN ACTUAL PHYSICAL CONTROL OF A VEHICLE UPON THE YELLOWSTONE RIVER LEVEE AND PROVIDING THE PENALTY FOR VIOLATION THEREOF. The vehicle section of the ordinance was discussed. Council asked the City Attorney to come back to Council on second reading of the ordinance with an amendment to the vehicle section.

The levee section of the ordinance was discussed and how far the ordinance should cover. Council asked the City Attorney to amend the ordinance for second reading to cover the levee to the end of the City's property and not to Mayor's Landing.

All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve first reading of Ordinance No. 1867, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING THE CRIME OF CARRYING

WEAPONS TO A PUBLIC ASSEMBLY, PUBLICLY OWNED BUILDINGS, OR CITY PARKS AND PROVIDING THE PENALTY FOR VIOLATION THEREOF.

Councilmember Williams questioned the caretakers house and the Mountain View Cemetery when there are 21 gun salutes. City Attorney Becker will amend the ordinance for second reading.

A comment was heard from Bill Spanning concerning a couple large groups that are proposed to be using Sacajawea Park next summer and the carrying of weapons.

All in favor. Motion passed.

The following monthly Department Head Reports and Committee Minutes were provided for Council's information:

- Finance Monthly Report - November 1997 (provided separately)
- Building Department Monthly Report - October 1997
- Police Chief Monthly Report - November 1997
- Fire Department Monthly Report - November 1997
- Water & Sewer Metered Revenues - November 1997
- Livingston Fire/Ambulance Monthly Report - November 1997
- City Judge Monthly Report - November 1997
- Sister City Business
- Library Business
- Upper Yellowstone River Task Force Business

Councilmember Cooper questioned a building permit in the Building Department's monthly report. City Planner Jim Woodhull stated the building permit was for Econolodge.

A November 12, 1997 letter from the Fitness Director at the Firehall Fitness Center informing the City that they plan to hold a fitness-a-thon for the Bike Path on February 7, 1998 from 9:00 a.m. until noon.

A letter of support was written for the Yellowstone Heritage Partnership effort and application for designation of the Yellowstone River as an American Heritage River. A separate packet was provided to Council for their information.

City Manager Golnar reported to Council that a letter was received from Jerry Harmon, Chairman of the 911 Committee, to the County Commissioners responding that the 911 Committee is in support of moving forward with the emergency response buttons/buzzers.

The County has agreed to follow City Ordinances relating to false alarms.

City Manager Golnar summarized a request from the Airport Board for snow removal assistance at the airport. Mr. Golnar has discussed this issue with the County Commissioners. A memo for record dated December 2, 1997 was

included in the packet for Council's information on the conversation Mr. Golnar had with the Airport Board Secretary.

City Manager Golnar reported that he is still waiting to hear from the Department of Transportation relating to the traffic signal plans. He has not talked with anyone from the Transportation Department. Mr. Golnar will send a letter since neither party can get together by phone.

City Manager Golnar stated that a Council worksession to discuss Firefighter Union contract negotiations was scheduled for this evening at 6:30 p.m. but cancelled due to the 24 hour notice requirement for public meeting. Rescheduling was discussed. Council stated that it made more sense to reschedule a worksession when the new Council was seated.

Bill Frazier, Big Timber City Attorney has contacted the City Manager requesting if the City of Livingston is interested in contracting with Big Timber for animal control services. Mr. Golnar's recommendation was not to pursue, with Council in agreement.

TCI CableVision sent a letter November 21, 1997 along with a rate sheet that will go into effect on January 1, 1998. Discussion was heard concerning the franchise fee that the City has with the cable company and if the fees have ever been raised. Council stated that franchise fees have never been raised but customer rates have been raised a number of times and service has been cut.

Mayor Mikesell stated that this item should come before the new Council.

The following calendar of events was provided for Council's information:

- Dec 15th, 7:30 p.m. - Council Meeting
- Dec 17th, 7:00 p.m. - Sister Cities Meeting - Winans School
- Dec 24th & 25th - Holiday's for Administrative Offices
- Jan 1st - New Year's Day Holiday
- Jan 5th - 7:30 p.m. - Council Meeting
- Jan 7th - 4:30 p.m. - City/County Meeting - Commissioner's Office
- Jan 13th - 10:00 a.m. - Transportation Coordinating Committee Meeting
- Jan 14th - 1:00 p.m. - Post Office Design Review Committee Meeting
- Jan 20th(Tues.) 7:30 p.m. - Council Meeting

City Manager Golnar gave Council background information on a gift of donated land to the City of Livingston from Allan Glen that is adjacent to the Highground Subdivision. Mr. Golnar stated that this is approximately 10-12 acres and read for Council from a memo from the County Attorney to Clerk and Recorder Denise Nelson. The County Attorney stated that the donated land can be recorded without a survey as a one time transfer. Any further transfers of this property will require that the property be surveyed.

Mr. Golnar feels that the City needs to have a definition of what the boundaries are for the property. City Attorney Becker summarized further on the background of the property and that no one knows what the boundaries are to this property.

Attorney Becker answered for Councilmember Cooper that he assumes the reasoning that Mr. Glen would like the City to accept this gift before the end of 1997 is for tax purposes. City Planner Jim Woodhull will do some follow up on the lack of description there is to this parcel of property.

Motion was made by Cooper, second by Dahl, to give the City Manager authorization to accept gift of donated land from Alan Glen adjacent to the Highground Subdivision out of city limits subject to a recordable instrument.

All in favor. Motion passed.

City Manager Golnar reported that the adopting of the 1997 Flood Recovery Plan is tabled as he does not have all the information for Council at this time.

Motion was made by Williams, second by McGee, to allow the Community Christmas Dinner to be held at the Civic Center and that Council waive the rental fee for 1997. All in favor. Motion passed.

Motion was made by Dahl, second by Williams, to approve the \$15,000 CDBG drawdown #1 to Matt Smith Studios. All in favor. Motion passed.

Supt. of Public Utilities Clint Tinsley reviewed with Council, water and sewer extensions plans for the J & L Country Store. These extensions are in the pay back area for the Centennial Subdivision and the plans have been approved by Staff.

Motion was made by Dahl, second by Williams, to approve the water and sewer extension plans to the J & L Country Store. All in favor. Motion passed.

Supt. Tinsley reviewed plans for a sewer extension for the new Econolodge on Rogers Lane with Council.

City Manager Golnar answered Council's question to the annexation of Rogers Lane, stating the County Commissioner's need to request that the City annex a portion of the road and the City needs to provide them with a description. This will be an agenda item at a future Council meeting.

Supt. Tinsley stated that these plans have been approved by the State.

Motion was made by Dahl, second by Williams, to approve the sewer extension on Rogers Lane for the Econolodge Hotel. All in favor. Motion passed.

Councilmember Cooper thanked City Staff and Councilmembers for a good productive term.

Councilmember Williams thanked everyone for the last four years.

Councilmember McGee thanked everyone and members of staff for doing a good job and wished lots of luck to the new Council.

Councilmember Dahl thanked the out going Councilmembers and that is has been a pleasure working with everyone.

Councilmember Dahl asked the City Manager to send a copy of the weapons ordinance when passed on second reading to the Chamber of Commerce, so that when there is a special event in the City, the groups coming in can be informed.

Mayor Mikesell stated that he has appreciated working with and enjoyed this Council for the past two years.

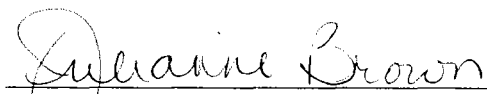
Warren McGee addressed City Council and thanked them for building the levee.

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

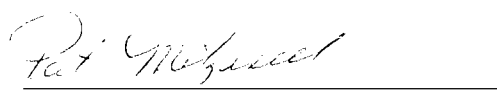
The time was 8:50 p.m.

ATTEST:

APPROVED:



RECORDING SECRETARY



MAYOR